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BMW, Mercedes, Volvo Hit With IP Suits Over Car Update Tech

By **Kali Hays**

Law360, New York (May 23, 2016, 12:10 PM ET) -- BMW, Mercedes-Benz and Volvo were smacked Friday with infringement suits in Texas Federal court by a patent holding company claiming the automakers are using technology to facilitate vehicle software updates that it owns.

Texas-based Stragent LLC said BMW North America LLC, Mercedes-Benz USA LLC and Volvo Cars of North America have been using its Autostar technology held under U.S. patent numbers 8,209,705 and 8,566,843 in developing newer cars with software that will need to be updated.

Autostar, or Automotive Open System Architecture, is an "enabling technology" that defines and has standardized vehicle interfaces by working with a "consortium" of automakers that have agreed to share vehicle data, allowing for the widespread exchange and update of vehicle technology, according to Stragent's near identical complaints.

While Stragent said BMW, Mercedes-Benz and Volvo have all been involved as "partners" in the Autostar consortium, it claims the automakers have been developing and releasing vehicles over the last several years that are Autostar compliant, meaning the technology is being used to manufacture the cars.

"For example, the Autostar platform is standard in the 2016 Mercedes-Benz S-Class vehicles," Stragent said Friday. "The patents-in-suit address such systems, and compliance with the Autostar standard creates a system which reads on the patents-in-suit."

The company is accusing all three automakers of direct and indirect infringement of the '705 patent and direct infringement of the '843 patent. As a remedy, Stragent asked the court for a declaration that the automakers are infringing on the patents and for unspecified damages and royalties, as well as costs related to the litigation.

Representatives for BMW, Mercedes-Benz and Volvo could not be reached Monday for comment.

Stragent previously brought a patent infringement suit against Intel Corp., claiming certain of the computer giant's microchips infringed two other patents allegedly covering computer network processing that uses a cyclic redundancy check in its hardware.

However, a Texas federal judge in 2014 agreed with a jury that Intel had **not infringed** on the purported technology and that it owed Stragent no damages. The judge also ordered the patent holder to pay all of Intel's legal costs related to the litigation.

Stragent is represented by Christopher M. Joe of Buether Joe & Carpenter LLC with Sean T.

O'Kelly, George Pazuniak and Daniel P. Murray of O'Kelly & Ernst LLC and Thomas F. Meagher and Alan Christopher Pattillo of Meagher Emanuel Laks Goldberg & Liao LLP acting as of counsel.

Counsel for BMW, Mercedes-Benz and Volvo could not be determined Monday.

The cases are Stragent LLC v. BMW of North America LLC et al number 6:16-cv-00446; Stragent LLC v. Mercedes-Benz USA LLC et al, number 6:16-cv-00447; and Stragent LLC v. Volvo Cars of North America LLC et al number 6:16-cv-00448, al in the U.S. District Court for the Eastern District of Texas.

--Editing by Rebecca Flanagan.

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