

Victor F. Souto
WILMER CUTLER PICKERING HALE AND DORR LLP
399 Park Avenue
New York, NY 10022
Tel: (212) 230-8800
Fax: (212) 230-8888

Cynthia D. Vreeland (admitted *pro hac vice*)
Joel Cavanaugh (admitted *pro hac vice*)
WILMER CUTLER PICKERING HALE AND DORR LLP
60 State Street
Boston, MA 02109
Tel: (617) 526-6000
Fax: (617) 526-5000

Attorneys for Plaintiff
LEDALITE ARCHITECTURAL PRODUCTS

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

LEDALITE ARCHITECTURAL PRODUCTS,

Plaintiff,

v.

FINELITE, INC.,

Defendant.

Civil Action No. 2:09-cv-06155

**DECLARATION OF LANCE HOWITT IN SUPPORT OF PLAINTIFF LEDALITE
ARCHITECTURAL PRODUCTS' MEMORANDUM IN OPPOSITION TO
DEFENDANT FINELITE, INC.'S MOTION TO TRANSFER VENUE TO THE
NORTHERN DISTRICT OF CALIFORNIA PURSUANT TO 28 U.S.C. § 1404(a)**

I, Lance Howitt, declare:

1. I am the Vice President of Sales and Marketing for Ledalite Architectural Products ("Ledalite"), which is a division of Philips Electronics, Ltd. I make this declaration of my own personal knowledge and could and would testify to the facts contained in this declaration.

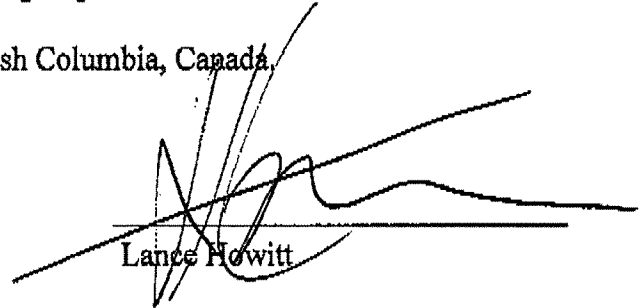
2. In or around January 2009, Verizon Communications, Inc. ("Verizon") was accepting bids for the lighting for a new office complex in Livingston, New Jersey.

3. Ledalite submitted a bid to Verizon for the lighting for the Livingston, New Jersey project, proposing Ledalite's "Voice" and/or "Vectra" families of fixtures.

4. On or about March 16, 2009, an engineer working on the lighting for the Verizon project in Livingston, New Jersey, George Reed of A&J Consulting Engineering Services, P.C., wrote an e-mail to Rob Bloch, the Director of Operations of Rotwein & Blake, a design firm also working on the project, regarding the compatibility and similarities between Ledalite's proposed fixtures and Finelite's proposed fixtures. He also attached to the e-mail a copy of a specifications document for Finelite's High Performance Recessed ("HPR") family of fixtures. This email was forwarded to one of my colleagues at Ledalite, who forwarded it to me. A true and correct copy of this e-mail, with the attachment, is attached hereto as Exhibit A.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 21, 2010, at Langley, British Columbia, Canada.



Lance Howitt

EXHIBIT A

Howitt, Lance

From: Rob Bloch [rbloch@rb-arch.com]
Sent: March 16, 2009 9:52 AM
To: lohman@optonline.net
Subject: FW: Verizon Tenant Fit Up, ECC, Livingston, NJ, A&J Project No. 1368
Attachments: HPR Preliminary Tech Sheet_011609.pdf

Stephe,

This is what the engineer sent to me on Finelite.

I'll see if I can get photometry.

Rob Bloch
Director of Operations
Rotwein & Blake
16 Microlab Road
Livingston, NJ 07039
(973) 740-9755 x20
(973) 740-9766 (fax)

Rob,

The attached fixture seems to be compatible to the one selected by your vendor. The cost, energy efficiency and lighting levels appear to be similar. I think we should specify both and/or get samples set up for the owner's review.

Thanks,

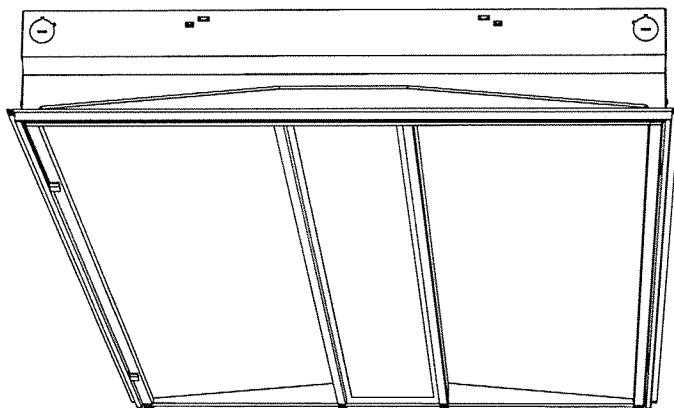
George Reed
Associate Principal
A&J Consulting Engineering Services, P.C.
164 Brighton Road
Clifton, NJ 07012
Ph.: 973.777.9696
Fax: 973.777.5528

