



# Department of Justice

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## **DEPARTMENT OF JUSTICE, FEDERAL TRADE COMMISSION TO HOLD WORKSHOP ON PATENT ASSERTION ENTITY ACTIVITIES**

### *Updated Agenda; Workshop to be Webcast Live*

WASHINGTON – The Department of Justice and the Federal Trade Commission (FTC) will hold a [joint public workshop](#) on Dec. 10, 2012, to explore the impact of patent assertion entity (PAE) activities on innovation and competition and the implications for antitrust enforcement and policy.

This workshop will examine the economic and legal implications of PAE activity, as distinct from prototypical “non-practicing entity” (NPE) activity, such as developing and transferring technology. By contrast, PAE activities often include purchasing patents from existing owners and seeking to maximize revenues by licensing the intellectual property to (or litigating against) manufacturers who are already using the patented technology.

Supporters of the PAE business model say that it facilitates the transfer of patent rights, rewards inventors and funds ongoing research and development efforts. Critics describe adverse effects on competition and innovation, including increased costs and a lack of technology transfer, ultimately taxing consumers and industry.

The workshop will provide a forum for industry participants, academics, economists, lawyers and other interested parties to discuss the economic and legal analyses of PAE activity. It will consist of a series of panels examining, among other topics, the legal treatment of PAE activity, economic theories concerning PAE activity and industry experiences. Panelists for the workshop will include academics, private attorneys, economists and industry representatives.

The Department of Justice and the FTC are interested in receiving comments on PAE activities and will accept written submissions from the public before the workshop and until March 10, 2013. Interested parties may submit public comments to: [ATR.LPS-PAEPublicComments@usdoj.gov](mailto:ATR.LPS-PAEPublicComments@usdoj.gov). Submitted comments will be made publicly available on the Department of Justice and FTC websites.

**Due to an overwhelming response and limited space, interested parties are encouraged to view the webcast of the event, available [here](#).**

The workshop will take place at the FTC's satellite conference center at 601 New Jersey Ave., N.W., Washington, D.C. from 9:00 a.m. to 5:30 p.m. EST on Dec. 10, 2012. Additional participants will be added to the agenda as they are confirmed. Updates to the agenda will be posted on the [Department of Justice](#) and [FTC](#) websites. The workshop will include the following panels, presentations and confirmed participants:

**9:00 a.m. – Opening Remarks: FTC Chairman Jon Leibowitz**

## **SESSION A: FRAMEWORK**

**9:15 a.m. – Lecture 1: Introduction to PAE Activity**

Colleen Chien, Assistant Professor of Law, Santa Clara University School of Law

**9:35 a.m. – Lecture 2: Introduction to PAE Licensing**

Carl Shapiro, Transamerica Professor of Business Strategy, University of California at Berkeley, Walter A. Hass School of Business

**10:05 a.m. – Q & A with Professors Chien and Shapiro**

**BREAK (10:20 - 10:30 a.m.)**

**10:30 a.m. – Panel 1: Realities of Licensing and Litigation Practices**

- Cynthia Bright, Associate General Counsel, IP Litigation and Public Policy, Hewlett-Packard
- Scott Burt, Vice President & Chief Intellectual Property Counsel, Mosaid Technologies Inc.
- John Desmarais, Partner, Desmarais LLP; Founder, Round Rock Research LLC
- Peter Detkin, Founder and Vice-Chairman, Intellectual Ventures
- Sarah Guichard, Vice President of Patent & Standards Strategy, Research In Motion (RIM)
- Paul Melin, Chief Intellectual Property Officer, Nokia
- Neal Rubin, Vice President Litigation, Cisco Systems Inc.
- Mary Stich, Vice President and Associate General Counsel, Rackspace Hosting
- Mallun Yen, Executive Vice President, RPX Corporation

**LUNCH (12:00 - 1:15 p.m.)**

**1:15 p.m. – Remarks**

Stuart Graham, Chief Economist, U.S. Patent & Trademark Office

## **SESSION B: POTENTIAL EFFICIENCIES AND HARMS FROM PAE ACTIVITY: EFFECTS ON COMPETITION AND INNOVATION**

**1:45 p.m. – Academic Introduction to Potential Efficiencies from PAE Activity**

Timothy Simcoe, Assistant Professor of Strategy and Innovation, School of Management, Boston University

**Panel 1: Potential Efficiencies from PAE Activity**

- Ron Epstein, CEO, Epicenter IP Group LLC
- Anne Layne-Farrar, Vice President, Antitrust & Competition Economics Practice, Charles River Associates
- C. Graham Gerst, Partner, Global IP Law Group
- Adam Mossoff, Professor of Law, George Mason University

**Academic Introduction to Potential Harms from PAE Activity**

Iain Cockburn, Professor of Finance and Economics and Everett W. Lord Distinguished Faculty Scholar, School of Management, Boston University

**Panel 2: Potential Harms from PAE Activity**

- Brad Burnham, Managing Partner, Union Square Ventures
- Thomas Ewing, Principal Consultant, Avancept LLC
- Robin Feldman, Professor of Law, University of California Hastings College of the Law
- Michael Meurer, Professor of Law and Abraham and Lillian Benton Scholar, Boston University School of Law
- David Schwartz, Associate Professor of Law, Illinois Institute of Technology Chicago-Kent College of Law

**Panel 3: Industry Reaction**

**BREAK (3:45 - 4:00 p.m.)**

**SESSION C: HOW DOES ANTITRUST APPLY TO THE POTENTIAL EFFICIENCIES AND HARMS GENERATED BY PAE ACTIVITY**

**4:00 p.m. – Academic Introduction**

Phillip Malone, Clinical Professor of Law, Harvard Law School; Clinical Co-Director and Senior Fellow, Berkman Center for Internet & Society, Harvard Law School

**4:20 p.m. – Panel Discussion**

- Logan Breed, Partner, Hogan Lovells
- Susan Creighton, Partner, Wilson, Sonsini, Goodrich & Rosati PC
- Hanno Kaiser, Partner, Latham & Watkins LLP
- Carl Shapiro, Transamerica Professor of Business Strategy, University of California at Berkeley, Walter A. Hass School of Business
- Hill Wellford III, Partner, Bingham McCutchen LLP

**5:00 p.m. – Q & A**

**5:20 p.m. – Closing Remarks: Acting Assistant Attorney General for the Antitrust Division  
Renata B. Hesse**

Directions to the FTC's Conference Center are available at <http://www.ftc.gov/bcp/workshops/transportationguide.shtml>.

Reasonable accommodations for people with disabilities are available upon request. Requests should be submitted via email to [skonstandt@ftc.gov](mailto:skonstandt@ftc.gov) or by calling Samantha Konstandt at 202-326-3348. Requests should be made in advance. Please include a detailed description of the accommodation needed and provide contact information.

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