

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.

No. C06-1637-MJP

DECLARATION OF ABHIJIT OAK IN  
SUPPORT OF PLAINTIFF  
AUTODESK, INC.'S MOTION FOR A  
PRELIMINARY INJUNCTION

I, Abhijit Oak, declare and state as follows:

1. I am the Senior Director of Enterprise Application Development of Plaintiff Autodesk, Inc. ("Autodesk") in this action. I make this declaration in support of Autodesk's Motion for a Preliminary Injunction. Unless otherwise indicated, I make this Declaration based on personal knowledge or my review of corporate records, 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.

2. I began my career at Autodesk in 1996 as a Quality Assurance ("QA") Engineer. From 2001 to 2006 I was the Director of Quality Assurance for Autodesk's AutoCAD program. My current position is Senior Director, Enterprise Application

1 Development for Autodesk's IT Department. In my role as Director of QA for AutoCAD, I  
2 was responsible for ensuring quality and reliability for our company's AutoCAD software  
3 program. As part of my job, I was also called upon to analyze error report data, customer  
4 complaint reports, and reported software problems, and propose new product features based  
5 on customer feedback.

6 **Autodesk's AutoCAD® Software and DWG Format**

7 3. Autodesk is a corporation with its corporate headquarters at 111 McInnis  
8 Parkway, San Rafael, California. Autodesk is a leader in the field of software for computer-  
9 aided design ("CAD"). CAD software is used in design applications by architects, engineers,  
10 manufacturers, and others in a wide variety of industries. CAD computer software and  
11 systems are used to design detailed two- or three-dimensional models of physical objects,  
12 such as buildings, bridges, machinery, and animated designs.

13 4. Autodesk's flagship product is the widely used AutoCAD program, a  
14 platform for creating, editing, storing and displaying two-dimensional designs.

15 5. Like many software applications, the AutoCAD program implements a  
16 proprietary file format for storing user data files – in the case of AutoCAD, user design data.  
17 That file format and related technology is known as "DWG." Autodesk's AutoCAD software  
18 will ordinarily store user files in the DWG format, and the files will bear the file extension  
19 ".dwg." The DWG file format serves to organize the information and relationships within the  
20 file, allowing that information to be used in the AutoCAD program.

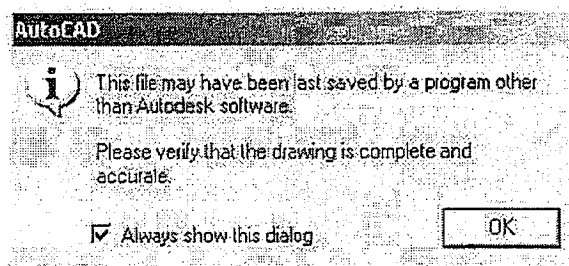
21 6. Other design software developers, including Autodesk's competitors, also  
22 incorporate the DWG format into their products in order that their software can read and  
23 write DWG files. Data files created using these other non-Autodesk applications designed to  
24 work with AutoCAD will also bear the file extension .dwg.

25 7. Knowing whether or not a particular user design data file was created using  
26 an Autodesk program or Autodesk-licensed technology can be important for Autodesk and

1 our users. As explained above, the DWG file format serves to organize the information and  
 2 relationships within the file. When a file is written using the AutoCAD program or  
 3 Autodesk-licensed technology, Autodesk understands the organizational system applied to  
 4 that file and has the information and other resources to better troubleshoot when a user  
 5 experiences a problem with stability or data integrity with that file. On the other hand, if a  
 6 user saves a data file using a non-Autodesk (or non-Autodesk-licensed) CAD program,  
 7 Autodesk does not control such programs, nor can it necessarily provide technical support or  
 8 maintenance for such third-party programs or the files created using such programs. Unlike  
 9 when problems occur with files created using Autodesk technology, Autodesk does not have  
 10 the same degree of background knowledge, experience or understanding to address data  
 11 integrity issues or that file's compatibility with Autodesk software applications, including the  
 12 AutoCAD platform.

