

AO 440 (Rev. 10/93) Summons in a Civil Action

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

**United States District Court  
Eastern District of Texas**

NOV 2 2004

DAVID J. MALAND, CLERK

BY DEPUTY  
**SUMMONS IN A CIVIL CASE**

COMPRESSION LABS, INCORPORATED

v

CASE NUMBER: 2:04-CV-149<sup>159</sup>

- 1 DELL INCORPORATED
- 2 INTERNATIONAL BUSINESS MACHINES CORPORATION
- 3. TOSHIBA AMERICA, INCORPORATED
- 4. TOSHIBA AMERICA CONSUMER PRODUCTS, LLC.
- 5 TOSHIBA AMERICA INFORMATION SYSTEMS, INC.
- 6. TOSHIBA AMERICA ELECTRONIC COMPONENTS, INC.

FOLSOM

TO: TOSHIBA AMERICA INFORMATION SYSTEMS, INC., by and through its registered agent for service, C. T. Corporation System, 818 West Seventh Street, Los Angeles, CA 90017.

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY:

Otis W. Carroll  
J. Wesley Hill  
IRELAND, CARROLL & KELLEY, P.C.  
6101 S. Broadway, Suite 500  
Tyler, Texas 75703  
(903) 561-1600

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon 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. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

**DAVID J. MALAND**

CLERK

*T. Wilson*

(BY) DEPUTY CLERK

10/20/04  
DATE

## RETURN OF SERVICE

|  |       |
|--|-------|
| Service of the Summons and Complaint was made by me: | DATE  |
| NAME OF SERVER (PRINT):<br><b>Nancy Crum</b>         | TITLE |

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: \_\_\_\_\_
- Returned unexecuted: \_\_\_\_\_
  
- Other (specify): Certified Mail; Return Receipt Requested

### STATEMENT OF SERVICE FEES

| TRAVEL | SERVICES | TOTAL |
|--------|----------|-------|
|        |          |       |

### 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 11-2-04 Nancy Crum  
Date Signature of Server

| SENDER: COMPLETE THIS SECTION   | COMPLETE THIS SECTION ON DELIVERY  |
|---|--|
| <ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits</li> </ul> | <p>A. Signature<br/><b>X</b> <u>[Signature]</u> <input type="checkbox"/> Agent<br/><input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery <u>11-2-04</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes<br/>If YES enter delivery address below: <input type="checkbox"/> No</p> |
| <p>1. Article Addressed to:<br/> <b>TOSHIBA AMERICA INFORMATION SYSTEM INC.</b><br/>                     c/o C T CORPORATION SYSTEM<br/>                     818 WEST SEVENTH STREET<br/>                     LOS ANGELES CA 90017</p>  | <p>3. Service Type<br/> <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail<br/> <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise<br/> <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>   |
| <p>2. Article Number<br/> <small>(Transfer from service label)</small> <u>7099 3400 6014 2552 2405</u></p>  | <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>  |

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