

# EXHIBIT D



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## CrunchPad Federal Lawsuit Filed; Some Additional Thoughts

by Michael Arrington on Dec 11, 2009 472 Comments 1 Like

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Thursday afternoon we filed a lawsuit against Fusion Garage in the Northern District of California Federal court. The causes of action include Fraud and Deceit, Misappropriation of Business Ideas, Breach of Fiduciary Duty, Unfair Competition and Violations of the Lanham Act. The complaint is embedded below, or you can view it [here](#).

This was the first time I've ever filed a lawsuit, and it was certainly not the way I thought the whole CrunchPad project would end when I first wrote about the idea in July 2008.

I believe the lawsuit (and attached exhibits) speaks for itself. A timeline is provided as well as supporting evidence from the Fusion Garage blog (now deleted) and emails between our companies. But I do have a few additional thoughts:

1. We've shown through our posts (see [The End Of The CrunchPad](#) and [CrunchPad Litigation Imminent](#)) and that we've got nothing to hide. Our statements are backed up with emails and other evidence. Fusion Garage also makes a lot of statements about us, none of which are backed up by evidence.
2. Fusion Garage deleted their blog shortly after the dispute erupted. A lot of statements on that blog directly contradict statements made by Fusion Garage this week (these are included in the lawsuit). That deletion, combined with the fact that they very clearly misled us over the last month into believing everything was on track, while they simultaneously registered a new domain name and rebuilt the case of the device to include the new brand, shows a pattern of lies. The press has mostly given them a pass on this.
3. Fusion Garage is, and always has been, a company on the edge of going out of business. Their main shareholder, the guy who wrote the now infamous email telling us that we were no longer part of the project, is a chiropractor named Bruce Lee. The company was constantly raising debt from unsavory investors, borderline loansharks, to make payroll. We paid a lot of expenses directly, and we agreed with Fusion Garage that they had to clean up their cap table before we could acquire them. Fusion Garage agreed and attempted to do this but was never successful. All of this is shown in the exhibits to the lawsuit.