



# PANDEMIC PATENT JURY TRIALS

AUGUST 2020 - SEPTEMBER 2021

Douglas M. Kubehl, Lindsay Cutié and Fred Carbone  
October 2021

---

# Overview

Like most everything, jury trials in U.S. District Courts across the country came to a screeching halt at the onset of the Covid-19 pandemic. Since August 2020, however, patent trials have slowly started to resume. There were eight patent jury trials between August and November 2020, and thirty-three more since January 2021, following a brief shutdown of the courts after a spike in Covid-19 cases in late 2020. All but one of these trials were in-person; however, many included special procedures to account of the safety of those involved.

Unsurprisingly, the hot spots for patent litigation have conducted the most-post pandemic patent jury trials, with the Eastern District of Texas topping the list followed by the Western District of Texas. Notably, the District of Delaware has held as many patent trials as the Eastern District of Texas since the start of the pandemic; however, all but four have been bench trials. The locations of the patent jury trials also reflect the timing in which Covid-19 restrictions were lifted by states. Texas, for instance, gradually lifted its restrictions through March 2, 2021, when the mask mandate was lifted and businesses returned to full capacity. In contrast, California did not fully reopen until June 2021. Unlike the district courts in Texas, the Central District of California, which comes in fourth behind the above-mentioned courts for patent lawsuit filings, has not held a patent trial, either a jury or bench, since pandemic shutdowns began.<sup>1</sup>

Although the number of patent jury trials continues to steadily climb with wide-spread vaccine availability, the current Delta variant wave is likely to keep special procedures and other restrictions in place for upcoming patent jury trials. Against this backdrop, we have prepared a summary of the patent jury trials that have occurred since the start of the Covid-19 pandemic, highlighting the special procedures, if any, put in place.



## JURY TRIALS SINCE MARCH 2020

Case	Court	Dates	In-Person?	Special Procedures?	Successful Party <sup>2</sup>	Jury Verdict
<b>2020</b>						
Optis Wireless v. Apple	E.D. Tex. (Gilstrap)	Aug. 3-11	Yes	Yes	Plaintiff	\$506,000,000 <sup>3</sup>
Innovation Scis. v. Amazon.com	E.D. Tex. (Mazzant)	Aug. 24-Sept. 2	Yes	Yes	Defendant	
GREE, Inc. v. Supercell Oy	E.D. Tex. (Gilstrap)	Sept. 10-18	Yes	Yes	Plaintiff	\$8,500,000
Vocalife v. Amazon.com	E.D. Tex. (Gilstrap)	Oct. 1-8	Yes	Yes	Plaintiff	\$5,000,000
MV3 Partners v. Roku	W.D. Tex. (Albright)	Oct. 5-14	Yes	Yes	Defendant	
VirnetX, Inc. v. Apple	E.D. Tex. (Schroeder)	Oct. 26-30	Yes	Yes	Plaintiff	\$502,848,847.20
Personalized Media Commc'ns v. Google	E.D. Tex. (Gilstrap)	Nov. 2-6	Yes	Yes	Defendant	
NeuroGrafix v. Brainlab	N.D. Ill. (Kennelly)	Nov. 3-4	Yes	Yes	Mistrial	
<b>2021</b>						
Ironburg Inventions v. Valve Corp.	W.D. Wash. (Zilly)	Jan. 25-Feb. 1	Virtual	Yes	Plaintiff	\$4,029,533.93
VLSI Tech. v. Intel	W.D. Tex. (Albright)	Feb. 22-Mar. 2	Yes	Yes	Plaintiff	\$2,175,000,000 <sup>4</sup>
Wapp Tech v. Micro Focus Int'l	E.D. Tex. (Mazzant)	Mar. 1-8	Yes	Unknown	Plaintiff	\$172,554,269
Solas OLED v. Samsung Display	E.D. Tex. (Gilstrap)	Mar. 1-8	Yes	Unknown	Plaintiff	\$62,738,543
Personalized Media Commc'ns v. Apple	E.D. Tex. (Gilstrap)	Mar. 15-19	Yes	Yes	Plaintiff	\$308,488,108
ESW Holdings v. Roku	W.D. Tex. (Albright)	Apr. 5-9	Yes	Yes	Defendant	
The Hillman Grp. v. KeyMe	E.D. Tex. (Gilstrap)	Apr. 5-12	Yes	Yes	Defendant	
VLSI Tech. v. Intel	W.D. Tex. (Albright)	Apr. 8-21	Yes	Yes	Defendant	
Gigamon v. Apcon	E.D. Tex. (Gilstrap)	Apr. 16-23	Yes	Some	Defendant	
J&M Indus. v. Raven Indus.	D. Kan. (Broomes)	Apr. 19-23	Yes	Unknown	Plaintiff	\$737,240
GREE, Inc. v. Supercell Oy	E.D. Tex. (Gilstrap)	Apr. 30-May 7	Yes	Unknown	Plaintiff	\$92,176,058
Adasa Inc. v. Avery Dennison Corp.	D. Or. (Kasubhai, Mag.)	May 10-14	Yes	Unknown	Plaintiff	\$26,641,876.75
Malibu Boats v. Skier's Choice	E.D. Tenn. (McCalla)	May 10-24	Yes	Unknown	Defendant	
Acorn Semi v. Samsung Elec.	E.D. Tex. (Gilstrap)	May 13-19	Yes	Unknown	Plaintiff	\$25,000,000

CloudofChange v. NCR	W.D. Tex. (Albright)	May 17-20	Yes	Yes	Plaintiff	\$13,200,000
Lone Star Tech. Innovs. v. ASUS Comp.	E.D. Tex. (Schroeder)	May 17-21	Yes	Some	Plaintiff	\$825,000
ChanBond v. Atlantic Broadband Grp.	D. Del. (Andrews)	May 20-25	Yes	Unknown	N/A	
Ultravision Techs. v. GoVision	E.D. Tex. (Gilstrap)	Jun. 3-11	Yes	Unknown	Defendant	
Pierce Mfg. v. E-One	M.D. Fla. (Barber)	Jun. 8-15	Yes	Unknown	Plaintiff	\$1,458,354
Freshub v. Amazon.com	W.D. Tex. (Albright)	Jun. 14-22	Yes	Yes	Defendant	
Bio-Rad Labs. v. Stilla Technologies	D. Mass. (Young)	Jun. 30-Jul. 1	Yes	Unknown	N/A	
Huawei Technologies v. Verizon Commc'ns	E.D. Tex. (Gilstrap)	Jul. 7-9	Yes	Unknown	N/A	
Plexxikon v. Novartis Pharms.	N.D. Cal. (Gilliam)	Jul. 12-22	Yes	Yes	Plaintiff	\$177,792,640.01
TRUSTID, Inc. v. Next Caller Inc.	D. Del. (Noreika)	Jul. 12-16	Yes	Unknown	Defendant	
Salazar v. AT&T Mobility LLC et. al.	E.D. Tex. (Gilstrap)	Aug. 2-11	Yes	Unknown	Defendant	
Columbia Sportswear North America, Inc. v. Seirus Innovative Accessories	D. Or. (Hernandez)	Aug. 3-6	Yes	Unknown	Defendant	
Trading Technologies International, Inc. v. BGC Partners, Inc.	N.D. Ill. (Kendall)	Aug.6-Sep. 7	Yes	Unknown	Plaintiff	\$6,610,985 <sup>5</sup>
Optis Wireless v. Apple <sup>6</sup>	E.D. Tex. (Gilstrap)	Aug. 10-13	Yes	Unknown	Damages Retrial	\$300,000,000
ArcherDX, LLC v. QIAGEN, LLC	D. Del. (Noreika)	Aug. 23-27	Yes	Yes	Plaintiff	\$4,675,821 <sup>7</sup>
Cyntec Company, Ltd v. Chilis Electronics Corp.	N.D. Cal. (Hamilton)	Aug. 23-Sep. 1	Yes	Dismiss	Plaintiff	\$1,872,956 <sup>8</sup>
Acceleron, LLC v. Dell Inc.	N.D. Ga. (Batten)	Sep. 8-22	Yes	Unknown	Plaintiff	\$2,100,000
Automatic Equipment Mfg. Co. v. Danko Mfg., LLC	D. Neb. (Buescher)	Sep. 14-20	Yes	Unknown	Plaintiff	\$2,417,500
NexStep, Inc. v. Comcast Cable Communications, LLC	D.Del. (Andrews)	Sep. 20-23	Yes	Unknown	Plaintiff	Unknown

---

## PATENT JURY TRIALS BY THE NUMBERS

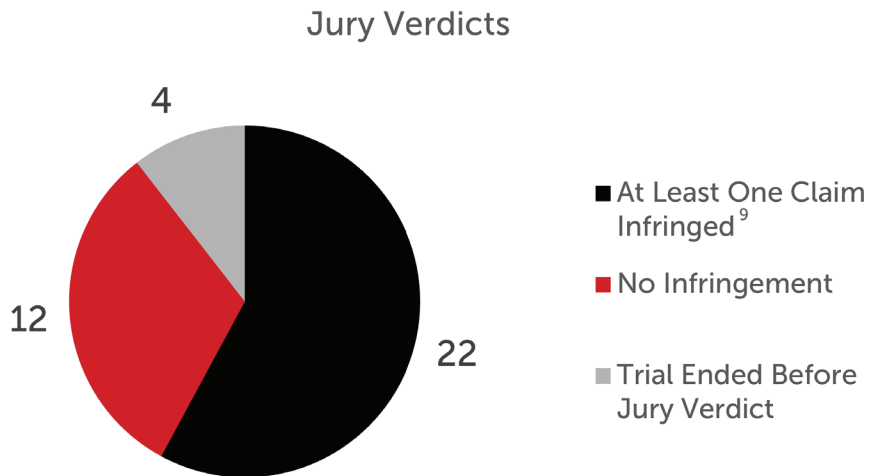
### By District:

E.D. Texas	18
W.D. Texas	6
D. Delaware	4
N.D. California	2
N.D. Illinois	2
D. Oregon	2
M.D. Florida	1
N.D. Georgia	1
D. Kansas	1
D. Massachusetts	1
D. Nebraska	1
E.D. Tennessee	1
W.D. Washington	1

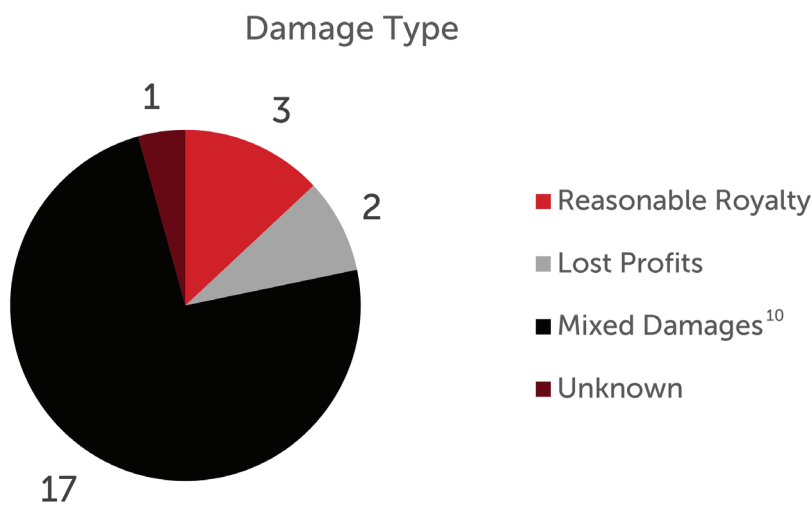
### By Judge:

Judge	Court	Number
Gilstrap	E.D. Texas	14
Albright	W.D. Texas	6
Mazzant	E.D. Texas	2
Noreika	D. Delaware	2
Schroeder	E.D. Texas	2
Andrews	D. Delaware	2
Barber	M.D. Florida	1
Batten	N.D. Georgia	1
Broomes	D. Kansas	1
Buescher	D. Nebraska	1
Gilliam	N.D. California	1
Hamilton	N.D. California	1
Hernandez	D. Oregon	1
Kasubhai	D. Oregon	1
Kendall	N.D. Illinois	1
Kennelly	N.D. Illinois	1
McCalla	E.D. Tennessee	1
Young	D. Massachusetts	1
Zilly	W.D. Washington	1

