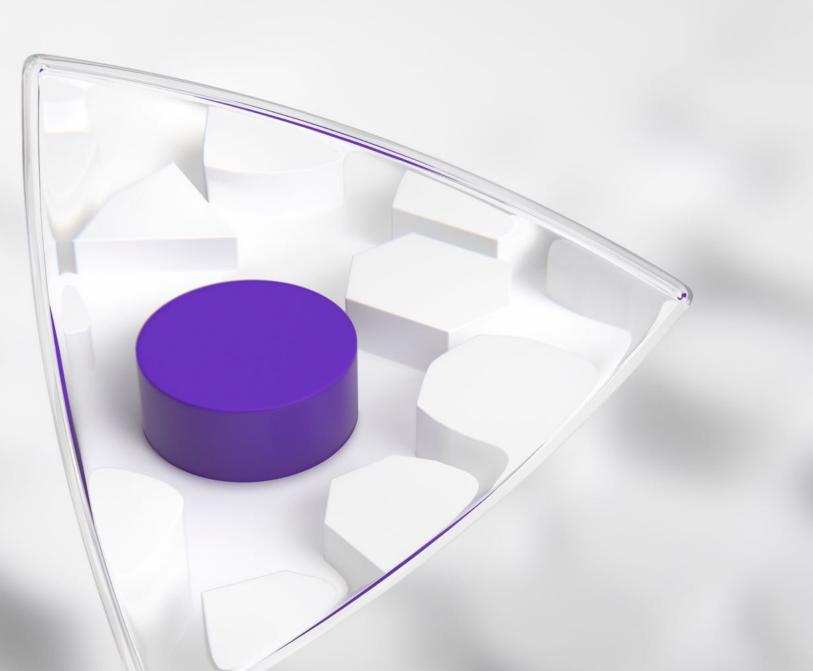


Conference on SEP and **FRAND**

Competition between jurisdictions and its consequences

Eric Sergheraert

Paris, 22/11/2022

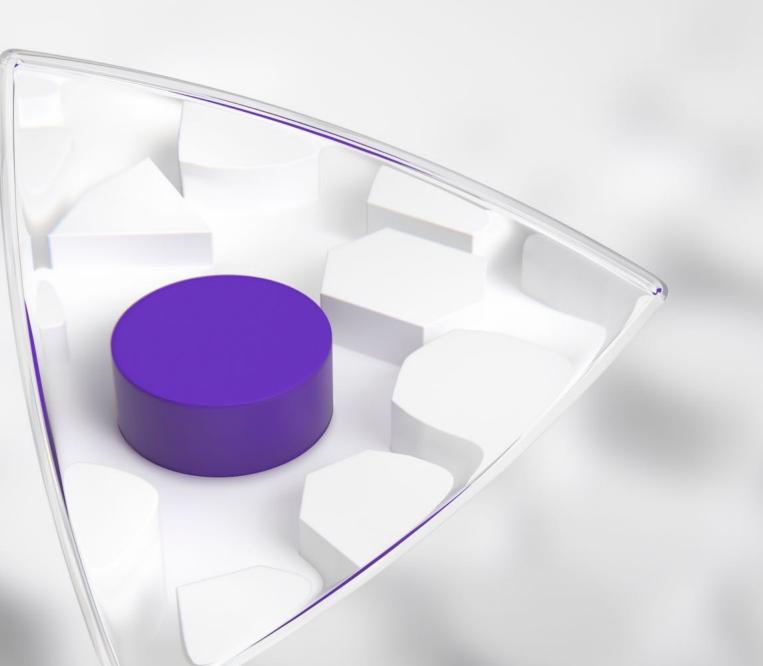




Litigation Trends on SEP

Litigation data is sources from Darts-ip (SEP data provided by Iplytics)

