

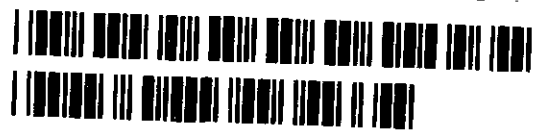
SEA 14742 SUSS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

FILED ENTERED
LODGED RECEIVED

JAN 14 2008 DJ

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY



08-CV-00049-CMP

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NATIONAL PRODUCTS, INC.,

Plaintiff,

v.

GAMBER-JOHNSON, LLC,

Defendant.

Civil Case **08-0049** JLR

**COMPLAINT FOR FALSE
ADVERTISING, UNJUST
ENRICHMENT, AND UNFAIR
COMPETITION**

JURY TRIAL DEMANDED

For its Complaint, Plaintiff National Products, Inc. ("NPI") alleges as follows:

The Parties

1. NPI is a Washington State corporation having its principal place of business at 1205 South Orr Street, Seattle, WA 98108.
2. NPI is a market leader in the manufacture and sale of vehicle mounting systems.
3. Upon information and belief, Defendant GAMBER-JOHNSON, LLC ("Gamber-Johnson"), is a Domestic Limited Liability Company, registered in the State of Wisconsin having its principal place of business at 3001 Borham Avenue, Stevens Point, WI 54481.
4. Upon information and belief, Gamber-Johnson is a distributor and manufacturer of light industrial mounting systems and other products. Gamber-Johnson

1 advertises, markets, and sells its products to the public throughout the United States,
2 including within this judicial district. Gamber-Johnson's website identifies resellers in
3 Seattle, Vancouver, Woodinville, Tacoma, and Lynnwood, and a certified installation
4 provider with a location in Seattle. Upon information and belief Gamber-Johnson has
5 advertised and sold the products which are the subject of the false advertising alleged in this
6 lawsuit in this district.

7 Jurisdiction and Venue

8 5. This is an action for false advertising arising under the section 43(a)(1)(B) of
9 the Lanham Act (15 U.S.C. § 1125(a)(1)(B)).

10 6. This Court has subject matter jurisdiction under 15 U.S.C. § 1121 and
11 28 U.S.C. §§ 1331 and 1338(a), and has supplemental jurisdiction pursuant to 28 U.S.C.
12 § 1367(a) over claims of Washington law. In addition, because the matter in controversy
13 exceeds \$75,000, exclusive of interest and cost, and is between citizens of different states,
14 this Court also has jurisdiction under 28 U.S.C. §1332.

15 7. This court has personal jurisdiction over Gamber-Johnson by virtue of its
16 commission of tortious acts within the State of Washington and this District, its transaction
17 of business within the State of Washington and this District, and its contracts to supply
18 goods in the State of Washington and this District.

19 8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c).

20 NPI RAM MOUNTS

21 9. NPI is in the business of manufacturing and selling mount products.

22 10. NPI's mounting devices generally allow a user to attach mobile devices, such
23 as cellular phones, global positioning system ("GPS") devices, and notebook computers, to
24 the interior of vehicles (e.g., cars, trucks, airplanes and boats). They can also be

1 repositioned to adjust the angle or height of the devices. These vehicle mounting systems
2 are popular with commercial fleets, police departments, the military, sportsmen, and many
3 other consumers.

4 11. Since at least 1995, NPI has used RAM and RAM-MOUNT as trademarks
5 continuously to designate its various mounting systems and promote a consistent brand
6 identity to consumers. The trademarks RAM and RAM-MOUNT also have a double
7 entendre as associated with male sheep and goats (“rams”) that maintain a firm footing
8 while traversing treacherous mountain paths. NPI uses RAM and RAM-MOUNT both as
9 standalone word marks, and with a stylized logo showing a surefooted ram to convey
10 strength and dependability.

11 12. NPI does not generally sell its products directly to consumers. Instead, it
12 sells them to various distributors, who then sell them as aftermarket vehicle accessories to
13 consumers.

14 **GAMBER-JOHNSON’S “THE MOUNTING EVIDENCE” INFOMERCIAL**

15 13. Upon information and belief, Gamber-Johnson is one of NPI’s main
16 competitors, designing, marketing, distributing and selling vehicle mounting systems to the
17 same class of customers.

18 14. Upon information and belief, Gamber-Johnson began distributing a
19 25-minute marketing infomercial entitled “The Mounting Evidence” through the Internet
20 and CD-ROM in or about July 2007.

21 15. Upon information and belief, “The Mounting Evidence” was created by
22 Thomas Marks & Associates, Inc. (“TMA”), a public relations agency, at the request of and
23 under the direction and control of Gamber-Johnson.

1 16. Upon information and belief, Gamber-Johnson has distributed thousands of
2 copies of the CD-ROM version of "The Mounting Evidence" by its sales teams to current
3 customers as well as potential customers, at tradeshow, and as "advertisement fulfillment
4 pieces." Upon information and belief, "The Mounting Evidence" is also disseminated by
5 Gamber-Johnson in video segments presented on a website located at
6 <www.themountingevidence.com>, which are prominently featured on the home page of
7 Gamber-Johnson's website, located at <www.gamberjohnson.com>. See Exs. 1, 2.

8 17. Upon information and belief, "The Mounting Evidence" makes materially
9 false or misleading comparative and superiority claims about its mounts and NPI's RAM
10 MOUNTS. These false or misleading claims made in the infomercial hosted by "Dave
11 Long, Airbag Detective" unfairly and falsely compare various aspects of the Gamber-
12 Johnson laptop mounts to other laptop mounts, including RAM MOUNTS. A transcript of
13 the video segments is attached as Exhibit 3.

14 18. Upon information and belief, the use of these materially false or misleading
15 descriptions of fact and/or representations of fact as to the nature, characteristics and quality
16 of both NPI's RAM mounts and Gamber Johnson's mounts has had an impact on
17 consumers' purchasing decisions resulting in injury to NPI's business reputation as well as
18 lost sales. TMA touts that "[t]he nationwide reseller network for Gamber-Johnson has
19 indicated that this selling device has accounted for a 15% increase in closing ratios." See Ex.
20 4. Upon information and belief, the increase in Gamber-Johnson's sales directly correlates
21 to lost sales by NPI.

