

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

BANYAN LICENSING, L.C.,)

Plaintiff,)

v.)

COLLECTIONS ETC., INC. and)
JET GENERAL INVESTMENT CO.,)
a.k.a. WINSTON SALES CO.,)
a.k.a. WINSTON MARKETING GROUP,)
a.k.a. W.M.G.)

Defendants.)

07-60628

Civil Action No. _____

CIV-HURLEY
JURY TRIAL DEMANDED

[HOPKINS]

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COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Banyan Licensing, L.C. (hereinafter "Plaintiff" or "Banyan"), by and through its counsel, for its Complaint against Defendants Collections Etc., Inc. (hereinafter "Collections") and Jet General Investment Co., also known as Winston Sales Co., also known as Winston Marketing Group, also known as W.M.G. (hereinafter "W.M.G.") (hereinafter, collectively "Defendants") alleges as follows:

Jurisdiction and Venue

1. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338.
2. This Court has personal jurisdiction over Defendants because Defendants ship infringing products into this Judicial District and the infringing products are being offered for sale and sold to consumers in this Judicial District.
3. Venue is properly laid in this Court under the provisions of 28 U.S.C. §§ 1391 and 1400.

BERGER SINGERMAN
attorneys at law

Boca Raton Fort Lauderdale Miami Tallahassee

350 East Las Olas Boulevard Suite 1000 Fort Lauderdale, Florida 33301 Telephone 954-525-9900 Facsimile 954-523-2872

The Parties

4. Plaintiff Banyan is a corporation duly organized and existing under the laws of the State of Florida with its principal place of business located at 1040 Bayview Drive, Suite 322, Fort Lauderdale, Florida 33304.

5. Upon information and belief, Defendant Collections is a corporation duly organized and existing under the laws of the State of Illinois with its principal place of business at 2521 Busse Road, Elk Grove Village, Illinois 60007.

6. Upon information and belief, Defendant W.M.G. is a corporation duly organized and existing under the laws of the State of Illinois with its principal place of business at 2521 Busse Road, Elk Grove Village, Illinois 60007.

Factual Background

7. On June 8, 1993, the United States Patent and Trademark Office ("PTO") issued United States Letters Patent 5,216,771 ("the '771 patent"), entitled "Leg Pillow" to inventor Gene A. Hoff. A true and correct copy of the '771 patent is attached hereto as Exhibit A.

8. Banyan is the exclusive licensee of inventor Hoff under the '771 patent. Banyan has the right to grant sublicenses under the '771 patent and the right to sue for infringement, including any damages for past infringement and any damages or injunctive relief for future infringement during the patent term.

9. The '771 patent is presumed valid under 35 U.S.C. § 282.

10. Plaintiff Banyan's licensee, Contour Products, Inc., is authorized to sell pillows that practice the invention disclosed in the '771 patent. These pillows are sold under the trade name CONTOUR MEMORY FOAM LEG PILLOW™.

11. The authorized patented pillows are properly marked with the patent number, entitling Banyan to damages for each and every instance of Defendants' infringement under 35 U.S.C. § 287(a).

CLAIM FOR RELIEF

(Patent Infringement Against Defendants)

12. The allegations set forth in paragraphs 1-11 above are incorporated herein by reference as if set forth in their entirety.

13. This is an action for patent infringement, which arises under the Patent Laws of the United States, including 35 U.S.C. §§ 271, 281, 283, and 284. Plaintiff seeks an accounting and damages for infringement of the '771 patent, and injunctive relief against continued infringement by Defendants.

14. Upon information and belief, Defendants have, without authorization, been importing, using, offering for sale, selling, and inducing the use and sale of therapeutic sleep pillows that infringe the '771 patent, including but not limited to, the Memory Foam Leg Massager pillows offered for sale and sold through Defendants' catalog, and via the Internet at www.collectionsetc.com (the "Website"). A Memory Foam Leg Massager pillow ordered from the Website and shipped into this Judicial District bears a label indicating that it was made in China and imported by W.M.G. in Elk Grove Village, IL. Such importation is an act of infringement under the Patent Act.

15. Upon information and belief, Defendants will continue to infringe and induce infringement of the '771 patent unless enjoined by this Court.

