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2008 JUN 20 PM 4:19
CLERK OF DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES, CALIFORNIA

6 Attorneys for Plaintiff
Luggage America, Inc.
7

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 LUGGAGE AMERICA, INC., a
11 California corporation,
12 Plaintiff,

CASE NO. **CV08-04103**
**COMPLAINT FOR PATENT
INFRINGEMENT**

13 v.

14 PACIFIC COAST LUGGAGE, INC. a
15 California corporation and SCOTT OH,
an individual,
16 Defendant.

JURY TRIAL DEMANDED

17
18 Luggage America, Inc. ("Luggage America") hereby complains and alleges
19 as follows.

20 **JURISDICTION AND VENUE**

21 1. The Court has subject matter jurisdiction over counts 1 and 2 in this
22 action under 28 U.S.C. § 1338(a) in that the counts arise under an act of Congress
23 relating to patents.

24 2. This Court also has subject matter jurisdiction over this action
25 pursuant to 28 U.S.C. § 1331 in view of the patent counts.

26 3. Venue is proper within this judicial district under 28 U.S.C. § 1339(a)-
27 (d) and 28 U.S.C. § 1400(b). Plaintiff Luggage America resides in this district.
28 Defendant Pacific Coast Luggage as well as Defendant Scott Oh both reside within

1 this judicial district. Defendants have performed acts in furtherance of the illegal
2 and wrongful conduct alleged in this complaint which have had substantial effects
3 in this judicial district.

4 **THE PARTIES**

5 4. Plaintiff Luggage America is a California corporation with its principal
6 place of business at 24200 South Main Street, Carson, California 90745.

7 5. Upon information and belief, Luggage America alleges that Defendant
8 Pacific Coast Luggage (“PCL”) is a California corporation with its principal place
9 of business at 9520 7th Street, Suite D, Rancho Cucamonga, California 91730.

10 6. On information and belief Luggage America alleges that Defendant
11 Scott Oh (“Oh”) is an individual residing in California and both the President and a
12 Principal Shareholder of Defendant PCL. Defendant Oh is believed to have a
13 regular place of business at 9520 7th Street, Suite D, Rancho Cucamonga,
14 California 91730.

15 **FACTUAL ALLEGATIONS AS TO ALL CLAIMS**

16 **LUGGAGE AMERICA AND ITS BUSINESS**

17 7. Luggage America manufactures and distributes a complete line of
18 products dedicated in meeting the needs of travelers worldwide.

19 8. The mission of Luggage America is to produce high quality, durable
20 and reliable travel ware in all of its products. With designs always on the cutting
21 edge, its functional and creative features are presented in contemporary styles.

22 9. Luggage America has consistently introduced innovative products and
23 continuously improve on its classic models to bring comfort, quality, reliability,
24 style and affordability.

25 10. Luggage America’s “Casual Line”, division enjoys a strong reputation
26 among our valued consumers as the founder and leader of the rolling backpack. The
27 “Sports Plus” and “Casual Gear” lines have been recognized as having impeccable
28 craftsmanship, superior performance, and excellent customer service from the most

1 prominent magazine for consumer reporting.

2 11. Luggage America has thus built a reputation of providing quality
3 products and for innovative designs.

4 12. Luggage America maintains its own design staff for its products. In
5 the time period from January 10, 2001 to January 20, 2004 Defendant Oh was a
6 designer, sales manager and later the President of Luggage America. As part of his
7 efforts, Defendant Oh conceived several new and innovative designs for rolling
8 backpacks. Several of these designs and inventions became the subject of United
9 States patents assigned to Luggage America by Defendant Oh.

10 13. Defendant Oh resigned from Luggage America in January 20, 2004
11 and on information and belief, he then started Defendant PCL.

12 **FIRST CLAIM FOR RELIEF**

13 **(For Patent Infringement of '352 Patent**

14 14. Luggage America incorporates by reference and realleges the
15 allegations set forth in paragraphs 1 through 13 above.

16 15. This claim arises under the patent laws of the United States and is
17 claimed by Luggage America against PCL and Oh for infringement of the U.S.
18 Patent No. 6,923,352 (the "'352 Patent"). A true and correct copy of the '352
19 Patent is attached hereto as Exh. A.

20 16. The '352 Patent was duly and legally issued on August 2, 2005. The
21 '352 Patent is assigned to Luggage America and thus Luggage America is the
22 owner of all right, title and interest in and to the '352 Patent.

23 17. Luggage America has the exclusive right to make, use, and sell the
24 inventions of the '352 Patent throughout the United States and the right to sue for
25 infringement and seek all damages in its own name.

26 18. The named inventor of the '352 Patent is Defendant Scott Oh.
27 Defendant Oh invented the subject matter of the '352 Patent while he was an
28 employee of Luggage America and assigned all rights, title and interest to the

1 invention to Luggage America. The assignment was duly filed with the U.S. Patent
2 and Trademark Office.

3 19. Upon information and belief, Luggage America alleges that PCL, at
4 the direction of Oh, is infringing the '352 Patent, either literally or under the
5 doctrine of equivalents, by importing, having made, using, distributing, offering to
6 sell and/or selling one or more backpack products which embodied the inventions
7 of the claims of the '352 Patent.

8 20. On information and belief, Luggage America alleges that the
9 Defendants will continue to infringe the '352 Patent unless enjoined by this Court.

10 21. On information and belief, Luggage America alleges that the patent
11 infringement by Defendants as alleged hereinabove has been done willfully,
12 wantonly and in bad faith in view of Scott Oh's knowledge of the patent and the
13 fact that Oh can not assert that the patent is invalid or enforceable under the
14 doctrine of assignee estoppel. Thus, Luggage America alleges that Defendants'
15 actions are in reckless disregard of the substantial likelihood of infringement of a
16 valid U.S. patent.

17 22. As a direct and proximate result of the infringement by the
18 Defendants, as alleged hereinabove, Luggage America as suffered and will suffer
19 damages.

20 23. Luggage America does not know the full extent of its damages.

21 24. On information and belief, Luggage America alleges that Defendants,
22 unless preliminary and permanently enjoined, will continue to engage in the
23 aforementioned acts and conduct, to Luggage America's further and continuing
24 damage. Such continuing acts committed by the Defendants will, unless enjoined,
25 cause irreparable damage in that Luggage America will have no adequate remedy at
26 law to compel the Defendants to cease such acts. Luggage America will be
27 compelled to prosecute a multiplicity of actions, one each time the Defendants
28 commit such acts, and in each such action it will be extremely difficult to ascertain

1 the amount of compensation which will afford Luggage America adequate relief.

2 **SECOND CLAIM FOR RELIEF**

3 **(Patent Infringement of the '531 Patent)**

4 25. Luggage America incorporates by reference and realleges the
5 allegations set forth in paragraphs 1 through 13 above.

6 26. This claim arises under the patent laws of the United States and is a
7 claim by Luggage America against PCL and Oh for infringement of the U.S. Patent
8 No. D489,531 (the "'531 Patent"). A true and correct copy of the '531 Patent is
9 attached hereto as Exh. B.

10 27. The '531 Patent was duly and legally issued on May 11, 2004. The
11 '531 Patent is assigned to Luggage America and thus Luggage America is the
12 owner of all right, title and interest in and to the '531 Patent.

13 28. Luggage America has the exclusive right to make, use, and sell the
14 inventions of the '531 Patent throughout the United States and the right to sue for
15 infringement and seek all damages in its own name.

16 29. The named inventor of the '531 Patent is Defendant Scott Oh.
17 Defendant Oh invented the subject matter of the '531 Patent while he was an
18 employee of Luggage America and assigned all rights, title and interest to the
19 invention to Luggage America. The assignment was duly filed with the U.S. Patent
20 and Trademark Office.

21 30. Upon information and belief, Luggage America alleges that PCL, at
22 the direction of Oh, is infringing the '531 Patent, by importing, having made, using,
23 distributing, offering to sell and/or selling one or more backpack products which
24 embodied the inventions of the claimed design of the '531 Patent.

25 31. On information and belief, Luggage America alleges that the
26 Defendants will continue to infringe the '531 Patent unless enjoined by this Court.

27 32. On information and belief, Luggage America alleges that the patent
28 infringement by Defendants as alleged hereinabove has been done willfully,

1 wantonly and in bad faith in view of Scott Oh's knowledge of the '531 Patent and
2 the inability for Oh to assert that the '531 Patent is invalid or enforceable under the
3 doctrine of assignee estoppel. Thus, Luggage America alleges that Defendants'
4 actions are in reckless disregard of the substantial likelihood of infringement of a
5 valid U.S. patent.

6 33. As a direct and proximate result of the infringement by the
7 Defendants, as alleged hereinabove, Luggage America as suffered and will suffer
8 damages.

9 34. Luggage America does not know the full extent of its damages.

