



4. On information and belief, Defendant Ford Motor Company is a corporation organized and existing under the laws of Delaware, having its principal place of business at One American Road, Dearborn, MI 48126.

5. On information and belief, Defendant Land Rover North America, Inc. is a corporation organized and existing under the laws of Delaware, having its principal place of business at One Premier Place, Irvine, CA 92618.

6. On information and belief, Defendant Volvo Cars of North America, LLC is an entity organized and existing under the laws of Delaware, having a principal place of business at One Premier Place, Irvine, CA 92618.

7. On information and belief, Defendant Chrysler, LLC is an entity organized and existing under the laws of Delaware, having its principal place of business at 1000 Chrysler Drive, Auburn Hills, MI 48326.

8. On information and belief, Defendant Mercedes-Benz USA, LLC is an entity organized and existing under the laws of Delaware, having its principal place of business at 1 Mercedes Drive, Montvale, NJ 07645.

9. On information and belief, Defendant Mercedes-Benz U.S. International, Inc. is an entity organized and existing under the laws of Alabama, having its principal place of business at 1 Mercedes Drive, Vance, AL 35490.

10. On information and belief, Defendant American Honda Motor Co., Inc. is a corporation organized and existing under the laws of California, having its principal place of business at 1919 Torrance Blvd., Torrance, CA 90501.

11. On information and belief, Defendant Honda of America Mfg., Inc. is a corporation organized and existing under the laws of Ohio, having its principal place of business at 24000 Honda Pkwy., Marysville, OH 43040.

12. On information and belief, Defendant Honda Manufacturing of Alabama, LLC is an entity organized and existing under the laws of Alabama, having its principal place of business at 1800 Honda Dr., Lincoln, AL 35096-5105.

13. On information and belief, Defendant Mitsubishi Motors North America, Inc. is a corporation organized and existing under the laws of California, having its principal place of business at 6400 Katella Ave., Cypress, CA 90630.

14. On information and belief, Defendant American Suzuki Motor Corporation is a corporation organized and existing under the laws of California, having its principal place of business at 3251 E. Imperial Hwy., Brea, CA 92821-6795.

#### **JURISDICTION AND VENUE**

15. This is an action arising under the patent laws of the United States, Title 35 of the United States Code, Section 271. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

16. This Court has personal jurisdiction over Defendants because Defendants conduct business in this judicial district and have committed acts of patent infringement in this judicial district.

17. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b) because Defendants' contacts with this district are sufficient to render them amenable to personal jurisdiction in this district and Defendants have committed acts of infringement in this district.

**FIRST CLAIM**  
**(Infringement of U.S. Patent No. 5,663,496)**

18 Plaintiff realleges and incorporates herein the allegations of paragraphs 1 through 17 inclusive as if fully set forth herein.

19. On September 2, 1997, the United States Patent and Trademark Office (“USPTO”) duly and legally issued U.S. Patent No. 5,663,496 entitled “Tire Monitoring Via an Electromagnetic Path Including the Ground Plan of a Vehicle” (the “’496 patent”). A true and correct copy of the ’496 patent is attached hereto as Exhibit A. Through assignment, Plaintiff is the owner of all right, title, and interest in the ’496 patent, including all rights to pursue and collect damages for past infringements of the patent.

20. Defendants have been infringing the ’496 patent in violation of 35 U.S.C. § 271 by making, using, and/or selling or offering for sale products embodying the patented invention in the United States. Based on Plaintiff’s investigation thus far, the accused products include all vehicles that: (1) were made, used, sold or offered for sale in the United States and/or imported into the United States by Defendants or any of their subsidiaries or affiliates within the limitations period prescribed by 35 U.S.C. § 286; (2) contain a system for monitoring a parameter of a tire using a radiofrequency transmitter disposed within each tire of the vehicle; and (3) possess one or more of the following characteristics: (a) utilizes a conductive wheel for transmitting a signal indicative of a parameter of a tire; or (b) utilizes one or more conductive components of the ground plane of the vehicle as a transmission medium for a signal indicative of a parameter of a tire; or (c) includes a system for monitoring a parameter of a tire (“the system”) that can be programmed by a remote controller that is positionable for communication with the system. Plaintiff has made reasonable efforts to determine the precise model names of

Defendants' vehicles that satisfy the above criteria. Based on Plaintiff's investigation thus far,  
the accused products that satisfy the above criteria include the following model lines:

Acura MDX  
Acura RDX  
Acura RL  
Acura TL  
Acura TSX  
Buick Allure  
Buick LaCrosse  
Buick LeSabre  
Buick Lucerne  
Buick Rainier  
Cadillac CTS  
Cadillac Deville  
Cadillac DTS  
Cadillac Escalade  
Cadillac Seville  
Cadillac SRX  
Cadillac STS  
Cadillac XLR  
Chevrolet Avalanche  
Chevrolet Aveo  
Chevrolet Colorado  
Chevrolet Corvette (excluding 1989-1996 models)  
Chevrolet Equinox  
Chevrolet Impala  
Chevrolet Monte Carlo  
Chevrolet Silverado  
Chevrolet SSR  
Chevrolet Suburban  
Chevrolet Tahoe  
Chevrolet Trailblazer  
Chrysler 300  
Chrysler 300M  
Chrysler Aspen  
Chrysler Concorde  
Chrysler Crossfire  
Chrysler Pacifica  
Chrysler Prowler  
Chrysler Sebring  
Chrysler Town & Country  
Chrysler Voyager  
Dodge Avenger  
Dodge Caliber

Dodge Caravan  
Dodge Charger  
Dodge Durango  
Dodge Grand Caravan  
Dodge Intrepid  
Dodge Magnum  
Dodge Nitro  
Dodge Sprinter  
Dodge Stratus  
Dodge Viper  
Ford Expedition  
Ford Explorer  
Ford Freestar  
Ford 500  
Ford Escape  
Ford Crown Victoria  
Ford Edge  
Ford F150  
Ford Fusion  
Ford Mustang  
Ford Ranger  
Ford Sport Trac  
Ford Taurus  
GMC Acadia  
GMC Canyon  
GMC Envoy  
GMC Sierra  
GMC Yukon  
Honda CR-V  
Honda Element  
Honda Odyssey  
Honda Odyssey Tour  
Honda Pilot  
Honda Ridgeline  
Hummer H3  
Jeep Commander  
Jeep Compass  
Jeep Grand Cherokee  
Jeep Liberty  
Jeep Patriot  
Jeep Wrangler  
Land Rover LR3  
Land Rover Range Rover  
Land Rover Range Rover Sport  
Lincoln Mark LT  
Lincoln MKX

Lincoln MKZ  
Lincoln Town Car  
Lincoln Aviator  
Lincoln Navigator  
Mercedes C Class  
Mercedes CL Class  
Mercedes CLS Class  
Mercedes E Class  
Mercedes GL Class  
Mercedes M Class  
Mercedes R Class  
Mercedes S Class  
Mercedes SL Class  
Mercedes SLR Class  
Mercury Mariner  
Mercury Monterey  
Mercury Mountaineer  
Mercury Grand Marquis  
Mercury Montego  
Mercury Sable  
Mitsubishi Eclipse  
Mitsubishi Endeavor  
Mitsubishi Galant  
Mitsubishi Lancer  
Mitsubishi Montero  
Mitsubishi Outlander  
Pontiac Grand Prix  
Pontiac Torrent  
Saturn Aura  
Saturn Outlook  
Saturn Sky  
Saturn Vue  
Suzuki Forenza  
Suzuki Grand Vitara  
Suzuki Reno  
Suzuki SX4  
Suzuki Verona  
Suzuki XL-7  
Volvo C70  
Volvo S40  
Volvo S60  
Volvo S80  
Volvo V50  
Volvo V70  
Volvo XC70  
Volvo XC90

In addition to the above models, the accused products also include every one of Defendants' vehicles with a gross vehicle weight rating of 10,000 pounds or less that: (1) has been or will be made by Defendants or any of their subsidiaries or affiliates in the United States on or after September 1, 2007 and at least through the filing date of this Second Amended Complaint; or (2) has been or will be made on or after September 1, 2007 and at least through the filing date of this Second Amended Complaint and has been or will be used, sold or offered for sale in the United States and/or imported into the United States by Defendants or any of their subsidiaries or affiliates on or after September 1, 2007 and at least through the filing date of this Second Amended Complaint.

21. Upon information and belief, Defendants will continue to infringe the '496 patent unless enjoined by this Court.

22. Upon information and belief, Defendants had actual or constructive notice of the '496 patent. Moreover, Defendants had actual or constructive notice of *MHL Tek, LLC v. Nissan et al.* (E.D. Tex. Case No. 2:07-cv-289-IJW), an infringement lawsuit involving the '496 patent. That lawsuit was filed on July 13, 2007, approximately 8 months prior to the filing of the present action. Despite having knowledge of the '496 patent and the *MHL Tek, LLC v. Nissan et al.* lawsuit, Defendants refused to cease their infringing activities and, instead, continued to infringe and violate Plaintiff's exclusive patent rights. Therefore, Defendants' past and continued infringement of the '496 patent is willful and deliberate, rendering this case appropriate for treble damages under 35 U.S.C. § 284 and making this an exceptional case under 35 U.S.C. § 285.

23. As a result of Defendants' infringement, Plaintiff has suffered and will suffer damages.



24. Plaintiff is entitled to recover from Defendants the damages sustained by Plaintiff as a result of Defendants' wrongful acts in an amount subject to proof at trial.

**SECOND CLAIM**  
(Infringement of U.S. Patent No. 5,731,516)

25. Plaintiff realleges and incorporates herein the allegations of paragraphs 1 through 24 inclusive as if fully set forth herein.

26. On March 24, 1998, the USPTO duly and legally issued U.S. Patent No. 5,731,516 entitled "System and Method for Monitoring a Pneumatic Tire" (the "'516 patent"). A true and correct copy of the '516 patent is attached hereto as Exhibit B. Through assignment, Plaintiff is the owner of all right, title, and interest in the '516 patent, including all rights to pursue and collect damages for past infringements of the patent

27. Defendants have been infringing the '516 patent in violation of 35 U.S.C. § 271 by making, using, and/or selling or offering for sale products embodying the patented invention in the United States. Based on Plaintiff's investigation thus far, the accused products include all vehicles that: (1) were made, used, sold or offered for sale in the United States and/or imported into the United States by Defendants or any of their subsidiaries or affiliates within the limitations period prescribed by 35 U.S.C. § 286; (2) contain a system for monitoring a parameter of a tire using a radiofrequency transmitter disposed within each tire of the vehicle; and (3) possess one or more of the following characteristics: (a) utilizes a conductive wheel for transmitting a signal indicative of a parameter of a tire; or (b) utilizes one or more conductive components of the ground plane of the vehicle as a transmission medium for a signal indicative of a parameter of a tire; or (c) includes a system for monitoring a parameter of a tire ("the system") that can be programmed by a remote controller that is positionable for communication with the system. Plaintiff has made reasonable efforts to determine the precise model names of

Defendants' vehicles that satisfy the above criteria. Based on Plaintiff's investigation thus far, the accused products that satisfy the above criteria include the following model lines:

Acura MDX  
Acura RDX  
Acura RL  
Acura TL  
Acura TSX  
Buick Allure  
Buick LaCrosse  
Buick LeSabre  
Buick Lucerne  
Buick Rainier  
Cadillac CTS  
Cadillac Deville  
Cadillac DTS  
Cadillac Escalade  
Cadillac Seville  
Cadillac SRX  
Cadillac STS  
Cadillac XLR  
Chevrolet Avalanche  
Chevrolet Aveo  
Chevrolet Colorado  
Chevrolet Corvette (excluding 1989-1996 models)  
Chevrolet Equinox  
Chevrolet Impala  
Chevrolet Monte Carlo  
Chevrolet Silverado  
Chevrolet SSR  
Chevrolet Suburban  
Chevrolet Tahoe  
Chevrolet Trailblazer  
Chrysler 300  
Chrysler 300M  
Chrysler Aspen  
Chrysler Concorde  
Chrysler Crossfire  
Chrysler Pacifica  
Chrysler Prowler  
Chrysler Sebring  
Chrysler Town & Country  
Chrysler Voyager  
Dodge Avenger  
Dodge Caliber

Dodge Caravan  
Dodge Charger  
Dodge Durango  
Dodge Grand Caravan  
Dodge Intrepid  
Dodge Magnum  
Dodge Nitro  
Dodge Sprinter  
Dodge Stratus  
Dodge Viper  
Ford Expedition  
Ford Explorer  
Ford Freestar  
Ford 500  
Ford Escape  
Ford Crown Victoria  
Ford Edge  
Ford F150  
Ford Fusion  
Ford Mustang  
Ford Ranger  
Ford Sport Trac  
Ford Taurus  
GMC Acadia  
GMC Canyon  
GMC Envoy  
GMC Sierra  
GMC Yukon  
Honda CR-V  
Honda Element  
Honda Odyssey  
Honda Odyssey Tour  
Honda Pilot  
Honda Ridgeline  
Hummer H3  
Jeep Commander  
Jeep Compass  
Jeep Grand Cherokee  
Jeep Liberty  
Jeep Patriot  
Jeep Wrangler  
Land Rover LR3  
Land Rover Range Rover  
Land Rover Range Rover Sport  
Lincoln Mark LT  
Lincoln MKX

