

**ISA100 Standards Committee on Wireless Systems for Automation
Patent Disclosure and Licensing Rules**

Recognizing the relevance of patented technology to the development and use of ISA100 standards, the following rules with respect to disclosure, enforcement, and licensing of patents have been adopted. These rules are intended to supplement the ISA Patent Policy. Any person or entity involved in the standards process as a member or participant, voting or non-voting, of a Committee, Working Group, Task Group, Study Group, or any other sub-group formed within the Committee, is bound by these rules and is deemed to have agreed and acquiesced to these rules by virtue of such participation.

1. Disclosure by individual participants. Each individual participating in the standards development process shall disclose to the Committee any patents or published applications held by the individual or any firm the participant represents, of which the participant is aware and which, to the best of the participant's knowledge, has a likelihood of being infringed by compliance with a standard.
2. Disclosure by participating firms. Companies, organizations, agencies, and other firms participating in the standards process through their representatives shall disclose to the Committee any patents or published applications held by them and which they know or have reason to believe has a likelihood of being infringed by compliance with a standard.
3. Timing of disclosure. Disclosure shall be made promptly upon the individual or firm becoming aware of a patent or published patent application required to be disclosed as provided above.
4. Letter of assurance. For any patent or patent application disclosed, ISA shall request a Letter of Assurance in which the patent holder agrees either: (a) not to enforce its patent with respect to compliance with the standard, or (b) to grant a license to an unrestricted number of applicants on a worldwide, non-discriminatory basis, with a fair and reasonable royalty rate and fair and reasonable terms and conditions.
5. Default provision. With respect to any patent or patent application owned or controlled by a individual participant or firm that may be infringed by compliance with a standard that is not disclosed, such person or participant shall either (a) not enforce its patent with respect to compliance with a standard, or (b) grant a license to an unrestricted number of applicants on a worldwide, non-discriminatory basis, with a fair and reasonable royalty rate and fair and reasonable terms and conditions.
6. Good faith. Every participant in the standards process, individuals and firms, shall at all times act in good faith and in an open and honest manner.

ISA100 LETTER OF ASSURANCE

Please mail or FAX to: T.S. "Chip" Lee, ISA, 67 Alexander Drive, Research Triangle Park, NC 27709 USA
FAX: 919-549-8288

A. PATENT HOLDER/ORGANIZATION:

Legal Name of Person or Entity (the "Patent Holder"):

B. PATENT HOLDER'S CONTACT FOR PATENT LICENSING:

Name & Department: _____

Address: _____

Telephone: _____ Fax: _____ E-mail: _____

C. PROPOSED ISA100 STANDARD:

Number: _____

Title: _____

D. PATENT HOLDER'S POSITION ON ENFORCEMENT OR LICENSING PATENT RIGHTS:

Those patent(s) and/or pending applications owned or controlled by the Patent Holder that would be, or that Patent Holder believes may be, infringed by compliance with the proposed ISA100 Standard, are as follows:

Patent Number(s): _____

Title(s): _____

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

- 1. The Patent Holder will not enforce its patent so as not to impede compliance with the proposed ISA100 Standard.
- 2. The Patent Holder will grant a license to an unrestricted number of applicants on a worldwide, non-discriminatory basis and on fair and reasonable terms and conditions, including as to royalties, if any, to allow compliance with the proposed ISA100 Standard.
- 3. The Patent Holder is currently undecided whether it will adopt position 1 or 2, above, but will declare its position to ISA by no later than the date of issuance of the first ballot on the proposed ISA100 Standard to the ISA100 Committee.

E. SIGNATURE:

The person signing below certifies that he/she is duly authorized to execute this Letter of Assurance on behalf of the Patent Holder:

Print name of authorized person: _____

Title of authorized person: _____

Signature of authorized person: _____

Date: _____

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.