

ENTERPRISE SECTION
OF THE AMSTERDAM COURT OF APPEAL

JUDGMENT of 8 May 2008 in the matter no. (original case number 602/2003 Enterprise Section and presently) case no. 106.000.961/1 Enterprise Section of

the company established under the laws of the Federal Republic of Germany

HEWLETT-PACKARD EUROPA HOLDING GMBH & CO. KG,

having its registered office in Böblingen, Federal Republic of Germany,

CLAIMANT,

attorney at law and local counsel: **MR. R.W.TH. NORBRUIS**

v e r s u s

1. **G. THOMPSON,** residing at De Koningswinkel 13, (6269 BR) Margraten;
 2. **GUY THOMPSON,** residing at De Koningswinkel 13, (6269 BR) Margraten;
- DEFENDANTS,** failed to appear,
3. private company with limited liability **HEWLETT-PACKARD INDIGO B.V., FORMERLY KNOWN AS DE NAAMLOZE VENNOOTSCHAP INDIGO N.V.,** having its seat at Limburglaan 5, (6221 SH) Maastricht,
DEFENDANT,
attorney at law and local counsel: **MR. P.C. VEERMAN**
 4. **ALLAN BUTCHER,** residing at 1 Cowslip Hill, Letchworth, Hertfordshire O8G6 4HN, England;
 5. **ANDREA EDAN,** residing at 2 The Crossways, Wembley, Middlesex, HA, England;
 6. **TRACY GUSTAD,** residing in 86a Hallowell Road, Northwood, Middlesex HA6 1DS, England;
 7. **CHRIS SEARS,** residing at 19 Norfolk Avenue, Watford WD2 4DZ, England;

8. **LYNNE MARGARET STUCKEY**, residing at 153 Merton Road, Bearstead Maidstone, Kent ME1, England;
9. **GARRY WARBY**, residing at 105A Alma Road, Windsor, Berkshire SL4 3EU, England;
10. **JOHN MACFARLANE**, residing at 5 Tilsworth Road, Beaconsfield, Buckinghamshire, HP9 1TR, England;
11. **ALEXANDER THOMAS CLARK**, residing at 3 Manor View, Larkhall, Lanarkshire ML9 2JP, Scotland, United Kingdom;
12. **CLIVE FENNESSY**, residing at 93 Currie Hill Castledrive, Balerno, Edinburgh EH14 5 TB, Scotland, United Kingdom;
13. **K. PENDER**, residing at 26 Ailesbury Lawn, Dundrum, Dublin 26, Ireland;
14. **KEVIN PENDER**, residing at 26 Ailesbury Lawn, Dundrum, Dublin 16, Ireland;
15. **PETER NICOL**, residing at 26 A Rue de Dreumont, 1495 Villers La Ville, Belgium;
16. **GLYN EVANS**, residing at 135 Leuvensebaan, St. Agatha Rode, Huldenberg, 3040 Belgium;
17. **MAIK LAUBIN**, residing at Hebbelstrasse 11, 14469 Potsdam, Germany;
18. **WOLFGANG MICHELMAYR**; residing at Zugspitzstrasse 4a, 82380 Peissenberg, Germany;
19. **BRIGITTE BIGUET**, residing at Hasengartenstrasse 13, 65189 Wiesbaden, Germany;
20. **GUIDO EISFELD**, residing at Timmweg 13, 22415 Hamburg-Langenhorn, Germany;
21. **BERTRAM STORCH**, residing at Carl Orff Ring 46, 63110 Rodgau, Germany;
22. **BERTRAM STORCH**, residing at Carl Orff Ring 46, 63110 Rodgau, Germany;
23. **MICHAEL DOSCH**, residing at Engelbertstr 38A, D 50674 Köln, Germany;
24. **CATHERINE VICTOR**, residing at 150 Avenue St. Ouen, 75017 Paris, France;
25. **JARED L. GREENSPAN**, residing at 17 Warren Road, Toronto ON, M4V 2R4 Canada;

