

IN THE SUPREME COURT OF THE STATE OF NEVADA

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REZA ZANDIAN, AKA GOLAMREZA
ZANDIANJAZI, AKA GHOLAM REZA
ZANDIAN, AKA REZA JAZAI, AKA J.
REZA JAZI AKA G. REZA JAZI, AKA
GHONOREZA ZANDIAN JAZI, AN
INDIVIDUAL

No. 82559

Appellant,

vs.

JED MARGOLIN, AN INDIVIDUAL,

RECORD ON APPEAL

VOL I

REZA ZANDIAN
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ATTORNEYS FOR RESPONDENT

THE SUPREME COURT OF THE STATE OF NEVADA

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1 Case No.: 09 OC 00579 1B

2 Dept. No.: I

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BY *[Signature]*
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6 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR CARSON CITY**

8
9 JED MARGOLIN, an individual,

10 Plaintiff,

11 vs.

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

23 Defendants.

24
25 **COMPLAINT**

26 (Exemption From Arbitration Requested)

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

The Parties

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

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

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

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

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

12 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
24 7. Pursuant to the Nevada Constitution, Article 6, Section 6, the district courts of the
25 State of Nevada have original jurisdiction in all cases excluded by law from the original
26 jurisdiction of the justice courts. This case involves tort claims in an amount in excess of the
27 jurisdictional limitation of the justice courts and, accordingly, jurisdiction is proper in the district
28 court.

1 8. Venue is based upon the provisions of N.R.S. § 13.010, et seq., inasmuch as the
2 Defendants at all times herein mentioned has been and/or is residing or currently doing business
3 in and/or are responsible for the actions complained of herein in Storey County.

4 Facts

5 9. Plaintiff Mr. Margolin is the named inventor on numerous patents and patent
6 applications, including United States Patent No. 5,566,073 ("the '073 Patent"), United States
7 Patent No. 5,904,724 ("the '724 Patent"), United States Patent No. 5,978,488 ("the '488 Patent")
8 and United States Patent No. 6,377,436 ("the '436 Patent") (collectively "the Patents").

9 10. Mr. Margolin is the legal owner and owner of record for the '488 and '436
10 Patents, and has never assigned those patents.

11 11. In July 2004, Mr. Margolin granted to Optima Technology Group ("OTG"), a
12 Cayman Islands Corporation specializing in aerospace technology, a Power of Attorney
13 regarding the '073 and '724 Patents. In exchange for the Power of Attorney, OTG agreed to pay
14 Mr. Margolin royalties based on OTG's licensing of the '073 and '724 Patents.
15

16 12. In May 2006, OTG and Mr. Margolin licensed the '073 and '724 Patents to
17 Geneva Aerospace, Inc., and Mr. Margolin received a royalty payment pursuant to the royalty
18 agreement between Mr. Margolin and OTG.

19 13. On about July 20, 2004, Mr. Margolin assigned the '073 and '724 Patents to
20 OTG.
21

22 14. In about November 2007, OTG licensed the '073 Patent to Honeywell
23 International, Inc., and Mr. Margolin received a royalty payment pursuant to the royalty
24 agreement between Mr. Margolin and OTG.

25 15. In December 2007, Defendant Zandian filed with the U.S. Patent and Trademark
26 Office ("USPTO") fraudulent assignment documents allegedly assigning all four of the Patents
27 to Optima Technology Corporation.
28

1 16. Upon discovery of the fraudulent filing, Mr. Margolin: (a) filed a report with the
2 Storey County Sheriff's Department; (b) took action to regain record title to the '488 and '436
3 Patents that he legally owned; and (c) assisted OTG in regaining record title of the '073 and '724
4 Patents that it legally owned and upon which it contracted with Mr. Margolin for royalties.

5 17. Soon thereafter, Mr. Margolin and OTG were named as defendants in an action
6 for declaratory relief regarding non-infringement of the '073 and '724 Patents in the United
7 States District Court for the District of Arizona, in a case titled: *Universal Avionics Systems*
8 *Corporation v. Optima Technology Group, Inc.*, No. CV 07-588-TUC-RCC (the "Arizona
9 Action"). In the Arizona Action, Mr. Margolin and OTG filed a cross-claim for declaratory
10 relief against Zandian in order to obtain legal title to their respective patents.
11

12 18. On August 18, 2008, the United States District Court for the District of Arizona
13 entered a final judgment in favor of Mr. Margolin and OTG on their declaratory relief action, and
14 ordered that OTC had no interest in the '073 or '724 Patents, and that the assignment documents
15 filed with the USPTO were "forged, invalid, void, of no force and effect." Attached as Exhibit A
16 is a copy of the Order from the United States District Court in the Arizona Action.
17

18 19. Due to Defendants' fraudulent acts, title to the Patents was clouded and interfered
19 with Plaintiff's and OTG's ability to license the Patents.

20 20. During the period of time Mr. Margolin worked to correct record title of the
21 Patents in the Arizona Action and with the USPTO, he incurred significant litigation and other
22 costs associated with those efforts.
23

24 **Claim 1--Conversion**
(Against All Defendants)

25 21. Paragraphs 1-20 of the Complaint set forth above are incorporated herein by
26 reference.

27 22. Through the fraudulent acts described above, Defendants wrongfully exerted
28 dominion over the Patents, thereby depriving Mr. Margolin of the use of such property.

1 23. The Patents and the royalties due Mr. Margolin under the Patents were the
2 personal property of Mr. Margolin.

3 24. As a direct and proximate result of the Defendants' conversion, Mr. Margolin has
4 suffered damages in excess of ten thousand dollars (\$10,000), entitling him to the relief set forth
5 below.

6 **Claim 2--Tortious Interference With Contract**
7 **(Against All Defendants)**

8
9 25. Paragraphs 1-24 of the Complaint set forth above are incorporated herein by
10 reference.

11 26. Mr. Margolin was a party to a valid contract with OTG for the payment of
12 royalties based on the license of the '073 and '724 Patents.

13 27. Defendants were aware of Mr. Margolin's contract with OTG.

14 28. Defendants committed intentional acts intended and designed to disrupt and
15 interfere with the contractual relationship between Mr. Margolin and OTG.

16 29. As a result of the acts of Defendants, Mr. Margolin's contract with OTG was
17 actually interfered with and disrupted.

18 30. As a direct and proximate result of the Defendants' tortious interference with
19 contract, Mr. Margolin has suffered damages in excess of ten thousand dollars (\$10,000),
20 entitling him to the relief set forth below.

21 **Claim 3—Intentional Interference with Prospective Economic Advantage**
22 **(Against All Defendants)**

23 31. Paragraphs 1-30 of the Complaint set forth above are incorporated herein by
24 reference.

25 32. Defendants were aware of Mr. Margolin's prospective business relations with
26 licensees of the Patents.

27 33. Defendants purposely, willfully and improperly attempted to induce Mr.
28 Margolin's prospective licensees to refrain from engaging in business with Mr. Margolin.

1 34. The foregoing actions by Defendants interfered with the business relationships of
2 Mr. Margolin, and were done intentionally and occurred without consent or authority of Mr.
3 Margolin.

4 35. As a direct and proximate result of the Defendants' tortious interference, Mr.
5 Margolin has suffered damages in excess of ten thousand dollars (\$10,000), entitling him to the
6 relief set forth below.

7
8 **Claim 4—Unjust Enrichment**
9 **(Against All Defendants)**

9 36. Paragraphs 1-35 of the Complaint set forth above are incorporated herein by
10 reference.

11 37. Defendants wrongfully obtained record title to the Patents.

12 38. Defendants were aware that record title to the Patents was valuable, and were
13 aware of the benefit derived from having record title.

14 39. Defendants unjustly benefitted from the use of Mr. Margolin's property without
15 compensation to Mr. Margolin.

16 40. As a direct and proximate result of Defendants' aforementioned acts, Mr.
17 Margolin is entitled to equitable relief.

18
19 **Claim 5—Unfair and Deceptive Trade Practices**
20 **(Against All Defendants)**

21 41. Paragraphs 1-40 of the Complaint set forth above are incorporated herein by
22 reference.

23 42. The Defendants, engaging in the acts and conduct described above, have
24 knowingly and willfully committed unfair and deceptive trade practices under NRS 598.0915 by
25 making false representations.

26 43. As a direct and proximate result of the Defendants' unfair and deceptive trade
27 practices, Mr. Margolin has suffered damages in excess of ten thousand dollars (\$10,000),
28 entitling him to the relief set forth below.

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

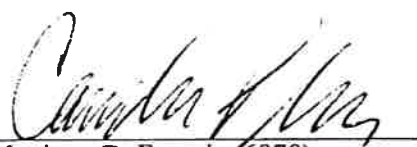
1. That Plaintiff be awarded damages for Defendants' tortious conduct;
2. That Plaintiff be awarded damages for Defendants' unjust enrichment;
3. That Plaintiff be awarded damages for Defendants' commission of unfair and deceptive trade practices, in an amount to be proven at trial, with said damages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

AFFIRMATION

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

DATED: December 10, 2009

WATSON ROUNDS



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

Attorneys for Plaintiff Jed Margolin

EXHIBIT 1



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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

UNIVERSAL AVIONICS SYSTEMS) CORPORATION,

Plaintiff,

vs.

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

Defendants.

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

Counterclaimant,

vs.

UNIVERSAL AVIONICS SYSTEMS) CORPORATION, an Arizona corporation,

Counterdefendant,

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

Cross-Claimant,

vs.

OPTIMA TECHNOLOGY CORPORATION,

Cross-Defendant.

No. CV 07-588-TUC-RCC

ORDER

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

4 Therefore, IT IS HEREBY ORDERED:

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

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

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

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

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

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

19 DATED this 18th day of August, 2008.

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Raner C. Collins
United States District Judge

ORIGINAL

No. 090C00579 1B

Dept. I

REC'D & FILED --

2010 MAR -9 PM 2: 15

ALAN GLOVER
[Signature]
DEPUTY

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

SUMMONS

JED MARGOLIN, an individual
Plaintiff,

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

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

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

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

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

ALAN GLOVER
Clerk of Court
By *[Signature]*
Deputy Clerk

Date December 15th, 2009, 20

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

RETURN OF SERVICE ON REVERSE SIDE

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

STATE OF CALIFORNIA }
COUNTY OF SACRAMENTO } SS.

ROBERT TOTH, declares under penalty of perjury:

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

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

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

STATE OF NEVADA }
CARSON CITY } SS.

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

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

Sheriff of Carson City, Nevada

Date: _____, 20 ____ By _____ Deputy

STATE OF NEVADA }
COUNTY OF _____ } SS.

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

_____, declares under penalty of perjury:

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

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

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

Executed this _____ day of _____, 20 ____.

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

1 Jed Margolin v. Optima Technology Corp., et al.
2 Case No. 090C00579 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 Golanreza
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

No. 090C00579 1B

Dept. 1

REC'D & FILED

2010 MAR 26 PM 1:40

ALAN GLOVER

CLERK
DEPUTY

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

SUMMONS

JED MARGOLIN, an individual

Plaintiff,

vs.

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

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

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

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

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

ALAN GLOVER

Clerk of Court

By

Mazherova

Deputy Clerk

Date March 9 20 10

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

RETURN OF SERVICE ON REVERSE SIDE

AFFIDAVIT OF SERVICE
(For General Use)

STATE OF CALIFORNIA }
COUNTY OF SACRAMENTO } SS.

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

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.
Executed this 23rd day of MARCH, 20 10. Shawn F SARDIA # SAC 2008-5
Signature of person making service

STATE OF NEVADA }
CARSON CITY } SS.

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

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

Sheriff of Carson City, Nevada
Date: _____, 20 _____ By _____ Deputy

STATE OF NEVADA }
COUNTY OF _____ } SS.

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

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

Executed this _____ day of _____, 20 _____.

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

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

4 I, ROBERT TOTH, hereby declare:

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

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

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

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

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

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



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

4 I, SHAWN SARDIA, hereby declare:

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

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

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

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

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

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

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

No. 090C00579 1B

Dept. 1

REC'D & FILED

2010 MAR 26 PM 1:40

ALAN GLOVER
CLERK
DEPUTY

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

add'l
SUMMONS

JED MARGOLIN, an individual

Plaintiff,

vs.

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

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

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

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

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

ALAN GLOVER

Clerk of Court

By

M. Margolin

Deputy Clerk

Date March 9, 20 10

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

RETURN OF SERVICE ON REVERSE SIDE

AFFIDAVIT OF SERVICE
(For General Use)

STATE OF CALIFORNIA }
COUNTY OF SACRAMENTO } SS.
I SHAWN SARDIA

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

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

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

STATE OF NEVADA }
CARSON CITY } SS.

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

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

Sheriff of Carson City, Nevada

Date: _____, 20 _____

By _____
Deputy

STATE OF NEVADA }
COUNTY OF _____ } SS.

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

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

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

Executed this _____ day of _____, 20 _____.

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

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

4 I, ROBERT TOTH, hereby declare:

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


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

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

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

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

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

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

4 I, SHAWN SARDIA, hereby declare:

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

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

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

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

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

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

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

ORIGINAL

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

REC'D & FILED ✓

2010 DEC -2 PM 1:14

ALAN GLOVER

BY  CLERK
DEPUTY

**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, et al.**

Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

**APPLICATION FOR ENTRY OF
DEFAULT**

**TO: CLERK OF THE FIRST JUDICIAL DISTRICT COURT
CARSON CITY, STATE OF NEVADA**

Please enter the Default of the Defendant Reza Zandian

for failure to plead or otherwise defend the above-entitled action as provided by the Nevada
Rules of Civil Procedure.

The Defendant was served with a copy of the Summons and Complaint by service
on February 2, 2010. More than 20 days have elapsed since said service and the Defendant
has not answered, or otherwise responded and no extension has been granted.

OR

The Defendant was served by publication and last date of publication was on
_____.

Dated this 1st day of DECEMBER, 2010.

BY: 

ORIGINAL

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

REC'D & FILED
2010 DEC -2 PM 1:16
ALAN GLUVER
CLERK
DEPUTY

**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, et al.**

Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

**APPLICATION FOR ENTRY OF
DEFAULT**

TO: CLERK OF THE FIRST JUDICIAL DISTRICT COURT
CARSON CITY, STATE OF NEVADA

Please enter the Default of the Defendant Optima Technology Corporation (a Nevada corporation) for failure to plead or otherwise defend the above-entitled action as provided by the Nevada Rules of Civil Procedure.

The Defendant was served with a copy of the Summons and Complaint by service on March 21, 2010. More than 20 days have elapsed since said service and the Defendant has not answered, or otherwise responded and no extension has been granted.

OR

The Defendant was served by publication and last date of publication was on _____

Dated this 1st day of DECEMBER, 2010.

BY: _____
Cassandra P. Joseph

ORIGINAL

REC'D & FILED

2010 DEC -2 PM 1:17

ALAN GLOVER
CLERK

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

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

JED MARGOLIN, an individual,
Plaintiff,

Case No.: 090C00579 1B

Dept. No.: 1

vs.

OPTIMA TECHNOLOGY CORPORATION,
a California corporation, et al.

**APPLICATION FOR ENTRY OF
DEFAULT**

Defendants.

TO: CLERK OF THE FIRST JUDICIAL DISTRICT COURT
CARSON CITY, STATE OF NEVADA

Please enter the Default of the Defendant Optima Technology Corporation (a California corporation) for failure to plead or otherwise defend the above-entitled action as provided by the Nevada Rules of Civil Procedure.

■ The Defendant was served with a copy of the Summons and Complaint by service on March 21, 2010. More than 20 days have elapsed since said service and the Defendant has not answered, or otherwise responded and no extension has been granted.

OR

□ The Defendant was served by publication and last date of publication was on _____.

Dated this 1st day of DECEMBER, 2010.

BY: Cassandra P. Joseph

ORIGINAL

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

REC'D & FILED

2010 DEC -2 PM 1:15

ALAN GLOVER
CLERK
DEPUTY

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

11 **JED MARGOLIN, an individual,**

12 **Plaintiff,**

13 vs.

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

16 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

DEFAULT

17 It appearing that Reza Zandian

18 the defendant herein is in default for failure to plead or otherwise defend as required by law.

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

20 December, 2010.

21 ALAN GLOVER, Clerk

22 By: [Signature], Deputy

ORIGINAL.

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

REC'D & FILED ✓

2010 DEC -2 PM 1:16

ALAN GLOVER

CLERK
DEPUTY

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

11 **JED MARGOLIN, an individual,**

12 **Plaintiff,**

13 vs.

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

16 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

DEFAULT

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

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

20 December, 2010.

21 ALAN GLOVER, Clerk

22 By: [Signature], Deputy

ORIGINAL

REC'D & FILED

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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

2010 DEC -2 PM 1:18

ALAN GLOVER
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, et al.**

Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

DEFAULT

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

DEFAULT is hereby entered against said defendant this 2 day of

December, 2010.

ALAN GLOVER, Clerk

By: [Signature], Deputy

ORIGINAL

REC'D & FILED ✓

2010 DEC -7 PM 2: 15

ANGLIVER
CLERK

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

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

12 JED MARGOLIN, an individual,

13 Plaintiff,

14 vs.

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

27 Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

NOTICE OF ENTRY OF DEFAULT

28 To all parties and their counsel of record:

29 Please take notice that the Default as to Optima Technology Corporation, a Nevada
30 corporation, attached hereto as Exhibit 1 was filed in the above-titled Court on December 2,
31 2010.

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Dated this 6th day of December, 2010.

BY: _____



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

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Watson Rounds, and that on this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true and correct copy of the foregoing document, **NOTICE OF ENTRY OF DEFAULT**, addressed as follows:

Reza Zandian
8401 Bonita Downs Road
Fair Oaks, CA 95628

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

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

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

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

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

Dated: December 6, 2010



Carla Ousby

Exhibit 1

Exhibit 1

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

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

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

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

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

20 It appearing that Optima Technology Corporation (a Nevada corporation)
21 the defendant herein is in default for failure to plead or otherwise defend as required by law.
22 DEFAULT is hereby entered against said defendant this 2 day of
23 December, 20 10.

24 ALAN GLOVER, Clerk

25 By: C. COOPER, Deputy

ORIGINAL

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

REC'D & FILED ✓
2010 DEC -7 PM 2:15
KIM G. OVER
CLERK

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

9 JED MARGOLIN, an individual,

10 Plaintiff,

11 vs.

12 OPTIMA TECHNOLOGY CORPORATION,
13 a California corporation, OPTIMA
14 TECHNOLOGY CORPORATION, a Nevada
15 corporation, REZA ZANDIAN aka
16 GOLAMREZA
17 ZANDIANJAZI aka GHOLAM REZA
18 ZANDIAN
19 aka REZA JAZI aka J. REZA JAZI aka G. REZA
20 JAZI aka GHONONREZA ZANDIAN JAZI,
21 an 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

NOTICE OF ENTRY OF DEFAULT

25 To all parties and their counsel of record:

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

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Dated this 6th day of December, 2010.

BY: 

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

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CERTIFICATE OF SERVICE

Pursuant to NRC 5(b), I certify that I am an employee of Watson Rounds, and that on this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true and correct copy of the foregoing document, **NOTICE OF ENTRY OF DEFAULT**, addressed as follows:

Reza Zandian
8401 Bonita Downs Road
Fair Oaks, CA 95628

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

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

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

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

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

Dated: December 6, 2010



Carla Ousby

Exhibit 1

Exhibit 1

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

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

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

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

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

16 It appearing that Reza Zandian
17 the defendant herein is in default for failure to plead or otherwise defend as required by law.
18 DEFAULT is hereby entered against said defendant this 2 day of
19 December, 20 10.

21 ALAN GLOVER, Clerk
22
23 By: **C. COOPER**, Deputy
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38

ORIGINAL

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

REC'D & FILED ✓

2010 DEC -7 PM 2: 15

ALAN L. EVER
CLERK

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

9 JED MARGOLIN, an individual,

10 Plaintiff,

11 vs.

12 OPTIMA TECHNOLOGY CORPORATION,
13 a California corporation, OPTIMA
14 TECHNOLOGY CORPORATION, a Nevada
15 corporation, REZA ZANDIAN aka
16 GOLAMREZA
17 ZANDIANJAZI aka GHOLAM REZA
18 ZANDIAN
19 aka REZA JAZI aka J. REZA JAZI aka G. REZA
20 JAZI aka GHONONREZA ZANDIAN JAZI,
21 an 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

NOTICE OF ENTRY OF DEFAULT

25 To all parties and their counsel of record:

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

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Dated this 6th day of December, 2010.

BY: 

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

1 **CERTIFICATE OF SERVICE**

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

6 **Reza Zandian**
7 **8401 Bonita Downs Road**
8 **Fair Oaks, CA 95628**

9 **Optima Technology Corp.**
10 **A California corporation**
11 **8401 Bonita Downs Road**
12 **Fair Oaks, CA 95628**

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

17 **Reza Zandian**
18 **8775 Costa Verde Blvd. #501**
19 **San Diego, CA 92122**

20 **Optima Technology Corp.**
21 **A California corporation**
22 **8775 Costa Verde Blvd. #501**
23 **San Diego, CA 92122**

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

28 **Dated: December 6, 2010**



Carla Ousby

Exhibit 1

Exhibit 1

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

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

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

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

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

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

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

23 December, 20 10.

24 ALAN GLOVER, Clerk

25 By: C. COOPER, Deputy

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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

ORIGINAL

REC'D & FILED
2011 FEB 25 AM 11:46
BY: *Alan Glover*
CLERK
NEVADA

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

JED MARGOLIN, an individual,
Plaintiff,

vs.

