

CONFORM COPY

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9 AB COASTER HOLDINGS, INC.

FILED
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CENTRAL DISTRICT COURT
LOS ANGELES

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12 CV08-07968 GW VBKx

13 AB COASTER HOLDINGS, INC., a)
14 Delaware corporation,)
15 Plaintiff,)

CASE NO.

16 VERIFIED COMPLAINT FOR
17 DAMAGES AND INJUNCTIVE
18 RELIEF FOR:

19 v.

- 20 (1) PATENT INFRINGEMENT;
- 21 (2) TRADEMARK INFRINGEMENT;
- 22 (3) STATE AND COMMON LAW UNFAIR COMPETITION

23 NETNETSTORE.COM, INC., an)
24 Ohio corporation; RAKATAK.COM;)
25 JEREMY W. RAK, an individual;)
26 JOHNNY RAK, an individual and)
27 DOES 1-10, inclusive,)
28 Defendants.

DEMAND FOR JURY TRIAL

For its Complaint, Plaintiff AB COASTER HOLDINGS, INC. ("Ab Coaster Holdings") hereby alleges and asserts as follows:

I. PARTIES

1. Ab Coaster Holdings is a Delaware corporation with offices in Wilmington, Delaware, and is the owner of, among other intellectual property, United States Patent Nos. 7,455,633 ("the '633 patent) and D565,134 ("the '134

1 patent); and United States Trademark Registration No. 3,407,362 for AB
2 COASTER for manually-operated exercise equipment (“the AB COASTER
3 Mark”).

4
5 2. a. Defendant NETNETSTORE.COM, INC. is believed to be an
6 Ohio corporation (“NetNetStore”) with a business address of 863 Broadway,
7 Lorain, Ohio 44052;

8 b. Defendant RAKATAK.COM is believed to be a dba of
9 NetNetStore or a company of unknown origin and status (“Rakatak”) with a
10 business address of 863 Broadway, Lorain, Ohio 44052; and

11 c. Defendant JEREMY W. RAK is believed to be an individual
12 residing in the State of Ohio. Jeremy Rak is believed to be the president and
13 owner of Defendant Rakatak.

14 d. Defendant JOHNNY RAK is believed to be an individual
15 residing in the State of Ohio. Johnny Rak is believed to be the owner of
16 Defendant NetNetStore.

17
18 3. The true names and capacities, whether individual, corporate or
19 otherwise of Defendants Does 1-10 inclusive, are unknown to Ab Coaster
20 Holdings, which therefore sues them by such fictitious names. Ab Coaster
21 Holdings will seek leave to amend this complaint to allege their true names and
22 capacities when they have been ascertained. Ab Coaster Holdings is informed
23 and believes and thereon alleges that each of the fictitiously named Defendants is
24 responsible in some manner for the occurrences herein alleged and that Ab
25 Coaster Holdings’ damages as herein alleged were proximately caused by those
26 Defendants. At all times herein mentioned, Defendants Does 1-10 inclusive were
27 the agents, servants, employees or attorneys of their co-defendants, and in doing
28 the things hereinafter alleged were acting within the course and scope of their

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1 authority as those agents, servants, employees or attorneys, and with the
2 permission and consent of their co-defendants (hereinafter, collectively with the
3 named defendants, "Defendants").

4
5 **II. JURISDICTION AND VENUE**

6
7 4. This Court has subject matter jurisdiction over this action pursuant to
8 28 U.S.C. §§ 1331 and 1338(a) since the patent and trademark infringement
9 claims arise under Acts of Congress, including the Federal Lanham Act, 15
10 U.S.C. §§ 1114, 1121(a), and 1125(a); the Patent Act, 35 U.S.C. §§ 281 and
11 289. This Court has subject matter jurisdiction over the unfair competition claims
12 in this action pursuant to 28 U.S.C. § 1338(b) and over the other State and
13 common law claims in this action pursuant to 28 U.S.C. § 1367(a).

14
15 5. Venue is proper in this judicial district under 28 U.S.C. § 1391(b)
16 since a substantial part of the events and omissions giving rise to the claims
17 occurred in this district. Additionally, venue as to netnetstore.com and
18 Rakatak.com is believed to be proper in this judicial district under 28 U.S.C. §
19 1391(c) since these defendants are believed to be corporations subject to personal
20 jurisdiction in this district. Additionally, venue is proper in this District under 28
21 U.S.C. § 1400 to the extent that the Defendants' Internet website, through which
22 Defendants have offered and continue to offer the accused products in violation of
23 both patent and trademark rights of Ab Coaster Holdings, constitutes a regular
24 and established place of business in this judicial district.

