

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

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

9
10 **JED MARGOLIN, an individual,**

11 **Plaintiff,**

12 **vs.**

13 **OPTIMA TECHNOLOGY CORPORATION,**
14 **a California corporation, OPTIMA**
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

OPPOSITION TO MOTION TO
DISMISS

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

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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.

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

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

1 Rule 56(f) “provides a device for litigants to avoid summary judgment when they have
2 not had sufficient time to develop affirmative evidence.” *Seville Classics, Inc. v. Meskill*
3 *Enterprises, LLC.*, 2005 WL 6141289, *1 (C.D. Cal. 2005)(granting plaintiff’s application for
4 ex parte order under Rule 56(f) denying defendant’s motion for summary judgment), quoting
5 *United States v. Kitsap Physicians Serv.*, 314 F.3d 995, 1000 (9th Cir. 2002). The purpose of
6 Rule 56(f) is to serve as a safeguard against an improvident or premature grant of summary
7 judgment. 10B Charles A. Wright, Arthur R. Miller, *Federal Practice and Procedure* 3d, §
8 2740 (2009)(citations omitted). As such, courts have held that technical rulings regarding
9 Rule 56(f) are improper and the Rule “should be applied with a spirit of liberality.” *Id.*

10 “Rule 56(f) motions ‘should be granted almost as a matter of course unless the
11 nonmoving party has not diligently pursued discovery of the evidence.’” *Caldwell v.*
12 *Roseville Joint Union High School District*, 2006 WL 3747288, *1 (E. D. Cal.
13 2006)(quotations omitted – granting Rule 56(f) ex parte application for continuance).

14 Thus, under NRCP 56(f), a motion for summary judgment should be denied if it
15 appears that additional discovery will assist in developing the facts of the case. Clearly,
16 discovery in the form of written discovery and especially the taking of the depositions of the
17 parties and the fact witnesses (if any), will not only assist in developing the facts of the case
18 but will likely establish unequivocally whether or not Defendants, including Zandian in his
19 personal capacity, were responsible for the filing of the fraudulent documents with the PTO
20 and caused the Plaintiff’s damages.

21 No discovery has been conducted to date as no answer to the complaint or the amended
22 complaint has been filed by Defendants. *McMillen Aff.*, ¶ 31. The written discovery and
23 deposition discovery that will assist in developing the facts of this case and will establish
24 whether Defendants are liable or not for the causes of action filed by Plaintiff is as follows:

25 Discovery needs to be done regarding Zandian’s contention that he never acted in his
26 individual capacity in such a way to cause a justiciable injury to the Plaintiff, as outlined on
27 page 3, lines 20-21 of Zandian’s motion to dismiss (see also page 4, lines 6-7). *McMillen*
28 *Aff.*, ¶ 32. Discovery into all aspects of the Plaintiff’s claims in this matter needs to be

1 accomplished. *Id.* at ¶ 33. The deposition of Defendant Reza Zandian, and written discovery,
2 needs to be undertaken in order to determine his residency and contacts with the State of
3 Nevada for jurisdictional purposes and issues related to his role in forging the assignment
4 documents, among other issues. *Id.* at ¶ 34. Discovery needs to be done regarding issues
5 related to Plaintiff's claims, including whether or not Defendant Zandian acted in his personal
6 capacity in such a way to cause a justiciable injury to Plaintiff. *Id.* at ¶ 35. Discovery needs to
7 be done regarding the Plaintiff's damages. *Id.* at ¶ 36. Discovery into the Defendants' claims
8 and defenses needs to be done. *Id.* at ¶ 37.

9 The above referenced discovery will assist in developing the facts of this case,
10 therefore, pursuant to NRCPC 56(f), Defendant Zandian's motion to dismiss/summary judgment
11 should be denied. *Id.* at ¶ 38.

12 Therefore, it is respectfully requested in the alternative that the instant motion be
13 denied so that additional discovery can take place.

14 **E. DEFENDANTS HAVE BEEN PROPERLY SERVED WITH THE**
15 **SUMMONS AND COMPLAINT**

16 NRCPC 4(e)(1)(i) allows service by publication when the person on whom service is to
17 be made resides out of the state, or has departed from the state, or cannot, after due diligence,
18 be found within the state, or by concealment seeks to avoid service, and a cause of action
19 exists against the person to whom service is to be made and is a necessary party. In addition,
20 NRCPC 4(e)(1)(iii) commands as follows:

21 The order shall direct the publication to be made in a newspaper, **published in**
22 **the State of Nevada**, to be designated by the court or judge thereof, for a
23 period of 4 weeks, and at least once a week during said time. In addition to in-
24 state publication, where the present residence of the defendant is unknown **the**
25 **order may also direct that publication be made in a newspaper published**
outside the State of Nevada whenever the court is of the opinion that such
publication is necessary to give notice that is reasonably calculated to give a
defendant actual notice of the proceedings.

26 NRCPC 4(e)(1)(iii)(emphasis added).

27 In this case, the complaint was filed on December 11, 2009. Plaintiff attempted to
28 serve Defendants at their last-known residential and/or business address of 8401 Bonita

1 Downs Road, Fair Oaks, California 95628. As Plaintiff was having difficulty serving Zandian,
2 the summons and complaint were mailed to Zandian's attorney, John Peter Lee, on January 8,
3 2010, and a request for assistance in serving Zandian was made. *See* Letter, dated 1/8/10,
4 from Cassandra Joseph to John Peter Lee, attached hereto as **Exhibit 3**.³ Moreover, an attempt
5 at personal service of Zandian occurred on February 2, 2010 in Fair Oaks, California.

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

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

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

16 *See* Letter, dated 8/8/11, from John Peter Lee to Adam McMillen, attached hereto as **Exhibit 5**
17 (emphasis added). Mr. Lee was unwilling to assist the Plaintiff in serving his client.

18 Nevertheless, as stated above, all three Defendants were served by publication prior to
19 November 2011. Therefore, all three Defendants have been served with the summons and
20 complaint and were given proper notice of this lawsuit.

21 **F. ZANDIAN'S BUSINESS ACTIVITIES AND PROPERTY HOLDINGS ARE
22 SUBSTANTIAL, CONTINUOUS AND SYSTEMATIC, AND HE SHOULD BE
23 DEEMED PRESENT IN THE FORUM**

24 Nevada's long arm statute states as follows:

- 25 1. A court of this state may exercise jurisdiction over a party to a civil action
26 on any basis not inconsistent with the Constitution of this state or the
27 Constitution of the United States.
- 28 2. Personal service of summons upon a party outside this state is sufficient to
confer upon a court of this state jurisdiction over the party so served if the
service is made by delivering a copy of the summons, together with a copy of

³ John Peter Lee never responded to Cassandra Joseph's request for assistance in serving Zandian and the Defendant entities. At least, Mr. Lee never responded until well after the default was entered by filing the instant motion, even though he represented Zandian prior to this action.

1 the complaint, to the party served in the manner provided by statute or rule of
2 court for service upon a person of like kind within this state.

3 3. The method of service provided in this section is cumulative, and may be
4 utilized with, after or independently of other methods of service.

5 NRS 14.065(1)-(3).

6 In addition, in Nevada, “[t]here are two types of personal jurisdiction: general and
7 specific.” *Baker v. Eighth Judicial Dist. Court ex rel. County of Clark*, 116 Nev. 527, 532,
8 999 P.2d 1020, 1023 (2000). “General jurisdiction is required in matters where a defendant is
9 held to answer in a forum for causes of action unrelated to his forum activities.” *Baker v.*
10 *Eighth Judicial Dist. Court ex rel. County of Clark*, 116 Nev. 527, 532, 999 P.2d 1020, 1023
11 (2000). “General jurisdiction over a nonresident will lie where the nonresident's activities in
12 the forum are ‘substantial’ or ‘continuous and systematic.’” *Id.* Said another way, “General
13 jurisdiction over the defendant ‘is appropriate where the defendant's forum activities are so
14 “substantial” or “continuous and systematic” that [he] may be deemed present in the forum.”
15 *Freeman v. Second Judicial Dist. Court ex rel. County of Washoe*, 116 Nev. 550, 553, 1 P.3d
16 963, 965 (2000).

17 In addition, the following citation acknowledges that there must be minimum contacts
18 for the Court to exercise jurisdiction over a nonresident and states that owning property or
19 doing business within the state is enough to confer jurisdiction:

20 We acknowledged in *Metal-Matic, Inc. v. 8th Judicial District Court*, 82 Nev.
21 263, 415 P.2d 617 (1966), citing therein *International Shoe Co. v. State of*
22 *Washington*, 326 U.S. 310, 66 S.Ct. 154, 90 L.Ed. 95 (1945); *McGee v.*
23 *International Life*, 355 U.S. 220, 78 S.Ct. 199, 2 L.Ed.2d 223 (1957); and
24 *Hanson v. Denckla*, 357 U.S. 235, 78 S.Ct. 1228, 2 L.Ed.2d 1283 (1958), that
25 since *Pennoyer v. Neff*, 5 Otto 714, 95 U.S. 714, 24 L.Ed. 565 (1877), a
26 jurisdictional evolution has been taking place to such extent that the old
27 jurisdictional landmarks have been left far behind so that in many instances
28 states may now properly exercise jurisdiction over nonresidents not amenable
to service within their borders. The point has not been reached, however, where
state boundaries are not without significance. There must still be some
‘affiliating’ circumstances without which the courts of the state may not
entertain jurisdiction. *Hanson v. Denckla*, *supra*. Each case depends upon its
own circumstances, but while we adhere to the generalities of ‘minimal
contact,’ that contact must be of significance. **In this case it must amount to
owning property or doing business within this state.**

McCulloch Corp. v. O'Donnell, 83 Nev. 396, 398, 433 P.2d 839, 840 (1967) (emphasis added).

1 In this case, Zandian owns property and does business within the state. In fact, as
2 detailed below, Zandian's forum activities are so "substantial" or "continuous and systematic"
3 that he may be deemed present in the forum and therefore general jurisdiction is appropriate.

4 Zandian owns real property throughout Nevada. He owns two parcels in Clark County
5 (30 acres combined).⁴ He owns 10 parcels in Washoe County ((APN: 79-150-09: 560
6 acres)(APN: 079-150-10: 639 acres)(APN: 079-150-13: 560 acres)(APN: 084-040-02: 627
7 acres)(APN: 084-040-04: 640 acres)(APN: 084-040-06: 633 acres)(APN: 084-040-10: 390
8 acres)(APN 084-130-07: 275 acres)(APN: 79-150-12:160 acres)).⁵ He owns and/or is partial
9 owner of 6 parcels in Lyon County (330.20 acres combined).⁶ He is part owner of two parcels
10 in Churchill County (56.75 acres combined).⁷ He is part owner of one parcel in Elko County
11 (17.6 acres).⁸ It is unknown at this time if he owns other property in other names or through
12 other entities.

13 With regards to doing business within Nevada, Zandian is a managing member of
14 Johnson Spring Water Company LLC, a Nevada LLC.⁹ Zandian is a managing member of
15 Wendover Project L.L.C., a Nevada LLC.¹⁰ Zandian is or was recently a manager of 11000
16 Reno Highway, Fallon, LLC, a Nevada LLC.¹¹ Currently, 11000 Reno Highway, Fallon, LLC
17 is listed as the owner of 640 acres of real property in Churchill County.¹²

18 Zandian is or was recently a managing member and registered agent of Misfits
19 Development LLC, a Nevada LLC.¹³ Zandian is or was recently a managing member and

22 ⁴ See Zandian's Clark County property information, attached hereto as **Exhibit 6**.

23 ⁵ See Zandian's Washoe County property information, attached hereto as **Exhibit 7**.

24 ⁶ See Zandian's Lyon County property information, attached hereto as **Exhibit 8**.

25 ⁷ See Zandian's Churchill County property information, attached hereto as **Exhibit 9**.

26 ⁸ See Zandian's Elko County property information, attached hereto as **Exhibit 10**.

27 ⁹ See Zandian's manager information for Johnson Spring Water Company LLC, attached hereto as **Exhibit 11**.

28 ¹⁰ See Zandian's manager information for Wendover Project L.L.C., attached hereto as **Exhibit 12**.

¹¹ See Zandian's manager information for 11000 Reno Highway, Fallon, L.L.C., attached hereto as **Exhibit 13**.

¹² See 11000 Reno Highway, Fallon, LLC's Churchill County property information, attached hereto as **Exhibit 14**.

¹³ See Zandian's managing member and resident agent information for Misfits Development LLC, attached hereto as **Exhibit 15**.

1 registered agent of Elko North 5th Avenue, LLC, a Nevada LLC.¹⁴ Zandian is a managing
2 member and registered agent for Stagecoach Valley LLC, an active Nevada LLC.¹⁵

3 Zandian acted as the resident agent for a revoked Nevada limited liability company
4 named Rock and Royalty LLC, where Zandian's resident agent address was 1401 S. Las
5 Vegas Boulevard, Las Vegas, Nevada 89104.¹⁶ Zandian was a managing member of Gold
6 Canyon Development LLC, a Nevada LLC that is now in default status.¹⁷ Zandian was a
7 managing member of High Tech Development LLC, a Nevada LLC that has been dissolved.¹⁸
8 Zandian was a managing member of Lyon Park Development LLC, a Nevada LLC that has
9 been dissolved.¹⁹ Zandian was a managing member of Churchill Park Development LLC, a
10 Nevada LLC that has been dissolved.²⁰ Zandian was a manager of Sparks Village LLC, a
11 Nevada LLC that is in default status.²¹ Zandian was president, secretary, treasurer, director
12 and resident agent of Optima Technology Corporation, a now revoked Nevada close
13 corporation.²² Zandian was a managing member of I-50 Plaza LLC, a Nevada LLC in default
14 status.²³ Zandian was a manager of Dayton Plaza, LLC, a Nevada LLC in default status.²⁴
15 Finally, Zandian was a manager of Reno Highway Plaza, LLC, a Nevada LLC in revoked
16 status.²⁵

17 Also, Zandian listed Carson City and Las Vegas addresses for his registered agent and
18 officer information for Rock and Royalty LLC, Optima Technology Corporation, High Tech
19

20 ¹⁴ See Zandian's managing member and resident agent information for Elko North 5th Avenue, LLC, attached
hereto as **Exhibit 16**.

21 ¹⁵ See Zandian's managing member and resident agent information for Stagecoach Valley LLC, attached hereto as
Exhibit 17.

22 ¹⁶ See Zandian's resident agent information for Rock and Royalty LLC, attached hereto as **Exhibit 18**.

23 ¹⁷ See Zandian's managing member information for Gold Canyon Development LLC, attached hereto as **Exhibit**
19.

24 ¹⁸ See Zandian's managing member information for High Tech Development LLC, attached hereto as **Exhibit 20**.

25 ¹⁹ See Zandian's managing member information for Lyon Park Development LLC, attached hereto as **Exhibit 21**.

²⁰ See Zandian's managing member information for Churchill Park Development LLC, attached hereto as **Exhibit**
22.

26 ²¹ See Zandian's manager information for Sparks Village LLC, attached hereto as **Exhibit 23**.

27 ²² See Zandian's information for Optima Technology Corporation, attached hereto as **Exhibit 24**.

²³ See Zandian's information for I-50 Plaza LLC, attached hereto as **Exhibit 25**.

28 ²⁴ See Zandian's information for Dayton Plaza, LLC, attached hereto as **Exhibit 26**.

²⁵ See Zandian's information for Reno Highway Plaza, LLC, attached hereto as **Exhibit 27**.

1 Development LLC, Lyon Park Development LLC, Churchill Park Development LLC, Sparks
2 Village, LLC, I-50 Plaza LLC, Dayton Plaza, LLC, 11000 Reno Highway Fallon LLC, Misfits
3 Development LLC, Elko North 5th Ave, LLC, and Stagecoach Valley LLC.²⁶

4 As demonstrated above, Zandian clearly owns or partially owns many properties within
5 and throughout the state of Nevada and Zandian clearly does a significant amount of business
6 within the state. His property ownership holdings and his business dealings, alone, show that
7 Zandian’s forum activities are so “substantial” or “continuous and systematic” that he should
8 be deemed present in the forum and therefore general jurisdiction is appropriate.

9 **G. NEVADA HAS ABROGATED THE DOCTRINE OF SPECIAL/GENERAL**
10 **APPEARANCES**

11 Zandian argues that he is making a special appearance “for the purpose of testing both
12 the sufficiency of service and the jurisdiction of the court; thus, Zandian has not consented to
13 personal jurisdiction of any Nevada court by bringing the instant motion.” *See* Motion to
14 Dismiss Amended Complaint on Special Appearance, dated 11/17/11, 2:12-15, on file herein.

15 However, the Nevada Supreme Court has abrogated the doctrine of special/general
16 appearances. *Hansen v. Eighth Judicial Dist. Court ex rel. County of Clark*, 116 Nev. 650,
17 656, 6 P.3d 982, 985 (2000). “Now, before a defendant files a responsive pleading such as an
18 answer, that defendant may move to dismiss for lack of personal jurisdiction, insufficiency of
19 process, and/or insufficiency of service of process, and such a defense is not ‘waived by being
20 joined with one or more other defenses.’ Alternatively, a defendant may raise its defenses,
21 including those relating to jurisdiction and service, in a responsive pleading.” *Hansen*, 116
22 Nev. at 656, 6 P.3d at 986.

23 Zandian could have raised his alleged defenses of insufficiency of service of process
24 and lack of jurisdiction in a motion to dismiss without waiving such defenses and his “special”
25 appearance is a nullity. Therefore, Zandian’s motion is merely a motion to dismiss. However,
26 as shown above and below, the motion to dismiss is factually and procedurally fatally flawed.

27 **H. ZANDIAN CANNOT MEET THE STANDARD FOR A MOTION TO DISMISS**

28

²⁶ *See* Exhibits 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25, attached hereto.

1 “In considering ‘a motion to dismiss, all well-pleaded allegations of material fact are
2 taken as true and construed in a light most favorable to the non-moving party.’” *Germaine*
3 *Music v. Universal Songs of Polygram*, 275 F. Supp. 2d 1288, 1294 (D. Nev. 2003) *aff’d in*
4 *part*, 130 F. App’x. 153 (9th Cir. 2005).

5 In his third paper filed with this Court, Zandian moves this Court to dismiss the case
6 based upon service of process and jurisdiction. However, as shown above, Zandian was
7 properly served and his forum contacts are so substantial as to create general jurisdiction over
8 him in the State of Nevada. *See supra*. Therefore, construing the complaint in the light most
9 favorable to the Plaintiff, Zandian’s motion to dismiss cannot meet the standard for a motion
10 to dismiss.

11 **I. RES JUDICATA AND ISSUE PRECLUSION DO NOT PREVENT THIS**
12 **ACTION**

13 Zandian’s motion to dismiss is difficult to decipher, but it appears that Zandian is
14 making an argument that res judicata or maybe issue preclusion might apply in this case.
15 However, Zandian provides no factual or legal authority for his arguments.

16 “The failure of a moving party to file a memorandum of points and authorities in
17 support of a motion shall constitute a consent to the denial of the motion...” FJDCR 15(5).
18 Accordingly, Zandian’s motion should be denied.

