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15 Attorneys for Plaintiff,  
16 Leh Chu Enterprise Co., Ltd

17 **UNITED STATES DISTRICT COURT**  
18 **CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION**

19 LEH CHU ENTERPRISE CO., LTD., a  
20 Taiwanese corporation,

21 Plaintiff

22 v.

23 WEST MARINE, INC, a Delaware  
24 Corporation,

25 Defendant.

Case No: **CV11-05693** GHK (FFMx)

**COMPLAINT FOR:**

- 1. **Design Patent Infringement**
- 2. **Federal Unfair Competition; and**
- 3. **State Unfair Competition**

**DEMAND FOR JURY TRIAL**

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1 the Design Patent, including the right to bring action against Defendant as an  
2 infringer of the Design Patent.

3 13. Defendant has manufactured, used, sold, and/or offered for sale in the  
4 United States products that (a) embody the sculptural and graphic design of the  
5 flashlight illustrated in the Design Patent, and (b) infringe the Design Patent.

6 14. Plaintiff Leh Chu has never authorized Defendant at any time to make,  
7 use or sell any products covered by the Design Patent.

8 15. Plaintiff has been damaged by Defendant's infringement of the Design  
9 Patent. Such damage includes, without limitation, lost profits, and/or royalty  
10 income, and/or damages on account of convoyed sales, and the Defendant has been  
11 unjustly enriched by such infringement, on account of profits and/or convoyed  
12 sales. Plaintiff has also suffered irreparable harm by Defendant's infringement of  
13 the Design Patent and will continue to suffer irreparable harm in the future unless  
14 Defendant is preliminarily and permanently enjoined from infringing the Design  
15 Patent.

16 16. Defendant has had actual and/or constructive knowledge of the Design  
17 Patent, and its infringement of the Design Patent has been, and continues to be,  
18 willful, wanton, malicious and deliberate. The circumstances of such infringement  
19 warrant finding the above-complained of infringement to be an exceptional one.

## 20 21 **CLAIM TWO**

### 22 **Federal Unfair Competition**

23 17. As a cause of action and ground for relief, Plaintiff alleges and  
24 incorporates by reference paragraphs 1 through 16 of this complaint as a part of this  
25 Claim.

26 18. Plaintiff, long prior to the acts complained of herein, has been and is  
27 now engaged in interstate commerce and/or the foreign commerce of the United  
28 States by virtue of the ongoing sales of a wide and diverse line of tools, and other

1 related products, including the above crank-rechargeable flashlights having the  
2 design of the flashlight illustrated in Exhibit B, and variations thereof (hereinafter  
3 “Infringed Products”), and which are the subject of this litigation.

4 19. The Infringed Products have been sold in great numbers for many  
5 years and continue to be extensively sold.

6 20. The appearance of the Infringed Products (hereinafter, the “Trade  
7 Dress”), more particularly, the product appearance including the sculptural  
8 configuration and/or graphic tone and /or color design features, is a protectable  
9 trade dress under §43(a) of the Lanham Act, which has been infringed by  
10 Defendant (See, Exhibit C, (images of Defendant’s Infringing Products). Plaintiff  
11 derives substantial benefits from selling products bearing the Trade Dress.

12 21. Plaintiff Leh Chu’s crank-rechargeable flashlights include the  
13 following elements: (i) an overall elongated curved non-cylindrical body shape, (ii)  
14 a slightly swelled shape in the front of the flashlight body, (iii) an elongated black  
15 actuator button on top of the flashlight, (iv) an elongated curved shape disposed  
16 around the actuator button, (v) a pair of contrasting color side grip-like members  
17 with a ripplid ornamentally configured shape, (vi) a bottom crank, (vii) a crank  
18 handle recess, and (viii) a light panel comprising three light beams.

19 22. At least some of Defendant’s products also have the following  
20 elements: (i) an overall elongated curved non-cylindrical body shape, (ii) a slightly  
21 swelled shape in the front of the flashlight body, (iii) an elongated black actuator  
22 button on top of the flashlight, (iv) an elongated curved shape disposed around the  
23 actuator button, (v) a pair of contrasting color side grip-like members with a ripplid  
24 ornamentally configured shape, (vi) a bottom crank, (vii) a crank handle recess, and  
25 (viii) a light panel comprising three light beams.

26 23. Plaintiff has used and continues to use its distinctive Trade Dress and,  
27 by virtue of widespread sales, the Trade Dress has come to indicate origin with  
28 Plaintiff Leh Chu. Plaintiff, by virtue of said use on the goods, and through

1 Plaintiff's business and quality standards, has obtained a reputation of the highest  
2 quality. Such reputation has given Plaintiff and the Infringed Products and other  
3 products of plaintiff a pre-eminent position in the marketplace.

4 24. The design of the Infringed Products itself, namely its configuration, is  
5 a protectable trade dress under §43(a) of the Lanham Act, which has been infringed  
6 by Defendant and continues to be infringed on account of Defendant's sale in  
7 commerce of Defendant's product.

8 25. Plaintiff has incurred great expense and has devoted substantial  
9 resources to make the Infringed Products famous and readily recognizable to  
10 consumers. Plaintiff's investments and efforts have been successful as the Trade  
11 Dress has become highly distinctive in the marketplace and denotes to purchasers a  
12 line of goods which originate with Plaintiff Leh Chu.

13 26. Upon information and belief, long after Plaintiff Leh Chu's creation of  
14 the Infringed Products, Defendant, with actual and/or constructive knowledge of  
15 Plaintiff Leh Chu's Trade Dress, without any authorization from Plaintiff Leh Chu,  
16 and in contravention of Plaintiff Leh Chu's trade dress rights, adopted and used a  
17 product configuration for its crank-rechargeable flashlights calculated to capitalize  
18 on the goodwill and reputation of Plaintiff Leh Chu's Trade Dress. Defendant had  
19 as its objective to mimic the distinctive elements of the Trade Dress as a means for  
20 unfairly taking advantage of and profiting from the Infringed Products' image and  
21 Plaintiff's reputation in the marketplace and unfairly increasing the sale of  
22 Defendant's copycat flashlights. Defendant has distributed and continues to  
23 distribute in interstate commerce to the public, copycat flashlights bearing an  
24 infringing derivative version of the distinctive features and layout of the Infringed  
25 Products' Trade Dress for Defendant's own commercial advantage.

26 27. Defendant has used and continues to use derivatives, and/or colorable  
27 imitations of Plaintiff Leh Chu's Trade Dress in direct competition with Plaintiff.  
28 Defendant has used and continues to use these infringing derivatives and/or

1 colorable imitations of Plaintiff Leh Chu's Trade Dress in connection with sales,  
2 offering for sale or distribution, advertising and promotion of goods in a manner  
3 that is likely to cause confusion or mistake or to deceive purchasers as to the source  
4 of origin of such goods.

5 28. Defendant has deliberately misled and will continue to mislead  
6 purchasers, and prospective purchasers, as well as the public at large, to believe,  
7 contrary to fact, that Defendant's goods are manufactured, marketed, sponsored or  
8 endorsed by, or affiliated with Plaintiff. Defendant is unfairly competing with  
9 Plaintiff by trading on and disparaging Plaintiff's goodwill symbolized by its Trade  
10 Dress.

11 29. Defendant's acts are a false description and representation that said  
12 goods are made by, sponsored by and/or affiliated with Plaintiff Leh Chu. Said acts  
13 are in violation of 15 U.S.C. § 1125(a) in that Defendant has used, in connection  
14 with goods, a false designation of origin and a false description and representation,  
15 including words, reproductions and other symbols tending to falsely describe or  
16 represent the same and have caused such goods to enter into interstate commerce,  
17 and/or are in violation of §43 of the Lanham Act as constituting dilution of the  
18 Trade Dress and rights and profits relating to it.

19 30. As a direct and proximate result of these acts of unfair competition,  
20 trade dress infringement and false designation of origin, Plaintiff has sustained and  
21 will continue to sustain monetary damages and irreparable injury to their business,  
22 goodwill, reputation and profits, in an amount not presently known but believed to  
23 be in excess of \$500,000. Plaintiff is entitled to judgment for Defendant's profits  
24 and any damages sustained by Plaintiffs in consequence of the deliberate nature of  
25 the infringement by Defendant in an amount equaling three times said damages.

26 31. By reason of the acts of Defendant herein alleged, Plaintiff has been  
27 damaged, and, unless restrained and enjoined preliminarily and permanently,  
28

1 Defendant has and will continue to deceive the public, and otherwise will cause  
2 Plaintiff immediate and irreparable harm.

3  
4 **CLAIM THREE**

5 **STATE LAW-UNFAIR COMPETITION**

6 32. As a cause of action and ground for relief, Plaintiff alleges and  
7 incorporates by reference paragraphs 1 through 31 of this complaint as a part of this  
8 Claim.

9 33. Defendant's acts, complained of above, constitute violation of Plaintiff's  
10 rights under the common law and statutory law of the several states.

11  
12 **Prayer for Relief**

13 WHEREFORE, Plaintiff prays for the following relief:

14 a. A judgment that the Design Patent and the Trade Dress are good and  
15 that Defendant has infringed the Design Patent, and the same are valid at law;

16 b. A preliminary injunction enjoining and restraining Defendant, its  
17 officers, directors, agents, servants, employees, attorneys and all others acting  
18 under or through them, directly or indirectly, from infringing the Design Patent and  
19 the Trade Dress of Plaintiff;

20 c. A permanent injunction enjoining and restraining Defendant, its  
21 officers, directors, agents, servants, employees, attorneys, and all others acting  
22 under or through it, directly or indirectly, from infringing rights of Plaintiff;

23 d. A judgment and order requiring Defendant to pay damages under 35  
24 U.S.C. § 284, with prejudgment interest;

25 e. A judgment and order trebling the damages payable by Defendant,  
26 pursuant to 35 U.S.C. § 285.

27 f. For a preliminary and final injunction restraining Defendant, its agents,  
28 servants, employees, successors, assigns and those in privity and/or concert with it



1 from using Plaintiff Leh Chu's product designs, trademarks, or any other  
2 designations closely similar thereto, and from infringing the Design Patent and the  
3 Trade Dress of Plaintiff Leh Chu;

4 g. For an order requiring Defendant to recall from its distributors,  
5 wholesalers, retailers and customers any product bearing any reproduction,  
6 counterfeit, copy or colorable imitation of the Trade Dress, or infringing the Design  
7 Patent.

8 h. For an order requiring Defendant to be required to account to Plaintiff  
9 for any and all profits derived by Defendant from the sale of its goods and for all  
10 damages sustained by Plaintiff by reason of said acts of trade dress infringement  
11 and unfair competition complained herein.

12 i. For a judgment according to the circumstances of the case, for such  
13 sum above the amount found in actual damages, but not to exceed three times such  
14 amount as the Court may deem just.

15 j. For an order requiring that all products, documents, materials, labels,  
16 signs, products, packages, wrappings, receptacles and advertisements in  
17 Defendant's possession or control bearing the design or any reproduction,  
18 counterfeit, copy or colorable imitation thereof, and all plates, molds, matrices, and  
19 other means of making the same shall be delivered up and destroyed.

20 k. A judgment and order directing Defendant to pay the costs of this  
21 action (including all disbursements) and attorneys' fees; and

22 l. Such other and further relief as this Court may deem just and  
23 equitable.

24 Dated: June 28, 2011

25 By: 

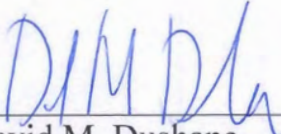
26 David M. Dushane  
27 Attorneys for Plaintiff  
28 Leh Chu Enterprise Co., Ltd.

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**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury of all issues so triable.

Dated: June 28, 2011

By:   
David M. Dushane  
Attorneys for Plaintiff  
Leh Chu Enterprise Co., Ltd.

# Exhibit A



US00D520160S

(12) **United States Design Patent** (10) **Patent No.:** **US D520,160 S**  
**Lee** (45) **Date of Patent:** **\*\* May 2, 2006**

(54) **FLASHLIGHT DEVICE**

D496,479 S \* 9/2004 Ashfield ..... D26/37  
D508,139 S \* 8/2005 Yen ..... D26/37  
D509,611 S \* 9/2005 Chou ..... D26/37

(76) Inventor: **Wen Sung Lee**, 8F-2, No. 60-2, Gong  
Yeh Chu 1st Road, Taichung 407 (TW)

\* cited by examiner

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

*Primary Examiner*—Marcus A. Jackson  
(74) *Attorney, Agent, or Firm*—Charles E. Baxley

(21) Appl. No.: **29/222,540**

(57) **CLAIM**

(22) Filed: **Feb. 1, 2005**

The ornamental design for a flashlight device, as shown and described.

**Related U.S. Application Data**

**DESCRIPTION**

(63) Continuation-in-part of application No. 10/720,604, filed on  
Nov. 20, 2003.

