

Former head of Google patent strategy appointed to run U.S. patent agency



(/Profile/12836/AppleInsider) AppleInsider
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Posted: December 12, 2013 12:49AM

in [iPhone \(https://forums.appleinsider.com/categories/iphone\)](https://forums.appleinsider.com/categories/iphone) edited January 2014

Michelle Lee, who until July was running Google the firm's patent strategy, has been named the deputy director of the US Patent and Trademark Office, and will run the agency until a new director is appointed.



Michelle Lee formerly led Google's patent law division, now runs the USPTO. Photo: Dino Vournas, *BizJournals*.

According to a report (<http://finance.yahoo.com/news/former-google-executive-run-u-165952220.html>) by *Reuters*, Lee is the "former deputy general counsel and head of patents and patent strategy at Google."

A profile by *BizJournals* said (<http://www.bizjournals.com/sanjose/news/2012/11/16/former-google-ip-attorney-michelle-lee.html?page=all>) Lee "joined the technology giant in 2003 and built the company's IP legal team from scratch."

Lee was cited as saying, "none of the policy positions of my former employers has guided my work. I certainly would be very welcoming of everybody's input."

Lee specifically called attention to her desire to "attack the backlog of unexamined patents and work to improve patent quality." There are currently over 590,000 unexamined patents, and 697 patents have been challenged.

Reexamining Apple's patents

Apple has seen its iPhone patent receive particular scrutiny since Google announced efforts to "defend Android" from a series of patent infringement allegations. Google has paid billions to acquire patent portfolios of its own, including the acquisition of Motorola Mobility for \$12.5 billion, announced (http://appleinsider.com/articles/11/08/15/google_announces_plans_to_acquire_motorola_mobility_for_12_5b.html) in August of 2011. That acquisition was led by Lee.

That was nearly a year after Motorola's October 2010 initiation of a patent war against Apple, seeking an International Trade Commission sales ban against Apple's products. Apple retaliated with claims of its own, and the case continued until both sides' claims were dismissed by judge Richard Posner June 2012. Apple's case against Motorola was resurrected (<http://appleinsider.com/articles/13/08/07/apple-wins-appeal-reinstating-its-case-against-googles-motorola>) this August.

Apple also pursued successful patent action against Android phone maker HTC, resulting in a licensing agreement last November 2012, and against Android licensee Samsung, resulting in a nearly \$1 billion award for infringement of Apple's patents.

Protect Android at all costs

Several of Apple's touch screen, multitouch and user interface patents in the Samsung case were subjected to high-profile reexamination requests (<http://appleinsider.com/articles/12/05/29/two-important-apple-multitouch-patents-face-anonymous-uspto-challenges>) this year, issued by a party that decided to remain anonymous.

Google would benefit greatly from a reexamination of Apple's patents by the USPTO, particularly if the agency decided to take action to effectively grant Google's Android platform full rights to Apple's technology.

In 1992, a U.S. court similarly issued a ruling that gave Microsoft unfettered access to duplicate (<http://appleinsider.com/articles/13/08/10/xerox-parc-the-apple-inc-macintosh-innovator-duplicator-litigator>) all of Apple's work on the Macintosh user interface, empowering Bill Gates to release a virtual clone of the Macintosh desktop in Windows 95 after a second appeal by Apple was denied in 1994.

If Lee pursues a dismantling of Apple's patent protections within the USPTO, it could turn around Google's current bleak prospects (<http://appleinsider.com/articles/13/07/29/google-appears-ready-to-ditch-android-over-its-intellectual-property-issues>) for Android by erasing its expensive, complicated intellectual property problems.

One Apple patent, the so-called "Steve Jobs patent," was challenged at the USPTO only to be fully reaffirmed (<http://appleinsider.com/articles/13/10/17/apples-multitouch-steve-jobs-patent-revalidated-in-full-by-uspto>) in a form stronger than it was prior to the reexamination in mid October.

A USPTO led by a former patent strategy executive from Google wouldn't necessarily need to deny all of Apple's patents in reexaminations in order to disrupt the iPhone maker's attempts to stop infringement by Android makers. All it would need to do is keep Apple's patents involved in regular reexaminations long enough to delay any justice until enforcement actions were no longer meaningful.

