

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA**

BELL NORTHERN RESEARCH, LLC,

Plaintiff,

v.

HMD AMERICA, INC., HMD GLOBAL OY,  
SHENZHEN CHIINO-E COMMUNICATION  
CO. LTD., HON HAI PRECISION  
INDUSTRY CO., LTD, TINNO MOBILE  
TECHNOLOGY CORP., SHENZHEN TINNO  
MOBILE CO., LTD., TINNO USA, INC.,  
UNISOC TECHNOLOGIES CO. LTD.,  
SPREADTRUM COMMUNICATIONS USA,  
INC., WINGTECH TECHNOLOGY CO. LTD.,  
WINGTECH INTERNATIONAL, INC.,  
HUAQIN CO. LTD., BEST BUY CO., INC.,  
BEST BUY STORES L.P., TARGET CORP.,  
WALMART INC.,

Defendants.

Case No. 1:22-CV-22706-RNS

**HON HAI PRECISION INDUSTRY CO., LTD'S  
MOTION FOR EXCEPTIONAL CASE STATUS**

**TABLE OF CONTENTS**

- MOTION FOR EXCEPTIONAL CASE STATUS ..... 1
- I. INTRODUCTION ..... 1
- II. FACTUAL BACKGROUND..... 2
  - A. Hon Hai Is Neither Present in Florida, Nor Has Any Involvement With the Accused Nokia Products ..... 2
  - B. BNR’s Repeated Frivolous Allegations..... 3
  - C. BNR’s Actual Notice of the Errors in its Allegations..... 4
  - D. BNR Was Unprepared to Respond to the MTD ..... 5
  - E. Hon Hai Did Substantial Additional Work on the Case ..... 6
  - F. Dismissal of the Claims Against Hon Hai ..... 6
- III. LEGAL STANDARD..... 7
- IV. ARGUMENT ..... 8
  - A. BNR’s Misconduct Renders This Case Exceptional ..... 8
    - 1. BNR’s allegations were frivolous. .... 8
    - 2. BNR’s refusal to dismiss Hon Hai after notice of its faulty allegations was objectively unreasonable..... 10
    - 3. BNR’s deliberate and continued indifference should be deterred..... 12
  - B. Hon Hai Is a “Prevailing Party.”..... 12
- V. CONCLUSION..... 13

**TABLE OF AUTHORITIES**

	<b>Page(s)</b>
<b>Cases</b>	
<i>Beach Blitz Co. v. City of Miami Beach</i> , No. 1:17-cv-23958-UU, 2018 U.S. Dist. LEXIS 165462 (S.D. Fla. Sep. 24, 2018), <i>aff'd</i> 13 F.4th 1289 (11th Cir. 2021) .....	12
<i>Bell Northern Research, LLC v. HMD America, Inc., et al.</i> , No. 22-cv-21035-RNS (S.D. Fla. 2022) .....	3
<i>Bivens v. v. Ball Healthcare Servs.</i> , No. 18-cv-097-CG, 2019 U.S. Dist. LEXIS 10727 (S.D. Ala. Jan. 23, 2019) .....	12
<i>Energy Heating, LLC v. Heat On-The-Fly, LLC</i> , 15 F.4th 1378 (Fed. Cir. 2021) .....	8
<i>F &amp; G Research, Inc. v. Google Inc.</i> , No. 06-cv-60905-CMA-WCT, 2007 U.S. Dist. LEXIS 70072 (S.D. Fla. Sep. 20, 2007).....	7, 9
<i>Kearney v. Auto-Owners Ins. Co.</i> , 422 F. App'x 812 (11th Cir. 2011) .....	13
<i>NetSoc, LLC v. Chegg Inc.</i> , No. 18-cv-10262-RA, 2020 U.S. Dist. LEXIS 232321 (S.D.N.Y. Dec. 10, 2020).....	10, 12
<i>Octane Fitness, LLC v. ICON Health &amp; Fitness, Inc.</i> , 572 U.S. 545 (2014).....	7, 8
<i>Oplus Techs., Ltd. v. Vizio, Inc.</i> , 782 F.3d 1371 (Fed. Cir. 2015).....	8
<i>Shipping &amp; Transit, LLC v. IA Auto, Inc.</i> , 283 F. Supp. 3d 1290, 1301 (S.D. Fla. 2017), <i>report and recommendation</i> <i>adopted</i> 2017 U.S. Dist. LEXIS 184456 (S.D. Fla. Oct. 18, 2017).....	8, 9, 12
<i>Taurus IP, LLC v. DaimlerChrysler Corp.</i> , 726 F.3d 1306 (Fed. Cir. 2013).....	1
<i>ThermoLife Int'l LLC v. GNC Corp.</i> , 922 F.3d 1347 (Fed. Cir. 2019).....	7

