



PRESS RELEASE

For Immediate Release

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DVB EXTENDS PATENT POOL TO GLOBALLY EXECUTABLE MHP

Momentum grows for world GEM specifications for interactive television.

Geneva – 1st May 2003 – The DVB Project announced today that it has extended the work of the DVB patent coordinator to include an assessment of its recently adopted specification for the Globally Executable MHP. The work of the coordinator, Sughrue Mion PLLC, will now encompass the DVB's MHP specification, the OCAP specification of CableLabs, and the GEM specification. DVB, together with CableLabs and Sughrue, held a first meeting for potential declarants and other interested parties to discuss the pooling process in Geneva, Switzerland last week on the fringes of the DVB's steering board.

The patent coordinator's work is to review declarations made of patents essential to these and other DVB specifications. It is the first step in a process leading to the formation of a patent pool covering these standards. The objective is to create efficient access to the intellectual property rights necessary for implementation and offered on terms fair, reasonable and non-discriminatory. Holders of IPRs essential to a DVB specification should make their declarations as promptly as possible to Sughrue Mion.

Carter Eltzroth, Legal Director DVB, stated, "DVB is pleased with the number and quality of declarations to date and the addition of GEM to the work will add momentum. New declarants will be joining the seven declarants to date (representing 45 patents) and other important rights holders across the consumer electronic and software communities. I look forward to closing this initial phase of the patent pooling process later this year."

Sughrue as independent patent specialist will assess the declarations submitted. Based on the conclusions drawn from that assessment, those holding essential IPR in each specification will be invited to consider forming a licensing programme. The economic terms of that programme, and the choice of licensing administrator, remain a decision of the participants in each licensing programme.

Alan Kasper, partner at Sughrue Mion, stated, "Our Geneva meeting was the first of several to explain the pooling process, our role in assessing the declarations, and our methodology. I look forward to the next meetings with other potential licensees and interested parties." Meetings are tentatively scheduled to occur during the NCTA in Chicago in early June, in East Asia, and at the IBC in Amsterdam in mid-September.

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Holders of IPRs essential to the implementation of a DVB standard are invited to identify their rights by submitting the attached Statement of Declarant (available also at www.mhp.org) and a per-patent submission fee of \$3,500 USD to:

DVB Patent Pool Coordinator
c/o Alan J Kasper, Esq
Sughrue Mion PLLC
2100 Pennsylvania Avenue NW
Washington DC 20037-3213

T: +1 202 293 7060
E: akasper@sughrue.com

Notes to Editors.

1. The **DVB Project** is the industry-led standards forum that is adopting specifications for digital television and other platforms. Its DVB specifications for digital terrestrial, cable and satellite television have been introduced in Europe and elsewhere throughout the world. Once adopted by the DVB, a recognized standards body, such as ETSI or CENELEC, standardizes its specifications.
2. The DVB Project has adopted a specification for the **Multimedia Home Platform**, which paves the way for an open standard API designed to facilitate seamless services across broadcast, telecommunications and computer platforms. MHP defines a generic interface between interactive digital applications and the terminals on which these applications execute. The notice calling for declarations also covers all the specifications adopted by the DVB Project from the time of its pooling exercise in May 1997 to September 2001. GEM is also covered. (A further call will be made for later specifications.) A list of the specifications now covered is attached.
3. The DVB's **IPR policy** is set out in its Memorandum of Understanding. DVB specifications enjoy an important advantage because the DVB members have undertaken to provide their IPRs essential to a specification on terms that are fair, reasonable and non-discriminatory. A member may give notice that its IPRs are not so available, but to date no such notice has ever been delivered. The complete text of the DVB MoU and its article 14 on IPR policy can be found at www.dvb.org.
4. Under the IPR policy, the DVB fosters a voluntary, agreed-upon, joint licensing arrangement (a "**patent pool**") for each of its specifications. The DVB has successfully fostered a licensing programme for its DVB-T specification, which is now administered by MPEG LA. In addition, since 1995, the companies that developed the DVB common scrambling algorithm have been licensing their technology under a programme under the custodianship of ETSI. Details of these programmes can be found at www.mpegla.com and www.etsi.com.
5. For the Multimedia Home Platform, arrangements are already in place for the licensing of MHP's java portion, for **MHP conformance testing with an MHP Test Suite** and for MHP branding. The licensing arrangements cover the rights held by Sun Microsystems Inc. and rights held by Sun and others in the MHP Test Suite. The licensing programme for MHP is likely to build on these MHP implementation arrangements. Details on these arrangements can be found at www.mhp.org and in the DVB Blue Book A066 (revision forthcoming).
6. Since the time of the initial call in September 2001, the DVB has worked with CableLabs and other standards fora on extending the core of MHP, the **Globally Executable MHP**, to other broadcast environments. For this reason, patents essential to the OCAP specification will also be reviewed by Sughrue Mion, the patent coordinator.
7. As indicated in the press release, the pooling process contemplated has several steps. First, those holding IPRs in MHP or one of the other listed specifications should submit declarations to Sughrue Mion, the independent patent coordinator, which will examine the applicability of these IPRs. After its assessment an invitation to those found holding applicable IPR will be invited to consider forming a pool. At this point, the **DVB's fostering process**, as provided under its MoU, stops. It is for the rights holders to demonstrate the essentiality of their IPRs and to establish the economic and other terms of their licensing policy.

