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Plaintiff Thermolife International, LLC ("Plaintiff") hereby alleges for its Complaint against Nutrex Research, Inc. ("Defendant"), on personal knowledge as to its own activities and on information and belief as to the activities of others, as follows:

THE PARTIES T.

- Plaintiff is a limited liability company organized and existing under the 1. laws of Arizona, with a place of business at 1811 Ocean Front Walk in Venice, California, 90291.
- 2. Plaintiff is the owner and assignee of United States Patent No. 8,202,908 ("the '908 patent") titled "D-Aspartic Acid Supplement," and Plaintiff licenses the '908 patent to several third-parties and is in negotiations to license the patents to numerous other parties.
- 3. Defendant is a corporation organized and existing under the laws of Florida with a principal place of business at 579 South Econ Circle in Oviedo, Florida, 32765.

II. JURISDICTION AND VENUE

- This is an action for patent infringement arising under the patent laws of 4. the United States, Title 35 of the United States Code. Accordingly, this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338, and 1367.
 - 5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400.
- 6. This Court has personal jurisdiction over Defendant. By way of example and without limitation, Defendant, directly or through intermediaries (including distributors, retailers, and others), ships, distributes, offers for sale, sells, and advertises "T-Up"-branded dietary supplement products (hereinafter the "accused products") manufactured, marketed, and sold by Defendant in the United States, the State of California, and the Central District of California – or did so in the past.
- 7. Defendant has purposefully and voluntarily placed these accused products into the stream of commerce with the expectation that they will be purchased in the

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"							

e. "Days 1-10: Take 5 Black Liqui-Caps twice per day between meals"

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- f. "Day 11 and on: Take 5 Black Liqui-Caps once per day between meals"
- g. "Scientific research has shown that the Sodium D-Aspartic Acid in T-UP can be stored in the body and continues to keep testosterone levels elevated for several days even after study participants stopped taking it, supporting the conclusion that the testosterone boosting effects of this product will build up over time"

IV. THE DEFENDANT'S INFRINGEMENTS

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

A. <u>DIRECT INFRINGEMENTS</u>

- 17. Defendant's employees, agents, representatives and other persons sponsored by or who endorse Defendant and Defendant's products in advertising and marketing activities, have taken, used, and orally administered the accused products, which Defendant has formulated and distributed and sold to include a D-aspartic acid compound as defined in the '908 patent for the specific reason of increasing the levels of testosterone in adult male humans taking the products, by having them orally ingest the D-aspartic acid compound present in the product in an amount and for a time sufficient to increase the levels of testosterone.
- 18. Defendant has encouraged and/or is aware of these persons' oral administration of the accused products for these purposes, and these employees, agents, representatives and other persons sponsored by or who endorse Defendant and Defendant's products in advertising and marketing activities are acting under Defendant's direction and control when practicing the method disclosed in the '908 patent.

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

B. <u>INDIRECT INFRINGEMENTS</u>

- 20. End-users of Defendant's accused products are also direct infringers of the '908 patent, because they have taken, used, and orally ingested the accused products which Defendant has formulated to include a D-aspartic acid compound as defined in the '908 patent for the specific reason of increasing the levels of testosterone in adult male humans taking the products, by having them orally ingest the a D-aspartic acid compound as defined in the '908 patent present in the products in an amount and for a time sufficient to increase their levels of testosterone.
- 21. These end-users practice the method as set forth in the '908 patent and are direct infringers of the patent.
- 22. Defendant's labels and advertising for the accused products explain the elements and essential elements of the method disclosed in the '908 patent to end-users and encourage, urge, and induce the accused products' end-users to purchase and orally ingest the products to practice that method, and end-users do practice that method.
- 23. Defendant has therefore specifically intended to cause these end-users to directly infringe the claimed methods of the patent, and have in fact urged them to do so.
- 24. The accused products are not suitable for non-infringing uses, and none of Defendant's labels or advertisements for the accused products disclose any uses for the products nor for the D-aspartic acid compound as defined in the '908 patent in those products that do not infringe upon the method disclosed in the '908 patent.
- 25. The inclusion of the D-aspartic acid compound in the products is material to practicing the method disclosed in the '908 patent.
- 26. Defendant has knowledge that the accused products are especially adapted by end-users of the products for the practicing of the method disclosed in the '908 patent, and, indeed, Defendant encourages, urges, and induces the products' end-users

