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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
SANTA ANA

BY \_\_\_\_\_

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9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**  
11

12 THE TAWNSAURA GROUP, LLC,

13 Plaintiff,

14 vs.

15 M.D. SCIENCE LAB, LLC

16 Defendant

Case No. SACV13-00051 CJC (ANx)

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**JURY TRIAL DEMANDED**

1 Plaintiff The Tawnsaura Group, LLC (“Plaintiff”) hereby alleges for its  
2 Complaint against M.D. Science Lab, LLC (“Defendant”), on personal knowledge as to  
3 its own activities and on information and belief as to the activities of others, as follows:

4 **I. THE PARTIES**

5 1. Plaintiff is a limited liability company organized and existing under the  
6 laws of Nevada, with a registered office at 50 West Liberty Street, Suite 1100, Reno,  
7 Nevada 89501.

8 2. Plaintiff is the owner and assignee of United States Patent No. 5,874,471  
9 (“the ‘471 patent”) titled “Orthomolecular Medical Use of L-Citrulline for  
10 Vasoprotection, Relaxative Smooth Muscle Tone and Cell Protection,” and United  
11 States Patent No. 6,028,107 (“the ‘107 patent”) titled “Orthomolecular Medical Use of  
12 L-Citrulline for Vasoprotection, Relaxative Smooth Muscle Tone and Cell Protection,”  
13 and Plaintiff licenses the ‘471 patent and the ‘107 patent to more than one third-party  
14 and is in negotiations to license the patents to numerous other parties.

15 3. Upon information and belief, Defendant M.D. Science Lab, LLC is a  
16 company organized and existing under the laws of Florida with a principal place of  
17 business at 2131 Blount Road in Pompano Beach, Florida, 33069.

18 **II. JURISDICTION AND VENUE**

19 4. This is an action for patent infringement arising under the patent laws of  
20 the United States, Title 35 of the United States Code. Accordingly, this Court has  
21 subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338, and 1367.

22 5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400.

23 6. This Court has personal jurisdiction over Defendant. Defendant, directly  
24 or through intermediaries (including distributors, retailers, and others), ships,  
25 distributes, offers for sale, sells, and advertises its nutritional supplement products in  
26 the United States, the State of California, and the Central District of California,  
27 including the products branded and sold as “Herbal Viva Super Sex Booster” and “Max  
28 Hard.” Defendant has purposefully and voluntarily placed these products into the

1 stream of commerce with the expectation that they will be purchased in the Central  
2 District of California.

### 3 **III. THE DEFENDANT'S INFRINGING PRODUCTS**

4 7. The label and/or advertisements for Defendant's "Herbal Viva Super Sex  
5 Booster" product states that it contains, inter alia, the ingredient "L-Citrulline," and that  
6 "Herbal VIVA Super Sex Booster™ has four specific amino acids to rapidly supply  
7 vital nutrients that focus on activation of the nitric oxide pathways for vasodilatation.  
8 The latest data supports that L-Citrulline's [sic] creates a recycling and/or renewable  
9 source of L-Arginine via several enzymatic erectile pathways. This cycle is the key to  
10 maximizing L-Arginine's relationship with the Nitric Oxide Pathway (The essential  
11 conduit to all sustained erection and orgasm). The process is ultimately what provides  
12 one with the firmest erections and highest form of orgasms possible."

13 8. The label and/or advertisements for Defendant's "Max Hard" product  
14 states that it contains, inter alia, the ingredient "L-Citrulline," and that it is  
15 "Scientifically formulated for maximum male enhancement and endurance. Maxhard is  
16 for men looking to get it there and keep it there! Incredible erections with increased  
17 stamina & endurance."

18 9. As set forth herein, these products infringe the claimed methods of the  
19 '471 patent and the '107 patent, and are therefore referred to herein as "the products  
20 that infringe the claimed methods."

