CONFORMED COPY

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Attorneys for Plaintiff
j2 Global Communications, Inc.

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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES
BY
FILED

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

j2 Global Communications, Inc., Plaintiff, v. Zilker Ventures, LLC, Defendant.	CV09-06300CBM (Ex) Civil Action No. _____ COMPLAINT FOR PATENT INFRINGEMENT DEMAND FOR JURY TRIAL

Plaintiff's Complaint for Patent Infringement

Plaintiff j2 Global Communications, Inc. ("j2") hereby alleges for its Complaint against Defendant Zilker Ventures, LLC ("Zilker" or "Defendant"), on personal knowledge as to its own activities and on information and belief as to the activities of others, as follows:

I. PARTIES

1. j2 is a corporation organized under the laws of the State of Delaware with its principal place of business at 6922 Hollywood Boulevard, Suite 500, Los Angeles, California, 90028. j2 provides messaging and communications services to millions of customers around the world.

2. Upon information and belief, Zilker is a limited liability company organized under the laws of the State of Texas with its principal place of business at 401 Congress Ave., Suite 1540, Austin, Texas, 78701. Upon information and belief, Zilker operates a website, www.faxcompare.com ("FaxCompare"), that provides services to individuals and consumers around the world, including the United States, the State of California and, more particularly, the Central District of California. Upon information and belief, Zilker's FaxCompare service provides information that directs users, *inter alia*, to sign up with providers of internet fax services, whose subscribers send and receive faxes via e-mail and/or the Internet. These providers of internet fax services directly infringe one or more patents owned by j2. In fact, j2 has sued several of these internet fax service providers for patent infringement. These lawsuits, listed below, all are pending in this judicial district, and all relate to one or more of United States Patent Nos. 6,597,688 ("the '688 Patent"), 7,020,132 ("the '132 Patent"), 6,350,066 ("the '066 Patent"), or 6,208,638 ("the'638 Patent"):

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Service	Company	Case No(s).	Patent(s)
MyFax	Protus IP Solutions	05cv5610 and 09cv4146	'638, '688, '066, '132
TrustFax	Comodo Communications	09cv4197	'688, '132
Packetel	Packetel	09cv3240	'638
Venali	Venali Inc.	04cv1172	'638, '688, '066, '132
OneSuite	OneSuite Corporation	09cv4014	'638, '688, '066, '132

3. Thus Zilker, through its FaxCompare service, is intentionally directing potential customers to infringing services. Upon information and belief, Zilker receives payment from one or more of the providers of internet fax services based upon the number of referrals generated by Zilker's FaxCompare service.

II. JURISDICTION AND VENUE

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

5. As detailed in paragraph 2 above, Zilker regularly and deliberately engages in activities that occur in and/or result in the sales of goods and/or services in the State of California and in this judicial district, which activities result in infringement of United States patents owned by j2. This Court has personal jurisdiction over Zilker.

6. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

III. CAUSES OF ACTION

Count 1 - Infringement of U.S. Patent No. 6,597,688

7. j2 repeats and realleges the allegations of paragraphs 1 through 6 of the Complaint as if fully set forth herein.

8. United States Patent No. 6,597,688, entitled "Scalable Architecture for Transmission of Messages over a Network" (hereafter "the '688 Patent"), was duly and legally issued on July 22, 2003, to Anand Narasimhan, Yaacov Shemesh and Amit Kumar. The '688 Patent underwent reexamination, and a reexamination certificate issued March 11, 2008. A true and correct copy of the '688 Patent and the reexamination certificate are attached hereto as Exhibit A.

9. The '688 Patent has been in full force and effect since its issuance, and since the issuance of the reexamination certificate. j2 owns by assignment the entire right, title and interest in and to the '688 Patent, including the right to sue for past, present, and future infringements thereof.

10. Zilker has actively induced others to infringe one or more claims of the '688 Patent in violation of 35 U.S.C. § 271(b). Zilker has committed acts of inducing infringement by actively and knowingly aiding and abetting the direct infringement of the '688 Patent by third parties, with knowledge of the '688 Patent and the specific intent to induce infringement of the '688 Patent, by providing services within the United States, including, but not limited to, Zilker's FaxCompare service.