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Information to be submitted by an entity declaring essential IPRs

A rights holder submits its declaration to Sughrue Mion by completing the Statement of Declarant (attached to this press release and available at www.mhp.org). Sughrue Mion expects to receive responses as soon as possible. Thereafter the DVB Project will encourage those holding essential IPRs to complete an arrangement for one or more pools, each of which may be constituted as a stand-alone licensing entity. IPR holders may choose to create individual licensing pools, corresponding, for example, to different DVB specifications. Later declarations may also be assessed.

Copies of the specifications are available from the DVB Project Office. Please send requests directly to the following email address: noetzli@dvb.org.

Please note that copies can only be supplied via this channel to organisations for the purpose of identifying their essential IPRs. For all other requirements, copies of the DVB specifications must be obtained through ETSI, CENELEC or the EBU.

Specifications covered by the DVB's Call for Declarations

The present call for declarations of intellectual property rights is the first since May 1997. The 1997 call included DVB's transmission standards for terrestrial, cable and satellite digital broadcasting.

This call covers later specifications, notably the Multimedia Home Platform and the GEM specification. It also includes CableLabs' OCAP specification based on the GEM specification. Set forth below is a list of titles of covered specifications, together with the reference number of the related recognized standards body. More complete description of each specification can be found at www.dvb.org.

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<u>Reference No.</u>	<u>Title</u>
EN 300 748	Multipoint Video Distribution Systems (MVDS) at 10 GHz and above
EN 300 749	Framing structure, channel coding and modulation for MMDS systems below 10 GHz
EN 301 701	OFDM modulation for microwave digital terrestrial television
EN 301 210	Framing structure, channel coding and modulation for Digital Satellite News Gathering (DSNG) and other contribution applications by satellite
EN 301 222	Co-ordination channels associated with Digital Satellite News Gathering (DSNG)
EN 301 775	Standard for conveying VBI data in DVB bitstreams
EN 301 192	Specification for data broadcasting
TR 102 154	Implementation Guidelines for the use of MPEG-2 Systems, Video and Audio in Contribution Applications
ETS 300 743	Subtitling systems
ETS 300 802	Network-independent protocols for DVB interactive services
ES 200 800	Interaction channel for Cable TV distribution systems (CATV)
ETS 300 801	Interaction channel through Public Switched Telecommunications Network (PSTN)/ Integrated Services Digital Networks (ISDN)
EN 301 199	Interaction channel for Local Multipoint Distribution System (LMDS) distribution systems
EN 301 195	Interaction channel through the Global System for Mobile Communications (GSM)
TR 101 201	Interaction channel for Satellite Master Antenna TV (SMATV) distribution systems; Guidelines for versions based on satellite and coaxial sections
EN 301 790	Interaction channel for Satellite Distribution Systems
EN 301 958	Digital Video Broadcasting (DVB); Specification of interaction channel for digital terrestrial TV including multiple access OFDM
TS 101 812	Digital Video Broadcasting (DVB); Multimedia Home Platform (MHP) specification 1.0.2