26. **KAREN LANIUK**, residing at box 537, Boyle AB, T0A 0M0, Canada;
27. **DAFNA ALMALIAH, C/O GAD ALMALIAH**, residing at 89 Redwood Road, Newton MA 02459-3124, United States;
28. **YAIR BRAUN**, residing at 930 Glenridge Drive, Louisville, KY 40242, United States;
29. **TODD CASSIDY**, residing at 655 South Park Court, Hastings, MN 55033, United States;
30. **MARC BELL, joint tenant with Marion Flynn**, residing at 2016 Avenue N, Brooklyn, NY 11210, United States;
31. **MARION FLYNN, joint tenant with Marc Bell**, residing at 2016 Avenue N, Brooklyn, NY 11210, United States;
32. **MICHAEL DAVID BOHAN**, residing at 3250 N Little Brook, Tucson AZ 85712, United States;
33. **ARMY BROMAN, custodian for Jesse E. Broman**, residing at 1135 Morehead Court, Ann Arbor, MI 48057, United States;
34. **DAVID R. A. CAMPBELL**, residing at 164 Laburnam Cres, Rochester, NY 14620-1836, United States;
35. **CHRISTOPHER COLLINS**, residing at 17080 Foxton Drive, Parker, CO 80134, United States;
36. **SHERRY A. BIDWELL, joint tenant with Clifford C. Bidwell**, residing at 20136 Hammond Road, Corry, PA 16407, United States;
37. **CLIFFORD C. BIDWELL, joint tenant with Sherry A. Bidwell**, residing at 20136 Hammond Road, Corry, PA 16407, United States;
38. **RHONDA BOWEN**, residing at 101 Riggs Court, Mauldin, SC 29662-2119, United States;
39. **TIMOTHY P. BURNS**, residing at 11477 Mayfield Road, Apartment 920, Cleveland OH 44106, United States;
40. **LORRAINE E. CARDINAL, joint tenant with Louis C. Cardinal**, residing at 4930 Kings Road, St. Leonard, MD 20685, United States;
41. **LOUIS C. CARDINAL, joint tenant with Lorraine E. Cardinal**, residing at 4930 Kings Road, St. Leonard, MD 20685, United States;
42. **ROBINNETTE CHRISTIANSEN**, residing at 2812 James Boulevard, Racine, WI 53403-3250, United States;

43. **CHRISTIAN CORDTS**, residing at 114 Amity Street, Spencerport, NY 14559-1321, United States;
44. **VALERIE J.W. CRAIG, joint tenant with David L. Craig**, residing at 5 Cobb Road, Bath, ME 04530, United States;
45. **DAVID L. CRAIG, joint tenant with Valerie J.W. Craig**, residing at 5 Cobb Road, Bath, ME 04530, United States;
46. **PETER DANIEL, custodian for Jessup Daniel**, residing at 72 Bennigan Place, New Canaan, CT 06840, United States;
47. **DARRELL WAYNE ENGMAN**, residing at 4816 Adams Space 1, Boise, ID 83714-4750, United States;
48. **AVRI FERRERA**, residing at 2410 Jefferson Point Drive, Apartment 521, Arlington, TX 76006, United States;
49. **IRVIN A. FRIEDMAN, co trustee for Friedman Weitzman & Friedman PC Profit Sharing Plan**, residing at 1133 Pine Street, St. Louis, MO 63101-1900, United States;
50. **BERNARD W. WEITZMAN, co-trustee for Friedman Weitzman & Friedman PC Profit Sharing Plan**, residing at 1133 Pine Street, St. Louis, MO 63101-1900, United States;
51. **ARTHUR FRIEDMAN, co-trustee for Friedman Weitzman & Friedman PC Profit Sharing Plan**, residing at 1133 Pine Street, St. Louis, MO 63101-1900, United States;
52. **BRENDA CULLINANE**, residing at 5 Avon Street, Wilmington, MA 01887, United States;
53. **PETER DANIEL, custodian for Sam Daniel**, residing at 221 Old Kings Highway, N., Darien, CT 06820-3626 United States;
54. **DANA A. FOKOS**, residing at E55 Scotty Hollow Drive, North Chelmsford, MA 01863, United States;
55. **JOHN A. FULENA**, residing at 3654 Newport Avenue, Boynton Beach, FL 33436, United States;
56. **NICHOLAS D'AGOSTINO**, residing at 3525 Perry Avenue, Bronx, NY 10467-1608, United States;
57. **VICTOR A. DENISON**, residing at 13278 Kismet Avenue, Sylmar, CA 91342, United States;
58. **CAROL A. FOSTER**, residing at 1245 Charleston Road, Cherry Hill, NJ 08034-3129, United States;

59. NAAMAN GABRIELOV, residing at 76 Ship Avenue, Medford, MA 02155, United States;
60. NAAMAN GABRIELOV, residing at 76 Ship Avenue, Medford, MA 02155, United States
61. ITSHAK GELBER, residing at 22 Burberry Circle, Apartment 314, Schaumburg, IL 60173, United States;
62. LORI GROSS, custodian for David Gross, residing at 838 S. Arroyo Boulevard, Pasadena, CA 91105, United States;
63. SHENAN HENNRICH, residing at 119 S. Union Road, Williamsville, NY 14221-6904, United States;
64. TERESA HOFMEYER, joint tenant with Anthony Hofmeyer, residing at 6097 Rapid Run, Cincinnati, OH 45233-4858, United States;
65. ANTHONY HOFMEYER, joint tenant with Teresa Hofmeyer, residing at 6097 Rapid Run, Cincinnati, OH 45233-4858, United States;
66. KATHRYN J. HOUGH, residing at 4 Rosemary Lane, Clarksville, AR 72830-9186, United States;
67. ROBIN GADUE, residing at 19 Kenmar Drive, Apartment 34, Billerica, MA 01821, United States;
68. BARBARA C. KISH GOETZ, residing at 245 NE 21st Street, Boca Raton, FL 33431-8017, United States;
69. JONATHAN HOLLAWAY, residing at 4657 Christian Drive, Powder Springs, GA 30127, United States;
70. KEVIN B. HOWARD, residing at 4579 Laclede 121, St. Louis, MO 63108-2103, United States;
71. DAVID GALINSKI, residing at 410 Morgan Creek Road, Chapel Hill, NC 27514-4934, United States;
72. HOWARD A. HAYTON, residing at 8 Burkhard Place, Rochester, NY 14620-2102, United States;
73. WAYNE HOPPER, residing at 11 Micawber Court, Brentwood, TN 37027-7630, United States;
74. CHAD HUNT, residing at 4524 Grove Avenue 9, Richmond, VA 23221-1844, United States
75. WILLIAM D. HURLEY, residing at One Central Avenue, Farmingdale, NJ 07727-1405, United States;

76. **FRANK JERMANO**, residing at 2613 E 4th Street, Mishawaka, IN 46544-3302, United States;
77. **ENID KANNRY, custodian for Mitchell Harris Kannry**, residing at 10 Powell Road, Emerson, NJ 07630, United States;
78. **BRUCE J. KINSMAN, joint tenant with Regina L. Kinsman**, residing at 209 Highway 371 McRae, AR 72102, United States;
79. **REGINA L. KINSMAN, joint tenant with Bruce J. Kinsman**, residing at 209 Highway 371 McRae, AR 72102, United States;
80. **DAISY KWONG**, residing at 11006 Colonial Avenue, Forest Hills, NY 11375-1232, United States;
81. **FREDERICK S. LATHAM**, residing at 8069 B Caminito de Pizza, San Diego, CA 92108-1414, United States;
82. **JEROME S. KAISER**, residing at 29 Wendy Way, Richboro, PA 18954-1045, United States;
83. **J. MICHAEL KELLEY, joint tenant with Evelyn S. Kelley**, residing at 139 Duncaster Road, Bloomfield, CT 06002-1222, United States;
84. **EVELYN S. KELLEY, joint tenant with J. Michael Kelley**, residing at 139 Duncaster Road, Bloomfield CT 06002-1222, United States;
85. **JOSEPH JOHN KLANCNIK, joint tenant with Karen Joy Klancnik**, residing at 2520 Walnut, Arlington Heights, IL 60004, United States;
86. **KAREN JOY KLANCNIK, joint tenant with Joseph John Klancnik**, residing at 2520 Walnut, Arlington Heights, IL 60004, United States;
87. **THOMAS E. LACY**, residing at 79 Brook Street, Dracut, MA 01826, United States;
88. **RONALD E. JASKULA**, residing at 3138 South 52nd Court, Cicero, IL 60650, United States;
89. **MAUREEN KILLORAN**, residing at 1712 Fitzgerald, Arlington, TX 76012, United States;
90. **JOYCE L. KOHLER**, residing at 2145 Montgomery Street, Bethlehem, PA 18017-4085, United States;
91. **TERRILL G. LAYMAN**, residing at 12517 172nd Street NE, Arlington, WA 98223-9493, United States;
92. **IRENE B. LESHANE**, residing at 48 Maynard Street, Malden, MA 02148-4606, United States;

