

The Federal Court of Canada rules that Bell Helicopter intentionally infringed a Eurocopter patent

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In a lengthy ruling issued on January 30, the Federal Court of Canada ruled that Bell Helicopter intentionally infringed a patent of Eurocopter and awarded punitive damages and an injunction to Eurocopter. The patent covers an innovative helicopter landing gear design that Eurocopter developed and implemented on its EC120 and EC130 models.

In its findings, the Court determined that Bell leased a Eurocopter EC120 helicopter equipped with the patented landing gear, studied the design of the gear, and created a “*slavish copy*” to be used on its new 429 model. Remarkably, when Bell employees raised concerns internally regarding similarities between the Bell landing gear and Eurocopter’s patented design, Bell’s management instructed engineers simply to “*carry on*.” The Court held that “*This is a case of willful blindness or intentional and planned misappropriation [by Bell] of the...invention.*”

Significantly, the Court determined that “*Bell has misled and continues to mislead the public into believing that the Bell Model 429 is the first helicopter to use a sleigh type landing gear.*” In fact, as the Court found, Bell “*decided to import and copy the unique and new patented technology developed by Eurocopter.*” Ultimately, the Court concluded that “*Bell’s overall conduct is highly reprehensible and constitutes a callous disregard for the rights of Eurocopter.*”

Accordingly, the Court found that Eurocopter was entitled to punitive damages due to both Bell’s infringement and its “*deliberate and outrageous conduct in this case.*” The Court has not yet determined the amount of damages due to Eurocopter. Finally, the Court issued an injunction enjoining Bell from manufacturing, using, or selling the infringing landing gear, and also ordered Bell to destroy all infringing landing gears in its possession.

As soon as Eurocopter filed the case, Bell quickly redesigned the landing gear on the 429 model. The Canadian court held that the redesigned landing gear did not infringe Eurocopter’s Canadian patent. Eurocopter is evaluating its options in this regard. Eurocopter has also filed claims in Washington, D.C. and Paris, France, contending that Bell’s redesigned landing gear violates Eurocopter’s patents.

Eurocopter fully intends to continue defending its know-how and innovative technology, which has greatly contributed to its positioning as the world’s leading helicopter manufacturer.



About Eurocopter

Established in 1992, the Franco-German-Spanish Eurocopter Group is a division of EADS, a world leader in aerospace and defense-related services. The Eurocopter Group employs approximately 20,000 people. In 2011, Eurocopter confirmed its position as the world's number one helicopter manufacturer with a turnover of 5.4 billion Euros, orders for 457 new helicopters and a 43 percent market share in the civil and parapublic sectors. Overall, the Group's helicopters account for 33 percent of the worldwide civil and parapublic fleet. Eurocopter's strong international presence is ensured by its subsidiaries and participations in 21 countries. Eurocopter's worldwide network of service centers, training facilities, distributors and certified agents supports some 2,900 customers. There are currently more than 11,300 Eurocopter helicopters in service in 149 countries. Eurocopter offers the most comprehensive civil and military helicopter range in the world and is fully committed to safety as the most important aspect of its business.

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