DR. RICHARD F. SOWINSKI

1457 Ramsay Circle
Walnut Creek, CA 94597

Sixty Day Notice of Intent to Sue Avision, Inc., Avision Labs, Inc. and All of Thier Operating Affiliates Under Health & Safety Code §25249.6

Dr. Richard F. Sowinski (hereinafter the "Noticing Party") hereby hereby provides this Notice of Intent to Sue Under Health & Safety Code Section 25249.5, *et seq* (the "Notice") to President of Avision, Inc. and Charlie Chow, President of Avision Labs, Inc. and all of their operating affiliates (hereinafter referred to collectively as "AVISION"), as well as the governmental entities on the attached proof of service. This Notice is intended to inform AVISION that it is in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act (commencing with Health & Safety Code Section 25249.5) (hereinafter "Proposition 65"), specifically Section 25249.6. The Noticing Party lives at the above address but is represented by counsel and requests that any correspondence or communications be directed to his counsel, Anthony G. Graham and Michael J. Martin, of the law firm of Graham & Martin, LLP, at 3130 South Harbor Blvd., Suite 250, Santa Ana, CA 92704, Telephone: (714) 850-9390 and Facsimile: (714) 850-9392.

Pursuant to Health & Safety Code Section 25249.6:

> "No person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual, except as provided in Section 25249.10."

Proposition 65 thus states that when a party, such as AVISION, an entity with more than ten employees, has been or is knowingly and intentionally exposing its customers and users of its products to a detectable level of any chemical designated by the State of California to cause cancer or reproductive toxicity (the "Designated Chemicals"), it has violated the statute unless, prior to such exposure, it provides clear and reasonable warning of the exposure to the potentially exposed persons (Health & Safety Code § 25249.6). AVISION is knowingly and intentionally exposing its customers and users of certain of its products to a detectable level of a chemical designated by the State of California to cause cancer or reproductive toxicity and is failing to provide a "clear and reasonable" warning of the exposure to the potentially exposed persons.

AVISION manufactures, distributes, sells and markets printers/copiers in California through retail outlets and through its internet website (www.AVISION.com), which when operated or used emit detectable levels of a Designated Chemical. The printers/copiers relevant to this Notice are identified on Exhibit A hereto (hereinafter "the Consumer Products"). In the ordinary course of its business, AVISION manufactures, distributes and offers for sale, both through retail outlets and through its internet website

(www.AVISION.com) in California those Consumer Products. It has been doing so for at least one year prior to the date of this Notice. AVISION however has not placed on the any of the Consumer Products, their packaging or marketing materials, nor anywhere on its internet website, a clear and reasonable warning that use of such Consumer Products will expose the user and others in the area of such use to a Designated Chemical. AVISION is therefore violating Health & Safety Code Section 25249.6.

The Consumer Products listed on Exhibit A, when used in the ordinary manner, emit Benzene, a chemical known to the State of California to cause cancer and reproductive toxicity. This chemical poses a significant health risk and is emitted without a clear and reasonable warning as required by The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) Health & Safety Code § 25249.6. People are exposed to this Designated Chemical primarily by inhalation when near a Consumer Product while in use.

Pursuant to Health & Safety Code Section 25249.7:

"(a) Any person that violates or threatens to violate Section 25249.5 or 25249.6 may be enjoined in any court of competent jurisdiction. (b) (1) Any person who has violated Section 25249.5 or 25249.6 shall be liable for a civil penalty not to exceed two thousand five hundred dollars ($2500) per day for each violation in addition to any other penalty established by law. That civil penalty may be assessed and recovered in a civil action brought in any court of competent jurisdiction. (2) In assessing the amount of a civil penalty for a violation of this chapter, the court shall consider all of the following: (A) The nature and extent of the violation. (B) The number of, and severity of, the violations. (C) The economic effect of the penalty on the violator. (D) Whether the violator took good faith measures to comply with this chapter and the time these measures were taken. (E) The willfulness of the violator's misconduct. (F) The deterrent effect that the imposition of the penalty would have on both the violator and the regulated community as a whole. (G) Any other factor that justice may require."

