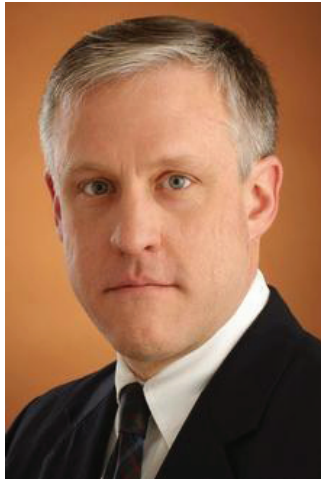


Q&A: Roger G Brooks on GCR Live IP & Antitrust

Harry Phillips
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Cravath Swaine & Moore partner Roger G Brooks is a leading practitioner at the intellectual property and antitrust crossover. As counsel to semiconductor maker Qualcomm, he frequently grapples with complex questions of standard-setting, licensing and competition, and has won notable victories for the company on both sides of the courtroom. On 25 March, Brooks will co-chair GCR Live's IP & Antitrust conference in Washington, DC, and here he talks to Harry Phillips about what delegates can expect.



What are going to be the hot topics of the conference, in your opinion? Have there been many developments in the IP/Antitrust area in the US and internationally since last year's conference?

I would say that important developments in the last year have included some comments from the US Department of Justice and Federal Trade Commission, and the recent decision in the Ericsson v D-Link case, suggesting a more balanced view of the interests of patentees and implementers of standard-essential patents, compared to previous statements and holdings that have skewed towards the interests of implementers. At the same time, however, recent developments in China affecting InterDigital, Qualcomm and others raise concerns that appropriate balance and caution in Western jurisdictions could be undercut – for global standardised industries – by policies in other jurisdictions that seriously undermine patent rights.

The schedule includes separate panels of lawyers, in-house counsel, economists and judges. What is the idea behind splitting the speakers up in this way rather than combining the different professions?

Panels that attempt to mix up both viewpoints and professional roles present too many variables, which can result in a “ships passing in the night” discussion. We think that a panel consisting entirely of practising lawyers, or entirely of economists, can provide a depth of insight and debate that a “mixed” panel cannot.

You are co-chairing the event with Shearman & Sterling's Trevor Soames and Miguel Rato, as well as Bingham McCutchen's Richard Taffet. What perspective does each chair bring to the subject and how has this helped prepare the programme?

Trevor and Miguel obviously bring the European perspective and extensive experience not only in European courts, but with DG Comp. In addition to his wide expertise in antitrust law, Richard has extensive experience working for and with standards-setting organisations, which I think gives him an extraordinarily valuable perspective on how FRAND licensing can and should work, and on how the fairly recent introduction of antitrust law as an active force relating to FRAND licensing is likely to affect SSOs and their industries. And of course I'm just a humble trial lawyer with one foot in hard-core patent litigation, one foot in technology-related antitrust litigation...and one foot in the SSO and FRAND licensing debates.

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