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

- 27. Defendant has intentionally and knowingly induced, encouraged, and urged end-users of the accused products to purchase and orally administer the accused products for the purpose, without limitation, of increasing the levels of testosterone in adult male humans taking the products, by having them orally ingest the D-aspartic acid compound as defined in the '908 patent present in the products in an amount and for a time sufficient to increase the levels of testosterone.
- 28. Defendant had actual, first-hand knowledge of the '908 patent after the June 19, 2012 issuance of the patent, the day of which a very publicly available and widely known press release was issued by Plaintiff announcing the issuance of the patent. The press release stated as follows:

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

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

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

About Thermolife

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

- 29. Thereafter, Plaintiff sent detailed communications to Defendant to notify Defendant of the patent and its infringement prior to the filing of this suit, and, upon information and belief, notified or should have notified its distributors and retail partners of such communications.
- 30. Plaintiff actually began potential licensing discussions with Defendant, thereby cementing its actual, first-hand knowledge of the existence of the patent, but those discussions were not fruitful.
- 31. Defendant has brazenly and willfully decided to infringe the '908 patent despite knowledge of the patent's existence and each of their infringements of the patent.
- 32. At a minimum, and in the alternative, Plaintiff pleads that Defendant willfully blinded itself to the infringing nature of the accused products' sales.

- 33. Defendant has not ceased its own direct infringements, contributory infringements, or inducements of infringements by end-users despite their clear knowledge of the '908 patent.
- 34. In sum, Defendant specifically induces end-users to use the accused products, and particularly the d-aspartic acid compound in these products, for increasing the levels of testosterone in adult male humans taking the products, by having them orally ingest the d-aspartic acid compound present in the products in an amount and for a time sufficient to increase the levels of testosterone, which is the very method described in the '908 patent.
- 35. This method is the sole reason Defendant includes the d-aspartic acid compound in their products, and end-users' experiences are consistent with the fact that they have practiced the method, in that end-users have increased their levels of testosterone by ingesting the d-aspartic acid compound present in the accused products.
- 36. Defendant's infringing activities have not stopped despite its knowledge of the patent's existence.

V. FIRST CAUSE OF ACTION

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

- 37. Plaintiff repeats and re-alleges the allegations of the foregoing paragraphs of this Complaint as if fully set forth herein.
- 38. The Defendant has in the past and still is literally infringing or infringing under the doctrine of equivalents, directly and indirectly through contributory and/or induced infringement, claim 1 of the '908 patent by making, using, selling, and offering for sale dietary supplements embodying claim 1 of the patented invention, and will continue to do so unless enjoined by this Court.
- 39. Examples of Defendant's direct infringement include, without limitation, the fact that Defendant's employees, agents, representatives and other persons sponsored by or who endorse Defendant and Defendant's products in advertising and marketing activities, have taken, used, and orally administered the accused products

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

- 40. Defendant has encouraged and is aware of these persons' oral administration of the accused for these purposes, these persons are acting under Defendant's direction and control, and therefore Defendant is directly practicing the method set forth in the '908 patent.
- 41. End-users of the accused products are also direct infringers of the '908 patent, because they have taken, used, and orally ingested the accused products which have the effect, without limitation, of increasing the levels of testosterone in adult male humans taking the products, by having them orally ingest the D-aspartic acid compound present in the products in an amount and for a time sufficient to increase the levels of testosterone.
- 42. Therefore, these end-users practice the method as set forth in the '908 patent and directly infringe the patent.
- 43. Defendant's labels and advertising explain the elements or essential elements of the method disclosed in the '908 patent to end-users and encourage, urge, and induce the products' end-users to purchase and orally administer the accused products to practice that method.
- 44. The accused products are not suitable for non-infringing uses, and none of Defendant's labels or advertisements for the products disclose any uses for the D-aspartic acid compound in the products that do not infringe upon the method disclosed in the '908 patent.
- 45. Defendant has knowledge that the accused products are especially adapted by end-users of the products for increasing the levels of testosterone in adult male humans taking the accused products, by having them orally ingest the D-aspartic acid

