

Commission Affirms Axinn's ITC Victory for Thales

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ATTORNEYS

Ankerman, Chantelle
Auroprem, Ramya
Camposanto, Ricardo
Clegg, Rebecca
Hedemann, Thomas
Keeley, Michael
Krause, Eric
Lee, Pan
O'Mara, Michael
Plunkett, Denise
Sano, Jeannine
Wang, Don

PRACTICE AREAS

Antitrust
Intellectual Property

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 Jeannine Sano, Eric Krause, Denise Plunkett, and Michael Keeley, counsel Pan Lee, Michael O'Mara, Thomas Hedemann, and associates Chantelle Ankerman, Ramya Auroprem, Rebecca Clegg, Ricardo Camposanto, and Don Wang.