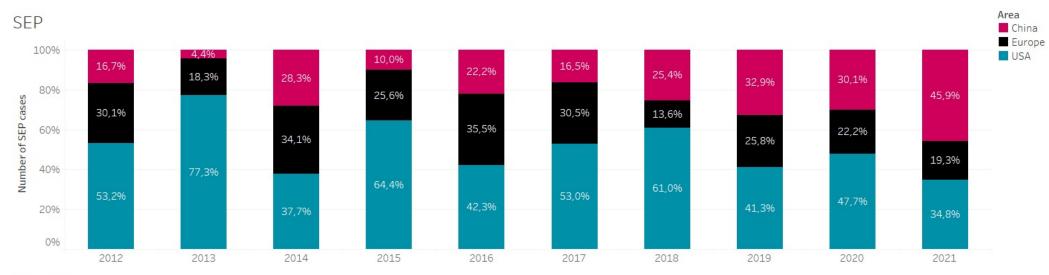
Eric Sergheraert Paris, 22/11/2022



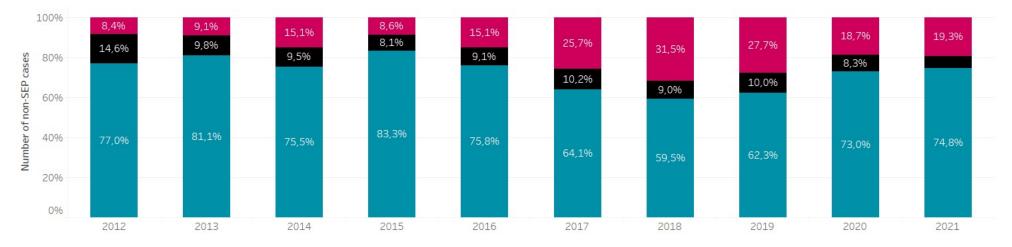
Litigation Trends on SEP

- Jurisdictions covered : China ; United States ; France, Germany, Italy, The Netherlands, United Kingdom
- Types of actions considered : Infringement Action ; Opposition Action, Invalidity Action, and Inter Partes Review (IPR)
- **Time period covered** : actions with a filing date between 2011-2021
- Technical fields included for both SEP/non SEP: telecommunications, digital communication, audio-visual technology, and computer technology.

Evolution of cases



Non-SEP



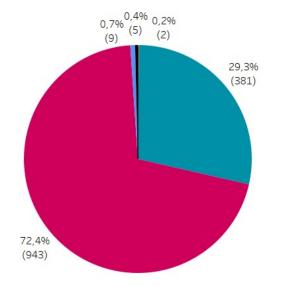
Clarivate[®]

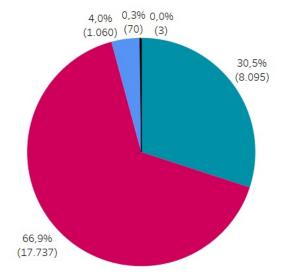
PLAINTIFFS IN INFRINGEMENT ACTIONS BY TYPE OF ACTORS GLOBALLY: SEP / NON-SEP

SEP

Non-SEP



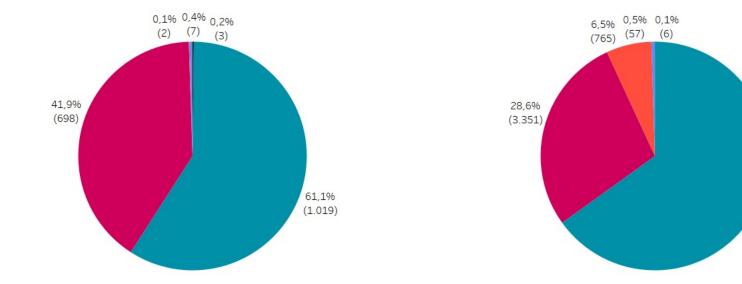




Defendants in validity challenges by type of actors globally: SEP / Non-SEP



66,4% (7.774)

