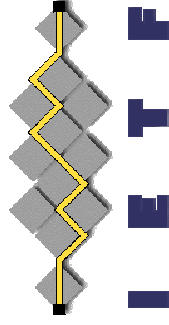


NEMO Intellectual Property Claims Update

T.J. Kniveton

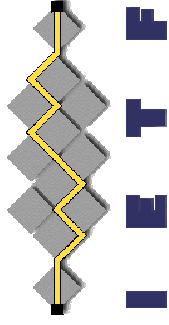
NOKIA

IETF58 – Nov 12 2003 - Minneapolis



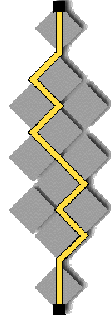
Purpose of this talk

- Update information about Cisco IPR situation
- Take any questions regarding Cisco and Nokia IPRs
- Determine working group consensus on how to proceed
- Stop talking about this and focus on solution work



IPR Background

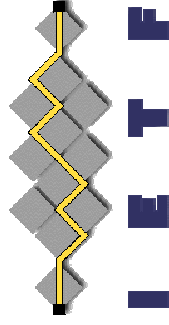
- Cisco and Nokia have asserted possible IPR coverage of NEMO basic support draft
- In past IETF meetings, we have discussed this – see archives
- Nokia has granted Royalty Free license for open source implementations
- Cisco has granted Reasonable and Non-Discriminatory license (not royalty-free)
- Both companies' licenses are based on reciprocity, and are RAND for non open-source implementations
- These licenses appear to be compliant with RFC 2026 section 10
- The working group had requested royalty-free license for these licenses, since the technology is being used in the basic support draft



I E T F

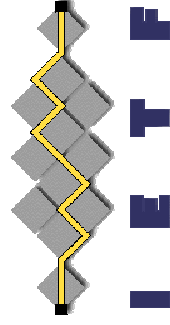
Since the last IETF meeting

- Working group chairs have taken the action points:
 - Contact Cisco and request favorable licensing terms
 - Determine what form the IPR is in – patents? Applications? What countries?
 - Try and clarify what sections of the draft the claimed IPR covers
- To this end, we have contacted Cisco's IPR lawyers, and conferred with ADs and Nokia IPR lawyers on this matter
- This presentation will present some of those results.



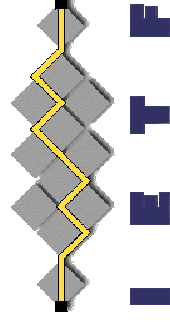
Known information about IPR coverage

- Nokia has a patent application regarding mobile network support in IPv6. The patent has not yet been issued.
- Cisco has been issued patent 6,636,498 in mid-October which covers a method for Mobile Router support under IPv4 / Mobile IPv4.
- They have also stated that they have pending patent applications and do not disclose any information about them.
- Patents are pending only in the U.S. patent office



Questions posed to Cisco:

- Q 2. Are you willing to amend the licensing terms of your IPR disclosure?
- A: We believe the IPR disclosure is in compliance with IETF IPR rules, including RFC 2026. If you disagree please let me know.
 - 2a. Would you be willing to match your licensing terms in the direction of what is currently the only other IPR disclosure for the same draft (<http://ietf.org/ietf/IPR/nokia-ipr-draft-ietf-nemo-basic-support.txt>)?
 - A: No, we cannot do so without assurances from IETF that the licensing terms in this disclosure are nondiscriminatory.

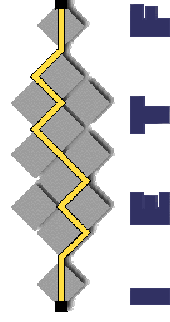


Questions posed to Cisco / 2

- 3. If you can not give publication number(s) of the application(s), what parts of the NEMO-basic-support Internet Draft are affected by your disclosure

In all cases, we request that you state which sections are affected by the disclosure. This was a concern clearly raised amongst the working group members at the last IETF meeting.

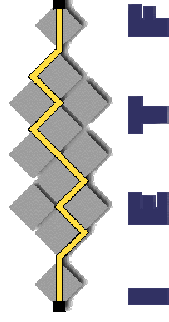
- A: The following sections are affected:
 - Section 4 - Message formats
 - Section 5.2 - Implicit, Implicit Network, and Explicit Prefix Length; (3 Modes of Mobile Router operation)
 - Section 6.4 - Bi-directional tunnel
 - Section 6.5 - forwarding packets
 - Section 6.7 - De-registration
 - Section 7 - Dynamic routing protocols (e.g., routing protocol updates)



Additional Comments from Cisco

Please note that the license at (<http://ietf.org/ietf/IPR/nokia-ipr-draft-ietf-nemo-basic-support.txt>) is not a "free license for implementation" for those who do not use the specific licenses referred to therein.

Please note further that Cisco has never asserted a patent against anyone for implementing an IETF standard except in response to patent assertions against Cisco from another party.



Summary:

- Nokia has claimed IPR, offered RF license for open-source, and RAND for all implementations
- Cisco has claimed IPR, has one patent issued covering the operation of a Mobile IPv4 / IPv4 mobile router, and has offered RAND terms for all implementors
- Cisco has expressed an unwillingness to offer RF license.
- **How should the working group proceed?**
 1. Accept current licenses and proceed as we are currently
 2. Try again to get better terms
 3. Change the technical approach to attempt to avoid IPR applicability
 4. Stop work on base support protocol and dump it
- Working group opinion?
 - **Consensus (20-30 for, 2 against) is to continue on current course**

