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

UNITED STATES DISTRICT COURT

Southern

District of

Texas

HEARTBRAND BEEF, INC.

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER: 8:08-cv-00062

LOBEL'S OF NEW YORK, LLC,
WORLDWIDE MEDIA, INC., THOUGHT
CONVERGENCE, INC. & YAHOO! INC.

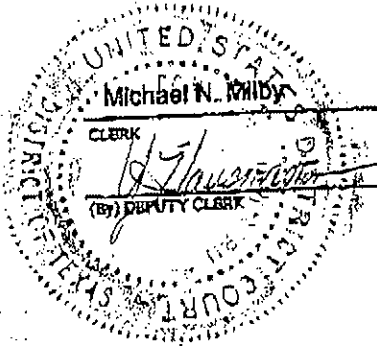
TO: (Name and address of Defendant)

Yahoo! Inc.
By and Through its Registered Agent
CT Corporation System
81B W. 7th Street
Los Angeles, CA 90017

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

Ted D. Lee
Gunn & Lee, PC
700 N. St. Mary's Street, Suite 1500
San Antonio, TX 78205

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



AUG 05 2008

DATE

Ted D. Lee
GUNN & LEE PC
700 N. St. Mary's Street, Suite 1500
San Antonio, Texas 78205
Tel: Fax:

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

HEARTBRAND BEFF, INC.

Plaintiff(s)

CASE NUMBER:

6:08-CV-00062

VICTORIA DIVISION

vs.

LOBEL'S OF NEW YORK, LLC,
WORLDWIDE MEDIA, INC., THOUGHT
CONVERGENCE, INC. & YAHOO! INC.

Defendant(s)

**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
 second amended complaint
 third amended complaint

other (specify): **Amended Complaint**

2. Person served:

- a. Defendant (name): **YAHOO! INC.**
- b. Other (specify name and title or relationship to the party/business named):
C.T. CORPORATION SYSTEM, registered agent, by serving MARGARET WILSON, authorized agent
- c. Address where papers were served: **819 W. Seventh St., Suite 200
Los Angeles, California 90017**

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 twelve (12) years of age.

1. Papers were served on (date): **August 6, 2008** at (time): **12:25PM**

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, postageprepaid) 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. Declaration attached.

PROOF OF SERVICE - SUMMONS AND COMPLAINT

- c. **Mail and acknowledgment of service.** By mailing *(by first-class mail or airmail, postage prepaid)* copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and return envelope, postage prepaid addressed 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 or by law to receive service of process and, if the agent is one authorized by statute and the so requires, by also 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 paid)* copies to the person 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 a 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. **(Attach signed return receipt or other evidence of actual receipt by the person served).**
- b. 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)*:

ARTURO CRUZ
 PRONTO PROCESS
 P.O. BOX 7819
 SAN ANTONIO, TEXAS 78207
 (210) 226-7192

- a. Fee for service: \$
- b. Not a registered California process server
- c. Exempt from registration under B&P 22350(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 7, 2008



(Signature)

PROOF OF SERVICE - SUMMONS AND COMPLAINT