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IN THE SUPREME COURT OF THE STATE OF NEVADA

REZA ZANDIAN A/K/A/ GOLAMREZA
ZANDIANJAZI A/K/A GHOLAM REZA
ZANDIAN A/K/A REZA JAZI A/K/A J.
REZA JAZI, A/K/A/ G. REZA JAZI
A/K/A/ GHONOREZA ZANDIAN JAZI,
AN INDIVIDUAL,

Appellant,

vs.

JED MARGOLIN, AN INDIVIDUAL,

Respondent.

Nevada Supreme Court

Case No. 65205

Electronically Filed
District Court Case No. 090C00579TB
Nov 17 2014 04:51 p.m.

Facie K. Lindeman
Clerk of Supreme Court

Appeal from the First Judicial District Court of the State of Nevada
In and For Carson City
The Honorable James T. Russell, District Judge

**RESPONDENT'S APPENDIX
Volume I of II**

Matthew D. Francis
Nevada Bar No. 6978
Adam P. McMillen
Nevada Bar No. 10678
WATSON ROUNDS
5371 Kietzke Lane
Reno, NV 89511
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Attorneys for Respondent Jed Margolin

1 **ALPHABETICAL INDEX TO**
2 **RESPONDENT'S APPENDIX**

3 ***REZA ZANDIANA aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA***
4 ***ZANDIAN aka REZA ZANDIAN aka J. REZA aka G. REZA JAZI aka***
5 ***GHONOREZA ZANDIAN JAZI, an individual,***

6 ***Appellant,***

7 **vs.**

8 ***JED MARGOLIN, an individual,***

9 ***Respondent.***

10 **Nevada Supreme Court Case Number: 65205**

DOCUMENT	DATE	VOLUME	PAGE(S)
Amended Order Allowing Service by Publication	Sept. 27, 2011	I	158-159
Application for Default Judgment	Feb. 28, 2011	I	1-11
Declaration of Cassandra P. Joseph in Support of Application for Default Judgment	Feb. 28, 2011	I	12-52
Declaration of Jed Margolin in Support of Application for Default Judgment	Feb. 28, 2011	I	53-96
Default Judgment	Mar. 1, 2011	I	97-98
Motion for Judgment Debtor Examination and to Produce Documents	Dec. 11, 2013	II	364-413
Motion to Serve by Publication	Aug. 11, 2011	I	105-157
Notice of Entry of Default Judgment	Mar. 7, 2011	I	99-104
Notice of Entry of Default Judgment	June 27, 2013	II	358-363
Opposition to Motion to Dismiss	Dec. 5, 2011	I & II	160-349
Order Granting Plaintiff's Motion for Debtor Examination and to Produce Documents	Jan. 13, 2014	II	414-417
Reply to Opposition to Motion to Dismiss	Dec. 13, 2011	II	350-357

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Dated this 17th day of November, 2014.

WATSON ROUNDS, P.C.

/s/ Adam P. McMillen
Matthew D. Francis, Esq.
Nevada Bar No. 6978
Adam P. McMillen, Esq.
Nevada Bar No. 10678
5371 Kietzke Lane
Reno, NV 89511
Attorneys for Respondent

CERTIFICATE OF MAILING

Pursuant to NRAP 25(1), I hereby certify that I am an employee of the Law Offices of WATSON ROUNDS and that on this date a true copy of the foregoing RESPONDENT’S APPENDIX VOLUME I, by Nevada Supreme Court CM/ECF Electronic Filing addressed to each of the following:

Jason D. Woodbury
Severin A. Carlson
Kaempfer Crowell
510 West Fourth Street
Carson City, Nevada 89703

DATED: This 17th day of November, 2014.

/s/ Nancy R. Lindsley
An Employee of Watson Rounds

1 Matthew D. Francis (6978)
Cassandra P. Joseph (9845)
WATSON ROUNDS
2 5371 Kietzke Lane
Reno, NV 89511
3 Telephone: 775-324-4100
Facsimile: 775-333-8171
4 *Attorneys for Plaintiff Jed Margolin*

REC'D & FILED
2011 FEB 28 PM 4:45
ALAN GLOVER
BY ~~M. KALE~~ CLERK
DEPUTY

5
6
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,
a California corporation, OPTIMA
14 TECHNOLOGY CORPORATION, a Nevada
corporation, REZA ZANDIAN aka
15 GOLAMREZA
ZANDIANJAZI aka GHOLAM REZA
16 ZANDIAN
aka REZA JAZI aka J. REZA JAZI aka G. REZA
17 JAZI aka GHONONREZA ZANDIAN JAZI,
an individual, DOE Companies
18 1-10, DOE Corporations 11-20, and DOE
19 Individuals 21-30,

20 Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

**APPLICATION FOR DEFAULT
JUDGMENT; MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT THEREOF**

21
22 Plaintiff Jed Margolin hereby applies for a default judgment pursuant to NRC
23 55(b)(2) against Defendants Reza Zandian ("Zandian"), Optima Technology Corporation, a
24 Nevada corporation, and Optima Technology Corporation, a California corporation. This
25 Application is based on the following Memorandum of Points and Authorities and all
26 pleadings, motions, and papers on file herein.

27 ///

28 ///

1 Based on the following arguments and evidence, Plaintiff requests that the Court enter
2 judgment in his favor, and against Defendants, in the manner set forth in the Attached Default
3 Judgment. Alternatively, in the event the Court is unwilling to grant the requested relief and
4 enter the attached Default Judgment in Plaintiff's favor, Plaintiff respectfully requests that oral
5 argument be heard on this matter.

6 **MEMORANDUM OF POINTS AND AUTHORITIES**

7 **I. FACTUAL BACKGROUND**

8 Plaintiff Jed Margolin is the named inventor on numerous patents and patent
9 applications, including United States Patent No. 5,566,073 ("the '073 Patent"), United States
10 Patent No. 5,904,724 ("the '724 Patent"), United States Patent No. 5,978,488 ("the '488
11 Patent") and United States Patent No. 6,377,436 ("the '436 Patent") (collectively "the
12 Patents"). See Complaint, ¶ 9. Mr. Margolin is the legal owner and owner of record for the
13 '488 and '436 Patents, and has never assigned those patents. *Id.*, ¶ 10. In July 2004, Mr.
14 Margolin granted to Optima Technology Group ("OTG"), a Cayman Islands Corporation
15 specializing in aerospace technology, a Power of Attorney regarding the '073 and '724
16 Patents. *Id.*, ¶ 11. Subsequently, Mr. Margolin assigned the '073 and '724 Patents to OTG.
17 *Id.* ¶ 13. In exchange for the Power of Attorney and later Assignment, OTG agreed to pay Mr.
18 Margolin royalties based on OTG's licensing of the '073 and '724 Patents. *Id.*

19 In May 2006, OTG and Mr. Margolin licensed the '073 and '724 Patents to Geneva
20 Aerospace, Inc., and Mr. Margolin received a royalty payment pursuant to the royalty
21 agreement between Mr. Margolin and OTG. *Id.*, ¶ 12. In about October 2007, OTG licensed
22 the '073 Patent to Honeywell International, Inc., and Mr. Margolin received a royalty payment
23 pursuant to the royalty agreement between Mr. Margolin and OTG. *Id.*, ¶ 14.

24 On about December 12, 2007, Defendant Zandian filed with the U.S. Patent and
25 Trademark Office ("USPTO") fraudulent assignment documents allegedly assigning all four of
26 the Patents to Optima Technology Corporation ("OTC"), a company apparently owned by
27 Defendant Zandian. *Id.*, ¶ 15. Upon discovery of the fraudulent filing, Mr. Margolin: (a) filed
28 a report with the Storey County Sheriff's Department; (b) took action to regain record title to

1 Zandian on December 2, 2010, and Plaintiff filed and served a Notice of Entry of Default on
2 Defendant Zandian on December 7, 2010 and on his last known attorney on December 16,
3 2010. *Id.*, ¶ 4, Exhibit B.

4 The answers of Defendants Optima Technology Corporation, a Nevada corporation,
5 and Optima Technology Corporation, a California corporation, were due on March 8, 2010,
6 but Defendants have not answered the Complaint or responded in any way. Joseph Decl., ¶¶
7 2-3, Exhibit A. Default was entered against Defendants Optima Technology Corporation, a
8 Nevada corporation, and Optima Technology Corporation, a California corporation on
9 December 2, 2010, and Plaintiff filed and served a Notice of Entry of Default on the corporate
10 entities on December 7, 2010 and on their last known attorney on December 16, 2010. *Id.*, ¶ 4,
11 Exhibit B.

12 III. ARGUMENT

13 NRCP 55(b)(2) allows a party to apply to the Court for a default judgment. As set
14 forth above, Defendants were properly served with Plaintiff's Complaint, but have failed to
15 answer or otherwise respond. *See supra.* As a result, all of the averments in Plaintiff's
16 Complaint, other than those as to the amount of damage, are admitted. NRCP 8(d). As set
17 forth herein, Plaintiff has stated claims for relief for each of his alternative causes of action,
18 and has presented admissible evidence on the amount of damages he has incurred as a result of
19 Defendants' various tortious actions. *See supra.*; *see* Complaint, ¶¶ 9-43; Margolin Decl., ¶ 4,
20 Exhibit C. As such, Plaintiff respectfully requests that judgment be entered in the manner set
21 forth in the proposed Default Judgment filed and served herewith.

22 Defendants' tortious actions discussed in detail below support Plaintiff's claims for
23 relief and provide the basis for Plaintiff's damages.

24 **A. MR. MARGOLIN HAS PROVIDED ADMISSIBLE EVIDENCE TO** 25 **SUPPORT HIS CLAIM FOR CONVERSION**

26 Conversion is "a distinct act of dominion wrongfully exerted over another's personal
27 property in denial of, or inconsistent with his title or rights therein or in derogation, exclusion,
28 or defiance of such title or rights." *Evans v. Dean Witter Reynolds, Inc.*, 116 Nev. 598, 606

1 (2002), quoting *Wantz v. Redfield*, 74 Nev. 196, 198 (1958)). Further, conversion is an act of
2 general intent, which does not require wrongful intent and is not excused by care, good faith,
3 or lack of knowledge. *Id.*, citing *Bader v. Cerri*, 96 Nev. 352, 357 n. 1 (1980). Conversion
4 applies to intangible property to the same extent it applies to tangible property. *See M.C.*
5 *Multi-Family Development, L.L.C. v. Crestdale Associates, Ltd.*, 193 P.3d 536 (Nev. 2008),
6 citing *Kremen v. Cohen*, 337 F.3d 1024, 1030 (9th Cir.2003)(expressly rejecting the rigid
7 limitation that personal property must be tangible in order to be the subject of a conversion
8 claim).

9 When a conversion causes “a serious interference to a party's rights in his property ...
10 the injured party should receive full compensation for his actual losses.” *Winchell v. Schiff*,
11 193 P.3d 946, 950-951 (2008), quoting *Bader*, 96 Nev. at 356, overruled on other grounds by
12 *Evans*, 116 Nev. at 608, 611. The return of the property converted does not nullify the
13 conversion. *Bader*, 96 Nev. at 356.

14 As set forth in the Complaint, Mr. Margolin owned the ‘488 and ‘436 Patents, and had
15 a royalty interest in the ‘073 and ‘724 Patents. Complaint, ¶¶ 9-13. Defendants filed false
16 assignment documents with the USPTO in order to gain dominion over the Patents. *Id.*, ¶15;
17 Margolin Decl., Exhibit B. Defendants failed to pay Mr. Margolin for interfering with his
18 property rights in the Patents. *Id.* Defendants’ retention of Mr. Margolin’s Patents is
19 inconsistent with his ownership interest therein and defied his legal rights thereto. *Id.* As a
20 direct and proximate result of Defendants’ conversion of Mr. Margolin’s Patents, Mr.
21 Margolin has suffered damages in the amount of \$90,000, which is the amount Mr. Margolin
22 paid in attorneys’ fees in the Arizona Action where the Court ordered that the USPTO correct
23 record title to the Patents (plus pre-judgment interest and costs – discussed below). Margolin
24 Decl., ¶ 4, Exhibit C.

25 Mr. Margolin has stated a claim for conversion and presented evidence to support that
26 claim and resulting damages. As a result, default judgment is warranted on at least this claim.

27 ///

28 ///

1 **B. MR. MARGOLIN HAS PROVIDED ADMISSIBLE EVIDENCE TO**
2 **SUPPORT HIS CLAIMS FOR TORTIOUS INTERFERENCE**

3 "In Nevada, an action for intentional interference with contract requires: (1) a valid and
4 existing contract; (2) the defendant's knowledge of the contract; (3) intentional acts intended or
5 designed to disrupt the contractual relationship; (4) actual disruption of the contract; and (5)
6 resulting damage." *J.J. Indus., L.L.C. v. Bennett*, 119 Nev. 269, 274 (2003), citing *Sutherland*
7 *v. Gross*, 105 Nev. 192, 772 P.2d 1287, 1290 (1989)). "At the heart of [an intentional
8 interference] action is whether Plaintiff has proved intentional acts by Defendant intended or
9 designed to disrupt Plaintiff's contractual relations...." *Nat. Right to Life P.A. Com. v. Friends*
10 *of Bryan*, 741 F.Supp. 807, 814 (D.Nev. 1990).

11 Here, the facts alleged in the Complaint and admitted by Defendants prove that
12 Defendants intentionally interfered with Mr. Margolin's contract with OTG for the payment of
13 royalties by filing false assignment documents with the USPTO. Complaint, ¶¶ 26-30.
14 Because the loss of title to the Patents prevented Mr. Margolin and OTG from licensing the
15 Patents, no royalties were paid. The illegal act of filing "forged, invalid [and] void"
16 documents with the USPTO support that Defendants had the requisite intent to interfere with
17 Mr. Margolin's contract to collect royalties. *See* Margolin Decl., Exhibit B. As a direct and
18 proximate result of Defendants' interference of Mr. Margolin's contract with OTG, Mr.
19 Margolin has suffered damages in the amount of at least \$90,000, which is the amount Mr.
20 Margolin paid in attorneys' fees in the Arizona Action where the Court ordered that the
21 USPTO correct record title to the Patents (plus pre-judgment interest and costs – discussed
22 below). Margolin Decl., ¶ 4, Exhibit C.

23 Interference with prospective economic advantage requires a showing of the following
24 elements: 1) a prospective contractual relationship between the plaintiff and a third party; 2)
25 the defendant's knowledge of this prospective relationship; 3) the intent to harm the plaintiff
26 by preventing the relationship; 4) the absence of privilege or justification by the defendant;
27 and, 5) actual harm to the plaintiff as a result of the defendant's conduct. *Leavitt v. Leisure*
28 *Sports Incorporation*, 103 Nev. 81, 88 (Nev. 1987).

1 As alleged in the Complaint, Mr. Margolin and OTG had already licensed the '073 and
2 '724 Patents and were engaging in negotiations with other prospective licensees of the Patents
3 when Defendants filed the fraudulent assignment documents with the USPTO with the intent
4 to disrupt the prospective business. Complaint, ¶¶ 32-35. As a result of Defendants' acts, Mr.
5 Margolin's prospective business relationships were disrupted and Mr. Margolin has suffered
6 damages in the amount of \$90,000, which was the amount Mr. Margolin paid in attorneys'
7 fees in the Arizona Action where the Court ordered that the USPTO correct record title to the
8 Patents (plus pre-judgment interest and costs – discussed below). Margolin Decl., ¶ 4, Exhibit
9 C.

10 Mr. Margolin has stated claims for tortious interference and presented evidence to
11 support the claims and resulting damages. As a result, default judgment is appropriate on at
12 least these claims.

13 **C. MR. MARGOLIN HAS PROVIDED ADMISSIBLE EVIDENCE TO**
14 **SUPPORT HIS CLAIM FOR UNJUST ENRICHMENT**

15 Unjust enrichment is the unjust retention of a benefit to the loss of another, or the
16 retention of money or property of another against the fundamental principles of justice or
17 equity and good conscience. *Mainor v. Nault*, 120 Nev. 750, 763 (Nev. 2004);
18 *Nevada Industrial Dev. V. Benedetti*, 103 Nev. 360, 363 n. 2 (1987). The essential elements of
19 a claim for unjust enrichment are a benefit conferred on the defendant by the plaintiff,
20 appreciation of the defendant of such benefit, and acceptance and retention by the defendant of
21 such benefit. *Topaz Mutual Co., Inc. v. Marsh*, 108 Nev. 845, 856 (1992), quoting
22 *Unionamerica Mtg. v. McDonald*, 97 Nev. 210, 212 (1981).

23 As set forth above and in the Complaint, Mr. Margolin conferred a benefit on
24 Defendants when Defendants took record title of the Patents. *See* Complaint, ¶ 15.
25 Defendants retained this benefit for approximately eight months and failed to provide any
26 payment for title to the Patents *Id.* As a direct result of Defendants' unjust retention of the
27 benefit conferred on them by Mr. Margolin, Mr. Margolin has suffered damages in the amount
28 of \$90,000, which is the amount Mr. Margolin spent on attorneys' fees in the Arizona Action

1 where the Court ordered that the USPTO correct record title to the Patents (plus pre-judgment
2 interest and costs – discussed below). Margolin Decl., ¶ 4, Exhibit C.

3 Mr. Margolin has stated a claim for unjust enrichment and presented evidence to
4 support that claim and the resulting damages. As a result, default judgment is warranted on at
5 least this claim.

6
7 **D. MR. MARGOLIN HAS PROVIDED ADMISSIBLE EVIDENCE TO
SUPPORT HIS CLAIM FOR UNFAIR TRADE PRACTICES**

8 Under N.R.S. § 598.0915, knowingly making a false representation as to affiliation,
9 connection, association with another person, or knowingly making a false representation in the
10 course of business constitutes unfair trade practices. *Id.* By filing a fraudulent assignment
11 document with the USPTO, Defendants knowingly made a false representation to the USPTO
12 that Mr. Margolin and OTG had assigned the Patents to Defendants. *See Complaint*, ¶¶ 15,
13 42-43. As a result of Defendants false representation, Mr. Margolin was deprived of his
14 ownership interests in the Patents for a period of approximately eight months.

15 The United States District Court for the District of Arizona ruled that OTC had no
16 interest in the '073 or '724 Patents, and that the assignment documents Defendants filed with
17 the USPTO were “forged, invalid, void, of no force and effect.” Margolin Decl., Exhibit B.
18 Accordingly, Mr. Margolin has stated a claim for deceptive trade practices and has presented
19 evidence to support that claim and the resulting damages in the amount of \$90,000, which was
20 the amount Mr. Margolin paid in attorneys’ fees in the Arizona Action where the Court
21 ordered that the USPTO correct record title to the Patents (plus pre-judgment interest and costs
22 – discussed below). Margolin Decl., ¶ 4, Exhibit C. As such, default judgment is warranted
23 on at least this claim.

24 **E. MR. MARGOLIN IS ENTITLED TO PREJUDGMENT INTEREST**

25 NRS 99.040(1) provides, in pertinent part:

26
27 When there is no express contract in writing fixing a different rate of interest,
28 interest must be allowed at a rate equal to the prime rate at the largest bank in
Nevada, as ascertained by the Commissioner of Financial Institutions, on

1 January 1, or July 1, as the case may be, immediately preceding the date of the
transaction, plus 2 percent, upon all money from the time it becomes due....

2 *Id.*

3 In Nevada, the prejudgment interest rate on an award is the rate in effect at the time the
4 contract between the parties was signed. *Kerala Properties, Inc. v. Familian*, 122 Nev. 601,
5 604 (2006). As set forth above, Defendants committed the tortious acts on December 12,
6 2007. *See supra*. The controlling interest rate as of July 1, 2007 was 8.25%. Joseph Decl., ¶
7 6, Exhibit D. As a result, the proper interest rate for calculating prejudgment interest is
8 10.25%. *Id.*; NRS 99.040.

9 As of December 12, 2007, the amount of at least \$90,000 was due and owing to Mr.
10 Margolin. Margolin Decl., ¶ 4, Exhibit C. As a result, that amount has been due and owing
11 for at least 1,158 days (December 12, 2007 to February 25, 2011). The prejudgment interest
12 amount is therefore \$29,267 (.1025 x 1,158 days x \$90,000 divided by 365). Joseph Decl., ¶
13 6, Exhibit D.

14 **F. MR. MARGOLIN IS ENTITLED TO COSTS**

15 NRS §§18.020 provides, in pertinent part:

16
17 Costs must be allowed of course to the prevailing party against any adverse party
18 against whom judgment is rendered, in the following cases: 1) in an action for the
19 recovery of real property or a possessory right thereto; 2) in an action to recover the
20 possession of personal property, where the value of the property amounts to more
than \$2,500. The value must be determined by the jury, court or master by whom
the action is tried; 3) in an action for the recovery of money or damages, where the
plaintiff seeks to recover more than \$2,500.

21 *Id.*

22 If the Court grants this Application, Mr. Margolin will be the prevailing party under
23 NRS §§18.020 and will therefore be entitled to costs thereunder. As discussed herein and in
24 the Complaint, Mr. Margolin is seeking to recover the value of property valued in excess of
25 \$2,500 as well as money and damages in the amount of \$90,000.

26 To date, Mr. Margolin has incurred costs in the amount of \$2,327.46. Joseph Decl., ¶
27 5, Exhibit C. When the amount of compensatory damages is combined with prejudgment
28 interest and costs, the total requested judgment figure is \$121,594.46. *See supra*. Mr.

1 Margolin requests that judgment be entered in his favor, and against Defendants, in this
2 amount.

3 **IV. CONCLUSION**

4 In light of the foregoing, Plaintiff's Application for Default Judgment should be
5 granted, and the attached Default Judgment should be entered.

6
7 **AFFIRMATION PURSUANT TO NRS 239B.030**

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

10
11 Dated this 28th day of February, 2011.

12
13 BY: 

14 Matthew D. Francis (6978)
15 Cassandra P. Joseph (9845)
16 WATSON ROUNDS
17 5371 Kietzke Lane
18 Reno, NV 89511
19 Telephone: 775-324-4100
20 Facsimile: 775-333-8171
21 *Attorneys for Plaintiff Jed Margolin*

CERTIFICATE OF SERVICE

1 Pursuant to NRCP 5(b), I certify that I am an employee of Watson Rounds, and that on
2 this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true
3 and correct copy of the foregoing document, **Application for Default Judgment** and the
4 **(Proposed) Default Judgment**, addressed as follows:
5

6 John Peter Lee
7 John Peter Lee, Ltd.
8 830 Las Vegas Blvd. South
9 Las Vegas, NV 89101

10 Reza Zandian
11 8401 Bonita Downs Road
12 Fair Oaks, CA 95628

13 Optima Technology Corp.
14 A California corporation
15 8401 Bonita Downs Road
16 Fair Oaks, CA 95628

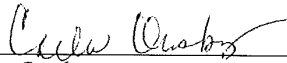
17 Optima Technology Corp.
18 A Nevada corporation
19 8401 Bonita Downs Road
20 Fair Oaks, CA 95628

21 Reza Zandian
22 8775 Costa Verde Blvd. #501
23 San Diego, CA 92122

24 Optima Technology Corp.
25 A California corporation
26 8775 Costa Verde Blvd. #501
27 San Diego, CA 92122

28 Optima Technology Corp.
A Nevada corporation
8775 Costa Verde Blvd. #501
San Diego, CA 92122

Dated: February 28, 2011



Carla Ousby

1 Matthew D. Francis (6978)
2 Cassandra P. Joseph (9845)
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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M. KALE
BY _____ CLERK
DEPUTY

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In The First Judicial District Court of the State of Nevada
In and for Carson City

10 JED MARGOLIN, an individual,
11
12 Plaintiff,

12 vs.

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

23 Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

**DECLARATION OF CASSANDRA P.
JOSEPH IN SUPPORT OF
APPLICATION FOR DEFAULT
JUDGMENT**

21 I, Cassandra P. Joseph do hereby declare and state as follows:

22 1. I am a partner at the law firm of Watson Rounds located at 5371 Kietzke Lane,
23 Reno, Nevada 89511. This declaration is based upon my personal knowledge, and is made in
24 support of Plaintiff's Application for Default Judgment.

25 2. The Complaint in this action was filed on December 11, 2009, and was
26 personally served upon Defendant Reza Zandian ("Zandian") on February 2, 2010 and on
27 Defendants Optima Technology Corporation, a Nevada corporation, and Optima Technology
28 Corporation, a California corporation on March 21, 2010. True and correct copies of the

1 Affidavits of Service are attached hereto as Exhibit A.

2 3. Answers to the Complaint were due on February 22, 2010 and March 8, 2010,
3 but Defendants have not answered the Complaint or responded in any way.

4 4. Default was entered against Defendants on December 2, 2010. Plaintiff filed
5 and served a Notice of Entry of Default for each defendant on December 7, 2010. Plaintiff
6 served the Application for Default and the Notice of Entry of Default for each defendant on
7 Defendants' last known attorney on December 16, 2010. A true and correct copy of each
8 Notice of Entry of Default is attached hereto as Exhibit B.

9 5. To date, Plaintiff has incurred billed and unbilled costs in the amount of
10 \$2,327.46. A true and correct copy of a printout from the Watson Rounds Also client ledger
11 is attached hereto as Exhibit C. As a result, the total amount of costs incurred in this action to
12 date total \$2,327.46.

13 6. Attached hereto as Exhibit D is a true and correct printout from
14 <http://www.moneycafe.com/library/primerate.htm> showing the prime interest rates from 2001-
15 2011. The prime interest rate as of June 1, 2007 was 8.25%.

16 7. I declare under penalty of perjury that the foregoing is true and correct to the
17 best of my knowledge.

18
19 Dated this 28th day of February, 2011.

