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5 895 Dove Street, Suite 425  
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6 Tel: (949) 706-6464  
Fax: (949) 706-6469

7 Attorneys for Plaintiff

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

BY \_\_\_\_\_  
2013 FEB 21 PM 2:54  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
SANTA ANA

FILED

11 THERMOLIFE INTERNATIONAL, LLC, Case No. **CV13-1281 DDP(PJWx)**

12 Plaintiff,

**COMPLAINT FOR PATENT  
INFRINGEMENT**

13 vs.

**JURY TRIAL DEMANDED**

14 NUTREX RESEARCH, INC.,

15 Defendant

COPY BY FAX

1 Plaintiff Thermolife International, LLC (“Plaintiff”) hereby alleges for its  
2 Complaint against Nutrex Research, Inc. (“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 Arizona, with a place of business at 1811 Ocean Front Walk in Venice,  
7 California, 90291.

8 2. Plaintiff is the owner and assignee of United States Patent No. 8,202,908  
9 (“the ‘908 patent”) titled “D-Aspartic Acid Supplement,” and Plaintiff licenses the ‘908  
10 patent to several third-parties and is in negotiations to license the patents to numerous  
11 other parties.

12 3. Defendant is a corporation organized and existing under the laws of  
13 Florida with a principal place of business at 579 South Econ Circle in Oviedo, Florida,  
14 32765.

15 **II. JURISDICTION AND VENUE**

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

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

20 6. This Court has personal jurisdiction over Defendant. By way of example  
21 and without limitation, Defendant, directly or through intermediaries (including  
22 distributors, retailers, and others), ships, distributes, offers for sale, sells, and advertises  
23 “T-Up”-branded dietary supplement products (hereinafter the “accused products”)  
24 manufactured, marketed, and sold by Defendant in the United States, the State of  
25 California, and the Central District of California – or did so in the past.

26 7. Defendant has purposefully and voluntarily placed these accused products  
27 into the stream of commerce with the expectation that they will be purchased in the  
28

1 Central District of California, and the products are actually purchased in the Central  
2 District of California.

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

4 8. The accused products purport to and do increase the levels of testosterone  
5 in adult male humans.

6 9. The accused products are administered by oral ingestion.

7 10. The accused products contain a D-aspartic acid compound comprised from  
8 D-aspartic acid, D-Aspartate salts, or D-aspartate esters.

9 11. The accused products branded are intended to be taken by adult male  
10 humans and are taken primarily by adult male humans.

11 12. The accused products purport to contain and actually contain a D-aspartic  
12 acid compound which is, according to the products' instructions for use, to be  
13 administered and is administered in an amount and for a time sufficient to increase the  
14 levels of testosterone in end-users.

15 13. Defendant manufactures, markets, advertises, offers for sale, and sells the  
16 accused products.

17 14. As part of its transaction of business in this jurisdiction, Defendant sells its  
18 accused products to various distributors and retailers with places of business within the  
19 Central District of California.

20 15. The labels and advertisements for the T-Up-branded products state, as  
21 relevant to this matter and without limitation, as follows:

- 22 a. The product contains "Sodium D-Aspartic Acid"
- 23 b. It is to be taken by oral ingestion.
- 24 c. "Nutrex raises the bar on testosterone boosting by bringing you T-UP  
25 Black"
- 26 d. "In one study, the Sodium D-Aspartic Acid used in T-Up led to an  
27 average 42% increase in testosterone after only 12 days of use"
- 28 e. "Days 1-10: Take 5 Black Liqui-Caps twice per day between meals"

1 f. "Day 11 and on: Take 5 Black Liqui-Caps once per day between  
2 meals"

3 g. "Scientific research has shown that the Sodium D-Aspartic Acid in T-  
4 UP can be stored in the body and continues to keep testosterone levels  
5 elevated for several days even after study participants stopped taking it,  
6 supporting the conclusion that the testosterone boosting effects of this  
7 product will build up over time"

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

9 16. Defendant has committed the tort of patent infringement within the State  
10 of California, and more particularly, within the Central District of California, by virtue  
11 of the fact that Defendant has shipped, distributed, offered for sale, sold, and advertised,  
12 and continues to ship, distribute, offer for sale, sell, and advertise the accused products  
13 in this District.

