



03-CV-00003-TN

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AT SEATTLE
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THENDIC ELECTRONICS COMPONENTS,
et al.,

Plaintiffs,

v.

AMIGA INC.,

Defendant.

No. C03-0003L

ORDER GRANTING IN PART
PLAINTIFFS' MOTION TO MODIFY
ORDER

This matter comes before the Court on "Plaintiffs' Motion to Modify the Order Granting Specific Performance i.e., Integration of Amiga's DE Operating System to Pegasos." In its February 19, 2004, Order, the Court granted plaintiffs the relief sought in the complaint, namely "integration of Amiga's DE Operating System into Thendic's Pegasos and/or other products in question." Plaintiffs now argue that they are entitled not just to Amiga's DE Operating System, but to various related programs and documents as well as whatever operating system Amiga is currently developing or implementing.

The OEM Software License Agreement ("License Agreement") provides Thendic a license to integrate the Amiga DE Operating System, together with "Enhancements," "Updates," "Upgrades," and "Documentation" related to that system. See Definition of "Licensed Software" and License Agreement at ¶¶ 4.2.1, 10.2.5. To the extent plaintiffs seek

1 modification of the February 19, 2004, Order to include a list of the related items to which
2 plaintiffs must be given access, the motion is GRANTED. To the extent plaintiffs are
3 attempting to rewrite the License Agreement to cover operating systems other than Amiga's DE
4 Operating System, the motion is DENIED.

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6 For all of the foregoing reasons, page 2, lines 8-12 of the Court's Order of
7 February 19, 2004, is hereby amended as follows:

8 Plaintiffs are entitled to specific performance as requested in the complaint, "i.e.,
9 integration of Amiga's DE Operating System into Thendic's Pegasos and/or other
10 products in question." Complaint at 2. Defendant shall, within thirty days of the
11 date of this Order, grant plaintiffs rights and possession of the DE Operating
12 System, along with the "Enhancements," "Updates," "Upgrades," and
13 "Documentation" that are related to that system, for integration into Pegasos.

14 DATED this 12th day of March, 2004.

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17 Robert S. Lasnik
18 United States District Judge
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