19 Nevertheless, there is a three-part test for determining whether claim preclusion
20 applies: (1) the parties or their privies are the same, (2) the final judgment is valid, and (3) the
21 subsequent action is based on the same claims or any part of them that were or could have
22 been brought in the first case. *Five Star Capital Corp. v. Ruby*, 124 Nev. 1028, 194 P.3d 709,
23 713 (Nev. 2008).

24 In this case, the parties/privies are not the same and this action is not based on the same
25 claims that were or could have been brought in the first case. For example, Zandian argues
26 that the Arizona action has no application to him: “Because no summons was ever issued as to
27 Zandian in the underlying U.S. District Court action which forms the basis of the instant
28 action, any domestication of the U.S. District Court action as it pertains to Zandian is a clear

1 violation of Zandian's constitutional right to notice under the Due Process clauses of the Fifth
2 and Fourteenth Amendments of the U.S. Constitution." See Motion to Dismiss Amended
3 Complaint on Special Appearance, dated 11/17/11, 5:5-10, on file herein. While Zandian is
4 incorrect in his assessment that Plaintiff is trying to domesticate the Arizona judgment,
5 Zandian is correct that he was not a party to the Arizona case.

6 In addition, the Arizona case was a declaratory judgment action brought by Universal
7 Avionics Systems Corporation ("Universal") against Plaintiff, OTG, OTC and Jed Margolin.
8 See Arizona Complaint, dated 7/15/08, attached hereto as **Exhibit 28** (original complaint
9 sealed). Universal sought a declaratory judgment that the '073 and '724 patents were invalid
10 and not infringed. *Id.*

11 OTG counterclaimed against Universal and cross-claimed against OTC, Joachim
12 Naimer, Jane Naimer, Frank Hummel and Jane Doe Hummel. See Arizona Answer,
13 Counterclaims, Cross-Claims and Third-Party Claims, dated 1/24/08, attached hereto as
14 **Exhibit 29**. OTG claimed patent infringement against Universal, Naimer and Hummel. *Id.*
15 OTG claimed breach of contract, breach of the implied covenant of good faith and fair dealing,
16 and negligence against Universal. *Id.* OTG sought a declaratory judgment against OTC that
17 OTC had no interest or right in the durable power of attorney from Jed Margolin or the above
18 mentioned patents, that OTC's filing/recording of documents with the PTO was invalid and
19 void, and ordering the PTO to correct and expunge its records with regards to the same. *Id.*
20 OTG claimed injurious falsehood/slander of title, trespass to chattels, unfair competition,
21 unfair and deceptive competition/business practices, unlawful conspiracy, joint and several
22 liability, and punitive damages against Universal and OTC. *Id.*

23 In this case, Jed Margolin is claiming conversion, tortious interference with contract,
24 intentional interference with prospective economic advantage, unjust enrichment, and unfair
25 and deceptive trade practices against all Defendants in this matter. The parties/privies and
26 claims in this matter are not the same as the parties/privies and claims in the Arizona action.

27 Therefore, as the parties/privies and claims in the Arizona action are not the same as
28 the parties/privies and claims in this action, claim preclusion does not apply.

1 Also, there is a four-part test for the application of issue preclusion: “(1) the issue
2 decided in the prior litigation must be identical to the issue presented in the current action; (2)
3 the initial ruling must have been on the merits and have become final; ... (3) the party against
4 whom the judgment is asserted must have been a party or in privity with a party to the prior
5 litigation’; and (4) the issue was actually and necessarily litigated.” *Five Star Capital Corp.*,
6 124 Nev. 1028, 194 P.3d at 713. The only identical issues decided in the Arizona case is the
7 fact that OTC/Zandian filed a forged assignment with the United States Patent Office and that
8 OTC/Zandian have no interest in the above mentioned patents or the durable power of
9 attorney.

10 The Arizona court ordered that OTC “has no interest in U.S. Patents Nos. 5,566,073
11 and 5,904,724 (“the Patents”) or the Durable Power of Attorney from Jed Margolin dated July
12 20, 2004.” *See* Exhibit B to Zandian’s Motion to Dismiss Amended Complaint on Special
13 Appearance, dated 11/17/11, on file herein. The Arizona court also ordered that the
14 “Assignment Optima Technology Corporation filed with the USPTO is forged, invalid, void,
15 of no force and effect, and is hereby struck from the records of the USPTO.” *See* Exhibit B to
16 Zandian’s Motion to Dismiss Amended Complaint on Special Appearance, dated 11/17/11, on
17 file herein. Therefore, those issues have already been decided. However, the same claims
18 have not been decided.

19 Therefore, the current action against Zandian and all the other Defendants is properly
20 before this Court.

21 IV. CONCLUSION

22 Based upon the foregoing, Plaintiff respectfully requests that this Court deny Zandian’s
23 motion to dismiss/for summary judgment. If this Court decides to grant any of Zandian’s
24 requests, then Plaintiff respectfully requests leave to amend the Complaint in order to remedy
25 any defects therein. It is respectfully requested in the alternative that the instant motion be
26 denied so that additional discovery can take place.

27 ///

28 ///

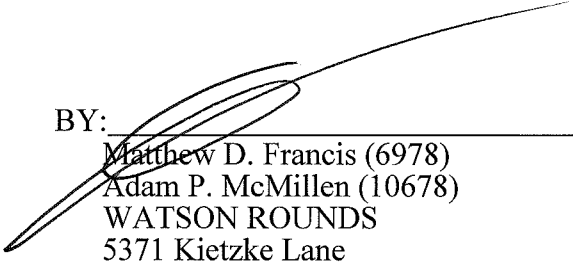
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AFFIRMATION PURSUANT TO NRS 239B.030

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

Dated this 5th day of December, 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

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, **OPPOSITION TO MOTION TO DISMISS**,
5 addressed as follows:

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

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Dated: December 5, 2011



Carla Ousby

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**
21 **individual, DOE Companies**
22 **1-10, DOE Corporations 11-20, and DOE**
23 **Individuals 21-30,**

24 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

AFFIDAVIT OF ADAM P.
MCMILLEN IN SUPPORT OF
OPPOSITION TO MOTION TO
DISMISS

25 I, Adam P. McMillen, being first duly sworn, under oath, depose and say:

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

1 2. Attached as **Exhibit 1** is a true and correct copy of the fraudulent assignment
2 documents Defendant Reza Zandian filed with the United States Patent and Trademark Office,
3 dated 12/5/07.

4 3. Attached as **Exhibit 2** is a true and correct copy of the Affidavit of Service for
5 Defendant Reza Zandian, dated 2/18/10.

6 4. Attached as **Exhibit 3** is a true and correct copy of the Letter, dated 1/8/10,
7 from Cassandra Joseph to John Peter Lee.

8 5. Attached as **Exhibit 4** is a true and correct copy of the Letter, dated 8/04/11,
9 from Adam McMillen to John Peter Lee.

10 6. Attached as **Exhibit 5** is a true and correct copy of the Letter, dated 8/8/11,
11 from John Peter Lee to Adam McMillen.

12 7. Attached as **Exhibit 6** is a true and correct copy of Zandian's Clark County
13 property information.

14 8. Attached as **Exhibit 7** is a true and correct copy of Zandian's Washoe County
15 property information.

16 9. Attached as **Exhibit 8** is a true and correct copy of Zandian's Lyon County
17 property information.

18 10. Attached as **Exhibit 9** is a true and correct copy of Zandian's Churchill County
19 property information.

20 11. Attached as **Exhibit 10** is a true and correct copy of Zandian's Elko County
21 property information.

22 12. Attached as **Exhibit 11** is a true and correct copy of Zandian's manager
23 information for Johnson Spring Water Company LLC.

24 13. Attached as **Exhibit 12** is a true and correct copy of Zandian's manager
25 information for Wendover Project L.L.C.

26 14. Attached as **Exhibit 13** is a true and correct copy of Zandian's manager
27 information for 11000 Reno Highway, Fallon, L.L.C.

28

1 15. Attached as **Exhibit 14** is a true and correct copy of 11000 Reno Highway,
2 Fallon, L.L.C.'s Churchill County property information.

3 16. Attached as **Exhibit 15** is a true and correct copy of Zandian's managing
4 member and resident agent information for Misfits Development LLC.

5 17. Attached as **Exhibit 16** is a true and correct copy of Zandian's managing
6 member and resident agent information for Elko North 5th Avenue, LLC.

7 18. Attached as **Exhibit 17** is a true and correct copy of Zandian's managing
8 member and resident agent information for Stagecoach Valley LLC.

9 19. Attached as **Exhibit 18** is a true and correct copy of Zandian's resident agent
10 information for Rock and Royalty LLC.

11 20. Attached as **Exhibit 19** is a true and correct copy of Zandian's managing
12 member information for Gold Canyon Development LLC.

13 21. Attached as **Exhibit 20** is a true and correct copy of Zandian's managing
14 member information for High Tech Development LLC.

15 22. Attached as **Exhibit 21** is a true and correct copy of Zandian's managing
16 member information for Lyon Park Development LLC.

17 23. Attached as **Exhibit 22** is a true and correct copy of Zandian's managing
18 member information for Churchill Park Development LLC.

19 24. Attached as **Exhibit 23** is a true and correct copy of Zandian's manager
20 information for Sparks Village LLC.

21 25. Attached as **Exhibit 24** is a true and correct copy of Zandian's information for
22 Optima Technology Corporation.

23 26. Attached as **Exhibit 25** is a true and correct copy of Zandian's information for
24 I-50 Plaza LLC.

25 27. Attached as **Exhibit 26** is a true and correct copy of Zandian's information for
26 Dayton Plaza LLC.

27 28. Attached as **Exhibit 27** is a true and correct copy of Zandian's information for
28 Reno Highway Plaza LLC.

1 29. Attached as **Exhibit 28** is a true and correct copy of the Arizona Complaint,
2 dated 7/15/08.

3 30. Attached as **Exhibit 29** is a true and correct copy of the Arizona Answer,
4 Counterclaims, Cross-Claims and Third-Party Claims, dated 1/24/08.

5 31. That Discovery in this matter has never opened since Defendants have never
6 answered the complaint or the amended complaint.

7 32. That Defendant Zandian raises the issue that he never acted in his individual
8 capacity in such a way to cause a justiciable injury to the Plaintiff on page 3, lines 20-21 of
9 Zandian's motion to dismiss (see also page 4, lines 6-7).

10 33. That Discovery into any aspects of the Plaintiff's claims in this matter has not
11 been accomplished, not even whether Defendant Zandian acted in his personal capacity to
12 cause a justiciable injury to the Plaintiff.

13 34. That the deposition of Defendant Reza Zandian Defendant Reza Zandian needs
14 to be taken in order to determine his residency and contacts with the State of Nevada for
15 jurisdictional purposes and issues related to his role in forging the assignment documents.

16 35. That Plaintiff has yet to propound written discovery into issues related to
17 Plaintiff's claims, including whether or not Defendant Zandian acted in his personal capacity
18 in such a way to cause a justiciable injury to Plaintiff.

19 36. That discovery into the Plaintiff's damages has not yet been done.

20 37. That discovery into the Defendants' claims and defenses has not been done.

21 38. That the above referenced discovery will assist in developing the facts of this
22 case, therefore, pursuant to NRCP 56(f), Defendant Zandian's motion to dismiss/summary
23 judgment should be denied.

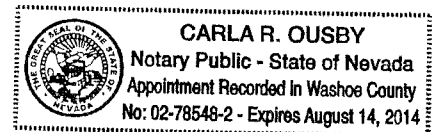
24 AFFIANT SAYETH NAUGHT.

25 By: _____

ADAM P. MCMILLEN

26 SUBSCRIBED AND SWORN to before me
27 This 5th day of December, 2011.

28 _____
Notary Public




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, DECLARATION OF ADAM P. MCMILLEN IN SUPPORT OF OPPOSITION TO MOTION TO DISMISS, addressed as follows:

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

Dated: December 5, 2011



Carla Ousby

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Index of Exhibits

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Exhibit 1

Exhibit 1



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

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DECEMBER 10, 2007

PTAS

OPTIMA TECHNOLOGY CORPORATION (NV)
C/O JOHN PETER LEE LIMITED
830 LAS VEGAS BPULEVARD SOUTH
LAS VEGAS, NEVADA 89101

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 12/05/2007

REEL/FRAME: 020218/0085
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
MARGOLIN, JED

DOC DATE: 12/05/2007

ASSIGNEE:
OPTIMA TECHNOLOGY CORPORATION (NV)
830 LAS VEGAS BOULEVARD SOUTH
C/O JOHN PETER LEE LIMITED
LAS VEGAS, NEVADA 89101

SERIAL NUMBER: 08513298
PATENT NUMBER: 5566073
TITLE: PILOT AID USING SYNTHETIC REALITY

FILING DATE: 08/09/1995
ISSUE DATE: 10/15/1996

SERIAL NUMBER: 08587731
PATENT NUMBER: 5904724
TITLE: METHOD AND APPARATUS FOR REMOTELY PILOTING AN AIRCRAFT

FILING DATE: 01/19/1996
ISSUE DATE: 05/18/1999

020218/0085 PAGE 2

SERIAL NUMBER: 09543252 FILING DATE: 04/05/2000
PATENT NUMBER: 6377436 ISSUE DATE: 04/23/2002
TITLE: MICROWAVE TRANSMISSION USING A LASER-GENERATED PLASMA BEAM WAVEGUIDE

SERIAL NUMBER: 09148045 FILING DATE: 09/03/1998
PATENT NUMBER: 5978488 ISSUE DATE: 11/02/1999
TITLE: SIMULATED AM RADIO

THERESA FREDERICK, EXAMINER
ASSIGNMENT SERVICES BRANCH
PUBLIC RECORDS DIVISION

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12/05/2007
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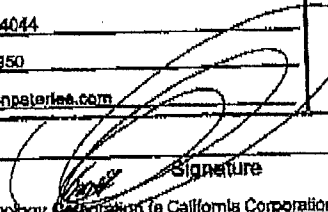
P-2

Form PTO-1595 (Rev. 07/05)
OMB No. 0651-0027 (exp. 6/30/2006)

U.S. DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

RECORDATION FORM COVER SHEET
PATENTS ONLY

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies) Jed Margolin based on Power of Attorney dated July 20, 2004 to: Optima Technology Corporation (CA) Additional name(s) of conveying party(ies) attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		2. Name and address of receiving party(ies) Name: <u>Optima Technology Corporation (NV)</u> Internal Address: <u>c/o John Peter Lee Limited</u> Street Address: <u>630 Las Vegas Boulevard South</u> City: <u>Las Vegas</u> State: <u>Nevada</u> Country: <u>U.S.A.</u> Zip: <u>89101</u> Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Nature of conveyance/Execution Date(s): Execution Date(s) <u>December 5, 2007</u> <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Joint Research Agreement <input type="checkbox"/> Government Interest Assignment <input type="checkbox"/> Executive Order 9424, Confirmatory License <input type="checkbox"/> Other		4. Application or patent number(s): <input type="checkbox"/> This document is being filed together with a new application. A. Patent Application No.(s) B. Patent No.(s) <u>6,566,073</u> <u>6,904,724</u> <u>6,377,436</u> <u>5,978,469</u> Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5. Name and address to whom correspondence concerning document should be mailed: Name: <u>Optima Technology Corporation (NV)</u> Internal Address: <u>c/o John Peter Lee Limited</u> Street Address: <u>630 Las Vegas Boulevard South</u> City: <u>Las Vegas</u> State: <u>Nevada</u> Zip: <u>89101</u> Phone Number: <u>702-382-4044</u> Fax Number: <u>702-382-9850</u> Email Address: <u>info@johnpeterlee.com</u>		6. Total number of applications and patents involved: <u>4</u> 7. Total fee (37 CFR 1.21(h) & 3.41) \$ <u>160.00</u> <input checked="" type="checkbox"/> Authorized to be charged by credit card <input type="checkbox"/> Authorized to be charged to deposit account <input type="checkbox"/> Enclosed <input type="checkbox"/> None required (government interest not affecting title)	
8. Payment Information a. Credit Card Last 4 Numbers <u>1004</u> Expiration Date <u>01/09</u> b. Deposit Account Number _____ Authorized User Name _____		9. Signature: _____ Date <u>12/5/2007</u> <div style="text-align: center;">  Signature </div> Optima Technology Corporation (a California Corporation) Name of Person Signing	
		Total number of pages including cover sheet, attachments, and documents: 7	

Documents to be recorded (including cover sheet) should be faxed to (871) 273-0140, or mailed to:
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

OP \$160.00 5566073



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

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DECEMBER 10, 2007

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OPTIMA TECHNOLOGY COPORATION (NV)
C/O JOHN PETER LEE LIMITED
830 LAS VEGAS BPULEVARD SOUTH
LAS VEGAS, NEVADA 89101

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RECORDATION DATE: 12/05/2007

REEL/FRAME: 020218/0089
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

MARGOLIN, JED BASED ON POWER OF
ATTORNEY DATED JULY 20, 2004 TO:
OPTIMA TECHNOLOGY CORPORATION
(CA)

DOC DATE: 12/05/2007

ASSIGNEE:

OPTIMA TECHNOLOGY CORPORATION (NV)
830 LAS VEGAS BOULEVARD SOUTH
C/O JOHN PETER LEE LIMITED
LAS VEGAS, NEVADA 89101

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ASSIGNMENT SERVICES BRANCH
PUBLIC RECORDS DIVISION

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12/05/2007
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859-625-2460

P. 1

Form PTO-1595 (Rev. 07/05)
OMB No. 0851-0027 (exp. 6/30/2008)

U.S. DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

RECORDATION FORM COVER SHEET
PATENTS ONLY

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

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Jed Margolin
based on Power of Attorney dated July 20, 2004
to: Optima Technology Corporation (CA)
Additional name(s) of conveying party(ies) attached? Yes No

2. Name and address of receiving party(ies)
Name: Optima Technology Corporation (NV)
Internal Address: c/o John Peter Lee Limited
Street Address: 830 Las Vegas Boulevard South
City: Las Vegas
State: Nevada
Country: U.S.A. Zip: 89101
Additional name(s) & address(es) attached? Yes No

3. Nature of conveyance/Execution Date(s):
Execution Date(s) December 5, 2007
 Assignment Merger
 Security Agreement Change of Name
 Joint Research Agreement
 Government Interest Assignment
 Executive Order 9424, Confirmatory License
 Other

4. Application or patent number(s): This document is being filed together with a new application.
A. Patent Application No.(s)
B. Patent No.(s)
5,566,073
5,904,724
5,377,438
5,978,488
Additional numbers attached? Yes No

5. Name and address to whom correspondence concerning document should be mailed:
Name: Optima Technology Corporation (NV)
Internal Address: c/o John Peter Lee Limited
Street Address: 830 Las Vegas Boulevard South
City: Las Vegas
State: Nevada Zip: 89101
Phone Number: 702-382-4044
Fax Number: 702-383-9950
Email Address: info@johnpeterlee.com

6. Total number of applications and patents involved: 4
7. Total fee (37 CFR 1.21(h) & 3.41) \$ 160.00
 Authorized to be charged by credit card
 Authorized to be charged to deposit account
 Enclosed
 None required (government interest not affecting title)

8. Payment Information
a. Credit Card Last 4 Numbers 1004
Expiration Date 01/09
b. Deposit Account Number _____
Authorized User Name _____

