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E-50/3604/2016

**FORM 27**  
**THE PATENTS ACT, 1970**  
**(39 OF 1970)**



**&**  
**THE PATENTS [AMENDMENT] RULES, 2006**  
STATEMENT REGARDING THE WORKING OF THE PATENTED  
INVENTION ON COMMERCIAL SCALE IN INDIA  
[See sections 146(2) and 131(1)]

In the matter of Patent No. **213723** of 08/11/1999

We, Telefonaktiebolaget LM Ericsson (Publ), having its address at SE-164 83 Stockholm (SE), the patentee under Patent No. **213723** hereby furnishes the following statement regarding the working of the patented invention referred to above on a commercial scale in India for the year **2015**.

(i) The patented invention:

[X] Worked [ ] Not Worked

(a) if not worked: reasons for not working and steps being taken for working of the invention:- NA.

(b) If worked: quantum and value (in Rupees), of the patented product:

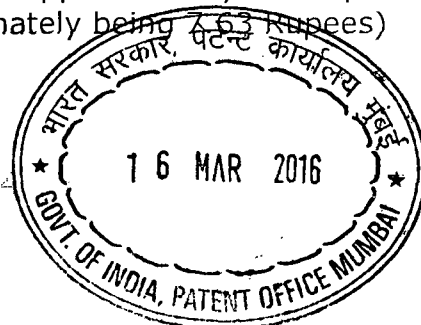
- i) manufactured in India;
- ii) imported from other countries. (give country wise details);

Ericsson's history in India goes back 112 years during which period Ericsson has contributed immensely to the telecommunication field in India. Ericsson provides, maintains and services network for several major government and private operators in India. At present, Ericsson has more than 20,000 employees across 25 offices in India. Further, Ericsson has established manufacturing units, global service organization and R&D facilities in India. Thus, patents which read on network/infrastructure equipment are worked by Ericsson itself as it is involved in manufacturing equipment, setting up and maintenance of network for several operators. Further, patents which read on devices are worked by several licensees of Ericsson who are currently operating in India.

Ericsson's net sales in India during 2015 amount to:

Networks: 8.083 Billion SEK and that approximately corresponds to 61.70 Billion Rupees (1 SEK approximately being 7.63 Rupees)

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Support Solutions: 0.728 Billion SEK and that approximately corresponds to 5.56 Billion Rupees

Global Services: 4.570 Billion SEK and that approximately corresponds to 34.89 Billion Rupees

Apart from the above, Ericsson also earns from licensing its patents (including IN 213723).

IN 213723 relates to a method and apparatus for generating comfort noise by using modified comfort noise parameters which improve the naturalness of background noise (with no additional bandwidth or power cost in some embodiments). This in turn makes the switching between speech and non-speech modes in a speech codec more seamless and therefore more acceptable to human ear.

IN 213723 is *inter alia* essential for GSM and UMTS standards including standards which incorporate the following technical specification/s:

- a. ETSI TS 126 092 V4.0.0 (2001-03) which incorporates technical specifications of 3GPP TS 26.092: Universal Mobile Telecommunications System (UMTS); Mandatory Speech Codec speech processing functions AMR Speech Codec - Comfort noise aspects (Release 4)
- b. ETSI TS 126 073 V4.1.0 (2001-12) which incorporates technical specifications of 3GPP TS 26.073: Universal Mobile Telecommunications System (UMTS); ANSI-C code for the Adaptive Multi Rate speech codec (Release 4)
- c. ETSI TS 126 093 V4.0.0 (2000-12) which incorporates technical specifications of 3GPP TS 26.093: Universal Mobile Telecommunications System (UMTS); AMR speech Codec; Source Controlled Rate operation (Release 4)

Thus, Ericsson in view of its commitment towards making its standard essential patents available through licensing on fair, reasonable and non-discriminatory (FRAND) terms (subject to reciprocity) has licensed its patents (including IN 213723) to a large number of global entities, who are selling their products (either after importing the same or after locally manufacturing) in India. Ericsson has also licensed its patents (including IN 213723) to various Indian Companies and is negotiating execution of a FRAND agreement with a large number of Indian Companies that are selling GSM/GPRS/EDGE/WCDMA/HSPA/HSPA+/LTE compliant telecommunication devices in India.

(ii) The licenses and sub-licenses granted during the year:

Ericsson has entered into global portfolio license agreements with parties for both implementation patents and for standard essential patents. Thus, the patented invention as claimed in IN 213723 is being actively worked in India by Ericsson's licensees as such agreements are operational in India as well. However, as these agreements contain business sensitive information and the terms of such agreements are confidential in nature, Ericsson undertakes to provide the necessary information as and when required by the Patent Office.

At present, Ericsson has executed more than 100 agreements in respect of its patent portfolio. Further, Ericsson is also receiving royalties from various parties *qua* its 2G and 3G patent portfolio including Micromax Informatics Limited and Gionee Communication Equipment Co. Ltd under order of the Hon'ble Delhi High Court in suit nos. CS (OS) 442/2013 and CS (OS) 2010/2013. The rates at which deposits are made and the orders by virtue of which such deposits are made with Ericsson are in public domain.

(iii) Public requirement has been met to the fullest extent at reasonable price.

The facts and matters stated above are true to the best of our knowledge, information and belief.

Dated this the 14<sup>th</sup> day of March, 2016



Dr. Sanchita Ganguli  
Of S. MAJUMDAR & CO.  
(Patentee's Agent)

To  
The Controller of Patents  
The Patent Office, Mumbai