

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

RPOST HOLDINGS, INC., RPOST
INTERNATIONAL LIMITED, and RMAIL
LIMITED,

Plaintiffs,

v.

READNOTIFY.COM PTY LTD.,
CHRIS DRAKE, and
SILICON VALLEY WEB HOSTING, INC.,

Defendants.

CIVIL ACTION NO.
2:11-CV-00016-DF

JURY TRIAL DEMANDED

SECOND AMENDED COMPLAINT

Plaintiffs RPost Holdings, Inc., RPost International Limited, and RMail Limited amend its First Amended Complaint against Defendants Readnotify.com Pty Ltd., Chris Drake, and Silicon Valley Web Hosting, Inc.

In this Second Amended Complaint, Plaintiffs allege, based on its own knowledge with respect to its own actions and based upon information and belief with respect to all other actions, as follows:

NATURE OF THE ACTION

1. This action for willful patent infringement arises under the Patent Laws of the United States, namely, 35 U.S.C. §§ 1 et seq. This is also a civil action for willful infringement of a federally registered trademark under the United States Trademark Act (“the Lanham Act”), 15 U.S.C. §1051 et seq., for willful use of false designations of origin, and false descriptions and representations in violation of Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a), for trademark dilution in violation of Section 43(c) of the Lanham Act, 15 U.S.C. §1125(c), and for

related claims of common law trademark infringement and dilution, contributory trademark infringement, unfair competition, damage to business reputation, and unjust enrichment in violation of the laws of the State of Texas.

PARTIES

2. Plaintiff RMail Limited (“RMail”) is a corporation organized under the laws of the Nation of Bermuda. It is the owner of United States Patent Nos. 6,182,219 (“the ’219 patent”) and 6,571,334 (“the ’334 patent”). The ’219 and ’334 patents, entitled “Apparatus and Method for Authenticating the Dispatch and Contents of Documents,” are generally directed to novel apparatuses and methods for authenticating that a sender has electronically transmitted certain information via a dispatcher to a recipient. The ’219 and ’334 patents were duly and legally issued by the United States Patent and Trademark Office on January 30, 2001 and May 27, 2003, respectively, after full and fair examination. The ’219 and ’334 patents are valid and enforceable. A true and correct copy of the ’219 and ’334 patents are attached as Exhibits A and B, respectively.

3. RPost International Limited (“RPI”) is a corporation organized under the laws of the Nation of Bermuda. It is a licensee, from RMail, of the ’219 and ’334 patents. It is also the owner of United States Trademark Registration No. 2,928,365 for the mark REGISTERED E-MAIL® for “delivery of messages by electronic transmission to a designated recipient to provide results on a basis equivalent to the results obtained by registered mail,” which registered on February 22, 2005 and is valid and subsisting.

4. RPost Holdings, Inc. (“RPH”) is a corporation organized under the laws of the State of Delaware having a business office in Plano, Texas. It is a licensee, from RPI, of the ’219 and ’334 patents and of the right to use the registered trademark REGISTERED E-MAIL®. The REGISTERED E-MAIL® mark has become famous and distinctive of Plaintiffs’

goods/services through the Plaintiffs' substantially exclusive and continuous use of the mark in commerce for more than five years. For example, Plaintiffs were honor as a finalist for the prestigious IBM Lotus Award regarding its REGISTERED E-MAIL® service. Ex. C. In addition, the Wall Street Journal has featured Plaintiffs' services in connection with the mark. Ex. D. Plaintiffs have also appeared in numerous widely circulated publications, which recognize Plaintiffs as the source of REGISTERED E-MAIL services. Ex. E. Furthermore, Plaintiffs' services in connection with the mark have been at the center of alliances with corporations to reach millions of customers worldwide. Ex. F.

5. Upon information and belief, Defendant Readnotify.com Pty Ltd. ("Readnotify.com") is an Australian corporation that provides e-mail tracking, certification, and security services. Defendant Chris Drake is the C.E.O. of Readnotify.com. Readnotify.com has committed acts of infringement and other unlawful acts in this judicial district and does regular business in this judicial district, including providing the technologies accused of infringement in this judicial district.

