

US Court of Appeals for Federal Circuit Confirms Finding that Apple Infringes WiLAN Patents

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Case Sent Back to District Court for Further Damages Award Determination

OTTAWA, ON, Feb. 4, 2022 /PRNewswire/ - Wi-LAN Inc. ("WiLAN"), a Quarterhill Inc. ("Quarterhill") company (TSX: QTRH) (OTCQX: QTRHF), today provided an update on ongoing litigation.

In a decision issued today by the United States Court of Appeals for the Federal Circuit (the "CAFC"), the three-judge panel ruled in WiLAN's favour regarding several of WiLAN's arguments. First, the CAFC agreed with WiLAN's claim construction arguments relating to the patents-in-suit. Second, the CAFC ruled in WiLAN's favour with respect to WiLAN's infringement related arguments. Notably, Apple did not appeal the lower court's decision that WiLAN's patents are valid over the prior art. With these two rulings today, the CAFC has conclusively decided that Apple infringes the patents-in-suit and is liable to pay damages to WiLAN.

In addition, the CAFC also ruled in WiLAN's favour regarding a prior license agreement between Intel Corp. and WiLAN. This prior license was dealt with in a summary judgment of non-infringement decision previously issued by the United States District Court of the Southern District of California (the "District Court") from which this appeal was being heard. In that summary judgment ruling, the District Court had ruled that Apple products using Intel wireless chips should be excluded from the damages calculations that were awarded to WiLAN. In its ruling today, the CAFC disagreed with that District Court decision and instead agreed with WiLAN's position, making Intel-based Apple products available for inclusion in a final damages award.

Finally, the CAFC ruled against WiLAN with respect to certain assumptions made by WiLAN's damages expert in calculating the damages amount that was presented to the jury. As a result, the CAFC has remanded the case back to the District Court for another trial focusing on the amount of damages that Apple will be required to pay.

"Overall, we see the CAFC decision as favourable to WiLAN and consistent with the arguments heard at

Oral Argument," said Michael Vladescu, President and CEO of WiLAN. "We remain committed and focused on advocating our positions which we believe are fair and balanced. At the same time, we always remain open to resolving any litigation disputes through reasonable negotiated solutions."

About WiLAN

WiLAN, a Quarterhill company, is one of the most successful patent monetization companies in the world and partners with its customers to unlock the value of intellectual property through various patent monetization models. WiLAN operates in a variety of markets including automotive, digital television, Internet, medical, semiconductor and wireless communication technologies. For more information: www.wilan.com.

About Quarterhill

Quarterhill is a leading provider of tolling and enforcement solutions in the Intelligent Transportation System (ITS) industry, as well as, through its Wi-LAN Inc. subsidiary, a leader in Intellectual Property licensing. Our goal is global leadership in ITS, via organic growth of the Electronic Transaction Consultants, LLC (ETC) and International Road Dynamics, Inc. (IRD) platforms, and by continuing an acquisition-oriented investment strategy that capitalizes on attractive growth opportunities within ITS and its adjacent markets. Quarterhill is listed on the TSX under the symbol QTRH and on the OTCQX Best Market under the symbol QTRHF. For more information: www.quarterhill.com

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