

LETTER OF ASSURANCE FOR ESSENTIAL PATENT CLAIMS

Please return via mail, PatCom Administrator, IEEE-SA Standards Board Patent Committee
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Piscataway, NJ 08854 USA
FAX (+1 732-875-0524) e-mail: patcom@ieee.org

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No license is implied by submission of this Letter of Assurance

A. SUBMITTER:

Legal Name: _____ ("Submitter")

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B. SUBMITTER'S CONTACT INFORMATION:

Contact Name/Title: _____
Department: _____
Address: _____
Telephone: _____ Fax: _____ E-mail: _____
URL: _____

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Note: The IEEE does not review and does not endorse the contents nor confirms the continuing accuracy or consistency of any contact information or web site listed above.

Deleted: The IEEE takes no position with respect to the reasonableness of rates, terms, and conditions of the license agreements offered by patent holders or patent applicants. To that end, t

C. (PROPOSED) IEEE STANDARD OR PROJECT (AMENDMENT, CORRIGENDA, REVISION):

The scope of this licensing position is limited to the following:

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Number: _____
Title: _____

D. SUBMITTER'S POSITION REGARDING LICENSING OF ESSENTIAL PATENT CLAIMS:

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In accordance with Clause 6 of the IEEE-SA Standards Board Bylaws, the Submitter hereby declares the following (check box 1 or box 2):

Note: Nothing in this Letter of Assurance shall be interpreted as giving rise to a duty to conduct a patent search. The IEEE takes no position with respect to the validity or essentiality of Patent Claims or the reasonableness of rates, terms, and conditions of any license agreements offered by the Submitter.

Deleted: that its licensing position with respect to any patent(s) and/or patent application(s) that it may hold or control, the use of which would be essential to create a compliant implementation of either mandatory or optional portions of the [Proposed] IEEE Standard identified above, is as follows (check one box only)

☐ 1. The Submitter MAY have the ability to license Patent Claims that might become Essential Patent Claims. With respect to any Patent Claim that becomes an Essential Patent Claim, the Submitter's licensing position is as follows (check A, B, C, or D and any applicable subordinate boxes):

Deleted: Note:

☐ A. The Submitter will grant a license without compensation to an unrestricted number of applicants on a worldwide basis with reasonable terms and conditions demonstrably free of unfair discrimination to implement the [Proposed] IEEE Standard.

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☐ (Optional) A sample of such a license (or material licensing terms) that is substantially similar to what the Submitter would issue is attached.

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☐ B. The Submitter will grant a license under reasonable rates to an unrestricted number of applicants on a worldwide basis with reasonable terms and conditions demonstrably free of unfair discrimination to implement the [Proposed] IEEE Standard.

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These reasonable rates will not exceed _____ (e.g. percent of product price, flat fee, per unit) (optional).

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☐ (Optional) A sample of such a license (or material licensing terms) that is substantially similar to what the Submitter would issue is attached.

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☐ C. The Submitter without conditions will not enforce any of its present or future Essential Patent Claims, in regards to a compliant implementation of the [Proposed] IEEE Standards, against any person or entity making, using, selling, offering to sell, importing, distributing or implementing such a compliant implementation.

☐ D. The Submitter is unwilling to grant licenses according to the provisions of either A or B above or to agree that it will not enforce its Essential Patent Claims as described in part C above.

☐ 2. After a reasonable and good faith inquiry, the Submitter is **NOT AWARE** of any Patent Claims that the Submitter may own, control or have the ability to license that might become Essential Patent Claims. For these purposes, a Submitter can demonstrate "a reasonable and good faith inquiry" by using reasonable efforts to identify and contacted those individuals who are from, employed by or otherwise represent the Submitter and who are known to the Submitter to be current or past participants in the development process of the [Proposed] IEEE Standard identified in item C above, including, but not limited to, participation in a Sponsor-Ballot or Working Group. If the Submitter did not or does not have any participants, then "a reasonable and good faith inquiry" can be demonstrated by reasonable efforts to contact individuals who the Submitter believes are most likely to have knowledge about the technology covered by the [Proposed] IEEE Standard or knowledge of possible Essential Patent Claims.