25
26 6. Upon information and belief, this Court has personal jurisdiction over
27 the Defendants because they have offered and continue to offer for sale the
28 accused products in this judicial district through, among possibly other media and

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1 methods, the Internet website, www.rakatak.com. As a result, a substantial
2 portion of the acts and omissions by Defendants that give rise to this action
3 occurred in this judicial district. Additionally, although Ab Coaster Holdings is
4 presently unable to verify that Defendants have imported any of the accused
5 products through the ports in this judicial district and continues to investigate this
6 issue, Ab Coaster Holdings is informed and believes, and thereupon alleges that
7 Defendants have imported at least some of its products for resale, not necessarily
8 the accused products, through the ports in this judicial district.

9
10 **III. FACTS GIVING RISE TO THIS ACTION**

11
12 7. Ab Coaster Holdings markets, distributes, and sells throughout the
13 nation and many other countries a manually-operated exercise device known as
14 the Ab Coaster. Ab Coaster Holdings is also the owner of certain intellectual
15 property in and to the Ab Coaster, including United States Patent Nos. 7,455,633
16 (“the ‘633 patent) and D565,134 (“the ‘134 patent); and United States Trademark
17 Registration No. 3,407,362 for AB COASTER (“the federal trademark
18 registration”).

19
20 8. Ab Coaster Holdings attaches as Exhibit 1 to this complaint a true
21 and correct image of its authentic Ab Coaster. Ab Coaster Holdings attaches as
22 Exhibits 2 and 3 to this complaint a true and correct copy of the ‘633 patent and
23 the ‘134 patent, respectively. Ab Coaster Holdings attaches as Exhibit 4 to this
24 complaint a true and correct copy of the AB COASTER federal trademark
25 registration.

26
27 9. At all times relevant to this action, Ab Coaster Holdings has been the
28 sole and exclusive owner of the ‘633 patent, the ‘134 patent, and the federal

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1 trademark registration, and the '633 patent and the '134 patent have been valid
2 and fully enforceable. They remain valid and fully enforceable today.

3
4 10. Additionally, since at least as early as March 1, 2007, Ab Coaster
5 Holdings has marketed, distributed, and sold its Ab Coasters in interstate
6 commerce under its AB COASTER trademark and has marked each of its Ab
7 Coasters with the proper patent notice.

8
9 11. Ab Coaster Holdings has extensively advertised and promoted its Ab
10 Coaster product throughout the United States and in other countries bearing the
11 AB COASTER trademark. As a result, Ab Coaster Holdings has developed a
12 strong reputation and trademark significance in its AB COASTER mark in the
13 minds of the public and trade.

14
15 12. On or about December 1, 2008, Ab Coaster Holdings became aware
16 of Defendants' attempts to sell a counterfeit Ab Coaster through, at least, its
17 website, rakatak.com. Ab Coaster Holdings attaches as Exhibit 1 to this
18 complaint a true and correct copy of the Internet web page from rakatak.com that
19 contains this counterfeit Ab Coaster, complete with an unauthorized use of the
20 federally registered AB COASTER trademark.

21
22 13. This counterfeit Ab Coaster is identical in every minute detail to the
23 authentic Ab Coaster that is protected by the '633 and '134 patents. The design is
24 identical in every minute detail and feature to the design that is claimed and
25 protected by the '134 patent, and infringement of the '134 patent therefore cannot
26 be legitimately disputed. The '633 patent is likewise infringed since each and
27 every element and limitation in the claims of the '633 patent, properly construed,
28 read on the counterfeit Ab Coaster.

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1 14. Upon information and belief, Ab Coaster Holdings alleges that
2 Defendants have used, are using, and intend to continue using in commerce the
3 term AB COASTER as a trademark for the sale of exercise products in such as
4 way as will likely cause confusion or mistake, or will likely deceive the public
5 into believing that Defendants' products are affiliated with or approved by Ab
6 Coaster Holdings.

