

EIP

EIP secures second UK success for Unwired Planet in ongoing phone litigation against Samsung and Huawei

EIP today secured a further success on behalf of its client, Unwired Planet, against telecommunications giants Samsung and Huawei in their ongoing standard essential patent (SEP) case.

In a judgment handed down today, Mr Justice Birss ruled Unwired Planet's patent EP (UK) 1 230 818 to be valid and infringed and essential to the 2G standard. The patent related to the method for handing over telephones from 2G to 3G and 4G networks. The defendants in this trial were again Samsung and Huawei represented by Bristows and Powell Gilbert respectively.

This latest judgment comes on top of Unwired Planet's success in the the first UK trial in October 2015 and its successful judgment in Germany in January 2016 when the Düsseldorf Court held that three of Unwired Planet's patents were infringed, at the same time rejecting several attacks on the patents. In that German case Samsung and Huawei also were defendants along with LG.

The judgment handed down today related to the third of five UK patent trials scheduled to run until July 2016. In the second UK trial in January 2016, the UK Court held that two of Unwired Planet's patents, EP (UK) 2 119 287 and 2 485 514, which were related to each other, were not valid, so Unwired Planet have prevailed in two out of three trials to date. All UK trials to date and a further trial set for hearing in early May 2016 relate to SEPs forming part of the portfolio acquired by Unwired Planet from Ericsson in 2013; the fifth

trial, set for July 2016, relates to a non-SEP previously owned by Openwave. There is also a competition / FRAND trial scheduled for October 2016.

Head of EIP Legal, Gary Moss, who led the EIP team, said:

“We are delighted with this latest success coming on top of our previous successes in both the UK and Germany. Once again this was a very hard fought trial with the Defendants throwing everything possible at the patent, but it survived a very detailed examination by the Court. By degrees we are succeeding in establishing that the Unwired Planet portfolio has real value and that it cannot be ignored by the implementers of the telecoms standards. This latest decision, along with our earlier successes in both the UK and Germany, highlight that Europe is a very effective jurisdiction in which to prove the value of these types of patents.”

Unwired Planet’s General Counsel, Noah Mesel said:

“This is now our fifth success in Europe, and once again we are extremely pleased with the result. This latest victory, coupled with our earlier successes in both the UK and Germany, establishes beyond doubt the need for the manufacturers of handsets and infrastructure equipment that implement telecoms standards to licence our portfolio. That is what we set out to do when we decided to commence litigation nearly three years ago.

Once again we thank the EIP Legal team for the relentless work they have put in to all the trials to date. Throughout this litigation they have demonstrated dedication and skill at the highest level. We look forward to continuing to work with them on the remaining cases.”

It is not yet known whether Samsung and Huawei will ask the court for permission to appeal in respect this latest decision. Appeals are pending from the first two UK trials. The fourth UK trial is scheduled to begin week commencing 2 May 2016 and the fifth in the week commencing 4 July 2016.

In the latest UK trial the EIP team comprised Gary Moss, Robert Lundie Smith, Carissa Kendall-Windless, Jerome Spaargaren and David Brinck. The barrister team instructed was Adrian Speck QC, Mark Chacksfield and Tom Jones, all of 8 New Square.