46

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	**REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK**

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas on the following

☐ Trademarks or ☑ Patents. (☑ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:11-cv-02760-DMG -E	3/31/2011	Eastern District of Texas

PLAINTIFF	DEFENDANT
GHJ Holdings, LLC	IGT, a Nevada corporation, d/b/a in the State of California as NEVADA-IGT, INC.

PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 4,837,728	6/6/1989	IGT (Reno, NV)
2 4,948,138	8/14/1990	IGT (Reno, NV)
3 D333,164	2/9/1993	Video Lottery Consultants, Inc. (Bozeman, MT)
4 5,100,137	3/31/1992	D.D. Stud, Inc. (Las Vegas, NV)
5 5,167,413	12/1/1992	D.D. Stud, Inc. (Las Vegas, NV)

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director **Copy 3—Upon termination of action, mail this copy to Director**
Copy 2—Upon filing document adding patent(s), mail this copy to Director **Copy 4—Case file copy**

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PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 D403,363	12/29/1998	International Game Technology (Reno, NV)
2 D404,436	1/19/1999	International Game Technology (Reno, NV)
3 D416,054	11/2/1999	International Game Technology (Reno, NV)
4 D421,277	2/29/2000	International Game Technology (Reno, NV)
5 D450,094	11/6/2001	IGT (Reno, NV)

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

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PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 D450,096	11/6/2001	IGT (Reno, NV)
2 D450,310	11/13/2001	IGT (Reno, NV)
3 D451,148	11/27/2001	IGT (Reno, NV)
4 D451,151	11/27/2001	International Game Technology (Reno, NV)
5 D451,152	11/27/2001	International Game Technology (Reno, NV)

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PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 D451,153	11/27/2001	IGT (Reno, NV)
2 D454,921	3/26/2002	IGT (Reno, NV)
3 D456,046	4/23/2002	IGT (Reno, NV)
4 D456,457	4/30/2002	IGT (Reno, NV)
5 D456,855	5/7/2002	IGT (Reno, NV)

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

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PLAINTIFF	DEFENDANT
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PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 D462,397	9/3/2002	IGT (Reno, NV)
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

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[Fax] (415)785-3805
randall@glgnow.com
chris.honea@glgnow.com

Attorneys for Relator GHJ Holdings, LLC

FILED
2011 MAR 31 PM 4:20
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES
BY

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT COURT OF CALIFORNIA

GHJ HOLDINGS, LLC, a Texas limited liability company, Relator, v. IGT, a Nevada corporation, d/b/a in the State of California as NEVADA-IGT, INC., Defendant.	CASE NO. CV 11-2760 DMG (Ex) Assigned to Hon. **ORIGINAL COMPLAINT FOR FALSE PATENT MARKING** [Jury Trial Demanded] **TRIAL DATE:**

BY FAX

Relator GHJ Holdings, LLC ("Relator") alleges as follows:

NATURE OF THE CASE

1. This is an action for false patent marking under section 292 of the Patent Act (35 U.S.C. §292), which provides that any person may sue to recover the civil penalty for false patent marking. Relator brings this *qui tam* action on behalf of the United States of America.

PARTIES

2. Relator is a Texas limited liability company with its principal place of business in Texarkana, Texas.

3. Defendant IGT is a Nevada corporation d/b/a Nevada-IGT, Inc. in the State of California and can be served via its registered agent for service of process: National Registered Agents, Inc., 2875, Michelle Drive, Suite 100, Irvine, California 92606.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over Relator's false marking claims under Title 28 U.S.C. §§1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant by virtue of, *inter alia*, Defendant's persistent and continuous contacts with the Central District of California, including active and regular conduct of business during the relevant time period through its sales in the Central District of California.

6. This Court has personal jurisdiction over Defendant because, *inter alia*, Defendant has violated Title 35 U.S.C. §292, and falsely marked, advertised, distributed, and sold products in the Central District of California. Further, on information and belief, Defendant has sold falsely marked products in competition with sellers of competitive products in the Central District of California. Such sales by Defendant are substantial, continuous, and systematic.

7. Venue is proper in this District under Title 28 U.S.C. §§1391(b) and (c) and 1395(a).

FACTS

8. Defendant has marked and/or continues to mark its products, including, but not limited to, its gaming machines (collectively, the "Falsely Marked Products") with expired and/or otherwise inapplicable patents, including at least U.S. Patent Nos. 4,837,728; 4,948,138; D333,164; 5,100,137; 5,167,413; D403,363; D404,436; D416,054; D421,277; D450,094; D450,096; D450,310; D451,148; D451,151; D451,152; D451,153; D454,921; D456,046; D456,457; D456,855; and D462,397 (the "Expired and Inapplicable Patents").

