

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT  
for the  
Eastern District of Texas

FILED  
2012 NOV 13 3:35  
TEXAS EASTERN

EVOLUTIONARY INTELLIGENCE, LLC

Plaintiff

v.

Apple, Inc.

Defendant

BY \_\_\_\_\_

Civil Action No. 6:12-cv-00783

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Apple, Inc., with its principal place of business at 1 Infinite Loop, Cupertino, CA 95014.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Charles Ainsworth  
Parker, Bunt & Ainsworth, P.C.  
100 E. Ferguson, Suite 1114  
Tyler, TX 75702

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 10/18/12



CLERK OF COURT

David Malone

Signature of Clerk or Deputy Clerk

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Civil Action No. 6:12-cv-00783

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_

I personally served the summons on the individual at \_\_\_\_\_  
**\*\* SEE ATTACHED \*\***  
**\*\*\* AFFIDAVIT \*\*\*** ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

Charles Ainsworth  
PARKER, BUNT & AINSWORTH, P.C.  
100 E. Ferguson, Suite 1114  
Tyler, TX 75702  
TELEPHONE:

Attorneys for : Plaintiff

FILED  
U.S. DISTRICT COURT  
2012 NOV 13 PM 3:35  
TEXAS EASTERN

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

EVOLUTIONARY INTELLIGENCE, LLC.,

Plaintiff(s)

v.

APPLE, INC.,

Defendant(s)

CASE NUMBER:

6:12-CV-00783

**PROOF OF SERVICE  
SUMMONS AND COMPLAINT**  
(Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the (specify documents):

- a.  summons  complaint  alias summons  first amended complaint
- second amended complaint
- third amended complaint

other (specify):

2. Person served:

- a.  Defendant (name): APPLE, INC.,
- b.  Other (specify name and title or relationship to the party/business named):  
Maria Sanchez, C.T. Corporation Systems, Inc., Designated Agent
- c.  Address where papers were served: 818 W. 7th Street, Los Angeles, CA 90017

3. Manner of Service in compliance with (the appropriate box must be checked):

- a.  Federal Rules of Civil Procedure
- b.  California Code of Civil Procedure

4. I served the person named in Item 2:

- a.  By Personal service. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.

1.  Papers were served on (date): 10/23/2012 at (time): 1:40 pm

- b.  By Substituted service. By leaving copies:

1.  (home) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.

2.  (business) or a person apparently in charge of the office of place of business, at least 18 years of age, who was informed of the general nature of the papers.

3.  Papers were served on (date): \_\_\_\_\_ at (time): \_\_\_\_\_

4.  by mailing (by first-class mail, postage prepaid) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).

5.  papers were mailed on (date): \_\_\_\_\_

6.  due diligence. I made at least three (3) attempts to personally serve the defendant.

**PROOF OF SERVICE - SUMMONS AND COMPLAINT**

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- c.  **Mail and acknowledgment of service.** By mailing (*by first-class mail or airmail, postage prepaid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (**Attach completed Waiver of Service of Summons and Complaint**).
- d.  **Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P. 4(h)) (C.C.P. 416.10)** By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e.  **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only)** By leaving during usual office hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (*by first-class mail, postage prepaid*) copies to the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of State requires a court order. (**Attach a copy of the order to this Proof of Service**).
- f.  **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f).
- g.  **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- h.  **Other** (specify code section and type of service):

5. Service upon the **United States, and Its Agencies, Corporations or Officers.**

- a.  by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.

Name of person served:

Title of person served:

Date and time of service: (date): \_\_\_\_\_ at (time): \_\_\_\_\_

- b.  By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- c.  By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (**Attach signed return receipt or other evidence of actual receipt by the person served**).

6. At the time of service I was at least 18 years of age and not a party to this action.

7. Person serving (*name, address and telephone number*):

Wade Lazarus REG LA #20121400333  
 SPECIAL DELIVERY  
 5470 L.B. J. Freeway, Suite 100  
 Dallas, Texas 75240  
 800-352 7290

- a. Fee for service: \$
- b.  Not a registered California process server
- c.  Exempt from registration under B&P 22350(b)
- d.  Registered California process server

8.  I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

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

Date: 10/23/2012



(Signature)

**PROOF OF SERVICE - SUMMONS AND COMPLAINT**

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