

TOSHIBA DVD CLASS ACTION SETTLEMENT CLAIM FORM INSTRUCTIONS

THE DEADLINE FOR FILING A CLAIM FORM IS: MAY 1, 2005

1. IT IS IMPORTANT TO READ AND FOLLOW THESE INSTRUCTIONS CAREFULLY. FAILURE TO FOLLOW THE INSTRUCTIONS COULD RESULT IN LOSING BENEFITS TO WHICH YOU WOULD OTHERWISE BE ENTITLED. PLEASE REVIEW THE CLASS NOTICE FOR DEFINITIONS OF CERTAIN TERMS USED IN THIS FORM.
2. IF YOU DO NOT RETURN A COMPLETED CLAIM FORM **POSTMARKED BY MAY 1, 2005** YOUR CLAIM WILL BE REJECTED AND YOU WILL HAVE WAIVED ALL RIGHTS TO RECEIVE ANY OF THE SETTLEMENT BENEFITS.
3. YOU MAY FILE ONLY ONE CLAIM FORM AND RECEIVE ONLY ONE SETTLEMENT REMEDY FOR EACH TOSHIBA DVD PLAYER (THE "TOSHIBA DVD PLAYER AT ISSUE").
4. IF YOU HAVE MORE THAN ONE TOSHIBA DVD PLAYER FOR WHICH YOU ARE SUBMITTING A CLAIM, YOU MUST USE A SEPARATE CLAIM FORM FOR EACH PLAYER.
5. YOU MAY OBTAIN ADDITIONAL CLAIM FORMS BY CALLING 1-800-210-5874, OR BY DOWNLOADING FORMS AT **WWW.DVDNOTICE.COM**, OR BY MAKING A WRITTEN REQUEST FOR A CLAIM FORM TO THE CLAIMS ADMINISTRATOR AT:

DVD Player Claims Administrator
c/o The Notice Company
P.O. Box 778
Hingham, MA 02043
6. YOU MUST ANSWER EACH OF THE QUESTIONS IN SECTIONS A TO D AND IN EITHER SECTION E, F, OR G, AND PROVIDE THE NECESSARY DOCUMENTATION REQUIRED FOR YOUR SELECTED SETTLEMENT REMEDY. FAILURE TO COMPLETE THE RELEVANT SECTIONS AND PROVIDE THE REQUESTED DOCUMENTATION MAY RESULT IN THE DENIAL OF YOUR CLAIM OR MAY LIMIT THE TYPE OF REMEDY YOU RECEIVE. IN COMPLETING SECTION E, F, OR G, YOU MUST DECLARE UNDER PENALTY OF PERJURY THAT THE TOSHIBA DVD PLAYER AT ISSUE HAS EXPERIENCED A PLAYBACK INCOMPATIBILITY (DEFINED BELOW) OR YOUR CLAIM FORM WILL BE REJECTED.
7. YOU MUST SIGN THE CLAIM FORM UNDER THE PENALTY OF PERJURY OR YOUR CLAIM FORM WILL BE REJECTED. BY SIGNING THIS FORM YOU ARE SUBMITTING YOURSELF TO THE JURISDICTION OF THE SUPERIOR COURT OF BERGEN COUNTY, NEW JERSEY. THAT COURT WILL HAVE THE POWER TO REVIEW AND ADDRESS QUESTIONS OF FALSE STATEMENTS OR CLAIMS.
8. UNLESS YOU REQUESTED EXCLUSION FROM THE CLASS ON OR BEFORE DECEMBER 20, 2004, YOU ARE BOUND BY THE TERMS OF THE SETTLEMENT WHETHER OR NOT YOU RETURN A CLAIM FORM.
9. FOR THE PURPOSES OF THIS SETTLEMENT, "PLAYBACK INCOMPATIBILITIES" IS DEFINED AS PLAYBACK ABNORMALITIES WITH THE AUDIO OR VIDEO PLAYBACK OF UNDAMAGED, REGION 1 DVD VIDEO DISCS THAT WERE RELEASED FOR SALE IN THE UNITED STATES THAT WERE SPECIFICALLY CAUSED BY AN ERROR IN TOSHIBA'S DVD PLAYER FIRMWARE OR DECODER CHIPS. SUCH PLAYBACK INCOMPATIBILITIES MAY INCLUDE, BUT ARE NOT LIMITED TO "SKIPPING," "PIXELATING," FAILING TO PROPERLY DISPLAY OR PROCESS MENU FUNCTIONS, FAILURE TO PLAY A DISC AT ALL, OR ANY OTHER ABNORMALITY RELATED TO THE TOSHIBA DVD PLAYERS' INCOMPATIBILITY WITH UNDAMAGED, REGION 1 DVD DISCS THAT WERE RELEASED FOR SALE IN THE UNITED STATES MARKET. "PLAYBACK INCOMPATIBILITIES" DOES NOT INCLUDE ANY PLAYBACK ABNORMALITIES WITH TOSHIBA DVD PLAYERS THAT ARE CAUSED BY (1) MISUSE OF THE TOSHIBA DVD PLAYER OR A DVD DISC; (2) CONTAMINATION OF THE TOSHIBA DVD PLAYER OR A DVD DISC (INCLUDING, BUT NOT LIMITED TO, FINGERPRINTS, EXPOSURE TO WATER, OR EXPOSURE TO EXCESS LEVELS OF DUST); (3) PHYSICAL DAMAGE TO THE TOSHIBA DVD PLAYER OR A DVD DISC (INCLUDING, BUT NOT LIMITED TO, SCRATCHES ON THE PLAYBACK SURFACE OF A DVD DISC); OR, (4) ANY OTHER DEFECTS OR MALFUNCTIONS UNRELATED TO THE FIRMWARE AND DECODER CHIP.

