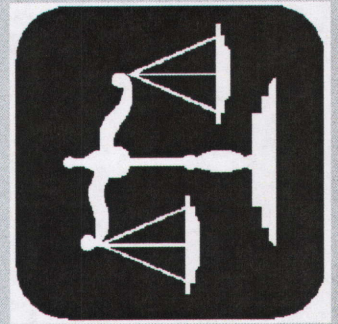


**A Conspiracy to Flaunt American Justice
By Foreign Executives Right Inside U S Federal Court**

Q Well, as section manager responsible for DisclosureVision do you believe that there is a need to be honest with the public regarding your products? A That is not necessary in Japan. (30B6 Testimony by Toru Shibata 06/05/2001)



Verdict

- DEPUTY CLERK: Question 1: Did LinkCo develop proprietary and commercially valuable information, that it kept confidential, as a result of its labor, skill and expenditures? **FOREPERSON: Yes.**
- Question 2: Did Fujitsu misappropriate LinkCo's proprietary and commercially valuable information. **Yes.**
- Question 3: When did this misappropriation occur? **November 1997.**
- Question 4: Did Fujitsu use LinkCo's proprietary and commercially valuable information? **Yes.**
- Question 5: Did Fujitsu act in bad faith in obtaining LinkCo's proprietary and commercially valuable information? **Yes.**
- Question 6: Did LinkCo suffer damages as a result of Fujitsu's misappropriation of LinkCo's proprietary and commercially valuable information? **Yes.**

THE COURT: And that's your unanimous verdict? **Yes.**

Civ. 7242 (SAS) Jury Trial November 5-6, 2002, NYC
HON. SHIRA A. SCHEINDLIN, Federal District Judge

Summary

- Fujitsu (defendant) in a US Federal (Southern District of NY) was found guilty of Unfair Business Practices from LinkCo (plaintiff). Contemporaneously, negotiations took place for licensing and damages. Fujitsu's 30B6 witness and two others testified that they had only \$300,000 in sales (excluding system integration sales to Tokyo and Osaka Stock Exchanges) and the business was now defunct, discontinued, and without a market.
- Facts now demonstrate that Fujitsu hid the considerable revenues and ongoing development in their pursuit of a very large market.
- Fujitsu did this to avoid fair and just licensing and damages. Fujitsu did this by moving the former business into subsidiaries (and a puppet company) and changing the names of the product lines. Then when they "searched" for revenues in their company (and, even in their subsidiaries), they found there was none, because they used the former names, not the names that Fujitsu was using to hide the ongoing business.

Mechanics

Identities used in trial testimony	Disguises employed to avoid revealing to the Court
Digital Disclosure Solution = Investor Relations (IR) related system integration	System Integration for IR Managed by FSOL*
Investor Solution = Support for individual & institutional users	IR-asp FSOL put it in puppet co. (Corp-orate Direct KK) & "OEM-ed" it back right after trial's end; to G-Search** as InfoPro-Station; to Nifty** as @Business and @Finance
IR-Station = An SQL database that manages IR info gathering	WebSERVE/Disclosure Managed by FSOL
IR-Functions =Control center console for all IR activities	IR-Functions to Fujitsu Okayuma Engineering (done prior to trial testimony)

* FSOL stands for Fujitsu Solutions and is a product marketing entity of Fujitsu

** G-Search & Nifty are Fujitsu companies; as is Glovia

Overview of the Situation

- Fujitsu hid the central business (one they claimed in a pre-law suit press release would be worth 15 Billion Yen through the first 3 years ending 2002) of the court case from the court to reduce their legal, financial, and publicity exposure (internal documents and testimony indicates internal projections are multi-billion dollar).
- Fujitsu hid the business by removing all original traces, putting the products in subsidiaries (and a puppet company), changing the names (but not trademarking the new names), and abandoning any use of English.
- Documents produced for trial and witnesses testified there was no ongoing Fujitsu business. Fujitsu even hid this from their own attorney (which is why he told the court that “to the best of my knowledge there was no sales after March 2002”).
- We will use their documents to define the “central business,” first their 2001 document (before losing their jurisdiction challenge) and a recent one that just became available due to David Israel-Rosen’s relentless searching.
- Note: During David Israel-Rosen’s Deposition, he suggested that Fujitsu had been hiding LinkCo’s IP and that he was surfing the internet to find them. As part of their discovery, Fujitsu responded with a request for printouts of all the thousands of screens he did find.

Timeline of Defining Events

- 11/22/1997 Kanda sent Fujitsu email with LinkCo's architecture & strategy
- 03/31/1999 Launch of @DisclosureVision
- 05/22/1999 @DisclosureVision promotionals on Internet
- 07/04/2000 IR-Function launched with Microsoft
- 09/2000 Fujitsu lost jurisdiction objection; Federal trial to take place in NYC
- 01-02/2001 "eIRM solution" replaces @DisclosureVision
- 01/24/2001 Corporate Direct launched IR-asp
- 02/21/2001 IR-asp appears as a major component in Fujitsu sales document
- 05-06/2001 Crucial depositions of Fujitsu principals (incl. 30B6)
- 01/16/2002 FSOL & TSE hold IR conference re: IR-asp (without using its name)
- 03/2002 Testified this is end @DisclosureVision sales took place (except IR-Function)
- 05-06/2002 FSOL announced FSOL-IR expansion; HBR Article promotes **disclosure business**
- 09/28/2002 Trial begins in NY Federal District Court (Judge Shira Schindlin)
- 11/06/2002 Trial ends with Fujitsu found **guilty** of unfair competition
- 01/09/2003 Fujitsu OEMs "Investor Solution," IR-ASP from Corporate Solutions
- 03/01/2003 Settlement on damages based on Fujitsu court testimony
- 01/2004 Discover eIRM presentation showing eIRM is identical to @DisclosureVision.

