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## LG, Whirlpool Take To Courts In Fridge Fight

By **Shannon Henson**

Law360, New York (October 09, 2009) -- LG Electronics Inc. and Whirlpool Corp. have squared off in federal court, filing lawsuits against one another within two days in two different jurisdictions in a fight over a refrigerator patent.

Whirlpool and its subsidiary Maytag Corp. filed a lawsuit Thursday in the U.S. District Court for the District of Delaware, saying the court should declare that it isn't infringing on LG's patent. The complaint was filed a day after LG filed a suit in the U.S. District Court for the District of New Jersey alleging Whirlpool and Anchor Appliance Inc. were infringing the same patent.

LG fired the first round in the fight, alleging that Whirlpool and Anchor are infringing U.S. Patent Number 7,392,665, titled "Refrigerator with icemaker." The patent was issued to Myung-Ryul Lee, Seong-Jae Kim, Chang-Ho Seo and Sung-Hoon Chung and is assigned to and owned by LG.

The complaint said Whirlpool and Anchor make, use, sell and offer to sell refrigerators including but not limited to Whirlpool, Maytag, Amana, KitchenAid and Jenn-Air brand products that embody or use the inventions claimed in the '665 patent.

"Whirlpool's acts of infringement of the '665 patent have caused and will continue to cause ... irreparable harm unless such infringing activities are enjoined," the complaint said. The suit also asked for damages with pre- and post-judgment interest, attorneys' fees, costs and expenses.

In the latest suit, Whirlpool and Maytag said LG had accused them of infringing the '665 patent in the New Jersey lawsuit. The companies said they had not directly infringed, contributorily infringed or induced infringement of any valid or enforceable claim of the patent.

They told the court that they are entitled to a declaration that they have not infringed the patent. Whirlpool and Maytag also asked the court to declare that the '665 patent is invalid.

Attorneys involved in the disputes did not immediately respond to a request for comment late Friday.

The two companies have been litigating over various patents related to refrigerators and freezers for years.

The patent at issue in the litigation is U.S. Patent No. 7,392,665.

Whirlpool and Maytag are represented by Baker Botts LLP and Richards Layton & Finger PA.

Counsel for Anchor Appliance was not immediately available.

LG Electronics is represented by Ropes & Gray LLP and Saiber LLC.

The Delaware case is Whirlpool Corp. et al. v. LG Electronics USA Inc. et al., case number 09-cv-00755, in the U.S. District Court for the District of Delaware.

The New Jersey case is LG Electronics U.S.A. Inc. et al. v. Whirlpool Corp. et al., case number 09-cv-05142, in the U.S. District Court for the District of New Jersey.

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