

Apple Hit With \$145M Patent Infringement Verdict

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iPhone 7. Shutterstock.com.

Apple Inc. was hit with a \$145 million patent infringement verdict in the U.S. District Court for the Southern District of California Wednesday over technology in many popular iPhone models.

A jury found Apple infringed on voice-over LTE technology (VoLTE), which supports voice calls on an LTE network, patented by plaintiff Canadian technology company WiLAN. Specifically, the case before Judge Dana M. Sabraw hinged on two WiLAN patents covering technology in various iPhone 6 and 7 models. As such, Apple was ordered to pay \$145 million in damages.

According to court documents, WiLAN alleged Apple's use of the LTE technology was in violation of 35 U.S. Code Section 271. The company sought damages for "Apple's willful infringement of one or more claims of the patents-in-suit," while also seeking to recover attorney fees.

Apple, for its part, moved for a judgment as a matter of law, arguing in court documents that WiLAN didn't present "legally sufficient evidence" indicating for a jury that Apple infringed the WiLAN patents in question, nor did it prove it was entitled to \$145 million in damages.

Apple was represented by DLA Piper. In WiLAN's corner were attorneys from trial firm McKool Smith, including chairman Mike McKool, who told The Recorder that he and the firm "feel good" about the outcome.

"The jury deliberated for one hour, and we got every penny we asked for. And most of the jurors were Apple customers," he said. "It's tough to beat Apple in California, so obviously we were gratified that we got the result we got."

DLA Piper could not be immediately reached for comment.

The legal maneuvers underpinning the trial go back to 2014 when Apple and attorneys from Milbank, Tweed, Hadley & McCloy filed a complaint in California's Northern District demanding a jury trial, alleging "non-infringement, invalidity, and unenforceability" of the patents in question. The case was transferred to the Southern District later that year. The first jury trial was heard in late July.

WiLAN has a history of taking up claims against major tech companies. WiLAN subsidiary IPA sued 12 technology companies in Delaware federal court over patents related to Apple personal assistant Siri in 2017. In 2018, it filed suit over the technology underpinning Google's personal assistant.

In a separate 2013 litigation, WiLAN lost a lawsuit against Apple in the Eastern District of Texas over cellular data patents.

The verdict comes at a seeming high point for Apple, which on Thursday was valued as the first publicly traded U.S. \$1 trillion company. Coincidentally, the news comes after a strong Q3 earnings report, thanks in no small part to its signature iPhone product.