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Attorneys for Plaintiff,
SPEEDTRACK, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

SPEEDTRACK, INC. Plaintiff, vs. OFFICE DEPOT, INC.; CDW CORPORATION; NEWEGG.COM; CIRCUIT CITY STORES, INC.; PC CONNECTION, INC. and COMPUSA, INC. Defendants.	Case No. C-07-3602-PJH Before: Hon. Phyllis J. Hamilton **ORIGINAL PROOF OF SERVICE OF SUMMONS AND COMPLAINT AND RELATED DOCUMENTS ON CDW CORPORATION**

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Speedtrack, Inc.
Plaintiff(s)
v.
Office Depot, Inc.; et al.
Defendant(s)

CASE NUMBER: C 07 3602 JL

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)*: Please see Attachment for additional documents served
2. **Person served:**
   a. ☒ Defendant *(name)*: CDW CORPORATION
   b. ☒ Other *(specify name and title or relationship to the party/business named)*: Marsha Montgomery, Illinois Corporation Service clerk
   c. ☒ Address where papers were served: 801 Aldai Stevenson Drive, Springfield, IL 62703
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)*: 8/13/07 at *(time)*: 3:20 p.m.
   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 prepaid)* 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 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 statute 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 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. **(Attach 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)*:

Philip Cravens
TIME MACHINE NETWORK
P.O. BOX 861057
LOS ANGELES, CALIFORNIA 90086-1057
(800) 994-5454
[HENBE 1605.rc]

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 15, 2007

Phil Cravens
(Signature)

ATTACHMENT

1. Contents of Joint Case Management Statement
2. Consent to Assignment or Request for Reassignment
3. Notices
4. Notice of Interested Parties or Persons
5. ECF Registration Information Handout
6. Notice of Assignment of Case to a United States Magistrate Judge for Trial
7. U.S. District Court, San Francisco Office Hours
8. Report on the Filing or Determination of an Action Regarding a Patent of Trademark
9. Order Setting Initial Case Management Conference and ADR Deadlines
10. Notice of Errata to Complaint for Patent Infringement, Permanent Injunction, and Damages and Demand for Jury Trial
11. Administrative Motion by Plaintiff Speedtack, Inc. to Consider Whether Cases Should be Related

PROOF OF SERVICE

STATE OF CALIFORNIA,)
) SS.
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action; my business address is 865 South Figueroa Street, Suite 2900, Los Angeles, California 90017.

On **September 14, 2007,** I served a copy of the within document(s) described as follows: **ORIGINAL PROOF OF SERVICE OF SUMMONS AND COMPLAINT AND RELATED DOCUMENTS ON CDW CORPORATION** on the interested parties in this action by transmitting via United States District Court for the Northern District of California Electronic Case Filing Program the document listed above by uploading the electronic files for each of the above listed document(s) on this date, addressed as set forth on the attached service list.

PLEASE SEE ATTACHED LIST

The above-described document was also transmitted to the parties indicated below, by Federal Express only:

Chambers of the Honorable Phyllis J. Hamilton
USDC, San Francisco Division
Attn: Regarding SpeedTrack Litigation
450 Golden Gate Avenue
San Francisco, CA 94102-3483
3 copies

I am readily familiar with Hennigan, Bennett & Dorman LLP's practice in its Los Angeles office for the collection and processing of federal express with Federal Express.

Executed on **September 14, 2007**, at Los Angeles, California.

I declare that I am employed in the office of a member of this bar of this court at whose direction the service was made.

/s/ Carol S. Yuson
Carol S. Yuson

SERVICE LIST

Jonathan E. Rich, Esq. PROSKAUER ROSE LLP 2049 Century Park East, Suite 3200 Los Angeles, CA 90067-3206 Tel: (310) 557-2900 Fax: (310) 557-2193 Email: jrich@proskauer.com	Attorneys for: OFFICE DEPOT, INC.; CDW CORPORATION; NEWEGG.COM; CIRCUIT CITY STORES, INC.; PC CONNECTION, INC.; and COMPUSA, INC.
Steven M. Bauer, Esq. Colin G. Cabral, Esq. Melissa A. Ganz, Esq. PROSKAUER ROSE LLP One International Place Tel: (617) 526-9600 Emails: sbauer@proskauer.com ccabral@proskauer.com mganz@proskauer.com	Attorneys for: OFFICE DEPOT, INC.; CDW CORPORATION; NEWEGG.COM; CIRCUIT CITY STORES, INC.; PC CONNECTION, INC.; and COMPUSA, INC.

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