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8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11

12 THE TAWNSAURA GROUP, LLC,
13 Plaintiff,
14 vs.
15 LABRADA BODYBUILDING
16 NUTRITION, INC.,
17 Defendant

Case No. SACV12-1362 SJO(AGRx)
**FIRST AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**
JURY TRIAL DEMANDED

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FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

1 Plaintiff The Tawnsaura Group, LLC (“Plaintiff”) hereby alleges for its First
2 Amended Complaint against Labrada Bodybuilding Nutrition, Inc. (“Defendant”), on
3 personal knowledge as to its own activities and on information and belief as to the
4 activities of others, as follows:

5 **I. THE PARTIES**

6 1. Plaintiff is a limited liability company organized and existing under the
7 laws of Nevada, with a registered office at 50 West Liberty Street, Suite 1100, Reno,
8 Nevada 89501.

9 2. Plaintiff is the owner and assignee of United States Patent No. 5,874,471
10 (“the ‘471 patent”) titled “Orthomolecular Medical Use of L-Citrulline for
11 Vasoprotection, Relaxative Smooth Muscle Tone and Cell Protection,” and United
12 States Patent No. 6,028,107 (“the ‘107 patent”) titled “Orthomolecular Medical Use of
13 L-Citrulline for Vasoprotection, Relaxative Smooth Muscle Tone and Cell Protection,”
14 and Plaintiff licenses the ‘471 patent and the ‘107 patent to at least one third-party and
15 is in negotiations to license the patents to numerous other parties.

16 3. Upon information and belief, Defendant Labrada Bodybuilding Nutrition,
17 Inc. is a corporation organized and existing under the laws of Texas with a principal
18 place of business at 333 Northpark Central Drive in Houston, Texas 77073.

19 **II. JURISDICTION AND VENUE**

20 4. This is an action for patent infringement arising under the patent laws of
21 the United States, Title 35 of the United States Code. Accordingly, this Court has
22 subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338, and 1367.

23 5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400.

24 6. This Court has personal jurisdiction over Defendant. Defendant, directly
25 or through intermediaries (including distributors, retailers, and others), ships,
26 distributes, offers for sale, sells, and advertises its products in the United States, the
27 State of California, and the Central District of California, including the product Super
28 Charge, also known as Super Charge Xtreme or Super Charge Xtreme N.O. or Super

1 Charge N.O. Xtreme (collectively “Super Charge”). Defendant has purposefully and
2 voluntarily placed Super Charge into the stream of commerce with the expectation that
3 it will be purchased in the Central District of California.

4 **III. THE DEFENDANT’S INFRINGING PRODUCT**

5 7. The label and/or advertisements for Defendant’s product Super Charge
6 state that the product contains, inter alia, the ingredient “L-Citrulline-di-malate,” which
7 “increases nitric oxide levels in the body,” “dilates arteries resulting in increased blood
8 flow to muscles,” and provides for an “increased blood supply [which] floods muscles
9 with oxygen and nutrient-rich blood for greater muscle pumps and performance.” Super
10 Charge contains the ingredient l-citrulline.

11 8. As set forth herein, this product infringes the claimed methods of the ‘471
12 patent and the ‘107 patent, and is therefore referred to herein as “the product that
13 infringes the claimed methods.”

14 9. Defendant has committed the tort of patent infringement within the State
15 of California, and more particularly, within the Central District of California, by virtue
16 of the fact that Defendant has shipped, distributed, offered for sale, sold, and advertised,
17 and continues to ship, distribute, offer for sale, sell, and advertise the product that
18 infringes the claimed methods in this District.

19 **IV. THE DEFENDANT’S INFRINGEMENTS**

20 10. Defendant’s employees, agents, representatives and other persons
21 sponsored by or who endorse Defendant and Defendant’s products in advertising and
22 marketing activities, have taken, used, and orally administered the product that
23 infringes the claimed methods which has the effect, without limitation, of increasing the
24 plasma level of arginine in the persons taking the product from a low or normal fasting
25 level to a level which is up to three times an average overnight fasting level and
26 increasing the plasma concentration of arginine in the persons taking the product from a
27 low or normal fasting concentration to a level which is up to three times an average
28 overnight fasting arginine level of about 90 mu.mole per liter of plasma. These persons

1 included persons who, without limitation, were in good health, were in a condition of
2 increased or continuing brain or neural activities, or were in a condition of increased or
3 continuing muscular activities. Defendant has encouraged and/or is aware of these
4 persons' oral administration of the product that infringes the claimed methods for these
5 purposes, and these persons are acting under Defendant's direction and control.
6 Therefore, Defendant practices the methods as set forth in the '471 patent and the '107
7 patent and is a direct infringer of the patents.

