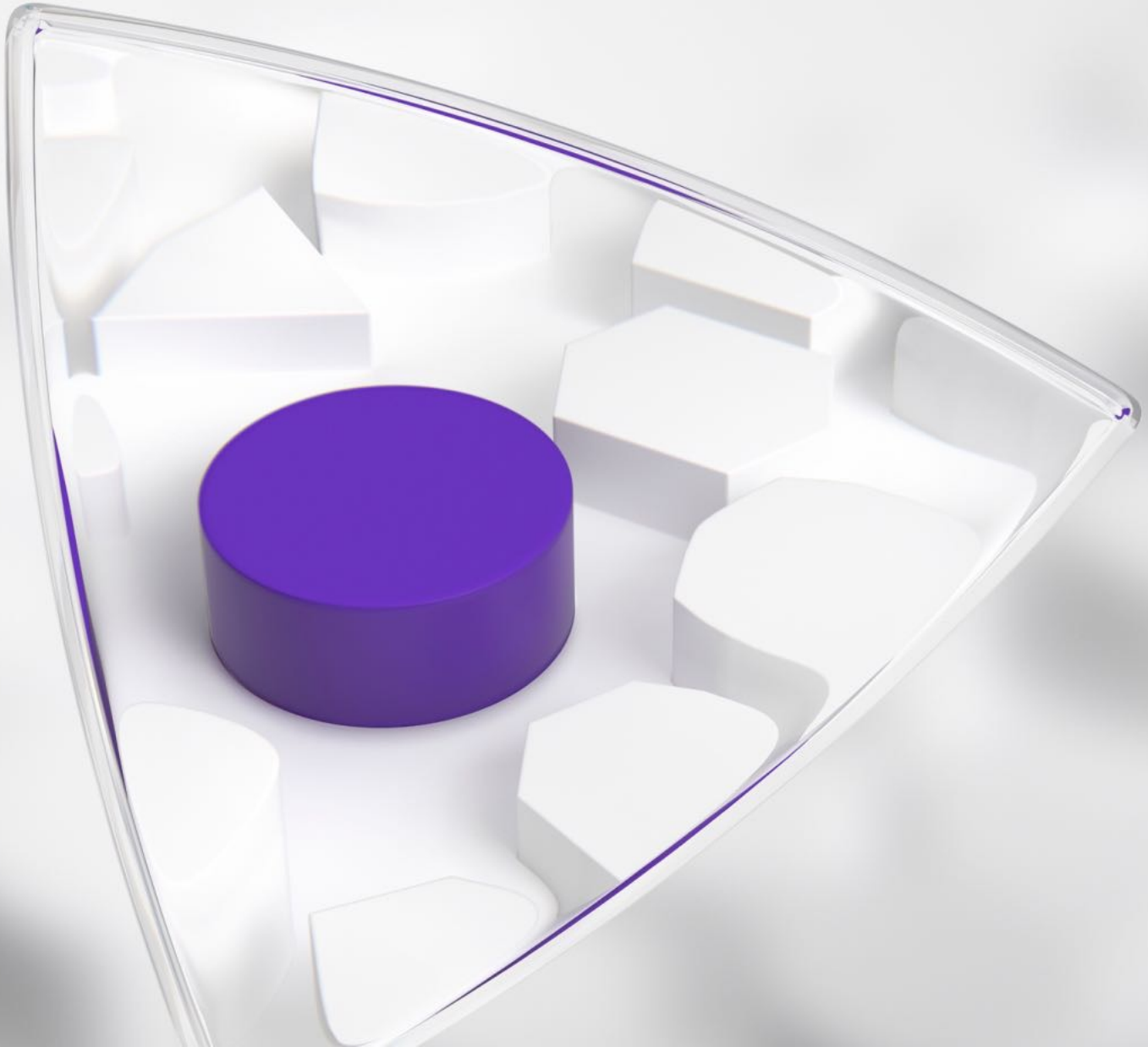


Conference on SEP and FRAND

Competition between jurisdictions and its consequences

Eric Sergheraert

Paris, 22/11/2022

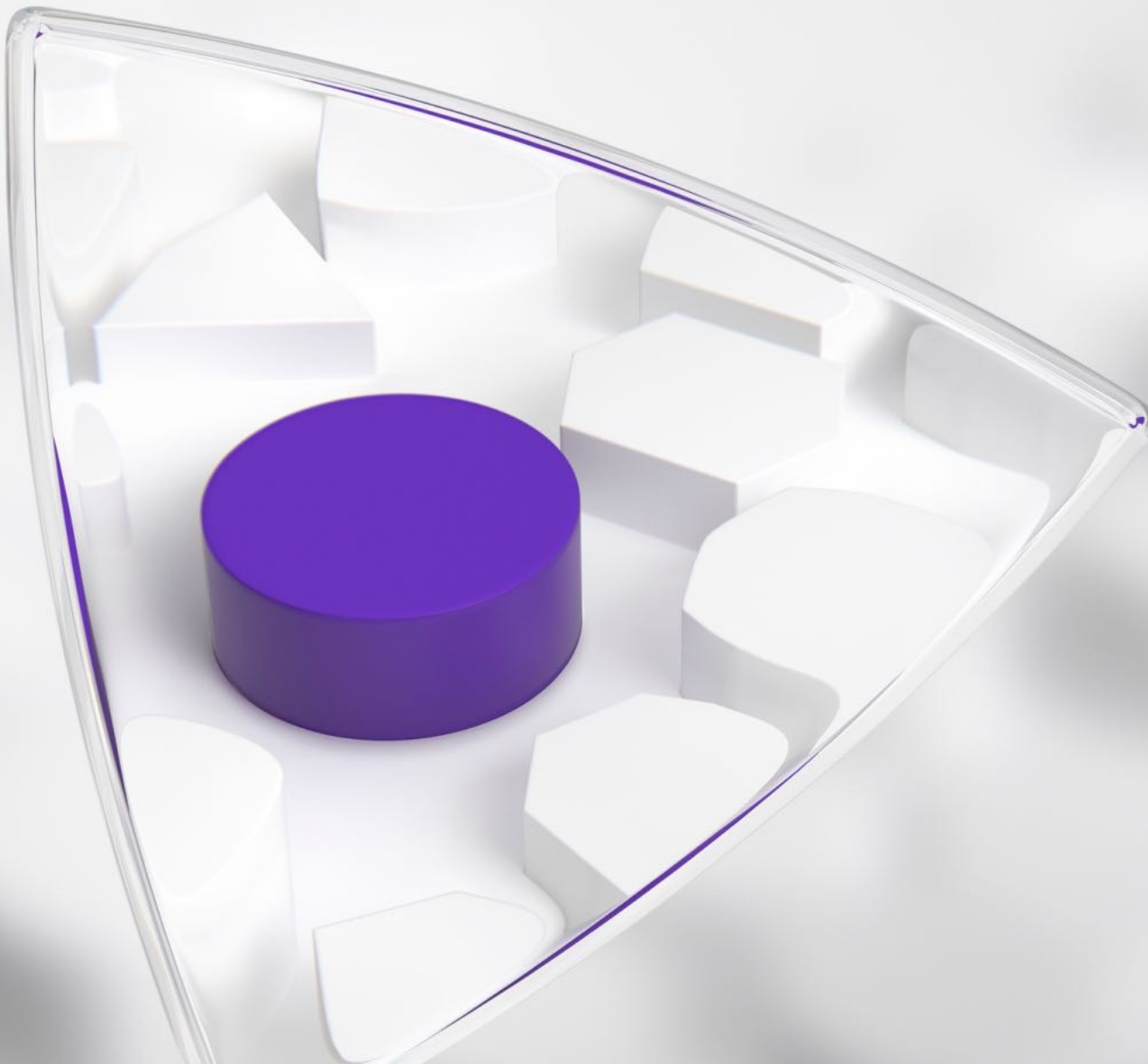


Litigation Trends on SEP

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

Eric Sergheraert

Paris, 22/11/2022

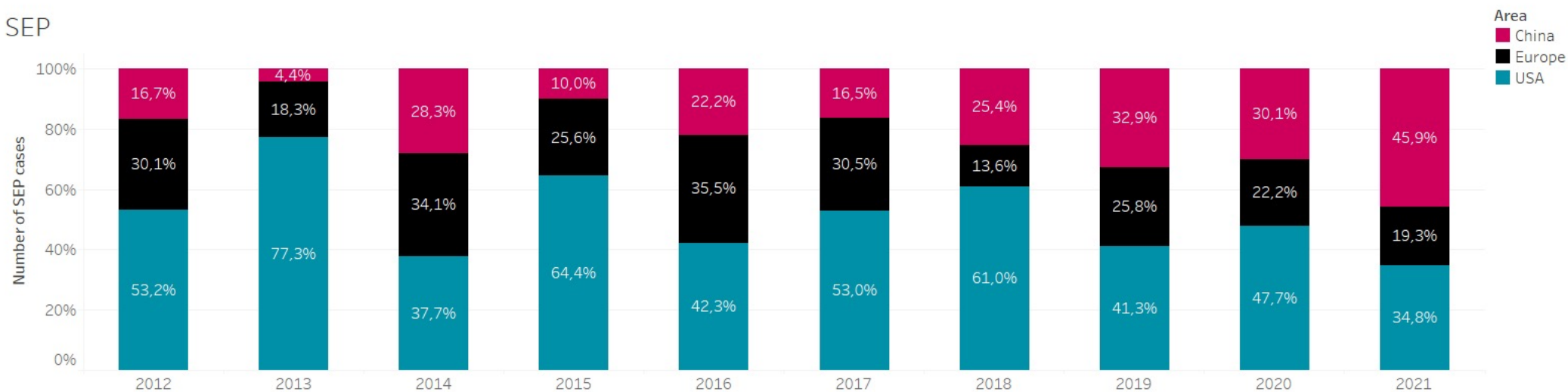


Litigation Trends on SEP

