

TRANSCRIPT OF SECOND TELEPHONE CONVERSATION BETWEEN
DAVID WATSON (SHELL AND JOHN DONOVAN (DON MARKETING)

P248

TAKES PLACE ON MONDAY 1ST NOVEMBER 1993

WAT: SHELL

DON: HELLO DAVID, GOOD AFTERNOON

WAT: HY GOOD AFTERNOON

DON: THANKS FOR PHONING ME BACK

WAT: THATS ALRIGHT NO PROBLEM, I WAS JUST SORT OF CAUGHT AT A MEETING
WHEN YOU CALLED

DON: O RIGHT

WAT: I UNDERSTAND WEDNESDAY WEDNESDAYS NOT SO GOOD NOW

DON: WELL I'VE GOT A PERSONAL PROBLEM THATS COME UP.. I'VE GOT TO
TAKE SOMEONE IN THE FAMILY TO HOSPITAL FOR AN APPOINTMENT

WAT: ALRIGHT

DON: FOR AN APPOINTMENT UNEXPECTEDLY

WAT: I MEAN FRANK LEGGETT AND I COULD DO THE SAME TIME ON FRIDAY IF
THATS POSSIBLE FOR YOU

DON: WHAT 11.30

WAT: YES WOULD THAT BE OKAY

DON: YES THAT WOULD BE FINE

WAT: I JUST CHECKED WITH FRANK JUST NOW.. WE CAN BOTH MANAGE TO DO
THAT THAT SORT OF WORKS QUITE WELL IF THATS ALL RIGHT WITH YOU

DON: YES THAT WOULD BE FINE..

WAT: OKAY

DON: PRESUMABLY YOU'VE RECEIVED THE VARIOUS THINGS THE LETTER AND THE
FAX TODAY

WAT: YES

DON: WHAT COMMENT WOULD YOU MAKE ON THAT

Donovan

WAT: WELL PROBABLY NOT MUCH DIFFERENT TO WHAT I WAS SAYING BEFORE IN TERMS OF WELL I MEAN I I UNDERSTAND WHAT WHAT YOUR SAYING ERM BUT I MEAN I SUSPECT I DO SORT OF THINK ITS ITS WORTH OUR WHILE JUST TO GET TOGETHER CAUSE I'M A LITTLE BIT WORRIED AND I GUESS YOU PROBABLY ARE TO THAT THE TWO PARTIES ARE GETTING SUCH TOTALLY CONFLICTING LEGAL ADVICE AS TO WHAT THE POSITION IS ERM AND I WOULD HAVE THOUGHT YOU KNOW PRIOR TO GOING TO COURT I WOULD HAVE THOUGHT IT IS PROBABLY WORTH WHILE FOR US TO HAVE A GO AND JUST SEE WHETHER THERES SOMETHING THAT ONE SIDE OR THE OTHER IS MISSING BECAUSE IT WOULD SAVE OBVIOUSLY WHICH EVER SIDE LOSES A LOT MONEY AND ALSO THE TWO SIDES A LOT OF TIME IN GETTING THERE

DON: THATS RIGHT

WAT: ERM SO...

DON: WHAT DID WHAT DID YOUR LEGAL PEOPLE HAVE IN MIND WHEN THEY SENT THAT LETTER THEN BECAUSE IT SEEMS RATHER MISLEADING THAT THE WORDS THAT THEIR'VE ACTUALLY USED THERE

WAT: WELL WE THOUGHT THAT EM YOU KNOW BY TALKING TO YOU ABOUT IT AND JUST GOING THROUGH IT WE MIGHT WELL BE ABLE TO FIND A WAY OF SETTLING IT

DON: RIGHT.. SO THERE IS A DESIRE ON THE PART OF SHELL TO SETTLE THIS IF IF WE CAN REACH AN UNDERSTANDING ON IT

WAT: I THINK THAT.. I MEAN YES OF COURSE ERM BUT I THINK WE'VE I MEAN REALLY WHERE WE ARE IS THAT WE'VE NOT REALLY SURE WHY, AS I SAID TO YOU BEFORE, WHY YOU THINK WHY YOU THINK GOT A CLAIM AND IN PARTICULAR WHY AGAINST US RATHER THAN AGAINST NINTENDO

