IEEE 802.3 Working Group Closing Plenary
19th November 2009

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Agenda, voter lists:

http://www.ieee802.org/3/minutes/nov09/index.html

Administrative agenda

- Introductions and General announcements
  - Committee decorum
- Revise/Approve agenda
  - www.ieee802.org/3/minutes/jul09
- General WG Business
  - Patent policy / Call for Patents
  - Attendance procedures
  - Membership lists

WG Decorum

- Press (i.e., anyone reporting publicly on this meeting) are to announce their presence (2008 SASB Op Manual 5.3.3.5)
- Photography or recording by permission only (5.3.3.4)
- Cell phone ringers off
- Wear your badges at all times in meeting areas

Approve agenda

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:**
  - 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 strongly 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.

- **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 12 and 12a 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.

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(Optional to be shown)

Participants, Patents, and Duty to Inform

All participants in this meeting have certain obligations under the IEEE-SA Patent Policy. 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
  - "Personal awareness" means that the participant "is personally aware that the holder may have a potential Essential Patent Claim," even if the participant is not personally aware of the specific patents or patent claims

- "Should inform the IEEE (or cause the IEEE to be informed)" of the identity of "any other holders of such potential Essential Patent Claims" (that is, third parties that are not affiliated with the participant, with the participant's employer, or with anyone else that the participant is from or otherwise represents)

- The above does not apply if the patent claim is already the subject of an Accepted Letter of Assurance that applies to the proposed standard(s) under consideration by this group

  Quoted text excerpted from IEEE-SA Standards Board Bylaws subclause 6.2

- Early identification of holders of potential Essential Patent Claims is strongly encouraged

- No duty to perform a patent search

25 March 2008

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Patent Related Links

All participants should be familiar with their obligations under the IEEE-SA Policies & Procedures for standards development.

Patent Policy is stated in these sources:

IEEE-SA Standards Boards Bylaws

http://standards.ieee.org/guides/bylaws/sect6-7.html#6

IEEE-SA Standards Board Operations Manual

http://standards.ieee.org/guides/opman/sect6.html#6.3

Material about the patent policy is available at

http://standards.ieee.org/board/pat/pat-material.html

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

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

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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:

    - Either speak up now 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

    - Cause an LOA to be submitted

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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 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.**

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.

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Reflectors and WG information

- IEEE 802.3 Working Group (stds-802-3@ieee.org) is a monitored reflector for announcements of WG business
  - Not a general discussion reflector
  - Subscription limited to members and observers
  - Archive is password protected
- IEEE 802 plenary meeting announcements may be received by subscribing to: stds-802-all@ieee.org
- IEEE 802.3 interim meetings are announced on the 802.3 and relevant TF/SG reflector
- IEEE 802.3 TF/SG reflectors are the location for appropriate project related discussion
- Reflector subscription
  - Instructions are on the 802.3 and TF/SG web pages
- Web site
  - www.ieee802.org/3
  - Access information to private areas is announced by Vice Chair, TF/SG Chairs and in WG announcements

Membership and Attendance

- Membership requirements (gaining and retaining)
  - 75% attendance at 2 of last 4 plenary sessions (a qualifying interim may be substituted for one plenary)
  - Request to become member during IEEE 802.3 potential voter agenda item
  - Participate in 2 of last 3 WG ballots (retaining membership)
  - Maintain valid contact information
  - Consistent declaration of affiliation
- IEEE 802.3 Membership
  - IEEE 802.3 voters
    http://www.ieee802.org/3/minutes/nov09/1109_voters.pdf
    Plus those added on Monday
  - IEEE 802.3 voter in peril
    http://www.ieee802.org/3/minutes/nov09/1109_peril.pdf
  - IEEE 802.3 potential voters
    http://www.ieee802.org/3/minutes/nov09/1109_potential.pdf
    Those added Monday marked with '(o)'

Membership lists

EC Items and Meetings

- IEEE 802 Overview and Architecture
  - Important document referenced by 5 Criteria
  - Working Group chair to name at least one candidate
    - Champion IEEE 802 O&A within the Working Group
    - Participates in comment resolution
    - Matt Landry volunteered
  - EC Meetings
    - Attendance tool
    - IEEE 802 Task Force
    - Registrations changes

IEEE 802.1 liason

- Username: ******
- Password: ******

TTA MoU

- The IEEE 802.3 Working Group agrees to be included in the TTA Technical Cooperation Agreement annex.

- M: S: Y: N: A:
- Tech/Edit

IEEE 802.3 Working Group Proposed election procedures March 2010 elections

General information & requirements

- IEEE 802 LMSC P&P specifies elections occur the first plenary meeting of even numbered years
- IEEE 802 LMSC Officers
  - LMSC Chair will be elected by current Executive Committee during Friday, 19 March 2010 EC meeting
  - TAG/WG Chair and Vice Chair elected by respective groups
  - LMSC officers are appointed by the Chair and confirmed by the EC
- IEEE 802.3 Chair and Vice Chair
  - Any candidates are requested to consult with a member of the EC and announce their candidacy
  - All candidates shall assure they are eligible for confirmation at the March closing EC meeting, and submit for eligibility review:
    - Letter of support
    - Affiliation statement

IEEE 802.3 Election Process (p.1)

- Opening IEEE 802.3 plenary meeting (March 2010)
  - Candidates may announce before or during the opening IEEE 802.3 plenary session agenda item
  - If a paper ballot is to be used, it must be mandated by motion during the opening plenary meeting agenda item
  - Nominations will be closed at the end of the meeting
- Closing IEEE 802.3 plenary meeting (March 2010)
  - An Elections Chair will be established for each election
    - Current IEEE 802.3 Chair if not standing for election to the office
    - Else, if not a candidate for the office, current Vice Chair conducts election of Chair, current Chair conducts election of Vice Chair
    - Else, an Elections Chair will be selected by vote of the WG
  - Candidates will be granted time for brief statements
  - Candidates will leave the room during WG discussion prior to a vote

IEEE 802.3 Election Process (p.2)

- Only IEEE 802.3 members may vote
- Default method of voting is by show of hands with candidates absent from room
  - If no candidate receives a majority of votes cast, a subsequent vote will be conducted
  - On each iteration the candidate with lowest vote count from the previous ballot is eliminated and may return to the room
  - Acting chair may allow limited discussion between ballots
- If a paper ballot was mandated by majority motion
  - Candidates may be present during voting
  - Similar multiple rounds of balloting if required
  - The Elections Chair shall select two monitors to assist in
    - The distribution and counting of ballots
    - Ballots shall be counted in the meeting room
    - A ballot must be marked for only one of the listed candidates to be counted

IEEE 802.3 Election Process Motion

- Adopt the election rules as shown in 1109_802_3_close_plenary.pdf.