



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

CASE NUMBER: Z407932

QUEST SOFTWARE
ATTN: MELANIE KACERЕК
5 POLARIS WAY
ALISO VIEJO, CA 92656

October 3, 2011
G140498

BIS ISSUES THIS COMMODITY CLASSIFICATION DETERMINATION BASED UPON THE ASSUMPTION THAT THE APPLICANT HAS ALREADY DETERMINED THAT THE ABOVE-LISTED ITEM(S) ARE "SUBJECT TO THE EAR". AS DEFINED AND DESCRIBED IN SECTIONS 734.2 THROUGH 734.4 OF THE EAR, THE TERM "SUBJECT TO THE EAR" MEANS, AMONG OTHER THINGS, THAT THE ITEM(S) ARE NOT EXCLUSIVELY CONTROLLED FOR EXPORT OR REEXPORT BY ANOTHER AGENCY OF THE U.S. GOVERNMENT. SEE 15 C.F.R. 734.3(B)(1). THIS COMMODITY CLASSIFICATION DETERMINATION IS NOT A DETERMINATION BY BIS AS TO WHETHER THE ABOVE-LISTED ITEMS ARE "SUBJECT TO THE EAR". THUS, THIS DOCUMENT IS NOT AND MAY NOT BE RELIED UPON AS A U.S. GOVERNMENT DETERMINATION THAT THE ABOVE-LISTED ITEMS ARE NOT, FOR EXAMPLE, SUBJECT TO THE EXPORT CONTROL JURISDICTION OF THE INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR) (22 C.F.R. PARTS 120-130), WHICH ARE ADMINISTERED BY THE U.S. DEPARTMENT OF STATE.

THE FOLLOWING INFORMATION IS IN RESPONSE TO YOUR INQUIRY OF September 27, 2011 REQUESTING LICENSE INFORMATION FOR:

COMMODITY	ECCN	LVS	IVL REQUIRED LVS DOLLAR LIMIT FOR COUNTRY GROUP
Foglight provides application performance monitoring using lightweight agents that report back to a main console. Foglight encrypts the stats it communicates back to its console. Foglight and vFoglight	5D992C		\$

COMMENTS FROM LICENSING OFFICER(S):

ITEM #1:

This mass market encryption item is described in Section 742.15(b)(1) of the Export Administration Regulations (EAR). Authorization under Section 742.15(b)(1) of the EAR requires annual self-classification report in accordance with Section 742.15(c) of the EAR.



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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).

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 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 BIS-748P MULTIPURPOSE APPLICATION. THESE FORMS MAY BE OBTAINED BY CALLING (202) 482-3332 OR REQUESTING DIRECTLY ON THE BIS INTERNET WEB SITE. 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 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.

SHIPPERS EXPORT DECLARATION (SED)

WHEN AN EXPORT IS MADE, IT IS NECESSARY FOR THE EXPORTER TO SHOW ON THE SHIPPERS EXPORT DECLARATION (FORM 7525-V) IN BLOCK 27 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).



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CATHERINE PRATT
DIVISION DIRECTOR

FOR INFORMATION CONCERNING
THIS CLASSIFICATION CONTACT
MICHAEL PENDER
PHONE #: 202-482-2458
BIS/EA/STC/IT