

FILED

COPY

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2013 SEP 18 PM 1:55
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

BY _____

6 Attorneys for Plaintiffs ASPEN MEDICAL
HOLDINGS, LLC and ASPEN MEDICAL
7 PRODUCTS

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

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ASPEN MEDICAL HOLDINGS, LLC;
a California Limited Liability Company;
ASPEN MEDICAL PRODUCTS, a
California corporation,

Plaintiffs,

vs.

ORTHOMERICA PRODUCTS, INC., a
Florida corporation; and DOES 1
through 10, inclusive,

Defendants.

Case No. **SACV13-01461 AG (DFMx)**

**COMPLAINT FOR INJUNCTION
AND DAMAGES FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

Plaintiffs Aspen Medical Holdings, LLC and Aspen Medical Products
("Plaintiffs"), for their Complaint against defendant Orthomerica Products, Inc.
("Orthomerica"), and DOES 1 through 10, inclusive (collectively, "Defendants"),
allege as follows:

JURISDICTION AND VENUE

1. This is an action involving claims of patent infringement under Title
35, United States Code. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331
and 1338(a).

2. Venue is proper with this Court pursuant to 28 U.S.C. § 1391(b) and

COMPLAINT FOR PATENT
INFRINGEMENT

1 (c), as Defendants reside in this judicial district, a substantial part of the events,
2 omissions and acts which are the subject matter of this action occurred within the
3 Central District of California, and a substantial part of the property that is the
4 subject of the action is located in the Central District of California.

5 **THE PARTIES**

6 3. Aspen Medical Holdings, LLC is a California Limited Liability
7 Company with a principal place of business at 6481 Oak Canyon, Irvine, California.

8 4. Aspen Medical Products is a California corporation with its principal
9 place of business at 6481 Oak Canyon, Irvine, California.

10 5. On information and belief, Orthomerica is a Florida corporation, which
11 has or used to have a principal place of business at 505 31st Street, Newport Beach,
12 California 92663. On information and belief, Orthomerica also has a place of
13 business at 6333 N Orange Blossom Trail, Orlando, Florida 32810. On information
14 and belief, Orthomerica has made, used, sold and/or offered to sell in this Judicial
15 District the products that are alleged to infringe Plaintiffs' design patent discussed
16 below. Orthomerica also operates a website at www.orthomerica.com at which it
17 advertises the products that are alleged to infringe Plaintiffs' design patent.

18 6. The true names and capacities, whether individual, corporate, associate
19 or otherwise, of defendants DOES 1 through 10, inclusive, are unknown to
20 Plaintiffs, which therefore sues said defendants by such fictitious names. Plaintiffs
21 will seek leave of this Court to amend this Complaint to include their proper names
22 and capacities when they have been ascertained. Plaintiffs are informed and believe,
23 and based thereon allege, that each of the fictitiously named defendants participated
24 in and is in some manner responsible for the acts described in this Complaint and
25 the damage resulting therefrom.

26 7. Plaintiffs allege on information and belief that each of the defendants
27 named herein as Does 1 through 10, inclusive, performed, participated in, or abetted
28 in some manner, the acts alleged herein, proximately caused the damages alleged

1 hereinbelow, and are liable to Plaintiffs for the damages and relief sought herein.

2 8. Plaintiffs allege on information and belief that, in performing the acts
3 and omissions alleged herein, and at all times relevant hereto, each of the defendants
4 was the agent and employee of each of the other defendants and was at all times
5 acting within the course and scope of such agency and employment with the
6 knowledge and approval of each of the other defendants.

7 **ASPEN'S BUSINESS AND THE PATENT AT ISSUE**

8 9. Aspen is a leader in the design, development and marketing of upper
9 and lower spinal orthotics. Aspen's products are sold throughout the United States
10 and abroad. The management team and employees of Aspen have for more than
11 twenty years introduced a continuous flow of pioneering and successful spinal
12 bracing products. As a developer and designer of innovative products, Aspen has a
13 robust intellectual property portfolio that protects its innovations, designs and
14 brands.

