

1 Matthew D. Francis (6978)
2 Adam P. McMillen (10678)
3 WATSON ROUNDS
4 5371 Kietzke Lane
5 Reno, NV 89511
6 Telephone: 775-324-4100
7 Facsimile: 775-333-8171
8 *Attorneys for Plaintiff Jed Margolin*

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ALAN GLOVER
BY *Alan Glover*
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In The First Judicial District Court of the State of Nevada

In and for Carson City

JED MARGOLIN, an individual,

Plaintiff,

vs.

**OPTIMA TECHNOLOGY CORPORATION,
a California corporation, OPTIMA
TECHNOLOGY CORPORATION, a Nevada
corporation, REZA ZANDIAN
aka GOLAMREZA ZANDIANJAZI
aka GHOLAM REZA ZANDIAN
aka REZA JAZI aka J. REZA JAZI
aka G. REZA JAZI aka GHONONREZA
ZANDIAN JAZI, an individual, DOE
Companies 1-10, DOE Corporations 11-20,
and DOE Individuals 21-30,**

Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

**DECLARATION OF ADAM P.
MCMILLEN IN SUPPORT OF
PLAINTIFF'S MOTION FOR
SANCTIONS UNDER NRCP 37**

I, Adam P. McMillen, do hereby declare and state as follows:

1. I am a lawyer at the law firm of Watson Rounds located at 5371 Kietzke Lane, Reno, Nevada 89511. This declaration is based upon my personal knowledge, and is made in support of Plaintiff's Motion for Sanctions Under NRCP 37 and the Memorandum of Points and Authorities in Support Thereof.

2. On July 16, 2012, JED MARGOLIN ("Margolin") served Defendant REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka GHONONREZA ZANDIAN JAZI's

1 (“Zandian”) with Margolin’s First Set of Interrogatories to Zandian as well as Margolin’s First
2 Set of Requests for Production to Margolin. A true and correct copy of Margolin’s First Set of
3 Interrogatories to Zandian is attached hereto as Exhibit 1, and a true and correct copy of
4 Margolin’s First Set of Requests for Production to Zandian is attached hereto as Exhibit 2.
5 Pursuant to NRC 33 and 34, responses to these discovery requests, as well as responsive
6 documents, were due on August 20, 2012. No responses or documents were served on that date
7 or thereafter.

8 4. Also on July 16, 2012, Margolin served Zandian with Margolin’s First Set of
9 Requests for Admissions. A true and correct copy of the First Set of Requests for Admissions is
10 attached hereto as Exhibit 3. Pursuant to NRC 36, responses to these Requests for Admissions
11 were due on August 20, 2012. No responses were served on that date or thereafter.

12 5. On September 10, 2012, Margolin emailed and faxed Zandian a meet and confer
13 letter demanding that Zandian serve responses and documents to the aforementioned discovery
14 (and other discovery) no later than September 17, 2012. A true and correct copy of this letter is
15 attached hereto as Exhibit 4. In the September 10, 2012 letter, Margolin demanded that Zandian
16 “respond, without objection, to the requests for admissions, the requests to produce documents
17 (including the actual production of documents), and the interrogatories no later than September
18 17, 2012.” Exhibit 4. Margolin stated that if Zandian failed to comply with this request,
19 Margolin would file a motion to compel with this Court. *Id.* Margolin also stated that since
20 Margolin did not respond to Margolin’s First Set of Requests for Admissions, those admissions
21 were (and are) deemed admitted. *Id.* Zandian has not served responses or documents pursuant to
22 the aforementioned discovery requests, nor has he responded to the September 10, 2012 letter.

23 *Id.*

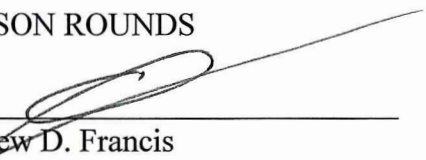
24 6. I certify that I have in good faith corresponded with Zandian in an effort to
25 resolve this discovery dispute without court intervention. However, my sincere efforts to resolve
26 the dispute have been unsuccessful.