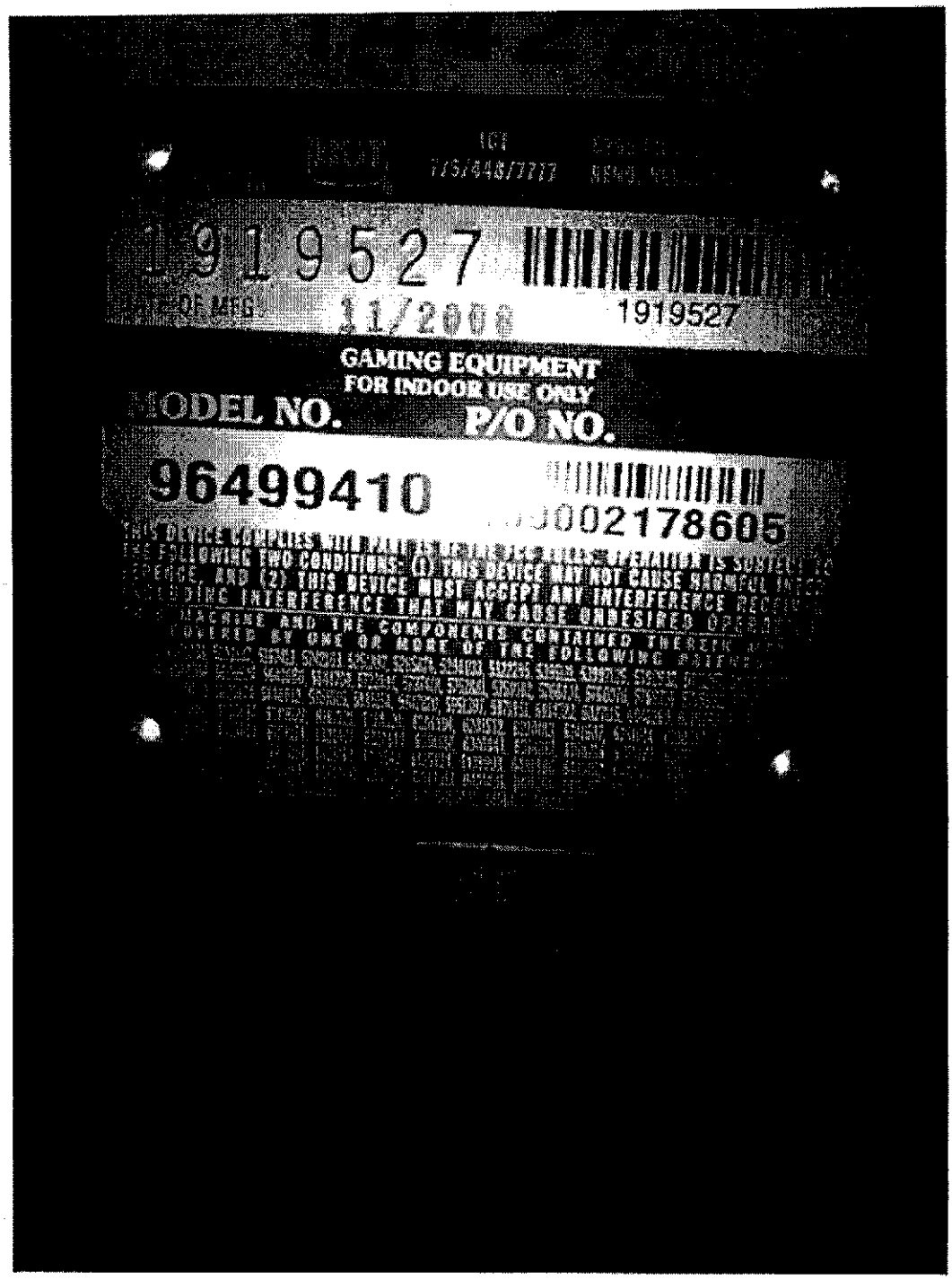
9. Such false marking by Defendant includes marking the Expired and Inapplicable Patents upon, affixing the Expired and Inapplicable Patents to, and/or using the Expired and Inapplicable Patents in advertising in connection with the Falsely Marked Products.

10. U.S. Patent No. 4,837,728 was filed January 25, 1984 and issued on June 6, 1989. It expired no later than June 6, 2006. Nevertheless, Defendant has marked one or more of the Falsely Marked Products with it after expiration.

11. U.S. Patent No. 4,948,138 was filed October 21, 1985 as a continuation of an application filed on December 6, 1982 and issued on August 14, 1990. It expired no later than August 14, 2007. Nevertheless, Defendant has marked one or more of the Falsely Marked Products with it after expiration.

