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3:06-CV-01719 GAINES MANUFACTURING V. HILLMAN GROUP INC

1

CMP.

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Attorneys for Plaintiff
Gaines Manufacturing, Inc.

FILED

06 AUG 23 AM 2:03

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: 

DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

GAINES MANUFACTURING, INC., a
California corporation

Plaintiff,

v.

THE HILLMAN GROUP, INC., a Delaware
Corporation,

Defendant.

Case No. **06CV 1719IEG** NLS

COMPLAINT FOR:

1. Patent Infringement under 35 U.S.C. § 271;
2. Unfair Competition Under California Business and Professions Code § 17200 et seq.;
3. Common Law Unfair Competition; and
4. Intentional Interference with Prospective Economic Advantage.

JURY TRIAL DEMANDED

ORIGINAL

1 Plaintiff Gaines Manufacturing, Inc. ("GAINES") alleges as follows:

2 **THE PARTIES**

3 1. GAINES is a California corporation with its principal place of business at 12200
4 Kirkham Road, Poway, California. GAINES is engaged in the business of designing,
5 manufacturing and selling residential mailboxes and address plaques.

6 2. GAINES is informed and believes that defendant The Hillman Group, Inc.
7 ("DEFENDANT") is a Delaware corporation, with its principal place of business at 10590
8 Hamilton Ave., Cincinnati, Ohio. DEFENDANT is engaged in the business of making,
9 offering for sale and selling residential address plaques.

10 **JURISDICTION AND VENUE**

11 3. Pursuant to 28 U.S.C. sections 1331 and 1338(a), this Court has original and
12 exclusive jurisdiction in this matter over each of the following claims:

13 a. Patent Infringement, 35 U.S.C. section 271.

14 4. Pursuant to 28 U.S.C. sections 1331, 1338(b) and 1367, this Court has original
15 or supplemental jurisdiction in this matter over each of the remaining claims.

16 5. GAINES is informed and believes that DEFENDANT is subject to personal
17 jurisdiction in this judicial district in that DEFENDANT is marketing the products
18 complained of herein to distributors within this judicial district.

19 6. Venue properly lies in this district pursuant to 28 U.S.C. section 1391(b)(2).

20 **GENERAL ALLEGATIONS**

21 7. GAINES has been engaged in the business of designing, manufacturing and selling
22 residential mailboxes and address plaques for many years. GAINES' products have a reputation
23 in the industry for being of high quality.

24 8. GAINES is the owner of United States Patent No. D508,539, which issued August
25 16, 2005. The '539 Patent covers an ornamental design for an address display which may be
26 used for residential or commercial properties ("Softcurve® Address Display"). A true and
27 correct copy of the '539 Patent is attached hereto as Exhibit A and incorporated herein by this
28 reference.

1 9. GAINES is the owner of United States Patent No. D476,692, which issued July 1,
2 2003. The '692 Patent also covers an ornamental design for an address display ("Roundtangle®
3 Address Display"). A true and correct copy of the '692 Patent is attached hereto as Exhibit B
4 and incorporated herein by this reference.

5 10. GAINES sells products throughout the United States and Canada including in
6 large consumer chains, such as The Home Depot, Menards and Lowes. GAINES sells its own
7 version of the Softcurve® Address Display and the Roundtangle® Address Display. A copy of a
8 digital photograph which depicts GAINES Softcurve® address plaque are attached as Exhibit C
9 and incorporated herein by this reference. GAINES' products are marked with GAINES'
10 applicable United States patent numbers.

11 11. DEFENDANT and GAINES are competitors.

12 12. In the Fall of 2005, GAINES met with the buyer for The Home Depot regarding
13 adding GAINES' address displays, including its Softcurve® address plaque, to the GAINES
14 products already carried by The Home Depot. GAINES advised The Home Depot buyer that its
15 designs were protected by United States patents. After a very positive meeting, The Home
16 Depot rejected GAINES' Softcurve® address plaque.

17 13. Shortly after GAINES meeting with The Home Depot, The Home Depot started
18 carrying DEFENDANT's address plaque product which is the same or substantially similar to
19 the designs of the '539 Patent and the '692 Patent and nearly identical to GAINES' Softcurve®
20 address plaque product. DEFENDANT's infringing address plaque is sold in the United States
21 at The Home Depot under the name Perfect Home. A copy of a digital photograph which depicts
22 DEFENDANT's Perfect Home address plaque are attached as Exhibit D and incorporated by this
23 reference.

24 14. GAINES is informed and believes that DEFENDANT, alone or in conjunction
25 with persons working for The Home Depot, intentionally copied GAINES' Softcurve® address
26 plaque design.

27 ///

28 ///

1 15. GAINES is informed and believes that DEFENDANT contracts for the
2 manufacture of some or all of its products from vendors located outside the United States and
3 then imports such products into the United States for sale.

4 16. GAINES' and DEFENDANT's address plaques are sold without numbers so that
5 the consumer can customize the plaque for his/her own address. Consequently, in addition to
6 losing sales of address plaques due to DEFENDANT's infringing product, GAINES has lost
7 sales of the numbers sold to complete the address displays.

8 17. GAINES is informed and believes that it has lost sales at The Home Depot and in
9 other retail locations as a result of DEFENDANT's infringing address plaques.

10 18. DEFENDANT's address plaques are not licensed by GAINES.

11 **First Cause of Action**

12 **Patent Infringement (35 U.S.C. Section 271)**

13 19. GAINES refers to and incorporates herein by reference paragraphs 1 through 18
14 of this Complaint as though set forth in full herein.

15 20. DEFENDANT's manufacture, offers to sell and/or sales of its Perfect Home
16 address plaques, and any substantially similar plaques, in the United States directly infringe,
17 literally or under the doctrine of equivalents, GAINES' '539 Patent and '692 Patent in violation
18 of 35 U.S.C. § 271(a).

19 21. GAINES is informed and believes that DEFENDANT has contributed and is
20 contributing to the infringement, literally or under the doctrine of equivalents, of GAINES' '539
21 Patent and '692 Patent in violation of 35 U.S.C. § 271(b).

22 22. GAINES is informed and believes that DEFENDANT has induced and is
23 inducing the infringement, literally or under the doctrine of equivalents, of GAINES' '539 Patent
24 and '692 Patent in violation of 35 U.S.C. § 271(c).

25 23. GAINES has no adequate remedy at law and is, therefore, entitled to a
26 preliminary and permanent injunction prohibiting further infringement by DEFENDANT.

27 24. DEFENDANT's infringing activities have been with actual or constructive
28 knowledge of GAINES' patents and competing products and are willful and deliberate.

1 GAINES is entitled to recover treble damages pursuant to 35 U.S.C. § 284, reasonable
2 attorneys' fees and expenses of litigation pursuant to 35 U.S.C. § 285, and prejudgment
3 interest pursuant to 35 U.S.C. § 284.

4 25. As a result of DEFENDANT's infringing activities, GAINES has been damaged
5 in an amount to be proved at trial, but believed to be in excess of \$2,800,000. At a minimum,
6 GAINES is entitled to recover a reasonable royalty for the acts of infringement by
7 DEFENDANT.

8 **Second Cause of Action**

9 **Unfair Competition/Unfair Business Practices**

10 **Cal. Bus. & Prof. Code Section 17200**

11 26. GAINES refers to and incorporates herein by reference paragraphs 1 through 25
12 of this Complaint as though set forth in full herein.

13 27. DEFENDANT has attempted to and has obtained economic benefit from copying
14 GAINES' patented address plaque designs.

15 28. DEFENDANT's unauthorized sale of imitations of GAINES' Softcurve® address
16 plaque which infringe GAINES' patents constitute unfair and fraudulent business practices
17 within the meaning of California's Unfair Trade Practices Act, California Business &
18 Professions Code sections 17200 *et. seq.*

19 29. DEFENDANT's unfair and deceptive business practices have damaged GAINES
20 in an amount to be proved at trial, but believed to be in excess of \$2,800,000.

21 30. DEFENDANT's unfair and deceptive business practices have and will continue to
22 injure GAINES, its authorized dealers and the public unless and until they are enjoined by this
23 Court.

24 **Third Cause of Action**

25 **Common Law Unfair Competition**

26 31. GAINES refers to and incorporates herein by reference paragraphs 1 through 30
27 of this Complaint as though set forth in full herein.

28 ///

1 32. DEFENDANT's acts as alleged herein constitute unfair competition under
2 common law principals.

