

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

NORMAN IP HOLDINGS, LLC,

Plaintiff,

V.

MERCEDES-BENZ USA, LLC, DISH NETWORK
L.L.C., VOLKSWAGEN GROUP OF AMERICA,
INC., XEROX CORPORATION, ZTE (USA) INC.
AND ZTE SOLUTIONS INC.,

Defendants.

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Civil Action No. 6:11-cv-495

Jury Trial Demanded

SIXTH AMENDED COMPLAINT

Norman IP Holdings, LLC (“Norman”), by and through its attorneys, file its Sixth Amended Complaint against Defendants Mercedes-Benz USA, LLC (“Mercedes”), DISH Network L.L.C. (“DISH”), Volkswagen Group of America, Inc. (“VW”), Xerox Corporation (“Xerox”), ZTE (USA) Inc. and ZTE Solutions Inc. (collectively referred to as “ZTE Solutions”) (all of which are collectively referred to herein as “Defendants”), hereby alleges as follows:

I. NATURE OF THE ACTION

1. This is a patent infringement action to end Defendants' unauthorized and infringing manufacture, use, sale, offering for sale, and/or importation of methods and products incorporating Plaintiff Norman's patented inventions.

2. Norman is owner of all right, title, and interest in and to: United States Patent No. 5,530,597 (the “597 Patent”), issued on June 25, 1996, for “Apparatus and Method for Disabling Interrupt Masks in Processors or the Like”; United States Patent No. 5,502,689 (the

“‘689 Patent”), issued March 26, 1996, for “Clock Generator Capable of Shut-Down Mode and Clock Generation Method”; United States Patent No. 5,592,555 (the “‘555 Patent”), issued January 7, 1997, for “Wireless Communications Privacy Method and System”; United States Patent No. 5,608,873 (the “‘873 Patent”), issued March 4, 1997, for “Device and Method for Interprocessor Communication Using Mailboxes Owned by Processor Devices”; and United States Patent No. 5,771,394 (the “‘394 Patent”), issued June 23, 1998, for “Apparatus Having Signal Processors for Providing Respective Signals to Master Processor to Notify that Newly Written Data can be Obtained from One or More Memories” (collectively, the “Patents”). True and correct copies of the Patents are attached hereto as Exhibits 1–5.

3. Each of the Defendants manufactures, provides, sells, offers for sale, imports, and/or distributes infringing products and services; and/or induces others to make and use its products and services in an infringing manner; and/or contributes to the making and use of infringing products and services by others, including their customers, who directly infringe the Patents.

4. Plaintiff Norman seeks injunctive relief to prevent Defendants from continuing infringement of Plaintiff’s valuable patent rights. Plaintiff Norman further seeks monetary damages and prejudgment interest for Defendants’ past infringement of the Patents.

5. This is an exceptional case, and Norman is entitled to damages, enhanced damages, attorneys’ fees, costs, and expenses.

II. THE PARTIES

6. Plaintiff Norman is a corporation organized and existing under the laws of the State of Texas, with its principal place of business located at 100 E. Ferguson, Suite 900, Tyler, Texas 75702.

7. Upon information and belief, Defendant Mercedes-Benz USA, LLC is a Delaware corporation with its principal place of business located at One Mercedes Drive, Montvale, New Jersey 07645. Upon information and belief, Mercedes-Benz USA, LLC is authorized to do business in Texas and has appointed CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201 as its agent for service of process.

8. Upon information and belief, Defendant DISH Network L.L.C. is a Nevada corporation with its principal place of business located at 9601 S. Meridian Blvd., Englewood, Colorado 80112. Upon information and belief, DISH Network is authorized to do business in Texas and can be served with process by serving its registered agent for service of process in the State of Colorado, R. Stanton Dodge, 9601 S. Meridian Blvd., Englewood, Colorado 81002.

9. Upon information and belief, Defendant Volkswagen Group of America, Inc. is a New Jersey corporation with its principal place of business located at 2200 Ferdinand Porsche Drive, Herndon, Virginia 20171. Upon information and belief, Volkswagen Group of America, Inc. is authorized to do business in Texas and has appointed CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201 as its agent for service of process.

