

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Legislative and Policy Subcommittee

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Patent Public Advisory Committee public meeting

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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
 - The Government of China deposited its instrument of accession to the 1999 Geneva Act of the Hague Agreement on February 5, 2022.
 - The 1999 Act will enter into force in China on May 5, 2022.

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

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



Thank you!

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