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CENTRAL DIST. OF CALIF.
LOS ANGELES
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Attorneys for Plaintiffs LIVJO, Inc., and Diana FitzGerald

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

LIVJO, INC.; AND DIANA FITZGERALD,

PLAINTIFFS,

V.

DECKERS OUTDOOR CORPORATION; and DOES 1-10,

DEFENDANTS.

Case No. CV10 4557 PA PLAx

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF (PATENT INFRINGEMENT); DEMAND FOR JURY TRIAL

For their Complaint, plaintiffs LIVJO, Inc. ("LIVJO"), and Diana FitzGerald aver as follows:

JURISDICTION AND VENUE

1. The claims stated below are brought under the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq*. This Court has jurisdiction over these claims

pursuant to 28 U.S.C. § 1338(a). Venue in this District is based on 28 U.S.C. §§ 1391(b), 1391(c), 1391(d) and 1400(b).

PARTIES

2. Plaintiff LIVJO is a corporation duly organized and existing under the laws of the State of California, with its corporate headquarters and principal place of business within the Central District of California at 26860 Mont Calabasas, Calabasas, California.

3. Plaintiff Diana FitzGerald ("FitzGerald") is an individual residing in Hobe Sound, Florida, and is now and at all times since its founding has been the President and sole shareholder of LIVJO.

4. Plaintiffs are informed and believe, and on that basis aver, that defendant Deckers Outdoor Corporation ("Deckers") is a Delaware corporation with its principal place of business in this District at 495-A South Fairview Avenue, Goleta, California 93117.

5. The true identities of Does 1-10 are not presently known to plaintiffs, and so they are sued fictitiously as is permitted under Local Rule 19-1.

BACKGROUND

FitzGerald Designs And Patents A New Crochet Boot – The "Classic"

6. FitzGerald has been involved in the fashion industry for over twenty-five (25) years, and has long been interested in creating her own line of products.

In particular, she has an ongoing interest in creating products that are comfortable and fashionable for women and attractive to the opposite sex.

7. There have long been comfortable boots for women, such as the loose-fitting, casual, sheepskin boots sold by Deckers as part of its UGG Australia line. In FitzGerald's opinion, however, sheepskin boots are too bulky and are too hot to wear during the summer months.

8. Starting in 2003, FitzGerald also noticed that, after many years of fashion exile, crochet material was brought back into style by several famous clothing designers. FitzGerald then had the idea of creating footwear out of crochet-knit material, such as a knit boot. Her goal was to create a comfortable, fashionable and attractive boot for women that would be less hot and bulky than sheepskin boots.

9. FitzGerald's first prototype for her crochet knit boot was created in May 2004. After she created this prototype, she tested it and continued to make improvements on the design for a few months before settling on the design that was used for production of the samples in November 2004.

10. FitzGerald visited the August 2004 World Shoes Accessories ("WSA") show in Las Vegas, Nevada. FitzGerald did not observe any knit footwear or any footwear similar to the crochet knit boots she had created. Instead, there were many displays showing the sheepskin-type boots.

11. FitzGerald founded LIVJO in November 2004 in order to commercialize the design of her crochet boot as well as other fashion products. LIVJO created the LIVS trademark for these products. LIVJO contracted for the

manufacture of the boot, with initial orders being placed in November 2004. The LIVS Classic boot has been sold continuously by LIVJO since that initial manufacturing lot was completed.

12. In January 2005, FitzGerald applied for a design patent on her design for the crochet boot. The Patent and Trademark Office formally granted that application, and Patent No. D561,983 (the "'983 patent") issued on February 19, 2008. FitzGerald is the owner of the '983 patent, which remains valid and enforceable.

13. FitzGerald granted to LIVJO an exclusive license to all of her intellectual property related to the LIVS Classic boot, including her rights in the patent application and the resulting '983 patent. LIVJO remains the exclusive licensee of the '983 patent.