This Notice covers all violations of Proposition 65 that are currently known to Dr. Sowinski from information now available to him. Dr. Sowinski reserves the right to amend this Notice to inform AVISION of other violations and/or exposures as it gathers further information. With the copy of this notice submitted to AVISION, a copy is provided of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary."

Dated: January 21, 2011

By: _____
Anthony G. Graham, Esq.

AVISION EXHIBIT A

Model Number:

AM3200, AM3230, AM3100L, V2100, V2500, V4800, V5100, DS310F, DS610CU, DS8000C, AV121, AV122, AV210/210C2, AV220/220CS, AV820C Plus, AV830C Plus, AV3200C, AV3750SU, AV3800, AV3850SU, AV8050U, AV8050S, AV8300, AV8350, AV610CS

CERTIFICATE OF MERIT
Health and Safety Code Section 25249.7(d)

I, Anthony G. Graham, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

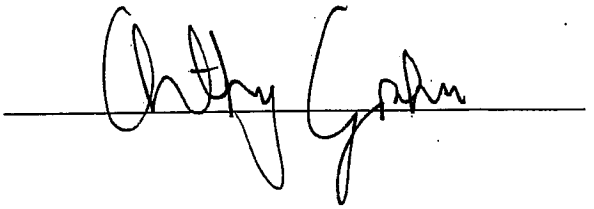
2. I am member of the State Bar of California, a partner of the law firm of Graham & Martin, LLP, and attorney for noticing party Dr. Richard Sowinski.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposures to the listed chemicals that are the subject of the action.

4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Santa Ana, California on January 21, 2011.



CERTIFICATE OF SERVICE

I am over the age of 18 and not a party to this case. I am a resident of or employed in the county where the mailing occurred. My business address is 3130 South Harbor Blvd., Suite 250, Santa Ana, California 92704.

I SERVED THE FOLLOWING:

1.) 60-Day Notice of Intent to Sue Under Health & Safety Code Section 24249.6;
2.) The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary (only sent to violators;
3.) Certificate of Merit (supporting papers sent to Attorney General only)

by enclosing a true copy of the same in a sealed envelope addressed to each person whose name and address is shown below and depositing the envelope in the United States mail with the postage fully prepaid:

Date of Mailing: January 21, 2011
Place of Mailing: Santa Ana, California

NAME AND ADDRESS OF EACH PERSON TO WHOM DOCUMENTS WERE MAILED:

President **Avision, Inc.** **No. 20 Creation Road,** **Science-Based Inds Park** **HSINCHU CHINA** **Charlie Chow, President** **Avision Labs, Inc.** **6815 Mowry Ave.** **Newark, CA 94560** **And agent for service of process** **INCORPORATING SERVICES, LTD.** **720 14TH STREET** **SACRAMENTO CA 95814**	California Attorney General (Proposition 65 Enforcement Division) 1515 Clay Street, 20th Floor Oakland, CA

And all entities on the attachment hereto

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: January 21, 2011

ATTACHMENT TO PROOF OF SERVICE

San Diego City Attorney
1200 3rd Ave. Ste. 1620
San Diego, CA 92101

Los Angeles City Attorney
200 N. Main St. N.E.
Los Angeles, CA 90012

San Francisco City Attorney
1390 Market Street
San Francisco, CA 94102

Riverside County DA
4075 Main St., 1st Fl.
Riverside, CA 92501

Sacramento County DA
P.O. Box 749
Sacramento, CA 95812

San Jose City Attorney
151 W. Mission St.
San Jose, CA 95110

Humboldt County DA
825 5th Street
Eureka, CA 95501

San Mateo District Attorney
1050 Mission Road
South San Francisco, CA 94080

Sonoma County DA
600 Administrative Dr.
Santa Rosa, CA 95403

Yolo County D A
301 2nd Street
Woodland, CA 95695

El Dorado County DA
1360 Johnson Blvd. #105
South Lake Tahoe. CA 96150

San Diego County District Attorney
330 Broadway
San Diego, CA 92101

Los Angeles County DA
210 W. Temple Street, 18th Floor
Los Angeles, CA 90012

San Francisco County DA
880 Bryant Street
San Francisco, CA 94103

San Bernardino County DA
316 N. Mountain View Av.
San Bernardino, CA 92415

Orange County District Attorney
700 Civic Center Dr. W., 2nd Fl.
Santa Ana, CA 92701