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

Defendants.

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

CERTIFICATE OF SERVICE

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

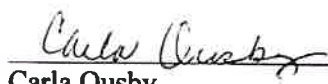
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Technology Corporation, a Nevada corporation, and 6) Notice of Entry of Default as to Reza Zandian; addressed as follows:

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

Dated: February 25, 2011



Carla Ousby

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, **Certificate of Service**, addressed as follows:

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

Reza Zandian
8401 Bonita Downs Road
Fair Oaks, CA 95628

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

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

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

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

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

Dated: February 25, 2011


Carla Ousby

ORIGINAL

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

REC'D & FILED ✓

2011 FEB 28 PM 4:45

ALAN SLOVER
BY *AS*
DEPUTY

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

JED MARGOLIN, an individual,
Plaintiff,

Case No.: 090C00579 1B

vs.

Dept. No.: 1

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,

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

Defendants.

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

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

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

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Affidavits of Service are attached hereto as Exhibit A.

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

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

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

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

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

Dated this 28th day of February, 2011.

By: 
CASSANDRA P. JOSEPH

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of Watson Rounds, and that on
3 this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true
4 and correct copy of the foregoing document, **DECLARATION OF CASSANDRA P.**
5 **JOSEPH IN SUPPORT OF APPLICATION FOR DEFAULT JUDGMENT**, addressed as
6 follows:

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

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

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

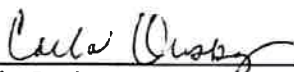
21
22 **Optima Technology Corp.**
23 **A Nevada corporation**
24 **8401 Bonita Downs Road**
25 **Fair Oaks, CA 95628**

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

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

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

Dated: February 28, 2011



Carla Ousby

EXHIBIT A

COPY

No. 090C00579 LB

Dept. I

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

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

SUMMONS

JED MARGOLIN, an individual
Plaintiff,

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

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

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

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

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

ALAN GLOVER

Clerk of Court

By

Deputy Clerk

Date December 15, 2009, 20

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

RETURN OF SERVICE ON REVERSE SIDE

AFFIDAVIT OF SERVICE
(For General Use)

STATE OF CALIFORNIA }
COUNTY OF SACRAMENTO } SS.

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

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.
Executed this 12TH day of FEBRUARY, 20 10. Robert Toth
Signature of person making service

STATE OF NEVADA }
CARSON CITY } SS.

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

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

Sheriff of Carson City, Nevada

Date: _____, 20 ____ By _____ Deputy

STATE OF NEVADA }
COUNTY OF _____ } SS.

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

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

Executed this _____ day of _____, 20 ____.

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

1 Jed Margolin v. Optima Technology Corp., et al.
2 Case No. 090C00579 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

ORIGINAL
COPY

No. 090C00579 1B

Dept. 1

REC'D & FILED
2010 MAR 26 PM 1:40
ALAN GLOVER
BY C. [unclear] FRK
IF PITY

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

add'l
SUMMONS

JED MARGOLIN, an individual

Plaintiff,

vs.

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

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

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

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

1. If you wish to defend this lawsuit, you must, within 20 days after this Summons is served on you, exclusive of the day of service, file with this Court a written pleading in response to this Complaint.

2. Unless you respond, your default will be entered upon application of the plaintiff, and this Court may enter a judgment against you for the relief demanded in the Complaint*, which could result in the taking of money or property or the relief requested in the Complaint.

3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

4. You are required to serve your response upon plaintiff's attorney, whose address is

ALAN GLOVER

Clerk of Court

By *[Signature]*

Deputy Clerk

Date March 9, 20 10

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

RETURN OF SERVICE ON REVERSE SIDE

AFFIDAVIT OF SERVICE
(For General Use)

STATE OF CALIFORNIA }
COUNTY OF SACRAMENTO } SS.
I SHAWN SARDIA

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

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

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

STATE OF NEVADA }
CARSON CITY } SS.

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

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

Sheriff of Carson City, Nevada

Date: _____, 20 ____ By _____ Deputy

STATE OF NEVADA }
COUNTY OF _____ } SS.

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

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

Executed this _____ day of _____, 20 ____.

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

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

I, ROBERT TOTH, hereby declare:

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


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

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

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

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

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



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

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

4 I, SHAWN SARDIA, hereby declare:

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

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

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

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

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

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

23 
24 SHAWN SARDIA
25 Registered Process Server
26 Sacramento #2008-5
27
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No. 090C00579 1B
Dept. 1

COPY

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

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

SUMMONS

JED MARGOLIN, an individual

Plaintiff,

vs.

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

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

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

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

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

ALAN GLOVER
Clerk of Court
By Marginal
Deputy Clerk

Date March 9, 20 10

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

RETURN OF SERVICE ON REVERSE SIDE

AFFIDAVIT OF SERVICE
(For General Use)

STATE OF CALIFORNIA }
COUNTY OF SACRAMENTO } SS.
I SHAWN SARDIA

_____, declares under penalty of perjury:
That affiant is, and was on the day when he served the within Summons, over 18 years of age, and not a party to, nor interested
in, the within action; that the affiant received the Summons on the 19th 20th 30 day of MARCH, 20 10,
and personally served the same upon REZA ZANDIAN, AGENT FOR SERVICE OF PROCESS
the within named defendant, on the 21st day of MARCH, 20 10, by delivering to the said defendant,
personally, in EMERDAYS, County of SACRAMENTO, State of CALIFORNIA,
a copy of the Summons attached to a copy of the Complaint.

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

Executed this 23rd day of MARCH, 20 10. Shawn F SARDIA #SAL 2005-5
Signature of person making service

STATE OF NEVADA }
CARSON CITY } SS.

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

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

Sheriff of Carson City, Nevada

Date: _____, 20 ____ By _____ Deputy

STATE OF NEVADA }
COUNTY OF _____ } SS.

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

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

Executed this _____ day of _____, 20 ____.

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

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

I, ROBERT TOTH, hereby declare:

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

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

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

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

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

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



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

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

4 I, SHAWN SARDIA, hereby declare:

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

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

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

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

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

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

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

EXHIBIT B

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

REC'D & FILED
2010 DEC -7 PM 2:15
C. COOPER
11 FEB

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

9 JED MARGOLIN, an individual,
10
11 Plaintiff,
12
13 vs.
14
15 OPTIMA TECHNOLOGY CORPORATION,
16 a California corporation, OPTIMA
17 TECHNOLOGY CORPORATION, a Nevada
18 corporation, REZA ZANDIAN aka
19 GOLAMREZA
20 ZANDIANJAZI aka GHOLAM REZA
21 ZANDIAN
22 aka REZA JAZI aka J. REZA JAZI aka G. REZA
23 JAZI aka GHONONREZA ZANDIAN JAZI,
24 an individual, DOE Companies
25 1-10, DOE Corporations 11-20, and DOE
26 Individuals 21-30,
27
28 Defendants.

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

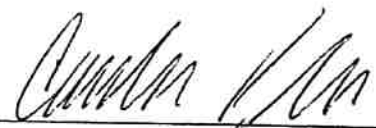
NOTICE OF ENTRY OF DEFAULT

23 To all parties and their counsel of record:
24 Please take notice that the Default as to Optima Technology Corporation, a Nevada
25 corporation, attached hereto as Exhibit 1 was filed in the above-titled Court on December 2,
26 2010.
27 ///
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Dated this 6th day of December, 2010.

BY: 

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

1
2 **CERTIFICATE OF SERVICE**

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

7 Reza Zandian
8 8401 Bonita Downs Road
9 Fair Oaks, CA 95628

10 Optima Technology Corp.
11 A California corporation
12 8401 Bonita Downs Road
13 Fair Oaks, CA 95628

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

18 Reza Zandian
19 8775 Costa Verde Blvd. #501
20 San Diego, CA 92122

21 Optima Technology Corp.
22 A California corporation
23 8775 Costa Verde Blvd. #501
24 San Diego, CA 92122

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

Dated: December 6, 2010



Carla Ousby

Exhibit 1

Exhibit 1

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

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

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

11 **JED MARGOLIN, an individual,**

12 **Plaintiff,**

13 **vs.**

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

16 **Defendants.**

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

18 **Dept. No.: 1**

19 **DEFAULT**

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

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

23 December, 20 10.

24 ALAN GLOVER, Clerk

25 By: C. COOPER, Deputy

28 68

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

REC'D & FILED
2010 DEC -7 PM 2:15
MAY BEVER
C. C. C. ER

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

9 JED MARGOLIN, an individual,
10
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
18 ZANDIANJAZI aka GHOLAM REZA
19 ZANDIAN
20 aka REZA JAZI aka J. REZA JAZI aka G. REZA
21 JAZI aka GHONONREZA ZANDIAN JAZI,
22 an individual, DOE Companies
23 1-10, DOE Corporations 11-20, and DOE
24 Individuals 21-30,
25
26 Defendants.

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

NOTICE OF ENTRY OF DEFAULT

27 To all parties and their counsel of record:

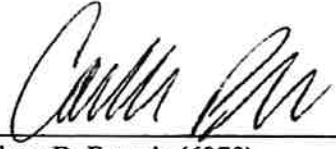
28 Please take notice that the Default as to Reza Zandian, attached hereto as Exhibit 1 was
filed in the above-titled Court on December 2, 2010.

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Dated this 6th day of December, 2010.

BY: 

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

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Watson Rounds, and that on this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true and correct copy of the foregoing document, **NOTICE OF ENTRY OF DEFAULT**, addressed as follows:

Reza Zandian
8401 Bonita Downs Road
Fair Oaks, CA 95628

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

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

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

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

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

Dated: December 6, 2010



Carla Ousby

Exhibit 1

Exhibit 1

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

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

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

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

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

20 It appearing that Reza Zandian
21 the defendant herein is in default for failure to plead or otherwise defend as required by law.
22 **DEFAULT** is hereby entered against said defendant this 2 day of
23 December, 20 10.

24 ALAN GLOVER, Clerk
25 By: **C. COOPER**, Deputy

73

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

REC'D & FILED
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G. COOPER

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

JED MARGOLIN, an individual,

Plaintiff,

vs.

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

Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

NOTICE OF ENTRY OF DEFAULT

To all parties and their counsel of record:

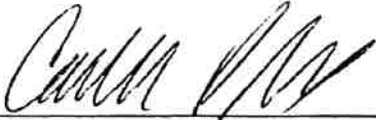
Please take notice that the Default as to Optima Technology Corporation, a California corporation, attached hereto as Exhibit 1 was filed in the above-titled Court on December 2, 2010.

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Dated this 6th day of December, 2010.

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

1 **CERTIFICATE OF SERVICE**

2 Pursuant to 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 and
4 correct copy of the foregoing document, **NOTICE OF ENTRY OF DEFAULT**, addressed as
5 follows:

6 Reza Zandian
7 8401 Bonita Downs Road
8 Fair Oaks, CA 95628

9 Optima Technology Corp.
10 A California corporation
11 8401 Bonita Downs Road
12 Fair Oaks, CA 95628

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

17 Reza Zandian
18 8775 Costa Verde Blvd. #501
19 San Diego, CA 92122

20 Optima Technology Corp.
21 A California corporation
22 8775 Costa Verde Blvd. #501
23 San Diego, CA 92122

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

28 Dated: December 6, 2010



Carla Ousby

Exhibit 1

Exhibit 1

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

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

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

11 **JED MARGOLIN, an individual,**

12 **Plaintiff,**

13 vs.

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

16 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

DEFAULT

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

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

20 December, 20 10.

21 ALAN GLOVER, Clerk

22 By: C. COOPER, Deputy

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

REC'D & FILED
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M. RALE
BY DEPUTY CLERK

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

JED MARGOLIN, an individual,

Plaintiff,

vs.

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

Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

CERTIFICATE OF SERVICE

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

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

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

Dated: February 25, 2011



Carla Ousby

CERTIFICATE OF SERVICE

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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, **Certificate of Service**, addressed as follows:

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

Reza Zandian
8401 Bonita Downs Road
Fair Oaks, CA 95628

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

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

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

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

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

Dated: February 25, 2011



Carla Ousby

EXHIBIT C

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

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

FIRM TOTAL PERIOD	UNBILLED				BILLED				BALANCES	
	CHE	+ RECOV	+ FEES	= TOTAL	DISBS	+ FEES	+ TAX	- RECEIPTS	= A/R	TRUST
	0.00	0.00	1560.00	1560.00	2327.46	21422.50	0.00	23749.96	0.00	5000.00

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

REPORT SELECTIONS - Client Ledger

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 Matters 5457.01
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 Major Clients All
 Client Intro Lawyer All
 Matter Intro Lawyer All
 Responsible Lawyer All
 Assigned Lawyer All
 Type of Law All
 Select From Active, Inactive, Archived Matters
 Matters Sort by Default
 New Page for Each Lawyer No
 New Page for Each Matter No
 No Activity Date Dec 31/2199
 Firm Totals Only No
 Totals Only No
 Entries Shown - Billed Only No
 Entries Shown - Disbursements Yes
 Entries Shown - Receipts No
 Entries Shown - Time or Fees No
 Entries Shown - Trust No
 Incl. Matters with Retainer Bal No
 Incl. Matters with Neg Unbid Disb No
 Trust Account All
 Working Lawyer All
 Include Corrected Entries No
 Show Check # on Paid Payables No
 Show Client Address No
 Consolidate Payments No
 Show Trust Summary by Account No
 Show Interest No
 Interest Up To Feb 23/2011
 Show Invoices that Payments Were Applied to No
 Display Entries in Date Order



EXHIBIT D

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

Find more sources/options for what your looking for
www.webcreator.com

Primo, Labor and More Avail Here. Plus Rates, News, Advice and More.
Bankrate.com/Primo



Ads by Google

Rate Center		
Today's Average Rates Across the Country		
Reference	Savings / MUA	Auto Insurance
Product	Ref Avg	Featured
30 Yr Fixed	5.17%	4.74%
15 Yr Fixed	4.48%	4.22%
5/1 ARM	3.83%	3.21%

COMPARE RATES

Reference Rates provided by **HSN**

- [Prime Rate](#)
1 Year Treasury (CMT)
12 Month Treasury Avg (12MTA)
- [LIBOR Index](#)
1 Month LIBOR
3 Month LIBOR
- [11th District Cost of Funds Index \(COFI\)](#)
Certificates of Deposit Index (CDRI)
Cost of Savings Index (COSI)
- [Fed Funds Target Rate](#)
Fed Funds Historical Graph
Prime Rate Historical Graph
- [MoneyCafe Rates](#)
Daily Updates of Dozens of Rates
Comparison Charts

Prime Rate

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

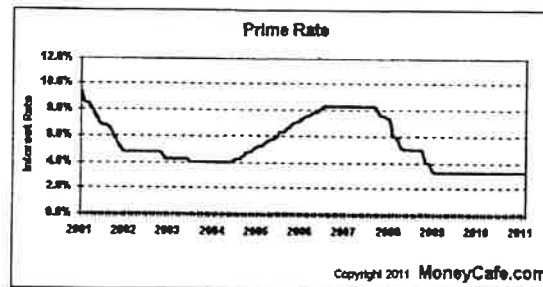
The last reported rate is **3.25 %** (Effective since December 16, 2008)

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

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

Historical Graph

Click here for the complete historical graph of the Prime Rate from 1930 to 2011.



Historical Chart

Prime Rate											
Month/Day	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Jan 1	9.50%	4.75%	4.25%	4.00%	5.25%	7.25%	8.25%	7.25%	3.25%	3.25%	3.25%
Feb 1	8.50%	4.75%	4.25%	4.00%	5.25%	7.50%	8.25%	6.00%	3.25%	3.25%	3.25%
Mar 1	8.50%	4.75%	4.25%	4.00%	5.50%	7.50%	8.25%	6.00%	3.25%	3.25%	
Apr 1	8.00%	4.75%	4.25%	4.00%	5.75%	7.75%	8.25%	5.25%	3.25%	3.25%	
May 1	7.50%	4.75%	4.25%	4.00%	5.75%	7.75%	8.25%	5.00%	3.25%	3.25%	
Jun 1	7.00%	4.75%	4.25%	4.00%	6.00%	8.00%	8.25%	5.00%	3.25%	3.25%	
Jul 1	8.75%	4.75%	4.00%	4.25%	6.25%	8.25%	8.25%	5.00%	3.25%	3.25%	
Aug 1	8.75%	4.75%	4.00%	4.25%	6.25%	8.25%	8.25%	5.00%	3.25%	3.25%	
Sep 1	8.50%	4.75%	4.00%	4.50%	6.50%	8.25%	8.25%	5.00%	3.25%	3.25%	
Oct 1	6.00%	4.75%	4.00%	4.75%	6.75%	8.25%	7.75%	5.00%	3.25%	3.25%	
Nov 1	5.50%	4.75%	4.00%	4.75%	7.00%	8.25%	7.50%	4.00%	3.25%	3.25%	
Dec 1	5.00%	4.25%	4.00%	5.00%	7.00%	8.25%	7.50%	4.00%	3.25%	3.25%	

Copyright 2011 MoneyCafe.com

Source: Federal Reserve Board

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

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

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All Rights Reserved.

**Money
Cafe.**

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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

ORIGINAL

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2011 FEB 23 PM 4:45
ALAN CLOVER
BY *Alan Clover*

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

JED MARGOLIN, an individual,
Plaintiff,

vs.

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

Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

**DECLARATION OF JED MARGOLIN
IN SUPPORT OF APPLICATION FOR
DEFAULT JUDGMENT**

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

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

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

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

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

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

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

Dated: 2-24-2011

By: Jed Margolin
JED MARGOLIN

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRC 5(b), I certify that I am an employee of Watson Rounds, and that on
3 this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true
4 and correct copy of the foregoing document, **DECLARATION OF JED MARGOLIN IN**
5 **SUPPORT OF APPLICATION FOR DEFAULT JUDGMENT**, addressed as follows:

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

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

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

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

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

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

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

Dated: February 28, 2011



Carla Ousby

EXHIBIT A

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

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

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

Cross-Claimant,

vs.

OPTIMA TECHNOLOGY CORPORATION,
a corporation,

Cross-Defendant

NO. CV-00588-RC

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

JURY TRIAL DEMANDED

Assigned to: Hon. Raner C. Collins

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

Third-Party Plaintiff,

vs.

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

Third-Party Defendants.

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

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

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

19 **INTRODUCTORY PARAGRAPH**

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

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

1 2 line 3 of the *Complaint*).

2 **NATURE OF THE ACTION**

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

7 **THE PARTIES**

8 2. Deny for lack of knowledge.

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

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

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

15 6. Denied.

16 7. Denied.

17 **JURISDICTION AND VENUE**

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

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

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

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

7 10. Deny.

8 **THE PATENTS-IN-SUIT**

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

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

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

25 **FACTS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 28. Deny.

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

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

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

21 32. Deny for lack of knowledge.

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

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

1 35. Admit that Adams communicated (as CEO of Optima) with Plaintiff and its
2 counsel. Affirmatively allege that the text of Exhibit 13 to the *Complaint* speaks for itself.
3 Deny all remaining allegations.

4 36. Admit that Adams communicated (as CEO of Optima) with Plaintiff and its
5 counsel. Deny allegations regarding communications to which Optima was not a party for lack
6 of knowledge. Deny all remaining allegations.

7 37. Deny for lack of knowledge.

8 38. Admit that Adams communicated (as CEO of Optima) with Plaintiff and its
9 counsel. Affirmatively allege that the text of Exhibit 14 to the *Complaint* speaks for itself.
10 Deny all remaining allegations.

11 39. Admit that Adams communicated (as CEO of Optima) with Plaintiff and its
12 counsel. Affirmatively allege that the text of Exhibit 15 to the *Complaint* speaks for itself.
13 Deny all remaining allegations.

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

17 41. Admit. Affirmatively allege that the text of Exhibit 17 to the *Complaint* speaks
18 for itself.

19 42. Admit. Affirmatively allege that the text of Exhibit 17 to the *Complaint* speaks
20 for itself.

21 43. Admit.

22 **CLAIMS FOR RELIEF**

23 **COUNT ONE**

24 **Declaratory Judgment of Non-Infringement of the '073 Patent**

25 44. Optima repeats and restates the statements of paragraphs 1-43 above as if fully
26 set forth herein.

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 **COUNT FOUR**

2 **Declaratory Judgment of Invalidity of the '724 Patent**

3 56. Optima repeats and restates the statements of paragraphs 1-55 above as if fully
4 set forth herein.

5 57. Deny that Optima made an "unreasonable" licensing demand of Plaintiff. Admit
6 with respect to Optima. Deny that OTC has any right or interest in the Patents. Deny all
7 remaining allegations.

8 58. Deny.

9 59. Admit that Plaintiff seeks a declaration as described in Paragraph 59 of the
10 *Complaint*. Deny that Plaintiff is entitled to such a declaration. Deny all remaining allegations.

