

cost, individual, connected laptop computers to dramatically enhance their primary and secondary education.

26. The Plaintiffs / Respondents concealed from the Court that the Beta XO laptops were strictly not for sale in Nigeria and inscribed inside the Battery hold of the Beta XO Laptop as follows : 'This device has not met all regulatory approvals therefore can not be offered for sale or lease( Test Sample).The Defendants/Applicants shall rely on the Beta XO Laptop as Exhibit OLPC 6.
27. The 1<sup>st</sup> Defendant / *Applicant* duly obtained approval from the Standards Organisation of Nigeria to waive the SONCAP requirement .Now shown to me as Exhibit OLPC 7 is the waiver letter issued by Standards Organisation of Nigeria to 1<sup>st</sup> Defendant/Applicant.
28. All shipments of the Beta XO laptops have inscribed on the DHL slip 'Description: XO machines, testing only, not for resale'. Now shown to me as EXHIBIT OLPC 8 is a copy slip for the shipment of 12<sup>th</sup> September 2007.
29. The 1<sup>st</sup> and 2<sup>nd</sup> Defendants / *Applicants* did not apply the Design of the Konyin Keyboard on the Beta XO laptops or any other XO laptop.
30. The physical design of Beta XO laptops was designed by Fuse Project and 1<sup>st</sup> Defendant/Applicant whilst the keycap iconography was designed by 1<sup>st</sup> Defendant /Applicant and Pentagram.
31. In designing the keyboard of the Beta XO laptops , all the techniques employed were those from the public domain. Contrary to the misrepresentation by the Plaintiffs/Respondents in paragraph 3(j) of the Affidavit in support of the Motion for Interim Injunction dated 22<sup>nd</sup> November 2007 ,the 1<sup>st</sup> Defendant / *Applicant* did not use the Plaintiffs'/Respondents' design on the XO laptop. Now shown to me as EXHIBIT OLPC 9 is the physical keyboard layout of the Beta 1 XO laptop and EXHIBIT OLPC 10,the shape of the keyboard of Beta XO laptop.
32. A different keyboard layout will be applied to the XO laptop which will be distributed and sold in Nigeria. Now shown to me as Exhibit OLPC 11 is the said physical keyboard layout.
33. That the keyboard of the Beta XO Laptops incorporates the X windows System xkb symbol tables to incorporate 2 (two) shift keys :the standard Shift key found on typewriters for decades and the AltGr key (or any other key assigned to this role).The 1<sup>st</sup> Defendant/Applicant follows the methodology of the xkb system.