

FIDO IPR Summary

**for Proposed Standard Specifications
issued after January 1, 2020**

January 1, 2020

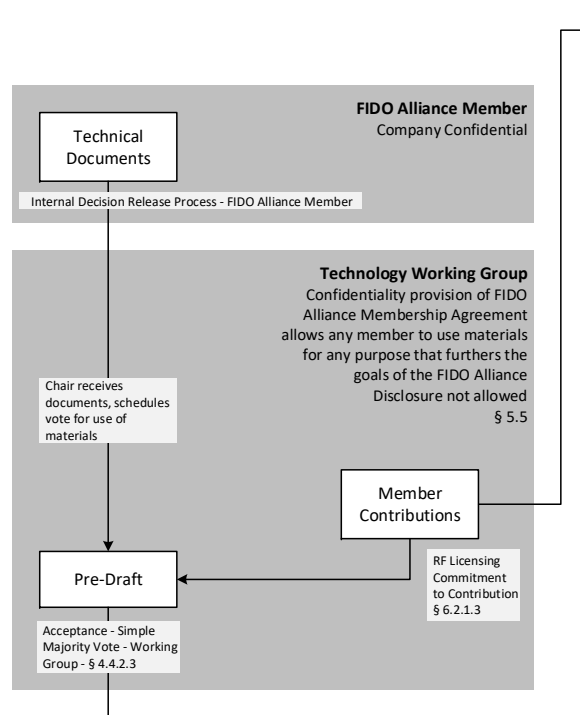
FIDO IPR: Summary

The Goal of the FIDO Alliance IPR Policy is to Support the Delivery of Open Unencumbered Specifications

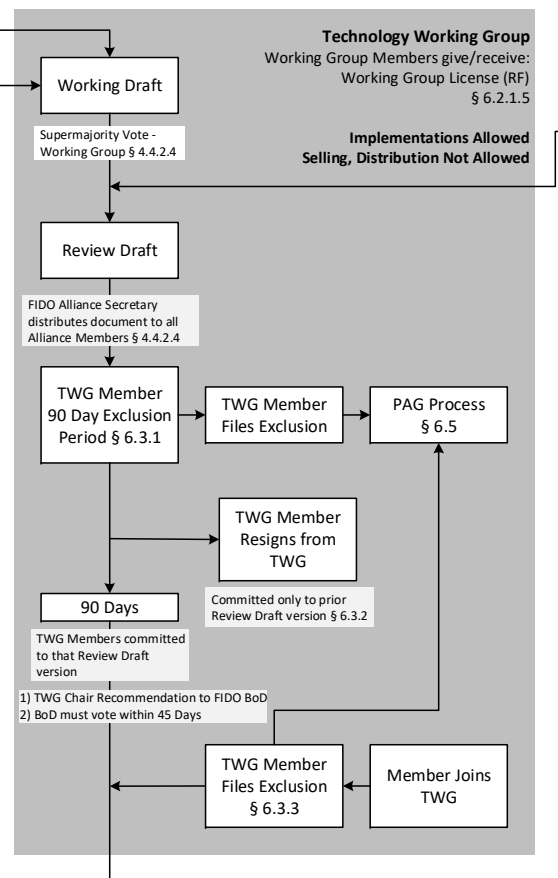
- **IP Ownership:**
 - Ownership of IP is always retained by member companies
- **Patent Royalty-Free Promise:**
 - Technical Working Group Members do and Contributing Members promise anyone in the world to grant a royalty-free (RF) license to their patent rights under specific circumstances
 - No promise if not a Technical Working Group Member or Contributor
- **Complete Implementation:**
 - Commercial sales and distribution rights are conditioned on complete implementations of the Specification
- **Exclusion from RF License is Allowed:**
 - During the 90 day Exclusion Period (upon complete documentation)
 - Upon leaving a Technical Working Group (only for early stage specifications)
 - Not allowed for contributions originally indicated as under RF Licensing
 - Triggers a Patent Advisory Group to address