E. SCOPE OF ASSURANCE

Note: Complete this section only if box D.1 above is checked.

The Submitter may, but is not required to, identify one or more of its Patent Claims that it believes might become Essential Patent Claims. (Check box 1 or box 2 below) ▼

☐ 1. When checked, this Letter of Assurance only applies to the Patent Claims below that become Essential Patent Claims. (If no Patent Claim is identified below, then this Letter of Assurance applies to all Essential Patent Claims supported by the disclosure in the patent or patent applications listed below.) ▼

Patent/Application/Docket Number: _____
Description (opt.)/Title: _____
Claim: _____

Patent/Application/Docket Number: _____
Description (opt.)/Title: _____
Claim: _____

Patent/Application/Docket Number: _____
Description (opt.)/Title: _____
Claim: _____

For additional patents, use additional pages, as necessary.

☐ 2. When checked, this is a Blanket Letter of Assurance. As such, all Essential Patent Claims that the Submitter may currently or in the future have the ability to license shall be available under the terms as indicated above in D.1; however, a Blanket Assurance shall not supersede any pre-existing or simultaneously submitted assurance identifying a specific Patent Claim.

F. APPLICATION TO AFFILIATES

With respect to any Essential Patent Claims that may be owned or controlled by an Affiliate, the Submitter agrees that (i) the licensing statements described in parts D and E above apply to any Essential Patent Claims that may be owned or controlled by an Affiliate; and (ii) the terms of this letter are binding on each such Affiliate; provided, however, that such commitments shall not apply to Affiliates identified below:

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Deleted: either (a) subject area experts for the [Proposed] IEEE Standard; or (b) are

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Note:

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Deleted: Patent Holder owns or controls patent(s) and/or application(s) that it believes may be essential to create a compliant implementation of the [Proposed] IEEE Standard

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Organization's Name Organization's Name

Address Address

Contact person Contact person

For additional Affiliates, use additional pages as necessary.

G. SIGNATURE:

By signing this Letter of Assurance, you represent that you have the authority to bind the Submitter and all Affiliates (other than those Affiliates excluded above) to the representations and commitments provided in this letter and acknowledge that users and implementers of the [Proposed] IEEE Standard identified in part C above are relying upon and may seek enforcement of the terms of this letter. The Submitter and all Affiliates (other than those Affiliates excluded above) agrees not to sell or otherwise transfer any rights in any Essential Patent Claims that they hold or control with the intent of circumventing or negating any of the representations and commitments made in this letter.

You agree (a) to provide notice of the representations and commitments made in this letter either through a Statement of Encumbrance or by binding any assignee or transferee to the terms of this letter; and (b) to require your assignee or transferee to similarly provide such notice and bind its assignees or transferees to provide such notice as described in (a) and (b)].

If the Submitter becomes aware of Patent Claims not already covered by an existing Letter of Assurance that are owned or controlled by the Submitter that may become Essential Patent Claims with respect to the standard identified in C above, the Submitter agrees to submit a Letter of Assurance covering such Patent Claims.

Print name of authorized person: _____

Title of authorized person: _____

Signature of authorized person: _____ Date: _____

Note: This assurance applies from the date of the standard's approval to the date of the standard's withdrawal and is irrevocable upon acceptance by the IEEE-SA Standards Board Patent Committee.

The IEEE Patent Policy and the procedures used to execute that policy are documented in the IEEE-SA Standards Board Bylaws and the IEEE-SA Standards Board Operations Manual, available at <http://standards.ieee.org/resources/index.html#guides>. The terms and definitions set forth in the IEEE Patent Policy, Standards Board By-Laws and Standards Board Operations Manual in effect as of the date of this Letter of Assurance are incorporated herein.

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Deleted: general disclaimer or specific reference

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Deleted: [OPTION B: You agree (a) to bind your assignees and transferees to the representations and commitments made in this letter; and (b) to require your assignee or transferee to similarly bind its assignee or transferee as described in (a) and (b)].¶

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E. SIGNATURE:¶

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