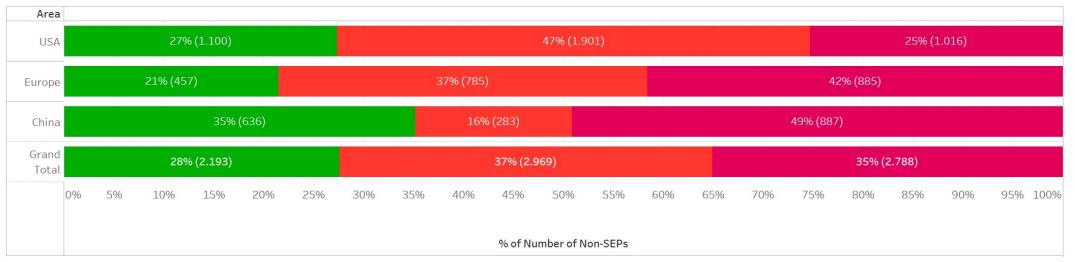


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GLOBAL PATENT POST-GRANT REVOCATION RATES: SEP / NON-SEP

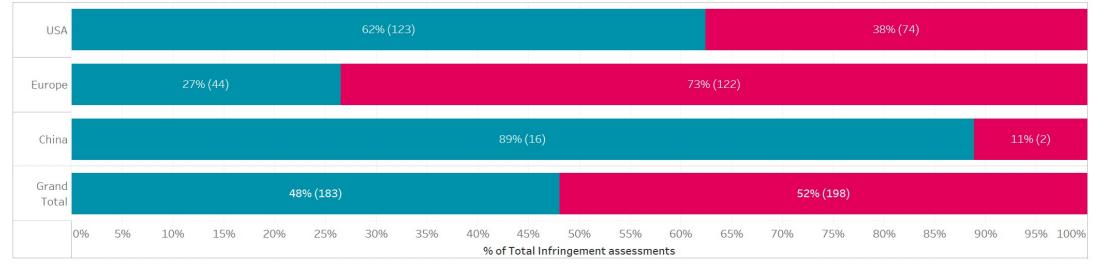


Non-SEP

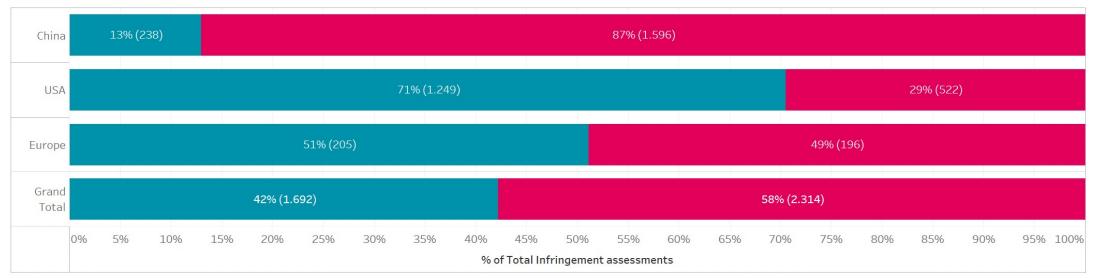


GLOBAL INFRINGEMENT WIN RATES: SEP / NON-SEP SEP

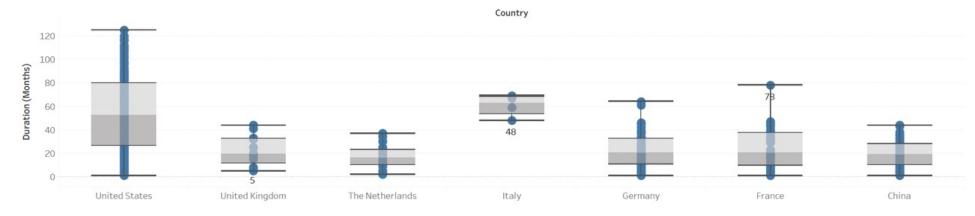
Right infringement Infringed Not infringed



