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CLERK U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
LOS ANGELES

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10 Attorneys for Plaintiff  
 11 OTTER PRODUCTS, LLC

12  
 13 UNITED STATES DISTRICT COURT  
 14  
 15 CENTRAL DISTRICT OF CALIFORNIA

16 CV12-04189 JFW(Ex)

17 OTTER PRODUCTS, LLC, a Colorado  
 Limited Liability Company,

Case No.:

18 Plaintiff,

19 **COMPLAINT FOR DAMAGES  
 AND DECLARATORY RELIEF:**

20 v.

21 EQUIPPED LLC, a New York Limited  
 22 Liability Company; ARI CIMENT, an  
 Individual d/b/a DEAL.FISHER and  
 23 EQUIPPED LLC; and DOES 1-10,  
 24 Inclusive,

- (1) FEDERAL TRADEMARK INFRINGEMENT [15 U.S.C. § 1114/Lanham Act §43(a)]
- (2) FALSE DESIGNATION OF ORIGIN/UNFAIR COMPETITION/FALSE OR MISLEADING ADVERTISING [15 U.S.C. §1125(a)];
- (3) TRADEMARK DILUTION [15 U.S.C. §1125(c)];
- (4) UNFAIR BUSINESS PRACTICES [CALIFORNIA BUSINESS & PROFESSIONS

25 Defendants.

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**CODE §17200];**  
**(5) UNJUST ENRICHMENT;**  
**(6) DECLARATORY RELIEF.**

**[DEMAND FOR JURY TRIAL]**

COMES NOW, Plaintiff OTTER PRODUCTS, LLC, a Colorado Limited Liability Company, (hereinafter "Plaintiff"), hereby allege as follows:

**PARTIES**

1. Plaintiff, is now, and was at the time of the filing of this Complaint and at all intervening times, a Colorado Limited Liability Company, duly authorized and licensed to conduct business in the State of Colorado, with its principal place of business in Fort Collins, Colorado.

2. Plaintiff alleges, on information and belief, that Defendant EQUIPPED LLC (hereinafter "EQUIPPED LLC") is now, and was at the time of the filing of this Complaint, a New York Limited Liability Company with its principal place of business located at 570 Eastern Parkway, Brooklyn, New York 11225.

3. Plaintiff alleges, on information and belief, that Defendant ARI CIMENT, (hereinafter "CIMENT") is now, and was at the time of the filing of this Complaint, an individual d/b/a DEAL.FISHER and EQUIPPED LLC, residing at 39-40 30<sup>th</sup> Street, Long Island City, New York 11101.

4. Defendants EQUIPPED LLC and CIMENT conduct business in the jurisdiction of the United States District Court for the Central District of California by offering counterfeits goods for sale in Los Angeles, California, that infringe on the registered trademarks of Plaintiff.

5. The true names and capacities, whether individual, corporate, associate or otherwise, of Defendants herein named as DOES 1-10, inclusive, are unknown to Plaintiff. Plaintiff therefore sues said Defendants by such fictitious

1 names. When the true names and capacities of said Defendants have been  
2 ascertained, Plaintiff will amend this pleading accordingly.

3 6. Plaintiff is informed and believes and thereon allege that at all times  
4 mentioned herein Defendants EQUIPPED LLC, CIMENT, and DOES 1-10,  
5 inclusive, and each of them, were the agents, servants and employees of every  
6 other Defendant and the acts of each defendant, as alleged herein, were performed  
7 within the course and scope of that agency, service or employment.

8 7. Plaintiff further alleges that Defendants EQUIPPED LLC, CIMENT,  
9 and DOES 1-10, inclusive, sued herein by fictitious names, are jointly, severally  
10 and concurrently liable and responsible with the named Defendants upon the  
11 causes of action hereinafter set forth and shall henceforth be referred to  
12 collectively as "Defendants."

13 **JURISDICTION/VENUE**

14 8. This Court has jurisdiction over the subject matter of the First and  
15 Second Causes of Action (violation of the Lanham Act) pursuant to 15 U.S.C.  
16 §1121 and/or 28 U.S.C. §§ 1331 and/or 1338(a).

17 9. This Court has personal jurisdiction over Defendants since Defendants  
18 have committed acts of trademark infringement and unfair competition in this  
19 district and/or Defendants have sufficient minimum contacts with this district to  
20 such that the exercise of jurisdiction over Defendants by this Court does not offend  
21 traditional notions of fair play and substantial justice. Among other things,  
22 Defendants have advertised, offered to sell and has sold products that infringe the  
23 trademarks of Plaintiff to consumers within this judicial district. Defendants have  
24 also offered to sell and actually sold counterfeit products (described more fully  
25 below) using an interactive Internet website and knowing or having reason to know  
26 that consumers throughout the United States, including within this judicial district,  
27 would purchase said counterfeit goods from Defendants, believing that they were  
28 authentic goods manufactured and distributed by Plaintiff or its authorized

1 manufacturers.

