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## Sprint, Others Exit Cell Phone Antenna Patent Dispute

By **Ryan Davis**

Law360, New York (May 28, 2010) -- Nearly 20 cell phone companies and retailers, including Sprint Nextel Corp. and Wal-Mart Stores Inc., have been dismissed from a patent suit over antenna technology, agreeing to cooperate with plaintiff DownUnder Wireless LLC as it continues discovery against mobile device manufacturers.

DownUnder and the defendants filed a joint motion to dismiss Thursday in the U.S. District Court for the Eastern District of Texas, having struck a deal earlier in May to drop the claims.

Besides Sprint and Wal-Mart, the defendants dismissed from the suit are Target Corp., T-Mobile USA Inc., TracFone Wireless Inc., U.S. Cellular Corp., Verizon Wireless, Virgin Mobile USA Inc., Amazon.com Inc., AT&T Mobility LLC, Best Buy Stores LP, Boost Worldwide Inc., Buy.com Inc., Compusa.com Inc., Cricket Communications Inc., Dell Inc., Newegg Inc., Overstock.com Inc. and RadioShack Corp.

DownUnder has filed an amended complaint in the case in which the only defendants named are manufacturers Samsung Electronics America Inc. and Cal-Comp Electronics and Communications Ltd.

Papool Chaudhari of Reyes Bartolomei Browne, an attorney for DownUnder, said that the company had agreed not to pursue infringement claims against the dismissed defendants if they provided relevant information about the manufacturers in this case and a related case pending in the same court.

The defendants in that suit are HTC Corp., LG Electronics USA Inc., Motorola Inc., Nokia Corp., Pantech Wireless Inc., Personal Communications Devices LLC, Sharp Electronics Corp. and Sony Ericsson Mobile Communications USA Inc.

The suit against the retailers was filed in November, while the suit against HTC and the other manufacturers was filed in June. Both allege infringement of a patent dealing with an inverted antenna system designed to limit the intensity of electromagnetic radiation that users are exposed to while using the device.

Now standard in most cell phones, the antenna technology was invented in the late 1990s as a way to keep radiation from cell phones from connecting with the user's head, according to DownUnder.

The patent covers a system where the antenna is placed toward or near the bottom of the phone, then angled in a such a way that it is as far from possible as the user's head, as opposed to sticking out from the top of the phone, the plaintiff said.

The patent-in-suit is U.S. Patent Number 6,741,215.

Reyes Bartolomei Browne represents DownUnder.

Smith Weber LLP represents Sprint Nextel, Boost Worldwide and Virgin Mobile. Potter Minton PC represents Target. Howrey LLP and Potter Minton represent T-Mobile, Cricket and U.S. Cellular. Mayer Brown LLP represents TracFone.

Wiley Rein LLP and Potter Minton represent Verizon Wireless. Foley & Lardner LLP and Siebman Burg Phillips & Smith LLP represent Wal-Mart. Klarquist Sparkman LLP represents Amazon. Akin Gump Strauss Hauer & Feld LLP is representing AT&T Mobility.

Robins Kaplan Miller & Ciresi LLP and the Law Office of Rickey L. Faulkner PC represent Best Buy. Thompson & Knight LLP represents Buy.com. Davidoff Malito & Hutcher LLP represents CompUSA.com. Baker Botts LLP and Ramey & Flock PC represent Dell.

Zarian Midgley & Johnson PLLC and Yarbrough Wilcox PLLC represent Newegg. Bracewell & Giuliani LLP represents Overstock.com. Buether Joe & Carpenter LLC represents RadioShack.

Covington & Burling LLP and Potter Minton represent Samsung. Counsel information for Cal-Comp was not immediately available.

The case is DownUnder Wireless LLC v. Samsung Electronics America Inc. et al., case number 09-cv-00365, in the U.S. District Court for the Eastern District of Texas.

--Additional reporting by Jocelyn Allison

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