10. Upon information and belief, Defendant Xerox Corporation is a New York corporation with its principal place of business located at 45 Glover Avenue, Norwalk, Connecticut 06856. Upon information and belief, Xerox Corporation is authorized to do business in Texas and has appointed Prentice Hall Corporation System, 211 E. 7th Street, Suite 620, Austin, Texas 78701 as its agent for service of process.

11. Upon information and belief, Defendant ZTE (USA) Inc. is a New Jersey corporation with its principal place of business located at 333 Wood Ave. South, Floor 2, Iselin, New Jersey 08830 and also at 22425 N. Central Expressway, Suite 323, Richardson, Texas

75080. Upon information and belief, ZTE (USA) Inc. is authorized to do business in Texas and has appointed Li Mo, 4585 Spencer Drive, Plano, Texas 75024 as its agent for service of process.

12. Upon information and belief, Defendant ZTE Solutions Inc. is a Delaware corporation with its principal place of business located at 2425 N. Central Expressway, Suite 323, Richardson, Texas 75080. Upon information and belief, ZTE Solutions Inc. is authorized to do business in Texas and has appointed Incomp Services, Inc., 815 Brazos Street, Suite 500, Austin, Texas 78701 as its agent for service of process.

III. JURISDICTION AND VENUE

13. This is an action for patent infringement which arises under the Patent Laws of the United States, in particular, 35 U.S.C. §§271, 281, 283, 284, and 285. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§1331 and 1338(a).

14. This Court has personal jurisdiction over each of the Defendants, and venue is proper in this Court pursuant to 28 U.S.C. §§1391(b), (c), and 1400.

IV. PLAINTIFF'S PATENTS

15. The '597 Patent discloses an interrupt enable circuit to enable and disable the interrupt at any time except under certain conditions, at which time the system can override the interrupt mask. Electronic devices practicing the inventions claimed in the '597 Patent can exit certain processes or states without using a hardware reset and thus protect against unnecessary information loss. Further, through the use of the inventions claimed in the '597 Patent, such electronic devices can prevent situations where the processor is locked in a certain state because all interrupts were masked by software when the processor entered such state.

16. The '689 Patent discloses a clock generator and interrupt bypass circuit for use in reducing the power consumption of the electrical system in which they are implemented. The

clock generator may provide module clock signals for sequencing modules within the same electrical system, and is capable of generating those module clock signals when in an active mode, and of not generating those module clock signals when in a stand-by mode. The clock generator is further capable of providing a delay of a predetermined length from a request to enter shut-down mode to actual entry into shut-down mode, allowing time to prepare the electrical system for shut-down mode. The interrupt bypass circuit may provide a means of leaving shut-down mode in the event that the relevant interrupt requests have been masked.

17. The '555 Patent discloses a system and method for processing and securing communication signals over a wireless communications network. An enciphering algorithm may be programmatically selected and applied to the signals for secure transmission.

18. The '873 Patent discloses a device and method for providing inter-processor communication in a multi-processor architecture. A post office RAM has a plurality of mailboxes. Each mailbox is write accessible by one port, but is read-accessible by the other ports. Thus, a processor device on a port has write-access to one mailbox, but can read the other mailboxes in the post office. A transmitting processor communicates with a receiving processor, by utilizing the post office. The transmitting processor writes information into its own mailbox, and signals a receiving processor. The receiving processor determines which of the processor devices signaled it, and reads the information in the transmitting processor's mailbox.

19. The '394 Patent discloses a servo loop control apparatus having a master microprocessor and at least one autonomous streamlined signal processor is disclosed. The architecture provides a general purpose controller for use in systems where intensive servo signal processing is required and is well suited to applications where multiple servo control loops operate simultaneously. The operation of the streamlined signal processors is autonomous from

the master processor so that critical functions can be dedicated to the streamlined signal processors. This eliminates complex interrupt management and tedious real time scheduling constraints, simplifies system design and improves system performance. The architecture provides an integrated mechanism for implementing multiple, concurrent, complex signal processing and embedded control functions, such as complete servo-mechanism management for high performance disk storage systems.

20. Norman has obtained all substantial right and interest to the Patents, including all rights to recover for all past and future infringements thereof.