2 10. Additionally, supplemental jurisdiction exists over Defendants  
3 because, on information and belief, Defendants conduct business in California and  
4 in this judicial district, and have purposefully directed action to California and this  
5 district, or have otherwise availed themselves of the privileges and protections of  
6 the laws of the State of California, such that this Court's assertion of jurisdiction  
7 over Defendants does not offend traditional notions of fair play and due process.

8 11. Venue is proper in this district, *inter alia*, pursuant to 28 U.S.C.  
9 §1391(b) because, on information and belief, a substantial part of the events or  
10 omissions giving rise to these claims occurred in this judicial district, and has  
11 caused damages to Plaintiff in this district. The counterfeit OTTERBOX®-  
12 branded products were purchased from California and Defendants purposefully  
13 shipped these counterfeit products into California. Moreover, the counterfeit  
14 OTTERBOX®-branded products were paid with funds from a financial institution  
15 in California, and the transaction was processed through PayPal, Inc. located in  
16 California. Defendants' actions within this district directly interfere with and  
17 damage Plaintiff's commercial efforts and endeavors and harms Plaintiff's  
18 goodwill within this Venue.

19 **GENERAL ALLEGATIONS**

20 12. Plaintiff, founded in 1998, is known as an innovator of protective  
21 solutions for the leading global handheld manufacturers, wireless carriers and  
22 distributors.

23 13. Plaintiff is a leading retailer of and distributor of high-quality  
24 protective cases, peripherals and accessories for portable electronic devices and  
25 computers.

26 14. Plaintiff develops and manufactures protective carrying cases  
27 including but not limited to the following products such as the Apple iPhone®,  
28 Apple iPad®, and Apple iPod Touch®; Smartphones including Blackberry®,

1 HTC®, Nokia®, Samsung®, LG® and Motorola® models; Personal Computer  
2 Laptops including Dell®; Tablet Cases for the Amazon Kindle®, eReader®,  
3 Palm® Cases, and Sony® Cases.

4 15. Plaintiff is continually striving to discover and develop new, advanced  
5 technologies and designs to meet the needs of the ever-advancing consumer  
6 electronics industry.

7 16. Plaintiff's OTTERBOX®-branded products have achieved an  
8 extraordinary reputation and have garnered extensive coverage by the media in  
9 reports about consumer electronics products.

10 17. Plaintiff has been recognized with various awards both locally and  
11 nationally. Plaintiff was selected as "The Best Mobile Case Brand" 2011 from  
12 About.com Reader's Choice; "Must Have gear for the fall and winter" by *National*  
13 *Geographic* "Gear of the Year" 2010 for Plaintiff's Defender® Series of products;  
14 2010 Favorite Protective iPhone/iPad Case by TiPB Reader's Choice Award;  
15 TESSCO Technologies, Inc. Innovator Award – Top Honor for leading  
16 manufacturers in the mobile devices and accessories markets, for Plaintiff's  
17 Defender® Series of products, awarded at the "Innovation Showcase" in August  
18 2010; Better Business Bureau "Torch Award for Business Ethics" – Plaintiff was  
19 recognized for outstanding commitment to practices that benefit their customers,  
20 suppliers, shareholders, employees and the surrounding community, honored in  
21 April 2010; 2009 *iProng Magazine* "iProng 50" top 50 iPhone and iPod  
22 accessories showcasing Plaintiff's Armor® Series of products for iPod and  
23 Defender® Series for iPhone 3G and iPhone 3GS.

24 18. Plaintiff has spent substantial time, money and effort in developing  
25 consumer recognition and awareness of its marks. Plaintiff has spent an enormous  
26 amount of money on print and internet advertising in order to inform consumers of  
27 the benefits of Plaintiff's products. Through the extensive use of the Plaintiff's  
28 marks, Plaintiff has built up and developed significant goodwill in its entire

1 product line.

2 19. Plaintiff is the exclusive owner of federally-registered and common  
3 Law trademarks. Plaintiff owns the following United States Trademark  
4 Registrations for its "OTTERBOX" marks: U.S. Reg. Nos. 2287619; 3791318;  
5 3788535; and 3788534. These are attached hereto as Exhibits A - D.

6 20. Plaintiff also owns the following United States Trademark  
7 Registration for its "WE'VE GOT TECHNOLOGY COVERED" mark: U.S. Reg.  
8 No. 3865367. This is attached hereto as Exhibit E.

9 21. Similarly, Plaintiff owns the following U.S. Trademark Registration  
10 for its "DEFENDER SERIES" mark: U.S. Reg. No. 3623789. This is attached  
11 hereto as Exhibit F.

12 22. Particularly in light of the success of Plaintiff's products, as well as  
13 the outstanding reputation they have gained, Plaintiff and its products have become  
14 targets for unscrupulous individuals and entities who wish to take a "free ride" on  
15 the goodwill, reputation and fame Plaintiff has spent considerable effort and  
16 resources to build up in their products and marks.

