

CAUSE NO. 199-596-97

DSC COMMUNICATIONS CORPORATION,

Plaintiff,

v.

EVAN BROWN,

Defendant.

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IN THE DISTRICT COURT OF

COLLIN COUNTY, TEXAS

199TH JUDICIAL DISTRICT

MOTION TO FIX AMOUNT OF SUPERSEDEAS BOND AND SUSPEND TEMPORARY INJUNCTION PENDING APPEAL

TO THE HONORABLE JUDGE OF SAID COURT:

Evan Brown, Defendant, in the above-entitled and numbered cause, requests that the Court fix the amount of a supersedeas bond and thereafter suspend execution of the portions of the court's Temporary Injunction Order commanding Defendant to disclose the Solution to DSC upon filing by Defendant of a supersedeas bond in the amount fixed by the Court, and states as follows:

I.

The Court granted Plaintiff's request for a temporary injunction in this cause on June 30, 1997. On July 1, 1997, Defendant perfected an appeal from the injunction by way of the Notice of Filing Cash Bond in Lieu of Cost Bond attached hereto as Exhibit A. Pending the outcome of the appeal, Defendant is ready, willing, and able to post a supersedeas bond to suspend execution of the portion of the injunction requiring Defendant to make complete and full disclosure of the solution.

FILED

Motion to Fix Amount of Supersedeas Bond and Suspend Temporary Injunction Pending Appeal: Page 1

COLL. CLERK
BY: *Bill* CLERK

II.

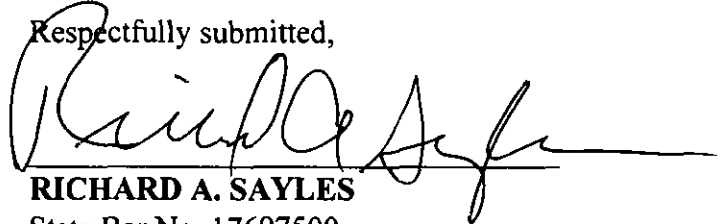
Pending the outcome of the appeal, Defendant desires to suspend enforcement of the portions of the Court's Temporary Injunction Order which require Brown to disclose the solution to DSC and permit DSC to take actions related to the solution, including filing an application for a patent. If such portions of the Temporary Injunction Order are not suspended pending appeal, the subject matter of Brown's appeal will be removed from the appellate court's jurisdiction before the appeal can be considered. Moreover, the relief sought by Defendant through his appeal will be rendered moot if Defendant is ordered to fully disclose the solution to DSC, and DSC is permitted to file a patent application relating to the solution, pending resolution of the appeal.

III.

Rule 43(b) of the Texas Rules of Appellate Procedure gives this Court the power to suspend enforcement of the Temporary Injunction Order or portions thereof following the filing of security pursuant to Tex. R. App. P. 47. Defendant respectfully requests that the Court set the amount of the bond at \$1000.00, treat the cash deposit previously made by Defendant as security under Tex. R. App. P. 47 and enter an Order suspending the enforcement of the mandatory portions of the Temporary Injunction Order pending appeal as authorized by Tex. R. App. P. 43. In the alternative, Defendant respectfully requests that the Court set the amount of the bond at whatever amount it deems appropriate, allow Defendant to file a supersedeas bond in such amount and thereafter suspend those portions of its Temporary Injunction Order set forth above pending appeal.

WHEREFORE, PREMISES CONSIDERED, Defendant requests that the Court fix the amount of the supersedeas bond and thereafter suspend enforcement of the portions of the Court's Temporary Injunction Order which require Brown to disclose the solution to DSC and permit DSC to take actions related to the solution, including filing an application for a patent pending Defendant's appeal.

Respectfully submitted,



RICHARD A. SAYLES

State Bar No. 17697500

ERIC D. PEARSON

State Bar No. 15690472

SAYLES & LIDJI, P.C.

A Professional Corporation

4400 Renaissance Tower

1201 Elm Street

Dallas, Texas 75270

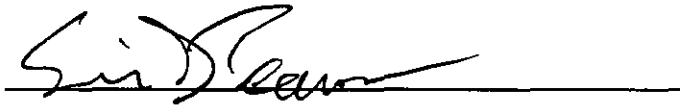
(214) 939-8700

(214) 939-8787 (fax)

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served upon all counsel of record on this 3rd day of July, 1997, pursuant to rule 21a of the Texas Rules of Civil Procedure.



Cause No. 199-596-97

DSC COMMUNICATIONS CORPORATION,
Plaintiff

v.