16. Upon information and belief, Defendants' infringement of the '771 patent is willful and deliberate.

17. By reason of said acts by Defendants, Banyan has been and will continue to be seriously damaged and irreparably injured unless Defendants are enjoined by this Court from the actions complained of herein and thus, Plaintiff is without an adequate remedy at law.

JURY TRIAL DEMAND

Plaintiff demands a trial by jury pursuant to Rule 38(b) of the Federal Rules of Civil Procedure.

WHEREFORE, Plaintiff Banyan prays for entry of a judgment by this Court against Defendants, providing:

- (a) That Defendants have infringed the '771 patent;
- (b) That Defendants, their officers, agents, servants, employees, attorneys, and all other persons in active concert or participation with it, be preliminarily and permanently enjoined and restrained from further infringing the '771 patent during its term;
- (c) For an assessment and accounting of damages, together with interest, to compensate Banyan for the past and willful infringement by Defendants of the '771 patent and that in light of the nature of that willful infringement, such award be increased three times the amount of the damages found or assessed, and for an award to Banyan of all its costs and reasonable attorney fees in respect thereto in accordance with 35 U.S.C. §§ 284-285; and
- (d) For such other and further relief that the Court may deem equitable and proper.

This the 2nd day of May, 2007.



Charles H. Lichtman
Florida Bar No. 501050
BERGER SINGERMANN
350 East Las Olas Boulevard, Suite 1000
Fort Lauderdale, FL 33301
Phone: (954) 627-9913
Facsimile: (954) 523-2872
clichtman@bergersingerman.com
Attorneys for
BANYAN LICENSING, L.C.

Of Counsel:

Michael S. Connor, pro hac vice pending
mike.connor@alston.com
Miranda M. Olvera, pro hac vice pending
miranda.olvera@alston.com
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Phone: (704) 444-1000
Facsimile: (704) 444-1111

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US005216771A

United States Patent [19][11] **Patent Number:** **5,216,771****Hoff**[45] **Date of Patent:** **Jun. 8, 1993**[54] **LEG PILLOW**[76] **Inventor:** **Gene A. Hoff, P.O. Box 56455 Deep Run Rd., Martins Ferry, Ohio 43935**[21] **Appl. No.:** **922,748**[22] **Filed:** **Jul. 31, 1992**[51] **Int. Cl.⁵** **A47C 20/00**[52] **U.S. Cl.** **5/648; 5/490; 5/652**[58] **Field of Search** **5/648, 650, 490, 630, 5/636, 652; 602/23, 24**[56] **References Cited****U.S. PATENT DOCUMENTS**

D. 319,751 9/1991 Hoff .
 1,312,886 8/1919 Bawden 5/636 X
 2,056,767 10/1936 Blath .
 2,522,120 9/1950 Kaskey et al. 5/636
 2,759,200 8/1956 Johnston 5/490
 3,604,023 9/1971 Lynch 5/650
 3,795,018 3/1974 Broaded .
 4,007,503 2/1977 Watkin 5/490
 4,173,048 11/1979 Varaney .
 4,177,806 12/1979 Griffin 5/650 X

