UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

BRAINTREE LABORATORIES, INC.,

Plaintiff,

v. Civil Action No. 3:13-cv-00389-TJC- MCR

GATOR PHARMACEUTICALS, INC.;
KVK-TECH, Inc.

Defendants.
_____\

NOTICE OF FILING

Plaintiff, Braintree Laboratories, Inc. files the following attached Waivers of Service of Summons executed by Defendants, Gator Pharmaceuticals, Inc. and KVK-Tech, Inc.

Dated: July 31, 2013

/s/ John P. Marino
John P. Marino
Florida Bar No: 0814539
SMITH, GAMBRELL & RUSSELL, LLP
Trial Counsel
50 North Laura Street, Suite 2600
Jacksonville, FL 32202
Telephone: (904) 598-6104
Facsimile: (904) 598-6204
Email: jmarino@sgrlaw.com

Attorneys for Plaintiff, Braintree Laboratories, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 31st, 2013, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. I also certify that the foregoing document is also being furnished to counsel of record as identified below, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive Notices of Electronic Filing via the CM/ECF system:

Gator Pharmaceuticals, Inc.
c/o Paul Burlaga
194 Inlet Drive
St. Augustine, Florida 32080-3813

KVK-Tech, Inc.
c/o Frank Ripp
110 Terry Drive, Suite 200
Newton, Pennsylvania 18940

/s/ John P. Marino
John P. Marino (FBN: 0814539)
SMITH, GAMBRELL & RUSSELL, LLP
50 North Laura Street, Suite 2600
Jacksonville, FL 32202
Telephone: (904) 598-6104
Facsimile: (904) 598-6204
Email: jmarino@sgrlaw.com

AO 399 (01/09) Waiver of the Service of Summons

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

Braintree Laboratories, Inc.
Plaintiff
v.
Gator Pharmaceuticals, Inc.; KVK-TECH, Inc.
Defendant

Civil Action No. 3:13-cv-00389-TJC-MCR

WAIVER OF THE SERVICE OF SUMMONS

To: John J. Regan
(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 07/11/2013, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: 7/30/2013

Paul Barlaga
Signature of the attorney or unrepresented party

Gator Pharmaceuticals, Inc.
Printed name of party waiving service of summons

Printed name

Address

E-mail address

Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

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(Name of the plaintiff's attorney or unrepresented plaintiff)

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Date: 7/30/2013

Signature of the attorney or unrepresented party

KVK-TECH, Inc.
Printed name of party waiving service of summons

Printed name

Address

E-mail address

Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

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