

PRODUCT SPECIFIC LICENSE TERMS PowerBuilder® Enterprise v10.0 ("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 contains or is provided with component software products from both Sybase and third parties. Except as otherwise specifically authorized 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 may be available from Sybase for a fee.

I. Developer Components. The Program contains or is provided with the Developer Components identified below. The Developer Components are licensed without further charge for Use by one Standalone Seat for development purposes only. Use and distribution of the Distributable Components (as specified in and subject to the limitations in the Documentation) of the Developer Components is permitted without charge. You may use and modify the source code version of those portions of the Developer Components that are provided as sample code (if any) for your internal use only.

Developer Components
Enterprise Application Server
Adaptive Server® Anywhere (full function version)
Adaptive Server® Anywhere (restricted Desktop Runtime version)
InfoMaker®

II. Free Download Components. The Program includes certain third party open source and other free download components ("Free Download Components"). You 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, are identified in the Getting Started CD materials that accompany the Program package, and are also available at http://www.sybase.com/thirdpartylegal. The Free Download Components are provided "AS IS" by the third party licensors. 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. Nothing in the foregoing affects any performance warranty provided by Sybase with regard to the Program as a whole.

A. Further Disclaimer of Liabilities. IN ADDITION TO THE DISCLAIMERS OF LIABILITIES SET FORTH IN THE AGREEEMENT, NEITHER SYBASE, ITS SUBSIDIARIES NOR THEIR LICENSORS SHALL HAVE ANY LIABILITY FOR ANY DAMAGES ARISING OUT OF ANY CLAIM THAT ANY FREE DOWNLOAD COMPONENT INFRINGES ANY COPYRIGHT, TRADE SECRET, PATENT OR ANY OTHER INTELLECUAL PROPERTY RIGHT, EVEN IF THEY HAVE BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

B. DISCLAIMER OF INDEMNITIES. NOTWITHSTANDING ANYTHING TO THE CONTRARY IN THE AGREEMENT, NEITHER SYBASE, ITS SUBSIDIARIES NOR THEIR LICENSORS PROVIDE ANY INDEMNITY OF ANY KIND WITH REGARD TO THE FREE DOWNLOAD COMPONENTS, AND THEY DISCLAIM ANY INDEMNITY THAT MAY OTHERWISE BE IMPLIED.

C. Software Subject to the Lesser General Public License ("LGPL"). One of the Free Download Components, EasySoap++ (Copyright © 2001 David Crowley, SciTegic, Inc.) is licensed under the Lesser General Public License

("LGPL"). A copy of the EasySoap++ source code and the LGPL are included in the Program media. In the event that you exercise any right granted to you under the LGPL to modify software subject to it, and relink and run that modified software with the Program, then NOTWITHSTANDING ANYTHING TO THE CONTRARY IN THIS AGREEMENT, SYBASE SHALL HAVE NO WARRANTY OR SUPPORT OBLIGATIONS OF ANY KIND WITH REGARD TO THE INTEGRATION OF THE LGPL COMPONENTS, ONCE MODIFIED BY YOU, WITH THE PROGRAM.

III. Sybase DataWindow.NET. The Program includes an introductory copy of the DataWindow.Net program. DataWindow.NET is provided as a component of the Program and is licensed without further charge for Use by one Standalone Seat. Sybase is under no obligation to include or support DataWindow.NET in any future release of the Program. Additional licenses and related support for DataWindow.NET may be purchased from Sybase for a fee.