17 23. At any given time, there are millions of items listed on the Internet  
18 auction website "eBay," for bid or purchase by its more than one million registered  
19 users. Buyers have the option to purchase items in an auction-style format where  
20 users bid on products or items can be purchased at a fixed price through a feature  
21 referred to as "Buy It Now." Using another eBay feature referred to as  
22 "Feedback," users who have made a purchase on eBay are given the opportunity to  
23 post positive, neutral or negative reviews in relation to their buying experience.  
24 While feedback can give some indication of sales volume, empirical evidence  
25 shows that actual sales far exceed the number of feedback entries a seller receives.

26 24. Beginning on a date that is currently unknown to Plaintiff and  
27 continuing to the present, Defendants have, without the consent of Plaintiff,  
28 offered to sell and sold within the United states (including within this judicial

1 district) goods that were neither made by Plaintiff nor by a manufacturer  
2 authorized by Plaintiff (such goods are hereafter referred to as “Counterfeit  
3 Goods”) using reproductions, counterfeits, copies and/or colorable imitations of  
4 one or more of the Marks. On information and belief, Plaintiff further alleges that  
5 Defendants imported said Counterfeit Goods into the United States, or encouraged  
6 others to import said Counterfeit Goods into the United States, for the purpose of  
7 reselling the Counterfeit Goods in the United States.

8 25. Defendants maintain and operate a storefront or webpage on  
9 eBay.com under the username “deal.fisher.” Through this webpage, Defendants  
10 regularly and systematically advertised, marketed, distributed, offered for sale, and  
11 sold products bearing unauthorized OTTERBOX® and DEFENDER SERIES®  
12 registered trademarks. As of May 4, 2012, Defendants’ webpage showed at least  
13 4,259 prior sales of OTTERBOX®-branded products with a total 10,131 units  
14 listed for sale. Indeed, Defendants’ webpage shows over 2,000 feedbacks from  
15 various purchasers.

16 26. Through such business activities, Defendants purposely derived  
17 benefit from their interstate commerce activities by expressly targeting foreseeable  
18 purchasers in the State of California. But for Defendants’ advertising, soliciting  
19 and selling of counterfeit OTTERBOX®-branded products in California, Plaintiff  
20 would not have been able to make a purchase of the subject product.

21 27. On March 27, 2012, in its ongoing investigation of counterfeit sales of  
22 OTTERBOX®-branded products, from the State of California, Plaintiff purchased  
23 a “OtterBox Defender Series Case+Holster for iPhone 4/4S – Black/Black” from  
24 Defendants, for a cost of \$21.95, which was paid via the PayPal electronic  
25 payment account of Plaintiff. A true and correct copy of the website purchase  
26 receipt for the counterfeit item is attached hereto as Exhibit G.

27 28. The product purchased from Defendants was inspected by Plaintiff in  
28 California to determine authenticity. Plaintiff’s inspection of the purchased item

1 using security measures confirmed that the item Defendants sold was in fact a  
2 counterfeit “OtterBox Defender Series Case+Holster for iPhone 4/4S –  
3 Black/Black.”

4 29. Defendants willfully use images and names confusingly similar or  
5 identical to Plaintiff’s Marks to confuse consumers and aid in the promotion and  
6 sales of its unauthorized and counterfeit product. Defendants’ willful use of  
7 Plaintiff’s Marks include importing, advertising, displaying, distributing, selling  
8 and/or offering to sell unauthorized copies of Plaintiff’s “OtterBox Defender Series  
9 Case+Holster for iPhone 4/4S – Black/Black.” Defendants’ use of Plaintiff’s  
10 Marks began long after Plaintiff’s adoption and use of its trademarks, and after  
11 Plaintiff obtained the trademark registrations alleged above. Neither Plaintiff nor  
12 any authorized agents have consented to Defendants use of Plaintiff’s Marks.

13 30. Defendants’ actions have confused and deceived, or threatened to  
14 confuse and deceive, the consuming public concerning the source and sponsorship  
15 of the counterfeit “OtterBox Defender Series Case+Holster for iPhone 4/4S –  
16 Black/Black” sold and distributed by Defendants. By their wrongful conduct,  
17 Defendants have traded upon and diminished Plaintiff’s goodwill. Furthermore,  
18 the sale and distribution of counterfeit goods by Defendants have infringed upon  
19 Plaintiff’s federally registered trademarks.

20 31. Defendants’ offering to sell, selling, importing and encouraging others  
21 to import Counterfeit Goods in this manner was and is likely to cause confusion or  
22 mistake and/or to deceive consumers who purchase the Counterfeit Goods.

