

1 Tyson K. Hottinger (California State Bar No. 253221)

2 E-mail: thottinger@wnlaw.com

3 David R. Wright (Utah State Bar No. 5164; *Pro Hac Vice* Forthcoming)

4 E-mail: dwright@wnlaw.com

5 Kirk R. Harris (Utah State Bar No. 10221; *Pro Hac Vice* Forthcoming)

6 E-mail: kharris@wnlaw.com

7 WORKMAN | NYDEGGER A PROFESSIONAL CORPORATION

8 20 Pacifica, Suite 1130 & 60 E. South Temple, Suite 1000

9 Irvine, California 92618 Salt Lake City, Utah 84111

10 Telephone: (949) 242-1900 Telephone: (801) 533-9800

11 Facsimile: (949) 453-1104 Facsimile: (801) 328-1707

FILED
2012 APR -6 PM 3:11
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA
By Fax

12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA

14 ICON HEALTH & FITNESS, INC., a
15 Delaware corporation,

16 Plaintiff,

17 v.

18 HEINZ KETTLER GMBH & CO., KG, a
19 corporation; KETTLER
INTERNATIONAL, INC., a Virginia
20 corporation,

21 Defendants.

22 Case No.: SACV12-00531 JVS (ANx)

23 COMPLAINT
24 FOR
25 PATENT INFRINGEMENT

26 [Demand For Jury Trial]

1 Plaintiff ICON Health & Fitness, Inc. (“ICON”) hereby complains against
2 defendants Heinz Kettler GmbH Co., KG (“Heinz Kettler”) and Kettler International, Inc.
3 (“Kettler”) (collectively “Defendants”) and alleges as follows:

4 **THE PARTIES**

5 1. ICON is a corporation duly organized and existing under the laws of the
6 State of Delaware, with its principal place of business at 1500 South 1000 West, Logan,
7 Utah, 84321.

8 2. ICON alleges upon information and belief that Heinz Kettler is a corporation
9 organized and existing under the laws of the Federal Republic of Germany with its
10 principal place of business located at Hauptstrasse 28, D-59469 Ense-Parsit, Germany.

11 3. ICON alleges upon information and belief that Kettler is a corporation
12 organized and existing under the laws of the commonwealth of Virginia with its principal
13 place of business located at 1355 London Bridge Road, Virginia Beach, Virginia 23453.

14 **JURISDICTION AND VENUE**

15 4. This is a civil action by ICON for patent infringement arising under the
16 patent laws of the United States, including 35 U.S.C. § 271, which gives rise to the
17 remedies specified under 35 U.S.C. §§ 281, 283, 284, and 285.

18 5. This court has original jurisdiction over the subject matter of this action
19 pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

20 6. ICON further alleges on information and belief that Defendants sold or
21 contracted for the sale of infringing goods to consumers within the State of California,
22 including Los Angeles and Orange Counties. These actions by Defendants relate to and,
23 in part, give rise to the claims asserted herein by ICON, and have resulted in injury to
24 ICON.

25 7. ICON alleges on information and belief that Defendants maintain physical
26 points of sale and service of infringing goods in Los Angeles and Orange Counties.

1 8. ICON alleges on information and belief that Defendants advertise, market,
2 and sell its products through its web site located at www.kettlerusa.com, which is
3 available to persons within the State of California.

4 9. This Court's exercise of personal jurisdiction over Defendants is consistent
5 with the Constitutions of the United States and the State of California.

6 10. Pursuant to 28 U.S.C. § 1391(c), Defendants are deemed to reside in this
7 judicial district for purposes of venue.

8 11. Venue is proper in this judicial district pursuant to, at least, 28 U.S.C. §
9 1391(b) and 28 U.S.C. § 1400(b).

10 **FACTUAL BACKGROUND**

11 12. ICON is an award-winning innovator in the field of exercise equipment and
12 manufactures and sells a variety of consumer products.

13 13. ICON came to its position of technological leadership through hard work
14 and substantial investment in research and development. As a result of its endeavors,
15 many of the technological innovations created and owned by ICON are protected by a
16 valuable and diverse intellectual property portfolio that includes patents, trademarks,
17 trade dress, and copyrights.

18 14. Many of the technological innovations owned by ICON are protected by a
19 portfolio of utility and design patents, which includes United States Patent Nos.
20 5,772,560 (the "'560 Patent"), 6,447,424 (the "'424 Patent"), 6,808,472 (the "'472
21 Patent"), 7,166,064 (the "'064 Patent"), and 7,556,590 (the "'590 Patent") (collectively
22 the "ICON Patents").

