

What should be the Availability of Injunctive Relief ?

Heinz Polsterer,
T-Mobile International Austria

Erleben, was verbindet.

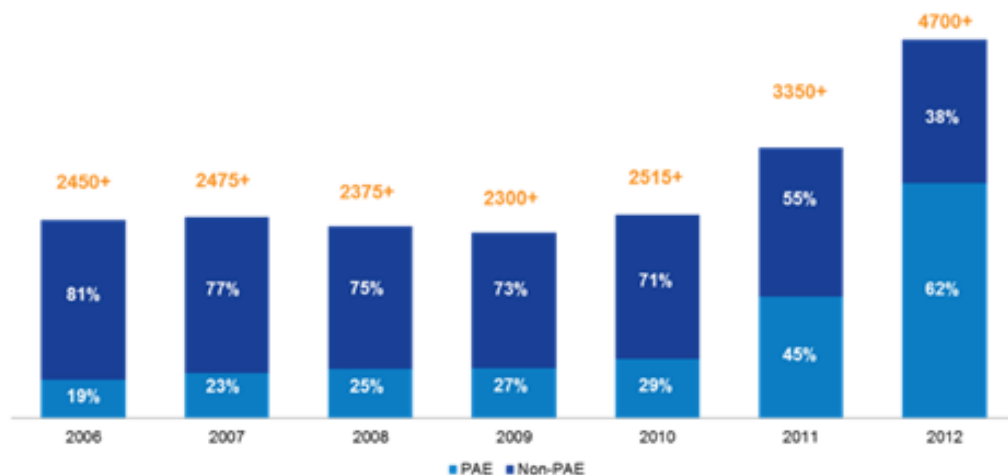
Standardization & IPR Management

Telecommunication, Standards and Patents

- **Big parts of telecommunication equipment must work in the same way all over the world to**
 - enable Roaming in case of mobile communication
 - enable calls and data transfer from one country to the other – interconnection
 - enable calls and data transfer from one network to the other - interconnection
 - enable equipment from different manufacturer working together – interoperability
- **International Standards are therefore necessary and obligatory to enable telecommunication**
- **Ten thousands of patents are necessary to run a telecommunication network and are acting on these standards**
 - only for mobile communication (GSM, UMTS, LTE) more than 3.500 patent families are in the ETSI database declared to be essential for
- **T**hese standards (April 2011)

Patent Quality and Non Practicing Entities

- Poor Patent Quality stressed by several studies, e.g.
 - 23% success rate for NPE at trials
 - 34% success rate for PE at trials
- Number of NPE suits are increasing



Credit: © RPX Corporation 2013



Patent Quality - Non Practicing Entities – Injunctions

- **Is it acceptable to allow injunctions which could shut down a whole network if**
 - The validity of the patent is questionable and
 - The patent is one out of thousands



Thank you for your attention.



Deutsche Telekom

Group Technology

Standardization & IPR Management

