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5 Attorney for Plaintiff
6 INHALE, INC.

10 AUG 19 PM 12:30
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

FILED

7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA
9 WESTERN DIVISION

10 CV10 6194

RGK

(AGR)

11 INHALE, INC., a California Corporation)

Case No.:

12 Plaintiff,

COMPLAINT FOR:

13 vs.

1) FEDERAL PATENT
INFRINGEMENT

14 TRIANGLE WHOLESALE, INC., an Illinois
15 corporation;

2) FEDERAL TRADEMARK
INFRINGEMENT

16 MANISHA SHAH, an individual residing in
17 Illinois

3) TRADEMARK
INFRINGEMENT (COMMON
LAW)

18 Defendants

19 DEMAND FOR JURY TRIAL

1 to make a profit from those transactions. Finally, Defendants have advertised, offered for
2 sale, sold, and unless enjoined by this Court, will continue to advertise, offer for sale, and
3 sell in this judicial district products that infringe on Inhale's patent and trademark as set
4 forth more fully herein. Accordingly, the Court has personal jurisdiction over the
5 Defendants and venue in this District is proper under 28 U.S.C. §§1391(b) and 1391(c).

6 **THE PARTIES**

7 **A. Plaintiff Inhale**

8 6. Plaintiff Inhale, Inc. is, and at all times mentioned herein was, a corporation
9 organized and existing under the laws of the State of California and having a principal
10 place of business in California. Inhale designs, manufactures, and sells various types of
11 smoking devices and smoking related products, including hookahs, vaporizers,
12 tobaccoless cigarettes, cigars, electronic cigarettes, and cigarette lighters under the
13 federally registered trademark INHALE.

14 **B. The Defendants**

15 7. Upon information and belief, Defendant Triangle Wholesale is, and at all
16 times mentioned herein was, a corporation organized and existing under the laws of the
17 State of Illinois, having a principal place of business at 303 Eisenhower Lane SOUTH,
18 Lombard, IL 60148. Defendant Triangle Wholesale is a wholesaler of general
19 merchandise products, including hookahs.

20 8. Upon information and belief, Defendant Shah is, and at all times mentioned
21 herein was, an individual resident of the State of Illinois, residing at 627 Century Farm,
22 Naperville, IL 60563. Upon information and belief, Defendant Shah is the sole officer,
23 director, and shareholder of Defendant Triangle Wholesale.

24 9. Defendant Shah and Defendant Triangle Wholesale are alter egos of one
25 another that share a complete unity of ownership and operation between one another.
26 Defendant Shah intentionally conceived and manipulated Defendant Triangle Wholesale
27 as a device to avoid personal liability for his wrongful acts. Upon information and belief,
28 Defendant Shah and Defendant Triangle Wholesale commingle their assets and debts. As

1 such, failure to disregard the corporate entity Triangle Wholesale as separate and distinct
2 from Shah would sanction a fraud and promote injustice.

3 **FACTUAL BACKGROUND**

4 **A. Inhale, its Patent, and its Trademark**

5 10. Since 1997, Inhale has been an innovator in the design, development, sale,
6 and marketing of hookahs and other smoking devices throughout the United States,
7 Canada, Europe, and Asia.

8 11. A hookah is a smoking device or water pipe that is used to smoke herbs,
9 such as tobacco. The general concept of a hookah has been in existence for centuries with
10 original popularity tracing back to Turkey around the years 1623-1640 where they
11 became an important part of coffee shop culture and the preferred way of smoking
12 tobacco. Representative samples of various hookah designs currently available in the
13 marketplace are shown in Exhibit A.

14 12. The current marketplace is filled with a multitude of hookah designers and
15 manufacturers. Inhale has earned a leadership position in the marketplace through years
16 of hard work and substantial investment in the branding and innovative design of its
17 various hookahs. As a result of its endeavors, Inhale has created and owns valuable
18 intellectual property in the form of patents, trademarks, copyrights, and trade secrets.
19 Inhale has grown to be known as a leading innovator of hookah designs.

20 13. On September 19, 2008, Inhale filed a U.S. Design Patent application for
21 one of its hookah designs. The United States Patent and Trademark Office (USPTO)
22 acknowledged the novel, innovative, and unique design of the hookah by awarding Inhale
23 U.S. Patent No. D593,708 (the “’708 Patent”). A true and correct copy of the patent is
24 attached as Exhibit B. The ‘708 Patent serves as prima facie proof that the design of the
25 hookah is novel and nonobvious.

26 14. Inhale is also the owner of the United States Trademark Registration
27 Number 3,668,682 for the REAPER mark in connection with hookahs, hookah pipes, and
28 other smokers’ articles. Copy of this registration is attached hereto as Exhibit C.

