

FOR IMMEDIATE RELEASE

UNIX System Laboratories, Inc. and the University of California, Berkeley have announced they have reached an agreement resolving their disputes. The settlement clears the way for the University to release a new, unencumbered version of the Berkeley 4.4 BSD operating system software, to be called 4.4 BSD-Lite.

Ray Noorda, Chairman of Novell, Inc., which recently acquired USL, called the settlement an "excellent example of what can be accomplished by cooperation between the business and academic communities." Mr. Noorda stated that "the settlement permits the University to accomplish its goals but preserves USL's legitimate interest in protecting its intellectual property."

David Hodges, Dean of the College of Engineering at University of California, Berkeley, said that the settlement "once again allows the University to resume its leading role of providing computer software technology transfer to industry. By providing wide distribution of 4.4 BSD-Lite with minimal restrictions on its use, the University will continue to be the focal point for both

software research in and commercial development of truly open systems."

The University of California was one of the earliest licensees of UNIX operating system software, originally developed at AT&T's Bell Laboratories. In the 1980s, Berkeley's Computer Systems Research Group issued a series of "Berkeley Software Distributions" containing modifications to the UNIX software. However, because of licensing restrictions, public access to the source code for many of those modifications has been limited to firms holding licenses from USL, which acquired the rights to the UNIX system from AT&T.

In July 1991, the University issued the "Second Networking Release," also known as Net2, which was intended to make available to the public those portions of the Berkeley Software Distributions which were not subject to license restrictions. However, USL brought a lawsuit against the University, claiming that portions of the release contained restricted material. The University denied USL's claims. It also brought a separate action against USL alleging that USL had violated the terms of its Berkeley Software Distribution, also known as BSD, license

agreements by failing to give the University credit for certain material in the UNIX release.

Over the past several months, attorneys and computer scientists representing the University and USL have worked together in an effort to reach a compromise on their disputes. The result of these efforts will be a new, unencumbered version of the latest Berkeley Software Distribution called 4.4 BSD-Lite which will retain virtually all of the functionality of the Second Networking Release along with a number of enhancements from the University's latest 4.4 BSD release.

The settlement restricts further use and distribution of certain files in the Second Networking Release and requires that certain files in 4.4 BSD-Lite include a USL copyright notice. In addition to providing several enhancements, the new 4.4 BSD-Lite Release will replace most of the restricted files and incorporates all the agreed-upon modifications and notices. Thus, 4.4 BSD-Lite will not require a license from nor payment of royalties to USL. The University strongly recommends that 4.4 BSD-Lite be substituted for Net2.

Although it has denied the University's claims, USL has also agreed to affix the University's copyright notice to certain files distributed with future releases of the UNIX system and to give credit to the University for material derived from BSD releases which have been included in the UNIX System.

Copies of the source code for 4.4 BSD-Lite may be obtained from the University at nominal cost. Source code copies and further information on 4.4 BSD-Lite and the restrictions on Net2 may be obtained from the Computer Systems Research Group at (510) 642-7780. Information may also be obtained from USL's licensing offices at 1-800-828-UNIX.