



IP Literature Watch

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This newsletter contains an overview of recent publications concerning intellectual property issues. The abstracts included below are as written by the author(s) and are unedited.

IP & Antitrust

Trade and tradeoffs: the case of international patent exhaustion

Daniel Jacob Hemel (University of Chicago Law School)

Lisa Larrimore Ouellette (Stanford University)

Columbia Law Review Sidebar, Vol. 115, Forthcoming

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2667338

Sellers of patented products ranging from printer cartridges to pharmaceuticals frequently charge higher prices in the United States than abroad. To maintain this price differential, such sellers often prohibit the resale of their goods in the United States. The Federal Circuit has maintained that importers may be sued for infringing U.S. patents on these goods. But that may soon change: in *Lexmark v. Impression Products*, the en banc Federal Circuit has been asked to hold that the sale of a patented product anywhere in the world “exhausts” the seller’s U.S. patent rights. If the Federal Circuit adopts a rule of international patent exhaustion, firms that sell patented products abroad will find it much harder to prevent those products from being resold in the United States.

Advocates and opponents of international patent exhaustion both argue that their preferred rule would be more efficient (i.e., would increase aggregate welfare). In our view, however, whether international patent exhaustion increases aggregate welfare depends on whose welfare is aggregated. Put differently, the desirability of international patent exhaustion depends on a question that economic models alone cannot answer: how much weight (if any) should U.S. courts assign to foreign interests when crafting patent policy?

Here, we explain why the Federal Circuit’s adoption of a rule of international patent exhaustion would likely lower prices of patented goods in the United States and raise prices abroad. Moreover, we explain why such a rule would impose costs on foreign governments that choose to subsidize access to patented goods for their own citizens. These tradeoffs between U.S. and foreign interests are ignored (or misunderstood) in the *Lexmark* briefing. This short Essay brings these tradeoffs into clearer focus.

The troubling use of antitrust to regulate FRAND licensing

Douglas H. Ginsburg (US Court of Appeals for the District of Columbia Circuit; George Mason University School of Law)

Koren W. Wong-Ervin (Federal Trade Commission)

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CPI Antitrust Chronicle, Vol. 10, No. 1, pp. 2–8, 2015

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2674759

In the last year, we have seen a growing — and troubling — trend as courts and competition agencies around the globe propose and impose antitrust sanctions on holders of standard-essential patents (“SEPs”) for seeking injunctive relief against alleged infringers and for reneging on their commitment to license their patents on fair, reasonable, and non-discriminatory (“FRAND”) terms. These new rules, recently adopted in the European Union and in Korea, proposed in Canada and Japan, and favored by some government officials in the United States, are premised upon the erroneous beliefs that (1) patent “holdup” is a widespread problem that results in significantly adverse consequences for competition and innovation and (2) whatever the magnitude of the problem, it requires an antitrust remedy. In this article, we discuss the lack of empirical evidence to substantiate the claim that patent holdup is a systemic problem for competition and consumers, and the likely harm to both competition and consumers from imposing antitrust liability for patent holdup.

Patent holdups

Daryl Lim (The John Marshall Law School)

Daniel D. Sokol & Roger D. Blair (eds.), Antitrust Intellectual Property and High Tech Handbook (Cambridge University Press, Forthcoming)

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2667979

Holdups have gained infamy from the image of knuckled-under implementers forced to pay patentees a premium because they are locked-in. Like shark attacks, holdups are real but their actual occurrence is sporadic enough to be treated as aberrations rather than a systematic failure in the patent system. A higher price may also reflect the premium associated with calculated convenience and certainty, a premium anyone who chooses Uber’s taxi service rather than the public bus system knows. At the same time while holdups, like crimes, are not widespread, laws must still exist to deter them before they occur and address them when they do.

Patent ambushes are rare, less because of disclosure obligations and more due to the sting of possible antitrust enforcement. With FRAND disputes, patentees know injunctions are hard to come by and courts will likely map reward to technical contribution. Evidence showing intent can be useful here, as is direct or circumstantial evidence of harm. In the event negotiations fail, agreeing to submit the dispute to third party adjudication would be the clearest evidence of good faith. Harmful PAE conduct stems from features of the patent system, so the solution is to raise the bar of software patents, make it harder to initiate a suit, and punish those who bring frivolous suits.