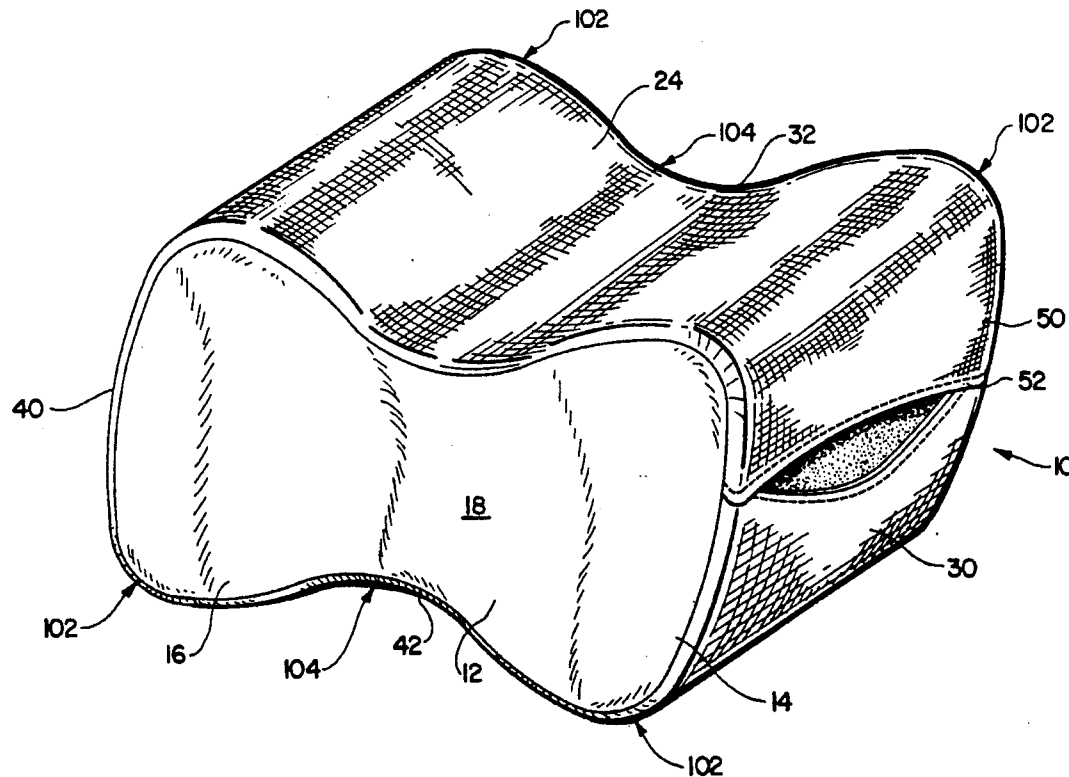
4,480,346 11/1984 Hawkins et al. 5/490
 4,584,730 4/1986 Rajan .
 4,624,021 11/1986 Hofstetter .
 4,736,477 4/1988 Moore 5/648
 4,754,510 7/1988 King .
 4,910,818 3/1990 Grabill et al. 5/648 X
 5,117,522 6/1992 Everett 5/648
 5,125,123 6/1992 Engle 5/648

Primary Examiner—Michael F. Trettel**Attorney, Agent, or Firm**—Richard C. Litman

[57]

ABSTRACT

A pillow having an hourglass shape for placing between an individual's legs to provide support when positioned along the upper thighs just above the knees. When the individual is lying on his or her side, the pillow provides for proper alignment of the spine, hips and knees to relieve pain and pressure on muscles, joints and nerves so the body can relax and rest more comfortably. It is beneficial to those who suffer from a variety of back problems, arthritis and sports related injuries as well as those who are convalescent, bedridden or pregnant.

6 Claims, 3 Drawing Sheets**EXHIBIT****A**

U.S. Patent

June 8, 1993

Sheet 1 of 3

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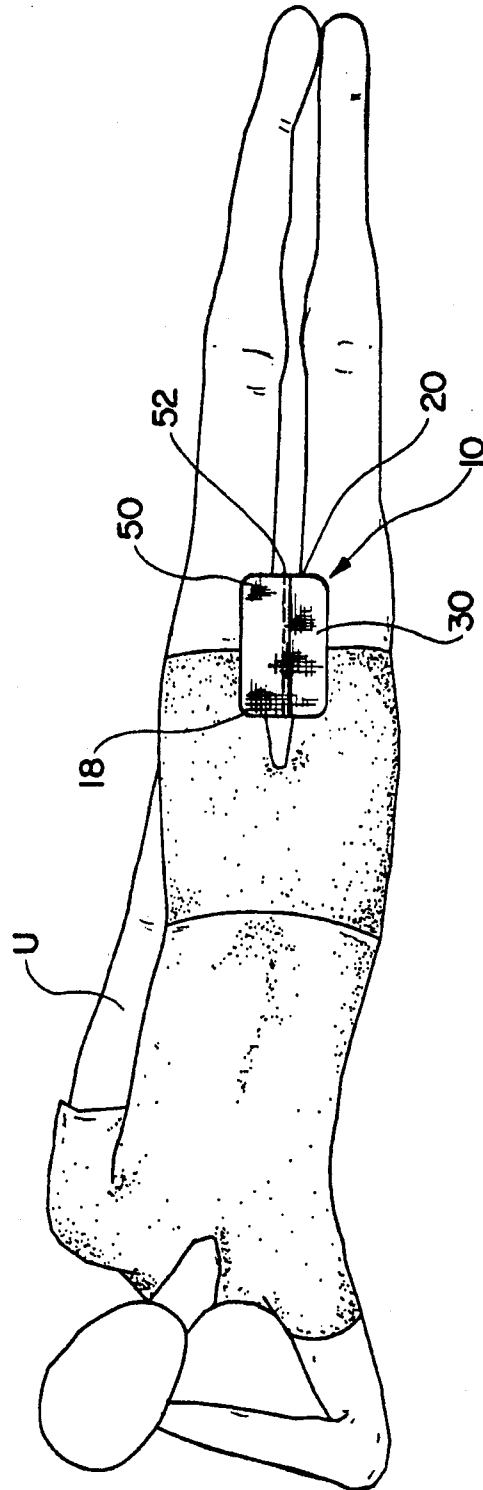