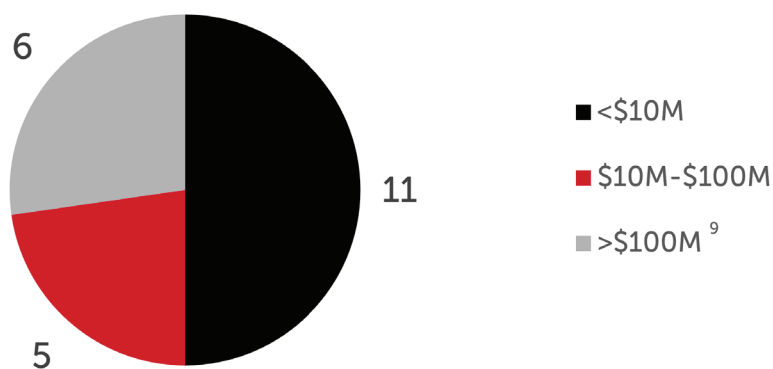
By Outcome:



By Damages Award To Patentees:



Damages Amounts Awarded by Juries



## Awards to Plaintiffs/Patentees:

<b>Reasonable Royalty</b>		
Aug. 11, 2020	E.D. Tex. (Gilstrap)	\$506,000,000.00 <sup>11</sup>
Sept. 18, 2020	E.D. Tex. (Gilstrap)	\$8,500,000.00
Oct. 8, 2020	E.D. Tex. (Gilstrap)	\$5,000,000.00 <sup>12</sup>
Oct. 30, 2020	E.D. Tex. (Schroder)	\$502,848,847.20
Feb. 1, 2021	W.D. Wash. (Zilly)	\$4,029,533.93
Mar. 2, 2021	W.D. Tex. (Albright)	\$1,500,000,000.00 <sup>13</sup> \$675,000,000.00
Mar. 8, 2021	E.D. Tex. (Mazzant)	\$172,554,269.00
Mar. 8, 2021	E.D. Tex. (Gilstrap)	\$35,412,046.00 \$27,326,497.00 <sup>14</sup>
Mar. 19, 2021	E.D. Tex. (Gilstrap)	\$308,488,108.00
Apr. 23, 2021	D. Kan. (Broomes)	\$737,240.00
May 7, 2021	E.D. Tex. (Gilstrap)	\$92,176,058.00
May 14, 2021	D. Or. (Kasubhai)	\$15,235,493.28 \$11,406,383.47
May 19, 2021	E.D. Tex. (Gilstrap)	\$25,000,000.00
May 20, 2021	W.D. Tex. (Albright)	\$13,200,000.00
Jul. 22, 2021	N.D. Cal. (Gilliam)	\$177,792,640.01
Aug. 13, 2021	E.D. Tex. (Gilstrap)	\$300,000,000.00 <sup>4</sup>
Sep. 22, 2021	N.D. Ga (Batten)	\$2,100,000.00
<b>Lost Profits</b>		
May 21, 2021	E.D. Tex. (Schroeder)	\$825,000.00
<b>Mixed Damages</b>		
Jun. 15, 2021	M.D. Fla. (Barber)	\$1,458,354.00
Aug. 27, 2021	D. Del. (Noreika)	\$4,675,821.00 <sup>15</sup>
Sep. 1, 2021	N.D. Cal. (Hamilton)	\$1,872,956.00 <sup>16</sup>
Sep. 20, 2021	D. Neb. (Buescher)	\$2,417,500.00
<b>Unknown Type</b>		
Mar. 8, 2021	E.D. Tex. (Gilstrap)	\$6,610,985.00 <sup>17</sup>
<b>Enhanced Damages</b>		
Mar. 8, 2021	E.D. Tex. (Gilstrap)	\$15,000,000.00 <sup>6</sup>
<b>Attorneys' Fees/Costs</b>		
Oct. 8, 2021	E.D. Tex. (Gilstrap)	\$79,535.38 <sup>5</sup>
Mar. 8, 2021	E.D. Tex. (Gilstrap)	\$189,030.40 <sup>6</sup>

## Awards to Defendants:

<b>Attorneys' Fees</b>		
Sep. 3, 2020	E.D. Tex. (Mazzant)	\$216,848.45
Nov. 6, 2020	E.D. Tex. (Gilstrap)	\$110,000.00
Apr. 12, 2021	E.D. Tex. (Gilstrap)	\$305,564.98
Apr. 23, 2021	E.D. Tex. (Gilstrap)	\$220,884.52
Jun. 11, 2021	E.D. Tex. (Gilstrap)	\$107,962.68

---

# Contents

<i>OPTIS WIRELESS TECHNOLOGY, LLC V. APPLE INC., CASE NO. 2:19-CV-00066</i> (E.D. TEX.) (GILSTRAP) .....	10
<i>RETRIAL ON DAMAGES FOR OPTIS WIRELESS TECHNOLOGY, LLC V. APPLE INC.,</i> <i>CASE NO. 2:19-CV-00066 (E.D. TEX.) (GILSTRAP) .....</i>	11
<i>INNOVATION SCIENCES, LLC V. AMAZON.COM, INC., CASE NO. 4:18-CV-00474</i> (E.D. TEX.) (MAZZANT) .....	12
<i>GREE, INC. V. SUPERCCELL OY, CASE NO. 2:19-CV-00070 (E.D. TEX.) (GILSTRAP) .....</i>	13
<i>VOCALIFE LLC V. AMAZON.COM, INC., CASE NO. 2:19-CV-00123 (E.D. TEX.) (GILSTRAP) .....</i>	14
<i>MV3 PARTNERS LLC V. ROKU, INC., CASE NO. 6:18-CV-00308 (W.D. TEX.) (ALBRIGHT) .....</i>	15
<i>VIRNETX INC. ET AL V. APPLE INC., CASE NO. 6:12-CV-00855-RWS (E.D. TEX.) (SCHROEDER) .....</i>	16
<i>PERSONALIZED MEDIA COMMUNICATIONS, LLC V. GOOGLE LLC, CASE NO. 2:19-CV-00090</i> (E.D. TEX.) (GILSTRAP) .....	17
<i>NEUROGRAFIX V. BRAINLAB, INC., CASE NO. 1:12-CV-06075 (N.D. ILL.) (KENNELLY) .....</i>	18
<i>IRONBURG INVENTIONS LTD. V. VALVE CORPORATION, CASE NO. 2:17-CV-01182</i> (W.D. WASH.) (ZILLY) .....	19
<i>VLSI TECHNOLOGY LLC V. INTEL CORPORATION, CASE NO. 6:21-CV-00057</i> (W.D. TEX.) (ALBRIGHT) .....	20
<i>WAPP TECH LIMITED PARTNERSHIP V. MICRO FOCUS INTERNATIONAL PLC,</i> <i>CASE NO. 4:18-CV-00469 (E.D. TEX.) (MAZZANT) .....</i>	21
<i>SOLAS OLED LTD. V. SAMSUNG DISPLAY CO., LTD., CASE NO. 2:19-CV-00152</i> (E.D. TEX.) (GILSTRAP) .....	22
<i>PERSONALIZED MEDIA COMMUNICATIONS, LLC V. APPLE, INC., CASE NO. 2:15-CV-01366</i> (E.D. TEX.) (GILSTRAP) .....	23
<i>ESW HOLDINGS, INC. V. ROKU, INC., CASE NO. 6:19-CV-00044 (W.D. TEX.) (ALBRIGHT) .....</i>	24
<i>THE HILLMAN GROUP, INC. V. KEYME, LLC, CASE NO. 2:19-CV-00209 (E.D. TEX.) (GILSTRAP) .....</i>	25
<i>VLSI TECHNOLOGY LLC V. INTEL CORPORATION, CASE NO. 6:21-CV-00299</i> (W.D. TEX.) (ALBRIGHT) .....	26
<i>GIGAMON INC. V. APCON, INC., CASE NO. 2:19-CV-00300 (E.D. TEX.) (GILSTRAP) .....</i>	27
<i>J&amp;M INDUSTRIES, INC. V. RAVEN INDUSTRIES, INC., CASE NO. 2:16-CV-02723</i> (D. KAN.) (BROOMES) .....	28
<i>GREE, INC. V. SUPERCCELL OY, CASE NO. 2:19-CV-00237 (E.D. TEX.) (GILSTRAP) .....</i>	29
<i>ADASA INC. V. AVERY DENNISON CORPORATION, CASE NO. 6:17-CV-01685</i> (D. OR.) (KASUBHAI, MAG.) .....	30
<i>MALIBU BOATS, LLC V. SKIER'S CHOICE, INC., CASE NO. 3:19-CV-00225</i> (E.D. TENN.) (MCCALLA) .....	31
<i>ACORN SEMI, LLC V. SAMSUNG ELECTRONICS CO., LTD., CASE NO. 2:19-CV-00347</i> (E.D. TEX.) (GILSTRAP) .....	32
<i>CLOUDOFCHANGE, LLC V. NCR CORPORATION, CASE NO. 6:19-CV-00513</i> (W.D. TEX.) (ALBRIGHT) .....	33



<i>LONE STAR TECHNOLOGICAL INNOVATIONS, LLC V. ASUS COMPUTER INT'L,</i> CASE NO. 6:19-CV-00059 (E.D. TEX.) (SCHROEDER) .....	34
<i>CHANBOND, LLC V. ATLANTIC BROADBAND GROUP, LLC, CASE NO. 1:15-CV-00842</i> (D. DEL.) (ANDREWS) .....	35
<i>ULTRAVISION TECHNOLOGIES, LLC V. GOVISION, LLC, CASE NO. 2:18-CV-00100</i> (E.D. TEX.) (GILSTRAP) .....	36
<i>PIERCE MANUFACTURING, INC. V. E-ONE, INC., CASE NO. 8:18-CV-00617</i> (M.D. FLA.) (BARBER) .....	37
<i>FRESHUB, INC. V. AMAZON.COM INC., CASE NO. 6:21-CV-00511 (W.D. TEX.) (ALBRIGHT) .....</i>	38
<i>BIO-RAD LABORATORIES, INC. ET AL V. STILLA TECHNOLOGIES, INC.,</i> CASE NO. 1:19-CV-11587 (YOUNG) (D. MASS.) .....	39
<i>HUAWEI TECHNOLOGIES CO. LTD. V. VERIZON COMMUNICATIONS, INC.,</i> CASE NO. 2:20-CV-00030 (GILSTRAP) (E.D. TEX.) .....	40
<i>PLEXIKON INC. V. NOVARTIS PHARMACEUTICALS CORP., CASE NO. 4:17-CV-04405</i> (GILLIAM) (N.D. CAL.) .....	41
<i>TRUSTID, INC. V. NEXT CALLER INC., CASE NO. 1:18-CV-00172 (NOREIKA) (D. DEL.) .....</i>	42
<i>SALAZAR V. AT&amp;T MOBILITY LLC, CASE NO. 2:20-CV-00004 (GILSTRAP) (E.D. TEX.) .....</i>	43
<i>COLUMBIA SPORTSWEAR NORTH AMERICA, INC. V. SEIRUS INNOVATIVE ACCESSORIES,</i> CASE NO. 3:17-CV-01781 (HERNANDEZ) (D. OR.) .....	44
<i>TRADING TECHNOLOGIES INTERNATIONAL, INC. V. BGC PARTNERS, INC.,</i> CASE NO. 1:10-CV-00715 (KENDALL) (N.D. ILL.) .....	45
<i>ARCHERDX, LLC ET AL V. QIAGEN SCIENCES, LLC, CASE NO. 1:18-CV-01019</i> (NOREIKA) (D. DEL.) .....	46
<i>CYNTEC COMPANY, LTD. V. CHILISIN ELECTRONICS CORP., CASE NO. 4:18-CV-00939</i> (HAMILTON) (N.D. CAL.) .....	47
<i>ACCELERON, LLC V. DELL, INC., CASE NO. 1:12-CV-04123 (BATTEN) (N.D. GA.) .....</i>	48
<i>AUTOMATIC EQUIPMENT MANUFACTURING COMPANY V. DANKO MANUFACTURING, LLC,</i> CASE NO. 8:19-CV-00162 (BUESCHER) (D. NEB.) .....	49
<i>NEXSTEP, INC. V. COMCAST CABLE COMMUNICATIONS, LLC CASE NO. 1:19-CV-01031</i> (ANDREWS) (D. DEL.) <sup>49</sup> .....	50

