



Portfolio Media, Inc. | 648 Broadway, Suite 200 | New York, NY 10012 | www.law360.com
Phone: +1 212 537 6331 | Fax: +1 212 537 6371 | customerservice@portfoliomedia.com

Toyota, Others Prevail In Spat Over Britannica Map IP

By **Ryan Davis**

Law360, New York (August 06, 2009) -- A judge has invalidated two patents held by Encyclopaedia Britannica Inc. for computerized map-viewing systems, handing a victory to seven companies, including Toyota Motor Sales USA Inc. and Garmin International Inc., that the reference book publisher claimed infringed the patents with global positioning system products.

Judge Lee Yeakel of the U.S. District Court for the Western District of Texas ruled Monday that the patents were invalid because they were anticipated by prior art, namely a foreign patent application published by Britannica that included text and figures substantially similar to the two patents-in-suit.

In addition to Toyota and Garmin, the defendants include American Honda Motor Co. Inc., Denso Corp., Alpine Electronics of America Inc., TomTom Inc. and Magellan Navigation Inc.

Judge Yeakel entered a final judgment in favor of all the defendants and against Britannica.

Britannica argued that the filing date of the patents should be 1989, citing a chain of priority that stretched through several patent applications. However, the judge disagreed and found that the chain was broken along the way, and so the filing date of the patents was 1994.

Because Britannica published the foreign patent application in 1991, it counts as prior art and the two patents at issue in the suit are therefore invalid, he concluded.

Britannica sued Toyota, Honda, Denso, Garmin and Alpine in May 2005 and filed a separate suit against TomTom and Magellan in September 2007.

The patents-in-suit are U.S. Patent Numbers 7,051,018 and 7,082,437, both titled "multimedia search system."

The suit against Toyota and Honda also included a third patent, U.S. Patent Number 5,241,671, titled "Multimedia search system using a plurality of entry path means which indicate interrelatedness of information."

In 2008, Judge Yeakel found that patent invalid because two of its claims were too ambiguous to be more narrowly constructed. That part of the case is now on appeal.

Encyclopedia Britannica is represented by Baker Botts LLP.

Alpine is represented by Brinks Hofer Gilson & Lione. Denso and Toyota are represented by Kirkland & Ellis LLP. Honda is represented by Fish & Richardson PC. Garmin is represented by DLA Piper LLP.

Magellan is represented by Kirkland & Ellis LLP, Skelton & Woody and Michael Best & Friedrich LLP. TomTom is represented by Fish & Richardson PC and Godfrey & Kahn SC.

The cases are Encyclopaedia Britannica Inc. v. Alpine Electronics of America Inc. et al., case number 1:06-cv-00578, and Encyclopaedia Britannica Inc. v. Magellan Navigation Inc. et al., case number 1:07-cv-00787, in the U.S. District Court for the Western District of Texas.

--Additional reporting by Melissa Lipman

All Content © 2003-2009, Portfolio Media, Inc.