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2010 MAR 23 AM 4:27

CLERK OF DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

fel

7 Attorneys for Plaintiff
8 ASSOCIATE, INC.

9
 10 **UNITED STATES DISTRICT COURT**
 11 **CENTRAL DISTRICT OF CALIFORNIA**
 12 **SOUTHERN DIVISION**

13 ASSOCIATE, INC., a Delaware
14 corporation,

Case No. CV 10-2107 R (MBX)

**COMPLAINT FOR PATENT
INFRINGEMENT**

15 Plaintiff,

16 v.

DEMAND FOR JURY TRIAL

17 BLUE WHALER INVESTMENTS, LLC,
 18 a California limited liability company;
 19 W4 LLC, a California limited liability
 20 company;
 21 BLUE PHOENIX MEDIA, INC., a New
 22 York corporation;
 23 FLEXOFFERS.COM, INC., a Florida
 24 corporation;
 25 MAX BOUNTY INC., an Ontario
 26 corporation;
 27 DIRECT ROI, L.L.C., an Arizona limited
 28 liability company;
 SHAREASALE.COM, INC., an Illinois
 corporation;
 SYNERVATION GLOBAL, INC., a
 Delaware corporation;

Defendants.

By Fax

Patent

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1 7. Upon information and belief, Defendant BLUE WHALER
2 INVESTMENTS, LLC is a California limited liability company with its
3 headquarters and principal business address at 16530 Bake Pkwy, Suite 100,
4 Irvine, CA 92618. Upon information and belief, BLUE WHALER
5 INVESTMENTS, LLC does business as “Revenue Gateway” and owns and
6 operates the Internet affiliate marketing network located at
7 <<<http://www.revenuegateway.com>>> and transacts business and has provided to
8 customers in this judicial district and throughout the State of California products
9 and/or services that infringe and/or induce infringement of, and/or contribute to
10 infringement of, one or more claims of the ‘660 Patent.

11 8. Upon information and belief, Defendant W4, LLC is a California
12 limited liability company with its headquarters and principal business address at
13 Edgemar Building, Santa Monica, CA 90405. Upon information and belief, W4,
14 LLC does business as “w4 Performance Ad Market” and owns and operates the
15 Internet affiliate marketing network located at <<<http://www.w4.com>>> and
16 transacts business and has provided to customers in this judicial district and
17 throughout the State of California products and/or services that infringe and/or
18 induce infringement of, and/or contribute to infringement of, one or more claims of
19 the ‘660 Patent.

20 9. Upon information and belief, Defendant BLUE PHOENIX MEDIA,
21 INC. is a New York corporation with its headquarters and principal business
22 address at 265 Canal Street, Suite 509, NY 10013. Upon information and belief,
23 BLUE PHOENIX MEDIA, INC. does business as “Blue Phoenix Network” and
24 owns and operates the Internet affiliate marketing network located at
25 <<<http://www.bluephoenixnetwork.com>>> and transacts business and has provided
26 to customers in this judicial district and throughout the State of California products
27 and/or services that infringe and/or induce infringement of, and/or contribute to
28 infringement of, one or more claims of the ‘660 Patent.

1 10. Upon information and belief, Defendant FLEXOFFERS.COM, INC.
2 is a Florida corporation with its headquarters and principal business address at 990
3 Biscayne Blvd., Office 501, Miami, FL 33132. Upon information and belief,
4 FLEXOFFERS.COM, INC. does business as “FlexOffers.com” and owns and
5 operates the Internet affiliate marketing network located at
6 <<<http://www.flexoffers.com>>> and transacts business and has provided to
7 customers in this judicial district and throughout the State of California products
8 and/or services that infringe and/or induce infringement of, and/or contribute to
9 infringement of, one or more claims of the ‘660 Patent.

10 11. Upon information and belief, Defendant MAX BOUNTY, INC. is a
11 California corporation with its principal place of business in Ottawa, Canada. Upon
12 information and belief, MAX BOUNTY, INC. does business as “MaxBounty” and
13 owns and operates the Internet affiliate marketing network located at
14 <<<http://www.maxbounty.com>>> and transacts business and has provided to
15 customers in this judicial district and throughout the State of California products
16 and/or services that infringe and/or induce infringement of, and/or contribute to
17 infringement of, one or more claims of the ‘660 Patent.

