

TurboHercules

For Immediate Release

TurboHercules SAS Files Formal Complaint against IBM with the European Commission for Violations of EU Antitrust Law *Accuses IBM of Blocking Open Source Mainframe Alternative*

Paris, France, 23 March 2010 – TurboHercules SAS filed a formal complaint today against International Business Machines Corporation with the European Commission's Directorate General for Competition (DG COMP) in Brussels.

TurboHercules' complaint alleges that IBM is preventing customers from using Hercules – an open-source mainframe emulator developed in Europe and maintained by a global volunteer community over the past 10 years --- to run customers' applications on inexpensive, non-mainframe computers utilising multiple operating systems.

"Hercules is an innovative open-source technology that could benefit many mainframe customers," said Roger Bowler, the original developer of the Hercules open-source project and the Chairman of TurboHercules. "But IBM is preventing customers from using Hercules by tying IBM's mainframe operating system with IBM hardware. This conduct prevents TurboHercules from providing its product to mainframe customers desiring an open-source solution."

TurboHercules decided to file its complaint after it became apparent to the company that IBM's efforts to protect its mainframe monopolies extended to open-source solutions.

"TurboHercules is by no means anti-IBM," said Bowler. "We originally wrote to IBM requesting that it license its mainframe operating system to customers, on reasonable and fair terms, for use with Hercules in certain circumstances. Not only did IBM deny our request, but it now suddenly claims, after ten years, that the Hercules open-source emulator violates IBM intellectual property that it has refused to identify. We then realized that our only hope as a small company was to file a complaint with the European Commission."

About TurboHercules

TurboHercules is a privately held company headquartered in Paris, France. The company was formed in 2009 to offer a commercial solution based on the Hercules open-source project. For more information, please visit www.turbohercules.com.

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