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MARSHALL

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

ORION IP, LLC,
A Texas Limited Liability Company

Plaintiff,

v.

SAMSUNG ELECTRONICS AMERICA,
INC.,
SAMSUNG ELECTRONICS CO. LTD.,
BOMBARDIER, INC.,
SAMSUNG TELECOMMUNICATIONS
AMERICA, LLP,
SAMSUNG INFORMATION SYSTEMS
AMERICA, INC.,
BOMBARDIER RECREATIONAL
PRODUCTS, INC.,
BOMBARDIER AEROSPACE
CORPORATION,
MITSUBISHI CORPORATION,
MITSUBISHI ELECTRIC CORP.,
MITSUBISHI ELECTRIC and
ELECTRONICS USA, INC.,
MITSUBISHI DIGITAL ELECTRONICS
AMERICA, INC., WAL-MART STORES,
INC.,
WAL-MART.COM, INC., and
WAL-MART.COM USA, LLC

Defendants.

Civil Action No. 2-06CV-109

JURY TRIAL DEMANDED

LED

PLAINTIFF ORION IP, LLC'S ORIGINAL
COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Orion IP, LLC makes the following allegations against Samsung Electronics America, Inc , Samsung Electronics Co Ltd., Samsung Telecommunications America, LLP, Samsung Information Systems America, Inc., Bombardier, Inc., Bombardier Recreational Products, Inc., Bombardier Aerospace Corporation, Mitsubishi

Corporation, Mitsubishi Electric Corp., Mitsubishi Electric and Electronics USA, Inc., Mitsubishi Digital Electronics America, Inc., Wal-Mart Stores, Inc., Wal-Mart com, Inc., and Wal-Mart.com USA, LLC.

PARTIES

1. Plaintiff Orion IP, LLC (“Orion”) is a Delaware limited liability company with its principal place of business at 207 C North Washington Avenue, Marshall, Texas 75670.

2. On information and belief, defendant Samsung Electronics America, Inc. (“Samsung-America”) is a New York corporation with its corporate headquarters and principal place of business at 105 Challenger Road, Ridgefield, New Jersey 07660-0511.

3. On information and belief, defendant Samsung Electronics Co. Ltd. (“Samsung-Korea”) is a Korean corporation having a principal place of business at 250, Taepyeongno 2-ga, Jung-gu, Seoul 100-743 Korea.

4. On information and belief, defendant Samsung Telecommunications America, LLP (“Samsung Telecom America”) is a Delaware corporation with its corporate headquarters and principal place of business at 1130 East Arapaho Road, Richardson, Texas 75081.

5. On information and belief, defendant Samsung Information Systems America, Inc. (“Samsung Information Systems America”) is a California corporation with its corporate headquarters and principal place of business at 75 West Plumeria Drive, San Jose, California 95134.

6. On information and belief, defendant Bombardier, Inc. (“Bombardier”) is a Canadian corporation with its corporate headquarters and principal place of business at 800 Rene-Levesque Boulevard West, Montreal, Quebec, Canada H3B 1Y8.

7. On information and belief, defendant Bombardier Recreational Products, Inc. (“Bombardier Recreational”) is a Canadian corporation with its corporate headquarters and principal place of business at 726 St. Joseph, Valcourt, Quebec, Canada J0E 2L0.

8. On information and belief, defendant Bombardier Aerospace Corporation (“Bombardier Aerospace”) is a Delaware corporation with its corporate headquarters and principal place of business at 3400 Waterview Parkway South, Suite 400, Richardson, Texas 75080.

9. On information and belief, defendant Mitsubishi Corporation (“Mitsubishi-Japan”) is a Japanese corporation having a principal place of business at 2-6-3 Marunouchi Chiyoda-ku Tokyo Japan.

10. On information and belief, defendant Mitsubishi Electric Corp. (“Mitsubishi Electric – Japan”) is a Japanese corporation having a principal place of business at Tokyo Bldg 2-7-3 Marunouchi Chiyoda-ku Tokyo 100-8310 Japan.