1 **THE FALSE OR MISLEADING DESCRIPTIONS OR REPRESENTATIONS OF**
2 **FACT CONTAINED IN "THE MOUNTING EVIDENCE" INFOMERCIAL**

3 19. "Dave Long, Airbag Detective," the host of the infomercial, presents himself
4 as an independent and objective advocate for safety in his opening comments, and touts his
5 "decade" of air bag experience and his conducting investigations of "hundreds of mounting
6 installations in vehicles." Throughout his "investigation," in which he credits himself as
7 coining the title "The Mounting Evidence," Long refers to Gamber-Johnson as "they,"
8 "them," and "these guys." The purpose in making these materially false or misleading
9 statements is to cause consumers to erroneously believe that Long's "investigation" was
10 independently conducted outside of the auspices of Gamber-Johnson and is supported by
11 scientifically conducted studies. On information and belief, Long was hired by Gamber-
12 Johnson and/or TMA to present an infomercial in the form of an independent investigation,
13 and the video segments exploit that deception.

14 20. The section of the presentation called "Fact #2: Mount Design and
15 Construction" shows Long going to great lengths to demonstrate that the Gamber-Johnson
16 mount is more sturdy than the RAM mount and in doing so speaks with the air of authority
17 and accuracy, posing as an impartial and thorough tester of automobile laptop mounts when,
18 in fact, he is nothing more than a paid narrator following a script written by TMA, Gamber-
19 Johnson's public relations firm.

20 21. Long states that the most important part of a mounting system is the steel
21 base and compares the Gamber-Johnson base to Havis-Shields and Jotto Desk mounts, and
22 finds their bases lacking in thickness, although he makes no mention of the RAM mount
23 steel base, which is approximately 10% thicker than the Gamber-Johnson base. On
24 information and belief, at 0.1968 inches, the RAM base is the equivalent of six gauge steel

1 as compared to Gamber-Johnson's thinner seven gauge steel at 0.1793 inches. Even though
2 Long acknowledges that "[w]hat you need in a mount is heavy gauge steel right at the
3 vehicle base -- right where it counts," the infomercial totally ignores the fact that RAM's
4 base is superior to Gamber-Johnson's, which material omission leaves the viewer with the
5 false impression that Gamber-Johnson's base is stronger than all of the competing mounts
6 analyzed in the infomercial, including NPI's, thus leading them to rely on Long's false or
7 misleading claims in making their purchasing decisions.

8 22. When directly comparing the lower tubes of the RAM and Gamber-Johnson
9 mounts, Long notes that RAM's is not as thick as Gamber-Johnson's, and implies that the
10 RAM laptop mount is therefore not as sturdy and is susceptible to a catastrophic failure,
11 while omitting the fact that because Gamber-Johnson's lower tube is made of thicker steel, it
12 is forced to have an upper tube with a smaller diameter to fit inside of it, while RAM's
13 thinner walls in its lower tube allow for an upper tube of greater diameter, and thus greater
14 strength. On information and belief, the Gamber-Johnson infomercial intentionally omits
15 this material fact thereby leaving viewers with the impression that the RAM mount is less
16 sturdy due to the thinner tube thickness of the lower tube when the truth is that the two
17 companies' tube structures fail at approximately the same load.

18 23. In the section of "The Mounting Evidence" infomercial on fasteners, Long
19 makes much of the strength of the bolts used in the base of the Gamber-Johnson mount, and
20 takes RAM to task for not using the same grade 5 bolt as Gamber-Johnson claiming that the
21 grade 5 bolt "has the correct tensile and shear strength for this application," concluding that
22 the RAM's use of grade A bolts "just isn't good enough." On information and belief,
23 however, Gamber-Johnson has conducted no study indicating that NPI's bolts are in any
24

1 way inadequate for their purpose, despite Long's ominous warnings. Gamber-Johnson's
2 false or misleading descriptions of fact and/or representations of fact about the RAM mounts
3 in commercial advertising or promotion misrepresents the nature, characteristics and
4 qualities of NPI's goods and has caused and will continue to cause consumers to falsely
5 believe that Gamber-Johnson's mounts are superior to NPI's RAM mounts, when they are
6 not.

7 24. Throughout the infomercial, Long makes statements indicating that Gamber-
8 Johnson is a vehicle mounting system manufacturer by including Gamber-Johnson among
9 the "six manufacturers" he examined, stating that Gamber-Johnson "manufactures mounting
10 systems," and that they "have been building innovative mounting systems" for decades. On
11 information and belief, Gamber-Johnson does not manufacture mounting systems, but is
12 merely a design and marketing company with a warehouse for assembly of the products that
13 others manufacture for them. These claims are false on their face in that they materially
14 misrepresent the nature of Gamber-Johnson's goods and services such that consumers will
15 likely believe that Gamber-Johnson has vastly more experience and expertise in the field
16 than they actually do, resulting in increased sales at the expense of NPI.

17 25. In the segment on "Laptop Mounts (Security)," the infomercial claims that
18 the RAM mounting system has "[n]o key lock to be found," intentionally leading viewers to
19 believe that there is no locking RAM mount when, in fact, NPI does offer laptop trays with a
20 locking feature that were readily available at the time "The Mounting Evidence" infomercial
21 was first created and disseminated. On information and belief, Gamber-Johnson made this
22 false comparative and/or superiority claim with full knowledge that NPI offers a laptop tray
23
24

1 with a locking top, and thereby mislead viewers as to the nature of products available from
2 NPI, causing them to make a purchase decision based on false information. *See* Ex. 5.

3 26. In the segment on "Laptop Mounts (Restraints)," the infomercial falsely
4 states that RAM mounts have "a serious shortcoming" in that "[t]here are no front
5 restraints," which would case the laptop to become a projectile that could cause serious
6 injury to the vehicle driver and passengers in the event of an accident. NPI offers a front
7 restraint as an add-on for the RAM laptop mounts that was readily available at the time "The
8 Mounting Evidence" infomercial was first created and disseminated. On information and
9 belief, Gamber-Johnson made this false comparative and/or superiority claim with full
10 knowledge that NPI sells a front restraint as an add-on for the RAM laptop mounts, to
11 mislead customers into believing the RAM mounting system is inferior to Gamber-
12 Johnson's. *See* Ex. 5.

13 27. "The Mounting Evidence" infomercial is misleading as to the nature, quality
14 and characteristics of NPI's RAM mounts in that it does not sufficiently differentiate among
15 the different competing mounting systems and thereby falsely places Gamber-Johnson at the
16 top, while lumping the other five competitors together. Gamber-Johnson's efforts to
17 discredit the RAM mounts by making false or misleading claims has caused NPI's
18 customers and potential customers to question the safety, durability, design and
19 workmanship of the RAM mounts all to the detriment of NPI.

20 **COUNT I – FALSE ADVERTISING (VIOLATION OF LANHAM ACT)**

21 28. NPI repeats and realleges the previous allegations set forth in paragraphs 1
22 through 27, as if fully set forth herein.

