



January 26, 2006

Secretary-General  
International Organization for Standardization  
1, rue de Varembe  
CH-1211 Geneva 20  
Switzerland

General Secretary  
International Electrotechnical Commission  
3, rue de Varembe  
CH-1211 Geneva 20  
Switzerland

Gabriel Barta  
Bureau central de la CEI  
3, rue de Varembe  
PO Box 131  
CH-1211 Geneva 20  
Switzerland

Re: Patent Statement and Licensing Declaration for ISO/IEC 14165-133, Information Technology - Fibre Channel Switch Fabric Third Generation (FC-SW-3)

Dear Sirs:

This letter is to provide you with a copy of Brocade's Patent Statement and Licensing Declaration with regard to ISO/IEC 14165-133, Information Technology - Fibre Channel Switch Fabric Third Generation (FC-SW-3).

Brocade's license grant may be conditioned upon the licensee's grant of a reciprocal license under the licensee's IPR and IPR owned by parties with which licensee is affiliated. In assessing what terms are reasonable, Brocade may refer to the royalty rates that a potential licensee has set for its own IPR and IPR of parties with which it may be affiliated. Brocade also reserves the right to grant licenses to its IPR as part of a cross-license with any other party.

Please contact the Office of the General Counsel at Brocade Communications Systems, Inc., 408-333-5547 concerning any licensing matters.

Very truly yours,

A handwritten signature in black ink that reads 'Tyler Wall'.

Tyler Wall  
Vice President, General Counsel & Secretary

cc: Keith Brannon  
Chief Technical Programme Manager, Technical Group 1  
International Organization for Standardization  
1, rue de Varembe, Case postale 56  
CH-1211 Geneva 20, Switzerland

Lynn Barra ✓  
Associate Director, ITI Standards Operations  
INCITS Secretariat  
Information Technology Industry Council  
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Dr.-Ing. Walter P. von Pattay  
Secretary, ISO/IEC JTC 1/SC 25  
Gotthelfstr. 34  
D-81677 München, Germany

Robert Snively,  
Chair INCITS TC T11  
Brocade Communications Systems, Inc.  
1745 Technology Drive  
San Jose, CA 95110 USA

**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 Brocade Communications Systems, Inc.

**Contact for license application:**

Name & Department Tyler Wall  
General Counsel

Address 1745 Technology Dr.  
San Jose, CA 95110 USA

Tel. 408-333-5547

Fax \_\_\_\_\_

E-mail twall@brocade.com

URL (optional) \_\_\_\_\_

**ISO/IEC International Standard:**

Number ISO/IEC 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 \_\_\_ if the Patent Holder's willingness to license is conditioned on reciprocity for the above ISO/IEC International Standard.

Also mark here \_\_\_ 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 X 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.

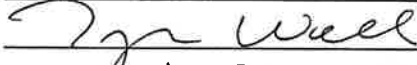
Reciprocity: As used herein, the word "reciprocity" means that the Patent Holder shall only be required to license any prospective licensee if such prospective licensee will commit to license its essential patent(s) or essential patent claim(s) for implementation of the same ISO/IEC International Standard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

**Signature**

Organization Brocade Communications Systems, Inc.

Name of authorized person Tyler Wall

Title of authorized person VP, General Counsel

Signature 

Place, Date 1-26-06

**Patent Information (desired but not required)**

<b>No</b>	<b>Registration Number/ Country</b>	<b>Title/ Inventor</b>	<b>Status [granted/ pending]</b>
1	6,765,919	A Method and System for Creating and Implementing Zones Within a Fibre Channel System David Banks; Kumar Malavalli; Paul Ramsay; Kha Sin Teow and Jieming Zhu	Granted
2	6,980,525	A Method and System for Creating and Implementing Zones Within a Fibre Channel System David Banks; Kumar Malavalli; Paul Ramsay; Kha Sin Teow and Jieming Zhu	Granted
3	10/780,147 (2004-0160953)	A Method and System for Creating and Implementing Zones Within a Fibre Channel System David Banks; Kumar Malavalli; Paul Ramsay; Kha Sin Teow and Jieming Zhu	Pending
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