

Case No.: D9 DC 00579 1B 1 REC'D & FILED 2 Dept. No.: 2009 DEC 11 PM 4: 07 3 4 5 6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA 7 IN AND FOR CARSON CITY 8 JED MARGOLIN, an individual, 9 Plaintiff, 10 vs. 11 12 **OPTIMA TECHNOLOGY** CORPORATION, a California corporation, 13 OPTIMA TECHNOLOGY CORPORATION, a Nevada corporation, REZA ZANDIAN aka 14 GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka REZA 15 JAZI aka J. REZA JAZI aka G. REZA JAZI aka GHONONREZA ZANDIAN JAZI, 16 an individual, DOE Companies 1-10, DOE 17 Corporations 11-20, and DOE Individuals 21-30. 18 Defendants. 19 20 **COMPLAINT** 21 (Exemption From Arbitration Requested) 22 Plaintiff, JED MARGOLIN ("Mr. Margolin"), by and through his counsel of record, 23 WATSON ROUNDS, and for his Complaint against Defendants, hereby alleges and complains 24 as follows: 25 The Parties 26 Plaintiff Mr. Margolin is an individual residing in Storey County, Nevada. 1. 27 On information and belief, Defendant Optima Technology Corporation is a 28 2.

California corporation with its principal place of business in Irvine, California.

- 3. On information and belief, Defendant Optima Technology Corporation is a Nevada corporation with its principal place of business in Las Vegas, Nevada.
- 4. On information and belief, Defendant Reza Zandian, aka Golamreza Zandianjazi, aka Golamreza Zandianjazi, aka Golamreza Zandianjazi, aka Gholam Reza Zandian, aka Reza Jazi, aka J. Reza Jazi, aka G. Reza Jazi, aka Ghononreza Zandian Jazi (collectively "Zandian"), is an individual who at all relevant times resided in San Diego, California or Las Vegas, Nevada.
- 5. On information and belief, Defendant Optima Technology Corporation, the Nevada corporation ("OTC—Nevada") is a wholly owned subsidiary of Optima Technology Corporation, the California corporation ("OTC—California"), and Defendant Zandian at all relevant times served as officers of the OTC—California and OTC—Nevada.
- 6. Mr. Margolin believes, and therefore alleges, that at all times herein mentioned, each of the Defendants was the agent, servant or employee of each of the other Defendant and at all times was acting within the course and scope of said agency and/or employment and that each Defendant is liable to Mr. Margolin for the reasons and the facts herein alleged. Relief is sought herein against each and all of the Defendants jointly and severally, as well as its or their agents, assistants, successors, employees and all persons acting in concert or cooperation with them or at their direction. Mr. Margolin will amend his Complaint when such additional persons acting in concert or cooperation are ascertained.

Jurisdiction and Venue

7. Pursuant to the Nevada Constitution, Article 6, Section 6, the district courts of the State of Nevada have original jurisdiction in all cases excluded by law from the original jurisdiction of the justice courts. This case involves tort claims in an amount in excess of the jurisdictional limitation of the justice courts and, accordingly, jurisdiction is proper in the district court.

8. Venue is based upon the provisions of N.R.S. § 13.010, et seq., inasmuch as the Defendants at all times herein mentioned has been and/or is residing or currently doing business in and/or are responsible for the actions complained of herein in Storey County.

