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message

AdmV. AdmV.

212 219 87 3

On Monday, Feb 23, 2004, Daniel Miller wrote:

- > I absolutely agree. I hold the senior management there (including McEwen,
- > Moss, and the other stockholders or boardmembers) fully responsible for the
- > big coupon scam of 2001 and the T-shirt swindle of 2002. They ripped off
- > unsuspecting Amigans

You ARE Joking right ? Unsuspecting? Stupid would be a word more suitable.

- > for close to a third of a million dollars. People work
- > hard for \$99.95 or \$50 and it is really repulsive what Amiga Inc. did.
- > Those promotions were genuinely criminal and McEwen and Moss and co. should
- > not only be sued, they should be locked up so they don't do it again.

Perhaps. In this case, people chucked away their \$50/\$99 on nothing but hot air and promises.

- > You mentioned Amiwest 2002 where McEwen was doing the conning. At Amiwest
- > 2003 it was Ben Hermans up there with a straight face telling the faithful
- > "buy an Amiga One" because "OS4 is just around the corner." He said this
- > over and over. Later it became "early in the new year" but that is the same
- > thing they said in 2002, except they were referring to the new year of
- > 2003. Alan Redhouse also was making that claim in 2002. The con is that
- > they convince unsuspecting people that this superduper Amiga OS4 is
- > imminent, and people get carried away by nostalgia and a trademark and drop
- > \$900 or \$1100. If you believe the sales quantities that are commonly
- > claimed out there, this scam has netted nearly a thousand victims, so there
- > is some substantial money there. IMO Hermans and Redhouse are fully
- > cognizant of what they are doing, in other words, like Amiga Inc. they
- > don't make the mistake of believing their own marketing hype.

Anyone whom wants to do business in the environment by now, you would think would resign given the chaos.

- > In contrast to the fraudulent tactics of Amiga Inc., Hyperion and Eyeteck,
- > there is Genesi, who actually deliver a product as advertised. There are
- > things that Genesi has done that I don't agree with (the lawsuit was one,
- > although now I am not so sure it was a bad idea) but at the end of the day
- > they meet the crucial relationship between a company and a customer: they
- > deliver a quality product that works as described and lives up to its
- > marketing. For the Amiga Community they have done one heck of a lot, they
- > have really filled the gap left by the swindling con artists who have
- > kidnapped the trademark. I am a happy MorphOS and Pegasos user, and
- > encourage other Amigans to check it out and support a genuine modern
- > computing alternative that comes from our roots.

EXHIBIT J

Is it fraud, or merely a business gone bad? My understanding in a rough sense is that some of the villains here have put a lot in. To me, looking from this far of distance, it looks, and has looked for a long time more like a business that's gone bad. Not so much deliberate fraud, but just stupid ideas, and badly thought out plans/finance.

- > Now on current events: is the Hyperion-Eyeteck-Amiga Inc. contract
- > nullified by the prior Thendic-Amiga Inc. contract which was evidently
- > recently validated in the courts? The question is whether Hyperion and
- > Eyeteck have a valid contract to let them continue to use the Amiga
- > trademark to mislabel their Linux computer and swindle and bilk Amigans out
- > of their hard-earned money with their phantom OS4. Given past history, I
- > sort of hope they don't, and while I don't know if a fresh lawsuit is the
- > answer, I sort of hope Genesi's new legal position allows them to extend
- > some pressure to modify Hyperion and Eyeteck's bad behavior.

I know next to nothing about it, but I'm struggling to see how a contract between Amiga Inc and Genesi affects contracts between Amiga Inc/Hyperion/Eyeteck.

Now, I have vague memories that Amiga Inc bought only the rights to sell under the amiga name, and much of this is still basically owned by gateway to some degree. Now I am left wondering how long before Gateway take an interest in people using their IP to some degree and then chip in their own lawsuit.

,P

AdmV

Reply to this

Re: Genesi and AmigaDE lawsuit

bbrv.bbrv@genesi.lu

wsjp-24-234-204-153.lv.lv.cox.net

Hi Don,

- > The hypothetical AOS 4.2 that fleecy was talking about in 2001 is surely an
- > upgrade to AmigaOS, not to the DE or to Java or any other media player or
- > whatnot that might be included.
- >
- > It is in any case a product of fleecy's imagination. It doesn't exist, and
- > I cannot think who is going to actually code the "integration" (whatever
- > that means in a modular OS) of the DE.
- >
- > I think you will find that the famous DE is no more than a few unfinished
- > libraries for Intent. If you really want it, it is Tao that you need to
- > deal with.

We think you are right about DE, but on that webpage referenced above is the "bill of goods" we were sold when we licensed DE and it and other public statements like that will be enough for the Court. The issue is what 4.2 would have been -- 4.0 + DE. That is where the upgrade issue comes into play. If DE is nothing more than Intent then there is an agreement in place between Tao and Amiga Inc. and we will leverage that. Nevertheless, we have a call into Francis now. He was sold a bunch of DE bunk too. We spoke to Francis last about this in 2002, but as you will see on his website there are a few bong balls bouncing around..

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>> 2. The Hyperion/Eyetech OS 4.0 Agreement will be declared "null and void
>> and of no force or effect."

>
> Declared by whom? Are you pre-empting the possible outcome of a further
> court case? In which country would this case be held?

By the same Court. No further case required. It all falls under this judgment. Both the DE and OS4.0 Agreements have the same jurisdiction. There is no other possible forum if the agreements themselves are challenged. If the OS4.0 Agreements exists then there are, if not...game over. Hyperion and Eyetech can take it up with Amiga Inc. in the same Court

>> 3. We will sublicense under the Agreement and the ruling.

>
> Sublicense the DE? Who would want it? Why would they not go straight to
> Tao?

1. The Court will amend the ruling to include the upgrade of DE to 4.2.
2. The 4.0 Agreement will be voided, but 4.0 will still exist.
3. The 4.2 license will cover 4.0.

There is too much hype in the market by Amiga Inc. making all these claims. It can be found many places and we have collected ample evidence. The Court will add a simple admendment even if it all really doesn't exist. Under our Agreement we are allowed to 'improve' DE. Of course, we will pay the per unit license fee when we ship something, but we will decide what DE is in the end. ;-)

Hopefully, we can bring Tao into the mix. The only real loser is Amiga Inc. Hyperion will not have to pay Amiga Inc. and getting Tao involved would be great for the Community.

R&B

Reply to this

Re: Genesi and AmigaDE lawsuit

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Any chance that Amithlon/Umlator might now be a legal possibility now (finally!)
IIRC, Bernie has been doing a bit of work for you guys?

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