



**MOTOROLA**

January 3, 2008

ATIS  
Tom Goode  
ATIS General Counsel  
1200 G Street, NW  
Suite 500  
Washington, DC 20005

Subject: Motorola's DFAST Intellectual Property Statement

Dear Mr. Goode:

This letter is to notify ATIS that Motorola is willing to grant a non-exclusive, royalty-free, non-assignable license for Motorola patent numbers 4,860,353 and 6,961,427 for the DFAST specification. One precondition of any such license granted to a company ("licensee") shall be the licensee's agreement to grant a reciprocal worldwide, nonexclusive license, on a royalty-free basis, to any Essential Claims owned or controlled by the licensee or its Affiliates (its parent company or any company in which it or its parent company have more than 50% of the ownership or control), to Motorola necessary to implement in products or services any ATIS Recommendation which incorporates the DFAST Specification. Motorola expressly reserves all other patents and intellectual property rights it may have, including the right to refuse to grant or terminate a royalty-free license to any company and its Affiliates if it or one of its Affiliates asserts a claim of infringement against Motorola's products or services that implement any ATIS Recommendation which incorporates the DFAST Specification.

In the event that a Member files suit against Motorola for patent infringement arising from Motorola's manufacture, use or sale of products that implement an ATIS Specification which incorporates the DFAST Specification, then Motorola shall have the unilateral right to change the license grant set forth herein from a royalty-free license to a royalty bearing license on terms and conditions that are reasonable and nondiscriminatory, with respect to the suing Member and be able to collect such royalty retroactively commencing on the date that the suing Member is alleging that Motorola commenced the infringement which is the basis of the suit.

If you have any questions, please contact Latonia Gordon, IP Standards & Licensing Counsel, by email at [Latonia.Gordon@motorola.com](mailto:Latonia.Gordon@motorola.com) or by telephone at 847-576-3055.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jonathan P. Meyer'.

Jonathan P. Meyer  
Senior Vice President – Intellectual Property Law