

CONFORM &
RETURN

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9 *Euro-Pro Operating LLC*

FILED
10 JUL 27 PM 3:06
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 EURO-PRO OPERATING LLC, a
12 Delaware limited liability corporation,

13 Plaintiff,

14 v.

15
16
17 PROSOURCE DISCOUNTS; and
18 DOES 1 through 10, inclusive,

19 Defendants.
20

Case No. **CV10 5569 AHM PJWx**

**COMPLAINT FOR PATENT
INFRINGEMENT AND UNFAIR
COMPETITION**

DEMAND FOR JURY TRIAL

21
22 Plaintiff Euro-Pro Operating LLC ("Euro-Pro") avers:

23 **NATURE OF ACTION**

24 1. This is an action for patent infringement and unfair competition.
25 Euro-Pro seeks injunctive relief against Defendants' continuing production and
26 sale of products that infringe the patents protecting the microfiber pads created for
27 the EURO-PRO® Steam Mop (Model S3101) ("Shark Steam Mop Pads"). Euro-
28

1 Pro further seeks monetary damages resulting from the Defendants' unfair
2 competition and blatant infringement of Euro-Pro's patent rights, including but not
3 limited to, Defendants' profits, enhanced damages, and Euro-Pro's attorneys' fees
4 and costs of suit.

5 JURISDICTION AND VENUE

6 2. This action is within the jurisdiction of this Court by virtue of 28
7 U.S.C §§ 1331 and 1338, in that the First Claim for Relief arises under the Patent
8 Act, 35 U.S.C. §§ 201, *et seq.* The Second Claim for Relief, for unfair
9 competition, is so related to the First Claim for Relief that it forms part of the same
10 case or controversy under Article III of the United States Constitution, thereby
11 giving this Court supplemental jurisdiction over this related state law claim under
12 28 U.S.C. §§ 1338(b) and 1367(a).

13 3. Personal jurisdiction is proper because, on information and belief,
14 defendant ProSource Discounts is a California company with its principal place of
15 business in California and/or has designated a registered agent in California; it
16 does substantial business in California and in this judicial district, including but not
17 limited to the sale of "Microfiber Replacement Pads for Shark Steam Euro-Pro
18 Mop" ("Infringing Pads") to California residents; and it regularly solicits business
19 from, does business with, and derives revenue from goods provided to, customers
20 in California and in this judicial district.

21 4. Venue is proper in this judicial district pursuant to 28 U.S.C. §§
22 1391(b) and (c) and 1400(b) in that, upon information and belief, defendant
23 ProSource Discounts is located in this judicial district, conducts business in this
24 judicial district, its infringing conduct has injured Euro-Pro within this judicial
25 district, and a substantial part of the events or omissions giving rise to the claims
26 herein occurred in this judicial district.

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PARTIES

5. Euro-Pro Operating LLC is a Delaware limited liability corporation with its principal place of business at 180 Wells Avenue, Suite 200, Newton, Massachusetts 02459.

6. Upon information and belief, ProSource Discounts is a California company with its principal place of business at 1304 North Highland Avenue, Hollywood, Los Angeles, California 90028.

7. Euro-Pro presently is unaware of the true names and capacities of defendants sued herein as Does 1 through 10, inclusive. On information and belief, Euro-Pro avers that Does 1 through 10 are persons or entities that control the manufacture, distribution, promotion, and sale of products that violate Euro-Pro's patent rights as well as other rights of Euro-Pro. Euro-Pro will seek leave of the Court to amend this Complaint to aver the true names and capacities of defendants Does 1 through 10, inclusive, when the same has been ascertained. Euro-Pro is informed and believes, and on that basis avers, that each of defendants Does 1 through 10, inclusive, has participated in all or some of the acts complained of herein and is liable to Euro-Pro for the damages and other relief to which Euro-Pro is entitled.

FACTS COMMON TO ALL CLAIMS

8. Euro-Pro is a leading marketer of portable household mechanical cleaners, including full-sized, canister, and hand vacuums; irons and garment steamers; stick vacuums; sweepers; and steam cleaners. Among its many products, Euro-Pro has developed and marketed a line of portable household steam cleaners, including the Shark Steam Mop, model number s3101 ("Shark Steam Mop").

9. Euro-Pro has invested substantial resources in the development and promotion of the intellectual property associated with its products, including the Shark Steam Mop.