18 12. Upon information and belief, Defendant DIRECT ROI, L.L.C. is an
19 Arizona limited liability company with its headquarters and principal business
20 address at 3205 W. Ray Road, Chandler, AZ 85226. Upon information and belief,
21 DIRECT ROI, L.L.C. does business as “Direct ROI” and owns and operates the
22 Internet affiliate marketing network located at <<<http://www.directroi.com>>> and
23 transacts business and has provided to customers in this judicial district and
24 throughout the State of California products and/or services that infringe and/or
25 induce infringement of, and/or contribute to infringement of, one or more claims of
26 the ‘660 Patent.

27 13. Upon information and belief, Defendant SHAREASALE.COM, INC.
28 is an Illinois corporation with its headquarters and principal business address at 15

1 W. Hubbard, Suite 200, Chicago, IL 60654. Upon information and belief,
2 SHAREASALE.COM, INC. does business as "ShareASale Network" and owns
3 and operates the Internet affiliate marketing network located at
4 <<<http://www.shareasale.com>>> and transacts business and has provided to
5 customers in this judicial district and throughout the State of California products
6 and/or services that infringe and/or induce infringement of, and/or contribute to
7 infringement of, one or more claims of the '660 Patent.

8 14. Upon information and belief, Defendant SYNERVATION GLOBAL,
9 INC. is a Delaware corporation with its headquarters and principal business
10 address at 110 W 9th Street, Suite #688, Wilmington, DE 19801. Upon
11 information and belief, SYNERVATION GLOBAL, INC. does business as
12 "Synervation Affiliate Network" and owns and operates the Internet affiliate
13 marketing network located at <<<http://www.synervation.net>>> and transacts
14 business and has provided to customers in this judicial district and throughout the
15 State of California products and/or services that infringe and/or induce
16 infringement of, and/or contribute to infringement of, one or more claims of the
17 '660 Patent.

18 15. Upon information and belief, Defendants, and each of them,
19 manufacture, import into the United States, sell, offer for sale, and/or use software
20 products that infringe one or more claims of the '660 Patent. Upon information and
21 belief, such software products are offered for sale to customers in this judicial
22 district and throughout the state of California.

23 **IV. DEFENDANTS' INFRINGEMENT OF THE '660 PATENT**

24 16. Upon information and belief, each Defendant has been and is directly
25 infringing the '660 Patent under 35 U.S.C. § 271(a) by making, using, modifying,
26 upgrading, performing quality control, and providing support for its affiliate
27 software and/or other products and/or services provided by means of that software
28 and/or other products.

1 17. Upon information and belief, each Defendant has also been and is
2 directly infringing the '660 Patent under 35 U.S.C. § 271(a) by selling, offering for
3 sale, and/or importing into the United States affiliate software and/or other
4 products and/or services that infringe one or more claims of the '660 patent,
5 including, by way of example and not limitation, Claim 1.

6 18. Upon information and belief, each Defendant's customers and other
7 users of that Defendant's software and other products and the services provided by
8 means of that software and other products, have been and are directly infringing
9 one or more claims of the '660 Patent under 35 U.S.C. § 271(a).

10 19. Upon information and belief, each Defendant has been and is actively
11 inducing infringement of one or more claims of the '660 Patent under 35 U.S.C. §
12 271(b) by providing to customers, including customers in this judicial district, its
13 affiliate software and other products, as well as services provided by means of its
14 affiliate software and other products, along with instructions and directions that
15 result in the use of the methods, computer programs, and systems disclosed and
16 claimed in the '660 Patent. On information and belief, each Defendant knew, or
17 should have known, that its customers and other users of its services would use that
18 Defendant's affiliate software and other products to infringe the '660 Patent and
19 intended such infringement.

20 20. Upon information and belief, each Defendant has been and is
21 contributorily infringing one or more claims of the '660 Patent under 35 U.S.C. §
22 271(c) by making, selling, and/or offering for sale to customers, including
23 customers in this judicial district, its affiliate software and other products, as well
24 as services provided by means of its affiliate software and other products. Each
25 Defendant's affiliate software and other products are each a material part of the
26 invention claimed in the '660 patent, are not staple articles or commodities of
27 commerce, and have no substantial non-infringing use. Upon information and
28 belief, each Defendant knew, or should have known, that its affiliate software and

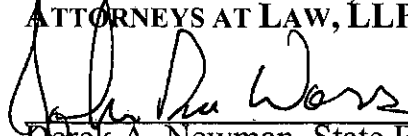
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Dated this 23rd day of March, 2010.

