

SIMPSON THACHER & BARTLETT LLP

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VIA HAND DELIVERY

October 9, 2009

Re: *Golden Gate Yacht Club v. Société Nautique de Genève, et al.*
(New York County Clerk's Index No. 602446/07)

The Honorable Shirley W. Kornreich
The Supreme Court of the State of New York
County of New York
Part 54
60 Centre Street, Room 418
New York, NY 10007

Dear Justice Kornreich:

We represent Defendant Société Nautique de Genève ("SNG"), and write in regards to recently discovered information concerning Golden Gate Yacht Club's ("GGYC") Certificate of Documentation ("COD"). GGYC provided the COD to SNG on September 30, 2009. Through the Freedom of Information Act, SNG subsequently obtained the documents submitted by GGYC to the U.S. Coast Guard to obtain the COD. Those documents are attached to this letter as Exhibit A. We wish to call the Court's attention to two aspects of the COD application material.

First, the annexed documents demonstrate that on September 18, 2009, GGYC's racing representative, Oracle Racing, submitted a request to have its application for a COD receive priority handling. Through this request, GGYC certified to the United States Coast Guard that GGYC's challenging vessel was to depart the United States on September 25, 2009 for the "Persian Gulf, United Arab Emirates." This representation was made with the understanding that "a false statement when applying for vessel documentation may subject the vessel to seizure by and forfeiture to the United States government."¹ Only 13 days after representing to the United States Coast Guard that it would immediately ship its boat to the United Arab Emirates ("U.A.E."), GGYC oddly elected to file a motion with this Court seeking to have the venue declared invalid.

¹ Exhibit A, at p. 14; *see also* Aug. 10, 2009 Tr. at 28:21-29:2 (Excerpts of August 10 transcript attached hereto as Exhibit B) ("Aug. 10 Tr.").

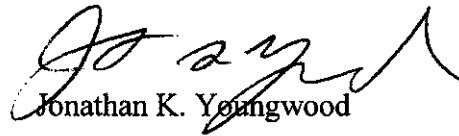
It appears now that, contrary to its representation, GGYC did not send its vessel to Ras Al Khaimah at the end of September² and may never have had such intentions. If the press reports are correct, GGYC may have made false statements to the United States Coast Guard, thereby subjecting its challenging vessel to seizure. Alternatively, if GGYC did in fact already send its vessel to the U.A.E. – then it appears that GGYC’s alleged “grave safety concerns” and other matters raised in its pending motion are unfounded.

Second, the documents submitted with the application demonstrate that GGYC obtained a tonnage certificate, one of the two pre-requisites to obtaining a COD, for its challenging vessel on June 12, 2009, nearly two months prior to the August 10, 2009 evidentiary hearing concerning the COD. Exhibit A, at p. 21. However, GGYC did not disclose the existence of that tonnage certificate at the August 10 hearing. Instead, GGYC offered an affidavit to the Court at the hearing detailing the many further changes it then planned for its boat and asked Mr. Thomas L. Willis whether such changes would need to be completed prior to obtaining a COD. Aug. 10 Tr. at 32:5-33:12. Likewise, GGYC asked Mr. Willis whether certain changes would need to be completed prior to obtaining a tonnage certificate or require a new certificate if one had already been obtained. *Id.* at 29:3-31:21; 54:23-56:6; 57:1-17. Although SNG does not dispute the Court’s conclusion regarding the timing of the delivery of the COD, SNG submits that GGYC’s failure to disclose its possession of a tonnage certificate prevented the Court and SNG from being fully informed of the relevant issues and wasted valuable Court resources.

² GGYC’s website and recent press reports state that it has yet to leave the country. *See* Exhibit C (BMW Oracle Racing Homepage printed October 8, 2009) (“Testing Continues. BOR 90 development ongoing in San Diego.”); Exhibit D (BMW Oracle Racing News Article, dated September 20, 2009) (“The BOR 90 will be moved into the tent erected at the team base in San Diego and won’t emerge until next month [October] after more scheduled maintenance and optimization.”); Exhibit E (Bernie Wilson, “*Cup Challenger Provides Measurement Document*”, The Mercury News, dated September 30, 2009) (“BMW Oracle Racing plans to continue modifying and testing its trimaran in San Diego until mid-November, then ship it to the Persian Gulf.”); Exhibit F (BMW Oracle Racing News Article, dated September 25, 2009) (“The sailing team for BMW ORACLE Racing, under Ashby’s tutelage, will return to the waters off San Diego in October, as the countdown to the 33rd America’s Cup continues.”).

SNG has dealt until now with GGYC's unsportsmanlike conduct as best it can, and unfortunately, will likely have to continue dealing with it. SNG looks forward to moving beyond the courtroom and onto the waters of Ras Al Khaimah, the proper venue for deciding the winner of the next America's Cup.

Respectfully,



Jonathan K. Youngwood

cc James V. Kearney, Esq.
David Boies, Esq.
Carolyn Ellis, Esq.

EXHIBIT A

U.S. Department of
Homeland Security

United States
Coast Guard



Director
National Vessel Documentation Center

792 T J Jackson Drive
Falling Waters, WV 25419-9502
Staff Symbol: NVDC
Phone: (304) 271-2400
Fax: (304) 271-2405
Email: Kim.E.Demory@uscg.mil

16713/28 R
FOIA 10-0005
October 2, 2009

VIA FACSIMILE: (215) 625-0185

Charles W. McCammon
Palmer Biezup & Henderson LLP
956 Public Ledger Building
Independence Mall West
Philadelphia, PA 19106-3409

Dear Mr. McCammon:

This is in response to your request dated October 1, 2009 under the Freedom of Information Act (FOIA), 5 U.S.C. § 552 requesting documentation information on the vessel USA, O.N. 1223140.

Enclosed are copies of the entire vessel file. We have redacted the Tax ID Number and E-mail Addresses in accordance with standard practice for protecting privacy.

If you desire to appeal this determination, you must appeal in writing within thirty days of your receipt of this letter. You must include your reasons for reconsideration. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Address your appeal to: Commandant (CG-611) U.S. Coast Guard Headquarters 2100 2nd Street, SW Washington, DC 20593-0001.

The fee for furnishing this information is \$56.10 which was charged to the Master-Card account card provided.

If you have any questions, you may contact me at (800) 799-8362.

Sincerely,

A handwritten signature in black ink that reads "Kim E. Demory".


KIM E. DEMORY
Records and Research Manager
Data Management & Administration Division
By direction

Enclosure: O.N. 1223140

- (1) Abstract of Title
- (2) Certificate of Documentation issued 9/25/2009
- (3) Cover Letter dated 9/21/2009
- (4) Cover Letter dated 9/21/2009

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October 2, 2009

- (5) CG-1258 Application dated 9/18/2009
- (6) Request for Priority Handling Letter dated 09/18/2009
- (7) Application for Hull ID Number
- (8) Builder's Certificate dated 9/18/2009
- (9) International Tonnage Certificate dated 6/12/2009

DEPARTMENT OF HOMELAND SECURITY U.S. COAST GUARD CG - 1332	GENERAL INDEX OR ABSTRACT OF TITLE	OMB APPROVED 2115-0110
<p>NAME OF VESSEL <u>USA</u> OFFICIAL NUMBER: <u>1223140</u></p> <p>HIN NUMBER: <u>USZ00171I909</u></p> <p>VESSEL BUILT AT <u>ANACORTES, WA, UNITED STATES</u></p> <p>(AND) _____ IN <u>2009</u></p> <p>BY <u>CORE BUILDERS INC</u></p> <p>FOR <u>ORACLE RACING INC</u></p> <p>BUILDER'S CERTIFICATE DATED <u>09/18/2009</u></p> <p>TITLE ASSIGNED TO _____</p>		
ISSUED AS AN ABSTRACT OF TITLE AS OF	 KIM E. DEMORY	
DATE: <u>October 01, 2009</u> TIME: <u>09:09 AM</u>	NATIONAL VESSEL DOCUMENTATION CENTER	

DESIGN SPEC 1270 (REV 06/04)

ONE APPROVED
1625-0027



UNITED STATES OF AMERICA

DEPARTMENT OF HOMELAND SECURITY
UNITED STATES COAST GUARD

NATIONAL VESSEL DOCUMENTATION CENTER

CERTIFICATE OF DOCUMENTATION

VESSEL NAME USA		OFFICIAL NUMBER 1223140	IMO OR OTHER NUMBER USZ00171909	YEAR COMPLETED 2009
HAILING PORT SAN FRANCISCO, CA		HULL MATERIAL OTHER		MECHANICAL PROPULSION NO.
GROSS TONNAGE 48 GT ITC	NET TONNAGE 14 NT ITC	LENGTH 113.3	BREADTH 89.9	DEPTH 7.5
PLACE BUILT ANACORTES, WA				
OWNERS ORACLE RACING INC		OPERATIONAL ENDORSEMENTS RECREATION		
MANAGING OWNER ORACLE RACING INC 3511 SILVERSIDE ROAD SUITE 105 WILMINGTON, DE 19810		NATIONAL VESSEL DOCUMENTATION CENTER U.S. COAST GUARD I HEREBY CERTIFY THIS TO BE A TRUE COPY OF THE RECORDS OF THIS OFFICE <i>Ron E. Gentry</i> 10/1/09 DOCUMENTATION OFFICER DATE us of 9:09A		
RESTRICTIONS NONE				
ENTITLEMENTS NONE				
REMARKS NONE				
ISSUE DATE SEPTEMBER 25, 2009		 DIRECTOR, NATIONAL VESSEL DOCUMENTATION CENTER		
THIS CERTIFICATE EXPIRES SEPTEMBER 30, 2010				



Document Type: INIT-REC
 Batch Number: 711559
 Document ID: 11057475
 User ID: SCANNER6
 Filed Date/Time: 22-SEP-2009 10:51 AM



Additional Official Numbers
 Included in this Transmittal:

12

Vessel Name: USA

ON:

Hull #:

Type RECREATIONAL INITIAL

Company: THE MARY CONLIN COMPANY, INC.

Address: 833 DOVER DRIVE, SUITE 15

City, ST Zip: NEWPORT BEACH, CA 92663

email (opt):

Phone: (949) 646-5917

Fax: (949) 646-6595

Contact: Kathi Krenck

EXPEDITE

ENCLOSURE

Document	# Pages	Item Charge	Recording Fee	Extended
CG1258 (Initial)	3	1	\$133.00	\$133.00
CG1258			\$84.00	\$0.00
Bill of Sale / Deed of Gift / Transfer of Interest			\$8.00	\$0.00
CG1261 Builder's Certificate / MSO	2			
Copy of State Title / Registration				
CG5397 Simplified Measurement				
CF4593 Application for Consent			\$24.00	\$0.00
Satisfaction				
Request for Removal / Deletion			\$15.00	\$0.00
Notice of Claim of Lien			\$8.00	\$0.00
Other Request for Priority Filing	2			
Other				
Other Tonnage Certificate	2			
Waiver Application for HULL ID #	1		\$15.00	\$0.00
Preferred Shlp Mortgage			\$4.00	\$0.00
Certified Copy of Mortgage			\$4.00	\$0.00
Amendment of Mortgage			\$4.00	\$0.00
Certified Copy of Amendment			\$4.00	\$0.00
Assignment of Mortgage			\$4.00	\$0.00
Certified Copy of Assignment			\$4.00	\$0.00
Abstract of Title Required after Filing/ED/FILED			\$25.00	\$0.00
			Sub-total	\$133.00
			Commercial Fees	
			Grand Total	\$133.00

22 SEP '09

10:51 AM

LOCATOR NUMBER

USCG Transmittal



Date: 09-21-2009 # Pages Submitted: 19

Vessel Name: USA

Additional Official Numbers Included in this Transmittal:

ON:

Hull #:

Type RECREATIONAL INITIAL

Company: THE MARY CONLIN COMPANY, INC.

