

1 Tyson K. Hottinger (California State Bar No. 253221)

2 E-mail: thottinger@mabr.com

3 Larry R. Laycock (Utah State Bar No. 4868; *Pro Hac Vice* Forthcoming)

4 E-mail: llaycock@mabr.com

5 David R. Wright (Utah State Bar No. 5164; *Pro Hac Vice* Forthcoming)

6 E-mail: dwright@mabr.com

7 Adam B. Beckstrom (Utah State Bar No. 14127; *Pro Hac Vice* Forthcoming)

8 E-mail: abeckstrom@mabr.com

9 **MASCHOFF BRENNAN**

10 210 South Main St., Suite 600 &

11 Salt Lake City, Utah 84111

12 Telephone: (435) 252-1360

13 Facsimile: (435) 252-1361

14 20 Pacifica, Suite 1130

15 Irvine, California 92618

16 Telephone: (949) 202-1900

17 Facsimile: (949) 453-1104

18 Attorneys for Plaintiff Sundesa, LLC

19 UNITED STATES DISTRICT COURT
20 CENTRAL DISTRICT OF CALIFORNIA

21 SACV13 - 01084 AG (JPRx)

22 Sundesa, LLC, a Utah Limited Liability
23 Company,

24 Plaintiff,

25 v.

26 Max Performance Supplements LLC, a
27 Pennsylvania Limited Liability Company,

28 Defendant.

Civil Action No. _____

29 **COMPLAINT FOR PATENT
30 INFRINGEMENT**

31 **[Demand For Jury Trial]**

CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
SACV13-01084-AG

2013 JUL 19 AM 9:07

FILED

LOGGED

2013 JUL 19 PM 4:00
CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.

1 Plaintiff Sundesa, LLC (“Sundesa”) complains against defendant Max
2 Performance Supplements LLC (“Max Performance”) for the causes of action alleged as
3 follows:

4 **THE PARTIES**

5 1. Sundesa is a limited liability company duly organized and existing under the
6 laws of the State of Utah, with its principal place of business located at 284 South 700
7 West, Pleasant Grove, Utah 84062.

8 2. Sundesa alleges Max Performance is a limited liability company organized
9 and existing under the laws of the State of Pennsylvania with its principal place of
10 business located at 14 Flora Drive, Peckville, Pennsylvania 18452.

11 **JURISDICTION AND VENUE**

12 3. This is a civil action for patent infringement arising under the patent laws of
13 the United States 35 U.S.C. §§ 1 *et seq.*, including 35 U.S.C. § 271.

14 4. This Court has original jurisdiction over the subject matter of this action
15 under at least 28 U.S.C. §§ 1331 and 1338(a).

16 5. This Court has personal jurisdiction over Max Performance because Max
17 Performance has purposely availed itself of the privileges and benefits of the laws of the
18 State of California and has committed acts of patent infringement within this judicial
19 District.

20 6. Max Performance does, and has done, substantial business in this judicial
21 District, including: (i) committing acts of patent infringement in this judicial District and
22 elsewhere in California; (ii) regularly doing business or soliciting business by virtue of
23 Defendant’s nationwide, interactive and commercial website www.mpsupplements.com
24 which directs Max Performance’s services and products to California; and (iii) engaging
25 in other persistent courses of conduct, and/or deriving substantial revenue from products
26 and/or services provided to persons in this District and State.

1 7. Max Performance also currently sells its products through Amazon.com, a
2 nationwide, interactive, and commercial website which directs Max Performance's
3 services and products to California residents.

4 8. This Court's exercise of personal jurisdiction over Max Performance is
5 consistent with the Constitutions of the United States and the State of California.

6 9. Venue is proper in this judicial district under at least 28 U.S.C. §§ 1391 and
7 1400.

8 **FACTUAL BACKGROUND**

9 10. Sundesa's technological innovations are protected by, *inter alia*, a portfolio
10 of utility and design patents, including United States Utility Patent No. 6,379,032 (the
11 "'032 Patent") and United States Design Patent No. D510,235 (the "'235 Design Patent")
12 (collectively the "Asserted Patents").

13 11. Sundesa is an exclusive licensee of the Asserted Patents and has been
14 granted all rights thereunder, including the right, and standing, to enforce the Asserted
15 Patents.

16 12. Max Performance is in the business of manufacturing and selling nutritional
17 supplements and accessories. In particular, Max Performance provides Ultimate Shaker
18 Cups with a whisk ball that allow users to mix ingredients according to the methods
19 claimed in the '032 Patent (the "Accused Products").

20 13. By its design, manufacture, and distribution of the Accused Products, Max
21 Performance encourages and instructs users on how to perform the claimed methods of
22 the '032 Patent.

23 14. On its website, www.mpsupplements.com, Max Performance markets,
24 describes, and instructs its customers to use the Accused Products to mix ingredients in
25 such a way as to perform the claimed methods of the '032 Patent.

26 15. On July 18, 2013, Sundesa's attorneys sent Max Performance a letter
27 informing Max Performance of its infringement of the Asserted Patents.
28

1 16. Max Performance has had knowledge of the Asserted Patents since at least
2 about July 18, 2013.

