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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

BY _____

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7 Attorneys for Plaintiff

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

12 **THE TAWNSAURA GROUP, LLC,**

13 Plaintiff,

14 vs.

15 **DIRECT DIGITAL, LLC,**

16 Defendant

Case No. **SACV 13-00004 AG (JPRx)**

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

COPY

BY FAX

1 Plaintiff The Tawnsaura Group, LLC (“Plaintiff”) hereby alleges for its
2 Complaint against Direct Digital, LLC (“Defendant”), on personal knowledge as to its
3 own activities and on information and belief as to the activities of others, as follows:

4 **I. THE PARTIES**

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

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

15 3. Upon information and belief, Defendant Direct Digital, LLC is a company
16 organized and existing under the laws of North Carolina with a principal place of
17 business at 508 West 5th St., Suite 140 in Charlotte, North Carolina, 28202.

18 **II. JURISDICTION AND VENUE**

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

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

23 6. This Court has personal jurisdiction over Defendant. Defendant, directly
24 or through intermediaries (including distributors, retailers, and others), ships,
25 distributes, offers for sale, sells, and advertises its nutritional supplement products in
26 the United States, the State of California, and the Central District of California,
27 including the products branded and sold under the “Nugenix” brand name. Defendant
28

1 has purposefully and voluntarily placed these products into the stream of commerce
2 with the expectation that they will be purchased in the Central District of California.

3 **III. THE DEFENDANT'S INFRINGING PRODUCTS**

4 7. The label and/or advertisements for Defendant's Nugenix products state
5 that they contain, inter alia, the ingredient "L-Citrulline" and/or "L-Citrulline Malate"
6 and "not only boosts testosterone levels via natural ingredients, but also helps increase
7 sex drive, enhance muscle mass and improve overall body strength."

8 8. As set forth herein, the Nugenix products infringe the claimed methods of
9 the '471 patent and the '107 patent, and are therefore referred to herein as "the products
10 that infringe the claimed methods."

11 **IV. THE DEFENDANT'S INFRINGEMENTS**

12 9. Defendant's employees, agents, representatives and other persons
13 sponsored by or who endorse Defendant and Defendant's products in advertising and
14 marketing activities, have taken, used, and orally administered the products that
15 infringe the claimed methods which have the effect, without limitation, of increasing
16 the plasma level of arginine in the persons taking the products from a low or normal
17 fasting level to a level which is up to three times an average overnight fasting level and
18 increasing the plasma concentration of arginine in the persons taking the products from
19 a low or normal fasting concentration to a level which is up to three times an average
20 overnight fasting arginine level of about 90 mu.mole per liter of plasma. These persons
21 included persons who, without limitation, were in good health, were in a condition of
22 increased or continuing brain or neural activities, or were in a condition of increased or
23 continuing muscular activities. Defendant has encouraged and/or is aware of these
24 persons' oral administration of the products that infringe the claimed methods for these
25 purposes, and these persons are acting under Defendant's direction and control.
26 Therefore, Defendant practices the methods as set forth in the '471 patent and the '107
27 patent and is a direct infringer of the patents.

1 10. End-users of Defendant's products that infringe the claimed methods are
2 also direct infringers of the '471 patent and the '107 patent, because they have taken,
3 used, and orally administered the products that infringe the claimed methods which
4 have the effect, without limitation, of increasing the plasma level of arginine in the
5 persons taking the products from a low or normal fasting level to a level which is up to
6 three times an average overnight fasting level and/or increasing the plasma
7 concentration of arginine in the persons taking the products from a low or normal
8 fasting concentration to a level which is up to three times an average overnight fasting
9 arginine level of about 90 mu.mole per liter of plasma. These persons included persons
10 who, without limitation, were in good health, were in a condition of increased or
11 continuing brain or neural activities, or were in a condition of increased or continuing
12 muscular activities. Therefore, they practice the methods as set forth in the '471 patent
13 and the '107 patent.

14 11. Plaintiff believes facts to be ascertained during discovery in this matter
15 will demonstrate that Defendant's labels and advertising for the products that infringe
16 the claimed methods explain the elements and essential elements of the methods
17 disclosed in the '471 patent and the '107 patent to end-users and encourage, urge, and
18 induce the products' end-users to purchase and orally administer the products to
19 practice those methods, and end-users do practice those methods, and that Defendant
20 has therefore specifically intended to cause these end-users to directly infringe the
21 claimed methods of the patents, and has urged them to do so. Plaintiff intends to amend
22 this complaint at the appropriate time to include more specific allegations pertaining to
23 these facts.