11 **COUNTS FIVE THROUGH SEVEN**

12 Defendant Optima has contemporaneously filed a *Motion to Dismiss* seeking to dismiss
13 Counts Five through Seven of the *Complaint* against it for failure to state a claim. As such,
14 Defendant Optima will amend this *Answer* and respond to Counts V, VI and/or VII of the
15 *Complaint* at such time, and to the extent that, the Court herein denies that *Motion* in whole or
16 in part. *See* Rule 12(a)(4), Fed.R.Civ.P.

17 **GENERAL DENIAL**

18 Defendant Optima denies each allegation of Plaintiff's *Complaint* not specifically
19 admitted herein.

20 **EXCEPTIONAL CASE**

21 This is an exceptional case under 35 U.S.C. § 285 in which Defendant Optima is entitled
22 to its attorneys' fees and costs incurred in connection Plaintiff's stated claims in bringing this
23 action.

24 **AFFIRMATIVE DEFENSES**

25 Defendant Optima asserts all available affirmative defenses under Rule 8(c),
26 Fed.R.Civ.P., including but not limited to those specifically designated as follows (Defendant

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

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

11 2. Laches;

12 3. Waiver; and,

13 4. Estoppel.

14 **JURY TRIAL DEMAND**

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

17 **PRAYER FOR RELIEF**

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

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

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

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

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

4 **THE PARTIES**

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

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

3 **JURISDICTION AND VENUE**

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

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

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

12 **FACTS**

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

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

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

- 24 13. Upon information and belief:

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

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

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for UAS to infringe on the Patents.

14. Upon information and belief:

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

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

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

15. UAS and Optima entered into the contract attached as Exhibit 8 to the *Complaint* herein (hereinafter the "Contract"). Pursuant to and under the terms of the Contract, Optima provided to UAS a confidential power of attorney (hereinafter the "Power of Attorney") that Jed Margolin ("Margolin"), as the inventor and then-owner of the Patents, had previously executed. The Power of Attorney provided, *inter alia*, that Margolin appointed "Optima Technology Inc. - Robert Adams CEO" as his attorney-in-fact with respect to (*inter alia*) the Patents. Under its express terms, the Power of Attorney could only be exercised by "Optima Technology Inc. - Robert Adams CEO" and could only be exercised by a signature in the following form: "Jed Margolin by Optima Technology, Inc., c/o Robert Adams, CEO his attorney in fact." Optima had not and has not at any time placed the Power of Attorney in the public domain or otherwise provided a copy of it, or made it available, to OTC.
16. UAS, through its duly authorized agents, employees and/or attorneys, provided the Power of Attorney (or a copy thereof) to OTC principal, director, officer and/or agent Gholamreza Zandianjazi a/k/a Reza Zandian ("Zandian"). As of that time, neither Zandian nor OTC had ever received, been privy to, obtained or had knowledge of the Power of Attorney.
17. OTC does not have, and has never had, any right, interest or valid claim to any right, title or interest in or to either the Patents or the Power of Attorney.
18. UAS, by and through its authorized agents and attorneys Scott Bornstein ("Bornstein") and/or Greenberg Traurig, LLP ("GT"), informed, directed, advised, assisted, associated, agreed, conspired and/or engaged in a mutual undertaking with

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

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

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

PATENT INFRINGEMENT

- 31. The statements of all of the foregoing paragraphs are incorporated herein by reference as if fully set forth herein.
- 32. This is a cause of action for patent infringement under 35 U.S.C. § 271 *et seq.* At all relevant times, UAS had actual and constructive knowledge of the Patents in suit including the scope and claim coverage thereof.
- 33. UAS's aforesaid activities constitute a direct, contributory and/or inducement of infringement of the aforesaid patents in violation of 35 U.S.C. § 271 *et seq.* UAS's aforesaid infringement is and has, at all relevant times, been willful and knowing.
- 34. Naimer and Hummel, through their forgoing actions, actively aided and abetted and knowingly and/or intentionally induced, and specifically intended to induce, UAS's direct infringement despite their knowledge of the Patents.
- 35. Optima has suffered and will continue to suffer immediate and ongoing irreparable and actual harm and monetary damage as a result of UAS's, Naimer's and Hummel's willful patent infringement in an amount to be proven at trial.

COUNT 2

BREACH OF CONTRACT

- 36. The statements of all of the foregoing paragraphs are incorporated herein by reference as if fully set forth herein.
- 37. This is a cause of action for breach of contract against UAS pursuant to Arizona law.
- 38. UAS's actions constitute one or more breaches of the contract attached as Exhibit 8 to the *Complaint* herein.
- 39. 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 3

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

- 1
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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.

COUNT 4

NEGLIGENCE

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

- 1 b. UAS's inclusion in an openly-accessible public record the exhibits attached to
2 the *Complaint*; and/or
3 c. UAS's provision of a copy of the Power of Attorney prior to and/or as a result
4 of UAS's service of the *Complaint* (with Exhibit 3 thereto) upon OTC; and/or
5 d. UAS's informing, directing, advising, assisting and conspiring of/with
6 Zandian/OTC to record the Power of Attorney with the U.S. Patent and
7 Trademark Office ("PTO").

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

10 **COUNT 5**

11 **DECLARATORY JUDGMENT**

- 12 50. The statements of all of the foregoing paragraphs are incorporated herein by reference
13 as if fully set forth herein.
- 14 51. This is a cause of action for declaratory judgment under 28 U.S.C. § 2201 *et seq* against
15 OTC.
- 16 52. Optima was at all times relevant hereto the rightful holder of the Power of Attorney and
17 the rightful owner of the Patents.
- 18 53. By virtue of OTC's recording of the Assignment and Power of Attorney with the PTO,
19 a cloud of title, impairment of vendibility, etc. (as otherwise alleged above) exists with
20 respect to Optima's exclusive ownership rights relating to the Patents and the exclusive
21 rights under the Power of Attorney.
- 22 54. An actual and live controversy exists between OTC and Optima.
- 23 55. As a result thereof, Optima requests a declaration of rights with respect to the foregoing,
24 including but not limited to a declaration that OTC has no interest or right in either the
25 Power of Attorney or the Patents, that OTC's filing/recording of documents with the
26 PTO asserting any interest or right in either the Power of Attorney or the Patents was

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

3 **COUNT 6**

4 **INJURIOUS FALSEHOOD/SLANDER OF TITLE**

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

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

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

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

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

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

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

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

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

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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

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- unlawful means, one of whom committed an act in furtherance thereof, thereby causing damages to Optima; and/or
- d. UAS and OTC acted in concert; and/or
- e. UAS provided affirmative aid and/or encouragement to the wrongful conduct of OTC; and/or
- f. UAS directed, ordered and/or induced the wrongful conduct of OTC while knowing (or should having known) of circumstances that would have made the conduct tortious if it were UAS's; and/or
- g. UAS advised OTC to commit the wrongful conduct which resulted in a legal wrong and/or harm to Optima; and/or
- h. UAS acted together with OTC to commit the wrongful conduct pursuant to a common design; and/or
- i. UAS knew that the OTC's conduct would constitute a breach of duty and gave substantial assistance or encouragement to OTC so to conduct itself; and/or
- j. UAS gave substantial assistance to OTC in accomplishing a tortious result and UAS's own conduct, separately considered, constitutes a breach of duty to Optima; and/or
- k. UAS knowingly participated in the wrongful action of OTC.

90. As a result thereof, UAS is jointly and severally liable for any such damages awarded to Optima under Counts 6-11 herein.

COUNT 13

PUNITIVE DAMAGES

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

92. This is a claim for punitive damages against OTC and UAS pursuant to the common law 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

1 not limited to A.R.S. §12-341.01 and § 12-340 and/or the laws of one or more of New
2 York, Virginia, Delaware and/or California;

3 11. Granting Optima prejudgment and post-judgment interest at the legal rate; and

4 12. Granting Optima such other and further relief as the Court deems just and proper.

5 RESPECTFULLY SUBMITTED this 24th day of January, 2008.

6 CHANDLER & UDALL, LLP

7
8 By /s Edward Moomjian II
9 Edward Moomjian II
10 Jeanna Chandler Nash
11 Attorneys for Defendants Adams, Margolin
12 and Optima Technology Inc. a/k/a Optima
13 Technology Group, Inc.

13 **CERTIFICATE OF SERVICE**

14 I hereby certify that on January 24, 2008, I electronically transmitted the attached
15 document to the Clerk's office using the EM/ECF System for filing and transmittal of a Notice
16 of Electronic Filing to the following CM/DCF registrants:

17 E. Jeffrey Walsh, Esquire
18 Greenberg Traurig, LLP
19 2375 East Camelback Road, Suite 700
20 Phoenix, Arizona 85016
21 *Attorneys for Plaintiff*

22 Scott Joseph Bornstein, Esquire
23 Paul J. Sutton, Esquire
24 Allan A. Kassenoff, Esquire
25 Greenberg Traurig, LLP
26 200 Park Avenue
New York, New York 10166
Attorneys for Plaintiff

_____ s/

EXHIBIT B

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

UNIVERSAL AVIONICS SYSTEMS
CORPORATION,

Plaintiff,

vs.

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

Defendants.

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

Counterclaimant,

vs.

UNIVERSAL AVIONICS SYSTEMS
CORPORATION, an Arizona corporation,

Counterdefendant,

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

Cross-Claimant,

vs.

OPTIMA TECHNOLOGY
CORPORATION,

Cross-Defendant.

No. CV 07-588-TUC-RCC

ORDER

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


4 Therefore, IT IS HEREBY ORDERED:

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

- 8 1. Optima Technology Corporation has no interest in U.S. Patents Nos. 5,566,073 and
9 5,904,724 ("the Patents") or the Durable Power of Attorney from Jed Margolin dated July
10 20, 2004 ("the Power of Attorney");
- 11 2. The Assignment Optima Technology Corporation filed with the USPTO is forged,
12 invalid, void, of no force and effect, and is hereby struck from the records of the USPTO;
- 13 3. The USPTO is to correct its records with respect to any claim by Optima
14 Technology Corporation to the Patents and/or the Power of Attorney; and
- 15 4. OTC is hereby enjoined from asserting further rights or interests in the Patents
16 and/or Power of Attorney; and
- 17 5. There is no just reason to delay entry of final judgment as to Optima Technology
18 Corporation under Federal Rule of Civil Procedure 54(b).

19 DATED this 18th day of August, 2008.

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Raner C. Collins
United States District Judge

EXHIBIT C

Funds Transfer Request and Authorization

Section I: Requester/Originator Information

Name Jed Margolin	Telephone # 847 7845	Date Wire to be Sent 1/15/08
Address 1981 Empire Rd	City Reno	State NV
Customer ID Type 1. DL	ID# 8332	Issue State/Country NV
2. BACC	Method of Signature Verification (If Applicable) Signature Card	
	Issue Date 1-1-6-06	Expiration Date 1-2-20-10

Section II: Associate Accepting Wire

Associate Name KRAZZA	Phone and Fax # 32560216034	Unit Co#/CC# 8557	Date 1/15/08	Time 1:40
Callback Required if Phone, Fax or Letter <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A	Name/Number of Person Contacted	Date/Time	Approval (required)/Market Approval (if required)	

Section III: Domestic Payment Information

Amount of Wire \$ 30,000	Debit Account Type (circle one) CHKG SAV ICA GL	Serial # (For ICA/GL) or Repetitive ID#	Source <input type="checkbox"/> Fax <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Letter
Account to Debit State NV	Available Balance	Account Title Jed Margolin	
Overdraft Amount \$	Overdraft Approved by (Name & Signature)	Date	Wire Fee \$ 25

Section IV: International Payment Instructions Check here if funds must be sent in U.S. Dollars

USD Amount of Wire \$	Country	Rate	Foreign Currency Code	Foreign Currency Amount
Debit Account Type (circle one) CHKG SAV ICA GL	Serial # (For ICA/GL) or Repetitive ID#	FX Reference ID (If Applicable)	Source <input type="checkbox"/> Fax <input type="checkbox"/> Phone <input type="checkbox"/> Letter	
Account to Debit State	Available Balance	Account Title		
Overdraft Amount \$	Overdraft Approved by (Name & Signature)	Date	Wire Fee \$	

Section V: Wire Information

Beneficiary Name Merrill Lynch	Beneficiary Account # OR IBAN (if IBAN, no further Beneficiary Bank information is required) 1011730
Beneficiary Address: Street	City State Country Zip
Beneficiary Bank Name Mellon Bank	ABA # or SWIFT or National ID 043000261
Beneficiary Bank Address: Street	City State Country Zip
Additional Instructions (Attention To, Phone Advise, Customer Reference, Contact Upon Arrival) F/C to Optima Technology acct 223-07406	
Send Thru Bank/IBK (if available)	ABA # or SWIFT or National ID
Send Thru Bank Address: Street	City State Country Zip

Section VI: Customer Approval

I authorize Bank of America to transfer my funds as set forth in the instructions noted herein (including debiting my account if applicable), and agree that such transfer of funds is subject to the Bank of America standard transfer agreement (see reverse side) and applicable fees. If this is a foreign currency wire transfer, I accept the conversion rate provided in Section IV, or, if no rate is entered, the rate provided by Bank of America at the time the wire transfer is sent.

Customer's Signature: **Jed Margolin** Date of Request: **1-15-2008**

Section VII: Wire System Entry/Verification

Wire Entered by: Name/Signature (attach BFT screens prints) Print: KRAZZA Signature: KRAZZA	BFT System Time 124544	BFT Sequence # 01080115005656
Date of Entry and Verification 1-15-08	Verified By (Name/Signature) (Print Verification Screen) Print: Jed Margolin Signature: Jed Margolin	BFT System Time 12:49:17

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

Section I: Requester/Originator Information					
Name Jed Margolin		Telephone # 847-7845		Date Wire to be Sent 3-26-08	
Address 1981 Empire Rd		City Reno		State NV	
Customer ID Type 1. Driver's Lic		ID# 8352		Issue State/Country 1. Nevada	
		Issue Date 1-1-06		Expiration Date 1-2/20/10	
Method of Signature Verification (If Applicable) 2. _____					
Section II: Associate Accepting Wire					
Associate Name Janet Saldana		Phone and Fax # 775-325-6021		Unit Co#/CC# 376/8557	
Date 3-26-08		Time			
Callback Required if Phone, Fax or Letter <input type="checkbox"/> Yes <input type="checkbox"/> N/A		Name/Number of Person Contacted		Date/Time	
Approval (required)/Market Approval (if required)					
Section III: Domestic Payment Instructions					
Amount of Wire \$ 30,000 -		Debit Account Type (circle one) CHKG SAV ICA GL		Serial # (For ICA/GL) or Repetitive ID#	
Source <input type="checkbox"/> Fax <input type="checkbox"/> Phone <input type="checkbox"/> Letter		ROTC			
Account to Debit		State		Available Balance	
				Account Title Jed Margolin	
Overdraft Amount \$		Overdraft Approved by (Name & Signature)		Date	
				Wire Fee \$ 25 -	
Section IV: International Payment Instructions: <input type="checkbox"/> Check here if funds must be sent in US Dollars					
USD Amount of Wire \$		Country		Rate	
				Foreign Currency Code	
				Foreign Currency Amount	
Debit Account Type (circle one) CHKG SAV ICA GL		Serial # (For ICA/GL) or Repetitive ID#		FX Reference ID (If Applicable)	
				Source <input type="checkbox"/> OTC	
				<input type="checkbox"/> Fax <input type="checkbox"/> Phone <input type="checkbox"/> Letter	
Account to Debit		State		Available Balance	
				Account Title	
Overdraft Amount \$		Overdraft Approved by (Name & Signature)		Date	
				Wire Fee \$	
Section V: Wire Information					
Beneficiary Name Merrill Lynch			Beneficiary Account # OR IBAN (if IBAN, no further Beneficiary Bank information is required) 1011730		
Beneficiary Address: Street		City		State Country Zip	
Beneficiary Bank Name Mellon Bank			ABA # or SWIFT or National ID 01223-07406		
Beneficiary Bank Address: Street		City		State Country Zip 043008261	
Additional Instructions (Attention To, Phone Advise, Customer Reference, Contact Upon Arrival) F/Cr to Optima Technology Group 223-07406					
Send Thru Bank/IBK (if available)			ABA # or SWIFT or National ID		
Send Thru Bank Address: Street		City		State Country Zip	
Section VI: Customer Approval					
I authorize Bank of America to transfer my funds as set forth in the instructions noted herein (including debiting my account if applicable), and agree that such transfer of funds is subject to the Bank of America standard transfer agreement (see reverse side) and applicable fees. If this is a foreign currency wire transfer, I accept the conversion rate provided in Section IV, or, if no rate is entered, the rate provided by Bank of America at the time the wire transfer is sent.					
Customer's Signature: Jed Margolin			Date of Request: 3-26-08		
Section VII: Wire System Entry/Verification					
Wire Entered by: Name/Signature (attach BFT screen prints) Janet Saldana			BAT Approval Authorization # (if applicable)		
Print: Janet Saldana		Signature: Janet Saldana		BFT System Time 13:35:53	
Date of Entry and Verification		Verified By (Name/Signature/Print Verification Screen)		BFT Sequence # 01080326006579	
Print:		Signature:		BFT System Time	

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

Section I: Requester/Originator Information

Name <i>Jed Margolin</i>		Telephone # <i>775-847-7845</i>	Date Wire to be Sent <i>6-18-08</i>	
Address <i>1981 Empire Rd</i>		City <i>Reno</i>	State <i>NV</i>	Zip <i>89521-7430</i>
Customer ID Type <i>DRIVER License</i>	ID# <i>8352</i>	Issue State/Country <i>1. Nevada</i>	Issue Date <i>1. 01-06-06</i>	Expiration Date <i>1. 02-30-2010</i>
Method of Signature Verification (If Applicable) <i>BoFA - ATM 5124 EXP 5/2010</i>				

Section II: Associate Accepting Wire

Associate Name <i>Janet Saldana</i>	Phone and Fax # <i>775-325-6021</i>	Unit Co#/CC# <i>336/8557</i>	Date <i>6-18-08</i>	Time <i>9:32</i>
Callback Required if Phone, Fax or Letter <input type="checkbox"/> Yes <input type="checkbox"/> N/A	Name/Number of Person Contacted	Date/Time	Approval (required)/Market Approval (if required)	
Callback Completed by:				

Section III: Domestic Payment Instructions

Amount of Wire <i>\$ 30,000.-</i>	Debit Account Type (circle one) CHKG <input checked="" type="radio"/> SAV <input type="radio"/> ICA <input type="radio"/> GL	Serial # (For ICA/GL) or Repetitive ID#	Source <input type="checkbox"/> Fax <input type="checkbox"/> Phone <input checked="" type="checkbox"/> OTC
Account to Debit	State	Available Balance <i>\$ 42,339.52</i>	Account Title <i>Jed Margolin</i>
Overdraft Amount <i>\$</i>	Overdraft Approved by (Name & Signature) <i>Jed Margolin</i>		Date <i>6-18-08</i>
			Wire Fee <i>\$ 25.-</i>

Section IV: International Payment Instructions: Check here if funds must be sent in US Dollars

USD Amount of Wire <i>\$</i>	Country	Rate	Foreign Currency Code	Foreign Currency Amount
Debit Account Type (circle one) CHKG SAV ICA GL	Serial # (For ICA/GL) or Repetitive ID#	FX Reference ID (If Applicable)	Source <input type="checkbox"/> Fax <input type="checkbox"/> Phone <input type="checkbox"/> Letter	<input type="checkbox"/> OTC
Account to Debit	State	Available Balance	Account Title	
Overdraft Amount <i>\$</i>	Overdraft Approved by (Name & Signature)		Date	Wire Fee <i>\$</i>

Section V: Wire Information

Beneficiary Name <i>Snell & Wilmer Trust Acct</i>	Beneficiary Account # OR IBAN (if IBAN, no further Beneficiary Bank information is required) <i>411-9025</i>			
Beneficiary Address: Street	City	State	Country	Zip
Beneficiary Bank Name <i>J.P. Morgan Chase NA/Phoenix Trust Acct</i>	ABA # or SWIFT or National ID <i>021000021</i>			
Beneficiary Bank Address: Street	City	State	Country	Zip
Additional Instructions (Attention To, Phone Advise, Customer Reference, Contact Upon Arrival) <i>Attn: Jeff Willis Client: Optima Technology Group/Jed Margolin</i>				
Send Thru Bank/IBK (if available)	ABA # or SWIFT or National ID			
Send Thru Bank Address: Street	City	State	Country	Zip

Section VI: Customer Approval

I authorize Bank of America to transfer my funds as set forth in the instructions noted herein (including debiting my account if applicable), and agree that such transfer of funds is subject to the Bank of America standard transfer agreement (see reverse side) and applicable fees. If this is a foreign currency wire transfer, I accept the conversion rate provided in Section IV, or, if no rate is entered, the rate provided by Bank of America at the time the wire transfer is sent.

Customer's Signature: *Jed Margolin* Date of Request: *6-18-08*

Section VII: Wire System Entry/Verification

Wire Entered by: Name/Signature (attach BFT screens prints) <i>Janet Saldana</i>		BAT Approval Authorization # (if applicable)	BFT System Time <i>12.02.51</i>	BFT Sequence # <i>01080618004513</i>
Date of Entry and Verification	Verified By (Name/Signature) (Print Verification Screen) <i>Janet Saldana</i>	Signature:		BFT System Time

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

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

ORIGINAL

REC'D & FILED

2011 FEB 28 PM 4:45

ALAN GLOVER
BY *[Signature]*
DEPUTY

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

JED MARGOLIN, an individual,

Plaintiff,

vs.

