

Accredited Standards Committee*
National Committee for Information Technology Standards (NCITS)

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Reply to: John Lohmeyer
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From: John Lohmeyer, Chair T10 Technical Committee

Subject: Compaq Security Patents

Ken,

Bill Galloway asked me to send this letter to you. I would expect that you will need to forward it on to your intellectual property attorneys.

The T10 Technical Committee is considering including an annex on Security Extensions (T10/97-245r1) in its project on Serial Bus Protocol - 2 (SBP-2). Compaq's U.S. Patent 5,375,243 was identified during a routine Call for Patents as possibly reading on this proposed annex.

The T10 Technical Committee would appreciate your assistance on determining whether it is Compaq's position that compliant implementations of this proposed annex would be force to infringe this patent or any other Compaq intellectual property. If it is Compaq's position that infringement of Compaq's intellectual property is necessary to comply with this proposed annex, then T10 will not be able to include the annex in SBP-2 unless Compaq agrees to comply with the ANSI patent policy regarding this intellectual property.

For your reference, I am attaching T10/245r1 and the pertinent portion of the ANSI patent policy (contained in the "Procedures for the Development and Coordination of American National Standards" available at http://www.ncits.org/help/ansi_sdo.html). If you have any questions regarding the ANSI patent policy, Amy Marasco manages patent issues for ANSI and can be contacted at amarasco@ansi.org or 212-642-4954.

Thank you,



John Lohmeyer, Chair T10 Technical Committee

cc: Peter Johansson, SBP-2 Technical Editor

Attachments: 1. ANSI Patent Policy
2. T10/245r1, Proposed SBP-2 Annex for Security

Attachment 1, ANSI Patent Policy

1.2.11 ANSI patent policy

Inclusion of patents in American National Standards. There is no objection in principle to drafting a proposed American National Standard in terms that include the use of a patented item, if it is considered that technical reasons justify this approach.

If the Institute receives a notice that a proposed American National Standard may require the use of a patented invention, the procedures in 1.2.11.1 through 1.2.11.4 shall be followed.

1.2.11.1 Statement from patent holder

Prior to approval of such a proposed American National Standard, the Institute shall receive from the patent holder (in a form approved by the Institute) either: assurance in the form of a general disclaimer to the effect that the patentee does not hold and does not anticipate holding any invention the use of which would be required for compliance with the proposed American National Standard or assurance that:

- a) a license will be made available without compensation to the applicants desiring to utilize the license for the purpose of implementing the standard; or
- b) a license will be made available to applicants under reasonable terms and conditions that are demonstrably free of any unfair discrimination.

The terms and conditions of any license shall be submitted to ANSI for review by its counsel, together with a statement of the number of independent licensees, if any, which have accepted or indicated their acceptance of terms and conditions of the license.

1.2.11.2 Record of statement

A record of the patent holder's statement (and a statement of the basis for considering such terms and conditions free of any unfair discrimination) shall be placed and retained in the files of the Institute.

1.2.11.3 Notice

When the Institute receives from a patent holder the assurance set forth in 1.2.11.1 a) or b), the standard shall include a note as follows:

NOTE - The user's attention is called to the possibility that compliance with this standard may require use of an invention covered by patent rights. By publication of this standard, no position is taken with respect to the validity of this claim or of any patent rights in connection therewith. The patent holder has, however, filed a statement of willingness to grant a license under these rights on reasonable and nondiscriminatory terms and conditions to applicants desiring to obtain such a license. Details may be obtained from the publisher.

1.2.11.4 Responsibility for identifying patents

The Institute shall not be responsible for identifying all patents for which a license may be required by an American National Standard or for conducting inquiries into the legal validity or scope of those patents that are brought to its attention.