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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

**RED.COM, INC., dba RED DIGITAL  
CINEMA**, a Washington Corporation,

Plaintiff,

vs.

**WOODEN CAMERA, LLC**, a Texas limited  
liability corporation,

Defendant.

Case No.: **'12CV1336 WQHRBB**  
)  
)  
) COMPLAINT FOR PATENT  
) INFRINGEMENT, TRADE DRESS  
) INFRINGEMENT, AND UNFAIR  
) COMPETITION AND FALSE  
) DESIGNATION OF ORIGIN  
)  
) DEMAND FOR JURY TRIAL  
)  
)  
)

1 Plaintiff Red.com, Inc. dba Red Digital Cinema (hereinafter referred to as "RED") hereby  
2 complains of Defendant Wooden Camera, LLC (hereinafter referred to as "Wooden"), and  
3 alleges as follows:

#### 4 JURISDICTION AND VENUE

5 1. Jurisdiction over this action is founded upon 15 U.S.C. § 1121, and 28 U.S.C. §§  
6 1331 and 1338.

7 2. Venue is proper under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b).  
8 The Defendant has sold infringing products in this district, attempted to pass off infringing  
9 products in this district, has directed sales and marketing efforts toward this district and/or own  
10 or operate retail stores in this judicial district and/or on the internet and selling in this district at  
11 its website below.

#### 12 THE PARTIES

13 3. Plaintiff RED is a corporation organized and existing under the laws of the State  
14 of Washington, having its principal place of business at 34 Parker, Irvine, California 92618, and  
15 doing business within this judicial district.

16 4. RED is informed and believes, and thereupon alleges that Defendant Wooden  
17 Camera, LLC is a Texas limited liability corporation doing business at 1042 West 43<sup>rd</sup> Street,  
18 Houston, Texas 77018, and is doing business within this judicial district at least on its website,  
19 [www.woodencamera.com](http://www.woodencamera.com). RED is informed and believes, and thereupon alleges, that Defendant  
20 has been offering to sell, advertising and selling products, including the accused products  
21 identified below, directly and in the stream of commerce knowing such products would be sold  
22 in California and in this judicial district.

#### 23 FACTUAL BACKGROUND

24 5. Since at least 2005, RED has been and continues to be actively engaged in the  
25 design, development, manufacture and sale of high performance digital still and motion  
26 cinematography cameras, video equipment and accessories, digital editing software, video  
27 players and generally, imaging format technology used in the dissemination, broadcast, or  
28 transmission of video. Since the introduction of its revolutionary RED ONE® camera, RED's

1 products have been used to film several blockbuster movies, as well as many other movies and  
2 television series. The RED camera and products have been one of the hottest items in the  
3 Hollywood industry.

4 6. RED introduced its EPIC and SCARLET cameras in the past few years. Attendant  
5 with these two cameras, RED has also designed and introduced unique accessory components for  
6 the cameras. The accessories are unique in their styling and look, reminiscent of an  
7 industrial/military look. Because of their unique styling and successful sales, these products have  
8 become uniquely identifiable as having originated from RED.

9 7. RED is informed and believes, and thereupon alleges, that Defendant WOODEN  
10 manufactures, imports, advertises, offers for sale and/or sells digital cinema camera accessories  
11 specifically designed to knock-off the look of RED's accessories and engage with the RED EPIC  
12 and SCARLET cameras.

#### 13 **PATENT INFRINGEMENT FACTS**

14 8. RED is the owner by assignment of U.S. Patent No. D654,110, duly and lawfully  
15 issued on February 7, 1995, describing and claiming the invention entitled "Camera  
16 Component." A correct copy of U.S. Patent No. D654,110 is attached hereto as Exhibit 1.

17 9. RED is informed and believes, and thereupon alleges that Defendant WOODEN  
18 is selling a digital cinema camera accessory that unlawfully embodies the claimed subject matter  
19 of U.S. Patent No. D654,110. In particular, RED alleges that Defendant's "A-Lock" mount for  
20 Quick Back and REDmote embodies the subject matter claimed in RED's design patent referred  
21 to above without any license thereunder and is thereby infringing the patent. RED is informed  
22 and believes and based thereon alleges that Defendant made, used, imported, advertised, offered  
23 for sale and/or sold its accused accessory to multiple distributors, retailers, and/or retail  
24 customers.