Address: 833 DOVER DRIVE, SUITE 15

City, ST Zip: NEWPORT BEACH, CA 92663

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Phone: (949) 846-5917

Fax: (949) 646-6595

Contact: Kathi Krenck

EXPEDITE

ALL ENCLOSED

Document	# Pages	Item Charge	Recording Fee	Extended
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Bill of Sale / Deed of Gift / Transfer of Interest			\$8.00	\$0.00
CG1261 Builder's Certificate / MSO	2			
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CG5397 Simplified Measurement				
CF4593 Application for Consent			\$24.00	\$0.00
Satisfaction				
Request for Removal / Deletion			\$15.00	\$0.00
Notice of Claim of Lien			\$8.00	\$0.00
Other Request for Priority Filing	2			
Other				
Other Tonnage Certificate	2			
Waiver Application for HULL ID #	1		\$15.00	\$0.00
Preferred Ship Mortgage			\$4.00	\$0.00
Certified Copy of Mortgage			\$4.00	\$0.00
Amendment of Mortgage			\$4.00	\$0.00
Certified Copy of Amendment			\$4.00	\$0.00
Assignment of Mortgage			\$4.00	\$0.00
Certified Copy of Assignment			\$4.00	\$0.00
Abstract of Title Required after Filing/ED/FIL			\$25.00	\$0.00
			Sub-total	\$133.00
			Commercial Fees	
			Grand Total	\$133.00

22 SEP '09

10:51 AM

LOCATOR NUMBER

Document Type: UNCAT
 Batch Number: 711903
 Document ID: 11066184
 User ID: SCANNER6
 Filed Date/Time: 22-SEP-2009 10:51 AM



Additional Official Numbers
 Included in this Transmittal:

Vessel Name: USA

ON:

Hull #:

Type RECREATIONAL INITIAL

Company: THE MARY CONLIN COMPANY, INC.

Address: 833 DOVER DRIVE, SUITE 15

City, ST Zip: NEWPORT BEACH, CA 92663

email (opt):

Phone: (949) 846-5917

Fax: (949) 846-6595

Contact: Kathl Krencik

EXPEDITE

IR

Document	Pages	Charges	Recording Fee	Extended
CG1258 (Initial)	3	1	\$133.00	\$133.00
CG1258			\$84.00	\$0.00
Bill of Sale / Deed of Gift / Transfer of Interest			\$8.00	\$0.00
CG1261 Builder's Certificate / MSO	2			
Copy of State Title / Registration				
CG5397 Simplified Measurement				
CF4593 Application for Consent Satisfaction			\$24.00	\$0.00
Request for Removal / Deletion			\$15.00	\$0.00
Notice of Claim of Lien			\$8.00	\$0.00
Other Request for Priority Filing	2			
Other				
Other Tonnage Certificate	2			
Waiver Application for HULL ID #	1		\$15.00	\$0.00
Preferred Ship Mortgage			\$4.00	\$0.00
Certified Copy of Mortgage			\$4.00	\$0.00
Amendment of Mortgage			\$4.00	\$0.00
Certified Copy of Amendment			\$4.00	\$0.00
Assignment of Mortgage			\$4.00	\$0.00
Certified Copy of Assignment			\$4.00	\$0.00
Abstract of Title Required after Filing			\$25.00	\$0.00

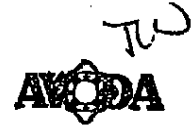
22 SEP '09

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LOCATOR NUMBER

Sub-total	\$133.00
Commercial Fees	
Grand Total	\$133.00

USCG Transmittal



Date: 09-21-2009

Pages Submitted: 10

Additional Official Numbers
Included In this Transmittal:

Vessel Name: USA

ON:

Hull #:

Type RECREATIONAL INITIAL

Company: THE MARY CONLIN COMPANY, INC.

Address: 833 DOVER DRIVE, SUITE 15

City, ST Zip: NEWPORT BEACH, CA 92663

email (opt):

Phone: (949) 646-5917

Fax: (949) 646-6595

Contact: Kathi Krencik

EXPEDITE

TR

Document	Quantity	Unit Charge	Recording Fee	Extended
CG1258 (Initial)	3	1	\$133.00	\$133.00
CG1258			\$84.00	\$0.00
Bill of Sale / Deed of Gift / Transfer of Interest			\$8.00	\$0.00
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Copy of State Title / Registration				
CG5997 Simplified Measurement				
CF4593 Application for Consent Satisfaction			\$24.00	\$0.00
Request for Removal / Deletion			\$15.00	\$0.00
Notice of Claim of Lien			\$8.00	\$0.00
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Certified Copy of Mortgage			\$4.00	\$0.00
Amendment of Mortgage			\$4.00	\$0.00
Certified Copy of Amendment			\$4.00	\$0.00
Assignment of Mortgage			\$4.00	\$0.00
Certified Copy of Assignment			\$4.00	\$0.00
Abstract of Title Required after Filing			\$25.00	\$0.00
			Sub-total	\$133.00
			Commercial Fees	
			Grand Total	\$133.00

22 SEP '09

10:51 AM

LOCATOR NUMBER

Document Type: APPLICATION
Batch Number: 711559
Document ID: 11057477
User ID: SCANNER6
Filed Date/Time: 22-SEP-2009 10:51 AM

STATE OF
TATION

THIS SECTION FOR COAST GUARD USE ONLY. PLEASE MAKE NO MARK IN THIS BLOCK.

NOTE: FILING THIS APPLICATION DOES NOT ENTITLE A VESSEL TO DOCUMENTATION OR TO ANY CHANGES SOUGHT ON A CERTIFICATE OF DOCUMENTATION. OFFICIAL NUMBERS DESIGNATED ON THE BASIS OF THIS APPLICATION ARE NOT TRANSFERABLE. ONLY A CURRENT CERTIFICATE OF DOCUMENTATION IS VALID FOR VESSEL OPERATION.

COMPLETE FOR ALL APPLICATIONS

A. NEW NAME, IF NAME CHANGE

USA

CLICK ICON TO ATTACH LIST OF ADDITIONAL VESSEL(S)

B. OFFICIAL # (IF AWARDED)

VESSEL NAME

C. HULL ID # (IF ANY)

D. IMO # (IF ANY)

E. HAULING PORT INCLUDING STATE (TO BE MARKED ON VESSEL)

SAN FRANCISCO, CA

F. NAME OF MANAGING OWNER

ORACLE RACING, INC.

G. PHYSICAL ADDRESS OF MANAGING OWNER (REQUIRED)

3511 SILVERSIDE ROAD, SUITE 105
WILMINGTON, DE 19810

TELEPHONE NUMBER (OPTIONAL)

SOCIAL SECURITY OR TAX ID NUMBER (REQUIRED - 46 USC 12103)

SSN:

TIN:

MAILING ADDRESS OF MANAGING OWNER (IF DIFFERENT THAN PHYSICAL ADDRESS - E.G., P.O. BOX)

H. NAME(S) OF OTHER OWNER(S)

SOCIAL SECURITY OR TAX ID NUMBER(S) OF OTHER OWNER(S)

SSN:

TIN:

CLICK ICON TO ATTACH LIST OF ADDITIONAL OWNER(S)

I. PURPOSE OF APPLICATION

- 1. EXCHANGE OF CERTIFICATE OF DOCUMENTATION.
- 2. REPLACEMENT OF LOST, WRONGFULLY WITHHELD OR MUTILATED CERTIFICATE OF DOCUMENTATION.
- 3. RE-INSTATEMENT OF CERTIFICATE OF DOCUMENTATION FOLLOWING FAILURE TO RENEW.
- 4. RETURN TO DOCUMENTATION FOLLOWING DELETION. VESSEL NAME WHEN LAST DOCUMENTED: _____
- 5. APPLICATION FOR OFFICIAL NUMBER AND FIRST CERTIFICATE OF DOCUMENTATION. VESSEL

WAS BUILT AT ANACORTES, WASHINGTON, USA IN 2007-2009
OR CITY, STATE, COUNTRY MONTH/YEAR

IS UNDER CONSTRUCTION AT _____ IS SCHEDULED FOR COMPLETION IN _____

HULL MATERIAL: WOOD STEEL FIBROUS REINFORCED PLASTIC ALUMINUM CONCRETE
 OTHER (DESCRIBE) _____ APPROXIMATE LENGTH OF VESSEL 113.3

PREVIOUS NAMES, NUMBERS, OR FOREIGN REGISTRATIONS OF VESSEL _____

J. ENDORSEMENTS FOR WHICH APPLICATION IS MADE

- RECREATIONAL
- FISHERY
- COASTWISE
- REGISTRY
- COASTWISE - BOWATERS ONLY (CERTIFICATE ON FILE)
- COASTWISE - OIL SPILL RESPONSE ONLY (LETTER OF QUALIFICATION ON FILE)
- COASTWISE UNDER CHARTER TO AN ENTITY QUALIFIED TO ENGAGE IN COASTWISE (COPY OF CHARTER ON FILE)

K. PRIMARY SERVICE & HORSEPOWER

- HORSEPOWER: _____
- COMMERCIAL FISHING BOAT
 - FISHING PROCESSING VESSEL
 - FREIGHT SHIP
 - FREIGHT BARGE
 - INDUSTRIAL VESSEL
 - MOBILE OFFSHORE DRILLING UNIT
 - OIL RECOVERY
 - OFFSHORE SUPPLY VESSEL
 - PASSENGER (8 OR FEWER)
 - PASSENGER (MORE THAN 8)
 - PASSENGER BARGE (8 OR FEWER)
 - PASSENGER BARGE (MORE THAN 8)
 - PUBLIC FREIGHT
 - PUBLIC TANKSHIP/BARGE
 - PUBLIC VESSEL, UNC
 - RESEARCH VESSEL
 - SCHOOL SHIP
 - TANK BARGE
 - TANK SHIP
 - TOWING VESSEL
 - UNCLASSIFIED VESSEL
 - RECREATIONAL