10 35. On information and belief, Luggage America alleges that Defendants,
11 unless preliminary and permanently enjoined will continue to engage in the
12 aforementioned acts and conduct, to Luggage America's further and continuing
13 damage. Such continuing acts committed by the Defendants will, unless enjoined,
14 cause irreparable damage in that Luggage America will have no adequate remedy at
15 law to compel the Defendants to cease such acts. Luggage America will be
16 compelled to prosecute a multiplicity of actions, one each time the Defendants
17 commit such acts, and in each such action it will be extremely difficult to ascertain
18 the amount of compensation which will afford Luggage America adequate release.

19 **THIRD CLAIM FOR RELIEF**

20 **(Patent Infringement of the '513 Patent)**

21 36. Luggage America incorporates by reference and realleges the
22 allegations set forth in paragraphs 1 through 13 above.

23 37. This claim arises under the patent laws of the United States and is a
24 claim by Luggage America against PCL and Oh for infringement of the U.S. Patent
25 No. D530,513 (the "'513 Patent"). A true and correct copy of the '513 Patent is
26 attached hereto as Exh. C.

27 38. The '513 Patent was duly and legally issued on October 24, 2006. The
28 '513 Patent is assigned to Luggage America and thus Luggage America is the

1 owner of all right, title and interest in and to the '513 Patent.

2 39. Luggage America has the exclusive right to make, use, and sell the
3 inventions of the '513 Patent throughout the United States and the right to sue for
4 infringement and seek all damages in its own name.

5 40. The named inventor of the '513 Patent is Defendant Scott Oh.
6 Defendant Oh invented the subject matter of the '513 Patent while he was an
7 employee of Luggage America and assigned all rights, title and interest to the
8 invention to Luggage America. The assignment was duly filed with the U.S. Patent
9 and Trademark Office.

10 41. Upon information and belief, Luggage America alleges that PCL, at
11 the direction of Oh, is infringing the '513 Patent, by importing, having made, using,
12 distributing, offering to sell and/or selling one or more backpack products which
13 embodied the inventions of the claimed design of the '513 Patent.

14 42. On information and belief, Luggage America alleges that the
15 Defendants will continue to infringe the '513 Patent unless enjoined by this Court.

16 43. On information and belief, Luggage America alleges that the patent
17 infringement by Defendants as alleged hereinabove has been done willfully,
18 wantonly and in bad faith in view of Scott Oh's knowledge of the '513 Patent and
19 the inability for Oh to assert that the '513 Patent is invalid or enforceable under the
20 doctrine of assignee estoppel. Thus, Luggage America alleges that Defendants'
21 actions are in reckless disregard of the substantial likelihood of infringement of a
22 valid U.S. patent.

23 44. As a direct and proximate result of the infringement by the
24 Defendants, as alleged hereinabove, Luggage America as suffered and will suffer
25 damages.

26 45. Luggage America does not know the full extent of its damages.

27 46. On information and belief, Luggage America alleges that Defendants,
28 unless preliminary and permanently enjoined will continue to engage in the

1 aforementioned acts and conduct, to Luggage America's further and continuing
2 damage. Such continuing acts committed by the Defendants will, unless enjoined,
3 cause irreparable damage in that Luggage America will have no adequate remedy at
4 law to compel the Defendants to cease such acts. Luggage America will be
5 compelled to prosecute a multiplicity of actions, one each time the Defendants
6 commit such acts, and in each such action it will be extremely difficult to ascertain
7 the amount of compensation which will afford Luggage America adequate release.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Luggage America prays that it has judgment on its
10 Complaint against Defendants PCL and Oh as follows:

11 **ON THE FIRST AND SECOND CLAIM FOR RELIEF**

12 1. That Defendants PCL and Oh be required to pay to Luggage America
13 such damages as Luggage America has sustained as a consequence of Defendants
14 acts of infringement of the '352, '531 and '513 Patents, in the amount to be
15 determined more fully at trial and that such damages be trebled for Defendants
16 willful infringement;


17 2. That Luggage America be awarded its cost and reasonable attorneys'
18 fees.

19 3. That Defendants be preliminarily and ultimately permanently enjoined
20 from all acts of infringement of the Luggage America patents, and/or as against any
21 further infringement thereof.

22 4. That Luggage America have such other relief that the Court deems just
23 and proper.

24 Dated: June 20, 2008

DLA PIPER US LLP

25 By: 
26 DAVID B. ABEL
27 NANCY NGUYEN
28 Attorneys for Plaintiff
Luggage America, Inc.

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JURY TRIAL DEMAND

Demand is hereby made for a jury trial of this matter and all matters so triable.

Dated: June 20, 2008

DLA PIPER US LLP


By: 
DAVID B. ABEL
NANCY NGUYEN
Attorneys for Plaintiff
Luggage America, Inc.

EXHIBIT A



US006923352B2

(12) **United States Patent**
Oh

(10) **Patent No.:** US 6,923,352 B2
(45) **Date of Patent:** Aug. 2, 2005

(54) **LUGGAGE CONTAINER WITH CONCEALED CARRYING MEANS**

(75) **Inventor:** Scott Oh, Carson, CA (US)

(73) **Assignee:** Luggage America, Inc., Carson, CA (US)

(*) **Notice:** Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 159 days.

(21) **Appl. No.:** 10/310,434

(22) **Filed:** Dec. 4, 2002

(65) **Prior Publication Data**

US 2004/0108345 A1 Jun. 10, 2004

(51) **Int. Cl.⁷** A45F 4/02

(52) **U.S. Cl.** 224/153; 190/1; 190/18 A; 224/580

(58) **Field of Search** 224/153, 580, 224/585, 627, 644; 190/1, 18, 18 A, 39, 115

(56) **References Cited**

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6,592,012 B2	*	7/2003	Godshaw et al.	224/153

* cited by examiner

Primary Examiner—Gary E. Elkins

(74) *Attorney, Agent, or Firm*—Lee, Hong, Degerman, Kang & Schmadeka

(57) **ABSTRACT**

A container with a cover for concealing an extendable handle and shoulder straps attached to the container is provided. The container is configured to be wheeled on a set of wheels by way of the extendable handle in a first transport mode and carried on a person's back using the shoulder straps in a second transport mode. The container has a front compartment for storing items, and a rear compartment for housing the extendable handle and the shoulder straps that are attached to and used for carrying the container. The shoulder straps and the extendable handle are both deployable from a covered opening in the rear compartment proximate to the container's top. The container further comprises a cover for covering at least a portion of the set of wheels in a second transport mode.

27 Claims, 3 Drawing Sheets

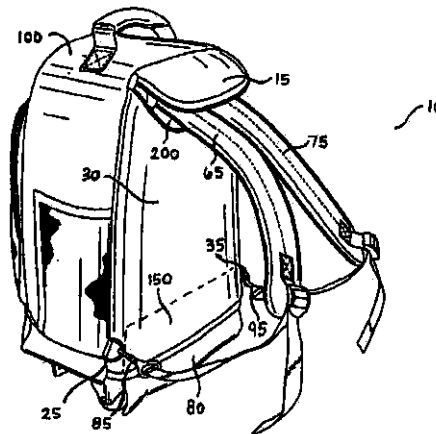
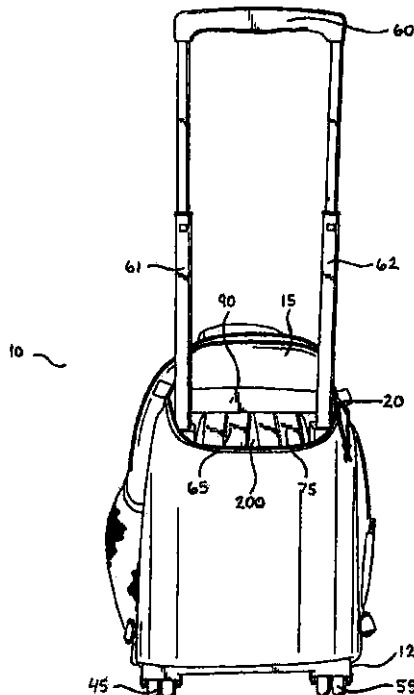