Deckers Became Aware Of The LIVS Classic And Other LIVS Crochet Boots

14. At the August 2004 WSA show, FitzGerald approached the Deckers booth and asked the representatives present, including Leah Larson, whether their company would be interested in purchasing her design for a boot likely to be a great addition to their line. Larson gave FitzGerald her business card. FitzGerald was told to contact Pat Devaney and Lee Meyers of Deckers concerning her design for that boot. Shortly after returning from the August 2004 WSA show, FitzGerald followed up by emailing Deckers to see if Deckers had any interest in buying or licensing FitzGerald's design, but she never received a response.

15. FitzGerald also attended the December 2004 Fashion Footwear Association of New York ("FFANY") trade show in the Jacob Javits Convention

Center in New York. LIVJO was an exhibitor at this show, with a display dedicated to the LIVS Classic Boot, including product samples and promotional literature. Deckers was also at the December 2004 FFANY show as an exhibitor, and was in the same convention hall (Hall 3(E)) as LIVJO.

16. Following the December 2004 FFANY show, the LIVS Classic crochet knit boot received considerable media attention. For example, the January 20, 2005 "Tobē Report" contained an article discussing the introduction of the LIVS Classic crochet knit boots; the May 20, 2005 "Victoria Newton's Bizarre" contained a cover article showing the LIVS Classic boots and discussing the fact the LIVS Classic boot is a lightweight and warm-weather alternative to Deckers' UGG sheepskin boot; and a January 2006 issue of "People" issued on the first day of the Sundance Film Festival reported that actress Sienna Miller was wearing the LIVS Classic Crochet Boot.

17. After developing the original Classic crochet knit boot, FitzGerald began working on other boot designs using knit material in early 2005. FitzGerald's goal was to create other fashionable knit boots. The first such follow-on design was for a crochet knit boot with a buttoned opening in the front, much like a cardigan sweater. LIVJO called this new boot the LIVS "Alex" "The Cardigan Boot." This product was manufactured and offered for sale at various retailers beginning in 2005.

18. There are a very limited number of design choices for creating an opening on footwear – the opening must be either in the front, the back or on the side. In creating the Alex Cardigan crochet knit boot with a buttoned front opening in 2005, FitzGerald considered each of the limited design options for locating the opening and placing the buttons. Later, in 2007, LIVJO and FitzGerald decided to

introduce another knit boot with a buttoned opening, this one on the side. This side-buttoned boot, known as the LIVS "Sienna" knit boot, was publicly introduced in the fall of 2007.

19. FitzGerald and other LIVJO representatives attended numerous trade shows in 2005 and 2006 in order to exhibit the LIVS Classic boot and the Alex Cardigan boot for sale, including the August 2005 WSA show in Las Vegas, the December 2005 FFANY show in New York, the Sundance show in January 2006, the Agenda show in January 2006, the February 2006 WSA show, the February 2006 MAGIC show in Las Vegas, and the December 2006 FFANY show in New York. Deckers also had representatives in attendance at each of these shows. At each of these trade shows, FitzGerald handed out a LIVS promotional booklet showing the LIVS knit crochet boots, including the LIVS Classic boot, the Alex Cardigan boot as well as other styles.

20. Fashion magazines began reporting on the Alex Cardigan boot in 2005, once LIVJO and FitzGerald unveiled them at the trade shows and started offering them for sale. In addition, FitzGerald attended the January 2006 Sundance Film Festival on behalf of LIVJO where LIVS knit crochet boots were a featured gift to celebrities in attendance. Celebrities such as Paris Hilton, Nicole Richie and Sienna Miller were photographed and reported in fashion magazines as wearing LIVS boots, increasing the popularity of the LIVS brand boots.

Deckers Willfully And Without Permission Copied The Design Of The LIVS Classic Crochet Boot

21. At the December 2006 FFANY show in New York, Deckers displayed its copy of the LIVS Classic boot. Deckers had even copied the name of the boot, also calling its version of the boot the "Classic."

22. On December 28, 2006, FitzGerald's patent attorney sent a letter to Deckers informing Deckers of the pending design patent application, which by that time had been approved by Patent and Trademark Office although the '983 patent had not yet formally issued.

