

# Bibliography

## CASES:

### *Australia:*

*Dart Indus. Inc. v. Decor Corp. Pty Ltd.*, [1993] 179 CLR 101 (High Ct.)  
*Pacific Enter. (Aust) Pty Ltd. v. Bemen Pty Ltd.*, [2014] FCA 1372 (Fed. Ct.)

### *Canada:*

*AbbVie Corp. v. Janssen Inc.*, [2014] FC 489 (Fed. Ct.)  
*AbbVie Corp. v. Janssen Inc.*, [2014] FCA 241 (Fed. Ct. App.)  
*Airbus Helicopters, S.A.S. v. Bell Helicopter Textron Canada Ltée*, [2017] FC 170 (Fed. Ct.)  
*AlliedSignal Inc. v. DuPont Canada Inc.*, [1998] 78 CPR(3d) 129 (Fed. Ct.)  
*Apotex Inc. v. ADIR*, [2017] FCA 23 (Fed. Ct. App.)  
*Apotex Inc. v. Merck & Co.*, [2015] FCA 171 (Fed. Ct. App.)  
*Eli Lilly and Co. v. Apotex Inc.*, [2009] FC 991 (Fed. Ct.)  
*Eli Lilly and Co. v. Apotex Inc.*, [2014] FC 1254 (Fed. Ct.)  
*Eurocopter v. Bell Helicopter Textron Canada Ltée*, [2012] FC 113 (Fed. Ct.)  
*Eurocopter v. Bell Helicopter Textron Canada Ltée*, [2013] FCA 219 (Fed. Ct. App.)  
*Frac Shack Inc. v. AFD Petroleum Ltd.*, [2017] FC 104 (Fed. Ct.)  
*J.M. Voith GmbH v. Beloit Corp.*, [1997] 3 FC 497 (Fed. Ct. App.)  
*Jay-Lor Int'l Inc. v. Penta Farm Sys. Ltd.*, [2007] FC 358 (Fed. Ct.)  
*Monsanto Canada Inc. v. Rivett*, [2009] FC 317 (Fed. Ct.)  
*Monsanto Canada Inc. v. Rivett*, [2010] FC 207 (Fed. Ct. App.)  
*Monsanto Canada Inc. v. Schmeiser*, [2004] SSC 34 (Sup. Ct.)  
*Philip Morris Prod. S.A. v. Marlboro Canada Ltd.*, [2015] FC 364 (Fed. Ct.)  
*Varco Canada Ltd. v. Pason Systems Corp.*, [2013] FC 750 (Fed. Ct.)  
*Whiten v. Pilot Ins. Co.*, [2002] 1 S.C.R. 595 (Sup. Ct.)

### *China:*

*WatchData Co. Ltd. v. Hengbao Co. Ltd.* (Beijing IP Ct. Dec. 8, 2016)  
*Huawei Technology Co., Ltd. v. InterDigital Commc'ns, Inc.* (Guangdong Higher People's Ct. Oct. 28, 2013)

*Xian Xidian Jietong Wireless Commc'n Co., Ltd. (IWNComm) v. SONY Mobile Commc'n Prods. (China) Co. Ltd.* (Beijing IP Ct. Mar. 22, 2017)

*European Union:*

- Case C-177/16, *Autortiesību un komunikēšanās konsultāciju aģentūra/Latvijas Autoru apvienība (AKKA/LAA) v. Konkurences padome*, ECLI:EU:C:2017:689 (CJEU 2017)
- Case C-15/74, *Centrafarm BV v. Sterling Drug Inc.*, 1974 E.C.R. 1148, ECLI:EU:C:1974:114 (CJEU 1974)
- Case C-127/73, *Belgische Radio en Televisie v. SV SABAM*, 1974 E.C.R. 313, ECLI:EU:C:1974:25 (CJEU 1974)
- Case C-110/88, C-241/88 and C-242/88, *François Lucazeau v. Société des Auteurs, Compositeurs et Editeurs de Musique (SACEM)*, 1989 E.C.R. 2811, ECLI:EU:C:1989:326 (CJEU 1989)
- Case C-170/13, *Huawei Techs. Co. Ltd. v. ZTE Corp.*, ECLI:EU:C:2014:2391 (CJEU 2014)
- Case C-170/13, *Huawei Techs. Co. Ltd. v. ZTE Corp.*, ECLI:EU:C:2015:477 (CJEU 2015)
- Case C-418/01, *IMS Health GmbH & Co. OHG v. NDC Health GmbH & Co. KG*, 2004 E.C.R. I-5069, ECLI:EU:C:2004:257 (CJEU 2004)
- Case C-525/16, *MEO – Serviços de Comunicações e Multimédia SA (MEO) v. Autoridade da Concorrência*, ECLI:EU:C:2017:1020 (CJEU 2017)
- Case T-201/04, *Microsoft Corp. v. Comm'n of the European Communities (Microsoft I)*, 2007 E.C.R. II-3619, ECLI:EU:T:2007:289 (CJEU 2007)
- Case T-167/08, *Microsoft Corp. v. European Comm'n (Microsoft II)*, ECLI:EU:T:2012:323 (CJEU 2012)
- Case C-99/15, *Liffers v. Producciones Mandarina SL*, ECLI:EU:C:2016:173 (CJEU 2016)
- Case C-241/91 P and C-242/91 P, *Radio Telefis Eireann (RTE) and Independent Television Publications Ltd. (ITP) v. Comm'n of the European Communities*, 1995 E.C.R. I-808, ECLI:EU:C:1995:98 (CJEU 1995)
- Case C-27/76, *United Brands Co. and United Brands Continental BV v. Comm'n of the European Communities*, 1978 E.C.R. 207, ECLI:EU:C:1978:22 (CJEU 1978)
- Case C-57/15, *United Video Properties, Inc. v. Telenet NV*, ECLI:EU:C:2016:611 (CJEU 2016)
- Case C-193/83, *Windsurfing Int'l Inc. v. Comm'n of the European Communities*, 1986 E.C.R. 611, ECLI:EU:C:1986:75 (CJEU 1986)

*France:*

- Cour d'appel [CA] [regional court of appeal] Paris, 23 Jan. 2013, 10/13867 – *TYC Europe v. Valeo*
- Tribunal de grande instance [TGI] [ordinary court of original jurisdiction] Paris, June 25, 2010, 01/00035 – *S.A. Technogenia v. S.A.R.L. Martec*
- Tribunal de grande instance [TGI] [ordinary court of original jurisdiction] Paris, 24 Jan. 2013, 10/14541 – *Hydr Am v. Gimaex and Weber Hydraulik*
- Tribunal de grande instance [TGI] [ordinary court of original jurisdiction] Paris, 13 Nov. 2013, 11/16713 – *Time Sport International v. JCR*
- Tribunal de grande instance [TGI] [ordinary court of original jurisdiction] Paris, 11 Oct. 2013, 11/14587 – *Saint Dizier Environment v. Matériel Santé Environment and CME*

## Germany:

- Bundesgerichtshof v. 14.3.2000 – X ZR 115/98 – GRUR 2000, 685 = NJW 2001, 1332  
 Bundesgerichtshof v. 6.3.1980 – X ZR 49/78 – *Tolbutamid*, GRUR 1980, 841 = NJW 1980, 2522  
 Bundesgerichtshof v. 2.11.2000 – I ZR 246/98 – *Gemeinkostenanteil*, GRUR 2001, 329 = NJW 2001, 2173  
 Bundesgerichtshof v. 24.7.2012 – X ZR 51/11 – *Flaschenträger*, GRUR 2012, 1226  
 Bundesgerichtshof v. 6.5.2009 – KZR 39/06 – *Orange-Book-Standard*, GRUR 2009, 694 = NJW-RR 2009, 1047  
 Bundesgerichtshof v. 13.7.2004 – KZR 40/02 – *Standard-Spundfass*, GRUR 2004, 966 = NJW-RR 2005, 269  
 Bundesgerichtshof v. 10.5.2016 – X ZR 114/13 – GRUR 2016, 1031  
 Landgericht Düsseldorf v. 31.3.2016 – 4a O 73/14 – *Saint Lawrence v. Vodafone*, BeckRS 2016, 08353  
 Landgericht Düsseldorf v. 31.3.2016 – 4a O 126/14 – *Saint Lawrence v. Vodafone*, BeckRS 2016, 08040  
 Oberlandesgericht Düsseldorf v. 9.5.2016 – I-15 U 35/16 – *Saint Lawrence v. Vodafone*, GRUR-RS 2016, 9322  
 Oberlandesgericht Düsseldorf v. 9.5.2016 – I-15 U 36/16 – *Saint Lawrence v. Vodafone*, GRUR-RS 2016, 9323  
 Landgericht Mannheim v. 8.1.2016 – 7 O 96/14 – *Pioneer v. Acer*, LSK 2016, 102907  
 Oberlandesgericht Karlsruhe v. 31.5.2016 – 6 U 55/16 – *Pioneer v. Acer*, GRUR-RS 2016, 10660  
 Landgericht Düsseldorf v. 19.1.2016 – 4b O 120/14 – *Unwired Planet v. Samsung*, GRUR-RS 2016, 08288  
 Landgericht Düsseldorf v. 19.1.2016 – 4b O 122/14 – *Unwired Planet v. Samsung*, BeckRS 2016, 08379  
 Landgericht Düsseldorf v. 19.1.2016 – 4b O 123/14 – *Unwired Planet v. Samsung*, BeckRS 2016, 14979  
 Landgericht Düsseldorf v. 3.11.2015 – 4a O 93/14 – *Sisvel v. Haier*, GRUR-RS 2016, 04073  
 Oberlandesgericht Düsseldorf v. 13.1.2016 – I-15 U 66/15 – *Sisvel v. Haier*, GRUR-RS 2016, 01680  
 Landgericht Mannheim v. 29.1.2016 – 7 O 66/15 – *NTT DoCoMo v. HTC*, BeckRS 2016, 4228  
 Landgericht Mannheim v. 1.7.2016 – 7 O 209/15 – *Philips v. Archos*, GRUR-RS 2016, 18389  
 Landgericht Mannheim v. 27.11.2015 – 2 O 106/14 – *Saint Lawrence v. Deutsche Telekom*, GRUR-RS 2015, 20077

## Japan:

- Fulta Elec. Machinery Co. v. Watanabe Kikai Kogyo K. K.*, *Chiteki Zaisan Kōtō Saibansho* [Intellectual Prop. High. Ct., Fourth Division] Nov. 12, 2015, Hei 27 (ne) No. 10048, CHITEKI ZAISAN KŌTŌ SAIBANSHO HANKETSU SHŌKAI HANREI KENSAKU SHISUTEMU [Chizai Kōsai Web] 1 [www.ip.courts.go.jp/app/files/hanrei\\_en/923/001923.pdf](http://www.ip.courts.go.jp/app/files/hanrei_en/923/001923.pdf)  
*Northcon I v. Mansei Kogyo, Saikō Saibansho* [Sup. Ct.] July 11, 1997, Hei 5 (o) No. 1762, 51 SAIKŌ SAIBANSHO MINJI HANREISHŪ [Minshū] 2573  
*Samsung Elecs. Co. v. Apple Japan LLC*, *Chiteki Zaisan Kōtō Saibansho* [Intellectual Prop. High. Ct., Special Division] May 16, 2014, Hei 25 (ne) No. 10043, CHITEKI ZAISAN KŌTŌ SAIBANSHO HANKETSU SHŌKAI HANREI KENSAKU SHISUTEMU [Chizai Kōsai Web] 1 (FRAND I) [www.ip.courts.go.jp/eng/vcms\\_lf/25ne10043full.pdf](http://www.ip.courts.go.jp/eng/vcms_lf/25ne10043full.pdf)

- Samsung Elecs. Co. v. Apple Japan LLC, Chiteki Zaisan Kōtō Saibansho* [Intellectual Prop. High. Ct., Special Division] May 16, 2014, Hei 25 (ne) No. 10007, CHITEKI ZAISAN KŌTŌ SAIBANSHO HANKETSU SHŌKAI HANREI KENSAKU SHISUTEMU [Chizai Kōsai Web] 1 (FRAND II) [www.ip.courts.go.jp/app/files/hanrei\\_en/140/001140.pdf](http://www.ip.courts.go.jp/app/files/hanrei_en/140/001140.pdf)
- Samsung Elecs. Co. v. Apple Japan LLC, Chiteki Zaisan Kōtō Saibansho* [Intellectual Prop. High. Ct., Special Division] May 16, 2014, Hei 25 (ne) No. 10008, CHITEKI ZAISAN KŌTŌ SAIBANSHO HANKETSU SHŌKAI HANREI KENSAKU SHISUTEMU [Chizai Kōsai Web] 1 (FRAND III) [www.ip.courts.go.jp/app/files/hanrei\\_en/141/001141.pdf](http://www.ip.courts.go.jp/app/files/hanrei_en/141/001141.pdf)
- Sangenic Int'l Ltd. v. Aprica Children's Prod. Inc., Chiteki Zaisan Kōtō Saibansho* [Intellectual Prop. High. Ct., Special Division] Feb. 1, 2013, Hei 25 (ne) No. 10015, CHITEKI ZAISAN KŌTŌ SAIBANSHO HANKETSU SHŌKAI HANREI KENSAKU SHISUTEMU [Chizai Kōsai Web] 1 [www.ip.courts.go.jp/eng/vcms\\_lf/10015\\_zen.pdf](http://www.ip.courts.go.jp/eng/vcms_lf/10015_zen.pdf)
- Chiteki Zaisan Kōtō Saibansho* [Intellectual Prop. High. Ct., Third Division] Sept. 11, 2014, Hei 26 (ne) 10022, CHITEKI ZAISAN KŌTŌ SAIBANSHO HANKETSU SHŌKAI HANREI KENSAKU SHISUTEMU [Chizai Kōsai Web] 1 [www.ip.courts.go.jp/app/files/hanrei\\_en/433/001433.pdf](http://www.ip.courts.go.jp/app/files/hanrei_en/433/001433.pdf)
- Saikō Saibansho* [Sup. Ct.] Apr. 11, 2000, Hei 10 (o) No. 364, 54 SAIKŌ SAIBANSHO MINJI HANREISHŪ [Minshū] 1368 (Kilby patent case) [www.ip.courts.go.jp/app/files/hanrei\\_en/647/001647.pdf](http://www.ip.courts.go.jp/app/files/hanrei_en/647/001647.pdf)
- Tōkyō Chihō Saibansho* [Tokyo Dist. Ct.] Jan. 22, 2015, Hei 24 (Wa) 15621, CHITEKI ZAISAN KŌTŌ SAIBANSHO HANKETSU SHŌKAI HANREI KENSAKU SHISUTEMU [Chizai Kōsai Web] 1 (Cu-Ni-Si Alloy) [www.ip.courts.go.jp/app/files/hanrei\\_en/942/001942.pdf](http://www.ip.courts.go.jp/app/files/hanrei_en/942/001942.pdf)

#### Korea:

- LG Electronics, Inc. v. Daewoo Electronics, Inc., Supreme Court* [S. Ct.], 2010da95390, Jan. 19, 2012
- Samsung Electronics Co. Ltd. v. Apple Korea Ltd.*, Seoul Central District Court [Dist. Ct.], 2011GaHap39552, Aug. 24, 2012

#### Netherlands:

- Rb.-Gravenhage, Mar. 14, 2012, Case No. 400367 / HA ZA 11-2212, 400376 / HA ZA 11-2213, 400385 / HA ZA 11-2215 (*Samsung Elecs. Co. Ltd. v. Apple Inc.*)

#### Switzerland:

- Bundesgericht [BGer] [Federal Supreme Court] Mar. 16, 1971, BGE 97 II 169
- Bundesgericht [BGer] [Federal Supreme Court] Jun. 27, 1972, BGE 98 II 325
- Bundesgericht [BGer] [Federal Supreme Court] Oct. 3, 1972, BGE 98 II 305
- Bundesgericht [BGer] [Federal Supreme Court] Mar. 6, 1992, BGE 118 II 32
- Bundesgericht [BGer] [Federal Supreme Court] Dec. 19, 2005, BGE 132 III 379
- Tribunal Fédéral [TF] [Federal Supreme Court] Mar. 11, 2003, 4 C.5/2003