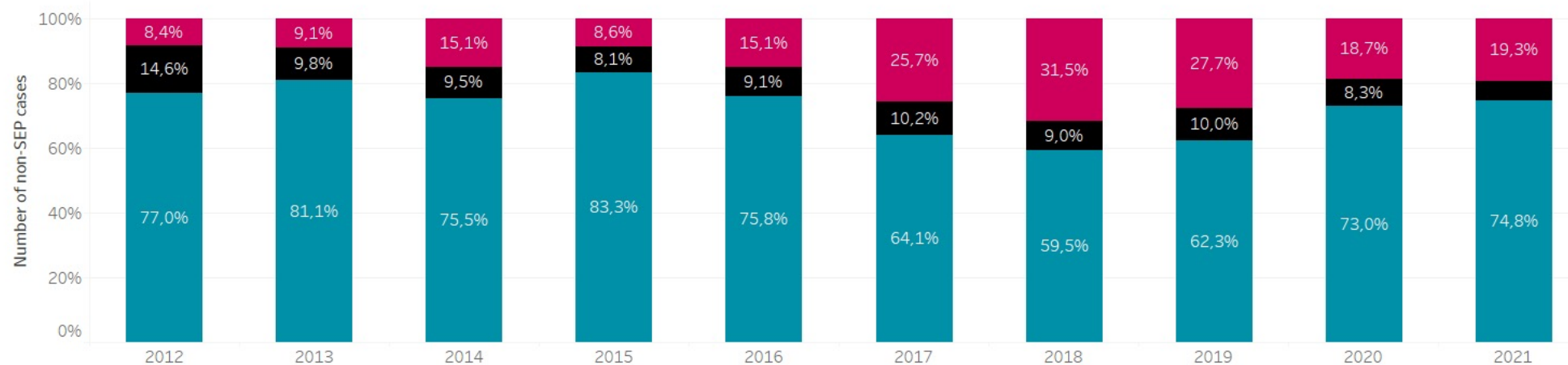
- **Jurisdictions covered** : China ; United States ; France, Germany, Italy, The Netherlands, United Kingdom
- **Types of actions considered** : Infringement Action ; Opposition Action, Invalidity Action, and Inter Partes Review (IPR)
- **Time period covered** : actions with a filing date between 2011-2021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

