Evalueserve IP and R&D

NOVEMBER 2024

IPR&D SPARK NEWSLETTER

We can't wait to spark your imagination and fuel your journey as an IP expert!

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WELCOME TO THE NOVEMBER EDITION OF IPR&D SPARK!

IPR&D Spark Newsletter aims to spark your creativity, ignite your curiosity, and keep you informed on industry trends, legal updates, and insightful analyses. Dive in and explore the fascinating world of IP and R&D with us! This newsletter isn't just about staying informed; it's about fostering a community of passionate minds.

Share your ideas at: Iprdsparknewsletter@evalueserve.com and let's navigate the ever-evolving landscape of IP and R&D together.

LEGAL WATCH

CRISPR Nobelists Surrender Patents Amid Legal Battle

Contributor: Hansprabha Mudgal

Oct' 2024: Nobel Prize winners Jennifer Doudna and Emmanuelle Charpentier, who were awarded for their groundbreaking work on CRISPR Cas-9, have requested the revocation of two key European patents. This decision follows an unfavorable opinion from the European Patent Office (EPO), which found the patents lacked sufficient detail for replication. This strategic move avoids a potentially damaging oral hearing. Despite this setback, other patents held by Doudna and Charpentier remain intact, ensuring continued protection and licensing opportunities for CRISPR–Cas9 technology. The ongoing legal battles highlight the complexities and high stakes in the global CRISPR patent landscape, with significant implications for future gene-editing innovations (Source 1; Source 2).

LEGAL WATCH

04

Mylan Settles Patent Litigation with Novo Nordisk Over Generic Ozempic in USA

Contributor: Subin Khullar

Oct' 24: NATCO Pharma Ltd announced that its partner, Mylan Pharmaceuticals Inc, has reached a settlement in a patent litigation case with Novo Nordisk in the United States concerning the development of a generic version of Ozempic, a medication used to lower blood sugar levels and aid in weight loss. According to a regulatory filing by NATCO, the two companies have been working together on creating generic Semaglutide products, which are the active ingredients in Ozempic. The settlement resolves the US patent litigation initiated by Novo Nordisk, which had filed a patent infringement lawsuit against Mylan over the generic version of Ozempic. The specific terms of the settlement remain confidential. This agreement allows Mylan and NATCO to proceed with their plans for the generic drug, potentially providing a more affordable alternative to the patented medication by Novo Nordisk (Source).

