

1 Tyler J. Woods (State Bar No. 232464)
twoods@trialnewport.com
2 Tu-Quyen Pham (State Bar No. 260864)
tpham@trialnewport.com
3 **NEWPORT TRIAL GROUP**
A Professional Corporation
4 4100 Newport Place, Suite 800
Newport Beach, CA 92660
5 Tel: (949) 706-6464
Fax: (949) 706-6469
6

7 **HIDEN, ROTT & OERTLE, LLP**
A Limited Liability Partnership
Including Professional Corporations
8 **ERIC M. OVERHOLT, ESQ.** (C.S.B. 248762)
eoverholt@hrollp.com
9 2635 Camino del Rio South, Suite 306
San Diego, California 92108
10 Telephone: (619) 296-5884
Facsimile: (619) 296-5171
11

Attorneys for Plaintiff

12
13 **UNITED STATES DISTRICT COURT**
14 **SOUTHERN DISTRICT OF CALIFORNIA**
15

16 **THERMOLIFE INTERNATIONAL, LLC**

17 **Plaintiff,**

18 **vs.**

19 **LG SCIENCES,**

20 **Defendant.**
21
22

Case No. '13CV2172 LAB RBB

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 Plaintiff Thermolife International, LLC (“Plaintiff”) hereby alleges for its
2 Complaint against LG Sciences (“Defendant”), on personal knowledge as to its own
3 activities and on information and belief as to the activities of others, as follows:

4 **I. THE PARTIES**

5 1. Plaintiff is a limited liability company organized and existing under
6 the laws of Arizona, with a place of business at 1811 Ocean Front Walk in Venice,
7 California, 90291.

8 2. Plaintiff is and was at all relevant times the exclusive licensee of the
9 following United States Patents:

- 10 a. Patent No. 6,646,006, titled “Enhancement of Vascular Function
11 By Modulation of Endogenous Nitric Oxide Production or
12 Activity”; and
- 13 b. Patent No. 5,891,459, titled “Enhancement of Vascular Function
14 By Modulation of Endogenous Nitric Oxide Production or
15 Activity”.

16 3. The above patents are and were owned by The Board of Trustees of
17 the Leland Stanford Junior University (“Stanford University”) and Plaintiff
18 exclusively licenses and licensed the patents from Stanford University.

19 4. The above patents are referred to herein as the “patents in suit.”

20 5. Plaintiff has been given the right by Stanford University to institute
21 suit with respect to past, current, and future infringement of the patents in suit,
22 including this suit against Defendant.

23 6. Defendant is a corporation organized and existing under the laws of
24 Nevada with a principal place of business at 4920 S. Rainbow Blvd., Suite 11, in
25 Las Vegas, Nevada, 89118.

26 ///
27 ///
28 ///

1 **II. JURISDICTION AND VENUE**

2 7. This is an action for patent infringement arising under the patent laws
3 of the United States, Title 35 of the United States Code. Accordingly, this Court has
4 subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338, and 1367.

5 8. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and
6 1400.

7 9. This Court has personal jurisdiction over Defendant. By way of
8 example and without limitation, Defendant, directly or through intermediaries
9 (including distributors, retailers, and others), makes, manufactures, ships,
10 distributes, advertises, markets, offers for sale, and/or sells dietary supplement
11 products that infringe on one or more claims of the patents in suit (hereinafter the
12 “accused products”), which include without limitation products sold under the “I-
13 GH-1” and “Anadraulic Pump” brand names, in the United States, the State of
14 California, and the Southern District of California.

15 10. By way of further example and without limitation, Defendant has
16 purposefully and voluntarily placed the accused products into the stream of
17 commerce with the expectation that they will be purchased in the Southern District
18 of California, and the products are actually purchased in the Southern District of
19 California.

20 **III. THE DEFENDANT’S INFRINGEMENTS**

21 11. Defendant has committed the tort of patent infringement within the
22 State of California, and more particularly, within the Southern District of
23 California, by virtue of the fact that Defendant has formulated, made,
24 manufactured, shipped, distributed, advertised, offered for sale, and/or sold the
25 accused products in this District, and continues to do so.

