ORIGINAL

AO 440 (Rev. 8/01) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

FOR THE District of MASSACHUSETTS

THE GILLETTE COMPANY,

V.

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

**SUMMONS IN A CIVIL CASE**

CASE NUMBER:

03 CV 12455 DPW

TO: (Name and address of Defendant)

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

CLERK

(By) DEPUTY CLERK

DATE 12-5-03

AFFIDAVIT OF SERVICE

STATE OF NEW YORK )
) ss.:
COUNTY OF NEW YORK )

Louis Ferrari, being duly sworn, deposes and says:

1. I am not a party to this action, am over 18 years of age and am employed by Paul, Weiss, Rifkind, Wharton & Garrison LLP, 1285 Avenue of the Americas, New York, New York, 10019.

2. On February 5, 2003, I served copies of the SUMMONS IN A CIVIL CASE and the COMPLAINT in this action on the following:

Energizer Holdings, Inc.
c/o Jason C. Kravitz
Nixon Peabody
101 Federal Street
Boston, MA 02110

Schick Manufacturing, Inc.
c/o Jason C. Kravitz
Nixon Peabody
101 Federal Street
Boston, MA 02110

Eveready Battery Company, Inc.
c/o Jason C. Kravitz
Nixon Peabody
101 Federal Street
Boston, MA 02110

Energizer Battery, Inc.
c/o Jason C. Kravitz
Nixon Peabody
101 Federal Street
Boston, MA 02110

3. I made such service by enclosing true copies of the aforementioned documents in a properly addressed, post paid wrapper and sending it by Federal Express Priority Overnight to JASON C. KRANTZ, Esq. at the law firm at the above stated address. I am advised that this service was made pursuant to an agreement between counsel for the parties.

Louis Ferrari

Sworn to before me this
6th day of February, 2004

Notary Public

KEITH R. WHITMAN
Notary Public, State of New York
No. 02WH6094073
Qualified in New York County
Commission Expires June 16, 2007