93. **WALDE LINDEMANN**, residing at 14 Brower Avenue, Rockville Centre, NY 11570, United States;
94. **CHARLINE LONGDIN**, residing at 19 Vermont Street, Methuen, MA 01844, United States;
95. **WILLIAM MAGGIACOMO**, residing at 31 Broadway, Beverly, MA 01915-1113, United States;
96. **JOHN F. MANGERI**, residing at 3 Fairview Lane, Glen Cove, NY 11542, United States;
97. **EUGENE LEVINE, joint tenant with Audrey Levine**, residing at 1255 E 21st Street, Brooklyn, NY 11210, United States;
98. **AUDREY LEVINE, joint tenant with Eugene Levine**, residing at 1255 E 21st Street, Brooklyn, NY 11210, United States;
99. **TIMOTHY J. LINEHAN, joint tenant with Julie L. Linehan**, residing at 51 Little Creek Circle, Rochester, NY 14616-1536, United States;
100. **JULIE L. LINEHAN, joint tenant with Timothy J. Linehan**, residing at 51 Little Creek Circle, Rochester, NY 14616-1536, United States;
101. **MARTIN LOWENSTEIN**, residing at 463 West Street, A 204, New York, NY 10014-2010, United States;
102. **BARBARA MACDONALD**, residing at 11 BayState Boulevard, Peabody, MA 01960, United States;
103. **BARBARA A. MAC DONALD**, residing at 11 Bay State Boulevard, Peabody, MA 01960, United States;
104. **MRIDULA MALLIK**, residing at 12103 County Line Road, Chesterland, OH 44026, United States;
105. **MOSHE MARZIANO**, residing at 1150 Cushing Circle, Apartment # 145, St. Paul, MN 55108, United States;
106. **ZOHAR LIDER**, residing at 20800 Homestead Road, Apartment 10-C, Cupertino, CA 95014, United States;
107. **PETER LITER, joint tenant with Winfred Liter**, residing at 465 E Lincoln Avenue, Mount Vernon, NY 10552-3555, United States;
108. **WINFRED LITER, joint tenant with Peter Liter**, residing at 465 E Lincoln Avenue, Mount Vernon, NY 10552-3555, United States;
109. **DAVID W. LYNN**, residing at 3247 New Hanover Square Road, Gilbertsville, PA 19525-9606, United States;

110. **MARTIN J. MALONEY, joint tenant with Julie P. Maloney**, residing at 16 Horseshoe Road, Cos Cob, CT 06807-1211, United States;
111. **JULIE P. MALONEY, joint tenant with Martin J. Maloney**, residing at 16 Horseshoe Road, Cos Cob, CT 06807-1211, United States;
112. **JOHN D. MCCULLEN, joint tenant with Mary Ellen McCullen**, residing at 2111 Cherrycove Court, Maryland Heights, MO 63043-2128, United States;
113. **MARY ELLEN MCCULLEN, joint tenant with John D. McCullen**, residing at 2111 Cherrycove Court, Maryland Heights, MO 63043-2128, United States;
114. **BRIAN J. MCGOWAN, joint tenant with Mary Kate E. McGowan**, residing at 31 Krauser Road, Downingtown, PA 19335, United States;
115. **MARY KATE E. MCGOWAN, joint tenant with Brian J. McGowan**, residing at 31 Krauser Road, Downingtown, PA 19335, United States;
116. **DON MOSKOWITZ, joint tenant with Amy Fruchtman**, residing at 2606 Arbor Drive, # 223, Madison, WI 53711, United States;
117. **AMY FRUCHTMAN, joint tenant with Don Moskowitz**, residing at 2606 Arbor Drive, # 223, Madison, WI 53711, United States;
118. **CAROL A. O'BRIEN**, residing at 36 Francis Street, Waltham, MA 02254, United States;
119. **ELMER H. PALMER, joint tenant with Anne D. Palmer**, residing at 1401 S County Trail, East Greenwich, RI 01218-1622, United States;
120. **ANNE D. PALMER, joint tenant with Elmer H. Palmer**, residing at 1401 S County Trail, East Greenwich, RI 01218-1622, United States;
121. **ROBERT PAVIN**, residing at 5152 Horseshoe Place, N.E. St. Petersburg, FL 33703, United States;
122. **ROBERT G. PAVIN**, residing at 5152 Horseshoe Place, N.E. St. Petersburg, FL 33703, United States;
123. **BARBARA M. MELANSON**, residing at 221 S River Road, Fox River Grove, IL 60021-1441, United States;
124. **ANTHONY E. MIDDLETON, joint tenant with Myrtle Middleton**, residing at 1852 W 38th Street, Los Angeles, CA 90062-1018, United States;
125. **MYRTLE MIDDLETON, joint tenant with Anthony E. Middleton**, residing at 1852 W 38th Street, Los Angeles, CA 90062-1018, United States;
126. **CHRIS PARTEN**, residing at 2222 West Chandler, Santa Ana, CA 92704, United States;

