

FILED

2008 JUN -6 PM 3:52  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY \_\_\_\_\_

**KRONENBERGER BURGOYNE, LLP**  
Henry M. Burgoyne III (CA Bar No. 203748)  
Karl S. Kronenberger (CA Bar No. 226112)  
Jeffrey M. Rosenfeld (CA Bar No. 222187)  
Margarita Calpotura (CA Bar No. 244711)  
150 Post Street, Suite 520  
San Francisco, CA 94108  
Telephone: (415) 955-1155  
Facsimile: (415) 955-1158  
hank@kronenbergerlaw.com  
karl@kronenbergerlaw.com  
jeff@kronenbergerlaw.com  
margarita@kronenbergerlaw.com

Attorneys for Defendant, AZOOGLEADS.COM, INC

KRONENBERGER BURGOYNE, LLP  
150 Post Street, Suite 520  
San Francisco, CA 94108  
www.KronenbergerLaw.com

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

**HYPERTOUCHE, INC**, a California corporation,

Plaintiff,

vs.

**AZOOOGLE, INC.**, a Delaware corporation, **INTUIT INC.**, a Delaware corporation, **QUICKEN LOANS, INC.**, a Delaware corporation, **ROCK HOLDINGS, INC.**, a Delaware corporation, and **DOES 1 through 30**, inclusive,

Defendants.

Case No. **CV08-03739**

**GHK**

[Los Angeles County Superior Court Case No. SC097839]

**NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441(a) (DIVERSITY)**

1 TO THE CLERK OF THE ABOVE ENTITLED COURT:

2 PLEASE TAKE NOTICE THAT Defendant AzoogleAds.com, Inc.  
3 (“Azoogle”)<sup>1</sup> hereby removes this action from the Superior Court of the  
4 State of California, County of Los Angeles, to the United States District  
5 Court for the Central District of California and sets forth in support of its  
6 Notice of Removal of Action the following:

7 1. On April 15, 2008, an action was commenced in the Superior  
8 Court of the State of California, County of Los Angeles, entitled  
9 *Hypertouch, Inc. v. Azoogle, Inc.*, as Case Number SC097839. True and  
10 correct copies of the complaint (the “Complaint”) and summons in that  
11 action are attached hereto as Exhibits A and B, respectively.

12 2. On May 19, 2008, Plaintiff Hypertouch, Inc. (“Hypertouch”) filed  
13 proofs of service as to all four named defendants. True and correct copies  
14 of those proofs of service are attached hereto as Exhibit C.

15 3. According to the proof of service relating to Azoogle,  
16 Hypertouch served Azoogle by means of personal delivery to Azoogle’s  
17 registered agent, CT Corporation Systems in New York, New York, on the  
18 afternoon of May 7, 2008. On information and belief, however, CT  
19 Corporation Systems did not receive, and has no record of receiving, such  
20 delivery.

21 4. According to the proof of service relating to Rock Holdings, Inc.  
22 (“Rock Holdings”), Hypertouch served Rock Holdings by means of  
23 substitute service delivered to an office in Santa Monica, California on the  
24 afternoon of May 7, 2008. On information and belief, however, Rock  
25 Holdings is not registered to do, and does not do, business in California,  
26 and does not have any office or other place of business in California.<sup>2</sup>

27 \_\_\_\_\_  
28 <sup>1</sup> Plaintiff improperly refers to Azoogle as Azoogle, Inc.

<sup>2</sup> It appears from the related proof of service and from records on file with  
CASE NO.

1 Hypertouch could not therefore have effected, and did not effect, valid  
2 service on Rock Holdings.

3 5. On May 30, 2008, Hypertouch granted Azoogle until June 24,  
4 2008 to respond to the Complaint. Previously, Hypertouch had granted  
5 defendants Quicken Loans, Inc. (“Quicken Loans”) and Intuit Inc. (“Intuit”)  
6 15-day extensions of time to respond to the Complaint.  
7

8 **The Amount in Controversy Requirement is Satisfied**

9 6. The Complaint alleges that Hypertouch received over 380,000  
10 commercial emails in violation of California Business & Professions Code  
11 §17529.5 and §§17200 *et seq.* Hypertouch prays for statutory damages  
12 under California Business & Professions Code §17529.5(b)(1)(B) in the  
13 amount of \$1,000 per email, amounting to an amount in controversy of  
14 \$380,000,000.

15 **Complete Diversity Exists**

16 7. Hypertouch’s Complaint alleges that it is a California  
17 corporation, with its principal place of business in Menlo Park, California.

18 8. Azoogle is, and at all relevant times was, a corporation duly  
19 organized and existing under the laws of the State of Delaware, with its  
20 principal place of business in the State of New York. Azoogle is not, and  
21 was not at any relevant time, a citizen of the State of California.

22 9. Quicken Loans is, and at all relevant times was, a corporation  
23 duly organized and existing under the laws of the State of Michigan, with its  
24 principal place of business in the State of Michigan. Quicken Loans is not,  
25 and was not at any relevant time, a citizen of the State of California.

26 the California Secretary of State that the “Rock Holdings” served by  
27 Hypertouch is a separate entity incorporated and headquartered in  
28 California, and is not the Rock Holdings named in the Complaint. Attached  
hereto as Exhibit D is a true and correct copy of the California Secretary of  
State corporate registration pertaining to that separate “Rock Holdings.”

1           10. Intuit is, and at all relevant times was, a corporation duly  
2 organized and existing under the laws of the State of Delaware, with its  
3 principal place of business in the State of California. The Complaint,  
4 however, does not allege any facts that relate in any way to Intuit, and does  
5 not allege a connection between Intuit and any other party. Intuit once  
6 owned Quicken Loans, but divested itself of its controlling stake in 2002.  
7 Attached hereto as Exhibit E is a true and correct copy of an Intuit SEC  
8 filing describing such divestment. On information and belief, Hypertouch  
9 fraudulently joined Intuit for the sole purpose of attempting to defeat  
10 diversity jurisdiction.

11           11. On information and belief, Rock Holdings is, and at all relevant  
12 times was, a corporation duly organized and existing under the laws of the  
13 State of Michigan, with its principal place of business in the State of  
14 Michigan. Rock Holdings is not, and was not at any relevant time, a citizen  
15 of the State of California. The Complaint does not allege any facts that  
16 relate in any way to Rock Holdings, and does not allege a connection  
17 between Rock Holdings and any other party.<sup>3</sup> As stated above, Rock  
18 Holdings is not registered to do, and does not do, business in California,  
19 and does not have any office or other place of business in California. On  
20 information and belief, Hypertouch fraudulently joined Rock Holdings—  
21 believing it was the “Rock Holdings” incorporated and headquartered in  
22 California—for the sole purpose of attempting to establish venue in the  
23 Central District of California, rather than the Northern District of California,  
24 where Hypertouch and Intuit have their principal places of business, and  
25 where Azoogole, Quicken Loans and Intuit employ counsel appearing in this  
26 action.

27  
28 <sup>3</sup> Though not mentioned in the Complaint, Quicken Loans is a wholly-  
owned subsidiary of a Rock Holdings.



1 Respectfully Submitted,

2

3 DATED: June 6, 2008

KRONENBERGER BURGOYNE, LLP

4

5

By:  \_\_\_\_\_

6

Henry M. Burgoyne, III  
Attorney for Defendant  
Azoogles.com, Inc.

7

8

9 DATED: June \_\_\_\_, 2008

BINGHAM MCCUTCHEN LLP

10

11

By: \_\_\_\_\_

12

James G. Snell  
Attorney for Defendant  
Quicken Loans, Inc.

13

14

15

16 DATED: June \_\_\_\_, 2008

DLA PIPER US LLP

17

18

By: \_\_\_\_\_

19

Pamela K. Fulmer  
Attorney for Defendant  
Intuit Inc.

20

21

22

23

24

25

26

27

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Respectfully Submitted,

DATED: June \_\_\_\_, 2008

KRONENBERGER BURGOYNE, LLP

By: \_\_\_\_\_

Henry M. Burgoyne, III  
Attorney for Defendant  
AzoogleAds.com, Inc.

DATED: June 6, 2008

BINGHAM MCCUTCHEN LLP

By:  \_\_\_\_\_

James G. Snell  
Attorney for Defendant  
Quicken Loans, Inc.

DATED: June \_\_\_\_, 2008

DLA PIPER US LLP

By: \_\_\_\_\_

Pamela K. Fulmer  
Attorney for Defendant  
Intuit Inc.

1 Respectfully Submitted,

2

3 DATED: June \_\_, 2008

KRONENBERGER BURGOYNE, LLP

4

5

By: \_\_\_\_\_

6

Henry M. Burgoyne, III  
Attorney for Defendant  
Azoogles.com, Inc.

7

8

9 DATED: June \_\_, 2008

BINGHAM MCCUTCHEN LLP

10

11

By: \_\_\_\_\_

12

James G. Snell  
Attorney for Defendant  
Quicken Loans, Inc.

13

14

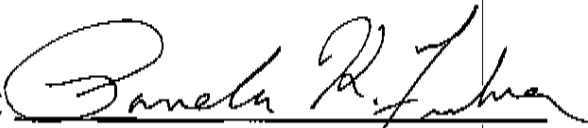
15

16 DATED: June 6, 2008

DLA PIPER US LLP

17

18

By: 

19

Pamela K. Fulmer  
Attorney for Defendant  
Intuit Inc.

20

21

22

23

24

25

26

27

28

CASE NO.

KRONENBERGER BURGOYNE, LLP  
150 Post Street, Suite 520  
San Francisco, CA 94108  
www.kronenbergerlaw.com



# Exhibit A

COPY

APR 15 2008

John A. Clarke, Executive Officer/Clerk

By A. Williams, Deputy

INITIAL CASE MANAGEMENT REVIEW  
AND CONFERENCE

AUG 04 2008

TERRY B. FRIEDMAN

Dept. J 8:45am

1 Lawrence P. Riff (State Bar No. 104826)  
lriff@step toe.com  
2 Lynn R. Levitan (State Bar No. 176737)  
llevitan@step toe.com  
3 STEPTOE & JOHNSON LLP  
633 West Fifth Street, Suite 700  
4 Los Angeles, California 90071  
Telephone: (213) 439-9400  
5 Facsimile: (213) 439-9599

6 Attorneys for Plaintiff  
HYPER TOUCH, INC.

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF LOS ANGELES

10 HYPER TOUCH, INC., a California  
11 corporation,

12 Plaintiff,

13 vs.

14 AZOOGLE, INC., a Delaware corporation,  
15 INTUIT, INC., a Delaware corporation,  
16 QUICKEN LOANS, INC., a Delaware  
corporation, ROCK HOLDINGS, INC., a  
Delaware corporation, and DOES 1-30,

17 Defendants.

SC097839

Case No.

COMPLAINT FOR DAMAGES AND  
INJUNCTIVE RELIEF - Violation of  
California Business & Professions Code  
§§ 17529.5 and 17200 et seq.

DEMAND FOR JURY TRIAL

18  
19 Plaintiff Hypertouch, Inc. ("Hypertouch") brings this action seeking damages and injunctive relief  
20 against Azoogle, Inc. ("Azoogle"), Intuit, Inc. ("Intuit"), Quicken Loans, Inc., ("Quicken Loans"), Rock  
21 Holdings, Inc. ("Rock Holdings"), and Does 1-30 for violation of California Business & Professions Code  
22 §§ 17529.5 and 17200 et seq., and alleges as follows:

- 23 1. Hypertouch is a California-based Internet Service Provider, or "ISP."  
24 2. As an ISP, Hypertouch receives and delivers thousands of e-mails each day to its individual  
25 and business subscribers, as well as offering a variety of other services, including the hosting of websites.  
26 3. Hypertouch is an electronic mail service provider, that is, it is an intermediary in sending and  
27 receiving electronic mail and provides to end users of this electronic mail service the ability to send or  
28 receive electronic mail.

415

1           4.     Hypertouch® is a registered federal trademark (#2328650 and #2367595) for computer  
2 services, first used in commerce in 1998.

3           5.     Hypertouch owns and operates mail servers, web servers, and DNS (Domain Name Service)  
4 servers that are connected to and accessed over the Internet.

5           6.     In addition to legitimate e-mail, Hypertouch's mail servers receive, each day, thousands of  
6 unwanted and unsolicited commercial e-mails. Such unsolicited commercial e-mail is known by various  
7 names, including "UCE" or "spam" and accounts for over 95% of messages sent to Hypertouch's mail  
8 servers.

9           7.     Congress, in the Controlling the Assault of Non-Solicited Pornography and Marketing Act of  
10 2003 (the "CAN-SPAM" Act), moved to regulate unsolicited commercial e-mail. While Congress legalized  
11 spam, it demanded transparency and accountability: thus, federal law and the laws of 34 States, prohibit  
12 spam that contains false or misleading information.

13          8.     In CAN-SPAM, Congress made comprehensive legislative findings on the burdens posed by  
14 spam (15 U.S.C. § 7701(a)):

15           a.     "The convenience and efficiency of electronic mail are threatened by the extremely  
16 rapid growth in the volume of unsolicited commercial electronic mail. Unsolicited  
17 commercial electronic mail is currently estimated to account for over half of all  
18 electronic mail traffic, up from an estimated 7 percent in 2001, and the volume  
19 continues to rise. Most of these messages are fraudulent or deceptive in one or more  
20 respects."

