

FILED

12 OCT 11 PM 3:30

CLERK OF DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
LOS ANGELES

TIMOTHY L. SKELTON (SBN 200432)  
LAEL D. ANDARA (SBN 215416)  
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Attorneys for Plaintiff  
ASPEN MEDICAL PRODUCTS, INC.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CV12-08733 R(JEM)x

ASPEN MEDICAL PRODUCTS, INC.

Case No.

Plaintiff,

**COMPLAINT FOR PATENT  
INFRINGEMENT, UNFAIR  
COMPETITION, AND UNFAIR  
BUSINESS PRACTICES;**

v.

NOVITAS MEDICAL LLC

**REQUEST FOR JURY TRIAL**

Defendant.

Judge:

Plaintiff Aspen Medical Products, Inc. ("Aspen") complains against Novitas Medical LLC ("Novitas") as follows:

**NATURE OF THE ACTION:**

1. Aspen asserts these claims as a result of Novitas' knowing and willful use, without permission or license, of Aspen's patented design for lumbar belts as claimed in United States D636,494 ("the '494 Patent"), attached hereto as Exhibit "A," and Novitas' misappropriation of Aspen's trade dress and product name family.

2. Aspen seeks the full extent of relief available to it under the Patent Act and the Lanham Act, including a preliminary and permanent injunction against Novitas' continued acts, the costs of this action including reasonable attorney's fees, and for such other and further relief as this Court may seem just, proper, and equitable.

### **JURISDICTION AND VENUE:**

3. This Court has subject matter jurisdiction over the claims under 28 U.S.C. §§ 1331, 1332, and 1338(a) and 15 U.S.C. § 1221(a).

4. Upon information and belief, Aspen alleges that Novitas has conducted business, including the acts giving rise to this Complaint, within this judicial district. Therefore, this Court has personal jurisdiction over Novitas.

5. A substantial portion of the acts giving rise to this complaint were committed within this judicial district. Venue is therefore proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c), and 1400 (b), as Novitas is subject to personal jurisdiction, do business, and have committed acts of infringement in this district.

### **THE PARTIES:**

6. Plaintiff Aspen is a California corporation with its principal place of business at 6481 Oak Canyon, Irvine, California. Aspen is the exclusive licensee all rights to the patent-in-suit.

7. Upon information and belief, defendant Novitas is located at 451 West Lambert Road, Suite 209 in Brea, California, is a California LLC, and has done business in numerous districts throughout the United States, including, but not limited to, the Central District of California.

8. The true names and capacities of Defendants sued as Does 1-10 are unknown to Aspen. Aspen is informed and believes that each Doe defendant is legally responsible in some manner for the wrongs alleged in this complaint, either

1 by being part of the manufacture of the infringing goods, by selling the infringing  
2 goods, or otherwise participating in the wrongdoing.

3  
4 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION:**

5 9. The '494 Patent was duly and legally issued by the United States  
6 Patent and Trademark Office on April 19, 2011. Aspen Medical Holdings, LLC is  
7 the owner of the '494 Patent. Aspen is the exclusive licensee of the '494 Patent.

8 10. Aspen is a leader in the design, development, and marketing of upper  
9 and lower spinal orthotics. Aspen has local sales representatives throughout the  
10 United States as well as representation worldwide. For over twenty-five years, the  
11 management team and employees at Aspen have introduced a continuous flow of  
12 pioneering spinal bracing products and services to the healthcare marketplace.

13 11. Aspen's spinal bracing products have leveraged its "Aspen" company  
14 name by using a "mountain" family of trademarks – for instance, the "Sierra"  
15 cervical collar, the "Vista" upper and lower spine braces, the "Evergreen" line of  
16 lower back braces, and the "Summit" line of lower back supports. Aspen uses the  
17 design from the '494 Patent in its Summit products.

18 12. Novitas has recently begun marketing and selling a blatant copy of  
19 Aspen's Summit braces. Novitas even went so far as to attempt to free ride off of  
20 Aspen's "mountain" family of trademarks, calling its knockoff product the  
21 "Sequoia."

22 13. Novitas has no license to use the '494 Patent.

23 14. On September 13, 2012, Aspen sent a letter to Novitas placing it on  
24 notice of the 'D062 Patent, and requesting that Novitas immediately cease the  
25 manufacture and sale of its knock-off products. Novitas did not respond to the  
26 letter.

27 15. Upon information and belief, Novitas continues to manufacture and  
28 sell the knock-off products.

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A Professional Corporation  
Los Angeles

**FIRST CLAIM FOR RELIEF:**

(Design Patent Infringement, 35 U.S.C. § 1, et seq. against all Defendants)

16. The allegations of the paragraphs above are incorporated herein by reference.

17. Novitas' actions in manufacturing, advertising, distributing, and selling its Sequoia products infringe the '494 Patent.

18. Aspen has been damaged by the foregoing infringing acts of Defendants. The exact amount of such damages can be determined upon an accounting.

