

## Sprint Nabs \$140M Jury Win In Patent Fight With TWC

By **Kat Greene**

*Law360, Los Angeles (March 3, 2017, 5:55 PM EST)* -- A Kansas federal jury awarded Sprint Communications Co. nearly \$140 million on Friday, finding that Time Warner Cable Inc. willfully infringed five patents covering technology that lets users make phone calls over the internet.

Sprint had sued Time Warner Cable and several other companies in separate suits in 2011 alleging they sold phone services that violated 12 of its voice-over-packet patents, which facilitate the transfer of data such as voice messages, phone calls and faxes over packet networks like the internet, court records show.

The jury sided with Sprint — and against TWC's bids to invalidate or otherwise undermine the patents — on multiple claims for each of the five patents, finding that Sprint proved the cable giant had infringed on elements of the technology either literally or under the doctrine of equivalents.

TWC, which has since merged with Charter Communications Inc. and rebranded as Spectrum, had urged the jury to find that various claims in Sprint's U.S. Patent Numbers 6,343,084; 6,633,561; 6,463,052; 6,473,429; and 6,298,064 were invalid as obvious or anticipated or did not satisfy the so-called written description requirement, in which the patent's language correctly outlines the technology it seeks to protect. The jury wasn't persuaded, finding against TWC on those contentions on 19 claims in the patents.

"We are disappointed with the outcome and are considering our options," a spokesman for Charter said in a statement Friday.

A representative for Sprint didn't immediately respond to a request for comment late Friday.

The verdict is at least the second victory for Sprint in a series of cases over its patents for the internet calls, court records show.



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A 2005 suit against Vonage ended with a nearly \$70 million verdict in Sprint's favor for some of the same patents covered in Friday's decision. The parties later jointly moved to dismiss the case while post-judgment motions were still pending and wound up with Sprint taking an \$80 million settlement.

Related cases against Broadvox Holdings LLC, Paetec Holding Corp. and Cable One Inc. ended in 2008, 2009 and 2016, respectively, with joint stipulations for dismissal filed by Sprint. No details on possible settlements in those cases were publicly available in the case records Friday.

A case against Cox Communications Inc., meanwhile, was transferred to Delaware federal court in September 2012.

And on March 7, a trial against units of Comcast Corp. is slated to kick off in Kansas under the guidance of U.S. District Judge John W. Lungstrum, the same judge who oversaw the trial that ended Friday.

Sprint is represented by Aaron Hankel, B. Trent Webb, Peter E. Strand, Ryan Dykal, John Garretson, Jordan T. Bergsten and Robert Reckers of Shook Hardy & Bacon LLP.

TWC is represented by Terrence J. Campbell and Catherine C. Theisen of Barber Emerson LC, Ron E. Shulman, Lawrence J. Gotts and John T. Ryan of Latham & Watkins LLP and David S. Benyacar and Daniel L. Reisner of Arnold & Porter Kaye Scholer LLP.

The case is Sprint Communications Co. LP v. Time Warner Cable Inc. et al., case number 2:11-cv-02686, in the U.S. District Court for the District of Kansas.

--Editing by Brian Baresch.