11. Zilker's FaxCompare service allows users to sign up with providers of internet fax services, which allow subscribers to send and receive faxes from e-mail and the Internet, and Zilker thereby intentionally directs potential customers to infringing services.

12. Zilker's activities have been without express, or implied, license by j2.

13. Zilker will continue to induce infringement of the '688 Patent unless enjoined by this Court. As a result of the infringing conduct of Zilker, j2 has suffered, and will continue to suffer, irreparable harm for which there is no adequate remedy at law. Accordingly, j2 is entitled to temporary, preliminary, and/or permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

14. As a result of Zilker's inducement of infringement of the '688 Patent, j2 has been damaged, and will be further damaged, and is entitled to be compensated for such damages pursuant to 35 U.S.C. § 284 in an amount that presently cannot be ascertained, but that will be determined at trial.

Count 2 - Infringement of U.S. Patent No. 7,020,132

15. j2 repeats and realleges the allegations of paragraphs 1 through 6 of the Complaint as if fully set forth herein.

16. United States Patent No. 7,020,132, entitled "Scalable Architecture for Transmission of Messages over a Network" (hereafter "the '132 Patent"), was duly and legally issued on March 28, 2006, to Anand Narasimhan, Yaacov Shemesh and Amit Kumar. A true and correct copy of the '132 Patent is attached hereto as Exhibit B.

17. The '132 Patent has been in full force and effect since its issuance. j2 owns by assignment the entire right, title and interest in and to the '132 Patent, including the right to sue for past, present, and future infringements thereof.

18. Zilker has actively induced others to infringe one or more claims of the '132 Patent in violation of 35 U.S.C. § 271(b). Zilker has committed acts of inducing infringement by actively and knowingly aiding and abetting the direct infringement of the '132 Patent by third parties, with knowledge of the '132 Patent and the specific intent to induce infringement of the '132 Patent, by providing services within the United States, including, but not limited to, Zilker's FaxCompare service.

19. Zilker's FaxCompare service allows users to sign up with providers of internet fax services, which allow subscribers to send and receive faxes from e-mail and the Internet, and Zilker thereby intentionally directs potential customers to infringing services.

20. Zilker's activities have been without express, or implied, license by j2.

21. Zilker will continue to induce infringement of the '132 Patent unless enjoined by this Court. As a result of the infringing conduct of Zilker, j2 has suffered, and will continue to suffer, irreparable harm for which there is no adequate remedy at law. Accordingly, j2 is entitled to temporary, preliminary, and/or permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

22. As a result of Zilker's inducement of infringement of the '132 Patent, j2 has been damaged, and will be further damaged, and is entitled to be compensated for such damages pursuant to 35 U.S.C. § 284 in an amount that presently cannot be ascertained, but that will be determined at trial.

Count 3 - Infringement of U.S. Patent No. 6,350,066

23. j2 repeats and realleges the allegations of paragraphs 1 through 6 of the Complaint as if fully set forth herein.

24. United States Patent No. 6,350,066, entitled "Systems and Methods for Storing, Delivering, and Managing Messages" (hereafter "the '066 Patent"), was duly and legally issued on February 26, 2002, to Charles R. Bobo, II. The '066 Patent underwent reexamination, and a reexamination certificate issued May 5, 2009. A true and correct copy of the '066 Patent and the reexamination certificate are attached hereto as Exhibit C.

25. The '066 Patent has been in full force and effect since its issuance. j2 owns by assignment the entire right, title and interest in and to the '066 Patent, including the right to sue for past, present, and future infringements thereof.

26. Zilker has actively induced others to infringe one or more claims of the '066 Patent in violation of 35 U.S.C. § 271(b). Zilker has committed acts of inducing infringement by actively and knowingly aiding and abetting the direct infringement of the '066 Patent by third parties, with knowledge of the '066 Patent and the specific intent to induce infringement of the '066 Patent, by providing

services within the United States, including, but not limited to, Zilker's FaxCompare service.

27. Zilker's FaxCompare service allows users to sign up with providers of internet fax services, which allow subscribers to send and receive faxes from e-mail and the Internet, and Zilker thereby intentionally directs potential customers to infringing services.

