

1 Andrew P. Bridges (SBN: 122761)  
 ABridges@winston.com  
 2 David S. Bloch (SBN: 184530)  
 DBloch@winston.com  
 3 Matthew A. Scherb (SBN: 237461)  
 MScherb@winston.com  
 4 WINSTON & STRAWN LLP  
 101 California Street, 39th Floor  
 5 San Francisco, CA 94111-5802  
 Telephone: (415) 591-1000  
 6 Facsimile: (415) 591-1400  
 7 Attorneys for Plaintiffs  
 INTERSERVE, INC., dba TECHCRUNCH  
 8 and CRUNCHPAD, INC.

9  
 10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

Winston & Strawn LLP  
 101 California Street  
 San Francisco, CA 94111-5802

12  
 13 INTERSERVE, INC., dba TECHCRUNCH, )  
 a Delaware corporation, and CRUNCHPAD, )  
 14 INC., a Delaware corporation, )  
 15 Plaintiffs, )  
 16 vs. )  
 17 FUSION GARAGE PTE. LTD., a Singapore )  
 company, )  
 18 Defendant. )

Case No. CV-09-5812 RS (PVT)

DECLARATION OF ANDREW P.  
 BRIDGES IN SUPPORT OF REPLY IN  
 SUPPORT MOTION FOR PRELIMINARY  
 INJUNCTION

Date: May 13, 2010  
 Time: 1:30 P.M.  
 Place: Courtroom 3, 17th Floor

Winston & Strawn LLP  
101 California Street  
San Francisco, CA 94111-5802

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I, Andrew P. Bridges, declare pursuant to 28 U.S.C. § 1746:

1. I am an attorney at law duly licensed to practice before all the Courts of the State of California, and a member in good standing of the Bar of the United States District Court for the Northern District of California. I am a partner with the law firm of Winston & Strawn LLP, counsel of record in this action for Plaintiffs.
2. Exhibit A to this declaration is a true and correct copy of the document that Defendant produced in this litigation starting with Bates number FG29927. (UNDER SEAL)
3. Exhibit B to this declaration is a true and correct copy of the document that Defendant produced in this litigation starting with Bates number FG250. (UNDER SEAL)
4. Exhibit C to this declaration is a true and correct copy of the document that Defendant produced in this litigation starting with Bates number FG7391. (UNDER SEAL)
5. Exhibit D to this declaration is a true and correct copy of the document that Defendant produced in this litigation starting with Bates number FG13395. (UNDER SEAL)
6. Exhibit E to this declaration is a true and correct copy of the document that Defendant produced in this litigation starting with Bates number FG29727. (UNDER SEAL)
7. Exhibit F to this declaration is a true and correct copy of the document that Plaintiffs produced in this litigation starting with Bates number TC515.
8. Exhibit G to this declaration is a true and correct copy of the document that Defendant produced in this litigation starting with Bates number FG21539. (UNDER SEAL)
9. Exhibit H to this declaration is a true and correct copy of the document that Defendant produced in this litigation starting with Bates number FG21634. (UNDER SEAL)
10. Exhibit I to this declaration is a true and correct copy of the document that Defendant produced in this litigation starting with Bates number FG10049. (UNDER SEAL)
11. Exhibit J to this declaration is a true and correct copy of the document that Defendant produced in this litigation starting with Bates number FG8426. (UNDER SEAL)
12. Exhibit K to this declaration is a true and correct copy of the document that Defendant produced in this litigation starting with Bates number FG8387. (UNDER SEAL)

1           13. Exhibit L to this declaration is a true and correct copy of the documents that  
2 Defendant produced in this litigation starting with Bates numbers FG1308 and FG1319. (UNDER  
3 SEAL)

4           13. Exhibit M to this declaration is a true and correct copy of the documents that  
5 Plaintiffs produced in this litigation starting with Bates numbers TC1203, TC1204, and TC1205.

6           14. Exhibit N this declaration is a true and correct copy of the document that Defendant  
7 produced in this litigation starting with Bates number FG32834. (UNDER SEAL)

8           14. Exhibit N this declaration is a true and correct copy of the document that Defendant  
9 produced in this litigation starting with Bates number FG32834. (UNDER SEAL)

10          15. Exhibit O this declaration is a true and correct copy of the document that Defendant  
11 produced in this litigation starting with Bates number FG13268. (UNDER SEAL)

12          16. Exhibit P this declaration is a true and correct copy of the document that Defendant  
13 produced in this litigation starting with Bates number FG13301. (UNDER SEAL)

14          17. Exhibit Q this declaration is a true and correct copy of the documents that Defendant  
15 produced in this litigation starting with Bates numbers FG243 and FG32911. (UNDER SEAL)

16          18. Exhibit R this declaration is a true and correct copy of the document that Defendant  
17 produced in this litigation starting with Bates number FG29680. (UNDER SEAL)

18          19. Exhibit S this declaration is a true and correct copy of the documents that Defendant  
19 produced in this litigation starting with Bates numbers FG0029940 and FG0029960. (UNDER  
20 SEAL)

21          20. Exhibit T this declaration is a true and correct copy of the document that Defendant  
22 produced in this litigation starting with Bates number FG30068. (UNDER SEAL)

23          21. Exhibit U this declaration is a true and correct copy of a disk that third party McGrath  
24 Power produced to Plaintiffs. (MANUALLY FILED)

25          22. Exhibit V this declaration is a true and correct copy of the document that Defendant  
26 produced in this litigation starting with Bates number FG8409. (UNDER SEAL)

27          23 Exhibit W this declaration is a true and correct copy of the document that Defendant  
28 produced in this litigation starting with Bates number FG13299. (UNDER SEAL)

Winsto, Strawn LLP  
101 California Street  
San Francisco, CA 94111-5802

1           23     Exhibit X this declaration is a true and correct copy of the document that Defendant  
2 produced in this litigation starting with Bates number FG28768. (UNDER SEAL)

3           24     Exhibit Y this declaration is a true and correct copy of the document that Plaintiffs  
4 produced in this litigation starting with Bates number TC297.

5           24     Exhibit Z this declaration is a true and correct copy of the document that Plaintiffs  
6 produced in this litigation starting with Bates number TC298.

7           25.     Exhibit AA this declaration is a true and correct copy of the documents that  
8 Defendant produced in this litigation starting with Bates numbers FG14489, FG1511, and FG1515.  
9 (UNDER SEAL)

10          26.     Exhibit BB this declaration is a true and correct copy of the document that Plaintiffs  
11 produced in this litigation starting with Bates number TC6376.

12          27.     Exhibit CC to this declaration is a true and correct copy of non-confidential excerpts  
13 of the April 22, 2010 deposition transcript of Defendant's Chandra Rathakrishnan in this litigation.

14          28.     Exhibit DD to this declaration is a true and correct copy of confidential excerpts of  
15 the April 22, 2010 deposition transcript of Defendant's Chandra Rathakrishnan in this litigation.  
16 (UNDER SEAL)

17          29.     Exhibit EE to this declaration is a true and correct copy of confidential excerpts of the  
18 April 20, 2010 deposition transcript of Plaintiffs' Michael Arrington in this litigation. (UNDER  
19 SEAL)

20          30.     Exhibit FF to this declaration is a true and correct copy of non-confidential excerpts  
21 of the April 20, 2010 deposition transcript of Plaintiffs' Michael Arrington in this litigation.

22           I declare under penalty of perjury that the foregoing is true and correct.

23           Executed May 3, 2010.

24                                    *Andrew P. Bridges*  
25                                    Andrew P. Bridges  
26

27           SF:281092.1  
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**EXHIBIT A**

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**From:** 'Chandrasekar Rathakrishnan' <chandra@fusiongarage.com>  
Jonathan Bloom <JonathanBloom@mcgrathpower.com>  
**Sent:** 11/16/2009 4:11:53 AM  
**Attachments:** image002.jpg; image003.jpg; image004.jpg; image001.gif  
**Subject:** Re: FW: Michael Arrington Discusses Status of the CrunchPad

Jon,

Am not in agreement with Ursula. I can understand y Ursula would have such thoughts. however, i believe its unfounded.

Ursula is giving arrington more credit than he deserves :) Got a call from Arrington last night. Answered as did not recognize the number.

Essentially he wanted to know where we were with software and that he wants to meet on Tues and to discuss and launch product at the their realtime event on Friday.

Told me how this deadline cannot be missed and that he was excited about it.

Played along and told him will let him know about meeting on Tuesday tomorrow and that have not been able to connect with investors but have a call on Monday with them.

left that door open to use as a reason to cite inability to accept terms at the last minute.

As you can see its becoming really hard to play along and i do think this it is going to lead to a massive blowup on his t (not perhaps translated in his writing)

when realization hits that I have strung him along.

This is going to be one helluva of a week.

So to wrap up, I do think Ursula is off track with this and that we should not expand energy working that angle. I am dead confident on this one.

Best,  
Chandra

2009/11/16 Jonathan Bloom <[JonathanBloom@mcgrathpower.com](mailto:JonathanBloom@mcgrathpower.com)>

Thoughts?

**From:** Ursula Herrick  
**Sent:** Sunday, November 15, 2009 8:40 AM  
**To:** Jonathan Bloom; Kathryn Walker  
**Subject:** FW: Michael Arrington Discusses Status of the CrunchPad

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Kate,

We need to consider Arrington's comments for our pitch to the media and our launch approach.

I am probably the only one seeing it this way but I continue to think in the back of my mind that Arrington is "keeping Chandra warm" and may have another company doing similar work to Fusion Garage. Reason is that in this latest Gillmor Gang conversation he acts as though he has been involved in the past month in enhancing the software and we hear from Chandra that Arrington has been MIA on it. Either Arrington is stringing Chandra along as a fallback position in case his other device does not come through or that Arrington is truly out of touch on Chandra's progress and is merely talking about it in public with limited information.

It seems to me that Arrington is a smart guy and he has seen the questions posed by *Wired* and others. Wouldn't he be connected with Chandra more closely if an announcement that he talks about coming shortly is truly happening? What would this announcement be if Chandra doesn't know about it? If there is truly an Arrington announcement happening shortly and when Chandra does his announcement, do we need to do anything differently?

I don't want to sound alarmist or anything, but I don't want us to have blinders on either. We just think that we need to consider everything.

Ursula

**From:** John Kreuzer  
**Sent:** Saturday, November 14, 2009 10:30 PM  
**To:** Ursula Herrick; Kathryn Walker; Jonathan Bloom  
**Cc:** Megan Alpers; '[derekj@mcgrathpower.com](mailto:derekj@mcgrathpower.com)'; Timothy J. Polakowski; Amelia Vierra; Rory Mohon; '[johnk@mcgrathpower.com](mailto:johnk@mcgrathpower.com)'  
**Subject:** Michael Arrington Discusses Status of the CrunchPad

Hi Team,

I wanted to flag a few articles to the team which posted today and provide readers with an "update on the CrunchPad" from Michael Arrington.

Michael Arrington appeared on the Gillmor Gang on Friday afternoon with Robert Scoble, Saul Hansell of the *New York*

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*Times* and a couple of other participants from the technology industry. During the podcast, Arrington made his first comments updating viewers on the status of the CrunchPad.

Of note in the posts, Arrington states that "The CrunchPad is steam-rolling along. Costs keep coming down. We've been working entirely on the software for the past month, trying to make it perfect to get it to market." He also mentioned during the broadcast that "we should have good news shortly."

Here is the [direct link](#) to hear Arrington's specific comments on the status of the CrunchPad.

The full text of the most relevant posts can be found below.

Thanks,

John

11/14/09

**Arrington: CrunchPad Great, Costs Keep Coming Down, \$300 – 400 Price, Good News Shortly**

*CrunchPad Fans*

<http://crunchpadfans.com/2009/11/15/arrington-crunchpad-great-costs-keep-coming-down-300-400/>

It seems the only way you can get Arrington to talk about the CrunchPad is if some of his dear old friends ask him.

In a recent episode of the [Gilmore Gang](#), which is a weekly podcast about technology with Arrington and other tech geeks, **he stated that we will hear something shortly** and that costs are actually coming down.

He says:

*The CrunchPad is great actually. It's actually steam rolling along, everything is good. That stuff about costing was too high, I don't know where it came from. Actually costs keep coming down. We've been working entirely on the software for the last month trying to make it perfect to get it to market. Should be good news on that shortly.*

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He also says it's going to sell from "somewhere between 300 to 400 dollars" and the cost remains "in the high 200s, sort of all in".

**In addition, something we didn't know before, Arrington says there will be some software revenue on the device such as sponsorships "without impacting the user experience" and of these avenues will include revenue from the search bar similar to how Firefox makes money.**

It's now November, the promised month for its release. We hope the price will be at the lower end of the range, but I have a feeling it's at \$350-375.

11/14/09

#### **Update on the CrunchPad**

*GottaBeMobile*

<http://www.gottabemobile.com/2009/11/14/update-on-the-crunchpad>

Mike Arrington appeared on the Gilmore Gang and gave a quick update on the CrunchPad. Arrington says his costs are in the high \$200 range and will sell for \$300 to \$400.

**"The CrunchPad is steam-rolling along," Arrington said. "Costs keep coming down. We've been working entirely on the software for the past month, trying to make it perfect to get it to market."**

Arrington sidestepped Robert Scoble's question about how he thinks the CrunchPad will compete with Apple's future tablet. While Arrington is positioning the CrunchPad as a pretty simple device, he says he hopes Apple will produce a high-end slate. The truth of the matter is that mainstream consumers would choose an Apple tablet over a CrunchPad in a heartbeat, even if there's a price premium.

Arrington said he thinks they'll sell 10's of millions of CrunchPads in the next few years.

you don't have time to watch the full video below, head over to YouTube to skip to the CrunchPad portion of the conversation. Skip to about 38:50.

11/14/09

**Sponsorship-supported Crunchpad is alive. 'Steamrolling' says Arrington.**

*UMPC Portal*

<http://www.umpcportal.com/2009/11/sponsorship-supported-crunchpad-is-alive-steamrolling-says-arrington/>

I should have been in bed but I got hooked into an excellent Gilmore Gang videocast this evening. Robert Scoble, Mike Arrington, P Rangaswami, Kevin Marks, and Saul Hansell talk a lot about the iPhone and Droid war, discuss the differences and then, all of a sudden, at about 39 minutes in, the conversation switches to the Crunchpad.

As I watched, I sent three important tweets out:

- "Crunchpad is steamrolling", "costs keep coming down". "big news on that shortly" says @arrington
- Crunchpad is going to sell "for something between three and four hundred dollars", web-only says @arrington
- "soft revenue", "sponsorships" on Crunchpad. Sounds like ad-supported "without impacting the user experience"

\$300-\$400 dollars PLUS advertising (sponsorship) is what everyone will be talking about. For mass-market couch-surfing, that's too expensive. The Archos Android tablet and iPod Touch have already set the pricing bar (and possibly the sizing) for home-based sofa-surfing devices.

To be fair, I don't think Mike Arrington expects the Crunchpad to be selling millions and he understands that the home 'pad' market is just taking off so this, like many other 1st attempt projects, could be more of a learning and branding exercise than anything else. If you think about how Nokia are playing with their Maemo devices it's much the same. They are nurturing awareness and developer support for a time when the market is ripe. That could be 2010, 2011 or beyond but you have to be ready to strike when the conditions are ready.

**Clearly the Crunchpad is alive, it's going to cost between 300 and 400 dollars, it's Atom-based, it's going to be sponsorship-supported, web-only and we should expect 'big news' shortly.**

11/14/09

**It's alive, it's Alive, IT'S ALIVE! The CrunchPad gets some new details**

*BestTabletReview.com*

<http://besttabletreview.com/its-alive-the-crunchpad-gets-some-new-details/>

It's become a throw-away joke on Twitter. "Hey @Arrington, where's the CrunchPad?" Recent speculation holds that the device was officially kaput. Then again, it was also voted one of the "ten most brilliant products of 2009?" by Popular Mechanics. Rumors buzz around the CrunchPad like so many bees, but thanks to the keen listening of Chippy from UMPCPortal.com we finally have some new information about this elusive beast.

According to today's Gilmore Gang vidcast (starting around the 39 minute mark) Arrington spills some details on the CrunchPad.

**First, it will have a 12 inch screen, be an "internet only" machine, run an Intel Atom processor and cost between \$200 and \$400. As we suspected, most of the delays have been caused by fine tuning the independent OS and web browser that utilizes internet connected web based operation.**

Basically all of your programs are accessed through the CrunchPad's connection to an online server. The upside is that the CrunchPad uses its limited resources to speed up your surfing process. The bad side is if you have no internet connection you have a slab paperweight.

Another bit of suggestive wording might mean you'll be seeing ads on the CrunchPad when surfing around. In order to keep the price low — and out of the price range and competition of the upcoming Apple Tablet — they may sell sponsorships on CrunchPad programs. We're told that more information will be coming shortly, but we won't hold our breath. We've heard that particular yarn before.

John Kreuzer

Account Executive



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333 W. San Carlos Street #900

San Jose, CA 95110

☒ (408) 727-0351 Ext 771

☒ (408) 200-3771 Direct

☒ (503) 459-8254 Cell

☒ (408) 885-9317 Fax

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Partner Agency, The Worldcom Group

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**EXHIBIT B**

**From:** Stuart Tan <stuart@fusiongarage.com>  
**Sent:** Wednesday, September 23, 2009 2:25 PM  
**To:** Alicia Tan <aliciatan78@yahoo.com.sg>  
**Subject:** Re: Read Read!

---

Very nice indeed.

Sorry dear yesterday was totally trashed, take a short nap in the early morning all the way until this noon. Very ried and there are so many things to do and Pegatron is givng me problem again. Threaten to stop project again for reasons that they the payment to be early.

Really sucker these people. anyway still got to deal with them and really miss hm and having time with u. love u let's chat later. my schedule we will have another meeting with Michael at around 3-4 pm today and we will be at their office. then i will come back to ks apartment again to work on the project. Cheers

----- Original Message -----

**From:** [Alicia Tan](#)  
**To:** [Stuart Tan](#)  
**Sent:** Wednesday, September 23, 2009 8:07 PM  
**Subject:** FW: Read Read!

| dear, read this...very meaningful. share with chandra and the rest of ur colleagues. cheers!

.....  
| Try cool new skins, plus more space for friends. [Check it out on Singapore Yahoo! Messenger now.](#)

**EXHIBIT C**

) From: Jonathan Bloom  
Sent: Tuesday, September 29, 2009 4:29 PM  
To: [REDACTED]  
Cc: Kathryn Walker <KathrynWalker@mcgrathpower.com>; Ursula Herrick <UrsulaHerrick@mcgrathpower.com>; Lynne Hosack <LynneHosack@mcgrathpower.com>  
Subject: Next Steps - Potential Technology Client Phone Meeting

---

Hi [REDACTED],

I spoke to our potential shared client that is developing the Web OS-based tablet computer today and things are continuing to progress in the right direction for a working relationship. As I mentioned in a previous email, Chandra is in the final stages of "divorcing" himself from Michael Arrington of TechCrunch fame. The discussions between them are continuing and it appears very likely that Chandra will break things off and go it alone. That will require the launch event and post-event activities that we discussed in our previous conversations.

Based on my conversation with Chandra today, here is the path forward:

1. He will put together an introductory email outlining the product, highlighting links to recent media coverage and overviewing the market for the product. I should have that tomorrow and will forward to you.
2. We would then arrange a phone call between the three of us which he would like to do this Thursday, October 1 at 1:00 p.m. Pacific. The purpose of the call is to ensure that his business goals are articulated, that everybody understands the audience for the product and its capabilities and to have a preliminary discussion on what is feasible for his launch timeframe (no later than early November).
3. Assuming no hiccups on the call, we would then move into paid idea development -- similar to what we did for ADT but also checking that the ideas can be done (reaching out to venues, for example, for availability). We would likely have to hit the ground running shortly after idea/plan approval so the key is to ensure that what we propose can actually be implemented. I am not sure what you guys would charge for this but my gut feel is that we would have to come in [REDACTED] for this activity. Chandra does not mind paying for what he gets but he needs to have our ideas to finish securing his funding out of Singapore. My thought is that we don't try to kill him on the payment for the ideas and make up any difference on the overall project fee which he reiterated would be [REDACTED].
4. Assuming he likes ideas and gets funding, we would rapidly move into implementation mode. For this, I think our roles would be similar in some ways to what we proposed for ADT only with M/P acting as the lead agency and managing the client and MMC focusing on the launch "big idea" and its implementation. I welcome your thoughts on this and am flexible relative to roles and responsibilities. As we have worked with Chandra in the past, it is important to him that M/P faces him on a daily basis.
5. As we discussed, Chandra would have to fund our activities in advance via a bank deposit for the full budget that we would draw down against. This is going to require some planning to ensure that he understands how we will account for use of the budget as the advance payment issue is not standard fare out our way but is something that I know we both believe is essential to making this work within his tight timeframe.

