

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

_____	)
T-Peg, Inc. and Timberpeg East, Inc.	)
Plaintiffs,	)
v.	)
Vermont Timber Works, Inc. and Douglas Friant	)
Defendants.	)
_____	)

No. C-03-462-M

**JOINT STATEMENT REGARDING  
SUITABILITY OF ACTION FOR MEDIATION**

NOW COME the parties, by and through their attorneys, and respectfully submit the following joint statement regarding suitability of this action for mediation:

**Plaintiffs**

The plaintiffs believe that mediation would be helpful in resolving this action and are willing to undergo mediation.

**Defendants**

Defendants do not believe mediation would be helpful in light of the facts that (1) numerous key motions remain pending, (2) plaintiffs' damages and disgorgement-of-profits remedies have been eliminated by the November 19, 2005 ruling, and the remaining remedies are extremely limited (3) discovery in the case has not uncovered any evidence that defendants ever saw - let alone copied - the plans claimed to have been infringed, and (4) defendants believe that, under the applicable law, prevailing on the

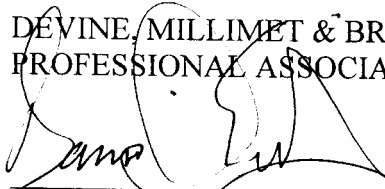
merits - as opposed to settling in a mediation - will likely entitle them to recover their attorneys fees from plaintiffs.

Respectfully submitted,

T-PEG, INC. AND TIMBERPEG EAST,  
INC.

By their attorneys,

DEVINE, MILLIMET & BRANCH,  
PROFESSIONAL ASSOCIATION



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Daniel E. Will (#12176)  
111 Amherst Street  
P.O. Box 719  
Manchester, NH 03105-0719  
(603) 669-1000

Dated: January 31, 2005

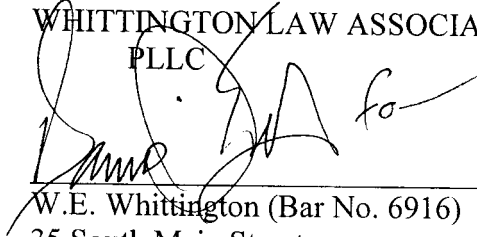
Of Counsel:

Stephen S. Woods, Esquire (#8240)  
General Counsel for Plaintiffs  
Timberpeg East, Inc.  
c/o 68 Lyme Road  
Hanover, NH 03755  
(603) 643-6200

VERMONT TIMBER WORKS, INC.  
Defendant,

By its attorneys,

WHITTINGTON LAW ASSOCIATES,  
PLLC

A handwritten signature in black ink, appearing to be 'W.E. Whittington', is written over the printed name and the 'PLLC' text. The signature is stylized and includes a horizontal line extending to the right.

Dated: January 31, 2005

W.E. Whittington (Bar No. 6916)  
35 South Main Street  
Hanover, NH 03755  
(603) 643-2755