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

Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

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

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

///

///

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

6 **MEMORANDUM OF POINTS AND AUTHORITIES**

7 **I. FACTUAL BACKGROUND**

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

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

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

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

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

12 III. ARGUMENT

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

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

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

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

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

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

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

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

27 ///

28 ///

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 *Id.*

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

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

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

15 NRS §§18.020 provides, in pertinent part:

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

21 *Id.*

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

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

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


3 **IV. CONCLUSION**

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

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

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

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

12
13 BY: 
14 Matthew D. Francis (6978)
15 Cassandra P. Joseph (9845)
16 WATSON ROUNDS
17 5371 Kietzke Lane
18 Reno, NV 89511
19 Telephone: 775-324-4100
20 Facsimile: 775-333-8171
21 Attorneys for Plaintiff Jed Margolin

CERTIFICATE OF SERVICE

Pursuant to NRCF 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, **Application for Default Judgment** and the **(Proposed) Default Judgment**, addressed as follows:

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

Reza Zandian
8401 Bonita Downs Road
Fair Oaks, CA 95628

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

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

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

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

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

Dated: February 28, 2011



Carla Ousby

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

ORIGINA:

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ALAN GLOVER
BY [Signature] CLERK

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

JED MARGOLIN, an individual,

Plaintiff,

vs.

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

Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

DEFAULT JUDGMENT

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

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

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

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

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

IT IS SO ORDERED:

Dated: March 1, 2011


DISTRICT COURT JUDGE



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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

ORIGINAL

REC'D & FILED
March 7, 2011 Date
ALAN GLOVER
CLERK
By [Signature] Deputy

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

JED MARGOLIN, an individual,

Plaintiff,

vs.

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

Defendants.

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

**NOTICE OF ENTRY OF DEFAULT
JUDGMENT**

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


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AFFIRMATION PURSUANT TO NRS 239B.030

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

Dated this 4th day of March, 2011.

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

1 **CERTIFICATE OF SERVICE**

2 Pursuant to 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, **NOTICE OF ENTRY OF DEFAULT**
5 **JUDGMENT**, addressed as follows:

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

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

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

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

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

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

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

Dated: March 4, 2011



Carla Ousby

Exhibit A

Exhibit A

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

REC'D & FILED
2011 MAR -1 PM 3: 24
ALAN GLOVER
CBC ~~CLERK~~ CLERK
OFFICE

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

JED MARGOLIN, an individual,

Plaintiff,

vs.

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

Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

DEFAULT JUDGMENT

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

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

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

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

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

IT IS SO ORDERED:

Dated: March 1, 2011

James T. Russell
DISTRICT COURT JUDGE



JOHN PETER LEE, LTD.
ATTORNEYS AT LAW
830 LAS VEGAS BLVD. SOUTH
LAS VEGAS, NEVADA 89101
Telephone (702) 382-4044
Telecopier (702) 383-9950

1 **MOT**
2 JOHN PETER LEE, LTD.
3 JOHN PETER LEE, ESQ.
4 Nevada Bar No. 001768
5 JOHN C. COURTNEY, ESQ.
6 Nevada Bar No. 011092
7 830 Las Vegas Boulevard South
8 Las Vegas, Nevada 89101
9 (702) 382-4044 Fax: (702) 383-9950
10 e-mail: info@johnpeterlee.com
11 Attorneys for Defendant Reza Zandian

RECORDED
2011-09-09 PM 2:40
[Signature]
CLERK
CLERK

7
8 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
9 **IN AND FOR CARSON CITY**

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

Case No.: 090C00579
Dept. No.: I

MOTION TO DISMISS
ON A SPECIAL
APPEARANCE

20 1334.023382-tam

21 COMES NOW Defendant Reza Zandian by and through his counsel John Peter Lee, Ltd.,
22 and hereby files its MOTION TO DISMISS ON A SPECIAL APPEARANCE.

23 This Motion is made and based upon all of the pleadings and papers on file herein, exhibits
24 attached hereto, the attached Memorandum of Points and Authorities, and oral argument, if required
25 by the Court.

26 ...
27 ...
28 ...

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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I.

3 ZANDIAN IS BEFORE THIS COURT ON A SPECIAL APPEARANCE.

4 The Nevada Supreme Court has held that "general appearance is entered when a person (or
5 the person's attorney) comes into court as a party to a suit and submits to the jurisdiction of the
6 court." Milton v. Gesler, 107 Nev. 767, 769, 819 P.2d 245, 247 (1991). "A special appearance is
7 entered when a person comes into court to test the court's jurisdiction or the sufficiency of service."
8 Id. "Black's law dictionary defines a general appearance as a 'simple and unqualified... submission
9 to the jurisdiction of the court' and defines a special appearance as an appearance 'for the purpose
10 of testing the sufficiency of service or the jurisdiction of the court." Id. at fn. 3 (citing Black's Law
11 Dictionary 89 (5th ed. 1979)).

12 Defendant Golamreza Zandianjazi (hereinafter "Zandian") hereby makes a special appearance
13 in this case for the purpose of testing both the sufficiency of service and the jurisdiction of the court;
14 thus, Zandian has not consented to personal jurisdiction of any Nevada court by bringing the instant
15 motion.

16 II.

17 STATEMENT OF FACTS

18 Universal Avionics Systems Corporation as Plaintiff filed an action in the United States
19 District Court of Arizona (Tucson Division) under case number 4:07-cv-00588-RCC on November
20 9, 2007. A copy of the docket for that case is attached hereto as Exhibit "A".

21 On August 18, 2008, an order was entered, a copy of which is attached as Exhibit "B". With
22 regard to the U.S. District Court action, neither the underlying complaint, nor the order, nor the
23 docket carry the name of Reza Zandian (hereinafter "Zandian"). Accordingly, Zandian, as an
24 individual, was never served with a complaint in that action. Jed Margolin (hereinafter "Margolin")
25 is named as a defendant in the U.S. District Court action in Arizona. Exhibits "A" & "B".

26 Margolin filed a complaint with the First Judicial District Court of the State of Nevada in and
27 for Cason City on December, 11, 2009 (hereinafter "Nevada Complaint"), a copy of which is
28 attached as Exhibit "C". The Nevada Complaint names Zandian as a defendant and alleges that

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1 Zandian resides in San Diego, California or Las Vegas, Nevada. Id. at ¶ 4. Although Margolin
2 alleged that Zandian resides in Las Vegas or San Diego, Margolin did not attempt service on Zandian
3 in said places of alleged residence, but instead attempted service on Zandian in an entirely different
4 city, Fair Oaks, California. Exhibit "D". Accordingly, Zandian was never served in this case either.

5 In the Nevada Complaint, paragraph 17, Margolin alleges to have filed a cross-claim for
6 declaratory relief against Zandian in the U.S. District Court action. Id. In Paragraph 18 of the
7 Complaint, Margolin alleges that an entry of a judgment in favor of Margolin was entered in that
8 action. Id. The judgment, however, was not against Zandian. See Exhibits "A" & "B". A copy of
9 the order is attached to the Nevada Complaint, and it does not name Zandian as a defendant against
10 whom any rights were formulated. Exhibit "B".

11 In the Nevada Complaint, Margolin wrongfully and fraudulently states that Zandian was a
12 resident of Nevada, that he was sued in Arizona before the U.S. District Court, that a judgment was
13 entered there against him and that the Nevada Complaint is filed in an attempt to domesticate the
14 U.S. District Court judgment issued in Arizona. See Exhibits "A" through "C". Thus, Margolin
15 attached to the Nevada Complaint the only evidence necessary to determine whether Margolin
16 committed a fraud upon the court by naming Zandian in the Carson City action. Id.

17 Zandian hereby alleges that in addition to his residency, which was at all times in California,
18 there is no judgment in existence against Zandian filed in Arizona. Id. He was not served with a
19 summons and complaint in the U.S. District Court case, a summons and complaint in the instant
20 action, he was not served with a 3-Day Notice of Intent to Take Default Judgment in the instant
21 action, nor was he served with the Notice of Entry of Default filed on December 2, 2010 in the
22 instant action. Id. The Application for Default Judgments against the defendants named in the
23 Nevada Complaint was served by mail upon John Peter Lee, Ltd., although John Peter Lee, Ltd., did
24 not appear in the Carson City proceeding. Neither did Zandian.

25 In support of the Default Judgment, Margolin, the Plaintiff, filed Points and Authorities, but
26 did not indicate the basis for the enforcement of a judgment by default against Zandian. Again,
27 Zandian was not served with a copy of the Nevada Complaint or the U.S. District Court complaint
28 which forms the basis for the Nevada Complaint. Id.

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III.

LEGAL ANALYSIS

A. **Service of the Summons and Complaint was Never Effectuated Upon Zandian.**

Proper service of a summons and complaint upon an individual must be made upon the individual "defendant personally, or by leaving copies thereof at the defendant's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein, or by delivering a copy of the summons and complaint to an agent authorized by appointment or by law to receive service of process." NRCPC 4(d)(6). Pursuant to NRCPC 12(b)(4), insufficiency of service of process is grounds to dismiss a complaint.

Zandian was not served a summons and complaint in the U.S. District Court action which forms the basis of the instant action. Exhibit "A". Zandian is not mentioned in the Order issued from the U.S. District Court. Exhibits "A" & "B". Zandian was not served a summons and complaint in the instant action. Notwithstanding, Plaintiff took a default judgment against Zandian.

Because no summons was ever issued as to Zandian in the underlying U.S. District Court action which forms the basis of the instant action, any domestication of the U.S. District Court action as it pertains to Zandian is a clear violation of Zandian's constitutional right to notice under the Due Process Clauses of the Fifth and Fourteenth Amendments of the U.S. Constitution. Additionally, Zandian was not served in the instant case, in furtherance of the deprivation of Zandian's right to due process.

Because Zandian has never been given notice as required by NRCPC 4 and/or the U.S. Constitution, the default judgment as applied to Zandian must be set aside pursuant to NRCPC 55(c) or 60(b), and Zandian be dismissed from the instant action upon this instant motion by special appearance.

B. **Nevada Does Not Have Personal Jurisdiction Over Zandian in the Instant Action.**

"The plaintiff bears the burden of producing *some* evidence in support of all facts necessary to establish personal jurisdiction [emphasis added]." Trump v. District Court, 109 Nev. 687, 692-93,

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1 857 p.2d 740, 748 (1993). Here, while Plaintiff did allege that Zandian resided in wither San Diego
2 or Las Vegas, Plaintiff did not even attempt to serve Zandian in his alleged places of residence,
3 which ought to serve as the only evidence that the court needs to determine that the allegation that
4 Zandian resides in Las Vegas was nothing more than a fraud upon the court to induce the court into
5 exercising personal jurisdiction over Zandian.

6 "There are two types of personal jurisdiction: general and specific." Trump v. District Court,
7 109 Nev. 687,699, 857 p.2d 740, 748 (1993). "General jurisdiction over the defendant 'is
8 appropriate where the defendant's forum activities are so 'substantial' or continuous and systematic'
9 that it may be deemed present in the forum.'" Id.; see also Baker v. Eighth Jud. Dist. Ct., 116 Nev.
10 527, 531-31, 999 P.2d 1020, 1023 (2000) (holding that "membership in the state bar, in and of itself,
11 does not subject an individual to general jurisdiction in the state of membership because such contact
12 is not substantial, continuous, or systematic."). In this case, Plaintiff has not alleged that Zandian
13 has ever had any "forum activities" in Nevada. Thus, without more, Nevada cannot exercise general
14 personal jurisdiction over Zandian.

15 "Specific personal jurisdiction over a defendant may be established only where the cause of
16 action arises from the defendant's contacts with the forum." Baker, supra. "To subject a defendant
17 to specific jurisdiction, this court must determine if the defendant 'personally established minimum
18 contacts' so that jurisdiction would 'comport with fair play and substantive justice [internal
19 quotations omitted].'" Id. (citing Burger King Corp. V. Rudzewicz, 471 U.S. 462, 476-77, 85 L. Ed.
20 2d 528, 105 S. Ct. 2174 (1985) (quoting International Shoe Co. v. Washington, 326 U.S. 310, 320,
21 90 L. Ed. 95, 66 S. Ct. 154 (1945)). "In order for a forum state to obtain personal jurisdiction over
22 a nonresident defendant, the Due Process Clause of the Fourteenth Amendment requires that the
23 defendant have 'minimum contacts' with the forum state 'such that the maintenance of the suit does
24 not offend traditional notions of fair play and substantial justice.'" Baker, supra at 531-31. Here,
25 Plaintiff has not alleged *any* contacts between Zandian and Nevada, except to allege that Zandian
26 resides in either San Diego or Las Vegas, and this is simply not enough to find that the court has
27 personal jurisdiction over Zandian.

28 ...

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1 Zandian has not consented to personal jurisdiction in Nevada. Additionally, Zandian appears
2 now, by and through his counsel, on a limited basis to respectfully refute the court's jurisdiction over
3 her. Because Zandian is appearing for the sole purpose of refuting the Court's jurisdiction, Zandian
4 has neither consented to jurisdiction nor waived the lack thereof.

5 Zandian has not been alleged to reside of the State of Nevada; instead, Plaintiff ambiguously
6 alleged that he is a resident of California *or* Nevada, then proceeded to attempt service upon him in
7 California only. Zandian has not consented to personal jurisdiction in Nevada. Plaintiff has not
8 alleged or produced any facts indicating that Zandian has had minimum contacts with the State of
9 Nevada. Thus, pursuant to NRCP 12(b)(2), the Court must set aside the judgment against Zandian
10 pursuant to NRCP 55(c) or 60(b) so that Zandian can be dismissed from the instant action on the
11 grounds that the court does not enjoy personal jurisdiction over Zandian.

12 DATED this 8th day of June, 2011.

JOHN PETER LEE, LTD.

BY: 

JOHN PETER LEE, ESQ.
Nevada Bar No. 001768
JOHN C. COURTNEY, ESQ.
Nevada Bar No. 011092
830 Las Vegas Boulevard South
Las Vegas, Nevada 89101
Ph: (702) 382-4044/Fax: (702) 383-9950
Attorneys for Defendant Reza Zandian

19 CERTIFICATE OF MAILING

20 I HEREBY CERTIFY that on the 8th day of June, 2011, a copy of the foregoing MOTION
21 TO DISMISS ON A SPECIAL APPEARANCE was served on the following parties by mailing a
22 copy thereof, first class mail, postage prepaid, addressed to:

23 Cassandra P. Joseph, Esq.
24 Watson Rounds
25 5371 Kietzke Lane
26 Reno, NV 89511

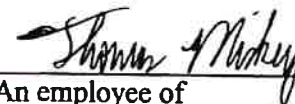
27 
28 An employee of
JOHN PETER LEE, LTD.

EXHIBIT A

CLOSED, STD

**U.S. District Court
DISTRICT OF ARIZONA (Tucson Division)
CIVIL DOCKET FOR CASE #: 4:07-cv-00588-RCC**

Universal Avionics Systems Corporation v. Optima
Technology Group, Inc. et al
Assigned to: Judge Raner C Collins
Cause: No cause code entered

Date Filed: 11/09/2007
Date Terminated: 09/23/2008
Jury Demand: Both
Nature of Suit: 190 Contract: Other
Jurisdiction: Federal Question

Plaintiff

**Universal Avionics Systems
Corporation**

represented by **Allan Andrew Kassenoff**
Greenberg Traurig LLP
200 Park Ave
New York, NY 10166
212-801-9200
Fax: 212-801-6400
Email: kassenoffa@gtlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul J Sutton
Greenberg Traurig LLP
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Fax: (212)801-6400
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Scott Joseph Bornstein ,
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Email: bornsteins@gtlaw.com
LEAD ATTORNEY
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Phoenix, AZ 85016
602-445-8000
Fax: 602-445-8100
Email: mandelr@gtlaw.com
ATTORNEY TO BE NOTICED

V.

Defendant

**Optima Technology Group
Incorporated**

represented by **Edward Moomjian , II**
Udall Law Firm LLP
4801 E Broadway Blvd
Ste 400
Tucson, AZ 85711
520-623-4353
Fax: 520-792-3426
Email: emoomjian@udalllaw.com
TERMINATED: 03/03/2008
ATTORNEY TO BE NOTICED

Jeanna Chandler Nash
Udall Law Firm LLP
4801 E Broadway Blvd
Ste 400
Tucson, AZ 85711-3609
520-623-4353
Fax: 520-792-3426
Email: jnash@udalllaw.com
TERMINATED: 03/03/2008
ATTORNEY TO BE NOTICED

Jeffrey Lynn Willis
Snell & Wilmer LLP
1 S Church Ave
Ste 1500
Tucson, AZ 85701-1612
520-882-1231
Fax: 520-884-1294
Email: jwillis@swlaw.com

Robert Alan Bernheim
Snell & Wilmer LLP
1 S Church Ave., Ste. 1500

Tucson, AZ 85701-1612
520-882-1239
Fax: 520-884-1294
Email: rbernheim@swlaw.com
ATTORNEY TO BE NOTICED

Defendant

Optima Technology Corporation
TERMINATED: 08/18/2008

represented by **Jeanna Chandler Nash**
(See above for address)
TERMINATED: 03/03/2008

Defendant

Robert Adams
TERMINATED: 04/09/2008

represented by **Edward Moomjian , II**
(See above for address)
TERMINATED: 03/03/2008

Jeanna Chandler Nash
(See above for address)
TERMINATED: 03/03/2008

Jeffrey Lynn Willis
(See above for address)

Robert Alan Bernheim
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jed Margolin

represented by **Edward Moomjian , II**
(See above for address)
TERMINATED: 03/03/2008
ATTORNEY TO BE NOTICED

Jeanna Chandler Nash
(See above for address)
TERMINATED: 03/03/2008
ATTORNEY TO BE NOTICED

Jeffrey Lynn Willis
(See above for address)
ATTORNEY TO BE NOTICED

Robert Alan Bernheim
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Optima Technology Corporation
TERMINATED: 08/18/2008

ThirdParty Defendant

Joachim L Naimer

ThirdParty Defendant

Unknown Naimer

Named as Jane Doe Naimer

ThirdParty Defendant

Frank E Hummel

ThirdParty Defendant

Unknown Hummel

Named as Jane Doe Hummel

ThirdParty Plaintiff

**Optima Technology Group
Incorporated**

represented by **Edward Moomjian , II**
(See above for address)
TERMINATED: 03/03/2008

Jeanna Chandler Nash
(See above for address)
TERMINATED: 03/03/2008

Cross Claimant

**Optima Technology Group
Incorporated**

represented by **Edward Moomjian , II**
(See above for address)
TERMINATED: 03/03/2008

Jeanna Chandler Nash
(See above for address)
TERMINATED: 03/03/2008

V.

Cross Defendant

Optima Technology Corporation
TERMINATED: 07/07/2008

represented by **Jeanna Chandler Nash**
(See above for address)
TERMINATED: 03/03/2008

Counter Claimant

**Optima Technology Group
Incorporated**

represented by **Edward Moomjian , II**
(See above for address)
TERMINATED: 03/03/2008

Jeanna Chandler Nash
(See above for address)
TERMINATED: 03/03/2008
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Universal Avionics Systems
Corporation**

represented by **Allan Andrew Kassenoff**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul J Sutton
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Scott Joseph Bornstein ,
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

E Jeffrey Walsh
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

**Optima Technology Group
Incorporated**

represented by **Edward Moomjian , II**
(See above for address)
TERMINATED: 03/03/2008
ATTORNEY TO BE NOTICED

Jeanna Chandler Nash
(See above for address)
TERMINATED: 03/03/2008
ATTORNEY TO BE NOTICED

Jeffrey Lynn Willis
(See above for address)

Robert Alan Bernheim
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

Jed Margolin

represented by **Edward Moomjian , II**
(See above for address)
TERMINATED: 03/03/2008
ATTORNEY TO BE NOTICED

Jeanna Chandler Nash
(See above for address)
TERMINATED: 03/03/2008

ATTORNEY TO BE NOTICED

Jeffrey Lynn Willis
 (See above for address)
ATTORNEY TO BE NOTICED

Robert Alan Bernheim
 (See above for address)
ATTORNEY TO BE NOTICED

V.

