

1 Tyler J. Woods (State Bar No. 232464)
twoods@trialnewport.com
2 Richard H. Hikida (State Bar No. 196149)
rhikida@trialnewport.com
3 Scott J. Ferrell (State Bar No. 202091)
sferrell@trialnewport.com
4 **NEWPORT TRIAL GROUP**
A Professional Corporation
5 895 Dove Street, Suite 425
Newport Beach, CA 92660
6 Tel: (949) 706-6464
Fax: (949) 706-6469

7 Attorneys for Plaintiff
8

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

11 THERMOLIFE INTERNATIONAL, LLC,

12 Plaintiff,

13 vs.

14 REACTION NUTRITION, LLC,

15 Defendant

Case No. **CV13-01287 ABC (AGR_x)**

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

2013 FEB 21 PM 3:12
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

BY _____

FILED

COPY

BY FAX

1 Plaintiff Thermolife International, LLC (“Plaintiff”) hereby alleges for its
2 Complaint against Reaction Nutrition, 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 Arizona, with a place of business at 1811 Ocean Front Walk in Venice,
7 California, 90291.

8 2. Plaintiff is the owner and assignee of United States Patent No. 8,202,908
9 (“the ‘908 patent”) titled “D-Aspartic Acid Supplement,” and Plaintiff licenses the ‘908
10 patent to several third-parties and is in negotiations to license the patents to numerous
11 other parties.

12 3. Defendant is a company organized and existing under the laws of
13 Pennsylvania with a principal place of business at 230 East Main Street in Carnegie,
14 Pennsylvania, 15106-2700.

15 **II. JURISDICTION AND VENUE**

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

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

20 6. This Court has personal jurisdiction over Defendant. By way of example
21 and without limitation, Defendant, directly or through intermediaries (including
22 distributors, retailers, and others), ships, distributes, offers for sale, sells, and advertises
23 “D-Aspartic Acid,” “Warrior” and “Vitality DM”-branded dietary supplement products
24 (hereinafter the “accused products”) manufactured, marketed, and sold by Defendant in
25 the United States, the State of California, and the Central District of California – or did
26 so in the past.

27 7. Defendant has purposefully and voluntarily placed these accused products
28 into the stream of commerce with the expectation that they will be purchased in the

1 Central District of California, and the products are actually purchased in the Central
2 District of California.

3 **III. THE DEFENDANT'S INFRINGING PRODUCT**

4 8. The accused products purport to and do increase the levels of testosterone
5 in adult male humans.

6 9. The accused products are administered by oral ingestion.

7 10. The accused products contain a D-aspartic acid compound comprised from
8 D-aspartic acid, D-Aspartate salts, or D-aspartate esters.

9 11. The accused products branded are intended to be taken by adult male
10 humans and are taken primarily by adult male humans.

11 12. The accused products purport to contain and actually contain a D-aspartic
12 acid compound which is, according to the products' instructions for use, to be
13 administered and is administered in an amount and for a time sufficient to increase the
14 levels of testosterone in end-users.

15 13. Defendant manufactures, markets, advertises, offers for sale, and sells the
16 accused products.

17 14. As part of its transaction of business in this jurisdiction, Defendant sells its
18 accused products to various distributors and retailers with places of business within the
19 Central District of California.

20 15. The labels and advertisements for the D-Aspartic Acid-branded products
21 state, as relevant to this matter and without limitation, as follows:

22 a. The product contains "Sodium D-Aspartic Acid"

23 b. It is to be taken by oral ingestion.

24 c. "D-ASPARTIC ACID IS A NATURALLY OCCURRING AMINO
25 ACID WITHIN THE BODY, WHERE IT PLAYS PIVOTAL ROLES
26 IN THE MANUFACTURING HORMONES. RECENT STUDIES
27 HAVE SHOWN THAT SUPPLEMENTING WITH D-ASPARTIC
28 ACID DAILY CAN RAISE TESTOSTERONE. AN INCREASE IN

1 TESTOSTERONE MAY LEAD TO INCREASES IN MUSCLE
2 MASS AND ATHLETIC PERFORMANCE, ALONG WITH
3 DECREASES IN BODY FAT AND LEVELS OF FATIGUE.”

