

PROTECTIVE ORDER MATERIAL

Message

From: Len Goldberg [lgoldberg@imagateq.com]
on behalf of Len Goldberg <lgoldberg@imagateq.com> [lgoldberg@imagateq.com]
Sent: 5/6/2004 4:46:23 AM
To: Nicole Nestel [nicole@nicolenestel.com]
CC: Milton Diaz [mdiaz@bbitv.com]
Subject: tomorrow's agenda

Hi Nicole,

For tomorrow, let's do:

10:00am Meet at the office at 3075 23rd Street. Discuss any outstanding agreement issues. Review the requirements.

11:30am Meet the team: Boris Goldberg, Joel Benveniste, Rajan Jena. Q&A to cover functional any other requirements. Discuss trip to Boston.

1:00pm Lunch

2:00pm Continue requirements discussion and documentation

4:30pm Wrap up

We are on 23rd Street between Folsom and Treat. It is a green building, with a dark green roof, with a wire fence along the first level. It is right across the street from the Children's Park/Playground.

If you need to, you can reach me tonight or tomorrow morning on my cell: 415-305-5927

Thanks and see you soon!
Len

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

From: Len Goldberg [mailto:lgoldberg@imagateq.com]
Sent: Tuesday, May 04, 2004 10:12 PM
To: Nicole Nestel
CC: Milton Diaz
Subject: RE: agreement

Hi Nicole,

The revised agreement looks good except that we should probably change ("Company") to ("IMAGETEQ") in the very first paragraph for the rest of it to make sense - this was our oversight (sorry!). And we'll work on putting together the Payment Schedule and Schedule of Deliverables for your review to include in the attachments.

I look forward to seeing you on Thursday as well and look forward to working with you.

BTW, there might be some big celebrations planned for tomorrow's Cinco De Mayo in the Mission, so take note.

Thank you!

Best Regards,
Len Goldberg

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

From: Nicole Nestel [mailto:nicole@nicolenestel.com]
Sent: Tuesday, May 04, 2004 5:33 PM
To: Len Goldberg

BBiTV EX2141
DISH v. BBiTV
IPR2020-01267
BBiTV184424

RESTRICTED - ATTORNEYS' EYES ONLY

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Cc: Milton Diaz
Subject: agreement

Hi Len,

I am forwarding to you an amended version of the development agreement. It has been looked over by the management of BBitV and there were a few changes which I have left highlighted in blue so you can easily tell what was added.

The indemnification clause was made mutual, and language for dispute resolution, and arbitration was added. If you have any questions please feel free to call on either myself or Milton, who should be back in town late Wednesday evening. I look forward to seeing you on Thursday morning, hopefully we will have any revisions ironed out by then, and be ready for a full day of requirements development!

Best Regards,
Nicole Nestel

Nicole Nestel

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