TOSHIBA DVD CLASS ACTION SETTLEMENT CLAIM FORM

THE DEADLINE FOR FILING A CLAIM FORM IS MAY 1, 2005

PLEASE PRINT CLEARLY, SIGN YOUR NAME AT THE BOTTOM OF THIS FORM AND MAIL TO:

**DVD Player Claims Administrator
c/o The Notice Company
P.O. Box 778
Hingham, MA 02043**

SECTION A: CLAIMANT INFORMATION

First Name Middle Initial Last Name

Street Address

City State Zip Code

() _____
Daytime Telephone Number

() _____
Home Telephone Number

Email address (Your email address is not required, but if you do provide it, you authorize the Claims Administrator to use it in providing you information relevant to your Claim Form.)

SECTION B: IDENTIFICATION OF YOUR DVD PLAYER AT ISSUE

Important: Only one DVD player per Claim Form. The Claims Administrator will reject Claim Forms that list multiple DVD Players.

Model Number of your Toshiba DVD Player At Issue (located on the front of your DVD unit)

Serial Number of your Toshiba DVD Player At Issue (located on the back of your DVD Unit)

Firmware Version of your Toshiba DVD Player At Issue, if available (this number is usually located on the sticker attached to the bottom of your DVD Player)

SECTION C: PRIOR ACCOMMODATION OR COMPENSATION Check all categories that apply:

- I have never been reimbursed for any firmware upgrades, or been provided with any other relief, for Playback Incompatibilities with my Toshiba DVD Player at Issue.
- I received reimbursement or refund of \$_____ for a firmware upgrade (or upgrades) that I paid for resulting from Playback Incompatibilities with my Toshiba DVD Player at Issue.
- I received a free replacement DVD player from Toshiba.
- I received a free repair or firmware upgrade for my DVD Player at Issue from Toshiba.

SECTION D: CHECK THE REMEDY YOU ARE APPLYING FOR (check only one box):

- REFUND REMEDY** (COMPLETE SECTION E, below)

If you paid either Toshiba or a third party service center to upgrade the firmware on a Toshiba DVD player specifically to resolve Playback Incompatibilities experienced with your Toshiba DVD Player before October 15, 2004, you will receive a reimbursement of that amount if you provide the required documentation. Class members who have received a free firmware upgrade from either Toshiba or a third party service center are not entitled to this remedy.

- UPGRADE OR REPLACEMENT REMEDY** (COMPLETE SECTION F below)

If you purchased or acquired a Toshiba DVD Player on or before December 31, 2001, Toshiba will, at its option, either upgrade or replace your Toshiba DVD Player.