Apple Wins $250 US Jury Verdict in Patent Case Over Masimo Smartwatches

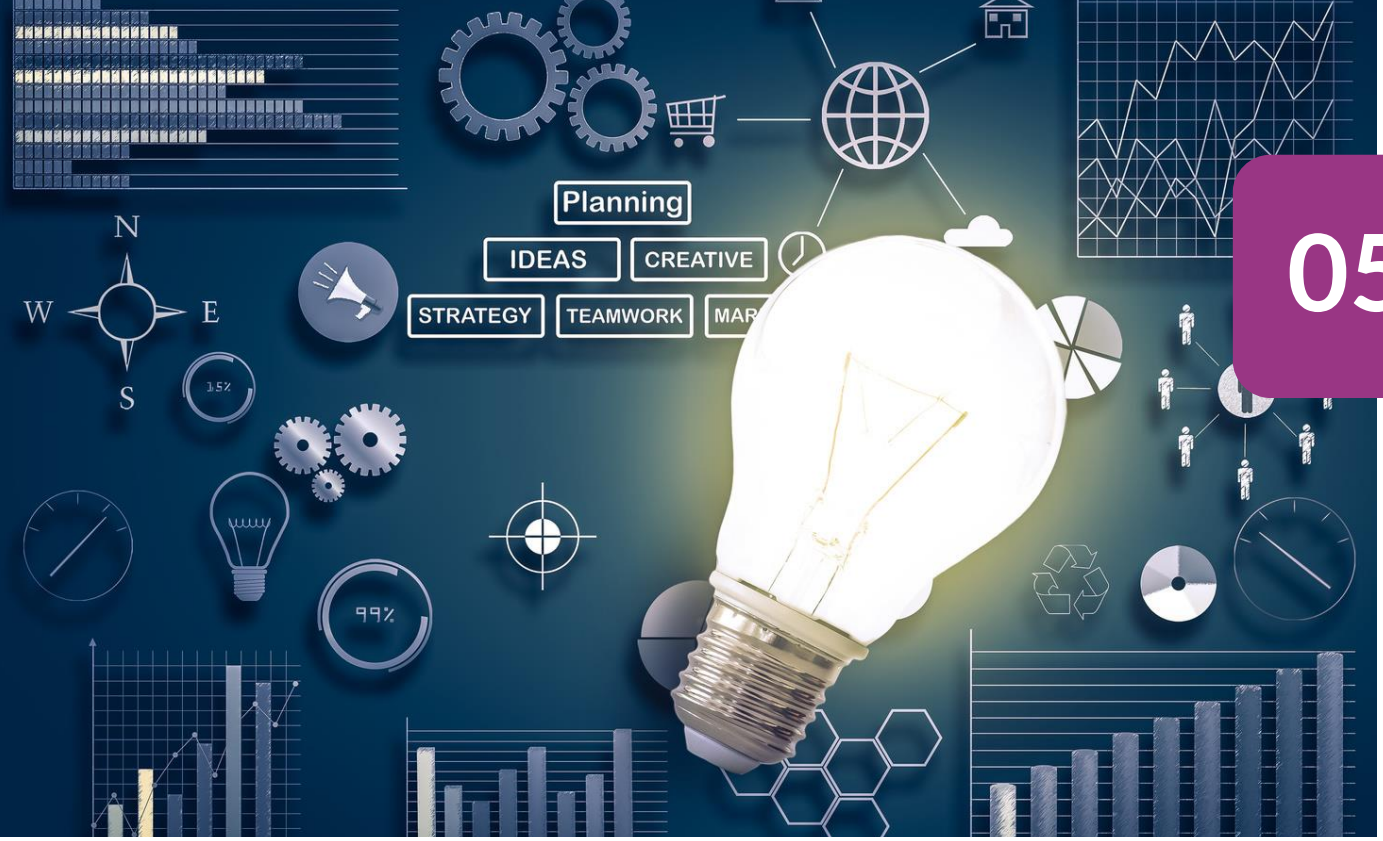
Contributor: Subin Khullar

Oct' 24: Apple convinced a federal jury that early versions of Masimo's smartwatches infringed two of its design patents, as part of a broader intellectual property dispute. The jury in Delaware found that previous iterations of Masimo's W1 and Freedom watches and chargers willfully violated Apple's patent rights, awarding Apple just $250 in damages, the statutory minimum for infringement in the US. Apple's main goal was to secure an injunction against Masimo's smartwatch sales. However, the jury determined that Masimo's current watches did not infringe Apple's patents. Masimo appreciated the verdict, noting it applied only to a discontinued module and charger. Apple expressed satisfaction with the decision, emphasizing the protection of its innovations. Masimo had previously accused Apple of stealing its pulse oximetry technology, leading to a countersuit from Apple for patent infringement (Source).

Pfizer, BioNTech Win Bid to Invalidate CureVac's UK COVID Vaccine Patents

Contributor: Rani Holani

Oct'24: Pfizer and BioNTech successfully invalidated two patents held by rival CureVac at London's High Court on Tuesday. The lawsuit, filed by Pfizer and BioNTech in September 2022, concerned patents related to messenger RNA (mRNA) technology, which is fundamental to their COVID-19 vaccine. This ruling pertains to the London segment of the ongoing global legal dispute between Pfizer, BioNTech, and CureVac, which also includes litigation in the United States and Germany (Source).



INDUSTRY NEWS

Termination of AFCP 2.0 Program by USPTO

Contributor: Chetan Sharma

Oct' 24: The USPTO has announced the conclusion of the AFCP 2.0 program on December 14, 2024. Introduced in 2013, AFCP 2.0 was aimed to reduce the number of Requests for Continued Examinations (RCEs) by providing applicants an alternative option for after-final rejection considerations. The program saw significant usage, with over 60,000 requests filed annually. However, the high operational cost of about $15 million per year became a concern for the USPTO. To offset these expenses, a proposed $500 fee was introduced for large entities but faced substantial opposition from the applicants. Due to the lack of support for the fee, the USPTO has decided to terminate the program. Moving forward, the applicants will need to explore other mechanisms for addressing after-final rejections (Source).

06 INDUSTRY NEWS

USPTO Terminates Patent Application Proceedings for Fraudulent Signatures

Contributor: Subin Khullar

Oct' 24: USPTO has terminated proceedings in about 3,100 patent applications due to fraudulent use of a registered practitioner's S-signature by another individual. According to USPTO rules, signatures must be personally inserted by the named signatory, and authenticity may be required. In October 2022, the USPTO discovered the misuse of a practitioner's signature on numerous micro entity certification forms. This led to the termination of the affected applications. The USPTO emphasizes the importance of practitioners protecting their credentials and applicants ensuring they work with authorized representatives. The USPTO provides resources to identify and avoid scams (Source).

Expanding Opportunities to Practice Before the PTAB

Contributor: Subin Khullar

Oct' 24: The USPTO is amending rules for practicing before the Patent Trial and Appeal Board (PTAB) to expand opportunities while ensuring high-quality legal representation. The final rule, effective November 12, allows parties to proceed without back-up counsel upon showing good cause and introduces a simplified process for recognizing non-registered attorneys pro hac vice without a fee. Non-registered attorneys must inform the Board of relevant developments. A pilot project will explore allowing non-registered attorneys to appear as lead counsel. These changes aim to benefit the innovation ecosystem (Source).

USPTO Marks IP Month with Expanded Tools for Entrepreneurs and Startups

Contributor: Subin Khullar

Oct' 24: Intellectual Property (IP) Month in October highlights IP's role in innovation and economic growth. In the U.S., IP-reliant industries contribute $7.8 trillion to GDP and support 63 million jobs. In 2023, a record 5.5 million new business applications were filed. The USPTO prioritizes supporting small and medium businesses by expanding an IP Identifier tool and launching a Startup Certification Training Course. These resources help businesses manage and protect their IP, secure funding, and grow. Studies show that IP protection significantly boosts funding, employment, and revenue for startups and small businesses (Source).

