

Seen and heard

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

Intellectual Property Exchange International, Inc. (IPXI), the world's first financial exchange for licensing and trading intellectual property (IP) rights, today announced the introduction of two offerings providing rights to patented technologies owned by JPMorgan Chase Bank ... The first Unit License Right™ (ULR™) contract offering relates to "any-purpose stored value cards" while the second relates to "sponsor-funded stored value cards." Whereas the any-purpose stored value card ULR contracts can be used for any type of stored value card, the sponsor-funded card ULR contracts are directed specifically toward payroll and government-issued cards. Each offering includes rights to 17 U.S. patents and four U.K. patents, with the earliest filed in 1998. Companies that purchase the ULR contracts within the first 90 days of the initial offerings will be granted full amnesty for any past use of the patented technologies.
Extract from an IPXI press release, 9th October

Understanding the factors driving innovation in energy technologies is of critical importance to mitigating climate change and addressing other energy-related global challenges. Low levels of innovation, measured in terms of energy patent filings, were noted in the 1980s and 90s as an issue of concern and were attributed to limited investment in public and private research and development (R&D). Here we build a comprehensive global database of energy patents covering the period 1970–2009, which is unique in its temporal and geographical scope. Analysis of the data reveals a recent, marked departure from historical trends. A sharp increase in rates of patenting has occurred over the last decade, particularly in renewable technologies, despite continued low levels of R&D funding.
Extract from the abstract to "Determinants of the Pace of Global Innovation in Energy Technologies", a paper written by Luís Bettencourt, Jessika Trancik and Jasleen Kaur, published 14th October

Wi-LAN Inc ... today announced that its Board of Directors has initiated a process to explore and evaluate a broad range of strategic alternatives for the Company to enhance shareholder value ... The Company strongly believes in its current business strategy but does not believe that its current share price accurately reflects its strong balance sheet, the value of its signed license agreements, its business prospects or the residual value of its broad intellectual property portfolio ... Strategic alternatives to be considered may include changes to the Company's dividend policy or other forms of return of capital to shareholders, the acquisition or disposition of assets, joint ventures, the sale of the Company, alternative operating models or continuing with the current business plan, among other potential alternatives.
Part of a press release published by non-practising entity (NPE) Wi-LAN, 30th October

Nortel Networks, a previous assignee of the patents-in-suit, conducted an auction for Nortel's patent portfolio in July 2011. The auction included the patents-in-suit ... At that auction, Google and other companies bid for Nortel's portfolio ... Google was aware of the patents-in-suit at the time of the auction ... Google placed an initial bid of \$900,000,000 for the patents-in-suit and the rest of the Nortel portfolio. Google subsequently increased its bid multiple times, ultimately bidding as high as \$4.4 billion. That price was insufficient to win the auction, as a group led by the current shareholders of Rockstar purchased the portfolio for \$4.5 billion ... Despite losing in its attempt to acquire the patents-in-suit at auction, Google has infringed and continues to infringe the patents-in-suit.

Part of the complaint for patent infringement filed by Rockstar against Google on the day that the NPE also launched actions against a series of Android manufacturers, 31st October

Maybe I am naïve in expecting that it is the quality of the patents that you own that should get you a seat at the negotiating table, but it seems that for many businesses these days, in order to be a tier one prospect you need to go to court first ... The real question is why it took us so long to initiate actions. We didn't and we didn't, but there comes a time when you have to. There is nothing magic about it.
Rockstar CEO John Veschi explaining why the NPE launched its actions against Google and the Android manufacturers, in an exclusive interview with IAM, 4th November

It was entirely my call based on the facts in front of me. The shareholders got an email telling them what had happened after the suits were issued ... I understand that it might be sexy to say that they are pulling the strings, but actually it is also slightly insulting to us. We are running the business. We do that job and they do their jobs, and that's it.
John Veschi on the input that Rockstar's owners – Apple, BlackBerry, Ericsson, Microsoft and Sony – had into the decision to launch the actions, IAM blog, 4th November

Global Patent Transactions, LLC ("GPT") announced that it has been founded to provide strategic advice to large patent holders with rights in the U.S., Europe and Asia. GPT will focus on the most efficient ways to monetize and improve the value of corporate assets, especially large patent portfolios and significant families ... Donald Boreman, GPT's founder, will serve as President. Mr. Boreman has an impressive 20-year plus track record in global IP management, licensing and sales.
Extract from a press release revealing that Donald Boreman has left ICAP Patent Brokerage, which he co-founded in 2007, to establish a new patent consultancy, 11th November

Amidst growing calls from business and the United States Congress to rein in patent trolls, one of the industry's leading patent licensors today issued a groundbreaking set of guidelines for ethical patent licensing practices – and called for public response ... Executives at Conversant Intellectual Property Management Inc. said the company and its employees publicly condemn the abusive behavior by a small handful of patent owners that is threatening innovation and needlessly raising costs, particularly for small businesses and inventors... "Some companies are abusing the U.S. patent system by using poor-quality patents to extract settlements from companies unable to pay the cost of standing up to them in court," said John Lindgren, Chief Executive Officer of Conversant ... "These bad actors often send demand letters to hundreds or even thousands of small companies and entrepreneurs claiming, with scant evidence, that their patents are infringed," Lindgren explained. "The goal of their aggressive tactics is to seek a nuisance settlement that's less than what it would cost to challenge the validity of the patent and the infringement claims in court." ... Added Scott Burt, Conversant's Senior Vice President and Chief Intellectual Property Officer: "It's time for patent licensing professionals who are concerned about the integrity of the patent system to stand up for ethical practices that will help curb these abuses."
Start of a press release issued by NPE Conversant announcing the publication of a 10-point set of principles for ethical patent licensing, 14th November