

Feb-17-06 04:33pm Free

T-141 P.01/02 F-498

**LETTER OF ASSURANCE FOR ESSENTIAL PATENTS**

Please return or FAX to: **Secretary, IEEE-SA Standards Board Patent Committee**  
**Institute of Electrical and Electronics Engineers, Inc**  
**445 Hoes Lane**  
**Piscataway, NJ 08854 USA**  
**FAX (+1) 732-875-0324**

**No license is implied by submission of this Letter of Assurance**

**A. PATENT HOLDER/ORGANIZATION:**

Legal Name of Organization: Case Systems, Inc.

**B. PATENT HOLDER'S CONTACT FOR LICENSE APPLICATION:**

Name & Department: Robert J. Lee, Legal Intellectual Property Department  
Address: 170 W. Trenton Drive, Suite 2000 CA 93724  
Telephone: 408 626 0264 Fax: \_\_\_\_\_ E-mail: rlj@casys.com  
URL: http://www.casys.com

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**C. IEEE STANDARD or PROPOSED IEEE STANDARD:**

Number: IEEE 802  
Title: IEEE 802.3-2004 Standard for Ethernet, Physical Layer, and Transmission Parameters for 10 Gbps Operation

**D. PATENT HOLDER'S POSITION REGARDING LICENSING ESSENTIAL PATENT RIGHTS:**

In accordance with Clause 6 of the *IEEE-SA Standards Board Bylaws*, the Patent Holder hereby declares that its licensing position with respect to any patent(s) and/or patent application(s) that it may hold or control, the use of which would be essential to create a compliant implementation of the (Proposed) IEEE Standard identified above, is as follows (check one box only):

- 1. The Patent Holder is prepared to grant a license without compensation to an unrestricted number of applicants on a worldwide, non-discriminatory basis with reasonable terms and conditions to comply with the (Proposed) IEEE Standard.
- 2. The Patent Holder is prepared to grant a license under reasonable rates to an unrestricted number of applicants on a worldwide, non-discriminatory basis with reasonable terms and conditions to comply with the (Proposed) IEEE Standard.
- 3. The Patent Holder is unwilling to grant licenses according to the provisions of either 1 or 2 above.
- 4. The Patent Holder states that, without conditions, it will not enforce any of its present or future patent(s) against any person or entity creating a compliant implementation of the (Proposed) IEEE Standard.
- 5. I am not aware of any patent(s) and/or patent application(s) that my company may hold or control that would be essential to create a compliant implementation of the (Proposed) IEEE Standard.

*(Note: Completion of the following section is optional. Nothing in this Letter of Assurance shall be interpreted as giving rise to a duty to conduct a patent search.)*

If the Patent Holder owns or controls patent(s) and/or application(s) that is/they believe may be essential to create a compliant implementation of the (Proposed) IEEE Standard, please specify the following:

Patent/Application Number: \_\_\_\_\_  
Title: \_\_\_\_\_

Feb-17-05 04:33pm From:

T-141 P.02/02 F-008

Patent/Application Number: \_\_\_\_\_  
Title: \_\_\_\_\_

Patent/Application Number: \_\_\_\_\_  
Title: \_\_\_\_\_

Use additional pages, as necessary.

**E. SIGNATURE:**

Print name of authorized person: Robert Bui

Title of authorized person: IEEE Director of Intellectual Property, Standards Patent Counsel

Signature of authorized person: [Handwritten Signature] Date: 17-FEB-2005

*Note: This assurance applies from the date of the standard's approval to the date of the standard's withdrawal and is irrevocable during that period.*