

# Bibliography

## Books

- Baumol William J., *The Free-Market Innovation Machine; Analyzing the Growth Miracle of Capitalism* (Princeton University Press, 2002).
- Cabral Luis M. B., *Introduction to Industrial Organization* (MIT Press, 2000).
- Jones Alison and Sufrin Brenda, *EU Competition Law: Text, Cases, and Materials*, 368 (Oxford University Press, 2014).
- Scotchmer Suzanne, *Innovation and Incentives* (MIT Press, 2004).

## Articles

- Bekkers, Rudi, et al, “*Selected Quantitative Studies of Patents in Standards*” Available at SSRN 2457064 (2014).
- Bessen James E., Michael J. Meurer, and Jennifer Laurissa Ford, “*The Private and Social Costs of Patent Trolls.*” *Boston Univ. School of Law, Law and Economics Research Paper* 11-45 (2011).
- Brooks, Roger G., and Damien Geradin, “*Interpreting and Enforcing the Voluntary FRAND Commitment.*” Available at SSRN 1645878 (2010).
- Camesasca, Peter, et al. “*Injunctions for Standard-Essential Patents: Justice is not Blind.*”, *Journal of Competition Law and Economics* 9: 285-287 (2013).
- Carrier, Michael A., “*Patent Assertion Entities: Six Actions the Antitrust Agencies Can Take.*” *CPI Antitrust Chronicle* 1.2 (2013).
- Chien Colleen V. and Lemley Mark A., “*Patent Holdup, the ITC and the Public Interest.*”, 98 *Cornell Law Review* 1 (2012).
- Coate Malcolm B., and Jeffrey H. Fischer, “*A Practical Guide to the Hypothetical Monopolist Test for Market Definition.*” *Journal of Competition Law and Economics* 4(4): 1031-1063 (2008).
- Contreras Jorge L., “*Patent Pledges*”, *Arizona State Law Journal* (Forthcoming 2015).
- Dasgupta Partha and Stiglitz Joseph. “*Industrial Structure and the Nature of Innovative Activity.*”, *The Economic Journal* (1980): 266-293.
- Drexl Josef, “*Anti-Competitive Stumbling Stones on the Way to a Cleaner World: Protecting Competition in Innovation without a Market*”, *Journal of Competition Law and Economics* 8(3): 507–543 (2012).
- Drexl Josef, “*Standard-Setting Organizations and Processes: Challenges and Opportunities for Competition and Innovation.*”, *Concurrences* (forthcoming 2015).