9. Signature: _____ Date: 12/5/2007
Signature _____
Optima Technology Corporation (a California Corporation) _____
Name of Person Signing _____ Total number of pages including cover sheet, attachments, and documents: 7

Documents to be recorded (including cover sheet) should be faxed to (671) 273-0149, or mailed to:
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

OP \$160.00 5566073

020227/0287 PAGE 2

SERIAL NUMBER: 09543252

FILING DATE: 04/05/2000

PATENT NUMBER: 6377436

ISSUE DATE: 04/23/2002

TITLE: MICROWAVE TRANSMISSION USING A LASER-GENERATED PLASMA BEAM WAVEGUIDE

SERIAL NUMBER: 09148045

FILING DATE: 09/03/1998

PATENT NUMBER: 5978488

ISSUE DATE: 11/02/1999

TITLE: SIMULATED AM RADIO

MARCUS KIRK, EXAMINER
ASSIGNMENT SERVICES BRANCH
PUBLIC RECORDS DIVISION

Dec 05 07 01:52p nikan

12/07/2007
700352860

858-625-2460

P.2

Form PTO-1595 (Rev. 07/05)
OMB No. 0651-0027 (exp. 6/30/2008)

U.S. DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

RECORDATION FORM COVER SHEET PATENTS ONLY

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies) Jed Margolin based on Power of Attorney dated July 20, 2004 to: Optima Technology Corporation (CA)		2. Name and address of receiving party(ies) Name: <u>Optima Technology Corporation (NV)</u> Internal Address: <u>c/o John Peter Lee Limited</u>	
Additional name(s) of conveying party(ies) attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Street Address: <u>830 Las Vegas Boulevard South</u>	
3. Nature of conveyance/Execution Date(s): Execution Date(s) <u>December 5, 2007</u>		City: <u>Las Vegas</u>	
<input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Joint Research Agreement <input type="checkbox"/> Government Interest Assignment <input type="checkbox"/> Executive Order 9424, Confirmatory License <input type="checkbox"/> Other		State: <u>Nevada</u>	
4. Application or patent number(s): A. Patent Application No.(s) B. Patent No.(s) 5,566,073 5,904,724 6,377,435 5,978,488		Country: <u>U.S.A.</u> Zip: <u>89101</u>	
Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5. Name and address to whom correspondence concerning document should be mailed: Name: <u>Optima Technology Corporation (NV)</u> Internal Address: <u>c/o John Peter Lee Limited</u> Street Address: <u>830 Las Vegas Boulevard South</u> City: <u>Las Vegas</u> State: <u>Nevada</u> Zip: <u>89101</u> Phone Number: <u>702-382-4044</u> Fax Number: <u>702-383-8950</u> Email Address: <u>info@johnpeterlee.com</u>		6. Total number of applications and patents involved: <u>4</u>	
		7. Total fee (37 CFR 1.21(h) & 3.41) \$ <u>160.00</u> <input checked="" type="checkbox"/> Authorized to be charged by credit card <input type="checkbox"/> Authorized to be charged to deposit account <input type="checkbox"/> Enclosed <input type="checkbox"/> None required (government interest not affecting title)	
		8. Payment Information a. Credit Card Last 4 Numbers <u>1004</u> Expiration Date <u>01/09</u> b. Deposit Account Number _____ Authorized User Name _____	
9. Signature: <u>Jed Margolin</u> by <u>[Signature]</u> Signature <u>his Attorney in Fact</u> Date <u>12/5/2007</u> Optima Technology Corporation (a California Corporation) Name of Person Signing		Total number of pages including cover sheet, attachments, and documents: <u>7</u>	

OP \$160.00 5566073

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to:
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, V.A. 22313-1450

Dec 05 07 01:52p nikan

858-625-2460

P. 4

Optima Technology Corporation

8775 Costa Verde Blvd.
Suite 501, San Diego CA 92122
Phone: 775-450-6833
Fax: 858-625-2460

December 5, 2007

United States Patent Office
Patent Assignment Department

Fax: 571-273-0140

Subject: Assignment of Patents

Dear Sir,

Reference to our telephone conversation of today with Mr. Maurice please find herewith the information cover sheet and credit card payment form and the power of attorney from Mr. Jed Margolin to Optima Technology Corporation for four patents Numbers:

5,566,073
5,904,724
6,377,436
5,978,488

to be assigned to Optima Technology Corporation a Nevada Corporation with the Address:

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

Thank you in advance for your co-operation, please call 775-450-6833 if you have any question.

Truly Yours

Reza Zandian
Director/Officer Optima Technology Corporation

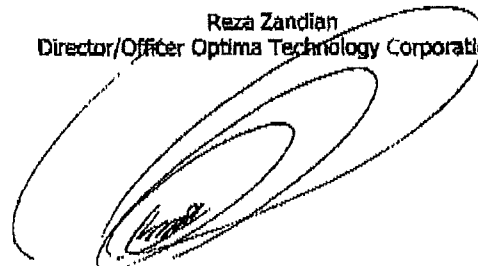


Exhibit 2

Exhibit 2

COPY

No. 090C00579 1B

Dept. I

REC'D & FILED
2010 MAR -9 PM 2:15
ALAN GLOVER
BY J. HANIKLEROAD
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 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 [Signature]
Deputy Clerk

Date December 15, 2009, 2010

*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 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.

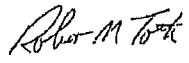
15 On January 31, 2010 at 4:13 p.m., I went the residence address, and again there was no
16 answer at the door.

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
Registered Process Server

Exhibit 3

Exhibit 3



January 8, 2010

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

ARTHUR A. ZORIO¹
CASSANDRA P. JOSEPH¹
MELISSA P. BARNARD
RYAN E. JOHNSON
TARA A. SHIROFF
MATTHEW G. HOLLAND
ADAM P. McMILLEN³
ELIZA BECHTOLD⁴
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 Kietzke Lane
Reno, Nevada 89511
(775) 324-4100
Fnx (775) 333-8171
e-mail: reno@watsonrounds.com

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

One Market-Steuart Tower
Suite 1600
San Francisco, CA 94105
(415) 243-4090
Fnx (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 Ghononreza 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 cursive script, appearing to read "Cassandra P. Joseph".

Cassandra P. Joseph
WATSON ROUNDS
A Professional Corporation

COPY

Case No.: 09 DC 00579 1B

Dept. No.: I

REC'D & FILED

2009 DEC 11 PM 4:07

AW/ H. GLOVER
CLERK

BY _____ DEPUTY CLERK

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.

COMPLAINT

(Exemption From Arbitration Requested)

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

20
21
22 **Jurisdiction and Venue**

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

1
2 WHEREFORE, Plaintiff Jed Margolin, prays for judgment against the Defendants as
3 follows:

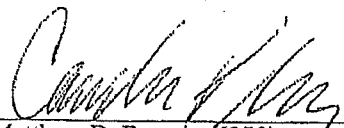
- 4 1. That Plaintiff be awarded damages for Defendants' tortious conduct;
5 2. That Plaintiff be awarded damages for Defendants' unjust enrichment;
6 3. That Plaintiff be awarded damages for Defendants' commission of unfair and
7 deceptive trade practices, in an amount to be proven at trial, with said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

12
13 AFFIRMATION

14 Pursuant to NRS 239B.030, the undersigned does hereby affirm that the preceding
15 document, filed in District Court, does not contain the social security number of any person.
16

17
18 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,

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.

20
21
22 

23 Raner C. Collins
24 United States District Judge

25
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27
28

Exhibit 4

Exhibit

Exhibit 4

Exhibit 4

WATSON
WR
ROUNDS

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-Steuart 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:

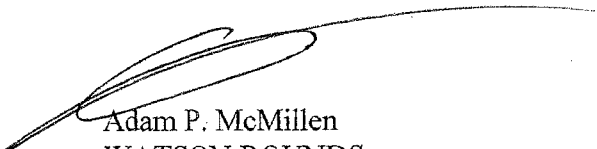
We are in receipt of and have reviewed the Order setting aside Jed Margolin's default judgment against your client in the above referenced matter. Also in the order is a 90 day time period from August 3, 2011 to properly effectuate service on your client.

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

TRANSMISSION VERIFICATION REPORT

TIME : 08/04/2011 16:11
NAME : WATSON ROUNDS
FAX : 7753338171
TEL : 7753244100
SER.# : BRDL8J883510

DATE, TIME	08/04 16:11
FAX NO./NAME	17023839950
DURATION	00:00:23
PAGE(S)	02
RESULT	OK
MODE	STANDARD ECM



FAX COVER SHEET

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

ARTHUR A. ZORIO ¹
MELISSA P. BARNARD
RYAN E. JOHNSON
MATTHEW G. HOLLAND
ADAM P. McMILLEN ²
ADAM YOWELL
VINH PHAM ²

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

DATE: August 4, 2011
TO: John Peter Lee, Esq
COMPANY: John Peter Lee, Ltd.
FAX NO: 702-383-9950
FROM: Adam McMillen
NUMBER OF PAGES: 2
RE: First Judicial District Court Case No. 090C00579
MESSAGE:

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 Klotzko Lane
Reno, Nevada 89511
(775) 324-4100
Fbx (775) 833-8171
renoinfo@watsonrounds.com

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



FAX COVER SHEET

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

ARTHUR A. ZORIO ¹
MELISSA P. BARNARD
RYAN E. JOHNSON
MATTHEW G. HOLLAND
ADAM P. McMILLEN ²
ADAM YOWELL
VINH PHAM ⁵

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

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² Also licensed in Utah
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⁴ Also licensed in Tennessee
⁵ Licensed only in California

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Reno, Nevada 89511
(775) 324-4100
Fax (775) 333-8171
renoinfo@watsonrounds.com

777 North Rainbow Boulevard
Suite 350
Las Vegas, Nevada 89107
(702) 636-4902
Fax (702) 636-4904
vegasinfo@watsonrounds.com

One Market-Stewart Tower
Suite 1600
San Francisco, CA 94105
(415)243-4090
Fax (415)243-0226
sfinfo@watsonrounds.com

www.watsonrounds.com

Reply to: Reno

DATE: August 4, 2011
TO: John Peter Lee, Esq
COMPANY: John Peter Lee, Ltd.
FAX NO: 702-383-9950
FROM: Adam McMillen
NUMBER OF PAGES: 2
RE: First Judicial District Court Case No. 090C00579
MESSAGE:

THE FOLLOWING PAGES ARE A CONFIDENTIAL COMMUNICATION INTENDED ONLY FOR THE PERSON NAMED ABOVE. IF YOU ARE NOT THE PERSON NAMED ABOVE, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERY OF THE FOLLOWING INFORMATION, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE. WE WILL GLADLY REIMBURSE YOUR TELEPHONE EXPENSE. THANK YOU.

Exhibit 5

Exhibit 5

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 6

Exhibit 6

GENERAL INFORMATION	
PARCEL NO.	071-02-000-005
OWNER AND MAILING ADDRESS	ZANDIAN REZA 8775 COSTA VERDE #501 SAN DIEGO CA 92122-5343
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	MOAPA VALLEY
ASSESSOR DESCRIPTION	PT NE4 NE4 SEC 02 16 68 SEC 02 TWP 16 RNG 68
RECORDED DOCUMENT NO.	* 20050419:04639
RECORDED DATE	04/19/2005
VESTING	NO STATUS

*Note: Only documents from September 15, 1999 through present are available for viewing.

ASSESSMENT INFORMATION AND SUPPLEMENTAL VALUE	
TAX DISTRICT	626
APPRAISAL YEAR	2010
FISCAL YEAR	10-11
SUPPLEMENTAL IMPROVEMENT VALUE	0
SUPPLEMENTAL IMPROVEMENT ACCOUNT NUMBER	N/A

REAL PROPERTY ASSESSED VALUE		
FISCAL YEAR	2010-11	2011-12
LAND	7000	5250
IMPROVEMENTS	0	0
PERSONAL PROPERTY	0	0
EXEMPT	0	0
GROSS ASSESSED (SUBTOTAL)	7000	5250
TAXABLE LAND+IMP (SUBTOTAL)	20000	15000
COMMON ELEMENT ALLOCATION ASSD	0	0
TOTAL ASSESSED VALUE	7000	5250
TOTAL TAXABLE VALUE	20000	15000

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
ESTIMATED SIZE	10.00 Acres
ORIGINAL CONST. YEAR	0
LAST SALE PRICE MONTH/YEAR	24000 04/05
LAND USE	0-00 VACANT
DWELLING UNITS	0

GENERAL INFORMATION	
PARCEL NO.	071-02-000-013
OWNER AND MAILING ADDRESS	ZANDIAN REZA 8775 COSTA VERDE #501 SAN DIEGO CA 92122-5343
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	MOAPA VALLEY
ASSESSOR DESCRIPTION	PT SE4 NE4 SEC 02 16 68 SEC 02 TWP 16 RNG 68
RECORDED DOCUMENT NO.	* 20050420:00563
RECORDED DATE	04/20/2005
VESTING	NO STATUS

*Note: Only documents from September 15, 1999 through present are available for viewing.

ASSESSMENT INFORMATION AND SUPPLEMENTAL VALUE	
TAX DISTRICT	826
APPRAISAL YEAR	2010
FISCAL YEAR	10-11
SUPPLEMENTAL IMPROVEMENT VALUE	0
SUPPLEMENTAL IMPROVEMENT ACCOUNT NUMBER	N/A

REAL PROPERTY ASSESSED VALUE		
FISCAL YEAR	2010-11	2011-12
LAND	14000	10500
IMPROVEMENTS	0	0
PERSONAL PROPERTY	0	0
EXEMPT	0	0
GROSS ASSESSED (SUBTOTAL)	14000	10500
TAXABLE LAND+IMP (SUBTOTAL)	40000	30000
COMMON ELEMENT ALLOCATION ASSD	0	0
TOTAL ASSESSED VALUE	14000	10500
TOTAL TAXABLE VALUE	40000	30000

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
ESTIMATED SIZE	20.00 Acres
ORIGINAL CONST. YEAR	0
LAST SALE PRICE	40000
MONTH/YEAR	04/05
LAND USE	0-00 VACANT
DWELLING UNITS	0

Exhibit 7

Exhibit 7

Zandian's Washoe County Properties - Jed Margolin 4/17/2011

From Washoe County Web site - Assessor's Database: <http://www.co.washoe.nv.us/assessor/cama/search.php>
 (from a search for "Zandian") April 14, 2011 by Jed Margolin

APN	Card	Situs		
Owner Name		Mailing Address		Last Transaction Date
079-150-12	1	STATE ROUTE 447		
REZA ZANDIAN		PO BOX 927674	SAN DIEGO CA 92192	06/27/2005
079-150-09	1	STATE ROUTE 447		
REZA ZANDIAN		PO BOX 81624	LAS VEGAS NV 89180	05/12/2009
079-150-10	1	STATE ROUTE 447		
REZA ZANDIAN		PO BOX 81624	LAS VEGAS NV 89180	05/12/2009
079-150-13	1	STATE ROUTE 447		
REZA ZANDIAN		PO BOX 81624	LAS VEGAS NV 89180	05/12/2009
084-040-02	1	PIERSON CANYON RD		
REZA ZANDIAN		PO BOX 81624	LAS VEGAS NV 89180	05/12/2009
084-040-04	1	E INTERSTATE 80		
REZA ZANDIAN		PO BOX 81624	LAS VEGAS NV 89180	05/12/2009
084-040-06	1	E INTERSTATE 80		
REZA ZANDIAN		PO BOX 81624	LAS VEGAS NV 89180	05/12/2009
084-040-10	1	E INTERSTATE 80		
REZA ZANDIAN		PO BOX 81624	LAS VEGAS NV 89180	05/12/2009
084-130-07	1	E INTERSTATE 80		
REZA ZANDIAN		PO BOX 81624	LAS VEGAS NV 89180	05/12/2009
084-140-17	1	E INTERSTATE 80		
REZA ZANDIAN		PO BOX 81624	LAS VEGAS NV 89180	05/12/2009

079-150-12 1 STATE ROUTE 447
RESA ZANDIAN PO BOX 927674 SAN DIEGO CA 92192 06/27/2005

160 acres

[County Home](#) => [Assessor's Office](#) => [Property Assessment Data Search](#) => [Parcel Search](#) => **Ownership**

APN 079-150-12

Owner or Trustee	% Ownership
-------------------------	--------------------

ZANDIAN, RESA et al	
FOUGHANI, NILOOFAR	

079-150-09 1 STATE ROUTE 447
REZA ZANDIAN PO BOX 81624 LAS VEGAS NV 89180 05/12/2009

560 acres

[County Home](#) => [Assessor's Office](#) => [Property Assessment Data Search](#) => [Parcel Search](#) => **Ownership**

APN 079-150-09

Owner or Trustee	% Ownership
-------------------------	--------------------

SADRI LIVING TRUST TTEE et al	
SADRI, TRUSTEE, FRED	33
ZANDIAN, REZA	33
KOROGHLI MANAGEMENT TRST, TRST	33
KOROGHLI, TRUSTEE, RAY TTEE	
KOROGHLI, TRUSTEE, SATHSOWI T TTEE	

079-150-10 1 STATE ROUTE 447
 REZA ZANDIAN PO BOX 81624 LAS VEGAS NV 89180 05/12/2009

639 acres

[County Home](#) => [Assessor's Office](#) => [Property Assessment Data Search](#) => [Parcel Search](#) => [Ownership](#)

APN 079-150-10

Owner or Trustee	% Ownership
SADRI LIVING TRUST TTEE et al	
SADRI, TRUSTEE, FRED	33
ZANDIAN , REZA	33
KOROGHLI MANAGEMENT TRUST, TRST	33
KOROGHLI, TRUSTEES, RAY TTEE	
KOROGHLI, TRUSTEE, SATHSOWI T TTEE	

079-150-13 1 STATE ROUTE 447
 REZA ZANDIAN PO BOX 81624 LAS VEGAS NV 89180 05/12/2009

560 acres

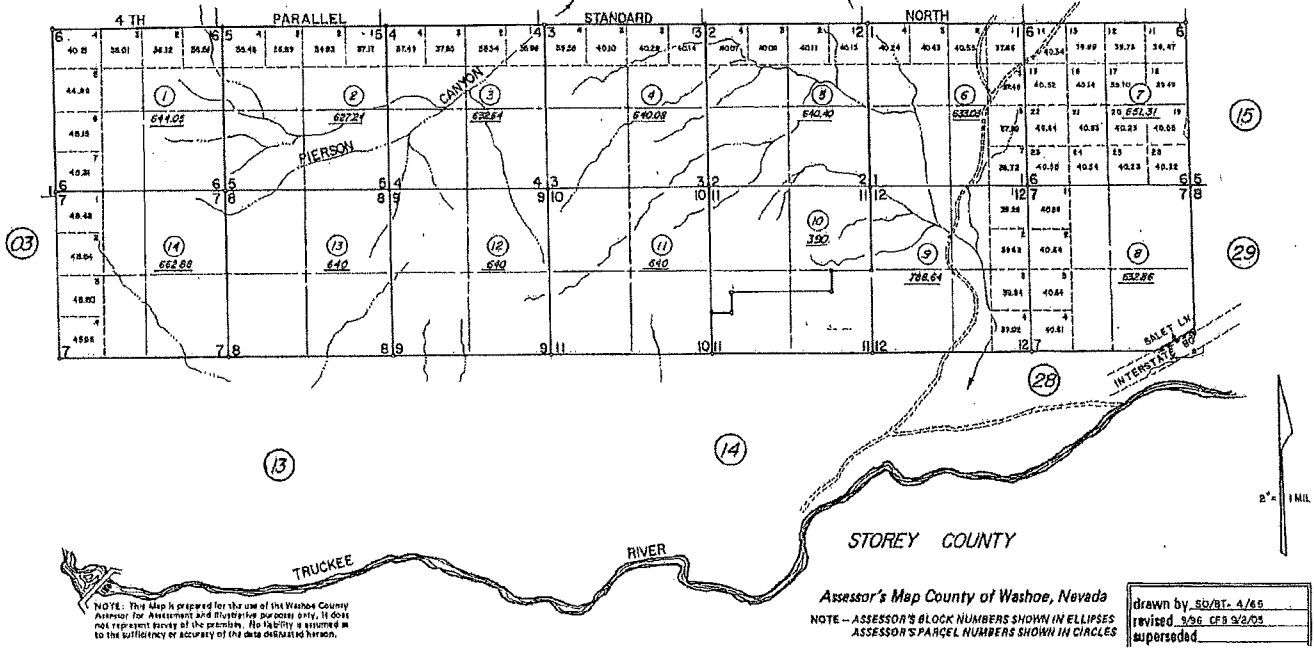
[County Home](#) => [Assessor's Office](#) => [Property Assessment Data Search](#) => [Parcel Search](#) => [Ownership](#)

APN 079-150-13

Owner or Trustee	% Ownership
SADRI LIVING TRUST TTEE et al	
SADRI, TRUSTEE, FRED	33
ZANDIAN , REZA	33
KOROGHLI MGMT TRUST, TRST	33
KOROGHLI, TTEE, RAY TTEE	
KOROGHLI, TTEE, SATHSOWI T TTEE	

PORTION OF N² - T.20N. - R.23E.
SECTIONS 6 & 7 - T.20N. - R.24E.