20 By: 

CASSANDRA P. JOSEPH

21
22
23
24
25
26
27
28

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, **DECLARATION OF CASSANDRA P.**
5 **JOSEPH IN SUPPORT OF APPLICATION FOR DEFAULT JUDGMENT**, addressed as
6 follows:

7
8 John Peter Lee
9 John Peter Lee, Ltd.
10 830 Las Vegas Blvd. South
11 Las Vegas, NV 89101

12 Reza Zandian
13 8401 Bonita Downs Road
14 Fair Oaks, CA 95628

15 Optima Technology Corp.
16 A California corporation
17 8401 Bonita Downs Road
18 Fair Oaks, CA 95628

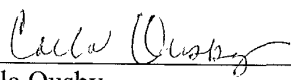
19 Optima Technology Corp.
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28 8775 Costa Verde Blvd. #501
San Diego, CA 92122

Optima Technology Corp.
A Nevada corporation
8775 Costa Verde Blvd. #501
San Diego, CA 92122

27 Dated: February 28, 2011



Carla Ousby

Exhibit A

Exhibit A

COPY

No. 090C00579 1B

Dept. I

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2010 MAR -9 PM 2: 15
ALAN GLOVER
BY J. HANKLER
DEPUTY

In the First Judicial District Court of the State of Nevada
in and for Carson City

SUMMONS

JED MARGOLIN, an individual
Plaintiff,


Optima Technology ^{VS} 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 Defendant, Jazi aka G. Reza Jazi
aka Chononreza Zandian Jazi, an individual, DOE Companies
1-10, DOE Corporations 11-20, and DOE Individuals 21-30
DEFENDANTS

THE STATE OF NEVADA SENDS GREETINGS TO THE ABOVE-NAMED DEFENDANT:

NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT: A civil Complaint has been filed by the plaintiff against you.

1. If you wish to defend this lawsuit, you must, within 20 days after this Summons is served on you, exclusive of the day of service, file with this Court a written pleading in response to this Complaint.
2. Unless you respond, your default will be entered upon application of the plaintiff, and this Court may enter a judgment against you for the relief demanded in the Complaint*, which could result in the taking of money or property or the relief requested in the Complaint.
3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. You are required to serve your response upon plaintiff's attorney, whose address is

ALAN GLOVER
Clerk of Court
By  Deputy Clerk

Date December 15, 2009, 20

*Note - When service by publication, insert a brief statement of the object of the action. See Rule 4.

RETURN OF SERVICE ON REVERSE SIDE

AFFIDAVIT OF SERVICE
(For General Use)

STATE OF CALIFORNIA }
COUNTY OF SACRAMENTO } SS.

ROBERT TOTH, declares under penalty of perjury:
That affiant is, and was on the day when he served the within Summons, over 18 years of age, and not a party to, nor interested in, the within action; that the affiant received the Summons on the 22nd day of JANUARY, 20 10, and personally served the same upon REZA ZANDIAN the within named defendant, on the 2nd day of FEBRUARY, 20 10, by delivering to the said defendant, personally, in FAIR OAKS, County of SACRAMENTO, State of CALIFORNIA, a copy of the Summons attached to a copy of the Complaint.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed this 12TH day of FEBRUARY, 20 10. Robert Toth
Signature of person making service

STATE OF NEVADA }
CARSON CITY } SS.

NEVADA SHERIFF'S RETURN
(For Use of Sheriff of Carson City)

I hereby certify and return that I received the within Summons on the _____ day of _____, 20 ____; and personally served the same upon _____, the within named defendant, on the _____ day of _____, 20 ____, by delivering to the said defendant, personally, in Carson City, State of Nevada, a copy of the Summons attached to a copy of the Complaint.

Sheriff of Carson City, Nevada

Date: _____, 20 ____ By _____ Deputy

STATE OF NEVADA }
COUNTY OF _____ } SS.

AFFIDAVIT OF MAILING
(For Use When Service is by Publication and Mailing)

_____, declares under penalty of perjury:
That affiant is, and was when the herein described mailing took place, over 18 years of age, and not a party to, nor interested in, the within action; that on the _____ day of _____, 20 ____, affiant deposited in the Post Office at _____, Nevada, a copy of the within Summons attached to a copy of the Complaint, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to _____, the within named defendant, at _____; that there is a regular communication by mail between the place of mailing and the place so addressed.
I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed this _____ day of _____, 20 ____.

NOTE - If service is made in any manner permitted by Rule 4 other than personally upon the defendant, or is made outside the United States, a special affidavit or return must be made

1 Jed Margolin v. Optima Technology Corp., et al.
2 Case No. 090C00579 IB
3 Declaration of Robert Toth

4 I, ROBERT TOTH, hereby declare:

5 I am a registered process server for the State of California. I have personal knowledge of
6 the facts contained in this Declaration, and if called as a witness, I could and would competently
7 testify thereto. As to those matters alleged on information and belief, I believe them to be true.

8 I served copies of the Summons and Complaint, on Reza Zandian aka Golamreza
9 Zandianjaza, aka Gholam Reza Zandian, aka Reza Jazi, aka J. Reza Jazi, aka G. Reza Jazi, aka
10 Ghonoureza Zanian Jazi:

11 On January 26, 2010 at 8:43 a.m., I wen to the residence address at 8401 Bonita Downs
12 Road, Fair Oaks, California 95628. There was no answer at the door.

13 On January 28, 2010 at 3:47 p.m., I returned to the residence again, and there was no
14 answer at the door.


15 On January 31, 2010 at 4:13 p.m., I went the residence address, and again there was no
16 answer at the door.

17 On February 2, 2010 at 5:37 p.m., when I returned to the residence address, I observed no
18 lights on, no cars parked, but that the trash was set out.

19 On February 2, 2010 at 7:21 p.m., I returned to the residence address. The door was
20 answered by an elderly man, described as mid to late-60's, middle eastern accent, 5'4" tall, grey
21 hair, long beard, thin, and wearing glasses. I told him I was looking for Reza. I showed him the
22 name on the documents with the various names, and made a motion that he knew one or more of
23 the names. I showed him the photograph that I had. I told him I had legal documents for Reza,
24 and that I would leave it with him. He took the envelope, opened it and saw the documents. He
25 told me that he did not want the papers and that he did not live there. I told him that we had
26 confirmed that was his address. He returned the envelope back. I told him that he needed to
27 make sure that Reza got the paperwork. I put the envelope by the doorway. He picked up the
28 envelope and threw it at me as I was leaving. I left the documents there and again told him that
he had been served for Reza.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration is executed this 18th day of February, at Citrus Heights, California.



ROBERT M. TOTH
Registered Process Server

~~ORIGINAL~~
COPY

No. 090C00579 1B

Dept. 1

REC'D & FILED
2010 MAR 26 PM 1:40
ALAN GLOVER
BY ~~C. GLOVER~~
DEPUTY CLERK

In the First Judicial District Court of the State of Nevada
in and for Carson City

add'l
SUMMONS

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 Defendant, Jazi aka G. Reza Jazi
aka Chononreza Zandian Jazi, an individual, DOE Companies
1-10, DOE Corporations 11-20, and DOE Individuals 21-30.

THE STATE OF NEVADA SENDS GREETINGS TO THE ABOVE-NAMED DEFENDANT: Optima
TEchnology Corporation, a California Corporation

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING
HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

TO THE DEFENDANT: A civil Complaint has been filed by the plaintiff against you.

1. If you wish to defend this lawsuit, you must, within 20 days after this Summons is served on you, exclusive of the day of service, file with this Court a written pleading in response to this Complaint.
2. Unless you respond, your default will be entered upon application of the plaintiff, and this Court may enter a judgment against you for the relief demanded in the Complaint*, which could result in the taking of money or property or the relief requested in the Complaint.
3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. You are required to serve your response upon plaintiff's attorney, whose address is

ALAN GLOVER

Clerk of Court

By *M. Margolin*
Deputy Clerk

Date March 9, 20 10

*Note - When service by publication, insert a brief statement of the object of the action. See Rule 4.

RETURN OF SERVICE ON REVERSE SIDE

AFFIDAVIT OF SERVICE
(For General Use)

STATE OF CALIFORNIA }
COUNTY OF SACRAMENTO } SS.

I SHAWN SARDIA, declares under penalty of perjury:
That affiant is, and was on the day when he served the within Summons, over 18 years of age, and not a party to, nor interested in, the within action; that the affiant received the Summons on the 19th 20th 5th day of MARCH, 20 10, and personally served the same upon REZA ZANDIAN, AGENT FOR SERVICE OF PROCESS the within named defendant, on the 21st day of MARCH, 20 10, by delivering to the said defendant, personally, in FAIR OAKS, County of SACRAMENTO, State of CALIFORNIA, a copy of the Summons attached to a copy of the Complaint.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed this 23rd day of MARCH, 20 10. Shawn I Sardia # SAC 2008-5
Signature of person making service

STATE OF NEVADA }
CARSON CITY } SS.

NEVADA SHERIFF'S RETURN
(For Use of Sheriff of Carson City)

I hereby certify and return that I received the within Summons on the _____ day of _____, 20 ____; and personally served the same upon _____, the within named defendant, on the _____ day of _____, 20 ____, by delivering to the said defendant, personally, in Carson City, State of Nevada, a copy of the Summons attached to a copy of the Complaint.

Sheriff of Carson City, Nevada

Date: _____, 20 ____ By _____ Deputy

STATE OF NEVADA }
COUNTY OF _____ } SS.

AFFIDAVIT OF MAILING
(For Use When Service is by Publication and Mailing)

_____, declares under penalty of perjury:
That affiant is, and was when the herein described mailing took place, over 18 years of age, and not a party to, nor interested in, the within action; that on the _____ day of _____, 20 ____, affiant deposited in the Post Office at _____, Nevada, a copy of the within Summons attached to a copy of the Complaint, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to _____, the within named defendant, at _____; that there is a regular communication by mail between the place of mailing and the place so addressed.
I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed this _____ day of _____, 20 ____.

NOTE - If service is made in any manner permitted by Rule 4 other than personally upon the defendant, or is made outside the United States, a special affidavit or return must be made

1 Jed Margolin v. Optima Technology Corporation, et al.
2 Case No. 090C0500679 1B
3 Declaration of Robert Toth

4 I, ROBERT TOTH, hereby declare:

5 I am a registered process server for the State of California. I have personal knowledge of
6 the facts contained in this Declaration, and if called as a witness, I could and would competently
7 testify thereto. As to those matters alleged on information and belief, I believe them to be true.


8 I attempted service of copies of the Summons, Complaint and Order on Reza Zandian,
9 agent for process of service for Optima Technoloy Corp, a California Corp and Optima
10 Technology Corp, A Nevada Corp., as follows:

11 On March 19, 2010 at 4:12 p.m., I went to the residence address at 8401 Bonita Downs
12 Road Fair Oaks, 95628. There was no answer at the door.

13 On March 20, 2010 at 12:07 p.m. There was no answer at the door.

14 At that time, I turned over the documents to an associated, Shawn Sardia.

15 I declare under penalty of perjury under the laws of the State of California that the
16 foregoing is true and correct, and that this declaration is executed this 23rd day of March, at
17 Citrus Heights, California.

18 
19 _____
20 ROBERT M. TOTH
21 Registered Process Server
22 Sacramento #2000-28
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1 Jed Margolin v. Optima Technology Corporation, et al.
Case No. 090C0500679 1B
2 Declaration of Shawn Sardia

3 I, SHAWN SARDIA, hereby declare:

4 I am a registered process server for the State of California. I have personal knowledge of
5 the facts contained in this Declaration, and if called as a witness, I could and would competently
6 testify thereto. As to those matters alleged on information and belief, I believe them to be true.

7 I served copies of the Summons, Complaint and Order on Reza Zandian, agent for
8 process of service for Optima Technoloy Corp, a California Corp and Optima Technology Corp,
9 A Nevada Corp., as follows:

10 On March 20, 2010 at 10:14 a.m., I went to the residence located at 8401 Bonita Downs
11 Road, Fair Oaks, CA 95628. There was no answer at the door.

12 On March 21, 2010 at 9:45 a.m. I returned to the residence. There was no answer at the
13 door.

14 On March 21, 2010 at 6:45 p.m. I returned to the resident's address. The door was
15 answered by an elderly man, described as mid to late-60's, middle eastern accent, 5'4" tall, grey
16 hair, long beard, thin, wearing glasses and is the subject's father. I told him I had legal documents
17 for Reza Zandian, and that I would leave it with him. He told me he did not want the papers. I put
18 the envelope by the doorway and told him he had been served for Reza. He closed the door.

19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct, and that this declaration is executed this 23rd day of March, at
21 Citrus Heights, California.

22 
23 SHAWN SARDIA
24 Registered Process Server
25 Sacramento #2008-5
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No. 090C00579 1B

Dept. 1

COPY

REC'D & FILED
2010 MAR 26 PM 1:40
ALAN GLOVER
BY C. COOPER CLERK

In the First Judicial District Court of the State of Nevada
in and for Carson City

SUMMONS

JED MARGOLIN, an individual

Plaintiff,

vs.

Optima Technology Corporation, a California corporation,
Optima Technology Corporation, a Nevada corporation, Reza
Zandian aka Gohamreza Zandianjazi aka Gholam Reza Zandian
aka Reza Jazi aka J. Rez Defendant, Jazi aka G. Reza Jazi
aka Chononreza Zandian Jazi, an individual, DOE Companies
1-10, DOE Corporations 11-20, and DOE Individuals 21-30.

THE STATE OF NEVADA SENDS GREETINGS TO THE ABOVE-NAMED DEFENDANT: Optima
Technology Corporation, a Nevada Corporation

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING
HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

TO THE DEFENDANT: A civil Complaint has been filed by the plaintiff against you.

1. If you wish to defend this lawsuit, you must, within 20 days after this Summons is served on you, exclusive of the day of service, file with this Court a written pleading in response to this Complaint.
2. Unless you respond, your default will be entered upon application of the plaintiff, and this Court may enter a judgment against you for the relief demanded in the Complaint*, which could result in the taking of money or property or the relief requested in the Complaint.
3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. You are required to serve your response upon plaintiff's attorney, whose address is

ALAN GLOVER

Clerk of Court

By Margolina

Deputy Clerk

Date March 9, 20 10

*Note - When service by publication, insert a brief statement of the object of the action. See Rule 4.

RETURN OF SERVICE ON REVERSE SIDE

AFFIDAVIT OF SERVICE
(For General Use)

STATE OF CALIFORNIA }
COUNTY OF SACRAMENTO } SS.

I SHAWN SARDIA, declares under penalty of perjury:
That affiant is, and was on the day when he served the within Summons, over 18 years of age, and not a party to, nor interested in, the within action; that the affiant received the Summons on the 19th 20th 3rd day of MARCH, 2010, and personally served the same upon PEZA ZANDIAN, AGENT FOR SERVICE OF PROCESS the within named defendant, on the 21st day of MARCH, 2010, by delivering to the said defendant, personally, in FAIROAKS, County of SACRAMENTO, State of CALIFORNIA, a copy of the Summons attached to a copy of the Complaint.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed this 23rd day of MARCH, 2010. Shawn F SARDIA # SAC 2008-5
Signature of person making service

STATE OF NEVADA }
CARSON CITY } SS.

NEVADA SHERIFF'S RETURN
(For Use of Sheriff of Carson City)

I hereby certify and return that I received the within Summons on the _____ day of _____, 20____, and personally served the same upon _____, the within named defendant, on the _____ day of _____, 20____, by delivering to the said defendant, personally, in Carson City, State of Nevada, a copy of the Summons attached to a copy of the Complaint.

Sheriff of Carson City, Nevada

Date: _____, 20____ By _____ Deputy

STATE OF NEVADA }
COUNTY OF _____ } SS.

AFFIDAVIT OF MAILING
(For Use When Service is by Publication and Mailing)

_____, declares under penalty of perjury:
That affiant is, and was when the herein described mailing took place, over 18 years of age, and not a party to, nor interested in, the within action; that on the _____ day of _____, 20____, affiant deposited in the Post Office at _____, Nevada, a copy of the within Summons attached to a copy of the Complaint, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to _____, the within named defendant, at _____; that there is a regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed this _____ day of _____, 20____.

NOTE - If service is made in any manner permitted by Rule 4 other than personally upon the defendant, or is made outside the United States, a special affidavit or return must be made.

1 Jed Margolin v. Optima Technology Corporation, et al.
2 Case No. 090C0500679 1B
3 Declaration of Robert Toth

4 I, ROBERT TOTH, hereby declare:

5 I am a registered process server for the State of California. I have personal knowledge of
6 the facts contained in this Declaration, and if called as a witness, I could and would competently
7 testify thereto. As to those matters alleged on information and belief, I believe them to be true.

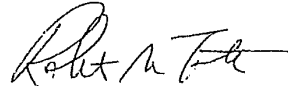
8 I attempted service of copies of the Summons, Complaint and Order on Reza Zandian,
9 agent for process of service for Optima Technoloy Corp, a California Corp and Optima
10 Technology Corp, A Nevada Corp., as follows:

11 On March 19, 2010 at 4:12 p.m., I went to the residence address at 8401 Bonita Downs
12 Road Fair Oaks, 95628. There was no answer at the door.

13 On March 20, 2010 at 12:07 p.m. There was no answer at the door.

14 On March 19, 2010 I turned over a copy of the documents to an associate, Shawn Sardia.

15 I declare under penalty of perjury under the laws of the State of California that the
16 foregoing is true and correct, and that this declaration is executed this 23rd day of March, at
17 Citrus Heights, California.



18 ROBERT M. TOTH
19 Registered Process Server
20 Sacramento #2000-28
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1 Jed Margolin v. Optima Technology Corporation, et al.
2 Case No. 090C0500679 1B
3 Declaration of Shawn Sardia

4 I, SHAWN SARDIA, hereby declare:

5 I am a registered process server for the State of California. I have personal knowledge of
6 the facts contained in this Declaration, and if called as a witness, I could and would competently
7 testify thereto. As to those matters alleged on information and belief, I believe them to be true.

8 I served copies of the Summons, Complaint and Order on Reza Zandian, agent for
9 process of service for Optima Technology Corp, a California Corp and Optima Technology Corp,
10 A Nevada Corp., as follows:

11 On March 20, 2010 at 10:14 a.m., I went to the residence located at 8401 Bonita Downs
12 Road, Fair Oaks, CA 95628. There was no answer at the door.

13 On March 21, 2010 at 9:45 a.m. I returned to the residence. There was no answer at the
14 door.

15 On March 21, 2010 at 6:45 p.m. I returned to the resident's address. The door was
16 answered by an elderly man, described as mid to late-60's, middle eastern accent, 5'4" tall, grey
17 hair, long beard, thin, wearing glasses and is the subject's father. I told him I had legal documents
18 for Reza Zandian, and that I would leave it with him. He told me he did not want the papers. I put
19 the envelope by the doorway and told him he had been served for Reza. He closed the door.

20 I declare under penalty of perjury under the laws of the State of California that the
21 foregoing is true and correct, and that this declaration is executed this 23rd day of March, at
22 Citrus Heights, California.

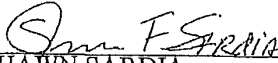
23 
24 SHAWN SARDIA
25 Registered Process Server
26 Sacramento #2008-5
27
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Exhibit B

Exhibit B

1 Matthew D. Francis (6978)
2 Cassandra P. Joseph (9845)
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

REC'D & FILED
2010 DEC -7 PM 2:15
ACICLOPER
CLERK

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

11 JED MARGOLIN, an individual,
12 Plaintiff,
13 vs.
14 OPTIMA TECHNOLOGY CORPORATION,
15 a California corporation, OPTIMA
16 TECHNOLOGY CORPORATION, a Nevada
17 corporation, REZA ZANDIAN aka
18 GOLAMREZA
19 ZANDIANJAZI aka GHOLAM REZA
20 ZANDIAN
21 aka REZA JAZI aka J. REZA JAZI aka G. REZA
22 JAZI aka GHONONREZA ZANDIAN JAZI,
23 an individual, DOE Companies
24 1-10, DOE Corporations 11-20, and DOE
25 Individuals 21-30,
26 Defendants.

Case No.: 090C00579 1B
Dept. No.: 1

NOTICE OF ENTRY OF DEFAULT

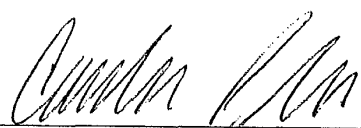
27 To all parties and their counsel of record:

28 Please take notice that the Default as to Optima Technology Corporation, a Nevada corporation, attached hereto as Exhibit 1 was filed in the above-titled Court on December 2, 2010.

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1 Dated this 6th day of December, 2010.

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BY: 

Matthew D. Francis (6978)
Cassandra P. Joseph (9845)
WATSON ROUNDS
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, **NOTICE OF ENTRY OF DEFAULT**, addressed as follows:

Reza Zandian
8401 Bonita Downs Road
Fair Oaks, CA 95628

Optima Technology Corp.
A California corporation
8401 Bonita Downs Road
Fair Oaks, CA 95628

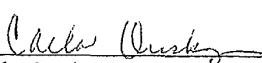
Optima Technology Corp.
A Nevada corporation
8401 Bonita Downs Road
Fair Oaks, CA 95628

Reza Zandian
8775 Costa Verde Blvd. #501
San Diego, CA 92122

Optima Technology Corp.
A California corporation
8775 Costa Verde Blvd. #501
San Diego, CA 92122

Optima Technology Corp.
A Nevada corporation
8775 Costa Verde Blvd. #501
San Diego, CA 92122

Dated: December 6, 2010



Carla Ousby

Exhibit 1

Exhibit 1

1 Matthew D. Francis (6978)
2 Cassandra P. Joseph (9845)
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

REC'D & FILED
2010 DEC -2 PM 1:17
ALAN GLOVER
BY C. COOPER
DEPUTY CLERK

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

11 **JED MARGOLIN, an individual,**
12 **Plaintiff,**
13 **vs.**
14 **OPTIMA TECHNOLOGY CORPORATION,**
15 **a California corporation, et al.**
16 **Defendants.**

17 **Case No.: 090C00579 1B**
18 **Dept. No.: 1**
19 **DEFAULT**

20 It appearing that Optima Technology Corporation (a Nevada corporation),
21 the defendant herein is in default for failure to plead or otherwise defend as required by law.

22 DEFAULT is hereby entered against said defendant this 2 day of
23 December, 20 10.

24 ALAN GLOVER, Clerk

25 By: C. COOPER, Deputy

1 Matthew D. Francis (6978)
2 Cassandra P. Joseph (9845)
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*

REC'D & FILED
2010 DEC -7 PM 2:15
ALAN GLOVER
PAC. COOPERATIVE EDW

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

9 JED MARGOLIN, an individual,
10
11 Plaintiff,
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13 vs.
14
15 OPTIMA TECHNOLOGY CORPORATION,
16 a California corporation, OPTIMA
17 TECHNOLOGY CORPORATION, a Nevada
18 corporation, REZA ZANDIAN aka
19 GOLAMREZA
20 ZANDIANJAZI aka GHOLAM REZA
21 ZANDIAN
22 aka REZA JAZI aka J. REZA JAZI aka G. REZA
23 JAZI aka GHONONREZA ZANDIAN JAZI,
24 an individual, DOE Companies
25 1-10, DOE Corporations 11-20, and DOE
26 Individuals 21-30,
27
28 Defendants.

Case No.: 090C00579 1B
Dept. No.: 1

NOTICE OF ENTRY OF DEFAULT

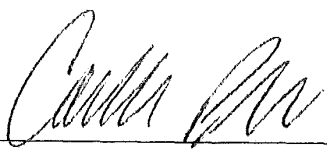
To all parties and their counsel of record:

Please take notice that the Default as to Reza Zandian, attached hereto as Exhibit 1 was filed in the above-titled Court on December 2, 2010.

///
///

1 Dated this 6th day of December, 2010.

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BY: 

Matthew D. Francis (6978)
Cassandra P. Joseph (9845)
WATSON ROUNDS
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, **NOTICE OF ENTRY OF DEFAULT**, addressed as follows:

Reza Zandian
8401 Bonita Downs Road
Fair Oaks, CA 95628

Optima Technology Corp.
A California corporation
8401 Bonita Downs Road
Fair Oaks, CA 95628

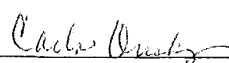
Optima Technology Corp.
A Nevada corporation
8401 Bonita Downs Road
Fair Oaks, CA 95628

Reza Zandian
8775 Costa Verde Blvd. #501
San Diego, CA 92122

Optima Technology Corp.
A California corporation
8775 Costa Verde Blvd. #501
San Diego, CA 92122

Optima Technology Corp.
A Nevada corporation
8775 Costa Verde Blvd. #501
San Diego, CA 92122

Dated: December 6, 2010



Carla Ousby

Exhibit 1

Exhibit 1

1 Matthew D. Francis (6978)
2 Cassandra P. Joseph (9845)
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

REC'D & FILED
2010 DEC -2 PM 1:15
ALAN GLOVER
BY C. COOPER CLERK
DEPUTY

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

11 **JED MARGOLIN, an individual,**

Case No.: 090C00579 1B

12 **Plaintiff,**

Dept. No.: 1

13 vs.

DEFAULT

14 **OPTIMA TECHNOLOGY CORPORATION,**
15 **a California corporation, et al.**

16 **Defendants.**

17 It appearing that Reza Zandian
18 the defendant herein is in default for failure to plead or otherwise defend as required by law.

19 DEFAULT is hereby entered against said defendant this 2 day of
20 December, 20 10.

21 ALAN GLOVER, Clerk

22 By: C. COOPER, Deputy
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1 Matthew D. Francis (6978)
2 Cassandra P. Joseph (9845)
3 WATSON ROUNDS
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5 Reno, NV 89511
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7 Facsimile: 775-333-8171
8 *Attorneys for Plaintiff Jed Margolin*

REC'D & FILED
2010 DEC -7 PM 2:15
ALB. COOPER
CLERK

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

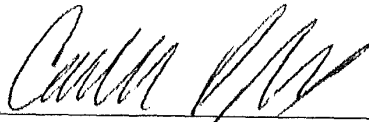
11 JED MARGOLIN, an individual,
12 Plaintiff,
13 vs.
14 OPTIMA TECHNOLOGY CORPORATION,
15 a California corporation, OPTIMA
16 TECHNOLOGY CORPORATION, a Nevada
17 corporation, REZA ZANDIAN aka
18 GOLAMREZA
19 ZANDIANJAZI aka GHOLAM REZA
20 ZANDIAN
21 aka REZA JAZI aka J. REZA JAZI aka G. REZA
22 JAZI aka GHONONREZA ZANDIAN JAZI,
23 an individual, DOE Companies
24 1-10, DOE Corporations 11-20, and DOE
25 Individuals 21-30,
26 Defendants.

