

COOLEY LLP MICHAEL G. RHODES (#116127) GAVIN L. CHARLSTON (#253899) 101 CALIFORNIA STREET, 5 TH FLOOR SAN FRANCISCO, CA 94111-5800 Telephone: (415) 693-2000 Facsimile: (415) 693-2222 Attorney(s) for: PLAINTIFF Reference: 3097223		
UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA		
DIGITAL CHOCOLATE, INC., a Delaware corporation <p style="text-align: center;">Plaintiff (s)</p>	CASE NUMBER: CV 10 3758 PVT	
<p style="text-align: center;">v.</p> ZYNGA GAME NETWORK, INC., a Delaware corporation <p style="text-align: center;">Defendant (s)</p>	PROOF OF SERVICE SUMMONS AND COMPLAINT (Use separate proof of service for each person/party served)	

1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the *(specify documents)*:
- a. summons complaint alias summons first amended complaint
 in a civil action second amended complaint third amended complaint
- other (*specify*): PLAINTIFF DIGITAL CHOCOLATE, INC.'S CERTIFICATION OF INTERESTED PARTIES; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; STANDING ORDER FOR CMIL PRACTICE IN CASES ASSIGNED FOR ALL PURPOSES TO MAGISTRATE JUDGE PATRICIA V. TRUMBULL; STANDING ORDER FOR ALL JUDGES OF THE NORTHERN DISTRICT OF CALIFORNIA CONTENTS OF JOINT CASE MANAGEMENT STATEMENT; STANDING ORDER REGARDING CASE MANAGEMENT IN CIVIL CASES; NOTICE OF ASSIGNMENT OF CASE TO A UNITED STATES MAGISTRATE JUDGE FOR TRIAL; ECF REGISTRATION INFORMATION HANDOUT; CIVIL COVER SHEET
2. Person served:
- a. Defendant (*name*): ZYNGA GAME NETWORK, INC., a Delaware corporation
- b. Other (*specify name and title or relationship to the party/business named*): MOHAMED ACHERKI, OFFICE MANAGER, AUTHORIZED TO ACCEPT SERVICE OF PROCESS ON BEHALF OF ZYNGA GAME NETWORK, INC., a Delaware corporation
- c. Address Where papers were served: **365 VERMONT STREET, SAN FRANCISCO, CA 94103**
3. **Manner of service** in compliance with (*the appropriate box must be checked*):
- a. Federal Rules of Civil Procedure
- b. California Code of Civil Procedure
4. **I served** the person named in item 2:
- a. By **Personal service**. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least (12) years of age.
1. Papers were served on (*date*): **AUGUST 25, 2010** at (*time*): **2:58PM**
- b. By **Substituted service**. By leaving copies:
1. (**home**) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
2. (**business**) or a person apparently in charge of the office of place of business, at least 18 years of age, who was informed of the general nature of the papers.
3. Papers were served on (*date*): _____ at (*time*): _____

4. **by mailing** (by first-class mail, postage prepaid) copies to the person served in item 2(b) at the place where the copies were left in Item 2(c).
5. **papers were mailed** on (date): _____
6. **due diligence.** I made at least three (3) attempts to personally serve the defendant.
- c. **Mail and acknowledgment of service** By mailing (by first-class mail or airmail, postage pre-paid) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid to the sender. **(Attach completed Waiver of Service of Summons and Complaint).**
- d. **Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P.4(h) (C.C.P. 416.10)** By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment of by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, a mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. **Substituted service on domestic corporation, unincorporated association (including partnership) or public entity. (C.C.P. 415.20 only)** By leaving during usual office hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (by first-class mail, postage prepaid) copies to the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of state requires a court order. **(Attach a copy of the order to this proof of service).**
- f. **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f).
- g. **Certified or registered mail service.** By mailing to an address outside California (by first-class mail, postage prepaid, requiring a return receipt) copies to the person served. **(Attach signed return receipt or other evidence of actual receipt by the person served).**
- h. **Other** (specify code section and type of service):
5. **Service upon the United States, and Its Agencies, Corporations or Officers.**
- a. by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.
 Name of person served:
 Title of person served:
 Date and time of service: (date): _____ at (time): _____
- b. By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. **(Attached signed return receipt or other evidence of actual receipt by the person served).**
- c. By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation **(Attach signed return receipt or other evidence of actual receipt by the person served).**
6. At the time of service I was at least 18 years of age and not a party to this action.
7. Person serving (name, address and telephone number):

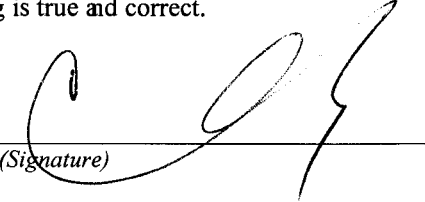
**CALVIN COOPER/#2008-8/SACRAMENTO
 NATIONWIDE LEGAL, INC.
 859 HARRISON STREET, SUITE A
 SAN FRANCISCO, CA 94107
 (415) 351-0400**

- a. Fee for service: \$
- b. Not a Registered California Process Server
- c. Exempt from registration under B&P 2235(b)
- d. Registered California Process Server

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

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

Date: AUGUST 25, 2010



 (Signature)

PROOF OF SERVICE
(FRCP 5)

I am a citizen of the United States and a resident of the State of California. I am employed in San Francisco County, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years, and not a party to the within action. My business address is Cooley LLP, 101 California Street, 5th Floor, San Francisco, California 94111-5800. On the date set forth below I served the documents described below in the manner described below:

PROOF OF SERVICE – SUMMONS AND COMPLAINT

- (BY U.S. MAIL) I am personally and readily familiar with the business practice of Cooley LLP for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at San Francisco, California.
- (BY MESSENGER SERVICE) by consigning the document(s) to an authorized courier and/or process server for hand delivery on this date.
- (BY FACSIMILE) I am personally and readily familiar with the business practice of Cooley LLP for collection and processing of document(s) to be transmitted by facsimile and I caused such document(s) on this date to be transmitted by facsimile to the offices of addressee(s) at the numbers listed below.
- (BY OVERNIGHT MAIL) I am personally and readily familiar with the business practice of Cooley LLP for collection and processing of correspondence for overnight delivery, and I caused such document(s) described herein to be deposited for delivery to a facility regularly maintained by FedEx for overnight delivery.
- (BY ELECTRONIC MAIL) I am personally and readily familiar with the business practice of Cooley LLP for the preparation and processing of documents in portable document format (PDF) for e-mailing, and I caused said documents to be prepared in PDF and then served by electronic mail to the parties listed below.

on the following part(ies) in this action:

Zynga Game Network Inc.
365 Vermont Street
San Francisco, CA 94103

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Dennis L. Wilson, Esq.
KEATS MCFARLAND & WILSON LLP
9720 Wilshire Boulevard, Penthouse Suite
Beverly Hills, CA 90212
Telephone: (310) 248-3830
Facsimile: (310) 860-0363

Executed on September 13, 2010, at San Francisco, California.


Mercedes Milana