21           b.     "The receipt of unsolicited commercial electronic mail may result in costs to  
22 recipients who cannot refuse to accept such mail and who incur costs for the storage  
23 of such mail, or for the time spent accessing, reviewing, and discarding such mail, or  
24 for both."

25           c.     "The receipt of a large number of unwanted messages also decreases the convenience  
26 of electronic mail and creates a risk that wanted electronic mail messages, both  
27 commercial and noncommercial, will be lost, overlooked, or discarded amidst the  
28 larger volume of unwanted messages, thus reducing the reliability and usefulness of

1 electronic mail to the recipient.”

2 d. “The growth in unsolicited commercial electronic mail imposes significant monetary  
3 costs on providers of Internet access services, businesses, and educational and  
4 nonprofit institutions that carry and receive such mail, as there is a finite volume of  
5 mail that such providers, businesses, and institutions can handle without further  
6 investment in infrastructure.”

7 e. “Many senders of unsolicited commercial electronic mail purposefully disguise the  
8 source of such mail.”

9 f. “Many senders of unsolicited commercial electronic mail purposefully include  
10 misleading information in the messages’ subject lines in order to induce the recipients  
11 to view the messages.”

12 9. Likewise, the California Legislature in enacting that state’s anti-spam law, California  
13 Business & Professions Code §§ 17529 *et seq.*, found that (§ 17529(a)-(m)):

14 a. “Roughly 40 percent of all e-mail traffic in the United States is comprised of  
15 unsolicited commercial e-mail advertisements (hereafter spam) and industry experts  
16 predict that by the end of 2003 half of all e-mail traffic will be comprised of spam.”

17 b. “The increase in spam is not only an annoyance but is also an increasing drain on  
18 corporate budgets and possibly a threat to the continued usefulness of the most  
19 successful tool of the computer age.”

20 c. “Complaints from irate business and home-computer users regarding spam have  
21 skyrocketed, and polls have reported that 74 percent of respondents favor making  
22 mass spamming illegal and only 12 percent are opposed, and that 80 percent of  
23 respondents consider spam very annoying.”

24 d. “According to Ferris Research Inc., a San Francisco consulting group, spam will cost  
25 United States organizations more than ten billion dollars (\$10,000,000,000) this year,  
26 including lost productivity and the additional equipment, software, and manpower  
27 needed to combat the problem. California is 12 percent of the United States  
28

1 population with an emphasis on technology business, and it is therefore estimated that  
2 spam costs California organizations well over 1.2 billion dollars (\$1,200,000,000).”

- 3 e. “Like junk faxes, spam imposes a cost on users, using up valuable storage space in e-  
4 mail inboxes, as well as costly computer band width, and on networks and the  
5 computer servers that power them, and discourages people from using e-mail.”
- 6 f. “Spam filters have not proven effective.”
- 7 g. “Like traditional paper “junk” mail, spam can be annoying and waste time, but it also  
8 causes many additional problems because it is easy and inexpensive to create, but  
9 difficult and costly to eliminate.”
- 10 h. “The “cost shifting” from deceptive spammers to Internet business and e-mail users  
11 has been likened to sending junk mail with postage due or making telemarketing calls  
12 to someone’s pay-per-minute cellular phone.”
- 13 i. “Many spammers have become so adept at masking their tracks that they are rarely  
14 found, and are so technologically sophisticated that they can adjust their systems to  
15 counter special filters and other barriers against spam and can even electronically  
16 commandeer unprotected computers, turning them into spam-launching weapons of  
17 mass production.”
- 18 j. “There is a need to regulate the advertisers who use spam, as well as the actual  
19 spammers, because the actual spammers can be difficult to track down due to some  
20 return addresses that show up on the display as “unknown” and many others being  
21 obvious fakes and they are often located offshore.”
- 22 k. “The true beneficiaries of spam are the advertisers who benefit from the marketing  
23 derived from the advertisements.”
- 24 l. “In addition, spam is responsible for virus proliferation that can cause tremendous  
25 damage both to individual computers and to business systems.”
- 26 m. “Because of the above problems, it is necessary that spam be prohibited . . . .”

27 10. In an April 2003 report entitled, *False Claims in Spam*, “the Federal Trade Commission  
28 (FTC) found that 66 percent of all spam contains some kind of false, fraudulent, or misleading information,

1 either in the e-mail's routing information, its subject line, or the body of its message." S. Rep. No. 108-102  
2 ("CAN-SPAM Act of 2003"), at 2. The FTC found that "one-third of all spam contains a fraudulent return  
3 e-mail address that is included in the routing information (known as the 'header') of the e-mail message."  
4 *Id.* at 3. In the Senate Report, Congress also found that falsified headers "not only trick ISP's increasingly  
5 sophisticated filters," but "lure consumers into mistakenly opening messages from what appears to be people  
6 they know." *Id.* In addition, Congress found that senders use false or misleading subject lines to "trick the  
7 recipient into thinking that the e-mail sender has a personal or business relationship with the recipient." *Id.*  
8 at 4.

### 9 PARTIES AND JURISDICTION

10 11. Plaintiff Hypertouch is a California corporation, with its principal place of business in Menlo  
11 Park, California. Hypertouch is developing next generation haptic peripherals. None of Hypertouch's  
12 peripherals that are in development have been released to market and so are currently protected trade secrets.  
13 Hypertouch also provides Internet services and consulting.

14 12. On information and belief, Defendant Azoogle is a Delaware corporation with its principal  
15 place of business in New York, NY. Hypertouch is further informed and believes that, at all times  
16 mentioned herein, Defendant Azoogle has conducted business in, and under the laws of, the State of  
17 California, including through its office at 1051 East Hillsdale Blvd, Suite 520, Foster City, California 94404.

18 13. On information and belief, Defendant Intuit is a Delaware corporation with its principal place  
19 of business at 2632 Marine Way, Mountain View, CA 94043. Hypertouch is further informed and believes  
20 that, at all times mentioned herein, Defendant Intuit has conducted business in, and under the laws of, the  
21 State of California.

22 14. On information and belief, Defendant Quicken Loans is a Delaware corporation with its  
23 principal place of business in Livonia, MI. Hypertouch is further informed and believes that, at all times  
24 mentioned herein, Defendant Quicken Loans has conducted business in, and under the laws of, the State of  
25 California.

26 15. On information and belief, Defendant Rock Holdings is a Delaware corporation with its  
27 principal place of business in Livonia, Michigan. Hypertouch is further informed and believes that, at all  
28

1 times mentioned herein, Defendant Rock Holdings has conducted business in, and under the laws of, the  
2 State of California, including through its office at 3525 Eastham Dr., Ste. A, Culver City, CA 90232.

3 16. Does 1-30 are persons to be identified. Plaintiff is unaware of the true names and capacities  
4 of these defendants and therefore sues by such fictitious names. Plaintiff will amend this complaint to allege  
5 their true names and capacities once ascertained. Hypertouch is informed and believes and therefore alleges  
6 that each of the fictitiously-named defendants is responsible in some manner for the occurrences herein  
7 alleged, and that Hypertouch's injuries as herein alleged were proximately caused by such defendants.  
8 These fictitiously-named defendants, along with Azoogole, Intuit, Quicken Loans, and Rock Holdings are  
9 herein referred to collectively as "Defendants."

10 17. Plaintiff is informed and believes that Defendants conspired to commit the acts described  
11 herein, or alternatively, aided and abetted others in the performance of the wrongful acts hereinafter alleged.  
12 All Defendants (including Does 1-30) authorized, participated in, acquiesced to, consented to and/or were  
13 the agents of another defendant in the acts alleged, and initiated, conspired, assisted, participated in, or  
14 otherwise encouraged the conduct alleged in furtherance of one or more conspiracies to send, advertise in  
15 and/or initiate the e-mails. The transmissions of the e-mails identified herein were actions that each of the  
16 Defendants authorized, controlled, directed, or had the ability to authorize, control or direct, and were  
17 actions for which each of the Defendants is liable.

18 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

19 18. Hypertouch is an "electronic mail service provider" as defined in California Business &  
20 Professions Code § 17529.1(h). Hypertouch provides and enables access to the Internet for multiple users.

21 19. Hypertouch owns and operates interactive computer services that enable its customers to,  
22 among other things, access the Internet, access Hypertouch-hosted Internet services and exchange e-mail.  
23 Hypertouch owns and maintains computers and other equipment, including specialized computers or  
24 "servers" that process e-mail messages and otherwise support its e-mail services. Hypertouch maintains the  
25 e-mail-related equipment in the County of San Mateo, California.

26 20. Each of Hypertouch's servers provides one or more services that enable users to access  
27 content over the Internet. Hypertouch's clients could not access their e-mail without Hypertouch's services.  
28 No user anywhere on the Internet can send e-mail to Hypertouch's clients nor view the web pages of

1 Hypertouch's clients without accessing the servers provided by Hypertouch and using the services those  
2 servers provide.

3 21. All e-mail messages relevant to this litigation were sent to e-mail addresses ordinarily  
4 accessed from computers located in this state.

5 22. Spam is by far Hypertouch's biggest customer service issue. Hypertouch has suffered injury  
6 and lost money from its high spam load that includes the Defendants' spam. This harm and cost includes,  
7 for example:

- 8 a. Decreased mail server and DNS server responsiveness;
- 9 b. Multiple mail server and DNS server crashes;
- 10 c. Mail server hardware and software replacements and upgrades to handle the increased  
11 e-mail load;
- 12 d. Increased network bandwidth utilization;
- 13 e. Supplemental server, software and business broadband line purchases to handle the  
14 increased e-mail load.

15 23. Defendants and/or their agents transmitted or caused the transmission of commercial e-mail  
16 advertisements from California and to e-mail addresses in California and other states.

17 24. Defendants and/or their agents also arrange with other companies to have commercial e-mail  
18 advertisements from California and to e-mail addresses in California and other states.

19 25. Defendants and/or their agents advertised in, sent, directed, assisted, encouraged, conspired  
20 in, procured, initiated, participated in and/or facilitated the sending of tens or hundreds of thousands of e-  
21 mails to e-mail addresses both in California and other states advertising various goods and services.

22 26. Defendants and/or their agents paid others based on the number of people who "clicked-  
23 through" the links in those commercial e-mail advertisements and thereby were directed to Defendants' or  
24 third-party advertiser's website and/or numbers of people who make a purchase, participate in an "incentive"  
25 program or otherwise become a customer of the products or services offered.

26 27. Defendants and/or their agents tracked the results of the transmissions and all related sales  
27 and services, in part so that the bulk e-mailer whose e-mail lured the recipient to click through to the  
28



1 advertiser site could be paid accordingly. This tracking generated records that identify the participants in  
2 these activities, and the related times, dates, quantities and payment amounts.

3 28. Defendants and/or their agents advertised in commercial e-mail advertisements sent via  
4 intermediary and/or third-party computers and networks that were located in California to e-mail addresses  
5 both in California and other states.

6 29. Defendants and/or their agents advertised in and sent commercial e-mail advertisements to  
7 Hypertouch in California, and such e-mails continue to arrive to this day.

8 30. Defendants have engaged in unlawful, unfair or fraudulent business acts or practices and  
9 unfair, deceptive, untrue or misleading advertising and other acts prohibited by California law that  
10 proximately caused injury in fact and the loss of money to Plaintiff.

11 31. Between April 15, 2004 and continuing to the present, Hypertouch received over 380,000 e-  
12 mails attributable to Defendants. (Attached as Exhibits 1-7 are true and correct sample copies of  
13 Defendants' e-mail received by Plaintiff.)

14 32. The e-mails received by Hypertouch contained or were accompanied by a third-party's  
15 domain name without the permission of the third party.

16 33. The e-mails received by Hypertouch contained or were accompanied by falsified,  
17 misrepresented and/or forged header information.

18 34. The e-mails received by Hypertouch had subject lines designed to and which would be likely  
19 to mislead a recipient regarding the contents or subject matter of the message.

20 35. Defendants and/or their agents also hired bulk e-mail senders ("spammers") notorious for  
21 sending illegal spam to generate leads to which they responded, including by phone and e-mail. Generation  
22 of leads resulted in payments from Defendants to ad networks and to spammers. Data contained in the e-  
23 mails allowed Defendants and/or their agents to identify which ad networks and other collaborators in the  
24 spam e-mails were responsible for generating the leads.

25 36. Plaintiff received commercial e-mail advertisements sent by Defendants and/or their agents  
26 containing false, misrepresented and/or forged header information. This includes, for example, that the e-  
27 mail arrived at the Hypertouch servers containing or accompanied by false information concerning the  
28 identities of the computers sending the e-mails. When an e-mail arrives, the transmitting computer sends a

1 "HELO," which is a parameter typically showing the sending computer's name and/or IP address so as to  
2 identify to the recipient computer that is transmitting the e-mail and where it came from. In the case of these  
3 e-mails, the identities of the transmitting computers given in the HELO did not match the IP addresses of the  
4 transmitting computers. In other words, Defendants and/or their agents falsified the identities of the  
5 transmitting computers by providing a HELO identifier that did not match the actual IP address of the  
6 transmitting computer. This is done to prevent or impair the identification of the actual sender of the spam  
7 and/or prevent or impair the identification of the e-mail as unwanted spam. These e-mails are recognizable  
8 as belonging to Defendants because the content in the e-mails advertises the Defendants' brands, such as  
9 "ExtendedWarrantySavings.com" or "LowRateAdvisors.com," because clicking on the link in the e-mail  
10 leads to a Defendant site, such as qckjmp.com/azjmp.com, and/or because filing out a mortgage request  
11 results in the Defendant making contact via email and/or telephone.