23 32. Defendants also offered to sell, sold, imported, and/or encouraged  
24 others to import for the purpose of resale within the United States, Counterfeit  
25 Goods consisting of reproductions and/or copies of products bearing Plaintiff’s  
26 Marks. Defendants’ use of such Marks was done without Plaintiff’s authorization.

27 33. Specifically, on information and belief, Defendants have sold  
28 significant quantities of counterfeit OTTERBOX®-branded products within



1 California and within this jurisdiction. Furthermore, Plaintiff is confident that  
2 throughout the discovery process, documentary evidence will confirm said  
3 allegations.

4 34. Plaintiff has never authorized or consented to Defendants' use of  
5 Plaintiff's OTTERBOX®-branded products or other Trademarks, or any  
6 confusingly similar marks, colorable imitations, or copied or derivative works by  
7 Defendants; nor has Plaintiff authorized Defendants to manufacture, copy, sell,  
8 import, market, or distribute any OTTERBOX®-branded products.

9 **FIRST CAUSE OF ACTION**

10 **(Trademark Infringement Against Defendants EQUIPPED LLC, CIMENT,  
11 and DOES 1-10, Inclusive)**

12 **[15 U.S.C. §1114/*Lanham Act* §43(a)]**

13 35. Plaintiff hereby incorporates by reference each of the other allegations  
14 set forth elsewhere in this Complaint as though fully set forth in this cause of  
15 action.

16 36. Defendants' actions as described herein constitute direct and/or  
17 contributory trademark infringement in violation of 15 U.S.C. §1114(1)(a).

18 37. As a proximate result of Defendants' trademark infringement,  
19 Plaintiff has been damaged in an amount to be proven at trial. Further, Plaintiff  
20 alleges, on information and belief, that as a proximate result of Defendants'  
21 trademark infringement, Defendants have unlawfully profited in an amount to be  
22 proven at trial.

23 38. At all relevant times, Defendants acted intentionally and/or willfully  
24 in using the Marks on the Counterfeit Goods, knowing that the Marks belonged to  
25 Plaintiff, that the Counterfeit Goods were in fact counterfeit, and that Defendants  
26 were not authorized to use the Marks on the Counterfeit Goods. Plaintiff is  
27 therefore entitled to recovery of treble damages pursuant to 15 U.S.C. §1117(a).  
28 Further, Defendants' knowing, intentional and/or willful actions make this an

1 exceptional case, entitling Plaintiff to an award of reasonable attorney fees  
2 pursuant to 15 *U.S.C.* §1117(a).

3 39. Defendants' actions also constitute the use by Defendants of one or  
4 more "counterfeit mark" as defined in 15 *U.S.C.* §1116(d)(1)(B). Plaintiff therefore  
5 reserves the right to elect, at any time before final judgment is entered in this case,  
6 an award of statutory damages pursuant to 15 *U.S.C.* §1117(c)(1) and/or (2).

7 40. The acts of direct and/or contributory trademark infringement  
8 committed by Defendants have caused, and will continue to cause Plaintiff  
9 irreparable harm unless they are enjoined by this Court.

10 **SECOND CAUSE OF ACTION**

11 **(False Designation of Origin, False or Misleading Advertising Against**  
12 **Defendants EQUIPPED LLC, CIMENT, and DOES 1-10, Inclusive)**

13 **[15 *U.S.C.* §1125 (a)]**

14 41. Plaintiff hereby incorporate by reference each of the other  
15 allegations set forth elsewhere in this Complaint as thought fully set forth in this  
16 cause of action.

17 42. Defendants' actions as described herein constitute direct and/or  
18 contributory violation of 15 *U.S.C.* §1125(a)(1)(A), as such actions are likely to  
19 cause confusion, or to cause mistake, or to deceive as to the affiliation, connection,  
20 or association of Defendants with Plaintiff and/or as to the origin, sponsorship,  
21 and/or approval of such Counterfeit Goods by Plaintiff.

22 43. As a proximate result of Defendants' violation as described herein,  
23 Plaintiff has been damaged in an amount to be proven at trial. Further, Plaintiff  
24 alleges on information and belief that, as a proximate result of Defendants' direct  
25 and/or contributory trademark infringement, Defendants have unlawfully profited,  
26 in an amount to be proven at trial.

27 44. Defendants' acts of violating, directly and/or contributorily, section  
28 1125 have caused, and will continue to cause Plaintiff irreparable harm unless they

1 are enjoined by this Court.

2 **THIRD CAUSE OF ACTION**

3 **(Dilution Against Defendants EQUIPPED LLC, CIMENT, and DOES 1-10,**  
4 **Inclusive)**

5 **[15 U.S.C. §1125(c)]**

6 45. Plaintiff hereby incorporates by reference each of the other  
7 allegations set forth elsewhere in this Complaint as though fully set forth in this  
8 cause of action.

9 46. Plaintiff's Marks are distinctive and famous within the meaning of the  
10 Lanham Act.

