

(44) JOSHUA D. WRIGHT | DOUGLAS H. GINSBURG b * *
 G v , \$ (b % ± \$ x 2 # Ø b < # Ý _ 6õ M • , (& — F 2 b æ 5 * , i ' > & THE GUIDELINES
 FOR THE USE OF INTELLECTUAL PR O P E R T Y UNDER THE ANTIMONOPOLY
 ACT > ' M 4 Š 5 G _ 6õ M • - 0 b

0 b c F , 6 & J F T C b % 2 # 6 Y 6 M F & F -
 2 b c * & THE GUIDELINES FOR THE USE OF INTELLECTUAL PROPERTY UNDER
 THE ANTIMONOPOLY ACT & G L > 6 M Ø [1 3 _ A F €
 b f • 1 C c 0 b A p p M J F T C b 3 2 6 M
 0 b c C h ' & F 2 M E 1 j) 9 E
 % 2 # 6 & F 2 b K 1 6 M S 6 0 ± ' Y 8 Z & M 6 • 2

G L c FRAND Ø Y C Ø p 6 6 ...
 _ P K 1 e 3 X 8 9 & FRAND Ø Y C Ø p (Û
 _ F = 8 F 0 & SEP M S h F e F 0 c ¥
 h ' & F 2 & AMA " 3 & G L " 3 2 (1) (e) h Y D 7 H b <
 7 V 4 * 6 8 c AMD " 1 9 & G L " 4 (2) (j) Y G 2 4 * o % & \
 M @ 6 3 7 8 • I j G L c FRAND Ø & (t e
 : I 0 A _ . FRAND Ø Y C SEP b l p S * _ 6 •
 8 c FRAND Ø Y C SEP b . 0 1 S * _ # 6 °]
 : ? _ ? ? J N 2 8 @ 6 3 7 8 •

G L c F e F 0 c F = G # M 1 0 b % E I
 6 M 4 T 7 _ M Q K Z G e l E V _ E F = b G # Y
 F u 6 8 : 5 K Z 8 • 3 G h c) 9 0 E E M
 6 • I j W _ 1 M p _ 3 E 2 c \$ 0 6 6 h
 3 0 7 F E M S b AMA b D / P * (Y 0 [6 M •
 7 • AMA b D / P * (c * 8 h E W K F = b g
 7 F K G E W Z F = i : 2 A # 1 0 ? 3
 @ 9 8 G # . # a C c " 3 (1) (e) 4 (2) (j) b 4 8 7 V N
 M 6 S T K J F T C @ G M 1 G M e c
 a C v FRAND Ø Y C SEP b a . I 0 1 5
 K S 8 : 0 6 # M J I 0 A @ F e F 8 : €

¹ Ø • & 1 0 0 7 C b 0 b 0 7 5 N K (4 4 6 6 8 c Q b N
 Ø b 0 b 0 7 M h c 8
² C h M c (4 4 6 8 & F 2 M 5) Ø
 0 D % 2 # 6 M j Ø X 8 Z E V _ K Z 8 •

m 7 6 F A U b M (0 3 2 b v a 2 A P 5 3 6 2 @ 8 E H

³ G L " 3 (1) (e) 4 (2) (j) b 7 0 8 /
<http://www.ftc.gov>
[2015/11/150708.Factbook](https://www.ftc.gov/ftc/2015/11/150708.Factbook)

#KZ[0][b23D7HM•GMa[
6•

I. AMA b D/â P*(c •/j8 ,lb-â-â,•È†*
7< F M••+ ö @9x 8

WK †=ilbg•†

\!> ^ @ } FRAND &(ÛVb&(Û•
6b2(#02(64MÛVb66bOb#M8:
G6C#.#0KZAZ8i†=†#&i KZ8I0Ác0A
†=K/& SSO>WZ†=@G#NE#V(0#MG\W
Z ÑA#&i8Z€
p8I0A30[Á• î8ÛCÛVb†zO@"
[0#DZ88:0b0Z66M?8)@>
8Z1=#8• 5 Gb0bZM2K(8d
_FçFb30D_4*M8KZ88K•
Gb8ÛPKS(b8dÛNN_8SPWZ8•

4)Ëç*...

