

知识产权观察 IP Newsletter

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

On November 13, 2007, FormFactor, Inc. filed a complaint requesting that the U.S. International Trade Commission (ITC) institute a Section 337 investigation regarding certain probe card assemblies, components thereof and certain tested DRAM and NAND flash memory devices and products containing same. The ITC has identified two companies from the United States, one South Korea and the other from Japan as respondents in the above mentioned complaint.

 *IP Enterprise Strategy* **15 Categories of copyright output signed successfully at ICCIE**

International Cultural & Creative Industry Expo (ICCIE) is an important platform for information, high-technology product transactions and cooperation, which opens up a broader market for cultural and creative products. Recently, at the Second China Beijing International Cultural & Creative Industry Expo, the Beijing Municipal Press and Publication Bureau and the Beijing Copyright Bureau organized the "signing ceremony of 15 categories of outstanding overseas Chinese book copyright output". At the ceremony, there were 15 types of copyrights for books from 11 publishing houses exporting to six countries.

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 *IP Cases***◆ Microsoft complied with the EU antitrust ruling**

The EU antitrust case against Microsoft finally terminated the suspense. In accordance with the settlement agreement reached with the EU, Microsoft complied with the EU antitrust ruling. According to the press, Microsoft and the EU reached a settlement agreement including three main aspects: Microsoft's competitors can access and use Microsoft's "Interoperable Information" by a one-time payment of less than 10,000 Euro ; previous revenue of patent license fees of Microsoft decreases from 5.95% to 0.4%. If Microsoft does not comply with this agreement, the competitors may appeal to the British High Court in London. , Microsoft is not permitted to appeal to the Supreme Court of the European Union - the European Court.

◆ New Rules of USPTO denied by Judge

Judge James C. Cacheris, Senior Judge sitting in the U.S. District Court for the Eastern District of Virginia, delivered what is perhaps the most significant ruling in U.S. patent law this year (and this includes the Supreme Court's *KSR Int'l Co. v. Teleflex, Inc.* opinion). He granted GlaxoSmithKline's (GSK) motion for temporary restraining order (TRO) and preliminary injunction (PI) to prevent the U.S. Patent and Trademark Office (USPTO) from implementing its new continuation and claims rules entitled "Changes to Practice for Continued Examination Filings, Patent Applications Containing

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Patentably-indistinct Claims and Examination of Claims in Patent Applications; Final Rule" (New Rules). Therefore, the changes to the rules of practice in the Claims and Continuations Final Rule will not go into effect on November 1, 2007.

Trade News

Birth of World's first LED "integrated three-in-one" display

Recently, China developed the world's first LED "integrated three-in-one" display and has adopted a completely independent intellectual property rights which is "suitable for large-scale mass production of LED display brightness, color correction of the same point by point technology". At present, the new display has applied for 12 patents, 9 of which are state-invention-patent. Furthermore, LED display indicates China's advanced status.

IP Cooperation

40% of US enterprises in China recognize progress in IPR protection in China

Recently, US-China Business Council (USCBC) published 2007 Annual Report entitled "China's prospects for the American Enterprise". Intellectual property issue has continued to cause a friction between Sino-US trade and this friction is recognized by enterprises as the third largest problem between China and USA. But compared to top priority of 2005 USCBC survey report, China has

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made a tremendous progress in the protection of intellectual property rights over the past two years. Nearly 40 percent of US companies believe that the Chinese government's IPR protection achieved considerable results.

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