FIG. 1 is an upper perspective view of a flashlight device  
showing my new design;  
FIG. 2 is a front elevational view thereof;  
FIG. 3 is a rear elevational view thereof;  
FIG. 4 is a top plan view thereof;  
FIG. 5 is a bottom plan view thereof;  
FIG. 6 is a left side elevational view thereof; and,  
FIG. 7 is a right side elevational view thereof.

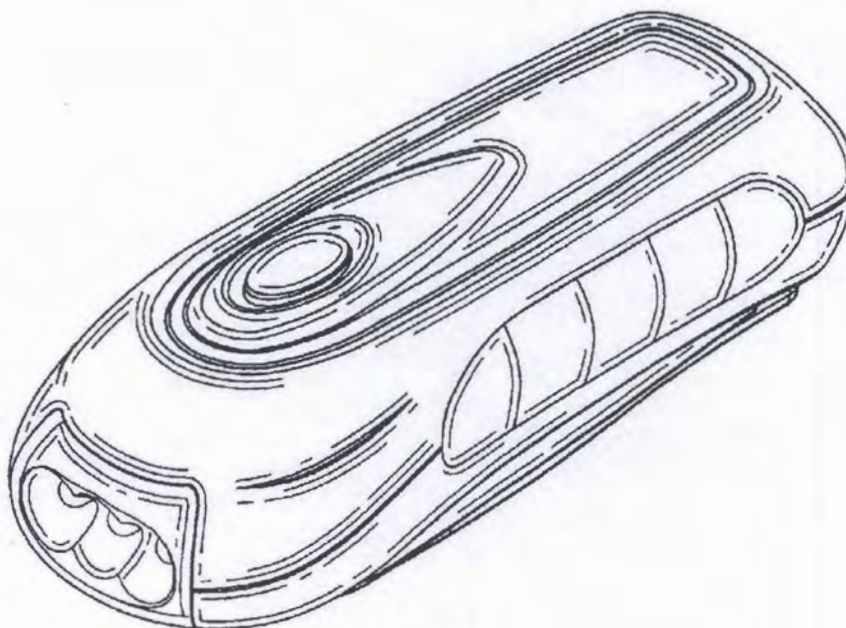
(51) **LOC (8) Cl.** ..... **26-02**  
(52) **U.S. Cl.** ..... **D26/37**  
(58) **Field of Classification Search** ..... D26/37-50;  
362/157, 158, 171-174, 183-208  
See application file for complete search history.

