

## CLIENT ALERT

### Technical Data Rights Decision Blurs Issues

Nov.21.2005

In *Night Vision Corp. v. U.S.* (Oct. 24, 2005), the Court of Federal Claims held that the Air Force did not violate the technical data rights of the contractor by allowing another a subcontractor/competitor to inspect a prototype of the night vision goggles because the contractor "waived" any rights in the delivered prototype by failing to include a restrictive legend on the prototype itself. Due to this finding of waiver, the court found it unnecessary to determine what was really the central issue: whether a physical prototype itself could constitute "technical data," an issue of first impression according to the court.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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