

PROGRESS SOFTWARE CORPORATION TRADEMARK USAGE POLICY

Progress Software Corporation (“PSC”) has invested significant time and resources to protect its trademarks, service marks, and logos. Trademarks are important for establishing and protecting corporate brand identity but they are fragile rights that can be lost through misuse.

These Trademark Usage and Guidelines (“Policy”) set forth the authorized legal policies for using or referring to PSC brands, trademarks, service marks, logos and slogans. This Policy does not otherwise grant you (if you are a non-PSC third party) the legal right to use PSC or other third party trademarks apart from the rights already granted pursuant to a separate agreement with PSC. This Policy should be read in conjunction with the trademark provisions contained in your agreement with PSC.

PSC’s Trademark Guidelines (set forth below) will provide you with the specific tools needed to apply PSC’s marks consistently under this Policy. If you have any questions or would like further information regarding PSC’s trademarks or the Policy requirements, please contact:

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Erich G. Rhyndhart, Counsel (erhyndhar@progress.com)

A. General Principles

What are Trademarks and Service Marks?

Trademarks and service marks are words, acronyms, logos, symbols, taglines, or slogans that identify and distinguish a company as the source of its products and services. The owner of a valid trademark may prevent others from using its mark for particular goods or services, and may recover monetary damages caused by another's infringement.

Trademarks and service marks can be classified in two categories:

- Registered marks (indicated by the ® symbol) have undergone the appropriate legal process and are registered with the U.S. Trademark Office. (Marks also may be registered in individual states and foreign countries.)
- Common law (unregistered or pending applications) marks (indicated by the ™ or SM symbol) have not been formally registered, but may still be valid and enforceable (although registration provides additional legal rights).

B. General Rules of the Road

Subject to the terms of this Policy, you should observe the following general principles in connection with the use of PSC's trademarks:

- **Maintain the Integrity of PSC's Marks.** The use of PSC's marks must not disparage PSC, its marks, products or services.
- **Apply the Trademark Guidelines.** Refer to the Trademark Guidelines, which are a part of this Policy, for the specific tools, examples and guidelines needed to use PSC's marks properly. The Trademark Guidelines provide detailed information on the appropriate communication and display of PSC's marks, including their prominence by size, typeface, color, and style for general use, and use in product packaging and labeling, advertising, marketing and promotional material, and software products designed for use with PSC's products and services.
- **Apply the Trademark and Service Mark Symbols Correctly.** Always use the registered trademark/service mark symbol "®" when referring to PSC's registered marks (e.g., Progress®). Use the unregistered trademark symbol "™" when referring to PSC's unregistered trademarks (e.g., OpenEdge™) and the unregistered service mark symbol "SM" when referring to PSC's unregistered service marks (e.g., PS SelectSM). You must use the proper symbol with each of PSC's marks, and apply the symbols consistent with the examples in the Trademark Guidelines, in every copy of the communication, document, packaging or other material in which PSC's mark appear, regardless of the medium. An updated list of PSC's registered and unregistered marks may be found in the Trademark Guidelines.
- **Link PSC's Marks with PSC.** Always provide the following notice at least once within each copy of the communication, document, packaging or other material referencing any PSC mark:

"[Identify mark(s) used] [is a trademark or registered trademark/are trademarks or registered trademarks] of Progress Software Corporation in the U.S. and other countries."

- **Keep PSC's Marks Separate and Distinct.** PSC's marks must be used separately from any other organization's logos, trademarks or service marks, and may not be used as part of the name for any other organization or its products or services. Your company's mark can be used in context with a PSC mark solely to indicate a relationship between PSC products and services and those of the other company (e.g., [Third Party Company's] software is Powered by Progress®). You may not abbreviate or vary the spelling of PSC's marks or use any product names or marks confusingly similar to PSC's marks. In addition, PSC's marks must be used as adjectives followed by a common noun, verb or other phrase (e.g., "Progress® OpenEdge™ Business Solutions platform"). You will find a list

of appropriate common nouns, verbs or other descriptive phrases to be used with PSC's marks in the Trademark Guidelines.

PROGRESS SOFTWARE CORPORATION TRADEMARK GUIDELINES

These Trademark Guidelines are part of PSC's Trademark Usage Policy. These guidelines will assist you in complying with the Policy by providing you with specific tools, examples and other detailed information regarding proper communication and display of PSC trademarks.

Permitted Use and Restrictions

Any PSC or third-party names, trademarks, service marks or logos referenced herein may be used solely for the purpose of identifying PSC or third-party products and services and only in conjunction with the terms and conditions set forth in your agreement with PSC. You are not allowed to combine such names, trademarks, service marks or logos with your own products, services or corporate names, trademarks, or identifiers. Any use by you of any PSC or third-party name, trademarks, service marks or logos referenced herein shall inure to the benefit of PSC or such other third parties. You agree not to claim any ownership interest in or other rights to the PSC or third-party names, trademarks, service marks or logos. To the extent a name or logo does not appear on the lists below does not constitute a waiver of any and all intellectual property rights that PSC has established in any of its products, feature or service names, or logos.