25 10. Defendant has received written notice of RED's proprietary rights in its patents by  
26 way of a cease and desist letter it caused to be sent to Defendant. Further, Defendant has  
27 received constructive notice of RED's patents as RED caused its patents to be placed plainly on  
28 the product and/or packaging. Despite actual and constructive knowledge, Defendant continues

1 to infringe RED's patent rights. On information and belief, such infringement by Defendant must  
2 have been willful and wanton.

3 11. RED is informed and believes and thereupon alleges that the sale of the  
4 unauthorized, infringing camera accessory has resulted in lost sales, reduced the business and  
5 profit of RED, and greatly injured the general reputation of RED due to the inferior quality of the  
6 copies, all to RED's damage in an amount not yet fully determined.

7 12. The exact amount of profits realized by Defendant as a result of its infringing  
8 activities, are presently unknown to RED, as are the exact amount of damages suffered by RED  
9 as a result of said activities. These profits and damages cannot be accurately ascertained without  
10 an accounting.

### 11 **TRADE DRESS FACTS**

12 13. RED has expended substantial sums of money in the promotion of its EPIC,  
13 SCARLET, and related accessory lines of products. As a result of RED's promotional efforts,  
14 the distinctive look and feel of the RED accessories have become and are now widely known and  
15 recognized in this district and elsewhere as emanating from and authorized by RED. RED's  
16 accessory lines for its EPIC and SCARLET cameras are inherently distinctive in appearance, and  
17 has become, through widespread public acceptance, a distinctive designation of the source of  
18 origin of goods offered by RED and an asset of incalculable value as a symbol of RED and its  
19 quality goods and good will.

20 14. RED is informed and believes, and thereupon alleges, that the Defendant  
21 specifically designed, manufactured, packaged, advertised, displayed and sold expressly to profit  
22 from the demand created by RED for its inherently distinctive configurations of its accessories  
23 for its digital cinema cameras. In particular, RED's V-Mount, DSMC<sup>®</sup> Tactical Ribcage,  
24 DSMC<sup>®</sup> Tactical Cage, DSMC<sup>®</sup> Universal Mount (15mm and 19mm) and Swat Rail are  
25 uniquely designed and styled with the RED design language to engage with the RED cameras.  
26 RED is informed and believes, and thereupon alleges, that the following products are designed,  
27 made, offered for sale, and/or sold by Defendant to mimic the same designs and benefit  
28 financially from the success of the RED products: "A-Lock" (which "replicates the "A" on the

back of the camera”), “Nato Cage” (2 arms and 4 arms), “Nato Cage +” (19mm and 15mm), “Cheese Cage,” “Cheese Cage +” (19mm and 15mm), “Ultimate Top Mount” (15mm and 19mm), “Tiny-versal 15mm Studio,” “Tiny-versal 19mm,” and “Safety NATO Rail.”

15. RED is informed and believes and thereupon alleges that Defendant has advertised its RED accessory copies via its website and by way of other media. RED is informed and believes and thereupon alleges that said advertising has drawn RED customers away from RED’s website and its retailers, thereby causing damage to RED.

16. RED is informed and believes, and thereupon alleges, that Defendant’s copy accessories are inferior products to authentic RED camera accessories. As a result, RED has been damaged significantly in the digital cinema accessory market. RED contends and believes that its image and the reputation of its products has been tarnished and diminished by Defendant’s sale of RED copy sunglasses of inferior quality.

17. RED is further informed and believes and thereupon alleges that the presence of Defendant’s copies in the marketplace damages the value of RED’s exclusive rights. The presence of the copies in the marketplace is likely to diminish the apparent exclusivity of genuine RED products thereby dissuading potential customers who otherwise would have sought inherently distinctive RED sunglass designs. Upon information and belief, RED alleges that such deception has misled, and continues to mislead, and confuse many purchasers to buy the products sold by Defendant and/or has misled non-purchasers to believe the copies emanate from or are authorized by RED.

18. RED is informed and believes and thereupon alleges that Defendant’s sale of the allegedly infringing accessory copies has resulted in lost sales, has reduced the business and profit of RED, and has greatly injured the general reputation of RED due to the inferior quality of the copies, all to RED’s damage in an amount not yet fully determined.

19. The exact amount of profits realized by Defendant as a result of its infringing activities, are presently unknown to RED, and neither are the exact amount of damages suffered by RED as a result of these activities. These profits and damages cannot be accurately

1 ascertained without an accounting. Further, Defendant's actions are irreparably injuring RED  
2 and will continue unless and until enjoined by this court.