## United Kingdom:

- Am. Cyanamid Co. v. Ethicon Ltd.*, [1975] 1 All ER 504 (HL)  
*Am. Cyanamid Co. v. Ethicon Ltd.*, [1979] RPC 215 (Ch)  
*Attorney General v. Blake*, [2000] 4 All ER 385 (HL)  
*Banks v. EMI Songs Ltd.* (No 2), [1996] EMLR 452 (Ch)  
*Cassell & Co. Ltd. v. Broome*, [1972] 1 All ER 801 (HL)  
*Celanese Int'l Corp. v. BP Chemicals Ltd.*, [1999] RPC 203 (Pat)  
*Catnic Components Ltd. v. Hill & Smith Ltd.*, [1983] FSR 512 (Pat)  
*Design & Display Ltd. v. OOO Abbott & Anor*, [2016] EWCA Civ 95 (appeal taken from IPEC)  
*Films Rover Int'l Ltd. v. Cannon Film Sales Ltd.* [1986] 3 All ER 772 (Ch)  
*Gafford v. Graham*, [1999] 77 P & CR 73 (Civ)  
*General Tire & Rubber Co. Ltd. v. Firestone Tyre & Rubber Co. Ltd.*, [1975] 2 All ER 173 (HL)  
*Gerber Garment Tech. Inc. v. Lectra Systems Ltd.*, [1997] RPC 443 (Civ) (appeal taken from Pat)  
*Glaxosmithkline UK Ltd. v. Wyeth Holdings LLC*, [2017] EWCH 91 (Pat)  
*Hollister Inc. & Dansac A/S v. Medik Ostomy Supplies Ltd.*, [2011] EWPC 024 (PCC)  
*Hollister Inc. & Dansac A/S v. Medik Ostomy Supplies Ltd.*, [2012] EWCA Civ 1419 (appeal taken from PCC)  
*HTC Corp. v. Nokia Corp.*, [2013] EWHC 3778 (Pat)  
*Illinois Tool Works Inc. v. Autobars Co. (Servs.) Ltd.*, [1974] RPC 337 (Ch)  
*Isenberg v. East India House Estate Co. Ltd.*, [1863] 3 De GJ S 263, 46 ER 637 (Ct Ch)  
*Island Records Ltd. v. Tring Int'l Plc.*, [1995] 3 All ER 444 (Ch)  
*Jaggard v. Sawyer*, [1993] 1 EGLR 197 (Co Ct)  
*Jaggard v. Sawyer*, [1995] 2 All ER 189 (Civ) (appeal taken from Co. Ct.)  
*Knight v. AXA Assurance*, [2009] EWHC 1900 (QB)  
*Kuddus v. Chief Constable of Leicestershire Constabulary*, [2001] UKHL 29  
*Navitaire Inc. v. easyJet Airline Co. Ltd.* (No.2), [2006] RPC 4 (Ch)  
*Nokia OYJ v. ICom GmbH & Co KG*, [2012] EWHC 1446 (Ch)  
*Rookes v. Barnard*, [1964] AC 1129 (HL)  
*Shelfer v. City of London Elec. Lighting Co.*, [1891–4] All ER Rep 838 (Civ)  
*Siddell v. Vickers*, [1892] 9 RPC 152 (Civ) (appeal taken from Ch)  
*Ultraframe Ltd. v. Eurocell Building Plastics Ltd.*, [2006] EWCH 1344 (Pat)  
*United Horse-Shoe and Nail Co. Ltd. v. John Stewart and Co.*, [1888] 5 RPC 260 (HL)  
*Unwired Planet Int'l Ltd. v. Huawei Techs. Co.*, [2017] EWHC 711 (Pat)  
*Unwired Planet Int'l Ltd. v. Huawei Techs. Co.*, [2017] EWHC 1304 (Pat)  
*Vestergaard Frandsen A/S v. Bestnet Europe Ltd.*, [2011] EWCA Civ 424  
*Virgin Atlantic v. Premium Aircraft*, [2009] EWCA Civ 1513  
*Vringo Infrastructure, Inc. v. ZTE (UK) Ltd.*, [2013] EWHC 1591 (Pat)  
*Wrotham Park Estate Co. v. Parkside Homes Ltd.*, [1974] 2 All ER 321 (Ch)

## United States:

- ActiveVideo Networks, Inc. v. Verizon Comm'ns, Inc.*, Case No. 2:10cv248, 2011 WL 4899922 (E.D. Va. 2011)  
*All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127 (9th Cir. 2011)  
*Alyeska Pipeline Serv. Co. v. Wilderness Soc'y*, 421 U.S. 240 (1975)

- Am. Hosp. Supply Corp. v. Hosp. Prods. Ltd.*, 780 F.2d 589 (7th Cir. 1986)
- Am. Safety Table Co. v. Schreiber*, 415 F.2d 373 (2d Cir. 1969)
- Am. Seating Co. v. USSC Group, Inc.*, 513 F.3d 1262 (Fed. Cir. 2008)
- Apple, Inc. v. Motorola, Inc.*, 869 F.Supp.2d 901 (N.D. Ill. 2012)
- Apple, Inc. v. Motorola, Inc.*, 757 F.3d 1286 (Fed. Cir. 2014)
- Apple, Inc. v. Samsung Elecs. Co., Ltd.*, 678 F.3d 1314 (Fed. Cir. 2012) (*Apple I*)
- Apple, Inc. v. Samsung Elecs. Co., Ltd.*, 695 F.3d 1370 (Fed. Cir. 2012) (*Apple II*)
- Apple, Inc. v. Samsung Elecs. Co., Ltd.*, 735 F.3d 1352 (Fed. Cir. 2013) (*Apple III*)
- Apple, Inc. v. Samsung Elecs. Co., Ltd.*, 786 F.3d 983 (Fed. Cir. 2015)
- Apple, Inc. v. Samsung Elecs. Co., Ltd.*, 809 F.3d 633 (Fed. Cir. 2015) (*Apple IV*)
- Apple, Inc. v. Samsung Elecs. Co., Ltd.*, 258 F.Supp.3d 1013 (N.D. Cal. 2017)
- Arctic Cat Inc. v. Bombardier Recreational Prod., Inc.*, Case No. 14-cv-62369, 2017 WL 7732873 (S.D. Fla. 2017)
- Aro Mfg. Co. v. Convertible Top Replacement Co.*, 377 U.S. 476 (1964)
- B. Braun Melsungen AG v. Terumo Med. Corp.*, 778 F. Supp. 2d 506 (D. Del. 2011)
- Bard Peripheral Vascular, Inc. v. W. L. Gore & Assocs., Inc.*, 682 F.3d 1003 (Fed. Cir. 2012)
- Bard Peripheral Vascular, Inc. v. W. L. Gore & Assocs., Inc.*, 776 F.3d 837 (Fed. Cir. 2015)
- BIC Leisure Prod., Inc. v. Windsurfing Int'l, Inc.*, 1 F.3d 1214 (Fed. Cir. 1993)
- Birdsall v. Coolidge*, 93 U.S. 64 (1876)
- Blitzsafe Texas, LLC v. Volkswagen Grp. of Am., Inc.*, Case No. 2:15-CV-1274-JRG-RSP, 2016 WL 4778699 (E.D. Tex. 2016)
- BMW of N. Am., Inc. v. Gore*, 517 U.S. 559 (1996)
- Braun Inc. v. Dynamics Corp. of Am.*, 975 F.2d 815 (Fed. Cir. 1992)
- Broadcom Corp. v. Emulex Corp.*, Case No. SACV 09-1058 JVS (ANx); SACV 10-3963 JVS (ANx), 2012 U.S. Dist. LEXIS 129524 (C.D. Cal. 2012)
- Broadcom Corp. v. Emulex Corp.*, 732 F.3d 1325 (Fed. Cir. 2013)
- Broadcom Corp. v. Qualcomm Inc.*, 501 F.3d 297 (3d Cir. 2007)
- Broadcom Corp. v. Qualcomm Inc.*, Case No. SACV 05-467 JVS (RNBx), 2007 U.S. Dist. LEXIS 97647 (C.D. Cal. 2007)
- Broadcom Corp. v. Qualcomm Inc.*, 543 F.3d 683 (Fed. Cir. 2008)
- Brooks Furniture Mfg., Inc. v. Dutailier Int'l, Inc.*, 393 F.3d 1378 (Fed. Cir. 2005)
- Carborundum Co. v. Molten Metal Equip. Innovations, Inc.*, 72 F.3d 872 (Fed. Cir. 1995)
- Carson et al. v. American Smelting & Refining Co.*, 25 F.2d 116 (W.D. Wash. 1928)
- CG Tech. Dev., LLC v. Big Fish Games, Inc.*, Case No. 2:12-CV-00857-RCJ-VCF, 2016 WL 4521682 (D. Nev. 2016)
- Cincinnati Car Co. v. New York Rapid Transit Corp.*, 66 F.2d 592 (2d Cir. 1933)
- Citigroup Glob. Mkts., Inc. v. VCG Special Opportunities Master Fund Ltd.*, 598 F.3d 30 (2d Cir. 2010)
- Commil USA, LLC v. Cisco Sys., Inc.*, 135 S. Ct. 1920 (2015)
- Commonwealth Sci. and Indus. Research Org. (CSIRO) v. Cisco Sys., Inc.*, 809 F.3d 1295 (Fed. Cir. 2015)
- Consol. Rubber Tire Co. v. Diamond Rubber Co. of NY*, 226 F. 455 (S.D.N.Y. 1915)
- Cont'l Circuits LLC v. Intel Corp.*, Case No. CV16-2026 PHX DGC, 2017 WL 679116 (D. Ariz. 2017)
- Core Wireless Licensing S.A.R.L. v. LG Electronics, Inc.*, Case No. 2:14-CV-911, 2016 WL 4596118 (E.D. Tex. 2016)
- Crosby Steam Gage & Valve Co. v. Consol. Safety Valve Co.*, 141 U.S. 441 (1891)
- CSU, LLC v. Xerox Corp.*, 203 F.3d 1322 (Fed. Cir. 2000)
- Datascope Corp. v. SMEC, Inc.*, 879 F.2d 820 (Fed. Cir. 1989)

- Daubert v. Merrell Dow Pharm. Inc.*, 509 U.S. 579 (1993)
- Dominion Res. Inc. v. Alstom Grid, Inc.*, Case No. 15–224, 2016 WL 5674713 (E.D. Pa. 2016)
- Dowagiac Mfg. Co. v. Minn. Moline Plow Co.*, 235 U.S. 641 (1915)
- Dowling v. U.S.*, 473 U.S. 207 (1985)
- E.I. DuPont De Nemours & Co. v. Phillips Petroleum Co.*, 835 F.2d 277 (Fed. Cir. 1987)
- eBay Inc. v. MercExchange, L.L.C.*, 547 U.S. 388 (2006)
- Egry Register Co. v. Standard Register Co.*, 23 F.2d 438 (6th Cir. 1928)
- Ericsson, Inc. v. D-Link Sys.*, 773 F.3d 1201 (Fed. Cir. 2014)
- Finjan, Inc. v. Cisco Sys. Inc.*, Case No. 17–CV–00072–BLF, 2017 WL 2462423 (N.D. Cal. 2017)
- Fromson v. W. Litho Plate & Supply Co.*, 853 F.2d 1568 (Fed. Cir. 1988) *overruled by* *Knorr-Bremse Systeme Fuer Nutzfahrzeuge GmbH v. Dana Corp.*, 383 F.3d 1337 (Fed. Cir. 2004)
- Garretson v. Clark*, 111 U.S. 120 (1884)
- Genband US LLC v. Metaswitch Networks Corp.*, 861 F.3d 1378 (Fed. Cir. 2017)
- General Motors Corp. v. Devex Corp.*, 461 U.S. 648 (1983)
- Georgia-Pacific Corp. v. U.S. Plywood Corp.*, 318 F. Supp. 1116 (S.D.N.Y. 1970)
- Georgia-Pacific Corp. v. U.S. Plywood Corp.*, 446 F.2d 295 (2d Cir. 1971)
- Glaxo Group Ltd. v. Apotex, Inc.*, 376 F.3d 1339 (Fed. Cir. 2004)
- Global-Tech Appliances, Inc. v. SEB S.A.*, 563 U.S. 754 (2011)
- Golden Blount, Inc. v. Robert H. Peterson Co.*, 438 F.3d 1354 (Fed. Cir. 2006)
- Grain Processing Corp. v. Am. Maize-Prods. Co.*, 893 F. Supp. 1386 (N.D. Ind. 1995), *rev'd on other grounds*, 108 F.3d 1392 (Fed. Cir. 1997)
- Grain Processing Corp. v. Am. Maize-Prods. Co.*, 185 F.3d 1341 (Fed. Cir. 1999)
- Halo Elec., Inc. v. Pulse Elec., Inc.*, 136 S.Ct. 1923 (2016)
- Hanson v. Alpine Valley Ski Area, Inc.*, 718 F.2d 1075 (Fed. Cir. 1983)
- Highmark Inc. v. Allcare Health Mgmt. Sys., Inc.*, 134 S. Ct. 1744 (2014)
- Hilton v. Braunskill*, 481 U.S. 770 (1987)
- Humanscale Corp. v. CompX Int'l Inc.*, Case No. 3:09–CV–86, 2010 WL 3397455 (E.D. Va. 2010)
- i4i Ltd. Partnership v. Microsoft Corp.*, 598 F.3d 831 (Fed. Cir. 2010)
- Illinois Tool Works Inc. v. Independent Ink, Inc.*, 547 U.S. 28 (2006)
- Image Tech. Servs. V. Eastman Kodak Co.*, 125 F.3d 1195 (9th Cir. 1997)
- Imperium IP Holdings (Cayman), Ltd. v. Samsung Elecs. Co.*, 203 F.Supp.3d 755 (E.D. Tex. 2016)
- In re Innovatio IP Ventures, LLC Patent Litigation*, Case No. 11 C 9308, 2013 WL 5593609 (N. D. Ill. 2013)
- In re Seagate Tech., LLC*, 497 F.3d 1360 (Fed. Cir. 2007) (en banc)
- In the Matter of Mahurkar Double Lumen Hemodialysis Catheter Patent Litig.*, 831 F.Supp. 1354 (N.D. Ill. 1993), *aff'd*, 71 F.3d 1573 (Fed. Cir. 1995)
- Integrated Tech. Corp. v. Rudolph Tech., Inc.*, 734 F.3d 1352 (Fed. Cir. 2013)
- Interactive Pictures Corp. v. Infinite Pictures, Inc.*, 274 F.3d 1371 (Fed. Cir. 2001)
- Kaufman Co. v. Lantech, Inc.*, 926 F.2d 1136 (Fed. Cir. 1991)
- Kimberly-Clark Worldwide, Inc. v. First Quality Baby Prod., LLC*, 660 F.3d 1293 (Fed. Cir. 2011)
- King Instrument Corp. v. Otari Corp.*, 767 F.2d 853 (Fed. Cir. 1985)
- King Instruments Corp. v. Perego*, 65 F.3d 941 (Fed. Cir. 1995)
- Kori Corp. v. Wilco Marsh Buggies & Draglines, Inc.*, 761 F.2d 649 (Fed. Cir. 1985)
- Lam, Inc. v. Johns-Manville Corp.*, 668 F.2d 462 (10th Cir. 1982)
- Lam, Inc. v. Johns-Manville Corp.*, 718 F.2d 1056 (Fed. Cir. 1983)
- Lands Council v. McNair*, 537 F.3d 981 (9th Cir. 2008)

- LaserDynamics, Inc. v. Quanta Comp., Inc.*, 694 F.3d 51 (Fed. Cir. 2012)
- Leesona Corp. v. United States*, 599 F.2d 958 (Ct. Cl. 1979)
- Lear, Inc. v. Adkins*, 395 U.S. 653 (1969)
- Livesay Window Co., Inc. v. Livesay Indus., Inc.*, 251 F.2d 469 (5th Cir. 1958)
- Lucent Techs., Inc. v. Gateway, Inc.*, 580 F.3d 1301 (Fed. Cir. 2009)
- Maxwell v. J. Baker, Inc.*, 86 F.3d 1098 (Fed. Cir. 1996)
- Mentor Graphics Corp. v. EVE-USA, Inc.*, 851 F.3d 1275 (Fed. Cir. 2017), *denying rehearing and rehearing en banc*, 870 F.3d 1298 (Fed. Cir. Sep. 1, 2017).
- MercExchange, LLC v. eBay, Inc.*, 401 F.3d 1323 (Fed. Cir. 2005)
- Metso Minerals, Inc. v. Powerscreen Int'l Distribution Ltd.*, 788 F. Supp. 2d 71 (E.D.N.Y. 2011)
- Micro Chem., Inc. v. Lextron, Inc.*, 318 F.3d 1119 (Fed. Cir. 2003)
- Microsoft Corp. v. Motorola, Inc.*, Case No. C10-1823JLR, 2013 WL 2111217 (W.D. Wash. 2013)
- Microsoft Corp. v. Motorola, Inc.*, 795 F.3d 1024 (9th Cir. 2015)
- Minks v. Polaris Indus.*, 546 F.3d 1364 (Fed. Cir. 2008)
- Mimm. Min. & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559 (Fed. Cir. 1999)
- Monsanto Co. v. E.I. DuPont De Nemours & Co.*, Case No. 4:09-CV-00686-ERW, 2013 WL 10300977 (E.D. Mo. 2013)
- NTP, Inc. v. Research in Motion, Ltd.*, Case No. Civ. A. 3:01CV767, 2003 WL 23100881 (E.D. Va. 2003)
- Nichia Corp. v. Everlight Ams., Inc.*, 855 F.3d 1328 (Fed. Cir. 2017)
- Nickson Indus., Inc. v. Rol Mfg. Co.*, 847 F.2d 795 (Fed. Cir. 1988)
- Northern Sec. Co. v. United States*, 193 U.S. 197 (1904)
- Octane Fitness, LLC v. ICON Health & Fitness, Inc.*, 134 S.Ct. 1749 (2014)
- Otter Tail Power Co. v. United States*, 410 U.S. 366 (1973)
- Paper Converting Mach. Co. v. Magna-Graphics Corp.*, 745 F.2d 11 (Fed. Cir. 1984)
- Panduit Corp. v. Stahlin Bros. Fibre Works Inc.*, 575 F.2d 1152 (6th Cir. 1978)
- PPC Broadband v. Corning Optical Commc'ns RF, LLC*, Case No. 5:11-CV-761, 2016 WL 6537977 (N.D.N.Y. 2016)
- Presidio Components, Inc. v. Am. Tech. Ceramics Corp.*, 875 F.3d 1369 (Fed. Cir. 2017)
- Princo Corp. v. Int'l Trade Comm'n*, 616 F.3d 1318 (Fed. Cir. 2010)
- Prism Techs, LLC v. Sprint Spectrum L.P.*, 849 F.3d 1360 (Fed. Cir. 2017)
- R-BOC Repls., Inc. v. Minemyer*, 233 F. Supp. 3d 647 (N.D. Ill. 2017)
- Rambus Inc. v. Fed. Trade Comm'n.*, 522 F.3d 456 (D.C. Cir. 2008), *cert. denied*, 129 S. Ct. 1318 (2009)
- Read Corp. v. Portec, Inc.*, 970 F.2d 816 (Fed. Cir. 1992)
- Realtek Semiconductor Corp. v. LSI Corp.*, 946 F. Supp.2d 998 (N.D. Cal. 2013)
- Rembrandt Wireless Tech., LP v. Samsung Electcs. Co., Ltd.*, Case No. 2:13-CV-213-JRG, 2016 WL 362540 (E.D. Tex. 2016)
- ResQNet.com, Inc. v. Lansa, Inc.*, 594 F.3d 860 (Fed. Cir. 2010)
- Ristvedt-Johnson, Inc. v. Brandt, Inc.*, 805 F. Supp. 557 (N.D. Ill. 1992)
- Rite-Hite Corp. v. Kelley Co.*, 56 F.3d 1538 (Fed. Cir. 1995) (en banc)
- Rude v. Westcott*, 130 U.S. 152 (1889)
- Samsung Elecs. Co., Ltd. v. Apple, Inc.*, 137 S. Ct. 429 (2016)
- SCA Hygiene Prod. Aktiebolag v. First Quality Baby Prod., LLC*, 807 F.3d 1311 (Fed. Cir. 2015)
- SCM Corp. v. Xerox Corp.*, 645 F.2d 1195 (2d Cir. 1981)
- Seymour v. McCormick*, 57 U.S. 480 (1853)

