

Lubecore International Victorious in Trademark Case

Circuit court vacates injunction, allowing Lubecore to freely market its automated lubrication systems in the United States

CAMPBELLVILLE, Ont. (Nov. 19, 2013)—In a victory for Lubecore International, the U.S. Sixth Circuit Court of Appeals has overturned a lower court’s ruling and lifted restrictions on Lubecore’s ability to freely market its complete line of automated lubrication systems for heavy trucks and off-highway equipment in the United States.

Rejecting an argument by Groeneveld, a competitor, that Lubecore’s EP-0 grease pump infringed on its trade dress under trademark laws, the court vacated an injunction that has required Lubecore to sell a modified version of the pump to customers in the United States since early 2012. The court then remanded the case to the lower court with instructions to enter a judgment in favor of Lubecore on all claims.

Trade dress refers to a product’s physical appearance. The court observed that while the shape of the Lubecore and Groeneveld pumps is similar, stark differences in labeling, color, and other aspects of the design mean there is “no reasonable likelihood” that consumers of automated lubrication systems would confuse the companies’ products. Indeed, the court said, Groeneveld admitted it had no evidence of actual confusion on the part of any customer or prospective customer.

“One of the judges characterized this dispute as an old-guard supplier using legal means to try to fend off an upstart competitor,” said Jan Eisses, Lubecore president and founder. “While we’re pleased to have prevailed in court, let’s compete in the marketplace on the strength of our products and support of our customers.”

“Groeneveld sought an unprecedented expansion of U.S. trade dress and trademark laws which would have given it a *de facto* patent and sharply discouraged competition, growth, and innovation in this market,” said Melissa Zujkowski, outside counsel for Lubecore. “This type of predatory litigation is regrettably common in the United States, and it’s our hope that the decision will discourage this type of anti-competitive behavior by market giants like Groeneveld.”

About Lubecore International

Founded in 2008, Lubecore International is a leading supplier of automated lubrication systems for commercial trucks and equipment used in construction, agriculture, mining, oil and gas, forestry, refuse, and other industrial markets. Available through a worldwide network of distributors, the company’s parallel, multiline, and series progressive greasing systems automatically deliver the proper amount of lubricant to moving parts at the correct interval, reducing the risk of premature wear, improper service, and unplanned downtime. For information about Lubecore products, or to become a Lubecore distributor, visit lubecore.com.