

Adopted by the ONF Board of Directors September 15, 2014, for implementation after the October 9, 2014 Board meeting, pending approval by Board company counsel

WHEREAS, the Board has been discussing the Open Networking Foundation OpenFlow Intellectual Property Rights Policy (IPR Policy) and the scope thereof in light of the expanded domains in which aspects of the OpenFlow switch protocol is anticipated to be implemented; and

WHEREAS, it is in the best interests of the Open Networking Foundation and its Members to confirm the scope of the IPR Policy and the proper interpretation thereof; and

WHEREAS, the first paragraph of the IPR Rights Policy and the definition of OpenFlow Specification of Section 1.6 are inherently part of Section 3, Licensing of Intellectual Property Rights.

NOW THEREFORE BE IT RESOLVED, that the nonexclusive, nontransferable, irrevocable (but subject to Defensive Suspension), worldwide license granted by a Member, on behalf of itself and its Affiliates, to the other Members and its Affiliates, in Section 3.1 is limited to an option to receive under royalty free, reasonable terms and conditions that are free of any unfair discrimination, under their Necessary Claims, the right to make, have made, use, import, offer to sell, lease, sell and otherwise distribute the OpenFlow switch protocol capabilities necessary to classify and forward traffic, including port, wavelength, time slot and packet traffic types, and including packet header modification, as implemented in a Compliant Portion.

FURTHER RESOLVED, that, pursuant to the first paragraph of the IPR Policy, the licensing of intellectual property rights (IPR) in Section 3 thereof does not extend to any other section or portion of any Draft Specification, Final Specification, technical specification or other document, or functionality described therein, approved, adopted, referenced or ratified by the Open Networking Foundation, the Board or any Technical Work Group or Working Group, notwithstanding anything to the contrary set forth therein.