

Response to the AppsLib Press Release

Maidstone, England - 6th November 2009, 19:00 GMT

Funky Android have been informed that a press release has been made by Archos in response to their allegations in relation to AppsLib, and are issuing the following response;

Firstly; An agreement was reached, a contract was drawn up by Archos to reflect this agreement, and a commitment to provide a countersigned copy of the contract was given to Funky Android by Archos on several occasions by different members of Archos's staff. Archos then failed to deliver on these commitments at which point Funky Android stopped work on the project due to concerns over Archos's commitment to the project.

Secondly; Discussions did not stall, as Archos have alluded to. Nearly three weeks after the initial commitment was made by Archos, and after two weeks of receiving no responses from Archos, Funky Android received an Email stating that Archos no longer wanted to honour the commitment and did not want to continue the relationship.

Finally; As Funky Android have pointed out in a previous press release, the data representation methods and data set names used in the initial release of the AppsLib client were identical to those specified in documentation provided by Funky Android to Archos in response to a request for the data formats used by Funky Android. These formats and data-set names have little or no resemblance to the only document Funky Android were sent by Archos which mentioned data formats. This led Funky Android to the conclusion that DiotaSoft, who developed the AppsLib client, must have been provided with access to the information given to Archos by Funky Android under the NDA.

Further evidence of this came from the initial public release of the DiotaSoft AppsLib client in which the order of data elements, the number and organisation of bytes used to represent values, and even the names of variables used within the DiotaSoft AppsLib application were the same as in the documentation supplied by Funky Android under the NDA, and did not resemble the only document Funky Android was shown covering data organisation.

Funky Android have little interest in the current details of AppsLib's system architecture. It is the alleged redistribution of material covered by the NDA which has caused Funky Android to begin the process of legal consultation and financial evaluation that it is currently going through, and will be the basis of any legal action they may wish to undertake.

The work performed by Funky Android for Archos was customisation work on its' existing client and thus their statement that "Everything that was created by and for ARCHOS during the negotiations was based on ARCHOS' database structure and ARCHOS' created parameters." is wholly untrue. The contract Funky Android signed and the NDA between the companies both clearly say that Funky Android retain all intellectual rights over information and software Funky Android provided to Archos, and so for Archos to claim that all of the work was based on their structure and parameters and yet they would hold no intellectual property claim over it is clearly absurd.

Funky Android is prepared to protect itself from any malicious legal action brought about by Archos, and challenges Archos to grant it permission to release the emails, the contract, and the NDA agreement into the public domain for scrutiny. If Archos agrees to this Funky Android will willingly allow them to publish any communication from Funky Android that they feel supports their views.