A. Differentiate Progress (brand name) from Progress (trade name)

"Progress" can be used as a trademark (brand name) to identify products or services, or as a trade name to identify the company (holding company (PSC) or company level (tPC)), or in general, where it could refer to either the company or the product, as explained below:

1. Progress® v. Progress

Progress® should be used in all materials when referencing a product or service. Progress Software or Progress Software Corporation should be used when referencing the company. Progress (with no marking) can be used in all materials when a reference is general (when it could refer to either the company or the product).

2. Progress Software Corporation (PSC)

a. Progress Software Corporation (PSC)

When referencing the company, include the name in full (Progress Software Corporation) at the first instance of the name, followed by (PSC) in parenthesis. Any references further into the text should use the acronym PSC by itself (with instances of "Progress Software" or "Progress" as appropriate).

B. Proper Use of Logos

For a complete set of the PSC logo requirements, please review the information contained at the following link: <http://partners.progress.com/private/styleguide/guidelines.htm>

C. Proper Use of Word Trademarks

The following guidelines are to be followed in connection with PSC's word marks.

1. General Use

(a) Always Use a Trademark as an Adjective, Followed by the Appropriate Noun Descriptor(s)

If not, the trademark could become generic, and the trademark status would be lost. Also, make sure that Progress and the ® symbol (Progress®) precedes a trademark on first mention of the product or service.

Correct: Progress Dynamics™ is the application framework of the Progress® OpenEdge™ business platform

Incorrect: Progress Dynamics™ is the application framework of Progress® OpenEdge™

(b) Trademarks Must be Used Properly in Order to be Protected Under Trademark Law

Otherwise, trademarks risk becoming generic. The former trademark "aspirin" -a product of Bayer Corp.-is a good example of a trademark that became generic through improper use. Because the word "aspirin" was consistently used without the proper noun-phrase "pain reliever" following it, "aspirin" became the generic term for "pain reliever" and, therefore, was no longer protected under U.S. trademark law.

Use trademarks only in the form in which they have been registered or are being claimed. It's important that all parties involved in developing communications for PSC be consistent in their use of trademarks. To maintain the integrity of a trademark, never use it in a possessive, plural, hyphenated, or abbreviated form. Never alter it by adding letters or numbers. When placing "Progress ® " before a trademark, never break up the ® symbol and "Progress" by using it in a possessive form (Progress®'s). Always use the proper spelling, punctuation, capitalization, and font type, such as italic or bold.

(c) Never Use Trademarks in Possessive Form

Correct: Progress® OpenEdge™

Incorrect: Progress®'s OpenEdge™

(d) Never Use Trademarks in Plural Form

Correct: Use Progress® OpenEdge™ business solutions for your development needs.

Incorrect: Use Progress® OpenEdges™ business solutions for your development needs.

(e) Never Hyphenate a Trademark

The only exception is the use of “Progress®-based” to describe third party applications that are developed from Progress® applications.

Correct: Progress® Fathom™ software enables easy setup.

Incorrect: Progress® Fathom™-enabled software makes setup easy.

(f) Never Alter a Trademark

Correct: Use Progress® WebSpeed® development tools to web-enable applications

Incorrect: Use Progress® WebSped tools to wed-enable applications

(g) Use Proper Capitalization for a Trademark

Correct: Progress® OpenEdge™ business platform.

Incorrect: Progress® OPENEDGE™ business platform.

(i) Use Lowercase Letters for the Generic Noun(s) Following the Trademark

Correct: Progress® OpenEdge™ business platform

Incorrect: Progress® OpenEdge™ Business Platform

(j) Attribute the ™ or ® Correctly

Correct: Progress® WebClient™

Incorrect: Progress WebClient®

2. PSC Guidelines for Specific Product and Service Names

a. General Rules of Progress® Use

For a complete list of PSC product and service names and their proper trademark use, please refer to the list at **[insert link]**: Please note the specific stylization (i.e., use of upper and lower case letters) for certain word marks (e.g., WebSpeed, ASPen, POSSE, etc.). Each mark should only be used in the style shown herein.

The word “Progress” (initial capped) is used to identify the comprehensive line of products and services offered by Progress Software Corporation (with the exception of (1) tag lines (e.g., Performance. Not Promises.), (2) acquired company names (e.g.,

Allegrix), and (3) marks into which the word "Progress" is already incorporated (e.g., Progress Dynamics). As a product is referred to subsequent times in copy, the product name can be used alone (without the word "Progress" or the version number).

Example: WebSpeed®

(2) Additional Rules for OpenEdge™ Use. The word "OpenEdge" should precede the words "business platform" or similar words as a program name on all global business solution packages developed by the End-User Market Development group.

Example: OpenEdge™ Business Platform™

The word "OpenEdge" should also precede the package name (e.g., OpenEdge™ [Package Name]™).