FIG. 1

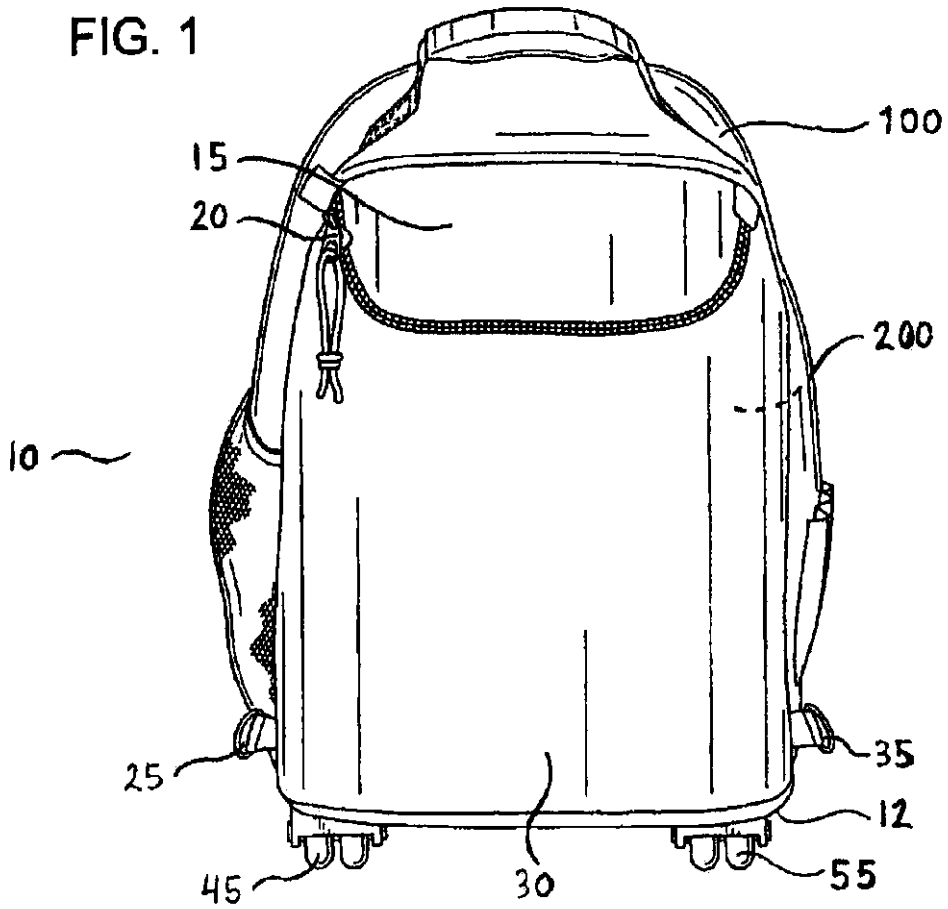


FIG. 2

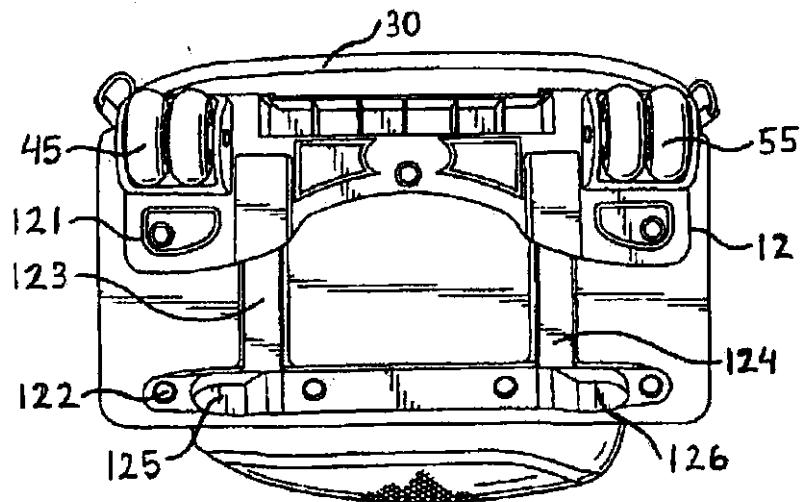
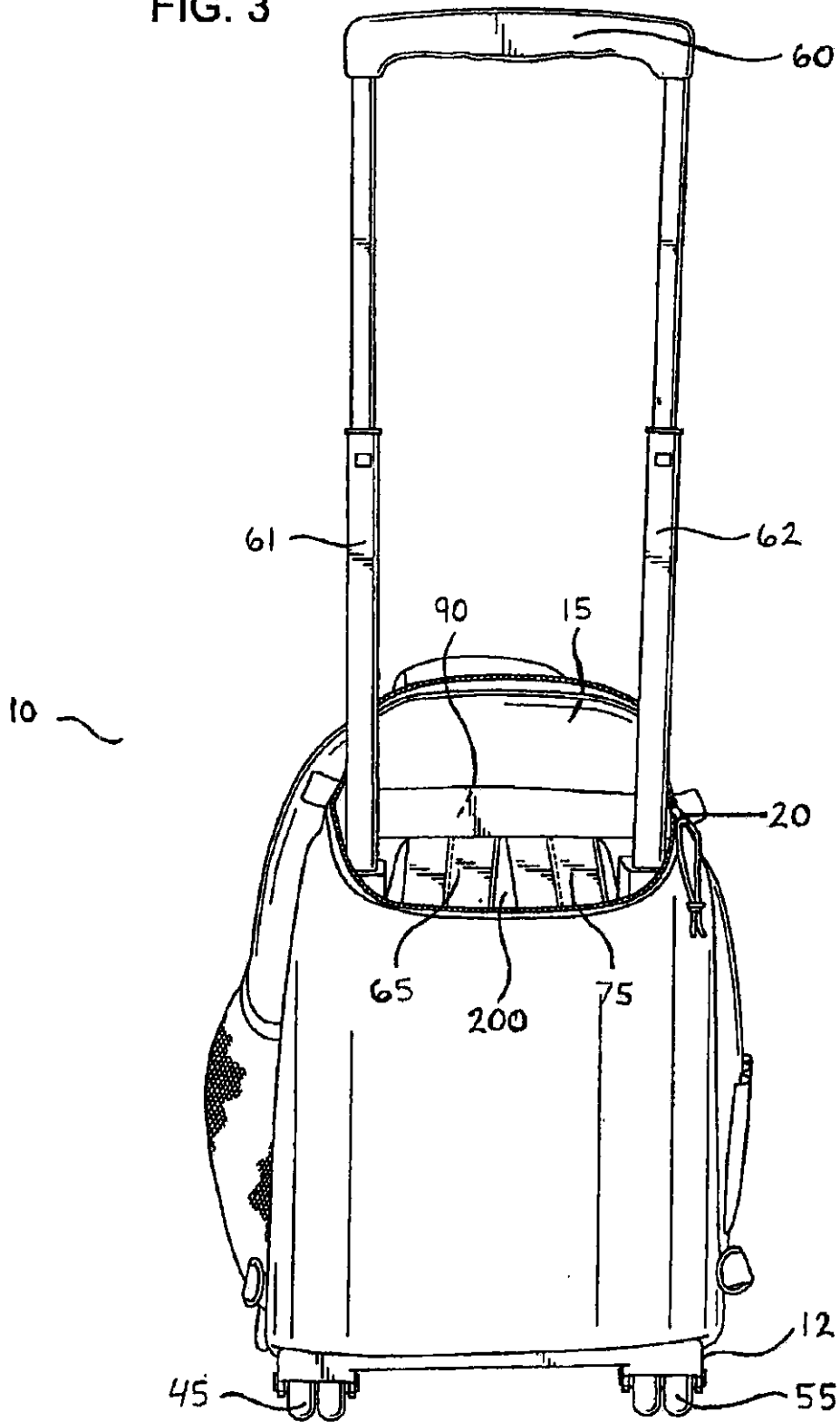
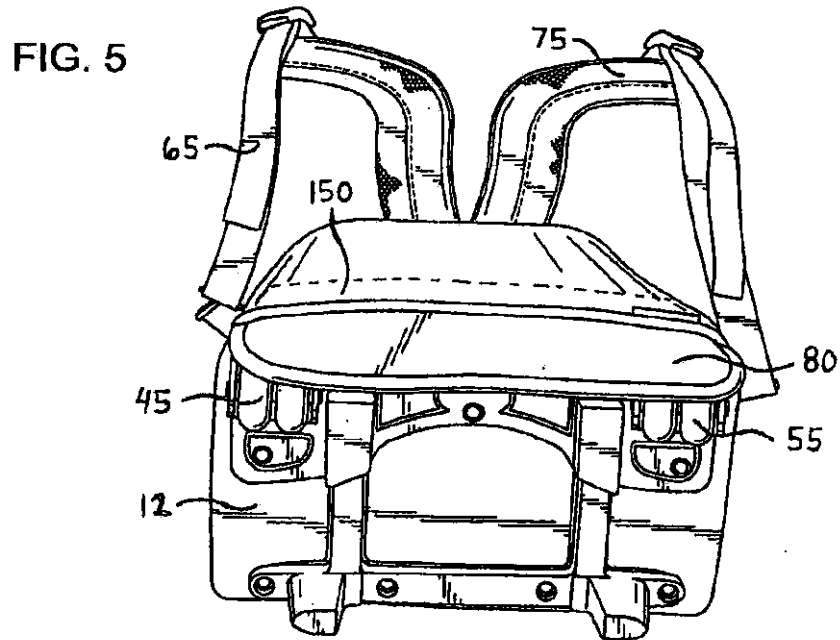
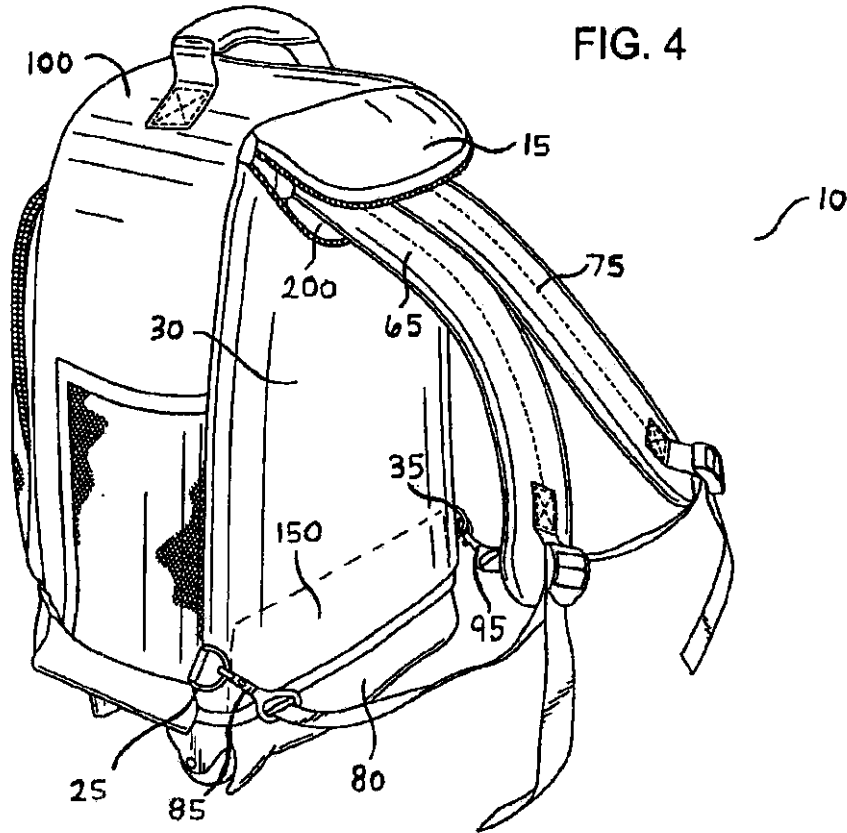