### 21 **IV. THE DEFENDANT'S INFRINGEMENTS**

22 10. Defendant's employees, agents, representatives and other persons  
23 sponsored by or who endorse Defendant and Defendant's products in advertising and  
24 marketing activities, have taken, used, and orally administered the products that  
25 infringe the claimed methods which have the effect, without limitation, of increasing  
26 the plasma level of arginine in the persons taking the products from a low or normal  
27 fasting level to a level which is up to three times an average overnight fasting level and  
28 increasing the plasma concentration of arginine in the persons taking the products from

1 a low or normal fasting concentration to a level which is up to three times an average  
2 overnight fasting arginine level of about 90 mu.mole per liter of plasma. These persons  
3 included persons who, without limitation, were in good health, were in a condition of  
4 increased or continuing brain or neural activities, or were in a condition of increased or  
5 continuing muscular activities. Defendant has encouraged and/or is aware of these  
6 persons' oral administration of the products that infringe the claimed methods for these  
7 purposes, and these persons are acting under Defendant's direction and control.  
8 Therefore, Defendant practices the methods as set forth in the '471 patent and the '107  
9 patent and is a direct infringer of the patents.

10 11. End-users of Defendant's products that infringe the claimed methods are  
11 also direct infringers of the '471 patent and the '107 patent, because they have taken,  
12 used, and orally administered the products that infringe the claimed methods which  
13 have the effect, without limitation, of increasing the plasma level of arginine in the  
14 persons taking the products from a low or normal fasting level to a level which is up to  
15 three times an average overnight fasting level and/or increasing the plasma  
16 concentration of arginine in the persons taking the products from a low or normal  
17 fasting concentration to a level which is up to three times an average overnight fasting  
18 arginine level of about 90 mu.mole per liter of plasma. These persons included persons  
19 who, without limitation, were in good health, were in a condition of increased or  
20 continuing brain or neural activities, or were in a condition of increased or continuing  
21 muscular activities. Therefore, they practice the methods as set forth in the '471 patent  
22 and the '107 patent.

23 12. Plaintiff believes facts to be ascertained during discovery in this matter  
24 will demonstrate that Defendant's labels and advertising for the products that infringe  
25 the claimed methods explain the elements and essential elements of the methods  
26 disclosed in the '471 patent and the '107 patent to end-users and encourage, urge, and  
27 induce the products' end-users to purchase and orally administer the products to  
28 practice those methods, and end-users do practice those methods, and that Defendant

1 has therefore specifically intended to cause these end-users to directly infringe the  
2 claimed methods of the patents, and has urged them to do so. Plaintiff intends to amend  
3 this complaint at the appropriate time to include more specific allegations pertaining to  
4 these facts.

5 13. Defendant's products that infringe the claimed methods are not suitable for  
6 non-infringing uses, and none of Defendant's labels or advertisements for the products  
7 disclose any uses for the products nor for the citrulline in those products that do not  
8 infringe upon the methods disclosed in the '471 patent and the '107 patent. The  
9 inclusion of the citrulline content in the products are, in fact, material to practicing the  
10 methods disclosed in the '471 patent and the '107 patent.

11 14. Plaintiff believes facts to be ascertained during discovery in this matter  
12 will demonstrate that Defendant has knowledge that its products that infringe the  
13 claimed methods are especially adapted by end-users of the products for the practicing  
14 of the methods disclosed in the '471 patent and '107 patent, and, indeed, Defendant  
15 encourages, urges, and induces the products' end-users to purchase and orally  
16 administer the products to practice those methods, and has done so in the past. Plaintiff  
17 intends to amend this complaint at the appropriate time to include more specific  
18 allegations pertaining to these facts.