BOOK 79



084-040-02 1 PIERSON CANYON RD
REZA ZANDIAN PO BOX 81624 LAS VEGAS NV 89180 05/12/2009

627 acres

[County Home](#) => [Assessor's Office](#) => [Property Assessment Data Search](#) => [Parcel Search](#) => [Ownership](#)

APN 084-040-02		
Owner or Trustee		% Ownership
SADRI LIVING TRUST TTEE et al		
SADRI, TRUSTEE, FRED		33
ZANDIAN, REZA		33
KOROGHLI MGMT TRST, TRST		33
KOROGHLI, TTEE, RAY TTEE		
KOROGHLI, TTEE, SATHSOWI T TTEE		

084-040-04 1 E INTERSTATE 80
REZA ZANDIAN PO BOX 81624 LAS VEGAS NV 89180 05/12/2009

640 acres

[County Home](#) => [Assessor's Office](#) => [Property Assessment Data Search](#) => [Parcel Search](#) => [Ownership](#)

APN 084-040-04

Owner or Trustee	% Ownership
SADRI LIVING TRUST TTEE et al	
SADRI, TRUSTEE, FRED	33
ZANDIAN , REZA	33
KOROGHLI MGMT TRST, TRST	33
KOROGHLI, TTEE, RAY TTEE	
KOROGHLI, TTEE, SATHSOWI T TTEE	

084-040-06 1 E INTERSTATE 80
REZA ZANDIAN PO BOX 81624 LAS VEGAS NV 89180 05/12/2009

633 acres

[County Home](#) => [Assessor's Office](#) => [Property Assessment Data Search](#) => [Parcel Search](#) => [Ownership](#)

APN 084-040-06

Owner or Trustee	% Ownership
SADRI LIVING TRUST TTEE et al	
SADRI, TRUSTEE, FRED	33
ZANDIAN , REZA	33
KOROGHLI MGMT TRST, TRST	33
KOROGHLI, TTEE, RAY TTEE	
KOROGHLI, TTEE, SATHSOWI T	

084-040-10 1 E INTERSTATE 80
 REZA ZANDIAN PO BOX 81624 LAS VEGAS NV 89180 05/12/2009

390 acres

[County Home](#) => [Assessor's Office](#) => [Property Assessment Data Search](#) => [Parcel Search](#) =>
Ownership

APN 084-040-10

Owner or Trustee % **Ownership**

SADRI LIVING TRUST TTEE et al

SADRI, TRUSTEE, FRED 33

ZANDIAN , REZA 33

KOROGHLI MGMT TRST, TRST 33

KOROGHLI, TTEE, RAY TTEE

KOROGHLI, TTEE, SATHSOWI T TTEE

084-130-07 1 E INTERSTATE 80
 REZA ZANDIAN PO BOX 81624 LAS VEGAS NV 89180 05/12/2009

275 acres

[County Home](#) => [Assessor's Office](#) => [Property Assessment Data Search](#) => [Parcel Search](#) =>
Ownership

APN 084-130-07

Owner or Trustee % **Ownership**

SADRI LIVING TRUST TTEE et al

SADRI, TRUSTEE, FRED 33

ZANDIAN , REZA 33

KOROGHLI MGMT TRUST, TRST 33

KOROGHLI, TTEE, RAY TTEE

KOROGHLI, TTEE, SATHSOWI T TTEE

084-140-17 1 E INTERSTATE 80
REZA ZANDIAN PO BOX 81624 LAS VEGAS NV 89180 05/12/2009

160 acres

[County Home](#) => [Assessor's Office](#) => [Property Assessment Data Search](#) => [Parcel Search](#) => [Ownership](#)

APN 084-140-17

Owner or Trustee	% Ownership
SADRI LIVING TRUST TTEE et al	
SADRI, TRUSTEE, FRED	33
ZANDIAN, REZA	33
KOROGHLI MGMT TRST, TRST	33
KOROGHLI, TTEE, RAY TTEE	
KOROGHLI, TTEE, SATHSOWI T TTEE	

Exhibit 8

Exhibit 8



[Assessor Home](#)

[Assessor Inquiry](#)

Real Property Inquiry

Search for Real Property (Land, Improvements, etc.)

Order List By:

Parcel # Owner Name Property Location District

Filters: Limit Selected Parcels to Include (Choose any number):

Parcel #	<input type="text"/>	8-digit #(s), no dashes	Partial Owner Name	<input type="text" value="ZANDIAN"/>
Land Use Code Range	<input type="text"/>	Code Table	examples: SMITH M / ACME MARKETS	
Acreage Range	<input type="text"/>		Partial Property Location	<input type="text"/>
Net Value Range	<input type="text"/>		examples: N MAIN ST / MAPLE DR	
District	<input type="text" value="All"/>			

Search Results - Select for Detail

<u>Parcel #</u>	<u>Owner Name</u>	<u>Property Location</u>	<u>Dist.</u>	<u>Land Use</u>	<u>Acreage</u>	<u>Net Assessed Value</u>
006-052-04	ZANDIAN, REZA	125 PIKE ST	8.5	140 - Vacant Commercial	.220	15,560
006-052-05	ZANDIAN, REZA	115 PIKE ST	8.5	140 - Vacant Commercial	.220	15,560
006-052-06	ZANDIAN, REZA	105 PIKE ST	8.5	140 - Vacant Commercial	.220	15,560
016-311-18	ZANDIAN, REZA ET AL	HWY 50	8.3	120 - Vacant Single Family	241.790	24,500
015-311-18	ZANDIAN, REZA ET AL	HWY 50	8.3	140 - Vacant Commercial	47.750	16,710
021-451-22	ZANDIAN, REZA ET AL		6.0	120 - Vacant Single Family	40.000	3,360



[Assessor Home](#) [Back to Search List](#)

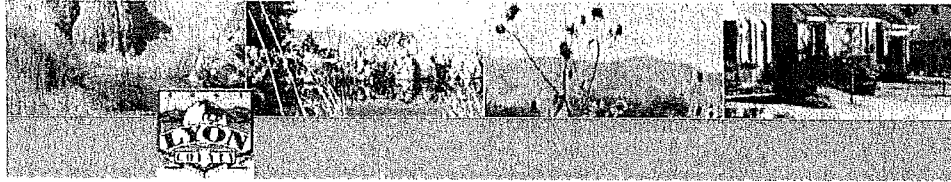
[Personal Property](#) [Sales Data](#) [Secured Tax Inquiry](#) [Recorder Search](#)

Parcel Detail for Parcel # 006-052-04

Location	Ownership
Property Location 125 PIKE ST Town DAYTON Subdivision DAYTON TOWN Lot 4 Block 6 Property Name Remarks	Assessed Owner Name ZANDIAN, REZA Mailing Address P O BOX 927674 SAN DIEGO, CA 92192-7674 Legal Owner Name ZANDIAN, REZA Vesting Doc#, Date 342183 02/04/05 Book/Page / Map Document #s RS80448
Add'l Addresses Assessor Maps Legal Description	Ownership History Document History

Description	Appraisal Classifications
Total Acres .220 Ag Acres .000 W/R Acres .000 Improvements Single-fam Detached 0 Non-dwell Units 0 Bdrm/Bath 0/.00 Single-fam Attached 0 MH Hookups 0 Stories .0 Multi-fam Units 0 Wells 0 Mobile Homes 0 Septic Tanks 0 Total Dwelling Units 0 Bldg Sq Ft 0 Garage Sq Ft 0 Atch/Detch Basement Sq Ft 0 Finished 0 Improvement List	Current Land Use Code 140 Zoning C1 Re-appraisal Group 5 Re-appraisal Year 2008 Orig Constr Year Weighted Year Code Table

Assessed Valuation	Taxable Valuation																																																																																								
<table border="1"> <thead> <tr> <th>Assessed Values</th> <th>2012-13</th> <th>2011-12</th> <th>2010-11</th> </tr> </thead> <tbody> <tr> <td>Land</td> <td>15,560</td> <td>15,560</td> <td>15,660</td> </tr> <tr> <td>Improvements</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Personal Property</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Ag Land</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Exemptions</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Net Assessed Value</td> <td>15,560</td> <td>15,560</td> <td>15,560</td> </tr> <tr> <td>Increased (New) Values</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Land</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Improvements</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Personal Property</td> <td>0</td> <td>0</td> <td>0</td> </tr> </tbody> </table>	Assessed Values	2012-13	2011-12	2010-11	Land	15,560	15,560	15,660	Improvements	0	0	0	Personal Property	0	0	0	Ag Land	0	0	0	Exemptions	0	0	0	Net Assessed Value	15,560	15,560	15,560	Increased (New) Values				Land	0	0	0	Improvements	0	0	0	Personal Property	0	0	0	<table border="1"> <thead> <tr> <th>Taxable Values</th> <th>2012-13</th> <th>2011-12</th> <th>2010-11</th> </tr> </thead> <tbody> <tr> <td>Land</td> <td>44,457</td> <td>44,457</td> <td>44,457</td> </tr> <tr> <td>Improvements</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Personal Property</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Ag Land</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Exemptions</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Net Taxable Value</td> <td>44,457</td> <td>44,457</td> <td>44,457</td> </tr> <tr> <td>Increased (New) Values</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Land</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Improvements</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Personal Property</td> <td>0</td> <td>0</td> <td>0</td> </tr> </tbody> </table>	Taxable Values	2012-13	2011-12	2010-11	Land	44,457	44,457	44,457	Improvements	0	0	0	Personal Property	0	0	0	Ag Land	0	0	0	Exemptions	0	0	0	Net Taxable Value	44,457	44,457	44,457	Increased (New) Values				Land	0	0	0	Improvements	0	0	0	Personal Property	0	0	0
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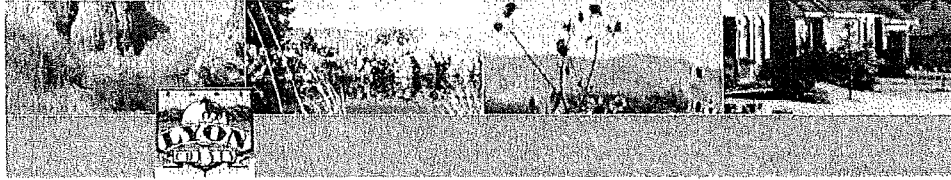
[Personal Property](#) [Sales Data](#) [Secured Tax Inquiry](#) [Recorder Search](#)

Parcel Detail for Parcel # 006-052-05

<p align="center">Location</p> <p>Property Location 115 PIKE ST Town DAYTON Subdivision DAYTON TOWN Lot 5 Block 6 Property Name Remarks</p> <p align="center"> Add'l Addresses Assessor Maps Legal Description </p>	<p align="center">Ownership</p> <p>Assessed Owner Name ZANDIAN, REZA Mailing Address P O BOX 927674 SAN DIEGO, CA 92182-7674 Ownership History Document History</p> <p>Legal Owner Name ZANDIAN, REZA Vesting Doc#, Date 342183 02/04/05 Book/Page / Map Document #s RS90448</p>
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<p align="center">Description</p> <p>Total Acres .220 Ag Acres .000 W/R Acres .000</p> <p align="center"><u>Improvements</u></p> <table border="0"> <tr> <td>Single-fam Detached 0</td> <td>Non-dwell Units 0</td> <td>Bdrm/Bath 0/00</td> </tr> <tr> <td>Single-fam Attached 0</td> <td>MH Hookups 0</td> <td>Stories .0</td> </tr> <tr> <td>Multi-fam Units 0</td> <td>Wells 0</td> <td></td> </tr> <tr> <td>Mobile Homes 0</td> <td>Septic Tanks 0</td> <td></td> </tr> <tr> <td>Total Dwelling Units 0</td> <td>Bldg Sq Ft 0</td> <td></td> </tr> <tr> <td></td> <td>Garage Sq Ft 0</td> <td>Atch/Detch</td> </tr> <tr> <td>Improvement List</td> <td>Basement Sq Ft 0</td> <td>Finished 0</td> </tr> </table>	Single-fam Detached 0	Non-dwell Units 0	Bdrm/Bath 0/00	Single-fam Attached 0	MH Hookups 0	Stories .0	Multi-fam Units 0	Wells 0		Mobile Homes 0	Septic Tanks 0		Total Dwelling Units 0	Bldg Sq Ft 0			Garage Sq Ft 0	Atch/Detch	Improvement List	Basement Sq Ft 0	Finished 0	<p align="center">Appraisal Classifications</p> <p>Current Land Use Code 140 Code Table Zoning C2 Re-appraisal Group 5 Re-appraisal Year 2008 Orig Constr Year Weighted Year</p>
Single-fam Detached 0	Non-dwell Units 0	Bdrm/Bath 0/00																				
Single-fam Attached 0	MH Hookups 0	Stories .0																				
Multi-fam Units 0	Wells 0																					
Mobile Homes 0	Septic Tanks 0																					
Total Dwelling Units 0	Bldg Sq Ft 0																					
	Garage Sq Ft 0	Atch/Detch																				
Improvement List	Basement Sq Ft 0	Finished 0																				

<p align="center">Assessed Valuation</p> <table border="1"> <thead> <tr> <th>Assessed Values</th> <th>2012-13</th> <th>2011-12</th> <th>2010-11</th> </tr> </thead> <tbody> <tr> <td>Land</td> <td>15,560</td> <td>15,560</td> <td>15,560</td> </tr> <tr> <td>Improvements</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Personal Property</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Ag Land</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Exemptions</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Net Assessed Value</td> <td>15,560</td> <td>15,560</td> <td>15,560</td> </tr> <tr> <td colspan="4">Increased (New) Values</td> </tr> <tr> <td>Land</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Improvements</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Personal Property</td> <td>0</td> <td>0</td> <td>0</td> </tr> </tbody> </table>	Assessed Values	2012-13	2011-12	2010-11	Land	15,560	15,560	15,560	Improvements	0	0	0	Personal Property	0	0	0	Ag Land	0	0	0	Exemptions	0	0	0	Net Assessed Value	15,560	15,560	15,560	Increased (New) Values				Land	0	0	0	Improvements	0	0	0	Personal Property	0	0	0	<p align="center">Taxable Valuation</p> <table border="1"> <thead> <tr> <th>Taxable Values</th> <th>2012-13</th> <th>2011-12</th> <th>2010-11</th> </tr> </thead> <tbody> <tr> <td>Land</td> <td>44,457</td> <td>44,457</td> <td>44,457</td> </tr> <tr> <td>Improvements</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Personal Property</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Ag Land</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Exemptions</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Net Taxable Value</td> <td>44,457</td> <td>44,457</td> <td>44,457</td> </tr> <tr> <td colspan="4">Increased (New) Values</td> </tr> <tr> <td>Land</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Improvements</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Personal Property</td> <td>0</td> <td>0</td> <td>0</td> </tr> </tbody> </table>	Taxable Values	2012-13	2011-12	2010-11	Land	44,457	44,457	44,457	Improvements	0	0	0	Personal Property	0	0	0	Ag Land	0	0	0	Exemptions	0	0	0	Net Taxable Value	44,457	44,457	44,457	Increased (New) Values				Land	0	0	0	Improvements	0	0	0	Personal Property	0	0	0
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Parcel Detail for Parcel # 006-052-06

Location

Property Location 105 PIKE ST
 Town DAYTON
 Subdivision DAYTON TOWN Lot 6 Block 6
 Property Name
 Remarks

[Add'l Addresses](#)
[Assessor Maps](#)
[Legal Description](#)

Ownership

Assessed Owner Name ZANDIAN, REZA
 Mailing Address P O BOX 927674
 SAN DIEGO, CA 92192-7674
 Legal Owner Name ZANDIAN, REZA
 Vesting Doc#, Date 342193 02/04/05 Book/Page /
 Map Document #s RS90448

[Ownership History](#)
[Document History](#)

Description

Total Acres .220 Ag Acres .000 W/R Acres .000

Improvements

Single-fam Detached 0	Non-dwell Units 0	Bdrm/Bath 0/00
Single-fam Attached 0	MH Hookups 0	Stories .0
Multi-fam Units 0	Wells 0	
Mobile Homes 0	Septic Tanks 0	
Total Dwelling Units 0	Bldg Sq Ft 0	
	Garage Sq Ft 0	Attch/Detch
Improvement List	Basement Sq Ft 0	Finished 0

Appraisal Classifications

Current Land Use Code 140 [Code Table](#)

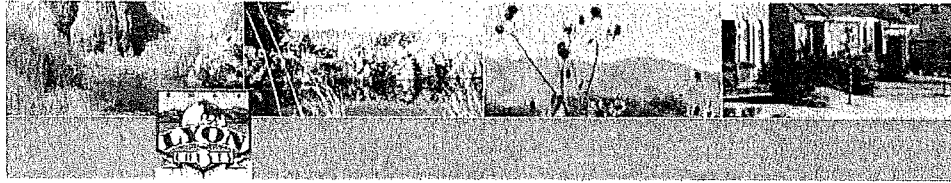
Zoning C2
 Re-appraisal Group 5 Re-appraisal Year 2008
 Orig Constr Year Weighted Year

Assessed Valuation

Assessed Values	2012-13	2011-12	2010-11
Land	15,560	15,560	15,560
Improvements	0	0	0
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Assessed Value	15,560	15,560	15,560
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

Taxable Valuation

Taxable Values	2012-13	2011-12	2010-11
Land	44,457	44,457	44,457
Improvements	0	0	0
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Taxable Value	44,457	44,457	44,457
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0