DON: YES BUT IF THE PROBLEM IS THAT YOUR LEGAL PEOPLE TAKE AN EXACTLY OPPOSITE VIEW FROM OUR LEGAL ADVICE IS IT POSSIBLE THAT THE MEETING WOULD BE BEST HELD BETWEEN THEM BECAUSE I FEEL THAT THAT WHAT WILL BE HAPPENING IS WE'LL CONSTANTLY BE REFERRING BACK TO THE ADVICE THAT WE'VE RECEIVED AND AND VICE-A-VERSA.. IF THERE.. BECAUSE ON OUR SIDE THE CASE SEEMS CRYSTAL CLEAR TO ME READING THE STATEMENT OF CLAIM THAT COUNSEL PREPARED AND ALSO WHAT I HAVE SET OUT JUST SUMMARISED THIS MORNING, IT SEEMS A STRAIGHT FORWARD SITUATION IN THAT ANYTHING THAT HAPPENED AFTER WE MADE OUR PROPOSAL IS REALLY IMMATERIAL BECAUSE WE WERE THE FIRST AGENCY TO PUT UP THE IDEA OF A NINTENDO THEMED PROMOTIONAL GAME TO SHELL AND THE

WAT: WE HAD THE IDEA INTERNALLY OBVIOUSLY SOME TIME BEFORE

DON: WELL YOU SAID THAT AN AREA MANAGER HAD

WAT: YES THATS RIGHT

DON: SUGGESTED SOMETHING THAT WE.. DO YOU KNOW PRECISELY WHEN THAT WAS

WAT: YES,

DON: AND

WAT: I MEAN I'VE GOT IT IN MY FILE I THINK IT WAS FEBRUARY 92

DON: AND AND WAS THAT A PROMOTIONAL GAME AS OPPOSED TO A PROMOTION INVOLVING NINTENDO PRIZES

WAT: ER I WOULD NEED TO CHECK EXACTLY, BUT I MEAN I THINK I THINK THAT COMES DOWN VERY MUCH TO

DON: YES

WAT: WHEN IS AN IDEA AN IDEA ERM IN TERMS WHENS WHENS ONE IDEA SIMILAR TO ANOTHER ONE

DON: WELL

WAT: CLEARLY THERE ARE A LOT OF THESE IDEAS

DON: IN THIS INSTANCE, WITHOUT THE APPROVAL OF NINTENDO ITS NO IDEA AT ALL WHICH IS WHY WE WENT TO NINTENDO BEFORE WE EVER APPROACHED SHELL AND THEY PROVIDED WITH THE MATERIALS WHICH WE BROUGHT ALONG TO THE PRESENTATION

WAT: I MEAN OKAY

DON: I THINK YOU SAID IN THE CONVERSATION LAST WEEK THAT BEING FIRST, THAT YOUR LEGAL PEOPLE SAY THAT HAS'NT GOT TOO MUCH RELEVANCE TO IT BUT OF COURSE IF THE SPEAK TO THE PATENT OFFICE ITS THE THING WHICH IS MOST IMPORTANT.. WHO IS FIRST WHO CAN PROVE THAT THEY THOUGHT OF AN IDEA FIRST OF ALL .. WE DID AND WE PUT IT TO SHELL AND WE GOT NINTENDO'S APPROVAL FIRST OF ALL. WE COULD'NT HAVE GONE ABOUT THIS IN A MORE PROFESSIONAL WAY BUT TO NO AVAIL

WAT: BUT OBVIOUSLY PATENTS ARE QUITE DIFFERENT

DON: NO I'M JUST TALKING ABOUT THE IDEA OF THE IMPORTANCE OF BEING FIRST WITH SOMETHING. IT REALLY DOES MAKE A DIFFERENCE

WAT: I MEAN YOU MAY BE RIGHT.. THAT IT MAY BE BETTER JUST TO GET THE LEGAL PEOPLE TO HAVE A CHAT

DON: RIGHT.. OR PERHAPS FOR THE LEGAL PEOPLE TO ATTEND THE MEETING. I DON'T KNOW.. ALL I'M LOOKING FOR IS FOR THE MEETING TO BE CONSTRUCTIVE AND NOT TO WASTE EVERYONES TIME THATS INVOLVED. IF ITS A MEETING BETWEEN.. I JUST FEEL THAT WE'VE GOING TO BE ARGUING THESE SAME POINTS THAT I'VE BEEN OVER SO MANY TIMES WITH ANDREW AND THEN WE'LL BE REFERRING BACK TO OUR LEGAL PEOPLE, I WILL BE SAYING THAT WE'VE GOT STRONG LEGAL ADVICE.. THAT WE'VE GOT A STRONG CASE.. AND YOU WILL BE SAYING THE SAME THING AND WE WON'T REALLY BE ANY FURTHER FORWARD AT ALL