15 10. Plaintiff Aspen Medical Holdings, LLC owns United States design
16 patent no. D636,494, entitled "Lumbar Belt" (the "'494 Patent"). Plaintiff Aspen
17 Medical Products is the exclusive licensee to the '494 Patent.

18 **ORTHOMERICA'S INFRINGEMENT**

19 11. Recently, it has come to Plaintiffs' attention that Orthomerica is
20 making, using, offering to sell, selling and/or importing into the United States a
21 product the design of which is substantially the same as the Lumbar Belt that is the
22 subject of the '494 Patent. Plaintiffs have asked Orthomerica to cease its infringing
23 conduct, but Orthomerica has failed to do so.

24 **CLAIM FOR RELIEF**

25 **(Patent Infringement – '494 Patent)**

26 12. Plaintiffs reallege each and every allegation set forth in paragraphs 1
27 through 11, inclusive, and incorporate them herein by this reference.

28 13. Defendants make, use, sell, offer for sale, and/or import into the United

1 States products that infringe the '494 patent.

2 14. Plaintiffs have marked relevant products and/or product literature with
3 the '494 Patent pursuant to 35 U.S.C. § 287. Additionally, on information and
4 belief, Defendants have had actual knowledge of the '494 Patent for some time. On
5 information and belief, Defendants' infringement of the '494 patent has been and
6 will continue to be willful, wanton and deliberate with full knowledge and
7 awareness of Plaintiffs' patent rights.

8 15. Plaintiffs have been damaged in an amount to be determined at trial,
9 but which is no less than a reasonable royalty, and irreparably injured by
10 Defendants' infringing activities. Plaintiffs will continue to be so damaged and
11 irreparably injured unless such infringing activities are enjoined by this Court.

12 16. Moreover, in light of the willful nature of Defendants' conduct, this
13 case should be deemed "exceptional" under the Patent Laws. As a result, in addition
14 to damages, Plaintiffs are entitled to enhanced damages and their attorneys' fees and
15 costs incurred herein.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiffs pray for judgment against Defendants as follows:

18 1. That Defendants, their officers, directors, agents, servants, employees,
19 and all persons and entities in active concert or participation with them, or any of
20 them, be preliminarily and permanently enjoined and restrained from further
21 infringement of the '494 Patent;

22 2. A judgment by the Court that Defendants have infringed and are
23 infringing the '494 Patent;

24 3. An award of damages and/or Defendants' profits for infringement of
25 the '494 Patent, together with prejudgment interest and costs, said damages and/or
26 profits to be trebled by reason of the intentional and willful nature of Defendants'
27 infringement, as provided by 35 U.S.C. § 284;

28 4. A determination that this case is "exceptional" under 35 U.S.C. § 285,

1 and an award of Plaintiff's reasonable attorneys' fees;

2 5. That any monetary award include pre- and post-judgment interest at the
3 highest rate allowed by law;

4 6. For costs of suit; and

5 7. For such other and further relief as the Court may deem just and proper.

6 Dated: September 18, 2013

RUTAN & TUCKER, LLP
RONALD P. OINES
THOMAS C. RICHARDSON

8
9 By: _____


Ronald P. Oines
Attorneys for Plaintiffs ASPEN
MEDICAL HOLDINGS, LLC and
ASPEN MEDICAL PRODUCTS

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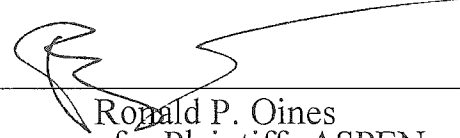
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DEMAND FOR JURY TRIAL

Pursuant to Local Rule 38-1 of the Local Rules of the United States District Court for the Central District of California, Plaintiffs hereby demand a jury trial in this action.

Dated: September 18, 2013

RUTAN & TUCKER, LLP
RONALD P. OINES
THOMAS C. RICHARDSON

By: 

Ronald P. Oines
Attorneys for Plaintiffs ASPEN
MEDICAL HOLDINGS, LLC and
ASPEN MEDICAL PRODUCTS

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Andrew J. Guilford and the assigned Magistrate Judge is Douglas F. McCormick.

