



UNITED STATES DEPARTMENT OF COMMERCE
BUREAU OF INDUSTRY AND SECURITY
WASHINGTON, D.C. 20230

06/14/2007
CCATS #: G056327
PAGE NO: 1

NETPRO COMPUTING, INC.
ATTN: JOHN F. MCKENZIE
C/O BAKER & MCKENZIE
2 EMBARCADERO CENTER, SUITE 1100
SAN FRANCISCO, CA 94111

The following information is in response to your inquiry of 06/04/2007 requesting licensing information for:

Item	Export Control Classification Number and Paragraph	License Exceptions Available	Country Chart Column (reason for control)	LVS Dollar Value Limit
1) LOGADMIN SOFTWARE WITH 256 AES SOFTWARE DERIVED FROM INNERMEDIA DYNA ZIP SOFTWARE.	5D002 (C.1)	ENC	NS1 AT1	
COMMENTS FROM LICENSING OFFICER:				
ITEM #1: THIS ENCRYPTION ITEM IS AUTHORIZED FOR LICENSE EXCEPTION ENC UNDER SECTIONS 740.17 (A) AND (B) (3) OF THE EXPORT ADMINISTRATION REGULATIONS.				

See the other side of this form for information on determining which countries require a license for the above items. For Shipments to these destinations, an export license is required from the Bureau of Export Administration.

Items otherwise eligible for export or reexport under a License Exception or NLR (no license required) and used in the design, development, production or use of nuclear, chemical or biological weapons or missiles require a license for export or reexport as provided in part 744 of the Export Administration Regulations (EAR).

CATHERINE PRATT
DIVISION DIRECTOR

FOR INFORMATION CONCERNING
THIS CLASSIFICATION CONTACT
ANITA ZINZUVADIA
PHONE #: (202) 482-3772
BIS/STC/IT

Destinations Requiring a License

See the Commerce Country Chart (Supplement No. 1 to part 738 of the EAR) to determine which countries require a license. Use the Country Chart Column information given on the front of this form in conjunction with the Country Chart to determine the licensing requirements for your particular items. For items classified EAR99, see part 746 of the EAR to determine the licensing requirements.

Applications for export must be submitted on Form BXA-748P Multipurpose Application. These forms may be obtained by calling (202) 482-3332. Assistance in filling out the form, or any aspect of exporting, is provided by the Export Counseling Division in Washington, D.C. at (202) 482-4811 or the Western Regional Office in Newport Beach California at (714) 660-0144.

License Exceptions

Be aware that the licensing requirements for some destinations may be overcome by any License Exception for which your items qualify. See part 740 of EAR for information on License Exceptions. The License Available column on the front of this form lists only those License Exceptions of the set GBS, CIV, CTP, TSR which are applicable to your items. Other License Exceptions may apply, depending upon the circumstances of your intended transaction.

Export Control Classification Numbering System (ECCN)

The ECCN numbering system is found in the Commerce Control List (CCL) part 774 of the EAR. The CCL is a comprehensive list that identifies all items controlled and licensed by Commerce. Within the CCL, entries are identified by an ECCN. Each entry specifies the license requirements for the item and the reason(s) for control. Please consult parts 738 and 774 of the EAR for specific information on ECCNs.

Shipper's Export Declaration (SED)

When an export is made, it is necessary for the exporter to show on the Shipper's Export Declaration (Form 7525-V) in block 21 either the license number, the applicable License Exception symbol or the symbol NLR. Form 7525-V is available from the Superintendent of Documents, U.S. Government Printing Office of Washington, D.C. 20402, and from Export Administration District Offices (U.S. Dept. of Commerce).

Tyler Hanson

From: McKenzie, John F [john.f.mckenzie@bakernet.com]
Sent: Tuesday, June 19, 2007 6:47 PM
To: Tyler Hanson; Mark Armstrong
Cc: Ariano, Jonathan
Subject: FW: Scan from a Xerox Document Centre

Follow Up Flag: Follow up
Flag Status: Red

Attachments: Scan001.PDF



Scan001.P
DF (319 KB)

Gentlemen:

As you will recall, at your instruction, by a letter dated May 25, 2007, we requested an export classification and technical review of the NetPro LogAdmin Software from the Commerce Department's Bureau of Industry and Security. In response to that request, I have just received the attached export classification ruling from the Bureau of Industry and Security, identified as CCATS # G056327.

As you will note, by that CCATS # G056367, the Bureau of Industry and Security has classified the LogAdmin product under ECCN 5D002 on the Commerce Control List. The CCATS does, however, indicate that the product is eligible for export, without export licenses, under authority of license exception ENC, as an "unrestricted" encryption item within the meaning of section 740.17(b)(3) of the Export Administration Regulations. As such, the product may be furnished to all categories of end-users in all eligible countries under authority of that license exception ENC.

You should note, however, that the product remains subject to important export control and compliance requirements, as follows.

1. The product is not eligible for export to: (i) any country that is subject to a U.S. Government embargo, or that has been designated by the U.S. Government as a terrorist-supporting country; or (ii) any person or firm listed on any U.S. Government list of prohibited and restricted parties. Similarly, the product may not be exported to any person or entity under circumstances in which Netpro knows that the product will be used, directly or indirectly, in activities related to the proliferation of weapons of mass destruction.

2. Under section 740.17(e) of the Export Administration Regulations, an exporter that exports encryption software classified under ECCN 5D002 under authority of license exception ENC is subject to semi-annual reporting requirements. Thus, all exports of the product under that license exception ENC must be reported on or before August 1 (for exports during the first half of the calendar year) and on or before February 1 (for exports during the second half of the preceding calendar year).

I do not know if Netpro exported the product to any destination (other than Canada) before the request for this technical review and export classification was submitted to the Bureau of Industry and Security. If so, then technically those exports were not fully authorized under the Export Administration Regulations. In that context, it may be

appropriate to put together a conference call among you, Jonathan Ariano of Osborn Maledon and me, to discuss next steps, including any remedial actions that may be required.

I hope that this development is satisfactory. If, however, you should have any questions regarding this CCATS export classification ruling for the LogAdmin product, or if we can be of any further assistance with any export control and compliance matters, please do not hesitate to call upon us. In that context, I note that the request for technical review and classification of the ChangeAuditor product is still pending with the Bureau of Industry and Security. I will revert to you as soon as I hear anything as to the status of that classification request.

With my best regards.

>John F. McKenzie
>Attorney at Law
>Baker & McKenzie LLP
>Two Embarcadero Center, 11th Floor
>San Francisco, California 94111-3802, USA
>Tel: +1 415 576 3033
>Fax: +1 415 576 3099
>john.f.mckenzie@bakernet.com
>

-----Original Message-----

From: Valenzona, Guy J.
Sent: Tuesday, June 19, 2007 6:24 PM
To: McKenzie, John F
Subject: Scan from a Xerox Document Centre

Sent by: Guest [gvalenzona@bakernet.com] Number of Images: 2 Attachment
File Type: PDF

For more information on Xerox products and solutions, please visit
<http://www.xerox.com>

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