



BROCADE

May 10, 2002

Via First Class Mail

Mr. John Lohmeyer  
T10 Chairman  
LSI Logic Corp.  
4420 ArrowsWest Dr.  
Colorado Springs, Colorado 80907

Ms. Kate McMillan  
Senior Director  
INCITS Secretariat  
C/o Information Technology Industry Council  
1250 Eye Street NW, Suite 200  
Washington, D.C. 20005

Ms. Amy Marasco  
General Counsel  
ANSI  
25 W. 43<sup>rd</sup> Street  
New York, New York 10036

Mr. George O. Penokie  
IBM/Tivoli Systems  
MS 2C6  
3605 Highway 52 N.  
Rochester, MN 55901

Re: Letter of Assurance for T10 standards

Dear Mr. Lohmeyer, Ms. McMillan, Ms. Marasco and Mr. Penokie:

This letter sets forth Brocade's patent licensing policy regarding any T10 standard, current or future. Brocade is not willing to waive its rights in its relevant, essential patent and patent applications (collectively "IPR"). However, Brocade is willing to negotiate licenses for its IPR on reasonable and nondiscriminatory terms and conditions. In particular, Brocade is willing to negotiate nonexclusive, worldwide licenses under its IPR to allow the manufacture, use, sale, offer for sale and importation of the portions of any product that implement and are compliant with all relevant portions of the standard; provided that these licenses may not extend to any part of function of a product that is not required to implement or comply with the standard.

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.

Brocade has not performed a search of its patent portfolio for the purpose of determining whether Brocade has any IPR to any existing or pending T10 standard. With this letter, Brocade submits that there is no further obligation to search its patent portfolio for future standards.

Please contact me at 408-392-5225 concerning any licensing matters.

Sincerely,

Brocade Communications Systems, Inc.

A handwritten signature in black ink, appearing to read 'Ronald Epstein', with a large, sweeping flourish extending to the right.

Ronald Epstein  
VP, General Counsel