- 46. Defendant encourages, urges, and induces the accused products' end-users to purchase and orally administer the products to increase the levels of testosterone in adult male humans taking the products, by having them orally ingest the D-aspartic acid compound present in the products in an amount and for a time sufficient to increase the levels of testosterone and Defendant has done so in the past.
- 47. Defendant therefore is liable for contributory infringement of claim 1 of the '908 patent.
- 48. Defendant has intentionally and knowingly induced, encouraged, and urged end-users of the accused products to purchase and orally administer the products for the purpose, without limitation, of increasing the levels of testosterone in adult male humans taking the products, by having them orally ingest the D-aspartic acid compound present in the products in an amount and for a time sufficient to increase the levels of testosterone.
- 49. Defendant has actual, first-hand knowledge of the '908 patent, but has not ceased their contributory infringement or inducement of infringements by end-users despite their knowledge of the '908 patent.
- 50. Defendant is therefore liable for induced infringement of claim 1 of the '908 patent.
- 51. Defendant's activities have been without express or implied license by Plaintiff.
- 52. The infringements by Defendant have been and continue to be willful, since the infringements have not ceased.
- 53. As a result of Defendant's acts of infringement, Plaintiff has suffered and will continue to suffer damages in an amount to be proved at trial.

- 54. As a result of Defendant's acts of infringement, Plaintiff has been and will continue to be irreparably harmed by Defendant's infringements and inducements, which will continue unless Defendant is enjoined by this Court.
- 55. Plaintiff believes that Defendant's past infringements and/or continuing infringements have been deliberate and willful, and that this case is therefore an exceptional case, which warrants an award of treble damages and attorneys' fees in accordance with 35 U.S.C. § 285.

VI. PRAYER FOR RELIEF

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

- 1. A declaration that Defendant has infringed the '908 patent under 35 U.S.C. §§ 271 et seq.;
- 3. That injunctions, preliminary and permanent, be issued by this Court restraining Defendant, its respective officers, agents, servants, directors, and employees, and all persons in active concert or participation with each, from directly or indirectly infringing, or inducing or contributing to the infringement by others of, the '908 patent;
- 4. That Defendant be required to provide to Plaintiff an accounting of all gains, profits, and advantages derived by Defendant's infringement of the '908 patent, and that Plaintiff be awarded damages adequate to compensate Plaintiff for the wrongful infringing acts by Defendant, in accordance with 35 U.S.C. § 284;
- 5. That the damages awarded to Plaintiff with regard to the '908 patent be increased up to three times, in view of Defendant's willful infringement, in accordance with 35 U.S.C. § 284;
- 6. That this case be declared to be exceptional in favor of Plaintiff under 35 U.S.C. § 285, and that Plaintiff be awarded its reasonable attorneys' fees and other expenses incurred in connection with this action;
- 7. That Plaintiff be awarded its interest and costs of suit incurred in this action;

1	8.	Compensatory damages;	
2	9.	Punitive damages; and	
3	10.	That Plaintiff be awarded such	ch other and further relief as this Court may
4	deem just a	nd proper.	
5			Respectfully submitted,
6			Respectfully submitted, NEWPORT TRIAL GROUP A Professional Corporation
7			
8	Dated: Feb	ruary <u>70</u> , 2013	By: Tylen Woods
9			Attorneys for Plaintiff
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1	DEMAND FOR JURY TRIAL						
2	Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff hereby demands						
3	jury trial for all issues in this case that properly are subject to a jury trial.						
4		Daniel (11 1 24 1					
5		Respectfully submitted,					
6		NEWPORT TRIAL GROUP A Professional Corporation					
7	D 1 D 1 d 0 0010						
8	Dated: February, 2013	By: Tyler J. Woods					
9		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)