(TEST) PREVIOUS EDITION OBSOLETE

DOCUMENTATION OFFICER

I HEREBY CERTIFY THIS TO BE A TRUE COPY OF THE RECORDS OF THIS OFFICE

NATIONAL VESSEL DOCUMENTATION CENTER
U.S. COAST GUARD

DATE 10/16/09
USCG 9:09A

DEPARTMENT OF HOMELAND SECURITY U.S. COAST GUARD CG-1258 (REV. 10-06) OMB APPROVED 1025-0027	APPLICATION FOR INITIAL ISSUE, EXCHANGE, OR REPLACEMENT OF CERTIFICATE OF DOCUMENTATION; REDOCUMENTATION	THIS SECTION FOR COAST GUARD USE ONLY. PLEASE MAKE NO MARK IN THIS BLOCK.
NOTE: FILING THIS APPLICATION DOES NOT ENTITLE A VESSEL TO DOCUMENTATION OR TO ANY CHANGES SOUGHT ON A CERTIFICATE OF DOCUMENTATION. OFFICIAL NUMBERS DESIGNATED ON THE BASIS OF THIS APPLICATION ARE NOT TRANSFERABLE. ONLY A CURRENT CERTIFICATE OF DOCUMENTATION IS VALID FOR VESSEL OPERATION.		
COMPLETE FOR ALL APPLICATIONS		
A. NEW NAME, IF NAME CHANGE USA <input type="checkbox"/> CLICK ICON TO ATTACH LIST OF ADDITIONAL VESSEL(S) VESSEL NAME: _____	B. OFFICIAL # (IF AWARDED) _____	
C. HULL ID # (IF ANY) _____	D. IMO # (IF ANY) _____	
E. HAILING PORT INCLUDING STATE (TO BE MARKED ON VESSEL) SAN FRANCISCO, CA		
F. NAME OF MANAGING OWNER ORACLE RACING, INC. TELEPHONE NUMBER (OPTIONAL): _____ SOCIAL SECURITY OR TAX ID NUMBER (REQUIRED - 48 USC 12103): _____ SSN: _____ TIN: _____	G. PHYSICAL ADDRESS OF MANAGING OWNER (REQUIRED) 3511 SILVERSIDE ROAD, SUITE 105 WILMINGTON, DE 19810 MAILING ADDRESS OF MANAGING OWNER (IF DIFFERENT THAN PHYSICAL ADDRESS - E.G., P.O. BOX) _____	
H. NAME(S) OF OTHER OWNER(S) <input type="checkbox"/> CLICK ICON TO ATTACH LIST OF ADDITIONAL OWNER(S)	SOCIAL SECURITY OR TAX ID NUMBER(S) OF OTHER OWNER(S) SSN: _____ TIN: _____	
I. PURPOSE OF APPLICATION <input type="checkbox"/> 1. EXCHANGE OF CERTIFICATE OF DOCUMENTATION. <input type="checkbox"/> 2. REPLACEMENT OF LOST, WRONGFULLY WITHHELD OR MUTILATED CERTIFICATE OF DOCUMENTATION. <input type="checkbox"/> 3. RE-INSTATEMENT OF CERTIFICATE OF DOCUMENTATION FOLLOWING FAILURE TO RENEW. <input type="checkbox"/> 4. RETURN TO DOCUMENTATION FOLLOWING DELETION. VESSEL NAME WHEN LAST DOCUMENTED: _____ <input checked="" type="checkbox"/> 5. APPLICATION FOR OFFICIAL NUMBER AND FIRST CERTIFICATE OF DOCUMENTATION. VESSEL <input checked="" type="checkbox"/> WAS BUILT AT <u>ANACORTES, WASHINGTON</u> USA IN <u>2007-2009</u> OR CITY, STATE, COUNTRY MONTH/YEAR <input type="checkbox"/> IS UNDER CONSTRUCTION AT _____ IS SCHEDULED FOR COMPLETION IN _____ HULL MATERIAL: <input type="checkbox"/> WOOD <input type="checkbox"/> STEEL <input checked="" type="checkbox"/> FIBROUS REINFORCED PLASTIC <input type="checkbox"/> ALUMINUM <input type="checkbox"/> CONCRETE <input type="checkbox"/> OTHER (DESCRIBE) _____ APPROXIMATE LENGTH OF VESSEL <u>113.3</u> PREVIOUS NAMES, NUMBERS, OR FOREIGN REGISTRATIONS OF VESSEL _____		
J. ENDORSEMENTS FOR WHICH APPLICATION IS MADE <input checked="" type="checkbox"/> RECREATIONAL <input type="checkbox"/> COASTWISE - BOWATERS ONLY (CERTIFICATE ON FILE) <input type="checkbox"/> FISHERY <input type="checkbox"/> COASTWISE - OIL SPILL RESPONSE ONLY (LETTER OF QUALIFICATION ON FILE) <input type="checkbox"/> COASTWISE <input type="checkbox"/> COASTWISE UNDER CHARTER TO AN ENTITY QUALIFIED TO ENGAGE IN <input type="checkbox"/> REGISTRY <input type="checkbox"/> COASTWISE (COPY OF CHARTER ON FILE)		
K. PRIMARY SERVICE & HORSEPOWER HORSEPOWER: _____ <input type="checkbox"/> COMMERCIAL FISHING BOAT <input type="checkbox"/> OFFSHORE SUPPLY VESSEL <input type="checkbox"/> RESEARCH VESSEL <input type="checkbox"/> FISHING PROCESSING VESSEL <input type="checkbox"/> PASSENGER (6 OR FEWER) <input type="checkbox"/> SCHOOL SHIP <input type="checkbox"/> FREIGHT SHIP <input type="checkbox"/> PASSENGER (MORE THAN 6) <input type="checkbox"/> TANK BARGE <input type="checkbox"/> FREIGHT BARGE <input type="checkbox"/> PASSENGER BARGE (6 OR FEWER) <input type="checkbox"/> TANK SHIP <input type="checkbox"/> INDUSTRIAL VESSEL <input type="checkbox"/> PASSENGER BARGE (MORE THAN 6) <input type="checkbox"/> TOWING VESSEL <input type="checkbox"/> MOBILE OFFSHORE DRILLING UNIT <input type="checkbox"/> PUBLIC FREIGHT <input type="checkbox"/> UNCLASSIFIED VESSEL <input type="checkbox"/> OIL RECOVERY <input type="checkbox"/> PUBLIC TANKSHIP/BARGE <input checked="" type="checkbox"/> RECREATIONAL <input type="checkbox"/> PUBLIC VESSEL, UNC		

(TEST) PREVIOUS EDITION OBSOLETE

CG-1258

CITIZENSHIP OF OWNER (CHECK THE BOXES) TO SHOW THE TYPE(S) OF ENTITY(IES) THAT OWNS THE VESSEL.

ONE OR MORE INDIVIDUALS
I (WE) CERTIFY THAT ALL OWNERS OF THIS VESSEL ARE CITIZENS OF THE UNITED STATES

GOVERNMENT ENTITY (FEDERAL, STATE, TERRITORY, POSSESSION OR SUBDIVISION)

CORPORATION (COMPLETE ALL SECTIONS)

1. STATE OF INCORPORATION Delaware

2. CITIZENSHIP OF CHIEF EXECUTIVE OFFICER BY WHATEVER TITLE USA

3. CITIZENSHIP OF CHAIRMAN OF THE BOARD USA

4. NUMBER OF DIRECTORS NECESSARY TO CONSTITUTE A QUORUM 1

5. NUMBER OF ALIEN DIRECTORS 0

6. PERCENTAGE OF STOCK OWNED BY U.S. CITIZENS ELIGIBLE TO DOCUMENT VESSELS IN THEIR OWN RIGHT, WITH THE ENDORSEMENT(S) SOUGHT ON THIS APPLICATION:

LESS THAN 50% 75% OR MORE AT EACH TIER
 50% OR MORE 75% OR MORE AT EACH TIER AND IN THE AGGREGATE (IF FISHERY)

LIMITED LIABILITY COMPANY (LLC): (CHOOSE TYPE AND COMPLETE EQUITY/STOCK SECTION)

1. MEMBER MANAGED LIMITED LIABILITY COMPANY
I (WE) CERTIFY THAT ALL MEMBERS OF THIS LLC ARE CITIZENS OF THE UNITED STATES ELIGIBLE TO DOCUMENT VESSELS WITH THE ENDORSEMENT(S) SOUGHT IN THEIR OWN RIGHT.

2. LIMITED LIABILITY COMPANY NOT MANAGED BY MEMBERS AND NOT SIMILAR TO GENERAL PARTNERSHIP:
I (WE) CERTIFY THAT ANY PERSON ELECTED TO MANAGE THE LLC OR WHO IS AUTHORIZED TO BIND THE LLC, AND ANY PERSON WHO HOLDS A POSITION EQUIVALENT TO THE CHIEF EXECUTIVE OFFICER, BY WHATEVER TITLE, AND THE CHAIRMAN OF THE BOARD OF DIRECTORS IN A CORPORATION, AND ANY PERSONS AUTHORIZED TO ACT IN THEIR ABSENCE ARE CITIZENS OF THE UNITED STATES; AND NON-CITIZENS DO NOT HAVE AUTHORITY WITHIN A MANAGEMENT GROUP, WHETHER THROUGH VETO POWER, COMBINED VOTING, OR OTHERWISE, TO EXERCISE CONTROL OVER THE LLC.

EQUITY INTEREST OWNED BY PERSONS ELIGIBLE TO DOCUMENT VESSELS IN THEIR OWN RIGHT WITH THE ENDORSEMENT SOUGHT:

LESS THAN 50% 75% OR MORE AT EACH TIER
 50% OR MORE 75% OR MORE AT EACH TIER AND IN THE AGGREGATE (IF FISHERY)

PARTNERSHIP (CHOOSE TYPE AND COMPLETE EQUITY SECTION)

1. GENERAL PARTNERSHIP
I (WE) CERTIFY THAT ALL PARTNERS IN THIS PARTNERSHIP ARE CITIZENS OF THE UNITED STATES ELIGIBLE TO DOCUMENT VESSELS WITH THE ENDORSEMENT(S) SOUGHT IN THEIR OWN RIGHT.

2. LIMITED PARTNERSHIP
I (WE) CERTIFY THAT ALL GENERAL PARTNERS IN THIS PARTNERSHIP ARE CITIZENS OF THE UNITED STATES, ELIGIBLE TO DOCUMENT VESSELS WITH THE ENDORSEMENT(S) SOUGHT IN THEIR OWN RIGHT.

EQUITY INTEREST OWNED BY PERSONS ELIGIBLE TO DOCUMENT VESSELS IN THEIR OWN RIGHT WITH THE ENDORSEMENT SOUGHT:

LESS THAN 50% 75% OR MORE AT EACH TIER
 50% OR MORE 75% OR MORE AT EACH TIER AND IN THE AGGREGATE (IF FISHERY)

(CLICK ICON TO ATTACH LIST OF ALL GENERAL PARTNERS)

CORPORATION QUALIFIED AND APPLYING UNDER 45 CFR 68.01 (BOWATERS)
I (WE) CERTIFY THAT THE CORPORATE STRUCTURE HAS NOT CHANGED SINCE ISSUANCE OF THE CERTIFICATE OF COMPLIANCE.

VESSEL OWNED OR OPERATED BY NOT-FOR-PROFIT OIL RECOVERY COOPERATIVE
I (WE) CERTIFY THAT THE INFORMATION ON FILE WITH REGARD TO COOPERATIVE AND ISSUANCE OF THE LETTER OF QUALIFICATION REMAINS UNCHANGED.

