

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

T-Peg, Inc. and Timberpeg East, Inc.	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. C-03-462-M
	)	
Vermont Timber Works, Inc. and Douglas Friant	)	
	)	
Defendants.	)	
	)	

**AFFIDAVIT OF LYNN COLE FILED IN SUPPORT OF  
OPPOSITION TO DEFENDANTS’ MOTION FOR SUMMARY  
JUDGMENT BASED ON PLAINTIFFS’ LACK OF STANDING**

I, Lynn Cole, on oath depose and say that:

1. I am employed by Timberpeg East, Inc. as a regional manager. In that capacity, I served as the principle Timberpeg contact with Mr. Isbitski and I was primarily responsible for the design of Mr. Isbitski’s home.
2. Timberpeg completed the first set of preliminary architectural plans for Mr. Isbitski in 1999.
3. I met with Mr. Isbitski in early 2001. Mr. Isbitski was dissatisfied with the 1999 plans. We discussed what he did not like about the plans and he asked me to revise the plans. I ended up drafting an entirely new floor plan by hand in order to satisfy Mr. Isbitski. Mr. Isbitski liked this plan and I worked with him to refine it. A copy of my hand-drawn plans is attached as Exhibit 1.
4. I sent my floor plans to Timberpeg Services, Inc. to have them converted into a set of scaled architectural plans. Joe Downey, a draftsman and former employee of Timberpeg Services, Inc., converted my plans using a computer aided design (“CAD”)

program. The plans that Mr. Downey generated, and which were subsequently registered with the United States Patent and Trademark Office, are attached as Exhibit 2. Mr. Downey's name appears on the architectural plans because he was the draftsman who used the CAD program to convert my floor plans into a set of scaled architectural plans.

5. I consider myself to be the author of the registered architectural plans attached as Exhibit 2 because the plans reflects the original design I created after meeting with Mr. Isbitski in early 2001.

6. Drafting floor plans, like the one I drafted for Mr. Isbitski, is a task I regularly undertake for customers in my capacity as a regional manager for Timberpeg East, Inc.

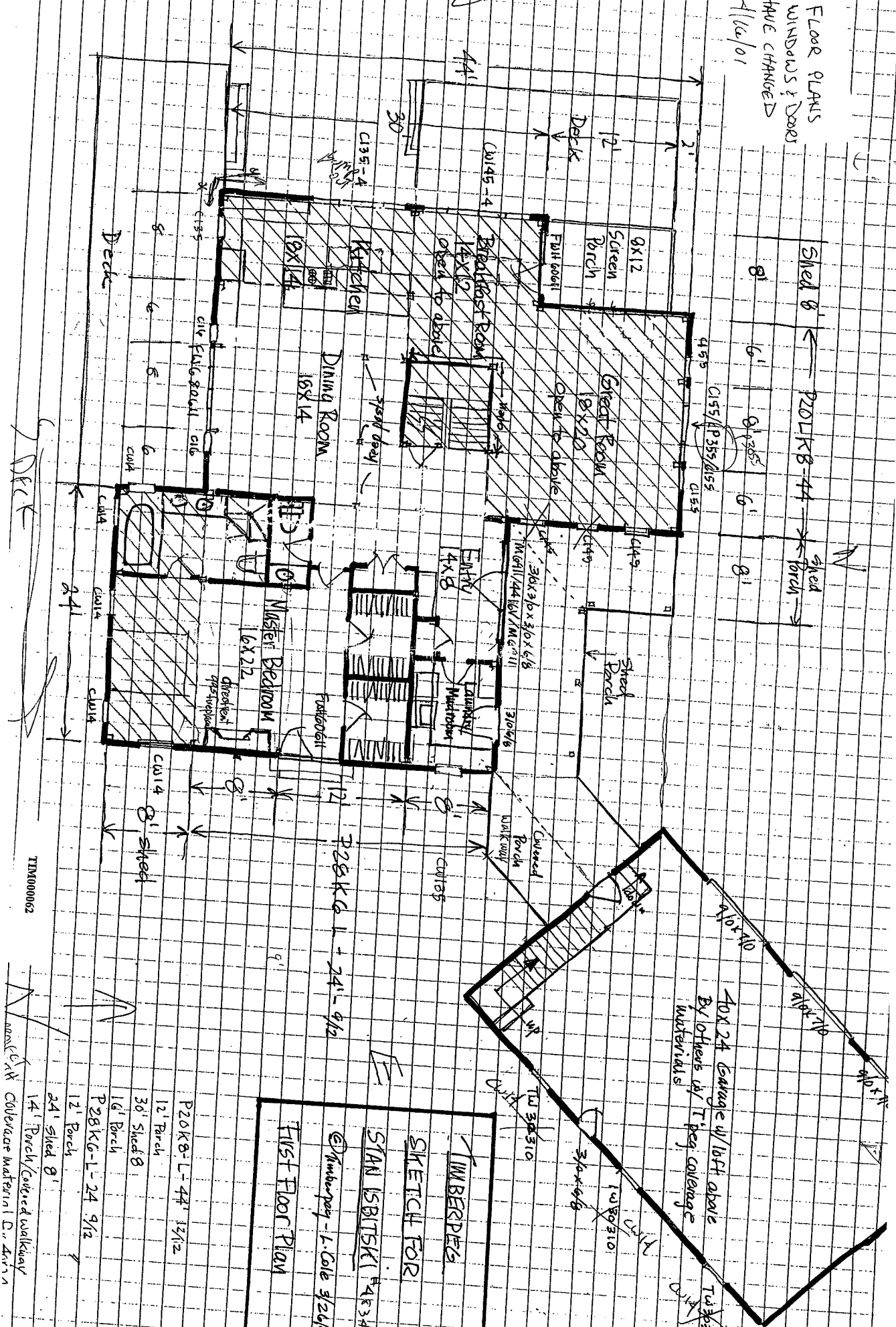
I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed On: July 25, 2007