WAT: OKAY

DON: I 'M JUST TRYING TO BE CONSTRUCTIVE ABOUT IT

WAT: YEAH, I MEAN YEAH, I UNDERSTAND, ERM

DON: I MEAN YOU SAY I THINK ITS A FAIR POINT THAT YOU SAID YOU'VE GOT SOME THINGS THAT WE COULD SEE BUT FROM WHAT YOU'VE SAID THERE'S NOTHING THATS REALLY GOING TO MAKE ANY MATERIAL DIFFERENCE TO TO OUR CASE.. THE LETTER FROM THE AGENCY REGARDING BP AND SO ON IT DOES'NT REALLY MAKE ANY DIFFERENCE TO TO TO THE CASE THAT WE'VE SET OUT

WAT: YES, I MEAN I UNDERSTAND I UNDERSTAND FROM YOUR PERSPECTIVE THAT IT DOES'NT.. WHAT YOU'VE SAID OKAY I WILL I WAS GOING TO HAVE ANOTHER WORD WITH OUR LEGAL PEOPLE BEFORE WEDNESDAY OR INDEED NOW BEFORE FRIDAY ERM I'LL HAVE A FURTHER TALK WITH THEM ERM IT SOUNDS LIKE THAT MAY BE A BETTER WAY FORWARD

DON: OKAY, IF NECESSARY I WOULD ARRANGE FOR THE THIS LEADING COUNSEL TO TO ATTEND THE MEETING WITH THEM IF THAT WOULD HELP

WAT: RIGHT

DON: BECAUSE BELIEVE ME WHEN WE HAD THE CONFERENCE OUR SOLICITOR SAID THAT MARY VITORIA, SHES ALWAYS VERY CAUTIOUS IN HER ADVICE AND AND HE'D HE'D NEVER KNOWN HER TO BE SO STRAIGHT FORWARD THAT SHE DID NOT UNDERSTAND WHAT WHAT WHAT THE DEFENCE WAS TO IT AS FAR AS SHELL ARE CONCERNED.. ITS ABSOLUTELY STRAIGHT FORWARD THAT WE DO HAVE A VALID CLAIM AND SO IF IT WOULD HELP FOR HER TO BE INVOLVED IN SOME WAY THEN THEN I'M ALL FOR IT

WAT: OKAY, WELL I THINK THE DEFENCE IS VERY CLEAR THAT ANOTHER AGENCY BROUGHT A FINISHED IDEA WITH NINTENDO'S APPROVAL AND READY TO ROLL OUT

DON: YES BUT THATS IN BREACH OF OUR THE CONDITIONS ON WHICH WE MADE A PRESENTATION WHICH WHICH SHELL ARE AWARE OF OUR STANDARD TERMS AND CONDITIONS FROM PREVIOUS BUSINESS THAT WE'VE DONE WITH THEM

