

IEEE P1817: Standard for Consumer-ownable Digital Personal Property

**Legal Liability:
Essential Patent Claims, Antitrust, and Competition**

Define: Essential Patent Claims (EPCs)

- Issued or Pending Patent
- Needed for either mandatory or optional normative clause
- Alternatives are
 - Commercially infeasible
 - Technically infeasible
 - Patent infringing

Legal Liability

Slide #0 (first half)

- IEEE patent policy is consistent with ANSI patent policy. (See SASB bylaws)
- Quick: Early identification is strongly encouraged
- Disclaimer: IEEE may be unaware of essential claims
- Disclaimer: IEEE, WG, and Chair can't promise
 - All are identified, or
 - Identified claims are really “essential”

Slide #1: Who Identifies EPCs

- **SHALL:** If you own or control the patent (or represent the owner), you shall identify essential claims
- **SHOULD:** If not the owner or controller (or representative), you should identify essential claims
- One Letter of Assurance (LOA) covers the whole standard
- **QUICK:** Identify essential claims early and often
- No duty to perform patent search

Slide #2: Related Links

- SASB Bylaws, Section 6: Patents
- SASB Operations Manual, Section 6.3: Patents
- More links (including LOAs on file)
- Patent Committee contact info

Slide #3: Call to Identify

- Speak up now, or
- Inform chair soon, in order to
- Get a Letter of Assurance submission

Legal Liability

Slide #4: Antitrust and Competition

- **Don't discuss:**
 - **Patent** interpretation, validity, or essentiality
 - **License** rates, terms, or conditions
 - **price** fixing, **customer** allocation, or **sales market** division
- **Do object:** if banned topics are discussed.

Slide #0 (first half): Record in Minutes

- Slides 1 through 4 were shown
- All had opportunity to identify EPCs
- EPCs and their identifiers were recorded

Legal Liability