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Parcel Detail for Parcel # 015-311-18

<p style="text-align: center;">Location</p> <p>Property Location HWY 50 Town STAGECOACH Add'l Addresses Subdivision Lot Block Assessor Maps Property Name Legal Description Remarks</p>	<p style="text-align: center;">Ownership</p> <p>Assessed Owner Name ZANDIAN, REZA ET AL Mailing Address P O BOX 927674 Ownership History Add'l Owners SAN DIEGO, CA 92192-7674 Document History Legal Owner Name ZANDIAN, REZA ET AL Vesting Doc#, Date 344412 03/03/05 Book/Page 7 Map Document #s RS332209</p>
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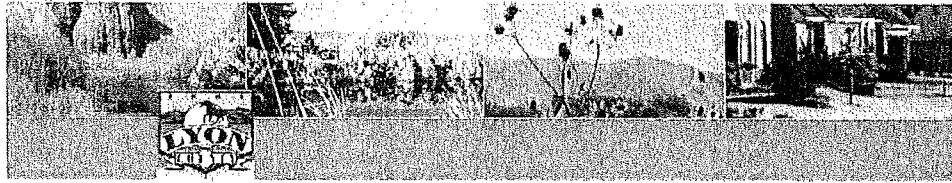
<p style="text-align: center;">Description</p> <p>Total Acres 241.790 Ag Acres .000 W/R Acres .000</p> <p style="text-align: center;"><u>Improvements</u></p> <table border="0"> <tr> <td>Single-fam Detached 0</td> <td>Non-dwell Units 0</td> <td>Bdrm/Bath 0/.00</td> </tr> <tr> <td>Single-fam Attached 0</td> <td>MH Hookups 0</td> <td>Stories .0</td> </tr> <tr> <td>Multi-fam Units 0</td> <td>Wells 0</td> <td></td> </tr> <tr> <td>Mobile Homes 0</td> <td>Septic Tanks 0</td> <td></td> </tr> <tr> <td>Total Dwelling Units 0</td> <td>Bldg Sq Ft 0</td> <td></td> </tr> <tr> <td></td> <td>Garage Sq Ft 0</td> <td>Atch/Detch</td> </tr> <tr> <td>Improvement List</td> <td>Basement Sq Ft 0</td> <td>Finished 0</td> </tr> </table>	Single-fam Detached 0	Non-dwell Units 0	Bdrm/Bath 0/.00	Single-fam Attached 0	MH Hookups 0	Stories .0	Multi-fam Units 0	Wells 0		Mobile Homes 0	Septic Tanks 0		Total Dwelling Units 0	Bldg Sq Ft 0			Garage Sq Ft 0	Atch/Detch	Improvement List	Basement Sq Ft 0	Finished 0	<p style="text-align: center;">Appraisal Classifications</p> <p>Current Land Use Code 120 Code Table Zoning RR3 Re-appraisal Group 1 Re-appraisal Year 2009 Orig Constr Year Weighted Year</p>
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Ownership History for Parcel # 015-311-18				
Current Owners		Prior Owners		
Name	From	Name	From	To
EL-SABAWI, RASHAD TR	2006	DEAD DOG RANCH LLC % LORETTA MC INTIRE 804 RED'S GRADE CARSON CITY, NV 89703	1997	2005
EL-SABAWI, REEM TR	2006			
FAYEGHI, JOHNATHON	2006			
EAGLES NEST LLC	2006			
ZANDIAN, REZA ET AL 8775 COSTA VERDE APT 1416 SAN DIEGO, CA 92122-0000	2005			
FOUGHANI, NILOOFAR	2005			
ABRISHAMI, ELIAS	2005			
ABRISHAMI, MONOO	2005			
ABRISHAMI, ENAYAT	2005			
ABRISHAMI, NAJMA	2005			

NOTE: This is not a complete history and should not be used in place of a title search.

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Parcel Detail for Parcel # 015-311-19

Location	Ownership
Property Location HWY 50 Town STAGECOACH Add'l Addresses Subdivision Lot Block Assessor Maps Property Name Legal Description Remarks ZONE CHANGE FROM RR3 TO C2 6/1/2006	Assessed Owner Name ZANDIAN, REZA ET AL Mailing Address P O BOX 927674 Add'l Owners SAN DIEGO, CA 92192-7674 Ownership History Document History Legal Owner Name ZANDIAN, REZA ET AL Vesting Doc#, Date 344412 03/03/05 Book/Page / Map Document #s RS332209

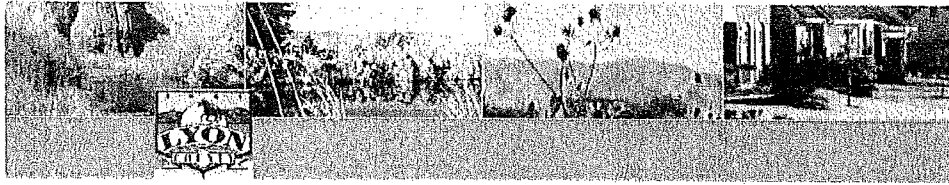
Description	Appraisal Classifications
Total Acres 47.750 Ag Acres .000 W/R Acres .000 Improvements Single-fam Detached 0 Non-dwell Units 0 Bdrn/Bath 0/.00 Single-fam Attached 0 MH Hookups 0 Stories .0 Multi-fam Units 0 Wells 0 Mobile Homes 0 Septic Tanks 0 Total Dwelling Units 0 Bldg Sq Ft 0 Garage Sq Ft 0 Attch/Detch Improvement List Basement Sq Ft 0 Finished 0	Current Land Use Code 140 Code Table Zoning C2 Re-appraisal Group 1 Re-appraisal Year 2009 Orig Constr Year Weighted Year

Assessed Valuation	Taxable Valuation																																																																																								
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Ownership History for Parcel # 015-311-19				
Current Owners		Prior Owners		
Name	From	Name	From	To
EL-SABAWI, RASHAD TR	2006	DEAD DOG RANCH LLC	1997	2005
EL-SABAWI, REEM TR	2006	% LORETTA MC INTIRE		
FAYEGHI, JOHNATHON	2006	804 RED'S GRADE		
EAGLES NEST LLC	2006	CARSON CITY, NV 89703		
ZANDIAN, REZA ET AL	2005			
8775 COSTA VERDE APT 1416				
SAN DIEGO, CA 92122-0000				
FOUGHANI, NILOOFAR	2005			
ABRISHAMI, ELIAS	2005			
ABRISHAMI, MINOO	2005			
ABRISHAMI, ENAYAT	2005			
ABRISHAMI, NAIMA	2005			

NOTE: This is not a complete history and should not be used in place of a title search.

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Parcel Detail for Parcel # 021-451-22

Location	Ownership
Property Location Town FERNLEY Add'l Addresses Subdivision Lot Block Assessor Maps Property Name Legal Description Remarks	Assessed Owner Name ZANDIAN, REZA ET AL Mailing Address P O BOX 927674 SAN DIEGO, CA 92192-7674 Ownership History Document History Legal Owner Name ZANDIAN, REZA ET AL Vesting Doc#, Date 356791 07/19/05 Book/Page / Map Document #s

Description	Appraisal Classifications
Total Acres 40.000 Ag Acres .000 W/R Acres .000 Improvements Single-fam Detached 0 Non-dwell Units 0 Bdrn/Bath 0/.00 Single-fam Attached 0 MH Hookups 0 Stories .0 Multi-fam Units 0 Wells 0 Mobile Homes 0 Septic Tanks 0 Total Dwelling Units 0 Bldg Sq Ft 0 Improvement List Garage Sq Ft 0 Aitch/Detch Basement Sq Ft 0 Finished 0	Current Land Use Code 120 Code Table Zoning RR5 Re-appraisal Group 4 Re-appraisal Year 2007 Orig Constr Year Weighted Year

Assessed Valuation				Taxable Valuation			
Assessed Values	2012-13	2011-12	2010-11	Taxable Values	2012-13	2011-12	2010-11
Land	3,360	3,360	3,360	Land	9,600	9,600	9,600
Improvements	0	0	0	Improvements	0	0	0
Personal Property	0	0	0	Personal Property	0	0	0
Ag Land	0	0	0	Ag Land	0	0	0
Exemptions	0	0	0	Exemptions	0	0	0
Net Assessed Value	3,360	3,360	3,360	Net Taxable Value	9,600	9,600	9,600
Increased (New) Values				Increased (New) Values			
Land	0	0	0	Land	0	0	0
Improvements	0	0	0	Improvements	0	0	0
Personal Property	0	0	0	Personal Property	0	0	0

Ownership History for Parcel # 021-451-22

Current Owners		Prior Owners		
Name	From	Name	From	To
ZANDIAN, REZA ET AL 8775 COSATA VERDE STE 1418 SAN DIEGO, CA 92122-0000	2005	ARNOLD, JACK G 10410 98 ST ANDERSON ISLAND, WA 98303-0000	2003	2005
FOUGHANI, NILOOFAR	2005	EVANS, INGRID P O BOX 1182 RENO, NV 89504	1986	2003
		EVANS, LAWRENCE & INGRID P O BOX 1182 RENO, NV 89504	1986	2003

NOTE: This is not a complete history and should not be used in place of a title search.

Close Window

Exhibit 9

Exhibit 9



CHURCHILL COUNTY

Office of the Assessor

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[Back to Search List](#)

[Personal Property](#)

[Sales Data](#)

[Secured Tax Inquiry](#)

[Recorder Search](#)

Parcel Detail for Parcel # 007-151-77

Location	
Property Location	8825 BRUSH GARDEN DR
Town	
Subdivision	M&B Lot Block
Property Name	
Remarks SPLIT PURSUANT TO DEED	

Ownership	
Assessed Owner Name	ZANDIAN REZA & NILOOFAR
Mailing Address	P O BOX 927674
Add'l Owners	SAN DIEGO CA 92192-7674
Legal Owner Name	ZANDIAN REZA & NILOOFAR
Vesting Doc#, Date	384273 07/27/06
Book/Page / Map Document #s	194366

Description		
Total Acres	6.750	Ag Acres .000 W/R Acres .000
Improvements		
Single-fam Detached 0	Non-dwell Units 0	Bdrm/Bath 0/.00
Single-fam Attached 0	MH Hookups 0	Stories .0
Multi-fam Units 0	Wells 0	
Mobile Homes 0	Septic Tanks 0	
Total Dwelling Units 0	Bldg Sq Ft 0	
	Garage Sq Ft 0	Atch/Detch
	Basement Sq Ft 0	Finished 0

Appraisal Classifications	
Current Land Use Code	100
Zoning	C2
Re-appraisal Group	3
Orig Constr Year	
Re-appraisal Year	2011
Weighted Year	

Assessed Valuation			
Assessed Values	2012-13	2011-12	2010-11
Land	8,820	8,820	8,820
Improvements	0	0	0
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Assessed Value	8,820	8,820	8,820
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

Taxable Valuation			
Taxable Values	2012-13	2011-12	2010-11
Land	25,200	25,200	25,200
Improvements	0	0	0
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Taxable Value	25,200	25,200	25,200
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0



CHURCHILL COUNTY

Office of the Assessor

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Parcel Detail for Parcel # 009-331-04

Location	
Property Location	29-20-27
Town	
Subdivision	29-20-27 NW1/4 Lot Block
Property Name	
Remarks	

Ownership	
Assessed Owner Name	ZANDIAN R & FOUGHANI N
Mailing Address	P O BOX 927674
Add'l Owners	SAN DIEGO CA 92192-7674
Legal Owner Name	ZANDIAN R & FOUGHANI N
Vesting Doc#, Date	372686 07/06/05
Book/Page /	
Map Document #	

Description	
Total Acres	50.000
Ag Acres	.000
W/R Acres	.000
Improvements	
Single-fam Detached	0
Single-fam Attached	0
Multi-fam Units	0
Mobile Homes	0
Total Dwelling Units	0
Non-dwell Units	0
MH Hookups	0
Septic Tanks	0
Bldg Sq Ft	0
Garage Sq Ft	0
Basement Sq Ft	0
Bdrm/Bath	0/00
Stories	.0
Wells	0
Atch/Detch	
Finished	0

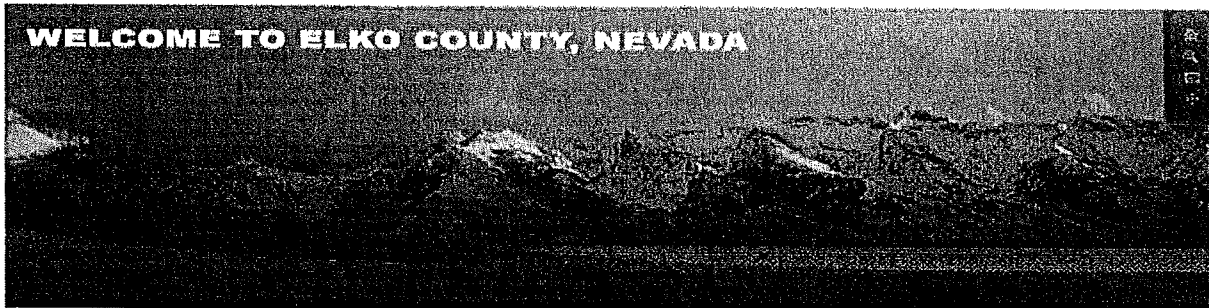
Appraisal Classifications	
Current Land Use Code	100
Zoning	RR20
Re-appraisal Group	3
Orig Constr Year	
Re-appraisal Year	2011
Weighted Year	

Assessed Valuation			
Assessed Values	2012-13	2011-12	2010-11
Land	2,625	2,625	6,300
Improvements	0	0	0
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Assessed Value	2,625	2,625	6,300
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

Taxable Valuation			
Taxable Values	2012-13	2011-12	2010-11
Land	7,500	7,500	18,000
Improvements	0	0	0
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Taxable Value	7,500	7,500	18,000
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

Exhibit 10

Exhibit 10



[Assessor Home](#) [Back to Search List](#)
[Personal Property](#) [Sales Data](#) [Secured Tax Inquiry](#) [Recorder Search](#)

Parcel Detail for Parcel # 001-660-034																																																																																																			
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">Location</th> </tr> </thead> <tbody> <tr> <td colspan="2">Property Location EL ARMUTH DR</td> </tr> <tr> <td colspan="2" style="text-align: center;">Town ELKO CITY</td> </tr> <tr> <td style="text-align: right;">Subdivision</td> <td>Lot Block</td> </tr> <tr> <td colspan="2">Property Name</td> </tr> <tr> <td style="text-align: right;">Add'l Addresses</td> <td>Assessor Maps</td> </tr> <tr> <td colspan="2" style="text-align: center;">Legal Description</td> </tr> </tbody> </table>		Location		Property Location EL ARMUTH DR		Town ELKO CITY		Subdivision	Lot Block	Property Name		Add'l Addresses	Assessor Maps	Legal Description		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">Ownership</th> </tr> </thead> <tbody> <tr> <td colspan="2">Assessed Owner Name ZANDIAN, REZA ET AL</td> </tr> <tr> <td colspan="2">Mailing Address</td> </tr> <tr> <td colspan="2" style="text-align: center;">PO BOX 927674</td> </tr> <tr> <td colspan="2" style="text-align: center;">SAN DIEGO CA 92192-7674</td> </tr> <tr> <td colspan="2">Legal Owner Name ZANDIAN, REZA ET AL</td> </tr> <tr> <td colspan="2">Vesting Doc#, Date 560545 09/25/06 Book/Page /</td> </tr> <tr> <td colspan="2">Map Document #s</td> </tr> <tr> <td style="text-align: right;">Ownership History</td> <td>Document History</td> </tr> </tbody> </table>		Ownership		Assessed Owner Name ZANDIAN, REZA ET AL		Mailing Address		PO BOX 927674		SAN DIEGO CA 92192-7674		Legal Owner Name ZANDIAN, REZA ET AL		Vesting Doc#, Date 560545 09/25/06 Book/Page /		Map Document #s		Ownership History	Document History																																																																
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Exhibit 11

Exhibit 11

JOHNSON SPRING WATER COMPANY LLC

Business Entity Information			
Status:	Active	File Date:	10/01/2003
Type:	Domestic Limited-Liability Company	Entity Number:	LLC14948-2003
Qualifying State:	NV	List of Officers Due:	10/31/2012
Managed By:	Managers	Expiration Date:	10/01/2503
NV Business ID:	NV20031151284	Business License Exp:	10/31/2012

Registered Agent Information			
Name:	RAY KOROGHLI	Address 1:	3055 VIA SARA FINA DR.
Address 2:		City:	HENDERSON
State:	NV	Zip Code:	89052
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers				<input type="checkbox"/> Include Inactive Officers
Manager - GHOLAMREZA ZANDIAN JAZI				
Address 1:	PO BOX 927674	Address 2:		
City:	SAN DIEGO	State:	CA	
Zip Code:	92192	Country:		
Status:	Active	Email:		
Manager - RAY KOROGHLI				
Address 1:	3055 VIA SARA FINA DR	Address 2:		
City:	HENDERSON	State:	NV	
Zip Code:	89052	Country:		
Status:	Active	Email:		
Manager - STAR LIVING TRUST(FRED SADRI)				
Address 1:	2827 S MONTEE CRISTO	Address 2:		
City:	LAS VEGAS	State:	NV	
Zip Code:	89117	Country:		
Status:	Active	Email:		

Actions\Amendments			
Action Type:	Articles of Organization		
Document Number:	LLC14948-2003-001	# of Pages:	1

File Date:	10/01/2003	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	LLC14948-2003-003	# of Pages:	1
File Date:	12/24/2003	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	LLC14948-2003-004	# of Pages:	1
File Date:	10/07/2004	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	LLC14948-2003-002	# of Pages:	1
File Date:	1/06/2005	Effective Date:	
List of Officers for 2004 to 2005			
Action Type:	Amendment		
Document Number:	20050142169-40	# of Pages:	1
File Date:	4/21/2005	Effective Date:	
REG MAIL...4-27-05			
Action Type:	Annual List		
Document Number:	20050444611-17	# of Pages:	1
File Date:	9/23/2005	Effective Date:	
LIST 2005-2006 101105JMV			
Action Type:	Annual List		
Document Number:	20060537036-32	# of Pages:	1
File Date:	8/21/2006	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20070600163-45	# of Pages:	1
File Date:	8/29/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080583745-22	# of Pages:	1
File Date:	8/29/2008	Effective Date:	
08-09			
Action Type:	Annual List		
Document Number:	20090660620-81	# of Pages:	1
File Date:	8/31/2009	Effective Date:	
09/10			
Action Type:	Amendment		
Document Number:	20100689175-19	# of Pages:	1
File Date:	9/14/2010	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20100775875-12	# of Pages:	1
File Date:	10/14/2010	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20110672867-50	# of Pages:	1
File Date:	9/16/2011	Effective Date:	

2011-2012

GENERAL INFORMATION	
PARCEL NO.	071-02-000-013
OWNER AND MAILING ADDRESS	ZANDIAN REZA 8775 COSTA VERDE #501 SAN DIEGO CA 92122-5343
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	MOAPA VALLEY
ASSESSOR DESCRIPTION	PT SE4 NE4 SEC 02 16 68 SEC 02 TWP 16 RNG 68
RECORDED DOCUMENT NO.	* 20050420:00563
RECORDED DATE	04/20/2005
VESTING	NO STATUS

*Note: Only documents from September 15, 1999 through present are available for viewing.

