
FRAND Quarterly: Navigating the Global SEP Landscape – March 2026

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INTRODUCTION

The transition into 2026 has seen several notable developments in fair, reasonable and non-discriminatory (FRAND) litigation. In particular:

- **Increasing jurisdictional fights:** Courts in the United States, United Kingdom and Germany and the Unified Patent Court (UPC) continue to protect their own competence to set or enforce FRAND outcomes. This trend has led to a dense web of anti-suit, anti-anti-suit and “anti-interim-license” injunctions (AILIs). In the United Kingdom, Mr Justice Meade and Mr Justice Mellor, respectively, issued *ex parte* anti-anti-suit injunctions (AASIs) to safeguard the UK’s rate-setting jurisdiction in the *Amazon v. InterDigital* and *Warner Bros v. Nokia* cases (Nokia’s AASI injunction was later lifted on the condition that Nokia give 21 days’ notice before seeking any foreign injunctions that relate to the UK rate-setting proceedings). The UPC and German courts have so far upheld the AILIs against Amazon.
- **Further articulation of approaches to FRAND disputes:** The German Federal Court of Justice endorsed the Munich I Regional Court’s strict approach to “willingness” before an injunction could be granted. Despite the European Commission’s intervention encouraging a referral to the Court of Justice of the European Union (CJEU) on the interpretation of *Huawei v. ZTE*, the Federal Court of Justice refused to make such a referral. Separately, the Munich I Regional Court granted the first SEP preliminary injunction (PI) in Europe in *Dolby v. Roku*. In the United Kingdom, the Court of Appeal in *Samsung Electronics Co. Ltd v. ZTE Corporation* reframed the grant of a declaration of the terms of an interim license as “jurisdictionally neutral relief.” In the United States, Judge Rodney Gilstrap allowed *Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc.’s* FRAND counterclaims against Wilus Institute of Standards and Technology Inc. to proceed and confirmed that Institute of Electrical and Electronics Engineers (IEEE) reasonable and non-discriminatory (RAND) commitments are governed by US law, even if portfolios include foreign patents.
- **Policymakers continue to be active:** In the United States, the Antitrust Division of the

Department of Justice (DOJ) voiced concerns about “collusive licensing negotiation groups,” characterizing them as buyers’ cartels and warning about unintended regulatory “butterfly effects.” The United States Patent and Trademark Office (USPTO) announced an SEP Working Group aimed at “strong and predictable” enforcement, framed as a response to an environment purportedly hostile to innovators. In Europe, the European Parliament initiated litigation against the European Commission over the withdrawal of the proposed SEP Regulation, alleging institutional overreach and breach of duties of cooperation and balance.

United States

US District Court for the Eastern District of Texas Allows Samsung’s RAND Counterclaims

Against Wilus to Move Forward. On November 12, 2025, Judge Gilstrap denied Wilus’s motion to dismiss Samsung’s RAND-related counterclaims in a series of Wi-Fi 6 SEP infringement actions. Samsung alleged that Wilus breached its IEEE contractual obligations by failing to negotiate in good faith and by refusing to offer RAND-compliant terms. Wilus argued that the court lacked subject matter jurisdiction because the allegations implicated foreign patents and that Samsung failed to state viable claims for breach of contract and breach of the duty of good faith in light of Wilus’s stated intent to grant RAND licenses.

The court rejected the jurisdictional challenge, holding that U.S. law governs the RAND obligations arising from commitments made to IEEE—a New York-based organization—even when the portfolio includes foreign patents. *Wilus Institute of Standards and Technology Inc. v. HP Inc.*, No. 2:24-CV-00752-JRG (E.D. Tex. Nov. 12, 2025). Judge Gilstrap distinguished this case from earlier decisions relating to FRAND commitments made to the European Telecommunications Standards Institute (ETSI) in which claims concerning foreign patents had been dismissed, emphasizing that adopting Wilus’s position would allow any patent holder to circumvent U.S. jurisdiction by bundling foreign patents with domestic ones and declining to license them separately. The court further found that Samsung adequately pled its contract and good faith–based claims, concluding that Wilus’s stated willingness to offer RAND licenses did not negate its alleged non-compliance.

