McCombs, Goryunov, Clements and Dargan in Automotive World: 'Top Considerations for Developing AI-Powered ADAS'

March 22, 2024 David McCombs, Calmann Clements, Mallika Dargan

PRACTICES Intellectual Property, Patent Prosecution and Counseling, Patent Office Trials, AI and Deep Learning

Haynes Boone Partners David McCombs and Eugene Goryunov, Counsel Calmann James Clements and Associate Mallika Dargan authored an article in *Automotive World* exploring some of the factors determining whether a defect in an autonomous vehicle would be considered a manufacturing or design defect.

Read an excerpt below:

Modern vehicles generally include an array of autonomous vehicle features. These features range from simpler ones—such as collision avoidance system and cruise control—to more advanced features—such as highway steering. The more advanced autonomous vehicle features rely artificial intelligence (AI) models. As AI technology develops, vehicles with more advanced autonomous vehicle features will become more common. Vehicles with AI-powered autonomous features are expected to reduce, though not eliminate, accidents.

A legal framework is in place for determining liability in case of a crash. When an automobile is involved in an incident, the law determines whether it was the result of a negligent driver or a defective vehicle due to manufacturing error and then assigns liability as appropriate. Manufacturers have a duty to exercise reasonable care when designing their vehicles to make them safe when used as intended. But even if a manufacturer exercises reasonable care, they may still be strictly liable for manufacturing defects or design defects.

In the autonomous vehicle feature context, determining whether a defect falls under manufacturing or design defect category is important, as it can impact who will be held responsible.

To read the full article in *Automotive World,* click here.