

CAUSE NO. 199 596 97

DSC COMMUNICATIONS CORPORATION

Plaintiff,

v.

EVAN BROWN,

Defendant.

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IN THE DISTRICT COURT OF

COLLIN COUNTY, TEXAS

199th JUDICIAL DISTRICT

AMENDED TEMPORARY RESTRAINING ORDER

On the 28th day of April, 1997, came on Plaintiff DSC Communications Corporation's ("DSC") Motion to Amend Temporary Restraining Order and Order Expediting Discovery (the "Motion"). Based on the specific facts set forth in the verified Petition, as well as the arguments set forth in the Motion, immediate, irreparable injury will result to DSC before notice can be served and a hearing had thereon unless Brown is immediately restrained as requested in the Petition.

In brief, DSC has presented evidence that Brown violated his contractual obligations and duties by refusing to disclose in its entirety the technological process that Brown conceived during his employment by DSC and related to DSC's business, and by wrongfully asserting that he owned all legal rights to such process. DSC has presented evidence that following the execution of this contract, and while Brown remained an employee of DSC, Brown "developed a method of converting machine executable binary code into a high level source code form using logic and data abstractions." (Hereinafter referred to as the "Solution"). The Solution relates to DSC's business and Brown has refused to disclose in its entirety and assign all rights in the Solution to DSC.

Moreover, he has recently threatened to disclose, sell, assign or transfer the Solution to third parties outside the United States and to develop the Solution independent of DSC.

If Brown is permitted to continue in the aforementioned conduct, DSC will suffer immediate and irreparable injury. It is therefore

ORDERED, ADJUDGED, and DECREED that the Clerk of the Court issue an Amended Temporary Restraining Order without notice to Brown; that Brown, his employees, agents, assignees or other persons and/or entities acting in concert with him who receive actual or constructive notice of the Order be restrained and enjoined from:

- a. Disclosing, selling, assigning, or transferring the Solution to any person or entity other than DSC;
- b. Negotiating the disclosure, sale, assignment, or transfer of the Solution to any person or entity other than DSC;
- c. Disclosing or negotiating the disclosure of any information or details concerning the Solution to anyone other than DSC;
- d. Further developing, refining or implementing the Solution; and
- e. Destroying any material or records (including computer files or disks) that relate to or evidence the Solution or his effort to market the Solution.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Clerk of the Court issue an Amended Temporary Restraining Order without notice to Brown; that Brown, his employees, agents, assignees or other persons and/or entities acting in concert with him who receive actual or constructive notice of the Order be and enjoined to:

- a. Disclose the Solution, in its entirety, to DSC; and
- b. Preserve the Solution.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that this Temporary Restraining Order shall continue in effect until the conclusion of a hearing on the temporary injunction hereafter set, or until further order of this Court. It is further

ORDERED, ADJUDGED, and DECREED that the application of DSC for a temporary injunction be heard before the 199th Judicial District Court of Collin County, Texas on May 2, 1997, at 9:00 o'clock a.m. in the courtroom of the 199th Judicial District Court of Collin County, Texas.

The Clerk of the Court shall forthwith on the filing by DSC on the bond hereafter required or cash in lieu thereof, and on approving same according to law, issue a Temporary Restraining Order in conformity with the laws and the terms of this Order.

The Order shall not be effective unless and until DSC executes and files with the Clerk a bond in conformity with the law, or a cash deposit in lieu thereof, in the amount of \$5,000.

SIGNED this 28th day of April, 1997, at 1:54 o'clock P.m.



JUDGE PRESIDING