

**THE  
MOBILE  
REVOLUTION**

# Mobile Device Patent Litigation

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February 22, 2013

# Introduction and topics

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- Technology and markets drive the contours of litigation
- Litigation demands spur maturation of patent marketplace
- Complex ecosystem pushes evolution in the law
- Governmental action, policy change and the patent system

# Technology and markets drive litigation contours

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- Rapidly developing and complex market
- Speed and injunctive remedies important forum/venue considerations
  - ITC Proceedings
  - Preliminary injunctions and choice of forum
  - European proceedings
- Business objectives and proxy wars

# Litigation demands spur maturation of patent marketplace

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- Innovation — Build or buy?
- Strategic catch and release
  - Defensive
  - Primarily offensive
- Solutions to purported “thicket”
  - Historic parallels
    - Pooling
    - Cross licenses
    - Détente
  - Potential impact to innovation

# Complex ecosystem drives evolution in the law

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- Nearly-unprecedented complexity of disputed technology
- Remedies — nexus and valuation
  - Federal Circuit injunction law
  - Apportionment
- Technology stack and application markets
  - Indirect infringement
  - Divided infringement
  - Availability of border remedies
  - Massively multi-defendant application litigation
- Rethinking strategic business decisions about ecosystem

# Government involvement and policy

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- Lobbying efforts on remedies and patent quality
- Market participation?
- Patent system changes

# Questions