

4 KEY TAKEAWAYS

Updates in Standard Essential Patent Licensing and Litigation

Kilpatrick's [Alton Absher](#) and [Andie Anderson](#) recently presented "Updates in Standard Essential Patent Licensing and Litigation" at the firm's annual [2024 Advanced Patent Law Seminar](#). This full-day seminar featured discussions on patent case-law and developments in the areas of ethics in patent law, patent-eligible subject matter, claim construction, inequitable conduct, popular litigation venues, Inter Partes Review, and other patent-related issues.

Key takeaways from their presentation include:

1

When negotiating a license, seek clarification as to what patents in a family are SEP.

Research the chain of ownership over patents being offered for licensing. Pay close attention to any entities who may have been involved in standard setting.

2

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Just because the patent is not declared essential in a complaint doesn't mean FRAND defenses aren't available—just harder to prove.

When negotiating a license to standard essential patents—timing is of the essence -- especially in the international context.

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For more information, please contact:
Alton Absher, aabsher@ktslaw.com
Andie Anderson, andie.anderson@ktslaw.com