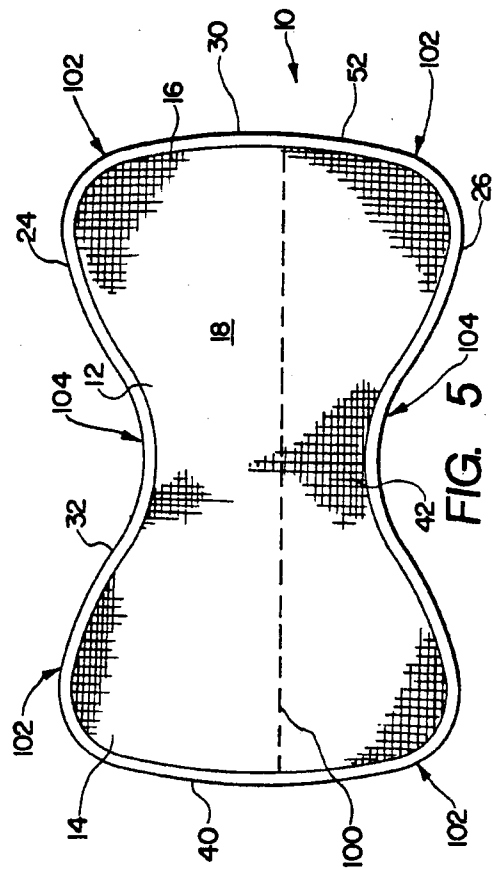
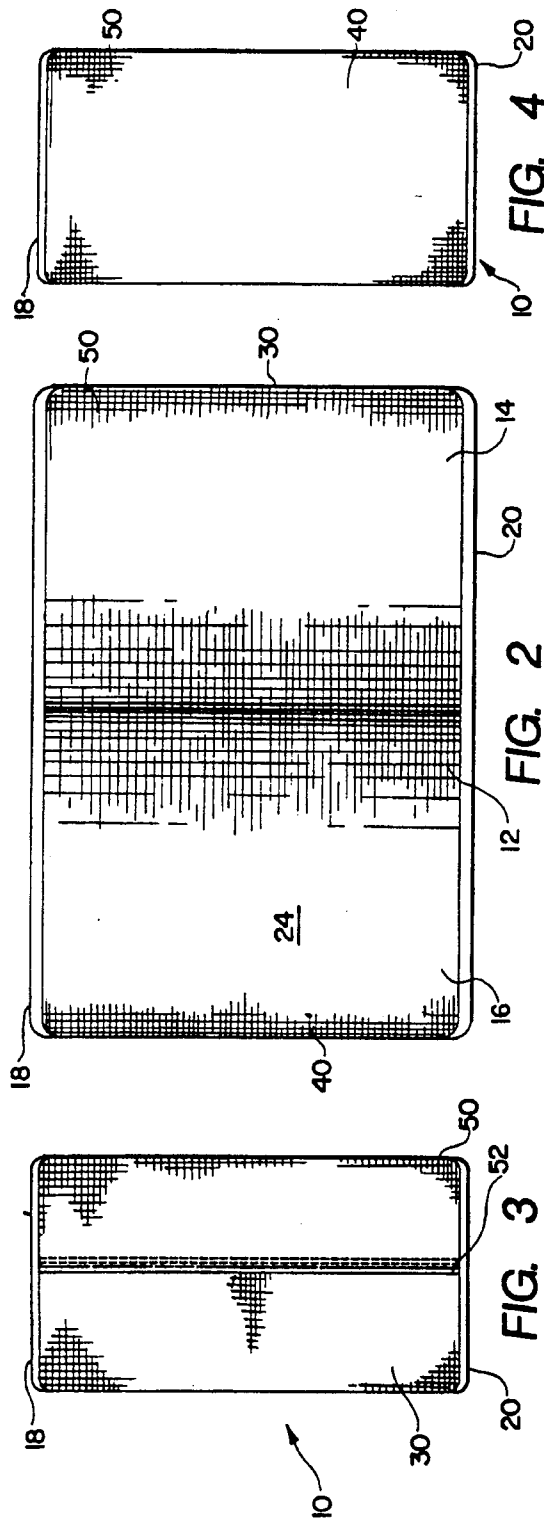
FIG. 1

