

**DATE:** March 29, 2008

**SUBJECT:** MEMORANDUM FOR RECORD:

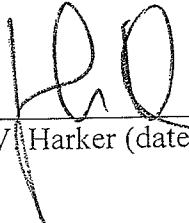
In 1998, I was appointed as the Director of Hospitality/Gaming for Symbol Technologies, Inc. of Holtsville, NY. At that time, Symbol had historically focused on other markets e.g. Retail/Warehouses etc, but was seeking to expand into new markets. This new market thrust led to my appointment to this new position for Symbol. At this time, Symbol was the world leader in rugged and wireless computing and it was developing two new mobile, handheld computers, (one for the Palm OS and the others for Microsoft's Windows CE OS). These were 'unannounced' products at that time.

As I began to study the Hospitality/Gaming market and assess the opportunities, it became clear to me that Symbol needed a systems integrator and partner - to enable its new family of handheld products to be easily and seamless integrated with the Point of Sale (POS) and other hospitality market companies that I knew we would need to partner with for actual distribution into these markets. I was uncertain as to exactly what the solution would be and whom the partner would be, yet I did appreciate that I needed a solution that would overcome the limitations of interfacing such systems, then presently available in 1998. I decided to attend the November 1998 Food Service and Technology Show (FSTEC) and seek a potential strategic software partner there. Not only did I find one in Ameranth, but they were even more than I had hoped for, since they had just developed an innovative new solution - that they called their 21<sup>st</sup> Century Restaurant 'software wizard' - which had the capability to interface existing 'point of sale' (POS) systems (with their intensive graphical user interfaces and complex databases) to the mobile wireless devices that we were preparing to introduce to the market in 1999. This breakthrough Ameranth innovation solved a previously major hurdle as to how the hospitality 'point of sale' and property management system' (PMS) system user interfaces could easily be ported and transferred to wireless devices. Without this new solution, the 'barriers to entry' would have remained enormous and prohibitive to allow wireless devices to move from 'niche areas' of the market - to the mainstream. I saw Ameranth in the booth (as shown in the attached photo/figure) and I was briefed and shown Ameranth's 21<sup>st</sup> Century Restaurant system and 'wizard' interface technology - (as shown in the attached system graphic) - by Keith McNally and Kathie Sanders of Ameranth (both shown in this photo). I expressed great interest to Keith at this FSTEC show in my intentions for Symbol to partner with Ameranth and I advised him that I would be in touch the following month with proposed next steps.

Subsequent to this technology show and meeting, I contacted Ameranth by phone during November and December 1998 and then I followed this up with a series of written correspondence as are attached - dated December 30, 1998, January 15, 1999 and January 16, 1999. This then led to meetings between Keith and the senior management of Symbol at our office in Holtsville, NY in January 1999 - which led to the signing of a long term strategic alliance agreement (attached) . In this agreement dated February 3, 1999 , on page 4, (para 2e) the exceptional importance of Ameranth's innovative software 'wizard' technology was duly noted.

Subsequent to the signing of the February 1999 alliance agreement, Ameranth did, in fact (with Symbol's support) introduce its breakthrough software wizard technology on Symbol's Windows CE devices, (integrated with/to numerous leading POS systems/companies) and Ameranth was arguably recognized as the overall most innovative company/technology at the May 1999 NRA show in Chicago with hundreds of customers coming to its booth, which I personally attended as well as the Fall 1999 Gaming and FSTEC shows. In addition to this, Keith McNally and I introduced the 21<sup>st</sup> Century Restaurant system at the October 1999 European Restaurant Show in London and Ameranth's 21<sup>st</sup> Century Restaurant was awarded the 'Innovation of the Year' award for the entire European Hospitality Technology market. Ameranth was selected from first ahead of hundreds of different technology companies and this special and prestigious award further validated the uniqueness of Ameranth's technology and its innovative vision.

Symbol then followed this up with a strategic, multi million dollar investment in Ameranth in late 1999, which was then followed by a strategic investment by Microsoft and thus with the world's leading mobile computing and software companies placing multi million dollar investments into Ameranth, this too further validated that Ameranth's technology was truly unique and that it had developed and owned a new and an unprecedented technology solution to solve a very important market need.

  
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John V. Harker (dated as above) 3/29/01