

Questions for the Record from Rep. Darrell Issa for Mr. Baker
Hearing on “IP and Strategic Competition with China: Part IV – Patents, Standards, and
Lawfare”
May 7, 2024

1. How has the standards and SEP ecosystem changed in recent years with respect to the presence and role of PRC-based entities, and what has been the impact of those changes?
 - a. What have been the most concerning changes or trends with respect to the standards and SEP ecosystems generally from the perspective of SME manufacturers like your company?
2. Has the increase in SEPs held by PRC-based companies had any impact on your company?
 - a. Do you have any concerns about whether such SEPs can be weaponized against U.S. companies, and what does the rise in PRC-owned SEPs mean for those concerns?
 - b. What, if anything, can we do to address these risks?

Questions for the Record from Rep. Scott Fitzgerald for Mr. Baker
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1. There has been a great deal of news coverage regarding “Salt Typhoon” hack and the Chinese Communist Party’s penetration of U.S. cellular networks. Do you have any concerns regarding the security vulnerabilities of Chinese technology in cellular modules?
 - a. Do you have any concern that the SEP licensing fees paid to companies with ties to the CCP may be used to further efforts to undermine U.S. infrastructure, such as what we’ve seen with the “Salt Typhoon” hack?
2. The UK Supreme Court decided two landmark cases in the last few years in which it made FRAND determinations on a worldwide basis – *Unwired Planet v. Huawei* and *Interdigital v. Lenovo*. In those cases, the court articulated a framework for making FRAND determinations. What do you think of the decisions in those cases?”
3. Despite being on multiple U.S. sanctions lists, Huawei utilizes its massive patent portfolio to collect licensing revenue from U.S. companies, which generated the sanctioned company more than \$560 million in 2022. Should the United States continue to allow sanctioned companies, like Huawei, to circumvent U.S. sanctions through the licensing of U.S. patents to U.S. companies?
4. If you ask five people to define what constitutes fair, reasonable, and non-discriminatory (FRAND) licensing terms, you are likely to get five different answers. What do you think is the best method to determine FRAND terms, and who should ultimately be the arbitrator of that decision?

Questions for the Record from Rep. Ben Cline for Mr. Baker
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1. How can the draft EU SEP Regulation address concerns about Chinese or PRC-backed entities leveraging European courts to hold American manufacturers hostage?
2. Does the draft EU Regulation amount to government-mandated price setting? Why or why not?
3. How can small and medium manufacturers have confidence that the SEP royalty rate sought by a SEP holder is fair and reasonable? What are your options if you believe that the rate being sought is unreasonably high?