

Commission Affirms Axinn's ITC Victory for Thales

An abstract graphic on the right side of the page, consisting of overlapping, curved, light blue and white shapes that resemble a stylized globe or a network of connections, set against a light blue background.

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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 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.

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