3 33. DEFENDANT's unfair and deceptive business practices have damaged GAINES
4 in an amount to be proved at trial, but believed to be in excess of \$2,800,000.

5 34. GAINES is informed and believes that each of the acts and omissions by
6 DEFENDANT complained of were willful or in reckless disregard of GAINES' rights, thereby
7 supporting the award of exemplary damages.

8 **Fourth Cause of Action**

9 **Intentional Interference with Prospective Economic Advantage**

10 35. GAINES refers to and incorporates herein by reference paragraphs 1 through 34
11 of this Complaint as though set forth in full herein.

12 36. GAINES is informed and believes that DEFENDANT knew, or by the exercise of
13 reasonable care should have known, that GAINES sells its products throughout the United States
14 in The Home Depot and that GAINES offered its Softcurve® address plaques for sale to The
15 Home Depot in 2005.

16 37. GAINES is informed and believes that DEFENDANT intentionally copied
17 GAINES' patented designs in order to take sales to The Home Depot away from GAINES.

18 38. DEFENDANT had a duty not to copy GAINES' patented designs for
19 manufacture, offer for sale, and/or sale within the United States.

20 39. DEFENDANT's actions have damaged GAINES in an amount to be proved at
21 trial but believed to be in excess of \$2,800,000.

22 40. GAINES is informed and believes that each of the acts and omissions by
23 DEFENDANT complained of were willful or in reckless disregard of GAINES' rights, thereby
24 supporting the award of exemplary damages.

25 **PRAYER**

26 WHEREFORE, GAINES prays for relief as follows:

27 41. For an injunction, including a temporary restraining order, preliminary injunction
28 and permanent injunction, enjoining DEFENDANT, its agents, affiliates, employees, and those

persons in active concert or participation or privity with it who receive actual notice of the order by personal service or otherwise, from manufacturing, offering for sale and selling address plaques which contain or utilize the designs embodied in the '539 Patent and the '692 Patent;

42. For punitive and/or exemplary damages;

43. For monetary damages in an amount according to proof, including DEFENDANT's profits;


44. For interest on said damages at the legal rate from and after the date such damages were incurred;

45. For costs, including reasonable attorneys fees; and

46. For such other and further relief as the Court deems proper.

DATED: August 22, 2006

HENDERSON & CAVERLY LLP


By 
Kristen E. Caverly
Attorneys for Plaintiff Gaines
Manufacturing, Inc.

DEMAND FOR JURY TRIAL

Plaintiff GAINES hereby demands trial by jury.

DATED: August 22, 2006

HENDERSON & CAVERLY LLP

By 
Kristen E. Caverly
Attorneys for Plaintiff Gaines
Manufacturing, Inc.



US00D508539S

(12) **United States Design Patent** (10) Patent No.: **US D508,539 S**
Gaines et al. (45) Date of Patent: **** Aug. 16, 2005**

(54) **ADDRESS DISPLAY**

(76) Inventors: **Theodore Edward Gaines**, Gaines Manufacturing, Inc., 12200 Kirkham Rd., Poway, CA (US) 92064; **Donald Bruce Gaines**, Gaines Manufacturing, Inc., 12200 Kirkham Rd., Poway, CA (US) 92064

(**) Term: **14 Years**

(21) Appl. No.: **29/187,932**

(22) Filed: **Aug. 5, 2003**

(51) LOC (8) Cl. **20-03**

(52) U.S. Cl. **D20/17**

(58) Field of Search D20/10, 13, 15,
D20/17, 22, 27, 28-29, 38, 39-42, 99;
D12/193; 40/299.01, 330, 541, 543, 545,
549, 606.18, 606.19, 607.13, 611.05, 612,
618, 624, 642.01, 651; 362/812; D10/109,
114, 121

(56) **References Cited****U.S. PATENT DOCUMENTS**

D68,627 S * 11/1925 Horton D20/43
D94,943 S * 3/1935 Best D20/17
D147,045 S * 7/1947 Holmquist D20/17
D160,754 S * 10/1950 Wallace D10/114
D279,485 S * 7/1985 Brennan D20/17
D388,126 S * 12/1997 Rath D20/42
D476,692 S 7/2003 Gaines et al.
D477,033 S 7/2003 Gaines et al.
D477,367 S 7/2003 Gaines et al.
D478,935 S * 8/2003 Gearhart et al. D20/10

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FRONTGATE, Frontgate retail catalog, prior to Nov. 1, 2001, p. 84, Cornerstone Brands, Inc., USA**.