Evolution of cases

SEP

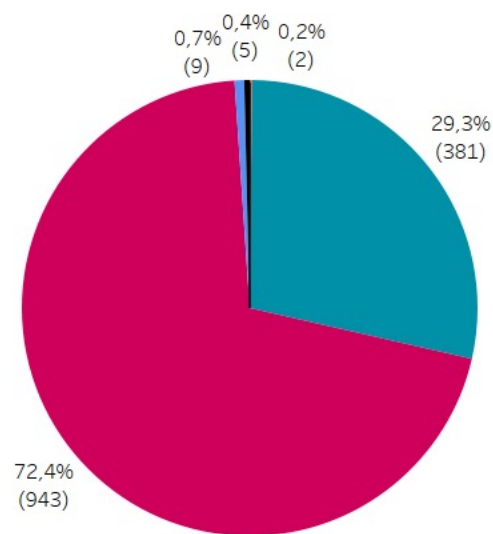


Non-SEP

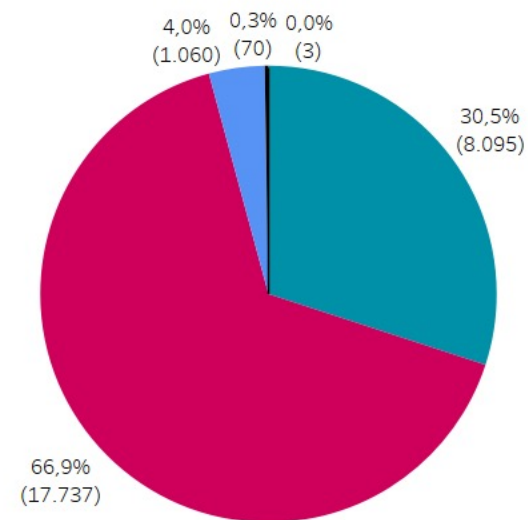


PLAINTIFFS IN INFRINGEMENT ACTIONS BY TYPE OF ACTORS GLOBALLY: SEP / NON-SEP

SEP



Non-SEP

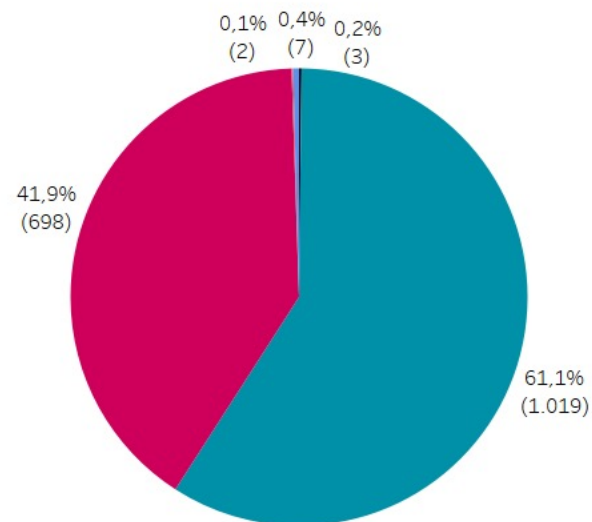


Type of actor

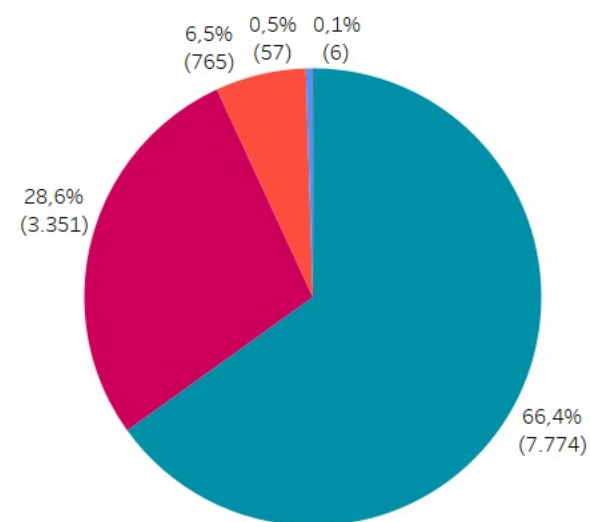
- Authority
- Company
- NPE
- Person
- University/Research Institute

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

SEP



Non-SEP

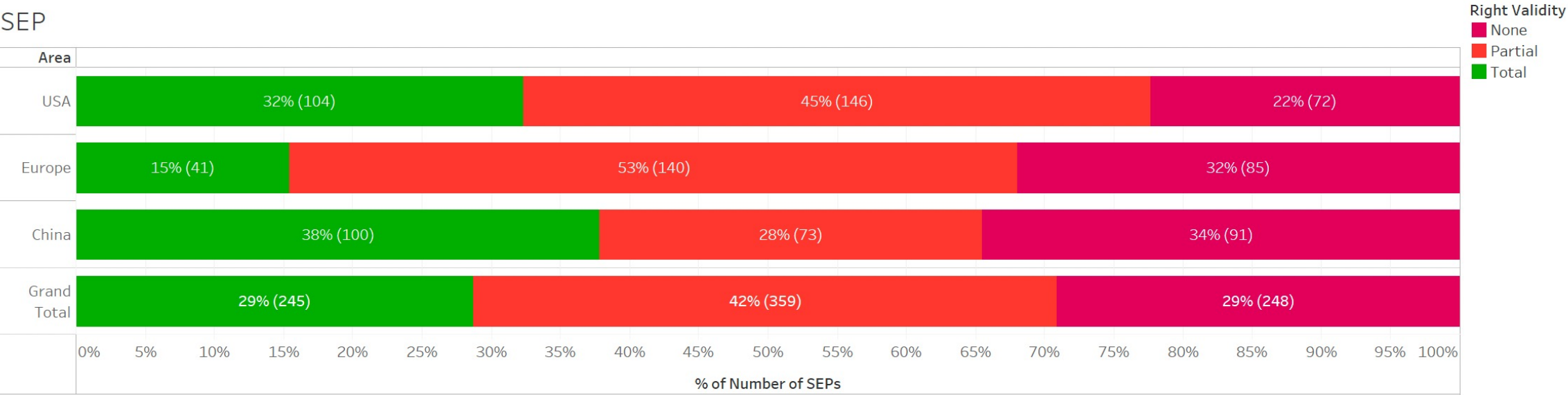


Type of actor

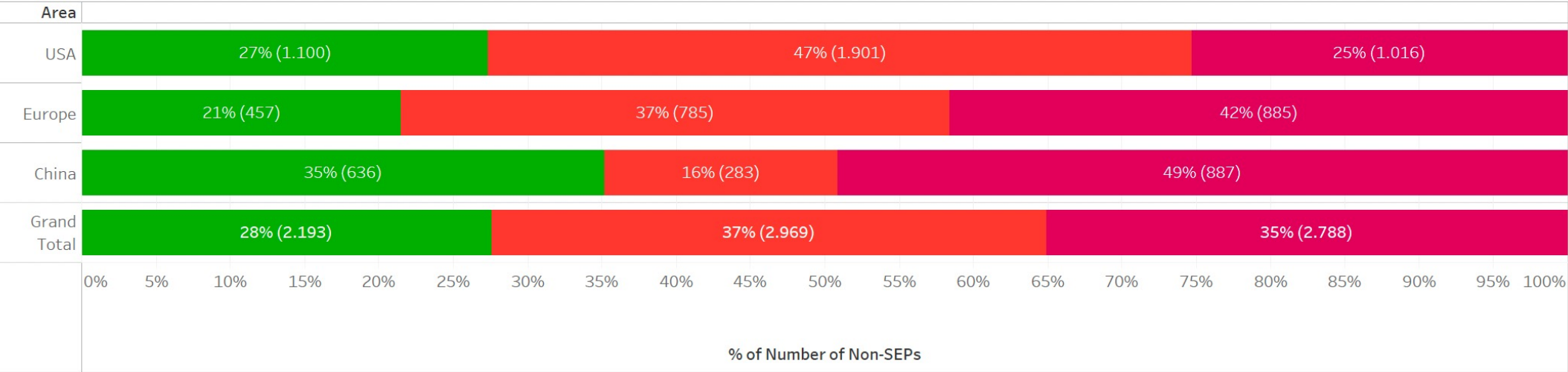
- Authority
- Company
- NPE
- Person
- University/Research Institute

