

IEEE 802.17 Resilient Packet Ring Working Group Plenary Session

13 – 15 July 2009
San Francisco, CA

stds-802-17@ieee.org
<http://www.ieee802.org/17>

RPR WG

- The Resilient Packet Ring Working Group will define a Resilient Packet Ring Access Protocol for use in Local, Metropolitan and Wide Area Networks for transfer of data packets at rates scalable to many gigabits per second.
- Approved Standards
 - 802.17
 - 802.17a
 - 802.17b
- Current Work
 - 802.17c Protected Inter Ring Connection
 - 802.17 Maintenance and Interpretations

Officers of the RPR WG

- Chair John Lemon
- Vice-Chair Refael Ram
- Secretary Michael Kelsen
- Maintenance TG Chair John Lemon

IEEE 802 Standards Principals

- Process
 - Rules and Procedures
- Consensus
 - 75% agreement on all technical issues
- Openness
 - Everyone has Access to Process
 - Individuals, World-wide
- Balance
 - Balloting group must include developers and users
- Right to Appeal
 - Both procedural and technical anytime during the process
- <http://www.ieee802.org/policies-and-procedures.pdf>

RPRWG Membership

- Anyone can participate in the working group
 - Individuals who feel they have the technical competence to contribute to the standard
 - IEEE membership is not required but any meeting fee must be paid
 - Attendance at a meeting/session requires being present for 75% of the meeting/session
 - Voting rights acquired by attending 2 sessions (one must be a plenary) of the last 4 plenary sessions and starts at the next plenary session (if requested)
 - Voting rights maintained by attending 2 sessions (one must be a plenary) of the last 4 plenary sessions

Attendance Book

- While the attendance remains at small numbers, we have no attendance book
 - I will maintain attendance without your intervention
- If you are a new attendee, please provide me your name and contact details
- We may be required to start using the IEEE attendance tool

802 WG Voting

- Procedural votes require $> 50\%$ to carry
- Technical votes require $\geq 75\%$ to carry
- The chair determines
 - What is procedural and what is technical
 - When to put a procedural issue to a vote
- Straw polls
 - Have no force, but may be used to gauge the feeling in the room
 - Usually voted on by all, regardless of voting status
 - Separate members only vote can be done, if desired

802 WG Voters

- 8 Members
- Eligible
 - None
- Removed
 - Marc Holness
 - Gary Turner
 - Steve Wood
- Jeopardy
 - Yan Wang

Chair's Role

- Run the meeting and try to balance the need for consensus, the democratic process, and the responsibility to produce the standard in a timely manner
- Voting decisions
 - Decide what is procedural and what is technical
 - Decide what procedural issues should be voted upon
- I welcome feedback on how I am doing

IEEE Patent Policy Information

- The IEEE's patent policy is consistent with the ANSI patent policy and 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 encouraged.
- There may be Essential Patent Claims of which the IEEE is not aware. Additionally, neither the 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.



Highlights of the *IEEE-SA Standards Board Bylaws on Patents in Standards*



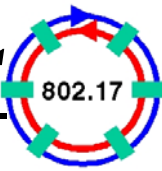
- **Participants have a duty to tell the IEEE if they know (based on personal awareness) of potentially Essential Patent Claims they or their employer own**
- **Participants are encouraged to tell the IEEE if they know of potentially Essential Patent Claims owned by others**
 - This encouragement is particularly strong as the third party may not be a participant in the standards process
- **Working Group required to request assurance**
- **Early assurance is encouraged**
- **Terms of assurance shall be either:**
 - Reasonable and nondiscriminatory, with or without monetary compensation; or,
 - A statement of non-assertion of patent rights
- **Assurances**
 - Shall be provided on the IEEE-SA Standards Board approved LOA form
 - May optionally include not-to-exceed rates, terms, and conditions
 - Shall not be circumvented through sale or transfer of patents
 - Shall be brought to the attention of any future assignees or transferees
 - Shall apply to Affiliates unless explicitly excluded
 - Are irrevocable once submitted and accepted
 - Shall be supplemented if Submitter becomes aware of other potential Essential Patent Claims
- **A “Blanket Letter of Assurance” may be provided at the option of the patent holder**
- **A patent holder has no duty to perform a patent search**
- **Full policy available at <http://standards.ieee.org/guides/bylaws/sect6-7.html#6>**

Patent Slide #1



IEEE-SA Standards Board Bylaws

on Patents in Standards



6.2 Policy

IEEE standards may be drafted in terms that include the use of Essential Patent Claims. If the IEEE receives notice that a [Proposed] IEEE Standard may require the use of a potential Essential Patent Claim, the IEEE shall request licensing assurance, on the IEEE Standards Board approved Letter of Assurance form, from the patent holder or patent applicant. The IEEE shall request this assurance without coercion.

The Submitter of the Letter of Assurance may, after Reasonable and Good Faith Inquiry, indicate it is not aware of any Patent Claims that the Submitter may own, control, or have the ability to license that might be or become Essential Patent Claims. If the patent holder or patent applicant provides an assurance, it should do so as soon as reasonably feasible in the standards development process. This assurance shall be provided prior to the Standards Board's approval of the standard. This assurance shall be provided prior to a reaffirmation if the IEEE receives notice of a potential Essential Patent Claim after the standard's approval or a prior reaffirmation. An asserted potential Essential Patent Claim for which an assurance cannot be obtained (e.g., a Letter of Assurance is not provided or the Letter of Assurance indicates that assurance is not being provided) shall be referred to the Patent Committee.

