

**A/P Pedro J. Etchegaray Avallone**

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**De:** BenLee[???] [BenLee@aiptek.com.tw]  
**Enviado el:** lunes, 16 de mayo de 2005 7:55  
**Para:** etchegaray@adinet.com.uy  
**CC:** CharlinChen[???]  
**Asunto:** RE: Claim U\$S 3500 April 13rd, 2005 to Peter Chen - SECOND REITERARION - LAST EMAIL TO BEN LEE

Dear Mr. Etchegaray,

Many thanks for the message.

It seems that now you focus your attention fully on getting the transfer and forget the need of making yourself committed to offer your intention of settling this mail in a written form.

- a. Please send us a formal letter that the right of what you have written to Vincent, with an attachment of the original document, belongs to AIPTEK International Inc. and we have the full right of circulation or using the document in any way.
- b. Your clear intention of giving up the right to pursue any compensation in the future on such matter.

Lastly, I would like to know where and how I promise the date of transfer the fund to be Monday.

When you fulfill a. and b. I would be happy to wire the fund.

Best regards,

Ben Lee

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**From:** A/P Pedro J. Etchegaray Avallone [mailto:etchegaray@adinet.com.uy]  
**Sent:** Friday, May 13, 2005 7:59 AM  
**To:** benlee@aiptek.com.tw  
**Cc:** CharlinChen@aiptek.com.tw  
**Subject:** Claim U\$S 3500 April 13rd, 2005 to Peter Chen - SECOND REITERARION - LAST EMAIL TO BEN LEE  
**Importance:** High

Honorable Ben Lee:

As I inform you yesterday email, and I have not receive any answer of that email, Tomorrow, I will star a trip of 2 weeks to Paraguay.

Therefore, tomorrow (Friday May 13rd, 2005 of Montevideo) it's your last day to fulfill the committed transfer of funds. I understand that this matter is very clear for you. This email is a simple reminder and a desire that you fulfill your word as I also waited for it.

Simply, I wait the money tomorrow. If it was not this way, I don't discuss this business any more with you again, since regrettably, I see that you don't honor your word.

Since I go on a trip, the topic will be managed by my associates and the Attorney Buffete that it's working in primary situation and strategy report that will cost us U\$S 500,00 (five hundred dollars U.S.A.) additional, and that I have had to go preparing because you didn't send the money on Monday like I was waiting.

For last time, I repeat you again that my desire and hope up today, it has been to solve this matter in friendly form. I have exhausted my efforts in this sense, but AIPTEK don't have compliment. All this is documented appropriately.

Hoping that finally this matter will be solved tomorrow, I greet you

# **Etchegaray Consultores Asociados**

**A/P Pedro J. Etchegaray**

**Analista de Sistemas y Organizacion y Metodos - Asesor Tecnologico**  
**Auditor de Sistemas - Desarrollo de Mercados y Negocios**

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**De:** A/P Pedro J. Etchegaray Avallone [mailto:[etchegaray@adinet.com.uy](mailto:etchegaray@adinet.com.uy)]

**Enviado el:** miercoles, 11 de mayo de 2005 12:16

**Para:** 'Traveling Ben'

**CC:** 'CharlinChen@aiptek.com.tw'

**Asunto:** READ CAREFULLY, PLEASE. Final decision about our original claim of U\$S 3.500,00 dated April 13rd,2005 to Peter Chen.

**Importancia:** Alta

Honorable Ben Lee:

I have already understood that you have the intention of paying, but the reality is that you should have ordered the transfer of funds last Monday, and you have not made it. The time of the words already ended and it is necessary to act.

Once again, my company is being damnified by AIPTEK, and I believe that it has already been enough for us.

I have already commented to you that I am traveling this weekend. Therefore, the only answer to my email that corresponded, was the transfer of funds.

If in this relationship that we settled down, I write and you don't read, for better will that we put both parts, it will be very difficult that we understand each with the other.

I waited to have received your money yesterday. It has not been this way. I am taking a plane this Friday for 2 weeks. Then, to solve this problem in a friendly way I should receive the money today, since later I won't be in Montevideo.

I have already requested you kindly, in reiterated opportunities that you read my emails, and that you answer them. If you had read my email of May 6th, 2005, If you had read my email of May of 2005, 6 the only answer that should have offered, it was the transfer of money.

With this delay, you have been able to weaken my position and decision of reaching a friendly solution in front of my associates. Them, they have repeated an and another time that two weeks ago, we should have taken another road, since AIPTEK has never demonstrated to fulfill its words.

Therefore, I should inform it to you that if I don't receive the money tomorrow, as last day, be possibly impossible to make a friendly agreement over the present basis, and we should leave the topic of in the lawyers' hands who also for advice of one of my associates are already making a report, that which has meant for me an additional cost more than you will pay for the registered delays.

One and another time, I have demonstrated in front of AIPTEK, Peter Chen, Vincent Luo, Charlin Chen and you my best bias to contribute, and once again, from your company receipt a confused sign that says to want to make a thing and doesn't make it, that announces that will make something but doesn't make it, and this has already arrived to the limit.

It is not my style to press people, but neither I can admit that the things are not solved in the reasonable times. AIPTEK comes dilating everything continually.

16/05/2005

You should have make de funds transfer last Monday as I requested you. Today is Wednesday and we have not received the money.

Now the situation has changed again for the not very comprehensible behavior of AIPTEK.

If tomorrow, we have not collected the reclaimed money that now, for the additional cost that we will pay for lawyers' honorarium, it has to be of U\$S 3.500 complete (three thousand five hundred dollars U.S.A.) then I won't continue expecting more time.

You understand that it is evident that I will no longer be able to trust your word more, neither in that from AIPTEK, and then we will look for other roads that make that AIPTEK pays what should pay, in definitive, plus the honoraria, damages and corresponding damages that have been increased with this behavior, and that we have computed.

I regret a lot to have to be so firm with you that has been so kind with me, and more lament that you are of trip but in this history, we have made the effort and we always finish damnified.

If you really want to solve the topic, you must lose some minutes and read all the emails that I have sent you. Read them to understand and act in consequence. Order the immediate transfer of funds and let us finish this topic in a friendly way in this point.

That, it has been my desire from a beginning, and I think that also yours, but... you have not really made still anything concrete that demonstrates with facts, the truthfulness of your word.

Hoping you make the correct decision, I greet sincerely to you

## **Etchegaray Consultores Asociados**

**A/P Pedro J. Etchegaray**

**Analista de Sistemas y Organizacion y Metodos - Asesor Tecnologico**

**Auditor de Sistemas - Desarrollo de Mercados y Negocios**

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**Skype:** [etchegarayconsultores](#)

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**De:** Traveling Ben [mailto:[benlee@aiptek.com.tw](mailto:benlee@aiptek.com.tw)]

**Enviado el:** miercoles, 11 de mayo de 2005 2:27

**Para:** CharlinChen[陳筱玲]

**CC:** [etchegaray@adinet.com.uy](mailto:etchegaray@adinet.com.uy)

**Asunto:** Re: Reference: Final decision about our original claim of U\$S 3.500,00 dated April 13rd,2005 to Peter Chen.

Dear Charlin, please go through this mail for me, and drop me a note as I saw this and was not able to go through the entire mail. But my message to him is that I am willing to pay. Ben

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

**From:** [A/P Pedro J. Etchegaray Avallone](#)

**To:** 'BenLee[李炳林]'

**Cc:** [CharlinChen@aiptek.com.tw](mailto:CharlinChen@aiptek.com.tw)

**Sent:** Tuesday, May 10, 2005 2:02 AM

**Subject:** RE: Reference: Final decision about our original claim of U\$S 3.500,00 dated April 13rd,2005 to Peter Chen.

16/05/2005

Honorable Mr. BenLee:

I can understand that you are in a trip, however, I explain in my email, that I have the hope to finish this matter immediately. I have waiting for AIPTEK from december 23rd, 2005 and until now I have nothing. I am the CEO of my little corporation, and I am making regional trips very often.

This week, I am in fact in Montevideo preparing an Investment Project to install a factory in Paraguay. If I finish it this Friday, it is very possible that I will be traveling the weekend to Asuncion (Paraguay) and let us move away from my country for a couple of weeks.

This is one of the reasons for which I decided to finish with this topic this week, because contrary case I will no longer be able to dedicate personal time to this matter and this would put back 3 weeks the global resolution, time in the one which, if we not reach an agreement it could already have derived the topic to our attorney-at-laws, to obtain your complete report, and to execute another solution that doesn't require my direct attention, although it is more expensive for both.

I don't want to lose more time therewith, and I suppose that you neither. Then for once in so many months, I would thank to you that made a great and special effort and achieved that AIPTEK acted with another velocity, ordering as I requested you the transfer of funds that you understand convenient.

If for some reason, you are impeded of to solve and to close this topic immediately, I will thank you that You notified it to me now, to doesn't lose time you neither Me, and then analyze other alternatives.

I have already lost a lot of money and time with AIPTEK and although I make an effort in looking for a friendly solution, I am not willing to leave pending topics before my trip, neither neither to continue investing my time gratuitously to this cause.

Therefore, I hope you understand that my answer is conditional to immediately reception of funds, that was wich I waited from you.

I manage several companies and I administer many matters simultaneously. When I make a decision that involves the loss of money (a wrong business) it is for their immediate execution, and it doesn't to have to focus me again in 3 weeks in the same business.

I want your word that you have understood my petition, and sincerely I expect your understanding in reference to this topic.

Thanking you once again your efforts about this topic greeting sincerely

## **EAC - Etchegaray Associate Consultants**

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**System Analyst . Organization & Methods Analyst - Technological consultant  
System Auditor - Business and Market Development**

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**De:** BenLee[???] [mailto:BenLee@aiptek.com.tw]

**Enviado el:** domingo, 08 de mayo de 2005 23:23

**Para:** [etchegaray@adinet.com.uy](mailto:etchegaray@adinet.com.uy)

**CC:** CharlinChen[???]

**Asunto:** RE: Reference: Final decision about our original claim of U\$S 3.500,00 dated April 13rd,2005 to Peter Chen.

**Caracter:** Confidencial

Dear Mr. Etchegaray,

Thank you for your response. I am out for business trip. Ms. Chen will inform me the content of this email, and should you have accepted the proposal, she will further notify me on further processing.

Bear with me till Monday, next week, thank you.

Ben Lee

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**From:** A/P Pedro J. Etchegaray Avallone [mailto:etchegaray@adinet.com.uy]

**Sent:** Sunday, May 08, 2005 3:25 PM

**To:** BenLee[李炳林]

**Subject:** Reference: Final decision about our original claim of U\$S 3.500,00 dated April 13rd,2005 to Peter Chen.

**Importance:** High

**Sensitivity:** Confidential

Montevideo, May 6<sup>th</sup>, 2005

**Honorable Ben Lee**

**AIPTEK International Inc.**

**CEO & President Assistant – Sales Executive**

No. 19 Industry E. Rd. IV, Science-Based Industrial Park, Hsin-Chu 300, Taiwan, R.O.C.

**Tel:** +886 (3) 5678138 x 8014 - **Fax:** +886 (3) 5771364

**E-mails:** BenLee@aiptek.com.tw

**Website:** [www.aiptek.com.tw](http://www.aiptek.com.tw)

**Reference:** Final decision about our original claim of U\$S 3.500,00 dated April 13rd,2005 to Peter Chen.

Honorable Mr. Ben Lee

## **1) About your arguments expressed in your email received on Friday May 6th, 2005.**

You will apologize me, but regrettably I should inform respectfully to you, that I don't share for anything your vision regarding the background of this matter.

If some thing exists in this world of which there is not smaller doubt, it is that I have been and I continue being clearly damnified by AIPTEK. Also, I have very clear the content of all the documents that both we have analyzed, because I have invested in this business, after my PBP was sent, almost 50 hours more in this painful matter.

With all my respect toward you, I think that possibly you, as consequence of your intense commercial activity and high position in the staff of AIPTEK, you have not surely reached the same conclusion, due to the lack of enough time to analyze in detail the profuse involved documentation.

If there is something evident in the documentation, it is that precisely, in my email of August 4th, 2004, I offer Mr. Wayne Wang, the whole reasonable information that a potential commercial representative (TecnoPyme – US) can offer to his potential supplier (AIPTEK – YOU).

In fact, the quality of the information offered by me, is the one that generates Mr. Luo's intervention who at August 25th, 2004, re-send me the same email with its annotations under each point, declaring explicitly one and another time a complete agreement with my point of view and requesting information of a deeper level, something that any person of business can interpret and to demonstrate that Luo is requiring answers of a Consultant and not from a potential distributor.

**Is there a clearer sentence that this?**

**QUOTE : I'd love to know your consultancy work and related charges. Pls kindly tell me more about details. Thanks" UNQUOTE.**

**... and in the same way, I could refer several eloquent paragraphs.**

The tone of that email, and of the later ones that Mr. Luo sends me insistently denote an extraordinary interest and anxiety regarding the obtaining of our contributions of knowledge and information.

Please, I understand that you are defending the interests of AIPTEK and trying to solve the problem, but... it is impossible to cover the sun with the hands!.

You are a high hierarchy executive from AIPTEK, it doesn't insult me believing that I am a stupid, OK?.

The interest of Mr. Luo remains invariable, expectant, without formulating any comment in contrary, until finally he receives December 23rd, 2004, my Preliminary Business Plan of 20 pages, which gives all the answers that Mr. Luo required, indicating a route to follow to develop and capture the market of Latin America, something that obviously AIPTEK was not making, neither Luo that had that responsibility, among other of course.

Any person in the world of the business waits that a potential distributor with which a relationship is scarcely beginning, will offer the type of answers that is requested, if it is not that there is an important reason, and that reason was the request of a quotation about our cost of services to make that work, as it is explicit in the documents involved

Mr. Luo, didn't only need a solvent actor in the region, but also somebody that told him how, with what logistics, based on what market rules and who are the main potential distributors for AIPTEK in the region.

If these requirements don't correspond to the request of a work of market consultancy, I admit that in my 25 years of permanency in this business... I didn't learn anything, although it is very undoubtedly my records shows another thing.

If about something there is not doubt, it is that Mr. Luo required our services as consultants, in fact to learn how AIPTEK could develop the market of Hispanic speech in America.

Mr. Luo deceived me, making work to our organization for its personal and AIPTEL profit, based on the created expectations of immediate business for us supported in the absolute explicit previous coincidences from his email.

So clear everything is that Mr. Luo, after he obtained the information to begin the development, he never answered neither he commented anything per months, and finally, to look for an easy exit, it showed certain insolent nuisance for our answer requirements.

This attitude is shameful.

Mr. Luo, appropriated of valuable information for the company, for which won't really give any compensation, neither to develop any business with us, but simply to take advantage of the situation.

I am not a Lawyer but, it is very possible that a situation of this style, configure in any part of the civilized world, and mainly in the markets of U.S.A. and Europe, a disloyal, abusive, deceiving commercial behavior and it is considered as a commercial crime with important and economic penalties, directly related with the economic importance of the company that makes them.

Also, until now, AIPTEK has never clarified which was the destination of the received work on our behalf at December 23rd, 2004.

It would not be strange to deduce (based on the documented behavior) that AIPTEK has incorporated my work to its planning for the budget 2005 - 2006. We should not forget that Mr. Luo was presented before me as the Account Manager for Pacific Ring.

Honorable Mr. Lee, I make these explanations, because although we have not still derived the topic to the international commercial legal specialized lawyers, for the reason that I had the hope to reach a friendly agreement with you.

However, it is convenient (for the decision that finally you take) that you understand that I know the potentiality of the problem perfectly and of the damage that they have caused me.

## **2) Your good intentions and effort to solve this matter**

I have now very clear that your position as Sales Executive should not leave you a lot of time for this exchange of emails, since so much you as Me, we should dedicate our valuable time to make business and not to discuss.

I am absolutely surprised about all the prerogatives that AIPTEK has presented for not accepting to pay that that originally was requested (U\$S 3.500), to enter in a negotiation in which yourself finishes making a final offer of U\$S 500,00 less than that requested (we are speaking of five hundred dollars U.S.A.) that are the equivalent one at 10 our working hours.

This whole matter has made me lose more than 50 hours, this is some U\$S 2.500 (two thousand five hundred dollars U.S.A.) that I should add definitively to the originally reclaimed amount.

AIPTEK is a company that quotes in Taiwan Stock Exchange under Code 6225 that in its balance at the 31/03/2005 showed a Current asset for value of NT \$ (New Taiwan Dollars) of 3.103.456.000 (three trillions hundred three millions four hundred fifty and six thousand new dollars of Taiwan) that whose equivalent in U\$S 103.500.000 (hundred three millions five hundred thousand dollars), and that in its balance at the end of 2004, it has had sales revenue for NT \$4.098.980.000, equivalent to U\$S 136 millions dollars.

In front of these figures, you discussed with me initially about the cost that we really invest in carrying out for AIPTEK a Preliminary Business Plan, in the one which, if you have really read it, we invest many working hours of professionals, and that moderately we coast in U\$S 3.500 (three thousand five hundred dollars).

