

DASSAULT SYSTEMES OFFERING SPECIFIC TERMS (OST) FOR 3DEXCITE DELTAGEN Release 13.1 LICENSED PROGRAMS AMENDMENT #2

This amendment #2 to the OST (Offering Specific Terms) for 3DEXCITE DELTAGEN Release 13.1 supplements such OST and its amendment #1 with the following provisions. Except as expressly modified, cancelled and/or supplemented by this amendment #2, all terms and conditions of the OST and its amendment #1 shall remain in full force and effect.

4. SPECIFIC TERMS FOR THIRD PARTY SOFTWARE

4.2. ADDITIONAL THIRD PARTY SOFTWARE TERMS

The following terms apply in addition to the Agreement:

JTOpen

The following terms also apply if Customer is granted licenses of JTOpen software:

1. JTOpen software shall be used only while embedded within DELTAGEN Direct JT Export, DELTAGEN Direct JT Import, or DELTAGEN Direct JT Import + Export.
2. Customer acknowledges Siemens's proprietary rights and trade secrets contained in portions of JTOpen software.
3. JTOpen software is a commercial product that has been developed exclusively at private expense. If JTOpen software is acquired directly or indirectly on behalf of a unit or agency of the United States Government under the terms of (i) a United States Department of Defense ("DOD") contract, then JTOpen software and documentation are considered "Commercial Items", as that term is defined in 48 C.F.R. §2.101, consisting of "Commercial Computer Software" and "Commercial Computer Software Documentation", as such terms are defined in 48 C.F.R. §252.227-7014(a)(5) and 48 C.F.R. §252.227-7014(a)(1), and used in 48 C.F.R. §12.212 and 48 C.F.R. 227.7202, as applicable, consistent with 48 C.F.R. §12.212, 48 C.F.R. §252.227-7015, 48 C.F.R. §227.7202 through 227.7202-4, 48 C.F.R. §52.227-14, and other relevant sections of the Code of Federal Regulations; or (ii) a Civilian agency contract, then use, reproduction, or disclosure is subject to the restrictions set forth in FAR clause 27.405(b)(2)(i), entitled Acquisition of Existing Computer Software, and any restrictions in the agency's FAR supplement and any successor regulations thereto, and the restrictions set forth in the Agreement. The United States Government will only have the rights set forth in the Agreement.