JS-CAND 44 (Rev. 07/16)

JS-CAND 44 (Rev. 07/16)

CIVIL COVER SHEET

The JS-CAND 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, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the givil dealers when the States in September 1974, is required for the Clerk of Court to initiate the givil dealers when the States in September 1974, is required for the Clerk of Court to initiate the givil dealers when the States in September 1974, is required for the Clerk of Court to initiate the givil dealers when the States in September 1974, is required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the givil dealers when the States in September 1974, is required for the Clerk of Court to initiate the givil dealers when the States in September 1974, is required for the Clerk of Court to initiate the givil dealers when the States in September 1974, is required for the Clerk of Court to initiate the given the States in September 1974, is required for the Clerk of Court to initiate the given the States in September 1974, is required for the Clerk of Court to initiate the given the States in September 1974, is required for the Clerk of Court to initiate the given the States in September 1974, is required for the Clerk of Court to initiate the given the States in September 1974, is required for the Clerk of Court to initiate the States in September 1974, is required for the Clerk of Court to initiate the States in September 1974, is required for the Clerk of Court to initia

Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)								
I. (a) PLAINTIFFS				DEFENDANTS				
Federal Trade Commission				D-Link Corporation and D-Link Systems, Inc.				
(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorneys (Firm Name, Address, and Telephone Number) Laura D. Berger, Cathlin Tully, Kevin H. Moriarty Federal Trade Commission 901 Market Street, Suite 570 San Francisco, CA 94013 (202) 326-2471				County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known) Neil Gilman Hunton & Williams LLP 2200 Pennsylvania Avenue, NW Washington, DC 20037 (202) 955-1674				
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)				III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff				
U.S. Government Plaintiff	3 Federal Question (U.S. Government Not a Party)		(For Diversity Cases Only) PTF DEF and One Box for Defendant) PTF DEF Citizen of This State 1					
2 U.S. Government Defendant				of Another State	e 2 Incorporated and Principal Place of Business In Another State 5			
	_		Citizen or Subject of a 3 3 Foreign Nation Foreign Country				6 6	
IV. NATURE OF SUIT		nly) RTS	FO	DEELINIDE/DENIAL A	rv I	DANIZDIDTCV	OTHER STATUTES	
110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment of Veteran's Benefits 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excludes 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	PERSONAL INJURY 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury 362 Personal Injury - Medical Malpractice CIVIL RIGHTS 440 Other Civil Rights 441 Voting 442 Employment 443 Housing/ Accommodations 445 Amer. w/Disabilities— Employment 446 Amer. w/Disabilities— Other 448 Education	PERSONAL INJU 365 Personal Injury Product Liabili 367 Health Care/ Pharmaceutical Personal Injury Product Liabilit 368 Asbestos Person Injury Product Liability PERSONAL PROPE 370 Other Fraud 371 Truth in Lendir 380 Other Personal Property Dama, Product Liability PRISONER PETITI Habeas Corpus: 463 Alien Detainee 510 Motions to Vac Sentence 530 General 535 Death Penalty Other: 540 Mandamus & C 550 Civil Rights 555 Prison Condition 560 Civil Detainee— Conditions of Confinement	### G25 ### G25 ### G25 ### G26 ### G26 ### G27 ### G27 ### G27 ### G28 ### G28 ### G28 ### G29 ###	RFEITURE/PENALI Drug Related Seizure of Property 21 USC § 3 Other LABOR Fair Labor Standards Act Labor/Management Relations Railway Labor Act Family and Medical Leave Act Other Labor Litigation Employee Retirement Income Security Act IMMIGRATION Naturalization Applica Other Immigration Actions	### ##################################	BANKRUPTCY ppeal 28 USC § 158 Vithdrawal 8 USC § 157 OPERTY RIGHTS OP	375 False Claims Act 376 Qui Tam (31 USC § 3729(a)) 400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce 460 Deportation 470 Racketeer Influenced and Corrupt Organizations 480 Consumer Credit 490 Cable/Sat TV 850 Securities/Commodities/ Exchange 890 Other Statutory Actions 891 Agricultural Acts 893 Environmental Matters 895 Freedom of Information Act 896 Arbitration 899 Administrative Procedure Act/Review or Appeal of Agency Decision 950 Constitutionality of State Statutes	
V. ORIGIN (Place an "X" in One Box Only) 1 Original Proceeding State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation—Transfer 8 Multidistrict Litigation—Transfer 1 Security 1 City the U.S. Civil Statute under which you are filing. (Do not eith invited in all statutes unless discretive)								
VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Section 13(b) of the Federal Trade Commission Act: 15 U.S.C. § 53(b) Brief description of cause: Action alleging unfair and deceptive acts or practices in violation of Section 5 of the FTC Act								
VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P.				DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No				
VIII. RELATED CASE(S), IF ANY (See instructions): JUDGE				DOCKET NUMBER				
IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)								
(Place an "X" in One Box Or	nly)		RANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE					
DATE: 1/5/17		SIGNATURE	OF ATTO	DNEV OF DEC	ORD. /s/ (Cathlin Tully		

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

Authority For Civil Cover Sheet. The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- **I. a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)."
- II. Jurisdiction. The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 - (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 - (3) <u>Federal question</u>. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - (4) <u>Diversity of citizenship</u>. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)
- III. Residence (citizenship) of Principal Parties. This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin. Place an "X" in one of the six boxes.
 - (1) <u>Original Proceedings</u>. Cases originating in the United States district courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) <u>Transferred from Another District</u>. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) <u>Multidistrict Litigation Transfer</u>. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket.

<u>Please note that there is no Origin Code 7</u>. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.

- VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. <u>Brief Description</u>: Unauthorized reception of cable service.
- VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Federal Rule of Civil Procedure 23.
 - <u>Demand</u>. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 - Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases. This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- **IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: "the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated."
- Date and Attorney Signature. Date and sign the civil cover sheet.