Eastern District of Texas Addresses Multiple FRAND Issues in Powermat-Anker Wireless

Charging Dispute. On November 18, 2025, the Eastern District of Texas issued an order resolving several FRAND-related issues in litigation between Powermat Technologies and Anker Innovations concerning five patents asserted to be essential to the Qi wireless charging standard. *Powermat Technologies, Ltd. v. Anker Innovations, Ltd.*, 5:23-CV-00052-RWS, ECF No. 197 (E.D. Tex. Nov. 18, 2025). Powermat sued Anker in June 2023, and following discovery, the parties filed summary judgment motions, *Daubert* challenges, and a motion to stay FRAND-related defenses and damages theories. The court first denied Anker’s request to stay the case pending global FRAND proceedings before the UPC, as well as pending *inter partes* review (IPR) decisions, finding the stay unwarranted given Anker’s year-long delay in initiating IPR proceedings and the lack of clarity as to whether either the UPC or IPR outcomes would meaningfully streamline the litigation. The court also noted that Powermat would be unduly prejudiced by further delay two years into the case.

The court next rejected Anker's challenge to Powermat's damages expert, who relied on Powermat's portfolio-wide Qi licensing rates to support a reasonable royalty for the asserted subset of patents. Anker argued that the expert had failed to apportion the rate to account for technological differences between the asserted patents and Powermat's full patent portfolio, but the court concluded the expert had provided sufficient justification to rely on analogous licensing agreements and to opine that the portfolio-based rate was appropriate. The court then addressed Powermat's attempt to exclude portions of Anker's expert's royalty-stacking opinions. Although Anker agreed to withdraw certain stacking theories, the court permitted the remaining opinions, finding them sufficiently tied to the facts. In particular, Powermat's own expert had testified that Powermat could sue Anker on additional Qi patents immediately after the hypothetical negotiation, which the court determined provided a factual basis for considering how the possibility of further assertions might influence the negotiation and the parties' assessment of royalty stacking. Finally, the court rejected Anker's patent-misuse defense at summary judgment. Anker argued that seeking supra-FRAND damages alone could constitute misuse when a licensor is bound by FRAND commitments, but the court found no evidence that Powermat's damages positions or pre-suit conduct produced any anticompetitive effect and thus concluded the defense could not proceed.

DOJ Highlights Concerns About Collusive Licensing Negotiation Groups in Remarks at Chatham House Conference. On November 20, 2025, Deputy Assistant Attorney General Dina Kallay delivered remarks at the 2025 Chatham House Competition Policy Conference, addressing broader competition issues with relevance to SEPs. In an on-the-record keynote, Ms. Kallay cited the European Commission's recent letter on the proposed Automotive Licensing Negotiation Group as an example of what she described as "collusive licensing negotiation groups," characterizing such arrangements as illegal buyers' cartels under [US antitrust law](#). She cautioned that government regulations and interventions can have unintended "butterfly effects" beyond their intended scope, noting that antitrust immunities and exemptions may incentivize companies to seek carve-outs instead of adhering to antitrust laws. Ms. Kallay also emphasized that the DOJ Antitrust Division and the Federal Trade Commission have led a government-wide effort to identify and revise or rescind anticompetitive regulations across multiple sectors. She concluded by underscoring the Division's commitment to promoting competition, prioritizing industries that directly affect consumers—such as the airline industry—while continuing efforts to curb anticompetitive regulations and unwarranted government interventions that risk weakening competition in the marketplace.

USPTO Announces SEP Working Group Focused on Strengthening Patent Enforcement and Participation in Standards Development. On December 29, 2025, the USPTO announced the formation of a new SEP Working Group. According to the USPTO, the initiative is intended to ensure that "all patent holders—regardless of size or sophistication—are treated fairly," with "strong and predictable" enforcement of their rights when their patented technologies are incorporated into standards. The agency described the effort as a response to an SEP environment that has "become increasingly hostile to innovators," citing concerns about devaluation of contributions, uncertain rights and suppressed licensing rates. The USPTO stated that the SEP Working Group will focus on restoring strong remedies, expanding meaningful participation in standards development—particularly for small and medium-sized US enterprises—and engaging with stakeholders to

improve transparency and predictability in SEP licensing and standards processes. The USPTO has invited input from the public as it begins this work.

