



5350 NE Dawson Creek Drive  
Hillsboro, Oregon  
USA 97124-5793  
Phone: 503 726-7500

To: Our Customers and Business Partners

On February 4, 2011, the Tokyo Customs Office informed us that they had accepted a petition from Hitachi High-Technologies Corporation requesting an injunction on imports of FEI DualBeam™ products equipped with Omniprobe® and GIS devices. Subsequently, Hitachi issued a press release announcing the Customs Office's action. We believe that Hitachi's press release and the media reports based on that press release, misrepresent the facts in the case. Consequently, on March 2, 2011, FEI commenced proceedings in the Tokyo District Court for an immediate injunction to prohibit Hitachi's continued actions. The issues involved in our action are part of an ongoing patent dispute between FEI Japan and Hitachi that has been disclosed in FEI's public filings with the U.S. Securities and Exchange Commission.

We wish to set the record straight.

The notice from the Customs Office reported whether the Customs Office accepted or rejected for future action Hitachi's request to prohibit six FEI products from being imported into Japan. The Customs Office rejected Hitachi's request with respect to three of the products and accepted Hitachi's request with respect to the remaining three products listed below, but only when equipped with Omniprobe and GIS devices:

- Helios NanoLab 450S
- Quanta 3D 200i
- Quanta 3D FEG 600

Acceptance for future action of Hitachi's request to prohibit the importation of the products listed above only means that imports of those products when equipped with Omniprobe and GIS devices will be subject to a separate inquiry at the time of import to determine if they do or do not qualify as infringing products. This does NOT mean, as Hitachi's press release and media reports have claimed, that FEI's DualBeam™ products have been found to infringe Hitachi's patents and have been prohibited from import into Japan.

In addition, the notice from the Customs Office concerns only FEI's DualBeam products equipped with Omniprobe and GIS devices. There is no restriction on FEI's DualBeam products imported into Japan without such devices. We believe that the actual possibility of any products being stopped by the Customs Office is extremely low. We received a similar notice from the Customs Office on June 25, 2010 and, in fact, no products fitting the descriptions in the notice were ever identified by Customs and prevented from being imported into Japan.

Notwithstanding the above, Hitachi's press release has left the impression that FEI's products have been found to be infringing and that Hitachi's legal proceedings against FEI are proceeding favorably to Hitachi. In fact, since Hitachi commenced legal action against FEI in November 2009, not a single judgment has been issued finding any infringement by FEI. Instead, in December 2010 FEI received from the Japanese Patent Office ex officio reports indicating that Hitachi's patents identified in the June 25, 2010 Customs Office notice are invalid for obviousness.

FEI has fully contested, and continues to contest, all claims made by Hitachi in its patent infringement suit, Customs proceeding, and its press release.