Example: OpenEdge™ Data Backup™

D. Proper Use of Third-Party Product Names

Any trademarks, service marks, and/or registered trademarks are the exclusive property of their respective owners. When referencing a third-party product name, the appropriate registered trademark symbol (®), service mark symbol (SM), or trademark symbol (TM) should appear in all headlines, subheadings, and at the first instance in running body text. For specific guidance regarding which third-party products are used in tPC products, registered partners of PSC can refer to the Confidential document entitled "Progress Company Worldwide Products, Policies & Configurations Guide" at [\[insert link\]](#) or contact ssheehan@progress.com or erhynhar@progress.com.

CorVu Products

CorVu® CorBusiness™ Java Edition™
CorVu® CorBusiness™ Personal Edition™
CorVu® CorBusiness™ Professional Edition™
CorVu® CorManage™ Java Edition™
CorVu® CorManage™ Personal Edition™
CorVu® CorManage™ Professional Edition™
CorVu® CorServer™
CorVu® Hypervu, Java Edition™
CorVu® RapidApps™
CorVu® RapidScorecard, Java Edition™
CorVu® RapidScorecard, Professional Edition™
CorVu® CorPortfolio Java Edition™

Crystal Decisions Products

Crystal Reports® Professional™

Crystal Reports® Developer™
Crystal Reports® Advanced™
Crystal Reports® Report Design Component™ (RDC)
Crystal Reports® Report Application Server™ (RAS)
Crystal Enterprise Professional™
Crystal Enterprise Smart Reporting Add-On™

Merant Products

Merant® SQL-89 ODBC Driver 32-Bit
Merant® SQL-89 ODBC Drivers

PeerDirect Products

PeerDirect™ SDK
PeerDirect™ InnerEdge™ Server for (Progress®, DB2, Oracle® & MS SQL Server)
PeerDirect™ OuterEdge™ Server for (Progress®, DB2, Oracle® & MS SQL Server)
PeerDirect™ OuterEdge™ Workstation for (Progress®, DB2, Oracle® & MS SQL Server)

StarBase Products

Roundtable® Lite
Roundtable® Total Software Management System™ (TSMS)

Sonic Software Products

SonicMQ® Bridge for FTP™
SonicMQ® Bridge for IBM MQSeries™
SonicMQ® Bridge for JMS™
SonicMQ® Bridge for Mail™
SonicMQ® Bridge for TIBCO TIB/Rendezvous™
SonicMQ® Client Plus™
SonicMQ® Enterprise Edition™
SonicMQ® Enterprise Edition Plus™
Sonic ESB™ Enterprise Edition™
Sonic ESB™ Enterprise Suite™
Sonic ESB™ Professional Developer Edition™
Sonic ESB™ Professional Developer Suite™

E. Legend

A complete legend consists of the trademark legend, copyright notice, and address block. All marketing materials should contain a complete legend. The trademark legend and copyright notice should appear on the back cover beneath the address block in your marketing materials.

1. Trademark Legend

The Trademark Legend should appear on the back cover beneath the address block on each package, advertisement, and item of promotional material referencing any of the Progress Software products, services, or other names as described herein.

a. PSC Marks

The Trademark Legend lists only the Progress Software trademarks, service marks, and registered trademarks mentioned in a particular document, along with third-party marks as described below. The exact wording of the Trademark Legend will vary from piece to piece depending on which product names, service names, or other names are used in the piece.

Example: Progress, OpenEdge, POSSE, and WebSpeed are trademarks or registered trademarks of Progress Software Corporation in the U.S. and other countries.

b. Third-Party Marks

PSC respects third-party trademark rights in the presentation of its materials. Generally, PSC uses a generic umbrella statement in a trademark legend to cover any possible uses of third-party trademarks such as the following:

Example: Any other trademarks or service marks contained herein are the property of their respective owners.

If you use another company's trademark, please refer to that company's guidelines or any specific third-party agreement for marking and proper use requirements.

(2) Use of Java-based Marks

By way of example, Sun Microsystems, Inc.'s trademark guidelines require that each Java-based trademark be marked at its first prominent use (e.g., titles, headlines, taglines, paragraph headings, frame text) and after its first use in text. Additionally, Sun requires the use of the following trademark legend on all documents for which a Java or Java-based mark is used:

Java and all Java-based marks are trademarks or registered trademarks of Sun Microsystems, Inc. in the U.S. and other countries.

(1) Marks of Affiliated Companies

Due to the unique relationship PSC has with Sonic Software, PeerDirect, and NuSphere, PSC marks each of the marks owned by these companies (as PSC would mark its own

marks) and links those marks to the appropriate company by listing only the marks that are used in a particular document in the trademark legend beneath the sentence listing the PSC marks.

Example: SonicMQ and Sonic ESB are trademarks or registered trademarks of Sonic Software Corporation in the U.S. and other countries.

(3) Progress/400 and Progress/400 Native Compiler Marks

Pursuant to a particular License Agreement, on each package, advertisement, and item of promotional material referencing the Progress/400 or Progress/400 Native Compiler products, the following trademark legend must appear:

Progress® is a trademark of Progress Software Corporation and is used by IBM Corporation in the mark Progress/400 under license. Progress/400 AND 400® are trademarks of IBM Corporation and are used by Progress Software Corporation under license.

F. Disclaimer and Limitation of Liability

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