Facts

- 9. Plaintiff Mr. Margolin is the named inventor on numerous patents and patent applications, including United States Patent No. 5,566,073 ("the '073 Patent"), United States Patent No. 5,904,724 ("the '724 Patent"), United States Patent No. 5,978,488 ("the '488 Patent") and United States Patent No. 6,377,436 ("the '436 Patent") (collectively "the Patents").
- 10. Mr. Margolin is the legal owner and owner of record for the '488 and '436 Patents, and has never assigned those patents.
- 11. In July 2004, Mr. Margolin granted to Optima Technology Group ("OTG"), a
 Cayman Islands Corporation specializing in aerospace technology, a Power of Attorney
 regarding the '073 and '724 Patents. In exchange for the Power of Attorney, OTG agreed to pay
 Mr. Margolin royalties based on OTG's licensing of the '073 and '724 Patents.
- 12. In May 2006, OTG and Mr. Margolin licensed the '073 and '724 Patents to Geneva Aerospace, Inc., and Mr. Margolin received a royalty payment pursuant to the royalty agreement between Mr. Margolin and OTG.
- 13. On about July 20, 2004, Mr. Margolin assigned the '073 and '724 Patents to OTG.
- 14. In about November 2007, OTG licensed the '073 Patent to Honeywell International, Inc., and Mr. Margolin received a royalty payment pursuant to the royalty agreement between Mr. Margolin and OTG.
- 15. In December 2007, Defendant Zandian filed with the U.S. Patent and Trademark Office ("USPTO") fraudulent assignment documents allegedly assigning all four of the Patents to Optima Technology Corporation.

- 16. Upon discovery of the fraudulent filing, Mr. Margolin: (a) filed a report with the Storey County Sheriff's Department; (b) took action to regain record title to the '488 and '436 Patents that he legally owned; and (c) assisted OTG in regaining record title of the '073 and '724 Patents that it legally owned and upon which it contracted with Mr. Margolin for royalties.
- 17. Soon thereafter, Mr. Margolin and OTG were named as defendants in an action for declaratory relief regarding non-infringement of the '073 and '724 Patents in the United States District Court for the District of Arizona, in a case titled: *Universal Avionics Systems Corporation v. Optima Technology Group, Inc.*, No. CV 07-588-TUC-RCC (the "Arizona Action"). In the Arizona Action, Mr. Margolin and OTG filed a cross-claim for declaratory relief against Zandian in order to obtain legal title to their respective patents.
- 18. On August 18, 2008, the United States District Court for the District of Arizona entered a final judgment in favor of Mr. Margolin and OTG on their declaratory relief action, and ordered that OTC had no interest in the '073 or '724 Patents, and that the assignment documents filed with the USPTO were "forged, invalid, void, of no force and effect." Attached as Exhibit A is a copy of the Order from the United States District Court in the Arizona Action.
- 19. Due to Defendants' fraudulent acts, title to the Patents was clouded and interfered with Plaintiff's and OTG's ability to license the Patents.
- 20. During the period of time Mr. Margolin worked to correct record title of the Patents in the Arizona Action and with the USPTO, he incurred significant litigation and other costs associated with those efforts.

Claim 1--Conversion (Against All Defendants)

- 21. Paragraphs 1-20 of the Complaint set forth above are incorporated herein by reference.
- 22. Through the fraudulent acts described above, Defendants wrongfully exerted dominion over the Patents, thereby depriving Mr. Margolin of the use of such property.

Margolin's prospective licensees to refrain from engaging in business with Mr. Margolin.

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Exhibit 1

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4	IN THE UNITED STATES DISTRICT COURT
5	FOR THE DISTRICT OF ARIZONA
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7	UNIVERSAL AVIONICS SYSTEMS) No. CV 07-588-TUC-RCC
8	CORPORATION,) ORDER
9	Plaintiff,
10	vs.
11	OPTIMA TECHNOLOGY GROUP, INC.,) OPTIMA TECHNOLOGY GROUP, INC.,)
12	CORPORATION, ROBERT ADAMS and)
13	JED MARGOLIN,) Defendants.)
14	Defendants.
15	OPTIMA TECHNOLOGY INC. a/k/a) OPTIMA TECHNOLOGY GROUP, INC.,)
16	a corporation,
17	Counterclaimant,
18	vs.
19	UNIVERSAL AVIONICS SYSTEMS) CORPORATION, an Arizona corporation,)
20	Counterdefendant,
21	Counterdefendant,
22	OPTIMA TECHNOLOGY INC. a/k/a) OPTIMA TECHNOLOGY GROUP, INC.,)
23)
24	Cross-Claimant,
25	OPTIMA TECHNOLOGY)
26	CORPORATION,
27	Cross-Defendant.
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