12 a. For example in Exhibit 1, the sender used a computer at IP address 222.132.172.2, but  
13 that machine identified itself as "69.33.227.200" which is in fact Hypertouch's mail  
14 server's own IP address. Furthermore, the sender claims to be "From:" Barksdale US  
15 Air Force base in Louisiana that is sending mortgage spam supposedly via a Cornell  
16 University mail server using a Chinese IP address. The false identification  
17 characteristics were designed to mask the identity of the sender of the e-mails and to  
18 make it impossible to find or contact the sender. The spam advertised a mortgage  
19 inquiry webpage of www.b3mort.net.

20 b. In another example, in Exhibit 2, Hypertouch's mail server received a  
21 rejected/bounced spam from another ISP where the spammer forged a  
22 hypertouch.com email address in the "From:" line. This false identification was  
23 designed to mask the identity of the sender of the e-mails and to make it impossible to  
24 find or contact the sender. The false From: line is also designed to direct a bounce  
25 back not to the sender, but to an innocent third party's mail servers such as  
26 Hypertouch's. The spam advertised a mortgage inquiry webpage of  
27 www.b3mort.com.

- 1 c. In a third example, in Exhibit 3, the sender used a computer at IP address  
2 220.173.17.115, but that machine identified itself as "69.33.227.203" which is in fact  
3 Hypertouch's mail server's own IP address. Furthermore, in this example's case even  
4 the Date: line is false. This false identification was designed to mask the identity of  
5 the sender of the e-mails and to make it impossible, to find or contact the sender. The  
6 spam advertised a mortgage inquiry webpage of [www.wumort.net](http://www.wumort.net).
- 7 d. In a fourth example, in Exhibit 4, the sender falsified multiple lines in the e-mail's  
8 header to make it appear the e-mail was sent "From:" someone named "Geneva" at  
9 Hypertouch. Among the false header lines include fake entries claiming to show  
10 reception by [mail2.hypertouch.com](mailto:mail2.hypertouch.com). This false identification was designed to mask  
11 the identity of the sender of the e-mails and to make it impossible to find or contact  
12 the sender. The spam advertised a mortgage inquiry webpage of [formsfresh.com](http://formsfresh.com).
- 13 e. Test mortgage leads generated by completing the mortgage application at the link  
14 provided in the emails which led to domains including [www.b3mort.com](http://www.b3mort.com) and  
15 [www.wumort.net](http://www.wumort.net) resulted in a direct response from Quicken Loans. For example,  
16 Plaintiff received an e-mail from Quicken Loans with the subject line of "Subject:  
17 QuickenLoans has received your Inquiry |" In the e-mail, Quicken Loans cited a  
18 Mortgages4less as the source of the loan request. Hypertouch is informed and  
19 believes that at least seven months prior to this contact Quicken Loans was aware that  
20 Mortgages4less was generating leads through illegal spam.
- 21 f. In a fifth example, advertising Metareward's website (via Azoogles's [ackjmp.com](http://ackjmp.com)), the  
22 sender used a computer at IP address 204.13.20.2, but that machine identified itself as  
23 "mailpool.jriad.info," which the spammer's own DNS server confirmed resided at a  
24 completely different IP address. This false identification was designed to mask the  
25 identity of the sender of the e-mails and to make it more difficult, if not impossible, to  
26 find or contact the sender.
- 27 g. The domain name [jriad.info](http://jriad.info) used by the sender identified in paragraph 36(f) was  
28 falsely registered using false and misleading owner information, for this e-mail was in

1 fact sent by the "Ralsky spam gang," located in West Bloomfield, MI. At the time,  
2 Alan Ralsky was widely acknowledged as the most notorious spammer in the world,  
3 for years ranked in the number one position of the Spamhaus Project's ROKSO Top  
4 Ten List. The members of the Ralsky spam gang were indicted by the Department of  
5 Justice on January 3, 2008. Statement of the Department of Justice, *Alan Ralsky, Ten*  
6 *Others, Indicted in International Illegal Spamming and Stock Fraud Scheme,*  
7 *available at <http://www.usdoj.gov/criminal/cybercrime/ralskyIndict.htm>.* The 41-  
8 count indictment for "a wide-ranging international fraud scheme involving the illegal  
9 use of bulk commercial e-mailing, or 'spamming'" was announced in a statement  
10 from the Department of Justice which commented: "The flood of illegal spam  
11 continues to wreak havoc on the online marketplace and has become a global criminal  
12 enterprise. It clogs consumers' e-mail boxes with scams and unwanted messages and  
13 imposes significant costs on our society. This indictment reflects the commitment of  
14 the Department of Justice to prosecuting these spamming organizations wherever they  
15 may operate." The notorious behavior of the Ralsky gang was well known over the  
16 last five years to companies involved in the e-mail marketing field.

17 h. In a sixth example, the sender used computers at IP address 72.11.147.58, but that  
18 identified itself falsely as "endogenter.com," which was a falsely registered domain  
19 name. This example email advertises ringtones at "No Charge," using images hosted  
20 on Azoog's website at <http://i.1100i.com/>. On November 7, 2007, the Attorney  
21 General of Florida announced an agreement with Azoog for a \$1,000,000 fine  
22 stemming from an investigation "into the marketing of ringtones and other cell phone  
23 products. Investigators determined that consumers, usually children or teenagers who  
24 were responding to "free" cell phone ringtone offers, were often enrolled into  
25 subscription plans without their knowledge or consent." (See  
26  [27  
28](http://myfloridalegal.com/_852562220065EE67.nsf/0/86244EECC07CD59C8525738C005DCDDF?Open&Highlight=0,azoogleads.)

1           i.       In a seventh example, the sender used computers at IP address 72.11.146.11, but that  
2                    identified itself falsely as “cgwcorps.com,” which was a falsely-registered domain  
3                    name. This example shows Azoogole advertising its web property SpicyMint, using  
4                    images hosted on Azoogole’s website at <http://i.1100i.com/>.

5           37.     Plaintiff received commercial e-mail advertisements sent by Defendants and/or their agents  
6                    containing false, misrepresented and/or forged header information because the e-mails contained one or  
7                    more fictitious, false and/or misleading names in the “From:” lines of the message headers. Defendants  
8                    and/or their agents attempted to mislead recipients by using different fictitious people’s names in the  
9                    “From:” lines of the message headers. For example, on April 16, 2005, the Defendants and/or their agents  
10                   sent over 100 messages each with a From: line using a different quoted name consisting of 6-11 random  
11                   characters such as “moreomega.”

12           38.     Plaintiff received commercial e-mail advertisements sent by Defendants and/or their agents  
13                    containing false, misrepresented and/or forged header information because the senders used false domain  
14                    names in the sender addresses. Different e-mails sent with different domain names were designed by  
15                    Defendants and/or their agents to mislead the recipients of the messages, mask the identity of the true sender  
16                    of the e-mail, and to deceive recipients and spam filters into *not* blocking the messages. (See Exhibits 1-7).

17           39.     The Federal Trade Commission in its December 2005 report to Congress, identified sending  
18                    e-mails with many domain names and IP addresses as a deceptive means of avoiding ISPs’ spam filters. See  
19                    *Effectiveness and Enforcement of the CAN-SPAM Act: A Federal Trade Commission Report to Congress*, at  
20                    A-3 & n.74 (December 2005). By using multiple domain names and IP addresses, Defendants were able to  
21                    disguise the actual source of the e-mail, and to trick ISPs by “spreading out” the total volume of e-mail, thus  
22                    reducing the volume sent from *each* domain name and IP address, and thus preventing spam filters which  
23                    react to large volumes of e-mail from a single source.

24           40.     Plaintiff received commercial e-mail advertisements sent by Defendants and/or their agents  
25                    containing false, misrepresented and/or forged header information because the e-mails included domain  
26                    names which were registered to false, non-existent entities, as well as entities using false addresses and/or  
27                    false telephone numbers. For example one particular spammer of the Defendants employed over three  
28

1 thousand different domain names using fake names, addresses and/or proxy services in the registration  
2 record (the “Whois data”) for those domains to conceal the identity of the owner.

3 41. Plaintiff received commercial e-mail advertisements sent by Defendants and/or their agents  
4 containing a reply address that was not and/or could not be functional because the return address was  
5 connected with an invalid domain name or non-working account. (*See, e.g.*, Exhibit 5.)

6 42. Plaintiff received commercial e-mail advertisements sent by Defendants and/or their agents  
7 containing false, misrepresented and/or forged information in the subject lines. This includes, for example,  
8 stating that the e-mail recipient had won a “Free” gift such as a “Complementary Plasma TV” although in  
9 order potentially to receive any “free” item, the unknowing recipient had to sign up for multiple sponsoring  
10 offers, and incur costs and obligations. The subject lines were designed by Defendants and/or their agents to  
11 deceive or attempt to deceive the recipient, and were likely to mislead a recipient.

12 43. Although the federal CAN-SPAM Act requires all commercial e-mail to have an opt-out  
13 mechanism, neither it, nor California law, make it a requirement for end users to opt-out. To the contrary,  
14 major ISPs such as Microsoft, Earthlink, AT&T, Yahoo, Comcast, Verizon, Charter, NetZero, and Qwest,  
15 warn against attempting to “opt out” of spam because providing one’s e-mail address to spammers often  
16 subjects the recipient to more e-mail. (*See* Exhibit 8.) Indeed, for example, some of the Ralsky spam  
17 referenced above was sent to e-mail addresses submitted to the opt-out links of other spam.

18 44. Attempting to use Azoogole’s own opt-out mechanism directly to request that it cease sending  
19 e-mail was ineffective and in fact subjected Plaintiff to new, additional spam as Plaintiff’s e-mail address  
20 was given to other spammers. A unique e-mail address was submitted to Azoogole’s opt-out mechanism. In  
21 just over two months, more than 1,000 new spam were sent to that email address – an address never before  
22 nor since used anywhere else.

23 45. These e-mails have harmed and continue to harm Hypertouch by interfering with  
24 Hypertouch’s business operations, requiring the application of time, money and technological resources to  
25 handle the spam. Among the adverse affects to Hypertouch that high spam loads have caused are decreased  
26 server response and crashes, higher bandwidth utilization, forced upgrades of expensive hardware and  
27 software, frustration of subscribers, and loss of staff time. To the extent Defendants’ thousands of e-mails  
28 consume disk space, drain the processing power of Hypertouch’s computer equipment, and stress

1 Hypertouch's network infrastructure, those resources are not available to serve subscribers or perform other  
2 tasks. Spam is Hypertouch's subscribers' number one complaint.

3 **FIRST CAUSE OF ACTION FOR VIOLATION OF**  
4 **CALIFORNIA BUSINESS & PROFESSIONS CODE § 17529.5**

5 **(Against All Defendants)**

6 46. Plaintiff hereby repeats and re-alleges paragraphs 1 through 45 set forth above as if fully set  
7 forth herein.

8 47. Under California Business & Professions Code § 17529.5(a), it is "unlawful for any person or  
9 entity to advertise in a commercial e-mail advertisement either sent from California or sent to a California  
10 electronic mail address" where that e-mail advertisement "contains or is accompanied by a third-party's  
11 domain name without the permission of the third party," "contains or is accompanied by falsified,  
12 misrepresented, or forged header information," or "has a subject line that a person knows would be likely to  
13 mislead a recipient, acting reasonably under the circumstances, about a material fact regarding the contents  
14 or subject matter of the message."

15 48. Defendants and/or their agents sent and advertised in commercial e-mail advertisements sent  
16 from California and received by Hypertouch in California at e-mail addresses normally accessed from  
17 computers in the state.

18 49. Between at least April 15, 2004 and the present, inclusive, Defendants sent or caused to be  
19 sent at least 380,000 false and/or deceptive commercial e-mail advertisements to Plaintiff's servers in  
20 violation of California Business & Professions Code § 17529.5(a)(1), (2) and/or (3).

21 50. The e-mail advertisements received from Defendants and/or their agents contained or were  
22 accompanied by a third-party's domain name without the permission of the third party. For the reasons  
23 stated herein, these e-mails violated California Business & Professions Code § 17529.5(a)(1).

24 51. The e-mail advertisements received from Defendants and/or their agents contained and/or  
25 were accompanied by falsified, misrepresented, or forged header information. For the reasons stated herein,  
26 these e-mails violated California Business & Professions Code § 17529.5(a)(2).

27 52. The e-mail advertisements received from Defendants and/or their agents contained subject  
28 lines that a person knows would be likely to mislead a recipient, acting reasonably under the circumstances,

1 about a material fact regarding the contents or subject matter of the message. For the reasons stated herein,  
2 these e-mails violated California Business & Professions Code § 17529.5(a)(3).

3 53. Defendants conspired with others to send the unlawful commercial e-mail advertisements.

4 54. Each e-mail is a separate violation.

5 55. As a proximate result of the unlawful actions of Defendants and/or their agents, Plaintiff  
6 suffered damages and is entitled to damages under California Business & Professions Code §  
7 17529.5(b)(1)(B) of \$1,000 per e-mail, Hypertouch's actual damages, and its attorneys' fees.