12. U.S. Patent No. D333,164 was filed May 30, 1991 and issued on February 9, 1993. It expired no later than February 9, 2007. Nevertheless, Defendant has marked one or more of the Falsely Marked Products with it after expiration.

13. As the photo shows below, U.S. Patent Nos. 4,837,728; 4,948,138; and D333,164 were marked on the Falsely Marked Products after the expiration of the patents and with a manufacturing date of "11/2008," over two years after the expiration of U.S. Patent No. 4,837,728.

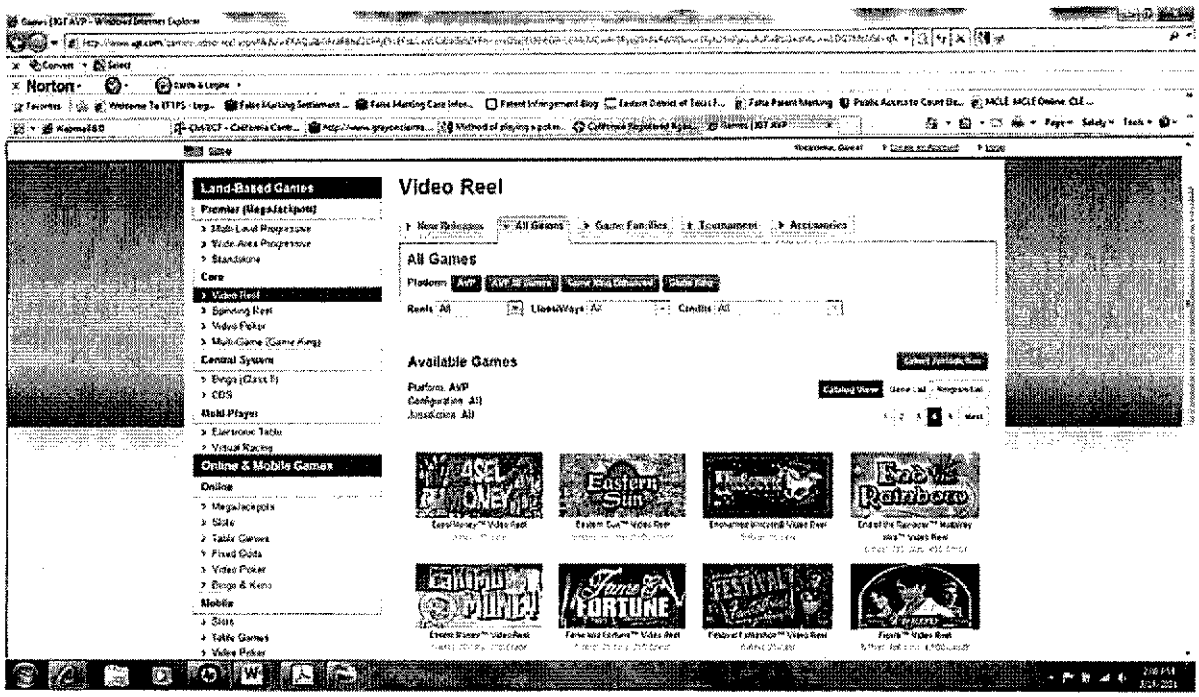


14. Defendant has also falsely marked and/or continues to falsely mark the Falsely Marked Products with an intent to deceive by marking them with the "laundry list" of Defendant's patents that are inapplicable to the Falsely Marked Products, including, but not limited to U.S. Patent Nos. 5,100,137; 5,167,413; D403,363; D404,436; D416,054; D421,277; D450,094; D450,096;

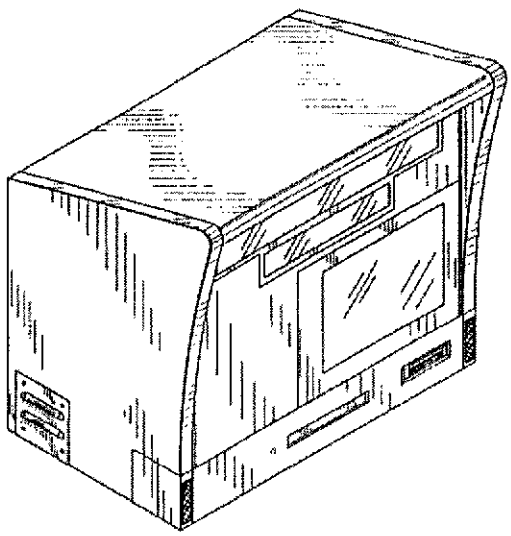
D450,310; D451,148; D451,151; D451,152; D451,153; D454,921; D456,046; D456,457; D456,855; and D462,397.

15. U.S. Patent Nos. 5,100,137 and 5,167,413 cover an electronic poker-type game and a poker-type game apparatus. As can be seen below, as an example, is one of Defendant's Falsely Marked Products that does not practice a poker-type game of any sorts, but is a video reel game.