14 **A. DIRECT INFRINGEMENTS**

15 17. Defendant's employees, agents, representatives and other persons  
16 sponsored by or who endorse Defendant and Defendant's products in advertising and  
17 marketing activities, have taken, used, and orally administered the accused products,  
18 which Defendant has formulated and distributed and sold to include a D-aspartic acid  
19 compound as defined in the '908 patent for the specific reason of increasing the levels  
20 of testosterone in adult male humans taking the products, by having them orally ingest  
21 the D-aspartic acid compound present in the product in an amount and for a time  
22 sufficient to increase the levels of testosterone.

23 18. Defendant has encouraged and/or is aware of these persons' oral  
24 administration of the accused products for these purposes, and these employees, agents,  
25 representatives and other persons sponsored by or who endorse Defendant and  
26 Defendant's products in advertising and marketing activities are acting under  
27 Defendant's direction and control when practicing the method disclosed in the '908  
28 patent.

1 19. Therefore, Defendant directly practices the method as set forth in the '908  
2 patent and it is a direct infringer of the patent.

3 **B. INDIRECT INFRINGEMENTS**

4 20. End-users of Defendant's accused products are also direct infringers of the  
5 '908 patent, because they have taken, used, and orally ingested the accused products  
6 which Defendant has formulated to include a D-aspartic acid compound as defined in  
7 the '908 patent for the specific reason of increasing the levels of testosterone in adult  
8 male humans taking the products, by having them orally ingest the a D-aspartic acid  
9 compound as defined in the '908 patent present in the products in an amount and for a  
10 time sufficient to increase their levels of testosterone.

11 21. These end-users practice the method as set forth in the '908 patent and are  
12 direct infringers of the patent.

13 22. Defendant's labels and advertising for the accused products explain the  
14 elements and essential elements of the method disclosed in the '908 patent to end-users  
15 and encourage, urge, and induce the accused products' end-users to purchase and orally  
16 ingest the products to practice that method, and end-users do practice that method.

17 23. Defendant has therefore specifically intended to cause these end-users to  
18 directly infringe the claimed methods of the patent, and have in fact urged them to do  
19 so.

20 24. The accused products are not suitable for non-infringing uses, and none of  
21 Defendant's labels or advertisements for the accused products disclose any uses for the  
22 products nor for the D-aspartic acid compound as defined in the '908 patent in those  
23 products that do not infringe upon the method disclosed in the '908 patent.

24 25. The inclusion of the D-aspartic acid compound in the products is material  
25 to practicing the method disclosed in the '908 patent.

26 26. Defendant has knowledge that the accused products are especially adapted  
27 by end-users of the products for the practicing of the method disclosed in the '908  
28 patent, and, indeed, Defendant encourages, urges, and induces the products' end-users

1 to purchase and orally administer the accused products to practice that method, and has  
2 done so in the past.

3 27. Defendant has intentionally and knowingly induced, encouraged, and  
4 urged end-users of the accused products to purchase and orally administer the accused  
5 products for the purpose, without limitation, of increasing the levels of testosterone in  
6 adult male humans taking the products, by having them orally ingest the D-aspartic acid  
7 compound as defined in the '908 patent present in the products in an amount and for a  
8 time sufficient to increase the levels of testosterone.

9 28. Defendant had actual, first-hand knowledge of the '908 patent after the  
10 June 19, 2012 issuance of the patent, the day of which a very publicly available and  
11 widely known press release was issued by Plaintiff announcing the issuance of the  
12 patent. The press release stated as follows:

13 "ThermoLife International, LLC (ThermoLife) announced today  
14 that the United States Patent and Trademark Office (USPTO)  
15 issued U.S. Patent No. 8,202,908 (the '908 patent) for  
16 ThermoLife's novel use of D-Aspartic acid (DAA). The patented  
17 method uses a DAA compound to increase the levels of  
18 testosterone, growth hormone, and/or insulin-like growth factor 1  
19 in adult males. The potential benefits of DAA are astounding and  
20 the patented method will transform testosterone boosting dietary  
21 supplements and methods.

