

Wireless Systems Solutions Prevails in 4th Circuit Ruling

U.S. Court of Appeals Decision

Morrisville, North Carolina Feb 23, 2024 ([IssueWire.com](https://www.issuewire.com)) - In a unanimous decision dated February 13th, 2024, the U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT has overturned a lower court's confirmation of an award for SmartSky Networks LLC against Wireless System Solutions LLC, DAG WIRELESS LTD, DAG WIRELESS USA LLC and Susan Gross, Laslo Gross and David Gross (Case No. 22-1253).

"After an in-depth and systematic legal analysis, the Appellate Court accepted our position. We are grateful for the dedication and support of our attorneys, Rick Pinto and Ken Kyre from Pinto Coates Kyre & Bowers PLLC, who effectively presented our case before the U.S. COURT OF APPEALS, tirelessly pursuing this case on our behalf," said Susan Gross, formerly of Wireless Systems Solutions LLC. "We look forward to continuing our path of vindication".

This marks the second setback in as many weeks for SmartSky Networks whose appeal in the U.S COURT OF APPEALS for the Federal Circuit for a preliminary injunction in the Go-Go patent case was denied (Case No. 23-1058). The Appellate Court upheld the District Court's findings issued in September 2022 (Case No. 22-266).

SmartSky's legal setbacks are further complicated by the challenges in the Air-To-Ground ("ATG") market from competitors such as Viasat, Go-Go, Starlink and others. Viasat, GoGo and Starlink offer a combination of both Air-To-Ground and Satellite based connectivity capabilities that comply with 3GPP 5G standards including NTN (Non-Terrestrial Networks) or other waveforms.

FlexJet, a leading shared ownership jet travel provider signed with Starlink in October 2023 after an exhaustive eighteen-month evaluation process where they evaluated technology alternatives.

Market receptivity to connectivity solutions based on hybrid architectures will eventually diminish the attractiveness of Air-To-Ground 4G-based non-industry standard custom solutions.

<https://www.ca4.uscourts.gov/opinions/221253.P.pdf>.

<https://www.govinfo.gov/app/details/USCOURTS-ca4-22-01253>

<https://jusmundi.com/en/document/decision/en-smartsky-networks-llc-v-wireless-systems-solutions-llc-dag-wireless-ltd-dag-wireless-usa-llc-and-others-opinion-of-the-united-states-court-of-appeals-for-the-fourth-circuit-tuesday-13th-february-2024>

<https://dockets.justia.com/docket/circuit-courts/ca4/22-1253>

<https://www.law360.com/articles/1797418>

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