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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

AMIGA, INC., a Delaware corporation,

Plaintiffs,

v.

HYPERION VOF, a Belgium corporation,

Defendant.

No. 07-0631-RSM

**HYPERION'S INDEX OF
DECLARATION EXHIBITS**

COMES NOW defendant Hyperion VOF and, for the convenience of the Court and the parties, provides the following index to the exhibits attached to the various declarations filed in support of defendant's opposition to Amiga Delaware's motion for preliminary injunction.

1. DECLARATION OF EVERT CARTON IN OPPOSITION TO AMIGA DELAWARE'S MOTION FOR PRELIMINARY INJUNCTION

Exhibit #	Exhibit Description
1	Example of one of the Haage & Partner agreements with independent subcontractors.
2	3 November 2001 agreement between Amiga Washington and Amiga One Partners
3	Haage & Partner contract with independent subcontractors for the development of

- 1 Amiga OS 3.9
- 2 4 Contract between Hyperion and Mr. Olaf Barthel to gain full access to the
- 3 reworked Amiga OS 3.1 source-code
- 4 5 Mai Logic and Eyetechnic press-release of 9 July of 2002
- 5 6 Amiga's Press Release endorsing the Mai Logic and Eyetechnic transaction.
- 6 7 Copy of a portion of Amiga's website.
- 7 8 May 2004 Notice of Hyperion's release of the first version of Amiga OS 4.0.
- 8 9 October 10, 2004 Notice of Hyperion's release of the first update to Amiga OS
- 9 10 4.0.
- 10 11 Ars Technica review of the first update of Amiga OS 4.0 on 17 January 2005
- 11 12 December 27 2004 Notice of Hyperion's release of the second update to Amiga
- 12 13 OS 4.0
- 13 14 26 May 2004 KMOS/Amiga agreement with Hyperion to produce a demonstration
- 14 15 version of Amiga OS 4.0 for the PDA reference design from IBM, the Arctic
- 15 16 ("Agreement for the provision of software development services.")
- 16 17 Hyperion's invoice issued to Itec LLC.
- 17 18 Amiga's outstanding invoice with Hyperion for USD 5000 dated 31 May 2001 and
- 18 19 relating to 3D work carried out by Hyperion for the AmigaDE software.
- 19 20 E-mail from Amiga's CTO Barry Jon Moss aka "Fleecy" acknowledging the
- 20 21 outstanding USD 5000 invoice dated 31 May 2001.
- 21 22 24 April 2003 agreement between Hyperion and Itec, LLC, regarding the transfer
- 22 23 of the 3 November 2001 contract
- 23 24 An example of one of Hyperion's contracts with its subcontractors regarding the
- 24 25 development of AmigaOS 4.0.
- 25 26 An example of one of Hyperion's dozens of agreements with third party
- 26 contributors to Amiga OS 3.5 and 3.9, which Hyperion had to enter into to obtain
- their source-code because Amiga breached its contractual warranty of ownership.
- 19 E--mail by Barry Moss, CTO of Amiga, dated 25 November of 2001,
- acknowledging that compensation was offered by Amiga to Mr. Barthel for the
- rework of the Amiga OS 3.1 source-code

1 **2. DECLARATION OF THOMAS FRIEDEN IN OPPOSITION TO AMIGA**
2 **DELAWARE’S MOTION FOR PRELIMINARY INJUNCTION**

3 Exhibit #	Exhibit Description
4 A	January 3, 2002 Software Development & License Agreement between Thomas Frieden, Hans-Joerg Frieden and Hyperion Entertainment VOF.
5 B	Amiga “Executive Update” from November 2000.
6 C	February 16, 2007 e-mail from Bill McEwen to Thomas Frieden and Hans Joerg Frieden.
7 D	June 23, 2004 e-mail from “Fleecy” Moss to Thomas Frieden and Hans Joerg Frieden.

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10 **3. DECLARATION OF HANS-JÖRG FRIEDEN IN OPPOSITION TO AMIGA**
11 **DELAWARE’S MOTION FOR PRELIMINARY INJUNCTION**

12 Exhibit #	Exhibit Description
13 A	January 3, 2002 Software Development & License Agreement between Thomas Frieden, Hans-Joerg Frieden and Hyperion Entertainment VOF.
14 B	June 3, 2000 Press Release from Bill McEwen.
15 C	February 16, 2007 e-mail from Bill McEwen to Thomas Frieden and Hans Joerg Frieden.

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18 **4. SECOND DECLARATION OF HANS-JÖRG FRIEDEN IN OPPOSITION TO**
19 **AMIGA DELAWARE’S MOTION FOR PRELIMINARY INJUNCTION**

20 Exhibit #	Exhibit Description
21 A	3 November 2001 agreement between Amiga Washington and Amiga One Partners
22 B	Ars Technica review of the first update of Amiga OS 4.0 on 17 January 2005
23 C	February 16, 2007 e-mail from Bill McEwen to Thomas Frieden and Hans Joerg Frieden.

5. **DECLARATION OF WILLIAM A. KINSEL IN OPPOSITION TO AMIGA DELAWARE’S MOTION FOR PRELIMINARY INJUNCTION**

Exhibit #	Exhibit Description
A	Declaration of Richard Hughes In Support of Plaintiffs’ Motion for Sanctions in a matter titled <u>Thendic Electronics Components and Genesi Sarl v. Amiga Inc., a Washington Corp.</u> , which was pending before Judge Robert Lasnik in the Western District of Washington under Cause Number 03-00003, along with the copies of the deposition of Mr. Bill McEwen, which were attached to that declaration as Exhibit 3
B	Declaration of Peck, along with its referenced exhibit, which were filed in the same action pending before Judge Lasnik as is referenced in Exhibit A above.
C	Washington Secretary of State Registration Data Search on Amiga, Inc., a Washington corporation.

DATED this 22nd day of May, 2007.

KINSEL LAW OFFICES, PLLC

By: /s/ William A. Kinsel
William A. Kinsel, WSBA #18077
Attorney for Defendant Hyperion VOF

William A. Kinsel, Esq.
Kinsel Law Offices
2025 First Avenue, Suite 440
Seattle, WA 98121
Phone: (206) 706-8148
Fax: (206) 374-3201
Email: wak@kinsellaw.com

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