

EXHIBIT “E”

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MOTOROLA, INC.

FILED
2005 MAY 17 PM 1:31
COURT OF APPEALS
LOS ANGELES

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MOTOROLA, INC. a Delaware Corporation,

Plaintiff,

vs.

HAROLD PICK, an individual, HAROLD PICK dba RADIO DESIGN, RADIO DESIGN, an entity of unknown type, HAROLD PICK dba C. DONNELLY COMMUNICATIONS, INC., C. DONNELLY COMMUNICATIONS, INC., a California corporation, ERNEST LINDSEY, an individual, ALDO R. INTERIANO, an individual, COVERT SERVICES, INC., a California corporation, COVERT SERVICES, INC. dba RADIO DESIGN AND ENGINEERING, RADIO DESIGN AND ENGINEERING aka RADIO DESIGN & ENGINEERING, an entity of unknown type, DALE KETCHERSID, an individual, DALE KETCHERSID dba RADIO DESIGN & ENGINEERING, VIDEO/COMMUNICATIONS SYSTEMS DESIGN, an entity of unknown type, THE DELUCA GROUP CORPORATION, a California corporation, TODD DAVIS, an

No. CV04-2655 ABC (SHx)

DECLARATION OF SPECIAL AGENT KEN MCGUIRE IN SUPPORT OF MOTOROLA, INC.'S REPLY BRIEF IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT:

- (1) OF LIABILITY ON COPYRIGHT AND TRADEMARK INFRINGEMENT CLAIMS;
- (2) FOR A PERMANENT INJUNCTION AND RECALL ORDER; AND
- (3) OF WILLFUL INFRINGEMENT, STATUTORY DAMAGES AND ATTORNEYS' FEES

Hon. Audrey B. Collins

Date: May 23, 2005
Time: 10:00 a.m.
Location: Courtroom 680

DOCKETED ON CM
MAY 24 2005
BY [Signature]
217

1 individual, RADIO HUT
2 CORPORATION, a California
3 corporation, RADIO
4 COMMUNICATIONS SYSTEM,
5 INC., an entity of unknown type,
6 ROBERT SHARP, an individual, JIM
7 HARRIS, an individual, INSTACOM
8 INDUSTRIES, an entity of unknown
9 type, PAUL MENDLE, an individual,
10 EPW COMMUNICATIONS, INC., an
11 entity of unknown type, ERIC P.
12 WINKLE, an individual, SHADOW
13 TEAM CORPORATION, a Nevada
14 corporation, and PAUL NORTON, an
15 individual,

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Defendants.

AND RELATED COUNTERCLAIM

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DECLARATION OF KEN MCGUIRE

I, Kenneth McGuire III, declare:

1. I am a Supervisory Special Agent with the Federal Bureau of Investigation ("FBI") in Los Angeles, California. I have been a Special Agent with the FBI for 20 years. I am the Supervisor of Cyber Crime Squad Number Two in Los Angeles. I make this declaration on the basis of personal knowledge and if called as a witness I could and would testify competently thereto under oath.

2. On March 21, 2005, I received two Quantum Fireball drives bearing serial numbers 611016850018 and 611016850071, which were shipped to me by Federal Express from the Lansing, Michigan FBI office by Special Agent Kent J. Vandersteen. The package was still sealed when it arrived.

3. On March 23, 2005, I provided the two drives to Mark Alcock, as described in the true and correct copy of the receipt attached hereto as Exhibit 1.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and this declaration was executed May 16, 2005 in Los Angeles, California.



