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5 Attorneys for Defendant  
6 EAGLE BROADBAND, INC.

ENDORSED

2006 JUL -7 A 5: 29

CLERK OF THE SUPERIOR COURT  
COUNTY OF SANTA CLARA, CALIFORNIA

Clark Sakai

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 IN AND FOR THE COUNTY OF SANTA CLARA

10 EAGLE BROADBAND, INC.,

11 Plaintiff,

12 v.

13 DOES 1 through 25,

14 Defendants.

CASE NO. 1-05-CV-050179

THIRD AMENDMENT TO THE  
COMPLAINT OF EAGLE  
BROADBAND TO SUBSTITUTE TRUE  
NAME IN PLACE OF FICTITIOUS  
NAME

Complaint filed: October 5, 2005  
Trial Date: October 16, 2006

Gordon & Rees LLP  
275 Battery Street  
Suite 2000  
San Francisco, CA 94111

BY FAX

16 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

17 At the time of filing the Complaint, Plaintiff Eagle Broadband was ignorant of the true  
18 names of certain defendants and stated said fact in the complaint and designated the defendants  
19 by fictitious DOE names. Plaintiff previously amended its Complaint to identify the true names  
20 of Defendants DOEs 3, 4 and 5. Plaintiff has recently discovered the true name of Defendant  
21 DOE 2. Plaintiff hereby amends its Complaint on file herein and attached hereto as Exhibit A,  
22 by inserting the following true name in place and instead of such fictitious name wherever it  
23 appears in the complaint:

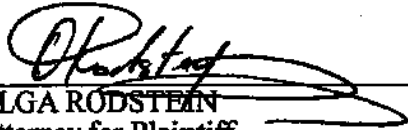
24 DOE 2 a/k/a "team\_3339"

David Mowers

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Dated: July 6<sup>th</sup>, 2006

GORDON & REES, LLP

By:   
OLGA RODSTEIN  
Attorney for Plaintiff  
EAGLE BROADBAND, INC.

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