B&W wins Delphi case.

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Banner & Witcoff is pleased to announce that a legal team representing Delphi Automotive, the world's largest automotive parts supplier, has just won an important case for Delphi. In the case known as ATI I, the Court has just today held the patent in the suit invalid, by summary judgment. The case has significance to the public because car buyers will enjoy less expensive airbag safety systems in cars and trucks as a result of suppliers being free of payments to license a patent.

The plaintiff was a corporation for inventor David Breed, who was asserted to be the leading independent inventor in advancing airbag sensing technology in cars. The case sued the whole of the automotive world. Many companies settled, making large payments. The patent claimed that Breed invented the first side impact airbag sensor. The Court, a federal court in Detroit, held that the patent is not valid as not adequately describing or teaching how to make the alleged invention.

The legal team, including Banner & Witcoff lawyers and Delphi corporate lawyers, developed a strategy of presenting issues to the Court in several steps. Lawyers for other automotive industry defendants doubted this plan. The Court was persuaded to see, however, that the patent could not represent both an inventive advance and have adequate description of an invention. The patent took the position Breed discovered that front impact sensors could be used as side impact sensors, but did not explain how to adapt them.

The Banner & Witcoff lawyers of the team includes Charles Shifley, Binal Patel, Matthew Becker, and Ted Field.

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