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

1.大家公司大大学等的第三人称单数人

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

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

On June 9, 2011, Zandian filed the motion to dismiss.

III. ARGUMENT

A. SERVICE OF THE SUMMONS AND COMPLAINT WAS EFFECTUATED UPON ZANDIAN

NRCP 4 states that service of the summons and complaint shall be made upon the "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." NRCP 4(d)(6).

In this case, the complaint was filed on December 11, 2009. As Plaintiff was having difficulty serving Zandian, the summons and complaint were mailed to Zandian's attorney, John Peter Lee, on January 8, 2010, and a request for assistance in serving Zandian was made. See Letter, dated 1/8/10, from Cassandra Joseph to John Peter Lee, attached hereto as Exhibit 3. Moreover, Zandian was personally served with the summons and complaint on February 2, 2010. See Affidavit of Service, dated 2/18/10, attached hereto as Exhibit 2.

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.





January 8, 2010

KELLY G. WATSON I MICHAEL D. ROUNDS I MATTHEW D. FRANCIS I

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

OF COUNSEL-MARC D, FOODMAN 1...*

- Also licensed in California
 Also licensed in Utah
 Also licensed in Massachusetts
 Licensed only in California
- 5371 Kietzke Lane Reno, Nevada 89511 (775) 324-4100 Fax (775) 333-8171 e-mail: reno@watsorrounds.com

777 North Rainbow Bonlevard Suite 350 Las Yegas, Novuda 89107 (702) 636-4902 Fax (702) 636-4904

One Market-Steuart Tower Suite 1600 San Francisco, CA 94105 (415)243-4990 Fax (415)243-0226

www.watsonrounds.com

Reply to: Reno

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

Re: Optima Technology Corporation and Reza Zandian

Dear Mr. Lee:

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

Cassandra P. Joseph WATSON ROUNDS

A Professional Corporation



Case No.: D9 DC 00579 1B REC'D & FILED 2 Dept. No.: 2009 DEC 11 PH 4: 07 3 5 6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA 7 IN AND FOR CARSON CITY 8 JED MARGOLIN, an individual, 9 Plaintiff, 10 VS. 11 12 OPTIMA TECHNOLOGY CORPORATION, a California corporation, 13 OPTIMA TECHNOLOGY CORPORATION, a Nevada corporation, REZA ZANDIAN aka 14 GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka REZA 15 JAZI aka J. REZA JAZI aka G. REZA JAZI aka GHONONREZA ZANDIAN JAZI, 16 an individual, DOE Companies 1-10, DOE 17 Corporations 11-20, and DOE Individuals 21-30, 18 Defendants. 19 20 COMPLAINT 21 (Exemption From Arbitration Requested) 22 Plaintiff, JED MARGOLIN ("Mr. Margolin"), by and through his counsel of record, 23 WATSON ROUNDS, and for his Complaint against Defendants, hereby alleges and complains 24 as follows: 25 The Parties 26 Plaintiff Mr. Margolin is an individual residing in Storey County, Nevada. 1. 27

2.

28

On information and belief, Defendant Optima Technology Corporation is a

б

- On information and belief, Defendant Optima Technology Corporation is a Nevada corporation with its principal place of business in Las Vegas, Nevada.
- 4. On information and belief, Defendant Reza Zandian, aka Golamreza Zandianjazi, aka Golamreza Zandianjazi, aka Golamreza Zandianjazi, aka Ghononreza Zandian Jazi (collectively "Zandian"), is an individual who at all relevant times resided in San Diego, California or Las Vegas, Nevada.
- 5. On information and belief, Defendant Optima Technology Corporation, the Nevada corporation ("OTC—Nevada") is a wholly owned subsidiary of Optima Technology Corporation, the California corporation ("OTC—California"), and Defendant Zandian at all relevant times served as officers of the OTC—California and OTC—Nevada.
- 6. Mr. Margolin believes, and therefore alleges, that at all times herein mentioned, each of the Defendants was the agent, servant or employee of each of the other Defendant and at all times was acting within the course and scope of said agency and/or employment and that each Defendant is liable to Mr. Margolin for the reasons and the facts herein alleged. Relief is sought herein against each and all of the Defendants jointly and severally, as well as its or their agents, assistants, successors, employees and all persons acting in concert or cooperation with them or at their direction. Mr. Margolin will amend his Complaint when such additional persons acting in concert or cooperation are ascertained.