3 **FIRST CLAIM FOR RELIEF**  
4 **Patent Infringement**

5 20. The allegations of paragraphs 1 through 19 are replied and realleged as though  
6 fully set forth herein.

7 21. This is a claim for patent infringement, and arises under 35 U.S.C. Sections 271  
8 and 281.

9 22. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1338.

10 23. RED is the owner of U.S. Patent No.D654,110, which protects the invention  
11 entitled "Camera Component," embodied by RED's V-Mount. A true and correct copy of U.S.  
12 Patent No. D654,110 is attached hereto as Exhibit 1. By statute, the patent is presumed to be  
13 valid and enforceable under 35 U.S.C. § 282.

14 24. Defendant, through its agents, employees and servants, have manufactured,  
15 imported, advertised, offered to sell, and sold, without any rights or license, sunglasses which  
16 fall within the scope and claim contained in U.S. Patent No. D654,110.

17 25. RED is informed and believes and thereupon alleges that Defendant willfully  
18 infringed upon RED's exclusive rights under this patent, with full notice and knowledge thereof.

19 26. RED is informed and believes and thereupon alleges that Defendant has derived,  
20 received and will continue to derive and receive from the aforesaid acts of infringement, gains,  
21 profits and advantages in an amount not presently known to RED. By reason of the aforesaid  
22 acts of infringement, RED has been, and will continue to be, greatly damaged.

23 27. Defendant may continue to infringe U.S. Patent No. D654,110 to the great and  
24 irreparable injury of RED, for which RED has no adequate remedy at law unless the Defendant  
25 is enjoined by this court.

26 ... ..

27 ... ..

28 ... ..

**SECOND CLAIM FOR RELIEF**  
**Trade Dress Infringement**

28. RED realleges paragraphs 1 through 19 as though set forth fully at this point.

29. This is an action for trade dress infringement and false designation of origin pursuant to 15 U.S.C. § 1125(a) against Defendant Wooden.

30. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1338.

31. Since 2010, RED has marketed and sold RED-styled accessories for its cameras. The configuration of RED's V-Mount is distinctive and well-recognized by the industry and consumers as emanating from RED. The RED accessories identified above have enjoyed enormous commercial success, which is expected to continue, and have become, through wide-spread recognition, an indicator of RED as the source of the products.

32. RED is informed and believes and thereupon alleges that the Defendant's advertising and sale of copies of RED's V-Mount configuration constitutes trade dress infringement and unfair competition, as a false designation of origin, a false description or representation of goods, and false representation to the consuming public that the Defendant's sunglasses originated from or somehow are authorized by or affiliated with RED.

33. RED is informed and believes and thereupon alleges that the actions of Defendant was done willfully, knowingly and maliciously with the intent to trade upon the good will of RED and to injure RED.

34. The Defendant's acts are in violation of 15 U.S.C. § 1125 (a) and will continue to the great and irreparable injury of RED until enjoined by this Court.

**THIRD CLAIM FOR RELIEF**  
**Trade Dress Infringement**

35. RED realleges paragraphs 1 through 19 as though set forth fully at this point.

36. This is an action for trade dress infringement and false designation of origin pursuant to 15 U.S.C. § 1125(a) against Defendant Wooden.

37. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1338.

Since 2010, RED has marketed and sold RED-styled accessories for its cameras. The configuration of RED's DSMC<sup>®</sup> Tactical Ribcage is distinctive and well-recognized by the

1 industry and consumers as emanating from RED. The RED accessories identified above have  
2 enjoyed enormous commercial success, which is expected to continue, and have become,  
3 through wide-spread recognition, an indicator of RED as the source of the products.

4 38. RED is informed and believes and thereupon alleges that the Defendant's  
5 advertising and sale of copies of RED's DSMC<sup>®</sup> Tactical Ribcage configuration constitutes trade  
6 dress infringement and unfair competition, as a false designation of origin, a false description or  
7 representation of goods, and false representation to the consuming public that the Defendant's  
8 sunglasses originated from or somehow are authorized by or affiliated with RED.

9 39. RED is informed and believes and thereupon alleges that the actions of Defendant  
10 was done willfully, knowingly and maliciously with the intent to trade upon the good will of  
11 RED and to injure RED.

12 40. The Defendant's acts are in violation of 15 U.S.C. § 1125 (a) and will continue to  
13 the great and irreparable injury of RED until enjoined by this Court.

14 **FOURTH CLAIM FOR RELIEF**  
15 **Trade Dress Infringement**

16 41. RED realleges paragraphs 1 through 19 as though set forth fully at this point.

