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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY: \_\_\_\_\_

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6 Attorneys for Plaintiff  
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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

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THERMOLIFE INTERNATIONAL, LLC

**CV13-06887-FMO(R2-x)**

Plaintiff,

vs.

N2BM, INC. d/b/a NEED TO BUILD  
MUSCLE,

Defendant

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**JURY TRIAL DEMANDED**

1 Plaintiff Thermolife International, LLC (“Plaintiff”) hereby alleges for its  
2 Complaint against N2BM, Inc. d/b/a Need To Build Muscle (“Defendant”), on personal  
3 knowledge as to its own activities and on information and belief as to the activities of  
4 others, as follows:

5 **I. THE PARTIES**

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

9 2. Plaintiff is the owner and assignee of the following United States Patent  
10 No. 8,455,531, titled “Amino Acid Compositions” (the ‘531 Patent). Plaintiff is also  
11 the owner and assignee of Patent No. 8,466,187, titled “Amino Acid Compositions.”

12 3. The ‘531 patent is referred to herein as the “patent in suit.”

13 4. Defendant is a company organized and existing under the laws of  
14 Massachusetts with a principal place of business at 14 Old Town Way in Salisbury,  
15 Massachusetts, 01952.

16 **II. JURISDICTION AND VENUE**

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

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

21 7. This Court has personal jurisdiction over Defendant. By way of example  
22 and without limitation, Defendant, directly or through intermediaries (including  
23 distributors, retailers, and others), makes, manufactures, ships, distributes, advertises,  
24 markets, offers for sale, and/or sells dietary supplement products that infringe on one or  
25 more claims of the patent in suit (hereinafter the “accused products”), which include  
26 without limitation products sold under the “D-Spark” brand name, in the United States,  
27 the State of California, and the Central District of California.

1           8. By way of further example and without limitation, Defendant has  
2 purposefully and voluntarily placed the accused products into the stream of commerce  
3 with the expectation that they will be purchased in the Central District of California,  
4 and the products are actually purchased in the Central District of California.

5                           **III. THE DEFENDANT'S INFRINGEMENTS**

6           9. Defendant has committed the tort of patent infringement within the State  
7 of California, and more particularly, within the Central District of California, by virtue  
8 of the fact that Defendant has formulated, made, manufactured, shipped, distributed,  
9 advertised, offered for sale, and/or sold the accused products in this District, and  
10 continues to do so.

11                           **A. DIRECT INFRINGEMENTS**

12           10. Defendant's employees, agents, representatives and other persons  
13 sponsored by or who endorse Defendant and Defendant's products in advertising and  
14 marketing activities, have taken, used, and orally administered the accused products.

15           11. The accused products are 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, infringe one or more claims  
18 of the patent in suit.

19           12. The accused products are formulated, made, manufactured, shipped,  
20 distributed, advertised, offered for sale, and sold by Defendant to include specific  
21 ingredients for certain purposes that, by virtue of their inclusion in the products for such  
22 purposes, infringe one or more claims of the patent in suit, and as a result, when  
23 Defendant's employees, agents, representatives and other persons sponsored by or who  
24 endorse Defendant and Defendant's products in advertising and marketing activities  
25 orally administer the accused products, they are practicing the methods disclosed in  
26 those claims.



1 13. These infringing ingredients, and/or combinations thereof, include, without  
2 limitation, Nitratine and D-Aspartic Acid, as set forth on Defendant's labels for the  
3 accused products.

4 14. The purposes for which these ingredients are included in the accused  
5 products are, without limitation, to increase bioabsorption and solubility of amino acids  
6 in individuals taking the products; to increase distribution of amino acids to the muscles  
7 in such individuals; to increase solubility of amino acids in such people; to increase  
8 vasodilative characteristics of such individuals; and/or to increase athletic performance  
9 of such individuals.

10 15. Defendant has encouraged and/or is aware of the fact that its employees,  
11 agents, representatives and other persons sponsored by Defendant or who endorse  
12 Defendant and Defendant's products in advertising and marketing activities orally  
13 administer the accused products and practice the methods disclosed in one or more  
14 claim of the patent in suit, and these employees, agents, representatives and other  
15 persons sponsored by Defendant or who endorse Defendant and Defendant's products  
16 in advertising and marketing activities are acting under Defendant's direction and  
17 control when practicing those methods.

18 16. Therefore, Defendant is a direct infringer of one or more claims of the  
19 patent in suit, and Defendant practices the methods as set forth in one or more claims of  
20 the patent in suit.

21 **B. INDIRECT INFRINGEMENTS**

22 17. End-users of Defendant's accused products are also direct infringers of one  
23 or more claims of the patent in suit.