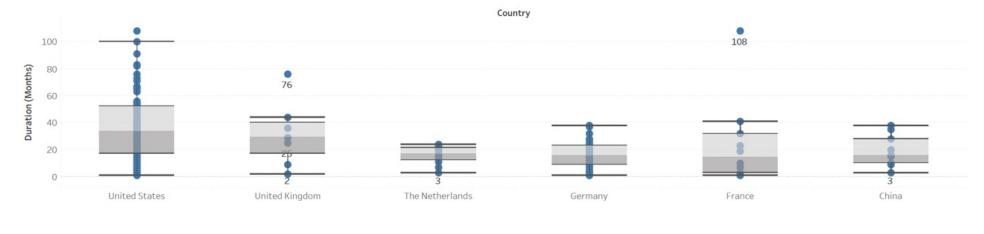
Non-SEP



First instance duration - Non-SEP

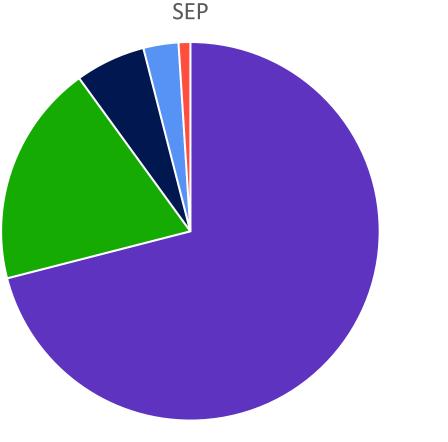


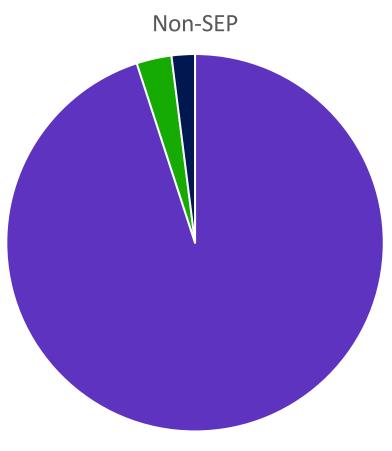
First instance duration - SEP



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Litigation in several jurisdictions