FIG. 3





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LUGGAGE CONTAINER WITH CONCEALED CARRYING MEANS

BACKGROUND OF THE INVENTION

1. Field of the Invention

The present invention relates to generally to luggage containers. More specifically, this invention is directed to convertible luggage that can be used as a wheeled suitcase and backpack.

2. Discussion of the Related Art

A challenge to traveling has always been carrying one's belongings in the most efficient and easy manner. However, depending on the circumstances, one bag is often not the best for all situations. Depending on pavement conditions, the number of stairs, etc., a backpack can be best fitted for situations where the bag must be carried. At other times, a wheeled suitcase is best to transport heavier baggage through airports and roads. A problem arises when a traveler is confronted with more than one type of terrain during a single trip or the traveler is preparing to travel to an unknown destination. To meet this challenge, convertible luggage designs have appeared in the prior art to convert from a wheeled suitcase to a backpack, and vice versa. Such designs, however, have straps that interfere with the wheeled suitcase, and at the same time the wheels interfere with the user while wearing the suitcase as a backpack. That is, the wheels rub against the back of the wearer of the backpack. In addition, some prior art designs have an extendable handle that cannot be hidden from view, further affecting the aesthetics and comfort of the backpack.

Although various attempts have been made to solve the above problems, an improved design is needed as convertible suitcases become increasingly popular.

SUMMARY OF THE INVENTION

The present invention is directed to an improved container with a cover for concealing the carrying means attached to the container.

To achieve these and other advantages and in accordance with the purpose of the present invention, as embodied and broadly described, a container for carrying one or more items comprises a front compartment for storing one or more items and a rear compartment for housing carrying means used to carry the container and attached to the container. The carrying means can be at least partially concealed from view in a first or second transport mode. The front and the rear compartments may also share a common wall.

According to one aspect of an embodiment of the present invention, the container may further comprise a set of wheels attached approximately to a lower portion of the container, so that the container can be wheeled in the first transport mode. According to another aspect, the carrying means may comprise one or more handles attached approximately to an upper portion of the container that can be deployed from the rear compartment so that the container can be wheeled in the first and carried in the second transport mode. Further, one of the one or more handles may be an extendable handle that can be deployed to facilitate wheeling the container in the first transport mode.

According to another aspect of an embodiment of the present invention, the carrying means may comprise one or more handles attached approximately to an upper portion of the container, wherein the one or more handles can be deployed from the rear compartment so that the container

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can be carried in the first or the second transport mode. Also, one of the one or more handles may be a strap that can be deployed from the rear compartment to facilitate carrying the container on a person's back in the second transport mode.

According to another aspect of an embodiment of the present invention, the container may include a frame structure comprising a base having an upper and lower portions, (wherein the upper portion is attached to a lower portion of the container), a set of wheels attached to the bottom portion of the base, and an elongated telescopic handle approximately perpendicularly attached to the base. The elongated telescopic handle is in operational relationship with the second compartment to support the container to stand in an upright position, such that in the first transport mode a person can use the telescopic handle to wheel the container, and in the second transport mode the elongated telescopic handle provides a support structure for a person to carry the container on his back using a set of shoulder straps secured to the container.

According to another aspect of an embodiment of the present invention, the carrying means of the container may comprise a set of wheels attached approximately to a lower portion of the container, a set of shoulder straps and at least one extendable handle deployable from the rear compartment. The container may further comprise a cover for covering at least a portion of the set of wheels in a second transport mode. The container is configured to be wheeled on the set of wheels by way of the extendable handle and first and carried on a person's back using said set of shoulder straps in the first and second transport modes, respectively. The rear compartment may comprise an opening proximate to the container's top from which the set of shoulder straps may be deployed, and a cover for covering said opening for fully concealing the carrying means from view in a closed position. The cover may be fastened by way of a fastener, such as a zipper, to the outer surface of the second compartment to cover the opening.

Additional features and advantages of the invention will be set forth in the description which follows, and in part will be apparent from the description, or may be learned by practice of the invention. The objectives and other advantages of the invention will be realized and attained by the structure particularly pointed out in the written description and claims hereof as well as the appended drawings. Therefore, it is to be understood that both the foregoing general description and the following detailed description are exemplary and explanatory and are intended to provide a further explanation of the invention as claimed.

BRIEF DESCRIPTION OF THE DRAWINGS

The accompanying drawings, which are included to provide a further understanding of the invention and are incorporated in and constitute a part of this specification, illustrate embodiments of the invention and, together with the description, serve to explain the principles of the invention.

FIG. 1 is a rear view of the convertible backpack in stowage configuration in accordance with the one of the embodiments of the present invention;

FIG. 2 is a bottom view of the convertible backpack in stowage configuration in accordance with one of the embodiments of the present invention;

FIG. 3 is a rear view of the convertible backpack in wheeled suitcase configuration in accordance with one of the embodiments of the present invention;

FIG. 4 is a rear perspective view of the convertible backpack in backpack configuration in accordance with one of the embodiments of the present invention; and

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FIG. 5 is bottom perspective view of the convertible backpack in backpack configuration in accordance with one of the embodiments of the present invention.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

Hereinafter, the present invention will be described with respect to the preferred embodiment illustrated in the annexed drawings.

Referring to FIGS. 1-5, in accordance with one embodiment, a convertible backpack 10 has at least a front compartment 100, to store a user's belongings, and a rear compartment 200 sharing a common wall with the first compartment 100 for housing the backpack's carrying means, such as shoulder straps 65 and 75, and handle 60.

In one embodiment, a cover 30 defines the outer surface of the rear compartment 200. The cover 30 is preferably padded for user comfort since the cover 30 is the portion of the backpack 10 that will be in contact with the user's back when the backpack 10 is being carried. The bottom edge of the cover 30 is not attached to the backside of the rear compartment 200 in some embodiments to allow for installation of a carrying cart with a set of wheels and an extendable handle, for example.

Referring to FIGS. 1 and 2, the carrying means of the backpack 10 are configured for stowage within the second compartment 200. As shown, the extendable handle 60 and shoulder straps 65 and 75 are accessible preferably via a zipper 20 attached to a flap 15, which encloses the top portion of the second compartment 200 by fastening to the cover 30. Alternatively, any suitable fastener known to one of ordinary skill in the art, such as snaps, hook and loop fasteners or the like, can be used to fasten the flap 15 to cover 30.

Referring to FIG. 2, the base 12 preferably is made of plastic, polyvinyl chloride (PVC), metal, or other suitable material known to one of ordinary skill in the art. The base 12 is preferably attached permanently to the backpack 10 by rivets although other suitable means of attachment known to one of ordinary skill in the art, such as stitching or adhesives, can be used. In this embodiment, the base 12 comprises front and rear elongated members 121 and 122, respectively, which span substantially the bottom width of the backpack 10 and are connected by two cross-bars 123 and 124. Wheels 45 and 55 are preferably attached to the rear elongated member 121 at laterally opposite ends to provide maximum lateral stability when the backpack 10 is transported in wheeled suitcase mode. The front elongated member preferably comprises two legs, 125 and 126, situated at laterally opposite ends. The legs 125 and 126 are substantially the same length as the sum of the diameter of the wheels 45 and 55 and the clearance width between the wheels 45 and 55 and the base 12. Consequently, the backpack 10 is level and vertically stable with respect to a flat surface when it is not being transported and is resting upright.