## OPTIS WIRELESS TECHNOLOGY, LLC V. APPLE INC., CASE NO. 2:19-CV-00066 (E.D. TEX.) (GILSTRAP)

August 3-11, 2020

### Damages

Docket	Amount	Damage Type	Judgment Source	Patent	Against	Awarded To
2020-08-11 (#483)	\$506,200,000.00	Reasonable Royalty	Jury Verdict	8019332 8102833 8385284 8411557 9001774	Apple Inc.	Optis Cellular Technology, LLC Optis Wireless Technology, LLC PanOptis Patent Management, LLC Unwired Planet International Limited Unwired Planet, LLC
2021-03-26 (#561)	\$225,000.00	Attorneys' Fees / Costs	Judgment on Merits	8019332 8102833 8385284 8411557 9001774	Apple Inc.	Optis Cellular Technology, LLC Optis Wireless Technology, LLC PanOptis Patent Management, LLC Unwired Planet International Limited Unwired Planet, LLC

### Patent Findings

Docket	Patents	Patent Finding	Judgment Event	Against	In Favor of
2021-02-09 (#542)	8019332 8102833 8385284 8411557 9001774	No Unenforceability	Trial	Apple Inc.	Optis Cellular Technology, LLC Optis Wireless Technology, LLC PanOptis Patent Management, LLC Unwired Planet International Limited Unwired Planet, LLC
2020-08-11 (#483)	8019332 8102833 8385284 8411557 9001774	Infringement	Trial	Apple Inc.	Optis Cellular Technology, LLC Optis Wireless Technology, LLC PanOptis Patent Management, LLC Unwired Planet International Limited Unwired Planet, LLC
2020-08-11 (#483)	8019332 8102833 8385284 8411557 9001774	No Invalidity	Trial	Apple Inc.	Optis Cellular Technology, LLC Optis Wireless Technology, LLC PanOptis Patent Management, LLC Unwired Planet International Limited Unwired Planet, LLC

Data gathered from Lex Machina

A new trial was held on the damages (see next page).

### Special Procedures?<sup>18</sup>

- In-person
- Masks and social distancing were required
- Everyone's temperature was taken daily
- Everyone was provided with a plastic face shield
- Deep cleaning done to the courtroom every evening
- Limited 3 people per side at counsel table
- Sanitized microphones were provided and jurors were spaced out in the gallery
- Lunch was provided in the jury room in separate boxes
- Plexiglass was installed in front of the witness box

**RETRIAL ON DAMAGES FOR OPTIS WIRELESS TECHNOLOGY, LLC V. APPLE INC.,  
CASE NO. 2:19-CV-00066 (E.D. TEX.) (GILSTRAP)**

August 10-13, 2021

**Damages**

Docket ▾	Amount ▾	Damage Type ▾	Judgment Source ▾	Patent ▾	Against ▾	Awarded To ▾
2021-08-13 (#685)	\$300,000,000.00	Reasonable Royalty	Jury Verdict	8019332 8385284 9001774	8102833 8411557	Apple Inc. Optis Cellular Technology, LLC Optis Wireless Technology, LLC PanOptis Patent Management, LLC Unwired Planet International Limited Unwired Planet, LLC

Data gathered from Lex Machina

**Special Procedures?**

- Whether special procedures were in place is unknown
- In-person
- Transcripts were sealed

**INNOVATION SCIENCES, LLC V. AMAZON.COM, INC., CASE NO. 4:18-CV-00474 (E.D. TEX.) (MAZZANT)**

August 24-Sept. 2, 2020

**Damages**

Docket	Amount	Damage Type	Judgment Source	Against	Awarded To
2021-05-24 (#955)	\$216,848.45	Attorneys' Fees / Costs	Judgment on Merits	Innovation Sciences, LLC	Amazon Web Services, Inc. Amazon.com, Inc.

**Patent Findings**

Docket	Patents	Patent Finding	Judgment Event	Against	In Favor of
2020-09-02 (#853)	9729918 9912983 9942798	No Infringement	Trial	Innovation Sciences, LLC	Amazon Digital Services, Inc. Amazon.com, Inc.
2020-09-02 (#853)	9729918 9912983 9942798	Invalidity: 101 Subject Matter Invalidity: No Invalidity Reason Specified	Trial	Innovation Sciences, LLC	Amazon Web Services, Inc. Amazon.com, Inc.

Data gathered from Lex Machina

**Special Procedures?<sup>19</sup>**

- In-person
- Social distancing practices were encouraged
- Jurors temperatures were taken at the door each day
- Jurors were provided with face shields
- Juror lunches were provided
- Attorneys were required to wear masks unless questioning the witnesses
- No more than 5 attorneys were allowed at each counsel table
- Attorneys were required to stay at the podium
- Court staff wiped down the witness stand, but attorneys were encouraged to wipe down the podium after each use before the next attorney took the podium
- Transcripts were sealed

## GREE, INC. V. SUPERCCELL OY, CASE NO. 2:19-CV-00070 (E.D. TEX.) (GILSTRAP)

September 10-18, 2020

Jury Verdict Sealed for related case number 2:19-cv-00071.

### Damages

Docket	Amount	Damage Type	Judgment Source	Against	Awarded To
2021-05-24 (#955)	\$216,848.45	Attorneys' Fees / Costs	Judgment on Merits	Innovation Sciences, LLC	Amazon Web Services, Inc. Amazon.com, Inc.

### Patent Findings

Docket	Patents	Patent Finding	Judgment Event	Against	In Favor of
2020-09-02 (#853)	9729918 9912983 9942798	No Infringement	Trial	Innovation Sciences, LLC	Amazon Digital Services, Inc. Amazon.com, Inc.
2020-09-02 (#853)	9729918 9912983 9942798	Invalidity: 101 Subject Matter Invalidity: No Invalidity Reason Specified	Trial	Innovation Sciences, LLC	Amazon Web Services, Inc. Amazon.com, Inc.

### Damages

Docket	Amount	Damage Type	Judgment Source	Patent	Against	Awarded To
2020-09-18 (#475)	\$8,500,000.00	Reasonable Royalty	Jury Verdict	9597594 9604137 9774655 9795873 9956481	Supercell Oy	Gree USA, Inc.

### Patent Findings

Docket	Patents	Patent Finding	Judgment Event	Against	In Favor of
2020-09-18 (#475)	9604137 9774655 9795873 9956481	No Invalidity	Trial	Supercell Oy	Gree USA, Inc.
2020-09-18 (#475)	9597594 9604137 9774655 9795873 9956481	Infringement	Trial	Supercell Oy	Gree USA, Inc.

Data gathered from Lex Machina

### Special Procedures?

- In-person trial
- Face-coverings<sup>20</sup>
  - Jurors were required to wear plastic face shields, and not face masks during trial
    - Jurors were required to wear face masks during voir dire
  - Attorneys were allowed to wear masks at their counsel tables
    - Attorneys in the front of the courtroom were required to remove their masks
  - Witnesses did not wear a covering, but were behind a plexiglass shield
- Witnesses
  - Some were presented over video call
- Transcripts were sealed



## VOCALIFE LLC V. AMAZON.COM, INC., CASE NO. 2:19-CV-00123 (E.D. TEX.) (GILSTRAP)

October 1-8, 2020

### Damages

Docket ▾	Amount ▾	Damage Type ⇅	Judgment Source ⇅	Patent ⇅	Against ⇅	Awarded To ⇅
2020-10-08 (#323)	\$5,000,000.00	Reasonable Royalty	Jury Verdict	RE47049	Amazon.com LLC Amazon.com, Inc.	Vocalife LLC
2020-12-14 (#355)	\$79,535.38	Attorneys' Fees / Costs	Judgment on Merits	RE47049	Amazon.com LLC Amazon.com, Inc.	Vocalife LLC

### Patent Findings

Docket ▾	Patents ⇅	Patent Finding ⇅	Judgment Event ⇅	Against ⇅	In Favor of ⇅
2020-10-08 (#323)	RE47049	Infringement	Trial	Amazon.com LLC Amazon.com, Inc.	Vocalife LLC
2020-10-08 (#323)	RE47049	No Invalidity	Trial	Amazon.com LLC Amazon.com, Inc.	Vocalife LLC

Data gathered from Lex Machina

### Special Procedures?<sup>21</sup>

- In-person
- Attorneys' and jurors' temperature taken before court every day
  - Participants and observers weren't screened as they entered the courthouse
- Face-coverings
  - Jurors were required to wear plastic face shields, and not facemasks during trial
    - Jurors were required to wear facemasks during voir dire
  - Attorneys were allowed to wear masks at their counsel tables
    - Attorneys in the front of the courtroom were required to remove their masks
  - Witnesses did not wear a covering, but were behind a plexiglass shield
- Social distancing was required

## MV3 PARTNERS LLC V. ROKU, INC., CASE NO. 6:18-CV-00308 (W.D. TEX.) (ALBRIGHT)

October 5-14, 2020

### Patent Findings

Docket ▾	Patents ⇅	Patent Finding ⇅	Judgment Event ⇅	Against ⇅	In Favor of ⇅
2020-10-14 (#387)	8863223	No Infringement	Trial	MV3 Partners LLC	Roku, Inc.

Data gathered from Lex Machina

### Special Procedures?<sup>22</sup>

- Judge Albright's first patent trial since his appointment
- Gave everyone in attendance the option of wearing a face covering or not
  - Attorneys for MV3 and Roku wore facemasks while seated at their counsel tables, but removed them to present their openings
- Seven jurors were seated one seat apart from each other, provided with their own bottle of hand sanitizer, and wore face coverings
- Courtroom marked off for social distancing
- Minutes and transcripts were sealed

## VIRNETX INC. ET AL V. APPLE INC., CASE NO. 6:12-CV-00855-RWS (E.D. TEX.) (SCHROEDER)

October 26-30, 2020

### Damages

23

Docket ▾	Amount ▾	Damage Type ⇅	Judgment Source ⇅	Patent ⇅	Against ⇅	Awarded To ⇅
2018-04-12 (#722)	\$502,567,709.00	Reasonable Royalty	Jury Verdict	<a href="#">6502135</a> <a href="#">7418504</a> <a href="#">7490151</a> <a href="#">7921211</a>	Apple Inc.	VirnetX Inc.
2018-09-20 (#809)	\$93,177,592.00	Prejudgment Interest	Consent Judgment	<a href="#">6502135</a> <a href="#">7418504</a> <a href="#">7490151</a> <a href="#">7921211</a>	Apple Inc.	VirnetX Inc.
2018-09-20 (#809)	\$173,549.17	Attorneys' Fees / Costs	Consent Judgment	<a href="#">6502135</a> <a href="#">7418504</a> <a href="#">7490151</a> <a href="#">7921211</a>	Apple Inc.	VirnetX Inc.

Data gathered from Lex Machina

### Special Procedures?<sup>24</sup>

- In-Person
  - Court asked whether parties were willing to have all witnesses testify remotely by video.
    - Document covering Court's determination on the subject is sealed
- Eight jurors impaneled
  - Two panels of jurors used for juror selection, with eighteen potential jurors in the morning and another eighteen jurors in the afternoon
  - Each side allowed four people at counsel table for voir dire
- Lunch to be provided daily
- Three courtrooms used
  - One for trial, one for the jury room, and one for courtroom overflow
- Each side allowed eight total people in the courtroom during trial
- Transcripts were sealed

## PERSONALIZED MEDIA COMMUNICATIONS, LLC V. GOOGLE LLC, CASE NO. 2:19-CV-00090 (E.D. TEX.) (GILSTRAP)

November 2-6, 2020

### Damages

Docket ▾	Amount ▾	Damage Type ⇅	Judgment Source ⇅	Against ⇅	Awarded To ⇅
2021-01-26 (#477)	\$110,000.00	Attorneys' Fees / Costs	Consent Judgment	Personalized Media Communications, LLC	Google LLC

### Patent Findings

Docket ▾	Patents ⇅	Patent Finding ⇅	Judgment Event ⇅	Against ⇅	In Favor of ⇅
2020-11-06 (#435)	7747217 7769344 8601528 8739241	No Infringement	Trial	Personalized Media Communications, LLC	Google LLC
2020-04-03 (#185)	7865920	Invalidity: 112 Definiteness	Summary Judgment	Personalized Media Communications, LLC	Google LLC Netflix, Inc.