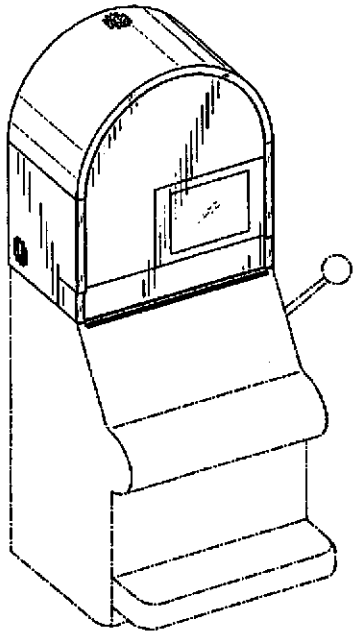
16. As can be seen from the screenshot of Defendant's website below, the "Fame & Fortune" video reel game is listed under the "Video Reel" category as opposed to the "Video Poker" category, making U.S. Patent Nos. 5,100,137 and 5,167,413 clearly inapplicable.



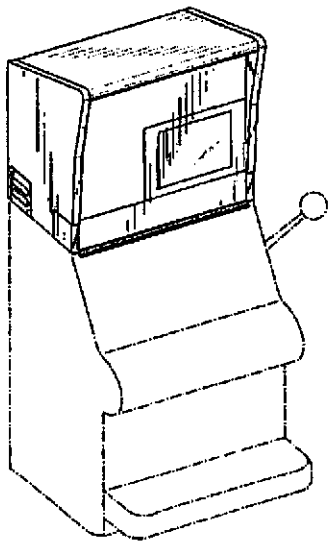
17. U.S. Patent Nos. D403,363; D404,436; D416,054; D421,277; D450,094; D450,096; D450,310; D451,148; D451,151; D451,152; D451,153; D454,921; D456,046; D456,457; D456,855; and D462,397 cover the following designs respectively:



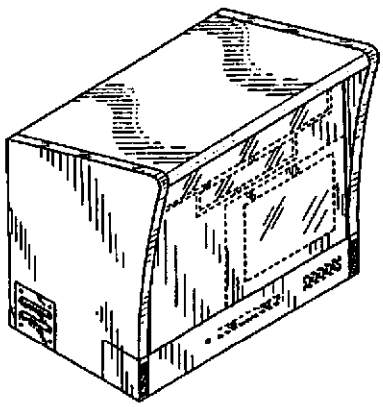
D403,363



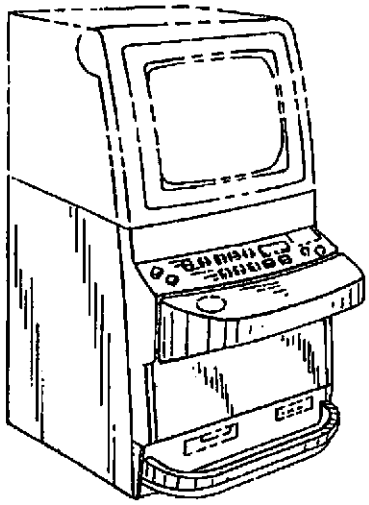
D404,436



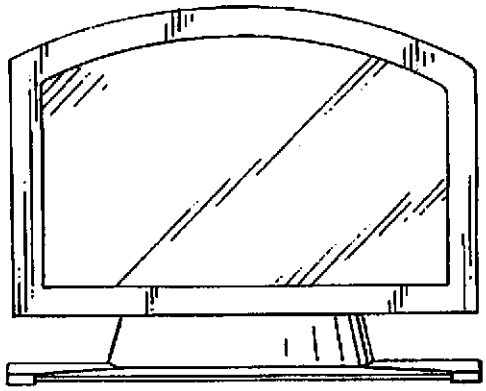
D416,054



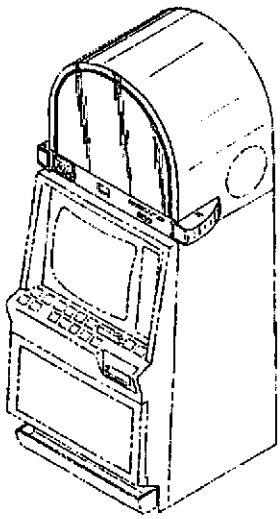
D421,277



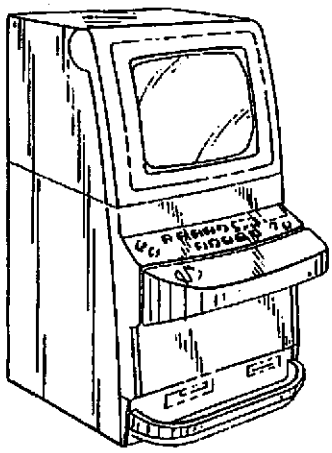
D450,094



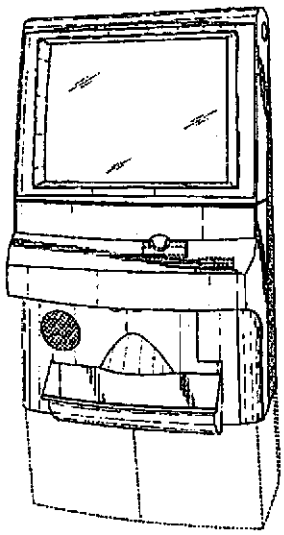
D450,096



D450,310



D451,148



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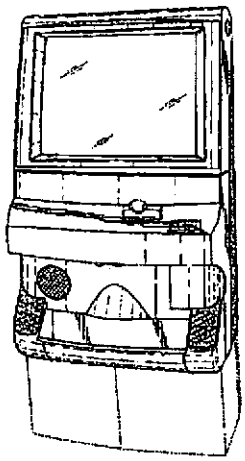

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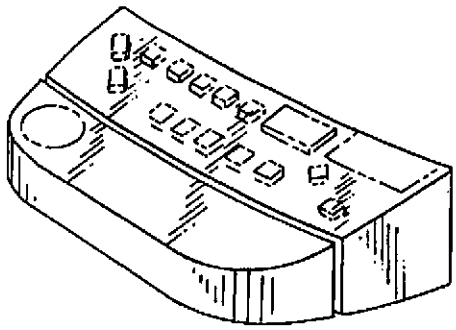
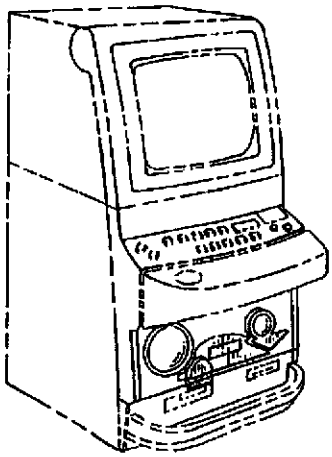
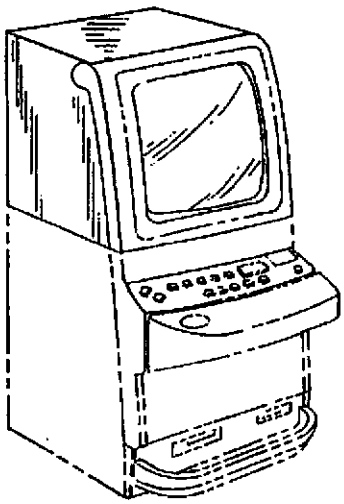


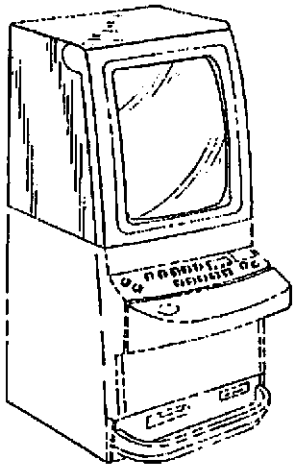
D451,153



D454,921



D456,046



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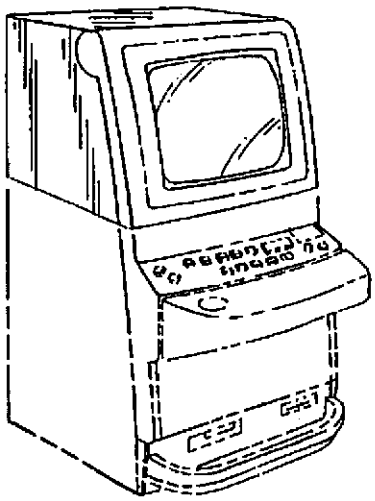
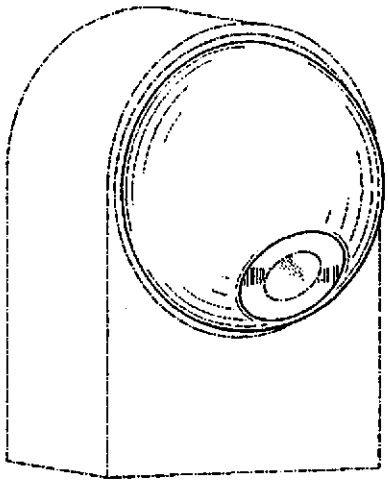


D456,855



D462,397

As can be seen in the "Fame & Fortune" game above (and as only one example of the Falsely Marked Products), U.S. Patent Nos. D403,363; D404,436; D416,054; D421,277; D450,094; D450,096; D450,310; D451,148; D451,151; D451,152; D451,153; D454,921; D456,046; D456,457; D456,855; and D462,397 are clearly inapplicable, providing a clear indication that Defendant knew its patent markings were false.