Case No.: 090C00579 1B
Dept. No.: 1

NOTICE OF ENTRY OF DEFAULT

27 To all parties and their counsel of record:
28 Please take notice that the Default as to Optima Technology Corporation, a California
corporation, attached hereto as Exhibit 1 was filed in the above-titled Court on December 2,
2010.
///
///

1 Dated this 6th day of December, 2010.
2
3

BY: 

4 Matthew D. Francis (6978)
5 Cassandra P. Joseph (9845)
6 WATSON ROUNDS
7 5371 Kietzke Lane
8 Reno, NV 89511
9 Telephone: 775-324-4100
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11 *Attorneys for Plaintiff Jed Margolin*
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CERTIFICATE OF SERVICE

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Reza Zandian
8401 Bonita Downs Road
Fair Oaks, CA 95628

Optima Technology Corp.
A California corporation
8401 Bonita Downs Road
Fair Oaks, CA 95628

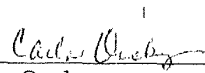
Optima Technology Corp.
A Nevada corporation
8401 Bonita Downs Road
Fair Oaks, CA 95628

Reza Zandian
8775 Costa Verde Blvd. #501
San Diego, CA 92122

Optima Technology Corp.
A California corporation
8775 Costa Verde Blvd. #501
San Diego, CA 92122

Optima Technology Corp.
A Nevada corporation
8775 Costa Verde Blvd. #501
San Diego, CA 92122

Dated: December 6, 2010



Carla Ousby

Exhibit 1

Exhibit 1

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2 Cassandra P. Joseph (9845)
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4 5371 Kietzke Lane
5 Reno, NV 89511
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7 Facsimile: 775-333-8171
8 *Attorneys for Plaintiff Jed Margolin*

REC'D & FILED
2010 DEC -2 PM 1:18
ALAN GLOVER
C. COOPER
BY _____ CLERK
DEPUTY

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

11 **JED MARGOLIN, an individual,**

12 **Plaintiff,**

13 **vs.**

14 **OPTIMA TECHNOLOGY CORPORATION,**
15 **a California corporation, et al.**

16 **Defendants.**

17 **Case No.: 090C00579 1B**

18 **Dept. No.: 1**

19 **DEFAULT**

20 It appearing that Optima Technology Corporation (a California corporation),
21 the defendant herein is in default for failure to plead or otherwise defend as required by law.

22 DEFAULT is hereby entered against said defendant this 2 day of

23 December, 2010.

24 ALAN GLOVER, Clerk

25 By: C. COOPER, Deputy

1 Matthew D. Francis (6978)
2 Cassandra P. Joseph (9845)
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*

REC'D & FILED
2011 FEB 25 AM 11:46
M. KALE
BY _____ CLERK
DEPUTY

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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

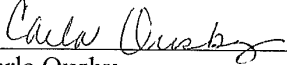
CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Watson Rounds, and that on December 16, 2010, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true and correct copy of each of the following documents: 1) Application for Entry of Default as to Optima Technology Corporation, a California corporation; 2) Application for Entry of Default as to Optima Technology Corporation, a Nevada corporation; 3) Application for Entry of Default as to Reza Zandian; 4) Notice of Entry of Default as to Optima Technology Corporation, a California corporation; 5) Notice of Entry of Default as to Optima

1 Technology Corporation, a Nevada corporation, and 6) Notice of Entry of Default as to Reza
2 Zandian; addressed as follows:

3
4 John Peter Lee
5 John Peter Lee, Ltd.
6 830 Las Vegas Blvd. South
7 Las Vegas, NV 89101

8 Dated: February 25, 2011


Carla Ousby

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CERTIFICATE OF SERVICE

Pursuant to NRC 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, **Certificate of Service**, addressed as follows:

John Peter Lee
John Peter Lee, Ltd.
830 Las Vegas Blvd. South
Las Vegas, NV 89101

Reza Zandian
8401 Bonita Downs Road
Fair Oaks, CA 95628

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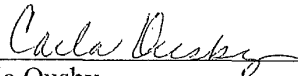
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Optima Technology Corp.
A Nevada corporation
8775 Costa Verde Blvd. #501
San Diego, CA 92122

Dated: February 25, 2011



Carla Ousby

Exhibit C

Exhibit C

Date	Received From/Paid To	Chq#	General	Bld	Trust Activity	
Entry #	Explanation	Rec#	Rcpts Disbs	Inv# Acc	Rcpts Disbs	Balance
5457	Margolin, Jed					
5457.01	Patent theft analysis & litigation				Resp Lawyer: CPJ	
Dec 1/2009	Expense Recovery					
869431	Documents downloaded from Westlaw	13610	9.38	103050		
Dec 4/2009	Billing on Invoice 102713					
868174	FEES 1592.50		0.00	102713		
Dec 10/2009	First District Court					
869673	Complaint filing fee	71165	265.00	103050		
Dec 18/2009	E.S.Q. Services, Inc.					
871259	Service fee	71200	120.00	103050		
Dec 18/2009	Expense Recovery					
872376	FEDEX expense	13654	22.44	103050		
Dec 23/2009	Legal Wings, Inc.					
873024	Process service expense		69.50	103050		
Jan 4/2010	Expense Recovery					
876511	Documents downloaded from Westlaw	13695	197.50	103314		
Jan 6/2010	Billing on Invoice 103050					
874834	FEES 6765.00 DISBS 486.32		0.00	103050		
Jan 31/2010	Expense Recovery					
882035	Litigation documents downloaded from Westlaw	13747	14.18	103314		
Feb 10/2010	Billing on Invoice 103314					
882591	FEES 2545.00 DISBS 211.68		0.00	103314		
Feb 22/2010	Legal Wings, Inc.					
887744	Process service expense		75.00	103889		
Feb 23/2010	Legal Wings, Inc.					
887750	Process service expense		110.00	103889		
Mar 11/2010	Billing on Invoice 103889					
888570	DISBS 185.00		0.00	103889		
Apr 1/2010	Expense Recovery					
895217	Litigation documents downloaded from Westlaw	13914	5.95	104529		
Apr 7/2010	Billing on Invoice 104198					
894487	FEES 1950.00		0.00	104198		
May 7/2010	Billing on Invoice 104529					
901087	FEES 1200.00 DISBS 5.95		0.00	104529		
Jun 10/2010	Billing on Invoice 105061					
907799			0.00	105061		
Jul 8/2010	Billing on Invoice 105335					
913421			0.00	105335		
Jul 30/2010	Expense Recovery					
918373	Litigation documents downloaded from Westlaw	14163	11.37	105883		
Aug 9/2010	Billing on Invoice 105883					
919703	FEES 1035.00 DISBS 11.37		0.00	105883		
Aug 24/2010	Watson Rounds					
922556	Retainer to trust	72542	1046.37	106101		
Aug 24/2010	Billing on Invoice 106101					
922560	DISBS 1046.37 RCPTS 1046.37		0.00	106101		
Aug 31/2010	Expense Recovery					
923779	Airfare expense for Cassandra Joseph	14195	323.40	107000		
Sep 1/2010	Expense Recovery					
924558	Rental car/parking expense for Cassandra Joseph	14231	43.05	107441		
Sep 1/2010	Expense Recovery					
924559	Meal expense for Cassandra Joseph	14231	7.00	107441		
Sep 3/2010	Billing on Invoice 107000					
924804	FEES 1380.00 DISBS 323.40		0.00	107000		
Oct 8/2010	Billing on Invoice 107441					
931678	FEES 1530.00 DISBS 50.05		0.00	107441		
Nov 5/2010	Billing on Invoice 107813					
936861	FEES 480.00		0.00	107813		
Dec 6/2010	Expense Recovery					
942182	Postage	14433	7.32	108855		
Dec 10/2010	Billing on Invoice 108188					
942258	FEES 1800.00		0.00	108188		
Jan 13/2011	Billing on Invoice 108855					
947389	FEES 1145.00 DISBS 7.32		0.00	108855		
Feb 4/2011	Billing on Invoice 109186					
951074			0.00	109186		

TOTALS	CHE	+ RECOV	+ FEES	= TOTAL	DISBS	+ FEES	+ TAX	- RECEIPTS	BALANCES	TRUST
PERIOD	0.00	0.00	1560.00	1560.00	2327.46	21422.50	0.00	23749.96	0.00	5000.00
END DATE	0.00	0.00	1560.00	1560.00	2327.46	21422.50	0.00	23749.96	0.00	5000.00

FIRM TOTAL:	CHE	+ RECOV	+ FEES	= TOTAL	DISBS	+ FEES	+ TAX	- RECEIPTS	BALANCES	TRUST
PERIOD	0.00	0.00	1560.00	1560.00	2327.46	21422.50	0.00	23749.96	0.00	5000.00

Date	Received From/Paid To	Chq#	----- General -----		Fees	Bld -----	Trust Activity		-----	
Entry #	Explanation	Rec#	Rcpts	Disbs		Inv#	Acc	Ropts	Disbs	Balance
END DATE	0.00 0.00	1560.00	1560.00	2327.46	21422.50	0.00	23749.96	0.00		5000.00

REPORT SELECTIONS - Client Ledger

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Advanced Search Filter None
Requested by Kim
Finished Wednesday, February 23, 2011 at 11:22:57 AM
Ver 10.0 SP4 (10.0.20100617)
Matters 5457.01
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Major Clients All
Client Intro Lawyer All
Matter Intro Lawyer All
Responsible Lawyer All
Assigned Lawyer All
Type of Law All
Select From Active, Inactive, Archived Matters
Matters Sort by Default
New Page for Each Lawyer No
New Page for Each Matter No
No Activity Date Dec 31/2199
Firm Totals Only No
Totals Only No
Entries Shown - Billed Only No
Entries Shown - Disbursements Yes
Entries Shown - Receipts No
Entries Shown - Time or Fees No
Entries Shown - Trust No
Incl. Matters with Retainer Bal No
Incl. Matters with Neg Unbld Disb No
Trust Account All
Working Lawyer All
Include Corrected Entries No
Show Check # on Paid Payables No
Show Client Address No
Consolidate Payments No
Show Trust Summary by Account No
Show Interest No
Interest Up To Feb 23/2011
Show Invoices that Payments Were Applied to No
Display Entries in Date Order

Exhibit D

Exhibit D

Allstate Car Insurance
Great Rates on Car Insurance. 24/7
Service, Easy Claim Handling & More
www.allstate.com

Historical Prime Rate
Find more sources/options for what
your looking for
www.webcrawler.com

Today's Prime Rates
Prime, Libor and More Avail Here. Plus
Rates, News, Advice and More.
Bankrate.com/Prime

Today's Average Rates Across the Country

Refinance	Savings / HYSA	CDs	Auto Insurance
Product	Half Avg	Featured	
30 Yr Fixed	5.17%	4.74%	
15 Yr Fixed	4.48%	4.22%	
5/1 ARM	3.83%	3.21%	

Reference Rates provided by **NBS**

- Prime Rate
1 Year Treasury (CMT)
12 Month Treasury Avg (12MTA)
- LIBOR Index
1 Month | 3 Month
6 Month | 1 Year
- 11th District Cost of Funds Index (COFI)
Certificates of Deposit Index (CODI)
Cost of Savings Index (COSI)
- Fed Funds Target Rate
Fed Funds Historical Graph
Prime Rate Historical Graph
- Mortgage Rates
Daily Updates of Dozens of Rates
Comparison Charts

Prime Rate

[Historical Graph](#) | [Historical Chart](#) | [Other Rates/Indexes](#) | [Add this Page to Your Favorites \(click here\)](#)

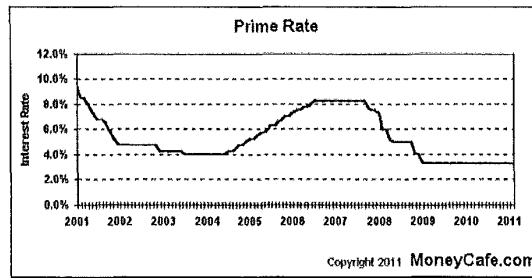
The last reported rate is: **3.25 %** (Effective since December 16, 2008)

[Update January 26, 2011 -- The FOMC kept rates the same at their meeting today. There is no change to the Prime Rate.]

What is the Prime Rate? The Prime Interest Rate is the interest rate charged by banks to their most creditworthy customers (usually the most prominent and stable business customers). The rate is almost always the same amongst major banks. Adjustments to the prime rate are made by banks at the same time; although, the prime rate does not adjust on any regular basis. The Prime Rate is usually adjusted at the same time and in correlation to the adjustments of the **Fed Funds Rate**. The Prime Rate graph and chart reported below are based upon the prime rates on the first day of each respective month over the past decade. Some banks use the name "Reference Rate" or "Base Lending Rate" to refer to their Prime Lending Rate. Publications may refer to the Wall Street Journal Prime Rate or the WSJ Prime Rate in addition to "Prime Rate".

Historical Graph

Click here for the complete historical graph of the [Prime Rate from 1930 to 2011](#).



Historical Chart

Prime Rate											
Month/Day	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Jan 1	9.50%	4.75%	4.25%	4.00%	5.25%	7.25%	8.25%	7.25%	3.25%	3.25%	3.25%
Feb 1	8.50%	4.75%	4.25%	4.00%	5.25%	7.50%	8.25%	6.00%	3.25%	3.25%	3.25%
Mar 1	8.50%	4.75%	4.25%	4.00%	5.50%	7.50%	8.25%	6.00%	3.25%	3.25%	
Apr 1	8.00%	4.75%	4.25%	4.00%	5.75%	7.75%	8.25%	5.25%	3.25%	3.25%	
May 1	7.50%	4.75%	4.25%	4.00%	5.75%	7.75%	8.25%	5.00%	3.25%	3.25%	
Jun 1	7.00%	4.75%	4.25%	4.00%	6.00%	8.00%	8.25%	5.00%	3.25%	3.25%	
Jul 1	6.75%	4.75%	4.00%	4.25%	6.25%	8.25%	8.25%	5.00%	3.25%	3.25%	
Aug 1	6.75%	4.75%	4.00%	4.25%	6.25%	8.25%	8.25%	5.00%	3.25%	3.25%	
Sep 1	6.50%	4.75%	4.00%	4.50%	6.50%	8.25%	8.25%	5.00%	3.25%	3.25%	
Oct 1	6.00%	4.75%	4.00%	4.75%	6.75%	8.25%	7.75%	5.00%	3.25%	3.25%	
Nov 1	5.50%	4.75%	4.00%	4.75%	7.00%	8.25%	7.50%	4.00%	3.25%	3.25%	
Dec 1	5.00%	4.25%	4.00%	5.00%	7.00%	8.25%	7.50%	4.00%	3.25%	3.25%	

Copyright 2011 MoneyCafe.com

Source: Federal Reserve Board

[Click here for complete historical graph of the Prime Rate.](#)

Reasonable efforts are made to maintain accurate information. However, information could contain errors or inaccuracies and is presented without warranty. No liability is assumed for errors or omissions.

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All Rights Reserved.



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4 5371 Kietzke Lane
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8 Attorneys for Plaintiff Jed Margolin

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ALAN CLOVER
BY ~~M. KATZ~~ CLERK

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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 JED MARGOLIN
IN SUPPORT OF APPLICATION FOR
DEFAULT JUDGMENT**

I, Jed Margolin do hereby declare and state as follows:

1. I am the inventor on United States Patent No. 5,566,073 ("the '073 Patent"),
United States Patent No. 5,904,724 ("the '724 Patent"), United States Patent No. 5,978,488
("the '488 Patent") and United States Patent No. 6,377,436 ("the '436 Patent") (collectively
"the Patents").

2. Attached as Exhibit A is a true and correct copy of the Amended Answer,
Counterclaims, Cross-Claims and Third-Party Claims filed in the action captioned *Universal*

1 *Avionics Systems Corporation v. Optima Technology Group, Inc.*, No. CV 07-588-TUC-RCC
2 (the "Arizona Action").

3 3. Attached as Exhibit B is a true and correct copy of the August 18, 2008 Order
4 from the Arizona Action.

5 4. After Defendant Zandian filed the forged and invalid assignment document
6 with the USPTO relating to the Patents, I was forced to spend \$90,000 in attorneys' fees in the
7 Arizona Action where the Court ordered that the USPTO correct record title to the Patents.
8 Attached as Exhibit C are records from my bank showing three transfers of \$30,000. Two
9 transfers went to Optima Technology Group and one transfer went directly to the attorneys
10 representing Optima Technology Group and myself. The three transfers were for the payment
11 of attorneys' fees in the Arizona Action.
12

13 5. I declare under penalty of perjury that the foregoing is true and correct to the
14 best of my knowledge.

15
16 Dated: 2-24-2011

17 By: Jed Margolin
18 JED MARGOLIN

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CERTIFICATE OF SERVICE

Pursuant to NRC P 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, **DECLARATION OF JED MARGOLIN IN SUPPORT OF APPLICATION FOR DEFAULT JUDGMENT**, addressed as follows:

John Peter Lee
John Peter Lee, Ltd.
830 Las Vegas Blvd. South
Las Vegas, NV 89101

Reza Zandian
8401 Bonita Downs Road
Fair Oaks, CA 95628

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A California corporation
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Fair Oaks, CA 95628


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8775 Costa Verde Blvd. #501
San Diego, CA 92122

Dated: February 28, 2011



Carla Ousby

Exhibit A

Exhibit A

1 **CHANDLER & UDALL, LLP**
2 **ATTORNEYS AT LAW**
3 **4801 E. BROADWAY BLVD., SUITE 400**
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Edward Moomjian II, PCC # 65050, SBN 016667
Jeanna Chandler Nash, PCC # 65674, SBN 022384
Attorneys for Defendants Adams, Margolin and Optima Technology Inc. a/k/a Optima
Technology Group, Inc.

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF ARIZONA**

9 UNIVERSAL AVIONICS SYSTEMS
10 CORPORATION,

Plaintiff,

11 vs.

12 OPTIMA TECHNOLOGY GROUP, INC.,
13 OPTIMA TECHNOLOGY CORPORATION,
14 ROBERT ADAMS and JED MARGOLIN,

Defendants

NO. CV-00588-RC

**AMENDED ANSWER,
COUNTERCLAIMS, CROSS-
CLAIMS AND THIRD-PARTY
CLAIMS OF OPTIMA
TECHNOLOGY INC. A/K/A
OPTIMA TECHNOLOGY
GROUP, INC.**

15 OPTIMA TECHNOLOGY INC. a/k/a
16 OPTIMA TECHNOLOGY GROUP, INC., a
17 corporation,

Counterclaimant,

18 vs.

19 UNIVERSAL AVIONICS SYSTEMS
20 CORPORATION, an Arizona corporation,

Counterdefendant

JURY TRIAL DEMANDED

Assigned to: Hon. Raner C. Collins

21 OPTIMA TECHNOLOGY INC. a/k/a
22 OPTIMA TECHNOLOGY GROUP, INC., a
23 corporation,

Cross-Claimant,

24 vs.

25 OPTIMA TECHNOLOGY CORPORATION,
26 a corporation,

Cross-Defendant

1
2 OPTIMA TECHNOLOGY INC. a/k/a
3 OPTIMA TECHNOLOGY GROUP, INC., a
4 corporation,

Third-Party Plaintiff,

5 vs.

6 JOACHIM L. NAIMER and JANE DOE
7 NAIMER, husband and wife; and FRANK E.
8 HUMMEL and JANE DOE HUMMEL,

Third-Party Defendants.

9 Defendant/Counterclaimant/Cross-Claimant/Third-Party Plaintiff Optima Technology
10 Inc. a/k/a Optima Technology Group Inc. (hereinafter "Optima"), by and through undersigned
11 counsel, hereby submits its *Amended Answer* to the Plaintiff's *Complaint* herein, including its
12 *Counterclaims*, *Cross-Claims* and *Third-Party Claims* herein.

13 As stated in Optima's original *Answer*, due to its contemporaneously-filed *Motion to*
14 *Dismiss* asserting that Counts V, VI and VII fail to state a claim against Optima, Optima
15 answers herein the general allegations of the *Complaint*, and those of Counts I-IV, and will
16 amend this *Answer* to answer Counts V, VI and/or VII at such time, and to the extent that, the
17 Court herein denies that *Motion* in whole or in part. *See* Rule 12(a)(4), Fed.R.Civ.P.¹

18 The following paragraphs are in response to the allegations of the correspondingly
19 numbered paragraphs of the *Complaint*:

20 **INTRODUCTORY PARAGRAPH**

21 Deny the allegations of Plaintiff's Introductory Paragraph (page 1 line 19 through page

22
23 ¹ The District of Arizona has adopted the majority view "that even though a pending
24 motion to dismiss may only address some of the claims alleged, the motion to dismiss tolls the
25 time to respond to all claims." *Pestube Systems, Inc. v. Hometeam Pest Defense, LLC.*, 2006
26 WL 1441014 *7 (D.Ariz. 2006). However, because this is an unpublished decision, and only
to avoid any potential dispute with Plaintiff whether a failure to answer the allegations of
Counts I-IV of the *Complaint* (i.e., those claims that are not the subject of the *Motion to*
Dismiss) could be deemed a failure to defend those allegations for purposes of a default,
Optima proceeds to answer those allegations and claims herein.

1 2 line 3 of the *Complaint*).

2 **NATURE OF THE ACTION**

3 1. Admit that the *Complaint* seeks declarations of invalidity and non-infringement
4 of U.S. Patent Nos. 5,566,073 (the “‘073 patent”) and 5,904,724 (the “‘724 patent”).² Admit
5 that the *Complaint* asserts claims for breach of contract, unfair competition and negligent
6 interference. Deny validity of all such assertions and claims. Deny all remaining allegations.

7 **THE PARTIES**

8 2. Deny for lack of knowledge.

9 3. Admit. Affirmatively allege that Optima Technology Group Inc. is also known
10 and has been and does business as Optima Technology Inc.

11 4. Denied. Affirmatively allege that Optima Technology Corporation (hereinafter
12 “OTC”) has no relationship whatsoever to Optima.

13 5. Denied. Affirmatively alleged that Defendant Robert Adams (“Adams”) is the
14 Chief Executive Officer of Optima.

15 6. Denied.

16 7. Denied.

17 **JURISDICTION AND VENUE**

18 8. Admit that the *Complaint* seeks declarations of invalidity and non-infringement
19 of the ‘073 patent and the ‘724 patent, and asserts claims for breach of contract, unfair
20 competition and negligent interference. Deny validity of all such assertions and claims. Deny
21 all remaining allegations.

22 9. Admit that the Court has original jurisdiction over Counts I-IV of the *Complaint*
23 asserting non-infringement and invalidity of the Patents (although Optima denies the assertions
24 and validity of those claims) as to Defendant Optima. Affirmatively allege that co-Defendant
25

26 ² The ‘073 patent and the ‘724 patent are collectively referred to herein as the “Patents.”

1 OTC, to the extent that it purportedly exists, does not own or have any other interest in the
2 Patents. Deny that the Court has jurisdiction over Counts V, VI and VII of the *Complaint*, and
3 affirmatively allege that Plaintiff lacks Article III standing with respect thereto. Affirmatively
4 allege that Counts V, VI and VII fail to state a claim against Optima as asserted in Optima's
5 *Motion to Dismiss*. Deny that the Court has supplemental jurisdiction over Counts V, VI and
6 VII of the *Complaint*. Deny all remaining allegations.

7 10. Deny.

8 **THE PATENTS-IN-SUIT**

9 11. Admit that the '073 patent is duly and legally issued and is valid. Admit that a
10 copy of the '073 patent is attached as Exhibit 1 to the *Complaint*. Admit the '073 patent was
11 assigned to Optima which is the current owner of the '073 patent. Deny that OTC has any right
12 or interest in the '073 patent. Deny all remaining allegations.

13 12. Admit that the '724 patent is duly and legally issued and is valid. Admit that a
14 copy of the '724 patent is attached as Exhibit 2 to the *Complaint*. Admit the '724 patent was
15 assigned to Optima which is the current owner of the '724 patent. Deny that OTC has any right
16 or interest in the '724 patent. Deny all remaining allegations.

17 13. Admit that Defendant Jed Margolin at one time granted a Power of Attorney to
18 Optima. Admit that a copy of the Power of Attorney is attached as Exhibit 3 to the *Complaint*.
19 Admit that the Power of Attorney appointed "Optima Technology Inc. - Robert Adams, CEO"
20 as Margolin's agent with respect to the Patents. Affirmatively allege that OTC has and had no
21 right or interest under the Power of Attorney. Affirmatively allege that the Power of Attorney
22 was superseded by an assignment of the Patents to Optima prior to the filing of the *Complaint*
23 herein. Affirmatively allege that the Power of Attorney was subsequently revoked and is no
24 longer valid or in force. Deny all remaining allegations.

25 **FACTS**

26 14. Admit that Adams communicated (as CEO of Optima) with Plaintiff's counsel.

1 Affirmatively allege that the text of Exhibit 4 to the *Complaint* speaks for itself. Deny all
2 remaining allegations.

3 15. Admit that Jed Margolin communicated with Adams (as CEO of Optima), and
4 that Adams (as CEO of Optima) communicated with Plaintiff's counsel. Affirmatively allege
5 that the text of Exhibit 5 to the *Complaint* speaks for itself. Deny all remaining allegations.

6 16. Admit. Affirmatively allege that Adams' alleged actions as described in
7 Paragraph 16 of the *Complaint* were in his capacity as CEO of Optima.

8 17. Admit that Plaintiff is/was infringing on the Patents. Admit that Adams (as CEO
9 of Optima) communicated with Plaintiff's counsel. Affirmatively allege that the text of
10 Exhibit 5 to the *Complaint* speaks for itself. Deny all remaining allegations.

11 18. Admit that Adams communicated (as CEO of Optima) with Plaintiff and its
12 counsel. Admit that Plaintiff is/was infringing on the Patents. Affirmatively allege that the text
13 of Exhibit 5 to the *Complaint* speaks for itself. Deny all remaining allegations.

