

# EXHIBIT P

Brandt, Werner

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Von: Mackey, James  
Gesendet: Montag, 17. Januar 2005 17:36  
An: Brandt, Werner; Agassi, Shai; Kagermann, Henning; Oswald, Gerhard  
Cc: Shenkman, Arlen; Junge, Michael; Crean, Tim; Brubaker, Brad  
Betreff: TomorrowNow  
Wichtigkeit: Hoch  
Vertraulichkeit: Privat

HIGHLY CONFIDENTIAL

Hallo all,

We are making significant progress and we should be able to complete the due diligence and transaction on time. The issue that always causes a problem is the indemnity.

As you are aware the purchase price is USD 10 million and the purchase price is typically the cap or the most that sellers in an acquisition context are liable for under an indemnity.

The major issue is the infringement issue. TN is confident of its previous analysis and the legality of the services performed. If we change the business model, service offering and do a more aggressive marketing campaign, TN is concerned about the risk of a potential lawsuit. As such, they are trying to reduce their liability to a portion of the purchase price. TN has asked for a limitation on their personal liability for infringement at \$500,000, however, our attorneys have advised us that they are probably willing to set the liability cap at 10-20% of the purchase price. For other issues such as tax matters and other employment or stock ownership matters, the cap will be much higher since they obviously have much more comfort that there are no violations on these issues.

Please advise what limits we will be willing to accept as this appears to be the only roadblock to closing the agreements.

Best regards,  
Jim

EXHIBIT 429  
WIT: Kagermann  
DATE: 9/26/08  
FRANK BAS, RPR

17.01.2005