

Samsung Beats Patent Trial After \$24 Million Apple Loss

By **Scott Flaherty**

December 30, 2014

Put one in the win column for Greenberg Traurig's Richard Edlin. A month after a jury ordered iPhone maker Apple Inc. to pay nearly \$24 million for infringing pager-era technology, the Greenberg litigator helped Apple's chief smartphone rival, Samsung Electronics Co. Ltd., beat infringement claims in the same court over the very same patents.

A federal jury in Marshall, Texas, issued a total defense verdict on Dec. 18 for Samsung, which faced allegations that the messaging services on its Galaxy and other smartphones infringed patents owned by Mobile Telecommunications Technologies LLC. MTel's patents date to the late 1990s and relate to technology for the SkyTel pager network.

"We're obviously extremely gratified that the jury was able to understand the case and come back with a quick verdict," Edlin said when reached for comment on Tuesday. (As far as we can tell, the verdict hasn't previously been reported.)

MTel filed parallel patent infringement lawsuits in April 2013 against Apple and Samsung in the same Texas federal court; U.S. Magistrate Judge Ron Payne presided over both cases.

On Nov. 17, about a month before the Samsung verdict, Apple was hit with a \$23.6 million judgment after a jury found the company infringed claims of four MTel patents. (Weil, Gotshal & Manges represents Apple in that case.) But the Samsung jury reached a different result this month after a four-day trial, finding that Samsung's messaging services don't infringe MTel's technology.

Edlin told us that despite the close timing between the two trials, he and his team weren't necessarily perturbed by Apple's loss, partly because Greenberg's approach from the outset followed a different tack from the one Apple took in its trial.

"They tried a case that was very much about defined terms and definitions in the patents," Edlin said, referring to the Apple case. "We tried a case that was all



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about exactly how the phones worked. And, once you understood how the phones worked, I think it was fairly easy to explain how our phones didn't infringe."

Edlin also said it was clear that MTel's lawyers from Reed & Scardino adapted their approach after going through the Apple trial.

"Like any good lawyers, we learned something from watching the Apple trial," said Edlin. "And the plaintiffs learned something from having conducted the trial."

In the Samsung trial, one key difference in MTel's strategy was to rely more heavily on the patent inventor's testimony instead of an expert witness. But that decision may have worked against MTel: On the first day of trial, Edlin said, he "got the inventor to admit that his invention didn't work."

We reached out on Tuesday to Daniel Scardino, who represented MTel along with others from Reed & Scardino, but didn't immediately hear back.

Brian Ferguson of Weil, Gotshal & Manges, one of the lawyers leading Apple's defense against MTel, also didn't respond late Tuesday to requests for comment. Apple has filed posttrial motions in its case, asking for judgments as a matter of law that it either didn't infringe MTel's technology or that the patents are invalid. Judge Payne has yet to rule on the motions, according to the court docket.