The backpack 10 can be formed of any durable material, such as canvas, fabric, nylon, leather, plastic (e.g. vinyl), etc. The backpack 10 has an external rigid base 12 to which wheels 45 and 55 are preferably attached. According to one embodiment of the present invention, the wheels 45 and 55 are dual wheels (two wheels on each side) to provide stability and easy transport. Referring to FIG. 3, the extendable handle 60 can extend upwardly from the open end of the rear compartment 200 via two telescoping members 61 and 62. The base of the shafts that contain the two telescoping members 61 and 62 are also preferably attached to the rigid

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base 12 for additional stability. Preferably, the base of the shafts that contain the two telescoping members 61 and 62 are connected to the rear elongated member 121 for comfort and stability when wheeling the backpack 10. The members 61 and 62 are further attached to each other near the upper edge of the second compartment 200, in one embodiment, via a cross bar 90 for further stability. The cross bar 90 is preferably flat and enclosed within a pocket or covering affixed to the backpack 10 for additional stability and aesthetics.

Referring to FIGS. 4 and 5, the backpack 10 may comprise a flap 80 that can be unfolded or extracted to cover the wheels 45 and 55 when a user is carrying the backpack 10 on his back to provide added cushioning and comfort. Flap 80 is attached to the lower end of the rear backpack 10, in proximity of wheels 45 and 55 so that, in an unfolded or extracted position, the flap 80 can fully or at least partially cover the wheels 45 and 55. In certain embodiments, a fastening means, such as snaps, hook and loop fasteners, or the like may be used to detachably fasten the distal end of the flap 80 to the bottom portion of the backpack 10 so that the flap 80 can wrap around the wheels 45 and 55 to protect the user's back from discomfort that may result from pressure from the wheels 45 and 55 placed on his back. The flap 80 of certain length is extracted from the bottom edge of the backpack 10 to provide a barrier between the wheels 45 and 55 and the user's back in order to also protect it from debris accumulated on the wheels 45 and 55 when rolled along an unclean surface. The flap 80 may be affixed to the cover 30 by stitching or other suitable means known to one of ordinary skill in the art. Alternatively, the flap can be affixed to the backside of the front compartment 100 or the backside rear compartment 200.

When the backpack 10 is in wheeled suitcase configuration, as shown in FIG. 3, the flap 80 is folded up between the backside of the front compartment 100 and the cover 30. This prevents the wheels 45 and 55 from marring the flap 80 while the backpack 10 is being rolled. In other embodiments as shown in FIGS. 4 and 5, the flap 80 can be extracted from a pocket 150 located on the lower, rear side of the backpack 10. The pocket 150 may be created by attaching the cover 30, by stitching or other means well known in the art, to the rear side of the first compartment 100 a certain distance from the bottom edge of the backpack 10 so as to accommodate the flap 80 when it is inserted into the pocket 150. Additionally, the pocket 150 prevents the second ends of the shoulder straps 65 and 75, as described below, from exposure at the bottom edge of the backpack 10.

The shoulder straps 65 and 75 are comprised of standard extendable, cushioned shoulder pads used with existing backpacks and well known in the art. The first ends of the shoulder straps 65 and 75 are permanently affixed to the backpack 10 by stitching or other suitable fasteners known to one of ordinary skill in the art. Preferably, the first ends of the shoulder straps 65 and 75 are affixed within and at the upper edge of the rear compartment 200. The second ends of the shoulder straps 65 and 75 are provided with latches 85 and 95, respectively. The latches 85 and 95 are extracted from within the rear compartment 200 to fasten the shoulder straps 65 and 75 to corresponding attaching means on the outer surface of the backpack 10, such as rings 25 and 35, respectively. The rings 25 and 35 are preferably located on the lower, rear side edges of the backpack 10. Alternatively, any suitable fastening means known to one of ordinary skill in the art, such as male-female fasteners, pressure-release fasteners, clasps or the like, can be used to fasten the shoulder straps 65 and 75 to the lower, rear side edges of the

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backpack 10. Attaching the second ends of the shoulder straps 65 and 75 allows them to be worn over the user's shoulders such that the backpack 10 is carried snug across the user's back.

Those skilled in the art will appreciate that alternative 5
embodiments exist from the description of the preferred
embodiments without departing from the spirit and scope of
the invention. Preferred embodiments were shown in the
context of a standard backpack. However, in alternative
embodiments, a backpack with additional compartments can 10
be substituted for the preferred backpack. For example, a
third compartment can be affixed to the front side of the first
compartment, where the third compartment is optionally
removable as a day pack. Further, the features disclosed here
may have application for use with any type of luggage or 15
carrying container.

In the described embodiments, the shoulder straps were
described as standard extendable cushioned shoulder straps.
In alternative embodiments, the shoulder straps can take any 20
known mechanism allowing the user to hold the luggage on
the user's back. For example, the shoulder straps can com-
prise a single strap to place over one shoulder and body of
the user while the user wears the luggage in the backpack
mode.

Therefore, the foregoing description of the preferred 25
embodiments of the invention has been presented for the
purposes of illustration and is not intended to be exhaustive
or limiting the invention to the precise form disclosed. Many
modifications and variations are possible in light of the
above teaching. Other embodiments of the invention may be 30
made without departing from the spirit and scope of the
invention.

What is claimed is:

1. A container for carrying one or more items, the con- 35
tainer comprising:

a front compartment for storing one or more items; and
a rear compartment for housing carrying means used for
carrying the container, said carrying means being
attached to the container;

wherein the rear compartment houses the carrying means 40
as attached to the container, such that said carrying
means can be at least partially concealed from view in
a first or a second transport mode;

wherein the rear compartment comprises an opening 45
proximate to the container's top from which the carry-
ing means may be deployed and a cover for covering
the opening for fully concealing the carrying means
from view in a closed position.

2. The container of claim 1, further comprising a set of 50
wheels attached approximately to a lower portion of the
container, so that the container can be wheeled in the first
transport mode.

3. The container of claim 2, wherein the carrying means 55
comprise one or more handles attached approximately to an
upper portion of the container that can be deployed from the
rear compartment so that the container can be wheeled in the
first transport mode and carried in the second transport
mode.

4. The container of claim 3, wherein one of the one or 60
more handles is an extendable handle that can be deployed
to facilitate wheeling the container in the first transport
mode.

5. The container of claim 3, wherein one of the one or 65
more handles includes a set of shoulder straps deployable
from the rear compartment to facilitate carrying the con-
tainer in the second transport mode.

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6. The container of claim 1, further comprising a frame
structure comprising:

a base having upper and lower portions, wherein the upper
portion is attached to a lower portion of the container;
a set of wheels attached to the lower portion of the base;
and

the carrying means comprising an elongated telescopic
handle and a set of shoulder straps, wherein the elon-
gated telescopic handle is approximately perpendicu-
larly attached to the base and in operational relationship
with the rear compartment to support the container to
stand in an upright position, such that in the first
transport mode a person can use the telescopic handle
to wheel the container, and in the second transport
mode the elongated telescopic handle provides a sup-
port structure for a person to carry the container on his
back using the set of shoulder straps secured to the
container.

7. The container of claim 6, wherein the frame structure
further comprises a flat cross bar affixed to the elongated
telescopic handle to enhance stability in the first and second
transport modes.

8. The container of claim 6, wherein the front and the rear
compartments share a common wall.

9. The container of claim 1, wherein the carrying means
comprises a set of shoulder straps and at least one extendable
handle deployable from the rear compartment, the container
further comprising a set of wheels attached approximately to
a lower portion of the container and a cover for covering at
least a portion of the set of wheels in the second transport
mode.

10. The container of claim 9, wherein in the second mode
the container is configured to be carried on a person's back
using said set of shoulder straps.

11. The container of claim 9, wherein in the first transport
mode the container is configured to be wheeled on the set of
wheels by way of the extendable handle.

12. The container of claim 9, wherein the set of shoulder
straps may be deployed from the opening proximate to the
container's top.

13. The container of claim 1, wherein the cover can be
fastened by way of a fastener to the outer surface of the rear
compartment to cover the opening.

14. The container of claim 13, wherein the fastener is in
form of a zipper.

15. The container of claim 6, wherein the lower portion of
the base comprises:

a rear elongated member having substantially the same
width as the bottom side of the front compartment,
wherein the set of wheels are attached to the rear
elongated member at laterally opposite ends;

a front elongated member connected to the rear elongated
member by one or more cross-bars; and

one or more legs attached to the front elongated member
having a length such that the container is substantially
level with respect to a horizontal plane.

16. The container of claim 15, wherein the base is affixed
to the bottom of the first compartment using rivets.

17. The container of claim 15, wherein the telescopic
handle is connected to the rear elongated member of the
base.

18. A backpack, comprising:

a front compartment;

a rear compartment for housing carrying means used for
carrying the backpack, the carrying means being
attached to the backpack; and

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a set of wheels attached approximately to a lower portion of the backpack;

wherein the rear compartment houses the carrying means as attached to the backpack such that the carrying means can be at least partially concealed from view in a first or a second transport mode;

wherein the rear compartment comprises an opening proximate to the backpack's top from which the carrying means may be deployed and a cover for covering the opening for fully concealing the carrying means from view in a closed position.

