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Ecore Perseveres In Case Against Downey & Pliteq

Lancaster, PA (October 25, 2018) – Ecore is pleased to announce that on October 12, 2018, a judge presiding over a case Ecore initiated against Defendants Pliteq, Paul Downey, and CSR, pending in the United States District Court for the Eastern District of Pennsylvania, entered summary judgment in favor of Ecore and against Defendants on seven counterclaims brought by Defendants and one claim brought by Ecore against Mr. Downey.

Ecore was gratified that the Court granted summary judgment in Ecore’s favor and against Paul Downey on Ecore’s claim that Mr. Downey breached his confidentiality agreement with Ecore by retaining Ecore’s proprietary information when separating from Ecore. The Court found that the agreement was valid and enforceable, and rejected Downey’s arguments as to why he was entitled to retain Ecore’s proprietary information, after he stopped working with Ecore in 2011. The Court deferred determination of Ecore’s damages, including recovery of Ecore’s attorneys’ fees, until a later phase of the proceedings.

The Court rejected certain claims brought by Defendants against Ecore. Among the claims rejected by the Court was a claim by Downey that Ecore breached its agreement to provide additional compensation to him for an impact sound insulation invention he assigned to the company in October 2001. The Court’s ruling reveals that Ecore did not have any such obligation as asserted by Downey, because Downey was contractually required to assign the patent to Ecore pursuant to the parties’ confidentiality agreement. The confidentiality agreement provides that all “inventions or discoveries which relate to [Ecore’s] Proprietary Information shall be the exclusive property of [Ecore],” and whenever requested by Ecore, “Downey shall execute such instruments as [Ecore] deems necessary for the purpose of confirming [Ecore’s] exclusive rights to any such invention or discovery under applicable intellectual property law, including but not limited to any application for Letters patent and assignments thereof.” Because the impact sound insulation invention was invented using Ecore’s Proprietary Information, Downey was obligated to assign it to Ecore.

The Court similarly rejected a claim by Pliteq alleging that Ecore and Arthur Dodge III tortiously interfered with Pliteq’s contractual and prospective contractual relationships. The Court determined no reasonable factfinder could conclude that Ecore or Mr. Dodge tortiously interfered with Pliteq’s business, rejected those claims, and entered judgment in favor of Ecore and Mr. Dodge on these claims.

There are certain claims remaining to be tried in this case, and Ecore looks forward to continuing to announce favorable results from its ongoing litigation with Downey and Pliteq. To learn more about Ecore, visit www.ecoreintl.com.

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About Ecore

Since 1871, Ecore has been transforming reclaimed materials into unique surfaces that make people's lives better. What started with simple cork closures has evolved into a diverse portfolio of products solving complex problems in applications ranging from playgrounds, weight rooms, and turf fields to hospitals, hotels, and retail environments. Ecore is driven everyday by a simple question, "Can a floor do more?" YES. At Ecore, we create products based on the simple notion that floors should elevate beyond current expectations. Ecore's energy is focused on the interaction between people and the surface. As a result, we engineer performance well beyond industry standards related to acoustics, ergonomics, and safety. Harvesting the unique power from a myriad of waste streams, Ecore creates products that align substantial force reduction with a balanced amount of energy return to create dynamic surfaces that are catered to the individual and the application.

Ecore is comprised of four business units: Ecore Athletic, Ecore Commercial Flooring, Ecore Industrial, and Ecore Construction. To learn more, visit www.ecoreintl.com.