R&D and Innovation

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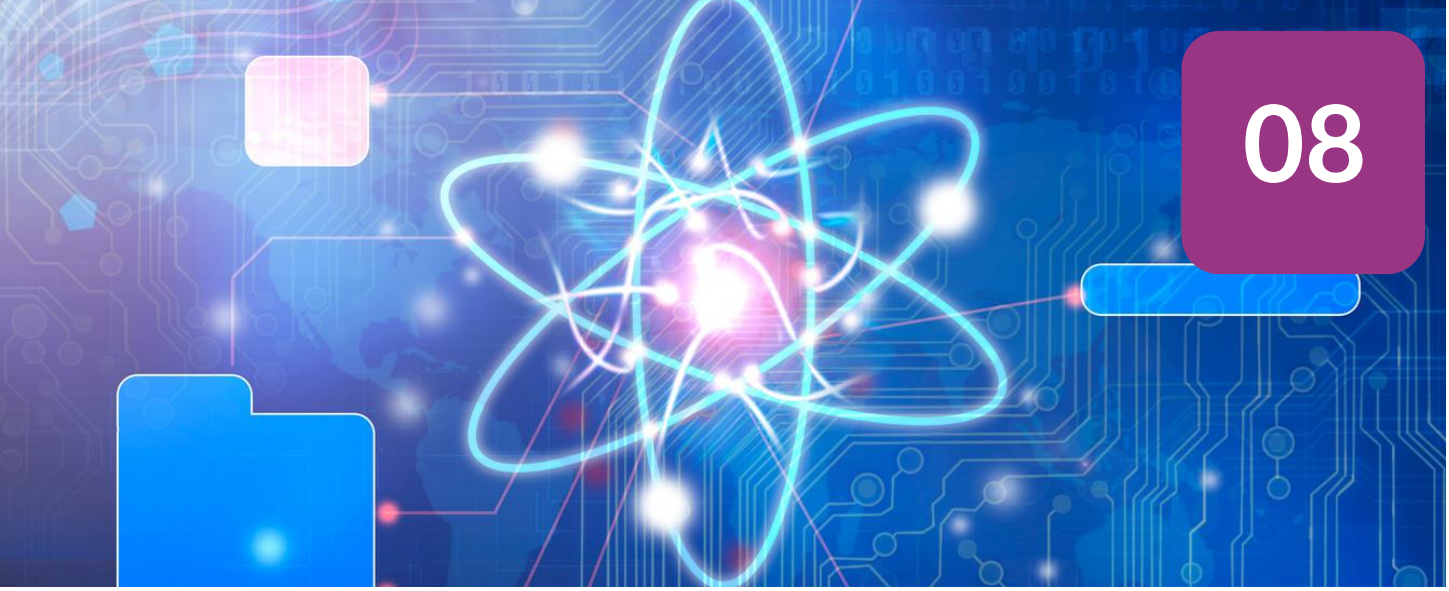
TECHNO-SPOTLIGHT



Chemistry Nobel Goes to a Scientific Breakthrough Enabled by Artificial Intelligence

Contributor: Rachna Gupta

Oct' 24: For the first time — and probably not the last — a scientific breakthrough enabled by artificial intelligence has been recognized with a Nobel prize. The 2024 chemistry Nobel was awarded to John Jumper and Demis Hassabis at Google DeepMind in London, for developing a game-changing AI tool for predicting protein structures called AlphaFold, and David Baker, at the University of Washington in Seattle, for his work on computational protein design, which has been bolstered by AI in recent years. The tool has made protein structures often, but not always, highly accurate ones available to researchers at the touch of a button, and enabled experiments that were unimaginable a decade ago (Source).

Key M&A/Strategic Alliances

Contributor: Rachna Gupta

Oct' 24 (Source 1; Source 2; Source 3; Source 4):

- Advanced materials provider **Momentive Technologies** has completed the acquisition of Sibelco's spherical alumina and spherical silica businesses located in South Korea.
- **Sudarshan Chemical Industries Ltd** will acquire the global pigment business of Heubach Group for Euro 127.5 million. The deal includes operations in Germany and other countries.
- **Covestro** Signs Investment Agreement with UAE's ADNOC. This €15 billion deal sees Gulf oil producer looking to future growth beyond fuels.
- **PPG** Announces Agreement to Sell Its Silicas Products Business for approximately $310 million to QEMETICA S.A., a Warsaw, Poland-based, privately held manufacturer of soda ash, silicates, and other specialty chemicals.

Sustainable System for Deep Space: Watch Water Form Out of Thin Air

Contributor: Rachna Gupta

Oct' 24: Think of Matt Damon's character, Mark Watney, in the movie 'The Martian.' He burned rocket fuel to extract hydrogen and then added oxygen from his oxygenator. Researchers at Northwestern University have developed an analogous process to produce water except they bypass the need for fire and other extreme conditions. For the first time, the formation of nano-sized water bubbles from hydrogen and oxygen atoms using palladium as a catalyst is produced.. This breakthrough, facilitated by a new visualization technique, could enable rapid water production in arid or extraterrestrial environments without the need for extreme conditions (Source).

Methane Goldrush: Dairy Farms' Untapped Wealth

Contributor: Rachna Gupta

Oct' 24 Research indicates that methane emissions from slurry stores on dairy farms could be significantly higher than current estimates, suggesting up to a fivefold discrepancy. The potential for converting these emissions into biogas could generate substantial economic benefits for the dairy industry, valued at over £400 million annually. As per George Eustice, former Secretary of State for Environment, Food and Rural Affairs and chair of IFEAA: "Methane is a potent but short-lived Green House Gas and reducing emissions is critical to the pathway to Net Zero and limiting global temperature rises to 1.5 degrees.

"The bad news is that emissions from agriculture are higher than previously thought but the good news is that this methane is easily captured and used as an alternative to fossil fuels creating an additional income stream for farms" (Source).

Cervical Cancer Treatment Breakthrough Cuts Risk of Death by 40%

Contributor: Aparajita Basu

Oct'24: The INTERLACE trial results indicate that administering a short course of chemotherapy to cervical cancer patients before the standard treatment reduces the risk of death by 40%. This new method also decreases the likelihood of cervical cancer recurrence or relapse (growth after initial treatment response) by 35%.

Moreover, since the two chemotherapy drugs used for induction treatment are inexpensive, readily available, and already approved for use, experts believe they could quickly become a new standard of care (Source).