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

SACV13-01461 AG (DFMx)

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.

Clerk, U. S. District Court

September 18, 2013

Date

By N. Boehme

Deputy Clerk

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 Street, G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701

Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

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

Ronald P. Oines SBN 145016, roi @rutan.com
Thomas C. Richardson SBN 244461, trichardson@rutan.com
Rutan & Tucker, LLP
611 Anton Boulevard, Fourteenth Floor
Costa Mesa, CA 92626
Telephone: 714-641-5100
Facsimile: 714-546-9035
Attorneys for Plaintiffs ASPEN MEDICAL HOLDINGS, LLC and ASPEN MEDICAL PRODUCTS

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ASPEN MEDICAL HOLDINGS, LLC; a California Limited Liability Company; ASPEN MEDICAL PRODUCTS, a California corporation,

PLAINTIFF(S)

CASE NUMBER

SACV13-01461 AG (DFMx)

v.

ORTHOMERICA PRODUCTS, INC., a Florida corporation; and DOES 1 through 10, inclusive,

DEFENDANT(S).

SUMMONS

TO: DEFENDANT(S):

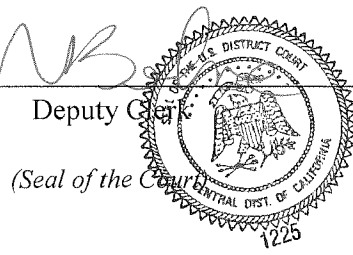
A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint _____ amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Ronald P. Oines, Esq., Thomas C. Richardson, Esq., Rutan & Tucker, LLP, whose address is 611 Anton Boulevard, Fourteenth Floor, Costa Mesa, CA 92626. If you fail to do so, 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.

Clerk, U.S. District Court

Dated: September 19, 2013

By: [Signature]
Deputy Clerk



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

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

I. (a) PLAINTIFFS (Check box if you are representing yourself)
 ASPEN MEDICAL HOLDINGS, LLC; a California Limited Liability Company; ASPEN MEDICAL PRODUCTS, a California corporation,

DEFENDANTS (Check box if you are representing yourself)
 ORTHOMERICA PRODUCTS, INC., a Florida corporation; and DOES 1 through 10, inclusive,

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)
 Ronald P. Oines SBN 145016, roines@rutan.com
 Thomas C. Richardson SBN 244461, trichardson@rutan.com
 Rutan & Tucker, LLP
 611 Anton Boulevard, Fourteenth Floor
 Costa Mesa, CA 92626, Telephone: 714-641-5100

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

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

1. U.S. Government Plaintiff
 2. U.S. Government Defendant
 3. Federal Question (U.S. Government Not a Party)
 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: \$ According to Proof.

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.)
 This is an action involving claims of patent infringement under Title 35, United States Code.

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 | 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 PROPERTY | 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"/> 153 Recovery of Overpayment of Vet. Benefits | <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"/> 160 Stockholders' Suits | <input type="checkbox"/> 340 Marine | BANKRUPTCY | <input type="checkbox"/> 555 Prison Condition | <input type="checkbox"/> 865 RSI (405 (g)) |
| <input checked="" type="checkbox"/> 850 Securities/Commodities/Exchange | <input type="checkbox"/> 190 Other Contract | <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"/> 195 Contract Product Liability | <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"/> 196 Franchise | <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 | REAL PROPERTY | <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 | <input type="checkbox"/> 210 Land Condemnation | <input type="checkbox"/> 362 Personal Injury-Med Malpractice | <input type="checkbox"/> 441 Voting | LABOR | |
| <input type="checkbox"/> 896 Arbitration | <input type="checkbox"/> 220 Foreclosure | <input type="checkbox"/> 365 Personal Injury-Product Liability | <input type="checkbox"/> 442 Employment | <input type="checkbox"/> 710 Fair Labor Standards Act | |
| <input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision | <input type="checkbox"/> 230 Rent Lease & Ejectment | <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability | <input type="checkbox"/> 443 Housing/Accommodations | <input type="checkbox"/> 720 Labor/Mgmt. Relations | |
| <input type="checkbox"/> 950 Constitutionality of State Statutes | | <input type="checkbox"/> 388 Asbestos Personal Injury Product Liability | <input type="checkbox"/> 445 American with Disabilities-Employment | <input type="checkbox"/> 740 Railway Labor Act | |
| | | | <input type="checkbox"/> 446 American with Disabilities-Other | <input type="checkbox"/> 751 Family and Medical Leave Act | |
| | | | <input type="checkbox"/> 448 Education | <input type="checkbox"/> 790 Other Labor Litigation | |
| | | | | <input type="checkbox"/> 791 Employee Ret. Inc. Security Act | |

