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Attorneys for Defendant Fujitsu Limited

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LINKCO, INC., :
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 : 00 Civ. 7242 (SAS)
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 Plaintiff, :
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 -against- :
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 FUJITSU LTD., :
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 Defendant. :
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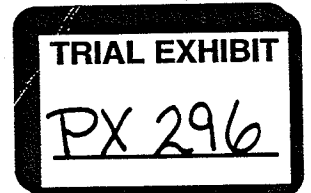
**DEFENDANT'S RESPONSE TO
CERTAIN INTERROGATORIES
PROPOUNDED TO NAOYUKI
AKIKUSA**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, defendant Fujitsu Limited ("Fujitsu") provides responses to certain interrogatories contained in a document styled "Written Interrogatories on Naoyuki Akikusa," which was dated May 21, 2001 and served in its entirety on May 23, 2001.

At the same time this document is being served, Fujitsu is serving Naoyuki Akikusa's Response to Written Interrogatories. In that response, Fujitsu objected to Interrogatories 3, 9 (second and third questions), 10, 11, 12, 13, 15, and 19 on the basis that they



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seek information more appropriately supplied by the corporation than by Mr. Akikusa. As it indicated in the response to the interrogatories to Mr. Akikusa, Fujitsu is hereby responding as a corporation to the listed interrogatories.

RESPONSES

Interrogatory 3: At Fujitsu, Ltd. what level of capital expenditure (in yen or dollars) are required to be submitted to you, as President, for your consideration and/or approval.

(a) At Fujitsu, Ltd. what level of capital expenditures (in yen or dollars) is required to be submitted to the Board of Directors for their review and/or approval?

(b) As President of Fujitsu, Ltd., what level of capital expenditures (in yen or dollars) do you expect Fujitsu employees to submit to you for your review and/or approval?

(c) At Fujitsu, Ltd. what size transaction, acquisitions or divestitures (in yen or dollars) are required to be submitted to you, as President for your review and/or approval?

(1) What level is required to be submitted to the Board of Directors for its review and/or approval?

(d) At Fujitsu, Ltd. what size expenditure, on new business developments (in yen or dollars) are required to be submitted to you, as President for review and/or approval.

(e) Describe generally what types of business decisions and what level of yen or dollars expenditures are minimally required to be submitted to the President of Fujitsu, Ltd. and the Board of Directors of Fujitsu, Ltd. for its review and/or approval.

RESPONSE: Fujitsu objects to this interrogatory as seeking information that is not relevant to the claims and defenses being litigated. Without waiving its objections and pursuant to Fed. R. Civ. P. 33(d), Fujitsu is producing the attached business records bearing the Bates range FL 23392 through FL 23401 containing information responsive to this interrogatory.

Interrogatory 9: What directions, if any, have you given at Fujitsu, Ltd. since January 1, 1997, regarding whether Fujitsu should hire employees or consultant of other companies who have non-disclosure and/or non-compete agreements with their former employers, as to whether such employees or consultants should be placed in positions that will involve disclosure of the confidential information of their former employers. Do any Fujitsu policies exist on that subject? If so what are the policies and when there were promulgated?

RESPONSE TO SECOND AND THIRD QUESTIONS: Fujitsu objects to this interrogatory as seeking information that is not relevant to the claims and defenses being litigated. Without waiving its objections, it is Fujitsu's practice to require new employees to execute certifications agreeing to abide by Fujitsu's internal rules, including but not limited to rules concerning confidential information of Fujitsu and others. Information further responsive to this interrogatory is being produced, pursuant to Fed. R. Civ. P. 33(d), in business records bearing the Bates range FL 23432 through FL 23438.

10. What policy, if any, does Fujitsu have regarding Fujitsu's use of its competitor's trade secrets and/or other confidential information without the competitor's permission? Is the policy written? When was it promulgated?

RESPONSE: Fujitsu objects to this interrogatory as seeking information that is not relevant to the claims and defenses being litigated. Without waiving its objections, Fujitsu states that its policies do not permit the use of another's trade secrets or confidential information without permission. Information further responsive to this interrogatory is being produced, pursuant to Fed. R. Civ. P. 33(d), in business records bearing the Bates ranges FL 23402 – 23408, and FL 23410 – 23438.

11. What policies and practices, if any, does Fujitsu have which are designed to protect Fujitsu from claims that it improperly obtained trade secrets or confidential information from other individuals or companies? Do any written Fujitsu policies exist on that subject? If so what are the policies and when they were promulgated?

RESPONSE: Fujitsu objects to this interrogatory as seeking information that is not relevant to the claims and defenses being litigated. Without waiving its objections and pursuant to Fed. R. Civ. P. 33(d), Fujitsu is producing business records bearing the Bates ranges FL 23402 – 23408, and FL 23410 – 23438 containing information responsive to this interrogatory.