- REBATE CERTIFICATE REMEDY** (COMPLETE SECTION G, below)

If you purchased or acquired a Toshiba DVD Player on or before December 31, 2001, and you replaced your Toshiba DVD Player before October 15, 2004 with a DVD player of another manufacturer that you purchased specifically as a result of experiencing Playback Incompatibilities, you will receive a Rebate Certificate if you provide the required documentation.

SECTION E: REFUND FOR FIRMWARE UPGRADE COSTS REMEDY

If you paid Norman's Electronics, Inc. to upgrade the firmware on a Toshiba DVD player specifically to resolve Playback Incompatibilities experienced with that Toshiba DVD Player, you will receive a reimbursement of that amount according to Norman's Electronics, Inc.'s records and you do not have to submit this Claim Form. However, if you paid Norman's Electronics, Inc. to upgrade the firmware on a Toshiba DVD player specifically to resolve Playback Incompatibilities experienced with your Toshiba DVD Player, but your address has changed from the address that was provided to Norman's Electronics, Inc. at the time of the upgrade, you must complete this Claim Form.

If you paid either Toshiba or a third party service center (other than Norman's Electronics, Inc.) to upgrade the firmware on a Toshiba DVD player specifically to resolve Playback Incompatibilities experienced with that Toshiba DVD Player, you will receive a reimbursement of that amount if you provide the required documentation.

CHECK ONLY ONE BOX BELOW:

- I paid Norman's Electronics, Inc. to upgrade the firmware on the Toshiba DVD Player At Issue specifically to resolve Playback Incompatibilities experienced with the Toshiba DVD Player At

Issue. I am filing this Claim Form because my current address may be different from the address contained in Norman's Electronics, Inc.'s records.

- I paid either Toshiba or a third party service center (other than Norman's Electronics, Inc.) to upgrade the firmware on the Toshiba DVD Player At Issue specifically to resolve Playback Incompatibilities experienced with the Toshiba DVD Player At Issue. I am attaching copies of original, contemporaneously generated and dated documents (such as a bill, invoice or receipt) showing:
 - a) that the firmware in the Toshiba DVD Player At Issue was upgraded by someone (the attached documents must identify the name and address of the party who performed the upgrade), AND
 - b) the amount I paid to upgrade the firmware in the Toshiba DVD Player At Issue.

YOU QUALIFY FOR THE REFUND FOR FIRMWARE UPGRADE COSTS REMEDY ONLY IF YOU CHECK ALL OF THE FOLLOWING BOXES:

- I have completed Sections A, B, C and D above and provided both the Model Number and Serial Number of my Toshiba DVD Player in Section B.
- I have chosen the refund for firmware upgrade costs remedy and have not selected any of the other remedies listed on this Claim Form.
- I declare under penalty of perjury that the Toshiba DVD Player At Issue experienced one or more Playback Incompatibilities on or before October 15, 2004.

SECTION F: FREE FIRMWARE UPGRADE OR REPLACEMENT REMEDY

YOU QUALIFY FOR THE FREE FIRMWARE UPGRADE OR REPLACEMENT REMEDY ONLY IF YOU CHECK ALL OF THE FOLLOWING BOXES:

- I have completed Sections A, B, C and D above and provided both the Model Number and Serial Number of my Toshiba DVD Player in Section B.
- I have chosen the free firmware upgrade or replacement remedy and have not selected any of the other remedies listed on this Claim Form.
- I declare under penalty of perjury that the Toshiba DVD Player At Issue experienced one or more Playback Incompatibilities on or before October 15, 2004.

Once your claim has been verified, you will be sent instructions for obtaining your free firmware upgrade or replacement.

SECTION G: REBATE CERTIFICATE REMEDY

YOU QUALIFY FOR THE REBATE CERTIFICATE REMEDY ONLY IF YOU CHECK ALL OF THE FOLLOWING BOXES AND COMPLETE SECTIONS 1-3, BELOW:

- I have completed Sections A, B, C and D above and provided both the Model Number and Serial Number of my Toshiba DVD Player in Section B.