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1 10. Euro-Pro has extensively advertised the Shark Steam Mop through
2 national television campaigns, internet advertisements, and print advertisements,
3 attaining widespread consumer recognition.

4 11. Euro-Pro's advertising for the Shark Steam Mop includes short form
5 (30 second) and long form (60 minute) infomercials, internet web pages, online
6 video, and the product packaging for the Shark Steam Mop.

7 12. In order to use the Shark Steam Mop, the user must place a specially
8 made pad on the bottom of the mop. Euro-Pro has a design patent for the Shark
9 Steam Mop Pads it manufactures and sells for use with the Shark Steam Mop.

10 13. Euro-Pro sells the Shark Steam Mop Pads with the Shark Steam Mop.

11 14. Euro-Pro also sells the Shark Steam Mop Pads separately from the
12 Shark Steam Mop, as replacement pads.

13 15. Euro-Pro advertises the sale of the Shark Steam Mop Pads through
14 extensive television and online marketing efforts.

15 16. Upon information and belief, Defendants promote and distribute
16 "Microfiber Replacement Pads for Shark Steam Euro-Pro Mop" ("Infringing
17 Pads") which are substantially identical to the Shark Steam Mop Pad. Defendants
18 distribute the Infringing Pad in interstate commerce through online retail outlets,
19 including but not limited to www.amazon.com.

20 17. The Infringing Pad has the same product configuration, look, feel, and
21 functionality as the Shark Steam Mop Pad.

22 18. Upon information and belief, Defendants control and direct their sales
23 operations in connection with Shark Steam Mop Pad from the United States.

24 19. Upon information and belief, Defendants willfully and deliberately
25 copied Euro-Pro's Shark Steam Mop Pad in nearly every respect, including the
26 Shark Steam Mop Pad's product configuration, design, look, and feel.

27 20. Despite knowing it was unlawful to do so, Defendants manufactured
28 the Infringing Pads and offered them for sale in California, including in this

1 judicial district, and throughout the United States in willful violation of Euro-Pro's
2 patent rights.

3 **FIRST CLAIM FOR RELIEF**

4 **[Infringement of U.S. Patent No. D575,918]**

5 21. Euro-Pro refers to and incorporates by reference each and every
6 averment contained in paragraphs 1 through 20 herein.

7 22. On August 26, 2008, United States Patent No. D575,918 ("the '918
8 Patent"), entitled "Steam Mop Pad," was duly and legally issued by the USPTO to
9 inventors Maximillian Rosenzweig and Ognjen Vrdoljak. Subsequently, the
10 inventors assigned the '918 Patent to Euro-Pro. The scope of the '918 patent
11 encompasses the "ornamental design for a steam mop pad, as shown and
12 described" in the seven figures included in the '918 patent. The seven figures
13 depict a specific steam mop pad. A true copy of the '918 Patent is attached hereto
14 and incorporated herein as Exhibit A.

15 23. The '918 Patent is presumed valid pursuant to 35 U.S.C. § 282.

16 24. Defendants have infringed and continue to infringe the '918 Patent,
17 either directly, or by contributory infringement and/or by inducement of others to
18 infringe. Defendants' infringing acts include, but are not limited to, the
19 manufacture, use, sale, importation, and/or offer for sale of products covered by
20 the '918 Patent, including, but not limited to, steam mop pads for the Shark Steam
21 Mop. Defendants are therefore liable for infringement of the '918 Patent pursuant
22 to 35 U.S.C. § 271.

23 25. Upon information and belief, Defendants have sold, made offers to
24 sell, continue to sell, and/or offer to sell products infringing the '918 Patent
25 nationwide via the internet and in this judicial district.

26 26. Defendants' infringing conduct has harmed and will continue to harm
27 Euro-Pro, causing irreparable injury for which there is no adequate remedy at law
28 unless enjoined by this Court pursuant to 35 U.S.C. § 283.

27. Upon information and belief, Defendants' Infringing Pads were directly copied from Euro-Pro's products that are covered by the '918 patent. Upon further information and belief, Defendants' infringement of the '918 Patent is willful and deliberate. As a result, this Court should determine that this is an exceptional case and award Euro-Pro attorneys' fees and costs incurred in prosecuting this action pursuant to 35 U.S.C. § 285.

