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## The FTC's Qualcomm Case Reveals Concerning Divide with DOJ on Patent Hold-Up

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This article was written by Partner Timothy Syrett and published by IP Watchdog.

**Excerpt:** On May 2, the Antitrust Division of the U.S. Department of Justice (DOJ) took the unusual step of submitting a [Statement of Interest](#) in the Federal Trade Commission's (FTC's) [case against Qualcomm](#) to take a position contrary to the FTC. The DOJ argued that “[b]ecause an overly broad remedy could result in reduced innovation, with the potential to harm American consumers, this Court should hold a hearing and order additional briefing to determine a proper remedy that protects competition while working minimal harm to public and private interests.” In response, the FTC informed the court that it “did not participate in or request” the DOJ’s filing, that it “disagree[d] with a number of contentions” made by the DOJ, and that the DOJ “misconstrues applicable law and the record.” In the end, the court agreed with the FTC and issued injunctive relief against Qualcomm without conducting the further remedy proceedings the DOJ advocated.

### Underscoring the Divide

The public feuding between the two federal antitrust enforcement agencies about how to resolve a case litigated by one them was a remarkable spectacle. It also brought into focus a broader divide between the FTC and DOJ on the role of antitrust law in addressing patents that are essential to industry standards (SEPs) and subject to commitments to license on fair, reasonable, and non-discriminatory (FRAND) terms. [Read the full article.](#)

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