18. Additional facts show Defendant marked the Falsely Marked Products with knowledge that the patents were expired and/or inapplicable. For example, Defendant re-marked the plate containing its intellectual property information with an updated manufacturing date in "11/2008" (*see* figure above at ¶15) but decided to continue to mark U.S. Patent Nos. 4,837,728; 4,948,138 and D333,164 on that plate after those patents had expired. Defendant could have easily remarked its products to not include expired patent numbers, but decided not to. Further, the sheer number of Expired and Inapplicable Patents that Defendant marked on its products (as described above), combined with the other facts herein, allow a reasonable inference that Defendant knew the patents were expired and/or inapplicable when it marked the Falsely Marked Products.

19. It was a false statement for Defendant to mark the Falsely Marked Products with expired or otherwise inapplicable patents. Defendant knew that the patents were expired or otherwise inapplicable, but nevertheless marked them on its products after they expired or when they were clearly inapplicable in an attempt to deceive the public.

20. Defendant is a large company that regularly enforces its patents and that regularly reviews its patent portfolio (in light of the importance of such intellectual property in the gaming industry). Defendant has, and/or regularly retains, sophisticated legal counsel. Defendant has many years of experience applying for patents, obtaining patents, licensing patents, and/or litigating in patent infringement lawsuits. Indeed, the United States Patent and Trademark Office's website shows Defendant to be the assignee to over 2,700 patents and patent applications. Further, Defendant has

been a party to 15 patent-related cases, most in which Defendant has asserted claims for patent infringement. The patents that Defendant owns or has licensed, including the Expired and Inapplicable Patents, were or are important assets to Defendant and are consistently reviewed and monitored in the course of Defendant's business.

21. The expiration date of a U.S. Patent is not readily ascertainable by members of the public at the time of the product purchase. The patent number itself does not provide members of the public with the expiration date of the patent. Basic information about a patent, such as the filing, issue and priority dates associated with a particular U.S. patent number are available at, for example, the website of the United States Patent and Trademark Office ("USPTO"). However, access to the Internet is necessary to retrieve that information (meaning that a consumer may not have the ability to retrieve the information, especially while he is in a store making a purchasing decision) and even after retrieving that information, it does not always include the expiration date of a patent. Rather, a member of the public must also conduct a burdensome legal analysis, requiring specific knowledge of U.S. Patent laws regarding patent term expiration. Notably, a correct calculation of the expiration date must also account for at least: a) any term extensions granted by the USPTO, which may or may not be present on the face of the patent, and b) whether or not the patent owner has paid the necessary maintenance fees.

22. Defendant knew that a patent that is expired does not cover any product.

23. Defendant knew that it was a false statement to mark the Falsely Marked Products with an expired or otherwise inapplicable patent.

24. Defendant did not have, and could not have had, a reasonable belief that its products were properly marked, and Defendant knew that the aforementioned patents had expired and/or were inapplicable.

INJURY IN FACT TO THE UNITED STATES

25. Defendant's practice of false marking is injurious to the United States.

26. The false marking alleged above caused injuries to the sovereignty of the United States arising from Defendant's violations of federal law, specifically, the violation of 35 U.S.C. §292(a). The United States has conferred standing on "any person," which includes Relator, as the United States' assignee of the claims in this complaint to enforce section 292.

27. The false marking alleged above caused proprietary injuries to the United States, which, together with section 292, would provide another basis to confer standing on Relator as the United States' assignee.

28. The marking and false marking statutes exist to give the public notice of patent rights. Congress intended the public to rely on marking as a ready means of discerning the status of intellectual property embodied in an article of manufacture or design, such as the Falsely Marked Products.

29. Federal patent policy recognizes an important public interest in permitting full and free competition in the use of ideas that are, in reality, a part of the public domain—such as those described in the Expired and Inapplicable Patents.

30. Congress' interest in preventing false marking was so great that it enacted a statute that sought to encourage private parties to enforce the statute. By permitting members of the public to bring *qui tam* suits on behalf of the government, Congress authorized private persons like Relator to help control false marking.

31. The acts of false marking alleged above deter innovation and stifle competition in the marketplace for at least the following reasons: if an article that is within the public domain is falsely marked, potential competitors may be dissuaded from entering the same market; false marks may also deter scientific research when an inventor sees a mark and decides to forego continued

research to avoid possible infringement; and false marking can cause unnecessary investment in design around or costs incurred to analyze the validity or enforceability of a patent whose number has been marked upon a product with which a competitor would like to compete.