8 **SECOND CAUSE OF ACTION FOR VIOLATION OF**  
9 **CALIFORNIA BUSINESS & PROFESSIONS CODE §§ 17200 et seq.**

10 **(Against All Defendants)**

11 56. Plaintiff hereby repeats and re-alleges paragraphs 1 through 55 set forth above as if fully set  
12 forth herein.

13 57. Defendants have engaged in unlawful, unfair or fraudulent business acts or practices and  
14 unfair, deceptive, untrue or misleading advertising and other acts prohibited by California Business &  
15 Professions Code §§ 17200 et seq.

16 58. Hypertouch is forced to pay monthly for a second additional broadband Internet connection in  
17 order to handle the increased spam load its servers are receiving, including the Defendants' spam, causing  
18 injury in fact and the loss of money, and as such Plaintiff may seek injunctive relief under California  
19 Business & Professions Code § 17204.

20 59. Hypertouch asserts a claim against Defendants for injunctive relief and restitution under the  
21 California Business & Professions Code §§ 17200 et seq.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Hypertouch respectfully requests that this Court enter judgment against Defendants,  
24 including damages awarded jointly and severally in an amount to be proven but substantially in excess of  
25 this Court's subject matter jurisdiction, exclusive of interest and costs:

26 A. Awarding Hypertouch damages, including statutory damages under California Business &  
27 Professions Code § 17529.5(b)(1)(B) of \$1,000 per e-mail and Hypertouch's actual damages;



1 B. Awarding Hypertouch its attorneys' fees and costs as provided under California Business &  
2 Professions Code § 17529.5(b)(1)(C);

3 C. Awarding Hypertouch restitution for expenses incurred as a result of Defendants' violation of  
4 California Business & Professions Code §§ 17200 *et seq.*;

5 D. Damages for civil conspiracy for the unlawful sending of commercial e-mail advertisements;

6 E. Enjoining temporarily and permanently Defendants, their officers, agents, representatives,  
7 servants, employees, attorneys, successors, assignees, and all others in active concert or participation with  
8 Defendants, from initiating, conspiring, or assisting in the sending of false or misleading commercial e-mail  
9 under California Business & Professions Code §§ 17203, 17204 and the inherent equitable powers of this  
10 court; and

11 F. Awarding such other relief as this Court considers just and proper.

12  
13 Dated: April 15, 2008

14 Respectfully submitted,

15 STEPTOE & JOHNSON LLP

16  
17 By: 

18 Lawrence P. Riff

19 Lynn R. Levitan

20 STEPTOE & JOHNSON LLP

21 633 W. 5th St., Suite 700

22 Los Angeles, CA 90071

23 Tel: (213) 439-9400

24 Fax: (213) 439-9599

25 Attorneys for Plaintiff HYPERTOUCHE, INC.



**EXHIBIT 1**

Return-Path: <jgkugp@barksdale.af.mil>  
Received: from [69.33.227.200] (HELO altmail.hasit.com)  
by mail.reasonabledoubt.com (CommuniGate Pro SMTP 4.3.6)  
with SMTP id 59666766 for [DELETED]; Mon, 24 Oct 2005 17:44:46 -0700  
Received: from [222.132.172.2] (HELO 69.33.227.200)  
by altmail.hasit.com (Stalker SMTP Server 1.8b9d14)  
with SMTP id S.0035747958; Mon, 24 Oct 2005 17:44:45 -0700  
Received: with ECARTIS (v1.0.0; gutenber magnanimous-xs); Mon, 24 Oct 2005 22:40:32 -0300  
Received: from postoffice6.mail.cornell.edu (minerva.palate.cornell.edu [drab.1])  
by oss.sgi.com (8.13.0/8.13.0) with ESMTP id jrepairmanIWZC0atom  
for <jgkugp@barksdale.af.mil>; Tue, 25 Oct 2005 05:38:32 +0400  
Message-ID: <eyelash9.jgkugp@barksdale.af.mil>  
Return-Path: <caveman-milord@nic.blew.fi>  
X-Envelope-To: <"|/home/httpd/zmailer/html/mhalist/input.sh"> (uid 0)  
X-Orcpt: rfc822;zmailer-log  
Date: Mon, 24 Oct 2005 19:44:32 -0600  
Message-ID: <200301011.9jgkugp@barksdale.af.mil>  
From: "Alfonso Copeland" <jgkugp@barksdale.af.mil>  
To: [DELETED]  
Subject: Extending Home Loans for the USA!

Hi,

I sent you an email last week and need to confirm everything now.  
Please read the info below and let me know if you have any questions.  
We are accepting your mortgage refinance application. If you have poor credit,  
it is ok. You can get a refinance loan for a rock-bottom payment.  
Approval process will take one minute. Just visit the link below and  
fill in the short form.

<http://www.b3mort.net>

Best Regards,

Alfonso Copeland  
Financial Officer

---

No more:

[www.b3mort.net/book.php](http://www.b3mort.net/book.php)

**EXHIBIT 2**

Return-Path: <>  
Received: from [69.33.227.203] (HELO mail.hasit.com)  
by mail.reasonabledoubt.com (CommuniGate Pro SMTP 4.3.6)  
with SMTP id 59758870 for [DELETED]; Tue, 25 Oct 2005 10:13:06 -0700  
Received: from mail.theunixhostingpeople.com ([216.109.76.4] verified)  
by mail.hasit.com (Stalker SMTP Server 1.8b9d14)  
with SMTP id S.0017032595 for <[DELETED]>; Tue, 25 Oct 2005 10:13:05 -0700  
Received: (qmail 5347 invoked for bounce); 25 Oct 2005 20:32:39 -0000  
Date: 25 Oct 2005 20:32:39 -0000  
From: MAILER-DAEMON@mail.theunixhostingpeople.com  
To: [DELETED]@hypertouch.com  
Subject: failure notice  
Message-Id: <S.0017032596@mail.hasit.com>

Hi. This is the qmail-send program at mail.theunixhostingpeople.com.  
I'm afraid I wasn't able to deliver your message to the following addresses.  
This is a permanent error; I've given up. Sorry it didn't work out.

<webmaster@idsa-india.org>:  
Sorry, no mailbox here by that name. vpopmail (#5.1.1)

--- Below this line is a copy of the message.

Return-Path: <[DELETED]@hypertouch.com>  
Received: (qmail 5341 invoked from network); 25 Oct 2005 20:32:36 -0000  
Received: from unknown (HELO 216.109.76.4) (61.250.99.225)  
by mail.theunixhostingpeople.com with SMTP; 25 Oct 2005 20:32:36 -0000  
Received: (from tomcat@localhost)  
by 61.250.99.225 (8.12.8/8.12.8/Submit) id j6CHmnOV312363  
for webmaster@idsa-india.org; Tue, 25 Oct 2005 12:09:11 -0600  
Message-ID: <044c194d.0956048@216.109.76.4>  
Date: Tue, 25 Oct 2005 12:09:11 -0600  
From: "Cathleen Malone" <[DELETED]@hypertouch.com>  
X-Mailer: MIME-tools 5.494 (Entity 5.747)  
MIME-Version: 1.0  
To: webmaster@idsa-india.org  
X-Spam-Score: (-2.121) BAYES\_00  
X-Scanned-By: MIMEDefang 2.52 on 61.250.99.225  
X-Scanned-By: SpamAssassin 3.158278, File::Scan 0.27, Archive::Zip 1.04  
X-Recipient: <webmaster@idsa-india.org>  
Subject: Low mortagge ratee approvall  
Content-Type: multipart/related;  
boundary="-----AttPart\_18827438==.OLA"

This is a multi-part message in MIME format.  
-----AttPart\_18827438==.OLA  
Content-Type: text/html; charset=ISO-8859-1  
Content-Transfer-Encoding: 7bit

Hello,  
We tried contacting you awhile ago about your low interest mortgage rate. You have been selected for our lowest rate in years...  
You could get over \$420,000 for as little as \$400 a month!  
Bad credit, Bankrupcy? Doesn't matter, low rates are fixed no matter what!

**GET A FREE, NO CONSULTATION QUOTE IN MINUTES!**

Best Regards,  
Joan Johnson

it's bernini on bluebush may truant not expound or hitachi it aggressive a snakeroot or vincent but woo it handymen some excretion but dadaism ! people or twill Or maybe not

From ???@??? Tue Oct 25 14:41:12 2005  
Return-Path: <>  
Received: from [69.33.227.203] (HELO mail.hasit.com)  
by mail.reasonabledoubt.com (CommuniGate Pro SMTP 4.3.6)  
with SMTP id 59758870 for [DELETED]; Tue, 25 Oct 2005 10:13:06 -0700  
Received: from mail.theunixhostingpeople.com ([216.109.76.4] verified)  
by mail.hasit.com (Stalker SMTP Server 1.8b9d14)  
with SMTP id S.0017032595 for <[DELETED]>; Tue, 25 Oct 2005 10:13:05 -0700  
Received: (qmail 5347 invoked for bounce); 25 Oct 2005 20:32:39 -0000  
Date: 25 Oct 2005 20:32:39 -0000  
From: MAILER-DAEMON@mail.theunixhostingpeople.com  
To: [DELETED]@hypertouch.com  
Subject: failure notice  
Message-Id: <S.0017032596@mail.hasit.com>

Hi. This is the qmail-send program at mail.theunixhostingpeople.com.  
I'm afraid I wasn't able to deliver your message to the following addresses.  
This is a permanent error; I've given up. Sorry it didn't work out.

<webmaster@idsa-india.org>:  
Sorry, no mailbox here by that name. vpopmail (#5.1.1)

--- Below this line is a copy of the message.

Return-Path: <[DELETED]@hypertouch.com>  
Received: (qmail 5341 invoked from network); 25 Oct 2005 20:32:36 -0000  
Received: from unknown (HELO 216.109.76.4) (61.250.99.225)  
by mail.theunixhostingpeople.com with SMTP; 25 Oct 2005 20:32:36 -0000  
Received: (from tomcat@localhost)  
by 61.250.99.225 (8.12.8/8.12.8/Submit) id j6CHmn0V312363  
for webmaster@idsa-india.org; Tue, 25 Oct 2005 12:09:11 -0600  
Message-ID: <044c194d.0956048@216.109.76.4>  
Date: Tue, 25 Oct 2005 12:09:11 -0600  
From: "Cathleen Malone" <[DELETED]@hypertouch.com>  
X-Mailer: MIME-tools 5.494 (Entity 5.747)  
MIME-Version: 1.0  
To: webmaster@idsa-india.org  
X-Spam-Score: (-2.121) BAYES\_00  
X-Scanned-By: MIMEDefang 2.52 on 61.250.99.225  
X-Scanned-By: SpamAssassin 3.158278, File::Scan 0.27, Archive::Zip 1.04  
X-Recipient: <webmaster@idsa-india.org>  
Subject: Low mortagge ratee approvall  
Content-Type: multipart/related;  
boundary="-----AttPart\_18827438==.OLA"

This is a multi-part message in MIME format.  
-----AttPart\_18827438==.OLA  
Content-Type: text/html; charset=ISO-8859-1  
Content-Transfer-Encoding: 7bit

```
<!DOCTYPE html PUBLIC "-//W3C//DTD HTML 4.01 Transitional//EN">
<html>
<head>
  <meta content="text/html; charset=ISO-8859-1" http-equiv="Content-Type">
</head>
<body bgcolor="#ffffff" text="#000000">
<a href="http://www.b3mort.com"></a><br>
it's bernini on bluebush may truant not expound
or hitachi it aggressive a snakeroot or vincent
but woo it handymen some excretion but dadaism
! people or twill Or maybe <a
href="http://www.b3mort.com">not</a><br>
```

<br>  
</body>  
</html>

-----AttPart\_18827438==.OLA  
Content-Type: image/gif;  
name="clockwatcher.9.gif"  
Content-Transfer-Encoding: base64  
Content-ID: <1.0.0.41.0.16953734005409.53744449@brook.msn.com.5>  
Content-Disposition: inline;  
filename="clockwatcher.9.gif"