4 d. “Serving Size: 4 Capsules”

5 e. “As a dietary supplement, take 4 capsules daily, or 1 hour before
6 training”

7 f. there is 3,000 mg of Sodium D-Aspartic Acid per serving of the
8 product

9 16. The labels and advertisements for the Warrior-branded products state, as
10 relevant to this matter and without limitation, as follows:

11 a. The product contains “Sodium D-Aspartic Acid”

12 b. It is to be taken by oral ingestion.

13 c. “the strongest and most effective testosterone replacement that your
14 body will ever need”

15 d. “with a trip stack of testosterone replacement ingredients to increase
16 natural testosterone levels and block estrogen in the body”

17 e. “raises testosterone levels that your body cannot normally produce on
18 its own”

19 f. “Serving Size 2 Capsules”

20 g. “As a dietary supplement take 2 capsules 1 hour prior to working out.
21 Use in cycles of 6-8 weeks, with a minimum of a 4 week rest period
22 between cycles.”

23 17. The labels and advertisements for the Vitality DM-branded products state,
24 as relevant to this matter and without limitation, as follows:

25 a. The product contains “Sodium D-Aspartic Acid”

26 b. It is to be taken by oral ingestion.

27 c. “Increase testosterone by 66% - promote an anabolic environment”
28

1 d. "a one stop formula for your natural test production (Sodium D-
2 Aspartic Acid & Massularia Acuminate)"

3 e. "As a dietary supplement take 2 pills in the morning before your first
4 meal"

5 **IV. THE DEFENDANT'S INFRINGEMENTS**

6 18. Defendant has committed the tort of patent infringement within the State
7 of California, and more particularly, within the Central District of California, by virtue
8 of the fact that Defendant has shipped, distributed, offered for sale, sold, and advertised,
9 and continues to ship, distribute, offer for sale, sell, and advertise the accused products
10 in this District.

11 **A. DIRECT INFRINGEMENTS**

12 19. 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 accused products,
15 which Defendant has formulated and distributed and sold to include a D-aspartic acid
16 compound as defined in the '908 patent for the specific reason of increasing the levels
17 of testosterone in adult male humans taking the products, by having them orally ingest
18 the D-aspartic acid compound present in the product in an amount and for a time
19 sufficient to increase the levels of testosterone.

20 20. Defendant has encouraged and/or is aware of these persons' oral
21 administration of the accused products for these purposes, and these employees, agents,
22 representatives and other persons sponsored by or who endorse Defendant and
23 Defendant's products in advertising and marketing activities are acting under
24 Defendant's direction and control when practicing the method disclosed in the '908
25 patent.

26 21. Therefore, Defendant directly practices the method as set forth in the '908
27 patent and it is a direct infringer of the patent.

28 ///

1 **B. INDIRECT INFRINGEMENTS**

2 22. End-users of Defendant's accused products are also direct infringers of the
3 '908 patent, because they have taken, used, and orally ingested the accused products
4 which Defendant has formulated to include a D-aspartic acid compound as defined in
5 the '908 patent for the specific reason of increasing the levels of testosterone in adult
6 male humans taking the products, by having them orally ingest the a D-aspartic acid
7 compound as defined in the '908 patent present in the products in an amount and for a
8 time sufficient to increase their levels of testosterone.

9 23. These end-users practice the method as set forth in the '908 patent and are
10 direct infringers of the patent.

11 24. Defendant's labels and advertising for the accused products explain the
12 elements and essential elements of the method disclosed in the '908 patent to end-users
13 and encourage, urge, and induce the accused products' end-users to purchase and orally
14 ingest the products to practice that method, and end-users do practice that method.

15 25. Defendant has therefore specifically intended to cause these end-users to
16 directly infringe the claimed methods of the patent, and have in fact urged them to do
17 so.

18 26. The accused products are not suitable for non-infringing uses, and none of
19 Defendant's labels or advertisements for the accused products disclose any uses for the
20 products nor for the D-aspartic acid compound as defined in the '908 patent in those
21 products that do not infringe upon the method disclosed in the '908 patent.

