

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: Symantec (Organization)

Date Exclusion Notice Sent: 12/23/16

Exclusion Notice provided by: Richard Nordgren (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4.3]	Patent number for issued patent, title and application number for pending patent, or copy of patent application unpublished patent applications [Sec. 4.3]	License Grant Election Made [Sec. 4.2]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.	BR 3.2.2.4.4	US 7,003,661	<input type="checkbox"/> (i) no license granted <input checked="" type="checkbox"/> (ii) willing to grant royalty-free license under explicit license agreement (see Supplement)
2.	BR 3.2.2.4.2, BR 3.2.2.4.4	US 7,120,929	<input type="checkbox"/> (i) no license granted <input checked="" type="checkbox"/> (ii) willing to grant royalty-free license under explicit license agreement (see Supplement)
3.	BR 3.2.2.4.2, BR 3.2.2.4.3, BR 3.2.2.4.4	US 7,562,212	<input type="checkbox"/> (i) no license granted <input checked="" type="checkbox"/> (ii) willing to grant royalty-free license under explicit license agreement (see Supplement)
4.	BR 3.2.2.4.4	US 8,028,162	<input type="checkbox"/> (i) no license granted <input checked="" type="checkbox"/> (ii) willing to grant royalty-free license under explicit license agreement (see Supplement)

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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. ***

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]
5.	BR 3.2.2.4.2, BR 3.2.2.4.3, BR 3.2.2.4.4	2002335062 (Australia)	<input type="checkbox"/> (i) no license granted <input checked="" type="checkbox"/> (ii) willing to grant royalty-free license under explicit license agreement (see Supplement)
6.	BR 3.2.2.4.2, BR 3.2.2.4.3, BR 3.2.2.4.4	2,463,504 (Canada)	<input type="checkbox"/> (i) no license granted <input checked="" type="checkbox"/> (ii) willing to grant royalty-free license under explicit license agreement (see Supplement)
7.	BR 3.2.2.4.4	ZL 02824814.7 (China)	<input type="checkbox"/> (i) no license granted <input checked="" type="checkbox"/> (ii) willing to grant royalty-free license under explicit license agreement (see Supplement)
8.	BR 3.2.2.4.2, BR 3.2.2.4.4	4,608,212 (Japan)	<input type="checkbox"/> (i) no license granted <input checked="" type="checkbox"/> (ii) willing to grant royalty-free license under explicit license agreement (see Supplement)
9.	BR 3.2.2.4.4	HK1076950 (Hong Kong)	<input type="checkbox"/> (i) no license granted <input checked="" type="checkbox"/> (ii) willing to grant royalty-free license under explicit license agreement (see Supplement)

Supplement to Exclusion Notice

Symantec is willing to grant a royalty-free license on these Essential Claims to parties who, to obtain this license, execute a formal licensing agreement with Symantec having terms in accordance with Section 5.1 of the CA/B Forum IPR Policy including 5.1(c), which states that the license “may be conditioned on licensee providing notice to a buyer of its products or services that they implement an Essential Patent” of Symantec and 5.1(e), which states that the license “may be conditioned on grant of a reciprocal RF license” of the licensee’s Essential Claims.