ASSESSMENT INFORMATION AND SUPPLEMENTAL VALUE	
TAX DISTRICT	826
APPRAISAL YEAR	2011
FISCAL YEAR	11-12
SUPPLEMENTAL IMPROVEMENT VALUE	0
SUPPLEMENTAL IMPROVEMENT ACCOUNT NUMBER	N/A

REAL PROPERTY ASSESSED VALUE		
FISCAL YEAR	2010-11	2011-12
LAND	14000	10500
IMPROVEMENTS	0	0
PERSONAL PROPERTY	0	0
EXEMPT	0	0
GROSS ASSESSED (SUBTOTAL)	14000	10500
TAXABLE LAND+IMP (SUBTOTAL)	40000	30000
COMMON ELEMENT ALLOCATION ASSD	0	0
TOTAL ASSESSED VALUE	14000	10500
TOTAL TAXABLE VALUE	40000	30000

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
ESTIMATED SIZE	20.00 Acres
ORIGINAL CONST. YEAR	0
LAST SALE PRICE MONTH/YEAR	40000 04/05
LAND USE	0-00 VACANT
DWELLING UNITS	0

GENERAL INFORMATION	
PARCEL NO.	071-02-000-005
OWNER AND MAILING ADDRESS	ZANDIAN REZA 8775 COSTA VERDE #501 SAN DIEGO CA 92122-5343
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	MOAPA VALLEY
ASSESSOR DESCRIPTION	PT NE4 NE4 SEC 02 16 68 SEC 02 TWP 16 RNG 68
RECORDED DOCUMENT NO.	* <u>20050419:04639</u>
RECORDED DATE	04/19/2005
VESTING	NO STATUS

*Note: Only documents from September 15, 1999 through present are available for viewing.

ASSESSMENT INFORMATION AND SUPPLEMENTAL VALUE	
TAX DISTRICT	826
APPRAISAL YEAR	2011
FISCAL YEAR	11-12
SUPPLEMENTAL IMPROVEMENT VALUE	0
SUPPLEMENTAL IMPROVEMENT ACCOUNT NUMBER	N/A

REAL PROPERTY ASSESSED VALUE		
FISCAL YEAR	2010-11	2011-12
LAND	7000	5250
IMPROVEMENTS	0	0
PERSONAL PROPERTY	0	0
EXEMPT	0	0
GROSS ASSESSED (SUBTOTAL)	7000	5250
TAXABLE LAND+IMP (SUBTOTAL)	20000	15000
COMMON ELEMENT ALLOCATION ASSD	0	0
TOTAL ASSESSED VALUE	7000	5250
TOTAL TAXABLE VALUE	20000	15000

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
ESTIMATED SIZE	10.00 Acres
ORIGINAL CONST. YEAR	0
LAST SALE PRICE MONTH/YEAR	24000 04/05
LAND USE	0-00 VACANT
DWELLING UNITS	0

Exhibit 12

Exhibit 12

WENDOVER PROJECT L.L.C.

Business Entity Information			
Status:	Active	File Date:	4/07/2003
Type:	Domestic Limited-Liability Company	Entity Number:	LLC5010-2003
Qualifying State:	NV	List of Officers Due:	4/30/2012
Managed By:	Managers	Expiration Date:	4/07/2503
NV Business ID:	NV20031051984	Business License Exp:	4/30/2012

Registered Agent Information			
Name:	RAY KOROGHLI	Address 1:	3055 VIA SARA FINA DR.
Address 2:		City:	HENDERSON
State:	NV	Zip Code:	89052
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers				<input type="checkbox"/> Include Inactive Officers
Manager - GHOLAMREZA ZANDIAN JAZI				
Address 1:	PO BOX 927674	Address 2:		
City:	SAN DIEGO	State:	CA	
Zip Code:	92192	Country:		
Status:	Active	Email:		
Manager - RAY KOROGHLI				
Address 1:	3055 VIA SARAFINA DR	Address 2:		
City:	HENDERSON	State:	NV	
Zip Code:	89052	Country:		
Status:	Active	Email:		
Manager - STARLIVING TRUST				
Address 1:	2827 S MONTE CRISTO	Address 2:		
City:	LAS VEGAS	State:	NV	
Zip Code:	89117	Country:		
Status:	Active	Email:		

Actions\Amendments			
Action Type:	Articles of Organization		
Document Number:	LLC5010-2003-001	# of Pages:	1

File Date:	4/07/2003	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	LLC5010-2003-003	# of Pages:	1
File Date:	7/08/2003	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	LLC5010-2003-002	# of Pages:	1
File Date:	3/11/2004	Effective Date:	
List of Officers for 2004 to 2005			
Action Type:	Annual List		
Document Number:	20050303179-80	# of Pages:	1
File Date:	7/05/2005	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20060225683-54	# of Pages:	1
File Date:	4/07/2006	Effective Date:	
06-07			
Action Type:	Annual List		
Document Number:	20070124283-99	# of Pages:	1
File Date:	2/20/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080256781-39	# of Pages:	1
File Date:	4/14/2008	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20090203430-03	# of Pages:	1
File Date:	2/27/2009	Effective Date:	
09-10			
Action Type:	Annual List		
Document Number:	20100243361-32	# of Pages:	1
File Date:	3/25/2010	Effective Date:	
10/11			
Action Type:	Annual List		
Document Number:	20110188889-46	# of Pages:	1
File Date:	3/14/2011	Effective Date:	
(No notes for this action)			

Exhibit 13

Exhibit 13

11000 RENO HIGHWAY, FALLON, L.L.C.

Business Entity Information			
Status:	Active	File Date:	6/09/2005
Type:	Domestic Limited-Liability Company	Entity Number:	E0363852005-8
Qualifying State:	NV	List of Officers Due:	6/30/2011
Managed By:	Managers	Expiration Date:	
NV Business ID:	NV20051368188	Business License Exp:	Exempt - 003

Registered Agent Information			
Name:	SEAN S. FAYEGHI	Address 1:	1401 LAS VEGAS BLVD SOUTH
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89104
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers				<input type="checkbox"/> Include Inactive Officers
Manager - SEAN S FAYEGHI				
Address 1:	1401 S LAS VEGAS BLVD	Address 2:		
City:	LAS VEGAS	State:	NV	
Zip Code:	89104	Country:	USA	
Status:	Active	Email:		
Manager - SHA REZAIE				
Address 1:	1401 S LAS VEGAS BLVD	Address 2:		
City:	LAS VEGAS	State:	NV	
Zip Code:	89104	Country:	USA	
Status:	Active	Email:		
Manager - REZA ZANDIAN				
Address 1:	1401 S LAS VEGAS BLVD	Address 2:		
City:	LAS VEGAS	State:	NV	
Zip Code:	89104	Country:	USA	
Status:	Active	Email:		

Actions/Amendments			
Action Type:	Articles of Organization		
Document Number:	20050222393-88	# of Pages:	1
File Date:	6/09/2005	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		

Document Number:	20050222394-79	# of Pages:	2
File Date:	6/09/2005	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20060232918-43	# of Pages:	1
File Date:	4/12/2006	Effective Date:	
(No notes for this action)			
Action Type:	Amended List		
Document Number:	20060601627-50	# of Pages:	1
File Date:	9/19/2006	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20070460170-57	# of Pages:	1
File Date:	7/02/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080514441-09	# of Pages:	1
File Date:	7/30/2008	Effective Date:	
08/09			
Action Type:	Annual List		
Document Number:	20090396003-02	# of Pages:	1
File Date:	4/30/2009	Effective Date:	
09-10			
Action Type:	Annual List		
Document Number:	20100743536-41	# of Pages:	1
File Date:	10/01/2010	Effective Date:	
(No notes for this action)			

Exhibit 14

Exhibit 14



CHURCHILL COUNTY

Office of the Assessor

[Assessor Home](#)

[Back to Search List](#)

[Personal Property](#)

[Sales Data](#)

[Secured Tax Inquiry](#)

[Recorder Search](#)

Parcel Detail for Parcel # 007-091-12

Location

Property Location 11000 RENO HWY

Town HAZEN

Subdivision M&B Lot Block

Property Name

Remarks

[Add'l Addresses](#)

[Assessor Maps](#)

[Legal Description](#)

Ownership

Assessed Owner Name 11000 RENO HIGHWAY
FALLON LLC

Mailing Address 1401 LAS VEGAS BLVD S
LAS VEGAS NV 89104-1327

Legal Owner Name 11000 RENO HIGHWAY
FALLON LLC

Vesting Doc#, Date 372233 06/22/05 Book/Page /
Map Document #s

[Ownership History](#)

[Document History](#)

Description

Total Acres 640.000 Ag Acres .000 W/R Acres .000

Improvements

Single-fam Detached 0	Non-dwell Units 0	Bdrm/Bath 0/00
Single-fam Attached 0	MH Hookups 0	Stories .0
Multi-fam Units 0	Wells 0	
Mobile Homes 0	Septic Tanks 0	
Total Dwelling Units 0	Bldg Sq Ft 0	
	Garage Sq Ft 0	Attch/Detch
	Basement Sq Ft 0	Finished 0

[Improvement List](#)

Appraisal Classifications

Current Land Use Code 180

[Code Table](#)

Zoning RR20

Re-appraisal Group 3

Re-appraisal Year 2011

Orig Constr Year

Weighted Year

Assessed Valuation

Assessed Values	2012-13	2011-12	2010-11
Land	56,000	56,000	201,600
Improvements	458	468	530
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Assessed Value	56,458	56,468	202,130
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

Taxable Valuation

Taxable Values	2012-13	2011-12	2010-11
Land	160,000	160,000	576,000
Improvements	1,309	1,337	1,514
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Taxable Value	161,309	161,337	577,514
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

Exhibit 15

Exhibit 15

MISFITS DEVELOPMENT L.L.C.

Business Entity Information			
Status:	Active	File Date:	8/26/2005
Type:	Domestic Limited-Liability Company	Entity Number:	E0571202005-3
Qualifying State:	NV	List of Officers Due:	8/31/2011
Managed By:	Managers	Expiration Date:	
NV Business ID:	NV20051069626	Business License Exp:	Exempt - 003

Registered Agent Information			
Name:	REZA ZANDIAN	Address 1:	8350 W. SAHARA AVE SUITE 150
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89117
Phone:		Fax:	
Mailing Address 1:	8 SAN RAMON DR	Mailing Address 2:	
Mailing City:	IRVINE	Mailing State:	CA
Mailing Zip Code:	92612		
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers				<input type="checkbox"/> Include Inactive Officers
Managing Member - SAEID AMINPOUR				
Address 1:	701 NORTHE CAMDEN DR	Address 2:		
City:	BEVERLY HILLS	State:	CA	
Zip Code:	90201	Country:	USA	
Status:	Active	Email:		
Managing Member - NICHOLAS ESKANDARI				
Address 1:	433 N CAMDEN STE 400	Address 2:		
City:	BEVERLY HILLS	State:	CA	
Zip Code:	90210	Country:	USA	
Status:	Active	Email:		
Managing Member - REZA ZANDIAN				
Address 1:	P.O.BOX 927674	Address 2:		
City:	SAN DIEGO	State:	CA	
Zip Code:	92192-7674	Country:	USA	
Status:	Active	Email:		

Actions/Amendments			
Action Type:	Articles of Organization		
Document Number:	20050351501-12	# of Pages:	1
File Date:	8/26/2005	Effective Date:	
(No notes for this action)			

Action Type:	Initial List		
Document Number:	20050356456-56	# of Pages:	1
File Date:	8/29/2005	Effective Date:	
(No notes for this action)			
Action Type:	Amended List		
Document Number:	20050555770-86	# of Pages:	1
File Date:	11/16/2005	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20060673303-50	# of Pages:	1
File Date:	10/18/2006	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20070683552-98	# of Pages:	1
File Date:	10/02/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080564590-59	# of Pages:	1
File Date:	8/25/2008	Effective Date:	
08/09			
Action Type:	Annual List		
Document Number:	20090676689-23	# of Pages:	1
File Date:	9/11/2009	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20100642222-11	# of Pages:	1
File Date:	8/26/2010	Effective Date:	
(No notes for this action)			

Exhibit 16

Exhibit 16

ELKO NORTH 5TH AVE, LLC

Business Entity Information			
Status:	Active	File Date:	8/31/2005
Type:	Domestic Limited-Liability Company	Entity Number:	E0580312005-7
Qualifying State:	NV	List of Officers Due:	8/31/2011
Managed By:	Managers	Expiration Date:	
NV Business ID:	NV20051442315	Business License Exp:	Exempt - 003

Registered Agent Information			
Name:	REZA ZANDIAN	Address 1:	8350 W. SAHARA AVE SUITE 150
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89117
Phone:		Fax:	
Mailing Address 1:	7590 FAY AVE, SUITE 401	Mailing Address 2:	
Mailing City:	LA JOLLA	Mailing State:	CA
Mailing Zip Code:	92037		
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers				<input type="checkbox"/> Include Inactive Officers
Managing Member - CHAKAMIAN 2004 TRUST				
Address 1:	7590 FAY AVE, #401	Address 2:		
City:	LA JOLLA	State:	CA	
Zip Code:	92037	Country:		
Status:	Active	Email:		
Managing Member - MOINZADEH FAMILY REVOCABLE TRUST				
Address 1:	7590 FAY AVE, #401	Address 2:		
City:	LA JOLLA	State:	CA	
Zip Code:	92037	Country:		
Status:	Active	Email:		
Managing Member - REZA ZANDIAN				
Address 1:	P.O. BOX 927674	Address 2:		
City:	SAN DIEGO	State:	CA	
Zip Code:	92192	Country:	USA	
Status:	Active	Email:		

Actions\Amendments			
Action Type:	Articles of Organization		
Document Number:	20050364566-57	# of Pages:	2
File Date:	8/31/2005	Effective Date:	
REG MAIL SAE 9-1-05			

Action Type:	Initial List		
Document Number:	20050437973-30	# of Pages:	1
File Date:	9/27/2005	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20060673304-61	# of Pages:	1
File Date:	10/18/2006	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20070574309-37	# of Pages:	1
File Date:	8/20/2007	Effective Date:	
07-08			
Action Type:	Annual List		
Document Number:	20080564591-60	# of Pages:	1
File Date:	8/25/2008	Effective Date:	
08/09			
Action Type:	Annual List		
Document Number:	20090676691-66	# of Pages:	1
File Date:	9/11/2009	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20100642221-00	# of Pages:	1
File Date:	8/26/2010	Effective Date:	
(No notes for this action)			

Exhibit 17

Exhibit 17

STAGECOACH VALLEY LLC.

Business Entity Information			
Status:	Active	File Date:	4/09/2007
Type:	Domestic Limited-Liability Company	Entity Number:	E0263162007-6
Qualifying State:	NV	List of Officers Due:	4/30/2012
Managed By:	Managers	Expiration Date:	
NV Business ID:	NV20071497897	Business License Exp:	Exempt - 003

Registered Agent Information			
Name:	REZA ZANDIAN	Address 1:	8350 W. SAHARA AVENUE
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89117
Phone:		Fax:	
Mailing Address 1:	8775 COSTA VERDE #501	Mailing Address 2:	
Mailing City:	SAN DIEGO	Mailing State:	CA
Mailing Zip Code:	92122		
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers			
			<input type="checkbox"/> Include Inactive Officers
Managing Member - BIJAN AKHAVAN			
Address 1:	15456 VENTURA BLVD #300	Address 2:	
City:	SHERMAN OAKS	State:	CA
Zip Code:	91403	Country:	
Status:	Active	Email:	
Managing Member - SASSAN CHAKAMIAN			
Address 1:	7590 FAY AVE. STE 401	Address 2:	
City:	LA JOLLA	State:	CA
Zip Code:	92037	Country:	
Status:	Active	Email:	
Managing Member - REZA ZANDIAN			
Address 1:	830 LAS VEGAS BLVD SOUTH	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89101	Country:	
Status:	Active	Email:	

Actions/Amendments			
Action Type:	Articles of Organization		
Document Number:	20070248707-47	# of Pages:	2
File Date:	4/09/2007	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		

Document Number:	20070248709-69	# of Pages:	1
File Date:	4/09/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080270927-97	# of Pages:	1
File Date:	4/21/2008	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20090676690-55	# of Pages:	1
File Date:	9/11/2009	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20100642220-99	# of Pages:	1
File Date:	8/26/2010	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20110343835-00	# of Pages:	1
File Date:	5/06/2011	Effective Date:	
11-12			

Exhibit 18

Exhibit 18

ROCK AND ROYALTY LLC

Business Entity Information			
Status:	Revoked	File Date:	4/28/2008
Type:	Domestic Limited-Liability Company	Entity Number:	E0277292008-8
Qualifying State:	NV	List of Officers Due:	4/30/2009
Managed By:	Managers	Expiration Date:	
NV Business ID:	NV20081306105	Business License Exp:	

Additional Information	
Series LLC (YES if applicable):	YES

Registered Agent Information			
Name:	REZA ZANDIAN	Address 1:	1401 S. LAS VEGAS BLVD
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89104
Phone:		Fax:	
Mailing Address 1:	8775 COSTA VERDE #501	Mailing Address 2:	
Mailing City:	SAN DIEGO	Mailing State:	CA
Mailing Zip Code:	92122		
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers		<input type="checkbox"/> Include Inactive Officers	
Managing Member - NILOOFAR FOUGHANI ZANDIAN			
Address 1:	8775 COSTA VERDE BLVD	Address 2:	#501
City:	SAN DIEGO	State:	CA
Zip Code:	92122	Country:	
Status:	Active	Email:	

Actions/Amendments			
Action Type:	Articles of Organization		
Document Number:	20080290681-46	# of Pages:	2
File Date:	4/28/2008	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		
Document Number:	20080373743-57	# of Pages:	1
File Date:	5/29/2008	Effective Date:	
08-09			

Exhibit 19

Exhibit 19

GOLD CANYON DEVELOPMENT LLC

Business Entity Information			
Status:	Default	File Date:	5/27/2004
Type:	Domestic Limited-Liability Company	Entity Number:	LLC11545-2004
Qualifying State:	NV	List of Officers Due:	5/31/2011
Managed By:	Managers	Expiration Date:	5/27/2504
NV Business ID:	NV20041117776	Business License Exp:	

Registered Agent Information			
Name:	ELIAS ABRISHAMI	Address 1:	220 SUSSEX PL
Address 2:		City:	CARSON CITY
State:	NV	Zip Code:	89703
Phone:		Fax:	
Mailing Address 1:	PO BOX 2919	Mailing Address 2:	
Mailing City:	CARSON CITY	Mailing State:	NV
Mailing Zip Code:	89702		
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers				<input type="checkbox"/> Include Inactive Officers
Managing Member - ELIAS ABRISHAMI				
Address 1:	P O BOX 10476	Address 2:		
City:	BEVERLY HILLS	State:	CA	
Zip Code:	90213	Country:		
Status:	Active	Email:		
Managing Member - RAFI ABRISHAMI				
Address 1:	P O BOX 10325	Address 2:		
City:	BEVERLY HILLS	State:	CA	
Zip Code:	90213	Country:		
Status:	Active	Email:		
Managing Member - REZA ZANDIAN				
Address 1:	8775 COSTA VERDE BLVD., #501	Address 2:		
City:	SAN DIEGO	State:	CA	
Zip Code:	92122	Country:		
Status:	Active	Email:		