1 15. Since 2008, Inhale has had an uninterrupted, widespread, and continuous
2 use and promotion of its REAPER trademark in interstate commerce.

3 16. Through such use of the trademark, consumers have come to recognize the
4 REAPER hookah to originate from Inhale and the REAPER trademark has acquired
5 Secondary Meaning in the United States, in the State of California, and in this judicial
6 district.

7 17. The REAPER trademark has come to represent an extremely valuable
8 reputation and goodwill belonging exclusively to Inhale.

9 **B. Defendants' Wrongful Conduct**

10 18. Defendant Shah and Defendant Triangle Wholesale are currently
11 advertising, offering to sell, and selling a hookah that is confusingly similar to and
12 infringing on Inhale's patented hookah covered under the '708 Patent. Representative
13 samples of Inhale's Hookah and Defendants' Infringing Hookah are shown in Exhibit D
14 and referred to as "Inhale's Hookah" and "Infringing Hookah", respectively.

15 19. On August 8, 2010, Defendant Shah and Defendant Triangle Wholesale,
16 while in attendance at the 2010 ASD Trade Show in Las Vegas, Nevada, promoted,
17 offered to sell, and sold the Infringing Hookah out of their booth. Attached hereto as
18 Exhibit E, and incorporated herein by reference, is a true and correct copy of a photograph
19 of the Infringing Hookah being displayed for sale at the booth operated by Defendants at
20 the 2010 ASD trade show.

21 20. Defendant Shah and Defendant Triangle Wholesale are currently promoting,
22 offering to sell, and selling the Infringing Hookah through their website. Attached hereto
23 as Exhibit F, and incorporated herein by reference, is a true and correct copy of the
24 section on Defendants' website that shows the Infringing Hookah.

25 21. As shown in Exhibit F, Defendants promote, market, and sell hookahs
26 throughout the United States, California, and this judicial district under the GRIM
27 REAPER mark.

28 22. Defendants' Infringing Hookah sold under the GRIM REAPER mark is

1 confusingly similar to Inhale's Hookah sold under the REAPER mark.

2 23. Upon information and belief, Inhale asserts that the GRIM REAPER mark
3 and the REAPER mark share similar sight and sound and a strong similarity in meaning.

4 24. Defendants' use of the GRIM REAPER mark on the Infringing Hookah is
5 deceptively and confusingly similar to Inhale's longstanding REAPER trademark.

6 25. Defendants have been a customer of Inhale for several years. Over the
7 years, Defendants have purchased several hookahs directly from Inhale, including
8 Inhale's Hookah claimed in the '708 Patent. Upon purchasing directly from Inhale,
9 Defendants were notified by Inhale that Inhale's Hookah claimed in the '708 Patent was
10 protected by Patent Law and Trademark Law in the United States, Europe, and China.

11 26. With full knowledge that Inhale's Hookah is protected by the '708 Patent,
12 Defendants willfully chose to promote, offer to sell, and sell the Infringing Hookah at a
13 lower price than Inhale's Hookah.

14 27. After learning of Defendants' sale of the Infringing Hookah, Inhale
15 contacted Chirag Christian, a representative of Defendant Triangle Wholesale, and
16 learned that Defendants were selling the Infringing Hookah for between \$15 to \$20 per
17 piece.

18 28. Inhale also learned from Chirag Christian that on or around July 30, 2010,
19 Defendants imported 1,200 pieces of the Infringing Hookah directly from China.

20 **FIRST CLAIM FOR RELIEF**

21 **Federal Patent Infringement Under 35 U.S.C. §271**

22 29. Plaintiff repeats and hereby incorporates herein by reference, as though
23 specifically pleaded herein, the allegations of paragraph 1 through 28.

24 30. Inhale is the exclusive owner of the entire right, title, and interest in and to
25 the '708 Patent, including all rights to enforce that patent and to recover for infringement.

26 31. Defendants have been and are presently infringing the '708 Patent within
27 this judicial district and elsewhere by importing, manufacturing, promoting, offering to
28 sell, and selling a hookah incorporating the design of the '708 Patent, which is

1 substantially identical to Inhale's Hookah, and which has been made in accordance with
2 the teachings of the '708 Patent. Representative samples of Inhale's Hookah and
3 Defendants' Infringing Hookah are shown in Exhibit D.

4 32. Defendants' Infringing Hookah so resembles Inhale's Hookah claimed in
5 the '708 Patent that an ordinary observer, giving such attention as a purchaser usually
6 gives, would regard the two designs as substantially the same and induce him or her to
7 purchase one supposing to be the other.

