

ITC Judge Finds Asus Infringed Netgear Wi-Fi Patent Claims

By **Theresa Schliep**

Law360 (August 12, 2026, 10:02 PM EDT) -- An administrative law judge for the U.S. International Trade Commission made an initial finding that Taiwanese electronics manufacturer Asus and another Wi-Fi device seller infringed claims in a couple of patents licensed to Netgear.

In the notice from Aug. 6, Administrative Law Judge Doris Johnson Hines detailed the initial determination — which is sealed — concluding that Asus and Plume Design Inc. infringed three claims in the two patents licensed to Netgear by Estelgia LLC broadly covering Wi-Fi technologies. She also rejected Asus and Plume's invalidity contentions as to those claims.

But the judge found that while Asus and Plume infringed four other patent claims, they were invalid. An additional patent claim was infringed by Plume but not Asus, although that one was also deemed invalid, according to the notice.

Kevin Wheeler of Latham & Watkins LLP, representing Netgear and Estelgia in the case, said in a statement: "We appreciate the administrative law judge's careful consideration of the issues presented and are pleased with the initial determination's findings."

Counsel for Asus and Plume did not respond to requests for comment late Wednesday.

In addition to the infringement and validity findings, Judge Hines found that some Wi-Fi products supplied to Plume by Sagemcom were barred from the claims for U.S. Patent No. 7,936,714 under the patent exhaustion doctrine, since Netgear and Sagemcom were both parties to a license agreement when Netgear assigned the patents to Estelgia. But she did not agree that the rights to both patents were exhausted with regard to other products.

The judge came to the infringement and invalidity conclusions despite the commission's investigative staff filing a **brief** in the proceedings contending that Estelgia failed to show that Asus and Plume violated Section 337 of the Tariff Act. For the '714 patent, the staff said that while Estelgia proved infringement of the relevant claim, that claim was invalid.

And as for the U.S. Patent No. 10,735,973, the commission's investigative staff said Estelgia failed to demonstrate infringement, calling its infringement theory "fundamentally flawed."

The ITC instituted the investigation in June 2025. While Netgear and Estelgia initially identified D-Link Corp., D-Link Systems Inc., Linksys Holdings Inc. and Linksys USA Inc. as respondents along with Asus and

Plume, the D-Link and Linksys proceedings were eventually terminated, leaving the other two companies.

After a hearing in the proceedings, the parties submitted briefs, with Asus and Plume arguing in a filing in March that "Estelgia's initial post-hearing brief repeats the same misguided arguments it has advanced throughout this investigation as if the evidentiary hearing never took place." Estelgia has relied too much on a judge's findings in another investigation to make its case proceedings, Asus and Plume argued.

"But the more Estelgia focuses on what happened in a different case, the more it becomes clear Estelgia has little to say about respondents' defenses here and the record that was developed here," they added.

Meanwhile, Netgear and Estelgia argued in a brief in April that Asus and Plume's post-hearing briefing relied on "heated rhetoric, mischaracterizations of Estelgia's experts' positions, and constantly shifting claim construction and invalidity positions."

Netgear asserted one of the patents against TP-Link Systems Inc. at the ITC, leading to a \$135 million settlement in September 2024.

The patents-at-issue are U.S. Patent Nos. 7,936,714; and 10,735,973.

Netgear and Estelgia are represented by Kevin Wheeler, Charles Sanders, Michael David, Amit Makker, Blake Davis, Kimberly Li, Jacob Vannette, Shridhar Jayanthi, Dan Muller, Joe Previti and Di Ai of Latham & Watkins LLP.

Asus is represented by Adam D. Swain, M. Scott Stevens, Devon C. Beane, Michael J. Newton, Brady Cox, Jacob W. Young and Cathina L. Gunn-Rosas of Alston & Bird LLP.

Plume is represented by Nicholas A. Brown, Cyrus T. Frelinghuysen and Kassidy Schmitz of Greenberg Traurig LLP.

The case is In the Matter of Certain Wi-Fi Routers, Wi-Fi Devices, Mesh Wi-Fi Network Devices and Components Thereof, case number 337-TA-1454, at the U.S. International Trade Commission.

--Editing by Bruce Goldman.