28. Zilker's activities have been without express, or implied, license by j2.

29. Zilker will continue to induce infringement of the '066 Patent unless enjoined by this Court. As a result of the infringing conduct of Zilker, j2 has suffered, and will continue to suffer, irreparable harm for which there is no adequate remedy at law. Accordingly, j2 is entitled to temporary, preliminary, and/or permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

30. As a result of Zilker's inducement of infringement of the '066 Patent, j2 has been damaged, and will be further damaged, and is entitled to be compensated for such damages pursuant to 35 U.S.C. § 284 in an amount that presently cannot be ascertained, but that will be determined at trial.

Count 4 - Infringement of U.S. Patent No. 6,208,638

31. j2 repeats and realleges the allegations of paragraphs 1 through 6 of the Complaint as if fully set forth herein.

32. United States Patent No. 6,208,638, entitled "Method and Apparatus for Transmission and Retrieval of Facsimile and Audio Messages Over a Circuit or Packet Switched Network" (hereafter "the '638 Patent"), was duly and legally issued on March 27, 2001, to Jack Rieley and Jaye Muller. The '638 Patent underwent reexamination, and a reexamination certificate issued December 9, 2008. A true and correct copy of the '638 Patent and the reexamination certificate are attached hereto as Exhibit D.

33. The '638 Patent has been in full force and effect since its issuance, and since the issuance of the reexamination certificate. j2 owns by assignment the entire right, title and interest in and to the '638 Patent, including the right to sue for past, present, and future infringements thereof.

34. Zilker has actively induced others to infringe one or more claims of the '638 Patent in violation of 35 U.S.C. § 271(b). Zilker has committed acts of inducing infringement by actively and knowingly aiding and abetting the direct infringement of the '638 Patent by third parties, with knowledge of the '638 Patent and the specific intent to induce infringement of the '638 Patent, by providing services within the United States, including, but not limited to, Zilker's FaxCompare.

35. Zilker's FaxCompare allows users to sign up with providers of internet fax services, which allow subscribers to send and receive faxes from e-mail and the Internet, and Zilker thereby intentionally directs potential customers to infringing services.

36. Zilker's activities have been without express, or implied, license by j2.

37. Zilker will continue to induce infringement of the '638 Patent unless enjoined by this Court. As a result of the infringing conduct of Zilker, j2 has suffered, and will continue to suffer, irreparable harm for which there is no adequate remedy at law. Accordingly, j2 is entitled to temporary, preliminary, and/or permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

38. As a result of Zilker's inducement of infringement of the '638 Patent, j2 has been damaged, and will be further damaged, and is entitled to be compensated for such damages pursuant to 35 U.S.C. § 284 in an amount that presently cannot be ascertained, but that will be determined at trial.

IV. PRAYER FOR RELIEF

WHEREFORE, j2 prays for entry of judgment against Zilker as follows:

A. That Zilker has induced infringement of the '688, '132, '066, and '638 Patents under 35 U.S.C. § 271(b);

B. That injunctions, preliminary and permanent, be issued by this Court restraining Zilker, its respective officers, agents, servants, directors, and employees, and all persons in active concert or participation with Zilker, from inducing the infringement by others of the '688, '132, '066, and '638 Patents;

C. That Zilker be required to provide j2 an accounting of all gains, profits and advantages derived by Zilker's inducement to infringe the '688, '132, '066, and '638 Patents, and that j2 be awarded damages adequate to compensate j2 for the wrongful infringing acts by Zilker, in accordance with 35 U.S.C. § 284;

F. That j2 be awarded its interest and costs of suit incurred in this action; and

G. That j2 be awarded such other and further relief as this Court may deem just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), j2 hereby demands a jury trial for all issues in this case that properly are subject to a jury trial.

Dated: August 28, 2009 Respectfully submitted,

KENYON & KENYON LLP
Frank L. Bernstein
ABELSON | HERRON LLP
Michael Bruce Abelson
Heather L. Mayer

By: _____
Heather L. Mayer
Attorneys for Plaintiff
j2 GLOBAL COMMUNICATIONS, INC.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b) and the Local Rules of this Court, j2 Global Communications, Inc. hereby demands a jury trial for all issues in this case that properly are subject to a jury trial.

