

## Motorola bid to enforce portions of US court award against Hytera dismissed by UK High Court

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Motorola's bid to enforce parts of a July 2024 US appeals court judgment, which held Hytera liable for misappropriation of Motorola's proprietary trade secrets and infringing related copyrights, was dismissed by the UK High Court on Thursday. Judge Neil Calver held that portions of the US judgment were unenforceable in the UK.

The UK High Court on Thursday dismissed Motorola Solutions' claim to enforce portions of a \$407.4 million award by a US court against Chinese two-way radio supplier Hytera Communications for trade secret theft under the US Defend Trade Secrets Act, or DTSA.

The ruling provides clarity on how UK courts are likely to treat attempts by parties to enforce portions of judgments handed down in foreign jurisdictions.

Judge Neil Calver held that because the US court in its judgment doubled the compensatory damages under the DTSA, the UK's Protection of Trading Interests Act prevented the enforcement of any part of that judgment.

"If there is a judgment based on multiplication, then no part of it may be enforced," Calver wrote in his judgment, quoting a 2018 High Court decision in SAS Institute Inc versus World Programming Ltd.

Motorola sought only to enforce the ancillary awards of interest, attorney fees and costs from the US judgment to the tune of \$73 million in the UK.

Rejecting Motorola's argument that enforcement of awards of interest, costs and disbursements, which are ancillary to the US court judgment, doesn't violate the PTIA, Calver wrote the ancillary amounts were "sums payable under" the DTSA judgment and therefore unenforceable in the UK.

Calver held that because the US court had not apportioned the amount of interest between trade secrets and copyright damages and instead awarded a "global sum in respect of the entire action," it was impossible to enforce portions of the award and all the costs were payable under the DTSA.

Thursday's judgment followed a trial on Nov. 4 and 5, 2024 in the UK court.

Motorola first filed its claim to enforce portions of the US judgment in UK courts in 2022.

The American technology company had already succeeded in obtaining a consent judgment in a November 2023 case management conference for \$136.3 million related to damages under the Copyright Act portion of the US judgment. The judgment was however stayed by a UK court in January 2024, conditional upon Hytera paying \$25 million.

Motorola sued Hytera in 2017 for alleged misappropriation of trade secrets involving Motorola's digital mobile-radio technology and infringing related copyrights in the US. Three former Motorola engineers were reported to have taken thousands of documents and computer files with them to Hytera.

While the trade secret damages were upheld, the court ordered a reduction in copyright infringement damages related to Hytera's foreign sales.

Hytera's plea for a rehearing in the case was denied by the US Court of Appeals for the Seventh Circuit in October 2024 (see [here](#)).

Following a jury trial in March 2020 in US District Court for the Northern District of Illinois, Motorola was awarded \$764 million in damages. The Seventh Circuit in July 2024 upheld Motorola's \$407.4 million award under the DTSA, but said the district court must recalculate damages for Hytera's copyright infringement.

The case has bounced between courts, with related proceedings in China where Hytera unsuccessfully sought a declaration that its new products didn't infringe Motorola's intellectual property.

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**Areas of Interest:** Intellectual Property

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**Topics:**

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