



Respectfully submitted,

**Howrey Simon Arnold & White, LLP**

By: /s/ Denise M. DeMory

Henry Bunsow  
Denise M. De Mory  
525 Market Street, Suite 3600  
San Francisco CA 94105  
Telephone: (415) 848-4900  
Facsimile: (415) 848-4999

Harry L. Gilliam, Jr.  
Gilliam & Smith, L.L.P.  
110 South Bolivar, Suite 204  
Marshall, Texas 75670  
Telephone: (903) 934-8450  
Facsimile: (903) 934-9257

ATTORNEYS FOR DEFENDANT  
TOSHIBA AMERICA INFORMATION  
SYSTEMS, INC.