32. The false marking alleged above misleads the public into believing that the Expired and Inapplicable Patents give Defendant control of the Falsely Marked Products (as well as like products), placing the risk of determining whether the Falsely Marked Products are controlled by such patents on the public, thereby increasing the cost to the public of ascertaining who, if anyone, in fact controls the intellectual property embodied in the Falsely Marked Products.

33. Thus, in each instance where a representation is made that the Falsely Marked Products are protected by the Expired and Inapplicable Patents, a member of the public desiring to participate in the market for products like the Falsely Marked Products must incur the cost of determining whether the involved patents are valid and enforceable. Failure to take on the costs of a reasonably competent search for information necessary to interpret each patent, investigation into prior art and other information bearing on the quality of the patents, and analysis thereof can result in a finding of willful infringement, which may treble the damages an infringer would otherwise have to pay.

34. The false marking alleged in this case also creates a misleading impression that the Falsely Marked Products are technologically superior to previously available products, as articles bearing the term "patent" may be presumed to be novel, useful, and innovative.

35. Every person or company in the United States is a potential entrepreneur with respect to the process, machine, manufacture, or composition of matter described in the Expired and Inapplicable Patents. Moreover, every person or company in the United States is a potential competitor with respect to the Falsely Marked Products marked with the Expired and Inapplicable Patents.

36. Each Falsely Marked Product or advertisement thereof, because it is marked with or displays the Expired and Inapplicable Patents, is likely to, or at least has the potential to,

discourage or deter each person or company (itself or by its representatives), which views such marking from commercializing a competing product, even though the Expired and Inapplicable Patents do nothing to prevent any person or company in the United States from competing in commercializing such products.

37. The false marking alleged in this case and/or advertising thereof has quelled competition with respect to similar products to an immeasurable extent, thereby causing harm to the United States in an amount that cannot be readily determined.

38. The false marking alleged in this case constitutes wrongful and illegal advertisement of a patent monopoly that does not exists and, as a result, has resulted in increasing, or at least maintaining, the market power or commercial success with respect to the Falsely Marked Products.

39. Each individual false marking (including each time an advertisement with such marking is accessed on the Internet) is likely to harm, or at least potentially harms, the public. Thus, each such false marking is a separate offense under 35 U.S.C. §292(a).

40. Each offense of false marking creates a proprietary interest of the United States in the penalty that may be recovered under 35 U.S.C. §292(b).

41. For at least the reasons stated in paragraphs 2 to 40 above, the false marking alleged in this case caused injuries to the sovereignty of the United States arising from violations of federal law and has caused proprietary injuries to the United States.

CLAIM

42. For the reasons stated in paragraphs 2 to 41 above, Defendant has violated section 292 of the Patent Act by falsely marking the Falsely Marked Products with intent to deceive the public.

PRAYER FOR RELIEF

43. Relator thus requests this Court, pursuant to 35 U.S.C. §292, to do the following:

A. enter a judgment against Defendant and in favor of Relator that Defendant has violated 35 U.S.C. §292 by falsely marking products with knowledge that the patent has expired and/or are not applicable for the purpose of deceiving the public;

B. order Defendant to pay a civil monetary fine of $500 per false marking offense, or an alternative reasonable amount determined by the Court taking into consideration the total revenue and gross profit derived from the sale of falsely marked products and the degree of intent to falsely mark the products, one-half of which shall be paid to the United States and the other half to Relator;

C. enter a judgment declaring that this case is "exceptional," under 35 U.S.C. §285 and award in favor of Relator, and against Defendant, the costs incurred by Relator in bringing and maintaining this action, including reasonable attorneys' fees;

D. order that Defendant, its officers, agents, servants, employees, contractors, suppliers, and attorneys be enjoined from committing new acts of false patent marking and be required to cease all existing acts of false patent marking within 90 days; and

E. grant Relator such other and further relief as the Court may deem just and equitable.

JURY DEMAND

44. Relator demands a jury trial on all issues so triable.

Respectfully submitted, this the 31st day of March, 2011.

GARTEISER LAW GROUP, P.C.

By R Garteiser

Randall T. Garteiser

Attorney for the Relator

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 Dolly Gee and the assigned discovery Magistrate Judge is Charles Eick.

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

CV11- 2760 DMG (Ex)

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

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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:

[X] **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.

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of California

GHJ HOLDINGS, LLC, a Texas Limited Liability Company
Plaintiff

v.