V. LICENSING RELATED TO THE PATENTS

21. On February 1, 2010, Saxon Innovations, LLC (“Saxon”) assigned to Norman IP Holdings LLC all right, title, and interest in the Patents.

22. Norman’s business includes acquisition and licensing of intellectual property. In that regard, Norman and its predecessors in interest have licensed the Patents to dozens of Fortune 500 companies, directly and indirectly. Norman has also entered into numerous settlement agreements in connection with litigation in the Eastern District of Texas and in the International Trade Court.

VI. DEFENDANTS’ ACTS

Mercedes

23. Mercedes manufactures, provides, sells, offers for sale, and/or distributes infringing systems. The infringing Mercedes systems include, for example, Mercedes’s infotainment and navigation systems (including but not limited to multimedia chipsets for infotainment systems such as ARM11 processors related to mbrace2), 3G cellular and 802.11-

compliant wireless chipsets (including but not limited to those related to Mercedes-Benz In-Vehicle Hotspot such as the Qualcomm MDM6200) and microcontrollers for vehicle operations (including but not limited to processors such as the Freescale MPC5200-series) and similar products.

24. The foregoing infringing products include computer processors. Mercedes specifies processors having certain power consumption characteristics so as to budget power expenditure in their products. The subject processors are designed and manufactured to operate in a manner which reduces power consumption and infringes the '689 Patent, '597 Patent, '873 Patent and '394 Patent. Mercedes installs those processors so as to operate in an infringing manner. The infringing systems have no substantial non-infringing uses.

25. With respect the '555 Patent, Mercedes intentionally implements relevant provisions of the IEEE 802.11 specification. Mercedes specifies wireless controllers that are compliant with IEEE 802.11. The subject controllers are designed and manufactured to operate in a manner which infringes the '555 patent during normal operation. Mercedes installs those controllers so as to operate in an infringing manner. The infringing controllers have no substantial non-infringing uses.

26. Mercedes has had knowledge of the Patents at least since its having been served with the Second Amended Complaint filed January 27, 2012 (Doc. No. 15).

27. With knowledge of the Patents, Mercedes has provided and continues to provide related services, specifications, and instructions for the installation and infringing operation of such systems to the customers of its automotive vehicles, who directly infringe through the operation of those vehicles.

28. With knowledge of the Patents, Mercedes has purposefully and voluntarily placed

infringing products in the stream of commerce with the expectation that its products will be purchased by customers in the Eastern District of Texas.

29. Through its actions, Mercedes has infringed the '689 Patent, '597 Patent, '555 Patent, '873 Patent and '394 Patent and actively induced others to infringe and contributed to the infringement by others of the '689 Patent, '597 Patent, '555 Patent, '873 Patent and '394 Patent throughout the United States.

30. Norman has been and will continue to suffer damages as a result of Defendant Mercedes's infringing acts unless and until enjoined.

DISH

31. DISH manufactures, provides, sells, offers for sale, and/or distributes infringing systems. The infringing DISH systems include the Broadcom BCM7425 chipsets for DVR systems and whole home systems and similar products. With knowledge of the Patents, DISH provides related services, specifications, and instructions for the installation and infringing operation of such systems to its customers, who directly infringe.

32. The foregoing infringing products include computer processors. Dish specifies processors having certain power consumption characteristics so as to budget power expenditure in their products. The subject processors are designed and manufactured to operate in a manner which reduces power consumption and infringes the '689 Patent. Dish installs those processors so as to operate in an infringing manner. The infringing systems have no substantial non-infringing uses.

33. Dish has had knowledge of the Patents at least since its having been served with the Second Amended Complaint filed January 27, 2012 (Doc. No. 15).

34. With knowledge of the Patents, Dish has provided and continues to provide

related services, specifications, and instructions for the installation and infringing operation of such systems to the customers of its DVR systems and whole home systems, who directly infringe through the operation of those systems.

35. With knowledge of the Patents, Dish has purposefully and voluntarily placed infringing products in the stream of commerce with the expectation that its products will be purchased by customers in the Eastern District of Texas.