8 33. Defendants' Infringing Hookah appropriates the points of novelty of
9 Inhale's Hookah claimed in the '708 Patent. Defendants' Infringing Hookah was not
10 manufactured nor authorized by Inhale.

11 34. Defendants will continue to infringe the '708 Patent and irreparably harm
12 Inhale unless the infringing activities are enjoined by this court.

13 35. The actions complained of infringe the '708 Patent in violation of 35 U.S.C.
14 § §271 and 289.

15 36. Inhale has no adequate remedy at law.

16 37. As a result of Defendants' unauthorized and willful infringement of Inhale's
17 patent rights, Inhale is entitled to Defendants' profits, reasonable attorney's fees, and
18 costs of action.

19 38. Defendants' acts of patent infringement have been done with oppression,
20 fraud, and malice thereby entitling Inhale to an award of punitive damages.

21 **SECOND CLAIM FOR RELIEF**

22 **Federal Trademark Infringement Under U.S.C. §1114(1)**

23 39. Plaintiff repeats and hereby incorporates herein by reference, as though
24 specifically pleaded herein, the allegations of paragraphs 1 through 38.

25 40. Inhale is the owner of United States Trademark Registration Number
26 3,668,682 for the REAPER mark in connection with hookahs, hookah pipes, and other
27 smokers' articles.

28 41. Since 2008, Inhale has had an uninterrupted, widespread, and continuous

1 use and promotion of its REAPER trademark in interstate commerce throughout the
2 United States.

3 42. Through such use of the trademark, consumers have come to recognize the
4 REAPER hookah as originating from Inhale and the REAPER trademark has acquired
5 Secondary Meaning in the United States, in the State of California, and in this judicial
6 district.

7 43. The REAPER trademark has come to represent an extremely valuable
8 reputation and goodwill belonging exclusively to Inhale. Inhale vigorously protects its
9 rights in and to the REAPER trademark.

10 44. Defendants' unauthorized promotion, advertising, and use of the GRIM
11 REAPER mark in connection with hookahs is deceptively similar to Inhale's federally
12 registered REAPER trademark and likely to cause confusion, mistake, and deception on
13 the part of the consuming public as to the source of origin of goods to which the
14 designation is applied and as to sponsorship and affiliation as between Inhale and
15 Defendants.

16 45. Defendants' unauthorized promotion, advertising, and use of the GRIM
17 REAPER mark constitutes federal trademark infringement in violation of 15 U.S.C.
18 §1114.

19 46. Despite being placed on notice of Inhale's rights in and to its REAPER
20 trademark, Defendants intentionally, maliciously, recklessly, and/or willfully continued to
21 use the GRIM REAPER mark in connection with hookahs.

22 47. Upon information and belief, Inhale alleges that Defendants' actions were
23 done willfully and with intent to infringe the REAPER trademark.

24 48. As a result of Defendants' acts of federal trademark infringement, as alleged
25 herein, Inhale is entitled to monetary damages, as provided for under the Lanham Act
26 §35(a), 15 U.S.C. §1117(a), in an amount to be proven at trial.

27 49. Defendants' unauthorized use of a confusingly similar imitation of Inhale's
28 registered REAPER trademark as complained of herein, has and will continue to result in

1 irreparable harm to Inhale's reputation for which there is no adequate remedy at law.

2 50. Defendants' acts have caused and will continue to cause further irreparable
3 injury to Inhale unless permanently enjoined by this Court. Plaintiff has no adequate
4 remedy at law and is entitled to injunctive relief enjoining Defendants from use of the
5 GRIM REAPER mark under the Lanham Act §15, 15 U.S.C. §1116.

6 51. As a result of Defendants' unauthorized and willful infringement of Inhale's
7 trademark rights, Inhale is entitled to Defendants' profits, reasonable attorney's fees, costs
8 of the action, and, due to the exceptional nature of this case, enhanced damages up to
9 three times the amount of the calculated damages pursuant to 15 U.S.C. §1117.

10 **THIRD CLAIM FOR RELIEF**

11 **Trademark Infringement Under Common Law**

12 52. Plaintiff repeats and hereby incorporates herein by reference, as though
13 specifically pleaded herein, the allegations of paragraphs 1 through 51.

14 53. Defendants have engaged in acts constituting common law trademark
15 infringement.

16 54. Defendants have used in commerce the GRIM REAPER mark in connection
17 with the sale, offering for sale, distribution, and advertising of goods highly similar to
18 those offered by Inhale to the same target consumers and through overlapping channels of
19 trade.

