

ORIGINAL

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15 Attorneys For Plaintiff,  
16 SEIRUS INNOVATIVE ACCESSORIES, INC.

17 UNITED STATES DISTRICT COURT

18 SOUTHERN DISTRICT OF CALIFORNIA

19 SEIRUS INNOVATIVE ACCESSORIES,  
20 INC., a Utah corporation,  
21 Plaintiff,  
22 v.  
23 ASIA DIRECT INTERNATIONAL, INC.,  
24 a Canadian corporation; ASIA DIRECT, a  
25 Canadian entity; NEWMAN AGENCY  
26 LTD., a Canadian corporation; NICOLE  
27 NEWMAN, an individual; MARK  
28 HULME, an individual; and MURRAY  
MERKLEY, an individual,  
Defendants.

Case No.

'09 CV 1294 FAMA/POR

COMPLAINT FOR:

1. PATENT INFRINGEMENT
2. INDUCING PATENT INFRINGEMENT
3. FEDERAL TRADEMARK INFRINGEMENT [15 U.S.C. § 1114]
4. FALSE DESIGNATION OF ORIGIN [15 U.S.C. §1125(a)]
5. FEDERAL UNFAIR COMPETITION [15 U.S.C. § 1125(a)(1)]
6. STATE UNFAIR COMPETITION [Cal. Bus. & Prof. Code § 17200 et seq.]

DEMAND FOR JURY TRIAL

For its claims against defendants ASIA DIRECT INTERNATIONAL, INC. ("ASIA INTERNATIONAL"); ASIA DIRECT; NEWMAN AGENCY LTD. ("NEWMAN AGENCY");

GR

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CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY Vnt DEPUTY

Gordon & Rees LLP  
4675 MacArthur Court, Suite 800  
Newport Beach, CA 92660

1 NICOLE NEWMAN ("NEWMAN"); MARK HULME ("HULME"); and MURRAY  
2 MERKLEY ("MERKLEY"), plaintiff SEIRUS INNOVATIVE ACCESSORIES, INC.  
3 ("SEIRUS"), hereby alleges as follows:

4 PARTIES

5 1. SEIRUS is a Utah corporation with its principal place of business at 13975  
6 Danielson Street, Poway, California 92064. SEIRUS is engaged in the business of selling men's,  
7 women's, and children's action and outdoor apparel and accessories, including face masks.

8 2. Upon information and belief, ASIA INTERNATIONAL is a Canadian  
9 corporation with a principal place of business at Suite 33, 1158 Shea Road, Utterson, Ontario  
10 POB 1M0. Upon information and belief, ASIA INTERNATIONAL is engaged in the business  
11 of selling men's, women's, and children's action and outdoor apparel and accessories, including  
12 face masks.

13 3. Upon information and belief, ASIA DIRECT is a Canadian entity with a principal  
14 place of business at 8 Steelcase Road West, Markham, Ontario, L3R 1B2. Upon information and  
15 belief, ASIA DIRECT is engaged in the business of selling men's, women's, and children's  
16 action and outdoor apparel and accessories, including face masks.

17 4. Upon information and belief, NEWMAN AGENCY is a Canadian corporation  
18 with a principal place of business at 7457 Ambassador Crescent RR7, Whistler BC VON 1B7.  
19 Upon information and belief, NEWMAN AGENCY is engaged in the business of selling men's,  
20 women's, and children's action and outdoor apparel and accessories, including face masks.

21 5. Upon information and belief, NEWMAN is an individual who resides in British  
22 Columbia, Canada. Upon information and belief, NEWMAN is employed by or associated with  
23 NEWMAN AGENCY.

24 6. Upon information and belief, HULME is an individual who resides in Ontario,  
25 Canada. Upon information and belief, HULME is employed by or associated with ASIA  
26 DIRECT and/or ASIA INTERNATIONAL.

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1 and United States Letters Patent No. 6,272,690 (the “‘690 PATENT”) which issued on August 14,  
2 2001 and is titled “HEAD COVERING.” DEFENDANTS are offering for sale and, upon  
3 information and belief, have sold in this judicial district and elsewhere throughout the United  
4 States, the following products, that fall within the scope of at least one claim of the ‘804  
5 PATENT: HOLD UP FLEECE LINED FACE MASK; and BUTCH CASSIDY  
6 MICROFLEECE BALACLAVA MASK (“‘804 PATENT ACCUSED PRODUCTS”); and  
7 DEFENDANTS have induced at least one other company to infringe the claim of the ‘690  
8 PATENT.

