Conversations With...

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# The Honorable Dick Thornburgh
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## The Issue: Patent Licensing and the U.S. International Trade Commission

In this edition of Washington Legal Foundation's CONVERSATIONS WITH, former Attorney General of the United States and Pennsylvania Governor Dick Thornburgh leads a discussion with Deanna Tanner Okun, a partner with the law firm Adduci, Mastriani & Schaumberg LLP and former Chairman of the U.S. International Trade Commission (ITC), and Paul Roeder, Vice President and Associate General Counsel, IP Litigation and Disputes Group of Hewlett-Packard. The participants delve into the ITC's consideration of patent infringement claims, with a particular focus on complaints lodged with the Commission by patent-holders which primarily engage in licensing activity, rather than the production of products or services. Ms. Okun and Mr. Roeder also discuss and debate whether the ITC and the federal courts have opened the door too widely to patent-assertion entities or non-practicing entities.

**Governor Thornburgh:** Before getting into our more specific focus on patent licensing activities and the ITC, Deanna, can you explain generally the Commission's jurisdiction over matters involving U.S.-held patents?

**Deanna Tanner Okun:** The Commission conducts investigations into complaints brought by complainants, pursuant to Section 337 of the Tariff Act of 1930, as amended, that assert unfair acts or methods of competition in connection with imported goods. Any product entering the United States that is alleged to violate any form of U.S. intellectual property law – patent, copyright, trademark, mask work, or design – is subject to the jurisdiction of the ITC. The Commission has national *in rem* jurisdiction over all products imported into the United States.

**Governor Thornburgh:** Please take us briefly through the process the Commission follows when an investigation is requested.

**Ms. Okun:** Commission rules require that a party's complaint include a statement of facts constituting the alleged unfair methods of competition and unfair acts as well as a description of the complainant's interest in the relevant domestic industry, specific instances of importation, and a request for relief. With respect to patents, the rules require submission of specific evidence such as the prosecution history. In addition, in November 2011, the Commission amended its rules to require complainants to concurrently file a separate public interest statement with the

complaint.

The Office of Unfair Import Investigations (OUII) examines the complaint for sufficiency and compliance with applicable rules, and makes a recommendation to the Commission regarding institution. The Commission will normally determine whether to institute the investigation within 30 calendar days after the filing of the complaint.

The Commission may have questions, or require tweaks to the complaint, but investigations are usually instituted without much change as the sufficiency standard for institution is fairly liberal. However, in December of 2012, the Commission decided not to institute an investigation based on the complaint filed by KV Pharmaceutical Company concerning *Hydroxyprogesterone Caproate and Products Containing Same* (Docket No. 2919), for public interest reasons. The complaint alleged that respondent's product was being imported unlawfully into the United States in contravention of Sections 331, 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 331, 351, 552 & 355.3. The Commission determined that this did not constitute an unfair act under Section 337, and that the FDA is charged with the administration of the referenced statutory authority.

**Governor Thornburgh:** In terms of demonstrating the statutory domestic industry related to the patent requirement, Congress amended the § 337 statute in 1988 to account for "substantial investment in exploitation." Paul, what developments brought about that change?

The domestic industry requirement is a robust and essential element of a Section 337 violation.

*Deanna Tanner Okun*

**Paul Roeder:** We have to be very specific in discussing this amendment. Congress expanded the definition of a protectable domestic industry to include a substantial investment in exploitation of the patent, including engineering, research and development, or licensing, but only where such investment relates to, and is with respect to "articles protected by" the asserted patent. The reason for the amendment was simple. Congress recognized that manufacturing was moving overseas, but that valuable U.S. industries did and would continue to exist in developing and licensing IP relating to articles sold in the U.S., with manufacturing taking place overseas. These jobs depend on the ability to prevent unfair competition with those articles by unlicensed (often knock-off) imported products. On the other hand, Congress was well aware the ITC is a limited jurisdiction administrative agency with *in rem* jurisdiction to protect U.S. industries and jobs from unfair trade practices. Thus, it crafted a statute requiring more than ownership of a patent and infringing imports.

**Governor Thornburgh:** Deanna, can you explain generally the Commission's view on these 1988 amendments, and particularly how those views relate to licensing as a means of establishing a domestic industry?

