

PatCom Meeting Minutes

March 2016

**IEEE-SA Standards Board Patent Committee (PatCom)  
Meeting Minutes  
01 March 2016  
Shangri-La's Eros Hotel, New Delhi, India  
2:30 p.m. – 5:45 p.m.**

Members Present:

Yvette Ho Sang, Non-Voting  
Gary Hoffman  
Hung Ling  
Glenn Parsons  
Phil Wennblom  
Don Wright, Chair

Members Absent:

Chuck Adams

IEEE Outside Legal Counsel:

Claire Topp – Dorsey & Whitney

Guests:

Evelyn Chen  
Sheetal Chopra  
Chaim Cohen  
Jean-Philippe Faure  
Debdas Goswami  
James Harlan  
Bruce Kraemer  
John Kulick  
Kevin Lu  
S.K. Murthy  
Jon Rosdahl  
Adrian Stephens

IEEE Staff:

Sri Chandrasekaran  
Chirag Desai  
Mary Ellen Hanntz  
Konstantinos Karachalios

Karen Kenney  
Soo Kim  
Karen McCabe  
Harish Mysore  
Dave Ringle, Administrator  
Rudi Schubert

## **1 CALL TO ORDER**

Chair Wright called the meeting to order at 2:34 p.m. There was a round of introductions by all present.

## **2 APPROVAL OF [AGENDA](#)**

**There was a motion to approve the agenda. The motion was approved, as there was no objection to unanimous consent.**

## **3 APPROVAL OF THE [04 DECEMBER 2015 PatCom MINUTES](#)**

There was a request to edit the draft minutes of the previous meeting. For items 5.1 and 5.2, the text was changed to "Action Item: PatCom Chair to initiate discussion via email."

**There was a motion to approve the amended previous meeting minutes. The motion was approved, as there was no objection to unanimous consent.**

## **4 ADMINISTRATIVE STATISTICS**

Dave Ringle reported that there were 13 LoAs (2 were negative LoAs) that were accepted since the December PatCom meeting.

## **5 OLD BUSINESS**

### **5.1 Proposed New FAQ on Reciprocity Option on LOA**

**There was a motion to approve the following FAQ. The motion was approved, as there was no objection to unanimous consent.**

*26A. What does it mean when a Submitter checks the box labeled as "(Optional) Such a license will include a Reciprocal Licensing requirement" under D.1.a or D.1.b in an LOA?*

When this box is checked under D.1.a or D.1.b in an LOA, it means that the Submitter is giving notice that it may choose to include a Reciprocal Licensing requirement as a condition of granting a license. (See also FAQ 78-80 for additional information on Reciprocal Licensing.)

***Action Item: Dave Ringle to update the PatCom FAQ document.***

## 5.2 Patent Policy Tutorial

Chair Wright had previously provided to PatCom a comparison of a tutorial presented to C/LMSC versus the existing PatCom patent policy tutorial. PatCom email discussion had yielded a few topics for inclusion in the PatCom patent policy tutorial.

### **There was a motion to approve the following updates:**

Slide 17, new second main bullet:

- Submission of an LOA is voluntary
  - Individuals or entities may participate in standards development regardless of whether an LOA has been submitted

Slide 33, new text in third main bullet:

- The Submitter of an LOA providing licensing assurance is voluntarily agreeing not to seek or seek to have enforced a Prohibitive Order until certain conditions are met, including:

Slide 38; all new:

#### Questions and Resources

- Questions? Contact the IEEE-SA Standards Board Patent Committee Administrator at [patcom@ieee.org](mailto:patcom@ieee.org), or
- Visit these resources:
  - Patent Policy (IEEE-SA Standards Board Bylaws clause 6), <http://standards.ieee.org/develop/policies/bylaws/sect6-7.html#6Bylaws>
  - Understanding Patent Issues During IEEE Standards Development, <http://standards.ieee.org/faqs/patents.pdf>
  - PatCom Patent Materials, <https://standards.ieee.org/about/sasb/patcom/materials.html>
  - Promoting Competition and Innovation: What You Need to Know about the IEEE Standards Association's Antitrust and Competition Policy, <http://standards.ieee.org/develop/policies/antitrust.pdf>
  - IEEE-SA Standards Board Resolution (2 June 2015), <https://standards.ieee.org/about/sasb/resolutions.html>

**The motion was approved, as there was no objection to unanimous consent.**

***Action Item: Dave Ringle to update the tutorial as indicated above. In addition, the date in the footer will be updated.***

## 5.3 [Some Questions](#) on the Interpretation of the Patent Policy – Stephens

Adrian Stephens attended via teleconference for this agenda item.

Adrian introduced Questions 1-5, and addressed questions from PatCom Members.

For Questions 1-4, the following action plan was agreed:

PatCom will hold internal discussion via email. Draft questions and answers will be generated. Once PatCom feels that the drafts have reached a suitable level of stability,

the information will be socialized on pp-dialog. It is anticipated that the information will be discussed at a future PatCom meeting, with the possibility of proposed additions and/or modifications to the PatCom FAQ document.

For Question 5, the following two new FAQs were discussed.

*15A. What are some implications of normatively referencing a non-IEEE standard in an IEEE standard?*

When an IEEE standard normatively references a standard developed by another SDO, the technical content of the referenced standard is incorporated by reference in the IEEE standard. In addition, Working Groups should be aware that the policies governing the other SDO's development process (for example, patent policy and copyright policy) apply to the referenced standard. Because of these considerations, section 6.4.6 of the *IEEE-SA Standards Board Operations Manual* states that "IEEE and other nationally or internationally recognized standards developing organizations (SDOs) are preferred as the source of normative references," but standards developed by other organizations are not precluded from being referenced.

*15B. When incorporating a non-IEEE standard in whole and unmodified through a normative reference in an IEEE standard, should the working group chair seek LOAs for potential Essential Patent Claims in the referenced standard?*

If an IEEE standard incorporates a non-IEEE standard in whole and unmodified through a normative reference, an implementation that is built to conform to the IEEE standard will, by definition, also conform to the referenced standard. Therefore, because the patent policy of the originating SDO applies to the referenced standard, there should be no need to request additional LOAs.

**There was a motion to approve FAQs 15A and 15B. The motion was approved. [Vote: Yes=3; No=1 (Parsons)]**

***Action Item: Dave Ringle to update the PatCom FAQ document.***

Jon Rosdahl presented slides showing some proposed replies to Questions 1-5.

***Action Item: Dave Ringle to distribute Jon's slides to PatCom.***

#### 5.4 Possible New FAQ on Applicability of LOAs

Chair Wright noted that this item needs more thought. The following action plan was agreed:

PatCom will hold internal discussion via email to draft one or more appropriate questions for the PatCom FAQ document. After confirmation of the wording of any questions, PatCom will continue its internal discussion via email to draft answers. Once PatCom believes that the drafted material has reached a suitable level of stability, information will be socialized on the pp-dialog mailing list.

## 6 NEW BUSINESS

None.

**7**     **[NEXT MEETING](#)**

The next PatCom meeting will occur on either 28 or 29 June 2016 in Berlin, Germany.

**8**     **ADJOURNMENT**

There being no further business, the meeting was adjourned at 4:43 p.m.