22 ThermoLife has a long history of developing innovative and  
23 proven products and processes. With the addition of the '908  
24 patent, ThermoLife has been awarded seven patents covering  
25 more than 20 various compounds and methods of use, and still  
26 has many pending applications in the pipeline and new  
27 technologies at various stages of development.  
28

1           These patents protect ThermoLife’s innovative and proven  
2           products and methods, as well as validate ThermoLife’s market  
3           leadership in new dietary ingredient research. These patents also  
4           allow ThermoLife to continue building confidence with its  
5           licensing partners and give consumers and companies that work  
6           with ThermoLife assurance that they are buying one-of-a-kind  
7           products that they cannot get elsewhere.

8           **About Thermolife**

9           Founded in 1998, ThermoLife is dedicated to developing real  
10          products and methods that work. ThermoLife is a leading  
11          manufacturer in the sports nutrition and supplement industry.  
12          ThermoLife is committed to developing only the purest, most  
13          effective, and innovative products. For more information about  
14          ThermoLife and its patents, or to license any of ThermoLife’s  
15          patented ingredients contact Ron Kramer at  
16          Ron(at)ThermoLife(dot)com.”

17          29.    Thereafter, Plaintiff sent detailed communications to Defendant to notify  
18          Defendant of the patent and its infringement prior to the filing of this suit, and, upon  
19          information and belief, notified or should have notified its distributors and retail  
20          partners of such communications.

21          30.    Plaintiff actually began potential licensing discussions with Defendant,  
22          thereby cementing its actual, first-hand knowledge of the existence of the patent, but  
23          those discussions were not fruitful.

24          31.    Defendant has brazenly and willfully decided to infringe the ‘908 patent  
25          despite knowledge of the patent’s existence and each of their infringements of the  
26          patent.

27          32.    At a minimum, and in the alternative, Plaintiff pleads that Defendant  
28          willfully blinded itself to the infringing nature of the accused products’ sales.

1 33. Defendant has not ceased its own direct infringements, contributory  
2 infringements, or inducements of infringements by end-users despite their clear  
3 knowledge of the '908 patent.

4 34. In sum, Defendant specifically induces end-users to use the accused  
5 products, and particularly the d-aspartic acid compound in these products, for  
6 increasing the levels of testosterone in adult male humans taking the products, by  
7 having them orally ingest the d-aspartic acid compound present in the products in an  
8 amount and for a time sufficient to increase the levels of testosterone, which is the very  
9 method described in the '908 patent.

10 35. This method is the sole reason Defendant includes the d-aspartic acid  
11 compound in their products, and end-users' experiences are consistent with the fact that  
12 they have practiced the method, in that end-users have increased their levels of  
13 testosterone by ingesting the d-aspartic acid compound present in the accused products.

14 36. Defendant's infringing activities have not stopped despite its knowledge of  
15 the patent's existence.

16 **V. FIRST CAUSE OF ACTION**

17 **Infringement of U.S. Patent No. 8,202,908**

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

20 38. The Defendant has in the past and still is literally infringing or infringing  
21 under the doctrine of equivalents, directly and indirectly through contributory and/or  
22 induced infringement, claim 1 of the '908 patent by making, using, selling, and offering  
23 for sale dietary supplements embodying claim 1 of the patented invention, and will  
24 continue to do so unless enjoined by this Court.

25 39. Examples of Defendant's direct infringement include, without limitation,  
26 the fact that Defendant's employees, agents, representatives and other persons  
27 sponsored by or who endorse Defendant and Defendant's products in advertising and  
28 marketing activities, have taken, used, and orally administered the accused products



1 which have the effect, without limitation, of increasing the levels of testosterone in  
2 adult male humans taking the products, by having them orally ingest the D-aspartic acid  
3 compound present in the products in an amount and for a time sufficient to increase the  
4 levels of testosterone.

5 40. Defendant has encouraged and is aware of these persons' oral  
6 administration of the accused for these purposes, these persons are acting under  
7 Defendant's direction and control, and therefore Defendant is directly practicing the  
8 method set forth in the '908 patent.

9 41. End-users of the accused products are also direct infringers of the '908  
10 patent, because they have taken, used, and orally ingested the accused products which  
11 have the effect, without limitation, of increasing the levels of testosterone in adult male  
12 humans taking the products, by having them orally ingest the D-aspartic acid compound  
13 present in the products in an amount and for a time sufficient to increase the levels of  
14 testosterone.