U.S. Patent

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U.S. Patent

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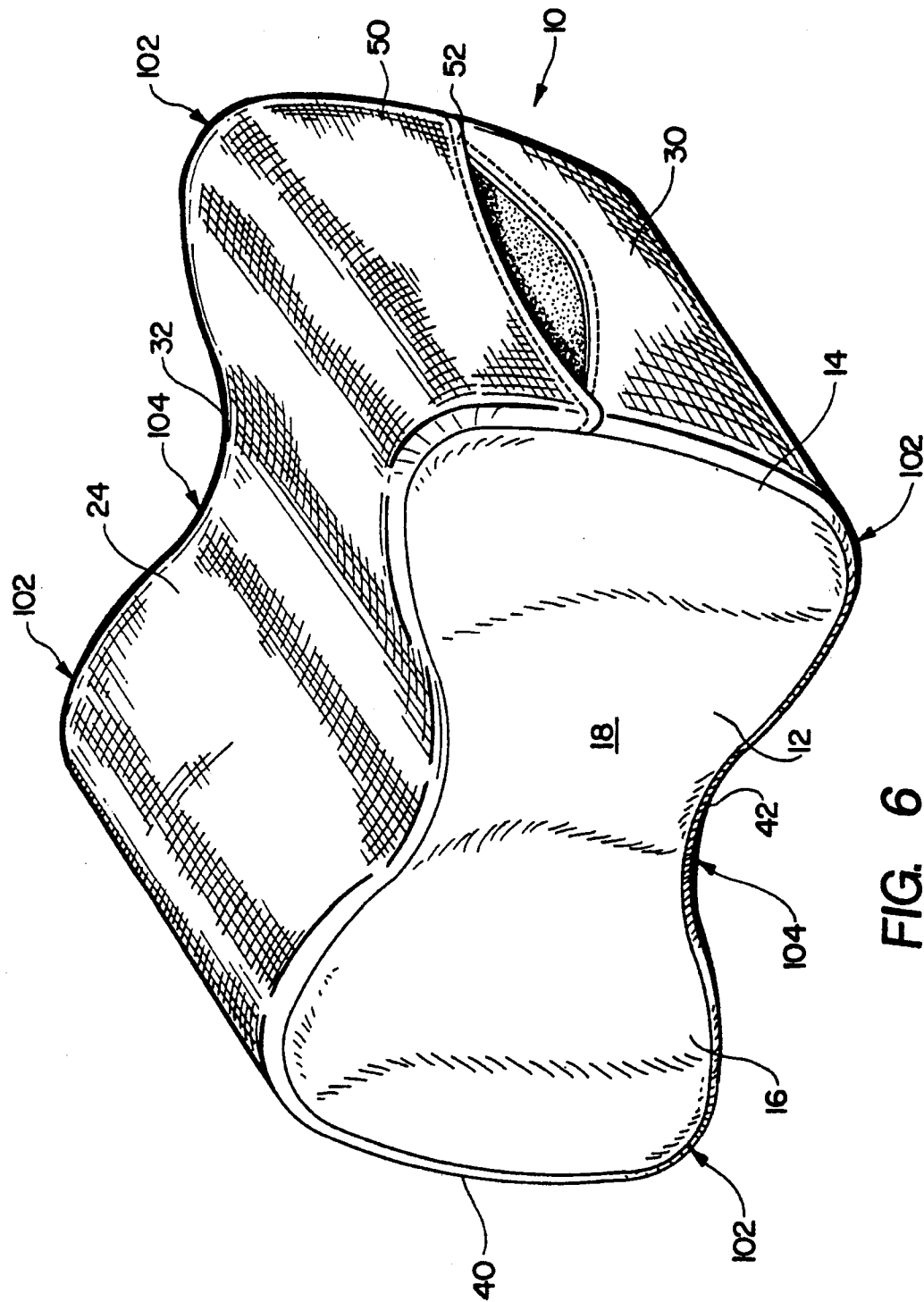


