

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

----- X	
GOLDEN GATE YACHT CLUB,	:
	:
Plaintiff,	:
v.	:
	Index No. 602446/07
SOCIÉTÉ NAUTIQUE DE GENÈVE,	:
	IAS Part 54
Defendant,	:
v.	:
	Hon. Shirley Werner Kornreich
CLUB NÁUTICO ESPAÑOL DE VELA,	:
	AFFIDAVIT OF
Intervenor-Defendant.	THOMAS A. WHIDDEN
----- X	

STATE OF CONNECTICUT)
) ss.
COUNTY OF NEW HAVEN)

THOMAS A. WHIDDEN declares as follows:

1. I am over 18 years of age and am a citizen of the United States of America. I am the Chief Executive Officer and President of North Sails Group, LLC ("North Sails"). I have been asked by Team Alinghi ("Alinghi") to describe North Sails' role in the preparation of *Alinghi 5's* sails.

North Sails

2. North Sails is an international company with over 80 offices and sail lofts located all over the world, including Geneva, Switzerland.

3. Beginning in 1991, North Sails invested in the "3DL Process," a sail-making process that I describe below.

4. North Sails' main 3DL plant is located in Minden, Nevada.

The 3DL Process

5. **Background.** The "3DL Process" is the patented and proprietary state-of-the-art process for making premiere racing sails. 3DL sails have dominated the grand prix racing sail market since the mid-1990s.

6. Since 1995, every America's Cup Challenger and Defender has used, at least some 3DL sails manufactured at North Sails' Minden, Nevada plant, as has every America's Cup winner.

7. The 3DL Process was invented by two Swiss engineers, JP Baudet and Luc Dubois, and is subject to a technology agreement with them.

8. North Sails is currently the sole worldwide supplier of 3DL sail technology, the only true 3D shaping sail technology in the world..

9. **Mechanics of Typical 3DL Process.** 3DL sails are sails made from carbon and Aramid fibers that are laminated between two layers of Mylar.

10. North Sails typically manufactures 3DL sails in one section/piece, which it creates using an adjustable mould.

11. North Sails then finishes the sail by traditional sail-making methods, that is, by completing the edge details and attaching the corner reinforcements, batten pockets, and hardware components.

12. North Sails then typically ships the 3DL sail to the location of the client's yacht or to the local North Sails office.

13. However, when an America's Cup Team has sufficient design, sailmaking expertise and equipment, it may elect to receive only the sail blanks, forcing them to do all the finishing, edge shaping and detailing in their own facilities.

14. At North Sails, we consider the sail to be completed as a usable sail when the sail is in one piece and when the finishing process for the sail is completed.

15. America's Cup Teams typically contract with North Sails for their sail program, as is the case with Alinghi. As such, they send to North Sails the design files for their 3DL sails to be processed. North Sails personnel at 3DL do not provide any intellectual input for the design of the syndicates' sails. North Sails also has a system of "Chinese Walls" to ensure that one team's design remains confidential, *i.e.*, not transmitted to other teams. The result is that teams can create substantially different 3DL sails while using the same 3DL sailmaking process.

North Sails' Limited Role with Alinghi 5's Sails

16. Unlike most other clients, Alinghi contracted with North Sails to create several 3DL pieces/sections, as opposed to one unitary 3DL sail blank made from one mould that has been used in all other America's Cups in the past.

17. North Sails prepare those 3DL pieces pursuant to the design specifications of Alinghi designers Mike Schrieber and Patrick Mazuay, who have worked for Alinghi for more than 8 years. Specifically, Mr. Schrieber and Mr. Mazuay send design files to North Sails; North Sails then produce 3DL pieces/sections in conformance with those Alinghi design specifications.

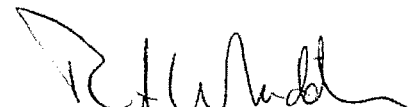
18. At no time during this process do North Sails personnel provide any intellectual input in connection with the design of the requested 3DL pieces/sections. No North Sails personnel are aware of the flying shape or other construction details of Alinghi's sails.

19. North Sails ship the 3DL pieces/sections to Alinghi's sail loft in Villeneuve, Switzerland. It is my understanding that, at Villeneuve, the Alinghi team then constructs the sails for *Alinghi 5* by joining these 3DL pieces/sections to form the body of the sails, after which the Alinghi team finishes the sails by traditional sail-making methods (*i.e.*, by attaching corner reinforcements, batten pockets, and hardware components). I also understand that Alinghi subsequently transports the constructed sails to the location of its yacht.

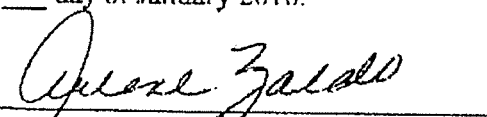
Conclusion

20. In sum, the Alinghi team provides the sole intellectual input for the design of the 3DL pieces/sections that are shipped to Alinghi's loft in Villeneuve, Switzerland. In Switzerland, I understand that the Alinghi team constructs the sails for *Alinghi 5* by (1) joining the 3DL pieces/sections to form the body of the sails; (2) finishing the sails by traditional sail-making methods; and (3) transporting the constructed sails to the location of Alinghi's yacht.

Dated: January 19, 2010


THOMAS A. WHIDDEN

Subscribed and sworn to me before this
19th day of January 2010.



Notary Public

ARLENE ZALDO
NOTARY PUBLIC
CONNECTICUT
My Commission Expires Feb. 28, 2011