19 15. Plaintiff believes facts to be ascertained during discovery in this matter  
20 will demonstrate that Defendant has intentionally and knowingly induced, encouraged,  
21 and urged end-users of the products that infringe the claimed methods to purchase and  
22 orally administer the products for the purpose, without limitation, of increasing the  
23 plasma level of arginine in the persons taking the products from a low or normal fasting  
24 level to a level which is up to three times an average overnight fasting level and  
25 increasing the plasma concentration of arginine in the persons taking the products from  
26 a low or normal fasting concentration to a level which is up to three times an average  
27 overnight fasting arginine level of about 90  $\mu$ mole per liter of plasma, including by  
28 end-users who, without limitation, were in good health, were in a condition of increased



1 or continuing brain or neural activities, or were in a condition of increased or  
2 continuing muscular activities. Plaintiff intends to amend this complaint at the  
3 appropriate time to include more specific allegations pertaining to these facts.

4 16. Plaintiff believes facts to be ascertained during discovery in this matter  
5 will demonstrate that Defendant had actual, first-hand knowledge of the '471 patent and  
6 the '107 patent as early as the time Defendant launched each of the products that  
7 infringe the claimed methods in the marketplace. By way of example and without  
8 limitation, Plaintiff believes such facts to be ascertained will include the fact that  
9 Defendant employs and engages sophisticated, experienced legal counsel with expertise  
10 in patent law, and that Defendant, through its counsel, conducts or should conduct due  
11 diligence on the potential for Defendant's products to infringe on patents and knew or  
12 should have known that the products that infringe the claimed methods actually infringe  
13 or could infringe on the '471 patent and '107 patent, but Defendant decided to infringe  
14 the patents anyway or ignored the risk of infringement. By way of further example and  
15 without limitation, Plaintiff believes such facts to be ascertained will include the fact  
16 that Defendant became aware of the '471 patent and '107 patent following the filing of  
17 lawsuits by Plaintiff against Defendant's competitors arising out of infringements by  
18 those competitors of the patents. Plaintiff intends to amend this complaint at the  
19 appropriate time to include more specific allegations pertaining to these facts.

20 17. In the alternative, Plaintiff believes facts to be ascertained during  
21 discovery in this matter will demonstrate that Defendant subjectively believed at the  
22 time Defendant launched each of the products that infringe the claimed methods in the  
23 marketplace that there is or was a high probability of the fact that patents existed that  
24 covered the use of citrulline as in the products and that Defendant took deliberate  
25 actions to avoid confirming that fact, including not conducting due diligence as to  
26 potential patent infringements, and that Defendant therefore willfully blinded itself to  
27 the infringing nature of its sales of the products that infringe the claimed methods.  
28 Plaintiff intends to amend this complaint at the appropriate time to include more

1 specific allegations pertaining to these facts.

2 18. At a minimum, Defendant will become aware of the '471 patent and the  
3 '107 patent at the time of the filing and service of this Complaint, yet Defendant will  
4 likely not cease its own direct infringement, nor what Plaintiff believes is Defendant's  
5 indirect infringement by contributory infringement or inducement of infringements by  
6 end-users, despite such knowledge. Plaintiff intends to amend this complaint at the  
7 appropriate time to include more specific allegations pertaining to these post-filing  
8 activities, based on facts to be ascertained during discovery in this matter.

9 19. The earliest exact date Defendant obtained knowledge of the '471 patent  
10 and the '107 patent is within the exclusive possession and control of Defendant.  
11 However, Plaintiff believes facts to be ascertained during discovery in this matter will  
12 demonstrate that Defendant specifically induces end-users to use its products, and  
13 particularly the citrulline component in the products, to "provide erections," and  
14 Defendant knows and intends that end-users achieve that objective by practicing the  
15 methods as set forth in the '471 and '107 patents. Plaintiff believes facts to be  
16 ascertained during discovery in this matter will demonstrate that this is why Defendant  
17 includes citrulline in its products – for the purposes of improving of the health of end-  
18 users to increase the plasma level of arginine in end-users to a level from a low or  
19 normal fasting level to a level which is up to three times an average overnight fasting  
20 level, and improving the health of end-users to increase the plasma concentration of  
21 arginine in the subject to a level from a low or normal fasting concentration to a level  
22 which is up to three times an average overnight fasting arginine level of about 90  
23 mu.mole per liter of plasma – and Defendant knows that end-users purchase and ingest  
24 the products, and particularly the citrulline content of the products, for those purposes.  
25 Plaintiff intends to amend this complaint at the appropriate time to include more  
26 specific allegations pertaining to these facts.