Frontgate.Com, Internet website, prior to Nov. 1, 2001, (current printout provided as representative of pre-Nov. 1, 2001 content), Cornerstone Brands, Inc., USA and worldwide **.

Whitehall Products.com, internet website, prior to Nov. 1, 2001 (current printout provided as representative of pre-Nov. 1, 2001 content), Whitehall Products, USA and worldwide**.

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Gaines Manufacturing, Inc., HouseMark Oval Address Plaque, available for purchase Feb. 2002, Gaines Manufacturing, Inc., USA.

* cited by examiner

Primary Examiner—Robert M. Spear

(74) *Attorney, Agent, or Firm*—Henderson & Caverly LLP; Kristen E. Caverly

(57) **CLAIM**

The ornamental design for an address display, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of an address display showing the new design;

FIG. 2 is a front elevational view thereof;

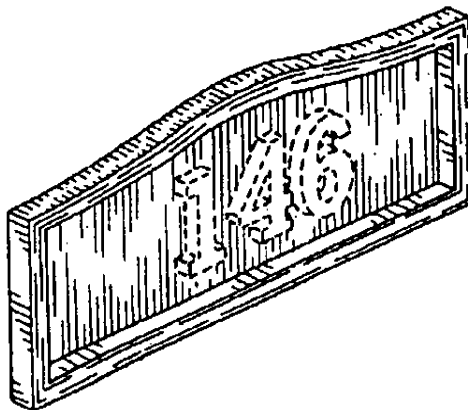
FIG. 3 is a rear elevational view thereof;

FIG. 4 is a right side elevational view thereof;

FIG. 5 is a left side elevational view thereof;

FIG. 6 is a top plan view thereof; and,

FIG. 7 is a bottom plan view thereof.



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Page 2

Any broken line illustration of environmental structure in the drawings represents environmental structure and forms no part of the claimed design.

1 Claim, 2 Drawing Sheets

U.S. Patent

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Sheet 1 of 2

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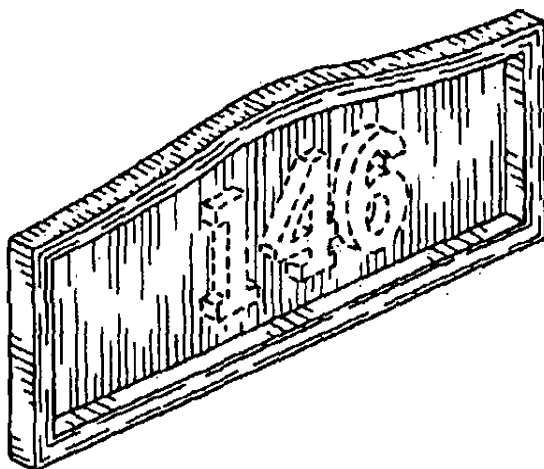


FIG. 1

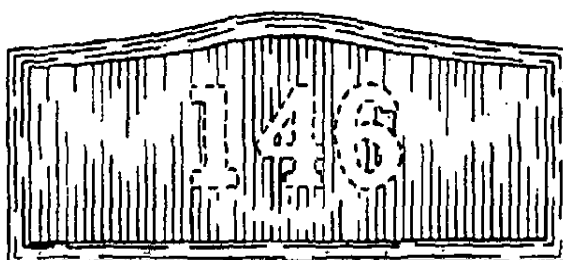


FIG. 2

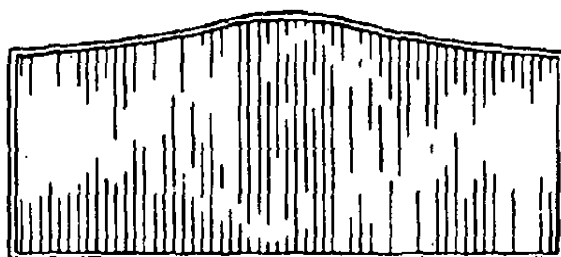


FIG. 3

U.S. Patent

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FIG. 4



FIG. 5



FIG. 6



FIG. 7



US00D476692S

(12) **United States Design Patent** (10) Patent No.: **US D476,692 S**
Gaines et al. (45) Date of Patent: **** Jul. 1, 2003**

