

Affidavit

I, **Mrs. Erika Mustermann**, herewith declare before the German Patent and Trademark Office and/or before the German Federal Patent Court ("Bundespatentgericht") the following in lieu of an oath:

I have been informed that it is a criminal offence according to §156 of the German penal law ("Strafgesetzbuch") to make an incorrect affidavit.

Since **1991** I have been the **sales manager** of the company "**trademark owner**" and I am familiar with trademark matters in this company, particularly concerning the trademark "**opposition mark**".

The company "**trademark owner**" has been selling the products "**washing machines**" in Germany. Further, these products were marked with the trademark "**opposition mark**". Moreover, the following turnover was made in Germany with these products:

- **1996** more than **DM 200.000,--**
- **1997** more than **DM 160.000,--**
- **1998** more than **DM 150.000,--**
- **1999** more than **DM 210.000,--**
- **2000** more than **DM 200.000,--**

The trademark "**opposition mark**" was used in the same form as in the attached samples. Further, the trademark "**opposition mark**" was directly put on the aforementioned products or their packages.

Erika Mustermann

Munich, April 21, 2001

Enclosure:

6 samples of labels