27 ///

28 ///

1                                   **V.    FIRST CAUSE OF ACTION**

2                                   **Infringement of U.S. Patent No. 5,874,471**

3           20.   Plaintiff repeats and re-alleges the allegations of the foregoing paragraphs  
4 of this Complaint as if fully set forth herein.

5           21.   Defendant has in the past and still is literally and directly infringing or  
6 directly infringing under the doctrine of equivalents one or more claims of the '471  
7 patent by making, using, selling, and offering for sale nutritional supplements  
8 embodying the patented invention, and will continue to do so unless enjoined by this  
9 Court.

10          22.   The claims of the '471 patent infringed by Defendant include claims 1, 2,  
11 20, 21, and 28.

12          23.   Examples of Defendant's direct infringement includes, without limitation,  
13 the fact that Defendant's employees, agents, representatives and other persons  
14 sponsored by or who endorse Defendant and Defendant's products in advertising and  
15 marketing activities, have taken, used, and orally administered the products that  
16 infringe the claimed methods which have the effect, without limitation, of increasing  
17 the plasma level of arginine in the persons taking the products from a low or normal  
18 fasting level to a level which is up to three times an average overnight fasting level.  
19 These persons included persons who, without limitation, were in good health, were in a  
20 condition of increased or continuing brain or neural activities, or were in a condition of  
21 increased or continuing muscular activities. Defendant has encouraged and/or is aware  
22 of these persons' oral administration of the products that infringe the claimed methods  
23 for these purposes, these persons are acting under Defendant's direction and control,  
24 and therefore Defendant is directly practicing the methods set forth in the '471 patent.

25          24.   Plaintiff believes facts to be ascertained during discovery in this matter  
26 will demonstrate that Defendant is also literally and indirectly or indirectly infringing  
27 under the doctrine of equivalents, through contributory and/or induced infringement,  
28 one or more claims of the '471 patent. Plaintiff intends to amend this First Cause of



1 Action at the appropriate time once more specific facts pertaining to Defendant's acts  
2 of indirect infringement are ascertained.

3 25. Defendant's activities have been without express or implied license by  
4 Plaintiff.

5 26. Plaintiff believes facts to be ascertained during discovery in this matter  
6 will demonstrate that the infringement by Defendant has been and continues to be  
7 willful, and Plaintiff intends to amend this First Cause of Action at the appropriate time  
8 once more specific facts pertaining to Defendant's willful acts of infringement are  
9 ascertained.

10 27. As a result of Defendant's acts of infringement, Plaintiff has suffered and  
11 will continue to suffer damages in an amount to be proved at trial.

12 28. As a result of Defendant's acts of infringement, Plaintiff has been and will  
13 continue to be irreparably harmed by Defendant's infringements, which will continue  
14 unless Defendant is enjoined by this Court.

15 29. Plaintiff believes facts to be ascertained during discovery in this matter  
16 will demonstrate that Defendant's past infringement and/or continuing infringement has  
17 been deliberate and willful, and that this case is therefore an exceptional case, which  
18 warrants an award of treble damages and attorneys' fees in accordance with 35 U.S.C. §  
19 285. Plaintiff intends to amend this First Cause of Action at the appropriate time once  
20 more specific facts pertaining to Defendant's deliberate and willful acts of infringement  
21 are ascertained.

## 22 VI. SECOND CAUSE OF ACTION

### 23 Infringement of U.S. Patent No. 6,028,107

24 30. Plaintiff repeats and re-alleges the allegations of the foregoing paragraphs  
25 of this Complaint as if fully set forth herein.

26 31. Defendant has in the past and still is literally and directly infringing or  
27 directly infringing under the doctrine of equivalents one or more claims of the '107  
28 patent by making, using, selling, and offering for sale nutritional supplements

1 embodying the patented invention, and will continue to do so unless enjoined by this  
2 Court.