1 29. Gamber-Johnson has violated section 43(a)(1)(B) of the Lanham Act,
2 15 U.S.C. § 1051 *et seq.*, by using in commerce, in connection with goods, false or
3 misleading descriptions of fact and representations of fact as described above in commercial
4 advertising or promotion, namely "The Mounting Evidence" infomercial which
5 misrepresent the nature, characteristics, and qualities of its own goods.

6 30. Gamber-Johnson has violated section 43(a)(1)(B) of the Lanham Act,
7 15 U.S.C. § 1051 *et seq.*, by using in commerce, in connection with goods, false or
8 misleading descriptions of fact and representations of fact as described above in commercial
9 advertising or promotion, namely "The Mounting Evidence" infomercial which
10 misrepresent the nature, characteristics, and qualities of NPI's goods.

11 31. Gamber-Johnson has knowingly and willfully caused its infomercial "The
12 Mounting Evidence" containing the false and misleading statements and representations as
13 described above to be disseminated and broadcast in interstate commerce.

14 32. Gamber-Johnson's knowing and willful misleading descriptions of fact and
15 misrepresentations of fact, omissions and deceptive advertising and promotion as described
16 above have caused damage to NPI in an amount to be proved at the time of trial including,
17 but not limited to Gamber-Johnson's profits, NPI's actual damages, equitable damages
18 including unjust enrichment, plus the costs of this litigation including reasonable attorneys
19 fees. 15 U.S.C. § 1117(a).

20 33. Gamber-Johnson's knowing and willful false and deceptive advertising and
21 promotion as described above is not mere puffery, is material, and has actually deceived and
22 has the capacity to continue to deceive, a substantial segment of the advertising audience.
23
24

1 34. Gamber-Johnson's knowing and willful false and deceptive advertising and
2 promotion as described above have influenced and will likely continue to influence the
3 purchasing decisions of persons to whom Gamber-Johnson has advertised and advertises.

4 35. Gamber-Johnson has profited from its false and deceptive advertising and
5 promotion described above and will continue to profit from it.

6 36. Gamber-Johnson has willfully engaged in the false and deceptive advertising
7 and promotion as described above, knowing its actions to be deceptive.

8 37. On information and belief, NPI has no adequate remedy at law for Gamber-
9 Johnson's wrongful acts and conduct alleged herein. Unless Gamber-Johnson is
10 preliminarily and permanently enjoined, NPI will continue to suffer irreparable harm

11 **COUNT II – UNJUST ENRICHMENT**

12 38. NPI repeats and realleges the previous allegations set forth in paragraphs 1
13 through 37, as if fully set forth herein.

14 39. Gamber-Johnson has been unjustly enriched by its false and misleading
15 advertising, promotion and representations as described above in an amount to be proved at
16 time of trial, including but not limited to, the profits it received from the sale of laptop
17 mounts, which profits would otherwise have been earned by NPI, which profits it should be
18 required to disgorge.

19 **COUNT III – UNFAIR OR DECEPTIVE ACTS (VIOLATION OF RCW 19.86.020)**

20 40. NPI repeats and realleges the previous allegations set forth in paragraphs 1
21 through 39, as if fully set forth herein.

22 41. Gamber-Johnson's advertisement and marketing regarding its mounting
23 systems offered in commerce contains assertions, representations or statements of fact
24

1 which are unfair or deceptive acts or practices, which impact the public interest, and which
2 cause injury to NPI causally linked to the unfair or deceptive act in violation of RCW
3 19.86.020.

4 **Prayer for Relief**

5 WHEREFORE, NPI prays for the following relief:

6 a. A judgment that Gamber-Johnson be found to have engaged in
7 intentional and willful acts of false advertising in violation of section 43(a)(1)(B) of the
8 Lanham Act, 15 U.S.C. § 1051 *et seq.*, and required to pay NPI all of Gamber-Johnson's
9 profits attributable to sales of laptop mounts;

10 b. A judgment that Gamber-Johnson be found to have engaged in unfair
11 methods of competition and unfair or deceptive acts or practices of false advertising in
12 violation of RCW 19.86.020;

13 c. An order requiring Gamber-Johnson to deliver up and destroy all
14 physical copies of the CD-ROM "The Mounting Evidence" in their possession or control
15 containing the intentional and willful acts of false advertising in violation of section
16 43(a)(1)(B) of the Lanham Act, 15 U.S.C. § 1051 *et seq.*, as provided by 15 U.S.C.
17 § 1118.

18 d. An order preliminarily and permanently enjoining and restraining
19 Gamber-Johnson, its officers, agents, servants, employees, attorneys and any persons in
20 active concert or participation with them from: (i) distributing "The Mounting Evidence"
21 infomercial either through the Internet or in CD-ROM or any other format until such time
22 as the infomercial has been revised to eliminate all the false and misleading statements and
23 independent testing has been conducted that substantiate all remaining comparative and/or
24 superiority claims; and (ii) disseminating and advertising or promotional materials

1 containing any false or misleading descriptions of fact and/or false or misleading
2 representations of fact concerning the nature, characteristics or qualities of NPI's RAM
3 mounting systems or Gamber-Johnson's mounting systems..

4 e. An order requiring Gamber-Johnson to send a letter, approved by
5 NPI, to each recipient to whom Gamber-Johnson disseminated "The Mounting Evidence"
6 infomercial informing them of the false and misleading nature of the infomercial generally
7 and as it relates to NPI specifically.

8 f. A judgment and order requiring that Gamber-Johnson pay damages
9 under 15 U.S.C. § 1117(a), including treble damages as provided by 15 U.S.C. § 1117(a)
10 and RCW 19.86.090, with prejudgment interest.

11 g. A judgment and order directing Gamber-Johnson to pay the costs of
12 this action (including all disbursements) and attorney fees as provided by 15 U.S.C.
13 § 1117(a) and RCW 19.86.090, with pre-judgment interest.

14 h. A judgment and order in an amount to be determined at trial sufficient
15 to permit NPI to create and disseminate corrective advertising to counter the false or
16 misleading statements contained in Gamber-Johnson's infomercial "The Mounting
17 Evidence."

18 i. Such other and further relief as the Court may deem just and
19 equitable.

1 **Demand For Jury Trial**

2 NPI hereby demands a trial by jury of all issues so triable.

3
4
5 DATED: January 14, 2008

6 By 

7 David K. Tellekson, WSBA No. 33523
8 Mark P. Walters, WSBA No. 30819
9 Robert L. Jacobson, WSBA No. 30838
10 DARBY & DARBY P.C.
11 1191 Second Avenue
12 Seattle, WA 98101
13 Telephone: 206.262.8900
14 Facsimile: 206.262.8901
15 Email: dtellekson@darbylaw.com

16 *Attorneys for Plaintiff National Products,*
17 *Inc.*

18
19 Of Counsel:

20 Robert S. Weisbein
21 DARBY & DARBY P.C.
22 7 World Trade Center
23 250 Greenwich Street
24 New York, NY 10007
Telephone: 212.527.7715
Facsimile: 212.527.7701
Email: rweisbein@darbylaw.com

EXHIBIT 1.


