

AMIGA
P.O. Box 887 - Ravensdale, WA 98051

03-CV-00003-RESP

December 8, 2003

Honorable Robert S. Lasnik

1010 - 5th Ave.

911 U.S. Courthouse

Seattle, WA 98104

Re: Thendic v. Amiga

Case No. NO. 003-00031[✓]

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

Dear Judge Lasnik:

I would like to thank you for the extra time that you allowed for me to respond in these proceedings. I apologize for the last minute answers, but unfortunately we only received electricity back to our home today.

With regards to the Thendic-Amiga lawsuit I would respectfully submit the following information for his Honor to consider in these proceedings.

1. Amiga entered into a contract with Thendic GmbH a subsidiary of Pretory S.A. of France (reference attached as exhibit 1) to enhance their line of Handheld Windows CE devices. Amiga never received a prototype device nor did we ever receive any technical information with regards to the product. On April 15th 2002, Thendic France announced that they had "abandoned the effort because it did not make good business sense". (reference attached as exhibit 2). There were several products listed that we to be developed by Thendic, and all have been cancelled.
2. Amiga did not, nor have we ever received a formal request from Thendic for the transfer of the license to another company, re Genesi.
3. Amiga has never received a formal request from Thendic for addition for any other product to be added to the license. Even after our eviction, Amiga was receiving deliveries and shipments to our address in Snoqualmie, Washington as can be expressed through delivery records from Microsoft and others. There were no attempts, and have been no attempts to deliver or make request for additions to the contract.

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4. On August 5th, 2003 a formal request was made by Amiga council, Diana Shukis to help resolve the issues. As of December 8th, 2003 there has been no response from Thendic with regards to the technical issues, nor the offer from Amiga to help work with Thendic with regards to other hardware that they may have wanted to add to the contract (reference exhibit 3).

Amiga contends that this lawsuit has nothing to do with the AmigaDE product, nor does Thendic wish to work with Amiga towards resolution.

This has been an effort on the part of Mr. Bill Buck to take the Amiga name, trademarks, and other business opportunities away from Amiga, and attempt to harm our business.

Thendic never notified Amiga of a desire to have our product loaded onto another piece of hardware. It was only after the creation of Genesi a competitor of Amiga that a lawsuit was filed. On November 24, 2002 Mr. Buck states that the contract was signed on "November 10, 2000, when we were not competitors (reference exhibit 4). In the same message hi states that Thendic has a worldwide right to use our trademarks, this is misleading and created confusion in the market. He restates this message again on a public forum where he states that Thendic holds a valid worldwide license to AmigaDE, the Amiga patents, and all associated copyrights and trademarks (reference exhibit 5), again this is mis-leading and not accurate.

Mr. Buck continues his public statements confusing the public and creating dissent and making it more difficult for Amiga to continue business, and completing our fund raising activities. On February 27, 2003, Mr. Buck posts another message with regards to our new version of our operating system. Amiga has placed security within the operating system to help keep down pirating of our product. A system must have a "dongle" or key to unlock and use the system. In the message posted on February 27, 2003, Mr. Buck encourages developers to "break" the security and take use our product on his competing system. He goes so far as to tell them where *they can go and discuss how to accomplish this task (reference exhibit 6).*

These efforts have continued to this day, in an effort to create confusion in the market, and make it difficult for us to raise money we continually find ourselves having to explain the situation with Thendic. On August 20th, 2003, Mr. Buck announced that the lawsuit was settled and found in their favor (reference exhibit 7). This was clearly not the case, and no retraction has been found.

More confusion was added two weeks ago, when Mr. Buck announced that the "Judge was ruling in their favor on November 12th, and in anticipation of the ruling he has established the AmigaDE developer website for Genesi developers, and has offered to pay AmigaDE developers to develop for his product, even though no ruling had yet occurred (reference exhibit 8).

On June 21, 2003, Mr. Buck announced that he had hired a former Amiga employee, Mr. Bolten Peck to act as the coordinator for the AmigaDE effort to port the product to the Thendic product line. On September 8th, 2003, Mr. Peck said that the Amiga product would never work nor was it designed to run on a desktop system was not a good choice (reference exhibit 9).