14 19. Admit that Adams communicated (as CEO of Optima) with Plaintiff and its
15 counsel. Admit that Plaintiff is/was infringing on the Patents. Deny all remaining allegations.

16 20. Admit that Adams communicated (as CEO of Optima) with Plaintiff and its
17 counsel. Affirmatively allege that the text of Exhibit 6 to the *Complaint* speaks for itself.
18 Deny all remaining allegations.

19 21. Admit that Adams communicated (as CEO of Optima) with Plaintiff and its
20 counsel. Affirmatively allege that the text of Exhibit 7 to the *Complaint* speaks for itself.
21 Deny all remaining allegations.

22 22. Admit. Affirmatively allege that Adams' alleged actions as described in
23 Paragraph 22 of the *Complaint* were in his capacity as CEO of Optima.

24 23. Admit. Affirmatively allege that the text of Exhibit 8 to the *Complaint* speaks
25 for itself. Affirmatively allege that Plaintiff, through its actions, has waived its rights under
26 Exhibit 8 to the *Complaint*.

1 24. Affirmatively allege that the text of Exhibit 9 to the *Complaint* speaks for itself.
2 Deny all remaining allegations.

3 25. Admit second sentence of Paragraph 25 of the *Complaint* to the extent it asserts
4 that the following persons attended the meeting on behalf of Plaintiff: Donald Berlin, Andria
5 Poe, Paul DeHerrera, Frank Hummel, Michael P. Delgado, and Scott Bornstein. Deny all
6 remaining allegations.

7 26. Admit that Adams communicated (as CEO of Optima) with Plaintiff and its
8 counsel. Deny all remaining allegations.

9 27. Admit that Adams communicated (as CEO of Optima) with Plaintiff and its
10 counsel. Deny all remaining allegations.

11 28. Deny.

12 29. Admit that Jed Margolin communicated with Plaintiff. Deny all remaining
13 allegations.

14 30. Admit that OTC, which is upon information and belief owned and controlled by
15 Reza Zandian a/k/a Gholamreza Zandianjazi, may have been involved in filing numerous
16 and/or frivolous state court lawsuits. Deny all remaining allegations. Affirmatively allege that
17 OTC, and any such lawsuits, are completely unrelated to Optima.

18 31. Admit that Adams communicated (as CEO of Optima) with Plaintiff and its
19 counsel. Affirmatively allege that the text of Exhibit 10 to the *Complaint* speaks for itself.
20 Deny all remaining allegations.

21 32. Deny for lack of knowledge.

22 33. Deny Plaintiff's "conclusion" for lack of knowledge. Deny all remaining
23 allegations.

24 34. Admit that Adams communicated (as CEO of Optima) with Plaintiff and its
25 counsel. Affirmatively allege that the text of Exhibits 11 and 12 to the *Complaint* speak for
26 themselves. Deny all remaining allegations.

1 Optima hereby reserves the right to amend this *Answer* at any time that discovery, disclosure
2 or additional events reveal the existence of additional affirmative defenses):

3 1. With respect to Counts V, VI and VII of the *Complaint*, Defendant Optima
4 asserts those Rule 12(b)(6) defenses raised in its contemporaneously filed *Motion to Dismiss*
5 including but not limited to: waiver; failure to plead in accordance with the standards
6 expressed under *Bell Atlantic Corp. v. Twombly*, ___ U.S. ___, 127 S.Ct. 1955 (2007); failure
7 to establish Article III standing; lack of jurisdiction; inapplicability of California law to
8 Optima; and failure to establish "unlawful" or "fraudulent" conduct as a predicate act to a claim
9 of California statutory Unfair Competition (California Business and Professions code § 17200
10 *et seq*);

11 2. Laches;

12 3. Waiver; and,

13 4. Estoppel.

14 **JURY TRIAL DEMAND**

15 Defendant Optima demands a jury trial on all claims and issues to be litigated in this
16 matter.

17 **PRAYER FOR RELIEF**

18 WHEREFORE Defendant Optima requests that the Court enter judgment in its favor on
19 Plaintiff's claims, deny Plaintiff any relief herein, grant Optima its attorneys' fees and costs
20 pursuant to applicable law, including but not limited to 35 U.S.C. § 285, and grant Optima such
21 other and further relief as the Court deems reasonable and just.

22 **COUNTERCLAIMS, CROSS-CLAIMS & THIRD-PARTY CLAIMS³**

23 Counterclaimant/Cross-Claimant/Third-Party Plaintiff Optima brings this civil action
24 against Counterdefendant Universal Avionics Systems Corporation ("UAS"), against

25 _____
26 ³ Except where otherwise noted, all capitalized terms herein are as defined in the
foregoing *Amended Answer*.

1 Cross-Defendant Optima Technology Corporation, a corporation ("OTC"), and against
2 Third-Party Defendants Joachim L. Naimer and Jane Doe Naimer, husband and wife, and Frank
3 E. Hummel and Jane Doe Hummel.

4 **THE PARTIES**

- 5 1. Counterclaimant Optima is, and at all times relevant hereto has been, a Delaware
6 corporation engaged in the business of the design, conception and invention of synthetic
7 vision systems. Optima is the owner of the '073 patent and '724 patent.
- 8 2. Counterdefendant UAS is, upon information and belief, an Arizona corporation who is
9 headquartered and does business in Arizona.
- 10 3. Cross-Defendant Optima Technology Corporation ("OTC") is, upon information and
11 belief, a California corporation.
- 12 4. Third-Party Defendants Joachim L. Naimer and Jane Doe Naimer (individually and
13 collectively "Naimer") are, upon information and belief, husband and wife who reside
14 in California. At all times relevant hereto, Naimer was acting for the benefit of his
15 marital community, and was acting as an agent, employee, servant and/or authorized
16 representative of UAS, and within the course and scope of such agency, employment,
17 service and/or representation. Upon information and belief Naimer is the President and
18 Chief Executive Officer of UAS.
- 19 5. Third-Party Defendants Frank E. Hummel and Jane Doe Hummel (individually and
20 collectively "Hummel") are, upon information and belief, husband and wife who reside
21 in Washington. At all times relevant hereto, Hummel was acting for the benefit of his
22 marital community, and was acting as an agent, employee, servant and/or authorized
23 representative of UAS, and within the course and scope of such agency, employment,
24 service and/or representation. Upon information and belief, Hummel is an officer or
25 managing agent of UAS. Upon information and belief, Hummel is the Vice
26 President/General Manager of Engineering Research and Development for UAS.

1 6. Upon information and belief, UAS, Naimer, and Hummel have transacted business in
2 and/or committed one or more acts in Arizona which give rise to the claims herein.

3 **JURISDICTION AND VENUE**

4 7. The statements of all of the foregoing paragraphs are incorporated herein by reference
5 as if fully set forth herein.

6 8. The Counterclaim, Cross-Claim and Third-Party Claim include claims for patent
7 infringement and for declaratory judgment relating to ownership/rights in patents, which
8 arise under the United States Patent Laws, 35 U.S.C. §101 et seq. The amount in
9 controversy is in excess of \$1,000,000.

10 9. Jurisdiction of this Court is pursuant to 28 U.S.C. §§ 1331, 1367, 1338(a) and (b), and
11 2201 *et seq.*

12 **FACTS**

13 10. The statements of all of the foregoing paragraphs are incorporated herein by reference
14 as if fully set forth herein.

15 11. Upon information and belief, with actual and/or constructive knowledge of the Patents
16 UAS has sold and/or manufactured and/or used and/or advertised/promoted one or more
17 products including those products designated by UAS as the Vision-1, UNS-1 and
18 TAWS Terrain and Awareness & Warning systems all of which infringe one or the
19 other of the Patents in suit ("Infringing Products").

20 12. Optima informed UAS that the Infringing Products infringed upon the Patents prior to
21 the filing of the *Complaint* herein. Upon information and belief, despite such
22 notification UAS has continued to sell and/or manufacture and/or use and/or
23 advertise/promote the Infringing Products.

24 13. Upon information and belief:

25 a. Naimer was the moving force who originated UAS's concept of the Infringing
26 Products; and/or

- 1 b. Naimer was and is the Chief Executive Officer of UAS, thereby controlling UAS
2 and its actions, including UAS's decision to create, develop, manufacture,
3 market and sell the Infringing Products; and/or
4 c. Naimer knew and/or should have known of the Patents prior to this lawsuit;
5 and/or
6 d. Naimer knew of Optima's allegations that UAS infringed upon the Patents prior
7 to this lawsuit; and/or
8 e. Naimer knew of UAS's actions in the nature of those described in Paragraphs 25,
9 31 and 33 of the *Complaint* and participated in and/or directed those UAS
10 actions/efforts; and/or
11 f. It was at all times within Naimer's authority and/or ability to stop UAS's
12 continued design, development, manufacturing, marketing and selling of the
13 Infringing Products but, after Naimer knew of the Patents, the allegations that
14 UAS infringed on the Patents and/or UAS's actions in the nature of those
15 described in Paragraphs 25, 31 and 33 of the *Complaint*, he did not stop UAS's
16 continued design, development, manufacturing, marketing and selling of the
17 Infringing Products; and/or
18 g. It was at all times within Naimer's authority and/or ability to direct UAS to
19 redesign, revise and/or redevelop the Infringing Products such that they would
20 no longer infringe on the Patents but, after Naimer knew of the Patents, the
21 allegations that UAS infringed on the Patents and/or UAS's actions in the nature
22 of those described in Paragraphs 25, 31 and 33 of the *Complaint*, he did not
23 direct UAS to redesign, revise and/or redevelop the Infringing Products such that
24 they would no longer infringe on the Patents; and/or
25 h. Naimer has continued to direct UAS's design, development, manufacturing,
26 marketing and selling of the Infringing Products while knowing and/or intending

1 for UAS to infringe on the Patents.

2 14. Upon information and belief:

- 3 a. Hummel was and is the Vice President/General Manager of Engineering
4 Research and Development of UAS, thereby controlling UAS's design,
5 development and/or manufacture of the Infringing Products; and/or
6 b. Hummel was intimately involved in UAS's design and/or development of the
7 Infringing Products; and/or
8 c. Hummel knew and/or should have known of the Patents prior to this lawsuit;
9 and/or
10 d. Hummel knew of Optima's allegations that UAS infringed upon the Patents prior
11 to this lawsuit; and/or
12 e. Hummel knew of UAS's actions in the nature of those described in Paragraphs
13 25, 31 and 33 of the *Complaint* and participated in and/or directed those UAS
14 actions/efforts; and/or
15 f. It was at all times within Hummel's authority and/or ability to stop UAS's
16 continued design, development and/or manufacturing of the Infringing Products
17 but, after Hummel knew of the Patents, the allegations that UAS infringed on the
18 Patents and/or UAS's actions in the nature of those described in Paragraphs 25,
19 31 and 33 of the *Complaint*, he did not stop UAS's continued design,
20 development and/or manufacturing of the Infringing Products; and/or
21 g. It was at all times within Hummel's authority and/or ability to direct UAS to
22 redesign, revise and/or redevelop the Infringing Products such that they would
23 no longer infringe on the Patents but, after Naimer knew of the Patents, the
24 allegations that UAS infringed on the Patents and/or UAS's actions in the nature
25 of those described in Paragraphs 25, 31 and 33 of the *Complaint*, he did not
26 direct UAS to redesign, revise and/or redevelop the Infringing Products such that

1 they would no longer infringe on the Patents; and/or

2 h. Hummel has continued to direct UAS's design, development and/or
3 manufacturing of the Infringing Products while knowing and/or intending for
4 UAS to infringe on the Patents.

5 15. UAS and Optima entered into the contract attached as Exhibit 8 to the *Complaint* herein
6 (hereinafter the "Contract"). Pursuant to and under the terms of the Contract, Optima
7 provided to UAS a confidential power of attorney (hereinafter the "Power of Attorney")
8 that Jed Margolin ("Margolin"), as the inventor and then-owner of the Patents, had
9 previously executed. The Power of Attorney provided, *inter alia*, that Margolin
10 appointed "Optima Technology Inc. - Robert Adams CEO" as his attorney-in-fact with
11 respect to (*inter alia*) the Patents. Under its express terms, the Power of Attorney could
12 only be exercised by "Optima Technology Inc. - Robert Adams CEO" and could only
13 be exercised by a signature in the following form: "Jed Margolin by Optima
14 Technology, Inc., c/o Robert Adams, CEO his attorney in fact." Optima had not and has
15 not at any time placed the Power of Attorney in the public domain or otherwise provided
16 a copy of it, or made it available, to OTC.

17 16. UAS, through its duly authorized agents, employees and/or attorneys, provided the
18 Power of Attorney (or a copy thereof) to OTC principal, director, officer and/or agent
19 Gholamreza Zandianjazi a/k/a Reza Zandian ("Zandian"). As of that time, neither
20 Zandian nor OTC had ever received, been privy to, obtained or had knowledge of the
21 Power of Attorney.

22 17. OTC does not have, and has never had, any right, interest or valid claim to any right,
23 title or interest in or to either the Patents or the Power of Attorney.

24 18. UAS, by and through its authorized agents and attorneys Scott Bornstein ("Bornstein")
25 and/or Greenberg Traurig, LLP ("GT"), informed, directed, advised, assisted,
26 associated, agreed, conspired and/or engaged in a mutual undertaking with

- 1 Zandian/OTC to record the Power of Attorney with the U.S. Patent and Trademark
2 Office (“PTO”) in the name of OTC.
- 3 19. UAS knew or should have known that the Power of Attorney could not be rightfully
4 exercised by OTC/Zandian and/or recorded with the PTO as:
- 5 a. UAS had been advised and/or knew that OTC was a different corporate entity
6 than “Optima Technology, Inc” as listed in the Power of Attorney; and/or
7 b. UAS had been advised and/or knew that “Robert Adams” was not an agent or
8 employee of OTC and, thus, the Power of Attorney could not be rightfully
9 exercised by Zandian on behalf of OTC; and/or
10 c. UAS had been advised and/or knew that OTC had no right or interest whatsoever
11 in the Patents or the Power of Attorney.
- 12 20. Based upon the information, direction, advice and assistance of UAS, Zandian/OTC
13 proceeded to publish and record the Power of Attorney to and with the PTO (in
14 Virginia) as a document in support of a claim of assignment of the Patents to OTC (the
15 “Assignment”). As a result thereof, the Assignment/Power of Attorney have become
16 part of the public PTO record on which the U.S. Patent Office, the public and third
17 parties rely for information regarding title to the Patents.
- 18 21. Robert Adams and Optima did not execute, record or authorize the execution or
19 recording of any documents purporting to assign or transfer title and/or any interest in
20 the Patents to OTC with the PTO.
- 21 22. Upon information and belief, Zandian executed such documents by (*inter alia*) utilizing
22 his signature on behalf of OTC and mis-stating that Zandian/OTC was exercising the
23 Power of Attorney as the “attorney in fact” of Margolin.
- 24 23. Had UAS not provided the Power of Attorney to Zandian/OTC, OTC would not have
25 been able to record it as a purported Assignment with the PTO.
- 26 24. The recording of the Assignment and Power of Attorney with the PTO;

- 1 a. Are circumstances under which reliance upon such recordings by a third person
2 is reasonably foreseeable as the open public records of the PTO are regularly and
3 normally referred to and/or relied upon by persons in determining legal rights
4 with respect to patents (including assignments, transfers of rights and licenses
5 relating thereto), and evaluating such rights with respect to valuation, negotiation
6 and purchase of rights with respect to patents (including assignments, transfers
7 of rights and licenses relating thereto); and/or
8 b. Create a cloud of title, an impairment of vendibility, and/or an appearance of
9 lessened desirability for purchase, lease, license or other dealings with respect
10 to the Patents and/or Power of Attorney; and/or
11 c. Prevent and/or impair sale and/or licensing of the Patents; and/or
12 d. Otherwise impair and/or lessen the value of the Patents and/or any licenses to be
13 issued with respect to them; and/or
14 e. Cast doubt upon the extent of Optima's interests in the Patents and/or under the
15 Power of Attorney relating thereto and/or upon Optima's power to make an
16 effective sale, assignment, license or other transfer of rights relating thereto;
17 and/or
18 f. Caused damage and harm to Optima; and/or
19 g. Reasonably necessitated and/or forced Optima to prepare and record documents
20 with the PTO attempting to correct the public record regarding Optima's rights
21 with respect to the Patents and/or the Power of Attorney for which Optima
22 incurred substantial expenses (attorneys' fees and costs) in the preparation and
23 recording thereof; and/or
24 h. Irrespective of Optima's filings with the PTO, created a continuing cloud of title,
25 impairment of vendibility, etc. (as discussed in the foregoing paragraphs) and
26 continuing harm to Optima reasonably necessitating and forcing Optima to bring

- 1 its declaratory judgment cross-claim against OTC herein to declare and establish
2 true and proper title to the Patents, for which Optima has incurred and will incur
3 substantial expenses (attorneys' fees and costs) in the prosecution thereof.
- 4 25. Upon information and belief, UAS provided additional information to Zandian/OTC
5 regarding, or of the same nature as that discussed in, Paragraph 33 of and Exhibits 14,
6 15 and 17 to the *Complaint* herein.
- 7 26. UAS made the disclosures (*inter alia*) as acknowledged in its *Complaint* herein.
- 8 27. Upon information and belief, UAS also made the disclosures alleged in Paragraph 34
9 of, and in Exhibit 12 attached to, the *Complaint*.
- 10 28. By filing its *Complaint* as part of the open public record in this case, UAS disclosed the
11 content thereof and the Exhibits attached thereto.
- 12 29. The actions of UAS and OTC herein were motivated by spite, malice and/or ill-will
13 toward Optima and were for the purpose of and/or were intended to intermeddle with,
14 interfere with, trespass upon and/or cause harm to Optima's rights in the Patents and/or
15 under the Power of Attorney, and/or with knowledge that such intermeddling,
16 interference, trespass and/or harm was substantially certain to occur.
- 17 30. Upon information and belief, OTC intends to continue to compete, interfere, and/or
18 attempt to compete and/or interfere with Optima regarding the Patents and/or the Power
19 of Attorney. At this time, however, Optima is unaware of any actual attempts yet made
20 by OTC to purportedly license, sell or otherwise transfer rights regarding the Patents
21 under its purported Assignment/Power of Attorney (as recorded with the PTO). If and
22 when Optima becomes aware of such actions, it will timely seek to amend and
23 supplement the Counterclaims, Cross-Claims, Third-Party Claims and/or remedies
24 herein as necessary and applicable.
- 25
- 26

COUNT 1

PATENT INFRINGEMENT

1
2
3 31. The statements of all of the foregoing paragraphs are incorporated herein by reference
4 as if fully set forth herein.

5 32. This is a cause of action for patent infringement under 35 U.S.C. § 271 *et seq.* At all
6 relevant times, UAS had actual and constructive knowledge of the Patents in suit
7 including the scope and claim coverage thereof.

8 33. UAS's aforesaid activities constitute a direct, contributory and/or inducement of
9 infringement of the aforesaid patents in violation of 35 U.S.C. § 271 *et seq.* UAS's
10 aforesaid infringement is and has, at all relevant times, been willful and knowing.

11 34. Naimer and Hummel, through their forgoing actions, actively aided and abetted and
12 knowingly and/or intentionally induced, and specifically intended to induce, UAS's
13 direct infringement despite their knowledge of the Patents.

14 35. Optima has suffered and will continue to suffer immediate and ongoing irreparable and
15 actual harm and monetary damage as a result of UAS's, Naimer's and Hummel's willful
16 patent infringement in an amount to be proven at trial.

17 **COUNT 2**

18 **BREACH OF CONTRACT**

19 36. The statements of all of the foregoing paragraphs are incorporated herein by reference
20 as if fully set forth herein.

21 37. This is a cause of action for breach of contract against UAS pursuant to Arizona law.

22 38. UAS's actions constitute one or more breaches of the contract attached as Exhibit 8 to
23 the *Complaint* herein.

24 39. As a result thereof, Optima has suffered and will continue to suffer immediate and
25 ongoing harm and monetary damage in an amount to be proven at trial.

26

COUNT 3

**BREACH OF THE IMPLIED COVENANT
OF GOOD FAITH AND FAIR DEALING**

- 1
2
3 40. The statements of all of the foregoing paragraphs are incorporated herein by reference
4 as if fully set forth herein.
5 41. This is a cause of action for breach of the implied covenant of good faith and fair
6 dealing against UAS pursuant to Arizona law.
7 42. Under Arizona law, every contract contains an implied covenant of good faith and fair
8 dealing.
9 43. UAS's actions constitute one or more breaches of covenant of good faith and fair
10 dealing present and implied in the contract attached as Exhibit 8 to the *Complaint*
11 herein.
12 44. As a result thereof, Optima has suffered and will continue to suffer immediate and
13 ongoing harm and monetary damage in an amount to be proven at trial.

COUNT 4

NEGLIGENCE

- 14
15
16 45. The statements of all of the foregoing paragraphs are incorporated herein by reference
17 as if fully set forth herein.
18 46. This is an cause of action for negligence against UAS pursuant to the law of New York,
19 Delaware, California, Virginia or Arizona.
20 47. UAS owed a duty of care to Optima as a result of Exhibit 8 to the *Complaint* herein, and
21 the obligations created therein and/or relating thereto.
22 48. UAS breached these duties through its foregoing actions as alleged herein, including but
23 not limited to:
24 a. UAS's inclusion in an openly-accessible public record the allegations of its
25 *Complaint*; and/or
26

1 b. UAS's inclusion in an openly-accessible public record the exhibits attached to
2 the *Complaint*; and/or

3 c. UAS's provision of a copy of the Power of Attorney prior to and/or as a result
4 of UAS's service of the *Complaint* (with Exhibit 3 thereto) upon OTC; and/or

5 d. UAS's informing, directing, advising, assisting and conspiring of/with
6 Zandian/OTC to record the Power of Attorney with the U.S. Patent and
7 Trademark Office ("PTO").

8 49. As a result thereof, Optima has suffered and will continue to suffer immediate and
9 ongoing harm and monetary damage in an amount to be proven at trial.

10 **COUNT 5**

11 **DECLARATORY JUDGMENT**

12 50. The statements of all of the foregoing paragraphs are incorporated herein by reference
13 as if fully set forth herein.

14 51. This is a cause of action for declaratory judgment under 28 U.S.C. § 2201 *et seq* against
15 OTC.

16 52. Optima was at all times relevant hereto the rightful holder of the Power of Attorney and
17 the rightful owner of the Patents.

18 53. By virtue of OTC's recording of the Assignment and Power of Attorney with the PTO,
19 a cloud of title, impairment of vendibility, etc. (as otherwise alleged above) exists with
20 respect to Optima's exclusive ownership rights relating to the Patents and the exclusive
21 rights under the Power of Attorney.

22 54. An actual and live controversy exists between OTC and Optima.

23 55. As a result thereof, Optima requests a declaration of rights with respect to the foregoing,
24 including but not limited to a declaration that OTC has no interest or right in either the
25 Power of Attorney or the Patents, that OTC's filing/recording of documents with the
26 PTO asserting any interest or right in either the Power of Attorney or the Patents was

1 invalid and void, and ordering the PTO to correct and expunge its records with respect
2 to any such claim made by OTC.

3 **COUNT 6**

4 **INJURIOUS FALSEHOOD/SLANDER OF TITLE**

5 56. The statements of all of the foregoing paragraphs are incorporated herein by reference
6 as if fully set forth herein.

7 57. This is a cause of action for injurious falsehood and/or slander of title against OTC and
8 UAS pursuant to the law of New York, Delaware, California, Virginia or Arizona.

9 58. The actions of OTC and/or UAS, as alleged above:

10 a. Are/were false and/or disparaging statement(s) and/or publication(s) resulting in
11 an impairment of vendibility, cloud of title and/or a casting of doubt on the
12 validity of Optima's right of ownership in the Patents and/or rights under the
13 Power of Attorney; and/or

14 b. Are/were an effort to persuade third parties from dealing with Optima, and/or to
15 harm to interests of Optima, regarding the Patents and/or the Power of Attorney;
16 and/or

17 c. Are/were actions for which OTC and UAS foresaw and/or should have
18 reasonably foreseen that the false and/or disparaging statement(s) and/or
19 publication(s) would likely determine the conduct of a third party with respect
20 to, or would otherwise cause harm to Optima's pecuniary interests with respect
21 to, the purchase, license or other business dealings regarding Optima's right in
22 the Patents and/or rights under the Power of Attorney; and/or

23 d. Are/were with knowledge that the statement(s) and/or publication(s) was/were
24 false; and/or

25 e. Are/were with knowledge of the disparaging nature of the statements; and/or

26 f. Are/were in reckless disregard of the truth or falsity of the statement(s) and/or

- 1 publication(s); and/or
2 g. Are/were in reckless disregard with being in the nature of disparagement(s);
3 and/or
4 h. Are/were motivated by ill will toward Optima; and/or
5 i. Are/were motivated by an intent to injure Optima; and/or
6 j. Are/were committed with an intent to interfere in an unprivileged manner with
7 Optima's interests; and/or
8 k. Are/were committed with negligence regarding the truth or falsity of the
9 statement and/or publication and/or with being in the nature of a disparagement.
10 59. As a result thereof, Optima has suffered and will continue to suffer immediate and
11 ongoing harm and monetary damage in an amount to be proven at trial.

12 **COUNT 7**

13 **TRESPASS TO CHATTELS**

- 14 60. The statements of all of the foregoing paragraphs are incorporated herein by reference
15 as if fully set forth herein.
16 61. This is a cause of action for trespass to chattels against OTC and UAS pursuant to the
17 law of New York, Delaware, California, Virginia or Arizona.
18 62. The actions of OTC and/or UAS, as alleged above:
19 a. Are/were intentional physical, forcible and/or unlawful interference with the use
20 and enjoyment of rights to the Patents and/or Power of Attorney possessed by
21 Optima without justification or consent; and/or
22 b. Are/were possession of and/or the exercise of dominion over rights to the Patents
23 and/or Power of Attorney possessed by Optima without justification or consent;
24 and/or
25 c. Are/were intentional use and/or intermeddling with rights to the Patents and/or
26 Power of Attorney possessed by Optima without authorization; and/or

- 1 d. Resulted in deprivation of Optima's use of and/or rights in the Patents and/or
2 Power of Attorney for a substantial time; and/or
3 e. Resulted in impairment of the condition, quality and/or value of Optima's use of
4 and/or rights in the Patents and/or Power of Attorney; and/or
5 f. Resulted in harm to the legally protected interests of Optima.
6 63. As a result thereof, Optima has suffered and will continue to suffer immediate and
7 ongoing harm and monetary damage in an amount to be proven at trial.

