MS. SUSAN L. GRAHAM
University of California, Berkeley
College of Engineering
Department of Electrical Engineering
and Computer Sciences
Computer Science Division
Berkeley, California 94720

Dear Ms. Graham:

Re: Software Agreement Between The Regents of the
University of California and Western, Effective
December 1, 1973, As Amended, Relating to UNIX
Time Sharing Operating System Software

In response to your letter of January 18, 1978 to Mr. A. L. Arms, we
take no position with regard to your use or distribution of software
developed by you which does not contain any of our proprietary information
such as, without limitation, the computer programs and documenta-
tion, or any portion thereof, related to the UNIX Operating System,
including methods and concepts utilized therein.

With regard to the distribution of any software which does contain
some of our proprietary information, our primary concern is the
prevention of unauthorized disclosure, either intentional or
inadvertent, which might jeopardize our valuable proprietary rights
in such information. We have no objection to your distribution of
such software containing some of our proprietary UNIX Operating System
software to other licensees having licenses for the same UNIX Operating System
software. Such distribution shall be deemed not to be a dis-
close prohibited by Section 4.05 of the subject agreement. The manner
of such distribution is within your discretion. However, the distribution
of any such software must include a requirement that the recipient treat
Western's included proprietary software in the same manner as if such
included proprietary software had been received directly pursuant to the
license agreement which such recipient has for the UNIX Operating System
software. We do not wish to assume the burden of verifying the status
of potential recipients of such software prior to your distribution
thereof. Such verification must remain solely your responsibility.
However, our authorization to distribute software containing any of
our proprietary software is conditioned upon the understanding that
you will keep us timely informed of the identity of the recipients of
such material.

*Trademark of Bell Laboratories
We reemphasize the necessity of confirmation that the intended recipients of such software containing any of our UNIX Operating System software have licenses for the same UNIX Operating System software. Such confirmation should include confirmation of the authority of the specific individual requesting the software on behalf of a licensee to speak for such licensee.

Please be reminded that UNIX is a trademark of Bell Laboratories for time sharing operating systems and must be properly used as such. Pursuant to Section 4.01 of the subject agreement, no rights are granted with respect to such trademark. In particular, such trademark may not be used for any commercial purposes without our express written authorization.

Please advise me if you have any questions regarding the foregoing.

Very truly yours,

WESTERN ELECTRIC COMPANY, INCORPORATED

By

E. G. BALDWIN

Director of Patent Licensing