36. Through its actions, DISH has infringed the '689 Patent and actively induced others to infringe and contributed to the infringement by others of the '689 Patent throughout the United States.

37. Norman has been and will continue to suffer damages as a result of Defendant DISH's infringing acts unless and until enjoined.

VW

38. VW manufactures, provides, sells, offers for sale, and/or distributes infringing systems. The infringing VW systems include, for example, VW infotainment and navigation systems (for example, VW infotainment systems containing multimedia chipsets, such as nVidia Tegra 2 in the Audi Multi-Media Extension (MMX) board), cellular and 802.11-compliant wireless chipsets (for example, chipset used in Audi Connect and Qualcomm chipsets with UTMS functionality), microcontrollers for vehicle operations (for example, Infineon XC2200) and similar products. With knowledge of the Patents, VW provides related services, specifications, and instructions for the installation and infringing operation of such systems to its customers, who directly infringe.

39. The foregoing infringing products include computer processors. VW specifies processors having certain power consumption characteristics so as to budget power expenditure

in their products. The subject processors are designed and manufactured to operate in a manner which reduces power consumption and infringes the '689 Patent, '597 Patent, '873 Patent and '394 Patent. VW installs those processors so as to operate in an infringing manner. The infringing systems have no substantial non-infringing uses.

40. With respect the '555 Patent, VW intentionally implements relevant provisions of the IEEE 802.11 specification. VW specifies wireless controllers that are compliant with IEEE 802.11. The subject controllers are designed and manufactured to operate in a manner which infringes the '555 patent during normal operation. VW installs those controllers so as to operate in an infringing manner. The infringing controllers have no substantial non-infringing uses.

41. VW has had knowledge of the Patents at least since its having been served with the Second Amended Complaint filed January 27, 2012 (Doc. No. 15).

42. With knowledge of the Patents, VW has provided and continues to provide related services, specifications, and instructions for the installation and infringing operation of such systems to the customers of its automotive vehicles, who directly infringe through the operation of those vehicles.

43. With knowledge of the Patents, VW has purposefully and voluntarily placed infringing products in the stream of commerce with the expectation that its products will be purchased by customers in the Eastern District of Texas.

44. Through its actions, VW has infringed the '689 Patent, '597 Patent, '555 Patent, '873 Patent and '394 Patent and actively induced others to infringe and contributed to the infringement by others of the '689 Patent, '597 Patent, '555 Patent, '873 Patent and '394 Patent throughout the United States.

45. Norman has been and will continue to suffer damages as a result of Defendant

VW's infringing acts unless and until enjoined.

Xerox

46. Xerox manufactures, provides, sells, offers for sale, and/or distributes infringing systems. The infringing Xerox systems include, for example, the print processors contained in certain Xerox devices (for example Quattro chipset), IEEE 802.11-compliant chipsets and similar products. With knowledge of the Patents, Xerox provides related services, specifications, and instructions for the installation and infringing operation of such systems to its customers, who directly infringe.

47. The foregoing infringing products include computer processors. Xerox specifies processors having certain power consumption characteristics so as to budget power expenditure in their products. The subject processors are designed and manufactured to operate in a manner which reduces power consumption and infringes the '689 Patent and '597 Patent. Xerox installs those processors so as to operate in an infringing manner. The infringing systems have no substantial non-infringing uses.

48. With respect the '555 Patent, Xerox intentionally implements relevant provisions of the IEEE 802.11 specification. Xerox specifies wireless controllers that are compliant with IEEE 802.11. The subject controllers are designed and manufactured to operate in a manner which infringes the '555 patent during normal operation. Xerox installs those controllers so as to operate in an infringing manner. The infringing controllers have no substantial non-infringing uses.

49. Xerox has had knowledge of the Patents at least since its having been served with the Second Amended Complaint filed January 27, 2012 (Doc. No. 15).

50. With knowledge of the Patents, Xerox has provided and continues to provide

related services, specifications, and instructions for the installation and infringing operation of such systems to the customers of its printing devices and accessories, who directly infringe through the operation of those devices and accessories.

51. With knowledge of the Patents, Xerox has purposefully and voluntarily placed infringing products in the stream of commerce with the expectation that its products will be purchased by customers in the Eastern District of Texas.