Counter Defendant**Optima Technology Corporation**

represented by **Jeanna Chandler Nash**
 (See above for address)
TERMINATED: 03/03/2008

Date Filed	#	Docket Text
11/09/2007	<u>1</u>	SEALED COMPLAINT. Filing fee received: \$ 350.00, receipt number 1549612, filed by Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Exhibit Part 1 of 2# <u>2</u> Exhibit Part 2 of 2# <u>3</u> Summons OTC# <u>4</u> Summons OTG# <u>5</u> Summons JA# <u>6</u> Summons RA# <u>7</u> Civil Cover Sheet)(Walsh, E) Modified on 1/25/2008 (DNO, SEALED PER ORDER <u>39</u>). Modified on 2/15/2008 (APJ,). (Entered: 11/09/2007)
11/09/2007		This case has been assigned to the Honorable Raner C. Collins. All future pleadings or documents should bear the correct case number: CIV-07-588-TUC-RCC. (GPA,) (Entered: 11/15/2007)
11/15/2007	<u>2</u>	Summons Issued as to Optima Technology Corporation. (GPA,). *** IMPORTANT: You must select "Document and stamps" or "Document and comments" on the print screen in order for the court seal to appear on the summons you print. (Entered: 11/15/2007)
11/15/2007	<u>3</u>	Summons Issued as to Optima Technology Group, Inc.. (GPA,). *** IMPORTANT: You must select "Document and stamps" or "Document and comments" on the print screen in order for the court seal to appear on the summons you print. (Entered: 11/15/2007)
11/15/2007	<u>4</u>	Summons Issued as to Jed Margolin. (GPA,). *** IMPORTANT: You must select "Document and stamps" or "Document and comments" on the print screen in order for the court seal to appear on the summons you print. (Entered: 11/15/2007)
11/15/2007	<u>5</u>	Summons Issued as to Robert Adams. (GPA,). *** IMPORTANT: You must select "Document and stamps" or "Document and comments" on the print screen in order for the court seal to appear on the summons you print. (Entered: 11/15/2007)
11/15/2007	<u>6</u>	Notice re electronically sending a magistrate election form to filer by

		Universal Avionics Systems Corporation (GPA,) (Entered: 11/15/2007)
12/17/2007	<u>7</u>	Quarterly MOTION for Extension of Time To Answer based on Stipulation by Optima Technology Corporation, Robert Adams, Jed Margolin. (Attachments: # <u>1</u> Supplement Stipulation, # <u>2</u> Text of Proposed Order Order) (Chandler, Jeanna) (Entered: 12/17/2007)
12/19/2007	<u>8</u>	ORDER granting <u>7</u> Motion for Extension of Time. Dfts have up to 1/7/08 to serve/file their answer. Signed by Judge Raner C Collins on 12/18/07.(SSU,) (Entered: 12/19/2007)
01/04/2008	<u>9</u>	MOTION for Admission Pro Hac Vice as to attorney Scott J Bornstein on behalf of Universal Avionics Systems Corporation. (BAS,) (Entered: 01/04/2008)
01/04/2008	<u>10</u>	MOTION for Admission Pro Hac Vice as to attorney Paul J Sutton on behalf of Universal Avionics Systems Corporation. (BAS,) (Entered: 01/04/2008)
01/04/2008	<u>11</u>	MOTION for Admission Pro Hac Vice as to attorney Allan A Kassenoff on behalf of Universal Avionics Systems Corporation. (BAS,) (Entered: 01/04/2008)
01/04/2008		PRO HAC VICE FEE PAID. \$ 100, receipt number PHX066316 as to Scott J Bornstein. (BAS,) (Entered: 01/04/2008)
01/04/2008		PRO HAC VICE FEE PAID. \$ 100, receipt number PHX066315 as to Paul J Sutton. (BAS,) (Entered: 01/04/2008)
01/04/2008		PRO HAC VICE FEE PAID. \$ 100, receipt number PHX066314 as to Allan A Kassenoff. (BAS,) (Entered: 01/04/2008)
01/04/2008	<u>12</u>	ORDER pursuant to General Order 05-25 granting <u>9</u> Motion for Admission Pro Hac Vice; granting <u>10</u> Motion for Admission Pro Hac Vice; granting <u>11</u> Motion for Admission Pro Hac Vice.Per the Court's Administrative Policies and Procedures Manual, applicant has five (5) days in which to register as a user of the Electronic Filing System. Registration to be accomplished via the court's website at www.azd.uscourts.gov. (BAS,)(This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (Entered: 01/04/2008)
01/07/2008	<u>13</u>	MOTION to Dismiss Case by Optima Technology Group, Inc., Robert Adams. (Chandler, Jeanna) Modified on 1/9/2008 (SSU, DOCUMENT FILED WITH INCORRECT CASE NUMBER AND DOCUMENT NOT IN COMPLIANCE WITH LRCiv 7.1(c). ATTORNEY NOTICED). (Entered: 01/07/2008)
01/07/2008	<u>16</u>	SEALED LODGED Proposed Memorandum in Support of Motion to Dismiss Adams/Optima re: 14 MOTION to Seal Document re Memorandum in Support of Adams/Optima Motion to Dismiss. Document to be filed by Clerk if Motion to Seal is granted. Filed by Optima Technology Group, Inc., Robert Adams. (Chandler, Jeanna) (Entered: 01/07/2008)
01/07/2008	<u>17</u>	MOTION to Dismiss Case for Lack of Jurisdiction by Robert Adams. (Chandler, Jeanna) Modified on 1/9/2008 (SSU, DOCUMENT FILED WITH

		INCORRECT CASE NUMBER AND DOCUMENT NOT IN COMPLIANCE WITH LRCiv 7.1(c). ATTORNEY NOTICED). (Entered: 01/07/2008)
01/07/2008	<u>20</u>	SEALED LODGED Proposed Memorandum in Support of Adams Motion to Dismiss for Lack of Personal Jurisdiction re: 18 MOTION to Seal Document re Memorandum in Support of Motion To Dismiss. Document to be filed by Clerk if Motion to Seal is granted. Filed by Robert Adams. (Chandler, Jeanna) (Entered: 01/07/2008)
01/07/2008	<u>21</u>	MOTION to Dismiss Case for Lack of Jurisdiction by Jed Margolin. (Chandler, Jeanna) Modified on 1/9/2008 (SSU, DOCUMENT FILED WITH INCORRECT CASE NUMBER AND DOCUMENT NOT IN COMPLIANCE WITH LRCiv 7.1(c). ATTORNEY NOTICED). (Entered: 01/07/2008)
01/07/2008	<u>24</u>	SEALED LODGED Proposed Memorandum in Support of Margolins Motion to Dismiss re: 22 MOTION to Seal Document re Memorandum in Support of Margolins Motion to Dismiss. Document to be filed by Clerk if Motion to Seal is granted. Filed by Jed Margolin. (Chandler, Jeanna) (Entered: 01/07/2008)
01/07/2008	<u>27</u>	ANSWER to <u>1</u> Complaint, with Jury Demand by Optima Technology Group, Inc..(Chandler, Jeanna) Modified on 1/9/2008 (SSU, DOCUMENT FILED WITH INCORRECT CASE NUMBER AND DOCUMENT NOT IN COMPLIANCE WITH LRCiv 7.1(c). ATTORNEY NOTICED). (Entered: 01/07/2008)
01/07/2008	<u>28</u>	Corporate Disclosure Statement by Optima Technology Group, Inc. (Chandler, Jeanna) TEXT Modified on 1/8/2008 (SSU, DOCUMENT FILED WITH INCORRECT CASE NUMBER). (Entered: 01/07/2008)
01/08/2008	<u>29</u>	MOTION for Leave to File Excess Pages by Optima Technology Group, Inc., Robert Adams. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order) (Chandler, Jeanna) Modified on 1/9/2008 (SSU, DOCUMENT FILED WITH INCORRECT CASE NUMBER AND DOCUMENT NOT IN COMPLIANCE WITH LRCiv 7.1(c). ATTORNEY NOTICED). (Entered: 01/08/2008)
01/08/2008	<u>31</u>	ORDER granting 14 Motion to Seal Document ; granting 18 Motion to Seal Document ; granting 22 Motion to Seal Document. Signed by Judge Raner C Collins on 1/8/08.(SGG,) (Entered: 01/09/2008)
01/08/2008	<u>32</u>	Sealed Document: Memorandum Per Order <u>31</u> filed by Optima Technology Group, Inc., Robert Adams. (SGG,) (Entered: 01/09/2008)
01/08/2008	<u>33</u>	Sealed Document: Memorandum Per Order <u>31</u> filed by Robert Adams. (SGG,) (Entered: 01/09/2008)
01/08/2008	<u>34</u>	Sealed Document: Memorandum Per Order <u>31</u> filed by Jed Margolin. (SGG,) (Entered: 01/09/2008)
01/09/2008	<u>30</u>	ORDER granting <u>29</u> Motion for Leave to File Excess Pages. Signed by Judge Raner C Collins on 1/9/08.(SSU,) (Entered: 01/09/2008)

01/22/2008	<u>36</u>	First MOTION for Extension of Time Extension of Deadline under Rule 14 (A)(1) <i>Unopposed</i> by Optima Technology Group, Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Moomjian, Edward) DOCUMENT NOT IN COMPLIANCE WITH LRCiv7.1(c). ATTORNEY NOTICED. Modified on 1/24/2008 (SSU,). (Entered: 01/22/2008)
01/23/2008	<u>37</u>	ORDER granting <u>36</u> Motion for Extension of Time. Deadline for filing third party claims as a right is extended until and including 1/24/08. Signed by Judge Raner C Collins on 1/22/08.(SSU,) (Entered: 01/23/2008)
01/24/2008	<u>38</u>	AMENDED ANSWER to <i>COMPLAINT</i> , THIRD PARTY COMPLAINT against JOACHIM L. NAIMER, JANE DOE NAIMER, FRANK E. HUMMEL, JANE DOE HUMMEL, CROSSCLAIM against Optima Technology Corporation, COUNTERCLAIM against Universal Avionics Systems Corporation by Optima Technology Group, Inc.. (Moomjian, Edward) DOCUMENT FILED WITH INCORRECT CASE NUMBER. TEXT Modified on 1/25/2008 (SSU,). (Entered: 01/24/2008)
01/24/2008	<u>39</u>	SEALED ORDER granting 35 Motion to Seal Document ; denying 25 Motion to Seal Document. Signed by Judge Raner C Collins on 01/23/08. (DNO,) (Entered: 01/25/2008)
01/30/2008	<u>40</u>	Notice re Summons by Optima Technology Group, Inc. (Attachments: # <u>1</u> Summons)(Moomjian, Edward) (Entered: 01/30/2008)
01/30/2008	<u>41</u>	Summons Issued as to Optima Technology Group, Inc., Optima Technology Corporation. (Attachments: # <u>1</u> Summons)(BJW,). *** IMPORTANT: You must select "Document and stamps" or "Document and comments" on the print screen in order for the court seal to appear on the summons you print. (Entered: 01/30/2008)
02/06/2008	<u>42</u>	Notice re Summons to Frank E. Hummel by Optima Technology Group, Inc. (Attachments: # <u>1</u> Summons Jane Doe Hummel, # <u>2</u> Summons Joachim L. Naimer, # <u>3</u> Summons Jane Doe Naimer)(Chandler, Jeanna) (Entered: 02/06/2008)
02/06/2008	<u>43</u>	Summons Issued as to Joachim L Naimer, Jane Doe Naimer, Frank E Hummel, Jane Doe Hummel. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons)(BJW,). *** IMPORTANT: You must select "Document and stamps" or "Document and comments" on the print screen in order for the court seal to appear on the summons you print. (Entered: 02/06/2008)
02/11/2008	<u>48</u>	SEALED MOTION to Seal Document by Universal Avionics Systems Corporation. (DNO,) (Entered: 02/15/2008)
02/13/2008	<u>44</u>	AFFIDAVIT of Phyllis Callahan <i>re Affidavit of Process Server as to Service Upon Reza Zandian (Statutory Agent) for Optima Technology Corporation</i> by Cross Claimant Optima Technology Group, Inc.. (Chandler, Jeanna) (Entered: 02/13/2008)
02/13/2008	<u>45</u>	MOTION for Extension of Time to File Answer re Counterclaims and Third-Party Claims by Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Supplement Stipulation re Enlargement of Time for Plaintiff

		Counterdefendant and Third-Party Defendants to Answer or Otherwise Respond to Counterclaims and Third-Party Claims, # <u>2</u> Text of Proposed Order Order Enlarging Time)(Walsh, E) (Entered: 02/13/2008)
02/13/2008	<u>46</u>	Corporate Disclosure Statement by Universal Avionics Systems Corporation. (Walsh, E) (Entered: 02/13/2008)
02/14/2008	<u>47</u>	ORDER granting <u>45</u> Motion for Extension of Time to Answer. Joachim L Naimer answer due 4/14/2008; Jane Doe Naimer answer due 4/14/2008; Frank E Hummel answer due 4/14/2008; Jane Doe Hummel answer due 4/14/2008; Universal Avionics Systems Corporation answer due 3/18/2008. Signed by Judge Raner C Collins on 2/14/08.(SSU,) (Entered: 02/14/2008)
02/15/2008	<u>49</u>	SUMMONS Returned Executed by Universal Avionics Systems Corporation. Jed Margolin served on 11/26/2007. (Walsh, E) (Entered: 02/15/2008)
02/15/2008	<u>50</u>	SUMMONS Returned Executed by Universal Avionics Systems Corporation. Optima Technology Corporation served on 11/28/2007. (Walsh, E) (Entered: 02/15/2008)
02/15/2008	<u>51</u>	SEALED ORDER granting <u>48</u> Motion to Seal Document. Signed by Judge Raner C Collins on 02/15/08.(SGG,) (Entered: 02/20/2008)
02/15/2008	<u>52</u>	SEALED RESPONSE to Motion re <u>13</u> MOTION to Dismiss Case filed by Universal Avionics Systems Corporation., Sealed per Order <u>51</u> . (SGG,) (Entered: 02/20/2008)
02/15/2008	<u>53</u>	SEALED RESPONSE to Motion re <u>17</u> MOTION to Dismiss Case for Lack of Jurisdiction filed by Universal Avionics Systems Corporation. Sealed per Order <u>51</u> . (SGG,) (Entered: 02/20/2008)
02/15/2008	<u>54</u>	SEALED RESPONSE to Motion re <u>21</u> MOTION to Dismiss Case for Lack of Jurisdiction filed by Universal Avionics Systems Corporation. Sealed per Order <u>51</u> . (SGG,) (Entered: 02/20/2008)
02/15/2008	<u>55</u>	SEALED MOTION to Expedite Discovery by Universal Avionics Systems Corporation. Sealed per Order <u>51</u> . (SGG,) (Entered: 02/20/2008)
02/15/2008	<u>56</u>	Sealed Document: Memorandum and Support of <u>55</u> filed by Universal Avionics Systems Corporation. Sealed per Order <u>51</u> . (SGG,) (Entered: 02/20/2008)
02/15/2008	<u>57</u>	Sealed Document: Declaration filed by Universal Avionics Systems Corporation. Sealed per Order <u>51</u> (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(SGG,) (Entered: 02/20/2008)
02/15/2008	<u>58</u>	Sealed Document: Declaration filed by Universal Avionics Systems Corporation. Sealed per Order <u>51</u> . (SGG,) (Entered: 02/20/2008)
02/28/2008	<u>59</u>	MOTION to Expedite Motion for Extension of Time by Optima Technology Group, Inc., Robert Adams, Jed Margolin. (Moomjian, Edward) (Entered: 02/28/2008)
02/28/2008	<u>60</u>	MOTION for Extension of Time Extension of Time <i>Motion for Extension of Time to Submit Replies</i> by Optima Technology Group, Inc., Robert Adams,

		Jed Margolin. (Attachments: # <u>1</u> Text of Proposed Order)(Moomjian, Edward) (Entered: 02/28/2008)
02/28/2008	<u>61</u>	ORDER granting <u>59</u> Motion to Expedite.; granting <u>60</u> Motion for Extension of Time. Dfts have 30 days up to and including 3/31/08 to file their replies in support of Motions to Dismiss and Response/Opposition to the Motion for Expedited Discovery. Signed by Judge Raner C Collins on 2/28/08.(SSU,) (Entered: 02/28/2008)
02/28/2008	<u>62</u>	MEMORANDUM re: In Opposition to Motion for Extension of Time by Plaintiff Universal Avionics Systems Corporation. (Walsh, E) (Entered: 02/28/2008)
03/03/2008	<u>64</u>	SEALED ORDER granting <u>63</u> Motion to Withdraw. Signed by Judge Raner C Collins on 02/28/08.(DNO,) (Entered: 03/05/2008)
03/18/2008	<u>65</u>	ANSWER to <u>38</u> Amended Answer to Complaint, Third Party Complaint, Crossclaim, Counterclaim,,,, by Universal Avionics Systems Corporation. (Walsh, E) (Entered: 03/18/2008)
04/01/2008	<u>66</u>	NOTICE of Appearance by Jeffrey Lynn Willis on behalf of Optima Technology Group, Inc., Robert Adams, Jed Margolin (Willis, Jeffrey) (Entered: 04/01/2008)
04/01/2008	<u>67</u>	STIPULATION for 72-Hour Extension of Time to File Replies in Support of Motions to Dismiss and Response to Plaintiff's Motion for Expedited Discovery (Second Request) by Optima Technology Group, Inc., Robert Adams, Jed Margolin. (Attachments: # <u>1</u> Text of Proposed Order)(Willis, Jeffrey) (Entered: 04/01/2008)
04/01/2008	<u>68</u>	ORDER re <u>67</u> STIPULATION for 72-Hour Extension of Time to File Replies in Support of Motions to Dismiss and Response to Plaintiff's Motion for Expedited Discovery, due 4/3/08. Signed by Judge Raner C Collins on 4/1/08. (KMF,) (Entered: 04/01/2008)
04/02/2008	<u>69</u>	NOTICE of Appearance by Jeffrey Lynn Willis on behalf of Optima Technology Group, Inc., Robert Adams, Jed Margolin (Willis, Jeffrey) (Entered: 04/02/2008)
04/02/2008	<u>70</u>	APPLICATION for Entry of Default by Defendants Optima Technology Group, Inc., against Optima Technology Corporation, Inc.. (Attachments: # <u>1</u> Text of Proposed Order Proposed Entry of Default)(Willis, Jeffrey) Modified on 4/2/2008 to correct applicant (BJW,). (Entered: 04/02/2008)
04/03/2008	<u>71</u>	REPLY in Support re <u>21</u> MOTION to Dismiss Case for Lack of Jurisdiction and Request for Stay of Proceedings on Motion to Dismiss filed by Optima Technology Group, Inc., Robert Adams, Jed Margolin. (Willis, Jeffrey) (Entered: 04/03/2008)
04/03/2008	<u>72</u>	REPLY in Support re <u>13</u> MOTION to Dismiss Case filed by Optima Technology Group, Inc., Robert Adams, Jed Margolin. (Willis, Jeffrey) (Entered: 04/03/2008)
04/03/2008	<u>73</u>	RESPONSE to Motion re <u>55</u> MOTION to Expedite Discovery filed by

		Optima Technology Group, Inc., Robert Adams, Jed Margolin. (Willis, Jeffrey) (Entered: 04/03/2008)
04/07/2008	<u>74</u>	Clerk's ENTRY OF DEFAULT as to Optima Technology Corporation (PAB,) (Entered: 04/07/2008)
04/09/2008	<u>75</u>	ORDER granting <u>13</u> Motion to Dismiss Case and as amended by <u>72</u> Reply; Counts 5, 6, 7 of Plaintiff's Complaint are dismissed without prejudice to Plaintiff refiling thises claims in state court. Counts 2-4 and 7-12 of Defendants' state law counterclaims, cross-claims and third-party claims are dismissed without prejudice. Ordered denying as moot <u>17</u> Motion to Dismiss Case for Lack of Jurisdiction; dft Adams is dismissed. Ordered denying <u>21</u> Motion to Dismiss Case for Lack of Jurisdiction and <u>71</u> Request for a Stay of Proceedings. Signed by Judge Raner C Collins on 4/9/08.(SSU,) (Entered: 04/09/2008)
04/10/2008	<u>76</u>	APPLICATION for Entry of Default by Defendant Optima Technology Group, Inc. against Optima Technology Corporation. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Text of Proposed Order)(Willis, Jeffrey) (Entered: 04/10/2008)
04/14/2008	<u>77</u>	Clerk's ENTRY OF DEFAULT as to Optima Technology Corporation. (SSU,) (Entered: 04/14/2008)
04/29/2008	<u>78</u>	STIPULATION by Optima Technology Group, Inc., Optima Technology Corporation, Universal Avionics Systems Corporation, Robert Adams, Jed Margolin. (Attachments: # <u>1</u> Text of Proposed Order Order)(Walsh, E) (Entered: 04/29/2008)
05/06/2008	<u>79</u>	ORDER denying <u>55</u> Motion to Expedite, pursuant to Stipulation <u>78</u> . Pla Universal Avionics Systems Corporation may file an amended complaint to reflect the effect of this Court's 4/9/08 Order on or before 5/9/08. Dfts Optima Technology Group and Jed Margolin will respond to the amended complaint within ten days of service. Universal will file a reply to any counterclaims within ten days after being served with such counterclaims. Any and all responsive pleadings that were or may have been due before the date of this Order are vacated in favor of the schedule set forth herein. Signed by Judge Raner C Collins on 4/29/08.(JEMB,) (Entered: 05/06/2008)
05/13/2008	<u>82</u>	**PHRASE "OR PATENT TROLL" PG1 LINE 24, & PARAGRAPHS 37-43 STRIKEN PER ORDER <u>101</u> **Sealed Document: FIRST AMENDED COMPLAINT filed by Universal Avionics Systems Corporation. (JEMB,) Modified on 7/7/2008 (JEMB, TO REFLECT STRICKEN SECTIONS). (Entered: 05/16/2008)
05/14/2008	<u>81</u>	ORDER granting <u>80</u> Motion to Seal Document. Signed by Judge Raner C Collins on 5/14/08.(JEMB,) (Entered: 05/16/2008)
05/16/2008	<u>83</u>	CERTIFICATE OF SERVICE by Universal Avionics Systems Corporation (Walsh, E) (Entered: 05/16/2008)
05/20/2008	<u>84</u>	Sealed MOTION to Seal Document re Motion to Unseal Chandler & Udall, LLP'S Ex Parte Motion to Withdraw as Counsel by Universal Avionics

