IEEE P802.11
Wireless LANs

|  |
| --- |
| Proposed Comment Resolution for Comments on missing LoA |
| Date: 2015-09-02 |
| Author(s): |
| Name | Affiliation | Address | Phone | email |
| Rolf De Vegt | Qualcomm Incorporated. | 1700 Technology Drive, San Jose, CA 92109 | 4086521049 | rolfv@qca.qualcomm.com |

Abstract

This submission proposes resolutions for CIDs 7001, 7002, 7003, and 7012.

Revisions:

- Rev 0: Initial version of the document

- Rev 1: Updated text for the Reject resolutions

Submission contains a Letter from Qualcomm Incorporated stating that all of Qualcomm’s Essential Patent Claims with respect to 802.11ah are subject to an accepted LoA.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **CID** | **Commenter** | **P.L** | **Comment** | **Proposed Change** | **Resolution** |
| 7001 | Andrew Myles |  | "CID 6099 noted that no acceptable LoA had been submitted by Qualcomm in relation to a long list of standards essential patents asserted by Qualcomm.The resolution of this comment included a request for the WG chair to send the following to IEEE-SA PatCom:""In the light of the email sent by the PatCom administrator to the IEEE 802.11 WG chair on 2015-02-12, the IEEE 802.11 WG requests that PatCom indicate any specific action(s) arising that is or are necessary by the WG. ""In response the recent IEEE-SA SB meeting issued a statement as follows:""If PatCom or the SASB becomes aware of an asserted potential essential patent claim for which an Accepted LoA (on the IEEE-SA Standards Board approved patent letter of assurance form) is not on file, the information will be shared with the relevant Sponsor(s) and Working Group.The participants in the development of the standards project at issue should be cognizant of the fact that there is not such an Accepted LoA on file, and that the SASB will take that fact into account when determining whether or not to approve a standard. Accordingly, such participants may wish to consider alternative technologies.In addition, the SASB reserves the right to withdraw an approved standard should it be determined that market implementation is being hindered by the assertion of essential patent claims in the absence of an Accepted LoA.""As of today there is still no accepted LoA is relation to these asserted standards essential patents." | The WG should follow the advice of the IEEE-A SB and consider alternative technologies for all features covered by the asserted standards essential patents. | REJECTED –In light of the information received after the ballot and contained in documents IEEE802.11/15-1029r1 , IEEE802.11/15-1127r1 and IEEE802.11/15-1158r0, TGah believes that the proposed resolution is not necessary. |
| 7002 | John Coffey |  | Document IEEE 802.11-15/0260r2, "Communication from the PatCom admiistrator regarding P802.11ah", (A. Stephens, March 2015), includes two letters from Qualcomm. One of these letters lists 46 patents that Qualcomm believes may result in Essential Patent Claims applicable to the 802.11ah amendment and which (the letter continues) are not the subject of an existing Letter of Assurance with respect to 802.11ah. The second letter, dated March 8, 2015, states that "an appropriate licensing assurance" is being drafted and that Qualcomm "intends to submit it to PatCom shortly". However (as far as I am aware) no such submission has been made, and even if made, PatCom has not accepted such a submission as a Letter of Assurance. It appears we must act as if there is and will be no accepted Letter of Assurance from Qualcomm referencing 802.11ah. Given this, TGah should (indeed must) remove all of the relevant functionality from the 802.11ah draft. There is still ample time to do so: there are no products based on 11ah currently in the market. Failure to remove the relevant functionality now (assuming no change in LOA status) will seriously damage proliferation and market uptake of 802.11ah technology. But not only that: it will also seriously afffect all of 802.11 itself, since in the next few years 802.11 will roll the 11ah amendment into REVmd, and the relevant functionality will be dispersed within the entire 4,000 page or more standard. | (1) Determine all of the functionality in the current 802.11ah draft that is or may be covered by claims in the 46 patents listed by Qualcomm, and (2) delete it all from the draft. | REJECTED –In light of the information received after the ballot and contained in documents IEEE802.11/15-1029r1 , IEEE802.11/15-1127r1 and IEEE802.11/15-1158r0, TGah believes that the proposed resolution is not necessary. |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 7003 | John Coffey |  | Document IEEE 802.11-15/0502r0, "Communication from the IEEE-SA Standards Board regarding P802.11ah", (A. Stephens, March 2015), contains a communication from the IEEE-SA Standards Board concerning 802.11ah. It states in part that "the SASB reserves the right to withdraw an approved standard should it be determined that market implementation is being hindered by the assertion of essential patent claims in the absence of an Accepted LoA". I believe that in the context of 802.11, this remedy is wholly inadeqiuate and unworkable. If implementers design, fabricate, test, produce, market, sell, and deploy products based on 802.11ah technology, then it is no answer for IEEE to withdraw the amendment later. Customers and consumers rightly depend on vendors to support their deployed products, and it would be intensely damaging to the reputation of IEEE 802.11 technology, as well as to the reputation of the vendors themselves, if the amendment is later withdrawn. In addition, withdrawal of an amendment after it had been rolled in to REVmd or any subsequent revision would cause unimaginable chaos and disruption to all of IEEE 802.11. The possibilty of withdrawing the amendment later is not a viable solution in the present context and cannot be taken as an alternative to the proposed change. | (1) Determine all of the functionality in the current 802.11ah draft that is or may be covered by claims in the 46 patents listed by Qualcomm, and (2) delete it all from the draft. | REJECTED –In light of the information received after the ballot and contained in documents IEEE802.11/15-1029r1 , IEEE802.11/15-1127r1 and IEEE802.11/15-1158r0, TGah believes that the proposed resolution is not necessary.. |
| 7012 | MARC EMMELMANN |  | There is a large list of potential essential patents relevant to Tgah for which no LoA has been filed. Even though there has been communication between the WG-Chair, Patcom, and the involved entitiy, no clear statement on the impact of this issue has been made. Even though IEEE is not responsible for identifiying essential patents nor for validating the leagal inquirey of the claimed essential patent claims, there is a very high risk that adoptioin of TGah is not guaranteed for every stakeholded based on fair and reasonable conditions. Even if Qualcom is not willing to accept the implications on current license cost per the exising LoA, at least a formal statement similar to the previsous LoA should be filed to assure granting a licence to any potential patents under fair and reasonable conditions. This issues should be resolved before moving to Sponsor Ballot. | "Have Qualcom file a leagally binding statement assuring that licenses to essential patents will be given under fair and reasonable terms.Alternatively, obtain a clear statement from PatCom that the current status of the ""patent issue"" does not have any (leagal) implicatoins for the process of adopting TGah in the future" | REJECTED –The comment fails to identify changes in sufficient detail so that the specific wording of the changes that will satisfy the commenter can be determined. |

## Discussions:

* Qualcomm has submitted a letter stating that all of Qualcomm’s Essential Patent Claims with respect to IEEE802.11ah are subject to an accepted LoA (see next page).
* Documents IEEE802.11/15-1158r0 and IEEE802.11/15-1127r1 provide additional context.

