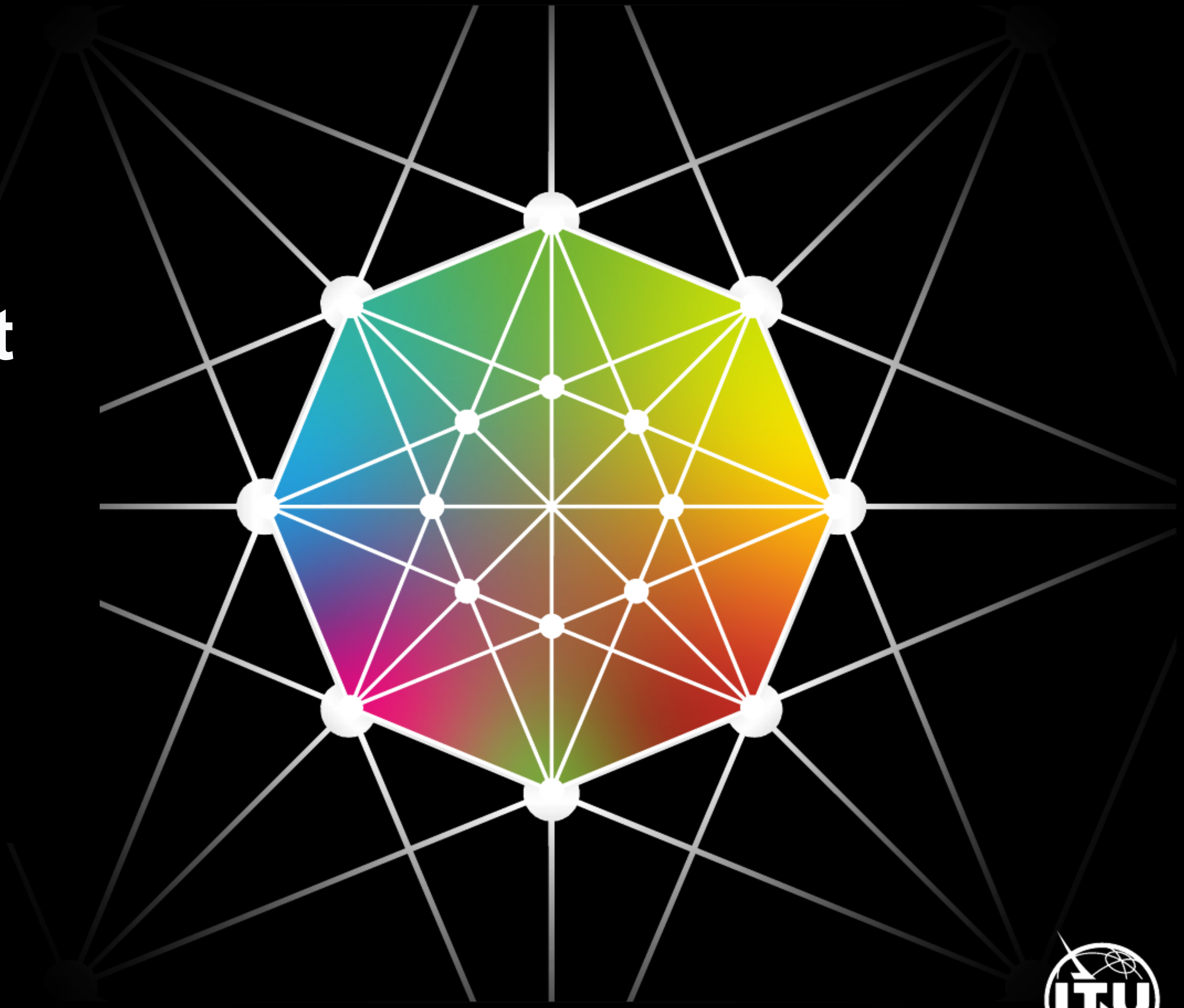
Valuation by Absence: Modeling Evidentiary Gaps in Patent Value Assessment

Fast-Forward Poster Preview | Poster P.2



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Valuation by Absence

Why Missing Evidence Matters in Patent Valuation

Patent value is shaped not only by what evidence exists, but also by **what is missing.**

- SEP valuation often relies on declarations, mappings, products, and licences.
- Courts and evaluators also discount value when key evidence is missing.
- This paper treats evidentiary absence as a structured input to valuation restraint.

Fast-Forward Poster Preview

An Absence-Aware Valuation Framework

Model the gap before assigning the value

Technical Evidence

Claim-to-standard / clause-specific mapping

If absent: lowers essentiality confidence

Deployment Evidence

Product, teardown, protocol, chipset, or architecture evidence

If absent: weakens implementation confidence

Economic Evidence

Licence, royalty, litigation, enforcement, or market record

If absent: narrows valuation confidence

Evidence State

0 Absent

1 Semantic proximity

2 Structured evidence

3 Corroborated evidence

Valuation Response

Proceed → Constrained range → High uncertainty → Abstain

Absence is not a footnote. It is a valuation signal.

When evidence is incomplete, valuation should narrow, flag uncertainty, or abstain.

Applied to IN218255, IN240893, and Optis v Apple.

