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# PATENT NEWSLETTER

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# Regulation

Jul. 2024

## **SAMR Issues Warning Letter to Avanci**

In an official press release dated June 27, 2024, SAMR warned Avanci, a patent pool, of potential antitrust risks in its licensing of SEPs for automotive wireless communication. Although SAMR apparently has not yet launched a formal enforcement action or reached a binding penalty decision, the warning letter urged Avanci to review and strengthen its antitrust compliance and prevent or rectify antitrust issues relating to its licensing practices.

SAMR's warning letter to Avanci is a reminder that patent licensing practices, especially for SEPs, remain a focus of Chinese antitrust enforcement. This is not the first time China's antitrust enforcers have turned their attention to SEPs; previous high-profile enforcement actions involving SEPs include InterDigital (2014) and Qualcomm (2015).

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## **CNIPA Extends PPH Pilot Programs With ISIPO and EGYPO Again Respectively**

In a bid to continue providing applicants with efficient and convenient Patent Prosecution Highway (PPH) services, the China National Intellectual Property Administration (CNIPA) has agreed with the Icelandic Intellectual Property Office (ISIPO) and the Egyptian Patent Office (EGYPO) to extend their PPH pilot programs respectively for another five years, from July 1, 2024, to June 30, 2029. The updated address of the ISIPO's headquarter has been incorporated into the CNIPA-ISIPO PPH guidelines, while the rest of the content remains unchanged and will continue applying to the CNIPA-ISIPO PPH pilot program. The requirements and procedures for the CNIPA-EGYPO PPH pilot program will continue following the CNIPA-EGYPO PPH guidelines.

The extension of these two PPH pilot programs will benefit innovators by enabling faster patent examination, thereby better serving technological innovation and economic development. The extension will also further promote IP exchanges and cooperation between the CNIPA and the ISIPO, as well as the CNIPA and the EGYPO.

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## **China to host AIPPI World Congress for first time in October**

China will in October host the International Association for the Protection of Intellectual Property

(AIPPI) World Congress for the first time since the association was formed 127 years ago.

The event, slated to take place from Oct. 19 to 22 in Hangzhou City, east China's Zhejiang Province, is expected to attract 1,500 delegates from over 80 countries and regions.

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## **WIPO Arbitration and Mediation Center Signed Cooperation Agreement with Chongqing High People's Court**

On June 1, the World Intellectual Property Organization (WIPO) Arbitration and Mediation Center and the Chongqing High People's Court signed the Agreement Concerning Cooperation on Alternative Dispute Resolution (ADR) in the Area of Intellectual Property (IP).

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## **CNIPA and UAE Ministry of Economy Sign A Memorandum of Understanding on Intellectual Property Cooperation**

On the afternoon of May 30, Chinese President Xi Jinping and President of the United Arab Emirates (UAE) Sheikh Mohamed bin Zayed Al Nahyan witnessed the signing of a memorandum of understanding on intellectual property cooperation between the China National Intellectual Property Administration (CNIPA) and the UAE Ministry of Economy in the Great Hall of the People of Beijing. Shen Changyu, Commissioner of the CNIPA, and Thani bin Ahmed Al Zeyoudi, UAE's Minister of State for Foreign Trade, signed the memorandum of understanding on behalf of their respective IP authorities.

Both parties agreed to deepen cooperation in various fields including invention patent, industrial design, trademark, geographical indication, and layout design of integrated circuit.

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## **CNIPA-ARIPO PPH Pilot Program been Launched on June 8, 2024**

Following a joint decision by the China National Intellectual Property Administration (CNIPA) and the African Regional Intellectual Property Organization (ARIPO), the CNIPA-ARIPO Patent Prosecution Highway (PPH) Pilot Program starts on June 8, 2024, and will run for five years, until June 7, 2029.

After the launch of the CNIPA-ARIPO PPH Pilot Program, applicants from both sides can file PPH requests to the CNIPA/ARIPO according to the Guidance of CNIPA-ARIPO PPH Request.

PPH is a fast track linking patent examination duties of different countries or regions, allowing patent examination authorities to speed up patent examination by work sharing. Since the initiation of the first PPH program in November 2011, the CNIPA has built PPH ties with patent authorities of 32 countries or regions.