The Mounting Evidence - Gamber-Johnson - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Search Favorites

Address http://themountingevidence.com/

Google Bookmarks 0 blocked Check AutoLink AutoFill Settings




RUGGED.
DOCKING STATIONS AND VEHICLE MOUNTS.

THE MOUNTING EVIDENCE

Chapters

- [The Case Being Built](#)
- [Air Bag Safety](#)
- [Mount Design and Construction](#)
- [Laptop Mounts \(Restraints\)](#)
- [Laptop Mounts \(Security\)](#)
- [Laptop Mounts \(Ease of Use\)](#)
- [Fasteners](#)
- [Attention to Detail \(Mounts\)](#)
- [Attention to Detail \(Packaging\)](#)
- [Certifications](#)
- [Case Closed](#)

News and Updates




Rugged mounting solutions for your vehicle or fleet.

The Mounting Evidence

Join Dave Long, a nationally recognized air bag specialist and safety instructor, as he leads you through a compelling analysis of comparable laptop mounting systems. *The Mounting Evidence* builds a case for:

- Understanding the facts of air bag safety
- Restraining laptops properly
- Identifying high-grade material and bolts



**GAMBER
JOHNSON**
Very Well Connected™

toll free **877-275-8985**

©2007 Gamber-Johnson LLC

Done Internet

EXHIBIT 2.

Laptop, Car Mount System - Gamber Johnson - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Home Search Favorites

Address http://www.gamberjohnson.com/ Go Links

Google Bookmarks 0 blocked Check AutoLink AutoFill Settings

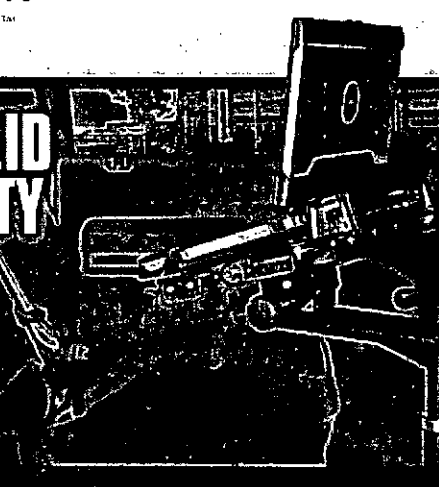
About us | Contact us | News | [Locate A Reseller](#)

GAMBER JOHNSON
Very Well Connected™

toll free **888-515-0072**


ROCK SOLID RELIABILITY

Rugged mounting solutions for your vehicle or fleet




RUGGED.


DOCKING STATIONS AND VEHICLE MOUNTS



Mounting Systems



Components



Build Your Solution

An ISO 9001:2000 Certified Company

Select Mount System by

Vehicle

Chevrolet
Dodge
Ford
[more >](#)

Computer

Panasonic
Ironix
Motorola
[more >](#)

Industry


Public Safety
Utility
Transportation
[more >](#)

News

November 29, 2007
Gamber-Johnson Announces Three New Components for the Motorola ML910 Computer
[Read more >](#)

October 02, 2007
Gamber-Johnson Announces New Panasonic Toughbook CF08 Docking Station
[Read more >](#)

Visit the [Mounting Evidence](#) to compare vehicle mounting systems from six manufacturers.



© 2008 Gamber-Johnson Site map

{S:\20339\6003215-000\01382526.DOC *203396003215-000* }

January 11, 2008

17

EXHIBIT 3.

Transcription of The Mounting Evidence.com

Gamber-Johnson's website

The Mounting Evidence

Join Dave Long, a nationally recognized air bag specialist and safety instructor, as he leads you through a compelling analysis of comparable laptop mounting systems. *The Mounting Evidence* builds a case for:

- Understanding the facts of air bag safety
- Restraining laptops properly
- Identifying high-grade material and bolts within mounting systems
- Evaluating certifications and quality processes
- Measuring the differences in design, construction and workmanship
- Using the right packing material and cartons to ship mounts and docks

The Mounting Evidence, Gamber, Johnson, Mozilla Firefox

File Edit View History Bookmarks Tools Help

http://www.themountingevidence.com/

Google NY Times TM Rules LeadsHeads Darby & Darby Post-Gazette - Steelers NY Pro Football US PTD.gov U.S. Copyright Office PATSY Intrinsic Whole Goody Allholo WIPO

NARC-Mat... National A... Webtoys... U.S. Copy... Check a Cl... Get a Doc... Get a Doc... Laptop Ca... The Moun... address_c... Sovereign... The M...

THE MOUNTING EVIDENCE

Chapter 1

The Case Being Built

Air Bag Safety

Mount Design and Construction

Laptop Mounts (Restraints)

Laptop Mounts (Security)

Laptop Mounts (Ease of Use)

Features

Attention to Detail (Mounts)

Attention to Detail (Packaging)

Certifications

Case Closed

The Mounting Evidence

Join Dave Long, a nationally recognized air bag specialist and safety instructor, as he leads you through a compelling analysis of comparable laptop mounting systems. *The Mounting Evidence* builds a case for:

- Understanding the facts of air bag safety
- Restraining laptops properly
- Identifying high-grade material and bolts within mounting systems

GAMBER JOHNSON
Very Well Connected™

877-275-8985

©2007 Gamber-Johnson LLC

Find: 119

Done

start

Microsoft Office Word 2004

Microsoft Word

9:23 AM

II. THE CASE BEING BUILT

[Subtitle: Comparable vehicle mounting systems from six manufacturers were analyzed from top to bottom. There were many features examined – from safety and design to fasteners and other details. We invite you to see what was found.]

Hi, I'm Dave Long, the Airbag Detective. Over the years, I've spoken at national conferences and talked to police officers and emergency personnel and the media about safety procedures. In fact, the work that I have presented to the National Highway Traffic Safety Administration prompted them to formulate the After Market Equipment Safety Bulletin. Now I'd like to talk to you. Today, we are going to get down to the truth in what I'm calling "The Mounting Evidence." I have stripped down and analyzed comparable vehicle mounting systems from six manufacturers. We have examined a lot from safety and design to fasteners and attention to detail and I can tell you this: no company designs and manufactures mounting systems like Gamber-Johnson. See, Gamber-Johnson has been in business since 1954. They began designing slide mounts in the late 1970s and they have been building innovative mounting systems ever since. Rock solid. Rugged. Simply the best. I'm Dave Long, The Airbag Detective. I'm going to show you the facts: the mounting evidence when it comes to mounting systems.