19. The backpack of claim 18, wherein the carrying means comprise one or more handles attached to the backpack that can be deployed from the rear compartment so that the backpack can be wheeled in the first transport mode and carried in the second transport mode.

20. The backpack of claim 19, wherein one of the one or more handles comprises an extendable handle that can be deployed to facilitate wheeling the backpack in the first transport mode.

21. The backpack of claim 19, wherein one of the one or more handles comprises a set of shoulder straps that can be deployed to facilitate carrying the backpack in the second transport mode.

22. The backpack of claim 18, further comprising a frame structure comprising:

a base having upper and lower portions, wherein the upper portion of the base is attached to a lower portion of the backpack;

the set of wheels being attached to the lower portion of the base; and

the carrying means comprising an elongated telescopic handle and a set of shoulder straps, wherein the elongated telescopic handle is attached to the base and in operational relationship with the rear compartment to support the backpack to stand in an upright position such that in the first transport mode a person can use the telescopic handle to wheel the backpack, and in the second transport mode the elongated telescopic handle provides a support structure for a person to carry the backpack on his back using the set of shoulder straps secured to the backpack.

23. The backpack of claim 18, wherein the carrying means comprises a set of shoulder straps and at least one extendable handle deployable from the rear compartment, the backpack

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further comprising a cover for covering at least a portion of the set of wheels in the second transport mode.

24. The backpack of claim 18, wherein the cover can be fastened by way of a fastener to the outer surface of the rear compartment to cover the opening.

25. The backpack of claim 22, wherein the lower portion of the base comprises:

a rear elongated member having substantially the same width as the bottom side of the front compartment, wherein the set of wheels are attached to the rear elongated member at laterally opposite ends;

a front elongated member connected to the rear elongated member by one or more cross-bars; and

one or more legs attached to the front elongated member having a length such that the backpack is substantially level with respect to a horizontal plane.

26. The backpack of claim 25, wherein the telescopic handle is connected to the rear elongated member of the base.

27. A backpack, comprising:

a set of wheels attached approximately to a lower portion of the backpack;

a front compartment; and

a rear compartment for housing an extendable handle and a set of shoulder straps, the extendable handle deployable from the rear compartment to facilitate wheeling the backpack in a first transport mode, the set of shoulder straps deployable from the rear compartment to facilitate carrying the backpack in a second transport mode;

wherein the rear compartment houses the extendable handle and the set of shoulder straps such that the extendable handle or the set of shoulder straps can be at least partially concealed from view in the first or the second transport mode;

wherein the rear compartment comprises an opening proximate to the backpack's top from which the extendable handle and the set of shoulder straps may be deployed, the rear compartment further comprising a cover for covering the opening and fully concealing the extendable handle and the set of shoulder straps from view in a closed position.

* * * * *

EXHIBIT B

(12) **United States Design Patent** (10) **Patent No.:** **US D489,531 S**
Oh (45) **Date of Patent:** **** May 11, 2004**

(54) **FRAME FOR LUGGAGE CONTAINER**

D472,713 S * 4/2003 Lee D3/318
6,575,274 B1 * 6/2003 Huang 190/115

(75) **Inventor:** **Scott Oh, Carson, CA (US)**

* cited by examiner

(73) **Assignee:** **Luggage America, Inc., Carson, CA (US)**

Primary Examiner—Catherine R. Oliver
(74) *Attorney, Agent, or Firm*—Lee, Hong, Degerman, Kang & Schmadeka

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

(57) **CLAIM**

(21) **Appl. No.:** **29/175,184**

The ornamental design for a frame for a luggage container, as shown and described.

(22) **Filed:** **Jan. 31, 2003**

DESCRIPTION

(51) **LOC (7) Cl.** **03-99**

FIG. 1 is a front perspective view of a frame for a luggage container;

(52) **U.S. Cl.** **D3/318**

FIG. 2 is a rear elevational view thereof;

(58) **Field of Search** D3/318, 320, 323;

FIG. 3 is a bottom plan view thereof; and,

D8/302, 316, 319, 320, 321; D34/24, 26;

FIG. 4 is a side elevational view thereof, with the opposite side being identical to that shown.

190/18 A, 39, 115, 102, 113; 224/153;

16/113.1, 405; 280/37, 40, 47.315

The broken line showing of luggage in the drawings is for illustrative purposes only and forms no part of the claimed design.

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1 Claim, 2 Drawing Sheets

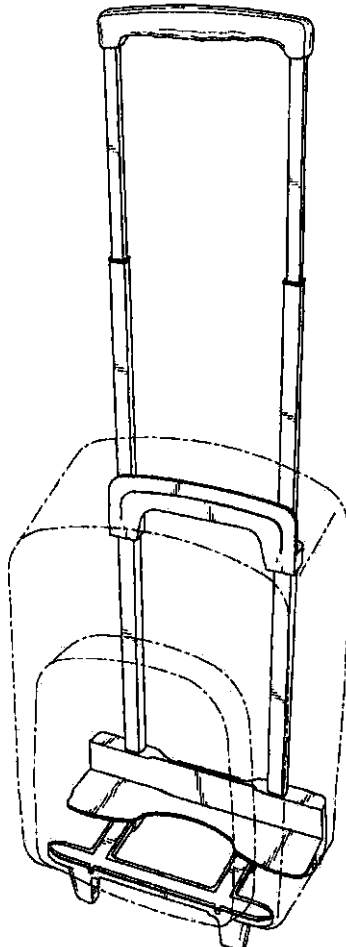


FIG. 1

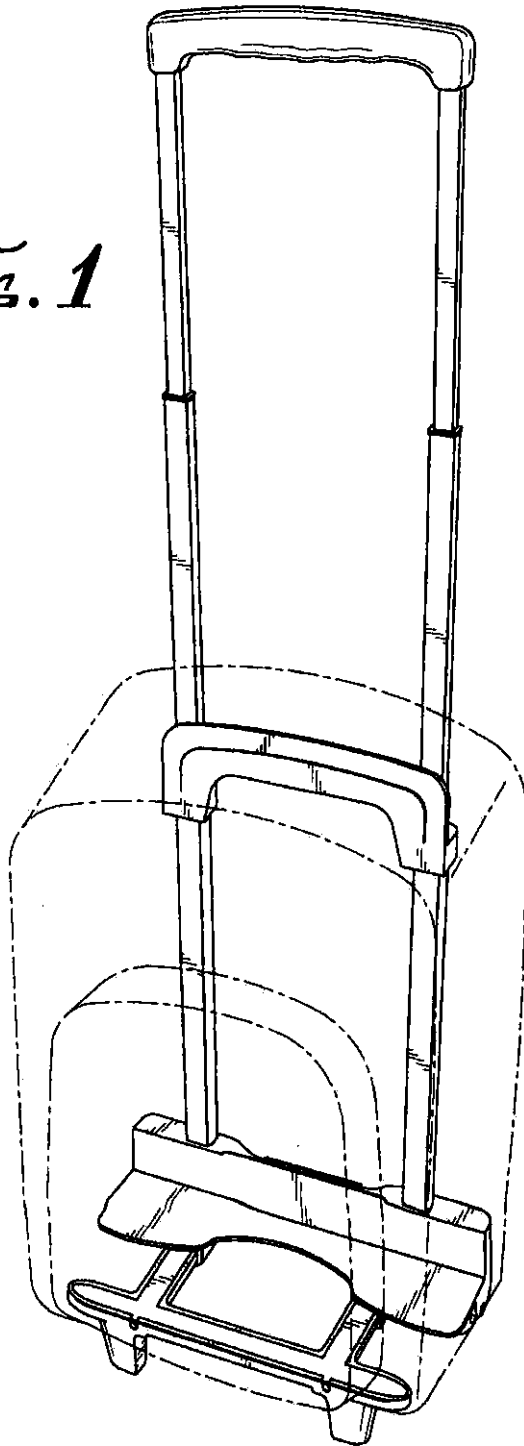
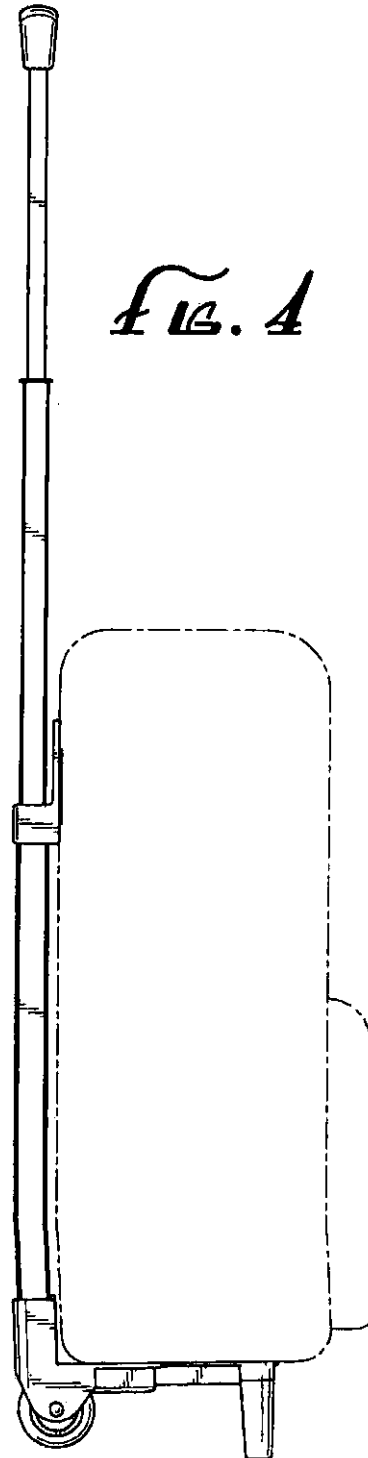


