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# NEWS RELEASE

For Immediate Release

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## **MPEG LA Announces Plan for DVB-H Patent License**

*Call for Essential Patents is First Step*

(Denver, Colorado, USA – 22 December 2004) – MPEG LA, LLC, world leader in one-stop technology standards patent licensing, today issued a call for patents that are essential to the DVB-H standard, a specification of the DVB Project and the European Telecommunications Standards Institute (ETSI) for carrying multimedia services over digital terrestrial broadcast networks to handheld terminals. The purpose of the call is to begin a process of evaluating and determining patents that are essential for the DVB-H Standard in order to include them in a joint patent portfolio license providing users with fair, reasonable, nondiscriminatory access to this technology. A summary of the MPEG LA plan with reference to the DVB-H standard is attached. DVB-H builds on the (DVB Project/ETSI) DVB-T digital terrestrial television transmission standard for which MPEG LA already offers a patent portfolio license.

“The relationship of DVB-H to the DVB-T standard makes this a natural extension of our DVB-T Patent Portfolio License and a great fit for MPEG LA,” said MPEG LA CEO Baryn S. Futa. “We look forward

to the opportunity to offer the marketplace efficient access to this innovative new technology.”

Any party that believes it has a patent that is essential to the DVB-H standard and would like to join a patent portfolio license upon successful evaluation is invited to submit its patent(s) for an evaluation of essentiality by MPEG LA’s patent experts. Initial submissions are requested by March 1, 2005.

Interested parties may request a copy of the terms and procedures governing patent submissions by going to [www.mpegla.com](http://www.mpegla.com), “Programs in Development,” then “DVB-H.”

### **MPEG LA, LLC**

MPEG LA is the world leader in one-stop technology platform patent licenses, enabling users to acquire patent rights necessary for a particular technology standard or platform from multiple patent holders in a single transaction as an alternative to negotiating a license with each of them. Wherever an independently administered one-stop patent license would provide a convenient marketplace alternative to assist users with implementation of their technology choices, the licensing model pioneered and employed by MPEG LA may provide a solution. MPEG LA is not related to any standards agency and is not an affiliate of any patent holder. MPEG LA licenses portfolios of essential patents for the MPEG-2, IEEE 1394, DVB-T, MPEG-4 Visual (Part 2), MPEG-4 Systems and AVC/H.264 (also known as MPEG-4 Part 10) standards. MPEG LA is also facilitating the development of alternative patent portfolio licenses relating to DRM Reference Model v 3.0, the proposed SMPTE VC-1 standard and the ATSC standard. In addition, MPEG LA actively seeks to adopt its alternative patent licensing model in other industries including biotech and pharmaceutical. For more information, please refer to [www.mpegla.com](http://www.mpegla.com).

### **DVB-H**

DVB-H refers to a standard (ETSI EN 302 304, as more specifically referenced in the Attachment) for a transmission system using European Telecommunications Standards Institute (ETSI) Digital Video Broadcasting standards to provide an efficient way of carrying multimedia services over digital terrestrial broadcast networks to handheld terminals. For more information, see <http://www.etsi.org> and <http://www.dvb.org>.

## ATTACHMENT

Following is a summary of the MPEG LA plan for licensing of patents which are essential to the DVB-H standard:

### 1. Objective

To establish a portfolio of essential worldwide patents that are necessary for implementation of the DVB-H standard in order to provide users with fair, reasonable, nondiscriminatory access to as much essential intellectual property as possible under one license.

### 2. Licensed patents

Essential patents will consist of issued or otherwise enforceable patents having one or more claims that are infringed by use or implementation of the following:

ETSI EN 302 304 V.1.1.1 (11-2004): "Digital Video Broadcasting (DVB); Transmission System for Handheld Terminals (DVB-H)," and the following additional documents to the extent incorporated therein by reference, and required for a DVB-H compliant device or signal:

- [1] ETSI EN 300 744: "Digital Video Broadcasting (DVB); Framing structure, channel coding and modulation for digital terrestrial television." (DVB-T);
- [2] ETSI EN 300 468: "Digital Video Broadcasting (DVB); Specification for Service Information (SI) in DVB systems." (DVB-SI);
- [3] ETSI EN 301 192: "Digital Video Broadcasting (DVB); DVB specification for data broadcasting" (DVB-DATA);
- [4] ETSI TS 101 191: "Digital Video Broadcasting (DVB); DVB mega-frame for Single Frequency Network (SFN) synchronization"; and
- [5] ISO/IEC 7498-1: "Information Technology - Open Systems Interconnection - Basic Reference Model: The Basic Model" as they may be amended (collectively hereinafter referred to as the "DVB-H Specification").

These documents may be obtained by going to [www.etsi.org](http://www.etsi.org) and [www.iso.org](http://www.iso.org).

### 3. Organization

The patent portfolio may require at least the following functions:

First, as Evaluation Facilitator, MPEG LA has made a call described in this announcement for the submission of patents for an evaluation of their essentiality by patent experts and inclusion in a joint license if determined to be essential. MPEG LA also will facilitate the evaluation process, convene the initial group of essential patent holders and facilitate their deliberations to consider terms of a joint license as described below.

Second, an Evaluator (identified below) will evaluate patents for essentiality with respect to the DVB-H standard. Any party that believes it has essential patents is invited to submit them for evaluation and inclusion in accordance with the terms and procedures governing submissions (see below).

Third, an initial group of essential patent holders who have agreed to the terms governing the submission of patents and been found by the independent patent experts to have essential patents will be convened to decide licensing terms. Patent evaluations will continue and patent submissions may continue to be made for later inclusion and participation by patent owners. After joint license terms are decided, evaluations will continue throughout the course of the license in order to include as much essential intellectual property as possible.

Fourth, a licensing administrator will be chosen by the initial group of patent holders. The licensing administrator will be granted non-exclusive sublicensing rights from the essential patent owners under licensed patents in order to sublicense those patents under terms of the joint patent license and will actively promote the licensing program and distribute collected royalties to the patent owners.

Fifth, an administrative committee consisting of representatives of the essential patent owners will monitor certain activities of the licensing administrator.

#### 4. Licensing details

To be determined by the essential patent owners.

#### 5. Schedule (Initial Plan)

Initial patent submissions: by March 1, 2005. Although patent submissions may continue to be submitted after that date, patent owners who submit patents by that date that are determined to be essential will be invited to attend an initial meeting of essential patent holders.

Accordingly, MPEG LA hereby announces that any party that believes it has patents that are essential with respect to the DVB-H standard described above and wishes to join the patent portfolio upon successful evaluation, is invited to submit such patents for evaluation, together with a statement confirming its agreement with the objectives and intention to abide by terms and procedures (including participation fees to be paid by submitting parties who are determined to have essential patents) governing the patent submission process, which may be obtained by going to [www.mpegla.com](http://www.mpegla.com), "Programs in Development," then "DVB-H." Patent evaluations will be conducted by Dr. Kenneth Rubenstein and his worldwide team of independent patent experts, PROSKAUER ROSE LLP (1585 Broadway, New York, NY 10036-8299, Tel. 212-969-3000, Fax 212-969-2900, [krubenstein@proskauer.com](mailto:krubenstein@proskauer.com)).