We are speaking of money that left our pockets, and that we invest pointing to capture a contract for the execution of a market development plan by U\$S 60.000 (sixty thousand dollars U.S.A.) those that would be surely amortized by AIPTEK for the sales in emergent markets (that at the moment don't generate AIPTEK incomes) for not more than one year, and at the end of which AIPTEK would have an operative and profitable distribution channel in Argentina, Chile, Paraguay, Uruguay and South of Brazil.

After my closing negative, you have the kindness to elevate your original offer to U\$S 3.000 (three thousand dollars U.S.A.). This means that at the moment, we (you and me) would be negotiating for a difference of only U\$S 500,00 (five hundred dollars U.S.A.).

Independently that I respect the commercial postures, and I understand that business are business, sincerely, I think that the only fact that you have achieve your last offer of U\$S 3.000,00 (three thousand dollars U.S.A.) instead of recognizing the error, and to pay that claimed (that is minimum) without entering in a land of discussions, it doesn't make any well to the image of AIPTEK in the world. This means that besides offending me, it also discredits AIPTEK.

Are you able to imagine what a stockholder investor of AIPTEK would think if he knew that the high executives of the company invest their hours discussing the cost of professional works for differences of U\$S 500,00 (five hundred dollars) that would also report to the company big benefits?.

Well, as well as it would be him incredible to that investor, I am intimately absorbed, indignant and robbed, because I am in a position to which I never thought that it could arrive with AIPTEK.

However, I also understand that you have not been the constituent neither the main actor in this problem, but rather the one who AIPTEK have derived the problem to look for a solution that it leaves the best standing possible the prestige and name of AIPTEK. You should make that we name "damages control", right?

I understand it perfectly to you, and for this reason I won't complicate the things to you for anything. Sometimes ourselves has also had to leave to correct errors of our subordinate ones.

Your situation is typical. Somebody of your organization made a serious mistake, and to you took charge try to solve it with the smallest possible cost, even assuming the risk that the same negotiation, generate from the other part (us) a hardening bigger than its position, the topic derives Lawyers definitively that with these record, they could generate a "case" that without a doubt finished costing AIPTEK a very superior amount in resources (humans and money) to the one requested originally. That happens whenever the Lawyers works. Agree you with me?

In attention to all that I expressed previously, and my desire to finish immediately and in good terms this matter with AIPTEK, I should express you that so that I was satisfied, according and I was not feeling robbed and abused by AIPTEK, AIPTEK should pay the U\$S 3.500,00 immediately without any more discussions.

Nevertheless it, if this it is the cause of a problem for you, or you or your bosses think that to pay the fair and claimed quantity can generate an important imbalance in the finances of their company, or to affect in way some your personal prestige as great negotiator before their co-workers, OR you think sincerely that the only quick form of solving this problem is to pay U\$S 3.000 (three thousand dollars) then, I inform you that I will leave liberated to your best approach the final

decision, accepting anyone of the two figures managed lately (U\$S 3.500 claimed or U\$S 3.000 offered by you) as compensation for the extraordinary effort that we develop for AIPTEK.

In no way I want to be the responsible for the bad economic performance that in the future could have AIPTEK, neither to cause any financial imbalance, neither to you more problems.

However, my sincerity forces me to admit to you that honestly I never thought to have to be discussing with a company as AIPTEK for U\$S 500,00 (five hundred dollars) and that this so small difference that a corporation haggles me after that happened, I being robbed me.

Seemingly that we are a medium company from a small country of the Third World, consider that U\$S 500,00 (five hundred dollars) they are less important for us than for the executives of AIPTEK. That is incredible!

If I am mistaken (and I would want this way it) surely after reading this email you will order a transfer for U\$S 3.500 and you will leave well standing the name of your company. If I am in the certain thing, then you will order a transfer of U\$S 3.000.

Independently of the decision that you choose, have the tranquility that you don't receive more from our part any birdcall for this matter again.

This will be now your decision. We abide to your best approach.

### 3) Personal gratefulness

Independently of this whole painful situation, I thank you and I really I appreciate so much your effort and intervention.

Only as a comment, I inform you that to make business in Latin America that they can be sustained in the medium or long term, "the correct route to follow" it is the one that we have suggested you in our Preliminary Business Plan.

You must take advantage of this good advice for the interests of your company that so well you have defended.

On behalf me, I should inform you that for me it has been a pleasure to try with you, leaving this way, the open door so that in a future possibly not very distant, the business unite us in a common effort, but working in other circumstances.

Finally, I request him that he/she makes their biggest effort to solve the topic immediately.

This means that on Monday May 9th, 2005, at first hour of the day, you order the funds transfer by the amount that you decide (U\$S 3.000 or U\$S 3.500) according to the instructions that I will explain en the next point.

In that way, both (You an me) can begin our week forgetting this matter and focusing us in new productive projects. Would you be so kind of making that for me this time?.

I would appreciate it Sincerely a lot.

### 4) Payment instructions

AIPTEK can make the funds transfer through the systems MoneyGram or Western Union, that which for the difference of hours (Hsin Chu is later on 11 hours that us) it would make that on Monday May 9th, at first hour of the morning, I would already have the available money to collect.

Once I have made the collection in same day, I will send you an immediate confirmation and then... both we will file this matter definitively.

Next I detail you the address of the Banks that they work with this immediate system of payment in your city Hsin Chu, to facilitate you this work.



01)BANK OF OVERSEAS CHINESE 28Hours of Operation

Phone: +886 (3) 5226617

16/05/2005

321 PEI TA RD  
HSIN CHU, TAIWAN 300 MON - FRI : 09:00 AM to 03:30 PM

**02)BANK OF OVERSEAS CHINESE 32Hours of Operation**

Phone: +886 (2) 85221188  
67 SEC1 CHUNG SHAN RD MON - FRI : 09:00 AM to 03:30 PM  
HSIN CHUANG CITY, TAIWAN 242

**03)BANK OF OVERSEAS CHINESE 58Hours of Operation**

Phone: +886 (3) 5633600  
647 SEC1 KWANG FU RD MON - FRI : 09:00 AM to 03:30 PM  
HSIN CHU, TAIWAN 300



**04)CATHAY UNITED BANK Hours of Operation**

Phone: +886 (3) 5241111  
307 PEI-TE ROAD MON - FRI : 09:00 AM to 03:30 PM  
HSIN CHU, TAIWAN

## 5) Greetings

Expecting this way, I also have contributed to solve the problem, and thanking your speed and dedication to the same one, I look forward to the news, greeting you sincerely

## **EAC - Etchegaray Associate Consultants**

### **A/P Pedro J. Etchegaray**

**System Analyst . Organization & Methods Analyst  
Technological consultant - System Auditor  
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**Skype:** [etchegarayconsultores](https://www.skype.com/user/etchegarayconsultores)



**De:** BenLee[??] [mailto:BenLee@aiptek.com.tw]

**Enviado el:** viernes, 06 de mayo de 2005 0:03

**Para:** [etchegaray@adinet.com.uy](mailto:etchegaray@adinet.com.uy)

**CC:** CharlinChen[??]

**Asunto:** RE: Terms agree reached. We claim a definitive answer from AIPTEK - SECOND REITERARION

**Caracter:** Confidencial

Dear Mr. Etchegaray,

First of all, I want to apologize of not replying to you in time as you have expected. It certainly is not my practice not replying customers when I am in business world. However, I want to show my sincerity of solving this issue as soon as we both can.

Since we started communication, I did spend tremendous amount of time going through the emails, and message you had with Vincent and the rest. With all the greatly written long mails, I must say, you did spend a lot of time writing all the messages, and make sure we understand all the contents.

16/05/2005

We did understand all the content, and thank you for all the assistance you render in these summaries.

As I said, I have been reading all the mails between you and Vincent. All the communication discloses that it is very clearly that a misunderstanding does happen between you and Vincent.

From what I read of the materials, I see that you are aware of the fact that Vincent did need a rep of our sales in your region, rather than a consultant. And Vincent always talk to you as a Rep rather than a consultant. That is clearly showed. Therefore AIPTEK did not commit itself to any promise or imply to give or express to give promise to such business plan. I, of course, believe that, as a professionally capable with sophisticated expertise in the business world that you have, it was easy for you to conceive such need from Vincent.

It is also a fact, that, though you did mistake Vincent's need of a Rep for a Consultant, and therefore did a great deal of effort to make a report of such for Vincent, we need to express our sincere appreciation, though the report was in no way referred to or doing business upon.

I therefore would like to offer again what I offered before, and made a final offer of US\$3000 to you, increase from my original offer made on 14<sup>th</sup> of April, 2005. I must clarify that this is not a concession of the matter, rather an intention to resolve the matter quickly, and I see this as a reasonable offer.