24 18. End-users of Defendant's accused products have taken, used, and orally  
25 administered the accused products.

26 19. The accused products are formulated, made, manufactured, shipped,  
27 distributed, advertised, offered for sale, and/or sold by Defendant to include certain  
28

1 ingredients that, by virtue of their inclusion in the products, infringe one or more claims  
2 of the patent in suit.

3 20. The accused products are formulated, made, manufactured, shipped,  
4 distributed, advertised, offered for sale, and/or sold by Defendant to include specific  
5 ingredients for certain purposes that, because of their inclusion in the products for such  
6 purposes, infringe one or more claims of the patent in suit, and as a result, when end-  
7 users of Defendant's accused products orally administer the accused products, they are  
8 practicing the methods disclosed in those claims.

9 21. Defendant's labels and advertising for the accused products explain the  
10 elements and essential elements of one or more of the methods disclosed in the patent  
11 in suit, and those labels and advertising statements encourage, urge, and induce the  
12 accused products' end-users to purchase and orally ingest the products to practice those  
13 methods, and end-users do practice those methods.

14 22. Defendant has therefore specifically intended to cause these end-users to  
15 directly infringe the claimed methods of these patent, and has in fact urged them to do  
16 so.

17 23. The accused products are not suitable for non-infringing uses, and none of  
18 Defendant's labels or advertisements for the accused products disclose any uses for the  
19 products, nor for the compounds disclosed in the claimed methods of the patent in suit,  
20 that do not infringe upon such methods.

21 24. The inclusion of the specific infringing ingredients in the products is  
22 material to practicing such methods.

23 25. Defendant has knowledge that the accused products are especially adapted  
24 by end-users of the products for the practicing of such methods, and, indeed, Defendant  
25 encourages, urges, and induces the accused products' end-users to purchase and orally  
26 administer the accused products to practice such methods, and has done so in the past.

27 26. Defendant has intentionally and knowingly induced, encouraged, and  
28 urged end-users of the accused products to purchase and orally administer the accused



1 products for the purposes of practicing the claimed methods, by having them orally  
2 ingest the compounds disclosed in such claims.

3 27. Defendant has knowledge of the fact that the accused products, particularly  
4 as administered, infringe on one or more claims of the patent in suit.

5 28. Defendant has direct, firsthand knowledge of the patent in suit, in that  
6 Plaintiff provided written notice to Defendant well before the issuance of patent in suit,  
7 while the application was pending, or soon after its issuance.

8 29. The claims in the application for the patent were substantially identical to  
9 the issued patent in suit.

10 30. Defendant has brazenly and willfully decided to infringe the patent in suit  
11 despite knowledge of the patent's existence and its knowledge of the accused products'  
12 infringements of the patent.

13 31. Defendant has not ceased its own direct infringement, nor its contributory  
14 infringement or inducement of infringement by end-users, despite its knowledge of the  
15 patent in suit and the end-users' infringing activities with respect to the patent in suit.

16 32. Plaintiff has also provided notice to Defendant of United States Patent No.  
17 8,466,187, titled "Amino Acid Compositions," which Plaintiff believes Defendant  
18 infringes. Plaintiff may amend this Complaint with an allegation of infringement with  
19 respect to this patent following the termination of the re-examination of the patent.

20 **IV. FIRST CAUSE OF ACTION**

21 **Infringement of U.S. Patent No. 8,455,531**

22 33. Plaintiff repeats and re-alleges the allegations of the foregoing paragraphs  
23 of this Complaint as if fully set forth herein.

24 34. Defendant has in the past and still is literally and directly infringing or  
25 directly infringing under the doctrine of equivalents one or more claims of the '531  
26 Patent by making, using, selling, and offering for sale the accused products, and will  
27 continue to do so unless enjoined by this Court.  
28

1           35. In addition to the fact that Defendant makes, uses, sells, and offers for sale  
2 the accused products, further examples of Defendant's direct infringements include,  
3 without limitation, the fact that Defendant has encouraged and/or is aware of the fact  
4 that its employees, agents, representatives and other persons sponsored by or who  
5 endorse Defendant and Defendant's products in advertising and marketing activities  
6 orally administer the accused products and practice the methods disclosed in one or  
7 more claims of the '531 Patent and these employees, agents, representatives and other  
8 persons sponsored by or who endorse Defendant and Defendant's products in  
9 advertising and marketing activities are acting under Defendant's direction and control  
10 when practicing those methods.

11           36. Defendant has encouraged and is aware of these persons' oral  
12 administration of the accused products for these purposes, these persons are acting  
13 under Defendant's direction and control, and therefore Defendant is directly practicing  
14 the methods disclosed in the '531 Patent.