**SECOND CLAIM FOR RELIEF:**

(Trade dress infringement and unfair completion against all Defendants)

19. The allegations of the paragraphs above are incorporated herein by reference.

20. Aspen's Summit trade dress consists of the following:

- dark fabric,
- with rounded contours on the center piece and
- rounded contours of the end pieces,
- a slightly concave contour of the straps,
- a contrasting decorative band on the straps with an even more concave contour than the straps, and
- contrasting piping at the edge of the contrasting decorative band,
- with the piping terminating at the approximate top and bottom points of the end pieces.

21. This trade dress is arbitrary and non-functional.

22. The practitioners and others in the medical community involved in the specification or purchase of lumbar devices recognize the Summit trade dress as belonging to Aspen, and that trade dress has secondary meaning to these persons.

23. By willfully using virtually identical trade dress, Novitas is attempting to confuse consumers as to the source, affiliation, or sponsorship of their products, and free ride off of the goodwill and market awareness that Aspen has spent years building.

24. By appropriating Aspen's "mountain" family of trademarks, Novitas is further attempting to confuse consumers as to the source, affiliation, or sponsorship of Novitas' knockoff products.

25. Aspen has not given Novitas permission to use its trade dress or its "mountain" naming convention. Consumers are likely to be confused by Novitas' actions, and in fact are confused. Aspen has been, and will continue to be, harmed by Novitas' use of Aspen's trade dress and its "mountain" naming convention.

### **THIRD CLAIM FOR RELIEF:**

(Unfair business practices against all Defendants)

26. The allegations of the paragraphs above are incorporated by reference.

27. Novitas' infringement of Aspen's patent and appropriation of Aspen's trade dress and "mountain" naming convention are violations of California's Unfair Competition Law (Bus. & Prof. Code, § 17200). Consumers are likely to be confused by Novitas' actions, and in fact are confused. Aspen has been, and will continue to be, harmed by Novitas' unfair business practices.

### **JURY DEMAND**

Aspen demands a trial by jury on all issues so triable.

### **PRAYER FOR RELIEF:**

Aspen prays for judgment in its favor, and the following relief:

- a) A preliminary injunction enjoining Defendants during the pendency of this action and thereafter permanently, from infringement of the '494

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Los Angeles

1 Patent, and from appropriation of Aspen's trade dress and naming  
2 convention.

- 3 b) An award to Aspen of such damages as it shall prove at trial against  
4 Defendants for patent infringement, after a full accounting of all  
5 damages that Aspen has suffered as a result of Defendants' unlawful  
6 conduct, said damages to be no less than a reasonable royalty;  
7 c) An award to Aspen of all damages so determined for willful  
8 infringement, in accordance with 35 U.S.C. §284, together with  
9 prejudgment interest;  
10 d) An award to Aspen for all of its losses and a disgorgement of  
11 Defendants' gains resulting from Novitas' use of Aspen's trade dress  
12 and "mountain" naming convention;  
13 e) Pre-judgment interest as allowed by law;  
14 f) Aspen's costs of this action and reasonable attorneys' fees; and  
15 g) Such other and further relief as this Court or the jury determines to be  
16 just and proper.

17  
18 DATED: October 10, 2012

ROPERS, MAJESKI, KOHN &  
BENTLEY

20  
21 By: 

TIMOTHY L. SKELTON  
LAEL D ANDARA  
Attorneys for Plaintiff  
ASPEN MEDICAL PRODUCTS





US00D636494S

(12) **United States Design Patent**  
**Garth et al.**

(10) **Patent No.:** **US D636,494 S**

(45) **Date of Patent:** **\*\* Apr. 19, 2011**

(54) **LUMBAR BELT**

(75) **Inventors:** **Geoffrey Garth, Long Beach, CA (US);**  
**Albert Romo, Lakewood, CA (US);**  
**Steven Burke, Huntington Beach, CA**  
**(US)**

(73) **Assignee:** **Aspen Medical Holdings, Irvine, CA**  
**(US)**

(\*\*) **Term:** **14 Years**

(21) **Appl. No.:** **29/339,511**

(22) **Filed:** **Jul. 1, 2009**

(51) **LOC (9) Cl.** ..... **24-02**

(52) **U.S. Cl.** ..... **D24/190**

(58) **Field of Classification Search** ..... **D24/190,**  
**D24/188, 189, 200, 206; D2/624, 627; D29/100,**  
**D29/101.3, 101.5; 2/44, 311, 338; 128/96.1,**  
**128/100.1; 602/1, 2, 5, 6, 14, 19, 20, 60,**  
**602/61, 900**

See application file for complete search history.

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

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2009/0118655 A1	5/2009	Wang		

\* cited by examiner

*Primary Examiner* — Prabhakar Deshmukh

*Assistant Examiner* — Derrick Holland

(74) *Attorney, Agent, or Firm* — Fish & Associates, PC

(57) **CLAIM**

The ornamental design for the lumbar belt, as shown and described.