11. On information and belief, defendant Mitsubishi Electric and Electronics USA, Inc. (“Mitsubishi Electric USA”) is a Delaware corporation with its corporate headquarters and principal place of business at 5665 Plaza Drive, P.O. Box 6007, Cypress, California 90630-0007.

12. On information and belief, defendant Mitsubishi Digital Electronics America, Inc (“Mitsubishi Digital USA”) is a Delaware corporation with its corporate headquarters and principal place of business at 9351 Jetonimo Road, Irvine, California 92618.

13. On information and belief, defendant Wal-Mart Stores, Inc. (“Wal-Mart”) is a Delaware corporation with its corporate headquarters and principal place of business at 702 S.W. 8th Street, Bentonville, Arkansas 72716.

14. On information and belief, defendant Wal-Mart.com, Inc. is a Delaware corporation with its corporate headquarters and principal place of business at 702 S.W. 8th Street, Bentonville, Arkansas 72716.

15. On information and belief, defendant Wal-Mart.com USA, LLC is a Delaware limited liability corporation with its corporate headquarters and principal place of business at 702 S.W. 8th Street, Bentonville, Arkansas 72716.

JURISDICTION AND VENUE

16. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

17. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). Each Defendant has a regular and established place of business in this district, has transacted business in this district and, on information and belief, and/or has committed acts of patent infringement in this district.

COUNT 1

INFRINGEMENT OF U.S. PATENT 5,615,342

18. Orion is the owner by assignment of United States Patent No. 5,615,342 (“the ‘342 Patent”) entitled “Electronic Proposal Preparation System.” A true and correct copy of the ‘342 Patent is attached as Exhibit A. The ‘342 Patent was duly issued on March 25, 1997.

19. The ‘342 Patent was the subject of a previous Markman ruling issued by the United States District Court for the Eastern District of Texas. A copy of that order is attached as Exhibit B.

20. Jerome D. Johnson is the named inventor on the ‘342 Patent.

21. Defendant Samsung-America has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '342 Patent in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, methods practiced on various websites (including but not limited to www.samsung.com), making and using supply chain methods, sales methods, sales systems, marketing methods, marketing systems and inventory systems covered by one or more claims of the '342 Patent to the injury of Orion.

22. Defendant Samsung-Korea has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '342 Patent in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, methods practiced on various websites (including but not limited to www.samsung.com), making and using supply chain methods, sales methods, sales systems, marketing methods, marketing systems and inventory systems covered by one or more claims of the '342 Patent to the injury of Orion.

23. Defendant Samsung Telecom America has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '342 Patent in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, methods practiced on various websites (including but not limited to www.samsung.com), making and using supply chain methods, sales methods, sales systems, marketing methods, marketing systems and inventory systems covered by one or more claims of the '342 Patent to the injury of Orion.

24. Defendant Samsung Information Systems America has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the

infringement of the '342 Patent in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, methods practiced on various websites (including but not limited to www.samsung.com), making and using supply chain methods, sales methods, sales systems, marketing methods, marketing systems and inventory systems covered by one or more claims of the '342 Patent to the injury of Orion.

25. Defendant Bombardier has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '342 Patent in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, methods practiced on various websites (including but not limited to www.bombardier.com), making and using supply chain methods, sales methods, sales systems, marketing methods, marketing systems and inventory systems covered by one or more claims of the '342 Patent to the injury of Orion.

26. Defendant Bombardier Recreational has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '342 Patent in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, methods practiced on various websites (including but not limited to www.seadoo.com, www.ski-doo.com and www.bombardier.com), making and using supply chain methods, sales methods, sales systems, marketing methods, marketing systems and inventory systems covered by one or more claims of the '342 Patent to the injury of Orion.

27. Defendant Bombardier Aerospace has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '342 Patent in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, methods practiced on various websites (including but not limited to

www.bombardier.com), making and using supply chain methods, sales methods, sales systems, marketing methods, marketing systems and inventory systems covered by one or more claims of the '342 Patent to the injury of Orion. Defendant Mitsubishi-Japan has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '342 Patent in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, methods practiced on various websites (including but not limited to www.mitsubishi.com; global.mitsubishielectric.com; www.mitsubishielectic.com, www.mitsuparts.com and www.mitsubishi-tv.com), making and using supply chain methods, sales methods, sales systems, marketing methods, marketing systems and inventory systems covered by one or more claims of the '342 Patent to the injury of Orion.

