

The IEEE Standards Association (IEEE-SA) implemented updates to its patent policy on 15 March 2015.

The 05 December 2015 resolution of the IEEE-SA Standards Board states: *“RESOLVED, that the IEEE-SA Standards Board hereby confirms that the sole LOA form that the Standards Board has approved does not permit an LOA with the D.1.d box selected to indicate the existence of alternative licensing assurances through contact information or otherwise, or to include attachments other than the extension page for identification of specific patents under Item E.1.”*

In the past three years, various patent holders have approached the IEEE-SA Standards Board Patent Committee Administrator with statements along the lines of *'We will not provide an LOA with licensing assurance under the terms of the 2015 patent policy. We would, however, ask that you inform standards development participants and other interested parties that we are willing to provide an LOA with licensing assurance under the terms of the 2007 patent policy.'*

It is possible that some of the patent holders that stated a willingness to provide an LOA with licensing assurance under the terms of the 2007 patent policy did not fully understand that when the 2015 patent policy became effective that it would immediately apply to all IEEE standards development projects/standards regardless of whether or not the project/standard had been initiated prior to the 15 March 2015 implementation date of the updates to the patent policy.

Solely in regards to projects/standards that were initiated prior to 15 March 2015, would it be acceptable to permit a Submitter to include ONLY the following exact text as an attachment to a newly submitted LOA in which box D.1.d is selected?

Notwithstanding its having checked box D.1.d, the Submitter declares that as to the IEEE Standard or IEEE standards project identified in part C and for the Essential Patent Claims covered by part E *Scope of Assurance* of this LOA, the Submitter's licensing position is the same as it would have been if the Submitter had submitted an LOA with box D.1.b selected using the version of the IEEE LOA form that was in use immediately prior to the 15 March 2015 implementation of the updates to the IEEE-SA patent policy, under the terms of the *IEEE-SA Standards Board Bylaws* that were in effect at that time.