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FILED
2011 DEC 14 PM 1:11
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA
BY FAX

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 SOUTHERN DIVISION

13 CMG FINANCIAL SERVICES, INC., a
14 California corporation,

15 Plaintiff,

16 vs.

17 PACIFIC TRUST BANK, F.S.B., a
18 wholly owned subsidiary of FIRST
19 PACTRUST BANCORP, INC., a
20 Maryland corporation, and JOHN DOES
21 1-10,

22 Defendants.
23

CV11-10344 PSG (MRWx)

CASE NO. _____

COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF

(1) Patent Infringement under
35 U.S.C. §§ 271, 281, 283-85

DEMAND FOR JURY TRIAL

COPY

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

1 For its complaint against Defendants Pacific Trust Bank, F.S.B. ("PT") and John
2 Does 1-10 (collectively, "Defendants"), Plaintiff CMG Financial Services, Inc. ("CMG")
3 complains and alleges as follows:

4 **NATURE OF ACTION**

5 This is an action for patent infringement arising under the patent laws of the
6 United States, Title 35 of the United States Code. Plaintiff seeks damages, attorneys'
7 fees, costs, and preliminary and permanent injunctive relief.

8 **JURISDICTION**

9 1. This Court has subject matter jurisdiction over this case pursuant to 28
10 U.S.C. § 1338(a).

11 2. This Court has personal jurisdiction over Defendant PT based upon the
12 following: (a) Defendant PT has more than a dozen branches and offices, including
13 several in the Central District of California; (b) Defendant PT transacts substantial
14 business in and maintains continuous and systematic contacts with this District and the
15 State of California; and (c) Defendant PT has committed tortuous acts that PT knew or
16 should have known would cause injury to Plaintiff in the State of California.

17 3. This Court has personal jurisdiction over Defendants John Does 1-10 based
18 on the following: (a) Defendants John Does 1-10 are present and/or doing business in the
19 Central District of California; and (b) Defendants John Does 1-10 have committed
20 tortuous acts that they knew or should have known would cause injury to Plaintiff in the
21 State of California.

22 4. Venue is proper in the United States District Court for the Central District of
23 California under 28 U.S.C. §§ 1391(b), 1400(b).

24 **PARTIES**

25 5. Plaintiff CMG is a California corporation with a principal place of business
26 at 3160 Crow Canyon Road, #400, San Ramon, California 94583.

27 6. Upon information and belief, Defendant PT is a federally chartered stock
28 savings bank with a principal place of business at 610 Bay Blvd., Chula Vista, California

1 91910. Defendant PT is a wholly owned subsidiary of First PacTrust Bancorp, Inc., a
2 Maryland corporation.

3 7. Defendants John Does 1-10 are parties whose identities are not yet known to
4 CMG. To the extent their identities become known to Plaintiff CMG, the John Doe
5 defendants will be named and their activities pleaded in an amended complaint.

6 **CLAIM FOR RELIEF**

7 (Patent Infringement under
8 the Patent Act, 35 U.S.C. §§ 271, 281, 283-85)

9 8. Plaintiff incorporates the allegations in the preceding paragraphs as if fully
10 set forth herein.

11 9. Plaintiff CMG is the owner of all rights, title, and interest in and to United
12 States Patent No. 7,627,509 (the "CMG Patent") (Exhibit A), entitled "Home Ownership
13 Payment System and Method," which issued on December 1, 2009. Accordingly, CMG
14 has standing to sue for infringement of the CMG Patent.

15 10. Upon information and belief, Defendants have infringed and continue to
16 infringe the CMG Patent by knowingly and actively offering the public a product or
17 product(s) that infringe(s) at least Claim 1 of the CMG Patent, including but not limited
18 to a product named "Pacific Trust Bank's Green Account" (also known as the "Green
19 Loan" or "Transactional Mortgage Account").

20 11. Defendant PT has had knowledge of the CMG Patent since at least
21 November 2010, when Plaintiff CMG notified Defendant PT of PT's infringement of the
22 CMG Patent.

23 12. Plaintiff CMG has complied with 35 U.S.C. § 287.

24 13. As a direct and proximate result of Defendants' infringement, Plaintiff CMG
25 has suffered, and will continue to suffer, injury.

