

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard)	GN Docket No. 16-142
)	

COMMENTS OF THE ALLIANCE FOR AUTOMOTIVE INNOVATION

The Alliance for Automotive Innovation (“Auto Innovators”) hereby submits the following reply comments in response to the Federal Communications Commission’s (“Commission”) Third Further Notice of Proposed Rulemaking (“Third Further Notice”) in the above-captioned proceeding. Auto Innovators appreciates the engagement of the Commission on this important issue and welcomes the opportunity to provide input.

I. INTRODUCTION

Auto Innovators is the singular, authoritative, and respected voice of the automotive industry. Focused on creating a safe and transformative path for personal mobility, Auto Innovators represents the manufacturers that produce nearly 98 percent of cars and light trucks sold in the United States. Members of Auto Innovators also include original equipment suppliers, technology companies, and others within the automotive ecosystem. The automotive industry is the nation’s largest manufacturing sector and contributes \$1.1 trillion to the United States economy and represents approximately 5.5 percent of the country’s GDP. As a significant engine for our nation’s economy, the automotive sector is responsible for nearly 10 million jobs and \$650 billion in paychecks.

II. THE AUTO INDUSTRY INCREASINGLY RELIES ON TECHNICAL STANDARDS

The automotive industry is a leader in innovation and uses cutting-edge advancements, constant creativity, and significant investments in research and development to bring the next generation of breakthrough automotive and mobility technologies to consumers. In addition to being inventors, automotive companies are manufacturers that rely on strong technical standards to deliver those breakthrough technologies and to meet their environmental and safety goals. The ability to license patents declared essential to technical standards on reasonable and non-discriminatory (“RAND”) terms is critical to enabling automotive companies to deploy new technologies that are transforming personal mobility and helping to create a cleaner, safer, and smarter transportation future. RAND terms prevent anticompetitive behavior by balancing the market power that essential patent holders have with the needs of automotive companies to license and implement common standardized technologies such as Next Generation Television, internet connectivity, increasing computing capacity, or broadband cellular networks.

III. NEXT GENERATION TELEVISION HAS POTENTIAL AUTOMOTIVE USE APPLICATIONS

The Advanced Television Systems Committee (“ATSC”), which has developed the Next Generation Television transmission standard, ATSC 3.0, has identified several potential automotive use cases for the standard. These use cases include infotainment services, delivery of software and hardware updates, provision of emergency information (particularly when cellular and landline services are down), and Global Positioning Services/Positioning, Navigation, and Timing services (“GPS/PNT”). The potential adaptability of the ATSC 3.0 for these use cases can help support additional deployment of intelligent transportation systems, smart cities, and

autonomous vehicle fleets. For this reason, Auto Innovators strongly supports ATSC's stated requirement that patentees make essential patents available on RAND terms. This is of particular concern to automotive companies because, previously, some ATSC 3.0 SEP holders have refused to license to some willing implementers on RAND terms. In addition, MPEG LA, LCC. tends to license exclusively to downstream users. This practice inhibits upstream suppliers from securing the license rights necessary to develop products, offer them for sale, or even determine whether to enter the market without the ability to know what a license's cost would be.

As a result, Auto Innovators encourages the Commission to continue to monitor the standard's evolving licensing terms and recommended practices, the deployment of ATSC 3.0 services, and the availability of impacted consumer devices to ensure patentees' adherence to the requirement that patentees make declared essential patents licensable and available on RAND terms. These terms should include licensing such patents to *all* interested implementers, regardless of location in the supply chain, at a royalty based on the value of the smallest saleable unit and without the threat of injunctive relief. The Commission could consider issuing a request for information to MPEG LA, LLC., as well as to ATSC 3.0 patentees individually, to inquire into their respective licensing practices to help ensure adherence to their stated RAND commitment, inclusive of all these essential patent licensing principles.

IV. CONCLUSION

Auto Innovators welcomes the Commission's focus and attention to this important issue. We look forward to working with the Commission to ensure that the automotive industry in the United States continues to lead the world in innovation and in building a cleaner, safer, and smarter

transportation future through the deployment of breakthrough technologies that best support personal mobility.

Respectfully submitted,

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