Santa Clara County DA
2645 Zanker Road
San Jose, CA 95134

Shasta County District Attorney
1525 Court Street
Redding, CA 96001-1632

Marin County DA
3501 Civic Center Dr. #130
San Rafael, CA 94903

Contra Costa County DA
727 Court Street
Martinez, CA 94553

District Attorney
1430 Freedom Blvd.
Watsonville, CA 95076

Ventura County DA
800 South Victoria Avenue
Ventura, CA 95695

Napa County DA
931 Parkway Mall
Napa, CA 94559

Inyo County DA
386 W. Line Street
Bishop, CA 93514

Lake County DA
255 N. Forbes St.
Lakeport, CA 95453

Stanislaus County DA
300 Starr Avenue
Turlock, CA 95380

District Attorney
14227 Road 28
Madera, CA 93638

Sutter County DA
446 Second Street
Yuba City, CA 95991

Mariposa County DA
P.O. Box 748
Mariposa, CA 95338

Nevada County DA
201 Church Street, Suite 8
Nevada City, CA 95959

San Luis Obispo County DA
1050 Monterey Street, Rm. 450
San Luis Obispo, CA 93408

Merced County DA
445 I Street
Los Banos CA 93635

Mondoc County DA
204 S Court Street
Alturas CA 96101

Kern County DA
2100 College Avenue
Bakersfield, CA 93305

San Joaquin DA
225 W. Elm Street #C
Lodi, CA 95240

Mendocino County DA
700 S. Franklin St.
Fort Bragg, CA 94537

Butte County DA
25 County Center Drive
Oroville, CA 95695

Orange County District Attorney
700 Civic Center Dr. W., 2nd Fl.
Santa Ana, CA 92701

Solano County DA
321 Tuolomne Street
Valejo, CA 94590

Santa Cruz County DA
701 Ocean Street
Santa Cruz, CA 95061

Alameda County DA
1225 Fallon Street
Oakland, CA 94612

Del Norte County DA
450 H Street
Crescent City, CA 95531

Santa Clara DA
2645 Zanker Rd
San Jose CA 95134

Solano County DA
321 Tuolumne St
Vallejo CA 94590

Glenn County DA
540 W Sycamore St
Willows CA 95988

Kings County DA
1400 W Lacey Blvd
Hanford CA 93230

Riverside DA
82675 US Hwy 111 FL4
Indio CA 92201

Santa Rosa D.A.
111 N Pythian Rd
Santa Rosa CA 95409

Monterey County DA
240 Church St.
Salinas, CA 93902

Placer County DA
11562 B Avenue
Auburn, CA 95603

Fresno County DA
2220 Tulare Street, #1000
Fresno, CA 93721

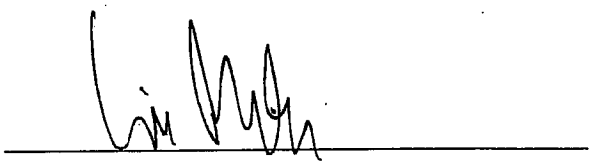
Siskyou County DA
P.O. Box 986
Yreka, CA 96097

Tulare County DA
425 E. Kern
Tulare, CA 93274

Inyo County DA
PO Drawer D
Independence, CA 93526

Mono County DA
P.O. Box 617
Bridgeport, CA 93517

Santa Barbara County DA
1105 Santa Barbara St.
Santa Barbara, CA 93101

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: January 21, 2011