



Statement from Save Our Standards on the USPTO Formation of Internal SEP Working Group

Save Our Standards looks forward to constructively engaging with the United States Patent and Trademark Office's new SEP Working Group and other stakeholders to ensure U.S. standard essential patent (SEP) policy promotes President Trump's goals for American technological leadership. American leadership in emerging technologies like the Internet of Things (IoT) and artificial intelligence is key to ensuring America's prosperity into the future — but it can be achieved only if American businesses can reliably use the technical standards that support them. Predictable and fair licensing of standardized technologies is more important than ever for American competitiveness and technological advancement.

Collaboratively developed voluntary standards, such as 5G and Wi-Fi, are what products like mobile phones, medical devices, cars, and advanced manufacturing systems rely on to communicate and interoperate. When patent holders choose to contribute technology to these standards, they commit to license their SEPs on fair, reasonable, and non-discriminatory (FRAND) terms. That balance has allowed American innovators to invest, build, and compete globally. Increasingly, however, U.S. manufacturers face threats from SEP licensing claims — often from foreign actors — that distort good-faith licensing, impact the widespread adoption of standardized technology, and raise costs for American businesses and consumers.

Given the impact of unfair SEP licensing practices on American technological leadership and competitiveness, any new U.S. policy on SEPs should reinforce FRAND commitments, not weaken them. Injunctions for alleged SEP infringement should only remain available in rare circumstances, particularly where monetary relief would be insufficient. Expanding their use would risk incentivizing demands for excessive, supra-FRAND royalties, chilling investment, and undermining American innovation.

U.S. courts have long recognized that FRAND licensing terms should reflect solely the value of the patented invention itself and be proportionate to the value of the specific component at issue, not the value of an entire highly complex end product containing thousands of components. Non-FRAND SEP licensing practices lead to excessive and unsustainable costs. This balanced approach has provided the predictability U.S. innovators need to invest, build, and compete.

We urge the USPTO to ensure that its work reflects the unique nature of SEPs and strengthens the role of FRAND in protecting American businesses, promoting fair competition, and sustaining U.S. leadership in global standards.