

FILED

2009 JAN 29 PM 3:56

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

BY: _____

1 Robert D. Buyan (SBN 138,270)
2 Donald E. Stout (SBN 149,483)
3 STOUT, UXA, BUYAN & MULLINS, LLP
4 4 Venture, Suite 300
5 Irvine, California 92618
6 Tel: 949.450.1750
7 Fax: 949.450.1764

8 Attorneys for Plaintiff ZOLL CIRCULATION, INC.

9
10
11 **UNITED STATES DISTRICT COURT**
12
13 **CENTRAL DISTRICT OF CALIFORNIA**
14

15 ZOLL CIRCULATION, INC., a
16 Delaware corporation,

17 Plaintiff,

18 v.

19 ALSIUS CORPORATION, a Delaware
20 corporation;
21 ALSIUS MEDICAL CORPORATION,
22 a California corporation; and
23 Does 1 to 10.

24 Defendant.
25
26
27
28

Case No.: CV09-00731 PA(FMOx)

**COMPLAINT FOR PATENT
INFRINGEMENT AND
DEMAND FOR JURY TRIAL**

1 Now comes Plaintiff, ZOLL Circulation, Inc. (“ZOLL”) and, for its complaint
2 against Defendants Alsius Corporation (“ALSIUS”) and Alsius Medical Corporation
3 (“ALSIUS MEDICAL”) (jointly referred to herein as “Defendants”), alleges as follows:
4

5 **THE PARTIES**

6 1. Plaintiff ZOLL is a Delaware corporation having a principal place of
7 business at 249 Humboldt Court, Sunnyvale, California 94809.

8 2. On information and belief, Defendant ALSIUS is a Delaware corporation
9 having a principal place of business at 15770 Laguna Canyon Road, Suite 150, Irvine,
10 California 92618.

11 3. On information and belief, Defendant ALSIUS MEDICAL is a California
12 corporation having a principal place of business at 15770 Laguna Canyon Road, Suite
13 150, Irvine, California 92618.

14 4. On information and belief, under the terms of a merger agreement entered
15 into in 2007, ALSIUS operates through its wholly-owned subsidiary ALSIUS
16 MEDICAL.

17
18 **JURISDICTION AND VENUE**

19 5. This Court has jurisdiction over ZOLL’s patent infringement claims
20 pursuant to the patent laws of the United States, 35 U.S.C. §§ 1 et seq., and pursuant to
21 28U.S.C. § 1338.

22 6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b),
23 1391(c) and 1400(b) because, on information and belief, Defendants maintain their
24 corporate headquarters in this judicial district, have regularly conducted business in this
25 judicial district and have committed certain of the acts complained of in this judicial
26 district.

27 //

FACTS

1
2 7. This action arises out of Defendants' infringement of two patents owned by
3 ZOLL.

4 8. On November 21, 2000, United States Patent No. 6,149,673 entitled
5 METHOD FOR CONTROLLING A PATIENT'S BODY TEMPERATURE BY IN
6 SITU BLOOD TEMPERATURE MODIFICATION ("the '673 Patent") was duly and
7 legally issued to inventor Robert Ginsburg. A true copy of the '673 Patent is attached
8 hereto as Exhibit A.

9 9. On November 21, 2000, United States Patent No. 6,149,676 entitled
10 CATHETER SYSTEM FOR CONTROLLING A PATIENT'S BODY TEMPERATURE
11 BY IN SITU BLOOD TEMPERATURE MODIFICATION ("the '676 Patent") was duly
12 and legally issued to inventor Robert Ginsburg. A true copy of the '676 Patent is attached
13 hereto as Exhibit B.

14 10. ZOLL is the owner by assignment of the '673 and '676 Patents with full and
15 exclusive right to bring suit for infringement of these patents.

16 11. The claims of the '673 Patent are generally directed to methods for
17 controlling the temperature of a patient using a heat exchanging catheter inserted into the
18 patient's bloodstream.

19 12. The claims of the '676 Patent are generally directed to systems for
20 controlling the body temperature of a patient and for maintaining a target temperature in
21 at least a portion of the body of a mammalian patient.

22 13. On information and belief, Defendants have been and are infringing and/or
23 contributing to infringement of and/or actively inducing others to infringe '673 and '676
24 Patents by making, inducing others to make, using, offering for sale, selling or importing,
25 labeling, promoting, demonstrating and training/instructing physicians and health care
26 personnel in the use and operation of heat exchanging catheters, temperature sensors and
27
28

1 controllers or control units in methods controlling the temperature of a patient and for
2 maintaining a target temperature in at least a portion of the body of a mammalian patient.