«

1 (<https://forums.appleinsider.com/discussion/161152/former-head-of-google-patent-strategy-appointed-to-run-u-s-patent-agency>)

2 (<https://forums.appleinsider.com/discussion/161152/former-head-of-google-patent-strategy-appointed-to-run-u-s-patent-agency/p2>)

3 (<https://forums.appleinsider.com/discussion/161152/former-head-of-google-patent-strategy-appointed-to-run-u-s-patent-agency/p3>)

4 (<https://forums.appleinsider.com/discussion/161152/former-head-of-google-patent-strategy-appointed-to-run-u-s-patent-agency/p4>)

5 (<https://forums.appleinsider.com/discussion/161152/former-head-of-google-patent-strategy-appointed-to-run-u-s-patent-agency/p5>)

» (<https://forums.appleinsider.com/discussion/161152/former-head-of-google-patent-strategy-appointed-to-run-u-s-patent-agency/p2>)



(/Profile/60296/Digitol) Digitol (/Profile/60296/Digitol)

Reply 1 of 100

Posts: 92

December 12, 2013 1:14AM (/discussion/comment/2445675/#Comment_2445675)

Ridiculous and disappointing. Isn't this a Conflict of interest, or am I missing something? Shameful Google, I think.

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sling TELEVISION WATCH 7 DAYS FREE > RESTRICTIONS APPLY



(/Profile/8853/Iqatedo) Iqatedo (/Profile/8853/Iqatedo)

Reply 2 of 100

Posts: 1,522

December 12, 2013 1:35AM (/discussion/comment/2445676/#Comment_2445676)

As much as I was disappointed when I read the headline, this woman must be given the benefit of the doubt. To suggest that she will pressure staff to rule against Apple simply because of her employment history would be quite outrageous.



(/Profile/182071/Geoadm) Geoadm (/Profile/182071/Geoadm)

Reply 3 of 100

Posts: 81

December 12, 2013 1:44AM (/discussion/comment/2445677/#Comment_2445677)

Is she still linked with Google in any way? or was she fired for being behind the acquisition of motorola for the patents which thus far has been a complete waste of money



(/Profile/21656/Eluard) Eluard (/Profile/21656/Eluard)

Reply 4 of 100

Posts: 319

December 12, 2013 1:50AM (/discussion/comment/2445680/#Comment_2445680)

Hire a thief to catch a thief --- or let them all get clean away.



(/Profile/56361/Macky%20the%20macky) Macky The Macky (/Profile/56361/Macky%20the%20macky)

Reply 5 of 100

Posts: 4,729

December 12, 2013 2:38AM (/discussion/comment/2445684/#Comment_2445684)

Let's see... She's claiming to be separate from Google, who ran her flag to the top of the pole, hmmm... Her last name is Korean, no conflict there, I don't suppose.



(/Profile/185735/Lord%20amhran) Lord Amhran (/Profile/185735/Lord%20amhran)

Reply 6 of 100

Posts: 902

December 12, 2013 2:59AM (/discussion/comment/2445685/#Comment_2445685)

macky the macky (/profile/56361/macky%20the%20macky) wrote: » (/t/161152/former-head-of-google-patent-strategy-appointed-to-run-u-s-patent-agency/0_100#post_2445684)Her last name is Korean, no conflict there, I don't suppose.

What does her ethnicity have to do with this?

Reply 7 of 100



(/Profile/108858/Bestkeptsecret) **Bestkeptsecret**
(/Profile/108858/Bestkeptsecret)

Posts: **2,454**

December 12, 2013 3:49AM (/discussion/comment/2445699/#Comment_2445699)

Just out of curiosity, can a patent that has been granted be examined and re-examined forever? So if a patent is re-validated on re-examination, can there be requests to re-examine it again and again? When is the line drawn?

As for the news at hand, I agree with IQatEdo. She should be given the benefit of doubt.

Reply 8 of 100



(/Profile/65272/Philboogie) **Philboogie** (/Profile/65272/Philboogie)

Posts: **7,367**

December 12, 2013 3:58AM (/discussion/comment/2445702/#Comment_2445702)

Many questions here in the first few posts; so I'm sure someone with extensive knowledge on *anything* Google™ can shed some light on this development.

Reply 9 of 100



(/Profile/65272/Philboogie) **Philboogie** (/Profile/65272/Philboogie)

Posts: **7,367**

December 12, 2013 3:58AM (/discussion/comment/2445703/#Comment_2445703)

Many questions here in the first few posts; so I'm sure someone with extensive knowledge on anything Google™ can shed some light on this issue.

Reply 10 of 100



(/Profile/199752/J4zb4) **J4zb4** (/Profile/199752/J4zb4)

Posts: **33**

December 12, 2013 4:08AM (/discussion/comment/2445705/#Comment_2445705)

Quote:

Originally Posted by **Macky the Macky**



(/t/161152/former-head-of-google-patent-strategy-appointed-to-run-u-s-patent-agency#post_2445684)

Let's see... She's claiming to be separate from Google, who ran her flag to the top of the pole, hmmm... Her last name is Korean, no conflict there, I don't suppose.

AFAIK Lee is predominantly Chinese... And you are really taking it too far... Ofcourse there will be doubts... But, flaming her for her ethnicity (which you have it wrong I think) and her previous employment is not fair... Maybe she knows the underhanded tactics of Google and she might end up backing Apple... 🙄

Reply 11 of 100



(/Profile/19372/Ascii) **Ascii** (/Profile/19372/Ascii)

Posts: **5,363**

December 12, 2013 5:29AM (/discussion/comment/2445715/#Comment_2445715)

Speaking as a software developer, a lot of the patents I see granted are not really original ideas, just things that any qualified engineer would think of.

The ideal person to head this agency would be someone who was a lawyer and a software developer (is there such a person?) who could set policies to reduce the number of such patents granted.

Because honestly, it's just stockpiling a lot of legal grief for the future. So in a way I'm glad to see someone from a tech company appointed. I can see how some might worry she is a clever strategic move by Google, or a plant, but there needs to be hard evidence for claims like that, in the absence of evidence we must give people the benefit of the doubt.

Reply 12 of 100



(/Profile/93571/Newtonrj) **Newtonrj** (/Profile/93571/Newtonrj)

Posts: **18**

December 12, 2013 5:47AM (/discussion/comment/2445719/#Comment_2445719)

If you can't buy them, join them, I guess.

Reply 13 of 100



(/Profile/100667/Gatorguy) **Gatorguy** (/Profile/100667/Gatorguy)

Posts: **17,484**

December 12, 2013 5:48AM (/discussion/comment/2445720/#Comment_2445720)

Michelle Lee has been with the USPTO as a regional director working out of "the valley" since [B]last[/B] year, and spent several years before that serving on the USPTO Advisory Panel. Her latest position isn't even technically Acting Director due to some Senate rules on appointments. She'll just be doing the things the Acting Director would... if she was. :err:

<http://www.ipwatchdog.com/2013/12/11/michelle-lee-appointed-deputy-director-of-the-uspto/id=46699/>
(<http://www.ipwatchdog.com/2013/12/11/michelle-lee-appointed-deputy-director-of-the-uspto/id=46699/>)

Reply 14 of 100



(/Profile/192909/D4njvzrf) **D4njvzrf** (/Profile/192909/D4njvzrf)

Posts: **797**

December 12, 2013 6:25AM (/discussion/comment/2445724/#Comment_2445724)

Quote:

Originally Posted by **ascii**



(/t/161152/former-head-of-google-patent-strategy-appointed-to-run-u-s-patent-agency#post_2445715)

The ideal person to head this agency would be someone who was a lawyer and a software developer (is there such a person?) who could set policies to reduce the number of such patents granted.

How about William Alsup? He reportedly learned Java specifically to prepare for the Oracle vs Google case. There was a pretty great exchange between him and David Boies regarding Rangecheck
(<http://www.i-programmer.info/news/193-android/4224-oracle-v-google-judge-is-a-programmer.html>)
(<http://www.i-programmer.info/news/193-android/4224-oracle-v-google-judge-is-a-programmer.html>)

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