FIG. 6

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LEG PILLOW**BACKGROUND OF THE INVENTION****1. Field of the Invention**

This invention relates to a pillow used for therapeutic purposes and, more particularly, to a pillow which is placed between the legs of an individual to provide support intended to maintain the individual's body in proper alignment.

U.S. Pat. No. 319,751, was issued to this inventor on Sep. 10, 1991, for a design of a pillow to space legs apart and is related to the pillow that is the subject of this invention.

2. Description of the Prior Art

Previous attempts have been made and patented in regard to devices and, in particular, to pillows used to provide support and align various parts of an individual's body. Generally, prior patents disclose pillows which are of such length that they are utilized all along the body of the user, rather than the concept of this invention wherein a body pillow with an hourglass shape is specifically made to fit between the legs of a user. Examples of prior patents include the following.

U.S. Pat. No. 2,056,767 issued on Oct. 15, 1935 to William H. Blath discloses a back pad attachable to the body of a user so that it will be held in position whether the patient is lying in bed or sitting, and which will permit freedom of movement for the spinal column in either position of the wearer.

U.S. Pat. No. 3,795,018 issued on Mar. 5, 1974 to Charley H. Broaded discloses an adjustable bed having a surface with supports of varying heights whereby the head, shoulders and legs are propped. When body members are propped up, the spine of the user is kept in linear alignment.

U.S. Pat. No. 4,173,048 issued on Nov. 6, 1979 to John A. Varaney discloses a pillow configuration having a central head supporting portion forming the top of the pillow and two extension portions positioned substantially perpendicularly to the central portion and extending substantially vertically downwardly therefrom, thus resulting in a pillow construction which provides sleeping comfort for the head and shoulders of the user.

U.S. Pat. No. 4,585,730 issued on Apr. 29, 1986 to Eva Rajan discloses a device for stabilizing the pelvis by supporting the lumbar region of an individual. Additional attachments support the individual's hipbones.

U.S. Pat. No. 4,624,021 issued on Nov. 25, 1986 to Jean A. Hofstetter discloses a cushion-like support with a neck extending from the shoulder area to the pelvis to bolster the torso of the user, thereby allowing the pressure points in the lower extremities of the user to be relieved.

U.S. Pat. No. 4,754,510 issued on Jul. 5, 1988 to Harry A. King discloses a body pillow for enhancing sleep or rest which is constructed and arranged to cushion and enfold the entire length of the body while providing a comfortable cushioned separation of the arms and legs of the user.

None of these patents, either taken singly or in combination, disclose the unique construction of the instant invention.

SUMMARY OF THE INVENTION

Accordingly, it is an object, advantage, and feature of the invention to provide a pillow, having an hour glass

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type construction, which can be used for therapeutic purposes.

It is another object, advantage, and feature of the invention to provide a supporting device which, when positioned from along the upper thighs to just below the knees of a user, supports the body of the user, keeping it in alignment.

It is another object, advantage, and feature of the invention to provide a leg spacing device which provides an even separation of the legs, without readjustment of the device, so that the legs remain stationary in place when an individual turns from said to side.

It is another object, advantage, and feature of the invention to provide a device to relieve pain and pressure on muscles, joints and nerves so that an individual can relax and rest comfortably.

It is another object, advantage, and feature of the invention to provide a leg spacing pillow, which can also be used as a head pillow, an arm pillow, and a shoulder pillow as well as a pillow that can be placed under the legs.

It is still a further object, advantage, and feature of the invention to provide a pillow having a compact construction, yet, having all of the above noted features and being easily transportable for use at remote locations.

