

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

THE FAMOUS GROUP
TECHNOLOGIES INC.

Plaintiff,

vs.

CUE AUDIO, INC.

Defendant.

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CIVIL ACTION NO. 3:24-cv-01173

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff The Famous Group Technologies, Inc. (“TFG”) files this Complaint for Patent Infringement against Cue Audio, Inc. (“Defendant Cue Audio”), for infringement of United States Patent No. 10,482,660 (“the ’660 Patent” or the “First Asserted Patent”) and United States Patent No. 11,736,545 (the “’545 Patent” or the “Second Asserted Patent), alleging, based on its own knowledge of certain matters and based on information and belief as to all other matters, as follows:

PARTIES

1. TFG is a corporation formed under the laws of the State of Delaware, with a principal place of business at El Segundo, California.

2. Defendant Cue Audio is a company organized and existing under the laws of the State of Delaware, with a principal place of business in this District. Upon information and belief, Defendant Cue Audio regularly conducts business in and is doing business in this District and elsewhere in the United States, including, without limitation, using, promoting, offering to sell, and/or selling a product often referred to as PostUp and/or FanSee (together “Accused Products”).

The Accused Products embody the patented technology, and enable end-user participants to use such products in this District.

JURISDICTION AND VENUE

3. This is an action for infringement of a United States patent arising under 35 U.S.C. §101 *et seq.*, including 35 U.S.C. §§271, 281, and 284-85, among others. This Court has subject matter jurisdiction over the action under 28 U.S.C. §§1331, 1338(a), 1338(b), and 15 U.S.C. §1121.

4. This Court has general personal jurisdiction over Defendant, as Defendant resides in this District and regularly conducts and transacts business, including selling, offering to sell, using, and importing infringing products, in this District.

5. Venue is proper in this district under 28 U.S.C. §1400 because, Defendant resides in this District, has committed acts of infringement within this District and because, Defendant has a regular and established place of business in this District. Venue is proper in this district under 28 U.S.C. §1391 because Defendants are subject to personal jurisdiction in this District, a substantial part of the events giving rise to the claims occurred in this District, and Defendant conducts business in this District.

U.S. PATENT NOS. 10,482,660 and 11,736,545

6. United States Patent No. 10,482,660 entitled “System and Method to Integrate Content in Real Time into a Dynamic Real-Time 3-Dimensional Scene.” Attached hereto as **Exhibit A** is a true and correct copy of the ’660 Patent.

7. On November 19, 2019, the ’660 Patent, was duly and legally issued by the USPTO.

8. By assignment, TFG is the owner of all rights, title and interest in and to the '660 Patent, including all rights to recover any and all past infringements thereof.

9. Upon information and belief, Defendant has had notice of the '660 Patent since at least November 2019.

10. Plaintiff has given notice to the public of its patent by marking its own products and/or services with the '660 Patent in conformity with 35 U.S.C. §287(a).

11. United States Patent No. 11,736,545 entitled "Client User Interface for Virtual Fan Experience." Attached hereto as **Exhibit B** is a true and correct copy of the '545 Patent.

12. On August 22, 2023, the '545 Patent, was duly and legally issued by the United States Patent and Trademark Office (the "USPTO").

13. By assignment, TFG is the owner of all rights, title and interest in and to the '545 Patent, including all rights to recover any and all-past infringement thereof.

14. Plaintiff has given notice to the public of its patent by marking its own products and/or services with the '545 Patent in conformity with 35 U.S.C. §287(a). Upon information and belief, Defendant has had actual notice of the '545 Patent since at least November 2023.

15. The '545 Patent and the '660 Patent are collectively referred to as the "Subject Patents".

16. TFG invented, developed, markets, offers and sells Vixi Live and Vixi Social products (collectively "Vixi"), which practice the inventions of the Subject Patents.

17. Vixi Social was created by TFG in 2015 and quickly became a groundbreaking product in the realm of game entertainment. Within its debut year, the technology was adopted by over a dozen major sports teams and used by more than 100,000 fans worldwide.

18. Vixi Social's impact was highlighted by its use at major NFL events, including the Super Bowl and NFL season kickoff game, marking a significant milestone in its early adoption.

19. By the end of 2016, the use of Vixi Social expanded, propelling the platform's reach to over 250,000.

20. In 2017, Vixi Social's success led to a multi-year contract with the NFL, broadening its reach to over 35 professional sports teams and leagues, along with various festivals and events.

21. As an award-winning platform, TFG continued to innovate by introducing new features and functionalities. It became a staple at most major NFL events, including international games, enhancing the fan experience significantly. TFG's patented Vixi products are significant technological advancements as recognized by the numerous awards received over the years as well as their widespread acceptance in numerous industries as recognized in the following:

- "The Famous Group Named to Fast Company's Annual List of the World's Most Innovative Companies for 2023" <https://www.sportsvideo.org/2023/03/07/the-famous-group-named-to-fast-companys-annual-list-of-the-worlds-most-innovative-companies-for-2023/> (last accessed May 15, 2024);
- "Vixi Live by The Famous Group used by more than one million fans at sports venues as demand for in-game engagement continues to grow" <https://www.sportsbusinessjournal.com/Journal/Issues/2023/01/09/Technology/vixi-live.aspx> (last accessed May 15, 2024); and
- "The Famous Group bends reality for leagues, teams and fans" <https://www.sportsbusinessjournal.com/Journal/Issues/2023/02/20/In-Depth/the-famous-group.aspx> (last accessed May 15, 2024).

22. The COVID-19 pandemic in 2020 prompted TFG to innovate further by integrating live video streaming capabilities, for example by allowing fans to virtually attend NBA and WWE events. This technology was further developed into Vixi Live, enabling fans to broadcast live from their mobile phones directly to stadium jumbotrons.

23. Today, Vixi Social and Vixi Live have grown to serve over 130 clients and have been nominated for and/or received numerous awards over the years. The platform has engaged

over 5 million fans, confirming its status as an innovative and non-conventional technology in enhancing fan engagement across various sports and entertainment venues.

24. Pursuant to 35 U.S.C. § 282(a), the Subject Patents are presumed valid.

25. The prosecution of the Subject Patents involved a detailed and critical examination by the United States Patent Office (“USPTO”), which recognized the Subject Patents’ subject matter eligibility and inventiveness.

THE '660 PATENT IS DIRECTED TO PATENT-ELIGIBLE SUBJECT MATTER

26. The claims of the '660 Patent implement processes within a uniquely structured 3D environment, which represents a significant technical improvement over the prior art. This technical advancement facilitates interactive and dynamic display functionalities that are not merely abstract but solve concrete technological problems.

27. The '660 Patent claims are directed toward substantial technical improvements in the field of 3D graphical user interfaces. Specifically, the patented technology enables a novel method of animating and interacting with 3D tiles within a digital environment, which goes far beyond conventional data processing. For example, 3D scene component processors map the media contents to 3D tiles, respectively, and cause the 3D tiles that include the media contents to be displayed on at least a front face of the 3D tiles. Moreover, the content integrating engine causes a select 3D tile of the plurality of 3D tiles to be animated in an advantageous manner. The animation includes: to increase a size of the select 3D tile, and to perform changes to x, y, and z coordinates of the select 3D tile and performing rotational changes to the select 3D tile, wherein the start position of the select 3D tile is within the 3D grid background and the end position of the select 3D tile is above the 3D grid on a z-axis.

28. As such, the advancement of the '660 Patent specifically addresses technical challenges related to spatial and visual data manipulation in three dimensions. In fact, the claimed advancement in the patent is the specific method by which these 3D tiles are animated and manipulated—demonstrating not just an abstract idea but a concrete and non-conventional application of technical principles.

29. The specification of the '660 Patent states that the animation of a select 3D tile includes increasing the size of the tile and altering its x, y, and z coordinates along with rotational changes, ensuring a clear distinction from the cited references. The record shows clarification that the start position of the select 3D tile is within the 3D grid background and the end position is above the 3D grid on a z-axis. These amendments not only addressed the references cited but also highlighted the unique technical solution provided by the patent, addressing specific problems unmet by prior art. After a thorough reexamination and an exhaustive search conducted on October 8, 2019, the examiner concluded that no other prior art references disclosed or suggested the technical solutions claimed by the '660 Patent.