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

**1 Claim, 6 Drawing Sheets**

D431,308 S \* 9/2000 Lynch et al. .... D26/37



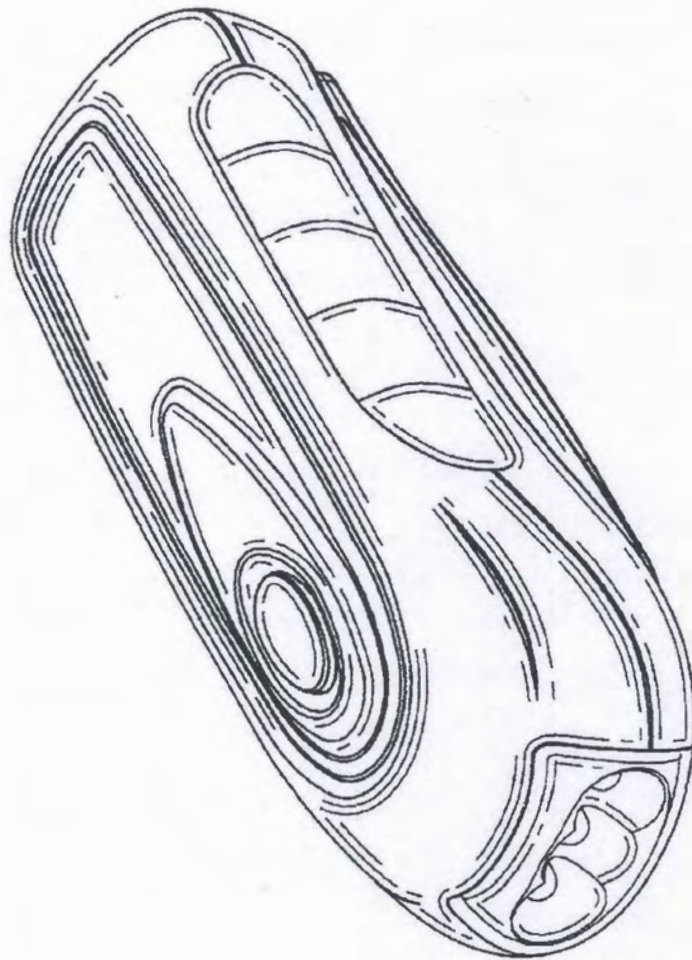


FIG. 1