- Spanston, Inc. v. Int'l Trade Comm'n*, 629 F.3d 1331, 1359 (Fed. Cir. 2010)
- Spine Sol., Inc. v. Medtronic Sofamor Danek USA, Inc.*, 620 F.3d 1305 (Fed. Cir. 2010)
- Sinclair Ref. Co. v. Jenkins Petroleum Process Co.*, 289 U.S. 689 (1933)
- SmithKline Diagnostics, Inc. v. Helena Labs. Corp.*, 926 F.2d 1161 (Fed. Cir. 1991)
- St. Lawrence Comm'ns LLC v. ZTE Corp.*, Case No. 2:15-cv-349-JRG, 2017 WL 679623 (E.D. Tex. 2017)
- State Indus., Inc. v. Mor-Flo Indus., Inc.*, 883 F.2d 1573 (Fed. Cir. 1989)
- Stevens v. Gladding*, 58 U.S. 447 (1854)
- Summit 6, LLC v. Samsung Electronics Co.*, 802 F.3d 1283 (Fed. Cir. 2015)
- Sundance, Inc. v. DeMonte Fabricating Ltd.*, Case No. 02-73543, 2007 WL 37742 (E.D. Mich. 2007)
- Tate Access Floors, Inc. v. Maxcess Techs., Inc.*, 222 F.3d 958 (Fed. Cir. 2000)
- TCL Commc'ns Tech. Holdings, Ltd. v. Telefonaktiebolaget LM Ericsson*, Case No. SACV 14-341 JVS (DFMx), 2017 WL 6611635 (C.D. Cal. 2017)
- Telcordia Tech., Inc. v. Cisco Sys., Inc.*, 592 F.Supp.2d 727 (D. Del. 2009)
- Tights, Inc. v. Kayser-Roth Corp.*, 442 F. Supp. 159 (M.D.N.C. 1977)
- Tilghman v. Proctor*, 125 U.S. 136 (1888)
- TWM Mfg. Co., Inc. v. Dura Corp.*, 789 F.2d 895 (Fed. Cir. 1986), *cert. denied* 479 U.S. 852 (1986)
- U.S. Frumentum Co. v. Lauhoff*, 216 F. 610 (6th Cir. 1914)
- Underwater Devices Inc. v. Morrison-Knudsen Co.*, 717 F.2d 1380 (Fed. Cir. 1983), *overruled by In re Seagate Tech., LLC*, 497 F.3d 1360 (Fed. Cir. 2007) (en banc)
- Uniloc USA, Inc. v. Microsoft Corp.*, 632 F.3d 1292 (Fed. Cir. 2011)
- United States v. Swift & Co.*, 286 U.S. 106 (1932)
- Varian Med. Sys., Inc. v. Elekta AB*, Case No. 15-871-LPS, 2016 WL 3748772 (D. Del. 2016)
- Verizon Commc'ns, Inc v. Law Offices of Curtis V. Trinko, LLP*, 540 U.S. 398 (2004)
- Verizon Servs. Corp. v. Vonage Holdings Corp.*, 503 F.3d 1295 (Fed. Cir. 2007)
- Vimex, Inc. v. Apple Inc.*, 767 F.3d 1308 (Fed. Cir. 2014)
- Vimex, Inc. v. Apple Inc.*, Case No. 6:10-cv-00417-RWS, Doc. 1086 (E.D. Tex. 2017)
- WPiB, LLC v. Kohler Co.*, 829 F.3d 1317 (Fed. Cir. 2016)
- W. L. Gore and Assoc., Inc. v. Carlisle Corp.*, 1978 WL 21430, 198 U.S.P.Q. 353 (D. Del. 1978)
- Wedgetail, Ltd. v. Huddleston Deluxe, Inc.*, 576 F.3d 1302 (Fed. Cir. 2009)
- Westinghouse Electric & Mfg. Co. v. Wagner Electric & Mfg. Co.*, 225 U.S. 604 (1912)
- Whitserve, LLC v. Computer Packages, Inc.*, 694 F.3d 10 (Fed. Cir. 2012)
- Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7 (2008)
- Yale Lock Mfg. Co. v. Sargent*, 117 U.S. 536 (1886)
- Zegers v. Zegers, Inc.*, 458 F.2d 726 (7th Cir. 1972)

## REGULATORY AND LEGISLATIVE MATERIALS:

### *Multinational:*

- TRIPS: Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1 C, 1869 U.N. T.S. 299, 33 I.L.M. 1197 (as amended on Jan. 23, 2017)

*Australia:*

*Patents Act 1990*

*Canada:*

Patent Act, R.S.C. 1985, c. P-4

*China:*

Zhōnghuá rénmín gònghéguó zhuānlǐ fǎ (中华人民共和国专利法) [Patent Law of the People's Republic of China] (promulgated by the Standing Comm. Nat'l People's Cong., Dec. 27, 2008, effective Oct. 1, 2009) 2008 China Law LEXIS 7207

Ministry of Commerce of the People's Republic of China Announcement No. 25, Announcement of Approval with Additional Restrictive Conditions of the Acquisition of Motorola Mobility by Google (May 31, 2012). [http://english.mofcom.gov.cn/article/policy\\_release/domesticpolicy/201206/20120608199125.shtml](http://english.mofcom.gov.cn/article/policy_release/domesticpolicy/201206/20120608199125.shtml)

National Development and Reform Commission (NDRC) Press Release, National Development and Reform Commission Ordered Rectification of Qualcomm's Monopolistic Behavior and Fined 6 Billion Yuan (Feb. 10, 2015). [www.ndrc.gov.cn/xwzx/xwfb/201502/t20150210\\_663822.html](http://www.ndrc.gov.cn/xwzx/xwfb/201502/t20150210_663822.html)

*European Union:*

Commission Decision of 18 July 1988 relating to a proceeding under Article 86 of the EEC Treaty: Case No. IV/30.178 Napier Brown – British Sugar, 1988 O.J. (L284) 41. [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.1988.284.01.0041.01.ENG](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.1988.284.01.0041.01.ENG)

Commission Decision of 22 June 2005 relating to a proceeding pursuant to Article 82 of the EC Treaty and Article 54 of the EEA Agreement: Case COMP/A.39.116/B2 – Coca-Cola, 2005 O.J. (L253) 21. [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2005.253.01.0021.01.ENG](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2005.253.01.0021.01.ENG)

Commission Decision of 13 February 2012 declaring a concentration to be compatible with the common market according to Council Regulation (EC) No. 139/2004: Case COMP/M.6381 – Google/Motorola Mobility, 2012 O.J. (C75/01) 1. [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C\\_.2012.075.01.0001.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2012.075.01.0001.01.ENG) (full decision available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32012M6381>)

Council Regulation (EC) 1/2003 of Dec. 16, 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty, 2003 O.J. (L1) 1. <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:32003R0001>

Consolidated Version of the Treaty on the Functioning of the European Union (TFEU), 2012 O.J. (C326) 47. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012E%2FTXT>

Council of the European Union, *Draft Council Conclusions on the IPR Enforcement Package*, 5753/18 (Jan. 29, 2018). <http://data.consilium.europa.eu/doc/document/ST-5753-2018-INIT/en/>

- Directive 2004/48/EC, of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights, 2004 O.J. (L195) 16. [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2004.195.01.0016.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2004.195.01.0016.01.ENG)
- European Commission, *Communication from the Commission – Guidance on the Commission’s Enforcement Priorities in Applying Article 82 of the EC Treaty to Abusive Exclusionary Conduct by Dominant Undertakings*, 2009 O.J. (C45/02) 7. [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C\\_.2009.045.01.0007.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2009.045.01.0007.01.ENG)
- Analysis of the application of Directive 2004/48/EC of the European Parliament and the Council of 29 April 2004 on the enforcement of intellectual property rights in the Member States*, COM (2010) 779 final (Dec. 22, 2010). <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52010SC1589>
- Communication from the Commission – Guidelines on applicability of Article 101 of the Treaty on the Functioning of the European Union to horizontal co-operation agreements*, 2011 O.J. (C11/01) 1. [https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52011XC0114\(04\)](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52011XC0114(04))
- Communication from the Commission – Guidelines on the application of Article 101 of the Treaty on the Functioning of the European Union to technology transfer agreements*, 2014 O.J. (C89/03) 3. [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C\\_.2014.089.01.0003.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2014.089.01.0003.01.ENG)
- Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee: Setting Out the EU Approach to Standard Essential Patents*, COM (2017) 712 final (Nov. 29, 2017). <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017DC0712>
- Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee: Guidance on Certain Aspects of Directive 2004/48/EC of the European Parliament and of the Council on the Enforcement of Intellectual Property Rights*, COM (2017) 708 final (Nov. 29, 2017). <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017DC0708>
- European Commission Press Release IP/04/382, Commission concludes on Microsoft investigation, imposes conduct remedies and a fine (Mar. 24, 2004). [http://europa.eu/rapid/press-release\\_IP-04-382\\_en.htm](http://europa.eu/rapid/press-release_IP-04-382_en.htm)
- IP/06/979, Competition: Commission imposes penalty payment of €280.5 million on Microsoft for continued non-compliance with March 2004 Decision (July 12, 2006). [http://europa.eu/rapid/press-release\\_IP-06-979\\_en.htm](http://europa.eu/rapid/press-release_IP-06-979_en.htm)
- IP/09/1897, Antitrust: Commission accepts commitments from Rambus lowering memory chip royalty rates (Dec. 9, 2009). [http://europa.eu/rapid/press-release\\_IP-09-1897\\_en.htm](http://europa.eu/rapid/press-release_IP-09-1897_en.htm)
- IP/17/1323, Antitrust: Commission opens formal investigation into Aspen Pharma’s pricing practices for cancer medicines (May 15, 2017). [http://europa.eu/rapid/press-release\\_IP-17-1323\\_en.htm](http://europa.eu/rapid/press-release_IP-17-1323_en.htm)
- European Commission Memorandum MEMO/09/544, Antitrust: Commission accepts commitments from Rambus lowering memory chip royalty rates – frequently asked questions (Dec. 9, 2009). [http://europa.eu/rapid/press-release\\_MEMO-09-544\\_en.htm](http://europa.eu/rapid/press-release_MEMO-09-544_en.htm)
- Margrethe Vestager, European Commissioner for Competition, European Commission, Speech at the Chillin’ Competition Conference, Brussels: Protecting Consumers from Exploitation (Nov. 21, 2016). [https://ec.europa.eu/commission/commissioners/2014-2019/vestager/announcements/protecting-consumers-exploitation\\_en](https://ec.europa.eu/commission/commissioners/2014-2019/vestager/announcements/protecting-consumers-exploitation_en)
- Summary of Commission Decision of 9 December 2009 relating to a proceeding under Article 102 of the Treaty on the Functioning of the European Union and Article 54 of the

EEA Agreement: Case COMP/38.636—RAMBUS, 2010 O.J. (C030/09) 17. [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C\\_.2010.030.01.0017.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2010.030.01.0017.01.ENG) (full decision available at [http://ec.europa.eu/competition/antitrust/cases/dec\\_docs/38636/38636\\_1203\\_1.pdf](http://ec.europa.eu/competition/antitrust/cases/dec_docs/38636/38636_1203_1.pdf))

Summary of Commission Decision of 29 April 2014 relating to a proceeding under Article 102 of the Treaty on the Functioning of the European Union and Article 54 of the EEA Agreement: Case AT.39939 – Samsung – Enforcement of UMTS Standard Essential Patents, 2014 O.J. (C350/08) 8. [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C\\_.2014.350.01.0008.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2014.350.01.0008.01.ENG)

Summary of Commission Decision of 29 April 2014 relating to a proceeding under Article 102 of the Treaty on the Functioning of the European Union and Article 54 of the EEA Agreement: Case AT.39958 – Motorola – Enforcement of GPRS Standard Essential Patents, 2014 O.J. (C344/06) 6. [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C\\_.2014.344.01.0006.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2014.344.01.0006.01.ENG)

*France:*

Code Civil [C. civ.] [Civil Code] art. 1121, 1153–1.

*Germany:*

Bürgerliches Gesetzbuch [BGB] [Civil Code], Jan. 2, 2002, BUNDESGESETZBLATT, TEIL I [BGBl I] 2003, 738, last amended by Act of Oct. 1, 2013, BUNDESGESETZBLATT, TEIL I [BGBl I] 3719. [www.gesetze-im-internet.de/englisch\\_bgb/index.html](http://www.gesetze-im-internet.de/englisch_bgb/index.html)

Gesetz gegen Wettbewerbsbeschränkungen [GWB] [Competition Act], June 26, 2013, BUNDESGESETZBLATT, TEIL I [BGBl I] 2013, 1750, last amended by Act of July 21, 2014, BUNDESGESETZBLATT, TEIL I [BGBl I] 1066. [www.gesetze-im-internet.de/englisch\\_gwb/index.html](http://www.gesetze-im-internet.de/englisch_gwb/index.html)

Patentgesetz [PatG] [Patent Act], Dec. 16, 1980, BUNDESGESETZBLATT, TEIL I [BGBl I] 1981, 1, as amended by Act of Apr. 4, 2016, BUNDESGESETZBLATT, TEIL I [BGBl I] 2016, 558, art. 2. [www.gesetze-im-internet.de/englisch\\_patg/index.html](http://www.gesetze-im-internet.de/englisch_patg/index.html)

Zivilprozessordnung [ZPO] [Code of Civil Procedure], Dec. 5, 2005, BUNDESGESETZBLATT, TEIL I [BGBl I] 2007, 1781, last amended by Act of Oct. 10, 2013, BUNDESGESETZBLATT, TEIL I [BGBl I] 3786. [www.gesetze-im-internet.de/englisch\\_zpo/index.html](http://www.gesetze-im-internet.de/englisch_zpo/index.html)

*India:*

Patents Act, No. 39 of 1970.

*Italy:*

Art. 833 Codice civile [C.c.]

*Japan:*

Minpō [Civ. C.] art. 404.  
Tokkyo-hō [Patent Act], No. 121 of 1959.

*Korea:*

Patent Act, Act No. 14691, March 31, 2017.

*Netherlands:*

Artikel 3:13 BW.