22 27. The inclusion of the D-aspartic acid compound in the products is material
23 to practicing the method disclosed in the '908 patent.

24 28. Defendant has knowledge that the accused products are especially adapted
25 by end-users of the products for the practicing of the method disclosed in the '908
26 patent, and, indeed, Defendant encourages, urges, and induces the products' end-users
27 to purchase and orally administer the accused products to practice that method, and has
28 done so in the past.

1 29. Defendant has intentionally and knowingly induced, encouraged, and
2 urged end-users of the accused products to purchase and orally administer the accused
3 products for the purpose, without limitation, of increasing the levels of testosterone in
4 adult male humans taking the products, by having them orally ingest the D-aspartic acid
5 compound as defined in the '908 patent present in the products in an amount and for a
6 time sufficient to increase the levels of testosterone.

7 30. Defendant had actual, first-hand knowledge of the '908 patent after the
8 June 19, 2012 issuance of the patent, the day of which a very publicly available and
9 widely known press release was issued by Plaintiff announcing the issuance of the
10 patent. The press release stated as follows:

11 “ThermoLife International, LLC (ThermoLife) announced today
12 that the United States Patent and Trademark Office (USPTO)
13 issued U.S. Patent No. 8,202,908 (the '908 patent) for
14 ThermoLife's novel use of D-Aspartic acid (DAA). The patented
15 method uses a DAA compound to increase the levels of
16 testosterone, growth hormone, and/or insulin-like growth factor 1
17 in adult males. The potential benefits of DAA are astounding and
18 the patented method will transform testosterone boosting dietary
19 supplements and methods.

20 ThermoLife has a long history of developing innovative and
21 proven products and processes. With the addition of the '908
22 patent, ThermoLife has been awarded seven patents covering
23 more than 20 various compounds and methods of use, and still
24 has many pending applications in the pipeline and new
25 technologies at various stages of development.

26 These patents protect ThermoLife's innovative and proven
27 products and methods, as well as validate ThermoLife's market
28 leadership in new dietary ingredient research. These patents also

1 allow ThermoLife to continue building confidence with its
2 licensing partners and give consumers and companies that work
3 with ThermoLife assurance that they are buying one-of-a-kind
4 products that they cannot get elsewhere.

5 **About Thermolife**

6 Founded in 1998, ThermoLife is dedicated to developing real
7 products and methods that work. ThermoLife is a leading
8 manufacturer in the sports nutrition and supplement industry.
9 ThermoLife is committed to developing only the purest, most
10 effective, and innovative products. For more information about
11 ThermoLife and its patents, or to license any of ThermoLife's
12 patented ingredients contact Ron Kramer at
13 Ron(at)ThermoLife(dot)com."

14 31. Thereafter, Plaintiff sent detailed communications to Defendant to notify
15 Defendant of the patent and its infringement prior to the filing of this suit, and, upon
16 information and belief, notified or should have notified its distributors and retail
17 partners of such communications.

18 32. Plaintiff actually began potential licensing discussions with Defendant,
19 thereby cementing its actual, first-hand knowledge of the existence of the patent, but
20 those discussions were not fruitful.

21 33. Defendant has brazenly and willfully decided to infringe the '908 patent
22 despite knowledge of the patent's existence and each of their infringements of the
23 patent.

24 34. At a minimum, and in the alternative, Plaintiff pleads that Defendant
25 willfully blinded itself to the infringing nature of the accused products' sales.

26 35. Defendant has not ceased its own direct infringements, contributory
27 infringements, or inducements of infringements by end-users despite their clear
28 knowledge of the '908 patent.

1 36. In sum, Defendant specifically induces end-users to use the accused
2 products, and particularly the d-aspartic acid compound in these products, for
3 increasing the levels of testosterone in adult male humans taking the products, by
4 having them orally ingest the d-aspartic acid compound present in the products in an
5 amount and for a time sufficient to increase the levels of testosterone, which is the very
6 method described in the '908 patent.

7 37. This method is the sole reason Defendant includes the d-aspartic acid
8 compound in their products, and end-users' experiences are consistent with the fact that
9 they have practiced the method, in that end-users have increased their levels of
10 testosterone by ingesting the d-aspartic acid compound present in the accused products.