### 13 Autodesk's DWGCheck Technology

14 8. In earlier versions of the software, the AutoCAD program had a feature called  
 15 DWGCheck. In its default settings, the DWGCheck feature would scan a user's drawing file  
 16 and, if it recognized the file as having been created by a particular version of an Autodesk  
 17 application, would indicate that in a message in the command line of the user's screen; if it did  
 18 not recognize the source of a particular drawing as being from an Autodesk application, no  
 19 message would appear in the command line. A user could change the settings for DWGCheck  
 20 in order to receive an alert in a pop-up window, telling the user when he or she was opening a  
 21 file last saved by a program other than Autodesk software:



1 9. This pop-up message would not appear unless the user had specifically set  
2 his/her AutoCAD system to display it, and Autodesk eventually concluded that its customers  
3 were not generally aware of the DWGCheck feature. To my knowledge, Open Design  
4 Alliance ("ODA") never tried to simulate it in its DWGdirect software libraries.

5 **Autodesk's Ongoing Quality Assurance Review of AutoCAD**

6 10. As part of its ongoing efforts toward quality assurance testing and to  
7 improve its AutoCAD product and customer support, Autodesk regularly conducts internal  
8 tests of its AutoCAD platform. Autodesk also receives system-generated Customer Error  
9 Reports ("CER's") and technical support calls from its customers, which it uses to analyze  
10 specific user problems.

11 11. The CER's and customer calls received by Autodesk are categorized in order  
12 to review the errors and determine which problems need the most attention. The data  
13 received from the CER's and customer calls relating to a particular issue, such as errors upon  
14 opening files, is then translated into a database where it is tracked and analyzed. Entries in  
15 this database confirmed circumstances where non-Autodesk files caused AutoCAD to crash,  
16 two of which are included here:

- 17
- 18 • DID 477715 DWG Attached to defect  
19 "1. Open attached drawing "Made by IntelliCAD 2000.dwg" (from  
20 defect 477279) Get alert: "Non-perpendicular UCS X and Y axes;  
21 normalizing."  
22 • DID 641109 DBQ error opening an intellicad DWG file.  
23

24 12. Beginning in late 2005, based on its own internal QA testing and on data  
25 gathered from tracking CER's and customer calls, Autodesk determined that implementations  
26 of the DWG format by software developers other than Autodesk (or Autodesk licensees using



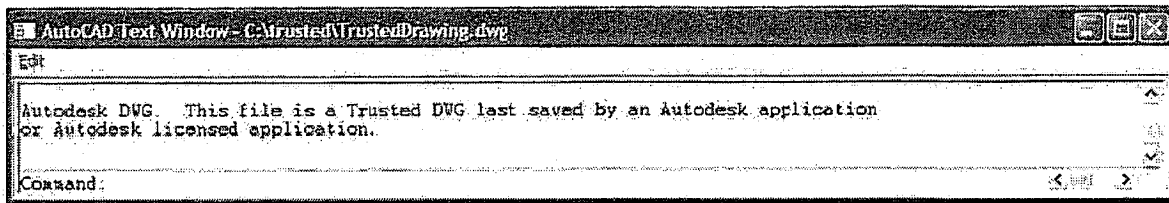
1 Autodesk technology) can in some cases introduce data corruption resulting in instability in  
2 the AutoCAD system. This incremental evidence confirmed the anecdotal evidence of  
3 system problems we had received from customers. For example, Autodesk's customer  
4 support personnel had noted numerous instances of Autodesk customers receiving DWG files  
5 from outside sources, and then attempting to open the files with AutoCAD software, only to  
6 encounter serious errors, causing instability in the customer's use of the AutoCAD program.

### 7 Development of Autodesk's TrustedDWG™ Feature

8 13. Based on its review of customer problems, Autodesk determined that  
9 enabling users and Autodesk customer support personnel to identify the source of DWG files  
10 would assist in the proper diagnosis and correction of the problems. Therefore, Autodesk's  
11 engineering team sought to create a more explicit, user-friendly mechanism by which an  
12 AutoCAD user could discern whether a particular DWG file he or she has received was  
13 originally created or saved using an Autodesk product (or an Autodesk-licensed product) or a  
14 non-Autodesk product. Autodesk introduced its TrustedDWG authentication mechanism in  
15 its AutoCAD 2007 release.