Suspicious Practices

- No press releases in English announcing eIRM
- Avoided trade-marking product names which is a standard practice
- Stopped all IR activity in English (to avoid detection)
- Unlike @DISCLOSUREVISION (or all major Fujitsu products), no trademarks given the half dozen major products (to avoid detection)
- President gets every @DISCLOSUREVISION trip report while denying knowing of @DISCLOSUREVISION
- In testimony, Fujitsu claimed it is not obliged to tell truth in a press release about a 15 Billion Yen IR/Disclosure market after receiving “Excellence in Disclosure” award from Japan Securities Analysts Association (1998). (Described projection as “big joke.”)

Fujitsu’s evidence follows: key is the document created on 2001.02.21 that shows **they were developing the IR business while testifying they weren’t (i.e., they said they closed down the business)!**

Attachments

- 9) List of Deposition Exhibits
- 10) Excerpts from March 1999 Press Release
- 11) Early Architecture showing “@DISCLOSUREVISION” product offerings by their original designations
- 12) Panel showing Brochure creation date as 2/21/2001
- 13) Brochure excerpt showing new designations of eIRM Solution activities as Fujitsu WebSERVE/Disclosure
- 14) Brochure excerpt showing new designations of eIRM Solution activities as Fujitsu WebSERVE/Disclosure
- 15) *HBR* (in Japanese) article promoting Disclosure business
- 16) FSOL’s projected Disclosure business roll-out plan/schedule
- 17) Memo explaining Overview Slide
- 18) Memo explaining Mechanics Slide
- 19) Background information on the Plaintiff LinkCo