(54) **ADDRESS SIGNBOARD**

(76) Inventors: **Theodore Edward Gaines**, Gaines Manufacturing, Inc., 12200 Kirkham Rd., Poway, CA (US) 92064; **Donald Bruce Gaines**, Gaines Manufacturing, Inc., 12200 Kirkham Rd., Poway, CA (US) 92064

(**) Term: **14 Years**

(21) Appl. No.: **29/150,830**

(22) Filed: **Nov. 29, 2001**

(51) LOC (7) Cl. **20-03**

(52) U.S. Cl. **D20/17; D20/41**

(58) Field of Search **D20/10, 11, 12, D20/17, 39, 41, 42, 99; D10/109, 114, 121; 40/1, 124.1, 124.5, 489, 541, 543, 545, 549, 551, 553, 568, 584, 612, 618**

(56) **References Cited****U.S. PATENT DOCUMENTS**

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 D57,485 S * 4/1921 Telling D20/39
 D65,103 S * 7/1924 Cusack D20/39
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 D347,186 S * 5/1994 Caval et al. D25/38
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 D459,494 S * 6/2002 Pettit et al. D25/38
 D465,286 S * 11/2002 Gregori D25/38

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FRONTGATE.COM, internet website, prior to Nov. 1, 2001 (current printout provided as representative of pre-Nov. 1, 2001 content), Cornerstone Brands, Inc., U.S.A. and world-wide, 4 pages.

WHITEHALL PRODUCTS.COM, internet website, prior to Nov. 1, 2001 (current printout provided as representative of pre-Nov. 1, 2001 content), Whitehall Products, U.S.A. and world-wide, 4 pages.

WHITEHALL PRODUCTS, product brochure, prior to Nov. 1, 2001, Whitehall Products, U.S.A., 2 pages.

* cited by examiner

Primary Examiner—Robert M. Spear

(74) Attorney, Agent, or Firm—Henderson & Caverly LLP; Kristen E. Caverly

(57) **CLAIM**

The ornamental design for an address signboard, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of an address signboard showing the new design;

FIG. 2 is a front elevational view thereof;

FIG. 3 is a rear elevational view thereof;

FIG. 4 is a right side elevational view thereof;

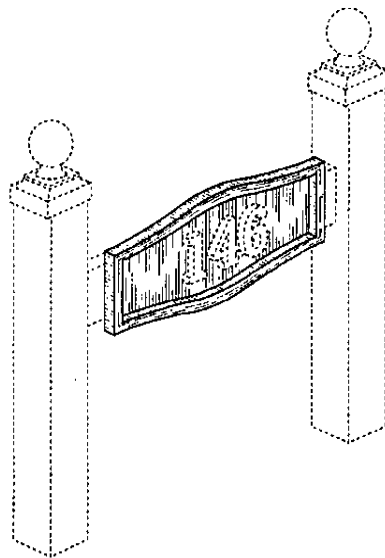
FIG. 5 is a left side elevational view thereof;

FIG. 6 is a top plan view thereof; and,

FIG. 7 is a bottom plan view thereof.

Any broken line illustration of environmental structure in the drawings is not part of the design sought to be patented. In the drawings, those portions of the design obscured by broken lines form no part of the claimed design.