It is another object, advantage, and features of the invention to provide a pillow which can provide comfort to those who suffer from disc deterioration, disc herniation, sciatica (pinched nerves), scoliosis (curvature of the spin), pulled muscles, hip and/or knee replacements or surgery, arthritis, post-surgery convalescence, sports related injuries, being bedridden, being pregnant, and insomnia as well as anyone interested in maintaining good health.

These, and other objects, advantages, and features of the invention will become apparent from the following description, drawings and claims.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is an environmental elevational view of the invention.

FIG. 2 is a top plan view thereof.

FIG. 3 is a front elevation view thereof.

FIG. 4 is a rear elevation view thereof.

FIG. 5 is a side elevation view thereof.

FIG. 6 is a perspective view thereof showing of the cover being partially removed therefrom.

Like numerals refer to like components throughout the following description.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

Referring now to the drawing, pillow or cushion device 10 having an hourglass (dog bone or dumbbell) shape is shown. The pillow 10, having a one piece construction, includes a medial section 12, a first end section 14, a second end section 16, side wall 18, opposing sidewall 20, first outer face 24, second outer face 26, front wall 30, rear wall 40, and intermediate leg engaging areas 32 and 42. The pillow 10 a major longitudinal axis 100, as shown in FIG. 5. This aids in defining the contour design of the pillow 10 as described hereinafter. The first and second outer faces 24, 26 include, proximate to each of the end sections 14, 16, two smooth convex bulges 102 that extend completely from side wall 18 to opposing side wall 20. These bulges 102 are

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convex in relation to and along the longitudinal axis 100, as can be clearly seen in FIG. 5, and two of them extend from the front wall 30 to the medial section 12, while the other two extend from the rear wall 40 to the medial section 12. The medial section 12 includes a pair of concave depressions 104 that also extend completely from the side wall 18 to the opposing side wall 20 and are concave in relation to and along the longitudinal axis 100. Both the convex bulges 102 and the concave depressions 104 define the leg engaging areas 32 and 42. Further, pillow 10 has a cover 50, having a self closing open seam 52 therein.

Pillow 10 is placed between the legs of a user while the individual is lying down or sleeping on one side, and is designed to relieve pressure from back and hip muscles. Pillow 10 fits comfortably between the legs of the user U, keeping the legs in line with the spine, thus reducing pressure on the spine and the nerves as the muscles relax. Pillow 10 is preferably made of 100% polyurethane and is light weight and easy to adjust for comfort with a minimum of movement. With the contour design, pillow 10 will usually move with the user U when the user U turns over, allowing for uninterrupted sleep. The smooth convex bulges 102 are configured so as to not catch on the mattress or become entangled in bedclothes, sheets, or the like of the user turns over during sleep. Cover 50 is preferably made of preshrunk cotton fabric and is removable for machine washing and will not shrink when dried properly. Also, the cover 50 can be made of an antibacterial (staph check) material or waterproof or water resistant material.

Pillow 10 can be manufactured in various sizes. For proper fit for most individuals, a six inch by eight inch by ten inch size would be desired. For smaller individuals and children, a five and one half inch by six and one half inch by nine inch size would be desired. Special sizes can be manufactured for individuals who have undergone hip surgery or hip replacements.

By providing proper separation of the legs, pillow 10 functions as a cushion device having therapeutic use. It is an elongated resilient member having opposite end sections 14 and 16 joined at medial section 12. Fabric cover 50 enshrouds and tightly conforms to the configuration of the resilient pillow 10. Pillow 10 includes the substantially planar opposing side walls 18 and 20 spanned by front wall 30, rear wall 40, first outer face 24 and second outer face 26. First outer face 24 and second outer face 26 each have intermediate leg engaging areas 32 and 42, respectively, whereby medial section 12 defines a neck down configuration with first outer face 24 and second outer face 26 curved from end sections 14 and 16 to define the concave depressions 104 in medial section 12. Pillow 10 has a major longitudinal axis 100 extending through the medial section 12 and the end sections 14, 16 that defines a length no less than a typical human thigh in the preferred embodiment. Pillow 10 is sandwiched between the legs of a person in a supine position so that pillow 10 remains between the legs as the person turns from side to side. Opposed portions of the user U's legs engage pillow 10 and are maintained

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evenly spaced apart. Proper ventilation between the legs, as well as proper support and alignment of the hips and knees are obtained so as to relieve pain and pressure on muscles, joints and nerves enabling the body to relax and rest comfortably.