APPENDIX FOLLOWS BEGINNING AT 20

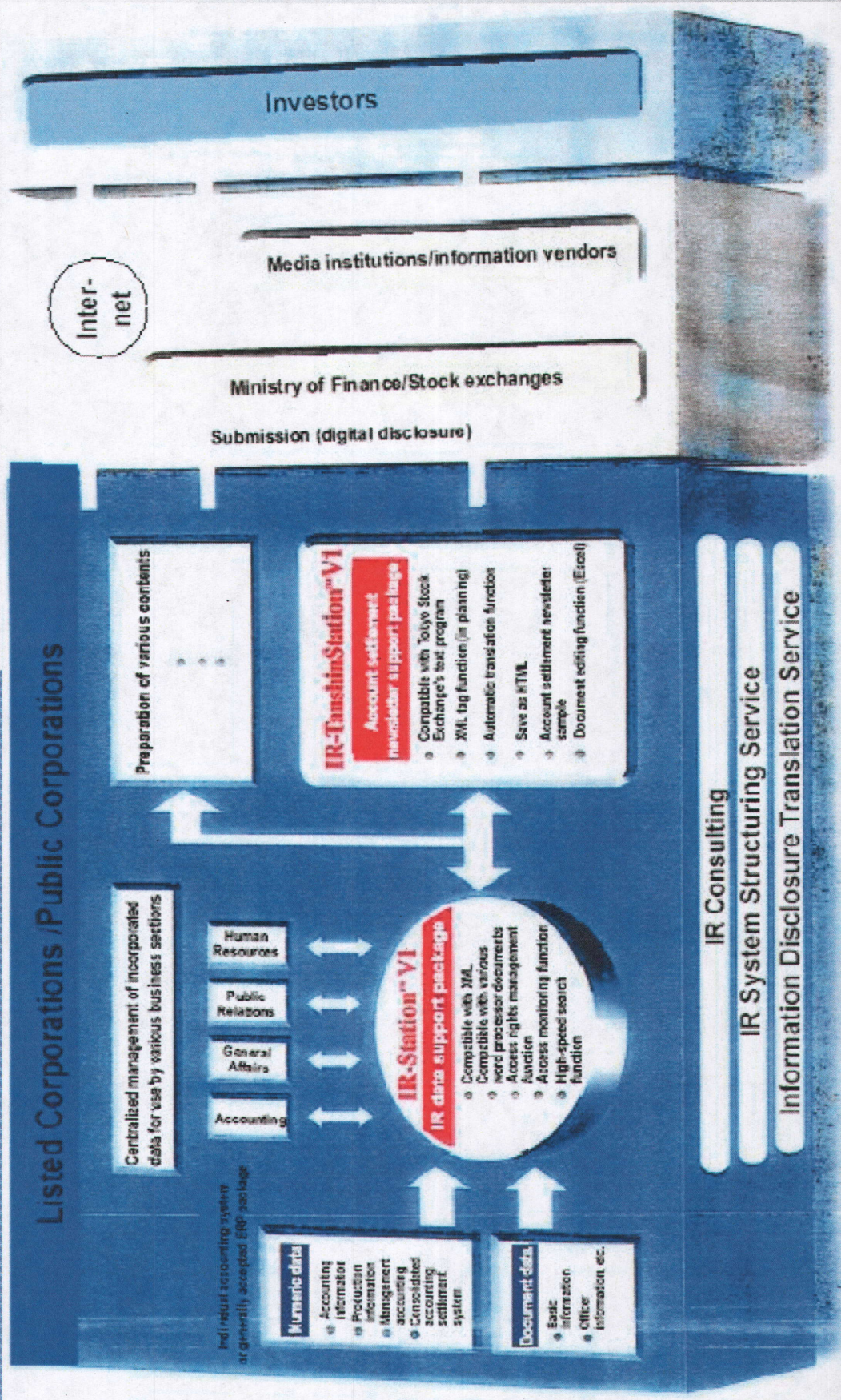
List of Deposition Exhibits

NO.	DESCRIPTION	PAGE
286	Documents: FL 02630 through FL 02652	41
287	Documents: FL 16840 through FL 16845	53
288	Documents: FL 16846 through FL 16852	71
289	Documents: FL 17024 through FL 17033	81
290	Documents: FL 2015 through FL 2020	90
291	Documents in Japanese: FL 02985-UR through FL 02987-UR	94
292	Documents: FL 30000 through 30004	108
293	Documents in Japanese: FL 30005-UR through FL 30006-UR	108
294	Document in Japanese: FL 30007-UR	108

Fujitsu Press Release 1999.03.31

- **Excerpts (translated from Japanese)**
 - @DISCLOSUREVISION, the first domestic Japanese solution geared to support corporate investor relations [Headline]
 - Supports rapid management action by ingegrating informatin resources, from fianancial data through information disclosure
 - @DISCLOSUREVISION System Overview
 - ▶ IR Station™ investor relations support package 3,000,000 Yen (\$36,000)
 - ▶ IR TanshinStation™ Closing Tanshin Creation Support Package (\$~1,000)
 - ▶ Investor relations consulting
 - ▶ Investor relations system development
 - ▶ Investor relations disclosure translation service
 - Digital Disclosure Solution to support ... news bureaus and various institutions
 - Investors Solution to easily enable reuse of information
 - Sales Targets [red added to draw attention]
 - ▶ “We estimate Fujitsu sales of @DISCLOSUREVISION system will total 15 billion Yen by 2002”
 - October 1998: Fujitsu receives the “Excellence in Disclosure” award at the fourth meeting of the Japan Securities Analysts Association.

Fujitsu “@Disclosure Vision” brochure (excerpt)



Panel showing 2/21/2001 creation date

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General | Summary | Statistics | Contents | Custom

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Subject: ご紹介資料
Author: 深谷勇次
Manager:
Company: 株式会社通システムソリューションズ
Category:
Keywords:
Comments:
Hyperlink base:
Template:
 Save preview picture

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161080ja.ppt Properties [?] [X]

General | Summary | Statistics | Contents | Custom

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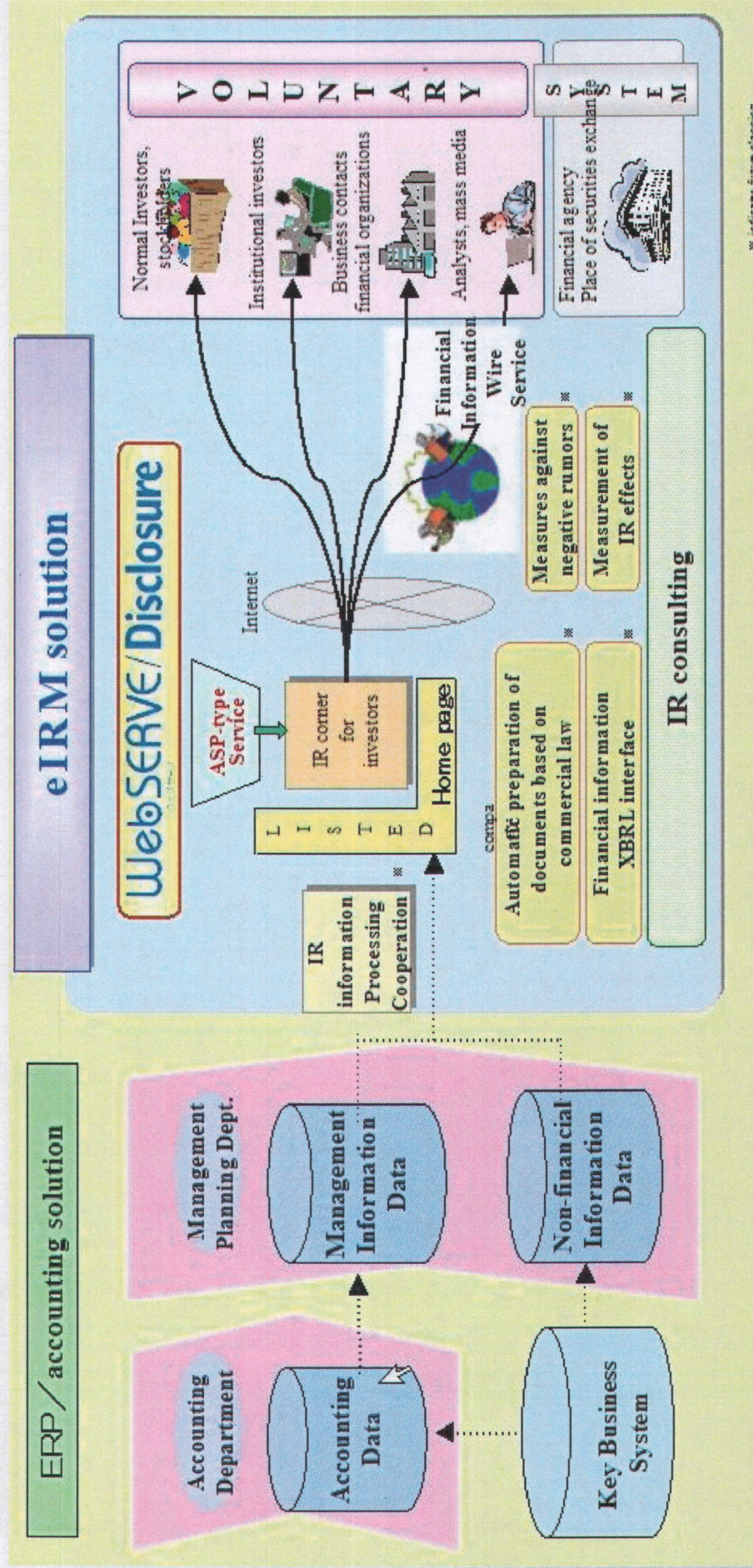
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Paragraphs:	429
Words:	1077
Bytes:	3038417
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Hidden slides:	0
Multimedia clips:	0