L	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
Subs	sequent documents must be filed a	at the	following location:		
	py of this notice must be served w a copy of this notice must be serv		e summons and complaint on all def a all plaintiffs).	endar	nts (if a removal action is
			NOTICE TO COUNSEL		
	. — — — — — — — — = = = = =		=========	===	========
A	ll discovery related motions	shou	ld be noticed on the calendar	of the	e Magistrate Judge
	istrict of California, the Mag otions.	gistra	te Judge has been designated t	to he	ar discovery related
			-07 of the United States Distr		

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	
- Control of the Cont	DISTRICT COURT T OF CALIFORNIA
THERMOLIFE INTERNATIONAL LLC PLAINTIFF(S) V.	CASE NUMBER CV13-1281 DDP(PJWx)
NUTREX RESEARCH, INC. DEFENDANT(S).	SUMMONS
TO: DEFENDANT(S): A lawsuit has been filed against you. Within21 days after service of this summon must serve on the plaintiff an answer to the attached ☑ c ☐ counterclaim ☐ cross-claim or a motion under Rule 12 or motion must be served on the plaintiff's attorney, New 895 Dove Street, Suite 425, Newport Beach, CA 92660 judgment by default will be entered against you for the reyour answer or motion with the court.	2 of the Federal Rules of Civil Procedure. The answer wport Trial Group , whose address is . If you fail to do so,
Dated: 3 - 21-13	By:
[Use 60 days if the defendant is the United States or a United States 60 days by Rule 12(a)(3)].	agency, or is an officer or employee of the United States. Allowed
CV-01A (10/11 STIMM	ONS

Case 2:13-cv-01281-DDP-PJW Document 1 Filed 02/21/13 Page 15 of 18 Page ID #:18

Case 2:13-cv-01281-DDP-PJW Document 1 Filed 02/21/13 Page 16 of 18 Page ID #:19 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 CV13-1281 DDP(PJWx) PLAINTIFF(S) NUTREX RESEARCH, INC. **SUMMONS** DEFENDANT(S). DEFENDANT(S): TO: 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: 7-71-13 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)7. CV-01A (10/11 **SUMMONS**