By: /s/ Lynn Cole  
Lynn Cole

# EXHIBIT 1

\* FLOOR PLANS  
WINDOWS & DOORS  
HAVE CHANGED  
4/16/01



TIM1000062

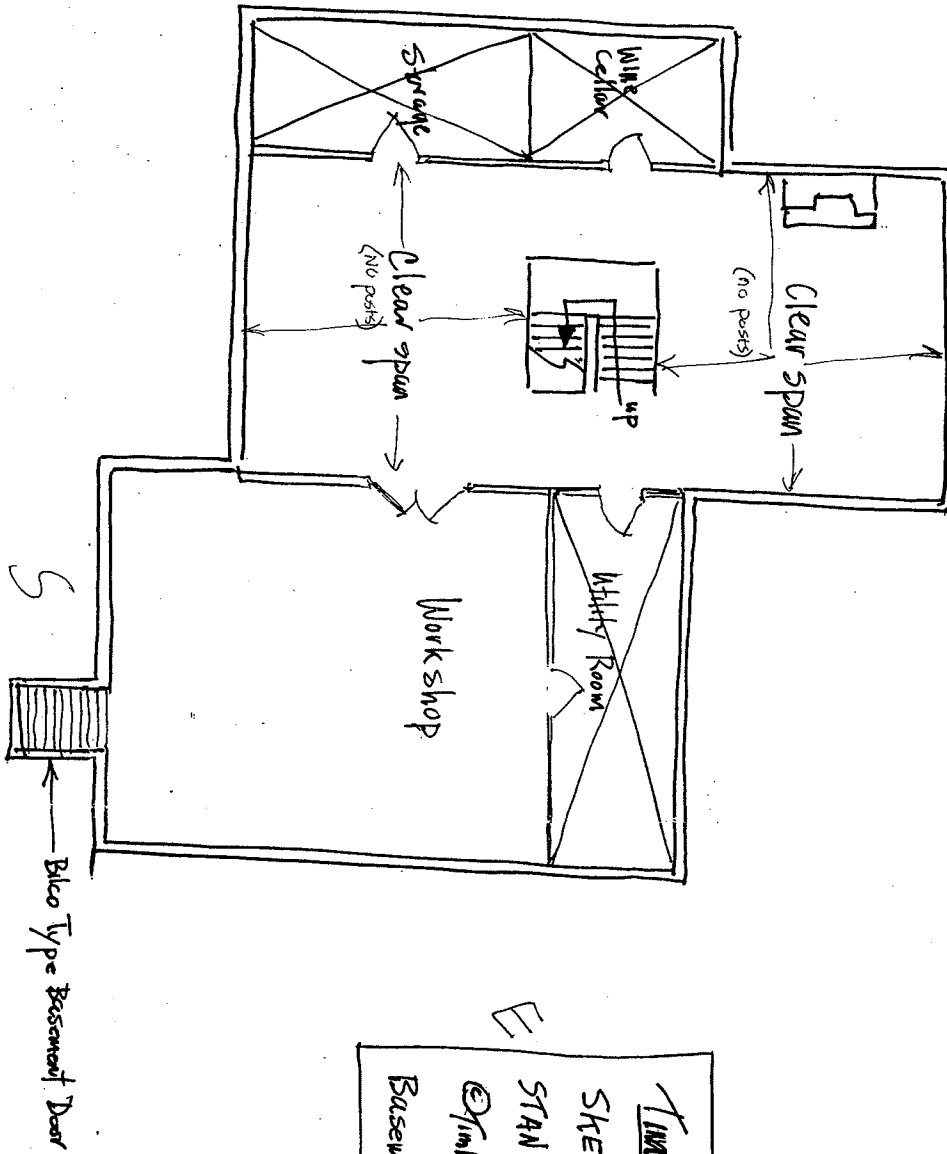
14' Porch/Concrete walkway  
24' shed 8'  
12' Porch  
P28K6-L-24 9/12  
16' Porch  
30' Shed B  
12' Porch  
P20K8-L-44 12/12

