

DEFINITIONS FOR BYLAWS

“Accepted LOA” shall mean a materially complete Letter of Assurance that the PatCom administrator has reviewed and posted to the IEEE Standards Association web site.

“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.

“Letter of Assurance” shall mean a letter of licensing assurance, for a specifically referenced IEEE Standard, submitted in a form acceptable to the IEEE.

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

Deleted: own or control

“Enabling Technology” shall mean any technologies that may be necessary to make or use any product or portion thereof that complies with the [Proposed] IEEE Standard but are not themselves expressly set forth in the [Proposed] IEEE Standard (e.g., semiconductor manufacturing technology, compiler technology, object-oriented technology, basic operating system technology, and the like).

“Essential Patent Claim” shall mean any Patent Claim the use of which is necessary to create a compliant implementation of either mandatory or optional portions of the normative clauses 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. An Essential Patent Claim does not include any enabling technology nor any claim other than that set forth above even if contained in the same patent as the Essential Patent Claim.

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

Deleted: a potential patent rights holder (either

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