

No. 19-1269

IN THE
Supreme Court of the United States

TCL COMMUNICATION TECHNOLOGY HOLDINGS
LIMITED; TCT MOBILE LIMITED; TCT MOBILE (US) INC.,
Petitioners,

v.

ERICSSON, INC.; TELEFONAKTIEBOLAGET LM ERICSSON,
Respondents.

**On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Federal Circuit**

BRIEF IN OPPOSITION

THEODORE STEVENSON, III
NICHOLAS MATHEWS
MCKOOL SMITH P.C.
300 Crescent Ct.
Suite 1500
Dallas, TX 75201
(214) 978-4000

BLAKE BAILEY
MCKOOL SMITH P.C.
600 Travis St.
Suite 7000
Houston, TX 77002
(713) 485-7314

JEFFREY A. LAMKEN
Counsel of Record
MICHAEL G. PATTILLO, JR.
RAYINER I. HASHEM
EMILY K. DAMRAU
MOLOLAMKEN LLP
The Watergate, Suite 500
600 New Hampshire Ave., N.W.
Washington, D.C. 20037
(202) 556-2000
jlamken@mololamken.com

SARA E. MARGOLIS
MOLOLAMKEN LLP
430 Park Avenue
New York, NY 10022
(212) 607-8160

*Counsel for Respondents Ericsson Inc. and
Telefonaktiebolaget LM Ericsson*

WILSON-EPES PRINTING CO., INC. – (202) 789-0096 – WASHINGTON, D.C. 20002

QUESTION PRESENTED

Whether a monetary payment made as compensation for past unlicensed use of patented technology, which extinguishes patent-infringement claims seeking damages for past unlicensed sales, is legal relief that must be determined by a jury under the Seventh Amendment.

(i)

PARTIES TO THE PROCEEDINGS BELOW

Petitioners here, appellees below, are TCL Communication Technology Holdings, Limited; TCT Mobile Limited; and TCT Mobile (US) Inc.

Respondents here, appellants below, are Ericsson Inc. and Telefonaktiebolaget LM Ericsson.

CORPORATE DISCLOSURE STATEMENT

Pursuant to this Court's Rule 29.6, respondents Ericsson Inc. and Telefonaktiebolaget LM Ericsson state that Ericsson Inc. is a subsidiary of Ericsson Holding II, Inc. and Telefonaktiebolaget LM Ericsson. Telefonaktiebolaget LM Ericsson has no parent corporation and no company owns 10% or more of its stock.

STATEMENT OF RELATED PROCEEDINGS

There are no related proceedings within the meaning of Rule 14.1(b)(iii).

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.