FIG. 4



U.S. Patent

May 11, 2004

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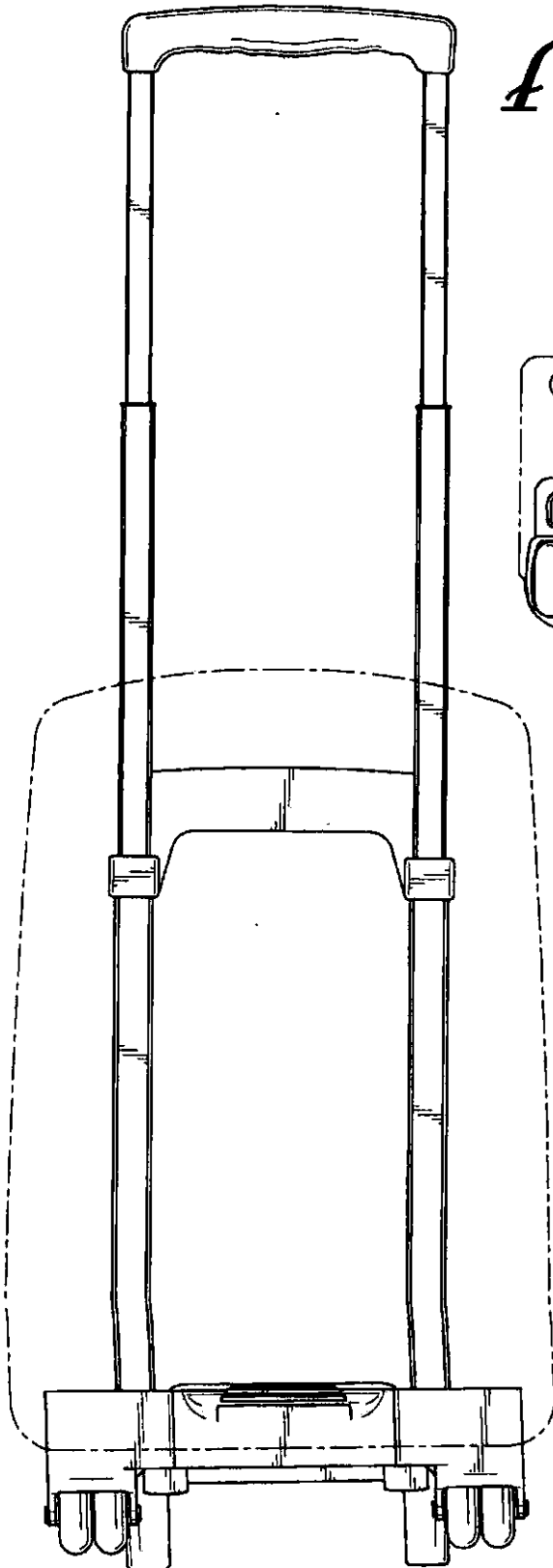


FIG. 2

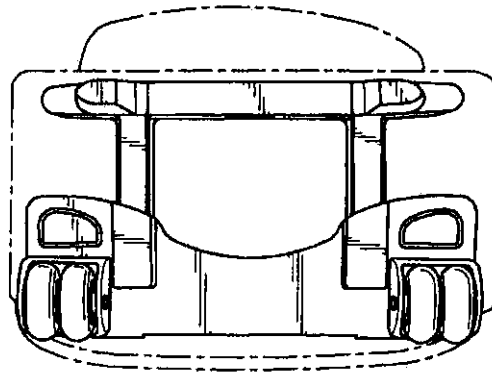


FIG. 3

EXHIBIT C



US00D530513S

(12) **United States Design Patent** (10) **Patent No.:** **US D530,513 S**
Oh (45) **Date of Patent:** **** Oct. 24, 2006**

(54) **LUGGAGE CONTAINER WITH CONCEALED CARRYING MEANS**
 (75) Inventor: **Scott Oh**, Carson, CA (US)
 (73) Assignee: **Luggage America, Inc.**, Carson, CA (US)
 (**) Term: **14 Years**
 (21) Appl. No.: **29/223,736**
 (22) Filed: **Dec. 5, 2002**
 (51) **LOC (8) Cl.** **03-01**
 (52) **U.S. Cl.** **D3/279; D3/289**
 (58) **Field of Classification Search** **D3/216-217, D3/276, 279, 283, 285, 289; 190/18 A, 100, 190/109; 224/153**
 See application file for complete search history.

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* cited by examiner

Primary Examiner—Philip S. Hyder
Assistant Examiner—RoseLynne Ulm
 (74) *Attorney, Agent, or Firm*—Lee, Hong, Degerman, Kang & Schmadeka

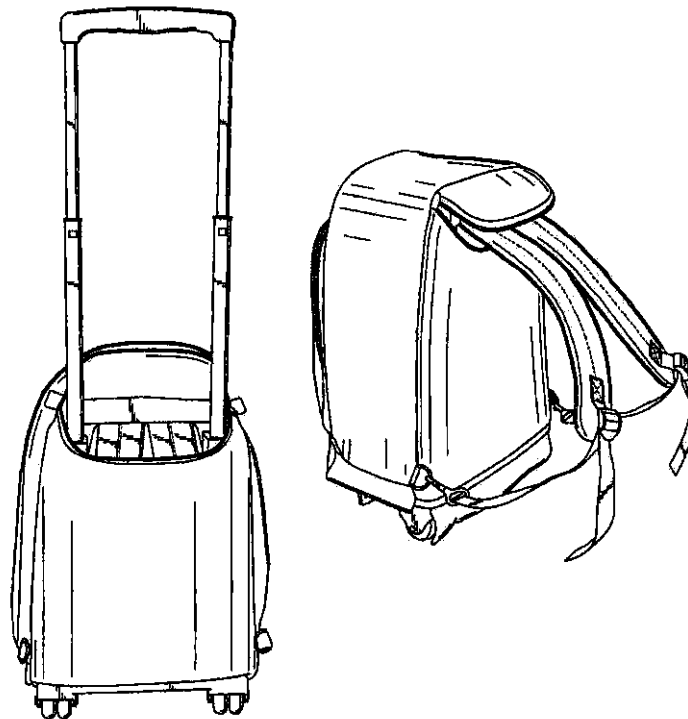
(57) **CLAIM**

The ornamental design for a luggage container with concealed carrying means, as shown and described.

DESCRIPTION

FIG. 1 is a side perspective view of the luggage container with concealed carrying means;
 FIG. 2 is an opposite side perspective view thereof;
 FIG. 3 is a rear elevational view thereof;
 FIG. 4 is a bottom plan view thereof;
 FIG. 5 is a rear elevational view thereof, with the extendable handle extended;
 FIG. 6 is a side perspective view thereof, with the shoulder straps deployed; and,
 FIG. 7 is a bottom perspective view thereof; with the shoulder straps deployed.

1 Claim, 4 Drawing Sheets



U.S. Patent

Oct. 24, 2006

Sheet 2 of 4

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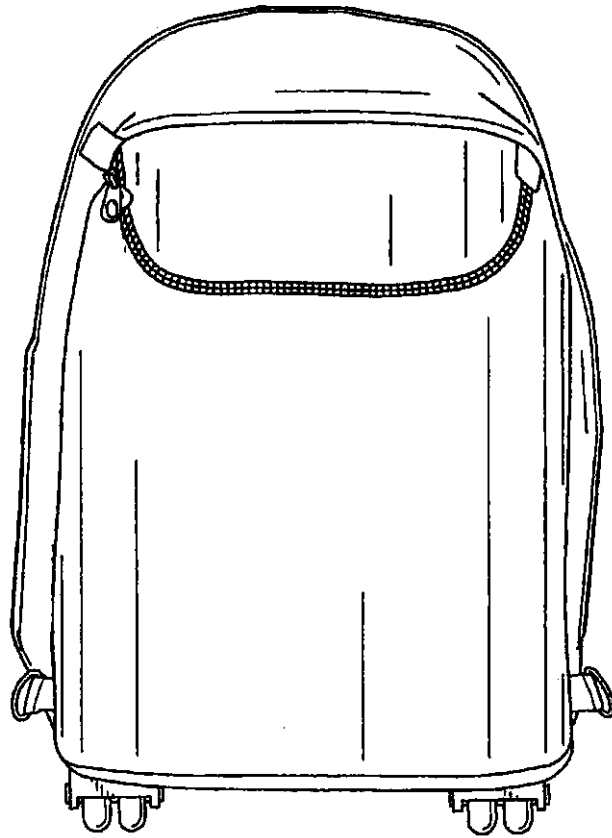


