UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE
2004 MAY -5 A 11:02
U.S. DISTRICT COURT
DISTRICT OF MASS

THE GILLETTE COMPANY,

Plaintiff,

v.

ENERGIZER HOLDINGS, INC., SCHICK MANUFACTURING, INC., EVEREADY BATTERY COMPANY, INC., and ENERGIZER BATTERY, INC.

Defendants.

CIVIL ACTION NO. 03 12455 DPW

DEFENDANTS' CERTIFICATION PURSUANT TO LOCAL RULE 16.1

The undersigned representative of Defendants Energizer Holdings, Inc., Schick Manufacturing, Inc., Eveready Battery Company, Inc., and Energizer Battery, Inc. and their counsel hereby affirm that they have conferred:

(a) with a view to establishing a budget for the costs of conducting the full course -- and various alternative courses -- of the litigation; and

(b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

ENERGIZER HOLDINGS, INC.,
SCHICK MANUFACTURING, INC.,
EVEREADY BATTERY COMPANY, INC.,
and ENERGIZER BATTERY, INC.

By: _____

NIXON PEABODY LLP,

_____

Richard D. Rochford, BBO No. 423950
Jason C. Kravitz, BBO No. 565904
Maia H. Harris, BBO No. 648208
NIXON PEABODY LLP
100 Summer Street
Boston, MA 02110
Telephone: (617) 345-1000
Facsimile: (617) 345-1300

Dated: May 5, 2004

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of May, 2004, I have served a true copy of the within document, by mail, on:

Levina Wong, Esq.
ROPES & GRAY
One International Place
Boston, MA 02110-2624

Maia H. Harris

NIXON PEABODY LLP
ATTORNEYS AT LAW

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2004 MAY -5 A 9:02
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DISTRICT OF MASS

Maia H. Harris
Direct Dial: (617) 345-1213
E-Mail: mharris@nixonpeabody.com

May 5, 2004

VIA HAND DELIVERY

Civil Clerk
United States District Court
District of Massachusetts
1 Courthouse Way
Boston, MA 02210

Re: The Gillette Company v. Energizer Holdings, Inc.
C.A. No. 03-12455 DPW

Dear Sir/Madam:

Enclosed for docketing and filing please find the following document:

1. *Defendants' Certification Pursuant to Local Rule 16.1.*

Please date-stamp the enclosed copy of this letter and return it to the waiting messenger. Thank you for your kind assistance in these matters.

Very truly yours,

Maia H. Harris

MHH/aab
Enclosures
cc: Levina Wong (via U.S. Mail)
Jason C. Kravitz, Esq.
Ginta D. Kukainis, Esq. (via U.S. Mail)