

BLD Services Victorious After Federal Circuit Affirms USPTO's Decisions
That LMK's Alleged Inventions Were Unpatentable

Kenner, Louisiana February 13, 2017

BLD Services, LLC (BLD) announced that, today, the U.S. Court of Appeals for the Federal Circuit has entered a judgment in favor of BLD, affirming the U.S. Patent and Trademark Office's (USPTO) Final Written Decisions invalidating all claims-at-issue in U.S. Patent Nos. 7,975,726, 8,667,991, and 8,667,992, which are owned by LMK Technologies, LLC (LMK) patents.

The USPTO had found all LMK claims-at-issue to be invalid and unpatentable during the USPTO Inter partes Review proceedings – Case Nos. IPR 2014-00768, -00770, and -00772. The USPTO had concluded that LMK's alleged inventions were so obvious that one of ordinary skill in the art would have been able to practice them without the benefit of the teachings of the patents in suit. BLD originally filed its petitions for Inter Partes Review after LMK filed suit against BLD in Illinois, alleging BLD infringed claims of the patents.

Because the Federal Circuit found no reason in LMK's appeal arguments to overturn or remand the USPTO's decisions that LMK's claims were obvious over prior art, including a standard in the industry, the Federal Circuit issued a Rule 36. Also known as a "Rule 36 Affirmance" and a "Summary Affirmance", the judgment points out that "[n]one of the relief sought in the appeal was granted" to LMK.

"This is a good day for the industry and for BLD customers. The field of CIPP and the public will benefit tremendously. As we've stated before, the CIPP industry can now move forward and serve the public with needed pipe repairs, instead of dealing with these hindrances associated with litigation," said Jacob Trapani, Vice President of BLD Services, LLC. "We always believed that LMK's patents were nothing more than simple movements of--or additions of--components that serve the same function that we all knew in the industry before these patents. It appears that the Federal Circuit and the USPTO felt the same by finding the challenged claims repeatedly unpatentable."

BLD is a full-service construction general contracting firm based in Kenner, Louisiana. BLD is the world leader in cured in place lateral lining as well as performing and managing a wide range of construction services, which include projects in the following general areas:

- Municipal infrastructure
- Transportation infrastructure
- Cured-in-place lateral lining
- Vertical infrastructure/buildings
- Disaster recovery

For more information regarding BLD, visit <http://www.bdlc.net>.

BLD was represented before the Court of Appeals for the Federal Circuit by Scott A.M. Chambers, Ph.D., Matthew Zapadka, Kevin Bell and Richard Oparil of Porzio, Bromberg & Newman P.C.'s Washington, DC office.