26 14. As a result of the harm suffered as alleged herein, Plaintiff CMG is entitled
27 to all of the remedies available under the Patent Act, including damages adequate to
28 compensate it for such infringement, but in no event less than a reasonable royalty, costs

1 and attorneys' fees.

2 **PRAYER FOR RELIEF**

3 **WHEREFORE**, Plaintiff CMG respectfully prays that the Court grant the
4 following relief:

5 A. The entry of judgment in favor of Plaintiff CMG and against the
6 Defendants;

7 B. A preliminary and permanent injunction prohibiting the Defendants, their
8 respective officers, agents, servants, employees and/or all persons acting in concert or
9 participation with them, or any of them, from engaging in further infringement and/or
10 acts of infringement and inducement of the CMG Patent;

11 C. An award of damages adequate to compensate Plaintiff CMG for the
12 infringement, as well as prejudgment interest from the date the infringement began, but
13 in no event less than a reasonable royalty as permitted by 35 U.S.C. § 285;

14 D. A finding that, to the extent the Defendants knew of their infringing
15 activities, the Defendants' infringement was willful;

16 E. An award of treble damages for the period of any willful infringement
17 pursuant to 35 U.S.C. § 284;

18 F. A finding that this case is exceptional and an award of interest, costs and
19 attorneys' fees incurred by Plaintiff CMG in prosecuting this action as provided by 35
20 U.S.C. § 285; and

21 G. For any other orders necessary to accomplish complete justice between the
22 parties; and

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1 H. For such other and further relief as this Court or a jury may deem just and
2 proper.

3
4 **JURY DEMAND**

5 Plaintiff CMG demands a trial by jury on all issues triable by jury.

6
7 DATED: 12/14/11

GREENBERG TRAURIG, LLP

8
9 By 

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17 Attorney for Plaintiff
18 CMG Financial Services, Inc.
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EXHIBIT A



(12) **United States Patent**
George

(10) Patent No.: **US 7,627,509 B2**
(45) Date of Patent: **Dec. 1, 2009**

(54) **HOME OWNERSHIP PAYMENT SYSTEM AND METHOD**

(75) Inventor: **Christopher M. George, San Ramon, CA (US)**

(73) Assignee: **CMG Financial Services, Inc., San Ramon, CA (US)**

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 118 days.

(21) Appl. No.: **11/381,303**

(22) Filed: **May 2, 2006**

(65) **Prior Publication Data**

US 2007/0011084 A1 Jan. 11, 2007

Related U.S. Application Data

(60) Provisional application No. 60/697,493, filed on Jul. 7, 2005.

(51) Int. Cl. **G06Q 40/00 (2006.01)**

(52) U.S. Cl. **705/35; 705/36**

(58) Field of Classification Search **705/35-36**
See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

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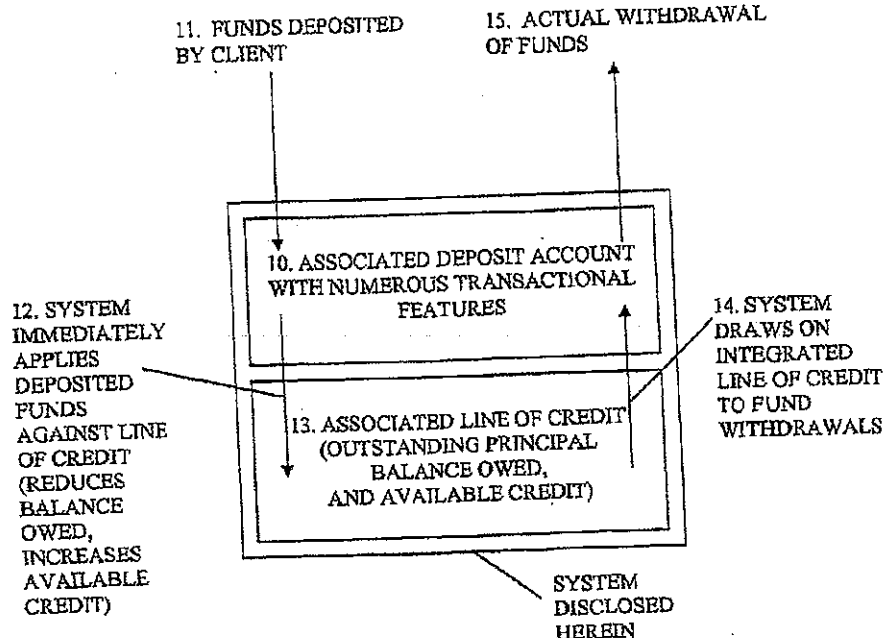
Primary Examiner—Thu Thao Havan

