

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

THENDIC ELECTRONICS COMPONENTS, a  
foreign corporation, and GENESI SARL, a  
foreign corporation,

Plaintiffs,

v.

AMIGA INC., a corporation in the state of  
Washington,

Defendant.

NO. 003-0003

**DECLARATION OF BARRIE J. MOSS IN  
SUPPORT OF AMIGA, INC.'S RESPONSE  
TO MOTION TO MODIFY THE ORDER  
GRANTING SPECIFIC PERFORMANCE**

I, Barrie J. Moss, declare as follows:

1. I am the Chief Technology Officer of defendant Amiga, Inc. I have personal knowledge of the facts contained herein and am competent to testify thereto. I use the nickname "Fleecy" rather than by my full name for most purposes.

2. I have reviewed Bill Buck's Declaration in Support of Plaintiff's Motion to Modify the Order Granting Specific Performance signed on March 1, 2004 ("Declaration").

3. At Paragraph 6 of his Declaration, Mr. Buck testified that I wrote an e-mail that he attached as Exhibit 2 to his Declaration. Also in Paragraph 6, Mr. Buck testified that based on that e-mail "[i]t appears that Amiga is attempting to further

1 marginalize the functionality of the Amiga DE Operating System so as to prevent and/or frustrate  
2 effective integration into “Thendic’s” products.”

3 4. Exhibit 2 to Mr. Buck’s Declaration is a complete fabrication. I did not write the  
4 document attached as Exhibit 2 to Mr. Buck’s Declaration. The information contained in Exhibit  
5 2 to Mr. Buck’s Declaration is not true. The conclusion that Mr. Buck draws in Paragraph 6  
6 from the fabricated Exhibit 2 is not true.

7 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE  
8 OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

9  
10 DATED this 11<sup>th</sup> day of March, 2004 at Cumbria, United Kingdom.

11  
12 See Attached  
13 Barrie J. Moss