8 **COUNT 8**

9 **UNFAIR COMPETITION**

- 10 64. The statements of all of the foregoing paragraphs are incorporated herein by reference
11 as if fully set forth herein.
12 65. This is a cause of action for unfair competition against OTC and UAS pursuant to the
13 common law of New York, Delaware, California, Virginia or Arizona.
14 66. The actions of OTC and/or UAS, as alleged above:
15 a. Are/were an unfair invasion and/or infringement of Optima's property rights of
16 commercial value with respect to the Patents and/or the Power of Attorney;
17 and/or
18 b. Are/were a misappropriation of a benefit and/or property right belonging to
19 Optima with respect to the Patents and/or the Power of Attorney; and/or
20 c. Are/were a deceit and/or fraud upon the public with respect to the true ownership
21 and other rights of Optima relating to the Patents and/or the Power of Attorney;
22 and/or
23 d. Are/were likely to cause confusion of the public with respect to the true
24 ownership and other rights of Optima relating to the Patents and/or the Power of
25 Attorney; and/or
26 e. Will cause and/or are likely to cause an unfair diversion of trade whereby any

1 potential purchaser of a license or other rights from OTC with respect to the
2 Patents and/or Power of Attorney will be cheated into the purchase of something
3 which it is not in fact getting; and/or
4 f. Are likely to divert the trade of Optima; and/or
5 g. Are likely to cause substantial and irreparable harm to Optima.
6 67. As a result thereof, Optima has suffered and will continue to suffer immediate and
7 ongoing harm and monetary damage in an amount to be proven at trial.

8 **COUNT 9**

9 **UNFAIR AND DECEPTIVE COMPETITION/BUSINESS PRACTICES**

10 68. The statements of all of the foregoing paragraphs are incorporated herein by reference
11 as if fully set forth herein.
12 69. This is a cause of action for unfair and deceptive competition/business practices against
13 OTC and UAS pursuant to the statutory law of Delaware, 6 Del.C. §2531 *et seq.* to the
14 extent such statutory scheme applies in this matter.
15 70. The actions of OTC and/or UAS, as alleged above:
16 a. Are/were those of a person engaged in a course of a business, vocation, or
17 occupation; and/or
18 b. Constitute a deceptive trade practice; and/or
19 c. Cause a likelihood of confusion or of misunderstanding as to affiliation,
20 connection, or association with, or certification by, another; and/or
21 d. Represent that goods or services have sponsorship, approval, characteristics,
22 ingredients, uses, benefits, or quantities that they do not have, or that a person
23 has a sponsorship, approval, status, affiliation, or connection that the person does
24 not have; and/or
25 e. Represent that goods or services are of a particular standard, quality, or grade,
26 or that goods are of a particular style or model, if they are of another; and/or

1 f. Disparage the goods, services, or business of another by false or misleading
2 representation of fact; and/or

3 g. Were conduct which similarly creates a likelihood of confusion or of
4 misunderstanding.

5 71. As a result thereof, Optima has suffered and will continue to suffer immediate and
6 ongoing harm and monetary damage in an amount to be proven at trial.

7 72. To the extent Optima is entitled to damages under Delaware common-law it is further
8 entitled to treble damages pursuant to 6 Del.C. §2533(c).

9 73. Optima is entitled to injunctive relief pursuant to 6 Del.C. §2533(a).

10 74. The acts were a willful deceptive trade practice entitling Optima to its attorneys' fees
11 and costs pursuant to 6 Del.C. §2533(b).

12 75. This matter is an "exceptional" case also entitling Optima to its attorneys fees pursuant
13 to 6 Del.C. §2533(b).

14 **COUNT 10**

15 **UNLAWFUL CONSPIRACY TO INJURE TRADE OR BUSINESS**

16 76. The statements of all of the foregoing paragraphs are incorporated herein by reference
17 as if fully set forth herein.

18 77. This is a cause of action for unlawful conspiracy to injure trade or business against OTC
19 and UAS pursuant to the statutory law of Virginia, Va. Code Ann. § 18.2-499 and
20 § 18.2-500, to the extent such statutory scheme applies in this matter.

21 78. The actions of OTC and UAS, as alleged above, were those of two or more persons who
22 combined, associated, agreed, mutually undertook and/or acted in concert together for
23 the purpose of willfully and maliciously injuring Optima and its trade and/or business.

24 79. As a result thereof, Optima has suffered and will continue to suffer immediate and
25 ongoing harm and monetary damage in an amount to be proven at trial.

26 80. Optima is entitled to treble damages plus attorneys' fees and costs under Va. Code

1 Ann. § 18.2-500,

2 **COUNT 11**

3 **UNFAIR AND DECEPTIVE COMPETITION/BUSINESS PRACTICES**

- 4 81. The statements of all of the foregoing paragraphs are incorporated herein by reference
5 as if fully set forth herein.
- 6 82. This is a cause of action for unfair and deceptive competition/business practices against
7 OTC and UAS pursuant to the statutory law of California, California Business and
8 Professions Code § 17200 *et. seq.*, to the extent such statutory scheme applies in this
9 matter.
- 10 83. The actions of OTC and/or UAS, as alleged above, constitute one or more unlawful,
11 unfair or fraudulent business acts or practices including but not limited to the following:
- 12 a. The acts/practices are/were “fraudulent” as they are/were untrue and/or are/were
13 likely to deceive the public; and/or
 - 14 b. The acts/practices are/were “unfair” as they constituted conduct that significantly
15 threatens or harms competition; and/or
 - 16 c. The acts/practices are/were “unfair” as they constitute conduct that offends an
17 established public policy or when the practice is immoral, unethical, oppressive,
18 unscrupulous or substantially injurious to consumers; and/or
 - 19 d. The acts/practices are/were “unlawful” as they are/were in violation of the
20 common-law duties that were owed to Optima; and/or
 - 21 e. The acts/practices are/were “unlawful” as they are/were in violation of the legal
22 principles expressed in the other Counts herein; and/or
 - 23 f. The acts/practices are/were “unlawful” as they are/were in committed violation
24 of Va. Code Ann. § 18.2-172 (a class 5 felony); and/or
 - 25 g. The acts/practices are/were “unlawful” as they are/were in committed violation
26 of Va. Code Ann. § 18.2-499 (a class 1 misdemeanor).

1 84. As a result thereof, Optima has suffered and will continue to suffer immediate and
2 ongoing harm and monetary damage.

3 85. Optima is without an adequate remedy at law.

4 86. Unless enjoined the acts of OTC and UAS will continue to cause further, great,
5 immediate and irreparable injury to Optima.

6 87. Optima is entitled to injunctive relief and restitutionary disgorgement pursuant to
7 California Business and Professions Code § 17203.

8 **COUNT 12**

9 **UAS LIABILITY**

10 88. The statements of all of the foregoing paragraphs are incorporated herein by reference
11 as if fully set forth herein.

12 89. In addition to any other liability existing as to the acts of UAS described herein UAS
13 is additionally liable under Counts 6-11 herein because:

14 a. OTC acted as the agent and/or servant of UAS; and/or

15 b. UAS aided and abetted the wrongful conduct of OTC through one or more of the
16 following:

17 i. UAS provided aid to OTC in its commission of a wrongful act that caused
18 injury to Optima; and/or

19 ii. UAS substantially assisted and/or encouraged OTC in the principal
20 violation/wrongful act; and/or

21 iii. UAS was aware of its role as part of overall illegal and/or tortious activity
22 at the time it provided the assistance; and/or

23 iv. UAS reached a conscious decision to participate in tortious activity for
24 the purpose of assisting OTC in performing a wrongful act; and/or

25 c. UAS engaged in a civil conspiracy with OTC through an agreement to
26 accomplish an unlawful purpose and/or to accomplish a lawful object by

- 1 unlawful means, one of whom committed an act in furtherance thereof, thereby
2 causing damages to Optima; and/or
- 3 d. UAS and OTC acted in concert; and/or
- 4 e. UAS provided affirmative aid and/or encouragement to the wrongful conduct of
5 OTC; and/or
- 6 f. UAS directed, ordered and/or induced the wrongful conduct of OTC while
7 knowing (or should have known) of circumstances that would have made the
8 conduct tortious if it were UAS's; and/or
- 9 g. UAS advised OTC to commit the wrongful conduct which resulted in a legal
10 wrong and/or harm to Optima; and/or
- 11 h. UAS acted together with OTC to commit the wrongful conduct pursuant to a
12 common design; and/or
- 13 i. UAS knew that the OTC's conduct would constitute a breach of duty and gave
14 substantial assistance or encouragement to OTC so to conduct itself; and/or
- 15 j. UAS gave substantial assistance to OTC in accomplishing a tortious result and
16 UAS's own conduct, separately considered, constitutes a breach of duty to
17 Optima; and/or
- 18 k. UAS knowingly participated in the wrongful action of OTC.
- 19 90. As a result thereof, UAS is jointly and severally liable for any such damages awarded
20 to Optima under Counts 6-11 herein.

21 **COUNT 13**

22 **PUNITIVE DAMAGES**

- 23 91. The statements of all of the foregoing paragraphs are incorporated herein by reference
24 as if fully set forth herein.
- 25 92. This is a claim for punitive damages against OTC and UAS pursuant to the common law
26 and/or statutory law of New York, Delaware, California, Virginia or Arizona.

- 1 93. Through their actions referenced herein, OTC and UAS:
2 a. Acted with an intent to injure Optima and/or consciously pursued a course of
3 conduct knowing that it created a substantial risk of significant harm to Optima;
4 and/or
5 b. Acted with an "evil hand" guided by an "evil mind"; and/or
6 c. Engaged in intentional and deliberate wrongdoing and with character of outrage
7 frequently associated with crime; and/or
8 d. Engaged in conduct that may be characterized as gross and morally reprehensible
9 and of such wanton dishonesty as to imply criminal indifference to civil
10 obligations; and/or
11 e. Acted with conduct so reckless and wantonly negligent as to be the equivalent
12 of a conscious disregard of the rights of others; and/or
13 f. Acted with a fraudulent and/or evil motive; and/or
14 g. Acted with aggravation and outrage; and/or
15 h. Acted with outrageous conduct with evil motive and/or reckless indifference to
16 rights of others; and/or
17 i. Acted with wilful and/or wanton disregard for the rights of others; and/or
18 j. Were aware of probable dangerous consequences of their conduct and willfully
19 and deliberately failed to avoid those consequences; and/or
20 k. Acted with the intent to vex, injury or annoy, or with a conscious disregard of the
21 right of others; and/or
22 l. Engaged in reprehensible and/or fraudulent conduct; and/or
23 m. Acted in blatant violation of law or policy; and/or
24 n. Acted with extreme indifference to the rights of others; and/or
25 o. Are guilty of oppression, fraud and/or malice, as defined by and pursuant to
26 Cal.Civ.Code § 3294; and/or

1 p. Acted with wilful and wanton conduct so as to evince a conscious disregard of
2 the rights of others; and/or

3 q. Acted with recklessness and/or negligence so as to evince a conscious disregard
4 of the rights of others; and/or

5 r. Engaged in malicious conduct; and/or

6 s. Engaged in misconduct and/or actual malice.

7 94. As a result thereof, Optima is entitled to an award of punitive damages against OTC and
8 UAS herein in an amount to be determined by a jury.

9 **EXCEPTIONAL CASE**

10 This is an exceptional case under 35 U.S.C. § 285 in which Counterclaimant and
11 Cross-Claimant Optima is entitled to its attorneys' fees and costs incurred in connection with
12 this action.

13 **JURY TRIAL DEMAND**

14 Counterclaimant Optima demands a jury trial on all claims and issues to be litigated in
15 this matter.

16 **PRAYER FOR RELIEF**

17 WHEREFORE Optima requests that the Court enter judgment in favor of Optima, and
18 against UAS, OTC, Naimer, and Hummel, on the Counterclaims, Cross-Claims and Third-Party
19 Claims, as follows:

- 20 1. Declaring that the Infringing Products, and all other of UAS's products shown to be
21 encompassed by one or more claims of the asserted Patents infringe said Patents;
22 2. Awarding Optima its monetary damages, and a doubling or trebling thereof, incurred
23 as a result of Defendants' willful infringement and unlawful conduct, as provided under
24 35 U.S.C. § 284;
25 3. Declaring that this is an exceptional case pursuant to 35 U.S.C. § 285 and awarding
26 Optima its attorneys fees incurred in having to prosecute this action;

- 1 4. Ordering that all of the Counterdefendants, Crossdefendants and Third-Party
2 Defendants and all those in active concert or privity with them be temporarily,
3 preliminarily and permanently enjoined from further infringement of U.S. Patent No.
4 5,566,073 (the '073 patent) and U.S. Patent No. 5,904,724 (the '724 patent);
- 5 5. Awarding Optima its actual, special, compensatory, economic, punitive and other
6 damages, including but not limited to:
 - 7 a. A reasonable royalty and/or lost profits attributable to defendants' past, present
8 and ongoing infringement of the Patents;
 - 9 b. The reduced value of the Patents and/or licenses with respect thereto;
 - 10 c. Optima's attorneys' fees and costs incurred in preparing and recording filings
11 with the PTO; and
 - 12 d. Optima's ongoing attorneys' fees and costs incurred in filing and prosecuting the
13 cross-claims against OTC herein to establish the invalidity, void nature, etc., of
14 its filing of the Assignment with the PTO and claim of any right or interest in the
15 Power of Attorney and/or the Patents, and to otherwise remove the cloud of title,
16 impairment of vendibility, etc., with respect to Optima's rights in the Patents
17 and/or the Power of Attorney;
- 18 6. Declaring that OTC has no interest or right in the Patents or the Power of Attorney;
- 19 7. Declaring that the Assignment OTC filed with the PTO is forged, invalid, void, of no
20 force and effect, should be struck from the records of the PTO, and that the PTO correct
21 its records with respect to any such claim made by OTC with respect to the Patents
22 and/or the Power of Attorney;
- 23 8. Enjoining OTC from asserting further rights or interests in the Patents and/or Power of
24 Attorney;
- 25 9. Enjoining UAS and OTC from further acts of unfair competition;
- 26 10. Granting Optima its attorneys' fees and costs pursuant to applicable law, including but

Exhibit B

Exhibit B

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

UNIVERSAL AVIONICS SYSTEMS CORPORATION,

Plaintiff,

vs.

OPTIMA TECHNOLOGY GROUP, INC.,
OPTIMA TECHNOLOGY CORPORATION, ROBERT ADAMS and
JED MARGOLIN,

Defendants.

OPTIMA TECHNOLOGY INC. a/k/a
OPTIMA TECHNOLOGY GROUP, INC.,
a corporation,

Counterclaimant,

vs.

UNIVERSAL AVIONICS SYSTEMS CORPORATION, an Arizona corporation,

Counterdefendant,

OPTIMA TECHNOLOGY INC. a/k/a
OPTIMA TECHNOLOGY GROUP, INC.,

Cross-Claimant,

vs.

OPTIMA TECHNOLOGY CORPORATION,

Cross-Defendant.

No. CV 07-588-TUC-RCC
ORDER

1 This Court, having considered the Defendants' Application for Entry of Default
2 Judgment against Cross-Defendant Optima Technology Corporation, finds no just reason to
3 delay entry of final judgment.

4 Therefore, IT IS HEREBY ORDERED:

5 Final Judgment is entered against Cross-Defendants Optima Technology Corporation,
6 a California corporation, and Optima Technology Corporation, a Nevada corporation, as
7 follows:

8 1. Optima Technology Corporation has no interest in U.S. Patents Nos. 5,566,073 and
9 5,904,724 ("the Patents") or the Durable Power of Attorney from Jed Margolin dated July
10 20, 2004 ("the Power of Attorney");

11 2. The Assignment Optima Technology Corporation filed with the USPTO is forged,
12 invalid, void, of no force and effect, and is hereby struck from the records of the USPTO;


13 3. The USPTO is to correct its records with respect to any claim by Optima
14 Technology Corporation to the Patents and/or the Power of Attorney; and

15 4. OTC is hereby enjoined from asserting further rights or interests in the Patents
16 and/or Power of Attorney; and

17 5. There is no just reason to delay entry of final judgment as to Optima Technology
18 Corporation under Federal Rule of Civil Procedure 54(b).

19 DATED this 18th day of August, 2008.

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Raner C. Collins
United States District Judge

Exhibit C

Exhibit C

Section I: Requester/Originator Information					
Name: <u>Jed Margolin</u>		Telephone #: <u>847 7845</u>		Date Wire to be Sent: <u>1/15/08</u>	
Address: <u>181 Empire Rd</u>		City: <u>Reno</u>		State: <u>NV</u> Zip: <u>89521</u>	
Customer ID Type: <u>DL</u>	ID#: <u>1</u>	Issue State/Country: <u>NV</u>	Issue Date: <u>1-6-06</u>	Expiration Date: <u>1-2-2010</u>	
Method of Signature Verification (If Applicable): <u>BACC</u>		<u>Signature</u>			
Section II: Associate Accepting Wire					
Associate Name: <u>Kmazza</u>		Phone and Fax #: <u>32560216034</u>		Unit Co//CC#: <u>8557</u>	
Date: <u>1/15/08</u>		Time: <u>1:40</u>			
Callback Required if Phone, Fax or Letter <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A		Name/Number of Person Contacted:		Date/Time: Approval (required)/Market Approval (if required)	
Section III: Domestic Payment Instructions					
Amount of Wire: \$ <u>30,000</u>		Debit Account Type (circle one): <u>CHKG</u> SAV ICA GL		Serial # (For ICA/GL) or Repetitive ID#	
Source: <input checked="" type="checkbox"/> OTC <input type="checkbox"/> Fax <input type="checkbox"/> Phone <input type="checkbox"/> Letter		Account to Debit: State: <u>NV</u> Available Balance: Account Title: <u>Jed Margolin</u>			
Overdraft Amount: \$		Overdraft Approved by (Name & Signature):		Date: Wire Fee: \$ <u>25</u>	
Section IV: International Payment Instructions <input type="checkbox"/> Check here if funds must be sent in US Dollars					
USD Amount of Wire: \$		Country: Rate: Foreign Currency Code: Foreign Currency Amount:			
Debit Account Type (circle one): <u>CHKG</u> SAV ICA GL		Serial # (For ICA/GL) or Repetitive ID#		FX Reference ID (If Applicable): Source: <input type="checkbox"/> OTC <input type="checkbox"/> Fax <input type="checkbox"/> Phone <input type="checkbox"/> Letter	
Account to Debit: State: Available Balance: Account Title:					
Overdraft Amount: \$		Overdraft Approved by (Name & Signature):		Date: Wire Fee: \$	
Section V: Wire Information					
Beneficiary Name: <u>Merrill Lynch</u>		Beneficiary Account # OR IBAN (if IBAN, no further Beneficiary Bank information is required): <u>1011730</u>			
Beneficiary Address: Street: City: State: Country: Zip:					
Beneficiary Bank Name: <u>Mellon Bank</u>		ABA # or SWIFT or National ID: <u>043000261</u>			
Beneficiary Bank Address: Street: City: State: Country: Zip:					
Additional Instructions (Attention To, Phone Advise, Customer Reference, Contact Upon Arrival): <u>F/C to Optima Technology acct 223-0740</u>					
Send Thru Bank/IBK (if available):		ABA # or SWIFT or National ID:			
Send Thru Bank Address: Street: City: State: Country: Zip:					
Section VI: Customer Approval					
I authorize Bank of America to transfer my funds as set forth in the instructions noted herein (including debiting my account if applicable), and agree that such transfer of funds is subject to the Bank of America standard transfer agreement (see reverse side) and applicable fees. If this is a foreign currency wire transfer, I accept the conversion rate provided in Section IV, or, if no rate is entered, the rate provided by Bank of America at the time the wire transfer is sent.					
Customer's Signature: <u>Jed Margolin</u>		Date of Request: <u>1-15-2008</u>			
Section VII: Wire System Entry/Verification					
Wire Entered by: Name/Signature (attach BFT screens prints): <u>Kmazza</u>		BFT System Time: <u>124544</u>		BFT Sequence #: <u>01080115005654</u>	
Date of Entry and Verification: <u>1-15-08</u>		Print: <u>Jed Margolin</u> Signature: <u>Jed Margolin</u>		BFT System Time: <u>12:49:37</u>	

Note: Purpose of Wire must be disclosed if sent to an OFAC blocked country - See OFAC in PRO

Section I: Requester/Originator Information					
Name Jed Margolin		Telephone # 847-7845		Date Wire to be Sent 3-26-08	
Address 1981 Empire Rd		City Reno		State NV	
Zip 89521		Customer ID Type 1. Driver's Lic		ID# 1 8352	
Issue State/Country 1. Nevada		Issue Date 1.1-6-06		Expiration Date 1. 2/20/10	
Method of Signature Verification (If Applicable) 2. _____					
Section II: Associate Accepting Wire					
Associate Name Janet Saldana		Phone and Fax # 775-325-6021		Unit Co#/CC# 336/8557	
Date 3-26-08		Time		Approval (required)/Market Approval (if required)	
Callback Required if Phone, Fax or Letter <input type="checkbox"/> Yes <input type="checkbox"/> N/A Name/Number of Person Contacted _____ Date/Time _____					
Callback Completed by: _____					
Section III: Domestic Payment Instructions					
Amount of Wire \$ 30,000 -		Debit Account Type (circle one) CHKG SAV ICA GL		Serial # (For ICA/GL) or Repetitive ID#	
Source <input type="checkbox"/> Fax <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Letter		Account to Debit		Account Title Jed Margolin	
Overdraft Amount \$ _____		Overdraft Approved by (Name & Signature) _____		Date _____	
Wire Fee \$ 25 -					
Section IV: International Payment Instructions: <input type="checkbox"/> Check here if funds must be sent in US Dollars					
USD Amount of Wire \$ _____		Country		Rate	
Foreign Currency Code		Foreign Currency Amount			
Debit Account Type (circle one) CHKG SAV ICA GL		Serial # (For ICA/GL) or Repetitive ID#		FX Reference ID (If Applicable)	
Source <input type="checkbox"/> Fax <input type="checkbox"/> Phone <input type="checkbox"/> Letter		Account to Debit		Account Title	
Overdraft Amount \$ _____		Overdraft Approved by (Name & Signature) _____		Date _____	
Wire Fee \$ _____					
Section V: Wire Information					
Beneficiary Name Merrill Lynch			Beneficiary Account # OR IBAN (if IBAN, no further Beneficiary Bank information is required) 1011730		
Beneficiary Address: Street		City		State Country Zip	
Beneficiary Bank Name Mellon Bank			ABA # or SWIFT or National ID 043000261		
Beneficiary Bank Address: Street		City		State Country Zip	
Additional Instructions (Attention To, Phone Advise, Customer Reference, Contact Upon Arrival) F/CR to Optima Technology Group					
Send Thru Bank/IBK (if available)			ABA # or SWIFT or National ID 223-07406		
Send Thru Bank Address: Street		City		State Country Zip	
Section VI: Customer Approval					
I authorize Bank of America to transfer my funds as set forth in the instructions noted herein (including debiting my account if applicable), and agree that such transfer of funds is subject to the Bank of America standard transfer agreement (see reverse side) and applicable fees. If this is a foreign currency wire transfer, I accept the conversion rate provided in Section IV, or, if no rate is entered, the rate provided by Bank of America at the time the wire transfer is sent.					
Customer's Signature: Jed Margolin			Date of Request: 3-26-08		
Section VII: Wire System Entry/Verification					
Wire Entered by: Name/Signature (attach BFT screens prints) Print: Janet Saldana Signature: Janet Saldana		BFT System Time 13:33:53		BFT Sequence # 01080326006579	
Date of Entry and Verification		Verified By (Name/Signature) (Print Verification Screen) Print: _____ Signature: _____		BFT System Time	

Note: Purpose of Wire must be disclosed if sent to an OFAC blocked country - See OFAC in PRO

Section I: Requester/Originator Information					
Name <i>Jed Margolin</i>		Telephone # <i>775-847-7845</i>		Date Wire to be Sent <i>6-18-08</i>	
Address <i>1981 Empire Rd</i>		City <i>Reno</i>		State <i>NV</i>	
Zip <i>89521-7430</i>		Issue State/Country <i>1. Nevada</i>		Issue Date <i>1. 01-06-06</i>	
Expiration Date <i>1. 02-30-2010</i>		Customer ID Type <i>1. DRIVER License</i>		ID# <i>8352</i>	
Method of Signature Verification (If Applicable) <i>2. BoR-ATM</i>		ID# <i>5124</i>		EXP <i>5/2010</i>	
Section II: Associate Accepting Wire					
Associate Name <i>Janet Saldana</i>		Phone and Fax # <i>775-325-6021</i>		Unit Co#/CC# <i>336/8557</i>	
Date <i>6-18-08</i>		Time <i>9:32</i>		Callback Required if Phone, Fax or Letter <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Name/Number of Person Contacted		Date/Time		Approval (required)/Market Approval (if required)	
Section III: Domestic Payment Instructions					
Amount of Wire <i>\$ 30,000.-</i>		Debit Account Type (circle one) CHKG <input type="checkbox"/> SAV <input checked="" type="checkbox"/> ICA <input type="checkbox"/> GL <input type="checkbox"/>		Serial # (For ICA/GL) or Repetitive ID#	
Source <input type="checkbox"/> Fax <input type="checkbox"/> Phone <input type="checkbox"/> Letter <input checked="" type="checkbox"/> OTC		Account to Debit State <i>[REDACTED]</i>		Available Balance <i>\$ 42,339.52</i>	
Account Title <i>Jed Margolin</i>		Overdraft Amount \$		Overdraft Approved by (Name & Signature) <i>Jed Margolin</i>	
Date <i>6-18-08</i>		Wire Fee <i>\$ 25.-</i>			
Section IV: International Payment Instructions: <input type="checkbox"/> Check here if funds must be sent in US Dollars					
USD Amount of Wire \$		Country		Rate	
Foreign Currency Code		Foreign Currency Amount			
Debit Account Type (circle one) CHKG <input type="checkbox"/> SAV <input type="checkbox"/> ICA <input type="checkbox"/> GL <input type="checkbox"/>		Serial # (For ICA/GL) or Repetitive ID#		FX Reference ID (If Applicable)	
Source <input type="checkbox"/> Fax <input type="checkbox"/> Phone <input type="checkbox"/> Letter <input type="checkbox"/> OTC		Account to Debit State		Available Balance	
Account Title		Overdraft Amount \$		Overdraft Approved by (Name & Signature)	
Date		Wire Fee \$			
Section V: Wire Information					
Beneficiary Name <i>Snell & Wilmer Trust Acct</i>			Beneficiary Account # OR IBAN (if IBAN, no further Beneficiary Bank information is required) <i>411-9025</i>		
Beneficiary Address: Street		City		State	
Country		Zip			
Beneficiary Bank Name <i>J.P. Morgan Chase NA/Phoenix Trust Acct</i>			ABA # or SWIFT or National ID <i>021000021</i>		
Beneficiary Bank Address: Street		City		State	
Country		Zip			
Additional Instructions (Attention To, Phone Advise, Customer Reference, Contact Upon Arrival) <i>ATTN: Jeff Willis Client: Optima Technology Group/Jed Margolin</i>					
Send Thru Bank/IBK (if available)			ABA # or SWIFT or National ID		
Send Thru Bank Address: Street		City		State	
Country		Zip			
Section VI: Customer Approval					
I authorize Bank of America to transfer my funds as set forth in the instructions noted herein (including debiting my account if applicable), and agree that such transfer of funds is subject to the Bank of America standard transfer agreement (see reverse side) and applicable fees. If this is a foreign currency wire transfer, I accept the conversion rate provided in Section IV, or, if no rate is entered, the rate provided by Bank of America at the time the wire transfer is sent.					
Customer's Signature: <i>Jed Margolin</i>				Date of Request: <i>6-18-08</i>	
Section VII: Wire System Entry/Verification					
BAT Approval Authorization # (if applicable)					
Wire Entered by: Name/Signature (attach BFT screens prints) Print: <i>Janet Saldana</i>		BFT System Time <i>12.02.51</i>		BFT Sequence # <i>01080618004513</i>	
Date of Entry and Verification		Verified By (Name/Signature) (Print Verification Screen) Print: <i>[Signature]</i>		Signature: BFT System Time	

Note: Purpose of Wire must be disclosed if sent to an OFAC blocked country - See OFAC in PRO

1 Matthew D. Francis (6978)
2 Cassandra P. Joseph (9845)
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

ORIGINAL

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ALAN GLOVER

BY [Signature] CLERK
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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

DEFAULT JUDGMENT

On December 9, 2009, Plaintiff Margolin filed his Complaint against Defendants Reza Zandian, Optima Technology Corporation, a Nevada corporation, and Optima Technology Corporation, a California corporation for conversion, tortious interference, unjust enrichment and unfair trade practices.

