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Attorneys for Defendants America Elex Inc. and Michael Chen

FILED
CLERK, U.S. DISTRICT COURT
JAN 15 2008
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

RECEIVED
BUT NOT FILED
JAN 15 2008
CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION
BY DEPUTY

ORIGINAL

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

LUSA LIGHTING INTL., INC., a California corporation,

Plaintiff,

v.

AMERICA ELEX, INC., a California corporation; MICHAEL CHEN, an individual; DOES I-X, Inclusive,

Defendants.

CASE NO. SACV 07-674 DOC (MLGx)

NOTICE OF SERVICE OF SUMMONS; DEFENDANTS AND COUNTERCLAIMANTS AMERICA ELEX, INC.'s AND MICHAEL CHEN'S FIRST AMENDED ANSWER TO COMPLAINT AND FIRST AMENDED COUNTERCLAIMS

Complaint filed: June 7, 2007
Honorable David O. Carter; Crtrm. 9D

AMERICA ELEX, INC., a California corporation;, and MICHAEL CHEN, an individual;

Counterclaimants,

v.

LUSA LIGHTING INTL., INC., a California corporation; BRIGHT REGENT ENTERPRISES, LTD., entity, form unknown; LUSA LIGHTING HONG KONG, entity, form unknown; SANFORD BENENSOHN, an individual; and ROES 1-10, inclusive,

Counterdefendants.

TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendants and Counter-claimants America Elex, Inc. and Michael Chen served their Summons and First Amended Answer to Complaint and First Amended Counterclaim in compliance with the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil and Commercial Matters, on November 28, 2007. The Original Certificate of Service of Summons, First Amended Answer to Complaint and First Amended Counterclaim is attached hereto as Exhibit A.

OSWALD & YAP, APC

Date: January 15, 2008 By: _____

MICHAEL A. OSWALD
CLAUDIA MOURAD
JAY Y. CHIU
Attorneys for Defendants and Counterclaimants, AMERICA ELEX, INC. and MICHAEL CHEN

EXHIBIT A

Request for Service of Judicial Documents from: USA

Party for Service: BRIGHT REGENT ENTERPRISES, LTD.

AFFIRMATION OF SERVICE

I, LING Siu-nung, Bailiff's Assistant of the High Court of Hong Kong, solemnly, sincerely and truly affirm as follows:

1. I was directed by the Registrar, High Court of Hong Kong to serve the above-named BRIGHT REGENT ENTERPRISES, LTD. with the following judicial documents:

I. Request
II. Summary of the document to be served
III. Certificate (unexecuted)
IV. Summons
V. Defendants America Elex, Inc.'s and Michael Chen's First Amended Answer to Complaint and First Amended Counterclaim

2. I did on Wednesday the 28th day of November 2007 at 1227 hours call at the address given in the Request for Service, namely 2001 Central Plaza, 18 Harbour Road, Wanchai, Hong Kong for effecting the service of the aforesaid judicial documents.

3. On arrival at the aforesaid address, I could not find the said BRIGHT REGENT ENTERPRISES, LTD. I found that the premises at the aforesaid address was occupied wholly by a company, namely Horwath Hong Kong Group. I revealed the purpose of my visit to a Ms. Kwong, female staff member of Horwath Hong Kong Group therein. She told me that it was the registered office address of the party for service. Thus, service was effected on the party for service BRIGHT REGENT ENTERPRISES, LTD by leaving the aforesaid documents at this registered office address of the party for service at 2001 Central Plaza, 18 Harbour Road, Wanchai, Hong Kong.

AND LASTLY, I solemnly, sincerely and truly affirm that the contents of this Affirmation are true.

ORIGINAL

AFFIRMED at Bailiff Hong Kong)
Regional Office, 26th Floor,)
Wanchai Tower, Hong Kong)
this 28th day of November 2007.)

Before me,

WONG KEE CHEUNG, WINDSOR
Commissioner for Oaths
Judiciary

CSO/ADM/SJ/209/2007A

Request issued from USA

Party for Service :-

BRIGHT REGENT ENTERPRISES, LTD.

Address :-

2001 Central Plaza, 18 Harbour Road, Wanchai, Hong Kong

****

Affirmation of Service

****

Filed this 28th day of November, 2007

Bailiff Office, High Court,
Hong Kong Special Administrative Region.

ORIGINAL

U.S. Department of Justice
United States Marshals Service

REQUEST
FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS

DEMANDE
AUX FINS DE SIGNIFICATION OU DE NOTIFICATION À L'ETRANGER
D'UN ACTE JUDICIAIRE OU EXTRAJUDICIAIRE

Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965.
Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matière civile ou commerciale, signée à La Haye, le 15 novembre 1965.

