

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

RALPH J LAMSON,

Plaintiff,

VS.

THE UNITED STATES, Department  
of Defense, Department of  
Veterans Affairs and  
Department of Health and  
Human Services

A.

Defendants

CIVIL ACTION

No.

## COMPLAINT

**1 INTRODUCTION** This action seeks just compensation from the United States

1.1 pursuant to 28 U.S.C. §1491 and the 5<sup>th</sup> Amendment of the US Constitution for  
unauthorized taking and

1.2 pursuant to 28 U.S.C. §1498 for unauthorized use of the invention claimed in US Patent No. 6,425,764 (“the '764 Patent”) relating to Virtual Reality Immersion Therapy or “VRIT”.

## 2 JURISDICTION

2.1 This Court has exclusive jurisdiction over this matter

2.1.1 pursuant to 28 U.S.C. §1491 (a)(1) because the plaintiff is a United States (“US”) citizen and the US is the Defendant and

2.1.2 pursuant to 28 U.S.C. §1498 because Plaintiff is a US citizen who alleges that an invention described in and covered by a US patent, namely US Patent No. 6,425,764, was and is used by or for the United States without license of the owner thereof or lawful right to use or manufacture the same, and 28 U.S.C. §1498 provides that the patent owner’s remedy shall be by action against the United States in the United States Court of Federal Claims for the recovery of his reasonable and entire compensation for such use and manufacture.

## 3 PARTIES

3.1 Plaintiff is a United States citizen of lawful age and a legal resident of California, and sues both in his own right and as sole owner of Virtual Therapy, Inc., a California corporation under which Plaintiff does business. Unless otherwise indicated, references to "Plaintiff" in this Complaint also include Plaintiff as owner of Virtual Therapy, Inc. Plaintiff is a licensed as a psychologist by the State of California.

3.2 The Defendant is the United States, and the specific Defendant departments of the Government are also named as follows: Department of Defense (primarily the Office of Naval Research, Defense Centers of Excellence, Naval Postgraduate School, Pacific HUI, TRADOC, TATRC, DARPA, and also numerous Army, Navy and Air Force agencies and divisions), Department of Veterans Affairs, Department of Health and Human Services and numerous VA hospitals, and TRICARE.

#### 4 **FACTUAL BACKGROUND**

4.1 This factual background is common to all counts.

4.2 On 2002-07-30 (July 30, 2002), the United States Patent and Trademark Office issued Patent No. 6,425,764 ("764 patent"), entitled "Virtual Reality Immersion Therapy For Treating Psychological, Psychiatric, Medical, Educational And Self-Help Problems" [Exhibit PX20020730D] with 4 independent method claims and 31 total method claims.

4.2.1 Independent claim 26 is illustrative of evaluational VIRT and reads as follows: *26. A method of evaluating a psychological, psychiatric, or medical condition in a human patient, comprising: (a) providing a virtual reality technology unit; (b) said virtual reality technology unit being equipped with the following: (1) a display means for displaying a virtual reality environment; (2) an input means for receiving responses to said virtual reality environment from said human patient; and (3) a scoring means for quantitatively analyzing said psychological, psychiatric, or medical condition of said patient; (c) providing a set of encoded electronic instructions for causing said virtual reality environment to provide, on said display means, graphical representations of an environment which affects said psychological, psychiatric, or medical condition of said human patient; (d) delivering said electronic instructions to said virtual reality environment; and (e) instructing said human patient how and when to use said virtual reality technology unit to interact with said virtual reality environment by providing responses to said graphical representations.*

4.2.2 Independent claim 1 is one of the therapeutic methods of the '764 patent and reads as follows: *1. A method for treating a psychological, psychiatric, or medical condition in a human patient, comprising: (a) choosing a psychological strategy for treating said psychological, psychiatric, or medical condition; (b) providing an interactive virtual reality environment; (1) said interactive virtual reality environment comprising a technology unit arranged to display to said human patient a plurality of virtual reality environments; (2) said technology unit having an input for receiving feedback responses to said interactive virtual reality environment from said human patient; (3) said technology unit arranged to change said virtual reality environment in response to said feedback responses from said human patient; (c) selecting said virtual reality environment to correspond to said psychological strategy; (d) encoding electronic instructions for said interactive virtual reality environment; (e) loading said electronic into said virtual reality technology unit; and (f) instructing said human patient how and when to use said virtual reality technology unit so as to experience said interactive virtual reality environment and how and when to provide feedback responses to said technology unit for changing said virtual reality environment so as to treat said psychological, psychiatric, or medical condition.*

4.2.3 One common type of feedback is a joystick controller to allow the human patient to move about in the virtual reality environment.