26 ///

27 ///

28 ///

A. DIRECT INFRINGEMENTS

1
2 12. Defendant's employees, agents, representatives and other persons
3 sponsored by or who endorse Defendant and Defendant's products in advertising
4 and marketing activities, have taken, used, and orally administered the accused
5 products.

6 13. The accused products are formulated, made, manufactured, shipped,
7 distributed, advertised, offered for sale, and sold by Defendant to include certain
8 ingredients that, by virtue of their inclusion in the products, infringe one or more
9 claims of one or more of the patents in suit.

10 14. The accused products are formulated, made, manufactured, shipped,
11 distributed, advertised, offered for sale, and sold by Defendant to include specific
12 ingredients for certain purposes that, by virtue of their inclusion in the products for
13 such purposes, infringe one or more claims of one or more of the patents in suit,
14 and as a result, when Defendant's employees, agents, representatives and other
15 persons sponsored by or who endorse Defendant and Defendant's products in
16 advertising and marketing activities orally administer the accused products, they are
17 practicing and they practiced the methods disclosed in those claims.

18 15. The purposes for which these ingredients are included in the accused
19 products are and were, without limitation, to enhance nitric oxide production, to
20 improve nitric oxide activity, to produce nitric oxide, to boost nitric oxide levels in
21 the body, and to enhance physical performance.

22 16. Defendant encouraged and/or is aware of the fact that its employees,
23 agents, representatives and other persons sponsored by Defendant or who endorse
24 Defendant and Defendant's products in advertising and marketing activities orally
25 administered and administer the accused products and practice and practiced the
26 methods disclosed in one or more claim of one or more of the patents in suit, and
27 these employees, agents, representatives and other persons sponsored by Defendant
28 or who endorse Defendant and Defendant's products in advertising and marketing

1 activities are and were acting under Defendant's direction and control when
2 practicing those methods.

3 ///

4 17. Therefore, Defendant is and was a direct infringer of one or more
5 claims of one or more of the patents in suit, and Defendant practices and practiced
6 the methods as set forth in one or more claims of one or more of the patents in suit.

7 **B. INDIRECT INFRINGEMENTS**

8 18. End-users of Defendant's accused products were and are also direct
9 infringers of one or more claims of one or more of the patents in suit.

10 19. End-users of Defendant's accused products have taken, used, and
11 orally administered the accused products.

12 20. The accused products are and were formulated, made, manufactured,
13 shipped, distributed, advertised, offered for sale, and/or sold by Defendant to
14 include certain ingredients that, by virtue of their inclusion in the products, infringe
15 and infringed one or more claims of one or more of the patents in suit.

16 21. The accused products are and were formulated, made, manufactured,
17 shipped, distributed, advertised, offered for sale, and/or sold by Defendant to
18 include specific ingredients for certain purposes that, because of their inclusion in
19 the products for such purposes, infringe and infringed one or more claims of one or
20 more of the patents in suit, and as a result, when end-users of Defendant's accused
21 products orally administer and administered the accused products, they are and
22 were practicing the methods disclosed in those claims.

23 22. Defendant's labels and advertising for the accused products explain
24 and explained the elements and essential elements of one or more of the methods
25 disclosed in the patents in suit, and those labels and advertising statements
26 encourage, urge, and induce the accused products' end-users, and did so in the past,
27 to purchase and orally ingest the products to practice those methods, and end-users
28 do and did practice those methods.

1 23. Defendant has therefore specifically intended to cause these end-users
2 to directly infringe the claimed methods of these patents, and in fact urged them to
3 do so.

4 24. The accused products are and were not suitable for non-infringing
5 uses, and none of Defendant's labels or advertisements for the accused products
6 disclose or disclosed any uses for the products, nor for the compounds disclosed in
7 the claimed methods of the patents in suit, that do not infringe upon such methods.

8 25. The inclusion of the specific infringing compounds in the products is
9 and was material to practicing such methods.

