



**DRAFT MEETING REPORT**  
**3GPP2 Organizational Partners Meeting #32, #33**  
**ARIB/CCSA/TIA/TTA/TTC**  
**May 16, 2005 / May 23 2005**  
**Via Teleconference**

---

*[Secretary's Note: This report covers two teleconference meetings held May 16 and May 23 2005, convened in order to discuss and decide on a single topic. Sections 1 thru 8 below cover the May 16 2005 meeting.]*

**1. Opening**

The meeting was opened at 8:00pm EDT by Ms. Cheryl Blum, TIA Head of Delegation, at the invitation and request of ARIB/TTC whose prerogative it was to chair the meeting, having chaired the most recent face-to-face meeting of the Organizational Partners (OPs).

**2. Attendance**

The roll-call of OP Delegates was taken. The Secretary noted that the list of Delegates would be combined into contribution [OP-20050516-002](#) to be posted on the 3GPP2 ftp site.

**3. Approval of the Agenda**

The agenda was approved as presented in contribution [OP-20050516-001](#).

**4. Contribution Assignments and Status**

The Chair presented contribution [OP-20050516-000](#) providing the list of contributions for the meeting. No further contributions were presented.

**5. Old Business**

5.1 [Open Mobile Alliance IPR Policy and Impact on 2005 ITU-R M.1457 CDMA Multi-carrier submissions](#)

The Chair presented contribution [OP-20050516-003](#), consisting of correspondence from TSG-C to the Organizational Partners noting the impact of the 3GPP2 policy to suspend the publication of documents containing normative references to OMA documents on the 2005 update to

1 the CDMA Multi-carrier submission to ITU-R M.1457, specifically the  
2 fact that three documents – the transposed OP versions C.S0015, C.S0040  
3 and C.S0045, that would otherwise be contained in the submission, may  
4 not be included because of suspension by 3GPP2 and subsequent  
5 suspension by the Project’s Organizational Partners of their transposed  
6 standards.

7  
8 TSG-C’s correspondence went on to recommend a series of steps on how  
9 to move forward with the May submission in light of this fact, and  
10 requested OP input and endorsement accordingly.

11  
12 Before considering the recommendations noted in contribution **OP-**  
13 **20050516-003**, the Chair invited Dan Bart (TIA) to introduce  
14 contributions **OP-20050516-004 and 004a**, noting ongoing  
15 communications between TIA and the OMA staff and OMA legal counsel  
16 regarding the remaining concerns.

17  
18 Mr. Bart acknowledged that the OMA has done much to satisfy 3GPP2’s  
19 and its OPs’ concerns, particularly changing OMA’s IPR policy to have IP  
20 holders provide a licensing commitment to all users of OMA documents  
21 on reasonable and non-discriminatory terms in connection with documents  
22 dated January 1, 2005 or later, and subsequently reissuing all documents  
23 after January 1, 2005 so that this amended policy applies to the entire  
24 OMA library of documents.

25  
26 However, TIA reiterated the still remaining concern, namely that the  
27 amended OMA IPR policy binds only those holding essential intellectual  
28 property contained within OMA documents that are members of the OMA  
29 as of January 1, 2005 or later, but the revised policy does not apply to  
30 those IP holders that either have not been OMA members (or members of  
31 any of its predecessor organizations), or entities which dropped their  
32 OMA membership prior to January 1, 2005. It was noted that, by viewing  
33 public information available on the OMA web site, there are 23 IP holders  
34 that would need to be OMA members to have all OMA documents  
35 covered under the new policy. (See Contribution **004A**) The OMA web  
36 site also discloses OMA members, and all 23 of these entities are not  
37 listed. The concern is with essential IP from non-OMA members (as of  
38 January 1, 2005) who, under the revised OMA IPR policy, have evidenced  
39 no commitment to license all users of OMA documents on terms that are  
40 at least RAND.

41  
42 Mr. Bart further noted that the worst-case repercussion that TIA must  
43 avoid is a situation where use of a 3GPP2 specification, or transposed  
44 SDO standard, that contains normative referencing to OMA documents  
45 with essential OMA intellectual property, leads to detrimental  
46 consequences to the SDO and users of the standards. These include  
47 claims of users of unreasonable licensing provisions or unwillingness to  
48 license at all. He added that the provision of commitments for licensing  
49 essential patents on reasonable and non-discriminatory terms is a key

1 principle of TIA's standards development process and an ANSI  
2 accreditation requirement and, thus, is the reason that TIA and other SDOs  
3 with similar policies continue to not reference OMA documents in their  
4 standards until this remaining issue is resolved. To this end, he has been  
5 in contact with the Open Mobile Alliance to ask that either the OMA  
6 address this issue directly with those remaining IP holders, or provide TIA  
7 with the contact information for the non-OMA member IP-holders so that  
8 TIA can contact them directly and seek commitments to license all users  
9 on reasonable and non-discriminatory terms, either for TIA's own needs  
10 or on behalf of all 3GPP2 Organizational Partners. These discussions with  
11 the OMA are ongoing and thus far OMA has not provided any contact  
12 information or other information that would resolve the issue.  
13

14 It was noted that TIA's IPR policy is not dissimilar to the IPR policies of  
15 other standards developing bodies including the ITU. Consequently, it is  
16 expected that other standards bodies should have the same issues and be  
17 voicing the same concerns based on the same information currently known  
18 by TIA and 3GPP2 from the OMA web site.  
19

20 No OP voiced concern over TIA's continuing to pursue resolution of this  
21 matter with the OMA.  
22

23 The Organizational Partners then resumed their consideration of TSG-C's  
24 proposal on how to move forward with the 2005 CDMA Multi-Carrier  
25 submission into the 2005 ITU-R M.1457-5, contained in contribution **OP-**  
26 **20050516-003**.  
27

28 *1. - Submit the final references and certification of references and*  
29 *transposition by May 31, 2005 as required by the ITU-R. In the submitted*  
30 *references, add a footnote to the 3 listed specifications noting that they are*  
31 *temporarily unavailable and their status is to be confirmed before the final*  
32 *update is sent for final approval to the ITU-R.*  
33

34 *2. The ITU-R will not be verifying the references until July 2005. If the*  
35 *IPR issue has been resolved by then, the ITU-R will remove the footnote*  
36 *and give final approval to the submission. If the IPR issue has not been*  
37 *resolved by July 2005 then the ITU-R Counselor will contact each of the*  
38 *3GPP2 SDOs and ask them which of the 2 following actions they would*  
39 *like to take:*

- 40 a. *Remove the 3 listed specifications from the reference tables and*  
41 *GCS*
- 42 b. *Withdraw the CDMA Multi-carrier update to M.1457 entirely.*

43  
44 *3. If 2 a. or 2 b. are needed then the 3GPP2 SDOs may include the 3 listed*  
45 *specifications in the next scheduled M.1457 update after the IPR issue has*  
46 *been resolved.*  
47

48 In his role as legal advisor for 3GPP2, Dan Bart noted that the footnote  
49 approach presented by TSG-C seemed reasonable and may allow a certain

1 degree of breathing room during which time the independent process of  
2 seeking licensing commitments for non-OMA-members' essential IP can  
3 continue. However, he needed to verify that tentative conclusion with  
4 TIA's outside legal counsel.  
5

6 There were no other comments from the Organizational Partners. There  
7 was no objection to approval of TSG-C's approach to handling the 2005  
8 CDMA-Multi-Carrier ITU-R M.1457 submission into ITU-R up to the  
9 point of handoff of the material from the TSGs to the OPs. The OPs  
10 however are to internally review with their own legal counsel, having the  
11 OPs' submissions to the ITU-R contain the footnote.  
12

### 13 **DECISION 2005/05-01**

14 The Organizational Partners approve the approach for moving forward  
15 with the 2005 CDMA Multi-Carrier submission into ITU-R as proposed  
16 by TSG-C in contribution **OP-20050516-003** to the point of providing the  
17 information to the OPs with the footnote.  
18

### 19 **ACTION 2005/05-01**

20 Each OP to review internally and report to the Secretariat and other OPs,  
21 whether use of the footnote in the OP's submission to the ITU-R will be  
22 used.  
23

24 The Chair noted that further OP teleconference meetings would be needed  
25 to continue discussions on TIA's ongoing efforts to secure essential IP-  
26 holder statements. It was decided that a follow-up teleconference meeting  
27 would take place on Monday, May 23, 2005 for OPs to advise each other  
28 of the outcome of their internal legal reviews re use of the footnote  
29 approach. However, if all OPs indicate the footnote is a satisfactory  
30 approach for their submission to the ITU-R and a mechanism for  
31 providing some more time until July to resolve the remaining IPR issues,  
32 then the scheduled call may be cancelled.  
33

34 Related to this issue, the Secretary noted recent communication between  
35 TSG-X and the OMA related to the transfer of MMS-related work. The  
36 OMA has provided correspondence laying the groundwork for the transfer  
37 of the work by requesting copyright permission to reproduce 3GPP2/OP  
38 materials and details on where to look for IPR statements for each of the  
39 3GPP2 OPs.  
40

41 Organizational Partners noted the decision of the Steering Committee to  
42 transfer MMS-related work to the OMA pending successful completion of  
43 issues related to OP concerns (DECISION 2004/10-04). Nonetheless, it  
44 was noted that TSG-X might work through its individual members in each  
45 of the Organizational Partner countries to point the OMA to relevant IPR-  
46 related information on each SDO's web site.  
47  
48  
49

1 **6. Any Other Business**

2  
3 6.1 3GPP2 Brazil Workshop 2006

4  
5 The Secretary noted the OP discussions to hold a workshop in Brazil,  
6 similar to the workshop held in New Delhi. He further noted that some  
7 discussion will be needed if this workshop is to be held in conjunction  
8 with an SC and OP meeting, and provided an outline of the discussion  
9 needed via e-mail to the Organizational Partners, reproduced in  
10 contribution **OP-20050516-005**. The Secretary urged the Organizational  
11 Partners to discuss the logistical issues concerned in preparation for a  
12 decision to be made at the June 2005 SC/OP meetings about the Workshop  
13 and which OP will be the host of the related SC/OP meeting.  
14

