

Susman Godfrey and Hamilton Brook Smith Reynolds Successfully Support Dutch Telecommunications Company Koninklijke KPN N.V. (“KPN”) in its Patent Disputes with Mobile Telephone Manufacturers

Dutch telecommunications company Koninklijke KPN N.V. (“KPN”) continues to achieve success in the courts with its patents for checking data errors in cellular transmissions. In August 2020, KPN’s patents EP1280279 (amended) and EP740877 (unamended) were found to be valid in Germany against a challenge brought by the mobile telephone manufacturer HTC.

KPN’s European wins follow years of victories in the United States on a U.S. patent in the same field of technology: U.S. 6,212,662 (“’662 Patent”). Between 2015 and 2019, the ’662 Patent withstood seven Inter Partes Review (“IPR”) challenges at the Patent Trial and Appeal Board (“PTAB”), which were brought by several major mobile telephone manufacturers. Leading the defense of the ’662 Patent at the PTAB was Lawrence P. Cogswell III, Ph.D., Principal with the intellectual property law firm Hamilton Brook Smith Reynolds.

Speaking of the string of successes, Dr. Cogswell said, “We are pleased to have successfully defended this patent against years of challenges by major players.” As key factors in these successes, Dr. Cogswell credited the strength of his team, the KPN team and a close working relationship with litigation counsel at Susman Godfrey, Andres Healy and Lexie White.

Apart from withstanding attack at the PTAB, the ’662 Patent also successfully overcame a validity attack in November 2019 based on patent eligibility grounds. Hamilton Brook Smith Reynolds and Susman Godfrey joined forces to convince the United States Court of Appeals for the Federal Circuit to reverse the invalidation of the patent under §101.

Siding with KPN, the Federal Circuit agreed that the patent’s “claims are directed to an improved check data generating device that enables a data transmission error detection system to detect a specific type of error that prior art systems could not”—providing “the technological benefit of preventing non-detection of repetitive errors.” And on remand, the United States District Court for the District of Delaware confirmed the favorable claim constructions previously obtained by KPN from the United States District Court for the Eastern District of Texas.

Referencing the 2019 Federal Circuit decision, Mr. Healy of Susman Godfrey added: “We are very pleased that the Federal Circuit and Chief Judge Stark share our opinion regarding the validity and scope of KPN’s groundbreaking invention.”