4.2.4 Another common type of feedback is biological sensor feedback such as signals indicative of hear rate, blood pressure, breathing rate, etc. to allow the clinician to monitor stress levels in the human patient

4.3 The stated purpose of the '764 patent is "to provide a method for treating psychiatric conditions by immersion into virtual reality environments for the purpose of providing corrective experiences." [Exhibit PX 20020730D, col. 7, lines 38-41]

4.4 As used throughout this Complaint and in the literature, the terms "Virtual Reality Immersion Therapy", "VRIT", "VIRT", "Virtual Reality Exposure Therapy", "VRET", "Virtual Reality Therapy", "VRT", "Virtual Therapy", "Preventive VR", "Rehabilitative VR", "VR Psychotherapy", "Cyber Cognitive Behavior Therapy", "CCBT", "Cybertherapy", and all are terms used to refer to the virtual reality immersion therapy methods claimed in the '764 Patent .

- 4.5 Since at least as early as around 2004, the US has been, both directly and through subcontractors and grantees actively performing VRIT as a means for treating a variety of medical conditions, most prominent of which is PTSD, covered by the Patent.
- 4.6 The US has no license or other authorization from Plaintiff, or anyone acting on behalf of Plaintiff, to use the subject matter of the '764 Patent.
- 4.7 Plaintiff notified the US (Navy, specifically NMRC-SD) of the '764 Patent Dec. 5, 2008 [Exhibit PX20081205D] and numerous times during 2009 accusing the Navy of using the invention of the '764 Patent and offering a license/acquisition on mutually agreeable terms, and made it clear he was asserting the Navy was infringing the '764 Patent [Exhibit PX20090828-E & PX20090831-D].
- 4.7.1 This accusation of infringement was referred to Ken Hemby, Office of Counsel (Code 00L) for Defendant's Naval Medical Research Center (“:NMRC”) at the Silver Springs, MD headquarter of NMRC.
- 4.7.2 After nine months of persistent reminders from Plaintiff, Mr. Hemby acknowledged Defendant's understanding that infringement was in issue by notifying Plaintiff by email that “It is our conclusion that NMCSA activities are not within the scope of the claims of the '764 Patent and thus we are respectfully declining your proffer of a license at this time.” [Exhibit PX20090827] even though at that time construction was well underway on the \$65,000,000 National Intrepid Defense Center of Excellence at the National Naval Medicine Center at Bethesda, MD in close proximity to Mr. Hemby and NMRC for, in part, VIRT treatment of medical conditions using, among other things, *Virtual Iraq*, and a sophisticated VIRT system called *CAREN*.

- 4.7.3 This “we don't infringe” brush off letter [Exhibit PX20090827] from Defendant to Plaintiff came just four days before the Defendant's national Military Health Research Forum in Kansas City, MO at which Greg Reger of the Defendant (specifically DCOE-T2), on Sept. 1, 2009 presented a talk entitled “*Therapeutic Applications of Virtual Reality - Treatment of Post-Traumatic Stress Disorder With Virtual Reality Exposure Therapy*” extolling the “customized” and “immersive” and “innovative” nature of VRIT and future direction of Government use of VRIT describing the DOD's high level of interest in VRIT for treatment of PTSD to a national audience of military health research personnel. [PX20090830].
- 4.7.4 The brush off letter also stated that NMRC has no knowledge of DARPA activities, even though Russ Schilling of DARPA was intimately involved with ONR's program to develop VIRT for PTSD and in fact claims to have created that program.
- 4.8 Plaintiff was not satisfied with this response and in October 2009 retained the undersigned attorney. After a lengthy process of trying to locate top national contingent fee litigation counsel, the Plaintiff and the undersigned determined to press the matter administratively at DOD and, if unsuccessful to seek relief at this Court.
- 4.9 The undersigned attempted an unofficial resolution with DOD by sending a letter [Exhibit PX20100501] on May 1, 2010 to Vice Admiral Houck, reasserting infringement by Defendant and seeking a negotiated resolution. Defendant did not provide the courtesy of a response to this letter.
- 4.10 In view of the lack of response from the Navy, Plaintiff's investigated further and concluded that the Navy was, through ONR, indeed the primary force behind the Defendant's VRIT for PTSD programs, and thus the unauthorized use of the methods of the '764 Patent and determined to file a formal Administrative Claim of Patent Infringement under DFARS 227.7001 et seq.

