

Re: Genesi and AmigaDE lawsuit

Don Cox. hgjhjhg.

message

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On Monday, Feb 23, 2004, Tatu wrote:

- > **You made us believe that the whole lawsuit against AmigaInc was about**
- > **AmigaDE NOT killing OS4. If it was just about your revenge or about killing**
- > **competition, then you have cheated us all and you don't deserve our**
- > **support.**
- >

Surely it was always made clear that the purpose of the court case was to damage Amiga Inc? It was indeed about revenge (against Amiga Inc's threats of litigation over "stolen code") and killing competition, and I never saw BBRV pretend otherwise.

Reply to this

Re: Genesi and AmigaDE lawsuit

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Hi Tatu, we think you are missing the point. Amiga Inc. signed a binding Agreement and then tried to avoid fulfilling terms. In the end, a US Federal Court decided in our favor against Amiga Inc. It was not uncontested and the Judge gave Amiga more than enough opportunity to respond to the process. The result is significant. As mentioned, we will now put in motion the following series of events:

1. Genesi will enforce the "upgrade" clauses to AmigaOS 4.2 and beyond.
2. The Hyperion/Eyeteck OS 4.0 Agreement will be declared "null and void and of no force or effect."
3. We will sublicense under the Agreement and the ruling.

And...

4. We can sublicense Hyperion for less than they have agreed to pay -- that is, if we can all get along.

Before all the flamewars start and before this leads to more problems in this Community we would like to explain our intent to you, so you understand what is happening and can keep things in perspective as the new situation develops.

Amiga Inc. has behaved in bad faith and improperly to us and to Hyperion and Eyeteck. The Court will now add the "upgrade" amendment to the current ruling and in so doing render subsequent agreements to our November 2000 agreement void. This is not something we are doing against OS4.0, it is an action we will take against Amiga Inc. We can then license Hyperion for OS4.2 (and beyond) and thus 4.0 can be then released. Hyperion will have less to pay to us than they would have had to pay to Amiga Inc. We can even sell to Eyeteck a non-Articia Pegasos board at a much lower price (and they will not have to pay Amiga Inc. anything). Perhaps, everyone will get along better. Frankly, they will have little choice, but we do not intend to handle them badly, but fairly and in the best interest of our potential customers. Amiga Inc. cannot stop us because of the ruling. It will all be pretty one-sided from this point on.

The "upgrades" are defined in the Agreement. You can reference this page:

<http://www.amiga.com/corporate/041201-techupdate-B.shtml>

OS 4.2 and the stages beyond qualify as successive "upgrades" to AmigaDE by definition.

EXHIBIT K
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