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Flashlight Makers Settle Trademark Infringement Suit

By **Anne Urda**

Law360, New York (October 12, 2009) -- TerraLUX Inc. has agreed to back down in a trademark infringement suit brought by light-emitting diode rival Streamlight Inc., promising not to use the word "stream" in any of its products, in addition to a host of other concessions.

On Friday, the two sides filed a motion to approve consent judgment in the U.S. District Court for the Eastern District of Pennsylvania after reaching a truce over Streamlight's Stinger and SL line of flashlights and products whose trademarks it has owned since 1993 and 1987 respectively.

The dispute dates back to May, when Streamlight first accused TerraLUX of infringing its line of Stinger and SL flashlight trademarks through its advertisement and sale of unauthorized parts to be used in connection with the Streamlight flashlights.

"TerraLUX has sought to mislead consumers into believing they were buying genuine Streamlight, Stinger and/or SL portable lighting products, parts and/or accessories," said the complaint, which was later amended in September.

In addition to forbidding TerraLUX from using any of its Stinger or SL-related trademarks, the agreement stipulated that TerraLUX could not use the term "Stream" in the name of any flashlight-related products.

TerraLUX is also forbidden from acting as though its goods or services are sponsored or authorized by Streamlight and can only use the trademarks to explain how the TerraLUX products will be used in connection with the Streamlight ones.

The settlement also stipulates that TerraLUX must use a disclaimer that spells out that the company is not affiliated with Streamlight and that the trademarks are only used to identify the flashlights with which TerraLUX intends its products to work.

“Nothing in this order shall be considered authorization, approval or consent by Streamlight to TerraLUX to use Streamlight's trademarks in any manner whether for past, present or future use,” the order said.

Judge Paul Diamond has not yet signed off on the order, but TerraLUX CEO Jim Miller and Streamlight attorney Benjamin Leace both put their John Hancocks to the page.

Each party shall bear its own attorneys' fees and costs, according to the settlement.

Representatives for both Streamlight and TerraLUX could not be reached immediately for comment on Monday.

Streamlight is represented in this matter by attorneys from RatnerPrestia. Counsel for TerraLUX could not be immediately identified.

The case is Streamlight Inc. vs. TerraLUX Inc., case number 09-2421, in the U.S. District Court for the Eastern District of Pennsylvania.