FIG. 3

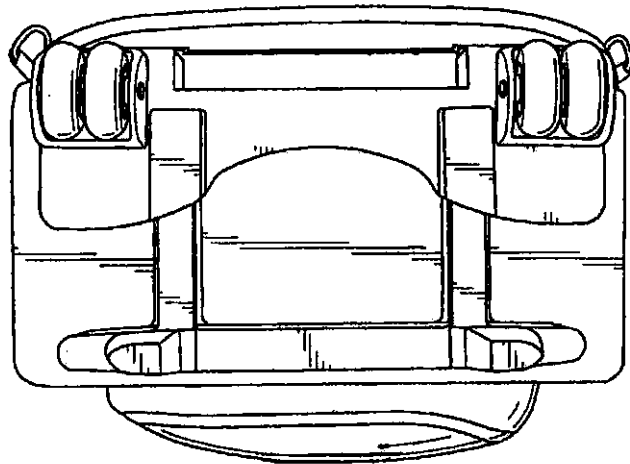


FIG. 4

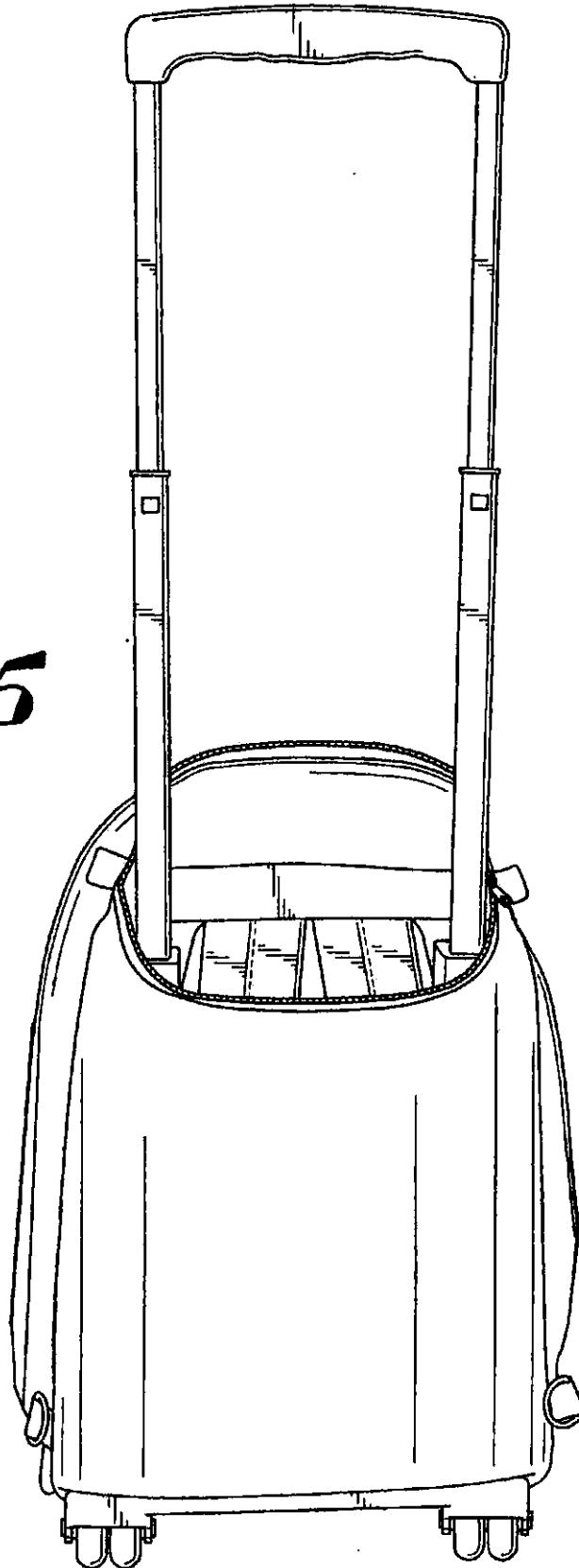
U.S. Patent

Oct. 24, 2006

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FIG. 5



U.S. Patent

Oct. 24, 2006

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Fig. 6

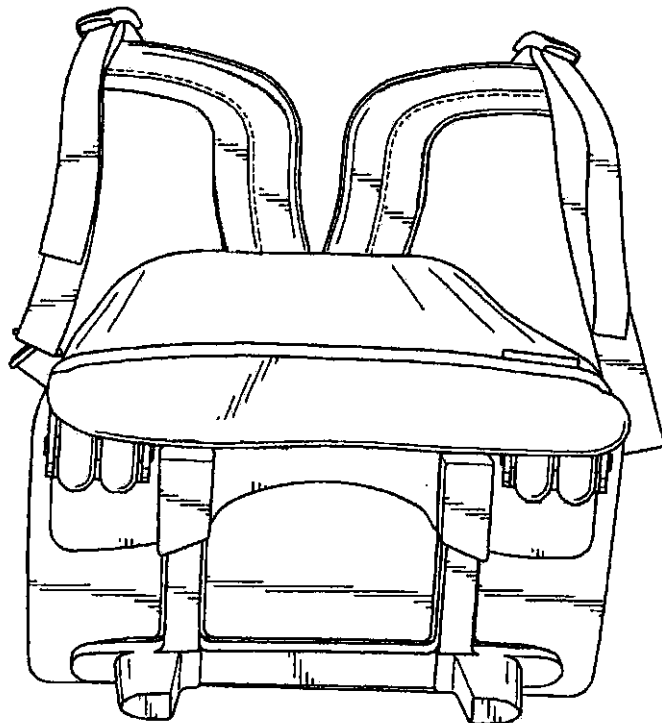


Fig. 7

**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 Valerie Baker Fairbank and the assigned discovery Magistrate Judge is Patrick J. Walsh.

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

CV08- 4103 VBF (PJWx)

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.

UNITED STATES DISTRICT COURT
for the
CENTRAL DISTRICT OF CALIFORNIA

LUGGAGE AMERICA, INC., a California corporation
Plaintiff
v.
PACIFIC COAST LUGGAGE, INC., a California
corporation and SCOTT OH, an individual
Defendant

Civil Action No.

CV08-04103

VBF PJW

Summons in a Civil Action

To: (Defendant's name and address)

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 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, whose name and address are:

David B. Abel
Nancy Nguyen
DLA Piper US LLP
1999 Avenue of the Stars, Fourth Floor
Los Angeles, CA 90067

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.

SHERRI R. CARTER

Name of clerk of court

Date: JUN 20 2008

Natalie Gonzalez
Deputy clerk's signature

Proof of Service

I declare under penalty of perjury that I served the summons and complaint in this case on _____, _____
by:

(1) personally delivering a copy of each to the individual at this place, _____
_____ ; or

(2) leaving a copy of each at the individual's dwelling or usual place of abode with _____
who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is
_____ ; or

(4) returning the summons unexecuted to the court clerk on _____ ; or

(5) other (*specify*) _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

Date: _____

Server's signature

Printed name and title

Server's address

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) LUGGAGE AMERICA, INC., a California corporation	DEFENDANTS PACIFIC COAST LUGGAGE, INC., a California corporation and SCOTT OH, an individual
---	---

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) David B. Abel (Bar No. 156744) DLA PIPER US LLP 1999 Avenue of the Stars, Fourth Floor Los Angeles, CA 90067-6023 Tel: 310.595.3000 - Fax: 310.595.3300	Attorneys (If Known)
--	----------------------

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <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%;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%;">PTF <input type="checkbox"/> 1</td> <td style="width:10%;">DEF <input type="checkbox"/> 1</td> <td style="width:33%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%;">PTF <input checked="" type="checkbox"/> 4</td> <td style="width:10%;">DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td>PTF <input type="checkbox"/> 2</td> <td>DEF <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td>PTF <input type="checkbox"/> 5</td> <td>DEF <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>PTF <input type="checkbox"/> 3</td> <td>DEF <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td>PTF <input type="checkbox"/> 6</td> <td>DEF <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input checked="" type="checkbox"/> 4	DEF <input type="checkbox"/> 4	Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6
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IV. ORIGIN (Place an X in one box only.)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify):	<input type="checkbox"/> 6 Multi-District Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
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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: \$** to be determined

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 28 U.S.C. Section 271 et seq.

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 <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	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"/> 22 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <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	PERSONNEL <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 <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 <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 61 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)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number: CV08-04103

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
Los Angeles	

(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).

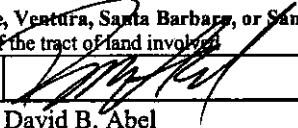
County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
San Bernardino	

(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	

* 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 June 20, 2008
 David B. Abel

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))