10 26. Defendant has and had knowledge that the accused products are and
11 were especially adapted by end-users of the products for the practicing of such
12 methods, and, indeed, Defendant encourages, urges, and induces the accused
13 products' end-users to purchase and orally administer the accused products to
14 practice such methods, and has done so in the past.

15 27. Defendant intentionally and knowingly induced, encouraged, and
16 urged end-users of the accused products to purchase and orally administer the
17 accused products for the purposes of practicing the claimed methods, by having
18 them orally ingest the compounds disclosed in such claims.

19 28. Defendant has and had knowledge of the fact that the accused
20 products, particularly as administered, infringe on one or more claims of the patents
21 in suit.

22 29. Defendant has and had direct, firsthand knowledge of the patents in
23 suit.

24 30. For example and without limitation, Plaintiff believes Defendant has
25 had knowledge of the patents in suit since November 2006, when an ongoing
26 settlement of a patent infringement case relating to at least some of the patents in
27 suit against Herbalife, a well-known company in Defendant's industry, was
28 announced in press releases issued in a highly publicized manner. Plaintiff believes

1 Defendant's employees, agents, and representatives saw the press releases and were
2 aware of the settlement and thus the patents in suit.

3 ///

4 31. By way of further example and without limitation, Defendant sold its
5 products through retailers, including online retailers, and those retailers have sold
6 other companies' products whose labels and/or advertisements have been
7 prominently marked with one or more of the patents in suit, by patent number,
8 including without limitation, upon information and belief, the products
9 manufactured and sold by Herbalife, Daily Wellness, and Vitality Research Labs.
10 Defendant's employees, agents, and representatives have seen these labels and
11 advertisements and, thus, Defendant has and had direct knowledge of the patents in
12 suit.

13 32. By way of further example and without limitation, Defendant received
14 written notice of the patents in suit from Plaintiff in April 2013.

15 33. Defendant brazenly and willfully decided to infringe the patents in suit
16 despite knowledge of the patents' existence and its knowledge of the accused
17 products' infringements of the patents.

18 34. At a minimum, and in the alternative, Plaintiff pleads that Defendant
19 willfully blinded itself to the infringing nature of the accused products' sales.

20 35. Defendant did not cease its own direct infringement, nor its
21 contributory infringement or inducement of infringement by end-users, despite its
22 knowledge of the patents in suit and the end-users' infringing activities with respect
23 to the patents in suit.

24 **IV. FIRST CAUSE OF ACTION**

25 **Infringement of U.S. Patent No. 6,646,006**

26 36. Plaintiff repeats and re-alleges the allegations of the foregoing
27 paragraphs of this Complaint as if fully set forth herein.

28

1 37. Defendant has in the past literally and directly infringed or directly
2 infringed under the doctrine of equivalents one or more claims of United States
3 Patent No. 6,646,006 by making, using, selling, and offering for sale the accused
4 products, or any one of those products.

5 38. In addition to the fact that Defendant makes, uses, sells, and offers for
6 sale the accused products, and did so in the past, further examples of Defendant's
7 direct infringements include, without limitation, the fact that Defendant encouraged
8 and/or is aware of the fact that its employees, agents, representatives and other
9 persons sponsored by or who endorse Defendant and Defendant's products in
10 advertising and marketing activities orally administer the accused products and
11 practice the methods disclosed in one or more claims of United States Patent No.
12 6,646,006, and these employees, agents, representatives and other persons
13 sponsored by or who endorse Defendant and Defendant's products in advertising
14 and marketing activities acted under Defendant's direction and control when
15 practicing those methods.

16 39. Defendant encouraged and was aware of these persons' oral
17 administration of the accused products for these purposes, these persons are acting
18 under Defendant's direction and control, and therefore Defendant directly practiced
19 the methods disclosed in United States Patent No. 6,646,006.

20 40. End-users of Defendant's accused products were also direct infringers
21 of one or more claims of United States Patent No. 6,646,006.

22 41. End-users of Defendant's accused products have taken, used, and
23 orally administered the accused products.

