

# IP MARKETPLACE®

Finnegan's monthly update on developments affecting licensing and other IP transactions

## March 2017

### [Federal Trade Commission Sues Qualcomm for Anticompetitive Licensing Practices in Cell Phone Semiconductor Market](#)

by [\*John C. Paul, D. Brian Kacedon, and Sonja W. Sahlsten\*](#)

The Federal Trade Commission filed a complaint on January 17 in Federal district court, alleging that Qualcomm engaged in anticompetitive licensing practices by agreeing to license baseband processor chip patents—essential to technical standards such as GSM, CDMA, and LTE—on fair, reasonable, and non-discriminatory terms, and then (1) refusing to license competitors and (2) requiring customers to license the patents before selling them any of these baseband processor chips.

### [Inequitable Conduct Results from Trying to Revive a Lapsed Patent Without Investigating if It Was Intentionally Abandoned](#)

by [\*John C. Paul, D. Brian Kacedon, and R. Benjamin Cassidy\*](#)

A patent owner attempted to revive a lapsed patent on the basis that the previous patent owner had unintentionally allowed the patent to expire. A court found him guilty of inequitable conduct because he did not investigate whether the previous patent owner allowed the patent to lapse intentionally or unintentionally. As a result, his attempts to enforce the patent were dismissed.

### [Appeal of PTO Validity Decision Dismissed in Light of Patent Owner's Unilateral Covenant Not to Sue the Appellant](#)

by [\*John C. Paul, D. Brian Kacedon, and Robert D. Wells\*](#)

Adverse decisions by the U.S. Patent Office may not be appealed to a federal court unless the appellant meets constitutional standing requirements by demonstrating that it suffered actual or imminent threat of harm. In *PPG Industries, Inc. v. Valspar Sourcing, Inc.*, the Federal Circuit held that although a patent owner never directly threatened to assert two patents, a competitor had standing to appeal the PTO's validity decisions of the

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patents. But in light of the patent owner's covenant not to sue the competitor for infringing the patents, the court found the appeals moot and dismissed the competitor's appeals.

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If you have any questions or need additional information, please contact:

John C. Paul, Editor  
D. Brian Kacedon, Editor  
Robert D. Wells, Editor  
Robert C. MacKichan III, Editor

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