

Perkins Coie Wins Federal Circuit Appeal for Client U.D. Electronic Corp.

WASHINGTON, D.C. (June 2, 2022)—Perkins Coie is pleased to announce that it has achieved a victory in the U.S. Court of Appeals for the Federal Circuit on behalf of client U.D. Electronic Corp., a global Ethernet solutions provider, after Pulse Electronics, Inc., alleged that electrical connectors commonly used for Ethernet networking manufactured by U.D. Electronic infringed four of its U.S. patents.

The Federal Circuit on May 6 affirmed the summary judgment of non-infringement of all counts determined by the U.S. District Court for the Southern District of California in March 2021. Pulse had alleged infringement by U.D. Electronic of four patents concerning integrated connector modules (ICMs), which include Ethernet ports in devices like network switches. After Pulse was forced to drop one of the patents in the district court due to a successful petition for *inter partes* review, U.D. Electronic moved for summary judgment of no indirect infringement of the remaining three patents due to, *inter alia*, Pulse's failure to identify direct infringement in the United States by any branded end product containing the accused ICMs. U.D. Electronic also moved under the *Daubert* standard to exclude Pulse's damages expert's opinion on damages in the United States for the same reasons.

"We are pleased to have prevailed in this important case before the Federal Circuit for our client U.D. Electronic," said John Schnurer, lead counsel and co-managing partner of Perkins Coie's Taipei office. "Both the district court and Federal Circuit rulings demonstrate that U.D. Electronic respects intellectual property rights and develops its own technology."

In addition to John, who argued the appeal, the Perkins Coie team included Partners Louise Lu, Andrew Dufresne, and John Esterhay, and Counsel Kyle Canavera.

On March 16, 2021, Judge Roger Benitez granted U.D. Electronic's motions for summary judgment and Daubert exclusion and denied cross-motions for summary judgment by Pulse, and he further issued *sua sponte* an order to show cause on why the remaining claims for direct infringement should not be dismissed as well. After the parties briefed that issue, Judge Benitez dismissed the entire case on March 31, 2021.

Pulse appealed that dismissal to the Federal Circuit and even retained new counsel in an effort to overturn the summary judgment order. Oral argument was held in person at the Federal Circuit on May 4, 2022, which focused on the indirect infringement order. After hearing argument from both parties, the panel sided with U.D. Electronic, and the court summarily affirmed Judge Benitez's orders two days later, putting an end to Pulse's infringement case against U.D. Electronic.

Perkins Coie's Intellectual Property practice combines the focus and flexibility of a boutique firm with the complementary services of one of the world's leading technology law firms. The internationally recognized IP practice consists of more than 250 attorneys and agents in the United States and China who provide innovative, holistic counsel at every stage of IP protection and development.

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