127. **RICHARD W. PELLOW, joint tenant with Aileen E. Pellow**, residing at 1121 Keewaydin Street, Negaunee, MI 49866-1112, United States;
128. **AILEEN E. PELLOW, joint tenant with Richard W. Pellow**, residing at 1121 Keewaydin Street, Negaunee, MI 49866-1112, United States;
129. **DAVID MOSENEGO**, residing at 5802 Russett Road, Apartment 3, Madison, WI 53711, United States;
130. **BRIAN K. OWENS**, residing at 8303 Quail Point Drive, Bowie, MD 20720, United States;
131. **JAMES M. PHILLIPS**, residing at 7628 Kimberly Court, N Richaland Hill, TX 76180, United States;
132. **SHUKI POLIKAR**, residing at 5103 Placid Way, Dallas, TX 75244, United States;
133. **DAVID ROHNER**, residing at 236 Auburn Street, NO 2, Newton, MA 02166, United States;
134. **DAVE A. ROHNER**, residing at 236 Auburn Street, NO 2, Newton, MA 02166, United States;
135. **LESTER R. RUMPF**, residing at 1003 Alden Drive, Austin, TX 78758-7401, United States;
136. **STEVE G. SAWYER**, residing at 7 Bradbury Lane, Littleton, CO 80120-4114, United States;
137. **RICHARD PETRACEK**, residing at 360 W 79th Place, Clarendon Hills, IL 60514, United States;
138. **MICHAEL JAMES PHILLIPS**, residing at 5340 Harbor Court Drive, Alexandria, VA 22315, United States;
139. **YEHOSHUA POLIKAR**, residing at 13437 S 47th Street, Phoenix, AZ 85044, United States;
140. **TYRONE A. RYBACK**, residing at 24 Fields Lane, Chester, NY 10918, United States;
141. **TY GOVATOS, custodian for Colleen Curry Scott**, residing at 136 Maple Shade Avenue, Hamilton Square, NJ 08690, United States;
142. **JAMES MICHAEL PHILLIPS**, residing at 332 Harwood Road, Apartment C, Hurst, TX 74145, United States;
143. **WAYNE R. PITTS**, residing at 4011 91st Street, Kenosha, WI 53142, United States;

144. **WILLIAM READDY**, residing at 221 Antigua Way, Niceville, FL 32578-4002, United States;
145. **BENJAMIN ROTMAN, c/o Orrin Rotman**, residing at 920 Hollystone, Buffalo Grove, IL 60089, United States;
146. **MICHELLE RYDZ, joint tenant with Paul Sum**, residing at 2117 Octavia Street, New Orleans, LA 70115-5655, United States;
147. **PAUL SUM, joint tenant with Michelle Rydz**, residing at 2117 Octavia Street, New Orleans, LA 70115-5655, United States;
148. **LANDERS KIMBRELL SEVIER**, residing at 3726 Montrose Road, Birmingham, AL 35213, United States;
149. **YAACOV SRAGOVICH**, residing at 65A Hickory Road, Port Washington, NY 11050, United States;
150. **TIMOTHY STEFL**, residing at 1233 East Loyola Drive, Tempe, AZ 85282, United States;
151. **TIMOTHY E. STEFL**, residing at 18 Oakridge Drive, Saugus, MA 01906, United States;
152. **JACOB STERN**, residing at 6014 Sanford Street, Houston, TX 77096, United States;
153. **BRIAN A. SYLVIA**, residing at 6 Corniche Drive, # E, Dana Point, CA 92629, United States;
154. **DOUGLAS SHEPHERD**, residing at 410 Dockside Cove, Woodstock, GA 30188, United States;
155. **HUGH K. STANTON, joint tenant with Anne H. Stanton**, residing at 217 Bridge Street, Apartment B1, Stamford, CT 06905, United States;
156. **ANNE H. STANTON, joint tenant with Hugh K. Stanton**, residing at 217 Bridge Street, Apartment B1, Stamford, CT 06905, United States;
157. **STANLEY R. STEVENS, joint tenant with Joanne M. Stevens**, residing at 269 Holmes Road, Scarborough ME 04074-9162, United States;
158. **JOANNE M. STEVENS, joint tenant with Stanley R. Stevens**, residing at 269 Holmes Road, Scarborough, ME 04074-9162, United States;
159. **WILLIAM E. STUBBLEFIELD**, residing at 31 Dunbarton Drive, Nashua, NH 03063, United States;
160. **BRIAN A. SYLVIA**, residing at 111 Park Crest, Newport Coast, CA 92657, United States;

