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

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6 Attorneys for Plaintiffs,  
PERI GmbH and PERI Formwork  
7 Systems, Inc.

8  
9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA - SOUTHERN DIVISION  
11

SACV11-00005 DOC (MLGx)

12 PERI GMBH, a foreign limited liability  
13 company, and PERI FORMWORK  
14 SYSTEMS, INC., a Maryland corporation,

15 Plaintiffs,

16 vs.

17 TITAN FORMWORK SYSTEMS, L.L.C.,  
18 a Delaware limited liability company; and  
DOES 1 through 10, inclusive,

19 Defendants.

) Case No.

) **COMPLAINT FOR PATENT  
INFRINGEMENT; DEMAND FOR  
JURY TRIAL**

20 Plaintiffs PERI GmbH and PERI Formwork Systems, Inc. bring this  
21 Complaint against Defendant Titan Formwork Systems, L.L.C. and allege as  
22 follows:  
23

24 **THE PARTIES**

25  
26 1. PERI GmbH is a limited liability company organized and existing  
27 under the laws of Germany having its principal place of business at Weissenhorn,  
28 Germany.



1 this Judicial District and has committed, and is continuing to commit, acts of  
2 infringement in this Judicial District.

3  
4 **GENERAL ALLEGATIONS**

5  
6 7. On January 10, 1995, U.S. Patent No. 5,379,566 entitled "Adjustable-  
7 Height Post" ("the '566 Patent") was duly and legally issued to inventor Artur  
8 Schwörer. A copy of the '566 Patent is attached hereto as Exhibit "A".

9  
10 8. PERI GmbH is the assignee of all rights, title and interest in and to the  
11 '566 Patent and possesses all rights of recovery under the '566 Patent, including the  
12 right to bring suit to enforce it.

13  
14 9. PERI Formwork Systems, Inc. has an exclusive license from PERI  
15 GmbH which authorizes PERI Formwork Systems, Inc. to, inter alia, advertise,  
16 distribute and sell the patented product in the United States and to prevent others  
17 from doing so. PERI Formwork Systems, Inc. also has the right to bring suit to  
18 enforce the '566 Patent.

19  
20 10. The invention disclosed and claimed in the '566 Patent is an  
21 adjustable-height post for construction formwork. PERI GmbH is a world leading  
22 manufacturer of formwork systems, which include adjustable-height posts, and has  
23 invested significantly in the research and development of innovative products,  
24 including the invention disclosed in the '566 Patent.

25 ///

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**COUNT I**

**Infringement of the '566 Patent by Defendants**

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4 11. PERI repeats each of the allegations set forth in the preceding  
5 paragraphs as though set forth in their entirety hereat.  
6

7 12. Upon information and belief, PERI alleges that Titan has been and is  
8 still infringing, literally and/or under the doctrine of equivalents, one or more claims  
9 of the '566 Patent directly and/or indirectly, pursuant to 35 U.S.C. § 271.  
10

11 13. Upon information and belief, PERI further alleges that Titan is  
12 contributing to infringement and/or inducing others to infringe the '566 Patent by  
13 making, using, offering for sale, selling, and/or importing, without the permission of  
14 PERI, adjustable-height posts.  
15

16 14. Titan has actual notice of the '566 Patent.  
17

18 15. Demand has been made on Titan to cease infringing on the '566 Patent,  
19 but despite the demand, Titan continues to infringe the '566 Patent.  
20

21 16. As a direct and proximate result of Titan's infringement, PERI has  
22 suffered, is suffering, and will continue to suffer injury and damage, which  
23 continues to accrue, and for which it is entitled to damages in an amount to be  
24 proven at trial.  
25

26 17. Titan has not had nor does it presently have a reasonable basis for  
27 believing it had or has a right to engage in the acts complained of herein, and its  
28 past and ongoing acts of infringement are willful and deliberate, making this an

1 exceptional case and justifying the award of treble damages pursuant to 35 U.S.C. §  
2 284 and attorneys' fees pursuant to 35 U.S.C. § 285.