Actions\Amendments			
Action Type:	Articles of Organization		
Document Number:	LLC11545-2004-001	# of Pages:	1
File Date:	5/27/2004	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		

Document Number:	LLC11545-2004-002	# of Pages:	1
File Date:	7/11/2004	Effective Date:	
List of Officers for 2004 to 2005			
Action Type:	Registered Agent Change		
Document Number:	LLC11545-2004-003	# of Pages:	1
File Date:	11/16/2004	Effective Date:	
ELIAS ABRISHAMI SUITE #1011			
9550 W. SAHARA AVENUE LAS VEGAS NV 89117 RXS			
ELIAS ABRISHAMI RXS			
RXS			
Action Type:	Annual List		
Document Number:	20050163958-39	# of Pages:	1
File Date:	5/02/2005	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20060176567-90	# of Pages:	1
File Date:	3/20/2006	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20070373918-40	# of Pages:	1
File Date:	5/29/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080344948-12	# of Pages:	1
File Date:	5/19/2008	Effective Date:	
2008-2009			
Action Type:	Annual List		
Document Number:	20090433604-71	# of Pages:	1
File Date:	5/20/2009	Effective Date:	
09-10			
Action Type:	Annual List		
Document Number:	00002746565-45	# of Pages:	1
File Date:	5/28/2010	Effective Date:	
10-11			

Exhibit 20

Exhibit 20

HIGH-TECH DEVELOPMENT LLC

Business Entity Information			
Status:	Dissolved	File Date:	9/22/2004
Type:	Domestic Limited-Liability Company	Entity Number:	LLC21816-2004
Qualifying State:	NV	List of Officers Due:	9/30/2005
Managed By:	Managers	Expiration Date:	9/22/2504
NV Business ID:	NV20041220539	Business License Exp:	

Registered Agent Information			
Name:	ELIAS ABRISHAMI	Address 1:	8350 W SAHARA AVE
Address 2:	STE 150	City:	LAS VEGAS
State:	NV	Zip Code:	89117
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers				<input type="checkbox"/> Include Inactive Officers
Managing Member - ELIAS ABRISHAMI				
Address 1:	PO BOX 2919	Address 2:		
City:	CARSON CITY	State:	NV	
Zip Code:	89702	Country:		
Status:	Active	Email:		
Managing Member - RAFI ABRISHAMI				
Address 1:	PO BOX 2919	Address 2:		
City:	CARSON CITY	State:	NV	
Zip Code:	89702	Country:		
Status:	Active	Email:		
Managing Member - REZA ZANDIAN				
Address 1:	220 SUSSEX PL	Address 2:		
City:	CARSON CITY	State:	NV	
Zip Code:	89703	Country:		
Status:	Active	Email:		

Actions\Amendments			
Action Type:	Articles of Organization		
Document Number:	LLC21816-2004-001	# of Pages:	1
File Date:	9/22/2004	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		

Document Number:	LLC21816-2004-002	# of Pages:	1
File Date:	11/01/2004	Effective Date:	
List of Officers for 2004 to 2005			
Action Type:	Dissolution		
Document Number:	20050090100-27	# of Pages:	1
File Date:	3/18/2005	Effective Date:	
(No notes for this action)			

Exhibit 21

Exhibit 21

LYON PARK DEVELOPMENT LLC

Business Entity Information			
Status:	Dissolved	File Date:	9/22/2004
Type:	Domestic Limited-Liability Company	Entity Number:	LLC21824-2004
Qualifying State:	NV	List of Officers Due:	9/30/2005
Managed By:	Managers	Expiration Date:	9/22/2504
NV Business ID:	NV20041220616	Business License Exp:	

Registered Agent Information			
Name:	ELIAS ABRISHAMI	Address 1:	8350 W SAHARA AVE
Address 2:	STE 150	City:	LAS VEGAS
State:	NV	Zip Code:	89117
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers				<input type="checkbox"/> Include Inactive Officers
Managing Member - ELIAS ABRISHAMI				
Address 1:	PO BOX 2919	Address 2:		
City:	CARSON CITY	State:	NV	
Zip Code:	89702	Country:		
Status:	Active	Email:		
Managing Member - RAFI ABRISHAMI				
Address 1:	PO BOX 2919	Address 2:		
City:	CARSON CITY	State:	NV	
Zip Code:	89702	Country:		
Status:	Active	Email:		
Managing Member - REZA ZANDIAN				
Address 1:	220 SUSSEX PL	Address 2:		
City:	CARSON CITY	State:	NV	
Zip Code:	89703	Country:		
Status:	Active	Email:		

Actions\Amendments			
Action Type:	Articles of Organization		
Document Number:	LLC21824-2004-001	# of Pages:	1
File Date:	9/22/2004	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		

Document Number:	LLC21824-2004-002	# of Pages:	1
File Date:	11/01/2004	Effective Date:	
List of Officers for 2004 to 2005			
Action Type:	Dissolution		
Document Number:	20050090105-72	# of Pages:	1
File Date:	3/18/2005	Effective Date:	
(No notes for this action)			

Exhibit 22

Exhibit 22

CHURCHILL PARK DEVELOPMENT LLC

Business Entity Information			
Status:	Dissolved	File Date:	9/22/2004
Type:	Domestic Limited-Liability Company	Entity Number:	LLC21827-2004
Qualifying State:	NV	List of Officers Due:	9/30/2005
Managed By:	Managers	Expiration Date:	9/22/2504
NV Business ID:	NV20041220644	Business License Exp:	

Registered Agent Information			
Name:	ELIAS ABRISHAMI	Address 1:	8350 W SAHARA AVE
Address 2:	STE 150	City:	LAS VEGAS
State:	NV	Zip Code:	89117
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers				<input type="checkbox"/> Include Inactive Officers
Managing Member - ELIAS ABRISHAMI				
Address 1:	PO BOX 2919	Address 2:		
City:	CARSON CITY	State:	NV	
Zip Code:	89702	Country:		
Status:	Active	Email:		
Managing Member - RAFI ABRISHAMI				
Address 1:	PO BOX 2919	Address 2:		
City:	CARSON CITY	State:	NV	
Zip Code:	89702	Country:		
Status:	Active	Email:		
Managing Member - REZA ZANDIAN				
Address 1:	220 SUSSEX PL	Address 2:		
City:	CARSON CITY	State:	NV	
Zip Code:	89703	Country:		
Status:	Active	Email:		

Actions/Amendments			
Action Type:	Articles of Organization		
Document Number:	LLC21827-2004-001	# of Pages:	1
File Date:	9/22/2004	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		

Document Number:	LLC21827-2004-002	# of Pages:	1
File Date:	11/01/2004	Effective Date:	
List of Officers for 2004 to 2005			
Action Type:	Dissolution		
Document Number:	20050090112-60	# of Pages:	1
File Date:	3/18/2005	Effective Date:	
(No notes for this action)			

Exhibit 23

Exhibit 23

SPARKS VILLAGE LLC

Business Entity Information			
Status:	Default	File Date:	12/15/2004
Type:	Domestic Limited-Liability Company	Entity Number:	LLC29380-2004
Qualifying State:	NV	List of Officers Due:	12/31/2010
Managed By:	Managers	Expiration Date:	12/15/2504
NV Business ID:	NV20041295883	Business License Exp:	Exempt - 003

Registered Agent Information			
Name:	SEAN S. FAYEGHI	Address 1:	1401 LAS VEGAS BLVD SOUTH
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89104
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers				<input type="checkbox"/> Include Inactive Officers
Manager - SEAN S FAYEGHI				
Address 1:	1401 S. LAS VEGAS BLVD	Address 2:		
City:	LAS VEGAS	State:	NV	
Zip Code:	89104	Country:		
Status:	Active	Email:		
Manager - REZA ZANDIAN				
Address 1:	1401 S. LAS VEGAS BLVD	Address 2:		
City:	LAS VEGAS	State:	NV	
Zip Code:	89104	Country:		
Status:	Active	Email:		

Actions/Amendments			
Action Type:	Articles of Organization		
Document Number:	LLC29380-2004-001	# of Pages:	1
File Date:	12/15/2004	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		
Document Number:	LLC29380-2004-002	# of Pages:	1
File Date:	12/15/2004	Effective Date:	
List of Officers for 2004 to 2005			
Action Type:	Annual List		
Document Number:	20050561932-73	# of Pages:	1

File Date:	11/18/2005	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20070107298-06	# of Pages:	1
File Date:	2/08/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20070801466-64	# of Pages:	1
File Date:	11/26/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080805719-20	# of Pages:	1
File Date:	12/10/2008	Effective Date:	
08-09			
Action Type:	Annual List		
Document Number:	20100743562-60	# of Pages:	1
File Date:	10/01/2010	Effective Date:	
(No notes for this action)			

Exhibit 24

Exhibit 24

OPTIMA TECHNOLOGY CORPORATION

Business Entity Information			
Status:	Revoked	File Date:	10/11/2004
Type:	Domestic Close Corporation	Entity Number:	C27410-2004
Qualifying State:	NV	List of Officers Due:	10/31/2008
Managed By:		Expiration Date:	
NV Business ID:	NV20041618927	Business License Exp:	

Registered Agent Information			
Name:	REZA ZANDIAN	Address 1:	8350 W. SAHARA AVE SUITE 150
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89117
Phone:		Fax:	
Mailing Address 1:	8 SAN RAMON DR	Mailing Address 2:	
Mailing City:	IRVINE	Mailing State:	CA
Mailing Zip Code:	92612		
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	10,000.00	Capital Amount:	\$ 0
No stock records found for this company			

Officers				<input type="checkbox"/> Include Inactive Officers
President - REZA ZANDIAN				
Address 1:	8775 COSTA VERDE BLVD #501	Address 2:		
City:	SAN DIEGO	State:	CA	
Zip Code:	92122	Country:	USA	
Status:	Active	Email:		
Secretary - REZA ZANDIAN				
Address 1:	8775 COSTA VERDE BLVD #501	Address 2:		
City:	SAN DIEGO	State:	CA	
Zip Code:	92122	Country:	USA	
Status:	Active	Email:		
Treasurer - REZA ZANDIAN				
Address 1:	8775 COSTA VERDE BLVD #501	Address 2:		
City:	SAN DIEGO	State:	CA	
Zip Code:	92122	Country:	USA	
Status:	Active	Email:		
Director - REZA ZANDIAN				
Address 1:	8775 COSTA VERDE BLVD #501	Address 2:		
City:	SAN DIEGO	State:	CA	
Zip Code:	92122	Country:	USA	
Status:	Active	Email:		

Actions/Amendments

Action Type:	Articles of Incorporation		
Document Number:	C27410-2004-001	# of Pages:	1
File Date:	10/11/2004	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		
Document Number:	C27410-2004-002	# of Pages:	1
File Date:	10/11/2004	Effective Date:	
List of Officers for 2004 to 2005			
Action Type:	Annual List		
Document Number:	20050611409-08	# of Pages:	1
File Date:	12/13/2005	Effective Date:	
(No notes for this action)			
Action Type:	Amended List		
Document Number:	20060416290-50	# of Pages:	1
File Date:	6/28/2006	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20060673305-72	# of Pages:	1
File Date:	10/18/2006	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20070840329-25	# of Pages:	1
File Date:	12/11/2007	Effective Date:	
(No notes for this action)			

Exhibit 25

Exhibit 25

I-50 PLAZA LLC

Business Entity Information			
Status:	Default	File Date:	2/03/2005
Type:	Domestic Limited-Liability Company	Entity Number:	E0011952005-5
Qualifying State:	NV	List of Officers Due:	2/28/2011
Managed By:	Managers	Expiration Date:	2/03/2505
NV Business ID:	NV20051209794	Business License Exp:	Exempt - 003

Registered Agent Information			
Name:	SEAN S. FAYEGHI	Address 1:	1401 LAS VEGAS BLVD SOUTH
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89104
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers			
			<input type="checkbox"/> Include Inactive Officers
Managing Member - SEAN S FAYEGHI			
Address 1:	1401 S. LAS VEGAS BLVD.	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89104	Country:	
Status:	Active	Email:	
Managing Member - REZA ZANDIAN			
Address 1:	8350 W. SAHARA AVE.	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89117	Country:	
Status:	Active	Email:	

Actions\Amendments			
Action Type:	Articles of Organization		
Document Number:	20050007640-04	# of Pages:	2
File Date:	2/03/2005	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		
Document Number:	20050007642-26	# of Pages:	1
File Date:	2/03/2005	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20050632605-29	# of Pages:	1

File Date:	12/21/2005	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20070012183-14	# of Pages:	1
File Date:	1/04/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080097515-37	# of Pages:	1
File Date:	2/12/2008	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080806151-81	# of Pages:	1
File Date:	12/10/2008	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20100743512-65	# of Pages:	1
File Date:	10/01/2010	Effective Date:	
(No notes for this action)			

Exhibit 26

Exhibit 26

DAYTON PLAZA, L.L.C.

Business Entity Information			
Status:	Default	File Date:	5/18/2005
Type:	Domestic Limited-Liability Company	Entity Number:	E0307202005-3
Qualifying State:	NV	List of Officers Due:	5/31/2011
Managed By:	Managers	Expiration Date:	
NV Business ID:	NV20051324192	Business License Exp:	Exempt - 003

Registered Agent Information			
Name:	SEAN S. FAYEGHI	Address 1:	1401 LAS VEGAS BLVD SOUTH
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89104
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers				<input type="checkbox"/> Include Inactive Officers
Manager - SEAN S FAYEGHI				
Address 1:	1401 LAS VEGAS BLVD. SOUTH	Address 2:		
City:	LAS VEGAS	State:	NV	
Zip Code:	89104	Country:		
Status:	Active	Email:		
Manager - SHAHROKH REZA				
Address 1:	7353 SINGING TREE ST.	Address 2:		
City:	LAS VEGAS	State:	NV	
Zip Code:	89123	Country:		
Status:	Active	Email:		
Manager - REZA ZANDIAN				
Address 1:	8350 W. SAHARA AVE.	Address 2:	SUITE 150	
City:	LAS VEGAS	State:	NV	
Zip Code:	89117	Country:		
Status:	Active	Email:		

Actions\Amendments			
Action Type:	Articles of Organization		
Document Number:	20050184429-75	# of Pages:	1
File Date:	5/18/2005	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		

Document Number:	20050184430-07	# of Pages:	1
File Date:	5/18/2005	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20060282468-48	# of Pages:	1
File Date:	5/03/2006	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20070385782-52	# of Pages:	1
File Date:	5/31/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080380264-03	# of Pages:	1
File Date:	6/02/2008	Effective Date:	
08/09			
Action Type:	Annual List		
Document Number:	20090396017-67	# of Pages:	1
File Date:	4/30/2009	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20100743576-25	# of Pages:	1
File Date:	10/01/2010	Effective Date:	
(No notes for this action)			

Exhibit 27

Exhibit 27

RENO HIGHWAY PLAZA, L.L.C.

Business Entity Information			
Status:	Revoked	File Date:	6/05/2006
Type:	Domestic Limited-Liability Company	Entity Number:	E0416572006-9
Qualifying State:	NV	List of Officers Due:	6/30/2007
Managed By:	Managers	Expiration Date:	
NV Business ID:	NV20061046071	Business License Exp:	

Registered Agent Information			
Name:	SEAN S. FEYEGHI	Address 1:	5945 ROBERT HAMPTON ROAD
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89120
Phone:		Fax:	
Mailing Address 1:	1401 SOUTH LAS VEGAS BLVD	Mailing Address 2:	
Mailing City:	LAS VEGAS	Mailing State:	NV
Mailing Zip Code:	89104		
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers				<input type="checkbox"/> Include Inactive Officers
Manager - SEAN S FAYEGHI				
Address 1:	1401 SOUTH LAS VEGAS BLVD	Address 2:		
City:	LAS VEGAS	State:	NV	
Zip Code:	89104	Country:		
Status:	Active	Email:		
Manager - REZA ZANDIAN				
Address 1:	8775 CASTA VERDE BLVD	Address 2:	SUITE 1416	
City:	SAN DIEGO	State:	CA	
Zip Code:	92122	Country:		
Status:	Active	Email:		

Actions\Amendments			
Action Type:	Articles of Organization		
Document Number:	20060359719-12	# of Pages:	2
File Date:	6/05/2006	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		
Document Number:	20060359720-44	# of Pages:	1
File Date:	6/05/2006	Effective Date:	
(No notes for this action)			

Exhibit 28

Exhibit 28

GREENBERG TRAUIG, LLP

ATTORNEYS AT LAW

SUITE 700

2375 EAST CAMELBACK ROAD

PHOENIX, ARIZONA 85016

(602) 445-8000

E. Jeffrey Walsh, SBN 09334, WalshJ@gtlaw.com

Scott J. Bornstein, BornsteinS@gtlaw.com

Allan A. Kassenoff, KassenoffA@gtlaw.com

GREENBERG TRAUIG, LLP

200 Park Avenue, 34th Floor

MetLife Building

New York, NY 10166

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

UNIVERSAL AVIONICS SYSTEMS
CORPORATION,

Plaintiff,

v.

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

Defendants.

Case No. CV-00588-RC

SECOND AMENDED COMPLAINT

[JURY TRIAL DEMANDED]

Plaintiff Universal Avionics Systems Corporation (“Universal”), by and through its undersigned attorneys, for their Second Amended Complaint against Defendants Optima Technology Group, Inc. (“OTG”), Optima Technology Corporation (“OTC”) and Jed Margolin (“Margolin”) (collectively, “Defendants”) alleges as follows based upon its best available information and belief. Defendant OTG is an entity commonly referred to as a patent holding company. In simple terms, Defendants OTG, its President and CEO Robert Adams (“Adams”), and Margolin, made repeated and baseless threats to Universal regarding several patents purportedly owned by OTG. No longer willing to be subjected

1 to meritless allegations and countless threats, Universal initiated the present action.

2 **NATURE OF THE ACTION**

3 1. This is an action seeking a declaratory judgment that U.S. Patent Nos.
4 5,566,073 (the “’073 patent”) and 5,904,724 (the “’724 patent”) (collectively, the
5 “Patents-in-Suit”) are invalid and not infringed.

6 **THE PARTIES**

7 2. Plaintiff Universal is an Arizona corporation, having a principal place of
8 business at 3260 East Universal Way, Tucson, Arizona 85706.

9 3. Upon information and belief, Defendant Optima Technology Group, Inc. is
10 a Delaware corporation, having a principal place of business at 1981 Empire Road, Reno,
11 Nevada 89521.

12 4. Upon information and belief, Defendant Optima Technology Corporation is
13 a California corporation, having a principal place of business at 2222 Michelson Drive,
14 Suite 1830, Irvine, California 92612.

15 5. Upon information and belief, Defendant Margolin resides at 1981 Empire
16 Road, Reno, Nevada 89521.

17 **JURISDICTION AND VENUE**

18 6. This is an action seeking a declaratory judgment that the ’073 patent and the
19 ’724 patent are invalid and not infringed.

20 7. This Court has original jurisdiction over this action pursuant to the Federal
21 Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202, the Patent Laws of the United States,
22 35 U.S.C. §100 et seq. and 28 U.S.C. §§ 1331, 1332 and 1338(a) and (b).