Respectfully Submitted,

NEWMAN & NEWMAN,
ATTORNEYS AT LAW, LLP

By:



Derek A. Newman, State Bar No. 190467
derek@newmanlaw.com
John Du Wors, State Bar No. 233913
duwors@newmanlaw.com
Derek Linke (*pro hac vice* to be filed)
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Seattle, WA 98104
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Attorneys for Plaintiff
ESSOCIATE, INC.

JURY DEMAND

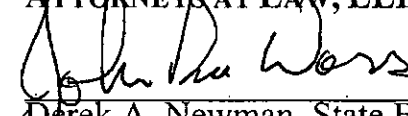
Pursuant to FED. R. CIV. P. 38(b), Plaintiff Essociate, Inc. demands a trial by jury of all issues presented in this complaint which are triable by jury.

Dated this 23rd day of March, 2010.

Respectfully Submitted,

NEWMAN & NEWMAN,
ATTORNEYS AT LAW, LLP

By:



Derek A. Newman, State Bar No. 190467
derek@newmanlaw.com
John Du Wors, State Bar No. 233913
duwors@newmanlaw.com
Derek Linke (*pro hac vice* to be filed)
linke@newmanlaw.com

Attorneys for Plaintiff
ESSOCIATE, INC.

**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 Manuel Real and the assigned discovery Magistrate Judge is Robert N. Block.

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

CV10-2107 R (RNBx)

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.

Unless otherwise ordered, the United States District Judge assigned to this case will hear and determine all discovery related motions.

=====
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.

Original

Derek A. Newman, State Bar No. 190457
John Du Wors, State Bar No. 233913
Derek Linke (pro hac vice pending)
Newman & Newman, Attorneys at Law, LLP
505 Fifth Avenue South, Suite 610
Seattle, WA 98104 (206) 274-2800

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ESSOCIATE, INC., a Delaware corporation

CASE NUMBER

CV10-2107 R (RNBx)

PLAINTIFF(S)

v.

BLUE WHALER INVESTMENTS, LLC, a California limited liability company; W4 LLC, a California limited liability company; BLUE PHOENIX MEDIA, INC., a New York corporation; FLEXOFFERS.COM, INC., a Florida corporation; MAX BOUNTY INC., an Ontario corporation; DIRECT ROI, L.L.C., an Arizona limited liability company; SHARESALE.COM, INC., an Illinois corporation; SYNERVATION GLOBAL, INC., a Delaware corporation; DEFENDANT(S).

SUMMONS

TO: DEFENDANT(S): _____

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint _____ amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, John Du Wors, whose address is Newman & Newman, 505 Fifth Avenue South, Suite 610, Seattle, WA 98104. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Dated:

MAR 23 2010

Clerk, U.S. District Court

By:

[Signature]

Deputy Clerk

(Seal of the Court)

By Fax

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

Copy

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself)
ESSOCIATE, INC., a Delaware corporation,

DEFENDANTS
BLUE WHALER INVESTMENTS, LLC, W4 LLC, BLUE PHOENIX MEDIA, INC., FLEXOFFERS.COM, INC., MAX BOUNTY INC., DIRECT ROI, L.L.C., SHAREASALE.COM, INC., SYNERVATION GLOBAL, INC.

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)
Newman & Newman, Attorneys at Law, LLP
505 Fifth Avenue South, Suite 610
Seattle, WA 98104 (205) 274-2800

Attorneys (If Known)

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 - For Diversity Cases Only
(Place an X in one box for plaintiff and one 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. 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: \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
35 U.S.C. § 281; patent infringement

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

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<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"/> 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 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 Info. 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"/> 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 <input type="checkbox"/> 196 Franchise <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	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 <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	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"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	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	<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

CV10-2107 R (RNBx)

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

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

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): SACV09-536 JVS (MLGx)

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

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

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	San Francisco County

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Defendant Blue Whaler Investments, LLC Orange County	See Exhibit A

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
 Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties
 Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER): [Signature] Date 3/23/2010

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))