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

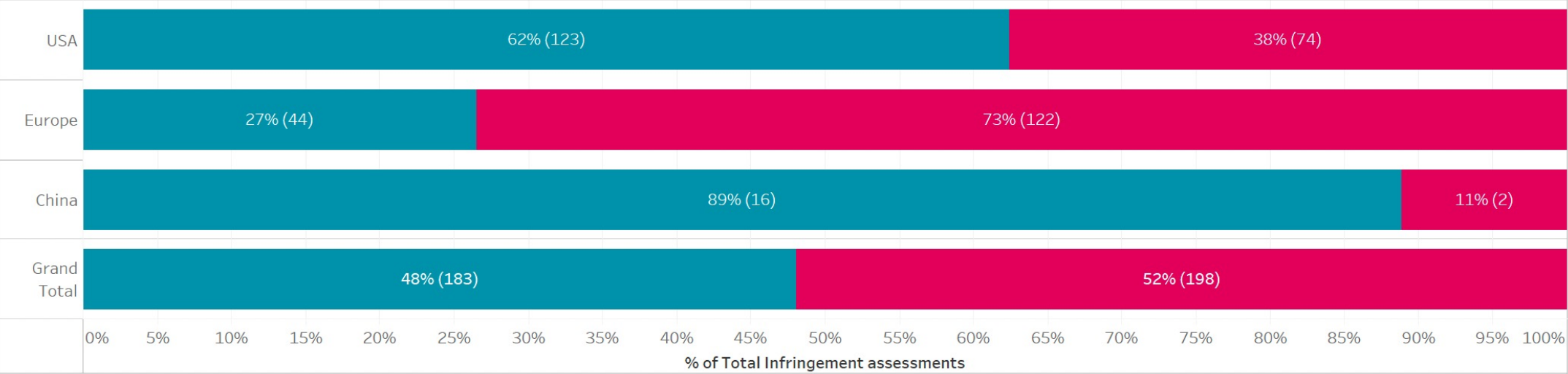
SEP



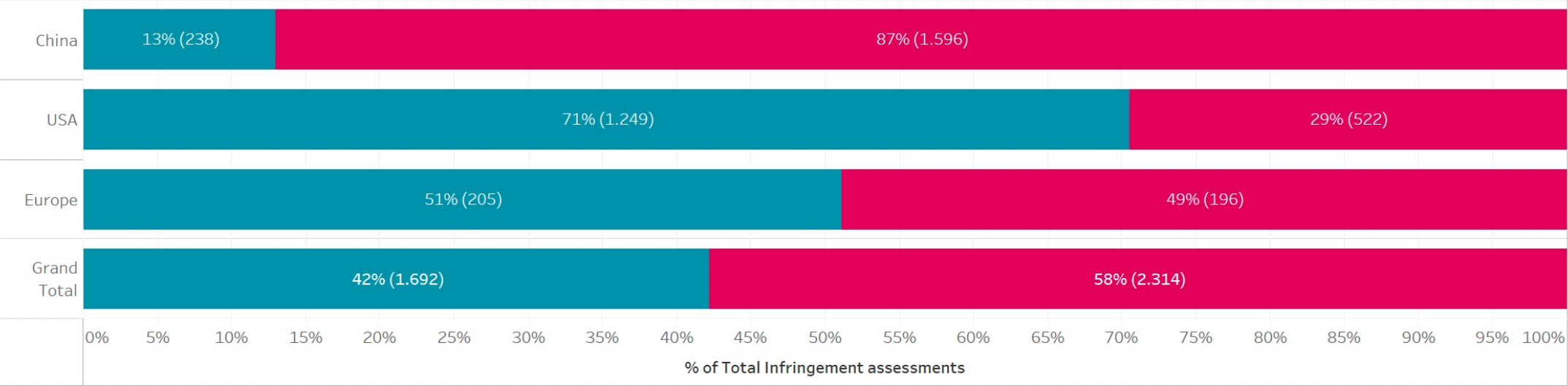
Non-SEP



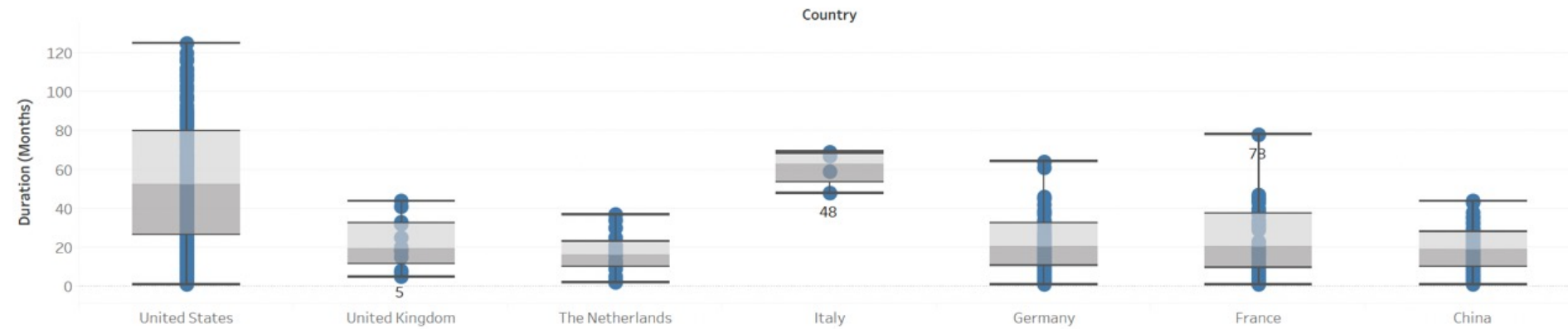
GLOBAL INFRINGEMENT WIN RATES: SEP / NON-SEP
SEP



