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8 Attorneys for Plaintiff Sundesa, LLC

9 UNITED STATES DISTRICT COURT

10 CENTRAL DISTRICT OF CALIFORNIA

11 Sundesa, LLC, a Utah Limited Liability  
12 Company,

13 Plaintiff,

14 v.

15 Chemi-Source, Inc., a California  
16 Corporation, and Metabolic Response  
17 Modifiers, Inc., a California Corporation,

18 Defendants.

Civil Action No. SACV13-01981 JLS (DFMx)

COMPLAINT FOR PATENT  
INFRINGEMENT

[Demand for Jury Trial]

COMPLAINT FOR PATENT INFRINGEMENT

1 Plaintiff Sundesa, LLC (“Sundesa”) complains against Chemi-Source, Inc. and  
2 Metabolic Response Modifiers, Inc. (collectively “Defendants”) for the causes of action  
3 alleged as follows:

4 **THE PARTIES**

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

8 2. Sundesa alleges Chemi-Source, Inc. is a corporation organized and existing  
9 under the laws of the State of California with its principal place of business located at 5  
10 Hubble, Irvine, California 92618.

11 3. Sundesa alleges Metabolic Response Modifiers, Inc. is a corporation  
12 organized and existing under the laws of the State of California with its principal place of  
13 business located at 2633 W. Pacific Coast Highway B, Newport Beach, California 92663.

14 **JURISDICTION AND VENUE**

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

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

19 6. This Court has personal jurisdiction over Defendants because Defendants  
20 have purposely availed themselves of the privileges and benefits of the laws of the State  
21 of California.

22 7. Defendants do, and have done, substantial business in this judicial District,  
23 including: (i) regularly doing business or soliciting business by virtue of Defendants’  
24 nationwide sales and offers to sell through interactive and commercial website(s) which  
25 direct(s) Defendants’ services and products to California residents; and (ii) engaging in  
26 other persistent courses of conduct, and/or deriving substantial revenue from products  
27 and/or services provided to persons in this District and State.  
28

1           8.     This Court's exercise of personal jurisdiction over Defendants is consistent  
2 with the Constitutions of the United States and the State of California.

3           9.     Venue is proper in this judicial district under at least 28 U.S.C. §§ 1391 and  
4 1400.

### 5                                   **FACTUAL BACKGROUND**

6           10.    Sundesa's technological innovations are protected by, *inter alia*, a portfolio  
7 of utility and design patents, including United States Design Patent No. D510,235 (the  
8 "'235 Design Patent").

9           11.    Sundesa has marked all products embodying the claims of the '235 Design  
10 Patent since introduction to the market.

11           12.    Sundesa is an exclusive licensee of the '235 Design Patent and has been  
12 granted all rights thereunder, including the right and standing to enforce the '235 Design  
13 Patent.

14           13.    Defendants are in the business of selling nutritional supplements and  
15 accessories. In particular, Defendants sell and offer for sale, *inter alia*, MRM Shaker  
16 Cups that embody the claimed design of the '235 Design Patent (the "Accused  
17 Products").

18           14.    The Accused Products have no substantial non-infringing uses.

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

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

25           17.    On information and belief, Defendants had pre-suit knowledge of the '235  
26 Design Patent at least because of Sundesa's marking of its products embodying the  
27 claims of the '235 Design Patent. Commensurate with this filing, Sundesa mailed  
28

1 Metabolic a courtesy copy of this Complaint and the '235 Design Patent. Thus, Metabolic  
2 has had knowledge of the '235 Design Patent at least since filing of this Complaint.

3 **FIRST CLAIM FOR RELIEF**

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

5 18. By this reference Sundesa realleges and incorporates the foregoing  
6 paragraphs as though fully set forth herein.

7 19. Defendants have infringed, and continue to infringe the '235 Design Patent  
8 by offering to sell, selling, or importing, in this District, and elsewhere in the United  
9 States, the Accused Products, the design of which is substantially the same as the  
10 ornamental design of the '235 Design Patent.

11 20. Defendants' actions constitute infringement of the '235 Design Patent in  
12 violation of 35 U.S.C. § 271.

13 21. Sundesa has sustained damages and will continue to sustain damages as a  
14 result of Defendants' aforementioned acts of infringement.

15 22. Sundesa is entitled to recover damages sustained as a result of Defendants'  
16 wrongful acts in an amount to be proven at trial.

17 23. Defendants' infringement of Sundesa's rights under the '235 Design Patent  
18 will continue to damage Sundesa's business, causing irreparable harm, for which there is  
19 no adequate remedy at law, unless Defendants are enjoined by this Court.

