



REGERINGSKANSLIET

10 September 2004

**Ministry of Industry, Employment
and
Communications**
Minister for Industry and Trade

The Honorable John Ashcroft
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

The Håkan Lans Case

Dear Attorney General, (med bläck)

I am writing to bring your attention to a matter of concern to the Swedish government – a complex litigation matter involving a Swedish citizen, Dr Håkan Lans.

Dr Lans is one of Sweden's best-known scientists. He has been awarded numerous patents for groundbreaking technologies. He is a distinguished member of the Swedish Royal Academy of Engineering Sciences and has been honored by the King of Sweden for his outstanding achievements as an innovator.

By way of background, a number of years ago Dr Lans engaged a law firm in the United States to represent him in a patent infringement action. That action was dismissed because it was determined that the attorneys had brought the action in the name of the wrong party (Dr Lans) instead of the company to which Dr Lans had assigned the patent (Uniboard AB, wholly owned by Dr Lans). A subsequent action brought by Uniboard was dismissed because the time period for new notices had expired.

The defendants in these actions then moved to assess costs against Dr Lans and his attorneys. As a result of the lawyers' statements that they knew nothing about the assignment, the court decided to assess costs solely against Dr Lans and not against his attorneys.

Dr Lans subsequently retained new attorneys who filed several motions, i.a. requesting a reconsideration of the order granting attorneys fees and motions regarding professional negligence and other claims. It is today more than 2½

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years since the first motion was filed and no action has yet been taken by the court on these submissions.

As I have already mentioned, Dr Lans is one of Sweden's best-known scientists and his case attracts, from time to other, great media attention. My government is concerned about how Dr Lans' case has been handled in the U.S. There is a risk that his case could cause a strain in the bilateral relations between Sweden and the United States.

It goes without saying that my Government can take no stand in lawsuits of the present character between two private parties. However, I am very concerned about the fact that motions filed by Dr Lans' have been pending before a U.S. court for more than 2½ years without any action having been taken by the court.

I fully recognize the independence enjoyed by the US Courts. However, as the case of Dr Lans clearly shows, the fact that the statute of limitations can expire before the court takes any action is in my view highly unsatisfactory. I should very much appreciate your views on how these kind of situations could be avoided in the future.

Best regards (med bläck),

Leif Pagrotsky