27 I declare under penalty of perjury that the foregoing is true and correct to the best of my
28 knowledge.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 13th day of December, 2012. WATSON ROUNDS

By: 
Matthew D. Francis
Adam P. McMillen
5371 Kietzke Lane
Reno, NV 89511
Telephone: (775) 324-4100
Facsimile: (775) 333-8171
Attorneys for Plaintiff Jed Margolin

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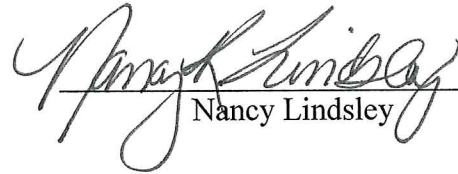
1 CERTIFICATE OF SERVICE

2 Pursuant to Rule 5(b), Nevada Rules of Civil Procedure, I hereby certify that I am an
3 employee of WATSON ROUNDS, and on this date a true and correct copy of the foregoing
4 document, **Declaration of Adam P. McMillen in Support of Plaintiff's Motion for Sanctions**
5 **Under NRCP 37** will be served on the following by first-class mail through the U.S. Postal
6 Service.

7 Reza Zandian
8 8775 Costa Verde Blvd.
9 San Diego, CA 92122

10 Reza Zandian
11 8775 Costa Verde Blvd, Apt. 501
12 San Diego, CA 92122

13 Dated: December 14, 2012.

14 
15 _____
16 Nancy Lindsley
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INDEX OF EXHIBITS

Exhibit 1	Plaintiff's First Set of Interrogatories to Reza Zandian	8 pages
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Exhibit 3	Plaintiff's First Set of Requests for Admissions to Reza Zandian	7 pages
Exhibit 4	September 10, 2012 letter to Reza Zandian	2 pages

Exhibit 1

Exhibit 1

1 Matthew D. Francis (6978)
Adam P. McMillen (10678)
2 WATSON ROUNDS
5371 Kietzke Lane
3 Reno, NV 89511
Telephone: 775-324-4100
4 Facsimile: 775-333-8171
Attorneys for Plaintiff Jed Margolin

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7 **In The First Judicial District Court of the State of Nevada**
8 **In and for Carson City**
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10 **JED MARGOLIN, an individual,**

11 **Plaintiff,**

12 **vs.**

13 **OPTIMA TECHNOLOGY CORPORATION,**
14 **a California corporation, OPTIMA**
TECHNOLOGY CORPORATION, a Nevada
15 **corporation, REZA ZANDIAN**
16 **aka GOLAMREZA ZANDIANJAZI**
aka GHOLAM REZA ZANDIAN
17 **aka REZA JAZI aka J. REZA JAZI**
aka G. REZA JAZI aka GHONONREZA
18 **ZANDIAN JAZI, an individual, DOE**
19 **Companies 1-10, DOE Corporations 11-20,**
and DOE Individuals 21-30,

20 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

PLAINTIFF'S FIRST SET OF
INTERROGATORIES TO REZA
ZANDIAN

21
22 Plaintiff Jed Margolin ("Margolin") hereby requests that Defendant Reza Zandian aka
23 Golamreza Zandianjazi, aka Gholam Reza Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza
24 Jazi aka Ghononreza Zandian Jazi ("Zandian") serve responses to the following Interrogatories
25 within thirty (30) days of service hereof. These Interrogatories are considered continuing and
26 therefore Zandian is required to supplement his answers whenever Zandian obtains different or
27 additional knowledge, information or belief relative to the Interrogatories.
28

1 **I. DEFINITIONS**

2 A. As used in these Interrogatories, unless otherwise specified, the terms "Zandian,"
3 "you," or "your" or "yourself" refers to Reza Zandian aka Golanreza Zandianjazi, aka
4 Gholam Reza Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka Ghononreza
5 Zandian Jazi and any other aka.

6 B. As used in these Interrogatories, the terms "document," "documents," or
7 "documentation" refer to any and all tangible items or sources of information within the
8 meaning of Rule 34 of the Nevada Rules of Civil Procedure, whether original or non-identical
9 copies of such items, in both final and draft form, of every kind and nature whatsoever, that
10 are within your possession, custody or control, or that are known by you to exist. The terms
11 "document" or "documents" include, but are not limited to, all correspondence, memoranda,
12 records, notes, drafts, proposals, minutes of meetings, books, papers, drawings, telegrams,
13 logs, diaries, computer printouts, computations, ledgers, journals, purchase orders, bills of
14 lading, invoices, vouchers, checks, books of original entry and other books or records; all
15 studies, analyses, or other valiative or interpretive reports; recordings or memoranda of
16 conversations, or any other written, printed, typewritten or other graphic or photographic
17 matter or tangible thing on which any information is affixed; all mechanical, electronic, sound
18 or video recordings or transcripts thereof; all other magnetic recordings or matter existing in
19 any other machine readable form; and all information capable of being retrieved from a
20 computer.

