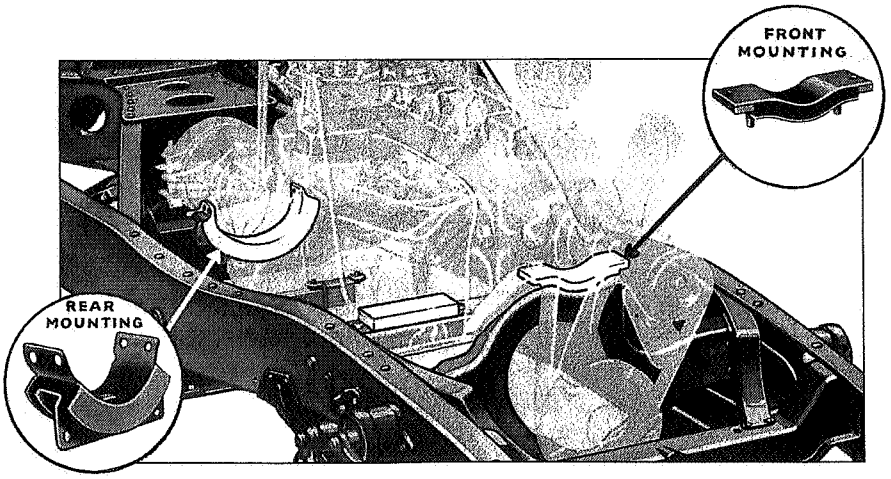

The "Floating Power" Lawsuit

Who Really Invented The Famous Engine Mount Technology?

by Lawrence Savell

Among the many achievements in the long and distinguished history of Chrysler is its introduction of the "Floating Power" engine mount. This innovation, first incorporated in vehicles in the early 1930s, significantly reduced engine noise and vibration experienced by driver and passengers. The design consisted in part of suspending the power plant to allow it to oscillate about its center axis, coupled with thick rubber bearings and a torque spring.

Although many car enthusiasts and historians are familiar with Chrysler's Floating Power system, few may know Chrysler's claim to that technology was questioned. In *Trott v. Cullen,* decided on October 23, 1936 by the Tenth Circuit Court of Appeals, Rolland S. Trott claimed that he was the real inventor. According to the Court, "on July 4, 1931, the Chrysler Corporation announced that cars of its manufacture would thereafter eliminate power tremors by the use of 'floating power' – a term used to describe a method of supporting the power unit in such a manner that engine vibration is largely neutralized by permitting it to rock about the center of weight."

The Court noted that, prior to Chrysler's announcement, Trott had wrestled with the same problem. Indeed, he and the company to which he had licensed his technology, Borg-Warner Corporation, "had negotiated with Chrysler for a license and had demonstrated a car with the engine mounted as described in one of his patent applications. The negotiations were broken off just before they appeared to be nearing a successful conclusion, and shortly before Chrysler came out with Floating Power."

Trott, who already had patents pending, after Chrysler's announcement applied for and was granted amended and new patents. He sued Chrysler for infringing those patents.

After an extensive trial, the district (lower) court ruled that Trott's patent assertions were invalid due to lack of "invention" in light of "prior art" (prior patents of others included much the same substance), and found that Chrysler had not infringed on Trott's patents.

The Court of Appeals affirmed the judgment for Chrysler.

It noted that "the mechanical problem for which Trott sought a solution – to keep engine vibration away from the occupants of the car – was one which had had the attention of engineers and inventors for many years." It discussed numerous prior patents that had been awarded to other inventors, including a 1925 patent that described the engine unit being carried in "floating suspension." It also observed that certain innovations along these lines had already been placed into production, such as the 1925 Maxwell that "mounted the front end of the motor on a leaf spring to deaden vibration."

The Court was not persuaded by the argument "that Chrysler has dealt unfairly with Trott; that Trott was beguiled into disclosing his ideas by an insincere offer to contract, his conception pirated, changed in an immaterial manner, and used without paying the reward to which genius is entitled . . . Whatever the fact may be, the public, as well as Chrysler, has an interest in all patent monopolies; and if Trott is not entitled to a monopoly against the world on an old idea, the patents should not be sustained in order to punish one concern for its inconsiderate actions. To do so would be to make the entire public atone for the sins of one of its members.

"Giving due weight to the trial court's conclusions on the proof, we feel that his decree should not be disturbed. The automotive industry had been struggling with the problem of vibration for years, although its importance decreased as the cylinders increased. Trott's [solution] was a workable application of the old idea of letting the motor rock about a universal joint, absorbing the shock by rubber and springs. The broad conception was not patentable; his specific application, even if it involved genius, was not infringed. Trott's negotiations with Chrysler may have caused a renewed attack on the problem; his disclosures may have suggested the mounting, which was shortly put in public use; but no liability follows from that if there is no infringement of the valid claims of a patent."

Trott requested a rehearing by the Court of Appeals, which was denied on January 2, 1937. Finally, Trott asked the United States Supreme Court to hear his case. On March 8, 1937, it denied his petition for certiorari.

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The determined Mr. Trott not only claimed that he invented the Floating Power technology; he also challenged Chrysler's right to trademark that name. This effort was also unsuccessful.

In the May 4, 1936 decision in *Chrysler Corp. v. Trott,* the United States Court of Customs and Patent Appeals, reversing a prior decision by the Commissioner of Patents that "Floating Power" was merely descriptive and thus insufficient, ruled that Chrysler was entitled to register that trademark.

Lawrence Savell is Counsel at the law firm Chadbourne & Parke LLP in New York City. Additional background on the "Floating Power" litigation can be found at www.lawrencesavell.com.