*Poland:*

Kodeks cywilny [Civil Code] (1964 r. Dz. U. Nr. 16 poz. 93). <http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19640160093>

*Switzerland:*

Obligationenrecht [OR] [Code of Obligations] Mar. 30, 1911, SR 220, art. 112. [www.admin.ch/opc/en/classified-compilation/19110009/index.html](http://www.admin.ch/opc/en/classified-compilation/19110009/index.html)  
Schweizerisches Zivilgesetzbuch [ZBG] [Civil Code] Dec. 10, 1907, SR 210, art. 2. [www.admin.ch/opc/en/classified-compilation/19070042/index.html](http://www.admin.ch/opc/en/classified-compilation/19070042/index.html)  
Schweizerisches Zivilgesetzbuch [ZBG] [Civil Code] June 25, 1954, SR 232.14, art. 73. [www.admin.ch/opc/en/classified-compilation/19540108/index.html](http://www.admin.ch/opc/en/classified-compilation/19540108/index.html)

*United Kingdom:*

Chancery Amendment Act, 1858, 21 & 22 Vict. c. 27  
Patents Act, 1977, c. 37

*United States:*

Act of Feb. 1, 1793, ch. 11, 1 Stat. 318.  
Act of July 4, 1836, ch. 357, 5 Stat. 117.  
Act of July 8, 1870, ch. 230, 16 Stat. 198.  
Act of Feb. 4, 1887, ch. 105, 24 Stat. 387.  
Act of Aug. 1, 1946, ch. 726, 60 Stat. 778.  
Amendment to the U.S. Patent Act, H.R. Rep. No. 79–1587 (1946)

- Clayton Act § 3, 15 U.S.C. § 14.
- In the Matter of Dell Computer Corp.*, 121 F.T.C. 616 (FTC May 20, 1996) (Consent Order). [www.ftc.gov/system/files/documents/cases/960617dellconsentorder.pdf](http://www.ftc.gov/system/files/documents/cases/960617dellconsentorder.pdf)
- Federal Trade Commission (FTC). 2012. Third Party United States Federal Trade Commission's Statement on the Public Interest, *In the Matter of Certain Electronic Devices, Including Wireless Communication Devices, Portable Music and Data Processing Devices, and Tablet Computers*, Inv. No. 337-TA-794 (Jun. 6, 2012). [www.ftc.gov/sites/default/files/documents/advocacy\\_documents/ftc-comment- united-states-international-trade-commission-concerning-certain-wireless-communication/1206ftcwirelesscom.pdf](http://www.ftc.gov/sites/default/files/documents/advocacy_documents/ftc-comment- united-states-international-trade-commission-concerning-certain-wireless-communication/1206ftcwirelesscom.pdf)
- FTC Act, 15 U.S.C. § 45
- Froman, Michael B. G. 2013. "RE: Disapproval of the U.S. International Trade Commission's Determination in the Matter of Certain Electronic Devices, Including Wireless Communication Devices, Portable Music and Data Processing Devices, and Tablet Computers, Investigation No. 337-TA-794," Letter to the Honorable Irving A. Williamson, *Executive Office of the President, The United States Trade Representative* (Aug. 3, 2013). [https://ustr.gov/sites/default/files/o8032013%20Letter\\_1.PDF](https://ustr.gov/sites/default/files/o8032013%20Letter_1.PDF)
- Holleman, Richard J. 2002. "Comments on Standards Setting and Intellectual Property," *FTC/DOJ Hearings on Competition Law and Intellectual Property Law and Policy* (unpublished statement, April 10, 2002). <http://web.archive.org/web/20060915153543/> and [www.ftc.gov:80/opp/intellect/o2o418richardjholleman.pdf](http://www.ftc.gov:80/opp/intellect/o2o418richardjholleman.pdf)
- In the Matter of Certain Electronic Devices, Including Wireless Communication Devices, Portable Music and Data Processing Devices, and Tablet Computers*, Inv. No. 337-TA-794, 2013 WL 2453722 (ITC June 4, 2013)
- In the Matter of Dell Computer Corp.*, 121 F.T.C. 616 (FTC May 20, 1996) (Decision and Order)
- In the Matter of Motorola Mobility LLC and Google Inc.*, 156 F.T.C. 147 (FTC July 23, 2013) (Decision and Order)
- In the Matter of Negotiated Data Solutions LLC*, Case No. 051-0094 (FTC Sept. 23, 2008) (Decision and Order)
- In the Matter of Robert Bosch GmbH*, 155 F.T.C. 713 (FTC Apr. 23, 2013)
- In the Matter of Union Oil Co. of Cal.*, 140 F.T.C. 123 (FTC July 27, 2005) (Decision and Order)
- Innovation Act, H.R. 3309, 113th Cong. (2013)
- Innovation Act, H.R. 9, 114th Cong. (2015)
- Intel Corp. 2011. *Response of August 5, 2011 to Fed. Trade Comm'n Request for Comments on the Role of Patented Technology in Collaborative Industry Standards*, Project No. P111204 #00042. [www.ftc.gov/policy/public-comments/comment-00042-11](http://www.ftc.gov/policy/public-comments/comment-00042-11)
- Judiciary and Judicial Procedure, 28 U.S.C. § 1961
- Machlup, Fritz. 1958. "An Economic Review of the Patent System," *Study of the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary*, 85th Cong., 2d Sess., Study No. 15.
- Microsoft. 2011. *Response of June 13, 2011 to Fed. Trade Comm'n Request for Comments on the Role of Patented Technology in Collaborative Industry Standards*, Project No. P111204 #00009. [www.ftc.gov/policy/public-comments/comment-00009-28](http://www.ftc.gov/policy/public-comments/comment-00009-28)
- Negotiated Data Solutions LLC, Analysis of Proposed Consent Order to Aid Public Comment, 73 Fed. Reg. 5846-01 (Jan. 31, 2008)
- Netgear, Inc., Annual Report (Form 10-K) (Feb. 16, 2018). [www.sec.gov/Archives/edgar/data/1122904/000112290418000076/ntgr20171231-10k.htm](http://www.sec.gov/Archives/edgar/data/1122904/000112290418000076/ntgr20171231-10k.htm)

- Nokia Corp. 2011. *Response of July 8, 2011 to Fed. Trade Comm'n Request for Comments on the Role of Patented Technology in Collaborative Industry Standards*, Project No. P111204 #00032. [www.ftc.gov/policy/public-comments/comment-00032-10](http://www.ftc.gov/policy/public-comments/comment-00032-10)
- Patent Reform Act of 2009: Hearing on H.R. 1260 Before the H. Comm. on the Judiciary*, 111th Cong. 75 (2009) (prepared statement of Professor John R. Thomas, Georgetown University Law School).v
- Qualcomm Inc. 2011. *Response of June 13, 2011 to Fed. Trade Comm'n Request for Comments on the Role of Patented Technology in Collaborative Industry Standards*, Project No. P111204 #00011. [www.ftc.gov/policy/public-comments/comment-00011-26](http://www.ftc.gov/policy/public-comments/comment-00011-26)
- In the Matter of Rambus, Inc.*, 2004 WL 390647 (FTC Feb. 23, 2004) (Initial Decision). [www.ftc.gov/sites/default/files/documents/cases/2004/02/040223initialdecision.pdf](http://www.ftc.gov/sites/default/files/documents/cases/2004/02/040223initialdecision.pdf)
- In the Matter of Rambus, Inc.*, 2006 WL 2330117 (FTC Aug. 6, 2006) (Opinion of the Commission). [www.ftc.gov/sites/default/files/documents/cases/2006/08/060802commissionopinion.pdf](http://www.ftc.gov/sites/default/files/documents/cases/2006/08/060802commissionopinion.pdf)
- Tariff Act of 1930, 19 U.S.C. § 1337
- The Evolving IP Marketplace: Hearing before the Fed. Trade Comm'n*, Matter No. P093900, 15 (Feb. 11, 2009) (testimony of Professor Paul M. Janicke, University of Houston Law Center).
- Robinson-Patman Act, 15 U.S.C. § 13.
- Sherman Act, 15 U.S.C. § 1, § 2
- U.S. Department of Justice (DOJ) Press Release 12–210, Statement of the Department of Justice's Antitrust Division on Its Decision to Close Its Investigations of Google Inc.'s Acquisition of Motorola Mobility Holdings Inc. and the Acquisitions of Certain Patents by Apple Inc., Microsoft Corp. and Research in Motion Ltd. (Feb. 13, 2012). [www.justice.gov/opa/pr/statement-department-justice-s-antitrust-division-its-decision-close-its-investigations](http://www.justice.gov/opa/pr/statement-department-justice-s-antitrust-division-its-decision-close-its-investigations)
- U.S. Patent Act, 35 U.S.C. § 271, § 283, § 284, § 287, § 289.
- In the Matter of Union Oil Co. Of Cal.*, 138 F.T.C. 1 (FTC July 6, 2004) (Opinion of the Commission). [www.ftc.gov/sites/default/files/documents/cases/2004/07/040706commissionopinion.pdf](http://www.ftc.gov/sites/default/files/documents/cases/2004/07/040706commissionopinion.pdf)

## SSO MATERIALS:

- CEN-CENELEC. 2015. *CEN-CENELEC Guidelines for Implementation of the Common Policy on Patents (and other statutory intellectual property rights based on inventions)*, Brussels: CEN-CENELEC. [www.cencenelec.eu/standards/Guides/Pages/default.aspx](http://www.cencenelec.eu/standards/Guides/Pages/default.aspx)
- ETSI. 2018. "Rules of Procedure of the European Telecommunications Standards Institute," in *ETSI Directives: Version 38*, Valbonne, Fr.: European Telecommunications Standards Institute. [https://portal.etsi.org/directives/38\\_directives\\_feb\\_2018.pdf](https://portal.etsi.org/directives/38_directives_feb_2018.pdf)
- Intellectual Property Rights (IPRs)*, European Telecommunications Standards Institute, [www.etsi.org/about/how-we-work/intellectual-property-rights-iprs](http://www.etsi.org/about/how-we-work/intellectual-property-rights-iprs) (last visited Apr. 30, 2018).
- IEEE-SA Board of Governors. 2017. *IEEE-SA Standards Board Bylaws*, New York, NY: Institute of Electrical and Electronics Engineers, Inc. [https://standards.ieee.org/develop/policies/bylaws/sb\\_bylaws.pdf](https://standards.ieee.org/develop/policies/bylaws/sb_bylaws.pdf)
- JEDEC Solid State Technology Association. 2017. *JEDEC Manual of Organization and Procedure*, Arlington, VA: JEDEC Solid State Technology Association. [www.jedec.org/sites/default/files/JM21S.pdf](http://www.jedec.org/sites/default/files/JM21S.pdf)

## BOOKS, ARTICLES AND ONLINE MATERIALS:

- Allensworth, Rebecca Haw. 2014. "Casting a FRAND Shadow: The Importance of Legally Defining 'Fair and Reasonable' and How *Microsoft v. Motorola* Missed the Mark," *Texas Intellectual Property Law Journal* 22(3): 235–52.
- American Bar Association (ABA). 2007. *Standards Development Patent Policy Manual* (Jorge L. Contreras, ed.), Chicago: ABA Publications.
- American Intellectual Property Law Association (AIPLA). 2015. 2015 *Report of the Economic Survey*, Arlington, VA: American Intellectual Property Law Association.
2017. 2017 *Report of the Economic Survey*, Arlington, VA: American Intellectual Property Law Association.
- American Law Institute (ALI). 1939. *Restatement (Second) of Torts*.
2011. *Restatement (Third) of Restitution and Unjust Enrichment*.
- Anderman, Steven D. & John Kallaugher. 2006. *Technology Transfer and the New EU Competition Rules: Intellectual Property Licensing after Modernisation*, New York.: Oxford University Press.
- Anderson, Roy Ryden. 2015. "The Compensatory Disgorgement Alternative to Restatement Third's New Remedy for Breach of Contract," *Southern Methodist University Law Review* 68(4): 953–1020.
- Balganesh, Shyamkrishna. 2008. "Demystifying the Right to Exclude: Of Property, Inviolability, and Automatic Injunctions," *Harvard Journal of Law & Public Policy* 31 (2): 593–661.
- Bartlett, Jason R. & Jorge L. Contreras. 2017. "Rationalizing FRAND Royalties: Can Interpleader Save the Internet of Things?," *The Review of Litigation* 36(2): 285–334.
- Bayliss, Geoffrey, Daniel Brook, Trevor Cook, Matthew Felwick, Nick Gardner, Neil Jenkins, Nicholas MacFarlane, Roland Mallinson, Jocelyn Man, Christopher Morcom, David Musker, Doris Myles, David Perkins, John Reid, Tony Rollins, Ashley Roughton, Peter Smith, Edward Stanford, Jonathan Turner, Jan Vleck & Ian Wood. 2005. *Punitive Damages as a Contentious Issue of Intellectual Property Rights (Report Q186): United Kingdom*, A.I.P.P.I.: United Kingdom Group. <https://aippi.org/download/committees/186/GR186uk.pdf>
- Beijing High People's Court. 2017. *Guidelines for Patent Infringement Determination*. [www.cphktd.com/en/info.aspx?n=20170424155321600369](http://www.cphktd.com/en/info.aspx?n=20170424155321600369)
- Belgum, Karl D. 2014. "The Next Battle over FRAND: The Definition of FRAND Terms and Multilevel Licensing," *New Matter* 39(2).
- Benhamou, Yaniv. 2013. *Dommages-intérêts suite à la violation de droits de propriété intellectuelle: Etude de la méthode des redevances en droit suisse et comparé*, Zürich: Schulthess.
- Benkard, Georg. 2015. *Patentgesetz*, Munich: C.H. Beck.
- Bensen, Eric E. 2005. "Apportionment of Lost Profits in Contemporary Patent Damages Cases," *Virginia Journal of Law & Technology* 10(8): 1–46.
- Bernstein, David E. & Eric G. Lasker. 2015. "Defending Daubert: It's Time to Amend Federal Rule of Evidence," *William & Mary Law Review* 57(1): 1–48.
- Berry, Chris, Ronen Arad, Landan Ansell, Meredith Cartier & HyeYun Lee. 2015. 2015 *Patent Litigation Study: A Change in Patentee Fortunes*, PricewaterhouseCoopers. [www.pwc.com/us/en/forensic-services/publications/assets/2015-pwc-patent-litigation-study.pdf](http://www.pwc.com/us/en/forensic-services/publications/assets/2015-pwc-patent-litigation-study.pdf)

2016. 2016 *Patent Litigation Study: Are We at an Inflection Point?*, PricewaterhouseCoopers. [www.pwc.com/us/en/forensic-services/publications/assets/2016-pwc-patent-litigation-study.pdf](http://www.pwc.com/us/en/forensic-services/publications/assets/2016-pwc-patent-litigation-study.pdf)
2017. 2017 *Patent Litigation Study: Change on the Horizon?*, PricewaterhouseCoopers. [www.pwc.com/us/en/forensic-services/publications/assets/2017-patent-litigation-study.pdf](http://www.pwc.com/us/en/forensic-services/publications/assets/2017-patent-litigation-study.pdf)
- Bharadwaj, Ashish & Dipinn Verma. 2017. "China's First Injunction in Standard Essential Patent Litigation," *Journal of Intellectual Property Law & Practice* 12(9): 717–19.
- Birss, Hon. Colin, Andrew Waugh, Tom Mitcheson, Douglas Campbell, Justin Turner & Tom Hinchliffe. 2016. *Terrell on the Law of Patents: Eighteenth Edition*, London: Sweet & Maxwell.
- Blair, Roger D. & Thomas F. Cotter. 1998. "An Economic Analysis of Damages Rules in Intellectual Property Law," *William and Mary Law Review* 39(5): 1585–1694.
2001. "Rethinking Patent Damages," *Texas Intellectual Property Law Journal* 10(1): 1–94.
2005. *Intellectual Property: Economic and Legal Dimensions of Rights and Remedies*, New York: Cambridge University Press.
- Blair, Roger D. & D. Daniel Sokol. 2013. "Welfare Standards in U.S. and E.U. Antitrust Enforcement," *Fordham Law Review* 81(5): 2497–2541.
- Bohannon, Christina & Herbert Hovenkamp. 2010. "IP and Antitrust: Reformation and Harm," *Boston College Law Review* 51(4): 905–92.
2012. *Creation without Restraint: Promoting Liberty and Rivalry in Innovation*, New York: Oxford University Press.
- Bowman, Ward S. 1973. *Patent and Antitrust Law: A Legal and Economic Appraisal*, Chicago: University of Chicago Press.
- Brooks, Roger G. & Damien Geradin. 2010. *Interpreting and Enforcing the Voluntary FRAND Commitment*. <https://ssrn.com/abstract=1645878>
- Byrd, Owen, Brian C. Howard & Jason Maples. 2014. 2014 *Lex Machina Patent Litigation Damages Report*, Menlo Park, CA: Lex Machina.
- Caffarra, Cristina. 2014. "Patent Explosion and Patent Wars: Holdup, Royalties and Misunderstandings over 'Market Value'," *European Competition Law Annual* 2012: 307–29.
- Calabresi, Guido & A. Douglas Melamed. 1972. "Property Rules, Liability Rules, and Inalienability: One View of the Cathedral," *Harvard Law Review* 85: 1089–1128.
- Camesasca, Peter, Gregor Langus, Damien Neven & Pat Treacy. 2013. "Injunctions for Standard-Essential Patents: Justice Is Not Blind," *Journal of Competition Law & Economics* 9(2): 285–311.
- Campbell, John E., Bernard Chao, Christopher T. Roberson & David V. Yokum. 2016. "Countering the Plaintiff's Anchor: Jury Simulations to Evaluate Damages Arguments," *Iowa Law Review* 101(2): 543–71.
- Carlton, Dennis W. & Allan L. Shampine. 2013. "An Economic Interpretation of FRAND," *Journal of Competition Law & Economics* 9(3): 531–52.
- Caron, Christophe. 2013. "L'efficacité des licences FRAND: entre droit des brevets, droit civil et normalisation," *La Semaine Juridique, Edition Générale* 2013(21): 1006–13.
- Carter, James H. 2014. "FRAND Royalty Disputes: A New Challenge for International Arbitration?," in Arthur W. Rovine, ed., *Contemporary Issues in International Arbitration and Mediation – the Fordham Papers* 2013, Boston: Brill Nijhoff.
- Cary, George S., Mark W. Nelson, Steven J. Kaiser & Alex R. Sifla. 2011. "The Case for Antitrust Law to Police the Patent Holdup Problem in Standard Setting," *Antitrust Law Journal* 77(3): 913–45.