161. **BRIAN A. SMITH**, residing at 31 Edgemont Street, Roslindale, MA 02131, United States;
162. **JOHN M. STAUNTON**, residing at 8350 W Addison Street, Chicago, IL 60634-1996, United States;
163. **ELISABETH R. STEINER**, residing at 81 Madison Street, Wrentham, MA 02093, United States;
164. **ANGELO TEDESCO**, residing at 182 Garth Road, Apartment 1C, Scarsdale, NY 10583, United States;
165. **NANCY TERRAZZANO**, residing at 94 Woburn Street, Wilmington MA 01887, United States;
166. **W. JOSEPH WEIDNER, custodian for David J. Weidner**, residing at 4 Blaine Avenue, Leola, PA 17540-1410, United States;
167. **BERNARD WEISMAN, trustee for Weisman Family Trust**, residing at 11734 Wilshire Boulevard C608, Los Angeles, CA 90025-6401, United States;
168. **JIM THAYER**, residing at 2492 Osborne Terrace, Vista, CA 92084, United States;
169. **R. BRUCE WATERFIELD**, residing at 1687 Nob Hill, Dallas, TX 75208, United States;
170. **LEONARD WEINLANDER**, residing at 310 N Telegraph Road, Monroe, MI 48162-3232, United States;
171. **RONALD E. WHEELER, joint tenant with Carol J. Wheeler**, residing at 46 Maynard Street, Malden, MA 02148-4606, United States;
172. **CAROL J. WHEELER, joint tenant with Ronald E. Wheeler**, residing at 46 Maynard Street, Malden, MA 02148-4606, United States;
173. **ALISON G. THOMAS**, residing at 178 Lowell Street, Unit 5, Reading, MA 01867, United States;
174. **EMILIO B. TORRES**, residing at 100 75th Street, Apartment C, Newport News, VA 23607-1525, United States;
175. **MARY ELLEN VIGNA**, residing at 20903 Birchwood Street, Farmington, MI 48336-5005, United States;
176. **JACK L. WEHRLE, joint tenant with Mary J. Wehrle**, residing at 2929 Lawn, Burlington, IA 52601-1543, United States;
177. **MARY J. WEHRLE, joint tenant with Jack L. Wehrle**, residing at 2929 Lawn, Burlington, IA 52601-1543, United States;

178. **DAVID B. WEISBERG, joint tenant with Ophra C. Weisberg**, residing at 4057 Beechwood Avenue, Cincinnati, OH 45229-1409, United States;
179. **OPHRA C. WEISBERG, joint tenant with David B. Weisberg**, residing at 4057 Beechwood Avenue, Cincinnati, OH 45229-1409, United States;
180. **TIM L. WILLETT**, residing at 425 Martin Culver Road, Waverly, KY 42462-5140, United States;
181. **RUSS WILLIAMS**, residing at 4112 Douglas Road, Downers Grove, IL 60515, United States;
182. **RICHARD R. WYLY JR.**, residing at 46431 Cedarhurst Drive, Sterling, VA 20165-6449, United States;
183. **ADIL ZAINULBHAI**, residing at 7500 Exeter Road, Bethesda, MD 20814, United States;
184. **BORIS YOFFE**, residing at 24 Atlanta, Irvine, CA 92720, United States;
185. **RICHARD R. WYLY**, residing at 1315 W 3rd Street, Roswell, NM 88201, United States;
186. **DORON ZACHARIN, joint tenant with Diana Zacharin**, residing at 2055 NE 198th Terrace, Aventura, FL 33179, United States;
187. **DIANA ZACHARIN, joint tenant with Doron Zacharin**, residing at 2055 NE 198th Terrace, Aventura, FL 33179, United States;
188. **L.E. WILLIAMSON**, residing at Box 184, Sigourney, IA 52591-0184, United States;
189. **PHIL VAN HORN**, residing at Route 1, Box 286, North Loup, NE 68859, United States;
190. **MALCOLM ONYAN**, residing at 3 Main Street, Box 183, Atlanta, NY 14808, United States;
191. **NEW YORK STATE COMPTROLLER OFFICE OF UNCLAIMED FUNDS**, having its seat at 110 State Street, Albany, NY 12223, United States;
192. **CEDEFAST**, having its seat at 55, Water Street, New York NY 10041, 49th floor General Counsel's Office, Verenigde Staten;
193. **DAFNA ALMALIAH**, with no known permanent or temporary address in or outside the Netherlands;
194. **BENJAMIN ROTMAN**, with no known permanent or temporary address in or outside the Netherlands;