Please let me know your availability for a call this Thursday and if you have any questions.

Best,

Jon

\*\*\*\*\*  
Jonathan Bloom  
CEO



**mcgrathpower**  
public relations & communications

333 W. San Carlos Street #900  
San Jose, CA 95110

☎ (408) 727-0351 ext 760  
☎ (408) 200-3760 direct  
☎ (408) 885-9317 fax

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Partner Agency, The Workloom Group

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.FG0007392

**EXHIBIT D**

---

From: 'Jonathan Bloom' <JonathanBloom@mcgrathpower.com>  
Chandra <chandra@fusiongarage.com>  
CC: [REDACTED]  
Sent: 10/19/2009 2:13:17 PM  
Attachments: image003.jpg; image004.jpg; image001.gif; image002.jpg; Oprah Update  
10.17.09.docx  
Subject: Summary Of Ideas To Date

Chandra,

As I mentioned, [REDACTED] and I met a few times last week to discuss the preliminary framework for the following:

1. Arrington Positioning/Initial News Cycle
2. Overall Launch Approach
3. [REDACTED]
4. Branding/Product Naming
5. Apple Threat
6. CES

(NOTE: We are using JuJu as the working company and product name for the purposes of this discussion.)

While we did not develop a full PR plan, per se, we did agree on several paths moving forward and would like to talk with you jointly when [REDACTED] returns from a second trip (he went on to a client meeting in St. Kitts and should be back by the weekend).

The following should give you a top line of where we are at and provide you and I with a jumping off point for our discussion today at 3:30. If you are in agreement with us, we will move forward with a plan.

Time is running short – we need to begin work ASAP and I need us to work through the contract as well.

Arrington Positioning – Company Launch:

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The Arrington issue must be dealt with first – in fact, we view it as the beginning of the company launch cycle.

Approach: We would like to use every appropriate online/offline reporter (eliminating any that may be overly friendly with Arrington) that has written about the product in detail to date as vehicles to establish that you are now the owner of the product, to debut your company and begin to demo the product in person. We would also like to meet with analysts in tandem with the first wave of reporters. On the tone of these meetings, [REDACTED] and I recommend overcompensating on the Arrington issue – going as far as possible to compliment his vision while also taking polite credit for the actual design work. The goal here is to stay as far away as possible from any in-print arguments with him and, instead, simply say that we “acted in good faith but a firm business arrangement could not be met. Michael’s vision lives on through JuJu.”

Desired End Result: News stories highlighting our perspective on the Arrington issue, the announcement of JuJu as a company and third party validation for the stories via analysts.

Timeline: Within 2 weeks; once positioning is approved and product is fully demonstrable with units for review

Overall Product Launch Approach:

We fundamentally agree that the product must get visible immediately with multiple activities ongoing in tandem to kick off the pre-order period and beat Apple to the punch.

Approach:

Part One:

We believe that we must undertake offline and online activities simultaneously with a blend of traditional activities (reviews, mainstream news announcement of the product’s availability via pre-order) and online (community building, blogger outreach, and “special” activities to drive traffic to your site for pre-orders). Bill and I firmly agree that a major consumer event should be considered only after the product receives the first one or two waves of visibility. We need product for reviews and other demonstrations ASAP.

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Part Two:

One of the "special activities" we discussed was enlisting "Social Media Celebrities" and put the JuJu SM (SM=social media; see branding section below) in their hands to get their endorsement. To make this work, we would tie in with a well known charity that benefits children (perhaps a literacy organization) and use the charity hook to get the celebrities involved. We would seed the product to these "celebrities" and then hold a charity fundraising event (probably in LA or New York) to launch the product to the broader social media audiences. However, the key to the success of this would be a comprehensive on-line and social media campaign that gets people talking about the JuJu SM and the great user experience as a build up to the event. We would treat it more like a Hollywood movie premier than a typical product launch. Obviously, this is a large-scale undertaking and would require planning time.

Timeline: Within 4-8 weeks for Part One activities; 2-4 months for Part Two special idea

See attached memo from [REDACTED]. We both like your idea but we both also believe that the chances are very, very slim that this will happen this year. Let's give it a shot but not count on it definitively.

Timeline: ASAP

Branding:

We went over our notes from our in-person discussion and came up with the following:

*Key product attributes:*

Ease of use  
Speed (boots fast)  
Attainable/broad appeal

*Positioning idea:*

The Internet is all about content, and JuJu is the perfect device for interacting with on-line content and participating in social media activities. We would position it as the first device that is *built specifically for the needs of the "socially connected" and how they interact with on-line content.*

*Possible product naming architecture:*

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u SM (Social Media/wi-fi)  
u SM G3 (broadband)

This provides the opportunity to create additional products in the future that follow the same naming convention, but gives a fair amount of flexibility in those options.

Summary:

As you and I have not had a chance to connect and update each other on Arrington discussions, product availability, etc., we can't really go much farther on planning. Once we talk today, we can determine where we are at and appropriate next steps.

Best,

Jon

+++++

Jonathan Bloom



333 W. San Carlos Street #900

San Jose, CA 95110

☎ (408) 727-0351 ext 760

☎ (408) 200-3760 direct

☎ (408) 885-9317 fax

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ner Agency, The Worldcom Group

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**EXHIBIT E**



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**From:** 'Chandrasekar Rathakrishnan' <chandra@fusiongarage.com>  
Jonathan Bloom <JonathanBloom@mcgrathpower.com>; Kathryn Walker  
<KathrynWalker@mcgrathpower.com>  
**Sent:** 11/11/2009 3:30:14 AM  
**Attachments:** Video Outline for Launch of JooJoo 11 09 09edits.docx  
**Subject:** Script with comments

Jon/Kate,

Here is the script with my comments. Will be awake by 11 am , should you want to discuss this.

As mentioned previously, this not re-edit but just comments.

Thanks,  
Chandra

## Video Outline/Script for Launch of JooJoo

1. *Intro: Black background with white type*

**What if the Web was only 9 seconds away?**

*Then the second line is added*

What if the Web was only 9 seconds away?

**How different would your world be?**

2. *Note: Chandra appears on screen. His name and title appears on the bottom of the screen to identify him for a few moments. Chandra uses the teleprompter to help deliver the message.*

Hello. I'm ChandrasekarRathakrishnan and I'm the CEO of Fusion Garage.

Fusion Garage started more than a year ago in Singapore with two questions that needed answers. What if a browser could boot without an OS? How different would the world be?

We introduced ourselves to Michael Arrington when he wondered aloud in his TechCrunch blog whether a dead simple and dirt cheap touch screen Web tablet to surf the Web could be built. His vision was simple. Build a device that connects to the Web quickly and easily. Data input would be through an iPhone-like touch screen keyboard. Its browser would be its operating system. It would run on Linux and Firefox and be built entirely on open source hardware. His dream was to turn it on, bypass any desktop interface and reach the Internet in seconds.

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So that was his initial vision. Linux firefox and bypass desktop etc. I see where you are going with this. But we are now not running linux, firefox n bypassing the desktop. He was thinking of an hack while we had a system

that was built from ground up for the purpose. A browser os. So we need to clearly not confuse his initial approach with what we ended up doing. Coz they are different. This para is confusing as it seem to insinuate that we have done linux and firefox.

Why? With Google docs, Gmail and Skype, and you have a device that can connect to everything that you use every day from social networks to photo sites, from email to document creation. The key would be to package this in a light-weight, portable device that's as thin as possible.

That's our vision. Do we need to have this up here and how we getting it thin was important ?

When we first met with Arrington we showed him how our technology could make his vision for the device he called the "CrunchPad" possible. You probably saw some of our initial prototypes in photos circulating around the blogosphere or on YouTube.

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Despite the pictures and videos, you've probably heard the speculation in the industry about whether this device can be built. Perhaps you've read how Popular Mechanics placed CrunchPad at the top of its list of the 10 Most Brilliant Products of 2009 and may have asked how an unreleased product could have received such accolades.

Y does the popular mechanics award and how we got that without launching be a topic of discussion here ?

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You've probably wondered when you would see this product and when you will be able to get your hands on one.

The wait is over. Fusion Garage has developed a device that not only fulfills the initial vision for the "CrunchPad" but takes it steps further in both hardware and software design. I'm here today to tell you that we are announcing the JooJoo

So this paragraph here seem to suggest that we took crunchpad concept and went further with it and did joojoo and are now announcing it. We have to keep in mind that, Mike is going to say crunchpad is dead or not going to make it or something to that effect. We need to clearly make the case that we could not agree on biz terms, and that crunchpad is now going to be called JooJoo. Not that this is an offshoot of crunchpad or to that effect. We need to clearly make the link that this is crunchpad with a different name,

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So just to summarize, we need to clearly link ourselves as the team behind crunchpad and all. Make the breakup clear and make sure that its made known that crunchpad will now launch under another name.

*Note: Chandra picks up the JooJoo and the camera focuses in on the JooJoo.*

Here it is — the JooJoo. It's real and it's the first touch screen device that allows you to connect to the Web in seconds.

You will be able to pre-order this device for \$XXX starting on December X. Orders for the first 2,000 devices will be taken from the Fusion Garage Website and the product will ship in the first quarter of 2010.

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This entire paragraph needs to be dropped. We just should say unveiling 2<sup>nd</sup> Dec.

Formatted: Superscript

### 3. Capabilities section: Black background with white type

#### **What if a browser could boot in 9 seconds?**

*Note: The camera is directed at the JooJoo with Chandra's voice providing the commentary. Since the camera is not on Chandra, Chandra is reading from the script for provide the voiceover. Astop watch in the lower, right-hand corner to show how fast the browser boots up.*

With just a browser at its core, the JooJoo connects you to your world of content, news, social media and web services quickly and easily through the Internet.

*Note: Chandra starts his demo of the device by pressing the "on" button at which time a stop watch appears in the corner ticking off the seconds. The clock stops at 9 seconds. In the nine seconds that the device is booting up Chandra is starting to give the demo.*

As you can see, our browser connects you directly to the Web in nine seconds. Your PC can take two minutes and even your iPhone can take about 30 seconds.

We should just stop here and go no further. And again make reference to just the dec 2<sup>nd</sup> unveiling.

Formatted: Superscript

Let me show you how the JooJoo can easily connect you to the Web.

*Note: At this point the camera is still focused on the screen of the JooJoo and Chandra shows how to pull content from the Web.*

By connecting to the thousands of applications on the Web, you can access content quickly, use apps like Google Docs to create documents, or use your Gmail account to send email.

4. Closing with the user experience: Black background with white type

**How different would your world be?**

*Note: Chandra returns for the close.*

The JooJoo is designed for anyone who lives on the Web and enjoys having access to the Internet wherever they are. JooJoo users can watch high-resolution videos and listen to music through headphone jacks or can access any content available on the Web, such as content on Hulu, YouTube or Pandora or other content that's saved to the cloud.

I look forward to telling you more about the JooJoo on December X when we start to take orders for the JooJoo.

Until then, thank you.

5. Closing Graphic: Black background with white type

**[www.fusiongarage.com](http://www.fusiongarage.com)**

For more information on the JooJoo, check us out on our website  
[www.fusiongarage.com](http://www.fusiongarage.com).

**EXHIBIT F**

**From:** 'erick schonfeld' <erickschonfeld@gmail.com>  
Michael Arrington <editor@techcrunch.com>; Nik Cubrilovic  
<cubrilovic@gmail.com>  
**Sent:** 9/18/2008 8:25:04 AM  
**Attachments:** DuoTouch.pdf; fgextension.ppt; modcom.pdf  
**Subject:** Fwd: Browser as an Operating System - Request for introduction to members of tc  
wehtablet

Tablet guys should look at this. TC50 Demopit company I told you about with a browser "OS" that does some cool things.

----- Forwarded message -----

**From:** Chandrasekar Rathakrishnan <chandra@fusiongarage.com>  
**Date:** Wed, Sep 17, 2008 at 10:59 PM  
**Subject:** Re: Browser as an Operating System - Request for introduction to members of tc wehtablet  
**To:** erick@techcrunch.com

Hi Erick,

I missed 3 other attachments with the last email . The 2 pdf are images of devices that we are working with ODMs in Asia.

The 3rd attachment is another 2 slides in the form of a ppt that were missed in the original slide deck.

The first slide here shows that the "Action bar" is the entry point for urls as well.

The 2nd slide here shows that the browser os is not just meant for web tablet or laptop type devices but could work on a variety of form factors including that of mobiles.

Best,  
Chandra

On Thu, Sep 18, 2008 at 10:53 AM, Chandrasekar Rathakrishnan <chandra@fusiongarage.com> wrote:  
Hello Erick,

It was good meeting you at the TC50 show. Just as a quick recap, I am chandra from Fusion Garage.

We are working on the browser as an operating system. I did meet with Aza Raskin last week and it was a good meeting that we had.

He was impressed with the progress we have made along the lines of the browser as an OS

It will be great if you could refer us to the group that is working on the techcrunch tablet.

It will be great if we could meet with Michael and/or other key members of the team working on the web tablet ,

so that we can give them a demo and discuss possible collaboration.

TC00000515



I'll be in town for a few more days (currently slated to leave for Singapore on Sat midnight)

and it will be great if I could get a meeting prior to my departure.

I am prepared to extend my stay through next week to make a meeting happen as well and hence would be grateful for your help.

We have not launched as yet and are prepared to discuss ways in which we could work together.

I will be glad to meet Michael and/or the other members of the tablet team at a place and time of their convenience.

I look forward to your assistance with the introduction. My local mobile number is 415 309 5633 and my singapore mobile is +65 96705425.

In the meantime, I am attaching a powerpoint that give would give you an idea of the features with the screenshots.

I have also attached pdf with image designs of the devices that we are working with odm partners in asia.

This is not all inclusive but will give you an idea of what we are upto.

Our plans are as follows:

We are probably about 2 months or thereabouts away from primetime.

The idea here with the browser as an OS is that of having to boot with nothing else except the browser on a variety of devices with different form factors.

Obviously this means that the browser needs to evolve from what it is today to deal with a variety of things including memory management and a user interface

that will enable for such a platform to thrive. We have worked on offline access and all as well.

We have worked on all of such things with our operating environment.

In addition, we have tried to tie the various disparate web services via the browser as a core approach coupled with a unique UI.

We have plans to have this built with our own devices and to licence this to other device manufacturers for free.

It will be great for us to start with the tc web tablet and we are prepared to do that should there be a mutual fit. On the surface, it seems like there is a terrific fit.

Timing wise, it will be best to engage early as we would need to be working with you at a early stage of device conception to try and work device drivers etc.

This is assuming that we both want to collaborate on this.

We have a demo working on the Asus EEE which is running our system.

Many thanks,  
Sandra

--  
Erick Schonfeld  
Co-Editor, TechCrunch

<http://www.techcrunch.com/>

**EXHIBIT G**

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**From:** 'Chandrasekar Rathakrishnan' <chandra@fusiongarage.com>  
**Sent:** Louis Monier <louis.monier@gmail.com>  
10/25/2008 10:01:35 AM  
**Subject:** Re: Checking - In

Hi Louis,

Thanks for the kind revert. Pls see my replies in blue below.

Cheers,  
Chandra

On Fri, Oct 24, 2008 at 11:12 PM, Louis Monier <louis.monier@gmail.com> wrote:  
Hi Chandra,

all is well. I was traveling, then dealing with family issues (my father is sick) over the week-end, then traveling some more, and I'm finally back in the saddle.  
Sorry to hear that your father is not well. I hope he is recovering. Glad to know that you are back in the saddle though.

We all loved the quality of the mock-ups, Mike's response was "wow! WOW!". You scored at this level too. The mocks have forced me to start writing down what the real constraints should be, but having them is helping people visualize the kind of device we are talking about, as opposed to some sort of grey etch-a-sketch :). I am bouncing between the kind of sleek device your designer came up with, and something more sturdy and easy to hold that would survive a lot of use and abuse around the house: falling from the couch, getting a splash of orange juice from the kids... And hopefully we can combine these characteristics. Gotta think...

Great to know that all of you liked the mock-ups :) I agree that there is still much work to be done and we can certainly iterate the concepts. I am working on a list as well and will share that with you shortly. Pls let me know when you come up with something and I will be glad to give our perspectives as well.

I know that I owe you a response on the product spec and will revert shortly. Sorry been quite busy with travels and wanted to also make sure that I get as complete a response as I can back to you. Will revert shortly though.

Mike is in Hawaii talking to potential partners (I know this sounds funny, but it makes sense, he joined them on a retreat). He is hoping that things will move ahead quickly. The project is definitely a go (I'm 100% on it), all we need is funding and decisions on the hardware side. I will reiterate to Mike and Heather that they need to get in touch with you asap.

I appreciate the update and thanks for letting me know. I am glad that the project is a go and that it should go ahead quickly. Great to know that you are 100 % on it as well. Also let me know if you would like to consider Long Cheer for the hardware side of things and if so I can try and help on that front. I appreciate your help in reiterating to Mike and Heather to get in touch asap :) We are excited about the project and want to be involved and get things moving quickly as well.

We are at a stage where given the interest from the likes of Intel etc, we just need to plan resources. We are also at a stage where we want to do our next round of funding to allow us to do more at the same time. Knowing how we are going to collaborate with TechCrunch and all will allow me to make my next steps accordingly. Hence, I am grateful for your help in moving things along :)

Also, I can be in San Franc for discussions on collaboration and to move things forward etc when needed. Looking forward to working with you and the team on this tablet project. Thanks.

Cheers,

On Thu, Oct 23, 2008 at 9:25 PM, Chandrasekar Rathakrishnan <[chandra@fusiongarage.com](mailto:chandra@fusiongarage.com)> wrote:  
Hi Louis,

Just got back from an Intel Forum in Taiwan and after meeting with some potential customers.

Just wanted to check-in back with you to see how things were and if there were any updates.

Did not hear from you after I had sent the concept designs and was wondering what your thoughts were.

Also wanted to understand where things were and if the project was likely to take-off and if so we needed to discuss the collaboration model etc.

Just curious and have to plan resources given some keen interest from Intel and their partners as well. Hence, any information from your end will be helpful.

Many thanks.

Cheers,  
Chandra

--

-Louis

**EXHIBIT H**

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**From:** 'Chandrasekar Rathakrishnan' <chandra@fusiongarage.com>  
Heather Harde <heather@techcrunch.com>  
**CC:** J Michael Arrington <editor@techcrunch.com>; Louis Monier  
<louis.monier@gmail.com>  
**Sent:** 11/13/2008 8:06:20 PM  
**Subject:** Re: Next steps

Hi Heather,

Thanks for the revert. I understand the rationale behind pushing back discussions till financing is finalized at your end at the end of this month.

I will make arrangements to meet in person in early December and will push back my current trip.

I think it will be good to progress discussions to figure options for structure to work together in the meantime.

Pls let me know your thoughts i.r.t above and how we could progress those discussions in the meantime.

Many thanks,  
Chandra

On Fri, Nov 14, 2008 at 6:55 AM, Heather Harde <[heather@techcrunch.com](mailto:heather@techcrunch.com)> wrote:

Chandra,

We remain enthusiastic about working together on our tablet project. At this stage, it makes more sense to hold off on an in-person meeting until we finalize our own financing at the end of this month. It will make most sense to meet in person early December. If you want to do a call next week with Michael and Louis next week to continue to push forward on strategic discussions, I'll happily arrange. Please don't misinterpret this as a lack of interest—on the contrary, we're working hard on this end to line things up to have a productive discussion with you as soon as we can execute quickly. Any updates, please let Louis and me know.