3  
4 **PRAYER**

5  
6 WHEREFORE, PERI prays for judgment against defendants as follows:

7 1. A preliminary and permanent injunction against Titan, its officers,  
8 agents, servants, employees, attorneys, all parent and subsidiary corporations, all  
9 assignees and successors-in-interest, and those persons in active concert or  
10 participation with Titan, including distributors and customers, enjoining them from  
11 continuing acts of infringement of the '566 Patent;

12 2. An award of damages for Titan's infringement of the '566 Patent;

13 3. A declaration that Titan's direct and/or indirect infringement of the  
14 '566 Patent has been willful;

15 4. An award of treble damages pursuant to 35 U.S.C. § 284 from Titan's  
16 direct and/or indirect infringement of the '566 Patent;

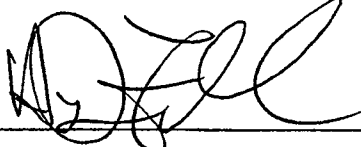
17 5. That the Court make a finding of exceptional case and that PERI be  
18 awarded reasonable attorneys' fees and costs of the litigation pursuant to 35 U.S.C.  
19 § 285; and

20 6. For such other and further relief as the Court deems just and proper.

21  
22 Dated: December 29, 2010

CADDEN & FULLER LLP

23  
24 By: \_\_\_\_\_



25 H. Daniel Fuller  
26 Cecilia A. Perkins  
27 Attorneys for Plaintiffs,  
28 PERI GmbH and PERI Formwork  
Systems, Inc.

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**DEMAND FOR JURY TRIAL**

Plaintiffs request a trial by jury on all issues in this action.

Dated: December 29, 2010

CADDEN & FULLER LLP

By:  \_\_\_\_\_

H. Daniel Fuller  
Cecilia A. Perkins  
Attorneys for Plaintiffs,  
PERI GmbH and PERI Formwork  
Systems, Inc.

**EXHIBIT A**



US005379566A

**United States Patent** [19]

[11] **Patent Number:** 5,379,566

Schwörer

[45] **Date of Patent:** Jan. 10, 1995

[54] **ADJUSTABLE-HEIGHT POST**

4,770,560 9/1988 OH ..... 411/418

[75] **Inventor:** Artur Schwörer,  
Baden-Württemberg, Germany

**FOREIGN PATENT DOCUMENTS**

[73] **Assignee:** Peri GmbH, Weissenhorn, Germany

1915287 3/1969 Germany  
1047244 11/1966 United Kingdom ..... 411/437

[21] **Appl. No.:** 2,799

*Primary Examiner*—Peter M. Cuomo  
*Assistant Examiner*—Darnell M. Boucher  
*Attorney, Agent, or Firm*—Fields, Lewis, Pittenger & Rost

[22] **Filed:** Jan. 11, 1993

[30] **Foreign Application Priority Data**

Jan. 25, 1992 [DE] Germany ..... 4206573

[57] **ABSTRACT**

[51] **Int. Cl.<sup>6</sup>** ..... E04G 25/08; E04H 12/18

An adjustable-height post (10) for construction formwork, which is preferably made of aluminum, consists of an outer tube (12) to which a threaded nut is fastened in a lossproof manner, and an inner tube (11) that has thread segments (13, 14) on the outer surface. The segments (13, 13', 13'', 13''') project into recesses (19, 19', 19'', 19''') of the outer tube (12). This embodiment produces a robust post (10) whose inner tube (11) is nonrotatably supported and guided in the outer tube (12). The inner tube (11) can more easily be manufactured with the threads (14) according to the invention; at the same time, material can be saved in the manufacture of the post (10).