15 **7. Assignments for Next Meeting**

16  
17 **ACTION 2005/05-01**

18 Each OP to review internally and report to the Secretariat and other OPs, whether  
19 use of the footnote in the OP's submission to the ITU-R will be used.  
20

21 **8. Adjournment**

22  
23 There being no further business, the meeting was adjourned at 9:45 pm US EDT.  
24

25 *[Secretary's Note: The section below covers conclusions reached at the May 23 2005*  
26 *OP teleconference meeting where four OPs were present. The conclusions were then*  
27 *socialized to the entire OP body via e-mail for approval. The e-mail exchange below*  
28 *summarizes the conclusions.]*  
29

30 From: Henry Cuschieri <henrycuschieri@yahoo.com>

31 To: op@3gpp2.org

32 CC: Henry Cuschieri

33 Date: Wednesday - May 25, 2005 6:08 PM

34 Subject: [op] APPROVAL DUE: 2005-05-26: 2005 CDMA MC Submission to ITU-R  
35

36 Dear 3GPP2 Organizational Partners,  
37

38 **BACKGROUND:**  
39

40 At the 3GPP2 OP teleconference meeting that took place on Monday, May 23 2005 at  
41 8:00pm US-EDT, the Organizational Partners present on the call (ARIB, TIA, TTA,  
42 TTC) considered the proposal presented by TSG-C (contained in contribution OP-  
43 20050516-003) regarding how to handle this year's ITU-R M.1457 CDMA MultiCarrier  
44 submission in the context of not being able to provide those documents suspended by  
45 3GPP2 and its Partner SDO's because of normative references to OMA documents, and  
46 the outstanding issues surrounding the OMA IPR policy.  
47

48 The Organizational Partners present on the call agreed to TSG-C's proposal to include a  
49 footnote in this year's submission. The proposal by TSG-C recommended that this

1 footnote would show that the documents in question are temporarily unavailable and that  
2 their status is to be confirmed before being sent for approval. Dan Bart, in his role as  
3 legal advisor to 3GPP2, recommended that the term "unavailable" be replaced by the  
4 term "suspended" given that "unavailable" does not necessarily convey that the  
5 document(s) in question should not be used, but denotes instead a temporary condition  
6 wherein an item might be "out of stock" and otherwise be available from an alternative  
7 source.

8  
9 The Organizational Partners present on the call supported the amendment. Consequently,  
10 the recommended course of action is as follows:

11  
12 - 1. Submit the final references and certification of references and transposition by May  
13 31, 2005 as required by the ITU-R. In the submitted references add a footnote to the 3  
14 listed specifications noting that they are temporarily suspended and status to be  
15 confirmed before being sent for approval.

16  
17 - 2. The ITU-R will not be verifying the references until July 2005. If the IPR issue has  
18 been resolved by then the ITU-R will remove the footnote and give final approval to the  
19 submission. If the IPR issue has not been resolved by July 2005 then the ITU-R  
20 Counselor will contact each of the 3GPP2 SDO's and ask them which of the 2 following  
21 actions they would like to take:

22 -- a. Remove the 3 listed specifications from the reference tables and GCS.

23 -- b. Withdraw the CDMA Multi-carrier update to M.1457 entirely.

24  
25 - 3. If 2 a. or 2 b. are needed then the 3GPP2 SDOs may include the 3 listed  
26 specifications in the next scheduled M.1457 update after the IPR issue has been resolved.

27  
28 **ACTION REQUIRED:**

29  
30 Since not all 3GPP2 Organizational Partners were present on the call, the  
31 recommendation noted above is being circulated for 24-hour review by all OP. If you  
32 support the recommendation noted above, then THERE IS NO NEED TO RESPOND TO  
33 THIS MESSAGE. If you have any comments, however, you are asked to submit them by  
34 close of business May 26 2005, after which, absent any indication to the contrary, the  
35 recommendation will be considered an OP decision to be acted upon by OPs accordingly.

36  
37  
38 Best regards,  
39 Henry

40  
41  
42 From: "Henry Cuschieri" <hcuschieri@tiaonline.org>  
43 To: op@3gpp2.org  
44 Date: Friday - May 27, 2005 1:13 PM  
45 Subject: [op] CLOSED: 2005 CDMA MC Submission to ITU-R

46  
47  
48 Dear 3GPP2 Organizational Partners,  
49

1 The comment deadline regarding the proposed method for moving forward  
2 with this year's ITU-R M.1457-5 submission has passed. No comments were  
3 submitted, so the recommended course of action outlined in my e-mail of  
4 May 25 2005 is now considered approved by the Organizational Partners.  
5 For your reference, a copy of the e-mail dated May 25 2005 is copied  
6 below.

7

8 You will be copied on the e-mail response I provide back to TSG-C  
9 communicating the approved course of action.

10

11 Best regards,

12 Henry

13

14

15