1 Claim, 3 Drawing Sheets



U.S. Patent

Jul. 1, 2003

Sheet 1 of 3

US D476,692 S

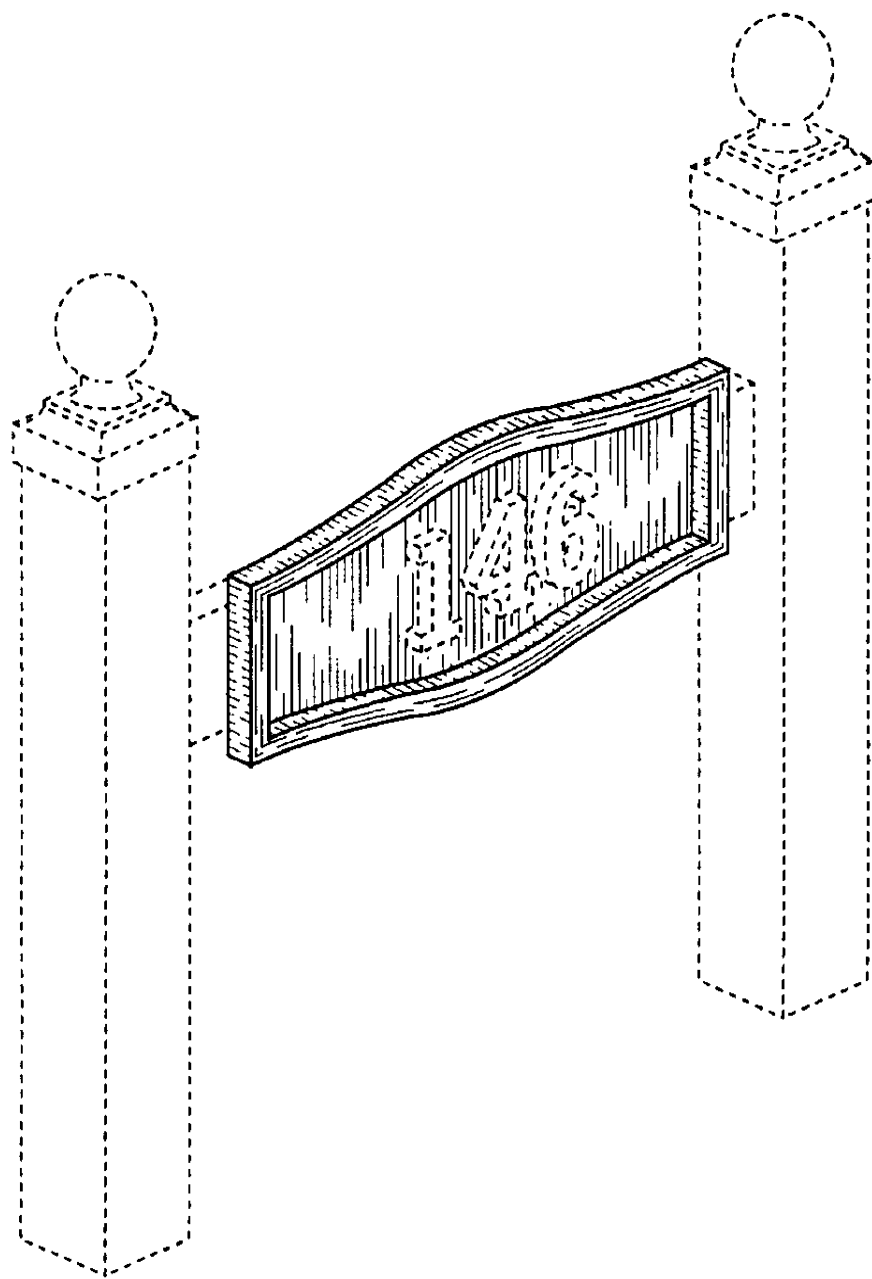


FIG. 1

U.S. Patent

Jul. 1, 2003

Sheet 2 of 3

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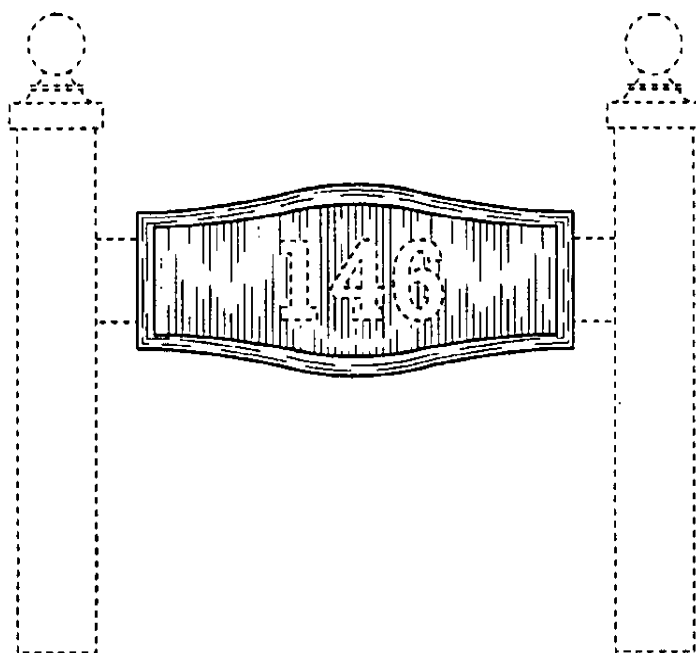


