

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

KONINKLIJKE KPN N.V.,

Plaintiff,

v.

TELEFONAKTIEBOLAGET LM
ERICSSON, ERICSSON INC.,

Defendants.

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CIVIL ACTION NO. 2:21-CV-00113-JRG

AMENDED FINAL JUDGMENT

A jury trial commenced in this case on August 22, 2022. On August 26, 2022, the jury returned a unanimous verdict (Dkt. No. 245) finding that Defendants Telefonaktiebolaget LM Ericsson and Ericsson Inc. (together, “Ericsson”) infringed one or more claims asserted by Plaintiff Koninklijke KPN N.V. (“KPN”), such claims being claims 3, 4, 5, and 13 of U.S. Patent No. RE48,089 (the “’089 Patent”), claim 11 of U.S. Patent No. 8,881,235 (the “’235 Patent”), and claim 26 of U.S. Patent No. 9,253,637 (the “’637 Patent”) (collectively, the “Asserted Claims”); that such infringement was willful; that none of the challenged claims of the ’089 Patent were invalid; and that KPN should recover from Ericsson \$31,518,974.00 for such infringement through the date of trial.

The Court entered Final Judgment based on the jury’s verdict on September 6, 2022. (Dkt. No. 262.) Following entry of the Final Judgment, KPN filed a Motion for an Exceptional Case Finding and Fees Under 35 U.S.C. § 285 and an Award of Expert Fees (“Fees Motion”) (Dkt. No. 276), a Motion for Ongoing and Enhanced Post-Trial Royalties (“Royalties Motion”) (Dkt. No. 282), and a Second Unopposed Motion Regarding Supplemental Damages and Pre- and Post-

Judgment Interest (“Supplemental Damages Motion”) (Dkt. No. 306) (collectively, the “Post-Judgment Motions”).

Having made its determinations regarding KPN’s Post-Judgment Motions in a Memorandum Opinion and Order dated June 15, 2023 (Dkt. No. 318) and a Memorandum Opinion and Order dated July 21, 2023 (Dkt. No. 321; *see also* Dkt. No. 323-1), and pursuant to Rule 58 of the Federal Rules of Civil Procedure, and in accordance with the jury’s verdict and the entirety of the record, the Court hereby **ORDERS** and **ENTERS** its **AMENDED FINAL JUDGMENT** as follows:

1. Ericsson has infringed one or more of the Asserted Claims.
2. Ericsson has willfully infringed one or more of the Asserted Claims.
3. None of the challenged claims of the ’089 Patent are invalid, such claims being claims 3, 4, 5, and 13.
4. KPN is **AWARDED COMPENSATORY DAMAGES** from and against Ericsson and shall accordingly have and recover from Ericsson the sum of \$31,518,974.00 U.S. Dollars.
5. As explained in the Final Judgment entered on September 6, 2022 (Dkt. No. 262), the Court elects **NOT TO ENHANCE** the Compensatory Damages.
6. As explained in the Memorandum Opinion and Order on KPN’s Fees Motion (Dkt. No. 318), KPN is **NOT AWARDED ATTORNEYS’ FEES**.
7. As explained in the Memorandum Opinion and Order on KPN’s Fees Motion (Dkt. No. 318), KPN is **NOT AWARDED EXPERT FEES**.
8. As explained in the Memorandum Opinion and Order on KPN’s Supplemental Damages Motion (Dkt. No. 321), KPN is **AWARDED SUPPLEMENTAL**

DAMAGES against Ericsson and shall further have and recover from Ericsson the sum of \$2,327,818.00 U.S. Dollars.


9. Pursuant to Federal Rule of Civil Procedure 54(d), Local Rule CV-54, and 28 U.S.C. § 1920, KPN is the prevailing party in this case and shall recover its costs from Ericsson.
10. As explained in the Memorandum Opinion and Order on KPN's Supplemental Damages Motion (Dkt. No. 321) and the Final Judgment entered on September 6, 2022 (Dkt. No. 262), KPN is **AWARDED PRE-JUDGMENT INTEREST** against Ericsson and shall further have and recover such from Ericsson in the sum of \$1,168,285.00 U.S. Dollars.
11. As explained in the Memorandum Opinion and Order on KPN's Supplemental Damages Motion (Dkt. No. 321) and the Final Judgment entered on September 6, 2022 (Dkt. No. 262), KPN is **AWARDED POST-JUDGMENT INTEREST** at the statutory rate against Ericsson and as such shall have and recover from Ericsson the sum of \$3,338.00 U.S. Dollars per day from the date of entry of the Final Judgment on September 6, 2022 until paid;
12. As explained in the Memorandum Opinion and Order on KPN's Royalties Motion (Dkt. No. 321), **THE ONGOING ROYALTY RATE IN THIS CASE IS SET AT:**
 - a. '089 Patent: For (i) 4G and 5G RAN software and hardware activation codes installed on hardware sold after September 6, 2022, and 4G and 5G RAN hardware sold after September 6, 2022, and (ii) Network Manager sold after September 6, 2022, a rate of 0.225% on Ericsson's U.S. net sales through January 8, 2031;

- b. '235 Patent: For Cloud Core Subscription Manager sold after September 6, 2022, a rate of 0.15% on Ericsson's U.S. net sales through July 9, 2030; and
- c. '637 Patent: For (i) SGSN-MME sold after September 6, 2022, and (ii) Packet Core Controller sold after September 6, 2022, a rate of 0.25% on Ericsson's U.S. net sales through June 17, 2030.

13. This Amended Final Judgment shall be and is effective for all purposes as of September 6, 2022, being the date of entry of the original Final Judgment herein.

All other relief requested by either party and not specifically awarded herein is **DENIED**.

So ORDERED and SIGNED this 9th day of August, 2023.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE