

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

1. The PRC often touts the availability of injunctive relief in patent enforcement actions in attempt to persuade rights holders to utilize their courts. Are injunctions regularly granted by courts in the PRC?
 - a. Are the injunctions actually enforced?
 - b. Does identity of the parties, including whether they are foreign, appear to have any impact on outcome?

Questions for the Record from Rep. Scott Fitzgerald for Mr. Cohen
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1. 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?”
2. 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?
3. 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. Cohen
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May 7, 2024

1. Please explain how Chinese courts issuing anti-suit injunctions (ASIs) in SEP lawsuits are different than American courts that have followed similar practices?