6. Upon information and belief, Readnotify.com has its principal place of business at 5 Wavecrest Dr, Castaways Beach, QLD 4567, Australia. Upon information and belief, Readnotify.com is a nonresident of Texas who engages in business in this state, but does not maintain a regular place of business in this state or a designated agent for service of process in this state. Upon information and belief, Readnotify.com resides in this jurisdiction within the meaning of 28 U.S.C. § 1400(b). This proceeding arises, in part, out of business done in this state. Readnotify.com, either as its own entity or through Chris Drake, may be served with process in Australia pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents.

7. Upon information and belief, Defendant Chris Drake, who resides in Sydney Australia, owns and operates various businesses and websites that provide e-mail tracking, certification, and security services, including Readnotify.com. Drake has a mailing address of P.O. Box 4107, Copacabana, NSW 2251, Australia. Drake has committed acts of infringement and other unlawful acts in this judicial district and does regular business in this judicial district, including providing the technologies accused of infringement in this judicial district.

8. Upon information and belief, Drake is a nonresident of Texas who engages in business in this state, but does not maintain a regular place of business in this state or a designated agent for service of process in this state. Upon information and belief, Drake resides in this jurisdiction within the meaning of 28 U.S.C. § 1400(b). This proceeding arises, in part, out of business done in this state. Drake may be served with process in Australia pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents.

9. Upon information and belief, at all relevant times with respect to the offenses alleged in this Complaint, Defendant Drake has or had direct control over Defendant Readnotify.com such that Defendant Readnotify.com is the alter ego of Defendant Drake. Defendant Drake is liable for the transactions, actions, and infringements of Defendant Readnotify.com. Defendants Readnotify.com and Drake are collectively referred to in this First Amended Complaint as “the Drake Defendants.”

10. Upon information and belief, Silicon Valley Web Hosting, Inc. (“SVWH”) is a corporation organized and existing under the laws of the State of California and has its principal place of business at 95 South Market Street, Suite 648, San Jose, California 95113. SVWH

regularly conducts and transacts business in Texas, throughout the United States, and within the Eastern District of Texas, itself and/or through one or more subsidiaries, affiliates, business divisions, or business units.

11. Upon information and belief, SVWH resides in this jurisdiction within the meaning of 28 U.S.C. § 1400(b). SVWH has committed acts of infringement and other unlawful acts in this judicial district and does regular business in this judicial district, including providing internet hosting services to readnotify.com that assist this website and Drake in infringing Plaintiffs' intellectual property. Upon information and belief, SVWH provides internet hosting services to the website readnotify.com via the IP addresses 208.69.182.11. Upon information and belief, SVWH has appointed Bruce Robert Templeton, 95 S. Market St, Ste. 648, San Jose, California 95113 as its agent for service of process. Upon information and belief, Templeton is the President and C.E.O. of SVWH.

JURISDICTION AND VENUE

12. This Court has subject matter jurisdiction over this action under Section 39(a) of the Lanham Act, 15 U.S.C. § 1121(a); 28 U.S.C. §§ 1331 (federal question jurisdiction), 1338(a) (patent and trademark infringement), 1338(b) (unfair competition); and 28 U.S.C. § 1367(a) (supplemental jurisdiction over state law claim).

13. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(2), (c), (d) and/or 1400(b). On information and belief, each Defendant conducts business in this district, the claims alleged in this Complaint arise in this district, the acts of infringement have taken place and are continuing to take place in this district, and the Drake Defendants are aliens that may be sued in any district.

14. On information and belief, Defendants are subject to this Court's general and specific personal jurisdiction because each Defendant has minimum contacts within the State of

Texas and the Eastern District of Texas, including via their respective websites, pursuant to due process and/or the Texas Long Arm Statute, each Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in the Eastern District of Texas; each Defendant regularly conducts and solicits business within the State of Texas and within the Eastern District of Texas; and Plaintiffs' causes of action arise directly from Defendants business contacts and other activities in the State of Texas and in the Eastern District of Texas.

15. More specifically, each Defendant directly and/or through intermediaries makes, offers for sale, sells, and/or advertises (including the provision of an interactive website) products and services in the United States, the State of Texas, and the Eastern District of Texas. Upon information and belief, Defendants have committed acts of infringement in the State of Texas and in the Eastern District of Texas. Defendants solicit customers in the State of Texas and in the Eastern District of Texas. Upon information and belief, Defendants have paying customers who are residents of the State of Texas and the Eastern District of Texas and who use Defendants' products and services in the State of Texas and in the Eastern District of Texas.