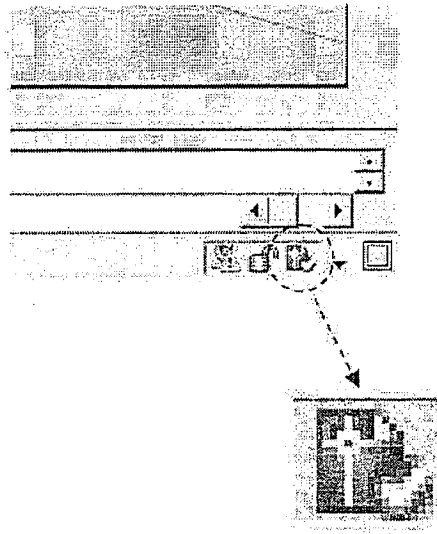
16 14. When AutoCAD writes and saves a DWG file, the program inserts into the  
17 file an Autodesk watermark and proprietary code string known as the TrustedDWG code to  
18 indicate that the file is a genuine Autodesk DWG file. The watermark and TrustedDWG code  
19 operate as digital certificates of authenticity and thereby serve to identify a genuine Autodesk  
20 DWG file to the Autodesk product that next encounters the file. When AutoCAD opens a  
21 DWG file, the software looks for the watermark and the TrustedDWG code in the file, and, if  
22 they are found, displays two items on the program display screen to indicate the authenticity  
23 of the file:

24 (a) A text message in the command line portion of the display screen that reads  
25 as follows: "Autodesk DWG. This file is a TrustedDWG last saved by an Autodesk  
26 application or Autodesk licensed application." ("TrustedDWG message").



4 This text actually appears in the code string itself.

5 (b) A TrustedDWG icon with a green check mark on the lower right hand corner  
6 of the program display screen as shown below:



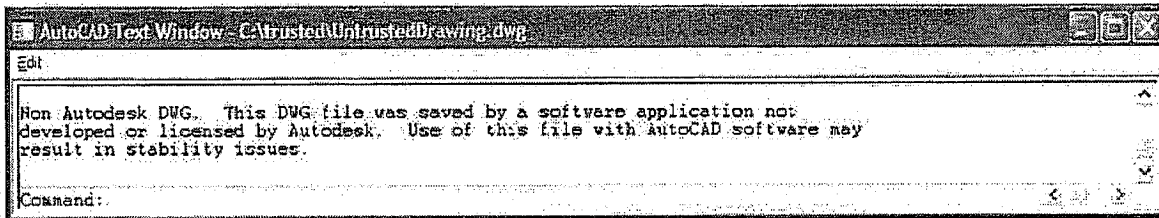
16 The TrustedDWG message and the TrustedDWG icon (“TrustedDWG identification  
17 items”) thus inform the AutoCAD user that the opened DWG file is an authentic Autodesk  
18 DWG file.

19 15. Under its RealDWG program and predecessor programs, Autodesk itself has  
20 licensed its proprietary technology for reading, writing and saving files using the DWG  
21 format, either on a reciprocal basis or under a licensing program for developers. RealDWG is  
22 used by other Autodesk products like Inventor™ and Revit® and AutoCAD itself uses  
23 RealDWG to read, write and save DWG files. Under its RealDWG licensing program, DWG  
24 files created using programs created by such Autodesk licensees, using technology licensed  
25 from Autodesk, will also display the TrustedDWG identification items. Certain competitors  
26

1 of Autodesk participate in the RealDWG program. The ODA has not participated in  
2 Autodesk's RealDWG program.

