

CASE NO: CI 02-393

SUPER VISION INTERNATIONAL, INC.,

Plaintiff,

v

ALLEN, DYER, DOPPELT, MILBRATH &
GILCHRIST, P.A., BRIAN R. GILCHRIST, ESQ.,
JEFFREY S. WHITTLE, ESQ., and
ROTHWELL FIGG ERNST & MANBECK, P.C.,

Defendant.

AFFIDAVIT OF WILLIAM E. GLENN

STATE OF FLORIDA

COUNTY OF DADE

BEFORE ME, the undersigned authority, duly authorized to administer oaths and take acknowledgments, personally appeared, who, after being first duly sworn, deposes and says:

1. My name is William E. Glenn. I have personal knowledge of the matters set forth herein.
2. I am currently the Director of the Imaging Technology Center at the Florida Atlantic University in Boca Raton, Florida.
3. Previously I have served as Director of Research and Development at the New York Institute of Technology, General Electric Laboratories and CBS Labs. I currently serve on several research projects that my department has been selected to undertake on behalf of NASA. One of the high definition cameras I developed is scheduled to be in the Space Station orbiting the earth in 2005. I graduated from Georgia Tech with a Bachelors Degree in Electrical Engineering and I hold a PhD in Electrical Engineering from the University of California at Berkeley.
4. I have served as a senior researcher and scientist in my field for fifty two years. I currently hold 122 patents in the fields of optics, lighting, medical ultrasound and high definition television (HDTV).
5. During the course of my career in the fields of optics, lighting and HDTV I have received the following awards from my industry:
Chosen as Top Ten Inventors in America by BusinessWeek
The David Sarnoff Gold Medal Award for Excellence in Television Technology
Appointed to the U.S. Advanced Television Systems Committee
Awarded an Emmy for Advancements in Television Technology
AGFA Gavert Gold Medal for Outstanding Achievement in Video Imaging
Karl Braun Prize from the Society for Information Display
The Kosar Memorial Award from the Society of Photographic Scientists & Engineers
Chosen Director of the Research Partnership Center at Florida Atlantic University
American Electronics Association Award for Invention in their 50th Anniversary
Society of Motion Picture Television Engineers Journal Award
Radio Club of America Dumont Certificate of Achievement
Fellow of Motion Picture and Television Society of Television Engineers
Fellow of Society for Information Display
McCarthy Most Outstanding Alumnus Award from Georgia Tech
6. I have written columns on the subject of optics, fiber optics, lighting and visual image transmission for major industry news and trade journals including: The New York Times, Wall Street Journal, The Journal of Society of Motion Picture Television Engineers, Society of Information Display, The Journal of Electronic Imaging, The Journal of the Optical Society, Nucleonics and Journal of the American Institute of Ultra-Sound and Medicine.
7. I have known Brett Kingstone for a period of almost twenty years and regard him as an individual of high moral character and technical competence in his field of fiber optic and LED lighting.
8. I have read the preliminary injunction decision of Justice Lewis T. Babcock issued on May 16, 1989 in Civil Action No. 89-B-485 and personally attended the hearing to provide testimony in support of Mr. Kingstone.
9. Specifically I am aware of the Judge's comments that he finds "Kingstone to be 100% incredible. I don't believe a single thing he says" and "Kingstone set out to and did, in fact misappropriate ADTI's entire production process." These comments were an unfortunate result of false testimony provided by ADTI's management to the court and the hearing Judge's inability to understand the technical aspects of either the technology or the case. Both myself and many of the other expert witnesses who provided affidavits in support of Mr. Kingstone from the leading companies in the fiber optic industry including American Optical, Schott Fiber Optics, Dolan-Jennar Fiber Optics, Matec Fiber Optics, Applied Fiber Optics, Valtec Fiber Optics, Lazarus Lighting Design and Warner Lambert, regard this decision as an absolute travesty of justice.
