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9 Attorney for Plaintiff,
10 Allstar Tire & Wheel, Inc.

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**
13 **SOUTHERN DIVISION**

14 ALLSTAR TIRE & WHEEL, INC., a
15 California Corporation;

16 Plaintiff,

17 vs.

18 WHEEL PROS, INC., a Delaware
19 Corporation, and DOES 1 through 10,
20 inclusive;

21 Defendants.

Case No. SACV08-00563 AHS (JTLx)

**COMPLAINT FOR PATENT
INFRINGEMENT OF U.S. PATENT
No. D503,369**

DEMAND FOR JURY TRIAL

FILED
2008 MAY 20 PM 1:50
CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
SANTA ANA

1 **COMPLAINT**

2 Plaintiff Allstar Tire & Wheel, Inc. ("ATW") by way of its complaints
3 alleges the following against Defendants:
4

5 **PARTIES**

6 1. ATW is a corporation organized and existing under the laws of the
7 state California, and having its principal place of business at 1403 N. Batavia,
8 Suite 107, Orange, CA 92867.

9 2. On information and belief, Defendant Wheel Pros, Inc. is a
10 corporation organized and existing under the laws of the state of Delaware doing
11 business all over the United States, including the state of California, and having its
12 headquarters at 44 Union Blvd, Suite 620 S, Lakewood, CO 80228.

13 3. On information and belief, Defendant Wheel Pros, Inc. regularly
14 conducts business in this state and District, and has purposely directed its activities
15 towards residents in California, and this District, particularly having multiple
16 distributors physically located in this District, and more specifically, having
17 multiple distributors in Santa Ana, California; multiple distributors in Anaheim,
18 California; multiple distributors in Costa Mesa, California; multiple distributors in
19 Garden Grove, California; multiple distributors in Irvine, California; and several
20 other distributors throughout the entire Central District of California.

21 4. Furthermore, Wheel Pros, Inc. maintains a state-local Agent for
22 Service of Process, and may be served with process by serving its registered agent,
23 CT Corporation System, located at 818 West Seventh Street, Los Angeles, CA
24 90017.

25 5. The true names and capacities of the Defendants named herein as
26 DOES 1 through 10, whether individual, corporate, associate, or otherwise, are
27 unknown to ATW, who therefore sues said Defendants by said fictitious names.
28 ATW is informed and believes, and thereon alleges, that each of the Defendants

1 designated herein as DOE is legally responsible for the events and happenings
2 hereinafter alleged and legally caused injury and damages proximately thereby to
3 ATW as herein alleged. ATW will seek to leave to amend the Complaint when the
4 true names and capacities of said DOE Defendants have been ascertained. Wheel
5 Pros, Inc. and DOES Defendants are hereinafter collectively referred to as
6 "Defendants."

8 JURISDICTION AND VENUE

9 6. This action, as hereinafter more fully appears, arises under the Patent
10 Laws of the United States of America, specifically Title 35 U.S.C. §§ 101 et seq.,
11 being for patent infringement.

12 7. This court has subject matter jurisdiction based upon 28 U.S.C §§
13 1331, and 1338(a).

14 8. On information and belief, this court has personal jurisdiction over
15 Defendants since Defendants engage in a business in California and in this District,
16 and have purposely availed himself (or themselves) of the privileges of doing
17 business in the State of California and in this District, both generally and
18 specifically, by directing its activities at the residents of California and in this
19 District by marketing, using, selling, importing, distributing, and/ or offering for
20 sale a number of different products that infringe the claim of ATW's Patent No.
21 D503,369 ("the '369 Patent") throughout the State of California, including
22 conducting business at multiple locations in Santa Ana, California and many other
23 locations throughout this District.

24 9. On information and belief, Venue is proper in this judicial district
25 pursuant to 28 U.S.C §§ 1391(b) and (c), and 1400(b), in part due to Defendant's
26 conducting its business in this state and marketing, offering for sale, and selling his
27 wheel products in several locations throughout this state and in this District.

28 ///

STATEMENT OF THE CASE

10. On March 29, 2005, United States Letters of Patent No. D503,369 entitled "Decorative Vehicular Wheel Lip" was duly and legally issued to Joey K. Kato. All rights, title and interests in the '369 Patent were assigned to ATW, which remains the sole owner. See Exhibit A. Such rights, title and interests include, without limitation, the right to sue for infringement of the '369 Patent.

11. On or about June 11, 2007 ATW attempted communication with Wheel Pros, Inc. ("Defendants") informing them of their infringing products and to cease and desist marketing, using, offering for sale, selling, distributing, and/or importing a number of different products that infringe the claim of the '369 Patent.

12. Although some communication was established with Defendants in mid 2007, on or about October 2007, after numerous attempts to contact Defendant's council, ATW's communications to Defendants ceased and have since been ignored.

13. On information and belief, Defendants continue to market, advertise, offer for sale, sell, distribute, and/or import numerous infringing products, and have continued to expand their line of infringing products, at least since ATW's first communication with Defendants in 2007.

14. Defendants continue to update their website www.wheelpros.com, wherein multiple infringing products are continuously marketed, advertised and offered for sale throughout the entire United States; said website providing customers with distributor information including their numbers and addresses to their physical business locations in this state, which include a great number of dealers located in this state and particularly in this District.

15. ATW is informed and believes, and on that basis alleges, that each of the Defendants participated in some manner responsible for the acts described in this Complaint and any damages resulting therefrom.

///

1 16. ATW is informed and believes, and on that basis alleges, that each of
2 the Defendants has acted in concert and participation with each other concerning
3 each of the claims in this Complaint.

