

6. Patents

IEEE standards may be drafted in terms that include the use of Essential Patent Claims. If the IEEE receives notice that a [Proposed] IEEE Standard may require the use of a potential Essential Patent Claim, the IEEE shall request licensing assurance, on the IEEE Standards Board approved Letter of Assurance form, from the patent holder or patent applicant. The IEEE shall request this assurance without coercion. If the patent holder or patent applicant provides an assurance, it should do so as soon as reasonably feasible in the standards development process. This assurance shall be provided prior to the Standards Board's approval of the standard or shall be provided prior to its reaffirmation, if the IEEE receives notice of a potential Essential Patent Claim after the standard's approval. An asserted potential Essential Patent Claim for which an assurance cannot be obtained shall be referred to the Patent Committee for resolution.

This assurance shall be either:

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- b) A statement that a license for a compliant implementation of the standard will be made available without compensation or under reasonable rates, with reasonable terms and conditions that are demonstrably free of any unfair discrimination. The Submitter may provide with its assurance a not-to-exceed rate commitment and either a sample license agreement or material licensing terms. Copies of an Accepted LOA may be provided to the working group, but shall not be discussed, at any standards working group meeting.

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- 1 In order for IEEE's patent policy to function efficiently, participants in the standards
- 2 development process shall inform the IEEE of any potential Essential Patent Claims owned or
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- 4 or otherwise represents..