3 17. Since learning of the Asserted Patents, Max Performance has continued to
4 infringe the Asserted Patents.

5 18. Use of any of the Max Performance's Accused Products infringes the '032
6 Patent.

7 19. The Accused Products have no substantial non-infringing uses.

8 20. The design of the Accused Products are substantially the same as the design
9 that is the subject matter of the '235 Design Patent.

10 21. Furthermore, the design of the Accused Products is so similar to the design
11 that is the subject matter of the '235 Design Patent customers are likely to be deceived
12 and persuaded to buy the Accused Products thinking they are actually buying products
13 protected by the '235 Design Patent.

14 **FIRST CLAIM FOR RELIEF**

15 **(Infringement of the '032 Patent)**

16 22. By this reference Sundesa realleges and incorporates the foregoing
17 paragraphs as though fully set forth herein.

18 23. Max Performance has directly infringed, and continues to directly infringe,
19 the '032 Patent under 35 U.S.C. § 271(a) by making, using, selling, importing, and
20 offering for sale within the United States the Accused Products, which infringe the '032
21 patent.

22 24. Since at least about July 18, 2013, Max Performance has had, and continues
23 to have, the specific intent to induce its customers or users of its products to infringe the
24 '032 Patent. For example, on its website Max Performance instructs its customers or
25 users of the Accused Products that "the whisk ball moves freely throughout the bottle as
26 you shake it, mixing the thickest of drinks with ease. Simply add your ingredients - shake
27 and drink."
28

1 25. Max Performance’s customers, or users of the Accused Products, do, in fact,
2 infringe the ’032 Patent.

3 26. Since at least about July 18, 2013, Max Performance has known or should
4 have known that its customers or users of its products infringe the ’032 Patent.

5 27. The Accused Products are especially made to be used, and are in fact used,
6 by customers, or users, of the Accused Products, in a way that infringes the ’032 Patent.

7 28. Max Performance has indirectly infringed, and continues to indirectly
8 infringe, the Asserted Patents under 35 U.S.C. §§ 271(b) and (c) by actively inducing
9 infringement of, or contributorily infringing, the ’032 Patent.

10 29. Despite its knowledge of the ’032 Patent, Max Performance has continued to
11 infringe and induce others to infringe the ’032 Patent.

12 30. The conduct of Max Performance as set forth hereinabove gives rise to a
13 cause of action for infringement of the ’032 Patent, pursuant to at least 35 U.S.C. §§ 271
14 and 281.

15 31. Max Performance has manufactured, used, sold, imported, and offered for
16 sale Accused Products despite an objectively high likelihood that its actions constitute
17 infringement of the ’032 Patent.

18 32. Max Performance’s acts of infringement have caused damage to Sundesa,
19 and Sundesa is entitled to recover the damages sustained as a result of Max
20 Performance’s wrongful acts in an amount subject to proof at trial.

21 33. Max Performance’s infringement of Sundesa’s rights under the ’032 Patent
22 will continue to damage Sundesa’s business causing irreparable harm for which there is
23 no adequate remedy at law, unless it is enjoined by this Court.

24 34. By reason of the foregoing, Sundesa is entitled to monetary relief against
25 Max Performance, pursuant to 35 U.S.C. §§ 283–85, as more fully set forth herein below.

1 **SECOND CLAIM FOR RELIEF**

2 **(Infringement of the '235 Design Patent)**

3 35. By this reference Sundesa realleges and incorporates the foregoing
4 paragraphs as though fully set forth herein.

5 36. Max Performance has infringed, and continues to infringe, the '235 Design
6 Patent by making, using, offering to sell, selling, or importing, in this District, and
7 elsewhere in the United States, the Accused Products, the design of which is substantially
8 the same as the ornamental design of the '235 Design Patent.

9 37. Max Performance's actions constitute infringement of the '235 Design
10 Patent in violation of 35 U.S.C. § 271.

11 38. Sundesa has sustained damages and will continue to sustain damages as a
12 result of Max Performance's aforementioned acts of infringement.

13 39. Sundesa is entitled to recover damages sustained as a result of Max
14 Performance's wrongful acts in an amount to be proven at trial.

15 40. Max Performance's infringement of Sundesa's rights under the '235 Design
16 Patent will continue to damage Sundesa's business, causing irreparable harm, for which
17 there is no adequate remedy at law, unless Max Performance is enjoined by this Court.

18 41. Max Performance's blatant copying of Sundesa's intellectual property makes
19 this an exceptional case, entitling Sundesa to attorneys' fees and costs incurred in
20 prosecuting this action under 35 U.S.C. §§ 284-85.

21 42. Alternatively, Sundesa is entitled to recover Max Performance's total profits
22 from its sale of the Accused Product under 35 U.S.C. § 289.