4 17. ATW is informed and believes, and on that basis alleges, that each of
5 the Defendants were empowered to act as the agent, servant and/or employee of
6 each of the other Defendants, and that all the acts alleged to have been done by
7 each of them were authorized, approved, and/or ratified by each of the other
8 Defendants.

9 18. On information and belief, Defendants' foregoing acts of infringement
10 were willful and deliberate from the time which it first received notice of its
11 infringement as prescribed by 35 U.S.C. § 287(a) and continue to be willful and
12 deliberate.

13 19. On information and belief, Defendants have been and are infringing
14 the '369 Patent, within this District and elsewhere in the United States, by making,
15 selling, importing, distributing and/or offering for sale products that infringe the
16 claim of the '369 Patent.

17 20. ATW has been damaged by the foregoing acts of infringement of its
18 patent by Defendants and asks the court for enforcement of the '369 Patent and
19 will continue to be damaged by such infringement unless Defendants are enjoined
20 by the Court.

21
22 **CLAIM FOR RELIEF**

23 **(Patent Infringement of U.S. Patent No. D503,369)**

24 21. ATW repeats and incorporates by reference each of the forgoing
25 paragraphs of its Complaint.

26 22. Upon information and belief, Defendants are now, and have been
27 infringing the '369 Patent under 35 U.S.C. §271, et seq. by, without permission or
28 authority from ATW, importing into the United States and selling, offering to sell,

1 and/or using within the United States, including this District, automobile wheels
2 covered by this patent. Examples of such infringing automobile wheels include the
3 following wheel models: KMC 127 Dime; KMC 131; AF129; V57; V56; WL11;
4 and other products as yet unidentified. See Exhibit B.

5 23. Defendants have notice of its infringement as prescribed by 35 U.S.C.
6 § 287(a).

7 24. On information and belief, Defendants' foregoing acts of infringement
8 were willful and deliberate from the time which it first received notice of its
9 infringement as prescribed by 35 U.S.C. § 287(a) and continue to be willful and
10 deliberate.

11 25. ATW has been damaged by the foregoing acts of infringement of its
12 patent by Defendants and will continue to be damaged by such infringement unless
13 enjoined by the Court.

14 **RELIEF REQUESTED**

15 WHEREFORE, ATW respectfully requests that this Court enter judgment
16 against Defendants as follows:

17 A. That the '369 Patent is, during all relevant periods, valid and
18 enforceable;

19 B. That the '369 Patent has been infringed by Defendants;

20 C. An injunction against further infringement of the '369 Patent by
21 Defendants;

22 D. An award of damages in the amount of all of Defendants' profits from
23 sales of products infringing ATW's patent, or, in the alternative, an award of
24 damages sufficient to compensate ATW for patent infringement that has occurred,
25 together with pre-judgment interest and costs;

26 E. An award of all other damages permitted by 35 U.S.C. § 284,
27 including increased damages up to three times the amount of compensatory
28 damages found;

1 F. That this is an exceptional case and an award to ATW of its costs and
2 reasonable attorney's fees incurred in this action as provided by 35 U.S.C. § 285;
3 and

4 G. Such other relief that this Court deems just and proper.
5
6
7

8 DATED: May 15, 2008

Respectfully submitted,

JAFARI LAW GROUP

9
10
11 By: 

12 David V. Jafari

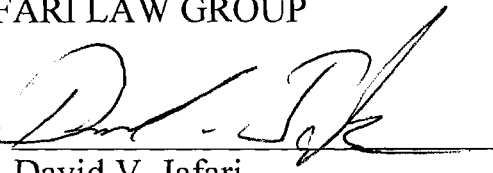
13 Attorneys for Plaintiff,
14 Allstar Tire & Wheel, Inc.
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DEMAND FOR JURY TRIAL

Plaintiff Allstar Tire & Wheel, Inc. hereby demands a trial by jury on all claims and defenses that are or may be asserted as to which a right to a jury trial attaches.

DATED: May 15, 2008

Respectfully submitted,
JAFARI LAW GROUP

By: 
David V. Jafari

Attorneys for Plaintiff,
Allstar Tire & Wheel, Inc.

EXHIBIT A



US00D503369S

(12) **United States Design Patent** (10) Patent No.: **US D503,369 S**
Kato (45) Date of Patent: **** Mar. 29, 2005**

(54) **DECORATIVE VEHICULAR WHEEL LIP**

(76) Inventor: **Joey K. Kato**, 27560 Glenwood Dr.,
Mission Viejo, CA (US) 92692

(**) Term: **14 Years**

(21) Appl. No.: **29/176,867**

(22) Filed: **Feb. 28, 2003**

(51) LOC (7) Cl. **12-16**

(52) U.S. Cl. **D12/208**

(58) Field of Search **D12/204-213;**
301/65, 37.1, 95, 96, 97; D25/119

(56) **References Cited**

U.S. PATENT DOCUMENTS

2,126,222 A	*	8/1938	Schwinn	.....	301/95.106
D281,967 S	*	12/1985	Hashimoto	.....	D12/208
D389,446 S	*	1/1998	Bradley	.....	D12/208
D398,894 S	*	9/1998	Kelley	.....	D12/208
D405,194 S	*	2/1999	Kenkel	.....	D25/119
D438,499 S	*	3/2001	Schardt	.....	D12/208
D490,167 S	*	5/2004	Eichner et al.	.....	D25/119

* cited by examiner

Primary Examiner—Charles Rademaker

Assistant Examiner—Maurice Stevens

(74) *Attorney, Agent, or Firm—Stetina Brunda Garred & Brucker*

(57) CLAIM

The ornamental design for a decorative vehicular wheel lip, as shown and described.

