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3GPP2 Steering Committee Chair
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November 14, 2004

Mr. Jari Alvinen
Chairman of the Board
Open Mobile Alliance
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VIA ELECTRONIC MAIL

Ref: OMA IPR policy changes

Dear Jari,

3GPP2 thanks you for your correspondence dated September 3, 2004 in which it is stated that the OMA has revised its Intellectual Property Rights (IPR) policy such that licenses can now be granted to all users on terms that are fair, reasonable and non-discriminatory, for all documents dated January 1, 2005 or later. 3GPP2 acknowledges the efforts of the OMA in addressing this issue, brought to your attention by both Partnership Projects earlier this year, and also thanks you for attending our recent Steering Committee and Organizational Partners meetings in Shanghai.

3GPP2 notes that the OMA's current (pre-2005) IPR policy will continue to be applied to OMA documents dated prior to January 1, 2005, and it is this feature of your September 3, 2004 correspondence that has caused some discussions and concerns within 3GPP2. As written, this statement prevents both 3GPP2 from publishing, and its five Organizational Partners from converting and publishing, any documents that reference, at any level, OMA documents dated December 2004 or earlier.

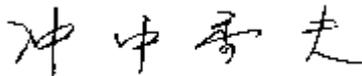
As an internal exercise, 3GPP2 reviewed its project library to see how many documents referenced or proposed to reference documents belonging to the OMA, and, in turn, how many of these OMA documents referenced additional OMA documents. The result of this effort is available in **Attachment A** (zip file). As you can see, the number of OMA documents that could be referenced in 3GPP2 documents is quite considerable.

Consequently, 3GPP2 respectfully requests that the OMA consider the practical implementation of the new OMA IPR policy, and for the long term and 3GPP2-preferred solution to come up with a way to apply its revised IPR policy to the entire OMA document library. As a mid-term solution, 3GPP2 requests that the OMA re-release under the new IPR policy all OMA documents directly and indirectly referenced in 3GPP2 specifications. If this is not possible at the present time, then

3GPP2 welcomes any alternative solutions the OMA might propose. Since this matter has taken a considerable length of time to address, 3GPP2 and its Organizational Partners, for the short term, are now put in the position of having to seek assurances from the OMA's 16 patent/IP holders (per information on the OMA web site as of September 2004) that the IP holders are willing to license to all users on terms that are fair, reasonable and non-discriminatory (RAND/FRAND) as was discussed at the OMA/3GPP2 Workshop meeting in Maui in December 2003.

Thank you again for your consideration to our request for the mid-term and long-term solutions. Please do not hesitate to contact me further if you have any additional questions.

Yours sincerely,

Handwritten signature in black ink, consisting of four characters: 沖中秀夫 (Okina Hideo).

Hideo Okinaka

cc: Ms. Cheryl Blum – TIA 3GPP2 Head of Delegation
Mr. Akira Matsunaga – ARIB 3GPP2 Head of Delegation
Mr. Wan Yi – CCSA 3GPP2 Head of Delegation
Dr. JinSung Choi – TTA 3GPP2 Head of Delegation
Mr. Nobuhiro Horisaki – TTC 3GPP2 Head of Delegation
Mr. Henry Cuschieri – 3GPP2 Secretariat