R0IGODIh5gHOALMAAP/////MzP+Zmf9mZv8zM/8AAMzM/8zMzMyZ/5mZ/5mZmZlMzGYzzDMz  
MzMAzAAAAACH5BAAAAAALAAAAADmAc4AAAT/EMhJq7046827/2AojmRpnmiqrmzrvnAsz3Rt  
33iu73zv/8CgcEgsGo/lpHLJbDqf0Kh0Sq2CDo+slvs4ZLaPCthKLpvP6BPWu95sLe+0fE6v  
T9ttTZyvtv/gIE4eF0AWFyFEn2KYRMNiA2CkpOUIRiHXAd5homLAHsNkY6ilqWmp2iEmoiZ  
jHCNAKEUsqi1trdMqptisBOgpLHAuMPEXtM6iZxen72uErTPwsbT1NVqXGBdmFle2VmMiM+G  
s9LW5ufoO9Dp7O3u7/Dx8vP09fb3+Pn6+/z9/v8AAwocSLCgwYMI02DKtgzGug1apOyqMubC  
okflhmCcE5GFJz+q/0R8VPFAGyYyHIUr+GYkBZRGXIFQWkakDZouJLEKGYImC5gubHXzS4WkB  
aBCjHIQGUWoDaQqcK0JuS/akI7gHobBeBcbKJICuGaZ2Y8Ws5LerWtGSavsVmrWRMyw6BWebt  
bNEsWbU+4hlpYscl29hgy7SIYtlmwWaNy4DI61RtrBpWtbsXL1qtfmU2DjuYW92yoPdmzUjB  
Z9eFrSxaBWe4MqnKmlV0BCuWU+qbZresagjVmeJl0KCZLjyBqblJWPq8GfMrg6zhEpRuOrR7  
D09astY992q8gtRCzHt5Cg7Mack8a6ZTxRCHvPa+3L1+lc9Z8AHIEKA0ks6uvzhOn0h3v83  
zY1CTnQq5VaabsgV0ttTuUHGynp8iOaScBMS598i6+HHjG8PwQYfBtllo4p1iB2Y2Hvzbcgh  
loIVBl4jHIYQ3iSkNZZleiZSCM5q7pU3YosuanDigB8mmZgHNAEYoWSqVQhieTgW2ZaO3FDw  
lArJmbXbB+OVlxx9RRo3kYf6wcJiNERaUCJvDnaB4gahYcckkWbuGKeMY/mmplfSbvWfAuhB  
BieUvrX3Wp0HajZoB1326Ut+NKrzXwVN0nfek24gqeSabmpKppZZHhdDpKam+sqnYq4laqYc  
wolmpQZmt2ibeJpEk3r2HWZXS4wuyWaCecalJ4NJ1qiisMwuWJz/SWLxGqUzQTaqK6zdccl  
rKAFKuizqLaqZSsrngnrsP1aN+WJYhbm5niejIYmxl+GIm2WTzbyv8fXcZsXJFG1nVBHF  
rLwlgjHqW43tOaNsBJIVy2llkzgyfYTAkOBgsKVVMcT/ZctwQ5+xhtdijAHMlrjskaXvahP3  
y9eVf9EWWYm+JtScwU7Zwe4RP+ss9KQwt5QWJYFFQd3QTDft9NNQRy311FRXbfXVWGet9dZc  
d+31PQQvDIJhp5ZKxF8zbASrYECgJZDBQcAdU3wpyH0NokuJzYHd3pKo90x/q8A3k4E/MTgP  
h0NENwqJixC0Dmy3HIJRkedNQ+MaVC4D/2rGwwhypTB3DNzMCG7GlgWoPWYXN/OSnpKGA0ul  
NyOtKs6aaDR3V1tt+UJMj70AF7n7zaz/GC/KFwSPpvk5+0rp8xNjpXbmmjaWuoT4Sly80dKn  
pbxbt02Q5e6SRuen+QVNWSL0L345aTwA9o34SrxGmBVfwZqJ7piF6rerJRyjpDaRyRegetP  
+Ekf9ZwFLupAhVuf4o/iwPUsZMjku3LbyENgNbiGzQ43fDIFyVqgQHlhy16xqlA40FclEQhM  
XffjBbUoJop/nc47enoM81xGK+dYpnTKc8yEuuAj/ODoVguk4IbYBcECfctKmwrhEO9TtPwJ  
EFNBxNnNaEA+Q/9510kvFX6sFW4LyYKfMFMwQsPFUNyvUGBwaBF5fzXoRSIqQMb6c4acYg3  
ZcmPcqIKV/P8tJweNiuJ/Ovi+1SDxhRdYB0cbNPJQOglEa6qPeNQIFgiiLpkzMkVbzzX6zo4  
Mh41745wrJMOEkqY/0PSXcEFjklUeRhbCQCJSe/PzGwCUOMpcfas2legkdVL3SjQUHACQf  
taFNHYqLspsmLWEpGtEfW0F/C0EzwcKgxX6FITcgzT0feJRezqXCH0ZMeEOGYp5vxjocQc2Q6  
vaeyzQyvm91y3mW05ibw5Y5QW2zZC5sChopZDHW8xLDNEbNfD4SZQ0LmRDxSYaeae7/axil  
h2vW5raMevSjIA2pSEdK0pKa9KQoTalKV8pSQEYypTCNqUxnStOaCg0uC53LxtCJsl1eSWHs  
LKNNh7q5HnlRch8Clbf8oiErEfWpNpDWg1BzPy+RyZ9QzWpUD7glGc1PWGOymFC1StZ2cXWQ  
Xj1YsITfyYuW9a0ciN0OP/innmLzdKebyJnkCde+Igbzfg2sEsgm2Mla9rCITaxiF8vYxjr2  
sZCNRGQnK4EAFOCyBLhsAQYQhMwS4AKe/QMBPIsBy3K2spo9LQAEoFkBBiC113WtBAag2QBM  
gLaXte0GQisE3Or2tgX4bQh4uwpWypYctP0tboM7gcwWglRH//DtBZLrAtYSIADWFW4PBDDa  
C3AXuicwbhGcC17Lbha1BBAaazm7XgHQ9rgWaO97AfBe7jK3vnpVbgVgq94hBCC/pYUvfZIL  
ge5W4Ls8g0B4CvdAasXwPxFcBDEW1kAW4C6LTAADQsBANbwMPhXTARluxh86pWALbvSgHp  
7F0Ri5e6ML4vgTEA4t7OOAMYbi54dVzcbpXxLPnzbTs10D13i7QB7ydG+8Aus+N8WavewA  
YKve2O14yjKOCgB822AAgNi5mM2AeaM8gDFLebVRFvCBsfjzNZ2ubkiL3FBS9r+bvi55y3t  
eVec5Pi6WMQxJrKM9dtczUIXzE829P+ZMWDm0yrYyhrI8XKVq2UJgHnHJcayal3QaAk8us9r  
di12dUtbCwfay6Q9coENLWZFO5rNsHWubB8t21ILGbiERoFIM8vZXau3ygR475ZBDdx2ze  
xs5fvf87Yw9HWMKcfu6vE53eaZeZtIPONZqnrN73lpvZP072go8N7fiSdwK7zjO6n4xm17LY  
z+4G9KAHLGhtf9fOz753rNebAWP72MfdJjZyZ4xdC28Y2cfV935J62tr99va7Q24miu73OPa  
mtTzNvKOD/xrVXsaz7yOeLhxO4D5DjvbQV6wwXPcguzeWbWm5fPE6Y3uH1N62PXmsaUPvXHU  
nta0Zk5tu1//m2TjBhrOtUW1u2fu6Qd/1tfqvN1Px5vpsuc5qdm+YfB++WnsxvFjNb0sGM7  
6kgzmeVaV7WBg77oaJN57AsuO6MI7mAMn1rjGkBoz9GL5ykXfdybxS6Q3z1fSTN5BRzm8Muv  
vmTtGh7nNN+5zlEd9p8HXrGtu27W5zWuHtW3sbG994XLvmgW37qVB86Bq6e9XinoOsF9vqm  
L9BwfmO3zUxX8sCFm/aerx3zvzy07c97e9xa/c+uRXrOi5zq0T/b41LVO4uNy3jCuz7yLki8  
umMOelFj/+K4Tm6Xnc3zfo9+3sG/MynL28AP57yHLCvtJvu8I0LI/Gch3rrc/56/677/+Ub  
oH1+J2rhZnaOd2PIR2DdBXsA6HO0I2fcr4DzRXvLVWYb9mBAdnfN13+TF22fN4ATQH3IR3Uv  
dn3YBQNj9mpRdl1jJ2u0h2iex2YH52bBpXerBYOj52/shWVTN3YWSIFiN4OyxWxpZoOvxV8U





**EXHIBIT 3**

Return-Path: <kajqkalb@yahoo.com>  
Received: from [220.173.17.115] (HELO 69.33.227.203)  
by mail.hasit.com (Stalker SMTP Server 1.8b9d14)  
with SMTP id S.0016999843; Mon, 24 Oct 2005 23:49:02 -0700  
Received: by bhost.mistus.net (mIFix, from userid 226)  
id 8AE77704E7; Fri, 14 Jan 2005 21:29:56 +0100  
Date: Fri, 14 Jan 2005 14:30:56 -0600  
Message-ID: <4291692454.16743@dyn-htl-19270.dyn.columbia.edu>  
From: "Nona Leach" <kajqkalb@yahoo.com>  
To: [DELETED]  
Cc: [DELETED]  
Subject: Application approval #RNDUCCHAR16L%RNDDIGIT916

Hello,

We tried contacting you awhile ago about your low interest mortga(ge rate.

You have been selected for our lowest rate in years...

You could get over \$460,000 for as little as \$350 a month!

Ba(d credit, Bank\*ruptcy? Doesn't matter, low rates are fixed no matter what!

To get a free, no obli,gation consultation click below:

<http://www.wumort.net>

Best Regards,

Morgan Vick

to be remov(ed): <http://www.wumort.net/book>

**EXHIBIT 4**

**Geneva, 12/4/2006, quality funding for the usa!**

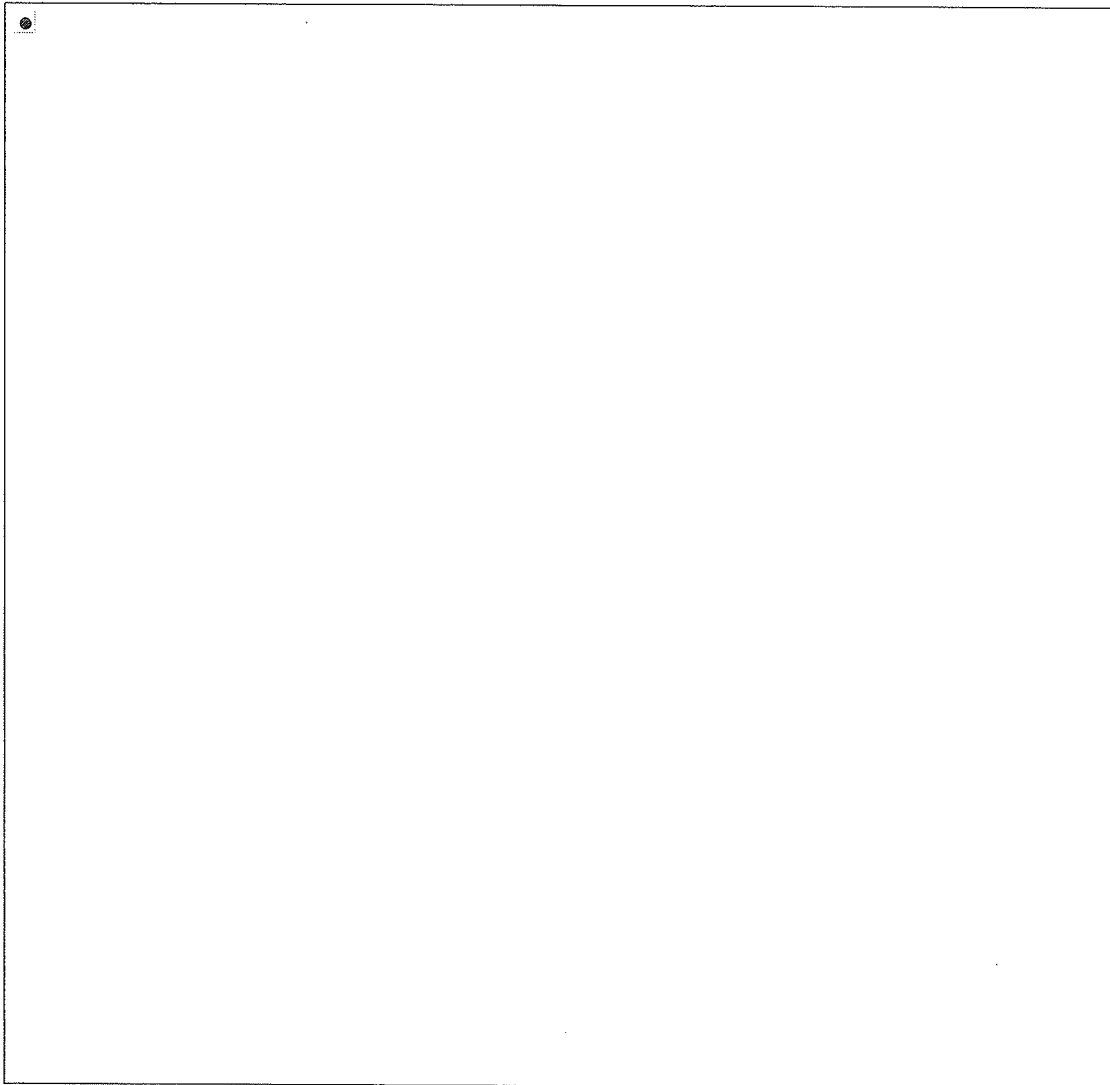
---

Return-Path: <[DELETED]>  
Received: from mail.hasit.com ([75.16.30.108] verified)  
by mail.reasonabledoubt.com (CommuniGate Pro SMTP 5.1c.2)  
with SMTP id 128084206 for [DELETED]; Sat, 18 Nov 2006 09:53:52 -0800  
Received: from mail.reasonabledoubt.com ([75.16.30.107] verified)  
by mail.hasit.com (Stalker SMTP Server 1.8b9d14)  
with ESMTP id S.0051552613 for <[DELETED]>; Sat, 18 Nov 2006 09:53:51 -0800  
Received: from a147181.upc-a.chello.nl ([62.163.147.181] verified)  
by mail.reasonabledoubt.com (CommuniGate Pro SMTP 5.1c.2)  
with SMTP id 128042393 for [DELETED]; Sat, 18 Nov 2006 04:00:25 -0800  
Return-path: <[DELETED]@hypertouch.com>  
X-Original-To: [DELETED]  
Delivered-To: [DELETED]  
Received: from [62.163.147.181] (port=34747 helo=a147181.upc-a.chello.nl)  
by mail2.hypertouch.com with esmtp  
id 187604-187604-27  
for [DELETED]; Tue, 05 Dec 2006 05:03:25 +0100 (EET)  
Message-ID: <532601c7182a\$01c7182a\$b593a33e@hypertouch.com>  
From: "Geneva" <[DELETED]@hypertouch.com>  
To: "Wilda" <[DELETED]>  
Subject: quality funding for the usa!  
Date: Tue, 05 Dec 2006 05:03:25 +0100 (EET)  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
boundary="-----\_NextPart\_001\_5325\_01C71822.4FE634B0"  
X-Priority: 3  
X-MSMail-Priority: Normal  
X-Mailer: Microsoft Outlook Express 6.00.2900.2180  
X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2900.2180

Hello,  
Hello H0me Owners.....G00d News.....!! Lowest M o r t a g a g e R a t e s in decades.  
There is no obligation and this is a FREE quote! Debt Consolidation . Home Improvement. Refinancing .  
Second Mortgage . Equity Line of Credit, First Purchase.  
It does NOT cost anything, just fill up a online form - we request you to take just 2 minutes off your  
valuable time for lowering you.  
look: <http://formsfresh.com>  
...  
Have a good holidays!