III. FACT #1 AIR BAG SAFETY

[Subtitle: Get the facts straight from the Air Bag Detective himself as he debunks common myths and other misinformation. Find out what features are most important in mount design to offer the best chance in restraining a laptop in the event of a sudden stop or crash.]

Air bag safety, a topic that I am very passionate about. Not only have I spent the past decade educating police officers and the public about air bag safety and restraints, I've also investigated hundreds of mounting installations in vehicles, and this is what I've found: roughly one-third of the vehicles that I have seen, have equipment mounted in front of the passenger side

26

air bag. Frankly, there is a lot of myths about airbags and a lot of poorly designed and dangerous mounting systems being used out there. Let's make one thing clear: there is no such thing as an air bag safe mount. It all depends on where the mount is installed in the vehicle. The fact is, the only way a mounting system is completely safe is when it is mounted outside the air bag deployment zone. That's determined by you and should be communicated to those doing the installation.

Where do you find this kind of information? Vehicle manufacturers like Ford, GM and Chrysler provide air bag information diagrams and dimensions. If it's not possible to mount the equipment completely out of the air bag zone, then you can request that the passenger side air bag be de-activated by contacting the National Highway Traffic Safety Administration.

Now, a mount can be air bag friendly – this refers to the design and integrity of the mounting system: does it have rounded edges? Is it of solid construction? If an air bag makes contact with the mounting system, then an air bag friendly mount would offer the best chance of withstanding the impact, and, of course, restraining the equipment.

Look, very simply, mounts need to hold a laptop in place in case of a sudden stop or a crash, and if the air bag deploys, the last thing you want is for this to be flying around like a projectile.

IV. FACT #2 MOUNT DESIGN AND CONSTRUCTION

[Subtitle: Despite similarities in appearance, there are important differences in how mounting components are designed and what they are constructed from. Mounting systems may all look the same, but don't be fooled by appearances alone.]

From here, these mounts look pretty much the same. But that couldn't be further from the truth. In fact, these mounts are not created equal. What you need in a mount is heavy gauge

21

steel right at the vehicle base – right where it counts. Gamber-Johnson designs this vehicle base with seven gauge steel constructions. This is a Havis-Shields mount. They construct this critical component with eleven gauge steel – thinner, not as strong and it even flexes and check this out: seven gauge steel here – hmmm – lighter steel supporting heavier steel? And then over here is Jotto Desk – seven gauge steel here – that’s good. Then machined aluminum here and then a plastic laptop mount here – looks like they are confused as to what application they are designing for – commercial grade or light duty? Look at Gamber-Johnson’s mount again. Steel, steel, steel. Now moving on up. Here is Gamber-Johnson’s lower tubes and it’s one-eighth of an inch thick and it’s rock solid. Here is RAM’s lower tube – hmmm looks like the same product from this angle – but it’s not. RAM’s wall thickness is one-sixteenth of an inch. Gamber-Johnson’s is a robust one-eighth of an inch – double the thickness. Sometimes the mounting evidence comes down to an eighth of an inch.

V. FACT #3 – LAPTOP MOUNTS (RESTRAINTS)

[Subtitle: Restraining laptops securely in a vehicle is the main reason to have a mounting system in the first place. You’ll see that there are many different approaches being used – tabs, springs, cables – but which designs are the safest and offer the best restraint?]

Your laptop is an expensive investment. It needs to be taken care of, protected. Gamber-Johnson has been properly protecting laptops since 1994, when they introduced the original notepad universal laptop mount. If I had to identify the most important part of a mounting system, it would be the part that holds the laptop – no question about it. There is a correct way to do this and I’m going to show you how. Here is Gamber-Johnson’s, the latest universal laptop mount – the Notepad 4. I really like what they did here – steel for maximum strength and rigidity here – aluminum, a slightly lighter material here for added mobility and ease of use. See this mount from RAM – plastic – the same with this mount from Jotto Desk. Again, plastic.

There are products where the use of plastic is appropriate, but trust me folks, this isn't one of them. In challenging driving conditions or a crash, your laptop needs to be restrained. The worst thing to happen is for this to be flying around like an out-of-control missile.

Here's Gamber-Johnson's approach. And frankly, this is really important. Of course, side restraints here, rear supports there and front restraints here. Now, pay attention, this is where it gets scary. There are no front restraints on RAM's, FMT's or Haveshield's laptop mounts and that's a serious shortcoming. When driving a vehicle, especially a police car, there could be inertia from any direction, depending upon the speed, breaking force and degree of the turn. The laptop needs to stay in place through all of this. If your laptop isn't restrained in the front and if an air bag deploys, it's going to hit right here and that laptop could submarine right out of the side restraints and fly around in your vehicle. And, I've saved this for last...Jotto Desk's approach: two flimsy cables. I mean, come on.

Here's a feature I thought was really clever. It's Gamber-Johnson's Patented Side Restraint Clips. Some refer to them as Moon Clips. I call them innovative. They're housed inside the chassis, where they belong, away from interfering with other parts of the mounting system. And the clips are fully-adjustable to meet the dimensions of most laptops. Check out these Havis-Shields side restraints outside the chassis. See the problem? And these from FMT – same thing. These prongs will catch on clothes, power cables and other plug-ins. I rest my case. Want your laptop properly restrained? Then you want Gamber-Johnson.

VI. FACT #4 LAPTOP MOUNTS (SECURITY)

[Subtitle: Laptops are expensive and mounts should offer you a way to lock them in place. Some companies don't offer any way to secure your laptop and some provide a lock that really isn't all that secure. See the mounting system that offers you the best chance at deterring theft.]

23

Laptops cost thousands of dollars. Yet here's a mount from Havis-Shields. Doesn't include a way to lock in your laptop.

Here's a RAM mount. No key lock to be found.

And here's a mount from FMT. They have a key lock, but they left the whole assembly exposed. Give me a Phillips screw-driver and 10 seconds... the laptop's mine. Jotto Desk, I won't even go there.

Here's Gamber-Johnson's secured locking device. This is the right way to do it. Standard feature. Simple to use. Tamper resistant. If you ask me, what's on here is too valuable to leave to chance, which is why you should never take a chance on an inferior mount. The facts clearly rest in the evidence.

VII. FACT #5 LAPTOP MOUNTS (EASE OF USE)

[Subtitle: While it is important to properly restrain and secure your laptop, it should also be convenient to use. Some laptop mounts are time-consuming to set up and others are difficult to open and close. Even worse, some mounts prove to be dangerous to use.]

I've got news for you. When you choose a mount, make certain it's simple to use. Let me show you why.