Europe

European Parliament Takes European Commission to Court Over SEP Regulation Withdrawal. On November 25, 2025, members of the European Parliament voted to initiate litigation against the European Commission following the Commission's withdrawal of the proposed SEP Regulation. The parliament argues that the Commission overstepped its mandate by withdrawing a proposal that the Parliament had adopted in 2024 and seeks to annul the Commission's decision. It argues that the SEP Regulation's withdrawal infringed EU law since it was without legitimate grounds, breached the principles of conferral of powers and institutional balance, and prematurely ended the legislative procedure, which encroaches on the legislative prerogatives of both the Parliament and the Council of the European Union. The Parliament also alleges a breach of Article 13(2) of the Treaty on the Functioning of the European Union's (TFEU) duty of sincere cooperation on the basis that the Commission failed to consider the Parliament's concerns as co-legislator and failed to clarify the reasons for the withdrawal.

UPC Local Division Upholds Novel ALLI Against Amazon. In December 2025, the UPC issued two decisions in the SEP dispute between InterDigital and Amazon. On December 22, 2025, the Mannheim Local Division (LD) upheld its earlier order preventing Amazon from pursuing UK interim license relief and made clear that the order covers any step that effectively restrains enforcement of those European patents subject to the UPC's jurisdiction. In practice, the UPC held that this includes applications in the United Kingdom for interim license relief and could even encompass a final FRAND rate decision. This is because UK final FRAND relief would prevent a patentee from arguing its case and enforcing rights before the UPC. The Mannheim LD stressed that UK final relief is acceptable provided its effects "are strictly limited to the UK territory" and "do not attach any negative consequences whatsoever" to InterDigital for enforcing its patent rights in the UPC or its member states. Given the uncertainty about the downstream effects of potential UK final relief, the court maintained its order. In addition to maintaining the ALLI, the Mannheim LD also issued a penalty warning to Amazon of €50 million per breach and up to €500,000 per day for ongoing non-compliance. On December 29, 2025, the UPC Court of Appeal (CoA) refused Amazon's request for suspensive effect of the Mannheim LD's 22 December order. Amazon's request focused on the aspects of the order that could affect the UK final relief. However, the UPC CoA held that under Article 74(1) of the UPC Agreement, appeals generally do not suspend enforcement and only do so in exceptional circumstances, which were not applicable in Amazon's case. Amazon also failed to show any irreversible harm that warranted urgent suspension. A hearing for the substantive appeal will take place on May 28, 2026. This case further signals the tension between the United Kingdom, the German courts and the UPC. As reported below, the UK court granted Amazon an AASI against InterDigital to protect the UK final FRAND relief.

Germany

InterDigital Secures Injunction Against Disney in Germany. On November 3, 2025, the Munich Regional Court granted InterDigital an injunction against Disney for infringing a patent related to dynamic video overlay technology – used, for example, to stream subtitles over video. InterDigital announced the ruling publicly on November 24, 2025, following a similar outcome in Brazil, where courts had already granted PIs against Disney on related grounds. The Munich decision adds to a growing string of enforcement wins for InterDigital in its global dispute with Disney, which also includes anti-anti-suit relief from the UPC’s Mannheim LD.

Munich Court Grants First SEP-based PI in Europe. The Munich I Regional Court granted Dolby a PI against Roku on November 20, 2025 in connection with a video codec SEP. This marks the first time an SEP-based PI has been granted in Germany—and in Europe more broadly. The decision is expected to have far-reaching implications for SEP enforcement strategy, signaling a new willingness by German courts to grant urgent relief to SEP holders in FRAND disputes. Until now, SEP-based PIs had only been reported in Brazil and Colombia.

