

PLEASE TAKE NOTICE THAT:

1. On April 30, 2004, Liberate Technologies (the "Debtor") filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code"). This case is being administered under Case No. 04-31394 (TEC).

2. On or about June 10, 2004, the United States Bankruptcy Court for the Northern District of California (the "Court") entered an order (the "Bar Date Order") establishing **August 19 2004, at 4:00 p.m. (Eastern Standard Time)** (the "Bar Date"), as the bar date for the filing of proofs of claim against the Debtor. The Bar Date and the procedures set forth below for the filing of proofs of claim apply to all claims against the Debtor that arose prior to April 30, 2004. **THIS BAR DATE REPLACES THE BAR DATE OF SEPTEMBER 20, 2004 SET FORTH IN THE NOTICE OF CHAPTER 11 BANKRUPTCY CASE, MEETING OF CREDITORS & DEADLINES.**

3. You **MUST** file a proof of claim if you have a claim that arose prior to April 30, 2004, and it is not one of the other types of claims described in section 4 below. A proof of claim form is enclosed.

4. You are not required to file a proof of claim if:

- a. you have already properly filed, with the Clerk of the United States Bankruptcy Court for the District of Delaware, a proof of claim against the Debtor;
- b. your claim is listed on the Debtor's Schedules (as defined below), and is not described as "disputed," "contingent," or "unliquidated," and you do not dispute or contest the amount or classification of the claim as set forth in the Schedules;
- c. your claim arises under sections 503(b) or 507(a) of the Bankruptcy Code as an administrative expense of the Debtor's chapter 11 case;
- d. your prepetition claim has been paid in full post-petition by the Debtor pursuant to authorization of this Court;
- e. you are a holder of equity interests in Liberate Technologies,¹ including a holder of (i) any share in a corporation, whether common or preferred, or (ii) a warrant or option issued to the Debtor' officers, directors or employees in the ordinary course of business, and your claim is on account of such ownership of such equity interest; provided, however, that any person or entity who wishes to assert a claim against the Debtor that is not based solely upon ownership of such equity interest, including, without limitation, any claims or interests asserted in, or holders who are or may be members of the putative classes alleged in, the cases listed below must file a proof of claim on or before the Bar Date:

(1) *In re Liberate Technologies Derivative Litigation (Perlmutter and Hubbard v. Liberate Technologies)*, currently pending in the Superior Court of California, San Mateo County, No. CIV-426770. The following two lawsuits were consolidated into this lawsuit:

- (a) *Perlmutter v. Kertzman, et al.*, currently pending in the Superior Court of California, San Mateo County, No. CIV-426770;
- (b) *Hubbard v. Kertzman, et al.*, currently pending in the Superior Court of California, San Mateo County, No. CIV-426954.

(2) *In re Liberate Technologies, Inc. Initial Public Offering Securities Litigation*, currently pending before the United States District Court for the Southern District of New York, No. 01-CV-4147; coordinated with *In re Initial Public Offering Securities Litigation*

¹ The Bar Date Order authorizes the Debtor to rely on the records of its stock transfer agent as *prima facie* evidence of the validity and amount of all stock ownership interests.

currently pending before the United States District Court for the Southern District of New York, No. 21 MC 92. The following nine lawsuits (or specific allegations thereunder pertaining to the Debtor) were consolidated into this lawsuit:

- (a) *Wilder v. Liberate Technologies*, currently pending in the United States District Court for the Southern District of New York, No. 01-CV-4147;
 - (b) *Schwartz v. Liberate Technologies*, currently pending in the United States District Court for the Southern District of New York, No. 01-CV-4212;
 - (c) *Osher v. Liberate Technologies*, currently pending in the United States District Court for the Southern District of New York, No. 01-CV-4281;
 - (d) *Katz v. Liberate Technologies*, currently pending in the United States District Court for the Southern District of New York, No. 01-CV-4495;
 - (e) *Ruderman v. Liberate Technologies*, currently pending in the United States District Court for the Southern District of New York, No. 01-CV-4514;
 - (f) *Shives et al. v. Bank of America Securities LLC, et al.*, currently pending in the United States District Court for the Southern District of New York, No. Civ. Action No. 01-CV-4956;
 - (g) *Irwin M. Chase Trust v. Liberate Technologies, et al.*, currently pending in the United States District Court for the Southern District of New York, No. 01-CV-4959;
 - (h) *Jones v. Liberate Technologies, et al.*, currently pending in the United States District Court for the Southern District of New York, No. Civ. Action No. 01-CV-5309;
 - (i) *Inglis v. Liberate Technologies, et al.*, currently pending in the United States District Court for the Southern District of New York, No. Civ. Action No. 01-CV-8474.;
- (3) *In re Liberate Technologies, Inc. Securities Litigation*, currently pending in the United States District Court for the Northern District of California, Master File No. C-02-5017-MJJ. The following five lawsuits were consolidated into this lawsuit:
- (a) *Horn v. Kertzman, et al.*, currently pending in the United States District Court for the Northern District of California, No. C-02-05017;
 - (b) *Grove v. Kertzman, et al.*, currently pending in the United States District Court for the Northern District of California, No. C-02-05131;
 - (c) *Pebler v. Kertzman, et al.*, currently pending in the United States District Court for the Northern District of California, No. C-02-05275;
 - (d) *Kosseff v. Kertzman, et al.*, currently pending in the United States District Court for the Northern District of California, No. C-02-05319;
 - (e) *Mirsky v. Kertzman, et al.*, currently pending in the United States District Court for the Northern District of California, No. C-02-05375.