3 **COUNT ONE**

4 14. ZOLL repeats and re-alleges the allegations of paragraphs 1 through 13
5 above as if fully set forth here.

6 15. In violation of 35 U.S.C. '271, Defendants have contributed to the
7 infringement of and have actively induced others to infringe, literally and/or under the
8 doctrine of equivalents, the '673 Patent by making, using, offering for sale and selling
9 devices, including catheters and controllers or control units, that are specifically designed
10 for and used to practice the methods claimed in the '673 Patent and by labeling,
11 promoting, demonstrating and training/instructing physicians and health care personnel in
12 the use and operation of such devices for the purpose of practicing the methods claimed
13 in the '673 Patent, in the United States and in this judicial district.

14 16. ZOLL has been damaged by Defendant's infringement of the '673 Patent
15 and, unless Defendants obtain a license to the '673 Patent from ZOLL or are enjoined by
16 this Court, Defendants will continue their infringing activities and ZOLL will continue to
17 be damaged.

18 **COUNT TWO**

19 17. ZOLL repeats and re-alleges the allegations of paragraphs 1 through 13
20 above as if fully set forth here.

21 18. In violation of 35 U.S.C. §271, Defendants have infringed and/or
22 contributed to the infringement of and/or induced others to infringe, literally and/or under
23 the doctrine of equivalents, the '676 Patent by making, inducing others to make, using,
24 offering for sale and selling or importing systems comprising catheters, sensors and
25 controllers or control units, or components thereof, for controlling the body temperature
26 of a patient and for maintaining a target temperature in at least a portion of the body of a
27 mammalian patient as claimed in the '676 Patent.

1 19. ZOLL has been damaged by Defendant's infringement of the '676 Patent
2 and, unless Defendants obtain a license to the '676 Patent from ZOLL or are enjoined by
3 this Court, Defendants will continue their infringing activities and ZOLL will continue to
4 be damaged.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, plaintiff ZOLL prays for the following relief, jointly and severally,
7 against Defendants:

8 A. a preliminary and permanent injunction against Defendants, their officers,
9 agents, servants, employees, attorneys, all parent and subsidiary corporations, affiliates,
10 assignees, successors in interest and all persons or entities in active concert with either
11 Defendant, including distributors and customers, enjoining them from further acts of
12 infringement of the '673 and '676 Patents;

13 B. an award of damages under 35 U.S.C. §284 for Defendants' infringement of
14 the '673 and '676 Patents, together with pre-judgment and post-judgment interest;

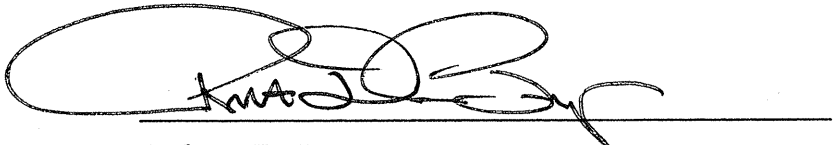
15 C. a trebling of said damages pursuant to 35 U.S.C. §284;

16 D. an award of attorney's fees pursuant to 35 U.S.C. §285; and

17 E. any other relief that this Court deems just and proper.

18 Respectfully submitted,

19
20
21 Dated: January 29, 2009

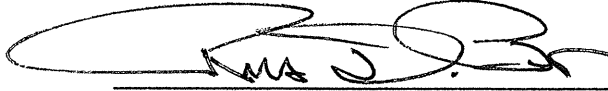


22
23 Robert D. Buyan
24 Stout, Uxa, Buyan & Mullins, LLP
25 Attorneys for Plaintiff ZOLL Circulation, Inc.
26
27
28

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff ZOLL demands a trial by jury of all issues raised by this complaint which are triable by jury.

Dated: January 29, 2009



Robert D. Buyan
Stout, Uxa, Buyan & Mullins, LLP
Attorneys for Plaintiff **ZOLL Circulation, Inc.**

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ZOLL CIRCULATION, INC., a Delaware Corporation
PLAINTIFF(S)

CASE NUMBER
CV09-00731 PA(FMOx)

v.
ALSIUS CORPORATION, a Delaware corporation
and ALSIUS MEDICAL CORPORATION, a
California corporation and Does 1 to 10
DEFENDANT(S).

SUMMONS

TO: DEFENDANT(S): ALSIUS CORPORATION and ALSIUS MEDICAL CORPORATION

A lawsuit has been filed against you.