[52] **U.S. Cl.** ..... 52/632; 52/105; 411/553; 411/418; 411/437; 248/354.3

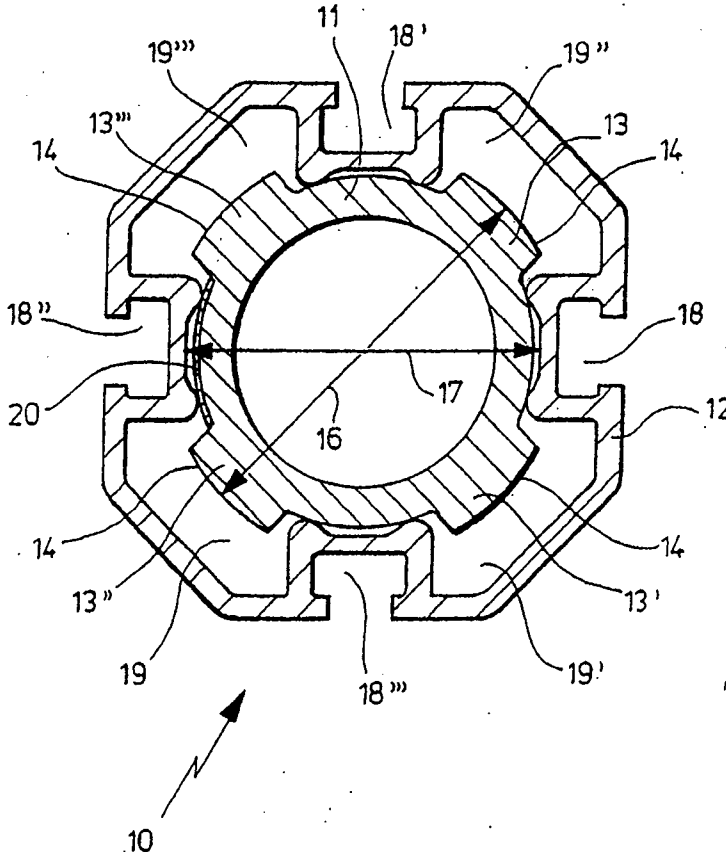
[58] **Field of Search** ..... 411/553, 551, 540, 418, 411/437; 52/105, 632, 710, 243.1, 118; 403/109, 377; 182/178, 179; 248/354.3, 354.6, 405; 254/98

[56] **References Cited**

**U.S. PATENT DOCUMENTS**

2,745,622	5/1956	Zindel	52/632
2,828,662	4/1958	Antal	411/437
4,026,076	5/1977	Morris	403/109
4,472,883	9/1984	Ortega	52/105
4,561,798	12/1985	Elerin et al.	403/109

