

A large white sign with the Qualcomm logo in blue, set against a background of green grass and trees. The sign is mounted on a concrete base. The logo is in a bold, sans-serif font.

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Behavioural Matter of the Year – Americas

FTC v Qualcomm

The Federal Trade Commission's landmark monopolisation case against Qualcomm won Behavioural Matter of the Year – Americas. In August 2020, Qualcomm won a unanimous victory in the US Court of Appeals for the Ninth Circuit, which overturned a district court's ruling in favour of the FTC's monopolisation claims against the chipmaker. The appellate court held that Qualcomm had no antitrust duty to license patents on fair, reasonable and non-discriminatory (FRAND) terms. It also ruled that the company's "no licence, no chips" policy was competitively neutral to chip suppliers. In a rare instance of the US antitrust agencies diverging, the DOJ had filed a statement before the court in support of Qualcomm's appeal. The dispute is considered by many to be the most significant technology-focused antitrust case in the US since *Microsoft*.

The agency initially sued Qualcomm in 2017 alleging violations of the FTC Act and the Sherman Act, while seeking a permanent injunction against several practices relating to Qualcomm's patent licensing and modem chipset businesses. The district court granted the FTC's injunction request in May 2019, but the Ninth Circuit unanimously overturned that ruling.

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