

# **EXHIBIT D**

AO 88 (Rev. 02/14) Subpoena to Appear and Testify at a Hearing or Trial in a Civil Action (page 2)

Civil Action No. 17-cv-0220-LHK

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* DEREK ABERLE  
on *(date)* 12/06/2018.

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or


I returned the subpoena unexecuted because: \*\*\*SEE ATTACHED DECLARATION\*\*\*

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 12/11/2018

  
\_\_\_\_\_  
*Server's signature*

MANFRED ARNOLD BRIESE, JR. SAN DIEGO CO. RPS #3261

*Printed name and title*  
**SAN DIEGO SERVICE OF PROCESS  
2445 MORENA BLVD. SUITE 201  
SAN DIEGO, CA 92110**

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:

MC-031

PLAINTIFF/PETITIONER: <b>FEDERAL TRADE COMMISSION</b>	CASE NUMBER: <b>17-cv-0220-LHK</b>
DEFENDANT/RESPONDENT: <b>QUALCOMM INCORPORATED</b>	

**DECLARATION**

*(This form must be attached to another form or court paper before it can be filed in court.)*

I, Manfred Arnold Briese, Jr., am a registered process server and am employed in the county of San Diego. I am aware of the facts presented below. After due and diligent effort, I have been unable to effect personal service on the below- named subject. A list of dates, times and attempts at service is as follows:

**SERVEE: DEREK ABERLE**  
**ADDRESS: 12774 TOYON MESA COURT SAN DIEGO, CA 92130**


**SERVICE ATTEMPTS AND RESULTS:**

- 12/10/2018 at 4:45- Arrived at location to relieve previous server.
- 5:40pm- Black Land Rover SUV arrived with female adult and minor male.
- 5:45pm- Minor male came out to pedestrian gate and duct taped it closed (photo attached).
- 6:26pm- Black SUV left residence and returned at 6:35pm.
- 10:00pm- No activity. Left location.
  
- 12/11/2018 at 7:00am- Arrived at location. No vehicles seen.
- 7:36am- Black SUV arrives with single female occupant.
- 8:32am- Female leaves in Black SUV.
- 11:00am- No activity seen. Left location.

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

Date: 12/11/2018

MANFRED ARNOLD BRIESE, JR.  
 (TYPE OR PRINT NAME)

  
 (SIGNATURE OF DECLARANT)

- Attorney for  Plaintiff  Petitioner  Defendant
- Respondent  Other (Specify):  
**San Diego County RPS#3261**