11 47. Upon information and belief, Defendants' unlawful actions began  
12 long after Plaintiff's Marks became famous, and Defendants acted knowingly,  
13 deliberately and willfully with the intent to trade on Plaintiff's reputation and to  
14 dilute Plaintiff's Marks. Defendants' conduct is willful, wanton and egregious.

15 48. Defendants' intentional sale of fake, pirated and counterfeit items  
16 bearing Plaintiff's Marks is likely to cause confusion, mistake, or to deceive,  
17 mislead, betray, and defraud consumers to believe that the substandard imitations  
18 are genuine products manufactured by Plaintiff. The actions of Defendants  
19 complained of herein have diluted and will continue to dilute Plaintiff's Marks, and  
20 are likely to impair the distinctiveness, strength and value of Plaintiff's Marks, and  
21 injure the business reputation of Plaintiff and its Marks.

22 49. Defendants' acts have caused and will continue to cause Plaintiff  
23 irreparable harm. Plaintiff has no adequate remedy at law to compensate it fully  
24 for the damages that have been caused and which will continue to be caused by  
25 Defendants' unlawful acts, unless they are enjoined by this Court.

26 50. As the acts alleged herein constitute a willful violation of section  
27 43(c) of the Lanham Act, 15 U.S.C. section 1125(c), Plaintiff is entitled to  
28 injunctive relief as well as monetary damages and other remedies provided by 15

1 U.S.C. §§1116, 1117, 1118, and 1125(c), including Defendants' profits, treble  
2 damages, reasonable attorney's fees, costs and prejudgment interest.

3 **FOURTH CAUSE OF ACTION**

4 **(Unfair Competition Against Defendants EQUIPPED LLC, CIMENT, and**  
5 **DOES 1-10, Inclusive)**

6 **California Bus. & Professional Code §17200 et seq.**

7 51. Plaintiff hereby incorporates by reference each of the other  
8 allegations set forth elsewhere in this Complaint as thought fully set forth in this  
9 cause of action.

10 52. Defendants' actions described herein constitute unlawful, unfair  
11 and/or fraudulent business acts or practices. Defendants' actions thus constitute  
12 "unfair competition" pursuant to *California Business & Professions Code*  
13 §17200.

14 53. As a proximate result of Defendants' actions, Plaintiff has suffered  
15 an injury in fact, including without limitation, damages in an amount to be proven  
16 at trial, loss of money or property, and diminution in the value of its Marks.  
17 Plaintiff therefore has standing to assert this claim pursuant to *California Business*  
18 *& Professions Code* §17204.

19 54. Defendants' actions have caused, and will continue to cause Plaintiff  
20 to suffer irreparable harm unless enjoined by this Court pursuant to *California*  
21 *Business & Professions Code* §17203. In addition, Plaintiff requests that the Court  
22 order that Defendants disgorge all profits wrongfully obtained as a result of  
23 Defendants' unfair competition, and order that Defendants pay restitution to  
24 Plaintiff in an amount to be proven at trial.

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1 **FIFTH CAUSE OF ACTION**

2 **(Unjust Enrichment Against Defendants EQUIPPED LLC, CIMENT, and**  
3 **DOES 1-10, Inclusive)**

4 55. Plaintiff hereby incorporates by reference each of the other  
5 allegations set forth elsewhere in this Complaint as thought fully set forth in this  
6 cause of action.

7 56. By virtue of the egregious and illegal acts of Defendants as described  
8 above, Defendants have been unjustly enriched in an amount to proven at trial.

9 57. Defendants' retention of monies gained through its deceptive business  
10 practices, infringement, acts of counterfeit and otherwise would serve to unjustly  
11 enrich Defendants and would be contrary to the interests of justice.

12 **REQUEST FOR RELIEF**

13 WHEREFORE, Plaintiff hereby respectfully requests the following relief  
14 against Defendants EQUIPPED LLC, CIMENT, and DOES 1-10, inclusive, and  
15 each of them as follows:

- 16 1. For an award of Defendants' profits and Plaintiff's damages in an amount  
17 to be proven at trial for trademark infringement under 15 U.S.C.  
18 §1114(a);
- 19 2. For an award of Defendants' profits and Plaintiff's damages in an amount  
20 to be proven at trial for false designation of origin and unfair competition  
21 under 15 U.S.C. §1125(a);
- 22 3. For an award of Defendants' profits and Plaintiff's damages in an amount  
23 to be proven at trial for trademark dilution under 15 U.S.C. §1125(c);
- 24 4. In the alternative to actual damages and Defendants' profits for the  
25 infringement and counterfeiting of Plaintiff's Marks pursuant to the  
26 Lanham Act, for statutory damages pursuant to 15 U.S.C. §1117(c),  
27 which election Plaintiff will make prior to the rendering of final  
28 judgment;

