

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

UNITED STATES DISTRICT COURT

for the

Northern District of California

APPLE INC., a California corporation

Plaintiff

v.

AMAZON.COM, INC., a Delaware corporation, et al.

Defendant

Civil Action No. CV 11-01327 PJH

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) AMAZON DIGITAL SERVICES, INC., Corporation Service Company (Registered Agent) 300 Deschutes Way, Suite 304 Tumwater, WA 98501

A lawsuit has been filed against you.

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

David R. Eberhart, Esq. O'MELVENY & MYERS LLP Two Embarcadero Center, 28th Floor San Francisco, CA 94111

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

CLERK OF COURT

CYNTHIA LENAHAN

Signature of Clerk or Deputy Clerk

Date: APR 11 2011

<i>Attorney or Party without Attorney:</i> DAVID EBERHART, ESQ., Bar #195474 O'MELVENY & MYERS LLP TWO EMBARCADERO CENTER 28TH FLOOR SAN FRANCISCO, CA 94111 Telephone No: (415) 984-8700 FAX No: (415) 984-8701		<i>For Court Use Only</i>	
<i>Attorney for:</i> Plaintiff		<i>Ref. No. or File No.:</i> 349711	
<i>Insert name of Court, and Judicial District and Branch Court:</i> United States District Court, Northern District Of California			
<i>Plaintiff:</i> APPLE, INC., ETC. <i>Defendant:</i> AMAZON.COM, INC., ETC.			
PROOF OF SERVICE	<i>Hearing Date:</i>	<i>Time:</i>	<i>Dept/Div:</i>
			<i>Case Number:</i> CV-11-1327-PJH

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 SEE ATTACHED LIST

3. a. Party served:

b. Person served:

AMAZON DIGITAL SERVICES, INC., A DELAWARE CORPORATION
 CORPORATION SERVICE COMPANY, AGENT AUTHORIZED TO ACCEPT
 SERVICE OF PROCESS, BY LEAVING WITH JUANITA HUEY, PROCESS
 SPECIALIST (SERVED UNDER F.R.C.P. RULE 4).

4. Address where the party was served:

300 DESCHUTES WAY
 SUITE 304
 TUMWATER, WA 98501

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: Mon., Apr. 18, 2011 (2) at: 2:38PM

7. **Person Who Served Papers:**

a. CAROLYN HEATER

b. ECP PROCESS SERVICE

1009 4TH AVENUE EAST

OLYMPIA, WA 98501

c. (360) 239-1770

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 and under the laws of the United States Of America that the foregoing is true and correct.
 Date: Wed, Apr. 20, 2011

1. SUMMONS IN A CIVIL ACTION.
2. AMENDED COMPLAINT.
3. APPLE INC.'S NOTICE OF MOTION AND MOTION FOR PRELIMINARY INJUNCTION.
4. PLAINTIFF APPLE INC.'S MOTION TO SHORTEN TIME TO HEAR MOTION FOR PRELIMINARY INJUNCTION.
5. DECLARATION OF THOMAS R. LA PERLE IN SUPPORT OF APPLE INC.'S MOTION FOR PRELIMINARY INJUNCTION.
6. DECLARATION OF JOHN WRIGHT IN SUPPORT OF APPLE INC.'S MOTION FOR PRELIMINARY INJUNCTION.
7. DECLARATION OF DAVID R. EBERHART IN SUPPORT OF APPLE INC.'S MOTION FOR PRELIMINARY INJUNCTION.
8. DECLARATION OF MATTHEW FISCHER IN SUPPORT OF APPLE INC.'S MOTION FOR PRELIMINARY INJUNCTION.
9. DECLARATION OF ROBERT A. LEONARD, PH.D., IN SUPPORT OF APPLE INC.'S MOTION FOR PRELIMINARY INJUNCTION.
10. DECLARATION OF DAVID R. EBERHART IN SUPPORT OF PLAINTIFF APPLE INC.'S MOTION TO SHORTEN TIME TO HEAR ITS MOTION FOR PRELIMINARY INJUNCTION.
11. [PROPOSED] ORDER GRANTING PLAINTIFF APPLE INC.'S MOTION FOR PRELIMINARY INJUNCTION
12. [PROPOSED] ORDER GRANTING APPLE INC.'S MOTION TO SHORTEN TIME TO HEAR ITS MOTION FOR PRELIMINARY INJUNCTION
13. ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES.
14. REASSIGNMENT ORDER.
15. PLAINTIFF APPLE INC.'S CERTIFICATE OF INTERESTED PARTIES OR PERSONS PURSUANT TO CIVIL LOCAL RULE 3-16.
- 16., STANDING ORDER FOR MAGISTRATE JUDGE DONNA M. RYU.

17. STANDING ORDER FOR ALL JUDGES IN THE NORTHERN DISTRICT OF CALIFORNIA, CONTENTS OF JOINT CASE MANAGEMENT STATEMENT.
18. NOTICE OF ASSIGNMENT OF CASE TO A UNITED STATES MAGISTRATE JUDGE FOR TRIAL.
19. CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE.
20. DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE.
21. ECF REGISTRATION INFORMATION HANDOUT.
22. OAKLAND DIVISIONAL OFFICE GUIDELINES.
23. CONSENTING TO A MAGISTRATE JUDGE'S JURISDICTION IN THE NORTHERN DISTRICT OF CALIFORNIA.
24. ORDER SETTING CASE MANAGEMENT CONFERENCE.
25. CIVIL COVER SHEET.