

Commission Affirms Axinn's ITC Victory for Thales

An abstract graphic on the right side of the header, featuring a light blue background with a grey grid pattern and a white, curved, ribbon-like shape.

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July 6, 2022

Axinn represented Thales DIS AIS, a leading developer of cellular communication modules used in a variety of products such as CPAP machines, vehicle monitoring, wireless meters, and data terminals, in an ITC investigation that was instituted in January of 2021. Despite Thales' efforts to negotiate a fair, reasonable, and non-discriminatory (FRAND) license, Philips filed a complaint at the ITC, seeking to exclude Thales modules from the U.S. market, asserting four patents that are allegedly essential to 3G/4G standards. Following a 5-day evidentiary hearing in October of 2021, the ALJ issued a 300+ page determination of no violation in April 2022 on multiple grounds, including findings that all of the asserted claims of the four patents asserted at the ITC are not infringed and that three of the four asserted patents are also invalid. On July 6, 2022, the Commission affirmed the determination of no violation and terminated the investigation. The Axinn team included partners Denise Plunkett, and Michael Keeley, counsel Michael O'Mara, Thomas Hedemann, and associates Ramya Auroprem, Rebecca Clegg, and Ricardo Camposanto.

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Michael L. Keeley
Michael J. O'Mara
Denise L. Plunkett
Rebecca L. Clegg

Thomas K. Hedemann
Ramya Auroprem
Ricardo Camposanto

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