

LETTER OF ASSURANCE FOR ESSENTIAL PATENTS

Please return via mail,
e-mail (.pdf), or FAX to:

Secretary, IEEE-SA Standards Board Patent Committee
Institute of Electrical and Electronics Engineers, Inc.
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Piscataway, NJ 08854 USA
FAX (+1 732-875-0524) e-mail: patcom@ieee.org

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A. PATENT HOLDER/ORGANIZATION:

Legal Name of Organization: CLARIPHY COMMUNICATIONS, INC.

B. PATENT HOLDER'S CONTACT FOR LICENSE APPLICATION:

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C. IEEE STANDARD or PROPOSED IEEE STANDARD:

Number: 802.3ag
Title: AMENDMENT: PHYSICAL LAYER AND MANAGEMENT PARAMETERS FOR 10Gb/s OPERATION, TYPE 10GBASE-LRM

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 either mandatory or optional portions of the [Proposed] IEEE Standard identified above, is as follows (*check one box only*):

- 1. The Patent Holder will 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 will 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 it believes may be essential to create a compliant implementation of the [Proposed] IEEE Standard, please specify the following:

Patent/Application Number: _____
Title: _____

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Title: _____

Patent/Application Number: _____
Title: _____

Use additional pages, as necessary.

E. SIGNATURE:

Print name of authorized person: NORMAN L. SWENSON

Title of authorized person: CHIEF TECHNOLOGY OFFICER

Signature of authorized person: Norman L Swenson Date: 5/24/06

Note: This assurance applies from the date of the standard's approval to the date of the standard's withdrawal and is irrevocable upon acceptance by the IEEE-SA Standards Board Patent Committee.

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