WAT: WHERE WHERE DID WE SIGN ON THIS OCCASION TO AGREE THOSE TERMS

DON: ON ALL OF OUR WRITTEN COMMUNICATIONS ITS STANDARD PRACTISE, EVEN WHAT YOU'VE RECEIVED TODAY, IT SAYS AT THE BOTTOM THERE.. "IMPORTANT ALL BUSINESS UNDERTAKEN IN ACCORDANCE WITH OUR TRADING CONDITIONS A COPY OF WHICH MAY BE OBTAINED ON REQUEST". NOW IT IS'NT ALL THAT OFTEN THAT SOMEONE ASKS US FOR A COPY OF THOSE STANDARD TERMS AND CONDITIONS BUT SHELL HAVE IN THE PAST AND I'VE SENT THEM AND I'VE GOT A COPY OF THE LETTER WHERE I ACTUALLY SENT THOSE STANDARD TERMS AND CONDITIONS TO PAUL KING.. I THINK IT WAS IN EARLY 1992 FOR A GAME WE SUPPLIED FOR YOUR CAR WASH SITES SO SO SHELL ARE AWARE OF THE OF THE STANDARD TERMS AND CONDITIONS AND IT IS REASONABLE FOR US TO TO HAVE A CLAUSE LIKE THAT BECAUSE OTHERWISE HOW HOW WOULD WE EVER GET ANY WHERE WE SPEND SO MUCH TIME AND MONEY ON THESE SPECULATIVE PROPOSALS.. WE PUT UP A WHOLE RAFT IDEAS TO ANDREW LAZENBY, I PUT A LOT OF TIME INTO MEGA MATCH IN PARTICULAR PUTTING TOGETHER A CONSORTIUM - SAFEWAYS, WOOLWORTH, LITTLE CHEF ETC AND IT CAME TO NOUGHT AND THEN AT THE END OF THE DAY SOMETHING YOU DO PUT UP AND SHELL DO RUN WITH AND WE THEN GET NOTHING FOR IT. IT JUST ITS JUST UN UNACCEPTABLE. WE JUST COULD'NT WORK ON THAT BASIS

WERE

WAT: YES I GUESS WE WE'VE SURPRISED AS WELL A LITTLE BIT THAT YOU WANTED TO GO THIS ROUTE RATHER THAN SIMPLY PUTTING FORWARD SOME IDEAS AND HAVING A GOOD CHANCE OF RUNNING IN THE FUTURE WHICH OBVIOUSLY YOU'D DO BETTER OUT OF

DON: WELL ANDREW DID, HE CERTAINLY DANGLED THE CARROT FOR FOR NEXT YEAR AND AND I TOLD HIM I HAD AN IDEA AGAIN I PUT A LOT OF WORK INTO.. THIS IS'NT SHELL DID'NT KNOW ANYTHING ABOUT IT, BUT I APPROACHED THE NASA SPACE CENTRE IN FLORIDA AND ER PROFESSOR STEPHEN HAWKING, THE CHAP WHOSE NAME THAT YOU KNOW, AND I GOT APPROVAL FROM BOTH OF THEM TO PUT A PROPOSAL UP TO YOU BUT OF COURSE IT WAS THWARTED BY WHAT HAS HAPPENED HERE. ITS PROBABLY TO LATE IN ANY CASE. ~~BUT I UNDERSTOOD THAT YOUR GOING TO RUN THE ER THIS NEW SCHEME WITH THE SMART CARDS FAIRLY EARLY NEXT YEAR IN ANY EVENT, SO THAT WOULD REALLY WE WOULD BE OUT OF THE RUNNING WOULD'NT WE FOR ANY PROMOTIONAL GAMES.~~

WAT: WELL I MEAN WHATEVER WE DO ERM AND I MEAN OBVIOUSLY EVERYONE IN THE INDUSTRIES LOOKING AT ELECTRONIC CARDS AT THE MOMENT IN ONE FORM OR ANOTHER ERM I MEAN WHATEVER WE DO THEY'D BE A VERY GOOD CHANCE THAT WE WOULD RUN AT TIMES SOME SORT OF SCRATCH CARD TYPE THING AGAIN. I MEAN NINTENDO WAS RUN AT THE SAME TIME AS WE WERE RUNNING FREE TRAVEL YOU KNOW SO WE WE SAW NINTENDO AS VERY MUCH AN ADD ON TO THE MAIN PROMOTIONAL ACTIVITY

DON: YES

WAT: WE CERTAINLY DON'T FEEL THAT WE'A PRECLUDING OURSELVES ^{From DONS.} SCRATCH CARDS OR ANY OTHER TYPE OF GAME IN THE FUTURE

DON: YES AS I SAY THAT ANDREW DID HE SAID PLEASE COME IN AND SEE ME AND TELL ME ALL ABOUT IT AND SO ON AND IF AT THAT TIME HE HAD OF PERHAPS EVEN VOLUNTEERED TO PAY FOR THE VISUALS THAT HAD BEEN PRODUCED FOR NINTENDO I MIGHT WELL HAVE ACCEPTED BECAUSE WE HAVE GOT THIS LONG RELATIONSHIP WITH SHELL AND THERE WAS THE PROSPECT OF FUTURE BUSINESS BUT OF COURSE THE SITUATION IS ENTIRELY DIFFERENT NOW IN THAT NO ONE IS GOING TO BE HAPPY WITH THE NAME OF DON MARKETING FOR SOME TIME TO COME PLUS I'VE PUT SO MUCH TIME INTO THIS CASE NOW WITH BARRISTERS AND ALL THE REST OF IT ERM THAT THERE'S A PRINCIPLE THATS BEEN BUILT UP. I BELIEVE WE'VE BEEN GIVEN MISLEADING INFORMATION ON ON SEVERAL OCCASIONS AND I NOW FEEL THAT THE THING SHOULD BE SETTLED PROPERLY

