



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

November 26, 2014

The Honorable Mike Pompeo  
U.S. House of Representatives  
107 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Pompeo:

Thank you for your letter regarding oversight of the Advanced Television Systems Committee (ATSC) patent pool. I appreciate hearing your views on the subject.

In 1996, the Commission adopted a DTV standard that was consistent with the standard developed by the ATSC, a body of entities made up of a broad cross-section of parties, including the broadcasting, consumer equipment manufacturing, and computer industries. At that time, the Commission noted that "in order for DTV to be successfully implemented, the patents on the technology would have to be licensed to other manufacturing companies on reasonable and nondiscriminatory terms." See *Advanced Television Systems and Their Impact Upon the existing Television Broadcast Service*, 11 FCC Rcd 17771, 17794, ¶ 54 (1996). As you indicate in your letter, that same Commission decision also relied on commitments that relevant patents would be made available either free of charge or on a reasonable and nondiscriminatory (RAND) basis. *Id.* The Commission declined to take additional action, noting that patent licensing for the DTV technology did not appear to be an impediment "to the development and deployment of DTV products for broadcasters and consumers." *Id.* at ¶ 55.

In January 2009, the Commission received a Petition for Rulemaking and a Request for Declaratory Ruling regarding the licensing fees for patents related to the DTV standard. The Commission sought comment on the Petition in February 2009. At the time that the Petition was filed, there also were pending cases in federal courts and agencies that raised similar RAND issues for licensing terms. These other venues – including the Patent and Trademark Office and the International Trade Commission – are viable options for entities seeking resolution of patent fee issues.

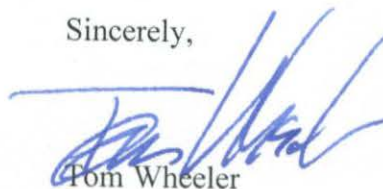
Additionally, it is important to note that the ATSC patent pool licensing fees cited in your letter and in Mr. Christensen's May 14, 2014, *Forbes* opinion piece likely cover more patents than the royalty fees paid for "similar technologies around the world," and that fact could account for some of the differences in fees between the various countries. For example, the ATSC patent pool fees include the patent royalty for the MPEG-2 decoding standard, which is necessary technology for any TV receiver worldwide.

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As noted, the Commission's proceeding remains pending. Your letter will be made part of the record. I also have asked the Media Bureau to determine whether any additional action is warranted.

I hope this information is helpful.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", with a horizontal line drawn above it.

Tom Wheeler