7
8 15. Defendants market and sell their exercise products using the same
9 channels of trade and to the same or a similar class of consumers as Ab Coaster,
10 even to the use of the identical trademark to sell its infringing product.

11
12 16. On information and belief, Defendants have adopted and are
13 marketing and selling its exercise products with full knowledge of Ab Coaster
14 Holdings' trademark rights in the AB COASTER Mark and without ever seeking
15 or obtaining any consent or authorization from Ab Coaster Holdings for such use
16 of the AB COASTER Mark.

17
18 17. Ab Coaster Holdings hereby seeks (1) injunctive relief against
19 Defendants' continuing infringement of Ab Coaster Holdings' patent rights,
20 including in and to the '633 patent and the '134 patent; 2) injunctive relief against
21 Defendants' continued unauthorized and improper commercial use of a trademark
22 confusingly similar to the AB COASTER Mark for sales of exercise devices; and
23 (3) reimbursement of Ab Coaster Holdings' attorneys' fees and costs for having to
24 bring this suit to enforce its patent and trademark rights.

25
26 ///
27 ///
28 ///

FIRST CLAIM FOR RELIEF
PATENT INFRINGEMENT
35 U.S.C §§ 281 and 289

18. Ab Coaster Holdings repeats and alleges each and every allegation contained in paragraphs 1 through 17 of this Complaint, and incorporates them herein as though set forth in full.

19. This claim is against all Defendants and each of them for patent infringement under 35 U.S.C. §§ 101 *et seq.*, including specifically, §§ 281 and 289.

20. By making, using, importing, offering to sell, and/or selling, and continuing to make, use, import, offer to sell and/or sell counterfeit Ab Coasters as discussed above, Defendants have infringed and continue to infringe the ‘633 and ‘134 patent, either literally or under the doctrine of equivalents.

21. Upon information and belief, Ab Coaster Holdings alleges that Defendants’ foregoing infringing acts have been with the full knowledge of Ab Coaster Holdings’ rights and interests, thereby constituting willful patent infringement.

22. Ab Coaster Holdings has been damaged by Defendants’ acts as alleged in this complaint, and the Defendants have profited thereby. Ab Coaster Holdings is entitled to a complete accounting of all revenue derived by Defendants from the unlawful conduct alleged herein in order to determine the full amount of money damages which Ab Coaster Holdings has suffered due to Defendants’ acts of infringement.

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1 23. Furthermore, the harm to Ab Coaster Holdings arising from
2 Defendants' acts of infringement of its issued patents is not fully compensable by
3 money damages. Rather, Ab Coaster Holdings has suffered and continues to
4 suffer irreparable harm which has no adequate remedy at law and which will
5 continue unless Defendants' conduct is enjoined. Ab Coaster Holdings is
6 therefore also entitled to a preliminary injunction, to be made permanent on entry
7 of the judgment, preventing Defendants from further infringement.

8
9 **SECOND CLAIM FOR RELIEF**
10 **FEDERAL TRADEMARK INFRINGEMENT**
11 **15 U.S.C. §§ 1114 and 1125a**

12
13 24. Ab Coaster Holdings repeats and alleges each and every allegation
14 contained in paragraphs 1 through 23 of this Complaint, and incorporates them
15 herein as though set forth in full.

16
17 25. This claim is against all Defendants and each of them for trademark
18 infringement under the Lanham Act, 15 U.S.C. § 1051, *et seq.*, including
19 specifically, §§ 1114 and 1125(a).

20
21 26. Defendants are using the AB COASTER trademark in connection
22 with offers to sell counterfeit Ab Coaster exercise products in such as way as will
23 likely cause confusion or mistake, or will likely deceive the public in relation to
24 their products being associated or identified or being the same as those of Ab
25 Coaster Holdings.

26
27 27. Ab Coaster Holdings never consented to or authorized Defendants'
28 adoption or use of the AB COASTER mark for sales of any products. Defendants

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1 therefore have infringed and are infringing the federally registered AB COASTER
2 trademark in violation of 15 U.S.C. §§ 1114 and 1125(a).

3
4 28. The Ninth Circuit considers the following non-exclusive factors to
5 determine whether there is a likelihood of confusion: similarity of the marks;
6 similarity of the products or services; similarity of the marketing channels used;
7 and likelihood of expansion in product lines; strength of plaintiff's mark;
8 defendant's intent in selecting its mark; likely degree of care of purchasers; and
9 evidence of actual confusion.