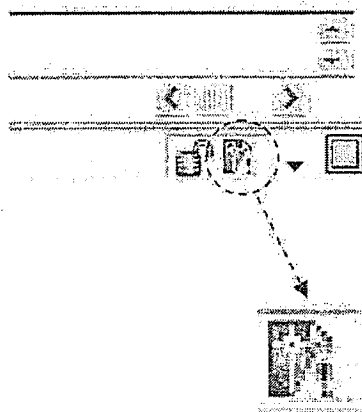
3 16. By contrast, when the AutoCAD 2007 software encounters a non-Autodesk  
4 file created with a non Autodesk product ("non-Autodesk file") and therefore does not find  
5 the Autodesk watermark or TrustedDWG code, AutoCAD displays three items on the  
6 program display screen:

7 (a) A text message in the command line portion of the display screen that  
8 reads as follows: "Non Autodesk DWG. This DWG file was saved by a software  
9 application not developed or licensed by Autodesk. Use of this file with AutoCAD  
10 software may result in stability issues." ("non-authentic Autodesk DWG message").

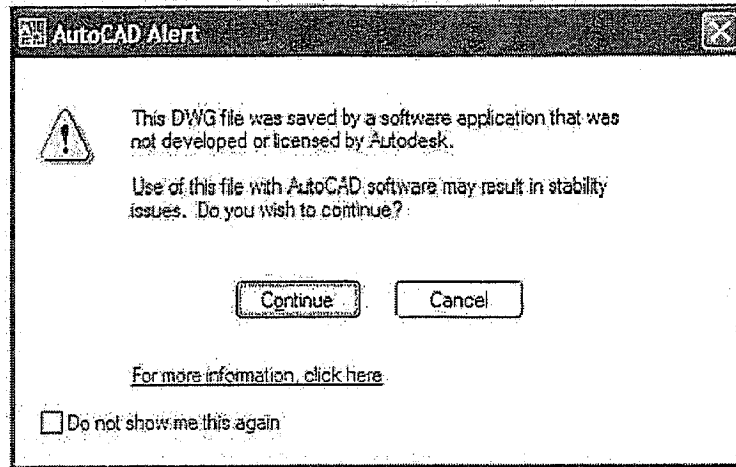


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16 (b) A DWG icon with a yellow triangular sign ("non-authentic Autodesk  
17 DWG icon") on the lower right hand corner of the program display screen as shown below:



1 (c) A message screen as shown below (“non-Autodesk file alert screen”):

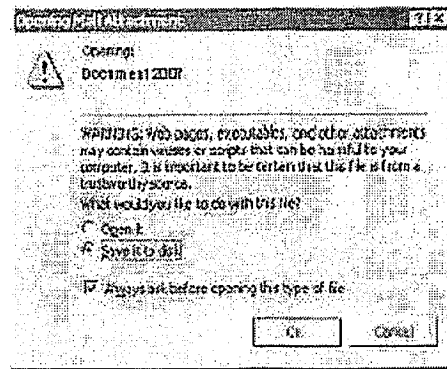
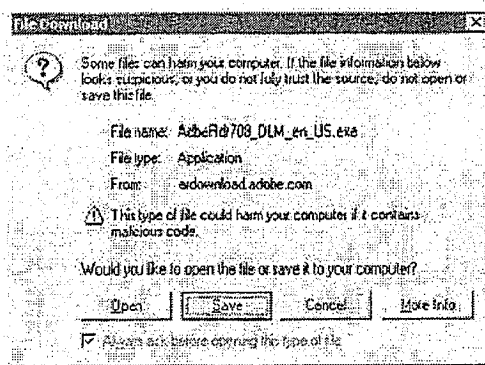


10 The Non-Autodesk file alert screen can be easily disabled at the option of the AutoCAD  
11 user by checking the “Do not show me this again” box on the screen shown above. The  
12 non-authentic Autodesk DWG message and icon will still remain on the user’s screen and  
13 on the command line if it is displayed by the user.

14 17. When a user clicks the “For more information, click here” link, he/she is  
15 taken to a webpage that further explains the TrustedDWG feature (“TrustedDWG webpage”).  
16 A copy of the original webpage that was posted in February 2006 is attached as Exhibit A to  
17 this Declaration.