Protagonists and antagonists exist on a spectrum that can appear flipped, depending on one ideological point of view, much like how one man’s terrorist and is another man’s freedom fighter. As with many things in life, the truth can be complicated and each choice come with its own set of tradeoffs. Deterring brinkmanship could deter innovators who would otherwise invest more heavily in new technologies or participate as intermediaries in facilitating licensing. Despite this complexity, the law must set down the

ground rules for engagement. Those whose everyday lives depend on the law finding a proper balance between competing interests deserve no less.

IP & Innovation

Team-specific capital and innovation

Xavier Jaravel (Harvard University)

Neviana Petkova (University of Oregon)

Alex Bell (Harvard University)

Working Paper

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2669060

We establish the importance of team-specific capital in the typical inventor's career. Using administrative tax and patent data for the population of US patent inventors from 1996 to 2012 and the premature deaths of 4,714 inventors, we find that an inventor's premature death causes a large and long-lasting decline in their co-inventor's earnings and citation-weighted patents (-4% and -15% after 8 years, respectively). We rule out firm disruption, network effects and top-down spillovers as primary drivers of this result. Consistent with the team-specific capital interpretation, the effect is larger for more closely-knit teams and primarily applies to co-invention activities.

How do patents affect follow-on innovation? Evidence from the human genome

Bhaven N. Sampat (Columbia University – Mailman School of Public Health)

Heidi L. Williams (MIT Department of Economics; NBER)

NBER Working Paper No. w21666

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2679705

We investigate whether patents on human genes have affected follow-on scientific research and product development. Using administrative data on successful and unsuccessful patent applications submitted to the US Patent and Trademark Office, we link the exact gene sequences claimed in each application with data measuring follow-on scientific research and commercial investments. Using this data, we document novel evidence of selection into patenting: patented genes appear more valuable — prior to being patented — than non-patented genes. This evidence of selection motivates two quasi-experimental approaches, both of which suggest that on average gene patents have had no effect on follow-on innovation.

Competition and innovation in automobile markets

Vivek Ghosal (Georgia Institute of Technology; Center for Economic Studies and Ifo Institute for Economic Research (CESifo))

Jiayao Ni (Georgia Institute of Technology – School of Economics)

CESifo Working Paper Series No. 5504

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2669394

Using data from the U.S. automobile market, we empirically examine the link between competition and innovation. Consistent with a large literature, we use patent counts as a measure of innovation. The combination of the U.S. market's economic importance, market dynamics, and the significant intertemporal fluctuations in firms' market shares and patents make this an interesting market to examine

the link between competition and innovation. We use firm-level time-series data over a long horizon (1969-2012) for nine well established firms selling in the U.S. market (GM, Ford, Chrysler, Toyota, Honda, Nissan, Volkswagen, BMW, and Daimler). Some of our key findings are: (1) increase in firms' market shares result in higher patenting, and the relationship is reasonably non-linear; (2) higher market-wide competition results in an increase in patenting, and the relationship is weakly non-linear; (3) the (absolute) quantitative impact on patents is larger for firms' market share effect as compared to market-wide competition; (4) there is relatively strong path-dependence in firms' patenting behavior; and (5) we find interesting results linking patents to GM's bankruptcy, the Daimler-Chrysler merger, environmental regulations, voluntary export restraints, and firms' patenting over business cycles.

IP & Litigation

Empirical studies relating to patents – presumption of validity

Christopher B. Seaman (Washington and Lee University School of Law)

Research Handbook on the Economics of Intellectual Property Law - Vol. II: Analytical Methods (P. Menell, D. Schwartz & B. Depoorter eds., Edward Elgar) (Forthcoming)

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2671581

This book chapter from the forthcoming Research Handbook on the Economics of Intellectual Property Law addresses the presumption of validity for issued patents. It first recounts the historical development of the presumption in U.S. law, culminating with the Supreme Court's 2011 decision in *Microsoft Corp. v. i4i Limited Partnership*, which held that clear and convincing evidence is required to overcome the statutory presumption of validity in all cases. It then discusses the theoretical arguments for and against the presumption of validity. The next section surveys the current empirical literature, focusing on observational and experimental studies that attempt to assess the impact of the clear and convincing standard of proof required to overcome the presumption in an invalidity challenge. In sum, the existing empirical scholarship suggests that the presumption of validity and the standard of proof to overcome it matters in patent litigation, at least in close cases. The final section discusses several significant implications for participants in patent litigation and the patent system that flow from this conclusion.