20 24. Defendants have willfully infringed the '235 Design Patent, entitling  
21 Sundesa to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs  
22 incurred in prosecuting this action under 35 U.S.C. § 285.

23 25. Alternatively, Plaintiff is entitled to recover Defendants' total profits from  
24 their sale of the Accused Products under 35 U.S.C. § 289.

25 **PRAYER FOR RELIEF**

26 Sundesa prays for judgment as follows:

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

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

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

8 D. An award of treble Sundesa's damages, pursuant to at least 35 U.S.C. § 284;

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

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

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

15 H. Prejudgment interest, pursuant to at least 35 U.S.C. § 284;

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


17 J. For such other and further relief as the Court deems just and equitable.

18 **DEMAND FOR JURY TRIAL**

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

20  
21 DATED: December 20, 2013

Larry R. Laycock  
Taylor J. Wright  
Adam B. Beckstrom  
**MASCHOFF BRENNAN**

22  
23  
24 By:   
25 Taylor J. Wright  
26 Attorneys for Plaintiff  
27 Sundesa, LLC  
28

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Josephine L. Staton and the assigned Magistrate Judge is Douglas F. McCormick.

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

SACV13-01981 JLS (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

December 20, 2013

Date

By M. Barr

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.**



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

<b>I. (a) PLAINTIFFS</b> ( Check box if you are representing yourself <input type="checkbox"/> )  Sundesa, LLC, a Utah Limited Liability Company	<b>DEFENDANTS</b> ( Check box if you are representing yourself <input type="checkbox"/> )  Chemi-Source, Inc., a California Corporation, and Metabolic Response Modifiers, Inc., a California Corporation
<b>(b) County of Residence of First Listed Plaintiff</b> <u>Utah County, UT</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i>	<b>County of Residence of First Listed Defendant</b> _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i>
<b>(c) Attorneys (Firm Name, Address and Telephone Number)</b> If you are representing yourself, provide the same information. Maschoff Brennan & Maschoff Brennan 201 South Main Street, Suite 600 20 Pacifica, Suite 1130 Salt Lake City, UT 84111 Irvine, CA 92618 (435) 252-1360 (949) 202-1900	<b>Attorneys (Firm Name, Address and Telephone Number)</b> If you are representing yourself, provide the same information.

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1. U.S. Government Plaintiff <input checked="" type="checkbox"/> 3. Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2. U.S. Government Defendant <input type="checkbox"/> 4. Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant) <table style="width:100%;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		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
	PTF	DEF		PTF	DEF																				
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Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

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

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

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

**CLASS ACTION under F.R.Cv.P. 23:** ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ subject to proof

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

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

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> Habeas Corpus:	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input checked="" type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b>	<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	<b>TORTS</b>	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 530 General	<b>SOCIAL SECURITY</b>
<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	<b>Other:</b>	<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	<b>BANKRUPTCY</b>	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input 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	<b>FEDERAL TAX SUITS</b>
<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	<b>FORFEITURE/PENALTY</b>	<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	<b>CIVIL RIGHTS</b>	<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	<b>REAL PROPERTY</b>	<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	<b>LABOR</b>	
<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"/> 368 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"/> 448 Education	<input type="checkbox"/> 751 Family and Medical Leave Act	
				<input type="checkbox"/> 790 Other Labor Litigation	
				<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY:

Case Number:

**SACV13-01981 JLS (DFMx)**

CV-71 (11/13)

CIVIL COVER SHEET

Page 1 of 3

**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.	<b>STATE CASE WAS PENDING IN THE COUNTY OF:</b>		<b>INITIAL DIVISION IN CACD IS:</b>
	<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.	<b>If the United States, or one of its agencies or employees, is a party, is it:</b>		<b>INITIAL DIVISION IN CACD IS:</b>
	<b>A PLAINTIFF?</b>	<b>A DEFENDANT?</b>	
	Then check the box below for the county in which the majority of DEFENDANTS reside.	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	

<b>Question C: Location of plaintiffs, defendants, and claims?</b> (Make only one selection per row)	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 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:**

- ☒ 2 or more answers in Column C  
☐ 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:**

- ☐ 2 or more answers in Column D  
☐ 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>	<b>INITIAL DIVISION IN CACD</b>
Enter the initial division determined by Question A, B, or C above: ➡	SOUTHERN



**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): Cases have not been assigned case numbers. A separate Notice of Related Cases will be filed once cases are assigned.

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

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

**X. SIGNATURE OF ATTORNEY**

**(OR SELF-REPRESENTED LITIGANT):** T. Wright

DATE: 12/20/13

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

Key to Statistical codes relating to Social Security Cases:

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