8 11. For instance and without limitation, Jim Romagna and Ryan Workman are
9 bodybuilders who endorse and are spokespersons for Defendant's products, and are
10 described on Defendant's website at www.labrada.com as taking specifically Super
11 Charge among other of Defendant's products. Mr. Romagna and Mr. Workman ingest
12 and take Super Charge and practice the method as set forth in the '471 patent and the
13 '107 patent and are direct infringers of the patents, and because they act under
14 Defendant's direction and control, Defendant is also a direct infringer of the patents.

15 12. End-users of Defendant's product that infringes the claimed methods are
16 also direct infringers of the '471 patent and the '107 patent, because they have taken,
17 used, and orally administered the product that infringes the claimed methods which has
18 the effect, without limitation, of increasing the plasma level of arginine in the persons
19 taking the product from a low or normal fasting level to a level which is up to three
20 times an average overnight fasting level and/or increasing the plasma concentration of
21 arginine in the persons taking the product from a low or normal fasting concentration to
22 a level which is up to three times an average overnight fasting arginine level of about
23 90 mu.mole per liter of plasma. These persons included persons who, without
24 limitation, were in good health, were in a condition of increased or continuing brain or
25 neural activities, or were in a condition of increased or continuing muscular activities.
26 Therefore, they practice the methods as set forth in the '471 patent and the '107 patent.

27 13. By way of example and without limitation, a consumer by the name of
28 "freek75" of <http://supplementreviews.com/labrada/super-charge-xtreme-no> submitted

1 a review regarding his use of Super Charge, indicating that the product gave him a
2 “great pump.” This consumer is just one example of many end-users of the product
3 who have practiced the methods as set forth in the ‘471 patent and the ‘107 patent and
4 are direct infringers of the patents.

5 14. Defendant’s labels and advertising for the product that infringes the
6 claimed methods explain the elements and essential elements of the methods disclosed
7 in the ‘471 patent and the ‘107 patent to end-users and encourage, urge, and induce the
8 product’s end-users to purchase and orally administer the product to practice those
9 methods, and end-users do practice those methods. Defendant has therefore
10 specifically intended to cause these end-users to directly infringe the claimed methods
11 of the patents, and has urged them to do so.

12 15. Defendant’s product that infringes the claimed methods is not suitable for
13 non-infringing uses, and none of Defendant’s labels or advertisements for the product
14 disclose any uses for the product nor for the citrulline in the product that do not infringe
15 upon the methods disclosed in the ‘471 patent and the ‘107 patent. The inclusion of the
16 citrulline content in the product is, in fact, material to practicing the methods disclosed
17 in the ‘471 patent and the ‘107 patent.

18 16. Defendant has knowledge that its product that infringes the claimed
19 methods is especially adapted by end-users of the product for the practicing of the
20 methods disclosed in the ‘471 patent and ‘107 patent, and, indeed, Defendant
21 encourages, urges, and induces the product’s end-users to purchase and orally
22 administer the product to practice those methods, and has done so in the past.

23 17. Defendant has intentionally and knowingly induced, encouraged, and
24 urged end-users of the product that infringes the claimed methods to purchase and
25 orally administer the product for the purpose, without limitation, of increasing the
26 plasma level of arginine in the persons taking the product from a low or normal fasting
27 level to a level which is up to three times an average overnight fasting level and
28 increasing the plasma concentration of arginine in the persons taking the product from a

1 low or normal fasting concentration to a level which is up to three times an average
2 overnight fasting arginine level of about 90 mu.mole per liter of plasma, including by
3 end-users who, without limitation, were in good health, were in a condition of increased
4 or continuing brain or neural activities, or were in a condition of increased or
5 continuing muscular activities.

6 18. On information and belief, Defendant had actual, first-hand knowledge of
7 the '471 patent and the '107 patent as early as the time Defendant launched the product
8 that infringes the claimed methods in the marketplace. Defendant employs and engages
9 sophisticated, experienced legal counsel with expertise in patent law. Defendant,
10 through its counsel, conducts or should conduct due diligence on the potential for
11 Defendant's products to infringe on patents and knew or should have known that the
12 product that infringes the claimed methods actually infringes or could infringe on the
13 '471 patent and '107 patent, but Defendant decided to infringe the patents anyway or
14 ignored the risk of infringement.

