

ISO

International Organization for Standardization



IEC

International Electrotechnical Commission



Patent Statement and Licensing Declaration

This declaration does not represent an implied license grant

Please return to **each** of the two organizations:

Secretary-General
International Organization for Standardization
1, rue de Varembe
CH-1211 Geneva 20
Switzerland
Fax: +41 22 733 34 30

General Secretary
International Electrotechnical Commission
3, rue de Varembe
CH-1211 Geneva 20
Switzerland
Fax: +41 22 919 03 01

Patent Holder/Organization:

Legal Name McDATA Corporation

Contact for license application:

Name & Department Karen Frame, Esq.
Associate General Counsel

Address McDATA Corporation
11802 Ridge Parkway
Broomfield, Colorado, 80021 USA

Tel. 720-558-3536

Fax 720-558-3235

E-mail Karen.Frame@McData.com

URL (optional) _____

ISO/IEC International Standard:

Number 14165-251

Title INFORMATION TECHNOLOGY: Fibre Channel – Framing and Signaling Interface(FC-FS)

Licensing declaration

The Patent Holder believes that it holds granted patents and/or pending applications, the use of which would be required to implement the above ISO/IEC International Standard and hereby declares, in accordance with the ISO/IEC Patent Policy (ISO/IEC Directives), that (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 and under other reasonable terms and conditions to make, use, and sell implementations of the above ISO/IEC International Standard.

Negotiations are left to the parties concerned and are performed outside ISO/IEC.

Also mark here X if the Patent Holder's willingness to license is conditioned on reciprocity for the above ISO/IEC International Standard.

Also mark here X if the Patent Holder reserves the right to license on reasonable terms and conditions (but not for free) to applicants who are only willing to license their patent claims, whose use would be required to implement the above ISO/IEC International Standard, on reasonable terms and conditions (but not for free).



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 make, use and sell implementations of the above ISO/IEC International Standard.

Negotiations are left to the parties concerned and are performed outside ISO/IEC.

Also mark here if the Patent Holder's willingness to license is conditioned on reciprocity for the above ISO/IEC International Standard.



3. The Patent Holder is unwilling to grant licenses in accordance with provisions of either 1 or 2 above. In this case, the following information must be provided as part of this declaration:

- patent registration/application number;
- an indication of which portions of the ISO/IEC International Standard are affected;
- a description of the patent claims covering the ISO/IEC International Standard.

Free: The word "free" does not mean that the Patent Holder is waiving all of its rights with respect to the essential patent. Rather, "free" refers to the issue of monetary compensation; *i.e.*, that the Patent Holder will not seek any monetary compensation as part of the licensing arrangement (whether such compensation is called a royalty, a one-time licensing fee, etc.). However, while the Patent Holder in this situation is committing to not charging any monetary amount, the Patent Holder is still entitled to require that the implementer of the ISO/IEC International Standard sign a license agreement that contains other reasonable terms and conditions such as those relating to governing law, field of use, reciprocity, warranties, etc.

Reciprocity: As used herein, the word "reciprocity" means that the Patent Holder shall only be required to license any prospective licensee if such prospective licensee will commit to license its essential patent(s) or essential patent claim(s) for implementation of the same ISO/IEC International Standard for free or under reasonable terms and conditions.

Signature

Organization McDATA Corporation

Name of authorized person Paul Martin

Title of authorized person V.P. of Engineering

Signature 

Place, Date Minneapolis, MN. 55127, USA, August 1, 2006

ISO

International Organization for Standardization



IEC

International Electrotechnical Commission



Patent Statement and Licensing Declaration

This declaration does not represent an implied license grant

Please return to **each** of the two organizations:

Secretary-General
International Organization for Standardization
1, rue de Varembe
CH-1211 Geneva 20
Switzerland
Fax: +41 22 733 34 30

General Secretary
International Electrotechnical Commission
3, rue de Varembe
CH-1211 Geneva 20
Switzerland
Fax: +41 22 919 03 01

Patent Holder/Organization:

Legal Name McDATA Corporation

Contact for license application:

Name & Department Karen Frame, Esq.
Associate General Counsel

Address McDATA Corporation
11802 Ridge Parkway
Broomfield, Colorado, 80021 USA

Tel. 720-558-3536

Fax 720-558-3235

E-mail Karen.Frame@McData.com

URL (optional) _____

ISO/IEC International Standard:

Number 14165-133

Title INFORMATION TECHNOLOGY - Fibre Channel Switch Fabric
Third Generation (FC-SW-3)

Licensing declaration

The Patent Holder believes that it holds granted patents and/or pending applications, the use of which would be required to implement the above ISO/IEC International Standard and hereby declares, in accordance with the ISO/IEC Patent Policy (ISO/IEC Directives), that (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 and under other reasonable terms and conditions to make, use, and sell implementations of the above ISO/IEC International Standard.

Negotiations are left to the parties concerned and are performed outside ISO/IEC.

Also mark here X if the Patent Holder's willingness to license is conditioned on reciprocity for the above ISO/IEC International Standard.

Also mark here X if the Patent Holder reserves the right to license on reasonable terms and conditions (but not for free) to applicants who are only willing to license their patent claims, whose use would be required to implement the above ISO/IEC International Standard, on reasonable terms and conditions (but not for free).



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 make, use and sell implementations of the above ISO/IEC International Standard.

Negotiations are left to the parties concerned and are performed outside ISO/IEC.

Also mark here if the Patent Holder's willingness to license is conditioned on reciprocity for the above ISO/IEC International Standard.



3. The Patent Holder is unwilling to grant licenses in accordance with provisions of either 1 or 2 above. In this case, the following information must be provided as part of this declaration:

- patent registration/application number;
- an indication of which portions of the ISO/IEC International Standard are affected;
- a description of the patent claims covering the ISO/IEC International Standard.

Free: The word "free" does not mean that the Patent Holder is waiving all of its rights with respect to the essential patent. Rather, "free" refers to the issue of monetary compensation; *i.e.*, that the Patent Holder will not seek any monetary compensation as part of the licensing arrangement (whether such compensation is called a royalty, a one-time licensing fee, etc.). However, while the Patent Holder in this situation is committing to not charging any monetary amount, the Patent Holder is still entitled to require that the implementer of the ISO/IEC International Standard sign a license agreement that contains other reasonable terms and conditions such as those relating to governing law, field of use, reciprocity, warranties, etc.

Reciprocity: As used herein, the word "reciprocity" means that the Patent Holder shall only be required to license any prospective licensee if such prospective licensee will commit to license its essential patent(s) or essential patent claim(s) for implementation of the same ISO/IEC International Standard for free or under reasonable terms and conditions.

Signature

Organization

McDATA Corporation

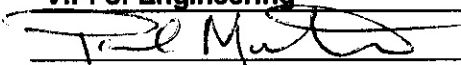
Name of authorized person

Paul Martin

Title of authorized person

V.P. of Engineering

Signature



Place, Date

Minneapolis, MN. 55442 USA, August 1st, 2006