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April 14, 2009

Via E-mail

David M. Aafedt
William McNabb
Winthrop & Weinstine, P.A.
225 South 6th Street, Suite 3500
Minneapolis, MN 55402-4629

Re: *State of Minnesota v. CMI of Kentucky, Inc., et al.*
Court File No. 08-cv-00603 (DWF/AJB)

Dear Mr. Aafedt and Mr. McNabb:

As a result of our conversation yesterday, the State wishes to clarify its position regarding ownership of the source code. The State does not allege that it owns the entire source code for the Intoxilyzer 5000EN instruments sold to the State. In this lawsuit, the State is seeking, inter alia, a declaration that the State owns the portion of the source code created for the State. The State has asserted in other cases that the CMI owns the source code for the Intoxilyzer. Those references were to the portion of the source code that was not created for the State.

Very truly yours,

s/ Thomas C. Vasaly
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