AILI Against Amazon Upheld by Munich Court. On November 25, 2025, the Munich Regional Court rejected Amazon’s attempt to revoke an AILI previously granted in favor of InterDigital. The injunction prevents Amazon from seeking interim FRAND relief – such as an interim license or a declaration of unwillingness – from the UK courts in connection with InterDigital’s video codec SEPs. Amazon had argued that the AILI effectively functioned as an anti-suit injunction (ASI), blocking it from enforcing contractual rights under InterDigital’s FRAND undertaking to the International Telecommunication Union (ITU). The Munich court disagreed, reasoning that it was Amazon’s UK case that acted as an anti-suit measure, as it could prevent patent holders from enforcing their rights in Germany. The court warned that permitting a UK court to provisionally license a global portfolio based on a single UK patent could sideline more appropriate jurisdictions. A parallel hearing on the same issue took place before the UPC’s Mannheim Local Division on November 14, 2025, as discussed above.

BGH Upholds Munich FRAND Approach in *VoiceAge v. HMD*, Declines CJEU reference. On January 27, 2026, the German Federal Court of Justice (BGH) dismissed HMD’s appeal in the long-running *VoiceAge v. HMD* litigation concerning audio codec SEPs. As we reported in a previous [issue](#) of this FRAND update, the case attracted broad attention, including a 2024 *amicus curiae* brief from the European Commission that expressed concern over the German courts’ interpretation of the CJEU’s *Huawei v. ZTE* (2015) framework. The dispute centered on the willingness standard applied by the Munich courts, which, among other things, requires implementers to post sufficient security (e.g. a bank guarantee) to demonstrate continued willingness to licence on FRAND terms. While observers had speculated that, in particular because of the Commission’s *amicus* brief, the BGH might refer questions to the CJEU, the court held this was unnecessary. It held that the *Huawei v. ZTE* decision leaves room for national assessment and that Article 102 of the TFEU does not preclude injunctions where the implementer’s overall conduct suggests a lack of serious willingness to license. The BGH pointed to significant delays in HMD’s responses to licensing and confidentiality offers, as well as the provision of security well below even its own proposed terms, as evidence of a lack of serious willingness to license.

Munich Court Refines FRAND Approach in *Wilus v. ASUS*. On January 29, 2026, the Munich

Regional Court issued its judgment in *Wilus v. ASUS*, providing further guidance on how it applies FRAND principles in SEP disputes. The case relates to a Wi-Fi 6 SEP (EP 3 512 289). Wilus successfully secured an injunction against ASUS that is provisionally enforceable subject to a security deposit.

The court took the opportunity to set out its approach on FRAND litigation as follows:

- **Substantive negotiation conduct matters:** The court emphasized that procedural missteps early in negotiations (e.g. timing of expressions of willingness) can be remedied by later substantive license discussions, so long as negotiations meaningfully progress.
- **Security deposits remain central:** Consistent with recent German practice, an implementer must provide adequate security reflecting the SEP holder’s last license offer before the court will engage in a full examination of whether that offer is FRAND.
- **Focus on overall conduct:** The court confirmed that it assesses the substance of the parties’ licensing interactions rather than requiring strict adherence to a fixed sequence of steps under the *Huawei v. ZTE* CJEU framework.

As this is a first-instance ruling, it remains subject to appeal.

United Kingdom

The UK Court Grants First AASI Against InterDigital. On October 20, 2025, Mr Justice Meade granted an *ex parte* AASI in favor of Amazon. The order arose in the context of ongoing litigation (previously reported [here](#)) over InterDigital’s video codec portfolio (including both SEPs and non-essential patents) and amid a dispute as to whether the ITU Telecommunication Standardization Sector (ITU-T) RAND obligation applies to both encoding and decoding patents or only the latter. Following the Munich Regional Court’s *ex parte* AILI (see above), Amazon grew concerned that InterDigital might seek further anti-suit relief to restrain Amazon from pursuing final RAND relief in the UK. Amazon applied *ex parte* for an AASI—not to challenge the foreign orders but to protect the English court’s ability to determine final RAND terms. Meade J stressed the need for exceptional caution in this area and emphasized that the relief was directed at InterDigital’s conduct, not at the German courts or the UPC. He granted the AASI (1) to protect the UK court’s jurisdiction and (2) because InterDigital’s conduct was vexatious and oppressive, with InterDigital’s position “constantly changing” as to whether the German and UPC orders extended to final RAND relief.

Court of Appeal Clarifies the Basis for the UK Interim License Regime. As [previously reported](#), on October 31, 2025, the Court of Appeal (Lord Justices Arnold, Birss and Jackson) overturned Mr Justice Mellor’s finding that ZTE had breached its ETSI obligations in *Samsung v. ZTE*. The central issue in this appeal was whether it was illegitimate for ZTE to prefer the Chinese court over the United Kingdom to determine the global FRAND license. The Court of Appeal observed that, outside the FRAND context, the appropriate jurisdiction is typically that of the defendant’s domicile—in this case, China. While ZTE’s preference for the Chinese court was considered duplicative and therefore “unattractive,” it was nonetheless “not sufficient to constitute bad faith,” even if ZTE sought injunctions elsewhere to encourage Samsung to agree to the jurisdiction of China. This decision

noted that an interim license can be jurisdictionally neutral. It can simply be a “determination by a court of the appropriate financial terms to operate in the interim until the parties had signed a final agreement.” The interim license would apply whether the final terms are agreed upon in negotiation or settled by any competent court or arbitration.

UK Court Grants Warner Bros. an AASI Against Nokia in Its HEVC RAND Dispute. On November 3, 2025, Mr Justice Mellor granted Warner Bros. an *ex parte* AASI against Nokia. The order followed Nokia’s launch of parallel actions in Brazil, Germany, the UPC and the United States shortly before Warner Bros. filed a UK claim seeking a RAND licence for Nokia’s high-efficiency video coding (HEVC) video codec SEPs and broader video patent portfolio. The AASI was granted to protect “the integrity of [the UK] proceedings” without interference from foreign anti-suit measures. Mellor J emphasized the need to de-escalate tensions between the United Kingdom, the German courts and the UPC and found Warner Bros.’ concerns credible in light of Nokia’s litigation history and the risk of Nokia seeking an ALI (as other patent holders have successfully done in *InterDigital v. Amazon*, as [reported here](#) and discussed above) or ASI applications in Germany or the UPC. However, on December 1, 2025, Mr Justice Meade lifted the *ex parte* AASI, on the condition that Nokia give 21 days’ notice before seeking any foreign injunctions that relate to the UK rate-setting proceedings. Although Warner Bros. argued that this condition should be supported by an undertaking to the court, he held that a contractual undertaking was sufficient.

UK Court Rejects Nokia’s Jurisdictional Challenge and Grants Interim License Declaration to Acer, ASUS and Hisense. On December 18, 2025, Mr Justice Mellor handed down judgment rejecting Nokia’s jurisdictional challenge in Acer, ASUS and Hisense’s (the Claimants) claim for a global RAND rate to Nokia’s video codec portfolio. Mellor J noted that the High Court and the Court of Appeal have consistently held that implementer-led claims can properly be considered to relate to the UK patents that are to be licensed, regardless of any wider scope of the court-determined license (i.e. the ultimate determination of a global license). Nokia also argued that, contrary to the UK Supreme Court’s decision in *Unwired Planet v. Huawei*, no court has jurisdiction to determine global F/RAND terms without the consent of both parties to the proceedings. Mellor J had “no hesitation” in rejecting Nokia’s argument that the ITU-T undertaking only requires a licensor to negotiate, not to grant a license. Instead, he agreed with the Claimants that the undertaking requires a patentee to make a RAND offer that is capable of acceptance and to grant that license. Nokia’s arbitration proposals were not RAND offers capable of acceptance. Finally, the Claimants sought the declaration of the terms of an interim license and a declaration that Nokia is unwilling if it does not enter the court-determined interim license. In line with the recent case law, Mellor J granted the declaration of the interim license adopting a mid-point approach between the parties’ offers. However, he declined to grant the unwilling licensor declaration, doubting that it would cause Nokia to change course. After the decision was handed down, Nokia and Hisense signed a license agreement, ending all patent-related litigation. Acer and ASUS continue with their cases.