- 1 5. For restitution in an amount to be proven at trial for unfair, fraudulent  
2 and illegal business practices under *Business and Professions Code*  
3 §17200;
- 4 6. For an injunction by this Court prohibiting Defendants from engaging or  
5 continuing to engage in the unlawful, unfair, or fraudulent business acts  
6 or practices described herein, including the advertising and/or dealing in  
7 any counterfeit product; the unauthorized use of any mark or other  
8 intellectual property right of Plaintiff; acts of trademark infringement or  
9 dilution; false designation of origin; unfair competition; and any other act  
10 in derogation of Plaintiff's rights;
- 11 7. For an order from the Court requiring that Defendants provide complete  
12 accountings and for equitable relief, including that Defendants disgorge  
13 and return or pay its ill-gotten gains obtained from the illegal transactions  
14 entered into and or pay restitution, including the amount of monies that  
15 should have been paid if Defendants complied with their legal  
16 obligations, or as equity requires;
- 17 8. For an order from the Court that an asset freeze or constructive trust be  
18 imposed over all monies and profits in Defendants' possession which  
19 rightfully belong to Plaintiff;
- 20 9. For damages in an amount to be proven at trial for unjust enrichment;
- 21 10. For an award of exemplary or punitive damages in an amount to be  
22 determined by the Court;
- 23 11. For Plaintiff's reasonable attorney's fees;
- 24 12. For all costs of suit; and
- 25 13. For such other and further relief as the Court may deem just and  
26 equitable.

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**DEMAND FOR JURY TRIAL**

Plaintiff OTTER PRODUCTS, LLC respectfully demands a trial by jury in this action.

DATED: May 14, 2012

JOHNSON & PHAM, LLP



By: \_\_\_\_\_  
Christopher D. Johnson, Esq.  
Christopher Q. Pham, Esq.  
Marcus F. Chaney, Esq.  
Ani S. Garibyan, Esq.  
Attorneys for Plaintiff  
OTTER PRODUCTS, LLC

# **Exhibit A**



Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38 and 50

Reg. No. 2,287,619

United States Patent and Trademark Office

Registered Oct. 19, 1999

**TRADEMARK  
PRINCIPAL REGISTER**

**OTTER BOX**

OTTER PRODUCTS, LLC (COLORADO LIMITED LIABILITY COMPANY)  
316 SOUTH LINK LANE  
FT. COLLINS, CO 80524

FIRST USE 11-10-1997; IN COMMERCE 6-9-1998.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BOX", APART FROM THE MARK AS SHOWN.

FOR: NON-METAL, WATER-TIGHT CONTAINERS FOR OUTDOORS RECREATIONAL USE, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

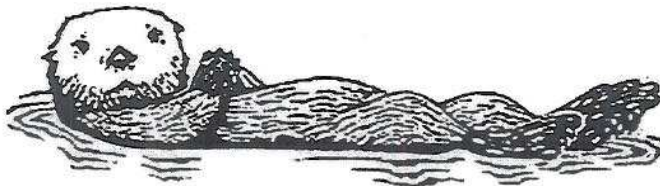
SER. NO. 75-517,846, FILED 7-13-1998.

JAMES PACIOUS, EXAMINING ATTORNEY

## **Exhibit B**

# United States of America

United States Patent and Trademark Office



Reg. No. 3,791,318

Registered May 18, 2010

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

OTTER PRODUCTS LLC (COLORADO LIMITED LIABILITY COMPANY)  
BUILDING 1  
OLD TOWN SQUARE, SUITE 303  
FORT COLLINS, CO 80524

FOR: PROTECTIVE CASES FOR HANDHELD ELECTRONIC DEVICES, NAMELY, PORTABLE MUSIC PLAYERS, PORTABLE VIDEO PLAYERS, CELL PHONES AND COMPUTERS; SPECIALLY ADAPTED PROTECTIVE CARRYING CASES FOR COMPUTERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 12-27-2008; IN COMMERCE 12-27-2008.

THE MARK CONSISTS OF AN OTTER ON ITS BACK IN THE WATER WITH ITS HEAD TURNED, ITS HANDS ARE ON ITS CHEST AND ITS FEET ARE STICKING OUT OF THE WATER.

SN 77-723,402, FILED 4-27-2009.

IRA J. GOODSaid, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office

# **Exhibit C**

# United States of America

United States Patent and Trademark Office

## OTTER BOX

Reg. No. 3,788,535

Registered May 11, 2010

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

OTTER PRODUCTS LLC (COLORADO LIMITED LIABILITY COMPANY)  
BUILDING 1  
OLD TOWN SQUARE, SUITE 303  
FORT COLLINS, CO 80524

FOR: PROTECTIVE CASES FOR HANDHELD ELECTRONIC DEVICES, NAMELY, PORTABLE MUSIC PLAYERS, PORTABLE VIDEO PLAYERS, CELL PHONES AND COMPUTERS; SPECIALLY ADAPTED PROTECTIVE CARRYING CASES FOR COMPUTERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 12-27-2008; IN COMMERCE 12-27-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,287,619.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BOX", APART FROM THE MARK AS SHOWN.

