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## **COURT UPHOLDS MARKMAN JUDGMENT IN STRAND BAMBOO PATENT LITIGATION**

Seattle, WA - Smith & Fong Co., of San Francisco, today announced that a Washington District Court has upheld its earlier Markman claim construction ruling in favor of Smith & Fong in patent-infringement litigation with Teragren LLC, of Bainbridge Island, WA.

The Court denied Teragren's motion for reconsideration of the ruling, thereby issuing a final ruling that completely supports Smith & Fong's position that its strand bamboo products do not infringe Teragren's patent.

"It has always been my belief that no strand bamboo product on the market infringes this patent," stated Dan Smith, founder and president of Smith & Fong Co. "We feel vindicated that this ruling is formal and final."

The United States District Court for the Western District of Washington in January stated in its Markman ruling that laminated or multilayer products, products made from uniform lengths of bamboo, and products not made from longitudinally staggered bamboo segments, were not covered under the patent licensed by Teragren. As a result of this ruling, strand bamboo products manufactured, marketed or sold by Smith & Fong and other producers, such as TZ Bamboo, are not covered by the patent rights claimed by Teragren.

A Markman claim construction ruling refers to a court order under *Markman v. Westview Instruments, Inc.*, a Federal Circuit case affirmed by the U.S. Supreme Court, interpreting claims as a matter of law.

Founded in 1989 and headquartered in San Francisco, Smith & Fong Co. was the first U.S. company to manufacture bamboo flooring in China for sale in North America, offering its initial product under the brand name Plyboo in 1993. In 1996 the firm began producing bamboo plywood, followed by coconut palm flooring and plywood products in 2000. Smith & Fong is committed to sustainability through innovation. For information call 866-835-9859 or visit <http://plyboo.com>.

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