28. Defendant Mitsubishi Electric-Japan has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '342 Patent in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, methods practiced on various websites (including but not limited to www.mitsubishi.com; global.mitsubishielectric.com; www.mitsuparts.com and www.mitsubishielectric.com), making and using supply chain methods, sales methods, sales systems, marketing methods, marketing systems and inventory systems covered by one or more claims of the '342 Patent to the injury of Orion.

29. Defendant Mitsubishi Electric USA has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '342 Patent in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, methods practiced on various websites (including but not limited to www.mitsubishi.com; global.mitsubishielectric.com; www.mitsuparts.com and

www.mitsubishielectric.com), making and using supply chain methods, sales methods, sales systems, marketing methods, marketing systems and inventory systems covered by one or more claims of the '342 Patent to the injury of Orion.

30. Defendant Mitsubishi Digital USA has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '342 Patent in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, methods practiced on various websites (including but not limited to www.mitsubishi.com; www.mitsuparts.com and www.mitsubishi-tv.com), making and using supply chain methods, sales methods, sales systems, marketing methods, marketing systems and inventory systems covered by one or more claims of the '342 Patent to the injury of Orion.

31. Defendant Wal-Mart has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '342 Patent in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, methods practiced on various websites (including but not limited to www.walmart.com), making and using supply chain methods, sales methods, sales systems, marketing methods, marketing systems and inventory systems covered by one or more claims of the '342 Patent to the injury of Orion.

32. Defendant Wal-Mart com, Inc. has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '342 Patent in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, methods practiced on various websites (including but not limited to www.walmart.com), making and using supply chain methods, sales methods, sales systems,

marketing methods, marketing systems and inventory systems covered by one or more claims of the '342 Patent to the injury of Orion.

33. Defendant Wal-Mart com USA, LLC has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '342 Patent in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, methods practiced on various websites (including but not limited to www.walmart.com), making and using supply chain methods, sales methods, sales systems, marketing methods, marketing systems and inventory systems covered by one or more claims of the '342 Patent to the injury of Orion.

34. These defendants have actively induced and are actively inducing infringement of the '342 Patent.

35. On information and belief, to the extent any marking was required by 35 U.S.C. §287, all predecessors in interest to the '342 Patent complied with such requirements and all licensees of the '342 Patent are obligated to mark licensed products in compliance with such requirements.

36. As a result of these Defendants' infringement of the '342 Patent, Orion has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Defendants' infringing activities are enjoined by this Court.

37. Unless a permanent injunction is issued enjoining these Defendants and their agents, servants, employees, attorneys, representatives, affiliates and all others acting on their behalf from infringing the '342 Patent, Orion will be greatly and irreparably harmed.

COUNT 2

INFRINGEMENT OF U.S. PATENT 5,367,627

38. Orion is the owner by assignment of United States Patent No. 5,367,627 (“the ‘627 Patent”) entitled “Computer-Assisted Parts Sales Method.” A true and correct copy of the ‘627 Patent is attached as Exhibit C. The ‘627 Patent was duly issued on November 22, 1994.

39. The ‘627 Patent was the subject of a previous Markman ruling issued by the United States District Court for the Eastern District of Texas. A copy of that order is attached as Exhibit B.

40. Jerome D. Johnson is the named inventor on the ‘627 Patent.

41. Defendant Samsung-America has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the ‘627 Patent in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, methods practiced on various websites (including but not limited to www.samsung.com) making and using supply chain methods, sales methods, sales systems, marketing methods, marketing systems and inventory systems covered by one or more claims of the ‘627 Patent to the injury of Orion.

42. Defendant Samsung-Korea has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the ‘627 Patent in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, methods practiced on various websites (including but not limited to www.samsung.com) making and using supply chain methods, sales methods, sales systems, marketing methods, marketing systems and inventory systems covered by one or more claims of the ‘627 Patent to the injury of Orion.

43. Defendant Samsung Telecom America has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '627 Patent in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, methods practiced on various websites (including but not limited to www.samsung.com) making and using supply chain methods, sales methods, sales systems, marketing methods, marketing systems and inventory systems covered by one or more claims of the '627 Patent to the injury of Orion.