*Traxcell Techs., LLC v. AT&T Corp.*,  
 No. 2:17-cv-00718-RWS-RSP, 2022 U.S. Dist. LEXIS 237105  
 (E.D. Tex. Dec. 22, 2022).....11

*WPEM, Inc. v. SOTI Inc.*,  
 No. 2:18-cv-00156-JRG, 2020 U.S. Dist. LEXIS 17449  
 (E.D. Tex. Feb. 4, 2020) .....11

*ZT IP, LLC v. VMware, Inc.*,  
 No. 3:22-cv-0970-BS, 2023 U.S. Dist. LEXIS 19165 (N.D. Tex. Feb. 6, 2023).....10

**Statutes**

15 U.S.C. § 1117.....10, 11

35 U.S.C. § 285..... *passim*

**Other Authorities**

Federal Rule of Civil Procedure 41(a)(2) .....12

Federal Rule of Civil Procedure 54(d)(2)(C).....1

## MOTION FOR EXCEPTIONAL CASE STATUS

Defendant Hon Hai Precision Industry Co., Ltd. (“Hon Hai”) respectfully moves the Court to declare this twice-filed frivolous case exceptional pursuant to 35 U.S.C. § 285, Federal Rule of Civil Procedure 54(d)(2)(C), and Local Rule 7.3(a). Plaintiff Bell Northern Research, LLC (“BNR”) dragged Hon Hai along for nine months with knowledge that its allegations were frivolous. Sanctions are necessary to provide relief and repose to Hon Hai for BNR’s misconduct.

### **I. INTRODUCTION**

This case never should have been filed against Hon Hai. BNR accuses Nokia phones and tablets of infringing 13 patents. Rather than pursue its infringement case against Nokia, BNR targeted deeper pockets. BNR tagged Hon Hai as a defendant along with 15 other unrelated entities, pulling Hon Hai into this case based on nothing more than vague allegations of “aiding and abetting others to infringe.”<sup>1</sup> Any simple search would have uncovered that Hon Hai did not belong in this case. But BNR’s frivolous claims alone are not what makes this case exceptional.

This case stands out for BNR’s remarkable refusal to dismiss Hon Hai despite repeated notice that its claims were baseless. Time and time again Hon Hai confronted BNR with the irrefutable fact that Hon Hai does not manufacture, use, sell, offer to sale, or import the accused Nokia products anywhere, much less the United States or this District. Indeed, Hon Hai has no relationship with Nokia at all. And time and time again, BNR turned a blind eye to these facts and instead chose to waste the time and resources of Hon Hai and the Court.

As the Federal Circuit has instructed, a party “must continually assess the soundness of [its] pending infringement claims.” *Taurus IP, LLC v. DaimlerChrysler Corp.*, 726 F.3d 1306, 1328 (Fed. Cir. 2013). The record (as summarized below) makes clear that BNR never

---

<sup>1</sup> Dkt. No. 1 at ¶¶ 175, 198, 219, 238, 257, 279, 300, 318, 336, 359, 383.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.