

PATENT ASSIGNMENT COVER SHEET

Electronic Version v1.1
 Stylesheet Version v1.2

EPAS ID: PAT3791456

SUBMISSION TYPE:	RESUBMISSION
NATURE OF CONVEYANCE:	LIEN
RESUBMIT DOCUMENT ID:	503724328
SEQUENCE:	17

CONVEYING PARTY DATA

Name	Execution Date
WAGIC, INC.	02/23/2015

RECEIVING PARTY DATA

Name:	RAYMOND FIGONE
Street Address:	1781 ANGELA ST.
City:	SAN JOSE
State/Country:	CALIFORNIA
Postal Code:	95131

PROPERTY NUMBERS Total: 1

Property Type	Number
Application Number:	29332976

CORRESPONDENCE DATA

Fax Number:

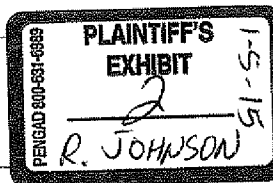
Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.

Phone: 4082861398
Email: loconnor@hopkinscarley.com
Correspondent Name: LIAM O'CONNOR, HOPKINS & CARLEY
Address Line 1: P.O. BOX 1469
Address Line 4: SAN JOSE, CALIFORNIA 95113

NAME OF SUBMITTER:	LIAM O'CONNOR
SIGNATURE:	/liam o'connor/
DATE SIGNED:	03/18/2016

Total Attachments: 5

source=Order to Appear for Examination#page1.tif
 source=Order to Appear for Examination#page2.tif
 source=Court Judgment After Default Against Wagic, Inc. (Cal. Super. Ct.)#page1.tif
 source=Court Judgment After Default Against Wagic, Inc. (Cal. Super. Ct.)#page2.tif
 source=Court Judgment After Default Against Wagic, Inc. (Cal. Super. Ct.)#page3.tif



AT-138, EJ-125

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): David W. Lively (SBN 83642) Liam J. O'Connor (SBN 246638) Hopkins & Carley, a Law Corporation 70 S. First Street San Jose, CA 95113 TELEPHONE NO.: (408) 286-9800 FAX NO.: (408) 998-4790 ATTORNEY FOR (Name): Plaintiff Raymond Figone		FOR COURT USE ONLY FILED (ENDORSED) NOV 24 2015 DAVID H. YAMAZAKI Chief Executive Officer/Clerk Superior Court of CA County of Santa Clara BY <u>A. Floresca</u> DEPUTY
NAME OF COURT: Santa Clara County Superior Court STREET ADDRESS: 191 North First Street MAILING ADDRESS: CITY AND ZIP CODE: San Jose, CA 95113 BRANCH NAME:		
PLAINTIFF: Raymond Figone DEFENDANT: Wagic, Inc., a California corporation		
APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION <input checked="" type="checkbox"/> ENFORCEMENT OF JUDGMENT <input type="checkbox"/> ATTACHMENT (Third Person) <input checked="" type="checkbox"/> Judgment Debtor <input type="checkbox"/> Third Person		CASE NUMBER: 114CV273972

ORDER TO APPEAR FOR EXAMINATION

1. TO (name): Person Most Knowledgeable for Judgment Debtor Wagic, Inc.
2. YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to
 - a. ☒ furnish information to aid in enforcement of a money judgment against you.
 - b. ☐ answer concerning property of the judgment debtor in your possession or control or concerning a debt you owe the judgment debtor.
 - c. ☐ answer concerning property of the defendant in your possession or control or concerning a debt you owe the defendant that is subject to attachment.

Date: January 5, 2016 Time: 9:00 a.m. Dept. or Div.: 2 Rm.:
Address of court ☐ shown above ☒ is: Santa Clara County Superior Court
191 North First Street, San Jose, CA 95113

3. This order may be served by a sheriff, marshal, registered process server, or the following specially appointed person (name):

Date: NOV 24 2015

Patricia Lucas
JUDGE OF THE COURT

This order must be served not less than 10 days before the date set for the examination.

IMPORTANT NOTICES ON REVERSE

APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION

4. ☒ Judgment creditor ☐ Assignee of record ☐ Plaintiff who has a right to attach order
applies for an order requiring (name): Person Most Knowledgeable for Judgment Debtor Wagic, Inc. to appear and furnish information to aid in enforcement of the money judgment or to answer concerning property or debt.
5. The person to be examined is
☒ the judgment debtor
☐ a third person (1) who has possession or control of property belonging to the judgment debtor or the defendant or (2) who owes the judgment debtor or the defendant more than \$250. An affidavit supporting this application under Code of Civil Procedure section 491.110 or 708.120 is attached.
6. The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination.
7. ☐ This court is not the court in which the money judgment is entered or (attachment only) the court that issued the writ of attachment. An affidavit supporting an application under Code of Civil Procedure section 491.150 or 708.160 is attached.
8. ☐ The judgment debtor has been examined within the past 120 days. An affidavit showing good cause for another examination is attached.

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

Date: November 23, 2015

Liam J. O'Connor

(TYPE OR PRINT NAME)

(Continued on reverse)

(SIGNATURE OF DECLARANT)

APPEARANCE OF JUDGMENT DEBTOR (ENFORCEMENT OF JUDGMENT)

NOTICE TO JUDGMENT DEBTOR If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

**APPEARANCE OF A THIRD PERSON
(ENFORCEMENT OF JUDGMENT)**

(1) NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

(2) NOTICE TO JUDGMENT DEBTOR The person in whose favor the judgment was entered in this action claims that the person to be examined pursuant to this order has possession or control of property which is yours or owes you a debt. This property or debt is as follows *(Describe the property or debt using typewritten capital letters)*:

If you claim that all or any portion of this property or debt is exempt from enforcement of the money judgment, you must file your exemption claim in writing with the court and have a copy personally served on the judgment creditor not later than three days before the date set for the examination. You must appear at the time and place set for the examination to establish your claim of exemption or your exemption may be waived.

