

Notice of Certification and Settlement Agreement Approval

IN THE MATTER OF FUJITSU HARD DRIVE CLASS ACTION LITIGATION

PLEASE READ THIS NOTICE CAREFULLY. IT MAY AFFECT YOUR LEGAL RIGHTS.

TO: All persons or entities located in Canada who purchased and used in Canada Fujitsu MPF3xxx-AH hard disk drives or MPG3xxx hard disk drives (hereinafter "Drive" or "Drives") or computer or other systems containing these noted drives, including all drive models bearing a model number composed of or starting with the sequence MPF3102AH, MPF3153AH, MPF3204AH, MPG3102, MPG3153, MPG3204, MPG3307, AND MPG3409 (any one of which may also be followed by alphabetical characters).

WHAT IS THE PURPOSE OF THIS NOTICE?

An Agreement has been reached and approved by the Courts in class proceeding lawsuits initiated in Ontario and Quebec against Fujitsu Canada, Inc. and Fujitsu Limited in which it is alleged that the Defendants designed, manufactured and sold certain computer hard drives that were defective.

This Notice is to advise you of the Agreement and to inform you of your rights as a Class Member under the Agreement. You will be bound by the terms of the Agreement unless you decide to exclude yourself by opting out of the Agreement, as explained in this Notice.

The proceeding was certified and the Settlement Agreement approved by the Courts in Ontario and Quebec, on July 7, 2004 and June 24, 2004 respectively. The Ontario Court certified and approved the settlement on behalf of all those in Canada who purchased and used Drives or computer or other systems containing Drives in Canada for their own use and not for distribution or resale.

WHO IS IN THE SETTLEMENT CLASS?

You are a Class Member if you purchased and used in Canada either a Fujitsu Drive or Drives or a computer or other system containing a Drives or Drives.

DO I HAVE ONE OF THESE FUJITSU DRIVES?

There are a number of ways that you may be able to determine if you have or had one of the Drives in issue and may be entitled to compensation (see below). If you have any questions regarding any of these methods, please call the Settlement Administrator at 1-866-800-0075 or send an email to fujitsu@crawco.ca

Downloadable Utility. You can download a free utility that may assist you in determining if the hard disk drive in your computer is one of the models at issue at the following website: www.hddsettlement.ca. The utility requires that your computer or other system use a Microsoft Windows operating system. You should

DO I HAVE ONE OF THESE FUJITSU DRIVES?

follow the instructions described in the “read me” file of the utility.

Physical Inspection. You may be able to physically check to see if you have an effected Drive. However, before doing so, you should back-up and save any important data on the hard disk, exit from any programs you are operating on your computer, shut down your computer and unplug the power source. **Please ensure that you understand how to conduct this check without causing any harm to yourself, the hard disk drive, or any computer or other device containing the hard disk drive.**

Review Documents. The documents that accompanied your computer or other system or hard disk drive may disclose if you have a Drive.

Contact Seller or Computer Professional. The seller from whom you purchased the hard disk drive (as a separate item or as a component in a computer or other system) or another a computer professional may be able to assist you in determining whether you have one of the Drives in issue.

WHAT ARE THE SETTLEMENT BENEFITS?

Class Members may be entitled to receive the compensation below subject to verification of their claim(s). However, if Class Members have already received monetary compensation from Fujitsu Canada, Inc. or anyone else for a failed Drive, they may not be entitled to receive compensation under this Agreement, unless they have incurred eligible data recovery costs associated with a Drive failure. The Defendants will pay the costs associated with the return of those Drives accepted by the Claims Administrator as eligible for settlement benefits.

For those with a Drive bearing
Model No. MPF3102AH,
MPG3153xx, MPF3153AH and/or
MPG3102xx:

Up to \$27.50 per Drive, upon returning their Drive(s) and submitting acceptable proof of payment of a replacement drive(s).

For those with a Drive bearing
Model No. MPF3204AH,
MPG3204xx, MPG3307xx and/or
MPG3409xx:

Up to \$32.50 per Drive, upon returning their Drive(s) and submitting acceptable proof of payment of a replacement drive(s).

For those who incurred data
recovery costs associated with a
Drive failure:

Up to \$500 per Drive, upon returning their Drive(s) (if available) and submitting acceptable proof that data recovery costs have been incurred (e.g., an invoice from a data recovery service or satisfactory evidence establishing the basis of the amount claimed for internal data recovery costs).

Warranty Protection

Class Members should note that Fujitsu hard drives sold by Fujitsu Canada may still be covered by a warranty under which alternative relief may be available for Drives that have failed. The period for filing warranty claims is limited. Class Members should see the Fujitsu Canada web site at www.fujitsu.ca/warranty/hdd/ for the specific terms of the warranty.

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WHAT ARE MY OPTIONS?

If you are a Class Member, you have the following options:	
Submit a Claim Form	To receive Settlement Benefits, Class Members must submit a Claim Form together with all supporting documentation to the Claims Administrator by <u>December 3, 2004</u> . Please note that all claims relating to a Drive must be submitted at the same time.
Opt Out	This is the only option that allows you to preserve your claims against the Defendants and others. However, if you opt out you will not be entitled to any settlement benefits. To opt out, you must obtain an Opt Out form from the Claims Administrator and return it to the Claims Administrator by <u>October 8, 2004</u> .
Do Nothing	If you do not fill out a Claims Form or Opt Out, you will receive no compensation and your claims against the Defendants and others relating to these matters will be barred.

FURTHER INFORMATION

If you would like a copy of the Settlement Agreement or have any questions, you may call the Claims Administrators Information Line at 1-866-800-0075. A copy of the Settlement Agreement can be sent to you at a cost of \$20.00 per copy, which represents the cost of photocopying and mailing the Agreement. A copy of the Settlement Agreement can also be viewed on Class Counsel's web site at www.classaction.ca .	
Class Counsel	The law firm of <i>Siskind, Cromarty, Ivey & Dowler^{LLP}</i> represents the Class Members other than consumers in Quebec, and can be reached toll-free at 1-800-461-6166. The law firm of Siskinds Desmeules represents the Class Members in Quebec, and can be reached at 418-694-2009
Legal Fees	The entitlement of plaintiffs' counsel to legal fees and costs of class counsel will not be deducted from the Settlement Benefits

MAILING OF THIS NOTICE HAS BEEN AUTHORIZED BY THE ONTARIO SUPERIOR COURT OF JUSTICE AND THE QUEBEC (COUR SUPERIEURE) SUPERIOR COURT.