Best regards,

Heather

310.871.4351 cell / [heather@techcrunch.com](mailto:heather@techcrunch.com)

**EXHIBIT I**



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**From:** 'Chandrasekar Rathakrishnan' <chandra@fusiongarage.com>  
giles saunders <giles@fusiongarage.com>; arulprasad  
<arulprasad@fusiongarage.com>  
**Sent:** 5/14/2009 8:13:19 PM  
**Subject:** Fwd: first set to get u going,,,next one coming after this

next set of slides....

arul shld tell story of how we got to tc50....

tc50 story..... (maybe can use this pic as cover for tat,,, here we come SF.... dsc0391

dsc0023

then dsc 0088, dsc 0123,, dsc 0248 , dsc0242

effects from not sleeping for days..... dsc0171

mobilize (arul shld talk abt the mobilize story)

slides will be with following photos....

dsc0766, dsc 0801, dsc 0821

then arul shld focus on collaboration with techcrunch.... ( slide shld say.....the meeting with the man itself... n here arul can talk abt how we met mike and how the collaboration came abt) , dsc 1398

then taiwn idf...(shld talk abt how we got there etc...) photo wld be dsc 1944

then shld have a slide that tlks thru the evolution of the collaboration with techcrunch....prototype b then prototype c.... (show photos of crunchpad here )

----- Forwarded message -----

**From:** Chandrasekar Rathakrishnan <chandra@fusiongarage.com>  
**Date:** Fri, May 15, 2009 at 10:56 AM  
**Subject:** first set to get u going,,,next one coming after this  
**To:** giles saunders <giles@fusiongarage.com>, arulprasad <arulprasad@fusiongarage.com>

Presentation

1st part....

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the first 3 slides on fg getting techcrunched...

slide should say "Journey of Fusion Garage" bottom tagline shld say how a singapore startup went global....

5th slide onwards.... shld be the "the beginning days"

photos used wld be as follows :

BK Thinktank : P1190153.JPG, p1190163.

outside storytelling: p1190141.jpg

first days: p1190219

shopping at ikea p1190221

setting up: p1190222

new office :p1190702, p1190700

product discussions: p1190463

after a hard day's work..... p1190838.jpg

( arul will say this after the above... as u can see .., we have worked very hard..... how hard ?s... its time to bring on my co-speaker, bok, looking at him, this is how hard we have worked....bok then n now... with bok on stage...bok will remain on stage.... while arul continues his presentation.... )

**EXHIBIT J**

**From:** 'Chandrasekar Rathakrishnan' <chandra@fusiongarage.com>  
Hedirman Supian <hedirman@mediacorp.com.sg>  
**Sent:** 4/13/2009 9:57:32 PM  
**Subject:** Re: Articles and Update

Kinda of :) in the midst of finalising some stuff...still confidential but will keep u posted.

cheers

On Tue, Apr 14, 2009 at 12:12 PM, Hedirman Supian <hedirman@mediacorp.com.sg> wrote:  
Thanks Chandra, I saw these updates as well. So now you guys are handling the product design as well?

Hedirman

---

**From:** Chandrasekar Rathakrishnan [mailto:chandra@fusiongarage.com]  
**Sent:** 14 April 2009 11:57  
**To:** Hedirman Supian

**Subject:** Fwd: Articles and Update

Hi Hedirman ,

Hope this mail finds you well. Just a quick update on things....we had articles written on us a couple of days back...  
fyi and reference.... pls let me know if you have any questions.....

**The article from mike ..**

<http://www.techcrunch.com/2009/04/10/about-those-new-crunchpad-pictures/>

**the first few articles documenting the leak! & some others .....**

<http://www.crunchgear.com/2009/04/09/crunchtablet-hits-the-net-a-little-early/>  
<http://www.businessinsider.com/crunchpad-2009-4>  
<http://www.engadget.com/2009/04/09/leaked-pics-of-the-crunchpad-make-it-look-dangerously-close-to-a/>  
<http://www.kojakfull.com/techcrunch-tablet-is-totally-awesome.html>  
<http://spamflet.posterous.com/crunchpad-the-next-big-must-have-gadget>  
<http://www.seanpercival.com/blog/2009/04/10/crunchpad-tilf/>  
<http://blog.dustincurtis.com/could-arrington-have-pulled-off-the-crunchpad>  
<http://blog.wired.com/gadgets/2009/04/leaked-photos-w.html>  
<http://blogs.courierpostonline.com/gogogadget/2009/04/10/if-apple-wont-build-a-touchscreen-tablet-techcrunch-will/>  
<http://presata.com/wp/software/crunchpad-photos-of-techcrunchs-delicious-burgaswebcom-tablet-techcrunch-8/>  
<http://mobilitysite.com/2009/04/the-crunchpad-leaks-engadget-breaks-the-story/>  
<http://smartech.blogetery.com/2009/04/12/first-crunchpad-tablet-pc-images-go-live/>  
<http://arabcrunch.com/2009/04/crunchpad-shipping-soon.html>

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<http://www.ehomeupgrade.com/2009/04/09/near-finalized-crunchpad-photos-inadvertently-hit-the-net/>  
<http://www.gottabemobile.com/2009/04/09/techcrunchs-crunchpad-makes-a-showing-pretty-sexy/>  
<http://www.lorenheiny.com/2009/04/09/12-crunchpad-to-support-capacitive-touch/>

**Summaries** (after a day of news...good read)

<http://www.engadget.com/2009/04/10/michael-arrington-drops-science-on-crunchpad-still-wont-sell-u/>  
<http://www.lockergnome.com/forian/2009/04/12/crunchpad-leak-roundup/>  
<http://i.gizmodo.com/5207334/all-about-the-crunchpad-web-tablet#viewcomments>

**"With immediate effect, we have changed our email domain to [mediacorp.com.sg](http://mediacorp.com.sg)"**

**IMPORTANT:** This message is intended for the recipient named above. It may contain confidential or privileged information. If you are not the intended recipient, please notify the sender immediately by replying to this message and then delete it from your system. Any form of unauthorized use or dissemination is prohibited. Risks are inherent in all internet communication. Each recipient is responsible for protecting its system from viruses and/or other harmful code and/or device. The sender is not responsible, and hereby disclaims all liabilities arising from or in relation to any viruses and/or other harmful code and/or device.

**EXHIBIT K**

**From:** 'Chandrasekar Rathakrishnan' <chandra@fusiongarage.com>  
Philip Koh (MCR/MPR/MRC) <philip\_koh@mediacorp.com.sg>  
**Sent:** 4/13/2009 7:22:49 PM  
**Subject:** #Strictly Confidential# Fwd: Crunchpad and Time Inc.

#Strictly Confidential#

Hi Philip,

This for your reference only as mentioned in my last mail to you. Pls do not forward this but you can use it internally with your higher management to justify your strategy. But pls ask all to adhere to strictest code of confidentiality pls.

The discussions with Time is veering beyond just partnership and possibly investment as well. MediaCorp if interested has to move fast.... real fast....

Cheers,  
Chandra

----- Forwarded message -----

**From:** Michael Arrington <editor@techcrunch.com>  
**Date:** Sat, Apr 11, 2009 at 3:08 AM  
**Subject:** Fwd: 'Crunchpad and Time Inc.'  
**To:** Chandrasekar Rathakrishnan <chandra@fusiongarage.com>  
) louis monier <louis.monier@gmail.com>

Begin forwarded message:

**From:** erick schonfeld <erickschonfeld@gmail.com>  
**Date:** April 10, 2009 8:38:20 AM PDT  
**To:** Michael Arrington <editor@techcrunch.com>  
**Cc:** Heather Harde <heather@techcrunch.com>  
**Subject:** Crunchpad and Time Inc.

Mike,

I was IMing with Josh Quittner, he wants to interview you about the Crunchpad. Call him: 415-380-1872. Or let me know if you are not going to.

He also wants to talk to you about an idea for partnering with Time Inc that could be a cool way to subsidize the Crunchpads. They are looking for an e-reader that can handle graphics, etc and he is sort o the pointman evaluating the different e-readers. His idea is we could create special branded versions of the Crunchpad that come bundled with content from other publishers—magazines, blogs, newspapers, and of course all the stuff on the Web. He wants to see if you are interested in setting up a meeting with John Huey (editor in chief of all Time Inc, and my old boss at Fortune when he was the editor there), and Ann Moore, the CEO of Time Inc when they are in CA next week. Might be worth a meeting. You will like Huey. He's a real badass.

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Here's the IM thread:

joshquittner: he should partner with time warner  
we'll link it to a store  
sell your ads for you  
offer a basic tier of content  
you guys line up a bunch of blogs  
we provide a couple of time inc core titles like time & fortune as part of basic  
premium content available as pay per view or by subscription

me: Throw in the WSJ and you've got a deal

joshquittner: we give out the pad to subscribers in exchange for two-year commitment  
nyt

me: that too

joshquittner: maybe i should bring ann and huey and v to meet arrington week after next  
Sent at 11:13 AM on Friday

me: I just Yammered him to call you.

Jack Schonfeld  
Co-Editor, TechCrunch

<http://www.techcrunch.com/>



**EXHIBIT L**



September 3<sup>rd</sup> 2009

American Embassy  
27 Napier Road  
Singapore 258508

ATTN : VISA OFFICER

Dear Madam/Sir

Re: Application For Business Visa (B1) For Entry to United States Of America

Applicant: Miss Choppa Jayalakshmi

Purpose of Entry: Business Visitor

This letter is provided in support of Miss Choppa Jayalakshmi's request allowing her entry to United States of America for temporary business purposes.

**FusionGarage Pte Ltd**

We confirm that FusionGarage is a company incorporated in Singapore and with its registered address at 120 Lower Delta Road, Cendex Building, #07-16, Singapore 169208

Fusion Garage is currently in discussions to be acquired by a company incorporated and with its primary business in the United States of America. Company in concern is known as TechCrunch (www.techcrunch.com)

TechCrunch and FusionGarage have been working as partners for the last 12 months on a web tablet product.

The web tablet will be launched during TechCrunch50, a global event to be held in San Francisco on 14<sup>th</sup> and 15<sup>th</sup> of September 2009.

During the event, the web tablet will be unveiled publicly for the first time and pre-orders of the device will be made available.

FusionGarage has been driving the development efforts. Unfortunately and unexpectedly, the development of the device is facing major last minute technical glitches and requires immediate fixing.

However, the web tablets are currently in assembly in the US and our engineers are required to be in the US to debug and fix the unexpected technical issues that has arisen.

Failure to fix the technical problems will lead to a no-show at TechCrunch50 on September 14<sup>th</sup> and will result in huge financial losses for FusionGarage. This will bring the survivability of FusionGarage in question and could lead to much consternation.

Accordingly, FusionGarage would need to, on an urgent basis fly three of its employees (of different expertise) to San Francisco to immediately audit, debug and solve the technical issues at hand.



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Given the tight deadline on hand and with the launch publicly announced for Sep 14<sup>th</sup> 2009, FusionGarage would need its engineers on-site to fix the issues as early as possible during the week of 6<sup>th</sup> September and no later than the 9<sup>th</sup> of September.

The technical issues at hand were completely unexpected and could not have been planned for. Please be assured that FusionGarage had considered all other possible alternatives before concluding that having Miss Choppa Jayalakshmi onsite is the only possibility in giving us the best chance of fixing the technical issues.

Accordingly, FusionGarage confirms that Miss Choppa Jayalakshmi is an employee of Fusion Garage Pte Ltd since Nov 24<sup>th</sup> 2008 and requires her immediate presence in San Francisco to audit and fix the unexpected but critical technical issues.

This is critical as Miss Choppa Jayalakshmi is an expert in the area of gesture recognition and her technical expertise is required in fixing these unexpected technical issues.

Miss Choppa Jayalakshmi is the only employee with the relevant experience and expertise needed in auditing and fixing the unexpected technical issues.

Given the unexpected technical issues, the criticality of having to fix these issues, the close proximity of date of launch (14<sup>th</sup> September 2009) and Miss Choppa Jayalakshmi's expertise in the area of gesture recognition, FusionGarage respectfully requests that Miss Choppa Jayalakshmi is granted a business visa.

Miss Choppa Jayalakshmi will return to Singapore on or before 30<sup>th</sup> September 2009.

In this regard we confirm that FusionGarage

- will ensure repatriation of Miss Choppa Jayalakshmi on or before 30<sup>th</sup> September 2009.

FusionGarage would like to reiterate that the technical issues were completely unexpected and needs to fix the issues prior to 14<sup>th</sup> September or risk going out of business.

#### Our Request

Given the foregoing, we respectfully request that a visa for entry to United States of America be issued to Miss Choppa Jayalakshmi. Should you require any further information, please do not hesitate to contact me at +65 96705425. We thank you for your consideration of this request and look forward to your favorable response.

Yours faithfully,



Chandrasekar Rathakrishnan

C.E.O

FusionGarage Pte Ltd





September 2nd 2009

American Embassy  
27 Napier Road  
Singapore 258508

**ATTN : VISA OFFICER**

Dear Madam/Sir

**Re: Request For Emergency Visa Appointment**

**Applicant: Mr. Tundagura Venkata Sundara Deepak**

**Purpose of Entry: Business Visitor**

This letter is provided in support of Mr. Tundagura Venkata Sundara Deepak's request for an emergency visa appointment.

**FusionGarage Pte Ltd**

We confirm that FusionGarage is a company incorporated in Singapore and with its registered address at 120 Lower Delta Road, Cendex Building, #07-16, Singapore 169208

Fusion Garage is currently in discussions to be acquired by a company incorporated and with its primary business in the United States of America. Company in concern is known as TechCrunch (www.techcrunch.com)

TechCrunch and FusionGarage have been working as partners for the last 12 months on a web tablet product.

The web tablet will be launched during TechCrunch50, a global event to be held in San Francisco on 14<sup>th</sup> and 15<sup>th</sup> of September 2009.

During the event, the web tablet will be unveiled publicly for the first time and pre-orders of the device will be made available.

FusionGarage has been driving the development efforts. Unfortunately and unexpectedly, the development of the device is facing major last minute technical glitches and requires immediate fixing.

However, the web tablets are currently in assembly in the US and our engineers are required to be in the US to debug and fix the unexpected technical issues that has arisen.

Failure to fix the technical problems will lead to a no-show at TechCrunch50 on September 14<sup>th</sup> and will result in huge financial losses for FusionGarage. This will bring the survivability of FusionGarage in question and could lead to much consternation.

Accordingly, FusionGarage would need to, on an urgent basis fly two of its employees to San Francisco to immediately audit, debug and solve the technical issues at hand.

Given the tight deadline on hand and with the launch publicly announced for Sep 14<sup>th</sup> 2009, FusionGarage would need its engineers on-site to fix the issues as early as possible during the week of 7<sup>th</sup> September and no later than the 9<sup>th</sup> of September.

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The technical issues at hand were completely unexpected and could not have been planned for. Please be assured that FusionGarage had considered all other possible alternatives before concluding that having Mr. Tundagura Venkata Sundara Deepak onsite is the only possibility in giving us the best chance of fixing the technical issues.

Accordingly, FusionGarage confirms that Mr. Tundagura Venkata Sundara Deepak is an employee of Fusion Garage Pte Ltd since Aug 8<sup>th</sup> 2008 and requires his immediate presence in San Francisco to audit and fix the unexpected but critical technical issues.

This is critical as Mr. Tundagura Venkata Sundara Deepak is an expert in the area of embedded devices and his technical expertise is required in fixing these unexpected technical issues.

Mr. Tundagura Venkata Sundara Deepak is the only employee with the relevant experience and expertise needed in auditing and fixing the unexpected technical issues.

Given the unexpected technical issues, the criticality of having to fix these issues, the close proximity of date of launch (14<sup>th</sup> September 2009) and Mr. Tundagura Venkata Sundara Deepak's expertise in the area of embedded devices, FusionGarage respectfully requests that Mr. Tundagura Venkata Sundara Deepak is granted an emergency visa appointment within this week or as soon as it is practically possible.

FusionGarage would like to reiterate that the technical issues were completely unexpected and needs to fix the issues prior to 14<sup>th</sup> September or risk going out of business.

Please kindly consider the request for an emergency visa appointment favorably. Please do not hesitate to contact me at +65 96705425, should you require any clarifications.

We thank you for your consideration of this request and look forward to your favorable response.

Yours faithfully,

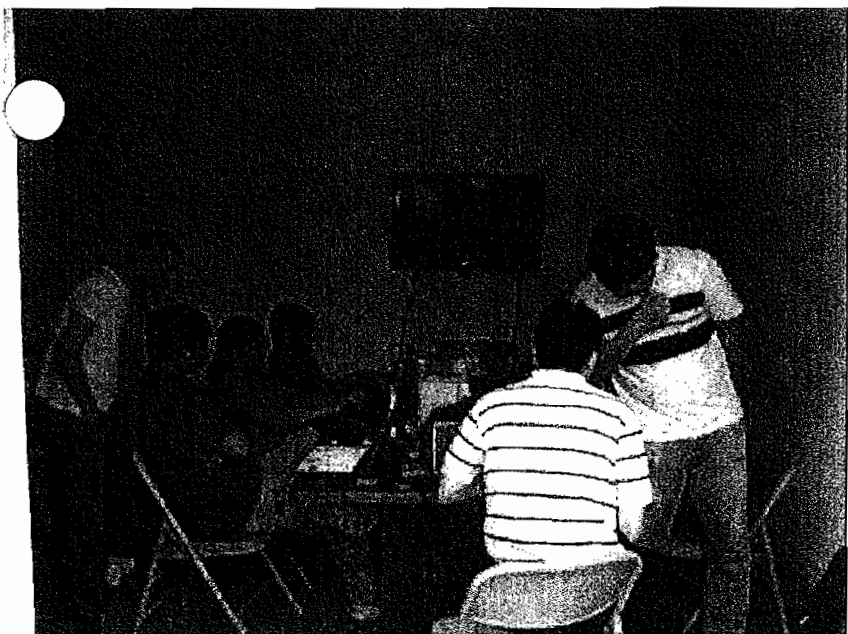
Chandrasekar Rathakrishnan

C.E.O

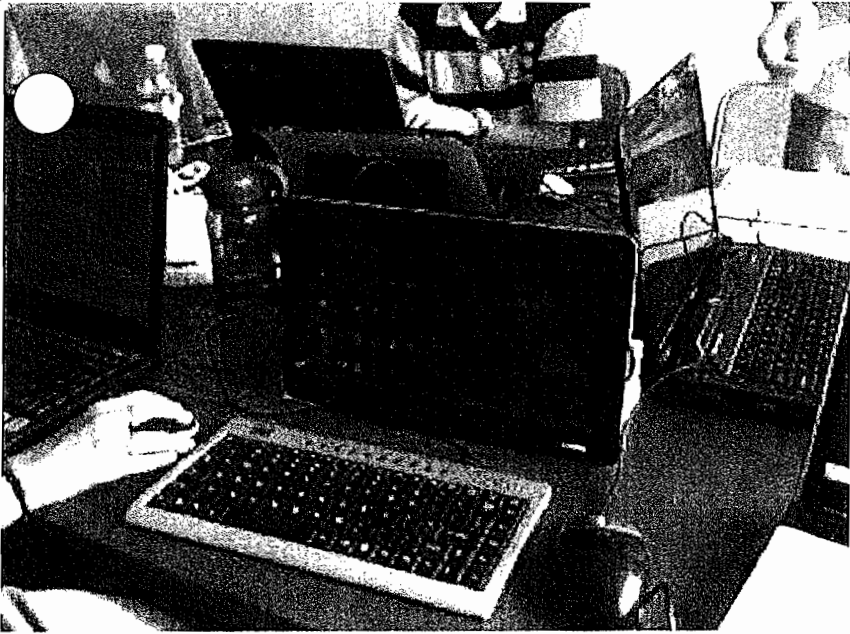
FusionGarage Pte Ltd



**EXHIBIT M**

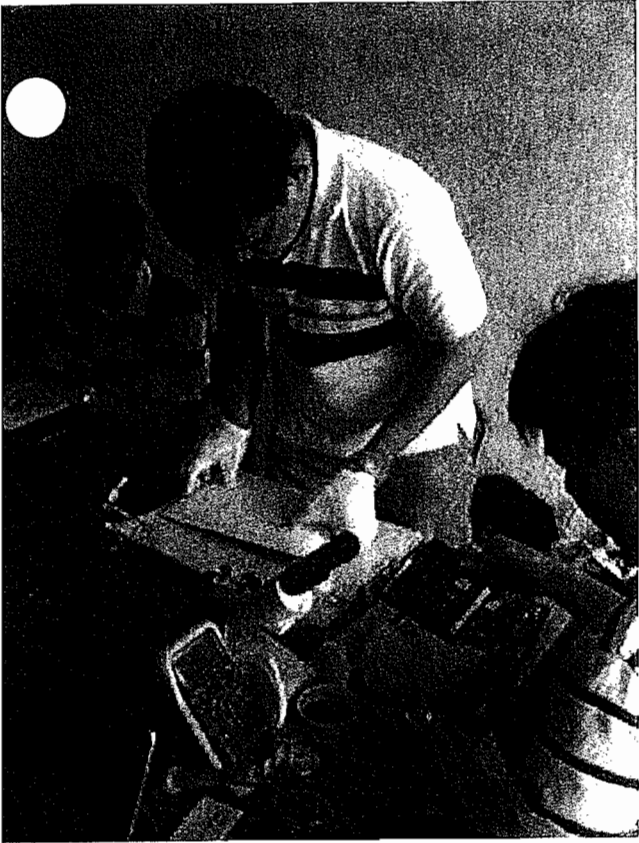


TC00001203



TC00001204





TC00001205

**EXHIBIT N**

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**From:** 'Dr. Bruce Lee' <drlee@pacific.net.sg>  
'Chandrasekar Rathakrishnan' <chandra@fusiongarage.com>  
**Sent:** 8/6/2009 12:49:34 AM  
**Subject:** RE: Article

Still don't know what this guy is thinking. I wonder if he has thought about the possibility – however slight - that he might not be a part of the project.