Big Pharma Creating Local Partnerships Through Incubator Space

Contributor: Rani Holani

Oct'24: Pharmaceutical giants are expanding their presence in various countries by establishing incubator spaces to accelerate early-stage innovation. This approach allows these companies to collaborate with local talent and startups.

Bayer has launched Bayer Co. Lab Shanghai as part of its global network of life science incubators, which also includes locations in the United States, Japan, and Germany.

Additionally, Eli Lilly's Gateway Labs is going global, with the U.K. government announcing that the country will host the first European branch of the incubator program (Source 1; Source 2).

Breakthroughs in Biotechnology are Accelerating Innovation at Unilever

Contributor: Rani Holani

Oct'24: Unilever is leveraging biotechnology to find plant-based, sustainable ingredient alternatives for use across our brands.

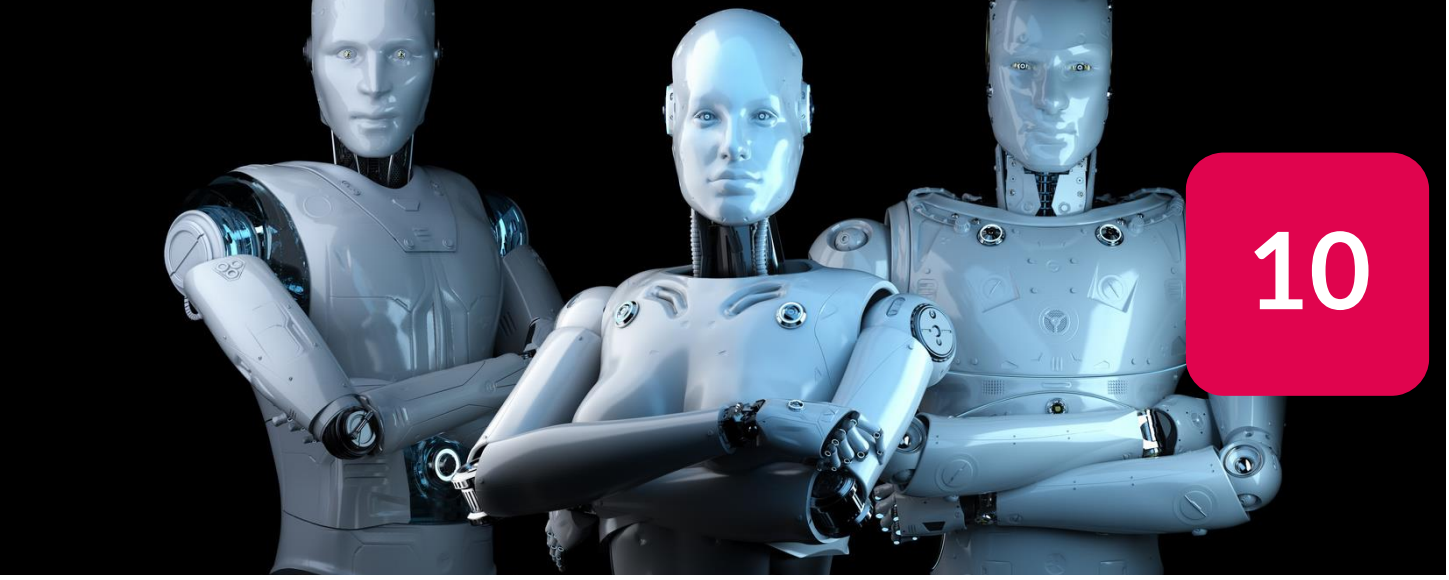
Unilever has recently initiated a pilot program in collaboration with the University of Nottingham in the UK to explore the use of biotech in extracting essential oils from plants and flowers that would otherwise be discarded. The goal is to incorporate these oils into the fragrances of our products.

Dove has introduced hair products that feature biotech-derived vegan proteins, such as collagen and elastin, in items like Dove Intensive Repair Shampoo and Conditioner.

Similarly, REN has replaced natural bisabolol, an anti-inflammatory ingredient traditionally sourced from wild chamomile, with a fermented alternative in its Evercalm Barrier Support Elixir.

AI-powered Intelligent Protein Design Technology has helped to develop new enzymes that can break down different types of stains, use less water and energy and replace petrochemical-derived ingredients.

Biotechnology is helping Unilever to unlock cost-competitive and sustainable alternatives that reduce our dependence on certain raw ingredients that can be difficult to source (Source).



Chinese Robotics Startup Robot Era Unveils STAR1, the 'Fastest' Humanoid in the World

Contributor: Atul Kumar Pal

Oct' 24: Chinese robotics startup Robot Era has introduced STAR1, claimed to be the fastest humanoid robot in the world, surpassing Tesla's Optimus and Boston Dynamics' Atlas with a top speed of 8 miles per hour (13 Km/h), outpacing Unitree's H1 robot at 7.4 mph. Standing 5.6 feet tall and weighing 143 pounds, STAR1 is notable for its computing power, capable of processing 275 TOPS, far exceeding the 45-55 TOPS of most modern laptops. This milestone highlights rapid advancements in humanoid robotics, suggesting STAR1 can handle complex tasks and real-time decisions efficiently, potentially extending its applications beyond household chores to more dynamic environments (Source).