FIG. 2

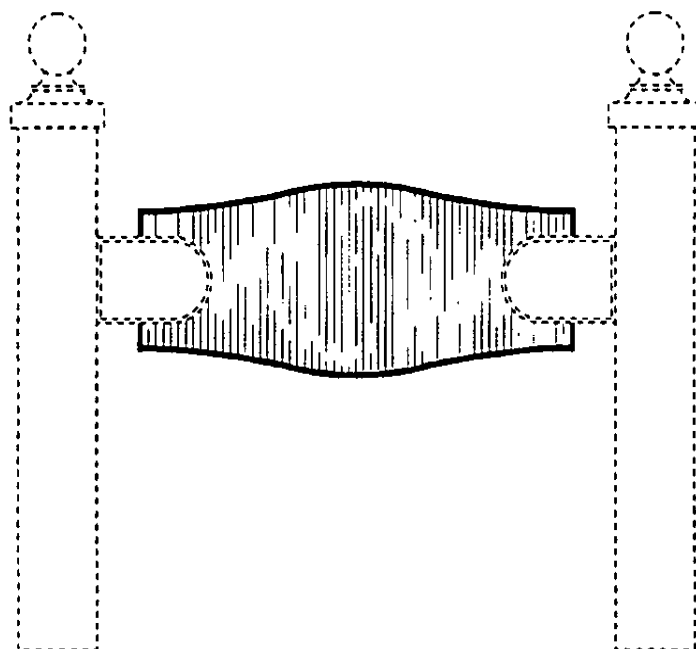


FIG. 3

U.S. Patent

Jul. 1, 2003

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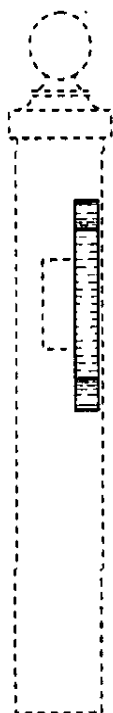


FIG. 4

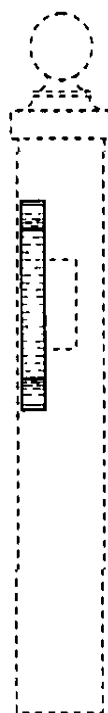


FIG. 5

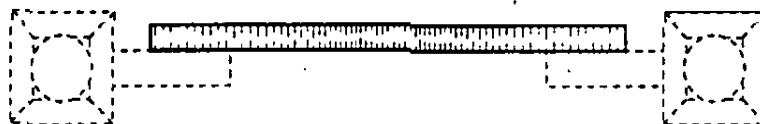


FIG. 6

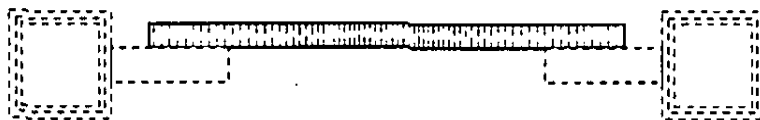
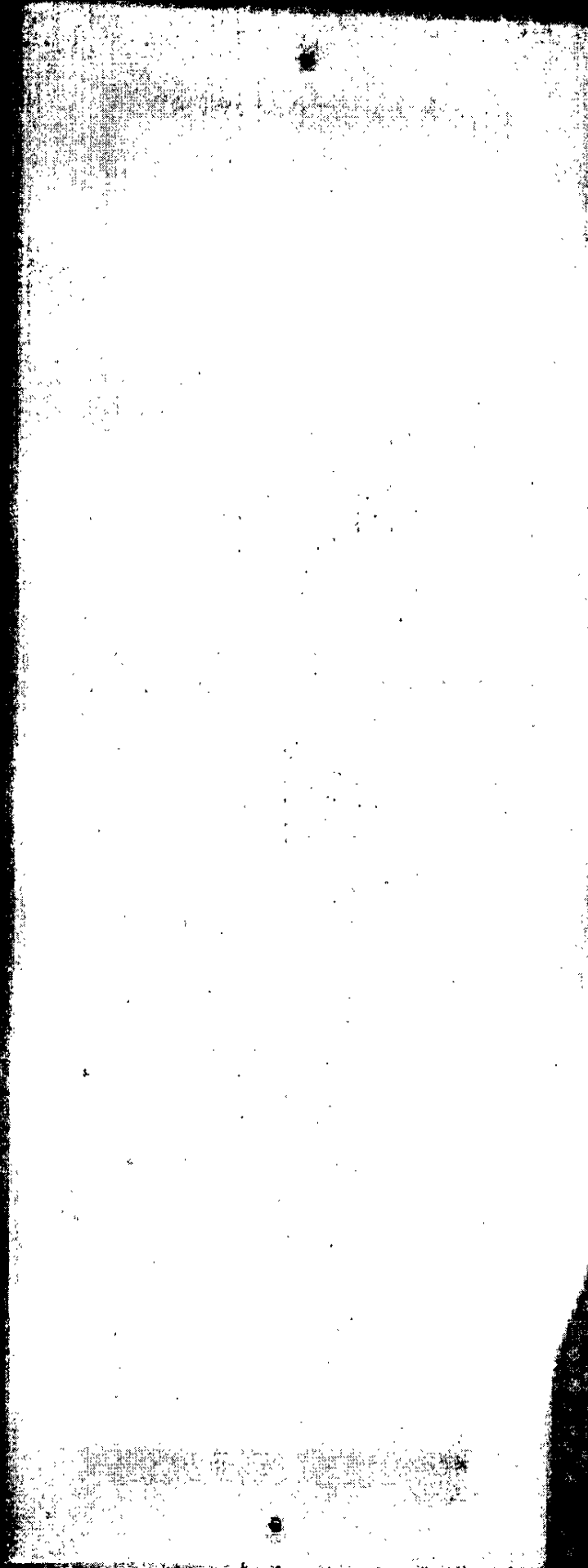


FIG. 7





AO 120 (Rev.3/04)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised
that a court action has been filed in the U.S. District Court San Diego on the following Patents or Trademarks:

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
06cv1719-IEG(NLS)	August 23, 2006	United States District Court, Southern District of California
PLAINTIFF		DEFENDANT
Gaines Manufacturing, Inc.		The Hillman Group, Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 US D508,539 S	August 16, 2005	Theodore Edward Gaines, Donald Bruce Gaines, Gaines Manufacturing
2 US D476,692 S	July 1, 2003	Theodore Edward Gaines, Donald Bruce Gaines, Gaines Manufacturing
3		
4		
5		

In the above-entitled case, the following patent(s)/trademark(s) have been included:

DATE INCLUDED	INCLUDED BY			
	<input type="checkbox"/> Amendment	<input type="checkbox"/> Answer	<input type="checkbox"/> Cross Bill	<input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK		
1				
2				
3				
4				
5				

In the above-entitled case, the following decision has been rendered or judgment issued:

DECISION/JUDGMENT		
CLERK	(BY) DEPUTY CLERK	DATE

Copy 1 - Upon initiation of action, mail this copy to Director

Copy 3 - Upon termination of action, mail this copy to Director

Copy 2 - Upon filing document adding patent(s), mail this copy to Director

Copy 4 - Case file copy

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

Gaines Manufacturing, Inc.

DEFENDANTS

The Hillman Group, 06 AUG 23 AM 2:04

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

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

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Kristen E. Caverly (SBN 175070)
Henderson & Caverly LLP
P.O. Box 9144 (All U.S. Mail)
Rancho Santa Fe, CA 92067

ATTORNEYS (IF KNOWN)

'06CV 1719IEG NLS

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | |
|---|---|---|---|
| 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. 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 35 U.S.C. Section 271

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 147 PROPERTY RIGHTS <input type="checkbox"/> 820 Copy rights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13958) <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 RSJ (405(e)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <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 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State <input type="checkbox"/> 990 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 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 Prisoner Conditions		

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$2,800,000 plus

Check YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE Aug 22, 2006

SIGNATURE OF ATTORNEY OF RECORD *Pat C. G...*

128543 gel 8/23/06 \$350