You need to be careful with the Crunchpad name though. If he is not a part of it, you will need contingency plans if you decide to call it something else at the last minute. Better leave the name off for the time being just in case.

No worries on the numbers. We agreed to settle it when you get back. When are you back?

Cheers.

Bruce.

---

**From:** Chandrasekar Rathakrishnan [mailto:chandra@fusiongarage.com]  
**Sent:** Thursday, August 06, 2009 11:42 AM  
**To:** Dr. Bruce Lee  
**Subject:** Article

<http://www.businessinsider.com/arringtons-crunchpad-will-be-a-real-hit-says-best-buy-marketing-boss-2009-8>

Bruce, sorry on the road in taiwan. really busy. will get u the materials as requested no later than weekend when am back.

in the meantime, the above is the latest article on crunchpad.

does not sound like someone who wants to shut project will go and talk to best buy!

anyways it plays in our favor yet again.

best,  
chandra

**EXHIBIT O**

October 6, 2009

Fusion Garage  
120 Lower Delta Road  
Cendex Building  
#07-16  
Singapore 169208  
Attn: Chandrasekar Rathakrishnan

Dear Chandra;

We are excited to be working with you and look forward to getting our formal contract signed and focusing all of our efforts on the launch of the Fusion Garage tablet computer.

We understand from our discussion that the official start date for the Fusion Garage Launch Project is still being determined but will likely be the week of October 12. Per your direction, we have scheduled a planning meeting on October 9<sup>th</sup> between yourself, [REDACTED] and me at the McGrath/Power offices in San Jose, CA to brainstorm the Launch, discuss branding and develop a framework for the Launch that can be deployed beginning the week of October 12, 2009, pending your approval.

Our agency policy requires that we have written confirmation to begin work while the formal contract is being finalized. The purpose of this Pre-Engagement Letter is to acknowledge our agreement to work together while we await the formal start date of the Fusion Garage Launch Project and contract approval and to outline the key components of the working relationship and contract.

This Letter summarizes the financial parameters for both the October 9<sup>th</sup> meeting and the Fusion Garage launch project as we understand it today. We require your agreement to the parameters in this Letter prior to our meeting on October 9<sup>th</sup>.

October 9<sup>th</sup> Planning Meeting:

1. As agreed, our fee for the meeting on October 9<sup>th</sup> is [REDACTED]
2. If no decision is made to proceed on the overall launch project by Tuesday, October 13<sup>th</sup>, 2009, we will invoice you for the meeting fee of [REDACTED]
3. If you agree to commence the Fusion Garage Launch Project by Tuesday, October 13 and a contract signed by Friday, October 16<sup>th</sup>, the [REDACTED] meeting fee will be

applied to the Fusion Garage Launch Project budget and [REDACTED]

4. All Invoices associated with the Planning Meeting are due upon receipt and payable in US dollars.

Fusion Garage Launch Project

The key components of our working relationship and Project contract as we know them today are as follows:

1. McGrath/Power is the agency of record for Fusion Garage. Agency CEO will lead the Fusion Garage program
2. [REDACTED] is a sub-contracted agency to M/P. Agency President [REDACTED] will lead the Launch Event portion of Fusion Garage program
3. The minimum fee for the Fusion Garage Launch Project fee will be [REDACTED]
4. The timeframe for the Fusion Garage Launch Project will not exceed 5 months from start date
5. Before beginning work, an advance payment in US dollars for the full Fusion Garage Launch Project fee and anticipated expenses must be deposited into a trust or escrow type account at a local US bank from which payments for services and anticipated expenses will be drawn. McGrath/Power will control the account and provide a monthly reconciliation of funds with corresponding invoices to Fusion Garage.

Thank you for your confidence in us. We look forward to working with you and the team.

Accepted and Agreed

Fusion Garage

By [Signature]  
Chandrasekar Rathakrishnan

Date 6/10/09

Sincerely;

Jonathan Bloom

**EXHIBIT P**

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From: 'Chandrasekar Rathakrishnan' <chandra@fusiongarage.com>  
Jonathan Bloom <JonathanBloom@mcgrathpower.com>  
Sent: 10/12/2009 1:19:04 PM  
Attachments: summary.doc  
Subject: The writeup

Hello Jon,

Pls find attached. Sorry that it took a while. Was distracted with other issues and con calls with Taiwan last night (monday there).

Tried to encapsulate my thoughts but could be aided with a phone discussion i think.

Pls let me know your thoughts.

Thanks,  
Chandr

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### **Basic premise**

Every time a new product is launched, the early adopters, the rich and the fashionable are the first to have it. Companies launching new products aim for that as well. The poor or "common" people can almost never dream of having such products at launch. It's akin to reaching for the stars. Think of the IPHONE, KINDLE, or PALM PREI Y should the above remain the case? "HOPE" is an attempt to change that.

### **Charlie and the Chocolate**

Charlie and the Chocolate factory summarize the premise the best.

Charlie Bucket is a poor boy living with his parents and four grandparents in a tiny house. Charlie supplements the meager family income by delivering newspapers after school. The family, along with the rest of the world, learns that the chocolate maker, Mr Willy Wonka, has hidden five Golden Tickets amongst his Wonka Bars. The finders of these special tickets will be given a full tour of his world-renowned but tightly-guarded candy factory, as well as a lifetime supply of chocolate. Charlie wants to take part in the search, but cannot afford to buy vast quantities of chocolate like most other participants.

The contest becomes a worldwide mania, with people resorting to increasingly desperate and unscrupulous measures to find the tickets, and anyone who succeeds becomes front-headline news and a worldwide celebrity

"I draw parallels of the above to a new product launch, its hype and the rush of the rich and fashionable in getting their hands on it. Contributes to the initial high pricing, cycles of increased hype and more wanting to get their hands on the given product. The poor or commoners are effectively locked out."

Soon, four of the tickets are found by, respectively, Augustus Gloop, a gluttonous German boy; Veruca Salt, a spoiled British girl; Violet Beauregarde, a gum-chomping American girl; and Mike Teevee, a television-obsessed American boy.

Charlie's hopes are dashed when news breaks out that a Paraguayan millionaire has found the final ticket.

"Just like any commoner that watches in awe as the rich and fashionable boast of new products"

The next day, as the Golden Ticket craze dies down, Charlie finds a silver coin in a gutter and uses it to buy a Wonka Bar. Simultaneously, word spreads that the ticket found by the millionaire was a fake. When Charlie opens the bar, he finds the true final ticket inside, and races home to tell his family.

"Stuff dreams are made of. Exactly the feeling we want to create in all with the giveaways. One of dream and hope!"

### **"JooJoo"**

JooJoo is a 12.1-inch "touch" device built with the world of Internet at its core. With just a browser at its core, it allows access to content, news, media, social media and web services quickly and easily. Essentially anything, Internet. It will redefine the print industry with interactive books, papers and magazines.

Tablets have traditionally failed for 2 reasons.

1. Software that did not reflect use cases.
2. Extremely high pricing that did not appeal to target audience of students amongst others. Cost of tablets are above \$ 2000

JooJoo addresses both of the above.

1. Software that centers on browsing
2. Pricing of \$ 449 that appeals to mainstream audience.

JooJoo is the evolution of computing that began with mainframes, PCs and laptops.

### **Launch Strategy**

The launch strategy here is to give away 1000 (maybe 2000 devices) to a school or a select group of handpicked students or people who could be helped with access to Internet.

Just like Charlie with the chocolate factory, create hope in students/people. Let them discover hope. It's not always that the rich and fashionable are the first to cool new products. "Hope!"

This is in sync with product "Traits" as well. Empowerment, Liberalization and Open are just some traits associated with the Internet.

The giveaways accentuate this. The low cost pricing of the product when contrasted with tablets of today reflects the intent of making /behind this.

[REDACTED]

**Personal Story (Why I am inspired to help others)**

What's the motivation for me to do these giveaways at launch?

The personal story:

Born and raised in Singapore, Middle-class boy. Father bought him his 1<sup>st</sup> PC at 12 in 1992. Dad was earning SGD 2.8 K then. Bought a PC that was the equivalent of his salary at that time.

Many said my dad should not be doing that, but he did it anyway. The PC changed my life, I am what I am now because of that PC which cultivated my interest and served as a first step towards my career.

Always wondered y rich kids should have access to the coolest products. Y were the rest always late to the game and for no fault of theirs? Y did companies price products out of the reach of commoners?

Started my first company at 21 in Singapore. Many said I was crazy and will fail. Battled through and raised 13 million USD. Burnt and crashed after 7 years. Did not give up. Got going again immediately. Started my current company at 28.

Again many said was crazy to attempt the product we are launching today. Not easy to launch consumer devices. Cannot achieve pricing. No chance against big boys. Audacious to think I can compete and launch in the US etc. These were just some of the things that naysayers said.

But we did. And same investors, who backed my last company, came back to back me again. For everyone who suggested, I could not do this and should not dream, there are others who gave me the support, backing and more importantly the chance to try.

If not for my dad giving me a chance with the gift of a pc when I was 12, I would not be here. He taught me to dream and gave me hope with that gift.

I am now doing exactly that, giving back to society. I want to seed the dream of the next generation by giving them the gift of hope.

Want to break the myth that new products are only accessible to the rich and fashionable.

[REDACTED]

**EXHIBIT Q**

**From:** Stuart Tan <stuart@fusiongarage.com>  
**Sent:** Monday, October 19, 2009 7:17 AM  
**To:** katrina.chang (張惠琴) <katrina.chang@gigabyte.com.tw>; KSTan\_FG <kstan@fusiongarage.com>; Stuart Tan <stuart@fusiongarage.com>  
**Cc:** maurice.wu (吳盛光) <maurice.wu@gigabyte.com.tw>; alex.meng (孟慶瑜) <alex.meng@gigabyte.com.tw>  
**Subject:** Project kick-off

---

Dear Katrina,

These are the items that will take place over the next few days.

- On Monday and Tuesday, KS will send those require information to you and your team. That include the ME CAD file, product specification. We will focus on the N270 + ION chip, please get all these information to your R&D team quickly on Tuesday for the study.
- KS Tan will arrive on Tuesday evening and start the actual discussion with your team on Wednesday once they have gone through the files.
- I will be arriving on Wednesday morning and I hope to meet the R&D team and your senior management team, this is to present Crunchpad and our launch plan in US.
- I need your help to setup the meeting with Intel Taiwan and Nvidia on Wednesday, please make sure I can have a discussion with them quickly on this Wednesday.
- Katrina, KS will send some time with your team and I am targeting to get the schedule and the actual project started within this week. Since we have already performed quite a bit on the EVT stage with the previous ODM and our expectation is that we will be able to spin the 1st board and EVT with Gigabyte quickly. The ID will be finalized and your ME team will have access to this CAD file that we have performed quite a bit on the reliability testing with the previous partner.

Katrina, KS will focus on the R&D development with your team starting from today and myself I will work with you on the remaining commercial matter. I will like to sign off the MOU on Wednesday and I want to get the actual agreement in quickly as well. On Wednesday I will share more on our marketing plan and the launch preparation.

I look forward to this development together. Cheers.

Regards  
Stuart Tan

----- Original Message -----

**From:** katrina.chang (張惠琴)  
**To:** KSTan\_FG ; Stuart Tan  
**Sent:** Monday, October 19, 2009 4:10 PM  
**Subject:** RE: MOU

Hi KS,

Could you please send me your Z530 spec requirement and N270? Our R&D wants to review it and assign the team member.

Thanks,

*Katrina Chang*  
*ODM Sales Division*  
*Network & Communication Business Unit*

GIGABYTE TECHNOLOGY CO., LTD.  
No. 6, Bau Chiang Road, Hsin-Tien, Taipei 231, Taiwan  
Tel: +886-2-8912-4888 Ext.4709  
Cell: +886-955-928287  
E-mail: [katrina.chang@gigabyte.com.tw](mailto:katrina.chang@gigabyte.com.tw)

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**From:** katrina.chang (張惠琴)  
**Sent:** Monday, October 19, 2009 3:34 PM  
**To:** 'KSTan\_FG'; 'Stuart Tan'  
**Subject:** RE: MOU

Hi KS, Stuart,

I'm waiting for the R&D leader to assign the team member list. Once available, I will keep you informed.

Regards,

*Katrina Chang*  
ODM Sales Division  
Network & Communication Business Unit

GIGABYTE TECHNOLOGY CO., LTD.  
No. 6, Bau Chiang Road, Hsin-Tien, Taipei 231, Taiwan  
Tel: +886-2-8912-4888 Ext.4709  
Cell: +886-955-928287  
E-mail: [katrina.chang@gigabyte.com.tw](mailto:katrina.chang@gigabyte.com.tw)

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**From:** KSTan\_FG [mailto:kstan@fusiongarage.com]  
**Sent:** Monday, October 19, 2009 2:27 PM  
**To:** katrina.chang (張惠琴); 'Stuart Tan'  
**Subject:** RE: MOU

Katrina,

Is the team formed?  
Have the FTP sites setup?  
Can I have the email & name of the PM?

Thanks  
KSTan

---

**From:** katrina.chang (張惠琴) [mailto:katrina.chang@gigabyte.com.tw]  
**Sent:** Monday, 19 October, 2009 12:05 PM  
**To:** Stuart Tan  
**Cc:** KSTan\_FG  
**Subject:** RE: MOU

Hi Stuart,

As discussed, please be informed the following:

Gigabyte will be responsible for negotiating with Intel for the chipset pricing. FG will handle the pricing negotiation and RMA/DOA on touch panel and SSD directly with suppliers. Gigabyte will charge approximately [redacted] handling cost for Buy and Sell components.

I will modify the MOU for our management approval then send it to you. Please let me know if any query.

Regards,

*Katrina Chang*

ODM Sales Division  
Network & Communication Business Unit

GIGABYTE TECHNOLOGY CO., LTD.  
No. 6, Bau Chiang Road, Hsin-Tien, Taipei 231, Taiwan  
Tel: +886-2-8912-4888 Ext.4709  
Cell: +886-955-928287  
E-mail: [katrina.chang@gigabyte.com.tw](mailto:katrina.chang@gigabyte.com.tw)

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**From:** Stuart Tan [mailto:[stuart@fusiongarage.com](mailto:stuart@fusiongarage.com)]  
**Sent:** Monday, October 19, 2009 9:30 AM  
**To:** katrina.chang (張惠琴); Stuart Tan  
**Cc:** KSTan\_FG  
**Subject:** Re: MOU

Dear Katrina,

Noted. I agreed with you on this point, as we want to ensure Gigabyte is getting the best price for Fusion Garage. This is applied to the Bill Of Materials, Customized Tooling parts, Certification and any other components for this product. We will get those information such as the part number and supplier names, you might not provide those quote that you are getting your suppliers.

Katrina, KS Tan has sent you a list. I need your help to kick-off this project internally today. Ks will need those information in order to start the communication with. I will be in Taiwan on Wednesday to sign off the MOU and we will need to get to the actual agreement quickly. For the project I am expecting to kick-off today due to the tight timeline.

Cheers  
Regards  
Stuart Tan

----- Original Message -----

**From:** [katrina.chang](mailto:katrina.chang) (張惠琴)  
**To:** [Stuart Tan](mailto:Stuart.Tan)  
**Sent:** Friday, October 16, 2009 6:20 PM  
**Subject:** RE: MOU

Hi Stuart,

I'd like to make it clear that we can provide our vendor's company name and our quotation to you. You may consign the price to us or get the price directly from our vendor. However, we are unable to provide you with our vendor's quotation due to NDA.

- 3rd party components quotation and costing – To be provided to FG for verification on the payment to Gigabyte. Example Tooling Supplier and Customized parts suppliers. FG reserve the rights to make recommendation and 3rd party quote on these Approved Vendor List.
- 3rd party certification quotation and costing – To be provide to FG for verification on the payment to Gigabyte. FG reserve the rights to make recommendation on these Approved Test Houses.

Please feel free to call me if you'd like to have a discussion.

Thanks,

*Katrina Chang*  
ODM Sales Division  
Network & Communication Business Unit

GIGABYTE TECHNOLOGY CO., LTD.  
No. 6, Bau Chiang Road, Hsin-Tien, Taipei 231, Taiwan  
Tel: +886-2-8912-4888 Ext.4709



Cell: +886-955-928287

E-mail: [katrina.chang@gigabyte.com.tw](mailto:katrina.chang@gigabyte.com.tw)

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**From:** Stuart Tan [mailto:stuart@fusionsgarage.com]

**Sent:** Friday, October 16, 2009 12:32 PM

**To:** katrina.chang (張惠琴)

**Cc:** maurice.wu (吳盛光); alex.meng (孟慶瑜)

**Subject:** MOU

Dear Katrina,

I have attached the MOU based on our earlier discussion, the item that you need to confirm is the percentage of the progressive payment for NRE. I look forward to your reply and I hope to get the confirmation before I leave Taiwan today.

KS Tan will be back on Monday for the kick-off with your team and I might be in Taiwan early week on-route to San Francisco. I am happy to work together with you and your team and I hope to have a overall project presentation to all your manangement when I come bako next week so that all parties are aware of our project development and our launch plan.

Looking forward to your confirmation on this relationship. Cheers.

Regards  
Stuart Tan

P.S. You can call KS number if you need to talk to me today. My flight back is 6pm today.

No virus found in this incoming message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 8.5.422 / Virus Database: 270.14.20/2444 - Release Date: 10/18/09 09:04:00

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**From:** 'Stuart Tan' <stuart@fusiongarage.com>  
**To:** henryliu@cslcare.com <henryliu@cslcare.com>  
**CC:** ericchuah@cslcare.com <ericchuah@cslcare.com>; Chandra Rathakrishnan  
<chandra@fusiongarage.com>  
**Sent:** 10/25/2009 12:50:58 AM  
**Subject:** Follow-up on the agreement

Dear Henry,

I have already briefed my lawyer in Singapore for the agreement, I am expecting to receive this on Monday. Also can you provide a profile of CSL to us as I want to start discussing with Gigabyte (Our ODM partner) for the sourcing of Crunchpad. I wanted to start the preparation with them to give us a better term for the production and delivery. Currently they are asking for a

**[REDACTED]**

Cheers  
Regards  
Stuat Tan

**EXHIBIT R**

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**From:** 'Stuart Tan' <stuart@fusiongarage.com>  
**To:** Chandrasekar Rathakrishnan <chandra@fusiongarage.com>; Stuart Tan <stuart@fusiongarage.com>  
**Sent:** 11/6/2009 3:15:18 PM  
**Subject:** Re: HP Mini sample

noted, I will continue to push and this will be an on-going effort

----- Original Message -----

**From:** Chandrasekar Rathakrishnan  
**To:** Stuart Tan  
**Sent:** Saturday, November 07, 2009 6:59 AM  
**Subject:** Re: HP Mini sample

thanks stuart. will revert.

can you please push giga very hard and ensure we get board and bios etc by 25th-27th Nov so that we can make the 3rd dec press event.

ask them to add more resources , go more 24 hr etc.

give them a [REDACTED] incentive if they meet this timeline and end jan timeline and we pay them this incentive when we ship our first units.

thanks,  
chandra

On Sat, Nov 7, 2009 at 6:57 AM, Stuart Tan <stuart@fusiongarage.com> wrote:  
Dear Chandra,

Some notes on the HP mini prototype:

- The power on/Off led is not working, just press on the button and release you will see a white spot on the middle left side of the LCD, this indicates the product is power up (There is a white LED lighting up below the LCD panel).
- Please make sure that you put the charger into the product as there is no battery.
- Power down is the same, just press and release it will power down as normal.
- I have sent Phillip some notes on the problem on this wifi function.
- Please check again on the wifi log on, also I noticed the setting for the wifi is not working on this version. You need to plug in the keyboard and perform the `wicd-client -n` command to call up the setting for WIFI.

Let me know the testing result for this sample. Be careful not to subject this device to too much shock as the wire might get loose (Almost 40 wires went under the surgery knife and I am afraid any of them might go loose.)

Cheers  
Regards  
Stuart Tan

**EXHIBIT S**

From:

'Jonathan Bloom' <JonathanBloom@mcgrathpower.com>  
Chandrasekar Rathakrishnan <chandra@fusiongarage.com>

Sent:

11/17/2009 6:10:12 AM

Subject:

RE: Email note to arrington- pls reply asap as I am hoping to send this out no later than 7 am PST on Tues. (today depending on when u see this note)

Reading this now

**From:** Chandrasekar Rathakrishnan [mailto:chandra@fusiongarage.com]

**Sent:** Monday, November 16, 2009 9:50 PM

**To:** Jonathan Bloom

**Cc:** Kathryn Walker

**Subject:** Email note to arrington- pls reply asap as I am hoping to send this out no later than 7 am PST on Tues. (today depending on when u see this note)

Jon,

the note below the line is intended to be from the investor to me. while the note immediately below is the one that I send along with the forwarded note from investors.

let me know what you think asap as I got to send this out by 6 or 7 pm on Tues morning. As u can see from arrington's last mail, its impossible to hold out any longer.

thanks and sorry for getting this to u later than expected.

Mike,

no good news to update. updated hardware is still on its way , so that's a timing issue. got delayed at taiwan's end.

but the bigger issue is the required investment.

I had a conf call with Bruce last evening EST (An existing shareholder who is looking to co-invest and is a friend of the other 2 new investors who were to be part of the new round).

and it was not a good call. Pls see his email note to me (below) for the details.

I am in predicament and its unenviable.

We need the investment but they are not willing to proceed on the current structure as proposed by CrunchPad.

I have spent the night deliberating on this and I cannot substantiate my arguments against the issues raised.

I know the counter proposal from Bruce is going to upset you greatly but I have no choice but to put it forth.

they are pretty resolute and its extremely hard for me to ignore my fiduciary responsibility.

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less there is an alternative funding available at the right terms , its hard for me to turn this down.

Given its importance, I am heading to NY to meet with them to discuss the situation further but doubt their position will change significantly.

I will be in the air for 6 hours or so shortly and out for circulation during that time. Given the urgency of the matter, pls let me have your thoughts.

Thanks,  
Chandra

---

So. A note to recap our conversation earlier.

The shareholders are not at all happy with the latest "perceived" offer from Techcrunch.

There is no official offer letter to speak of despite you suggesting it was forthcoming on several occasions.

The offer derived from the cap table provided for from their end has not changed from the last "offer" in May.

Your shareholders, team and you have taken all the risk to date including all related operational and developmental costs of the Crunchpad.

by have done nothing of note with the exception of "marketing". Granted, Arrington's writing has created awareness but what's that worth

without the execution and product to back it ? We were prepared to take an offer of 12 % last dec. At that stage, you argued about the value

Arrington and team would bring to table and that we were still early in our development.

You were clear that the merger would be for the best of both outfits. However things has not gone according to plan, has it ?

We heard nothing from them for 4 months and the project was dead till u showed up in their offices in April with the then prototype build of the

hardware and software. You brought the project from dead by assuming all responsibility, leadership and risk and working the whole assortment of

hardware, software, design and packaging.

The shareholders argued at that stage , that the offer of 12 % was out of hand given that we had done all the work and deserved at least 50 % if not more.

You came back with an offer of 25 % and argued in their favor and suggested, they will bring connections, funding , marketing and help bring this to market faster.

gain, none of that had happened. In Dec 08, they were to assume all responsibility except for software , which we

brought to the table.

with the exception of blog posts on Techcrunch, they have done nothing. They might have tried but if trying was good enough, then there would be way more winners

in the world of start-ups than there are.

In fact, I would argue that they have delayed your own go to market because of the time lost in trying to make all of this work.

And from the general updates, that we have been getting from you over the last 6 months, we have not gained any confidence whatsoever that they have the necessary business

know-how to get this to market and win.

Their reluctance to assume responsibility of the project affirmatively from the beginning has been appalling.

Even to this date, there is no contract whatsoever and its easy for them to walk if "shit" hits the fan.

So in essence, you do all the work , assume all risk and merge the company for a song when the time is right as dictated by them.

And , you are expected to bring in the funding as well. There is something very wrong with this "picture".

They wanting control despite doing nothing is just embarrassing.

What gives you the confidence that if they could not execute thus far, that they are going to in the future ?

past performance though not a be-all and end-all , its still a solid indicator.

I am not disputing that Arrington and Techcrunch do have their value. I am disputing the pricing of this value.

I am prepared to invest along with my 2 friends at the 10 million pre-money.

This is because we recognize the potential .

At that valuation and by giving up control to Arrington and team, you are suggesting that they are bringing a value of 5 million to the table.

And, this is excluding the massive dilution everyone here takes.

That is just ridiculous. Marketing valued at 5 million ? Even 10 % (Valued at 1 million) is rich.

You could get so much more value for the buck if you were to spend that kind money for marketing in other ways.

I appreciate that you respect Arrington and his friendship. But that is no reason to do a bad deal.

He clearly is looking after his own interests, so why shouldn't you do the right thing for the company ?

I have made it clear to you that this is not just-a bad deal. Its a non-starter.

So as suggested, the existing shareholders are rejecting the deal outright.



If you decide to proceed with this bad deal, I will not co-invest resulting in the 2 new investors pulling out as well.

We are prepared to back you and your team. We see the value of Arrington and Techcrunch from a marketing perspective as well.

So I suggest that we structure the deal with Crunchpad differently. We grant share options in FusionGarage to Arrington and team.

This should not exceed a total of 10 % of the enlarged capital of FusionGarage.

In exchange, we have Arrington assume the role of visionary/evangelist/marketing head and acquire the rights to use the Crunchpad brand and name.

This option grant should be done before the new round is assumed. This ensures new investors do not get diluted.

So in essence, I am proposing that we turn the deal on its head and do a 180 degree reversal of the original structure.

This is the the reverse of Crunchpad buying FusionGarage. This makes the most sense given the almost exclusive role FusionGarage has played in

furthering this and recognizes the continued risk and responsibility that it has to assume on a on-going basis.

I understand you are of the opinion that the above proposal may not hold with Arrington and its conceivable that he shuts down the Crunchpad initiative.

I have made it clear that we are willing to back and invest in FusionGarage with or without Arrington and Crunchpad.

I want to be clear that the above proposal has the unequivocal support of the existing shareholders and the new investors.

Time is running out and you need to understand that we need to launch with or without Crunchpad asap.

The investment is ready and the documents can be signed off quickly allowing you to focus on execution.

Hence, I have to emphasize that you need this resolved either way by end of this weekend or risk the possibility of the potential investment dissipating.

You are the founder and CEO of FusionGarage. I trust that you will carry out your fiduciary duty as expected.

I have to urge you to do the right thing by the Company.

I am available to meet in New York tomorrow afternoon. Eric is here as well. Call me when you get into New York.

Let's discuss in greater detail then.

Best.

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**From:** 'Kathryn Walker' <KathrynWalker@mcgrathpower.com>  
Jonathan Bloom <JonathanBloom@mcgrathpower.com>; Chandrasekar  
Rathakrishnan <chandra@fusiongarage.com>  
**Sent:** 11/17/2009 6:46:52 AM  
**Subject:** RE: Pls peruse this version instead -----Fwd: Rejection of Arrington's "offer"

Chandra and Jon,

I am in agreement with the points that Jon made below on the overall tone of the note from Bruce – in particular with the idea that if the note could be toned down a bit it may be of assistance.

I also thought that the note from Bruce (in addition to being in a different font/font color) needs to be structured a bit differently. Everyone has their own personal style in their structure of emails and my concern is that the note from Bruce is written more in Chandra's style than in something that would be attributed to a third party – this is in things like the line spacing/break of graphs, etc.

If we're cutting and pasting the note without a sending history, I think you're at least going to have to include some parts of the header, ie Bruce's full name with email address removed, a date sent and a subject line.

echo Jon's previous email, I am happy to assist as needed. I know that you're in a time crunch, so please let us know if you'd like us to directly edit text, etc.

Best,

Kate

**From:** Jonathan Bloom  
**Sent:** Tuesday, November 17, 2009 6:30 AM  
**To:** Chandrasekar Rathakrishnan  
**Cc:** Kathryn Walker  
**Subject:** RE: Pls peruse this version instead -----Fwd: Rejection of Arrington's "offer"

1. You need to change the front between the two emails – it is unlikely that you and your investor use identical fonts
2. I assume you are not cutting and pasting "Bruce's" email to/from line into his note to you because you don't want to drag his name into this mess, correct? I think without it, though, it opens you up to speculation that you are making this up – does he know Bruce, ever heard you mention him in the past? Does he know ETA? Do they have a web presence? If so, they will likely get pulled in any way and it would be better if the note looks like it was actually

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sent to you

I would take any references to MA out of quotes (such as "marketing") – it sounds via the quotes like Bruce is mocking him and that isn't good

4. The overall tone of Bruce's note is really, really negative. Is that the way the guy is in real life? Does it have to be that harsh?

Overall, the points are made in Bruce's note but it seems to go on a bit too long and it rambles somewhat. As I don't know the guy's personality and as I don't know if MA knows/has spoken to Bruce, it is difficult for me to determine if the note is within character or not. I would recommend, though, shortening it, making it sound less attack-like on MA and more "it's just business and this isn't good business". if you can give me a bit more time, I could do the editing myself but I know you want this out by 7 this morning.

My phone is turned off as the kids are still sleeping but I am on email as you can see. Let me know what you want to do.

KATE: any other comments?

From: Chandrasekar Rathakrishnan [mailto:chandra@fusiongarage.com]

Sent: Tuesday, November 17, 2009 1:40 AM

To: Jonathan Bloom

Cc: Kathryn Walker

Subject: Pls peruse this version instead -----Fwd: Rejection of Arrington's "offer"

Jon,

Pls peruse this version instead. Cleaned up after another read. below is my note to mike n below that is the "note from my investor to me" that is to be passed on.

thanks

-----  
Mike,

no good news to update. updated hardware is still on its way , so that's a timing issue. got delayed at taiwan's end.

but the bigger issue is the required investment.

had a conf call with Bruce last evening EST (An existing shareholder who is looking to co-invest and is a friend of the

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other 2 new investors who were to be part of the new round).

It was not a good call. Pls see his email note to me (below) for the details.

I am in predicament and its unenviable.

We need the investment but they are not willing to proceed on the current structure as proposed by CrunchPad.

I have spent the night deliberating on this and I cannot substantiate my arguments against the issues raised.

I know the counter proposal from Bruce is going to upset you greatly but I have no choice but to put it forth.

They are pretty resolute and its extremely hard for me to ignore my fiduciary responsibility.

Unless there is an alternative funding available at the right terms , its hard for me to turn this down.

Given its importance, I am heading to NY to meet with them to discuss the situation further but doubt their position will change significantly.

I will be in the air for the next couple of hours or so shortly and out for circulation during that time. Given the urgency of the matter, pls let me have your thoughts.

Thanks,  
Chandra

---

Hello Chandra,

Thanks for taking the time to discuss things. I just wanted to drop a note to recap our conversation.

The shareholders are not happy with the supposed "offer" from Techcrunch. There is no official offer letter to speak of despite you suggesting it was forthcoming on several occasions.

The offer derived from the cap table provided by them has not changed from the last "offer" in May.

We as your shareholders, your team and you have taken all the risk to date including ALL related operational and developmental costs of the device.

They have done nothing of note with the exception of "marketing". Granted, Arrington's writing has created awareness but what's the value of that without the execution and product to back it ? We were prepared to consider an offer of 12 % last December. At that stage, you argued about the value Arrington and his team would bring to the table and that we were still early in our development.

You were convinced that a merger would be the best way to move forward. We had our reservations then and our reservations are proving correct. Things have not gone according to plan have they?

We heard nothing from them for 4 months and the project was dead to them until you showed up in their offices in April with the then prototype build of the hardware and software. You brought the project from dead by assuming all responsibility, leadership and risk and working the whole assortment of

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hardware, software, design and packaging. And who paid for it all? We the investors/ shareholders.

The shareholders argued at that stage, that the offer of 12 % was out of hand given that we had done all the work and deserved at least 50 % if not significantly more.

You came back with an offer of 25 %, argued until you were blue in the face on their behalf suggesting they will bring connections, funding, marketing and help bring this to market faster. Again, none of that has happened. In the mean time, in order to keep the project alive the shareholders have had to continue to invest more and more funds to keep things going. In Dec 08, they were to assume all responsibility except for software.

But with the exception of blog posts on Techcrunch they have done nothing. They might have tried but if trying was good enough, then there would be more success stories in the world of start-ups wouldn't there?

In fact, I would argue that they have been a detriment to this project by delaying your chance to go to market because of the time lost trying to make all of this work. And from the general updates, that we have been getting from you over the last 6 months, we have not gained any confidence whatsoever that they have the necessary business acumen, skill sets, and contacts to get this to the market and win.

Their reluctance to assume responsibility of the project affirmatively from the beginning has been appalling. To date, there is no contract whatsoever and its easy for them to walk should things implode or should we fail miserably.

So in essence what you are saying is that you should do all the work, the shareholders assume all risk, you merge the company and Mike and his buddies hold substantially more shares than the original investors? Who are they to dictate terms? And, you are expected to bring in the funding as well? Isn't there something very wrong with this picture? Why would they ask for a controlling stake in the company when have invested nothing and contributed nothing? What on earth are they thinking?

What gives you the confidence that if they could not execute thus far, that they are going to in the future? While past performance is not a predictor of future performance, everything they have done to date gives me little confidence.

I am not disputing that Arrington and Techcrunch do have some value. I am disputing the pricing of this value. I am prepared to invest along with my 2 friends at the 10 million pre-money. This is because we recognize the potential.

At that valuation and by giving up control to Arrington and team, you are suggesting that they are bringing a value of 5 million to the table.

And, this is excluding the massive dilution everyone here takes.

That is just ridiculous. Marketing valued at 5 million? Even 10 % (Valued at 1 million) is rich. You could get so much more value for the buck if you were to spend that kind money for marketing in other ways.

I appreciate that you respect Arrington and his friendship. But that is no reason to do a bad deal. He clearly is looking after his own interests. Shouldn't you look after your interests and more importantly the interest of the company and it's shareholders? Shouldn't you do the right thing for the company?

I have made it clear to you that this is not just a bad deal. Its a non-starter. So as mentioned, the existing shareholders are rejecting the deal outright. If you decide to proceed with this deal, I will not co-invest resulting in the 2 new investors pulling out as well.

are prepared to back you and your team. And despite everything, we still acknowledge that Arrington and Crunchpad brings some value.

So I suggest that we structure the deal with Crunchpad differently. We grant share options in FusionGarage to Arrington and team.

This should not exceed a total of 10 % of the enlarged capital of FusionGarage. This is non negotiable. Don't come back to me asking for more because it will be this percentage or less. Not more. We've wasted enough time on this.

If he agrees to our terms, we have Arrington assume the role of visionary/evangelist/marketing head and acquire the rights to use the Crunchpad brand and name. Personally I don't think the name is all that important but you seem to be somewhat attached to the name.

This option grant should be done before the new round is assumed. This ensures new investors do not get diluted.

So we are proposing that we turn the deal on its head and do a reversal of the original structure. This makes the most sense given the virtually exclusive role FusionGarage has played in furthering this and recognizes the continued risk and responsibility that it has assumed to this point.

I understand you are of the opinion that the above proposal may not hold with Arrington and I think it's conceivable that he walks away or kills the project.

I have now made it clear that we are willing to back and invest in FusionGarage with or without Arrington and Crunchpad. The above proposal has the unequivocal support of the existing shareholders and the new investors.

Time is running out and you need to understand that we need to launch with or without Crunchpad asap. The investment is ready and the documents can be signed off quickly allowing you to focus on execution.

Hence, I have to emphasize that you need this resolved by the end of this weekend or risk the possibility of the potential investment dissipating.

You are the founder and CEO of FusionGarage. I trust that you will carry out your fiduciary duty as expected.

I have to urge you to do the right thing for the Company.

I am available to meet in Miami tomorrow afternoon. Eric is here as well. Call me when you get into Miami.

Let's discuss in greater detail then.

Cheers.

Bruce.

Hello Bruce ,

the note below the line is intended to be from you to me. while the note immediately below is the one that I send along with the forwarded note from investors.

pls let me know what you think asap as I got to send this out by 6 or 7 am PST on Tues morning.

thanks and sorry for getting this to u later than expected.

---

So. A note to recap our conversation earlier.

The shareholders are not at all happy with the latest "perceived" offer from Techcrunch.

There is no official offer letter to speak of despite you suggesting it was forthcoming on several occasions.

The offer derived from the cap table provided for from their end has not changed from the last "offer" in May.

Your shareholders, team and you have taken all the risk to date including all related operational and developmental costs of the Crunchpad.

They have done nothing of note with the exception of "marketing". Granted, Arrington's writing has created awareness but what's that worth

without the execution and product to back it ? We were prepared to take an offer of 12 % last dec. At that stage, you argued about the value

Arrington and team would bring to table and that we were still early in our development.

You were clear that the merger would be for the best of both outfits. However things has not gone according to plan, has it ?

We heard nothing from them for 4 months and the project was dead till u showed up in their offices in April with the then prototype build of the

hardware and software. You brought the project from dead by assuming all responsibility, leadership and risk and working the whole assortment of

hardware, software, design and packaging.

The shareholders argued at that stage , that the offer of 12 % was out of hand given that we had done all the work and deserved at least 50 % if not more.

You came back with an offer of 25 % and argued in their favor and suggested, they will bring connections, funding , marketing and help bring this to market faster.

gain, none of that had happened. In Dec 08, they were to assume all responsibility except for software , which we

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brought to the table.

With the exception of blog posts on Techcrunch, they have done nothing. They might have tried but if trying was good enough, then there would be way more winners

in the world of start-ups than there are.

In fact, I would argue that they have delayed your own go to market because of the time lost in trying to make all of this work.

And from the general updates, that we have been getting from you over the last 6 months, we have not gained any confidence whatsoever that they have the necessary business

know-how to get this to market and win.

Their reluctance to assume responsibility of the project affirmatively from the beginning has been appalling.

Even to this date, there is no contract whatsoever and its easy for them to walk if "shit" hits the fan.

So in essence, you do all the work , assume all risk and merge the company for a song when the time is right as dictated by them.

And , you are expected to bring in the funding as well. There is something very wrong with this "picture".

They wanting control despite doing nothing is just embarrassing.

What gives you the confidence that if they could not execute thus far, that they are going to in the future ?

Past performance though not a be-all and end-all , its still a solid indicator.

I am not disputing that Arrington and Techcrunch do have their value. I am disputing the pricing of this value.

I am prepared to invest along with my 2 friends at the 10 million pre-money.

This is because we recognize the potential .

At that valuation and by giving up control to Arrington and team, you are suggesting that they are bringing a value of 5 million to the table.

And, this is excluding the massive dilution everyone here takes.

That is just ridiculous. Marketing valued at 5 million ? Even 10 % (Valued at 1 million) is rich.

You could get so much more value for the buck if you were to spend that kind money for marketing in other ways.

I appreciate that you respect Arrington and his friendship. But that is no reason to do a bad deal.

He clearly is looking after his own interests, so why shouldn't you do the right thing for the company ?

I have made it clear to you that this is not just a bad deal. Its a non-starter.

So as suggested, the existing shareholders are rejecting the deal outright.

If you decide to proceed with this bad deal, I will not co-invest resulting in the 2 new investors pulling out as well.

I am prepared to back you and your team. We see the value of Arrington and Techcrunch from a marketing perspective as well.

So I suggest that we structure the deal with Crunchpad differently. We grant share options in FusionGarage to Arrington and team.

This should not exceed a total of 10 % of the enlarged capital of FusionGarage.

In exchange, we have Arrington assume the role of visionary/evangelist/marketing head and acquire the rights to use the Crunchpad brand and name.

This option grant should be done before the new round is assumed. This ensures new investors do not get diluted.

So in essence, I am proposing that we turn the deal on its head and do a 180 degree reversal of the original structure.

This is the the reverse of Crunchpad buying FusionGarage. This makes the most sense given the almost exclusive role FusionGarage has played in

furthering this and recognizes the continued risk and responsibility that it has to assume on a on-going basis.

I understand you are of the opinion that the above proposal may not hold with Arrington and its conceivable that he shuts down the Crunchpad initiative.

I have made it clear that we are willing to back and invest in FusionGarage with or without Arrington and Crunchpad.