(74) Attorney, Agent, or Firm—Greenberg Traurig, LLP

(57) **ABSTRACT**

A system and method for providing a line of credit to a mortgagee, while simultaneously paying off the mortgage loan of the mortgagee, by setting up an integrated account comprised of funds periodically deposited therein by the mortgagee with mortgage payment means associated with the account for paying down the mortgage. The account provides a line of credit to the mortgagee based on the equity the mortgagee has in the predetermined value of the property covered by the mortgage, and means are provided for withdrawal of funds from the account by the mortgagee.

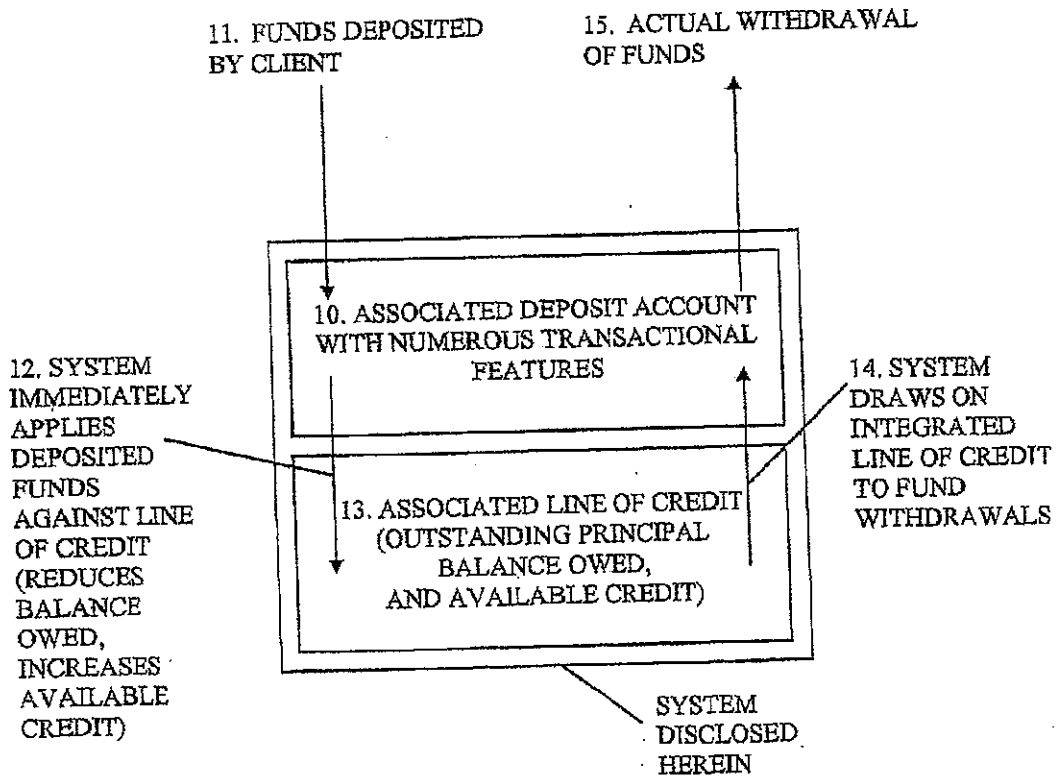
11 Claims, 1 Drawing Sheet



U.S. Patent

Dec. 1, 2009

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HOME OWNERSHIP PAYMENT SYSTEM AND METHOD

RELATED APPLICATION

This application claims the benefit of and priority to U.S. Provisional Application Ser. No. 60/697,493, filed Jul. 7, 2005, the content of which is incorporated by reference herein in its entirety.

BACKGROUND OF THE DISCLOSURE

1. Field of the Disclosure

The disclosure relates to a system and method for accelerating mortgage payoff on a home mortgage in a program and simultaneously providing a line of credit together with an integrated deposit account for the mortgagee in the same program.

2. General Background

Various types of payment plans for paying one's home mortgage and having a line of credit, such as an equity loan, are known. These plans are basically lending and repayment plans. However, no plans are known which replaces one's home mortgage and the mortgagee's checking account and which maintains all of the various types of transactions offered by a checking account throughout such integration.