4.11 Plaintiff filed that Administrative Claim of Patent Infringement (“ACPI-DOD”) [Exhibit PX2010] with the DOD through the Office of Judge Advocate General of the Navy (“OJAG-N”), Department of Defense (“DOD”) on October 29, 2010 [Exhibit PX20101029D], who gave that ACPI file number J110192 [Exhibit PX20101103] and referred J11092 to the IP Counsel of the Navy (“IPCN”), John Forrest of the Office of General Counsel at ONR, who assigned it file number LCTM14667 [Exhibit PX20101123D], and delegated it to attorney John Zager of OGC at ONR and Joseph “Ken” Hemby, IP Counsel for NMRC for investigation, that is to the same individuals who handled the original 2008-2009 infringement claim of Plaintiff.

4.12 During the investigation of DOD infringement, Plaintiff discovered that VA was also using the methods covered by the '764 Patent. So, Plaintiff filed a second ACPI (“ACPI-VA”) [Exhibit PX20110111] with the Office of General Counsel of the Department of Veterans' Affairs (“OGC-VA”) on January 20, 2011, which was assigned file number VACO-I-11-001 and

4.12.1 after a seven week delay, OGC-VA replied indicating the matter was assigned to attorney Michael Gonet of OGC-VA and a response to Plaintiff was promised by OGC-VA [Exhibit PX20110307D],

4.12.2 Plaintiff responded with an objection to the delay and set a March 31, 2011 deadline for response from VA, but

4.12.3 despite the passage of 5 months, the promised response has never been provided by OGC-VA to Plaintiff.

4.13 During the investigation of DOD infringement, Plaintiff discovered that the National Institute of Health had contracted with Virtual Reality Medical Center the methods covered by the '764 Patent. So, Plaintiff filed an ACPI (“ACPI-HHS”) [Exhibit PX20110125D] with the Office of General Counsel of the Department of Health and Human Services (“OGC-HHS”) on January 25, 2011.

4.13.1 OGC-HHS confirmed receipt of ACPI-HHS and assigned it file , but

- 4.13.2 responded that all HHS activity on VRIT was conducted through grants and HHS takes the position that there is no Government liability for the Government funding infringement through grants.
- 4.14 Plaintiff assisted the Government by posting the file wrapper history of the '764 Patent online [www.burdlaw.com/reference/](http://www.burdlaw.com/reference/) for easy reference and repeatedly sending the Government references to potential witnesses and documents.
- 4.15 Defendant has never provided Plaintiff with any reference to any document nor to any potential witness except those previously identified to the Government by Plaintiff.
- 4.16 IPCN denied APCI-DOD on behalf of the DOD by letter dated March 31, 2011, [Exhibit PX20100226] stating:
- 4.16.1 DOD takes the finds the issued claims of the '764 patent are all invalid based on a side-by-side comparison of the initially filed patent claim 1 (not any issued patent claim) with claim 1 of Brown US Patent 5,678,571 (which relates to a non-immersion Nintendo GameBoy type video game and doesn't even mention virtual reality) [Exhibit PX19971021]
- 4.16.2 There are 5 types of VRIT systems used by DOD and VA, one from Virtually Better Inc ("VBI"), one from Virtual Reality Medical Center ("VRMC") and 3 others. No mention was made of VRIT systems developed and used by the Defense Centers of Excellence, particularly T2.
- 4.16.3 DOD finds the systems it uses do not infringe because, according to DOD, they do not provide feedback from the patient to the technology unit, do not allow for changing the environment in response to patient feedback, and do not include instructing the patient how to change the VR environment (even though the units contain heart and breathing monitors and a joystick or other controller by which the patient changes the environment and patients are instructed how to use the joystick).

4.16.4 DOD asserts lack of authorization and consent in grants of funding for VIRT since HHS asserted such as defenses to 28 U.S.C. §1491 and 28 U.S.C. §1498 claims.

4.16.5 DOD asserts the medical practitioner exemptions under 37 CFR 287(c) apply to 28 U.S.C. §1498.

4.16.6 DOD asserts DARPA is not concealing any programs from the public, (presumably referring to just VRIT programs since everyone knows DARPA conducts highly classified military programs, the so-called “black” programs.)