52. Through its actions, Xerox has infringed the '689 Patent, '597 Patent and '555 Patent and actively induced others to infringe and contributed to the infringement by others of the '689 Patent, '597 Patent and '555 Patent throughout the United States.

53. Norman has been and will continue to suffer damages as a result of Defendant Xerox's infringing acts unless and until enjoined.

ZTE Solutions

54. ZTE Solutions manufactures, provides, sells, offers for sale, and/or distributes infringing systems. The infringing ZTE Solutions systems include, for example, 2G, 3G, and 4G CDMS and GSM/UTMS chipsets for cellular phones, (for example, Qualcomm MSM7K chipsets), other devices with wireless data connectivity, and similar products. With knowledge of the Patents, ZTE provides related services, specifications, and instructions for the installation and infringing operation of such systems to its customers, who directly infringe.

55. The foregoing infringing products include computer processors. ZTE specifies processors having certain power consumption characteristics so as to budget power expenditure in their products. The subject processors are designed and manufactured to operate in a manner which reduces power consumption and infringes the '689 Patent, '597 Patent, '873 Patent and '394 Patent. ZTE installs those processors so as to operate in an infringing manner. The

infringing systems have no substantial non-infringing uses.

56. With respect the '555 Patent, ZTE intentionally implements relevant provisions of applicable wireless communications specifications (*e.g.*, IEEE 802.16, 3GPP standards for GSM, GPRS, E-GRPS (aka EDGE), and UMTS). ZTE specifies wireless controllers that are compliant with these wireless communications specifications. The subject controllers are designed and manufactured to operate in a manner which infringes the '555 patent during normal operation. ZTE installs those controllers so as to operate in an infringing manner. The infringing controllers have no substantial non-infringing uses.

57. ZTE has had knowledge of the Patents at least since its having been served with the Second Amended Complaint filed January 27, 2012 (Doc. No. 15).

58. With knowledge of the Patents, ZTE has provided and continues to provide related services, specifications, and instructions for the installation and infringing operation of such systems to the customers of its cellular phones and other devices with wireless data connectivity, who directly infringe through the operation of those products.

59. With knowledge of the Patents, ZTE has purposefully and voluntarily placed infringing products in the stream of commerce with the expectation that its products will be purchased by customers in the Eastern District of Texas.

60. Through its actions, ZTE Solutions has infringed the '689 Patent, '597 Patent, '555 Patent, '873 Patent and '394 Patent and actively induced others to infringe and contributed to the infringement by others of the '689 Patent, '597 Patent, '555 Patent, '873 Patent and '394 Patent throughout the United States.

61. Norman has been and will continue to suffer damages as a result of Defendant ZTE Solutions' infringing acts unless and until enjoined.

VII. WILLFULNESS

62. Plaintiff Norman alleges upon information and belief that, as of the date of the filing of the Action with respect to each Defendant, DISH, VW and Xerox have knowingly or with reckless disregard willfully infringed the Patents (collectively, the “Willful Infringers”). The Willful Infringers have been provided written notice of infringement of the Patents. The Willful Infringers acted with knowledge of the Patents and despite an objectively high likelihood that their actions constituted infringement of Norman’s valid patent rights.

63. This objectively-defined risk was either known or so obvious that it should have been known to each of the Willful Infringers. Norman seeks enhanced damages pursuant to 35 U.S.C. § 284.

COUNT ONE PATENT INFRINGEMENT—U.S. PATENT NO. 5,530,597

64. Plaintiff Norman realleges and incorporates herein paragraphs 1–63.

65. Defendants Mercedes, VW, Xerox and ZTE have infringed the ’597 Patent (collectively, the “’597 Defendants”).

66. The ’597 Defendants have indirectly infringed the ’597 Patent by inducing the infringement of the ’597 Patent and contributing to the infringement of the ’597 Patent.

67. Upon information and belief, the ’597 Defendants have jointly infringed the ’597 Patent, including by controlling and/or directing others to perform one or more of the claimed method steps.

68. The ’597 Defendants’ aforementioned acts have caused damage to Norman and will continue to do so unless and until enjoined.