There is a need for such a system which reduces a mortgagee's loan principal balance while providing the mortgagee with a line of credit and full, integrated access to those funds in the same manner to which they are accustomed via traditional checking accounts. Such a system would also allow a mortgagee's cash to work harder when not using it.

SUMMARY

It is an object of this invention to replace a homeowner's home mortgage and the mortgagee's checking account so as to pay down the mortgage while providing the mortgagee with a line of credit with full access to funds via a deposit account that is integrated with the line of credit.

It is a further object of this invention to accelerate the payoff of one's loan principal balance and at the same time increasing one's available credit.

The foregoing objects are carried out without need for the mortgagee to change his or her spending habits. The system involves depositing the mortgagee's paycheck or other moneys into an account which then reduces the principal balance outstanding on the loan by a corresponding amount. The account provides a line of credit for the mortgagee and as the outstanding loan balance is reduced, the amount of credit available increases correspondingly. The mortgagee always has access to these funds through either an ATM card, point-of-sale card, electronically, by online bill-payment, or by personal check written on the line of credit account or other means. Online access to this account may also be provided.

The mortgage loan principal balance is immediately reduced until the funds in the account are needed for expenses. Because interest on the principal balance on the line of credit is computed based on daily balance, and because the daily balance can be reduced by income flowing into the account, interest is saved, leaving more income for paying down principal. Therefore, the mortgage loan is paid off more quickly.

BRIEF DESCRIPTION OF THE DRAWINGS

The above-mentioned features and objects of the present disclosure will become more apparent with reference to the

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following description taken in conjunction with the accompanying drawing, wherein like reference numerals denote like elements and in which:

FIG. 1 is a diagrammatic view of the program disclosed herein.

DESCRIPTION OF THE PREFERRED EMBODIMENT

The system disclosed herein provides for the accelerating payment of one's mortgage simultaneously with establishment of a line of credit plus integrated checking account for the mortgagee (hereinafter "client").

The system sets up an account 10 (FIG. 1) into which the client deposits his or her payroll checks or moneys from any source 11. The client may, of course, deposit funds from a source other than his or her payroll, such as his or her partner. Such check can be deposited automatically through the client's employer, electronically through a bank Automated Clearing House system (ACH), by wire, or by mail.

These funds are immediately applied to the balance owed on the client's mortgage (see 12.) thus reducing the loan's principal balance (see 13.). Since the loan's principal balance is reduced, the amount of available credit is increased correspondingly. The system automatically draws upon this available credit (see 14.), up to the client's maximum credit line amount, whenever the client makes withdrawals (see 15.) from the integrated deposit account for any reason, whether by personal check, ATM withdrawals, point-of-sale withdrawals, online bill-payments, etc. Online access to the account by the client may also be made available.

Each month, interest on the loan balance is computed and charged to the client based on daily principal balances and the interest rate in effect during the month. Thus, until the client withdraws from the account, the daily principal balance of the mortgage is less, possibly saving the client thousands of dollars in interest.

Since mortgage interest is traditionally much higher than the interest one would earn in a typical low-interest-bearing bank account, there is a considerable savings to the client. Since less of the client's money is consumed by interest, more of the client's funds go toward paying down the principal. A client with a typical income and good cash flow can pay off an average-sized mortgage loan in as little as 15 years, or even less, without any changes in the client's spending habits.

As mentioned, the client always has full access to the funds in his or her account up to the client's credit line as determined by the equity available. These funds can be used for any purpose, such as buying a car, paying taxes, paying tuition, etc. In the meantime, until there is a need for the client to withdraw funds, the money in the account is working every day to save the client interest which, of course, leaves more income available to the client to pay down the principal.

It can be seen that there is disclosed a unique system for accelerating one's mortgage payoff allowing the mortgagee to own his or her home free and clear in approximately half the time of a traditional loan. At the same time, thousands of dollars in interest are saved and the mortgagee has full access to available home equity under the credit line agreement. Such equity builds up faster, and is thus available to the mortgagee for any desired needs, such as college tuition and costs, medical and other emergencies, investment opportunities, etc.

