

InfiniBandSM Trade Association

CRITERIA FOR NON-MEMBER PARTICIPANTS

I. Introduction:

From time to time the InfiniBandSM Trade Association Steering Committee may consider allowing certain corporate, individual, government or university participants limited access to draft Specification materials and other specific non-public documents of the IBTA for use in limited pursuits under the Participant Program. Participants are NOT Members of the IBTA. Their access to documents and email threads may be limited, as defined from time to time by the Steering Committee. They are required to make an intellectual property licensing commitment under reasonable and non-discriminatory terms (as defined in the Participant Agreement), to the Membership but do not receive a reciprocal commitment from the Membership in return. Participants are required to pay annual dues of \$5000, which amount may be adjusted from time to time or waived entirely in lieu of contributions in kind, as determined by the Steering Committee.

Intended Participants: The Participant Program is intended to allow select corporate, individual, government or university personnel from institutions with minimal competitive intellectual property interests (as opposed to the commercial intellectual property interests of Members) to have limited access to preliminary work of the IBTA for the purposes of providing expertise, academic instruction or evaluation.

The Participant Program is NOT intended for:

- a) Personnel under contract to perform services for the IBTA,
- b) Use by any entity where the use could adversely (directly or indirectly) affect the goals of the IBTA or compromise the expectation of a commitment to reasonable and non-discriminatory ("RND") patent licensing between Members.

Corporations, individuals, universities and government agencies with substantial business interests or Intellectual Property patent interests that may conflict with the RND proposition between members should sign up as full Members and NOT as Participants.

Candidate Selection: The Steering Committee ultimately decides whether to offer a particular Candidate the opportunity to enter into the Participant Program (execute the Participant Agreement and obtain access as defined under the Agreement or as otherwise directed by the IBTA).

** Note: Meeting the Prerequisite Qualifications is a precondition to being considered as a viable candidate. Additional objective factors may also be considered at the discretion*

of the Steering Committee. Meeting the Prerequisite Qualifications does not ensure participation in the program.

II. Participant Prerequisite Qualifications:

A legitimate purpose that is aligned with the interests of the IBTA
Initially, no apparent Participant patents that would meet the definition of Necessary Claims.

A commitment to the purpose of the InfiniBandSM Trade Association
In the event of disclosure of preliminary documents, a reasonable assurance and demonstrated ability to keep confidential information confidential

III. Termination/Discontinuance:

The Steering Committee may terminate, redefine or revoke Participant access to Confidential Information at any time and for any reason, with or without cause.

IV. Application Process:

1. Submit application to administration@infiniband.org including, submitter's name, institution name (if any), indication of willingness to meet the RND commitment, and the stated purpose/plans.
2. Vital Technical Marketing (VTM - 3rd party secretariat) to send request to the Marketing Working Group and the Steering Committee. A response date will be assigned not to exceed 2 weeks. Follow-up from VTM, if required, to ensure timely response to requestor.
3. The Marketing Working Group and the Steering Committee will review applications and discuss as necessary.
4. If the decision is to accept a candidate, the candidate will be allowed to participate only after execution of the Participant Agreement by the individual or a duly authorized representative of the institution to which the candidate belongs.
5. If the decision is to reject a candidate. VTM will inform the candidate as soon as practical. All decisions of the Steering Committee are final.