**Ms. Okun:** The domestic industry requirement is a robust and essential element of a Section 337 violation. The statute was amended in 1988 to allow IP rights-holders that do not manufacture products, in other words, non-practicing entities, to obtain remedies at the ITC. In amending the statute, Congress specifi-

cally noted that inventors, universities, start-ups, and other entities that conduct research and development, engineering, or licensing activities are equally entitled to Section 337 relief as manufacturing industries.

Since the statute was amended, the Commission has consistently ruled that a domestic industry can be found based on licensing activities alone. However, in making those rulings the Commission undertakes a fact intensive analysis of the allegations, focusing on two issues: first, whether the licensing investments have a sufficient nexus to the asserted patents, and second, whether the licensing investments are substantial.

In the *Coaxial Cable Connectors* investigation (337-TA-650) the Commission, in considering the language of the statute, stated that, "we understand the word 'licensing' in Section 337(a)(3)(c) to suggest the 'exploitation' of a patent in a manner similar to 'engineering' and 'research and development.' Investments in engineering as well as in research and development represent efforts to facilitate and/or hasten the practical application of the invention by, for example, bringing it to market. This suggests that Congress intended for the Commission to consider at least licensing activities related to the practical application of the invention."

The Commission went on to say that "the overriding consideration is that the plain language of the statute does not limit the types of licensing activities that the Commission can consider." Thus, the Commission stated that many activities may satisfy the domestic industry requirement, but only where a complainant can prove that those activities are related to licensing, pertain to the patent at issue, and can document the associated costs. The Commission, and the Administrative Law Judge (ALJ), is to consider the type of activity, the relationship between the activity, licensing, and the patent at issue, and the amount of the investment. The Federal Circuit affirmed the Commission's analysis in *John Mezzalingua Associates, Inc. v. International Trade Commission*, No. 10-1536 (Fed. Cir. Oct. 4, 2011).

In *Multimedia Displays and Navigation Devices and Systems*, the Commission reversed the ALJ, and held that Complainant Pioneer failed to establish a domestic industry. Inv. No. 337-TA-694, Comm'n Op. (Aug. 2011). Pioneer had relied exclusively on licensing and litigation activities related to the intellectual property at issue. However, Pioneer failed to connect its expenditures with true licensing activities, and failed to provide the kind of detailed information connecting the activities to the IP ultimately required by the Commission. The Commission held that in order for a particular activity to be considered "exploitation" through licensing within the meaning of the statute, the complainant must demonstrate that the activity: (1) relates to the asserted patent; (2) relates to licensing; and (3) occurred in the United States. Then the complainant must show that the investment in that activity is substantial.

These two investigations form the underpinnings of how the Commission will analyze whether a domestic industry based on licensing activities is estab-

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The Federal Circuit recently rejected another challenge to the Commission's domestic industry analysis in *Interdigital Communications, LLC v. International Trade Commission*, 690 F.3d 1318 (Aug. 1, 2012). In this decision, the Federal Circuit affirmed the ALJ's unreviewed holding in Order No. 42 (Inv. No. 337-TA-613), granting a motion for summary determination finding a domestic industry based on licensing alone. Respondent Nokia had argued that proof of licensing activities alone was insufficient. The ALJ held that Section 337(a)(3) makes clear that the required domestic industry can be based on patent licensing alone, and does not require that the articles protected by the patent be made in this country. The Federal Circuit agreed, citing both legislative history and a litany of Commission decisions holding that subsection (c) does not require that the licensed product be manufactured in the United States.

**Governor Thornburgh:** How much of an impact do you think this 1988 amendment has had in the Commission's increased § 337 caseload?

**Mr. Roeder:** The statue itself had minimal impact. The practice of the ITC, since 2002, to exempt licensing activities from the "technical prong" of the domestic industry requirement (i.e., articles protected by the patent), though, has had an enormous impact. Parties that rely on licensing as a domestic industry need not establish that those licensing activities (unlike all other activities alleged to establish a domestic industry) be related to "articles protected by the patent." This has established the ITC as a go-to venue for obtaining the necessary leverage (threat of an exclusion order) to extract settlement far in excess of damages currently available in district court for patent infringement. That is why we see the influx of complaints on patents asserted against small components of technology products.

