


知识产权观察 IP Newsletter


Chief Editor: Ruixue Ran Vol.1 2008

Catalog


337 Investigations in the U.S.

-  Recent Section 337 Complaints

IP Strategy of Enterprises

-  Agricultural Patents


IP Cases

-  Qualcomm loses a Patent Case

Trade News

-  Laser Display Technology with Independent Intellectual Property Rights

IP Cooperation

-  Supreme Court: 18 Percent More IP Cases in 2007

East Associates

19th Floor, Landmark Tower 2, 8 North Dongsanhuan Road, Beijing 100004, China

Tel: (8610)6590 6639-254/284 Fax: (8610) 6590 6650 / 6590 6651

Email: ruixue_ran@ealawfirm.com

 *337 Investigation U.S* **Recent Section 337 Complaints**

On December 21, 2007, Samsung Electronics Co., Ltd. filed a complaint requesting that the U.S. International Trade Commission (ITC) institute a Section 337 investigation regarding Liquid Crystal Display Devices. The ITC has identified one company from Japan and two subsidiary companies from US as respondents in the above mentioned complaint.

 *IP Enterprise Strategy* **Agricultural Patents**

Although the Patent Law has been in place for over 20 years, Chinese agriculture-related enterprises are still weak in patent awareness, with half of the patent applicants coming from individuals and the number of commercial applications far below the international level, according to statistics from the State Intellectual Property Office.

For example, pesticide production in China ranks second in the world after the United States, but from 1985, when Chinese Patent Law came into effect, to end of October of last year, among 6,752 domestic patent applications, individual applications accounted

East Associates

19th Floor, Landmark Tower 2, 8 North Dongsanhuan Road, Beijing 100004, China

Tel: (8610)6590 6639-254/284 Fax: (8610) 6590 6650 / 6590 6651

Email: ruixue_ran@ealawfirm.com

for 45 percent, universities and scientific institutions accounted for 37 percent leaving only 18 percent from enterprises.

Observers say the primary reason why agricultural-related enterprises have low patent awareness is that entrenched management lacks competitive consciousness, and entrepreneurs have not fully realized the role played by patents in market competition.

IP Cases

Qualcomm loses a Patent Case

The Qualcomm case against Broadcom is a U.S. District Court case in San Diego, California, in which Qualcomm alleged that Broadcom infringed two patents relating to video compression. Recently, a unanimous jury found that Broadcom did not infringe the patents and recommended findings that Qualcomm committed inequitable conduct and abuse of industry standards. The parties are awaiting the court's final ruling on those issues.

Broadcom currently has six patents in suit against Qualcomm in Santa Ana (including a stayed case pending in the ITC on three of the patents).

East Associates

19th Floor, Landmark Tower 2, 8 North Dongsanhuan Road, Beijing 100004, China

Tel: (8610)6590 6639-254/284 Fax: (8610) 6590 6650 / 6590 6651

Email: ruixue_ran@ealawfirm.com

 *Trade News* **Laser Display Technology with Independent Intellectual Property Rights**

Recently, Wang Yu, Vice-president of Academy of Opto-Electronics (AOE) of Chinese Academy of Sciences (CAS), announced that AOE's research staff has developed laser display technology with independent intellectual property rights and that AOE has produced some samples "as large as 100 square metres of laser digital film screen, as small as 55-inch laser display television set." The core of the laser display technology is comparable to the technology of Japan and other countries, and it is expected to bypass the foreign technological barriers.

 *IP Cooperation* **Supreme Court: 18 Percent More IP Cases in 2007**

In 2007, the IP Court of China Supreme Court accepted 128 cases, 96 petitions for retrial not including the cases of second trial and retrial. Combining the 34 unresolved cases of 2006, the IP court heard 162 cases in 2007, 25 cases more than the previous year. By December 25, 2007, 107 cases had been settled, representing 66 percent of the total cases. Cases involved such matters as professional technologies and governmental industrial policies relating to complicated legal affairs, some of them even became topics of interest to the public.

East Associates

19th Floor, Landmark Tower 2, 8 North Dongsanhuan Road, Beijing 100004, China

Tel: (8610)6590 6639-254/284 Fax: (8610) 6590 6650 / 6590 6651

Email: ruixue_ran@ealawfirm.com