COUNT TWO
PATENT INFRINGEMENT—U.S. PATENT NO. 5,502,689

69. Plaintiff Norman realleges and incorporates herein paragraphs 1–63.

70. Defendants Mercedes, DISH, VW, Xerox and ZTE have infringed the '689 Patent (collectively, the "'689 Defendants").

71. The '689 Defendants have indirectly infringed the '689 Patent by inducing the infringement of the '689 Patent and contributing to the infringement of the '689 Patent.

72. Upon information and belief, the '689 Defendants have jointly infringed the '689 Patent, including by controlling and/or directing others to perform one or more of the claimed method steps.

73. The '689 Defendants' aforementioned acts have caused damage to Norman and will continue to do so unless and until enjoined.

COUNT THREE
PATENT INFRINGEMENT—U.S. PATENT NO. 5,592,555

74. Plaintiff Norman realleges and incorporates herein paragraphs 1–63.

75. Defendants Mercedes, VW, Xerox and ZTE have infringed the '555 Patent (collectively, the "'555 Defendants").

76. The '555 Defendants have indirectly infringed the '555 Patent by inducing the infringement of the '555 Patent and contributing to the infringement of the '555 Patent.

77. Upon information and belief, the '555 Defendants have jointly infringed the '555 Patent, including by controlling and/or directing others to perform one or more of the claimed method steps.

78. The '555 Defendants' aforementioned acts have caused damage to Norman and

will continue to do so unless and until enjoined.

COUNT FOUR
PATENT INFRINGEMENT—U.S. PATENT NO. 5,608,873

79. Plaintiff Norman realleges and incorporates herein paragraphs 1–63.

80. Defendants Mercedes, VW and ZTE have infringed the '873 Patent (collectively, the "'873 Defendants").

81. The '873 Defendants have indirectly infringed the '873 Patent by inducing the infringement of the '873 Patent and contributing to the infringement of the '873 Patent.

82. Upon information and belief, the '873 Defendants have jointly infringed the '873 Patent, including by controlling and/or directing others to perform one or more of the claimed method steps.

83. The '873 Defendants' aforementioned acts have caused damage to Norman and will continue to do so unless and until enjoined.

COUNT FIVE
PATENT INFRINGEMENT—U.S. PATENT NO. 5,771,394

84. Plaintiff Norman realleges and incorporates herein paragraphs 1–63.

85. Defendants Mercedes, VW, and ZTE have infringed the '394 Patent (collectively, the "'394 Defendants").

86. The '394 Defendants have indirectly infringed the '394 Patent by inducing the infringement of the '394 Patent and contributing to the infringement of the '394 Patent.

87. Upon information and belief, the '394 Defendants have jointly infringed the '394 Patent, including by controlling and/or directing others to perform one or more of the claimed method steps.

88. The '394 Defendants' aforementioned acts have caused damage to Norman and will continue to do so unless and until enjoined.

VII. JURY DEMAND

89. Plaintiff Norman hereby demands a jury on all issues so triable.

VIII. REQUEST FOR RELIEF

WHEREFORE, Plaintiff Norman respectfully requests that the Court:

- A. Enter judgment that each Defendant infringes one or more claims of the Patents literally and/or under the doctrine of equivalents;
- B. Permanently enjoin each Defendant, its agents, servants, and employees, and all those in privity with each Defendant or in active concert and participation with any of the Defendants, from engaging in acts of infringement of the Patents;
- C. Award Plaintiff Norman past and future damages together with prejudgment and post-judgment interest to compensate for the infringement by Defendants of the Patents in accordance with 35 U.S.C. §284, and increase such award by up to three times the amount found or assessed in accordance with 35 U.S.C. §284;
- D. Declare this case exceptional pursuant to 35 U.S.C. §285; and
- E. Award Plaintiff Norman its costs, disbursements, attorneys' fees, and such further and additional relief as is deemed appropriate by this Court.

Respectfully submitted,

Dated: July 11, 2013

By: /s/ Andrew G. DiNovo
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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to FED. R. CIV. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by formal service of process on this the 11th day of July, 2013. Parties not of record are being service with process in accordance with FED. R. CIV. P. 4.

/s/ Andrew G. DiNovo