

**IEEE SA STANDARDS BOARD PATENT COMMITTEE (PatCom)
MEETING MINUTES**

27 June 2023

Brussels, Belgium and Teleconference/Webex

1:00 p.m. – 3:00 p.m. CEST (UTC+2)

Attendees

Members Present:

Yvette Ho Sang, Non-voting
Gary Hoffman
John Kulick, Chair
Joseph Levy
Kevin Lu
Robby Robson
Don Wright

Members Absent:

None

IEEE Staff:

Christy Bahn
Adrien Bastos
Teresa Belmont
Jennifer Biolsi
Hermann Brand
Kim Breitfelder
Matthew Ceglia
Karen Evangelista
Jonathan Goldberg
Jodi Haasz
Ron Hotchkiss
Patrycja Jarosz
Konstantinos Karachalios
Anja Kaspersen
Soo Kim
Michael Kipness
Vanessa Lalitte
Kelly Lorne
Suzanne Merten
Christian Orlando

Dave Ringle, Administrator
Pat Roder
Jennifer Santulli
Tom Thompson
Ernesto Vega Janica
Malia Zaman

IEEE Outside Legal Counsel:

Michael Lindsay – Dorsey & Whitney LLP
Chris Renner – Jenner & Block LLP
Claire Topp – Dorsey & Whitney LLP

Guests:

Michael Atlass
Sara Biyabani
Ted Burse
Cheng Chi
Rolf de Vegt
Brian Dorini
Doug Edwards
Ramy Fathy
Latonia Gordon
Guido Hiertz
Yousef Kimiagar
Thomas Koshy
David Law
Xiaohui Liu
Meng Lu
Jim Matthews
Roderick McConnell
Daleep Mohla
Andrew Myles
Paul Nikolich
Georg Nolte
Gil Ohana
Glenn Parsons
Annette Reilly
Jon Rosdahl
Gabe Schlabach
Lachlan Scully
Barry Tilton
Lore Unt

Prabodh Varshney
Lei Wang
Keith Waters
Karl Weber
Helene Workman
Zihang Yin

1 CALL TO ORDER

Chair Kulick called the meeting to order at 1:00 p.m. CEST (UTC+2) and welcomed everyone to the meeting.

2 MEETING DECORUM

Chair Kulick reviewed [meeting decorum](#).

There was a round of introductions.

It was noted that the meeting was quorate.

3 APPROVAL OF [AGENDA](#)

There was a motion to approve the agenda. In the absence of objection, the motion was approved.

4 APPROVAL OF 28 MARCH 2023 MEETING [MINUTES](#)

There was a motion to approve the 28 March 2023 meeting minutes. In the absence of objection, the motion was approved.

5 ADMINISTRATIVE STATISTICS

Dave Ringle reported that there were 10 LOAs that had been accepted since the March 2023 PatCom meeting. [7 LOAs with licensing assurance; 1 non-awareness statement; 2 D.1.d LOAs]

6 OLD BUSINESS

6.1 [Proposed Additions](#) to the IEEE SA Patent Policy FAQs

There was a motion to approve the two proposed FAQs. The motion was approved. [Vote: Yes=4, Abstain=1 (Levy)]

The following FAQs will be added to [Understanding Patent Issues During IEEE Standards Development](#).

68. May the Submitter of an Accepted LOA seek or seek to enforce a Prohibitive Order under the IEEE SA Patent Policy?

In all cases, national/regional laws ultimately determine the availability of Prohibitive Orders.

Under the current IEEE SA patent policy, the Submitter of an Accepted LOA who has committed to make available a license for one or more Essential Patent Claims agrees that it shall neither seek nor seek to enforce a Prohibitive Order based on such Essential Patent Claim(s) in a jurisdiction against an implementer who is willing to negotiate in good faith for a license. In jurisdictions where the failure to request a Prohibitive Order in a pleading waives the right to seek a Prohibitive Order at a later time, a Submitter may conditionally plead the right to seek a Prohibitive Order to preserve its right to do so later, if and when this policy's conditions for seeking, or seeking to enforce, a Prohibitive Order are met.

95. What does it mean when IEEE SA updates its patent policy by adding or removing text?

The IEEE SA may update the patent policy text for any number of reasons, including but not limited to the fact that the previous text needed additional clarity, was duplicative, or was encompassed by other provisions in the patent policy.

8 [NEXT MEETING](#)

The next PatCom meeting will be scheduled to occur on 19 or 20 September 2023 and will be virtual-only.

PatCom entered Executive Session at 1:41 p.m. CEST (UTC+2).

7 NEW BUSINESS

7.1 EXECUTIVE SESSION – Information and Discussion

PatCom concluded Executive Session at 2:49 p.m. CEST (UTC+2).

Report Out of Executive Session:

PatCom recommends to the SASB adding the following text as a new subclause in the *IEEE SA Standards Board Operations Manual*:

6.3.6 Interaction of Accepted LOAs under different versions of the IEEE SA patent policy

Where there is one Submitter of an Accepted LOA under the version of the IEEE SA Standards Board Bylaws as they existed from 15 March 2015 through 31 December 2022 ["2015 policy"] and another Submitter of an Accepted LOA for the same IEEE standard under either a subsequent policy or using the Custom LOA Form Dated 13 June 2019 – Limited, then in that specific circumstance, and except as otherwise not permitted by law, the Submitter under the 2015 policy may choose, with respect to the ability to seek a Prohibitive Order against the Submitter of the other Accepted LOA, to have its Accepted LOA governed by the same patent policy provisions as govern the other Submitter's Accepted LOA as to the right to seek a Prohibitive Order.

9 ADJOURNMENT

There being no further business, the meeting was adjourned at 2:50 p.m. CEST (UTC+2).