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TS 103 812	Digital Video Broadcasting (DVB); Multimedia Home Platform (MHP) in HTML extensions
TS 102 819	Digital Video Broadcasting (DVB); Globally Executable MHP (GEM)
ETS 300 813	DVB Interfaces to Plesiochronous Digital Hierarchy (PDH) networks
ETS 300 814	Interfaces to Synchronous Digital Hierarchy (SDH) networks
TR 100 815	Guidelines for the handling of ATM signals in DVB systems
TS 101 224	Home Access Network (HAN) with an active Network Termination (NT)
TS 101 225	In-Home Digital Network (IHDN) Home Local Network (HLN)
TR 101 891	Digital Video Broadcasting (DVB); Professional Interfaces: Guidelines for the implementation and usage of the DVB Asynchronous Serial Interface (ASI)
EN 50201 (CENELEC)	Interface for DVB-IRDs
TS 102 201	Interfaces for DVB-IRDs
TS 101 197 - 1	DVB SimulCrypt; Part 1: Head-end architecture and synchronization
TS 103 197	Head-end Implementation of SimulCrypt
ETR 290	Measurement guidelines for DVB systems
TR 101 290	Measurement guidelines for DVB systems
TR 101 291	Usage of DVB test and measurement signaling channel (PID 0x001D) embedded in an MPEG-2 Transport Stream (TS)

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Background

The DVB Project

The Digital Video Broadcasting Project (DVB) is an industry-led consortium of over 250 broadcasters, manufacturers, network operators, software developers, regulatory bodies and others in over 35 countries committed to designing global standards for the delivery of digital television and data services. The DVB standards cover all aspects of digital television from transmission through interfacing, conditional access and interactivity for digital video, audio and data. The consortium came together in 1993 to create unity in the march towards global standardisation, interoperability and future proofing.

To date, there are numerous broadcast services using DVB standards. There are hundreds of manufacturers offering DVB compliant equipment, which is already in use around the world. DVB dominates the digital broadcasting world. A host of other services is also on-air with DVB-T, DVB-S and DVB-C including data on the move and high-bandwidth Internet over the air. Further information about DVB can be found at: www.dvb.org.

DVB Multimedia Home Platform (MHP)

DVB-MHP was ratified in 2000 by the DVB Steering Board and was formally adopted by the European Telecommunications Standards Institute (ETSI) (ETSI TS 101 812 (MHP)). This action paved the way for the deployment of the open standard API (Application Program Interface), which now facilitates seamless services across broadcast, telecommunications and computer platforms. MHP defines a generic interface between interactive digital applications and the terminals on which those applications execute. The standard enables digital content providers to address all types of terminals ranging from low to high-end set-top boxes, IDTVs and multimedia PCs. With MHP, DVB extends its successful open standards for broadcast and interactive services in all transmissions networks including satellite, cable terrestrial and wireless systems. With the launch of the MHP conformance testing regime, MHP implementations are now commercially available. Further information on MHP can be found at: www.mhp.org.

Globally Executable MHP (GEM)

The DVB-MHP GEM specification, standardised by ETSI (TS 102 819), is set to become the first ever common world-wide standard for interactive television. The GEM specification defines the APIs, protocols and content formats that can be relied upon in all interactive television standards and specifications that support globally interoperable MHP applications.

GEM provides a means of ensuring that MHP applications can be carried over networks other than DVB. Where DVB has not been adopted, and therefore where the full MHP standard cannot be implemented, application interoperability can be assured by combining MHP based GEM with the appropriate specifications from another body to produce a GEM receiver.

DVB and MHP are registered trademarks of the DVB Project.

CableLabs

Founded in 1988 by members of the North American cable television industry, Cable Television Laboratories is a non-profit research and development consortium that is dedicated to pursuing new cable telecommunications technologies and to helping its cable operator members integrate those advancements into their business objectives. Cable operators from around the world are members. CableLabs maintains web sites at www.cablelabs.com; www.packetcable.com; www.cablemodem.com; www.cablenet.org; and www.opencable.com.

