

THE **RECORDER**

Latham Secures \$135 Million Settlement for Client Netgear in Wi-Fi Patent Dispute

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What You Need to Know

- Netgear filed a complaint against TP-Link alleging patent infringement in April 2023.
- An ITC investigation concluded that TP-Link had infringed some of Netgear's patents and had violated Section 337 of the Tariff Act of 1930.
- A congressional committee is calling for a separate investigation of TP-Link as a national security threat.

Wi-Fi and networking company Netgear, represented by Latham & Watkins, was awarded \$135 million in a settlement arising from a patent dispute with rival TP-Link.

According to an 8-K [filing](#) published on the company's website Sept. 12, Netgear entered into a settlement agreement with TP-Link on Aug. 28, which dismissed all pending litigation between the parties.

Latham & Watkins declined to comment and TP-Link's counsel at Kirkland & Ellis did not immediately respond to requests for comment.

Netgear, which is based in San Jose, California, filed a complaint alleging patent infringement against network equipment manufacturer TP-Link, which was originally



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founded in Shenzhen, China, and now maintains its headquarters in both Singapore and the U.S., in April 2023 with the U.S. International Trade Commission. The ITC launched an investigation into Netgear's allegations on May 8, 2023.

Netgear accused TP-Link of violating Section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, which bars the importation of products that infringe a U.S. patent or copyright. The patented Wi-Fi devices at issue include U.S. Patent Nos. 7,936,714; 10,681,698; 10,278,179; 9,468,205; 10,327,242; and 10,356,681.

On May 30, Administrative Law Judge Doris Johnson Hines of the ITC determined that TP-Link had infringed U.S. Patent Nos. 7,936,714 and 10,681,698 and breached Section 337 by importing and selling its “multi-band WiFi devices, routers and mesh networking devices” in the United States, according to a June [news release](#) on Netgear’s website.

“In addition, the ALJ recommended that the ITC issue (1) a Limited Exclusion Order to U.S. Customs and Border Protection to prevent further importation of TP-Link’s infringing products, as well as (2) a Cease and Desist Order to TP-Link prohibiting further importation, sale, and marketing of TP-Link’s infringing products,” it said.

On Sept. 6, the ITC voted to grant a joint motion filed by Netgear and TP-Link on Aug. 30 to settle their dispute and stay all ITC procedural deadlines, according to an [order](#) by Lisa R. Barton, secretary to the commission. The ITC investigation is scheduled to complete its investigation on Oct. 4.

TP-Link is currently in the crosshairs of the U.S. House Select Committee on Strategic Competition between the United States and the Chinese Communist Party, which identified the company as a potential national security threat due to its Chinese origins. On Aug. 15, Rep. Raja Krishnamoorthi, D-Illinois, and Rep. John Moolenaar, R-Michigan, called for a probe into TP-Link, espousing concerns about Chinese hackers using its Wi-Fi routers to carry out state-sponsored cyberattacks against the U.S. Their [letter](#) to U.S. Department of Commerce Secretary Gina Raimondo alluded to the deployment of TP-Link routers in a 2023 “hacking campaign” mounted by “PRC cyber military forces” against European government officials.

TP-Link retains 17.8% global market share for Wi-Fi products, per its website, and global market intelligence firm International Data Corp. has ranked it the leading seller of Wi-Fi devices in the world for the last 12 years.

Netgear and TP-Link did not respond to emails seeking comment.