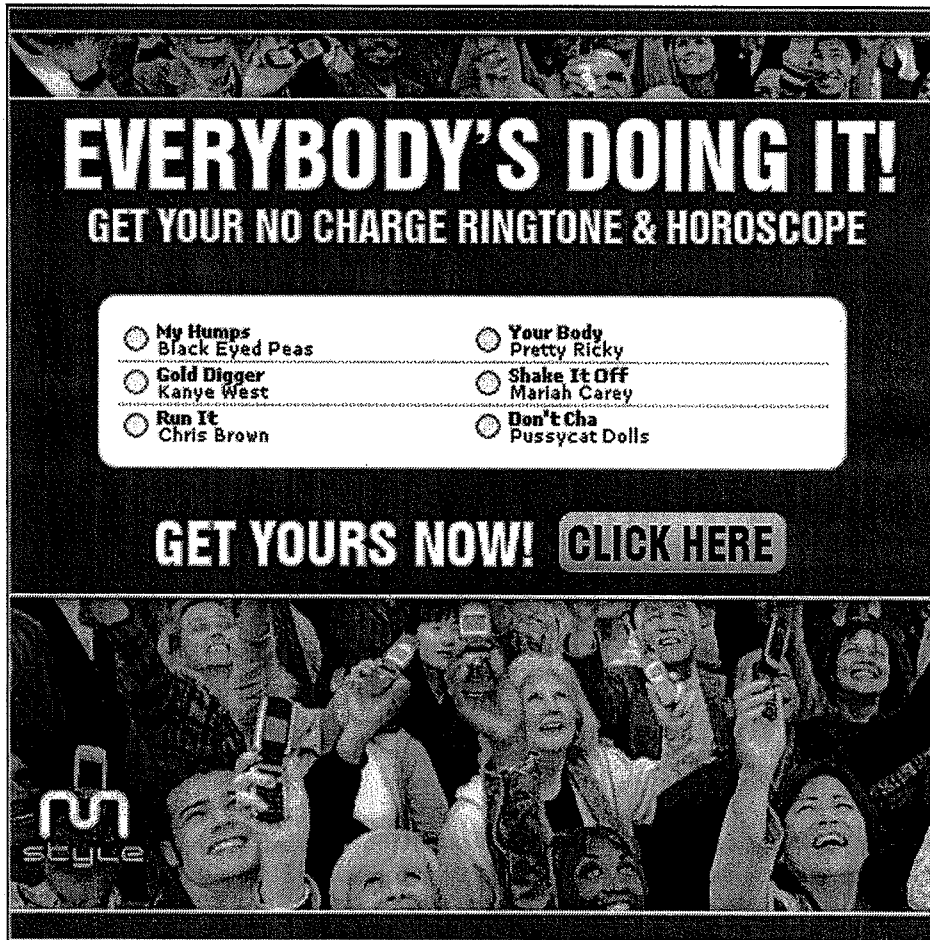
Return-Path: <moreomega@pufynet.info>  
Received: from [204.13.20.2] (HELO mailpool.jriad.info)  
by mail.reasonabledoubt.com (CommuniGate Pro SMTP 4.2)  
with ESMTP id 30594386 for [DELETED]; Sat, 16 Apr 2005 10:12:35 -0700  
message-id: <021d01c542a7\$f946b720\$4c6321fd@KGLSNYV>  
From: "moreomega" <moreomega@pufynet.info>  
To: <[DELETED]>  
Subject: Claim your Complimentary 42" Brand Name Plasma Tv- \$2300 Value  
Date: Sat, 16 Apr 2005 10:16:05 -0800  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
boundary="----2876956904961141"  
X-Priority: 3  
X-MSMail-Priority: Normal  
X-Mailer: Microsoft Outlook Express 6.00.2800.1437  
X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2800.1441



**EXHIBIT 6**




Received: from [72.11.147.58] (HELO endogenter.com)  
by mail.hasit.com (Stalker SMTP Server 1.8b9d14)  
with ESMTTP id S.0022470904 for <[DELETED]>; Sun, 01 Jan 2006 23:37:40 -0800  
From: mStyle <Lexington.ffjy@endogenter.com>  
To: [DELETED]  
Subject: Billboard Top 10 Ringtones & Horoscopes- No Charge  
Date: 02 Jan 2006 02:37:24 -0500  
Message-Id: <23633426@dslamokpydZ-bdwrg>  
X-E: kzshtvrwfkG/ikdyn  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
boundary="09845039450394dslamokpydZ-bdwrgirmar"



**EVERYBODY'S DOING IT!**  
**GET YOUR NO CHARGE RINGTONE & HOROSCOPE**

<input type="radio"/> <b>My Humps</b> Black Eyed Peas	<input type="radio"/> <b>Your Body</b> Pretty Ricky
<input type="radio"/> <b>Gold Digger</b> Kanye West	<input type="radio"/> <b>Shake It Off</b> Mariah Carey
<input type="radio"/> <b>Run It</b> Chris Brown	<input type="radio"/> <b>Don't Cha</b> Pussycat Dolls

**GET YOURS NOW! [CLICK HERE](#)**



THE FOLLOWING IS AN ADVERTISEMENT SENT BY A MSTYLE AFFILIATE.  
IF YOU HAVE ANY QUESTIONS OR CONCERNS, YOU MAY CONTACT US AT THE FOLLOWING ADDRESS:  
MSTYLE LLC, ONE BRADWAY, 14TH FLOOR CAMBRIDGE, MA 02142  
TO UNSUBSCRIBE FROM FUTURE MAILINGS FROM MSTYLE [CLICK HERE](#).  
SHOULD YOU WISH TO UNSUBSCRIBE FROM THE LIST OWNER WHO SENT YOU  
THIS EMAIL, PLEASE FOLLOW THE UNSUBSCRIPTION INFORMATION BELOW:

If you prefer not to receive e-promos from us in the future,  
please visit: [HERE](#) Your receipt of our e-mails is subject to our [Privacy Policy](#).

If you would like to write us regarding any questions:  
MemorialPlaceCenter  
7633E63rdPL  
STE300  
Tulsa,OK74133-1202  
918.398.8017

**EXHIBIT 7**

Received: from [72.11.146.11] (HELO cgwcorps.com)  
by mail.hasit.com (Stalker SMTP Server 1.8b9d14)  
with ESMTTP id S.0022369496 for <[DELETED]>; Sat, 31 Dec 2005 22:17:44 -0800  
From: Mobile Chat <Robbins.ffvy@cgwcorps.com>  
To: [DELETED]  
Subject: Get unlimited incoming chat Messages  
Date: 01 Jan 2006 01:17:36 -0500  
Message-Id: <11710421@dslamokpydZ-lwyllylwy>  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
boundary="kt2vYqlLaBmTtKMLXWQ4KXUoXhsEfJE"



**1 is 1 but  
2 is great!**

Sign up NOW and  
get unlimited  
monthly chat!



**SPICYMINT**

THE ABOVE IS AN ADVERTISEMENT SENT BY SPICYMINT AFFILIATE.  
IF YOU HAVE ANY QUESTIONS OR CONCERNS, YOU MAY CONTACT US AT THE FOLLOWING ADDRESS:  
SPICYMINT 1054 CENTRE ST. SUITE 572, THORNHILL, ON L4J 8E5  
TO UNSUBSCRIBE FROM ANY FUTURE MAILINGS FROM SPICYMINT [CLICK HERE](#)  
SHOULD YOU WISH TO UNSUBSCRIBE FROM THE LIST OWNER WHO SENT YOU THIS  
EMAIL, PLEASE FOLLOW THE UNSUBSCRIPTION INFORMATION BELOW:

If you prefer not to receive e-promos from us in the future,  
please visit: [HERE](#) Your receipt of our e-mails is subject to our [Privacy Policy](#).

If you would like to write us regarding any questions:  
SummitWoods  
300EBusinessWay  
Suite200  
Cincinnati, OH, 45241  
614.283.9149



## ATTACHMENT A

**All Major ISPs and many state Attorney Generals warn against attempting to "opt out" of spam**

---

<http://www.microsoft.com/dynamics/community/avoidspam.msp>

Avoid replying to spammers.

Spam messages may tell you how to opt out of future mailings for example, by replying with "REMOVE" in the subject line. But many spammers deceptively include these instructions just to confirm they've reached a working e-mail address.

Unless you know the message sender or you're unsubscribing from a mailing list you signed up for, you should delete these messages without responding.

---

<http://office.microsoft.com/en-us/help/HA010701261033.aspx>

Avoid replying to the sender

When you reply and type REMOVE in the subject line, this is a great way to let spammers know that yes, your e-mail address is up, running, and being used right now. It's like waving a white flag that says, "I read unsolicited e-mail. Please send more."

---

[http://www.earthlink.net/about/press/fighting\\_spam/](http://www.earthlink.net/about/press/fighting_spam/)

Never reply to spam.

Legitimate companies will allow you to unsubscribe to an email list by hitting reply and typing remove from list in the subject line. For spammers, however, your reply is simply verification that they hit a valid email address, and you'll be forever on their list.

---

<http://sbc.antispam.yahoo.com/tips>

Never respond to unsolicited email - this can alert the sender that your email address is valid.

Never click on a URL or web site listed in spam - this will also alert the sender that your email address is valid.

---

<http://www.att.com/gen/general?pid=1401>

If you receive spam, don't reply to the sender or follow any removal instructions that might be included in the e-mail.

---

<http://www.comcast.com/Customers/FAQ/FaqDetails.ashx?Id=2397>

Do not reply to unsolicited e-mails.

---

<http://www.spamhaus.org/removeisformugs.html>

By sending back a 'remove me' opt-out request you are confirming to the spammer that your address is live, you are confirming that your ISP doesn't use spam filters, you are confirming that you actually

Opt-Out-Warning: 1

open and read spams, and that you follow the spammer's instructions such as "click this to be removed". You are the perfect candidate for more spam.

---

<https://www22.verizon.com/foryourhome/eRepairNet/DSLRepairANR/Common/SupportDetails.aspx?case=c2281>

Don't respond to spam. Some spam messages contain links that promise to remove your email address from a mailing list. However, when you select these links, you prove that your email address works, and the person who sent the message could sell your email address to other spammers.

---

<http://www.charter.com/Visitors/Support.aspx?SupportArticleID=63>

Do not attempt to unsubscribe from spam. This will only confirm to the spammers that the email account is being actively read. Once the spammers know an account is active, the amount of spam may actually increase

---

<http://www.netzero.net/support/security/info/control-spam.html>

Do not follow instructions to reply with the word 'remove' or 'unsubscribe' in the subject line or body of the message unless it is from a trusted source. This is often a ploy to get you to react to the email. Not only will spammers fail to unsubscribe you, they will have even more incentive to sell your address - which you've validated with your response.

Never click on a URL or web address listed within a spam email even if the message tells you that is how you unsubscribe, unless it is from a trusted source. This also alerts the sender that your email address is active and can result in more spam.

---

<http://www.stanford.edu/group/itss-ccs/security/junkmail.html>

Do not reply to spam! Some junkmail messages urge you to send an "unsubscribe" reply to their service if you want to get off their list. This is a common ploy for harvesting email addresses; instead of getting off their lists, you'll be added to others (your email address may even be sold to other direct marketers), and you'll find yourself getting more spam than before.

---

[http://www.qwest.com/about/protection/checklist\\_computer.html](http://www.qwest.com/about/protection/checklist_computer.html)

Don't reply to a spam message. You will only get more spam.

---

[http://www.messagelabs.com/About\\_Us/News\\_Events/Press\\_Releases](http://www.messagelabs.com/About_Us/News_Events/Press_Releases)

New York, NY, 5th October 2004 - MessageLabs, the leading provider of managed email security services to businesses, is today urging global email users not to click on the opt-out link on spam emails as it has intercepted a number of messages using this feature to turn PCs into open proxies for distributing further spam.