CableLabs is a registered trademark, and OCAP is a trademark, of CableLabs.

Sughrue Mion PLLC

The firm of Sughrue Mion PLLC is a 100 lawyer firm headquartered in Washington DC and specializing in the practice of law related to intellectual property rights. Since its inception over 45 years ago, the firm has represented its clients in all aspects of patent practice, both in the United States and internationally. The firm's diverse client based, encompassing a broad spectrum of multinational corporations, high technology growth companies and small start-up ventures, has offered the firm experience in all fields of technology, particularly telecommunications, and has provided Sughrue a wealth of litigation, licensing and client counselling opportunities. Sughrue also has offices in Menlo Park, California, and Tokyo, Japan. Further details can be found at www.sughrue.com.

If you or a colleague would like to receive DVB press releases via e-mail please send your request to: news@whdpr.com.

STATEMENT OF DECLARANT

Ref. No. _____

PART 1: SUMMARY DATA FOR CANDIDATE PATENT or APPLICATION

A. Title: _____

B. Patent or Application Number: _____

C. Publication Date: _____

D. Publication Number: _____

E. Listing of all applicable standards: _____

F. Proprietor of Listed IPR: _____

G. Contact Person and Details:

a. Name (title) _____

b. Address: _____

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c. Email: _____

d. Telephone: _____

e. Facsimile: _____

H. English Language Copy or Translation Submitted: Y N

I. PATENT APPLICATION FAMILY

COUNTRY	APPL. NO.	FILING DATE	PUB. NO.	PATENT NO.

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PART 2 – LISTING OF CLAIMS and STANDARD

PATENT/APPLICATION NO. _____

Submitting Entity: _____

CLAIM NUMBER	APPLICABLE STANDARD(S) (MHP, GEM, OCAP, others)	REFERENCE (reference(s) to cited section of each standard(s))

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PART 3 – CLAIM CHART (one model claim only)

PATENT/APPLICATION NO. _____

Submitting Entity: _____

TEXT REPRESENTATIVE CLAIM NUMBER _____	of	SUPPORTING DESCRIPTION (specific reference to Figs, columns and lines of English disclosure)	COMMENT (text reference to cited standard(s))
(Preamble)			
(Limitation 1)			
(Limitation 2)			
(Limitation 3)			
(Limitation 4 etc.)			

(use additional pages if necessary)

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INSTRUCTIONS

Introduction

1. **Purpose** - The Statement of Declarant is intended to efficiently obtain data regarding a Declarant's IPR that is asserted by the Declarant to be essential to one or more DVB standards (and including the GEM-based standard OCAP)..
2. **Cooperation** - The Statement of Declarant seeks significant cooperation from the Declarant with respect to the Declarant's proposed interpretation of each candidate patent or application for purposes of an evaluation of essentiality. The Declarant is the entity most familiar with its IPR, has already analyzed the application of its IPR to the standard and is in the best position to state a clear and well supported case for essentiality. The Coordinator reserves the right to return incomplete Statements to the Declarant.
3. **Period for Submission** -The DVB Project intends to complete this phase of the formation of a patent pool in **October 2003**. As such, it is imperative that complete Statements be submitted as soon possible so that a review of all submissions can be completed in sufficient time prior to the target date.
4. **Submissions** - Submission of this Statement of DVB Declarant should be made as soon as possible to:

Alan J.Kasper, Esq.
Sughrue Mion PLLC
2100 Pennsylvania Avenue N.W.
Washington D.C. 20037-3213 U.S.A.
Email - akasper@sughrue.com
T: 202-293-7060
F: 202-293-7860