Within 20 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, Robert D. Buyan, whose address is Stout, Uxa, Buyan & Mullins, LLP, 4 Venture, Suite 300, Irvine, CA 92618. 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.

Clerk, U.S. District Court

Dated: JAN 29 2009

By: *Nancy Castro*
Deputy Clerk

(Seal of the Court)

[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)].

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

ZOLL CIRCULATION, INC., a Delaware Corporation
PLAINTIFF(S)

CASE NUMBER
CV09-00731 PA(FMOx)

v.
ALSIUS CORPORATION, a Delaware corporation
and ALSIUS MEDICAL CORPORATION, a
California corporation and Does 1 to 10
DEFENDANT(S).

SUMMONS

TO: DEFENDANT(S): ALSIUS CORPORATION and ALSIUS MEDICAL CORPORATION

A lawsuit has been filed against you.

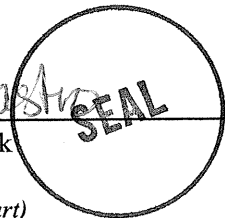
Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint _____ amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Robert D. Buyan, whose address is Stout, Uxa, Buyan & Mullins, LLP, 4 Venture, Suite 300, Irvine, CA 92618. 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.

JAN 29 2009

Dated: _____

Clerk, U.S. District Court

By: Nancy Castro
Deputy Clerk



(Seal of the Court)

[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)].

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ZOLL CIRCULATION, INC., a Delaware Corporation
PLAINTIFF(S)

CASE NUMBER
CV09-00731 PA(FMOx)

v.
ALSIUS CORPORATION, a Delaware corporation
and ALSIUS MEDICAL CORPORATION, a
California corporation and Does 1 to 10
DEFENDANT(S).

SUMMONS

TO: DEFENDANT(S): ALSIUS CORPORATION and ALSIUS MEDICAL CORPORATION

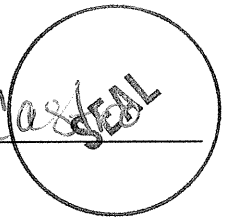
A lawsuit has been filed against you.

Within 20 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, Robert D. Buyan, whose address is Stout, Uxa, Buyan & Mullins, LLP, 4 Venture, Suite 300, Irvine, CA 92618. 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.

JAN 29 2009
Dated: _____

Clerk, U.S. District Court

By: Nancy Case
Deputy Clerk



(Seal of the Court)

[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)].

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

<p>I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) ZOLL CIRCULATION, INC., a Delaware corporation</p>	<p>DEFENDANTS Alsius Corporation, a Delaware corporation, Alsius Medical Corporation, a California corporation, and Does 1 to 10</p>
<p>(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Robert D. Buyan Stout, Uxa, Buyan & Mullins, LLP 4 Venture, Suite 300, Irvine, CA 92618 (949) 450-1750</p>	<p>Attorneys (If Known)</p>

<p>II. BASIS OF JURISDICTION (Place an X in one box only.)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.)</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 1</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 4</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input checked="" type="checkbox"/> 4	<input checked="" type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input checked="" type="checkbox"/> 4	<input checked="" 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:** \$ Undetermined

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 (35 U.S.C. 1 et. seq. and 28 U.S.C. 1338)

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 <div style="background-color: #e0e0e0; text-align: center;">REAL PROPERTY</div> <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	<div style="background-color: #e0e0e0; text-align: center;">PERSONAL INJURY</div> <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 <div style="background-color: #e0e0e0; text-align: center;">IMMIGRATION</div> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<div style="background-color: #e0e0e0; text-align: center;">PERSONAL PROPERTY</div> <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 <div style="background-color: #e0e0e0; text-align: center;">BANKRUPTCY</div> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <div style="background-color: #e0e0e0; text-align: center;">CIVIL RIGHTS</div> <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	<div style="background-color: #e0e0e0; text-align: center;">PRISONER PETITIONS</div> <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 <div style="background-color: #e0e0e0; text-align: center;">FORFEITURE / PENALTY</div> <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 <div style="background-color: #e0e0e0; text-align: center;">PROPERTY RIGHTS</div> <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <div style="background-color: #e0e0e0; text-align: center;">SOCIAL SECURITY</div> <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)) <div style="background-color: #e0e0e0; text-align: center;">FEDERAL TAX SUITS</div> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

CV09-00731 PA(FMOx)

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): _____

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
	Santa Clara

(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
Orange-Alsius Corporation Orange-Alsius Medical Corporation	

(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
Orange	

* 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): _____ Date _____

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))