

1 Stephen C. Jensen (SBN 149,894)
2 scj@kmob.com
3 Douglas G. Muehlhauser (SBN 179,495)
4 dgm@kmob.com
5 Mark Lezama (SBN 253,479)
6 mark.lezama@kmob.com
7 KNOBBE, MARTENS, OLSON & BEAR, LLP
8 2040 Main Street
9 Fourteenth Floor
10 Irvine, CA 92614
11 Phone: (949) 760-0404
12 Facsimile: (949) 760-9502

13 Attorneys for Plaintiff
14 AMERIGON INC.

FILED
2009 NOV 17 PM 4:05
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES
BY _____

15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

AMERIGON INC.,
a Michigan corporation,

Plaintiff,

v.

W.E.T. AUTOMOTIVE SYSTEMS LTD.
an Ontario corporation,

Defendant.

Civil Action No.

CV 09-08466 RGK(RC&7)

**COMPLAINT FOR PATENT
INFRINGEMENT OF U.S.
PATENT NOS. RE38,128,
5,626,021, 4,923,248 AND
7,587,901**

DEMAND FOR JURY TRIAL

1 Plaintiff Amerigon Inc. ("Amerigon") hereby complains of Defendant
2 W.E.T. Automotive Systems Ltd. ("W.E.T.") and alleges as follows:

3 **JURISDICTION AND VENUE**

4 1. This Complaint is an action for patent infringement arising under
5 the patent laws of the United States, 35 U.S.C. § 100 *et seq.*, and, more
6 particularly, 35 U.S.C. §§ 271 and 281. This Court has subject matter
7 jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

8 2. Upon information and belief, W.E.T. conducts business throughout
9 the United States, including in this Judicial District, and has committed the acts
10 complained of in this Judicial District and elsewhere.

11 3. Venue is proper in this Judicial District under 28 U.S.C. §§ 1391(b)
12 and (c) and 1400(b).

13 **PARTIES**

14 4. Amerigon is a Michigan corporation having its principal place of
15 business at 21680 Haggerty Road, Suite 101, Northville, Michigan 48167.

16 5. Upon information and belief, Defendant W.E.T. Automotive
17 Systems Ltd. is an Ontario corporation having a principal place of business at
18 9475 Twin Oaks Drive, Windsor, ON N8N 5B8, Canada.

19 6. Upon information and belief, W.E.T. does business in this Judicial
20 District and has committed acts of infringement in this District.

21 **ALLEGATIONS FOR ALL CLAIMS OF RELIEF**

22 7. On June 11, 1996, the United States Patent and Trademark Office
23 duly and lawfully issued U.S. Patent No. 5,524,439, which it reissued on June 3,
24 2003 as U.S. Patent No. RE38,128 ("the '128 patent") titled "Variable
25 Temperature Seat Climate Control System." Amerigon owns the '128 patent by
26 assignment. A copy of the '128 patent is attached hereto as Exhibit 1.

27 ///

28 ///

1 8. On May 6, 1997, the United States Patent and Trademark Office
2 duly and lawfully issued U.S. Patent No. 5,626,021 ("the '021 patent") titled
3 "Variable Temperature Seat Climate Control System." Amerigon owns the
4 '021 patent by assignment. A copy of the '021 patent is attached hereto as
5 Exhibit 2.

6 9. On May 8, 1990, the United States Patent and Trademark Office
7 duly and lawfully issued U.S. Patent No. 4,923,248 ("the '248 patent") titled
8 "Cooling and Heating Seat Pad Construction." Amerigon is the exclusive
9 licensee of the '248 patent. A copy of the '248 patent is attached hereto as
10 Exhibit 3.

11 10. On September 15, 2009, the United States Patent and Trademark
12 Office duly and lawfully issued U.S. Patent No. 7,587,901 ("the '901 patent")
13 titled "Control System for Thermal Module in Vehicle." Amerigon owns the
14 '901 patent by assignment. A copy of the '901 patent is attached hereto as
15 Exhibit 4.

16 11. W.E.T., through its agents, employees and servants, has infringed,
17 actively induced others to infringe and/or contributed to others' infringement of
18 one or more claims of the '128, '021, '248 and '901 patents under 35 U.S.C.
19 § 271 by manufacturing, using, promoting, offering for sale, selling and/or
20 importing products, including systems and methods for heating and/or cooling
21 seats, covered by one or more claims of those patents.

22 12. Amerigon has given notice to W.E.T. of its infringement of the
23 '128, '021 and '248 patents.

24 **FIRST CLAIM FOR RELIEF**

25 **INFRINGEMENT OF U.S. PATENT NO. RE38,128**

26 13. Amerigon repeats, realleges and incorporates by reference the
27 allegations set forth in Paragraphs 1-12 of this Complaint.

28 ///

1 14. This is a claim for patent infringement and arises under the Patent
2 Laws of the United States, Title 35 of the United States Code.

