



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

CASE NUMBER: Z416914

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

May 24, 2013
G149480

THE FOLLOWING INFORMATION IS IN RESPONSE TO YOUR INQUIRY OF March 26, 2013 REQUESTING
COMMODITY CLASSIFICATION(S) FOR:

COMMODITY	ECCN	SUBPARAGRAPH
The Foglight appliance merges real-end user & application layer collections into a single transactional model that provides the context & visualizations required to support users responsible for ensuring quality & efficacy of web applications. Foglight appliances	5D002	C1

COMMENTS FROM LICENSING OFFICER(S):

ITEM #1:

This encryption item is authorized for license exception ENC under Section 740.17(A) of the Export Administration Regulations (EAR) and is described in Section 740.17(B) (1). Authorization for Section 740.17(B)(1) of the EAR requires submission of an annual self-classification report in accord with Section 742.15(C) of the EAR.

BIS has determined the ECCN for your item(s). Use the information contained in the "License Requirements" section of that ECCN in combination with the Country Chart to decide whether a license is required for a specific transaction. The ECCN can be found in the Commerce Control List (CCL) Part 774 of the Export Administration Regulations (EAR). The Country Control Chart can be found in Part 738 Supplement 1. The ECCN entry on the CCL also provides information on some license exceptions. You must also review Part 740 for restrictions to license exception, and other transaction based license exceptions which may be available for your export. License requirements and policy for items classified as 0A521, 0B521, 0C521, 0D521 or 0E521 are found in the ECCN. See Part 732 which provides steps for using the EAR and Part 738 which describes the CCL. If you need assistance in determining your license responsibility, please contact Outreach and Educational Services at (202) 482-4811, the Western Regional Office in California at (949) 660-0144 or go to www.bis.doc.gov



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Items subject to the EAR but not listed on the CCL are classified EAR99. Please review section 732.3 of the EAR for information on licensing for EAR99 items.

Items otherwise eligible for export or reexport, or transfers (in-country) under a license exception or no license required (NLR) and items classified as EAR99 may require a license based upon end use, end users or destination. See Parts 744 and 746 of the EAR.

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 CCL changes several times during the year. It is your responsibility to ensure that the item(s) on this commodity classification continue to be controlled under the identified ECCN and, if appropriate, subparagraph.

Automated Export System Electronic Exporter Information (EEI)

When an export is made, the exporter is required to report Electronic Export Information (EEI) in the Automated Export System. In addition to reporting all required information for the export, the exporter must also report the license type field which identifies whether the export is moving under a license, authorization, license exception or "no license required" (NLR), and the appropriate license number, license exception or authorization symbol, or NLR designation. For more information on the Automated Export System filing requirements, see www.census.gov/foreign-trade/aes/index.html.

CATHERINE WHEELER
DIVISION DIRECTOR

FOR INFORMATION CONCERNING
THIS CLASSIFICATION CONTACT
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BIS/EA/STC/IT