- I have chosen the rebate certificate remedy and have not selected any of the other remedies listed on this Claim Form.
- I declare under penalty of perjury that the Toshiba DVD Player At Issue experienced one or more Playback Incompatibilities on or before October 15, 2004.

If you experienced a Playback Incompatibility with the Toshiba DVD Player at Issue and you replaced the Toshiba DVD Player at Issue on or before October 15, 2004 and after the date of the purchase of the Toshiba DVD Player At Issue with a DVD player made by another manufacturer that you specifically purchased as a result of the Playback Incompatibility, you will receive a Rebate Certificate if you provide all of the required information and documentation. Specifically, you must: (1) provide documentation of your original purchase or receipt of the Toshiba DVD Player, and (2) provide proof of purchase of a replacement DVD player, dated before the date of the Settlement Agreement and after the date of the purchase of the Toshiba DVD player, and (3) declare under penalty of perjury that the exclusive and direct cause of your purchase of a non-Toshiba DVD player was the actual manifestation of one or more Playback Incompatibilities.

(1) PROOF OF PURCHASE OR RECEIPT OF TOSHIBA DVD PLAYER AT ISSUE

TO SHOW THAT I PURCHASED OR ACQUIRED A TOSHIBA DVD PLAYER ON OR BEFORE DECEMBER 31, 2001, I AM ATTACHING THE FOLLOWING DOCUMENTS (check all that apply):

- _____ A legible copy of the original and contemporaneously dated purchase receipt which identifies the purchase of a Toshiba DVD player from a retail seller;
- _____ An invoice marked "paid" which identifies the retail seller, the seller's address and the purchase of a Toshiba DVD player;
- _____ A canceled check contemporaneously identifying the purchase of a Toshiba DVD player;
- _____ A credit card bill which identifies the purchase of a Toshiba DVD player.

(2) PROOF OF PURCHASE OF A REPLACEMENT DVD PLAYER

TO SHOW THAT I PURCHASED A REPLACEMENT DVD PLAYER FROM ANOTHER MANUFACTURER ON OR BEFORE OCTOBER 15, 2004 AND AFTER THE DATE OF THE PURCHASE OF A TOSHIBA DVD PLAYER, I AM ATTACHING THE FOLLOWING DOCUMENTS (check all that apply):

- _____ A legible copy of the original and contemporaneously dated purchase receipt which identifies the purchase of another DVD player from a retail seller;
- _____ An invoice marked "paid" which identifies the retail seller, the seller's address and the purchase of another DVD player;
- _____ A canceled check contemporaneously identifying the purchase of another DVD player;
- _____ A credit card bill which identifies the purchase of another DVD player.

(3) DECLARATION OF CAUSATION

- By checking this box, I hereby affirm, under penalty of perjury, that the exclusive and direct reason for my purchase of the non-Toshiba DVD player was the manifestation of Playback Incompatibilities on the Toshiba DVD Player at Issue.

AFFIDAVIT UNDER PENALTY OF PERJURY

I attest under the penalties of perjury that:

1. I purchased or acquired the Toshiba DVD Player at Issue on or before October 15, 2004.
2. I am eligible to request the remedy that I am seeking by submitting this Claim Form relating to the Toshiba DVD Player at Issue.
3. Any documents submitted with this Claim Form are either the originals or true and correct copies of the originals.
4. I have not requested, and will not request, exclusion from the Settlement Class for the Toshiba DVD Player at Issue, and I have not previously filed a Claim Form with respect to the Toshiba DVD Player At Issue, and I will not file in the future a Claim Form with respect to the Toshiba DVD Player At Issue.
5. I have read and understand the contents of this Claim Form.
6. The statements made in this Claim Form are true and correct to the best of my knowledge. I realize that if any of them are willfully false, I am subject to punishment under perjury statutes.

SIGNATURE:

Signature

Printed Name

Date

IF YOU HAVE ANY QUESTIONS ABOUT THIS CLAIM FORM OR THE SETTLEMENT, PLEASE SEE THE CLAIMS ADMINISTRATOR'S WEBSITE AT **WWW.DVDNOTICE.COM**, CALL **1-800-210-5874**, OR SEND YOUR WRITTEN QUESTIONS TO:

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