Data gathered from Lex Machina

### Special Procedures?<sup>25</sup>

- All attorneys and witnesses were in-person
  - Judge Gilstrap rejected Google's motion to delay trial or conduct via videoconferencing
- Jurors wore faceshields, the gallery wore masks, and presenting attorneys and witnesses did not wear PPE
- Jury's meals were purchased<sup>26</sup>
- Transcripts were sealed

November 3-4, 2020

Trial ended before jury verdict because mistrial was declared due to a juror reporting Covid-19 symptoms

- “Unfortunately, after the first day of trial, a juror reported respiratory symptoms and a fever. Because it would take several days for anyone to get COVID-19 test results, plaintiffs lead counsel Christine Kim of Tensor Law became concerned that the remaining jurors could be distracted for their own safety, and asked for a mistrial. Kennelly granted the motion and rescheduled Neurografix for March.”<sup>27</sup>
- Case later dismissed days before the new trial due to joint stipulation of voluntary dismissal with prejudice.<sup>28</sup>

### Special Procedures?<sup>29</sup>

- In-Person
- Expanded jury box with seats removed to maintain distance
- Witnesses were allowed to appear virtually over Microsoft Teams
- White-noise machine used for private conferences with the judge in lieu of in-chambers discussion



## IRONBURG INVENTIONS LTD. V. VALVE CORPORATION, CASE NO. 2:17-CV-01182 (W.D. WASH.) (ZILLY)

January 25 - February 1, 2021

### Damages

Docket ▾	Amount ▾	Damage Type ⇅	Judgment Source ⇅	Patent ⇅	Against ⇅	Awarded To ⇅
2021-02-01 (#416)	\$4,029,533.93	Reasonable Royalty	Jury Verdict	8641525	Valve Corporation	Ironburg Inventions Ltd.

### Patent Findings

Docket ▾	Patents ⇅	Patent Finding ⇅	Judgment Event ⇅	Against ⇅	In Favor of ⇅
2021-02-01 (#416)	8641525	Infringement	Trial	Valve Corporation	Ironburg Inventions Ltd.
2019-11-08 (#320)	8641525 9089770	No Unenforceability	Summary Judgment	Ironburg Inventions Ltd.	Valve Corporation

Data gathered from Lex Machina

### Special Procedures?<sup>30</sup>

- Virtual trial conducted entirely over ZoomGov.com<sup>31</sup>
  - 8 jurors were empaneled
  - Jurors, witnesses, and attorneys all appeared via webcam
  - Jurors were placed in a separate Zoom room when the parties needed to speak privately with the judge or their clients
- Only an audio feed was available to the public
- At least an accused video game controller was sent to each of the jurors so they would have them during witness testimony
- Transcripts were sealed

## VLSI TECHNOLOGY LLC V. INTEL CORPORATION, CASE NO. 6:21-CV-00057 (W.D. TEX.) (ALBRIGHT)

February 22 - March 2, 2021

### Damages

Docket	Amount	Damage Type	Judgment Source	Patent	Against	Awarded To
2021-03-02 (#564)	\$1,500,000,000.00	Other / Mixed Damage Types	Jury Verdict	7523373	Intel Corporation	VLSI Technology LLC
2021-03-02 (#564)	\$675,000,000.00	Other / Mixed Damage Types	Jury Verdict	7725759	Intel Corporation	VLSI Technology LLC

### Patent Findings

Docket	Patents	Patent Finding	Judgment Event	Against	In Favor of
2021-03-02 (#564)	7725759	No Infringement	Trial	VLSI Technology LLC	Intel Corporation
2021-03-02 (#564)	7523373	Infringement	Trial	Intel Corporation	VLSI Technology LLC
2021-03-02 (#564)	7725759	No Invalidity	Trial	Intel Corporation	VLSI Technology LLC
2021-03-02 (#564)	7725759	Infringement	Trial	Intel Corporation	VLSI Technology LLC
2020-01-03 (#101)	7292485	Invalidity: 112 Definiteness	Summary Judgment	VLSI Technology LLC	Intel Corporation

Data gathered from Lex Machina

### Special Procedures?<sup>32</sup>

- In-person
- 7 jurors were empaneled
  - Only 20 potential jurors were allowed during jury selection
- Social distancing was required
- Masks were required
  - All potential jurors were provided with and required to wear a face shield and N-95 mask
  - Parties required to wear masks when not addressing the Court, jury, or witnesses
  - Witnesses were not required to wear masks, but sat behind a plexiglass wall
- All rooms were disinfected every day and hand sanitizer was provided
  - Gloves were provided upon request
- Potential jurors were sent an ability to participate due to COVID-19 questionnaire
- Temperatures were taken daily
- The jury's lunch was provided
- Courtroom doors were kept open for ventilation and an air purifier was installed in the court room
- All parties submitted to a PCR COVID-19 test and daily rapid tests
- Limited to 6 party-affiliated participants per party inside the court room
- An overflow room and live video feed were provided and the room was limited to 30 people
- Transcripts were sealed

**WAPP TECH LIMITED PARTNERSHIP V. MICRO FOCUS INTERNATIONAL PLC,  
CASE NO. 4:18-CV-00469 (E.D. TEX.) (MAZZANT)**

March 1-5, 2021

**Damages**

Docket ▾	Amount ▾	Damage Type ⇅	Judgment Source ⇅	Patent ⇅	Against ⇅	Awarded To ⇅
2021-03-08 (#460)	\$172,554,269.00	<b>Reasonable Royalty</b>	Jury Verdict	<b>8924192</b> <b>9298864</b> <b>9971678</b>	Micro Focus (US), Inc. Micro Focus Government Solutions LLC Micro Focus Interactive Israel Ltd. Micro Focus LLC Seattle SpinCo, Inc.	Wapp Tech Corp. Wapp Tech Limited Partnership

**Patent Findings**

Docket ▾	Patents ⇅	Patent Finding ⇅	Judgment Event ⇅	Against ⇅	In Favor of ⇅
2021-03-08 (#460)	<b>8924192</b> <b>9298864</b> <b>9971678</b>	<b>Infringement</b>	Trial	Micro Focus (US), Inc. Micro Focus Government Solutions LLC Micro Focus Interactive Israel Ltd. Micro Focus LLC Seattle SpinCo, Inc.	Wapp Tech Corp. Wapp Tech Limited Partnership
2020-04-27 (#176)	<b>9971678</b>	<b>Invalidity: 112 Definiteness</b>	Summary Judgment	Wapp Tech Corp. Wapp Tech Limited Partnership	Bank of America, N.A. EntCo Interactive (Israel) Ltd EntIT Software LLC Entco Government Software LLC Micro Focus (US), Inc. Micro Focus International plc Seattle SpinCo, Inc. Wells Fargo

Data gathered from Lex Machina

**Special Procedures?**

- Whether special procedures were in place is unknown
- In-person
- Transcripts were sealed

**SOLAS OLED LTD. V. SAMSUNG DISPLAY CO., LTD., CASE NO. 2:19-CV-00152 (E.D. TEX.) (GILSTRAP)**

March 1-8, 2021

**Damages**

Docket ▾	Amount ▾	Damage Type ⇅	Judgment Source ⇅	Patent ⇅	Against ⇅	Awarded To ⇅
2021-03-08 (#341)	\$35,412,046.00	Reasonable Royalty	Jury Verdict	9256311	Samsung Display Co., Ltd. Samsung Electronics America, Inc. Samsung Electronics Co., Ltd.	Solas OLED Ltd.
2021-03-08 (#341)	\$27,326,497.00	Reasonable Royalty	Jury Verdict	7446338	Samsung Display Co., Ltd. Samsung Electronics America, Inc. Samsung Electronics Co., Ltd.	Solas OLED Ltd.
2021-03-23 (#356)	\$15,000,000.00	Enhanced Damages (Patent)	Judgment on Merits	9256311	Samsung Display Co., Ltd. Samsung Electronics America, Inc. Samsung Electronics Co., Ltd.	Solas OLED Ltd.
2021-04-07 (#366)	\$189,030.40	Attorneys' Fees / Costs	Judgment on Merits	9256311	Samsung Display Co., Ltd. Samsung Electronics America, Inc. Samsung Electronics Co., Ltd.	Solas OLED Ltd.

**Patent Findings**

Docket ▾	Patents ⇅	Patent Finding ⇅	Judgment Event ⇅	Against ⇅	In Favor of ⇅
2021-03-08 (#341)	6072450 7446338 9256311	Infringement	Trial	Samsung Display Co., Ltd. Samsung Electronics America, Inc. Samsung Electronics Co., Ltd.	Solas OLED Ltd.
2021-03-08 (#341)	6072450	Invalidity: No Invalidity Reason Specified	Trial	Solas OLED Ltd.	Samsung Display Co., Ltd. Samsung Electronics America, Inc. Samsung Electronics Co., Ltd.
2021-03-08 (#341)	9256311	No Invalidity	Trial	Samsung Display Co., Ltd. Samsung Electronics America, Inc. Samsung Electronics Co., Ltd.	Solas OLED Ltd.

Data gathered from Lex Machina

**Special Procedures?**

- Whether special procedures were in place is unknown
- In-person
- Jury's meals were paid for
- Transcripts were sealed

## PERSONALIZED MEDIA COMMUNICATIONS, LLC V. APPLE, INC., CASE NO. 2:15-CV-01366 (E.D. TEX.) (GILSTRAP)

Mar. 15-19, 2021

### Damages

Docket ▾	Amount ▾	Damage Type ⇅	Judgment Source ⇅	Patent ⇅	Against ⇅	Awarded To ⇅
2021-03-19 (#572)	\$308,488,108.00	Reasonable Royalty	Jury Verdict	8191091	Apple Inc.	Personalized Media Communications, LLC

### Patent Findings

Docket ▾	Patents ⇅	Patent Finding ⇅	Judgment Event ⇅	Against ⇅	In Favor of ⇅
2021-03-19 (#572)	8191091	Infringement	Trial	Apple Inc.	Personalized Media Communications, LLC
2021-03-18 (#568)	8191091	No Invalidity	Consent Judgment	Apple Inc.	Personalized Media Communications, LLC

Data gathered from Lex Machina

Verdict overturned by Judge Gilstrap

- Gilstrap overturned the jury verdict and found the patent unenforceable due to patent prosecution laches because Personalized Media Communications unreasonably delayed the application process.<sup>33</sup>

### Special Procedures?

- In-person
- COVID-19 Protocol email was sent to counsel on both sides prior to pre-trial conference<sup>34</sup>
- Transcripts were sealed



## ESW HOLDINGS, INC. V. ROKU, INC., CASE NO. 6:19-CV-00044 (W.D. TEX.) (ALBRIGHT)

April 5-9, 2021

### Patent Findings

Docket ▾	Patents ⇅	Patent Finding ⇅	Judgment Event ⇅	Against ⇅	In Favor of ⇅
2021-04-09 (#178)	<a href="#">7260782</a> <a href="#">7430718</a>	No Infringement	Trial	ESW Holdings, Inc.	Roku, Inc.
2021-04-09 (#178)	<a href="#">7430718</a>	Invalidity: 102 Anticipation / Novelty	Trial	ESW Holdings, Inc.	Roku, Inc.
2021-02-25	<a href="#">7260782</a> <a href="#">7430718</a> <a href="#">8682945</a> <a href="#">9420349</a> <a href="#">9451294</a>	No Infringement	Consent Judgment	Roku, Inc.	ESW Holdings, Inc.

