

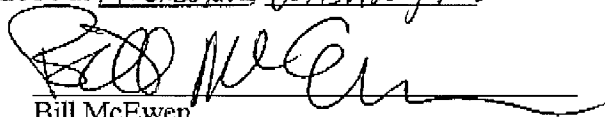
1 computer to function. Software of varying types is loaded on and must work with the operating
2 system, whether it is Microsoft's Windows or AmigaOS.

3 12. AmigaDE is separate and distinct from the Amiga Operating System and Amiga
4 has never represented anything different.

5 13. At Exhibit 3 to his Declaration, Mr. Buck attaches what I believe are promotional
6 materials from Amiga regarding what it hopes Amiga OS 4.0 and OS 4.2 will include. Mr. Buck
7 points to these materials as "evidence" that Thendic's license to use AmigaDE also gives him the
8 right to Amiga OS 4.0. These materials do not indicate AmigaDE is to become Amiga OS 4.0 or
9 become part of Amiga OS 4.0 as Mr. Buck insinuates. The references to AmigaDE within the
10 materials highlight Amiga's plan that AmigaDE will be able to be hosted in the upcoming
11 releases of the Amiga Operating System. Currently, AmigaDE works with many operating
12 systems, but it does not work with the Amiga Operating System. The references to AmigaDE in
13 the promotional materials that Mr. Buck relies on simply indicate Amiga's desire to correct that
14 situation in the new releases of the Amiga Operating System so that AmigaDE will work with
15 the Amiga Operating System.

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

18
19 DATED this 15 day of March, 2004 at Rainier, Washington

20 
21 Bill McEwen