30. The '660 Patent encompasses a detailed, ordered combination of elements that collectively enable a novel functionality not previously achievable by prior art. Specifically, the system utilizes an external server with a content management system to intelligently search and select social media posts based on specific parameters such as keywords, hashtags, or locations. The innovative use of a content integrating engine within the device includes multiple 3D scene component processors and a scene manager that work in concert to map, retrieve, and dynamically display media contents on 3D tiles within a generated 3D grid background.

31. Moreover, the capability to animate these tiles—adjusting size, position, and orientation in real-time based on user-defined or system-defined criteria—represents a significant

technological leap in how digital content is interacted with and visualized in three-dimensional spaces. This complex orchestration of software and hardware components to achieve a seamless, immersive 3D experience goes beyond mere abstract ideas and constitutes a specific improvement to existing 3D graphical user interface technologies.

32. The claims of the '660 Patent features an inventive concept that transcends the collection, processing, and displaying of social media data by introducing a sophisticated, dynamic system for integrating and manipulating this data within a three-dimensional (3D) environment. This inventive concept is not merely an abstract idea; rather, it implements a series of technologically rooted steps that collectively enhance the interactivity and visual engagement of 3D scenes in real-time.

33. For example, the '660 Patent describes a system where social media content, traditionally viewed in a static and two-dimensional format, is transformed into a dynamic, interactive 3D display. For instance, the system can take textual content from a social media post and a 2D image associated with the post and convert these into a 3D tile that can be manipulated within a virtual space. This visualization goes beyond traditional displays by allowing users to interact with social media content in an immersive environment, enhancing user engagement and providing a novel way to consume media.

34. The '660 Patent also incorporates a content integrating engine, which includes a content retriever and multiple 3D scene component processors. This engine does not simply display content; it actively retrieves, processes, and integrates live social media data into the 3D environment. For example, as social media posts are updated in real-time, the system adjusts the display settings of the 3D tiles to reflect these updates, ensuring that the 3D scene is continuously synchronized with live data.

35. The '660 Patent further details the ability to animate 3D tiles within the digital environment, moving them from one position to another, and adjusting their size and orientation based on user interactions or predefined settings. This feature enables a more engaging and interactive experience, akin to navigating a live, evolving digital landscape. Such an animation capability is particularly innovative as it allows the content to be displayed not just in any fixed manner but in a way that can highlight certain aspects of the data or focus user attention dynamically during events or presentations.

36. The integration of these features represents a clear technological improvement over the prior art. Before the advent of the '660 Patent, 3D environments lacked the capability to integrate real-time data dynamically and interactively. The system's ability to manage and animate complex 3D scenes populated with live data in real-time offers a substantial advancement in the field of digital content management and display technologies.

37. The prosecution of the '660 Patent, wherein specific features were defined and claimed which the USPTO acknowledged as overcoming the prior art and adding significantly more than any alleged the abstract idea itself.

38. In the '660 Patent, claim 1 specifies a novel method of dynamically animating and manipulating 3D tiles within a virtual environment. This is not a mere abstract idea but a concrete application that uses complex applications to achieve a specific, intended result. The claim details mechanisms for adjusting the size, position (x, y, and z coordinates), and rotation of these tiles within a three-dimensional grid system, which are not conventional or routine operations.

39. The elements of claim 1 of the '660 Patent are not well-understood, routine, or conventional. Each component of the claimed process works in concert to achieve an innovative technological solution to problems specific to 3D graphical user interfaces. These are not trivial or

conventional concepts but are intricately designed systems with specific, configured functionalities that were acknowledged by the USPTO as surpassing the existing technological landscape.

40. Even if some individual elements were to be considered known per se, the ordered combination of these elements as claimed in claim 1 of the '660 Patent (and the other independent claims) is not conventional. The specific arrangement and interactive functionalities of these elements yield a synergistic effect that enhances system efficiency and user engagement in ways not previously disclosed by the prior art. This ordered combination constitutes an inventive concept that transforms the abstract idea into a patent-eligible invention.