Dated: August 28, 2009

Respectfully submitted,

KENYON & KENYON LLP
Frank L. Bernstein
ABELSON | HERRON LLP
Michael Bruce Abelson
Heather L. Mayer

By: Heather Mayer
Heather L. Mayer
Attorneys for Plaintiff
j2 GLOBAL COMMUNICATIONS, INC.

NOTICE OF ASSIGNMENT OF MAGISTRATE JUDGE FOR DISCOVERY

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 Consuelo B. Marshall and the assigned discovery Magistrate Judge is Charles Eick.

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

CV09- 6300 CBM (Ex)

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

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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:

[X] **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.

SUMMONS

ABELSON | HERRON, LLP
Michael Bruce Abelson (SBN: 130739)
Heather L Mayer (SBN: 210544)
333 South Grand Avenue, Suite 1550
Los Angeles, California 90071
Tel: (213) 402-1900; Fax: (213) 402-1901

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

j2 Global Communications, Inc., PLAINTIFF(S) v. Zilker Ventures, LLC, DEFENDANT(S)	CASE NUMBER CV09-06300 CBM (Ex)
	SUMMONS

TO: DEFENDANT(S): Zilker Ventures, LLC

A lawsuit has been filed against you.

Within 20 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, Heather L. Mayer, whose address is ABELSON|HERRON, LLP 333 South Grand Ave., Suite 1550, Los Angeles, CA 90071 If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint You also must file your answer or motion with the court.

Clerk, U.S District Court

Dated: August 28, 2009

By: _____
Deputy Clerk

(Seal of the Court)

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

ABELSON | HERRON, LLP
Michael Bruce Abelson (SBN: 130739)
Heather L. Mayer (SBN: 210544)
333 South Grand Avenue, Suite 1550
Los Angeles, California 90071
Tel: (213) 402-1900; Fax: (213) 402-1901

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

j2 Global Communications, Inc ,	CASE NUMBER
PLAINTIFF(S),	CV09-06300 CBM (Ex)
v	
Zilker Ventures, LLC,	**SUMMONS**
DEFENDANT(S).	

TO: DEFENDANT(S): Zilker Ventures, LLC

A lawsuit has been filed against you.

Within 20 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, Heather L. Mayer, whose address is ABELSON|HERRON, LLP 333 South Grand Ave., Suite 1550, Los Angeles, CA 90071. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

LA'REE HORN

Dated: August 28, 2009

By: _____
Deputy Clerk

(Seal of the Court)

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

CIVIL COVER SHEET

CONFORMED COPY

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

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)

j2 Global Communications Inc

DEFENDANTS

Zilker Ventures LLC

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

ABELSON | HERRON LLP
Michael Bruce Abelson (SBN: 130739); Heather L Mayer (SBN: 210544)
333 South Grand Avenue Suite 1550 Los Angeles, California 90071

Attorneys (If Known)

N/A

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	☐ 1	☐ 1	Incorporated or Principal Place of Business in this State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business in Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 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: $** preliminary injunctions, others

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 U.S.C. §§ 271(b), 283, 284 - Infringement of U.S. Patent Nos. 6,597,688; 7,020,132; 6,350,066; and 6,208,638

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

OTHER STATUTES
☐ 400 State Reapportionment
☐ 410 Antitrust
☐ 430 Banks and Banking
☐ 450 Commerce/ICC Rates/etc
☐ 460 Deportation
☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 480 Consumer Credit
☐ 490 Cable/Sat TV
☐ 810 Selective Service
☐ 850 Securities/Commodities/ Exchange
☐ 875 Customer Challenge 12 USC 3410
☐ 890 Other Statutory Actions
☐ 891 Agricultural Act
☐ 892 Economic Stabilization Act
☐ 893 Environmental Matters
☐ 894 Energy Allocation Act
☐ 895 Freedom of Info Act
☐ 900 Appeal of Fee Determination Under Equal Access to Justice
☐ 950 Constitutionality of State Statutes

