Legislative and Policy Subcommittee

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Office of Policy and International Affairs
March 10, 2022
Patent Public Advisory Committee public meeting
Overview

• Updates on USPTO reports
  – Patenting activity among 5G technology developers
  – Additional reports
• International updates
• WIPO Standing Committee on the Law of Patents
• Upcoming international meetings
Patenting activity among 5G technology developers

Report on the examination of patenting activity among leading 5G innovators:

• using different methodologies to generate a robust set of results

• focusing on which 5G patents are likely of greater value.
Patenting activity among 5G technology developers (cont.)

Data and methodology

• Examines international patenting trends, with a focus on “triadic patent families,” patents filed in the United States, the European Union, and Japan

• Examines which companies have filed more patents at the USPTO in four key 5G technologies using patent classification system

• Considered five patent attributes related to quality/value
  – Market coverage, technical relevance, radicalness, legal breadth & scope
Patenting activity among 5G technology developers (cont.)

Key findings

• No single firm is “winning” the 5G technology race.
• Ericsson, Huawei, LG, Nokia, Qualcomm, and Samsung consistently filed more 5G-related patent applications than other companies.
• An examination of indicators that may collectively speak to patent portfolio competitiveness does not reveal a consistent leader.
• Over the period examined:
  – Qualcomm led in terms of the legal breadth of its patent claims;
  – Ericsson and Nokia ranked higher in terms of radicalness (i.e., indicating fewer prior art citations against an application during prosecution); and
  – Qualcomm and Samsung most often led on technical relevance.
Additional reports

• Congressional report on the impact of the current jurisprudence on subject matter eligibility

• Summary of public views on the article of manufacture requirement of 35 U.S.C. § 171

• 2021 update on intellectual property and the U.S. economy
International updates - Europe

• Europe launched the Unified Patent Court
  – On January 19, Austria became the 13th country to accede to the Protocol on Provisional Application of the Unified Patent Court (UPC) Agreement.
  – Austria's accession triggers the provisional application period and allows for the resourcing of the UPC.

• Europe exploring SEP policy
  – On December 7, UKIPO launched a call for views on SEPs.
  – On February 14, the EU launched an initiative to revise its SEP framework.
  – On February 18, the EU filed a WTO case against China over the use of anti-suit injunctions (ASIs) in SEP cases.
International updates - China

• China joins the Hague System
International updates - Brazil

• Brazil’s Congress eliminated “Prior Consent” review.
• Brazil’s highest court overturned country’s patent term guarantee provision.
• Brazil’s IP office (INPI) expanded its PPH framework to include PCT work products.
WIPO Standing Committee on the Law of Patents

• Discussions on patents and health
• The United States presented a proposal for sharing sessions on approaches to expedited patent examination (SCP/33/4).
### Upcoming international meetings

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<tr>
<th>Dates</th>
<th>Meeting</th>
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<tr>
<td>March 28-30</td>
<td>Standing Committee on the Law of Trademarks, <em>Industrial Designs</em> and Geographical Indications (SCT)</td>
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<td>July 15-22</td>
<td>WIPO Assemblies</td>
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<td>Fall 2022</td>
<td>40th Conference of the Trilateral Offices</td>
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Thank you!

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