IPR Process Overview: Specifications

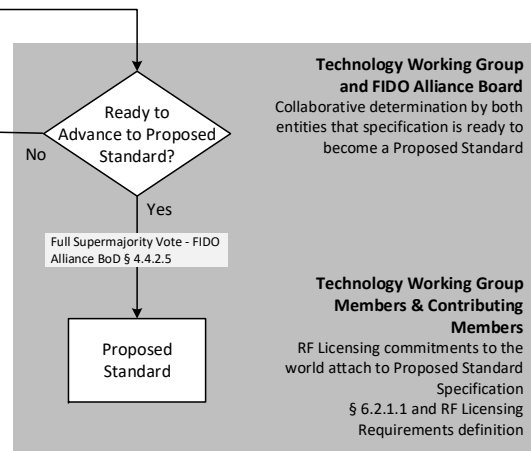
Phase 1: Optional Acceptance of Member Document Contributions



Phase 2: Specification and Rights Evolution inside the Technical Working Group

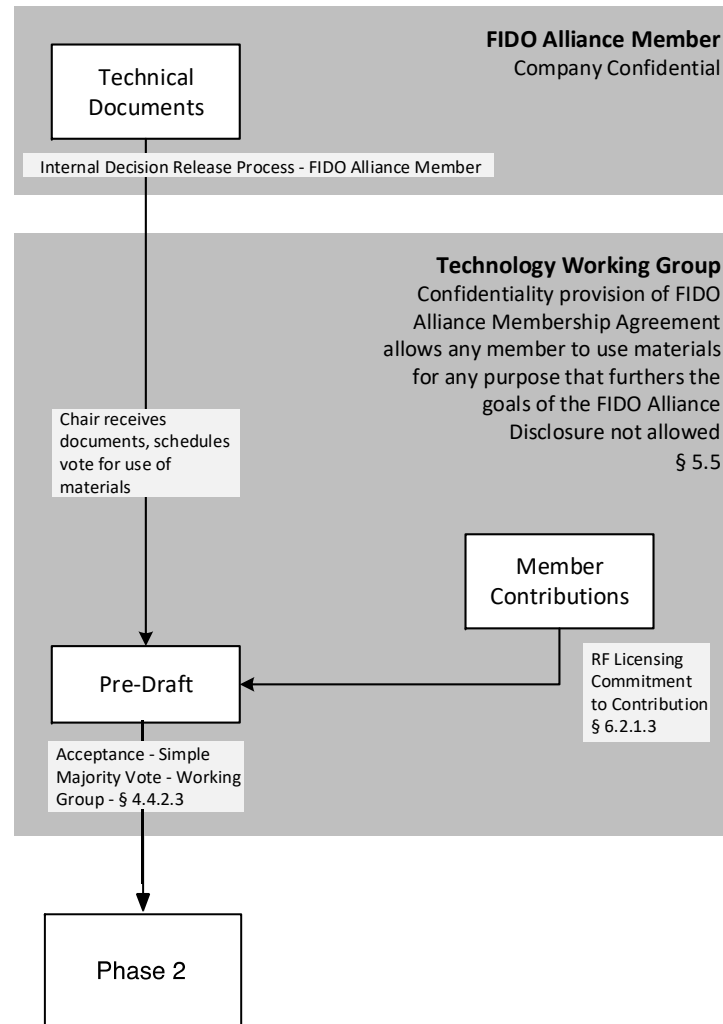