TIMBERDEE  
SKETCH FOR  
STAN ISBITSKI #4834  
@ Timberpeg - 1. Cole 3/24/01  
FIRST FLOOR PLAN

FOR 24 Garage w/ 16ft above  
By others w/ T peg, coverage  
materials



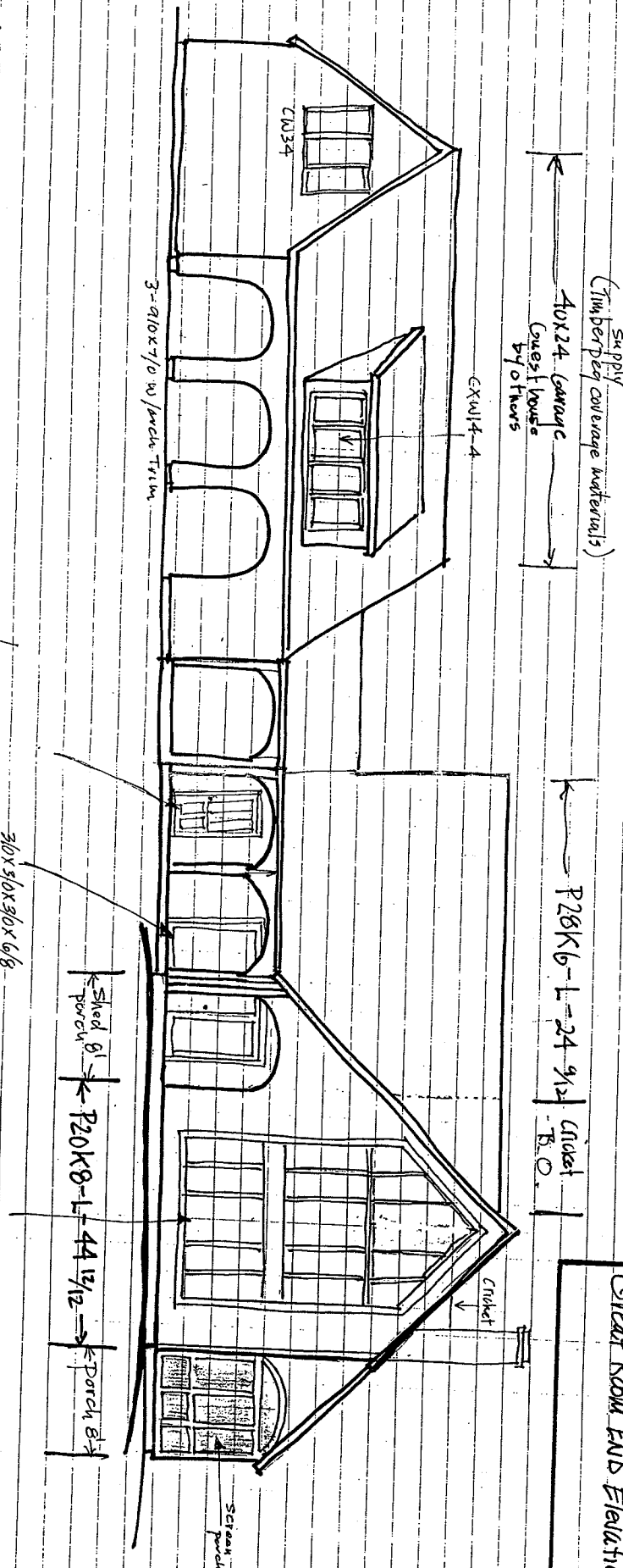
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TIMBERPES  
 SKETCH FOR  
 STAN ISBITSKI  
 © Timberpeg & Cole 3/26/04  
 Basement Plan