9 **(B) DEFENDANTS’ INFRINGEMENT OF SEIRUS’ TRADEMARKS**

10 14. SEIRUS is the owner of the registered trademark for the word mark  
11 COMBOCLAVA® for use in connection with apparel in International Class 025, United States  
12 Trademark Registration No. 1,991,780. SEIRUS has used the COMBOCLAVA® mark for  
13 nearly fifteen years. A true and correct copy of the trademark registration for the  
14 COMBOCLAVA® mark is attached hereto as EXHIBIT A. SEIRUS has also used the mark  
15 COMFORT MASQUE™ for nearly thirty years in connection with apparel. The  
16 COMBOCLAVA® and COMFORT MASQUE™ marks are hereinafter collectively referred to  
17 as the “SEIRUS Marks.”

18 15. The SEIRUS Marks are famous, arbitrary, fanciful, highly distinctive and are  
19 recognized by the public as identifying SEIRUS’ goods and/or services.

20 16. SEIRUS has used the SEIRUS Marks throughout the United States and has  
21 heavily advertised and promoted them. These marks have developed and represent valuable,  
22 substantial and exclusive goodwill and reputation inuring to SEIRUS’ benefit.

23 17. SEIRUS has always exercised great care, skill and diligence in maintaining  
24 uniform standards of high quality for its products bearing the SEIRUS Marks.

25 18. The reputation associated with and the goodwill developed in the SEIRUS Marks  
26 in the United States are of very high value to SEIRUS.

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1           19. DEFENDANTS have and continue to market, distribute and sell apparel bearing  
2 the word marks COMBO CLAVA and COMFORT MASK (hereafter referred to as the  
3 “ACCUSED Marks”) in United States commerce and in this district.

4           20. SEIRUS’ goodwill and reputation are or will be harmed by DEFENDANTS’ use  
5 of the ACCUSED Marks.

6           21. DEFENDANTS’ use of the ACCUSED Marks so resemble SEIRUS’ Marks as to  
7 be likely to cause confusion, mistake or to deceive as to the source or origin of DEFENDANTS’  
8 goods and/or services by creating the erroneous impression that DEFENDANTS’ goods and/or  
9 services originate with, are sponsored, approved, endorsed or licensed by, affiliated or associated  
10 with, or in some way legitimately connected to SEIRUS, SEIRUS’s Marks or SEIRUS’ goods  
11 and/or services. Such confusion, mistake or deception by DEFENDANTS’ use of the  
12 ACCUSED Marks have and will continue to damage SEIRUS.

13 (C) **DEFENDANTS’ INFRINGEMENT OF SEIRUS’ TRADE DRESS IN PRODUCTS**  
14 **AND PACKAGING**

15 (i) **SEIRUS’ PRODUCT TRADE DRESS**

16           22. By virtue of the extensive use, sale and advertising by SEIRUS and others on  
17 behalf of SEIRUS, the shape, form and appearance of SEIRUS products including the SEIRUS  
18 MASQUE™ line of products (hereinafter the “SEIRUS PRODUCT TRADE DRESS”), are  
19 inherently distinctive and have acquired distinctiveness and secondary meaning to signify  
20 SEIRUS as the manufacturer and the source of these goods.

21 (ii) **SEIRUS’ PACKAGING TRADE DRESS**

22           23. By virtue of the extensive use, sale and advertising by SEIRUS and others on  
23 behalf of SEIRUS, the shape, form and appearance in use of the packaging for the SEIRUS  
24 MASQUE™ line of products (hereinafter the “SEIRUS PACKAGING TRADE DRESS”), has  
25 acquired secondary meaning in the market for cold-weather headgear.