Defendant Zandian was personally served with the Summons and Complaint on February 2, 2010 and Defendants Optima Technology Corporation, a Nevada corporation, and Optima Technology Corporation, a California corporation were served on March 21, 2010.

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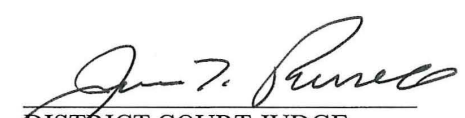
Defendants failed to answer or otherwise plead, and default was subsequently entered against Defendants on December 2, 2010. On December 7, 2010, Plaintiff filed and served a Notice of Entry of Default for each defendant, and on December 16, 2010, Plaintiff also served the Application for Default for each defendant and the Notice of Entry of Default for each defendant on Defendants' last known attorney.

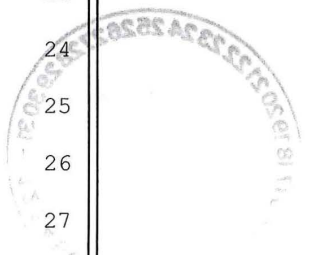
After reviewing all pleadings and papers on file in this matter, IT IS HEREBY ORDERED AS FOLLOWS:

Judgment is hereby entered for Plaintiff and against Defendants for damages, along with pre-judgment interest and costs in the amount of \$121,594.46.

IT IS SO ORDERED:

Dated: March 1, 2011


DISTRICT COURT JUDGE



1 Matthew D. Francis (6978)
2 Cassandra P. Joseph (9845)
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*

REC'D & FILED
March 7, 2011 Date
ALAN GLOVER
CLERK
By M. KALE Deputy

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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

**NOTICE OF ENTRY OF DEFAULT
JUDGMENT**

TO: ALL PARTIES

TAKE NOTICE THAT on the 1st day of March, 2011, the Court in the above-
entitled matter entered a Default Judgment against Defendants and in favor of Plaintiff in
the amount of \$121,594.46. A copy of said Order is attached hereto as Exhibit A.

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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 this 4th day of March, 2011.

BY: 
Matthew D. Francis (6978)
Cassandra P. Joseph (9845)
WATSON ROUNDS
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 NRC 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, **NOTICE OF ENTRY OF DEFAULT**
5 **JUDGMENT**, addressed as follows:

6
7 John Peter Lee
8 John Peter Lee, Ltd.
9 830 Las Vegas Blvd. South
10 Las Vegas, NV 89101

11
12 Reza Zandian
13 8401 Bonita Downs Road
14 Fair Oaks, CA 95628

15
16 Optima Technology Corp.
17 A California corporation
18 8401 Bonita Downs Road
19 Fair Oaks, CA 95628

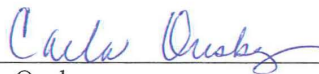
20
21 Optima Technology Corp.
22 A Nevada corporation
23 8401 Bonita Downs Road
24 Fair Oaks, CA 95628

25
26 Reza Zandian
27 8775 Costa Verde Blvd. #501
28 San Diego, CA 92122

Optima Technology Corp.
A California corporation
8775 Costa Verde Blvd. #501
San Diego, CA 92122

Optima Technology Corp.
A Nevada corporation
8775 Costa Verde Blvd. #501
San Diego, CA 92122

Dated: March 4, 2011



Carla Ousby

Exhibit A

Exhibit A

1 Matthew D. Francis (6978)
2 Cassandra P. Joseph (9845)
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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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

DEFAULT JUDGMENT

On December 9, 2009, Plaintiff Margolin filed his Complaint against Defendants Reza Zandian, Optima Technology Corporation, a Nevada corporation, and Optima Technology Corporation, a California corporation for conversion, tortious interference, unjust enrichment and unfair trade practices.

Defendant Zandian was personally served with the Summons and Complaint on February 2, 2010 and Defendants Optima Technology Corporation, a Nevada corporation, and Optima Technology Corporation, a California corporation were served on March 21, 2010.

1 Defendants failed to answer or otherwise plead, and default was subsequently entered against
2 Defendants on December 2, 2010. On December 7, 2010, Plaintiff filed and served a Notice
3 of Entry of Default for each defendant, and on December 16, 2010, Plaintiff also served the
4 Application for Default for each defendant and the Notice of Entry of Default for each
5 defendant on Defendants' last known attorney.

6 After reviewing all pleadings and papers on file in this matter, IT IS HEREBY
7 ORDERED AS FOLLOWS:

8 Judgment is hereby entered for Plaintiff and against Defendants for damages, along
9 with pre-judgment interest and costs in the amount of \$121,594.46.

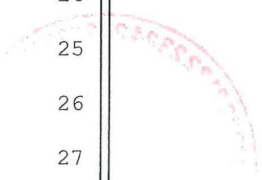
10 IT IS SO ORDERED:

11
12 Dated: March 1, 2011

James T. Russell

DISTRICT COURT JUDGE

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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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G. COOPER

9
10 **In The First Judicial District Court of the State of Nevada**
11 **In and for Carson City**
12

13 **JED MARGOLIN, an individual,**
14 **Plaintiff,**

15 **vs.**

16 **OPTIMA TECHNOLOGY CORPORATION,**
17 **a California corporation, OPTIMA**
18 **TECHNOLOGY CORPORATION, a Nevada**
19 **corporation, REZA ZANDIAN**
20 **aka GOLAMREZA ZANDIANJAZI**
21 **aka GHOLAM REZA ZANDIAN**
22 **aka REZA JAZI aka J. REZA JAZI**
23 **aka G. REZA JAZI aka GHONONREZA**
24 **ZANDIAN JAZI, an individual, DOE**
25 **Companies 1-10, DOE Corporations 11-20,**
26 **and DOE Individuals 21-30,**
27 **Defendants.**

Case No.: 090C00579 1B
Dept. No.: 1

MOTION TO SERVE BY
PUBLICATION

28 COMES NOW Plaintiff Jed Margolin and hereby files this motion to serve Defendants
Reza Zandian, Optima Technology Corporation, a California Corporation, and Optima
Technology Corporation, a Nevada Corporation (collectively "Zandian"), pursuant to NRCP
4(e)(1)(i) via publication.

This motion is based on the following Memorandum of Points and Authorities, the
Declaration of Adam P. McMille, Esq., the attached exhibits, and all pleadings, motions, and
papers on file herein.

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MEMORANDUM OF POINTS AND AUTHORITIES

I.

STATEMENT OF FACTS

On December 11, 2009, Plaintiff Jed Margolin filed his Complaint against Defendants Reza Zandian, Optima Technology Corporation, a California Corporation, and Optima Technology Corporation, a Nevada Corporation. All three Summonses were originally issued on December 15, 2009 and March 9, 2010. *See* Summons regarding Defendants Reza Zandian, Optima Technology Corporation, a California Corporation, and Optima Technology Corporation, a Nevada Corporation, attached hereto as **Exhibits 2, 3, and 4**. Thereafter, Plaintiff attempted to serve Defendants at their last-known residential and/or business address of 8401 Bonita Downs Road, Fair Oaks, California 95628. *Id.* The process servers were unable to personally serve Defendants and were unable to locate alternate addresses for Defendants. *Id.*

As Plaintiff was having difficulty serving Defendants, the summons and complaint were mailed to Defendants' attorney, John Peter Lee, on January 8, 2010, and a request for assistance in serving Defendants was made. *See* Letter, dated 1/08/10, from Cassandra Joseph to John Peter Lee, attached hereto as **Exhibit 5**. Despite the fact that Mr. Lee represented Reza Zandian prior to this action, Mr. Lee never responded to Cassandra Joseph's request for assistance in serving the Defendants. *See* Declaration of Adam P. McMillen, Esq., attached hereto as **Exhibit 1**.

Eventually, a notice of entry of default judgment against the Defendants was filed on March 7, 2011. On June 9, 2011, Defendant Reza Zandian, filed a motion to dismiss. On August 3, 2011, this Court set aside the default judgment, denied the motion to dismiss and ordered that Plaintiff shall have 90 days from August 3, 2011 to properly effectuate service on the Defendant.

1 On August 4, 2011, Adam McMillen sent a letter to John Peter Lee requesting that Mr.
2 Lee accept service on behalf of his client, Reza Zandian. See Letter, dated 8/04/11, from
3 Adam McMillen to John Peter Lee, attached hereto as **Exhibit 6**. Mr. McMillen also
4 requested that Mr. Lee provide a current address for Reza Zandian. *Id.*

5 On August 8, 2011, Mr. Lee sent Mr. McMillen a letter stating as follows:

6 We cannot accept service, nor can we give you Reza Zandian's current address.
7 Except to indicate that he **does not reside** in Nevada **at the present time** and is
8 not subject to the jurisdiction of the courts of this State within the provisions of
the litigation commenced by your firm involving an Arizona judgment which
cannot be domesticated in Nevada.

9 See Letter, dated 8/8/11, from John Peter Lee to Adam McMillen, attached hereto as **Exhibit 7**
10 (emphasis added).

11 II.

12 LEGAL AUTHORITY

13 NRCP 4(e) states in pertinent part as follows:

14 (1) Service by Publication.

15 (i) **General.** In addition to methods of personal service, when the person on
16 whom service is to be made resides out of the state, or has departed from the
17 state, or cannot, after due diligence, be found within the state, or by
18 concealment seeks to avoid the service of summons, and the fact shall appear,
19 by Declaration, to the satisfaction of the court or judge thereof, and it shall
20 appear, either by Declaration or by a verified complaint on file, that a cause of
action exists against the defendant in respect to whom the service is to be made,
and that the defendant is a necessary or proper party to the action, such court or
judge may grant an order that the service be made by the publication of
summons.

21 Provided, when said Declaration is based on the fact that the party on whom
22 service is to be made resides out of the state, and the present address of the
23 party is unknown, it shall be a sufficient showing of such fact if the affiant shall
24 state generally in such Declaration that at a previous time such person resided
25 out of this state in a certain place (naming the place and stating the latest date
26 known to affiant when such party so resided there); that such place is the last
27 place in which such party resided to the knowledge of affiant; that such party
28 no longer resides at such place; that affiant does not know the present place of
residence of such party or where such party can be found; and that affiant does
not know and has never been informed and has no reason to believe that such
party now resides in this state; and, in such case, it shall be presumed that such
party still resides and remains out of the state, and such Declaration shall be

1 deemed to be a sufficient showing of due diligence to find the defendant. This
2 rule shall apply to all manner of civil actions, including those for divorce.

3 ...
4 **(iii) Publication.** The order shall direct the publication to be made in a
5 newspaper, **published in the State of Nevada**, to be designated by the court or
6 judge thereof, for a period of 4 weeks, and at least once a week during said
7 time. In addition to in-state publication, where the present residence of the
8 defendant is unknown **the order may also direct that publication be made in**
9 **a newspaper published outside the State of Nevada** whenever the court is of
10 the opinion that such publication is necessary to give notice that is reasonably
11 calculated to give a defendant actual notice of the proceedings. In case of
12 publication, where the residence of a nonresident or absent defendant is known,
13 the court or judge shall also direct a copy of the summons and complaint to be
14 deposited in the post office, directed to the person to be served at the person's
15 place of residence. The service of summons shall be deemed complete in cases
16 of publication at the expiration of 4 weeks from the first publication, and in
17 cases when a deposit of a copy of the summons and complaint in the post office
18 is also required, at the expiration of 4 weeks from such deposit.

19 NRCP 4(e)(1)(i) and (iii)(emphasis added).

20 In the case at bar, the Declaration of Adam P. McMillen, Esq., attached hereto as
21 **Exhibit 1**, and the Complaint on file herein show that a cause of action exists in favor of
22 Plaintiff and against Defendants and that Defendants, each of them, are necessary and proper
23 parties to this action. Moreover, Defendant Reza Zandian no longer resides at his last known
24 address or is intentionally evading service.

25 Likewise, the above facts and attached Summonses and Declaration of Adam P.
26 McMillen, Esq. unequivocally demonstrate that due diligence was exercised by Plaintiff and
27 Plaintiff's process servers in an attempt to personally serve the Defendants at their last known
28 address. In addition, Defendant Reza Zandian's lawyer will not accept service, will not
provide a current address, and states that Reza Zandian does not reside in Nevada. As a result,
Plaintiff now seeks service by publication because Plaintiff does not know Defendants' present
place of residence or employment.

III.

CONCLUSION

Based upon the foregoing, Plaintiff respectfully requests that this Court grant this
motion to effectuate service of process by publication and that such service of process be

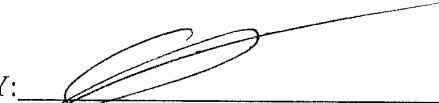
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AFFIRMATION PURSUANT TO NRS 239B.030

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

Dated this 11th day of August, 2011.

BY: _____


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

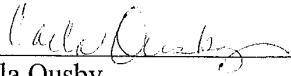
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CERTIFICATE OF SERVICE

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, **MOTION TO SERVE BY PUBLICATION**, addressed as follows:

John Peter Lee
John Peter Lee, Ltd.
830 Las Vegas Blvd. South
Las Vegas, NV 89101

Dated: August 11, 2011



Carla Ousby

INDEX OF EXHIBITS

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Exhibit No.	Title	Number of Pages
1	<i>Declaration</i> Affidavit of Adam P. McMillen	3
2	Returned Summons to Reza Zandian	4
3	Returned Summons to Optima technology Corporation, a California corporation	4
4	Returned Summons to Optima technology Corporation, a Nevada corporation	4
5	January 8, 2010, Letter to John Peter Lee	15
6	August 4, 2011, Letter to John Peter Lee	1
7	August 8, 2011, Letter from John Peter Lee	1
8	Summonses	6

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
5

6
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**
15 **TECHNOLOGY CORPORATION, a Nevada**
16 **corporation, REZA ZANDIAN aka**
17 **GOLAMREZA ZANDIANJAZI aka**
18 **GHOLAM REZA ZANDIAN aka REZA JAZI**
19 **aka J. REZA JAZI aka G. REZA JAZI aka**
20 **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
MOTION TO SERVE BY
PUBLICATION

21
22 I, Adam P. McMillen do hereby declare and state as follows:

23 1. I am an associate at the law firm of Watson Rounds located at 5371 Kietzke
24 Lane, Reno, Nevada 89511. I represent the Plaintiff, Jed Margolin, in the above referenced
25 cause of action against the named Defendants, who are necessary parties to this action. This
26 declaration is based upon my personal knowledge, and is made in support of Plaintiff's Motion
27 to Serve by Publication.

28 2. The Complaint in this action was filed on December 11, 2009, and personal

1 service was attempted upon Defendant Reza Zandian (“Zandian”) at his last known address at
2 8401 Bonita Downs Road, Fair Oaks, California 95628 on February 2, 2010 and on
3 Defendants Optima Technology Corporation, a Nevada corporation, and Optima Technology
4 Corporation, a California corporation on March 21, 2010. True and correct copies of the
5 Affidavits of Service are attached hereto as **Exhibit 2, 3, and 4.**

6 3. As we were having difficulty serving Defendant Reza Zandian, the summons
7 and complaint were mailed to Defendants’ attorney, John Peter Lee, on January 8, 2010, and a
8 request for assistance in serving Defendants was made. *See* a true and correct copy of the
9 Letter, dated 1/8/10, from Cassandra Joseph to John Peter Lee, attached hereto as **Exhibit 5.**

10 4. On August 4, 2011, I sent a letter to John Peter Lee requesting that Mr. Lee
11 accept service on behalf of his client, Reza Zandian, and that he provide a current address for
12 Mr. Lee. *See* a true and correct copy of the Letter, dated 8/4/11, from Adam McMillen to John
13 Peter Lee, attached hereto as **Exhibit 6.**

14 5. On August 8, 2011, John Peter Lee sent me a letter stating that he cannot accept
15 service on behalf of Reza Zandian and that he could not give us Zandian’s current address.
16 *See* a true and correct copy of the Letter, dated 8/8/11, from John Peter Lee to Adam
17 McMillen, attached hereto as **Exhibit 7.**

18 6. According to the affidavits attached to the filed summonses, the last known
19 address of Reza Zandian was 8401 Bonita Downs Road, Fair Oaks, California 95628.
20 Apparently Reza Zandian does not live at this address, as manifested by his recent motion to
21 dismiss.

22 7. Affiant does not know the present address of Reza Zandian, or where he resides
23 or where he may be found; and that after due diligence, Reza Zandian cannot be found within
24 the State of Nevada or if he was last known to reside outside of the State of Nevada, that
25 Affiant does not know where he resides, where he may be found and that Affiant has no
26 knowledge, has never been informed, and has no reason to believe that Reza Zandian currently
27 resides in the State of Nevada.

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8. Based upon the fact that process servers cannot personally serve Reza Zandian and that his lawyer, John Peter Lee, will not accept service and will not provide a current address for his client, therefore, Affiant believes that Reza Zandian cannot be found at this time.

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

Dated this 11th day of August, 2011.


By: 
ADAM P. MCMILLEN

Exhibit 2

Exhibit 2

COPY

No. 090G00579 LB

Dept. I

REC'D & FILED
2010 MAR -9 PM 2:15
ALAN GLOVER
BY J. HARKLEROAD
DEPUTY

In the First Judicial District Court of the State of Nevada
in and for Carson City

SUMMONS

JED MARGOLIN, an individual
Plaintiff,

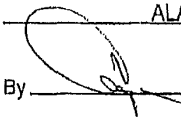
Optima Technology ^{VS.} Corporation, a California corporation,
Optima Technology Corporation, a Nevada corporation, Reza
Zandian aka Golanreza Zandianjazi aka Gholam Reza Zandian
aka Reza Jazi aka J. Reza Defendant, Jazi aka G. Reza Jazi
aka Chononreza Zandian Jazi, an individual, DOE Companies
1-10, DOE Corporations 11-20, and DOE Individuals 21-30
DEFENDANTS

THE STATE OF NEVADA SENDS GREETINGS TO THE ABOVE-NAMED DEFENDANT:

NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT: A civil Complaint has been filed by the plaintiff against you.

1. If you wish to defend this lawsuit, you must, within 20 days after this Summons is served on you, exclusive of the day of service, file with this Court a written pleading in response to this Complaint.
2. Unless you respond, your default will be entered upon application of the plaintiff, and this Court may enter a judgment against you for the relief demanded in the Complaint*, which could result in the taking of money or property or the relief requested in the Complaint.
3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. You are required to serve your response upon plaintiff's attorney, whose address is

ALAN GLOVER Clerk of Court
By  Deputy Clerk

Date December 15, 2009, 20

*Note - When service by publication, insert a brief statement of the object of the action. See Rule 4.

RETURN OF SERVICE ON REVERSE SIDE

**AFFIDAVIT OF SERVICE
(For General Use)**

STATE OF CALIFORNIA }
COUNTY OF SACRAMENTO } SS.

ROBERT TOTH, declares under penalty of perjury:
That affiant is, and was on the day when he served the within Summons, over 18 years of age, and not a party to, nor interested in, the within action; that the affiant received the Summons on the 22nd day of JANUARY, 20 10, and personally served the same upon BEZA ZANDIAN the within named defendant, on the 2nd day of FEBRUARY, 20 10, by delivering to the said defendant, personally, in FAIR OAKS, County of SACRAMENTO, State of CALIFORNIA, a copy of the Summons attached to a copy of the Complaint.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed this 12TH day of FEBRUARY, 20 10. Robert Toth
Signature of person making service

STATE OF NEVADA }
CARSON CITY } SS.

**NEVADA SHERIFF'S RETURN
(For Use of Sheriff of Carson City)**

I hereby certify and return that I received the within Summons on the _____ day of _____, 20 ____; and personally served the same upon _____, the within named defendant, on the _____ day of _____, 20 ____, by delivering to the said defendant, personally, in Carson City, State of Nevada, a copy of the Summons attached to a copy of the Complaint.

Sheriff of Carson City, Nevada

Date: _____, 20 ____ By _____ Deputy

STATE OF NEVADA }
COUNTY OF _____ } SS.

**AFFIDAVIT OF MAILING
(For Use When Service is by Publication and Mailing)**

_____, declares under penalty of perjury:
That affiant is, and was when the herein described mailing took place, over 18 years of age, and not a party to, nor interested in, the within action; that on the _____ day of _____, 20 ____, affiant deposited in the Post Office at _____, Nevada, a copy of the within Summons attached to a copy of the Complaint, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to _____, the within named defendant, at _____; that there is a regular communication by mail between the place of mailing and the place so addressed.
I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed this _____ day of _____, 20 ____.

NOTE - If service is made in any manner permitted by Rule 4 other than personally upon the defendant, or is made outside the United States, a special affidavit or return must be made

1 Jed Margolin v. Optima Technology Corp., et al.
2 Case No. 090C00579 1B
3 Declaration of Robert Toth

4 I, ROBERT TOTH, hereby declare:

5 I am a registered process server for the State of California. I have personal knowledge of
6 the facts contained in this Declaration, and if called as a witness, I could and would competently
7 testify thereto. As to those matters alleged on information and belief, I believe them to be true.

8 I served copies of the Summons and Complaint, on Reza Zandian aka Golamreza
9 Zandianjaza, aka Gholam Reza Zandian, aka Reza Jazi, aka J. Reza Jazi, aka G. Reza Jazi, aka
10 Ghononreza Zanian Jazi:

11 On January 26, 2010 at 8:43 a.m., I wen to the residence address at 8401 Bonita Downs
12 Road, Fair Oaks, California 95628. There was no answer at the door.

13 On January 28, 2010 at 3:47 p.m., I returned to the residence again, and there was no
14 answer at the door.

15 On January 31, 2010 at 4:13 p.m., I went the residence address, and again there was no
16 answer at the door.

17 On February 2, 2010 at 5:37 p.m., when I returned to the residence address, I observed no
18 lights on, no cars parked, but that the trash was set out.

19 On February 2, 2010 at 7:21 p.m., I returned to the residence address. The door was
20 answered by an elderly man, described as mid to late-60's, middle eastern accent, 5'4" tall, grey
21 hair, long beard, thin, and wearing glasses. I told him I was looking for Reza. I showed him the
22 name on the documents with the various names, and made a motion that he knew one or more of
23 the names. I showed him the photograph that I had. I told him I had legal documents for Reza,
24 and that I would leave it with him. He took the envelope, opened it and saw the documents. He
25 told me that he did not want the papers and that he did not live there. I told him that we had
26 confirmed that was his address. He returned the envelope back. I told him that he needed to
27 make sure that Reza got the paperwork. I put the envelope by the doorway. He picked up the
28 envelope and threw it at me as I was leaving. I left the documents there and again told him that
he had been served for Reza.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration is executed this 18th day of February, at Citrus Heights, California.

