

EOS/ESD ASSOCIATION, INC. PATENT POLICY

A.1 EOS/ESD Association Patent Policy - Inclusion of Patents in EOS/ESD Association, Inc. Standards

There is no objection in principle to drafting an EOS/ESD Association, Inc. standard in terms that include the use of an essential patent claim (one whose use would be required for compliance with that standard) if it is considered that technical reasons justify this approach.

Participants in the ESDA/ANSI standards development process are encouraged to bring patents with claims believed to be essential to the attention of EOS/ESD Association, Inc.

If EOS/ESD Association, Inc. receives a notice that a proposed, revised, or approved standard may require the use of such a patent claim that is not already covered by the existing assurance, the procedures in this clause shall be followed.

A1.1 Statement from patent holder

EOS/ESD Association, Inc. shall receive from the patent holder or a party authorized to make assurances on its behalf, in written or electronic form, either:

- a) assurance in the form of a general disclaimer to the effect that such party does not hold and does not currently intend holding any essential patent claim(s); or
- b) assurance that a license to such essential patent claim(s) will be made available to applicants desiring to utilize the license for the purpose of implementing the standard without compensation and under reasonable terms and conditions that are demonstrably free of any unfair discrimination.

Such assurance shall indicate that the patent holder (or third party authorized to make assurances on its behalf) will include in any documents transferring ownership of patents subject to the assurance, provisions sufficient to ensure that the commitments in the assurance are binding on the transferee, and that the transferee will similarly include appropriate provisions in the event of future transfers with the goal of binding each successor-in-interest.

The assurance shall also indicate that it is intended to be binding on successors-in-interest regardless of whether such provisions are included in the relevant transfer documents.

A1.2 Record of statement

A record of the patent holder's statement shall be retained in the files of EOS/ESD Association, Inc. and shall be made publicly available (at EOS/ESD Association's election, either on EOS/ESD Association, Inc.'s website or ANSI's LOA repository).

A1.3 Notice

When EOS/ESD Association, Inc. receives from a patent holder the assurance set forth in A.1.1.b above, the standard shall include a note substantially 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 any such claim(s) or of any patent rights in connection therewith. If a patent holder has 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, then details may be obtained from the standards developer.

A1.4 Responsibility for identifying patents

Neither EOS/ESD Association, Inc. nor ANSI is responsible for identifying patents for which a license may be required by an EOS/ESD Association, Inc. standard or for conducting inquiries into the legal validity or scope of those patents that are brought to the Association's attention.