## Brigadoon.com, Inc.

Internet-Sign up Wizard Referral and Microsoft Internet Explorer License and Distribution Agreement

**(IEINBOX 4.0.doc, Document version 4.0, July 22, 1996)**

License Number: 7687-6233

**Referral Server Agreement Summary**

- Term — Two year agreement
- Payment upon signing — $150,000 – This was never paid
- Referral Fee range: — $30 to $45 (subscriber volume-based scale). See Exhibit D.
- Effective Date: — 8/15/96
- Expiration Date: — 8/15/98
- Executed by MS: — 9/6/96 – Jeff Lum (Former Director)
- Executed by Brigadoon: — 8/15/96 – John Hansen (sp?) President

**Exhibits, Attachments, or Additional Documents in file**

- Exhibit B — Company ISP Service
- Exhibit C — Company Obligations
- Exhibit D — ISP Referral Fees
- Exhibit E — ISP Subscriber Configuration
- Exhibit F — Internet Explorer
- Exhibit G — IE Online Logo Usage
- Attachments 1 and 2 to Exhibit G
- Exhibit H — IE Standard Logo Usage
- Exhibit X — FrontPage Server Extensions
- Exhibit Z — Win 95 ISP Referral and Ordering Process

**Notable Sections & References**

| | |
|---|---|
| Section 1.7 | OS version: Specifies ICW will be launched from the English language Version of Windows 95. |
| Section 1.14 | specifies that MS will determine the placement, presentation and content of Brigadoon's information in the ISP Phone Book. |
| Section 1.15 | specifies ISP Referral Fee: States credit applied to any cancellation within sixty (60) days, |
| Section 3.1 | MS can remove Brigadoon from the ISP Phone book if IE shipments fall below 90% of all web browser shipments during any two consecutive calendar-quarters, or if company is in bottom 20% of all ISPs. |
| Section: 5.1 | Specifies advance payment of $150,000 as advance against future ISP Referral Fees. This was never paid and Brigadoon has never reported |

PENGAD-Bayonne, N.J.
GOVERNMENT EXHIBIT 1140

## Brigadoon.com, Inc.

**Notable Sections & References, continued**

| | |
|---|---|
| Section 13.10 | Added - Prevailing party shall be entitled to recover reasonable attorney fees. |
| Exhibit C, # 6 | at time of request from subscriber, cannot express or imply that another browser is available. Can only provide non-MS browser at customer initiated request. |
| Exhibit C, #7 | Specifies that COMPANY shall not advertise or otherwise promote any non-ms web browser. Can't display logo or maintain a link for non-ms browser on homepage or on Start page. |

MS98 0102555
CONFIDENTIAL