Lincoln MKZ  
Lincoln Town Car  
Lincoln Aviator  
Lincoln Navigator  
Mercedes C Class  
Mercedes CL Class  
Mercedes CLS Class  
Mercedes E Class  
Mercedes GL Class  
Mercedes M Class  
Mercedes R Class  
Mercedes S Class  
Mercedes SL Class  
Mercedes SLR Class  
Mercury Mariner  
Mercury Monterey  
Mercury Mountaineer  
Mercury Grand Marquis  
Mercury Montego  
Mercury Sable  
Mitsubishi Eclipse  
Mitsubishi Endeavor  
Mitsubishi Galant  
Mitsubishi Lancer  
Mitsubishi Montero  
Mitsubishi Outlander  
Pontiac Grand Prix  
Pontiac Torrent  
Saturn Aura  
Saturn Outlook  
Saturn Sky  
Saturn Vue  
Suzuki Forenza  
Suzuki Grand Vitara  
Suzuki Reno  
Suzuki SX4  
Suzuki Verona  
Suzuki XL-7  
Volvo C70  
Volvo S40  
Volvo S60  
Volvo S80  
Volvo V50  
Volvo V70  
Volvo XC70  
Volvo XC90

In addition to the above models, the accused products also include every one of Defendants' vehicles with a gross vehicle weight rating of 10,000 pounds or less that: (1) has been or will be made by Defendants or any of their subsidiaries or affiliates in the United States on or after September 1, 2007 and at least through the filing date of this Second Amended Complaint; or (2) has been or will be made on or after September 1, 2007 and at least through the filing date of this Second Amended Complaint and has been or will be used, sold or offered for sale in the United States and/or imported into the United States by Defendants or any of their subsidiaries or affiliates on or after September 1, 2007 and at least through the filing date of this Second Amended Complaint.

28. Upon information and belief, Defendants will continue to infringe the '516 patent unless enjoined by this Court.

29. Upon information and belief, Defendants had actual or constructive notice of the '516 patent. Moreover, Defendants had actual or constructive notice of *MHL Tek, LLC v. Nissan et al.* (E.D. Tex. Case No. 2:07-cv-289-IJW), an infringement lawsuit involving the '516 patent. That lawsuit was filed on July 13, 2007, approximately 8 months prior to the filing of the present action. Despite having knowledge of the '516 patent and the *MHL Tek, LLC v. Nissan et al.* lawsuit, Defendants refused to cease their infringing activities and, instead, continued to infringe and violate Plaintiff's exclusive patent rights. Therefore, Defendants' past and continued infringement of the '516 patent is willful and deliberate, rendering this case appropriate for treble damages under 35 U.S.C. § 284 and making this an exceptional case under 35 U.S.C. § 285.

30. As a result of Defendants' infringement, Plaintiff has suffered and will suffer damages.

31. Plaintiff is entitled to recover from Defendants the damages sustained by Plaintiff as a result of Defendants' wrongful acts in an amount subject to proof at trial.

**THIRD CLAIM**  
**(Infringement of U.S. Patent No. 5,741,966)**

32. Plaintiff realleges and incorporates herein the allegations of paragraphs 1 through 31 inclusive as if fully set forth herein.

33. On April 21, 1993, the USPTO duly and legally issued U.S. Patent No. 5,741,966 entitled "Method and System for Monitoring a Parameter of a Vehicle Tire" (the "'966 patent"). A true and correct copy of the '966 patent is attached hereto as Exhibit C. Through assignment, Plaintiff is the owner of all right, title, and interest in the '966 patent, including all rights to pursue and collect damages for past infringements of the patent.

