

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SACV 14-00341JVS(DFMx) Date December 14, 2020

Title TCL Communication Technology Holdings, Ltd v Telefonaktienbolaget LM Ericsson, et al

Present: The
Honorable

James V. Selna, U.S. District Court Judge

Lisa Bredahl

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: [IN CHAMBERS] Minute Order re December 14, 2020 Status Conference

The Court directed the parties to submit a Joint Report concerning the structure of the retrial (Docket No. 2063), and TCL Communications Technology Holdings, Ltd. *et al.* (collectively “TCL”) and Telefonaktienbolaget LM Ericsson’s (“Ericsson”) responded (Docket No.). The Court conducted a status conference this date to discuss the issues.

The Court now enters the following Order:

1. In light of the COVID-19 pandemic, the Court vacates the trial date and all other dates other than the parties’ January 11, 2021 mediation.
2. The Court sets a status conference for 9:00 a.m. January 19, 2021 to discuss the results of the mediation and rescheduling of the trial and all other dates.
3. The trial will consist of two phases. In Phase I, the jury will determine (a) whether Ericsson’s Offer A and/or Offer B were FRAND offers, and (b) if neither were, the FRAND rate. Depending on the results of Phase I, in Phase II, the jury will determine the royalty amount due for the license period and the amount of the release payment.

The Court adopts bifurcation for the following reasons. First, evidence of TCL sales after the dates of Offers A and B is irrelevant to the determination of FRAND

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as of the dates the Offers were made, and is potentially prejudicial to TCL. Bifurcation will simplify the trial, and there is a potential that Phase I will resolve the case or allow the parties to resolve Phase II for themselves. The Court finds that bifurcation will not prejudice Ericsson.

4. TCL has moved for return of all payments pursuant to the now-vacated Judgment, plus interest. (Docket No. 198-1.) The Court has the Motion under submission, and will rule within seven days of the parties' completion of their mediation.

Initials of Preparer lmb : 0