I want to be clear that the above proposal has the unequivocal support of the existing shareholders and the new investors.

Time is running out and you need to understand that we need to launch with or without Crunchpad asap.

The investment is ready and the documents can be signed off quickly allowing you to focus on execution.

Hence, I have to emphasize that you need this resolved either way by end of this weekend or risk the possibility of the potential investment dissipating.

You are the founder and CEO of FusionGarage. I trust that you will carry out your fiduciary duty as expected.

I have to urge you to do the right thing by the Company.

I am available to meet in New York tomorrow afternoon. Eric is here as well. Call me when you get into New York.

Let's discuss in greater detail then.

Best.

**EXHIBIT T**

**From:** 'Jonathan Bloom' <JonathanBloom@mcgrathpower.com>  
Chandrasekar Rathakrishnan <chandra@fusiongarage.com>  
**Sent:** 11/17/2009 4:43:15 PM  
**Subject:** RE: no good news

What time are you planning on speaking to him?

**From:** Chandrasekar Rathakrishnan [mailto:chandra@fusiongarage.com]  
**Sent:** Tuesday, November 17, 2009 4:46 PM  
**To:** Jonathan Bloom  
**Subject:** Re: no good news

yeah am sure he does . sure being in miami wld have been fun!

On Wed, Nov 18, 2009 at 8:30 AM, Jonathan Bloom <JonathanBloom@mcgrathpower.com> wrote:

Well, Bruce expects it right? If so, it's all expected. Relax, you're on you're way to Miami!

**From:** Chandrasekar Rathakrishnan [mailto:chandra@fusiongarage.com]  
**Sent:** Tuesday, November 17, 2009 4:33 PM

**To:** Jonathan Bloom  
**Subject:** Re: no good news

yeah :)

mike sent that mail to bruce as well. that last mail from mike.

cheers,  
chandra

On Wed, Nov 18, 2009 at 8:27 AM, Jonathan Bloom <JonathanBloom@mcgrathpower.com> wrote:

Deep breaths....you knew it would be like this, ride with it...it's predictable.

What do you mean Mike CCing Bruce?

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**From:** Chandrasekar Rathakrishnan [mailto:[chandra@fusiongarage.com](mailto:chandra@fusiongarage.com)]

**Sent:** Tuesday, November 17, 2009 4:29 PM

**To:** Jonathan Bloom

**Subject:** Re: no good news

am actually pissed now.

heather's tone, mike ccing bruce n sayin i wont let own a piece of the business etc.

On Wed, Nov 18, 2009 at 8:28 AM, Chandrasekar Rathakrishnan <[chandra@fusiongarage.com](mailto:chandra@fusiongarage.com)> wrote:

no. think its a threat. even if he did try , no basis.

but i can see him exploding once he knows no course of action.

On Wed, Nov 18, 2009 at 8:22 AM, Jonathan Bloom <[JonathanBloom@mcgrathpower.com](mailto:JonathanBloom@mcgrathpower.com)> wrote:

You concerned about legal action?

**From:** Chandrasekar Rathakrishnan [mailto:[chandra@fusiongarage.com](mailto:chandra@fusiongarage.com)]

**Sent:** Tuesday, November 17, 2009 4:25 PM

**To:** Jonathan Bloom

**Subject:** Re: no good news

none watsoever.

everything been verbal...emails has been me updating on development but no ideas or anything at all

with any of their ideas being shared via email etc.

On Wed, Nov 18, 2009 at 8:19 AM, Jonathan Bloom <[JonathanBloom@mcgrathpower.com](mailto:JonathanBloom@mcgrathpower.com)> wrote:

No trademarks, contracts, written agreements or inferences in emails, right?

**From:** Chandrasekar Rathakrishnan [mailto:[chandra@fusiongarage.com](mailto:chandra@fusiongarage.com)]

**Sent:** Tuesday, November 17, 2009 4:22 PM

**To:** Jonathan Bloom

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Subject: Re: no good news

tats wat i am wondering!aside from a name, nothing else!

On Wed, Nov 18, 2009 at 8:16 AM, Jonathan Bloom <[JonathanBloom@mcgrathpower.com](mailto:JonathanBloom@mcgrathpower.com)> wrote:

What "rights?"

**From:** Chandrasekar Rathakrishnan [<mailto:chandra@fusiongarage.com>]

**Sent:** Tuesday, November 17, 2009 4:06 PM

**To:** Jonathan Bloom; Kathryn Walker

**Subject:** Fwd: no good news

fyi...now using threats...getting fun....

----- Forwarded message -----

**From:** Michael Arrington <[editor@techcrunch.com](mailto:editor@techcrunch.com)>

**Date:** Wed, Nov 18, 2009 at 7:59 AM

**Subject:** Re: no good news

**To:** heather harde <[heather@techcrunch.com](mailto:heather@techcrunch.com)>, [drlee@pacific.net.sg](mailto:drlee@pacific.net.sg)

**Cc:** Chandrasekar Rathakrishnan <[chandra@fusiongarage.com](mailto:chandra@fusiongarage.com)>

Chandra,

We can discuss when you return.

It's clear that your investors do not understand that we created this product jointly, and there is no way for either of us to bring it to market without the other party. We'd obviously take legal action against you and any manufacturer of the device if you were to move forward without us in violation of our rights. And regardless, there is no path to success in my opinion even if we were to allow you to do so.

What's most disconcerting to me is the tone of the email. I'd never do business with this person, and I'd never allow him to own any part of any project I work on.

Mike

On Nov 17, 2009, at 3:50 PM, Heather Harde wrote:

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Chandra,

As you know, I normally defer primary communications on CrunchPad to Michael, since he is founder and CEO of the business. However, Bruce Lee's letter below is so uninformed, inaccurate and insulting that I'm at a total loss for your business purpose in sharing it. Your cover note equally damaging. Strategically, operationally, financially completely wrong. Irreparable for me.

Heather

From: Chandrasekar Rathakrishnan [mailto:[chandra@fusiongarage.com](mailto:chandra@fusiongarage.com)]  
Sent: Tuesday, November 17, 2009 2:50 PM  
To: Michael Arrington  
Cc: Heather Harde  
Subject: no good news

Mike,

no good news to update. updated hardware is still on its way , so that's a timing issue. friday will be a challenge now. got delayed at taiwan's end. but the bigger issue is the required investment.

I had a conf call with Bruce last night. (An existing shareholder who is looking to co-invest and is a friend of the 2 new investors who were to be part of the new round).

and it was not a good call. Pls see his email note to me (below) for the details. I am in predicament and it's unenviable.

We need the investment but they are not willing to proceed on the current structure as proposed by CrunchPad.

I have spent the night deliberating on this and I cannot substantiate my arguments against the issues raised.

I know the counter proposal from Bruce is going to upset you greatly but I have no choice but to put it forth.

They are pretty resolute and it's extremely hard for me to ignore my fiduciary responsibility.

Unless there is an alternative funding available at the right terms , it's hard for me to turn this down.

Given its importance, I am heading to Miami to meet with them to discuss the situation further but doubt their position will change significantly.

I am going to get on my connection flight to Miami in the next few minutes and I will be in the air for the next couple of hours or so and out of circulation during that time. Given the urgency of the matter, pls let me have your thoughts.

Thanks,  
Chandra

----- Forwarded message -----  
From: <[drlee@pacific.net.sg](mailto:drlee@pacific.net.sg)>  
Date: Tue, Nov 17, 2009 at 11:51 PM  
Subject: Rejection of Arrington's "offer"  
To: [chandra@fusiongarage.com](mailto:chandra@fusiongarage.com)

Hello Chandra,

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Thanks for taking the time to discuss things. I just wanted to drop a note to recap our conversation.

I mentioned to you, the shareholders have expressed concern that there is no formal offer letter from TechCrunch. They are also not happy with the verbal offers that you have relayed. We had been prepared to consider an offer of 12% last December based on your comments about the value that Michael Arrington and his team would add – coupled with the fact that we were still early in the development of the device and your recommendations that a merger would be the best way to move forward.

However, since that time, we as your shareholders (and you/your development team) have assumed all related operational and developmental costs of the device. We have told you at several points that based on our significant investments, we would be willing to entertain an offer of 50%, if not significantly more. You have argued an offer of 25% on their behalf until you were blue in the face – suggesting that Michael Arrington/TechCrunch would bring connections, funding and marketing valuable in bringing the device to market faster.

We appreciate that Arrington and his team have generated marketing/awareness via their blog posts and relationships in the technology community over the last year. However, we feel strongly that this awareness is of minor value without a product to back it up – a product funded completely by your investors and shareholders and developed by your team at Fusion Garage with no formal contract in place with Arrington/TechCrunch.

The dialogue that we have been having feels like you are saying that Fusion Garage should do all the work, the shareholders should assume all risk, then you merge the company and Arrington/TechCrunch hold substantially more shares than the original investors? Given their lack of formal commitment to the development of this device, we feel that it is not for them to dictate terms. Why would we grant them a controlling stake in the company when they have invested nothing and have contributed nothing tangible?

I am not disputing that Arrington and TechCrunch do have some value. However, I am disputing the pricing of this value. I am prepared, along with my two friends, to invest at the 10 million pre-money. This is because we recognize the potential of what Fusion Garage is developing. However, at that valuation and by giving up control to Arrington and team, you are suggesting that they are bringing a value of 5 million to the table. Marketing valued at 5 million? You could get so much more value for the buck if you were to spend that kind of money for marketing in other ways.

I appreciate that you respect Arrington and value his friendship, but from my perspective the agreement that you have presented to me demonstrates that he is looking after his own interests. I, along with your other shareholders, look to you to protect our interests. Because of this, we are rejecting the deal that you have presented to us outright. If you decide to proceed with this deal as it was presented to us, I will not co-invest resulting in the two new investors pulling out as well.

We still acknowledge that Arrington and TechCrunch bring some value to your business endeavor. If you would like to continue the relationship with Arrington/TechCrunch, I am proposing that we structure the deal differently. We would grant share options in Fusion Garage to Arrington and team, not to exceed a total of 10 % of the enlarged capital of the company. The percentage would be non-negotiable.

If he agrees to our terms, we would have Arrington assume the role of visionary/evangelist/marketing head and Fusion Garage would acquire the rights to use the Crunchpad brand and name. Personally, I don't think the name is all that important but you seem to be somewhat attached to the name.

This option grant would be done before the new round is assumed. This ensures new investors do not get diluted. I understand you are of the opinion that the above proposal may not hold with Arrington, but we are willing to back and invest in Fusion Garage with or without Arrington and Crunchpad. The above proposal has the unequivocal support of the existing shareholders and the new investors.

Collectively, we all agree that time is running out. We strongly believe that we need to launch with or without Arrington/TechCrunch ASAP. The investment is ready and the documents can be signed off quickly allowing you to



focus on execution. Hence, I have to emphasize that you need this resolved by the end of this weekend or risk potential investment dissipating.

You are the founder and CEO of Fusion Garage. I trust that you will carry out your fiduciary duty as expected. I am available to meet in Miami tomorrow afternoon. Eric is here as well. Call me when you get into Miami.

Let's discuss in greater detail then.

Bruce

**EXHIBIT U**

WINSTON  
& STRAWN  
LLP

Interserve, Inc. dba TechCrunch, et al. v Fusion Garage PTE  
Ltd. - Case No. 09-05812 RS (PVT)

Documents Produced by McGrath  
4/30/2010

MP-000001 - MP-000002

**EXHIBIT V**

**From:** 'Chandrasekar Rathakrishnan' <chandra@fusiongarage.com>  
**Sent:** drlee@pacific.net.sg <drlee@pacific.net.sg>  
4/13/2009 7:50:58 PM  
**Subject:** Re: Articles and Update

Trust me , both mike and me are thinking the same way in relation to minimising dilution....

we can launch with minimal amt and ramp up valuation,, have clear ideas on that which i will discuss....

agree that if we can do it in a month', others can too. :) .. but here are reasons y we still have a solid headstart....

- 1) Mike's reach is astounding and already alot of buzz on our product... only see apple being able to threaten such influence as of now
- 2) software, that;s the key differentiator...not hardware.... so asus delivering a linux or windows tablet is not going to be good enough..... our software and hardware together makes the solid difference.
- 3) capacitive touch panels... are far and few between and having software working with gestures not easy,,, tats y only apple to date have such a great product with the iphone..... its the panel + gestures + software ui flow.....many have tried to copy ,since, primarily htc with their slew of products and andriod..... with gl.... and none has managed that as yet....so software is key :)

ok noted the time blocks.... will call u .. :)

cheers,  
chandra

Tue, Apr 14, 2009 at 10:44 AM, <drlee@pacific.net.sg> wrote:  
ate morning SG time is best.

Trying to think of best. way to ramp up with less funds to minimize dilution. Take up rate is best indicator but would cost 10's to 100's of millions to build and launch. When selling hardware you can't avoid costs unless Time and Mediacorp pay in advance.

Worried about someone copying also. Not Apple, they ignore the low end space but if you guys did it in 1 month, so can ASUS or MSI or VIA. You guys aren't the only smart people in the world! :)

Talk soon. Any time today is OK. Tomorrow evening my time is no good.

Cheers.

Bruce.

Quoting Chandrasekar Rathakrishnan <chandra@fusiongarage.com>:

Sure, Have not met with the VCs as yet. Sorting out a few information first.  
And got more to update. Will call u today/tmr.

What time slots are generally better for you you today & tmr...

Cheers,

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Chandra

Tue, Apr 14, 2009 at 10:30 AM, <drlee@pacific.net.sg> wrote:

Let me know what the vc's have to say. I still have many thoughts and some reservations though. We'll discuss when you have time to talk. Cheers.

Bruce.

Quoting Chandrasekar Rathakrishnan <chandra@fusiongarage.com>:

Hi Bruce,

Sorry for the delay in getting this to you. Will call you today/tomorrow to discuss.

Summary of what led to this press blitz! Mike took some pictures after 5 mins of the meeting and posted them to his personal blog.

A journalist from endgaget who follows mike;s personal blog , saw it and posted the first article suggesting that these photos look like the new crunchpad and that it looks great. This went live about 30 mins after Mike;s private post to his blog.

at opened the floodgates and everyone worth his salt in the space, started posting and speculating. Almost everything was positive. And about an hour later, mike got in touch with the journalist who broke the story and told him it was a leak and to pull the photos from the article.

Then stories started circulating that there was a leak and again much speculation.

So mike was very smart about it and created buzz using the "leak technique". More articles followed, with more and more commenters clamouring for one of the crunchpads.. the fact is he intended it and yet made it look like a leak. have not seen such buzz for a device pre-launch other than that of apple products. One article headline even suggested that "Crunchpad might beat Apple to market"

After more than half a day, Mike himself wrote an article explaining the photos, the leak etc. In that article, he gave us full credit for the current job. he also said he is not ready to talk abt it yet in the post. also in the comment section of his post, he commented that this was a prototype and might not make it to market. He said that for 2 reasons, as explained by himself to me. 1) he wanted to show demand for it and as anticipated, some commenters suggested that they want one and he should go

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ahead and build it. 2) provide a back-door just in case something blows

So things are going great thus far, he acknowledged that he needs to now give us a bigger chunk of the company an hour into our first meeting. We still to need to discuss that but we need some information prior to that.

Will discuss and update more when I call u later today or tomorrow. Strap on. It promises to be an exciting ride!

Cheers,  
Chandra

\*

The article from the man himself ----gave us maximum credit ..\*

<http://www.techcrunch.com/2009/04/10/about-those-new-crunchpad-pictures/>

\*the first few articles documenting the leak! & some others .....

<http://www.crunchgear.com/2009/04/09/crunchtablet-hits-the-net-a-little-early/>

<http://www.businessinsider.com/crunchpad-2009-4>

<http://www.engadget.com/2009/04/09/leaked-pics-of-the-crunchpad-make-it-look-dangerously-close-to-a/>

<http://www.kojakfull.com/techcrunch-tablet-is-totally-awesome.html>

<http://spamflet.posterous.com/crunchpad-the-next-big-must-have-gadget>

<http://www.seanpercival.com/blog/2009/04/10/crunchpad-tiff/>

<http://blog.dustincurtis.com/could-arrington-have-pulled-off-the-crunchpad>

<http://blog.wired.com/gadgets/2009/04/leaked-photos-w.html>

<http://blogs.courierpostonline.com/gogogadget/2009/04/10/if-apple-wont-build-a-touchscreen-tablet-techcrunch-will/>

<http://presata.com/wp/software/crunchpad-photos-of-techcrunchs-delicious-burgaswebcom-tablet-techcrunch-8/>

<http://mobilitysite.com/2009/04/the-crunchpad-leaks-engadget-breaks-the-story/>

<http://www.cloudave.com/link/the-crunchpad-is-real-a-sexy-little-situational-device>

<http://smartech.blogetery.com/2009/04/12/first-crunchpad-tablet-pc-images-go-live/>

<http://arabcrunch.com/2009/04/crunchpad-shipping-soon.html>

<http://blogs.zdnet.com/gadgetreviews/?p=3191>

<http://www.ehomeupgrade.com/2009/04/09/near-finalized-crunchpad-photos-inadvertently-hit-the-net/>

<http://www.gadgetfolder.com/techcrunch-tablet-crunch-pad.html>

<http://adrianmott.com/2009/04/09/early-leak-the-techcrunch-tablet-pc-its-happening/>

<http://watchmojo.com/web/blog/index.php/2009/04/09/arrington-to-doubters-file-under-suck-it/>

<http://hackaday.com/2009/04/10/the-crunchpad-tablet-shows-its-face/>

<http://www.gottabemobile.com/2009/04/09/techcrunchs-crunchpad-makes-a-showing-pretty-sexy/>

**EXHIBIT W**



**From:** 'Chandrasekar Rathakrishnan' <chandra@fusiongarage.com>  
brian@techcrunch.com <brian@techcrunch.com>  
**CC:** Michael Arrington <editor@techcrunch.com>  
**Sent:** 10/12/2009 8:58:56 AM  
**Subject:** Re: Update

Brian,

As of now we are still on track. Screens n new panels will were being bonded yesterday.

If that went well, (will know after a day of bonding) then we are good for 10/14. Will hear back today late evening on status of bonded screens and will update accordingly.

thanks,  
chandra

On Sun, Oct 11, 2009 at 1:36 PM, <brian@techcrunch.com> wrote:  
Chandra,

Are we still on track to get the new panels tomorrow and in the US by 10/14? Also, are there any other smaller issues outside these 2 primary problems that are being worked which could cause additional delays?

Thanks,  
Brian

---Original Message---

**From:** "Chandrasekar Rathakrishnan" <chandra@fusiongarage.com>  
**Sent:** Tuesday, October 6, 2009 4:37pm  
**To:** "Michael Arrington" <editor@techcrunch.com>  
**Cc:** "brian" <brian@techcrunch.com>  
**Subject:** Update

Mike,

here is the update :

2 issues with device at the moment.

1) SSD Stability

This what causes the crashes. Problem being dealt with at 2 levels. Pegatron refine SSD firmware. We stabilize kernel module to ensure a more accurate shutdown of system. Pega feels we should get an updated firmware in about 5 days or so.

2) Touch Panel

Touch is not stable because of current touch panel. There are markings on touch panel . both of these are problems. New supplier will solve both of these problems. We have seen samples and have not seen any markings. We will get the new panels on the 12th of Oct. In the US by 13th/14th Oct.

Team is here with KS in Taiwan. Today is the 6th of Oct. With all of the above, we are looking at having stable units on the 16th of Oct. 10 days from now.

We are working on stabilizing units , UI etc but without the above 2 things resolved, we cant go on stage.

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We are good to go as soon as the above 2 issues are resolved.

Looking at everything right now, there is a more than a good chance that we will make the target date of 16th.

All of the above is part of development evolution and we have the issues identified and tackled.

Will keep you updated of progress.

Thanks,  
Chandra

**EXHIBIT X**

om:

<brian@techcrunch.com>

CC:

Chandrasekar Rathakrishnan <chandra@fusiongarage.com>  
Laura Boychenko <ea@techcrunch.com>; Michael Arrington  
<editor@techcrunch.com>; Liam Casey <liam@pchintl.com>

Sent:

10/27/2009 9:38:16 AM

Subject:

RE: Will 5 pm for the demo today work ?

I'll be there.

-----Original Message-----

From: "Chandrasekar Rathakrishnan" <chandra@fusiongarage.com>

Sent: Tuesday, October 27, 2009 9:34am

To: "brian" <brian@techcrunch.com>

Cc: "Laura Boychenko" <ea@techcrunch.com>, "Michael Arrington" <editor@techcrunch.com>, "Liam Casey" <liam@pchintl.com>

Subject: Will 5 pm for the demo today work ?