Samsung Unveils 24Gb GDDR7 DRAM for Next-Generation AI Computing

Contributor: Mukesh Kumar

Oct' 24: Samsung Electronics has developed the industry's first 24-gigabit (Gb) GDDR7 DRAM, offering the fastest speeds for graphics DRAM at 40 gigabits per second (Gbps), with potential boosts to 42.5 Gbps. This makes it ideal for high-performance markets like AI workstations, data centers, gaming, and autonomous driving. Leveraging 5th-generation 10-nanometer technology, the GDDR7 offers a 50% increase in cell density and over 30% improved energy efficiency. Validation with major GPU customers will begin this year, with commercialization planned for early next year.

Samsung's innovation reinforces its leadership in the graphics DRAM market, addressing the growing demands of AI and high-performance applications while emphasizing power efficiency (Source).

NVIDIA Quietly Launched its Own AI Model, said to be More Powerful than GPT-4o, Claude 3.5 Sonnet

Contributor: Mukesh Kumar

Oct' 24: NVIDIA has open-sourced its Nemotron model, along with its reward model and training dataset, on Hugging Face, and made it available for preview on its official website. The new AI model, Llama-3.1-Nemotron-70B-Instruct, is said to surpass industry giants like OpenAI's GPT-4o and Anthropic's Claude 3.5 Sonnet in key benchmarks. Despite its 70 billion parameters, it focuses on lightweight efficiency and delivers top-notch performance, scoring highly on various tests. NVIDIA's move to open-source Nemotron highlights its growing influence in the AI landscape, traditionally dominated by its hardware (Source).

Data Centers Turn Waste Wind into Renewable Energy

Contributor: Mukesh Kumar

Oct' 24: Researchers from the Distance University of Madrid (UDIMA) and Mision Critica-Data Center have developed a method to generate electricity from the airflow produced by data center cooling fans. Using vertical axis wind turbines, they captured this waste wind and converted it into electricity. In a Colombian data center case study, six turbines generated more electricity than the fans consumed. This approach offers economic and environmental benefits, including a positive cash flow within three years, a 50.69% internal rate of return, and a reduction of 300 metric tons of CO_2 emissions annually.

This innovative method not only provides a sustainable energy solution but also highlights the potential for similar applications in other industries, making it a significant advancement in renewable energy (Source).

Philip Morris to Close German Factories

Contributor: Neha Negi

Oct' 24: Philip Morris International is closing two tobacco factories in Germany due to weak demand across Europe. The multinational said on Oct. 29 that demand for cigarettes had fallen significantly in recent years and that the trend is likely to continue. Demand for rolling tobacco, made at the company's Dresden plant, is also in decline (Source).

FDA to Review 2ONE Marketing Application

Contributor: Neha Negi

Oct' 24: The U.S. Food and Drug Administration has accepted for review 2ONE Labs' premarket tobacco product application (PMTA) for 2ONE brand nicotine pouches (Source).

Flashlight Offers to Buy KT&G's Ginseng Business

Contributor: Neha Negi

Oct' 24: Flashlight Capital Partners (FCP) wants to purchase KT&G Corp.'s Ginseng business. The activist investor, which is also a shareholder in KT&G, has submitted a letter of intent to acquire all shares of KT&G subsidiary Korea Ginseng Corp. (KGC). FCP is offering KRW1.9 trillion ($1.4 billion), which is 50 percent higher than the enterprise value analyst estimates mentioned at KT&G's 2023 investor day (Source).

JT Completes Vector Acquisition

Contributor: Neha Negi

Oct' 24: The JT Group has accepted all tendered shares, and, following a statutory merger VGR became a wholly owned subsidiary of the JT Group and was delisted from the New York Stock Exchange on Oct. 7, 2024 (Source).

BAT to Launch Synthetic Nicotine Pouch in the U.S.

Contributor: Neha Negi

Oct' 24: BAT will launch a new version of its Velo pouches using synthetic nicotine in the United States next year. Made in a laboratory rather than derived from tobacco leaves, synthetic nicotine has gained popularity among manufacturers recently as a means to avoid the FDA's lengthy and cumbersome tobacco product authorization process (Source).

Imperial Sued Over Zone Trademark

Contributor: Neha Negi

Oct' 24: 2ONE Labs and Performance Plus Marketing have filed both a trademark infringement lawsuit and a preliminary injunction against Imperial Brand subsidiaries Zone nicotine pouch trademark. The suit alleges that Imperial's Zone products willfully infringe the 2ONE nicotine pouch brand. In addition to seeking an award for damages, 2ONE is also seeking cancellation of Imperial's Zone mark (Source).

Ispire and ANDS Sign Distributor Deal

Contributor: Neha Negi

Oct' 24: Ispire Technology and Dubai-based ANDS have signed a five-year agreement to commercialize Ispire's Hidden Hills Club nicotine portfolio to the Middle East, North Africa (MENA) region and global duty-free markets (Source).

FDA clears RespiRx IND

Contributor: Neha Negi

Oct' 24: The company will initiate a Phase 1, randomized, crossover, open-label trial to determine the pharmacokinetics, safety and tolerability following self-administration of nicotine-containing products in up to 24 healthy adult subjects who currently smoke combustible cigarettes (Source).

Driving Growth in Consumer Packaged Goods

Contributor: Tejasvi Sinha

Oct' 24: Companies are shifting from survival strategies to growth-oriented approaches, and strengthening data analytics infrastructure, which is essential for sustainable growth. Key strategies across the industry include:

Innovation Prediction: Leveraging AI/ ML to improve demand forecasting. For instance, PepsiCo uses the **AI tool Tastewise** to identify food trends and preferences.

Optimized Inventory Management: Predictive analytics enhance inventory practices, exemplified by Procter & Gamble's **Supply Chain 3.0** initiative, which improves supply chain resilience and retailer collaboration.