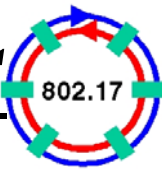
A Letter of Assurance shall be either:

- a) A general disclaimer to the effect that the Submitter without conditions will not enforce any present or future Essential Patent Claims against any person or entity making, using, selling, offering to sell, importing, distributing, or implementing a compliant implementation of the standard; or
- b) A statement that a license for a compliant implementation of the standard will be made available to an unrestricted number of applicants on a worldwide basis without compensation or under reasonable rates, with reasonable terms and conditions that are demonstrably free of any unfair discrimination. At its sole option, the Submitter may provide with its assurance any of the following: (i) a not-to-exceed license fee or rate commitment, (ii) a sample license agreement, or (iii) one or more material licensing terms.



IEEE-SA Standards Board Bylaws

on Patents in Standards



Copies of an Accepted LOA may be provided to the working group, but shall not be discussed, at any standards working group meeting.

The Submitter and all Affiliates (other than those Affiliates excluded in a Letter of Assurance) shall not assign or otherwise transfer any rights in any Essential Patent Claims that are the subject of such Letter of Assurance that they hold, control, or have the ability to license with the intent of circumventing or negating any of the representations and commitments made in such Letter of Assurance.

The Submitter of a Letter of Assurance shall agree (a) to provide notice of a Letter of Assurance either through a Statement of Encumbrance or by binding any assignee or transferee to the terms of such Letter of Assurance; and (b) to require its assignee or transferee to (i) agree to similarly provide such notice and (ii) to bind its assignees or transferees to agree to provide such notice as described in (a) and (b).

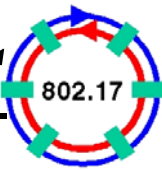
This assurance shall apply to the Submitter and its Affiliates except those Affiliates the Submitter specifically excludes on the relevant Letter of Assurance.

If, after providing a Letter of Assurance to the IEEE, the Submitter becomes aware of additional Patent Claim(s) not already covered by an existing Letter of Assurance that are owned, controlled, or licensable by the Submitter that may be or become Essential Patent Claim(s) for the same IEEE Standard but are not the subject of an existing Letter of Assurance, then such Submitter shall submit a Letter of Assurance stating its position regarding enforcement or licensing of such Patent Claims. For the purposes of this commitment, the Submitter is deemed to be aware if any of the following individuals who are from, employed by, or otherwise represent the Submitter have personal knowledge of additional potential Essential Patent Claims, owned or controlled by the Submitter, related to a [Proposed] IEEE Standard and not already the subject of a previously submitted Letter of Assurance: (a) past or present participants in the development of the [Proposed] IEEE Standard, or (b) the individual executing the previously submitted Letter of Assurance.



IEEE-SA Standards Board Bylaws

on Patents in Standards



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.

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 those Patent Claims, or for determining whether any licensing terms or conditions are reasonable or non-discriminatory.

Nothing in this policy shall be interpreted as giving rise to a duty to conduct a patent search. No license is implied by the submission of a Letter of Assurance.

In order for IEEE's patent policy to function efficiently, individuals participating in the standards development process: (a) shall inform the IEEE (or cause the IEEE to be informed) of the holder of any potential Essential Patent Claims of which they are personally aware and that are not already the subject of an existing Letter of Assurance, owned or controlled by the participant or the entity the participant is from, employed by, or otherwise represents; and (b) should inform the IEEE (or cause the IEEE to be informed) of any other holders of such potential Essential Patent Claims that are not already the subject of an existing Letter of Assurance.

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, including licensing costs of essential patent claims, of different technical approaches may be discussed in standards development meetings.
 - Technical considerations remain primary focus
- **Don't discuss fixing product prices, allocation of customers, or dividing 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.**

If you have questions, contact the IEEE-SA Standards Board Patent Committee Administrator at patcom@ieee.org or visit <http://standards.ieee.org/board/pat/index.html>

See *IEEE-SA Standards Board Operations Manual*, clause 5.3.10 and “Promoting Competition and Innovation: What You Need to Know about the IEEE Standards Association's Antitrust and Competition Policy” for more details.

This slide set is available at <http://standards.ieee.org/board/pat/pat-slideset.ppt>

Call For Patents

- Now is one opportunity for participants to identify patent claim(s)/patent application claim(s) and/or the holder of patent claim(s)/patent application claim(s) that the participant believes may be essential for the use of IEEE 802.17 standards.

802.17 Upcoming Sessions

- Nov 2009 Plenary, Atlanta, GA
- Mar 2010 Plenary, Orlando, FL

Hosting 802.17 Interims

- No interims are expected in the foreseeable future

802 WG Operation

- Primary mode of operation is discussion
- Robert's Rules of Order
 - When needed

802.17 Chair's Rules

- Cell phones off, or on vibrate
- Laptop sound off
- Presentations must be available electronically before being presented

Goals For This Session

- 802.17c
- 802.17d