15           37. End-users of Defendant's accused products are also direct infringers of one  
16 or more claims of the '531 Patent.

17           38. End-users of Defendant's accused products have taken, used, and orally  
18 administered the accused products.

19           39. The accused products are formulated, made, manufactured, shipped,  
20 distributed, advertised, offered for sale, and sold by Defendant to include certain  
21 ingredients that, by virtue of their inclusion in the products, infringe one or more claims  
22 of the '531 Patent.

23           40. The accused products are formulated, made, manufactured, shipped,  
24 distributed, advertised, offered for sale, and sold by Defendant to include specific  
25 ingredients for purposes that, by their inclusion in the products for such purposes,  
26 infringe one or more claims of the '531 Patent, and as a result, when end-users of  
27 Defendant's accused products orally administer the accused products, they are  
28 practicing the methods disclosed in one or more claims of that patent.



1 41. Defendant's labels and advertising for the accused products explain the  
2 elements and essential elements of the methods disclosed in the '531 Patent, and those  
3 labels and advertising statements encourage, urge, and induce the accused products'  
4 end-users to purchase and orally ingest the products to practice those methods, and end-  
5 users do practice those methods.

6 42. Defendant has therefore specifically intended to cause these end-users to  
7 directly infringe the claimed methods of the '531 Patent, and has in fact urged them to  
8 do so.

9 43. The accused products are not suitable for non-infringing uses, and none of  
10 Defendant's labels or advertisements for the accused products disclose any uses for the  
11 products, nor for the compounds disclosed in the claimed methods, that do not infringe  
12 upon such methods.

13 44. The inclusion of these specific infringing ingredients in the products is  
14 material to practicing such methods.

15 45. Defendant has knowledge that the accused products are especially adapted  
16 by end-users of the products for the practicing of such methods, and, indeed, Defendant  
17 encourages, urges, and induces the accused products' end-users to purchase and orally  
18 administer the accused products to practice such methods, and have done so in the past.

19 46. Defendant has intentionally and knowingly induced, encouraged, and  
20 urged end-users of the accused products to purchase and orally administer the accused  
21 products for the purposes disclosed in one or more claims of the '531 Patent by having  
22 them orally ingest the compounds disclosed in such claims.

23 47. Defendant has knowledge of the fact that the accused products, particularly  
24 as administered, infringe on one or more claims of the '531 Patent.

25 48. Defendant also has direct, firsthand knowledge of the '531 Patent.

26 49. Defendant's activities have been without express or implied license by  
27 Plaintiff.

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1 50. As a result of Defendant's acts of infringement, Plaintiff has suffered and  
2 will continue to suffer damages in an amount to be proved at trial.

3 51. As a result of Defendant's acts of infringement, Plaintiff has been and will  
4 continue to be irreparably harmed by Defendant's infringements, which will continue  
5 unless Defendant is enjoined by this Court.

6 52. The application for the '531 Patent and claims there are substantially  
7 identical to the issued '531 Patent and claims therein, warranting pre-patent issuance  
8 damages in favor of Plaintiff.

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

12 **V. PRAYER FOR RELIEF**

13 WHEREFORE, Plaintiff prays for entry of judgment against Defendant as  
14 follows:

15 1. A declaration that Defendant has infringed the patent in suit, under 35  
16 U.S.C. §§ 271 *et seq.*;

17 3. That preliminary and permanent injunctions be issued restraining  
18 Defendant, its officers, agents, servants, directors, and employees, and all persons in  
19 active concert or participation with each, from directly or indirectly infringing, or  
20 inducing or contributing to the infringement by others of, the patent in suit;

21 4. That Defendant be required to provide to Plaintiff an accounting of all  
22 gains, profits, and advantages derived by Defendant's infringement of the patent in suit,  
23 and that Plaintiff be awarded damages adequate to compensate Plaintiff for the  
24 wrongful infringing acts by Defendant, in accordance with 35 U.S.C. § 284;

25 5. That the damages awarded to Plaintiff with regard to the patent in suit be  
26 increased up to three times, in view of Defendant's willful infringement, in accordance  
27 with 35 U.S.C. § 284;

1           6.     That this case be declared to be exceptional in favor of Plaintiff under 35  
2 U.S.C. § 285, and that Plaintiff be awarded its reasonable attorneys' fees and other  
3 expenses incurred in connection with this action;

4           7.     That Plaintiff be awarded its interest and costs of suit incurred in this  
5 action;

6           8.     That Plaintiff be awarded compensatory damages;

7           9.     That Plaintiff be awarded pre-patent issuance damages;

8           10.    That Plaintiff be awarded punitive damages; and

9           11.    That Plaintiff be awarded such other and further relief as this Court may  
10 deem just and proper.