Data gathered from Lex Machina

### Special Procedures?<sup>35</sup>

- In-person
- 6 jurors were empaneled
  - There was a maximum of 20 potential jurors during voir dire
- Social distancing was required
- Masks were required
  - All potential jurors were provided with and required to wear a face shield and N-95 mask
  - Parties required to wear masks when not addressing the Court, jury, or witnesses
  - Witnesses were not required to wear masks, but sat behind a plexiglass wall
- All rooms were disinfected every day and hand sanitizer was provided
  - Gloves were provided upon request
- Potential jurors were sent an ability to participate due to COVID-19 questionnaire
- Temperatures were taken daily
- The jury's lunch was provided
- Courtroom doors were kept open for ventilation and an air purifier was used in the court room
- All parties submitted to a PCR COVID-19 test and daily rapid tests
- Limited to 8 party-affiliated participants per party inside the court room
- An overflow room and live video feed were provided
- Transcripts were sealed

## THE HILLMAN GROUP, INC. V. KEYME, LLC, CASE NO. 2:19-CV-00209 (E.D. TEX.) (GILSTRAP)

April 5-12, 2021

### Damages

Docket ▾	Amount ▾	Damage Type ⇅	Judgment Source ⇅	Against ⇅	Awarded To ⇅
2021-06-09 (#326)	\$305,564.98	Attorneys' Fees / Costs	Judgment on Merits	The Hillman Group, Inc.	KeyMe, LLC

### Patent Findings

Docket ▾	Patents ⇅	Patent Finding ⇅	Judgment Event ⇅	Against ⇅	In Favor of ⇅
2021-04-12 (#294)	10400474	No Infringement	Trial	The Hillman Group, Inc.	KeyMe, Inc.
	10577830				
	10628813				
	10737336				
	8979446				
9914179					
2021-04-12 (#294)	10577830	Invalidity: No Invalidity Reason Specified	Trial	The Hillman Group, Inc.	KeyMe, Inc.
	10737336				
	9914179				
2021-04-12 (#294)	10400474	No Invalidity	Trial	KeyMe, Inc.	The Hillman Group, Inc.
	9914179				

Data gathered from Lex Machina

### Special Procedures?<sup>36</sup>

- In-person
- 8 Jurors were to be empaneled
- Attorneys were required to wear masks unless speaking at the podium
- No more than 3 attorneys were allowed per table
- Transcripts were sealed

## VLSI TECHNOLOGY LLC V. INTEL CORPORATION, CASE NO. 6:21-CV-00299 (W.D. TEX.) (ALBRIGHT)

April 8-21, 2021

### Patent Findings

Docket ▾	Patents ⇅	Patent Finding ⇅	Judgment Event ⇅	Against ⇅	In Favor of ⇅
2021-04-21 (#549)	6366522 6633187	No Infringement	Trial	VLSI Technology LLC	Intel Corporation
2021-04-21 (#549)	6366522 6633187	No Invalidity	Trial	Intel Corporation	VLSI Technology LLC
2021-02-25 (#431)	8156357	No Infringement	Summary Judgment	VLSI Technology LLC	Intel Corporation
2020-01-03 (#101)	7292485	Invalidity; 112 Definiteness	Summary Judgment	VLSI Technology LLC	Intel Corporation

Data gathered from Lex Machina

### Special Procedures<sup>37</sup>

- In-person
- 6 jurors were to be empaneled
  - There was a maximum of 20 potential jurors during voir dire
- Social distancing was required
  - Jurors were sat six feet apart from one another in the jury box
- Masks were required
  - All jurors were provided with and required to wear a face shield and/or N-95 mask
  - Parties required to wear masks when not addressing the Court, jury, or witnesses
  - Witnesses were required to not wear masks while on the stand, but sat behind a plexiglass wall
- All rooms were disinfected every day and hand sanitizer was provided
  - Gloves were provided upon request
- Potential jurors were sent an ability to participate due to COVID-19 questionnaire
- Temperatures were taken daily
- The jury's lunch was provided
- Courtroom doors were kept open for ventilation and an air purifier was used in the court room
- All parties submitted to a PCR COVID-19 test and daily rapid tests
- Limited to 8 party-affiliated participants per party inside the court room
- An overflow room and live video feed were provided
- Transcripts were sealed

## GIGAMON INC. V. APCON, INC., CASE NO. 2:19-CV-00300 (E.D. TEX.) (GILSTRAP)

April 16-23, 2021

### Damages

Docket ▾	Amount ▾	Damage Type ⇅	Judgment Source ⇅	Against ⇅	Awarded To ⇅
2021-05-20 (#316)	\$220,884.52	Attorneys' Fees / Costs	Judgment on Merits	Gigamon Inc.	Apcon, Inc.

### Patent Findings

Docket ▾	Patents ⇅	Patent Finding ⇅	Judgment Event ⇅	Against ⇅	In Favor of ⇅
2021-04-23 (#296)	8570862	Invalidity: No Invalidity Reason Specified	Trial	Gigamon Inc.	Apcon, Inc.
	8824466				
	8873557				
	9077656				
	9769049				
2021-04-23 (#296)	8570862	No Infringement	Trial	Gigamon Inc.	Apcon, Inc.
	8824466				
	8873557				
	9077656				
	9769049				

Data gathered from Lex Machina

### Special Procedures?

- In-person
- Jurors could wear a clear plexiglass face shield, a clear traditional face mask, or both.
- Jury's meals were purchased<sup>38</sup>
- Transcripts were sealed

**J&M INDUSTRIES, INC. V. RAVEN INDUSTRIES, INC., CASE NO. 2:16-CV-02723  
(D. KAN.) (BROOMES)**

April 19-23, 2021

**Damages**

Docket ▾	Amount ▾	Damage Type ⇅	Judgment Source ⇅	Patent ⇅	Against ⇅	Awarded To ⇅
2021-04-23 (#351)	\$737,240.00	Reasonable Royalty	Jury Verdict	9890550	Raven Industries, Inc.	J&M Industries, Inc.

**Patent Findings**

Docket ▾	Patents ⇅	Patent Finding ⇅	Judgment Event ⇅	Against ⇅	In Favor of ⇅
2021-04-23 (#351)	9890550	No Invalidity	Trial	Raven Industries, Inc.	J&M Industries, Inc.
2021-04-23 (#351)	9347239	Unenforceability	Trial	Raven Industries, Inc.	J&M Industries, Inc.
2021-04-23 (#351)	9890550	Infringement	Trial	Raven Industries, Inc.	J&M Industries, Inc.
2020-05-01 (#298)	9890550	No Invalidity	Summary Judgment	Raven Industries, Inc.	J&M Industries, Inc.

Data gathered from Lex Machina

**Special Procedures?**

- Whether special procedures were in place is unknown
- In-person (no articles or documents on the docket showed otherwise)
- Transcripts were sealed

## GREE, INC. V. SUPERCCELL OY, CASE NO. 2:19-CV-00237 (E.D. TEX.) (GILSTRAP)

April 30 - May 7, 2021

Jury Verdict Sealed for related case numbers 2:19-cv-00200, 2:19-cv-00310, and 2:19-cv-00311.

### Damages

Docket ▾	Amount ▾	Damage Type ⇅	Judgment Source ⇅	Patent ⇅	Against ⇅	Awarded To ⇅
2021-05-07 (#265)	\$92,176,058.00	Reasonable Royalty	Jury Verdict	10076708 10328346 10335689 10413832 9079107 9561439	Supercell Oy	Gree USA, Inc.

### Patent Findings

Docket ▾	Patents ⇅	Patent Finding ⇅	Judgment Event ⇅	Against ⇅	In Favor of ⇅
2021-05-07 (#265)	10076708 10328346 10335689 10413832 9079107 9561439	Infringement	Trial	Supercell Oy	Gree USA, Inc.
2021-05-07 (#265)	10328346 10335689 9079107 9561439	No Invalidity	Trial	Supercell Oy	Gree USA, Inc.

Data gathered from Lex Machina

### Special Procedures?

- Whether special procedures were in place is unknown
- In-person
- Transcripts were sealed

**ADASA INC. V. AVERY DENNISON CORPORATION, CASE NO. 6:17-CV-01685  
(D. OR.) (KASUBHAI, MAG.)**

May 10-14, 2021

**Damages**

Docket ▾	Amount ▾	Damage Type ⇅	Judgment Source ⇅	Patent ⇅	Against ⇅	Awarded To ⇅
2021-05-14 (#331)	\$15,235,493.28	Reasonable Royalty	Jury Verdict	9798967	Avery Dennison Corporation	Adasa Inc.
2021-05-14 (#331)	\$11,406,383.47	Reasonable Royalty	Jury Verdict	9798967	Avery Dennison Corporation	Adasa Inc.

**Patent Findings**

Docket ▾	Patents ⇅	Patent Finding ⇅	Judgment Event ⇅	Against ⇅	In Favor of ⇅
2021-05-14 (#331)	9798967	Infringement	Trial	Avery Dennison Corporation	Adasa Inc.
2020-04-30 (#167)	9798967	No Invalidity	Summary Judgment	Avery Dennison Corporation	Adasa Inc.

Data gathered from Lex Machina

**Special Procedures?**

- Whether special procedures were in place is unknown
- In-person
- Transcripts were sealed



**MALIBU BOATS, LLC V. SKIER'S CHOICE, INC., CASE NO. 3:19-CV-00225 (E.D. TENN.) (MCCALLA)**

May 10-21, 2021

**Patent Findings**

Docket	Patents	Patent Finding	Judgment Event	Against	In Favor of
2021-05-21 (#252)	10322777 9260161	Invalidity: 102 Anticipation / Novelty Invalidity: 103 Obviousness Invalidity: 112 Enablement Invalidity: 112 Written Description	Trial	Malibu Boats, LLC	Skier's Choice, Inc.
2021-05-21 (#252)	10322777 9260161	No Infringement	Trial	Malibu Boats, LLC	Skier's Choice, Inc.
2021-05-16 (#233)	8578873	No Infringement	Judgment as a Matter of Law	Malibu Boats, LLC	Skier's Choice, Inc.
2021-04-20 (#176)	10322777 9260161	Invalidity: 112 Definiteness	Summary Judgment	Malibu Boats, LLC	Skier's Choice, Inc.

Data gathered from Lex Machina

**Special Procedures?**

- Whether special procedures were in place is unknown
- In-person
- Transcripts were sealed

**ACORN SEMI, LLC V. SAMSUNG ELECTRONICS CO., LTD., CASE NO. 2:19-CV-00347 (E.D. TEX.) (GILSTRAP)**

May 13-19, 2021

**Damages**

Docket ▾	Amount ▾	Damage Type ⇅	Judgment Source ⇅	Patent ⇅	Against ⇅	Awarded To ⇅
2021-05-19 (#368)	\$25,000,000.00	Reasonable Royalty	Jury Verdict	10090395 8766336 9461167 9905691	Samsung Austin Semiconductor, LLC Samsung Electronics America, Inc. Samsung Electronics Co., Ltd. Samsung Semiconductor, Inc.	Acorn Semi, LLC

**Patent Findings**

Docket ▾	Patents ⇅	Patent Finding ⇅	Judgment Event ⇅	Against ⇅	In Favor of ⇅
2021-05-19 (#368)	10090395 8766336 9461167 9905691	Infringement	Trial	Samsung Austin Semiconductor, LLC Samsung Electronics America, Inc. Samsung Electronics Co., Ltd. Samsung Semiconductor, Inc.	Acorn Semi, LLC
2020-10-16 (#85)	10090395 7084423 9209261	Invalidity: 112 Definiteness	Summary Judgment	Acorn Semi, LLC	Samsung Austin Semiconductor, LLC Samsung Electronics America, Inc. Samsung Electronics Co., Ltd. Samsung Semiconductor, Inc.

