

Produced by the United States Patent and Trademark Office; no copyright is claimed by the United States in this presentation or associated materials.

**PRESENTED AT**

18<sup>th</sup> Annual Advanced Patent Law Institute

March 23-24, 2023

Alexandra, VA

**USPTO SEP Policy Statements**

**Presented by:**

**Michael Diehl**

Christian Hannon  
U.S. Patent and Trademark Office  
Michael.Diehl@USPTO.gov  
571-270-1898



## WITHDRAWAL OF 2019 POLICY STATEMENT ON REMEDIES FOR STANDARDS-ESSENTIAL PATENTS SUBJECT TO VOLUNTARY F/RAND COMMITMENTS

June 8, 2022

The U.S. Patent & Trademark Office (USPTO), the National Institute of Standards and Technology (NIST), and the U.S. Department of Justice, Antitrust Division (DOJ) hereby withdraw the December 19, 2019 Policy Statement on Remedies for Standards-Essential Patents Subject to Voluntary F/RAND Commitments (2019 Policy Statement). After considering potential revisions to that statement, the Agencies have concluded that withdrawal best serves the interests of innovation and competition.<sup>1</sup>

The USPTO is the executive-branch agency charged with examining patent and trademark applications, issuing patents and registering trademarks, and—through the Secretary of Commerce—advising the President on domestic and certain international issues of intellectual property policy. NIST is the executive-branch agency charged with facilitating standards-related information sharing and cooperation among federal agencies and with coordinating federal agency participation in, and use of, private sector standards, emphasizing where possible the use of standards developed by private, consensus organizations, and—through the Secretary of Commerce—advising the President on standards policy pertaining to the nation's

---

<sup>1</sup> In withdrawing the 2019 Policy Statement, the agencies do not reinstate the January 8, 2013, [Policy Statement on Remedies for Standards-Essential Patents Subject to Voluntary F/RAND Commitments](#) issued by the DOJ and the USPTO.

Also available as part of the eCourse

[2023 Advanced Patent Law \(USPTO\) eConference](#)

First appeared as part of the conference materials for the  
18<sup>th</sup> Annual Advanced Patent Law Institute session  
"SEPs and License Agreements"