11   Respectfully submitted,  
12   NEWPORT TRIAL GROUP  
13   A Professional Corporation

14   

14 Dated: September 17, 2013

15   By: Tyler J. Woods  
16   Attorneys for Plaintiff  
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**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.

Respectfully submitted,

NEWPORT TRIAL GROUP  
A Professional Corporation



By: Tyler J. Woods  
Attorneys for Plaintiff

Dated: September 17, 2013

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Fernando M. Olguin and the assigned Magistrate Judge is Ralph Zarefsky.

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

2:13-cv-06887-FMO(RZx)

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 APEDRO

Deputy Clerk

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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.**



Name & Address: NEWPORT TRIAL GROUP  
Tyler J. Woods (State Bar No. 232464)  
Tu-Quyen Pham (State Bar No. 260864)  
4100 Newport Place, Suite 800  
Newport Beach, CA 92660

ORIGINAL

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

THERMOLIFE INTERNATIONAL, LLC

CASE NUMBER

CV13-06887-FMO(RZx)

PLAINTIFF(S)

v.

N2BM, INC. dba NEED TO BUILD MUSCLE

SUMMONS

DEFENDANT(S).

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, Newport Trial Group, whose address is 4100 Newport Place Dr., Suite 800, Newport Beach, CA 92660. 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: 9/18/2013

By: [Signature]  
Deputy Clerk

(Seal of the Court)

[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)].

**COPY**

Name & Address: NEWPORT TRIAL GROUP  
Tyler J. Woods (State Bar No. 232464)  
Tu-Quyen Pham (State Bar No. 260864)  
4100 Newport Place, Suite 800  
Newport Beach, CA 92660

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

THERMOLIFE INTERNATIONAL, LLC

CASE NUMBER

**CV13-06887**

PLAINTIFF(S)

v.

N2BM, INC. dba NEED TO BUILD MUSCLE

**SUMMONS**

DEFENDANT(S)

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, Newport Trial Group, whose address is 4100 Newport Place Dr., Suite 800, Newport Beach, CA 92660. 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.

SEP 18 2013

Dated: \_\_\_\_\_

Clerk, U.S. District Court

By: ANDRES PEDRO

Deputy Clerk

(Seal of the Court)

1202



[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

**COPY**

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

THERMOLIFE INTERNATIONAL, LLC

**DEFENDANTS** ( Check box if you are representing yourself  )

N2BM, INC. dba NEED TO BUILD MUSCLE

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

NEWPORT TRIAL GROUP  
4100 Newport Place Dr., Suite 800  
Newport Beach, CA 92660  
Tel: 949/706-6464 Fax: 949/706-6469

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

**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.)  
28 USC §§1331, 1338, 1367

**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	<b>Habeas Corpus:</b>	<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 510 Motions to Vacate Sentence	<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	<b>TORTS</b>	<input type="checkbox"/> 530 General	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	<b>TORTS</b>	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 535 Death Penalty	<b>SOCIAL SECURITY</b>
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 370 Other Fraud	<b>Other:</b>	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 540 Mandamus/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"/> 315 Airplane Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 550 Civil Rights	<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"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 330 Fed. Employers' Liability	<b>BANKRUPTCY</b>	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 422 Appeal 28 USC 158	<b>FORFEITURE/PENALTY</b>	<b>FEDERAL TAX SUITS</b>
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 350 Motor Vehicle	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	<b>REAL PROPERTY</b>	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<b>LABOR</b>	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 740 Railway Labor Act	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 751 Family and Medical Leave Act	
		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<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

**CV13-06887**

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

**CIVIL COVER SHEET**

**VIII. 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.

<b>Question A: Was this case removed from state court?</b> <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

<b>Question B: Is the United States, or one of its agencies or employees, a party to this action?</b> <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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>C.1. Is either of the following true? If so, check the one that applies:</b> <input 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. →	<b>C.2. Is either of the following true? If so, check the one that applies:</b> <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.	

<b>Question D: Initial Division?</b>	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: →	WESTERN DIVISION



UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

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

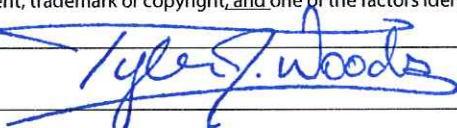
If yes, list case number(s): 13cv4523-RGK(PLAx); 13cv4527-ODW(AJWx); 13cv4529-GAF(MRWx); 13cv4534-OWD(SSx)

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):



DATE: September 17, 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))