15 42. Therefore, these end-users practice the method as set forth in the '908  
16 patent and directly infringe the patent.

17 43. Defendant's labels and advertising explain the elements or essential  
18 elements of the method disclosed in the '908 patent to end-users and encourage, urge,  
19 and induce the products' end-users to purchase and orally administer the accused  
20 products to practice that method.

21 44. The accused products are not suitable for non-infringing uses, and none of  
22 Defendant's labels or advertisements for the products disclose any uses for the D-  
23 aspartic acid compound in the products that do not infringe upon the method disclosed  
24 in the '908 patent.

25 45. Defendant has knowledge that the accused products are especially adapted  
26 by end-users of the products for increasing the levels of testosterone in adult male  
27 humans taking the accused products, by having them orally ingest the D-aspartic acid  
28

1 compound present in the products in an amount and for a time sufficient to increase the  
2 levels of testosterone.

3 46. Defendant encourages, urges, and induces the accused products' end-users  
4 to purchase and orally administer the products to increase the levels of testosterone in  
5 adult male humans taking the products, by having them orally ingest the D-aspartic acid  
6 compound present in the products in an amount and for a time sufficient to increase the  
7 levels of testosterone – and Defendant has done so in the past.

8 47. Defendant therefore is liable for contributory infringement of claim 1 of  
9 the '908 patent.

10 48. Defendant has intentionally and knowingly induced, encouraged, and  
11 urged end-users of the accused products to purchase and orally administer the products  
12 for the purpose, without limitation, of increasing the levels of testosterone in adult male  
13 humans taking the products, by having them orally ingest the D-aspartic acid compound  
14 present in the products in an amount and for a time sufficient to increase the levels of  
15 testosterone.

16 49. Defendant has actual, first-hand knowledge of the '908 patent, but has not  
17 ceased their contributory infringement or inducement of infringements by end-users  
18 despite their knowledge of the '908 patent.

19 50. Defendant is therefore liable for induced infringement of claim 1 of the  
20 '908 patent.

21 51. Defendant's activities have been without express or implied license by  
22 Plaintiff.

23 52. The infringements by Defendant have been and continue to be willful,  
24 since the infringements have not ceased.

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

27  
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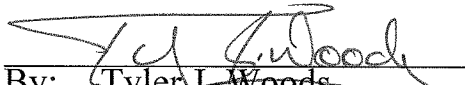


**DEMAND FOR JURY TRIAL**

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: February 20, 2013

  
By: Tyler J. Woods  
Attorneys for Plaintiff

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**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 Dean D. Pregerson and the assigned discovery Magistrate Judge is Patrick J. Walsh.

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

**CV13- 1281 DDP (PJWx)**

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

THERMOLIFE INTERNATIONAL LLC

CASE NUMBER

PLAINTIFF(S)

CV13-1281 DDP(PJWx)

v.

NUTREX RESEARCH, INC.

SUMMONS

DEFENDANT(S).

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.

Dated: 2-21-13

Clerk, U.S. District Court

By: Nancy Interiano  
 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

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Clerk, U.S. District Court

Dated: 2-21-13

By: NANCY INTERIANO  
 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)].



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

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> ) THERMOLIFE INTERNATIONAL, LLC	<b>DEFENDANTS</b> NUTREX RESEARCH, INC.
<b>(b) Attorneys</b> (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)

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 5</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input 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
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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.)  
 28 U.S.C. §§ 1331, 1338, and 1367

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

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL PROPERTY</b>	<b>PETITIONS</b>	<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 Motions to Vacate Sentence	<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 Habeas Corpus	<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	<b>BANKRUPTCY</b>	<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	<b>PROPERTY RIGHTS</b>
<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	<b>FORFEITURE / PENALTY</b>	<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	<b>CIVIL RIGHTS</b>	<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	<b>SOCIAL SECURITY</b>
<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	<b>REAL PROPERTY</b>	<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)
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	<b>IMMIGRATION</b>	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<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"/> 864 SSID Title XVI
<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	<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 465 Other Immigration Actions			<b>FEDERAL TAX SUITS</b>
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

**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
	THERMOLIFE INTERNATIONAL, LLC - Maricopa County, Arizona

(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
	NUTREX RESEARCH, INC. - Seminole County, Florida

(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 - Los Angeles, 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 February 20, 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))