11 38. Defendant's infringing activities have not stopped despite its knowledge of
12 the patent's existence.

13 V. FIRST CAUSE OF ACTION

14 Infringement of U.S. Patent No. 8,202,908

15 39. Plaintiff repeats and re-alleges the allegations of the foregoing paragraphs
16 of this Complaint as if fully set forth herein.

17 40. The Defendant has in the past and still is literally infringing or infringing
18 under the doctrine of equivalents, directly and indirectly through contributory and/or
19 induced infringement, claim 1 of the '908 patent by making, using, selling, and offering
20 for sale dietary supplements embodying claim 1 of the patented invention, and will
21 continue to do so unless enjoined by this Court.

22 41. Examples of Defendant's direct infringement include, without limitation,
23 the fact that Defendant's employees, agents, representatives and other persons
24 sponsored by or who endorse Defendant and Defendant's products in advertising and
25 marketing activities, have taken, used, and orally administered the accused products
26 which have the effect, without limitation, of increasing the levels of testosterone in
27 adult male humans taking the products, by having them orally ingest the D-aspartic acid
28

1 compound present in the products in an amount and for a time sufficient to increase the
2 levels of testosterone.

3 42. Defendant has encouraged and is aware of these persons' oral
4 administration of the accused for these purposes, these persons are acting under
5 Defendant's direction and control, and therefore Defendant is directly practicing the
6 method set forth in the '908 patent.

7 43. End-users of the accused products are also direct infringers of the '908
8 patent, because they have taken, used, and orally ingested the accused products which
9 have the effect, without limitation, of increasing the levels of testosterone in adult male
10 humans taking the products, by having them orally ingest the D-aspartic acid compound
11 present in the products in an amount and for a time sufficient to increase the levels of
12 testosterone.

13 44. Therefore, these end-users practice the method as set forth in the '908
14 patent and directly infringe the patent.

15 45. Defendant's labels and advertising explain the elements or essential
16 elements of the method disclosed in the '908 patent to end-users and encourage, urge,
17 and induce the products' end-users to purchase and orally administer the accused
18 products to practice that method.

19 46. The accused products are not suitable for non-infringing uses, and none of
20 Defendant's labels or advertisements for the products disclose any uses for the D-
21 aspartic acid compound in the products that do not infringe upon the method disclosed
22 in the '908 patent.

23 47. Defendant has knowledge that the accused products are especially adapted
24 by end-users of the products for increasing the levels of testosterone in adult male
25 humans taking the accused products, by having them orally ingest the D-aspartic acid
26 compound present in the products in an amount and for a time sufficient to increase the
27 levels of testosterone.
28

1 48. Defendant encourages, urges, and induces the accused products' end-users
2 to purchase and orally administer the products to increase the levels of testosterone in
3 adult male humans taking the products, by having them orally ingest the D-aspartic acid
4 compound present in the products in an amount and for a time sufficient to increase the
5 levels of testosterone – and Defendant has done so in the past.

6 49. Defendant therefore is liable for contributory infringement of claim 1 of
7 the '908 patent.

8 50. Defendant has intentionally and knowingly induced, encouraged, and
9 urged end-users of the accused products to purchase and orally administer the products
10 for the purpose, without limitation, of increasing the levels of testosterone in adult male
11 humans taking the products, by having them orally ingest the D-aspartic acid compound
12 present in the products in an amount and for a time sufficient to increase the levels of
13 testosterone.

14 51. Defendant has actual, first-hand knowledge of the '908 patent, but has not
15 ceased their contributory infringement or inducement of infringements by end-users
16 despite their knowledge of the '908 patent.

17 52. Defendant is therefore liable for induced infringement of claim 1 of the
18 '908 patent.

19 53. Defendant's D-Aspartic Acid product also infringes claim 2 of the '908
20 patent.

21 54. Defendant's activities have been without express or implied license by
22 Plaintiff.

23 55. The infringements by Defendant have been and continue to be willful,
24 since the infringements have not ceased.