18 18. As described on the TrustedDWG webpage, in my experience, computer  
19 users frequently encounter similar “alert” messages in other software programs such as  
20 Microsoft Internet Explorer and Outlook. The following types of warning messages, for  
21 example, can appear when a computer user attempts to download a file from the Internet or  
22 open email attachments:





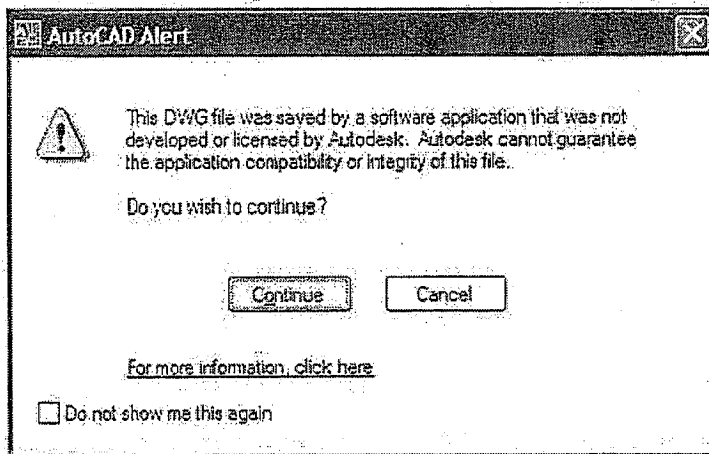
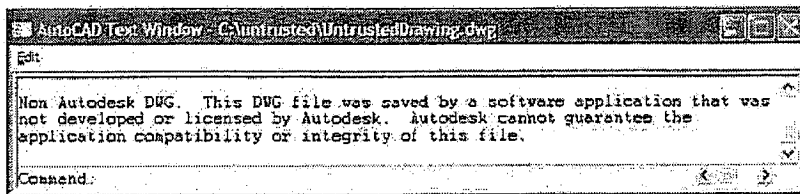
19. The TrustedDWG feature informs users whether the source of a particular DWG file is Autodesk technology or is not Autodesk technology, and allows them to decide, based on that information, whether to import those files into their computer systems. The TrustedDWG technology itself does not, however, prevent users from opening or using non-Autodesk files within the AutoCAD platform, nor does it affect interoperability or compatibility between AutoCAD and other CAD programs and files saved using such programs.

20. It was not necessary for ODA to mimic or simulate the TrustedDWG feature in order for users to be able to open and use ODA-created DWG files within the AutoCAD platform. Also, because of the way AutoCAD runs program scripts and because AutoCAD users can elect to not have the Non-Autodesk alert screen displayed, the TrustedDWG feature does not disrupt batch processing of DWG files by the AutoCAD program. Since the release of AutoCAD 2007, to my knowledge, Autodesk has not received any customer complaints regarding batch processing issues related to the TrustedDWG feature.

21. The TrustedDWG technology also helps Autodesk's support personnel pinpoint and respond to customer problems. Knowing whether or not a DWG file was created or saved using Autodesk technology streamlines the diagnosis process and can allow the support personnel to determine more quickly whether a system error is the result of a problem with a non-Autodesk file or with the AutoCAD program itself.

**Revision of Autodesk's TrustedDWG Identification Items**

22. Since the TRO proceedings, Autodesk has reviewed the language used in TrustedDWG identification items, as well as the TrustedDWG webpage. Autodesk has decided to revise the messages to customers as follows:



These changes will be implemented in the next version of AutoCAD.

23. Autodesk has also made changes to the language in the related TrustedDWG webpage, and the revised version is already in use and available when customers click the link from the non-Autodesk file alert screen. A copy of the current TrustedDWG webpage is attached as Exhibit B to this Declaration.

