Qualcomm DASH Licensing Commitment

Overview

In connection with the adoption of the MPEG DASH standard [23009-1] in both software and hardware products, Qualcomm will not seek royalties or license fees for the use of its DASH Essential Patents in products that fully implement the DASH standard except when such products are capable of also implementing a WWAN standard, subject to the terms and conditions presented below. When DASH is integrated into a product capable of implementing a WWAN standard (a "WWAN Product"), Qualcomm will offer to license its DASH Essential Patents for use in such WWAN Products without charging any additonal up-front fee or additional incremental royalty rate above Qualcomm's standard upfront fee and standard royalty rate for the use of Qualcomm's other patents in such WWAN Product.

The following sections and associated FAQ explain the details of the Qualcomm's licensing policy regarding the MPEG DASH specification.

Standalone Software Products and Non-WWAN Hardware Products

For products that fully implement the DASH Standard and are not capable of implementing any wireless wide-area network (WWAN) standard, Qualcomm will not assert any claim of a DASH Essential Patent against any party for making, using, selling, importing, offering for sale, or otherwise distributing such product, provided, however that (i) Qualcomm retains the right to assert all claims of all of its patents or patent applications, including the claims of the DASH Essential Patents, against the functionality of any product or portion thereof other than functionality implementing the DASH Standard and (ii) Qualcomm retains the right to assert all claims of all of its patents, including the claims of its DASH Essential Patents, and to claim damages for past infringement of such patent claims, against any party (and/or its affiliates) that asserts any claim of any patent it owns or controls (either directly or indirectly) against any products of Qualcomm or any products of any of Qualcomm's affiliates either alone or in combination with other products.

Products Implementing Wireless Wide-Area Network Standard

For products that are capable of implementing a wireless wide-area network (WWAN) standard (for example, a UMTS-compatible or LTE-compatible handset or infrastructure equipment) and fully implement the DASH standard, Qualcomm will offer to license its DASH Essential Patents as part of its established licensing terms and conditions for such products, without charging any additional up-front fee or additional incremental royalty rate for the use of Qualcomm's DASH Essential Patents in such products above Qualcomm's standard upfront fee and standard royalty rate for the use of Qualcomm's other patents in such WWAN Products.

Qualcomm DASH Essential Patents means those claims of any of the following U.S. patents and patent applications and their foreign counterparts that are unavoidably infringed by the implementation of DASH:

U.S. Patent Applications Numbers:
12/887,476
12/887,492
12/986,028
61/372,399
13/031,067
61/366,436
61/371,125
12/840,146
11/435,050
12/785,770
13/083,443

The following FAQ is intended to answer some questions that may arise in relation to the above DASH Licensing Commitment:

Frequently Asked Questions:

1.   QUESTION: What standards are considered to be a "wireless wide area network standard?"

Answer: Wireless wide area network standards (WWAN) means any mandatory or optional portion of any WWAN air interface standard that is or has been adopted as an industry standard by any standards body, consortium or industry association. Some examples of WWAN standards include cdmaOne (IS-95), cdma2000 (IS-2000), 1x RTT MC, 3x RTT MC, 1xEV-DO, 1xEV-DV, UMTS, W-CDMA, HSDPA, HSUPA, HSPA+, TD-CDMA, TD-SCDMA, GSM, GPRS, EDGE, TDMA, LTE, LTE-Advanced, WiMAX, UMB, and all revisions and updates to any of the foregoing.

2.   QUESTION: What is a WWAN Product?

Answer: A WWAN Product is any product that is capable of being used to send and receive data in accordance with a WWAN standard. Some examples of WWAN Products include cell phones, smartphones, laptop computers, and tablets with WWAN capability. Base stations in the WWAN network infrastructure are also WWAN Products.

3.	QUESTION: Will companies need to pay royalties or license fees to distribute DASH-capable software applications (e.g. Internet web browser, server application software)?

Answer: Companies will not have to pay royalties or license fees because they have implemented the DASH Standard using Qualcomm's DASH Essential Patents within a standalone software application sold and distributed separately from a product capable of implementing a WWAN standard, even if this software application is eventually used on a WWAN device.

If software implementing the DASH Standard using Qualcomm's DASH Essential Patents is pre-loaded into a hardware product by the manufacturer, the determination of which of Qualcomm's two DASH Licensing Commitments apply will be determined based upon whether or not such hardware product is capable of implementing a WWAN standard.

4.	QUESTION: What if I don't implement all of the required portions of the specification? May I still rely on the DASH Licensing Commitments?

Answer: The DASH Licensing Commitments apply only if the implementation conforms to at least all of the required portions of the DASH specification. Partial implementations are not covered.

5.	QUESTION: The DASH specification has some required portions and some optional portions. Does the DASH Licensing Commitment apply to both?

Answer: Yes, the DASH Licensing Commitment also applies to the required elements of optional portions of the specifications.

6.	QUESTION: Why does Qualcomm obtain patents that apply to specifications to which the DASH Licensing Commitments apply?

Answer: Qualcomm invests a significant amount of resources in research and development efforts. Like any other company that commits such resources to creating new technologies, Qualcomm seeks to protect its investment by obtaining patents on the resulting innovations. At a minimum, patents have value in defending Qualcomm with regard to patent infringement claims made by others.

7.	QUESTION: What is Qualcomm's standard licensing model for WWAN Products?

Answer: Qualcomm's business model includes licensing its extensive patent portfolio covering a wide range of technologies to companies that make and sell products that are capable of implementing WWAN standards.   Qualcomm has a long standing policy of broadly offering to license its standards

essential patents for WWAN standards on terms and conditions that are fair, reasonable, and free from unfair discrimination (FRAND), subject to reciprocity. As of July 2011, Qualcomm has licensed more than 195 companies to make and sell WWAN products. For more information on Qualcomm's WWAN licensing program and its standard terms and conditions, please see Qualcomm's website www.qualcomm.com or contact the Qualcomm Technology Licensing department at qtl.mail@qualcomm.com.