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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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UNIX SYSTEM LABORATORIES, INC.,	:	
Plaintiff,	:	Civil Action No. 92-1667(DRD)
-against-	:	
BERKELEY SOFTWARE DESIGN, INC. and	:	PLAINTIFF'S RESPONSE
certain named individuals in their	:	TO DEFENDANT'S SECOND
capacity as THE REGENTS OF THE	:	SET OF INTERROGATORIES
UNIVERSITY OF CALIFORNIA,	:	
Defendants.	:	

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EXHIBIT A

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff UNIX System Laboratories, Inc. ("USL") responds to Plaintiff's Second Set of Interrogatories as follows:

General Objections

1. USL objects to each Interrogatory to the extent it seeks information that is beyond the permissible scope of discovery allowable under Rule 26(b) of the Federal Rules of Civil Procedure by seeking information that is not relevant or reasonably calculated to lead to discovery of relevant matter.

2. USL objects to each Interrogatory to the extent that it seeks to impose upon USL obligations beyond those imposed by Rule 33 of the Federal Rules of Civil Procedure, including any obligation to provide information not within the possession, custody or control of USL.

3. USL objects to each Interrogatory to the extent it seeks discovery of information that is protected from discovery by the attorney-client privilege, the work-product immunity or other applicable privileges.

4. USL objects to each Interrogatory to the extent that it seeks discovery of information that is protected from discovery as matter prepared in anticipation of litigation or for

trial on the ground that such matter may be discoverable only upon satisfaction of Rule 26(b)(3), which has not been satisfied.

5. USL objects to each Interrogatory to the extent that it seeks the discovery of facts known and opinion held by experts, on the ground that such matter is discoverable only upon satisfaction of Rule 26(b)(4), which has not been satisfied.

6. USL objects to each Interrogatory to the extent that it seeks discovery of USL's trade secrets or other confidential information, unless and until an appropriate Protective Order has been agreed to by the parties and/or endorsed by the Court.

Specific Objections and Responses

Subject to the foregoing General Objections, USL responds to the Interrogatories as follows:

Interrogatory No. 1

Identify all persons or entities who have been licensed at any time by Western Electric, AT&T or USL under the UNIX/32V source code.

Response No. 1

USL maintains original license agreements and related correspondence at a central repository located in Greensboro, N.C., which generally contains correspondence related to licenses, amendments or modifications to such licenses and correspondence with licensees. Pursuant to Rule 33(c), USL will provide access to nonprivileged repository documents for inspection and copying, from which the answer to this interrogatory may be obtained or derived. Included among such documentation are electronic data bases which comprise USL's best, although incomplete, list of such information, and which are known to contain inaccuracies. USL will make such data bases available at the same time in accordance with Rule 33(c).

Interrogatory No. 2

Identify all persons or entities who have had access or a right of access, under a license or otherwise, to the UNIX/32V source code.

Response No. 2

In addition to the foregoing General Objections, USL objects to this interrogatory as overbroad and unduly burdensome in that it seeks the identity of "all" persons or entities who have had access to the UNIX/32V source code, and to the extent

that it seeks information which is not available to USL within the meaning of Rule 33(a).

Subject to the foregoing, the only persons or entities having a right of access to the UNIX/32V source code are:

(1) employees of USL or its, predecessor, AT&T or subsidiaries thereof,

(2) counsel for USL in this action,

(3) Professor John Carson, who has been retained by USL to provide consulting services in relation to this action, and

(4) those entities or persons authorized to have such access by the license agreements, and under the terms of such agreements, which shall be made available as described in the response to Interrogatory No. 1 and the Fourth Request for Documents, Item No. 1.

To the extent that the BSD/386 Source source code, Networking Release 2 source code or other source code developed or distributed without license from USL or its predecessor, AT&T, are based upon, copied from or derived from UNIX/32V source code, including the methods or concepts embodied therein, all persons with access to the BSD/386 Source source code, Networking Release

2 source code or such other source code have had access without the authorization of USL or AT&T to the UNIX/32V source code.