DESCRIPTION

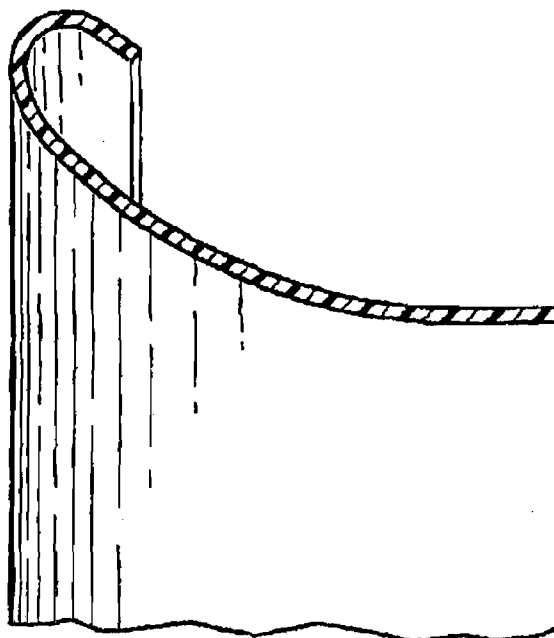
FIG. 1 is a front elevational view of the decorative vehicular wheel lip of the present invention showing my new design with the phantom lines depicting solely environmental structure and forming no part of the claimed design;

FIG. 2 is a side elevational view thereof with the phantom lines depicting solely environmental structure and forming no part of the claimed design;

FIG. 3 is a front elevational view thereof; and,

FIG. 4 is a cross-sectional view taken about lines 4—4 of FIG. 1.

1 Claim, 2 Drawing Sheets



U.S. Patent

Mar. 29, 2005

Sheet 1 of 2

US D503,369 S

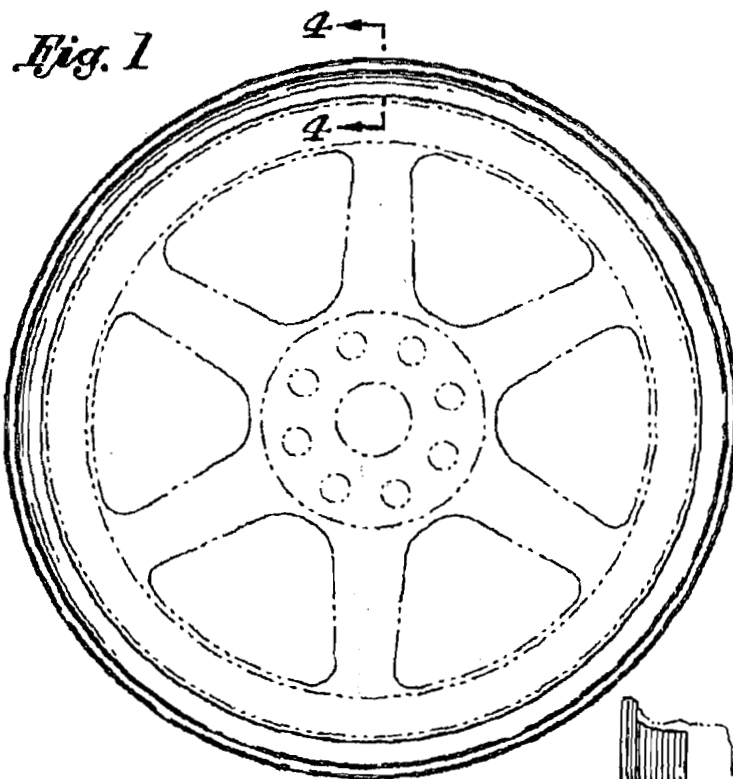
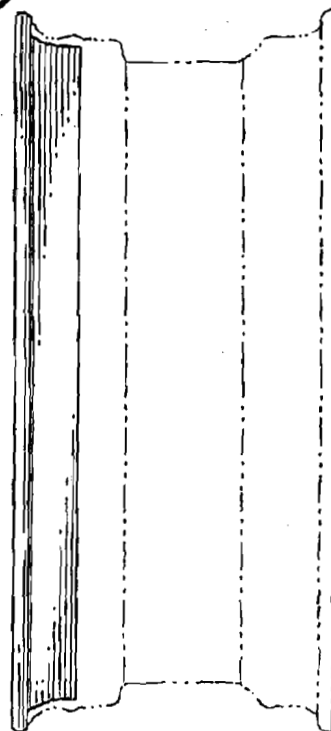