10
11 29. The AB COASTER Mark is very strong after years of extensive,
12 national marketing and promotion, significant sales volume, critical acclaim, and
13 widespread public recognition. Defendants use the AB COASTER trademark for
14 the sale of identical or virtually identical exercise products that so closely
15 resemble Ab Coaster Holdings' exercise products and share such similar
16 marketing channels as to cause a likelihood of confusion. These points of
17 similarity, among a surplus of other evidence under these Ninth Circuit factors,
18 weigh in favor of both a likelihood of confusion as well as a strong suggestion
19 that Defendants intended and still intend to ride on Ab Coaster Holdings'
20 substantial goodwill.

21
22 30. Upon information and belief, Ab Coaster Holdings alleges that, at all
23 times relevant to this action, including when Defendants first adopted the federally
24 registered AB COASTER trademark and commenced their commercial use of the
25 mark on counterfeit exercise products, Defendants knew of Ab Coaster Holdings'
26 prior adoption and widespread commercial use of the AB COASTER trademark
27 on identical exercise products, and knew of the valuable goodwill and reputation
28 acquired by Ab Coaster Holdings in connection with the AB COASTER

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1 trademark. Defendants’ infringement of the AB COASTER trademark is
2 therefore willful and deliberate.

3
4 31. Ab Coaster Holdings has no control over the composition and quality
5 of the infringing goods sold by Defendants. Ab Coaster Holdings is informed and
6 believes and on that basis alleges that Defendants’ use of the AB COASTER
7 trademark has caused confusion and mistake and the deception of purchasers as to
8 the source of origin of Defendants’ infringing products. Because of the confusion
9 as to the source engendered by the Defendants’ unauthorized use of the AB
10 COASTER trademark, Ab Coaster Holdings’ valuable goodwill developed at
11 great expense and effort by Ab Coaster Holdings is being harmed and at risk of
12 further damage.

13
14 32. The goodwill of Ab Coaster Holdings’ business under the AB
15 COASTER trademark is of enormous value, and Ab Coaster Holdings will suffer
16 irreparable harm should Defendants’ infringement be allowed to continue to the
17 great detriment of its reputation and goodwill. Defendants’ infringement will
18 continue unless enjoined.

19
20 **THIRD CAUSE OF ACTION**
21 **UNFAIR COMPETITION UNDER STATE and COMMON LAW**
22 (California Business & Professions Code, §§ 17200, 17203)

23
24 33. Ab Coaster Holdings repeats and alleges each and every allegation
25 contained in paragraphs 1 through 32 of this Complaint, and incorporates them
26 herein as though set forth in full.

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1 34. The AB COASTER trademark is wholly associated with Ab Coaster
2 Holdings due to its extensive marketing efforts, sales successes, and pervasive use
3 thereof and as such, Ab Coaster Holdings has developed valuable assets in its
4 mark and the aforementioned products, it is only fair and legitimate that Ab
5 Coaster Holdings be able to continue its business without unfair, improper,
6 unauthorized, and illegal interference by Defendants as alleged herein.

7
8 35. Defendants’ intentional misuse of the federally registered AB
9 COASTER trademark in commerce in connection with its marketing and/or sale
10 of its counterfeit products appears purposefully directed at undercutting Ab
11 Coaster Holdings’ legitimate business involving its products. This misuse
12 therefore constitutes unfair competition in violation of the California Business and
13 Professions Code, §§ 17200 and 17203.

14
15 36. Ab Coaster Holdings alleges that the aforesaid acts of unfair
16 competition undertaken by Defendants were intentionally and knowingly
17 performed and directed toward perpetuating a business competing unfairly with
18 Ab Coaster Holdings and were done with a willful disregard for the rights of Ab
19 Coaster Holdings.