23 15. ICON is the owner by assignment of the ICON Patents.

24 16. ICON has not licensed Defendants to practice the ICON Patents, and
25 Defendants have no right or authority to license others to practice the ICON Patents.

26 17. ICON alleges upon information and belief that Defendants import, make,
27 use, sell, and/or offer for sale within the United States and within California, either
28 directly or through established distribution channels, products that give rise to

1 infringement of the ICON Patents, including by way of example and not limitation, the
2 TX1 and TX3 Treadmills and the RX7 Recumbent Bike, in conjunction with the World
3 Tours Software.

4 **FIRST CLAIM FOR RELIEF**

5 **(Patent Infringement of the '560 Patent Against Defendants)**

6 18. By this reference ICON realleges and incorporates the foregoing paragraphs
7 1 through 17, as though fully set forth herein.

8 19. ICON alleges on information and belief that Defendants have infringed and
9 continue to infringe the '560 Patent by making, using, selling, offering for sale within the
10 United States, or importing into the United States systems and products that embody one
11 or more of the claims of the '560 Patent, and/or by contributing to infringement, inducing
12 others to infringe the '560 Patent, or carrying out acts constituting infringement under 35
13 U.S.C. § 271(f).

14 20. ICON further alleges on information and belief that Defendants had
15 knowledge of the '560 Patent since at least as early as August 2011, Defendants had, and
16 continue to have, the specific intent to induce their customers to infringe the '560 Patent,
17 and Defendants' customers do in fact infringe the '560 Patent, of which infringement
18 Defendants know or should have known.

19 21. ICON further alleges on information and belief that Defendants provide
20 products, devices, systems, and/or services that are especially made to be used, are
21 intended to be used, and are in fact used by Defendants' customers, in a way that
22 infringes the '560 Patent, and that have no substantial non-infringing uses.

23 22. ICON alleges on information and belief that, unless and until enjoined by
24 this Court, Defendants will continue to infringe the '560 Patent.

25 23. The conduct of Defendants as set forth hereinabove gives rise to a claim for
26 infringement of the '560 Patent, pursuant to at least 35 U.S.C. §§ 271 and 281.

27 24. ICON alleges on information and belief that Defendants will continue to
28 infringe the '560 Patent subsequent to receiving notice of the initiation of this action

1 despite an objectively high likelihood that their actions constitute infringement, thereby
2 making their actions both willful and deliberate.

3 25. By reason of the foregoing, ICON is entitled to injunctive and monetary
4 relief against Defendants, pursuant to 35 U.S.C. §§ 283, 284, and 285.

5 **SECOND CLAIM FOR RELIEF**

6 **(Patent Infringement of the '424 Patent Against Defendants)**

7 26. By this reference ICON realleges and incorporates the foregoing paragraphs
8 1 through 25, as though fully set forth herein.

9 27. ICON alleges on information and belief that Defendants have infringed and
10 continue to infringe the '424 Patent by making, using, selling, offering for sale within the
11 United States, or importing into the United States systems and products that embody one
12 or more of the claims of the '424 Patent, and/or by contributing to infringement, inducing
13 others to infringe the '424 Patent, or carrying out acts constituting infringement under 35
14 U.S.C. § 271(f).

15 28. ICON further alleges on information and belief that Defendants had
16 knowledge of the '424 Patent since at least as early as August 2011, Defendants had, and
17 continue to have, the specific intent to induce their customers to infringe the '424 Patent,
18 and Defendants' customers do in fact infringe the '424 Patent, of which infringement
19 Defendants know or should have known.

20 29. ICON further alleges on information and belief that Defendants provide
21 products, devices, systems, and/or services that are especially made to be used, are
22 intended to be used, and are in fact used by Defendants' customers, in a way that
23 infringes the '424 Patent, and that have no substantial non-infringing uses.

24 30. ICON alleges on information and belief that, unless and until enjoined by
25 this Court, Defendants will continue to infringe the '424 Patent.

26 31. The conduct of Defendants as set forth hereinabove gives rise to a claim for
27 infringement of the '424 Patent, pursuant to at least 35 U.S.C. §§ 271 and 281.
28

1 32. ICON alleges on information and belief that Defendants will continue to
2 infringe the '424 Patent subsequent to receiving notice of the initiation of this action
3 despite an objectively high likelihood that their actions constitute infringement, thereby
4 making their actions both willful and deliberate.