SECOND CLAIM FOR RELIEF

[Unfair Competition -- Cal. Bus. & Prof. Code §§ 17200 *et seq.*]

28. Euro-Pro refers to and incorporates by reference each and every averment contained in paragraphs 1 through 20, and 22 through 27, inclusive, herein.

29. Defendants have engaged in unfair competition by committing unfair, fraudulent, and deceptive acts within the meaning of California Bus. & Prof. Code § 17200 *et seq.*, including but not limited to the following:

- a. Manufacturing, using, selling, importing, and/or offering to sell infringing Shark Steam Mop pads;
- b. Advertising on the Internet and elsewhere the sale of a product that infringes the '918 Patent; and
- c. Inducing others to manufacture, use, sell, import, and/or offer to sell Infringing Pads.

30. Such misconduct is unlawful within the meaning of section 17200 *et seq.*, and therefore constitutes unfair competition. Defendants' conduct was undertaken with knowledge and hence intent to unlawfully injure Euro-Pro, and for purposes of advancing the competitive business interests of the Defendants at the expense of Euro-Pro.

31. Defendants' misconduct constitutes, among other things, patent infringement in violation of 35 U.S.C. § 271.

32. Defendants' misconduct constitutes unfair competition in violation of California Bus. & Prof. Code § 17200 *et seq.*, and Euro-Pro is entitled to restitution and/or disgorgement of funds obtained by Defendants from their unlawful practices pursuant to California Bus. & Prof. Code § 17203.

33. Defendants' misconduct has harmed and will continue to harm Euro-Pro, causing it irreparable injury for which there is no adequate remedy at law unless, enjoined by this Court pursuant to California Bus. & Prof. Code § 17203.

34. Defendants' misconduct is willful, wanton, and calculated to deceive, and was undertaken in bad faith. As a result, this Court should award Euro-Pro its reasonable attorneys' fees pursuant to its equitable powers.

PRAYER FOR RELIEF

WHEREFORE, Euro-Pro prays for judgment and seeks relief against the Defendants, and each of them, as follows:

1. For an order that Defendants, and their officers, agents, servants, employees, representatives, attorneys, and all persons acting in concert or participation with any of them, be preliminarily, and thereafter permanently, enjoined:

- a. from directly or indirectly, in any media, manufacturing, selling, offering for sale, advertising, promoting, giving away, of otherwise transferring ownership of, or renting, leasing, lending, copying, or importing the Infringing Pads or any other confusingly similar product;
- b. from committing any further acts of patent infringement for the Shark Steam Mop pads;
- c. from committing any other acts calculated to cause purchasers to believe that Defendants' products are Euro-Pro's, and from competing unfairly with Euro-Pro in any manner;

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2. For an order seizing and impounding and destroying all Infringing Pad products and all manufacturing supplies in Defendants' possession or control, which are unauthorized copies of Euro-Pro's property or cause the creation of products that violate Euro-Pro's patent;

3. For a judgment that Defendants have willfully and deliberately committed acts of patent infringement;

4. For an accounting and disgorgement of Defendants' profits resulting from its infringing activity, in an amount to be proven at trial;

5. For Euro-Pro's attorneys' fees, costs, and disbursements incurred in prosecuting this action; and

6. For such other and further relief as the Court may deem appropriate.

GEORGE M. BORKOWSKI
VENABLE, LLP



George M. Borkowski
*Attorneys for Plaintiff Euro-Pro
Operating LLC*

DEMAND FOR JURY TRIAL

Euro-Pro hereby demands a trial by jury of all issues triable to a jury.

GEORGE M. BORKOWSKI
VENABLE, LLP



George M. Borkowski
*Attorneys for Plaintiff Euro-Pro
Operating LLC*

EXHIBIT "A"



US00D575918S

(12) **United States Design Patent**
Rosenzweig et al.