UK Court Rejects InterDigital’s Jurisdictional Challenge in Amazon case. On December 19, 2025, Mr Justice Meade rejected InterDigital’s jurisdictional challenge to Amazon’s UK RAND rate-setting case for InterDigital’s video codec portfolio. Meade J rejected InterDigital’s invitation to depart from the UK case law that allows prospective licensees to bring FRAND claims seeking a license to UK

patents but with a global scope. Although InterDigital offered a UK-limited non-enforcement undertaking, Meade J was not persuaded because the undertaking grants no license – which is the relief Amazon seeks - and lacks the certainty and coverage of a license, with InterDigital still reserving the right to rely on the UK patents in valuation elsewhere. Meade J also rejected InterDigital's alternative venues: arbitration, Switzerland and Delaware. Regarding the arbitration proposal, Meade J found InterDigital's "attractive" arbitration offer to be a tactical attempt to manufacture a preferred forum. Meade J was unconvinced that arbitration better serves comity or "international perspectives" because a single, mostly non-public award can lack the authority and transparency of court judgments - especially appellate decisions. Regarding the Swiss or Delaware RAND determination proposals, Meade J held that any factors in favor of those jurisdictions were trivial.

China

Oppo Files First-Known VVC SEP Case in China, Aiming at ASUSTek. In December 2025, it was reported that Oppo had filed the first-known assertion of a pure versatile video coding (VVC)-related SEP before the Shanghai Intellectual Property Court. In response, ASUSTek initiated a validity challenge against the asserted patent. The two companies are also involved in a broader, multijurisdictional cellular patent dispute, with proceedings underway in both the Munich I Regional Court and the UPC Munich Local Division—each initiated by ASUSTek.

Brazil

Brazilian Court Sets Out a German-like Path for FRAND Disputes. On November 12, 2025, the 6th Corporate Court in Rio de Janeiro set out how it will handle FRAND disputes. The case concerned Dolby's HEVC patents and Roku's RAND obligations. The court refused CADE's (Brazil's competition agency) involvement, calling the matter a private dispute between sophisticated parties and noting that the agency's intervention would add delay without benefit. Acknowledging the difficulty of setting FRAND royalties, the court will not set rates. Instead, the court will decide whether the licensor's offer is FRAND. If the licensor's offer is FRAND, its obligation would be met and no counteroffers would need to be considered. A non-FRAND finding would block injunctive relief and would require the licensor to proceed in good faith or lose avenues to payment. To determine whether the licensor's offer is FRAND, the court will assess whether it is rationally justified and non-arbitrary and whether the offer avoids malicious discrimination. Procedurally, both sides will need to submit materials for an appointed expert's anonymized review. The court will deliver a "FRAND" or "not FRAND" outcome alongside infringement and invalidity rulings.

Worldwide/Other

Xiaomi-ASUS Reach Global Patent Settlement. On November 13, 2025, it was announced that Xiaomi and ASUS had resolved their global patent litigation, which spanned multiple jurisdictions, including the Eastern District of Texas, the Munich Regional Court, the United Kingdom and the

UPC. The dispute began in December 2024, when ASUS initiated proceedings before the Munich Regional Court. The litigation later expanded to the UPC in May 2025, when ASUS asserted a cellular SEP before the Munich Local Division. In September 2025, Xiaomi commenced proceedings in the United Kingdom, seeking a global FRAND determination. Meanwhile, in the Eastern District of Texas, Xiaomi pursued discovery for use of its foreign litigation, arguing that the requested materials were essential given the absence of comparable discovery mechanisms under German procedure.

SEP Holders Commit to Mediation Pledge. On November 20, 2025, Ericsson, Nokia, Qualcomm, Huawei, and Sisvel announced pledges to offer mediation, under the World Intellectual Property Organization's 2021 Mediation Rules, as a first step for disputes involving SEPs related to the Internet of Things or connected devices. Under this pledge, SEP holders agree to not initiate litigation against a prospective licensee while mediation is underway, as long as the licensee has not already brought litigation against the SEP holder. The offer to mediate may also require that the mediation be completed within six months. In addition, SEP holders will cover two-thirds of the mediator's fees and other administrative costs, provided those costs are reasonable and proportionate.

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