

Telefonaktiebolaget LM Ericsson (publ) licensing terms for IEEE 802.11ax

Further to Ericsson's 2014 letter to IEEE-SA General Counsel ("Annex A"), and consistent with Ericsson's previously articulated RAND commitments to IEEE, this notice provides public *ex ante* information on the terms under which Ericsson will grant access to its proprietary technology essential to IEEE 802.11ax standard, as follows:

Ericsson will grant personal, non-exclusive licenses on reasonable and non-discriminatory terms ("RAND" which includes Ericsson's royalty rates and other terms and conditions) for only that portion of a product that is fully compliant with IEEE 802.11ax (limited to the portion of such product fully compliant with IEEE 802.11ax), under any existing patents or pending patent applications of Ericsson that would necessarily, for technical reasons, be directly infringed by the manufacture, sale, offer for sale, importation and use of the product solely because it is fully compliant with the IEEE 802.11ax standard; all a) subject to reciprocity, and b) to ensure access for all implementers.

This letter does not grant any right to the IEEE with respect to any Ericsson entity's copyrights or other intellectual property rights that relate to the proposed standard.

If you have any questions, please contact Gustav Brismark, Vice President, Strategy & Portfolio Management, IPR & Licensing, Ericsson AB (Phone: +46 10 71 70296 email: patent.licensing@ericsson.com).



Gustav Brismark
Vice President
Strategy & Portfolio Management
IPR & Licensing
Ericsson AB

Annex A

Ericsson's 2014 letter to IEEE-SA General Counsel



October 21, 2014

Eileen M. Lach, Esq.
General Counsel and Chief Compliance Officer
Institute of Electrical and Electronics Engineers
3 Park Avenue, 17th Floor
New York, NY 10016-5997

VIA EMAIL: E.M.LACH@IEEE.ORG

Re: Future Ericsson Letters of Assurance to IEEE-SA

Dear Ms. Lach:

As you know, as a major technology developer and contributor, Ericsson continues to be very concerned with the proposed radical revisions to the IEEE-SA patent policy, the latest version of which is known as "Draft 39".¹ As a result, Ericsson was disheartened to witness the IEEE-SA Standards Board's August 21 2014 resolution that approved the revisions as set forth in Draft 39, and recommended that the IEEE-SA Board of Governors do the same.

Although the proposed revisions have not taken effect yet, the decision process related to their approval is proceeding fast. Accordingly, and for purposes of full disclosure, I am writing to inform you that if Draft 39 or a text similar thereto were to be adopted, moving forward Ericsson would nonetheless only be able to provide IEEE-SA with Letters of Assurance ("LOAs") consistent with those it had provided in the past: i.e., LOAs that "grant personal, non-exclusive licenses on reasonable and non-discriminatory terms" for those products that are "fully compliant with the IEEE [specific standard], under existing patents or pending patent applications of Ericsson that would necessarily be directly infringed by the manufacture, sale, offer for sale, importation and use of the product solely because it is fully compliant with the [specific] IEEE standard; all a) subject to reciprocity; and b) to ensure access for all implementers."² As previously articulated, Ericsson's commitment to RAND terms encompasses royalty rates and other terms as applied at the level of the fully-compliant product, Ericsson's conduct in adhering

¹ Available at http://grouper.ieee.org/groups/pp-dialog/drafts_comments/SBBylaws_100614_redline_current.pdf.

² Quote taken from the last page of Ericsson's August 2013 LOA for 802.11 ac, available at http://standards.ieee.org/about/sasb/patcom/loa-802_11ac-ericsson-12Aug2013.pdf.

Gustav Brismark
Vice President, Strategy & Portfolio Management
Torshamnsgatan 23
164 80 Kista, Stockholm, Sweden
Tel: +46 70267 4497 Email: gustav.brismark@ericsson.com



to these licensing principles has been found to comply to with its RAND obligations. Finally, as you may not know, Ericsson has only sought injunctive or prohibitive relief on standard essential patents under relatively extreme circumstances where its ability to secure fair compensation has been unreasonably frustrated. In this regard, Ericsson has every intention to continue to comply with the applicable public laws and guidance from competition authorities, but it cannot accept a voluntary contractual commitment that, under any and all circumstances, it must await the outcome of a “patent-by-patent” first level appellate review before seeking to stop infringement.

Consequently, it appears that, moving forward, Ericsson would not be able to submit any LOAs under the terms of the proposed new IEEE-SA policy.

In conjunction with this letter, we are reaching out to inform Ericsson employees involved in IEEE-SA work of this position, and guide them to express it as necessary.

Sincerely,

Gustav Brismark
Vice President, Strategy and Portfolio Management
IPR & Licensing
Ericsson AB