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## ANSI Legal Issues Forum 2011: Patented Technology in Standards



Thursday, October 13, 2011

2:00 – 5:00 pm

Newseum Knight Conference Center  
555 Pennsylvania Ave. NW, Washington DC, 20001  
703.416.1600

ANSI's annual Legal Issues Forum examined legal and policy issues which may arise when patented technologies are included in voluntary consensus standards.

The Institute presented two panels of recognized leaders who examined the pros and cons of the RAND (reasonable and non-discriminatory) licensing commitment as well possible alternatives to RAND, including negotiating licensing terms prior to choosing the standard.

- Panel 1: The Pros and Cons of RAND: Does RAND Continue to Be the Preferred Approach to Essential Technology?
- Panel 2: Is Ex-Ante Disclosure and/or Negotiation of Licensing Terms a Safe Alternative to RAND?

Time	Topic	Speaker
2:00 – 2:05 p.m.	Opening Remarks	Patricia Griffin, <i>Vice President and General Counsel, ANSI</i>
2:05 – 3:20 p.m.	<p><b>Panel 1 – The Pros and Cons of RAND</b></p> <p>Panelists will address the pros and cons of the RAND licensing commitment and its continued viability as the preferred approach to deal with essential patented technology in standards.</p> <p><i>The panel will conclude with a 15-minute Q&amp;A session.</i></p> <p>Advance reading:</p> <ul style="list-style-type: none"> <li>▶ <a href="#">ANSI Patent Policy</a></li> <li>▶ <a href="#">Guidelines for Implementation of the ANSI Patent Policy</a></li> </ul>	<p><b>Moderator:</b> Earl Nied <i>Program Director, Intellectual Property Rights, Intel Corporation; Incoming Chairman, ANSI Intellectual Property Rights Policy Committee</i></p> <p><b>Panelists and Topics:</b></p> <p><b>The Evolution of RAND</b> <a href="#">Anne Layne-Farrar</a> <i>Vice President, Compass Lexecon LLC</i></p> <p><b>Are There a Few Elephants in the RAND Room?</b> <a href="#">Andrew Updegrove</a> <i>Partner, Gesmer Updegrove LLP</i></p> <p><b>Economics of RAND Compared to Negotiation</b> <a href="#">Joseph Farrell</a> <i>Director, Bureau of Economics, Federal Trade Commission</i></p> <p><b>DG Comp Comments about FRAND Commitments in the Horizontal Cooperation Agreement Guidelines</b> <a href="#">Amy Marasco</a></p>



		<p><i>General Manager, Standards Strategy and Policy, Microsoft</i></p> <p><b>FRAND Is Your Friend</b>                  E. Earle Thompson  <i>Vice President and Chief Intellectual Property Counsel, SanDisk Corporation</i></p>
3:20 – 3:40 p.m.	<b>Networking Break</b>	
3:40 – 4:55 p.m.	<p><b>Panel 2 – Ex Ante Disclosure</b></p> <p>Panelists will address the pros and cons of mandatory or voluntary <i>ex ante</i> disclosure of licensing terms as a potential alternative to the RAND licensing model.</p> <p><i>The panel will conclude with a 15-minute Q&amp;A session.</i></p>	<p><b>Moderator:</b>                  Dan Bart  <i>President and CEO, Valley View Corporation; Current Chairman, ANSI Intellectual Property Rights Policy Committee</i></p> <p><b>Panelists and Topics:</b></p> <p><b>The Ex Ante Debate</b>  <a href="#">Monica Barone</a>  <i>Senior Legal Counsel, Qualcomm</i></p> <p><b>Why ANSI-Accredited Standards Developers Should Want to Adopt Policies that Require Ex Ante Disclosure of License Terms</b>  <a href="#">Robert Skitol</a>  <i>Senior Partner, Drinker Biddle</i></p> <p><b>Is There Hold Up, and What Role Do Ex Ante Rules Play?</b>  <a href="#">Richard Taffet</a>  <i>Senior Member, Bingham McCutchen LLP</i></p> <p><b>Alternatives to Ex Ante Disclosure</b>  <a href="#">Michael Lindsay</a>  <i>Partner, Dorsey &amp; Whitney LLP</i></p> <p><b>Report on the NIST-funded Study of Ex Ante Policies</b>  <a href="#">Jorge Contreras</a>  <i>Visiting Associate Professor, American University, Washington College of Law</i></p>
4:55 – 5:00 p.m.	<b>Closing Remarks</b>	<p>Patricia Griffin, <i>Vice President and General Counsel, ANSI</i></p>

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