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02/21/2001 Secret Fujitsu Presentation (p. 7): “WebSERVE/Disclosure”

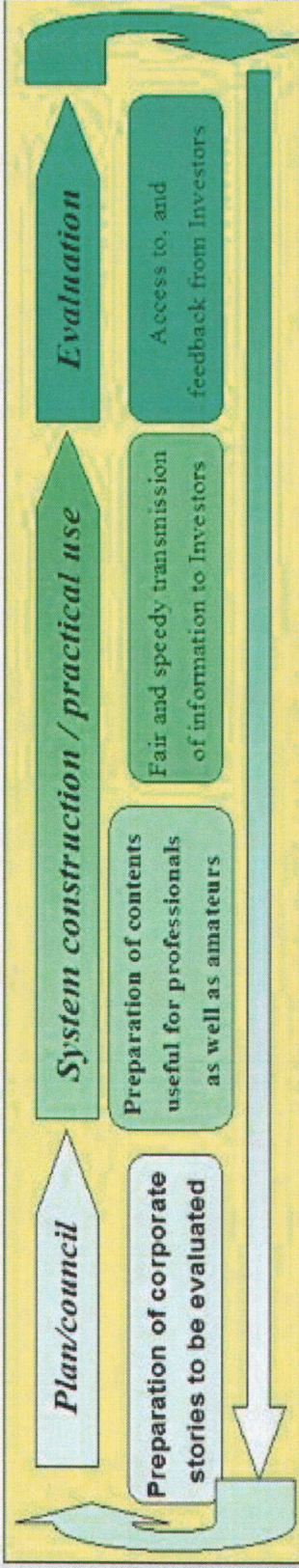
“From basic information system, I R The data which is necessary for information is extracted. The investor / in all people such as analyst information is disclosed the total solution” [direct machine translation]



Fujitsu WebSERVE/Disclosure = @Disclosure Vision

The eIRM Solution for the Entire IR Needs

Supporting diversified cycles of IR activities



WebSERVE/Disclosure

- IR strategic planning consultation
- Global dissemination of Information
- Dissemination of information with no time difference
- Animated streaming of half-yearly and quarterly roadtrips
- Measures for fair disclosure
- Measurement of IR effects
- Measures against rumors and damages
- Others

Fsol's "eIRM solution"

Fj disclosure architecture

Published in Japan's
Harvard Business Review 6/2002
 while telling the
 Court that this
 Business was
 Discontinued 3/2002