4.16.7 DOD stated it had thoroughly investigated the ACPI-DOD.

4.17 Plaintiff contends DOD is incorrect in each of the statements noted in subparagraphs 4.16.1-4.16.7 above.

4.18 The IPCN has denied every single ACPI filed with the Navy since at least 2003. [Exhibit PX20100226D].

4.19 Based on failure of IPCN to grant even a single ACPI since at least 2003, the Plaintiff contends that Navy has a policy of denying every ACPI regardless of merit.

## 5 **Count 1 — Unauthorized Use Of Patented Invention ( 28 U.S.C. §1498)**

5.1 The Factual Background under section 4 and its subsections above, is incorporated herein by reference as if set forth at length.

5.2 Defendant, through both DOD and VA has made extensive use of VRIT in the treatment of PTSD, both as research use and actual treatment use, both directly and through procurement contracts.

5.3 Defendant funded the establishment of USC-ICT (University of Southern California Institute for Creative Technologies) and funded development by USC-ICT of virtual reality combat simulation program *Full Spectrum Warrior*.

- 5.4 Beginning in approximately 2004, Defendant, through ONR procurement contracts, funded the development by USC-ICT of modification of *Full Spectrum Warrior* into virtual reality immersion therapy (“VRIT”) programs for treatment of PTSD such as *Virtual Iraq* and *Virtual Afghanistan*, for use in treatment of PTSD.
- 5.5 DCOE, DARPA, NPS (Naval Postgraduate School, Monterrey, CA), TATRC, TRADOC, Pacific HUI, USC-ICT, UC-SD, TRICARE and other DOD entities have performed methods of VRIT covered by the claims of the '764 Patent, either directly or through subcontractors, and such use by Defendant was not authorized by Plaintiff.
- 5.6 Various VA hospitals, clinics, subcontractors, and other entities have performed methods of VRIT covered by the claims of the '764 Patent, by or on behalf of the Government, either and such use by Defendant was not authorized by Plaintiff.
- 5.7 Reasonable and entire compensation is due to Plaintiff pursuant to 28 U.S.C. §1498(a) for the use in Paragraph 5.5 above.
- 5.8 Based on information and belief, typical cost of treatment for PTSD using TAU (treatment as usual, including CBT, PET, and other conventional therapies) is about \$12,000/patient.
- 5.9 Based on information and belief, typical cost of treatment for PTSD using the methods covered by the '764 Patent, i.e. VRIT, is about \$4,000/ patient.
- 5.10 There are currently over 300,000 veterans suffering from PTSD, which translates to \$3.6 billion in treatment costs using TAU or \$1.2 billion using VRIT. Thus, based on information and belief, the Government stands to reduce the cost of PTSD treatment by 2/3 or about \$2.4 billion by use of VRIT.
- 5.11 Based on information and belief, the Government has spent over \$200 million on development of VRIT for PTSD.
- 5.12 VRIT works quicker and more effectively than TAU in a wide variety of medical conditions which have a psychological or psychosomatic nature.

- 5.12.1 For example, Plaintiff has steadily reported around 90% success treatment of acrophobia (fear of heights), with patients most often achieving their self-set goals in just one 90 minute session.
- 5.12.2 VBI reports over 70% success with VRIT for PTSD. VRMC reports over 70% success with VRIT in treating anxiety disorders.
- 5.13 As is well known, the cost to the Government and to society of PTSD and anxiety disorders goes far beyond the treatment costs. Soldiers are known to commit suicide over war-related stress, to commit violent acts against their spouses and others, to have trouble finding employment, and experience other related troubles during their transition back into society. This is one of the known costs of war, and numerous terms describe the effort to solve the issues such as PTSD, traumatic brain injury (TBI), lost limbs and other war-related injuries such as “Healing Heroes”, “Wounded Warriors”, etc.
- 5.14 If the Defendant is found to have made unauthorized use of the invention covered by the '764 Patent, Plaintiff is entitled to have the “hidden cost” (as noted above in Paragraph 5.12) savings to the Government in more rapid and effective treatment of PTSD and other anxiety disorders considered in determination of reasonable and entire compensation.
- 5.15 The Defendant is also using the methods of the '764 Patent pro-actively to try to assess soldier sensitivity to PTSD and to “habituate”, “inoculate” or “desensitize” soldiers to the horrors and trauma of war prior to deployment under programs such as “Warrior Resilience”. VRIT provides this unique capability of both assessing the sensitivity of soldiers to potential traumatic stress disorders and to providing preventive treatment to help desensitize soldiers to reduced the incidence of PTSD during and following deployment.
- 5.16 Plaintiff is entitled to reasonable and entire compensation for such use under 28 U.S.C. §1498 for use of the invention of the '764 Patent in preventive treatments.
- 5.17 Despite repeated request by Plaintiff, Defendant has refused to provide any compensation whatsoever to Plaintiff, let alone reasonable and entire compensation for unauthorized use of the invention covered by the '764 patent.
- 5.18 As part of such reasonable and entire compensation, Plaintiff is entitled to a reasonable royalty for such use by or for Defendant.

