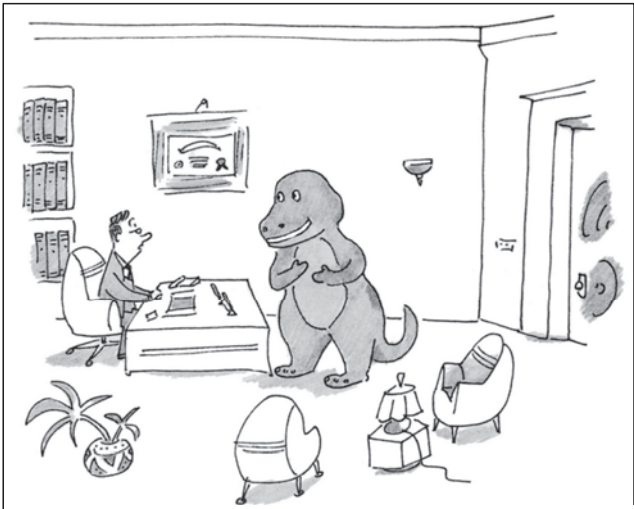


<h1>Standard Essential Patents and FRAND</h1>						

## SEP/FRAND: Everyone Wants to Play Together, but No One Knows How



“Trust me – ‘I love you, you love me, we’re a happy family’ will never hold up in court.”



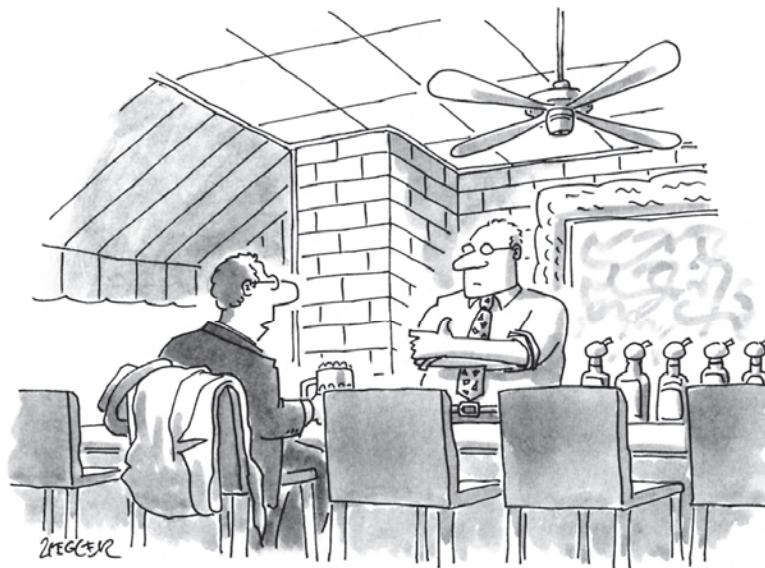
## Terminology

- Standard – Technical standard that ensures compatibility and interoperability of devices manufactured by different companies
- 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 – Fair reasonable and non discriminatory licensing terms

## Terminology

- Declared Standard Essential Patents – Patents that were submitted to a standard-setting organization as standard essential
- Alleged Standard Essential Patents – Plaintiff alleges the patent must be practiced in order to use a standard

## What is Essential?



“Right now we’re at a budget impasse. I maintain that you provide an essential service, and my wife feels that you do not.”

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First appeared as part of the conference materials for the  
23<sup>rd</sup> Annual Advanced Patent Law Institute session

"Standard Essential Patents and FRAND"