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

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

58. Plaintiff believes that Defendant's past infringements and/or continuing infringements have been deliberate and willful, and that this case is therefore an exceptional case, which warrants an award of treble damages and attorneys' fees in accordance with 35 U.S.C. § 285.

VI. PRAYER FOR RELIEF

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

1. A declaration that Defendant has infringed the ‘908 patent under 35 U.S.C. §§ 271 *et seq.*;

3. That injunctions, preliminary and permanent, be issued by this Court restraining Defendant, its respective officers, agents, servants, directors, and employees, and all persons in active concert or participation with each, from directly or indirectly infringing, or inducing or contributing to the infringement by others of, the '908 patent;

4. That Defendant be required to provide to Plaintiff an accounting of all gains, profits, and advantages derived by Defendant's infringement of the '908 patent, and that Plaintiff be awarded damages adequate to compensate Plaintiff for the wrongful infringing acts by Defendant, in accordance with 35 U.S.C. § 284;

5. That the damages awarded to Plaintiff with regard to the '908 patent be increased up to three times, in view of Defendant's willful infringement, in accordance with 35 U.S.C. § 284;

6. That this case be declared to be exceptional in favor of Plaintiff under 35 U.S.C. § 285, and that Plaintiff be awarded its reasonable attorneys' fees and other expenses incurred in connection with this action;

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

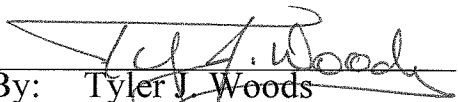
1 8. Compensatory damages;

2 9. Punitive damages; and

3 10. That Plaintiff be awarded such other and further relief as this Court may
4 deem just and proper.

5 Respectfully submitted,
6 NEWPORT TRIAL GROUP
7 A Professional Corporation

8 Dated: February 20, 2013

9 
10 By: Tyler J. Woods
11 Attorneys for Plaintiff
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

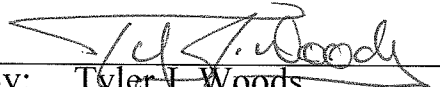
DEMAND FOR JURY TRIAL

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: February 20, 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 Audrey B. Collins and the assigned discovery Magistrate Judge is Alicia G. Rosenberg.

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

CV13- 1287 ABC (AGR~~x~~)

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

THERMOLIFE INTERNATIONAL LLC

CASE NUMBER

PLAINTIFF(S)

CV13-01287 ABC (AGR_x)

v.

REACTION NUTRITION, LLC

DEFENDANT(S).

SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

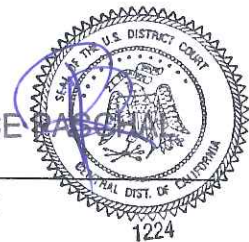
Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion 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: FEB 21 2013

By: ROLLS ROYCE
 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)].

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

THERMOLIFE INTERNATIONAL LLC

CASE NUMBER

CV13-01287 ABC (AGR_x)

PLAINTIFF(S)

v.

REACTION NUTRITION, LLC

SUMMONS

DEFENDANT(S).

TO: DEFENDANT(S):

A lawsuit has been filed against you.

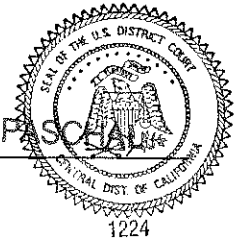
Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion 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: FEB 21 2013

By: ROLLS ROYCE PASCHALL
 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 <input type="checkbox"/>) THERMOLIFE INTERNATIONAL, LLC		DEFENDANTS REACTION NUTRITION, 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.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" 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: none;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:40%;"></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 checked="" type="checkbox"/> 5</td> <td style="text-align: center;"><input checked="" 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 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
	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.)
 28 U.S.C. §§ 1331, 1338, and 1367

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 <input type="checkbox"/> 530 General Habeas Corpus <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) <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: **CV13-01287 ABC (AGRx)**

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
	THERMOLIFE INTERNATIONAL, LLC - Maricopa County, Arizona

- (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
	REACTION NUTRITION, LLC - Allegheny County, PA

- (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 - Los Angeles, 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 February 20 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))