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Federal Trade Commission
Office of the Secretary
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The American Arbitration Association (AAA) is pleased to provide its views on the *Proposed Consent Agreement In the Matter of Motorola Mobility LLC, a limited liability company, and Google Inc., a corporation*; FTC File No. 121 0120. The AAA is a not-for-profit public service organization, with over eighty years of experience in the field of domestic and international alternative dispute resolution (ADR). The International Centre for Dispute Resolution (ICDR) is the AAA's international division, and is one of the world's leading providers of international dispute resolution services.

The proposed consent order includes provisions for the use of binding arbitration to resolve certain disputes. The AAA has found through its extensive experience in government programs that such use of arbitration can provide a fast, fair, and cost-efficient mechanism for the resolution of disputes. The AAA's not-for-profit status, combined with our experience in working with federal agencies, state governments, and policymakers has allowed us to develop and implement a number of well-administered programs under government mandate, under statutory, regulatory, or agency executive authority.

Based on this experience, we provide the following specific comments on elements of the proposed consent order:

1. In section D. 2., parties have sixty (60) days to agree on the number and manner of selecting the arbitrator(s). In our experience, 60 days would not be necessary to complete the selection process, especially if parties have access to a pre-qualified panel of expert neutrals with relevant experience in FRAND, SEP, and/or intellectual property disputes, which will be assembled by the AAA for disputes administered by the AAA/ICDR under the relevant rules. **We recommend fifteen (15) business days, which would provide sufficient time for arbitrator selection.**
2. In section D. 3., parties have up to sixty (60) days to agree upon the language and location for the arbitration. **In our experience, if parties are going to reach agreement on this element of the arbitration, fifteen (15) business days should provide sufficient time.** We note that the included language allowing the Qualified Arbitration Organization to determine language and location should the parties fail to reach agreement is critical.

3. Section 4.b. of the proposed consent order allows the arbitrator to "...require reasonable security, including an ongoing escrow of funds, if the arbitrator determines such security is necessary..." **We believe the final consent order should require any escrow funds to be held by a neutral third party escrow agent, and should require written instructions describing the terms and conditions for disbursement of the funds and the duties and responsibilities of the escrow agent.**

We look forward to working with the FTC to implement a fair, efficient, and cost-effective dispute resolution mechanism for these disputes. If we can provide any additional information or assistance, please do not hesitate to contact me at [REDACTED]

Best regards,

[REDACTED]
S. Pierre Paret
Vice President for Government Relations