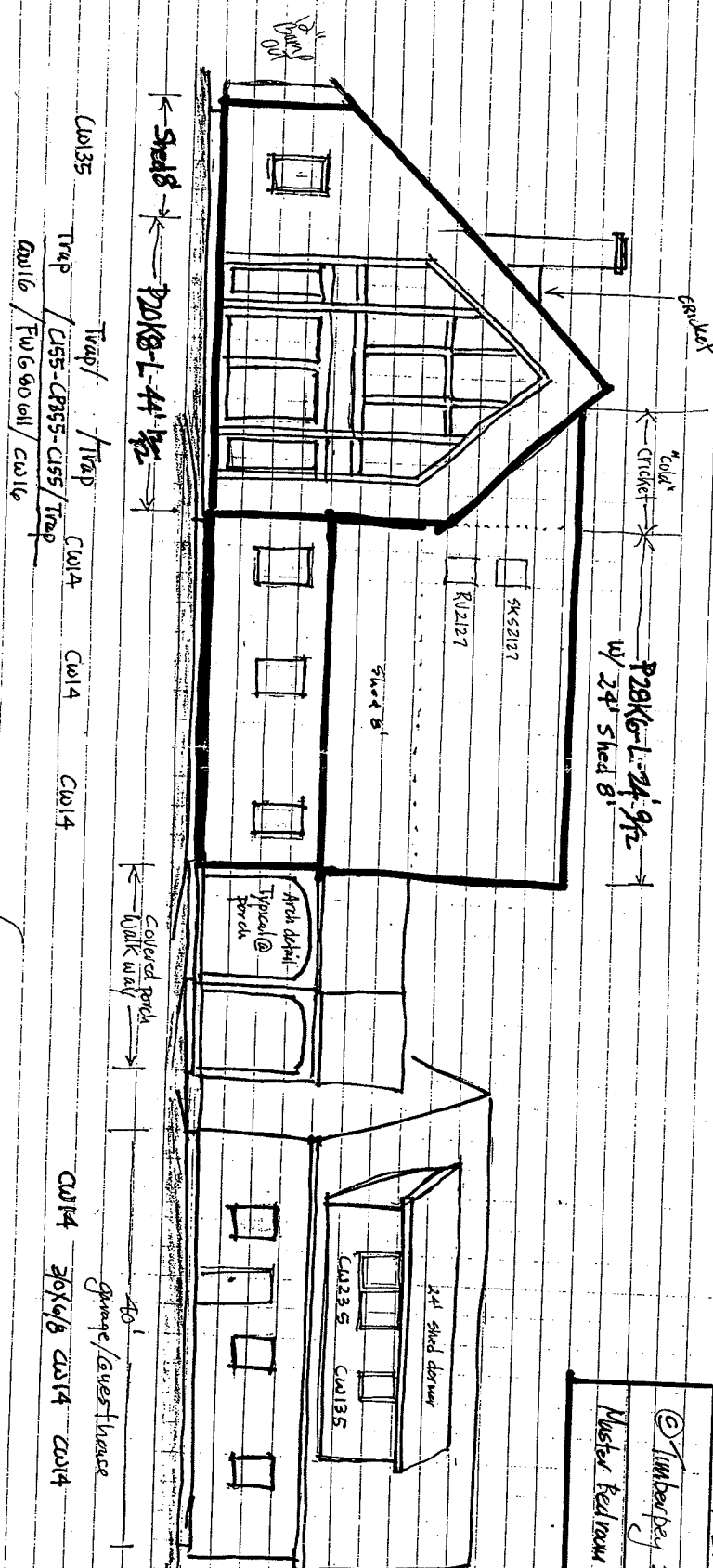
E



Trap / Trap / Peak  
Painting / Trap / Trap  
C155 / C155 / P355 / C155 / C155  
C155 / C155 / P355 / C155 / C155

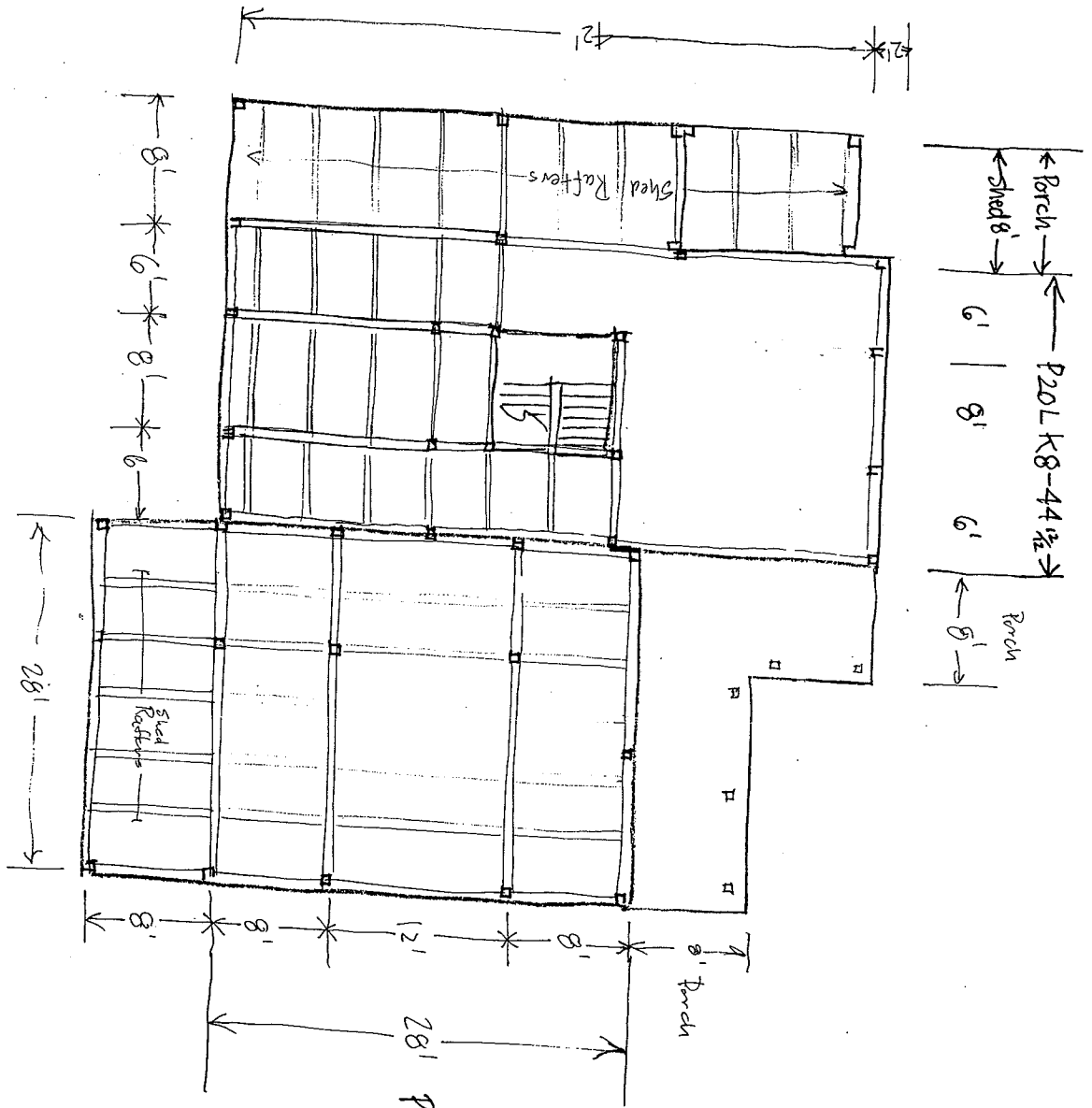
TJM0000065

Timberpeg  
Sketch for  
Stan Isbitski  
@timberpeg 3/26/01 A. Cole  
Great Room End Elevation