- Chao, Bernard. 2012. "The Case for Contribution in Patent Law," *University of Cincinnati Law Review* 80(1): 113–59.
2016. "Horizontal Innovation and Interface Patents," *Wisconsin Law Review* 2016(2): 287–336.
2018. "Lost Profits in a Multicomponent World," *Boston College Law Review* 59(4): 1321–56.
- Chao, Bernard & Jonathan Gray. 2013. "A \$1 Billion Parable," *Denver University Law Review* 90: 185–91.
- Chapman, Gretchen B. & Brian H. Bornstein. 1996. "The More You Ask For, the More You Get: Anchoring in Personal Injury Verdicts," *Applied Cognitive Psychology* 10 (6): 519–40.
- Chiang, Tun-Jen. 2017. "The Information-Forcing Dilemma in Damages Law," *William & Mary Law Review* 59(1): 81–145.
- Chien, Colleen V. 2014. "Holding Up and Holding Out," *Michigan Telecommunications & Technology Law Review* 21(1): 1–41.
2016. "Contextualizing Patent Disclosure," *Vanderbilt Law Review* 69(6): 1849–90.
- Chien, Colleen V. & Mark A. Lemley. 2012. "Patent Holdup, the ITC, and the Public Interest," *Cornell Law Review* 98(1): 1–46.
- Chisum, Donald S. 2017. *Chisum on Patents*, Binghamton, NY: Matthew Bender & Company, Inc.
- Choi, Jay Pil. 2009. "Alternative Damage Rules and Probabilistic Intellectual Property Rights: Unjust Enrichment, Lost Profits, and Reasonable Royalty Remedies," *Information Economics & Policy* 21(2): 145–57.
- Colangelo, Giuseppe & Valerio Torti. 2017. "Filling Huawei's Gaps: The Recent German Case Law on Standard Essential Patents," *European Competition Law Review* 2017 38 (12): 538–46.
- Conley, Ned L. 1987. "An Economic Approach to Patent Damages," *AIPLA Quarterly Journal* 15(4): 354–90.
- Contreras, Jorge L. 2012. "The February of FRAND," *Patently-O*, Mar. 6, 2012. <https://patentlyo.com/patent/2012/03/february-of-frand.html>
2013. "Fixing FRAND: A Pseudo-Pool Approach to Standards-Based Patent Licensing," *Antitrust Law Journal* 79(1): 47–97.
- 2015a. "Patent Pledges," *Arizona State Law Journal* 47(3): 543–608.
- 2015b. "A Brief History of FRAND: Analyzing Current Debates in Standard Setting and Antitrust Through a Historical Lens," *Antitrust Law Journal* 80(1): 39–120.
- 2015c. "A Market Reliance Theory for FRAND Commitments and Other Patent Pledges," *Utah Law Review* 2015(2): 479–558.
2016. "When a Stranger Calls: Standards Outsiders and Unencumbered Patents," *Journal of Competition Law & Economics* 12(3): 507–39.
- 2017a. "Aggregated Royalties for Top-Down FRAND Determinations: Revisiting Joint Negotiation," *Antitrust Bulletin* 62(4): 690–709.
- 2017b. "Global Markets, Competition, and FRAND Royalties: The Many Implications of *Unwired Planet v. Huawei*," *The Antitrust Source* 17(1): 1–14.
- Contreras, Jorge L., Colleen Chien, Thomas F. Cotter & Brad Biddle. 2016. "Study Proposal – Commercial Patent Licensing Data." [https://papers.ssrn.com/abstract\\_id=2755706](https://papers.ssrn.com/abstract_id=2755706)
- Contreras, Jorge L. & Michael A. Eixenberger. 2016. "Model Jury Instructions for Reasonable Royalty Patent Damages," *Jurimetrics* 57(1): 1–24.
- Contreras, Jorge L. & Richard J. Gilbert. 2015. "A Unified Framework for RAND and Other Reasonable Royalties," *Berkeley Technology Law Journal* 30: 1451–1504.

- Contreras, Jorge L. & David L. Newman. 2014. "Developing a Framework for Arbitrating Standards-Essential Patent Disputes," *Journal of Dispute Resolution* 2014(1): 23–50.
- Contreras, Jorge L. & Peter Georg Picht. 2017. "Patent Assertion Entities and Legal Exceptionalism in Europe and the United States, A Comparative View," *Max Planck Institute for Innovation and Competition Research Paper No. 17–11*. <https://ssrn.com/abstract=3036578>
- Cotropia, Christopher A. 2008. "Compulsory Licensing Under TRIPS and the Supreme Court of the United States' Decision in *eBay v. MercExchange*," in Toshiko Takenaka, ed., *Patent Law and Theory: A Handbook of Contemporary Research*, Northampton, MA: Edward Elgar Publishing, Inc.
- Cotropia, Christopher A., Jay P. Kesan & David L. Schwartz. 2014. "Unpacking Patent Assertion Entities (PAEs)," *Minnesota Law Review* 99(2): 649–703.
- Cotropia, Christopher A. & Mark A. Lemley. 2009. "Copying in Patent Law," *North Carolina Law Review* 87(5): 1421–66.
- Cotter, Thomas F. 2004. "An Economic Analysis of Enhanced Damages and Attorney's Fees for Willful Patent Infringement," *Federal Circuit Bar Journal* 14: 291–331.
2009. "Patent Holdup, Patent Remedies, and Antitrust Responses," *Journal of Corporation Law* 34: 1151–1207.
2011. "Four Principles for Calculating Reasonable Royalties in Patent Infringement Litigation," *Santa Clara Computer and High Technology Law Journal* 27(4): 725–61.
- 2013a. *Comparative Patent Remedies: A Legal and Economic Analysis*, New York: Oxford University Press.
- 2013b. "Reining in Remedies in Patent Litigation: Three (Increasingly Immodest) Proposals," *Santa Clara High Tech Law Journal* 30: 1–30.
- 2013c. "After a Six-Month Hiatus, Enhanced Damages for Patent Infringement in Taiwan Are Back," *Comparative Patent Remedies*, Aug. 6, 2013. <http://comparativepatentremedies.blogspot.com/2013/08/after-six-month-hiatus-enhanced-damages.html>
- 2013d. "Kleinheyer and Hartwig on Allocation of Defendant's Profits in Germany," *Comparative Patent Remedies*, Sep. 18, 2013. <http://comparativepatentremedies.blogspot.jp/2013/09/kleinheyer-and-hartwig-on-allocation-of.html>
- 2013e. "The Draft Fourth Amendment of the Chinese Patent Act Would Authorize Treble Damages for Willful Infringement," *Comparative Patent Remedies*, Oct. 31, 2013. <http://comparativepatentremedies.blogspot.com/2013/10/the-draft-fourth-amendment-of-chinese.html>
- 2013f. "Punitive Damages for Patent Infringement in the UK?," *Comparative Patent Remedies*, Nov. 27, 2013. <http://comparativepatentremedies.blogspot.com/2013/11/punitive-damages-for-patent.html>
- 2013g. "Article by Meier-Beck on Infringement Damages Under German Law," *Comparative Patent Remedies*, Dec. 11, 2013. <http://comparativepatentremedies.blogspot.jp/2013/12/article-by-meier-beck-on-infringement.html>
- 2014a. "Comparative Law and Economics of Standard-Essential Patents and FRAND Royalties," *Texas Intellectual Property Law Journal* 22: 311–63.
- 2014b. "*Bobst v. Heidelberg*: A Recent French Case on Lost Profits," *Comparative Patent Remedies*, Jan. 24, 2014. <http://comparativepatentremedies.blogspot.com/2014/01/bobst-v-heidelberg-recent-french-case.html>
- 2014c. "Setting the Amount of an Injunction Bond (and a Brief Digression about the Wright Brothers)," *Comparative Patent Remedies*, Apr. 18, 2014. <http://comparativepatentremedies.blogspot.com/2014/04/setting-amount-of-injunction-bond-and.html>

2015. "A Study of Reasonable Royalty Awards in Japan," *Comparative Patent Remedies*, Mar. 23, 2015. <https://comparativepatentremedies.blogspot.com/2015/03/a-study-of-reasonable-royalty-awards-in.html>
- 2016a. "A Recent English Decision on Accountings of Profits," *Comparative Patent Remedies*, Feb. 29, 2016. <http://comparativepatentremedies.blogspot.jp/2016/02/a-recent-english-decision-on.html>
- 2016b. "Infringer's Profits as a Proxy for Plaintiff's Lost Profits in Japan," *Comparative Patent Remedies*, June 8, 2016. <http://comparativepatentremedies.blogspot.com/2016/06/infringers-profits-as-proxy-for.html>
- 2016c. "Damages for Moral Prejudice in Spain and Elsewhere," *Comparative Patent Remedies*, June 20, 2016. <http://comparativepatentremedies.blogspot.com/2016/06/damages-for-moral-prejudice-in-spain.html>
- 2016d. "CJEU Rules on Recovery of Attorney's Fees and Other Costs," *Comparative Patent Remedies*, Aug. 22, 2016. <http://comparativepatentremedies.blogspot.com/2016/08/cjeu-rules-on-recovery-of-attorneys.html>
- 2016e. "A Couple of Commentaries on Genentech v. Hoechst," *Comparative Patent Remedies*, Nov. 18, 2016. <http://comparativepatentremedies.blogspot.com/2016/11/a-couple-of-commentaries-on-genentech-v.html>
- 2016f. "From Around the Blogs: Lost Profits in China, Accountings of Profits in Canada, and Reasonable Royalties in the U.S.," *Comparative Patent Remedies*, Dec. 15, 2016. <http://comparativepatentremedies.blogspot.com/2016/12/from-around-blogs-lost-profits-in-china.html>
2017. "Stays Pending Design-Around in Germany?," *Comparative Patent Remedies*, Feb. 16, 2017. <http://comparativepatentremedies.blogspot.com/2017/02/stays-pending-design-around-in-germany.html>
2018. "Patent Damages Heuristics," *Texas Intellectual Property Law Journal* 25(2): 159–213.
- Cotter, Thomas F. & John M. Golden. 2018. "Empirical Studies Relating to Patents: Remedies," in Peter S. Menell and David L. Schwartz, eds., *Research Handbook on the Economics of Intellectual Property Law: Analytical Methods*, Cheltenham: Edward Elgar, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2665680](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2665680) (forthcoming).
- Cotter, Thomas F., Erik Hovenkamp & Norman V. Siebrasse. 2019. "Switching Costs, Path Dependence and Patent Holdup," *Washington and Lee Law Review* (forthcoming).
- Cournot, Augustin. 1838. *Researches into the Mathematical Principles of the Theory of Wealth*, Nathaniel T. Bacon trans., New York: Augustus M. Kelley Publishers.
- Covington & Burling LLP. 2015. "China's Draft Patent Law Seeks Five Fold Increase on Damages Cap for Patent Infringement Cases," *Covington Alert*, Dec. 9, 2015. [www.cov.com/-/media/files/corporate/publications/2015/12/chinas\\_draft\\_patent\\_law\\_seeks\\_five\\_fold\\_increase\\_on\\_damages\\_cap\\_for\\_patent\\_infringement\\_cases.pdf](http://www.cov.com/-/media/files/corporate/publications/2015/12/chinas_draft_patent_law_seeks_five_fold_increase_on_damages_cap_for_patent_infringement_cases.pdf)
- Cox, Alan. 2017. "The Limited Role of Analytical Approach to Reasonable Royalty," *Law360*, Apr. 13, 2017.
- Cremers, Katrin, Fabian Gaessler, Dietmar Harhoff, Christian Helmers & Yassine Lefouili. 2016. "Invalid but Infringed? An Analysis of the Bifurcated Patent Litigation System," *Journal of Economic Behavior & Organization* 131(1): 218–42.
- Crowne, Emir. 2015. "Non-Infringing Alternatives Make Their Way into Canadian Law," *Journal of Intellectual Property Law & Practice* 10(12): 889–90.
- Cui, Xiaoguang & Lena (Lanying) Shen. 2016. "China," in Michael C. Elmer & C. Gregory Gramenopoulos, eds., *Global Patent Litigation: How and Where to Win, Second Edition*, Arlington VA: Bloomberg BNA.

- Cui, Yabing. 2018. "Across the Faulty Lines: Chinese Judicial Approaches to Injunctions and SEPs," *China IPR*, Jun. 5, 2018. <https://chinaipr.com/2018/06/05/across-the-faulty-lines-chinese-judicial-approaches-to-injunctions-and-seps/>
- Dasgupta, Partha & Joseph Stiglitz. 1980. "Uncertainty, Industrial Structure, and the Speed of R&D," *Bell Journal of Economics* 11(1): 1–28.
- De Coninck, Raphaël & Elina Koustoumpardi. 2017. "Excessive Pricing Cases in the Pharmaceutical Industry: Economic Considerations and Practical Pitfalls," *Concurrences* 2017(3): 9–16.
- De Werra, Jacques. 2014. "The Expanding Significance of Arbitration for Patent Licensing Disputes: From Post-Termination Disputes to Pre-Licensing FRAND Disputes," *ASA Bulletin* 32(4): 692–706.
- Delrahim, Makan. 2017. "Take It to the Limit: Respecting Innovation Incentives in the Application of Antitrust Law," *Remarks Prepared for Delivery at USC Gould School of Law – Application of Competition Policy to Technology and IP Licensing*, Nov. 10, 2017. [www.justice.gov/opa/speech/assistant-attorney-general-makan-delrahim-delivers-remarks-usc-gould-school-laws-center](http://www.justice.gov/opa/speech/assistant-attorney-general-makan-delrahim-delivers-remarks-usc-gould-school-laws-center)
- Denicolò, Vincenzo, Damien Geradin, Anne Layne-Farrar & A. Jorge Padilla. 2008. "Revisiting Injunctive Relief: Interpreting eBay in High-Tech Industries with Non-Practicing Patent Holders," *Journal of Competition Law & Economics* 4(3): 571–608.
- Di Pietro, Susanne, Teresa W. Carns, & Pamela Kelley. 1995. "Alaska's English Rule: Attorney's Fee Shifting in Civil Cases," *Report to the Alaska Judicial Council*. [www.ajc.state.ak.us/reports/atyfee.pdf](http://www.ajc.state.ak.us/reports/atyfee.pdf)
- Dobbs, Dan B. 1993. *Dobbs Law of Remedies: Second Edition, Volume 1*, St. Paul, MN: West Publishing Co.
- Dumont, Béatrice. 2015. "Does Patent Quality Drive Damages in Patent Lawsuits? Lessons from the French Judicial System," *Review of Law & Economics* 11(2): 355–83.
- Durie, Daralyn J. & Mark A. Lemley. 2010. "A Structured Approach to Calculating Reasonable Royalties," *Lewis & Clark Law Review* 14: 627–50.
- Egan, Edward J. & David J. Teece. 2015. "Untangling the Patent Thicket Literature," *Tusher Center for the Management of Intellectual Capital*, Working Paper No. 7. <http://innovation-archives.berkeley.edu/businessinnovation/documents/Tusher-Center-Working-Paper-7.pdf>
- Eisenberg, Melvin A. 2006. "The Disgorgement Interest in Contract Law," *Michigan Law Review* 105(3): 559–602.
- Elhauge, Einer. 2008. "Do Patent Holdup and Royalty Stacking Lead to Systematically Excessive Royalties?," *Journal of Competition Law & Economics* 4(3): 535–70.
- Elmer, Michael C. & C. Gregory Gramenopoulos. 2016. *Global Patent Litigation: How and Where to Win, Second Edition*, Arlington VA: Bloomberg BNA.
- Emch, Adrian & Jiaming Zhang. 2016. "Chinese Competition Law – The Year 2015 in Review," *Global Competition Litigation Review* 2016(1): 30–37.
- Epstein, Richard A. 1997. "A Clear View of the Cathedral: The Dominance of Property Rules," *Yale Law Journal* 106(7): 2091–2120.
2010. "The Disintegration of Intellectual Property? A Classical Liberal Response to a Premature Obituary," *Stanford Law Review* 62(2): 455–522.
- Epstein, Richard A. & David J. Kappos. 2013. "Legal Remedies for Patent Infringement: From General Principles to FRAND Obligations for Standard Essential Patents," *Competition Policy International* 9(2): 69–89.

- Epstein, Richard A., F. Scott Kieff, & Daniel F. Spulber. 2012. "The FTC, IP, and SSOs: Government Hold-Up Replacing Private Coordination," *Journal of Competition Law & Economics* 8(1): 1–46.
- Epstein, Roy. 2006. "Prejudgment Interest Rates in Patent Cases: Don't Compound an Error," *IPL Newsletter* 24(2): 1–12. [www.royepstein.com/Epstein\\_ipi\\_winter\\_2006.pdf](http://www.royepstein.com/Epstein_ipi_winter_2006.pdf)
- Epstein, Roy J. & Alan J. Marcus. 2003. "Economic Analysis of the Reasonable Royalty: Simplification and Extension of the Georgia-Pacific Factors," *Journal of the Patent and Trademark Office Society* 85(7): 555–81.
- Europe Economics. 2016. *JRC Science for Policy Report: Patent Assertion Entities in Europe: Their Impact on Innovation and Knowledge Transfer in ICT Markets* (Nikolaus Thumm & Garry Gabison eds.), Luxembourg: Publications Office of the European Union. <http://publications.jrc.ec.europa.eu/repository/bitstream/JRC103321/1fna28145enn.pdf>
- Evans, David S. & A. Jorge Padilla. 2005. "Excessive Prices: Using Economics to Define Administrable Legal Rules," *Journal of Competition Law & Economics* 1(1): 97–122.
- Ezrachi, Ariel & David Gilo. 2009. "Are Excessive Prices Really Self-Correcting?," *Journal of Competition Law & Economics* 5(2): 249–68.
- Faigman, David L. & Edward J. Imwinkelreid. 2013. "Wading into the Daubert Tide: *Sargon Enterprises, Inc. v. University of Southern California*," *Hastings Law Journal* 64(6): 1665–96.
- Fairfield Resources International. 2007. *Analysis of Patents Declared as Essential to GSM as of June 6, 2007*. [http://frlicense.com/GSM\\_FINAL.pdf](http://frlicense.com/GSM_FINAL.pdf)
2010. *Review of Patents Declared as Essential to LTE and SAE (4G Wireless Standards) Through June 30, 2009*. [www.frlicense.com/LTE%20Final%20Report.pdf](http://www.frlicense.com/LTE%20Final%20Report.pdf)
- Farrell, Joseph, John Hayes, Carl Shapiro & Theresa Sullivan. 2007. "Standard Setting, Patents, and Hold-Up," *Antitrust Law Journal* 74: 603–70.
- Federal Circuit Bar Association (FCBA). 2016. "Model Patent Jury Instructions." <https://fedcirbar.org/IntegralSource/Model-Patent-Jury-Instructions>
- Federal Trade Commission (FTC). 2003. *To Promote Innovation: The Proper Balance of Competition and Patent Law and Policy*. [www.ftc.gov/reports/promote-innovation-proper-balance-competition-patent-law-policy](http://www.ftc.gov/reports/promote-innovation-proper-balance-competition-patent-law-policy)
2011. *The Evolving IP Marketplace: Aligning Patent Notice and Remedies with Competition*. [www.ftc.gov/reports/evolving-ip-marketplace-aligning-patent-notice-remedies-competition](http://www.ftc.gov/reports/evolving-ip-marketplace-aligning-patent-notice-remedies-competition)
- Fennell, Lee Anne. 2006. "Efficient Trespass: The Case for Bad Faith Adverse Possession," *Northwestern University Law Review* 100(3): 1037–96.
- Fish & Richardson, P.C. 2018. "Prejudgment and Post-Judgment Interest," *Patent Damages Services*. [www.fr.com/services/litigation/patent/patent-damages/prejudgment-and-post-judgment-interest/](http://www.fr.com/services/litigation/patent/patent-damages/prejudgment-and-post-judgment-interest/)
- Flanz, Scott M. 2016. "Octane Fitness: The Shifting of Patent Attorneys' Fees Moves into High Gear," *Stanford Technology Law Review* 19(2): 329–63.
- Flynn, John J. 1968. "Consent Decrees in Antitrust Enforcement: Some Thoughts and Proposals," *Iowa Law Review* 53(5): 983–1019.
- Fournier, Gary M. & Thomas W. Zuehlke. 1989. "Litigation and Settlement: An Empirical Approach," *The Review of Economics and Statistics* 71(2): 189–95.
- Fox, Nicholas, Bas Berghuis, Ina vom Feld & Laura Orlando. 2015. "Accounting for Differences: Damages and Profits in European Patent Infringement," *European Intellectual Property Review* 37(9): 566–74
- Frischmann, Brett M. & Mark A. Lemley. 2007. "Spillovers," *Columbia Law Review* 107: 257–301.

