

Three Important Victories for Broadcom in Litigation with Qualcomm

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WilmerHale's client Broadcom Corporation recently received three victories in its ongoing legal battles with Qualcomm Inc. First, on August 6, the Bush administration declined to reverse the US International Trade Commission (ITC) ruling that bans imports of new models of cell phones containing certain Qualcomm semiconductor chips found to infringe a Broadcom patent. Keeker & Van Nest was counsel to Broadcom in the remedy phase of this matter.

The same day, in a patent case in San Diego, US District Judge Rudi Brewster ruled that two Qualcomm patents (as well as certain related patents) concerning to video-compression technology cannot be enforced because the company deliberately concealed the patents from a standards-setting group. The District Court also found that Qualcomm and its trial counsel committed "gross litigation misconduct" by withholding crucial evidence in Qualcomm's patent infringement case against Broadcom. Qualcomm was ordered to pay all Broadcom's litigation fees.

WilmerHale has represented Broadcom in its ongoing legal battle. To date, Qualcomm has been found to infringe four different Broadcom patents, [one tried in the ITC](#) and [three others tried before a federal jury](#) in May in Santa Ana, Calif. The Santa Ana jury found Qualcomm's infringement of the three Broadcom patents to be willful, and on August 13, the US District Court judge ordered Qualcomm to pay double damages of \$39.3 million for past infringement of the three patents.* The judge also ordered Qualcomm to pay Broadcom's attorneys' fees in the litigation, rounding out the third and final victory for Broadcom in its series of legal disputes with Qualcomm.

The WilmerHale team involved in the representation of Broadcom in this week's developments includes: William Lee, James Quarles, John Regan, Richard O'Neill, Cynthia Vreeland, Dominic Massa, Mark Selwyn, Donald Steinberg, Michael Diener, James Lampert, Joseph Mueller, Vinita Ferrera, Timothy Jezek, Elizabeth Reilly, Elizabeth Rogers, Colin Rushing, Victor Souto, Maria Vento, Brad Bedingfield, Heath Brooks, Danielle Conley, Lawrence Cogswell, Will Crossley, Lauren Fletcher, Luba Greenwood, Alicia Hunt, Juliana Mirabilio, Gregory Noonan, Clark Petschek, Kate Saxton, Carrie Seares, Louis Tompros, Ang Xia and Teneshia Lewis. Those assisting the team included: Linda Byam, Lanta Chase, Nattha Chutinthanond, Jennifer Doig, Gina Ecolino Timothy Lyons, Deborah Maw, Rebecca McNew, Robert Ooi, Ellen Richardson, and Katharine Valente.

Click [here](#) to view the full press release issued by Broadcom: "Broadcom Gratified by Bush Administration Decision Upholding ITC Patent Remedy."

Click [here](#) to view the full press release issued by Broadcom: "San Diego Federal Court Finds That Qualcomm Engaged in Aggravated Litigation Misconduct and Intentional Abuse of Industry Standards."

Click [here](#) to view the full press release issued by Broadcom: "Broadcom Awarded Double Damages and Attorneys' Fees in Qualcomm Patent Infringement Case."

**The Federal Circuit issued its decision in In re Seagate shortly after the Court's decision to double damages and award attorney fees to Broadcom. The Court is now reconsidering the willfulness issue in light of this change in the law.*