Case 2:13-cv-01281-DDP-PJW Document 1 Filed 02/21/13 Page 17 of 18 Page ID #:20

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

Proceeding State Court Appellate Court Reopened District Litigation Magistrate Judge 7. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check Yes' only if demanded in complaint.) 7. LASS ACTION under F.R.C.P. 23: Yes No MONEY DEMANDED IN COMPLAINT: \$TBD 7. LAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filling and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 7. LAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filling and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 7. LAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filling and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 7. LAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filling and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 7. LAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filling and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 7. LAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filling and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 7. LAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filling and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 7. LAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filling and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 7. LAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filling and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 7. LAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filling and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 7. LAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filling and write a brie	I (a) PLAINTIFFS (Check box if you are representing yourself □) THERMOLIFE INTERNATIONAL, LLC					ANTS EX RESEARCH, I	NC.				
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and Corrupt Organizations 151 Medicare Act	1450 Commerce/ICC Rates/etc.	☐ 140 Negotiable Instrument☐ 150 Recovery of	□ 320	Assault, Libel &	□ 371	Truth in Lending Other Personal		Habeas Corpus General	730 L	Relations abor/Mgmt.	
Organizations 151 Medicare Act	450 Commerce/ICC Rates/etc, 460 Deportation	☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment &	□ 320	Assault, Libel & Slander	□ 371 □ 380	Truth in Lending Other Personal Property Damage	□ 535	Habeas Corpus General Death Penalty	730 L R	Relations abor/Mgmt. Reporting &	
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Stocked Selective Service Selective Service Selective Service Selective Service Securities/Commodities/ Securities/ Securities/Commodities/ Securities/Commo	 450 Commerce/ICC Rates/etc. 460 Deportation 470 Racketeer Influenced and Corrupt 	☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment	□ 320 □ 330 □ 340	Assault, Libel & Slander Fed, Employers' Liability Marine	□ 371 □ 380 □ 385	Truth in Lending Other Personal Property Damage Property Damage Product Liability	□ 535 □ 540	Habeas Corpus General Death Penalty Mandamus/ Other	730 L R R □ 740 R	Relations Labor/Mgmt. Reporting & Disclosure Ac Railway Labo	i Taga
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365 Seizure of Social Security Seizure of Seizure of Social Security Seizure of Seizu	 1450 Commerce/ICC Rates/etc. 460 Deportation 470 Racketeer Influenced and Corrupt Organizations 480 Consumer Credit 490 Cable/Sat TV 810 Selective Service 850 Securities/Commodities, Exchange 	□ 140 Negotiable Instrument □ 150 Recovery of Overpayment & Enforcement of Judgment □ 151 Medicare Act □ 152 Recovery of Defaulted Student Loan (Excl. Veterans) / □ 153 Recovery of Overpayment of	□ 320 □ 330 □ 340 □ 345 □ 350 □ 355	Assault, Libel & Slander Fed. Employers' Liability Marine Product Liability Motor Vehicle Motor Vehicle Product Liability Other Personal	☐ 371 ☐ 380 ☐ 385 ☐ 422 ☐ 423	Truth in Lending Other Personal Property Damage Property Damage Product Liability NKRUPICY Appeal 28 USC 158 Withdrawal 28 USC 157 VIL RIGHTS	□ 535 □ 540 □ 550 □ 555 □ FC	Habeas Corpus General Death Penalty Mandamus/ Other Civil Rights Prison Condition REFITURE/ PENALTY Agriculture Other Food &	730 L R D 740 R D 790 C L D 791 E S PROF	Relations Labor/Mgmt. Reporting & Disclosure Actailway Labo Other Labor Litigation Limpl. Ret. Inc. Recurity Act PERTY RIGH Copyrights	t Act