FRAND 6YC SEP

1/3h FRAND &(ÛVb2A(0_8Z
/8dt_8KZ88 & 1> FRAND 6YCÛM•
Sb SSO b&(Û SEP ã... SSOQB(b665Û
& 2Qb†=b8#ÛcÛU*%*[002Mg6b
[6• 7& 3> FRAND 6YC SEP_X8ZFçF0c

6

⁴ *In re Innovatio IP Ventures, LLC*, 2013° WL 5593609 *4&N
4Š. 2013° 10 v 3¥ *Microsoft Corp. P Motorola, Inc.*, 2013° WL 2111217 *1-2&O
0Y4Š. 2013° 4 v 25¥

@.m@6[6?]?_2\$@MS

[G€YC/ChCY@6~

b)NY&J8

FRAND 8YC@U

AMA

KS SEP @.F€F@*)M8:0b3KcQb

I0bWKQb)\$.PM€WMM@6•

_F€F@A_PM•

AMA 2\$50b3Kc

Q#Y@Qb@7@V7H@

FRAND 8€G%W

ZY1_MG€MM@6Gbsu

SEP @c.Oj

c8€Q#Y?.)

FRAND 8YCq WGq EG

\$€I€

3 X% _Q#Y_PMF@_WZ%\$#€

M€M@[@6b@6€

AMA b2\$6I0A@Qb

/j FRAND @W[

SSO_2MGFM@6•

G€

c\$.E#%#MGV@28H@6~

7bG\$€-1\$#?M@6•

II. o!t \$x"IOÁ í î Ý » " µ É @ | C0b } € •

\ 8 :) 9,\$x0É Ð c ^ 8

G b Y G L c FRAND 8YC

SPE_X8Z€E

b@_PMF@cM@EV_\$WZKZ8

+G#KZ80b%É6@4Sc2Z7_M3@8•

12 G€F€F@

SEP @.FP*(4#€\$

Z@Q[MSuQ#MMF@€

M@WZMM@6T@

SEP @.F€FP*(

@cQbFP*(€68cQb€KZ4#€\$su

_#MGM@c8

13 MX_cN#.c€

µ/MG7EMXbD(8bM•

[€4€

c(W7T1[€0€•Z0€V@€@€@€

ÉM@7EM@6~

SEP @.V@U

€8I0Ac€I@6KZ8

• 14 I}€IS#8S004M@0Ac..

'98bI0A

12 GL" 3(1)(g) 4(2)(y)

13 *AdLanFanr& Kaw. WgEu*

1- FRAND 8%

Methodologies For Calculating FRAND Damages

LAW360 3-4 & 2014° 10 v 8> 10¥

&€b/€b

2 Xb[(ò

Y@Y€6G€

K€EMXCh&KZ8>

70€

[b/x.gattach](#)

Q#0ÁM#=#8S0bG#N4MSu:)
LZ0b7A[QMG@%_X@0b@6
• , 15

SGLcQ#Y@G7HNN
\$ SEP a@FçFP*(O&LZ8GbV_
\$&Fe;&\$10#8)16GQKZ
8_50[ES]@68:KZ8I0A
E\$M@68:#.1=MA\$50[2\$;i
cNMB_I0A_PMF&jFç
cA A h 2*_WZMM6
@6 Gf&KZ8GHL@%2#0#06MA
EX8Z6E11KZ8• 16

I0M#1=ESZ#EIQE
i0M)990MG@50[[6C#0L8Y
b)&0%Ê*b0b)98EP C0bE
68c2*_KZ8D0b8[68:0bXK8
JFTC hLMESu0[0E#i MG 17

2013° 7v 30Y 70P
b/v gdlfcdp t apchdlnd
cnoiadchl pn tjadl 30730a diltbf
15 Id.
16

08Ûb2(#Q_Ep64M80MMS_u#M
QhJL_o@% KZ8•

22

Ë6M1G#.1=8A†1K(†4EM0/3d

#.1=_Q:MGc

SEP d_KSI@.

FRAND 6Y

Cq [h|K8G&M|0[0'=lg

7FM@6f_2@WZKSö

_fG \"MGÛPÁQ:0<

SEP ä@.%\$Mqb*)@fçC0[ÁZ

-8_Ma[6WS

FRAND 8TE[6

7/a_87FM9f