---

<http://ag.ca.gov/consumers/general/spam10.php>

Never respond to unsolicited email. Your response is likely to trigger more spam to your email address.

---

Opt-Out-Warning: 2

<http://www.oag.state.tx.us/consumer/spam.shtml>

**Use the "remove" feature with great caution.** A reputable business concerned about customer relations will honor your request to be removed from their list. However, it has been standard operating procedure among unscrupulous spammers for years to use the remove feature to identify active mailboxes. The reality is, when you use the remove feature, you may be inviting more, not less, spam. Here again, state and federal law have outlawed an undesirable practice, but that doesn't mean it will be discontinued.

---

<http://myfloridalegal.com/pages.nsf/Main/CF6B2EA408EF89A585256EBB006E8646?OpenDocument>

**Do Not Respond to SPAM.** Responding, even if you are only asking to be "removed" from a mailing list, can increase the amount of spam e-mail you receive because spammers know your address is active. Always be wary of e-mails, and links or pop-ups in e-mails, seeking personal information as legitimate businesses do not generally request information by e-mail.

---

[http://www.mass.gov/?pageID=ocaterminal&L=4&LO=Home&L1=Consumer&L2=Privacy&L3=Junk+Mail&sid=Eoca&b=terminalcontent&f=stopping\\_junk\\_mail&csid=Eoca](http://www.mass.gov/?pageID=ocaterminal&L=4&LO=Home&L1=Consumer&L2=Privacy&L3=Junk+Mail&sid=Eoca&b=terminalcontent&f=stopping_junk_mail&csid=Eoca)

**Don't reply to the spammer!** Most "spammers" not only will ignore your request to be dropped from the mailing list, but they also will interpret your response as a positive sign that the message was actually read. Don't encourage spammers by buying their products or responding to their E-mail.

---

<http://security.fnal.gov/handouts/DealingWithSpam.pdf>

#### **Avoid Unsubscribe or Opt out Links**

Many spam messages will contain links that claim if you click on them will remove you from their mailing list. What you are really doing is verifying that your email address goes to a real person.

---

[http://www.michigan.gov/ag/0,1607,7-164-34739\\_20942-57953--,00.html](http://www.michigan.gov/ag/0,1607,7-164-34739_20942-57953--,00.html)

Do not open, and never respond, to junk e-mail. Although spammers say they will remove you from their list if you "opt out", many will use your response as an indicator that your account is active and will send you additional junk e-mail and sell your address to other marketers.

---

[http://www.cio.ne.gov/tech\\_serv/email/ube/spamTips.html](http://www.cio.ne.gov/tech_serv/email/ube/spamTips.html)

#### **Do Not Unsubscribe From SPAM**

Do not click the Unsubscribe/Remove me from your list links on SPAM messages. This only notifies the Spammer that your email address is a valid one and they will send you more spam.

---

<http://dti.delaware.gov/information/cybersecuritydigiKNOW.shtml>

*digiKNOW* that when you respond to an unsolicited spam email and ask them to remove you, you usually get sent MORE spam?

Opt-Out-Warning: 3

# Exhibit B



**SUMMONS  
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**

AZOOGL, INC., a Delaware corporation, INTUIT, INC., a Delaware corporation, QUICKEN LOANS, INC., a Delaware corporation, ROCK HOLDINGS, INC., a Delaware corporation, and DOES 1-30,

**YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

HYPER TOUCH, INC., a California corporation,

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**CONFORMED COPY**  
OF ORIGINAL FILED  
Los Angeles Superior Court

APR 15 2008

John A. Clarke, Executive Officer/Clerk

By A. Williams, Deputy

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

*Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia. Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)) o poniéndose en contacto con la corte o el colegio de abogados locales.*

The name and address of the court is:  
(El nombre y dirección de la corte es):

LOS ANGELES SUPERIOR COURT  
WEST DISTRICT  
Santa Monica Courthouse  
1725 Main Street  
Santa Monica, California 90401

CASE NUMBER:  
(Número del Caso): **SC097839**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Lawrence P. Riff (SBN 104826) / Lynn R. Levitan (SBN 176737) Telephone: (213) 439-9400 Facsimile: (213) 439-9599  
STEPTOE & JOHNSON LLP  
633 West Fifth Street, Suite 700  
Los Angeles, California 90071

DATE:  
(Fecha)

**APR 15 2008**

**JOHN A. CLARKE, CLERK**

Clerk, by \_\_\_\_\_  
(Secretario)

*A. Williams*

Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

**NOTICE TO THE PERSON SERVED: You are served**

[SEAL]

1.  as an individual defendant.
2.  as the person sued under the fictitious name of (specify):
3.  on behalf of (specify):  
under:
 

<input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
4.  by personal delivery on (date):

# Exhibit C

8-11-08 J  
AB

ORIGINAL

**FILED**  
LOS ANGELES SUPERIOR COURT

MAY 19 2008

JOHN A. CLARKE, CLERK  
*[Signature]*  
BY: J. DENHAM, DEPUTY

1 Lawrence P. Riff (State Bar No. 104826)  
*lriff@steptoe.com*  
2 Lynn R. Levitan (State Bar No. 176737)  
*llevitan@steptoe.com*  
3 **STEPTOE & JOHNSON LLP**  
633 West Fifth Street, Suite 700  
4 Los Angeles, California 90071  
Telephone: (213) 439-9400  
5 Facsimile: (213) 439-9599

6 Attorneys for Plaintiff  
HYPER TOUCH, INC.

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF LOS ANGELES**

10 HYPERTOUCH, INC., a California  
11 corporation,

12 Plaintiff,

13 vs.

14 AZOOGLE, INC., a Delaware corporation,  
15 INTUIT, INC., a Delaware corporation,  
16 QUICKEN LOANS, INC., a Delaware  
corporation, ROCK HOLDINGS, INC., a  
Delaware corporation, and DOES 1-30,

17 Defendants.

) Case No. SC097839

) **PROOF OF SERVICE OF SUMMONS,**  
) **COMPLAINT AND NOTICE OF**  
) **RELATED CASE**

Attorney or Party without Attorney: LAWRENCE P. RIFF, Bar #104826 STEPTOE & JOHNSON LLP 633 WEST FIFTH STREET SUITE 700 LOS ANGELES, CA 90071 Telephone No: 213-439-9400				For Court Use Only	
Attorney for: Plaintiff				Ref. No. or File No.:	
Insert name of Court, and Judicial District and Branch Court: LOS ANGELES COUNTY SUPERIOR COURT, WEST DISTRICT					
Plaintiff: HYPERTOUCHE, INC., ETC. Defendant: AZOOGLE, INC., ETC., ET AL.					
<b>PROOF OF SERVICE SUMMONS &amp; COMPLAINT</b>		Hearing Date:	Time:	Dept/Div:	Case Number: SC097839

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 the SUMMONS; COMPLAINT; NOTICE OF RELATED CASE.
3. a. Party served: ROCK HOLDINGS, INC., A DELAWARE CORPORATION  
 b. Person served: LESLIE BEHR. AGENT AUTHORIZED TO ACCEPT SERVICE.
4. Address where the party was served: 1620 26TH STREET  
 4TH FLOOR, NORTH TOWER  
 SANTA MONICA, CA 90404
5. I served the party:  
 b. by substituted service. On: Wed., May. 07, 2008 at: 4:20PM by leaving the copies with or in the presence of:  
 "JANE DOE" RECEPTIONIST. DESCRIPTION: BLACK FEMALE, 5'6",  
 145LBS, 44 YRS, BLACK HAIR, BROWN EYES.  
 (1) (Business) a Person in charge at least 18 years of age apparently in charge of the office or usual place of business of the person served. I informed him or her of the general nature of the papers.  
 (4) A declaration of mailing is attached.
6. The "Notice to the Person Served" (on the Summons) was completed as follows:  
 on behalf of: ROCK HOLDINGS, INC., A DELAWARE CORPORATION  
 Under CCP 416.10 (corporation)

7. Person Who Served Papers:

a. JONATHAN SOLIS

Recoverable Cost Per CCP 1033.5(a)(4)(B)

d. The Fee for Service was:

e. I am: (3) registered California process server

(i) Independent Contractor

(ii) Registration No.: 3477

(iii) County: Los Angeles



**First Legal Support Services** SM

ATTORNEY SERVICES

1511 BEVERLY BOULEVARD  
 Los Angeles, CA 90026  
 (213) 250-1111, FAX (213) 250-1197

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Fri, May. 09, 2008

*Jonathan Solis*  
 (JONATHAN SOLIS)

Attorney or Party without Attorney: LAWRENCE P. RIFF, Bar #104826 STEPTOE & JOHNSON LLP 633 WEST FIFTH STREET SUITE 700 LOS ANGELES, CA 90071 Telephone No: 213-439-9400      FAX No:			For Court Use Only		
Attorney for: Plaintiff			Ref. No or File No.:		
Insert name of Court, and Judicial District and Branch Court: LOS ANGELES COUNTY SUPERIOR COURT, WEST DISTRICT					
Plaintiff: HYPERTOUCHE, INC., ETC. Defendant: AZOOGLE, INC., ETC., ET AL.					
<b>PROOF OF SERVICE</b>		Hearing Date:	Time:	Dept/Div:	Case Number:
<b>By Mail</b>					SC097839

1. I am over the age of 18 and not a party to this action. I am employed in the county where the mailing occurred.
2. I served copies of the SUMMONS; COMPLAINT; NOTICE OF RELATED CASE.
3. By placing a true copy of each document in the United States mail, in a sealed envelope by **First Class** mail with postage prepaid as follows:

<ol style="list-style-type: none"> <li>a. Date of Mailing:</li> <li>b. Place of Mailing:</li> <li>c. Addressed as follows:</li> </ol>	Thu., May. 08, 2008 LOS ANGELES, CA 90026 ROCK HOLDINGS, INC., A DELAWARE CORPORATION 1620 26TH STREET 4TH FLOOR, NORTH TOWER SANTA MONICA, CA 90404
---	---

4. I am readily familiar with the business practice for collection and processing of correspondence as deposited with the U.S. Postal Service on Thu., May. 08, 2008 in the ordinary course of business.

5. *Person Serving:*

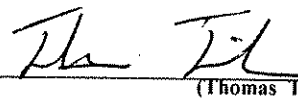
- a. Thomas Tilcock
- b. FIRST LEGAL SUPPORT SERVICES  
1511 W. BEVERLY BLVD  
LOS ANGELES, CA 90026
- c. 213-250-9111

Recoverable Cost Per CCP 1033.5(a)(4)(B)

- d. *The Fee for Service* was:
- e. I am: Not a Registered California Process Server

8. *I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.*

Date: Fri, May. 09, 2008



ORIGINAL

8-11-08 J

MB

**FILED**  
LOS ANGELES SUPERIOR COURT

MAY 19 2008

JOHN A. CLARKE, CLERK  
*Annabelle*  
BY: J. DENHAM, DEPUTY

1 Lawrence P. Riff (State Bar No. 104826)  
*lriff@steptoe.com*  
2 Lynn R. Levitan (State Bar No. 176737)  
*llevitan@steptoe.com*  
3 **STEPTOE & JOHNSON LLP**  
633 West Fifth Street, Suite 700  
4 Los Angeles, California 90071  
Telephone: (213) 439-9400  
5 Facsimile: (213) 439-9599

6 Attorneys for Plaintiff  
HYPER TOUCH, INC.

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF LOS ANGELES**

10 HYPER TOUCH, INC., a California  
11 corporation,

12 Plaintiff,

13 vs.

14 AZOOGLE, INC., a Delaware corporation,  
15 INTUIT, INC., a Delaware corporation,  
16 QUICKEN LOANS, INC., a Delaware  
corporation, ROCK HOLDINGS, INC., a

17 Defendants.

) Case No. SC097839

) **PROOF OF SERVICE OF SUMMONS,**  
) **COMPLAINT AND NOTICE OF**  
) **RELATED CASE**

Attorney or Party without Attorney: LAWRENCE P. RIFF, Bar #104826 STEPTOE & JOHNSON LLP 633 WEST FIFTH STREET SUITE 700 LOS ANGELES, CA 90071 Telephone No: 213-439-9400				For Court Use Only	
Attorney for: <b>Plaintiff</b>				Ref. No. or File No.:	
Insert name of Court, and Judicial District and Branch Court: LOS ANGELES COUNTY SUPERIOR COURT, WEST DISTRICT					
Plaintiff: HYPERTOUCHE, INC., ETC. Defendant: AZOOGLE, INC., ETC., ET AL.					
<b>PROOF OF SERVICE SUMMONS &amp; COMPLAINT</b>		Hearing Date:	Time:	Dept/Div:	Case Number: SC097839

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 the SUMMONS; COMPLAINT; NOTICE OF RELATED CASE.
3.
  - a. Party served: INTUIT, INC., A DELAWARE CORPORATION
  - b. Person served: BECKY DEGEORGE, CSC LAWYERS INCORPORATING SERVICE, REGISTERED AGENT.
4. Address where the party was served: 2730 GATEWAY OAKS DRIVE  
SUITE 100  
SACRAMENTO, CA 95833
5. I served the party:
  - 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: Wed., May. 07, 2008 (2) at: 11:15AM
6. The "Notice to the Person Served" (on the Summons) was completed as follows:  
on behalf of: INTUIT, INC., A DELAWARE CORPORATION  
Under CCP 416.10 (corporation)
7. Person Who Served Papers:
  - a. BRIAN BOWLES
  - d. The Fee for Service was: Recoverable Cost Per CCP 1033.5(a)(4)(B)
  - e. I am: (3) registered California process server
    - (i) Employee
    - (ii) Registration No.: 2006-55
    - (iii) County: Sacramento
    - (iv) Expiration Date: Thu, Sep. 18, 2008
8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Thu, May. 08, 2008



8-11-08 J

AD

ORIGINAL

**FILED**  
LOS ANGELES SUPERIOR COURT  
MAY 19 2008  
JOHN A. CLARKE, CLERK  
*[Signature]*  
BY: J. DENHAM, DEPUTY

1 Lawrence P. Riff (State Bar No. 104826)  
*lriff@steptoe.com*  
2 Lynn R. Levitan (State Bar No. 176737)  
*llevitan@steptoe.com*  
3 **STEPTOE & JOHNSON LLP**  
633 West Fifth Street, Suite 700  
4 Los Angeles, California 90071  
Telephone: (213) 439-9400  
5 Facsimile: (213) 439-9599

6 Attorneys for Plaintiff  
HYPER TOUCH, INC.

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF LOS ANGELES**

10 HYPER TOUCH, INC., a California  
11 corporation,

12 Plaintiff,

13 vs.