4 Claims, 1 Drawing Sheet



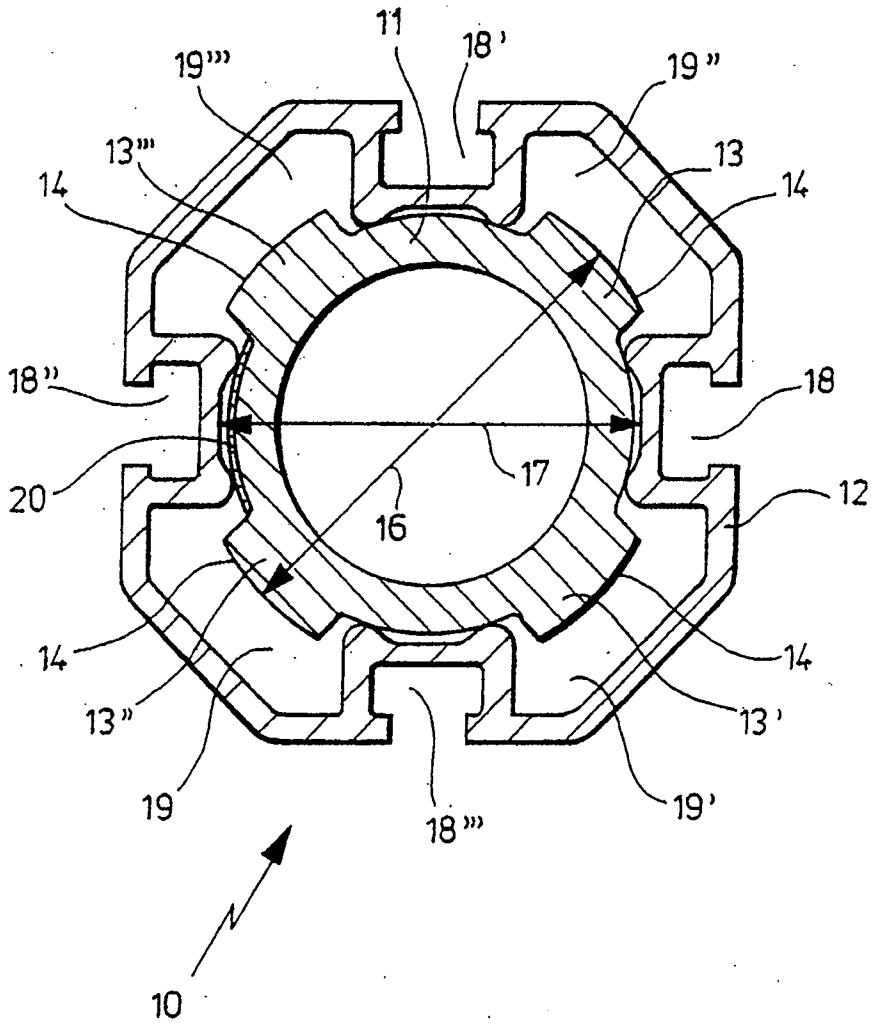
**Exhibit** A



U.S. Patent

Jan. 10, 1995

5,379,566



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## ADJUSTABLE-HEIGHT POST

The invention relates to an adjustable-height post for construction formwork, consisting of an outer tube with a threaded nut and an inner tube that has threads on the outer surface.

A post of this kind has been disclosed in the Ischebeck brochure W 54/0389/5 for aluminum formwork scaffolding.

In the known posts, the inner tube is implemented as a spindle that interacts with a threaded nut of the outer tube. Provided on the outer surface of the outer tube are protrusions into which stiffeners can be fastened by means of insertion screws.

The object of the invention is to develop the known posts so as to improve them in terms of handling, and so that they better meet requirements on the construction site.

According to the invention, this object is achieved by the fact that the threads are interrupted when viewed over the circumference of the inner tube.

The advantage of this is that the threads according to the invention are less sensitive to dirt. Mortar residues can more easily be knocked off because a larger space is present between the threaded portions. When dirt residues are knocked off, the threads themselves are also protected, since mechanical action, for example by means of a hammer, does not need to be applied directly onto the threaded segment of the inner tube.

Furthermore, production of the post according to the invention, i.e. formation of the threaded segments, is simpler and more cost-effective. The adjustable-height posts under discussion here are increasingly being made of aluminum. Aluminum is an expensive raw material, meaning that by a skillful arrangement of threaded segments, a considerable quantity of raw material can be saved without impairing the function of such a post. Segmented threads are easier to impress—i.e. to roll or cut—onto the outer surface of the inner tube. Dirt residues between the threaded segments can thus be more easily broken away, or will more easily fall away of themselves.

If the threaded segments engage in recesses of the outer tube, this is the simplest way of configuring the inner tube nonrotatably with respect to the outer tube. If the height of the post according to the invention needs to be adjusted, one need simply rotate the threaded nut fastened in a lossproof manner to the outer tube. Once the desired post height has been reached, the threaded connection between the inner tube and outer tube is tightened. The spindle itself does not need to be retained in this process, since these threaded segments lock into the recesses; the inner tube is nonrotatably guided in the outer tube. It is essential to the invention, in this connection, that a nonrotatable positive engagement results regardless of the cross-sectional shape of the inner and outer tubes. The advantages just mentioned can also be utilized if the post according to the invention is made not of aluminum but of steel or another material suitable therefor.