Patents, profits and the public

Aurora Plomer (University of Sheffield – School of Law)

Chapter 1 of A. Plomer Patents, Human Rights and Access to Science, Edward Elgar, 2015 DOI 10.4337/9781783475933, ISBN :9781783475926

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2676561

Litigation on the patentability of isolated genes and cells in the *Myriad*, *WARF* and *Brustle* cases has resulted in landmark rulings from the highest courts in the US and Europe. From the patients' and researchers' perspective, the concerns center primarily on the adverse impact of the patents on access to science and its benefits, a universal and fundamental human right enshrined in Article 17 of the Universal Declaration of Human Rights (UDHR) and Article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) respectively. The first chapter of the book sets out the context and challenges posed by the modern patent system to the right of everyone to access the benefits of science in international law.

IP Law & Policy

Expecting the unexpected

Mark A. Lemley (Stanford Law School)

Working Paper

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2666626

If the patentee's invention produced unexpected results, the law says, that is pretty good evidence that it wasn't obvious. But the law also says that if it is obvious to try to make something, and if those who might try would expect to succeed, making that thing is not patentable. It's just the ordinary work we expect of scientists.

These two doctrines can conflict. What if it is obvious to try something, but actually trying it leads to unexpected results? This actually happens with some frequency, particularly in the chemical and pharmaceutical industries, where researchers are motivated to try various standard modifications of known chemicals but where the unpredictability of the art means that they can expect to be surprised by what they learn from time to time.

When these two legal doctrines conflict, the doctrine of unexpected results must give way. Obviousness is based on the idea that we should not give a patent if ordinary scientists could have gotten to the result without the encouragement of that patent. If researchers of ordinary skill were already motivated to try a new variation, and correctly expected that they would succeed, actually trying the new variation is normal science, not the extraordinary skill or insight required for invention. And if scientists would have created the new variation in the ordinary course of their duties, they would of necessity have stumbled upon the unexpected results. Normal science, not the incentive of a patent, led them to that course, so the invention is not patentable.

This result may alarm patent owners in the pharmaceutical industries, who have been obtaining patents for this sort of normal experimentation for years. But I think it is required by the Supreme Court's decision in *KSR*, which held that an invention was not patentable if it was obvious to try. And while pharmaceutical patent owners may lament the loss of these patents, the rest of the world may not. Patents likely to be affected by the obvious-to-try rule tend to be follow-on patents used to try to extend the life of expired patents on new chemical entities, not breakthrough drugs that require strong protection.

Corporate power unbound: investor-state arbitration of IP monopolies on medicines – *Eli Lilly v. Canada* and the Trans-Pacific Partnership Agreement

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Katrina Geddes (Harvard University – Harvard Kennedy School)

Northeastern University School of Law Research Paper No. 242-2015

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2667062

Despite the deep irony of free trade agreements being subverted to codify and extend anti-competitive monopoly rights and despite the equally deep irony of foreign investors having greater enforcement rights than local investors, the joining of enhanced intellectual property rights (IPRs) and protections and strengthened investor rights is creating a wild-west opportunity for unbounded corporate power. Two current contestations show the dangers of this expanded power in sharp relief. In the Trans-Pacific

Partnership Agreement (TPPA), at the behest of its powerful pharmaceutical lobby, the United States is seeking the most extreme forms of pharmaceutical patent, data, and enforcement rights that have ever been proposed at the same time that it is seeking enhanced IP-related investor rights in the most recently leaked Investment Chapter. In the pending investor-state-dispute-settlement case under an older but parallel North America Free Trade Agreement (NAFTA) investment clause, an American pharmaceutical company, in *Eli Lilly v. Canada*, is for the first time claiming \$500 million in investment-related damages because of Canada's sovereign decision to invalidate previously granted patents on two medicines on the grounds that those patents failed to meet well-established Canadian standards of patentability.