26           24. DEFENDANTS are offering for sale and, upon information and belief, have sold  
27 in this judicial district and elsewhere throughout the United States, the following products, that  
28 copy, imitate, palm off as, and pass off their products as members of the family of products that

1 contain the SEIRUS PRODUCT TRADE DRESS and SEIRUS PACKAGING TRADE DRESS:  
2 BANDIT FLEECE LINED FACE MASK; HOLD UP FLEECE LINED FACE MASK; and  
3 BUTCH CASSIDY MICROFLEECE BALACLAVA MASK (the "ACCUSED TRADE DRESS  
4 PRODUCTS").

5 **CLAIMS FOR RELIEF**

6 **FIRST CLAIM FOR RELIEF**  
7 **(Patent Infringement)**

8 25. SEIRUS refers to, re-alleges, and incorporates herein by this reference, each and  
9 every allegation in the foregoing paragraphs, as though fully set forth herein.

10 26. As alleged herein, DEFENDANTS are infringing at least one claim of the '804  
11 PATENT literally and/or under the doctrine of equivalents.

12 27. As a direct and proximate result of DEFENDANTS' infringement of the '804  
13 PATENT, SEIRUS has been damaged in an amount to be proved at trial, but in an amount not  
14 less than a reasonable royalty, and includes lost sales, and/or lost profits.

15 28. Based upon their prior knowledge of SEIRUS' patent rights, and other facts to be  
16 proved at trial, DEFENDANTS know and have known of their infringement of the '804  
17 PATENT. Based on these facts and those to be proved at trial, DEFENDANTS' infringement is  
18 willful and done with intentional disregard of SEIRUS' rights in the '804 PATENT, so as to  
19 render this case exceptional within the purview of 35 U.S.C. §§ 284, and 285, such that SEIRUS  
20 is entitled to enhanced damages, costs, and an award of attorneys' fees.

21 29. SEIRUS has been and continues to be damaged by the unlawful infringing  
22 activities of DEFENDANTS and will be irreparably harmed unless the unlawful infringing  
23 activities are preliminarily and permanently enjoined by this Court as provided by 35 U.S.C. §  
24 283.

25 **SECOND CLAIM FOR RELIEF**  
26 **(Inducing Patent Infringement)**

27 30. SEIRUS refers to, re-alleges, and incorporates herein by this reference, each and  
28 every all allegation in the foregoing paragraphs, as though fully set forth herein.

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1           31.     Upon information and belief, DEFENDANTS have been and are now unlawfully  
2 inducing others to infringe and/or contributorily infringe, literally or under the doctrine of  
3 equivalents, the claim of the '690 PATENT by using, offering to sell, advertising for sale and  
4 selling DEFENDANTS' products in this judicial district and throughout the United States as  
5 follows: BUTCH CASSIDY COMBO CLAVA MASK and SELKIRK COMBO CLAVA  
6 MASK.

7           32.     SEIRUS is marking its products that fall within the scope of the '690 PATENT as  
8 required by 35 U.S.C. § 287; DEFENDANTS have otherwise had knowledge and notice of the  
9 '690 PATENT and that their activities constitute knowing and willful patent infringement.  
10 SEIRUS has been and continues to be damaged by the unlawful infringing activities of  
11 DEFENDANTS and will be irreparably harmed unless the unlawful infringing activities are  
12 preliminarily and permanently enjoined by this Court as provided by 35 U.S.C. § 271(b).

13           33.     Upon information and belief, SEIRUS has suffered and continues to suffer lost  
14 sales and in turn damages as a direct result of the unlawful infringement of the '690 PATENT by  
15 DEFENDANTS. Under 35 U.S.C. § 284, SEIRUS is entitled to damages to be established at  
16 trial or upon an accounting adequate to compensate for the infringement, including lost profits,  
17 but not less than a reasonable royalty.

18           34.     Upon information and belief, DEFENDANTS' infringement of the '690  
19 PATENT is willful and done with an intent to harm SEIRUS or in reckless disregard for the  
20 rights of SEIRUS. Therefore, this is an exceptional case and SEIRUS is entitled to enhanced  
21 damages under 35 U.S.C. § 284.

22           35.     This is an exceptional case under 35 U.S.C. § 285 entitling SEIRUS to its  
23 reasonable attorneys' fees.

24           36.     SEIRUS has been and continues to be damaged by the unlawful infringing  
25 activities of the DEFENDANTS and will be irreparably harmed unless the unlawful infringing  
26 activities are preliminarily and permanently enjoined by this Court as provided by 35 U.S.C. §  
27 283.