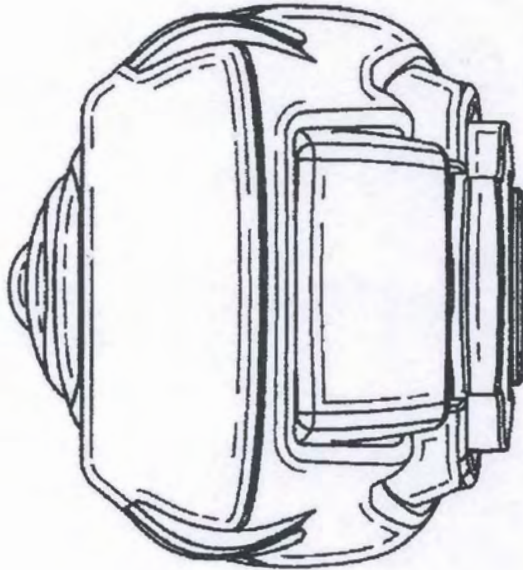


FIG. 2

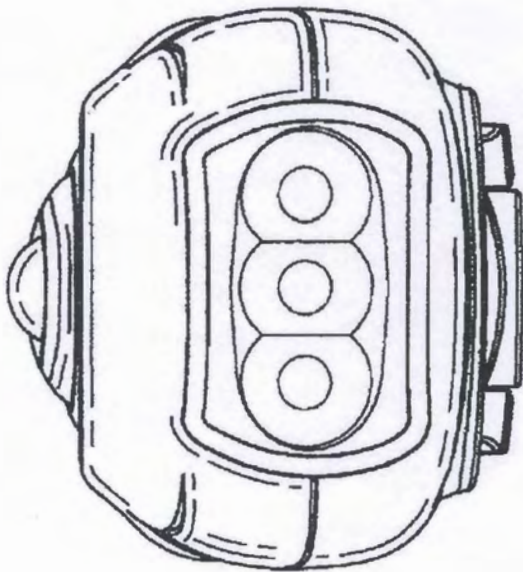


FIG. 3

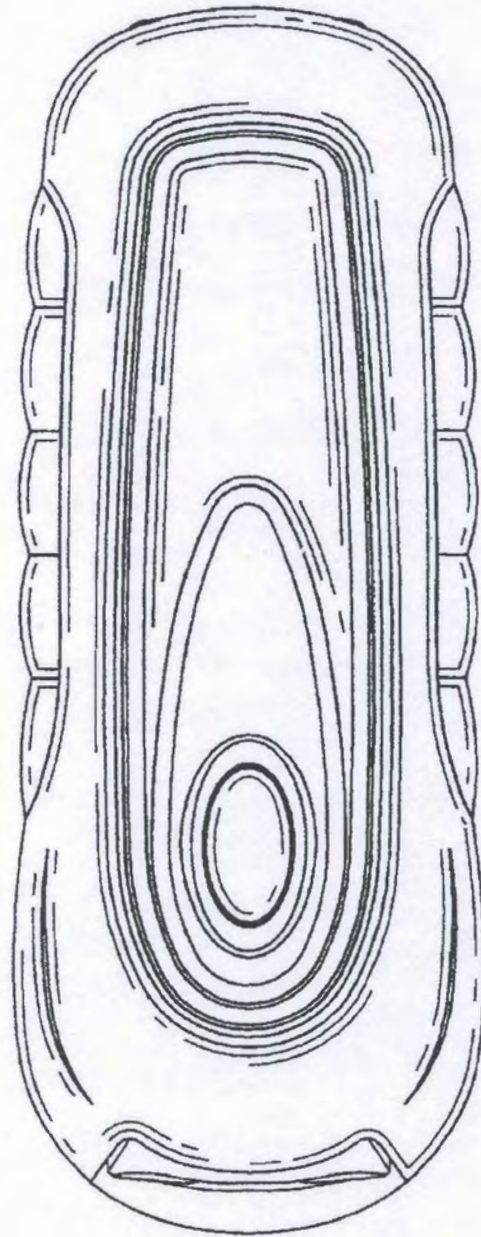


FIG. 4

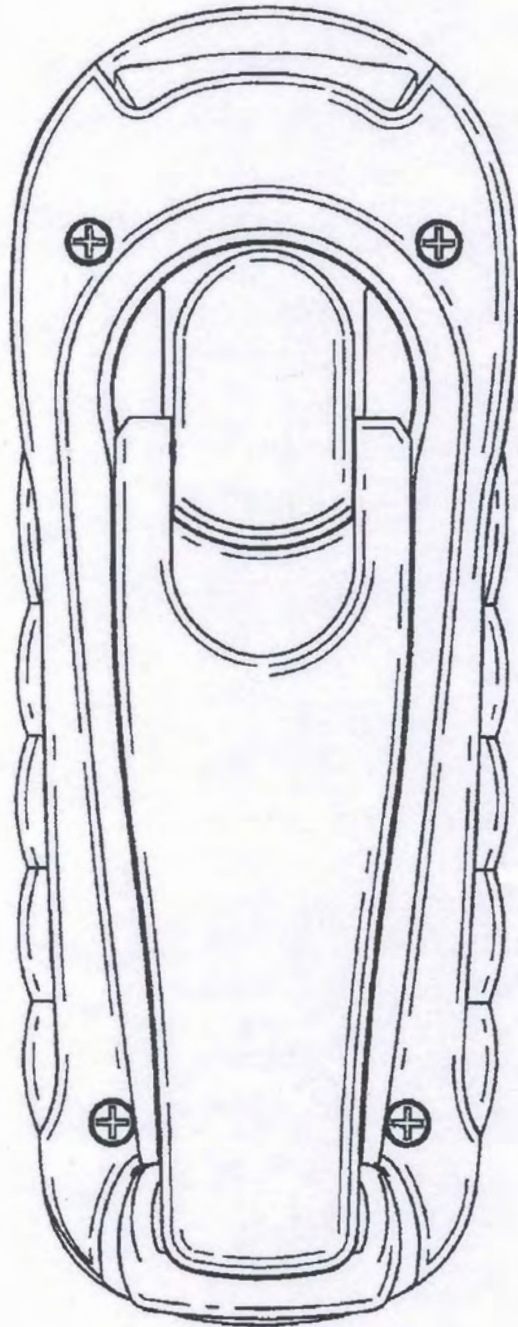


