

# DASSAULT SYSTEMES THIRD PARTY SOFTWARE TERMS (TPST) FOR SIMULIA Simpack Release 2017 LICENSED PROGRAMS

## 1. OPEN SOURCE SOFTWARE

The Licensed Programs may include open source software components. Whenever notices (such as acknowledgment, copies of licenses or attribution notice) are required by the original licensor, such notices are included in the Documentation of the Licensed Programs.

Moreover, some components may not be distributed and licensed under the terms of the Agreement but under the terms of their original licenses as set forth in the Documentation of the DS Offerings themselves. Source code for these components is available upon request.

Except for components mentioned in the section "EXCLUSIONS" below, the warranty, indemnification and Support Services provided by DS under the Agreement apply to all such open source software components and shall be provided by DS and not by the original licensor, but only for the use of the Licensed Programs that is in compliance with the terms of the Agreement, and in conjunction with the Licensed Programs. The original licensors of said open source software components provide them on an "as is" basis and without any liability whatsoever to Customer (or Licensee).

## 2. ADDITIONAL THIRD PARTY SOFTWARE TERMS

The following terms apply in addition to the Agreement:

### Optimum

"OLicense Server" and "OLixTool" software are delivered for Customer's (or Licensee's) convenience along with the Licensed Programs but are not licensed, maintained nor supported through DS. Customer (or Licensee) must accept Optimum's license terms and conditions prior to install and use "OLicense Server" and "OLixTool" software. For further information, please contact Optimum datamanagement solutions GmbH, Hirschstraße 12, 76133 Karlsruhe, Germany ([www.optimum-gmbh.de](http://www.optimum-gmbh.de)).

### The MathWorks

Customer (or Licensee) waives any and all claims related to the Agreement or the Licensed Programs or Documentation, for any direct, indirect, incidental or consequences damages or any obligation to provide remedial actions, on any basis, against The MathWorks and its licensors.

## 3. EXCLUSIONS

The warranty, indemnification and Support Services provided by DS under the Agreement are not applicable to open source software components listed hereunder:

### **NONE**

The Support Services provided by DS under the Agreement are not applicable to third party software components listed hereunder:

TDM file reader and writer interface.