24 12. Defendant's products that infringe the claimed methods are not suitable for
25 non-infringing uses, and none of Defendant's labels or advertisements for the products
26 disclose any uses for the products nor for the citrulline in those products that do not
27 infringe upon the methods disclosed in the '471 patent and the '107 patent. The
28

1 inclusion of the citrulline content in the products are, in fact, material to practicing the
2 methods disclosed in the '471 patent and the '107 patent.

3 13. Plaintiff believes facts to be ascertained during discovery in this matter
4 will demonstrate that Defendant has knowledge that its products that infringe the
5 claimed methods are especially adapted by end-users of the products for the practicing
6 of the methods disclosed in the '471 patent and '107 patent, and, indeed, Defendant
7 encourages, urges, and induces the products' end-users to purchase and orally
8 administer the products to practice those methods, and has done so in the past. Plaintiff
9 intends to amend this complaint at the appropriate time to include more specific
10 allegations pertaining to these facts.

11 14. Plaintiff believes facts to be ascertained during discovery in this matter
12 will demonstrate that Defendant has intentionally and knowingly induced, encouraged,
13 and urged end-users of the products that infringe the claimed methods to purchase and
14 orally administer the products for the purpose, without limitation, of increasing the
15 plasma level of arginine in the persons taking the products from a low or normal fasting
16 level to a level which is up to three times an average overnight fasting level and
17 increasing the plasma concentration of arginine in the persons taking the products from
18 a low or normal fasting concentration to a level which is up to three times an average
19 overnight fasting arginine level of about 90 μmole per liter of plasma, including by
20 end-users who, without limitation, were in good health, were in a condition of increased
21 or continuing brain or neural activities, or were in a condition of increased or
22 continuing muscular activities. Plaintiff intends to amend this complaint at the
23 appropriate time to include more specific allegations pertaining to these facts.

24 15. Plaintiff believes facts to be ascertained during discovery in this matter
25 will demonstrate that Defendant had actual, first-hand knowledge of the '471 patent and
26 the '107 patent as early as the time Defendant launched each of the products that
27 infringe the claimed methods in the marketplace. By way of example and without
28 limitation, Plaintiff believes such facts to be ascertained will include the fact that

1 Defendant employs and engages sophisticated, experienced legal counsel with expertise
2 in patent law, and that Defendant, through its counsel, conducts or should conduct due
3 diligence on the potential for Defendant's products to infringe on patents and knew or
4 should have known that the products that infringe the claimed methods actually infringe
5 or could infringe on the '471 patent and '107 patent, but Defendant decided to infringe
6 the patents anyway or ignored the risk of infringement. By way of further example and
7 without limitation, Plaintiff believes such facts to be ascertained will include the fact
8 that Defendant became aware of the '471 patent and '107 patent following the filing of
9 lawsuits by Plaintiff against Defendant's competitors arising out of infringements by
10 those competitors of the patents. Plaintiff intends to amend this complaint at the
11 appropriate time to include more specific allegations pertaining to these facts.

12 16. In the alternative, Plaintiff believes facts to be ascertained during
13 discovery in this matter will demonstrate that Defendant subjectively believed at the
14 time Defendant launched each of the products that infringe the claimed methods in the
15 marketplace that there is or was a high probability of the fact that patents existed that
16 covered the use of citrulline as in the products and that Defendant took deliberate
17 actions to avoid confirming that fact, including not conducting due diligence as to
18 potential patent infringements, and that Defendant therefore willfully blinded itself to
19 the infringing nature of its sales of the products that infringe the claimed methods.
20 Plaintiff intends to amend this complaint at the appropriate time to include more
21 specific allegations pertaining to these facts.

22 17. At a minimum, Defendant will become aware of the '471 patent and the
23 '107 patent at the time of the filing and service of this Complaint, yet Defendant will
24 likely not cease its own direct infringement, nor what Plaintiff believes is Defendant's
25 indirect infringement by contributory infringement or inducement of infringements by
26 end-users, despite such knowledge. Plaintiff intends to amend this complaint at the
27 appropriate time to include more specific allegations pertaining to these post-filing
28 activities, based on facts to be ascertained during discovery in this matter.

