

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



Rolls Royce PLC v. United Technologies Corporation (d/b/a Pratt & Whitney) (2011)

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. Rolls-Royce sought almost \$4 billion in damages and an injunction preventing further sales of the accused engines, which are sold by a joint venture between United Technologies and General Electric. The Court granted summary judgment in United Technologies' favor finding that United Technologies' engine 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, Andrew MacNally, and Ben Whiting, and Bartlit Beck's co-counsel was Finnegan, Henderson, Farabow, Garrett & Dunner, LLP.

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