

EIP



EIP prevails in telecoms patent disputes against Huawei, ZTE at Düsseldorf court

EIP obtained a victory in the Düsseldorf District Court for its client Conversant Wireless in two patent infringement decisions against Huawei and ZTE.

The Court affirmed infringement of two 3G-related Standard Essential Patents (SEPs) by Huawei and ZTE products. Subject to enforcement, it awarded inter alia an injunction against both companies, confirming a previous but non-accepted license offer by Conversant as fair, reasonable, and non-discriminatory (FRAND). Accordingly, there is no violation of competition law principles within the meaning of the CJEU's decision in the Huawei/ZTE matter. The comprehensive decisions followed intensive written and oral discussions of the parties. The proceedings are part of a larger dispute relating to the use and validity of Conversant's patent portfolio. According to CJEU case law, in general injunctions cannot be obtained against patent infringers that are willing to take a license on fair, reasonable and non-discriminatory terms and have complied with the obligations set out in said CJEU decision. Here, Huawei was not considered willing and ZTE had not provided a FRAND counter offer.

Christof Höhne, Head of EIP in Düsseldorf, said:

"We are pleased that the court with the highest number of patent infringement cases in Germany confirmed our position."

Conversant Wireless's CEO, Boris Teksler, said:

"FRAND is and always has been a two-way street. It is imperative that we maintain the balance appropriately so that we can move technology forward. We are pleased that the court confirmed both our licensing approach as FRAND-compliant and the intrinsic value in our patents and their contributions to the standard."