		Systems Corporation. (Attachments: # <u>1</u> Text of Proposed Order)(Walsh, E) Modified on 5/21/2008 to seal document(PAB,). (Entered: 05/20/2008)
05/20/2008	<u>85</u>	SEALED LODGED Proposed Motion to Unseal Chandler & Udall, LLP's Ex Parte Motion to Withdraw as Counsel re: <u>84</u> MOTION to Seal Document re Motion to Unseal Chandler & Udall, LLP'S Ex Parte Motion to Withdraw as Counsel. Document to be filed by Clerk if Motion to Seal is granted. Filed by Universal Avionics Systems Corporation. (Walsh, E) (Entered: 05/20/2008)
05/20/2008	<u>86</u>	SEALED LODGED Proposed Declaration of Allan A. Kassenoff in Support of Plaintiff Universal Avionics Systems Corporation's Motion to Unseal Chandler & Udall, LLP's Ex Parte Motion to Withdraw as Counsel re: <u>84</u> MOTION to Seal Document re Motion to Unseal Chandler & Udall, LLP'S Ex Parte Motion to Withdraw as Counsel. Document to be filed by Clerk if Motion to Seal is granted. Filed by Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Exhibit)(Walsh, E) (Entered: 05/20/2008)
05/21/2008	<u>89</u>	ORDER granting <u>84</u> Motion to Seal Document. Signed by Judge Raner C Collins on 5/20/08.(JEMB,) (Entered: 05/22/2008)
05/21/2008	<u>90</u>	MOTION to Unseal Document re Chandler & Udall, LLP's Ex Parte Motion to Withdraw as Counsel by Universal Avionics Systems Corporation. (JEMB,) (Entered: 05/22/2008)
05/21/2008	<u>91</u>	Sealed Document: Declaration filed by Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Exhibit)(JEMB,) (Entered: 05/22/2008)
05/22/2008	<u>87</u>	MOTION to Strike <i>Allegations From Amended Complaint</i> by Optima Technology Group, Inc., Jed Margolin. (Bernheim, Robert) (Entered: 05/22/2008)
05/22/2008	<u>88</u>	Additional Attachments to Main Document re <u>87</u> MOTION to Strike <i>Allegations From Amended Complaint Proposed Order Granting Defendants' Motion to Strike Allegations from Amended Complaint</i> by Defendants Optima Technology Group, Inc., Jed Margolin. (Bernheim, Robert) (Entered: 05/22/2008)
05/29/2008	<u>92</u>	RESPONSE in Opposition re <u>90</u> MOTION to Unseal Document re Chandler & Udall, LLP's Ex Parte Motion to Withdraw as Counsel filed by Optima Technology Group, Inc., Jed Margolin. (Bernheim, Robert) (Entered: 05/29/2008)
06/04/2008	<u>93</u>	RESPONSE in Opposition re <u>87</u> MOTION to Strike <i>Allegations From Amended Complaint</i> filed by Universal Avionics Systems Corporation. (Walsh, E) (Entered: 06/04/2008)
06/05/2008	<u>94</u>	REPLY in Support re <u>90</u> MOTION to Unseal Document re Chandler & Udall, LLP's Ex Parte Motion to Withdraw as Counsel filed by Universal Avionics Systems Corporation. (Walsh, E) (Entered: 06/05/2008)
06/09/2008	<u>96</u>	SEALED ORDER denying <u>90</u> Motion to Unseal Document. Signed by Judge Raner C Collins on 6/9/08.(JEMB,) (Entered: 06/12/2008)
06/11/2008	<u>95</u>	Notice re Joint Rule 26(f) Report and Respective Case Management Plans by

		Optima Technology Group, Inc., Universal Avionics Systems Corporation (Willis, Jeffrey) (Entered: 06/11/2008)
06/18/2008	<u>97</u>	REPLY to Response to Motion re <u>87</u> MOTION to Strike <i>Allegations From Amended Complaint</i> filed by Optima Technology Group, Inc., Jed Margolin. (Bernheim, Robert) (Entered: 06/18/2008)
06/18/2008	<u>98</u>	MOTION for Default Judgment as to Cross-Defendants Optima Technology Corp. (a CA corp.) and Optima Technology Corp.(a NV corp.) by Optima Technology Group, Inc., Robert Adams, Jed Margolin. (Attachments: # <u>1</u> Text of Proposed Order [Proposed] Form of Judgment)(Bernheim, Robert) (Entered: 06/18/2008)
06/23/2008	<u>99</u>	RESPONSE in Opposition re <u>98</u> MOTION for Default Judgment as to Cross-Defendants Optima Technology Corp. (a CA corp.) and Optima Technology Corp.(a NV corp.) MOTION for Default Judgment as to Cross-Defendants Optima Technology Corp. (a CA corp.) and Optima Technology Corp.(a NV corp.) filed by Universal Avionics Systems Corporation. (Walsh, E) (Entered: 06/23/2008)
06/27/2008	<u>100</u>	Reply re <u>99</u> Response in Opposition to Motion, by Defendant Optima Technology Group, Inc.. (Bernheim, Robert) (Entered: 06/27/2008)
07/07/2008	<u>101</u>	ORDER granting in part and denying in part <u>87</u> Motion to Strike, Plaintiff may file an amended complaint by 7/15/08; granting <u>98</u> Motion for Default Judgment against Cross-Dfts Optima Technology Corporation, a CA Corporation, and Optima Technology Corporation, a NV Corporation.Signed by Judge Raner C Collins on 7/2/08.(SSU,) (Entered: 07/07/2008)
07/08/2008	<u>102</u>	REQUEST <i>For Entry of Separate Judgment Under Rule 58(d)</i> by Defendants Optima Technology Group, Inc., Robert Adams, Jed Margolin. (Attachments: # <u>1</u> Proposed Form of Judgment)(Bernheim, Robert) (Entered: 07/08/2008)
07/10/2008	<u>103</u>	Notice re of Service of Defendant Optima Technology Group, Inc.'s First Set of Interrogatories to Plaintiff by Optima Technology Group, Inc. (Willis, Jeffrey) (Entered: 07/10/2008)
07/15/2008	<u>104</u>	AMENDED COMPLAINT <i>Second</i> against Optima Technology Corporation, Optima Technology Group, Inc., Jed Margolin;Jury Demand, filed by Universal Avionics Systems Corporation.(Walsh, E) (Entered: 07/15/2008)
07/15/2008	<u>105</u>	AFFIDAVIT of Process Server Dean Nichols <i>on Mercury Computer Systems, Inc.</i> by Plaintiff Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Exhibit Subpoena)(Walsh, E) (Entered: 07/15/2008)
07/15/2008	<u>106</u>	AFFIDAVIT of Process Server Ronald Bodtke <i>for Service on Reza Zandian</i> by Plaintiff Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Exhibit Subpoena)(Walsh, E) (Entered: 07/15/2008)
07/15/2008	<u>107</u>	NOTICE of Deposition of Jed Margolin, filed by Universal Avionics Systems Corporation. (Walsh, E) (Entered: 07/15/2008)
07/15/2008	<u>108</u>	NOTICE of Deposition of Robert Adams, filed by Universal Avionics Systems Corporation. (Walsh, E) (Entered: 07/15/2008)

07/15/2008	<u>109</u>	Notice re Service of Plaintiff's First Set of Interrogatories to Defendant Optima Technology Group, Inc. by Universal Avionics Systems Corporation (Walsh, E) TEXT HAS BEEN MODIFIED TO REFLECT CORRECT DOCUMENT TITLE, PER ATTORNEY. Modified on 7/16/2008 (SSU,). (Entered: 07/15/2008)
07/16/2008	<u>110</u>	Notice re Service of Plaintiff's First Request for Production of Documents to Defendant Optima Technology Group, Inc. by Universal Avionics Systems Corporation by Universal Avionics Systems Corporation (Walsh, E) (Entered: 07/16/2008)
07/18/2008	<u>111</u>	NOTICE of Deposition of UAS, filed by Optima Technology Group, Inc.. (Willis, Jeffrey) (Entered: 07/18/2008)
07/18/2008	<u>112</u>	NOTICE of Deposition of Joaquin Naimer, filed by Optima Technology Group, Inc.. (Willis, Jeffrey) (Entered: 07/18/2008)
07/18/2008	<u>113</u>	NOTICE of Deposition of Don Berlin, filed by Optima Technology Group, Inc.. (Willis, Jeffrey) (Entered: 07/18/2008)
07/18/2008	<u>114</u>	NOTICE of Deposition of Frank Hummel, filed by Optima Technology Group, Inc.. (Willis, Jeffrey) (Entered: 07/18/2008)
07/21/2008	<u>115</u>	MOTION for Reconsideration re Of the Court's Default Ruling Against Optima Technology Corporation Filed July7, 2008 by Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Exhibit A)(Mandel, Robert) (Entered: 07/21/2008)
07/23/2008	<u>116</u>	MOTION for Hearing or Conference re: Rule 16 Conference by Optima Technology Group, Inc., Jed Margolin. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Text of Proposed Order)(Willis, Jeffrey) (Entered: 07/23/2008)
07/25/2008	<u>117</u>	APPLICATION for Entry of Default by Plaintiff Universal Avionics Systems Corporation against Optima Technology Corporation. (Attachments: # <u>1</u> Text of Proposed Order Entry of Default)(Mandel, Robert) (Entered: 07/25/2008)
07/25/2008	<u>118</u>	DECLARATION of Declaration of Allan A. Kassenoff in Support of Plaintiff's Application for Entry of Default re <u>117</u> Application for Entry of Default by Plaintiff Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Mandel, Robert) (Entered: 07/25/2008)
07/28/2008	<u>119</u>	RESPONSE in Opposition re <u>116</u> MOTION for Hearing or Conference re: Rule 16 Conference <i>and Expedited Stay of Proceedings Pending Conference</i> filed by Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Mandel, Robert) (Entered: 07/28/2008)
07/29/2008	<u>120</u>	Clerk's ENTRY OF DEFAULT as to Optima Technology Corporation (SSU,) (Entered: 07/29/2008)
07/29/2008	<u>121</u>	ORDER granting in part and denying in part <u>116</u> Motion; Court will set scheduling conference but will not grant a stay of the proceedings. Telephonic Scheduling Conference set for 8/28/2008 10:00 AM before Judge Raner C Collins' law clerk, Isaac Rothschild. Further ordered, parties file with the Court a joint report reflecting the results of the conference by 8/25/08. Signed

		by Judge Raner C Collins on 7/29/08.(SSU,) (Entered: 07/29/2008)
07/29/2008	<u>122</u>	<i>Optima Technology Group and Jed Margolin's ANSWER to 104 Amended Complaint and, COUNTERCLAIM against Optima Technology Corporation by Optima Technology Group, Inc., Jed Margolin.(Bernheim, Robert)</i> (Entered: 07/29/2008)
07/31/2008	<u>123</u>	MOTION FOR DEFAULT JUDGMENT by Plaintiff Universal Avionics Systems Corporation against Optima Technology Corporation. (Mandel, Robert) EVENT AND TEXT MODIFIED FROM Application for Default Judgment TO Motion for Default Judgment. Modified on 8/5/2008 (SSU,). (Entered: 07/31/2008)
08/06/2008	<u>124</u>	Notice re Service of Requests for Production to Garmin International, Inc. by Optima Technology Group, Inc., Jed Margolin (Bernheim, Robert) (Entered: 08/06/2008)
08/06/2008	<u>125</u>	Notice re Answers to Universal Avionics Systems Corporation's First Set of Interrogatories by Optima Technology Group, Inc. (Willis, Jeffrey) (Entered: 08/06/2008)
08/12/2008	<u>126</u>	Reply <i>TO DEFENDANT OPTIMA TECHNOLOGY GROUP, INC.S COUNTERCLAIMS</i> by Plaintiff Universal Avionics Systems Corporation. (Mandel, Robert) (Entered: 08/12/2008)
08/13/2008	<u>127</u>	Notice re SERVICE OF OBJECTIONS AND RESPONSES TO OPTIMA TECHNOLOGY GROUP, INC.'S FIRST SET OF INTERROGATORIES by Universal Avionics Systems Corporation (Mandel, Robert) (Entered: 08/13/2008)
08/18/2008	<u>128</u>	Notice re Service of Responses to Universal Avionics Systems Corporation's First Request for Production of Documents and Things by Optima Technology Group, Inc., Jed Margolin (Bernheim, Robert) (Entered: 08/18/2008)
08/18/2008	<u>129</u>	ORDER denying <u>115</u> Motion for Reconsideration ; granting <u>123</u> Motion for Default Judgment. Signed by Judge Raner C Collins on 8/18/08.(CLJ,) (Entered: 08/18/2008)
08/18/2008	<u>130</u>	DEFAULT JUDGMENT in favor of Universal Avionics Systems Corporation against Optima Technology Corporation. Signed by Judge Raner C Collins on 8/18/08. (CLJ,) (Entered: 08/18/2008)
08/18/2008	<u>131</u>	ORDER that Final Judgment entered against Cross-Defendants Optima Technology Corporation. ***See attached PDF for complete information***. Signed by Judge Raner C Collins on 8/18/08. (CLJ,) (Entered: 08/18/2008)
08/18/2008	<u>132</u>	ORDER that Final Judgment entered against Defendant Optima Technology Corporation. ***See attached PDF for complete information***. Signed by Judge Raner C Collins on 8/18/08. (CLJ,) (Entered: 08/18/2008)
08/18/2008	<u>133</u>	CLERK'S JUDGMENT in favor of Universal Avionics Systems Corporation against Optima Technology Corporation. Cross-defendant Optima Technology Corporation has been terminated. Signed by Judge Raner C

		Collins on 8/18/08. (CLJ,) (Entered: 08/18/2008)
08/18/2008	<u>134</u>	CLERK'S JUDGMENT in favor of Universal Avionics Systems Corporation against Optima Technology Corporation. Defendant Optima Technology Corporation has been terminated. Signed by Judge Raner C Collins on 8/18/08. (CLJ,) (Entered: 08/18/2008)
08/25/2008	<u>135</u>	NOTICE of Deposition of Optima Technology Group 30(b)(6), filed by Universal Avionics Systems Corporation. (Mandel, Robert) (Entered: 08/25/2008)
08/25/2008	<u>136</u>	REPORT of Joint Rule 26(f) Report and Respective Case Management Plans by Defendants Optima Technology Group, Inc., Jed Margolin, Plaintiff Universal Avionics Systems Corporation. (Bernheim, Robert) (Entered: 08/25/2008)
08/26/2008	<u>137</u>	Notice re Notice of Service of Initial Disclosures by Universal Avionics Systems Corporation (Mandel, Robert) (Entered: 08/26/2008)
08/28/2008	<u>138</u>	Notice re Service of Defendants' Rule 26(a)(1) Initial Disclosure Statement by Optima Technology Group, Inc., Jed Margolin (Bernheim, Robert) (Entered: 08/28/2008)
08/28/2008	<u>139</u>	SCHEDULING ORDER: Discovery due by 9/12/2009. Dispositive motions due by 11/12/2009. Proposed Pretrial Order due by 11/25/2009. Status Report due by 1/5/2009. See attached PDF for additional information. Signed by Judge Raner C Collins on 8/28/08. (SSU,) (Entered: 08/28/2008)
09/05/2008	<u>140</u>	MOTION for Extension of Time <i>To File Briefs</i> by Optima Technology Group, Inc., Jed Margolin. (Attachments: # <u>1</u> Text of Proposed Order) (Bernheim, Robert) (Entered: 09/05/2008)
09/08/2008	<u>141</u>	ORDER granting <u>140</u> Motion for Extension of Time. Dft's briefs re: prejudice resulting from disputed patent prosecution exclusion be filed by 9/12/08, Dft's briefs re: preliminary invalidity contentions be filed by 9/15/08 and Plaintiff's brief re: case bifurcation be filed by 9/15/08. See attached PDF for additional information. Signed by Judge Raner C Collins on 9/8/08.(SSU,) (Entered: 09/08/2008)
09/15/2008	<u>142</u>	STIPULATION <i>to Extend Deadlines to File Briefs</i> by Optima Technology Group, Inc., Jed Margolin, Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Text of Proposed Order)(Bernheim, Robert) (Entered: 09/15/2008)
09/16/2008	<u>143</u>	ORDER granting <u>142</u> Stipulation : dfts have until 9/19/08 to file their briefs re: prejudice resulting from the disputed patent prosecution exclusion, 9/22/08 to file briefs re: preliminary invalidity contentions, Plaintiff have until 9/22/08 to file their brief re: case bifurcation. All parties have 10 days to file responsive memorandum after the initial briefs are filed. Signed by Judge Raner C Collins on 9/16/08. (SSU,) (Entered: 09/16/2008)
09/19/2008	<u>144</u>	BRIEF <i>Re Prejudice Caused by Universal's Proposed Restriction Against Patent Prosecution</i> by Defendants Optima Technology Group, Inc., Jed Margolin. (Bernheim, Robert) (Entered: 09/19/2008)

09/22/2008	<u>145</u>	STIPULATION to Extend Deadlines to File Briefs by Optima Technology Group, Inc., Jed Margolin, Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Text of Proposed Order)(Bernheim, Robert) (Entered: 09/22/2008)
09/23/2008	<u>146</u>	ORDER granting <u>145</u> Stipulation : Dfts shall have up to and including 9/29/2008 to file their motion regarding preliminary invalidity contentions. Pla shall have up to and including 9/29/2008 to file their motion regarding case bifurcation and up to and including 10/10/2008 to file their brief regarding disputed patent prosecution exclusion. The parties shall have ten days after the filing of the motions to respond.. Signed by Judge Raner C Collins on 9/22/08. (JKM,) (Entered: 09/23/2008)
09/23/2008	<u>147</u>	STIPULATION of Dismissal with Prejudice by Optima Technology Group, Inc., Jed Margolin, Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Text of Proposed Order)(Bernheim, Robert) (Entered: 09/23/2008)
09/24/2008	<u>148</u>	ORDER granting <u>147</u> Stipulation of Dismissal :All claims and counterclaims in this action are dismissed with prejudice and the Clerk shall CLOSE this case. Each party shall be responsible for paying its own attorneys' fees and costs incurred in this action.. Signed by Judge Raner C Collins on 9/23/08. (JKM,) (Entered: 09/24/2008)

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EXHIBIT B

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

UNIVERSAL AVIONICS SYSTEMS) CORPORATION,

Plaintiff,

vs.

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

Defendants,

No. CV 07-588-TUC-RCC
ORDER

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.

179

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

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

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

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

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

19 DATED this 18th day of August, 2008.

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23 Raner C. Collins
24 United States District Judge
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EXHIBIT C

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1 Case No.: 09 OC 00579 1B

2 Dept. No.: I

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JAN GLOVER
CLERK
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6 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR CARSON CITY**

8
9 JED MARGOLIN, an individual,

10 Plaintiff,

11 vs.

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

23 Defendants.

24 **COMPLAINT**
25 (Exemption From Arbitration Requested)

26 Plaintiff, JED MARGOLIN ("Mr. Margolin"), by and through his counsel of record,
27 WATSON ROUNDS, and for his Complaint against Defendants, hereby alleges and complains
28 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 Golanreza Zandianjazi,
5 aka Golanreza 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
24 7. Pursuant to the Nevada Constitution, Article 6, Section 6, the district courts of the
25 State of Nevada have original jurisdiction in all cases excluded by law from the original
26 jurisdiction of the justice courts. This case involves tort claims in an amount in excess of the
27 jurisdictional limitation of the justice courts and, accordingly, jurisdiction is proper in the district
28 court.

1 8. Venue is based upon the provisions of N.R.S. § 13.010, et seq., inasmuch as the
2 Defendants at all times herein mentioned has been and/or is residing or currently doing business
3 in and/or are responsible for the actions complained of herein in Storey County.

4 Facts

5 9. Plaintiff Mr. Margolin is the named inventor on numerous patents and patent
6 applications, including United States Patent No. 5,566,073 ("the '073 Patent"), United States
7 Patent No. 5,904,724 ("the '724 Patent"), United States Patent No. 5,978,488 ("the '488 Patent")
8 and United States Patent No. 6,377,436 ("the '436 Patent") (collectively "the Patents").

9 10. Mr. Margolin is the legal owner and owner of record for the '488 and '436
10 Patents, and has never assigned those patents.

11 11. In July 2004, Mr. Margolin granted to Optima Technology Group ("OTG"), a
12 Cayman Islands Corporation specializing in aerospace technology, a Power of Attorney
13 regarding the '073 and '724 Patents. In exchange for the Power of Attorney, OTG agreed to pay
14 Mr. Margolin royalties based on OTG's licensing of the '073 and '724 Patents.
15

16 12. In May 2006, OTG and Mr. Margolin licensed the '073 and '724 Patents to
17 Geneva Aerospace, Inc., and Mr. Margolin received a royalty payment pursuant to the royalty
18 agreement between Mr. Margolin and OTG.