Brian,

Can we meet at 5 pm today at TC office ?

thanks,  
Chandra

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**EXHIBIT Y**

Redacted

**From:** Chandrasekar Rathakrishnan <[chandra@fusiongarage.com](mailto:chandra@fusiongarage.com)>  
**Date:** November 4, 2009 8:47:15 PM PST  
**To:** Michael Arrington <[editor@techcrunch.com](mailto:editor@techcrunch.com)>  
**Cc:** brian <[brian@techcrunch.com](mailto:brian@techcrunch.com)>  
**Subject:** Re: ok, let's either do this or not.

am assuming the article in silicon valley insider triggered this mail ?

so yes, we should do this.

have been having calls with investors etc. I should be able to revert affirmatively on that by wknd.

device almost there. next week, we shld have abt 10 of this devices stable and working.

really-need the LOI from your end before my wknd calls with investors.

might also have to go to new york on monday for a day or 2 to meet with Eric and bruce (the investors)for a chat. they happen to be in the US for other matters so that helps in closing the loop.

will revert again over the weekend

On Thu, Nov 5, 2009 at 5:46 AM, Michael Arrington <[editor@techcrunch.com](mailto:editor@techcrunch.com)> wrote:

**EXHIBIT Z**

Redacted

From: Chandrasekar Rathakrishnan <[chandra@fusiongarage.com](mailto:chandra@fusiongarage.com)>  
Date: November 10, 2009 12:16:12 AM PST  
To: Michael Arrington <[editor@techcrunch.com](mailto:editor@techcrunch.com)>  
Subject: Re: so seriously, where are we

mike,

sorry but been caught up with various things.  
we are almost there. wrapping and tidying up.  
only delay been touch panels. new panels got delayed.  
they will now be ready by friday. (cleared all hurdles there, so no further delay is anticipated)  
i will be able to show off a final product demo either on the 16th or 17th of nov. this is the version that is ready to go live on stage.

on financing am almost there in getting the 2 guys i referenced, on board.  
need till end week for them to revert affirmatively.  
i might head to new york to meet with an existing investor and one of the new guys this week.

they are traveling together at the moment and will be in NY. might go down to discuss and finalize the deal.  
still on the same valuation as discussed previously.  
delay have been down to the 2 traveling extensively over the last 2 weeks.

finally, still need the letter of offer from your end.

thanks,  
chandra

On Tue, Nov 10, 2009 at 1:19 PM, Michael Arrington <[editor@techcrunch.com](mailto:editor@techcrunch.com)> wrote:  
we're getting very close to thanksgiving. everything is shutting down for the year.



**EXHIBIT AA**

**From:** 'Louis Monier' <louis.monier@gmail.com>  
Chandrasekar Rathakrishnan <chandra@fusiongarage.com>  
**Sent:** 10/11/2008 10:12:27 PM  
**Subject:** My notes

Chandra, I had promised you some sort of product draft, it's actually more like one big list to consolidate all of my notes. Mostly I am going through all the components I can think of on the software side (mostly user-visible) and I have just started thinking about how to group and display them. So no new idea yet, and very much stream of consciousness.

Please keep it to yourself, it will evolve quite a bit, but I would appreciate your feedback.

Cheers,

## CrunchPad

**Vision:** we want to build an Internet-only device, the physical manifestation of a browser. It's a small (10-12" screen) device, connected to the Internet (WiFi), with no keyboard (soft keyboard on touchscreen). It boots directly into a full-page browser, all controls appear when needed. It has no hard drive and all personal data can be backed up in the cloud.

**Selling points:** simplicity of use (browser metaphor, no OS, no virus, no local data to manage), low price (~\$300), software will be upgraded regularly for free, elegant design (just one physical button, sexy case).

### High-level goals

- Intended use: consuming media through the Web, not a replacement for a laptop or a phone. But it might fulfill all the needs of users who have made the switch to using exclusively Web service and storage, and don't need to run specific desktop apps.
  - The tablet must be small enough to carry around the house, in the car, or throw in a bag or purse. Not small enough for a pocket. Sturdy enough for everyday use.
  - It must have a long battery life. With normal usage, no need to charge it more than once a day. We don't want the problems of the iPhone 3G.
  - The browser is full-screen, the controls have to be invoked explicitly by pressing the physical button. Shortcuts are available (touching the edge of the screen) to bring up parts of the chrome (navigation, tabs...).
    - No particular demographic in mind. Should appeal to:
      - early adopters who want one more gadget.
      - teens who are only on the Internet and will convince parents to buy something at 1/3rd the cost of a laptop.
      - people who will leave one near the couch to check email while watching tv, one in the kitchen to look up recipes and check email, one in the bathroom...
  - seniors and not-so-tech-savvy people who will enjoy the simplicity (nothing to break!).
    - The tablet functions in portrait and landscape views, set by the accelerometer.
- The tablet should boot in ~10 seconds, and give feedback that it's booting very quickly (2 seconds or less). It should wake up from sleep instantly.

=== SYSTEM ===

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## BIOS

Do we need to contract for this, or is this something Chandra's team can do?

## Kernel

- DSL (Damn Small Linux), managed by Chandra's team.

## Drivers

- Via offered to provide many drivers for Linux, depending on devices, of course.

## Reinstalling the software from scratch

- Issue: dead machine, SSD got corrupted, nothing can be trusted (BIOS ok?)
- Fix: connect through USB to a computer, go to our site, download something, click heels three times, wait.
  - Hardware must accept this hard reset no matter what. We don't want users to have to return bricked tablets.

## Authentication

- Interesting problem since a tablet sits between a completely personal device (phone) and a home computer shared by family members.
- We assume that people might get confused (bookmarking while logged in as someone else), but not malicious: For times of paranoia (trip, house guest) save to cloud and nuke data.

**New user:** for the first time the machine is turned on, or when requesting a "new account".

- Ask for a user name.
  - A first name should be ok, it'll be used to greet the user and confirm who is logged in if multiple users have access to the tablet.
  - Ask to take a snapshot.
- Ask for an email address if the user intends to save their data to the cloud.
  - Data saved will be account info, bookmarks, cookies, history, preferences...
    - Option to put a password. And yes, ask to repeat the password.
      - This password can be used every time the machine
        - boots up
        - wakes up from sleep
        - saves data to the cloud.
          - this can be done on demand, and as a preference when putting machine to sleep or logging out.
          - when saving explicitly, option to nuke all personal data (with enough "are you sure?").
    - let's make sure to use enough encryption: https, data is encrypted with user password when stored in the cloud.
      - User must choose among the options, but explain clearly the implications.
  - Guidelines on a good password; don't reuse the one matching your email address.
    - If no password, can't save to the cloud.
- Other preferences?
- Choose network printers (TBD).

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- Power up
  - If multiple users, must select an account, then single user.
    - If single user: if needs password, ask for it, otherwise go right in.
- Cute animation for wrong password.
  - Wake up from sleep
    - Assume same account, request password if required.
- Briefly display the user name and photo, just to confirm.
  
- Put to sleep
- Preference to save data to cloud.
  - Power off
    - Explicit save to cloud, in addition to preference.
- Switching user: brings you to the "power up" state, plus a "new user" option.
  - Local credentials are checked locally.
- When saving to the cloud, credentials are checked online, on our site.
  - Do we have a separate incognito mode?
    - No new cookies, no trace in history or cache... Like what Google is doing with Chrome.
    - Separate user? Tab option? Mode (everything I do from now on...)?
- Need some visual feedback.

#### Network access - all on one page.

- List available networks. For each display name, signal strength, locked or not.
  - Use can select a network, enter credential.
  - Is there any use for "remember new network", "delete old network"?
- We can simply remember all networks that have been used, with their password.

#### Software update

- Check automatically once a day, silent download, install at next boot with permission.
- Any user can grant permission, we don't want to get into multiple levels, administrator account...
  - Enough authentication (sign the package) that some bozo can't get in the middle and push a bogus update.
- Display version number for the software in a menu somewhere. (TBD)

#### === BROWSER ===

**The full chrome:** can be brought up from hardware button. Partially transparent? (we'll see with the designer)

- Thought: some of the "control pages" (WiFi, passwords...) could be treated as pages, fixed tabs with an icon.
  
- Status bar.
  - Navigation bar (includes back/forward/home, unibox, bookmark this page).
- Find in page, opens a text box, next/prev/kill.
- Tabs bar.
  - Save page as... (where?)

- Print.

#### Customize

- History: search, nuke.
- About.
- Help.
- Options.
- Import bookmarks from a list on the Web. Think.

- Cut/copy/paste? Better in contextual menu.
- Encoding.
- Technical matters
  - View source.
  - Debug JS.
  - JS console.
  - Task manager.
- Bookmarks
  - Bookmarks can be grouped, we can propose a few categories to start, plus the bar.
  - Access to bookmarks using thumbnails?
- Preferences.
- Set up a new account for this tablet. Can also import a user info from the cloud, existing on this tablet or new.
  - Save personal data to the cloud.

#### Status bar

- User name and picture.
- Date and time (sync'd over the Web).
- WiFi status and access to WiFi management page.
- Battery status.
- Volume level / control.
- Text size as A A A.
- Sleep (now or in 30 mins, 60 mins... to watch movie then fall asleep), Power off (now), Switch user.
  - Options to save data to cloud, option to nuke all data.

#### Navigation bar

- Shortcut: touch neat top edge and go off edge of screen.
- Nav will appear for a couple of seconds, stay if clicked on.
- Back/forward/home buttons.
  - Displays unibox with go/kill/reload.
    - Similar to Google, possibly better with query suggestions and popular sites.
    - See if we can leverage some of Google APIs.
- Multiple providers? Easier if we pick Google and get money.
  - Bookmark this page, and menu to put bookmark in the right folder or bookmark bar.
  - Optional bookmark bar.

#### Tabs

- Shortcut: touch near bottom edge and go off edge of screen.
- Tabs will appear for a couple of seconds, stay if clicked on.

- Unclear how tabs should appear: just text tabs? Thumbnails?
- New tab: Name is title of page

**Preferences:** also available at the point of use.

- Change information for this account: password, email, when to require password, save to cloud...
- Power management: turn off screen after X minutes; anything else?
- -- needs work --
- Enable Java/JS (?), font size, language (where?), default encoding.
- History duration.
- Accept cookies, only accept from, keep until, nuke now.
- Size of cache (meh!).
  - Encryption, certificates.

### Screen navigation

- Scrolling: drag with finger but show scroll bars when scrolling to give position of window in page (like iPhone).
  - Text
    - Click => cursor on location.
    - Double click => select word.
    - Click (single or double) and drag: extend selection by char or word.
    - Select and hold brings up a menu: cut, copy, paste, search in page, search on the Web, search in Wikipedia,
  - ...
  - Link
    - Click => follow this link.
    - Click and hold brings up a menu: open in new tab, save link as (?)...
    - Image
      - Click and hold brings up a menu: save as, copy URL, copy image...
      - Going to top/bottom of page?
        - Scroll up in top left corner, or down in a bottom right corner?
    - Just scroll, scroll, scroll?

### Homepage

- Clock, date, location (use GPS, zooming view),
  - Sync up the clock from the Web, use the GPS for timezone.
- WiFi network and strength, battery status.
  - Use Google Gadgets as much as possible. Ours? Populate a few other ones, like weather, calculator...
  - Let people add stuff from the chrome: bookmarks, ...
  - Set of services selected from a big list. Paid inclusion as well. All customizable.
- Folder for cloud storage (think!).

### Keyboard

- Comes up when selecting a text entry area.
- Stretchable by the user. If rotated, scales to fit.
- Not too large, not too small. Present in both landscape and portrait mode.

- Experiment with Swype.
- Spell checking?

### Camera

- Take picture, upload to the cloud (our storage?) or one of the services (Flickr...).
- Used for video conferencing.
- Uploading video: seesmic, YouTube...

### Voice

- Voice memo.
- Speech-to-text for text entry?
- Accessibility? See T.V. Raman (blind friend). Keyboard will be a major drag.
  - Use it to control browsing,... (say "back"...) ? Look at Yap. Doubtful.

### Web site

- Drive the updater.
- App to restore tablet.
- Save / restore user personal info (bookmarks, cookies...).
- Pseudo local storage, like iDrive?
  - Gathering traffic data (?)
- Server to check for spam/malware, unless we can rely on Google's API.
- Server to drive the unibox if we can't use Google? Look into BOSS.
  - Selling accessories, feedback...
- Community?

### Big bag of open technical questions

- Import bookmarks from the Web?
- Block pop-ups, by default, then people can allow one, or from this site, or for this session.
  - How to kill a tab that went nuts? One process per tab makes it easier.
  - Gears: implications?
  - GreaseMonkey? Not for WebKit, FireFox only.
  - Can users install new plug-ins or update a pre-installed one? Yes.
  - Remote access to another machine? Already available through a browser?
- Store passwords for sites.
- Auto-fill for forms?
  - How to use cloud storage as if it was a local hard drive?
    - Downloading an attachment to, or uploading a picture from?
- RSS reader?
- Skype?
- Capture URL stream, anonymized, opt-in.
- Gestures?

- VLC plug-in? Who pays for the transcoding?
- External drives: USB drive, local network drive, cloud storage (our service, Google...)
  - Can user save to an external drive?
  - Play media from an external drive?
- Upload from external drive to a site (Flickr, Google Docs...)?
  - Printing? Accessing a remote printer?
  - Phrasing: find new terms that are neither Mac nor Windows (e.g. options/preferences => customize).
- Videos on Web site to explain usage?
- Attachments in emails: docs, media, zip,...?
- Tips. Contextual.
- Allow for removable storage (SD slot)?

--  
--Louis



**From:** chandra@fusiongarage.com  
**Sent:** Wednesday, January 7, 2009 8:35 PM  
**To:** team@fusiongarage.com  
**Subject:** Fw: Feedback

---

To discuss

Sent via BlackBerry from SingTel!

---

**From:** "Louis Monier"  
**Date:** Wed, 7 Jan 2009 20:20:47 -0800  
**To:** Chandrasekar Rathakrishnan<chandra@fusiongarage.com>  
**Subject:** Feedback

First the very good news. The tablet works, the Daves solved the issues with the controller chip and re-calibrated it, it's almost fun to use. We still don't have a solution for the Wi-Fi driver, though Via is working on it. But we can use a USB dongle, so it's not optimal but functional.

Then the good news: the software is better and seems more stable. It feels like more things more than not, major progress. A few things though, in order of urgency:

- The biggy: the long title bug is still there. It's a big deal: it pushes the buttons off the screen, and with the tabs being saved between sessions I could end up in a situation where I can't use the browser at all. I wanted to ask you for a redesign of the top bar anyway, so please take out the title completely and put the time instead, centered. This is really important.

- The scrolling works, but is counter-intuitive. The finger needs to move in the direction of the page (now it's finger down for the page to go down), and by the same amount, like the iPhone, so the finger stays on top of the same page element. Also there is confusion when using a page like Google Maps that intercepts the same events: the page scrolls around instead of the map scrolling.

- The keyboard: much better, congrats! I often get double letters, and I don't get the feeling that I'm tapping twice. The repeat delay is probably too slow. It now takes a fraction of a second to get the key to confirm by changing color, so the proper way to use the keyboard is to keep the finger down until the color changes; I bet that the repeat is triggered too soon after. It feels like less than a second now, it should be more, maybe a couple of seconds.

- The home button doesn't work.

- YouTube and Hulu complain about the Flash player: missing, or too old? This is a step back from the previous version.

- I tried to watch a video from the Apple site, it needs a QuickTime plug-in which we don't have. I assume a VLC plug-in will do the trick eventually, but I just want to log that.

I have plenty of stuff about the design, but I need to take care of something for the next hour. I will see if you are on Skype in a moment. If you have the video working (iChat or Skype), I can even demo the tablet for you.

Cheers,

--

--Louis

**From:** chandra@fusiongarage.com  
**Sent:** Monday, January 5, 2009 9:31 AM  
**To:** team@fusiongarage.com  
**Subject:** Fw: One more thought about the keyboard

---

Fyi. To discuss . Thks

Sent via BlackBerry from SingTel!

---

**From:** "Louis Monier"  
**Date:** Mon, 5 Jan 2009 09:27:20 -0800  
**To:** Chandrasekar Rathakrishnan <chandra@fusiongarage.com>  
**Subject:** Re: One more thought about the keyboard

Chandra, I don't have the tablet so I can't play with the keyboard and measure it, but if the standard guidelines of spacing between keys was in place, and there was no dead space between the keys, it would probably work just fine. Would 10mm spacing work? Also keeping it above the bottom edge, even by just 50 pixels, will do the trick, the calibration issue affects only the last few pixels around the edge.

Cheers,

On Mon, Jan 5, 2009 at 8:22 AM, Chandrasekar Rathakrishnan <chandra@fusiongarage.com> wrote:  
Hello Louis,

Here is first of my replies. Pls see my replies in line in blue below.

thanks,  
chandra

On Sun, Jan 4, 2009 at 2:12 PM, Louis Monier <louis.monier@gmail.com> wrote:  
Chandra,

the tablet is back with the Daves, so they can figure out how to make the touchscreen behave. So I have more time to just think about the UI. It is critical for demos that we get the keyboard as usable as possible, as we can't do without it in any sort of demo. I already suggested making sure that the active areas of the keys overlap, so it's impossible to hit between keys. Another helpful thing would be to make sure that the keyboard starts large enough (it's impossible to resize it without a mouse), and keep it above the bottom of the screen, as we may have trouble hitting the edges (calibration issues with this technology).

We are working on making the active areas of the keys overlap . Will get this to you with a new release tomorrow. We can resize the keyboard to start large enough and keep it at the bottom of the screen. It will be helpful if you could provide us with guidance here. What percentage of the screen do you think the keyboard should occupy for it to be large enough on the tablet.

With that indication, we can resize it accordingly. Pls let me know :)

Lots of good things happening at the same time, I am ready for the year. Hope to be in touch sometime Monday. Meanwhile enjoy the rest of the week-end!

Great to know that :) Pls keep me updated on the good things :) Cheers

Cheers,

--



--Louis

--Louis


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FG0001516

**EXHIBIT BB**

## Details

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**Company Name:** Fusion Garage Pte Ltd

**Launch Name (if different than above):** Project Fuse

**Company URL:** www.fusiongarage.com

**Logo (.eps or .ai format):**

Unsupported  
Image Type

**Company Description (50 words max):** Fusion Garage was founded in Feb 2008.

Project Fuse - "The browser as an operating system".

So far, the promise of the Web OS has been just that. - A promise.

"What if the browser could boot without an OS? How different would the world be?"

Project Fuse is an operating system with the browser at its core. The idea essentially is the browser as an OS.

- An UI experience that ties the browser OS with various web services.  
(inspired by Jeff Raskin & his "humane interface").

- Enables a new hybrid of low cost devices with a variety of form factors that is cloud driven.

- No distinction between a mobile and a laptop. They will be connected and have a SIM. (only distinction- that of form factors )

- Deals with fragmentation of the web and enables a unification of web services.  
For example, an universal contact list that ties the various presence of an individual on the web along with his mobile.

Additionally, the OS is built with a social wrap that enables it to be socially active.

- Communication will be unified.(blogs, social networks, emails and IMs amongst others.)  
Addresses the problem of information overload.

- Apps will work both online and offline.

- Developers can truly write once for the web and have it working across a variety of devices.

**Coordinating Contact:** Chandrasekar Rathakrishnan

**E-mail:** chandra@fusiongarage.com

**Phone:** +65 96705425

**Other Information:**

**DemoPit Presenters (2 recommended):**

Name	Title	Email
Chandrasekar Rathakrishnan	Founder & CEO	<a href="mailto:chandra@fusiongarage.com">chandra@fusiongarage.com</a>
Arul Prasad	Lead Engineer	<a href="mailto:arulprasad@fusiongarage.com">arulprasad@fusiongarage.com</a>
Thye Yeow Bok	Lead Engineer	<a href="mailto:theyeowbok@fusiongarage.com">theyeowbok@fusiongarage.com</a>
Showing <input type="text" value="20"/> records ( 1 - 3 of 3 )		

Email Users

**EXHIBIT CC**

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

--o0o--

INTERSERVE, INC., dba )  
TECHCRUNCH, a Delaware )  
corporation, and CRUNCHPAD, )  
INC., a Delaware )  
corporation, )  
Plaintiffs, )

**CERTIFIED  
COPY**

vs. )

) No. C 09-cv-5812 RS

) (PVT)

FUSION GARAGE PTE. LTD., a )  
Singapore company, )  
Defendants. )

VIDEOTAPED DEPOSITION OF  
CHANDRASEKAR RATHAKRISHNAN

Thursday, April 22, 2010

CONFIDENTIAL portions bound separately: Pages 44-49, 94-105,  
110-158, and 281-334

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY portions bound  
separately: Pages 50-56, 65-66, 106-109, and 159-258

REPORTED BY: DEBRA ALLUSTIARTI CSR 10929 JOB 427851

**M E R R I L L C O R P O R A T I O N**



10:30:56 1 been in Fusion Garage at any time?

10:31:00 2 A. That's confidential.

10:31:02 3 Q. This case is governed by a protective  
10:31:05 4 order, so you may answer.

10:31:05 5 MR. DOOLITTLE: Well, to the extent that  
10:31:07 6 that requires you to divulge investor information  
10:31:10 7 that hasn't already been divulged to the public or  
10:31:11 8 to TechCrunch, I'll instruct you not to answer  
10:31:11 9 based on the motion for protective order that was  
10:31:15 10 granted.

10:31:15 11 THE WITNESS: So to clarify, what's  
10:31:18 12 already public knowledge; is that correct?

10:31:18 13 MR. BRIDGES: Q. What is public  
10:31:21 14 knowledge?

10:31:26 15 A. The shareholders includes -- that are  
10:31:27 16 public knowledge -- Raffles Technology.

10:31:28 17 Q. What others?

10:31:32 18 A. Stamford.

10:31:34 19 Q. S-t-a-m-f-o-r-d?

10:31:37 20 A. Yeah. Technology.

10:31:40 21 Q. Yes.

10:31:41 22 A. Dr. Bruce Lee.

10:31:43 23 Q. Yes.

24 A. Myself.

25 Q. Yes.

10:31:55 1 A. CSL.

10:31:57 2 Q. That's a Malaysian company?

10:31:58 3 A. Yes.

10:32:01 4 Q. What others?

10:32:02 5 A. That's what's public knowledge.

10:32:04 6 Q. How many shareholders are there who are

10:32:05 7 not known to the public?

10:32:07 8 MR. DOOLITTLE: You can answer that.

10:32:09 9 THE WITNESS: There were two of them.

10:32:10 10 MR. BRIDGES: Q. Where are they

10:32:19 11 located?

10:32:24 12 A. In Singapore and Hong Kong.

10:32:30 13 MR. BRIDGES: Mr. Doolittle, I don't

10:32:33 14 think that your client's entitled to withhold that

10:32:34 15 information based on the order, but we can circle

10:32:35 16 back to that at the end of the day.

10:32:38 17 MR. DOOLITTLE: Okay. We disagree.

10:32:45 18 MR. BRIDGES: I understand.

10:32:46 19 Q. Who have been all of the officers --

10:32:52 20 sorry. Strike that.

10:32:53 21 When you founded Fusion Garage, did it

10:32:54 22 have a board of directors?

10:32:56 23 A. Yes.

24 Q. Who was on the board of directors?

25 A. It was my mother.

10:47:58 1 MR. DOOLITTLE: Well, I don't know that  
10:47:59 2 until I hear the questions, so ...

10:48:03 3 MR. BRIDGES: Q. Does Fusion Garage  
10:48:05 4 have any bank accounts in the United States?

10:48:08 5 A. Yes, we do.

10:48:13 6 Q. With what banks?

10:48:14 7 A. With Wells Fargo.

10:48:17 8 Q. Any others?

10:48:21 9 A. Not that I -- no.

10:48:23 10 Q. Does Fusion Garage, Inc., have any bank  
10:48:26 11 accounts in the United States?

10:48:28 12 A. I'll make the correction: It was Fusion  
10:48:32 13 Garage, Inc., that has a bank account in the U.S.

10:48:35 14 Q. Does Fusion Garage, the Singaporean  
10:48:35 15 company, have any bank accounts in the United  
10:48:36 16 States?

10:48:44 17 A. Not that I know of.

10:48:45 18 Q. Does Fusion Garage, Inc., have any  
10:48:50 19 PayPal accounts?

10:48:51 20 A. No.

10:48:52 21 MR. DOOLITTLE: Could you read that  
10:48:59 22 question back.

10:49:01 23 (Record read.)

24 MR. BRIDGES: Q. Does Fusion Garage,  
25 the Singaporean company, have any PayPal accounts?

11:14:23 1 Q. When is the first time you ever  
11:14:24 2 discussed Project Fuse with the public?  
11:14:27 3 A. April 2009.  
11:14:32 4 Q. In what context?  
11:14:33 5 A. It was referred to as the "CrunchPad  
11:14:38 6 Prototype C."  
11:14:39 7 Q. So Project Fuse and CrunchPad Prototype  
11:14:40 8 C were the same thing?  
11:14:47 9 A. Yes.  
11:14:47 10 Q. I'm sorry. When -- when did you say  
11:14:49 11 that was?  
11:15:13 12 A. April 2009.  
11:15:20 13 Q. What -- strike that. We'll leave that.  
11:15:25 14 When did Fusion Garage begin working on  
11:15:34 15 a web tablet with TechCrunch or CrunchPad?  
11:15:37 16 A. It was in December -- it was in  
11:15:40 17 December -- well, it was between the period of  
11:15:52 18 October and December 2008.  
11:15:54 19 Q. And what work did Fusion Garage do  
11:15:56 20 between the beginning of its work and the delivery  
11:15:58 21 of Prototype C?  
11:15:59 22 MR. DOOLITTLE: Objection. Vague and  
11:16:01 23 ambiguous, overbroad.  
24 THE WITNESS: Could you clarify that a  
25 little bit?

11:16:05 1 MR. BRIDGES: Q. What was --

11:16:08 2 A. As in, what specifically -- what  
11:16:12 3 specifically you meant when you said "work."

11:16:19 4 Q. What efforts did personnel of Fusion  
11:16:23 5 Garage put in to working with TechCrunch or  
11:16:23 6 CrunchPad between October 2008 and the delivery of  
11:16:25 7 Prototype C?

11:16:27 8 MR. DOOLITTLE: Object. Overbroad,  
11:16:29 9 vague as to time and vague and ambiguous.

11:16:34 10 THE WITNESS: We were never tasked with  
11:16:36 11 delivery of Prototype C. We started working with  
11:16:42 12 them in December -- between October 2008 and  
11:16:45 13 December 2008, where we were -- as part of the due  
11:16:47 14 diligence process, we gave them browser software  
11:16:49 15 for their Prototype B.

11:16:53 16 MR. BRIDGES: Q. You referred to a  
11:16:55 17 "process." I didn't hear the words -- as part of  
11:17:03 18 what process?

11:17:05 19 A. Due diligence.

11:17:06 20 MR. BRIDGES: Could you please reread  
11:17:34 21 the last answer.

11:17:42 22 (Record read.)

11:17:46 23 MR. BRIDGES: Q. After you gave them  
24 browser software for Prototype B, what was the next  
25 work that Fusion Garage did in connection with

11:31:30 1 were some persons consultants whom you informed?

11:31:33 2 A. They were all employed with the company.

11:31:36 3 Q. Did you inform any persons outside the

11:31:39 4 company at any time that Pegatron had triggered the

11:31:42 5 parting of ways with Fusion Garage?

11:31:48 6 A. To my recollection, the shareholders.

11:31:50 7 Q. Had you disclosed it to any prospective

11:31:51 8 shareholders who had not yet invested?

11:31:52 9 A. Yes.

11:31:53 10 Q. To whom?

11:32:01 11 A. CSL.

11:32:03 12 Q. Any other prospective investors?

11:32:05 13 A. Not to my recollection.

11:32:07 14 Q. Did you see CrunchPad as a potential

11:32:11 15 investor in Fusion Garage?

11:32:12 16 A. I saw CrunchPad as a potential acquirer

11:32:14 17 of Fusion Garage.

11:32:16 18 Q. And do you believe that you were in

11:32:17 19 acquisition negotiations at the time?

11:32:24 20 A. Yes, we were.

11:32:27 21 Q. But you failed to inform CrunchPad of

11:32:31 22 the fact that you had informed other prospective

11:32:31 23 investors about Pegatron's triggering the parting

24 of ways?

25 MR. DOOLITTLE: Objection, vague and

11:32:35 1 ambiguous.

11:32:39 2 THE WITNESS: I'm not sure I understood

11:32:42 3 the question. Would you repeat that again, please?

11:32:50 4 MR. BRIDGES: Q. You failed to inform

11:32:56 5 CrunchPad or TechCrunch about a fact that you had

11:33:00 6 informed prospective investors about; namely, that

11:33:04 7 Pegatron had triggered a parting of ways, correct?

11:33:07 8 A. Yes.

11:33:13 9 Q. Is there any particular reason why --

11:33:13 10 why Fusion Garage did not tell a potential acquirer

11:33:18 11 that fact?

11:33:22 12 A. There wasn't any official term sheet on

11:33:23 13 the table that required us to give that

11:33:27 14 information.

11:33:31 15 Q. When -- you've used several times the

11:33:31 16 term "official term sheet." What do you mean by

11:33:35 17 "official term sheet"?

11:33:38 18 A. A written letter offer stating an

11:33:41 19 explicit intention to acquire the company with a --

11:33:42 20 again, to a certain set of terms. That's my

11:33:44 21 understanding of a term sheet.

11:33:45 22 Q. Does it have to be signed?

11:33:47 23 A. Well, I mean --

24 MR. DOOLITTLE: Objection, calls for

25 speculation.

11:41:02 1 Q. What was the context in which you wrote  
11:41:06 2 this e-mail?

11:41:06 3 MR. DOOLITTLE: Objection, vague and  
11:41:12 4 ambiguous.

11:41:15 5 THE WITNESS: We were in acquisition  
11:41:17 6 discussions with CrunchPad; the term sheet, despite  
11:41:22 7 several requests, were not forthcoming; we were  
11:41:26 8 pretty frustrated about that; we had a time line to  
11:41:29 9 go to market; and if we could not agree on terms,  
11:41:34 10 we're suggesting that we were going to go on  
11:41:36 11 Plan B.

11:41:41 12 MR. BRIDGES: Q. What was Plan B?

11:41:46 13 A. If the acquisition falls through, Plan B  
11:41:48 14 was to go out on our own and roll out the product  
11:41:52 15 that we were developing.

11:41:53 16 Q. When did Fusion Garage begin laying the  
11:41:54 17 groundwork for Plan B?

11:41:58 18 MR. DOOLITTLE: Objection, vague and  
11:42:02 19 ambiguous as to the term "laying the groundwork."

11:42:06 20 THE WITNESS: As a start-up, we don't  
11:42:06 21 build a company for an acquisition. Plan B was  
11:42:12 22 always in place; where, if an acquisition doesn't  
11:42:13 23 go according to plan, the company can still move  
24 forward with this and go to market. So Plan B was  
25 always something that was around.



17:59:49 1 THE WITNESS: Yes. And an assumption of  
17:59:52 2 loans could include repayment of loans as well, and  
17:59:54 3 that would equate to a cash component of the deal.  
17:59:56 4 MR. BRIDGES: Q. Cash component of the  
17:59:56 5 deal, but it would not be a cash acquisition.  
17:59:59 6 A. Yes, it was --  
18:00:01 7 Q. This was a deal that was going to have a  
18:00:03 8 number of different component parts, correct?  
18:00:06 9 MR. DOOLITTLE: Objection. Vague and  
18:00:08 10 ambiguous, assumes facts, lacks foundation.  
18:00:08 11 THE WITNESS: From my understanding,  
18:00:18 12 yes.  
18:00:18 13 MR. BRIDGES: Q. Tell me all of the --  
18:00:25 14 strike that.  
18:00:29 15 What advertising has Fusion Garage  
18:00:30 16 engaged in to promote the sales of the JooJoo?  
18:00:35 17 MR. DOOLITTLE: Objection. Vague,  
18:00:37 18 ambiguous as to the term "advertising"; overbroad.  
18:00:40 19 MR. BRIDGES: Q. You may answer.  
18:00:43 20 A. I want to clarify what you meant by  
18:00:45 21 advertising and what you meant by "what  
18:00:46 22 advertising." I mean, what does "what" in this  
18:00:49 23 context refer to?  
24 Q. I'd like to know all the advertising  
25 Fusion Garage has engaged in to promote the sale of

18:00:55 1 JooJoo tablets.

18:00:55 2 MR. DOOLITTLE: Objection, vague and

18:00:57 3 ambiguous.

18:01:00 4 THE WITNESS: It's been primarily public

18:01:02 5 relations; which includes meeting up with

18:01:07 6 journalists to introduce the product, demonstrate

18:01:12 7 it for them to write about it -- or show videos of

18:01:15 8 it -- and reviews by providing units for them to

18:01:16 9 play around with it and then provide opinions on

18:01:18 10 it.

18:01:21 11 MR. BRIDGES: Q. Now, you said

18:01:23 12 "primarily public relations," and then you

18:01:27 13 indicated those things.

18:01:32 14 What else has there been, in terms of

18:01:33 15 efforts by Fusion Garage, to promote the sales of

18:01:35 16 JooJoo tablets?

18:01:37 17 MR. DOOLITTLE: Objection. Vague and

18:01:39 18 ambiguous, lacks foundation.

18:01:41 19 THE WITNESS: It's been just what I just

18:01:43 20 referenced right now. Nothing else.

18:01:45 21 MR. BRIDGES: Q. Nothing else. No

18:01:46 22 print advertising?

18:01:49 23 A. Not to my knowledge.

24 Q. No television advertising?

25 A. No.

18:01:54 1 Q. No radio advertising?

18:01:58 2 A. I'll clarify that. There was no

18:02:01 3 television advertising by us, but there was news

18:02:04 4 segments featuring JooJoo.

18:02:05 5 Q. That's more in the nature of public

18:02:06 6 relations, correct?

18:02:10 7 A. Yes.

18:02:13 8 Q. Has Fusion Garage retained an

18:02:16 9 advertising agency?

18:02:18 10 MR. DOOLITTLE: Objection to the term

18:02:21 11 "advertising agency." It's vague and ambiguous.

18:02:24 12 THE WITNESS: Sorry. I just want to

18:02:26 13 clarify. Your question was, have we retained an

18:02:27 14 advertising agency?

18:02:27 15 MR. BRIDGES: Q. Right.

18:02:30 16 A. No.

18:02:38 17 Q. Has Fusion Garage engaged in any

18:02:38 18 Internet search-based advertising such as Google

18:02:39 19 AdWords?

18:02:39 20 MR. DOOLITTLE: Same objection. Vague

18:02:39 21 and ambiguous.

18:02:39 22 THE WITNESS: No.

18:02:39 23 (The following testimony has been

24 designated as "Confidential," pursuant to a

25 protective order and can be found in a separately

1 CERTIFICATE OF REPORTER

2 I, DEBRA ALLUSTIARTI, a Certified Shorthand  
3 Reporter, hereby certify that the witness in the  
4 foregoing deposition was by me duly sworn to tell the  
5 truth, the whole truth and nothing but the truth in the  
6 within-entitled cause;

7 That said deposition was taken down in shorthand by  
8 me, a disinterested person, at the time and place  
9 therein stated, and that the testimony of the said  
10 witness was thereafter reduced to typewriting, by  
11 computer, under my direction and supervision.

12 That before completion of the deposition, review of  
13 the transcript was [ ] was not [X] requested. If  
14 requested, any changes made by the deponent (and  
15 provided to the reporter) during the period allowed are  
16 appended hereto.

17 I further certify that I am not of counsel or  
18 attorney for either or any of the parties to the said  
19 deposition nor in any way interested in the event of  
20 this cause and that I am not related to any of the  
21 parties thereto.

22 DATED: April 26, 2010

23  
24 Debra Allustiarti

25 DEBRA ALLUSTIARTI CSR, No. 10929

**EXHIBIT FF**

Michael Arrington  
Highly Confidential - Attorneys' Eyes Only

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

INTERSERVE, INC., dba )  
TECHCRUNCH, a Delaware )  
corporation, and CRUNCHPAD, )  
INC., a Delaware )  
corporation, )  
Plaintiffs, )

**CERTIFIED  
COPY**

vs. ) No. 09-CV-5812 RS

FUSION GARAGE PTE. LTD, a )  
Singapore company, )  
Defendant. )

**CONFIDENTIAL**

VIDEOTAPED DEPOSITION OF  
INTERSERVE, INC. dba TECHCRUNCH

MICHAEL ARRINGTON  
Redwood Shores, California

Tuesday, April 20, 2010

HIGHLY CONFIDENTIAL -- ATTORNEYS' EYES ONLY

REPORTED BY:

JAY W. HARBIDGE, CSR NO. 4090

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**Michael Arrington**  
**Highly Confidential - Attorneys' Eyes Only**

1 people at TechCrunch would be incurring expenses?

2 A. Yes.

3 Q. And that the people at TechCrunch should  
4 pick up those expenses?

5 A. Yes.

6 Q. Okay. Now, the question is, did you or  
7 Mr. Rahthakrishnan ever discuss what conditions had  
8 to take place in order for the project to be defined  
9 as, quote, "successful," close quote?

10 MR. BRIDGES: Objection, vague and  
11 ambiguous.

12 THE WITNESS: Certainly going to market  
13 with an announcement that we were ready and we were  
14 taking orders was a key factor in -- a key milestone  
15 in the project.

16 BY MR. STERN:

17 Q. That wasn't my question. Move to  
18 strike.

19 My question was, did you and  
20 Mr. Rahthakrishnan discuss what would be the  
21 definition of a, quote, "successful," close quote,  
22 project?

23 MR. BRIDGES: Objection, vague and  
24 ambiguous, asked and answered.

25 THE WITNESS: Success was determined

**Michael Arrington**  
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1 based on a desire to push the project forward, that  
2 we had a workable and sellable product.

3 BY MR. STERN:

4 Q. Today, as we sit here today, do you  
5 consider the JooJoo to be a successful product?

6 MR. BRIDGES: Objection, lacks  
7 foundation, competence, vague and ambiguous.

8 THE WITNESS: I don't even know what  
9 that's relevant to.

10 BY MR. STERN:

11 Q. That's not the -- do you have an answer  
12 to the question?

13 A. Define "successful product."

14 Q. It's not part of my testimony,  
15 Mr. Arrington. You have a sworn statement that  
16 you've made to Judge Seeborg that says that the  
17 parties agreed that each would bear its own losses  
18 of time, energy and money if the project was not  
19 successful, and to share the profits if it was.

20 And my question is, and I can't force you  
21 to answer -- I'm just asking the question -- can you  
22 tell me, sir, whether or not the JooJoo is, in your  
23 estimation, a successful product?

24 MR. BRIDGES: Objection, vague and  
25 ambiguous, lacks foundation, competence.



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1 provision has a 60-day window, right?

2 A. This clause has a 60-day window.

3 Q. Why did CrunchPad offer Fusion Garage a  
4 no-shop provision that was only 60 days long?

5 A. My guess, and this is a guess because I  
6 did not draft this document, but my strong guess is  
7 that this was a form that Heather used and she  
8 didn't take it out.

9 Q. What does that mean, she didn't take it  
10 out?

11 A. The idea was get something over for them  
12 to look at.

13 MR. STERN: If there was a concern about  
14 the no-shop and it being something real, we would  
15 have -- you know, if we were really concerned about  
16 them leaving or something breaking down, we would  
17 have had them sign this or something. I mean, we  
18 would have been concerned that was something was  
19 done, you know, to protect us legally in that sense.

20 Q. Take a look at the email at the top of  
21 Exhibit 7. It says:

22 "Attached for your review is our letter  
23 of intent to acquire Fusion Garage."

24 Do you see that?

25 A. Uh-huh.

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1 STATE OF CALIFORNIA )  
2 ) ss  
3 COUNTY OF SAN FRANCISCO )

4 I, JAY W. HARBIDGE, Certified Shorthand  
5 Reporter, do hereby certify:

6 That prior to being examined, the  
7 witness in the foregoing proceedings was by me duly  
8 sworn to testify to the truth, the whole truth, and  
9 nothing but the truth;

10 That said proceedings were taken before  
11 me at the time and place therein set forth and were  
12 taken down by me in shorthand and thereafter  
13 transcribed into typewriting under my direction and  
14 supervision;

15 I further certify that I am neither  
16 counsel for, nor related to, any parties to said  
17 proceedings, nor in anywise interested in the  
18 outcome thereof.

19 In witness whereof, I have hereunto  
20 subscribed my name.

21 Dated: April 22, 2010



22  
23 *Jay W. Harbidge*

24 JAY W. HARBIDGE

25 CSR No. 4090