This article is not written as an abstract juxtaposition of these two current events. It is written to expose the dangers that countries face, especially low- and middle-income countries, in trade negotiations with the U.S., Europe, and Japan that seek to impose stronger patent, data, and market entry protections and at the same time seek to expand the armamentarium of enforcement powers available to pharmaceutical behemoths. Part II of the paper contains a brief introduction to the international IP regime, namely the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and the TRIPS-plus pharmaceutical protections being sought in the mostly recently leaked TPPA Intellectual Property Chapter and Transparency Chapter still being negotiated between twelve Pacific rim countries. Part III gives a brief historical background on investment treaties and investor-state-dispute-settlement (ISDS). Part IV analyses the TPP Investment Chapter in more depth, particularly its provisions that deal with protection for and enforcement of IP-related investments. Part IV discusses the pending *Eli Lilly v. Canada* ISDS arbitration, including the claims and defenses of the parties. Part V concludes with a recommendation that investment chapters be struck from the TPP and other trade agreements or that such chapters should not apply whatsoever to the protection or enforcement of IPRs given the many other enforcement powers available to patent holders. The article claims that extending boundless corporate power to Big Pharma through adoption of ISDS for IPRs presents a grave danger to the communal right to health and the right of access to affordable medicines for all.

The economics of intellectual property enforcement

Xavier Seuba (Centre for International Intellectual Property Studies)

The WIPO Journal, Vol. 6, No. 2, 2015

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2668655

The economics of the intellectual property system has become a central focus of interest among researchers and policy-makers. Similarly, intellectual property enforcement has also become a priority at the international level. Economic studies on the scale and impact of infringement pose numerous methodological problems. Estimates frequently fail to recognize relevant economic variables as well as the positive although legally unacceptable effects of infringement, the anticompetitive impact of some enforcement norms, and their potential negative impact on welfare. In parallel, the lack of scholarly attention to the economic aspects of enforcement institutions per se is striking. This article argues that more efforts should be made to analyze the economic relevance of intellectual property enforcement, both in general as well as concerning the different enforcement areas. The knowledge acquired in this process may result in different enforcement options, depending on the intellectual property category involved, the level of development of countries, the content of primary norms and the public and private interests at stake.

Trademark Law

An exclusive right to judicial discretion: learning from eBay's troubled extension to trademark law

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26 *Fordham Intellectual Property, Media & Entertainment Law Journal*, (2016, Forthcoming)

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2672633

This article explores the upheaval created within trademark law by *eBay, Inc. v. MercExchange, L.L.C.*, asking why a simple doctrinal question (Should a patent remedies rule be extended to trademark cases?) has posed such problems for the courts. After a thorough review of past and present trademark injunction practice, and the Lanham Act's legislative history, it finds that trademark law's inability to assimilate *eBay* stems from unresolved substantive conflicts in the underlying legislation itself. In short, because the drafters could not settle on the proper scope of a federal trademark right, they hedged by granting a national exclusive right limited by undefined remedial discretion to enforce it. The extensive confusion in trademark case law and scholarship concerning the proper role for *eBay* is thus best seen as a direct outgrowth of a deeply conflicted statute. *eBay* inadvertently resurfaced a deep and underexplored ambivalence in the U.S. trademark scheme.

The ambiguity created by overlaying equitable discretion on top of statutory exclusivity is a familiar one to the broader subject area of statutory injunctions. But this article further shows how it is particularly impactful in the trademark space because trademark plaintiffs cannot attain monetary relief without making a heightened showing of harm beyond that needed to establish liability for infringement. In its most aggressive application, *eBay*'s solution to the statutory injunction problem (i.e., denying any presumptive right to injunctive relief) strips trademark owners of a presumptive entitlement to any remedy at all.