5.19 The entire value of the funding by the Government for VRIT is part of an appropriate royalty basis since the claim covers the entire method not some minor sub-part thereof and since the immersive nature of the method is vital to its effectiveness, and since feedback from the patient is vital to knowing when the patient is experiencing stress.

5.20 An unusually high royalty of 100% is reasonable since the Government itself and its subcontractors report that TAU (treatment as usual) therapy is about three times as costly, is less effective, and takes much longer (after all, it is deliberately “prolonged”.) Thus, even at 100% royalty applied to use of VRIT, the Government still saves 100%. For example, if TAU costs \$12K/patient and VRIT costs \$4K/patient and royalty is \$4K, we calculate  $\$12000[\text{TAU cost}] - (\$4000[\text{VRIT}] + \$4000[100\% \text{ royalty}]) = \$4000 \text{ saving and } 4\text{K saving}/4\text{K}(\text{VRIT}) \times 100\% = 100\%$ . Note that this does not even take into account the extra value of a more rapid and more effective treatment by use of VRIT.

5.21 A reasonable royalty in this matter exceeds \$100,000,000.00 and arguable exceeds \$1,000,000,000.

5.22 Plaintiff is an independent inventor.

5.23 28 U.S.C. §1498 provides that “Reasonable and entire compensation shall include the owner’s reasonable costs, including reasonable fees for expert witnesses and attorneys, in pursuing the action if the owner is an independent inventor, ....”

5.24 The Government's position in this matter has been to lie and deny, shade and evade, hedge and dodge, and in short to stall Plaintiff in apparent hope of avoiding Defendant's obligation to pay any compensation to Plaintiff, let alone reasonable and entire compensation to Plaintiff.

5.25 The Government is not substantially justified such as to warrant exclusion of reasonable costs.

6 **Count 2— Physical Takings (28 U.S.C. §1491 and U.S. Const., 5<sup>th</sup> Amend.)**

- 6.1 The Fifth Amendment to the Constitution of the United States, provides, in pertinent part: *“No person shall be ... deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”*
- 6.2 DOD has funded commercialization of VRIT equipment production and VRIT methods through grants, as admitted by DOD in its letter denying Plaintiff's ACPI-DOD.
- 6.3 HHS also has, through grants from the National Institute of Health (“NIH”) funded VRMC commercialization of virtual reality systems (“VRIT equipment”) adapted for performance of VRIT methods and for research in VRIT methods for treatment of anxiety disorders and other medical conditions. On information and belief, HHS has also similarly funded entities other than VRMC for commercialization of VRIT methods and VRIT equipment production
- 6.4 Such VRIT methods funded by DOD and HHS are covered by the '764 Patent.
- 6.5 Plaintiff has received no just compensation from the Government for such funding by the Government of commercialization of VRIT, despite the express requirement of compensation in the 5<sup>th</sup> Amendment for takings of Plaintiff's property.
- 6.6 The '764 Patent is the property of Plaintiff, specifically intellectual property and the exclusive rights under that Patent are property rights of Plaintiff, specifically intellectual property rights.
- 6.7 This property is guaranteed to Plaintiff by Congress pursuant to the authority of Article 1, Section 8, Clause 8 of the US Constitution, which is binding authority on this Court.
- 6.8 The funding by grant of commercialization infringement of the '764 Patent is a taking of a substantial portion of the property of Plaintiff in the '764 Patent.
- 6.9 Such funding by DOD constitutes a taking of property under the takings clause of the 5<sup>th</sup> Amendment of the US Constitution.

