EIP

# EIP secures landmark victory for Unwired Planet against Samsung and Huawei

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

In a judgment handed down today, Mr Justice Birss found Unwired Planet's patent EP (UK) 2 229 744 to be both valid and infringed and essential to the 4G standard. In so doing he rejected the attacks on the validity of the patent brought by both Samsung and Huawei, represented by Bristows and Powell Gilbert respectively. The outcome is made more significant by the fact that to date there have been relatively few successful cases by SEP holders.

The judgement comes following a two-week trial held in October at the UK Patents Court in the first of five patent infringment trials scheduled to take place up until July 2016. Four of the trials relate to SEPs forming part of a portfolio acquired by Unwired Planet from Ericsson in 2013.

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

"This outcome is a vindication of Unwired Planet's decision to litigate their portfolio in the UK. This is the result of a great deal of hard work by the EIP team; we were up against regular patent litigants employing very experienced specialist firms and they threw a lot of resources at the action and trial. That Unwired Planet prevailed emphasises once again the attractions of the United Kingdom Patents Court as a jurisdiction in which to litigate commercially important patents. Of course, this is only the first of six trials but it is great to start off with a win."

**Unwired Planet's General Counsel, Noah Mesel said:**

"Obviously we are delighted with the outcome which goes a considerable way towards validating the Unwired Planet portfolio. We are immensely grateful to the EIP team and our barristers for the way in which they handled this litigation - despite at times being heavily outnumbered, but never outwitted.

"Europe is an increasingly important jurisidiction for patent litigation due to the high regard in which the courts are held. Going forward, we expect that the six trials will make important contributions to a significant and growing body of law in Europe clarifying how standards-essential patents should be evaluated and what 'FRAND' really means."

It is not yet known whether the defendants will ask the court for permission to appeal.

A sixth trial is scheduled for October 2016 in which the court will consider competition law questions, including how to apply "fair, reasonable and non-discriminatory" (FRAND) licensing principles to the SEPs at issue. The outcome of the FRAND case will establish the level of damages to which Unwired Planet will be entitled.

In addition, parallel litigation in Germany will continue with a further trial against Huawei, Samsung and LG on 26 November 2015. Unwired Planet will be represented by EIP Legal's team based in Düsseldorf. The defendants will be represented by Preu Bohlig, Hoyng ROKH Monegier and Rospatt Osten Pross respectively.

The second UK trial is scheduled to begin week commencing 30 November 2015.

In the first UK trial the EIP team comprised Gary Moss, Robert Lundie Smith, Carissa Kendall-Windless, Heather McCann, Jerome Spaargaren, Sunny Bansal and Jeff Sweetman. The barristers instructed were Adrian Speck QC, Mark Chacksfield and Tom Jones, all of 8 New Square.