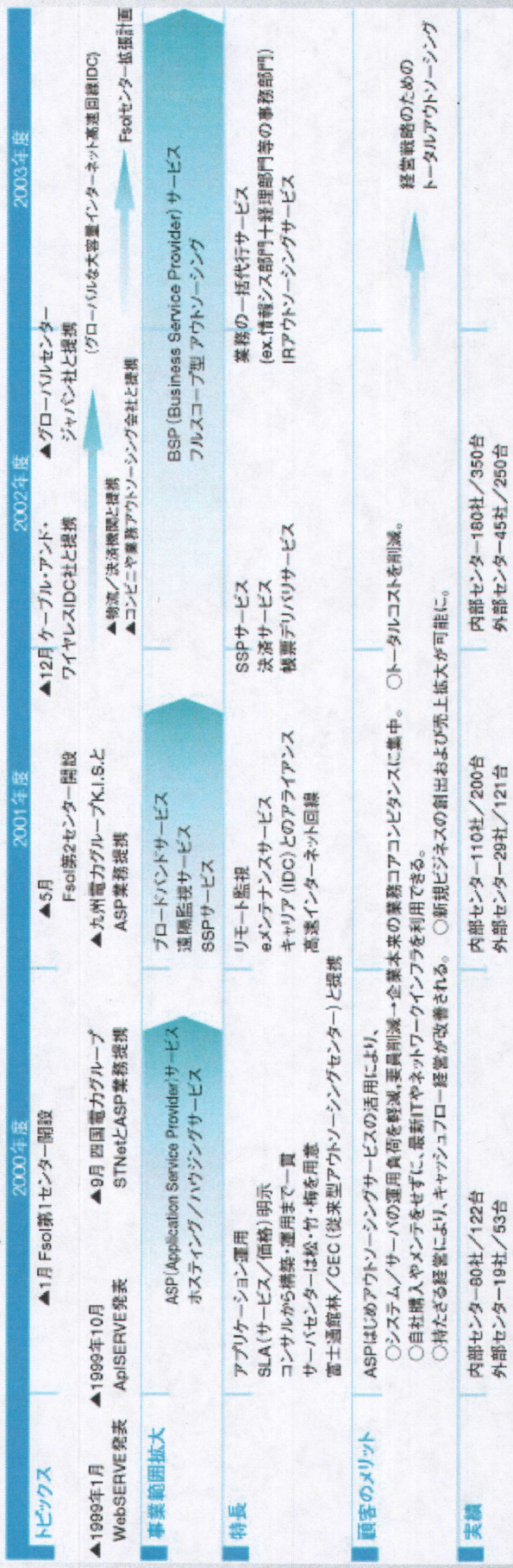
LinkCo 847 835 1634 David Israel-Rosen, Chairman

一貫通費の情報システムに求められる条件



FSOL's projected Disclosure business roll-out

Fsolのアウトソーシングビジネスの変遷



Dated 3/30/2002 Fujitsu publishes a chart showing the roll-out of the Disclosure business while their 30B6 witness testifies in (5-6/2002) that Fujitsu is discontinuing the business due to having no market. Source: http://www.fsol.fujitsu.com/news/2002/d_020330.html

Summary Scenario

- Fujitsu, as defendant, deceived the (Southern District of New York) Court and the plaintiffs throughout the trial process into believing that the Intellectual Property (IP) they stole (the finding of the Court) was defunct and had only \$300,000 of sales. In fact, it was a large business positioned to produce hundreds of millions of dollars in sales from the time of the first court action (September 2000) until now. This involved a conspiracy of the four main witnesses for Fujitsu (Atobe, Kamijo, Shibata, and 30B6 in the person of the same Shibata) throughout the trial period. The deception mechanics were to use and testify about a front (@DISCLOSUREVISION) to prove the absence of sales while they were hiding the IP in a couple of Fujitsu subsidiaries (and a puppet company) where it was being aggressively developed and promoted. Had the plaintiffs (LinkCo) and the Court known the truth, the damages and licensing fees would have been substantial, thus the defendant's deception seems to have worked. This presentation is being made to expose the methods and gains made through this conspiracy (of at least 3 executives).
- Fujitsu stole "&DISCLOSUREVISION" from LinkCo. (note: "&DISCLOSUREVISION" is Fujitsu's name for the financial reporting and disclosure production, management, and dissemination system that LinkCo developed and has a patent.) On March 31, 1999, Fujitsu issued a press release that states, "&DISCLOSUREVISION system [sales] will total 15 billion through 2002." In September 2000, when Fujitsu could not prevent the trial, they hid "&DISCLOSUREVISION" by farming it out to subsidiaries and changing its name. At the same time, they let "&DISCLOSUREVISION" act as a front for the business to be able to testify that they stole nothing of value. The conspiracy had to involve the executives of each of the front businesses as well as the litigants. In particular, Shibata (as the manager of "&DISCLOSUREVISION"), Kamijo (a member of the development team and alleged @DISCLOSUREVISION "Architect"), and Fujitsu's 30B6 witness (Shibata) all conspired (coordinated their testimonies in order to mislead the Court) in the Court and in depositions, under oath as a conspiracy to defraud the Court and the plaintiffs. It would have worked, but for a document that later (in 2003 after the trial had ended) appeared on the Internet and was dated as having been created on February 21, 2001! This document shows their continuing development of the same products, but under different names and under different companies to hide their development and revenues!
- As a result of the above conspiracy, in February of 2003, LinkCo entered into a settlement agreement far below the warranted figure. Fujitsu, at this point, had succeeded in hiding the revenues and the ongoing product development.

Mechanics Scenario

➤ By moving the goods (LinkCo's IP) out of the "@DISCLOSUREVISION" account, Fujitsu's witnesses allowed themselves to say:

- a. "@DISCLOSUREVISION" had only \$300,000 in sales (this did not include system integration revenues),
- b. "@DISCLOSUREVISION" was shut down for lack of sales,
- c. "@DISCLOSUREVISION" was Fujitsu's proof that what they stole from LinkCo was of little value, and
- d. Fujitsu brought three experts that used Fujitsu's falsified revenue numbers as the basis for testifying that LinkCo deserves nothing.