The system disclosed herein is unique in that it improves the efficiency of a client's finances, because instead of earning a low rate of interest in a traditional bank account, their money can offset mortgage interest at a much higher rate,

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saving thousands of dollars in interest, and serving as a platform for reducing debt faster, or as a platform for investing in higher return opportunities. The system disclosed herein is also unique in that no other loan product available today allows for fully integrated and fully transactional checking account features (direct deposit, electronic transfers, unlimited checking, ATM access, point-of-sale access, online bill-payment, online account access, etc) which are critical to maximizing the amount of unused cash that one can apply to reduce one's loan balance and save interest. It is also important to note that without these fully-integrated features, the mortgagee would have to keep cash elsewhere (in other low-interest bearing accounts) in order to pay bills, visit ATM machines, etc, which means less cash is working to keep their loan balance lower.

Another advantage over a regular mortgage is that if one makes additional principal payments to the regular mortgage, the mortgagee cannot get those funds back unless they open a second loan, such as a HELOC, a type of home equity line of credit which usually carries a higher maximum interest rate, requires minimum withdrawals, has lower maximum loan amounts, and has no integrated checking account features such as bill-payment, online transfers, etc.

EXAMPLE

In this example, a client has a gross income of \$100,000, saving 20% of his or her net income after expenses. If this client has a mortgage loan in the amount of \$400,000, he or she can pay it off in 14.8 years and save over \$240,000 (50%) in interest (average APR 7.3% for this example only), compared to a 30-year loan at 6.25%. This is even assuming the LIBOR index (the London Interbank Offered Rate Index—an average of the interest rates that major international banks charge each other to borrow U.S. dollars in the London money market) climbs in a "reverse course" that mirrors its recent decline. In fact, in this example, the client would have to be able to secure a jumbo 30-year fixed-rate mortgage at 3.4% to pay as little interest as in the system disclosed herein. And, in this example, the adjustable rate in the system disclosed herein would have to average 12.7% over the course of the loan for the interest payments to equal that of a 30-year fixed-rate mortgage at 6.25%, all without any change in the client's spending habits.

In a copending application, commonly assigned, entitled Interactive Simulator for Calculating the Payoff of a Home Mortgage While Providing a Line of Credit and Integrated Deposit Account, filed concurrently herewith, the teaching of which are incorporated herein, there is disclosed a computer program that can be accessed online or through a computerized storage medium, as a CD ROM, or other media, for inputting a client's mortgage loan and financial information, and computing the loan payoff time and interest expenses that would be encountered by the client.

Thus, the client's current income, debts, and living expenses are input, as, for example, on a monthly basis, and the amount of money that can be deposited into the system disclosed herein is determined. With this information, the payoff time and interest paid on a mortgage can be computed and compared to the client's existing mortgage and any one of several comparison loans that can be selected. Unlimited interest rate trend assumptions can be inputted.

Equity, as used herein, is defined as the difference between the mortgagee's loan balance at any time and the market value of the mortgaged property. Of course, the market value of the property may change over the time of the transaction described herein.

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Although a particular embodiment of the invention is disclosed, variations thereof may occur to an artisan, and the scope of the invention should only be considered in conjunction with the scope of the appended claims.

The invention claimed is:

1. A system for providing an integrated line of credit mortgage account and checking account to a mortgagor, while simultaneously paying off the mortgage loan balance of the mortgagor, comprising:

an integrated account consisting of a line of credit mortgage having a line of credit account balance and integrated with a dedicated checking account having a checking account balance independent of said line of credit account balance comprised of funds periodically deposited therein by said mortgagor;

mortgage payment means associated with the integrated account paying down the mortgage balance of said mortgagor upon depositing of funds into said integrated account therein to debit the checking account balance by the amount of funds automatically moved and crediting the line of credit account balance;

said integrated account providing both a line of credit account, secured by the mortgagor's property and based on the equity said mortgagor has in the predetermined value of the mortgagor's property, and an integrated checking account to said mortgagor with said integrated account providing for said funds to be deposited into said checking account of said integrated account;

said integrated account having means for moving said funds simultaneously and automatically from said checking account into said line of credit account of said integrated account after the depositing of said funds into said checking account;

means associated with both said line of credit account and said checking account allowing withdrawal of funds from said integrated account by said mortgagor in order to pay other living expenses by automatically transferring funds from said line of credit account to said checking account to fund withdrawals or debits from said checking account to credit checking account balance and debit the line of credit account balance by said transfer amount.