5. **Disclaimer** - By making this submission to the Patent Review Coordinator, the Declarant agrees that:
 - a. Alan J. Kasper, the firm of Sughrue Mion PLLC and any person participating on behalf of Sughrue Mion PLLC in the evaluation of the Statement are acting solely as representatives of the DVB Project and Cable Television Laboratories (for OCAP submissions).
 - b. No attorney client relationship shall be created between Declarant and Alan J. Kasper, the firm of Sughrue Mion PLLC, or any person acting on behalf of Sughrue Mion PLLC as a result of the submission of this Statement.
 - c. The submission of this Statement is not to be viewed as a request by the Declarant for legal services.
 - d. The fees charged and payments made to the Patent Review Coordinator in connection with this Statement shall be considered as payments to the DVB Project and/or Cable Television Laboratories (for OCAP submissions).
 - e. The Patent Review Coordinator will review only the patent or patent application, and the identified standards. No review of the file history or related prior art will be made at this time. As such, this review of the Patent Review Coordinator shall not constitute a determination of essentiality as that term is defined in the DVB MOU Article 14.2, or the CableLabs OpenCable Contribution Agreement/IPR Policy. It is anticipated that the patent pool participants will perform further review of patents and patent applications for essentiality.
6. **Confidentiality** - This Statement and the information contained therein may be disclosed and discussed among the Patent Review Coordinator and representatives of the DVB Project and Cable Television Laboratories (for OCAP submissions) and will be treated in confidence for a period of one (1) year from the date of submission, unless otherwise authorized by Declarant. Original and copies will be returned or destroyed on request of Declarant.

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Part 1 - SUMMARY DATA FOR CANDIDATE PATENT or APPLICATION

1. The details of the candidate patent or application, including title, patent number or application number (if not yet issued), date of publication and publication number should be provided.
2. **All standards** to which any one or more claims of the candidate patent or application are proposed to be “essential to the standard” should be listed.
3. The owner, assignee or proprietor of the patent or application and the individual who may be contacted for questions related to the submission should be provided. The address, telephone, fax and email contact information for the named individual should be provided as well.
4. An English language version of a patent or application, whether a corresponding patent or application in the same family or a translation of a patent or application not otherwise available in English, should be provided with the submission. Where the claims of a candidate patent or application are not in English and differ from a corresponding English language patent or application, a copy of the English language document and a translation of the claims proposed to be essential to the standard may be provided.
5. A listing of all patents or applications in the family of the candidate patent or application should be provided, together with the relevant data for each such family patent or application. A copy of each such related patent or patent application is not required, unless requested by the Patent Review Coordinator.

Part 2 - LISTING OF CLAIMS and STANDARD

1. **All claims** of the candidate patent that the Declarant wishes to use in support of a proposal that the candidate patent is “essential to the standard” should be listed. Failure to list a claim will not preclude such claim from later being asserted as “essential to the standard.”
2. **For each claim listed**, the Declarant should separately identify **each** DVB standard to which the Declarant proposes that it should apply as an essential patent, for example, including but not limited to MHP, GEM and OCAP. Failure to list a standard will not preclude such claim from later being asserted as “essential” to that standard.

Part 3 – CLAIM CHART

1. A **single representative claim** in each candidate patent or application should be selected that best demonstrates why the patent or application should be evaluated for being “essential to the standard.” Where a claim is selected from an application, the currently pending version of the claim should be presented.
2. The statements made by a Declarant shall not be considered as limiting with respect to any future assertion of the scope of the claim, but are solely for purposes of this initial evaluation as part of the fostering process toward formation of one or more patent pools. See confidentiality provisions above.
3. A claim chart providing an exemplary listing and relationship among (1) each individual limitation or element of a representative claim that is proposed as being essential, (2) the specific disclosure that relates to the limitation and (3) a narrative comparison to the specific text of each standard(s). The explanation will be essential to efficiently achieving an understanding of the relevance of a representative one of the asserted claims in each patent to the standard(s).
4. The text of each limitation of the representative claims should be stated separately and in English.
5. For each limitation the relevant Figure(s), reference numbers and description (page or column and lines) in the patent should be identified. This will enable focused attention on the manner in which the Declarant interprets the claim for purposes of this first level analysis and will reduce the need for repeated queries by the Coordinator.
6. A narrative comparison of the claim limitation to specific text of the standard in sufficient detail so as to present clear support for the proposed categorization of the claim as “essential to the standard” should be provided.
7. Any other information, analysis or documentation that may support the submission and aid the efficient and effective conduct of the evaluation is welcome.