FINELITE

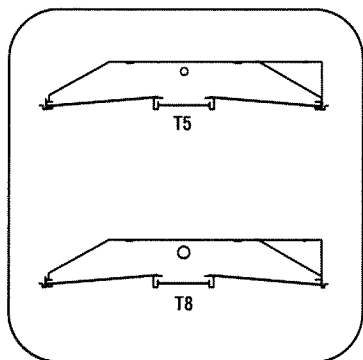
High Performance Recessed

Project _____
 Firm Name _____
 Date _____ Type _____

HPR is a highly effective recessed luminaire delivering excellent visual comfort and outstanding performance for offices, schools, healthcare, and retail applications. Advanced optical designs make HPR a powerful solution for low ceiling applications and eliminate the shadows common to other recessed products.

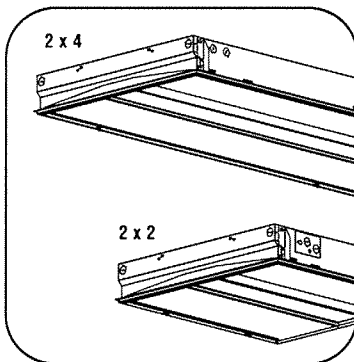


FEATURES



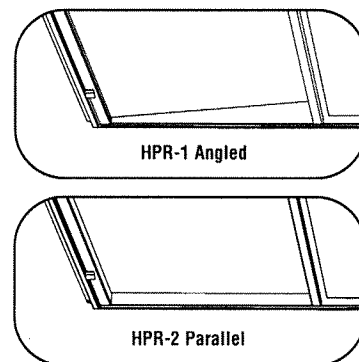
LAMP OPTIONS:

Available in 1, 2 or 3 T8, T5 or T5HO lamp cross sections.



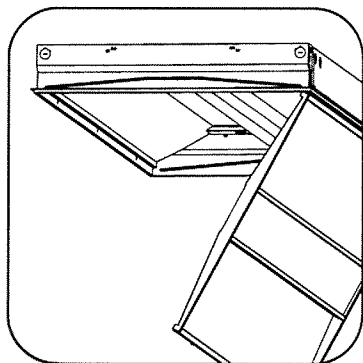
AVAILABLE SIZES:

HPR is available in 2x2 and 2x4 form factors.



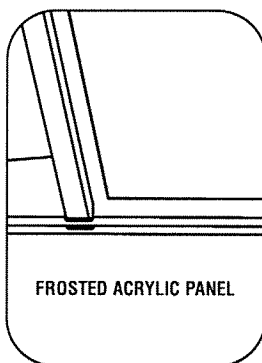
AESTHETIC CHOICE:

HPR-1 features lenses angled toward the center shielding element. HPR-2 features lenses parallel to the ceiling plane.

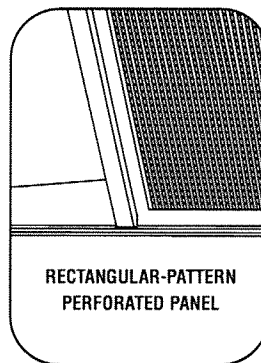


HINGED DOOR ASSEMBLY:

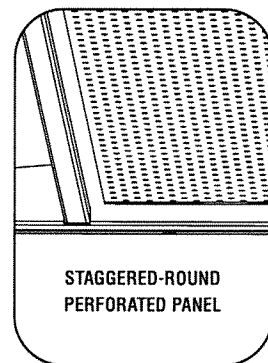
The hinged door assembly makes relamping and maintenance fast and easy.



FROSTED ACRYLIC PANEL



RECTANGULAR-PATTERN PERFORATED PANEL



STAGGERED-ROUND PERFORATED PANEL

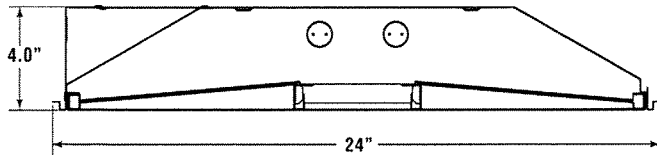
UNIQUE CENTER OPTIC OPTIONS:

HPR is available with three different center shielding options: a frosted acrylic panel, a rectilinear-pattern perforated panel, and a staggered-round perforated panel.

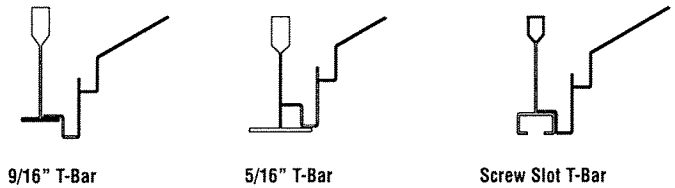
FINELITE

High Performance Recessed

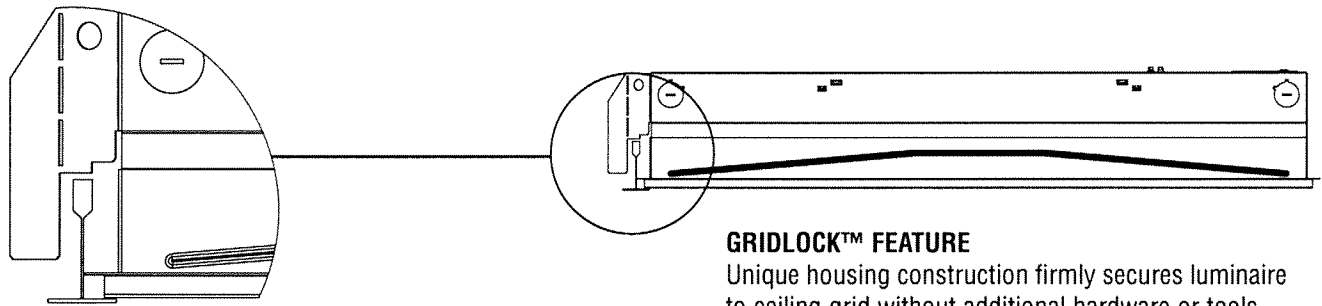
DIMENSIONS



CEILING SYSTEM INFORMATION



CEILING SYSTEMS DETAIL



GRIDLOCK™ FEATURE

Unique housing construction firmly secures luminaire to ceiling grid without additional hardware or tools.

SPECIFICATIONS

CONSTRUCTION:

Fixture assembly constructed using die-formed 20 gauge cold rolled steel housing and ends. All components are hard-tooled to tolerances of 0.010". Ballast compartment is accessed from below. Optical system retained using hinged door frame assembly to provide easy access to ballast compartment and for re-lamping from below without the need of tools. Seismic brackets are integrated into the fixture assembly. Additional wire entrances are positioned on the ends of the housing to allow easy wiring access for the installer.

REFLECTORS:

Die-formed 20 gauge cold rolled steel reflectors are finished in 96W (96% reflectance) matte white powder coat paint.

OPTICAL SYSTEM:

Optical system components include side lens panels and a center optic element held in place with a frame constructed from die-formed cold-rolled steel. The side lenses are UV stabilized and impact resistant frosted virgin acrylic, .080 thick. They are either angled toward the center optic or parallel to the ceiling plane.

Available options for the center optic elements:

Frosted acrylic panel:

UV stabilized and impact resistant frosted virgin acrylic, .080 thick.

Rectangular-pattern perforated panel:

Die-formed cold rolled steel panel with 1/16" x 1/2" rectangular hole pattern.

Staggered-round perforated panel:

Die-formed cold rolled steel panel with precision-punched .093" diameter hole pattern arranged in staggered formation.

LAMPING:

Available in 1, 2 or 3 T8, T5 or T5HO lamp cross sections.

BALLAST:

UL listed Class P. Electronic instant-start ballast <10% THD, .88 BF standard for T8 lamps. Electronic rapid-start ballasts <10% THD, 1.0 BF standard for T5/T5HO lamps. Optional adders: rapid-start ballasts (standard for T5/T5HO), 347V, emergency battery packs, dimming or bi-level ballasts (controls by others).

ELECTRICAL:

Fixtures are prewired with quick wire connectors. Fixtures and electrical components certified to UL and C-UL standards.

MOUNTING:

Standard flange design works with most lay-in ceiling types. Integral pryout tabs secure luminaire to ceiling grid from above. Fixture offers tie-in locations for tie-wire on all corners. Consult local code for appropriate tie-wire recommendations. Optional drywall kit. Contact factory.

AIR RETURN:

Contact factory.

FEED:

18 gauge wire standard.

FINISH:

Housing and door assembly painted with 96W (96% reflectance) matte white powder coat paint. Available in matte white only.

WEIGHT:

Maximum weight: 2x2 - 16 lbs., 2x4 - 33 lbs.

ORDERING INFORMATION

HPR — 2 — 2X2 — 1T8 — XX — SC — 277 — .88

Finelite HPR _____
 Lens Style (1=Angled, 2=Parallel) _____
 Size (2x2, 2x4) _____
 Lamp Type (1, 2 or 3 T8, T5 or T5HO) _____
 Center Optic (Frosted=XX, Rectangular Perf = XX, Round perf = XX) _____
 Circuiting (SC-single circuit, DC-dual circuit) _____
 Voltage (120, 277, 347V) _____
 Ballast Factor (Standard .88 for T8 lamps, 1.0 for T5 or T5HO) _____