Here's an FMT mount with some sort of a draw latch. This mount requires a lot of setup time to adjust these one, two, three, four screws? Just to make sure thing fits the width of your laptop?

Here's another draw latch from Havis-Shields. Every time you need to adjust your laptop, or remove it, you need to reach under the chassis like this, which I don't like.

24

Even though I'm the Airbag Detective, I've yet to figure this one out. It's the Jotto desk mount. Warning. Warning. Warning. Warning. Warning. Warning. Maybe they're warning me not to use it at all.

And then there's RAM. What can I say? Watch your fingers.

Let's take a look at how easy a Gamber-Johnson mount is to use.

See. Want to see it again? It's that easy. Quarter-turn, place your laptop, quarter-turn again, and this baby's rock solid. It's not going to open up unless you want it to. Just more mounting evidence to choose Gamber-Johnson.

VIII. FACT #6 FASTENERS

[Subtitle: It may seem trivial that something as small as a bolt or a screw could make a big difference in how a mounting system performs. But think again... from a safety perspective – it is very important. Find out why you should consider the hardware that is used to assemble the mounting systems that you are using.]

Sometimes the biggest pieces of machinery break down because the wrong fasteners are used for the application... and mounts are no exception. All of these bolts, screws, nuts, and washers play a critical role in the integrity of the entire mounting system.

OK? Lets start at the bottom. This is where the mount attaches to the vehicle. All of these mounts attach to the manufacturers' seat bolts, which is one of the strongest points in the vehicle. So that's a good start for everyone.

Now let's take a look at the next critical juncture, where the pedestal attaches to the vehicle base. This is no place to cut corners by using a cheap bolt.

25

This is what Gamber-Johnson's engineers specify. A grade five bolt. It has the correct tensile and shear strength for this application.

Now here's the bolt that RAM uses. Half as strong. How do I know that? Let's take an even closer look. These three lines are an industry standard marking for a grade five bolt.

Look at RAM's bolt. No markings, which classifies this bolt as grade A.

Strength is a requirement at this point because it supports the entire mounting system. It's essential... And for Gamber-Johnson, this just isn't good enough.

I'll show you what else isn't good. I'm having my technician remove this plate from a Jotto desk mount and what are we about to discover? Run of the mill machine screws, no inserts, just metal driven into plastic. Can this hold? Why take a chance?

Now look here, this is Gamber-Johnson's Note Pad 4 mount. They use hex head cap screws, which are stronger than other screws. And as we all know, a hex head screw gives you a tighter attachment. And see this big difference, you've got metal screws in threaded metal inserts. Exactly the way you want it. And here, four screws holding the mount to the system... and I like that.

This is the LEDCO mount. Only two screws holding the laptop mount to the rest of the system. Yes, there is safety in numbers.

Do you know why this is important? Air bags deploy at a speed between 100 to 200 miles an hour. If an airbag hits a laptop mounting system, you need the mount to be solid and

20

not to break apart. There's no reason to take a chance with a product that's not formidable. As you can see, the evidence is mounting.

IX. FACT #7 ATTENTION TO DETAIL (MOUNTS)

[Subtitle: Paying attention to the details on products speaks volumes about how a company approaches their customers. From how a mount is adjusted and how many bolts are used to how components are finished and the process in which they are painted – all of these are details that attest to design considerations and workmanship.]

Details, details, details, you better believe it. If a company pays attention to the details, you can bet your bottom dollar they'll pay attention to you. Let me show you.

Here's a Havis-Shields mount. I want you to look at this vertical adjustment. If you want to adjust the height, you'll need to unscrew this, raise the pole, which isn't that easy, and then screw this back in each and every time. You know what? With all the vehicle vibration that happens, it's only a matter of time when this is going to loosen up.

Gamber-Johnson uses a time tested technology similar to the bicycle seat mount. Very simple, you just loosen, adjust, and lock. Absolutely solid. And see here? This is Havis-Shields' tilt and swivel attachment. They use a lock nut bolt, and that's good, but they only use one bolt. Gamber-Johnson uses three.

And this, this is a machine punched out part that's very rough around the edges. These are called nibble marks. They didn't take the time to properly sand this. And if you don't take the time on the little things, there's no assurances that they'll take the time on the big stuff.

Now here's how FMT attaches their tilt and swivel. Two nuts, that's better than one, but there's one in the middle and one in the front. If your laptop is in the forward position, it's going to rock forward and be unbalanced.

27

Again, Gamber-Johnson: three bolts, very well connected.

And FMT uses a heavy-textured powder coating. It's extremely rough and quite-frankly, it doesn't look very good. Compare that to Gamber-Johnson's finish. Very smooth and very professional.

Remember what I said about details, it's never more telling if the workmanship is sloppy. But let me show you the right way to do it.

Here's a part from the Gamber-Johnson vehicle base. See this robotic weld? What I like here is it's smooth, it's symmetrical, and it's done right. Perfectly painted corners and smooth as a whistle. You can tell that there's pride in this workmanship.

Look at the similar part from RAM. See the weld? It's called skip-welding. It's uneven, short, and not very professional.

Check out these bumps. We call that "weld splattering" and someone was guilty of not taking a few extra seconds to clean that up.

And look at this paint job. That's paint buildup in the corners and that's called "paint pooling." It results from the globbing of the paint in hopes that it will stick. But in the other corner, not enough paint to hit the mark. And you know what that is? Rust, on a brand new mount out of the box. Frankly, that's unacceptable.

You can't argue with the facts, or in this case, the details.

X. FACT #8 ATTENTION TO DETAIL (PACKAGING)

[Subtitle: Why should you care about how product is packaged and boxed? Because, it doesn't matter how well a mounting system is designed if it arrives on your dock beat up and damaged.]

Here you can learn about the best practices that are used for making sure that your mount or docks are shipped safely and intact.]

Today, we've been focusing on the mounting systems themselves. But what if the mount arrives damaged? It's no good. How a company packages their product is another attention to detail that I always look at.

Now this is what I like.

Gamber-Johnson uses foam-in-place packaging to adequately separate and protect each component. They also wrap each part in a heavy duty poly bag and provide individual product identification labels. It's obvious these guys know what they're doing.

Here's how others package their products. They use paper and other less protective means. Now let's open this box from RAM.

Plastic bags, that's good. But that's it? No other packing material? Just a thin piece of cardboard to separate the layers.

But you won't see any corners cut here. This is how Gamber-Johnson ships their laptop mounts. Dense foam cutouts for stability and protection. Now that I like. Same thing with docking stations. With all those sensitive and fragile electronic components. These guys know how to package and ship.

Now let's see how RAM packages and ships their docks.

Wow.