- Economides Nicholas and Lianos Ioannis, “*A Critical Appraisal of Remedies in the EU Microsoft Cases*” (NET Institute Working Paper #09-29, 2010).
- Elhauge Einer, “*Treating RAND Commitments Neutrally.*”, *Journal of Competition Law and Economics* 11(1): 1-22 (2015).
- Epstein Richard A., Scott Kieff, and Daniel F. Spulber, “*The FTC, IP, and SSOs: Government Hold-Up Replacing Private Coordination*”, *Journal of Competition Law and Economics* 8(1): 1-46 (2012).
- Evans David, “*Antitrust Issues Raised by the Emerging Global Internet Market Economy*”, *Nw. UL Rev.* 102: 1987 (2008).
- Ewing Tom, “*Indirect Exploitation of Intellectual Property Rights by Corporations and Investors: IP Privateering and Modern Letters of Marque and Reprisal.*”, *Hastings Sci. & Tech. LJ* 4 (2012): 1.
- Ewing Tom and Robin Feldman, “*The Giants Among Us.*”, *Stan. Tech. L. Rev* (2012): 1.
- Farrell Joseph and Shapiro Carl, “*How Strong Are Weak Patents?*”, *The American Economic Review* 98: 1347-1369 (2008)
- Farrell, J., Hayes, J., Shapiro, C. and Sullivan, T., “*Standard Setting, Patents, and Hold-Up*”, *Antitrust Law Journal*: 603-670 (2007).
- Gagnon Paul, “*The Business Model of Patent Assertion Entities in IT: Unilateral Restraints of Competition or Business as Usual?*”, *Journal of Antitrust Enforcement* 1(2): 375-417 (2013).
- Galetovic Alexander, Stephen Haber, and Ross Levine, “*An Empirical Examination of Patent Hold-Up.*”, No. w21090. National Bureau of Economic Research (2015).
- Geradin Damien, “*The European Commission Policy towards the Licensing of Standard-Essential Patents: Where Do We Stand?*”, *Journal of Competition Law and Economics* 9(4): 1125–1145 (2013).
- Geradin Damien and Anne Layne-Farrar, “*The Logic and Limits of ex ante Competition in a Standard-Setting Environment*”, *Competition Policy International* 3(1): 79-106 (2007).
- Geradin Damien and Rato Miguel, “*Can Standard-Setting Lead to Exploitative Abuse? A Dissonant View on Patent Hold-Up, Royalty Stacking and the Meaning of FRAND.*”, *European Competition Journal* 3(1): 101 -161 (2007).
- Gifford Daniel and Kurdle Robert, “*Antitrust Approaches in Dynamically Competitive Industries in the United States and the European Union*”, *Journal of Competition Law and Economics* 7(3): 695–731 (2011).
- Gilbert Richard, “*Competition Policy for Industry Standards*”. Available at [http://papers.ssrn.com/sol3/Papers.cfm?abstract\\_id=2273333](http://papers.ssrn.com/sol3/Papers.cfm?abstract_id=2273333) (2012).
- Ginsburg Douglas and Wright Joshua, “*Dynamic Analysis and the Limits of Antitrust Institutions*”, *Antitrust Law Journal* 78(1): 1-21 (2012).
- Gotts Ilene Knable and Scott Sher, “*Particular Antitrust Concerns with Patent Acquisitions.*”, *8 Competition Law International* 19 (2012).
- Gupta Kirti, “*The Patent Policy Debate in the High-Tech World*”, *Journal of Competition Law and Economics* 9(4): 827-858 (2013).

- Gupta Kirti, and Mark Snyder, “*Smart Phone Litigation and Standard Essential Patents*” (Hoover Institution Working Group on Intellectual Property, Innovation, and Prosperity, Stanford University, Working Paper Series No. 14006, 2014).
- Harris Robert G., “*Patent Assertion Entities & Privateers: Economic Harms to Innovation & Competition.*”, *Antitrust Bulletin* 59(2): 281-325 (2014).
- Hoehn Thomas and Lewis Alex, “*Interoperability Remedies, FRAND Licensing and Innovation: a Review of Recent Case Law*”, *E.C.L.R.* 34(2): 101-111 (2013).
- Hovenkamp Eric and Cotter Thomas, “*Anticompetitive Injunctions, Unprotected Market Entry, and Diagonal Integration in Patent Disputes*”. Available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2477965](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2477965) (2015).
- Hovenkamp Herbert, “*Antitrust and the Patent System: A Reexamination*”. Available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2486633](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2486633) (2014)
- Hovenkamp Herbert, “*Antitrust in Innovation: Where We Are and Where We Should Be Going*” (University of Iowa Working Paper 12-03, 2012). Available at <http://ssrn.com/abstract=1611265>
- Hovenkamp Herbert, “*Competition for Innovation*”, University of Iowa Legal Studies Research Paper Number 13-26. Available at <http://ssrn.com/abstract=2008953> (2013).
- Hovenkamp Herbert, “*Competition in Information Technologies: Standards-Essential Patents, Non-Practicing Entities and FRAND Bidding*”, University of Iowa Legal Studies Research Paper Number 12-32. Available at <http://ssrn.com/abstract=2154203> (2012).
- Jones Alison, “*Standard-Essential Patents: FRAND Commitments, Injunctions and the Smartphone Wars*”, *European Competition Journal* 10(1): 1-36 (2014).
- Katsoulacos Yannis, “*Optimal Legal Standards for Refusals To License Intellectual Property: A Welfare-Based Analysis*”, *Journal of Competition Law and Economics* 5(2): 269-295 (2009).
- Kattan Joseph, “*FRAND Wars and Section 2.*” *Antitrust* 27(3): 31 (2013).
- Kieff F. Scott and Anne Layne-Farrar, “*Incentive Effects from Different Approaches to Holdup Mitigation Surrounding Patent Remedies and Standard-Setting Organizations.*”, *Journal of Competition Law and Economics* 9(4): 1091-1123 (2013).
- Langus Gregor, Vilen Lipatov and Damien Neven, “*Standard-Essential Patents: Who Is Really Holding Up (and When)?*”, *Journal of Competition Law and Economics* 9(2): 253-284 (2013).
- Larouche Pierre, and Nicolo Zingales, “*Injunctive Relief in Disputes Related to Standard-Essential Patents: Time for the CJEU to Set Fair and Reasonable Presumptions.*”, *European Competition Journal* 10(3): 551-596 (2014).
- Layne-Farrar Anne and Padilla George, “*Assessing the Link between Standard-Setting and Market Power*”. Available at <http://ssrn.com/abstract=1567026> (2010).
- Layne-Farrar Anne, Gerard Llobet and Padilla George, “*Preventing Patent Hold Up: An Economic Assessment of ex ante Licensing Negotiations in Standard Setting*”, *AIPLA QJ* 37: 445 (2009).
- Lemley Mark A., “*IP and Other Regulations.*”, (Stanford Law School Working Paper Series, Paper No. 476, 2015) Available at <http://ssrn.com/abstract=2589278>

