

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

**DRAFT 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).