Increased Personalization: Personalization drives customer engagement. Estée Lauder's **AI-driven makeup assistant for visually impaired** users showcases innovative ways to connect with diverse markets (Source).

CPG Giants Adapt Strategies to Meet Changing Consumer Value Perceptions

Contributor: Tejasvi Sinha

Oct' 24: In response to **shifting consumer priorities toward value** Colgate-Palmolive, Procter & Gamble (P&G), and PepsiCo are adapting their strategies.

Colgate has focused on **promotions and coupon strategies** to cater to price-sensitive shoppers. The company emphasizes the importance of promotional activities and using analytics and AI, while **P&G** highlights that consumers equate value with quality, particularly for essential products. P&G is striving to attract new consumers by **communicating product benefits** through **modified packaging and distribution strategies**, particularly in underpenetrated categories like fabric enhancers.

PepsiCo has observed a trend toward **smaller, more affordable pack sizes,** prompting the company to adjust its offerings by providing smaller multi-packs of snacks (Source).

Consumers Shift Spending Habits Ahead of Holiday Season

Contributor: Tejasvi Sinha

Oct' 24: As the holiday season approaches, American consumers are increasingly **prioritizing value and convenience over brand loyalty**, with 86% planning to cut back on holiday spending compared to last year.

A report from Relex Solutions reveals that nearly half of shoppers are reducing their budgets by more than 50%, with the **45-60 age group being especially price-sensitive**. Digital channels have become crucial for finding deals, with **60% of consumers using store and brand apps** and email promotions, while only 32% are looking for deals in physical stores.

Additionally, younger consumers aged **18-29** are **focusing more on product availability than price**, reflecting concerns about supply chain disruptions, particularly for electronics and clothing (Source).

Embracing 2D Barcodes: Transforming Retail Information Sharing

Contributor: Tejasvi Sinha

Oct' 24: **Two-dimensional (2D) barcodes**, such as QR codes, are modernizing information sharing in the retail sector, marking a significant evolution from traditional one-dimensional (1D) barcodes.

As **consumer demand for transparency increases**, 2D barcodes offer **enhanced data capacity,** enabling granular information about products, including batch and expiration details.

Companies like **Puma and PepsiCo** are already implementing 2D barcodes to improve consumer engagement.

The adoption of **2D barcodes by 2027, part of the Sunrise 2027 initiative,** requires companies to modernize their systems and collaborate across the supply chain for **interoperability**. This shift promises greater safety during product recalls by allowing quick identification and communication about affected items (Source).

New '*Silo* Study' Launched to Assess H5N1 Prevalence in U.S. Dairy Milk Supply

Contributor: Megha Walia

Oct' 24: In response to the Highly Pathogenic Avian Influenza A H5N1 outbreak in dairy cattle, federal and state researchers are starting a comprehensive "*silo* study". They will sample Grade "A" raw cow's milk from storage silos at dairy processing facilities across participating states to understand the virus's prevalence and inform control strategies. The USDA National Veterinary Services Laboratory will analyze the samples, with results reviewed by the FDA, NCIMS, and USDA. The FDA confirms that pasteurization effectively eliminates H5N1 in milk and will provide ongoing updates on milk safety research (Source).

Mind Your Dose: Ensuring Safe and Healthy Caffeine Consumption

Contributor: Megha Walia and Basharat Ahmad Sofi

Oct' 24: The Food Standards Agency (FSA) and Food Standards Scotland (FSS) have issued new guidelines to ensure safe caffeine consumption, advising adults to limit intake to 400 mg per day and pregnant women to 200 mg. This follows a fatal overdose and survey findings of neglected dosage instructions. Recent research presented at the American College of Cardiology's ACC Asia 2024 conference highlights the risk of cardiovascular diseases with excessive caffeine intake, emphasizing the importance of moderation, accurate dosing, and proper labelling to prevent adverse health effects. Businesses must comply with food safety regulations (Source 1; Source 2).

Future of Chemical Safety: UK's Shift to Advanced Testing Methods

Contributor: Akshay Jawale

Nov' 24: The UK is positioned to lead in using new approach methodologies (NAMs) for chemical safety assessments, aiming to reduce and replace animal testing, per a Defra (Department for Environment, Food and Rural Affairs' and Hazardous Substances Advisory Committee (HSAC) report. NAMs improve toxicological testing by understanding substances' modes of action. Recommendations include establishing UK centers of excellence, a national reference laboratory, and incentivizing NAMs data provision. Advances in science support transitioning to NAMs-based regulation for safer, ethical, and cost-effective chemical testing (Source).

Boosting Patient Safety: FDA's New Guidance for Clearer Drug Interaction Labelling

Contributor: Latika Sharma

Oct' 24: The U.S. Food and Drug Administration (FDA) released draft guidance updates regarding labelling requirements for drug interactions (DIs) in human prescription drug and biologics labels, aiming to improve clarity and access for healthcare providers. Key changes include enhanced examples for consistent DI placement across sections, aiding safe drug use. Implementation emphasizes accuracy in DI content, structured format, and clear preventive steps, ensuring better-informed prescribing (Source).

'KAIST Develops Technology for the Precise Diagnosis of Electric Vehicle Batteries Using Small Currents

Contributor: Nitesh Kumar

Oct' 2024: KAIST researchers have developed a groundbreaking low-current electrochemical impedance spectroscopy (EIS) technology for electric vehicle (EV) batteries. This innovative system accurately diagnoses and monitors battery health using minimal current, enhancing long-term stability and efficiency. Unlike traditional EIS equipment, this new technology is cost-effective, easy to integrate into battery management systems, and reduces the risk of battery failure or fire (Source).