➤ That's how and why "@DISCLOSUREVISION" became the key identity that was used for accounting and testimony when actually, by other names, Fujitsu continued development in their subsidiaries/puppet.

➤ To appreciate the mechanics, you need to know "@DISCLOSUREVISION" constituent parts. Taking the definition from their testimony (and their press release and promotional literature), "@DISCLOSUREVISION" consisted of the following five parts:

- a. Digital Disclosure Solution - IR related system integration,
- b. Investor Solution - support for individual and institutional users,
- c. IR-Station - an SQL database that manages IR info gathering,
- d. IR-Functions - A control center console for all IR activities, and

(note: "IR" stands for "Investor Relations.")

➤ These same five "@DISCLOSUREVISION" constituent parts appear, before and during the conclusion of the trial (November 6, 2002), as e-IRM in the following form:

- a. Digital Disclosure Solution becomes System Integration under the FSOL company,
- b. Investor Solution becomes IR-asp under Corporate Solutions company,
- c. IR-Station becomes webserve/disclosure under FSOL company,
- d. IR-Functions remains IR-Functions under Fujitsu Okayuma Engineering, and



Plaintiff - LinkCo

➤ **A Unique Business Idea:**

Provide tools and services to serve the production & distribution needs of Japan's corporate disclosure information via the Internet

A well capitalized high-tech start-up company with

➤ **An abundance of talented people:**

- Mr. David Israel-Rosen, Chairman/CEO, MBA from the MIT Sloan School of Management**
Dr. Oded Maimon, Co-Founder, AI-expert worked at MIT and full professor at Tel Aviv University
- Mr. James Cook, Board Member, former VP Fortune 500 Co., graduate researcher at MIT**
- Dr. Harry Saal, Board Member, CEO Smart Valley (Silicon Valley, CA Regional Development head)**
- Dr. Ed Roberts, Advisor, David Sarnoff Professor of Management of Technology, MIT Sloan School**
- Mr. Bruce Temkin, Executive Vice President, MBA from the MIT Sloan School of Management**
- Dr. Leonid Charny, Vice President of Engineering, Ph.D in Computer Science from MIT**
- Mr. Kiyoto Kanda, President of LinkCo Japan, founder of IR (Investor Relations) Japan.**

APPENDIX

- 21) Proceedings of January 16, 2002
- 22) Seminar on disclosure
- 23) Continuation Page
- 24) Annotated Accompanying Architecture
- 25) Fujitsu Disclosure Architecture
- 26) Excerpts of Atobe, Shibata, Kamijo, 30B6 testimony
& References to Fujitsu financial documents
- 27) Continuation of Excerpts & References

Proceedings of January 16, 2002

This is Google's cache of http://www.fujitsu.com/news/2002/01_top.html.
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


These search terms have been highlighted: 経営 コンサルティング マネージャー

HOME

経営改革セミナー

選刊ダイヤモンド 2002.3/2号掲載
 講演報告 ● 富士通システムソリューションズ主催
 「経営改革セミナー」
 東証・中央青山経営法人・ビジネス・Foolの4社が
 ショートした期のイベント
 2002年1月16日東京日本一ビルにて

以下の写真をクリックすると各講演者の詳細をご覧いただけます

	東京証券取引所 新規上場サポート担当 シニアマネージャー		白幡弘安 氏		富士通システムソリューションズ 経営企画部部長
	中央青山経営法人 株式会社副社長 代表社員/公認会計士		高橋賢司 氏		ビジネス・Fool 代表取締役社長/公認会計士
	日本伸港 氏		内山富夫		

HOME

Conference promoting Fujitsu's Disclosure Business

Seminar on disclosure

Joint seminar on disclosure held by Fujitsu and Tokyo Stock Exchange



Lecture report - the Fujitsu システムソリューションズ sponsorship

"Management reformation seminar"

"Age of reformation" the management strategy of the advancement which survives bodily sensation

The Fujitsu システムソリューションズ (Esol) sponsors "management reformation seminar" with Tokyo stock exchange Tokyo Stock Exchange hole of Tokyo * Kabuto chū to be opened. 170 names attended. Tokyo stock exchange which carries out corporation conversion in the November last year, the central Aoyama incorporated accounting firm, and 3 corporations becomes the top at new presentation incorporated accounting firm contract share of last year of the business trust which which develops enterprise IR consultant business cooperate in seminar. The abundant result which each one has the on the basis of, you verified concerning various themes and the system construction which open desired enterprise should examine. We convey the detailed report of management reformation seminar.

Harsh economic environment is continued, but now chance as the considering, enterprise division and connection management of strategic plan and reformation. As for the enterprise, which is examined concerning presentation plan it is many. On one hand, also choices of the IPO (new release) market such as establishment and Nasdaq * Japan establishment of the Tokyo Stock Exchange new market マザーズ are spreading.

In order that it corresponds to the times such as that, the Esol depends on the joint of Tokyo Stock Exchange and incorporated accounting firm and others, "management reformation seminar" was held. The attention point at the time of stock release, valuable advice was done, from standpoint of the respective specialist such as the way and IR * release support service of Freedom of Information Act after the releasing.

