

Standard Essential Patents and FRAND						

# Terminology

- Standard Essential Patents (“SEPs”) – Patents that must be practiced in order to implement a standard
  - Whether optional or alternative features in standards are SEPs depends on definitions in standards as well as interpretation during litigation
- **FRAND** – **F**air **R**easonable and **N**on Discriminatory licensing terms

## Why SEPs Matter

- Future SEP disputes may overshadow the smartphone wars of the 2010's
- Communication technology is being adopted in a wide variety of products
  - Self-driving cars, Internet of Things, agriculture, streaming video, connected home products
- Practicing entities are selling large numbers of patents to NPEs
- Global disputes

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25<sup>th</sup> Annual Advanced Patent Law Institute session

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