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"): Fisher-Rosemount Systems, Inc.

B. PATENT HOLDER’S CONTACT FOR PATENT LICENSING:
Name & Department: Michael Sheldon, Vice President & Associate General Counsel
Address: 12301 Research Blvd., Austin, TX 78759
Telephone: 512-834-7346 Fax: E-mail: mike.sheldon@emerson.com

C. PROPOSED ISA100 STANDARD:
Number: ISA100.11a
Title: Wireless standard, title TBD

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:

U.S. Patent No. 5,682,476 Distributed Control System Having Central Control Providing Operating Power to Wireless Transceiver Connected to Industrial Process Control Field Device Which Providing Redundant Wireless Access
U.S. Patent No. 5,793,963 Apparatus for Providing Non-Redundant Secondary Access to Field Devices in a Distributed Control System
U.S. Patent No. 6,236,334 Distributed Control System for Controlling Material Flow Having Wireless Transceiver Connected to Industrial Process Control Field Device to Provide Redundant Wireless Access
US2005/0049727 Wireless Communications Within a Process Control System Using a Bus Protocol
US2005/0047330 Wireless Transceiver Pair Disposed Within a Process Control System
US2005/0164684 Wireless Handheld Communicator in a Process Control Environment
US2007/0160000 Control System with Wireless Address Domain to Field Device Address Domain Translation
US2007/0160001 Control System with Wireless Messages Containing Message Sequence Information
US2007/0161352 Selective Activation of Field Devices in Low Power Wireless Mesh Networks
US2007/0161367 Control of Field Device on Low Power Wireless Networks
US2007/0165545 Control of Low Power Wireless Networks for Power Conservation

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: Grant Wilson
Title of authorized person: VP Technology
Signature of authorized person: [Signature]
Date: 15 May 2009

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.