(10) Patent No.: **US D575,918 S**

(45) Date of Patent: **** Aug. 26, 2008**

(54) **STEAM MOP PAD**

(75) Inventors: **Maximilian Rosenzweig**, Montreal (CA); **Ognjen Vrdoljak**, Laval (CA)

(73) Assignee: **Euro-Pro Operating, LLC**, West Newton, MA (US)

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

(21) Appl. No.: **29/304,834**

(22) Filed: **Mar. 7, 2008**

(51) LOC (8) Cl. **07-05**

(52) U.S. Cl. **D32/40; D32/50**

(58) Field of Classification Search **D32/40, D32/35, 43, 50, 45; D28/63; 15/208, 227, 15/209.1, 228, 229.1-229.4, 244.4, 229.11, 15/104, 94, 118, 115, 244.1, 224; 451/523, 451/533**

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

1,416,480 A * 5/1922 Leatherman 15/227
 D307,497 S * 4/1990 Giallourakis D32/40
 D358,238 S * 5/1995 Barnett D32/50
 D398,724 S * 9/1998 Kohlruess et al. D32/40
 D406,424 S * 3/1999 Daniels D32/40

D426,039 S * 5/2000 Tintelnot et al. D32/40
 6,308,366 B1 * 10/2001 Hays 15/115
 6,606,757 B2 * 8/2003 Vosbikian et al. 15/118
 D560,868 S * 1/2008 So et al. D32/40

* cited by examiner

Primary Examiner—Pamela J Burgess

(74) Attorney, Agent, or Firm—Greenberg Traurig, LLP;
 Michael I. Wolfson

(57) **CLAIM**

The ornamental design for a steam mop pad, as shown and described.

DESCRIPTION

FIG. 1 is a top perspective view of a steam mop pad showing our new design;

FIG. 2 is an enlarged top plan view thereof;

FIG. 3 is a bottom plan view thereof;

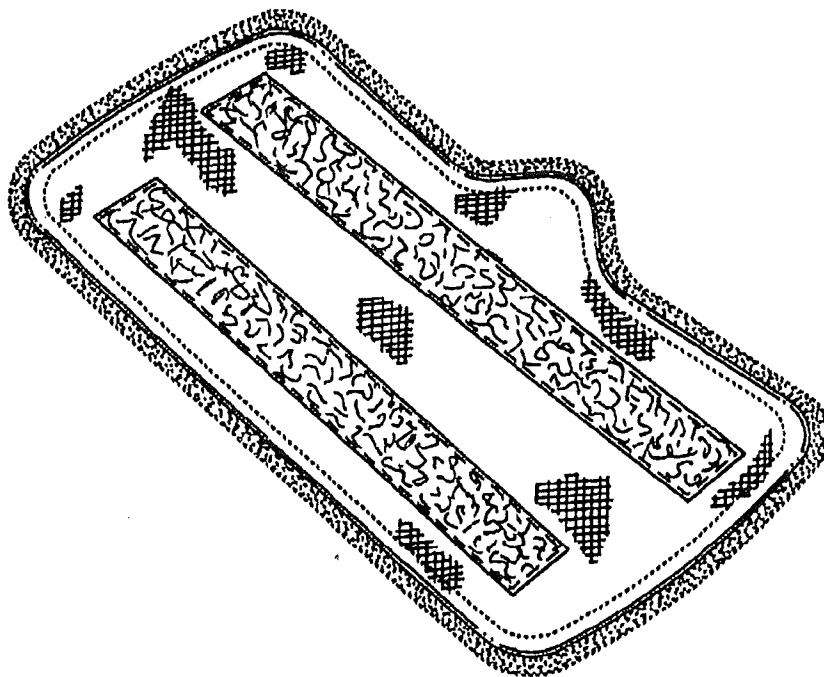
FIG. 4 is a back elevational view thereof;

FIG. 5 is a front elevational view thereof;

FIG. 6 is a side view thereof; and,

FIG. 7 is a reduced scale front perspective view thereof, the broken lines shown are for illustrative purposes only and form no part of the claimed design.