Fig. 2



U.S. Patent

Mar. 29, 2005

Sheet 2 of 2

US D503,369 S

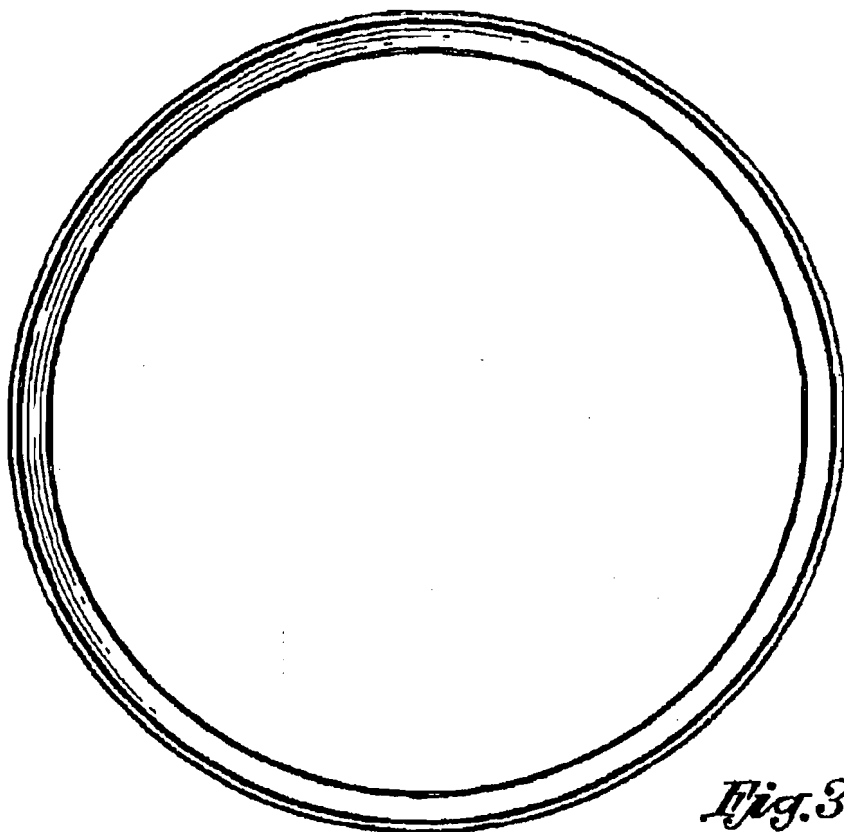


Fig. 3

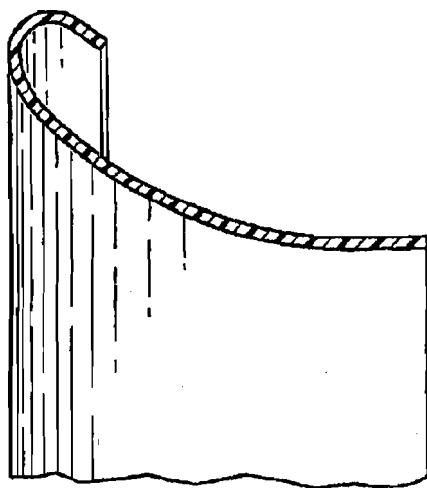


Fig. 4

PATENT ASSIGNMENT

WHEREAS, Joey K. Kato of Mission Viejo, California, Assignor, has invented a new and useful DECORATIVE VEHICULAR WHEEL LIP, for which United States Design Patent No. US D503,369 S was Issued to him on March 29, 2005; and

WHEREAS, Assignor believes himself to be the original, first, and sole inventor of the invention disclosed and claimed in the application for Design Patent filed on February 28, 2003 in the United States Patent and Trademark Office and assigned Application No. 29/176,867; and

WHEREAS, Allstar Tire & Wheel, Inc., a California corporation, Assignee, desires to acquire by formal, recordable assignment the entire right, title, and interest in and to the invention, the application, United States Design Patent No. US D503,369 S, and any other Design Patent that might be granted for the invention in the United States and/or throughout the world, including any divisional and/or continuation and/or continuation-in-part;

NOW, THEREFORE, in consideration of the sum of U.S. Fifteen Thousand Dollars (\$15,000.00) and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor hereby sells, assigns, and transfers to Assignee, the entire right, title, and interest, including the exclusive right to sue for any and all past infringement, in and to the invention, the application, United States Design Patent No. US D503,369 S, and any other Design Patent that might be granted for the invention in the United States and/or throughout the world, including any divisional and/or continuation and/or continuation-in-part, including any as-of-yet unexpired right to file foreign applications directly in the name of Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties, or otherwise. Provided however that any pending patent infringement actions commenced by Kato, not including the action filed against Allstar Tire & Wheel, Jeff Meehan, and David Aynehchi, are expressly excluded from this provision.

Further, Assignor agrees that, upon request and without further compensation, but at no expense to Assignor, he and his legal representatives and assigns will perform all lawful acts, including the execution of papers and the giving of testimony, that might be necessary or desirable for obtaining, sustaining, reissuing, or enforcing the Design Patent in the United States and throughout the world for the invention, and for perfecting, recording, or maintaining the title of Assignee, its successors and assigns, to the invention, the application, United States Design Patent No. US D503,369 S, and any other Design Patent that might be granted for the invention in the United States and/or throughout the world, including any divisional and/or continuation and/or continuation-in-part.

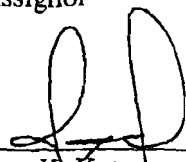
Assignor represents and warrants that he has not granted and will not grant to others any rights inconsistent with the rights granted by this Assignment. Assignor further represents and warrants that he does not know of any improvements to the invention other than what has been disclosed in the application unless said improvement is disclosed to Assignee in writing prior to the execution of this Assignment.

Assignor authorizes and requests that the Commissioner of Patents of the United States, and the corollary official of all foreign countries in which applications have been filed, to issue any Design Patent granted for the invention, whether on the application, or on any subsequently filed division, continuation, continuation-in-part, or reissue application, to Assignee, its successors and assigns, as the assignee of the entire interest in the invention.

IN WITNESS WHEREOF, Assignor has executed this Assignment.