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Act 196 Franchise 368 Asbestos Personal 445 American with 630 Liquor Laws 863 DIWC/DIWW 894 Energy Allocation Act 210 Land Condemnation 210 Land Condemnation 210 Freedom of Info. Act 220 Foreclosure 230 Rent Lease & Ejectment 230 Rent Lease & Ejectment 240 Torts to Land 240 Tor	 1450 Commerce/ICC Rates/etc. 1460 Deportation 1470 Racketeer Influenced and Corrupt Organizations 1480 Consumer Credit 1490 Cable/Sat TV 1810 Selective Service 1850 Securities/Commodities. Exchange 1875 Customer Challenge 12 USC 3410 1890 Other Statutory Actions 	□ 140 Negotiable Instrument □ 150 Recovery of Overpayment & Enforcement of Judgment □ 151 Medicare Act □ 152 Recovery of Defaulted Student Loan (Excl. Veterans) / □ 153 Recovery of Overpayment of Veteran's Benefits □ 160 Stockholders' Suits □ 190 Other Contract	☐ 320 ☐ 330 ☐ 340 ☐ 345 ☐ 350 ☐ 360 ☐ 362 ☐ 362	Assault, Libel & Slander Fed. Employers' Liability Marine Product Liability Motor Vehicle Motor Vehicle Product Liability Other Personal Injury Personal Injury-	□ 371 □ 380 □ 385 □ 422 □ 423 □ 441 □ 442	Truth in Lending Other Personal Property Damage Property Damage Product Liability INKRUPICY Appeal 28 USC 158 Withdrawal 28 USC 157 VIL RIGHTS Voting Employment Housing/Acco-	□ 535 □ 540 □ 550 □ 555 □ 610 □ 620	Habeas Corpus General Death Penalty Mandamus/ Other Civil Rights Prison Condition ORFEITURE/ PENALTY Agriculture Other Food & Drug Drug Related	□ 730 L R □ 740 R □ 790 C □ 791 E □ 791 S S □ PROF □ 820 C □ 830 P □ 840 T	Relations Labor/Mgmt. Reporting & Disclosure Actailway Labo Other Labor Litigation Limpl. Ret. Inc. Lecurity Act PERTY RIGH Copyrights Latent Labor La	t Act
893 Environmental Matters 894 Energy Allocation Act 895 Freedom of Info. Act 896 Appeal of Fee Determination Under Equal Access to Justice 897 Constitutionality of State Statutes REAL PROPERTY Injury Product Liability Injury Product In	 1450 Commerce/ICC Rates/etc. 1460 Deportation 1470 Racketeer Influenced and Corrupt Organizations 1480 Consumer Credit 1490 Cable/Sat TV 1810 Selective Service 1850 Securities/Commodities. Exchange 1875 Customer Challenge 12 USC 3410 1890 Other Statutory Actions 1481 Agricultural Act 	☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loan (Excl. Veterans) / ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product	☐ 320 ☐ 330 ☐ 340 ☐ 345 ☐ 350 ☐ 360 ☐ 362 ☐ 365 ☐ 365	Assault, Libel & Slander Fed. Employers' Liability Marine Product Liability Motor Vehicle Motor Vehicle Product Liability Other Personal Injury- Med Malpractice Personal Injury-	□ 371 □ 380 □ 385 □ 422 □ 423 □ 423 □ 441 □ 442 □ 443	Truth in Lending Other Personal Property Damage Property Damage Product Liability NKRUPICY Appeal 28 USC 158 Withdrawal 28 USC 157 VIL RIGHTS Voting Employment Housing/Accommodations	□ 535 □ 540 □ 550 □ 555 □ 610 □ 620	Habeas Corpus General Death Penalty Mandamus/ Other Civil Rights Prison Condition RFEITURE / PENALTY Agriculture Other Food & Drug Drug Related Seizure of Property 21 USC	□ 730 L R C □ 740 R C □ 790 C C C 791 S C C 830 P C 830 P C 840 T S SOCI	Relations Labor/Mgmt. Reporting & Disclosure Actailway Labor Other Labor Litigation Compl. Ret. Inc. Recurity Act PERTY RIGH Copyrights Latent Labor Labor Labor Litigation Labor Litigation Labor Litigation Labor Labo	t Act
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895 Freedom of Info. Act 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 240 Torts to Land 245 Tort Product Liability 250 Constitutionality of State Statutes 240 Other Real Property 250 Constitutionality of State Statutes 250 Constitutionality of St	 1450 Commerce/ICC Rates/etc. 1460 Deportation 1470 Racketeer Influenced and Corrupt Organizations 1480 Consumer Credit 1490 Cable/Sat TV 1810 Selective Service 1850 Securities/Commodities. Exchange 1875 Customer Challenge 12 USC 3410 1890 Other Statutory Actions 1891 Agricultural Act 1892 Economic Stabilization Act 	□ 140 Negotiable Instrument □ 150 Recovery of Overpayment & Enforcement of Judgment □ 151 Medicare Act □ 152 Recovery of Defaulted Student Loan (Excl. Veterans) /□ 153 Recovery of Overpayment of Veteran's Benefits □ 160 Stockholders' Suits □ 190 Other Contract □ 195 Contract Product Liability □ 196 Franchise	☐ 320 ☐ 330 ☐ 340 ☐ 345 ☐ 350 ☐ 362 ☐ 362 ☐ 365 ☐ 368	Assault, Libel & Slander Fed. Employers' Liability Marine Product Liability Motor Vehicle Motor Vehicle Product Liability Other Personal Injury Personal Injury- Med Malpractice Personal Injury- Product Liability Asbestos Personal	□ 371 □ 380 □ 385 □ 422 □ 423 □ 423 □ 441 □ 442 □ 443	Truth in Lending Other Personal Property Damage Property Damage Product Liability NKRUPICY Appeal 28 USC 158 Withdrawal 28 USC 157 VIL RIGHTS Voting Employment Housing/Acco- numodations Welfare American with	☐ 535 ☐ 540 ☐ 550 ☐ 555 ☐ 610 ☐ 620 ☐ 625	Habeas Corpus General Death Penalty Mandamus/ Other Civil Rights Prison Condition RFEITURE / PENALTY Agriculture Other Food & Drug Drug Related Seizure of Property 21 USC 881 Liquor Laws	R R R R R R R R R R R R R R R R R R R	Relations Labor/Mgmt. Reporting & Disclosure Ac Railway Labor Citigation Citi	t Act ITS