In a further embodiment of the invention, a scale is provided on the outer surface of the inner tube. This scale extends along the inner tube, so that the desired height of a post can very easily be adjusted and read off.

In addition, fastening devices, especially indentations, can be provided on the outer surface of the outer tube.

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By means of these indentations, stiffeners can be fastened in a known manner with insertion screws.

Also part of the invention is a method for manufacturing the adjustable-height post according to the invention. The threaded segments can easily be stamped onto the outer surface of the inner tube using known devices.

Further advantages are evident from the description and the attached drawings. The features mentioned above and those referred to later can also, in accordance with the invention, each be used individually or in any combinations with one another. The embodiments mentioned are not to be understood as a definitive listing, but rather are exemplary in nature. The invention is depicted in the drawings, and will be explained with reference to a single exemplary embodiment.

The FIGURE of the drawings shows the subject of the invention in highly schematic fashion, and is not to be understood as a scale drawing. The FIGURE shows a cross section through a post according to the invention, with the cross-sectional shapes of the outer tube and inner tube, in particular, understood to be exemplary.

The FIGURE shows a post 10 whose inner tube 11 and outer tube 12 are sectioned. Configured on the inner tube 11 are segments 13, 13', 13'', and 13''', each of which can represent a threaded portion, and threads 14 are provided on the outer surface of the segments 13, 13', 13'', 13'''.

The inner tube 11 has a diameter 16 that is greater than an inside diameter 17 which substantially defines the smallest opening width in the outer tube 12. Provided on the outer tube 12 are indentations 18, 18', 18'', and 18''' which, as shown in the FIGURE, are provided symmetrically on the outer tube 12. The indentations 18, 18', 18'', 18''' form recesses 19, 19', 19'', 19''' in the interior of the outer tube 12, into which recesses the segments 13, 13', 13'', 13''' of the inner tube 11 project. As the FIGURE clearly shows, the inner tube 11 is thereby nonrotatably guided and supported in the outer tube 12. The threads 14 on the inner tube 11 of the post 10 interact with a threaded nut (not shown in the FIGURE for the sake of clarity) of the outer tube 12. In a known manner, the height of the post 10 according to the invention can be continuously adjusted and firmly tightened without the application of counterforce.

Stiffeners can be fastened into the indentations 18, 18', 18'', and 18''' by means of insertion screws.

Furthermore, as shown in the FIGURE, there is arranged on the outer surface of the inner tube 11 a scale 20 that extends over the entire length of the inner tube 11. If the post 10 needs to be adjusted to a predefined length, the total length of the post can be read off from the scale 20.

An adjustable-height post 10 for construction formwork, which is preferably made from aluminum, consists of an outer tube 12 to which a threaded nut is fastened in a lossproof manner, and an inner tube 11 that has threaded segments 13, 14 on the outer surface. The segments 13, 13', 13'', and 13''' project into recesses 19, 19', 19'', 19''' of the outer tube 12. This configuration results in a robust post 10 whose inner tube 11 is nonrotatably supported and guided in the outer tube 12. With the threads 14 according to the invention, the inner tube 11 can be manufactured more easily, and at the same time material can be saved in the manufacture of the post 10.

We claim:

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1. An adjustable-height post for construction formwork comprising: an essentially closed hollow outer tube having a plurality of recesses on an inner surface and an essentially closed hollow inner tube having threads on an inner tube outer surface, the threads having gaps spaced around the outer surface, and the threads fit non-rotatably into the recesses of the outer tube, whereby the inner tube is secured in the outer tube by a threaded nut.

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2. Adjustable-height post according to claim 1, wherein a scale is provided on the outer surface of the inner tube.

3. Adjustable-height post according to claim 2, wherein fastening devices are provided on the outer surface of the outer tube.

4. Adjustable-height post according to claim 1, wherein fastening devices are provided on the outer surface of the outer tube.