Again, I appreciate your patience on this matter and I await your confirmation.

Should you kindly confirm this matter, please send us right away your bank info so that we can proceed the wiring with a settlement.

Best regards,

Ben Lee

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

**From:** BenLee[李炳林]

**Sent:** Thursday, May 05, 2005 3:36 PM

**To:** CharlinChen[陳筱玲]

**Subject:** FW: Terms agree reached. We claim a definitive answer from AIPTEK - SECOND REITERARION

**Importance:** High

**Sensitivity:** Confidential

Dear Charlin, Any action to this mail? Ben

---

**From:** A/P Pedro J. Etchegaray Avallone [mailto:etchegaray@adinet.com.uy]

**Sent:** Thursday, May 05, 2005 8:58 AM

**To:** BenLee[李炳林]

**Subject:** RV: Terms agree reached. We claim a definitive answer from AIPTEK - SECOND REITERARION

**Importance:** High

**Sensitivity:** Confidential

Honorable Mr. Ben Lee:

This is my **SECOND REITERATION about the same message**. As I see, it is possible that you are in a new trip again, or you are not putting the focus in this matter as I hope.

I am a honorable person and I I honor my commitments, being my word, synonym of facts.

Once again, the events and behaviors repeat. I have accepted your solicitude and I have fulfilled you.

I have continued the friendly treatment of my birdcall to AIPTEK (mail to Mr. Peter Chen dated Apri 13rd, 2005) with you such and as you requested it to me. However, I have had delays in the answers, and I notice that the terms have been completed and there is not any definitive answer from AIPTEK not even a confirmation that you have read my last emails.

It seems to be that corporately, it is usual in AIPTEK not to answer the emails, that is to say that it is a corporate behavior.

Finally, I wait today, his answer to this email and the previous ones without answering.

If I don't obtain that awaited answer, then I won't continue my communications with you, and I will be under obligation I bother the Honorable Peter Chen for this matter again.

Sincerely, I hope you have not confused my kind and educated form of writing, with the fact that I am a fool from who you can laugh easily.

Really, I am extremely annoying with this situation, and with those reiterated lacks of I honor that I have received from AIPTEK.

I consider very disgraceful the fact that if both (you and Me) we are discussing a matter, you don't complete they are your assumed commitments regarding me, although you are suffering an excessive work load.

**If I don't receive an answer today, I notify you that this will be the last email that you will receive from my behalf. As consequence of this behavior, it is obvious that I won't continue treating this matter with you, neither with any other person of the company that is not be CEO Peter Cheng.**

It is not my intention to insult you, but I hoped you were more expeditious in this matter.

With the hope that I should not pass at another relationship level, I greet you sincerely

## **EAC - Etchegaray Associate Consultants**

**A/P Pedro J. Etchegaray**

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**[etchegarayconsultores@yahoo.es](mailto:etchegarayconsultores@yahoo.es)**

**Skype: [etchegarayconsultores](#)**

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**De:** A/P Pedro J. Etchegaray Avallone [mailto:[etchegaray@adinet.com.uy](mailto:etchegaray@adinet.com.uy)]

**Enviado el:** miércoles, 04 de mayo de 2005 0:05

**Para:** 'BenLee@aiptek.com.tw'

**Asunto:** RV: Terms agree reached. We claim a definitive answer from AIPTEK

**Importancia:** Alta

**Carácter:** Confidencial

Honorable Mr. Ben Lee:

Yesterday I sent you the present email, of which I don't have the certain registration that you have received it.

As in other opportunities, I will thank you your kindness to confirm me for this way that you have received this email.

I thank you once again your special attention to this matter, and I look forward to a definitive answer as soon as possible.

I apologize to you for my insistence, but independently of the reality that this matter has already been delayed a lot of time (for us from December 23rd, 2004) and that the 15 days agreed have already been completed, **I have set myself as target to define the future of our relationship, in an or another way, this same week.**

With the hope that AIPTEK understands my position and act in consequence, I greet you

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**Skype:** [etchegarayconsultores](#)

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**De:** A/P Pedro J. Etchegaray Avallone [mailto:[etchegaray@adinet.com.uy](mailto:etchegaray@adinet.com.uy)]

**Enviado el:** lunes, 02 de mayo de 2005 21:01

**Para:** 'BenLee@aiptek.com.tw'

**Asunto:** Terms agree reached. We claim a definitive answer from AIPTEK

**Importancia:** Alta

**Caracter:** Confidencial

Montevideo, May 2<sup>nd</sup>, 2005

**Honorable Ben Lee**

**AIPTEK International Inc.**

**CEO & President Assistant**

No. 19 Industry E. Rd. IV, Science-Based Industrial Park, Hsin-Chu 300, Taiwan, R.O.C.

**Tel:** +886 (3) 5678138 x 8014 - **Fax:** +886 (3) 5771364

**E-mails:** BenLee@aiptek.com.tw

**Website:** [www.aiptek.com.tw](http://www.aiptek.com.tw)

**Reference:** Terms agree reached. We claim a definitive answer from AIPTEK

Honorable Mr. Ben Lee:

According to you had agreed with me (please, see your answer of April 18th, 2005 responding our formal birdcall to Mr. Peter Chen of the past April 13rd, 2005) the established terms (15 days) would have been reached.

## 1) Reached negotiation terms

Before anything, we thank your intervention in this matter again.

Sincerely, we hope that finally AIPTEK has been able to read our Preliminary Business Plan, and in consequence, AIPTEK has (at high-level executive), a complete idea of our effort, as well as of what we could make for AIPTEK in the countries of America that speak Spanish to develop its business.

I must admit that the path crossed to achieve this objective has been too extensive and difficult, and I feel that we have worn away too much trying to develop a business relationship with AIPTEK that up to now, it has only generated losses and expenses for us.

However, I still have the hope that we conclude the negotiations in friendly and quick form, so that both can occupy ourselves in productive business. Isn't it?

## 2) The possible answers that we await.

Honorable Ben Lee, finally we have arrived to the moment of the decisions. We hope AIPTEK has the kindness to inform us how it will proceed in relation to our birdcall. We have already outlined the 3 possible alternatives, already largely conversed and clarified.

## **2.1) Start to work in the execution of the point 3 of the Stage #1, that implies our recruiting.**

This decision, defines the relationship with AIPTEK according to our Preliminary Business Plan, which was originally outlined, and it would mean the approval of our work.

In that case, AIPTEK would transfer us funds by U\$S 5.000 (five thousand U.S. dollars) and the technical material requested in the Preliminary Business Plan, as payment of 50% of the implementation of point 3 of Stage #1 according to the plan.

Once we have finished the work (to see development of the stage 3) AIPTEK would transfer us the balance of U\$S 5.000,00 pending, totalling the quote amount of U\$S 10.000 (see page 12 of the PBP).

This would be without a doubt, the best alternative for both, since not only eliminate the frictions among both companies, but rather somehow, it picks up the most positive in the dialogue as well as it recognizes our effort, and benefit to AIPTEK that begins it is necessary to develop an investment in effective marketing for Latin America.

## **2.2) AIPTEK decides not work with us, but it recognizes our reclamation.**

In this case, AIPTEK should transfer us funds by U\$S 3.500,00 (three thousand five hundred dollars U.S.A.) that was the amount that we friendly claim through our date letter April 13rd, 2005 to the Honorable Peter Chen and we countersign to you later.

Once collected that money, we would give for ended this painful episode and in consequence we would not claim more anything for this concept.

I must recall you, that you have already had the honesty of recognizing the responsibility of AIPTEK, in your email dated April 19th, 2005, admitting that Mr. Luo's behavior was not the appropriate one.

This alternative, would assist our birdcall compensating our damage partially, and it would clarify the fact that independently that the things were not well managed, AIPTEK is a honorable company and that all this confusion doesn't respond to a corporate behavior.

## **2.3) AIPTEK decides not to attend friendly our reclamation.**

If it was finally this, the decision of AIPTEK, we regret a lot the confrontation situation that would be generated, and that we have tried to avoid by all possible means.

In this case, we would give had finished the friendly negotiations, and we would pass the topic to our consultants, so that they force by means of the accusation in the corresponding environments (diplomat, international trade and legal), the corresponding compensation, adding besides our loss of profit, the upgrade of the figure for the lapsed time, invested additional hours and the professional honorarium.

We have already been reiterated samples of our noble intentions towards AIPTEK, as well as we have argued our position seriously.

As you he/she will understand, we don't want to take any action that damnifies in any way to AIPTEK if we are dialoguing and looking for a friendly approach.

For such a reason, we request to you that for respect to us, in the event of obtaining a negative answer to our birdcalls, the same one is clearly expressed in writing and involve to the more executive high-level.

It is our desire to avoid to shoot a mechanism that later is us highly expensive for both to stop, as consequence of the high honoraria of the litigant professionals.

## **3) Form of payment.**

If AIPTEK selects the options 2.1 or 2.2, it will transfer the corresponding quantity (U\$S 5.000 or U\$S 3.500) by first bank or Western Union, in favor of **Pedro J. Etchegaray Avallone**, Identity Document Number 1.388.570-0, under advise to us at telephone +598 (2) 9006010.

Also, to facilitate the collection, we would thank a lot that AIPTEK would send us a copy of the transfer of funds for email, to effects that we proceed to scan its arrival to Montevideo.

Once we have collected the sent money, we will send AIPTEK a receipt for your records and as it corresponds, a communication that **we begin the work of the point 3 of stage #1**, or simply our gratefulness and notification that we give had concluded the problem.

## **4) Gratefulness.**

Finally, given the long history, I will thank to you a lot that has the kindness to fulfill it we agree and to send in response to the present, the definitive answer of AIPTEK.

I still have the hope that this answer, don't require to invest more effort in activities than they are not lucrative for companies of the technological market as we are both (AIPTEK and ECA - TecnoPyme) and that they simply finish feeding the bills of honoraria of our respective litigant advisers.

Looking forward to your prompt news, I greet sincerely you and also to the Honorable Mr. Peter Chen.

Kind regards

## **EAC - Etchegaray Associate Consultants**

**A/P Pedro J. Etchegaray**

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**Skype:** [etchegarayconsultores](#)



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**De:** BenLee[???] [mailto:BenLee@aiptek.com.tw]

**Enviado el:** miercoles, 27 de abril de 2005 22:13

**Para:** [etchegaray@adinet.com.uy](mailto:etchegaray@adinet.com.uy)

**CC:** CharlinChen[???]

**Asunto:** RE: Answer to your proposal dated April 19th 2005 - Second confirmation request

**Caracter:** Confidencial

Dear Mr. Etchegaray

I confirmed the reception of your mail. Sorry as I was out for a couple of days for trip and I am back to the office.

A response will be made to you shortly.

Ben Lee

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**From:** A/P Pedro J. Etchegaray Avallone [mailto:etchegaray@adinet.com.uy]

**Sent:** Thursday, April 28, 2005 6:55 AM

**To:** BenLee[李炳林]

**Subject:** RV: Answer to your proposal dated April 19th 2005 - Second confirmation request

**Importance:** High

**Sensitivity:** Confidencial

Honorable Ben Lee:

Really, I am thinking again that some problem exists with the reception of my emails, since in spite of having requested in two opportunities that you simply confirm me if you have received completely my answer of the past April 20th, 2005 to your proposal, I have not been successful about this question.

According to what you requested me, I am treating my reclamation with you, and respecting your will, from then on, I am not sending any email to the Honorable Peter Chen about this matter.

However, I have not still received from you any confirmation requested in two opportunities,

regarding the reception of my answer of the past April 20th, that it is very important to know the following steps that our organization should take, in reference to this matter.

I think that you are surely a very busy person, but to avoid a not well understood one and to continue our friendly dialogue, I would thank you a lot if you could lose some few minutes and simply sent me a communication informing me that you have received my date answer April 20 2005 and that you or AIPTEK are analyzing it.

This way, I would continue waiting according to my commitment, until having a definitive answer before the end of this month as we agree.

If I don't receive this information, you will understand (given the records that I have suffered previously) that I will assume that my email has not arrived to its destination, and therefore, I reiterate it to Mr. Peter Chen again, until finally I have the certainty that my answer has arrived to their hands.

Sincerely, I Don't understand why, it has been so difficult to obtain in several opportunities from AIPTEK, something as simple and protocol as a simple acknowledgement of an email that is so useful and important when they are being delicate matters of business and that it guarantees to each part that there is a dialogue ?isn't it?.

Waiting an affirmative answer to my solicitude, I greet kindly to you

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[etchegarayconsultores@yahoo.es](mailto:etchegarayconsultores@yahoo.es)

**Skype:** [etchegarayconsultores](#)

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**De:** A/P Pedro J. Etchegaray Avallone [mailto:[etchegaray@adinet.com.uy](mailto:etchegaray@adinet.com.uy)]

**Enviado el:** viernes, 22 de abril de 2005 11:19

**Para:** 'BenLee@aiptek.com.tw'

**Asunto:** RV: Answer to your proposal dated April 19th 2005

**Importancia:** Alta

**Caracter:** Confidencial

Honorable Ben Lee:

Last Wednesday April 20th, 2005, I sent you the email that hereinafter reiterate, with an attachment of 349Kb that was a folder . zip including some emails whose content was specifically important for a better understanding of my birdcall.

Again, as in the past it has happened that the Mail Server of AIPTEK filters the packages of great size, and I have not received any answer or confirmation that the email arrived to destination, I will thank to you a lot if you confirms me that you have received the email to which I make reference

and its attachment or not.

It is very important for me to have your reception confirmation, for what I request that you e has the kindness of simply to answer me if you have received or not the referred email.

If you had not received the email, I will thank you that you indicates me, the right email address I can send it so that it arrives to you complete with the attachment.

Waiting their answer, I greets you

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**Skype:** [etchegarayconsultores](#)

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**De:** A/P Pedro J. Etchegaray Avallone [mailto:[etchegaray@adinet.com.uy](mailto:etchegaray@adinet.com.uy)]

**Enviado el:** miercoles, 20 de abril de 2005 21:53

**Para:** 'BenLee[????]'

**Asunto:** Answer to your proposal dated April 19th 2005

**Importancia:** Alta

**Caracter:** Confidencial

Montevideo, April 20<sup>th</sup>, 2005

**Honorable Ben Lee**

**AIPTEK International Inc.**

**CEO & President Assistant**

No. 19 Industry E. Rd. IV, Science-Based Industrial Park, Hsin-Chu 300, Taiwan, R.O.C.

**Tel:** +886 (3) 5678138 x 8014 - **Fax:** +886 (3) 5771364

**E-mails:** BenLee@aiptek.com.tw

**Website:** [www.aiptek.com.tw](http://www.aiptek.com.tw)

**Reference:** Answer to your proposal dated April 19<sup>th</sup> 2005 according to our previous  
U\$S 3.500 compensation demand for abusive  
and disloyal business practice from Aiptek against EAC

Honorable Mr. Ben Lee:

### **1) Gratefulness**

First of everything, I want to thank you the quick consideration that you have achieved about my requirement.

Without a doubt I have sent you too much information and probably, you have not had enough time to read whole and with the depth of the case, but in spite of it, I see that you have a quite approximate idea of how they have happened the facts.

For this motif, and to clarify more the facts, later on, I will give you some explanations that are directly related with the topic.

Nevertheless, it tranquilizes me to know that I am dialoguing with honorable people that has understood my position and for this reason I thank you your quick answer.

## 2) Your confusion about the email of August 4th, 2005

Although I already sent you a copy of all emails that we exchange up to now with AIPTEK, it is possible that the quick reading of the same ones, has created you some confusion, and of there you have reached some mistaken conclusion.

With all our respect, and always in the desire of contributing clarity, I will clarify a little more this topic, also making explicit reference to the **.pdf files linked** to this episode.

The hours that will be referred next, they correspond those of our server, so much for the emails sent and received.

### 2.1) Emails between August 3rd, 2004 - December 3rd, 2004

#### 2.1.1) 20040803 - H1403 - Sent to Wayne Wang – Answer.pdf

**August 3rd, 2004 – Hour: 14:03** - I sent Mr. Wayne Wang, a very wide answer about the possible business possible of AIPTEK in Latin America, as well as our vision of the market and the form in that we could work together.

#### 2.1.2) 20040804 - H0047 - Received from Wayne Wang - Introduce Vincent Luo.pdf

**August 4th, 2004 – Hour: 00:47** - Mr. Wayne Wang sends an answer by email, where he thanks the important information that in disinterested form I sent him, and he also announces me that the content of my email has been find so interesting that from these point, I will continue trying with Mr. Vincent Luo that is the responsible for AIPTEK for sales at Latin America.

#### 2.1.3) 20040825 - H2243 - Received from Vincent Luo - Comments about the 10 points of my previous email.pdf

**August 25th, 2004 – Hour 22:43** - Mr. Vincent Luo, re-sends me my email dated August 3rd, 2004, referred previously in the point 2.1.1, expressing a wide agreement with our vision of the market in most of the points that I had referred.

In this email, clearly he requests me specific information that implies a deep elaboration, and where it generates us strongly expectation of working together in the development of the market for AIPTEK.

**For your best illustration, I suggest to you that you read that answer email, and you will notice in blue color, the questions and the comments that Mr. Luo formulates on my previous email to this answer.**

#### 2.1.4) 20040826 - H1245 - Sent to Vincent Luo - Acknowledgement.pdf

**August 26th, 2004 – Hour 12:45** - I respond to Vincent Luo that I am happy because both (Luo and Me) agree to work together (what already implies a relationship) and I announce him that my next answer will be more concrete on how we will be able to achieve this objective.

Textually I say: "**In principle, I see pleurably that you agree with me on many areas, and therefore, my next email, will be focused to more concrete things to be able to begin a relationship of business. I am only sending you this email so that you know that I have received your answer and that I will analyze it attentively. Surely next week you will have my news**".

#### 2.1.5) 20040826 - H1253 - Received from Vincent Luo – Answer.pdf

**August 26th, 2004 – Hour 12:53** - That same day, Mr. Luo answers me textually:

**“Dar Pedro,  
Thanks for your prompt reply.  
I am happy to have more detailed discussion with you about the kick-off model and plan.  
BR,  
Vincent”**

In this brief answer from Mr. Luo, again reference is made to the confirmation request of a "plan" and working "model". The interest is also reiterated in starting quickly this plan. It is very clear.

You will also be able to notice that the level of information requested before in the email referred as **2.1.3**, exceeds what we could define as simple information, and it demands a Professional treatment.

In definitive, he repeats once again of the will of making business with us. It is that insistent interest that will repeat several times up to December 23rd, 2004, 23 the one that induced us to develop a Professional answer: the Preliminary Business Plan.

#### **2.1.6) 20041005 - H1503 - Received from Vincent Luo - Asks for novelties.pdf**

**October 5th, 2004 – Hour 15:03** –Mr. Luo sends us a short email, requesting newness. Textually:

**“Hello, Mr. Pedro,**

**It's been month I didn't hear from you. Any news?”**

#### **2.1.7) 20041005 - H1610 - Sent to Vincent Luo - Answer and notice.pdf**

**October 5th, 2004 – Hour 16:10** - Immediately I respond to Mr. Luo that we are finishing an important work for another customer, and that I won't be able to offer the required attention to the topic until after October 12nd. This situation will repeat in all the later email, since the original contract with our client was continued by more time of the foreseen one (since he was very pleased with the results).

#### **2.1.8) 20041203 - H0019 - Sent to Vincent Luo - Start Business Plan.pdf**

**December 3<sup>rd</sup>, 2005 – Hour 00:19** - I apologize to Mr. Luo for the suffering delays as consequence of my agreement in course, and I announce him that starting from that moment, I will develop the Business Plan according to the importance of AIPTEK to assist all the requirements outlined appropriately, in the email **referred above as 2.1.3.**

## **2.2) The later history**

After this, I think that you have all facts very clear. At December 23th, 2004, I send the **20 pages Preliminary Business Plan** and up to now (because I still continue without having answer about the interest that it woke up their content) I never received never a formal answer about their content, although that I also requested please since to Mr. Luo that didn't delay more than 30 days in their evaluation, because I was defining my professional activity for year 2005.

It is clear that if we made the effort of developing for AIPTEK the Preliminary Business Plan, it was because Mr. Luo encouraged us and it required us in having reiterated opportunities.

Regrettably, all the urgency that Mr. Luo demonstrated until obtaining our work, after it, was never reflected in assisting our reiterated applications requesting a position about this report.

As we express it in the same document, our original intention was not to charge AIPTEK the cost of this work. Our effort was guided to close a more interesting business for both, for that which we were encouraged by Mr. Luo. We are professional.

We work based on a method and agreements. The idea was that the acceptance of our Preliminary Business Plan gave place to a contract. Instead of that we didn't obtain any answer in time and forms, and later... well, later Mr. Luo responded us inappropriately, totally outside of the friendly context that we had developed until the moment.

## **3) About your offer to solve this matter**

I understand and I thank your interest in solving this matter. I have read your offer, analyzed the context in which it is formulated, and I have reread our Preliminary Business Plan on whose content would want a lot to know the opinion of AIPTEK again.

I thank your interest in solving this topic quickly.

In attention to it and as recognition and respect sign, I have suspended the whole activity of the day to focus me in this matter and to send you a quick and reasonable answer.

I have read your offer attentively, analyzed the context in which is expressed, and I have reread our Preliminary Business Plan again (about whose content I continue waiting the opinion from AIPTEK).

After this, I should admit you that I continue with the enormous doubt about if AIPTEK is really or not interested in developing the market in Latin America as it was outlined, as well as if it is or not in accordance with implementing our proposal. Really that it is the background question that solves this matter and not another.

For this reason, after analyzing your offer, I give an opinion that you have not read my Plan of Business detailedly, since in their own content it is the answer to your offer. Therefore, I will illustrate you in this respect to facilitate more the solution.

### **a) Option - Discount from U\$S 3.500 to U\$S 2.000.**

You request me a discount of U\$S 3.500,00 (that was the sum invested by us to make the sent work December 23rd, 2004) to U\$S 2.000.

In our previous email, we clarify that U\$S 3.500,00 were the minimum amount, to settle the problem immediately and not to deepen more the conflict among companies.

Really, this amount doesn't represent for anything the cost of the resources that this topic has wasted away up to now.

Indeed, if we upgraded this quantity, with the cost additionally overturned with posteriority to the moment in that we send you the Preliminary Business Plan, we should be claiming you a much bigger quantity.

Without going farther, today I have lost my working whole day with this matter.

As you will understand given the circumstances, I hoped a reasonable explanation on your behalf, an acceptance of the birdcall and advice of payment by electronic transfer funds, or a negative to treat the matter friendly. It sincerely never went by my mind the idea that there was a negotiation on our birdcall.

The motive of the Preliminary Business Plan was to set the conditions for a contract of execution of the Plan of development of the market of several months and stages. That Plan was the discussion base, and there it is correctly financed each one of the stages of the Plan.

If the final position of AIPTEK is that it is not interested neither in the execution of that Plan neither in working with us according to the expectations that created us; then, it only corresponds without a doubt that AIPTEK as minimum pays us the U\$S 3.500,00 (three thousand five hundred U.S. dollars) that we claim and that with that payment we give had finished the relationship among the companies.

**There are not discounts**, but rather what had corresponded given the records of the facts, is that the amount was bigger.

Really, this is not negotiation object, since AIPTEK has also caused us moral damage, loss of profit and additional to maintain a negotiation.

**I believe dear Mr. Ben Lee that you have made a good effort, but it would speak very bad about our professional character if we accepted your offer.**

Our aspiration was to work next to you executing the project that you requested. In compensation we were not well treated. If this is the situation, I believe that corresponds that AIPTEK sent us immediately the U\$S 3.500,00 claimed, avoiding that we continue losing time and resources and then we should adjust the figure for a bigger one.

**Definitively we don't accept your U\$S 2.000,00, but rather for the time being, and if we solve the topic quickly, we maintain the U\$S 3.500,00 claimed originally.**

## **b) Option - Does AIPTEK want more information?**

**Then we will execute the proposed plan!**

Nevertheless the above-mentioned, you offer us another alternative that makes us think that AIPTEK it is already interested in working with us, and it wants that we contribute its market information, logistics, and other.

That is to say that seemingly it is interested in to obtain that information and to pay for that.

Then, we refer to our professional way of making the things again, our working method and... our Preliminary Business Plan again.

If you analyze the requirements of information that you have established us, **you will observe that the same ones are adjusted perfectly to our plan, and the form of assisting your restlessness it is executing the phases 3, 4 and 5 of the Stage #1 which were quoted individually in the pages 10 to 17 of our Preliminary Business Plan** and that we summarize in the following table:

<b>Job costing</b>	<b>(3.4)</b>		<b>(4.1)</b>		<b>(5.1.1)</b>		<b>(5.2.1)</b>		<b>PBP</b>
PBP	W.H	U\$S Cost	W.H	U\$S Cost	W.H	U\$S Cost	W.H	U\$S Cost	U\$S Total
Junior Analyst	200	5.000			88	2.200	240	6.000	13.200
Senior Analyst	100	5.000	126	6.300	44	2.200	80	4.000	17.500
Attorney			48	3.600					3.600
Web designer					25	375			375
Junior Salesman					176	1.408			1.408
Communications expenses						?????			
Trip expenses								4.250	4.250
<b>Sub total U\$S</b>		<b>10.000</b>		<b>9.900</b>		<b>6.183</b>		<b>14.250</b>	<b>40.333</b>
Scheduled real time calendar days	60		30		30		27		

Indeed, it would be also a lack of seriousness and professionalism that for U\$S 1.500 of difference (that don't

correspond) we committed you to offer the information that you require us, and for which we elaborate the Preliminary Business Plan, and that it implied scientifically estimated, a work of 1.127 hours man (with different profiles) and an investment of U\$S 40.333, it is necessary to be developed in a chronogram of activities that waste 147 calendar days. **Isn't it?**

#### **4) Finally**

Analyzed the facts, your answer, and whereas clause the seemingly existent interest in developing the market, I think that 2 unique alternatives exist of solving this matter and that they are:

**4.1) To pay us quickly the U\$S 3.500,00 (three thousand five hundred dollars U.S.A.) claimed originally,** by of money transfer funds to my order, for example via Western Union, to the beneficiary: Pedro J. Etchegaray, Identity Document Number 1.388.570-0, under advise to us by email for your immediate collection, with which we give had finished our relationship friendly without anything that to claim us mutually.