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nation Under Equal Access to Justice 240 Torts to Land Application Access to Justice 245 Tort Product Liability 950 Constitutionality of State Statutes Alien Detainee Corpus Alien Detainee 465 Other Immigration Other 690 Other 870 Taxes (U.S. Plaintiff or Defendant) 690 Other 697 Taxes (U.S. Plaintiff or Defendant) 697 Taxes (U.S. Plaintiff or Defendant) 698 Other	 1450 Commerce/ICC Rates/etc. 1460 Deportation 1470 Racketeer Influenced and Corrupt Organizations 1480 Consumer Credit 1490 Cable/Sat TV 1810 Selective Service 1850 Securities/Commodities. Exchange 1875 Customer Challenge 12 USC 3410 1890 Other Statutory Actions 1891 Agricultural Act 1892 Economic Stabilization Act 	□ 140 Negotiable Instrument □ 150 Recovery of Overpayment & Enforcement of Judgment □ 151 Medicare Act □ 152 Recovery of Defaulted Student Loan (Excl. Veterans) / □ 153 Recovery of Overpayment of Veteran's Benefits □ 160 Stockholders' Suits □ 190 Other Contract □ 195 Contract Product Liability □ 196 Franchise REAL PROPERTY □ 210 Land Condemnation	□ 320 □ 330 □ 340 □ 345 □ 350 □ 360 □ 362 □ 362 □ 363	Assault, Libel & Slander Fed. Employers' Liability Marine Product Liability Motor Vehicle Motor Vehicle Product Liability Other Personal Injury Personal Injury- Med Malpractice Personal Injury- Product Liability Asbestos Personal Injury Product Liability Asbestos Personal Injury Product Liability	□ 371 □ 380 □ 385 □ 422 □ 423 □ 441 □ 442 □ 443 □ 444	Truth in Lending Other Personal Property Damage Property Damage Product Liability NKRUPICY Appeal 28 USC 158 Withdrawal 28 USC 157 VIL RIGHTS Voting Employment Housing/Acco- mmodations Welfare American with Disabilities - Employment	☐ 535 ☐ 540 ☐ 550 ☐ 555 ☐ 610 ☐ 620 ☐ 625 ☐ 630 ☐ 640 ☐ 650	Habeas Corpus General Death Penalty Mandamus/ Other Civil Rights Prison Condition RFEITURE/ PENALTY Agriculture Other Food & Drug Drug Related Seizure of Property 21 USC 881 Liquor Laws R.R. & Truck Airline Regs	730 L R C C C C C C C C C	Relations Labor/Mgmt. Reporting & Disclosure Actailway Labo Other Labor Litigation Limpl. Ret. Inc. Lecurity Act PERLY RIGH Copyrights Latent Latent Latent Latent LAL SECURI LIA (1395ff) LIA (1395ff) LIA (1300 (1900) LIMC/DIWW LOS(g)) SID Title XV	t Act HTS TY
Access to Justice 245 Tort Product Liability 403 Habeas Corpus 240 Other Civil or Defendant) State Statutes 290 All Other Real Property 465 Other Immigration Rights 871 IRS-Third Party 26 USC 7609	 1450 Commerce/ICC Rates/etc. 1460 Deportation 1470 Racketeer Influenced and Corrupt Organizations 1480 Consumer Credit 1490 Cable/Sat TV 1810 Selective Service 1850 Securities/Commodities. Exchange 1875 Customer Challenge 12 USC 3410 1890 Other Statutory Actions 1891 Agricultural Act 1892 Economic Stabilization Act 1893 Environmental Matters 1894 Energy Allocation Act 1895 Freedom of Info. Act 1900 Appeal of Fee Determi- 	□ 140 Negotiable Instrument □ 150 Recovery of Overpayment & Enforcement of Judgment □ 151 Medicare Act □ 152 Recovery of Defaulted Student Loan (Excl. Veterans) / □ 153 Recovery of Overpayment of Veteran's Benefits □ 160 Stockholders' Suits □ 190 Other Contract □ 195 Contract Product Liability □ 196 Franchise REAL PROPERTY □ 210 Land Condemnation □ 220 Foreclosure	□ 320 □ 330 □ 340 □ 345 □ 350 □ 360 □ 362 □ 365 □ 368 □ 368 □ 368 □ 368 □ 368 □ 368	Assault, Libel & Slander Fed. Employers' Liability Marine Product Liability Motor Vehicle Motor Vehicle Product Liability Other Personal Injury Personal Injury Med Malpractice Personal Injury- Product Liability Asbestos Personal injury Product Liability MIGRATION Naturalization	□ 371 □ 380 □ 385 □ 422 □ 423 □ 441 □ 442 □ 443 □ 444	Truth in Lending Other Personal Property Damage Product Liability NKRUPICY Appeal 28 USC 158 Withdrawal 28 USC 157 VIL RIGHTS Voting Employment Housing/Accommodations Welfare American with Disabilities - Employment American with	☐ 535 ☐ 540 ☐ 550 ☐ 555 ☐ 610 ☐ 620 ☐ 625 ☐ 630 ☐ 640 ☐ 650	Habeas Corpus General Death Penalty Mandamus/ Other Civil Rights Prison Condition REFITURE/ PENALTY Agriculture Other Food & Drug Drug Related Seizure of Property 21 USC 881 Liquor Laws R.R. & Truck Airline Regs Occupational	730 L R E E E E E E E E E	Relations Labor/Mgmt. Reporting & Disclosure Actailway Labo Other Labor Litigation Empl. Ret. Inc. Recurity Act PERTY RIGH Copyrights Latent Trademark LAL SECURI LIA (1395ff) Plack Lung (9 DIWC/DIWW MOSID Tille XV SI (405(g)) RAL TAX SI Reporting Actails Recurity Actails Recurrently Recurren	t Act ITS ITS ITY 23) I
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CV-71 (05/08)

