

PLAINTIFF'S  
EXHIBIT  
2488B  
Comes v. Microsoft

SIGNED  
ORIGINAL

AMENDMENT NUMBER 23  
Amendment Date: May 1, 1996  
to LICENSE AGREEMENT FOR MICROSOFT PRODUCTS #1107-3053  
between MICROSOFT CORPORATION ("MS"), a Washington, USA Corporation  
and COMPAQ COMPUTER CORPORATION ("COMPAQ"), a Delaware, USA Corporation

Effective as of the Amendment Date indicated above, the below signed parties agree to amend the above-referenced license agreement (hereinafter the "Agreement") by this instrument (hereinafter the "Amendment") as follows:

1. Notwithstanding anything to the contrary in the Agreement, COMPAQ may distribute a beta version of WININET.DLL, a component of the forthcoming MS Internet Explorer 3.0, ("Product") as a hidden or password compressed file. The Product may be distributed by means of diskette, CD, or electronically in object code form only with COMPAQ Insight Manager ("CIM") on a royalty-free basis.
2. COMPAQ agrees to incorporate the following into the installation of CIM: A dialogue box will ask the end user if he or she wishes to install the "Download of Software Updates" functionality. If the end user selects this functionality, a dialogue box containing the beta license agreement language set forth in item 3 below will be presented. The end user must electronically agree to the terms of the beta license agreement before "Download of Software Updates" functionality is installed. Upon the first invocation of a new function with CIM, the end users will again be presented with the beta license agreement for the Product.
3. The beta license for the Product shall read as follows:

"Microsoft Beta License Agreement

This component of COMPAQ's Insight Manager software contains Microsoft pre-release code which may be changed substantially before commercial release. This Microsoft pre-release code is provided for your personal use in conjunction with COMPAQ's Insight Manager software and COMPAQ's computer systems, and may not be distributed by you. The entire risk arising out of the use or performance of the Microsoft pre-release code remains with you. In no event shall Microsoft, COMPAQ or their suppliers be liable for any damages whatsoever (including, without limitation, damages for loss of business profits, business interruption, loss of business information or other pecuniary loss) arising out of the use or inability to use the Microsoft pre-release code, even if Microsoft has been advised of the possibility of such damages. Because some states/jurisdictions do not allow the exclusion or limitation of liability for consequential or incidental damages, the above limitation may not apply to you."

4. COMPAQ shall support end users of Product. MS shall not be obligated to provide any support to COMPAQ or to COMPAQ end users of Product.
5. COMPAQ agrees to make available to CIM customers the final version of the Product when it becomes available from Microsoft.
6. Notwithstanding anything to the contrary in the Agreement, COMPAQ's license rights to the Product in this Amendment shall expire the earlier of: (i) sixty (60) days following the release to manufacturing (RTM) date of Internet Explorer 3.0, or (ii) expiration or termination of the Agreement.
7. This Amendment No. 23 is null and void unless it is and signed by both parties and received by MS on or before May 30, 1996.

PLEASE RETURN ONE FULLY-SIGNED ORIGINAL OF THIS AGREEMENT TO  
COMPAQ COMPUTER CORPORATION, ATTENTION: CONTRACT RELATIONS, P. O. BOX 692000, M100804, HOUSTON, TX 77269-2000

ATTORNEY'S  
EYES ONLY

MSS 5132430  
CONFIDENTIAL

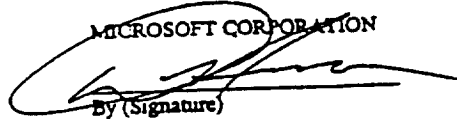
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All capitalized terms used but not defined herein shall have the meanings ascribed to them in the Agreement. The terms of this Amendment shall supersede any inconsistent terms contained in the Agreement.

IN WITNESS WHEREOF, the parties have executed this Amendment in duplicate as of the date first written above. All signed copies of this Amendment shall be deemed originals.

MICROSOFT CORPORATION




By (Signature)

Don Hardwick  
Name (Printed)

Group Manager  
Title

5/28/96  
Date

COMPAQ COMPUTER CORPORATION



By (Signature)

Gene Austin  
Name (Printed)

Vice President  
Systems Marketing  
Title

5/17/96  
Date

ATTORNEY'S  
EYES ONLY

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