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Attorneys for Plaintiff JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

| | |
|---|---|
| JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST,<br><br>Plaintiff<br>v.<br><br>ALLTRADE TOOLS, LLC, a California Corporation; and DOES 1 – 100,<br><br>Defendants.<br>and related counterclaims. | Case No. 08-cv-232 BTM CAB<br><br>**REPLY TO COUNTERCLAIMS OF ALLTRADE TOOLS LLC** |

Plaintiff/Counterdefendant Jens Erik Sorensen as Trustee of Sorensen Research and Development Trust ("SRDT"), hereby respectfully replies to the specific numbered paragraphs identified of the Counterclaims of Defendant/Counterclaimant Alltrade Tools, LLC ("Alltrade") as follows:

1. Paragraph 1 is mere prefatory language and thus need not be admitted or denied.

The Parties

2. Upon current information and belief, admit.

3. Admit.

Jurisdiction and Venue

4. Admit.

5. Admit.

6. Admit.

7. Admit.

8. Admit.

Counterclaim I

9. SRDT asserts and incorporates by reference its allegations in paragraphs 1 through 8 above.

10. Admit.

11. Deny.

12. Admit.

Counterclaim II

13. SRDT asserts and incorporates by reference its allegations in paragraphs 1 through 12 above.

14. Admit.

15. Admit.

16. Deny.

17. Deny.

Counterclaim III

18. SRDT asserts and incorporates by reference its allegations in paragraphs 1 through 17 above.

19. Admit.

20. Admit.

21. Deny.

22. Deny.

**WHEREFORE,** SRDT prays that judgment on Alltrade be entered as follows:

a. For judgment in favor of SRDT and against Alltrade on all requested relief;

b. That this case be decreed an "exceptional case" and SRDT is awarded reasonable attorneys' fees by the Court pursuant to 35 U.S.C. § 285;

c. For costs of suit herein incurred;

d. For such other and further relief as the Court may deem just and proper.

DATED this Thursday, May 08, 2008.

JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST, Plaintiff

/s/ Melody A. Kramer

Melody A. Kramer, Esq.
J. Michael Kaler
Attorney for Plaintiff

**PROOF OF SERVICE**

I, Melody A. Kramer, declare: I am and was at the time of this service working within in the County of San Diego, California. I am over the age of 18 year and not a party to the within action. My business address is the Kramer Law Office, Inc., 9930 Mesa Rim Road, Suite 1600, San Diego, California, 92121.

On Thursday, May 08, 2008, I served the following documents:

**REPLY TO COUNTERCLAIMS OF ALLTRADE TOOLS LLC**

| PERSON(S) SERVED | PARTY(IES) SERVED | METHOD OF SERVICE |
|---|---|---|
| Douglas R. Peterson<br>Steptoe & Johnson LLP<br>2121 Avenue of the Stars, Suite 2800<br>Los Angeles, CA 90067-5052<br>dpeterson@steptoe.com | Alltrade Tools LLC | Email--Pleadings Filed with the Court via ECF |

☐ (Personal Service) I caused to be personally served in a sealed envelope hand-delivered to the office of counsel during regular business hours.

☐ (Federal Express) I deposited or caused to be deposited today with Federal Express in a sealed envelope containing a true copy of the foregoing documents with fees fully prepaid addressed to the above noted addressee for overnight delivery.

☐ (Facsimile) I caused a true copy of the foregoing documents to be transmitted by facsimile machine to the above noted addressees. The facsimile transmissions were reported as complete and without error.

☐ (Email) I emailed a true copy of the foregoing documents to an email address represented to be the correct email address for the above noted addressee.

☒ (Email--Pleadings Filed with the Court) Pursuant to Local Rules, I electronically filed this document via the CM/ECF system for the United States District Court for the Southern District of California.

☐ (U.S. Mail) I mailed a true copy of the foregoing documents to a mail address represented to be the correct mail address for the above noted addressee.

I declare that the foregoing is true and correct, and that this declaration was executed on

Thursday, May 08, 2008, in San Diego, California.

/s/ Melody A. Kramer

Melody A. Kramer