2. In the system of claim 1, wherein said line of credit account has a limit and said means for allowing withdrawal of funds includes funds withdrawal limiting means for allowing said withdrawal from said line of credit account up to said line of credit limit.

3. A method for providing the payoff of a loan of a mortgagor holder in an expedited manner comprising the steps of: setting up an integrated account, consisting of a line of credit mortgage integrated with a dedicated checking account;

paying down the mortgage balance of said mortgagor holder with funds periodically deposited into said integrated account by said mortgagor holder;

providing both a line of credit and a checking account to said mortgagor holder based on the equity said mortgagor holder has in the predetermined value of the property covered by the mortgage of said mortgagor holder;

providing for funds to be deposited into said checking account of said integrated account;

moving said funds simultaneously from said checking account into said line of credit portion of said integrated account after the depositing of said funds into said checking account; and

providing means associated with said integrated account for the withdrawal of funds from said integrated account

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by said mortgage holder by transferring funds from said line of credit account portion of said integrated account to said checking account portion to fund said withdrawals.

4. The method of claim 3, wherein the step of providing means for the withdrawal of funds includes the step of providing means for the withdrawal of funds up to the line of credit of said account.

5. The method of claim 4, including the step of determining the amount of money that would be saved by said mortgage holder in paying down said mortgage in an expedited manner prior to depositing funds into the said integrated account.

6. The method of claim 5, wherein the step of determining the amount of money includes the step of factoring in the current monthly income of said mortgage holder, the anticipated monthly debts other than said mortgage of said mortgage holder, and miscellaneous other monthly expenses anticipated by said mortgage holder to determine the approximate amount of money that would be saved by said mortgage holder on a monthly basis compared to other popular mortgage financing approaches.

7. The system of claim 1 including interest payment means associated with said integrated account for paying off the interest incurred on said mortgage balance automatically from the line of credit account of said integrated account.

8. The system of claim 7 wherein said interest payment means includes means for increasing the balance of said line of credit in said line of credit account to automatically pay off said interest due.

9. The method of claim 3 including the step of paying off the interest incurred on said mortgage balance automatically from line of credit portion of said integrated account.

10. The method of claim 9 including the step of increasing the balance of said credit line to pay off said interest.

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11. A system for providing a checking account and an integrated line of credit account to a mortgagor, comprising: an integrated account consisting of a line of credit mortgage account loan with a dedicated checking account comprised of funds periodically deposited therein by said mortgagor;

said line of credit mortgage account loan secured by a property of the mortgagor and having a line of credit account balance based on the equity said mortgagor has in the predetermined value of the mortgagor's property; said dedicated checking account having a checking account balance independent of said line of credit account balance and receiving funds deposited into said integrated account;

mortgage payment means associated with the integrated account paying down the line of credit mortgage loan balance of said mortgagor automatically upon depositing of funds into said integrated checking account therein by transferring the deposited funds from the checking account to the line of credit mortgage account to debit the checking account balance by the amount of funds automatically moved and crediting the line of credit account balance;

fund withdrawal means associated with the integrated account for paying other living expenses by automatically transferring funds from said line of credit account to said checking account to fund withdrawals or debits from said checking account other than to pay down said line of credit mortgage account to credit the checking account balance and debit the line of credit account balance by said transfer amount.

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 7,627,509 B2
APPLICATION NO. : 11/381303
DATED : December 1, 2009
INVENTOR(S) : Christopher M. George

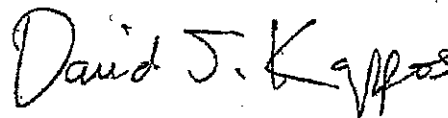
It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Col. 4 line 7, line 15, lines 16-18, line 26, line 36
The word "mortgagor" should be changed to "mortgagee" in Claims 1 and 11.

Col. 6 lines 8, 9, 10, and 17
Delete all Ref. to word "mortgagor".

Signed and Sealed this

Thirtieth Day of March, 2010



David J. Kappos
Director of the United States Patent and Trademark Office

COPY

**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 Philip S. Gutierrez and the assigned discovery Magistrate Judge is Michael Wilner.

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

CV11- 10344 PSG (MRWx)

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.

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 turnageyoungm@gtlaw.com

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

CMG FINANCIAL SERVICES, INC., a California Corporation
 PLAINTIFF(S)
 v.

