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Jury Awards Samsung Rival \$63M Over Screen Display Patent

By **Dave Simpson**

Law360 (March 8, 2021, 10:55 PM EST) -- Eastern District of Texas Judge Rodney Gilstrap's first patent jury trial since November ended Monday with a jury finding that Samsung Display Co. Ltd. willfully infringed Solas OLED Ltd.'s screen display patents and awarding \$62.7 million in damages — an amount the judge could increase because of the willfulness finding.

The jury awarded damages for two of the three patents at issue, and the finding of willful infringement means that Judge Gilstrap could choose to triple those damages. It also found that the asserted claims of a third patent are invalid.

Solas launched its suit in May 2019, alleging the South Korean tech giant made and sold products that contain patent-infringing organic light-emitting diode components. The Dublin-based technology licensing firm had previously launched similar suits against LG Display Co. Ltd. and Sony Corp.

LG, Sony and Solas **announced last month** that they had reached a tentative settlement and filed a joint motion to dismiss the suit. While details of the settlement were not immediately available, Solas said that LG Display had agreed to license its screen display technology patents.

The jury found Monday that Solas' U.S. Patent Number 6,072,450 is invalid. But it found that Samsung did infringe U.S. Patent Number 7,446,338, for which it should pay \$27.3 million and U.S. Patent Number 9,256,311 for which it should pay \$35.4 million, each as a lump sum, according to the verdict form.

The trial lasted six days, according to the available minutes.

In November, Samsung asked Judge Gilstrap **to delay its then-looming trial**, citing concerns over COVID-19 because another trial in the district ended in a mistrial after **15 participants tested positive** for the novel coronavirus.

Samsung had argued that the recent spike in COVID-19 cases nationwide and the necessity for its attorneys and witnesses to travel from California and South Korea, respectively, presented "exceptional circumstances."

Samsung had suggested in its motion that the availability of vaccines by March would make the Marshall, Texas, trial much safer for some of its high-risk attorneys. It added that the three-month delay would also allow for the country's current COVID-19 wave to pass.

Judge Gilstrap had already postponed Samsung's trial once, from Oct. 5 to Dec. 4, after the company said a key expert witness who lives in West Virginia wouldn't be able to travel to Texas to testify at trial, according to court documents.

He agreed again, delaying the trial to March. Judge Gilstrap held his first pandemic-era trial in August.

The patents-in-suit are U.S. Patent Nos. 6,072,450; 7,446,338; and 9,256,311.

Solas is represented by Marc Fenster, Reza Mirzaie, Neil A. Rubin, Kent N. Shum and Theresa Troupson of Russ August & Kabat, Sean A. Luner, Gregory S. Dovel and Jonas B. Jacobson of Dovel & Luner LLP and T. John Ward Jr., Claire Abernathy Henry and Andrea L. Fair of Ward Smith & Hill PC.

Samsung is represented by Jeffrey H. Lerner, David A. Garr, Jared R. Frisch, Daniel W. Cho, Tarek J. Austin, Eric T. O'Brien, David J. Cho, Jordan V. Hill and Robert T. Haslam of Covington & Burling LLP and Melissa R. Smith of Gillam & Smith LLP.

The case is Solas OLED Ltd. v. Samsung Display Co. Ltd. et al., case number 2:19-cv-00152, in the U.S. District Court for the Eastern District of Texas.

--Editing by Bruce Goldman.

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