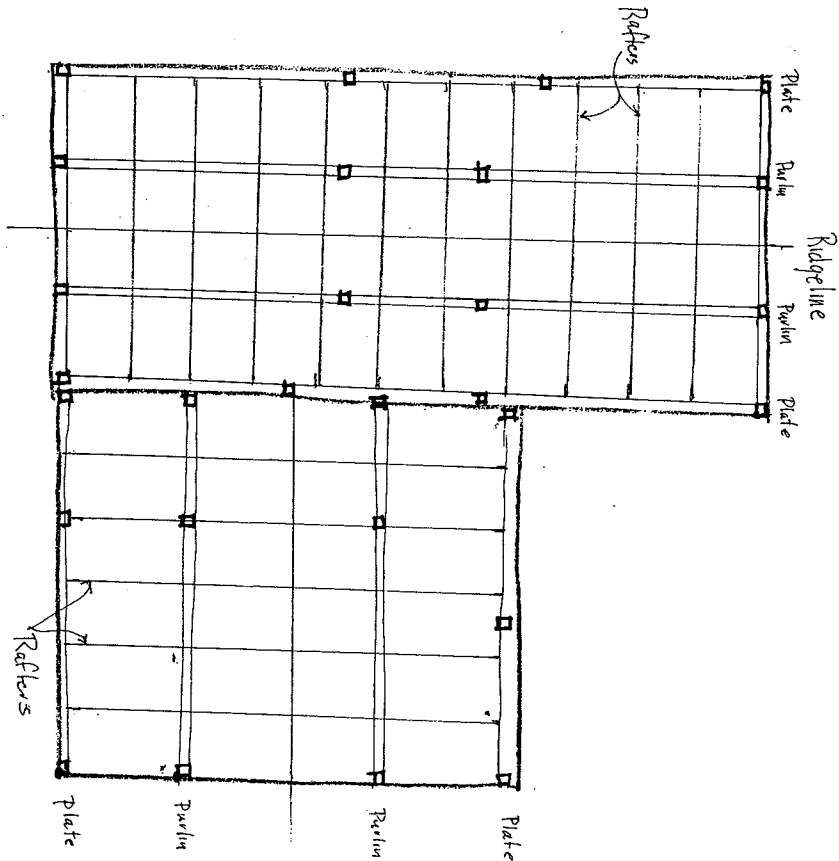
TIMBERBERG  
 SKETCH FOR  
 STAN ISBITSKI  
 © Timberberg 3/24/01 L.C.C.  
 Master Bedroom and Staircase





28' P28 K6-L-24-9/2

Timberpeg  
 Sketch for  
 Stan Ishtski  
 © Timberpeg - L Cole 3/24/01  
 1st Floor Timberframe plan



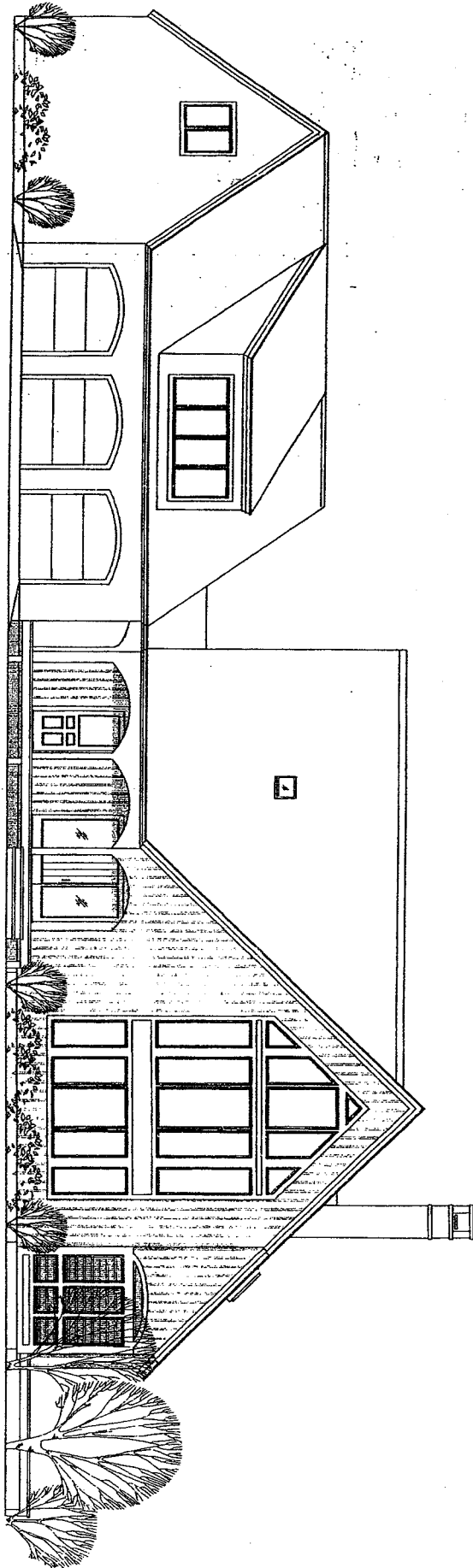
Ridge line

Note - use cold cricket  
at intersection of roofs

Timberpeg  
 Sketch for  
 Stan Isipitski  
 © Timberpeg st20101  
 Timber Frame Plan Second Floor  
 # Roof