Data gathered from Lex Machina

**Special Procedures?**

- Whether special procedures were in place is unknown
- In-person
- Transcripts were sealed

## CLOUDOFCHANGE, LLC V. NCR CORPORATION, CASE NO. 6:19-CV-00513 (W.D. TEX.) (ALBRIGHT)

May 17-20, 2021

### Damages

Docket ▾	Amount ▾	Damage Type ⇅	Judgment Source ⇅	Patent ⇅	Against ⇅	Awarded To ⇅
2021-05-20 (#159)	\$13,200,000.00	Reasonable Royalty	Jury Verdict	10083012 9400640	NCR Corporation	CloudfChange, LLC

### Patent Findings

Docket ▾	Patents ⇅	Patent Finding ⇅	Judgment Event ⇅	Against ⇅	In Favor of ⇅
2021-05-20 (#159)	10083012 9400640	No Invalidity	Trial	NCR Corporation	CloudfChange, LLC
2021-05-20 (#159)	10083012 9400640	Infringement	Trial	NCR Corporation	CloudfChange, LLC

Data gathered from Lex Machina

### Special Instructions?<sup>39</sup>

- In-person
- 7 jurors were empaneled
  - Only 20 potential jurors were allowed during jury selection
- Social distancing was required
- Masks were required
  - All jurors were provided with and required to wear a face shield and/or N-95 mask
  - Parties required to wear masks when not addressing the Court, jury, or witnesses
  - Witnesses were required to not wear masks, but sat behind a plexiglass wall
- All rooms were disinfected every day and hand sanitizer was provided
  - Gloves were provided upon request
- Potential jurors were sent an ability to participate due to COVID-19 questionnaire
- Temperatures were taken daily
- Limited to 8 party-affiliated participants per party inside the court room
- The jury's lunch was provided
- An overflow room and live video feed were provided and the room was limited to 30 people
- Transcripts were sealed

## LONE STAR TECHNOLOGICAL INNOVATIONS, LLC V. ASUS COMPUTER INT'L, CASE NO. 6:19-CV-00059 (E.D. TEX.) (SCHROEDER)

May 17-21, 2021

### Damages

Docket ▾	Amount ▾	Damage Type ⇅	Judgment Source ⇅	Patent ⇅	Against ⇅	Awarded To ⇅
2021-05-21 (#229)	\$825,000.00	Lost Profits (Patent)	Jury Verdict	6724435	ASUS Computer International	Lone Star Technological Innovations, LLC

### Patent Findings

Docket ▾	Patents ⇅	Patent Finding ⇅	Judgment Event ⇅	Against ⇅	In Favor of ⇅
2021-05-21 (#229)	6724435	No Invalidity	Trial	Asustek Computer, Inc.	Lone Star Technological Innovations, LLC
2021-05-21 (#229)	6724435	Infringement	Trial	Asustek Computer, Inc.	Lone Star Technological Innovations, LLC

Data gathered from Lex Machina

### Special Procedures?

- In-person
- Jury of 8 empaneled<sup>40</sup>
  - Chosen from 25 potential jurors
- Courtroom was reconfigured due to Covid and attorneys will have to remain at the podium for the record to be clear.<sup>41</sup>
- Jury lunches were provided
- Transcripts not published yet

---

**CHANBOND, LLC V. ATLANTIC BROADBAND GROUP, LLC, CASE NO. 1:15-CV-00842  
(D. DEL.) (ANDREWS)**

May 20-25, 2021

The trial was adjourned before concluding based on a joint motion from both parties in view of settlement.

**Special Procedures?**

- Whether special procedures were in place is unknown
- In-person
- Courtroom 2A was used as audience overflow<sup>42</sup>
- Transcripts unavailable

## ULTRAVISION TECHNOLOGIES, LLC V. GOVISION, LLC, CASE NO. 2:18-CV-00100 (E.D. TEX.) (GILSTRAP)

June 3-11, 2021

### Patent Findings

Docket ▾	Patents ⇅	Patent Finding ⇅	Judgment Event ⇅	Against ⇅	In Favor of ⇅
2021-06-11 (#690)	9207904 9916782 9978294 9990869	No Infringement	Trial	Ultravision Technologies, LLC	Absen, Inc. Shenzhen Absen Optoelectronic Co., Ltd.
2021-06-11 (#690)	9207904 9916782 9978294	Invalidity: 103 Obviousness	Trial	Ultravision Technologies, LLC	Absen, Inc. Shenzhen Absen Optoelectronic Co., Ltd.

Data gathered from Lex Machina

### Special Procedures?

- Whether special procedures were in place is unknown
- In-person
- Jury meals were purchased<sup>43</sup>
- Transcripts sealed

**PIERCE MANUFACTURING, INC. V. E-ONE, INC., CASE NO. 8:18-CV-00617  
(M.D. FLA.) (BARBER)**

June 8-15, 2021

**Damages**

Docket	Amount	Damage Type	Judgment Source	Patent	Against	Awarded To
2021-06-15 (#426)	\$1,287,854.00	Lost Profits (Patent)	Jury Verdict	9597536	E-One, Inc. REV Group, Inc.	Pierce Manufacturing, Inc.
2021-06-15 (#426)	\$170,500.00	Reasonable Royalty	Jury Verdict	9597536	E-One, Inc. REV Group, Inc.	Oshkosh Corporation Pierce Manufacturing, Inc.

**Remedies**

Docket	Remedy Type	Judgment Source	Patent	Against	Awarded To
2018-11-05 (#108)	Preliminary Injunction: Grant	Judgment on Merits	9597536 9814915	E-One, Inc.	Pierce Manufacturing, Inc.

**Patent Findings**

Docket	Patents	Patent Finding	Judgment Event	Against	In Favor of
2021-06-15 (#426)	9597536	Invalidity: 102 Anticipation / Novelty	Trial	Oshkosh Corporation Pierce Manufacturing, Inc.	E-One, Inc. REV Group, Inc.
2021-06-15 (#426)	9597536	Infringement	Trial	E-One, Inc. REV Group, Inc.	Oshkosh Corporation Pierce Manufacturing, Inc.
2021-06-15 (#426)	9597536	No Invalidity	Trial	E-One, Inc. REV Group, Inc.	Oshkosh Corporation Pierce Manufacturing, Inc.

Data gathered from Lex Machina

**Special Procedures?**

- Whether special procedures were in place is unknown
- In-person
- Transcripts are unavailable until Sept. 2021



## FRESHUB, INC. V. AMAZON.COM INC., CASE NO. 6:21-CV-00511 (W.D. TEX.) (ALBRIGHT)

June 14-22, 2021

### Patent Findings

Docket ▾	Patents ⇅	Patent Finding ⇅	Judgment Event ⇅	Against ⇅	In Favor of ⇅
2021-06-22 (#253)	<a href="#">10213810</a> <a href="#">10232408</a> <a href="#">9908153</a>	No Infringement	Trial	Freshub, Inc. Freshub, Ltd.	Amazon Digital Services, LLC Amazon.com Services LLC Amazon.com, Inc. Prime Now, LLC Whole Foods Market Services, Inc.
2021-06-22 (#253)	<a href="#">10213810</a> <a href="#">10232408</a> <a href="#">9908153</a>	No Invalidity	Trial	Amazon Digital Services, LLC Amazon.com Services LLC Amazon.com, Inc. Prime Now, LLC Whole Foods Market Services, Inc.	Freshub, Inc. Freshub, Ltd.

Data gathered from Lex Machina

### Special Procedures?<sup>44</sup>

- In-person
- No facemask requirement—optional for all individuals in the courtroom during trial
- In-person
- 7 jurors were empaneled
  - Only 20 potential jurors were allowed during jury selection
- Social distancing was required
- Witnesses sat behind a plexiglass barrier
- All rooms were disinfected every day and hand sanitizer was provided
  - Gloves were provided upon request
- Potential jurors were sent an ability to participate due to COVID-19 questionnaire
- Temperatures were taken daily
- The jury's lunch was provided
- Seating remained open to the public, but an audio feed was also made available to the public
- Increased trial participants for each party from 8 to 12
  - A live video feed was provided for party-affiliated individuals to help limit the number in the courtroom
- Transcripts were sealed

---

**BIO-RAD LABORATORIES, INC. ET AL V. STILLA TECHNOLOGIES, INC.,  
CASE NO. 1:19-CV-11587 (YOUNG) (D. MASS.)**

June 30 - July 1, 2021

The trial was adjourned before concluding based on a joint motion from both parties in view of settlement.

**Special Procedures?**

- Whether special procedures were in place is unknown
- In-person
- A full 12 jurors were empaneled
- Transcripts were sealed

---

**HUAWEI TECHNOLOGIES CO. LTD. V. VERIZON COMMUNICATIONS, INC.,  
CASE NO. 2:20-CV-00030 (GILSTRAP) (E.D. TEX.)**

July 7-9, 2021

The trial was adjourned before concluding based on a joint motion from both parties in view of settlement.

**Special Procedures?**

- Whether special procedures were in place is unknown
- In-person
- Transcripts were sealed

## PLEXIKON INC. V. NOVARTIS PHARMACEUTICALS CORP., CASE NO. 4:17-CV-04405 (GILLIAM) (N.D. CAL.)

July 12-22, 2021

### Damages

Docket ▾	Amount ▾	Damage Type ⇅	Judgment Source ⇅	Patent ⇅	Against ⇅	Awarded To ⇅
2021-07-22 (#565)	\$177,792,640.01	Reasonable Royalty	Jury Verdict	9469640 9844539	Novartis Pharmaceuticals Corporation	Plexikon Inc.

### Patent Findings

Docket ▾	Patents ⇅	Patent Finding ⇅	Judgment Event ⇅	Against ⇅	In Favor of ⇅
2021-07-22 (#565)	9469640 9844539	No Invalidity	Trial	Novartis Pharmaceuticals Corporation	Plexikon Inc.
2021-02-23 (#449)	9469640 9844539	No Invalidity	Summary Judgment	Novartis Pharmaceuticals Corporation	Plexikon Inc.
2020-03-20 (#393)	9469640 9844539	Infringement	Consent Judgment	Novartis Pharmaceuticals Corporation	Plexikon Inc.

Data gathered from Lex Machina

### Special Procedures?<sup>45</sup>

- In-person
- Everyone in the courtroom was required to wear a mask at all times except for witnesses who certified that they are fully vaccinated while testifying and attorneys who certified that they are fully vaccinated during opening, closing, witness examinations, and any sidebars
- Team size was limited to 7 per side, not including experts
- However, the court room was open to the public, so no phone access was made available, and all 41 prospective jurors were in the courtroom at one time for jury selection

## TRUSTID, INC. V. NEXT CALLER INC., CASE NO. 1:18-CV-00172 (NOREIKA) (D. DEL.)

July 12-16, 2021

### Patent Findings

Docket ▾	Patents ▾	Patent Finding ▾	Judgment Event ▾	Against ▾	In Favor of ▾
2021-07-16 (#297)	8238532 9001985 9871913	No Infringement	Trial	TRUSTID, Inc.	Next Caller Inc.
2021-07-16 (#297)	8238532 9001985 9871913	No Invalidity	Trial	Next Caller Inc.	TRUSTID, Inc.

Data gathered from Lex Machina

### Special Procedures?

- Whether special procedures were in place is unknown
- In-person
- Transcripts were sealed

## SALAZAR V. AT&T MOBILITY LLC, CASE NO. 2:20-CV-00004 (GILSTRAP) (E.D. TEX.)

August 2-9, 2021

### Patent Findings

Docket ▾	Patents ⇅	Patent Finding ⇅	Judgment Event ⇅	Against ⇅	In Favor of ⇅
2021-08-09 (#239)	<a href="#">5802467</a>	No Invalidity	Trial	AT&T Mobility LLC Cellco Partnership, Inc. DBA Verizon Wireless, Inc. Sprint/United Management Company T-Mobile USA, Inc.	Joe Andrew Salazar
2021-08-09 (#239)	<a href="#">5802467</a>	No Infringement	Summary Judgment	Joe Andrew Salazar	AT&T Mobility LLC Cellco Partnership, Inc. DBA Verizon Wireless, Inc. Sprint/United Management Company T-Mobile USA, Inc.