Assignor

Date: 8/31/06



Joey K. Kato

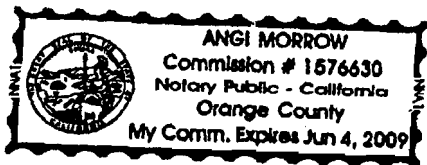
State of California}

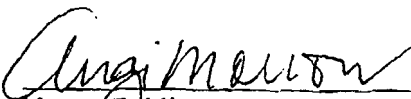
County of Orange }

On 8-31-06 before me, Angi Morrow,

personally appeared Joey K. Kato ~~personally known to me~~ -OR- proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.





Notary Public

EXHIBIT B

Wheel Pros

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KM127
KM127 DIME
Gloss Black W / Polished Stainless Lip
+10 to +38
18x8.5, 20x8.5, 22x9.5, 24x10, 26x10

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KM125


KM125


KM127


KM127


KM131


KM131

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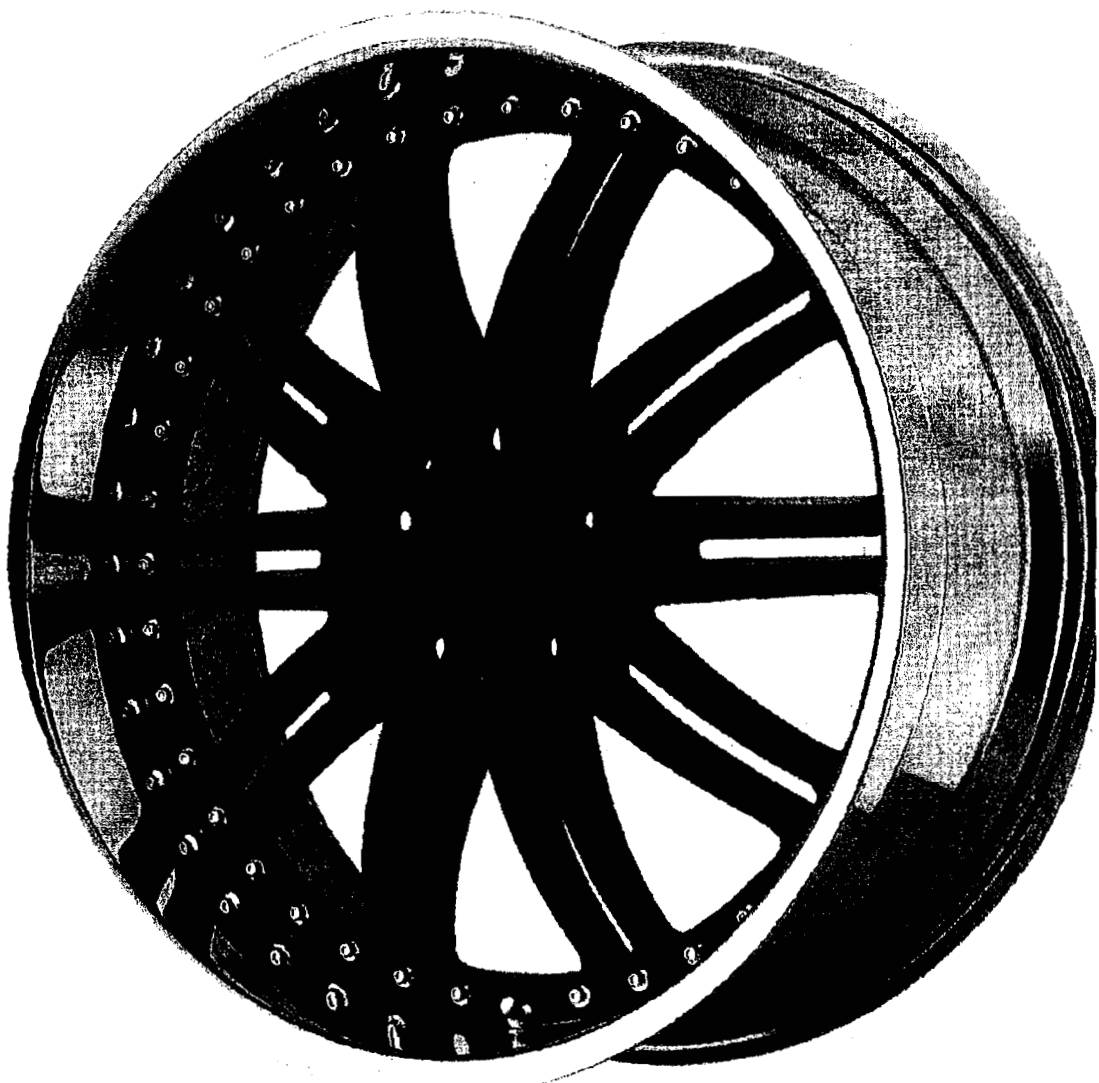


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**KM131
JACKS & FIVE**
Gloss Black W / Polished Stainless Lip
+10 to +38
20x8.5, 22x9.5

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KM125 KM125 KM127 KM127 KM131 KM131