3 32. The claims of the '107 patent infringed by Defendant include claims 1, 2,  
4 15, and 16.

5 33. Plaintiff believes facts to be ascertained during discovery in this matter  
6 will demonstrate that Defendant is also literally and indirectly or indirectly infringing  
7 under the doctrine of equivalents, through contributory and/or induced infringement,  
8 one or more claims of the '107 patent. Plaintiff intends to amend this Second Cause of  
9 Action at the appropriate time once more specific facts pertaining to Defendant's acts  
10 of indirect infringement are ascertained.

11 34. Examples of Defendant's direct infringement includes, without limitation,  
12 the fact that Defendant's employees, agents, representatives and other persons  
13 sponsored by or who endorse Defendant and Defendant's products in advertising and  
14 marketing activities, have taken, used, and orally administered the products that  
15 infringe the claimed methods which have the effect, without limitation, of increasing  
16 the plasma concentration of arginine in the persons taking the products from a low or  
17 normal fasting concentration to a level which is up to three times an average overnight  
18 fasting arginine level of about 90  $\mu$ mole per liter of plasma. These persons included  
19 persons who, without limitation, were in good health, were in a condition of increased  
20 or continuing brain or neural activities, or were in a condition of increased or  
21 continuing muscular activities. Defendant has encouraged and/or is aware of these  
22 persons' oral administration of the products that infringe the claimed methods for these  
23 purposes, these persons are acting under Defendant's direction and control, and  
24 therefore Defendant is directly practicing the methods set forth in the '107 patent.

25 35. Defendant's activities have been without express or implied license by  
26 Plaintiff.

27 36. Plaintiff believes facts to be ascertained during discovery in this matter  
28 will demonstrate that the infringement by Defendant has been and continues to be

1 willful, and Plaintiff intends to amend this Second Cause of Action at the appropriate  
2 time once more specific facts pertaining to Defendant's willful acts of infringement are  
3 ascertained.

4 37. As a result of Defendant's acts of infringement, Plaintiff has suffered and  
5 will continue to suffer damages in an amount to be proved at trial.

6 38. As a result of Defendant's acts of infringement, Plaintiff has been and will  
7 continue to be irreparably harmed by Defendant's infringements, which will continue  
8 unless Defendant is enjoined by this Court.

9 39. Plaintiff believes facts to be ascertained during discovery in this matter  
10 will demonstrate that Defendant's past infringement and/or continuing infringement has  
11 been deliberate and willful, and that this case is therefore an exceptional case, which  
12 warrants an award of treble damages and attorneys' fees in accordance with 35 U.S.C. §  
13 285. Plaintiff intends to amend this Second Cause of Action at the appropriate time  
14 once more specific facts pertaining to Defendant's deliberate and willful acts of  
15 infringement are ascertained.

## 16 VII. PRAYER FOR RELIEF

17 WHEREFORE, Plaintiff prays for entry of judgment against Defendant as  
18 follows:

19 1. A declaration that Defendant has infringed the '471 patent and the '107  
20 patent under 35 U.S.C. §§ 271 *et seq.*;

21 2. That injunctions, preliminary and permanent, be issued by this Court  
22 restraining Defendant, its respective officers, agents, servants, directors, and employees,  
23 and all persons in active concert or participation with each, from directly infringing the  
24 '471 patent and the '107 patent;

25 3. That Defendant be required to provide to Plaintiff an accounting of all  
26 gains, profits, and advantages derived by Defendant's infringement of the '471 patent  
27 and the '107 patent, and that Plaintiff be awarded damages adequate to compensate  
28 Plaintiff for the wrongful infringing acts by Defendant, in accordance with 35 U.S.C. §

1 284;

