



## PRODUCT SPECIFIC LICENSE TERMS Unwired Accelerator v7.x (“Program”)

IN ADDITION TO THE LICENSE TERMS SET OUT IN THE SYBASE LICENSE AGREEMENT, THE FOLLOWING ADDITIONAL OR DIFFERENT RIGHTS AND ACCOMPANYING OBLIGATIONS AND RESTRICTIONS SHALL APPLY TO THE PROGRAM:

The Program may contain or be provided with component software products from both Sybase and third parties. Except as set forth below, use of all components is limited to use in the same manner and capacity for which the Program as a whole is licensed. Additional licenses for Sybase components may be available from Sybase for a fee.

**I. Named User License.** If the Program is designated as an “OT” license type, as indicated in the applicable Exhibit A or Purchase Order, Customer is authorized to Use the server component of the Program on a single Machine (use of the server component of the Program on additional Machines requires the purchase of additional licenses), and to permit Use of the client component of the Program solely by Named Users to access the server component of the Program via a public (including the Internet) or private network; provided that at no time shall the number of Named Users exceed the number of “Named User” licenses purchased by Customer. As used herein, the term “Named User” means a single, specific named person who is authorized by Customer to Use the client component of the Program to access the server component of the Program.

**II. Sybase Restricted Use Components.** The Program contains or is provided with the Restricted Use Components identified below. Customer is licensed without further charge to Use only one (1) copy of each Restricted Use Component on one (1) Machine. Customer may Use the Restricted Use Components solely in conjunction with Customer’s use of the Program, and subject to any Additional Restrictions set forth below.

Restricted Component	Additional Restrictions
Adaptive Server® Anywhere v.9.x (all platforms except Linux on POWER)	May only be used as a metadata repository
Adaptive Server® Enterprise v.15.x (Linux on POWER)	May only be used as a metadata repository

**III. Free Download Components.** The Program, including any Restricted Use Components provided with it, may include certain third party open source and other free download components (“Free Download Components”). Customer may have additional rights in the Free Download Components that are provided by the third party licensors of those components. The Free Download Components and any such third party licenses and third party-required notices for the Program are identified at <http://www.sybase.com/thirdpartylegal> (third party licenses and notices for Free Download Components included as part of the Restricted Use Components are identified under the names of those products). Any obligations undertaken by Sybase in the Agreement relating to the Free Download Components as part of the Program are provided by Sybase alone, and not by the third party licensors of the Free Download Components. **1. FURTHER DISCLAIMER OF WARRANTIES AND LIABILITIES.** The Free Download Components are provided “AS IS” by the third party licensors, who disclaim all liabilities, damages (even if they have been advised of the possibility of such damages), warranties, indemnities and other obligations of any kind, express or implied, with regard to the Free Download Components. Nothing in the foregoing affects any performance warranty provided by Sybase with regard to the Program as a whole. **2. DISCLAIMER OF INDEMNITIES.** The Free Download Components are excluded from any indemnity provided by Sybase or its subsidiaries in the Agreement.

### IV. Content Capture Functions

1. The Program contains certain content capture functions (“Content Capture Functions”) that will enable the creation of links from the Program to several Internet information content providers (“Providers”) that may offer certain information and services (the “Content”). **SYBASE DOES NOT CONTROL OR PROVIDE SUPPORT FOR THE CONTENT CAPTURE FUNCTIONS OR THE CONTENT, AND THEREFORE, THESE CONTENT CAPTURE FUNCTIONS ARE PROVIDED “AS IS” AND “WITH ALL FAULTS”**,

**AND SYBASE DOES NOT EXTEND ANY WARRANTY WITH RESPECT TO THESE CONTENT CAPTURE FUNCTIONS. WITHOUT MODIFYING THE FOREGOING, SYBASE SPECIFICALLY DISCLAIMS ANY WARRANTY WITH RESPECT TO THE ACCURACY OF INFORMATIONAL CONTENT.**

2. Use of Providers may produce results that include, but are not limited to: (i) search results and links to sites that some people find objectionable, inappropriate or offensive, and information that may contain advertisements, undesirable information or solicitations, and (ii) links to sites that permit downloading of “cookies” or of destructive software such as viruses. Customer’s use may be subject to Terms of Service established by the Provider. Some Providers may charge fees (“Fees”) related to Customer’s participation and use of the Content. Customer shall be responsible for any such Fees including, but not limited to, Fees for advertisements, promotions and payments for goods and services. Customer further agree that any Terms of Service related to its use of Content is solely between Customer and the Provider.

3. Important Copyright Notice. The Content of many websites is protected by the Copyright Law of the United States, related laws contained in Title 17 of the United States Code and international treaties. Failure to comply with the provisions of such law may result in the imposition of fines and/or damages. **EACH DEVELOPER AND USER IS RESPONSIBLE FOR COMPLIANCE WITH APPLICABLE LAW IN THE USE AND REPRODUCTION OF COPYRIGHTED CONTENT. CUSTOMER AGREES TO INDEMNIFY AND HOLD HARMLESS SYBASE FROM ANY AND ALL CLAIMS OF COPYRIGHT INFRINGEMENT ARISING OUT OF CUSTOMER’S FAILURE TO COMPLY WITH APPLICABLE LAW IN THE USE AND REPRODUCTION OF COPYRIGHTED CONTENT.**

4. **SYBASE SHALL NOT BE LIABLE FOR ANY USE OF OR RELIANCE ON THE CONTENT CAPTURE FUNCTIONS, CONTENT OR PROVIDERS OR ANY COSTS OR DAMAGES RELATED THERETO. CUSTOMER IS SOLELY RESPONSIBLE FOR ALL CONTENT THAT CUSTOMER UPLOADS, EMAILS, POSTS, TRANSMITS OR OTHERWISE MAKES AVAILABLE, AND FOR ANY DAMAGE TO COMPUTER SYSTEMS OR LOSS OF DATA THAT MAY RESULT FROM THE USE OR DOWNLOAD OF THE CONTENT.**