## Bibliography

- Merges Robert P., “*The Trouble with Trolls: Innovation, Rent-Seeking, and Patent Law Reform.*”, 24 Berkeley Technology Law Journal 1583 (2010).
- Milgrom Paul and Roberts John, “*Predation, Reputation and Entry Deterrence*”, 27 Journal of Economic Theory 280-312 (1982).
- Mintzer Erica S. and Munck Suzanne, “*The Joint US Department of Justice and Federal Trade Commission Workshop on Patent Assertion Entities – “Follow the Money”*”, Antitrust Law Journal 79(2): 423-443 (2014).
- Morton Fiona M. Scott and Shapiro Carl, “*Strategic Patent Acquisitions.*”, Antitrust Law Journal 79(2): 463-495 (2014).
- Mossoff Adam, “*Intellectual Property and Property Rights*”, George Mason University Law and Economics Series. Available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2466479](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2466479) (2013).
- Nagpal Pankaj, and Kalle J. Lyytinen, “*Key Actors In The Mobile Telephone Industry: Feature Phone Years And The Rise Of Nokia*”, Review of Business Information Systems 17(4): 171-178 (2013).
- Popofsky Mark S. and Laufert Michael D., “*Antitrust Attacks on Patent Assertion Entities*”, Antitrust Law Journal 79(2): 445-462 (2014).
- Rato Miguel and Petit Nicolas, “*Abuse of Dominance in Technology-Enabled Markets: Established Standards Reconsidered?*”, European Competition Journal 9(1): 1-65 (2013).
- Schellinghouth Ruben and Cavicchi Piero, “*Patent Ambush in Standard-Setting: the Commission accepts Commitments from Rambus to Lower Memory Chip Royalty Rates*”, Competition Policy Newsletter 1: 32-36 (2010).
- Sidak J. Gregory, “*Patent Holdup and Oligopsonistic Collusion in Standard-Setting Organizations*”, Journal of Competition Law & Economics 5(1): 123-188 (2009).
- Sidak J. Gregory, “*The Antitrust Division’s Devaluation of Standard-Essential Patents.*”, 104 The Georgetown Law Journal Online 48 (2015).
- Shelanski Howard, “*Unilateral Refusals to Deal in Intellectual and Other Property*”, Antitrust Law Journal: 369-395 (2009).
- Sherkow Jacob, “*Preliminary Injunctions Post-Mayo and Myriad*”, Stanford Law Review Online 67: 1-8 (2014).
- Smith Henry, “*Property as Platform: Coordinating Standards for Technological Innovation*”, Journal of Competition Law and Economics 9(4): 1057-1089 (2013).
- Spulber Daniel F., “*How Patents Provide the Foundation of the Market for Inventions.*”, Journal of Competition Law and Economics 11(2): 271–316 (2015).
- Taylor David O., “*Legislative Responses to Patent Assertion Entities.*” 23 Texas Intellectual Property Law Journal 313 (2015).
- Torti Valerio, “*IPRs, Competition and Standard Setting: In Search of a Model to Address Hold-Up*”, E.C.L.R. 33(9): 387-397 (2012).
- Tsai Joanna, and Joshua D. Wright, “*Standard Setting, Intellectual Property Rights, and the Role of Antitrust in Regulating Incomplete Contracts*” (July 18, 2014), forthcoming 80.1 (2014).