Case Evidence:
Absence Changes Valuation Posture

Public evidence defines the defensible valuation range

Example	Evidence Present	Evidence Missing	Valuation Posture
IN218255 / Philips	Technical record for EFM+ DVD dispute; royalty reference available.	Volume / use assumptions not fully evidenced at quantum stage.	Retrospective damages viable; monetary quantum constrained.
IN240893 / TENXC	Substantive beamforming disclosure; technical coherence present.	No visible ETSI declaration, 3GPP clause map, teardown, or license trail.	Technically coherent; valuation confidence remains constrained.
Wi-Fi / mmWave SEP examples	Semantic proximity to discovery, synchronization, beamforming, or PHY behavior.	Limited public chipset, firmware, product-level, or clause-specific proof.	Technical interest; valuation restraint and narrower confidence.
Optis v Apple	Where mapped: clause evidence, implementation, and licensing history.	For weaker patents: missing mapping or implementation evidence.	Tier, discount, or exclude from FRAND valuation pool.

Absence does not prove non-value. It limits what the record can responsibly support.

From Evidence State to Valuation Response

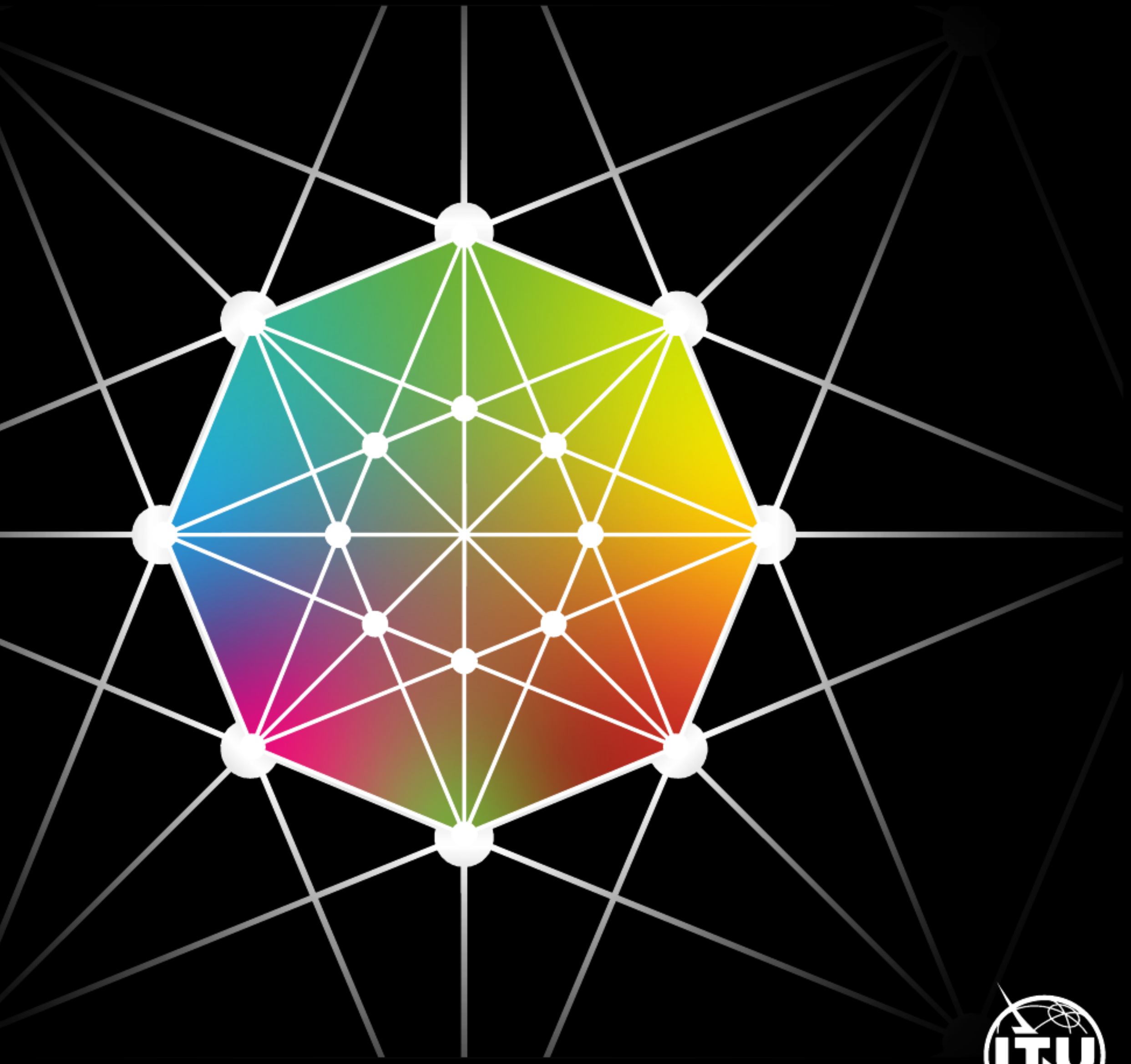
The framework converts evidence completeness into an auditable valuation posture

Evidence state	Valuation response
Technical + deployment + economic evidence present	**Full valuation** Proceed with ordinary valuation methods.
Technical + deployment present; economic record absent	**Constrained range** Narrow the range and disclose assumptions.
Technical present; deployment absent	**High uncertainty / narrow range** Do not infer implementation from proximity alone.
Technical evidence absent	**Abstain unless new evidence is produced** No defensible valuation assertion from the public record.

Evidence state is not a mechanical discount. It is the boundary of defensible valuation.

Proceed, constrain, flag uncertainty, or abstain - before assigning value.

Thank you!



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