FIG. 5



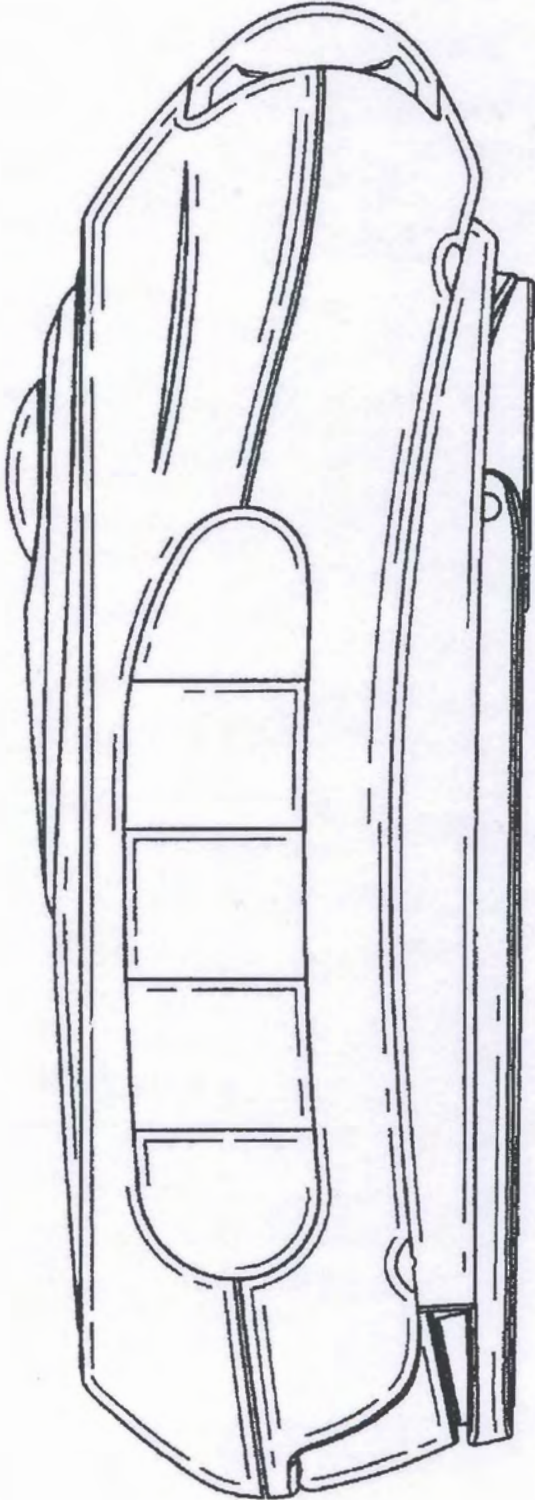


FIG. 6

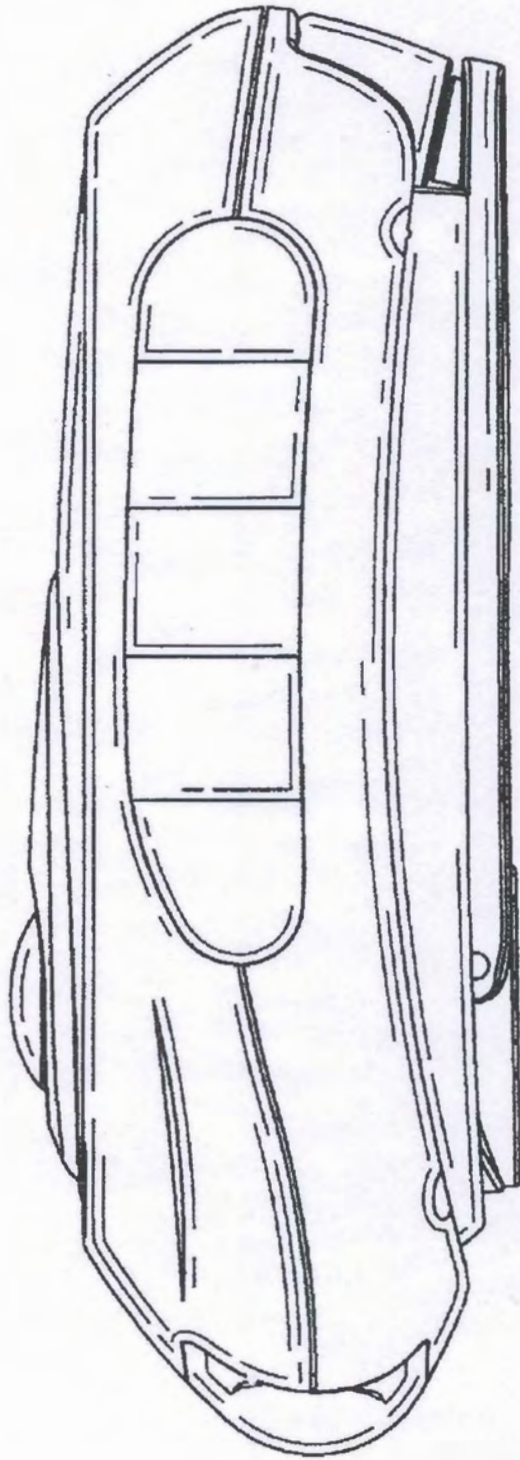
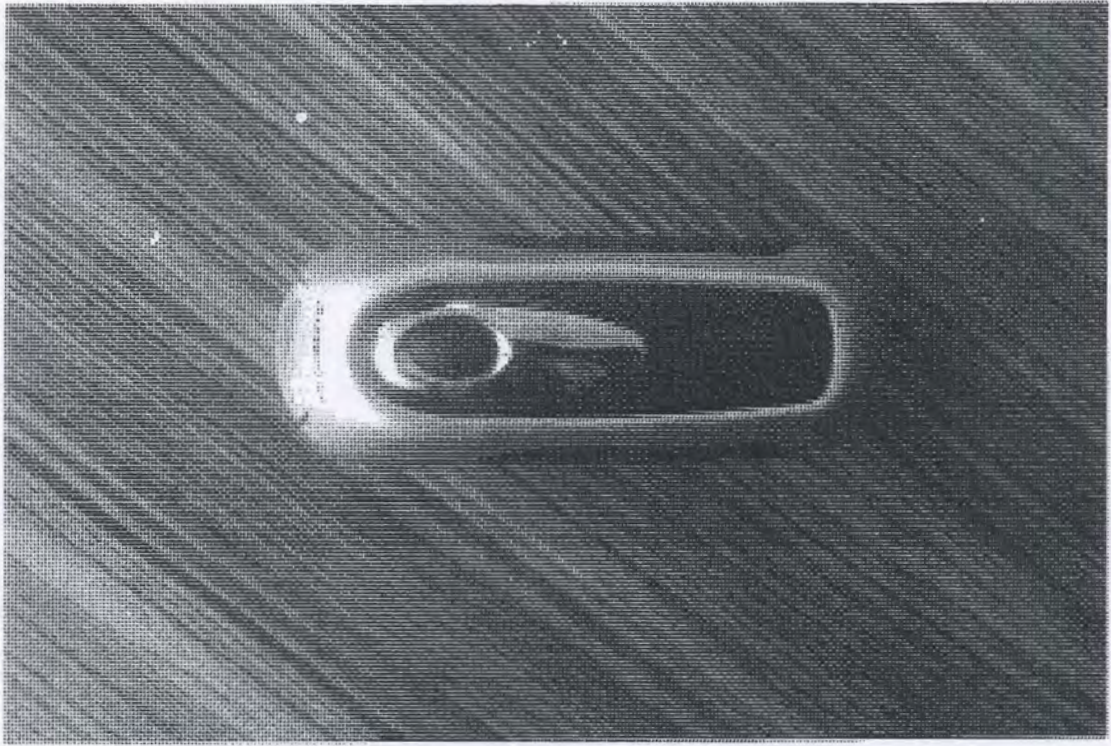
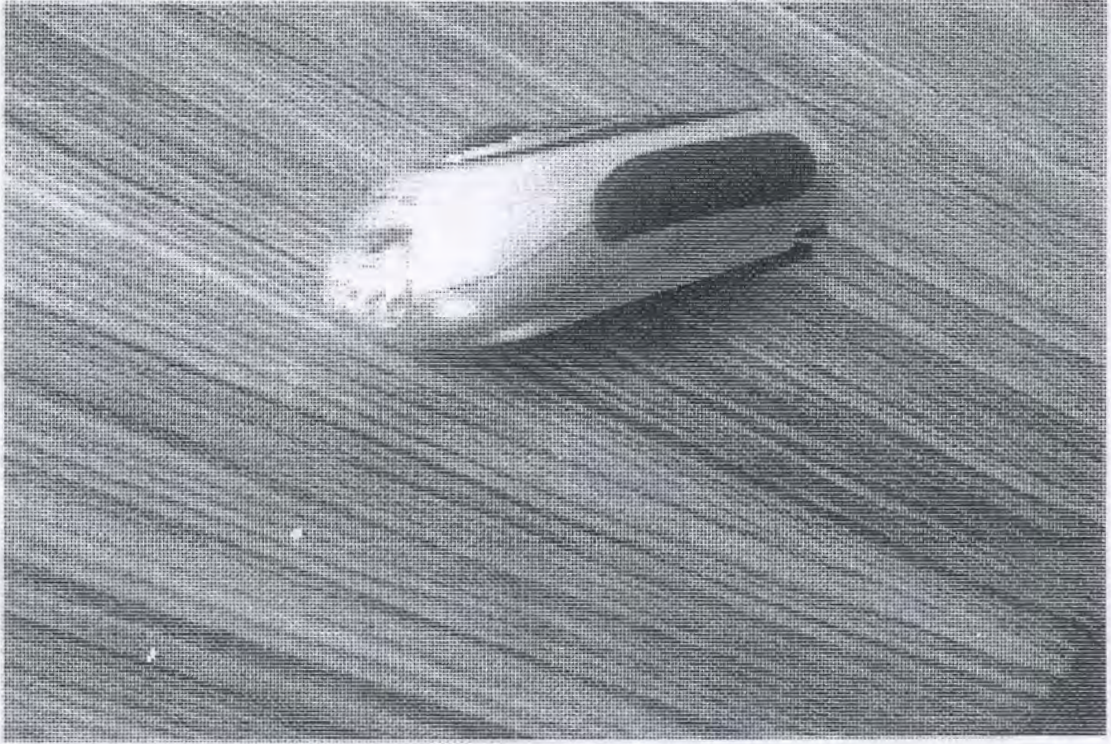