- Washington Legal Foundation, “*Trolling, Licensing & Litigating: A 21st Century Patent Paradigm?*”, (Spring 2013). Available at [http://www.wlf.org/publishing/publication\\_detail.asp?id=2363](http://www.wlf.org/publishing/publication_detail.asp?id=2363)
- Wright Joshua D. and Douglas H. Ginsburg, “*Patent Assertion Entities and Antitrust: A Competition Cure for a Litigation Disease?*”, *Antitrust Law Journal* 79(2): 501-526 (2015).
- Wu Tim, “*Intellectual Property Experimentalism by Way of Competition Law*”, 9 *Competition Policy International* 30 (2013).

## Cases

### E.U.

- Commission Decision, *Google/Motorola Mobility* (Case COMP/M.6381)[2012].
- Commission Decision, *Samsung* (Case Number AT.39939)[2014].
- Commission Decision, *Motorola* (Case Number AT.39985)[2014].
- Case C-85-76, *Hoffmann-La Roche & Co AG V. Commission* [1979] ECR 461. (ECJ)
- Case C170/13, *Huawei V. ZTE* [2015]. (ECJ)
- Case C-418/01, *IMS Health GmbH & Co OHG V. NDC Health GmbH & Co KG* [2004] ECR I-5039.
- IPCom v Nokia* [2012] EWHC 1446 (Ch). (UK)
- IPCom v. Deutsche Telekom & Vodafone*, Landgericht Düsseldorf Apr. 24, 2012, Case Number 4b O 274/10. (Germany)
- Case C-322/81, *Nederlandsche Banden Industrie Michelin V. Commission* (Michelin I) [1983] ECR 3461. (ECJ)
- Orange Book Standard*, BGH, 6 May 2009, KZR 39/06, GRUR 2009 694. (Germany)
- Case C-7/97, *Oscar Bronner GmbH & Co KG V. Mediaprint* [1998] ECR I-7791. (ECJ)
- C-241-242/91 P, *RTE and ITP V. Commission* [1995] ECR I-743. (ECJ)
- Case C549/10 P, *Tomra Systems V. Commission* (Tomra) [2012]. (ECJ)

### U.S.

- Amoco Production Co. v. Gambell*, 480 U. S. 531, 542 (1987).
- Apple Inc. v. Motorola, Inc.*, 757 F.3d 1286, 1331 (Fed. Cir. 2014).
- eBay Inc. v. MercExchange, L.L.C.*, 126 S. Ct. 1837 (2006).
- FTC Consent Order, *In the Matter of Robert Bosch GmbH* (23 April 2013). Available at <https://www.ftc.gov/sites/default/files/documents/cases/2013/04/130424robertboschdo.pdf>

## Bibliography

- FTC Consent Decree, *In the Matter of Motorola Mobility and Google* (23 July 2013), at 8. Available at <https://www.ftc.gov/sites/default/files/documents/cases/2013/07/130724googlemotorolado.pdf>
- International Trade Commission, *In the Matter of Certain Electronic Devices, Including Wireless Communication Devices, portable Music and Data Processing Devices, and Tablet Computers*, Inv. No. 337-TA-794 (4 June 2013). Available at [http://www.usitc.gov/secretary/fed\\_reg\\_notices/337/337-794\\_notice06042013sgl.pdf](http://www.usitc.gov/secretary/fed_reg_notices/337/337-794_notice06042013sgl.pdf)
- Microsoft Corp. v. Motorola, Inc.*, 696 F.3d 872, 878 (9th Cir. 2012).
- Microsoft Corp. v. Motorola Inc.*, 864 F. Supp. 2d 1023, 1038 (W.D.Wash. 2012).
- Realtek Semiconductor Corp. v. LSI Corp.*, 946 F. Supp. 2d 998, 1005 (N.D. Cal. 2013).
- Weinberger v. Romero-Barcelo*, 456 U. S. 305, 311–313 (1982).