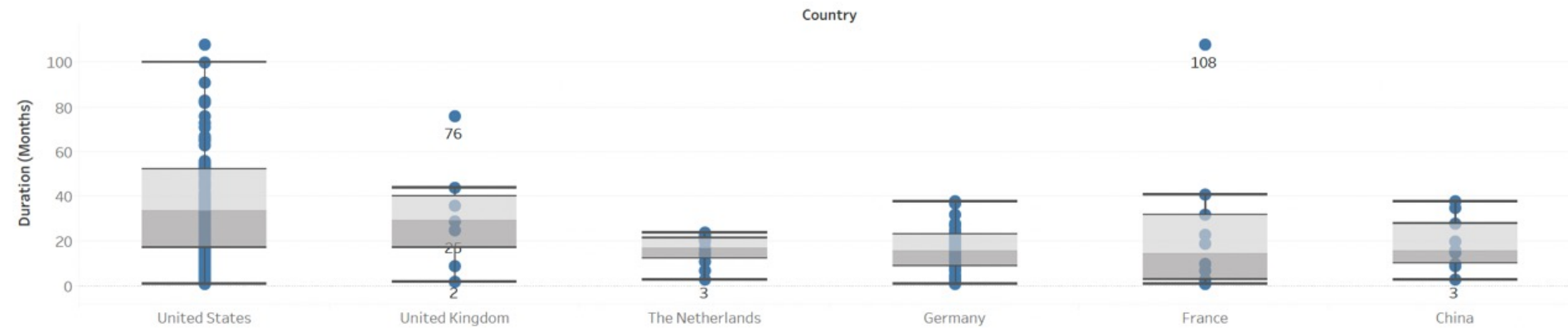
Non-SEP



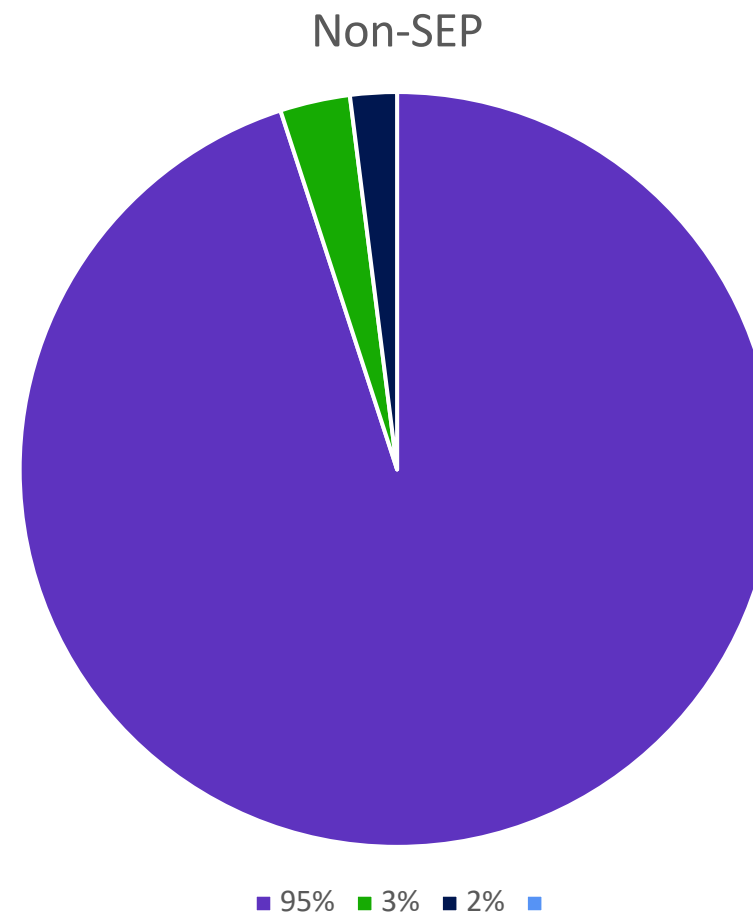
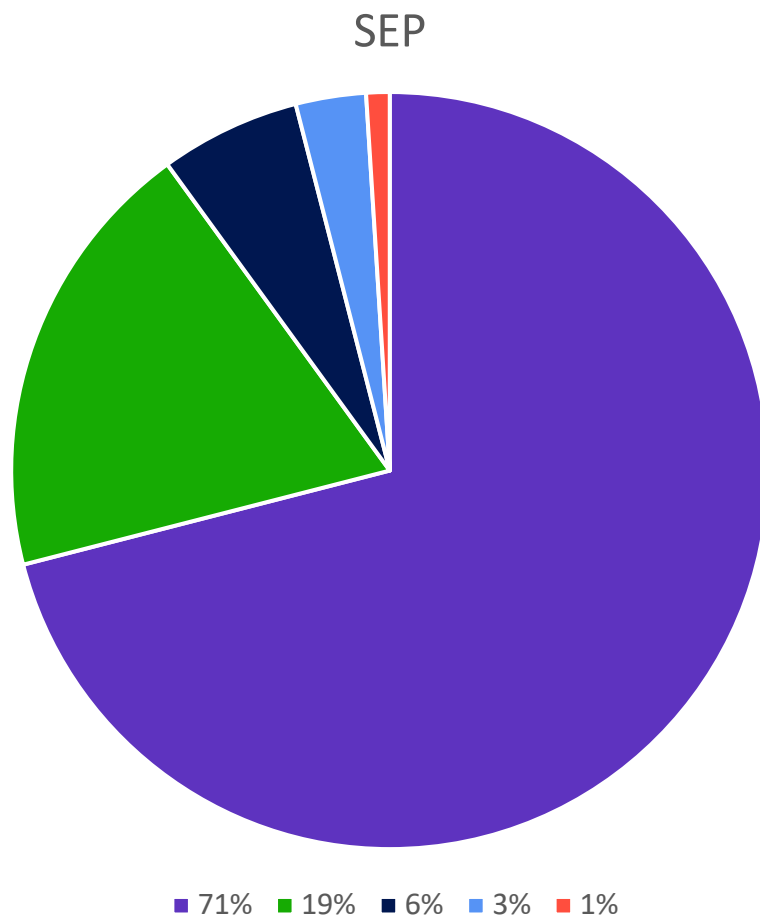
First instance duration - Non-SEP