Robert M. Toth

ROBERT M. TOTH
Registered Process Server

Exhibit 3

Exhibit 3

ORIGINAL COPY

No. 090G00579 1B

Dept. 1

REC'D & FILED
2010 MAR 26 PM 1:40
ALAN GLOVER
BY C. GLOVER CLERK
DEPUTY

In the First Judicial District Court of the State of Nevada
in and for Carson City

add'l
SUMMONS

JED MARGOLIN, an individual

Plaintiff,

vs.

Optima Technology Corporation, a California corporation,
OPTima Technology Corporation, a Nevada corporation, Reza
Zandian aka Golanreza Zandian, Jazi aka Gholam Reza Zandian
aka Reza Jazi aka J. Rez Defendant. Jazi aka G. Reza Jazi
aka Chononreza Zandian Jazi, an individual, DOE Companies
1-10, DOE Corporations 11-20, and DOE Individuals 21-30.

THE STATE OF NEVADA SENDS GREETINGS TO THE ABOVE-NAMED DEFENDANT: Optima
TEchnology Corporation, a California Corporation

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING
HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

TO THE DEFENDANT: A civil Complaint has been filed by the plaintiff against you.

1. If you wish to defend this lawsuit, you must, within 20 days after this Summons is served on you, exclusive of the day of service, file with this Court a written pleading in response to this Complaint.
2. Unless you respond, your default will be entered upon application of the plaintiff, and this Court may enter a judgment against you for the relief demanded in the Complaint*, which could result in the taking of money or property or the relief requested in the Complaint.
3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. You are required to serve your response upon plaintiff's attorney, whose address is

ALAN GLOVER

Clerk of Court

By

M. Margolin

Deputy Clerk

Date March 9, 20 10

*Note - When service by publication, insert a brief statement of the object of the action. See Rule 4.

RETURN OF SERVICE ON REVERSE SIDE

AFFIDAVIT OF SERVICE
(For General Use)

STATE OF CALIFORNIA }
COUNTY OF SACRAMENTO } SS.

I SHAWN SARDIA, declares under penalty of perjury:
That affiant is, and was on the day when he served the within Summons, over 18 years of age, and not a party to, nor interested in, the within action; that the affiant received the Summons on the 19th 20th 5 day of MARCH, 20 10, and personally served the same upon REZA ZANDIAN, AGENT FOR SERVICE OF PROCESS the within named defendant, on the 21st day of MARCH, 20 10, by delivering to the said defendant, personally, in FAIR OAKS, County of SACRAMENTO, State of CALIFORNIA, a copy of the Summons attached to a copy of the Complaint.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed this 23rd day of MARCH, 20 10. Shawn I Sardia #SAC.2008-5
Signature of person making service

STATE OF NEVADA }
CARSON CITY } SS.

NEVADA SHERIFF'S RETURN
(For Use of Sheriff of Carson City)

I hereby certify and return that I received the within Summons on the _____ day of _____, 20 ____; and personally served the same upon _____, the within named defendant, on the _____ day of _____, 20 ____, by delivering to the said defendant, personally, in Carson City, State of Nevada, a copy of the Summons attached to a copy of the Complaint.

Sheriff of Carson City, Nevada

Date: _____, 20 ____ By _____ Deputy

STATE OF NEVADA }
COUNTY OF _____ } SS.

AFFIDAVIT OF MAILING
(For Use When Service is by Publication and Mailing)

_____, declares under penalty of perjury:
That affiant is, and was when the herein described mailing took place, over 18 years of age, and not a party to, nor interested in, the within action; that on the _____ day of _____, 20 ____, affiant deposited in the Post Office at _____, Nevada, a copy of the within Summons attached to a copy of the Complaint, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to _____, the within named defendant, at _____; that there is a regular communication by mail between the place of mailing and the place so addressed.
I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed this _____ day of _____, 20 ____.

NOTE - If service is made in any manner permitted by Rule 4 other than personally upon the defendant, or is made outside the United States, a special affidavit or return must be made

1 Jed Margolin v. Optima Technology Corporation, et al.
2 Case No. 090C0500679 1B
3 Declaration of Robert Toth

4 I, ROBERT TOTH, hereby declare:

5 I am a registered process server for the State of California. I have personal knowledge of
6 the facts contained in this Declaration, and if called as a witness, I could and would competently
7 testify thereto. As to those matters alleged on information and belief, I believe them to be true.

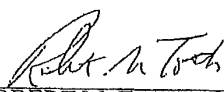
8 I attempted service of copies of the Summons, Complaint and Order on Reza Zandian,
9 agent for process of service for Optima Technoloy Corp, a California Corp and Optima
10 Technology Corp, A Nevada Corp., as follows:

11 On March 19, 2010 at 4:12 p.m., I went to the residence address at 8401 Bonita Downs
12 Road Fair Oaks, 95628. There was no answer at the door.

13 On March 20, 2010 at 12:07 p.m. There was no answer at the door.

14 At that time, I turned over the documents to an associated, Shawn Sardia.

15 I declare under penalty of perjury under the laws of the State of California that the
16 foregoing is true and correct, and that this declaration is executed this 23rd day of March, at
17 Citrus Heights, California.

18 
19 _____
20 ROBERT M. TOTH
21 Registered Process Server
22 Sacramento #2000-28
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1 Jed Margolin v. Optima Technology Corporation, et al.
2 Case No. 090C0500679 1B
3 Declaration of Shawn Sardia

4 I, SHAWN SARDIA, hereby declare:

5 I am a registered process server for the State of California. I have personal knowledge of
6 the facts contained in this Declaration, and if called as a witness, I could and would competently
7 testify thereto. As to those matters alleged on information and belief, I believe them to be true.

8 I served copies of the Summons, Complaint and Order on Reza Zandian, agent for
9 process of service for Optima Technoloy Corp, a California Corp and Optima Technology Corp,
10 A Nevada Corp., as follows:

11 On March 20, 2010 at 10:14 a.m., I went to the residence located at 8401 Bonita Downs
12 Road, Fair Oaks, CA 95628. There was no answer at the door.

13 On March 21, 2010 at 9:45 a.m. I returned to the residence. There was no answer at the
14 door.

15 On March 21, 2010 at 6:45 p.m. I returned to the resident's address. The door was
16 answered by an elderly man, described as mid to late-60's, middle eastern accent, 5'4" tall, grey
17 hair, long beard, thin, wearing glasses and is the subject's father. I told him I had legal documents
18 for Reza Zandian, and that I would leave it with him. He told me he did not want the papers. I put
19 the envelope by the doorway and told him he had been served for Reza. He closed the door.

20 I declare under penalty of perjury under the laws of the State of California that the
21 foregoing is true and correct, and that this declaration is executed this 23rd day of March, at
22 Citrus Heights, California.

23 
24 SHAWN SARDIA
25 Registered Process Server
26 Sacramento #2008-5
27
28

Exhibit 4

Exhibit 4

No. 090C00579 1B

Dept. 1

COPY

REC'D & FILED
2010 MAR 26 PM 1:40
ALAN GLOVER
BY C. COOPER CLERK

In the First Judicial District Court of the State of Nevada
in and for Carson City

SUMMONS

JED MARGOLIN, an individual

Plaintiff,

vs.

Optima Technology Corporation, a California corporation,
OPTima Technology Corporation, a Nevada corporation, Reza
Zandian aka Golanreza Zandianjazi aka Gholam Reza Zandian
aka Reza Jazi aka J. Rez Defendant, Jazi aka G. Reza Jazi
aka Chononreza Zandian Jazi, an individual, DOE Companies
1-10, DOE Corporations 11-20, and DOE Individuals 21-30.

THE STATE OF NEVADA SENDS GREETINGS TO THE ABOVE-NAMED DEFENDANT: Optima
Technology Corporation, a Nevada Corporation

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING
HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

TO THE DEFENDANT: A civil Complaint has been filed by the plaintiff against you.

1. If you wish to defend this lawsuit, you must, within 20 days after this Summons is served on you, exclusive of the day of service, file with this Court a written pleading in response to this Complaint.
2. Unless you respond, your default will be entered upon application of the plaintiff, and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or the relief requested in the Complaint.
3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. You are required to serve your response upon plaintiff's attorney, whose address is

ALAN GLOVER

Clerk of Court

By M. Alshawa

Deputy Clerk

Date March 9, 20 10

*Note - When service by publication, insert a brief statement of the object of the action. See Rule 4.

RETURN OF SERVICE ON REVERSE SIDE

AFFIDAVIT OF SERVICE
(For General Use)

STATE OF CALIFORNIA
COUNTY OF SACRAMENTO } SS.

I SHAWN SARDIA, declares under penalty of perjury:
That affiant is, and was on the day when he served the within Summons, over 18 years of age, and not a party to, nor interested in, the within action; that the affiant received the Summons on the 19th 20th 5th day of MARCH, 20 10, and personally served the same upon REBA ZANDIAN, AGENT FOR SERVICE OF PROCESS the within named defendant, on the 21st day of MARCH, 20 10, by delivering to the said defendant, personally, in FAIROAKS, County of SACRAMENTO, State of CALIFORNIA, a copy of the Summons attached to a copy of the Complaint.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed this 23rd day of MARCH, 20 10. Shawn F SARDIA #SAL2008-5
Signature of person making service

STATE OF NEVADA }
CARSON CITY } SS.

NEVADA SHERIFF'S RETURN
(For Use of Sheriff of Carson City)

I hereby certify and return that I received the within Summons on the _____ day of _____, 20 ____; and personally served the same upon _____, the within named defendant, on the _____ day of _____, 20 ____, by delivering to the said defendant, personally, in Carson City, State of Nevada, a copy of the Summons attached to a copy of the Complaint.

Sheriff of Carson City, Nevada

Date: _____, 20 ____ By _____ Deputy

STATE OF NEVADA }
COUNTY OF _____ } SS.

AFFIDAVIT OF MAILING
(For Use When Service is by Publication and Mailing)

_____, declares under penalty of perjury:
That affiant is, and was when the herein described mailing took place, over 18 years of age, and not a party to, nor interested in, the within action; that on the _____ day of _____, 20 ____, affiant deposited in the Post Office at _____, Nevada, a copy of the within Summons attached to a copy of the Complaint, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to _____, the within named defendant, at _____; that there is a regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed this _____ day of _____, 20 ____.

NOTE - If service is made in any manner permitted by Rule 4 other than personally upon the defendant, or is made outside the United States, a special affidavit or return must be made.

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Jed Margolin v. Optima Technology Corporation, et al.
Case No. 090C0500679 1B
Declaration of Robert Toth

I, ROBERT TOTH, hereby declare:

I am a registered process server for the State of California. I have personal knowledge of the facts contained in this Declaration, and if called as a witness, I could and would competently testify thereto. As to those matters alleged on information and belief, I believe them to be true.

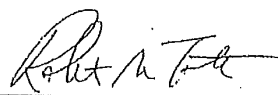
I attempted service of copies of the Summons, Complaint and Order on Reza Zandian, agent for process of service for Optima Technoloy Corp, a California Corp and Optima Technology Corp, A Nevada Corp., as follows:

On March 19, 2010 at 4:12 p.m., I went to the residence address at 8401 Bonita Downs Road Fair Oaks, 95628. There was no answer at the door.

On March 20, 2010 at 12:07 p.m. There was no answer at the door.

On March 19, 2010 I turned over a copy of the documents to an associate, Shawn Sardia.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration is executed this 23rd day of March, at Citrus Heights, California.



ROBERT M. TOTH
Registered Process Server
Sacramento #2000-28

1 Jed Margolin v. Optima Technology Corporation, et al.
2 Case No. 090C0500679 1B
3 Declaration of Shawn Sardia

4 I, SHAWN SARDIA, hereby declare:

5 I am a registered process server for the State of California. I have personal knowledge of
6 the facts contained in this Declaration, and if called as a witness, I could and would competently
7 testify thereto. As to those matters alleged on information and belief, I believe them to be true.

8 I served copies of the Summons, Complaint and Order on Reza Zandian, agent for
9 process of service for Optima Technoloy Corp, a California Corp and Optima Technology Corp,
10 A Nevada Corp., as follows:

11 On March 20, 2010 at 10:14 a.m., I went to the residence located at 8401 Bonita Downs
12 Road, Fair Oaks, CA 95628. There was no answer at the door.

13 On March 21, 2010 at 9:45 a.m. I returned to the residence. There was no answer at the
14 door.

15 On March 21, 2010 at 6:45 p.m. I returned to the resident's address. The door was
16 answered by an elderly man, described as mid to late-60's, middle eastern accent, 5'4" tall, grey
17 hair, long beard, thin, wearing glasses and is the subject's father. I told him I had legal documents
18 for Reza Zandian, and that I would leave it with him. He told me he did not want the papers. I put
19 the envelope by the doorway and told him he had been served for Reza. He closed the door.

20 I declare under penalty of perjury under the laws of the State of California that the
21 foregoing is true and correct, and that this declaration is executed this 23rd day of March, at
22 Citrus Heights, California.


23 
24 SHAWN SARDIA
25 Registered Process Server
26 Sacramento #2008-5
27
28

Exhibit 5

Exhibit 5



January 8, 2010

KELLY G. WATSON ¹
MICHAEL D. ROUNDS ¹
MATTHEW D. FRANCIS ²

ARTHUR A. ZORIO ¹
CASSANDRA P. JOSEPH ¹
MELISSA P. BARNARD
RYAN E. JOHNSON
TARA A. SHIROFF
MATTHEW G. HOLLAND
ADAM P. McMILLEN ²
ELIZA BECHTOLD ⁴
ADAM YOWELL

OF COUNSEL-
MARC D. FOODMAN ^{1,3}

¹ Also licensed in California
² Also licensed in Utah
³ Also licensed in Massachusetts
⁴ Licensed only in California

5371 Kietzko Lane
Reno, Nevada 89511
(775) 324-4100
Fax (775) 333-8171
e-mail: reno@watsonrounds.com

777 North Rainbow Boulevard
Suite 350
Las Vegas, Nevada 89107
(702) 636-4902
Fax (702) 636-4904

One Market-Steuart Tower
Suite 1600
San Francisco, CA 94105
(415)243-4090
Fax (415)243-0226

www.watsonrounds.com

Reply to: Reno

John Peter Lee, Esq.
John Peter Lee, Ltd.
830 Las Vegas Boulevard South
Las Vegas, NV 89101

Re: Optima Technology Corporation and Reza Zandian

Dear Mr. Lee:

We represent Mr. Jed Margolin in a case pending in the First Judicial District Court for the State of Nevada in and for Carson City, Case No. 09 0C 00579 1B captioned *Jed Margolin v. Optima Technology Corporation (CA), Optima Technology Corporation (NV), Reza Zandian aka Golamreza Zandianjazi aka aka Gholam Reza Zandian, aka Reza Jazi, aka J. Reza Jazi, aka G. Reza Jazi, aka Ghonamreza Zandian Jazi* (the Action). Copies of the summonses and complaint filed in the Action are enclosed.

We understand that at one time you represented one or more of the Defendants named in the Action. We are attempting to effectuate service of the enclosed summonses and complaint on Mr. Zandian and the Defendant entities and have been unsuccessful thus far. Please inform me whether you currently represent Mr. Zandian or the Defendant entities, and if so, whether you will accept service on behalf of any of the Defendants. If you refuse or cannot accept service on behalf of any of the Defendants, please provide any information possible regarding the whereabouts of any of the Defendants. Alternatively, please provide copies of the summonses and complaint to the Defendants.

Please inform me by January 29, 2010 whether or not you will accept service of the summonses and complaint on behalf of any of the Defendants, or whether you



John Peter Lee, Esq.
January 8, 2010
Page 2

will take any other action requested herein. I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Cassandra P. Joseph".

Cassandra P. Joseph
WATSON ROUNDS
A Professional Corporation

COPY

1 Case No.: 09 DC 00579 1B

2 Dept. No.: I

REC'D & FILED

2009 DEC 11 PM 4:07

BY ~~W. GLOVER~~
~~STATE~~ CLERK
DEPUTY

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5
6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY

8 JED MARGOLIN, an individual,

9
10 Plaintiff,

11 vs.

12 OPTIMA TECHNOLOGY
13 CORPORATION, a California corporation,
14 OPTIMA TECHNOLOGY CORPORATION,
15 a Nevada corporation, REZA ZANDIAN aka
16 GOLAMREZA ZANDIANJAZI aka
17 GHOLAM REZA ZANDIAN aka REZA
18 JAZI aka J. REZA JAZI aka G. REZA
19 JAZI aka GHONONREZA ZANDIAN JAZI,
20 an individual, DOE Companies 1-10, DOE
21 Corporations 11-20, and DOE Individuals
22 21-30,

23 Defendants.

24
25
26 COMPLAINT

(Exemption From Arbitration Requested)

27 Plaintiff, JED MARGOLIN ("Mr. Margolin"), by and through his counsel of record,
28 WATSON ROUNDS, and for his Complaint against Defendants, hereby alleges and complains
as follows:

The Parties

1. Plaintiff Mr. Margolin is an individual residing in Storey County, Nevada.
2. On information and belief, Defendant Optima Technology Corporation is a

1 California corporation with its principal place of business in Irvine, California.

2 3. On information and belief, Defendant Optima Technology Corporation is a
3 Nevada corporation with its principal place of business in Las Vegas, Nevada.

4 4. On information and belief, Defendant Reza Zandian, aka Golamreza Zandianjazi,
5 aka Golamreza Zandianjazi, aka Gholam Reza Zandian, aka Reza Jazi, aka J. Reza Jazi, aka G.
6 Reza Jazi, aka Ghononreza Zandian Jazi (collectively "Zandian"), is an individual who at all
7 relevant times resided in San Diego, California or Las Vegas, Nevada.

8 5. On information and belief, Defendant Optima Technology Corporation, the
9 Nevada corporation ("OTC—Nevada") is a wholly owned subsidiary of Optima Technology
10 Corporation, the California corporation ("OTC—California"), and Defendant Zandian at all
11 relevant times served as officers of the OTC—California and OTC—Nevada.
12

13 6. Mr. Margolin believes, and therefore alleges, that at all times herein mentioned,
14 each of the Defendants was the agent, servant or employee of each of the other Defendant and at
15 all times was acting within the course and scope of said agency and/or employment and that each
16 Defendant is liable to Mr. Margolin for the reasons and the facts herein alleged. Relief is sought
17 herein against each and all of the Defendants jointly and severally, as well as its or their agents,
18 assistants, successors, employees and all persons acting in concert or cooperation with them or at
19 their direction. Mr. Margolin will amend his Complaint when such additional persons acting in
20 concert or cooperation are ascertained.
21

22 Jurisdiction and Venue

23
24 7. Pursuant to the Nevada Constitution, Article 6, Section 6, the district courts of the
25 State of Nevada have original jurisdiction in all cases excluded by law from the original
26 jurisdiction of the justice courts. This case involves tort claims in an amount in excess of the
27 jurisdictional limitation of the justice courts and, accordingly, jurisdiction is proper in the district
28 court.

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WHEREFORE, Plaintiff Jed Margolin, prays for judgment against the Defendants as follows:

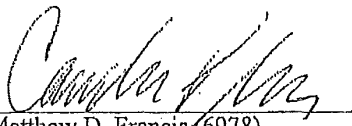
1. That Plaintiff be awarded damages for Defendants' tortious conduct;
2. That Plaintiff be awarded damages for Defendants' unjust enrichment;
3. That Plaintiff be awarded damages for Defendants' commission of unfair and deceptive trade practices, in an amount to be proven at trial, with said damages being trebled pursuant to NRS 598.0999;
4. That Plaintiff be awarded actual, consequential, future, and punitive damages of whatever type or nature;
5. That the Court award all such further relief that it deems just and proper.

AFFIRMATION

Pursuant to NRS 239B.030, the undersigned does hereby affirm that the preceding document, filed in District Court, does not contain the social security number of any person.

DATED: December 10, 2009

WATSON ROUNDS



Matthew D. Francis (6978)
Cassandra P. Joseph (9845)
WATSON ROUNDS
5371 Kietzke Lane
Reno, NV 89511
Telephone: 775-324-4100
Facsimile: 775-333-8171

Attorneys for Plaintiff Jed Margolin

Exhibit 1

Exhibit 1

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

UNIVERSAL AVIONICS SYSTEMS) CORPORATION,
CORPORATION,

No. CV 07-588-TUC-RCC

Plaintiff,

ORDER

vs.

OPTIMA TECHNOLOGY GROUP, INC.,
OPTIMA TECHNOLOGY CORPORATION, ROBERT ADAMS and
JED MARGOLIN,

Defendants.

OPTIMA TECHNOLOGY INC. a/k/a
OPTIMA TECHNOLOGY GROUP, INC.,
a corporation,

Counterclaimant,

vs.

UNIVERSAL AVIONICS SYSTEMS CORPORATION, an Arizona corporation,

Counterdefendant,

OPTIMA TECHNOLOGY INC. a/k/a
OPTIMA TECHNOLOGY GROUP, INC.,

Cross-Claimant,

vs.

OPTIMA TECHNOLOGY CORPORATION,

Cross-Defendant.

1 This Court, having considered the Defendants' Application for Entry of Default
2 Judgment against Cross-Defendant Optima Technology Corporation, finds no just reason to
3 delay entry of final judgment.

4 Therefore, IT IS HEREBY ORDERED:

5 Final Judgment is entered against Cross-Defendants Optima Technology Corporation,
6 a California corporation, and Optima Technology Corporation, a Nevada corporation, as
7 follows:

8 1. Optima Technology Corporation has no interest in U.S. Patents Nos. 5,566,073 and
9 5,904,724 ("the Patents") or the Durable Power of Attorney from Jed Margolin dated July
10 20, 2004 ("the Power of Attorney");

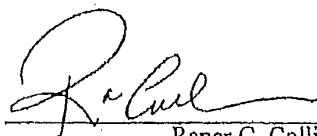
11 2. The Assignment Optima Technology Corporation filed with the USPTO is forged,
12 invalid, void, of no force and effect, and is hereby struck from the records of the USPTO;

13 3. The USPTO is to correct its records with respect to any claim by Optima
14 Technology Corporation to the Patents and/or the Power of Attorney; and

15 4. OTC is hereby enjoined from asserting further rights or interests in the Patents
16 and/or Power of Attorney; and

17 5. There is no just reason to delay entry of final judgment as to Optima Technology
18 Corporation under Federal Rule of Civil Procedure 54(b).

19 DATED this 18th day of August, 2008.

20
21
22 

23 Raner C. Collins
24 United States District Judge

25
26
27
28

ORIGINAL

No. 090C00579 1B

Dept. I

In the First Judicial District Court of the State of Nevada
in and for Carson City

SUMMONS

JED MARGOLIN, an individual
Plaintiff,

Optima Technology ^{VS} Corporation, a California corporation,
Optima Technology Corporation, a Nevada corporation, Reza
Zandian aka Golanreza Zandianjazi aka Gholam Reza Zandian
aka Reza Jazi aka J. Reza ~~Defendant~~, Jazi aka G. Reza Jazi
~~aka Chononreza Zandian Jazi, an individual, DOE Companies~~
1-10, DOE Corporations 11-20, and DOE Individuals 21-30
DEFENDANTS

THE STATE OF NEVADA SENDS GREETINGS TO THE ABOVE-NAMED DEFENDANT:

NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT: A civil Complaint has been filed by the plaintiff against you.

1. If you wish to defend this lawsuit, you must, within 20 days after this Summons is served on you, exclusive of the day of service, file with this Court a written pleading in response to this Complaint.
2. Unless you respond, your default will be entered upon application of the plaintiff, and this Court may enter a judgment against you for the relief demanded in the Complaint*, which could result in the taking of money or property or the relief requested in the Complaint.
3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. You are required to serve your response upon plaintiff's attorney, whose address is

ALAN GLOVER

Clerk of Court

By 

Deputy Clerk

Date December 15, 2009, 20

*Note - When service by publication, insert a brief statement of the object of the action. See Rule 4.

RETURN OF SERVICE ON REVERSE SIDE

ORIGINAL

No. 090C00579 1B

Dept. I

In the First Judicial District Court of the State of Nevada
in and for Carson City

Add /
SUMMONS

JED MARGOLIN, an individual
Plaintiff,

^{vs.}
Optima Technology Corporation, a California corporation,
Optima Technology Corporation, a Nevada corporation, Reza
Zandian aka Golanreza Zandianjazi aka Gholam Reza Zandian
aka Reza Jazi aka J. Reza Defendant, Jazi aka G. Reza Jazi
aka Chononreza Zandian Jazi, an individual, DOE Companies
1-10, DOE Corporations 11-20, and DOE Individuals 21-30
DEFENDANTS

THE STATE OF NEVADA SENDS GREETINGS TO THE ABOVE-NAMED DEFENDANT:

NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT: A civil Complaint has been filed by the plaintiff against you.

1. If you wish to defend this lawsuit, you must, within 20 days after this Summons is served on you, exclusive of the day of service, file with this Court a written pleading in response to this Complaint.
2. Unless you respond, your default will be entered upon application of the plaintiff, and this Court may enter a judgment against you for the relief demanded in the Complaint*, which could result in the taking of money or property or the relief requested in the Complaint.
3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. You are required to serve your response upon plaintiff's attorney, whose address is

ALAN GLOVER

Clerk of Court

By

Deputy Clerk

Date December 15, 2009, 20

*Note - When service by publication, insert a brief statement of the object of the action. See Rule 4.

RETURN OF SERVICE ON REVERSE SIDE

ORIGINAL

No. 090C00579 IB

Dept. I

In the First Judicial District Court of the State of Nevada
in and for Carson City

Add'l
SUMMONS

JED MARGOLIN, an individual
Plaintiff,

Optima Technology ^{VS.} Corporation, a California corporation,
Optima Technology Corporation, a Nevada corporation, Reza
Zandian aka Golarreza Zandianjazi aka Gholam Reza Zandian
aka Reza Jazi aka J. Reza Defendant, Jazi aka G. Reza Jazi
aka Chonorreza Zandian Jazi, an individual, DOE Companies
1-10, DOE Corporations 11-20, and DOE Individuals 21-30
DEFENDANTS

THE STATE OF NEVADA SENDS GREETINGS TO THE ABOVE-NAMED DEFENDANT:

NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT: A civil Complaint has been filed by the plaintiff against you.