And Gamber-Johnson receives certified laboratory test reports from the International Safe Transit Association on their docking stations. The ISTA certification covers a variety of tests

including ten different drop tests from 30 inches high. Impressive. That's above and beyond best practice. I found that even the carton the mounts are shipped in says something about the company. Gamber-Johnson's boxes are provided to them on a can ban or just in time system. That means that their cartons are used within days of arrival and aren't sitting for months in a warehouse collecting moisture, which weakens the integrity of the carton.

Did you know that corrugated boxes have what's called a BMC or Box Manufacturer's Certificate? The BMC serves as a symbol of compliance to standards in the corrugate industry. When you're talking about shipping steel parts and poles, the most important standard is the burst test rating. This tells you the force that is required to rupture the carton wall. The higher the number, the better the chance that the box will protect the contents during rough handling.

Here's how Gamber-Johnson ships this mounting system. Notice the burst test rating is 350 pounds per square inch. It's a bulldog.

Here's Havis-Shields' carton. A burst test rating of only 200.

And Lendco's carton, again a burst test rating of 200.

And RAM... they specify an edge crush rating, a spec for stacking boxes.

According to the fiber box handler, an edge crush rating of 32 is equivalent to burst test rating of 200. And you as a customer should be concerned about how well a box will protect your order rather than how many boxes can be stacked somewhere in a warehouse.

And here's why burst test ratings are so important. Look at this [RAM product]. The product physically burst through this carton. Again Gamber-Johnson is best in class on how they

package and ship their products. I keep my eye on details. It says a lot. More than you'll ever know.

XI. FACT #9 CERTIFICATIONS

[Subtitle: Receiving certifications are often considered too time-consuming and unnecessary by manufacturers, but they ultimately result in consistently producing quality products and improving performance and customer satisfaction.]

Do you know what else I think is important when evaluating which company to buy a mount from? Certifications. Any company can bend metal, but do they pay attention to safety, quality and environmental guidelines?

Do they invest the time and the money to certifiable standards? Gamber-Johnson just doesn't design and produce great mounting systems. They also do it responsibly. They were the first mounting company to be ISO 9001 2000 certified. The international quality standard.

You can experience it by how efficiently and reliably they handle your order. See, Gamber-Johnson pays close attention to their customer orders. Last year, their on-time delivery of standard product orders averaged above 95%.

More than just quality, Gamber-Johnson also strives to meet other certifications. They have lines of dockings stations that meet FCC and UL standards. And they devise their packaging for those docking stations that meet ISTA standards. As for being environmentally responsible, this mounting system is entirely rules compliant.

Plus Gamber-Johnson chooses partners that have high standards as well. They provide a certified installer program to help you find qualified vendors who can install your mounts

correctly, professionally, and safely. More evidence that Gamber-Johnson is certifiably the best option.

XII. CASE CLOSED

[Subtitle: After the investigation is completed, the evidence shows that you get what you pay for. Instead of focusing on value, there are mount companies that clearly have cut features, quality, workmanship and safety in an effort to cut costs. When looking to mount a laptop in a vehicle, there truly is a price to pay for paying the lowest price.]

You've seen all the mounting systems and the evidence is clear. We've investigated all the claims and the double-talk and gotten right down to the facts. Gamber-Johnson excels in design, construction and paying attention to the details when it comes to producing mounts. They've been doing that for decades, and it shows.

For value, I think it's Gamber-Johnson, hands down. As we've seen, cutting your cost for mounting systems means cutting features, cutting quality and cutting out workmanship. Certainly, some might be able to live with that, but what none of us can live with is cutting out safety. Without the right mount, a lap-top is a projectile.

We've seen it over and over again. It's just not worth skipping on quality. I should know, I'm Dave Long, the Air Bag Detective. Case closed.

32

END CREDITS:

Copyright 2007 Gamber-Johnson LLC. Information based on comparison of:

...

RAM

- RAM-VB-109-SW1 - VEHICLE SYSTEM 2004-NEWER F150
- RAM-234-PAN1M - RAM PANASONIC LAPTP MNT TOUGH TRAY
METAL

Information contained herein was accurate at the time of production (April 2007)

COMPARISONS IN THIS PROGRAM WERE ACCURATE AT THE TIME OF PRODUCTION. DUE TO CONTINUAL RESEARCH, DEVELOPMENT AND MARKET ASSESSMENT, GAMBER-JOHNSON LLC RESERVES THE RIGHT TO DISCONTINUE OR CHANGE AT ANY TIME, WITHOUT NOTICE, ANY PRICES OR SPECIFICATIONS.

COPYRIGHT 2007 GAMBER-JOHNSON LLC

EXHIBIT 4.

Thomas Marks & Associates - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address <http://www.thomasmarks.net/casestudies.php?id=30>

Google

Thomas Marks & Associates, Inc.
Marketing Consultants

NEWSROOM TMA TIPLINE PERITUS DESIGN CONTACT

LEADERSHIP
WHO WE ARE
WHY WE ARE DIFFERENT
WHAT WE DO
WHAT THAT MEANS TO YOU

Leggett & Platt
PRESIDENT
McDonald's
Gamber-Johnson LLP
ELIASON

Leggett & Platt

Challenge: L&P is a \$ 5.5 billion manufacturing company based in St. Louis, MO. Within their Commercial Vehicle Product group, Gamber-Johnson is the largest division. Because of a highly competitive marketplace for computer mounting systems, and a wide array of new competitors entering the marketplace within the last two years, Gamber-Johnson needed to enforce their number one position by differentiating themselves in a way no company in the industry previously had done.

Insight: Thomas Marks & Associates recommended a breakthrough approach to product differentiation by writing and producing an interactive CD-ROM titled "The Mounting Evidence". This 25 minute presentation, narrated by Dave Long, The Airbag Detective, took five competitors' head-on pointing out their product weaknesses and insufficiencies.

Result: Over the last 12 months, Gamber-Johnson has distributed thousands of The Mounting Evidence CDs at *tradeshows*, as *advertisement fulfillment* pieces, and has placed the compressed video files on their website. The nationwide reseller network for Gamber-Johnson has indicated that this selling device has accounted for a 15% increase in closing ratios.

Leggett & Platt

PRIVACY | CONTACT
copyright © 2007

Internet

35

EXHIBIT 5.



