

Fashion Apparel Law Blog

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[Total Victory in Patent Infringement Case](#)

High fashion eyewear company Revolution Eyewear, Inc., won a total victory in a patent infringement case filed against the company and its president, Gary Martin Zelman, by Aspex Eyewear, Inc. The U.S. District Court for the Southern District of Florida granted Revolution's motion for summary judgment of non-infringement of United States Patent RE 37,545 ('545 patent) in *Aspex Eyewear, Inc., et al. v. Marchon Eyewear, Inc., et al.*, No. 09-61515. The Court ruled that Aspex was legally barred from pursuing its patent infringement claims against Revolution's bottom-mounting magnetic clip-on eyewear. The Court also granted summary judgment in favor of the other defendants, which sell bottom-mounting eyewear under a license from Revolution.

Aspex has filed a number of lawsuits against Revolution and other fashion eyewear companies alleging infringement of patents acquired by Aspex. Revolution is thrilled with the victory and hopeful that its win will dissuade Aspex from filing further lawsuits and instead allow fair competition in the clip-on eyewear industry.



Revolution Eyewear was started by Gary Martin in his Father-in-law's garage in 1993. From the beginning, Revolution was the first company that offered a free clip-on with every frame purchased and was the first company to offer a full line of barless clip-ons. In 1998, Revolution rolled out its Bottom Mounted Magnetic Eyewear. Over the years, Revolution has continued to add exciting new lines using its Bottom Mounted Magnetic Eyewear. In 2005, Revolution improved their Bottom Mounted Magnetic Eyewear technology by building the magnets into the structure of the frame. This major improvement provides a sleeker and cleaner appearance so that the magnets and pockets cannot be seen when the glasses are worn. The company has received numerous awards from the business community and the optical industry for its innovative designs. Since 2008, Revolution has expanded its eyewear line to reflect the hottest fashion trends and now offers lines for Ed Hardy Vintage Tattoo Eyewear, Christian Audigier, True Religion Eyewear, Affliction Eyewear and much more.



Sheppard Mullin Partners Steve Hanle and Jennifer Trusso helped high fashion eyewear client Revolution Eyewear, Inc., win a total victory in this patent infringement case.