

IPCOM GMBH & Co. KG

IPCom GmbH & Co. KG Zugspitzstraße 15 D-82049 Pullach

IPCom has made the following declaration to the European Commission, thus reaffirming its policy of licensing its patents on FRAND terms.

IPCom hat der Europäischen Kommission die folgende Erklärung abgegeben, und damit seine Politik der Lizenzvergabe auf FRAND-Basis nochmal klargestellt.

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FRAND-DECLARATION

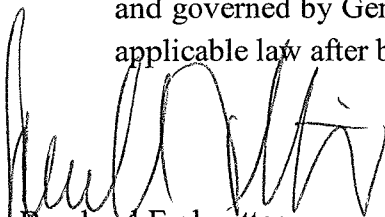
1. ICom is aware of the obligations imposed on owners of standard-essential patents under the competition rules of the EC Treaty to grant licenses with respect to standard-essential patents on fair, reasonable and non-discriminatory (FRAND) terms and conditions. ICom is of the opinion that it always has honoured these obligations and has therefore adopted the policy and hereby expressly declares to be willing to license its standard-essential patents under FRAND terms and conditions to any user of a telecommunication standard which is covered by one or several of ICom's patents.
2. In 2007, ICom purchased the mobile telecommunication patent portfolio of Robert Bosch GmbH (the "Bosch Mobile Telecommunication Patent Portfolio"). The Bosch Mobile Telecommunication Portfolio encompasses about 160 patent families in the field of mobile communications – more than 1,000 patents registered in Europe, the US and Asia, most of which have been granted. The Bosch Mobile Telecommunication Portfolio contains patents that already are essential for mobile communications standards such as 2G (GSM), 2.5G (GPRS), 3G (UMTS) and subsequent generations (3.9G) or may become essential in the future.
3. Bosch has between 1997 and 2000 rendered several declarations vis-à-vis ETSI in which Bosch committed itself to license the standard-essential patents of the Bosch Mobile Telecommunication Portfolio on fair, reasonable and non-discriminatory (FRAND) terms according to Sec. 6.1 of the ETSI IPR policy.
4. Following informal discussions with the European Commission ICom hereby declares that it is fully prepared and ready to take over vis-à-vis third parties any applicable licensing undertaking of Bosch vis-à-vis ETSI to grant irrevocable licenses to patents of the Bosch Mobile Telecommunication Patent Portfolio on a fair, reasonable and non-discriminatory basis in accordance with the terms and conditions set forth under clause 6.1 of the ETSI IPR Policy as if ICom had been the original participant in the setting of the GSM and UMTS Standards and was subject to a commitment vis-à-vis ETSI to do so. ICom acknowledges the terms of clause 6.1 of the ETSI IPR Policy and the requirements thereunder. For the avoidance of doubt this declaration does not intend to make ICom liable for omissions, mistakes, misrepresentations or any other acts of Bosch (if any) contrary to the ETSI rules in the standard setting process or as a member of ETSI.

5. **IPCom hereby irrevocably declares that it is prepared to grant irrevocable licenses under the essential intellectual property rights of its Bosch Mobile Telecommunication Patent Portfolio on fair, reasonable and non-discriminatory terms and conditions to the following extent:**

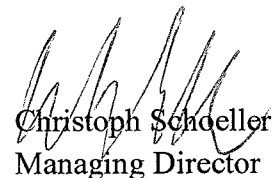
- **production of any system or device fully conforming to a mobile telecommunication standard, including the right to make or have made customized components and sub-systems to the licensee's own design for use in such production;**
- **sell, lease or otherwise dispose of any system or device fully conforming to a mobile telecommunication standard so produced;**
- **repair, use or operate any system or device fully conforming to a mobile telecommunication standard; and**
- **use any method or operation fully conforming to a mobile telecommunication standard.**

IPCom will take all necessary efforts to inform ETSI of this declaration. IPCom will also issue a press release with the content of this declaration.

6. IPCom hereby expressly invites any potential user seeking a license under IPCom's essential intellectual property rights of the Bosch Mobile Telecommunication Patent Portfolio to enter into bilateral good faith negotiations with IPCom with regard to a license agreement on FRAND terms and conditions. In any case, without limiting the scope of IPCom's declarations according to no. 4 and 5 above these declarations shall not be construed as a waiver of any of its rights resulting from its patents and do not serve as a license or any other right to use, offer to license or pre-contractual obligation to enter into a specific license agreement. Licenses will be negotiated and entered into with each licensee individually. This FRAND-DECLARATION and its effects as well as any legal relationship between IPCom and any potential licensee shall be exclusively determined and governed by German law, unless the parties expressly agree in writing on a different applicable law after bilateral negotiations.



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