

# 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 Hoea Lane  
Piscataway, NJ 08855 USA  
FAX (+1 732-562-1571)

No license is implied by submission of this Letter of Assurance

## 1. PATENT HOLDER/ORGANIZATION:

Legal Name of Organization: Chrimar Systems, Inc

## 2. PATENT HOLDER'S CONTACT FOR LICENSE APPLICATION:

Name & Department: Glenn Forbis or Terry Rader  
Address: 39533 Woodward Ave., Suite 140 Bloomfield Hills, MI 48304  
Telephone: 248-544-0600 Fax: 248-544-0610 E-mail: gfor@RaderFishman.com  
tr@RaderFishman.com

## 3. IEEE STANDARD or PROPOSED IEEE STANDARD:

Number: IEEE 802.3E  
Title: DTE Power via MDI

## 4. PATENT HOLDER'S POSITION REGARDING LICENSING ESSENTIAL PATENT RIGHTS

If the Patent Holder owns or controls granted patent(s) and/or pending applications that it believes may be infringed by compliance with the Proposed IEEE Standard, please specify the patent number, published application, and/or relevant claims. (A patent search is not required.)

Patent Number(s) (if known): US Patent No. 5,406,260

Relevant Claims (optional): \_\_\_\_\_

The Patent Holder states that its position with respect to licensing such patent(s) is as follows (check one box only):

- 1. The Patent Holder is prepared to grant a free license to an unrestricted number of applicants on a worldwide, non-discriminatory basis to comply with the [Proposed] IEEE Standard.
- 2. The Patent Holder is prepared to grant a license to an unrestricted number of applicants on a worldwide, non-discriminatory basis and on 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.

*Note: The Patent Holder is not deemed to discriminate for denying a license based on pending or ongoing patent litigation with an applicant. It is not deemed unreasonable for the Patent Holder to include a reciprocity requirement within the license.*

- 4. I am not aware of any patent(s) and/or patent claim(s) that my company may hold that would be relevant to the subject matter of the [Proposed] Standard

## 5. SIGNATURE

Print name of authorized person: John Austermann

Title of authorized person: Chief Executive Officer

Signature of authorized person: \_\_\_\_\_ Date: December 2<sup>nd</sup>, 2001

*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.*