23 **PRAYER FOR RELIEF**

24 Sundesa prays for judgment as follows:

25 A. A judgment finding Max Performance liable for infringement of one or more
26 of the claims of the '032 Patent;

27 B. A judgment finding Max Performance liable for infringement of the claims
28 of the '235 Design Patent;

1 C. Orders of this Court temporarily, preliminarily, and permanently enjoining
2 Max Performance, its agents, servants, and any and all parties acting in concert with any
3 of them, from directly, or indirectly, infringing in any manner any of the claims of the
4 '032 Patent and '235 Design Patent, pursuant to at least 35 U.S.C. § 283;

5 D. An award of damages adequate to compensate Sundesa for Max
6 Performance's infringement of the '032 Patent, in an amount to be proven at trial;

7 E. An award of damages adequate to compensate Sundesa for Max
8 Performance's infringement of the '235 Design Patent, in an amount to be proven at trial,
9 or in the alternative, an award of Max Performance's total profits under 35 U.S.C. § 289;

10 F. A declaration that this is an exceptional case and that Sundesa be awarded its
11 attorney fees and expenses, pursuant to at least 35 U.S.C. § 285;

12 G. An award of Sundesa's costs in bringing this action, pursuant to all
13 applicable state statutory and common law, including at least 35 U.S.C. § 284;

14 H. An award of Sundesa's attorney fees, pursuant to all applicable state
15 statutory and common law;

16 I. Prejudgment interest, pursuant to at least 35 U.S.C. § 284;

17 J. Post-judgment interest, pursuant to at least 28 U.S.C. § 1961(a); and

18 K. For such other and further relief as the Court deems just and equitable.

19 **DEMAND FOR JURY TRIAL**

20 Sundesa demands trial by jury on all claims and issues so triable.

21 DATED: July 18, 2013

Larry R. Laycock
David R. Wright
Tyson K. Hottinger
Adam B. Beckstrom
MASCHOFF BRENNAN

22
23
24
25 By: 
26 Tyson K. Hottinger

27 Attorneys for Plaintiff
28 SUNDESA, LLC

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Andrew Guilford and the assigned discovery Magistrate Judge is Jean P. Rosenbluth.

The case number on all documents filed with the Court should read as follows:

SACV13- 1084 AG (JPRx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the
Central District of California

Sundesha, LLC, a Utah Limited Liability Company,

Plaintiff(s)

v.

Max Performance Supplements, LLC, a
Pennsylvania Limited Liability Company,

Defendant(s)

SACV13 - 01084 AG (JPRx)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Tyson K. Hottinger
Larry R. Laycock
David R. Wright
Maschoff Brennan
20 Pacifica, Suite 1130, Irvine, CA 92618
(949) 202-1900

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: _____

JUL 19 2013

CLERK OF COURT

Ashman
DODJIE LAGMA

Signature of Clerk or Deputy Clerk



1225

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

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: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET

I. (a) PLAINTIFFS (Check box if you are representing yourself)

Sundesa, LLC, a Utah Limited Liability Company

DEFENDANTS (Check box if you are representing yourself)

Max Performance Supplements, LLC, a Pennsylvania Limited Liability Company

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Maschoff Brennan
201 South Main Street, Suite 600 & 20 Pacifica, Suite 1130
Salt Lake City, UT 8111 Irvine, CA 92618
(435) 252-1360 (949) 202-1900

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- 1. U.S. Government Plaintiff
- 3. Federal Question (U.S. Government Not a Party)
- 2. U.S. Government Defendant
- 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant)

- | | | | | | |
|---|--------------------------------|--------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State | PTF <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- 1. Original Proceeding
- 2. Removed from State Court
- 3. Remanded from Appellate Court
- 4. Reinstated or Reopened
- 5. Transferred from Another District (Specify)
- 6. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: Yes No MONEY DEMANDED IN COMPLAINT: \$ Subject to proof at trial

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
35 U.S.C. Section 271 & 35 U.S.C. Section 284; Patent infringement

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> Habeas Corpus:	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input checked="" type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	TORTS	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	PERSONAL INJURY	PERSONAL PROPERTY	<input type="checkbox"/> 530 General	SOCIAL SECURITY
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	Other:	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	FEDERAL TAX SUITS
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	
<input type="checkbox"/> 895 Freedom of Info. Act	REAL PROPERTY	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	LABOR		
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 740 Railway Labor Act	
			<input type="checkbox"/> 444 American with Disabilities-Employment	<input type="checkbox"/> 751 Family and Medical Leave Act	
			<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 790 Other Labor Litigation	
			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY: Case Number: SACV13 - 01084 AG (JPRx)

AFTER COMPLETING PAGE 1 OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED ON PAGE 2.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? NO YES

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? NO YES

If yes, list case number(s): Cases have not been assigned case numbers. A separate Notice of Related Cases will be filed once cases are assigned.

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply)
- A. Arise from the same or closely related transactions, happenings, or events; or
 - B. Call for determination of the same or substantially related or similar questions of law and fact; or
 - C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 - D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
NOTE: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange	

***Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties**

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR SELF-REPRESENTED LITIGANT): *Tyler Hatten* DATE: 7/18/13

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))