BYD to Put In-House Developed Smart Driving Algorithms to Use as Soon as Nov, Report Says

Contributor: Nitesh Kumar

Oct' 2024: BYD is aiming to make its in-house developed smart driving algorithms mass-produced as soon as November, and to start equipping models in the RMB 100,000 class with high-level smart driving capabilities by 2025, according to local media (Source).

CATL Unveils Freevoy Super Hybrid Battery for EREV and PHEV Vehicles

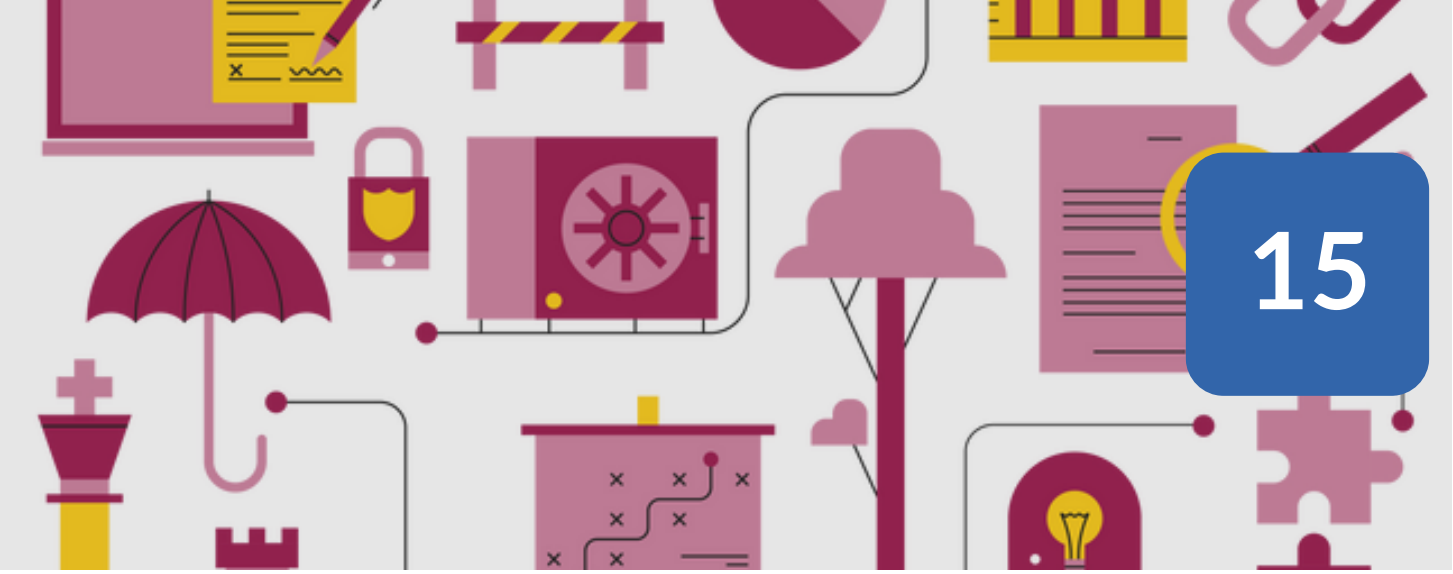
Contributor: Nitesh Kumar

Oct' 2024: On October 24, 2024, CATL introduced the Freevoy Super Hybrid Battery, the first hybrid vehicle battery to achieve over 400 kilometers of pure electric range and 4C superfast charging. This innovation addresses key challenges in the hybrid vehicle market, such as short range and slow charging. The Freevoy offers over 280 kilometers of range with just 10 minutes of charging and maintains performance in extreme temperatures (Source).

Hyundai Mobis and ZEISS Partner to Transform the Entire Windshield into a Full-Display Screen

Contributor: Nitesh Kumar

Oct' 2024: Hyundai Mobis has partnered with ZEISS to develop Holographic Windshield Display (Holographic HUD) technology, transforming vehicle windshields into transparent displays for driving data, entertainment, and video calls. Expected to enter mass production by 2027, this innovation aims to enhance driving safety by integrating essential information into the driver's line of sight, reducing distractions (Source).



Federal Circuit Keeps Open Possibility of Antisuit Injunction in Ericsson vs Lenovo

Contributor: Chandandeep Kaur

Oct' 24: The Federal Circuit vacated the district court's denial of Lenovo's request for an antisuit injunction against Ericsson's enforcement of foreign injunctions in Colombia and Brazil. The court clarified that the "dispositive" requirement for foreign-antisuit-injunction requests can be met even if it only resolves the foreign injunction, not the entire proceeding. The case centers on 5G SEPs and FRAND commitments. The Federal Circuit emphasized that SEP holders must negotiate in good faith before seeking injunctive relief. The case was remanded for further proceedings (Source).

France has Entered the Chat: Sun Patent Trust Asks French Court to Determine Global FRAND Rate for LTE-Advanced SEPs

Contributor: Chandandeep Kaur

Jun' 24: Sun Patent Trust has sued Xiaomi in France for infringing patents essential to the LTE-Advanced standard, seeking a global FRAND rate determination. This case could make France a key venue for global SEP disputes, as it would be the first time a French court sets such a rate. Sun Patent Trust argues that the French court has jurisdiction due to ETSI's presence in France.

The outcome could influence global SEP litigation, but it raises questions about international recognition of a French-set FRAND rate. Previous cases in other countries, like Germany, have shown reluctance to accept foreign FRAND determinations. The case's progression is significant for SEP practitioners and could reshape global SEP licensing strategies (Source).