1 18. The earliest exact date Defendant obtained knowledge of the '471 patent
2 and the '107 patent is within the exclusive possession and control of Defendant.
3 However, Plaintiff believes facts to be ascertained during discovery in this matter will
4 demonstrate that Defendant specifically induces end-users to use its products, and
5 particularly the citrulline component in the products, to "increase sex drive, enhance
6 muscle mass and improve overall body strength," and Defendant knows and intends
7 that end-users achieve those objectives by practicing the methods as set forth in the
8 '471 and '107 patents. Plaintiff believes facts to be ascertained during discovery in this
9 matter will demonstrate that this is why Defendant includes citrulline in its products –
10 for the purposes of improving of the health of end-users to increase the plasma level of
11 arginine in end-users to a level from a low or normal fasting level to a level which is up
12 to three times an average overnight fasting level, and improving the health of end-users
13 to increase the plasma concentration of arginine in the subject to a level from a low or
14 normal fasting concentration to a level which is up to three times an average overnight
15 fasting arginine level of about 90 mu.mole per liter of plasma – and Defendant knows
16 that end-users purchase and ingest the products, and particularly the citrulline content
17 of the products, for those purposes. Plaintiff intends to amend this complaint at the
18 appropriate time to include more specific allegations pertaining to these facts.

19 **V. FIRST CAUSE OF ACTION**

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

21 19. Plaintiff repeats and re-alleges the allegations of the foregoing paragraphs
22 of this Complaint as if fully set forth herein.

23 20. Defendant has in the past and still is literally and directly infringing or
24 directly infringing under the doctrine of equivalents one or more claims of the '471
25 patent by making, using, selling, and offering for sale nutritional supplements
26 embodying the patented invention, and will continue to do so unless enjoined by this
27 Court.
28

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

3 22. Examples of Defendant's direct infringement includes, without limitation,
4 the fact that Defendant's employees, agents, representatives and other persons
5 sponsored by or who endorse Defendant and Defendant's products in advertising and
6 marketing activities, have taken, used, and orally administered the products that
7 infringe the claimed methods which have the effect, without limitation, of increasing
8 the plasma level of arginine in the persons taking the products from a low or normal
9 fasting level to a level which is up to three times an average overnight fasting level.
10 These persons included persons who, without limitation, were in good health, were in a
11 condition of increased or continuing brain or neural activities, or were in a condition of
12 increased or continuing muscular activities. Defendant has encouraged and/or is aware
13 of these persons' oral administration of the products that infringe the claimed methods
14 for these purposes, these persons are acting under Defendant's direction and control,
15 and therefore Defendant is directly practicing the methods set forth in the '471 patent.

16 23. Plaintiff believes facts to be ascertained during discovery in this matter
17 will demonstrate that Defendant is also literally and indirectly or indirectly infringing
18 under the doctrine of equivalents, through contributory and/or induced infringement,
19 one or more claims of the '471 patent. Plaintiff intends to amend this First Cause of
20 Action at the appropriate time once more specific facts pertaining to Defendant's acts
21 of indirect infringement are ascertained.

22 24. Defendant's activities have been without express or implied license by
23 Plaintiff.

24 25. Plaintiff believes facts to be ascertained during discovery in this matter
25 will demonstrate that the infringement by Defendant has been and continues to be
26 willful, and Plaintiff intends to amend this First Cause of Action at the appropriate time
27 once more specific facts pertaining to Defendant's willful acts of infringement are
28 ascertained.

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

3 27. As a result of Defendant's acts of infringement, Plaintiff has been and will
4 continue to be irreparably harmed by Defendant's infringements, which will continue
5 unless Defendant is enjoined by this Court.

6 28. Plaintiff believes facts to be ascertained during discovery in this matter
7 will demonstrate that Defendant's past infringement and/or continuing infringement has
8 been deliberate and willful, and that this case is therefore an exceptional case, which
9 warrants an award of treble damages and attorneys' fees in accordance with 35 U.S.C. §
10 285. Plaintiff intends to amend this First Cause of Action at the appropriate time once
11 more specific facts pertaining to Defendant's deliberate and willful acts of infringement
12 are ascertained.