**4.2) To recognize our Preliminary Business Plan as our working guide, and to begin the execution of the point 3 of the Stage #1, what implies our recruiting.**

In that case, AIPTEK would transfer us funds by U\$S 5.000 (five thousand U.S. dollars) and the technical material requested in the Preliminary Business Plan, as payment of 50% of the implementation of point 3 of Stage #1 according to the plan.

Contrary to the previous alternative, AIPTEK would not be paying a compensation, but hiring a professional work, and of that point both would develop the relationship of such business from now on, and as it was us originally inspired for Mr. Luo from a beginning, working together for the growth of the business of AIPTEK in Latin America, and continuing with the same grade of kindness and cordiality that we have tried to maintain up to now.

The indemnization is changed by a marketing investment.

Once we have finished the work (to see development of the stage 3) AIPTEK would transfer us the balance of U\$S 5.000,00 pending, totalling the quote amount of U\$S 10.000 (see page 12 of the PBP).

From our view, these they are the two possible alternatives in a friendly environment. Now that we have already exposed clearly our point of view, I would suggest and would thank you again, if previously to answer us, you could read our Preliminary Business Plan of 20 pages, and you do arrive us your opinion about it, together with your final answer.

We reiterate our disposition to maintain the relationship in a friendly tone and personally I believe that AIPTEK has understood this way, and I hope finally a favorable answer to our outline that only points to the mutual benefit., since on our behalf, we have given to AIPTEK in having reiterated opportunities, samples of our professional capacity and our good disposition toward its company.

Finally, we hope now AIPTEK takes a concrete decision that is materialized economically in a indemnization by U\$S 3.500,00 or in a recruiting for the execution of the point 3.1, by U\$S 10.000 (ten thousand dollars U.S.A.) of which it should transfer to our order in the immediate 50% that are U\$S 5.000 (five thousand dollars U.S.A.) so that we begin the suitable work.

Thanking their attention once again, I look forward to their definitive answer to our outline,

Kind regards

## **EAC - Etchegaray Associate Consultants**

**A/P Pedro J. Etchegaray**

**System Analyst . Organization & Methods Analyst  
Technological consultant - System Auditor  
Business and Market Development**

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**Skype:** [etchegarayconsultores](#)



**Enclosed: 9 documents ziped in one folder with all our exchange messages**

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**De:** BenLee[???] [mailto:BenLee@aiptek.com.tw]

**Enviado el:** martes, 19 de abril de 2005 23:03

**Para:** etchegaray@adinet.com.uy

**CC:** CharlinChen[???]

**Asunto:** RE: Please, confirm me if you have received mi email dated April 13rd, 2005

**Caracter:** Confidencial

Dear Pedro,

Thanks for your feed back.

I discussed internally and came to our conclusion that in the communication we did not request a service as such from your side, and yet, there is a corresponding misunderstanding in the email from Vincent to you dated August 4<sup>th</sup>, in which his feedback was taken by you as request, and therefore the preliminary providing of the business plan was given to Vincent.

For the business plan, I believe you put it free of charge as an offer for further exploration.

Yet, I regret to see that Vincent's response was not appropriate to certain extent.

I therefore would like to offer the following solution for this matter.

- a. I would like to request a discount on the requested amount from \$3500 to \$2000, and we resolve this issue this way.
- b. If a. can not be agreed with you, then I will pay a sum of \$3500, provided that you agree with us to offer more materials on Latin American markets, including channel establishment and related topics on our requests.

Please advise how you would proceed on this issue.

Best regards,

Ben Lee

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**From:** A/P Pedro J. Etchegaray Avallone [mailto:etchegaray@adinet.com.uy]

**Sent:** Tuesday, April 19, 2005 8:25 PM

**To:** BenLee[李炳林]

**Subject:** RE: Please, confirm me if you have received mi email dated April 13rd, 2005

**Importance:** High

**Sensitivity:** Confidencial

Mr. BenLee:

I thank you and Honorable Peter Chen a lot for your quick answer, since me interest is to know that the topic will be analyzed appropriately by AIPTEK. As I manifested it in my previous email, I hope to have an answer in the following 15 days, this means at the end of this month.

Attentive greetings

***EAC - Etchegaray Associate Consultants***

***A/P Pedro J. Etchegaray***

***System Analyst . Organization & Methods Analyst - Technological consultant***

***System Auditor - Business and Market Development***

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[etcheGARAYconsultores@yahoo.es](mailto:etcheGARAYconsultores@yahoo.es)

**Skype:** [etcheGARAYconsultores](#)

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**De:** BenLee[李炳林] [mailto:BenLee@aipTEK.com.tw]  
**Enviado el:** lunes, 18 de abril de 2005 8:41  
**Para:** [etcheGARAY@adinet.com.uy](mailto:etcheGARAY@adinet.com.uy)  
**CC:** PeterChen[陳振田]; CharlinChen[陳筱玲]; VincentLuo[駱昱森]  
**Asunto:** RE: Please, confirm me if you have received mi email dated April 13rd, 2005  
**Caracter:** Confidencial

Dear Mr. EtcheGARAY,

I have received the mail forwarded by Peter to me.

I confirm the reception, and am currently reviewing all the mails you attached and will definitely come back to you later this month as you requested in your previous mail, 14 days.

Please address to me at the mail address you receive this mail and communicate with me on this matter.

Many thanks,

Ben Lee

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**From:** PeterChen[陳振田]  
**Sent:** Monday, April 18, 2005 5:03 PM  
**To:** BenLee[李炳林]  
**Subject:** FW: Please, confirm me if you have received mi email dated April 13rd, 2005  
**Importance:** High  
**Sensitivity:** Confidencial

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**From:** A/P Pedro J. EtcheGARAY Avallone [mailto:etcheGARAY@adinet.com.uy]  
**Sent:** Sunday, April 17, 2005 12:51 AM  
**To:** PeterChen[陳振田]  
**Subject:** Please, confirm me if you have received mi email dated April 13rd, 2005  
**Importance:** High  
**Sensitivity:** Confidencial

Honorable Peter Chen:

Last Wednesday April 13rd, 2005, I sent you the email that hereinafter reiterate, with an attachment of 1.2 MB that was a folder . zip including all emails that I have exchanged with AIPTEK.

As in the past it has happened that the Mail Server of AIPTEK filters the packages of great size, and I have not received any answer or confirmation that the email arrived to destination, I will thank to you a lot that you confirms me if indeed you have received the email to which I make reference and its attachment or not.

It is very important for me to have your reception confirmation, for what I request that you e has the kindness of simply to answer me if you have received or not the referred email.

If you had not received the email, I will thank you that you indicates me, the right email address I can send it so that it arrives to you complete with the attachment.

Waiting their answer, I greets you

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**Skype:** [etchegarayconsultores](#)

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**De:** A/P Pedro J. Etchegaray Avallone [mailto:[etchegaray@adinet.com.uy](mailto:etchegaray@adinet.com.uy)]

**Enviado el:** miercoles, 13 de abril de 2005 15:23

**Para:** 'Peter Chen ([peterchen@aiptek.com.tw](mailto:peterchen@aiptek.com.tw))'

**Asunto:** U\$S 3.500 compensation demand for abusive and disloyal business practice from Aiptek against EAC

**Importancia:** Alta

**Caracter:** Confidencial

Montevideo, April 13rd, 2005

**Honorable Peter Chen**

**AIPTEK International Inc.**

**CEO & President**

No. 19 Industry E. Rd. IV, Science-Based Industrial Park, Hsin-Chu 300, Taiwan, R.O.C.