JOINT VENTURE OR ASSOCIATION
I (WE) CERTIFY THAT ALL MEMBERS OF THIS (JOINT VENTURE) (ASSOCIATION) ARE CITIZENS OF THE UNITED STATES, ELIGIBLE TO DOCUMENT THE VESSELS COVERED BY THIS APPLICATION WITH THE ENDORSEMENT(S) SOUGHT IN THEIR OWN RIGHT.

(CLICK ICON TO ATTACH LIST OF ALL JOINT VENTURERS/MEMBERS)

(TEST) PREVIOUS EDITION OBSOLETE

CG-1258

TRUST ARRANGEMENT (COMPLETE EQUITY/STOCK SECTION)

I (WE) CERTIFY THAT ALL TRUSTEES AND ALL BENEFICIARIES WITH AN ENFORCEABLE INTEREST IN THIS TRUST ARRANGEMENT ARE CITIZENS OF THE UNITED STATES, ELIGIBLE TO DOCUMENT VESSELS WITH THE ENDORSEMENT(S) SOUGHT IN THEIR OWN RIGHT.

EQUITY INTEREST OWNED BY PERSONS ELIGIBLE TO DOCUMENT VESSELS IN THEIR OWN RIGHT WITH THE ENDORSEMENT(S) SOUGHT:

- LESS THAN 50% 50% OR MORE 75% OR MORE AT EACH TIER 75% OR MORE AT EACH TIER AND IN THE AGGREGATE (IF FISHERY)

OR

VESSEL OWNED IN A TRUST ARRANGEMENT PURSUANT TO 48 USC 12102(d) (CROSS BORDER FINANCING) I (WE) CERTIFY THAT THE VESSEL IS OWNED IN A TRUST ARRANGEMENT THAT QUALIFIES FOR A REGISTRY ENDORSEMENT ONLY PURSUANT TO PUBLIC LAW 104-324, SECT. 1196. ATTACHED IS AN AFFIDAVIT OF EACH TRUSTEE AND CITIZENSHIP EVIDENCE FOR THE CHARTERER AS REQUIRED UNDER THE STATUTE.

(CLICK ICON TO ATTACH LIST OF ALL TRUSTEES AND ALL BENEFICIARIES WITH AN ENFORCEABLE INTEREST)

M. I (WE) CERTIFY THAT: (MARK ALL THAT ARE APPLICABLE)

- 1. I AM (WE ARE) A CITIZEN(S) OF THE UNITED STATES AND LEGALLY AUTHORIZED TO EXECUTE THIS APPLICATION IN THE CAPACITY SHOWN;
2. IN ACCORDANCE WITH 48 CFR PART 67 (SUBPART I) THE VESSEL(S) TO WHICH THIS APPLICATION APPLIES;
3. THE VESSEL IS NOT TITLED UNDER A STATE OR TITLED UNDER THE LAWS OF
4. U.S. CONTROL CERTIFICATION (REQUIRED FOR COASTWISE ENDORSEMENT AND/OR FISHERY ENDORSEMENT); THROUGH NO CONTRACT OR UNDERSTANDING IS IT ARRANGED THAT MORE THAN 25% OF THE VOTING POWER IN THE PARTNERSHIP, LIMITED LIABILITY, CORPORATION, OR OTHER OWNING ENTITY MAY BE EXERCISED, DIRECTLY OR INDIRECTLY, IN BEHALF OF ANY PERSON NOT A CITIZEN OF THE UNITED STATES.

POTENTIAL PENALTIES FOR FALSE STATEMENTS OR REPRESENTATIONS BY OWNER OR REPRESENTATIVE: VESSEL FORFEITURE (48 USC 12122) AND FINE AND/OR IMPRISONMENT (18 USC 1001)

SIGNATURE DATE CAPACITY (E.G., OWNER, AGENT, TRUSTEE, GENERAL PARTNER, CORPORATE OFFICER)
X [Signature] September 18, 2009 Vice President

PRINTED OR TYPED NAME: MELINDA C. ERKELENS

APPLICATION FEES ARE NOT REFUNDABLE (48 CFR 67.500 (e)).

PRIVACY ACT STATEMENT

IN ACCORDANCE WITH 5 U.S.C. 552a, THE FOLLOWING INFORMATION IS PROVIDED TO YOU WHEN SUPPLYING PERSONAL INFORMATION TO THE U.S. COAST GUARD.

- 1. AUTHORITY. SOLICITATION OF THIS INFORMATION IS AUTHORIZED BY 48 U.S.C., CHAPTERS 121 AND 125; 46 U.S.C. APP. 802 AND 863.
2. THE PRINCIPAL PURPOSE FOR WHICH THIS INFORMATION IS TO BE USED ARE:
(1) TO DETERMINE CITIZENSHIP OF THE OWNER OF THE VESSEL FOR WHICH APPLICATION FOR DOCUMENTATION IS MADE; AND
(2) TO DETERMINE ELIGIBILITY OF THE VESSEL TO BE DOCUMENTED WITH THE TRADE ENDORSEMENT SOUGHT.
3. THE ROUTINE USES WHICH MAY BE MADE OF THIS INFORMATION INCLUDE RELEASE TO LAW ENFORCEMENT OFFICIALS, TO THE GENERAL PUBLIC UNDER FREEDOM OF INFORMATION ACT, AND TO PUBLISH INFORMATION ABOUT U.S. DOCUMENTED VESSELS.
4. DISCLOSURE OF THE INFORMATION REQUESTED ON THIS FORM IS VOLUNTARY. HOWEVER, FAILURE TO PROVIDE THE INFORMATION REQUESTED WILL RESULT IN DENIAL OF THE APPLICATION FOR DOCUMENTATION, WHICH MAY PREVENT THE OWNER FROM OPERATING THE VESSEL(S) IN A SPECIFIED TRADE.

AN AGENCY MAY NOT CONDUCT OR SPONSOR, AND A PERSON IS NOT REQUIRED TO RESPOND TO A COLLECTION OF INFORMATION UNLESS IT DISPLAYS A VALID OMB CONTROL NUMBER.

THE COAST GUARD ESTIMATES THAT THE AVERAGE BURDEN FOR THIS FORM IS 30 MINUTES. YOU MAY SUBMIT ANY COMMENTS CONCERNING THE ACCURACY OF THIS BURDEN ESTIMATE OR MAKE SUGGESTIONS FOR REDUCING THE BURDEN TO: NATIONAL VESSEL DOCUMENTATION CENTER, 792 T J JACKSON DRIVE, FALLING WATERS, WEST VIRGINIA 25419, OR OFFICE OF MANAGEMENT AND BUDGET, OFFICE OF INFORMATION AND REGULATORY AFFAIRS.

(TEST) PREVIOUS EDITION OBSOLETE

Document Type: UNCAT
Batch Number: 711559
Document ID: 11057481
User ID: SCANNER6
Filed Date/Time: 22-SEP-2009 10:51 AM

REQUEST FOR PRIORITY HANDLINGDATE: September 18, 2009NAME OF APPLICANT/OWNER: **ORACLE RACING, INC. a Delaware Corporation**REQUESTOR ADDRESS: **3511 SILVERSIDE ROAD, SUITE 105
WILMINGTON, DE 19810**VESSEL NAME **USA**HULL IDENTIFICATION NUMBER: **Hull ID#**1. Planned departure date for the vessel and location (city, state) from which it plans to depart:
9-25-092. Destination:
Persian Gulf, United Arab Emirates3. The date the application was sent to the NVDC (or received if you have that information available):
9-21-09
Signature of Owner / Applicant Named Above

SPECIAL NOTE: The US Coast Guard will not give priority to any request not signed by the vessel owner or managing owner. Each request must state that the owner understands that making a false statement when applying for vessel documentation may subject the vessel to seizure by and forfeiture to the United States government. (46 USC § 12122)

**Return via:
Attached Federal Express**

REQUEST FOR PRIORITY HANDLINGDATE: September 18, 2009NAME OF APPLICANT/OWNER: **ORACLE RACING, INC. a Delaware Corporation**REQUESTOR ADDRESS: **3511 SILVERSIDE ROAD, SUITE 105
WILMINGTON, DE 19810**VESSEL NAME **USA**HULL IDENTIFICATION NUMBER: **Hull ID#**1. Planned departure date for the vessel and location (city, state) from which it plans to depart:
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SPECIAL NOTE: The US Coast Guard will not give priority to any request not signed by the vessel owner or managing owner. Each request must state that the owner understands that making a false statement when applying for vessel documentation may subject the vessel to seizure by and forfeiture to the United States government. (46 USC § 12122)

Return via:
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Document Type: UNCAT
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Document ID: 11057479
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Filed Date/Time: 22-SEP-2009 10:51 AM

ON:
1223140

United States
Coast Guard



2100 Second Street, S.W.
Washington, DC 20583-0001
Staff Symbol G-OPB-5
Phone: (202) 267-0994
FAX: (202) 267-4285

APPLICATION FOR A HULL IDENTIFICATION NUMBER

OWNER INFORMATION

NAME: ORACLE RACING, INC. TELEPHONE NUMBER: (510) 290-6807
MAILING ADDRESS: 3511 SILVERSIDE ROAD, SUITE 105
CITY: WILMINGTON STATE: DELAWARE ZIP: 19810
I BUILT THIS BOAT FOR MY OWN USE: I IMPORTED THIS BOAT FOR MY OWN USE FROM:
How many boats did you build in the last 10 years? 5

VESSEL INFORMATION

BOAT NAME: USA LENGTH: 113.3' BEAM: 89.9' DRAFT: 7.5'
HULL MATERIAL: CARBON FIBER PROPULSION: SAIL FUEL: NONE
Wood, Fiberglass, Aluminum, Steel, Plastic, Other Gas, Diesel, Other
BOAT TYPE: TRIMARAN DATE CONSTRUCTION COMPLETED: 9/09
Open motorboat, Cabin motorboat, Slip-on motorboat, Auxiliary Rowboat, Canoe, Ketch, Hulled boat, Albatross, Fiberglass Boat, Chumpon, Tripartite, Inflatable, Personal Watercraft, Other
VESSEL STATE REGISTRATION NUMBER: N/A

GENERAL DESCRIPTION OF VESSEL: See builder's certificate

VESSEL BUILDER INFORMATION

COMPANY NAME: CORE BUILDERS INC. CONTACT AT COMPANY: MELINDA ERKADAS
ADDRESS: 1920 R AVENUE
CITY: ANACORTES STATE: WASHINGTON ZIP: 98221
TELEPHONE NUMBER: 360 588 9428 FAX NUMBER:

SIGNATURE OF PERSON COMPLETING THIS FORM:

H

D

G

ON:
1223140

U.S. Department
of Transportation
United States
Coast Guard



Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20503-0001
Stat Symbol: G-OPB-S
Phone: (202) 287-0884
FAX: (202) 287-4285

APPLICATION FOR A HULL IDENTIFICATION NUMBER

OWNER INFORMATION

NAME: ORACLE RACING, INC. TELEPHONE NUMBER: (510) 290-6807

MAILING ADDRESS: 3511 SILVERSIDE ROAD, SUITE 105

CITY: WILMINGTON STATE: DELAWARE ZIP: 19810

I BUILT THIS BOAT FOR MY OWN USE: I IMPORTED THIS BOAT FOR MY OWN USE FROM:

How many boats did you build in the last 10 years? 5

VESSEL INFORMATION

BOAT NAME: USA LENGTH: 113.3' BEAM: 89.9' DRAFT: 7.5'

HULL MATERIAL: CARBON FIBER PROPULSION: SAIL FUEL: NONE
Wood, Fiberglass, Aluminum, Steel, Plastic, Other Outboard, Inboard, I/O, Sail, Motor, Other Gas, Diesel, Other

BOAT TYPE: TRIMARAN DATE CONSTRUCTION COMPLETED: 9/09
Open motorboat, Cabin motorboat, Skipper, Sailboat with Auxiliary, Runabout, Canoe, Kayak, Hobiecat, Aftboat, Fiberglass boat, Composite, Transom, Inflatable, Personal Watercraft, Other

VESSEL STATE REGISTRATION NUMBER: N/A

GENERAL DESCRIPTION OF VESSEL: see builder's certificate

VESSEL BUILDER INFORMATION

COMPANY NAME: CORE BUILDERS INC. CONTACT AT COMPANY: MELINDA ERKENS

ADDRESS: 1920 R AVENUE

CITY: ANACORTES STATE: WASHINGTON ZIP: 98221

TELEPHONE NUMBER: 360 588 9428 FAX NUMBER:

SIGNATURE OF PERSON COMPLETING THIS FORM:

H D O

NATIONAL VESSEL DOCUMENTATION CENTER
U.S. COAST GUARD

Document Type: BUILD_CERT
Batch Number: 711559
Document ID: 11057478
User ID: SCANNER6
Filed Date/Time: 22-SEP-2009 10:51 AM

I HEREBY CERTIFY THIS TO BE A TRUE COPY
OF THE RECORDS OF THIS OFFICE

DOCUMENTATION OFFICER _____ DATE _____

U.S. COAST GUARD
CG-1281 (REV. 9-92)

AND FIRST TRANSFER OF TITLE

ONS APPROVED
2115-0110

I. PHASE OF CONSTRUCTION COVERED BY THIS CERTIFICATE

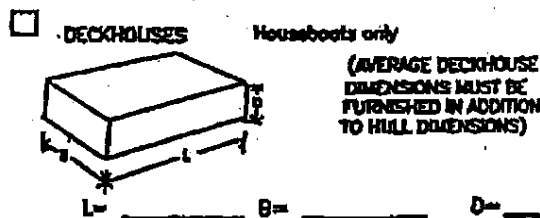
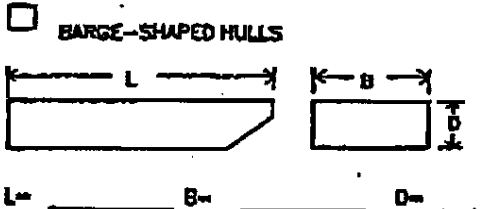
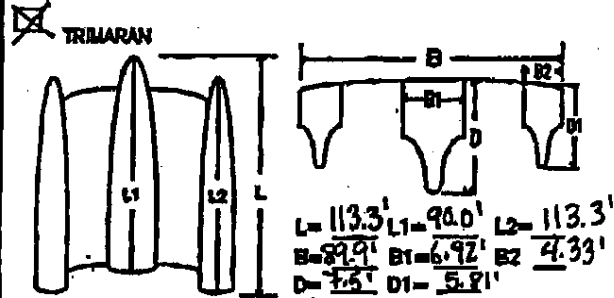
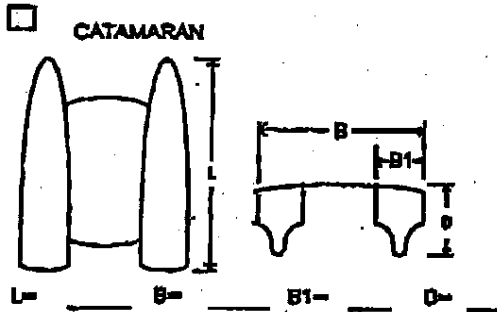
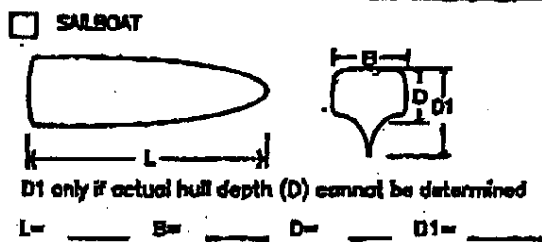
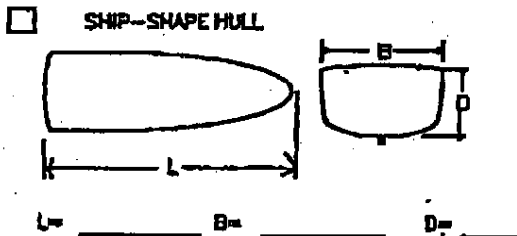
- ENTIRE CONSTRUCTION
- HULL ONLY
- COMPLETION ONLY (HULL BUILT BY ANOTHER)

YEAR PHASE OF CONSTRUCTION _____
YEAR COMPLETED 2009

II. VESSEL DATA

- A. HULL IDENTIFICATION NUMBER OR HULL NUMBER _____
- B. VESSEL NAME (IF KNOWN) USA
- C. EQUIPPED WITH ENGINE? YES NO OUTBOARD YES NO
- D. PLACE OF BUILD (CITY, STATE, COUNTRY) Anacortes, WA USA
- E. HULL MATERIAL:
 - WOOD STEEL FIBROUS REINFORCED PLASTIC
 - ALUMINUM CONCRETE OTHER

III. DIMENSIONS
(COMPLETE APPROPRIATE DIAGRAM)



IV. UNITED STATES BUILD STATEMENT

- ALL MAJOR COMPONENTS USED IN THE PHASE OF CONSTRUCTION COVERED BY THIS CERTIFICATE WERE FABRICATED IN THE UNITED STATES.
- ALL CONSTRUCTION AND ALL ASSEMBLY FOR THIS PHASE OF CONSTRUCTION WERE DONE IN THE UNITED STATES.

NATIONAL VESSEL DOCUMENTATION CENTER
 U.S. COAST GUARD
 I HEREBY CERTIFY THIS TO BE A TRUE COPY
 OF THE RECORDS OF THIS OFFICE
 DATE 10/02/09
 DOCUMENTATION OFFICER [Signature]

000920194

DEPARTMENT OF TRANSPORTATION U.S. COAST GUARD CG-1281 (REV. 8-92)	BUILDER'S CERTIFICATION AND FIRST TRANSFER OF TITLE	DMS APPROVED 2115-0110
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I. PHASE OF CONSTRUCTION COVERED BY THIS CERTIFICATE

ENTIRE CONSTRUCTION
 HULL ONLY
 COMPLETION ONLY (HULL BUILT BY ANOTHER)

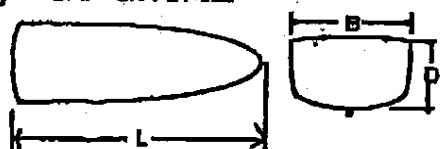
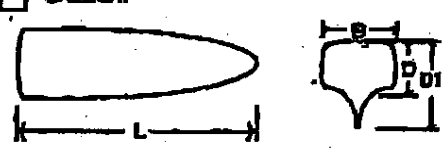
YEAR PHASE OF CONSTRUCTION _____
 YEAR COMPLETED 2009

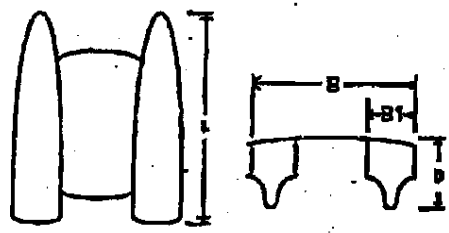
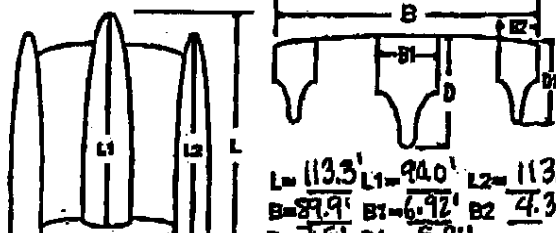
II. VESSEL DATA


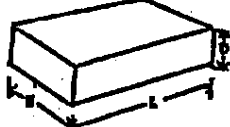
A. HULL IDENTIFICATION NUMBER OR HULL NUMBER _____
 B. VESSEL NAME (IF KNOWN) USA
 C. HULL MATERIAL:
 WOOD STEEL FIBROUS REINFORCED PLASTIC
 ALUMINUM CONCRETE OTHER

D. PLACE OF BUILD (CITY, STATE, COUNTRY) Anacortes, WA USA
 E. EQUIPPED WITH ENGINE? YES NO OUTBOARD YES NO

III. DIMENSIONS (COMPLETE APPROPRIATE DIAGRAM)

<input type="checkbox"/> SHIP-SHAPE HULL  L= _____ B= _____ D= _____	<input type="checkbox"/> SAILBOAT  D1 only if actual hull depth (D) cannot be determined L= _____ B= _____ D= _____ D1= _____
---	--

<input type="checkbox"/> CATAMARAN  L= _____ B= _____ B1= _____ D= _____	<input checked="" type="checkbox"/> TRIMARAN  L= 113.3' L1= 90.0' L2= 113.3' B= 87.9' B1= 6.92' B2= 4.33' D= 7.5' D1= 5.81'
--	---

<input type="checkbox"/> BARGE-SHAPED HULLS  L= _____ B= _____ D= _____	<input type="checkbox"/> DECKHOUSES Houseboats only (AVERAGE DECKHOUSE DIMENSIONS MUST BE FURNISHED IN ADDITION TO HULL DIMENSIONS)  L= _____ B= _____ D= _____
---	---

IV. UNITED STATES BUILD STATEMENT

ALL MAJOR COMPONENTS USED IN THE PHASE OF CONSTRUCTION COVERED BY THIS CERTIFICATE WERE FABRICATED IN THE UNITED STATES.
 ALL CONSTRUCTION AND ALL ASSEMBLY FOR THIS PHASE OF CONSTRUCTION WERE DONE IN THE UNITED STATES.

REVERSE OF CG-1281 (REV. 9-82)

V. NAME(S) AND ADDRESS(ES) OF PARTY(IES) FOR WHOM BUILT

Oracle Racing, Inc.
3511 Silverside Rd #105
Wilmington, DE 19810

IF BUILT FOR MORE THAN ONE PERSON, THE PERSONS NAMES ABOVE ARE TENANTS IN COMMON, EACH OWNING AN EQUAL UNDIVIDED INTEREST, UNLESS OTHERWISE INDICATED HEREIN. CHECK ONLY ONE OF THE FOLLOWING BLOCKS TO SHOW ANOTHER FORM OF OWNERSHIP.