- Furnham, Adrian & Hua Chu Boo. 2011. "A Literature Review of the Anchoring Effect," *The Journal of Socio-Economics* 40(1): 35–42.
- Gal, Michal S. 2013. "Abuse of Dominance – Exploitative Abuses," in Ioannis Lianos & Damien Geradin, eds., *Handbook on European Competition Law: Substantive Aspects*, Northampton, MA: Edward Elgar Publishing, Inc.
- Galetovic, Alexander & Kirti Gupta. 2017. "Royalty Stacking and Standard Essential Patents: Theory and Evidence from the World Mobile Wireless Industry." [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2790347](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2790347)
- Galetovic, Alexander, Stephen Haber & Ross Levine. 2015. "An Empirical Examination of Patent Holdup," *Journal of Competition Law & Economics* 11(3): 549–78.
- Gallini, Nancy T. & Ralph A. Winter. 1985. "Licensing in the Theory of Innovation," *The RAND Journal of Economics* 16(2): 237–52.
- Ganglmair, Bernhard, Luke M. Froeb & Gregory J. Werden. 2012. "Patent Hold-Up and Antitrust: How a Well-Intentioned Rule Could Retard Innovation," *The Journal of Industrial Economics* 60(2): 249–73.
- Gavil, Andrew I. 2012. "Moving Beyond Caricature and Characterization: The Modern Rule of Reason in Practice," *Southern California Law Review* 85(3): 733–82.
- Ge, Yijun (Jill). 2017. "The Beijing IP Court's 50 Million RMB Judgment in WatchData v. Hengbao," *Comparative Patent Remedies*, Jan. 23, 2017. <http://comparativepatentremedies.blogspot.com/2017/01/the-beijing-ip-courts-50-million-rmb.html>
- Geradin, Damien. 2010a. "Reverse Hold-Ups: The (Often Ignored) Risks Faced by Innovators in Standardized Areas," in Konkurrensverket: Swedish Competition Authority, ed., *The Pros and Cons of Standard Setting*, Västerås, Sweden: Edita Västra Aros AB. [www.konkurrensverket.se/globalassets/english/research/read-the-book-14mb.pdf](http://www.konkurrensverket.se/globalassets/english/research/read-the-book-14mb.pdf)
- 2010b. "Reverse Hold-Ups: The (Often Ignored) Risks Faced by Innovators in Standardized Areas," presentation delivered at *The Pros and Cons of Standard Setting 2010* at Konkurrensverket: Swedish Competition Authority, Nov. 12, 2010. [www.konkurrensverket.se/globalassets/english/research/presentation-by-damien-geradin-reverse-hold-ups-theften-ignored-risks-faced-by-innovators-in-standardized-areas.pdf](http://www.konkurrensverket.se/globalassets/english/research/presentation-by-damien-geradin-reverse-hold-ups-theften-ignored-risks-faced-by-innovators-in-standardized-areas.pdf)
2016. "Patent Assertion Entities and EU Competition Law," *George Mason University Law and Economics Research Paper Series* No. 16–08. <https://ssrn.com/abstract=2728686>
- Geradin, Damien & Anne Layne-Farrar. 2007. "The Logic and Limits of Ex Ante Competition in a Standard Setting Environment," *Competition Policy International* 3(1): 79–106.
2010. "Patent Value Apportionment Rules for Complex Multi-Patent Products," *Santa Clara High Technology Law Journal* 27(4): 763–92.
- Geradin, Damien, Anne Layne-Farrar & Jorge Padilla. 2008. "The Complements Problem Within Standard Setting: Assessing the Evidence on Royalty Stacking," *Boston University Journal of Science & Technology Law* 14(2): 144–76.
- Gergen, Mark P., John M. Golden & Henry E. Smith. 2012. "The Supreme Court's Accidental Revolution – The Test for Permanent Injunctions," *Columbia Law Review* 112(2): 203–249.
- Gilbert, Richard J. 2011. "Deal or No Deal? Licensing Negotiations in Standard-Setting Organizations," *Antitrust Law Journal* 77: 855–88.
- Gilbert, Richard J. & Carl Shapiro. 1997. "Antitrust Issues in the Licensing of Intellectual Property: The Nine No-No's Meet the Nineties," *Brookings Papers on Economic Activity: Microeconomics* 1997: 283–349.
- Glänzel, Wolfgang & Martin Meyer. 2003. "Patents Cited in the Scientific Literature: An Exploratory Study of 'Reverse' Citation Relations," *Scientometrics* 58(2): 415–28.

- Golden, John M. 2007. "Commentary, 'Patent Trolls' and Patent Remedies," *Texas Law Review* 85(7): 2111–61.
2010. "Principles for Patent Remedies," *Texas Law Review* 88(3): 505–92.
2012. "Injunctions as More (or Less) than off Switches: Patent-Infringement Injunctions' Scope," *Texas Law Review* 90(6): 1399–1472.
2017. "Reasonable Certainty in Contract and Patent Damages," *Harvard Journal of Law & Technology* 30: 257–78.
- Golden, John M. & Karen E. Sandrik. 2017. "A Restitution Perspective on Reasonable Royalties," *The Review of Litigation* 36(2): 335–77.
- Goldscheider, Robert, John Jarosz & Carla Mulhern. 2002. "Use of The 25 Per Cent Rule in Valuing IP," *les Nouvelles* 37: 123–33.
- Gooding, Martha K. 2012. "Analyzing the 'Analytic Method' of Calculating Reasonable Royalty Patent Damages," *Patent, Trademark & Copyright Law Daily* (Bloomberg BNA), May 14, 2012.
2014. "Reasonable Royalty Patent Damages: A Proper Reading of the Book of Wisdom," *Patent, Trademark & Copyright Law Daily* (Bloomberg BNA), Apr. 21, 2014.
- Goodman, David J. & Robert A. Myers. 2005. "3D Cellular Standards and Patents," 2005 *International Conference on Wireless Networks, Communications and Mobile Computing*. <https://doi.org/10.1109/WIRLES.2005.1549445>
- Grabinski, Klaus. 2009. "Gewinnherausgabe nach Patentverletzung: Zur gerichtlichen Praxis acht Jahre nach dem „Gemeinkostenanteil“ Urteil des BGH," *Gewerblicher Rechtsschutz und Urheberrecht* 3–4: 260–65.
- Greene, Edie & Brian H. Bornstein. 2003. *Determining Damages: The Psychology of Jury Awards*, Washington, D.C.: American Psychological Association.
- Grosskopf, Ofer & Barak Medina. 2009. "Remedies for Wrongfully-Issued Preliminary Injunctions: The Case for Disgorgement of Profits," *Seattle University Law Review* 32 (4): 903–42.
- Guangdong High People's Court. 2018. *Trial Adjudication Guidance for Standard Essential Patent Dispute Cases*. [www.iprdaily.cn/article\\_18855.html](http://www.iprdaily.cn/article_18855.html)
- Gupta, Kirti & Jay P. Kesan. 2016. "Studying the Impact of eBay on Injunctive Relief in Patent Cases," *University of Illinois College of Law Legal Studies Research Paper No. 17–03*: 1–45. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2816701](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2816701)
- Gutowski, Maciej. 2016. *Kodeks Cywilny, Tom I: Komentarz – Art. 1–449<sup>11</sup>*, Warsaw: C.H. Beck.
- Hall, Bronwyn H. & Dietmar Harhoff. 2012. "Recent Research on the Economics of Patents," *Annual Review of Economics* 4: 541–65.
- Harkrider, John D. 2013. "Seeing the Forest Through the SEPs," *Antitrust* 27(3): 22–29.
- Hastie, Reid, David A. Schkade & John W. Payne. 1999. "Juror Judgments in Civil Cases: Effects of Plaintiff's Requests and Plaintiff's Identity on Punitive Damage Awards," *Law & Human Behavior* 23(4): 445–70.
- Heald, Paul J. 2008. "Optimal Remedies for Patent Infringement: A Transactional Model," *Houston Law Review* 45(4): 1165–1200.
- Heath, Christopher. 2008. "Wrongful Patent Enforcement: Threats and Post-Infringement Invalidity in Comparative Perspective," *International Review of Intellectual Property and Competition Law* 39(3): 307–22.
2015. *Patent Enforcement Worldwide: Writings in Honour of Dieter Stauder, Third Edition*, Portland, OR: Hart Publishing.

- Helmers, Christian, Yassine Lefouili, Brian Love, & Luke McDonagh. 2018. "Incentives to Litigate: Evidence from a Court Reform in the UK," *Working Paper* (On file with authors).
- Helmers, Christian, Brian Love, & Luke McDonagh. 2014. "Is There a Patent Troll Problem in the U.K.?" *Fordham Intellectual Property, Media & Entertainment Law Journal* 24(2): 509–54.
- Henrich, Joseph. 2015. *The Secret of Our Success: How Culture Is Driving Human Evolution, Domesticating Our Species, and Making Us Smarter*, Princeton, NJ: Princeton University Press.
- Hesse, Renata & Frances Marshall. 2017. "U.S. Antitrust Aspects of FRAND Disputes," in Jorge L. Contreras, ed., *The Cambridge Handbook of Technical Standardization Law*, Cambridge: Cambridge University Press.
- Holte, Ryan T. & Christopher B. Seaman. 2017. "Patent Injunctions on Appeal: An Empirical Study of the Federal Circuit's Application of *Ebay*," *Washington Law Review* 92(1): 145–212.
- Hoshi, Katsuhiko. 1998. "Research and Study on the Way of Damages Compensation and Penal Regulations in Cases of Intellectual Properties Infringement," *Institute of Intellectual Property Bulletin* 7: 1–15.
- Hovenkamp, Erik & Thomas F. Cotter. 2016. "Anticompetitive Patent Injunctions," *Minnesota Law Review* 100(3): 871–920.
- Hovenkamp, Erik & Jonathan S. Masur. 2017. "How Patent Damages Skew Licensing Markets," *The Review of Litigation* 36(2): 379–416.
- Howard, Brian C. & Jason Maples. 2017. "Lex Machina Patent Litigation Year in Review 2016," Menlo Park, CA: Lex Machina.
- Hu, Jingjing. 2016. "Determining Damages for Patent Infringement in China," *International Review of Intellectual Property & Competition Law* 47(1): 5–27.
- Hughes, James W. & Edward A. Snyder. 1995. "Litigation and Settlement Under the English and American Rules: Theory and Evidence," *Journal of Law & Economics* 38(1): 225–50.
- Inglis, Laura, Kevin McCabe, Steve Rassenti, Daniel Simmons, & Erik Tallroth. 2005. "Experiments on the Effects of Cost Shifting, Court Costs, and Discovery on the Efficient Settlement of Tort Claims," *Florida State University Law Review* 33(1): 89–117.
- Isenbergh, Maxwell S. & Seymour J. Rubin. 1940. "Antitrust Enforcement Through Consent Decrees," *Harvard Law Review* 53(3): 386–414.
- Janicke, Paul M. 1993. "Contemporary Issues in Patent Damages," *American University Law Review* 42: 691–736.
- Jarosz, John C. & Michael J. Chapman. 2013. "The Hypothetical Negotiation and Reasonable Royalty Damages: The Tail Wagging the Dog," *Stanford Technology Law Review* 16: 769–830.
- Jiam, Hannah. 2015. "Fee-Shifting and Octane Fitness: An Empirical Approach Toward Understanding 'Exceptional'," *Berkeley Technology Law Journal* 30 (Annual Review 2015): 611–74.
- Jones, Alison. 2014. "Standard-Essential Patents: Frand Commitments, Injunctions and the Smartphone Wars," *European Competition Journal* 10(1): 1–36.
- Jones, Alison & Christopher Stothers. 2018. "Establishing Unfairly High Prices: The Implications of the CAT's Judgment in Flynn and Pfizer v Competition and Market Authority," *Bio-Science Law Review* 17(1): 19–26.

- Kamlah, Dietrich. 2014. "Legal Consequences of Patent Infringement," in Maximilian Haedicke & Henrik Timmann, eds., *Patent Law: A Handbook on European and German Patent Law*, Munich: C.H. Beck oHG.
- Kapczynski, Amy. 2009. "Harmonization and Its Discontents: A Case Study of TRIPS Implementation in India's Pharmaceutical Sector," *California Law Review* 97(6): 1571–1650.
- Kaplow, Louis & Steven Shavell. 1996. "Property Rules v. Liability Rules: An Economic Analysis," *Harvard Law Review* 109(4): 713–90.
- Kattan, Joseph. 2013. "FRAND Wars and Section 2," *Antitrust* 27(3): 30–35.
- Kattan, Joseph & Chris Wood. 2013. "Standard-Essential Patents and the Problem of Hold-Up," in Nicolas Carbit & Elisa Ramundo, eds., *William E. Kovacic – An Antitrust Tribute: Liber Amicorum – Volume II*, New York: Institute of Competition Law.
- Kelley, Anne. 2011. "Practicing in the Patent Marketplace," *University of Chicago Law Review* 78(1): 115–38.
- Keukenschrijver, Alfred. 2016. "Unterlassungsanspruch; Schadensersatz," in Rudolf Busse & Alfred Keukenschrijver, eds., *Patentgesetz*, Berlin: de Gruyter.
- Keyhani, Dariush. 2008. "Permanent Injunctions in Patent Cases," *Buffalo Intellectual Property Law Journal* 6(1): 1–12.
- Khan, Lina M. 2017. "Amazon's Antitrust Paradox," *Yale Law Journal* 126(3): 710–805.
- Kidd, George David. 2014. "Accuracy or Efficiency: Has Grain Processing Made a Difference?," *Minnesota Journal of Law, Science & Technology* 15(1): 653–88.
- Kieff, F. Scott & Anne Layne-Farrar. 2013. "Incentive Effects from Different Approaches to Holdup Mitigation Surrounding Patent Remedies and Standard-Setting Organizations," *Journal of Competition Law & Economics* 9(4): 1091–1123.
- Kim, Byungil. 2015. "Patent Enforcement in China," in Christopher Heath, ed., *Patent Enforcement Worldwide: Writings in Honour of Dieter Stauder, Third Edition*, Portland, OR: Hart Publishing.
- Kim, Jay J., Duck Soon Chang, Tae-Jun Suh, & Cy C. Kim. 2016. "South Korea," in Michael C. Elmer & C. Gregory Gramenopoulos, eds., *Global Patent Litigation: How and Where to Win, Second Edition*, Arlington VA: Bloomberg BNA.
- Kitch, Edmund W. 1977. "The Nature and Function of the Patent System," *Journal of Law & Economics* 20(2): 265–90.
- Kobayashi, Bruce H. & Joshua D. Wright. 2009. "Federalism, Substantive Preemption, and Limits on Antitrust: An Application to Patent Holdup," *Journal of Competition Law & Economics* 5(3): 469–516.
2012. "The Limits of Antitrust and Patent Holdup: A Reply to Cary et al.," *Antitrust Law Journal* 78(2): 505–26.
- Kritzer, Herbert M. 2002. "Lawyer Fees and Lawyer Behavior in Litigation: What Does the Empirical Literature Really Say?," *Texas Law Review* 80(7): 1943–83.
- Kühnen, Thomas. 2015. *Patent Litigation Proceedings in Germany: A Handbook for Practitioners*, Cologne, Ger.: Carl Heymanns Verlag.
2017. *Handbuch der Patentverletzung*, Cologne, Ger.: Carl Heymanns Verlag.
- La Belle, Megan M. 2012. "Patent Law as Public Law," *George Mason Law Review* 20(1): 41–104.
- Landes, William M. & Richard A. Posner. 1983. "Causation in Tort Law: An Economic Approach," *Journal of Legal Studies* 12(1): 109–34.
- Langus, Gregor, Vilen Lipatov & Damien Neven. 2013. "Standard-Essential Patents: Who Is Really Holding up (And When)?" *Journal of Competition Law & Economics* 9(2): 253–84.