Kenneth McGuire III

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # _____

On (date) 3/23/2005

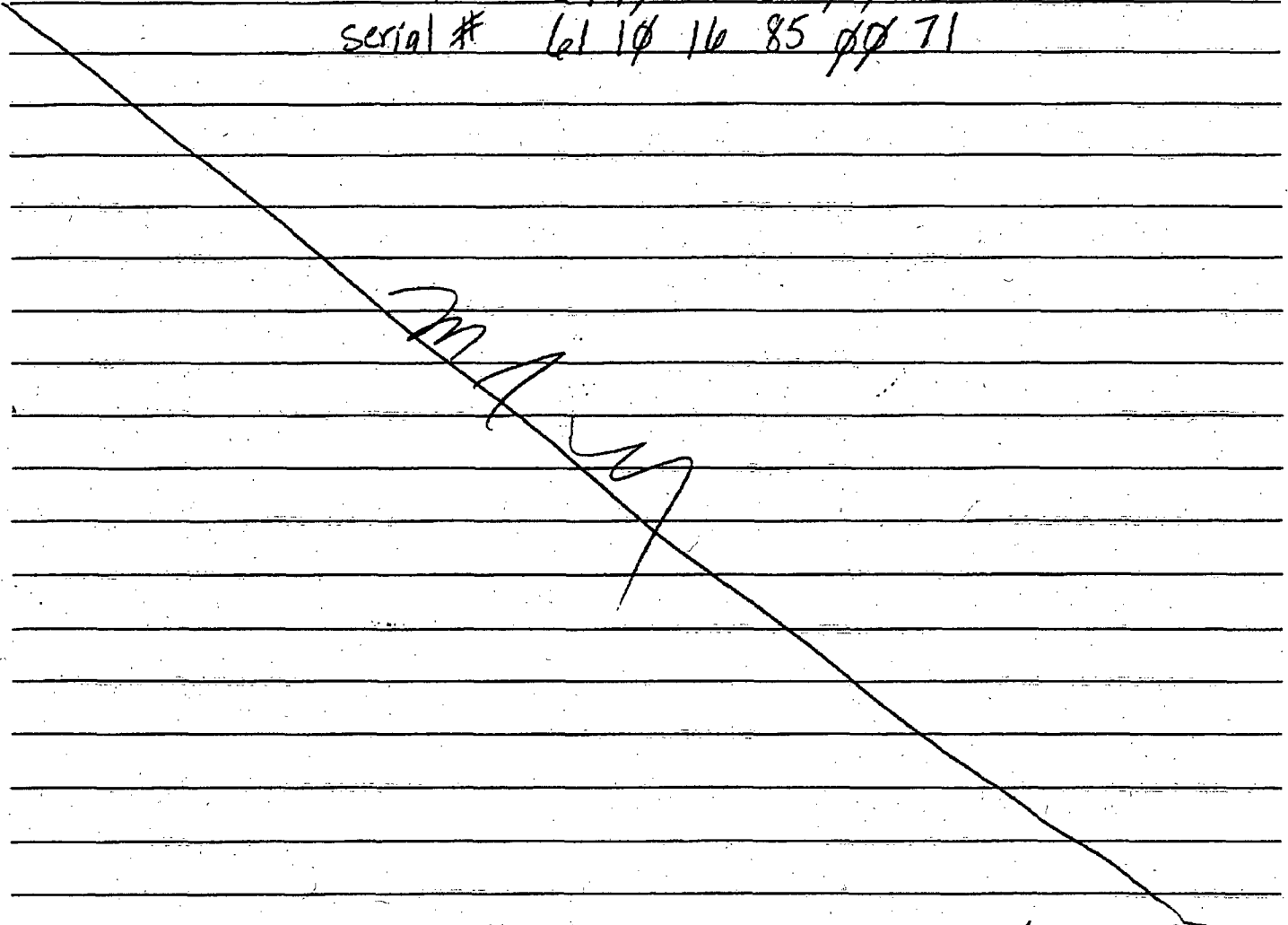
- item(s) listed below were:
- Received From
- Returned To
- Released To
- Seized

(Name) MARK ALCOCK

(Street Address) 1240 San Antonio L

(City) LONG BEACH, CA 90807

Description of Item(s): (2) Computer HARD DRIVES - Quantum Fireball
- Serial # 611016850018
serial # 611016850071



Received By: MAA
(Signature)

Received From: Kenneth L. ... SSA, FBI, LA, CA
(Signature)