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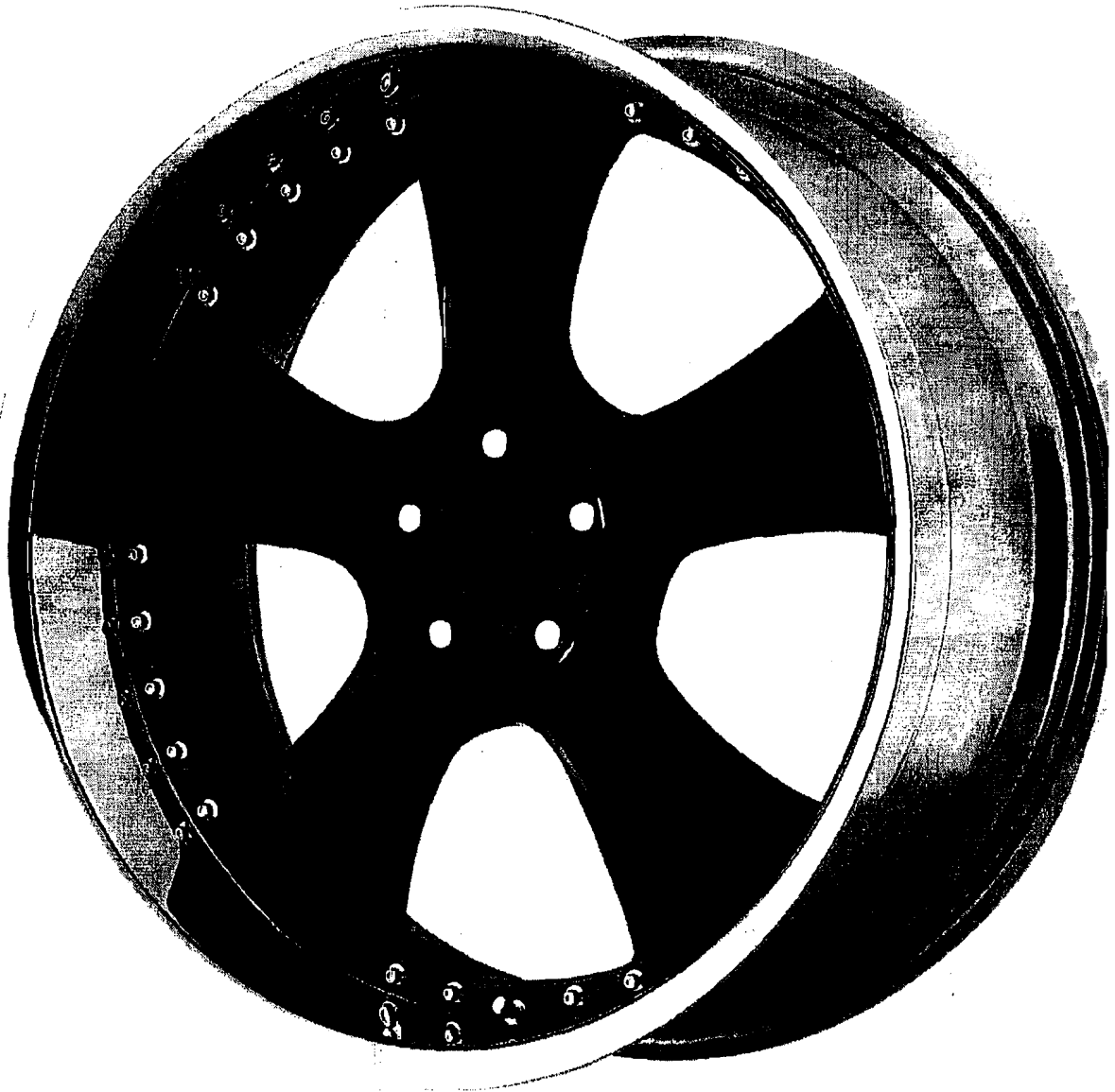


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Wheel Pros

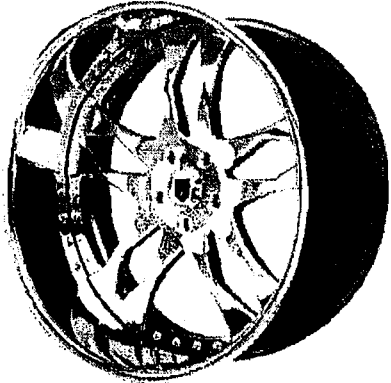
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ASANTI
FORGED SPEED

AF129
Chrome and custom paint
Call
18, 19, 20, 22, 24, 26

Printable Version
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AF **AF111** **AF124** **AF124** **AF129** **AF130**

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Wheel Pros

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AUTOCULTURE

DISTRICT
AC_DISTRICT
 Midnightwith Chrome Lip
 20, 21, 22

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 Aristo


 Conquest


 Crescent


 Crescent


 District


 Dynasty

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Wheel Pros

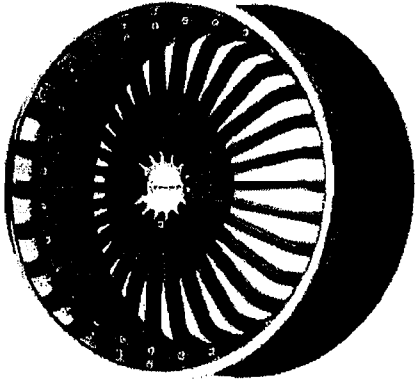
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V57
57
Black
5 Lug / Mid, High
20x8.5, 22x9.5