- Larouche, Pierre & Nicolò Zingales. 2017. "Injunctive Relief in FRAND Disputes in the EU – Intellectual Property and Competition Law at the Remedies Stage," *Tilburg Law School Legal Studies Research Paper Series No. 01/2017*. <https://ssrn.com/abstract=2909708>
- Laycock, Douglas. 1991. *The Death of the Irreparable Injury Rule*, New York: Oxford University Press.
2002. *Modern American Remedies: Cases and Materials*, New York: Aspen Law & Business.
- Layne-Farrar, Anne. 2014. "Moving Past the SEP RAND Obsession: Some Thoughts on the Economic Implications of Unilateral Commitments and the Complexities of Patent Licensing," *George Mason Law Review* 21: 1093–1110.
2017. "The Patent Damages Gap: An Economist's Review of U.S. Patent Damages Apportionment Rules," Working Paper (Apr. 8, 2017). [http://papers.ssrn.com/abstract\\_id=2911289](http://papers.ssrn.com/abstract_id=2911289)
- Layne-Farrar, Anne, Gerard Llobet & A. Jorge Padilla. 2009. "Preventing Patent Holdup: An Economic Assessment of Ex Ante Licensing Negotiations in Standard Setting," *AIPLA Quarterly Journal* 37(4): 445–78.
2014. "Payments and Participation: The Incentives to Join Cooperative Standard Setting Efforts," *Journal of Economics & Management Strategy* 23(1): 24–49.
- Layne-Farrar, Anne, A. Jorge Padilla & Richard Schmalensee. 2007. "Pricing Patents for Licensing in Standard-Setting Organizations: Making Sense of FRAND Commitments," *Antitrust Law Journal* 74(3): 671–706.
- Layne-Farrar, Anne & Klaus M. Schmidt. 2010. "Licensing Complementary Patents: Patent Trolls, Market Structure, and Excessive Royalties," *Berkeley Technology Law Journal* 25 (2): 1121–44.
- Lee, William F. & A. Douglas Melamed. 2016. "Breaking the Vicious Cycle of Patent Damages," *Cornell Law Review* 101: 385–466.
- Lemley, Mark A. 2005. "Property, Intellectual Property, and Free Riding," *Texas Law Review* 83: 1031–75.
2007. "Ten Things to Do About Patent Holdup of Standards (and One Not to)," *Boston College Law Review* 48(1): 149–68.
2009. "Distinguishing Lost Profits from Reasonable Royalties," *William & Mary Law Review* 51(2): 655–74.
2011. "The Ongoing Confusion over Ongoing Royalties," *Missouri Law Review* 76(3): 695–707.
2013. "A Rational System of Design Patent Remedies," *Stanford Technology Law Review* 17: 219–38.
- Lemley, Mark A. & Nathan Myhrvold. 2007. "How to Make a Patent Market," *Hofstra Law Review* 36(2): 257–60.
- Lemley, Mark A. & Carl Shapiro. 2005. "Probabilistic Patents," *Journal of Economic Perspectives* 19(2): 75–98.
- 2007a. "Patent Holdup and Royalty Stacking," *Texas Law Review* 85(7): 1991–2049.
- 2007b. "Patent Hold-Up and Royalty Stacking: Reply," *Texas Law Review* 85(7): 2163–74.
- Lemley, Mark A. & Philip J. Weiser. 2007. "Should Property or Liability Rules Govern Information," *Texas Law Review* 85(4): 783–842.
- Léonard, Amandine. 2016. "'Abuse of Rights' in Belgian and French Patent Law – A Case Law Analysis," *Journal of Intellectual Property, Information Technology and Electronic Commerce Law* 7(1): 1–21.
2017. "L'abus de droit dans le contentieux des brevets – Entre divergences nationales et vœu d'harmonisation de la juridiction unifiée du brevet – une piste à suivre?," *Propriété Industrielle* 2017(1): Etude 2.

- Leubsdorf, John. 1978. "The Standard for Preliminary Injunctions," *Harvard Law Review* 91 (3): 525–66.
- Li, Xiaowu & Don Wang. 2017. "Chinese Patent Law's Statutory Damages Provision: The One Size That Fits None," *Washington International Law Journal* 26(2): 209–46.
- Lichtman, Douglas. 2003. "Uncertainty and the Standard for Preliminary Relief," *University of Chicago Law Review* 70(1): 197–214.
- Lohr, Steve. 2010. "Smartphone Patent Suits Challenge Big Makers," *The New York Times*, July 9, 2010. [www.nytimes.com/2010/07/09/technology/09patent.html](http://www.nytimes.com/2010/07/09/technology/09patent.html)
- Love, Brian J. 2007. "Patentee Overcompensation and the Entire Market Value Rule," *Stanford Law Review* 60(1): 263–94.
2009. "The Misuse of Reasonable Royalty Damages as a Patent Infringement Deterrent," *Missouri Law Review* 74(4): 909–48.
- Love, Brian J., Christian Helmers & Markus Eberhardt. 2016. "Patent Litigation in China: Protecting Rights or the Local Economy," *Vanderbilt Journal of Entertainment & Technology Law* 18(4): 713–42.
- Love, Brian J., Christian Helmers, Fabian Gaessler, & Maximilian Ernicke. 2017. "Patent Assertion Entities in Europe," in D. Daniel Sokol, ed., *Patent Assertion Entities and Competition Policy*, New York: Cambridge University Press.
- Love, Brian J. & James C. Yoon. 2013. "Expanding Patent Law's Customer Suit Exception," *Boston University Law Review* 93(5): 1605–41.
- Lundqvist, Björn. 2014. *Standardization Under EU Competition Rules and US Antitrust Laws*, Northampton, MA: Edward Elgar Publishing, Inc.
- Mace, Andrew C. 2009. "TRIPS, eBay, and Denials of Injunctive Relief: Is Article 31 Compliance Everything?," *Columbia Science and Technology Law Review* 10: 232–66.
- Malbon, Justin, Charles Lawson & Mark Davison. 2014. *The WTO Agreement on Trade-Related Aspects of Intellectual Property Rights: A Commentary*, Northampton, MA: Edward Elgar Publishing, Inc.
- Manta, Irina D. 2011. "The Puzzle of Criminal Sanctions for Intellectual Property Infringement," *Harvard Journal of Law & Technology* 24(2): 469–518.
- Marchese, Christopher S. 1994. "Patent Infringement and Future Lost Profits Damages," *Arizona State Law Journal* 26(3): 747–95.
- Marcus, Philip. 1945. "Patents, Antitrust Law and Antitrust Judgments Through *Hartford-Empire*," *Georgetown Law Journal* 34(1): 1–63.
- Mariniello, Mario. 2011. "Fair, Reasonable and Non-Discriminatory (FRAND) Terms: A Challenge for Competition Authorities," *Journal of Competition Law & Economics* 7 (3): 523–41.
- Masten, Scott E., ed. 1996. *Case Studies in Contracting and Organization*, New York: Oxford University Press.
- Masur, Jonathan S. 2015. "The Use and Misuse of Patent Licenses," *Northwestern University Law Review* 110: 115–57.
- Matsunaka, Masahiko. 2004. "FY 2003 Study Report on the Japanese Economic Structure from a Competition Policy Perspective—Court Judgments Concerning Calculation of the Amount of Damages in Intellectual Property Infringement Litigation," *Institute of Intellectual Property Bulletin* 13: 168–77.
- McGowan, David. 2010. "Irreparable Harm," *Lewis & Clark Law Review* 14: 577–96.
- McManis, Charles R. & Jorge L. Contreras. 2014. "Compulsory Licensing of Intellectual Property: A Viable Policy Lever for Promoting Access to Critical Technologies?," in Gustavo Ghidini, Rudolph J. R. Peritz & Marco Ricolfi, eds., *TRIPS and Developing*

- Countries: Towards a New IP World Order?*, Northampton, MA: Edward Elgar Publishing, Inc.
- Means, Samuel Chase. 2013. "The Trouble with Treble Damages: Ditching Patent Law's Willful Infringement Doctrine and Enhanced Damages," *University of Illinois Law Review* 2013(5): 1999–2046.
- Melullis, Klaus-J. 2008. "Zur Ermittlung und zum Ausgleich des Schadens bei Patentverletzungen," *Gewerblicher Rechtsschutz und Urheberrecht Internationaler Teil* 8–9: 679–85.
- Merges, Robert P. 1994. "Of Property Rules, Coase, and Intellectual Property," *Columbia Law Review* 94(8): 2655–73.
- Mes, Peter. 2015. *Patentgesetz, Gebrauchsmustergesetz: Kommentar*, Munich: C.H. Beck.
- Michel, Hon. Paul R., ed. 2010. *Compensatory Damages Issues in Patent Infringement Cases: A Handbook for Federal District Court Judges*. [www.law.berkeley.edu/files/bclt\\_PatentDamages\\_Ed.pdf](http://www.law.berkeley.edu/files/bclt_PatentDamages_Ed.pdf)
- Montañá, Miquel. 2013. "Court Sheds Light on Damages Caused by Preliminary Injunctions," *Kluwer Patent Blog*, May 17, 2013. <http://patentblog.kluweriplaw.com/2013/05/17/court-sheds-light-on-damages-caused-by-preliminary-injunctions/>
- Morton, Fiona Scott & Carl Shapiro. 2016. "Patent Assertions: Are We Any Closer to Aligning Reward to Contribution?" *Innovation Policy and the Economy* 16(1): 89–133.
- Mueller, Christopher B. & Laird C. Kirkpatrick. 1999. "§ 3.5 — Underlying Reasons and Examples," *Evidence*, New York: Aspen Law & Business.
- Mulligan, Christina & Timothy B. Lee. 2012. "Scaling the Patent System," *NYU Annual Survey of American Law* 68(2): 289–318.
- Nagakoshi, Yuzuki & Katsuya Tamai. 2016. "Japan Without FRANDS? Recent Developments on Injunctions and FRAND-Encumbered Patents in Japan," *AIPLA Quarterly Journal* 44 (2): 243–93.
- Nakamura, Nodoka. 2014. "Recent Trends in Court Judgments Concerning Damages in Japanese Patent Infringement Litigations," *A.I.P.P.I. — Japan* 39: 389–410.
- Narechania, Tejas N. & Jackson Taylor Kirklín. 2012. "An Unsettling Development: The Use of Settlement-Related Evidence for Damages Determinations in Patent Litigation," *University of Illinois Journal of Law, Technology & Policy* 2012(1): 1–44.
- Nash, John F. 1950. "The Bargaining Problem," *Econometrica* 18(2): 155–62.
- Nazzini, Renato. 2011. *The Foundations of European Union Competition Law: The Objective and Principles of Article 102*, New York: Oxford University Press.
2017. "Level Discrimination and FRAND Commitments Under EU Competition Law," *World Competition* 40(2): 213–39.
- Nicholson, Walter & Christopher Snyder. 2008. *Microeconomic Theory: Basic Principles and Extensions, Tenth Edition*, Mason, OH: Thomson South-Western.
- Noguchi, Yuki. 2005. "Government Enters Fray over BlackBerry Patents," *The Washington Post*, Nov. 12, 2005. [www.washingtonpost.com/wp-dyn/content/article/2005/11/11/AR2005111101789.html](http://www.washingtonpost.com/wp-dyn/content/article/2005/11/11/AR2005111101789.html)
- Noll, Roger G. 2005. "'Buyer Power' and Economic Policy," *Antitrust Law Journal* 72(2): 589–624.
- O'Donoghue, Robert & A. Jorge Padilla. 2013. *The Law and Economics of Article 102 TFEU, Second Edition*, Oxford: Hart Publishing.
- Ohly, Ansgar. 2009. "Three Principles of European IP Enforcement Law: Effectiveness, Proportionality, Dissuasiveness," in Josef Drexl, Reto M. Hilty, Laurence Boy, Christine Godt & Bernard Rémiche, eds., *Technology and Competition: Contributions in Honour of Hanns Ullrich*, Brussels: Larcier.

- Oppenheimer, Max Stul. 2015. "Rethinking Compact Prosecution," *Albany Law Journal of Science & Technology* 25(2): 257–88.
- Osterrieth, Christian. 2015. "Patent Enforcement in Germany," in Christopher Heath, ed., *Patent Enforcement Worldwide: Writings in Honour of Dieter Stauder, Third Edition*, Portland, OR: Hart Publishing.
- Ouellette, Lisa Larrimore. 2017. "Who Reads Patents?," *Nature Biotechnology* 35(5): 421–24.
- Padilla, A. Jorge & Koren W. Wong-Ervin. 2017. "Portfolio Licensing to Makers of Downstream End-User Devices: Analyzing Refusals to License FRAND-Assured Standard-Essential Patents at the Component Level," *Antitrust Bulletin* 62(3): 494–513.
- Page, William H. 2014. "Judging Monopolistic Pricing: F/RAND and Antitrust Injury," *Texas Intellectual Property Law Journal* 22: 181–208.
- Parr, Russell L. & Gordon V. Smith. 2005. *Intellectual Property: Valuation, Exploitation, and Infringement Damages*, Hoboken, NJ: John Wiley & Sons, Inc.
- Patterson, Mark R. 2003. "Antitrust and the Costs of Standard-Setting: A Commentary on Teece & Sherry," *Minnesota Law Review* 87(6): 1995–2018.
- Patloch, Thomas. 2015. "Patent Enforcement in China," in Christopher Heath, ed., *Patent Enforcement Worldwide: Writings in Honour of Dieter Stauder, Third Edition*, Portland, OR: Hart Publishing.
- Pedigo, Mark. 2017. "Determining Reasonable Royalties with Analytical Approach," *Law360*, Mar. 3, 2017.
- Pentheroudakis, Chrysoula & Justus A. Baron. 2017. *JRC Science for Policy Report: Licensing Terms of Standard Essential Patents: A Comprehensive Analysis of Cases* (Nikolaus Thumm ed.), Luxembourg: Publications Office of the European Union. <http://publications.jrc.ec.europa.eu/repository/bitstream/JRC104068/jrc104068%20online.pdf>
- Petit, Nicolas. 2016. "The Smallest Saleable Patent-Practicing Unit (SSPU) Experiment: General Purpose Technologies and the Coase Theorem," Working Paper (Feb. 18, 2016). [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2734245](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2734245)
2017. "EU Competition Law Analysis of FRAND Disputes," in Jorge L. Contreras, ed., *The Cambridge Handbook of Technical Standardization Law*, Cambridge: Cambridge University Press.
- Petrović, Urška. 2013. "Patent Hold-Up and the Limits of Competition Law: A Trans-Atlantic Perspective," *Common Market Law Review* 50(5): 1363–86.
- Pfenningstorf, Werner. 1984. "The European Experience with Attorney Fee Shifting," *Law and Contemporary Problems* 47(1): 37–124.
- Picht, Peter Georg. 2018. "FRAND Wars 2.0: Survey of Court Decisions in the Aftermath of Huawei/ZTE," *Wettbewerb in Recht und Praxis* (Forthcoming). <https://ssrn.com/abstract=2916544>
- Pindyck, Robert S. & Daniel L. Rubinfeld. 2013. *Microeconomics, Eighth Edition*, Boston: Pearson Education, Inc.
- Pitz, Johann & Gerhard Hermann. 2007. "Germany: Enforcement of IP Rights by the National Courts," in *IP Value 2007: Building and Enforcing Intellectual Property Value*, London: Globe White Page Ltd.
- Platt, S. Christian & Bob Chen. 2013. "Recent Trends and Approaches in Calculating Patent Damages: Nash Bargaining Solution and Conjoint Surveys," *Patent, Trademark & Copyright Law Daily* (Bloomberg BNA), Aug. 30, 2013.
- Polinsky, A. Mitchell & Daniel L. Rubinfeld. 1998. "Does the English Rule Discourage Low-Probability-of-Prevailing Plaintiffs?," *Journal of Legal Studies* 27(1): 141–57.
- Polinsky, A. Mitchell & Steven Shavell. 1998. "Punitive Damages: an Economic Analysis," *Harvard Law Review* 111(4): 869–962.

- Posner, Richard A. 1999. "An Economic Approach to the Law of Evidence," *Stanford Law Review* 51: 1477–1546.
- Posner, Eric A. & Cass R. Sunstein. 2005. "Dollars and Death," *University of Chicago Law Review* 72(2): 537–98.
- Rabowsky, Brento 1996. "Recovery of Lost Profits on Unpatented Products in Patent Infringement Cases," *Southern California Law Review* 70(1): 281–336.
- Rachlinski, Jeffery J., Andrew J. Wistrich & Chris Guthrie. 2015. "Can Judges Make Reliable Numeric Judgments? Distorted Damages and Skewed Sentences," *Indiana Law Journal* 90(2): 695–739.
- Ratliff, James & Daniel L. Rubinfeld. 2013. "The Use and Threat of Injunctions in the RAND Context," *Journal of Competition Law & Economics* 9(1): 1–22.
- Régibeau, Pierre, Raphaël De Coninck & Hanz Zengler. 2016. *Transparency, Predictability, and Efficiency of SSO-Based Standardization and SEP Licensing: A Report for the European Commission*, European Union.
- Rennie, Douglas C. 2012. "Rule 82 and Tort Reform: An Empirical Study of the Impact of Alaska's English Rule on Federal Civil Case Filings," *Alaska Law Review* 29(1): 1–50.
- Rennie-Smith, Christopher. 2015. "Patent Enforcement in the United Kingdom," in Christopher Heath, ed., *Patent Enforcement Worldwide: Writings in Honour of Dieter Staude, Third Edition*, Portland, OR: Hart Publishing.
- République Française, Ministère du Redressement Productifs. 2014. "Étude Comparée sur les Dommages et Intérêts Alloués dans le Cadre des Actions en Contrefaçon en France, Au Royaume-Uni et en Allemagne."
- Risch, Michael. 2018. "(Un)reasonable Royalties," *Boston University Law Review* 98(1): 187–261.
- Roberts, Caprice L. 2010. "The Case for Restitution and Unjust Enrichment Remedies in Patent Law," *Lewis & Clark Law Review* 14(2): 653–85.
- Robinson, William C. 1890. *Law of Patents for Useful Inventions* 3, Boston: Little Brown.
- Romet, Isabelle, Amandine Métier & Dora Talvard. 2015. "Patent Enforcement in France," in Christopher Heath, ed., *Patent Enforcement Worldwide: Writings in Honour of Dieter Staude, Third Edition*, Portland, OR: Hart Publishing.
- Rooklidge, William. 2014. "Infringer's Profits Redux: The Analytical Method of Determining Patent Infringement Reasonable Royalty Damages," *Patent, Trademark & Copyright Law Daily* (Bloomberg BNA), Nov. 5, 2014.
- Rubinstein, Ariel. 1982. "Perfect Equilibrium in a Bargaining Model," *Econometrica* 50(1): 97–109.
- Scherer, F. M. 1980. *Industrial Market Structure and Economic Performance: Second Edition*, Chicago: Rand McNally College Publishing Company.
- Schindler, Jacob. 2018. "Huawei Scores SEP Injunction in Shenzhen Suit Against Samsung Electronics," *IAM Blog*, Jan. 11, 2018. [www.iam-media.com/blog/Detail.aspx?g=6cc258a9-cc70-4f88-858b-228c05981776](http://www.iam-media.com/blog/Detail.aspx?g=6cc258a9-cc70-4f88-858b-228c05981776)
- Schlicher, John W. 2009. "Patent Damages, the Patent Reform Act, and Better Alternatives for the Courts and Congress," *Journal of the Patent and Trademark Office Society* 91: 21–76.
- Schoenhard, Paul M. 2008. "Who Took My IP – Defending the Availability of Injunctive Relief for Patent Owners," *Texas Intellectual Property Law Journal* 16(2): 187–236.
- Schönknecht, Markus. 2012. "Determination of Patent Damages in Germany," *International Review of Intellectual Property & Competition Law* 43(3): 309–32.
- Scotchmer, Suzanne. 1991. "Standing on the Shoulders of Giants: Cumulative Research and the Patent Law," *Journal of Economic Perspectives* 5(1): 29–41.