FOR OFFICE USE ONLY:

Case Number:

SACV13-01461 AG (DFMx)

CIVIL COVER SHEET

VIM. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

| | | | |
|---|---|--|------------------------------|
| Question A: Was this case removed from state court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX. | STATE CASE WAS PENDING IN THE COUNTY OF: | | INITIAL DIVISION IN CACD IS: |
| | <input type="checkbox"/> Los Angeles | | Western |
| | <input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo | | Western |
| | <input type="checkbox"/> Orange | | Southern |
| | <input type="checkbox"/> Riverside or San Bernardino | | Eastern |

| | | | | |
|--|---|---|------------------------------|----------|
| Question B: Is the United States, or one of its agencies or employees, a party to this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX. | If the United States, or one of its agencies or employees, is a party, is it: | | INITIAL DIVISION IN CACD IS: | |
| | A PLAINTIFF? Then check the box below for the county in which the majority of DEFENDANTS reside. | A DEFENDANT? Then check the box below for the county in which the majority of PLAINTIFFS reside. | | |
| | <input type="checkbox"/> Los Angeles | <input type="checkbox"/> Los Angeles | | Western |
| | <input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo | <input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo | | Western |
| | <input type="checkbox"/> Orange | <input type="checkbox"/> Orange | | Southern |
| | <input type="checkbox"/> Riverside or San Bernardino | <input type="checkbox"/> Riverside or San Bernardino | | Eastern |
| <input type="checkbox"/> Other | <input type="checkbox"/> Other | Western | | |

| Question C: Location of plaintiffs, defendants, and claims? | A. Los Angeles County | B. Ventura, Santa Barbara, or San Luis Obispo Counties | C. Orange County | D. Riverside or San Bernardino Counties | E. Outside the Central District of California | F. Other |
|---|--------------------------|--|-------------------------------------|---|---|--------------------------|
| Indicate the location in which a majority of plaintiffs reside: | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Indicate the location in which a majority of defendants reside: | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Indicate the location in which a majority of claims arose: | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| | |
|--|---|
| C.1. Is either of the following true? If so, check the one that applies: <input checked="" type="checkbox"/> 2 or more answers in Column C <input type="checkbox"/> only 1 answer in Column C and no answers in Column D Your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question D, below. If none applies, answer question C2 to the right. → | C.2. Is either of the following true? If so, check the one that applies: <input type="checkbox"/> 2 or more answers in Column D <input type="checkbox"/> only 1 answer in Column D and no answers in Column C Your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question D, below. If none applies, go to the box below. ↓ |
|--|---|

Your case will initially be assigned to the WESTERN DIVISION.
 Enter "Western" in response to Question D below.

| | |
|---|--------------------------|
| Question D: Initial Division? | INITIAL DIVISION IN CACD |
| Enter the initial division determined by Question A, B, or C above: → | SOUTHERN |

CIVIL COVER SHEET

IX(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): _____

IX(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): _____

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.

X. SIGNATURE OF ATTORNEY
 (OR SELF-REPRESENTED LITIGANT):



Ronald P. Oines

DATE: September 18, 2013

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)) |

