

Introductory comments for July 17th 2006 appeal rehearing:

Please turn off Cell Phones and Pagers.

(Introduce Appeal Panel)

Matthew Sherman (Chair)

Mike Takefman (Member)

Pat Thaler (Member)

This rehearing is being held pursuant to the appeal filed by James F. Mollenauer, Al Wieczorek, and Val Oprescu (appellants) and a rehearing request from Jerry Upton (appellee). It relates to decisions made by the chair and IEEE 802.20 Working group.

In this hearing James F. Mollenauer, Al Wieczorek, and Val Oprescu represents himself and Jerry Upton represents the 802.20 Working Group (appellee).

The rehearing is being conducted in accordance with LMSC Policies and Procedures (P&P) dated January 2006, specifically section 7.1.7 of said P&P. The members of this board, having been duly constituted according to that procedure, are charged with fact-gathering and rendering a decision with regards to the matters presented in briefs filed by the appellants and Appellee with scope of the rehearing as restricted in the Appeal Panel Rehearing Request Response. The Appellants' brief is dated October 21st, 2005 and was received by the EC Recording Secretary on October 21st, 2005. The appellee's brief is dated December 19th, 2005 and was received by the EC Recording Secretary on December 19th, 2005. The decision from the Appeal Panel is dated April 6th, 2006. The Rehearing Request from the Appellee is dated May 2nd, 2006. The Appeal Panel Rehearing response is dated May 31st 2006. All these documents may be found in the LMSC Executive Committee E-mail Achieves.

Accordingly this rehearing is limited to evidence concerning the appropriate approval threshold for the 'TSP' document as identified in the various documents submitted concerning this matter. This hearing is intended for each party to summarize the arguments presented relevant to that topic. We ask that each party limit their comments to a period not to exceed 15 minutes. The Appellee (having requested this rehearing) will speak first, followed by the Appellants. Each party will then be allowed up to 5 minutes to re-address the panel to clarify facts as appropriate. The appeals panel may then follow with questions directed at one or both parties.

Both parties are to focus on the facts as captured in the documents submitted offering clarification and context and within to the scope of the rehearing. This is *not* an opportunity to introduce new facts, complaints or objections unless they constitute significant new evidence that was not previously available and not captured in the briefs.

Robert's rules of Order shall apply to questions of parliamentary procedure for this hearing. Specifically note that speakers must be recognized by the chair.

The panel will then begin its deliberations. A decision will be rendered within 30 days of this rehearing and the parties informed at that time. During this time, the parties are enjoined from speaking to the members of the appeal panel on issues relating to this matter.

I will send a copy of these introductory notes to the LMSC Executive Committee reflector for reference.

Does any require clarification on this procedure at this time?

If not, Jerry Upton, you have the floor as Appellee.