The Judiciary's Shadow Over Standard Essential Patents

Contributor: Chandandeep Kaur

May' 24: India faces a potential crisis as technology companies use standard essential patents (SEPs) against the telecom manufacturing sector, impacting efforts to build a domestic cellular phone industry.

SEPs cover technologies adopted as industry standards, like CDMA, GSM, and LTE, ensuring interoperability of different brands. The judiciary has been handling SEP regulation but has largely failed, necessitating government intervention to prevent further damage to India's manufacturing ambitions (Source).

Chinese Antitrust Enforcement Agency Issues Warning Letter to Patent Pool

Contributor: Chandandeep Kaur

Jun' 24: China's State Administration for Market Regulation (SAMR) has renewed its antitrust focus on standard essential patents (SEPs), particularly in the automotive wireless communication sector.

On June 27, 2024, SAMR warned Avanci, a patent pool, of potential antitrust risks in its SEP licensing practices, urging compliance review. This highlights China's ongoing scrutiny of SEP licensing, with past actions against InterDigital (2014) and Qualcomm (2015).

Chinese courts have also been active in adjudicating FRAND royalty disputes, as seen in OPPO v. Sharp (2021) and OPPO vs InterDigital (2023). However, they may be more restrained in non-SEP cases, as demonstrated by the SPC's 2023 decision involving Hitachi Metals. Licensors should consider Chinese antitrust and IP laws when negotiating SEP licenses, especially in critical sectors (Source).

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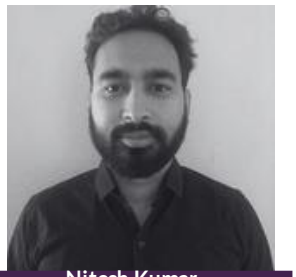

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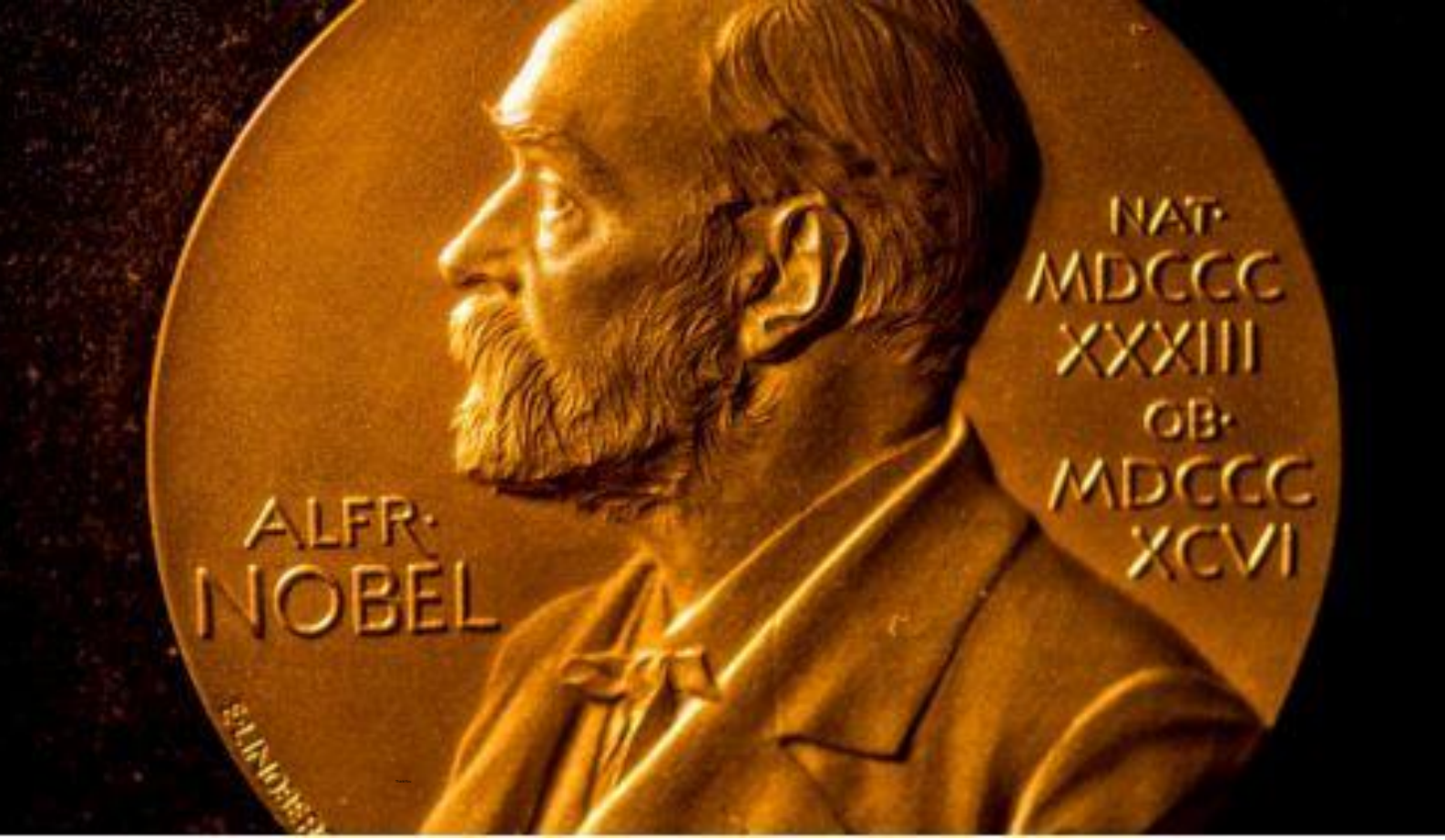

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