

## Ford, Jaguar Escape Dashboard Computer Console IP Row

By **Lisa Ryan**

*Law360, New York (January 21, 2015, 7:36 PM ET)* -- A Delaware federal judge on Wednesday let Jaguar Land Rover North America LLC and Ford Motor Co. off the hook in a suit accusing the automakers of ripping off a patent for computerized control panels, saying all of the claims of the patent were anticipated by prior art in a 2001 Mercedes-Benz vehicle.

U.S. District Judge Richard G. Andrews granted summary judgment to the automakers in a pair of suits filed by Vehicle Interface Technologies LLC claiming Jaguar Land Rover and Ford infringed U.S. Patent Number 6,842,677, which covers vehicle computing technology. The manufacturers argued that the patent covers prior art, and the judge based his opinion on similar technology included in the 2001 Mercedes-Benz E-Class vehicles and its user manual.

"There is no genuine issue of material fact with regard to anticipation, and the court finds that all of the asserted claims of the '677 patent are anticipated by the 2001 Mercedes," Judge Andrews wrote in the opinion.

Matthew Moore of Latham & Watkins LLP, an attorney for Jaguar Land Rover, told Law360 on Wednesday that VIT is a subsidiary of Empire IP LLC, and that the ruling marks the second time the automaker was awarded summary judgment against one of Empire's units. The first suit, he said, was against subsidiary Secor View Technologies LLC in New Jersey federal court in December 2013.

"Jaguar Land Rover has a track record that demonstrates its willingness to defend itself against weak patent claims instead of paying unwarranted settlements," Moore said.

The suits alleged the automakers ripped off the patented computing system and display that includes a fixed area to display vehicle information, including speed and gas level, as well as a selectable area to display a plurality of pages, each of which include at least one parameter for the vehicle's optional subsystems.

The computing system communicates with the display and operates the subsystems, and the vehicles also include input devices in communication with the computing system on the vehicle's steering device or secondary display, according to the complaint.

"As a result of defendant's infringement of the ... patent, VIT has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for defendant's infringement," the complaint said.

In his Wednesday opinion, the judge said that the parties agreed that the construction of the term "page" was the only matter at issue for determining whether the 2001 Mercedes prior art reference anticipates all of the asserted patent claims.

The judge said that the automakers' construction of "page" as a "collection or section of information that can be displayed on a screen at one time" was accurate, and so the patent was anticipated by the Mercedes-Benz prior art.

Representatives for VIT did not immediately respond to requests for comment Wednesday.

The plaintiff is represented by Brian E. Farnan and Michael J. Farnan of Farnan LLP and Alexander C.D. Giza and Marc A. Fenster of Russ August & Kabat.

Jaguar is represented by Stephanie E. O'Byrne of Shaw Keller LLP and Matthew J. Moore, Clement J. Naples and Lisa K. Nguyen of Latham & Watkins LLP.

Ford is represented by Thomas A. Lewry of Brooks Kushman and Mary Matterer of Morris James LLP.

The cases are Vehicle Interface Technologies LLC v. Ford Motor Co., case number 1:12-cv-01284, and Vehicle Interface Technologies LLC v. Jaguar Land Rover North America LLC, case number 1:12-cv-01285, in the U.S. District Court for the District of Delaware.

--Editing by Andrew Park.