23 8. Venue is proper in this judicial district because Defendants have engaged in
24 business dealings with Plaintiff Universal in this judicial district. *See* 28 U.S.C. § 1391.

25 9. Additionally, Defendants OTG and Margolin have not objected to the
26 jurisdiction of this Court or that venue is proper.

1 infringes the Patents-in-Suit. (Attached as Exhibit 4 to the original Complaint).

2 15. Adams suggested that Universal should either purchase or accept a license
3 under the Patents-in-Suit in order to assert it against Honeywell. That communication
4 also contained an email from Margolin in which he suggested that Universal “could get
5 some leverage against Honeywell . . . by buying ‘073 and/or taking an exclusive license
6 from us and then nail Honeywell who also infringes [the ‘073 patent].” (Attached as
7 Exhibit 5 to the original Complaint).

8 16. Universal’s counsel responded to Adams the same day, informing Adams
9 that an analysis was necessary prior to considering OTG’s license offer.

10 17. Despite Adams’ initial suggestion that the overture was intended to “help”
11 Universal in an action against Honeywell, he almost immediately began asserting that
12 Universal was also infringing the Patents-in-Suit. (*Id.*)

13 18. On or about July 16, 2007, Adams began to issue not-so-subtle threats
14 against Universal, suggesting that OTG would grant a license under the Patents-in-Suit to
15 Honeywell -- so that Honeywell could sue Universal -- should Universal decline OTG’s
16 offer. “Seeing that both your client [Universal] and Honeywell infringes, it might be a
17 good thing for your client to take the exclusive license now that your case turned, before
18 of course Honeywell takes the opportunity to do the same thing and use it against others.”
19 (*Id.*)

20 19. Adams continued his threats against Universal in an August 7, 2007 email in
21 which he claimed that OTG had decided on a law firm “in the event that I need to hire
22 them to take on Honeywell, Mercury Computer Systems as well as all the others.”
23 (Attached as Exhibit 6 to the original Complaint).

24 20. On or about August 10, 2007, Universal responded to the August 7, 2007
25 email, informing Adams that counsel would be speaking to Universal’s management in
26 the coming week to discuss OTG’s license offer. Adams apparently was satisfied by this

1 response, as he retreated from his threats and returned to discussing the possibility of
2 Universal and OTG cooperating and entering into a “working relationship.” Specifically,
3 Adams opined that “[o]ur working models show that not only would [the Patents-in-Suit]
4 make Honeywell back-off their case against your client [Universal], but your client will be
5 in a key position to go after approximately \$56 Million and growing in business that
6 Honeywell infringes. A win win for both of us” (Attached as Exhibit 7 to the
7 original Complaint).

8 21. On or about August 15, 2007, Universal and Adams agreed to meet in an
9 effort to resolve the dispute. The meeting was scheduled for September 11, 2007 at
10 Universal’s corporate headquarters in Tucson, Arizona (the “Tucson Meeting”). In
11 anticipation of the Tucson Meeting, on or about August 22, 2007, Universal and OTG
12 entered into a Confidential, Nondisclosure and Limited Use Agreement. (Attached as
13 Exhibit 8 to the original Complaint).

14 22. The purpose of the Tucson Meeting was to hear and consider economic
15 issues surrounding OTG’s offer to license the Patents-in-Suit in an effort to avoid further
16 threats, nuisance and wasted money and time. Universal was represented at the Tucson
17 Meeting by several members of senior management, along with its outside legal counsel.
18 Adams was the sole representative for OTG and gave the impression that he was acting on
19 behalf of both OTG and Margolin.

20 23. At the meeting, Universal made it clear that (1) a license to the Patents-in-
21 Suit was unnecessary because Universal did not sell any products covered by any claim
22 from the ‘073 or ‘724 patents; and (2) Universal believed that the ‘073 and ‘724 patents
23 were invalid based on several prior art references. In response, Adams stated that he
24 would have to defer to his legal counsel as he did not know anything about patent validity.
25 Universal repeatedly asked Adams to identify terms he considered appropriate for a
26 settlement but he refused to provide any specific terms. Instead, Adams claimed that

1 several unnamed parties had already entered into license agreements with OTG in
2 connection with the Patents-in-Suit and an agreement with Universal would need to be on
3 similar terms. However, Adams refused to disclose the terms of the “mystery”
4 agreements.

5 24. At the Tucson Meeting, Adams also (mis)represented that OTG had been
6 involved in a number of successful patent infringement lawsuits in the past. By
7 implication, he suggested that if Universal failed to settle on terms acceptable to the
8 Defendants, it would be the next litigation target. However, upon information and belief,
9 Defendant OTC previously filed only one (1) patent litigation involving unrelated
10 technology -- which it lost -- while OTG has not filed any.

11 25. Adams concluded the meeting by providing contact information for
12 Defendant Margolin and inviting Universal to contact Margolin to seek additional
13 information.

14 26. After apparently realizing that it was unlikely that Universal and OTG
15 would agree on terms for an agreement, Adams again resorted to threatening Universal.
16 First, he suggested (again) that OTG would enter into a license with Honeywell so that
17 Honeywell could sue Universal. “Not a problem, I am sure Honeywell will be more than
18 [sic] pleased to talk with us and take the exclusive [if] anything just into [sic] enforce it
19 against others whom they know will [sic] from past infringement case.” (Attached as
20 Exhibit 14 to the original Complaint). Universal did not take the bait.

21 27. Adams then got hostile, falsely accusing Universal’s President of “stealing
22 our patented concept some time ago and [claiming to have] the web traffic to prove it was
23 at the very least his company and/or his personal IP address.” (Attached as Exhibit 15 to
24 the original Complaint).

25 28. Then, on October 15, 2007, Adams notified Universal of an alleged offer
26 made by Honeywell and stated that Universal has “four hours from now . . . to accept and

1 make us a better offer or decline by not responding.” (Attached as Exhibit 16 to the
2 original Complaint).

3 29. Finally, on November 6, 2007, OTG’s outside counsel, M. Lawrence
4 Oliverio (“Oliverio”) of Rissman Jobse Hendricks & Oliverio,¹ sent counsel for Universal
5 a letter specifically threatening litigation. (Attached as Exhibit 17 to the original
6 Complaint).

7 30. Based upon the specific allegations of infringement contained in Oliverio’s
8 November 6, 2007 letter, Universal had a reasonable apprehension that OTG will file suit
9 for alleged infringement of the ‘073 and ‘724 patents.

10 **FACTS - OTC**

11 31. Upon information and belief, Adams, OTG’s current President and CEO,
12 was a paid employee of Defendant OTC from 1990-1995 and its unpaid CEO from 2001
13 to 2005.

14 32. The Durable Power of Attorney (attached as Exhibit 3 to the original
15 Complaint) that Margolin executed on July 20, 2004, whereby he appointed “Optima
16 Technology Inc. - Robert Adams, CEO” as his agent, was entered into during Adams’
17 tenure as OTC’s CEO. Additionally, the Durable Power of Attorney provided the
18 following address for Optima Technology Inc.: 2222 Michelson, Suite 1830, Irvine,
19 California 92612 -- the registered address for Defendant OTC.

20 33. Upon information and belief, on or about December 5, 2007, Defendant
21 OTC filed a notice of recordation of assignment with the PTO, indicating that Margolin
22 had assigned four patents, including the ‘073 and ‘724 patents, to OTC. (Attached as
23 Exhibit 1 to the First Amended Complaint).

24 34. Upon information and belief, on or about December 19, 2007, Margolin
25

26 ¹ Despite repeatedly identifying himself as OTG’s outside counsel, Mr. Oliverio has subsequently advised Universal’s outside counsel that he no longer represents OTG, Adams or Margolin.

1 terminated the Durable Power of Attorney -- two weeks after OTG had filed the notice of
2 recordation of assignment with the PTO.

3 35. Upon information and belief, at some point between September 21, 2007
4 and October 5, 2007, Margolin created a Patent Assignment which he knowingly and
5 fraudulently back-dated to July 20, 2004, whereby he attempted to assign the entire right,
6 title and interest in the '073 and '724 patents to OTG. (Attached as Exhibit 2 to the First
7 Amended Complaint).

8 **CLAIMS FOR RELIEF**

9 **COUNT ONE**

10 **Declaratory Judgment of Non-Infringement**
11 **of the '073 Patent against OTG and/or Margolin**

12 36. Universal repeats and realleges the allegations above as if fully set forth
13 herein.

14 37. As set forth in Paragraph 29 above, on November 6, 2007, OTG, through its
15 outside counsel, sent a threatening letter to Universal's outside counsel, accusing
16 Universal of infringing the '073 and '724 patents with respect to Universal's Vision-1,
17 UNS-1 and TAWS products. Furthermore, as indicated in Paragraph 29 above, OTG
18 suggested that it was likely to file a litigation if Universal was unwilling to accede to
19 unreasonable licensing demands by November 11, 2007. Accordingly, an actual and
20 continuing controversy has arisen and continues to exist between OTG, on the one hand,
21 and Universal, on the other hand, as to whether or not Universal has directly infringed,
22 contributed to the infringement of, or induced the infringement of, any valid and/or
23 enforceable claim of the '073 patent.

24 38. Universal has not infringed and is not now infringing, contributorily
25 infringing or inducing infringement of any valid and/or enforceable claim of the '073
26 patent, either literally or under the doctrine of equivalents.

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COUNT THREE

**Declaratory Judgment of Non-Infringement
of the '724 Patent against OTG and/or Margolin**

44. Universal repeats and realleges the allegations above as if fully set forth herein.

45. As set forth in Paragraph 29 above, on November 6, 2007, OTG, through its outside counsel, sent a threatening letter to Universal's outside counsel, accusing Universal of infringing the '073 and '724 patents with respect to Universal's Vision-1, UNS-1 and TAWS products. Furthermore, as indicated in Paragraph 29 above, OTG suggested that it was likely to file a litigation if Universal was unwilling to accede to unreasonable licensing demands by November 11, 2007. Accordingly, an actual and continuing controversy has arisen and continues to exist between OTG, on the one hand, and Universal, on the other hand, as to whether or not Universal has directly infringed, contributed to the infringement of, or induced the infringement of, any valid and/or enforceable claim of the '724 patent.

46. Universal has not infringed and is not now infringing, contributorily infringing or inducing infringement of any valid and/or enforceable claim of the '724 patent, either literally or under the doctrine of equivalents.

47. Accordingly, Universal requests a declaration from this Court that Universal has not infringed and is not now infringing, contributorily infringing or inducing infringement of any valid and/or enforceable claim of the '724 patent, either literally or under the doctrine of equivalents.

COUNT FOUR

Declaratory Judgment of Invalidity of the '724 Patent against OTG and/or Margolin

48. Universal repeats and realleges the allegations above as if fully set forth herein.

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COUNT SIX

Declaratory Judgment of Invalidity of the '073 Patent against OTC

55. Universal repeats and realleges the allegations above as if fully set forth herein.

56. Upon information and belief, the '073 patent, and each of the claims thereof, are invalid and void for failure to meet the conditions of patentability as set forth in the provisions of the Patent Laws, 35 U.S.C. §§ 100 et. seq., including but not limited to, one or more of 35 U.S.C. §§ 101, 102, 103 and/or 112.

57. Accordingly, Universal requests a declaration from this Court that each of the claims of the '073 patent is invalid for failure to comply with the provisions of the Patent Laws, 35 U.S.C. §§ 100 et. seq., including but not limited to, one or more of 35 U.S.C. §§ 101, 102, 103 and/or 112.

COUNT SEVEN

Declaratory Judgment of Non-Infringement of the '724 Patent against OTC

58. Universal repeats and realleges the allegations above as if fully set forth herein.

59. Universal has not infringed and is not now infringing, contributorily infringing or inducing infringement of any valid and/or enforceable claim of the '724 patent, either literally or under the doctrine of equivalents.

60. Accordingly, Universal requests a declaration from this Court that Universal has not infringed and is not now infringing, contributorily infringing or inducing infringement of any valid and/or enforceable claim of the '724 patent, either literally or under the doctrine of equivalents.

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COUNT EIGHT

Declaratory Judgment of Invalidity of the '724 Patent against OTC

61. Universal repeats and realleges the allegations above as if fully set forth herein.

62. Upon information and belief, the '724 patent, and each of the claims thereof, are invalid and void for failure to meet the conditions of patentability as set forth in the provisions of the Patent Laws, 35 U.S.C. §§ 100 et. seq., including but not limited to, one or more of 35 U.S.C. §§ 101, 102, 103 and/or 112.

63. Accordingly, Universal requests a declaration from this Court that each of the claims of the '724 patent is invalid for failure to comply with the provisions of the Patent Laws, 35 U.S.C. §§ 100 et. seq., including but not limited to, one or more of 35 U.S.C. §§ 101, 102, 103 and/or 112.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in its favor and grant the following relief:

- A. An order and judgment declaring that Universal does not infringe any valid and enforceable claim of the '073 patent;
- B. An order and judgment declaring that the claims of the '073 patent are invalid and/or unenforceable;
- C. An order and judgment declaring that Universal does not infringe any valid and enforceable claim of the '724 patent;
- D. An order and judgment declaring that the claims of the '724 patent are invalid and/or unenforceable;

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E. An order and judgment that this is an exceptional case, pursuant to 35 U.S.C. § 285, and awarding reasonable attorneys' fees and costs.

DATED this 15th day of July 2008.

GREENBERG TRAURIG, LLP

By: /s/ Scott J. Bornstein
E. Jeffrey Walsh
GREENBERG TRAURIG, LLP
ATTORNEYS AT LAW
SUITE 700
2375 EAST CAMELBACK ROAD
PHOENIX, ARIZONA 85016
(602) 445-8000
Of Counsel:

Scott J. Bornstein
Allan A. Kassenoff
GREENBERG TRAURIG, LLP
200 Park Avenue, 34th Floor
MetLife Building
New York, NY 10166
Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2008, a copy of the foregoing was caused to the following by the methods indicated below:

Jeffrey Willis, Esq. (**Email and First Class Mail**)
Snell & Wilmer
One South Church Avenue
Suite 1500
Tucson, Arizona 85701-1630

Optima Technology Corporation (**Hand Delivery**)
c/o Reza Zandian
8775 Costa Verde Blvd., #501
San Diego, California 92122

_____/s/Marian R. Mackey

Exhibit 29

Exhibit 29

1 **CHANDLER & UDALL, LLP**

2 ATTORNEYS AT LAW

3 4801 E. BROADWAY BLVD., SUITE 400

4 TUCSON, ARIZONA 85711-3638

5 Telephone: (520) 623-4353

6 Fax: (520)792-3426

7 Edward Moomjian II, PCC # 65050, SBN 016667

8 Jeanna Chandler Nash, PCC # 65674, SBN 022384

9 Attorneys for Defendants Adams, Margolin and Optima Technology Inc. a/k/a Optima
10 Technology Group, Inc.

11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF ARIZONA**

13 UNIVERSAL AVIONICS SYSTEMS
14 CORPORATION,

15 Plaintiff,

16 vs.

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

20 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.**

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

24 Counterclaimant,

25 vs.

26 UNIVERSAL AVIONICS SYSTEMS
CORPORATION, an Arizona corporation,

Counterdefendant

JURY TRIAL DEMANDED

Assigned to: Hon. Raner C. Collins

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

Cross-Claimant,

vs.

OPTIMA TECHNOLOGY CORPORATION,
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

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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 45. Deny that Optima made an "unreasonable" licensing demand of Plaintiff.
2 Otherwise admit with respect to Optima. Deny that OTC has any right or interest in the
3 Patents. Deny all remaining allegations.

4 46. Deny.

5 47. Admit that Plaintiff seeks a declaration as described in Paragraph 47 of the
6 *Complaint*. Deny that Plaintiff is entitled to such a declaration. Deny all remaining allegations.

7 **COUNT TWO**

8 **Declaratory Judgment of Invalidity of the '073 Patent**

9 48. Optima repeats and restates the statements of paragraphs 1-47 above as if fully
10 set forth herein.

11 49. Deny that Optima made an "unreasonable" licensing demand of Plaintiff. Admit
12 with respect to Optima. Deny that OTC has any right or interest in the Patents. Deny all
13 remaining allegations.

14 50. Deny.

15 51. Admit that Plaintiff seeks a declaration as described in Paragraph 51 of the
16 *Complaint*. Deny that Plaintiff is entitled to such a declaration. Deny all remaining allegations.

17 **COUNT THREE**

18 **Declaratory Judgment of Non-Infringement of the '724 Patent**

19 52. Optima repeats and restates the statements of paragraphs 1-51 above as if fully
20 set forth herein.

21 53. Deny that Optima made an "unreasonable" licensing demand of Plaintiff.
22 Otherwise admit with respect to Optima. Deny that OTC has any right or interest in the
23 Patents. Deny all remaining allegations.

24 54. Deny.

25 55. Admit that Plaintiff seeks a declaration as described in Paragraph 55 of the
26 *Complaint*. Deny that Plaintiff is entitled to such a declaration. 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 CLAIMS**³

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

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its declaratory judgment cross-claim against OTC herein to declare and establish true and proper title to the Patents, for which Optima has incurred and will incur substantial expenses (attorneys' fees and costs) in the prosecution thereof.

25. Upon information and belief, UAS provided additional information to Zandian/OTC regarding, or of the same nature as that discussed in, Paragraph 33 of and Exhibits 14, 15 and 17 to the *Complaint* herein.

26. UAS made the disclosures (*inter alia*) as acknowledged in its *Complaint* herein.

27. Upon information and belief, UAS also made the disclosures alleged in Paragraph 34 of, and in Exhibit 12 attached to, the *Complaint*.

28. By filing its *Complaint* as part of the open public record in this case, UAS disclosed the content thereof and the Exhibits attached thereto.

29. The actions of UAS and OTC herein were motivated by spite, malice and/or ill-will toward Optima and were for the purpose of and/or were intended to intermeddle with, interfere with, trespass upon and/or cause harm to Optima's rights in the Patents and/or under the Power of Attorney, and/or with knowledge that such intermeddling, interference, trespass and/or harm was substantially certain to occur.

30. Upon information and belief, OTC intends to continue to compete, interfere, and/or attempt to compete and/or interfere with Optima regarding the Patents and/or the Power of Attorney. At this time, however, Optima is unaware of any actual attempts yet made by OTC to purportedly license, sell or otherwise transfer rights regarding the Patents under its purported Assignment/Power of Attorney (as recorded with the PTO). If and when Optima becomes aware of such actions, it will timely seek to amend and supplement the Counterclaims, Cross-Claims, Third-Party Claims and/or remedies herein as necessary and applicable.

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COUNT 1

PATENT INFRINGEMENT

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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**

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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.

14
15 **COUNT 4**

NEGLIGENCE

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 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

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- publication(s); and/or
- g. Are/were in reckless disregard with being in the nature of disparagement(s); and/or
- h. Are/were motivated by ill will toward Optima; and/or
- i. Are/were motivated by an intent to injure Optima; and/or
- j. Are/were committed with an intent to interfere in an unprivileged manner with Optima's interests; and/or
- k. Are/were committed with negligence regarding the truth or falsity of the statement and/or publication and/or with being in the nature of a disparagement.

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

COUNT 7

TRESPASS TO CHATTELS

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