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**E-mails:** [peterchen@aiptek.com.tw](mailto:peterchen@aiptek.com.tw)

**Website:** [www.aiptek.com.tw](http://www.aiptek.com.tw)

**Reference:** U\$S 3.500 compensation demand for abusive and disloyal business practice from Aiptek against EAC

Honorable Mr. Peter Chen:

### **1) Introduction.**

My name is Pedro J. Etchegaray. I am a businessman that works mainly in the area of the technology, and I manage several companies, being a representative in Uruguay of more than 40 U.S.A. first line companies.

July 30th, 2004, I was contacted by AIPTEK through Mr. Wayne Wang, because **TecnoPyme**, one of my companies, is the representative in Uruguay of GTCO Calcomp.

Later to this contact, August 25th, 2004, we continue the relationship with AIPTEK but now, through Mr. Vincent Luo who was interested in our knowledge to develop business and market in Latin America for AIPTEK, since one of our main activities, is the Business and Market Development consultancy.

I regret deeply to have bother your attention about the matter that next I will illustrate you.

However, it is my intention to make an effort in reaching a friendly agreement with AIPTEK before choosing another alternative option that allows me to be reimbursed by the disloyal and abusive business practice of which I and my organization were victims on the part of your company, through the rash attitude of Mr. Vincent' Luo, your Account Manager for Latin America.

The documents that I am attaching to the present, are material evidente more than eloquent about the in the form in that I was abused by Mr. Luo who after requiring on my behalf more and more information, until finally obtained a Preliminary Business Plan that demanded us a great effort.

After Mr. Luo received the requested work, he didn't not even have the gracefulness of responding neither one only of our emails answering about the content of the work, but rather also, the only answer that we obtained from him, almost later 70 days, was in an absolutely offensive tone toward us.

At the moment, we think that it exists a great probability that Mr. Vincent Luo, have presented our work as own, and with it, organized their commercial strategy for Latin America, without informing to their superiors the origin of the work, and making own other people's merits (ours).

As you will surely understand, and of the analysis of the documents it arises with absolute clarity, it reached in their moment, with which Mr. Luo gave us his view about on the presented work, and the possible commercial alternatives to make business together.

Initially, we established a term of 30 days to receive an answer, considering that this time was more than enough so that an organization as AIPTEK analyzed our Business Prleiminary Plan.

After past due that term, we send a brief email to Mr. Luo, asking if there was some comment about our work, sent December 23rd, 2004.

70 days later we reiterate another email in the same tone, and finally March 2nd, 2005, I receive an answer from Mr. Luo, absolutely outside of context, and also threatening, but suspiciously, without offering us any opinion about the quality and the content of the work that we send him almost 70 days before.

The content of the received answer made us meditate on the facts, and to try to understand what it happened, inferring three (3) different possibilities.

### **First possibility**

The first possibility was to think well about the attitude of Mr. Luo, and that its nuisance could only be justified if he had not received all our previous emails, and maybe it had generated it a confusion.

Assisting this possibility, we made again another effort more, and dated March 23rd, 2005, made him arrive again to Mr. Luo, an extensive email, where wecompile the whole realized exchange of emails and we give Mr. Luo the possibility to clarify the situation as well as to answer us on the content of our work, on the one which to 90 passed days, he never sent us (not even today) any answer.

Later on, March 28th, 2005, I reiterated him again the same email (First reiteration) and for last time the past April 5th, 2005, one week later.

As we are people of one only word, and as in Uruguay we have a proverb that says that "who warns he is not a traitor", and before the lack of answer of Mr. Luo, we begin with this first action: to warn to the CEO of the company what is happening. That is the meaning of this communication.

### **Second possibility**

The second possibility, would be that Mr. Vincent Luo, abusing of our kindness, he generated deliberately expectations of materializing a business relationship between AIPTEK and us, simply to obtain more and more information in own benefit, until finally he obtained our Preliminary Business Plan.

It is also in this point very possible that this document has constituted the base of its business planning 2005 for Latin America, making merits inside AIPTEK for this apparent effort that doesn't correspond him, and that he obtained making use of one of the well-known older and more disloyal business practices.

If this was the case, we think that when AIPTEK having knowledge of this immodest action, AIPTEK should assume the responsibility for working of a manager of the international area, as well as the job costing that was commended us, and therefore, to consent to our our demand without more requirement.

### **Third possibility**

The third possibility (that refuse to believe), it is to think that Mr. Luo simply acts according to a corporate outline of obtaining of information of the company AIPTEK that foments this type of activities.

Regrettably, the only form of confirming this, is to put in knowledge this matter to the maximum authority of AIPTEK (you), and inform you about what is happened, and waiting the corresponding answer to evaluate the situation before continuing ahead.

Personally, I didn't go a long time ago this way by a situation, and I hope all this is properly clarified at corporate level, without necessity of appealing to other roads.

I am in knowledge that to be the CEO of a great corporation like AIPTEK should not leave a lot of time for these particulars, but I hope that you or one of your collaborators can revise carefully the material that I attach and to give you summary of this situation so that you decide if our reclamation should be assisted in this friendly road, or not.

It is our interest, to leave the clearing once again that this situation was not caused by us, but rather we are the victims of an abuse on the part of AIPTEK in our good faith, and also offended.

## 2) Our reclamation.

Whereas clause the records, the lapsed time and the dark way with Mr. Vincent Luo has been bad to us, we inform you for this way that is our intention to receive from AIPTEK the sum of **U\$S 3.500,00 (three thousand five hundred dollars U.S.A.)** by concept of elaboration of **the Preliminary Business Plan**, being that amount, the minimum sum of resources for us invested in satisfying Mr. Luo curiosity and that it also appears declared in the page **18 of the work (Cost of this job)**

This figure is minimum, and it is not for anything representative of the hours that we have come losing in maintaining a relationship with AIPTEK, neither neither reflective the hours invested in writing the answer to Mr. Luo of March 23rd, neither neither the effort of gathering the information so that you make a right decision.

**This figure simply allows us to recover part of the Money that we invest in a wrong business, partially induced and encouraged by Mr. Luo (on behalf of AIPTEK) in having reiterated opportunities.**

When you read the enclosed documentation, you will understand that we made this effort whereas clause that we were speaking with a serious company that it manifested us in having reiterated opportunities their intention of making business and that it agreed with us in all the points on how to focus the business.

It is clear that if in this whole lapsed time (from December 23rd, 2004 until today April 13rd, 2005), AIPTEK and us, we had closed some negotiation, or at least received an in agreement answer to our effort, we would not be claiming this amount, but making business that it is our target.

It is very undoubtedly that anything of it happened it.

On the other hand, if all this has been a lamentable confusion, and AIPTEK is it really interested in working with us, then according to that indicated in our Preliminary Business Plan, (see page 19 - How to hire us?) we be being hired and would we be speaking about money by work and not about a compensation for commercial abuse. It is in you to make the right decision.

If the final decision is that we won't work together in the future, we wait a money chek to the order of **PEDRO J. ETCHEGARAY of U\$S 3.500,00 (three thousand five hundred dollars U.S.A.)** and with we will give it had concluded in this level all business among both companies.

If AIPTEK decides not fulfill this minimum obligation, we will be forced to claim a bigger amount, since we will begin to invest in lawyers and other advisers, for all the roads (legal, commercial and diplomats) that are within our scope.

These things will consume a lot of resources to both parts, and they will make worse the damage of which we have been victims.

## 3) Your answer

We reiterate that we have arrived to this situation, after a long road, and it is not our intention that as consequence of this problem, we should be faced in other scenarios.

However, you should understand that if we don't have left any other alternative we will continue ahead with this matter until AIPTEK reimburses us in agreement form with the additional efforts that we should make.

**As we know that we are dialoguing with the high-level executive of AIPTEK, we will wait a term of 15 days for a satisfactory answer.**

If past this term we don't receive news of AIPTEK, we will appeal to the roads that are available to claim this amount, more those that our diplomats, commercial and attorney-at-laws, indicate us that it corresponds to a repair of this type.

#### 4) How to contact us?

Finally, if it was your interest to converse telephonically about this matter with us, we have put to your disposition our phones, and Videocinference addresses by Hotmail, Yahoo and Skype, and with a great pleasure, we could coordinate the hour to maintain a personal conversation although it implied for us an additional effort, as consequence of the difference of 11 hours with Taiwan (Montevideo GMT -3 - Taipei GMT +8)

#### 5) Greetings

Hoping this situation created by AIPTEK can be solved friendly, as always it was our interest, we are attaching to the present, the entirety of the sent and received messages with AIPTEK, so that the Honorable Mr. Peter Chen can evaluate the situation in its entirety.

Regards

### **EAC - Etchegaray Associate Consultants**

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