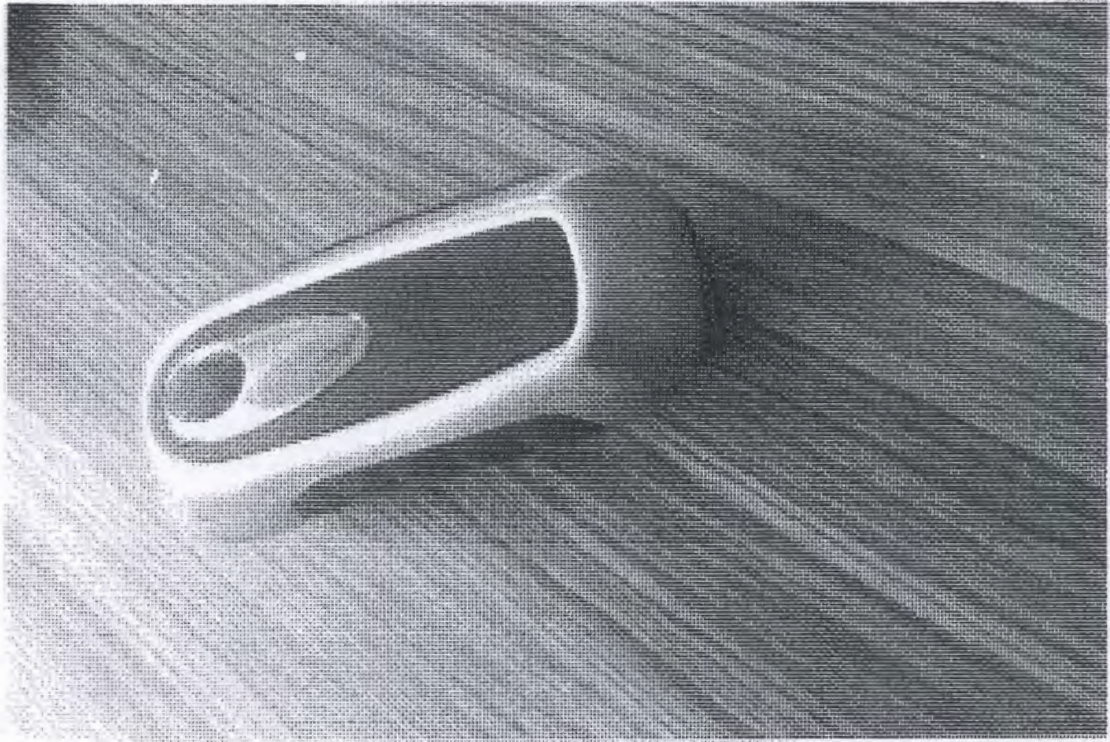
FIG. 7

# Exhibit B



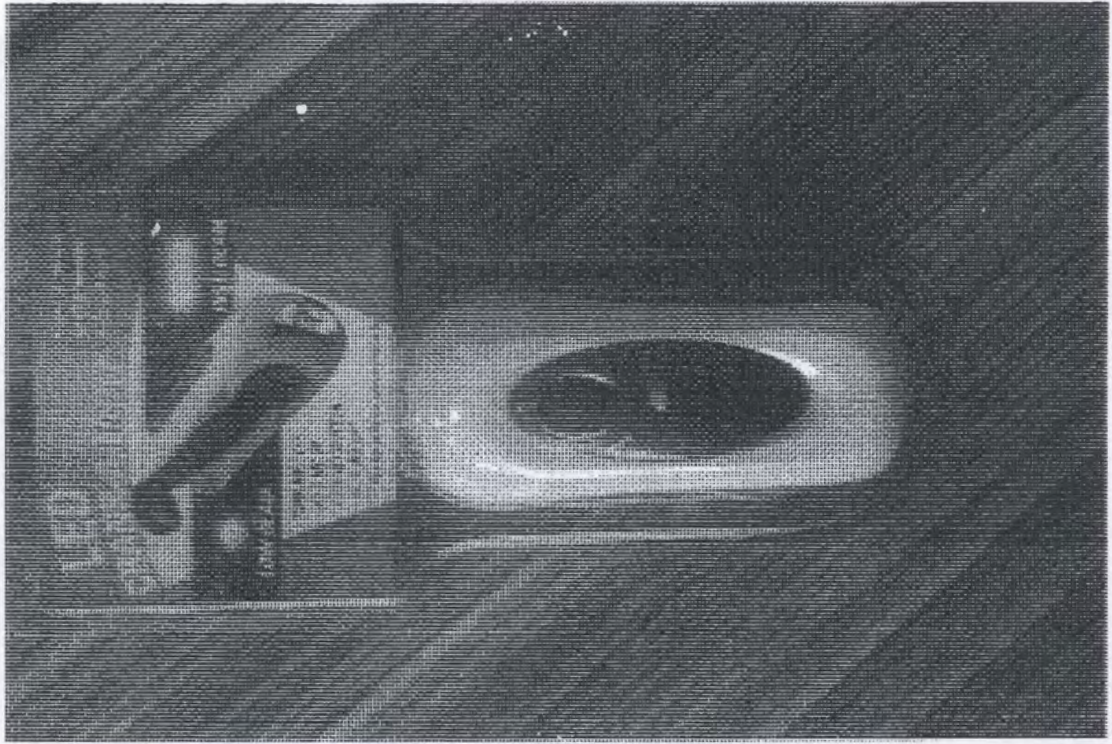


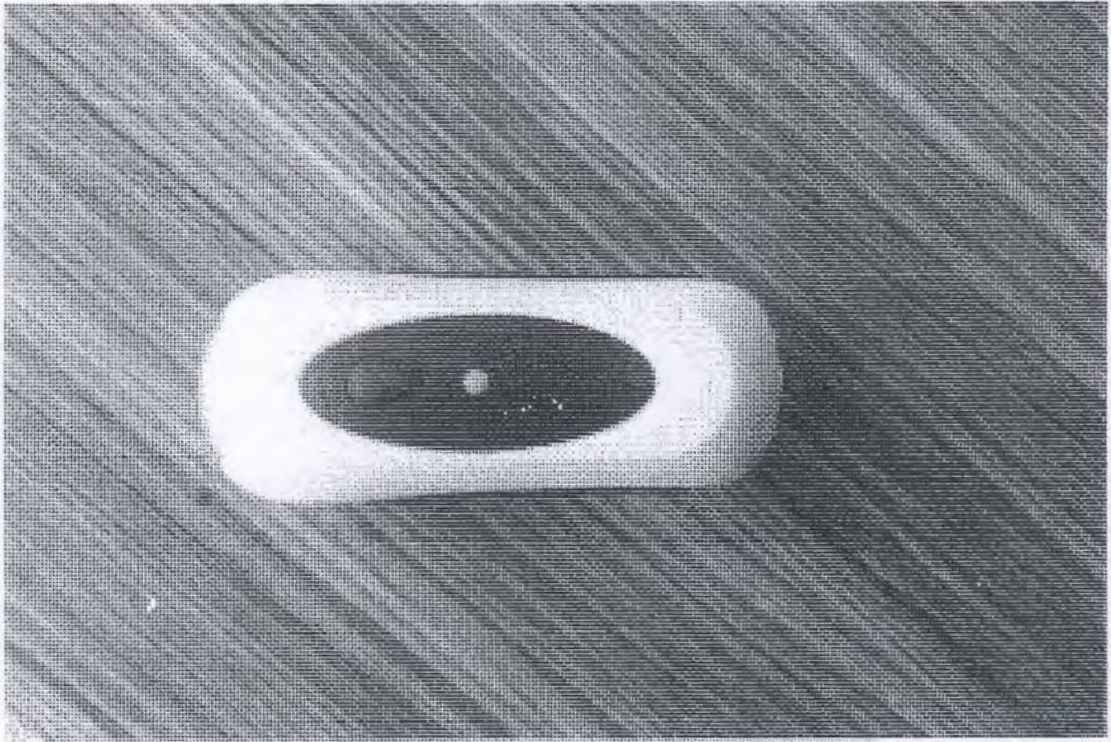


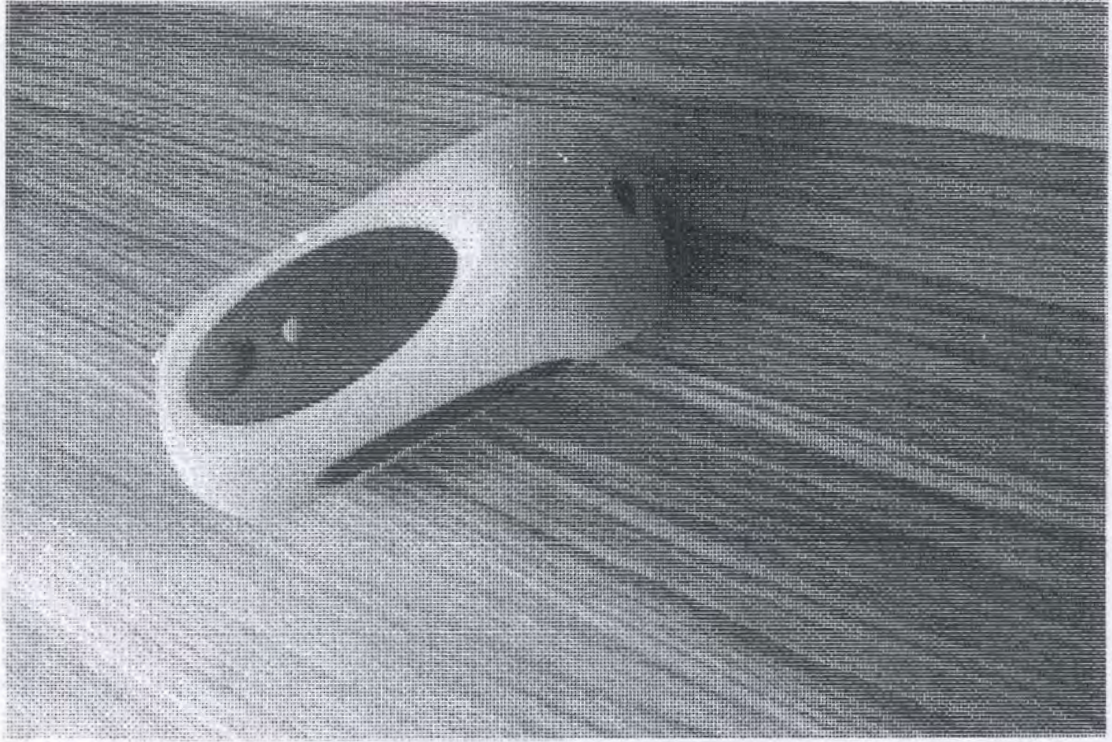


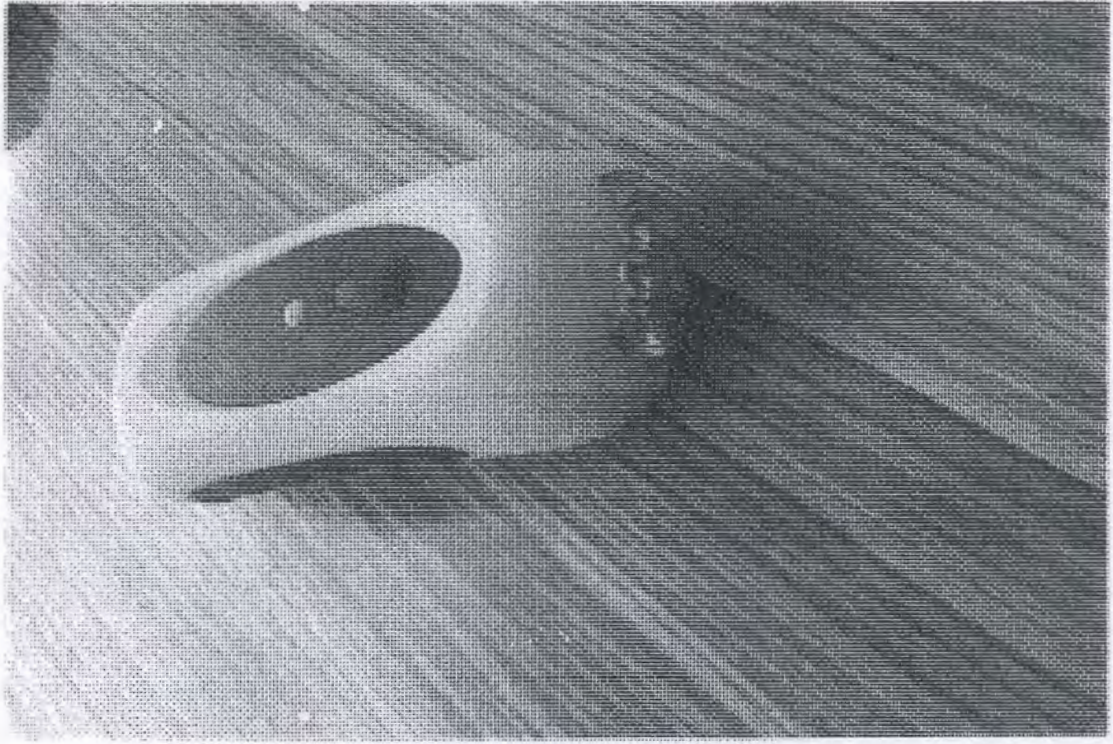
# Exhibit C

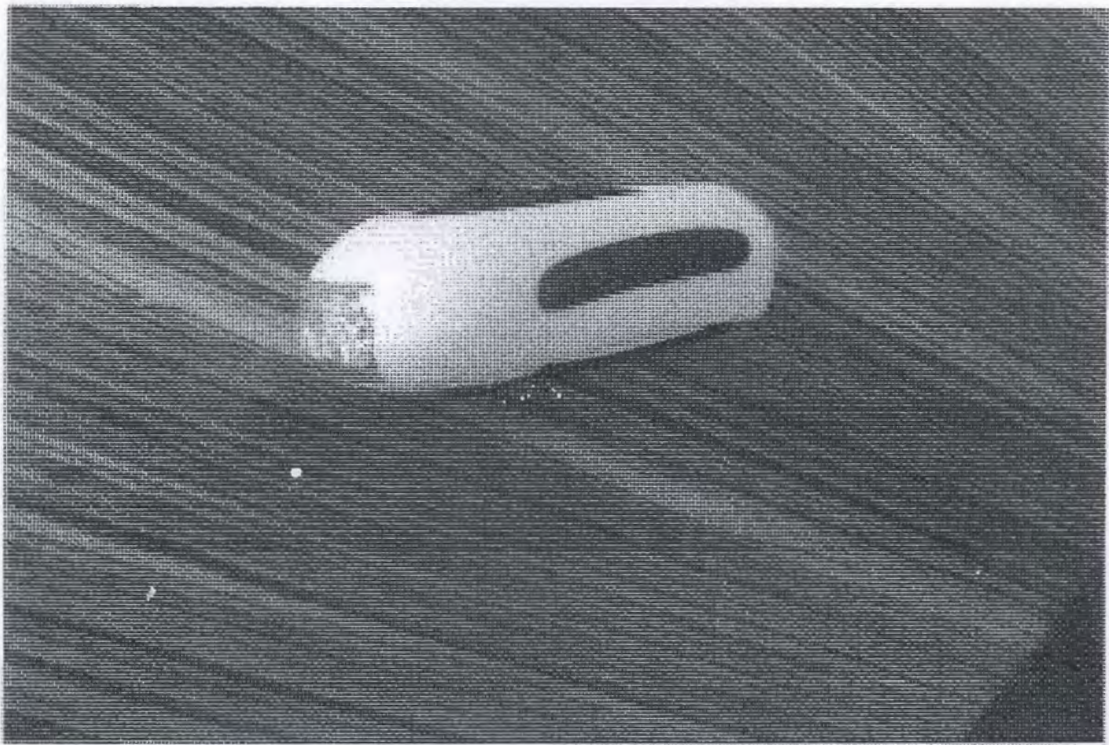












**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> )  LEH CHU ENTERPRISE CO., LTD.	<b>DEFENDANTS</b>  WEST MARINE, INC.
------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------

<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) David M. Dushane (SBN222421), LAW OFFICES OF DAVID M. DUSHANE 9595 Wilshire Boulevard, Suite 900, Beverly Hills, CA 90212 TEL (310) 424-5117	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-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input checked="" type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input checked="" type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	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 checked="" 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 checked="" type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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**IV. ORIGIN** (Place an X in one box only.)

1 Original   
  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:** \$ According to proof at trial

**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 USC 271, Patent Infringement

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

<b>OTHER STATUTES</b> <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 (2 USC 3419) <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	<b>CONTRACT</b> <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 <b>REAL PROPERTY</b> <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	<b>TORTS</b> <b>PERSONAL INJURY</b> <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 <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <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 <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <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	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 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 <b>FORFEITURE / PENALTY</b> <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	<b>LABOR</b> <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. Inv. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <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)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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CV11-05693

**FOR OFFICE USE ONLY:** Case Number: \_\_\_\_\_

**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: <sup>*</sup>	California County outside of this District, State, if other than California; or Foreign Country
	Taiwan

- 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: <sup>*</sup>	California County outside of this District, State, if other than California; or Foreign Country
	SANTA CRUZ

- 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: <sup>*</sup>	California County outside of this District, State, if other than California; or Foreign Country
LOS ANGELES COUNTY	

<sup>\*</sup> Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties  
**Note:** In land condemnation cases, use the location of the tract of land involved.

**X. SIGNATURE OF ATTORNEY (OR PRO PER):** \_\_\_\_\_

Date June 29, 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))