2 4. That, at the appropriate time after more specific facts pertaining to  
3 Defendant's acts of indirect, willful, and deliberate infringement are ascertained and  
4 this Complaint is amended to include such facts: (a) injunctions, preliminary and  
5 permanent, be issued by this Court restraining Defendant, its respective officers, agents,  
6 servants, directors, and employees, and all persons in active concert or participation  
7 with each, from indirectly infringing the '471 patent and the '107 patent; (b) Defendant  
8 be required to provide to Plaintiff an accounting of all gains, profits, and advantages  
9 derived by Defendant's indirect infringement of the '471 patent and the '107 patent; (c)  
10 Plaintiff be awarded damages adequate to compensate Plaintiff for the wrongful  
11 infringing acts by Defendant, in accordance with 35 U.S.C. § 284; and (d) the damages  
12 awarded to Plaintiff with regard to the '471 patent and the '107 patent be increased up  
13 to three times, in view of Defendant's willful infringement, in accordance with 35  
14 U.S.C. § 284;

15 5. That, at the appropriate time after more specific facts pertaining to  
16 Defendant's acts of willful and deliberate infringement are ascertained and this  
17 Complaint is amended to include such facts, this case be declared to be exceptional in  
18 favor of Plaintiff under 35 U.S.C. § 285, and that Plaintiff be awarded its reasonable  
19 attorneys' fees and other expenses incurred in connection with this action;

20 6. That Plaintiff be awarded its interest and costs of suit incurred in this  
21 action;

22 7. Compensatory damages;


23 8. Punitive damages; and

24 9. That Plaintiff be awarded such other and further relief as this Court may  
25 deem just and proper.

26 Respectfully submitted,

27 NEWPORT TRIAL GROUP, APC

28 Dated: January 9, 2013

  
By: Tyler J. Woods  
Attorneys for Plaintiff

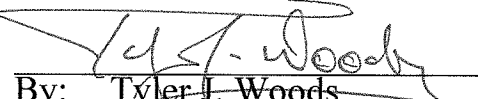
**DEMAND FOR JURY TRIAL**

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff hereby demands a jury trial for all issues in this case that properly are subject to a jury trial.

Respectfully submitted,

NEWPORT TRIAL GROUP  
A Professional Corporation

Dated: January 9, 2013

  
By: Tyler J. Woods  
Attorneys for Plaintiff



**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 Cormac J. Carney and the assigned discovery Magistrate Judge is Arthur Nakazato.

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

**SACV13- 51 CJC (ANx)**

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.

Name & Address: NEWPORT TRIAL GROUP  
 Tyler J. Woods (State Bar No. 232464)  
 Richard H. Hikida (State Bar No. 196149)  
 Scott J. Ferrell (State Bar No. 202091)  
 895 Dove Street, Ste 425, Newport Beach, CA 92660

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

THE TAWNSAURA GROUP, LLC,

PLAINTIFF(S)

v.

M.D. SCIENCE LAB, LLC

DEFENDANT(S).

CASE NUMBER

SACV13-00051 CJC (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, Newport Trial Group, whose address is 895 Dove Street, Suite 425, Newport Beach, CA 92660. 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: JAN 11 2013

By: A. Gonzales

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**I (a) PLAINTIFFS** (Check box if you are representing yourself ☐)  
THE TAWNSAURA GROUP, LLC,**DEFENDANTS**  
M.D. SCIENCE LAB, LLC**(b) Attorneys** (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)NEWPORT TRIAL GROUP, 895 Dove Street, Suite 425, Newport Beach, CA 92660  
Tel; (949) 706-6464 Fax (949)706-6469

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 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 checked="" type="checkbox"/> 5	<input checked="" 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:** \$ TBD**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.)

35 USC §§271, et seq; 35 USC §§284; 35 USC §§285

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

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

SACV13-00051 CJC (ANx)

FOR OFFICE USE ONLY: Case Number: \_\_\_\_\_

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

COPY

**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
	THE TAWNSAURA GROUP, LLC - Washoe County, Nevada

- (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
	M.D. SCIENCE LAB, LLC - Broward County, FL

- (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
Plaintiff's Claim - Orange County, 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 January 9, 2013

**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))