

DOCUMENTATION

- Request for Information on LTE Patent Pool Administration, Including Additional Questions –

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Documentation History

Date	Version	Author	Changes
11/02/2010	V 1.0	NGMN Office	Establishment of document by compilation of RFI questions and additional questions

Documentation Structure

1. Request for Information on LTE Patent Pool Administration, issued September 3rd, 2009
2. Additional Questions to RFI on LTE Patent Pool Administration, issued November 25th, 2009
3. Additional Questions to RFI on LTE Patent Pool Administration, issued December 18th, 2009

1. REQUEST FOR INFORMATION ON LTE PATENT POOL ADMINISTRATION

LTE Patent Pool Administrator Request for Information, Version 1.0, September 3rd, 2009

- 1) Explain your qualifications to become LTE patent pool administrator, including:
 - a. Your global competency to handle LTE licensing including:
 - i. number and location of your offices by region
 - ii. number of Licensing Agents in each region
 - iii. LTE related technical qualifications of your Licensing Agents
 - b. Relevant prior experiences of your Patent Evaluator
 - c. Relevant prior experience of your Anti-Trust Counsel
 - d. Descriptions of the wireless technology patent licensing programs you administer today
 - e. How the programs you manage today would complement an LTE patent pool
 - f. To what extent are the other programs (other patent pools) that you manage today competitive with the LTE technology.
 - g. Explain your competency and/or prior experience which is likely to be applicable or useful to launch and operate an LTE patent pool in which many licensors/licensees from various industries are likely to participate.
- 2) What LTE technologies or specifications do you select?
- 3) Explain how your organization would promote a LTE license, including:
 - a. How and why you selected your choice of LTE specifications from the standard to test essentiality
 - b. What is your definition of a Licensed Product?
 - c. What is the definition of an essential patent as applied by your Patent Evaluator?
 - i. How will your evaluator handle optional features
 - ii. How will your evaluator handle foreign counterparts (family patents)
 - d. Your timeline to form and launch an LTE patent pool – your path forward from today

- e. What is your planned licensing model?
 - i. For example, what is your opinion or preference for the following:
 - 1. Which level(s) in the industrial chain do you plan to charge royalties?
 - 2. How do you intend to deal with patent right exhaustion where it occurs.
 - 3. Will the royalty be charged on percentage of the price of LTE product, or on fixed royalty per unit, or both?
- f. Your concept to identify and attract Licensors to an LTE patent pool and time expectancy to get Licensors to join
- g. Your concept to identify and attract Licensees to an LTE patent pool and time expectancy to get Licensees to join
- h. The price charged by the License Administrator to the Licensor for the proposed LTE patent pool services - based on your working assumptions:
 - i. price charged for your facilitation
 - ii. price charged for your administration
 - iii. price charged for joining
 - iv. price charged for patent evaluation
 - v. price charged for evaluating essentiality of a foreign counterpart of a patent already evaluated as essential
 - vi. which currency will be used
- i. Team and organization planned to work on this Patent Pool
 - i. how many people on which task
 - ii. periodic reports to Licensors
 - iii. payment systems for both facilitation and administration phases
- j. Your proposal to deal with a bilateral agreement between Licensor(s) and prospective Licensee(s)
- k. Do you propose an arrangement with the Licensors with or without a sublicense?
- l. Your proposal to identify infringement. What in your experience should be the model for allocating costs for enforcement?

- m. Your advantages, your strengths, your weaknesses (e.g. is there a need for a technical seminar run by standards experts from the Licensors' companies?) with regard to other Licensing Administrators
 - n. Your view on LTE market for the next coming years
 - o. Explain your possible strategies/action plans in order for LTE essential patent holders, which are unlikely to join in any LTE patent pool, to be licensors of the LTE patent pool.
 - p. Any additional comments that will help us understand how you will use an LTE patent pool to promote LTE technology and prevent delays in the implementation of LTE technology
- 4) Explain your approach to treat or resolve royalty accumulation problems due to co-existence of a plurality of patent pools, in particular, in the following cases:
- a. In the case that some standards (e.g., MPEG, etc.) to which existing patent pools have been operated are included (e.g. by normative reference) in the LTE standard,
 - b. In the case that licensed LTE products implement not only an LTE standard but also other mobile telecommunications standards, such as WCDMA, WiMax and/or CDMA 2000 to which existing patent pools have been operated,
 - c. In the case there at least two patent pools covering LTE standards.
- 5) Explain your approach where original LTE essential patent holders transfer their patent rights to others, so that ownership of their LTE essential patents is scattered..

2. REQUEST FOR INFORMATION ON LTE PATENT POOL ADMINISTRATION – ADDITIONAL QUESTIONS

LTE Patent Pool Administrator Request for Information – Additional Questions, Version 1.0, November 25th, 2009

1. What is your view on enforcement? Which enforcement mechanisms do you have in place, and can you describe them in detail?
2. Are you able and willing to do patent pools for different market segments (NGMN already defined 3 market segments)?
3. What is your position as regards defensive suspension, breadth and circumstance (freedom to use own patents in the pool if someone seeks injunction to the owner of a patent)?
4. Would you accept the evaluation from a different evaluator? If yes, under which conditions?
5. How can we use the evaluation on essentiality of one of our LTE patents done by you, in particular with another Licensing Administrator initiative?

3. REQUEST FOR INFORMATION ON
LTE PATENT POOL ADMINISTRATION –
ADDITIONAL QUESTIONS DECEMBER 2009

**LTE Patent Pool Administrator
Request for Information – Additional Questions,
Version 1.0, December 18th, 2009**

1. Do you have license managers in all the regions and countries you have locations as a company?
2. Can you please indicate the numbers of licensors and licensees in the overall patent pools and the radio technology related patent pools you are already managing?
3. Do you plan to include in your envisaged LTE Patent Pool patents on LTE and/or LTE/SAE standards?
4. Do you envisage additional fees which need to be covered by licensees, and if yes, can you please indicate these figures?
5. Can you please clarify if the price you have provided for evaluation of essentiality of patents is per region?