Phase 3: Expansion of Rights to All Members and Non-Members



IPR – Specifications – Phase 1

Optional Acceptance of Member Document Contributions

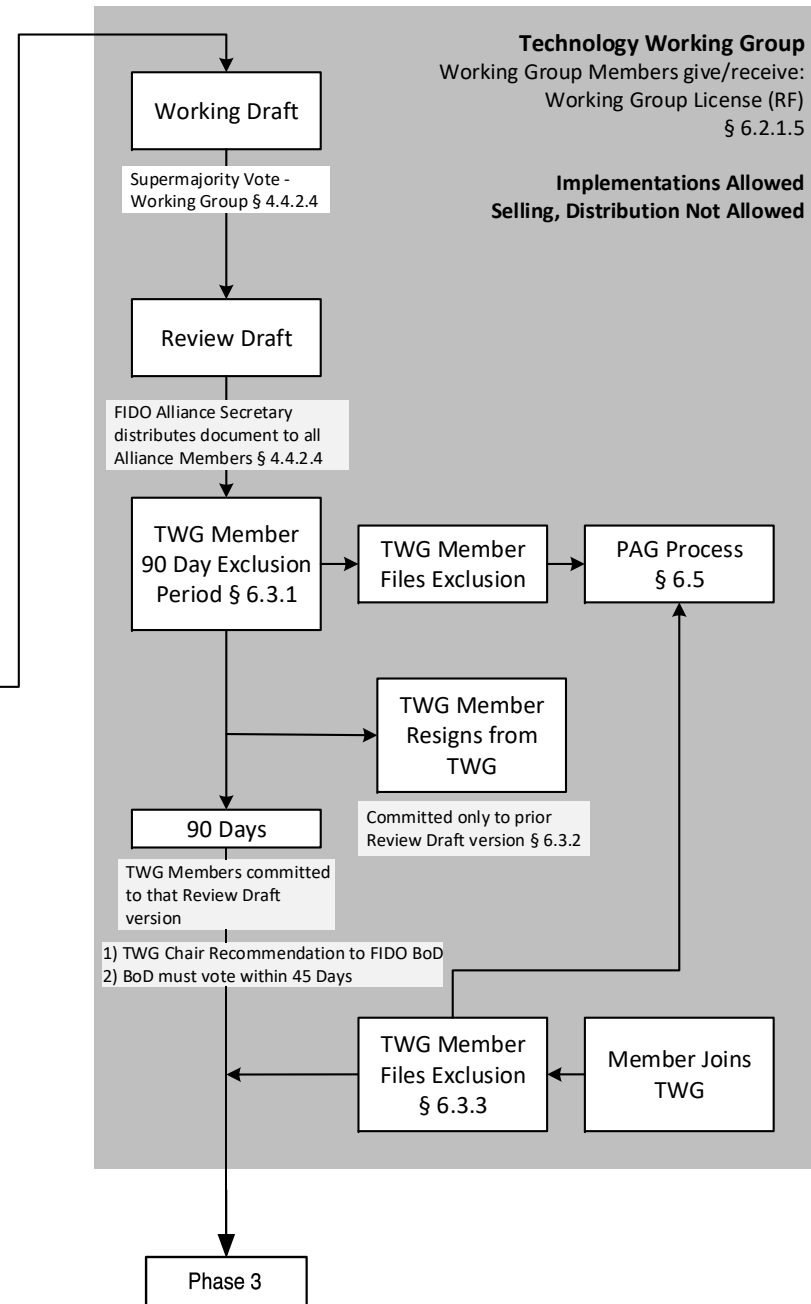
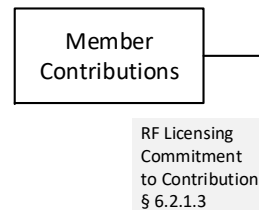