- JOINT TENANCY WITH RIGHT OF SURVIVORSHIP
- TENANCY BY THE ENTIRETIES
- COMMUNITY PROPERTY
- OTHER (DESCRIBE)

MARK TURNER

VI. CERTIFICATION

PERSONAL KNOWLEDGE OF THESE FACTS BECAUSE I DO HEREBY CERTIFY THAT THE FACTS RECITED HEREIN ARE TRUE AND THAT I HAVE

OR PERSONALLY PERFORMED THE CONSTRUCTION

SUPERVISED THE CONSTRUCTION AT AND ON BEHALF OF: Core Builders, Inc

ACTING IN MY CAPACITY AS Project Manager OF Core Builders, Inc

NOTE: THIS CERTIFICATE MUST NOT BE COMPLETED BY AN IMPORTER OR AN IMPORTER'S AGENT.

[Signature]

September 18, 2009
DATE

VII. FIRST SALE OR TRANSFER OF VESSEL

100% OF THE VESSEL IDENTIFIED HEREIN IS SOLD (TRANSFERRED) BY THE PARTY(IES) NAMED IN SECTION V TO THE FOLLOWING PERSON(S) (NAMES AND ADDRESSES)

IF SOLD (TRANSFERRED) TO MORE THAN ONE PERSON, THE PURCHASER(S) (TRANSFERREE(S)) ARE TENANTS IN COMMON, EACH OWNING AN EQUAL UNDIVIDED INTEREST, UNLESS OTHERWISE INDICATED HEREIN. CHECK ONLY ONE OF THE FOLLOWING BLOCKS TO SHOW ANOTHER FORM OF OWNERSHIP.

- JOINT TENANCY WITH RIGHT OF SURVIVORSHIP
- TENANCY BY THE ENTIRETIES
- COMMUNITY PROPERTY
- OTHER (DESCRIBE)

VIII. SIGNATURE OF SELLER(S) (TRANSFEROR(S)) OR PERSONS SIGNING ON BEHALF OF SELLER(S) (TRANSFEROR(S)):

DATE SIGNED:

IX. NAME(S) OF PERSON(S) SIGNING ABOVE, AND LEGAL CAPACITY IN WHICH SIGNED (E.G., OWNER, AGENT, TRUSTEE, EXECUTOR)

X. ACKNOWLEDGMENT (TO BE COMPLETED BY NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED BY A LAW OF A STATE OR THE UNITED STATES TO TAKE OATHS.)

ON _____ (DATE) THE PERSON(S) NAMED IN

STATE:

SECTION IX ABOVE ACKNOWLEDGED EXECUTION OF THE FOREGOING INSTRUMENT IN THEIR STATED CAPACITY(IES) FOR THE PURPOSES THEREIN CONTAINED.

COUNTY:

NOTARY PUBLIC
MY COMMISSION EXPIRES:

PRIVACY ACT STATEMENT

IN ACCORDANCE WITH 5 USC 552(A), THE FOLLOWING INFORMATION IS PROVIDED TO YOU WHEN SUPPLYING PERSONAL INFORMATION TO THE U.S. COAST GUARD.

1. AUTHORITY: SOLICITATION OF THIS INFORMATION IS AUTHORIZED BY 46 USC, CHAPTER 519 AND 46 CFR, PART 67.
2. THE PRINCIPAL PURPOSES FOR WHICH THIS INSTRUMENT IS TO BE USED ARE:
 - (A) TO PROVIDE A RECORD, AVAILABLE FOR PUBLIC INSPECTION AND COPYING, OF THE SALE OR OTHER CHANGE IN OWNERSHIP OF A VESSEL, WHICH IS DOCUMENTED, WILL BE DOCUMENTED, OR HAS BEEN DOCUMENTED PURSUANT TO 46 USC, CHAPTER 519.
 - (B) PLACEMENT OF THIS INSTRUMENT IN A BOOK FOR EXAMINATION BY GOVERNMENTAL AUTHORITIES AND MEMBERS OF THE GENERAL PUBLIC.
3. THE ROUTINE USE WHICH MAY BE MADE OF THIS INFORMATION INCLUDES DEVELOPMENT OF STATISTICAL DATA CONCERNING DOCUMENTED VESSELS.
4. DISCLOSURE OF THE INFORMATION REQUESTED ON THIS FORM IS VOLUNTARY. HOWEVER, FAILURE TO PROVIDE THE INFORMATION COULD PRECLUDE FILING OF A BILL OF SALE AND DOCUMENTATION OF THE VESSEL NAMED HEREIN PURSUANT TO 46 USC, CHAPTER 519. HOWEVER, BILLS OF SALE WHICH ARE NOT FILED ARE NOT DEEMED TO BE VALID AGAINST ANY PERSON EXCEPT THE GRANTOR OR A PERSON HAVING ACTUAL KNOWLEDGE OF THE SALE. (46 USC 552(a)(7)).

THE COAST GUARD ESTIMATES THAT THE AVERAGE BURDEN FOR THIS FORM IS 30 MINUTES. YOU MAY SUBMIT ANY COMMENTS CONCERNING THE ACCURACY OF THIS BURDEN ESTIMATE OR MAKE SUGGESTIONS FOR REDUCING THE BURDEN TO: COMMANDANT (D-NAV), U.S. COAST GUARD, WASHINGTON, DC 20391-0001 OR OFFICE OF MANAGEMENT AND BUDGET, OFFICE OF

Document Type: UNCAT
 Batch Number: 711559
 Document ID: 11057480
 User ID: SCANNER6
 Filed Date/Time: 22-SEP-2009 10:51 AM

Certificate Number
A0906471



International Tonnage Certificate (1969)

Issued under the provisions of the
 International Convention on Tonnage Measurement of Ships, 1969,
 under the authority of the Government of the

UNITED STATES OF AMERICA

for which the Convention came into force on February 10, 1983, by

AMERICAN BUREAU OF SHIPPING

Name of Ship	Distinctive Number or Letters	Port of Registry	* Date
USA	CG 1012814	SAN FRANCISCO, CA	2009

* Date on which the keel was laid or the ship was at a similar state of construction (Article 2(6)), or date on which ship underwent alterations or modifications of a major character (Article 3(2)(b)), as appropriate.

MAIN DIMENSIONS

Length (Article 2(8))	Breadth (Regulation 2(3))	Molded Depth amidships to Upper Deck (Regulation 2(2))
34.52 m (113.3 ft)	27.41 m (89.9 ft)	2.30 m (7.5 ft)

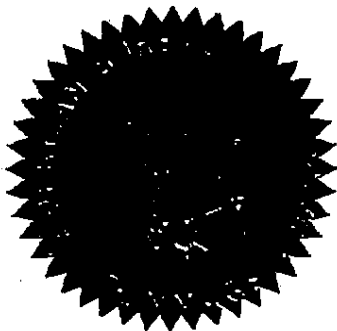
THE TONNAGES OF THE SHIP ARE:

GROSS TONNAGE 48
 NET TONNAGE 14

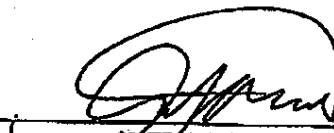
The Government of the United States of America certifies that the tonnages of this ship have been determined in accordance with the provisions of the International Convention on Tonnage Measurement of Ships, 1969.

Issued at Houston, TX

Date issued June 12, 2009



The undersigned declares that he is duly authorized by the United States Government to issue this certificate.


M. TREDER
 Principal Engineer

Issuing Officer



Certificate Number
A0905471

International Tonnage Certificate (1969)

Issued under the provisions of the
International Convention on Tonnage Measurement of Ships, 1969,
under the authority of the Government of the

UNITED STATES OF AMERICA

for which the Convention came into force on February 10, 1983, by

AMERICAN BUREAU OF SHIPPING

Name of Ship	Distinctive Number or Letters	Port of Registry	* Date
USA	CG 1012814	SAN FRANCISCO, CA	2009

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34.52 m (113.3 ft)	27.41 m (89.9 ft)	2.30 m (7.5 ft)

THE TONNAGES OF THE SHIP ARE:

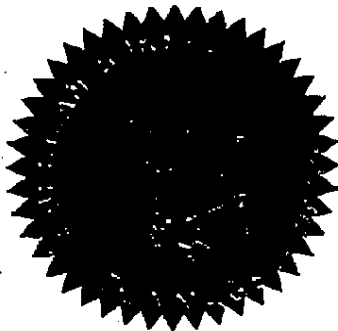
GROSS TONNAGE 48
NET TONNAGE 14

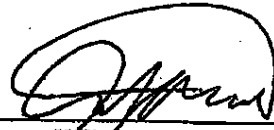
The Government of the United States of America certifies that the tonnages of this ship have been determined in accordance with the provisions of the International Convention on Tonnage Measurement of Ships, 1969.

Issued at Houston, TX

Date issued June 12, 2009

The undersigned declares that he is duly authorized
by the United States Government to issue this certificate.




M. TREDER *Issuing Officer*
Principal Engineer

SPACES INCLUDED IN TONNAGE						
GROSS TONNAGE			NET TONNAGE			
Name of Space	Location	Length (m)	Name of Space	Location	Length (m)	
UNDERDECK	---	---				
EXCLUDED SPACES (Regulation 2(5)) An asterisk (*) should be added to those spaces listed above which comprise both enclosed and excluded spaces.			NUMBER OF PASSENGERS (Regulation 4(1))			
			Number of passengers in cabins with not more than 8 berths:			0
			Number of other passengers:			0
			MOULDED DRAUGHT (Regulation 4(2)) 1.72 m			
Date and place of original measurement: June 12, 2009 - Houston, TX						
Date and place of last previous remeasurement:						
REMARKS: Overall length as defined under 46 CFR 89 Subpart E is 34.52 m (113.3 ft). Vessel built by CORE BUILDERS, ANACORTES, WA. A U.S. Tonnage Certificate was not issued for this vessel. The dimensions on the front of this certificate are the registered dimensions.						

EXHIBIT B

1 SUPREME COURT OF THE STATE OF NEW YORK
2 NEW YORK COUNTY : CIVIL TERM : PART 54

3 GOLDEN GATE YACHT CLUB,
4 Plaintiff,

5 -against-

Index No.
602446/07

6 SOCIETE NAUTIQUE De GENEVE,
7 Defendant,

Hearing

8 CLUB NAUTICO ESPANOL DeVELA,
9 Intervenor/Defendant

10 August 10, 2009
11 60 Centre Street
12 New York, New York 10007

13 B E F O R E:

14 HON. SHIRLEY WERNER KORNREICH, Justice

15 A P P E A R A N C E S:

16 LATHAM & WATKINS LLP
17 Attorneys for Golden Gate Yacht Club
18 885 Third Avenue
19 New York, New York 10022
20 BY: JAMES V. KEARNEY, ESQ.
21 AARON SIRI, ESQ.

22 SIMPSON THACHER & BARTLETT LLP
23 Attorneys for the Societe Nautique De Geneve
24 425 Lexington Avenue
25 New York, New York 10017
BY: JONATHAN K. YOUNGWOOD, ESQ.
THOMS J. WELLING, JR., ESQ.

P R E S E N T: LUCIEN MASMEJAN

Anne Marie Scribano, R.P.R.
Senior Court Reporter

Willis - Plaintiff - Direct (Kearney)

1 A They're going to have to have wait for the
2 builder's certificate to issue the certificate of
3 documentation.

4 Q Does sending the application in before
5 construction of the vessel is completed advance, in any
6 way, the issuance of the COD?

