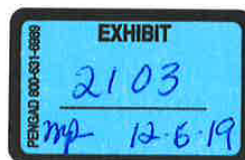


PROTECTIVE ORDER MATERIAL



UP-004063



 Unified Patents
Patent Pool
Program

PATENT POOL MARKET ABUSE



Questionable DoJ compliance and lack of transparency has created more uncertainty and fragmentation, and lowered pool benefits & adoption

Scope

- Essentiality often includes optional parts of spec
- Unimplemented portions of spec often are included

Validity

- No pool checks validity even though DoJ guidelines require it
- Many patents have broad claims which are easily challenged

Value

- Pricing often is based on unrealistic expectations and no presentation of the how financial model was created
- Royalty stacking, lax financial models and failure to consider aggregated SEP landscape often result in slower deployment or adoption of new technologies

Proprietary and Confidential

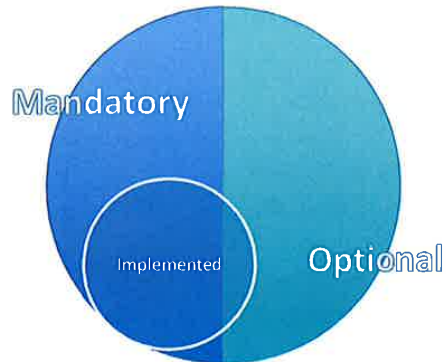
2

SCOPE - OFTEN TOO LARGE



Implemented technology often represents a very small subset of a pool.
Also, SEP Patents are much less successful (20%) in court than others (67%). [RPX](#)

Current Pools



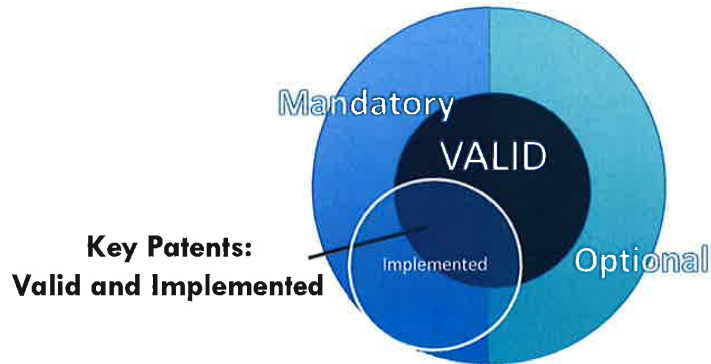
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3

VALIDITY – NOT CONSIDERED DESPITE DOJ GUIDELINES

“A starting point for an antitrust analysis of any patent pool is an inquiry into the **validity of the patents** and **their relationship to each other**. A licensing scheme premised on invalid or expired intellectual property rights will not withstand antitrust scrutiny” [DOJ letter to MPEG-LA, 1997](#) (emphasis added)

Current Pools



SEP or pool patents have no better success at the PTAB than any other.

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4

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