- Seaman, Christopher B. 2010. "Reconsidering the Georgia-Pacific Standard for Reasonable Royalty Patent Damages," *Brigham Young University Law Review* 2010(5): 1661–1727.
2012. "Willful Patent Infringement and Enhanced Damages after *In re Seagate*: An Empirical Study," *Iowa Law Review* 97(2): 417–71.
2015. "Ongoing Royalties in Patent Cases after eBay: An Empirical Assessment and Proposed Framework," *Texas Intellectual Property Law Journal* 23(3): 203–50.
2016. "Permanent Injunctions in Patent Litigation after eBay: An Empirical Study," *Iowa Law Review* 101(5): 1949–2019.
- Second Subcommittee of the Second Patent Committee. 2014. "Predictability of Monetary Damages under Article 102(3) of the Japanese Patent Law," *Intellectual Property Management* 64: 219–235 (in Japanese).
- Sedona Conference. 2014. "Commentary on Patent Damages and Remedies: A Project of the Sedona Conference Working Group on Patent Damages and Remedies (WG9), Public Comment Version." <https://thesedonaconference.org/download-publication?fid=3282>
2016. "Commentary on Patent Reasonable Royalty Determinations: A Project of the Sedona Conference Working Group on Patent Damages and Remedies (WG9), December 2016 Edition." <https://thesedonaconference.org/download-publication?fid=571>
- Sganga, Caterina & Silvia Scalzini. 2017. "From Abuse of Right to European Copyright Misuse: A New Doctrine for EU Copyright Law," *International Review of Intellectual Property and Competition Law* 48(4): 405–35.
- Shapiro, Carl. 2006. "Prior User Rights," *American Economic Review* 96(2): 92–96.
2007. "Patent Reform: Aligning Reward and Contribution," *Innovation Policy and the Economy* 8: 111–56.
2010. "Injunctions, Hold-Up, and Patent Royalties," *American Law & Economics Review* 12(2): 280–318.
2016. "Property Rules vs. Liability Rules for Patent Infringement." [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2775307](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2775307)
- Shavell, Steven. 1980. "An Analysis of Causation and the Scope of Liability in the Law of Torts," *Journal of Legal Studies* 9(3): 463–516.
- Shavell, Steven & Tanguy van Ypersele. 2001. "Rewards Versus Intellectual Property Rights," *Journal of Law & Economics* 44(2): 525–48.
- Shen, David & Jill Ge. 2017. "IWNCOMM v. Sony: First SEP-Based Injunction Granted in China," *Allen & Overy*, Apr. 10, 2017. [www.allenoverly.com/publications/en-gb/Pages/Iwncomm-v-Sony-first-SEP-based-injunction-granted-in-China.aspx](http://www.allenoverly.com/publications/en-gb/Pages/Iwncomm-v-Sony-first-SEP-based-injunction-granted-in-China.aspx)
- Sichelman, Ted. 2014. "Purging Patent Law of 'Private Law' Remedies," *Texas Law Review* 92(3): 517–72.
2018. "Innovation Factors for Reasonable Royalties," *Texas Intellectual Property Law Journal* 25(2): 277–325.
- Sidak, J. Gregory. 2008. "Holdup, Royalty Stacking, and the Presumption of Injunctive Relief for Patent Infringement: A Reply to Lemley and Shapiro," *Minnesota Law Review* 92(3): 714–48.
2009. "Patent Holdup and Oligopsonistic Collusion in Standard-Setting Organizations," *Journal of Competition Law & Economics* 5(1): 123–88.
2014. "The Proper Royalty Base for Patent Damages," *Journal of Competition Law & Economics* 10(4): 989–1037.
- 2016a. "Apportionment, FRAND Royalties, and Comparable Licenses After *Ericsson v. D-Link*," *University of Illinois Law Review* 2016(4): 1809–70.
- 2016b. "Enhanced Damages for Infringement of Standard-Essential Patents," *The Criterion Journal on Innovation* 2016(1): 1101–13.

2017. "FRAND in India," in Jorge L. Contreras, ed., *The Cambridge Handbook of Technical Standardization Law*, Cambridge: Cambridge University Press.
- Sidak, J. Gregory & Jeremy O. Skog. 2016. "Using Conjoint Analysis to Apportion Patent Damages," *Federal Circuit Bar Journal* 25: 581–620.
- Siebrasse, Norman V. 2001. "A Property Rights Theory of the Limits of Copyright," *University of Toronto Law Journal* 51(1): 1–62.
2013. "Opening the Door to Punitive Damages in Patent Law?," *Sufficient Description: Observations on Canadian Patent Cases*, Oct. 4, 2013. [www.sufficientdescription.com/2013/10/opening-door-to-punitive-damages-in.html](http://www.sufficientdescription.com/2013/10/opening-door-to-punitive-damages-in.html)
2016. "No Presumption Against an Accounting of Profits," *Sufficient Description: Observations on Canadian Patent Cases*, Feb. 26, 2016. [www.sufficientdescription.com/2016/02/no-presumption-against-accounting-of.html](http://www.sufficientdescription.com/2016/02/no-presumption-against-accounting-of.html)
2017. "Instantaneous Availability of Non-Infringing Alternative," *Sufficient Description: Observations on Canadian Patent Cases*, Feb. 10, 2017. [www.sufficientdescription.com/2017/02/instantaneous-availability-of-non.html](http://www.sufficientdescription.com/2017/02/instantaneous-availability-of-non.html)
- Siebrasse, Norman V. & Thomas F. Cotter. 2016. "A New Framework for Determining Reasonable Royalties in Patent Litigation," *Florida Law Review* 68(4): 929–99.
- 2017a. "The Value of the Standard," *Minnesota Law Review* 101(3): 1159–1246.
- 2017b. "Judicially Determined FRAND Royalties," in Jorge L. Contreras, ed., *The Cambridge Handbook of Technical Standardization Law*, Cambridge: Cambridge University Press.
- Siebrasse, Norman V., Alexander J. Stack & Cole & Partners IP Litigation Support Group. 2008. "Accounting of Profits in Intellectual Property Cases in Canada," *Canadian Intellectual Property Review* 24(1): 83–136.
- Sikorski, Rafal. 2015. "Nadużycie patentu w świetle art. 5 KC," in Ewa Nowińska & Krystyna Szczepanowska-Kozłowska, eds., *System Prawa Handlowego, Tom 3: Prawo własności przemysłowej*, Warsaw: C.H. Beck.
- Skenyon, John M., Christopher Marchese, John Land & Frank Porcelli. 2016. *Patent Damages Law and Practice*, 2016–2017 ed., Eagan, MN: Thomson Reuters.
- Smith, Henry E. 2004. "Property and Property Rules," *New York University Law Review* 79(5): 1719–98.
2007. "Intellectual Property as Property: Delineating Entitlements in Information," *Yale Law Journal* 116(8): 1742–1823.
- Smith, Tony. 2001. "Rambus' 'Very High' DDR Royalty Revealed," *The Register*, May 3, 2001. [www.theregister.co.uk/2001/05/03/rambus\\_very\\_high\\_ddr\\_royalty/](http://www.theregister.co.uk/2001/05/03/rambus_very_high_ddr_royalty/)
- Snyder, Edward A. & James W. Hughes. 1990. "The English Rule for Allocating Legal Costs: Evidence Confronts Theory," *Journal of Law, Economics, and Organization* 6(2): 345–80.
- Sokol, D. Daniel. 2017. "Patent Privateering: The Rise of Hybrid Patent Assertion Entities," in D. Daniel Sokol, ed., *Patent Assertion Entities and Competition Policy*, New York: Cambridge University Press.
- Spier, Kathryn E. 2007. "Litigation," in A. Mitchell Polinsky & Steven Shavell eds., *Handbook of Law & Economics, Volume 1*, Amsterdam: Elsevier B.V.
- Spulber, Daniel F. 2017. "Complementary Monopolies and Bargaining," *Journal of Law & Economics* 60(1): 29–74.
- State Intellectual Property Office of the P.R.C. (SIPO). 2016. "Beijing Court Hands Down Highest Ever Compensation Order," *IPR Special*, Dec. 15, 2016. <http://english.sipo.gov.cn/news/iprspecial/920348.htm>

- Steppe, Richard & Amandine Léonard. 2017. "Catching Patent Trolls in the Net of Abuse of Rights: Applying the General Principle of Union Law in the Context of the Unitary Patent Package," *European Intellectual Property Review* 39(3): 163–72.
- Sterk, Stewart E. 2008. "Property Rules, Liability Rules, and Uncertainty about Property Rights," *Michigan Law Review* 106(7): 1285–1336.
- Stern, Richard H. 2015. "What Are Reasonable and Non-Discriminatory Terms for Licensing a Standard-Essential Patent?," *European Intellectual Property Review* 37: 549–57.
- Stout, Lynn A. 2011. *Cultivating Conscience: How Good Laws Make Good People*, Princeton NJ: Princeton University Press.
- Straus, Joseph. 2011. "Das Regime des European Telecommunications Standards Institute – ETSI: Grundsätze, anwendbares Recht und die Wirkung der ETSI gegenüber abgegebenen Erklärungen," *Gewerblicher Rechtsschutz und Urheberrecht, Internationaler Teil* 60(6): 469–80.
- Supreme People's Court of the People's Republic of China. 2009. "Interpretation of the Supreme People's Court on Several Issues Concerning the Application of Law in the Trial of Patent Infringement Dispute Cases," No. 21 Judicial Interpretation.
2016. "Interpretation (II) of the Supreme People's Court on Several Issues Concerning the Application of Law in the Trial of Patent Infringement Dispute Cases."
- Suzuki, Masabumi & Yoshiyuki Tamura. 2011. "Patent Enforcement in Japan," *Zeitschrift für Geistiges Eigentum/Intellectual Property Journal* 3(4): 435–74.
- Swanson, Daniel G. & William J. Baumol. 2005. "Reasonable and Nondiscriminatory (RAND) Royalties, Standards Selection, and Control of Market Power," *Antitrust Law Journal* 73: 1–58.
- Takenaka, Toshiko. 2009. "Harmonizing Patent Infringement Damages: A Lesson from Japanese Experiences," in Martin J. Adelman, Robert Brauneis, Josef Drexl, & Ralph Nack, eds., *Patent and Technological Progress in a Globalized World*, Heidelberg: Springer.
- Tandon, Pankaj. 1983. "Rivalry and the Excessive Allocation of Resources to Research," *Bell Journal of Economics* 14(1): 152–65.
- Taylor, David O. 2014. "Using Reasonable Royalties to Value Patented Technology," *Georgia Law Review* 49(1): 79–162.
- Teece, David J., Peter C. Grindley & Edward F. Sherry. 2012. "SDO IPR Policies in Dynamic Industries," *National Academy of Sciences Symposium on RAND Patent Policies*.
- Teece, David J. & Edward F. Sherry. 2016. "Smallest Saleable Patent Practicing Unit' Doctrine: An Economic and Public Policy Analysis," *Working Paper Series No. 11*: 1–33. <http://innovation-archives.berkeley.edu/businessinnovation/documents/Tusher-Center-Working-Paper-11.pdf>
- Thiele, Alan R., Judith R. Blakeway & Charles M. Hosch. 2010. *The Patent Infringement Litigation Handbook: Avoidance and Management*, Chicago: American Bar Association.
- Unidroit. 2016. *Unidroit Principles of International Commercial Contracts*, Rome: International Institute for the Unification of Private Law. [www.unidroit.org/instruments/commercial-contracts/unidroit-principles-2016](http://www.unidroit.org/instruments/commercial-contracts/unidroit-principles-2016)
- University of Geneva. 2015. "Topic 3: How shall disputes about the licensing of Standard Essential Patents (SEP) under Fair, Reasonable and Non-Discriminatory (FRAND) terms be solved?," *Geneva Internet Disputes Resolution Policies 1.0*. <https://geneva-internet-disputes.ch/>
- U.S. Department of Justice (DOJ). 2008. *Competition and Monopoly: Single-Firm Conduct Under Section 2 of the Sherman Act*. [www.usdoj.gov/atr/public/reports/236681.htm](http://www.usdoj.gov/atr/public/reports/236681.htm)

- U.S. Department of Justice (DOJ) & U.S. Federal Trade Commission (FTC). 2017. *Antitrust Guidelines for the Licensing of Intellectual Property*. [www.justice.gov/atr/IPguidelines/download](http://www.justice.gov/atr/IPguidelines/download)
2007. *Antitrust Enforcement and Intellectual Property Rights: Promoting Innovation and Competition*. [www.ftc.gov/sites/default/files/documents/reports/antitrust-enforcement-and-intellectual-property-rights-promoting-innovation-and-competition-report.s.department-justice-and-federal-trade-commission/p040101promotinginnovationandcompetitionrpt0704.pdf](http://www.ftc.gov/sites/default/files/documents/reports/antitrust-enforcement-and-intellectual-property-rights-promoting-innovation-and-competition-report.s.department-justice-and-federal-trade-commission/p040101promotinginnovationandcompetitionrpt0704.pdf)
- U.S. Department of Justice (DOJ) & U.S. Patent and Trademark Office (USPTO). 2013. *Policy Statement on Remedies for Standards-Essential Patents Subject to Voluntary F/RAND Commitments*. [www.justice.gov/atr/page/file/1118381/download](http://www.justice.gov/atr/page/file/1118381/download)
- Verma, Rohit, Gerhard Plaschka & Jordan J. Louviere. 2002. "Understanding Customer Choices: A Key to Successful Management of Hospitality Services," *Cornell Hotel & Restaurant Administration Quarterly* 43(6): 15–24.
- Vermont, Samson. 2006. "Independent Invention as a Defense to Patent Infringement," *Michigan Law Review* 105(3): 475–504.
- Véron, Pierre. 2012. "Civil Liability Because of the Enforcement of a Preliminary Injunction," *Kluwer Patent Blog*, Feb. 29, 2012. <http://patentblog.kluweriplaw.com/2012/02/29/civil-liability-because-of-the-enforcement-of-a-preliminary-injunction/>
- Wang, Xiaoye. 2017. "Why SEPs Have Been Involved in Antitrust Cases – From A Chinese Scholar's Perspective," *Zeitschrift für Wettbewerbsrecht* 15(1): 72–87.
- Ward, Annesley Merele. 2017. "Is German SEP litigation set to increase with the "confidentiality club decision" of the Higher Regional Court of Düsseldorf?," *The IPKat*, Feb. 7, 2017. <http://ipkitten.blogspot.com/2017/02/german-court-prowls-into-realm-of.html>
- Weinstein, Roy, Ken Romig & Frank Stabile. 2013. "Taming Complex Intellectual Property Compensation Problems," *Federal Circuit Bar Journal* 22(3): 547–61.
- Williams, Jackson. 2001. "Effects of Attorney Fee Shifting Law on Claiming Behavior," *Policy Sciences* 34(3–4): 347–56.
- Williamson, Oliver E. 1985. *The Economic Institutions of Capitalism: Firms, Markets, Relational Contracting*, New York: The Free Press.
- World Intellectual Property Organization (WIPO). 2017. *Guidance on WIPO FRAND Alternative Dispute Resolution (ADR)*, WIPO Arbitration and Mediation Center. [www.wipo.int/amc/en/center/specific-sectors/ict/frand/](http://www.wipo.int/amc/en/center/specific-sectors/ict/frand/)
- Wright, Joshua D. 2014. "SSOs, FRAND, and Antitrust: Lessons from the Economics of Incomplete Contracts," *George Mason Law Review* 21(4): 791–810.
- Wu, H. D. 2014. "The Presumption of Fault Principle and Determination in IPR Infringement Litigation," *Law Review (Faxue Pinglun)* 5: 124–30.
- Yamaguchi, Kazuhiro. 2016. "Japanese Patent Litigation and Its Related Statistics—Current Environment and Future Agenda," *A.I.P.P.I.—Japan* 41: 128–42.
- Yang, Zelin. 2014. "Damaging Royalties: An Overview of Reasonable Royalty Damages," *Berkeley Technology Law Journal* 29: 647–78.
- Yi, Sang-Seung & Yoonhee Kim. 2017. "FRAND in Korea," in Jorge L. Contreras, ed., *The Cambridge Handbook of Technical Standardization Law*, Cambridge: Cambridge University Press.
- Yuan, Xiuting & Paul Kossof. 2015. "Developments in Chinese Anti-Monopoly Law: Implications of Huawei v. InterDigital on Anti-Monopoly Litigation in Mainland China," *European Intellectual Property Review* 37(7): 438–41.