3 15. Upon information and belief, W.E.T. has in the past infringed and is
4 currently infringing the '128 patent by making, using, promoting, selling,
5 importing and/or offering to sell vehicle-based climate control systems and
6 methods covered by one or more claims of the '128 patent in violation of 35
7 U.S.C. § 271.

8 16. Upon information and belief, W.E.T. has actively induced others to
9 infringe the '128 patent. W.E.T.'s acts constitute infringement of the '128 patent
10 in violation of 35 U.S.C. § 271(b).

11 17. Upon information and belief W.E.T. has contributorily infringed the
12 '128 patent. W.E.T.'s acts constitute infringement of the '128 patent in violation
13 of 35 U.S.C. § 271(c).

14 18. Amerigon has given W.E.T. notice that it infringes the '128 patent.

15 19. Upon information and belief, W.E.T.'s infringement of the '128
16 patent has been and continues to be deliberate and willful.

17 20. Upon information and belief, W.E.T.'s infringement will continue
18 unless enjoined by this Court.

19 21. Upon information and belief, W.E.T. has derived, received, and will
20 continue to derive and receive gains, profits and advantages from the aforesaid
21 acts of infringement in an amount that is not presently known to Amerigon. Due
22 to W.E.T.'s infringement of the '128 patent, Amerigon has been damaged and is
23 entitled to monetary relief in an amount to be determined at trial.

24 22. Unless W.E.T. is enjoined from infringing the '128 patent, Amerigon
25 will continue to suffer irreparable injury for which it has no adequate remedy at
26 law.

27 ///

28 ///

SECOND CLAIM FOR RELIEF

INFRINGEMENT OF U.S. PATENT NO. 5,626,021

23. Amerigon repeats, realleges and incorporates by reference the allegations set forth in Paragraphs 1-22 of this Complaint.

24. This is a claim for patent infringement and arises under the Patent Laws of the United States, Title 35 of the United States Code.

25. Upon information and belief, W.E.T. has in the past infringed and is currently infringing the '021 patent by making, using, promoting, selling, importing and/or offering to sell vehicle-based climate control systems and methods covered by one or more claims of the '021 patent in violation of 35 U.S.C. § 271.

26. Upon information and belief, W.E.T. has actively induced others to infringe the '021 patent. W.E.T.'s acts constitute infringement of the '021 patent in violation of 35 U.S.C. § 271(b).

27. Upon information and belief W.E.T. has contributorily infringed the '021 patent. W.E.T.'s acts constitute infringement of the '021 patent in violation of 35 U.S.C. § 271(c).

28. Amerigon has given W.E.T. notice that it infringes the '021 patent.

29. Upon information and belief, W.E.T.'s infringement of the '021 patent has been and continues to be deliberate and willful.

30. Upon information and belief, W.E.T.'s infringement will continue unless enjoined by this Court.

31. Upon information and belief, W.E.T. has derived, received, and will continue to derive and receive gains, profits and advantages from the aforesaid acts of infringement in an amount that is not presently known to Amerigon. Due to W.E.T.'s infringement of the '021 patent, Amerigon has been damaged and is entitled to monetary relief in an amount to be determined at trial.

///

1 32. Unless W.E.T. is enjoined from infringing the '021 patent, Amerigon
2 will continue to suffer irreparable injury for which it has no adequate remedy at
3 law.

4 **THIRD CLAIM FOR RELIEF**

5 **INFRINGEMENT OF U.S. PATENT NO. 4,923,248**

6 33. Amerigon repeats, realleges and incorporates by reference the
7 allegations set forth in Paragraphs 1-32 of this Complaint.

8 34. This is a claim for patent infringement and arises under the Patent
9 Laws of the United States, Title 35 of the United States Code.

10 35. Upon information and belief, W.E.T. has in the past infringed the
11 '248 patent by making, using, promoting, selling, importing and/or offering to sell
12 vehicle-based climate control systems and methods covered by one or more claims
13 of the '248 patent in violation of 35 U.S.C. § 271.

14 36. Upon information and belief, W.E.T. has actively induced others to
15 infringe the '248 patent. W.E.T.'s acts constitute infringement of the '248 patent
16 in violation of 35 U.S.C. § 271(b).

17 37. Upon information and belief W.E.T. has contributorily infringed the
18 '248 patent. W.E.T.'s acts constitute infringement of the '248 patent in violation
19 of 35 U.S.C. § 271(c).

20 38. Amerigon has given W.E.T. notice that it has infringed the '248
21 patent.

22 39. Upon information and belief, W.E.T.'s infringement of the '248
23 patent has been deliberate and willful.

24 40. Upon information and belief, W.E.T. has derived, received, and will
25 continue to derive and receive gains, profits and advantages from the aforesaid
26 acts of infringement in an amount that is not presently known to Amerigon. Due
27 to W.E.T.'s infringement of the '248 patent, Amerigon has been damaged and is
28 entitled to monetary relief in an amount to be determined at trial.