Printable Version
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V54




V56




V56



V57



V57



V57

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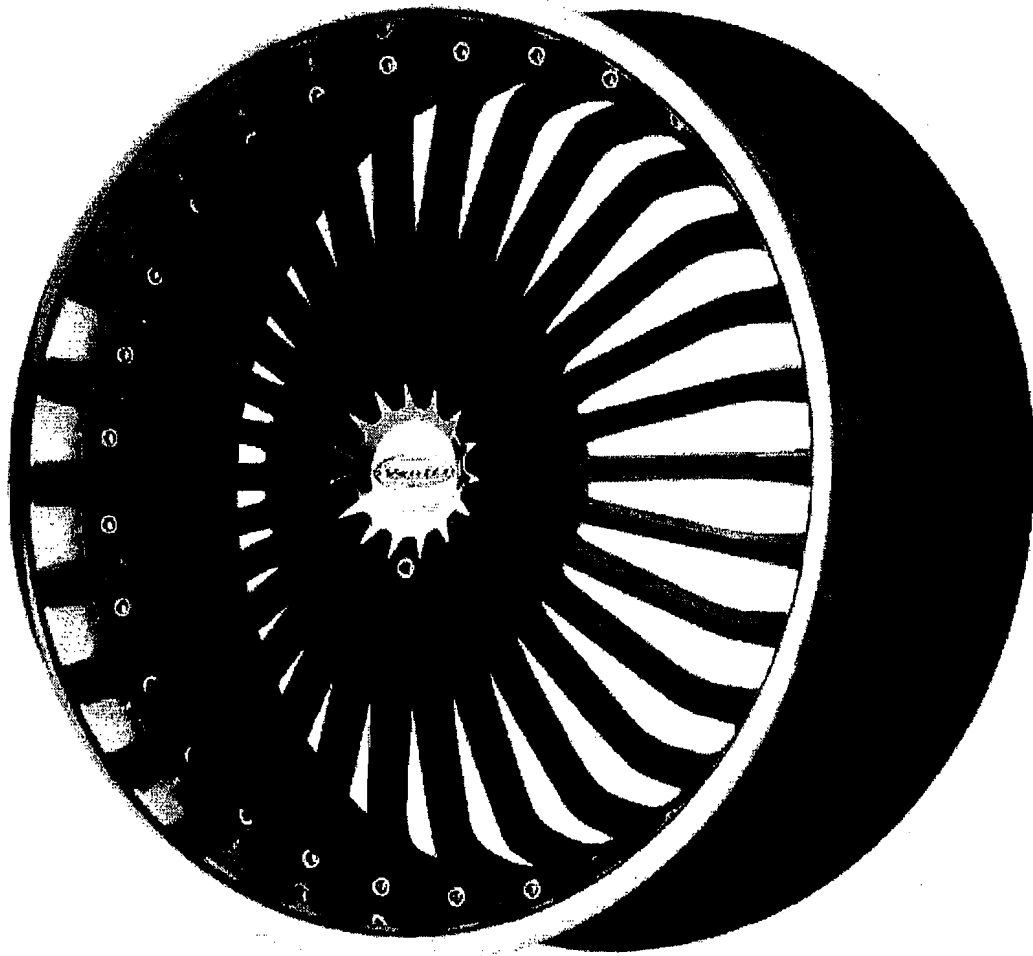


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Wheel Pros

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V56
V56CH
 Chrome
 +15 to +42
 17x7.5, 18x7.5, 19x8.5, 20x8.5,
 22x9.5

Printable Version
 Download High-Res (346.14 KB)




V54


V56


V56


V57


V57


V57

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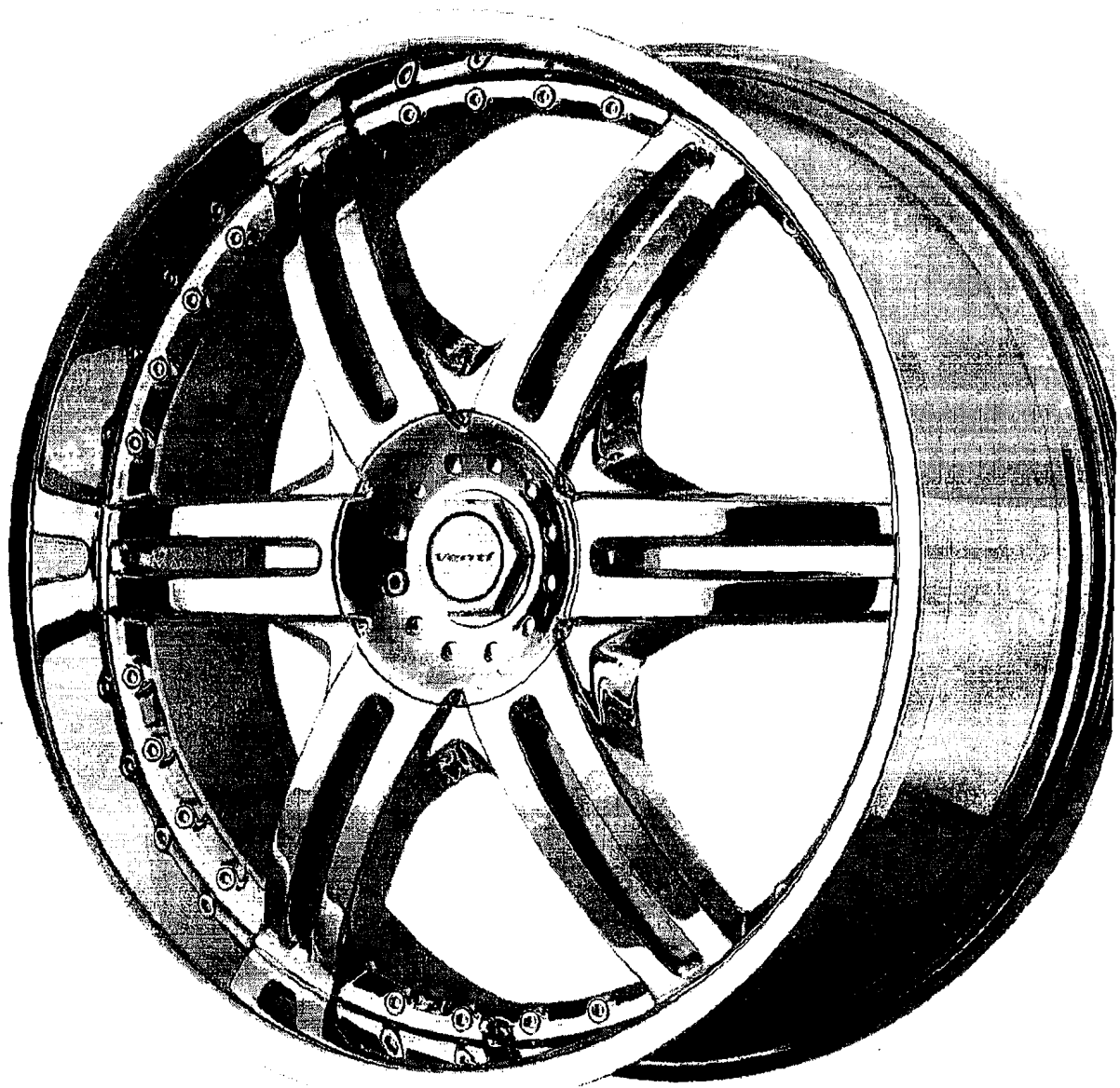


