

<b>ATTORNEY OR PARTY WITHOUT ATTORNEY (name and Address)</b> Michael A. Kelly (State Bar #71460) Matthew D. Davis (State Bar #141986) Khaldoun A. Baghdadi (State Bar #190111) <b>WALKUP, MELODIA, KELLY &amp; SCHOENBERGER</b> 650 California Street, 26 <sup>th</sup> Floor San Francisco, CA 94108 Telephone No.: (415) 981-7210 <b>ATTORNEY(S) FOR (Name): PLAINTIFF MAXSOUND CORPORATION</b>		<b>FOR COURT USE ONLY</b>
<b>UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA</b> STREET ADDRESS: 450 GOLDEN GATE AVENUE MAILING ADDRESS: CITY AND ZIP CODE: SAN FRANCISCO, CA 94102 BRANCH NAME:		
<b>PLAINTIFF/PETITIONER: MAX SOUND CORPORATION and VEDANTI SYSTEMS LIMITED,</b>  <b>DEFENDANT/RESPONDENT: GOOGLE, INC., YOUTUBE, LLC, and ON2 TECHNOLOGIES, INC.,</b>		<b>CASE NUMBER:</b> <b>3:14-cv-04412-JCS</b>
<b>PROOF OF SERVICE OF SUMMONS</b>		<b>Ref. No. or File No.:</b> <b>3268602</b>
<b>DATE:</b>	<b>TIME:</b>	<b>DEPT:</b>

*(Separate proof of service is required for each party served.)*

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of :
  - a.  summons
  - b.  complaint
  - c.  Alternative Dispute Resolution (ADR) package
  - d.  Civil Case Cover Sheet *(served in complex cases only)*
  - e.  cross-complaint
  - f.  other *(specify documents): PLAINTIFF MAX SOUND CORPORATION'S RULE 7.1 DISCLOSURE STATEMENT; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; CIVIL STANDING ORDERS FOR MAGISTRATE JUDGE JOSEPH C. SPERO; REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK*
3. a. Party served: *(specify name of party as shown on documents served): ON2 TECHNOLOGIES, INC.*
  - b.  Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) *(specify name and relationship to the party named in item 3a): BECKY DEGEORGE – AUTHORIZED TO ACCEPT ON BEHALF OF CSC LAWYERS INCORPORATING SERVICE, AGENT FOR SERVICE OF PROCESS*
4. Address where the party was served: 2710 GATEWAY OAKS DRIVE, SUITE #150N  
SACRAMENTO, CA 95833
5. I served the party *(check proper box)*
  - a.  by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on *(date): 11/20/2014* (2) at *(time): 9:44 AM*
  - b.  by substituted service. On *(date):* \_\_\_\_\_ at *(time)* \_\_\_\_\_ I left the documents listed in item 2 with or in the presence of *(name and title or relationship to the person indicated in item 3b):* \_\_\_\_\_
    - (1)  *(business)* a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
    - (2)  *(home)* a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.

1

- (3)  (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
- (4)  I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): (city): or  a declaration of mailing is attached.
- (5)  I attach a declaration of diligence stating actions taken first to attempt personal service.
- c.  by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid, (1) (date): (2) (city):
- (3)  with two copies of the *Notice and Acknowledgment of Receipt* (form 982(a)(4)) and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt* (form 982(a)(4)).) (Code Civ. Proc., § 415.30.)
- (4)  to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d.  by other means (specify means of service and authorizing code section):  
 Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a.  as an individual defendant
- b.  as the person sued under the fictitious name of (specify):
- c.  as occupant
- d.  on behalf of (specify): ON2 TECHNOLOGIES, INC.  
 under the following Code of Civil Procedure section:  

<input checked="" type="checkbox"/> 416.10 (corporation)	<input type="checkbox"/> 415.95 (business organization, form unknown)
<input type="checkbox"/> 416.20 (defunct corporation)	<input type="checkbox"/> 416.60 (minor)
<input type="checkbox"/> 416.30 (joint stock company/association)	<input type="checkbox"/> 416.70 (ward or conservatee)
<input type="checkbox"/> 416.40 (association or partnership)	<input type="checkbox"/> 416.90 (authorized person)
<input type="checkbox"/> 416.50 (public entity)	<input type="checkbox"/> 415.46 (occupant)
	<input type="checkbox"/> other:

7. Person who served papers

- a. Name: PAUL MCAMIS
- b. Address:  
 Service Provided for:  
 NATIONWIDE LEGAL, LLC  
 859 HARRISON STREET, SUITE A, SAN FRANCISCO, CA 94107 (LA 12-234648)  
 Telephone number: (415) 351-0400
- c. The fee for service was: \$
- d. I am:  
 (1)  not a registered California process server.  
 (2)  exempt from registration under Business and Professions Code section 22350(b).  
 (3)  registered California process server:  
 (i)  owner  employee  independent contractor  
 (ii) Registration No.: 2014-42  
 (iii) County: SACRAMENTO

- 8.  I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
 Or
- 9.  I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 11/21/2014

Name of person who served papers/Sheriff or Marshal

  
 (signature)