20
21 37. By reason of Defendants’ acts of unfair competition, Ab Coaster
22 Holdings has suffered and will continue to suffer irreparable injury unless and
23 until this Court enters an order enjoining Defendants from any further acts of
24 unfair competition. Defendants’ continuing acts of unfair competition, unless
25 enjoined, will cause irreparable damage to Ab Coaster Holdings in that it will
26 have no adequate remedy at law to compel Defendants to cease such acts, and no
27 way to determine its losses proximately caused by such acts of Defendants. Ab
28 Coaster Holdings will also be compelled to prosecute a multiplicity of actions, one

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1 action each time Defendants, or any one of them, commit such acts, and in each
2 such action it will still be extremely difficult to ascertain the amount of
3 compensation which will afford adequate relief to Ab Coaster Holdings. Ab
4 Coaster Holdings is therefore entitled to a preliminary injunction and a permanent
5 injunction against further infringing conduct by Defendants.
6

7 38. As a direct and proximate result of the aforesaid acts of unfair
8 competition, Defendants have wrongfully taken Ab Coaster Holdings' profits and
9 the benefit of their creativity and investment of time, energy and money.
10 Defendants should therefore disgorge all profits from the sale of infringing
11 products and further should be ordered to perform full restitution to Ab Coaster
12 Holdings as a consequence of Defendants' infringing activities.
13

14 39. In doing the acts hereinabove alleged, Defendants have acted
15 fraudulently, oppressively, and maliciously, and, by reason thereof, Ab Coaster
16 Holdings is entitled to exemplary and punitive damages.
17

18 **PRAYER FOR RELIEF**

19
20 WHEREFORE, Ab Coaster Holdings prays for relief against Defendants,
21 jointly and severally, as follows:
22

23 1. For a judgment that Defendants have infringed Ab Coaster Holdings'
24 rights in and to its '633 patent;
25

26 2. For a judgment that Defendants have infringed Ab Coaster Holdings'
27 rights in and to its '134 patent;
28

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3. For a judgment that Defendants have infringed Ab Coaster Holdings’ rights in and to its federally registered AB COASTER trademark;

4. For a judgment that Defendants have committed acts of unfair competition against Ab Coaster Holdings;

5. For a judgment that Defendants have willfully and deliberately committed acts of patent and trademark infringement and unfair competition against Ab Coaster Holdings;

6. An order preliminarily and permanently enjoining Defendants, and each of them, and their officers, directors, agents, servants, attorneys, and employees and all other persons acting in concert with them from, including but not limited to:

- a) committing any further acts of patent infringement, trademark infringement, or unfair competition,
- b) any further use of the AB COASTER trademark, or any colorable imitation thereof, on any product;
- c) representing directly or indirectly in any form or manner whatsoever that any product is or was ever associated with or approved by Ab Coaster Holdings when, in fact, it is not and never was,
- d) committing any other acts calculated to compete unfairly with Ab Coaster Holdings in any manner, and
- e) inducing or enabling any other to commit any of the foregoing wrongs;

7. For an order seizing and impounding all infringing products and all manufacturing supplies in Defendants’ possession or control;

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1 8. For an order for an accounting and disgorgement of Defendants’
2 profits from its infringing and unfair business activity;

3
4 9. For an order awarding to Ab Coaster Holdings the maximum
5 allowable damages to adequate to fully compensate Ab Coaster Holdings for the
6 harm caused by Defendants’ patent infringement, increased to three times this
7 amount;

8
9 10. For an order awarding to Ab Coaster Holdings the maximum
10 allowable damages resulting from Defendants’ trademark infringement, including
11 the greater of Ab Coaster Holdings’ lost profits and Defendants illicit profits,
12 increased to three times this amount;

13
14 11. For an order for Ab Coaster Holdings’ attorneys’ fees and costs Ab
15 Coaster Holdings incurred in having to bring and sustain this action for the legal
16 enforcement of its patent and trademark rights, and it rights to be free from unfair
17 competition; and

18
19 ///

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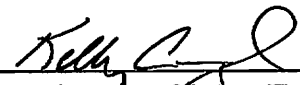
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12. For such other and further equitable and legal relief as the Court may deem appropriate.

Respectfully submitted,
CISLO & THOMAS LLP

Dated: December 3, 2008



Daniel M. Cislo, Esq.
Kelly W. Cunningham, Esq.

Attorneys for Plaintiff
AB COASTER HOLDINGS, INC.

T:\08-21960\Complaint for patent and trademark infringement.DOC

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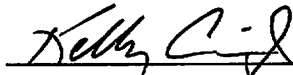
DEMAND FOR JURY TRIAL

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Plaintiff AB COASTER HOLDINGS, INC. hereby demands a trial by jury as provided by Rule 38(a) of the Federal Rules of Civil Procedure and by the Local Rules of this Court.

