

LEGAL ACTION GUY NORRIS / ORLANDO

TAWS patent dispute intensifies

Universal Avionics taking lead as fellow defendants in Honeywell patent infringement action consider own countersuits

The legal battle between Honeywell and other terrain awareness and warning systems (TAWS) manufacturers over alleged patent infringements is escalating, with the defendants launching or considering a string of countersuits.

Universal Avionics Systems has filed a countersuit against Honeywell, while other TAWS manufacturers, sued by Honeywell over alleged patent infringements, may follow Universal's lead.

Honeywell originally filed patent infringement suits on 10 May against three TAWS makers: Goodrich Avionics Systems, Sandel Avionics and Universal. On 6 August Honeywell added ACSS, a

joint L-3 Communications and Thales company, to the list of alleged offenders. Honeywell believes the other companies have violated one or more of five patents it says it holds on the technology which it developed, as AlliedSignal, in the 1990s as the Enhanced Ground Proximity Warning System (EGPWS). Honeywell says it has spent "millions of dollars to develop its EGPWS, which has saved thousands of lives since its introduction in 1996". The patents at issue "protect proprietary technology from that investment", it says.

Universal filed counterclaims against Honeywell on 9 September, claiming Honeywell is "attempting

to monopolise the market" for TAWS, and that it has engaged in unfair competition. Universal alleges Honeywell has brought its patent infringement claims in "bad faith, knowing that its patents are invalid", but also that it "engaged in sham lobbying of the Federal Aviation Administration and European Commission". It also alleges Honeywell has "been intimidating Universal's customers".

Honeywell rejects Universal's claims as "merely baseless attempts to evade the central issues in our patent infringement lawsuit". It adds that it has investigated the validity of each of the five patents cited in the lawsuit and is confi-

dent all are valid. "We have also evaluated Universal's product and feel similarly confident that those products infringe our patents."

ACSS says its TAWS technology is derived from a Thales terrain-following system developed for Dassault's Mirage 2000N strike aircraft that pre-dates the EGPWS. "Honeywell's action is groundless and without merit," adds the company, which is believed to be considering a countersuit.

Sandel Avionics says it will continue to supply the market despite Honeywell's action. "We're taking steps to defend the lawsuit which we think is baseless," adds company president Gerry Block.

BILATERAL NEGOTIATIONS

USA rejects UK mini-deal to open up Heathrow as 'unacceptable'

A move by the UK to open negotiations on a new deal for transatlantic air transport was rejected as unacceptable by the US government last week.

Last month the UK Department for Transport (DfT) proposed a "mini-deal" which would open up London Heathrow airport to more airlines and relax Fifth Freedom limits on US carriers in Europe and UK carriers on US-Caribbean routes (*Flight International*, 20-26 August).

At present, only American Airlines, British Airways, United Airlines and Virgin Atlantic can operate transatlantic routes out of Heathrow.

"After consultation with the airlines, airports and labour we decided the UK proposal did not serve as the basis for bilateral negotiations. We continue to believe open skies offers the best environment," says the US Department of Transportation.

"Both sides are considering what to do next," says the DfT. But a deal would only be acceptable "if the USA moves on its restrictive practices in the domestic market and on

the Fly America policy, and that is not negotiable", it adds. But the USA shows no sign of shifting on the UK demand for cabotage access to the US domestic market. "We can't negotiate as there is a statutory ban on it," adds the DoT.

US carriers dismissed the UK proposal. "We are disappointed that

the UK government, backed by entrenched British Airways and Virgin Atlantic, refuses to fully liberalise the US-UK market," says Michael Whitaker, United vice-president of international and regulatory affairs. This was echoed by Continental, which has no access to London Heathrow and questioned the value of the UK mini-deal offer. "Offering rights to fly to Heathrow without slots is of no benefit," says the carrier.

Events may soon overtake both sides – a European Court of Justice ruling is expected before year-end which could cede the UK's negotiating power to the European Union. In that case, a new EU-USA deal would be needed, but could take up to eight years to draw up. Airlines such as BMI British Midland, shut out of the Heathrow transatlantic market, would like to see an interim deal allowing them access before the EU negotiations.



BA is one of only four carriers currently flying transatlantic routes out of Heathrow

PEOPLE

■ **Bombardier** has appointed **Daniel Maiden** as managing director of its Flexjet Europe fractional ownership arm.

Maiden was formerly commercial director of Flexjet Europe.

■ **Steve Page** has returned as chief financial officer of **United Technologies**, which owns Sikorsky and Pratt & Whitney.

Page, who previously held the post from 1993 to 1997, will replace Dave FitzPatrick, who has resigned, until his retirement in 2004.

■ **Dr Robert Del Boca** has been named vice-president of infrared countermeasures and laser systems for **Northrop Grumman Electronic Systems**. Del Boca was formerly president of the laser systems division.

■ Several senior executives have resigned from Sabena successor **SN Brussels Airline**, reportedly because of disagreements with chief executive Peter Davies. Chief of marketing **Daniel Schurmans** and chief pilot **Yves Lootens**, both ex-Sabena, have left the airline. Chief operating officer **Johan Vanneste** has also resigned. Operations will now report to Davies, who joined the airline in May from DHL.