13 VI. SECOND CAUSE OF ACTION

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

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

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

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

24 32. Plaintiff believes facts to be ascertained during discovery in this matter
25 will demonstrate that Defendant is also literally and indirectly or indirectly infringing
26 under the doctrine of equivalents, through contributory and/or induced infringement,
27 one or more claims of the '107 patent. Plaintiff intends to amend this Second Cause of
28

1 Action at the appropriate time once more specific facts pertaining to Defendant's acts
2 of indirect infringement are ascertained.

3 33. Examples of Defendant's direct infringement includes, without limitation,
4 the fact that Defendant's employees, agents, representatives and other persons
5 sponsored by or who endorse Defendant and Defendant's products in advertising and
6 marketing activities, have taken, used, and orally administered the products that
7 infringe the claimed methods which have the effect, without limitation, of increasing
8 the plasma concentration of arginine in the persons taking the products from a low or
9 normal fasting concentration to a level which is up to three times an average overnight
10 fasting arginine level of about 90 μ mole per liter of plasma. These persons included
11 persons who, without limitation, were in good health, were in a condition of increased
12 or continuing brain or neural activities, or were in a condition of increased or
13 continuing muscular activities. Defendant has encouraged and/or is aware of these
14 persons' oral administration of the products that infringe the claimed methods for these
15 purposes, these persons are acting under Defendant's direction and control, and
16 therefore Defendant is directly practicing the methods set forth in the '107 patent.

17 34. Defendant's activities have been without express or implied license by
18 Plaintiff.

19 35. Plaintiff believes facts to be ascertained during discovery in this matter
20 will demonstrate that the infringement by Defendant has been and continues to be
21 willful, and Plaintiff intends to amend this Second Cause of Action at the appropriate
22 time once more specific facts pertaining to Defendant's willful acts of infringement are
23 ascertained.

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

26 37. As a result of Defendant's acts of infringement, Plaintiff has been and will
27 continue to be irreparably harmed by Defendant's infringements, which will continue
28 unless Defendant is enjoined by this Court.

1 38. Plaintiff believes facts to be ascertained during discovery in this matter
2 will demonstrate that Defendant's past infringement and/or continuing infringement has
3 been deliberate and willful, and that this case is therefore an exceptional case, which
4 warrants an award of treble damages and attorneys' fees in accordance with 35 U.S.C. §
5 285. Plaintiff intends to amend this Second Cause of Action at the appropriate time
6 once more specific facts pertaining to Defendant's deliberate and willful acts of
7 infringement are ascertained.

8 **VII. PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff prays for entry of judgment against Defendant as
10 follows:

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

13 2. That injunctions, preliminary and permanent, be issued by this Court
14 restraining Defendant, its respective officers, agents, servants, directors, and employees,
15 and all persons in active concert or participation with each, from directly infringing the
16 '471 patent and the '107 patent;

17 3. That Defendant be required to provide to Plaintiff an accounting of all
18 gains, profits, and advantages derived by Defendant's infringement of the '471 patent
19 and the '107 patent, and that Plaintiff be awarded damages adequate to compensate
20 Plaintiff for the wrongful infringing acts by Defendant, in accordance with 35 U.S.C. §
21 284;

22 4. That, at the appropriate time after more specific facts pertaining to
23 Defendant's acts of indirect, willful, and deliberate infringement are ascertained and
24 this Complaint is amended to include such facts: (a) injunctions, preliminary and
25 permanent, be issued by this Court restraining Defendant, its respective officers, agents,
26 servants, directors, and employees, and all persons in active concert or participation
27 with each, from indirectly infringing the '471 patent and the '107 patent; (b) Defendant
28 be required to provide to Plaintiff an accounting of all gains, profits, and advantages

1 derived by Defendant's indirect infringement of the '471 patent and the '107 patent; (c)
2 Plaintiff be awarded damages adequate to compensate Plaintiff for the wrongful
3 infringing acts by Defendant, in accordance with 35 U.S.C. § 284; and (d) the damages
4 awarded to Plaintiff with regard to the '471 patent and the '107 patent be increased up
5 to three times, in view of Defendant's willful infringement, in accordance with 35
6 U.S.C. § 284;