23. In a letter dated January 9, 2007, Deckers' attorneys requested a copy of the pending patent application for the '983 patent. In response, LIVJO sent a copy of the application, including a complete set of the drawings from the application depicting the LIVS Classic boot design in detail.

24. Deckers responded in a letter dated March 28, 2007, stating that Deckers had "conclude[d] that there was no need or benefit in taking a license" to the design covered by the pending patent application. Deckers continued to manufacture, market, advertise and sell its infringing "Classic" crochet boot, despite its actual knowledge since the beginning of 2007 of LIVJO's design patent application and issued patent covering that design. The infringing Deckers' version of the LIVS Classic boot is still on sale and in use in the United States.

25. In February 2008, shortly after the '983 patent formally issued, FitzGerald went to Montecito to be near Deckers' facilities in Goleta, California, in order to meet with the Deckers executives responsible for the infringement. A

Deckers in-house lawyer refused to meet with FitzGerald and told her to meet instead with a particular Deckers business executive. That executive also refused to meet with FitzGerald.

Deckers Copied Other LIVJO Product Designs, And Then Sought A Patent Of Its Own On The Cardigan Boot Design

26. Deckers also copied the designs for the LIVS Alex Cardigan and Sienna crocheted boots with buttoned openings. In the fall of 2007, Deckers introduced its own version of knit boot with a buttoned side opening, a design very similar to the LIVS Alex Cardigan boot introduced in 2005 and the LIVS Sienna boot also introduced in the fall of 2007. Deckers called this boot the "Classic Cardy," which incorporates all or portions of the names of the LIVS Classic and Alex Cardigan boots.

27. On October 29, 2007, Deckers filed a United States Design Patent application for its "Classic Cardy" boot. Although Deckers disclosed the LIVS Classic boot, at no time during the pendency of that application did Deckers inform the Patent and Trademark Office of the LIVS Alex Cardigan boot, which by then had been on-sale for over two years. On December 16, 2008, Deckers' patent application issued as U.S. Patent No. D582650 (the "'650 Patent").

28. Because Deckers obtained the '650 patent without disclosing to the Patent and Trademark Office the known fact that the LIVS Alex Cardigan boot had been on-sale for two years prior to Deckers' filing its patent application, there are substantial grounds for attacking the validity of the '650 patent, which is also likely to be found unenforceable due to Deckers' lack of candor to the Patent and Trademark Office. Deckers nevertheless has sued many of its competitors based on

Deckers' assertion that those competitors infringed the '650 patent. In none of those suits did Deckers disclose that the '650 patent was likely to be found invalid and unenforceable.

Deckers' Copying Of LIVJO's Designs And Product Names Has Caused Confusion In The Marketplace

29. There are numerous reports in the industry and in articles in publications incorrectly identifying LIVJO's LIVS Classic Boot as originating with Deckers. For example, when celebrity Nicole Ritchie was photographed wearing a pair of original LIVS Classic Boots, numerous blogs and websites used the picture reporting that Nicole Richie was wearing "UGGS Classic Crochet" boot.

30. Although by that time the LIVS Classic boot had been on the market for three years, Oprah named Deckers "Classic" as her #2 "favorite thing" in her November 20, 2007 broadcast in anticipation of the Holiday buying season, resulting in a huge sales boost for the infringing Deckers "Classic" boot.

FIRST CLAIM FOR RELIEF

(For Patent Infringement, U.S. Patent No. D516,983)

31. FitzGerald is the inventor and owner of the '983 patent. A copy of the '983 patent is attached hereto as Exhibit A.

32. LIVJO is the exclusive licensee of the '983 patent, with the right to institute actions for infringement. Since shortly after the patent issued, LIVJO has marked the LIVS Classic boot with the D516,983 patent number, as provided in 35

U.S.C. § 287(a). Prior to that time, the LIVS Classic boot was marked "Pat. Pending."

33. Deckers has made, used, sold and/or offered for sale in this District and elsewhere in the United States and/or has imported into the United States articles (including Deckers' "Classic" crochet boot) infringing the '983 patent, and/or has knowingly and actively induced others to do so, and/or has contributed to the direct infringement of others. LIVJO has been and continues to be damaged by the above-alleged direct, contributory and induced infringement and will suffer irreparable harm until such time as that infringement is enjoined.

