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February 27, 2009

VIA OVERNIGHT MAIL

Secretary of Labor
Top Hat Plan Exemption
Pension and Welfare Benefits Administration
Room N-1513
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210

RE: TIBCO Software Inc. 2009 Deferred Compensation Plan

Dear Secretary:

Pursuant to Section 2520.104-23 of the Department of Labor's Regulations, this letter will serve as notice that, with respect to the TIBCO Software Inc. 2009 Deferred Compensation Plan (the "Plan"), the undersigned intends to utilize the alternative form of compliance with the reporting and disclosure requirements of Part 1 of Title 1 of the Employee Retirement Income Security Act of 1974 ("ERISA") which alternative form of compliance is provided in the aforesaid Regulations Section.

Pursuant to Regulations Section 2520.104-23(b), the following information is provided:

1. Employer Name: TIBCO Software Inc.
Employer Address: 3303 Hillview Ave., Palo Alto, CA 94304
2. Employer's Employer Identification Number – 77-0449727
3. The Employer hereby declares that it maintains the Plan primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees. The number of employees originally eligible to participate in the Plan will be approximately 12.

Pursuant to Regulations Section 2520.104-23(b)(2), the Employer will provide Plan documents, if any, to the Secretary of Labor upon request as required by Section 104(a)(1) of ERISA.

Enclosed is a copy of this letter, which we ask that you date-stamp and return to us in the enclosed self-addressed and stamped envelope.

Very truly yours,

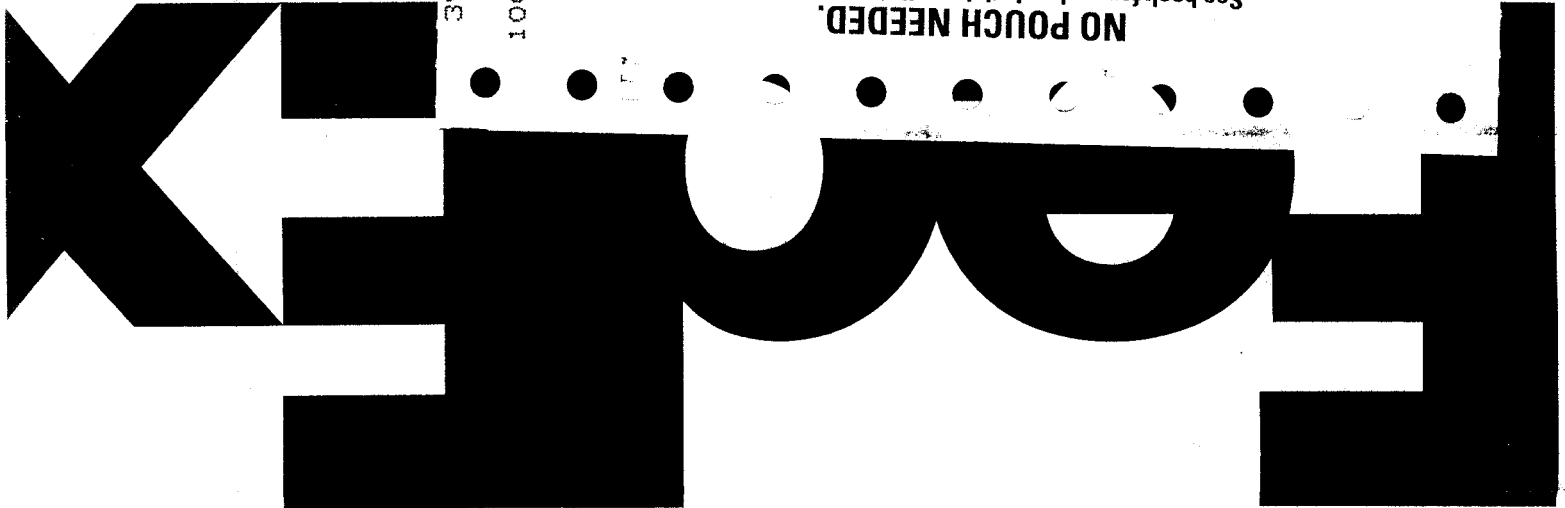
TIBCO Software Inc.