f. you hold a claim that has been allowed by an order of this Court entered on or before the Bar Date.

YOU ARE NOT REQUIRED TO FILE A PROOF OF CLAIM IF YOU DO NOT HAVE A CLAIM AGAINST THE DEBTOR, OR IF THE CLAIM YOU HELD PRIOR TO APRIL 30, 2004 HAS BEEN PAID. THE FACT THAT YOU HAVE RECEIVED THIS NOTICE DOES NOT MEAN THAT YOU HAVE A CLAIM OR THAT THE DEBTOR OR THE COURT BELIEVE THAT YOU HAVE A CLAIM.

5. The bar date for governmental units, as that term is defined in section 101(27) of the Bankruptcy Code, is **October 27, 2004**.

6. Any person or entity that holds a claim that arises from the rejection of an executory contract or unexpired lease, which is rejected in this case, as to which the order authorizing such rejection is entered on or before entry of the Bar Date Order, must file a proof of claim based on such rejection on or before the Bar Date. Any person or entity that holds a claim that arises from the rejection of an executory contract or unexpired lease as to which the order authorizing such rejection is entered after entry of the Bar Date Order, must file a proof of claim on or before the later of (i) **thirty (30) days** after service of the applicable rejection order (which may be the order confirming a plan of reorganization that provides for such rejection) or (ii) the **Bar Date**.

7. Except as provided for herein, proofs of claim must be filed so as to be received on or before **4:00 p.m. (Eastern Time), on August 19, 2004**, at the following address (the "Claims Administration Center"):

By Mail:

**Attn: Liberate Technologies
Delaware Claims Agency, LLC
P.O. Box 515
Wilmington, DE 19899
www.delawareclaimsagency.com
(877) 773-2248**

By Messenger or Overnight Courier:

**Attn: Liberate Technologies
Delaware Claims Agency, LLC
2 East 7th Street, 2nd Floor
Wilmington, DE 19801
(877) 773-2248**

8. If you file a proof of claim, your filed proof of claim must (i) be written in the English language, (ii) be denominated in lawful currency of the United States, and (iii) conform substantially with Official Form No. 10. If a proof claim form is not enclosed herewith, you may obtain a proof of claim form from any bankruptcy court clerk's office, from your lawyer, from certain business supply stores, by calling **(800) 638-9412**, or on the internet at **www.delawareclaimsagency.com**. **YOU SHOULD ATTACH TO YOUR COMPLETED PROOF OF CLAIM FORM COPIES OF ANY WRITINGS UPON WHICH SUCH CLAIM IS BASED.**

9. You may be listed as the holder of a claim against the Debtor in the Debtor's Schedules of Assets and Liabilities, as the same may be amended from time to time (as amended, the "Debtor's Schedules").

10. Copies of the Debtor's Schedules and the Bar Date Order may be examined by interested parties between the hours of 8:30 a.m. and 4:30 p.m., Pacific Time, at the office of the Clerk of the Bankruptcy Court, United States Bankruptcy Court, 235 Pine Street, 19th Floor, San Francisco, California 94104, or by requests made in writing for an appointment during regular business hours at the offices of the Debtor's attorneys: Gibson, Dunn & Crutcher LLP, One Montgomery Street, Suite 3100, San Francisco, CA 94104 (Attn: Ms. Helen Canafax). The Debtor's Schedules can also be viewed on the United States Bankruptcy Court for the Northern District of California's website at www.canb.uscourts.gov.

13. If you have any questions concerning the filing, amount, nature, or processing of a proof of claim, please call (877) 773-2248. YOU SHOULD CONSULT YOUR ATTORNEY REGARDING ANY OTHER INQUIRIES, SUCH AS WHETHER YOU SHOULD FILE A PROOF OF CLAIM. DO NOT ATTEMPT TO CONTACT THE COURT FOR ADVICE.

DATED: June 16, 2004

BY ORDER OF THE COURT:
United States Bankruptcy Judge