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**IEEE P802.11  
Wireless LANs**

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**Comments of the IEEE Standards Board's Patent Committee and  
current text for IPR letter**

**Date:** September 2, 1995

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**Introduction**

On August 29, 1995, I sent document 95/204, Proposed text for IPR letters (Vic Hayes, AT&T), to the IP manager at the Standards office and to the chairman of IEEE LMSC, Don Loughry.

The Standards Office had some concerns and Don Loughry proposed improvements. Subsequently, the Standards Office called a teleconference of the Patent Committee of the Standards board and the IEEE legal counsel on August 31, 1995.

The next section documents the result of that meeting. Page 2 is the current text for the cover page and page 3 is the proposed response letter including the input from the teleconference.

**Comment of the Patent Committee**

The Patent Committee feels that it is most appropriate and least threatening for the letters to be addressed to the actual working group participants and sent via regular mail. These are the people in the best position to know the contents of the document and also theoretically the impact to their organizations' intellectual property. The letter does ask them to pass it on to the appropriate people within their organization.

We have not identified any particular technology so as not to be restrictive in scope.

We do not believe it is appropriate, nor does policy require it anywhere that we could find, for the patent holder to identify specific clauses of the document that refer to their technology. We seek the information on a more general level.

We have also addressed Don's point that there may very well be patent holders out there who have not participated in the standards development. The letter asks that the participants identify to you any organizations that may hold patents.

We also did not believe that it was appropriate to say or infer that if a patent holder did not come forward, their future claims would be discounted. That would appear to be a question for a court of law, but hopefully, not for us.

## Cover letter

Dear Working Group Participant:

Your assistance is needed to help our working group, the IEEE P802.11 Wireless LAN standard committee complete the development of this standard and bring it forward to the IEEE Standards Board for approval. As you know, the draft standard utilizes a comprehensive set of technologies and a number of patent related matters have been discussed during all phases of the development of this document. Part of the task of this committee is to disclose any patent issues that they are aware of.

The IEEE patent policy requires a letter of assurance such as the one attached. The letter indicates the patent holders willingness to license their technology on a non-discriminatory basis under fair and reasonable terms.

Please apprise me of any known patents related to technology described in the draft standard. We also ask that you forward this letter to the appropriate person in your organization who is responsible for intellectual property rights for their review and action.

We need your response by October 24th so that we may continue with the approval process in an efficient manner. Thank you for your assistance.

Sincerely,

Vic Hayes  
Chair

Att. (patent response letter from Guide)

Dear Mr. Hayes:

This letter is written in response to your letter of (date), which requested that (company) confirm to the IEEE that we will provide licenses under our (country) Patent # \_\_\_\_\_ or (country) Patent Pending # \_\_\_\_\_ with respect to the proposed IEEE P802.11 standard. In that regard:

In the event the proposed standard is adopted and the standard cannot be practiced without the use of the patent referenced above, (company) agrees upon written request to grant a nonexclusive license under such patent on a nondiscriminatory basis and on reasonable terms and conditions including its then-current royalty rates.

This letter does not grant any right to the IEEE with respect to (company) copyrights or other intellectual property rights that relate to the proposed standard. Any party interested in the license described above may write to (name of contact person) at the address on the letterhead.

Sincerely,

Jane Q. Company  
(company)

