

Calif. Jury Hits Apple With \$145M Verdict In WiLan IP Row

By Dani Kass

Law360 (August 2, 2018, 6:21 PM EDT) -- A California federal jury on Wednesday awarded WiLan Inc. \$145.1 million after finding that Apple Inc. infringed two of its patents covering wireless communication technology.

The jury reached its verdict at the end of a seven-day trial overseen by U.S. District Judge Dana M. Sabraw, after deliberating for an hour and a half, according to online court records. The damages were “every penny we asked for,” WiLan’s attorney Mike McKool of McKool Smith PC, told Law360.

“The jury worked very hard to understand the complex technology involved in the case, and they weighed the evidence very carefully,” he said separately in a statement. “Our client is pleased with the verdict.”

Apple told Law360 that it intends to appeal the decision. The company has maintained that it didn’t infringe U.S. Patent Nos. 8,457,145 and 8,537,757.

The two companies have a long history of patent disputes, but Apple instigated this case in June 2014. The technology giant asked the California federal court for declaratory judgment that it wouldn’t infringe several of the Canadian patent licensing company’s IP. WiLan then filed counterclaims, asking for the opposite. By the time it went to trial, WiLan focused just on claims from the ‘145 and ‘757 patents, and the jury found fully in its favor.

Those patents cover technology used in voice over LTE wireless communications technology, including that used in various iPhones, according to court filings.

McKool attributed the win to earning the jury’s confidence, in part by bringing an “extremely credible” witness onto the stand: inventor Ken Stanwood, who is WiLan’s chief technology officer.

WiLan CEO James Skippen added that “we really appreciate that the jury respected intellectual property and reached a fair verdict in this case.”

The patents-in-suit are U.S. Patent Nos. 8,457,145 and 8,537,757.

Apple is represented by John Allcock, Sean C. Cunningham, Erin Gibson, Robert Buergi, Robert Williams, Tiffany Miller, Jacob Anderson and Amy Walters of DLA Piper.

WiLan is represented by Mike McKool, Robert Cote, Brett Cooper, Ashley Moore, Steve Pollinger, Jonathan Yim, Seth Hasenour, Warren Lipschitz, Kevin Schubert, Christopher McNett, Drew Hollander and Elisa J. Lee of McKool Smith PC and Allison H. Goddard of the Patterson Law Group.

The case is Apple Inc. v. WI-LAN Inc. et al., case number 3:14-cv-02235, in the U.S. District Court for the Southern District of California.

--Editing by Orlando Lorenzo.

Update: This story has been updated with additional counsel for WiLan.

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