First instance duration - SEP



Litigation in several jurisdictions



Anti-(anti-) suit injunction

Map of decisions



Table of jurisdictions

United States	
United Kingdom	
Germany	
India	
The Netherlands	
Canada	
China	

Judgment timeline

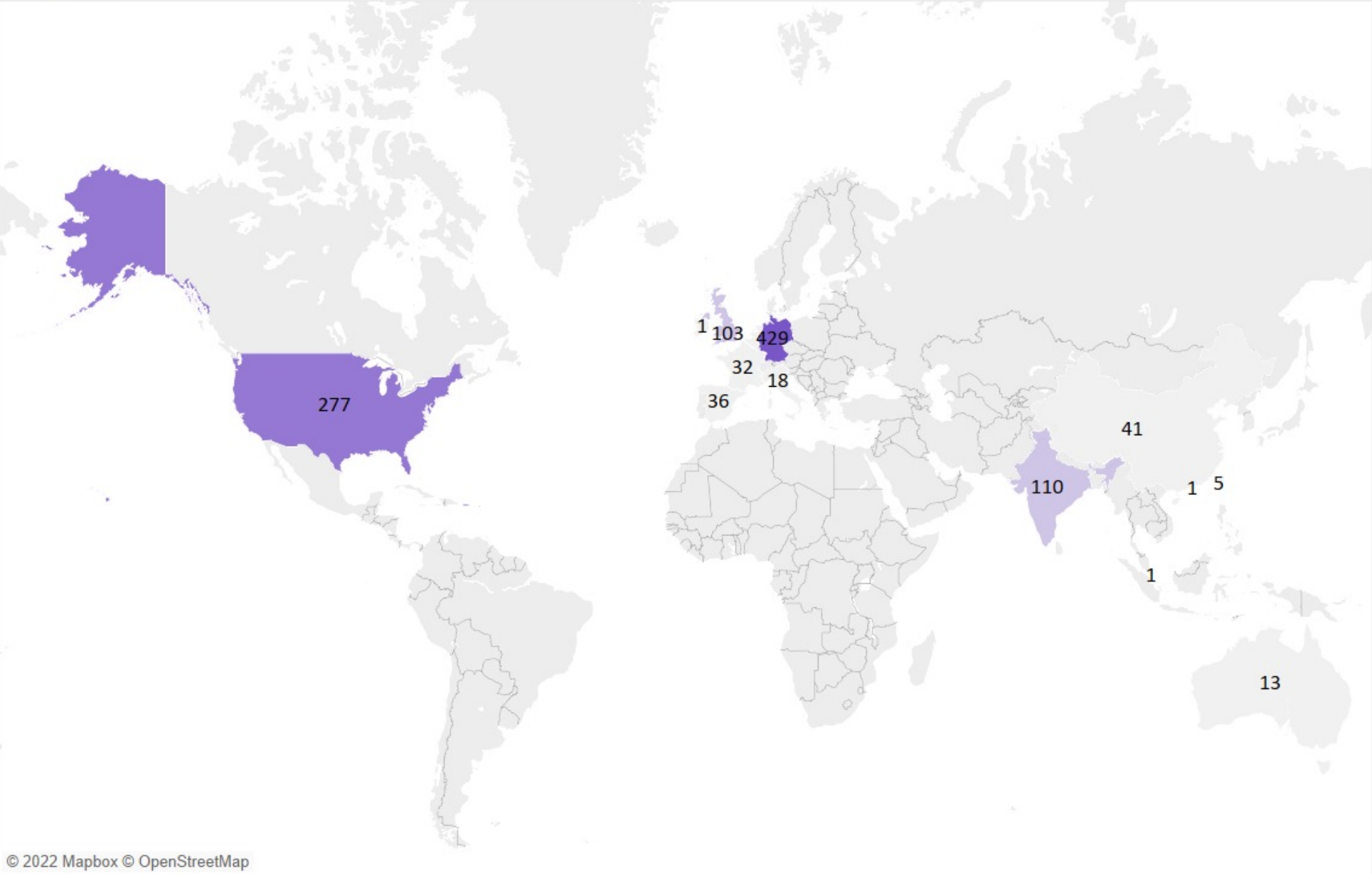
2021	13
2020	17
2019	6
2018	11
2017	6
2016	3
2015	6
2014	1
2013	6
2012	8
2011	3

Litigation Trends on FRAND

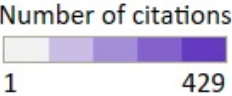
FRAND discussions :