SN 77-723,383, FILED 4-27-2009.

IRA J. GOODSAY, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office

## **Exhibit D**

# United States of America

United States Patent and Trademark Office

## OTTERBOX

**Reg. No. 3,788,534**

**Registered May 11, 2010**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

OTTER PRODUCTS LLC (COLORADO LIMITED LIABILITY COMPANY)  
BUILDING 1  
OLD TOWN SQUARE, SUITE 303  
FORT COLLINS, CO 80524

FOR: PROTECTIVE CASES FOR HANDHELD ELECTRONIC DEVICES, NAMELY, PORTABLE MUSIC PLAYERS, PORTABLE VIDEO PLAYERS, CELL PHONES AND COMPUTERS; SPECIALLY ADAPTED PROTECTIVE CARRYING CASES FOR COMPUTERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 9-27-2007; IN COMMERCE 9-27-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,287,619.

SN 77-723,375, FILED 4-27-2009.

IRA J. GOODSaid, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office

## **Exhibit E**



# United States of America

United States Patent and Trademark Office

WE'VE GOT TECHNOLOGY  
COVERED

Reg. No. 3,865,367

Registered Oct. 19, 2010

Int. Cls.: 9 and 28

TRADEMARK

PRINCIPAL REGISTER

OTTER PRODUCTS, LLC (COLORADO LIMITED LIABILITY COMPANY)  
SUITE 303  
BUILDING 1, OLD TOWN SQUARE  
FORT COLLINS, CO 80524

FOR: PROTECTIVE CASES FOR INTERACTIVE, HANDHELD ELECTRONIC DEVICES  
NAMELY, PORTABLE MUSIC PLAYERS, PORTABLE VIDEO PLAYERS, PHONES AND  
COMPUTERS; PROTECTIVE CARRYING CASES SPECIALLY ADAPTED FOR PORTABLE  
MUSIC PLAYERS, PORTABLE VIDEO PLAYERS, PHONES AND COMPUTERS, IN CLASS  
9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 6-11-2009; IN COMMERCE 6-11-2009.

FOR: PROTECTIVE CASES FOR INTERACTIVE, HANDHELD ELECTRONIC DEVICES,  
NAMELY, PORTABLE VIDEO PLAYERS IN THE NATURE OF HANDHELD VIDEO GAMES;  
PROTECTIVE CARRYING CASES SPECIALLY ADAPTED FOR PORTABLE VIDEO  
PLAYERS IN THE NATURE OF HANDHELD VIDEO GAMES, IN CLASS 28 (U.S. CLS. 22,  
23, 38 AND 50).

FIRST USE 6-11-2009; IN COMMERCE 6-11-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-  
TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-757,361, FILED 6-11-2009.

MICHAEL WIENER, EXAMINING ATTORNEY



*David J. Kyjas*

Director of the United States Patent and Trademark Office

## **Exhibit F**

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 3,623,789

Registered May 19, 2009

TRADEMARK  
PRINCIPAL REGISTER

DEFENDER SERIES

OTTER PRODUCTS, LLC (COLORADO LIMITED  
LIABILITY COMPANY)  
SUITE 303  
BUILDING 1, OLD TOWN SQUARE  
FORT COLLINS, CO 80524

FOR: PROTECTIVE CASES FOR INTERACTIVE,  
HANDHELD ELECTRONIC DEVICES, NAMELY,  
PORTABLE MUSIC PLAYERS, PORTABLE VIDEO  
PLAYERS AND TABLET COMPUTERS, IN CLASS 9  
(U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 12-27-2008; IN COMMERCE 12-27-2008.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "SERIES", APART FROM THE  
MARK AS SHOWN.

SN 77-280,987, FILED 9-17-2007.

ERNEST SHOSHO, EXAMINING ATTORNEY

# **Exhibit G**



My Account **Send Money** Request Money Merchant Services Products & Services  
 Overview Add Money Withdraw History Statements Resolution Center Profile

Transaction Details

Express Checkout Payment Sent (Unique Transaction ID #0JN37963EE734064A)

Original Transaction				
Date	Type	Status	Details	Amount
Mar 27, 2012	Payment To eQuipped, LLC	Completed		-\$21.95 USD

Related Transaction				
Date	Type	Status	Details	Amount
Mar 27, 2012	Add Funds from a Bank Account	Completed	<a href="#">Details</a>	\$21.95 USD

Shopping Cart Contents

Qty	Item	Options	Price
1	OtterBox Defender Series Case-Holster for iPhone 4/4S - Black/Black Item # 270931542438		\$21.95 USD
<b>Amount</b>			<b>\$21.95 USD</b>

Business Contact Information

Customer Service URL: <http://www.DealFisher.com>  
 Customer Service Email: [CustomerService@DealFisher.com](mailto:CustomerService@DealFisher.com)

