



Press release dated May 20, 2016

BARDEHLE PAGENBERG successfully defends BMW's emergency call system "Intelligent Emergency Call" in preliminary injunction proceedings against Synchronicity IP GmbH

Synchronicity IP GmbH ("Synchronicity"), a non-practicing entity ("NPE") within the American Marathon Patent Group, had, on November 5, 2015, filed a motion with the Regional Court of Munich I for a preliminary injunction without prior oral hearing against Bayerische Motoren Werke AG ("BMW") because of alleged infringement of the German part of the European Patent EP 0 857 341 B1 ("patent-in-suit"). The motion attacked the emergency call system "Intelligent Emergency Call" installed in many BMW models. This system automatically activates an emergency call when the crash sensors register an accident. The call is made by a separate crash-proof phone unit securely installed in the vehicle. This call is received by a Call Centre, which also receives the exact GPS-based location of the vehicle with the call so that the closest rescue coordination center can be notified immediately. The emergency call system can also be activated manually with the push of a button, e.g., to help another road user. Similar motions for injunction were filed with the Regional Court of Munich I by Synchronicity against other renowned automobile manufacturers.

After the Regional Court of Munich I had asked BMW for a statement regarding the request for preliminary injunction, a comprehensive brief was submitted on November 25, 2015, detailing that there was no claim for the injunction and no reason for the injunction, and particularly that the patent-in-suit was not legally valid. Concerning the legal validity, a total of five prior art citations were found which anticipate the subject matter of the asserted claim of the patent-in-suit in a novelty-destroying manner. Simultaneously, BMW filed a nullity complaint against the patent-in-suit with the German Federal Patent Court.

Only two days later, on November 27, 2015, in view of the obviously lacking likelihood of success, Synchronicity withdrew the request for preliminary injunction against BMW – and all other automobile manufacturers – and reimbursed BMW for the costs set in these injunction proceedings. As a consequence and in view of the clearly lacking legal validity, Synchronicity relinquished the patent-in-suit (for the future) as well as all claims arising from the patent-in-suit for the past, in particular claims for damages, with the result that BMW has declared the nullity proceedings to have been settled in the meantime.

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Regional Court of Munich I:

Dr. Matthias Zigann (Presiding Judge)

BARDEHLE PAGENBERG combines the professional expertise of attorneys-at-law, patent attorneys, professional representatives before the European Patent Office, specialized trademark lawyers and qualified technical consultants. Our consulting services are tailored to our clients' particular requirements and the specific circumstances of each case.

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