

1	Status	Assigned
2	Date of Last Update	2015/11/11
3	Person Assigned	David Clunie
4		mailto:dclunie@dclunie.com
5	Submitter Name	David Clunie
6		mailto:dclunie@dclunie.com
7	Submission Date	2015/10/01

8	Correction Number CP-1548
9	Log Summary: Remove explicit mention of Bacus patent related to whole slide images
10	Name of Standard
11	PS3.3
12	Rationale for Correction:
13	When Supplement 145 added Whole Slide Images (WSI) to DICOM, there was concern that various patents might affect implementation.
14	Text was added that specifically calls attention to one patent, though no formal legal interpretation as to the validity or applicability
15	of that patent was available.
16	Given that there are numerous other patents that might or might not be applicable to WSI, or any other aspect of DICOM
17	implementation, it is inappropriate to draw specific attention to this one patent rather than any others, and it is not the intention to
18	enumerate every conceivable patent by name, nor to stifle interest in implementing the WSI IOD in particular.
19	There are over 15,000 hits on "DICOM" alone in a Google patent search, for instance.
20	NEMA maintains a patent disclosure list on behalf of the DICOM Standards Committee at <a href="http://dicom.nema.org/dicom/Disclosure_List.xls">http://dicom.nema.org/dicom/</a>
21	Disclosure_List.xls, which does not include the Bacus patent. The Bacus patent has been owned by Olympus America, Inc., PA,
22	since Feb 19, 2009.
23	<i>[Ed.Note: Should the general disclaimer be amended to specifically mention that NEMA and/or the DICOM Standards Committee</i>
24	<i>takes no position concerning the evidence, validity or applicability of claimed Intellectual Property Rights, and/or reference the patent</i>
25	<i>disclosure list?]</i>
26	Correction Wording:

Amend DICOM PS3.3 as follows:

## 2.6 Other References

~~[US 6,272,235] Bacus JV and Bacus JW. Method and Apparatus for Creating a Virtual Microscope Slide. US Patent 6,272,235. August 7, 2004.~~

### A.32.8.1 VL Whole Slide Microscopy Image IOD Description

The VL Whole Slide Microscopy Image IOD specifies the Attributes of a multi-frame visible light whole slide microscopy image encoded as a tiled decomposition. Each frame encodes a single tile within a three-dimensional imaged volume at a uniform resolution.

#### Note

1. An entire set of tiles for an acquisition may be encoded in the frames of a single SOP Instance, in multiple SOP Instances of a single concatenation, or in multiple SOP Instances in a series (with or without concatenations). E.g., a single SOP Instance may contain an entire low resolution image as a single tile (single frame), or a single SOP Instance may contain an entire high resolution, multi-focal depth, multi-spectral acquisition (multiple frames).
2. ~~Attention is called to the possibility that conformance with the VL Whole Slide Microscopy Image Storage SOP Class utilizing this IOD may involve the use of claimed Intellectual Property Rights, among which may be US Patent 6,272,235 referenced in Section 2. The DICOM Standards Committee takes no position concerning the evidence, validity or applicability of claimed Intellectual Property Rights, whether asserted by members of the DICOM Standards Committee or others.~~

For reference DICOM PS3 disclaimer for all parts as follows:

## Notice and Disclaimer

The information in this publication was considered technically sound by the consensus of persons engaged in the development and approval of the document at the time it was developed. Consensus does not necessarily mean that there is unanimous agreement among every person participating in the development of this document.

NEMA standards and guideline publications, of which the document contained herein is one, are developed through a voluntary consensus standards development process. This process brings together volunteers and/or seeks out the views of persons who have an interest in the topic covered by this publication. While NEMA administers the process and establishes rules to promote fairness in the development of consensus, it does not write the document and it does not independently test, evaluate, or verify the accuracy or completeness of any information or the soundness of any judgments contained in its standards and guideline publications.

NEMA disclaims liability for any personal injury, property, or other damages of any nature whatsoever, whether special, indirect, consequential, or compensatory, directly or indirectly resulting from the publication, use of, application, or reliance on this document. NEMA disclaims and makes no guaranty or warranty, expressed or implied, as to the accuracy or completeness of any information published herein, and disclaims and makes no warranty that the information in this document will fulfill any of your particular purposes or needs. NEMA does not undertake to guarantee the performance of any individual manufacturer or seller's products or services by virtue of this standard or guide.

In publishing and making this document available, NEMA is not undertaking to render professional or other services for or on behalf of any person or entity, nor is NEMA undertaking to perform any duty owed by any person or entity to someone else. Anyone using this document should rely on his or her own independent judgment or, as appropriate, seek the advice of a competent professional in determining the exercise of reasonable care in any given circumstances. Information and other standards on the topic covered by this publication may be available from other sources, which the user may wish to consult for additional views or information not covered by this publication.

NEMA has no power, nor does it undertake to police or enforce compliance with the contents of this document. NEMA does not certify, test, or inspect products, designs, or installations for safety or health purposes. Any certification or other statement of compliance with any health or safety-related information in this document shall not be attributable to NEMA and is solely the responsibility of the certifier or maker of the statement.