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1 emanate from SEIRUS. In turn, DEFENDANTS are unfairly competing and misrepresenting  
2 their products to be those of SEIRUS in violation of 15 U.S.C. § 1125(a).

3 49. The activities of DEFENDANTS in advertising for sale, offering for sale, and  
4 selling the ACCUSED TRADE DRESS PRODUCTS constitute unlawful and tortious unfair  
5 competition, palming off and passing off, and misrepresentation as to the source of goods in  
6 violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a)(1).

7 50. SEIRUS believes it has suffered and continues to suffer lost sales and, in turn,  
8 damages as a direct result of the unlawful and unfair competition of DEFENDANTS. Under 15  
9 U.S.C. § 1117, SEIRUS is entitled to damages, including lost profits and the costs of this action,  
10 to be shown at trial or upon an accounting.

11 51. On information and belief, DEFENDANTS' unfair competition in violation of 15  
12 U.S.C. § 1125(a)(1) is willful and done with an intent to harm SEIRUS or in reckless disregard  
13 for the rights of SEIRUS such that SEIRUS is entitled to triple damages under 15 U.S.C. §  
14 1117(b).

15 52. Under 15 U.S.C. § 1117(b), this is an exceptional case and SEIRUS is entitled to  
16 recover its attorneys' fees.

17 53. SEIRUS has been and continues to be damaged by the unlawful unfair  
18 competition of DEFENDANTS and will be irreparably harmed unless the unlawful infringing  
19 activities are permanently enjoined by this Court under the provisions of 15 U.S.C. § 1116.  
20 SEIRUS is entitled to an injunction enjoining and restraining DEFENDANTS from further acts  
21 of unfair competition.

22 **SIXTH CLAIM FOR RELIEF**  
23 **Unfair Competition**  
24 **[Cal. Bus. & Prof. Code § 17200 *et seq.*]**

25 54. SEIRUS refers to, re-alleges, and incorporates herein by this reference, each and  
26 every allegation in the foregoing paragraphs, as though fully set forth herein.

27 55. California Business & Professions Code § 17200 *et seq.* provides that unfair  
28 competition means and includes "any unlawful, unfair or fraudulent business act or practice and  
unfair, deceptive, untrue or misleading advertising."

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1           56. By and through DEFENDANTS' conduct, including the conduct detailed above,  
2 DEFENDANTS have engaged in activities that constitute unlawful, unfair, and fraudulent  
3 business practices prohibited by Business & Professions Code § 17200 *et seq.*

4           57. DEFENDANTS' acts of intentional and willful trade dress infringement as  
5 alleged above constitute unfair competition actionable under the laws of the State of California  
6 as unlawful business acts or practices in that, *inter alia*, said acts violate the federal Lanham Act.  
7 Specifically, and without limitation, DEFENDANTS' actions of designing, manufacturing,  
8 packaging, selling, distributing, and/or offering for sale in interstate commerce products bearing  
9 the SEIRUS PRODUCT TRADE DRESS and SEIRUS PACKAGING TRADE DRESS, without  
10 consent of SEIRUS, have caused and continue to cause a likelihood of confusion, mistake, and  
11 deception in the minds of the public. Furthermore, said actions have a significant negative  
12 impact on the commercial value of and market for SEIRUS' products under the SEIRUS  
13 PRODUCT TRADE DRESS and SEIRUS PACKAGING TRADE DRESS, as well as the value  
14 of and market for other products bearing the SEIRUS name.

15           58. DEFENDANTS' acts of infringement as alleged above constitute unfair  
16 competition actionable under the laws of the State of California as fraudulent business acts or  
17 practices, in that, *inter alia*, said acts are likely to confuse the public as to the origin of the  
18 products.

19           59. DEFENDANTS' acts of infringement as alleged above constitute unfair  
20 competition actionable under the laws of the State of California as deceptive and false  
21 advertising, in that, *inter alia*, said acts are likely to cause confusion, mistake, and deception.

22           60. Such acts and omissions described above are unlawful, unfair, fraudulent,  
23 deceptive, misleading, and untrue and constitute a violation of Business & Professions Code  
24 §17200 *et seq.* SEIRUS reserves the right to identify additional violations by DEFENDANTS as  
25 may be established through discovery.