- 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

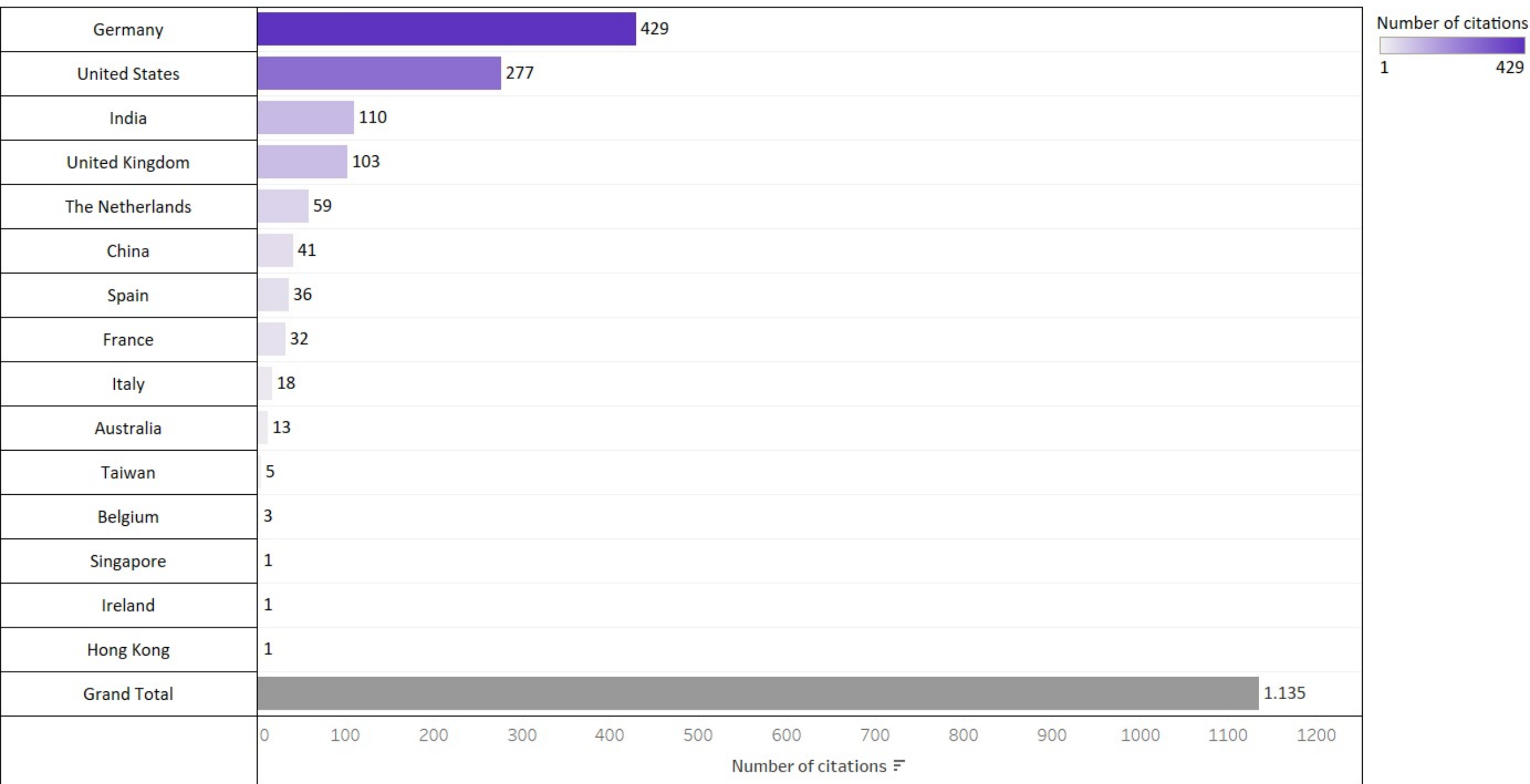
Geographical overview



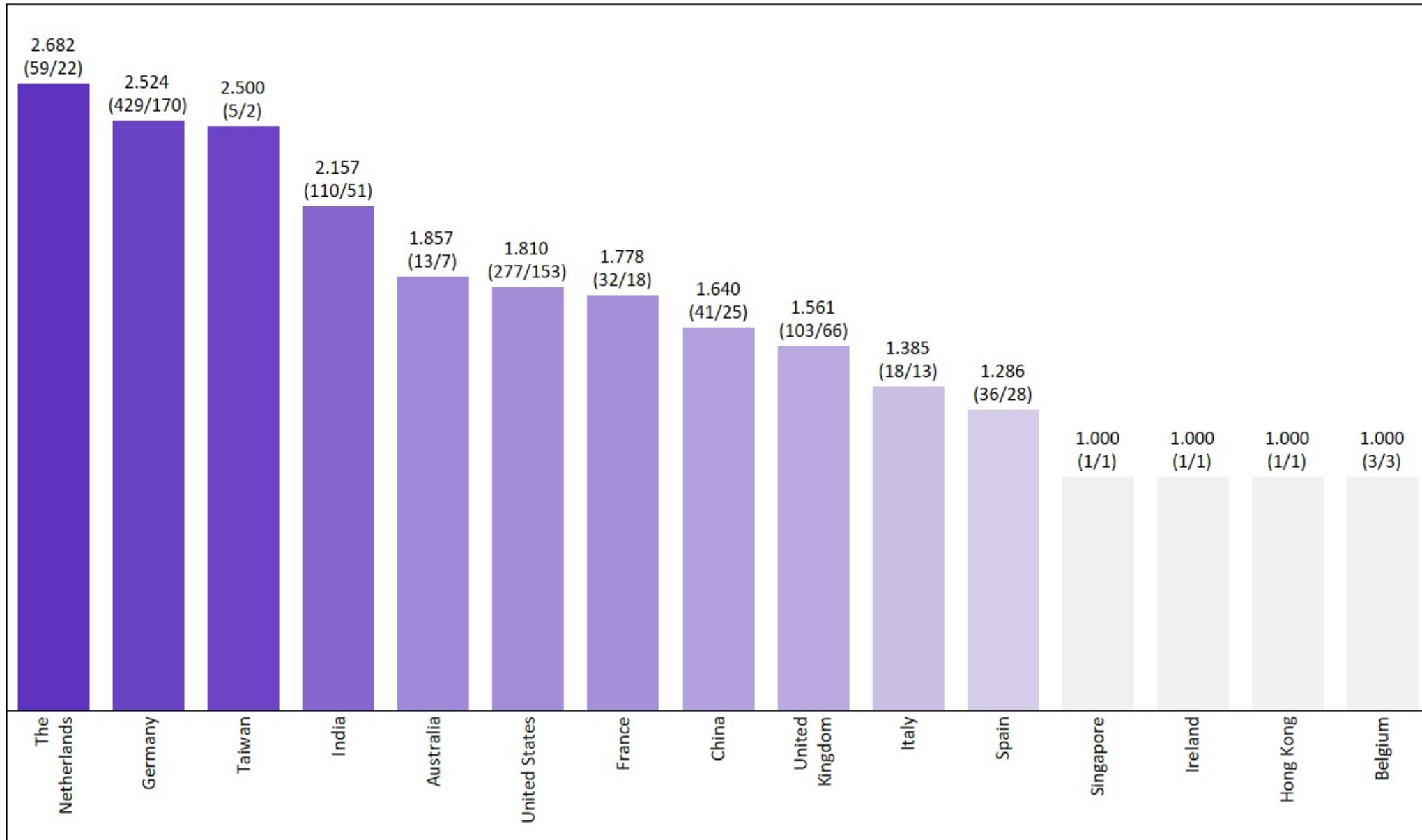
© 2022 Mapbox © OpenStreetMap



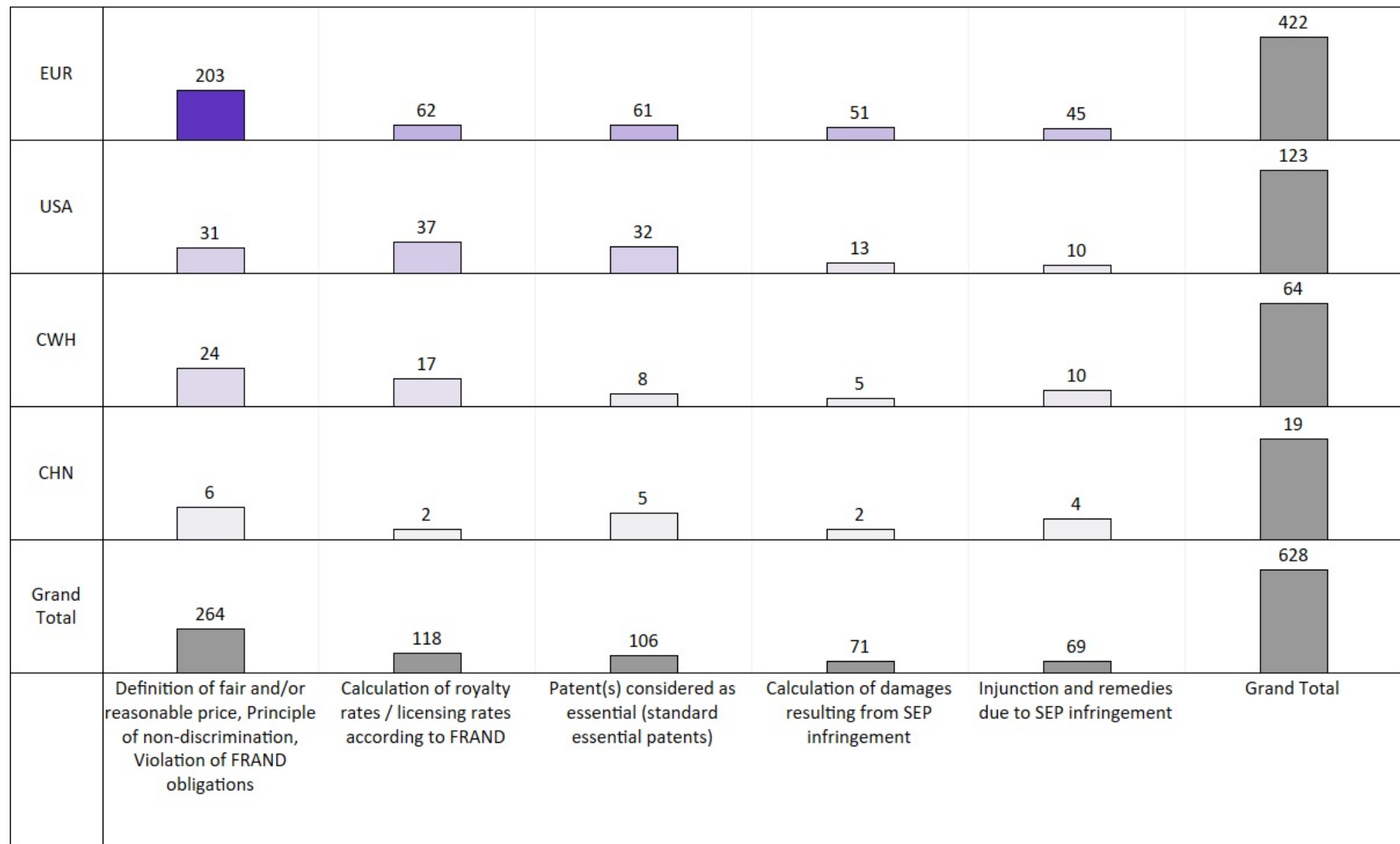
