

BARTLIT BECK WINS SUMMARY JUDGMENT FOR UNITED TECHNOLOGIES IN PATENT INFRINGEMENT SUIT



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Bartlit Beck was lead counsel for United Technologies and its Pratt & Whitney division in an alleged multi-billion dollar patent case brought by Rolls-Royce in the Eastern District of Virginia. The technology at issue related to the jet engines (particularly the fan blades) used on the world's largest airplane, the Airbus A380, as well as a host of other airplanes. Rolls-Royce sought almost \$4 billion in damages and an injunction preventing further sales of the accused engines. The Court granted summary judgment in United Technologies' favor, finding that United Technologies' engines did not infringe the Rolls-Royce patent.

This ruling was the culmination of a string of successes in which United Technologies also won summary judgment of no willful infringement (by which Rolls-Royce was seeking treble damages up to over \$11 billion) and the Court struck Rolls-Royce's damages theory. In the ruling precluding Rolls-Royce's damages theory, the Court found that Rolls-Royce's multi-billion dollar "price erosion and lost profits damages is based on misstatements of the law, a lack of sound evidence, and unsupported economic assumptions, and its paid up royalty theory is similarly flawed. [Rolls-Royce's expert's] report reads more like a lawyer's brief advocating for the highest conceivable damages award rather than an expert trying to assist the trier of fact reach a reasonable damages figure. Because of this extensive overreaching, the entire report is undermined." Rolls-Royce also claimed that a dozen other United Technologies-related engines infringed Rolls-Royce's patent. United Technologies won summary judgment of non-infringement on all of those engines as well (other than a few nascent engines on which there were no issues because United Technologies pointed out that the final design would not infringe Rolls-Royce's patent).

The Bartlit Beck team included Phil Beck, Jason Peltz, Chris Lind, Mike Valaik, Hamilton Hill, and Andrew MacNally, and Bartlit Beck's co-counsel was Finnegan, Henderson, Farabow, Garrett & Dunner, LLP.

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