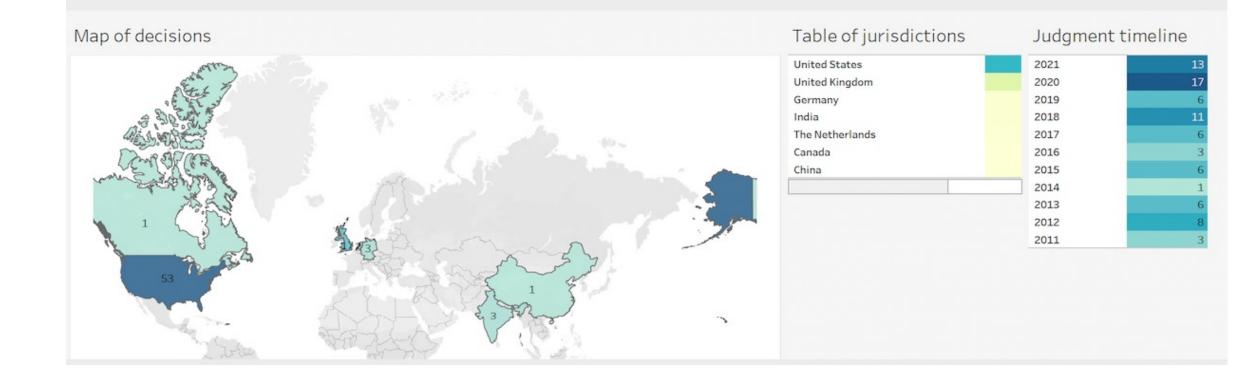


■ 71% ■ 19% ■ 6% ■ 3% ■ 1%

■ 95% **■** 3% **■** 2% **■**



Anti-(anti-) suit injunction



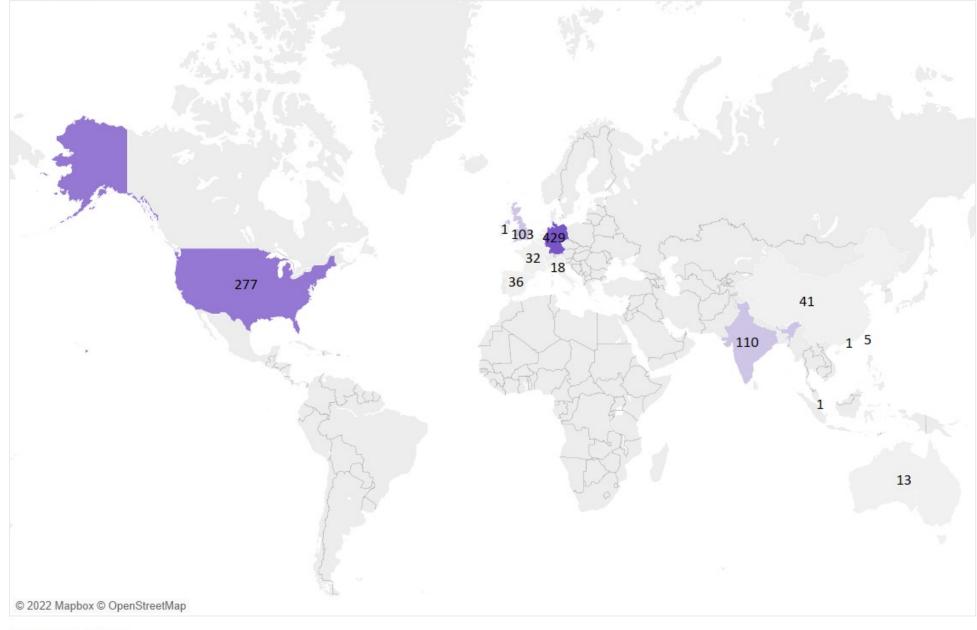


Litigation Trends on FRAND

FRAND discussions :

- Patent(s) considered as essential (standard essential patents) [Yes No]
- Violation of FRAND obligations [Violated Not violated] OR
- Definition of fair and/or reasonable price (FRAND) OR
- Principle of non-discrimination (FRAND)
- Calculation of royalty rates / licensing rates according to FRAND
- Calculation of damages resulting from SEP infringement
- Injunction and remedies due to SEP infringement