Jurisdiction and Venue

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





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

Facts

- 9. Plaintiff Mr. Margolin is the named inventor on numerous patents and patent applications, including 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").
- 10. Mr. Margolin is the legal owner and owner of record for the '488 and '436 Patents, and has never assigned those patents.
- 11. In July 2004, Mr. Margolin granted to Optima Technology Group ("OTG"), a
 Cayman Islands Corporation specializing in aerospace technology, a Power of Attorney
 regarding the '073 and '724 Patents. In exchange for the Power of Attorney, OTG agreed to pay
 Mr. Margolin royalties based on OTG's licensing of the '073 and '724 Patents.
- 12. In May 2006, OTG and Mr. Margolin licensed the '073 and '724 Patents to Geneva Aerospace, Inc., and Mr. Margolin received a royalty payment pursuant to the royalty agreement between Mr. Margolin and OTG.
- On about July 20, 2004, Mr. Margolin assigned the '073 and '724 Patents to
 OTG.
- 14. In about November 2007, OTG licensed the '073 Patent to Honeywell International, Inc., and Mr. Margolin received a royalty payment pursuant to the royalty agreement between Mr. Margolin and OTG.
- 15. In December 2007, Defendant Zandian filed with the U.S. Patent and Trademark Office ("USPTO") fraudulent assignment documents allegedly assigning all four of the Patents to Optima Technology Corporation.

- 16. Upon discovery of the fraudulent filing, Mr. Margolin: (a) filed a report with the Storey County Sheriff's Department; (b) took action to regain record title to the '488 and '436 Patents that he legally owned; and (c) assisted OTG in regaining record title of the '073 and '724 Patents that it legally owned and upon which it contracted with Mr. Margolin for royalties.
- 17. Soon thereafter, Mr. Margolin and OTG were named as defendants in an action for declaratory relief regarding non-infringement of the '073 and '724 Patents in the United States District Court for the District of Arizona, in a case titled: *Universal Avionics Systems Corporation v. Optima Technology Group, Inc.*, No. CV 07-588-TUC-RCC (the "Arizona Action"). In the Arizona Action, Mr. Margolin and OTG filed a cross-claim for declaratory relief against Zandian in order to obtain legal title to their respective patents.
- 18. On August 18, 2008, the United States District Court for the District of Arizona entered a final judgment in favor of Mr. Margolin and OTG on their declaratory relief action, and ordered that OTC had no interest in the '073 or '724 Patents, and that the assignment documents filed with the USPTO were "forged, invalid, void, of no force and effect." Attached as Exhibit A is a copy of the Order from the United States District Court in the Arizona Action.
- 19. Due to Defendants' fraudulent acts, title to the Patents was clouded and interfered with Plaintiff's and OTG's ability to license the Patents.
- 20. During the period of time Mr. Margolin worked to correct record title of the Patents in the Arizona Action and with the USPTO, he incurred significant litigation and other costs associated with those efforts.

Claim 1--Conversion (Against All Defendants)

- 21. Paragraphs 1-20 of the Complaint set forth above are incorporated herein by reference.
- 22. Through the fraudulent acts described above, Defendants wrongfully exerted dominion over the Patents, thereby depriving Mr. Margolin of the use of such property.

- 23. The Patents and the royalties due Mr. Margolin under the Patents were the personal property of Mr. Margolin.
- 24. As a direct and proximate result of the Defendants' conversion, Mr. Margolin has suffered damages in excess of ten thousand dollars (\$10,000), entitling him to the relief set forth below.

Claim 2—Tortions Interference With Contract (Against All Defendants)

- 25. Paragraphs 1-24 of the Complaint set forth above are incorporated herein by reference.
- 26. Mr. Margolin was a party to a valid contract with OTG for the payment of royalties based on the license of the '073 and '724 Patents.
 - 27. Defendants were aware of Mr. Margolin's contract with OTG.
- 28. Defendants committed intentional acts intended and designed to disrupt and interfere with the contractual relationship between Mr. Margolin and OTG.
- 29. As a result of the acts of Defendants, Mr. Margolin's contract with OTG was actually interfered with and disrupted.
- 30. As a direct and proximate result of the Defendants' tortious interference with contract, Mr. Margolin has suffered damages in excess of ten thousand dollars (\$10,000), entitling him to the relief set forth below.

