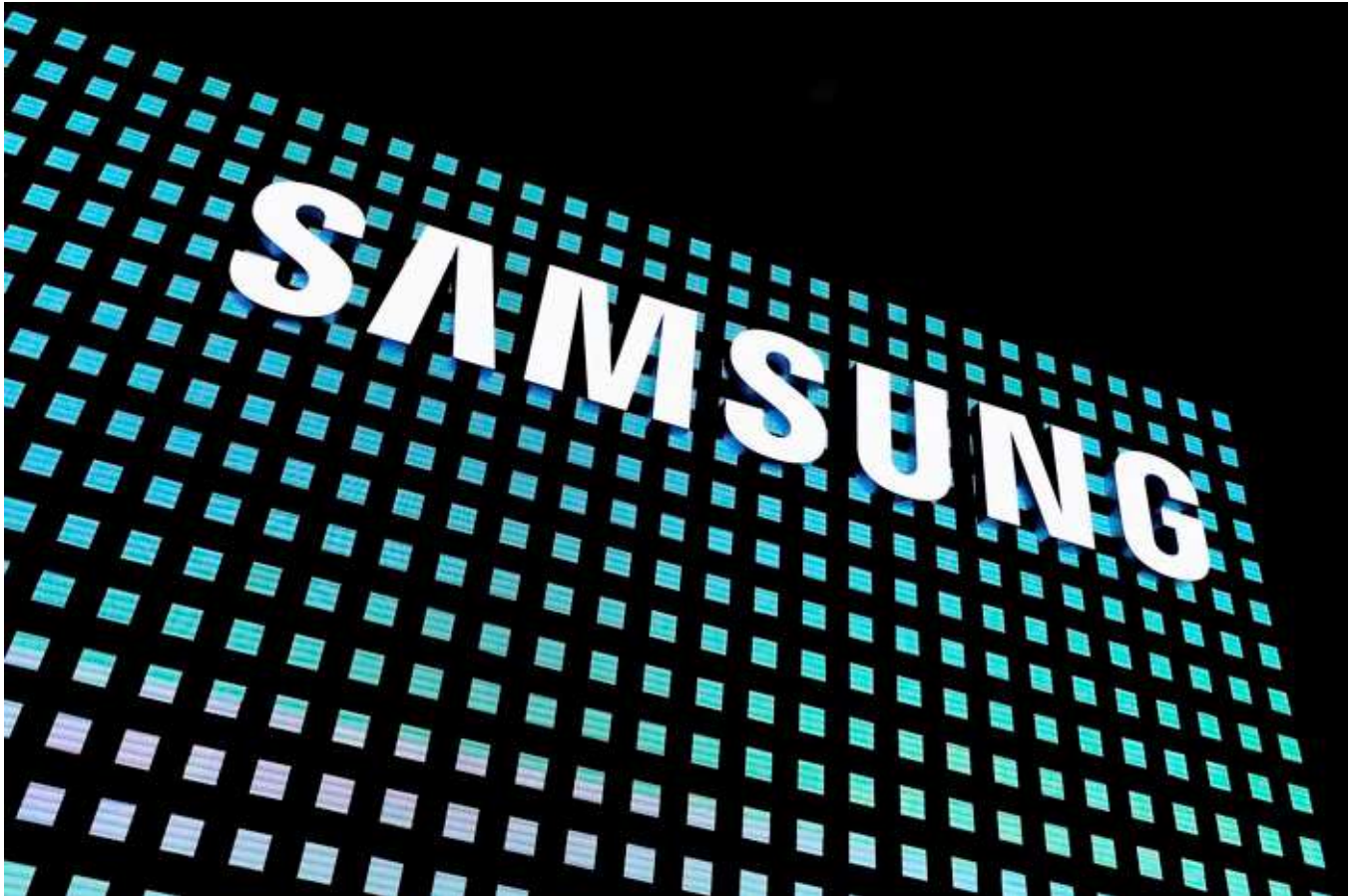


Texas Jury Hits Samsung With \$142M Loss In IP Retrial

By **Dani Kass**

Law360 (April 17, 2024, 6:25 PM EDT) -- A Texas federal jury on Wednesday said Samsung owes G+ Communications LLC \$142 million for infringing two 5G wireless network patents, a huge win on retrial for G+, which was originally awarded less than half of that.



A jury on Wednesday found that Samsung should pay \$61 million for infringing one 5G wireless network patent and \$81 million for infringing a second. (Photo by Joan Cros/NurPhoto via AP)

The original **\$67.5 million verdict** had been issued in January, but Chief U.S. District Judge Rodney Gilstrap **ordered** a damages retrial in March after finding that jurors were likely confused over how they were supposed to calculate damages.

The jury on Wednesday **said** Samsung should pay \$61 million for infringing one patent and \$81 million for infringing the second, which counsel for G+ at Irell & Manella LLP told Law360 was the full amount requested. In the original trial, the jury said Samsung should pay \$45 million for that first patent and \$22.5 million for the latter. Both patents are essential to the 5G standard.

A third patent was part of the merits trial, but Samsung won the jury over in finding its claims were invalid and not infringed.

Judge Gilstrap had found a damages retrial was necessary to avoid a "guaranteed 'train wreck,'" claiming the parties had been vague at trial about calculating damages as a lump sum or running royalty. The jury wrote what appeared to be lump sums in the first verdict, but then checked a box for running royalties.

If a clarification wasn't made, then Judge Gilstrap said it would be a "given" that G+ would claim there was a running royalty and therefore would request forward-looking royalties, while Samsung would say the jury envisioned a one-time lump sum.

The retrial began Monday, and the verdict used a lump sum, without further options for the jury.

"We are grateful for the jury's decision, which we believe affirms the importance of the patent system," G+ attorney Jason Sheasby of Irell & Manella said in a statement Wednesday.

In a separate statement, G+ co-counsel Jennifer Truelove of McKool Smith said "this was an important trial to determine the jury's damages award following an initial finding of infringement for G+ Communications against Samsung. The jury worked hard to understand the technology and weigh the evidence in this case. Our client is very pleased with the verdict."

Representatives for Samsung didn't immediately respond to requests for comment Wednesday.

The patents-in-suit are U.S. Patent Nos. 8,761,776; 10,594,443; and 10,736,130.

G+ is represented by Jason Sheasby, Lisa S. Glasser, Benjamin Manzin-Monnin, Michael Harbour and Justin Linetski of Irell & Manella LLP, Samuel F. Baxter and Jennifer L. Truelove of McKool Smith, and Scott W. Breedlove, Joshua J. Bennett, Bradley D. Liddle and Michael Pomeroy of Carter Arnett Bennett & Perez PLLC.

Samsung is represented by Ruffin B. Cordell, Michael J. McKeon, Ralph A. Phillips, Linhong Zhang, Kenton W. Freeman Jr., April Sunyoung Park, Bryan J. Cannon, Leonard Davis, Thomas H. Reger II, Rodeen Talebi, John Thornburgh, Thad C. Kodish and Aleksandr Gelberg of Fish & Richardson PC, and Melissa Smith of Gillam & Smith LLP.

The case is G+ Communications LLC v. Samsung Electronics Co. Ltd. et al., case number 2:22-cv-00078, in the U.S. District Court for the Eastern District of Texas.

--Editing by Adam LoBelia.