Item Total: \$21.95 USD  
 Sales Tax: \$0.00 USD  
 Shipping: \$0.00 USD  
 Seller discount or charges: \$0.00 USD

Total amount: -\$21.95 USD  
 Fee amount: \$0.00 USD  
 Net amount: -\$21.95 USD  
 Date: Mar 27, 2012  
 Time: 09:17:15 PDT  
 Status: Completed

Insurance: \$0.00 USD

Shipping Address: see jay  
 23679 Calabasas Rd  
 Apt 758  
 Calabasas, CA 91302-1502  
 United States  
 Recipient's name

Payment To: eQuipped, LLC (The recipient of this payment is Verified)  
 Seller's ID: deal.fisher  
 Seller's Email: [yanky@equippedllc.com](mailto:yanky@equippedllc.com)

Funding Type: Instant Transfer  
 Funding Source: \$21.95 USD - Chase Checking (Confirmed) x-3802  
 Back Up Funding Source: MasterCard Card XXXX-XXXX-XXXX-2651

Need help? If you have problems with an eBay transaction or want help settling a dispute with an eBay seller, go to the [eBay Resolution Center](#). PayPal and eBay strongly recommend that you attempt to resolve issues directly with the seller whenever possible.

Description: Shopping Cart

[Return to My Account](#)

**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 John F. Walter and the assigned discovery Magistrate Judge is Charles Eick.

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

**CV12- 4189 JFW (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

=====

**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.

JOHNSON & PHAM, LLP  
Christopher D. Johnson, SBN: 222698  
Christopher Q. Pham, SBN: 206697  
6355 Topanga Canyon Boulevard, Suite 326  
Woodland Hills, California 91367  
Tel. No.: (818) 888-7540, Fax: (818) 888-7544

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

OTTER PRODUCTS, LLC, a Colorado Limited  
Liability Company,

PLAINTIFF(S)

v.

EQUIPPED LLC, a New York Limited Liability  
Company; ARI CIMENT, an Individual d/b/a  
DEAL.FISHER and EQUIPPED LLC; and DOES  
1-10, Inclusive

DEFENDANT(S).

CASE NUMBER

CV12-04189 FW(EX)

SUMMONS

TO: DEFENDANT(S): EQUIPPED LLC, a New York Limited Liability Company; ARI CIMENT, an Individual d/b/a  
DEAL.FISHER and EQUIPPED LLC; and DOES 1-10, Inclusive

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, Christopher Q. Pham, Esq., whose address is 6355 Topanga Canyon Boulevard, Suite 326, Woodland Hills, California 91367. 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.

MAY 14 2012

Clerk, U.S. District Court

Dated: \_\_\_\_\_

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**

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> OTTER PRODUCTS, LLC, a Colorado Limited Liability Company	<b>DEFENDANTS</b> EQUIPPED LLC, a New York Limited Liability Company; ARI CIMENT, an Individual d/b/a DEAL.FISHER and EQUIPPED LLC; and DOES 1-10, Inclusive.
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  JOHNSON & PHAM, LLP 6355 Topanga Canyon Blvd, Suite 326, Woodland Hills, CA 91367 Tel. No.: (818) 888-7540, Fax: (818) 888-7544	Attorneys (If Known)

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input 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)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"></td> <td style="width: 10%; text-align: center;">PTF</td> <td style="width: 10%; text-align: center;">DEF</td> <td style="width: 40%;"></td> <td style="width: 10%; text-align: center;">PTF</td> <td style="width: 10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		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.)

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.)

Federal Trademark Infringement (15 U.S.C. Section 1114/Lanham Act Section 32(a))

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

<p><b>OTHER STATUTES</b></p> <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	<p><b>CONTRACT</b></p> <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 <p><b>REAL PROPERTY</b></p> <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	<p><b>TORTS</b></p> <p><b>PERSONAL INJURY</b></p> <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 Marino 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 <p><b>IMMIGRATION</b></p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<p><b>TORTS</b></p> <p><b>PERSONAL PROPERTY</b></p> <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 <p><b>BANKRUPTCY</b></p> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p><b>CIVIL RIGHTS</b></p> <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	<p><b>PRISONERS</b></p> <p><b>PETITIONS</b></p> <input type="checkbox"/> 510 Motions to Vacate Sentence <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 <p><b>FORFEITURE/PENALTY</b></p> <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	<p><b>LABOR</b></p> <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 <p><b>PROPERTY RIGHTS</b></p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <p><b>SOCIAL SECURITY</b></p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <p><b>FEDERAL TAX SUITS</b></p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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CV12-04189

**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
	Colorado

(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
	New York

(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, CA	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note: In land condemnation cases, use the location of the tract of land involved.**

**X. SIGNATURE OF ATTORNEY (OR PRO PER):** \_\_\_\_\_ Date 5/14/2012

**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, routing 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. 1935f(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))