

Statement with Regard to Patent Rights Made by the Parties (identified below) Sponsoring the 25GS-PON Specification

Each of the Parties, on behalf of themselves and their Affiliates, may hold granted and/or pending applications for Patents, the use of which would be required to implement the 25GS-PON specification and hereby declares, in accordance with the Common Patent Policy for ITU-T/ITU-R/ISO/IEC, that they are prepared to grant a license to such Patents 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 25GS-PON specification, but solely to the extent of such implementation. Negotiations are left to the parties concerned.

The foregoing willingness to license is conditioned on Reciprocity for the 25GS-PON specification.

The word "Affiliates" means, in relation to a Party, all other persons or entities which directly or indirectly (whether through one or more intermediaries or otherwise) Control, or are Controlled by, or are under common Control with, that Party or its successors-in-title from time to time. Where a Party is Controlled by the government of a nation state, the word 'Affiliates' will not include other entities which are under the common Control of that government.

Control, in relation to any Party, means: (i) the holding or beneficial ownership of thirty per cent (30%) or more of the voting rights in that Party; or (ii) the right or ability to direct or otherwise control or exercise thirty per cent (30%) or more of the voting rights attaching to that Party's issued ordinary shares (or other like instruments), or the right or ability to direct or otherwise control or exercise the voting rights attaching to a participation interest of thirty per cent (30%) or more in that Party; or (iii) the right or ability to appoint or remove thirty per cent (30%) or more of the board of directors (or such other body legally representing such Party) or to appoint or remove individuals able to exercise thirty per cent (30%) or more of the votes exercisable at the meetings of board of directors of such Party; or (iv) the right or ability to direct, or cause the direction, or general management of, affairs of such Party, and the terms "**Controls**" and "**Controlled**" shall have a corresponding meaning.

The word "Reciprocity" means that the Parties making this IPR Statement shall only be required to license any prospective licensee if such prospective licensee will commit to license its Patent(s) for implementation of the 25GS-PON specification under reasonable terms and conditions.

Patent: The word "Patent" means those claims contained in and identified by patents, utility models and other similar statutory rights based on inventions (including applications for any of these) solely to the extent that any such claims are essential to the implementation of the 25GS-PON specification. Essential patents are patents that would be required to implement a specific recommendation/deliverable in the 25GS-PON specification.

Assignment/transfer of Patent rights: The foregoing willingness to license shall be interpreted as encumbrances that bind all successors-in-interest as to any transferred Patents. Recognizing that this interpretation may not apply in all jurisdictions, any Party that has declared a willingness to license and who transfers ownership of a Patent that is subject to such willingness to license shall include appropriate provisions in the relevant transfer documents to ensure that, as to such transferred Patent, the willingness to license is binding on the transferee and that the transferee will similarly include appropriate provisions in the event of future transfer with the goal of binding all successors-in-interest.

The following companies have agreed to be bound by the above Intellectual Property Rights Statement.

Applied Optoelectronics, Inc.

AT&T Services, Inc.

Chorus New Zealand Limited

Chunghwa Telecom Laboratories

Ciena Corporation

Commscope, Inc. of North Carolina

Cortina Access

Feneck Network Solutions Inc.

HiLight Semiconductor Ltd

Hisense Broadband Multimedia Technologies Co., Ltd

MACOM Technology Solutions Inc.

Maxlinear, Inc.

NBN Co Limited

Nokia Solutions and Networks Oy

Semtech

Sumitomo Electric Industries, Ltd

Tibit Communications