SAMPLE PATENT DISCLOSURE LETTER
Disclosure letters must contain, at a minimum, the statements and requested information in this sample letter

DATE

National Electrical Manufacturers Association
Attention: Vice-President Technical Services
1300 N. 17th Street, Suite 1752
Rosslyn, VA 22209

In accordance with NEMA’s Standardization Policies and Procedures (“SPP”) Section 3.9\(^1\), the undersigned notifies NEMA that the undersigned or an Affiliate [does][does not]\(^2\) own, control or have the ability to license one or more patents or published patent applications containing one or more Essential Patent Claims with respect to a NEMA Standard or proposed NEMA Standard, and the undersigned or its Affiliate will grant a license to practice and use such Essential Patent Claims to applicants desiring to utilize the license for the purpose of implementing the NEMA Standard or proposed NEMA Standard as our licensing position is described below.

The undersigned identifies the following NEMA Standard or proposed NEMA Standard with respect to which it or an Affiliate [does][does not] own, control, or have the ability to license patents or published patent applications containing one or more Essential Patent Claims:

Title of (Proposed) NEMA Standard (including NEMA Identification Number): _______

Part or Section of this NEMA Standard that includes the use of an Essential Patent Claim:

Patent Reg’n/Application Number(s) containing an Essential Patent Claim: _______

\(^1\) Terms highlighted in bold are defined in Section 3.9 of the NEMA SPP.

\(^2\) If disclosing that you do not own, control, or have the ability to license Essential Patent Claims, no Licensing Assurance is required; however the Contact and Signature provisions of this letter apply.
Licensing Assurance:

With respect to patent claims that are **Essential Patent Claims** or which may become **Essential Patent Claims**, our licensing position is as follows (check the appropriate boxes below):

- ☐ A license to such **Essential Patent Claims** will be granted without compensation to all applicants with reasonable terms and conditions that are demonstrably free of unfair discrimination.

- ☐ (Optional) A sample of such a license or material licensing terms similar to what would be offered is attached to this letter.

- ☐ (Optional) That such license is offered under a **condition of reciprocity**.

- ☐ A license to such **Essential Patent Claims** will be granted to all applicants under reasonable terms and conditions that are demonstrably free of unfair discrimination.

- ☐ (Optional) These reasonable rates will not exceed ____________ (e.g. a percent of product price or sales, a flat fee, per unit, other).

- ☐ (Optional) A sample of such a license or material licensing terms similar to what would be offered is attached to this letter.

- ☐ (Optional) That such license is offered under a **condition of reciprocity**.

We further assure NEMA that the foregoing assurance will be brought to the attention of any future assignees or transferees of the **Essential Patent Claims**, and this assurance shall not be circumvented through the sale or transfer of patents.

Our licensing assurance is (check one box):

- ☐ irrevocable;

- ☐ subject to a reservation that it may be withdrawn when it is established that there are commercially and technically feasible non-infringing alternatives to creating a compliant implementation of the NEMA Standard.
Contact Information for entity that owns, controls or has the ability to license Essential Patent Claims:

Contact Name and Title: ____________________________________________________________

Company Name: ________________________________________________________________

Address: _________________________________________________________________________

Telephone: _______________________________________________________________________

Email: ___________________________________________________________________________

SIGNATURE:

By signing this letter, I represent that I have the authority to bind the undersigned and all Affiliates to the representations and commitments provided in this letter and acknowledge that the users and implementers of the [proposed] NEMA Standard identified above are relying upon or will rely upon those representations and commitments.

If it is later discovered that the undersigned (including any Affiliate) does own, control, or have the ability to license patents containing Essential Patent Claims, a license will be made available as prescribed in Section 3.9 of the SPP.

_________________________________________  ______________________________
Date                                           Signature

_________________________________________
Print Name and Title

_________________________________________
Company (if applicable)