

US \$18.3 Million Wearable Blanket Infringement Award Stands Despite Newly Announced Design Patent Standard

Article By:

Eric W. Lee

Kristin E. Wells

An Arizona federal judge denied Top Brand LLC's motion for a new trial following an US\$18.3 million jury award to Cozy Comfort Co. for infringement of two Cozy Comfort design patents and the "Comfy" trademarks used in connection with "The Comfy" hooded wearable blanket, which was featured on the television program "Shark Tank".

Top Brand argued that a new trial was warranted given the Federal Circuit's recent May 21, 2024 *LKQ Corp. v. GM Global Tech. Operations LLC* decision, set a new test for evaluating the non-obviousness of design patents (see IP Law Watch writeup [here](#)). Top Brand argued that Cozy Comfort's design patents are invalid under the new test, and that Top Brand's "Tirrinia" large wearable hoody is therefore not infringing.

U.S. District Judge Steven Logan disagreed, holding that although the *LKQ* decision "loosened the standard for obviousness", its holding was not "so disruptive as to consider the jury instructions in this case a miscarriage of justice". In fact, Judge Logan wrote, the jury instructions in this case contained the "exact analysis for obviousness which *LKQ* commands". Judge Logan therefore upheld the jury verdict and denied Top Brand's request for a new trial.

Courts will continue to grapple with the new *LKQ* design patent obviousness standard, which may result in increased challenges to design patents going forward.

Copyright 2025 K & L Gates

National Law Review, Volume XIV, Number 190

Source URL: <https://natlawreview.com/article/us-183-million-wearable-blanket-infringement-award-stands-despite-newly-announced>