7 A It does not.

8 Q How long after the builder's certificate comes
9 in, the documentation is there, the application is there,
10 how long after that, in your view, does it take the
11 National Vessel Documentation Center to issue a COD?

12 A Well, they would also need the tonnage
13 evidence, so, assuming they also had the tonnage evidence,
14 at the present time, I believe the backlog is slightly over
15 one month for recreational vessels.

16 Q We'll be talking about the tonnage certificate
17 in a minute, but slightly over one month?

18 Can that be expedited in any way?

19 A Yes, it can.

20 Q Can you explain how it can be expedited for us?

21 A It is typically expedited when a vessel owner
22 is going to take the vessel foreign, needs to clear
23 Customs. A person is required to submit an application for
24 expedited service stating when the vessel is going, and
25 acknowledging the fact that a false statement and

Willis - Plaintiff - Direct (Kearney)

1 representation with -- in connection with the documentation
2 can result in forfeiture of the vessel.

3 Q Okay. Tell us about this tonnage certificate.

4 A Yes, sir.

5 Q Pardon me?

6 A Tell you about the tonnage certificate?

7 Q Yeah.

8 A A tonnage certificate is required for certain
9 vessels. It's required, generally, for vessels over
10 79 feet that are going to undertake a foreign voyage by
11 sea.

12 Q Okay. And assuming a tonnage certificate is
13 required in this case, what -- how do you get it and what
14 is it, what is its purpose?

15 A Well, either the builder or prospective owner
16 would apply to a classification society, such as the
17 American Bureau of Shipping, Detnorske, D-E-T-N-O-R-S-K-E,
18 Veritas, V-E-R-I-T-A-S or Germanischer Lloyd, and they
19 would arrange with them, contract with them for the
20 issuance of the certificate.

21 Q And --

22 THE COURT: What is required to get it?

23 THE WITNESS: Required to get it is the
24 vessel has to be substantially complete, because if
25 you don't have bulkheads in place, you don't have any

Willis - Plaintiff - Direct (Kearney)

1 applicable engines in place, a tonnage surveyor
2 cannot ascertain the accuracy of the drawings that
3 are submitted.

4 THE COURT: When you say "substantially,"
5 what does that mean?

6 THE WITNESS: What that means is that
7 nothing can be out of place that will affect the
8 tonnage. You don't have to have your navigation
9 controls in place, for instance, because they're not
10 going to affect tonnage.

11 THE COURT: Okay.

12 Q So that can be obtained before the boat is
13 finished, before the construction is finished?

14 A Oh, yes.

15 Q So long as the -- it's sufficiently finished
16 that the measurement society, you say, can do the
17 measurements that they need to?

18 A That's correct.

19 Q And if, in the course of completing
20 construction, those measurements change, what happens?

21 A New tonnage certificate would probably be
22 required.

23 Q And specifically what does that mean? Can you
24 describe that for the Court?

25 Do you have to call up the measurement society?

Willis - Plaintiff - Direct (Kearney)

1 A Yes.

2 Q Have them come back?

3 A That's correct.

4 Q Do it again?

5 A That's correct.

6 Q And then they would submit another tonnage
7 certificate --

8 A That's correct.

9 Q -- for your group?

10 A That's correct.

11 Q And I assume that your group, when you process,
12 ultimately, the request for a COD, after you get the
13 builder's certificate, you would use the most recent
14 tonnage?

15 A The most recent tonnage certificate would
16 apply.

17 Q And am I correct that you can't or the National
18 Vessel Documentation Center can't process the application
19 until all of these documents are --

20 A That's correct. All the documents are
21 required.

22 MR. YOUNGWOOD: Your Honor, he asked this
23 witness lot of leading questions. I tried not to
24 object, but I think he could ask this witness more
25 directly --

Willis - Plaintiff - Direct (Kearney)

1 THE COURT: Sustained.

2 Try not to lead.

3 MR. KEARNEY: Okay. Thank you, your
4 Honor.

5 Q I can ask you -- I'm going to ask you, Mr.
6 Willis, assuming that the America's Cup vessel is
7 installing an engine and removing the vessel's manual power
8 system for raising and lowering sails and trimming sails,
9 and assuming that that power system was embedded in and
10 runs through the hulls and cross beams of the vessel, do
11 you have an opinion as to whether or not construction would
12 have been deemed completed?

13 A It should not be deemed completed at that time,
14 because of the potential for moving bulkheads, for
15 rearranging, for replacing bulkheads and other structural
16 work.

17 Q Assuming that the vessel is installing tanks
18 for movable water ballast systems, necessitating
19 re-engineering the major structural parts of the vessel and
20 structural changes to the hull and to the cross beams, in
21 your opinion, is the vessel completed construction
22 sufficient to get a COD?

23 A No, it is not.

24 Q Assuming that the vessel is installing skin
25 friction reduction technology for hulls and requiring added

Willis - Plaintiff - Direct (Kearney)

1 structural support for substance containers and mechanisms
2 to move and eject that substance, in your opinion, is the
3 boat completed for construction sufficient to get a COD?

4 A It is not.

5 Q And I've got one other.

6 Assuming that the sea trials had revealed
7 certain structural features needed to be modified to
8 enhance reliability and safety, requiring re-engineering
9 and possibly changing volume of the hulls, would the vessel
10 be deemed completed in construction sufficient to get a
11 COD?

12 A No, it would not.

13 Q Just in conclusion, are you -- do you know
14 Audrey Stone --

15 A Yes, I do.

16 Q -- who is SNG's expert today?

17 A Yes.

18 Q Did she, at any time, call you and ask you for
19 expert advice?

20 A Yes, she did.

21 Q Recently?

22 A May of this year.

23 Q And what was the expert advice she asked for?

24 A It was in regard to citizenship requirements
25 for crew on documented yachts flying U.S. flag.

Willis - Plaintiff - Redirect (Kearney)

1 by power, and there was a determination that movable
2 ballast would be permitted, thus necessitating structural
3 changes in the cross beams and hull, if all that happened,
4 all right, isn't it a fact that the COD would no longer be
5 valid?

6 MR. YOUNGWOOD: Objection, your Honor.

7 It's an extraordinarily convoluted hypothetical.

8 THE COURT: Well, there are a couple of
9 issues, but one of them is -- I'm going to sustain --
10 I'm sustaining that.

11 MR. KEARNEY: Okay.

12 Q I'm going to take it in steps, if I may.

13 Assuming -- follow my hypothetical, if you
14 would, please -- that a COD had been obtained in May,
15 and --

16 THE COURT: Counsel, usually a
17 hypothetical is based on evidence that has been
18 elicited.

19 MR. YOUNGWOOD: There's going to be a
20 second objection. It assumes a great deal of things
21 not in evidence, and there's been no offer of
22 evidence regarding their boat.

23 Q If there are changes made to the structural
24 components of the vessel that has obtained a COD, what is
25 the impact on the COD?

Willis - Plaintiff - Redirect (Kearney)

1 new COD?

2 THE WITNESS: It's not terribly difficult
3 to get a new COD. The owner would have to file an
4 application form CG 1258, and would have to obtain a
5 new tonnage certificate from the appropriate
6 classification society.

7 THE COURT: And how long would that
8 normally take?

9 THE WITNESS: It would normally take the
10 amount of time that's been noted in the backlogs;
11 normally for a recreational vessel, little over a
12 month now.

13 Q Going back to the certificate of challenge, you
14 were asked questions about that?

15 A Yes.

16 Q Is it the case that changes can be made in the
17 volume of the hull which would not change the length on
18 load -- would not change the 90 feet length on load
19 waterline; that could remain constant, even though the net
20 tonnage figures change?

21 A It could.

22 MR. YOUNGWOOD: Objection.

23 THE COURT: Overruled.

24 Q It could?

25 A Yes.

Willis - Plaintiff - Recross (Youngwood)

1 Q And it could also happen that a modification of
2 the hull, changing shape, changing in volume, change in
3 bulkheads to accommodate, for example, power and ballast,
4 that could occur without changing the beam at load
5 waterline?

6 A That's correct.

7 Q That could happen without changing the extreme
8 beam?

9 A That's correct.

10 Q And without changing the draught of water?

11 A That's correct.

12 Q On the certificate?

13 A That's correct.

14 Q But, nonetheless, if it changed the volume --
15 if it changed, rather, the net tonnage, it would require a
16 new COD?

17 A That's correct.

18 MR. KEARNEY: I have nothing further.

19 THE COURT: Is there any recross?

20 MR. YOUNGWOOD: I think, just one
21 question, your Honor, if I might.

22 RE-CROSS-EXAMINATION

23 BY MR. YOUNGWOOD:

24 Q Mr. Willis, the various changes that were
25 embedded within the hypotheticals you were all just asked

EXHIBIT C

BMW ORACLE Racing

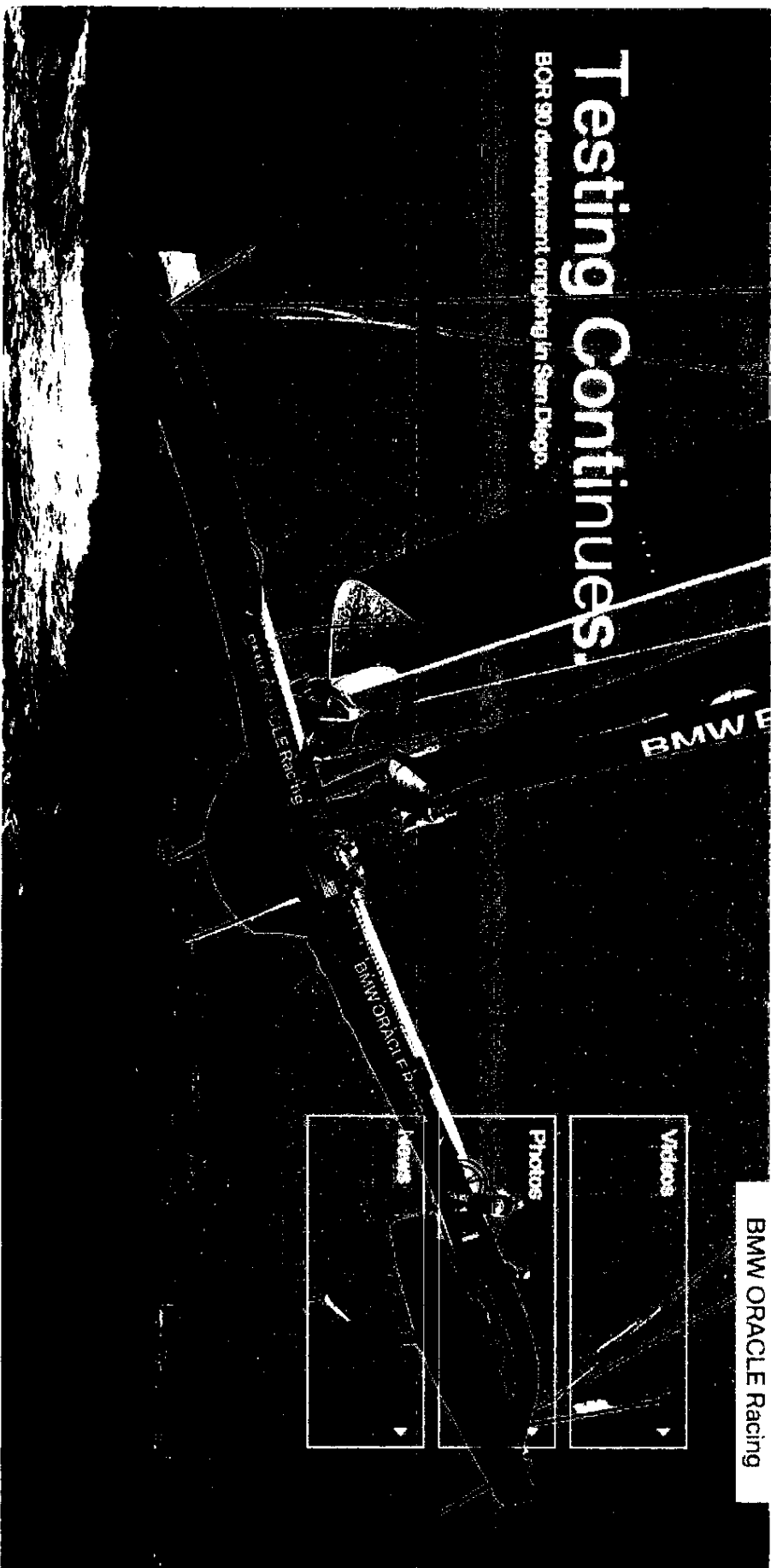
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BMW ORACLE Racing

Testing Continues.