The description herein is an example of the invention and is by no means to be considered limiting on the scope of the claims appended hereto. Any variations of the preferred embodiment are considered within the scope of the invention.

What is claimed is:

1. A cushion device for therapeutic use by humans, said cushion device comprising:

an elongated resilient member having opposite end sections joined to a medial section and having a major longitudinal axis extending through said end sections and said medial section;

said resilient member including substantially planar opposite side walls respectively spanned by a front wall, a rear wall, a first outer face, and a second outer face;

said first and second outer face each having an intermediate leg engaging area proximate said medial section, each of said leg engaging areas being smoothly concave in relationship to and along said major longitudinal axis and symmetrical thereto;

said first and second outer face each further including a pair of smooth bulges, each of said bulges proximate one of said end sections, said bulges being convex in relation to and along said longitudinal axis, said bulges being symmetrical to one another, where one of said bulges extends from said front wall to said medial section and the other said bulge extends from said rear wall to said medial section; and

wherein said longitudinal axis defines a length of no less than that of a human thigh; whereby

said cushion device, when sandwiched between the legs of a person in the supine position and upon one side, maintains this location between the legs as the person turns from side to side due to the legs of the person being engaged by said concave leg engaging areas while said smooth convex bulges proximate said end sections further assist in maintaining the device in place and also aid in preventing said cushion from being inadvertently dislodged if the user turns from side to side during sleep.

2. A cushion device as defined in claim 1, comprising a cover enshrouding and tightly conforming to the configuration of said resilient member.

3. A cushion device as defined in claim 2, wherein said cover is a fabric.

4. A cushion device as defined in claim 2, wherein said cover is removable.

5. A cushion device as defined in claim 4, wherein said removable cover has a self-closing seam.

6. A cushion device as defined in claim 7, wherein the size of said device varies depending upon the thickness of the thigh of the user.

* * * * *

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 5,216,771
DATED : June 8, 1993
INVENTOR(S) : Gene A. Hoff

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

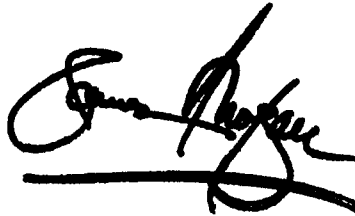
Column 4,

Line 57, after "claim" cancel "7" and insert -- 1 --.

Signed and Sealed this

Twenty-fourth Day of September, 2002

Attest:

A handwritten signature in black ink, appearing to read "James E. Rogan", with a horizontal line drawn underneath it.

Attesting Officer

JAMES E. ROGAN
Director of the United States Patent and Trademark Office

JS 44 (Rev. 11/05)

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 REVERSE OF THE FORM.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

I. (a) PLAINTIFFS

BANYAN LEASING, L.C.,

(b) County of Residence of First Listed Plaintiff Broward
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Charles H. Lichtman, Esq.
Berger Singerman
350 E. Las Olas Boulevard, Suite 1000
Fort Lauderdale, FL 33301

DEFENDANTS

COLLECTIONS ETC., INC.

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)

(d) Check County Where Action Arose: ☐ MIAMI-DADE ☐ MONROE ☒ BROWARD ☐ PALM BEACH ☐ MARTIN ☐ ST. LUCIE ☐ INDIAN RIVER ☐ OKEECHOBEE HIGHLANDS

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)

- | | 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 |

IV. 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 Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	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 - Med. 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 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	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
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	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"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <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	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	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <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
				<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <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"/> 890 Other Statutory Actions <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 Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Re-filed- (see VI below) ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. RELATED/RE-FILED CASE(S).

a) Re-filed Case ☐ YES ☒ NOb) Related Cases ☐ YES ☒ NO

(See instructions second page):

JUDGE

DOCKET NUMBER

VII. 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):

LENGTH OF TRIAL via _____ days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE OF ATTORNEY OF RECORD

DATE

May 2, 2007

FOR OFFICE USE ONLY

AMOUNT

RECEIPT #

FIP