

EIP



EIP secures win for Conversant in Standard Essential Patent case against Huawei and ZTE

EIP secured a significant victory for its client Conversant Wireless Licensing S.à r.l. (Conversant) in its longstanding mobile telecommunications Standard Essential Patent (SEP) dispute against Huawei and ZTE at the High Court.

In the judgment, handed down on 8 January 2020 by Mr Justice Birss, the court determined that claims of two of Conversant's European patents, EP (UK) 1,878,177 and EP (UK) 3,267,722, were valid and essential to the LTE standard. These patents are thereby infringed, in the UK, by Huawei and ZTE mobile devices operating in accordance with the LTE standard.

The technology underlying these two patents facilitates high data rates in a mobile telecommunications network and is deployed in the semi-persistent scheduling (SPS) feature of LTE to which the patents have been found essential.

Conversant is also asking the court to declare that it has made a fair, reasonable and non-discriminatory (FRAND) offer to license its SEP portfolio to each defendant, or alternatively to determine the terms for a FRAND license to each defendant. The FRAND trial is scheduled for April 2020, pending the judgement of a jurisdictional appeal by Huawei and ZTE to the Supreme Court.

Robert Lundie Smith, the partner who led the EIP team, said:

"We are delighted to have been able to work with and represent Conversant in proving the validity, essentiality and thereby infringement of two of its LTE patents. This judgment represents a major victory in a long-standing dispute over payment for the use of Conversant's portfolio of standard essential telecoms patents. It is a significant step forward for Conversant in its wider dispute with Huawei and ZTE and paves the way to the

High Court now considering the FRAND licence fees due to Conversant by both Huawei and ZTE.

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Boris Teksler, Conversant CEO, said:

“We are very pleased with the judgement today. This confirms the strength of the Conversant Wireless portfolio. We look forward to a positive judgement from the UK Supreme Court and the upcoming FRAND trial.”

The EIP team comprised Robert Lundie Smith, Jerome Spaargaren, Heather McCann, Sunny Bansal, Joanne Welch, Myra Sae-Heng and Owen Waugh. Counsel for Conversant were Tom Moody-Stuart Q.C., James Whyte and Charles Brabin.