

# Inventor pockets court wins in fight over storage bags

## Inventor chases copycats of storage bags

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A Sealy man who's championed produce freshness for decades said he has had to add fighting counterfeiters to his job description.

[Lynn Everts](#), CEO of Evert-Fresh Inc., maker of [Evert-Fresh Green Bags](#), this week won two court battles in his struggle to stop imitators who he says have undercut the prices and reputation of his mineral-infused storage bags designed to lengthen the life of fruits and vegetables.

"We had people who were customers for 20 years start to complain. I got a pack of what they had and come to find out it was made in China," said Everts. He said these competitors are using similar names and the green color to mimic his shelf-life extender but the competing products are just plain plastic bags without the process that he says make his work.

Everts started his business after competing in an African shooting competition in the '80s where he met an African man who invented the bags and wanted to sell them in the United States.

## Check the label

The secret ingredient, he says, comes from Japanese caves where produce has been stored successfully for ages. He said he still infuses his bags with oya stone from Japanese caves.

The idea is to reduce light, allow some gases to escape, absorb ethylene, provide an anti-fogging environment and inhibit bacteria growth, all to help slow produce decay.

Everts said he's also proud that his bags are reusable and recyclable and some are biodegradable.

Some copiers, he said, actually have products that give off harmful chemicals.

He sells his bags under the brand names Evert-Fresh Green Bags and Debbie Meyer Green Bags.

"This is just like I'm being robbed, only they don't use a gun," he said. He said knock-off bags have taken business from him and caused people to trust his bags less.

He started the business in 1988 and now manufactures the bags in three locations in Harris County. Customers can know they've got the real thing, he said, because of the brand name or the tag "Made in the USA."

He said the fake bags are made outside of the jurisdiction of the United States, where his trademarks on green colored bags and the name Green Bags have been enforced.

Everts said he's had to lay off people recently in the manufacturing end but he still sold 15 million packs last year with 20 bags per pack. He said he's blessed with enough sales to be able to afford to fight the fakers in court.

## **Seven lawsuits filed**

Richard Redano, his Houston lawyer, said they've filed seven lawsuits against various companies and people for making or selling the bags while breaking the Evert-Fresh trademarks.

"It's like an assembly line of these counterfeiters," Redano said.

Last week Evert won victories in courts in Houston and New York. The courts aren't judging whether the bags work well or not, the judges just look at what trademarks Everts holds on the green-colored bags and the name Green Bags and whether the companies he sued are selling goods that infringe on those marks.

In Houston, U.S. District Judge [Vanessa Gilmore](#) awarded his company nearly \$240,000 in default judgment against Your [Store Online](#) for infringing on his trademarks with similar bag products. In New York, a federal judge awarded the Houston-area company a preliminary injunction against TV [Products USA and Christmas Tree Shops](#) Inc. to keep them from selling bags that infringe on his trademarks.

Last fall Evert-Fresh entered into an agreement with Overstock.com in which that Web site agreed to stop selling bags that infringed on Evert-Fresh's color and Green Bags name trademarks.

Everts said most of the impostors come from China, though he's seen a few made in Taiwan and Korea.

"I wish we had more teeth in patent and trademark laws so if a guy steals your trademark, there is some penalty without you having to get a lawyer and go to court," said Everts. "I might have developed another new product if I hadn't had to spend all this money fighting for what is already ours."

[mary.flood@chron.com](mailto:mary.flood@chron.com)