15 19. In the alternative, Plaintiff pleads that Defendant subjectively believed at
16 the time Defendant launched the product that infringes the claimed methods in the
17 marketplace that there is or was a high probability of the fact that patents existed that
18 covered the use of citrulline as in the products, and that Defendant took deliberate
19 actions to avoid confirming that fact, including not conducting due diligence as to
20 potential patent infringements. Defendant therefore willfully blinded itself to the
21 infringing nature of its sales of the product that infringes the claimed methods.

22 20. At a minimum, Defendant became aware of the '471 patent and the '107
23 patent at the time of the filing of the initial Complaint in this matter and the receipt of
24 Plaintiff's counsel's letter regarding the suit. Defendant has not ceased its own direct
25 infringement, contributory infringement, or inducement of infringements by end-users
26 despite such knowledge.

27 21. The earliest exact date Defendant obtained knowledge of the '471 patent
28 and the '107 patent is within the exclusive possession and control of Defendant.

1 However, Defendant specifically induces end-users to use its product, and particularly
2 the citrulline component in the product, for enhancing nitric oxide production, blood
3 flow, and “pump” and Defendant knows and intends that end-users achieve those
4 objectives by practicing the methods as set forth in the ‘471 and ‘107 patents. This is
5 why Defendant includes citrulline in its product – for the purposes of improving of the
6 health of end-users to increase the plasma level of arginine in end-users to a level from
7 a low or normal fasting level to a level which is up to three times an average overnight
8 fasting level, and improving the health of end-users to increase the plasma
9 concentration of arginine in the subject to a level from a low or normal fasting
10 concentration to a level which is up to three times an average overnight fasting arginine
11 level of about 90 mu.mole per liter of plasma – and Defendant knows that end-users
12 purchase and ingest the product, and particularly the citrulline content of the product,
13 for those purposes. Defendant’s infringing activities have not stopped despite its
14 knowledge of the patents’ existence.

15 **V. FIRST CAUSE OF ACTION**

16 **Infringement of U.S. Patent No. 5,874,471**

17 22. Plaintiff repeats and re-alleges the allegations of the foregoing paragraphs
18 of this First Amended Complaint as if fully set forth herein.

19 23. Defendant has in the past and still is literally infringing or infringing under
20 the doctrine of equivalents, directly and indirectly through contributory and/or induced
21 infringement, one or more claims of the ‘471 patent by making, using, selling, and
22 offering for sale nutritional supplements embodying the patented invention, and will
23 continue to do so unless enjoined by this Court.

24 24. The claims of the ‘471 patent infringed by Defendant include claims 1, 2,
25 20, 21, and 28.

26 25. Examples of Defendant’s direct infringement includes, without limitation,
27 the fact that Defendant’s employees, agents, representatives and other persons
28 sponsored by or who endorse Defendant and Defendant’s products in advertising and

1 marketing activities, have taken, used, and orally administered the product that
2 infringes the claimed methods which has the effect, without limitation, of increasing the
3 plasma level of arginine in the persons taking the product from a low or normal fasting
4 level to a level which is up to three times an average overnight fasting level. These
5 persons included persons who, without limitation, were in good health, were in a
6 condition of increased or continuing brain or neural activities, or were in a condition of
7 increased or continuing muscular activities. Defendant has encouraged and/or is aware
8 of these persons' oral administration of the product that infringes the claimed methods
9 for these purposes, these persons are acting under Defendant's direction and control,
10 and therefore Defendant is directly practicing the methods set forth in the '471 patent.

11 26. End-users of Defendant's product that infringes the claimed methods are
12 also direct infringers of the '471 patent, because they have taken, used, and orally
13 administered the product that infringes the claimed methods which has the effect,
14 without limitation, of increasing the plasma level of arginine in the persons taking the
15 product from a low or normal fasting level to a level which is up to three times an
16 average overnight fasting level. These persons included persons who, without
17 limitation, were in good health, were in a condition of increased or continuing brain or
18 neural activities, or were in a condition of increased or continuing muscular activities.
19 Therefore, they practice the methods as set forth in the '471 patent.