APPEARANCE OF A THIRD PERSON (ATTACHMENT)

NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the plaintiff in this proceeding.

**APPEARANCE OF A CORPORATION, PARTNERSHIP,
ASSOCIATION, TRUST, OR OTHER ORGANIZATION**

It is your duty to designate one or more of the following to appear and be examined: officers, directors, managing agents, or other persons who are familiar with your property and debts.

1 David W. Lively (State Bar No. 83642)
2 Liam J. O'Connor (State Bar No. 246638)
3 HOPKINS & CARLEY
4 A Law Corporation
5 The Letitia Building
6 70 South First Street
7 San Jose, CA 95113-2406

8 **mailing address:**
9 P.O. Box 1469
10 San Jose, CA 95109-1469
11 Telephone: (408) 286-9800
12 Facsimile: (408) 998-4790

13 Attorneys for Plaintiff
14 RAYMOND FIGONE

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

RAYMOND FIGONE,

Plaintiff,

v.

WAGIC, INC., a California Corporation;
and DOES 1-10, inclusive,
Defendants.

CASE NO. 1-14-CV- 273972

~~Proposed~~ COURT JUDGMENT AFTER
DEFAULT AGAINST DEFENDANT
WAGIC, INC.

Date: February 23, 2015
Time: 1:30 p.m.
Dept.: 1
Judge: Hon. Peter Kirwan

The application of Plaintiff Raymond Figone ("Plaintiff") for default judgment came on for hearing on February 23, 2015 at 1:30 p.m. in Department 1 of the Superior Court of the State of California, County of Santa Clara, the Honorable Peter Kirwan presiding (the "Hearing"). Plaintiff seeks to have Judgment entered on his claim for Breach of Contract against Defendant Wagic, Inc. ("Wagic"). David W. Lively appeared on behalf of Plaintiff. Other appearances, if any, are as noted on the record.

Through his Complaint for Breach of Contract (the "Complaint"), Plaintiff asserts, among other things, that Plaintiff extended credit to Wagic in the form of a loan in the principal amount of \$500,000.00 used by Wagic for business expenses (the "Loan"). Plaintiff also asserts that on or about December 14, 2012, in consideration for said Loan, among other things, Wagic executed

HOPKINS & CARLEY
ATTORNEYS AT LAW
SAN JOSE

6971196812.2

DECLARATION OF RAYMOND FIGONE IN SUPPORT OF APPLICATION FOR RIGHT TO ATTACH ORDER AND WRIT OF ATTACHMENT AS TO DEFENDANT WAGIC, INC.

ENDORSED

2015 FEB 23 P 2:53

David H. Yamasaki, Clerk of the Superior Court
County of Santa Clara, California

By
C. Page
Clerk

1 that certain written Promissory Note (hereinafter referred to as the "Promissory Note") in the
2 principal sum of five hundred thousand dollars (\$500,000.00), together with interest at the rate of
3 20% per annum. Plaintiff alleges that pursuant to the Promissory Note, all unpaid principal and
4 interest was due and payable to Plaintiff no later than the maturity date of June 15, 2013, but that
5 Wagic breached the Promissory Note by failing to pay all sums due and owing Plaintiff on the
6 maturity date of June 15, 2013. Through the Complaint, Plaintiff seeks damages in the amount of
7 the outstanding principal and interest due pursuant to the Promissory Note in the amount of
8 \$696,436.49 as of December 1, 2014, plus interest as it continues to accrue thereafter at the rate
9 of 20% per annum, plus all costs of collection including but not limited to attorneys' fees and
10 costs pursuant to the Promissory Note.

11 Plaintiff duly served Wagic with the Complaint for Breach of Contract herein on
12 December 9, 2014. After Wagic failed to answer or otherwise respond thereto, the default of
13 Wagic was entered on January 1, 2015. As a result of the default, Wagic is deemed to have
14 admitted all allegations in the Complaint. (See *Vasey v. California Dance Co., Inc.* (1977) 70
15 Cal.App.3d 742, 749; *Molen v. Friedman* (1998) 64 Cal.App.4th 1149, 1156 [By defaulting, a
16 defendant is deemed to admit the material allegations of the complaint for purposes of the
17 action].).

18 The allegations of Plaintiff's Complaint having been proven to the Court's satisfaction,
19 and upon consideration of all papers, evidence, and argument submitted by Plaintiff at the
20 Hearing, and good cause appearing therefore, IT IS HEREBY ORDERED, ADJUDGED and
21 DECREED that:

22 Judgment is entered in favor of Plaintiff and against Wagic in the total amount of
23 **\$736,595.47**. The foregoing sum includes: (1) principal due and owing from Wagic pursuant to
24 the Promissory Note in the amount of \$500,000.00; (2) interest at the rate 20% per annum,
25 pursuant to the Promissory Note, for the period from December 14, 2012 through the date of the
26 Hearing ($\$500,000 \times 20\% \div 365 \times 801$ days), which totals \$219,449.97; (3) attorneys' fees of
27 \$14,700.50 pursuant to the Promissory Note; and (4) costs of \$2,445.00 pursuant to the
28 Promissory Note as of the date of the Hearing, which have been incurred by Plaintiff in

1 connection with this litigation. Once entered, this Judgment shall accrue interest at the legal rate
2 of 10% per annum.
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5 Dated: 2/23/15

Peter H. Kinwan

Judge of the Superior Court

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