41. When viewed as a whole, particularly in light of the amendments made during the prosecution history which overcame prior art rejections, it becomes evident that the claims of the '660 Patent incorporate specific advancements that are not well-understood or routine. The prosecution history explicitly documents these improvements and in fact the examiner repeatedly recognized that the '660 Patent was explicitly examined in view of 35 U.S.C. § 101 and specifically the post-*Alice v. CLS Bank* guidance implemented by the Patent Office. The Patent Office determined the claims of the '660 Patent were inventive, stating in the Notice of Allowability in connection with Allowable Subject Matter:

Claims 1, 12, and 22 (the independent claims) in the instant application have not been rejected using prior art because no references, or reasonable combination thereof, could be found which disclose, or suggest, searching text displayed in social media posts, each of the social media posts in the subset includes a Uniform Resource Locator (URL) to media contents included in social media posts, the media contents include text or two-dimensional (2D) image; a server storage to store the social media posts in the subset; the

media contents being a text or 2d images, generates in real-time a 3D grid background where the plurality of 3D tiles include the media contents of the social media posts that were stored in the storage server. It then generates 3D tile persons rotational changes to x, y, and z coordinates and while at the end position, the select 3D tile is above the 3D grid on the Z-axis.” (Notice of Allowability, p. 3)

THE '545 PATENT IS DIRECTED TO PATENT-ELIGIBLE SUBJECT MATTER

42. The '545 Patent encompasses a sophisticated system that far exceeds ordinary broadcasting capabilities. Evaluating the claims of the '545 Patent in the manner mandated by law, that is, examining the claims as a whole, considering the specification, and identifying the focus of the claimed advancement over the prior art, the '545 Patent is directed to patent-eligible subject matter..

43. The '545 Patent's method of using policies to determine video feed prominence is an example of where an “ordered combination” of known elements show an inventive concept due to its non-conventional arrangement that achieved an improvement in computer-related technology.

44. The '545 Patent is patent-eligible due to its specific improvement in the broadcasting technology—particularly the innovative real-time management and display functionalities that optimize user interaction and content presentation.

45. The '545 Patent similarly addresses a challenge specific to live broadcasting by seamlessly integrating real-time video feeds into a live event's broadcasting system, enhancing viewer engagement and interaction.

46. The '545 Patent employs an ordered combination in its system for integrating live video feeds into live event broadcasts. The '545 Patent specifies a sequence of operations that

work in concert to dynamically manage and display these feeds based on real-time data and predefined policies. First, the system receives notifications of a user's successful registration and selection for video feed integration, then it communicates the live video feed, followed by real-time notifications to the user, and integrates the feed into a virtual seat at the event. Each of these steps, while executable in isolation, collectively enable a uniquely interactive and responsive live broadcasting experience. This ordered sequence is specifically tailored to enhance viewer engagement and participation, thereby embodying an inventive concept that significantly transcends the mere execution of a generalized broadcasting process. The '545 Patent's claims are structured in a way that leverages this ordered combination to solve specific technological problems in broadcasting.

47. The '545 Patent invention includes the integration of live video into a virtual seat using decision-making processes guided by specific policies, and the real-time updating of user interfaces, are not merely abstract ideas nor routine implementations. Instead, these are specific methods that provide clear technological improvements in how live events are broadcast and experienced. Such specific methods are not well-understood, routine, and conventional activities.

48. The '545 Patent also details inventive concepts that significantly enhance broadcasting technology. The functionalities for determining the prominence of virtual seats and the decision-making processes described are not conventional but are innovative strategies that improve the technical field of live broadcasting.

49. The claimed invention of the '545 Patent incorporates substantial computer functionality improvements that significantly depart from earlier approaches to address specific problems, including without limitation, distinctly enhancing broadcasting technology by integrating real-time video feed management with a user's client device into live events,

employing a sophisticated system of policy-based video feed prominence and dynamic user interface adjustments. Such features represent specific improvements that optimize how broadcasting technologies interact with user inputs and live event dynamics, offering a clear technological advancement and computer functionality improvement over existing methods.

50. The claims of the '545 Patent incorporate a unique combinations of limitations, which contain inventive concepts. In addition to those discussed above, the invention revolutionizes user engagement at live events by integrating real-time video feeds into a virtual seat within the event's venue. This system transcends mere conventional computer functions and showcases an inventive concept that significantly enhances the experience of live event participation.

51. Further inventive concepts of the '545 Patent include claim 1, which by way of example, details a system comprising computer processors and memories, which are configured to execute specialized modules. These modules enable several innovative operations, advantageously involving real-time communication and integration of live video feeds into a broadcasted event, managed through an interactive user interface on a client device.

52. Inventive concepts embodied in the system of the '545 Patent include operations that allow for the dynamic integration of a user's live video feed into virtual seats displayed on screens at a live event venue. This integration is not a routine or conventional use of technology but a specific application that leverages complex algorithms, created as part of the invention, to manage the selection and display of live feeds based on predefined policies.

53. The '545 Patent goes further to update the user interface in real-time to reflect the integration of the live video, enhancing user engagement and interaction during live events. This feature represents a technological improvement over the prior art.

54. The system of the '545 Patent's ability to determine the prominence of virtual seats based on policies adds a layer of customization and functionality that is unique to this patent. It uses sophisticated decision-making processes within its operations to enhance the viewing experience, tailored by event-specific criteria.

55. The invention claimed in the '545 Patent transcends traditional broadcasting technology by implementing a sophisticated system that dynamically integrates live video feeds into virtual seats at live events, which are managed in real-time based on interactive, policy-driven criteria. This system is not a mere execution of routine broadcasting but is a novel, purpose-built solution tailored to enhance viewer experience and event management. For example, the system performs real-time decisions to integrate live video feeds based on notifications from a broadcasting platform—a significant improvement over conventional static broadcasting systems. Policy-based prominence determination includes the determination of the prominence of a user's virtual seat, based on specific policies. This feature represents a substantial technological advancement by employing complex algorithms to prioritize and manage content dynamically, which is a non-conventional approach to such broadcasting.

56. When viewed as a whole, particularly in light of the substantive amendments made during the prosecution history which overcame prior art rejections, it becomes evident that the claims of the '545 Patent incorporate specific advancements that are not well-understood or routine. The prosecution history explicitly documents these improvements. The Patent Office determined the claims of the '545 Patent were inventive, stating in the Notice of Allowability in connection with Allowable Subject Matter:

Claims 1-20 are allowed. The closest prior art found fails to teach singly or in combination the claimed invention. The Examiner was able to locate art which disclosed the concept

of live event broadcasting. However, none of the found prior art adequately discloses the claimed subject matter. In order to meet the limitations of the independent claims a non-obvious combination of references would be needed. To put another way, the references found during the updated search and upon review of the record would not have been obvious to combine to meet the claims. (Notice of Allowability, p. 2)

FIRST CAUSE OF ACTION
INFRINGEMENT OF U.S. PATENT NO. 10,482,660

57. Plaintiff realleges each and every allegation set forth in paragraphs 1 through 56 above, and incorporates them herein.

58. Defendant Cue Audio made, has made, used, imported, provided, supplied, distributed, sold, and/or offered for sale the PostUp Accused Product.

59. The PostUp Accused Product practices every element of at least one claim. See **Exhibit C** demonstrating examples of how the PostUp Accused Product infringes at least claim 1 of the '660 Patent.

60. By so doing, Defendant Cue Audio and its end users have directly infringed (literally and/or under the doctrine of equivalents) at least claim 1 of the '660 Patent. The infringement in this regard is ongoing.

61. Defendant Cue Audio also indirectly infringes the '660 Patent both contributorily and by inducement.

62. Defendant Cue Audio has actual knowledge of TFG's rights in the '660 Patent as well as TFG's allegations of infringement regarding the '660 Patent.

63. Defendant Cue Audio makes, has made, uses, imports, provides, supplies, distributes, sells and/or offers for sale the PostUp Accused Product, with knowledge of or willful blindness to the fact that its actions will induce Defendant Cue Audio's partners and end users to

infringe one or more claims of the '660 Patent by at least using and/or selling the PostUp Accused Product in violation of 35 U.S.C. §271.

64. TFG has been damaged because of the infringing conduct by Defendant Cue Audio alleged above. Thus, Defendant Cue Audio is liable to TFG in an amount that adequately compensates TFG for such infringements, including lost profits and which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. §284.

65. TFG is entitled to injunctive relief and damages in accordance with 35 U.S.C. §§271, 281, 283 and 284.

66. TFG has satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '660 Patent.

67. TFG has been damaged in an amount to be determined at trial, but which is no less than a reasonable royalty, and has been irreparably injured by Defendant Cue Audio's infringing activities. TFG will continue to be so damaged and irreparably injured unless such infringing activities are enjoined by this Court.

SECOND CAUSE OF ACTION
INFRINGEMENT OF U.S. PATENT NO. 11,736,545

68. Plaintiff realleges each and every allegation set forth in paragraphs 1 through 67 above, and incorporates them herein.

69. Defendant Cue Audio made, has made, used, imported, provided, supplied, distributed, sold, and/or offered for sale the FanSee Accused Product, which infringes one or more claims of the '545 Patent.

70. The FanSee Accused Products practices every element of at least one claim. See **Exhibit D** demonstrating examples of how the FanSee Accused Product infringes at least claim 1 of the '545 Patent.

71. By doing so, Defendant Cue Audio and its end users have directly infringed (literally and/or under the doctrine of equivalents) at least claim 1 of the '660 Patent. Defendant Cue Audio's infringement in this regard is ongoing.

72. Defendant Cue Audio also indirectly infringes the '545 Patent both contributorily and by inducement.

73. Defendant Cue Audio has actual knowledge of TFG's rights in the '545 Patent as well as TFG's allegations of infringement regarding the '545 Patent.

74. Defendant Cue Audio makes, has made, uses, imports, provides, supplies, distributes, sells, and/or offers for sale the FanSee Accused Product, with knowledge of or willful blindness to the fact that its actions will induce Defendant Cue Audio's partners and end users to infringe one or more claims of the '545 Patent by at least using and/or selling the FanSee Accused Product in violation of 35 U.S.C. § 271.

75. TFG has been damaged as a result of the infringing conduct by Defendant Cue Audio alleged above. Thus, Defendant Cue Audio is liable to TFG in an amount that adequately compensates TFG for such infringements, including lost profits and which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

76. TFG is entitled to injunctive relief and damages in accordance with 35 U.S.C. §§271, 281, 283 and 284.

77. TFG has satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '545 Patent.

78. TFG has been damaged in an amount to be determined at trial, including lost profits but which is no less than a reasonable royalty, and has been irreparably injured by Defendant Cue Audio's infringing activities. TFG will continue to be so damaged and irreparably injured unless, such infringing activities are enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, TFG respectfully requests:

- A. That judgment be entered in TFG's favor on each and every count of the Complaint that Defendant Cue Audio has infringed at least one or more claims of the '660 Patent and/or the '545 Patent, directly and/or indirectly, literally and/or under the doctrine of equivalents;
- B. That, in accordance with 35 U.S.C. §283, Defendant Cue Audio and all affiliates, employees, agents, officers, directors, attorneys, successors, and assigns and all those acting on behalf of or in active concert or participation with any of them, be preliminarily and permanently enjoined from infringing the '660 Patent and/or the '545 Patent, and making, using, selling and offering for sale the Accused Products;
- C. An award of damages sufficient to compensate TFG for Defendant Cue Audio's infringement under 35 U.S.C. §284, together with prejudgment interest and costs, said damages to be trebled by reason of the intentional and willful nature of Defendant Cue Audio's infringement, as provided by 35 U.S.C. §284;
- D. An order TFG is the prevailing party and that the case be found exceptional under 35 U.S.C. §285 and that TFG be awarded its reasonable attorneys' fees;
- E. Costs and expenses in this action; and
- F. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff TFG hereby demands a trial by jury of all claims triable by jury.

Date: May 16, 2024

Respectfully submitted,

/s/ Blake T. Dietrich

Blake T. Dietrich

bdietrich@jw.com

State Bar No. 24087420

JACKSON WALKER LLP

2323 Ross Ave., Suite 600

Dallas, TX 75201

Tel. (214) 953-5992

Fax. (214) 953-6053

Willmore F. Holbrow , III (*pro hac vice to be submitted*)

wholbrow@buchalter.com

BUCHALTER APC

1000 Wilshire Boulevard, Suite 1500

Los Angeles, CA 90017-2457

Tel. (213) 891-5235

Fax. (213) 896-0400

Jose L Patino (*pro hac vice to be submitted*)

jpatino@buchalter.com

BUCHALTER APC

655 West Broadway, Suite 1600

San Diego, CA 92101

Tel. (858) 351-6806

ATTORNEYS FOR PLAINTIFF