

Susman Godfrey Wins \$31.5M Jury Verdict for KPN Against Ericsson

Susman Godfrey secured a significant \$31.5 million jury victory on behalf of Dutch telecommunications company Koninklijke KPN N.V. (“KPN”) on August 26, 2022, against Swedish telecom giant Ericsson over patent infringement claims relating to telecom networks. The verdict concludes a more than five-year dispute between the companies, with the jury awarding KPN the entire damages model outlined by the Susman Godfrey team.

According to the verdict, Susman Godfrey proved that Ericsson not only infringed three of KPN's patents for years but did so willfully. Specifically, the jury agreed that Ericsson infringed three of KPN's patents—U.S. Patent No. RE48,089, No. 9,235,637 and No. 8,881,235—and rejected Ericsson's argument that KPN's asserted claims of U.S. Patent No. RE48,089 were invalid. With the earliest of the patents not expiring until June of 2030, the win could result in damage in excess of \$100 million.

KPN filed the case in March 2021 after trying to negotiate with Ericsson for more than four years. In the suit, KPN accused Ericsson of selling 4G and 5G infrastructure equipment knowing that it infringed on patents owned by KPN. During trial, Ericsson attempted to argue that—among other things—KPN's technology implicated user consent issues and was not used by U.S. telecommunication providers. However, the Susman Godfrey team presented evidence that Ericsson knew that major U.S. carriers were already using the technology.

“We are grateful for the jury's time and attention, and honored to represent KPN in this case,” said lead counsel for KPN, Susman Godfrey partner [Lexie White](#). “The verdict is a decisive vindication of KPN's substantial patent rights. It confirms the importance of KPN's contributions to the telecommunications industry and the value of their patents.”

The three patents at issue in the case resulted from KPN's extensive research and development efforts, which has resulted in KPN receiving hundreds of issued patents in the United States and across the world—many of which have been licensed to leading global telecommunications companies. These patents have also been made available for license by KPN through both bilateral negotiations and through joint licensing or patent pool licensing arrangements.

The win attracted media attention from several popular legal publications. Texas *Lawyer* discussed it in “[Inside Susman Godfrey's Multi-Generational Approach That Led to \\$31.5 Million Jury Verdict](#),” *Law360* featured it in its [How They Won it Series](#) and IAM write about it in their story, “[KPN Scores In US Suit Against Ericsson](#).”

White led the Susman Godfrey team alongside partner [Andres Healy](#). The team also included partner [Tamar Lusztig](#) and associates [Adam Tisdall](#) and [Russell Rennie](#), and co-counsel T. John Ward Jr. and Claire Henry from Ward Smith & Hill PLLC.

The case is *Koninklijke KPN NV v. Telefonaktiebolaget LM Ericsson et al.*, case number 2:21-cv-00113, in the U.S. District Court for the Eastern District of Texas.