20 55. Defendants' unauthorized infringing acts as alleged herein are likely to
21 cause consumer confusion, deceiving consumers into mistaken belief that Defendants'
22 products originate from, are associated with, or authorized by Inhale.

23 56. Defendants' acts have caused and will continue to cause irreparable harm to
24 Inhale.

25 57. As a result of Defendants' acts of trademark infringement, as alleged herein,
26 Inhale is entitled to injunctive relief enjoining Defendants from use of the GRIM
27 REAPER mark and any other mark or name incorporating or resembling the REAPER
28 mark and monetary damages, in the amount to be proven at trial, under California

1 common law.

2 **PRAYER FOR RELIEF**

3 WHEREFORE, Plaintiff Inhale prays that this Court grant relief as follows:

4 A. For a judgment that Defendants have infringed Inhale's '708 Patent;

5 B. For a judgment that Defendants have committed acts of Federal Trademark
6 Infringement of Inhale's Federally Registered REAPER trademark (Reg. No. 3,668,682)
7 in violation of 15 U.S.C. §1114(1);

8 C. For a judgment that Defendants' acts complained of herein constitute
9 Trademark Infringement under common law of California;

10 D. For the grant of permanent injunctive relief enjoining Defendants and all
11 those in privity, concert, or participation with them from infringing or inducing
12 infringement of the '708 Patent;

13 E. For a grant of permanent injunctive relief enjoining Defendants and all
14 those in privity, concert, or participation with them against further acts of Federal
15 Trademark Infringement;

16 F. For a grant of permanent injunctive relief enjoining Defendants and all
17 those in privity, concert, or participation with them, from engaging in use of the GRIM
18 REAPER mark in any format by itself, and any other mark or name incorporating the
19 REAPER mark in connection with hookahs or other smokers' articles;

20 G. For a judgment directing that any goods, labels, emblems, or marketing
21 materials, in the possession or under the Defendants' control which infringe the '708
22 Patent but not emanating from Inhale, be delivered up and destroyed within ten (10) days
23 of entry of judgment;

24 H. For the grant of an order requiring Defendants to deliver up for destruction
25 all goods, and promotional or marketing materials directed to those goods, of any kind
26 bearing the GRIM REAPER mark in any format, and any other mark or name
27 incorporating the REAPER mark, and colorable imitations of Inhale's REAPER
28 trademark under 15 U.S.C. §1118;

1 I. For a judgment against Defendants awarding Inhale damages and lost
2 profits, including all damages sustained by Inhale as a result of Defendants' unlawful
3 infringement of the '708 Patent, together with appropriate interest on such damages and
4 that such damages be trebled, pursuant to 35 U.S.C. §§284 and 289;

5 J. For an award of monetary damages constituting Inhale's losses resulting
6 from Defendants' acts of Federal Trademark Infringement of Inhale's mark in an amount
7 to be proven at trial pursuant to 15 U.S.C. §1117;

8 K. For an award of treble damages in an amount up to three times the damages
9 award in light of Defendants' willful acts of Federal Trademark Infringement under 15
10 U.S.C. §1117;

11 L. For an order that Defendants pay to Plaintiff general damages in an amount
12 to be proven;

13 M. For finding that Defendants' conduct was oppressive, malicious, and
14 fraudulent and an award of punitive damages;

15 N. For an award of Inhale's costs and reasonable attorney's fees pursuant to 15
16 U.S.C. §1117;

17 O. For an award of any other relief as the Court deems just and proper.
18
19

20 DATED: August 18, 2010

21
22
23 By: _____

Louis F. Teran

Attorney for Inhale, Inc.
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28

DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by jury as provided by Rule 38(a) of the Federal Rules of Civil Procedure.

DATED: August 18, 2010



By: _____

Louis F. Teran
Attorney for Inhale, Inc.

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EXHIBIT A







EXHIBIT B



US00D593708S

(12) **United States Design Patent**
Chaoui

(10) **Patent No.:** **US D593,708 S**

(45) **Date of Patent:** **** Jun. 2, 2009**

(54) **HOOKAH**

D548,398 S * 8/2007 Chaoui D27/162

(76) Inventor: **Rani A. Chaoui**, 1280 N. Johnson Ave.,
Suite #100, El Cajon, CA (US) 92020

* cited by examiner

Primary Examiner—Jennifer Rivard
(74) *Attorney, Agent, or Firm*—Louis F. Teran

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

(21) Appl. No.: **29/310,936**

(57) **CLAIM**

(22) Filed: **Sep. 19, 2008**

I claim the ornamental design for the hookah, as shown and described.

