

In East Texas, Korean Biz Bags \$10M Verdict Over 5G Patents

By **Andrew Karpan**

Law360 (April 1, 2024, 3:40 PM EDT) -- Jurors in Texas federal court ordered a Chinese phone manufacturer on Monday to pay more than \$10 million to Korean entity Pantech in a patent dispute over technology used to comply with 5G wireless standards.

After spending a week listening to arguments from lawyers for Pantech and counterparts representing a Shenzhen-based company called OnePlus, on top of nine hours of deliberation, eight jurors sided with Pantech, per a verdict sheet filed in the Eastern District of Texas. They had recessed at least three times and had sent at least two notes to U.S. District Judge Robert Schroeder III.

Ultimately, the jury ordered OnePlus to cough up \$7.41 million for selling phones that operate in a way that infringes language in a trio of Pantech-owned so-called "standard essential patents" covering ways of complying with 5G standards. Separately, Pantech convinced jurors to order OnePlus to pay another \$2.85 million for selling phones that also infringe language in two other patents, also owned by Pantech.

According to minutes from Friday's hearing, OnePlus' lawyers had quickly objected to the numbers, with Leydig Voit & Mayer Ltd. lawyer David Airan telling Judge Schroeder that "the damages are unreasonable and cannot be supported by the evidence presented."

From the bench, the judge decided that the verdict would stand for now, "subject to post-trial briefing and motion practice."

In an email to Law360 Monday, Pantech lawyer Tripp Fussell of Mayer Brown LLP wrote that he was "very pleased with [the] jury's decision."

He declined to say how much he asked jurors to award the company before the verdict came down, following deliberations that lasted most of a day.

Representatives for OnePlus did not return a request for comment Monday.

Before it started asserting patents in U.S. federal court, Pantech was a phone manufacturer. It said it was "the second best-selling Korean handset maker in 2012" before filing for bankruptcy two years later in an effort to protect itself from at least 15 intellectual property lawsuits. The company ceased making phones three years later.

Pantech has sued ASUSTeK and LG Electronics in the Eastern District of Texas. The case ASUSTeK ended

with a Rule 68 settlement of \$7,000 in 2021, while the case against LG remains ongoing, with jury selection scheduled to begin in front of Judge Schroeder in September.

And it's not the only lawsuit facing OnePlus over alleged use of 5G technology purportedly developed by Pantech; the company filed another lawsuit in the same court against OnePlus earlier this March, citing different patents.

The patents-in-suit are U.S. Patent Nos. 10,869,247; 11,012,954; 9,548,839; 9,063,654; and 8,893,052.

Pantech is represented by James Fussell III, Jamie B. Beaber, Alan M. Grimaldi, Saqib J. Siddiqui, Tiffany A. Miller, Baldine Paul, Clark S. Bakewell, Tariq Javed, Seth W. Bruneel, Courtney Krawice, Graham (Gray) M. Buccigross and Gregory J. Apgar of Mayer Brown LLP, and Geoffrey Culbertson and Kelly Tidwell of Patton Tidwell & Culbertson LLP.

OnePlus is represented by David M. Airan, Wesley O. Mueller, Robert T. Wittmann, Paul J. Filbin, Leonard Z. Hua, Christopher J. Gass, John K. Winn, Nicole E. Kopinski and Pei Chen of Leydig Voit & Mayer Ltd., and J. Mark Mann and G. Blake Thompson of Mann Tindel Thompson

The case is Pantech Corp. et al. v. OnePlus Technology (Shenzhen) Co. Ltd., case number 5:22-cv-00069, in the U.S. District Court for the Eastern District of Texas.

--Editing by Adam LoBelia.