COUNT I
PATENT INFRINGEMENT
(As to Defendants Readnotify.com and Drake)

16. Plaintiffs re-allege each and every allegation contained in the foregoing paragraphs as if fully set forth in this Count.

17. The Drake Defendants have been and are now infringing the '219 and '334 patents in the State of Texas, in this judicial district, and elsewhere in the United States by making, using, importing, selling and/or offering for sell software products and services that authenticate that a sender has electronically transmitted certain information via a dispatcher to a

recipient. The Drake Defendants are thus liable for infringement of the '219 and '334 patents pursuant to 35 U.S.C. § 271.

18. The Drake Defendants' infringement of the '219 and '334 patents has been and/or is willful.

19. As a result of the Drake Defendants' infringement of the '219 and '334 patents, Plaintiffs have suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless the Drake Defendants' infringing activities are enjoined by this Court.

20. Unless a permanent injunction is issued enjoining the Drake Defendants' and their agents, servants, employees, representatives, affiliates, and all others acting on in active concert with the Drake Defendants from infringing the '219 and '334 patents, Plaintiffs will be greatly and irreparably harmed.

COUNT II
VIOLATION OF § 32 OF THE LANHAM ACT, 15 U.S.C. §1114
(As to Defendants Readnotify.com and Drake)

21. Plaintiffs re-allege each and every allegation contained in the foregoing paragraphs as if fully set forth in this Count.

22. The Drake Defendants advertise their service as providing "registered e-mail." In doing so, the Drake Defendants infringe RPI's federally registered trademark REGISTERED E-MAIL®.

23. The Drake Defendants' unauthorized use of the term "registered e-mail" in commerce in connection with the sale, offering for sale, or advertising of its service is likely to cause confusion or to deceive others as to the origin of the term "registered e-mail" or to cause mistake or to deceive others into believing that Plaintiffs sponsor, are connected, or affiliated

with the Drake Defendants or that Plaintiffs have approved the Drake Defendants use of the term, all to the detriment of RPI.

24. The Drake Defendants' unlawful acts have been committed with knowledge of RPI's prior, registered rights in the REGISTERED E-MAIL® mark.

25. The Drake Defendants' unlawful acts have caused irreparable injury to RPI for which there is no adequate remedy at law, and will continue to cause irreparable injury to RPI unless enjoined.

26. The Drake Defendants have profited from their unlawful actions and have been unjustly enriched to the detriment of RPI. The Drake Defendants' unlawful actions have caused RPI monetary damage in an amount presently unknown, but in an amount to be determined at trial.

COUNT III
VIOLATION OF § 43(a) OF THE LANHAM ACT, 15 U.S.C. §1125(a)
(As to Defendants Readnotify.com and Drake)

27. Plaintiffs re-allege each and every allegation contained in the foregoing paragraphs as if fully set forth in this Count.

28. The Drake Defendants' unauthorized use of the term "registered e-mail" constitutes a false designation of origin, a false or misleading description of fact, or a false or misleading representation of fact within the meaning of Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a).

29. The Drake Defendants' unauthorized use of the term "registered e-mail" in commerce in connection with the sale, offering for sale, or advertising of its service is likely to cause confusion or to deceive others as to the origin of the term "registered e-mail" or to cause mistake or to deceive others into believing that Plaintiffs sponsor, are connected, or affiliated

with the Drake Defendants or that Plaintiffs have approved the Drake Defendants' use of the term, all to the detriment of RPI.

30. The Drake Defendants' unlawful acts have been committed with knowledge of RPI's prior, registered rights in the REGISTERED E-MAIL® mark.

31. By reason of the Drake Defendants' unlawful acts, RPI has suffered, is suffering and, unless the Drake Defendants are restrained, will continue to suffer, irreparable injury for which there is no adequate remedy at law.

32. The Drake Defendants have profited from their unlawful actions and have been unjustly enriched to the detriment of RPI. The Drake Defendants' unlawful actions have caused RPI monetary damage in an amount presently unknown, but in an amount to be determined at trial.

COUNT IV
VIOLATION OF § 43(c) OF THE LANHAM ACT, 15 U.S.C. 1125(c)
(As to Defendants Readnotify.com and Drake)

33. Plaintiffs re-allege each and every allegation contained in the foregoing paragraphs as if fully set forth in this Count.

34. The REGISTERED E-MAIL® mark is strong, distinctive, and famous within the relevant market.

35. The Drake Defendants' unlawful use of the term "registered e-mail" is likely to cause dilution of the distinctive quality of RPI's marks and decreasing the capacity of such marks to identify and distinguish RPI's services.

36. The Drake Defendants' unlawful acts have been committed with knowledge of RPI's prior, registered rights in the REGISTERED E-MAIL® mark.

37. The Drake Defendants' unlawful acts have caused irreparable injury to RPI for which there is no adequate remedy at law, and will continue to cause irreparable injury to RPI unless enjoined.

38. The Drake Defendants have profited from their unlawful actions and have been unjustly enriched to the detriment of RPI. The Drake Defendants' unlawful actions have caused RPI monetary damage in an amount presently unknown, but in an amount to be determined at trial.

COUNT V
COMMON LAW TRADEMARK INFRINGEMENT
(As to Defendants Readnotify.com and Drake)

39. Plaintiffs re-allege each and every allegation contained in the foregoing paragraphs as if fully set forth in this Count.

40. RPI owns all rights, title, and interest in and to the REGISTERED E-MAIL® mark, including all common law rights in such mark.

41. The Drake Defendants have used and are continuing to use of the term "registered e-mail" in a manner that is confusingly similar to the RPI mark.

42. The Drake Defendants' unlawful acts constitute trademark infringement in violation of the common law of the State of Texas.

43. By reason of the acts of the Drake Defendants alleged herein, RPI has suffered, is suffering and, unless the Drake Defendants are restrained, will continue to suffer, irreparable injury for which there is no adequate remedy at law.

44. The Drake Defendants have profited from their unlawful actions and have been unjustly enriched to the detriment of RPI. The Drake Defendants' unlawful actions have caused

RPI monetary damage in an amount presently unknown, but in an amount to be determined at trial.

COUNT VI
CONTRIBUTORY TRADEMARK INFRINGEMENT
(As to Silicon Valley Web Hosting)

45. Plaintiffs re-allege each and every allegation contained in the foregoing paragraphs as if fully set forth in this Count.

46. The Drake Defendants are engaged in unlawful conduct, including but not limited to, advertising, offering for sale, and selling “Registered Email” services via the website readnotify.com in violation of the Lanham Act and the common law. In doing so, the Drake Defendants infringe RPI’s federal and common law rights in the registered trademark REGISTERED E-MAIL®.

47. The Drake Defendants’ unauthorized use of the term “Registered Email” in commerce in connection with the sale, offering for sale, or advertising of services is likely to cause confusion or to deceive others as to the origin of that term or to cause mistake or to deceive others into believing that Plaintiffs sponsor, are connected, or affiliated with the Drake Defendants or that Plaintiffs have approved the Drake Defendants’ use of that term, all to the detriment of Plaintiffs.

48. SVWH has actual knowledge of the Drake Defendants unlawful activities from, among other things, receiving notice from Plaintiffs of these unlawful activities on or about March 7, 2011.

49. SVWH has materially encouraged, enabled and contributed to the infringing conduct by, among other things, hosting the website readnotify.com on its servers, routing internet traffic to and from these websites, facilitating communications to and from users of

readnotify.com's infringing registered email service, and facilitating communications by and between the operators of the websites and their customers.

50. SVWH has the ability to cease hosting services to readnotify.com. But despite Plaintiffs' request, SVWH has taken no steps to limit, curtail, disable, stop, or otherwise discontinue the services SVWH provides that make the infringing activities possible.

51. SVWH has disregarded Plaintiffs' notice and has consciously avoided investigating the full extent of the infringing activities that are continuing at readnotify.com.

52. SVWH therefore bears contributory liability for the Drake Defendants' use of Plaintiffs' trademarks in violation of 15 U.S.C. § 1051, et seq. and the common law.

53. SVWH's contributory unlawful acts have caused irreparable injury to Plaintiffs for which there is no adequate remedy at law, and will continue to cause irreparable injury to Plaintiffs unless enjoined.

54. SVWH's wrongful contributory conduct has caused Plaintiffs monetary damage in an amount presently unknown, but in an amount to be determined at trial.

COUNT VII
COMMON LAW UNFAIR COMPETITION
(As to all Defendants)

55. Plaintiffs re-allege each and every allegation contained in the foregoing paragraphs as if fully set forth in this Count.

56. The Drake Defendants' use of the term "registered e-mail" permit the Drake Defendants to use and benefit from the goodwill and reputation earned by RPI to obtain a ready customer's acceptance of the Drake Defendants' services, and constitutes unfair competition, palming off, and misappropriation in violation of Texas common law, for which RPI is entitled to recover any and all remedies provided by such common law.

57. By reason of the acts of the Drake Defendants alleged herein, RPI has suffered, is suffering and, unless the Drake Defendants are restrained, will continue to suffer, irreparable injury for which there is no adequate remedy at law.

58. By reason of the contributory acts of SVWH alleged in this Complaint, Plaintiffs have suffered, are suffering and, unless SVWH is restrained, will continue to suffer, irreparable injury for which there is no adequate remedy at law.

59. The Drake Defendants and SVWH have profited from their unlawful actions and have been unjustly enriched to the detriment of RPI. The Drake Defendants' and SVWH's unlawful actions have caused RPI monetary damage in an amount presently unknown, but in an amount to be determined at trial.

COUNT VIII
INJURY TO BUSINESS REPUTATION AND
TRADEMARK DILUTION, §16.29 T.B.C.C.
(As to all Defendants)

60. Plaintiffs re-allege each and every allegation contained in the foregoing paragraphs as if fully set forth in this Count.

61. The REGISTERED E-MAIL® mark is strong, distinctive, and famous within the relevant market.

62. The Drake Defendants' unlawful use of the term "registered e-mail" has diluted the distinctive quality of RPI's marks and decreased the capacity of such marks to identify and distinguish RPI's services. As such, the Drake Defendants' acts violate §16.29 of the Texas Business and Commerce Code.

63. The Drake Defendants' unlawful use of the term "registered e-mail" has also caused harm to RPI's business reputation in violation of §16.29 of the Texas Business and Commerce Code.

64. The Drake Defendants' unlawful acts have caused irreparable injury to RPI for which there is no adequate remedy at law, and will continue to cause irreparable injury to RPI unless enjoined.

65. The Drake Defendants have profited from their unlawful actions and have been unjustly enriched to the detriment of RPI. The Drake Defendants' unlawful actions have caused RPI monetary damage in an amount presently unknown, but in an amount to be determined at trial.

66. SVWH's unlawful contributory acts have caused harm to Plaintiffs' business reputation in violation of §16.29 of the Texas Business and Commerce Code.

67. SVWH's unlawful contributory acts have caused irreparable injury to Plaintiffs for which there is no adequate remedy at law, and will continue to cause irreparable injury to Plaintiffs unless enjoined.

68. SVWH has profited from its unlawful actions and has been unjustly enriched to the detriment of Plaintiffs. SVWH's unlawful actions have caused Plaintiffs monetary damage in an amount presently unknown, but in an amount to be determined at trial.

COUNT IX
COMMON LAW UNJUST ENRICHMENT
(As to all Defendants)

69. Plaintiffs re-allege each and every allegation contained in the foregoing paragraphs as if fully set forth in this Count.

70. The Drake Defendants and SVWH have unjustly enriched themselves, and continue to do so, in an amount unknown.

71. RPI is entitled to just compensation under Texas common law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter:

1. A judgment in favor of Plaintiffs that the Drake Defendants have infringed the '219 and '334 patents, and that such infringement has been and is willful;
2. A permanent injunction enjoining the Drake Defendants and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert with the Drake Defendants from infringing the '219 and '334 patents;
3. A judgment and order requiring the Drake Defendants to pay Plaintiffs its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' infringement of the '219 and '334 patents as provided under 35 U.S.C. § 284;
4. An award to Plaintiffs for enhanced damages resulting from the knowing, deliberate, and willful nature of the Drake Defendants' prohibited conduct with notice being made at least as early as the date of the filing of this Complaint, as provided under 35 U.S.C. § 284;
5. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiffs its reasonable attorneys' fees;
6. An order enjoining and restraining, during the pendency of this action and permanently, the Drake Defendants and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert with the Drake Defendants from:
 - a. using the mark REGISTERED E-MAIL® and any confusingly similar designation alone or in combination with other words or designs, as a trademark, service mark, trade name component, title, Internet domain name, or otherwise, to market, advertise, distribute, sell or identify any products and services;

- b. doing any other act likely to induce the confusing or mistaken belief that the Drake Defendants or their products, services or commercial activities are in any way affiliated, connected, or associated with RPI;
- c. using a name or mark confusingly similar to RPI's REGISTERED E-MAIL® mark, incorporating RPI's marks, or otherwise infringing RPI's marks;
- d. unfairly competing with RPI in any manner whatsoever;
- e. causing likelihood of confusion and injury to RPI's business reputation;
- f. diluting RPI's REGISTERED E-MAIL® mark;
- g. committing any other act or making any other statement which infringes, dilutes RPI's REGISTERED E-MAIL® mark, or constitutes an act of infringement, dilution, unfair competition, or damage to RPI's business reputation under federal common law or the common law of the State of Texas;

7. An order enjoining and restraining, during the pendency of this action and permanently, SVWH and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert with SVWH from:

- a. encouraging, enabling, or contributing to the use of the mark REGISTERED E-MAIL® and any confusingly similar designation alone or in combination with other words or designs, as a trademark, service mark, trade name component, title, Internet domain name, or otherwise, to market, advertise, distribute, sell or identify any products and services;
- b. doing any other act likely to encourage, enable, or contribute to the confusing or mistaken belief that the Drake Defendants or their products, services or

commercial activities are in any way affiliated, connected, or associated with Plaintiffs;

- c. encouraging, enabling, or contributing to the use of a name or mark confusingly similar to RPI's REGISTERED E-MAIL® mark, incorporating RPI's marks, or otherwise infringing RPI's marks;
- d. unfairly competing with Plaintiffs in any manner whatsoever;
- e. causing likelihood of confusion and injury to Plaintiffs' business reputation;
- f. committing any other act or making any other statement which infringes RPI's REGISTERED E-MAIL® mark, or constitutes an act of infringement, dilution, unfair competition, or damage to Plaintiffs' business reputation under federal common law or the common law of the State of Texas;

8. An award of all damages suffered by Plaintiffs resulting from Defendants' acts alleged in this Complaint, including but not an accounting for any and all profits derived by Defendants from their illegal acts alleged in this Complaint, and to which Plaintiffs are entitled under 15 U.S.C. § 1117;

9. An award trebling the amount of damages awarded RPI under 15 U.S.C. §§ 1114 and 1117;

10. A declaration that this is an exceptional case and awarding Plaintiffs their full costs, expert witness fees, and reasonable attorneys' fees incurred in connection with this action under 15 U.S.C. § 1117;

11. An award of any actual and putative damages to which RPI is entitled to under applicable federal and state laws; and

12. Any and all other relief that the Court or the jury may deem proper and just.

DEMAND FOR JURY TRIAL

Plaintiffs RPost Holdings, Inc., RPost International Limited, and RMail Limited, under Rule 38 of the Federal Rules of Civil Procedure, request a trial by jury of any issues so triable by right.

Respectfully Submitted,

Dated: December 22, 2011

By: /s/ Lewis E. Hudnell, III
Winston O. Huff
State Bar No. 24068745
Navarro Huff PLLC
302 N. Market St., Suite 450
Dallas, Texas 75202
214.749.1220 (office)
214.749.1233 (fax)
whuff@navarrohuff.com

Lewis E. Hudnell, III
Hudnell Law Group P.C.
244 Fifth Avenue Suite 240H
New York, New York 10001
Tel: 347.855.4772
Fax: 347.772.3034
lewis@hudnelllaw.com

ATTORNEYS FOR PLAINTIFFS
RPOST HOLDINGS, INC., RPOST
INTERNATIONAL LIMITED, AND RMAIL
LIMITED