Identity and address of the applicant *Identité et adresse du requérant*	**Address of receiving authority** *Adresse de l'autorité destinataire*
Oswald & Yap Michael A. Oswald, Esq. Claudia Mourad, Esq. 16148 Sand Canyon Avenue Irvine, California 92618	Chief Secretary for Administration Government of the Hong Kong SAR Room 140, East Wing Central Government Offices Lower Albert Road, Hong Kong

The undersigned applicant has the honour to transmit -- in duplicate-- the documents listed below and, in conformity with article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e., (identity and address)
Le requérant soussignée a l'honneur de faire parvenir--en double exemplaire--à l'autorité destinataire les documents ci-dessous énumérés, en la priant, conformément à l'article 5 de la Convention précitée, d'en faire remettre sans retard un exemplaire au destinataire, à savoir:
(identité et adresse)

Bright Regent Enterprises, Ltd.
2001 Central Plaza, 18 Harbour Road, Wanchai, Hong Kong

☒ (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention.*
a) selon les formes légales (article 5 alinéa premier, lettre a).

☐ (b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of article 5)*:
b) selon la forme particulière suivante (article 5, alinéa premier, lettre b) :

☐ (c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of article 5)*:
c) le cas échéant, par remise simple (article 5, alinéa 2).

The authority is requested to return or to have returned to the applicant a copy of the documents and of the annexes with a certificate as provided on the reverse side.
Cette autorité est priée de renvoyer ou de faire renvoyer au requérant un exemplaire de l'acte - et de ses annexes - avec l'attestation figurant au verso.

List of documents
Enumération des pièces

1) Summons
2) Defendants America Elex, Inc.'s and Michael Chen's First Amended Answer to Complaint and First Amended Counterclaim

Done at Irvine, California, the 09/27/2007
Fait à , le

Signature and/or stamp
Signature et/ou cachet

Claudia Mourad

*Delete if inappropriate
Rayer les mentions inutiles.

Form USM-94
Est. 11/77
(Formerly OBD-116, which was formerly LAA-116, both of which may still be used)

SUMMARY OF THE DOCUMENT TO BE SERVED
ÉLÉMENTS ESSENTIELS DE L'ACTE

Convention on the service abroad of judicial and extrajudicial documents In civil or commercial matters, signed at The Hague, November 15, 1965.

Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matière civile ou commerciale, signée à La Haye, le 15 novembre 1965.

(article 5, fourth paragraph)
(article 5, alinéa quatre)

Name and address of the requesting authority:
Nom et adresse de l'autorité requérante:

Oswald & Yap, Michael A. Oswald & Claudia Mourad, 16148 Sand Canyon Avenue, Irvine, California 92618

Particulars of the parties:
Identité des parties:

America Elex, Inc. and Michael Chen

JUDICIAL DOCUMENT
ACTE JUDICIA IRE

Nature and purpose of the document:
Nature et objet de l'acte:

Summons; Defendants' First Amended Answer to Complaint and First Amended Counterclaim

Nature and purpose of the proceedings and, where appropriate, the amount in dispute:
Nature et objet de l'instance, le cas échéant, le montant du litige:

Civil trial for patent infringement, breach of contract, and fraud and concealment; counterclaim filed.

Date and place for entering appearance:
Date et lieu de la comparution:

Scheduling Conference, October 29, 2007, United States District Court for the Central District of California

Court which has given judgment:**
Juridiction qui a rendu la décision:

Dale of judgment:**
Date de la décision:

Time limits stated in the document:**
Indication des délais figurant dans l'acte:

20 days from date of service to answer the counterclaim.

EXTRAJUDICIAL DOCUMENT
ACTE EXTRAJUDICIAIRE

Nature and purpose of the document:
Nature et objet de l'acte:

Time limits stated in the document:**
Indication des délais figurant dans l'acte:

CERTIFICATE
ATTESTATION

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention,
L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention,

1) that the document has been served *
1) que la demande a été exécutée
– the (date) -- *le (date)* 28th Nov., 2007
-- at (place, street, number) - *à (localité, rue, numéro)* 2001 Central Plaza, 18 Harbour Road, Wanchai, Hong Kong

-- in one of the following methods authorized by article 5:
-- dans une des formes suivantes prévues à l'article 5:

☐ (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention*.
a) selon les formes légales (article 5. alinéa premier, lettre a)

☐ (b) in accordance with the following particular method:
b) selon la forme particulière suivante: _____

☐ (c) by delivery to the addressee, who accepted it voluntarily.*
c) par remise simple.

The documents referred to in the request have been delivered to:
Les documents mentionnés dans la demande ont été remis à:

- *(identity and description of person)*
- *(Identité et qualité de la personne)*

_____

- relationship to the addressee family, business or other
- *liens de parenté de subordination ou autres avec le destinataire de l'acte:*

_____

2) that the document has not been served, by reason of the following facts*:
2) que la demande n'a pas été exécutée, en raison des faits suivants:

_____

In conformity with the second paragraph of article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement*
Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint.

