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Supplier's Declaration of Conformity

Reference Number: Machete AM1
Place of Issue: Allentown, PA, USA
Date of Issue: 15th Feb 2005

Agere Systems Inc. at 1110 American Parkway NE, Lehigh Valley Central Campus, Allentown, PA 18109 in the United States of America, hereby certifies that the Machete Modem, bearing labelling identification number US: AGSMD01BMACHETE complies with the Federal Communications Commission's ("FCC") Rules and Regulations 47 CFR Part 68, and the Administrative Council on Terminal Attachments ("ACTA")-adopted technical criteria TIA/EIA/IS-968, Telecommunications – Telephone Terminal Equipment –Technical Requirements for Connection of Terminal Equipment To the Telephone Network, July 2001.



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ACTA Secretariat
c/o ATIS
1200 G Street, NW
Suite 500
Washington, DC 20005

15th FEB 2005

Statement of Indemnification and Liability, and additional information about the Agere Machete Modem, Model No. AM1,
US: AGSMD01BMACHETE, (the "Product").

ACTA Secretariat:
Agere Systems hereby indemnifies and holds harmless the Administrative Council for Terminal Attachment ("ACTA"), its members, affiliates, Secretariat, and Sponsors, and each of their officers, directors, employees, participants, agents and representatives (the "ACTA Parties"), of and from any and all liabilities, losses, costs, damages, claims, suits or expenses (including reasonable attorneys' fees and costs) of any kind whatsoever, arising from or relating to the Product, or Agere Systems's Supplier's Declaration of Conformity ("SDoC") submitted to ACTA in connection therewith.

Agere Systems hereby acknowledges and agrees that ACTA, and the ACTA Parties shall not, and do not, assume, and expressly disclaim, any and all liability, responsibility and obligation in connection with any loss, damage or claim arising from or relating to, in any way, ACTA's inaction's or actions relating to publication, distribution or other use of any information relating to or concerning the Product, including without limitation in connection with any claims or liabilities sounding in contract, tort (including negligence or strict liability), or otherwise, and in no circumstances shall ACTA or the ACTA Parties be liable for any loss of profits, loss of use, loss of production, loss of goodwill, or incidental, direct, indirect or consequential damages of any kind.

Pursuant to §68.218 and §68.348 in the FCC Rules and Regulations, no changes will be made to the above referenced Product or its protective circuitry that would result in any change in the information contained in the corresponding SDoC Machete AM1 without filing of a new SDoC.

As specified in §68.324 (e)(3)Agere Systems, hereby informs ACTA that a copy of the SDoC is not available to the general public, and accessible to the disabled community, on a company web site that it maintains.

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LIST OF AUTHORISED SUBMITTERS

We, Agere Systems, hereby declare that all persons listed below are authorised to act on behalf of our organisation with regards to submission of applications to the Administrative Council for Terminal Attachments (ACTA):

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05/02/2005



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