As for Eiyuzo Miyahara who in seminar beginning stands in greeting * Fujitsu システムソリューションズ president, history of the American western development as example, "with development, from east to west the developer, and when town is possible, the sheriff et cetera which is the path finder and the pioneers who keep developing the road the controller. The people who bear three roles which you say were. Existence of the path finder who indicates indispensable even with present enterprise activity, you call the enterprise where the enterprise which assures rearing the developer and the controller the on that is vigorous. If to everyone of the enterprise where the latest seminar aims toward stock release, raises to part as one path finder, it is fortunate", you expressed.



Uchiyama wealth husband management consulting manager

Receiving that, the Uchiyama wealth husband person of the Esol upper-class consulting manager entitling, " concerning the management reformation consul of the Esol " you explained the system construction technique which is required from stock open enterprise.

Uchiyama first at the enterprise which aims toward stock release, points out two system construction, company internal management system and achievement improvement * maintenance system are concrete theme. With service of company internal management system, being complete of the internal audit system and strengthening the management section become concrete theme other than service of various operating. In addition with achievement improvement * maintenance system, the plan * execution * appraisal in budgetary control, in other words plan decision and quick monthly balancing of accounts, past storage and service et cetera of the data become theme. " In any case, the information which is related to optimization of the management resource and management judgement from the everything of that must be obtained, " you say.

But, the cases which from beginning manage all information with the integrated data base are few. Furthermore, when subsystem such as control and financial accounting of buying and production is constituted separately, in order for the respective data to be gathered and summarized smoothly in the ledger even, it has not become.

" Consistency of the accounting information system such as basic type system and financial accounting and managerial accounting of control and buying et cetera of sale and production being established very. Information is useful to management judgement. And being to be connected to as much as two system construction that in open preparation job it does " .

The information system and the service which leads to the both of open job proposition

It diverges checkpoint in company internal management and the system surface truly. For example decision making process how has become seeing just, even when, Sealing stipulation of the voucher has established, or whether minutes of board of directors are serviced and so on, there is a problem which is said, with execution of profit planning * budgetary control, the data of the basic information system linking to the accounting information system at the time of the decision of profit and loss budget and profit planning, it makes simulation possible or, etc.. In other words, the data which is required in stock release and the system kind of making where the data of " principal book " subsidiary record " correlates is required.

However, there being an enterprise which aims toward release, also the fact that you cannot prepare the sufficient system for that is fact. It has lead to the both of open job and the information system The staff probably will be little and, total also the staff who can plan the system from viewpoint and probably will be scanty. Uchiyama " not to be simply to construct the information system, being well versed to management and to understand the management theme of open desired enterprise sufficiently, the on that from system consulting Application software development, furthermore it meaning that the system service which can be offered to use to total is required, it does " , you explain.

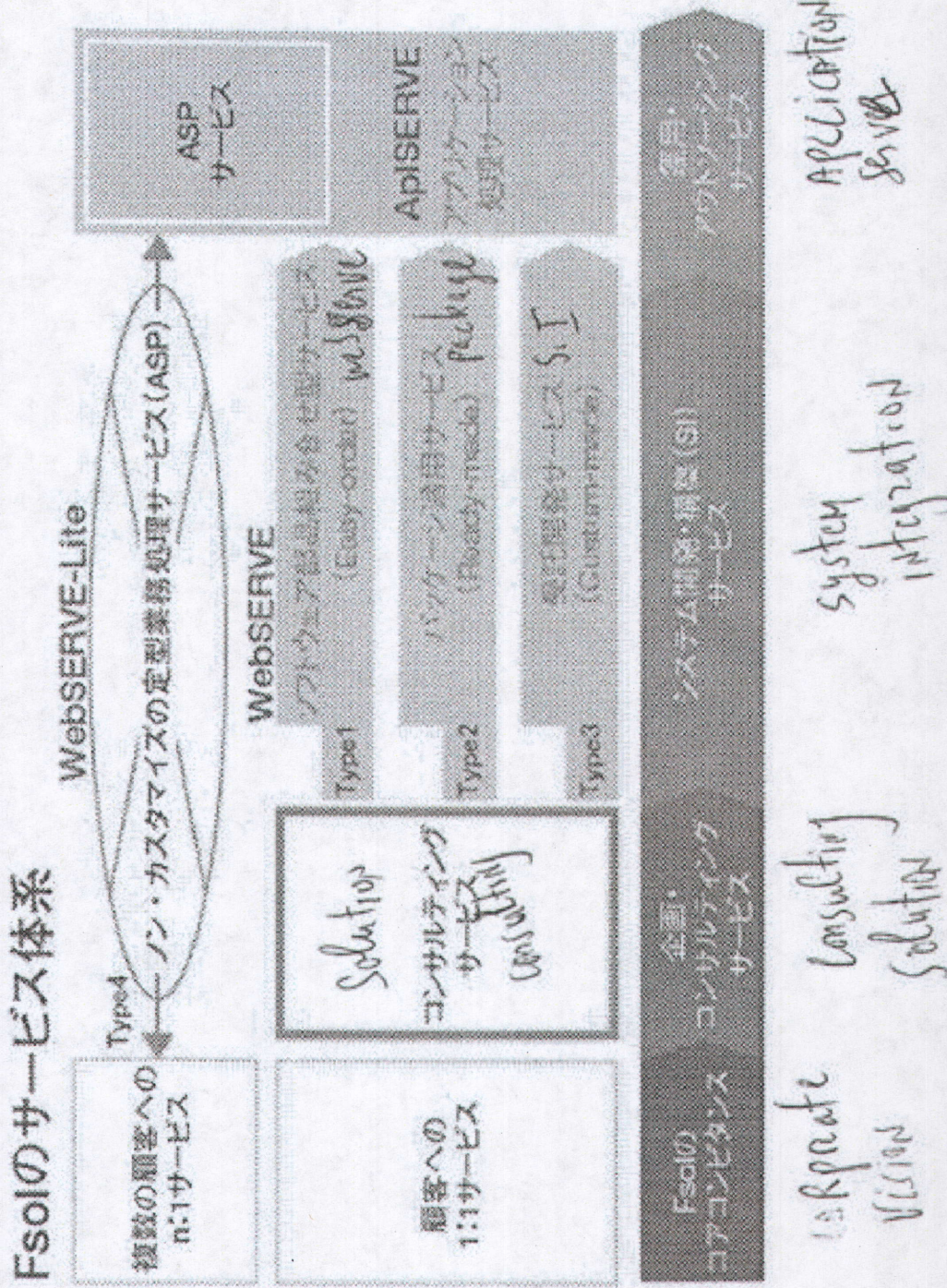
What you answer that kind of needs is " PROPOSE stock release support service " of the Esol. Collectively to incorporated accounting firm keeps advancing management guidance, release preparation, audit and job, the Esol cooperation check of cooperation check, accounts and the basic system of management system and the integrated business package. It keeps advancing job to the internal audit system and related check and the like of the integrated business package.