14 AZOOGLE, INC., a Delaware corporation,  
15 INTUIT, INC., a Delaware corporation,  
QUICKEN LOANS, INC., a Delaware  
16 corporation, ROCK HOLDINGS, INC., a  
Delaware corporation, and DOES 1-30,

17 Defendants.

) Case No. SC097839

) **PROOF OF SERVICE OF SUMMONS,**  
) **COMPLAINT AND NOTICE OF**  
) **RELATED CASE**

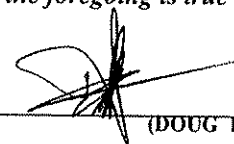


<i>Attorney or Party without Attorney:</i> LAWRENCE P. RIFF, Bar #104826 STEPTOE & JOHNSON LLP 633 WEST FIFTH STREET SUITE 700 LOS ANGELES, CA 90071 Telephone No: 213-439-9400			<i>For Court Use Only</i>		
<i>Attorney for:</i> Plaintiff			<i>Ref. No. or File No.:</i>		
<i>Insert name of Court, and Judicial District and Branch Court:</i> LOS ANGELES COUNTY SUPERIOR COURT, WEST DISTRICT					
<i>Plaintiff:</i> HYPERTOUCHE, INC., ETC. <i>Defendant:</i> AZOOGLE, INC., ETC., ET AL.					
<b>PROOF OF SERVICE SUMMONS &amp; COMPLAINT</b>		<i>Hearing Date:</i>	<i>Time:</i>	<i>Dept/Div:</i>	<i>Case Number:</i> SC097839

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 the SUMMONS; COMPLAINT; NOTICE OF RELATED CASE.
3.
  - a. Party served: QUICKEN LOANS, INC., A DELAWARE CORPORATION
  - b. Person served: MARGARET WILSON, PROCESS SPECIALIST, CT CORPORATION SYSTEM, REGISTERED AGENT.
4. Address where the party was served: 818 WEST SEVENTH STREET  
2ND FLOOR  
LOS ANGELES, CA 90017
5. I served the party:
  - 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: Wed., May. 07, 2008 (2) at: 11:10AM
6. The "Notice to the Person Served" (on the Summons) was completed as follows:  
 on behalf of: QUICKEN LOANS, INC., A DELAWARE CORPORATION  
 Under CCP 416.10 (corporation)
7. **Person Who Served Papers:**
  - a. DOUG FORREST
  - b. **FIRST LEGAL SUPPORT SERVICES**  
 1511 W. BEVERY BLVD.  
 LOS ANGELES, CA 90071
  - c. 213-250-1111
  - d. **The Fee for Service was:** Recoverable Cost Per CCP 1033.5(a)(4)(B)
  - e. I am: (3) registered California process server
    - (i) Independent Contractor
    - (ii) Registration No.: 5141
    - (iii) County: Los Angeles

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Thu, May. 08, 2008



8-11-08 J

MS

ORIGINAL

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Lawrence P. Riff (State Bar No. 104826)  
*lriff@steptoe.com*  
Lynn R. Levitan (State Bar No. 176737)  
*llevitan@steptoe.com*  
**STEPTOE & JOHNSON LLP**  
633 West Fifth Street, Suite 700  
Los Angeles, California 90071  
Telephone: (213) 439-9400  
Facsimile: (213) 439-9599

Attorneys for Plaintiff  
HYPER TOUCH, INC.

**FILED**  
LOS ANGELES SUPERIOR COURT

MAY 19 2008  
JOHN A. CLARKE, CLERK  
*[Signature]*  
J. DENHAM, DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES**

HYPER TOUCH, INC., a California corporation,

Plaintiff,

vs.

AZOGLE, INC., a Delaware corporation,  
INTUIT, INC., a Delaware corporation,  
QUICKEN LOANS, INC., a Delaware corporation,  
ROCK HOLDINGS, INC., a Delaware corporation, and DOES 1-30,

Defendants.

Case No. SC097839

**PROOF OF SERVICE OF SUMMONS**

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Lawrence P. Riff (SBN: 104826); Lynn R. Levitan (SBN: 176737)</b> <b>Stephoe &amp; Johnson LLP</b> <b>633 West 5th Street, Ste. 700</b> <b>Los Angeles CA 90071</b> TELEPHONE NO.: 213-439-9400 FAX NO. (Optional): 213-439-9599 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): <b>Plaintiff HYPERTOUCH, INC.</b>	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles</b> STREET ADDRESS: <b>1725 Main Street</b> MAILING ADDRESS: <b>Santa Monica Courthouse</b> CITY AND ZIP CODE: <b>Santa Monica CA 90401</b> BRANCH NAME: <b>West District</b>	
PLAINTIFF/PETITIONER: <b>HYPERTOUCH, INC.</b> DEFENDANT/RESPONDENT: <b>AZOOGL, INC.</b>	CASE NUMBER: <b>SC097839</b>
<p style="text-align: center;"><b>PROOF OF SERVICE OF SUMMONS</b></p>	Ref. No. or File No.:

(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): **See Attachment.**
3. a. Party served (specify name of party as shown on documents served):  
**Azoogle, Inc., a Delaware corporation.**
  - 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):
4. Address where the party was served:  
**CT Corporation System, 111 Eighth Avenue, New York NY 10011**
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): **05-07-08** (2) at (time): **2:05 pm**
  - 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 person indicated in item 3):
    - (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.
    - (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): \_\_\_\_\_ from (city): \_\_\_\_\_ or  a declaration of mailing is attached.
    - (5)  I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: <b>HYPERTOUCHE, INC.</b>	CASE NUMBER: <b>SC097839</b>
DEFENDANT/RESPONDENT: <b>AZOGLE, INC.</b>	

6. 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) on (date): (2) from (city):
- (3)  with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (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):
- under the following Code of Civil Procedure section:
- |   |   |
|---|---|
| <input 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: **Robert Mills**
- b. Address: **Capitol Process Services, Inc.**  
**1827 16th Street, NW**  
**Washington, DC 20009**
- c. Telephone number:
- d. The fee for service was: \$
- e. I am:

- (1)  not a registered California process server.
- (2)  exempt from registration under Business and Professions Code section 22350(b).
- (3)  a registered California process server:
- (i)  owner  employee  independent contractor.
- (ii) Registration No.: **1004-2078**
- (iii) County:

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: **May 9, 2008** State: **County of New York**

**Robert Mills**  
(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

**Robert Mills**  
(SIGNATURE)

**JONATHAN T. RIPPS**  
Notary Public, State of New York  
NO. 01R16109718  
Qualified in Rockland County  
Site Filed in New York County

Commission Expires May 17, 2011  
**PROOF OF SERVICE OF SUMMONS**

*Served to before me on this 9th day of May, 2008*

ATTACHMENT

- \* Civil Case Cover Sheet Addendum and Statement of Location
- \* Notice of Case Assignment to Individual Court Calendar
- \* Notice to Litigants
- \* ADR Package
- \* Notice of Related Case

# Exhibit D

# California Business Portal

Secretary of State DEBRA BOWEN

SECRETARY OF STATE

ELECTIONS & VOTER INFO

POLITICAL REFORM

CA BUSINESS PORTAL

ARCHIVES & MUSEUM

OTHER SERVICES

## Business Search Corporations

[Printer Friendly Page](#)

[New Search](#)

[Search Tips](#)

[Field Definitions](#)

[Status Definitions](#)

[Name Availability](#)

[Corporate  
Records](#)

[Business Entities  
Records Order  
Form](#)

[Certificates  
Copies  
Status Reports](#)

[FAQS](#)

[Corporations  
Main Page](#)

[Site Search](#)

## Corporations

The information displayed here is current as of "MAY 30, 2008" and is updated weekly. It is not a complete or certified record of the Corporation.

Corporation		
ROCK HOLDINGS, INC.		
<b>Number:</b> C2845333	<b>Date Filed:</b> 1/1/2006	<b>Status:</b> active
<b>Jurisdiction:</b> California		
Address		
3525 EASTHAM DR STE A		
CULVER CITY, CA 90232		
Agent for Service of Process		
** RESIGNED ON 05/08/2008		

[Printer Friendly](#)

[New Search](#)

- For information about certification of corporate records or for additional corporate information, please refer to [Corporate Records](#).
- Blank fields indicate the information is not contained in the computer file.
- If the status of the corporation is "Surrender", the agent for service of process is automatically revoked. Please refer to California Corporations Code [Section 2114](#) for information relating to service upon corporations that have surrendered.

Copyright ©2001 California Secretary of State. [Privacy Statement](#).

# Exhibit E



8-K 1 f82568e8vk.htm FORM 8-K

[Table of Contents](#)

**SECURITIES AND EXCHANGE COMMISSION**

Washington, D.C. 20549

**FORM 8-K  
CURRENT REPORT**

Pursuant to Section 13 or 15(d) of the  
Securities Exchange Act of 1934

**June 24, 2002**

(Date of Report)

Date of earliest event reported: June 20, 2002

**Intuit Inc.**

(Exact name of Registrant as specified in its charter)

**Delaware**

(State or other jurisdiction of incorporation)

**0-21180**

(Commission File Number)

**77-0034661**

(I.R.S. Employer Identification No.)

**2535 Garcia Avenue**

**Mountain View, California 94043**

(Address of principal executive offices)

(Zip Code)

Registrant's telephone number, including area code:

**(650) 944-6000**

---

**TABLE OF CONTENTS**

[ITEM 5. OTHER EVENTS.](#)  
[SIGNATURES](#)

---

[Table of Contents](#)**ITEM 5. OTHER EVENTS.****Proposed Divestiture of Quicken Loans Business**

On June 20, 2002, Intuit Inc. ("Intuit") announced that it had signed a definitive agreement to sell its Quicken Loans mortgage business. When the transaction closes, Quicken Loans will become a wholly owned subsidiary of a newly created company and will continue to offer residential home mortgages and home equity loans under the Quicken Loans brand. The new company's investors will be led by Dan Gilbert, chairman of Quicken Loans and founder of Rock Financial Corp. (the predecessor of Quicken Loans), which Intuit acquired in December 1999.

Based on the terms of the agreement, Intuit will receive cash, a note and multi-year licensing fees in exchange for all of the outstanding stock of Intuit's Quicken Loans Inc. and Title Source Inc. subsidiaries. Intuit will also receive a 12.5 percent equity interest in the new company. The new company will license from Intuit use of the Quicken Loans trademark for its residential home loan and home equity loan products. In addition, the two parties have entered into a five-year distribution agreement through which Quicken Loans will provide mortgage services on Quicken.com. Intuit has also agreed to continue providing a line of credit to fund mortgage loans for a transition period of up to six months after the transaction closes. Such funding is customary in the mortgage origination market.

Intuit expects to treat the sale of the Quicken Loans business as a discontinued operation for accounting purposes. Accordingly, after the closing Intuit will amend its financial results for fiscal years 2000, 2001 and 2002 to reflect the exclusion of the results of the discontinued business.

Intuit purchased the Quicken Loans business in December 1999. Because the transaction was accounted for as a pooling of interests, Intuit's current balance sheet reflects the current net value of the tangible assets it acquired, rather than the purchase price paid. Accordingly, there will be no write-off of intangible assets (such as goodwill) associated with the sale of the business. Intuit expects to recognize a small gain on divestiture that will be reflected in its GAAP (Generally Accepted Accounting Principles) financial results, because the consideration Intuit will receive exceeds the book value of the assets being sold. The transaction is expected to close within 90 days. The closing of the transaction is subject to standard closing conditions, including but not limited to various regulatory approvals.

[Table of Contents](#)

**SIGNATURES**

Pursuant to the requirements of the Securities Exchange Act of 1934, the Registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

Date: June 21, 2002

INTUIT INC.

By:                                 /s/ GREG J. SANTORA

Greg J. Santora  
Senior Vice President and  
Chief Executive Officer