CASE NUMBER
CV11-10344 PSG (MRWx)

PACIFIC TRUST BANK, F.S.B., a wholly owned subsidiary of FIRST PACTRUST BANCORP, INC., a Maryland corporation, and JOHN DOES 1-10
 DEFENDANT(S).

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, Allen Litovsky, Esq., Michael N. Turnage Young, Esq., whose address is Greenberg Traurig, LLP 3161 Michelson Drive, Ste. 1000 Irvine, CA 92612. 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: December 14, 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)].

ORIGINAL

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

<p>I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) CMG FINANCIAL SERVICES, INC., a California corporation</p>	<p>DEFENDANTS PACIFIC TRUST BANK, F.S.B., a wholly owned subsidiary of FIRST PACTRUST BANCORP, INC., a Maryland corporation, and JOHN DOES 1-10</p>
<p>(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) GREENBERG TRAURIG, LLP Allan Z. Litovsky, (SBN: 183182) Michael N. Turnage Young (SBN: 247796) 3161 Michealson Drive, Ste. 1000, Irvine, CA 92612 Telephone: 949-732-6500; Fax: 949-732-6501</p>	<p>Attorneys (If Known)</p>

<p>II. BASIS OF JURISDICTION (Place an X in one box only.)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.)</p> <table style="width:100%;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%;">PTF</td> <td style="width:10%;">DEF</td> <td style="width:33%;"></td> <td style="width:10%;">PTF</td> <td style="width:10%;">DEF</td> </tr> <tr> <td></td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF	DEF		PTF	DEF		<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
Citizen of This State	PTF	DEF		PTF	DEF																				
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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.) Preliminary and Permanent Injunction

CLASS ACTION under F.R.C.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT:** \$ compensatory & punitive damages

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. Section 271, 281, 283-85

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

<p>OTHER STATUTES</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce/ICC Rates/etc.</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 810 Selective Service</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 875 Customer Challenge 12 USC 3410</p> <p><input type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Act</p> <p><input type="checkbox"/> 892 Economic Stabilization Act</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 894 Energy Allocation Act</p> <p><input type="checkbox"/> 895 Freedom of Info. Act</p> <p><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>	<p>CONTRACT</p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p> <p>REAL PROPERTY</p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p>	<p>TORTS</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Fed. Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Personal Injury-Med Malpractice</p> <p><input type="checkbox"/> 365 Personal Injury-Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p>IMMIGRATION</p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 463 Habeas Corpus-Alien Detainee</p> <p><input type="checkbox"/> 465 Other Immigration</p>	<p>TORTS</p> <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p> <p>BANKRUPTCY</p> <p><input type="checkbox"/> 22 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p>CIVIL RIGHTS</p> <p><input type="checkbox"/> 441 Voting</p> <p><input type="checkbox"/> 442 Employment</p> <p><input type="checkbox"/> 443 Housing/Accommodations</p> <p><input type="checkbox"/> 444 Welfare</p> <p><input type="checkbox"/> 445 American with Disabilities - Employment</p> <p><input type="checkbox"/> 446 American with Disabilities - Other</p> <p><input type="checkbox"/> 440 Other Civil Rights</p>	<p>PRISONER PETITIONS</p> <p><input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus</p> <p><input type="checkbox"/> 530 General</p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus/Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</p> <p>FORFEITURE/PENALTY</p> <p><input type="checkbox"/> 610 Agriculture</p> <p><input type="checkbox"/> 620 Other Food & Drug</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 630 Liquor Laws</p> <p><input type="checkbox"/> 640 R.R. & Truck</p> <p><input type="checkbox"/> 650 Airline Regs</p> <p><input type="checkbox"/> 660 Occupational Safety /Health</p> <p><input type="checkbox"/> 690 Other</p>	<p>LABOR</p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Mgmt. Relations</p> <p><input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act</p> <p>PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input checked="" type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p> <p>SOCIAL SECURITY</p> <p><input type="checkbox"/> 61 HIA(1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923) 405(g)</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p>FEDERAL TAX SUITS</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p>
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Case 2:11-cv-10344 PSG (MRWx)

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:*	California County outside of this District; State, if other than California; or Foreign Country
	Contra Costa County

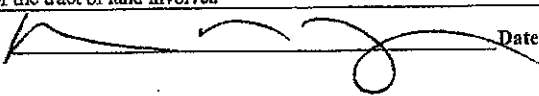
(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

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 12/14/11

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))