RAM Catalog
PDF Format: [Click Here](#)

RAM Mount Search



Home

Products

- [Aqua Box Mounts](#)
- [Aviation Mounts](#)
- [Camera Mounts](#)
- [Cell/Smart Phone Mounts](#)
- [Custom OEM Mounts](#)
- [Fishing Rod Holders](#)
- [Glare Shield Mounts](#)
- [GPS Mounts](#)
- [Ham Radio Mounts](#)
- [Lift Truck Mounts](#)
- [Marine Electronic Mounts](#)
- [Mobile Electronic Mounts](#)
- [Motorcycle Mounts](#)
- [MP3 & XM Radio Mounts](#)
- [New RAM Mount Products](#)
- [Pocket PC Mounts](#)
- [Pro-Pull](#)
- [RAM Mount Catalogs](#)
- [RAM Mount Components](#)
- [RAM Mount Drawings](#)
- [RAM Mount Prices](#)
- [Suction Cup Mounts](#)
- [Tablet PC Mounts](#)
- [Vehicle Laptop Mounting](#)

RAM Mount Products RAM LAPTOP TRAY ACCESSORIES

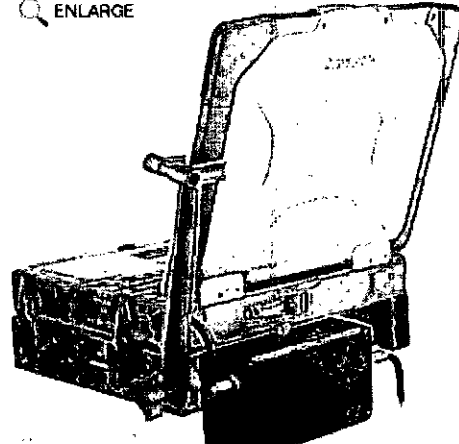
What does "UNIVERSAL" mean to you?

At RAM, it means creating something that will work for everyone. Few products truly reflect this more than the RAM Universal Laptop Tray. Try to compare this feature packed product to others on the market and you'll find that, well, there is no comparison. No matter whether you choose the basic laptop tray that is truly a world favorite, or a fully accessorized model, you can be assured that you are buying a quality product. The RAM Universal Laptop Tray is so adaptable, your laptop may change, but your RAM Mount won't have to. Choose wisely, choose RAM.



RAM Laptop Tray Accessory Options

ENLARGE



Description:

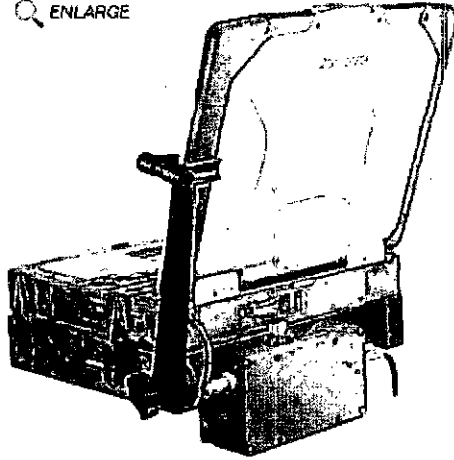
Laptop or Tablet DC/DC Power Supply with an input range of 12 to 35 volts and 6 different voltage outputs. This product is sure to take care of your power needs.

Product Number:
RAM-234-PB1U

Release Date:
January 22nd, 2008

37

ENLARGE



Description:

Screen Support with Spring Loaded Keeper allows it to travel smoothly with the screen through numerous viewing angles. Stores easily when not in use.

Product Number:

RAM-234-S2U

Release Date:

February 12th, 2008

ENLARGE



Description:

The RAM SAFE-N-SECURE™ locking system integrates into your existing RAM Laptop Tough Tray™. The keyed locking system operates easily and does not detract from the overall versatility you've come to love in your RAM Laptop Mount.

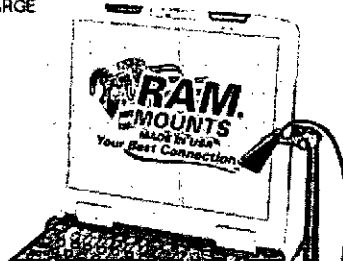
Product Number:

RAM-234-LK2U

[Add To Cart](#)



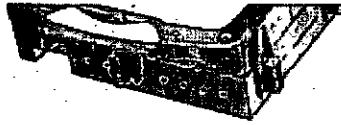
ENLARGE



Description:

The RAM USB Light can easily be positioned to help you keep working long after the sun goes down.

38

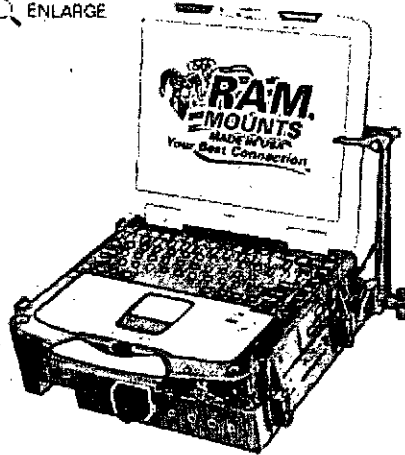


Product Number:
RAM-234-LU

[Add To Cart](#)



ENLARGE



Description:

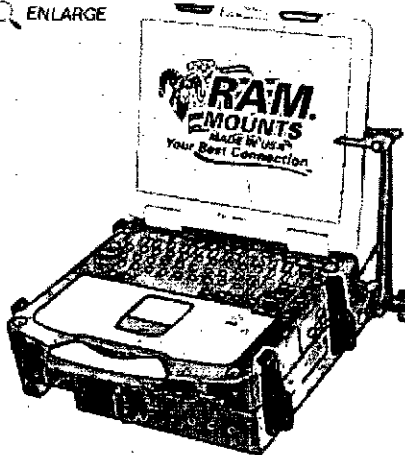
The Universal Retaining Arm can be positioned at the front of the tray to protect against the laptop being ejected if suddenly jarred.

Product Number:
RAM-234K1U

[Add To Cart](#)



ENLARGE



Description:

Side Retaining Arms secure the laptop in place yet allow the screen to be closed as needed. These are fully adjustable both up and down and side to side.

Product Number:
RAM-234K1-4U

[Add To Cart](#)



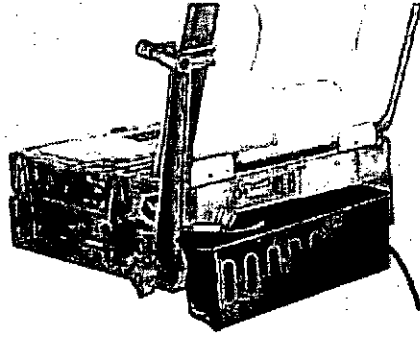
ENLARGE



Description:

The Power Caddy allows most any brand or combination of power supply to be contained alongside your laptop.

39



Product Number:
RAM-234-SU

[Add To Cart](#)



RAM Vehicle Mounts include a LIFETIME MANUFACTURERS WARRANTY.

[Products](#) | [Company Information](#) | [News & Events](#) | [Support Center](#) | [Dealer Links](#) | [Contact Us](#) | [Site Map](#) | [Home](#)

40