

Off The Fringe

Business briefs

AST Sues Toro for Infringement

Advanced Sensor Technology (AST) has filed a lawsuit against The Toro Co. for infringement of a U.S. patent covering wireless remote soil monitors and its usage by Toro on golf courses. AST filed the suit in the U.S. District Court for the Eastern District of Pennsylvania with SIPCO LLC, assignee of U.S. Patent No. 7,103,511.

AST says it filed suit for patent infringement against Toro for its wireless golf course soil monitoring systems and equipment, including a wireless soil monitoring system known commercially as Turf Guard. AST says it holds the exclusive license to SIPCO's patent in the commercial soil monitoring field of use.

"Toro pursued negotiations with our company under a confidentiality agreement to distribute and then purchase our ground-breaking product, RZ-Wireless — a wireless soil-sensing system used on golf courses worldwide," said Walter Norley, founder, president and CEO of AST. "Toro then moved to purchase a small company formed by Jason Hill, a former AST consultant who stole and commercialized our invention."

In a written statement responding to the lawsuit, Toro spokesman Branden Happel said: "[AST's] suit stems from our recent acquisition of Turf Guard and a lawsuit we filed against AST for false and misleading advertising practices in an attempt to interfere and disrupt the launch of the Turf Guard system. We respect the valid intellectual property rights of others, and we expect others to respect our rights. As part of Toro's acquisition of Turf Guard, we conducted a thorough review of the patent and intellectual property landscape relating to wireless soil monitoring systems."

Marriott Must Provide Access to Disabled Golfers

By David Frabotta, Senior Editor

A federal judge ruled Jan. 28 that Marriott International's golf division is in violation of the Americans With Disabilities Act because it failed to provide "accessible" or "single-rider" golf cars to disabled persons at its managed properties, according to court documents.

The summary judgment that Justice Phyllis Hamilton handed down in the U.S. District Court of the Northern District of California concludes: "Marriott's policy, by which it refuses to provide accessible carts to disabled golfers, discriminates against plaintiffs, mobility-impaired golfers." The ruling further states that single-rider golf cars are "both reasonable and necessary to accommodate the plaintiffs' disabilities."

Plaintiffs in the case are Lawrence Celano, Richard Thesing and William Hefferon, disabled golfers. They did not pursue monetary damages in the case.

Marriott owns and operates 26 golf courses throughout the United States.

It presently offers a pilot program at its four owned properties, where single-rider golf cars are available. However, the court found that the management company is obligated to supply the same access at its managed properties.

The two parties were negotiating a settlement at presstime. If the parties do not reach an agreement, then Justice Hamilton will determine appropriate injunctive relief, which might include how many single-rider cars each Marriott property must supply. Marriott had no comment at presstime. The company reserves the right to appeal the decision.

The ruling comes while the Department of Justice collects opinions about its proposed ruling to require golf courses to supply better accessibility for handicapped persons. The DOJ issued a proposed rule in late 2004 that favored the requirement of at least one single-rider golf car at each golf facility. That proposed rule currently is open for public comment, so final regulations are not expected any time soon. ■