FOURTH CLAIM FOR RELIEF

INFRINGEMENT OF U.S. PATENT NO. 7,587,901

41. Amerigon repeats, realleges and incorporates by reference the allegations set forth in Paragraphs 1-40 of this Complaint.

42. This is a claim for patent infringement and arises under the Patent Laws of the United States, Title 35 of the United States Code.

43. Upon information and belief, W.E.T. has in the past infringed and is currently infringing the '901 patent by making, using, promoting, selling, importing and/or offering to sell vehicle-based climate control systems and methods covered by one or more claims of the '901 patent in violation of 35 U.S.C. § 271.

44. Upon information and belief, W.E.T. has actively induced others to infringe the '901 patent. W.E.T.'s acts constitute infringement of the '901 patent in violation of 35 U.S.C. § 271(b).

45. Upon information and belief W.E.T. has contributorily infringed the '901 patent. W.E.T.'s acts constitute infringement of the '901 patent in violation of 35 U.S.C. § 271(c).

46. Upon information and belief, W.E.T. has derived, received, and will continue to derive and receive gains, profits and advantages from the aforesaid acts of infringement in an amount that is not presently known to Amerigon. Due to W.E.T.'s infringement of the '901 patent, Amerigon has been damaged and is entitled to monetary relief in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Amerigon prays for the following relief:

A. An Order adjudging W.E.T. to have infringed the '128, '021, '248 and '901 patents;

///

///

1 B. A permanent injunction enjoining W.E.T., as well as its officers,
2 agents, servants, employees, and attorneys and those persons in active concert or
3 participation with W.E.T., from infringing the '128, '021, '248 and '901 patents;

4 C. An accounting of all gains, profits, and advantages derived by
5 W.E.T.'s infringement of the '128, '021, '248 and '901 patents and for damages
6 adequate to compensate Amerigon for W.E.T.'s infringement of the '128, '021,
7 '248 and '901 patents;

8 D. An Order adjudging W.E.T. to have willfully infringed one or more
9 of the '128, '021 and '248 patents and declaring this to be an exceptional case;

10 E. An Order trebling damages and/or for exemplary damages because
11 of W.E.T.'s intentional and willful conduct;

12 F. An award of pre-judgment and post-judgment interest and costs of
13 this action against W.E.T.;

14 G. An award to Amerigon of its attorneys' fees incurred in connection
15 with this action; and

16 H. Such other and further relief as the Court may deem just and proper.

17
18 Respectfully submitted,
19 KNOBBE, MARTENS, OLSON & BEAR, LLP

20
21 Dated: 11/17/09

By: 

22 Stephen C. Jensen
23 Douglas G. Muehlhauser
24 Mark Lezama

25 Attorneys for Plaintiff
26 AMERIGON INC.
27
28
29
30

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff
Amerigon Inc. hereby demands a trial by jury on all issues so triable.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11/17/09

By: 

Stephen C. Jensen
Douglas G. Muehlhauser
Mark Lezama

Attorneys for Plaintiff
AMERIGON INC.

7007076
042009

**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 Rosalyn M. Chapman.

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

CV09- 8466 RGK (RCx)

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
CENTRAL DISTRICT OF CALIFORNIA

AMERIGON INC.
a Michigan corporation

PLAINTIFF(S)

v.

W.E.T. AUTOMOTIVE SYSTEMS LTD.
an Ontario corporation

DEFENDANT(S)

CASE NUMBER

CV 09-08466

RGK(RC_x)

SUMMONS

TO: DEFENDANT(S): W.E.T. AUTOMOTIVE SYSTEMS LTD.

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Stephen C. Jensen, Esq., whose address is 2040 Main Street, 14th Floor, Irvine, CA 92614. 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

LA'REE HORN

NOV 17 2009

Dated: _____

By: _____



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

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

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) AMERIGON INC.	DEFENDANTS W.E.T. AUTOMOTIVE SYSTEMS LTD.
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Knobbe, Martens, Olson & Bear, LLP 2040 Main Street, 14th Floor, Irvine, CA 92614 (949) 760-0404	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: none;"> <tr> <td style="width:35%;">Citizen of This State</td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:35%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td></td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td></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>	Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in this State	PTF	DEF		<input type="checkbox"/> 1	<input type="checkbox"/> 1		<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
Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in this State	PTF	DEF																				
	<input type="checkbox"/> 1	<input type="checkbox"/> 1		<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)

☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify):
 ☐ 6 Multi-District Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ 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 under 35 U.S.C. § 271

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 <input type="checkbox"/> 530 General Habeas Corpus <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
---	--	--	---	--	--

FOR OFFICE USE ONLY: Case Number:

CV09-08466

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
	Ontario Canada

(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
All Counties	All States

* 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

11/17/09

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))