

From: Kahl, Gui
Sent: Wednesday, January 30, 2002 6:56 PM
To: Naves, Ron; Fama, Tony
Subject: FW: Dave's request to speak with Richard

FYI

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

From: Kahl, Gui
Sent: Wednesday, January 30, 2002 6:16 PM
To: 'Lisa Georgl'
Subject: Dave's request to speak with Richard

Lisa,

As we discussed, Dave would like to speak with Richard as soon as he's available to discuss a potential extension to our existing DTOS and BTD agreements. We continue to be significantly concerned with the potential implication of some of the proposed terms in the new DTOS and BTD (i.e. Covenant not to sue for patent infringement, COA returns, IP rights), which is further compounded by our inability to develop a mutually acceptable compromise given no changes to the agreement have been allowed.

The additional time will be used to engage with your team to address these concerns to an acceptable level and make the necessary operational changes inside of Gateway. Our goal is to have a mutually acceptable and balanced agreement that allows us to continue ship OEM product without tremendous potential liability. To re-affirm my answer to your question if we're planning on buying retail/FPP product in two days, we have no plans or intentions to do so.

Thank you in advance for your help in setting up the aforementioned meeting with Richard.

Gui Kahl
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PLAINTIFF'S
EXHIBIT
61

025682

MS01 6000737

Plaintiff's Exhibit
9252
Comes V. Microsoft

MS-CCPMDL 000000438064