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

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> ) PERI GMBH, a foreign limited liability company, and PERI FORMWORK SYSTEMS, INC., a Maryland corporation	<b>DEFENDANTS</b> TITAN FORMWORK SYSTEMS, L.L.C., a Delaware limited liability company; and DOES 1 through 10, inclusive
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) H. Daniel Fuller, Bar No. 105758 Cecilia A. Perkins, Bar No. 128737 CADDEN & FULLER LLP 114 Pacifica, Suite 450 Irvine, CA 92618 (949) 788-0827	Attorneys (if Known)

<b>II. BASIS OF JURISDICTION</b> (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)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="border: none;">Citizen of This State</td> <td style="border: none; text-align: center;">PTF DEF</td> <td style="border: none;"> <input type="checkbox"/> 1    <input type="checkbox"/> 1  <input type="checkbox"/> 2    <input type="checkbox"/> 2  <input type="checkbox"/> 3    <input type="checkbox"/> 3                 </td> <td style="border: none;">                 Incorporated or Principal Place of Business in this State                  Incorporated and Principal Place of Business in Another State                  Foreign Nation             </td> <td style="border: none; text-align: center;">PTF DEF</td> <td style="border: none;"> <input type="checkbox"/> 4    <input type="checkbox"/> 4  <input type="checkbox"/> 5    <input type="checkbox"/> 5  <input type="checkbox"/> 6    <input type="checkbox"/> 6             </td> </tr> </table>	Citizen of This State	PTF DEF	<input type="checkbox"/> 1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 3	Incorporated or Principal Place of Business in this State Incorporated and Principal Place of Business in Another State Foreign Nation	PTF DEF	<input type="checkbox"/> 4 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 6
Citizen of This State	PTF DEF	<input type="checkbox"/> 1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 3	Incorporated or Principal Place of Business in this State Incorporated and Principal Place of Business in Another State Foreign Nation	PTF DEF	<input type="checkbox"/> 4 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 6		
<b>IV. ORIGIN</b> (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							

**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:** \$ 0.00

**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. Sec 1 et. seq.

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

<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 Inf. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<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	<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"/> 422 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	<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"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) (405(g)) <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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**OR OFFICE USE ONLY:** Case Number: **SACV11-00005 DOC (MLGX)**

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
	PERI GMBH - Germany
	PERI FORMWORK SYSTEMS, INC. - Maryland

(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
Agent for Service of Process - CT Corp. in Los Angeles, CA	Delaware; Arizona

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.

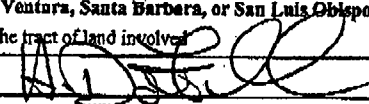
Note: In land condemnation cases, use the location of the tract of land involved.

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

\* 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):

  
H. Daniel Fuller

Date January 3, 2011

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))

**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 David O. Carter and the assigned discovery Magistrate Judge is Marc Goldman.

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

**SACV11- 5 DOC (MLGx)**

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

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**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.

FOR OFFICE USE ONLY

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

PERI GMBH, a foreign limited liability company, and PERI FORMWORK SYSTEMS, INC., a Maryland corporation

PLAINTIFF(S)

v.

TITAN FORMWORK SYSTEMS, L.L.C., a Delaware limited liability company; and DOES 1 through 10, inclusive,

DEFENDANT(S).

CASE NUMBER

SACV11-00005 DOC (MLGx)

SUMMONS

TO: DEFENDANT(S): \_\_\_\_\_

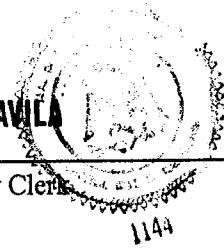
A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached  complaint  amended complaint  counterclaim  cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, H. Daniel Fuller, whose address is CADDEN & FULLER LLP, 114 Pacifica, Suite 450, Irvine, California 92618. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: JAN -3 2011

By: AMY DeAVILA  
Deputy Clerk



(Seal of the Court)

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

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