**Governor Thornburgh:** From your experience at the Commission, how do you think the increase in § 337 cases has affected the USITC? At a time of fiscal crisis for the federal government, can the Commission keep up with demand with less funds?

**Ms. Okun:** During my twelve years at the Commission, the Section 337 investigation caseload increased by over 530 percent from FY 2000 to FY 2011, with 78 new and ancillary investigations commenced in 2011. New institutions decreased by 30 percent in FY2012, so there is some leveling off of the case load, but this was from the record number of institutions in 2011, and remains consistent with recent years.

The Commission has handled the increased workload and maintained its policy of conducting these investigations expeditiously through a combination of long-term planning and short-term reallocation of resources.

The Commission worked with its committees of jurisdiction in the House and Senate to obtain funding for specific initiatives such as hiring additional ALJs (bringing the total to six), and building a new courtroom, which was completed in the fall of 2012 ahead of schedule and

under budget. In addition, the Commission has hired additional lawyers with specialized scientific and technical expertise in the office of the General Counsel and provided each Administrative Law Judge with a second attorney advisor. Finally, the Commission refined its mediation program in an effort to resolve disputed cases in a more efficient and less costly manner. Nevertheless, the Commission operates under the threat of sequestration and in an uncertain budget environment.

**Governor Thornburgh:** Paul, some commentators have expressed concern over the activities of so-called patent assertion entities (PAEs) or non-practicing entities (NPEs) at the ITC. What is the general nature of such entities, and what makes them different from, let's say, Hewlett-Packard?

**Mr. Roeder:** PAEs have the same right to complain to the ITC as operating companies, provided the PAE can establish a protectable domestic industry and that an exclusion order is in the public interest (also a statutory requirement). The current problem is that virtually none can, and the ITC is not properly enforcing either the domestic industry or public interest requirements.

**Governor Thornburgh:** Deanna, what factors make the ITC an attractive venue for patent holders in general?

**Ms. Okun:** Owners of intellectual property seeking to enforce their rights against infringing imported goods often cite four factors for bringing a case at the ITC. First, the ITC exercises jurisdiction over the accused products rather than only over the parties. In other words the ITC has *in rem* jurisdiction, and therefore has broad discovery means at its disposal, including nationwide subpoena power, discovery against foreign respondents, and discovery sanctions against foreign respondents. Second, the specialization which the ALJs and the Commissioners are able to attain, given the Commission's focus on intellectual property-related matters, means less time spent educating the bench. Third, the expeditious resolution of investigations, particularly for high technology products with a short life span, can be a commercial advantage. Investigations before the ITC are usually resolved in 12-16 months, whereas a similar district court action would typically take two to three years. And finally, the availability of effective remedies, including a general or limited exclusion order, and/or a cease and desist order is an attractive feature of the ITC.

**Governor Thornburgh:** What factors might make the ITC an attractive venue for non-practicing entities in particular?

**Ms. Okun:** While I view the ITC as attractive to intellectual property holders generally, for the reasons discussed above, I don't view the statistics on the growth in case load at the ITC as supporting the view that it is particularly attractive to NPEs. Moreover, the lower success rate of NPEs obtaining an exclusion order as compared to other types of complainants supports my view that this venue is not attractive to NPEs in particular.

Some commentators have suggested that the ITC became more attractive to NPEs

after the Supreme Court required district courts to apply traditional equitable principles when determining to grant injunctive relief, in the 2006 *eBay* case, whereas such an analysis is not proper under the different statutory scheme of Section 337 because the injury requirement was removed. This has not been proven out by the facts.

The Commission released a fact sheet in June 2012 examining filings by NPEs and found that the suggestion that the increased caseload at the ITC was because of *eBay* is not supported by the data. The Commission looked at two categories of NPEs. Category 1 NPEs include manufacturers whose products do not practice the asserted patents; inventors who may have done R&D or built prototypes but rely on licensing to meet the domestic industry requirement; research institutions that do not make the products covered by the patents and therefore rely on licensing activities to meet the domestic industry requirement; and start-ups that possess IP rights but do not yet manufacture a product that produces the patent. Category 2 NPEs do not manufacture products that practice the patents, and have a business model primarily focused on purchasing and asserting patents.