12. Are you aware that Fujitsu employees deposed in this case have stated that they destroyed and shredded several documents relating to the development of DisclosureVision?

- (a) What is the policy of Fujitsu regarding destroying or shredding of documents created in the development of new products.
- (b) What is the policy of Fujitsu regarding destroying or shredding documents relating to a pending lawsuit?
- (c) What is the retention policy of Fujitsu? When was it promulgated?

RESPONSE TO SUB-PARTS (a) through (c): Fujitsu objects to this interrogatory as seeking information that is not relevant to the claims and defenses being litigated. Without waiving its objections and pursuant to Fed. R. Civ. P. 33(d), Fujitsu is producing the attached business records bearing the Bates range FL 23410 through FL 23421 containing information responsive to this interrogatory. In addition, Fujitsu's Systems Business Division I, Systems Engineering Group, which is responsible for DisclosureVision, has been certified under ISO 9001, which includes a document retention quality control requirement, a copy of which is being produced bearing Bates range FL 23451 through FL 23548. Further, it is the practice of Fujitsu to instruct persons who may have documents regarding threatened or actual litigation to retain such documents until further notice.

13. Identify whether Fujitsu, Ltd. has any written ethical policies or written ethical standards for its employees, and identify what those policies and/or standards are?

RESPONSE: Fujitsu objects to this interrogatory as seeking information that is not relevant to the claims and defenses being litigated. Without waiving its objections and pursuant to Fed. R. Civ. P. 33(d), Fujitsu is producing business records bearing the Bates range FL 23402 through FL 23408 containing information responsive to this interrogatory.

15. Has Fujitsu entered into a comprehensive program of global co-operation with Microsoft?

(a) When did it enter into such an alliance with Microsoft?

(b) Did that alliance with Microsoft have as one of its objectives to offer Windows platform solutions with greater reliability, availability and scalability to Fujitsu customers?

(c) Did that alliance with Microsoft have as one of its objectives increasing Fujitsu's Window-related corporate solutions business?

(d) Has that alliance with Microsoft resulted in any new DisclosureVision products, features, functions or services? If so identify the products features, functions or services, what revenues and profits have been realized to date, and what revenues and profits have been projected and/or targeted for the future?

RESPONSE: Fujitsu objects to this interrogatory as seeking information that is not relevant to the claims and defenses being litigated, particularly to the extent it is unrelated to the area of business that is the subject of the litigation: the electronic corporate disclosure business. Without waiving its objections and pursuant to Fed. R. Civ. P. 33(d), Fujitsu is producing business records bearing the Bates range FL 23549 through FL 23552 containing information responsive to this interrogatory. The document(s) produced describes the fact that Fujitsu is offering products under the IR-Solution segment of DisclosureVision -- known as IR-FunctionSet and IR-Portal System -- that are designed to be used by corporate investor relations (IR) professionals. These products utilize Microsoft's digital dashboard, and are designed to run in a Microsoft operating system environment.

Interrogatory 19: What policies and practices does Fujitsu follow to identify and reward those responsible for conceiving new inventions at Fujitsu?

RESPONSE: Fujitsu objects to this interrogatory as seeking information that is not relevant to the claims and defenses being litigated. Without waiving the foregoing objection and

pursuant to Fed. R. Civ. P. 33(d), Fujitsu is producing business records bearing the Bates ranges FL 23409, and FL 23439 – 23450 containing information responsive to this interrogatory.

Dated: June 15, 2001

FUJITSU LIMITED

By:



One of its attorneys

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VERIFICATION

I, Shunsuke Suzuki, declare that I am employed by Fujitsu Limited as Manager, Legal Planning Dept., Legal Division, Legal and Industry Group, and that I am authorized to execute this verification on behalf of Fujitsu Limited. I have read the foregoing Defendant's Response to Certain Interrogatories Propounded to Naoyuki Akikusa. I have gathered information used in answering these interrogatories, and subject to any inadvertent or undiscovered errors and the right to make any changes if it appears that any omissions or errors have been made, the answers set forth are, to the best of my knowledge and belief, true and correct answers.

I declare under penalty of perjury under the laws of the United States of America that the foregoing statement is true and correct. Dated this 13th day of June 2001 at Kawasaki, Japan.

鈴木 俊 祐

Shunsuke Suzuki

CERTIFICATE OF SERVICE

Paul E. Veith, an attorney, hereby certifies that he caused a true and correct copy of the foregoing document to be served upon all counsel of record by messenger or by first-class mail, postage prepaid, as follows:

Irving B. Levinson (by messenger)
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Michael R. Hepworth (by U.S. Mail)
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Matairie, Louisiana 70002

on this 15th day of June, 2001.



Paul E. Veith