

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

"Software patents are a fact of life. Their abolition isn't achievable. Since there are countless software patents covering a huge number of technologies and functionalities, FOSS must find ways to deal with patents ..."

Florian Mueller, the leader of the successful campaign against the EU Computer Implemented Inventions (Software) Directive in 2005, writing on his blog page, 18th October 2010

"Acacia accelerated its revenue growth in the third quarter and increased trailing 12-month revenues to a record US\$138.6 million. We have increased working capital since the beginning of the year by 153% to US\$91.0 million. As the leader in outsourced patent licensing, we are well positioned to benefit from the new trend of large companies deciding to generate revenues from their patent portfolios."

Paul Ryan, CEO of Acacia Technologies, announcing a bumper third quarter financial performance by the NPE, 21st October 2010

"In the world of the cloud the computing is behind a firewall. You don't even get your hands on the binary code. Your ability to detect infringement there is diminished. So how are you going to discover it? ... Where services are provided from all over the world, it is going to be a significant enforcement problem ... While there are some issues surrounding the detectability and enforceability of patents, other forms of protection that perhaps haven't been so highly valued in recent years are going to be more prized in the future."

Horacio Gutierrez, corporate vice president and deputy general counsel intellectual property and licensing, Microsoft, speaks about IP in the era of cloud computing, 25th October 2010

"The service [Facebook and Google] provide depends on taking a snapshot of all the content on the internet at any one time and they feel our copyright system is not as friendly to this sort of innovation as it is in the United States. Over there, they have what are called 'fair-use' provisions, which some people believe gives companies more breathing space to create new products and services. So I can announce today that we are reviewing our IP laws, to see if we can make them fit for the internet age. I want to encourage the sort of creative innovation that exists in America."

UK Prime Minister **David Cameron** announcing a review of the UK's IP laws, 4th November 2010

"In the US, it's easier to obtain software patents, and Google was able to patent some work – using a federal grant, I might add – that it might not have been able to patent in the UK. The US rule is that 'anything man has invented under the sun you should be able to patent'. That's something we do wish to investigate."

UK Sciences and Universities Minister **David Willetts**, speaking at the same meeting as the prime minister, 4th November 2010

"EPO pendency times remain within acceptable bounds. In particular, European search reports, which include a written opinion on patentability, on prioritised first filings are drawn up on average within six months. This six-month pendency for a search report on Paris route first filings compares favourably to the pendencies of first office actions of our IP5 partners, which range from 19 months to 47 months. As it happens, our pendency for search reports on second

filings is at 27 months. The average time taken to grant a patent in 2009 was 43 months, as in 2008. Thus, we are within striking reach of the Paris criteria of 36 months. This duration, however, does not appear to be a major applicant irritant, if one considers that accelerated processing under PACE is requested in only 6.3% of files."

Benoît Battistelli, president of the European Patent Office, in a speech delivered in London, 8th November 2010

"There were 14 lots sold at auction plus the two presales for a total of 16 of 141 lots. Total dollars including US\$225,000 for one of two pre-sold lots was US\$4,845,000. The second presold lot had a catalogue estimated value of US\$600,000, so the total was probably a little over US\$5 million not including the 10% buyers premium. This must be a disappointment for ICAP Ocean Tomo. The last auction in March had sales of US\$13 million – a marked improvement over the previous auction a year earlier that posted the record low sales of US\$2,785,000. The approximately 10% sales rate was close to the low of 7% from that disastrous March '09 auction as well. Notably, 69 lots or close to half the lots offered attracted no bids at all from the audience."

Terry Ludlow, CEO of Chipworks, reports on the ICAP Ocean Tomo IP auction for the IAM blog, 12th November 2010

"Joining RPX allows me the opportunity to leverage the experience I gained managing the IP strategy of a Fortune 100 leader, and to collaborate more broadly with operating companies on initiatives that will continue to improve efficiencies and further create transparency in the patent marketplace."

Mallun Yen, former global head of IP at Cisco, announcing her decision to join defensive patent aggregator RPX Corp, 17th November 2010

"Gan Shaoning, deputy director of the SIPO, said the newly released intellectual property development strategy plan is a must-do to cope with fierce global competition and also a key move for the country to solve systematic and long-term problems in the development of the patent industry. Lagging behind other countries, China hasn't formed a patent system that can effectively stimulate and protect patents, and the patent policies are usually not well linked with the policies for the economy, science and technology, Gan noted. According to the development strategy plan, the Chinese government will provide greater support for the export of patent products and make a full use of the country's tax and financial policies to boost creations and commercialisation of core patents."

Xinhua, the Chinese news agency, reports on the launch of China's 10-year national patent strategy, 17th November 2010

"I think the EPO's brand has been severely damaged since the office has had the ability to implement EPC rule changes. The changes to the rules have resulted in an already inwards-facing organisation trying to make its own life easier without proper consideration of the impact on the user community and applicant community. Perhaps this has been done by design to reduce the backlog of work – I don't know. But a real outcome is that more and more users are now advising their applicant clients to look at the alternatives."

Head of IP at a UK-based technology company, writing anonymously on the IAM blog, 18th November 2010