21 C. As used in these Interrogatories, the terms "communicate" or "communications"
22 refer to all conversations, messages, correspondence, or contacts between any persons,
23 whether in person, in writing, by telephone, or by any other means.

24 D. As used in these Interrogatories, the terms "person" or "persons" refer to all
25 individuals, associations, partnerships, corporations, and any other business entities.

26 **II. GUIDELINES**

27 A. Whenever the phrase "state in detail" or "describe in detail" is used in these
28 Interrogatories, you are required to set forth every fact, consideration, factor, circumstance,

1 act, omission, event, transaction, occurrence, or statement which supports, refutes, concerns,
2 relates to, or refers to the matter about which information is sought.

3 B. Whenever the term "identify" or "identification" is used in these Interrogatories
4 with respect to an individual person, you are required to state: the full name of each such
5 person; his or her last known residential address; his or her last known business address; and
6 his or her present or last known job title, job description, and the dates during which the job
7 position was held. Once a person has been identified in an answer to an interrogatory, it shall
8 be sufficient thereafter when identifying that person merely to state his or her name.

9 C. Whenever the term "identify" or "identification" is used in these Interrogatories
10 with respect to any corporation, partnership, or business entity, you are required to state: its
11 present or last known full name; all of its previous registered and/or operating business names,
12 if any; its present or last known business address; and the nature of its business. Once a
13 corporation, partnership, or business entity has been identified in an answer to an
14 interrogatory, it shall be sufficient thereafter when identifying such entity merely to state its
15 name.

16 D. Whenever the term "identify" or "identity" or "identification" is used in these
17 Interrogatories with respect to a document or documents, you are required to:

- 18 (1) describe the type of document, e.g., letter, memorandum, report, diary,
19 chart, etc.;
- 20 (2) provide the date, if any, of the document;
- 21 (3) identify the author(s) of the document;
- 22 (4) identify each addressee appearing on the document;
- 23 (5) identify each recipient of the document or any copies of the document;
- 24 (6) describe the contents of the document;
- 25 (7) describe the present location of the document; and
- 26 (8) identify the person(s) having possession, control, or custody of the
27 document.
28

1 If any such document was, but is no longer in your possession, custody or control, state
2 what disposition was made of it; and if such document was destroyed, or alleged to have been
3 destroyed, state the date of and reason for its destruction, the identity of each person having
4 knowledge of its destruction, and each person responsible for its destruction. For each
5 interrogatory that requests the identification of document(s), you may produce for inspection
6 and copying, true and correct copies of the document(s) as kept in the usual course of business,
7 organized and labeled to correspond with the categories in this request, all in accordance with
8 Rule 33(c) of the Nevada Rules of Civil Procedure, and such production of copies will be
9 accepted as complying with such request.

10 E. Should you deem any information requested by any of the following Interrogatories
11 to be privileged, you shall specify that a claim of privilege is being made, briefly state the
12 grounds on which the claim of privilege rests, and identify who is making the claim of
13 privilege.

14 **III. INTERROGATORIES**

15 **Interrogatory No. 1:**

16 Please describe in detail why on December 5, 2007, you signed and filed an assignment
17 of patent numbers 5,566,073, 5,904,724, 6,377,436 and 5,978,488 (the "patents") with the
18 United States Patent Office.

19 **Interrogatory No. 2:**

20 Please describe in detail whose idea it was to file the assignment of the patents with the
21 United States Patent Office on December 5, 2007.

22 **Interrogatory No. 3:**

23 If it was not your idea to file the assignment of the patents with the United States
24 Patent Office on December 5, 2007, then please describe in detail whose idea it was, including
25 the name(s) and contact information (address, phone number, email address, etc.) of anyone
26 involved in the decision making process.

27 **Interrogatory No. 4:**

1 Please describe in detail John Peter Lee Ltd's involvement in the December 5, 2007
2 assignment of the patents including but not limited to the following John Peter Lee Ltd
3 members: John Peter Lee, John C. Courtney, and Paul C. Ray.