- 6.10 Such funding by HHS of VRMC denies Plaintiff the exclusive rights of the '764 Patent by contractually obligating VRMC to perform VRIT methods which infringe the '764 Patent and which therefore constitutes a taking of property under the takings clause of the 5<sup>th</sup> Amendment of the US Constitution.
- 6.11 By HHS granting VRMC funds under a contract requiring VRMC to use such funds for the commercialization of production of VR equipment specifically intended for use in performing VRIT methods infringing the '764 Patent for non-military applications, such as anxiety disorders Defendants have deprived Plaintiff of the exclusive rights previously owned by Plaintiff as a result of the issuance of the '764 Patent.
- 6.12 By HHS and DOD granting VBI funds under a contract requiring VBI to use such funds for the commercialization of production of VR equipment specifically intended for use in performing VRIT methods infringing the '764 Patent for military and non-military applications, such as PTSD and other anxiety disorders, Defendants have deprived Plaintiff of the exclusive rights previously owned by Plaintiff as a result of the issuance of the '764 Patent.

6.13 This Court has previously held in a well reasoned opinion by Judge Damich in *Zoltek v. US* (USCFC Cases 04-5100 & 04-5102 decided 2006-03-31) that a cause of action for takings by patent infringement exists under the Tucker Act 28 U.S.C. §1491, but the CAFC in a fractured 2-1 decision with four separate opinions, previously unconstitutionally held per curium in *Zoltek vs. US* 442 F.3d 1345, 1353 (*Fed. Cir* 2006) that there is no cause of action under the 5<sup>th</sup> Amendment for depriving a US citizen of due process or just compensation for patent infringement. Indeed, this Court's deskguide states at page 88, footnote 4, “*Claimants may not pursue patent infringement claims against the United State as Fifth Amendment takings claims under the Tucker Act 28 U.S.C. §1498*”. That is unconstitutional and erroneous law, roundly criticized as such in law review articles. That holding of *Zoltek* is unconstitutional as applied to the facts of the present case, and that holding survived only because the Supreme Court decided to take a break from patent cases and denied certiorari, to the surprise of most legal scholars. Judge Damich's original opinion and Judge Plager's CAFC dissent are the correct law as applied to the facts of this case and the per curium opinion in *Zoltek* should be limited to its facts, distinguished, and/or overruled to the extent it holds that on the facts of this case that there is not such cause of action.

## Prayer for Relief

Plaintiff requests that the Court issue an Order finding:

- A. Defendant has used the methods of the '764 patent without authorization of Plaintiff.
- B. Plaintiff is entitled to reasonable and entire compensation under 28 U.S.C. §1498 from Defendant for such use of the methods of the '764 Patent, including pre-judgment and post-judgment interest, reasonable costs including expenses, witness fees and attorneys fees.
- C. Defendant has taken property of Plaintiff in violation of the takings clause of the

5<sup>th</sup> Amendment of the US Constitution.

D. Defendant has taken property of Plaintiff in violation of the due process and takings clause of the 5<sup>th</sup> Amendment of the US Constitution.

E. Plaintiff is entitled to just compensation under 28 U.S.C. §1491 from Defendant for such taking of Property, including pre-judgment and post-judgment interest, reasonable costs including expenses and attorneys fees.

F. A reasonable royalty is 100% (currently estimated at \$4000 per treatment) per patient treated with VRIT by or on behalf of the Government.

and ordering that:

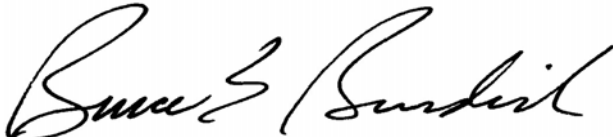
G. Defendant pay Plaintiff such reasonable and entire compensation under 28 U.S.C. §1498 in such amount as the Court shall determine, including pre-judgment and post-judgment interest, reasonable costs including expenses, witness fees and attorneys fees.

H. Defendant pay Plaintiff such just compensation pursuant to 28 U.S.C. §1491 and the 5<sup>th</sup> Amendment of the US Constitution as the Court shall determine to compensate Plaintiff for the unauthorized taking of his personal property without due process and without just compensation by the Defendant, including pre-judgment and post-judgment interest, reasonable costs including expenses, witness fees and attorneys fees.

I. Any other relief the Court deems proper.

Dated 06/04/11

**ROBERT J. LAMSON, PhD, PLAINTIFF**  
BY HIS ATTORNEY,

A handwritten signature in black ink, appearing to read "Bruce E. Burdick". The signature is fluid and cursive, written over a white background.

Bruce E Burdick, Admitted USCFC, Oct. 29, 2010

THE BURDICK LAW FIRM, 3656 Western Avenue, Alton, IL 62002