Data gathered from Lex Machina

### Special Procedures?

- Whether special procedures were in place is unknown
- In-person
- Transcripts were sealed

---

**COLUMBIA SPORTSWEAR NORTH AMERICA, INC. V. SEIRUS INNOVATIVE ACCESSORIES,  
CASE NO. 3:17-CV-01781 (HERNANDEZ) (D. OR.)**

August 3-6, 2021

**Patent Findings:**

Docket	Patents	Patent Finding	Judgment Event	Against	In Favor of
2021-08-06 (#606)	D657093	No Infringement	Trial	Columbia Sportswear North America, Inc.	Seirus Innovative Accessories

**Special Procedures?**

- Whether special procedures were in place is unknown
- In-person
- Transcripts were sealed



---

**TRADING TECHNOLOGIES INTERNATIONAL, INC. V. BGC PARTNERS, INC.,  
CASE NO. 1:10-CV-00715 (KENDALL) (N.D. ILL.)**

August 6-September 7, 2021

**Damages:**

Docket	Amount	Damage Type	Judgment Source	Against	Awarded To
2021-09-07 (#2132) <sup>46</sup>	\$6,610,985.00	Unknown	Jury Verdict	IBG LLC	Trading Technologies International Inc.

**Patent Findings:**

Docket	Patents	Patent Finding	Judgment Event	Against	In Favor of
N/A <sup>47</sup>	6,766,304 6,772,132	Infringement	Trial	IBG LLC	Trading Technologies International Inc.

**Special Procedures?**

- Whether special procedures were in place is unknown
- In-person
- Transcripts unavailable

**ARCHERDX, LLC ET AL V. QIAGEN SCIENCES, LLC, CASE NO. 1:18-CV-01019 (NOREIKA) (D. DEL.)**

August 23-27, 2021

**Damages**

Docket	Amount	Damage Type	Judgment Source	Patent	Against	Awarded To
2021-08-27 (#465)	\$3,834,065.00	Reasonable Royalty	Jury Verdict	10017810 10450597	QIAGEN Beverly, LLC QIAGEN Gaithersburg, LLC QIAGEN Sciences, LLC Qiagen LLC Qiagen N.V.	ArcherDX, LLC The General Hospital Corporation
2021-08-27 (#465)	\$841,756.00	Lost Profits (Patent)	Jury Verdict	10017810 10450597	QIAGEN Beverly, LLC QIAGEN Gaithersburg, LLC QIAGEN Sciences, LLC Qiagen LLC Qiagen N.V.	ArcherDX, LLC The General Hospital Corporation

**Patent Findings**

Docket	Patents	Patent Finding	Judgment Event	Against	In Favor of
2021-08-27 (#465)	10017810 10450597	Infringement	Trial	QIAGEN Beverly, LLC QIAGEN Gaithersburg, LLC QIAGEN Sciences, LLC Qiagen LLC Qiagen N.V.	ArcherDX, LLC The General Hospital Corporation
2021-08-27 (#465)	10017810 10450597	No Invalidity	Trial	QIAGEN Beverly, LLC QIAGEN Gaithersburg, LLC QIAGEN Sciences, LLC Qiagen LLC Qiagen N.V.	ArcherDX, LLC The General Hospital Corporation

Data gathered from Lex Machina

**Special Procedures<sup>248</sup>**

- In-person
- Each party was limited to 3 people in the courtroom at any given time
- All persons in the courtroom were required to wear a mask at all times, but vaccinated counsel were allowed to remove their mask when examining a witness or making an argument and vaccinated witnesses were allowed to remove their masks when testifying behind a screen at the witness stand
- Witness binders and physical copies of documents were not allowed. Electronic copies of all trial exhibits were required to be provided.

## CYNTec COMPANY, LTD. V. CHILISIN ELECTRONICS CORP., CASE NO. 4:18-CV-00939 (HAMILTON) (N.D. CAL.)

August 23-September 1, 2021

### Damages

Docket	Amount	Damage Type	Judgment Source	Patent	Against	Awarded To
2021-09-01 (#269)	\$1,552,493.00	Lost Profits (Patent)	Jury Verdict	8922312 9481037	Chilisin America Ltd. Chilisin Electronics Corporation	Cyntec Company, Ltd.
2021-09-01 (#269)	\$320,463.00	Reasonable Royalty	Jury Verdict	8922312 9481037	Chilisin America Ltd. Chilisin Electronics Corporation	Cyntec Company, Ltd.

### Patent Findings

Docket	Patents	Patent Finding	Judgment Event	Against	In Favor of
2021-09-01 (#269)	8922312 9481037	Infringement	Trial	Chilisin America Ltd. Chilisin Electronics Corporation	Cyntec Company, Ltd.
2020-03-26 (#130)	8212641	No Infringement	Consent Judgment	Cyntec Company, Ltd.	Chilisin America Ltd. Chilisin Electronics Corporation

Data gathered from Lex Machina

### Special Procedures?

- Whether special procedures were in place is unknown
- In-person
- Transcripts were sealed

## ACCELERON, LLC V. DELL, INC., CASE NO. 1:12-CV-04123 (BATTEN) (N.D. GA.)

September 8-22, 2021

### Damages

Docket ▾	Amount ▾	Damage Type ⇅	Judgment Source ⇅	Patent ⇅	Against ⇅	Awarded To ⇅
2021-09-24 (#742)	\$2,100,000.00	Reasonable Royalty	Jury Verdict	6948021	Dell Inc.	Acceleron, LLC

### Patent Findings

Docket ▾	Patents ⇅	Patent Finding ⇅	Judgment Event ⇅	Against ⇅	In Favor of ⇅
2021-09-24 (#742)	6948021	No Invalidity	Trial	Dell Inc.	Acceleron, LLC
2021-09-24 (#742)	6948021	Invalidity: 102 Anticipation / Novelty	Trial	Acceleron, LLC	Dell Inc.
2021-09-24 (#742)	6948021	No Infringement Mooted by 2021-09-24 (#742)	Trial	Acceleron, LLC	Dell Inc.
2020-03-31 (#482)	6948021	Infringement	Summary Judgment	Dell Inc.	Acceleron, LLC

Data gathered from Lex Machina

### Special Procedures?

- In-person jury trial
- No mask mandate, but jurors and trial participants generally wore masks except when speaking
- No use of plexiglass
- No testimony by video

**AUTOMATIC EQUIPMENT MANUFACTURING COMPANY V. DANKO MANUFACTURING, LLC, CASE NO. 8:19-CV-00162 (BUESCHER) (D. NEB.)**

September 8-22, 2021

**Damages**

Docket ▾	Amount ▾	Damage Type ⇅	Judgment Source ⇅	Patent ⇅	Against ⇅	Awarded To ⇅
2021-09-20 (#139)	\$1,417,500.00	Reasonable Royalty	Jury Verdict	10137870	Automatic Equipment Manufacturing Company DBA Blue Ox Creed-Monarch, Inc.	Danko Manufacturing, LLC
2021-09-20 (#139)	\$1,000,000.00	Lost Profits (Patent)	Jury Verdict	10137870	Automatic Equipment Manufacturing Company DBA Blue Ox Creed-Monarch, Inc.	Danko Manufacturing, LLC

**Patent Findings**

Docket ▾	Patents ⇅	Patent Finding ⇅	Judgment Event ⇅	Against ⇅	In Favor of ⇅
2021-09-20 (#139)	10137870	Infringement	Trial	Automatic Equipment Manufacturing Company DBA Blue Ox Creed-Monarch, Inc.	Danko Manufacturing, LLC
2021-09-20 (#139)	10137870	No Invalidity	Trial	Automatic Equipment Manufacturing Company DBA Blue Ox Creed-Monarch, Inc.	Danko Manufacturing, LLC

Data gathered from Lex Machina

**Special Procedures?**

- Whether special procedures were in place is unknown
- In-person
- Transcripts unavailable

**NEXSTEP, INC. V. COMCAST CABLE COMMUNICATIONS, LLC CASE NO. 1:19-CV-01031 (ANDREWS) (D. DEL.)<sup>49</sup>**

September 20-23, 2021

**Patent Findings**

Docket ▾	Patents ⇅	Patent Finding ⇅	Judgment Event ⇅	Against ⇅	In Favor of ⇅
2021-09-23 (#331)	8280009	No Invalidity	Trial	Comcast Cable Communications, LLC	Nexstep Corporation
2021-09-23 (#331)	8280009	Infringement	Trial	Comcast Cable Communications, LLC	Nexstep Corporation
2021-09-23 (#331)	8280009 9866697	No Infringement	Trial	Nexstep Corporation	Comcast Cable Communications, LLC

Data gathered from Lex Machina

**Special Procedures?**

- Whether special procedures were in place is unknown
- Juror lunches were provided<sup>50</sup>
- In-person
- Transcripts unavailable

# Endnotes

- 1 All data gathered from Lex Machina
- 2 In some instances where the plaintiff has been identified as the successful party in this chart, the defendant was also successful in defending against some of the plaintiff's claims, as reflected in the case details below.
- 3 Judge Gilstrap awarded a new trial on damages and the jury awarded \$300,000,000.00 on August 13, 2021.
- 4 Notably, this is the second largest patent damages amount ever awarded. The largest patent damages ever awarded were \$2.54B in *Idenix Pharmaceuticals LLC v. Gilead Sciences Inc.*, No. 1:14-cv-00846-LPS (D. Del.), which was later overturned when Judge Stark granted Gilead's judgment as a matter of law and held that the patents were invalid.
- 5 The jury awarded \$6,610,985.00, but type of damages is unknown as the judgment was sealed as of the date of publication.
- 6 Judge Gilstrap awarded a new trial on damages after the original jury trial that was held August 3-11, 2020. The retrial on damages was held August 10-13, 2021.
- 7 The jury awarded \$3,834,065.00 in reasonable royalty damages and \$841,756.00 in lost profits damages. The jury also found infringement was willful, but Judge Noreika had not yet determined whether to enhance damages as of the date of publication.
- 8 The jury awarded \$1,552,493.00 in lost profits damages and \$320,463.00 in reasonable royalty damages. The jury found infringement was willful, but Judge Hamilton had not yet determined whether to enhance damages as of the date of publication.
- 9 Although included in the data, the jury verdict of infringement was negated and damages were overturned in *Personalized Media Communications, LLC v. Apple, Inc.* by Judge Gilstrap finding the patents are unenforceable due to prosecution laches.  
Additionally, infringement was found in *VirnetX Inc. et al v. Apple Inc.*, No. 6:12-cv-00855-RWS, (E.D. Tex.), in a trial prior to the Covid pandemic with damages found in a trial during the Covid pandemic. This case has been excluded from the outcome data but included in the damages data.
- 10 "Mixed Damages" refers to cases in which the jury awarded both reasonable royalties and lost profits.
- 11 In *Optis Wireless Technology, LLC et al v. Apple Inc.*, No. 2:19-cv-00066-JRG (E.D. Tex.), the Jury originally awarded \$506,000,000.00 on August 11, 2020, but Judge Gilstrap awarded a new trial on damages. In the retrial on damages, the jury awarded \$300,000,000.00 on August 13, 2021.
- 12 Awarded in *Vocalife LLC v. Amazon.com, Inc.*, No. 2:19-cv-00123-JRG (E.D. Tex.)
- 13 Awarded in *VLSI Technology LLC v. Intel Corp.*, No. 6:21-cv-00057-ADA (W.D. Tex.). Notably, this is the second largest patent damages amount ever awarded. The largest patent damages ever awarded were \$2.54B in *Idenix Pharmaceuticals LLC v. Gilead Sciences Inc.*, No. 1:14-cv-00846-LPS (D. Del.), which was later overturned when Judge Stark granted Gilead's judgment as a matter of law and held that the patents were invalid.
- 14 Awarded in *Solas OLED Ltd. v. Samsung Display Co., Ltd.*, No. 2:19-cv-00152-JRG (E.D. Tex.)
- 15 In *ArcherDX, LLC et al v. QIAGEN Sciences, LLC*, No. 1:18-cv-01019-MN (D. Del.), the jury awarded \$3,834,065.00 in reasonable royalty damages and \$841,756.00 in lost profits damages. The jury also found infringement was willful, but Judge Noreika had not yet determined whether to enhance damages as of the date of this publication.
- 16 In *Cyntec Company, Ltd. v. Chilis Electronics Corp.*, No. 4:18-cv-00939-PJH (N.D. Cal.), the jury awarded \$1,552,493.00 in lost profits damages and \$320,463.00 in reasonable royalty damages. The jury found infringement was willful, but Judge Hamilton had not yet determined whether to enhance damages as of the date of this publication.
- 17 In *Trading Technologies International, Inc. v. BGC Partners, Inc.*, No. 1:10-cv-00715 (N.D. Ill.), the jury awarded \$6,610,985.00, but type of damages is unknown as the judgment was sealed as of the date of this publication.
- 18 Order denying Dkt. 341 Motion to Continue Trial signed by District Judge Rodney Gilstrap on 7/21/2020, *Optis Wireless Technology, LLC v. Apple Inc.*, No. 2:19-cv-00066-JRG, Dkt. 387 (E.D. Tex.); see also Kass, Dani, "Winners in \$506M Apple Trial Say EDTX Nailed Virus Safety," (August 12, 2020, 8:11 PM EDT) <https://www.law360.com/articles/1300742> (last accessed on 9/15/2021)
- 19 Minute Entry for proceedings held before District Judge Amos L. Mazzant, III: Final Pretrial Conference held on 8/13/2020, *Innovation Sciences, LLC v. Amazon.Com, Inc.*, No. 4:18-cv-00474-ALM, Dkt. No. 797 (E.D. Tex.)
- 20 Buehler, Katie, "Texas Patent Judges Diverge On Pandemic Trial Protocols," (Oct. 9, 2020, 2:26 PM EDT), <https://www.law360.com/ip/articles/1318390/texas-patent-judges-diverge-on-pandemic-trial-protocols>. (Last accessed on 8/11/2021)
- 21 See *id.*
- 22 See *id.*; see also Buehler, Katie, "Roku Tells WDTX Patent Jury Its Tech's Web Access Is Key," (Oct. 5, 2020, 6:53 PM EDT) <https://www.law360.com/articles/1302893> (last accessed on 8/11/2021).
- 23 The same reasonable royalty damages were awarded on retrial which was held October 26-30, 2020. See Verdict Form, *VirnetX Inc. et al v. Apple Inc.*, No. 6:12-cv-00855-RWS, Dkt. No. 978 (E.D. Tex.).



