

IEEE P802.3cn Task Force Interim Teleconference Meeting, 24 Sept 2019

- Please send email to chair with name, employer, affiliation for record of Interim Teleconference Meeting attendance
- Draft Agenda
 - Approve agenda
 - IEEE Patent Policy - <https://development.standards.ieee.org/myproject/Public/mytools/mob/slideset.pdf>
 - IEEE 802 Participation Policy - <https://mentor.ieee.org/802-ec/dcn/16/ec-16-0180-05-00EC-ieee-802-participation-slide.pdf>
 - Completion of the standards balloting process and submittal to RevCom - <https://standards.ieee.org/about/policies/opman/sect5.html#5.4.3.5>
 - Public Review per subclause 5.4.5 of the IEEE-SA Standards Board Operations Manual <<https://standards.ieee.org/about/policies/opman/sect5.html#5.4.5>
 - Voting per IEEE 802.3 WG Operations Manual per Subclause 3.4.2 - http://www.ieee802.org/3/rules/P802_3_rules.pdf
 - Chief Editor's Report
 - Comment Resolution Against Comments Submitted Against D3.0 via Public Review
 - Closing Business

Instructions for the WG Chair

The IEEE-SA strongly recommends that at each WG meeting the chair or a designee:

- **Show slides #1 through #4 of this presentation**
- **Advise the WG attendees that:**
 - IEEE's patent policy is described in Clause 6 of the *IEEE-SA Standards Board Bylaws*;
 - Early identification of patent claims which may be essential for the use of standards under development is strongly encouraged;
 - There may be Essential Patent Claims of which IEEE is not aware. Additionally, neither IEEE, the WG, nor the WG Chair can ensure the accuracy or completeness of any assurance or whether any such assurance is, in fact, of a Patent Claim that is essential for the use of the standard under development.
- **Instruct the WG Secretary to record in the minutes of the relevant WG meeting:**
 - That the foregoing information was provided and that slides 1 through 4 (and this slide 0, if applicable) were shown;
 - That the chair or designee provided an opportunity for participants to identify patent claim(s)/patent application claim(s) and/or the holder of patent claim(s)/patent application claim(s) of which the participant is personally aware and that may be essential for the use of that standard
 - Any responses that were given, specifically the patent claim(s)/patent application claim(s) and/or the holder of the patent claim(s)/patent application claim(s) that were identified (if any) and by whom.
- The WG Chair shall ensure that a request is made to any identified holders of potential essential patent claim(s) to complete and submit a Letter of Assurance.
- It is recommended that the WG Chair review the guidance in *IEEE-SA Standards Board Operations Manual* 6.3.5 and in FAQs 14 and 15 on inclusion of potential Essential Patent Claims by incorporation or by reference.

Note: **WG** includes Working Groups, Task Groups, and other standards-developing committees with a PAR approved by the IEEE-SA Standards Board.

Participants have a duty to inform the IEEE

- Participants shall inform the IEEE (or cause the IEEE to be informed) of the identity of each holder of any potential Essential Patent Claims of which they are personally aware if the claims are owned or controlled by the participant or the entity the participant is from, employed by, or otherwise represents
- Participants should inform the IEEE (or cause the IEEE to be informed) of the identity of any other holders of potential Essential Patent Claims

**Early identification of holders of potential
Essential Patent Claims is encouraged**

Ways to inform IEEE

- **Cause an LOA to be submitted to the IEEE-SA (patcom@ieee.org); or**
- **Provide the chair of this group with the identity of the holder(s) of any and all such claims as soon as possible; or**
- **Speak up now and respond to this Call for Potentially Essential Patents**

If anyone in this meeting is personally aware of the holder of any patent claims that are potentially essential to implementation of the proposed standard(s) under consideration by this group and that are not already the subject of an Accepted Letter of Assurance, please respond at this time by providing relevant information to the WG Chair

Other guidelines for IEEE WG meetings

- **All IEEE-SA standards meetings shall be conducted in compliance with all applicable laws, including antitrust and competition laws.**
 - **Don't discuss the interpretation, validity, or essentiality of patents/patent claims.**
 - **Don't discuss specific license rates, terms, or conditions.**
 - Relative costs of different technical approaches that include relative costs of patent licensing terms may be discussed in standards development meetings.
 - **Technical considerations remain the primary focus**
 - **Don't discuss or engage in the fixing of product prices, allocation of customers, or division of sales markets.**
 - **Don't discuss the status or substance of ongoing or threatened litigation.**
 - **Don't be silent if inappropriate topics are discussed ... do formally object.**

