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Ford \$23M Puddle Lamp Infringement Is Willful: Court

By Sam Howard

Law360, New York (March 27, 2009) -- A federal judge has determined that Ford Motor Co. willfully infringed a patent for the car-door lights known as “puddle lamps” and is liable for damages greater than the \$23 million previously awarded by a jury.

Judge James B. Zagel of the U.S. District Court for the Northern District of Illinois said Wednesday that for almost 10 years Ford willfully infringed the puddle lamp patent owned by inventor Jacob Krippelz Sr.

The court determined that Ford, which installed the puddle lamps on many of its best selling cars, willfully infringed U.S. Patent Number 5,017,903 from October 1998, shortly after Krippelz filed suit, to April 2007, according to the opinion.

During litigation, Ford sought summary judgment on noninfringement without offering a claim construction to support its argument, and reverted to a defense pivoting on the claims of the '903 patent, even though the U.S. Patent and Trademark Office had discounted the argument, Judge Zagel said.

The car company also added new puddle lamp designs to other Ford vehicles without conducting a technical analysis to determine if those devices fell within the claims of the '903 patent, the opinion stated.

“Ford had offered nothing that it could use in defense of the claim. All it had done was try to wriggle out of my Markman ruling by indirect methods. My ruling is not sacred writ and, if it is in error, the judgment against Ford likely will fall,” Judge Zagel said.

“But reasonable defenses are limited to those consistent with that ruling as long as the case is in this court, and that is not a limit that Ford honored. Much, if not all, of what it offered in its defense until April 2007 was impermissible, and what may not have been impermissible was clearly without merit,” Judge Zagel said.

Judge Zagel, however, did grant Ford a small reprieve, finding that the car company's infringement was not willful from April 2007 to the close of trial, the opinion said.

While the trial resulted in a \$23 million jury verdict for the plaintiff, the parties agreed in advance to address the issue of willful infringement in a separate phase before the court alone, where enhancement damages would be determined through written rather than live evidence, according to court filings.

The court will calculate the amount of the enhancement award after the plaintiff submits a draft of the findings for Ford's consideration, the opinion said.

Judge Zagel also has yet to consider the amount of prejudgment interest to award, and whether to award attorneys' fees.

Adam K. Mortara, a partner at Bartlit Beck Herman Palenchar & Scott LLP and counsel for the plaintiff, said the court will be determining the amount of the enhanced damages in the next phase of the process, but declined to discuss the damages sought.

Thomas A. Lewry, a shareholder at Brooks Kushman PC and counsel for Ford, declined to comment on the finding of willful infringement.

The plaintiff is represented by Ryndak & Suri LLP, Bartlit Beck Herman Palenchar & Scott LLP and Wallenstein Wagner & Rockey Ltd.

Ford is represented by Greene & Letts, Brooks Kushman PC and Winston & Strawn LLP.

The case is Krippez v. Ford Motor Co., case number 1:98-cv-02361, in the U.S. District Court for the Northern District of Illinois.