

Winston Secures Dismissal of Closely Watched Technology-Antitrust Case, Reaffirming the Legality of Avanci's Business Model

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We represented **Avanci, LLC** and **Avanci Platform Int'l Ltd.** (Avanci) in a high-profile, technology-antitrust action brought by plaintiff Continental Automotive Systems, Inc. and originally filed in the Northern District of California. Plaintiff alleged that Avanci's licensing practices—with respect to a platform for the joint licensing of standards-essential patents (SEPs) for the 2G, 3G, and 4G wireless standards—constituted a group boycott and conspiracy to monopolize by patent owners, which purportedly violated Section 1 and Section 2 of the Sherman Act. The case was a challenge to the very structure of how such joint-licensing platforms operate — to provide a one-stop location for SEP licensing.

We won a motion to transfer the action to the Northern District of Texas, which later granted our motion to dismiss, with prejudice, finding that no valid antitrust claim had been pleaded. This victory was widely hailed in the press, as the antitrust issues surrounding SEP licensing were the subject of global discussion. Continental appealed to the Fifth Circuit.

In February 2022, we prevailed for Avanci before the Fifth Circuit, receiving Am Law Litigator of the Week recognition. The Fifth Circuit unanimously affirmed the district court's dismissal of the antitrust claims and established a critical precedent supporting the antitrust validity of joint-licensing platforms like Avanci. Thereafter, Continental sought rehearing twice; the Fifth Circuit Panel reaffirming its ruling against Continental both times.

IMPACT

This win reaffirmed the legality of Avanci's business model. It also paved the way for the efficient licensing of SEPs, which facilitates new industry-wide standards and technological advances that benefit consumers worldwide.

(Continental Automotive Systems, Inc. v. Avanci, LLC, et al. (Case No. 20-11032, U.S. Court of Appeals, Fifth Circuit) and **Continental Automotive Systems, Inc. v. Avanci, LLC, et al.** (Case No. 3:19-CV-02933, U.S. District Court for the Northern District of Texas, Dallas))

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