

PART 2 – LISTING OF CLAIMS and STANDARD

PATENT/APPLICATION NO. _____

Submitting Entity: _____

<u>CLAIM NUMBER</u>	<u>APPLICABLE STANDARD(S)</u> (MHP, GEM, OCAP, others)	<u>REFERENCE</u> (reference(s) to cited section of each standard(s))

PART 3 – CLAIM CHART (one model claim only)

PATENT/APPLICATION NO. _____

Submitting Entity: _____

<u>TEXT of REPRESENTATIVE CLAIM NUMBER</u>	<u>SUPPORTING DESCRIPTION</u> (specific reference to Figs, columns and lines of English disclosure)	<u>COMMENT</u> (text reference to <u>cited standard(s)</u>)
(Preamble)		
(Limitation 1)		
(Limitation 2)		
(Limitation 3)		
(Limitation 4 etc.)		

(use additional pages if necessary)

INSTRUCTIONS

Introduction

1. **Purpose** - The Statement of Declarant is intended to efficiently obtain data regarding a Declarant's IPR that is asserted by the Declarant to be essential to one or more DVB standards (and including the GEM-based standard OCAP)..
2. **Cooperation** - The Statement of Declarant seeks significant cooperation from the Declarant with respect to the Declarant's proposed interpretation of each candidate patent or application for purposes of an evaluation of essentiality. The Declarant is the entity most familiar with its IPR, has already analyzed the application of its IPR to the standard and is in the best position to state a clear and well supported case for essentiality. The Coordinator reserves the right to return incomplete Statements to the Declarant.
3. **Period for Submission** -The DVB Project intends to complete this phase of the formation of a patent pool in **October 2003**. As such, it is imperative that complete Statements be submitted as soon possible so that a review of all submissions can be completed in sufficient time prior to the target date.
4. **Submissions** - Submission of this Statement of DVB Declarant should be made as soon as possible to:

Alan J.Kasper, Esq.
Sughrue Mion PLLC
2100 Pennsylvania Avenue N.W.
Washington D.C. 20037-3213 U.S.A.
Email - akasper@sughrue.com
T: 202-293-7060
F: 202-293-7860

5. **Disclaimer** - By making this submission to the Patent Review Coordinator, the Declarant agrees that:
 - a. Alan J. Kasper, the firm of Sughrue Mion PLLC and any person participating on behalf of Sughrue Mion PLLC in the evaluation of the Statement are acting solely as representatives of the DVB Project and Cable Television Laboratories (for OCAP submissions).
 - b. No attorney client relationship shall be created between Declarant and Alan J. Kasper, the firm of Sughrue Mion PLLC, or any person acting on behalf of Sughrue Mion PLLC as a result of the submission of this Statement.
 - c. The submission of this Statement is not to be viewed as a request by the Declarant for legal services.
 - d. The fees charged and payments made to the Patent Review Coordinator in connection with this Statement shall be considered as payments to the DVB Project and/or Cable Television Laboratories (for OCAP submissions).
 - e. The Patent Review Coordinator will review only the patent or patent application, and the identified standards. No review of the file history or related prior art will be made at this time. As such, this review of the Patent Review Coordinator shall not constitute a determination of essentiality as that term is defined in the DVB MOU Article 14.2, or the CableLabs OpenCable Contribution Agreement/IPR Policy. It is anticipated that the patent pool participants will perform further review of patents and patent applications for essentiality.
6. **Confidentiality** - This Statement and the information contained therein may be disclosed and discussed among the Patent Review Coordinator and representatives of the DVB Project and Cable Television Laboratories (for OCAP submissions) and will be treated in confidence for a period of one (1)year from the date of submission, unless otherwise authorized by Declarant. Original and copies will be returned or destroyed on request of Declarant.

Part 1 - SUMMARY DATA FOR CANDIDATE PATENT or APPLICATION

1. The details of the candidate patent or application, including title, patent number or application number (if not yet issued), date of publication and publication number should be provided.
2. **All standards** to which any one or more claims of the candidate patent or application are proposed to be “essential to the standard” should be listed.
3. The owner, assignee or proprietor of the patent or application and the individual who may be contacted for questions related to the submission should be provided. The address, telephone, fax and email contact information for the named individual should be provided as well.
4. An English language version of a patent or application, whether a corresponding patent or application in the same family or a translation of a patent or application not otherwise available in English, should be provided with the submission. Where the claims of a candidate patent or application are not in English and differ from a corresponding English language patent or application, a copy of the English language document and a translation of the claims proposed to be essential to the standard may be provided.
5. A listing of all patents or applications in the family of the candidate patent or application should be provided, together with the relevant data for each such family patent or application. A copy of each such related patent or patent application is not required, unless requested by the Patent Review Coordinator.

Part 2 - LISTING OF CLAIMS and STANDARD

1. **All claims** of the candidate patent that the Declarant wishes to use in support of a proposal that the candidate patent is “essential to the standard” should be listed. Failure to list a claim will not preclude such claim from later being asserted as “essential to the standard.”
2. **For each claim listed**, the Declarant should separately identify **each** DVB standard to which the Declarant proposes that it should apply as an essential patent, for example, including but not limited to MHP, GEM and OCAP. Failure to list a standard will not preclude such claim from later being asserted as “essential” to that standard.

Part 3 – CLAIM CHART

1. A **single representative claim** in each candidate patent or application should be selected that best demonstrates why the patent or application should be evaluated for being “essential to the standard.” Where a claim is selected from an application, the currently pending version of the claim should be presented.
2. The statements made by a Declarant shall not be considered as limiting with respect to any future assertion of the scope of the claim, but are solely for purposes of this initial evaluation as part of the fostering process toward formation of one or more patent pools. See confidentiality provisions above.
3. A claim chart providing an exemplary listing and relationship among (1) each individual limitation or element of a representative claim that is proposed as being essential, (2) the specific disclosure that relates to the limitation and (3) a narrative comparison to the specific text of each standard(s). The explanation will be essential to efficiently achieving an understanding of the relevance of a representative one of the asserted claims in each patent to the standard(s).
4. The text of each limitation of the representative claims should be stated separately and in English.
5. For each limitation the relevant Figure(s), reference numbers and description (page or column and lines) in the patent should be identified. This will enable focused attention on the manner in which the Declarant interprets the claim for purposes of this first level analysis and will reduce the need for repeated queries by the Coordinator.
6. A narrative comparison of the claim limitation to specific text of the standard in sufficient detail so as to present clear support for the proposed categorization of the claim as “essential to the standard” should be provided.
7. Any other information, analysis or documentation that may support the submission and aid the efficient and effective conduct of the evaluation is welcome.