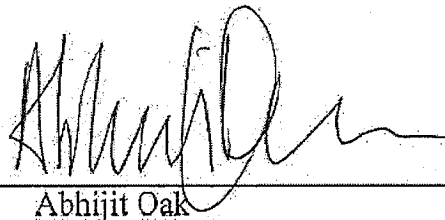
**Defendant's Unauthorized Simulation of Autodesk's TrustedDWG Mechanism**

24. It is my understanding that the ODA has simulated Autodesk's TrustedDWG feature in certain of its DWGdirect software libraries. As such, it is my understanding that, when a licensee of ODA's DWGdirect program incorporates the DWGdirect libraries into its

1 CAD-related computer program, and when that computer program creates and/or saves a  
2 DWG file, it will simulate the TrustedDWG mechanism and cause the AutoCAD software  
3 when encountering this DWG file to erroneously identify this non-Autodesk file as a genuine  
4 Autodesk DWG file. The AutoCAD screen will display the TrustedDWG identification items  
5 (namely the TrustedDWG message in the command line and the TrustedDWG icon), even  
6 though the file is, in fact, not a genuine Autodesk file.

7 25. The ODA's simulation of the TrustedDWG feature makes it more difficult  
8 for Autodesk customers to receive efficient and accurate technical support relating to  
9 AutoCAD. Autodesk's customer support personnel will not be able to distinguish between  
10 properly labeled TrustedDWG files, and the "mimicking" files created using ODA's program,  
11 and may therefore incorrectly troubleshoot the user's problem. In addition, users will  
12 mistakenly believe the source of the DWG file they are opening is an Autodesk program,  
13 when in fact the source may be unknown. This misinformation impedes Autodesk's ability  
14 both to assist its customers and to address problems within its own products.

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

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Abhijit Oak

# EXHIBIT A



United States

DWG

DWG

### What is TrustedDWG™?

Developed by Autodesk, and comprising the core file format for AutoCAD® software and AutoCAD-based products, DWG™ technology is the original, efficient, and accurate way for storing design data created using AutoCAD and AutoCAD-based products. With DWG files circulating throughout virtually every design industry, DWG technology has made the DWG file format the world's most commonly used design data format.

AutoCAD 2007 software introduces TrustedDWG™ functionality. As part of our ongoing testing, support calls, and Error Reporting we've received, we recognized that DWG files that have been edited or saved by non-Autodesk® or non-RealDWG™ applications may cause data corruption and application stability issues when used with AutoCAD products. At the option of the user, AutoCAD 2007 will notify users when the DWG file they are opening was saved using an application that was not created by an Autodesk product or RealDWG licensee. This will help to protect a customer's DWG data from corruption and give users warning that the DWG file they are opening may cause stability issues. Much like functionality that allows internet users to choose which files they download from the Internet, TrustedDWG™ does not itself repair defects in the file that may exist but enables the customer to choose whether or not to accept risks that may be associated with DWG files that were not last saved by an Autodesk or RealDWG licensee product.

Continuously innovated and re-engineered to allow for powerful new design productivity in Autodesk software, TrustedDWG™ helps maintain the integrity and reliability of your data.

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# EXHIBIT B



United States

DWG

DWG

### What is TrustedDWG™?

Developed by Autodesk, and comprising the core file format for AutoCAD® software and AutoCAD-based products, DWG™ technology is the original, efficient, and accurate way for storing design data created using AutoCAD and AutoCAD-based products. With DWG files circulating throughout virtually every design industry, DWG technology has made the DWG file format the world's most commonly used design data format.

AutoCAD 2007 software includes TrustedDWG™ functionality. At the option of the user, AutoCAD 2007 will notify users when the DWG file they are opening was saved using an application that was not created by an Autodesk product or RealDWG licensee. This will help Autodesk support its users by identifying those files which Autodesk may not be able to support and by alerting the user that Autodesk cannot guarantee the integrity or compatibility of that DWG file with AutoCAD or any other Autodesk applications. Much like functionality that allows Internet users to choose which files they download from the Internet, TrustedDWG™ does not itself repair defects, identify or correct integrity or compatibility concerns in the file that may exist but enables the AutoCAD user to choose whether or not to proceed to use DWG files that were not last saved by an Autodesk or RealDWG licensee product. The TrustedDWG notification may be easily disabled by checking the box identified for that purpose.

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