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1           61. As a result of DEFENDANTS' said acts of unfair competition, SEIRUS has  
2 suffered and will continue to suffer irreparable harm, and SEIRUS has no adequate remedy at  
3 law with respect to this injury. Unless the acts of unfair competition are enjoined by this Court,  
4 SEIRUS will continue to suffer irreparable harm.

5           62. As a direct and legal result of DEFENDANTS' unlawful, unfair, and fraudulent  
6 conduct described above, DEFENDANTS have been and will continue to be unjustly enriched  
7 with ill-gotten gains.

8           **WHEREFORE**, SEIRUS requests that this Court enter judgment in its favor, and against  
9 DEFENDANTS as follows:

10           1. For judgment that DEFENDANTS have infringed, contributorily infringed and/or  
11 induced the infringement of, at least one claim of the '804 PATENT and '690 PATENT;

12           2. That SEIRUS recover damages against DEFENDANTS under 35 U.S.C.  
13 § 284 in an amount to be determined at trial or by accounting for the lost profits, but no less than  
14 a reasonable royalty, on all sales of each of the infringing products alleged above and any others  
15 that are subsequently discovered in the course of this proceeding, plus pre-judgment and post-  
16 judgment interest;

17           3. That the damages awarded pursuant to the preceding paragraph 2 be increased to  
18 three times the amount awarded because this is an exceptional case under 35 U.S.C. § 284;

19           4. That the Court declare this is an exceptional case and SEIRUS be awarded all of  
20 its attorneys' fees in connection with this matter under 35 U.S.C. § 285;

21           5. That the Court preliminarily and/or permanently enjoin and restrain  
22 DEFENDANTS, their officers, agents, servants, employees and those persons in active concert  
23 or participation with them, from further acts of infringement for the remaining life of the '804  
24 PATENT and '690 PATENT under 35 U.S.C. § 283;

25           6. That the Court preliminarily and permanently enjoin DEFENDANTS and their  
26 employees, servants, agents, affiliates, distributors, dealers, attorneys, successors and/or assigns,  
27 and all persons in active concert or participation with any of them, from manufacturing, using,  
28 selling, offering to sell, importing for sale, advertising, displaying, or using any goods and/or

1 services in the United States containing the SEIRUS Marks or any derivative thereof, or any  
2 mark likely to cause confusion, mistake, and deception, or to misappropriate SEIRUS's  
3 intellectual property;

4 7. That the Court direct the destruction of DEFENDANTS' current advertising,  
5 promotional and related materials and products, as they relate to such activity in the United  
6 States, that bear the infringing SEIRUS Marks and/or any other confusingly similar mark to the  
7 SEIRUS Marks;

8 8. That the Court award SEIRUS damages for lost profits, loss of goodwill or other  
9 damages as appropriate;

10 9. That the Court direct the seizure and forfeiture of all goods bearing infringing  
11 marks, upon delivery into the United States pursuant to 19 U.S.C. § 1526(e);

12 10. For judgment that SEIRUS be awarded damages under U.S.C. § 1117 for all of its  
13 lost profits, the profits of DEFENDANTS, and the costs of this action;

14 11. That the damages awarded under the preceding paragraph 6 are to be increased to  
15 three times the amount awarded under 15 U.S.C. § 1117(b);

16 12. That DEFENDANTS, their officers, agents, servants, employees and those  
17 persons in active concert of participation with any of them, be permanently enjoined from further  
18 acts of unfair competition in violation of 15 U.S.C. § 1125(a)(1);

19 13. That the Court direct the destruction of DEFENDANTS' current advertising,  
20 promotional and related materials and products, as they relate to such activity in the United  
21 States, that bear the SEIRUS PRODUCT TRADE DRESS and/or SEIRUS PACKAGING  
22 TRADE DRESS and/or any other confusingly similar trade dress, and DEFENDANTS' current  
23 inventory of products pursuant to 15 U.S.C. § 1118 and other applicable laws;

24 14. That the Court award of punitive damages for intentional and willful acts;

25 15. That the Court award SEIRUS its costs, expenses, and attorneys' fees in this  
26 action pursuant to 15 U.S.C. § 1117 and other applicable laws; and

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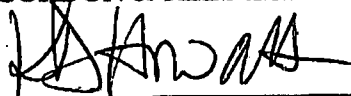
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16. Such other and further relief as the Court deems proper.

