

DECLARATION OF DAVID W. PIKE
UNDER 28 U.S.C. § 1746

Appeal of Wesleyan Company, Inc.

ASBCA No. 53896

David Pike declares as follows:

1. My name is David Pike. I am consultant to numerous organizations in the United Kingdom, Canada and the United States regarding defence issues in the field of Nuclear, Biological and Chemical ("NBC") warfare. I am submitting this Declaration in support of the Appeal of Wesleyan Company, Inc. before the United States Armed Services Board of Contract Appeals ASBCA No. 53896.
2. I was a Scientist with the United Kingdom Ministry of Defence for 34 years and have been involved in NBC Defense issues my entire working life.
3. Following my employment by the British Ministry of Defence, I served as Director, Racal Filter Technologies, Inc. in Ontario, Canada. Racal was a Canadian firm holding military research, development and production contracts for NBC filters.
4. During the development of the Avon S10 Mask for the United Kingdom, I served the British Ministry of Defence, Chemical Defence Establishment, as the Project Officer at Porton Down.
5. My experience shows that since the deployment of military protective masks, practical problems regarding user hydration have been constant. Issues such as drinking water flow and cross contamination have been a challenge to NATO Countries deploying various versions of NBC protective masks.
6. In my opinion, the Wesleyan "FIST/Flex system" designed in the United States by the Wesleyan Company is a novel invention that solves many hydration problems. In particular, the increased rate of flow and the constant connection aspects of the FIST/Flex are major innovative advances in the NBC field. I have attached to this declaration, Enclosure A, which is a paper that I authored regarding the supply of clean water on the NBC Battlefield using FIST/Flex and the FIST Fountain.
7. In my opinion, the soldier hydration component of the Army's Land Warrior/Modular Lightweight Load-carrying Equipment, which I understand is supplied to the U.S. Army Soldier and Biological & Chemical Command by CamelBak, Inc., has its origins in the Wesleyan FIST/Flex System. Specifically, the Wesleyan FIST/Flex System introduced the concept of a collapsible bladder canteen

with a flexible drink tube providing a constant connection to a soldier's NBC mask which would allow hands-free, "on-the-move" hydration while in full Mission Oriented Protected Posture. Furthermore, based on my recollection over years of experience in developing NBC Defense equipment, I know of no independent research and development conducted by the U.S. Army or other NATO country into NBC-capable hands-free, "on-the-move" hydration that preceded the Wesleyan FIST/Flex System.

8. The FIST/Flex is patented in Canada, the United Kingdom, West Germany and Israel.

9. It is my understanding that the Wesleyan Company, Inc. has entered into a Memorandum of Understanding with respect to granting Avon Technical Products ("Avon"), a Division of Avon Polymers, Ltd., of Wiltshire, England, an exclusive license to Wesleyan Company, Inc.'s European and Canadian patents.

10. Based upon Wesleyan Company, Inc.'s novel invention, the Company's relationship with Avon, and through my consulting efforts, the FIST/Flex remains of interest to European Military Commands for deployment.

I declare under penalties of perjury that the foregoing is true and correct.

David W. Pike

David Pike

Executed at Norfolk, Virginia, U.S.A.
May 1st, 2003