WAT: OKAY, I MEAN I GUESS ALL I CAN SAY IS THAT CERTAINLY UP TO NOW I MEAN THERE WOULD BE NO SORT OF PROBLEM IN WORKING WITH DON MARKETING IN FUTURE.. YOU KNOW NOBODY WOULD BE.. I MEAN PEOPLE IF IT WAS ALL IF IT WAS ALL TO END UP AMICABLY.. PEOPLE WOULD REGARD IT AS BEING EITHER THAT WE'D DONE SOMETHING WRONG OR THAT YOU'D REALISED THAT WE'D PRODUCED OTHER INFORMATION FOR EXAMPLE FROM THE OTHER AGENCY THAT IN FACT WE HAD'NT BEHAVED IN THE CRUEL WAY YOU SUGGEST

DON: I SHOULD SAY, I SHOULD MAKE IT CLEAR THAT I THINK THAT THERES ONE PERSON THATS CAUSED THIS PROBLEM HERE AND THATS ANDREW LAZENBY BY SAYING FIRST OF THE THAT HE'D FORGOTTEN IT THAT HE'D FORGOTTEN ALL ABOUT OUR PROPOSAL ALL TOGETHER

WAT: WELL

Johns

DON: IT SOON BECAME CLEAR THAT HE THAT HE HAD'NT ER IF HE HAD OF.. WHEN THE AGENCY BDP CAME IN TO MAKE THE PRESENTATION, IF ANDREW HAD OF MENTIONED OUR INVOLVEMENT I'M SURE THAT SOMETHING COULD HAVE BEEN WORKED OUT AT THE TIME WITHOUT ANY PROBLEMS AT ALL BUT OF COURSE HE NEVER SAID ANYTHING AT ALL AND HIS OVERALL ATTITUDE SINCE THEN IN THE CONVERSATIONS I'VE HAD WITH HIM.. THAT ITS A HARD WORLD JOHN AND I'M AFRAID YOU'VE JUST GOT TO PUT UP WITH IT ER THAT HE COULD RUN OTHER PROPOSALS WE'VE PUT TO HIM, WITHOUT US.. ER IT LED ME TO THINK THAT HE JUST IS'NT VERY KEEN ON ON PAYING AGENCIES FEES FOR IDEAS WHEN SHELL ADOPT THEM AND THATS WHY I PURSUED IT

WAT: YEAH I MEAN TO BE FAIR OBVIOUSLY HE DOES GET AN AWFUL LOT OF IDEAS COMING FORWARD FROM AN AWFUL LOT OF PEOPLE ALL THE TIME

DON: YES

WAT: I MEAN THEY ALL SORT FIND THERE WAY CHANNELLED TO HIM ERM, I GUESS ALSO IT IS TRUE THAT QUITE A FEW OF THINGS WE'VE WORKED^{ON} IN THE PAST WITH YOU WE WOULD BE ABLE TO DO AGAIN IF WE HAD TO SO, I GUESS STRICTLY SPEAKING WHAT HE'S SAYING IS TRUE.. I MEAN HE WAS'NT VERY DIPLOMATIC

DON: WELL IT IS'NT TRUE ACTUALLY BECAUSE I'VE GOT I KEEP EVERYTHING AND I'VE GOT COPIES RIGHT THE WAY BACK TO "MAKE MONEY" OF ALL OF THE DOCUMENTS THAT WERE INVOLVED, THE AGREEMENTS THAT WE CAME TO AND IN EACH CASE IT RELATED TO A ONCE OFF USE OF THE PROMOTION ON THE BASIS IF IT WAS USED AGAIN THERE WOULD BE FURTHER FEES AND SO ON INVOLVED.. THAT WAS THE WAY WE DID BUSINESS