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

Case 2:13-cv-01/1951 States in States in the control of the contro

VIII(a). IDENTICAL CASES: Ha If yes, list case number(s):	s this action been p	reviously filed in this court a	nd dismissed, remanded or closed? ▼No □ Yes				
If read list and a second suffer		eviously filed in this court that	at are related to the present case? ♥ No □ Yes				
□ C.	Arise from the sam Call for determinat For other reasons w	e or closely related transaction ion of the same or substantial rould entail substantial duplic	ons, happenings, or events; or ly related or similar questions of law and fact; or cation of labor if heard by different judges; or and one of the factors identified above in a, b or c also is present.				
IX. VENUE: (When completing the	following informat	ion, use an additional sheet i	f necessary.)				
(a) List the County in this District;☐ Check here if the government, i	California County of ts agencies or emplo	outside of this District; State in bysees is a named plaintiff. If	if other than California; or Foreign Country, in which EACH named plaintiff resides. 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; □ Check here if the government, i 	California County of ts agencies or emplo	utside of this District; State i	f other than California; or Foreign Country, in which EACH named defendant resides. 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; Note: In land condemnation ca	California County o	utside of this District; State i	f other than California; or Foreign Country, in which EACH claim arose.				
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 Bernar Note: In land condemnation cases, us	dino, Riverside, Vo	entura, Santa Barbara, or S tract of land involved	an Luis Obispo Counties				
X. SIGNATURE OF ATTORNEY (OR PRO PER):	1/4/	Date February Z 2013				
but is used by the Clerk of the Co	ourt for the purpose	ed by the Judicial Conterence	mation contained herein neither replace nor supplement the filing and service of pleadings of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed ing the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)				
Key to Statistical codes relating to So	•						
Nature of Suit Code	Abbreviation	Substantive Statement of	Cause of Action				
861	НІА	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 Act, as amended. (42 U.S.	or widowers insurance benefits based on disability under Title 2 of the Social Security C. 405(g))				
864	SSID	All claims for supplementa Act, as amended.	I security income payments based upon disability filed under Title 16 of the Social Security				
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))							

CV-71 (05/08)