34. Defendants have been infringing the '966 patent in violation of 35 U.S.C. § 271 by making, using, and/or selling or offering for sale products embodying the patented invention in the United States. Based on Plaintiff's investigation thus far, the accused products include all vehicles that: (1) were made, used, sold or offered for sale in the United States and/or imported into the United States by Defendants or any of their subsidiaries or affiliates within the limitations period prescribed by 35 U.S.C. § 286; (2) contain a system for monitoring a parameter of a tire using a radiofrequency transmitter disposed within each tire of the vehicle; and (3) possess one or more of the following characteristics: (a) utilizes a conductive wheel for transmitting a signal indicative of a parameter of a tire; or (b) utilizes one or more conductive components of the ground plane of the vehicle as a transmission medium for a signal indicative of a parameter of a tire; or (c) includes a system for monitoring a parameter of a tire ("the system") that can be programmed by a remote controller that is positionable for communication with the system. Plaintiff has made reasonable efforts to determine the precise model names of

Defendants' vehicles that satisfy the above criteria. Based on Plaintiff's investigation thus far, the accused products that satisfy the above criteria include the following model lines:

Acura MDX  
Acura RDX  
Acura RL  
Acura TL  
Acura TSX  
Buick Allure  
Buick LaCrosse  
Buick LeSabre  
Buick Lucerne  
Buick Rainier  
Cadillac CTS  
Cadillac Deville  
Cadillac DTS  
Cadillac Escalade  
Cadillac Seville  
Cadillac SRX  
Cadillac STS  
Cadillac XLR  
Chevrolet Avalanche  
Chevrolet Aveo  
Chevrolet Colorado  
Chevrolet Corvette (excluding 1989-1996 models)  
Chevrolet Equinox  
Chevrolet Impala  
Chevrolet Monte Carlo  
Chevrolet Silverado  
Chevrolet SSR  
Chevrolet Suburban  
Chevrolet Tahoe  
Chevrolet Trailblazer  
Chrysler 300  
Chrysler 300M  
Chrysler Aspen  
Chrysler Concorde  
Chrysler Crossfire  
Chrysler Pacifica  
Chrysler Prowler  
Chrysler Sebring  
Chrysler Town & Country  
Chrysler Voyager  
Dodge Avenger  
Dodge Caliber

Dodge Caravan  
Dodge Charger  
Dodge Durango  
Dodge Grand Caravan  
Dodge Intrepid  
Dodge Magnum  
Dodge Nitro  
Dodge Sprinter  
Dodge Stratus  
Dodge Viper  
Ford Expedition  
Ford Explorer  
Ford Freestar  
Ford 500  
Ford Escape  
Ford Crown Victoria  
Ford Edge  
Ford F150  
Ford Fusion  
Ford Mustang  
Ford Ranger  
Ford Sport Trac  
Ford Taurus  
GMC Acadia  
GMC Canyon  
GMC Envoy  
GMC Sierra  
GMC Yukon  
Honda CR-V  
Honda Element  
Honda Odyssey  
Honda Odyssey Tour  
Honda Pilot  
Honda Ridgeline  
Hummer H3  
Jeep Commander  
Jeep Compass  
Jeep Grand Cherokee  
Jeep Liberty  
Jeep Patriot  
Jeep Wrangler  
Land Rover LR3  
Land Rover Range Rover  
Land Rover Range Rover Sport  
Lincoln Mark LT  
Lincoln MKX



Lincoln MKZ  
Lincoln Town Car  
Lincoln Aviator  
Lincoln Navigator  
Mercedes C Class  
Mercedes CL Class  
Mercedes CLS Class  
Mercedes E Class  
Mercedes GL Class  
Mercedes M Class  
Mercedes R Class  
Mercedes S Class  
Mercedes SL Class  
Mercedes SLR Class  
Mercury Mariner  
Mercury Monterey  
Mercury Mountaineer  
Mercury Grand Marquis  
Mercury Montego  
Mercury Sable  
Mitsubishi Eclipse  
Mitsubishi Endeavor  
Mitsubishi Galant  
Mitsubishi Lancer  
Mitsubishi Montero  
Mitsubishi Outlander  
Pontiac Grand Prix  
Pontiac Torrent  
Saturn Aura  
Saturn Outlook  
Saturn Sky  
Saturn Vue  
Suzuki Forenza  
Suzuki Grand Vitara  
Suzuki Reno  
Suzuki SX4  
Suzuki Verona  
Suzuki XL-7  
Volvo C70  
Volvo S40  
Volvo S60  
Volvo S80  
Volvo V50  
Volvo V70  
Volvo XC70  
Volvo XC90

In addition to the above models, the accused products also include every one of Defendants' vehicles with a gross vehicle weight rating of 10,000 pounds or less that: (1) has been or will be made by Defendants or any of their subsidiaries or affiliates in the United States on or after September 1, 2007 and at least through the filing date of this Second Amended Complaint; or (2) has been or will be made on or after September 1, 2007 and at least through the filing date of this Second Amended Complaint and has been or will be used, sold or offered for sale in the United States and/or imported into the United States by Defendants or any of their subsidiaries or affiliates on or after September 1, 2007 and at least through the filing date of this Second Amended Complaint.

