

NOTICE OF REVIEW PERIOD – BALLOT 196

This Review Notice is sent pursuant to Section 4.1 of the CA/Browser Forum's Intellectual Property Rights Policy (v1.2). This Review Period is for Final Maintenance Guidelines (30 day Review Period). A complete draft of the Draft Guideline that is the subject of this Review Notice is attached.

Date Review Notice Sent: April 17, 2017

Ballot for Review: Ballot 196 - Define "Audit Period"

Start of Review Period: April 18, 2017 at 01:00 UTC

End of Review Period: May 18, 2017 at 01:00 UTC

Please forward any Exclusion Notice relating to Essential Claims to the Chair by email to kirk.hall@entrustdatacard.com before the end of the Review Period. See current version of CA/Browser Forum Intellectual Property Rights Policy for details.

(Optional form of Exclusion Notice is attached)

-- MOTION BEGINS –

Add the following definition to section 1.6.1 of the Baseline Requirements:

Audit Period: In a period-of-time audit, the period between the first day (start) and the last day of operations (end) covered by the auditors in their engagement. (This is not the same as the period of time when the auditors are on-site at the CA.) The coverage rules and maximum length of audit periods are defined in section 8.1.

-- MOTION ENDS --

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 For unpublished patent applications, the Exclusion Notice shall also include a copy of the patent application.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/ipr-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. ***