We at Amiga are concerned and confused by the actions of Thendic and Mr. Buck. A contract was executed in November of 2000. Thendic cancelled the products, and Amiga was never notified other than the public statement that was referenced here. Thendic then takes legal action against Amiga, only after becoming a competitor to Amiga with a competing line of products. Amiga offered to work with Thendic, and received no response. Mr. Buck continues to make misleading statements and has caused Amiga great distress and continues his efforts to harm Amiga, and the employees.

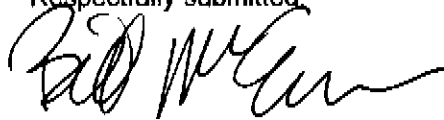
We have only just learned that the parent company of Thendic/Genesi was forced into bankruptcy by the French government (reference exhibit 10), and we have received no notice of the status of Thendic or even if the contract can still be valid as the company has been forced into bankruptcy (reference news story in French newspaper exhibit 11).

Your Honor, Amiga has struggled and has gone through a very difficult time over the last three years. We have strived very hard to stay in business, and to raise the capital necessary to keep going. As I am sure that you are aware it is very difficult to raise capital at this time. It is our contention that these efforts by Mr. Buck were never about the AmigaDE product, but about his desire for the Amiga name and trademarks to be used on his systems. He tried many years ago to purchase Amiga and failed (reference interview exhibit 12), and now looks as this as a way to take what we have worked so very hard to keep.

I have spent the last week in final due diligence with a new investor, and I have to spend a great deal of time explaining the huge volumes of information that has been distributed by Mr. Buck and those who support his efforts. This has made it difficult for us to continue our business, but with the help of a very dedicated team we have been able to keep going.

I would respectfully request that the request for Summary Judgment be dismissed, and that the court would go further and cancel the contract.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bill McEwen", written in a cursive style.

Bill McEwen
President/CEO
Amiga, Inc.

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ABOUT

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Pretory USA Inc. (Pretory) was incorporated in Nevada as a holding company in 1997. At the same time, Pretory S.A. began as a security services S.A.R.L. based in Paris, France by providing highly skilled security personnel and equipment. In 1997, Pretory USA Inc. acquired Pretory S.A. through a share exchange agreement. In 2000, the company began a process to acquire Thendic Electronics Components GmbH (Thendic) of Aschaffenburg, Germany, and formed Pretory Technology S.A.R.L. in Paris. Also in 2000, the Company provided initial funding for PretoryNet Inc. of Alpharetta, Georgia. In 2001, Thendic-France S.A.R.L. was formed in Paris to manage and develop products and the technology system sales of Thendic and Pretory in Europe.

The operating companies, Pretory S.A., Thendic GmbH, Thendic-France S.A.R.L. and PretoryNet Inc., each have their own core businesses. Pretory Technology is a holding company for technology related to humanitarian demining. Pretory S.A. continues to provide security services and products. Thendic develops and sells proprietary smartcard readers and smartcard based application solutions. PretoryNet Inc. is a provider of internet and web-related systems and services. Thendic-France markets a variety of technologies and related services. Pretory Technology completed a humanitarian demining project in Bosnia in 2000 and is currently idle. Pretory USA Inc., the holding company, operates from a Corporate Office in Suffield, Connecticut.

Pretory USA Inc. (exclusive of PretoryNet Inc.) generated approximately \$2.0, \$3.5, and \$10 million in revenues for 1999, 2000, and 2001 respectively. Revenues for 2002 are forecasted at \$15 million. The Company's auditors are BDO.

The Company filed a 15c-211 and was approved for listing under the symbol "PRTU" on the NASD OTCBB market in October 1998 and was further qualified in February 2000.

^{*} <http://www.otcbb.com/dailybyhistory/1999/04/10271999.htm>

^{**} <http://www.otcbb.com/news/elljfbllhyrle/marchaphaisllst.htm>

The Company has chosen for the moment to not maintain the OTCBB listing status until all the mergers and acquisitions can be fully assimilated into a single audited financial statement. This will be completed during the 2002 fiscal year (Jan-Dec).

News highlights about Pretory USA Inc.

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