195. **L.E. WILLIAMSON**, with no known permanent or temporary address in or outside the Netherlands;
196. **KAREN LANIUK**, with no known permanent or temporary address in or outside the Netherlands;
197. **THE JOINT REMAINING HOLDERS OF SHARES IN THE CAPITAL OF THE PRIVATE COMPANY WITH LIMITED LIABILITY HEWLETT-PACKARD INDIGO B.V. (FORMERLY KNOWN AS THE PUBLIC LIMITED COMPANY INDIGO N.V.) NOT KNOWN BY NAME**, with no known permanent or temporary address in or outside the Netherlands;

DEFENDANTS, failed to appear,

a n d v e r s u s :

198. the company incorporated under the laws of the State of Delaware, United States of America

TOWER VIEW LLC,

having its registered office in New York, NY, United States of America,

DEFENDANT,

attorneys at law: **MR. R.J. VAN GALEN** and **MR. F.M. VAN DER LINGEN**,

local counsel: **MR. R.J. VAN GALEN**.

1. The course of the proceedings

1.1 In regard to the course of the proceedings, the Enterprise Section refers firstly to its (interlocutory) decisions of 17 March 2005 and 29 June 2006 in this matter.

1.2 In the decision of 29 June 2006, the Enterprise Section granted the claimant (hereinafter HP Europe) the opportunity to submit to the proceedings the registered accountant's statement, with sound argumentation (referred to in 3.9 of that decision) concerning the question of whether or not facts or circumstances (as specified in that decision) arose in relation to Hewlett-Packard Indigo B.V. (hereinafter the company) that would justify a price for the shares to be transferred higher than the price paid pursuant to the public offer, and if so, what, in the registered accountant's opinion, that higher price should be. The Enterprise Section also granted Tower View LLC (hereinafter Tower View), presently defendant under 198, the opportunity to explain its position on the aforementioned statement in a case-list statement.

1.3 By case-list statement of 22 March 2007, HP Europe submitted said registered accountant's statement to the proceedings. Subsequently, Tower View filed a reply statement on the case-list of 24 May 2007.

1.4 HP Europe filed a statement on the case-list of 21 June 2007, after which Tower View once more responded with a reply statement on the case-list of 5 July 2007.

1.5 In conclusion, the parties submitted the case documents and once again requested judgment.

2. The established facts

For the established facts, the Enterprise Section refers to the remarks on the established facts from the aforementioned judgments.

3. Grounds of the decision

3.1 For the grounds of the decision, the Enterprise Section refers firstly to the considerations in that regard in the aforementioned decisions.

3.2 At 3.7 of its decision of 29 June 2006, the Enterprise Section considered, in part, that for the determination of a reasonable price for the shares held by the minority shareholders and to be transferred to the claimant, a general correspondence can be sought in the amount actually paid for the shares registered under the public offer, at least as long as it is plausible that since the offer was declared unconditional no facts or circumstances arose in regard to the company in question that would justify a higher price. The Enterprise Section then granted HP Europe the opportunity to submit the registered accountant's statement referred to above at 1.2.

3.3 In response, HP Europe submitted a statement of *dr.* W.G.M. Holterman RA, employed by PricewaterhouseCoopers Advisory N.V. in Amsterdam (hereinafter PWC), dated 12 March 2007. According to this statement, PWC investigated the question of "whether since the public offer was declared unconditional by Hewlett-Packard Company ('HP') (...) facts and circumstances relating to Indigo [the company – Enterprise Section] arose that would justify a price for the shares to be transferred higher than the price paid under the public offer, and if so, what that higher price should be." In that investigation, PWC focused on "...Indigo's achieved financial performance over recent years in comparison with the forecasts on which the price paid under the public offer was based," on the "development of Indigo's debt position since the date of the public offer," and an "evaluation of the development of valuation multiples of listed companies in the business sector in which Indigo is active." PWC reached the following conclusion:

Indigo's financial performance over recent years remained significantly behind HP's most conservative forecasts at the time of the public offer. Indigo's persistent losses put pressure on the value of the company. As a result of the losses, Indigo's debt position in that period rose sharply, which puts additional pressure on the value of the Indigo shares. HP and Indigo have not provided PWC with any prospective information. PWC has therefore been unable to

evaluate the impact of Indigo's present future outlook on the value of the Indigo share. In consideration of the size of the shortfall, the fact that the company has been loss-making for years and the severity of Indigo's current debt position, PWC considers it unlikely that the present forecasts will be so optimistic that any positive value effect drawn from those forecasts will compensate for the negative value effects outlined in the foregoing.