1 Claim, 4 Drawing Sheets



U.S. Patent

Aug. 26, 2008

Sheet 1 of 4

US D575,918 S

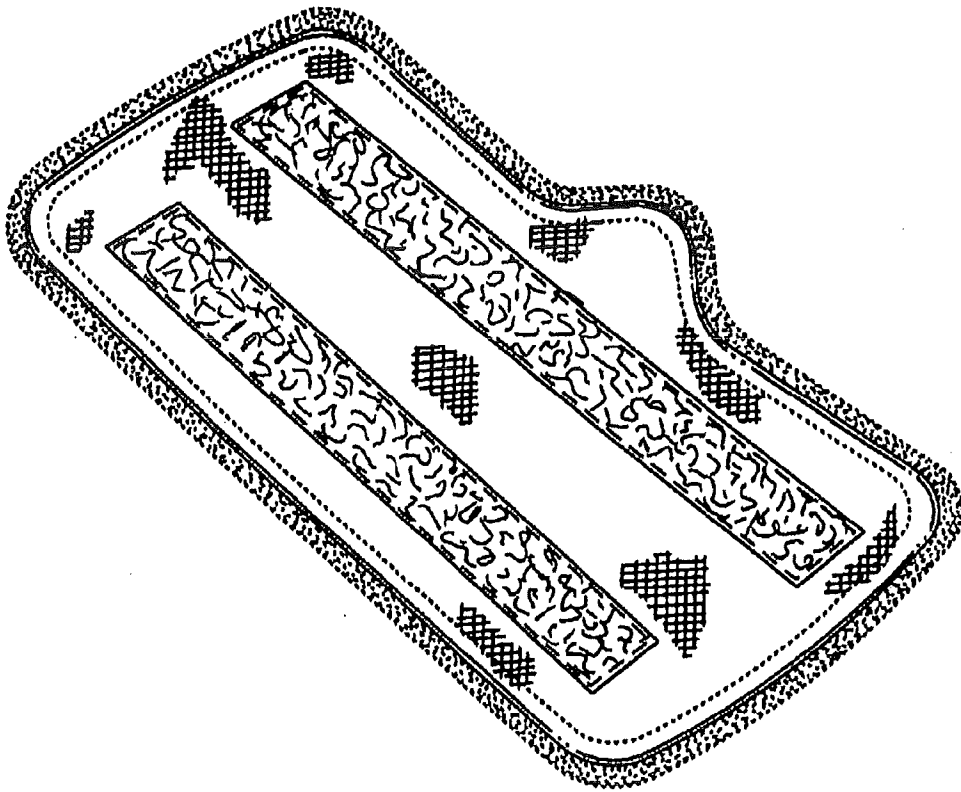


FIG. 1

U.S. Patent

Aug. 26, 2008

Sheet 2 of 4

US D575,918 S

FIG. 2

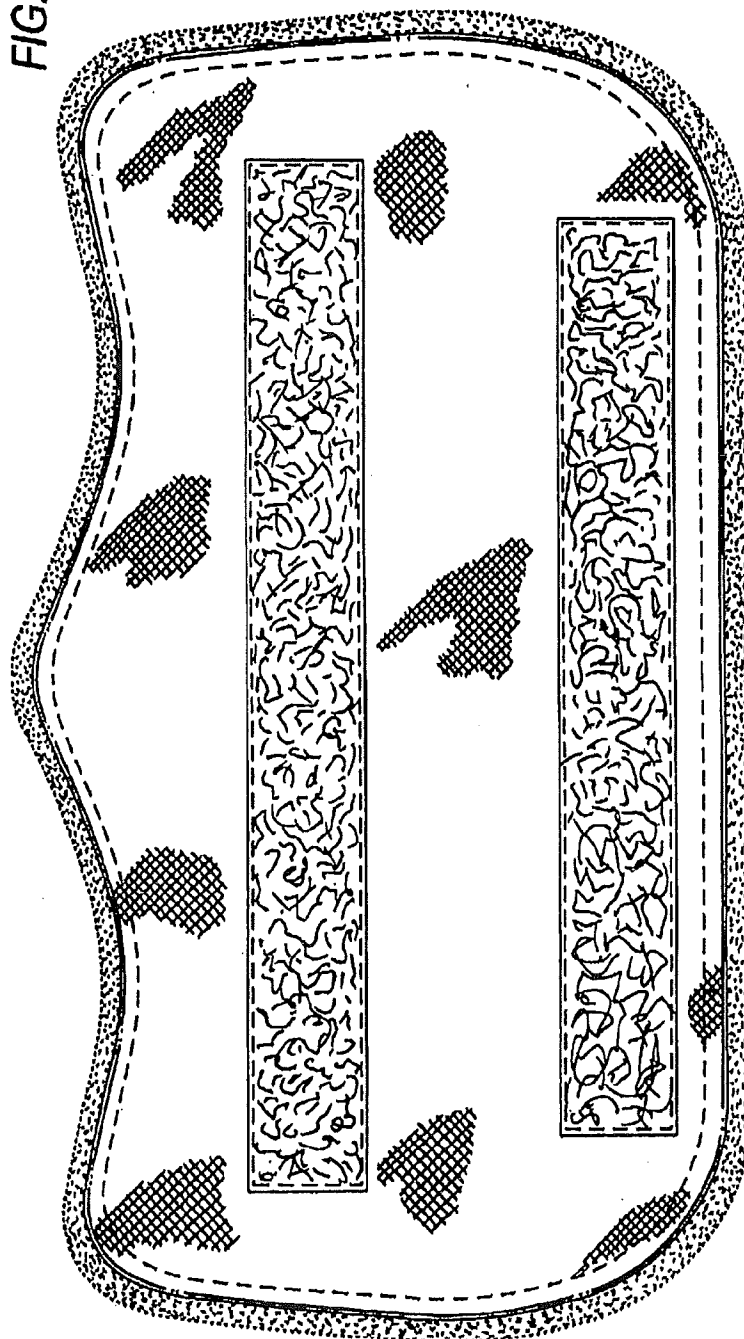


FIG. 5



U.S. Patent

Aug. 26, 2008

Sheet 3 of 4

US D575,918 S

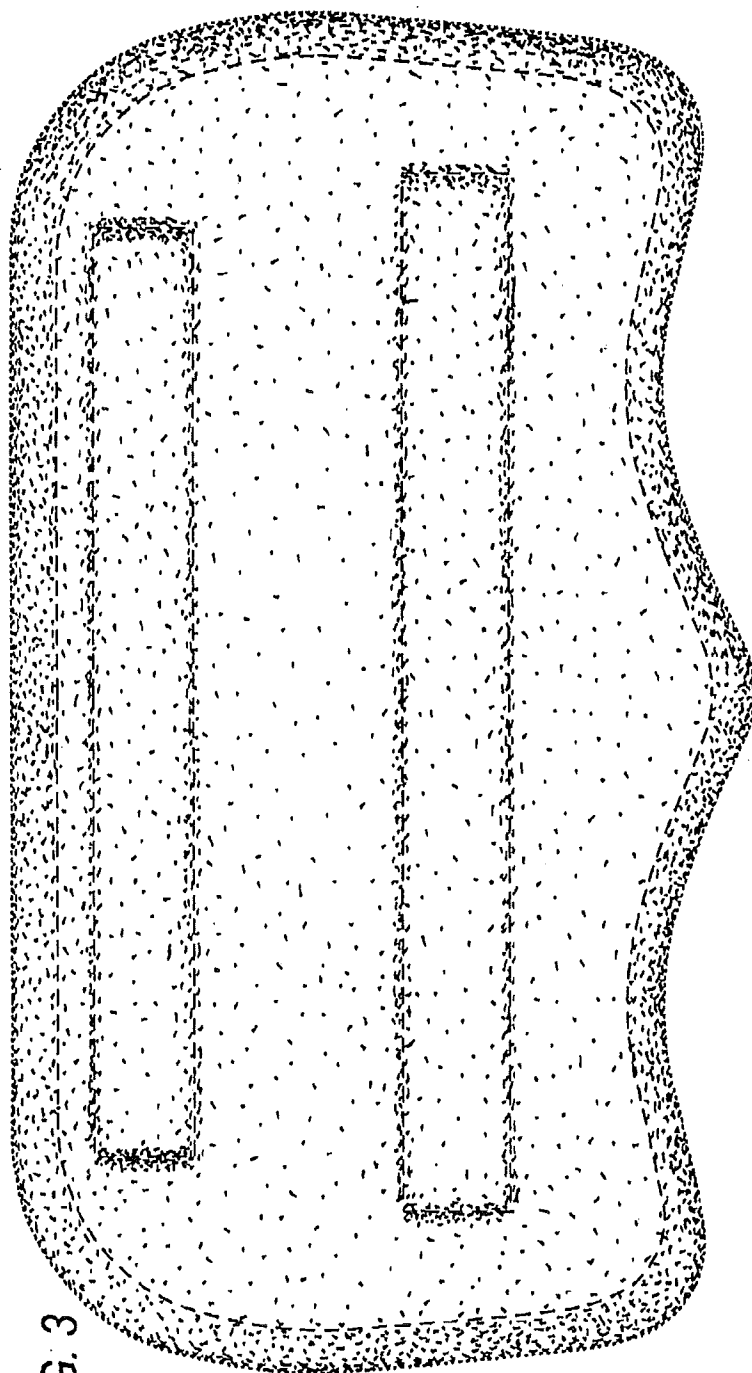


FIG. 3



FIG. 4

U.S. Patent

Aug. 26, 2008

Sheet 4 of 4

US D575,918 S

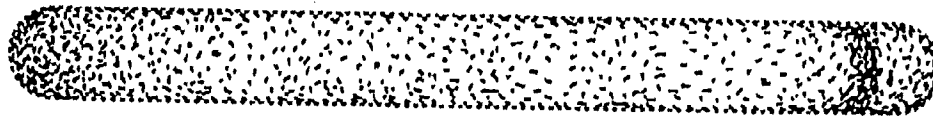


FIG. 6

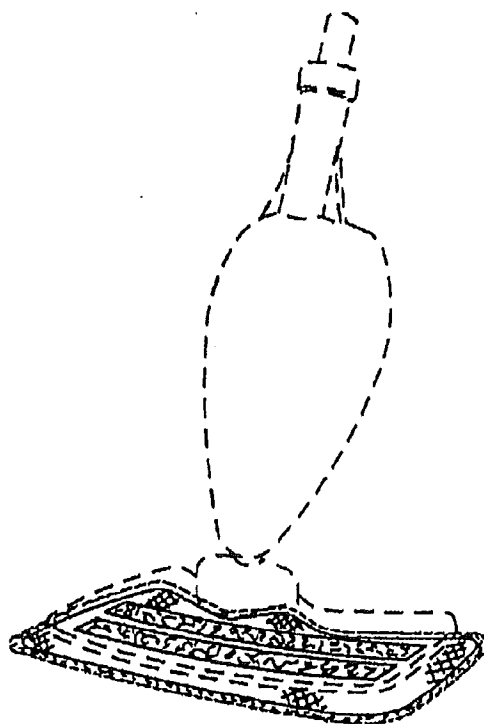


FIG. 7

**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 A. Howard Matz and the assigned discovery Magistrate Judge is Patrick J. Walsh.

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

CV10 - 5569 AHM (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.

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the
CENTRAL DISTRICT OF CALIFORNIA

EURO-PRO OPERATING LLC, a Delaware limited
liability corporation

Plaintiff

v.

PROSOURCE DISCOUNTS; and DOES 1 through
10, Inclusive

Defendant

Civil Action No.

CV10 5569 AHM PJWx

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

ProSource Discounts
1304 North Highland Avenue
Hollywood, CA 90028

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — 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 or plaintiff's attorney, whose name and address are:

George M. Borkowski, Esq.
