

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HÅKAN LANS, ET AL.,)	Civil Action No. 1:02CV02165
)	(JGP)
Plaintiffs,)	
)	
vs.)	
)	
ADDUCI. MASTRIANI &)	
SCHAUMBERG, L.L.P., ET AL.,)	
)	
Defendants.)	

DECLARATION OF HÅKAN LANS FILED
IN OPPOSITION TO THE DELPHI DEFENDANTS' MOTION TO DISMISS THE
PLAINTIFFS' SECOND AMENDED COMPLAINT

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Attorneys for Plaintiffs Håkan Lans and Uniboard
Aktiebolag




Håkan Lans declares:

1. I am one of the plaintiffs in this action, and make this declaration in opposition to the motion to dismiss filed by defendants Advokatfirman Delphi & Co., Peter Utterström, and Talbot Lindström.

2. Attached hereto is a true copy of an email I received on July 9, 2002 from defendant Peter Utterström, in English, just as attached.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: September 19, 2003



Håkan Lans

-----Ursprungligt meddelande-----

Från: Peter Utterström [mailto:Peter.Utterstrom@delphilaw.com]

Skickat: den 9 juli 2002 13:28

Till: Lans@gpc.se

Ämne: Uniboard or Lans

Håkan,

With reference to the email with attachments and the discussion today please be advised as follows.

Firstly, I have not been up-dated for a long period of time as to what is happening and the status of the matter in Washington. The information provided in the attachment triggers the below comment on the issue of Uniboard vs. yourself as the plaintiff.

1. As far as I can remember, I have only participated once in a discussion concerning the issue who shall be the (potential) plaintiff against the infringers - the discussion occurred sometime during the summer prior to the filing of the suit against the main US infringers (i.e. Compaq, Dell, Gateway et al). Not currently having access to my files and documents I assume that the meeting occurred in July 1997 in Washington at AM&S's office.

As regards Talbots involvement in this issue we will have to ask him; however, he is currently on vacation in the US and I do not know when he will be able to provide such comments.

3. The focus of the meeting in Washington was not specifically who shall be the plaintiff but other issues of a general nature, however, all relating to your case. I met with AM&S primarily to get an up-date of the status of the matter; as you know we have from time to time complained that the flow of information was insufficient. As a part of being generally up-dated this the issue of a litigation was discussed - not only in the US but also actions in Italy and Germany.

4. The part of the discussion which I remember distinctly focused on you continuing as the owner, or whether a transfer of the title to the patent should be made to Uniboard - this was (at the time) a strategic issue and would decide whether you personally or your company Uniboard AB would be the plaintiff. From our (i.e. Delphi's) point of view we were more concerned with you personally litigating in Italy and Germany, however, at the time the Italian lawyer (the German lawyer was not present) argued strongly for the exposure being marginal.

Ultimately, AMS decided against a transfer of title - one argument was that a transfer prior to filing a suit may be taken as a sign of weakness. From your financial exposure point of view, we (i.e Delphi) could live with this approach as we were informed that under US law each party would carry his costs. Again, the issue was clearly a US matter, and it belonged so clearly to AMS.

As regards the German and Italian side of the coin, we were more concerned as the system is different as compared to the US. However, ultimately, based on the comments made by the German and Italian lawyers we were satisfied. As based on this we ultimately accepted that a transfer of title was not to be made. Consequently, from our (i.e. Delphi's) point of view the issue was primarily a US (as well as a German and



Italian) issue and in our opinion it is ultimately a decision to be taken by the local attorneys - in the US AM&S.

I hope this clarifies any unclear issue - please do not hesitate to ask Forrest to call me for any further clarification he may find necessary. When back at the office later this week I will try to verify the date of the meeting in Washington. Having confirmed my memory with the relevant documents I am, of course willing to further detail my comments, even present the comments orally.

Best regards//Peter

Peter Utterström

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