

**This is Exhibit "5" attached to the
Affidavit of Nagib Tajdin
Sworn on May 8, 2012**

MRC

Nagib Tajdin

P.O. Box 38236 - 00623 Nairobi, Kenya
Tel: 254-723-693-844 Email: nagib@tajdin.com

March 25, 2012

Registrar
Federal Court of Canada
180 Queen Street West, Suite 200
Toronto, Ontario
M5V 3L6

Sent by Fax and Email

Ref: Federal Court File T-514-10

Dear Sir/Madam,

Please bring this to the attention of Madam Prothonotary Milczynski.

I am the defendant in T-514-10, I am self represented and I am writing from Kenya.

This is in response to Mr Gray's letter dated March 22, 2012.

The very questions that Mr Gray is seeking answers to, go to the heart of the subject matter of the Appeal in file A-421-11.

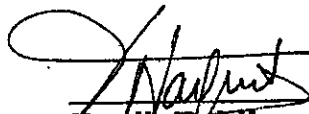
At the Case Management Conference on 15 November 2011, you have suggested that the Appeal should continue its course. I have already submitted my Factum and waiting for the Respondent's Factum at this point.

At the same CMC, you have instructed Counsels to discuss "for Counsel's eyes only" Order. Counsel for Plaintiff has refused to discuss the modality of such a possibility. The same was suggested by Justice Russell in Para 45 of his Order. Intransigence by Mr Gray has prompted my Appeal.

Should you decide to set a date for Mr Gray's Motion for Refusal in spite of the Appeal, I intend to bring a cross motion for Stay and Confidentiality Order to be heard on the same day.

I respectfully suggest that the Motion Mr Gray wants to bring is premature and a complete waste of judicial resources.

Respectfully Yours,


Nagib Tajdin

Nagib Tajdin

From: Nagib Tajdin [nagib@tajdin.com]
Sent: Monday, March 19, 2012 9:00 AM
To: 'Wall, Kristin'; 'Gray, Brian'
Cc: 'info@noellawyers.com'; 'nagibtajdin@yahoo.com'
Subject: RE: T-514-10 - outstanding questions from first round of discovery

Dear Mr Gray,

In regards to your letter dated 13th March, 2012 I hope you fully realise that the Referee would be in conflict of interest to hear your Motion at this point.

Please let us know your position on the following Madam Prothonotary's proposal on the Docket [see below] which may help avoid more Cross-examinations, Discoveries, Motions, Cross-Motions and Appeals.

"- 2011-11-15 Toronto Toronto 15-NOV-2011 BEFORE Martha Milczynski, Prothonotary Language: E Before the Court: Case Management Conference Result of Hearing: **Ms. Noel proposes hiring an independant party to examine the number of books, profits, etc. Counsel to discuss possibility of "Counsel Eyes Only" order** held in Court Duration per day: 15-NOV-2011 from 09:45 to 10:15 Courtroom : Courtroom No. 4-A - Toronto Court Registrar: Christopher Garito Total Duration: 30min Appearances: Mr. Gray/Ms. Wall 416-216-1905 representing Plaintiff Ms. Noel 604-440-3599 representing Defendant Minutes of Hearing entered in Vol. 854 page(s) 248 - 249 Abstract of Hearing placed on file "

Please take note that I will be available from April 20 to May 10th.

Regards,

Nagib Tajdin

From: Wall, Kristin [mailto:Kristin.Wall@nortonrose.com]
Sent: Tuesday, March 13, 2012 4:37 PM
To: Nagib Tajdin; jivalaw@yahoo.ca
Cc: info@noellawyers.com; Gray, Brian; 'Nagib Tajdin'
Subject: RE: T-514-10 - outstanding questions from first round of discovery

Mr. Tajdin,

Please see the attached correspondence.

Regards,

Kristin Wall

Norton Rose Canada LLP / S.E.N.C.R.L., s.r.l.
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 200 Bay Street, P.O. Box 84, Toronto, Ontario, CANADA M5J 2Z4
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Kristin.Wall@nortonrose.com

2012-04-15

Nagib Tajdin

From: Gray, Brian [Brian.Gray@nortonrose.com]
Sent: Monday, March 19, 2012 2:20 PM
To: Nagib Tajdin
Cc: info@noellawyers.com; Wall, Kristin
Subject: RE: T-514-10 - outstanding questions from first round of discovery

Dear Mr. Tajdin,

A counsel's eyes only order is extremely rare for the very reason that it is necessary for counsel to discuss matters with their client in order to get instructions. My instructions are to resist such an order, as I have previously advised you. If that changes, I will let you know.

As for the days, it is a question of finding a convenient time that suits the court as well as everyone else, and I was only warning you not to lock in air fares until we can determine when the matter can be heard. If Ms Noel has to be accommodated also, then you might clear dates with her as well.

Yours very truly,
 Brian Gray

Brian W. Gray
 Norton Rose Canada LLP
 Barristers and Solicitors
 Patent and Trade-mark Agents
 tel: 416 216-1905
 fax: 416 216-3930
 cell: 416 917-1652
brian.gray@nortonrose.com

Ogilvy Renault joined Norton Rose Group on June 1, 2011, please note my new e-mail address

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Brian.Gray@nortonrose.com

From: Nagib Tajdin [mailto:nagib@tajdin.com]
Sent: March 19, 2012 2:10 PM
To: Gray, Brian; Wall, Kristin
Cc: info@noellawyers.com
Subject: RE: T-514-10 - outstanding questions from first round of discovery

Dear Mr Gray,

I think I gave you a span of 20 days, I am sure if you are not available in those 3 weeks, Mrs Wall or any other staff at Norton Rose will be able to present on your behalf. However, if you have any other dates in mind, please do suggest and I will do my best to accommodate.

Also be informed that I will bring a cross-motion on the same date as your motion.

Mrs Noel, as I have already told you, will be representing me specifically in verbal representations to be

2012-04-15