

Hon. Marsha J. Pechman

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

AUTODESK, INC. a Delaware  
corporation,

Plaintiff,

v.

OPEN DESIGN ALLIANCE, a  
Washington corporation,

Defendant.

Cv No.: C06-1637-MJP

DECLARATION OF LYNN M.  
HUMPHREYS IN SUPPORT OF  
PLAINTIFF AUTODESK, INC.'S  
MOTION FOR A PRELIMINARY  
INJUNCTION

I, Lynn M. Humphreys, declare and state as follows:

1. I am an attorney with Morrison & Foerster LLP, counsel for Plaintiff Autodesk, Inc. ("Autodesk") in this action. I make this declaration in support of Autodesk's Motion for Preliminary Injunction. Unless otherwise indicated, I make this Declaration based on personal knowledge, except for any items stated on information and belief, which I am informed and believe are true. If called as a witness, I could and would testify competently to the following facts.

1 2. Attached hereto as Exhibit A is a true and correct copy of the home page from  
2 Defendant Open Design Alliance's website at www.opendesign.com, printed on  
3 January 11, 2007.

4 3. Counsel for Open Design Alliance has not represented to either my colleague,  
5 Michael Jacobs, or myself that Open Design Alliance will permanently refrain from  
6 reinstating the simulated TrustedDWG technology in its future libraries.

7 4. By correspondence dated December 21, 2006, Mr. Jacobs advised Mr. Stuart  
8 Meyer, counsel for ODA, that Autodesk would be making changes to its non-Autodesk file  
9 alert screen and related TrustedDWG webpage, as outlined in the Declaration of Abhijit  
10 Oak in Support of Plaintiff Autodesk, Inc.'s Motion for Preliminary Injunction.

11 I declare under penalty of perjury under the laws of the United States that the  
12 foregoing is true and correct, and that this declaration was executed on January 11, 2007, at  
13 San Francisco, California.

14   
15 \_\_\_\_\_  
16 Lynn M. Humphreys

# EXHIBIT A



**About the Alliance**

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**Important Email to Members**

*The following email has been sent to all ODA members in our database. If you did not receive the letter, please contact membership services.*

On November 13, 2006, Autodesk, Inc. filed suit against the Open Design Alliance, alleging that our DWGdirect libraries infringe their trademark for the word "AUTODESK." On November 22, the United States District Court for the Western District of Washington in Seattle issued a Temporary Restraining Order affecting the Open Design Alliance's DWGdirect libraries.

Due to this order, the DWGdirect version 2.1.0 libraries are no longer available for download. Updated version 2.1.1 libraries, which do not include the code affected by the order, are available now.

If you have previously downloaded DWGdirect version 2.1.0, you may be directly affected by the court order, a copy of which is available at

**NEWS**

**Dec 26, 2006:**  
DGNdirect 0.9964 update available

**May 12, 2006:**  
Update on DWG 2007

**May 9, 2006: Open Design Alliance statement on the use of its technology by Autodesk**

**OpenDWG® Alliance Announces Name Change to Open Design Alliance**

**ODA & Bentley Partner on OpenDGN**

**SoftDev Provides Support to ODA Members**

[http://aeenews.com/files/Court\\_issues\\_temporary\\_restraining\\_order\\_22nov06.pdf](http://aeenews.com/files/Court_issues_temporary_restraining_order_22nov06.pdf).

ODA recommends that you cease using version 2.1.0 and substitute version 2.1.1 which is available for download at [www.opendesign.com](http://www.opendesign.com) <<http://www.opendesign.com/>> .

If you have downloaded DWGdirect version 2.1.0, we request you download and replace with version 2.1.1. We also request that you patch any applications that you may have shipped with 2.1.0 to use 2.1.1 and if you have any backup copies of 2.1.0 to delete them.

Mauritz Botha

Acting President.

## **Important Notice:**

On November 13, 2006, Autodesk, Inc. filed suit against the Open Design Alliance, alleging that our DWGdirect libraries infringe their trademark for the word "AUTODESK". On November 22, the United States District Court for the Western District of Washington in Seattle issued a Temporary Restraining Order affecting the Open Design Alliance's DWGdirect libraries.

Due to this order, the DWGdirect version 2.1.0 libraries are no longer available for download. Updated version 2.1.1 libraries, which do not include the code affected by the order, are available now, in Windows 32 and 64 bit versions. We expect to make replacement libraries for other platforms and compilers available within the week.

If you have previously downloaded these libraries, you may be directly affected by the court order, a copy of which may be found here. If you have questions regarding this matter, you may contact [tro@opendesign.com](mailto:tro@opendesign.com).

## **About the Open Design Alliance**

The Open Design Alliance is an association of software developers and users committed to promoting open, industry-standard formats for the exchange of CAD data.

Unlike typical standards-setting bodies, we focus on the practical matter of developing high-quality component software libraries which enable our members to develop applications capable of reading and writing popular CAD file formats, including:

DWGdirect based on OnenDWG® the industry standard format supported by hundreds of

commercial software vendors, and used by millions of engineers, designers and architects. OpenDWG is based on the DWG format used in AutoCAD, as developed and sold by Autodesk. While OpenDWG is designed to provide as near to perfect compatibility with DWG as is possible, it has several advantages that have made it a safe choice for even mission-critical applications. First and foremost, it is *documented*, with no hidden encryption, and no obfuscation. Second, it is *supported*, with a dedicated team of technical professionals focused on fixing any problems that may crop up from time to time. Third, our OpenDWG software libraries are *clean*, written in object-oriented C++, and designed to impress even the most fastidious commercial software developers. And fourth, our OpenDWG software libraries are *updated*, providing compatibility with all versions of DWG from 2.5 to 2004. (Our OpenDWG libraries also support DXF and DWF, using the same API, and with the same high-quality and attention to detail.)

DGNdirect, based on the OpenDGN specification published by Bentley Systems, and compatible with MicroStation. Bentley Systems, a leading supplier of CAD software for architecture, plant & process, and highway design (among other applications,) has partnered with the Open Design Alliance to provide users and software developers with high-performance libraries supporting read/write access to their native MicroStation data file format. There are no catches and no games being played here - Bentley's support for open design data formats is in the open, and is real. Users who create designs with MicroStation can be assured that *they* will control their design data.

Formerly known as the OpenDWG Alliance, the Open Design Alliance is a non-profit membership-based consortium. Commercial software developers pay an annual membership fee to belong to the Alliance. End-users (both individuals and companies) pay no membership fees at all. Membership in the Alliance is available on a level playing field basis, with all members at the same level agreeing to the same membership terms.

The Alliance utilizes the revenue from membership dues to fund the development of software libraries, which are made available to all of our members. Thus, they can focus on developing solutions, rather than on the difficulties of reading and writing complex CAD files.

For more information about joining the Alliance, click on the *join* link at the left.

**Use of all Open Design Alliance software is subject to the terms of the relevant membership agreement documents.**

© 1998 - 2006 Open Design Alliance. All rights reserved. OpenDWG, the OpenDWG logo, OpenDGN, the OpenDGN logo, DWGdirect, DWGdirectX, ADTdirect, DGNdirect and Open Design Alliance are trademarks of the Open Design Alliance in the United States and/or other countries. All other trademarks, trade names or company names referenced herein are used for identification only and are the property of their respective owners.

Privacy Policy Statement

Technical difficulties? Email the Webmaster.