

FIREPOND INC  
Form SC 14D9/A  
October 24, 2003

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## SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

### AMENDMENT NO. 1 TO SCHEDULE 14D-9 (RULE 14d-101)

SOLICITATION/RECOMMENDATION STATEMENT  
UNDER  
SECTION 14(d)(4) OF THE SECURITIES EXCHANGE ACT OF 1934

### FIREPOND, INC.

(Name of Subject Company)

**FIREPOND, INC.**

(Name of Person Filing Statement)

**COMMON STOCK, PAR VALUE \$0.10 PER SHARE**

(Title of Class of Securities)

**318224 10 2**

(CUSIP Number of Class of Securities)

**Klaus P. Besier  
Chairman, President and Chief Executive Officer**

**Firepond, Inc.  
8009 South 34<sup>th</sup> Avenue  
Minneapolis, MN 55425  
(952) 229-2300**

(Name, Address and Telephone Number of Person Authorized to  
Receive Notice and Communications on Behalf of the Person Filing Statement)

#### **WITH COPIES TO EACH OF:**

**David M. Pridham, Esq.**  
General Counsel and Secretary  
Firepond, Inc.  
8009 South 34<sup>th</sup> Avenue  
Minneapolis, MN 55425  
(952) 229-2300

**John B. Steele, Esq.**  
McDermott, Will & Emery  
28 State Street  
Boston, MA 02109  
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Facsimile: (617) 535-3800

Check the box if the filing relates solely to preliminary communications made before the commencement of a tender offer.

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This Amendment No. 1 to Schedule 14D-9 amends and supplements the Schedule 14D-9 (the "Schedule 14D-9") initially filed with the Securities and Exchange Commission on October 23, 2003 by Firepond, Inc., a Delaware corporation ("Firepond"), relating to a tender offer commenced by Fire Transaction Sub, Inc., a Delaware corporation and a wholly-owned subsidiary of Jaguar Technology Holdings, LLC, a Delaware limited liability company, on October 23, 2003 to purchase all of the outstanding shares of Firepond's common stock, par value \$0.10 per share, for \$3.16 per share, net to the seller in cash, without interest thereon.

**Item 9. Material to be Filed as Exhibits.**

Item 9 of Schedule 14D-9 is hereby amended and supplemented by adding the following exhibit (filed herewith):

<b>Exhibit</b>	<b>Description</b>
(a)(6)	Form of Letter to Firepond's customers regarding the tender offer. 1

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**SIGNATURE**

After due inquiry and to the best of my knowledge and belief, I certify that the information set forth in this statement is true, complete and correct.

FIREPOND, INC.

Dated: October 24, 2003

By:           /s/ KRISTI SMITH

Name: Kristi Smith  
Title: Chief Financial Officer

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SIGNATURE