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Inventor Wins in Rat-Trap Patent Flap

By **TIMOTHY AEPPEL**
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A California inventor, profiled in a [page-one Wall Street Journal article](#)¹ last year, won his patent-infringement case against one of the U.S.'s oldest mousetrap makers.

AgriZap Inc., which makes devices that electrocute rodents, was awarded \$2.7 million in damages after a two-week trial in federal court in Philadelphia. The case arose from a soured business relationship between AgriZap and Woodstream Corp., which has been making the ubiquitous wood Victor mousetraps marked with a large red "V" in Lititz, Pa., for more than a century.



Bob Noe


In 2000, Woodstream approached AgriZap, based in Ventura, Calif., about working together to sell AgriZap's patented electronic mousetraps under the Victor brand. AgriZap's founder, Bob Noe, invented the "Rat Zapper" after watching rodents get electrocuted by electrified fences at his country home. Three years later, after selling \$225,000 worth of "Rat Zappers," Woodstream dropped Mr. Noe's product in favor of its own "Electronic Mouse Trap" and "Electronic Rat Trap."

The jury concluded that Woodstream infringed on Mr. Noe's patent and committed fraud when it sent AgriZap's device to China, where it was duplicated. Woodstream argued the patent was invalid and that it only sent the device to its representatives in China to be evaluated as part of a cost-reduction effort.

"We're very surprised and disappointed in the result," says Harry Whaley, Woodstream's president, adding that the company is evaluating its options, including an appeal.

Mr. Noe's attorney, Gregory Lavorgna with Drinker Biddle & Reath LLP, says AgriZap will file an injunction to halt the sale of Woodstream's version of the traps.

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The U.S. Patent Office has issued about 4,400 patents for rodent-control devices, but most are never made. Mr. Noe contends his invention, billed "The Power Tool for Rodent Control," is an exception, having quickly gained consumer acceptance.

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