

EIP

EIP Secures \$700 Million Plus for Optis in FRAND Litigation Against Apple

In a judgment handed down today by the English Court of Appeal (Optis Cellular Technology LLC & Ors v Apple Retail UK Ltd & Ors [2025] EWCA Civ 552), EIP have secured a landmark decision for its client Optis in its FRAND litigation against Apple.

In a 2023 ruling, Mr Justice Marcus Smith fixed the total license fee payable by Apple in respect of Optis' portfolio of SEPs at \$56.43 million. In its judgment today, the Court of Appeal increased the figure to \$502 million. **With interest, the total amount exceeds \$700 million.** This is the highest value court determined license of its type on record.

In 2023, the Judge had relied on a large number of Apple licenses as evidencing what was a fair and reasonable license fee. However, in his judgment Lord Justice Birss ruled that "Apple's Framework included indefensible elements such as an insistence on patent by patent licensing (which manifestly would involve a degree of hold out)" and therefore rejected Mr Justice Marcus Smith's approach.

Gary Moss, Chairman, who led the EIP Team said

"It was the view of Optis and its legal team that the approach adopted by the Judge was misconceived and out of step with prior FRAND decisions. That view has been vindicated after today's decision. This judgment will go some way to reestablishing the English courts as an appropriate jurisdiction in which SEP holders can litigate FRAND issues.

I would like to pay tribute to the effort of the EIP litigation team and that of Osborne Clarke who were our co- Counsel on the case."