ANNEXES
Annexes

Documents returned:
Pieces renvoyées

_____
_____
_____

THE SEAL OF THE HIGH COURT HONG KONG 高等法院印鑑 中華人民共和國香港特別行政區

10 DEC 2007

Done at _____, the _____
Fait à *, le*

In appropriate cases, documents establishing the service:
Le cas échéant, les documents justificatifs de l'exécution:

Affirmation of Service of Ling Siu-wang, Bailiff's Assistant dated 28th Nov., 2007

Signature and/or stamp
Signature et/ou cachet

Michael A. Oswald (SBN: 87299)
Claudia Mourad (SBN: 211139)
Jay Y. Chiu (SBN: 235728)
Oswald & Yap, APC
16148 Sand Canyon Avenue
Irvine, CA 92618

COPY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

AMERICA ELEX, INC., a California corporation; and MICHAEL CHEN, an individual, counterclaimants ~~PLAINTIFF~~(S) v. LUSA LIGHTING INTL., INC., a California corporation; BRIGHT REGENT, entity unknown; LUSA LIGHTING HONG KONG, entity unknown; SANFORD BENESOHN, an individual; and ROES 1-10, inclusive counter DEFENDANT(S).	CASE NUMBER SACV 07-674 DOC (MLGx)
	SUMMONS

TO: THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to file with this court and serve upon plaintiff's attorney Michael A. Oswald, Esq., OSWALD & YAP, whose address is:

16148 Sand Canyon Avenue, Irvine, California 92618

an answer to the ☐ complaint ☐ _____ amended complaint ☒ counterclaim ☐ cross-claim 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, judgement by default will be taken against you for the relief demanded in the complaint.

Dated: AUG 27 2007

Clerk, U.S. District Court

By: STEPHANIE MUKHAIL
Deputy Clerk

(Seal of the Court)

OSWALD & YAP
A Professional Corporation
Michael A. Oswald, Esq. (SBN 87299)
Claudia Mourad, Esq. (SBN 211139)
16148 Sand Canyon Avenue
Irvine, California 92618
Telephone: (949) 788-8900
Telecopier: (949) 788-8980
email: mao@oswald-yap.com

Attorneys for Defendants America Elex, Inc. and Michael Chen.

FILED
CLERK, U.S. DISTRICT COURT
SEP - 4 2007
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

LUSA LIGHTING INTL., INC., a California corporation,

Plaintiff,

v.

AMERICA ELEX, INC., a California corporation; MICHAEL CHEN, an individual; DOES I-X, Inclusive,

Defendants.

AMERICA ELEX, INC., a California corporation;, and MICHAEL CHEN, an individual;

Counterclaimants,

v.

LUSA LIGHTING INTL., INC., a California corporation; BRIGHT REGENT ENTERPRISES, LTD., entity, form unknown; LUSA LIGHTING HONG KONG, entity, form unknown; SANFORD BENENSOHN, an individual; and ROES 1-10, inclusive,

Counterdefendants.

CASE NO. SACV 07-674 DOC (MLGx)

Complaint filed: June 7, 2007
Honorable David O. Carter; Crtrm. 9D

DEFENDANTS AMERICA ELEX, INC.'S AND MICHAEL CHEN'S FIRST AMENDED ANSWER TO COMPLAINT, AND FIRST AMENDED COUNTERCLAIM

DEMAND FOR JURY TRIAL

PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of eighteen (18) years and am not a party to the within action. My business address is that of 16148 Sand Canyon Avenue, Irvine, CA 92618.

On **January 15, 2008**, at Oswald & Yap, 16148 Sand Canyon Avenue, Irvine, CA 92618, following ordinary business practices, I served a true and correct copy of the foregoing document entitled: ***NOTICE OF SERVICE OF SUMMONS; DEFENDANTS AMERICA ELEX, INC.'s AND MICHAEL CHEN'S FIRST AMENDED ANSWER TO COMPLAINT AND FIRST AMENDED COUNTERCLAIMS*** on interested parties in this action by placing a true and correct copy of each document thereof, enclosed in a sealed envelope, addressed as follows:

Alan L. Isaacman, Esq.
Michael A. Painter, Esq.
Sacha V. Emanuel, Esq.
Isaacman, Kaufman & Painter, APC
8484 Wilshire Blvd., Suite 850
Beverly Hills, CA 90211
(323) 782-7700
(323) 782-7744 fax
Attorneys for Plaintiff/Cross-Defendant, LUSA LIGHTING INTL., INC. And Cross-Defendant, SANFORD BENENSOHN

(X) BY MAIL: I am readily familiar with Oswald & Yap's, business practice for collection and processing of correspondence for mailing with the United States Postal Service. I know that the correspondence is deposited with the United States Postal Service on the same day this declaration was executed in the ordinary course of business. I know that the envelope was sealed and, with postage thereon fully prepaid, placed for collection and mailing on this date, following ordinary business practices, in the United States mail at Irvine, California.

( ) **BY PERSONAL SERVICE:** I caused the foregoing document(s) to be delivered by hand to the above address(es).

( ) **BY OVERNIGHT COURIER:** I caused the foregoing document to be delivered to an overnight courier service (Federal Express) for delivery to the above address.

( ) **BY FACSIMILE MACHINE**: I caused the above-referenced document(s) to be transmitted to the above-named persons at afore-referenced facsimile number.

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

Executed on **January 15, 2008**, at Irvine, California.

Patricia Tonti-Mace