

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SANTA CLARA

ATARI CORPORATION, a )  
Nevada Corporation )  
  
Plaintiff, )  
)  
vs. )  
)  
AMIGA CORPORATION, a )  
California corporation, )  
and DOES I through XX, )  
  
Defendants. )

CERTIFIED COPY

No. 555521

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October 3, 1984

A P P E A R A N C E S:

For the Plaintiff, ATARI CORPORATION  
Atari Corporation: BY: LEONARD I. SCHREIBER, ESQ.  
and  
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For the Defendants: KAYE, SCHOLER, FIERMAN, HAYS AND  
HANDLER  
BY: JULIUS BERMAN, ESQ.  
and  
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AND

1 course of that, we can see Mr. Morse again as doubtless we'll  
2 have to. That will be subject to agreement of counsel.

3 MR. BERMAN: We won't debate that now.

4 MR. SCHREIBER: No.

5 Q (By Mr. Schreiber) Who were the attorneys representing  
6 Amiga in the drafting?

7 A Jim Koshland and later on, Jon Rattner.

8 Q That's Jim --

9 A Koshland, K-o-s-h-l-a-n-d, and Jon, J-o-n, R-a-t-t-n-e-r.

10 Q Did you say that's J-o-n?

11 A Yes.

12 Q Who prepared the original drafts?

13 A Atari.

14 Q Who represented Atari in preparing those drafts?

15 A Ken Nussbaucher and Sarah O'Doud.

16 Q Over what period of time were these drafts prepared  
17 and revised and ultimately finalized?

18 A The first written document was February 10th, the last  
19 one was the letter of intent which was dated March 6.

20 Q Was that in fact executed on March 6?

21 A I believe it was executed on the 7th. <sup>Yes</sup> Yeah, it was  
22 executed on the 7th.

23 Q The document you have before you bears your signature?

24 A Yes.

25 MR. BERMAN: Twice.

26 THE WITNESS: Twice.

27 MR. BERMAN: Twice, once on the exhibit, the  
28 secured note, and the other on the document itself.

1 between March 6 of '84 and, say, end June '84?

2 A I believe --

3 MR. BERMAN: Can I suggest maybe if you were to ask  
4 the question in terms of the stage of development in June of  
5 '84, because what work gets involved just as a Pandora's box.

6 A, I believe it's wholly irrelevant in terms of the details  
7 of the technology in terms of this case, and B, I don't think  
8 that's really what you're looking for.

9 MR. SCHREIBER: That might be a helpful suggestion.

10 Q (By Mr. Schreiber) By end June '84, what advance if any  
11 had been made in the design of the system?

12 A By the end of June, '84, we had an actual printed  
13 circuit board rather than a hand-wired board, which was  
14 expected to be the production board, and we had working first  
15 samples of the custom chips.

16 Q Were those also designed for production, referring to  
17 the custom chips?

18 A They were designed for production, yes.

19 Q You seem to emphasize the word, "designed for produc-  
20 tion." Would I understand from that there were yet things to  
21 correct or faults to remedy?

22 A Yes, there were still some minor functions on the chips  
23 that weren't totally working.

24 Q And with these chips as thus improved and the PCB  
25 designed for production, what yet remained to be done?

26 A Eliminate the minor problems on the custom chips, get  
27 the product approved by the FCC and completion of the soft-  
28 ware for the system.

1 was a scheduled meeting for June 28, '84?

2 A Well, there was --

3 MR. BERMAN: Objection, he never testified there  
4 was no such meeting, he said it wasn't as you described it, a  
5 meeting solely between counsel.

6 MR. SCHREIBER: Thank you for the correction.

7 Q (By Mr. Schreiber) Do you recall a meeting scheduled  
8 for June 28, '84?

9 A Yes.

10 Q For what purpose was that meeting?

11 A The purpose of the meeting was to continue our dis-  
12 cussions and negotiations on these various agreements.

13 Q Where was that meeting to take place?

14 A At Atari.

15 Q Did the meeting take place?

16 A No, it didn't.

17 Q Why?

18 A We cancelled the meeting. I cancelled the meeting.

19 Q When did you cancel the meeting?

20 A At approximately 1:30 on June 28th.

21 Q What time was the meeting scheduled?

22 A 1:30.

23 Q How did you cancel the meeting?

24 A I called Ken Nussbaucher and as I recall, I couldn't  
25 reach him. He called me back and I told him that we were  
26 cancelling the meeting.

27 Q Did you tell him why?

28 A I don't recall exactly what I said to him.