Two fixes are possible. Courts in trademark cases can acknowledge that the pre-*eBay* presumption of irreparable harm was an imperfect but workable judicial compromise designed to balance the Lanham Act's simultaneous recognition of exclusive rights and equitable discretion, and reject or limit *eBay*'s extension to trademark practice accordingly. Or alternatively Congress must clarify the fundamental question of what it means to own a registered trademark in the United States.

A critical evaluation of whether the present currently pending reforms to the 'Trade Marks Directive' and 'Community Trade Mark Regulation' will do little in improving the position of the 'difficulties' embedded in the Law of Registered Trademark Infringement in the EU

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Working Paper

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2676873

It is no doubt that the law on 'Trademark infringement' in the European Union is not only clumsy – thereby making issues surrounding it incoherent; it is also not in-tune with time. The European Commission perceived this and it sure explains the instigation of the 'move' to recast the Directive on Trademark (hereinafter referred to as TMD2) and revise the Regulation (hereinafter referred to as CTMR3). The problem is: the pending collective reforms will do little or almost nothing in clarifying the difficulties 'trademark infringement' is clustered with. This paper traces some of the 'difficulties' the pending reform should have addressed and clarify once and for all; so as to 'save' the ECJ of the various

criticisms it receives on its ruling on modern issues. Also, to relieve the CJEU of the role of de facto legislator at the cutting edge of trade mark infringement cases, by incorporating decisions of the courts and views of writers on the alarming issues. However, it seems the pending reforms will not do this. While agreeing that the pending reform will do 'little' to alleviate the difficulties; there are still other aspects that need improvements.

Copyright Law

Functionality and expression in computer programs: refining the tests for software copyright infringement

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Working Paper

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2667740

The paradigmatic roles of copyright and patent laws have been, respectively, to protect original authorial expressions from illicit copying and novel and nonobvious functional designs (if they have been appropriately claimed and examined by patent officials) from illicit uses. It would be convenient if copyright law could be assigned the role of protecting the expression in computer programs and patent law the role of protecting program functionality. While courts continue to try to distinguish between program expression and program functionality, this distinction has proven elusive in the decades since the U.S. Congress decided to extend copyright protection to computer programs.

For more than twenty years, a series of court cases have held that copyright infringement does not occur when a second comer needs to copy some aspects of another firm's program in order to achieve compatibility with other programs. Courts have deemed the functional requirements for achieving compatibility to be unprotectable elements of these copyrighted programs, even though more than a modicum of creativity may have imparted originality to these elements.

The seeming consensus that program interfaces necessary for interoperability are unprotectable by copyright law was recently called into question by the Court of Appeals for the Federal Circuit (CAFC) in *Oracle Am., Inc. v. Google Inc.* At issue was whether the command structure of certain elements of the Java application program interface (API) was protectable by copyright law. The CAFC reversed a lower court ruling that this command structure was an unprotectable method of operation, or alternatively that copyright protection was unavailable under the merger doctrine. The CAFC was untroubled by the prospect that software developers might obtain both patent and copyright protection for APIs of computer programs. There was, in its view, no need to sort out functionality and expression in computer programs. Copyright could protect both as long as there was a modicum of creativity to support the claim of copyright. The Oracle decision has rekindled a decades-old debate, which many had thought had been settled in the late 1990s, about the proper scope of copyright protection for computer programs and how courts should go about analyzing claims of software copyright infringement. The U.S. Supreme Court decision not to review the Oracle decision leaves the CAFC ruling intact for the time being.

This Article takes issue with the CAFC's ruling and analysis. It aims to provide guidance about how courts should assess claims of copyright infringement in computer program cases. Part II reviews some key software copyright decisions and explains why the Second Circuit's test for software copyright infringement is more compatible with traditional principles of copyright law than the Third Circuit's is-there-any-other-way-to-do-it test. The Second Circuit recognized that sometimes external factors, such

as the need to be compatible with other programs, constrain the design decisions of subsequent programmers, and when this happens, those constraints limit the scope of copyright protection in programs. While there is much in the Second Circuit's ruling to praise, that court failed to heed the statutory directive in 17 U.S.C. § 102(b) that procedures, processes, systems, and methods of operation should also be filtered out before making judgments on copyright infringement claims in software cases.