WAT: WELL I MEAN I MEAN YOU MENTION MAKE MONEY THERE NOW OBVIOUSLY MAKE MONEY WAS'NT YOUR IDEA SO

DON: WELL MAKE MONEY IS A BIT OF A COMPLICATION AGREED BUT I HAVE GOT A LETTER FROM SHELL CONFIRMING THAT WE'VE GOT JOINT RIGHTS TO MAKE MONEY.. WHICH I'M QUITE HAPPY TO BRING ALONG TO THE MEETING BUT ITS PROBABLY FOG IN THAT IT REALLY IS'NT REALLY MATERIAL TO WHAT WE'RE DISCUSSING AT THE MOMENT BUT I HAVE GOT A LETTER FROM SHELL

WAT: BUT THAT.. THIS WHOLE AREA IS SO COMPLICATED.. THATS WHY ITS ^{QUITE} SO INTERESTING IN A WAY CAUSE CERTAINLY MY UNDERSTANDING WOULD BE THAT ON SOMETHING LIKE THAT WHICH WAS AN IDEA WHICH CAME FROM AMERICA MANY YEARS BEFORE

DON: GLENNDENNING

WAT: YES.. THAT BASICALLY YOU WOULD HAVE RIGHTS TO THE ARTWORK THAT WAS DONE AT THE TIME IN 84 BUT NOT TO THE IDEA ITSELF

DON: WELL NO ERM I COULD PROBABLY TURN UP THAT THAT ER LETTER WHILE WE'RE SPEAKING.. IT WAS WHEN I FIRST WENT INTO SHELL ER I THINK IT MIGHT HAVE BEEN 1979 AND I SUGGESTED THAT YOU RUN MAKE MONEY AND I WAS TOLD THAT NO, IT IS'NT ON BECAUSE ITS ILLEGAL AND WE WENT AND GOT COUNSELS OPINION TO SHOW THAT IT WAS'NT AND THEN WE CHANGED THE FORMAT OF MAKE MONEY YOU LET US HAVE ALL OF THE INFORMATION FROM THE ORIGINAL PROMOTION AND ALL.. AND ALTHOUGH IT WAS HIGHLY SUCCESSFUL THERE WERE SOME IMPROVEMENTS WHICH COULD BE MADE TO IT AND AS I SAY WE WE WERE GIVEN A LETTER FROM SHELL SAYING THAT WE HELD JOINT RIGHTS TO IT.. WELL AS YOU WOULD EXPECT THAT WHEN I'M LOOKING FOR IT I CAN'T FIND IT

WAT: I'D BE INTERESTED, I WOULD BE QUITE INTERESTED TO SEE IT CAUSE, BEING, ALL ROUND, AS I SAY THIS IS SUCH A COMPLICATED AREA

DON: WELL I WOULD AGREE THAT ON MAKE MONEY ERM I'M NOT SURE WHETHER WE WOULD PURSUE THAT ONE BECAUSE IT IS'NT STRAIGHT FORWARD., IN THIS IT IS STRAIGHT FORWARD I BELIEVE.. THAT WE CAME TO SHELL FIRST OF ALL AFTER WE GOT APPROVAL FROM NINTENDO AND THAT EM THERE WAS AN ON GOING SITUATION WHERE I USED TO PHONE UP ANDREW REGULARLY!. HE KNOWS MY VOICE WELL ENOUGH.. ONCE A MONTH TO ASK HIM WHAT WAS HAPPENING.. WHAT PROGRESS.. WERE YOU GOING FORWARD WITH THE RESEARCH.. AND THE STANDARD REPLY FOR MANY MONTHS WAS THAT ER THAT YOU WERE STILL ER ABOUT TO MAKE A FUNDAMENTAL DECISION ON WHETHER TO STAY WITH ER SHORT TERM ACTIVITY OR CHANGE OVER TO SOMETHING LONG TERM AND THEN I SENT THE FAX IN FEBRUARY AND THEN IT APPEARS THAT AFTER HE RETURNED THAT TO ME SAYING THAT.. CHEERS, THANKS JOHN, I'LL LET YOU KNOW IF THERES ANY FURTHER PROGRESS.. IT APPEARS THAT WITHIN A MATTER OF WEEKS OF THAT.. THAT BDP CAME IN AND THE PLANNING COMMENCED FOR THE FOR THIS PROMOTION THAT YOU DID RUN WHICH IS A DERIVATIVE OF WHAT WE PROPOSED FIRST OF ALL TO NINTENDO FOR SHELL TO RUN IT AND THEN TO SHELL ONCE WE HAD THEIR APPROVAL AND I'LL BRING ALONG WITH ME IF THE MEETING IS GOING TO TAKE PLACE, I'LL BRING ALONG THE MATERIALS THAT THAT DAVID PATTON SUPPLIED AND THE FAXES THAT HE SENT ME.. YOU KNOW WE'VE WELL AWARE OF THE SITUATION

