

Patent Claims Shot Down

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Thales Visionix, Inc is a Maryland corporation and a wholly owned subsidiary of Thales Defense and Security, Inc., which designs and develops helmet-mounted display-and-motion-tracking technology for defense and aerospace applications. Visionix's technology allows for the projection of tactical information onto the interior of the visor of the pilot's helmet, and for continuous reception of information, targeting of enemies, and firing of weapons in all directions. Visionix alleges that its patented technology is critical to the success of the F-35 Joint Strike Fighter, the first tactical fighter jet in 50 years without a heads-up display system. Visionix sued the United States in the U.S. Court of Federal Claims, alleging that the Lockheed Martin Corporation, a prime contractor to the U.S. Government, obtained its helmet-mounted display system for use in the F-35 in violation of Visionix's patents, allowing the government the unlawful use of TVI's U.S. Patent No. 6,474,159.

The key issue before the Court was whether the system of generic inertial trackers and a novel navigation equation together form a patentable subject matter. The Court held that the system did not. The Court explained that the patent claims were based on mathematical equations for determining the relative position of a moving object to a moving reference frame, which the Court stated was "undoubtedly a complex mathematical concept . . .," but that alone supported no patent breach claim. The Court further concluded that "this [mathematical] concept is a 'building block of human ingenuity,'" and the solution lies in the mathematical formulae, not the generic devised listed in the system claim, which are not eligible for patent protection. Finally, the Court held that "solving a mathematical equation incorporating Newtonian principles of motion does not transform sensor data into motion tracking information any more than Einstein's discovery of the natural law $E=mc^2$ transforms a mass measurement into energy information."

The Court therefore granted the Government's motion for judgment on the pleadings.

Read the full decision [here](#).