Part III articulates five propositions about § 102(b) that should be uncontroversial. It explains the important role that § 102(b) has played in numerous computer program cases. It goes on to discuss numerous respects in which the CAFC in Oracle misinterpreted § 102(b), as well as numerous cases in which courts have held that aspects of programs that are necessary for achieving interoperability with other programs or hardware are too functional to be protected by copyrights.

Part IV explains why the merger doctrine has an important role to play in the assessment of infringement claims involving computer programs and why the CAFC erred in its interpretation of this doctrine. Courts should explicitly recognize a merger of function and expression doctrine in computer program cases. This doctrine usefully complements analysis of elements that may be unprotectable under § 102(b) as necessary incidents to the reimplementations of an unprotectable method or process.

Part V considers the roles that copyright and patent law should play in protecting program innovations, with particular attention to how courts should assess claims that copyright protection should be unavailable to aspects of programs that might be eligible for patent protection. The CAFC in Oracle conflated copyright and utility patent protections for software as though it was unnecessary to even try to distinguish program expression and functionality.

Part VI offers a pragmatic approach to distinguishing between program functionality and expression in copyright cases and a refinement of the Second Circuit's test for software copyright infringement that is consistent with the overwhelming majority of software copyright cases (even if not with the CAFC's Oracle decision) and traditional principles of copyright law. Competition and ongoing innovation will better thrive when the scope of copyright protection is relatively thin, allowing programmers to reuse functional design elements and know how that will promote the progress of science and useful arts, as the Constitution directs.

IP & Asia

Comment of the Global Antitrust Institute, George Mason University School of Law, on the Korea Fair Trade Commission's Revised Review Guidelines on Unfair Exercise of Intellectual Property Rights

Bruce H. Kobayashi (George Mason University – School of Law)

Douglas H. Ginsburg (US Court of Appeals for the District of Columbia Circuit; George Mason University School of Law)

Koren W. Wong-Ervin (Federal Trade Commission)

Joshua D. Wright (George Mason University School of Law)

George Mason Legal Studies Research Paper No. LS 15–35

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2669510

This comment is submitted to Korea's Fair Trade Commission ("KFTC") by the Global Antitrust Institute (GAI) at George Mason University School of Law in response to the KFTC's December 17, 2014

revisions to its Review Guidelines on Unfair Exercise of Intellectual Property Rights. The GAI Competition Advocacy Program provides a wide-range of recommendations to facilitate adoption of economically sound competition policy, including how to analyze conduct involving standard-essential patents.

Other IP Topics

FRAND market failure: analyzing IPXI's unsuccessful attempt to establish an exchange for unitized standards-essential patent licenses

Jorge L. Contreras (University of Utah – S.J. Quinney College of Law)

Proceedings of the Ninth Intl. Conference on Standardization and Innovation in Information Technology (IEEE-SIIT), Oct. 6–9, 2015

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2670344

This case study pertains to Intellectual Property Exchange International, Inc. (IPXI), which was formed in 2008 to create a market-based trading exchange for aggregated patent license rights, particularly standards-essential patents (SEPs). IPXI based its model on existing commodities exchanges, proposing that non-exclusive patent licenses could be standardized, commoditized, and traded on an open market, thus eliminating costly and inefficient bilateral negotiations and providing a royalty rate likely to be viewed as “reasonable”. IPXI’s most ambitious offering involved a portfolio of 194 U.S., European and other patents deemed essential to IEEE’s 802.11n “Wi-Fi” standard. IPXI offered up to 50,000 tradable Unit License Right contracts (ULRs), each granting the holder a worldwide right to manufacture and sell 1,000 compliant devices. Despite the backing of several significant patent holders, IPXI’s offering failed to attract sufficient interest, and IPXI ceased operations in March 2015. This paper analyzes the failure of IPXI based on the documentary record, public statements by IPXI executives and interviews with industry experts. It concludes that, despite its potential to improve the efficiency of the SEP licensing market, factors including a lack of participation by key patent holders, an untested record of enforcing patents against infringers, and constraints imposed by the standardized ULR, led to IPXI’s demise.

About the editor

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CELEBRATING 50 YEARS

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