20 27. Defendant's labels and advertising for the product that infringes the
21 claimed methods explain the elements or essential elements of the methods disclosed in
22 the '471 patent to end-users and encourage, urge, and induce the products' end-users to
23 purchase and orally administer the products to practice those methods. Defendant's
24 product that infringes the claimed methods is not suitable for non-infringing uses, and
25 none of Defendant's labels or advertisements for the product disclose any uses for the
26 relevant ingredients in the product that have a use that does not infringe upon the
27 methods disclosed in the '471 patent. Defendant has knowledge that its product that
28 infringes the claimed methods is especially adapted by end-users of the product for the

1 practicing of the method disclosed in the '471 patent, as Defendant encourages, urges,
2 and induces the product's end-users to purchase and orally administer the product to
3 practice those methods, and has done so in the past. Defendant therefore is liable for
4 contributory infringement of one or more claims of the '471 patent.

5 28. Defendant has intentionally and knowingly induced, encouraged, and
6 urged end-users of the product that infringes the claimed methods to purchase and
7 orally administer the product for the purpose, without limitation, of increasing the
8 plasma level of arginine in the persons taking the product from a low or normal fasting
9 level to a level which is up to three times an average overnight fasting level, including
10 by end-users who, without limitation, were in good health, were in a condition of
11 increased or continuing brain or neural activities, or were in a condition of increased or
12 continuing muscular activities. On information and belief, Defendant had actual, first-
13 hand knowledge of the '471 patent as early as the time Defendant launched the product
14 that infringes the claimed methods in the marketplace. In the alternative, and on
15 information and belief, Plaintiff pleads that Defendant subjectively believed at the time
16 Defendant launched the product that infringes the claimed methods in the marketplace
17 that there is or was a high probability of the fact that patents existed that covered the
18 use of citrulline as in the product that infringes the claimed methods, and that
19 Defendant took deliberate actions to avoid confirming that fact. Defendant therefore
20 willfully blinded itself to the infringing nature of its sales of the product that infringes
21 the claimed methods. At a minimum, Plaintiff pleads that Defendant became aware of
22 the '471 patent at the time of the filing of the initial Complaint in this matter and the
23 issuance of a correspondence from Plaintiff's counsel regarding the suit. Defendant has
24 not ceased its own contributory infringement or inducement of infringements by end-
25 users despite such knowledge. Defendant is therefore liable for induced infringement
26 of one or more of claims of the '471 patent.

27 29. Defendant's activities have been without express or implied license by
28 Plaintiff.

1 30. The infringement by Defendant has been and continues to be willful, since
2 the infringement has not ceased, particularly after the filing of the initial suit in this
3 matter.

4 31. As a result of Defendant's acts of infringement, Plaintiff has suffered and
5 will continue to suffer damages in an amount to be proved at trial.

6 32. As a result of Defendant's acts of infringement, Plaintiff has been and will
7 continue to be irreparably harmed by Defendant's infringement and inducement, which
8 will continue unless Defendant is enjoined by this Court.

9 33. Plaintiff believes that Defendant's past infringement and/or continuing
10 infringement has been deliberate and willful, and that this case is therefore an
11 exceptional case, which warrants an award of treble damages and attorneys' fees in
12 accordance with 35 U.S.C. § 285.

13 **VI. SECOND CAUSE OF ACTION**

14 **Infringement of U.S. Patent No. 6,028,107**

15 34. Plaintiff repeats and re-alleges the allegations of the foregoing paragraphs
16 of this First Amended Complaint as if fully set forth herein.

17 35. Defendant has in the past and still is literally infringing or infringing under
18 the doctrine of equivalents, directly and indirectly through contributory and/or induced
19 infringement, one or more claims of the '107 patent by making, using, selling, and
20 offering for sale nutritional supplements embodying the patented invention, and will
21 continue to do so unless enjoined by this Court.

22 36. The claims of the '107 patent infringed by Defendant include claims 1, 2,
23 15, and 16.

24 37. Examples of Defendant's direct infringement includes, without limitation,
25 the fact that Defendant's employees, agents, representatives and other persons
26 sponsored by or who endorse Defendant and Defendant's products in advertising and
27 marketing activities, have taken, used, and orally administered the product that
28 infringes the claimed methods which has the effect, without limitation, of increasing the

1 plasma concentration of arginine in the persons taking the product from a low or normal
2 fasting concentration to a level which is up to three times an average overnight fasting
3 arginine level of about 90 mu.mole per liter of plasma. These persons included persons
4 who, without limitation, were in good health, were in a condition of increased or
5 continuing brain or neural activities, or were in a condition of increased or continuing
6 muscular activities. Defendant has encouraged and/or is aware of these persons' oral
7 administration of the product that infringes the claimed methods for these purposes,
8 these persons are acting under Defendant's direction and control, and therefore
9 Defendant is directly practicing the methods set forth in the '107 patent.

