

## Seen and heard

# A round-up of IP-related quotes, observations and opinions from the recent past ...

“Unlike other patent monetization funds, the JaNSOME Fund will invest in various areas of patent monetization, providing participation opportunities in several different IP revenue generating investments. These areas include, but are not limited to, patent price arbitrage, patent litigation finance, use of the public markets, and purchasing equity positions in companies where JaNSOME finds undervalued IP. The Fund will also share in the profits generated by JaNSOME’s consulting and brokerage services.”

Press release announcing the creation of the US\$30 million New York-based JaNSOME Patent Opportunities Fund, 14th January

“According to Allen Parker, Cravath’s Presiding Partner, ‘Dave will be an outstanding addition to our Firm, supporting our clients when they are addressing their most complex intellectual property issues, including those involving our clients’ deal activity as well as their litigation and antitrust matters.’ ... Mr Parker continued, ‘Dave’s experience will be highly relevant to a wide range of Cravath’s clients, including those in the biotechnology, consumer, general industries, media, pharmaceutical, technology and telecommunications sectors. The Firm represents numerous companies within each of these sectors, many of which have spent decades working with Cravath on their intellectual property matters.’”

Excerpt from a press release issued by law firm Cravath Swaine & Moore announcing that former Director of the US Patent and Trademark Office **David Kappos** was joining as a partner, 6th February

“Patent portfolios remain a key strategic asset in this industry and the stronger the portfolio, all other things being equal, the better for the company. In the past we have been taking a relatively conservative approach to valuing BB’s patent portfolio – placing the value at under \$1.2B, which includes the \$770M paid for the Nortel patents and the roughly \$345M paid for certain patents acquired from Ericsson. However, a recent article in the March/April issue of *Intellectual Asset Management (IAM)* magazine, has caused us to believe our valuation may be far too conservative. *IAM* ranked the top 100 US patent holders (BlackBerry ranked #82) but also identified 14 companies with Stand-Out portfolios. These companies were recognized for the size of the portfolio (over 3,400 patents granted) the rate of growth in patents granted (applications), and the rate at which these patents were being cited (Tech Score).”

Briefing paper issued by Scotiabank – the third largest in Canada by deposits and market capitalisation – explaining why it had decided to more than double its valuation of the BlackBerry patent portfolio, 7th February

“We have always seen litigation as a last resort, and we work hard to avoid lawsuits ... But BT has brought several meritless patent claims against Google and our customers – and they’ve also been arming patent trolls.”

Google spokesperson **Nikki Fenwick** speaking to Reuters after it emerged that BT was the target of the company’s first-ever patent infringement suit; this following the British outfit’s decision to sue Google for patent infringement, 13th February

“There are a number of revisions to the Guidelines directly in line with specific recommendations from a study on patent quality and innovation in China published in the latter half of last year by the European Union Chamber of Commerce in China. The changes are positive, and representative of the commitment of SIPO [the State Intellectual Property Office] to improve patent quality in China. I

hope further discussions with the government will lead to even more definitive improvements.”

**Dan Prud’homme**, business manager of the IP rights and R&D groups at the European Union Chamber of Commerce in China, responding to proposed changes to SIPO examination guidelines aimed at deterring bad-faith utility model and design patent applications, 19th February

“The signing of the Unified Patent Court is a truly historic moment, as it will give enterprises greater access to patent protection at European level, and make enforcement of patents affordable. It is an important milestone in the continued development of the single market – a priority for the Irish Presidency.”

Ireland’s minister for jobs, enterprise and innovation, **Richard Bruton**, speaking at the signing of the international agreement to create a unified patent court in the European Union, Brussels, 19th February

“The European Commission invites comments on a proposal for new competition rules for the assessment of technology transfer agreements, through which a licensor permits a licensee to exploit patents, know-how or software for the production of goods and services. The proposal aims to update the current regime in order to strengthen incentives for research and innovation, facilitate the diffusion of intellectual property and stimulate competition. In light of stakeholders’ submissions, the Commission will adopt a new regime before April 2014.”

Press release issued by the European Commission, 20th February

“One of the main functions of patents is to provide notice both of the invention and who owns it. Disclosure of the real party in interest for a particular patent reduces the likelihood of opportunistic behavior and gamesmanship, helping to facilitate licensing. Microsoft is committed to transparency. We pledge that by April 1 of this year, we will publish on the web information that enables anyone to determine which patents we own. We hope other industry leaders will follow suit. With transparency, we can help bring additional sunlight to the patent system.”

Extract from an article posted by Microsoft chief counsel **Brad Smith** on the company’s Microsoft on the Issues blog, 21st February

“For decades, US domestic and foreign IP policy has been predicated on the assumption that US firms dominated both domestic and foreign markets for IP products. In an effort to evaluate the standing of US firms in IP intensive industries, this paper identifies the ‘nationality’ of the leading firms in several important IP industries. The paper finds that for many industries, this assumption of US dominance is no longer correct. This suggests that at times, IP policies adopted by Congress and the Executive Branch may benefit foreign corporations at the expense of US consumers.”

Opening summary of paper entitled *Foreign Ownership of Firms in IP Intensive Industries*, issued by infojustice.org, 5th March

“Rambus Inc ... the innovative technology solutions company, announced today it has transferred a portfolio of patent assets covering display technologies to a subsidiary of Acacia Research Corporation ... the leader in patent licensing. As part of this transaction, Rambus received an initial upfront payment and is expected to receive subsequent payments. Specific terms of the transaction are confidential. “

Press release issued by Rambus and Acacia, 7th March