Venable LLP
2049 Century Park East, 21st Floor
Los Angeles, CA 90067
(310) 229-9900

If you fail to respond, 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 OF COURT

JUL 27 2010

Date: _____

CHRISTOPHER POWERS

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

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

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEETI (a) PLAINTIFFS (Check box if you are representing yourself ☐)
EURO-PRO OPERATING LLCDEFENDANTS
PROSOURCE DISCOUNTS(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)
George M. Borkowski, Venable LLP
2049 Century Park East, Suite 2100
Los Angeles, CA 90067
(310) 229-9900
(310) 229-9901

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)☐ 2 U.S. Government Defendant ☐ 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.)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

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

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge
V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No☐ MONEY DEMANDED IN COMPLAINT: \$VI. CAUSE OF ACTION (Cite the U. S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
35 U.S.C. Section 201, et seq.

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

OTHER STATUTES	CONTRACT	TORTS PERSONAL INJURY	TORTS PERSONAL PROPERTY	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 22 Appeal 28 USC 158	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 620 Other Food & Drug	<input checked="" type="checkbox"/> 830 Patent
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 863 DIWC/DIWW 405(g))
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 891 Agricultural Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 382 Personal Injury-Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 660 Occupational Safety /Health	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 385 Personal Injury-Product Liability		<input type="checkbox"/> 690 Other	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 388 Asbestos Personal Injury Product Liability			
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 402 Naturalization Application			
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 403 Habeas Corpus-Alien Detainee			
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 405 Other Immigration Actions			
<input type="checkbox"/> 950 Constitutionality of State Statutes					

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

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
	Massachusetts

- (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
Los Angeles	

- (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 July 27, 2010

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3 -1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))