WAT: YEAH.. YOU KNOW WE'A SORT OF GOING OVER THE SAME THING AGAIN.. ONE OF THE THINGS THAT PUZZLES ME AS WELL IS WHY YOUR GOING FOR US WHICH IS MUCH HARDER RATHER THAN NINTENDO WHICH I SHOULD HAVE THOUGHT FROM WHAT YOU SAY YOU'VE GOT THAT A CLEAR CASE AGAINST

DON: WELL BECAUSE

WAT: XXX THEY CAME TO US WITH THE IDEA EFFECTIVELY

DON: YES, WELL BECAUSE NINTENDO WERE'NT THE CLIENT.. WE WERE'NT ASKING THEM TO PAY US ANYTHING AT ALL.. WE WERE SEEKING THEIR PERMISSION FOR.. TO PUT THE PROPOSAL UP TO SHELL SO YES THERE THERE THERE IS A CASE ACCORDING TO COUNSEL FOR BREACH OF CONFIDENCE BUT SHE SAYS THAT WE SHOULD FIRST OF ALL PURSUE OUR CLAIM AGAINST SHELL AND IF YOU USE A BARRISTER I SUPPOSE YOU HAVE TO FOLLOW THEIR ADVICE.. SO THATS WHAT WE'VE DOING

WAT: ALRIGHT I'LL I'LL HAVE A TALK AGAIN WITH THE LEGAL GUYS OBVIOUSLY BEFORE FRIDAY XXXX XX

DON: OKAY OKAY AND I'LL KEEP THE MEETING PENCILLED IN.. JOHN CHAMBERS WOULD BE ATTENDING THE MEETING WITH ME

WAT: OKAY

DON: AND ER I.. WE HAVE'NT GOT A HARD AND FAST POSITION WE KNOW THAT THIS TO BE NEGOTIATED AND WE'AE LOOKING TO SETTLE THE MATTER WITH SHELL BUT FROM THE POINT OF VIEW IS THAT WE FEEL THAT WE'VE BURNT OUR BOATS AND THAT THERE IS NO ONGOING RELATIONSHIP WITH SHELL AND ITS BEEN CAUSED BY A RESULT OF A THINGS WE'VE NOT RESPONSIBLE FOR.. THAT ANDREW HAS.. IS THE PROBLEM HERE.. I WONDERED WHETHER IT WOULD BE AN IDEA BY THE WAY WHETHER ANDREW SHOULD BE AT THE MEETING AS I FEEL AWKWARD ABOUT SAYING THINGS ABOUT HIM WHEN HE HAS'NT GOT THE OPPORTUNITY TO TO REPLY

WAT: WELL I MEAN HE CAN CERTAINLY BE THERE

DON: WELL OKAY, I'LL LEAVE THAT WITH YOU AND THE GENERAL THINGS WE'VE DISCUSSED AND I WILL.. I'VE LOOKED THROUGH TWO FILES WHILES WE'VE BEEN SPEAKING.. I CAN'T FIND THE LETTER BUT I'LL BRING IT WITH ME

WAT: OKAY.. I MEAN

DON: YOUR WELCOME TO TAKE A PHOTOSTAT OF IT

- WAT: IT'AL BE INTERESTING TO SEE IT OR JUST FAX IT THROUGH OR SOMETHING I MEAN JUST SORT YOU KNOW, BECAUSE IT IS SUCH A DIFFICULT AREA IT WOULD BE QUITE INTERESTING TO KNOW ABOUT IT

DON: RIGHT OKAY

WAT: ANYRATE^{WAY.}

DON: WELL I'LL BRING THE ORIGINAL WITH ME, YOU'LL SEE IT FOR YOURSELF

WAT: OKAY I'LL COME BACK TO YOU JOHN

DON: OKAY, THANKS DAVID

WAT: CHEERS.. BYE

DON: BYE

(0352)