**DESCRIPTION**

FIG. 1 is a rear perspective view of a lumbar belt showing my new design;

FIG. 2 is a rear enlarged fragmentary elevation view thereof;

FIG. 3 is another rear enlarged fragmentary elevation view thereof;

FIG. 4 is a front enlarged fragmentary elevation view thereof;

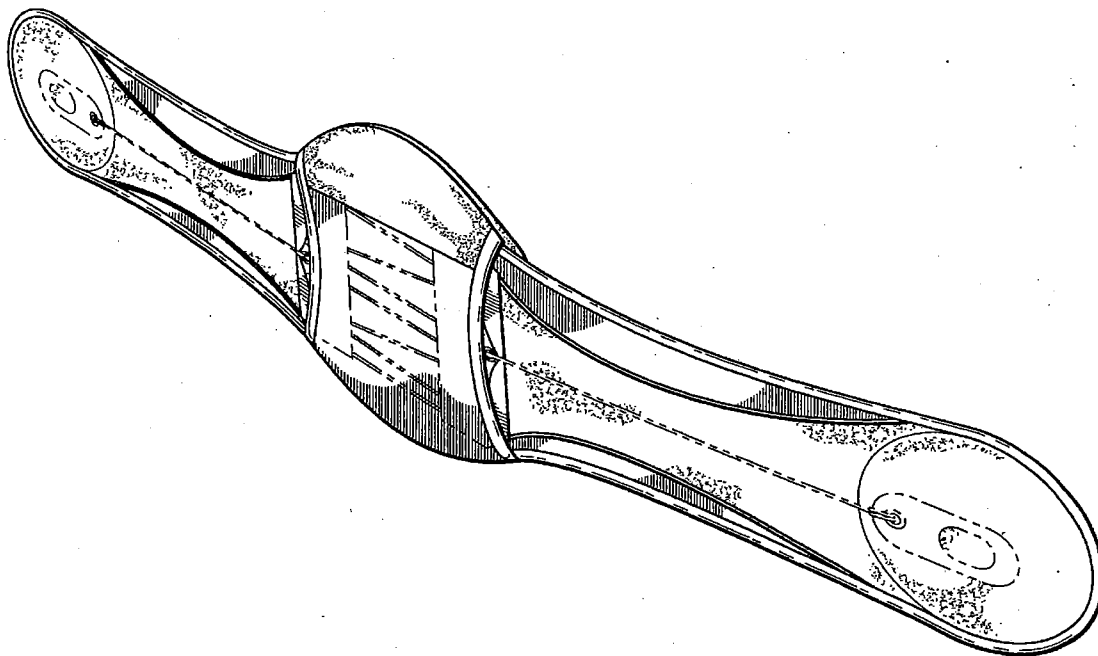
FIG. 5 is another front enlarged fragmentary elevation view thereof;

FIG. 6 is a second perspective view thereof, shown in use; and,

FIG. 7 is a third perspective view thereof, shown in use.

The broken lines shown are for illustrative purposes only and form no part of the claimed design.