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

- 31. Paragraphs 1-30 of the Complaint set forth above are incorporated herein by reference.
- 32. Defendants were aware of Mr. Margolin's prospective business relations with licensees of the Patents.
- 33. Defendants purposely, willfully and improperly attempted to induce Mr.

 Margolin's prospective licensees to refrain from engaging in business with Mr. Margolin.



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

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

Claim 4—Unjust Enrichment (Against All Defendants)

- 36. Paragraphs I-35 of the Complaint set forth above are incorporated herein by reference.
 - 37. Defendants wrongfully obtained record title to the Patents.
- 38. Defendants were aware that record title to the Patents was valuable, and were aware of the benefit derived from having record title.
- 39. Defendants unjustly benefitted from the use of Mr. Margolin's property without compensation to Mr. Margolin.
- 40. As a direct and proximate result of Defendants' aforementioned acts, Mr. Margolin is entitled to equitable relief.

<u>Claim 5—Unfair and Deceptive Trade Practices</u> (Against All Defendants)

- 41. Paragraphs 1-40 of the Complaint set forth above are incorporated herein by reference.
- 42. The Defendants, engaging in the acts and conduct described above, have knowingly and willfully committed unfair and deceptive trace practices under NRS 598.0915 by making false representations.
- 43. As a direct and proximate result of the Defendants' unfair and deceptive trade practices, Mr. Margolin has suffered damages in excess of ten thousand dollars (\$10,000), entitling him to the relief set forth below.

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

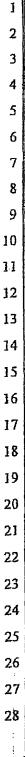
1 2 3 IN THE UNITED STATES DISTRICT COURT 4 5 FOR THE DISTRICT OF ARIZONA 6 UNIVERSAL AVIONICS SYSTEMS) CORPORATION, 7 No. CV 07-588-TUC-RCC 8 **ORDER** Plaintiff, 9 10 OPTIMA TECHNOLOGY GROUP, INC.,) O P T I M A T E C H N O L O G Y) CORPORATION, ROBERT ADAMS and) JED MARGOLIN, 11 12 13 Defendants. 14 OPTIMA TECHNOLOGY INC. a/k/a) OPTIMA TECHNOLOGY GROUP, INC.,) 15 16 a corporation, Counterclaimant, 17 18 UNIVERSAL AVIONICS SYSTEMS 19 CORPORATION, an Arizona corporation, 20 Counterdefendant, 21 OPTIMA TECHNOLOGY INC. a/k/a) OPTIMA TECHNOLOGY GROUP, INC.,) 22 23 Cross-Claimant, 24 25 TECHNOLOGY OPTIMA CORPORATION, 26 Cross-Defendant. 27 28

Document 131

ase 4:07-cv-00588-RCC

Filed 08/18/2008

Page 1 of 2



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

Therefore, IT IS HEREBY ORDERED:

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

- 1. Optima Technology Corporation has no interest in U.S. Patents Nos. 5,566,073 and 5,904,724 ("the Patents") or the Durable Power of Attorney from Jed Margolin dated July 20, 2004 ("the Power of Attorney");
- The Assignment Optima Technology Corporation filed with the USPTO is forged, invalid, void, of no force and effect, and is hereby struck from the records of the USPTO;
- 3. The USPTO is to correct its records with respect to any claim by Optima Technology Corporation to the Patents and/or the Power of Attorney; and
- 4. OTC is hereby enjoined from asserting further rights or interests in the Patents and/or Power of Attorney; and
- 5. There is no just reason to delay entry of final judgment as to Optima Technology Corporation under Federal Rule of Civil Procedure 54(b).
 DATED this 18th day of August, 2008.

La Cul

Raner C. Collins United States District Judge

.

dase 4:07-cv-00588-RCC

Document 131

Filed 08/18/2008 Page 2 of 2