19 13. On about July 20, 2004, Mr. Margolin assigned the '073 and '724 Patents to
20 OTG.
21

22 14. In about November 2007, OTG licensed the '073 Patent to Honeywell
23 International, Inc., and Mr. Margolin received a royalty payment pursuant to the royalty
24 agreement between Mr. Margolin and OTG.

25 15. In December 2007, Defendant Zandian filed with the U.S. Patent and Trademark
26 Office ("USPTO") fraudulent assignment documents allegedly assigning all four of the Patents
27 to Optima Technology Corporation.
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WHEREFORE, Plaintiff Jed Margolin, prays for judgment against the Defendants as

follows:

- 1. That Plaintiff be awarded damages for Defendants' tortious conduct;
- 2. That Plaintiff be awarded damages for Defendants' unjust enrichment;
- 3. That Plaintiff be awarded damages for Defendants' commission of unfair and

deceptive trade practices, in an amount to be proven at trial, with said damages being trebled pursuant to NRS 598.0999;

4. That Plaintiff be awarded actual, consequential, future, and punitive damages of whatever type or nature;

- 5. That the Court award all such further relief that it deems just and proper.

AFFIRMATION

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

DATED: December 10, 2009

WATSON ROUNDS



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

Attorneys for Plaintiff Jed Margolin

EXHIBIT D

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ALAN GLOVER
BY *[Signature]*
DEPUTY

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

SUMMONS

JED MARGOLIN, an individual
Plaintiff,

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

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

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

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

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

ALAN GLOVER
Clerk of Court
By *[Signature]*
Deputy Clerk

Date December 15, 2009, 20

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

RETURN OF SERVICE ON REVERSE SIDE

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.

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

Robert M Toth

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5 ROBERT M. TOTH
Registered Process Server

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ORIGINAL

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

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ALAN GLOVER
BY *[Signature]*
DEPUTY

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

9 **JED MARGOLIN, an individual,**

10 **Plaintiff,**

11 **vs.**

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

19 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

NOTICE OF APPEARANCE

21 PLEASE TAKE NOTICE that Adam McMillen, Esq. of the law firm Watson
22 Rounds does hereby appear on behalf of Jed Margolin.

23 DATED: June 10, 2011

WATSON ROUNDS

24
25 By: *[Signature]*

26 Matthew D. Rounds
Adam P. McMillen
Watson Rounds
5371 Kietzke Lane
27 Reno, NV 89511

28 Attorneys for Plaintiff Jed Margolin

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CERTIFICATE OF SERVICE

Pursuant to NRC 5(b), I certify that I am an employee of Watson Rounds, and that on this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true and correct copy of the foregoing document, **Notice of Appearance**, addressed as follows:

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

Dated: June 10, 2011



Carla Ousby

ORIGINAL

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

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2011 JUN 13 AM 11:22
ALAN CLOVER
BY *Alan Clover*
REPUTY

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

JED MARGOLIN, an individual,

Plaintiff,

vs.

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

Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

NOTICE OF CHANGE OF COUNSEL

The undersigned gives notice to the Court and all parties of the above-entitled action that Cassandra P. Joseph is no longer associated with Watson Rounds, counsel for Jed Margolin

DATED: June 10, 2011

WATSON ROUNDS

By:

Matthew D. Rounds
Matthew D. Rounds
Adam P. McMillen
Watson Rounds
5371 Kietzke Lane
Reno, NV 89511

Attorneys for Plaintiff Jed Margolin

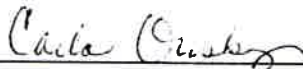
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CERTIFICATE OF SERVICE

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

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

Dated: June 10, 2011



Carla Ousby

ORIGINAL

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

REC'D & FILED ✓
2011 JUN 22 PM 3: 21
ALAN GLOVER
BY *[Signature]*
DEPUTY

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

JED MARGOLIN, an individual,
Plaintiff,

vs.

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

Case No.: 090C00579 1B

Dept. No.: 1

**OPPOSITION TO MOTION TO
DISMISS AND COUNTERMOTIONS
TO STRIKE AND FOR LEAVE TO
AMEND THE COMPLAINT**

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

///

///

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. FACTUAL BACKGROUND

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

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

19 On about December 5, 2007, Defendant Zandian filed with the U.S. Patent and
20 Trademark Office (“USPTO”) fraudulent assignment documents allegedly assigning all four of
21 the Patents to Optima Technology Corporation (“OTC”), a company apparently owned by
22 Defendant Zandian. *Id.*, ¶ 15; see also the fraudulent assignment documents attached hereto as
23 **Exhibit 1.**¹ Upon discovery of the fraudulent filings, Mr. Margolin: (a) filed a report with the
24 Storey County Sheriff’s Department; (b) took action to regain record title to the ‘488 and ‘436
25 Patents that he legally owned; and (c) assisted OTG in regaining record title of the ‘073 and
26

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

1 against Zandian. Plaintiff then filed and served a Notice of Entry of Default on Zandian on
2 December 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 the motion to dismiss.

12 III. ARGUMENT

13 **A. SERVICE OF THE SUMMONS AND COMPLAINT WAS** 14 **EFFECTUATED UPON ZANDIAN**

15 NRCP 4 states that service of the summons and complaint shall be made upon the
16 “defendant personally, or by leaving copies thereof at the defendant’s dwelling house or usual
17 place of abode with some person of suitable age and discretion then residing therein, or by
18 delivering a copy of the summons and complaint to an agent authorized by appointment or by
19 law to receive service of process.” NRCP 4(d)(6).

20 In this case, the complaint was filed on December 11, 2009. As Plaintiff was having
21 difficulty serving Zandian, the summons and complaint were mailed to Zandian’s attorney,
22 John Peter Lee, on January 8, 2010, and a request for assistance in serving Zandian was made.
23 See Letter, dated 1/8/10, from Cassandra Joseph to John Peter Lee, attached hereto as **Exhibit**
24 **3**.³ Moreover, Zandian was personally served with the summons and complaint on February 2,
25 2010. See Affidavit of Service, dated 2/18/10, attached hereto as **Exhibit 2**.

26
27
28 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 Therefore, Zandian was served with the summons and complaint and was given proper
2 notice of this lawsuit. In fact, Plaintiff took the additional step of mailing the summons and
3 complaint to Zandian and his lawyer. Unfortunately, for reasons known only to Zandian and
4 his lawyer, Zandian decided not to answer the complaint or otherwise respond to the complaint
5 in a timely manner.

6 **B. THIS COURT HAS JURISDICTION OVER ZANDIAN IN THIS ACTION**

7 Nevada's long arm statute states as follows: "A court of this state may exercise
8 jurisdiction over a party to a civil action on any basis not inconsistent with the Constitution of
9 this state or the Constitution of the United States." NRS 14.065(1). In addition, "[p]ersonal
10 service of summons upon a party outside this state is sufficient to confer upon a court of this
11 state jurisdiction over the party so served if the service is made by delivering a copy of the
12 summons, together with a copy of the complaint, to the party served in the manner provided by
13 statute or rule of court for service upon a person of like kind within this state." NRS
14 14.065(2).

15 In addition, in Nevada, "[t]here are two types of personal jurisdiction: general and
16 specific." *Baker v. Eighth Judicial Dist. Court ex rel. County of Clark*, 116 Nev. 527, 532,
17 999 P.2d 1020, 1023 (2000). "General jurisdiction is required in matters where a defendant is
18 held to answer in a forum for causes of action unrelated to his forum activities." *Baker v.*
19 *Eighth Judicial Dist. Court ex rel. County of Clark*, 116 Nev. 527, 532, 999 P.2d 1020, 1023
20 (2000). "General jurisdiction over a nonresident will lie where the nonresident's activities in
21 the forum are 'substantial' or 'continuous and systematic.'" *Id.* Said another way, "General
22 jurisdiction over the defendant 'is appropriate where the defendant's forum activities are so
23 "substantial" or "continuous and systematic" that [he] may be deemed present in the forum.'" *Freeman v. Second Judicial Dist. Court ex rel. County of Washoe*, 116 Nev. 550, 553, 1 P.3d
24 963, 965 (2000).

25
26 In addition, the following citation acknowledges that there must be minimum contacts
27 for the Court to exercise jurisdiction over a nonresident and states that owning property or
28 doing business within the state is enough to confer jurisdiction:

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

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

18 In this case, Zandian owns property and does business within the forum state. As a
19 result, Zandian's forum activities are so "substantial" or "continuous and systematic" that he
20 may be deemed present in the forum and therefore general jurisdiction is appropriate.

21 In fact, Zandian currently owns real property throughout Nevada. He owns two
22 properties in Clark County.⁴ He owns 10 properties in Washoe County.⁵ He owns and/or is
23 partial owner of 6 properties in Lyon County.⁶ He is part owner of two properties in Churchill
24 County.⁷ He is part owner of one property in Elko County.⁸

25 With regards to doing business within Nevada, Zandian is a manager of 11000 Reno
26 Highway, Fallon, LLC, a Nevada LLC that is in active status.⁹ Currently, 11000 Reno
27 Highway, Fallon, LLC is listed as the owner of 640 acres of real property in Churchill
28 County.¹⁰

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

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

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

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

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

⁹ See Zandian's manager information for 11000 Reno Highway, Fallon, L.L.C., attached hereto as Exhibit 9.

¹⁰ See 11000 Reno Highway, Fallon, LLC's Churchill County property information, attached hereto as Exhibit 10.

1 Zandian is a managing member and registered agent of Misfits Development LLC, a
2 Nevada LLC in active status.¹¹ Zandian is a managing member and registered agent of Elko
3 North 5th Avenue, LLC, a Nevada LLC in active status.¹² Zandian is a managing member and
4 registered agent for Stagecoach Valley LLC, an active Nevada LLC.¹³

5 Zandian acted as the resident agent for a revoked Nevada limited liability company
6 named Rock and Royalty LLC where Zandian's resident agent address was 1401 S. Las Vegas
7 Boulevard, Las Vegas, Nevada 89104.¹⁴ Zandian was a managing member of Gold Canyon
8 Development LLC, a Nevada LLC that is now in default status.¹⁵ Zandian was a managing
9 member of High Tech Development LLC, a Nevada LLC that has been dissolved.¹⁶ Zandian
10 was a managing member of Lyon Park Development LLC, a Nevada LLC that has been
11 dissolved.¹⁷ Zandian was a managing member of Churchill Park Development LLC, a Nevada
12 LLC that has been dissolved.¹⁸ Zandian was a manager of Sparks Village LLC, a Nevada LLC
13 that is in default status.¹⁹ Zandian was president, secretary, treasurer, director and resident
14 agent of Optima Technology Corporation, a now revoked Nevada close corporation.²⁰
15 Zandian was a managing member of I-50 Plaza LLC, a Nevada LLC in default status.²¹
16 Zandian was a manager of Dayton Plaza, LLC, a Nevada LLC in default status.²² Finally,
17 Zandian was a manager of Reno Highway Plaza, LLC, a Nevada LLC in revoked status.²³

18
19 ¹¹ See Zandian's managing member and resident agent information for Misfits Development LLC, attached hereto
as **Exhibit 11**.

20 ¹² See Zandian's managing member and resident agent information for Elko North 5th Avenue, LLC, attached
hereto as **Exhibit 12**.

21 ¹³ See Zandian's managing member and resident agent information for Stagecoach Valley LLC, attached hereto as
Exhibit 13.

22 ¹⁴ See Zandian's resident agent information for Rock and Royalty LLC, attached hereto as **Exhibit 14**.

23 ¹⁵ See Zandian's managing member information for Gold Canyon Development LLC, attached hereto as **Exhibit**
15.

24 ¹⁶ See Zandian's managing member information for High Tech Development LLC, attached hereto as **Exhibit 16**.

25 ¹⁷ See Zandian's managing member information for Lyon Park Development LLC, attached hereto as **Exhibit 17**.

26 ¹⁸ See Zandian's managing member information for Churchill Park Development LLC, attached hereto as **Exhibit**
18.

27 ¹⁹ See Zandian's manager information for Sparks Village LLC, attached hereto as **Exhibit 19**.

28 ²⁰ See Zandian's information for Optima Technology Corporation, attached hereto as **Exhibit 20**.

²¹ See Zandian's information for I-50 Plaza LLC, attached hereto as **Exhibit 21**.

²² See Zandian's information for Dayton Plaza, LLC, attached hereto as **Exhibit 22**.

²³ See Zandian's information for Reno Highway Plaza, LLC, attached hereto as **Exhibit 23**.

1 Also, Zandian listed Carson City and Las Vegas addresses for his registered agent and
2 officer information for Rock and Royalty LLC, Optima Technology Corporation, High Tech
3 Development LLC, Lyon Park Development LLC, Churchill Park Development LLC, Sparks
4 Village, LLC, I-50 Plaza LLC, Dayton Plaza, LLC, 11000 Reno Highway Fallon LLC, Misfits
5 Development LLC, Elko North 5th Ave, LLC, and Stagecoach Valley LLC.²⁴

6 As demonstrated above, Zandian clearly owns or partially owns 21 properties within
7 and throughout the state of Nevada and Zandian clearly does a significant amount of business
8 within the state. His property ownership holdings and his business dealings, alone, show that
9 Zandian's forum activities are so "substantial" or "continuous and systematic" that he may be
10 deemed present in the forum and therefore general jurisdiction is appropriate.

11 **C. NEVADA HAS ABROGATED THE DOCTRINE OF SPECIAL/GENERAL**
12 **APPEARANCES**

13 Zandian argues that he is making a special appearance "for the purpose of testing both
14 the sufficiency of service and the jurisdiction of the court; thus, Zandian has not consented to
15 personal jurisdiction of any Nevada court by bringing the instant motion." See Motion to
16 Dismiss on a Special Appearance, dated 6/8/11, 2:12-15, on file herein.

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

25 Zandian could have raised his alleged defenses of insufficiency of service of process
26 and lack of jurisdiction in a motion to dismiss without waiving such defenses and his "special"
27 appearance is a nullity. Therefore, Zandian's motion is merely a motion to dismiss. However,

28 _____
²⁴ See Exhibits 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, and 22, attached hereto.

1 as will be shown above and below, the motion to dismiss is procedurally and factually fatally
2 flawed.

3 **D. ZANDIAN CANNOT MEET THE STANDARD FOR A MOTION TO DISMISS**

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

8 In his first paper filed with this Court, Zandian moves this Court to set aside the
9 judgment and dismiss the case. Zandian casually makes a short reference to NRCP 55(c) and
10 NRCP 60(b) in a request to set aside the default judgment and then in the same sentence
11 requests that the Court dismiss this case “on the grounds that the court does not enjoy personal
12 jurisdiction over Zandian.” *See* Motion to Dismiss on a Special Appearance, dated 6/8/11,
13 6:9-11, on file herein.

14 However, as shown above, Zandian was properly served and his forum contacts are so
15 substantial as to create general jurisdiction over him in the State of Nevada. Therefore,
16 construing the complaint in the light most favorable to the Plaintiff, Zandian’s motion to
17 dismiss cannot meet the standard for a motion to dismiss.

18 **E. ZANDIAN HAS NOT AND CANNOT MEET THE STANDARD FOR A**
19 **MOTION TO SET ASIDE**

20 If a defaulting party is dissatisfied with a default judgment, then the only procedural
21 remedy is to set aside the default. NRCP 60(b) states the standard for setting aside a default
22 judgment as follows:

23 On motion and upon such terms as are just, the court may relieve a party or a
24 party's legal representative from a final judgment, order, or proceeding for the
25 following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2)
26 newly discovered evidence which by due diligence could not have been
27 discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether
28 heretofore denominated intrinsic or extrinsic), misrepresentation or other
misconduct of an adverse party; (4) the judgment is void; or, (5) the judgment
has been satisfied, released, or discharged, or a prior judgment upon which it is
based has been reversed or otherwise vacated, or it is no longer equitable that
an injunction should have prospective application.

1 NRCP 60(b).

2 A district court's exercise of discretion in setting aside a default judgment, or in
3 refusing to do so, will not be disturbed in the absence of an abuse of discretion. *Hotel Last*
4 *Frontier Corp. v. Frontier Properties, Inc.*, 79 Nev. 150, 154, 380 P.2d 293, 294 (1963). The
5 district court must consider the following factors before granting a motion to set aside:

6 **First**, there must have been "*a prompt application to remove the judgment.*"
7 *Yochum*, 98 Nev. at 486, 653 P.2d at 1216 (citing *Hotel Last Frontier v.*
8 *Frontier Prop.*, 79 Nev. 150, 380 P.2d 293 (1963)) (citations omitted)
(emphasis added). **Second**, there must be an "*absence of an intent to delay the*
9 *proceedings.*" *Id.* (Emphasis added.) **Third**, there must be evidence of "*a lack*
10 *of knowledge of procedural requirements*" on the part of the moving party. *Id.*
11 (Emphasis added). **Fourth**, the motion must be made in "*good faith.*" *Id.*
12 (Emphasis added.) **Fifth**, "*the moving party must promptly tender a*
13 *'meritorious defense'* to the claim for relief." *Yochum*, 98 Nev. at 487, 653 P.2d
14 at 1216-17 (citations omitted) (emphasis added). **Finally**, "*the court must give*
15 *due consideration to the state's underlying basic policy of resolving cases on*
16 *their merits whenever possible.*" *Yochum*, 98 Nev. at 487, 653 P.2d at 1217
17 (emphasis added).

18 *Kahn v. Orme*, 108 Nev. 510, 513, 835 P.2d 790, 792-93 (1992)(emphasis added).

19 The acceptable procedures to satisfy the requirement that a "meritorious defense" be
20 shown are as follows:

21 (1) the fact testimony or affidavit of one possessing testimonial qualifications,
22 which factual information, if true, would tend to establish a defense to all or
23 part of the claim for relief asserted; or (2) the opinion of counsel for a party,
24 based upon facts related to him (without setting forth such facts), that a
25 meritorious defense exists to all or part of the claim for relief asserted; or (3)
26 the tendering of a responsive pleading in good faith, with the moving papers,
27 which responsive pleading, if true, would tend to establish a meritorious
28 defense to all or part of the claim for relief asserted; or (4) any combination of
the above.

29 *Hotel Last Frontier Corp.*, 79 Nev. at 155, 380 P.2d at 295.

30 In this case, Zandian fails to show that there was prompt application to remove the
31 judgment or an absence of intent to delay the proceedings. There is nothing in Zandian's
32 motion to dismiss on either subject.

33 On the other hand, the facts demonstrate that Zandian and his counsel had notice of the
34 action and the default early on. In fact, on December 2, 2010, a default was entered against

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. On February 25, 2011,
3 Plaintiff filed in this Court and served a certificate of service indicating that the application for
4 entry of default against Zandian was sent to attorney John Peter Lee. On February 28, 2011,
5 Plaintiff filed an application for default judgment against Defendants Zandian, Optima
6 Technology Corporation, a California Corporation, and Optima Technology Corporation, a
7 Nevada Corporation. On March 1, 2011, a default judgment was entered against Zandian and
8 the other defendants for \$121,594.46. On March 7, 2011, notice of entry of that default was
9 filed and served by mail on Zandian and his counsel.

10 Notwithstanding the many notices provided to Zandian and his counsel, Zandian only
11 now seeks to cursorily “set aside” the default judgment. However, Zandian **provides no**
12 **explanation for the delay in responding to the default judgment** and he does not provide
13 any basis upon which to demonstrate an absence of intent to delay the proceedings. Zandian
14 only improperly attacks the action itself on the basis of jurisdiction and insufficiency of
15 service of process.

16 Zandian does not show any evidence of “*a lack of knowledge of procedural*
17 *requirements*” regarding setting aside a default judgment. None. To the contrary, Zandian
18 only points to NRCP 60(b) in his request to set aside the default judgment, and he only
19 grounds his request on service of process and jurisdiction. *See* Motion to Dismiss, dated
20 6/8/11, 6:9-10, on file herein.

21 Zandian fails to even bring a true motion to set aside and therefore has failed to bring a
22 motion to set aside in good faith. Zandian’s motion is merely a motion to dismiss with a minor
23 reference to the procedural rule for setting aside the default, which constitutes bad faith.

24 Zandian does not proffer any defense, nor does he even indicate that a meritorious
25 defense exists. Zandian fails to provide this Court with any fact testimony or affidavit, which,
26 if true, would tend to establish a defense to all or part of the claims asserted. Zandian fails to
27 provide any opinion of counsel that a meritorious defense exists to all or part of the claims.
28 Zandian did not tender a responsive pleading in good faith, with the moving papers, which

1 responsive pleading, if true, would tend to establish a meritorious defense to all or part of the
2 claims. In short, Zandian has completely failed to show that he has a meritorious defense to
3 any of the claims asserted in the Complaint.

4 As a result of the above facts, Zandian has not and cannot meet the burden necessary to
5 allow this Court to set aside the default judgment.

