



Bonn Regional Court

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- 15 - Bonn Regional Court, Wilhelmstrasse 21, 53111 Bonn

Leinen & Derichs Law Firm
Clever Strasse 16
50668 Cologne

31.08.2015
Page 1 of 1

File reference
15 O 291/13
Please quote in all replies

Processor
Ms. Ennaceur
Direct line:
0228/708 -1359

Your reference: 01-1467-14

Dear Sir/Madam,

In the legal dispute:
Deutsche Suzuki Gesellschaft e.V. vs. European Suzuki
Association (ESA),

please find enclosed the summary of the court proceedings as well as a copy of the accompanying settlement
compensation decision for your information.

Yours faithfully,

Ennaceur
Judicial Officer
- document generated automatically and valid without a signature -

Address
Wilhelmstrasse 21
53111 Bonn
Office hours
Mon - Fri 8.30 am -12.30 pm;
Also Thurs 2 pm - 3 pm
Telephone
0228/702-0
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Overnight mailbox:
Wilhelmstrasse 21, 53111 Bonn
Bonn Court bank account:
Bundesbank IBAN
DE 91 37000000038001510
BIC MARKDEF1370

Transport connections:
From the main rail station, take
the overground rail lines 61, 62 or
66 to the Stadthaus stop

**Public Sitting
of the 15th Civil Chamber of the Regional Court**

Bonn, 27.08.2015

Case reference no.:
15 O 291/13

In attendance:

Presiding Judge of Gersch Regional Court
as Chair of Court

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Judge of Straub Regional Court

Judge Dr. Schipke
as Associate Chair

- Court sitting without a recording clerk in accordance with Section 159 German Civil Code of Procedure (ZPO)
- the proceedings have been recorded temporarily on an audio medium. -

In the case of the legal dispute

of the Deutsche Suzuki Gesellschaft e.V., Ankerstrasse 34, 53757 Sankt Augustin, represented by Dr. Ingrid Schlenk as President of the Deutsche Suzuki Gesellschaft e.V., Oedenberger Strasse 56a, 90491 Nuremberg,

on behalf of the Plaintiff,

Legally represented by:

Krüger Law Firm,
Kaiser-Friedrich-Ring 43,
40545 Dusseldorf,

vs.

the European Suzuki Association (ESA), Administrative Office, 45 Main Street, Upper Benefield, PE8 5AN, England, United Kingdom, represented by Mr. Martin Rüttimann as Managing Director of the European Suzuki Association (ESA), Dreilindenstrasse 12, 6045 Meggen, Switzerland,

the Defendant,

Legally represented by:

Leinen & Derichs Law Firm
Cleverstrasse 16
50668 Cologne,

were present when the case was called:

for the Plaintiff, Dr. Schlenk, Ms. Wartberg and Mr. Gähler, with representation by lawyer Krüger,

for the Defendant, the deputy chair Ms. van der Bejl, with representation by lawyer Schmude.

Prior to the discussion, the Defendant's representative stated to the court that the plea of incompetence with respect to the international and local jurisdiction continues to be upheld.

Thereafter, the possibilities of an amicable settlement of the legal dispute were then discussed.

The court called for an amicable settlement of the legal dispute.

In this respect, the extent to which comprehensive rules and regulations, also with regard to the future, would be possible, were raised initially. From the Plaintiff's perspective, this would of course be desirable, however, the Defendant's sees no authority or entitlement to put comprehensive rules and regulations in place in this regard, also especially given the background fact that the ISA is also addressing the matter.

Then a single compensatory sum as settlement by the Defendant was also discussed. In financial and commercial terms, and taking into account the process risks, in the Chamber's opinion, this would be a viable approach in this case. In this respect, the Chamber stated that further to the provisional evaluation, there could be a very good chance here for the Plaintiff that its claim will be justified on this basis. However, in the Chamber's opinion, the size of the compensatory sum would need to be reduced substantially, in particular with respect to lawyer's fees which have been incurred as part of other proceedings raised before the Federal Patent Office and the Regional Court in Hof, and not as part of the local proceedings.

Given this situation, various settlement compensation options were discussed intensively.

The sitting was also suspended for interim consultation.

After further in-depth discussion, the lawyers then decided the following on behalf of their parties:

Settlement Compensation:

1. The Defendant shall pay the plaintiff 15,000.00 euros.
2. If the Defendant pays 10,000.00 euros by 30.09.2015, then the Plaintiff will drop the remainder of the sum owed. The Defendant shall agree to accept this inducement.
3. The legal dispute shall be resolved as a result of the above.
4. Both parties shall agree to this settlement compensation whilst maintaining their respective legal standpoints.
5. The costs of the legal dispute and of this settlement shall be borne equally by each party.
6. The above is without prejudice to the right of both parties to revoke this agreed settlement by lodging a notice with Bonn Regional Court by **11.09.2015**.

((illegible handwriting, looks like uob 8a))

Read out and approved

Adopted and announced

1. The dispute value is set at 65,000.00 euros.
The settlement compensation is not subject to VAT.
2. In the event of revocation, further orders will be officially issued.

The parties to the case have agreed to the written transcription of the court proceedings from the audio recording medium and its subsequent deletion.

Gersch

Authenticated
((signature of Ennaceur))
Judicial Officer

((STAMP OF BONN REGIONAL COURT))