

EXCLUSION NOTICE – BALLOT 182

I hereby provide this Exclusion Notice for the Essential Claim(s) listed below:

Ballot Covered by This Exclusion Notice: Ballot: 182

CABF Member Name: GoDaddy (Organization)

Date Exclusion Notice Sent: 13 Feb 2017

Exclusion Notice provided by: Wayne Thayer (Name)

Provide Exclusion Notice to current CA/Browser Forum Chair: Kirk Hall,
kirk.hall@entrustdatacard.com Exclusion Notices must be provided by deadline stated in related Review Notice.

(For each Essential Claim covered by this Exclusion Notice, please list “numbered section of the Final Guideline or Final Maintenance Guideline whose implementation makes the excluded claim an Essential Claim for each of the issued patent(s) or pending patent application(s) that a Participant reasonably believes at the time may contain Essential Claims the Participant wishes to exclude from the CAB Forum RF License” and also “make an election, (i) not to grant a license or (ii) to provide a license with all of the requirements of Section 5.1 with the exception of subsection 5.1 f.” See IPR Policy Sections 4.2 and 4.3.)

Essential Claim No.	Numbered section(s) of Guideline related to Essential Claim [Sec. 4.3]	Patent number for issued patent, title and application number for pending patent, or copy of patent application unpublished patent applications [Sec. 4.3]	License Grant Election Made [Sec. 4.2]
1.	3.2.2.4.7	U.S. Patent 9,183,368 - VALIDATING CONTROL OF DOMAIN ZONE	<input type="checkbox"/> (i) no license granted <input checked="" type="checkbox"/> (ii) license granted per Sec. 5.1 except Sec. 5.1.f (see Supplement attached)
2.	3.2.2.4.7	U.S. Patent 8,117,439 - ISSUING SECURE CERTIFICATE USING DOMAIN ZONE CONTROL VALIDATION	<input type="checkbox"/> (i) no license granted <input checked="" type="checkbox"/> (ii) license granted per Sec. 5.1 except Sec. 5.1.f (see Supplement attached)
6.	3.2.2.4.7	U.S. Patent Publication 2016-0087937 - VALIDATING CONTROL OF DOMAIN ZONE	<input type="checkbox"/> (i) no license granted <input checked="" type="checkbox"/> (ii) license granted per Sec. 5.1 except Sec. 5.1.f (see Supplement attached)

(Continue on second page if necessary)

Relevant IPR Policy Excerpts

4.2 Excluding Patents and/or Patent Applications from Royalty Free Licensing Obligations during Review Period.

Except for Essential Claims encompassed by a Participant’s Contributions that are actually incorporated into a Final Guideline or Final Maintenance Guideline approved in accordance with the CAB Forum Guideline approval process, Participants may within the Review Period exclude Essential Claims from the CAB Forum RF License. In such case, Participant shall be permitted to either make an election, (i) not to grant a license or (ii) to

provide a license with all of the requirements of Section 5.1 with the exception of subsection 5.1 f.

4.3 Conditions and Procedure for Excluding Patents and/or Patent Applications from CAB Forum RF License.

A Participant seeking to exclude Essential Claims from the CAB Forum RF License in accordance with Section 4.2 must provide written notice of such intent to the CAB Forum Chair (“Exclusion Notice”) within the Review Period, and the Exclusion Notice shall be effective upon its receipt by the CAB Forum Chair. The Exclusion Notice shall include identification of the numbered section of the Final Guideline or Final Maintenance Guideline whose implementation makes the excluded claim an Essential Claim for each of the issued patent(s) or pending patent application(s) that a Participant reasonably believes at the time may contain Essential Claims the Participant wishes to exclude from the CAB Forum RF License. For issued patents, the Exclusion Notice shall also include the patent number(s). For pending patent applications, the Exclusion Notice shall also include the title and application number(s). If an issued patent or pending patent application that may contain Essential Claims is not set forth in the Exclusion Notice, such Essential Claims shall continue to be subject to the CAB Forum RF License. For unpublished patent applications, the Exclusion Notice shall also include a copy of the patent application. Exclusion Notices shall be published at <https://cabforum.org/jpr-exclusion-notices/>. ***

8.1. Essential Claims

“Essential Claims” shall mean all claims in any patent or patent application in any jurisdiction in the world that would necessarily be infringed by implementation of any Normative Requirement in a Final Guideline or Final Maintenance Guideline. A claim is necessarily infringed hereunder only when it is not possible to avoid infringing it because there is no non-infringing alternative for implementing a Normative Requirement of a Final Guideline or Final Maintenance Guideline. Existence of a non-infringing alternative shall be judged based on the state of the art at the time the guideline is adopted as a Final Guideline or Final Maintenance Guideline. If a Normative Requirement in a Final Guideline or Final Maintenance Guideline may be fulfilled by any of a list of specified alternatives, then for determination of whether a claim is an Essential Claim, each of the specified alternatives should be considered independently as if it were the only method for fulfilling that requirement. ***

8.3. Other Key Definitions ***

c. “**Contribution**” means material, including Draft Guidelines, Draft Guideline text, and modifications to other Contributions, made verbally or in a tangible form of expression (including in electronic media) which is provided by a Participant in the process of developing a Draft Guideline for the purpose of incorporating such material into a Draft Guideline or a Final Guideline or Final Maintenance Guideline. For a verbal contribution to be deemed a Contribution hereunder it must be memorialized within approved meeting minutes of the CAB Forum. ***

Supplement

Notwithstanding the election to grant a license under Section 5.1 of the CA/B Forum IPR Policy except 5.1(f), GoDaddy is willing to grant the CAB Forum Royalty-Free (“RF”) License as contemplated by the IPR Policy (i.e. without payment of any royalty) on these Essential Claims, conditioned upon a grant to GoDaddy of a reciprocal RF license to all Essential Claims owned or controlled by the licensee or its Affiliates without such licensee or its Affiliates requiring the execution of any formal license agreement on the part of GoDaddy. For any party that requires the execution of any formal license agreement or payment of any royalty by GoDaddy for any Essential Claims owned or controlled by the licensee or its Affiliates, GoDaddy conditions the grant of a license to the designated Essential Claims under Section 5.1 of the CA/B Forum IPR Policy on the execution of a formal license agreement by both parties.