The data on NPEs showed the following:

•Only 21 investigations (or 8%) since the 2006 *eBay* decision involved complaints filed by Category 2 NPEs.
•Only one Category 2 NPE complainant was successful in obtaining an exclusion order – this was Rambus in Inv. No. 337-TA-661.
•Category 1 NPEs accounted for 26 investigations (or 10%) of the 258 investigations.
•Only two Category 1 NPEs were successful in obtaining an exclusion order – these were Tessera in Inv. No. 337-TA-605, and UNeMed Corporation, the technology transfer office of the University of Nebraska Medical Center, in Inv. No. 337-TA-679.
•Out of over 50 exclusion orders the Commission has issued since 2006, only three were in cases involving NPEs.

**Governor Thornburgh:** In addition to the possibility of an exclusion order, what challenges do targets of investigations face that they may not face in federal court, or burdens that may be greater in the ITC than in court?

**Mr. Roeder:** There are at least four. First, aside from the fact that PAE's cannot obtain injunctive relief in federal court, it is now usually the case that even operating company competitors cannot obtain injunctive relief in federal court. For a tech patent to support injunctive relief, the patent owner must show the invention was the basis for consumer demand for the targeted product, and such tech patents are virtually non-existent. Thus, in technology cases, PAEs are able to obtain injunctive relief in the ITC that even an operating company competitor cannot obtain in federal court. Second, a PAE is permitted to name multiple unrelated defendants in the ITC. And while the ITC consistently cites to numbers of complaints to rebut the explosion of PAE activity, it is the count of respondents that should be considered. More than half of the respondents to ITC cases in both 2011 and 2012 were responding to PAE complaints.

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Third, the speed of an ITC investigation imposes a tremendous burden on respondents. Fourth, the scope of discovery is extraordinarily broad in the ITC. Overall, in our experience, an ITC case cost about three times as much as a similar district court case, and the costs are concentrated in about one half the time.

**Governor Thornburgh:** What has the Commission most recently ruled with regards to whether licensing activity can establish a domestic industry?

**Ms. Okun:** In the last year, the Commission has continued to conduct a fact-intensive analysis focused on whether the licensing investments both have a sufficient nexus to the asserted patents and are substantial. For example, at the end of February this year, the Commission found in favor of Mr. Roeder's company, Hewlett-Packard, in *Certain Microprocessors, Components Thereof, and Products Containing Same* (Inv. No. 337-TA-781), when it terminated the investigation with a finding of no violation. The ALJ had also found no violation; however, the Commission reviewed the ALJ's opinion with respect to, inter alia, domestic industry. ALJ Shaw had found that the economic prong was satisfied under Section 337(a)(3)(A), (B) and (C) by the activities of X2Y's licensee (JDI), but that the record was not clear enough as to the specific expenditures made by X2Y in connection with licensing the patents-in-suit. X2Y petitioned for review of the ALJ's determination that it did not demonstrate the existence of a domestic industry under 337(a)(3)(C) through its licensing activities. The respondents petitioned for review of the ALJ's determination that X2Y did demonstrate the existence of a domestic industry under section 337(a)(3)(C) through the activities and investments of X2Y's licensee. On review, the Commission determined to vacate the ALJs determinations under Section 337(a)(3)(C), without reaching the merits because the issues were nondispositive under the Commission's claim construction. In fact, the Commission held in favor of an NPE on the issue of domestic industry only once in 2012. This was in *Certain Liquid Crystal Display Devices, Including Monitors, Televisions and Modules, & Components Thereof*, Inv. No. 337-TA-741/749, Comm'n Op. (July 2012). In Certain Liquid Crystal Display Devices ("LCDs"), the Commission agreed, on review, with the ALJ that Complainant Thomson, whose primary business is licensing patents, established a domestic industry.

The Commission held that the investment was substantial in relation to the industry and that the substantiality of the investment was bolstered by the fact that Complainant invested in ongoing and license-related ancillary activities. However, the Commission also found that because Complainant's business was based on revenue driven licensing model, its investments were entitled to less weight. Additionally, the Commission found that Complainant did not present sufficient evidence to establish that either the acquisition of a separate portfolio or expenditures on underlying 337 investigations and parallel, stayed district court actions constituted an investment in the exploitation of the patents through licensing. Finally, the Commission found Complainant had not

established that reexaminations are anything more than a continuation of a patentee's ownership, and therefore do not contribute to a licensing domestic industry.