10. Specifically I testified at the hearing that what the plaintiff was purporting to be their trade secrets stolen from them by Mr. Kingstone was actually processes developed by my laboratory and information disclosed in my patent. I personally taught these processes to develop the fiber optic display screens to the founder of ADTI, Steve Sedlmayr, under the expectation of a licensing agreement while he visited my facility in Florida a few years prior to the founding of his company. Attached herewith is a true and accurate copy of my patent on this technology to produce fiber optic display screens that was published almost a decade prior to the founding of ADTI. Mr. Sedlmayr later sold the process information he obtained from me for an amount in excess of \$5 million to a Japanese company, Mitsubishi Rayon, who previously unsuccessfully tried to invalidate my patent in Japanese patent court. This patent was later legitimately licensed by Mr. Kingstone while being infringed by both ADTI and Mitsubishi. The fact that ADTI was incorporated prior to Mr. Kingstone's company confused the judge as did the false claims made by its founder Sedlmayr and its President and CEO Mukesh Assomull. The fact that the judge could not understand the similarities between my published patent and the trade secrets being claimed by ADTI, which would be obvious to anyone skilled in our industry, led to his unfortunate and inaccurate decision.
11. I have read the Dallas Morning News articles related to the indictment and ultimate incarceration of the President and CEO of ADTI for fraud in which he received a sentence of 5 years and 3 months in prison a few years after the hearing before Judge Babcock. It is clear now that events subsequent to the hearing in May, 1989 have proven which party was in fact credible and that Judge Babcock's preliminary injunction decision and findings related to the parties was wrong. Whereas the individuals Mr. Babcock found to be credible have been sentenced to prison, Mr. Kingstone, even after a devastating loss of his prior company, started over again and built one of the fastest growing technology companies in the United States which is now traded on NASDAQ and ranked as the second largest producer of fiber optic lighting cable in the world. Mr. Kingstone's resilience, in spite of such tragic adversity, is testimony to his character and determination.
12. I have testified at the trial of Super Vision vs. the Wu Family, Optic-Tech International, Inc. et.al, Civil Case: CI-99-9392 in Orange County Florida. I am also aware of the facts in this case and have cooperated with the FBI on several occasions to review the documents and facts of the case and serve as an expert witness.
13. It is my opinion that not only is it clear that the former employees and the Wu family and related corporations stole trade secrets from Super Vision but that the patent attorneys must have known about this illicit activity and could not have in good faith prosecuted such detailed information on fiber optic manufacturing methods from former employees before the U.S. Patent Office.
14. Specifically there was one trade secret item that Super Vision had stolen that I was hired under contract to develop on behalf of Super Vision. This was a highly customized and specialized piece of equipment that I developed specifically for Super Vision to assemble its metal halide lamp and elliptical reflector systems which are the key component in Super Vision's light source product line. A light source is used to illuminate the fiber optic cable. This process was stolen from Super Vision and transferred to the Wu's facility in Shanghai China. It is absolutely certain that no current or former employee of Super Vision, of for that matter the Wu Family, could have developed a device of that degree of specialization without having to rely on someone of my technical capabilities. Super Vision hired my laboratory to develop this system because they did not possess the internal capability to develop this process for themselves. This process and equipment was Super Vision's work product under contract and was a critical trade secret which they did not publicly disclose. The equipment was maintained in a locked laboratory with a numbered keypad for entry and it was stolen and delivered to the Chinese.
15. I was made aware by both the FBI and Super Vision's attorneys that at the beginning of the Wu case, and all the way up until the jury verdict and final judgment, that the patent attorneys from Allen Dyer were maintaining that no trade secrets were stolen by their clients and that they were challenging the very existence of the trade secrets themselves. This was also part of the litigation strategy of the Wu's counsel which was obvious by the questions they presented to me during my testimony at trial. In both my testimony at trial and my review with the FBI I maintained that these assertions by the Wu's and their patent counsel were false and that the facts and evidence clearly indicated these assertions were false. The jury verdict and findings of fact at trial have long since confirmed this.

FURTHER AFFIANT SAYETH NAUGHT:

William E. Glenn

WILLIAM E. GLENN, PhD.

State of Florida

County of Dade:

The foregoing instrument was acknowledged before me this 6th day of May, 2004 by

William E. Glenn, who is personally known to me or who has produced

Dr. Dyer's license as identification and who did take an oath.

Karen Kaminska

NOTARY PUBLIC



Karen Kaminska
MY COMMISSION # C098795 EXPIRES
December 16, 2004
RENEWED THROUGH FAN ASSURANCE, INC.