

EIP

EIP secures victory for Datang over Samsung

The Munich Regional Court (docket number 21 O 16085/22) on April 12, 2024 pronounced a judgment finding that 4G-capable mobile devices offered by Samsung Electronics GmbH in Germany infringe the German part of the European Patent EP 2 237 607 of Plaintiff Datang Mobile Communications Equipment Co., Ltd. The patent covers cell handover procedures when a mobile phone enters a TDD radio cell.

In the course of the proceedings, Samsung had inter alia raised a FRAND defence and additionally filed a competition law counter complaint; both of which failed: the Munich Regional Court found Samsung to be an unwilling licensee. Previously, the German Federal Patent Court had issued a positive preliminary opinion on the validity of the asserted patent claims.

In addition to the German proceedings, there are also ongoing related proceedings in China and the US. The Chinese plaintiff Datang Mobile Communications Equipment Co., Ltd. is owned by CICT Mobile, and holds a significant portfolio of SEPs in the 4G and 5G space, being regularly listed among the top 10 SEP holders by several publications.

The first instance judgment, which can be appealed, includes an injunction claim and can be provisionally enforced against the posting of a bond.

The EIP team, led by Dr Christof Höhne, Dr Sebastian Fuchs, Dimitri Kosenko, and Maximilian Häger, alongside df-mp's Dr Dominik Ho and Nikola Wiesemann, was instrumental in securing this win.

External coverage

Datang wins against Samsung in 4G SEP infringement dispute, Juve.