Interrogatory No. 3

Identify all persons or entities who have been licensed at any time by Western Electric, AT&T or USL under the UNIX System III source code.

Response No. 3

USL maintains original license agreements and related correspondence at a central repository located in Greensboro, N.C., which generally contains correspondence related to licenses, amendments or modifications to such licenses and correspondence with licensees. Pursuant to Rule 33(c), USL will provide access to nonprivileged repository documents for inspection and copying, from which the answer to this interrogatory may be obtained or derived. Included among such documentation are electronic data bases which comprise USL's best, although incomplete, list of such information, and which are known to contain inaccuracies. USL will make such data bases available at the same time in accordance with Rule 33(c).

Interrogatory No. 4

Identify all persons or entities who have had access or a right of access, under a license or otherwise, to the UNIX System III source code.

Response No. 4

In addition to the foregoing General Objections, USL objects to this interrogatory as overbroad and unduly burdensome in that it seeks the identity of "all" persons or entities who have had access to the UNIX System III source code, and to the extent that it seeks information which is not available to USL within the meaning of Rule 33.

Subject to the foregoing, the only persons or entities who have a right of access to the UNIX System III source code are:

- (1) the employees of USL or its, predecessor, AT&T, and subsidiaries thereof,
- (2) counsel for USL in this action,
- (3) Professor John Carson, who has been retained by USL to provide consulting services in relation to this action, and

(4) those entities or persons authorized to have such access pursuant to license or other agreements, and under the terms of such agreements, which shall be made available as described in the response to Interrogatory No. 1 and the Fourth Request for Documents, Item No. 1.

To the extent that BSD/386 Source source code, Networking Release 2 source code or other source code developed or distributed without license from USL or its predecessor is based upon, copied from or derived from the UNIX System III source code, including the methods and concepts embodied therein, all persons with access to the BSD/386 Source source code, Networking Release 2 source code or such other source code had access without the authorization of USL or AT&T to the UNIX System III source code.

Interrogatory No. 5

State whether or not the UNIX/32V source code, or any portion thereof, has at any time been distributed by AT&T or USL, pursuant to license or otherwise, without a copyright notice.

Response No. 5

AT&T and USL have distributed the UNIX/32V source code without a copyright notice pursuant to the license agreements

referenced in response to Interrogatory No. 1, all of which restrict the licensee's right to make copies of such source code and limit the distribution of derivative works thereof to other UNIX/32V source code licensees.

Interrogatory No. 6

Identify each file in the UNIX/32V source code that at any time has been distributed, whether pursuant to a license or otherwise, without a copyright notice.

Response No. 6

All files contained within the UNIX/32V source code have been distributed by AT&T or USL without a copyright notice pursuant to the license agreements referenced in response to Interrogatory No. 1, all of which restrict the licensee's right to make copies of such source code and limit the distribution of derivative works thereof to other UNIX/32V source code licensees.

Interrogatory No. 7

For each file identified in your response to Interrogatory No. 6, state when each such distribution occurred, and describe in detail the circumstances surrounding such distribution, including, but not limited to, all entities and persons to whom the distribution was made, or who had access to

the code distributed, and any restrictions imposed upon such entities or persons.

Response No. 7

See Response No. 6. USL maintains original license agreements and related correspondence at a central repository located in Greensboro, N.C., which generally contains correspondence related to licenses, amendments or modifications to such licenses and correspondence with licensees. Pursuant to Rule 33(c) USL will provide access to nonprivileged repository documents for inspection and copying, from which the answer to this interrogatory may be obtained or derived. Included among such documentation are electronic data bases which comprise USL's best, although incomplete, list of such information, and which

are known to contain inaccuracies. USL will also make such data bases available the same time in accordance with Rule 33(c).

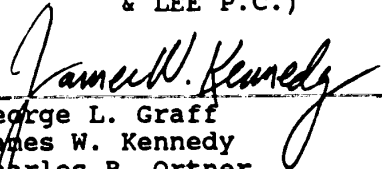
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August 7, 1992

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