CONTRACT
☐ 110 Insurance
☐ 120 Marine
☐ 130 Miller Act
☐ 140 Negotiable Instrument
☐ 150 Recovery of Overpayment & Enforcement of Judgment
☐ 151 Medicare Act
☐ 152 Recovery of Defaulted Student Loan (Excl Veterans)
☐ 153 Recovery of Overpayment of Veteran s Benefits
☐ 160 Stockholders' Suits
☐ 190 Other Contract
☐ 195 Contract Product Liability
☐ 196 Franchise

REAL PROPERTY
☐ 210 Land Condemnation
☐ 220 Foreclosure
☐ 230 Rent Lease & Ejectment
☐ 240 Torts to Land
☐ 245 Tort Product Liability
☐ 290 All Other Real Property

TORTS PERSONAL INJURY
☐ 310 Airplane
☐ 315 Airplane Product Liability
☐ 320 Assault Libel & Slander
☐ 330 Fed Employers Liability
☐ 340 Marine
☐ 345 Marine Product Liability
☐ 350 Motor Vehicle
☐ 355 Motor Vehicle Product Liability
☐ 360 Other Personal Injury
☐ 362 Personal Injury-Med Malpractice
☐ 365 Personal Injury-Product Liability
☐ 368 Asbestos Personal Injury Product Liability

IMMIGRATION
☐ 462 Naturalization Application
☐ 463 Habeas Corpus-Alien Detainee
☐ 465 Other Immigration Actions

TORTS PERSONAL PROPERTY
☐ 370 Other Fraud
☐ 371 Truth in Lending
☐ 380 Other Personal Property Damage
☐ 385 Property Damage Product Liability

BANKRUPTCY
☐ 422 Appeal 28 USC 158
☐ 423 Withdrawal 28 USC 157

CIVIL RIGHTS
☐ 441 Voting
☐ 442 Employment
☐ 443 Housing/Accommodations
☐ 444 Welfare
☐ 445 American with Disabilities - Employment
☐ 446 American with Disabilities - Other
☐ 440 Other Civil Rights

PRISONER PETITIONS
☐ 510 Motions to Vacate Sentence Habeas Corpus
☐ 530 General
☐ 535 Death Penalty
☐ 540 Mandamus/ Other
☐ 550 Civil Rights
☐ 555 Prison Condition

FORFEITURE / PENALTY
☐ 610 Agriculture
☐ 620 Other Food & Drug
☐ 625 Drug Related Seizure of Property 21 USC 881
☐ 630 Liquor Laws
☐ 640 R R & Truck
☐ 650 Airline Regs
☐ 660 Occupational Safety /Health
☐ 690 Other

LABOR
☐ 710 Fair Labor Standards Act
☐ 720 Labor/Mgmt Relations
☐ 730 Labor/Mgmt Reporting & Disclosure Act
☐ 740 Railway Labor Act
☐ 790 Other Labor Litigation
☐ 791 Empl Ret Inc Security Act

PROPERTY RIGHTS
☐ 820 Copyrights
☑ 830 Patent
☐ 840 Trademark

SOCIAL SECURITY
☐ 861 HIA (1395ff)
☐ 862 Black Lung (923)
☐ 863 DIWC/DIWW (405(g))
☐ 864 SSID Title XVI
☐ 865 RSI (405(g))

FEDERAL TAX SUITS
☐ 870 Taxes (U S Plaintiff or Defendant)
☐ 871 IRS-Third Party 26 USC 7609

CV09-06300

FOR OFFICE USE ONLY: Case Number: _____

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

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

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed remanded or closed? ☑ No ☐ Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☐ No ☑ Yes
If yes, list case number(s): 04-1172 DDP (AJWx); 05-5610 DDP (AJWx); 09-4150 DDP (AJWx); 09-4189 DDP (AJWx); 09-4197 DDP (AJWx); 09-4146 DDP (AJWx); 09-4014 DDP (AJWx); and 09-3240 DDP (AJWx)

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
Los Angeles	N/A

(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
N/A	Austin, TX

(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
Los Angeles	N/A

*** 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): Heather Mayer Date August, 28, 2009

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))