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# News

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## **Ipsen and Foreseen Biotechnology announce exclusive global licensing agreement for FS001**

July 11, Ipsen (Euronext: IPN; ADR: IPSEY) and Foreseen Biotechnology (Foreseen) announced an exclusive global licensing agreement for FS001, an antibody-drug conjugate (ADC) with first-in-class potential. FS001 targets a novel tumor-associated antigen that is overexpressed in many solid tumors and plays a critical role in tumor proliferation and metastasis.

The agreement gives Ipsen exclusive worldwide rights to develop, manufacture and commercialize FS001. Foreseen Biotechnology is eligible to receive up to \$1.03bn comprising upfront, development, regulatory and commercial milestone payments, and tiered royalties on global sales, contingent upon successful development and regulatory approvals. Under the terms of the agreement, Ipsen will assume responsibility for Phase I preparation activities, including submission of the Investigational New Drug (IND) application, and all subsequent clinical-development, manufacturing, and global commercialization activities.

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## **AbbVie and FutureGen Announce License Agreement**

June 13, AbbVie (NYSE: ABBV) and FutureGen Biopharmaceutical (Beijing) Co., Ltd. announced a license agreement to develop FG-M701, a next generation TL1A antibody for the treatment of IBD currently in preclinical development.

Under the terms of the agreement, AbbVie will receive an exclusive global license to develop, manufacture and commercialize FG-M701. FutureGen will receive \$150 million in upfront and near-term milestone payments and will be eligible to receive up to an additional \$1.56 billion in clinical development, regulatory and commercial milestones, as well as tiered royalties up to low-double digits on net sales.

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## **Zhuhai Guanyu filed a patent lawsuit against ATL and others**

May 28, Zhuhai Guanyu announced that the company and its wholly-owned subsidiary Chongqing

Guanyu recently received the “Notice of Acceptance of the Case” and other relevant materials delivered by the Chongqing First Intermediate People's Court regarding the company and Chongqing Guanyu suing Ningde New Energy Technology Co., Ltd. (hereinafter referred to as Defendant 1 ATL) and other defendants for patent infringement.

Zhuhai Guanyu announced that the company, as the patentee of the patent in question, produced and sold products related to the patent in question without the company's permission, and that the other defendants sold and promised to sell products related to the patent in question, suspected of infringing on the company's patent rights. In the five cases mentioned above, the compensation amounts claimed were 10.5 million yuan, 10.5 million yuan, 11 million yuan, 11 million yuan, and 10.5 million yuan, respectively, for a total of 53.5 million yuan.

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### **AIKO prevails before Dutch Court: Preliminary Injunction sought by Maxeon denied**

On May 16, the Provisions Judge of the District Court of The Hague in the Netherlands denied the preliminary injunction sought by Maxeon for alleged patent infringement by AIKO. This decision marks a significant victory for AIKO, showcasing the unique design of their cutting-edge ABC products.

Maxeon filed a patent infringement lawsuit with the German District Court against AIKO's ABC products in November 2023. In December 2023, Maxeon also filed preliminary injunction proceedings before the District Court of The Hague in the Netherlands, seeking preliminary injunctive relief for alleged infringement of its EP2297788B1 patent. The Dutch court held that it is not plausible that AIKO's products would infringe Maxeon's patent, therefore rejecting the requested preliminary injunction.

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### **AVM takes license to Huawei's WiFi 6 standard-essential patents**

The Munich I Regional Court informed ip fray today that a Huawei v. AVM trial scheduled for this week's Wednesday (April 17, 2024) had been canceled as the complaint was withdrawn. From the motion for voluntary dismissal, ip fray has learned that the entire dispute has come to an end as AVM is now licensed to Huawei's WiFi 6 SEPs.

Temporarily, Huawei was asserting WiFi 6 SEPs against three defendants: Amazon, AVM and Netgear. Of the three, only Netgear is left, and with others having licensed Huawei's patents (typically without litigation).

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 [www.lifanglaw.com](http://www.lifanglaw.com)

 Email: [patent@lifanglaw.com](mailto:patent@lifanglaw.com)

 Tel: +86 10 64096099

 Fax: +86 10 64096260/64096261