Geographical overview

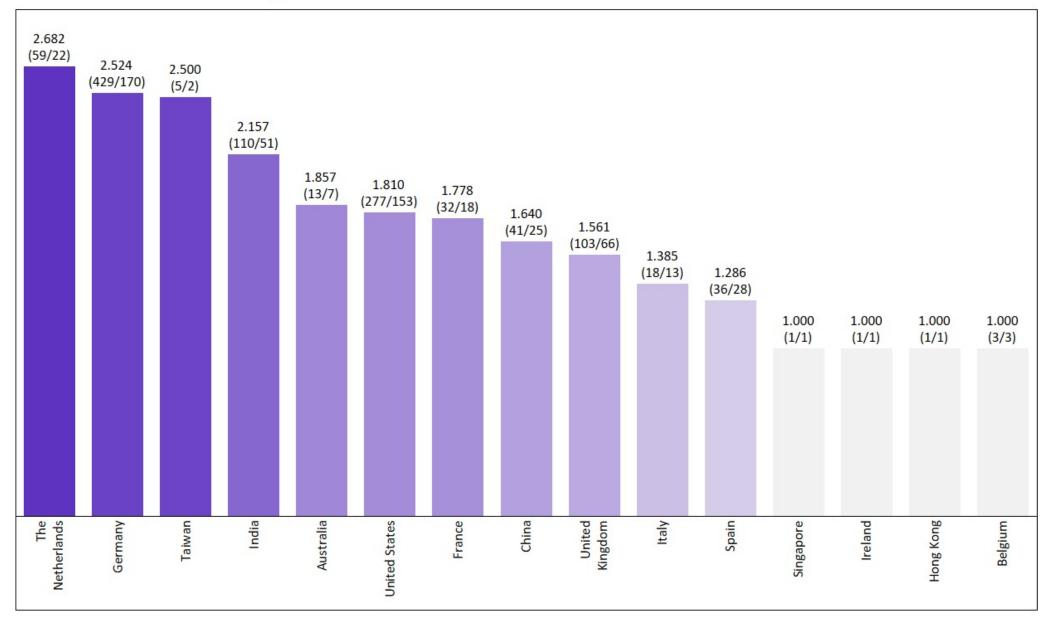




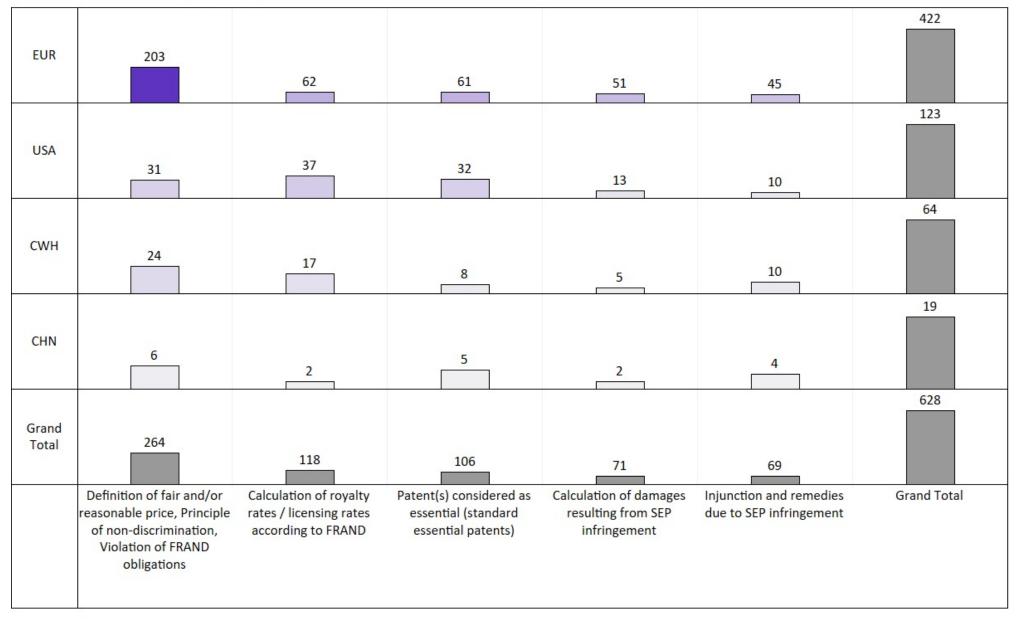
Number of citations by country

Germany Immediation							 								
india 110 United Kingdom 103 The Netherlands 59 China 41 Spain 36 France 32 Italy 13 Australia 32 Belgium 32 Taiwan 5 Grand Total 1 0 100 200 300 400 500 700 800 900 1000 1200	Germany				4	29							Number	of citations	
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0 100 200 300 400 500 600 700 800 900 1000 1100 1200	Hong Kong	1													
	Grand Total											1.135			
		0 10	00 200) 300	400			800	900	1000	1100	1200			

Number of citations: On average



AVG(Number of citations) Number of citations per group of POLs



Number of citations



Eric Sergheraert Eric.sergheraert@clarivate.com 22/11/2022

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