**1 Claim, 7 Drawing Sheets**



U.S. Patent

Apr. 19, 2011

Sheet 1 of 7

US D636,494 S

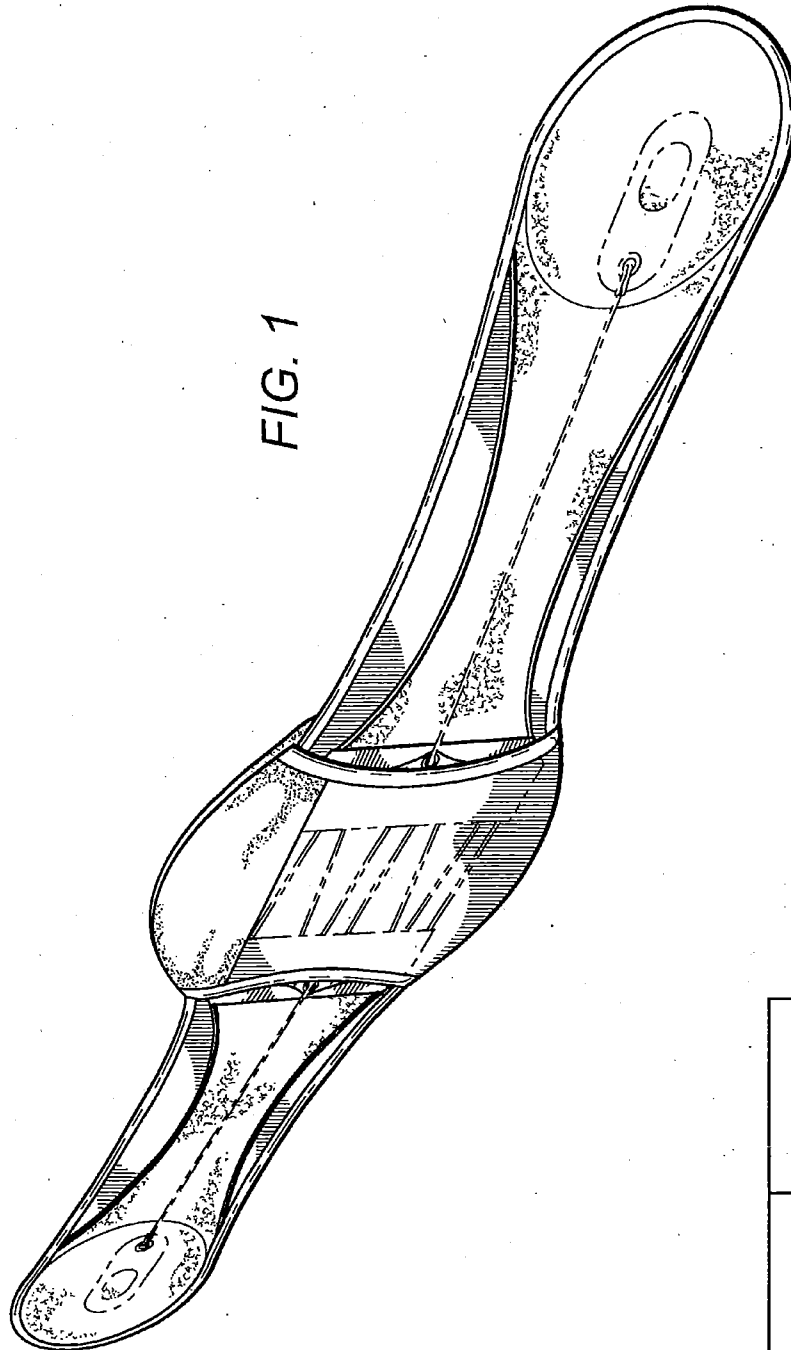


FIG. 1

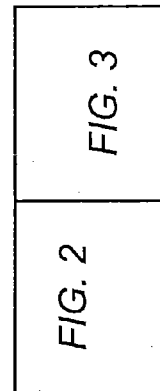


FIG. 2

FIG. 3

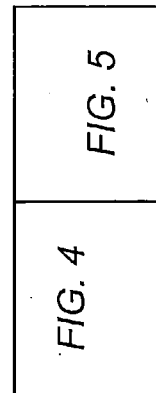


FIG. 4

FIG. 5

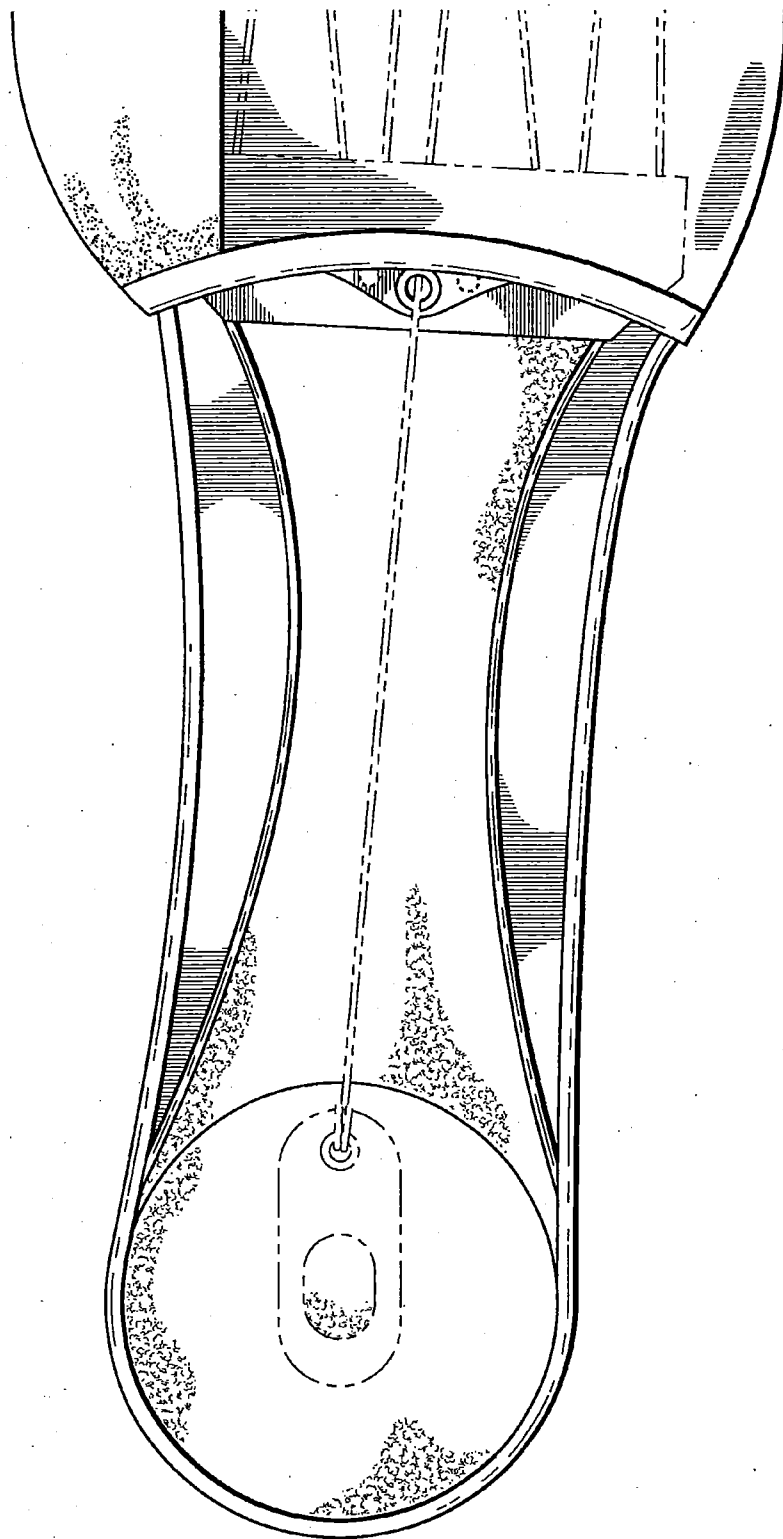
U.S. Patent

Apr. 19, 2011

Sheet 2 of 7

US D636,494 S

FIG. 2

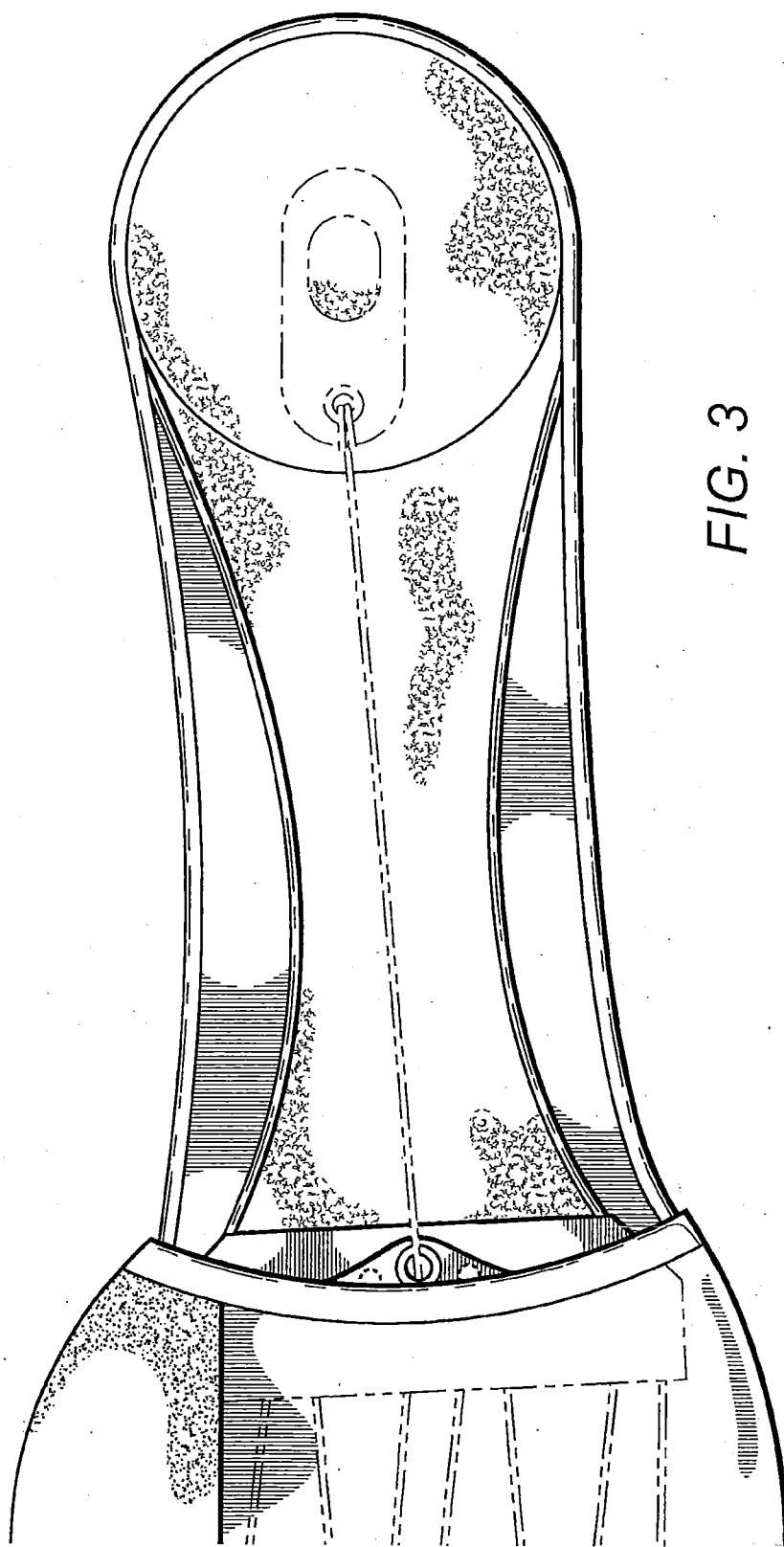


## U.S. Patent

**Apr. 19, 2011**

Sheet 3 of 7

US D636,494 S



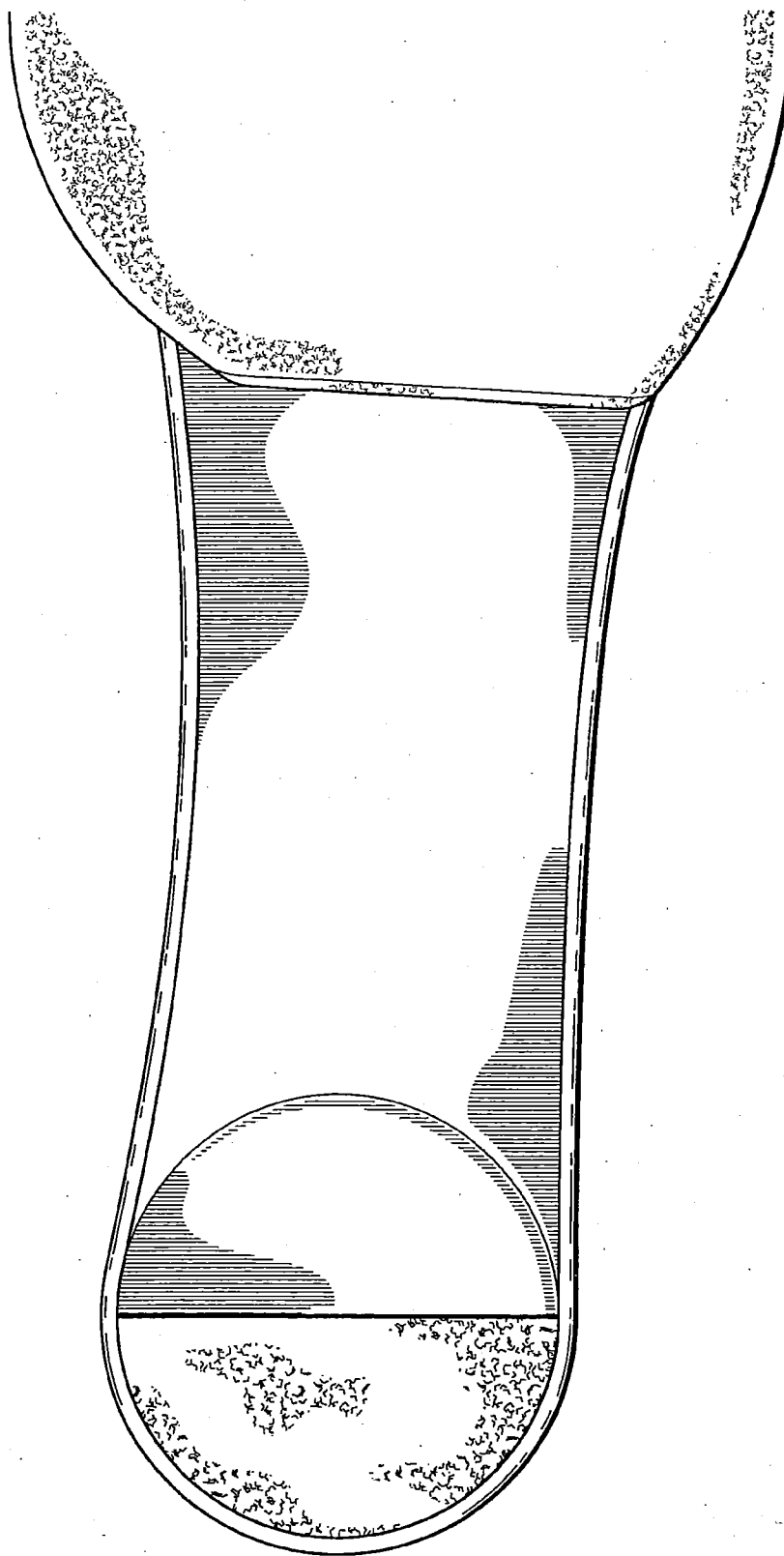
U.S. Patent

Apr. 19, 2011

Sheet 4 of 7

US D636,494 S

FIG. 4

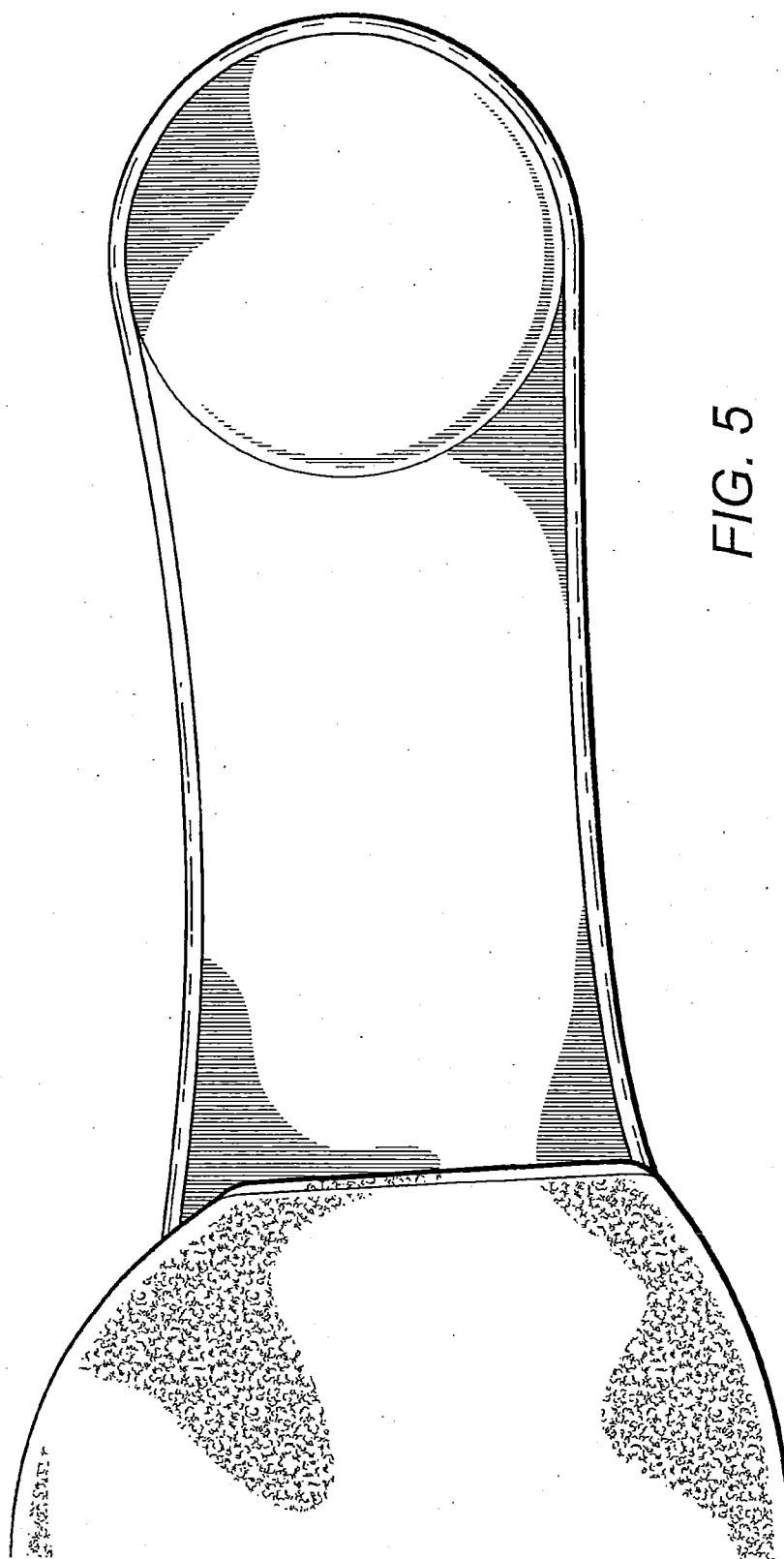


**U.S. Patent**

**Apr. 19, 2011**

**Sheet 5 of 7**

**US D636,494 S**



**FIG. 5**

U.S. Patent

Apr. 19, 2011

Sheet 6 of 7

US D636,494 S

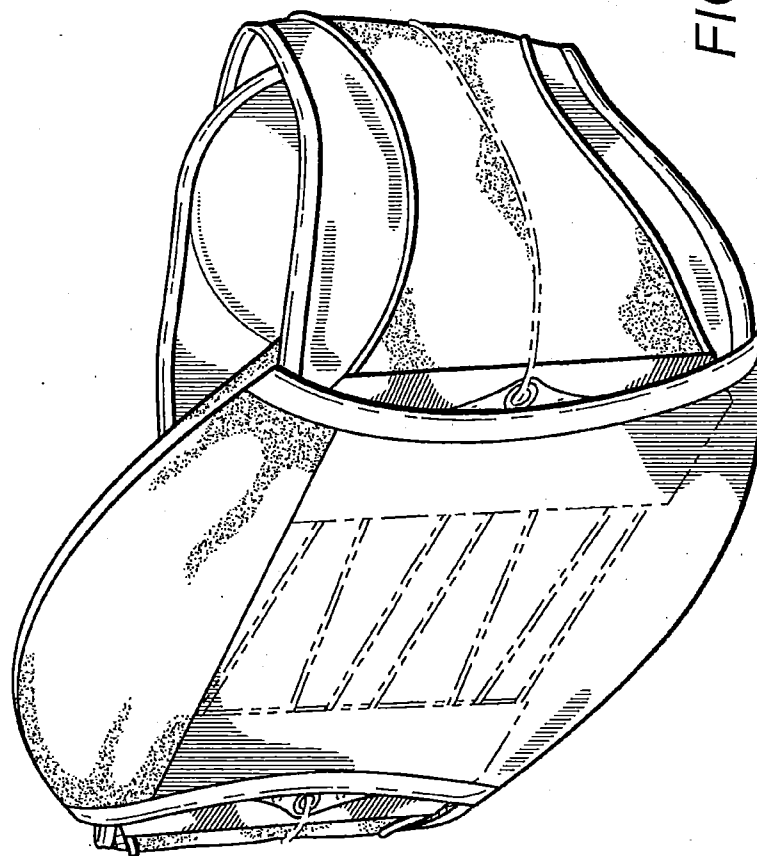


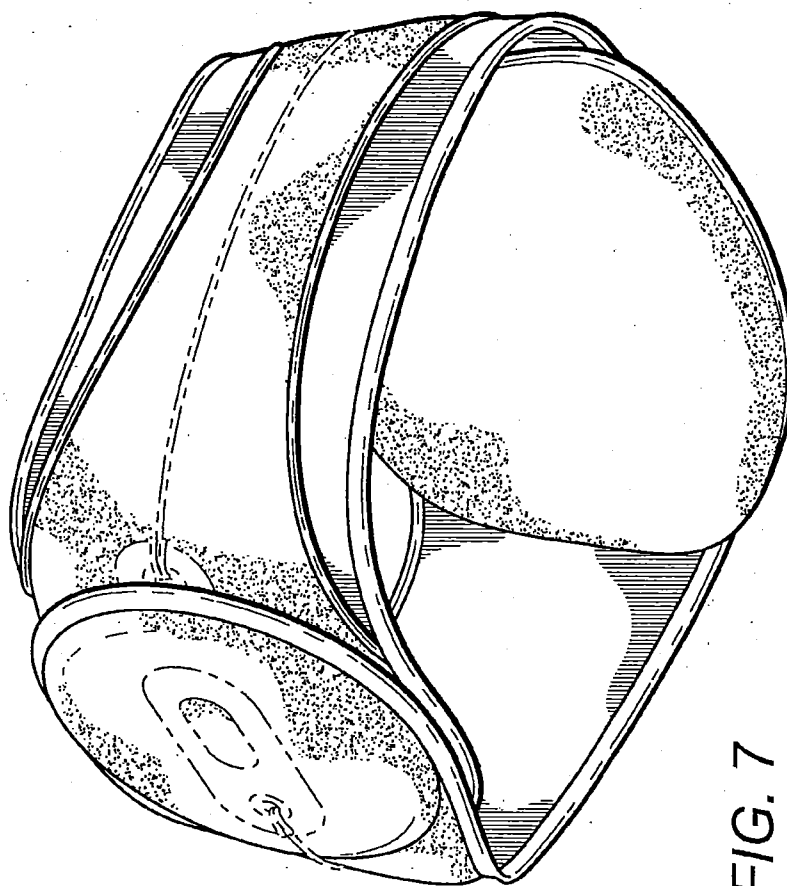
FIG. 6

