

June 06, 2003

VIA FEDERAL EXPRESS

Don Wright
Chair, IEEE Standards Activities
Standards Board
Lexmark International
740 West New Circle Road
501C14082-3
Lexington, KY 40550

Re: Working Group 802.20 Election

Dear Mr. Wright:

Pursuant to Section 9.0 of the IEEE Computer Society Standards Activities Board (“SAB”) Policies and Procedures, I am appealing further the Local Area Network/Metropolitan Area Network Standards Executive Committee’s refusal to confirm my election as the Liaison Vice-Chair of the Computer Society’s LMSC 802.20 Working Group. This failure to allow me to serve is a violation of IEEE’s own procedures. I ask that IEEE act immediately to permit me to serve my term as Liaison Vice-Chair of Working Group 802.20.

As you may know, I objected previously to this refusal to confirm my election by filing an appeal with the Local Area Network/Metropolitan Area Network Standards Executive Committee (“SEC”) within thirty days of the SEC’s failure to confirm my election. See enclosed copy of my appeal. On May 8, 2003, acting pursuant to Section 9.0 of the IEEE Computer Society Standards Activities Board Policies and Procedures, Paul Nikolich and Geoffrey O. Thompson “denied” my appeal. See enclosed letter from Messrs. Nikolich and Thompson.

Pursuant to section 9.4 of the SAB Policies and Procedures, I request that you schedule a hearing on my appeal at the earliest opportunity. I suggest that one of the panel members be George I. Zysman, Ph.D., Fellow, IEEE, who has not been directly involved in the matter in dispute and will not be materially or directly affected by any decision made.

This is an urgent matter. Working Group 802.20 is proceeding without a duly-elected Liaison Vice-Chair, in violation of its own rules. The SEC has scheduled another election for

July, seeking to overturn the results of my election as Liaison Vice-Chair. I therefore request that you expedite the appeal process so that I may pursue a further appeal, or other relief, if necessary prior to the July election.

Further details regarding this matter are set forth below.

Background and Grounds for Appeal

I am a Technical Manager of Lucent Technologies Inc. and a member of IEEE and the IEEE Computer Society. I am also a member of the IEEE Computer Society's 802.20 Mobile Broadband Wireless Access Working Group. The standards for mobile broadband wireless access are a subject of great interest to me and my employer, Lucent Technologies.

On March 13, 2003, Working Group 802.20 elected me as Liaison Vice-Chair of the Working Group. The Working Group also elected a Chairman and a Procedural Vice-Chair at the same time. There is no question that the Working Group elected me in accordance with this procedure. Mr. Nikolich has advised that there was no impropriety in the procedure.

Project 802 Operating Rule 3.1 describe the function of the SEC with respect to elections: "The Chairs of Working Groups and Technical Advisory Groups are confirmed or elected by the Working Group and Technical Advisory Group members themselves." There is nothing in these Rules indicating that the SEC may refuse to confirm the election by the Working Group. Rather, the IEEE Project 802 Operating Rule 5.1.2 provides, "LMSC Working Group Chairs and Vice-Chairs shall be elected by the Working Group and confirmed by the LMSC SEC."

Contrary to these procedures, however, the SEC refused to confirm the Working Group elections and refused to allow me to serve as Vice-Chair. The apparent motivation for these actions was that candidates sponsored by Lucent Technologies' competitors were not elected to one or more of these positions.

As noted, the applicable rules required the SEC to confirm the election. Other IEEE procedures provide a reviewing panel discretion not to approve appointments. For example, Computer Society policy 3.9 provides that the president-elect makes executive committee appointments with the "advice and consent" of the Board of Governors. The procedure for election of the 802.20 Working Group Vice-Chairs, in sharp contrast, provides for no advice or consent. Rather, it states that Chairs are "confirmed or elected by the Working Group . . . themselves," and that the elected persons "shall . . . be confirmed by the LMSC SEC."

The only rationale that I have received for the SEC's refusal to confirm my election is my alleged lack of experience in IEEE 802 matters. The IEEE Computer Society Standards Activities Board Procedures, however, say nothing about any requirement for such experience. Rather, as shown by SAB procedure 7.1, the only requirement is that "The Chair, and Vice-Chair of Working Groups shall be IEEE or CS-affiliate members." As an IEEE member, I obviously

am qualified to be the Working Group Liaison Vice-Chair. Moreover, I do have extensive experience in Project 802 matters.

The minutes of the meeting in which the SEC refused to confirm the election indicate a resolve to ignore the established procedures of Working Group 802.20. See enclosed copy of minutes. The minutes reflect that the SEC (or certain members of the SEC) were upset by the fact that the existing rules allowed all members to vote. Disagreement with the rules, however, is no basis on which to refuse to confirm an election conducted in accordance with the rules.

I believe the meeting of the SEC which voted (apparently with eight abstentions) to refuse to confirm the election was preceded by closed door meetings of certain committee members in which the members aligned with competitors of Lucent Technologies discussed ways of nullifying the election. After the SEC meeting, for which no notice was given to me, certain of the committee members apparently conferred on several occasions to determine the officers they would appoint in lieu of those elected by Working Group 802.20. Those meetings (likely telephone conferences) were closed.

The SEC's decision to hold private meetings (or allow certain of its members to hold private meetings), for the purpose of agreeing not to confirm my election and to choose other officers in lieu of those validly elected, also violated IEEE procedures regarding open meetings. Standards Activities Board Procedure 4.4.2 provides,

. . . meetings shall be open meetings with the sole exception of executive sessions, which shall be limited to the consideration of confidential personnel matters such as removal of Officers, and for the purposes of discussing waiver of meeting or other fees. . . .
“Executive sessions” are not permitted for the purpose of discussing . . . candidates for officer positions prior to an election In no circumstances should persons with a direct and material interest be required to leave the room against their will.

I believe that the SEC, or members of the SEC, violated the IEEE rules and procedures to serve their own interests, in conflict with the interests of IEEE. One or more of the participants in the SEC meetings works for a competitor of Lucent Technologies and sponsored candidates in opposition to me and the elected Chairman. Their decision to place their own interests above those of IEEE would appear to violate the IEEE Code of Ethics, which admonishes members “to avoid real or perceived conflicts of interest whenever possible.” The statement by Messrs. Nikolich and Thompson in the letter denying my appeal that there is “no official summary for the basis of the decision not to confirm” only serves to underscore this point.

The SEC's refusal to confirm the elections certainly serves the interest of those who lost the election and those in competition with Lucent. As part of its refusal to confirm the elected Chair and Vice-Chair, the SEC announced that it would hold new elections in July, and appoint different officers on an interim basis. Those opposed to my service as Liaison Vice-Chair obviously want to reverse the results of the Working Group election and get a second bite at the apple through a new election in July.

Don Wright
July 9, 2003
Page 4

It appears that members of the SEC have perverted IEEE processes to obtain a competitive advantage. Their actions impugn the integrity of the IEEE processes. Their actions also send a message to Working Group members that any member vote is subject to veto by the SEC. Within this SEC, at least, it now appears that the Committee, not the members, select the Chair and Vice-Chairs.

I urge you to promptly schedule a hearing on my appeal in accordance with SAB procedure 9.0.

Sincerely,

Eshwar Pittampalli

Enclosures
cc: Dan Senese