10 38. End-users of Defendant's product that infringes the claimed methods are
11 also direct infringers of the '107 patent, because they have taken, used, and orally
12 administered the product that infringes the claimed methods which has the effect,
13 without limitation, of increasing the plasma concentration of arginine in the persons
14 taking the product from a low or normal fasting concentration to a level which is up to
15 three times an average overnight fasting arginine level of about 90 mu.mole per liter of
16 plasma. These persons included persons who, without limitation, were in good health,
17 were in a condition of increased or continuing brain or neural activities, or were in a
18 condition of increased or continuing muscular activities. Therefore, they practice the
19 methods as set forth in the '107 patent.

20 39. Defendant's labels and advertising for the product that infringes the
21 claimed methods explain the elements or essential elements of the methods disclosed in
22 the '107 patent to end-users and encourage, urge, and induce the products' end-users to
23 purchase and orally administer the products to practice those methods. Defendant's
24 product that infringes the claimed methods is not suitable for non-infringing uses, and
25 none of Defendant's labels or advertisements for the product disclose any uses for the
26 relevant ingredients in the product that have a use that does not infringe upon the
27 methods disclosed in the '107 patent. Defendant has knowledge that its product that
28 infringes the claimed methods is especially adapted by end-users of the product for the

1 practicing of the method disclosed in the '107 patent, as Defendant encourages, urges,
2 and induces the product's end-users to purchase and orally administer the product to
3 practice those methods, and has done so in the past. Defendant therefore is liable for
4 contributory infringement of one or more claims of the '107 patent.

5 40. Defendant has intentionally and knowingly induced, encouraged, and
6 urged end-users of the product that infringes the claimed methods to purchase and
7 orally administer the product for the purpose, without limitation, of increasing the
8 plasma concentration of arginine in the persons taking the product from a low or normal
9 fasting concentration to a level which is up to three times an average overnight fasting
10 arginine level of about 90 mu.mole per liter of plasma, including by end-users who,
11 without limitation, were in good health, were in a condition of increased or continuing
12 brain or neural activities, or were in a condition of increased or continuing muscular
13 activities. On information and belief, Defendant had actual, first-hand knowledge of
14 the '107 patent as early as the time Defendant launched the product that infringes the
15 claimed methods in the marketplace. In the alternative, and on information and belief,
16 Plaintiff pleads that Defendant subjectively believed at the time Defendant launched the
17 product that infringes the claimed methods in the marketplace that there is or was a
18 high probability of the fact that patents existed that covered the use of citrulline as in
19 the product that infringes the claimed methods, and that Defendant took deliberate
20 actions to avoid confirming that fact. Defendant therefore willfully blinded itself to the
21 infringing nature of its sales of the product that infringes the claimed methods. At a
22 minimum, Plaintiff pleads that Defendant became aware of the '107 patent at the time
23 of the filing of the initial Complaint in this matter and the issuance of a correspondence
24 from Plaintiff's counsel regarding the suit. Defendant has not ceased its contributory
25 infringement or inducement of infringements by end-users despite such knowledge.
26 Defendant is therefore liable for induced infringement of one or more of claims of the
27 '107 patent.

28 ///

1 41. Defendant's activities have been without express or implied license by
2 Plaintiff.

3 42. The infringement by Defendant has been and continues to be willful, since
4 the infringement has not ceased, particularly after the filing of the initial suit in this
5 matter.

6 43. As a result of Defendant's acts of infringement, Plaintiff has suffered and
7 will continue to suffer damages in an amount to be proved at trial.

8 44. As a result of Defendant's acts of infringement, Plaintiff has been and will
9 continue to be irreparably harmed by Defendant's infringement and inducement, which
10 will continue unless Defendant is enjoined by this Court.

11 45. Plaintiff believes that Defendant's past infringement and/or continuing
12 infringement has been deliberate and willful, and that this case is therefore an
13 exceptional case, which warrants an award of treble damages and attorneys' fees in
14 accordance with 35 U.S.C. § 285.

