# Email response received from Broadcom

The following email was received by the 802.11 Chair

On Nov 10, 2016, at 7:22 PM, Neil Vohra [<neil.vohra@broadcom.com>](mailto:neil.vohra@broadcom.com) wrote:

Dear Adrian,   
  
This email is in regards to the investigation into Mr. Graham Smith’s June 2016 compliant related to a claim of dominance in IEEE 802.11ax.  For the following reasons, Broadcom strongly disagrees with, and objects to (1) the investigative team’s conclusion that dominance occurred as a result of the actions of the DensiFi SIG and (2) the investigative team’s recommendation that the IEEE 802.11WG chair treat the vote of all individuals affiliated with DensiFi SIG members as a single vote.   
  
First, the investigative team’s conclusion that dominance occurred as a result of the actions of the DensiFi SIG is at odds with the conclusion recently reached by investigation into actions taken by Huawei in the 802.11ai task group.  In that situation, there were large numbers of individuals affiliated with Huawei who voted similarly on certain proposals, yet an investigation found no evidence of dominance because “there [was] no evidence that indicates that there was an attempt by Huawei to coerce its employees, or instruct them how to vote.”  This was despite a finding that “there appears to be instances of Huawei affiliates voting to support a perceived company viewpoint (‘to support the department’) when the correct action would have been to not vote or abstain.”   
  
In the present situation, the investigative team also did not find any attempt by the companies that participated in the DensiFi SIG to coerce its members or instruct them how to vote.  Nonetheless, it still found that dominance occurred in 802.11ax by arbitrarily relying on a completely different set of factors, namely:  (1) limited openness to interested parties; (2) the non-public conduct of the SIG’s proceedings, and (3) the number of SIG participants as a percentage of 802.11ax participants.  These factors do not take into consideration whether or not the DensiFi participants discussed blocking proposals from non-participants, whether or not the participants agreed to vote similarly on certain proposals, or whether or not the participants discussed anything other than technical considerations of their proposals.  We believe that these latter considerations should be given far greater weight than the factors relied upon by the investigative team in determining whether there was an “exercise of authority, leadership, or influence by reasons of sufficient leverage, strength, or representation to hinder the progress of the standards development activity,” as “dominance” is described by IEEE.  As such, we urge the IEEE 802 Executive Committee to reconsider the basis upon which the investigate team concluded that dominance occurred in 802.11ax.   
  
Second, there is no evidence indicating that DensiFi SIG participants ever discussed Mr. Smith’s or any other individuals’ proposals, let alone evidence of DensiFi SIG participants discussing the blocking of such proposals.  The investigative team gave no weight to this in determining whether dominance occurred.  Instead, the investigator relied on whatif’s and might be’s in finding a concern with the “apparentability of DensiFi SIG members, if voting as a block, to prevent adoption of any other proposal in IEEE 802.11ax consideration.”  The investigator’s reasoning clearly would not apply to employees of large companies working on technical solutions together that are later proposed to IEEE, where there is no evidence of wrongdoing.  Similarly, the investigator’s reasoning should not apply to individuals within SIGs where there is no evidence of such individuals agreeing to exclude the technical proposals of others.   
  
Third, the facts show that neither the investigators nor Mr. Smith understood the technology at issue, and it was clear from the recent session on Tuesday, November 8 that Mr. Smith still does not understand the relevant technology.  This adds to the likelihood that Mr. Smith’s proposal was rejected on technical merit alone, not due to any agreement between participants of DensiFi.  Indeed, the objection to Mr. Smith’s proposal was made by individuals that separately disagreed with his proposals and acted in an uncoordinated manner.   
  
  
  
Fourth, the recommended remedy of that the IEEE 802.11WG chair treat the vote of all individuals affiliated with DensiFi SIG members as a single vote should be reconsidered because there is no adequate mechanism to determine exactly which individuals voting in the 802.11ax task group are “affiliated” with the DensiFi SIG.  We are aware of individuals participating in 802.11ax who may be employed by a company “affiliated” with DensiFi SIG, but have no affiliation with DensiFi SIG themselves.  We object to any remedy that requires IEEE to punish every individual voting in 802.11ax who happens to be employed by a company that is affiliated with the DensiFi SIG.  Any proposed remedy should only apply to those individuals that IEEE can conclusively determine were involved in DensiFi SIG.  If this cannot be accomplished, the remedy itself should be reconsidered.   
  
Fifth, we strongly object to the manner in which evaluation of the investigative report has been conducted thus far.  Due process should allow sufficient time for individuals potentially affected by the findings of the investigation to rebut such findings as well as question and assess the credibility of anonymous sources cited in the investigation.  This should occur prior to any final determination by the IEEE 802 Executive Committee based on the investigative report at issue.   
  
Finally, although the lead investigator into this matter, Dorothy Stanley, declared herself to be unconflicted in this matter, her role as the 802.11 WG vice-chair necessarily makes her an interested party.  The vice-chair has a vested interest in keeping all discussions related to 802.11 technology within IEEE and thwarting any discussion of such technology outside of IEEE.  As such, any investigation related to discussions occurring outside of IEEE should be conducted by persons not affiliated with IEEE.  Otherwise, there is a high risk that such an investigation will be biased, whether intentionally or not.  For this reason, any investigation into this matter should be conducted by a neutral third party.   
  
IEEE’s definition of “dominance” does not prevent individuals from discussing, outside of IEEE, technical considerations of potential IEEE proposals.  This is all that occurred between individuals within the DensiFi SIG.  Further, the remedy of that the IEEE 802.11WG chair treat the vote of all individuals affiliated with DensiFi SIG members as a single vote is inappropriate given that the application may involve affecting individuals not affiliated with DensiFi SIG at all and, therefore, should be reconsidered.  Accordingly, we ask that IEEE 802 Executive Committee reject the investigating team’s findings and recommended mitigation actions.   
  
Please feel free to reach out to me with any questions or comments.   
  
  
Regards,   
  
Neil   
  
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