17 42. This is an action for trade dress infringement and false designation of origin  
18 pursuant to 15 U.S.C. § 1125(a) against Defendant Wooden.

19 43. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1338.

20 44. Since 2010, RED has marketed and sold RED-styled accessories for its cameras.  
21 The configuration of RED's DSMC<sup>®</sup> Tactical Cage is distinctive and well-recognized by the  
22 industry and consumers as emanating from RED. The RED accessories identified above have  
23 enjoyed enormous commercial success, which is expected to continue, and have become,  
24 through wide-spread recognition, an indicator of RED as the source of the products.

25 45. RED is informed and believes and thereupon alleges that the Defendant's  
26 advertising and sale of copies of RED's DSMC<sup>®</sup> Tactical Cage configuration constitutes trade  
27 dress infringement and unfair competition, as a false designation of origin, a false description or  
28 representation of goods, and false representation to the consuming public that the Defendant's  
sunglasses originated from or somehow are authorized by or affiliated with RED.



1           46.     RED is informed and believes and thereupon alleges that the actions of Defendant  
2 was done willfully, knowingly and maliciously with the intent to trade upon the good will of  
3 RED and to injure RED.

4           47.     The Defendant's acts are in violation of 15 U.S.C. § 1125 (a) and will continue to  
5 the great and irreparable injury of RED until enjoined by this Court.

6                                   **FIFTH CLAIM FOR RELIEF**  
7                                   **Trade Dress Infringement**

8           48.     RED realleges paragraphs 1 through 19 as though set forth fully at this point.

9           49.     This is an action for trade dress infringement and false designation of origin  
10 pursuant to 15 U.S.C. § 1125(a) against Defendant Wooden.

11          50.     Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1338.

12          51.     Since 2010, RED has marketed and sold RED-styled accessories for its cameras.  
13 The configuration of RED's DSMC<sup>®</sup> Universal Mount (15mm and 19mm) is distinctive and  
14 well-recognized by the industry and consumers as emanating from RED. The RED accessories  
15 identified above have enjoyed enormous commercial success, which is expected to continue, and  
16 have become, through wide-spread recognition, an indicator of RED as the source of the  
17 products.

18          52.     RED is informed and believes and thereupon alleges that the Defendant's  
19 advertising and sale of copies of RED's DSMC<sup>®</sup> Universal Mount (15mm and 19mm)  
20 configuration constitutes trade dress infringement and unfair competition, as a false designation  
21 of origin, a false description or representation of goods, and false representation to the  
22 consuming public that the Defendant's sunglasses originated from or somehow are authorized by  
23 or affiliated with RED.

24          53.     RED is informed and believes and thereupon alleges that the actions of Defendant  
25 was done willfully, knowingly and maliciously with the intent to trade upon the good will of  
26 RED and to injure RED.

27          54.     The Defendant's acts are in violation of 15 U.S.C. § 1125 (a) and will continue to  
28 the great and irreparable injury of RED until enjoined by this Court.

... ..

**SIXTH CLAIM FOR RELIEF**  
**Trade Dress Infringement**

55. RED realleges paragraphs 1 through 19 as though set forth fully at this point.

56. This is an action for trade dress infringement and false designation of origin pursuant to 15 U.S.C. § 1125(a) against Defendant Wooden.

57. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1338.

58. Since 2010, RED has marketed and sold RED-styled accessories for its cameras. The configuration of RED's Swat Rail is distinctive and well-recognized by the industry and consumers as emanating from RED. The RED accessories identified above have enjoyed enormous commercial success, which is expected to continue, and have become, through wide-spread recognition, an indicator of RED as the source of the products.

59. RED is informed and believes and thereupon alleges that the Defendant's advertising and sale of copies of RED's Swat Rail configuration constitutes trade dress infringement and unfair competition, as a false designation of origin, a false description or representation of goods, and false representation to the consuming public that the Defendant's sunglasses originated from or somehow are authorized by or affiliated with RED.

60. RED is informed and believes and thereupon alleges that the actions of Defendant was done willfully, knowingly and maliciously with the intent to trade upon the good will of RED and to injure RED.

61. The Defendant's acts are in violation of 15 U.S.C. § 1125 (a) and will continue to the great and irreparable injury of RED until enjoined by this Court.