Concretely, preliminary investigation (no charge) flow analysis of work-site operations duty and new business and extraction of basic concept are done afterwards as a plan of schematic design, system important matter is decided. Furthermore it draws up development propulsion system and development schedule and movement plan et cetera entering the plan of execution plan, after that, keeps entering to the system design. The system which matches to the business form of the customer " since the abundant experiencing and sale of the SE which reaches to 2000 people, with the WebSage and the like which is the integration solution service which utilizes Internet where introduction enterprise exceeds 500, can be constructed. The WebSage is a service menu of 80 types even just common business system, also the ASP and customization are possibility " . (Uchiyama)

The vigorous enterprise which aims toward stock release, concentrating the management resource on original business very, can maintain growth power. Information of management integrated very because of that Consulting of the system which it can utilize as for construction, becomes also the new spring of growth of the next generation.

FSOL product line missing IR-ASP

Accompanying Architecture



Testimony of Atobe, Kamijo, Shibata, & 30B6

➤ Atobe Deposition (06/01/2001)

- Q Do you know why the Investors Solution has not been commercialized? **A No.**
- Q You were aware as you worked on this project in 1998 that part of DisclosureVision was going to be the Investors Solution, were you not? **A I was aware that it was one of the three solutions.**
- Q And you have no idea why that solution was not implemented yet? **A I don't know.**
-
- Q And you never asked anyone why aren't we working on Investors Solution? **A No.**
- Q And 2 years and 3 months after putting out a public brochure saying that the Investors Solution was part of Fujitsu's, would be part of Fujitsu's comprehensive package, you still don't have an Investors Solution, do you? **A That's right.**
- Q And you haven't even begun work on an Investors Solution, have you? **A I'm not sure.**

➤ Kamijo Deposition (06/06/2001)

- Q Mr. Kamijo, is Fujitsu still promoting any of the products that you mentioned here today? **A No.**
- Q To ask you an obvious question, have there been any sales of anything attributable to Investor Solution since DisclosureVision was conceived? **A No, there is not.**
- Q Does Fujitsu, Mr. Kamijo, have any current plans to develop products that would fall under the Investor Solution component of DisclosureVision? **A It does not.**

Continuation of Testimony Excerpts

- **Toru Shibata Deposition (Thursday, May 11, 2000 in Tokyo)**
 - Q By the way, is there a *ringisho* [i.e., business plan needed for approval] for DisclosureVision? **A As far as I remember, there is no ringisho for its commercialization.**

- **30B6 (Shibata) Deposition (Tuesday, June 5, 2001 in Tokyo)**
 - Q Okay. And there are no numbers indicated by IR business or investors business, is that correct? The only line which has numbers is Digital Disclosure? **A True, there are numbers only on this Digital Disclosure. It's not that there are no numbers for the other two but that the numbers are zero.**

 - ...
 - Q And did you consider the 15 billion yen estimate also to be a bad joke? **A Well, I believe it is a number that is not achievable.**
 - Q And you believed that at the time that it was released to the public, didn't you? **A In March of 1999 I considered that number as one to emphasize the release, and as so often customarily observed in Japan.**
 - Q Well, as section manager responsible for DisclosureVision do you believe that there is a need to be honest with the public regarding your products? **A That is not necessary in Japan.**

END

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