Respectfully submitted,
CISLO & THOMAS LLP

Dated: December 3, 2008



Daniel M. Cisló, Esq.
Kelly W. Cunningham, Esq.

Attorneys for Plaintiff
AB COASTER HOLDINGS, INC.

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

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge George H. Wu and the assigned discovery Magistrate Judge is Victor B. Kenton.

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

CV08 - 7968 GW (VBKx)

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

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

=====

NOTICE TO COUNSEL

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

Subsequent documents must be filed at the following location:

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

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

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

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

COPY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

AB COASTER HOLDINGS, INC., a Delaware corporation,

CASE NUMBER

PLAINTIFF(S)

v.

CV08-07968

GW

VBKx

NETNETSTORE.COM, INC., an Ohio corporation;
RAKATAK.COM; JEREMY W. RAK, an individual;
JOHNNY RAK, an individual and DOES 1-10, inclusive,

DEFENDANT(S).

SUMMONS

TO: THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to file with this court and serve upon plaintiff's attorney Daniel M. Cislo, Esq. _____, whose address is:

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1333 2nd Street, Suite 500
Santa Monica, California 90401
(310) 451-0647
fax: (310) 394-4477

an answer to the complaint _____ amended complaint counterclaim cross-claim which is herewith served upon you within 20 days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint.

Clerk, U.S. District Court

LA'REE HORN

Dated: DEC - 3 2008

By: _____



I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> AB COASTER HOLDINGS, INC., a Delaware corporation,	DEFENDANTS NETNETSTORE.COM, INC., an Ohio corporation; RAKATAK.COM; JEREMY W. RAK, an individual; JOHNNY RAK, an individual and DOES 1-10, inclusive,
(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases): County of Los Angeles	County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only): State of Ohio
(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Daniel M. Cislo, Esq. (310) 451-0647 Kelly W. Cunningham, Esq. CISLO & THOMAS LLP 1333 2nd Street, Suite 500 Santa Monica, California 90401	Attorneys (If Known)

II. BASIS OF JURISDICTION (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)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;">Citizen of This State</td> <td style="width:10%;"><input type="checkbox"/> 1</td> <td style="width:10%;"><input type="checkbox"/> 1</td> <td style="width:40%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%;"><input type="checkbox"/> 4</td> <td style="width:10%;"><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>	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
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. 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
 7 Appeal to District Judge from Magistrate Judge

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

CLASS ACTION under F.R.C.P. 23: Yes No
 MONEY DEMANDED IN COMPLAINT: \$ Damages to be determined at trial.

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 Patent infringement under 28 USC Sections 1331 and 1338(a); Trademark infringement under 35 USC Sections 281 and 289; Unfair competition under 28 U.S.C. Section 1338(b)

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

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <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"/> 891 Agricultural Act <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 <input type="checkbox"/> 890 Other Statutory Actions	CONTRACT <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 Loan (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 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	TORTS 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 Fed. 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 <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	TORTS 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 BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 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"/> 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 FORFEITURE/PENALTY <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 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
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VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? No Yes

If yes, list case number(s):

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM JS-44C, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed 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. Appear to arise from the same or substantially identical transactions, happenings, or events;
 B. Involve the same or substantially the same parties or property;
 C. Involve the same patent, trademark or copyright;
 D. Call for determination of the same or substantially identical questions of law, or
 E. Likely for other reasons may entail unnecessary duplication of labor if heard by different judges.

IX. VENUE: List the California County, or State if other than California, in which EACH named plaintiff resides (Use an additional sheet if necessary)

Check here if the U.S. government, its agencies or employees is a named plaintiff.

Ab Coaster Holdings: County of Los Angeles

List the California County, or State if other than California, in which EACH named defendant resides. (Use an additional sheet if necessary).

Check here if the U.S. government, its agencies or employees is a named defendant.

NetNetStore.com: State of Ohio

Rakatak.com: State of Ohio

Jeremy W. Rak: State of Ohio

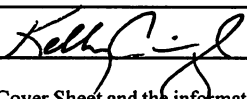
Johnny Rak: State of Ohio

List the California County, or State if other than California, in which EACH claim arose. (Use an additional sheet if necessary)

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

All Claims: County of Los Angeles

X. SIGNATURE OF ATTORNEY (OR PRO PER):



Date 12-3-08

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. (g))