

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THE SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

SPENCER KISER, on behalf of Himself and All)
Others Similarly Situated and on Behalf of the)
General Public,)
)
Plaintiffs,)
)
v.)
)
PALMONE, INC., successor to HANDSPRING,)
INC., and DOES 1-10, inclusive,)
)
Defendants.)

CASE NO.: 1-04-CV-022956
CLASS ACTION
SUMMARY NOTICE OF CLASS
ACTION SETTLEMENT

EXHIBIT E

1 pocket costs. Those consumers who owned the Covered Palm Product for 1-2 years before
2 experiencing a Fliplid Issue shall receive 75% of his or her out of pocket costs. Those
3 consumers who owned the Covered Palm Product for more than 2 years before experiencing a
4 Fliplid Issue shall receive 50% of his or her out of pocket costs.

5 Furthermore, each member of the Settlement Class who submits a Claim Form by
6 February 13, 2007 for a Covered Palm Product is eligible to receive either a discount of \$20 on a
7 minimum purchase of \$60, or a discount of \$40 on a minimum purchase of \$120, at the choice of
8 the Settlement Class Member (“Selected Discount”), for redemption from Palm’s online Trēo
9 Store at www.palm.com. These discounts are applicable to a single purchase.

10 To be eligible, you must visit the Website, and follow the instructions for making a claim.
11 If the claim is timely and valid, you will be sent via e-mail a Promotional Code that will allow
12 you to receive the Selected Discount at the point of sale once the settlement becomes final in the
13 courts. If you do not have an email address and wish to receive your Promotional Code via U.S.
14 mail, you may so indicate on the Claim Form and, if your claim is timely and valid, you will
15 receive a Promotional Code via U.S. Mail. See the detailed Notice on the Website for
16 information about other terms of the Settlement such as the Claim and Redemption Periods and
17 attorneys’ fees and costs. This detailed Notice is also on file with the Court for your review, and
18 available by mail by sending a request that includes your return address to Kiser Settlement:
19 Request for Notice, P. O. Box 1506, Grand Rapids, MN 55745-1506.

20 Request for Exclusions and Objections: If you fit within the definition of the Settlement
21 Class and you agree with the settlement, you need do nothing at all to indicate your consent.
22 **You will be a member of the Settlement Class and will be deemed to have agreed to the**
23 **terms of the settlement, including the terms of the waiver and release of claims. If you do**
24 **not request exclusion from the settlement, you will be bound by its terms.** This Settlement
25 Agreement includes an express waiver of California Civil Code section 1542, which states: “A
26 general release does not extend to claims which the creditor does not know or suspect to exist in
27 his favor at the time of executing the release, which if known by him must have materially
28 affected his settlement with the debtor.” See the detailed Notice on the Website for further

1 information. Any requests for exclusion from the settlement must be sent by mail to, Class
2 Counsel, Alexander Hawes & Audet LLP, Jason Baker, 152 North Third Street, Suite 600, San
3 Jose, CA, 95112, and **received no later than October 16, 2006**. The procedures, rights, and
4 effects of requesting an exclusion are explained in the detailed Notice on the Website. The
5 detailed Notice is also available by mailing a request to the claims administrator at Kiser
6 Settlement, P. O. Box 1506, Grand Rapids, MN 55745-1506. You may also obtain more
7 information about the claim process by sending an email to kiser.claims@palm.com or by calling
8 the Claims Administrator at 1-866-689-7256 or Class Counsel at 1-877-462-5772.

9 Any objections to the settlement must be **received no later than October 16, 2006** by
10 the Clerk of the Court, Superior Court of California, County of Santa Clara, 191 N. First Street,
11 San Jose, California, 95113, and must identify the case as *Kiser v. Palm*, No. 1-04-CV-022956
12 (Santa Clara Super. Ct.). You must also mail copies of your written objections to the counsel
13 listed above, **received no later than October 16, 2006**. The procedure for making an objection
14 is explained in the detailed Notice.

15 Hearing: A hearing will be held before the Honorable Jack Komar, Superior Court of
16 California for the County of Santa Clara, located at 161 N. First Street, Dept. 17C, San Jose, CA,
17 on November 14, 2006 at 9:00 a.m. The purpose of the hearing is for the judge to decide, among
18 other things, (1) whether the proposed settlement is fair, reasonable and adequate, (2) whether
19 the Settlement Class should be certified, (3) whether the Court should enter the proposed final
20 judgment, and (4) whether the application of Class Counsel for an award of attorneys' fees and
21 expenses should be granted.

22 PLEASE DO NOT CONTACT THE COURT OR THE CLERK'S OFFICE FOR
23 INFORMATION.

24
25 Dated: JUL 19 2006

/s/

The Honorable Jack Komar
Judge of the Superior Court
County of Santa Clara