PWC comes to the conclusion that no facts or circumstances in relation to Indigo arose in the period between 22 March 2002 and 31 October 2006 that would justify a price for the shares to be transferred higher than the price paid under the public offer.

3.4 In regard to the ruling on the question of whether since the public offer was declared unconditional, facts and circumstances may have arisen that justify a price higher than the price paid under the public offer, Tower View deferred to the ruling of the Enterprise Section.

3.5 In the opinion of the Enterprise Section, the PWC report can lead to no conclusion other than that, as HP Europe has argued, during the period since the public offer, no facts or circumstances have arisen that would justify a higher price for the shares in the company to be transferred than the price paid under the public offer (and that, on the contrary, more likely there are facts and circumstances in effect that could justify a lower price).

3.6 Tower View's argument in this regard that for the determination of the price of the shares held by the minority shareholders and to be transferred to HP Europe, correspondence must be sought in the cash value on which the Fixed Offer Price under the public offer was based (USD 7.50), which the Enterprise Section already rejected in the decision of 29 June 2007 (at 3.7). Nothing adduced in either of the reply statements filed by Tower View since then sheds any new or different light on this subject. As such, the Enterprise Section stands by its previous ruling that that price must be determined based on the amount actually paid for the shares registered under the public offer. The Enterprise Section follows HP Europe in setting this amount at USD 6.39 per share, which amount has not been disputed by Tower View.

3.7 The Enterprise Section will also reject Tower View's claim for setting the value of the shares to be transferred as per the date of the summons, being 23 August 2002, plus an amount in statutory interest on the price to be determined calculated from that date, because awarding that claim would lead to the determination of a higher price than should be assigned to the shares to be transferred. Further, in view of the fact that any claim of Tower View and the other minority shareholders of Indigo can only arise if and insofar as the price of the shares to be transferred is established at law, and HP Europe cannot be in default of this claim before such time as that price is established, there is no basis for awarding the statutory interest claimed. In accordance with Article 201(a), paragraph 5, interest is equal to statutory interest owed from the date to be determined by the Enterprise Section on which the shares to be transferred have the price determined by the Enterprise Section until the date of transfer of the shares. Under the circumstances, neither the duration of these proceedings nor HP Europe's actions constitute grounds to determine the price of the shares on a date other than the present date.

3.8 Taking into account the stipulations in the (interlocutory) decisions of 17 March 2005 and 29 June 2006 and the foregoing considerations, the Enterprise Section presently considers that it has been provided sufficient information to set the price of the shares in the company to be transferred, in accordance with HP Europe's claim, at USD 6.39 per share, and to set that amount as of this date.

3.9 The foregoing entails that the claim of HP Europe, which does not otherwise come across as wrongful or unfounded, can be awarded as set out in the following.

3.10 Finally, the Enterprise Section considers there to be grounds to balance the costs of the proceedings between the parties appearing, as set out in the following, and pursuant to the provision in the last sentence of Article 201(a), paragraph 6, Book 2, Dutch Civil Code, the Enterprise Section will not adjudicate upon other costs.

4. The decision

The Enterprise Section:

orders the defendants, as well as the parties to which the shares will belong, to transfer the unencumbered right to the shares they hold in the issued capital of the private company with limited liability Hewlett-Packard Indigo B.V, with registered office in Maastricht, to Hewlett-Packard Europa Holding GmbH & Co KG;

sets the price of the shares to be transferred at USD 6.39 per share, as of this date;

determines that the price, as long as and insofar as not paid, will be increased by statutory interest as of this date until the date of transfer or the date of consignment in accordance with Article 201a, paragraph 8, Book 2, Dutch Civil Code;

determines that dividends that become payable on the shares in the time frame referred to in the previous sentence serve to partial payment of the price on the date that they become payable;

orders Hewlett-Packard Europa Holding GmbH & Co KG to pay the set price, with interest as indicated above, to the defendants or the party/parties to whom the shares belong or will belong, for the transfer in title of the unencumbered right to the shares;

declares this decision up to this point provisionally enforceable;

balances the costs of the proceedings between Hewlett-Packard Europa Holding GmbH & Co KG and Tower View such that each party will bear its own costs.

This decision is rendered by *mr.* Willems, president, *mr.* Faase and *mr.* Van Loon, justices, *prof. dr.* Klaassen RA and *prof. dr.* Hoogendoorn RA, members, in the presence of *mr.* Van Wees, clerk of court, and pronounced in the public session of the Enterprise Section of 8 May 2008.

document set: [signed]

[signed]

[signed]

[stamp: *mr.* W.J.J. Los]