

## Fed. Circ. Backs Jaguar Win In Car Console Patent Suit

By **Dani Meyer**

*Law360, New York (May 9, 2016, 6:03 PM ET)* -- The Federal Circuit on Monday refused to revive a Vehicle Interface Technologies LLC patent for computerized control panels asserted against Jaguar Land Rover, affirming a district judge's finding that the patent was anticipated by prior art.

The unanimous three-judge panel issued a brief ordering affirming the district court's decision, less than a week after hearing oral arguments about whether or not U.S. District Judge Richard G. Andrews misread portions of U.S. Patent Number 6,842,677, which covers vehicle computing technology.

Matthew Moore of Latham & Watkins LLP, an attorney for Jaguar Land Rover North America LLC, told Law360 on Monday that this is the third time an Empire IP LLC company has sued Jaguar Land Rover for infringement, and that the automaker has gotten the patent invalidated in every case.

"Jaguar Land Rover is prepared to fight weak patents and nuisance value settlements," Moore said.

Representatives for VIT didn't immediately respond on Monday to a request for comment.

The appeal comes out of several suits filed by VIT, including two against Jaguar. One, launched in 2012, accused the company's Jaguar XJ vehicle of infringing the patent, and the second, in 2014, accused several Land Rover and Range Rover vehicles of infringement.

The suits alleged the automakers ripped off the patented computing system and display that included a fixed area to show 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.

In January 2015, Judge Andrews found that several claims of the asserted patent were anticipated by prior art in a 2001 Mercedes-Benz vehicle, granting Jaguar Land Rover's motion for summary judgment in the 2012 suit. Several months later, Judge Andrews entered judgment against VIT in the 2014 suit as well.

On appeal, VIT contended that Judge Andrews misread key portions of the patent when granting the

automaker's motion for summary judgment. The judge should have interpreted display "pages" in terms of a specific use in computer design, rather than the broader meaning he adopted, the company said.

The formatting and detail requirements in the patent's "pages" distinguished it from the information shown on the Mercedes-Benz displays, VIT argued, and the pages should be understood to include the entirety of the screen, not just individual parts of a menu.

Jaguar Land Rover countered that the patent-holding entity had not argued to give the term a special interpretation in the district court, and that Judge Andrews was correct to view the patent's term "page" as only one part of the larger display, similar to the Mercedes-Benz display.

In issuing Monday's order, the Federal Circuit merely said it affirmed Judge Andrews' ruling.

The patent-at-issue is U.S. Patent Number 6,842,677.

Circuit Judges Richard G. Taranto, Alvin A. Schall and Todd M. Hughes sat on the panel for the Federal Circuit.

VIT is represented by Robert E. Freitas and Daniel J. Weinberg of Freitas Angell & Weinberg LLP.

Jaguar Land Rover is represented by Matthew J. Moore, Gabriel Bell, James Bender, Adam Michael Greenfield, Clement J. Naples and Lisa K. Nguyen of Latham & Watkins LLP.

The case is Vehicle Interface Technologies v. Jaguar Land Rover, case number is 15-1834, in the U.S. Court of Appeals for the Federal Circuit.

--Additional reporting by Michael Macagnone. Editing by Aaron Pelc.

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