ORACLE 30 development ongoing in San Diego.



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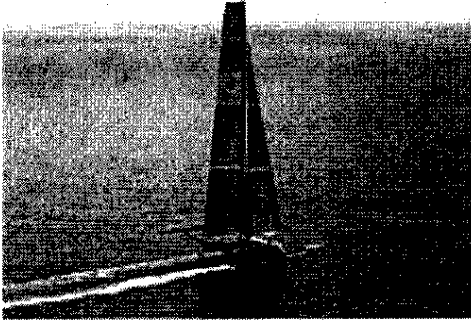
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EXHIBIT D

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- Archive
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20.09.2009 CET



The BOR 90 concludes Sea Trials.

After an intense week of sea trials, the BOR 90 returned from testing on Saturday afternoon to conclude another stage in its development program.

"We've had another very productive week of testing," said helmsman James Spithill. "Every time we go out we're learning more and more about the potential of the boat, and that's the goal."

The BOR 90 will be moved into the tent erected at the team base in San Diego and won't emerge until next month after more scheduled maintenance and optimization.

In the meantime, many of the sailing team will have some well-deserved time off, taking advantage of one of the last breaks in the on-the-water program before the 33rd America's Cup Match in February.

"The timing is good," says sailing team coach Glenn Ashby (AUS), "as the team ends this session on a high."

"Everyone has a huge amount of confidence in the boat right now," said Ashby. "The boat is now being sailed the way you'd sail a smaller boat like a Tornado or Extreme 40. We're now winding it up and pushing it hard. We're finding the boat's limitations, rather than the limits of our fear. So now it's a matter of continuing the evolution of the development program to just keep making it faster and faster."

The BOR 90 is scheduled to return to the water mid-October.

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06.10.2009

Two Teams Join Line-Up for the Louis Vuitton Trophy.

04.10.2009

BMW ORACLE Racing finishes on podium in Slovenia.

EXHIBIT E

The Mercury News

MercuryNews.com

Cup challenger provides measurement document

By **BERNIE WILSON** AP Sports Writer

Posted: 09/30/2009 06:06:26 PM PDT

Updated: 09/30/2009 07:13:17 PM PDT

SAN DIEGO—America's Cup challenger BMW Oracle Racing on Wednesday sent a measurement certificate for its monster trimaran to defending champion Alinghi of Switzerland, nearly four months earlier than a judge stipulated.

Alinghi has been demanding the document for almost two years as part of a bitter legal fight between the powerhouse sailing teams that will meet in a best-of-3 showdown in February on the Persian Gulf for the oldest trophy in international sports.

Last week, a New York judge ruled that BMW Oracle Racing, owned by software tycoon Larry Ellison of Oracle Corp., must provide Alinghi with the Certificate of Documentation—issued by the Coast Guard when a boat has been proved seaworthy—at least two weeks before the scheduled start of the racing.

"We're pleased to provide it and we've done so in a timely manner, as soon as possible," BMW Oracle Racing spokesman Tom Ehman said. "We've always said we'd provide it as soon as possible."

A Certificate of Documentation is a modern version of a Custom House Registry, which is required by the Deed of Gift, the 19th-century document that governs the America's Cup.

BMW Oracle Racing has contended that Alinghi wanted the documentation earlier in order to keep

the Americans from modifying their space age-looking boat, which has been undergoing testing on the Pacific Ocean for more than a year.

"A CHR is just not that critical of an instrument," Ehman said. "It does not give definite dimensions. It gives assurance it was built in the United States."

"We've said all along that SNG has tried to make this into a big deal," Ehman said, referring to Alinghi's backing yacht club, Societe Nautique de Geneve. "What they've tried to do, we believe, is use it as a way to stop us from modifying our boat. Of course, the court has held that we can modify the boat even after we get the CHR."

The trimaran, which is 90 feet long on the waterline, is currently known as BOR 90 and will be renamed USA before it's shipped to Ras al-Khaimah, United Arab Emirates, the site of the showdown.

The Certificate of Documentation lists USA's overall length at 113.3 feet and the width, or beam, at 89.9 feet. In its challenge issued in July 2007, BMW Oracle Racing said it would build a boat 90 feet long on the load waterline by 90 feet wide.

The load waterline, in this case on the outer hulls, or floats, is the waterline when the boat is fully loaded with crew, sails, gear and any ballast.

That length will have to be confirmed by an America's Cup measurement committee.

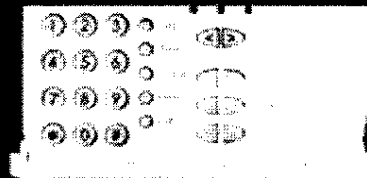
"I don't believe they got the certificate for the sole and express purpose of giving it to us earlier than they had to," said New York attorney Barry Ostrager, who has represented SNG/Alinghi during the long, convoluted court fight. "The reason they've filed the certificate is they can't move their vessel to the site of the America's Cup without the certificate. They need the certificate in order to do training runs at

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The Mercury News

MercuryNews.com

the actual location of the America's Cup."

Alinghi 5, a 90-foot catamaran built by Swiss tycoon Ernesto Bertarelli, is being shipped to Ras al-Khaimah following trials in Genoa, Italy.

BMW Oracle Racing plans to continue modifying and testing its trimaran in San Diego until mid-November, then ship it to the Persian Gulf.

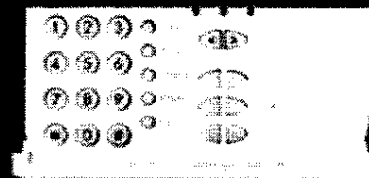
Among the modifications will be the addition of an engine to trim the giant sails and move water ballast. Alinghi broke with America's Cup tradition by launching its catamaran with an engine to trim the sails and move water ballast from one hull to another.

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EXHIBIT F

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25.09.2009 CET

Countdown to the 33rd America's Cup.

With the BOR 90 being handed back to the designers and boatbuilders this week for some planned modifications, Glenn Ashby, the team's sailing coach, took time out to talk about how the sailors are preparing for what is sure to be a unique episode in the long history of the America's Cup.

The 33rd edition will see, for the first time, two enormous multihulls engage in battle in a 'back to the future' type of competition. By that we mean that this edition of the Cup is a nod back towards the early days of the America's Cup, in the sense that the match will be held under the terms of the 'Deed of Gift', between just the two teams - Challenger and Defender.

But while the governing rules for the event may be over 120 years old, the boats each team has built couldn't be more cutting-edge and futuristic. BMW ORACLE Racing has been testing and trialing BOR 90, an enormous, 90-foot trimaran, off the coast of San Diego, under the watchful eye of Ashby, a multiple world champion and Olympic silver medalist in multihulls.

Ashby has been working hard with the sailing team to translate their talent and experience in more traditional America's Cup monohulls, into the skills needed to succeed on board a lightning-quick trimaran, a process he calls 'taming the beast'. So how fast are his charges learning their lessons?

"Surprisingly quickly," Ashby says with enthusiasm. "It's been a short, sharp learning curve, but they've all taken it on extremely well and now they're mixing it up and beating many of the best multihull sailors in the world."

Indeed they are. Earlier this year, Ashby won his sixth A-Class catamaran world championship in

Australia. But James Spithill, the man charged with helming aboard BOR 90, finished in a remarkable sixth place (out of 94 starters), an impressive result for a relative newcomer to the multihull discipline.

"They are very good sailors on this team and a good sailor on any boat will be able to turn their hand to a lot of different styles and techniques of sailing. It doesn't come overnight, but they've been prepared to put in the time sailing the smaller multihulls to get their hand in it and that makes a huge difference."

In the BOR 90, the team is dealing with a boat that is being designed and built on the limits of materials and technology, so testing and development are a big focus. But Ashby has been called on to focus on the team's sailing techniques, to ensure that refining the team's sailing skills doesn't get sacrificed in the push to develop the fastest boat possible. He thinks finding the right balance between the two is a key to overall success.

"The development of the boat never stops," Ashby says. "In this case, there are two giant multihulls preparing to go head to head, so the performance side, the boat speed side, is naturally, and rightly, very high on the priority list.

"But at the same time, teamwork, co-ordination of the trimming and steering, is still important. That's where I've been very proactive, in terms of keeping the guys focused on the actual sailing of the boat itself rather than it just being a technology race. At the end of the day, it's all well and good having the best tools in the world, but if you don't use them correctly, you're wasting a lot of energy. So I've been very passionate about keeping the guys focused on the correct trim of the boat and pushing the boat really hard. That's how we're going to sail fast."

While the focus will remain on testing the boat when it returns to the water next month, the sailors will soon have to think about how to sail a match race between two monstrous multihulls. The difference between approaching the start line in the races in February, compared to previous America's Cups, is like comparing chalk and cheese. How does Ashby see it happening?

"Hopefully very carefully," he says, laughing. "I think both teams will be very sensible in their approach to the safety side of things. To be honest, I think the maneuverability of both of the boats is going to be such that the boat-on-boat, traditional match racing pre-start stuff isn't going to be as tactical as what it has been in the past.

"However, as always it will be critical to get off the starting line in good shape and without any penalties. So I think the first part of the pre-start might not be so exciting but I think the final minute

before the start will be something that's absolutely incredible, with both boats coming in at very high speed, side-by-side, very close to each other. There could be some very interesting situations. But it's not going to be traditional match racing, as we usually see in the America's Cup.”

The sailing team for BMW ORACLE Racing, under Ashby's tutelage, will return to the waters off San Diego in October, as the countdown to the 33rd America's Cup continues.

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