15 **VII. PRAYER FOR RELIEF**

16 WHEREFORE, Plaintiff prays for entry of judgment against Defendant as
17 follows:

18 1. A declaration that Defendant has infringed the '471 patent and the '107
19 patent under 35 U.S.C. §§ 271 *et seq.*;

20 3. That injunctions, preliminary and permanent, be issued by this Court
21 restraining Defendant, its respective officers, agents, servants, directors, and employees,
22 and all persons in active concert or participation with each, from directly or indirectly
23 infringing, or inducing or contributing to the infringement by others of, the '471 patent
24 and the '107 patent;

25 4. That Defendant be required to provide to Plaintiff an accounting of all
26 gains, profits, and advantages derived by Defendant's infringement of the '471 patent
27 and the '107 patent, and that Plaintiff be awarded damages adequate to compensate
28

1 Plaintiff for the wrongful infringing acts by Defendant, in accordance with 35 U.S.C. §
2 284;

3 5. That the damages awarded to Plaintiff with regard to the '471 patent and
4 the '107 patent be increased up to three times, in view of Defendant's willful
5 infringement, in accordance with 35 U.S.C. § 284;

6 6. That this case be declared to be exceptional in favor of Plaintiff under 35
7 U.S.C. § 285, and that Plaintiff be awarded its reasonable attorneys' fees and other
8 expenses incurred in connection with this action;

9 7. That Plaintiff be awarded its interest and costs of suit incurred in this
10 action;

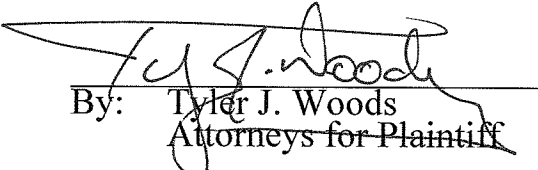
11 8. Compensatory damages;

12 9. Punitive damages; and

13 10. That Plaintiff be awarded such other and further relief as this Court may
14 deem just and proper.

15
16 Respectfully submitted,
17 NEWPORT TRIAL GROUP
18 A Professional Corporation

19 Dated: October 15, 2012

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21 By: Tyler J. Woods
22 Attorneys for Plaintiff
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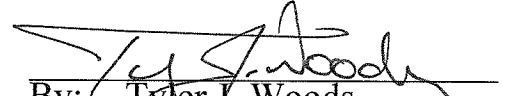
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DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff hereby demands a jury trial for all issues in this case that properly are subject to a jury trial.

Respectfully submitted,
NEWPORT TRIAL GROUP
A Professional Corporation

Dated: October 15, 2012


By: Tyler J. Woods
Attorneys for Plaintiff

NAME, ADDRESS AND TELEPHONE NUMBER OF ATTORNEY(S)

Tyler J Woods, Bar No. 232464
 Scott J Ferrell, Bar No. 202091
 NEWPORT TRIAL GROUP
 895 Dove Street, Suite 425, Newport Beach, CA 92660

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

THE TAWNSAURA GROUP, LLC

PLAINTIFF(S),

v.

LABRADA BODYBUILDING
 NUTRITION, INC.

DEFENDANT(S).

CASE NUMBER

SACV12-1362 SJO(AGR_x)

**PROOF OF SERVICE - ACKNOWLEDGMENT
 OF SERVICE**

I, the undersigned, certify and declare that I am over the age of 18 years, employed in the County of ORANGE, State of California, and not a party to the above-entitled cause. On October 16, 2012, I served a true copy of FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

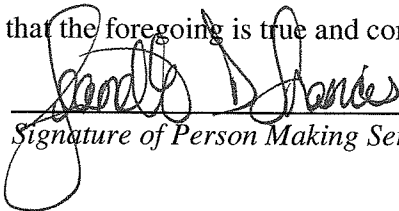
by personally delivering it to the person (s) indicated below in the manner as provided in FRCivP 5(b); by depositing it in the United States Mail in a sealed envelope with the postage thereon fully prepaid to the following: (list names and addresses for person(s) served. Attach additional pages if necessary.)

Place of Mailing: Lee Labrada, Labrada Bodybuilding, et al., 333 N. Park Central Drive, Houston, TX 77073

Executed on October 16, 20 12 at Newport Beach, California

Please check one of these boxes if service is made by mail:

- I hereby certify that I am a member of the Bar of the United States District Court, Central District of California.
- I hereby certify that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.
- I hereby certify under the penalty of perjury that the foregoing is true and correct.



 Signature of Person Making Service

ACKNOWLEDGEMENT OF SERVICE

I, _____, received a true copy of the within document on _____.

 Signature

 Party Served