- 
- 24 All procedures were discussed before trial was continued for two months. See Amended Minute Entry for proceedings held before District Judge Robert W. Schroeder III: Pretrial conference and Motions Hearing held on 8/3/2020, *VirnetX Inc. et al v. Apple Inc.*, No. 6:12-cv-00855-RWS, Dkt. No. 931 (E.D. Tex.).
  - 25 Davis, Ryan, "EDTX Jury Clears Google in \$183M Video Patent Case," (Nov. 9, 2020, 8:51 PM EST) <https://www.law360.com/articles/1327116>. (Last accessed on 9/15/2021).
  - 26 Order to purchase jury meals, signed by District Judge Rodney Gilstrap on 10/27/2020, *Personalized Media Communications, LLC v. Google LLC*, No. 2:19-cv-00090-JRG, Dkt. 414 (E.D. Tex.).
  - 27 Graham, Scott, *It Will Be Months Before We See the Next Patent Jury Trial*, LAW.COM (Nov. 25, 2020), <https://advance.lexis.com/api/permalink/8fb9d242-818f-45da-849e-8273ebb602fc/?context=1000516>. (last accessed 8/11/2021)
  - 28 Bote, Celeste, "Long-Running MRI Patent Row Settles Days Before Ill. Trial," (Apr. 28, 2021, 5:10 PM EDT) <https://www.law360.com/articles/1379668> (last accessed on 8/16/2021)
  - 29 Graham, *It Will Be Months Before We See the Next Patent Jury Trial*.
  - 30 See Davis, Ryan, "In A First, Game Controller Patent Case Kicks Off On Zoom," (Jan. 25, 2021, 10:14 PM EST), <https://www.law360.com/articles/1338857> (Last accessed on 8/11/2021).
  - 31 First Zoom trial in the nation in a patent case. See *id.*
  - 32 Davis, Ryan, "Albright Orders Daily COVID-19 Tests At Intel Patent Trial," (Feb.10, 2021, 9:10 PM EST) <https://www.law360.com/articles/1354281>. (Last accessed on 8/11/2021); see also Notice Regarding Trial Procedures and Covid-19 Safety Protocol, *VLSI Technology LLC v. Intel Corp.*, No. 6:21-cv-00057-ADA, Dkt. 421 (W.D. Tex.).
  - 33 Jaeger, Max, "Apple Foe's 'Egregious' Patent Tactics Undo \$308.5M Verdict," (Aug. 6, 2021, 8:10 PM EDT), <https://www.law360.com/articles/1410463>. (Last accessed on 8/11/2021).
  - 34 Minute Entry for proceedings held before Magistrate Judge Roy S. Payne: Final Pretrial Conference held on 3/9/2021, *Personalized Media Commc'ns, LLC v. Apple, Inc.*, No. 2:15-cv-01366-JRG-RSP, Dkt. 523 (E.D. Tex.).
  - 35 Amended Notice of Trial Procedures, *ESW Holdings, Inc. v. Roku, Inc.*, No. 6:19-cv-00044-ADA, Dkt. No. 158 (W.D. Tex.).
  - 36 Minute entry for proceedings held before District Judge Rodney Gilstrap: Final Pretrial Conference held on 3/23/2021, *The Hillman Group, Inc. v. KeyMe, LLC*, No. 2:19-cv-00209-JRG, Dkt. 277 (E.D. Tex.).
  - 37 Order: Amended Notice of Trial Procedures, *VLSI Tech. LLC v. Intel Corp.*, No. 6:21-cv-00299-ADA, Dkt. No. 474 (W.D. Tex.).
  - 38 Order to purchase jury meals, signed by District Judge Rodney Gilstrap on 1/27/2021, *Gigamon Inc. v. Apcon, Inc.*, LLC, No. 2:19-cv-00300-JRG, Dkt. 231 (E.D. Tex.).
  - 39 Notice of Trial Procedures, *CloudfChange, LLC v. NCR Corp.*, No. 6:19-cv-00513-ADA, Dkt. No. 137 (E.D. Tex.).
  - 40 Order Regarding Trial Procedures, *Lone Star Technological Innovations, LLC v. ASUS Computer Intern'l*, No. 6:19-cv-00059-RWS, Dkt. 198 (E.D. Tex.).
  - 41 Minute Entry for proceedings held before District Judge Robert W. Schroeder III: Final Pretrial Conference held on 5/11/2021, *Lone Star Technological Innovations, LLC v. ASUS Computer Int'l*, No. 6:19-cv-00059-RWS, Dkt. 194 (E.D. Tex.).
  - 42 See Remarks in Docket between Dkt. 566 and Dkt. 577, *ChanBond, LLC v. Atlantic Broadband Group, LLC*, No. 1:15-cv-00842, (D. Del.).
  - 43 Order to purchase jury meals, signed by District Judge Rodney Gilstrap on 5/4/2021, *Ultravision Technologies, LLC v. GoVision, LLC*, No. 2:18-cv-00100-JRG-RSP, Dkt. 634 (E.D. Tex.).
  - 44 Notice of Trial Procedures, *Freshub, Inc. v. Amazon.Com Inc.*, No. 6:21-cv-00511-ADA, Dkt. No. 213 (E.D. Tex.).
  - 45 Minute Entry for proceedings held before Judge Haywood S. Gilliam, Jr. on 6/25/2021, *Plexxikon Inc. v. Novartis Pharmas. Corp.*, No. 4:17-cv-04405-HSG, Dkt. 491 (N.D. Cal.).
  - 46 The Jury Verdict form is not presently available; the damages amount, but not the damages type or patent findings were available in the judgment entered by Judge Kendall on 9/7/2021.
  - 47 *Id.*; see also Simpson, Dave, "Monthlong Trading Tech Patent Trial Ends With \$6.6M Verdict," (Sept. 7, 2021, 11:18 PM EDT), <https://www.law360.com/articles/1418918>. (Last accessed on 9/13/2021).
  - 48 Order after pretrial conference, *ArcherDX, LLC et al v. QIAGEN Sciences, LLC*, No. 1:18-cv-01019-MN, Dkt. 444 (D. Del.).
  - 49 The Jury Verdict form does not address damages.
  - 50 Order, *NexStep, Inc. v. Comcast Cable Commc'ns, LLC*, Case No. 1:19-cv-01031, Dkt. 335 (D. Del.).

---

# Authors

## DOUGLAS M. KUBEHL

Doug Kubehl's practice focuses on complex patent litigation and licensing in courts throughout the country as well as Europe and Japan. According to Chambers USA, 2015, Mr. Kubehl is regarded as a "very insightful, strategic lawyer," and as an "excellent advocate and team leader." IAM Patent 1000 (2015), describes Mr. Kubehl as a "dyed-in-the-wool litigator" and reports that his peers "hail his rare combination of 'immense technical expertise and first-rate advocacy skills.'" IAM relates that Mr. Kubehl's clients appreciate that "[h]e never raises an issue without also presenting a well-thought-out solution."

In the wireless space, Mr. Kubehl recently has received a jury verdict of infringement of seven patents in a competitor case, summary judgment of noninfringement with respect to Acacia's vaunted Adaptix portfolio, summary judgments of noninfringement and invalidity with respect to Intellectual Ventures' portfolio of LTE patents, and summary judgment of noninfringement of Iridescent Networks' patent allegedly covering all Voice Over LTE networks. Mr. Kubehl regularly undertakes joint representations of the wireless carriers where the carriers are accused based upon their use of common third party products. And in cases where Mr. Kubehl represents less than all of the defendants, he has been nominated to present on behalf of the group of multiple defendants, both at the district court and at the Federal Circuit Court of Appeals. Outside of the courtroom, Mr. Kubehl has deep experience in negotiating complex technology agreements.

**Contact:** [doug.kubehl@bakerbotts.com](mailto:doug.kubehl@bakerbotts.com)



---

## LINDSAY VOLPENHEIN CUTIÉ

Lindsay Volpenhein Cutié practices in all areas of intellectual property law, including patent litigation, patent prosecution, and various aspects of intellectual property transactions. Ms. Cutié's litigation experience has involved a variety of technologies, including telecommunications, pharmaceuticals, and oilfield equipment. Ms. Cutié is licensed to practice before the United States Patent and Trademark Office. She has experience preparing and prosecuting patent applications relating to a broad range of technologies. She also has experience with post-grant procedures, including inter partes reviews, before the Patent Trial and Appeal Board. Ms. Cutié also has provided formal opinions concerning potential infringement, validity, and enforceability of client and third-party intellectual property across various technologies, including refining, chemical catalysts, chemical formulations, and semiconductors.

**Contact:** [lindsay.cutie@bakerbotts.com](mailto:lindsay.cutie@bakerbotts.com)



---

## FRED CARBONE

Fred Carbone practices in all areas of intellectual property law, including patent litigation, prosecution, and licensing. Mr. Carbone's litigation experience has involved patent and trade secret law in a variety of technologies, including oilfield equipment. Mr. Carbone is licensed to practice before the United States Patent and Trademark Office. He has experience preparing and prosecuting patent applications in a broad range of technologies, including the optics, electronics, mechanical, and oilfield industries.

**Contact:** [fred.carbone@bakerbotts.com](mailto:fred.carbone@bakerbotts.com)



**WES EDWARDS**, a Baker Botts Summer Associate, assisted in the preparation of this report.

---

# About Baker Botts IP

With over 180 attorneys and patent professionals dedicated to IP from coast to coast and across the globe, Baker Botts has one of the largest and most highly regarded IP practices of any general practice law firm. Our lawyers help clients litigate IP disputes through trial and final appeal, procure patents and other IP rights, and handle all manners of IP transactions.

For more information, please visit [www.bakerbotts.com](http://www.bakerbotts.com).

AUSTIN  
BRUSSELS  
DALLAS  
DUBAI  
HONG KONG  
HOUSTON  
LONDON  
MOSCOW  
NEW YORK  
PALO ALTO  
RIYADH  
SAN FRANCISCO  
WASHINGTON

[bakerbotts.com](https://www.bakerbotts.com)

---

©Baker Botts L.L.P., 2021. Unauthorized use and/or duplication of this material without written permission from Baker Botts L.L.P. is strictly prohibited. Excerpts and links may be used, provided that full and clear credit is given with appropriate and specific direction to the original content.