5 33. By reason of the foregoing, ICON is entitled to injunctive and monetary
6 relief against Defendants, pursuant to 35 U.S.C. §§ 283, 284, and 285.

7 **THIRD CLAIM FOR RELIEF**

8 **(Patent Infringement of the '472 Patent Against Defendants)**

9 34. By this reference ICON realleges and incorporates the foregoing paragraphs
10 1 through 33, as though fully set forth herein.

11 35. ICON alleges on information and belief that Defendants have infringed and
12 continue to infringe the '472 Patent by making, using, selling, offering for sale within the
13 United States, or importing into the United States systems and products that embody one
14 or more of the claims of the '472 Patent, and/or by contributing to infringement, inducing
15 others to infringe the '472 Patent, or carrying out acts constituting infringement under 35
16 U.S.C. § 271(f).

17 36. ICON further alleges on information and belief that Defendants had
18 knowledge of the '472 Patent since at least as early as receiving notice of the initiation of
19 this action, and continues to have, the specific intent to induce their customers to infringe
20 the '472 Patent, and Defendants' customers do in fact infringe the '472 Patent, of which
21 infringement Defendants know or should have known.

22 37. ICON further alleges on information and belief that Defendants provide
23 products, devices, systems, and/or services that are especially made to be used, are
24 intended to be used, and are in fact used by Defendants' customers, in a way that
25 infringes the '472 Patent, and that have no substantial non-infringing uses.

26 38. ICON alleges on information and belief that, unless and until enjoined by
27 this Court, Defendants will continue to infringe the '472 Patent.

28

1 46. ICON alleges on information and belief that, unless and until enjoined by
2 this Court, Defendants will continue to infringe the '064 Patent.

3 47. The conduct of Defendants as set forth hereinabove gives rise to a claim for
4 infringement of the '064 Patent, pursuant to at least 35 U.S.C. §§ 271 and 281.

5 48. ICON alleges on information and belief that Defendants will continue to
6 infringe the '064 Patent subsequent to receiving notice of the initiation of this action
7 despite an objectively high likelihood that their actions constitute infringement, thereby
8 making their actions both willful and deliberate.

9 49. By reason of the foregoing, ICON is entitled to injunctive and monetary
10 relief against Defendants, pursuant to 35 U.S.C. §§ 283, 284, and 285.

11 **FIFTH CLAIM FOR RELIEF**

12 **(Patent Infringement of the '590 Patent Against Defendants)**

13 50. By this reference ICON realleges and incorporates the foregoing paragraphs
14 1 through 49, as though fully set forth herein.

15 51. ICON alleges on information and belief that Defendants have infringed and
16 continue to infringe the '590 Patent by making, using, selling, offering for sale within the
17 United States, or importing into the United States systems and products that embody one
18 or more of the claims of the '590 Patent, and/or by contributing to infringement, inducing
19 others to infringe the '590 Patent, or carrying out acts constituting infringement under 35
20 U.S.C. § 271(f).

21 52. ICON further alleges on information and belief that Defendants had
22 knowledge of the '590 Patent since at least as early as receiving notice of the initiation of
23 this action, and continues to have, the specific intent to induce their customers to infringe
24 the '590 Patent, and Defendants' customers do in fact infringe the '590 Patent, of which
25 infringement Defendants know or should have known.

26 53. ICON further alleges on information and belief that Defendants provide
27 products, devices, systems, and/or services that are especially made to be used, are
28

1 intended to be used, and are in fact used by Defendants' customers, in a way that
2 infringes the '590 Patent, and that have no substantial non-infringing uses.

3 54. ICON alleges on information and belief that, unless and until enjoined by
4 this Court, Defendants will continue to infringe the '590 Patent.

5 55. The conduct of Defendants as set forth hereinabove gives rise to a claim for
6 infringement of the '590 Patent, pursuant to at least 35 U.S.C. §§ 271 and 281.

7 56. ICON alleges on information and belief that Defendants will continue to
8 infringe the '590 Patent subsequent to receiving notice of the initiation of this action
9 despite an objectively high likelihood that their actions constitute infringement, thereby
10 making their actions both willful and deliberate.

