Public Comments in re: ExSC_112_2018, Proposed Revision to the Section 3.1.2. ANSI Essential Requirements (www.ansi.org/essentialrequirements)

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Submitted to: psa@ansi.org

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About myself

I have been active with ANSI for about seven years now – first during my time as Counsel for I.P. and International Antitrust at the Federal Trade Commission and, since 2013, in my roles with Ericsson. During that time, I have co-chaired two IPRPC task forces, and have participated in meetings or activities related to the ANSI Legal Issues Forum (LIF), National Policy Committee (NPC), International Policy Committee (IPC), Executive standards Committee (ExSC), ANSI ISO Committee (AIC), Intellectual Property Rights Policy Committee (IPRPC) and World Standards Week.

I believe the following corrections and clarification are missing and should be considered:

Clarification about the forward-looking nature of this revision. The revision fails to describe the roll-out process of the proposed change. I believe it should be made clear that it is forward looking, i.e. apply only for standards submitted for ANS approval after the date this revision is adopted.

This information is not necessary in the ER text itself, but an accompanying public clarification affirming the forward looking applicability of the revision would be useful and important.

I believe the following improvements to the text are in place – see below in redline format (with explanations on the right-hand side)

3.1.2 Record of statement

A record of the patent holder's statement shall be retained in the files of both the

ASD and ANSI shall be made publically available (at the ASD's election, either on

the ASD's website or ANSI's website LOA repository.)

Commented [A1]: Seems like a typo. According to the dictionary, the correct spelling is "publicly" (without an "al")

Commented [A2]: The language is clear in that the ASD must publish the info on a Website but fails to clarify the same with regard to the ANSI repository. While the ANSI Patent database is currently available online, I am not aware of a rule about this. Hence there is nothing preventing ANSI from reverting to paper files as it had prior to 2003. I assume this is not the intention since the public interest mandates that this information be effectively publicly available

As an alternative to "website" the words "online" or "web-based" can be used.