6 **F. COUNTERMOTION TO STRIKE MOTION TO DISMISS AS ZANDIAN**
7 **PREVIOUSLY WAIVED HIS OBJECTIONS TO PERSONAL JURISDICTION,**
8 **PROCESS, OR SERVICE OF PROCESS**

9 NRCP 12(f) allows motions to strike as follows:

10 Upon motion made by a party before responding to a pleading or, if no
11 responsive pleading is permitted by these rules, upon motion made by a party
12 within 20 days after the service of the pleading upon the party or upon the
13 court's own initiative at any time, the court may order stricken from any
14 pleading any **insufficient defense** or any redundant, immaterial, impertinent, or
15 scandalous matter.

16 NRCP 12(f)(emphasis added).

17 In this case, after a default judgment was entered and noticed, Zandian has now
18 improperly filed a motion to dismiss on the grounds that this Court lacks jurisdiction over
19 Zandian. The motion to dismiss is improper because Zandian waived such defenses by not
20 objecting to insufficiency of service of process or lack of jurisdiction in a timely motion to
21 dismiss or a timely answer: "Objections to personal jurisdiction, process, or service of process
22 are **waived, however, if not made in a timely motion** or not included in a responsive
23 pleading such as an answer. *Hansen v. Eighth Judicial Dist. Court ex rel. County of Clark*,
24 116 Nev. 650, 656, 6 P.3d 982, 986 (2000).²⁵

25 Zandian clearly did not file a timely motion to dismiss or any other timely responsive
26 pleading regarding his objections to personal jurisdiction, process, or service of process.

27 Therefore, Zandian has waived any such defenses. As a result, Plaintiff now respectfully

28 ²⁵ This is consistent with NRCP 12(h)(1), which states as follows: "A defense of lack of jurisdiction over the person, insufficiency of process, or insufficiency of service of process is waived (A) if omitted from a motion in the circumstances described in subdivision (g), or (B) if it is neither made by motion under this rule nor included in a responsive pleading or an amendment thereof permitted by Rule 15(a) to be made as a matter of course."

1 requests that this Court strike Zandian's motion to dismiss based upon the fact that such
2 waived defenses are now an "insufficient defense" to object to this Court's jurisdiction.

3 **G. COUNTERMOTION FOR LEAVE TO AMEND THE COMPLAINT**

4 This countermotion is made and based upon NRC 15(a) which states that leave to
5 amend a party's pleading "shall be freely given when justice so requires."

6 If the Court is willing to either dismiss or set aside the default judgment, then, and only
7 then, Plaintiff respectfully requests leave to amend the Complaint to properly reference
8 Zandian's actions in the Arizona case and to re-serve Zandian in a manner that Zandian cannot
9 complain of any further.

10 For instance, Plaintiff states in the Complaint that in the Arizona action, "Mr. Margolin
11 and OTG filed a cross-claim for declaratory relief against Zandian in order to obtain legal title
12 to their respective patents." See Complaint, ¶ 17. While Zandian effectively represents to this
13 Court that he was not involved in the Arizona action, it is absolutely true that Zandian signed
14 the fraudulent patent assignments on behalf of Optima Technology Corporation, which
15 fraudulent assignments led to the instant action. It is by and through the fraudulent actions of
16 one individual, Zandian, which created the Arizona action and the instant action. However,
17 Plaintiff recognizes that Optima Technology Corporation was the entity behind which Zandian
18 hid in the Arizona action. Plaintiff is willing to amend the Complaint to so allege.

19 In addition, if the Court finds there is insufficiency of service of process, then Plaintiff
20 respectfully requests this Court's assistance in obtaining a current address from Zandian or his
21 counsel as to where Zandian can be "properly" served with a summons and complaint. Again,
22 Plaintiff would be more than willing to re-allege in an amended complaint the current
23 residence of Zandian, wherever that may be.

24 However, Plaintiff vehemently rejects any notion that Plaintiff fraudulently alleged the
25 residence of Zandian in the original Complaint or any other fact in the Complaint. The
26 attached property records and business records show that Zandian has represented to the
27 subject counties and state of Nevada that his addresses were in both Nevada and California.
28

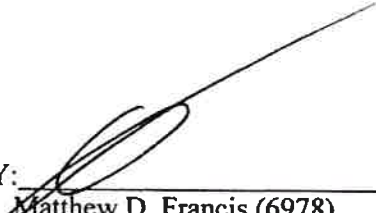
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AFFIRMATION PURSUANT TO NRS 239B.030

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

Dated this 22nd day of June, 2011.

BY:



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

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Watson Rounds, and that on this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true and correct copy of the foregoing document, **OPPOSITION TO MOTION TO DISMISS AND COUNTERMOTIONS TO STRIKE AND FOR LEAVE TO AMEND THE COMPLAINT**, addressed as follows:

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

Dated: June 22, 2011


Carla Ousby

INDEX OF EXHIBITS

Exhibit No.	Title	Number of Pages
1	Fraudulent assignment documents	17
2	Affidavit of Service, dated 2/18/2010	4
3	Letter dated 1/8/2010	12
4	Zandian's Clark County property information	2
5	Zandian's Washoe County property information	8
6	Zandian's Lyon County property information	10
7	Zandian's Churchill County property information	2
8	Zandian's Elko County property information	1
9	Zandian's manager information for 11000 Reno Highway, Fallon, LLC	2
10	11000 Reno Highway, Fallon, LLC's Churchill County property information	1
11	Zandian's managing member and resident agent information for Misfits Development LLC	2
12	Zandian's managing member and resident agent information for Elko North 5 th Avenue, LLC	2
13	Zandian's managing member and resident agent information for Stagecoach Valley LLC	2
14	Zandian's resident agent information for Rock and Royalty LLC	2
15	Zandian's managing member information for Gold Canyon Development LLC	2
16	Zandian's managing member information for High Tech Development LLC	2
17	Zandian's managing member information for Lyon Park Development LLC	2
18	Zandian's managing member information for Churchill Park Development LLC	2
19	Zandian's manager information for Sparks Village LLC	2
20	Zandian's information for Optima Technology Corporation	2
21	Zandian's information for I-50 Plaza LLC	2
22	Zandian's information for Dayton Plaza, LLC	2
23	Zandian's information for Reno Highway Plaza, LLC	2

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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700352576A

DECEMBER 10, 2007

PTAS

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

 UNITED STATES PATENT AND TRADEMARK OFFICE
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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

PATENT NUMBER: 6377436

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

FILING DATE: 04/05/2000

ISSUE DATE: 04/23/2002

SERIAL NUMBER: 09148045

PATENT NUMBER: 5978488

TITLE: SIMULATED AM RADIO

FILING DATE: 09/03/1998

ISSUE DATE: 11/02/1999

THERESA FREDERICK, EXAMINER
ASSIGNMENT SERVICES BRANCH
PUBLIC RECORDS DIVISION

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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
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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> Street Address: <u>830 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) of conveying party(ies) attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		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>5,565,073</u> <u>5,904,724</u> <u>6,377,438</u> <u>5,978,488</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>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>702-382-6850</u> Email Address: <u>jnl@ichnptor.com</u>		6. Total number of applications and patents involved: <u>4</u> 7. Total fee (37 CFR 1.21(h) & 3.41) \$ <u>180.00</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)	
9. Signature:  Signature Optima Technology Corporation (a California Corporation) Name of Person Signing		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 _____ Date <u>12/5/2007</u>	
		Total number of pages including cover sheet, attachments, and documents: <u>7</u>	

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OP 5150.00 5555073



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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

SERIAL NUMBER: 08513298

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TITLE: PILOT AID USING SYNTHETIC REALITY

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PATENT NUMBER: 6377436

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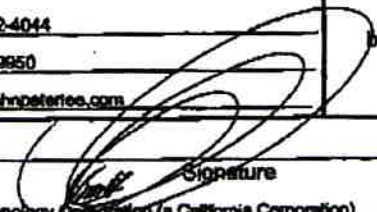
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Form PTO-1595 (Rev. 07/05)
OMB No. 0651-0027 (exp. 6/30/2008)

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

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

CP \$100.00 5565078

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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

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

12/07/2007
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Form PTO-1595 (Rev. 07/05)
OMB No. 0851-0027 (exp. 9/30/2008)

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

RECORDATION FORM COVER SHEET PATENTS ONLY	
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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> Street Address: <u>830 Las Vegas Boulevard South</u> City: <u>Las Vegas</u> State: <u>Nevada</u> Country: <u>U.S.A.</u> Zip: <u>89101</u>
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	Additional name(s) of conveying party(ies) attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4. Application or patent number(s): A. Patent Application No.(s) B. Patent No.(s) 5,588,073 5,904,724 6,377,436 5,978,488	<input type="checkbox"/> This document is being filed together with a new application. 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>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>702-383-8850</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 fee) 8. Payment Information a. Credit Card Last 4 Numbers <u>1004</u> Expiration Date <u>5/09</u> b. Deposit Account Number _____ Authorized User Name _____
9. Signature: <u>Jed Margolin by</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>

OF \$160.00 5588073

Documents to be recorded (including cover sheet) should be filed in (571) 273-0166, or mailed to: Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1480, Alexandria, VA 22313-1480

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

COPY

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

No. 090C00579 1B

Dept. I

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

SUMMONS

JED MARGOLIN, an individual
Plaintiff,

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


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

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

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

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

ALAN GLOVER
Clerk of Court

By  Deputy Clerk

Date December 15, 2009, 20

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

RETURN OF SERVICE ON REVERSE SIDE

AFFIDAVIT OF SERVICE
(For General Use)

STATE OF CALIFORNIA }
COUNTY OF SACRAMENTO } SS.

ROBERT TOTH

, declares under penalty of perjury:

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

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

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

STATE OF NEVADA }
CARSON CITY } SS.

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

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

Sheriff of Carson City, Nevada

Date: _____, 20 ____ By _____ Deputy

STATE OF NEVADA }
COUNTY OF _____ } SS.

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

_____, declares under penalty of perjury:

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

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

Executed this _____ day of _____, 20 ____.

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

1 Jed Margolin v. Optima Technology Corp., et al.
2 Case No. 090C00579 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.

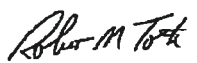
15 On January 31, 2010 at 4:13 p.m., I went the residence address, and again there was no
16 answer at the door.

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



January 8, 2010

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

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

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

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

5371 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

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 Golanreza 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

AMANDA GLOVER
BY AMANDA GLOVER CLERK
DEPUTY

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

1 8. Venue is based upon the provisions of N.R.S. § 13.010, et seq., inasmuch as the
2 Defendants at all times herein mentioned has been and/or is residing or currently doing business
3 in and/or are responsible for the actions complained of herein in Storey County.

4 Facts

5 9. Plaintiff Mr. Margolin is the named inventor on numerous patents and patent
6 applications, including United States Patent No. 5,566,073 ("the '073 Patent"), United States
7 Patent No. 5,904,724 ("the '724 Patent"), United States Patent No. 5,978,488 ("the '488 Patent")
8 and United States Patent No. 6,377,436 ("the '436 Patent") (collectively "the Patents").

9 10. Mr. Margolin is the legal owner and owner of record for the '488 and '436
10 Patents, and has never assigned those patents.

11 11. In July 2004, Mr. Margolin granted to Optima Technology Group ("OTG"), a
12 Cayman Islands Corporation specializing in aerospace technology, a Power of Attorney
13 regarding the '073 and '724 Patents. In exchange for the Power of Attorney, OTG agreed to pay
14 Mr. Margolin royalties based on OTG's licensing of the '073 and '724 Patents.

15 12. In May 2006, OTG and Mr. Margolin licensed the '073 and '724 Patents to
16 Geneva Aerospace, Inc., and Mr. Margolin received a royalty payment pursuant to the royalty
17 agreement between Mr. Margolin and OTG.
18

19 13. On about July 20, 2004, Mr. Margolin assigned the '073 and '724 Patents to
20 OTG.
21

22 14. In about November 2007, OTG licensed the '073 Patent to Honeywell
23 International, Inc., and Mr. Margolin received a royalty payment pursuant to the royalty
24 agreement between Mr. Margolin and OTG.

25 15. In December 2007, Defendant Zandian filed with the U.S. Patent and Trademark
26 Office ("USPTO") fraudulent assignment documents allegedly assigning all four of the Patents
27 to Optima Technology Corporation.
28

1 23. The Patents and the royalties due Mr. Margolin under the Patents were the
2 personal property of Mr. Margolin.

3 24. As a direct and proximate result of the Defendants' conversion, Mr. Margolin has
4 suffered damages in excess of ten thousand dollars (\$10,000), entitling him to the relief set forth
5 below.

6 **Claim 2—Tortious Interference With Contract**
7 **(Against All Defendants)**
8

9 25. Paragraphs 1-24 of the Complaint set forth above are incorporated herein by
10 reference.

11 26. Mr. Margolin was a party to a valid contract with OTG for the payment of
12 royalties based on the license of the '073 and '724 Patents.

13 27. Defendants were aware of Mr. Margolin's contract with OTG.

14 28. Defendants committed intentional acts intended and designed to disrupt and
15 interfere with the contractual relationship between Mr. Margolin and OTG.

16 29. As a result of the acts of Defendants, Mr. Margolin's contract with OTG was
17 actually interfered with and disrupted.

18 30. As a direct and proximate result of the Defendants' tortious interference with
19 contract, Mr. Margolin has suffered damages in excess of ten thousand dollars (\$10,000),
20 entitling him to the relief set forth below.

21 **Claim 3—Intentional Interference with Prospective Economic Advantage**
22 **(Against All Defendants)**
23

24 31. Paragraphs 1-30 of the Complaint set forth above are incorporated herein by
25 reference.

26 32. Defendants were aware of Mr. Margolin's prospective business relations with
27 licensees of the Patents.

28 33. Defendants purposely, willfully and improperly attempted to induce Mr.
Margolin's prospective licensees to refrain from engaging in business with Mr. Margolin.

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

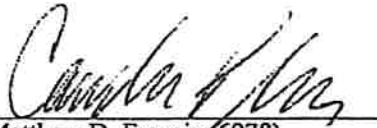
1. That Plaintiff be awarded damages for Defendants' tortious conduct;
2. That Plaintiff be awarded damages for Defendants' unjust enrichment;
3. That Plaintiff be awarded damages for Defendants' commission of unfair and deceptive trade practices, in an amount to be proven at trial, with said damages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

AFFIRMATION

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

DATED: December 10, 2009

WATSON ROUNDS



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

Attorneys for Plaintiff Jed Margolin

Exhibit 1

Exhibit 1

1
2
3
4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE DISTRICT OF ARIZONA
6

7 UNIVERSAL AVIONICS SYSTEMS)
8 CORPORATION,

9 Plaintiff,

10 vs.

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

14 Defendants.

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

17 Counterclaimant,

18 vs.

19 UNIVERSAL AVIONICS SYSTEMS)
20 CORPORATION, an Arizona corporation,

21 Counterdefendant,

22 OPTIMA TECHNOLOGY INC. a/k/a)
23 OPTIMA TECHNOLOGY GROUP, INC.,

24 Cross-Claimant,

25 vs.

26 OPTIMA TECHNOLOGY
CORPORATION,

27 Cross-Defendant.
28

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
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22 

23 Raner C. Collins
24 United States District Judge
25
26
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28

EXHIBIT 4

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	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	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 MONTH/YEAR	40000 04/05
LAND USE	0-00 VACANT
DWELLING UNITS	0



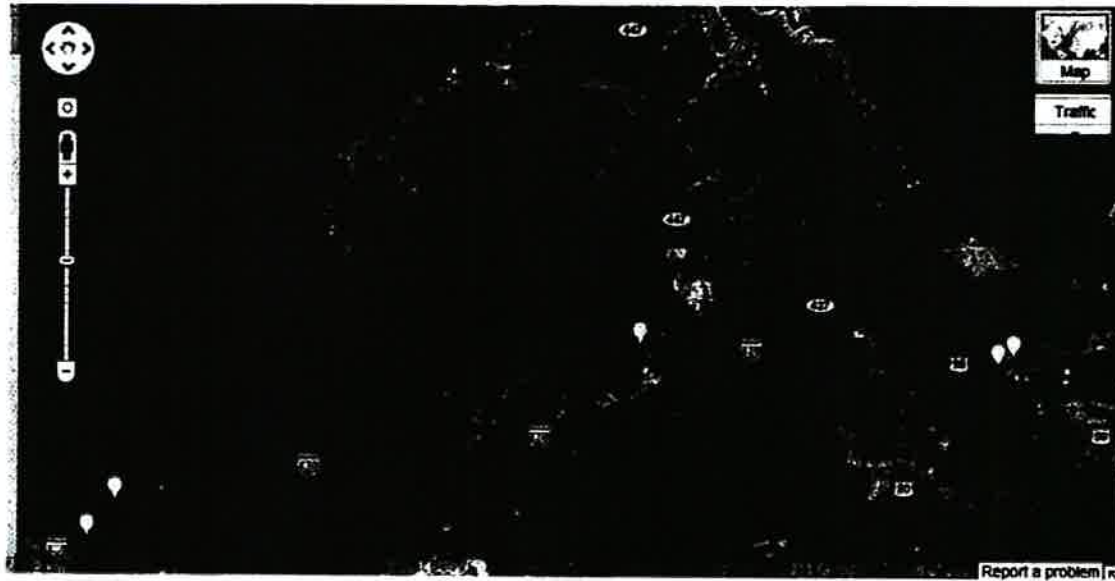
EXHIBIT 5

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		Last Transaction Date
Owner Name		Mailing Address		
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

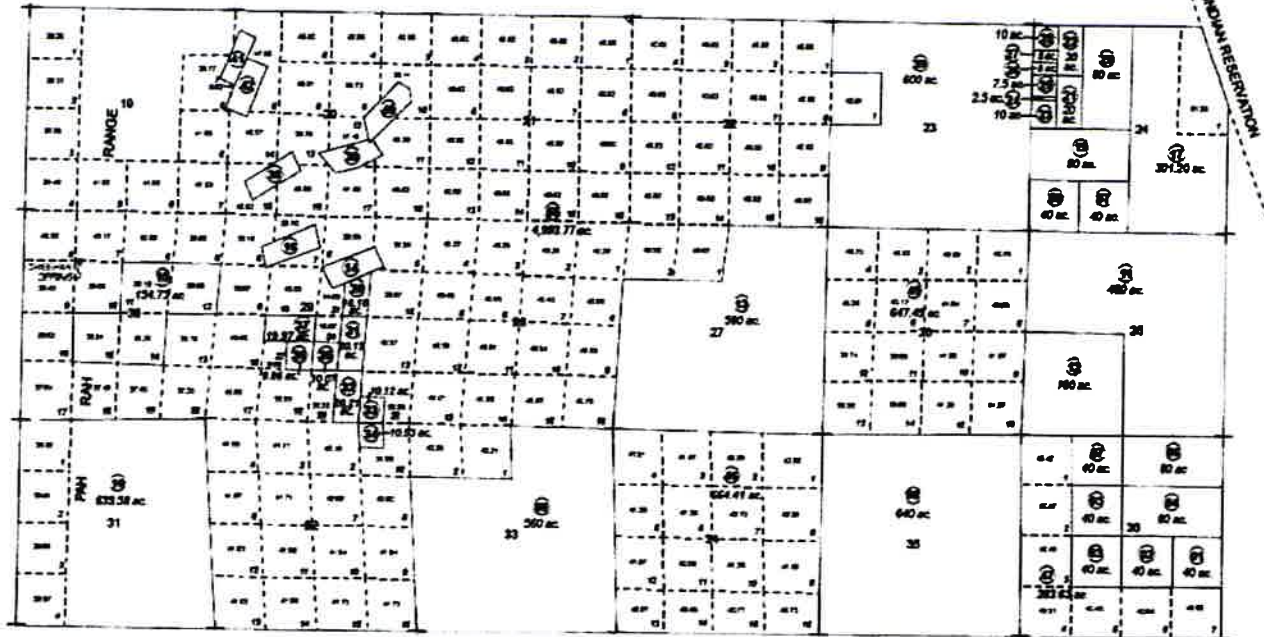
The properties are North of Interstate 80 and East of SR 447. From Google Maps via Zandian's Web site at www.goldennevada.com. The remaining information is from Washoe County Web site - Assessor's Database.



PATENTED MINING CLAIMS

- | | |
|--|--|
| 075-182-14 1981 - CABIN NO. 2 | 075-182-26 PAT. NO. BECKEL LOT 28 SUNDAY EVENING |
| 075-182-16 2748 - NO. 2 MINE | 075-182-27 PAT. NO. BECKEL LOT 28 GOLDEN PULVER |
| 075-182-20 PAT. NO. BECKEL LOT 22 CLIPPERS MINE | 075-182-28 ALICE ETHIOPIAN |
| 075-182-21 PAT. NO. BECKEL LOT 23 WILLIAMS GRAVEL | 075-182-29 3878 BLACK HORSE |
| 075-182-22 PAT. NO. BECKEL LOT 25 GULCH GRAVEL NO. 1 | 075-182-40 3878 NOLAN |
| 075-182-23 PAT. NO. BECKEL LOT 31 GULCH GRAVEL NO. 2 | 075-182-41 3881 ALICE |
| 075-182-24 PAT. NO. BECKEL LOT 17 GULCH GRAVEL NO. 3 | 075-182-42 3381 WHITE B |
| 075-182-25 PAT. NO. BECKEL LOT 25 SUNDAY EVENING | |

SOUTH 1/2 OF TOWNSHIP 21 NORTH - RANGE 23 EAST



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	