EVAN BROWN,
Defendant

§ IN THE DISTRICT COURT OF
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§ COLLIN COUNTY, TEXAS
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§ 199TH JUDICIAL DISTRICT

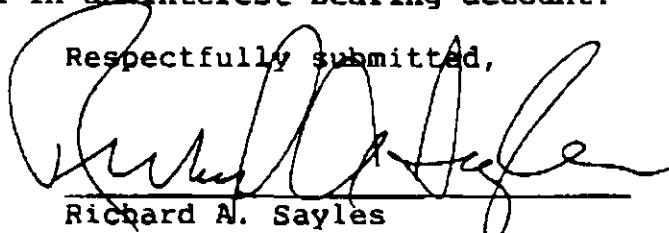
NOTICE OF FILING CASH DEPOSIT IN LIEU OF COST BOND

Defendant Evan Brown ("Brown"), under the authority of Texas Rule of Appellate Procedure 46(b), hereby files a cash deposit of ONE THOUSAND DOLLARS (\$1,000.00) with the Clerk of this Court on the ~~30th~~^{1st} day of ~~June~~^{July} 1997, to perfect his appeal of the Court's Temporary Injunction Order signed June 30, 1997, by the Honorable Curt B. Henderson, sitting by assignment.

This cash deposit is conditioned that Brown shall prosecute this appeal or writ of error with effect and shall pay all costs which have accrued in the trial court and the cost of the statement of facts and transcript.

The cash is to be deposited in an interest-bearing account.

Respectfully submitted,



Richard A. Sayles
State Bar No. 17697500
SAYLES & LIDJI, P.C.
1201 Elm Street
4400 Renaissance Tower
Dallas, Texas 75270
(214) 939-8700
(214) 939-8787 (FAX)
Attorney for Defendant

FILED

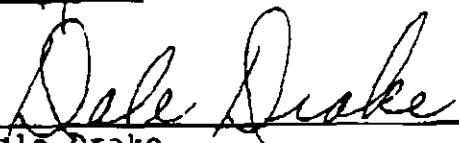
Notice of Filing Cash Deposit
in Lieu of Cost Bond Page 1

COLLIN COUNTY, TEXAS
BY  DEPUTY

EXHIBIT
A

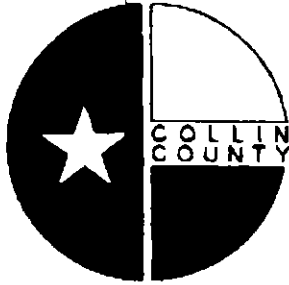
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Notice was forwarded to all parties or their counsel of record, in accordance with Rule 21a, Texas Rules of Civil Procedure, on this 1st day of July 1997.



Dale Drake

Notice of Filing Cash Deposit
in Lieu of Cost Bond -- Page 2



District Clerk

CERTIFICATE OF CASH DEPOSIT
IN LIEU OF APPEAL BOND

STATE OF TEXAS

COUNTY OF COLLIN

I, HANNAH KUNKLE, CLERK OF THE DISTRICT COURTS OF COLLIN COUNTY, TEXAS,
DO HEREBY CERTIFY THAT IN CAUSE NO. 199-596-97

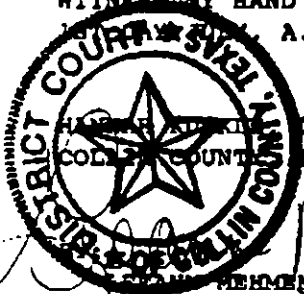
DSC COMMUNICATIONS
CORPORATION

VS.

EVAN BROWN

CASH DEPOSIT IN LIEU OF APPEAL BOND IN THE AMOUNT OF
\$1,000.00 (ONE THOUSAND & NO/100 DOLLARS)
WAS MADE THE 1ST DAY OF JULY A.D. 1997, BY
RICHARD A SAYLES, ATTORNEY FOR EVAN BROWN

WITNESS MY HAND AND SEAL OF OFFICE AT MCKINNEY, COLLIN COUNTY, TEXAS THIS
1st DAY OF JULY, A.D. 1997.



HANNAH KUNKLE, DISTRICT CLERK
COLLIN COUNTY, TEXAS

Hannah Kunkle, DEPUTY
CLERK

COUNTY OF COLLIN
OFFICIAL RECEIPT

CIVIL

Receipt Number: 142479

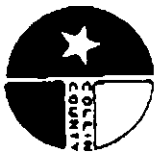
Page 1 of 1

XXXXXXXXXX Control Number

XXXXXXXXXX

RECEIPT NO: 631983

Date: 7/01/1997



STATE OF TEXAS
COUNTY OF COLLIN

Received of SAYLES B LIOJI

For: RC DEPOSIT TO REGISTRY OF THE COURT

1,000.00

Amount received: \$\$\$\$1,000.00

Case 199 00596 97

Style of Case: OSC COMMUNICATIONS CORPORATI

v. EVAN BROWN

Hannah Kunkle, District Clerk by LP (____)

Paid by C Ref #: 011432