

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Middle

District of Tennessee Nashville Division

Gibson Guitar Corporation

SUMMONS IN A CIVIL ACTION

V.

Wal-Mart Stores, Inc. Target Corporation, Kmart Corporation, Sears, Roebuck & Co., Amazon.com, Inc., GameStop Corp., Toys-R-us, Inc., Harmonix Music Systems, Inc., MTV (a division of Viacom International, Inc.), and Electronic Arts, Inc.,

CASE NUMBER: 3:08-0279

TO: (Name and address of Defendant)

Harmonix Music Systems, Inc. 625 Massachusetts Avenue Cambridge, MA 02139

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Douglas R. Pierce 1100 Union Street Plaza 315 Union Street Nashville, TN 37201

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

KEITH THROCKMORTON

APR - 4 2008

CLERK

[Handwritten signature]

DATE

(By) DEPUTY CLERK

RETURN COPY

RETURN OF SERVICE

| | |
|--|--------------------------------|
| Service of the Summons and complaint was made by me ⁽¹⁾ | DATE <u>4-11-08</u> |
| NAME OF SERVER (PRINT) <u>RIB GORCZYKA</u> | TITLE <u>PROCESS SERVER</u> |

Check one box below to indicate appropriate method of service

Served personally upon the defendant. Place where served:

Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: MANAGER OF STORE

Returned unexecuted:

Other (specify):

STATEMENT OF SERVICE FEES

| | | |
|--------|----------|---------------------|
| TRAVEL | SERVICES | TOTAL |
| | | \$0.00 <u>60.00</u> |

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 4-11-08 Robert Goryka
Date Signature of Server

14 JUNIPER LANE FRAMINGHAM MA
Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.