1. If you wish to defend this lawsuit, you must, within 20 days after this Summons is served on you, exclusive of the day of service, file with this Court a written pleading in response to this Complaint.
2. Unless you respond, your default will be entered upon application of the plaintiff, and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or the relief requested in the Complaint.
3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. You are required to serve your response upon plaintiff's attorney, whose address is

ALAN GLOVER

Clerk of Court

By 

Deputy Clerk

Date December 15, 2009 ~~14~~, 2009

*Note - When service by publication, insert a brief statement of the object of the action. See Rule 4.

RETURN OF SERVICE ON REVERSE SIDE

Exhibit 6

Exhibit 6



August 4, 2011

KELLY G. WATSON¹
MICHAEL D. ROUNDS¹
MATTHEW D. FRANCIS²

ARTHUR A. ZORIO¹
MELISSA P. BARNARD
RYAN E. JOHNSON
MATTHEW G. HOLLAND
ADAM P. McMILLEN²
ADAM YOWELL
VINH PHAM³

OF COUNSEL-
MARC D. FOODMAN^{1,3}
STEVEN T. POLIKALAS^{1,4}

¹ Also licensed in California
² Also licensed in Utah
³ Also licensed in Massachusetts
⁴ Also licensed in Tennessee
⁵ Licensed only in California

5371 Kietzke Lane
Reno, Nevada 89511
(775) 324-4100
Fax (775) 333-8171
e-mail: reno@watsonrounds.com

777 North Rainbow Boulevard
Suite 350
Las Vegas, Nevada 89107
(702) 636-4902
Fax (702) 636-4904

One Market-Stewart Tower
Suite 1600
San Francisco, CA 94105
(415)243-4090
Fax (415)243-0226

www.watsonrounds.com

Reply to: Reno

VIA FACSIMILE ONLY: 702-383-9950

John Peter Lee, Esq.
John Peter Lee, Ltd.
830 Las Vegas Boulevard South
Las Vegas, NV 89101

Re: First Judicial District Court Case No. 090C00579

Dear Mr. Lee:

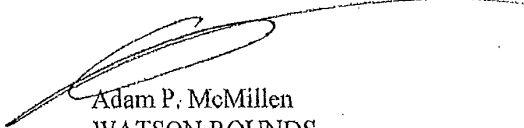
We are in receipt of and have reviewed the Order setting aside Jed Margolin's default judgment against your client in the above referenced matter. Also in the order is a 90 day time period from August 3, 2011 to properly effectuate service on your client.

Please allow this letter to serve as a formal demand that you accept service on behalf of your client, Reza Zandian. Also, it is demanded that you provide us with a current address for your client. It is demanded that you agree to accept service and provide this information to my office by 5:00 p.m. on August 8, 2011.

If you do not agree to accept service on behalf of your client and if you are not willing to provide his current address, please explain why so that we can properly serve your client in this case.

I look forward to your professional cooperation in this matter.

Regards,



Adam P. McMillen
WATSON ROUNDS
A Professional Corporation

Exhibit 7

Exhibit 7

JOHN PETER LEE, LTD.

ATTORNEYS AT LAW

830 LAS VEGAS BOULEVARD SOUTH
LAS VEGAS, NEVADA 89101
TELEPHONE (702) 382-4044
FACSIMILE (702) 383-9950
E-MAIL: info@johnpeterlee.com

August 8, 2011

Fax: (702) 333-8171

Adam P. McMillan
WATSON ROUNDS
A Professional Corporation
777 North Rainbow Boulevard
Suite 350
Las Vegas, Nevada 89511

Re: First Judicial District Court Case No. 090C00579

Dear Mr. McMillan:

Your letter of August 4, 2011, is acknowledged. Our response is as follows:

We cannot accept service, nor can we give you Reza Zandian's current address. Except to indicate that he does not reside in Nevada at the present time and is not subject to the jurisdiction of the courts of this State within the provisions of the litigation commenced by your firm involving an Arizona judgment which cannot be domesticated in Nevada.

Yours truly,

JOHN PETER LEE, LTD.

Dictated but not read

John Peter Lee, Esq.

JPL/mh

Exhibit 8

Exhibit 8

No. 090C00579 1B

Dept No. 1

In the First Judicial District Court of the State of Nevada
in and for Carson City

JED MARGOLIN, an Individual,
Plaintiff,

SUMMONS

v.

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 CHONONREZA ZANDIAN JAZI, an Individual, DOE Companies 1-10, DOE Corporations 11-20, and DOE Individuals 21-30,
Defendants.

THE STATE OF NEVADA SENDS GREETINGS TO: REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka CHONONREZA ZANDIAN JAZI

NOTICE! YOU HAVE BEEN SUED. THIS ACTION IS BROUGHT TO RECOVER DAMAGES AS A RESULT OF THE DEFENDANTS' FRAUDULENT ASSIGNMENT OF DOCUMENTS RELATING TO PATENT NO.'S 5,566,073, 5,904,724 AND 5,978,488 AS MORE FULLY STATED IN THE COMPLAINT. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT: A civil complaint or petition has been filed by the plaintiff(s) against you.

1. If you wish to defend this lawsuit, you must, within 20 days after this summons is served on you, exclusive of the day of service, file with the Clerk of the Court a written pleading in response to this Complaint.
2. Unless you respond, a default will be entered upon application of the plaintiff(s) and this Court may enter a judgment against you for the relief demanded in the complaint*, which could result in the taking of money or property or the relief requested in the Complaint.
3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. You are required to serve your response upon plaintiff's attorney, whose address is

Matthew D. Francis
Adam McMillen
Watson Rounds
5371 Klezke Lane
Reno, Nevada 89511

ALAN GLOVER
Clerk of Court
By _____
Deputy Clerk

Date _____, 20__

*Note - When served by publication, insert a brief statement of the object of the action. See Rule 4.

RETURN OF SERVICE ON REVERSE SIDE

**AFFIDAVIT OF SERVICE
(For General Use)**

STATE OF _____ }
COUNTY OF _____ } SS.

_____, declares under penalty of perjury:
That affiant is, and was on the day when he served the within Summons, over 18 years of age, and not a party to, nor interested
in, the within action; that the affiant received the Summons on the _____ day of _____, 20____,
and personally served the same upon _____
the within named defendant, on the _____ day of _____, 20____, by delivering to the said defendant,
personally, in _____, County of _____, State of _____,
a copy of the Summons attached to a copy of the Complaint.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed this _____ day of _____, 20____. _____
Signature of person making service

STATE OF NEVADA }
CARSON CITY } SS.

**NEVADA SHERIFF'S RETURN
(For Use of Sheriff of Carson City)**

I hereby certify and return that I received the within Summons on the _____ day of _____, 20____;
and personally served the same upon _____, the within named defendant,
on the _____ day of _____, 20____, by delivering to the said defendant, personally, in Carson City,
State of Nevada, a copy of the Summons attached to a copy of the Complaint.

Sheriff of Carson City, Nevada

Date: _____, 20____ By _____
Deputy

STATE OF NEVADA }
COUNTY OF _____ } SS.

**AFFIDAVIT OF MAILING
(For Use When Service is by Publication and Mailing)**

_____, declares under penalty of perjury:
That affiant is, and was when the herein described mailing took place, over 18 years of age, and not a party to, nor interested
in, the within action; that on the _____ day of _____, 20____, affiant deposited in the Post Office at
_____, Nevada, a copy of the within Summons attached to a copy of the Complaint, enclosed in a sealed envelope
upon which first class postage was fully prepaid, addressed to _____,
the within named defendant, at _____;
that there is a regular communication by mail between the place of mailing and the place so addressed.
I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed this _____ day of _____, 20____.

NOTE - If service is made in any manner permitted by Rule 4 other than personally upon the defendant, or is made
outside the United States, a special affidavit or return must be made.

No. 090C00579 1B

Dept No. 1

In the First Judicial District Court of the State of Nevada
in and for Carson City

JED MARGOLIN, an individual,
Plaintiff,

SUMMONS

v.

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

THE STATE OF NEVADA SENDS GREETINGS TO: OPTIMA TECHNOLOGY CORPORATION, a Nevada corporation

NOTICE! YOU HAVE BEEN SUED. THIS ACTION IS BROUGHT TO RECOVER DAMAGES AS A RESULT OF THE DEFENDANTS' FRAUDULENT ASSIGNMENT OF DOCUMENTS RELATING TO PATENT NO.'S 5,566,073, 5,904,724 AND 5,978,488 AS MORE FULLY STATED IN THE COMPLAINT. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT: A civil complaint or petition has been filed by the plaintiff(s) against you.

1. If you wish to defend this lawsuit, you must, within 20 days after this summons is served on you, exclusive of the day of service, file with the Clerk of the Court a written pleading in response to this Complaint.
2. Unless you respond, a default will be entered upon application of the plaintiff(s) and this Court may enter a judgment against you for the relief demanded in the complaint*, which could result in the taking of money or property or the relief requested in the Complaint.
3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. You are required to serve your response upon plaintiff's attorney, whose address is

Matthew D. Francis
Adam McMillen
Watson Rounds
5371 Kietzke Lane
Reno, Nevada 89511

ALAN GLOVER
Clerk of Court
By _____
Deputy Clerk

Date _____, 20____.

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RETURN OF SERVICE ON REVERSE SIDE

**AFFIDAVIT OF SERVICE
(For General Use)**

STATE OF _____ }
COUNTY OF _____ } SS.

_____, declares under penalty of perjury:
That affiant is, and was on the day when he served the within Summons, over 18 years of age, and not a party to, nor interested
in, the within action; that the affiant received the Summons on the _____ day of _____, 20____,
and personally served the same upon _____
the within named defendant, on the _____ day of _____, 20____, by delivering to the said defendant,
personally, in _____, County of _____, State of _____,
a copy of the Summons attached to a copy of the Complaint.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed this _____ day of _____, 20____. _____
Signature of person making service

STATE OF NEVADA }
CARSON CITY } SS.

**NEVADA SHERIFF'S RETURN
(For Use of Sheriff of Carson City)**

I hereby certify and return that I received the within Summons on the _____ day of _____, 20____;
and personally served the same upon _____, the within named defendant,
on the _____ day of _____, 20____, by delivering to the said defendant, personally, in Carson City,
State of Nevada, a copy of the Summons attached to a copy of the Complaint.

Sheriff of Carson City, Nevada

Date: _____, 20____ By _____
Deputy

STATE OF NEVADA }
COUNTY OF _____ } SS.

**AFFIDAVIT OF MAILING
(For Use When Service is by Publication and Mailing)**

_____, declares under penalty of perjury:
That affiant is, and was when the herein described mailing took place, over 18 years of age, and not a party to, nor interested
in, the within action; that on the _____ day of _____, 20____, affiant deposited in the Post Office at
_____, Nevada, a copy of the within Summons attached to a copy of the Complaint, enclosed in a sealed envelope
upon which first class postage was fully prepaid, addressed to _____,
the within named defendant, at _____;
that there is a regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed this _____ day of _____, 20____.

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outside the United States, a special affidavit or return must be made.

No. 090C00579 1B

Dept No. 1

In the First Judicial District Court of the State of Nevada
In and for Carson City

JED MARGOLIN, an individual,
Plaintiff,

SUMMONS

v.

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 CHONONREZA ZANDIAN JAZI, an individual, DOE Companies 1-10, DOE Corporations 11-20, and DOE Individuals 21-30,
Defendants. /

THE STATE OF NEVADA SENDS GREETINGS TO: OPTIMA TECHNOLOGY CORPORATION, a California corporation

NOTICE! YOU HAVE BEEN SUED. THIS ACTION IS BROUGHT TO RECOVER DAMAGES AS A RESULT OF THE DEFENDANTS' FRAUDULENT ASSIGNMENT OF DOCUMENTS RELATING TO PATENT NO.'S 5,566,073, 5,904,724 AND 5,978,488 AS MORE FULLY STATED IN THE COMPLAINT. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

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3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. You are required to serve your response upon plaintiff's attorney, whose address is

Matthew D. Francis
Adam McMillen
Watson Rounds
5371 Kietzke Lane
Reno, Nevada 89511

ALAN GLOVER
Clerk of Court

By _____
Deputy Clerk

Date _____, 20____.

*Note - When served by publication, insert a brief statement of the object of the action. See Rule 4.

RETURN OF SERVICE ON REVERSE SIDE

**AFFIDAVIT OF SERVICE
(For General Use)**

STATE OF _____ }
COUNTY OF _____ } SS.

_____, declares under penalty of perjury:
That affiant is, and was on the day when he served the within Summons, over 18 years of age, and not a party to, nor interested
in, the within action; that the affiant received the Summons on the _____ day of _____, 20____,
and personally served the same upon _____
the within named defendant, on the _____ day of _____, 20____, by delivering to the said defendant,
personally, in _____, County of _____, State of _____,
a copy of the Summons attached to a copy of the Complaint.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed this _____ day of _____, 20____. _____
Signature of person making service

STATE OF NEVADA }
CARSON CITY } SS.

**NEVADA SHERIFF'S RETURN
(For Use of Sheriff of Carson City)**

I hereby certify and return that I received the within Summons on the _____ day of _____, 20____;
and personally served the same upon _____, the within named defendant,
on the _____ day of _____, 20____, by delivering to the said defendant, personally, in Carson City,
State of Nevada, a copy of the Summons attached to a copy of the Complaint.

Sheriff of Carson City, Nevada

Date: _____, 20____ By _____
Deputy

STATE OF NEVADA }
COUNTY OF _____ } SS.

**AFFIDAVIT OF MAILING
(For Use When Service is by Publication and Mailing)**

_____, declares under penalty of perjury:
That affiant is, and was when the herein described mailing took place, over 18 years of age, and not a party to, nor interested
in, the within action; that on the _____ day of _____, 20____, affiant deposited in the Post Office at
_____, Nevada, a copy of the within Summons attached to a copy of the Complaint, enclosed in a sealed envelope
upon which first class postage was fully prepaid, addressed to _____,
the within named defendant, at _____;

that there is a regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed this _____ day of _____, 20____.

NOTE - If service is made in any manner permitted by Rule 4 other than personally upon the defendant, or is made
outside the United States, a special affidavit or return must be made.

ORIGINAL

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*

REC'D & FILED

2011 SEP 27 PM 5:02

ALAN GLOVER

BY  CLERK
DEPUTY

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

10 **JED MARGOLIN, an individual,**

11 **Plaintiff,**

12 **vs.**

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

24 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

PROPOSED AMENDED ORDER
ALLOWING SERVICE BY
PUBLICATION

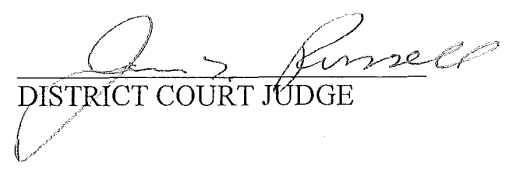
22 Plaintiff Jed Margolin has sought the Order of this Court allowing service by publication
23 as against Defendants Optima Technology Corporation, a California corporation, Optima
24 Technology Corporation, a Nevada corporation, and Reza Zandian, aka Golamreza Zandianjazi,
25 aka Gholam Reza Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka Ghononreza
26 Zandian Jazi, for up to four weeks following the issuance thereof.

27 This Court has reviewed all pleadings and papers on file herein and is fully informed
28 concerning all relevant facts and issues. IT IS THEREFORE ORDERED AS FOLLOWS:

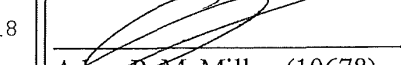
1 Service of process as against Defendants may be made by publication by publishing such
2 Summons in the San Diego Union-Tribune, the Reno Gazette-Journal, and the Las Vegas
3 Review Journal for a period of four weeks and said publication to occur at least once a week
4 during said time.

5
6 IT IS SO ORDERED:

7
8 Dated: September 27, 2011


DISTRICT COURT JUDGE

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17 SUBMITTED BY:

18 
19 Adam P. McMillen (10678)
20 WATSON ROUNDS
21 5371 Kietzke Lane
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8 *Attorneys for Plaintiff Jed Margolin*

REC'D & FILED
2011 DEC -5 PM 4:00
ALAN GLOYER
W. GUTIERREZ CLERK
DET. 011

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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

**OPPOSITION TO MOTION TO
DISMISS**

COMES NOW Plaintiff Jed Margolin and hereby files this opposition to Defendant Reza Zandian's ("Zandian") motion to dismiss the amended complaint on a special appearance and in the alternative for leave to amend the complaint. This opposition is based on the following Memorandum of Points and Authorities and all pleadings, motions, and papers on file herein.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. FACTUAL BACKGROUND**

3 Plaintiff Jed Margolin is the named inventor on numerous patents and patent
4 applications, including United States Patent No. 5,566,073 (“the ‘073 Patent”), United States
5 Patent No. 5,904,724 (“the ‘724 Patent”), United States Patent No. 5,978,488 (“the ‘488
6 Patent”) and United States Patent No. 6,377,436 (“the ‘436 Patent”) (collectively “the
7 Patents”). *See* Amended Complaint, ¶ 9. Mr. Margolin is the legal owner and owner of record
8 for the ‘488 and ‘436 Patents, and has never assigned those patents. *Id.*, ¶ 10. In 2004, Mr.
9 Margolin granted to Optima Technology Group (“OTG”), a Cayman Islands Corporation
10 specializing in aerospace technology, a Power of Attorney regarding the ‘073 and ‘724
11 Patents. *Id.*, ¶ 11. Subsequently, Mr. Margolin assigned the ‘073 and ‘724 Patents to OTG.
12 *Id.*, ¶ 13.

13 In May 2006, OTG and Mr. Margolin licensed the ‘073 and ‘724 Patents to Geneva
14 Aerospace, Inc., and Mr. Margolin received a royalty payment pursuant to the royalty
15 agreement between Mr. Margolin and OTG. *Id.*, ¶ 12. In about October 2007, OTG licensed
16 the ‘073 Patent to Honeywell International, Inc., and Mr. Margolin received a royalty payment
17 pursuant to the royalty agreement between Mr. Margolin and OTG. *Id.*, ¶ 14.

18 On about December 5, 2007, Defendant Zandian filed with the U.S. Patent and
19 Trademark Office (“USPTO”) fraudulent assignment documents allegedly assigning all four of
20 the Patents to Optima Technology Corporation (“OTC”), a company apparently owned by
21 Defendant Zandian. *Id.*, ¶ 15; *see also* the fraudulent assignment documents attached hereto as
22 **Exhibit 1** (the Exhibits cited in this brief are attached to the McMillen Affidavit, dated
23 12/5/11, attached hereto).¹ Upon discovery of the fraudulent filings, Mr. Margolin: (a) filed a
24 report with the Storey County Sheriff’s Department; (b) took action to regain record title to the
25 ‘488 and ‘436 Patents that he legally owned; and (c) assisted OTG in regaining record title of
26

27
28 ¹ The signature on the attached Recordation Form Cover Sheet is that of Reza Zandian; also, the internal address for Optima Technology Corporation, which is apparently another name for Zandian, lists John Peter Lee Limited, 830 Las Vegas Boulevard South, Las Vegas, Nevada 89101, 702-382-4044, info@johnpeterlee.com.

1 Zandian. Plaintiff then filed and served a Notice of Entry of Default on Zandian on December
2 7, 2010 and on his last known attorney on December 16, 2010.

3 On February 25, 2011, Plaintiff filed in this Court and served a certificate of service
4 indicating that the application for entry of default against Zandian was sent to attorney John
5 Peter Lee. On February 28, 2011, Plaintiff filed an application for default judgment against
6 Defendants Zandian, Optima Technology Corporation, a California Corporation, and Optima
7 Technology Corporation, a Nevada Corporation.

8 On March 1, 2011, a default judgment was entered against Zandian and the other
9 defendants for \$121,594.46. On March 7, 2011, notice of entry of that default was filed and
10 served by mail on Zandian and his counsel.

11 On June 9, 2011, Zandian filed a motion to dismiss and to set aside the default. On
12 August 3, 2011, this Court set aside the default, denied the motion to dismiss without prejudice
13 and granted Plaintiff ninety (90) days from August 3, 2011 to properly effectuate service of the
14 Complaint and Summons and/or an Amended Complaint.

15 On September 27, 2011, this Court ordered that service of process against Defendants
16 be made by publication in the San Diego Union-Tribune, the Reno Gazette-Journal and the Las
17 Vegas Review Journal. As reflected in the affidavits of service filed on November 7, 2011,
18 Defendants were served by publication in the San Diego Union-Tribune (09/23/2011;
19 09/30/2011; 10/07/2011; 10/14/2011), the Reno Gazette-Journal (09/16/2011; 09/23/2011;
20 09/30/2011; 10/07/2011) and the Las Vegas Review Journal (10/07/2011; 10/14/2011;
21 10/21/2011; 10/28/2011).

22 III. ARGUMENT

23 **A. DEFENDANT'S MOTION TO DISMISS CITES MATTERS OUTSIDE** 24 **THE PLEADINGS AND THUS THE MOTION SHOULD BE TREATED** 25 **AS A MOTION FOR SUMMARY JUDGMENT**

26 "If a motion to dismiss for failure to state a claim upon which relief can be granted has
27 been filed, and matters outside the pleading are presented to and not excluded by the trial
28 court, the motion shall be treated as a motion for summary judgment." *Kellar v. Snowden*, 87
Nev. 488, 491-92, 489 P.2d 90, 92-93 (1971). In this case, Defendant Zandian has presented

1 matters outside the Amended Complaint and if the Court does not exclude those matters then
2 Zandian's motion must be treated as a motion for summary judgment.

3 For example, Defendant Zandian references the Arizona default judgment to argue that
4 he was not a part of the Arizona action. *See* Zandian's Motion to Dismiss, Exhibit B, and 3:15
5 and 3:22-23. Another example is where Defendant Zandian argues that he was not served in
6 the Arizona action and Zandian cites the docket of the Arizona action for support of this
7 argument. *Id.* at 4:26-27, citing Exhibit C (which is the docket of the Arizona action).

8 As a result of Zandian's citation to matters outside of the pleadings, the motion to
9 dismiss should be treated as a motion for summary judgment.

10 **B. LEGAL STANDARD FOR SUMMARY JUDGMENT UNDER NRCP 56**

11 Summary judgment under NRCP 56 may not be used as a shortcut to resolving
12 disputes regarding material facts. *Parmana v. Petricciani*, 70 Nev. 427, 436, 272 P.2d 492
13 (1954), *abrogated on other grounds by Wood v. Safeway, Inc.*, 121 Nev. 724, 121 P.3d 1026
14 (2005).

15 A court "should exercise great care in granting motions for summary judgment". *Short*
16 *v. Hotel Riviera, Inc.*, 79 Nev. 94, 103, 378 P.2d 979, 984 (1963). NRCP 56 authorizes
17 summary judgment only where the moving party is entitled to judgment as a matter of law and
18 no genuine issue remains for trial. *Wood v. Safeway, Inc.*, 121 Nev. 724, 731, 121 P.3d 1026,
19 1031 (2005). All evidence favorable to the party against whom summary judgment was
20 rendered will be accepted as true. *Bowyer v. Davidson*, 94 Nev. 718, 720, 584 P.2d 686, 687
21 (1978). The pleadings and other proof must be construed in a light most favorable to the
22 nonmoving party. *Wood v. Safeway, Inc.*, 121 Nev. 724, 732, 121 P.3d 1026, 1031 (2005).

23 **C. MATERIAL ISSUES OF FACT EXIST AS TO DEFENDANT**
24 **ZANDIAN'S INVOLVEMENT IN THE UNDERLYING FRAUDULENT**
25 **ASSIGNMENT**

26 Applying the legal standard for summary judgment to the pleadings and other proof
27 attached to Zandian's motion to dismiss, and/or submitted in this action, material issues of fact
28 plainly exist as to whether or not Defendants, including Zandian in his personal capacity,
executed and filed fraudulent documents with the United States Patent and Trademark Office

1 (“PTO”), among other issues that have caused Plaintiff Margolin’s damages. Zandian has
2 provided no undisputed fact that he was not personally involved in signing the fraudulent
3 documents. He merely argues that he was not involved. Clearly, a material issue of fact exists
4 with that issue alone.

5 **D. IN THE ALTERNATIVE, ADDITIONAL DISCOVERY IS REQUIRED**
6 **PURSUANT TO NRCP 56(f)**

7 In the alternative that the above is not sufficient to defeat the instant motion for
8 summary judgment, it should still be denied based upon the complete lack of discovery in this
9 matter.

10 NRCP 56(f) provides in pertinent part:

11 Should it appear from the affidavits of a party opposing the motion that the
12 party cannot for reasons stated present by affidavit facts essential to justify the
13 party’s opposition, the court may refuse the application for judgment or may
14 order a continuance to permit affidavits to be obtained or depositions to be
15 taken or discovery to be had or may make such other order as is just. *Id.*

16 “NRCP 56(f) permits a district court to grant a continuance when a party opposing a
17 motion for summary judgment is unable to marshal facts in support of its opposition. A district
18 court's decision to refuse such a continuance is reviewed for abuse of discretion.” *Aviation*
19 *Ventures, Inc. v. Joan Morris, Inc.*, 121 Nev. 113, 117-18, 110 P.3d 59, 62 (2005). In
20 addition:

21 In *Halimi v. Blacketor*, this court concluded that a district court had abused its
22 discretion when it denied an NRCP 56(f) motion for a continuance and granted
23 summary judgment in a case where the complaint had been filed only a year
24 before summary judgment was granted. This court noted that summary
25 judgment is improper when a party seeks additional time to conduct discovery
26 to compile facts to oppose the motion. Furthermore, this court held that when
27 no dilatory motive was shown, it was an abuse of discretion to refuse a request
28 for further discovery at such an early stage in the proceedings.

Aviation Ventures, Inc., 121 Nev. at 118, 110 P.3d at 62 (citations omitted).

29 In addition, Nevada courts regularly consult the Federal Rules of Civil Procedure in
30 interpreting the Nevada rules. *See for example AA Primo Builders, LLC v. Washington*, 245
31 P.3d 1190, 1193 (Nev. 2010). The case law interpreting the federal counterpart of NRCP 56(f)
32 states in part as follows: