

GROWERTALKS

GT in Brief

10/26/2012

EZ Shipper Warns: Be Wary of Imitation Racks

Jennifer Zurko



EZ Shipper Racks, Inc., makers of “The only rack that rides on a pallet” has become aware that certain offshore manufacturers are advertising and selling pallet racks for use in the United States. In some cases, such manufacturers have even referred to the pallet racks as “EZ Shipper Racks.” The advertising, sale or use of such pallet racks likely constitutes an infringement of one or more of EZ Shipper Racks’ portfolio of patents.

While EZ Shipper Racks recognizes that imitation is the sincerest form of flattery, it’s committed to protecting its intellectual property and to preventing the public from being mislead into purchasing or using infringing pallet racks. To avoid exposing your business and your customers to such liability, EZ Shipper Racks encourages anyone purchasing or using pallet racks to confirm that they’re genuine EZ Shipper Racks or consult an attorney to assure that they are non-infringing before purchase or use.

Importantly, even unintentional use of an infringing imported pallet rack in the United States will expose that user to liability for damages in a patent infringement suit. Further, if the infringing use is knowing and intentional, the risk multiplies to include triple damages and attorney’s fees. **GT**