Dockets.Justia.com

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The 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, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

purpose of initiating the civil do	ocket sheet. (SEE INSTRUCTIO	ONS ON NEXT PAGE OF T	THIS FOR	RM.)	, 1			
I. (a) PLAINTIFFS				DEFENDANTS				
HANGINOUT, INC., a Delaware corporation				GOOGLE, INC., a Delaware corporation				
(b) County of Residence of First Listed Plaintiff				County of Residence of First Listed Defendant				
(EXCEPT IN U.S. PLAINTIFF CASES)				(IN U.S. PLAINTIFF CASES ONLY)				
				NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.				
(c) Attorneys (Firm Name, Address, and Telephone Number)				Attorneys (If Known)				
Andrew D. Skale				Tittorneys (1) known)				
MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEC				C. '13CV2811 JAH NLS				
3580 Carmel Mountain Road, Suite 300								
San Diego, CA 92130; (858) 314-1500								
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)			III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff) (For Diversity Cases Only) and One Box for Defendant)					
1 U.S. Government	`		PTF DEF PTF DEF					
Plaintiff			CILIZO	en of This State] 1	1 Incorporated or Principal Place 4 4 4 4 4 of Business In This State		
2 U.S. Government	4 Diversity		Citize	en of Another State	2 2	Incorporated and Pr		
Defendant	(Indicate Citizenshi)	(Indicate Citizenship of Parties in Item III)		or Subject of a 3 3 6 6 6				
	-			reign Country		Foreign Nation		
IV. NATURE OF SUIT (Place an "X" in One Box Only) CONTRACT TORTS			FO	ORFEITURE/PENALTY	BANKRUPTCY		OTHER STATUTES	
110 Insurance	PERSONAL INJURY	PERSONAL INJURY		525 Drug Related Seizure	422 Appeal 28 USC 158		375 False Claims Act	
120 Marine	310 Airplane	365 Personal Injury -		of Property 21 USC 881	423 Withdrawal		400 State Reapportionment	
130 Miller Act	315 Airplane Product	Product Liability		590 Other	28 USC 157		410 Antitrust	
140 Negotiable Instrument	_ ·	Liability 367 Health Care/ Pharmaceutical			PROPERTY RIGHTS		430 Banks and Banking	
L 150 Recovery of Overpayment & Enforcement of Judgment		Personal Injury			820 Cop	yrights	450 Commerce	
151 Medicare Act	330 Federal Employers'				830 Patent		460 Deportation 470 Racketeer Influenced and	
152 Recovery of Defaulted	Liability 340 Marine	340 Marine Injury Product		Y + DOD	840 Trademark SOCIAL SECURITY		Corrupt Organizations	
Student Loans (Exclueds Veterans)	345 Marine Product	Liability PERSONAL PROPERT	ry 🗖 a	LABOR 710 Fair Labor Standards		(1395ff)	480 Consumer Credit	
☐ 153 Recovery of Overpayment	Liability	370 Other Fraud		Act	1=	ck Lung (923)	490 Cable/Sat TV 850 Securities/Commodities/	
of Veteran's Benefits	350 Motor Vehicle 355 Motor Vehicle	371 Truth in Lending		720 Labor/Management.		VC/DIWW (405(g))	Exchange	
160 Stockholders' Suits 190 Other Contract	Product Liability	380 Other Personal Property Damage	$ \Box$	Relations 740 Railway Labor Act	_	D Title XVI	890 Other Statutory Actions	
195 Contract Product Liability	360 Other Personal	385 Property Damage		751 Family and Medical	865 RSI	(405(g))	891 Agricultural Acts	
196 Franchise	Injury 362 Personal Injury -	Product Liability		Leave Act			893 Environmental Matters 895 Freedom of Information	
	Medical Malpractice		_ □=-	790 Other Labor Litigation 791 Employee Retirement			Act	
210 Land Condemnation	CIVIL RIGHTS	PRISONER PETITION Habeas Corpus:		Income Security Act		AL TAX SUITS	896 Arbitration	
220 Foreclosure	440 Other Civil Rights 441 Voting	463 Alien Detainee			870 Taxes (U.S. Plaintiff or Defendant)		899 Administrative Procedure Act/Review or Appeal of	
230 Rent Lease & Ejectment	442 Employment	510 Motions to Vacate	e		871 IRS—Third Party Ag		Agency Decision	
240 Torts to Land	443 Housing/	Sentence 530 General		IMMIGRATION	26	26 USC 7609 950 Constitutional State Statute		
245 Tort Product Liability	Accommodations 445 Amer. w/Disabilities -	535 Death Penalty		462 Naturalization Application	State Statutes		State Statutes	
290 All Other Real Property	Employment	Other:		465 Other Immigration Actions				
	446 Amer. w/Disabilities -	540 Mandamus & Oth 550 Civil Rights	ner	110110110				
	Other 448 Education	555 Prison Condition						
		560 Civil Detainee -						
		Conditions of Confinement						
V. ORIGIN (Place an "X" in	ı One Box Only)	Commencia			ı			
		Remanded from	4 Reins		ferred from er District	6 Multidistri	ct	
Proceeding Sta		Appellate Court	Reop			Litigation		
	Cite the U.S. Civil Statute under which you are f			Do not cite jurisdictional sta	tutes unless d	iversity):		
VI. CAUSE OF ACTIO		15:44 Brief description of cause:						
		Trademark infringement and unfair competition						
VII. REQUESTED IN CHECK IF THIS IS A CLASS ACTION			-	EMAND \$ CHECK YES only if demanded in complaint:				
COMPLAINT: UNDER RULE 23, F.R.Cv.P. JURY DEMAND: Yes No						Yes No		
VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE								
DATE SIGNATURE OF ATTORNEY OF RECORD								
11/26/2013		/s/Andrew D. Sl	cale					
FOR OFFICE USE ONLY								
RECEIPT # AN	MOUNT	APPLYING IFP		JUDGE		MAG. JUD)GE	

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 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 by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating 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 Rule 8(a), F.R.Cv.P., 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.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 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.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 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 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.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date. Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

- 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 Brief Description: 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 Rule 23, F.R.Cv.P. Demand. 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 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

