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**From:** Nolan, Brandon [Brandon.Nolan@mcgrigors.com]  
**Sent:** 26 February 2010 14:12  
**To:** Stewart McGarrity  
**Cc:** Fitchie, Andrew; Williamson, Simona  
**Subject:** Privileged and confidential - prepared in contemplation of litigation: factual background to execution of Wiesbaden Agreement  
**Attachments:** factual matrix 5 26.2.10.DOC; DVComparison\_GiManage\_4639608\_2-GiManage\_4639608\_5.DOC; logo.jpg; strap.jpg

Stewart

Thank you for sending through the additional correspondence relating to the run up of the execution of the Wiesbaden Agreement. I attach an updated copy of the factual background document (and a deltaview showing the changes) which reflects the key additional information which we now have.

You will see that one of the crucial issues still remains unresolved - namely who drafted the relevant exclusionary words relating to design principle, shape *etc.* The additional documents which you sent through yesterday do not shed any conclusive light on this point.

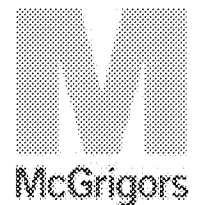
It appears from the documents that relevant words were drafted some time on 20 December 2007. I wonder if it would be possible to carry out a search on the tie server in order to identify all e-mails sent between 6.07am on the morning of Wednesday 20 December 2007 and 14.07 on the afternoon of the same day, to see whether these reveal anything about the authorship of the relevant words.

Kind regards

Brandon

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