11 57. By reason of the foregoing, ICON is entitled to injunctive and monetary
12 relief against Defendants, pursuant to 35 U.S.C. §§ 283, 284, and 285.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, ICON prays for judgment against Defendants as follows:

15 A. A judgment finding Defendants liable for infringement of the ICON Patents;

16 B. An imposition of constructive trust on, and an order requiring a full
17 accounting of, the sales made by Defendants as a result of its wrongful or infringing acts
18 alleged herein;

19 C. An Order of this Court pursuant to at least 35 U.S.C. § 283 permanently
20 enjoining Defendants, its agents and servants, and any and all parties acting in concert
21 with them, from: directly or indirectly infringing in any manner the ICON Patents,
22 whether by making, using, selling, offering to sell, or importing into the United States
23 any product falling within the scope of any of the claims of the ICON Patents; engaging
24 in acts constituting contributory infringement of any of the claims of the ICON Patents;
25 or inducing others to engage in any of the aforementioned acts or otherwise;

26 D. An Order of this Court pursuant to at least 35 U.S.C. § 283 directing
27 Defendants to destroy their entire stock of infringing products;

28

1 E. An award of damages to ICON, in an amount to be proven at trial, pursuant
2 to at least 35 U.S.C. § 284;

3 F. Trebling of ICON's damages in view of the willful infringement by
4 Defendants, and the award of such trebled damages to ICON, pursuant to at least 35
5 U.S.C. § 284;

6 G. An award to ICON of prejudgment interest, pursuant to at least 35 U.S.C.
7 § 284;

8 H. An award to ICON of its costs in bringing this action, pursuant to at least 35
9 U.S.C. § 284, and Rule 54(d)(1) of the Federal Rules of Civil Procedure;

10 I. That this be declared an exceptional case, and that ICON be awarded its
11 attorneys' fees and expenses, pursuant to at least 35 U.S.C. § 285;

12 J. An award of post-judgment interest, pursuant to at least 28 U.S.C. § 1961(a);
13 and

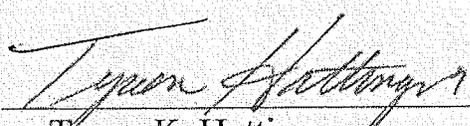
14 K. For such other and further relief as the Court deems just, proper, and
15 equitable.

16 DEMAND FOR JURY

17 ICON demands TRIAL BY JURY of all causes so triable.

18 DATED: April 6, 2012

Tyson K. Hottinger
David R. Wright
Kirk R. Harris
WORKMAN | NYDEGGER, APC

22 By: 
23 Tyson K. Hottinger
24 Attorneys for Plaintiff
25 ICON HEALTH & FITNESS, INC.
26
27
28

Tyson K. Hottinger (SBN 253221)
email: thottinger@wnlaw.com
Workman Nydegger
20 Pacifica, Suite 1130
Irvine, CA 92618
Telephone: (949) 202-1900

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ICON HEALTH & FITNESS, INC., a Delaware
corporation,

PLAINTIFF(S)

v.

HEINZ KETTLER GMBH & CO., KG, a corporation;
KETTLER INTERNATIONAL, INC., a Virginia
corporation,

DEFENDANT(S).

CASE NUMBER

SACV12-00531 JVS (ANx)

SUMMONS

TO: DEFENDANT(S):

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, Tyson K. Hottinger, whose address is 20 Pacifica, Suite 1130, Irvine, California 92618. 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.

Clerk, U.S. District Court

Dated: 4/6/2012

By: Denise Vo
Deputy Clerk



1191

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

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

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) ICON HEALTH & FITNESS, INC., a Delaware Corporation	DEFENDANTS HEINZ KETTLER GMBH & CO., KG, a corporation; KETTLER INTERNATIONAL, INC., a Virginia corporation,
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Workman Nydegger - Tyson K. Hottinger 20 Pacifica, Suite 1130, Irvine, CA 92618 (949) 202-1900	Attorneys (If Known)

By Fax

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:33%;"></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: \$ Subject to proof at trial.

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 <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage-Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) (405(g)) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
---	--	--	---	--	---

FOR OFFICE USE ONLY: Case Number: SACV12-00531 JVS (ANx)

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
	Delaware and Utah

(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
	Heinz Kettler GMBH & Co., KG - Germany Kettler International, Inc. - Virginia, United States

(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
Orange	

* 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): Tygeon Halton Date April 6, 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, 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))