

No. 18-____

IN THE

Supreme Court of the United States

IMPERIUM IP HOLDINGS (CAYMAN), LTD.,

Petitioner,

v.

SAMSUNG ELECTRONICS CO., LTD., SAMSUNG
ELECTRONICS AMERICA, INC., SAMSUNG
SEMICONDUCTOR, INC.,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

This case implicates fundamental questions about the proper roles of the jury and the court. After a six-day trial, a jury found that Respondent Samsung willfully infringed Petitioner Imperium's patent rights. In reaching that verdict, the jury found that Samsung had failed to carry its burden of proving by clear and convincing evidence that the relevant patent claims were invalid. Following post-trial proceedings, including an award of treble damages plus attorney's fees in light of Samsung's willful infringement and litigation misconduct, the district court entered judgment for over \$22 million on the patent claims at issue.

The Federal Circuit reversed, however, holding that Samsung was entitled to judgment as a matter of law on invalidity because the jury was *required* to accept the purportedly credible, "unrebutted," and "uncontradicted" testimony of Samsung's paid expert. The court of appeals reached that holding only after performing its own assessment of Samsung's expert's credibility and ignoring numerous other facts that could have led a reasonable jury to discount the value of this witness's testimony.

The question presented is whether an appellate court may reverse a jury verdict based on its own view that expert testimony was credible, "unrebutted," and "uncontradicted," or instead whether the Seventh Amendment requires the jury to make determinations about credibility and the weight of the evidence in determining whether a party has properly carried its burden of proof.

**PARTIES TO THE PROCEEDING,
RULE 29.6 STATEMENT, AND
STATEMENT OF RELATED CASES**

Petitioner Imperium IP Holdings (Cayman), Ltd. was the plaintiff in the district court and appellee/cross-appellant in the Federal Circuit. Petitioner has no parent company, and no publicly held company owns 10% or more of its stock.

Respondents are Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Semiconductor, Inc. Respondents were defendants in the district court and appellants/cross-appellees in the Federal Circuit.

Pursuant to Rule 14.1(b)(iii), Imperium provides the following statement of related cases:

There is ongoing litigation between Imperium and Samsung over whether Samsung's use of the patented technologies at issue here was authorized by a separate license agreement between Sony and Imperium. *See Samsung Electronics Co., Ltd. v. Imperium IP Holdings (Cayman), Ltd.*, No. 1:15-cv-1059-CFC (D. Del.). Similar issues were litigated in this case but are not directly at issue in this petition.

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