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[REDACTED]

Bayer Aktiengesellschaft  
Gebäude Q 26 ( Rechtsabteilung )  
Kaiser-Wilhelm-Allee

April 14, 2010

51368 Leverkusen

Shareholder no.: [REDACTED]

## **Countermotion for the Annual Stockholders' Meeting on April 30, 2010**

I hereby notify you that I will oppose the proposals of the Board of Management and the Supervisory Board as regards Item 2 of the Agenda, and will induce the other stockholders to vote in favor of the following countermotion.

### **Countermotion to Item 2: The actions of the members of the Board of Management are not ratified**

This concerns the statement issued by the Board of Management of Bayer AG on **April 27, 2009** regarding my countermotion of **March 17, 2009** for the Annual Stockholders' Meeting held on **May 12, 2009** in which it states, verbatim, in the explanation for why the Board is standing by its proposal:

- a. Over the last decades Mr. [REDACTED] has brought numerous actions against the Bayer Group involving various claims and petitions.
- b. In the final analysis, none of these cases has resulted in an outcome that upheld Mr. [REDACTED] view that Bayer infringed his patents or that he was entitled to demand royalties from Bayer.
- c. The assertions made in the countermotion have all been well-known for a long time. We totally reject Mr. [REDACTED] description of former Bayer employees as "crooks" and his insinuation that perjury was committed in this matter on behalf of the company!

This statement is deliberately false. The Board of Management is intentionally concealing the presence of documents that were attached to the countermotion and to my letter of April 29, 2009 to Bayer's Legal Department, which, by the way, remains unanswered to date. Despite this documentary evidence, the Board of Management criminally opposed my countermotion. In doing so, the Board of Management made a decision that represents a perversion of justice and hindered

the financial situation, balance sheets, provisions, etc. of fraudulently deceived Bayer stockholders in order to cover up the [REDACTED] patent matter.

With the discovery of new documents after ten years of intensive research and questioning of additional witnesses, I will finally be able to prove that Bayer AG fraudulently made **false statements**, committed **perjury** and swore **false affidavits** to my disadvantage. It can be proven that all judgments and orders handed down in favor of Bayer AG were obtained dishonestly through the making of false statements and commission of perjury as regards an alleged prior use.

If nothing else, the anonymous submission to me on **July 24, 2008** of a letter dated **July 24, 1967** from Attorney-at-Law [REDACTED], the then counsel in the matter for the Bayer Group, to Dr. [REDACTED] and Dr. [REDACTED] proves that the prior-use claims alleged in affidavits sworn during the court proceedings at the time never existed. This is also proven, in particular, by internal memos of Bayer AG that were anonymously provided to me just on **February 25, 2010** of this year.

As a freelancer inventor, I received written acknowledgment from the Ministry of Economics that I made valuable contributions to the economy in my career. I was granted more than 200 patents worldwide as a result of my drive and my ideas, an accomplishment that garnered me, the only Düsseldorfer, a Rudolf-Diesel-Medaille, the ultimate national recognition, in 1984 and put me in the company of such well-known scientists and inventors as Claudius Dornier, Felix Wankel, Werner von Braun and Manfred von Ardenne as well as several Nobel prize winners.

Solely for the sake of profits, a multinational company has ruthlessly robbed me, such a decorated citizen, of the recognition of my invention, with the dramatic financial consequences this has had.

The documents that are now in my possession and the witnesses I have questioned prove that the Bayer Group has committed the greatest patent theft in the history of the Federal Republic of Germany.

**It is high time, therefore, that Bayer AG make me a reasonable settlement offer. Until the company does so, the actions of the Board of Management should be not be ratified.**

If, contrary to expectations, the Board of Management does not make me a settlement offer by April 28, 2010, I will institute legal proceedings, notify the media and press criminal charges.

[REDACTED]