

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re)	Chapter 11
)	Case No. 02-11125 (KJC)
EXIDE TECHNOLOGIES., <i>et al.</i> ,)	
)	Hearing Date: 8/19/03 @ 4:00 p.m.
Debtors.)	Objection Deadline: 8/25/03 @ 10:00 a.m.

**OBJECTION OF BERND H. SCHULTE-LADBECK AND
PERFORMANCE PLASTICS PRODUCTS INC. TO DISCLOSURE
STATEMENT FOR THE DEBTORS' FIRST AMENDED JOINT PLAN OF
REORGANIZATION UNDER CHAPTER 11 OF THE BANKRUPTCY CODE [DI 2097]**

Bernd H. Schulte-LadBeck and Performance Plastics Products Inc. ("Claimants"), by and through their undersigned counsel, hereby object to the *Disclosure Statement for the Debtors' First Amended Joint Plan of Reorganization Under Chapter 11 of the Bankruptcy Code [DI 2097]* ("Disclosure Statement"), filed by the above-captioned debtors ("Debtors"), for the reason that it does not contain adequate information under 11 U.S.C. 1125 as follows:

BACKGROUND

1. Exide Technologies, Inc. ("Exide"), one of the Debtors, is the owner by assignment of United States Patent Nos. 6,045,940 (the "'940 Patent") and 6,110,617 (the "'617 Patent") (collectively, the "Patents"). The '940 Patent entitled *Flooded Lead Acid Battery with Tilt-Over Capability* issued to Exide on April 4, 2000. The '617 Patent entitled *Flooded Lead Acid Battery with Roll-Over Capability* issued to Exide on August 29, 2000. Both Patents name Fred F. Feres as the inventor.

2. The Patents described and claimed batteries employing polytetrafluoroethylene (PTFE) frits as flame arresters to provide improved safety in tilt over and roll over circumstances. In the '617 Patent, the frits are employed alone, while in the '940 Patent

they are used with labyrinth to prevent fluid loss. These inventions are particularly suitable for use in automotive batteries.

3. Bernd H. Schulte-Ladbeck (“Schulte”) is an engineer employed by Performance Plastics Products, Inc. (“3PI”). Schulte is the inventor of the invention disclosed and claimed in the ‘617 Patent and is a co-inventor of the invention disclosed and claimed in the ‘940 Patent. Schulte and 3PI, through its employee, Schulte, claim joint ownership in the Patents and the inventions disclosed and claimed therein.

4. Schulte and 3PI timely filed proofs of claim against Exide, copies of which are attached hereto as Exhibit A, and intend to seek correction of the inventors named in the Patents, which will result in their acquisition of an ownership interest in the Patents. Further, Schulte and 3PI claim and seek to recover damages incurred by them as a result of (1) Exide’s unauthorized disclosure of Schulte’s invention and 3PI’s confidential and proprietary information by application for and acquisition of those United States patents and (2) the loss of patent rights in foreign countries, notably Europe, Japan, Brazil, Russia and other countries where automobiles are manufactured and used, which, over the twenty (20) year life of the average patent, could easily exceed One Hundred Million Dollars (\$100,000,000.00).

OBJECTION

5. The Disclosure Statement contains no description of the Claimants’ assertion of ownership of the Patents, or information regarding the Debtors’ intent with respect to the Patents and the Claimants’ assertion of ownership.

6. Without such information, Claimants and other creditors are not able to make an informed judgment about the *Debtors’ First Amended Joint Plan of Reorganization Under Chapter 11 of the Bankruptcy Code* [DI 2096].

WHEREFORE, Claimants respectfully request that the Court deny approval of the Debtors' Disclosure Statement and order that the Disclosure Statement be amended to include the information suggested herein.

Dated: August 19, 2003

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CERTIFICATE OF SERVICE

I, Michelle McMahon, hereby certify that on August 19, 2003, I caused a copy of **Objection of Bernd H. Schulte-Ladbeck and Performance Plastics Products Inc. to the Disclosure Statement for the Debtors' First Amended Joint Plan of Reorganization Under Chapter 11 of the Bankruptcy Code [DI 2097]** to be served upon the parties-in-interest listed below in the manner indicated.

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