4 **Interrogatory No. 5:**

5 Please describe in detail Greenberg Traurig LLP's involvement in the December 5,
6 2007 assignment of the patents, including but not limited to the following Greenberg Traurig
7 LLP members: Scott J. Bornstein, Allan A. Kassenoff, E. Jeffrey Walsh and Paul J. Sutton.

8 **Interrogatory No. 6:**

9 Please describe in detail whose credit card was used to pay for the December 5, 2007
10 assignment of the patents with the United States Patent Office, with the last four numbers of
11 the credit card being 1004 and the expiration date being 01/09; please include the name of the
12 credit card holder and why the credit card was used for the December 5, 2007 assignment of
13 the patents.

14 **Interrogatory No. 7:**

15 Please describe in detail who the officers and directors of Optima Technology
16 Corporation, a California Corporation, were at the time you filed the assignment of the patents
17 with the United States Patent Office on December 5, 2007.

18 **Interrogatory No. 8:**

19 Please describe in detail who the officers and directors of Optima Technology
20 Corporation, a Nevada Corporation, were at the time you filed the assignment of the patents
21 with the United States Patent Office on December 5, 2007.

22 **Interrogatory No. 9:**

23 Please describe in detail why John Peter Lee's name and address was associated with
24 and used for Optima Technology Corporation (NV) in the patents' assignment documents you
25 filed with the United States Patent Office on December 5, 2007.

26 **Interrogatory No. 10:**

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1 Please describe in detail what “Jed Margolin based on Power of Attorney, dated July
2 20, 2004 to: Optima Technology Corporation (CA)” means as detailed in the assignment of the
3 patents, dated December 5, 2007, attached hereto as Exhibit A.

4 **Interrogatory No. 11:**

5 Please describe in detail what the Power of Attorney, dated July 20, 2004 is, as detailed
6 on the assignment documents filed with the United States Patent Office on December 5, 2007
7 and how you obtained a copy of said Power of Attorney. See Exhibit A.

8 **Interrogatory No. 12:**

9 Please describe in detail the knowledge you had of the contract between Jed Margolin
10 and Optima Technology Group, a Cayman Islands Corporation, at the time you filed the
11 assignment of the patents on December 5, 2007.

12 **Interrogatory No. 13:**

13 Please describe in detail the licensing activity you engaged in regarding the patents
14 after you filed the assignment of the patents on December 5, 2007.

15 **Interrogatory No. 14:**

16 Please describe in detail any and all activities you engaged in regarding the patents
17 after you filed the assignment on December 5, 2007.

18 **Interrogatory No. 15:**

19 Please describe in detail all revenues derived from your activities related to the patents
20 after filing the assignment of the patents on December 5, 2007.

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AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED: July 16, 2012

WATSON ROUNDS

BY: /s/ Adam McMillen
Matthew D. Francis (6978)
Adam P. McMillen (10678)
5371 Kietzke Lane
Reno, NV 89511
Telephone: 775-324-4100
Facsimile: 775-333-8171
Attorneys for Plaintiff Jed Margolin

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Watson Rounds, and that on this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true and correct copy of the foregoing document, **Plaintiff's First Set of Interrogatories to Reza Zandian**, addressed as follows:

Reza Zandian
8775 Costa Verde Blvd.
San Diego, CA 92122

Dated: July 16, 2012

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Carla Ousby

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Exhibit 2

Exhibit 2

1 Matthew D. Francis (6978)
Adam P. McMillen (10678)
2 WATSON ROUNDS
5371 Kietzke Lane
3 Reno, NV 89511
Telephone: 775-324-4100
4 Facsimile: 775-333-8171
Attorneys for Plaintiff Jed Margolin

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7 **In The First Judicial District Court of the State of Nevada**
8 **In and for Carson City**
9

10 **JED MARGOLIN, an individual,**

11 **Plaintiff,**

12 **vs.**

13 **OPTIMA TECHNOLOGY CORPORATION,**
14 **a California corporation, OPTIMA**
TECHNOLOGY CORPORATION, a Nevada
15 **corporation, REZA ZANDIAN**
16 **aka GOLAMREZA ZANDIANJAZI**
aka GHOLAM REZA ZANDIAN
17 **aka REZA JAZI aka J. REZA JAZI**
aka G. REZA JAZI aka GHONONREZA
18 **ZANDIAN JAZI, an individual, DOE**
Companies 1-10, DOE Corporations 11-20,
19 **and DOE Individuals 21-30,**

20 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

PLAINTIFF'S FIRST SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS TO REZA ZANDIAN

21
22 Plaintiff Jed Margolin ("Margolin") Pursuant to Rules 26 and 34 of the Nevada Rules
23 of Civil Procedure, hereby requests that Defendant Reza Zandian aka Golamreza Zandianjazi,
24 aka Gholam Reza Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka Ghononreza
25 Zandian Jazi ("Zandian") serve responses and documents to the following Requests for
26 Production within thirty (30) days of service hereof. These Requests are considered
27 continuing and therefore Zandian is required to supplement his responses and document
28

1 production whenever Zandian obtains different or additional knowledge, information or belief
2 relative to the Requests.

3 **I. DEFINITIONS AND GUIDELINES**

4 Margolin incorporates by reference the Definitions and Guidelines set forth in
5 Margolin's First Set of Interrogatories to Reza Zandian.

6 **II. DOCUMENT REQUESTS**

7 **REQUEST NO. 1:**

8 Any and all documents identified in and/or supporting your responses to Plaintiff's first
9 set of interrogatories served upon you.

10 **REQUEST NO. 2:**

11 Please provide a complete copy of any and all documents, correspondence,
12 memoranda, electronic email and attachments containing or referring to communications
13 between yourself and NASA.

14 **REQUEST NO. 3:**

15 Please provide a complete copy of any and all documents, correspondence,
16 memoranda, electronic email communications between yourself and the law firm of Greenberg
17 Traurig LLP including the following Greenberg Traurig LLP members:

18 Scott J. Bornstein

19 Allan A. Kassenoff

20 E. Jeffrey Walsh

21 Paul J. Sutton

22 **REQUEST NO. 4:**

23 Please provide a complete copy of any and all documents, correspondence,
24 memoranda, electronic email and attachments containing or referring to communications
25 between yourself and the law firm of John Peter Lee Ltd (Las Vegas) including, but not
26 limited to, the following John Peter Lee Ltd members:

27 John Peter Lee

28 John C. Courtney

1 Paul C. Ray

2 **REQUEST NO. 5:**

3 Please provide a complete copy of any and all documents, correspondence,
4 memoranda, electronic email and attachments containing or referring to communications
5 between yourself and the law firm of Chandler Udall Law Firm LLP, Udall Law Firm LLP,
6 Udall Law IP LLP (all in Arizona) including but not limited to the following:

7 Edward Moomjian II

8 Jeanna Chandler Nash

9 Ryan Redmon

10 **REQUEST NO. 6:**

11 Please provide a complete copy of any and all documents, correspondence,
12 memoranda, electronic email and attachments containing or referring to communications
13 between yourself and the United States Patent Office (“PTO”) regarding the December 5, 2007
14 assignment of patents you filed with the PTO relating to patent numbers 5,566,073, 5,904,724,
15 6,377,436 and 5,978,488 (the “patents”).

16 **REQUEST NO. 7:**

17 Please provide a complete copy of any and all documents, correspondence,
18 memoranda, electronic email and attachments containing or referring to communications
19 between you and any other person or entity relating to the patents.

20 **REQUEST NO. 8:**

21 Please provide a complete copy of any and all documents, correspondence,
22 memoranda, electronic email and attachments containing or referring to communications
23 between you and any other person or entity relating to the licensing of the patents.

24 **REQUEST NO. 9:**

25 Please provide a complete copy of any and all documents related to all revenues
26 derived from your activities related to the patents after filing the assignment of the patents on
27 December 5, 2007.

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AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED: July 16, 2012

WATSON ROUNDS

BY: /s/ Adam McMillen
Matthew D. Francis (6978)
Adam P. McMillen (10678)
5371 Kietzke Lane
Reno, NV 89511
Telephone: 775-324-4100
Facsimile: 775-333-8171
Attorneys for Plaintiff Jed Margolin

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCp 5(b), I certify that I am an employee of Watson Rounds, and that on
3 this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true
4 and correct copy of the foregoing document, **Plaintiff's First Set of Requests for Production**
5 **of Documents Interrogatories to Reza Zandian**, addressed as follows:

6
7 Reza Zandian
8 8775 Costa Verde Blvd.
9 San Diego, CA 92122

10 Dated: July 16, 2012

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Carla Ousby

Exhibit 3

Exhibit 3

1 Matthew D. Francis (6978)
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2 WATSON ROUNDS
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10 **JED MARGOLIN, an individual,**

11 **Plaintiff,**

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14 **a California corporation, OPTIMA**
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15 **corporation, REZA ZANDIAN**
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17 **aka G. REZA JAZI aka GHONONREZA**
ZANDIAN JAZI, an individual, DOE
18 **Companies 1-10, DOE Corporations 11-20,**
19 **and DOE Individuals 21-30,**

20 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

PLAINTIFF'S FIRST SET OF
REQUESTS FOR ADMISSIONS TO
REZA ZANDIAN

21
22 Pursuant to NRCP 26 and NRCP 36, Plaintiff Jed Margolin ("Margolin") hereby
23 requests that Defendant Reza Zandian aka Golamreza Zandianjazi, aka Gholam Reza Zandian
24 aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka Ghononreza Zandian Jazi ("Zandian")
25 serve responses to the following Requests for Admission within thirty (30) days of service
26 hereof. These Requests are considered continuing and therefore Zandian is required to
27 supplement his responses whenever Zandian obtains different or additional knowledge,
28 information or belief relative to the Requests for Admissions.

1 **I. DEFINITIONS**

2 A. As used in these Interrogatories, unless otherwise specified, the terms "Zandian,"
3 "you," or "your" refers to Reza Zandian aka Golamreza Zandianjazi, aka Gholam Reza
4 Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka Ghononreza Zandian Jazi and any
5 other aka.

6 B. As used in these Requests, the terms "document," "documents," or "documentation"
7 refer to any and all tangible items or sources of information within the meaning of Rule 34 of
8 the Nevada Rules of Civil Procedure, whether original or non-identical copies of such items, in
9 both final and draft form, of every kind and nature whatsoever, that are within your
10 possession, custody or control, or that are known by you to exist. The terms "document" or
11 "documents" include, but are not limited to, all correspondence, memoranda, records, notes,
12 drafts, proposals, minutes of meetings, books, papers, drawings, telegrams, logs, diaries,
13 computer printouts, computations, ledgers, journals, purchase orders, bills of lading, invoices,
14 vouchers, checks, books of original entry and other books or records; all studies, analyses, or
15 other valuative or interpretive reports; recordings or memoranda of conversations, or any other
16 written, printed, typewritten or other graphic or photographic matter or tangible thing on which
17 any information is affixed; all mechanical, electronic, sound or video recordings or transcripts
18 thereof; all other magnetic recordings or matter existing in any other machine readable form;
19 and all information capable of being retrieved from a computer.

20 C. As used in these Requests, the terms "communicate" or "communications" refer to
21 all conversations, messages, correspondence, or contacts between any persons, whether in
22 person, in writing, by telephone, or by any other means.

23 D. As used in these Requests, the terms "person" or "persons" refer to all individuals,
24 associations, partnerships, corporations, and any other business entities.

25 **II. GUIDELINES**

26 1. Each matter is admitted unless, within 30 days after service of this request,
27 Zandian serves a written answer or objection addressed to the matter.
28

1 2. If objection is made, the reasons therefor shall be stated. The answer shall
2 specifically deny the matter or set forth in detail the reasons why Zandian cannot truthfully
3 admit or deny the matter. A denial shall fairly meet the substance of the requested admission,
4 and when good faith requires that Zandian qualify an answer or deny only a part of the matter
5 of which an admission is requested, it shall specify so much of it as is true and qualify or deny
6 the remainder.

7 3. Zandian may not give lack of information or knowledge as a reason for failure
8 to admit or deny unless he states that he has made reasonable inquiry and that information
9 known or readily obtainable by him is insufficient to enable him to admit or deny.
10

11 4. If Zandian does not admit an item, he shall:

12 (a) Produce to Plaintiff all documents concerning the requested admission
13 in his possession, custody or control;

14 (b) State, with particularity, the factual basis upon which his response is
15 based; and

16 (c) Identify each and every person with knowledge of the requested
17 admission.
18

19 5. These requests for admissions are continuing. Zandian shall promptly supply
20 by way of supplemental responses any and all additional information that may become known
21 prior to any hearing in or trial of this action.
22

23 **III. REQUESTS**

24 **REQUEST FOR ADMISSION NO. 1:**

25 Admit that on December 5, 2007, you signed and filed the assignment of patent
26 numbers 5,566,073, 5,904,724, 6,377,436 and 5,978,488 (the “patents”) with the United States
27 Patent Office, as attached hereto as Exhibit A.

28 **REQUEST FOR ADMISSION NO. 2:**

1 Admit that you falsely represented to the United States Patent Office that “Jed
2 Margolin based on a Power of Attorney dated July 20, 2004 to: Optima Technology
3 Corporation (CA)” was conveying its rights to the patents to Optima Technology Corporation
4 (NV). See Exhibit A.

5 **REQUEST FOR ADMISSION NO. 3:**

6 Admit that you knew when you submitted the assignment of the patents on December
7 5, 2007 that you did not have the power or the authority to assign the patents to Optima
8 Technology Corporation (NV) and therefore you knew your representation to the United States
9 Patent Office was false.

10 **REQUEST FOR ADMISSION NO. 4:**

11 Admit that when you filed the assignment for the patents on December 5, 2007 that
12 you intended to fraudulently induce the United States Patent Office to record the assignment of
13 the patents.

14 **REQUEST FOR ADMISSION NO. 5:**

15 Admit that by fraudulently signing and filing the assignment of the patents with the
16 United States Patent Office on December 5, 2007, you wrongfully exerted dominion over the
17 patents and thereby knowingly deprived Jed Margolin of his rights and use of the patents.

18 **REQUEST FOR ADMISSION NO. 6:**

19 Admit that you knew you were unjustified in signing and filing the assignment of the
20 patents with the United States Patent Office on December 5, 2007.

21 **REQUEST FOR ADMISSION NO. 7:**

22 Admit that you knew that by filing the December 5, 2007 patents’ assignment with the
23 United States Patent Office that you would interfere with Jed Margolin’s patent rights,
24 including the royalties due to him under the patents.

25 **REQUEST FOR ADMISSION NO. 8:**

26 Admit that at the time you signed and filed the assignment of patents with the United
27 States Patent Office on December 5, 2007, you knew Jed Margolin had a valid contract with
28

1 Optima Technology Group where Optima Technology Group promised to pay Jed Margolin
2 patent royalties to Jed Margolin based on the license of the 5,566,073 and 5,904,724 patents.

3 **REQUEST FOR ADMISSION NO. 9:**

4 Admit intentionally filed the assignment of the patents on December 5, 2007 with the
5 United States Patent Office with the intent and design to disrupt and interfere with the
6 contractual relationship that Jed Margolin had with Optima Technology Group.

7 **REQUEST FOR ADMISSION NO. 10:**

8 Admit that you were aware of Jed Margolin's prospective business relations with
9 licensees of the patents.

10 **REQUEST FOR ADMISSION NO. 11:**

11 Admit that you purposely, willfully and improperly attempted to induce Jed Margolin's
12 prospective licensees to refrain from engaging in business with Jed Margolin.

13 **REQUEST FOR ADMISSION NO. 12:**

14 Admit that on and after December 5, 2007 you purposely, willfully and improperly
15 induced Jed Margolin's prospective licensees to refrain from engaging in business with Jed
16 Margolin.

17 **REQUEST FOR ADMISSION NO. 13:**

18 Admit that on December 5, 2007 you wrongfully obtained record title to the patents,
19 without any justification.

20 **REQUEST FOR ADMISSION NO. 14:**

21 Admit that on December 5, 2007 you knew and were aware that record title to the
22 patents was valuable and that there were benefits to be derived from having record title.

23 **REQUEST FOR ADMISSION NO. 15:**

24 Admit that you unjustly benefitted from the use of the patents, which were the property
25 of Jed Margolin, and you did not compensate Jed Margolin for such wrongful use.

26 **REQUEST FOR ADMISSION NO. 16:**

27 Admit that by filing the December 5, 2007 assignment of the patents that you
28 knowingly and intentionally interfered with the business relationships of Jed Margolin without

1 any consent or authority from Jed Margolin.