Thus, while the Commission did not credit Thomson's entire asserted investment in licensing the LCD patent portfolio to the five asserted patents, it nonetheless concluded that Thomson's investment in licensing the asserted patents was substantial. Thomson was, however, unsuccessful in obtaining an exclusion order, on other grounds.

The complainant in *Certain Semiconductor Chips & Products Containing Same*, Inv. No. 337-TA-753, Comm'n Op. (Aug. 2012), was not successful in obtaining a favorable domestic industry result. Instead, the Commission reversed the ALJ, and held that Complainant Rambus failed to establish a domestic industry. The Commission found that Rambus had not come forth with "sufficient evidence for us to identify or reasonably estimate the portion of its overall investments in licensing that have a nexus to the asserted patents, and, accordingly, that there is also insufficient evidence for the Commission to determine whether Rambus's relevant licensing investments are 'substantial.'"

One interesting note is that the Commission ended its domestic industry analysis by distinguishing an earlier case, *Synchronous DRAM Memory Controllers*, Inv. No. 337-TA-661, where the Commission had not reviewed the ALJ's summary determination that Rambus demonstrated the existence of a domestic industry. The Commission noted that, unlike the respondents in the 661 investigation, the respondents here squarely challenged the ALJ's determination based on the Commission opinion in *Navigation Devices*, whereas the respondents in the 661 investigation did not squarely challenge the adequacy of Rambus's firm-wide showing, and instead focused on the unrelated nexus issues of whether the asserted patents were important to the licensed portfolio of patents.

Finally, in *Certain Integrated Circuits, Chip Sets, & Products Containing Same Including Televisions*, Inv. No. 337-TA-786, Comm'n Op. (Pub. Version) Oct. 2012, the Commission agreed with the ALJ that Complainant Freescale failed to establish a domestic industry. The Commission stated that "Freescale has failed to present sufficient evidence to allow us to determine what portion of its investment we should consider, and thus, to determine whether its investment is 'substantial,' as required by section 337(a)(3)(c)." In the portfolio licensing context, the Commission considers the relative importance of the asserted patent to the licensing investment to determine to what extent the investment in the entire portfolio can be attributed to the asserted patent. One interesting note is that Freescale did establish a domestic industry in *Certain Integrated Circuits, Chipsets, & Products Containing Same Including Televisions, Media Players, & Cameras*, Inv. No. 337-TA-709, Order No. 33 (Jan. 5, 2011). This divergent result, as well as the Rambus results, supports my view that each case rests on its own facts.

**Governor Thornburgh:** Paul, you've

spoken out on the very issue the Commission identified in *Multimedia Displays and Navigation Devices* — the predominance of "revenue-driven" licensing by patent assertion entities who bring cases to the ITC. What did you think of the Commission's ruling in that case?

**Mr. Roeder:** It suffers from the same fundamental flaw as all Commission decisions on domestic industry by licensing. The statute, Section 337(a)(3)(C), requires that licensing domestic industry be "relating to articles protected by the [asserted] patent," and be "with respect to articles protected by the [asserted] patent." For example, if a university invents a new medical device, and licenses others to manufacture the device (either in the U.S. or overseas), those licensed devices are "protected by" the university patent, and the university may rely on its licensing activities as a protectable domestic industry. The "articles protected by" requirements implement the stated Congressional intent to require more than mere patent ownership (that is, mere assertion of patents against allegedly infringing imports). Moreover, the "articles protected by" element is necessary to prevent the ITC from becoming an alternative patent litigation forum, which would invade the powers of the judicial branch. In short, it's in the statute, it's very important, and it must be enforced. In the *Multimedia Displays and Navigation Devices* case, Pioneer failed to even allege that its licensing activities were relating to articles protected by the patent. The Commission should have disposed of the issue in a few sentences.

**Governor Thornburgh:** If the Commission isn't currently applying § 337's domestic industry test in the way Congress intended, is further Congressional action needed to clarify what it adopted in the 1988 amendments?

**Mr. Roeder:** The statute is clear, so in that sense, no change or clarification should be necessary. But something needs to be done to ensure enforcement of the statute, and so perhaps legislation is necessary for that purpose.

**Governor Thornburgh:** Deanna, can you explain the difference between how a federal court considers an injunction application in a patent case, versus the analysis the ITC undertakes in issuing its decisions?