IPR – Specifications

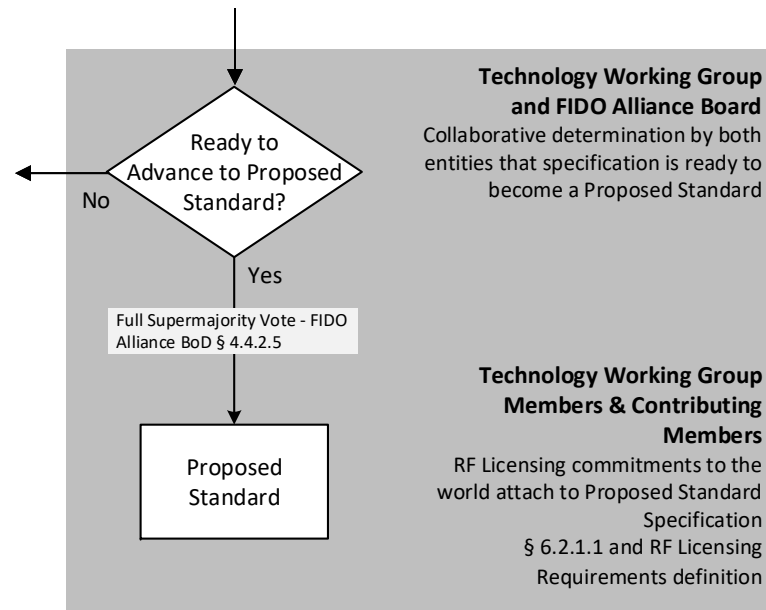
Phase 2

Specification Evolution in a Working Group

- **Contributions:** All topics discussed in group covered under:
 - Working Group License
 - Confidentiality Clauses in Membership Agreement
- **Publishing:** The Board may approve the publication or sharing of any FIDO Alliance deliverable with non-Members
 - Supermajority vote of the Board required
 - Documents posted on the FIDO Alliance website subject to peer-review license



IPR – Specifications – Phase 3



Working Group License § 6.2.1.5

- **Purpose:** To allow testing needed to confirm that a given Specification actually works properly
- **Issue:** The Promise of § 6.2.1.1 does not take effect until a Specification reaches Proposed Standard. But Specification needs to be fully functional when released as Proposed Standard, so testing is required before that time.
- **Solution:** Working Group License applies the Promise to Working Draft or Review Draft Specifications for TWG members
 - So then there is a Promise to allow testing to be done to confirm Specification operations
- **Limitation:** The Working Group License is limited to make and use. Importation, Sale and Offer to Sell are expressly excluded
 - The exclusions mean that implementation units cannot be publicly distributed, even royalty or cost free – that distribution is reserved for Proposed Standard Specifications and the Promise of § 6.2.1.1

Summary of Essential Claims Exclusion Process

- **Scope:** Only Technical Working Group Members
 - Contributions cannot be excluded if originally indicated as RF Licensed
- **Duration:** 90 days long
- **Triggering Event:** Secretary distributes Review Draft Specification and Call for Exclusion
- **Documentation Required:**
 - **If staying in Technical Working Group:** Essential claims must be disclosed using disclosure rules
 - **If leaving Technical Working Group:** None but only effective for the Review Draft in the 90 day period
- **Joining Technical Working Group:** If outside a 90 day period, Exclusions must be made when joining the Technical Working Group
- **Patent Advisory Group:** Formed whenever an Exclusion is received – purpose is to resolve the issue

Promise Continues

- **The Promise continues after withdrawal from a Working Group or the Alliance itself**
- **The Promise is for the life of the patent**
- **The Promise encumbers the patent**
 - So later owners also make the Promise on that patent

Revisions to Specifications Existing on December 31, 2019

- Specifications at Proposed Standard level on December 31, 2019 are covered under the original FIDO Alliance and the Promise is provided by all FIDO Alliance Members of that date
- What IPR terms apply to revisions to those Specifications?

Facts:

- A, B and C are FIDO Members on December 31, 2019
- D joins FIDO after January 1, 2020
- B, C and D are Technical Working Group Members for Ver. 1.3
- Specification Version 1.2 was Proposed Standard on December 31, 2019
- Version 1.3 becomes Proposed Standard after January 1, 2020
- Version 1.3 includes Version 1.2

Result:

- The table entries are the Promise versions applicable to the various Members

Member	Ver. 1.2	Ver. 1.3
A	Old	
B	Old, New	New
C	Old, New	New
D	New	New

Old means covenant not to sue by all FIDO Alliance Members under pre-January 1, 2020 FIDO terms

New means agreement to grant license by all TWG Members under post-January 1, 2020 terms