2 **REQUEST FOR ADMISSION NO. 17:**

3 Admit that you intentionally interfered with and disrupted Jed Margolin's contract with
4 Optima Technology Group.

5 **REQUEST FOR ADMISSION NO. 18:**

6 Admit that you knowingly and intentionally made false representations to the United
7 States Patent Office regarding the assignment of the patents on December 5, 2007 and
8 therefore you knowingly and willfully committed unfair and deceptive trade practices under
9 NRS 598.0915 et seq.

10 **AFFIRMATION PURSUANT TO NRS 239B.030**

11 The undersigned does hereby affirm that the preceding document does not contain the
12 social security number of any person.

13
14 DATED: July 16, 2012

WATSON ROUNDS

15
16 BY: /s/ Adam McMillen
17 Matthew D. Francis (6978)
18 Adam P. McMillen (10678)
19 5371 Kietzke Lane
20 Reno, NV 89511
21 Telephone: 775-324-4100
22 Facsimile: 775-333-8171
23 *Attorneys for Plaintiff Jed Margolin*
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Watson Rounds, and that on this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true and correct copy of the foregoing document, **Plaintiff's First Set of Requests for Admissions to Reza Zandian**, addressed as follows:

Reza Zandian
8775 Costa Verde Blvd.
San Diego, CA 92122

Dated: July 16, 2012

15/

Carla Ousby

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Exhibit 4

Exhibit 4

September 10, 2012

MICHAEL D. ROUNDS¹
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Reply to: Reno 1

Reza Zandian
8775 Costa Verde Blvd.
San Diego, CA 92122

Re: *Margolin v. Zandian, et al.*
First Judicial District Court, Case No. 090C00579 1B

Dear Mr. Zandian:

On July 16, 2012, we served you with Plaintiff's First Set of Requests for Admission. Your responses to those requests were due on or before August 20, 2012. However, you have not yet responded. "The sanction for failure to serve timely answers or objections to requests for admissions is that all matters in the request are deemed admitted." *Wagner v. Carex Investigations & Sec. Inc.*, 93 Nev. 627, 630, 572 P.2d 921, 923 (1977).

Also, on July 16, 2012, we served you with Plaintiff's First Set of Interrogatories. Since you did not respond to the interrogatories, any objections to the interrogatories are deemed waived. *See* NRCp 33(b)(4). In addition, as the requesting party, we "may seek an order compelling discovery if the other party 'fails to answer an interrogatory submitted under Rule 33.'" *United States v. Parker*, 2:08-CV-01200-LDG, 2011 WL 5325475 (D. Nev. 2011) (*citing* Rule 37(a)(3)(B)(iii)). "An evasive or incomplete response must be treated as a failure to respond." *Id.* (*citing* Rule 37(a)(4)).

Also, on July 16, 2012, we served you with Plaintiff's First Set of Requests for Production of Documents. You did not respond to these requests either. "Rule 34 permits each party to serve the opposing party with document requests, and states that the party 'to whom the request is directed must respond in writing within 30 days after being served,' unless the parties stipulate or the court permits a shorter or longer time period." *Haddad v. Interstate Mgmt. Co., LLC*, 2:11-CV-01265-PMP, 2012 WL 398764 (D. Nev. 2012) (*citing* Fed. R. Civ. P. 34(a) and (b)(2)(A)). "If a party fails to file timely objections to [discovery] requests, such failure constitutes a waiver of any objections which a party might have to the requests." *Ramirez v. County of Los Angeles*, 231 F.R.D. 407, 409 (C.D. Cal. 2005) (*quoting* *Krewson v. City of Quincy*, 120 F.R.D. 6, 7 (D. Mass 1988)); *see also Richmark Corp v. Timber Falling Consultants*, 959 F.2d 1468, 1473 (9th Cir. 1992) (holding that the "failure to object to



Reza Zandian
September 10, 2012
Page 2

discovery requests within the time required constitutes a waiver of any objection.").

It is hereby demanded that you respond, without objection, to the requests for admissions, the requests to produce documents (including the actual production of documents), and the interrogatories no later than September 17, 2012. If you do not provide proper responses to these requests by September 17, 2012, we will be forced to immediately file a motion to compel such responses. *See* Rule 37(a)(3)(B)(iii) and (iv).

Please call me with any questions.

Sincerely,

Adam P. McMillen

WATSON ROUNDS
A Professional Corporation