24 42. The accused products were formulated, made, manufactured, shipped,
25 distributed, advertised, offered for sale, and sold by Defendant to include certain
26 ingredients that, by virtue of their inclusion in the products, infringed one or more
27 claims of United States Patent No. 6,646,006.

28

1 43. The accused products were formulated, made, manufactured, shipped,
2 distributed, advertised, offered for sale, and sold by Defendant to include specific
3 ingredients for purposes that, by their inclusion in the products for such purposes,
4 infringed one or more claims of United States Patent No. 6,646,006, and as a result,
5 when end-users of Defendant's accused products orally administered the accused
6 products, they were practicing the methods disclosed in one or more claims of that
7 patent.

8 44. Defendant's labels and advertising for the accused products explained
9 the elements and essential elements of the methods disclosed in United States
10 Patent No. 6,646,006, and those labels and advertising statements encouraged,
11 urged, and induced the accused products' end-users to purchase and orally ingest
12 the products to practice those methods, and end-users did practice those methods.

13 45. Defendant therefore specifically intended to cause these end-users to
14 directly infringe the claimed methods of United States Patent No. 6,646,006, and
15 had in fact urged them to do so.

16 46. The accused products were not suitable for non-infringing uses, and
17 none of Defendant's labels or advertisements for the accused products disclosed
18 any uses for the products, nor for the compounds disclosed in the claimed methods,
19 that did not infringe upon such methods.

20 47. The inclusion of these specific infringing compounds in the products
21 was material to practicing such methods.

22 48. Defendant had knowledge that the accused products were especially
23 adapted by end-users of the products for the practicing of such methods, and,
24 indeed, Defendant encouraged, urged, and induced the accused products' end-users
25 to purchase and orally administer the accused products to practice such methods.

26 49. Defendant intentionally and knowingly induced, encouraged, and
27 urged end-users of the accused products to purchase and orally administer the
28 accused products for the purposes disclosed in one or more claims of United States

1 Patent No. 6,646,006, by having them orally ingest the compounds disclosed in
2 such claims.

3 50. Defendant had knowledge of the fact that the accused products,
4 particularly as administered, infringed on one or more claims of United States
5 Patent No. 6,646,006.

6 51. Defendant also had direct, firsthand knowledge of United States Patent
7 No. 6,646,006 itself.

8 52. Defendant's activities were without express or implied license by
9 Plaintiff.

10 53. As a result of Defendant's acts of infringement, Plaintiff suffered and
11 will continue to suffer damages in an amount to be proved at trial.

12 54. Defendant's past infringements and/or continuing infringements have
13 been deliberate and willful, and this case is therefore an exceptional case, which
14 warrants an award of treble damages and attorneys' fees in accordance with 35
15 U.S.C. § 285.

16 V. SECOND CAUSE OF ACTION

17 **Infringement of U.S. Patent No. 5,891,459**

18 55. Plaintiff repeats and re-alleges the allegations of the foregoing
19 paragraphs of this Complaint as if fully set forth herein.

20 56. Defendant has in the past literally and directly infringed or directly
21 infringed under the doctrine of equivalents one or more claims of United States
22 Patent No. 5,891,459 by making, using, selling, and offering for sale the accused
23 products, or any one of those products.

24 57. In addition to the fact that Defendant makes, uses, sells, and offers for
25 sale the accused products, and did so in the past, further examples of Defendant's
26 direct infringements include, without limitation, the fact that Defendant encouraged
27 and/or is aware of the fact that its employees, agents, representatives and other
28 persons sponsored by or who endorse Defendant and Defendant's products in

1 advertising and marketing activities orally administer the accused products and
2 practice the methods disclosed in one or more claims of United States Patent No.
3 5,891,459, and these employees, agents, representatives and other persons
4 sponsored by or who endorse Defendant and Defendant's products in advertising
5 and marketing activities acted under Defendant's direction and control when
6 practicing those methods.

7 58. Defendant encouraged and was aware of these persons' oral
8 administration of the accused products for these purposes, these persons are acting
9 under Defendant's direction and control, and therefore Defendant directly practiced
10 the methods disclosed in United States Patent No. 5,891,459.