For more details, see *IEEE-SA Standards Board Operations Manual*, clause 5.3.10 and *Antitrust and Competition Policy: What You Need to Know* at <http://standards.ieee.org/develop/policies/antitrust.pdf>

Patent-related information

The patent policy and the procedures used to execute that policy are documented in the:

- ***IEEE-SA Standards Board Bylaws***
(<http://standards.ieee.org/develop/policies/bylaws/sect6-7.html#6>)
- ***IEEE-SA Standards Board Operations Manual***
(<http://standards.ieee.org/develop/policies/opman/sect6.html#6.3>)

Material about the patent policy is available at
<http://standards.ieee.org/about/sasb/patcom/materials.html>

**If you have questions, contact the IEEE-SA
Standards Board Patent Committee
Administrator at patcom@ieee.org**

Participation in IEEE 802 Meetings

Participation in any IEEE 802 meeting (Sponsor, Sponsor subgroup, Working Group, Working Group subgroup, etc.) is on an individual basis

- **Participants in the IEEE standards development individual process shall act based on their qualifications and experience. (https://standards.ieee.org/develop/policies/bylaws/sb_bylaws.pdf section 5.2.1)**
- **IEEE 802 Working Group membership is by individual; “Working Group members shall participate in the consensus process in a manner consistent with their professional expert opinion as individuals, and not as organizational representatives”. (subclause 4.2.1 “Establishment”, of the IEEE 802 LMSC Working Group Policies and Procedures)**
- **Participants have an obligation to act and vote as an individual and not under the direction of any other individual or group. A Participant’s obligation to act and vote as an individual applies in all cases, regardless of any external commitments, agreements, contracts, or orders.**
- **Participants shall not direct the actions or votes of any other member of an IEEE 802 Working Group or retaliate against any other member for their actions or votes within IEEE 802 Working Group meetings, see https://standards.ieee.org/develop/policies/bylaws/sb_bylaws.pdf section 5.2.1.3 and the IEEE 802 LMSC Working Group Policies and Procedures, subclause 3.4.1 “Chair”, list item x.**

By participating in IEEE 802 meetings, you accept these requirements. If you do not agree to these policies then you shall not participate.

(Latest revision of IEEE 802 LMSC Working Group Policies and Procedures: <http://www.ieee802.org/devdocs.shtml>)

IEEE 802 Executive Committee

Completion of the standards balloting process and submittal to RevCom

- 5.4.3.5 Completion of the standards balloting process and submittal to RevCom
- Paragraph 3:
- Once all required recirculations have been completed and 75% approval has been achieved, the IEEE requirements for consensus have been met. Efforts to resolve Do Not Approve votes may continue for a brief period; however, if such resolution is not possible in a timely manner, the Standards Committee should forward the submittal to RevCom because the IEEE has an obligation to the majority to review and publish the proposed standard quickly.

Public Review

- Reference: <https://standards.ieee.org/about/policies/opman/sect5.html#5.4.5>

5.4.5 Comments received as a result of an IEEE Public Review

Upon the opening of the initial Standards Association ballot, an IEEE Public Review shall start and last for 60 days. Any person may purchase the initial ballot draft for information only, and have the ability to submit public comments on said draft without vote. All public review comments and responses shall be submitted electronically through the IEEE Standards Association public review tools.

All public review comments received during an IEEE Public Review shall be considered by the Standards Committee's comment resolution group and a response shall be provided to the commenter. If the response indicates that a change is to be made to the draft, the commenter is entitled to receive a copy of the revised draft from the Standards Committee upon request.

Voting

- Reference: http://www.ieee802.org/3/rules/P802_3_rules.pdf

There are two type of votes in the TF; votes on motions and votes in straw polls.

In face-to-face meetings where a TF is operating with membership rules for voting (see 3.3) only the TF members may make and vote on motions. In face-to-face meetings where membership rules are not in force all TF participants may make and vote on motions, subject only to the provision that they believe that they are qualified to vote on the matter before the TF. Electronic meetings shall only consider motions to progress a draft and only when balloting is substantially complete. Electronic meetings that will consider motions shall be approved by the WG Chair prior to the meeting announcement. In such meetings only IEEE 802.3 Working Group members may make and vote on motions. If a motion is not approved by unanimous consent it shall be taken as a roll call vote

In all cases, regardless of any membership rules that may or may not be in force, all participants who feel qualified may participate in a straw poll.