IGT, a Nevada Corporationm d/b/a In the State of California as NEVADA-IGT, INC
Defendant

Civil Action No. CV11-2760 DMG (Ex)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* National Registered Agents, Inc.
2875 Michelle Drive, Suite 100
Irvine, CA 92606

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: GARTEISER LAW GROUP, P.C.
Randall T. Garteiser (Cal. Bar # 231821)
Christopher A. Honea (Cal. Bar # 232473)
44 North San Pedro Road
San Rafael, California 94903
[Tel.] (415)785-3762

If you fail to respond, 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 OF COURT

Date: 03/31/2011

Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____

was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____

_____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____

_____, a person of suitable age and discretion who resides there,

on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is

designated by law to accept service of process on behalf of *(name of organization)* _____

_____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*:

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc:

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

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)
GHJ Holdings, LLC

DEFENDANTS
IGT, a Nevada Corporation, d/b/a in the State of California as NEVADA-IGT, INC.

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)
Randall T. Ganeiser (SBN 231821)
Ganeiser Law Group, P.C.; 44 N. San Pedro Road
San Rafael, CA 94903. Tel: 415-785-3763

Attorneys (If Known)

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

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

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

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business in this State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business in Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 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: $_____

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.)

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

OTHER STATUTES
☐ 400 State Reapportionment
☐ 410 Antitrust
☐ 430 Banks and Banking
☐ 450 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
☐ 875 Customer Challenge 12 USC 3410
☐ 890 Other Statutory Actions
☐ 891 Agricultural Act
☐ 892 Economic Stabilization Act
☐ 893 Environmental Matters
☐ 894 Energy Allocation Act
☐ 895 Freedom of Info. Act
☐ 900 Appeal of Fee Determination Under Equal Access to Justice
☐ 950 Constitutionality of State Statutes

CONTRACT
☐ 110 Insurance
☐ 120 Marine
☐ 130 Miller 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
☐ 220 Foreclosure
☐ 230 Rent Lease & Ejectment
☐ 240 Torts to Land
☐ 245 Tort Product Liability
☐ 290 All Other Real Property

TORTS PERSONAL INJURY
☐ 310 Airplane
☐ 315 Airplane Product Liability
☐ 320 Assault, Libel & Slander
☐ 330 Fed. Employers' Liability
☐ 340 Marine
☐ 345 Marine Product Liability
☐ 350 Motor Vehicle
☐ 355 Motor Vehicle Product Liability
☐ 360 Other Personal Injury
☐ 362 Personal Injury-Med Malpractice
☐ 365 Personal Injury-Product Liability
☐ 368 Asbestos Personal Injury Product Liability

IMMIGRATION
☐ 462 Naturalization Application
☐ 463 Habeas Corpus-Alien Detainee
☐ 465 Other Immigration Actions

TORTS PERSONAL PROPERTY
☐ 370 Other Fraud
☐ 371 Truth in Lending
☐ 380 Other Personal Property Damage
☐ 385 Property Damage Product Liability

BANKRUPTCY
☐ 422 Appeal 28 USC 158
☐ 423 Withdrawal 28 USC 157

CIVIL RIGHTS
☐ 441 Voting
☐ 442 Employment
☐ 443 Housing/Accommodations
☐ 444 Welfare
☐ 445 American with Disabilities - Employment
☐ 446 American with Disabilities - Other
☐ 440 Other Civil Rights

PRISONER PETITIONS
☐ 510 Motions to Vacate Sentence Habeas Corpus
☐ 530 General
☐ 535 Death Penalty
☐ 540 Mandamus/Other
☐ 550 Civil Rights
☐ 555 Prison Condition

FORFEITURE/PENALTY
☐ 610 Agriculture
☐ 620 Other Food & Drug
☐ 625 Drug Related Seizure of Property 21 USC 881
☐ 630 Liquor Laws
☐ 640 R.R. & Truck
☐ 650 Airline Regs
☐ 660 Occupational Safety /Health
☐ 690 Other

LABOR
☐ 710 Fair Labor Standards Act
☐ 720 Labor/Mgmt. Relations
☐ 730 Labor/Mgmt. Reporting & Disclosure Act
☐ 740 Railway Labor Act
☐ 790 Other Labor Litigation
☐ 791 Empl. Ret. Inc. Security Act

PROPERTY RIGHTS
☐ 820 Copyrights
☒ 830 Patent
☐ 840 Trademark

SOCIAL SECURITY
☐ 861 HIA (1395ff)
☐ 862 Black Lung (923)
☐ 863 DIWC/DIWW (405(g))
☐ 864 SSID Title XVI
☐ 865 RSI (405(g))

FEDERAL TAX SUITS
☐ 870 Taxes (U.S. Plaintiff or Defendant)
☐ 871 IRS-Third Party 26 USC 7609

CV11-2760

FOR OFFICE USE ONLY: Case Number: _____

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

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

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
	Bowie County, TX

(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
Orange	

(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
Los Angeles	

*** 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): R Gartner Date 3/31/2011

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))