11 59. End-users of Defendant's accused products were also direct infringers
12 of one or more claims of United States Patent No. 5,891,459.

13 60. End-users of Defendant's accused products have taken, used, and
14 orally administered the accused products.

15 61. The accused products were formulated, made, manufactured, shipped,
16 distributed, advertised, offered for sale, and sold by Defendant to include certain
17 ingredients that, by virtue of their inclusion in the products, infringed one or more
18 claims of United States Patent No. 5,891,459.

19 62. The accused products were formulated, made, manufactured, shipped,
20 distributed, advertised, offered for sale, and sold by Defendant to include specific
21 ingredients for purposes that, by their inclusion in the products for such purposes,
22 infringed one or more claims of United States Patent No. 5,891,459, and as a result,
23 when end-users of Defendant's accused products orally administered the accused
24 products, they were practicing the methods disclosed in one or more claims of that
25 patent.

26 63. Defendant's labels and advertising for the accused products explained
27 the elements and essential elements of the methods disclosed in United States
28 Patent No. 5,891,459, and those labels and advertising statements encouraged,

1 urged, and induced the accused products' end-users to purchase and orally ingest
2 the products to practice those methods, and end-users did practice those methods.

3 64. Defendant therefore specifically intended to cause these end-users to
4 directly infringe the claimed methods of United States Patent No. 5,891,459, and
5 had in fact urged them to do so.

6 65. The accused products were not suitable for non-infringing uses, and
7 none of Defendant's labels or advertisements for the accused products disclosed
8 any uses for the products, nor for the compounds disclosed in the claimed methods,
9 that did not infringe upon such methods.

10 66. The inclusion of these specific infringing compounds in the products
11 was material to practicing such methods.

12 67. Defendant had knowledge that the accused products were especially
13 adapted by end-users of the products for the practicing of such methods, and,
14 indeed, Defendant encouraged, urged, and induced the accused products' end-users
15 to purchase and orally administer the accused products to practice such methods.

16 68. Defendant intentionally and knowingly induced, encouraged, and
17 urged end-users of the accused products to purchase and orally administer the
18 accused products for the purposes disclosed in one or more claims of United States
19 Patent No. 5,891,459, by having them orally ingest the compounds disclosed in
20 such claims.

21 69. Defendant had knowledge of the fact that the accused products,
22 particularly as administered, infringed on one or more claims of United States
23 Patent No. 5,891,459.

24 70. Defendant also had direct, firsthand knowledge of United States Patent
25 No. 5,891,459 itself.

26 71. Defendant's activities were without express or implied license by
27 Plaintiff.

28

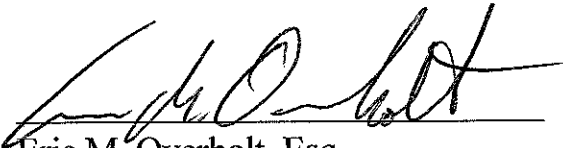
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff hereby demands a jury trial for all issues in this case that properly are subject to a jury trial.

DATED: September 12, 2013

HIDEN, ROTT & OERTLE, LLP

By: 
Eric M. Overholt, Esq.
Attorneys for Plaintiff

CIVIL COVER SHEET

The 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, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

THERMOLIFE INTERNATIONAL LLC

DEFENDANTS

LG SCIENCES

(b) County of Residence of First Listed Plaintiff Los Angeles County
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

'13CV2172 LAB RBB

SEE ATTACHMENT

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 (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <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. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. 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 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC SECTION 1331, 1338, 1367; 15:1126

Brief description of cause:
Patent Litigation

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Hon. Janis L. Sammartino

DOCKET NUMBER 13-CV-651

DATE

9/12/13

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

ATTACHMENT TO CIVIL COVER SHEET

Attorneys:

Tyler J. Woods
Tu-Quyen Pham
Newport Trial Group, APC
4100 Newport Place, Ste. 800
CA 92660
(949) 706-6464

Eric M. Overholt
Hiden, Rott & Oertle, LLP
2635 Camino del Rio South, Ste. 306
San Diego, CA 92108
(619) 296-5884