

DEFINITIONS FOR BYLAWS

“*Affiliate*” shall mean an entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with such entity. For the purposes of this definition, the term “control” and its derivatives, with respect to for-profit entities, means the legal, beneficial or equitable ownership, directly or indirectly, of more than fifty percent (50%) of the capital stock (or other ownership interest, if not a corporation) of such entity ordinarily having voting rights. “Control” and its derivatives, with respect to nonprofit entities, means the power to elect or appoint more than fifty percent (50%) of the Board of Directors of such entity.

“*Blanket Letter of Assurance*” shall mean a Letter of Assurance that applies to all Essential Patent Claims that a Submitter may own or control at the time of submitting the Letter of Assurance or in the future.

“*Essential Patent Claim*” shall mean any patent claim and/or patent application the use of which is essential to create a compliant implementation of either mandatory or optional portions of the [Proposed] IEEE Standard when, at the time of the [Proposed] IEEE Standard’s approval, there is no commercially and technically feasible non-infringing alternative. Essential Patent Claims do not include any claims other than those set forth above even if contained in the same patent as Essential Patent Claims.

“*Submitter*” when used in reference to a Letter of Assurance shall mean an individual or organization that provides a completed Letter of Assurance. A Submitter may or may not hold Essential Patent Claims.

“*Patent Claim(s)*” shall mean one or more claims in issued patent(s) or patent application(s).