7 5. That, at the appropriate time after more specific facts pertaining to
8 Defendant's acts of willful and deliberate infringement are ascertained and this
9 Complaint is amended to include such facts, this case be declared to be exceptional in
10 favor of Plaintiff under 35 U.S.C. § 285, and that Plaintiff be awarded its reasonable
11 attorneys' fees and other expenses incurred in connection with this action;

12 6. That Plaintiff be awarded its interest and costs of suit incurred in this
13 action;

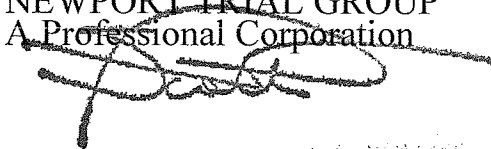
14 7. Compensatory damages;

15 8. Punitive damages; and

16 9. That Plaintiff be awarded such other and further relief as this Court may
17 deem just and proper.

18
19
20 Respectfully submitted,
NEWPORT TRIAL GROUP
A Professional Corporation

21
22 Dated: January 2, 2013



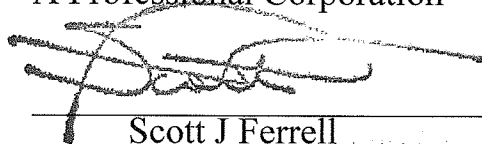
Scott J Ferrell
Attorneys for Plaintiff

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



Scott J Ferrell
Attorneys for Plaintiff

Dated: January 2, 2013

**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 Andrew Guilford and the assigned discovery Magistrate Judge is Jean P. Rosenbluth.

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

SACV13 - 4 AG (JPRx)

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.

Name & Address: NEWPORT TRIAL GROUP
 Tyler J. Woods (State Bar No. 232464)
 Richard H. Hikida (State Bar No. 196149)
 Scott J. Ferrell (State Bar No. 202091)
 895 Dove Street, Ste 425, Newport Beach, CA 92660

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

THE TAWNSAURA GROUP, LLC,

PLAINTIFF(S)

v.

DIRECT DIGITAL, LLC

DEFENDANT(S).

CASE NUMBER

SACV 13-00004 AG (JPRx)

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, Newport Trial Group _____, whose address is 895 Dove Street, Suite 425, Newport Beach, CA 92660 _____. 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: JAN - 2 2013

By: A. Gonzales

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)].

Name & Address: NEWPORT TRIAL GROUP
 Tyler J. Woods (State Bar No. 232464)
 Richard H. Hikida (State Bar No. 196149)
 Scott J. Ferrell (State Bar No. 202091)
 895 Dove Street, Ste 425, Newport Beach, CA 92660

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

THE TAWNSAURA GROUP, LLC,

PLAINTIFF(S)

v.

DIRECT DIGITAL, LLC

DEFENDANT(S).

CASE NUMBER

SACV 13-00004 AG (JPRx)

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, Newport Trial Group, whose address is 895 Dove Street, Suite 425, Newport Beach, CA 92660. 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: JAN - 2 2013

By: A. Gonzales

Deputy Clerk

(Seal of the Court)

1225

[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)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEETI (a) PLAINTIFFS (Check box if you are representing yourself ☐)
THE TAWNSAURA GROUP, LLC,DEFENDANTS
DIRECT DIGITAL, LLC

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

NEWPORT TRIAL GROUP, 895 Dove Street, Suite 425, Newport Beach, CA 92660
Tel: (949) 706-6464 Fax (949) 706-6469

Attorneys (If Known)

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

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

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

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

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No

MONEY DEMANDED IN COMPLAINT: \$ TBD

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
35 USC §§271, et seq; 35 USC §§284; 35 USC §§285

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

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL PROPERTY	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Habeas Corpus	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 555 Prison Condition	PROPERTY RIGHTS
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE / PENALTY	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 610 Agriculture	<input checked="" type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	SOCIAL SECURITY
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 891 Agricultural Act	REAL PROPERTY	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 862 Black Lung (923) (405(g))
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	IMMIGRATION	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 660 Occupational Safety /Health	<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	FEDERAL TAX SUITS
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				

SACV 13-00004 AG (JPRx)

FOR OFFICE USE ONLY: Case Number: _____

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

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	THE TAWNSAURA GROUP, LLC - Washoe County, Nevada

(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
	DIRECT DIGITAL, LLC - Mecklenburg County, NC

(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
Plaintiff's Claim - Orange County, CA	

* 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 January 2, 2013

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))