Employer: TIBCO Software Inc.

By: Jody Wyatt

Print Name: Jody Wyatt

Title: Corporate Counsel



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1 From This portion can be removed for Recipient's records.
Date 3/27/01 FedEx Tracking Number 854192029862

Sender's Name Jody Wyatt Phone 9202 9862

Company FIBCO SOFTWARE INC

Address 3301 HILLVIEW AVE
City PALO ALTO State CA ZIP 94304-1204

2 Your Internal Billing Reference

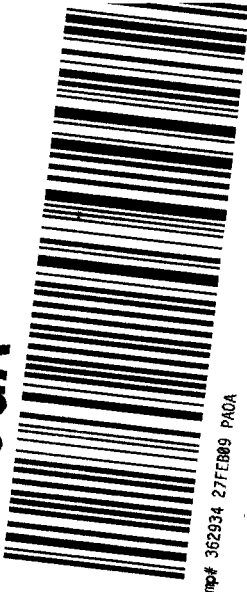
3 To Recipient's Name Secretary of Labor Phone
For HR view exemptions
Company Penske and Walker Pencil Manufacturing Co

Recipient's Address Room N-1513 U.S. Department of Labor
We cannot deliver to P.O. boxes or P.O. ZIP codes
Address 300 Constitution Avenue, N.W. Dept./Floor/Suite/Room
City Washington State DC ZIP 20520

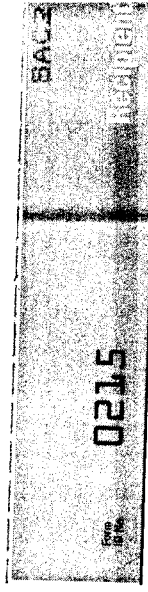
NO POUCH NEEDED.
See back for peel and stick application instructions.

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4a Express Package Service To add SATURDAY Delivery, see Section 6. Packages 0
 Next business morning. Next business afternoon. Next business day.
 FedEx Express Saver
FedEx Envelope rate not available. Minimum charge: One-pound rate.

4b Express Freight Service To add SATURDAY Delivery, see Section 6. Packages 0
 Next business day. Second business day. Third business day.
 FedEx 1Day Freight* FedEx 2Day Freight FedEx 3Day Freight
* Call for Confirmation.

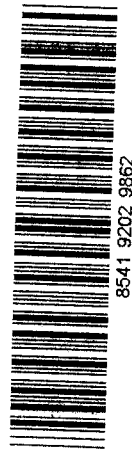
5 Packaging
 FedEx Envelope* FedEx Pak* FedEx Small Pak. FedEx Large Pak. and FedEx Sturdy Pak.
* Declared FedEx Box FedEx Tube

6 Special Handling
 SATURDAY Delivery Available ONLY for Priority Overnight, FedEx 2Day, FedEx 1Day Freight, and FedEx 2Day Freight to select ZIP codes.
 HOLD Weekday at FedEx Location Available for FedEx First Overnight and FedEx Overnight and FedEx to select locations.
Does this shipment contain dangerous goods?
 No Yes Yes Shipper's Declaration not required. Dry Ice Dry Ice, UN 1845 Cargo Aircraft or

7 Payment Bill to: Recipient Third Party Credit Card Biller (Bill No. in Section 7 will be billed). Enter FedEx Acct. No. or Credit Card No. below.

Total Packages 1 Total Weight 5.11 Total Value 51.6

8 NEW Residential Delivery Signature Options If you require a signature, check 2b.
 Signature Required Package may be left without a signature for delivery. Direct Signature Anyone at recipient's address may sign for delivery. Indirect Signature If no one is available, anyone at a neighboring address may sign for delivery. FedEx Signature If you require a signature, check 2b.



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