(51) **LOC (9) Cl.** **27-02**

(52) **U.S. Cl.** **D27/162**

(58) **Field of Classification Search** **D27/162;**
131/173

DESCRIPTION

See application file for complete search history.

FIG. 1 is a front view of the hookah.

FIG. 2 is a right side view thereof.

FIG. 3 is a left side view thereof; and,

FIG. 4 is a back side view thereof.

(56) **References Cited**

U.S. PATENT DOCUMENTS

The hookah is disclosed separately for convenience of illustration.

D256,508 S * 8/1980 Graham D27/162

D372,335 S * 7/1996 Clark D27/162

D547,902 S * 7/2007 Kassir D27/162

1 Claim, 4 Drawing Sheets



U.S. Patent

Jun. 2, 2009

Sheet 1 of 4

US D593,708 S



FIG. 1

U.S. Patent

Jun. 2, 2009

Sheet 2 of 4

US D593,708 S



FIG. 2

U.S. Patent

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FIG. 3

U.S. Patent

Jun. 2, 2009

Sheet 4 of 4

US D593,708 S



FIG. 4

EXHIBIT C

Int. Cl.: 34

Prior U.S. Cls.: 2, 8, 9 and 17

United States Patent and Trademark Office

Reg. No. 3,668,682

Registered Aug. 18, 2009

**TRADEMARK
PRINCIPAL REGISTER**

REAPER

INHALE, INC. (CALIFORNIA CORPORATION)
1280 N. JOHNSON AVE, SUITE #100
EL CAJON, CA 92020

FOR: HOOKAHS; HOOKAH BASES; HOOKAH
PIPES; HOOKAH HOSES; HOOKAH ACCESSORIES,
NAMELY, MOUTHPIECE, PLATE, BOWL, AND
CERAMIC BOWL, IN CLASS 34 (U.S. CLS. 2, 8, 9
AND 17).

FIRST USE 3-3-2007; IN COMMERCE 2-1-2008.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-586,652, FILED 10-6-2008.

ESTHER A. BORSUK, EXAMINING ATTORNEY

EXHIBIT D

INHALE'S HOOKAH



INFRINGING HOOKAH



EXHIBIT E



EXHIBIT F



303 Eisenhower Lane S. Lombard, IL 60148
 Ph: 630-629-3771 | Tf: 888-396-3963
 Fx: 630-629-3772

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 Since: 08/12/2010

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Items in Cart: 1

Total Amount: \$20.00

Product Categories

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- > [PRODUCT SPECIALS](#)
- > [A. Vaporizers](#)
- > [Air Freshners/Incense](#)
- > [Ashtrays](#)

Products Details for Category » Hookahs

To add the items below to your cart, click the "Add/Update" checkbox then update quantity.
 Once you have selected all items on the page, click "Update Cart" Button above.



New!

Black Grim Reaper Hookah, 12" Height, 12 pcs / case

Price:
\$20.00

Quantity

Add/Update
 Add

Item #: M4019-BLK



New!

Green Grim Reaper Hookah, 12" Height, 12 pcs / case

Price:
\$20.00

Quantity

Add/Update
 Update

Item #: M4019-GRN

**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 R. Gary Klausner and the assigned discovery Magistrate Judge is Alicia G. Rosenberg.

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

CV10 - 6194 RGK (AGR~~x~~)

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

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

=====

NOTICE TO COUNSEL

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

Subsequent documents must be filed at the following location:

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

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

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

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

Name & Address:

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

INHALE, INC., a California Corporation

CASE NUMBER

CV10 6194 ~~AGR~~ (AGRx)

PLAINTIFF(S)

v.

TRIANGLE WHOLESALE, INC., an Illinois corporation;
MANISHA SHAH, an individual residing in Illinois
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, Louis F. Teran Strategic Legal Counseling, 1055 East Colorado Blvd., Suite #500, Pasadena, CA 91106. 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: AUG 19 _____

By: CHRISTOPHER POWERS
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)].

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) INHALE, INC., a California Corporation	DEFENDANTS TRAINGLE WHOLESALE, INC., an Illinois corporation MANISHA SHAH, an individual residing in Illinois
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Louis F. Teran (SB #249494) Strategic Legal Counseling 1055 East Colorado Blvd., Suite #500, Pasadena, CA 91106	Attorneys (If Known)

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

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

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 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	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with 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 FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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VIII(a). IDENTICAL CASES: Has this action been previously filed 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
	INHALE, INC. - San Diego 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
	TRIANGLE WHOLESALE, INC. - Illinois MANISHA SHAH - Illinois

(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 County, CA	

* 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 8/18/2010

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))