# EXHIBIT 2

NEW RESIDENCE FOR:  
**STANLEY J. ISBITSKI**  
SALISBURY, NH



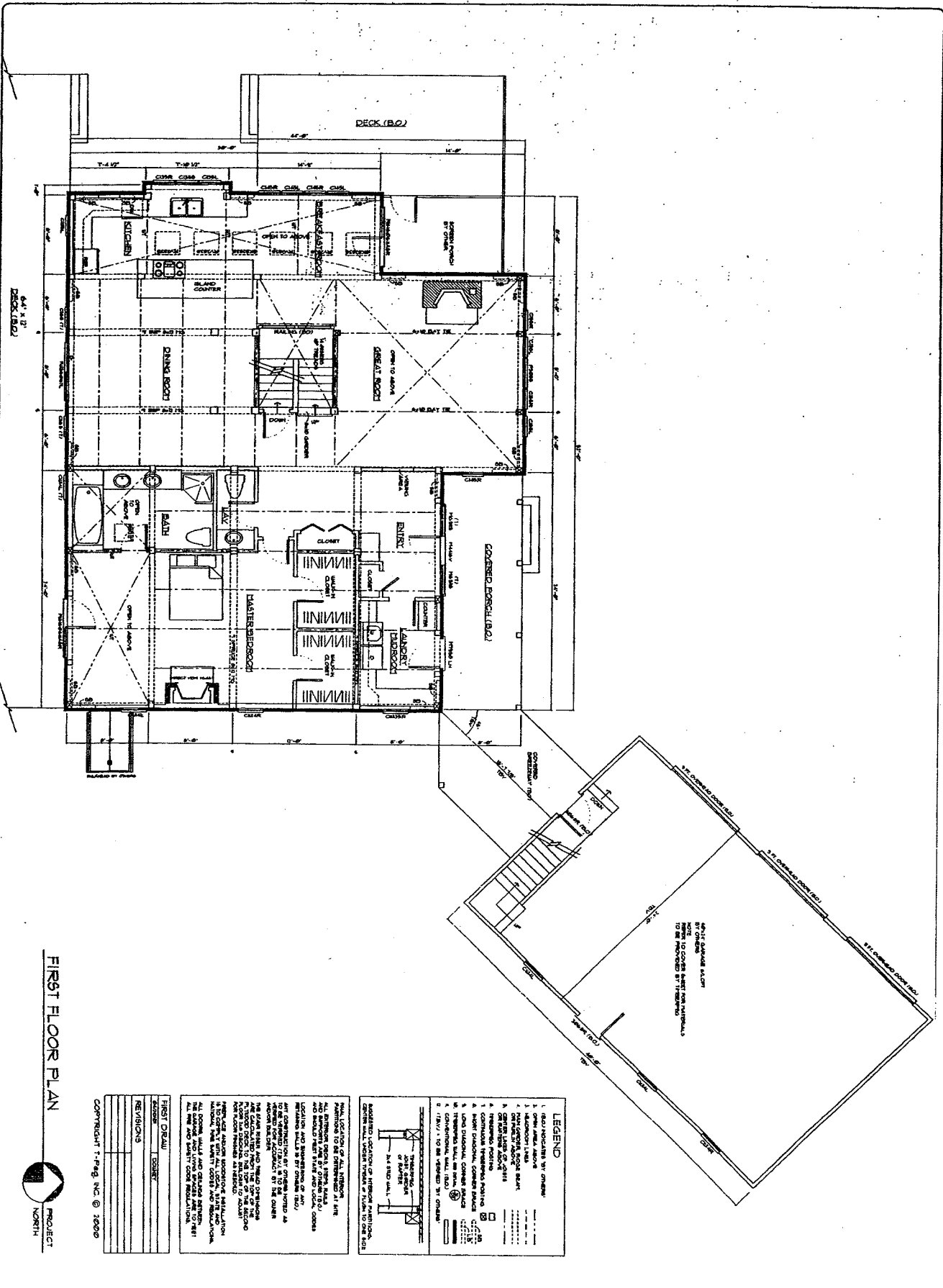
**TIMBERPEG®**

The Artisans of Post & Beam

INDEPENDENT REPRESENTATIVE OLD HARTFORD DESIGN

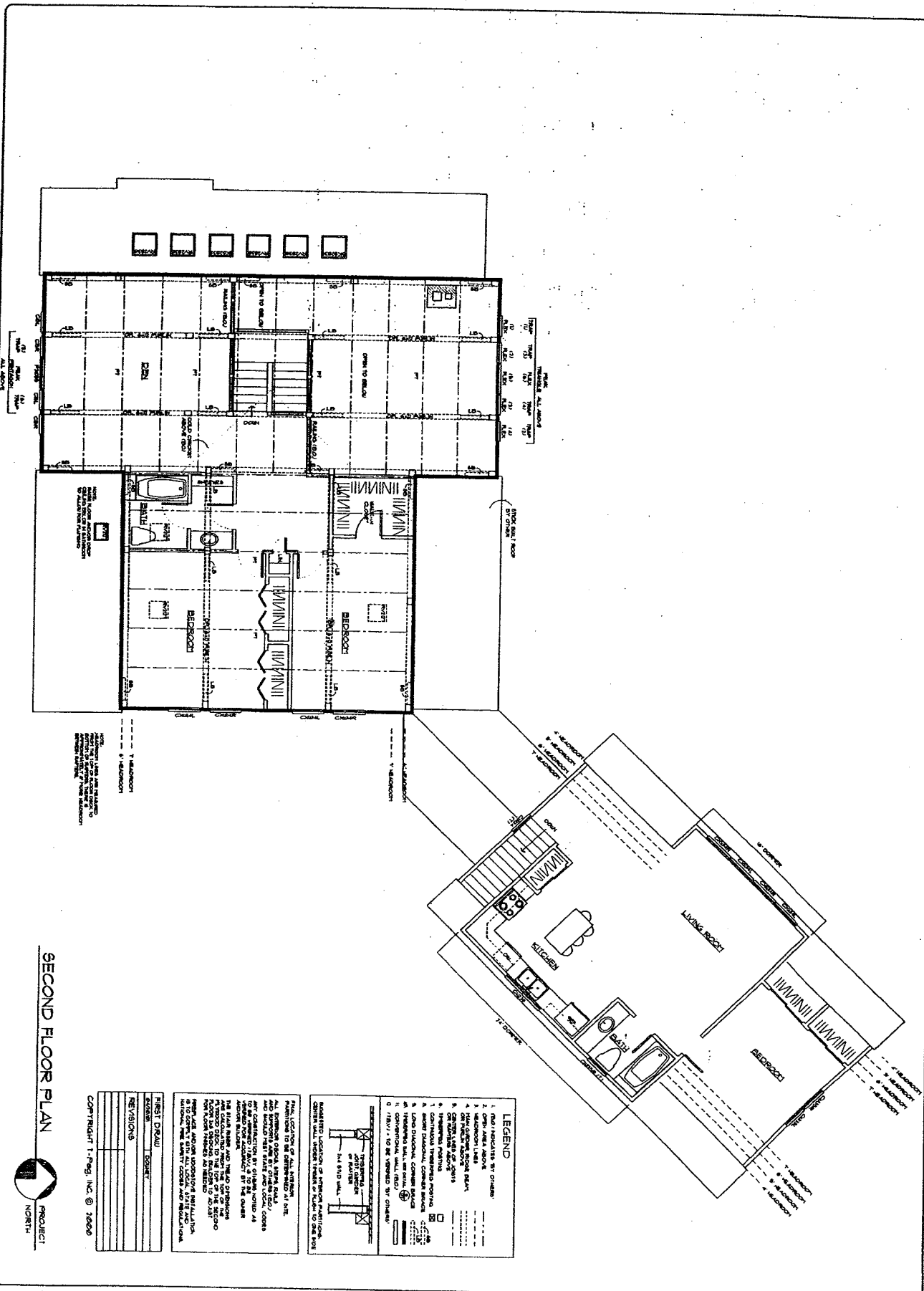
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NO. 010-711  
TIMBERPEG



TJM000455

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SECOND FLOOR PLAN



**LEGEND**

1. INDICATES BY OWNER
2. OPEN AREA ABOVE
3. UNFINISHED FLOOR
4. FINISHED FLOOR
5. FINISHED FLOOR WITH PARTITION
6. FINISHED FLOOR WITH PARTITION AND DOOR
7. FINISHED FLOOR WITH PARTITION AND DOOR AND SILL
8. FINISHED FLOOR WITH PARTITION AND DOOR AND SILL AND FINISH
9. FINISHED FLOOR WITH PARTITION AND DOOR AND SILL AND FINISH AND PARTITION
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**REVISIONS**