WHEREFORE, Plaintiff Red.com, Inc. prays as follows:

1. That Defendant Wooden Camera, LLC be adjudicated to have infringed RED's U.S. Patent No.D654,110, and that the patent is valid and enforceable and is owned by RED;
2. That Defendant, its agents, servants, employees, and attorneys and all persons in active concert and participation with them, be forthwith preliminarily and thereafter permanently enjoined from making, using or selling any sunglass which infringe United States Patent No. D654,110;

3. For an assessment and award of damages against Defendant in an amount equal to RED's lost profits, Defendant's profits, or a reasonable royalty derived from Defendant's infringement of Plaintiff's patent rights in U.S. Patent Nos. D654,110 pursuant to 35 USC §§ 284 and 289;
4. That the Defendant Wooden Camera, LLC be adjudicated to have infringed RED's V-Mount trade dress, and that said trade dress rights are enforceable and owned by RED;
5. That the Defendant Wooden Camera, LLC be adjudicated to have infringed RED's DSMC Tactical Ribcage trade dress, and that said trade dress rights are enforceable and owned by RED;
6. That the Defendant Wooden Camera, LLC be adjudicated to have infringed RED's DSMC Tactical Cage trade dress, and that said trade dress rights are enforceable and owned by RED;
7. That the Defendant Wooden Camera, LLC be adjudicated to have infringed RED's DSMC Universal Mount (15mm and 19mm) trade dress, and that said trade dress rights are enforceable and owned by RED;
8. That the Defendant Wooden Camera, LLC be adjudicated to have infringed RED's Swat Rail trade dress, and that said trade dress rights are enforceable and owned by RED;
9. That Defendant, its agents, servants, employees, and attorneys, and all those persons in active concert or participation with Defendant, be forthwith preliminary and thereafter permanently enjoined from infringing RED's V-Mount, DSMC<sup>®</sup> Tactical Ribcage, DSMC<sup>®</sup> Tactical Cage, DSMC<sup>®</sup> Universal Mount (15mm and 19mm) and Swat Rail trade dress configurations;
10. For an assessment and award of damages against Defendant in an amount no less than RED's lost profits, Defendant's profits or a reasonable royalty for Defendant's infringement of RED's trade dress rights in its V-Mount, DSMC

1 Tactical Ribcage, DSMC Tactical Cage, DSMC Universal Mount (15mm and  
2 19mm) and Swat Rail products pursuant to 15 USC § 1125(a);

3 11. For an order requiring Defendant to deliver up and destroy all infringing digital  
4 cinema camera accessories;

5 12. That an award of reasonable costs, expenses, and attorney's fees be awarded  
6 against Defendant pursuant to 15 U.S.C. § 1116(a) and 35 U.S.C. § 285; and

7 13. That Defendant be directed to file with this court and serve upon RED within 30  
8 days after the service of the injunction, a report in writing under oath, setting forth  
9 in detail the manner and form in which Defendant has complied with the  
10 injunction.  
11

12 DATED: June 1, 2012

WEEKS, KAUFMAN, NELSON & JOHNSON

13  
14 /s/ Gregory K. Nelson

15 Gregory K. Nelson

16 Attorney for Plaintiff, Red.com, Inc.  
17

18 JURY DEMAND

19 Plaintiff RED, Inc. hereby requests a trial by jury in this matter.

20 DATED: June 1, 2012

WEEKS, KAUFMAN, NELSON & JOHNSON

21  
22 /s/ Gregory K. Nelson

23 Gregory K. Nelson

24 Attorney for Plaintiff, Red.com, Inc.  
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26  
27  
28

# CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

RED.COM, INC. dba RED DIGITAL CINEMA, a Washington corporation

(b) County of Residence of First Listed Plaintiff Orange County, CA  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Weeks, Kaufman, Nelson & Johnson  
462 Stevens Avenue, Suite 310  
Solana Beach, CA 92075

## DEFENDANTS

WOODEN CAMERA, LLC, a Texas limited liability corporation

County of Residence of First Listed Defendant Harrisburg County, TX  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

**'12CV1336 WQHRBB**

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 (Place an "X" in One Box for Plaintiff and One Box 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 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. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<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 Loans (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	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal 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"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <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"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <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	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>SOCIAL SECURITY</b> <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))
			<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
		<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions		

## V. 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 Multidistrict Litigation

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
35 U.S.C. Sections 271 and 281 and 15 U.S.C. Section 1125(a)

Brief description of cause:

This is a case of patent and trademark infringement

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

06/01/2012

/s/ Gregory K. Nelson

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