

Dallas' fastest-growing private company files patent, copyright infringement lawsuit

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VARIDESK— the Coppell-based standing desk manufacturer that was named the [fastest-growing private company in Dallas](#)— is suing a handful of companies for copyright and patent infringement.

Among the violations VARIDESK is alleging is the use of the term "CubeCorner," which VARIDESK has trademarked, according to the suit. Also, the DFW firm alleges infringement of its patent of the adjustable desk platform.

The defendants listed in the suit are Ningbo Loctek Visual Technology, Zhejiang Loctek Smart Drive Technology, Loctek, Zoxou, FlexiSpot and Vovomart Enterprises.

None of the companies served responded to requests for comment. VARIDESK CEO [Jason McCann](#) declined to comment.

A few of the defendants are companies based in China, which poses extra hurdles for litigation, according to [Frank Vecella](#), principal at McKool Smith's Dallas office.



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Coppell-based VARIDESK is suing a handful of companies for patent and copyright infringement.

One of the challenges is completing service of process, Vecella said. When U.S. companies sue other U.S. companies, it's easy to carry out the service of process because they'll have a registered agent where the suit can be delivered.

But if the companies are foreign-based, it's much harder to serve them. And that's not all the challenges, especially when dealing with Chinese companies.

"China has a reputation, at least historically, for being a country that was not the greatest respecter of intellectual property rights," Vecella said.

However, as China becomes a global economic leader, Vecella is seeing that reputation start to change. He works with lawyers that prosecute cases like these that say China is trying to rectify its past.

Another obstacle — even if a U.S. company succeeds in court, the fight for compensation might continue. If the verdict is between two domestic companies, collecting the amount owed is easy through seizing computers or equipment if a check isn't written, Vecella said.

Carrying out judgements against foreign companies aren't that easy. One thing firms can do is go to the defendant's home country, ask its court system to legitimize the U.S. court's ruling, and demand compensation.

"But, my guess is that China is not one of those countries where it's particularly easy to get a Chinese court to basically approve and adopt of its own a judgement from a U.S. court," Vecella said.

Litigating patent and copyright infringement isn't cheap. Vecella said legal fees can easily climb to \$5 million for even straightforward cases involving just one or two patents.

This isn't the first time VARIDESK has fought to protect its intellectual property. It sued both a Rhode Island and Minnesota company in March 2016 claiming similar patent and copyright violations. VARIDESK voluntarily dismissed the case in January of this year.

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