NO.	DATE	DESCRIPTION

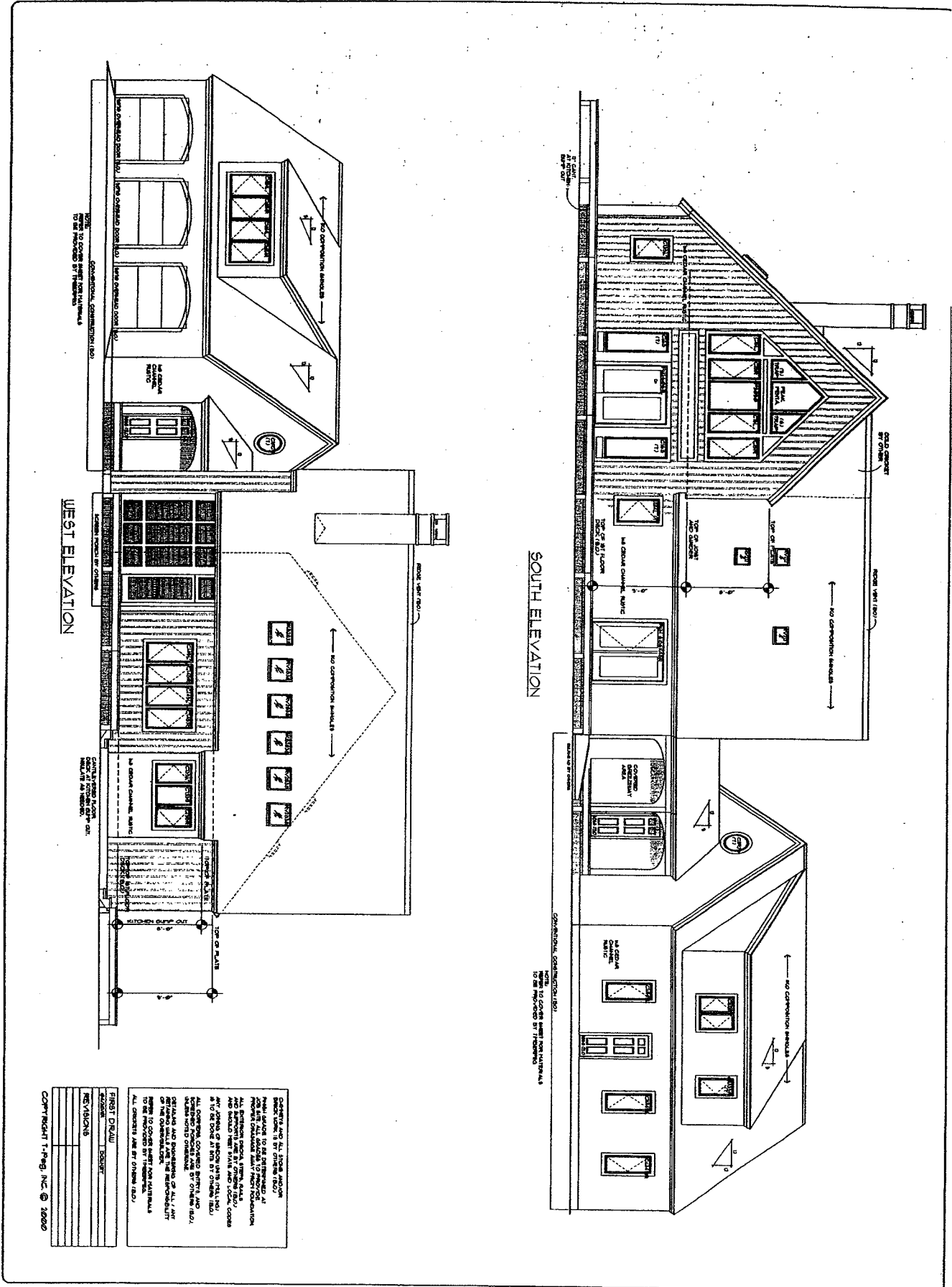
**PROJECT DATA**

PROJECT NO.	4034
PROJECT NAME	
PROJECT ADDRESS	
PROJECT CITY	
PROJECT STATE	
PROJECT ZIP	

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TJM000456





**GENERAL NOTES:**

1. ALL DIMENSIONS, COVERED SURFACES, AND MATERIALS TO BE PROVIDED BY OTHERS ARE TO BE PROVIDED BY THE ARCHITECT.

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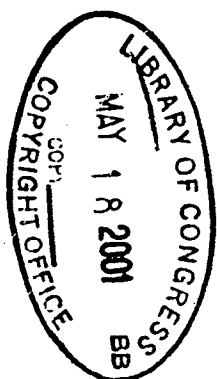
8. ALL DIMENSIONS, COVERED SURFACES, AND MATERIALS TO BE PROVIDED BY OTHERS ARE TO BE PROVIDED BY THE ARCHITECT.

9. ALL DIMENSIONS, COVERED SURFACES, AND MATERIALS TO BE PROVIDED BY OTHERS ARE TO BE PROVIDED BY THE ARCHITECT.

10. ALL DIMENSIONS, COVERED SURFACES, AND MATERIALS TO BE PROVIDED BY OTHERS ARE TO BE PROVIDED BY THE ARCHITECT.

TIM0000458

<p>PROJECT NO. 10000</p> <p>DATE: 07/30/07</p> <p>SCALE: 1/4" = 1'-0"</p> <p>DO NOT SCALE EXTENSIONS FROM BLUEPRINTS</p>	<p>STANLEY J. ISBITSKI</p> <p>ELEVATIONS</p> <p>F20K6L, F28K6L</p>	<p>TIMBERPEG®</p> <p>The Artisans of Post &amp; Beam</p>	<p>TIMBERPEG EAST INC. CLAREMONT, NH</p> <p>TIMBERPEG SOUTH INC. FLETCHER, NC</p> <p>TIMBERPEG WEST INC. FT. COLLINS, CO</p> <p>TIMBERPEG PACIFIC INC. REDD, WY.</p>	<p>THIS DRAWING IS NOT TO BE REPRODUCED OR COPIED IN WHOLE OR IN PART WITHOUT THE EXPRESS WRITTEN PERMISSION OF T-PEG INC. COPYRIGHT © 2007 T-PEG, INC.</p>	<p>CONVENTIONAL CONSTRUCTION (1:20)</p> <p>NOTE: TO COVER SHEET FOR MATERIALS TO BE PROVIDED BY OTHERS</p>	<p>CONVENTIONAL CONSTRUCTION (1:20)</p> <p>NOTE: TO COVER SHEET FOR MATERIALS TO BE PROVIDED BY OTHERS</p>	<p>CONVENTIONAL CONSTRUCTION (1:20)</p> <p>NOTE: TO COVER SHEET FOR MATERIALS TO BE PROVIDED BY OTHERS</p>
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TIM000459