44. Defendant Samsung Information Systems America has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '627 Patent in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, methods practiced on various websites (including but not limited to www.samsung.com) making and using supply chain methods, sales methods, sales systems, marketing methods, marketing systems and inventory systems covered by one or more claims of the '627 Patent to the injury of Orion.

45. Defendant Bombardier has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '627 Patent in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, methods practiced on various websites (including but not limited to www.bombardier.com) making and using supply chain methods, sales methods, sales systems, marketing methods, marketing systems and inventory systems covered by one or more claims of the '627 Patent to the injury of Orion.

46. Defendant Bombardier Recreational has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of

the '627 Patent in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, methods practiced on various websites (including but not limited to www.seadoo.com, www.ski-doo.com and www.bombardier.com) making and using supply chain methods, sales methods, sales systems, marketing methods, marketing systems and inventory systems covered by one or more claims of the '627 Patent to the injury of Orion.

47. Defendant Bombardier Aerospace has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '627 Patent in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, methods practiced on various websites (including but not limited to www.bombardier.com) making and using supply chain methods, sales methods, sales systems, marketing methods, marketing systems and inventory systems covered by one or more claims of the '627 Patent to the injury of Orion.

48. Defendant Mitsubishi-Japan has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '627 Patent in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, methods practiced on various websites (including but not limited to www.mitsubishi.com; global.mitsubishielectric.com; www.mitsubishielectric.com; www.mitsuparts.com and www.mitsubishi-tv.com), making and using supply chain methods, sales methods, sales systems, marketing methods, marketing systems and inventory systems covered by one or more claims of the '627 Patent to the injury of Orion.

49. Defendant Mitsubishi Electric-Japan has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '627 Patent in the state of Texas, in this judicial district, and elsewhere in the United States

by, among other things, methods practiced on various websites (including but not limited to www.mitsubishi.com; global.mitsubishielectric.com; www.mitsuparts.com and www.mitsubishielectric.com), making and using supply chain methods, sales methods, sales systems, marketing methods, marketing systems and inventory systems covered by one or more claims of the '627 Patent to the injury of Orion.

50. Defendant Mitsubishi Electric USA has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '627 Patent in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, methods practiced on various websites (including but not limited to www.mitsubishi.com; global.mitsubishielectric.com; www.mitsuparts.com and www.mitsubishielectric.com), making and using supply chain methods, sales methods, sales systems, marketing methods, marketing systems and inventory systems covered by one or more claims of the '627 Patent to the injury of Orion.

51. Defendant Mitsubishi Digital USA has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '627 Patent in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, methods practiced on various websites (including but not limited to www.mitsubishi.com; www.mitsuparts.com and www.mitsubishi-tv.com), making and using supply chain methods, sales methods, sales systems, marketing methods, marketing systems and inventory systems covered by one or more claims of the '627 Patent to the injury of Orion.

52. Defendant Wal-Mart has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '627 Patent in the state of Texas, in this judicial district, and elsewhere in the United States by, among

other things, methods practiced on various websites (including but not limited to www.walmart.com) making and using supply chain methods, sales methods, sales systems, marketing methods, marketing systems and inventory systems covered by one or more claims of the '627 Patent to the injury of Orion

53. Defendant Wal-Mart.com, Inc. has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '627 Patent in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, methods practiced on various websites (including but not limited to www.walmart.com) making and using supply chain methods, sales methods, sales systems, marketing methods, marketing systems and inventory systems covered by one or more claims of the '627 Patent to the injury of Orion.

54. Defendant Wal-Mart.com USA, LLC has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '627 Patent in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, methods practiced on various websites (including but not limited to www.walmart.com) making and using supply chain methods, sales methods, sales systems, marketing methods, marketing systems and inventory systems covered by one or more claims of the '627 Patent to the injury of Orion.

55. Defendants have actively induced and are actively inducing infringement of the '627 Patent.

56. As a result of Defendants' infringement of the '627 Patent, Orion has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Defendants' infringing activities are enjoined by this Court.