35. Upon information and belief, Defendants will continue to infringe the '966 patent unless enjoined by this Court.

36. Upon information and belief, Defendants had actual or constructive notice of the '966 patent. Moreover, Defendants had actual or constructive notice of *MHL Tek, LLC v. Nissan et al.* (E.D. Tex. Case No. 2:07-cv-289-TJW), an infringement lawsuit involving the '966 patent. That lawsuit was filed on July 13, 2007, approximately 8 months prior to the filing of the present action. Despite having knowledge of the '966 patent and the *MHL Tek, LLC v. Nissan et al.* lawsuit, Defendants refused to cease their infringing activities and, instead, continued to infringe and violate Plaintiff's exclusive patent rights. Therefore, Defendants' past and continued infringement of the '966 patent is willful and deliberate, rendering this case appropriate for treble damages under 35 U.S.C. § 284 and making this an exceptional case under 35 U.S.C. § 285.

37. As a result of Defendants' infringement, Plaintiff has suffered and will suffer damages.

38. Plaintiff is entitled to recover from Defendants the damages sustained by Plaintiff as a result of Defendants' wrongful acts in an amount subject to proof at trial.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for the following relief:

- A. A judgment by the Court that Defendants are infringing the '496 patent;
- B. A judgment by the Court that Defendants are infringing the '516 patent;
- C. A judgment by the Court that Defendants are infringing the '966 patent;
- D. A permanent injunction pursuant to 35 U.S.C. § 283 that enjoins Defendants and their agents, servants, employees, successors, and assigns, and all persons acting under the authority of, or in privity or concert with Defendants from directly or indirectly infringing, or contributing to the infringement of the '496 patent;
- E. A permanent injunction pursuant to 35 U.S.C. § 283 that enjoins Defendants and their agents, servants, employees, successors, and assigns, and all persons acting under the authority of, or in privity or concert with Defendants from directly or indirectly infringing, or contributing to the infringement of the '516 patent;
- F. A permanent injunction pursuant to 35 U.S.C. § 283 that enjoins Defendants and their agents, servants, employees, successors, and assigns, and all persons acting under the authority of, or in privity or concert with Defendants from directly or indirectly infringing, or contributing to the infringement of the '966 patent;
- G. An award of damages that Defendants be ordered to account for and pay to Plaintiff for the infringement of the '496 patent;
- H. An award of damages that Defendants be ordered to account for and pay to Plaintiff for the infringement of the '516 patent;

- I. An award of damages that Defendants be ordered to account for and pay to Plaintiff for the infringement of the '966 patent;
- J. That such damages be trebled for the willful, deliberate, and intentional infringement by Defendants as alleged herein in accordance with 35 U.S.C. § 284;
- K. That Plaintiff be awarded interest on the damages so computed;
- L. An award of costs and attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law; and
- M. For such other and further relief the Plaintiff may be entitled to as a matter of law or that the Court may deem just and equitable under the circumstances.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury pursuant to Rule 38 of the Rules of Civil Procedure.

Dated July 3, 2008

Respectfully submitted,

/s/ David C. Doyle

Samuel F. Baxter, Lead Attorney  
State Bar No. 01938000  
sbaxter@mckoolsmith.com  
MCKOOL SMITH P.C.  
104 E. Houston, Suite 300  
Marshall, TX 75670  
Telephone: (903) 927-2111  
Facsimile: (903) 927-2622

Garret Chambers  
State Bar No. 00792160  
gchambers@mckoolsmith.com  
MCKOOL SMITH P.C.  
300 Crescent Court Suite 1500  
Dallas, Texas 75201  
Telephone: (214) 978-4242  
Facsimile: (214) 978-4044

ATTORNEYS FOR PLAINTIFF  
MHL TEK, LLC

OF COUNSEL:

David C. Doyle  
ddoyle@mofocom

Richard C. Kim  
rkim@mofocom

Stephen D. Keane  
skeane@mofocom

MORRISON & FOERSTER, LLP  
12531 High Bluff Drive, Suite 100  
San Diego, CA 92130-2040  
Telephone: (858) 720-5150  
Facsimile: (858) 720-5125