This is a general comment regarding Intellectual Property. The use of PoE has been the subject of multiple litigations from NPEs (Non Practicing Entities), otherwise known as "Patent Trolls". Two in particular, Chrimar Systems and Network 1, have litigated against a significant group of companies in the Ethernet industry who ship products that implement PoE. Since 802.3bt increases the available power, this will no doubt attract new companies to utilize PoE in many new applications. What assurances have been made by companies who believe they have intellectual property that relates to 802.3bt (by at least Chrimar Systems and Network 1), such that licensing under RAND terms can be secured?

Suggested Remedy

Issue a much stronger warning indicating the use of 802.3bt may result in alleged infringement of Intellectual Property.

Response

REJECT.

The process for requesting an LOA for the IEEE P802.3bt project has been followed in respect to the two holders of potentially essential patent claims named in this comment, as well as for all other holders of potentially essential patent claims identified during this project.

The IEEE is not responsible for: (a) identifying Essential Patent Claims for which a license may be required; (b) determining the validity, essentiality, or interpretation of Patent Claims; or (c) determining whether any licensing terms or conditions provided in connection with submission of a Letter of Assurance, if any, or in any licensing agreements are reasonable or non-discriminatory; or (d) determining whether an implementation is a Compliant Implementation. See subclause 6.2 'Policy' of the IEEE-SA Standards Board Bylaws [http://standards.ieee.org/develop/policies/bylaws/sect6-7.html#6.2].

Discussion or other communications regarding: (a) the status or substance of ongoing or threatened litigation; and (b) the essentiality, interpretation, or validity of Patent Claims; is prohibited during IEEE-SA standards-development meetings or other duly authorized IEEE-SA standards-development technical activities. See subclause 6.2 'Policy' of the IEEE-SA Standards Board Bylaws [http://standards.ieee.org/develop/policies/bylaws/sect6-7.html#6.2] and subclause 5.3.10.2 'Discussion of litigation, patents, and licensing' of the IEEE-SA Standards Board Operations Manual [https://standards.ieee.org/develop/policies/opman/sect5.html#5.3.10.2].

The text contained in the 'Notice and Disclaimer of Liability Concerning the Use of IEEE Standards Documents' in respect to patents is mandated by subclause 6.3.1 'Public notice' of the IEEE-SA Standards Board Operations Manual [https://standards.ieee.org/develop/policies/opman/sect6.html#6.3.1] and as such suggestions for change to this text should be directed to the IEEE-SA Standards Board Patent Committee Administrator at <patcom@ieee.org>.