

AO 440 (Rev. 10/93) Summons in a Civil Action

United States District Court

Northern DISTRICT OF California

HELIO LLC,

Plaintiff,

E-Filing

SUMMONS IN A CIVIL ACTION

v.

CASE NUMBER:

PALM INC.,

C 06 7754

Defendant.

SBA

TO: (Name and address of defendant)

Palm, Inc. Corporate Headquarters
950 W. Maude Ave.
Sunnyvale, CA 94085

(408) 617-7000 Main Phone
(408) 617-0100 Main Fax

YOU ARE HEREBY SUMMONED and required to serve upon **PLAINTIFF'S ATTORNEY** (name and address)

Kevin C. Trock, Esq.
Kirkpatrick & Lockhart Nicholson Grham LLP
Four Embarcadero Center, 10th Floor
San Francisco, CA 94111

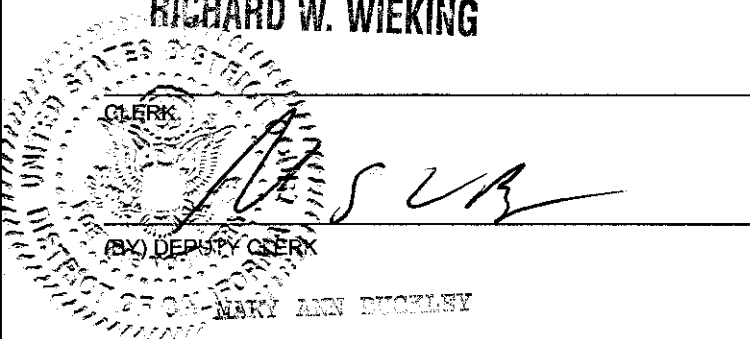
(415) 249-1000 Main
(415) 249-1001 Fax

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

RICHARD W. WIEKING

DEC 19 2006

DATE



MARY ANN BUCKLEY

AO-440

RETURN OF SERVICE

Service of the Summons and Complaint was made by me ¹	DATE
NAME OF SERVER (PRINT)	TITLE

Check one box below to indicate appropriate method of service

- Served personally upon the defendant. Place where served: _____
- Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____
- Returned unexecuted: _____
- Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date

Signature of Server

Address of Server

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

KEVIN C. TROCK (SBN 161787)
KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP
4 Embarcadero Center, 10th Floor
San Francisco, CA 94111
Telephone: (415) 249-1000
Attorney for: Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff: HELIO LLC
Defendant: PALM INC.

Ref#: 205376 * **PROOF OF SERVICE** Case No.: C 06 7754 SBA

At the time of service I was at least eighteen years of age and not a party to this action and I served copies of the:

SUMMONS IN A CIVIL ACTION; CIVIL COVER SHEET; ECF REGISTRATION INFORMATION HANDOUT; NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE TO EXERCISE JURISDICTION; ORDER; COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF (1) TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION IN VIOLATION OF LANHAM ACT 15 U.S.C. § 1125(A); (2) STATE STATUTORY TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION IN VIOLATION OF CALIFORNIA BUS. & PROF. CODE § 14330 ET SEQ., § 14402 ET SEQ. AND § 17200; (3) COMMON LAW TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION; DECLARATION OF HAROLD H. DAVIS, JR. REGARDING NOTICE OF HELIO'S APPLICATION FOR A TEMPORARY RESTRAINING ORDER; PLAINTIFF HELIO LLC'S APPLICATION FOR TEMPORARY RESTRAINING ORDER AND FOR ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE; MEMORANDUM OF OPINIONS AND AUTHORITIES IN SUPPORT; [PROPOSED]ORDER GRANTING PLAINTIFF HELIO LLC'S APPLICATION FOR TEMPORARY RESTRAINING ORDER AND FOR ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE; DECLARATION OF KATHYRN M. WHEBLE IN SUPPORT OF PLAINTIFF HELIO LLC'S APPLICATION FOR TEMPORARY RESTRAINING ORDER AND FOR ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE; DECLARATION OF JESSICA WEEKS IN SUPPORT OF PLAINTIFF HELIO LLC'S APPLICATION FOR TEMPORARY RESTRAINING ORDER AND FOR ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE

in the within action by personally delivering true copies thereof to the person named below, as follows:

Party served : PALM INC. CORPORATE HEADQUARTERS

By serving : Janie Cabello, Receptionist

Address : (Business)
950 W. Maude Ave.
Sunnyvale, CA 94085

Date of Service: December 19, 2006

Time of Service: 3:27 PM

Person who served papers:
ERNEST B. FOXMAN
SPECIALIZED LEGAL SERVICES, INC.
1112 Bryant Street, Suite 200
San Francisco, CA 94103
Telephone: (415) 357-0500

Fee for service: \$138.00
Registered California process server.
(i) Employee or Independent Contractor
(ii) Registration no.: 786
(iii) County: San Francisco

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: December 20, 2006

Signature



KEVIN C. TROCK (SBN 161787)
KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP
4 Embarcadero Center, 10th Floor
San Francisco, CA 94111
Telephone: (415) 249-1000
Attorney for: Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff : HELIO LLC
Defendant : PALM INC.

Ref#: 205376 * **DECLARATION OF MAILING** Case No.: C 06 7754 SBA

At the time of service I was at least eighteen years of age and not a party to this action and I served copies of the:

DOCUMENTS LISTED ON EXHIBIT A ATTACHED HERETO

in the within action by placing true copies thereof in a sealed envelope with first class postage fully prepaid thereon in the United States mail at San Francisco, California, addressed as follows:

PALM INC. CORPORATE HEADQUARTERS

(Business)
950 W. Maude Ave.
Sunnyvale, CA 94085

Date of Mailing: December 20, 2006

Person who served papers:
ERNEST B. FOXMAN
SPECIALIZED LEGAL SERVICES, INC.
1112 Bryant Street, Suite 200
San Francisco, CA 94103
Telephone: (415) 357-0500

Fee for service: \$138.00
Registered California process server.
(i) Employee or Independent Contractor
(ii) Registration no.: 786
(iii) County: San Francisco

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: December 20, 2006

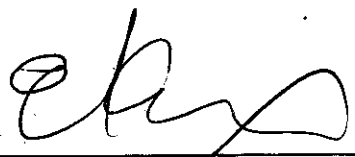
Signature 

EXHIBIT A

SUMMONS IN A CIVIL ACTION;

CIVIL COVER SHEET;

ECF REGISTRATION INFORMATION HANDOUT;

NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE TO EXERCISE JURISDICTION;

ORDER;

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF (1) TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION IN VIOLATION OF LANHAM ACT 15 U.S.C. § 1125(a); (2) STATE STATUTORY TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION IN VIOLATION OF CALIFORNIA BUS. & PROF. CODE § 14330 ET SEQ., § 14402 ET SEQ. AND § 17200; (3) COMMON LAW TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION;

DECLARATION OF HAROLD H. DAVIS, JR. REGARDING NOTICE OF HELIO'S APPLICATION FOR A TEMPORARY RESTRAINING ORDER;

PLAINTIFF HELIO LLC'S APPLICATION FOR TEMPORARY RESTRAINING ORDER AND FOR ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE;

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT;

[PROPOSED]ORDER GRANTING PLAINTIFF HELIO LLC'S APPLICATION FOR TEMPORARY RESTRAINING ORDER AND FOR ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE;

DECLARATION OF KATHYRN M. WHEBLE IN SUPPORT OF PLAINTIFF HELIO LLC'S APPLICATION FOR TEMPORARY RESTRAINING ORDER AND FOR ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE;

DECLARATION OF JESSICA WEEKS IN SUPPORT OF PLAINTIFF HELIO LLC'S APPLICATION FOR TEMPORARY RESTRAINING ORDER AND FOR ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE