Office of the Secretary

UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION WASHINGTON, D.C. 20580

September 22, 2008

George T. Willingmyre, P.E., President GTW Associates 1012 Parrs Ridge Drive Spencerville, MD 20868

Re: In the Matter of Negotiated Data Solutions LLC File No. 051-0094

Dear Mr. Willingmyre:

Thank you for your comments regarding the proposed consent order accepted for public comment in the above-captioned matter. The Commission understands that you have submitted the comments on your own behalf, and not on behalf of any GTW Associates clients. The Commission has reviewed your letter and has placed it on the public record of the proceeding.

You express the view that the FTC's final action in this matter will have significant impact on the patent policies of standards development organizations. You note that standards organizations face great challenges in striving to address patent policy issues. You express concern that the language in the Analysis to Aid Public Comment has potential to confuse standards organizations in their attempts to write future patent policies, particularly lider based on the factual ci

in detail in those documents. These documents give significant guidance as to the facts that may be considered relevant to the assessment of similar conduct by others in future investigations involving patents and standard setting. The question of liability under the FTC Act in other matters will turn on a careful assessment of the surrounding facts in those matters, which may be different from the facts in this matter.

It is important to note that this action is directed at the conduct of a patent holder, not a standards organization. The Commission understands that standards-development organizations craft rules concerning intellectual property rights that recognize the dynamic character of the standards process, the necessary balancing of the interests of stakeholders in the process, and the