

To General Counsel - Patents,

I am the Chair of the IEEE Standards Association (IEEE-SA) Working Group 802.16. Through the course of development of IEEE Std 802.16 (*IEEE Standard for Local and metropolitan area networks - Part 16: Air Interface for Broadband Wireless Access Systems*, including amendments, corrigenda, and revisions), it has come to my attention that your organization may have “Essential Patent Claims” with respect to this standard. Essential Patent Claims, as defined by the IEEE, are any Patent Claims the use of which was 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 was no commercially and technically feasible non-infringing alternative.

According to the *IEEE-SA Standards Board Operations Manual*, Working Group Chairs to whom patent issues have been raised shall solicit Letters of Assurance for Essential Patent Claims (Letters of Assurance) from patent holders having potential Essential Patent Claims. As the individual within your organization having authority for intellectual property rights management, the IEEE would appreciate your completing and signing the attached Letter of Assurance and returning it to the IEEE Standards Association at:

Administrator, IEEE-SA Standards Board Patent Committee
IEEE
445 Hoes Lane
Piscataway, NJ 08855 USA
Fax: +1-732-875-0524
Email: patcom@ieee.org

As Working Group Chair, I would appreciate a copy for my records as well.

All published IEEE Standards include the following disclaimer at the beginning of the standard:

"Attention is called to the possibility that implementation of this standard may require use of subject matter covered by patent rights. By publication of this standard, no position is taken with respect to the existence or validity of any patent rights in connection therewith. The IEEE is not responsible for identifying Essential Patent Claims for which a license may be required, for conducting inquiries into the legal validity or scope of Patents Claims or determining whether any licensing terms or conditions provided in connection with submission of a Letter of Assurance, if any, or in any licensing agreements are reasonable or non-discriminatory. Users of this standard are expressly advised that determination of the validity of any patent rights, and the risk of infringement of such rights, is entirely their own responsibility. Further information may be obtained from the IEEE Standards Association."

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The *IEEE-SA Standards Board Bylaws* state that the assurance is irrevocable once submitted and accepted and shall apply, at a minimum, from the date of the standard's approval to the date of the standard's withdrawal. For your reference, the complete IEEE standards patent policy, including definition of terms, can be found in:

- ◆ *IEEE-SA Standards Board Bylaws*, Clause 6
[<http://standards.ieee.org/guides/bylaws/sect6-7.html#6>]
- ◆ *IEEE-SA Standards Board Operations Manual*, Clause 6.3
[<http://standards.ieee.org/guides/opman/sect6.html#6.3>]

Please address questions to the Administrator, IEEE-SA Standards Board Patent Committee [patcom@ieee.org].

Sincerely,

Roger Marks
Chair, IEEE 802.16 Working Group

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