



April 1978

## Western Electric

E. G. Baldwin  
Director of Patent Licensing

Guilford Center  
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Greensboro, N.C. 27420  
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MS  
8-15-80

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 documentation, 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 disclosure 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



MS. SUSAN L. GRAHAM

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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

ORIGINAL SIGNED BY

E. G. BALDWIN

By

Director of Patent Licensing