**U.S. Patent**

**Apr. 19, 2011**

**Sheet 7 of 7**

**US D636,494 S**



**FIG. 7**

**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 Manuel Real and the assigned discovery Magistrate Judge is John E. McDermott.

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

**CV12- 8733 R (JEMx)**

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.

Unless otherwise ordered, the United States District Judge assigned to this case will hear and determine all discovery related motions.

=====

**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.

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 Email: tskelton@rmkb.com  
 landara@rmkb.com

**UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA**

Aspen Medical Products, Inc.

PLAINTIFF(S)

v.

Novitas Medical LLC

DEFENDANT(S).

CASE NUMBER

**CV12-08733** P (JEMx)

**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, Timothy L. Skelton, whose address is Ropers, Majeski, Kohn & Bentley - 515 South Flower Street, Suite 1100, Los Angeles, CA 90071. 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.

Dated: OCT 11 2012

Clerk, U.S. District Court

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 SHEETI (a) PLAINTIFFS (Check box if you are representing yourself ☐)  
Aspen Medical Products, Inc.DEFENDANTS  
Novitas Medical, Inc.

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Timothy L. Skelton (SBN 200432) tskelton@rmkb.com  
Lael D. Andara (SBN 215416) landara@rmkb.com  
Ropers, Majeski, Kohn & Bentley  
515 South Flower Street, Suite 1100  
Los Angeles, CA 90071

Attorneys (If Known)

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

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

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

- |   | PTF                                   | DEF                                   |   | PTF                                   | DEF                                   |
|---|---------------------------------------|---------------------------------------|---|---------------------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State     | <input checked="" type="checkbox"/> 4 | <input checked="" 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.)  
This is an action arising under the patent laws of United States, Title 35 of the United States Code and 35 U.S.C. Sections 1, et seq.

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

OTHER STATUTES	CONTRACT	TORTS PERSONAL INJURY	TORTS PERSONAL PROPERTY	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 22 Appeal 28 USC 158	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 620 Other Food & Drug	<input checked="" type="checkbox"/> 830 Patent
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 61 HIA(1395ff)
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 863 DIWC/DIWW 405(g))
<input type="checkbox"/> 891 Agricultural Act	<b>REAL PROPERTY</b>	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 660 Occupational Safety /Health	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	<b>IMMIGRATION</b>		<input type="checkbox"/> 690 Other	<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land				
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				

FOR OFFICE USE ONLY: Case Number: **CV12-08733**

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

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
Orange	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.

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

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Riverside, Los Angeles, 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):

Date October 10, 2012

Timothy L. Skelton

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))