Number of citations by country

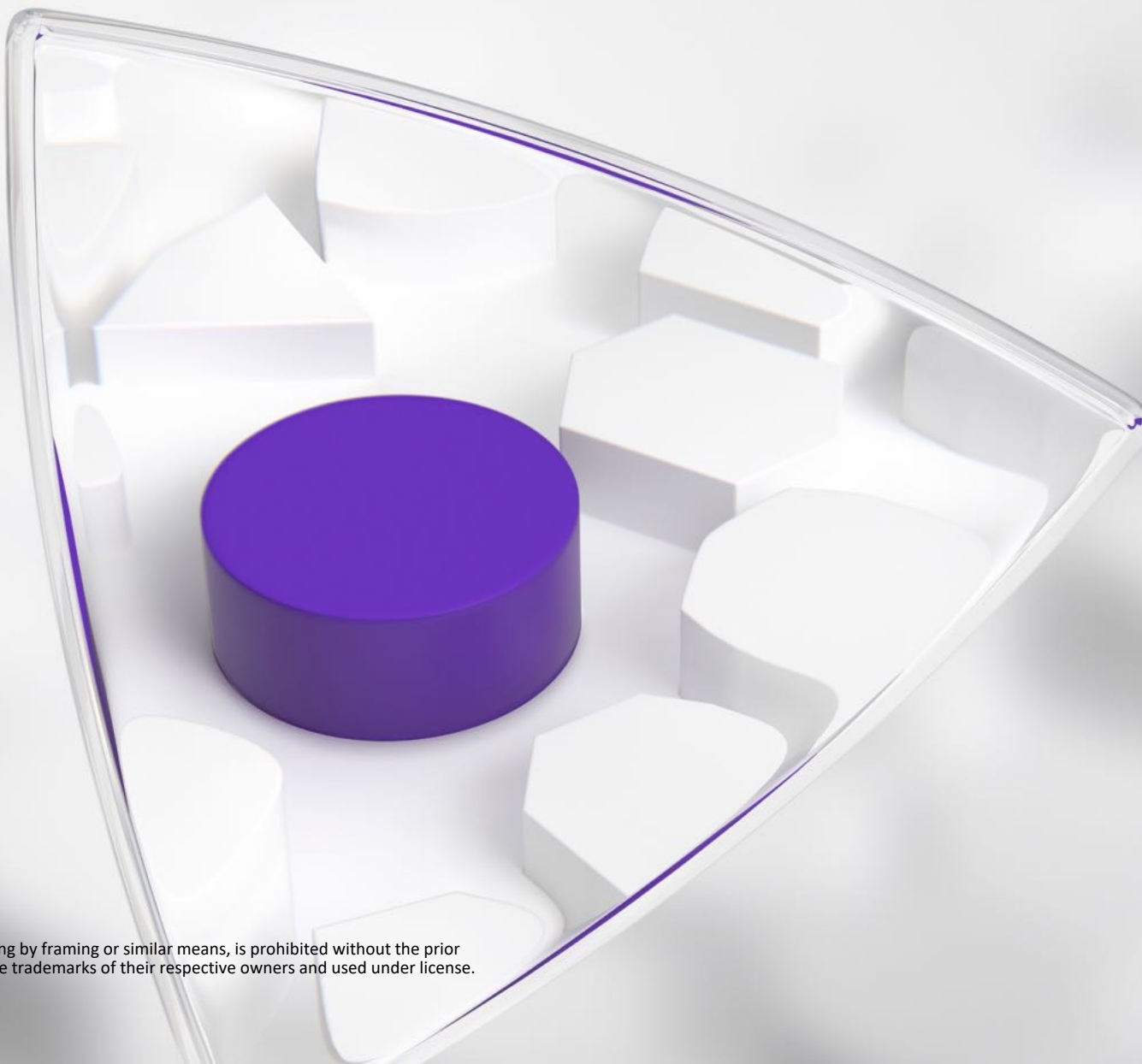


Number of citations: On average



Number of citations per group of POLs





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22/11/2022