**Ms. Okun:** The ITC's mission is to administer U.S. trade remedy laws in a fair and objective manner. Because Section 337 is directed at unfair practices in import trade, ITC complainants face evidentiary requirements distinct from, and in addition to, those of a plaintiff in district court. For example, a complainant must prove that the allegedly infringing articles have been imported into the United States and must establish the existence of a domestic industry relating to the asserted intellectual property. Otherwise, the complainant will not obtain any remedial relief, even if it proves that the asserted IP is valid and has been infringed.

At its most basic level, the distinctions between federal court injunctions and ITC exclusion orders are the result of different types of jurisdiction. A federal

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court presiding over an intellectual property dispute exercises *in personam* jurisdiction. *In personam* jurisdiction empowers a court to make judgments against a person or an entity that has legal personality, such as a corporation. *In rem* jurisdiction, by contrast, permits a tribunal to rule "against a thing," and therefore against the rights of persons or entities generally with respect to that thing. Section 337 provides the ITC with *in rem* jurisdiction over articles imported into the United States. Thus, because Section 337 remedies are directed at the infringing articles themselves, these proceedings involve trade and economic analyses that do not occur in district court patent litigation. (In addition, by attaching jurisdiction to the infringing articles, the ITC is able to provide relief against foreign manufacturers who, in many instances, are outside of the federal courts' jurisdiction.)

A plaintiff seeking an injunction in district court must satisfy the four-part test from *eBay*. That test requires a plaintiff to demonstrate that: (1) it has suffered an irreparable injury; (2) remedies available at law are inadequate to compensate for that injury; (3) considering the balance of hardships between the plaintiff and defendant, a remedy in equity is warranted; and (4) the public interest would not be disserved by a permanent injunction. The *eBay* factors do not translate to the Section 337 context. The ITC only offers equitable relief, so the second and third *eBay* factors have no relevance to Section 337. The fourth factor is superfluous, as Section 337 already requires the Commission to examine public interest considerations. Specifically, the Commission must, prior to issuing any Section 337 remedial order, consider the effect of such relief on the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the U.S., and U.S. consumers. Analysis of these factors ensures that ITC exclusion orders are not mechanically granted, but, rather, reflect the necessary balance of competing interests. In addition, the President can disapprove, for policy reasons, any remedial order issued in a Section 337 investigation.

The distinctions between district court injunctions and ITC remedial orders was summed up by the U.S. Court of Appeals for the Federal Circuit, which noted that "[t]he difference between exclusion orders granted under Section 337 and injunctions granted under the Patent Act, 35 U.S.C. § 283, follows 'the long-standing principle that importation is treated differently than domestic activity.'" *Spansion, Inc. v. United States Int'l Trade Comm'n*, 629 F.3d 1331, 1359 (Fed. Cir. 2010).

As the above information demonstrates, the ITC and federal district courts are not identical adjudicatory bodies.

**Governor Thornburgh**: Paul, would application of the *eBay* test curtail patent assertion entity activity at the ITC?

**Mr. Roeder:** I imagine it would, but the *eBay* test does not belong in the ITC. The ITC is not a court, and an ITC investigation is not litigation between a plaintiff and a defendant. An ITC investigation is conducted by the ITC to decide whether to recommend to the President that the importation of certain articles be

blocked. In making that decision, the ITC has its own "*eBay*" test, the Public Interest considerations listed in 19 U.S.C. § 337(d). The Public Interest determination requires consideration of "the effect of exclusion on the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers." Were these factors applied, the pending PAE complaints would be dropped and no new PAE complaints would be filed.

**Governor Thornburgh:** Paul, Deanna, thank you for participating in this project.

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**The Honorable Dick Thornburgh** is a former Attorney General of the United States, two-term Governor of Pennsylvania, and Under-Secretary-General of the United Nations. He is currently Of Counsel to the law firm K&L Gates LLP and Chairman of Washington Legal Foundation's Legal Policy Advisory Board.

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**Paul H. Roeder** is the Deputy General Counsel and Senior Vice President for Litigation at Hewlett-Packard. Prior to joining HP, Mr. Roeder was a partner at Wilson Sonsini, specializing in antitrust and IP litigation. Mr. Roeder frequently writes and speaks on topics related to patent litigation policy.