

Fran S Heiy

From: Christine Wright
Sent: Friday, October 21, 2016 1:08 PM
To: Fran S Heiy
Cc: Deborha Ienn; JoAnn DiPardo; David Bauer; Ross McKenzie; Pat Minder
Subject: RE: NextEra Energy: Planet Press T&Cs

Fran – I was informed by Pat Minder that the below link should be provided when a client requests the maintenance terms for PlanetPress. PB is the first line of support for our clients, especially PlanetPress. ObjectifLune support is our own internal escalation point for PB staff and we have to get clients to contact PB and go to PB for initial contact for support (especially for new business). We engage OL if needed.

www.pitneybowes.com/us/license-terms-of-use/shipping-and-mailing-maintenance-services-terms.html

Christine

Christine Wright
Contracts Manager, Mailing Solutions
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From: Fran S Heiy
Sent: Friday, October 21, 2016 3:12 PM
To: David Bauer; Ross McKenzie; Christine Wright
Subject: RE: NextEra Energy: Planet Press T&Cs

David, thank you for your quick response. Would you mind sending me the agreement that covers the OL Care? If we have a copy in our library I am not familiar with it.

I will ask the sales rep if he would prefer to have the customer draft their request or speak with you and will let you know. The aforementioned agreement might speak to some their concerns. The sales rep can also provide the product configuration.

Thank you

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From: David Bauer [<mailto:BauerD@us.objectiflune.com>]
Sent: Friday, October 21, 2016 11:59 AM
To: Ross McKenzie <ross.mckenzie@pb.com>; Fran S Heiy <Fran.Heiy@pb.com>; Christine Wright <christine.wright@pb.com>
Subject: RE: NextEra Energy: Planet Press T&Cs

Hi Ross,

Our EULA is generally not open to negotiation. That said, if there is something very specific that is needed to help close a large piece of business, we're open to at least hearing the request. What we can't do is review and agree to replacement terms (where the customer provides their own EULA for us to accept) or changes that outweigh the scope of the business. For example, lots of redline for the lawyers to review, compared to a sale of EnvelopeNOW is never going to happen.

So, all that said, I am willing to look at what they are asking for, but can make no promises that we'll negotiate any of it. Please send their comments/requests to me, or if you prefer, have them contact me directly. Can you also let me know what PlanetPress products are part of the project? I am assuming the \$125,000 mentioned includes the PB hardware and services.

Lastly, there is another agreement that covers the OL Care. It is attached to the license fulfillment as a PDF for every order. Christine, I am guessing you have copies of that.

David

From: Ross McKenzie [<mailto:ross.mckenzie@pb.com>]
Sent: Friday, October 21, 2016 2:49 PM
To: Fran S Heiy <Fran.Heiy@pb.com>; Christine Wright <christine.wright@pb.com>
Cc: David Bauer <BauerD@us.objectiflune.com>
Subject: RE: NextEra Energy: Planet Press T&Cs

Fran,
I have included David Bauer from Objectif Lune so that he can comment on this.

[Ross McKenzie](#)
Pitney Bowes Inc.
Director Product Management
Addressing Software
T +1 (905) 219-3196

From: Fran S Heiy
Sent: Friday, October 21, 2016 2:39 PM
To: Christine Wright <christine.wright@pb.com>; Ross McKenzie <ross.mckenzie@pb.com>
Subject: NextEra Energy: Planet Press T&Cs
Importance: High

Christine, Ross, we have a \$125,000 opportunity including Planet Press with NextEra Energy in Florida. The customer has red-lined our terms and conditions and reviewed the Planet Press T&Cs. Upon learning the Planet Press T&CS were non-negotiable they sent the sales rep the following message.

We then want to try and negotiate a side letter agreement with Planet Press that covers the basic protections we would need (IP infringement indemnity, waiver of consequential damages, etc.). Also, the Planet Press EULA doesn't contain maintenance terms, and the Pitney Bowes agreement does not include maintenance services for standalone software, so we will need to obtain the terms governing maintenance as well.

I am unsure as how to proceed and am seeking your guidance.

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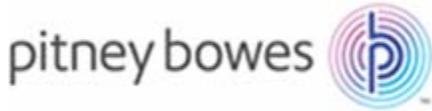
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From: Ben Rubi Jr
Sent: Friday, October 21, 2016 10:54 AM
To: Fran S Heiy <Fran.Heiy@pb.com>
Subject: FW: Planet Press point of contact

Ben Rubi
Major Account Manager

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Miami Beach FL 33141-0316



From: Murillo, Victoria [<mailto:Victoria.Murillo@fpl.com>]
Sent: Friday, October 21, 2016 1:50 PM
To: Ben Rubi Jr
Subject: RE: Planet Press point of contact

Got it,

We then want to try and negotiate a side letter agreement with Planet Press that covers the basic protections we would need (IP infringement indemnity, waiver of consequential damages, etc.). Also, the Planet Press EULA doesn't contain maintenance terms, and the Pitney Bowes agreement does not include maintenance services for standalone software, so we will need to obtain the terms governing maintenance as well.

Thank you,

Victoria Murillo
NextEra Energy Inc.
Integrated Supply Chain - IM and IT
561-691-7035 direct
Victoria.Murillo@nexteraenergy.com

From: Ben Rubi Jr [<mailto:Ben.Rubi@pb.com>]
Sent: Friday, October 21, 2016 1:44 PM
To: Murillo, Victoria
Subject: RE: Planet Press point of contact

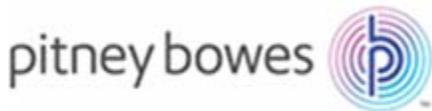
CAUTION - EXTERNAL EMAIL

Hi Victoria. They are not negotiable

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Major Account Manager

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From: Murillo, Victoria [<mailto:Victoria.Murillo@fpl.com>]
Sent: Friday, October 21, 2016 1:42 PM
To: Ben Rubi Jr
Subject: Planet Press point of contact

Hello Ben,

Before we read this EULA I will need to make sure that Planet Press is open to negotiating this attached EULA. May I have a point of contact for Planet Press?

Thank you,

Victoria Murillo
NextEra Energy Inc.
Integrated Supply Chain - IM and IT
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Victoria.Murillo@nexteraenergy.com