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Wheel Pros

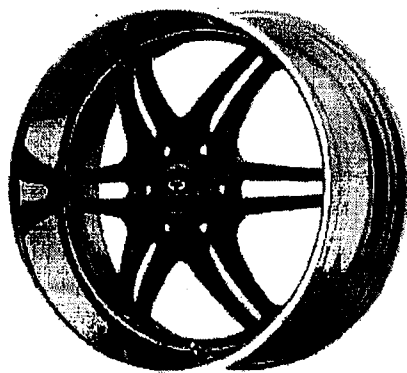
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WL11
WL11B
Black Gloss W/Chrome Lip Forged
5, 6 Lug / Mid, High
20x8.5, 20x9.5, 22x9.5, 22x11,
24x10, 26x10, 28x10

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WL11


WL11


WL12


WL12


WL14


WL14

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EXHIBIT B
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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 Alicemarie H. Stotler and the assigned discovery Magistrate Judge is Jennifer T. Lum.

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

SACV08 - 563 AHS (JTLx)

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.

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

ALLSTAR TIRE & WHEEL, INC. a California
Corporation

PLAINTIFF(S)

v.

WHEEL PROS, INC., an Delaware Corporation, and
Does 1 through 10, inclusive;

DEFENDANT(S).

CASE NUMBER

SACV08-00563 AHS (JTLx)

SUMMONS

TO: DEFENDANT(S): WHEEL PROS, INC.

A lawsuit has been filed against you.

Within 20 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, JAFAR LAW GROUP, whose address is 801 N. Parkcenter Drive, Suite 220, Santa Ana CA 92705. 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: MAY 20 2008

Clerk, U.S. District Court

By:  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**

ALLSTAR TIRE & WHEEL, INC. a California Corporation <div style="text-align: right;">PLAINTIFF(S)</div> <div style="text-align: center;">v.</div> WHEEL PROS, INC., an Delaware Corporation, and Does 1 through 10, inclusive; <div style="text-align: right;">DEFENDANT(S).</div>	CASE NUMBER <div style="text-align: center;">SACV08-00563 AHS (JTLx)</div> <div style="text-align: center;">SUMMONS</div>
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TO: DEFENDANT(S): WHEEL PROS, INC.

A lawsuit has been filed against you.

Within 20 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, JAFAR LAW GROUP, whose address is 801 N. Parkcenter Drive, Suite 220, Santa Ana CA 92705. 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.

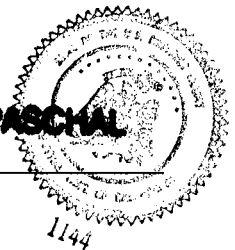
Dated: MAY 20 2008

Clerk, U.S. District Court

ROLLS ROYCE PASCAL

By: _____
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

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) Allstar Tire & Wheel, Inc.	DEFENDANTS Wheel Pros, Inc.
(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases): Orange County, CA	County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only): Jefferson County, CO
(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) JAFARI LAW GROUP 801 N. Parkcenter Drive, Suite 220 Santa Ana, CA 92705 (714) 542-2265	Attorneys (If Known) Ruy M. Garcia-Zamor, Esq. 12960 Linden Church Road Clarksville, MD 21029

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 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.) <table style="width:100%;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		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 type="checkbox"/> 5	<input 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
	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 type="checkbox"/> 5	<input 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.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 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: \$** _____

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.)
Patent Infringement

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

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities /Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

FOR OFFICE USE ONLY: Case Number: **SACV08-00563 AHS (JTLx)**

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

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

VIII(b). RELATED CASES: Have any cases been previously filed 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: List the California County, or State if other than California, in which **EACH** named plaintiff resides (Use an additional sheet if necessary)

- ☐ Check here if the U.S. government, its agencies or employees is a named plaintiff.
 Orange County

List the California County, or State if other than California, in which **EACH** named defendant resides. (Use an additional sheet if necessary).

- ☐ Check here if the U.S. government, its agencies or employees is a named defendant.
 Colorado

List the California County, or State if other than California, in which **EACH** claim arose. (Use an additional sheet if necessary)

- Note:** In land condemnation cases, use the location of the tract of land involved.
 Orange County, Riverside County, Los Angeles County,

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____

Date

5/20/08

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))