Dated: June 15, 2009

GORDON & REES LLP

By: 

Matthew D. Murphey  
Kimberly D. Howatt  
Attorneys for Plaintiff  
SEIRUS INNOVATIVE ACCESSORIES, INC.

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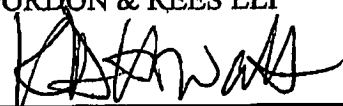
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Demand for Jury Trial

Plaintiff SEIRUS hereby demands a jury trial on all issues as to which a jury is available,  
as provided by Rule 38 the Federal Rules of Civil Procedure.

Dated: June 15, 2009

GORDON & REES LLP

By: 

Matthew D. Murphey  
Kimberly D. Howatt  
Attorneys for Plaintiff  
SEIRUS INNOVATIVE ACCESSORIES, INC.

Gordon & Rees LLP  
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Newport Beach, CA 92660

Exhibit "A"





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**Typed Drawing**

<b>Word Mark</b>	COMBOCLAVA
<b>Goods and Services</b>	IC 025. US 022 039. G & S: head wear. FIRST USE: 19940200. FIRST USE IN COMMERCE: 19940200
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	74539765
<b>Filing Date</b>	June 20, 1994
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	May 16, 1995
<b>Registration Number</b>	1991780
<b>Registration Date</b>	August 6, 1996
<b>Owner</b>	(REGISTRANT) Seirus Innovative Accessories, Inc. CORPORATION UTAH 2200 West Alexander Street Salt Lake City UTAH 84119
<b>Attorney of Record</b>	Thomas J. Rossa
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20061013.
<b>Renewal</b>	1ST RENEWAL 20061013
<b>Live/Dead Indicator</b>	LIVE

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CIVIL COVER SHEET

FAXED

The 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, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
SEIRUS INNOVATIVE ACCESSORIES, INC., a Utah corporation

DEFENDANTS
ASIA DIRECT INTERNATIONAL, INC., a Canadian corporation;
ASIA DIRECT, a Canadian entity; NEWMAN AGENCY LTD., a
Canadian corporation, NICOLE NEWMAN, an individual; MARK
HULME, an individual; and MURRAY MERKLEY, an individual

(b) County of Residence of First Listed Plaintiff San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
Matthew D. Murphey, SBN: 194111
Gordon & Rees LLP
4675 MacArthur Court, Suite 800
Newport Beach, CA 92660
(949) 255-6050

Attorneys (If Known)
BY: [Signature] DEPU

'09 CV 1294

MMA POR

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation

Table with 5 main columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, PRISONER PETITIONS, TORTS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Each column contains a list of legal categories with checkboxes.

V. 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 Multidistrict Litigation
7 Appeal to District Judge from Magistrate Judgment

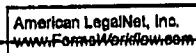
VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. §§271, et seq., 15 U.S.C. §1125(a), Cal. Bus. & Prof. Code §17200 et seq.
Brief description of cause: Complaint for Patent Infringement, Inducing Patent Infringement, Federal Trademark Infringement, False Designation of Origin, Federal Unfair Competition and State Unfair Competition

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION DEMAND \$
CHECK YES only if demanded in complaint:
JURY DEMAND: [X] Yes [ ] No

VIII. RELATED CASE(S) IF ANY
(See instructions): JUDGE Adler
DOCKET NUMBER 09 CV 0170 (S.D. Cal.)

DATE: June 15, 2009
SIGNATURE OF ATTORNEY OF RECORD: [Signature]

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RECEIPT # 1998 AMOUNT 350. APPLYING IFP JUDGE MAG. JUDGE



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6/15/09

Court Name: USDC California Southern  
Division: 3  
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CIVIL FILING FEE  
For: SEIRUS V. ASIA DIRECT  
Case/Party: D-CAS-3-09-CV-001294-001  
Amount: \$350.00

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Check/Money Order Num: 79597  
Amt Tendered: \$350.00

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Total Due: \$350.00  
Total Tendered: \$350.00  
Change Amt: \$0.00

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There will be a fee of \$45.00  
charged for any returned check.