57. Unless a permanent injunction is issued enjoining Defendants and their agents, servants, employees, attorneys, representatives, affiliates and all others acting on their behalf from infringing the '627 Patent, Orion will be greatly and irreparably harmed.

JURY DEMAND

58. Orion demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Orion requests that this Court enter:

1. A judgment in favor of Orion that Defendants Samsung-America, Samsung-Korea, Samsung Telecom America, Samsung Information Systems America, Bombardier, Bombardier Recreational, Bombardier Aerospace, Mitsubishi-Japan, Mitsubishi Electric – Japan, Mitsubishi Electric USA, Mitsubishi Digital USA, Wal-Mart, Wal-Mart.com, Inc. and Wal-Mart.com USA, LLC have infringed, directly and indirectly by way of inducing and/or contributing to the infringement of the '342 Patent.

2. A permanent injunction enjoining Defendants Samsung-America, Samsung-Korea, Samsung Telecom America, Samsung Information Systems America, Bombardier, Bombardier Recreational, Bombardier Aerospace, Mitsubishi-Japan, Mitsubishi Electric – Japan, Mitsubishi Electric USA, Mitsubishi Digital USA, Wal-Mart, Wal-Mart.com, Inc. and Wal-Mart.com USA, LLC and their officers, directors, agents, servants affiliates, employees, divisions, branches subsidiaries, parents and all others acting in concert or privity with any of them from infringement, inducing the infringement of, or contributing to the infringement of the '342 Patent.

3. A judgment and order requiring Defendants Samsung-America, Samsung-Korea, Samsung Telecom America, Samsung Information Systems America, Bombardier, Bombardier

Recreational, Bombardier Aerospace, Mitsubishi-Japan, Mitsubishi Electric – Japan, Mitsubishi Electric USA, Mitsubishi Digital USA, Wal-Mart, Wal-Mart.com, Inc. and Wal-Mart.com USA, LLC to pay Orion damages for Defendants' infringement of the '342 Patent, together with interest (both pre- and post- judgment), costs and disbursements as fixed by this Court under 35 U.S.C. §284;

4. A judgment in favor of Orion that Defendants Samsung-America, Samsung-Korea, Samsung Telecom America, Samsung Information Systems America, Bombardier, Bombardier Recreational, Bombardier Aerospace, Mitsubishi-Japan, Mitsubishi Electric – Japan, Mitsubishi Electric USA, Mitsubishi Digital USA, Wal-Mart, Wal-Mart.com, Inc. and Wal-Mart.com USA, LLC have infringed, directly and indirectly by way of inducing and/or contributing to the infringement of the '627 Patent.

5. A permanent injunction enjoining Defendants Samsung-America, Samsung-Korea, Samsung Telecom America, Samsung Information Systems America, Bombardier, Bombardier Recreational, Bombardier Aerospace, Mitsubishi-Japan, Mitsubishi Electric – Japan, Mitsubishi Electric USA, Mitsubishi Digital USA, Wal-Mart, Wal-Mart.com, Inc. and Wal-Mart.com USA, LLC and their officers, directors, agents, servants affiliates, employees, divisions, branches subsidiaries, parents and all others acting in concert or privity with any of them from infringement, inducing the infringement of, or contributing to the infringement of the '627 Patent.

6. A judgment and order requiring Defendants Samsung-America, Samsung-Korea, Samsung Telecom America, Samsung Information Systems America, Bombardier, Bombardier Recreational, Bombardier Aerospace, Mitsubishi-Japan, Mitsubishi Electric – Japan, Mitsubishi Electric USA, Mitsubishi Digital USA, Wal-Mart, Wal-Mart.com, Inc. and Wal-Mart.com USA,

LLC to pay Orion damages for Defendants' infringement of the '627 Patent, together with interest (both pre- and post-judgment), costs and disbursements as fixed by this Court under 35 U.S.C. §284.

7. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. §285 and awarding to Orion its reasonable attorneys' fees that Orion proves it is entitled to at trial;

8. Orion's costs; and

9. Any and all other relief to which Orion may show itself to be entitled.

Respectfully submitted,

ORION II, LLC

By: 

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Dated: March 22, 2006

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