34. LIVJO provided Deckers with actual notice of the pending patent claims and is therefore entitled under 35 U.S.C. § 154(d) to a reasonable royalty on sales from the time of such actual notice through the issuance of the patent on February 19, 2008. In addition, LIVJO is entitled to an award of lost profits, but in no event less than a reasonable royalty, based on Deckers' infringing sales on and after February 19, 2008.

35. Deckers' infringement has been and continues to be willful and deliberate, entitling LIVJO to treble damages plus an award of fees and costs.

SECOND CLAIM FOR RELIEF

(For Unfair Competition)

36. LIVJO and Deckers are direct competitors in the footwear market. Deckers' misappropriation and unauthorized use of the design and name LIVJO's LIVS Classic has deceived and misled the public and is likely to continue to cause

confusion, deception and/or mistake as to the association or affiliation of LIVJO and Deckers.

37. Deckers has also sought to mislead consumers and competitors and to inhibit competition by filing lawsuits and taking other actions based on allegations that competitors are infringing the '650 patent, even though that patent is likely invalid and unenforceable due to Deckers' lack of candor with the Patent and Trademark Office.

38. Deckers' conduct is unfair competition actionable pursuant to, *inter alia*, 15 U.S.C. § 1125(a), Cal. Bus. & Prof. Code §§ 17200, et seq., and common law. Deckers' unfair practices have been willful.

39. LIVJO is entitled to injunctive relief and damages, including disgorgement of Deckers' ill gotten profits.

PRAYER

Wherefore, plaintiffs LIVJO, Inc. and Diana FitzGerald pray for judgment as follows:

1. For a preliminary and permanent injunction against infringement of the '983 patent;

2. For an accounting and award of actual damages sustained by LIVJO (but no less than a reasonable royalty) as a result of infringement of the '983 patent;

3. For an award of a reasonable royalty for Deckers' infringing sales prior to February 19, 2008;

4. For an award of damages measured by Deckers' profits on its sale of the Classic boot;

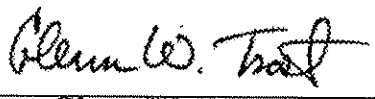
5. For treble damages under 35 U.S.C. § 285;

6. For plaintiffs' attorneys fees and costs incurred in prosecution of this action under, *inter alia*, 35 U.S.C. § 285; and

7. For such other and further relief as this Court may deem just and proper.

Dated: June 21, 2010

LAW OFFICES OF CHRISTINE KAROL ROBERTS
CONNOLLY BOVE LODGE & HUTZ LLP

By: 

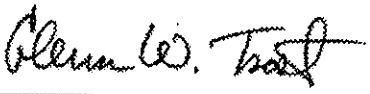
Glenn W. Trost
Attorneys for Plaintiffs LIVJO, Inc. and Diana FitzGerald

DEMAND FOR JURY TRIAL

Plaintiffs LIVJO, Inc. and Diana FitzGerald hereby demand trial by jury.

Dated: June 21, 2010

LAW OFFICES OF CHRISTINE KAROL ROBERTS
CONNOLLY BOVE LODGE & HUTZ LLP

By: 

Glenn W. Trost
Attorneys for Plaintiffs LIVJO, Inc. and Diana FitzGerald

EXHIBIT A

US00D561983S

(12) United States Design Patent

FitzGerald

(10) Patent No.: US D561,983 S
(45) Date of Patent: ** *Feb. 19, 2008

(54) **CLOTH SHOE**

(76) Inventor: **Diana FitzGerald**, 26860 W. Mont Calabasas Dr., Calabasas, CA (US) 91302

(*) Notice: This patent is subject to a terminal disclaimer.

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

(21) Appl. No.: **29/220,915**

(22) Filed: **Jan. 6, 2005**

(51) **LOC (8) Cl.** **02-04**
(52) **U.S. Cl.** **D2/909**
(58) **Field of Classification Search** ..... D2/896, D2/902–912, 949–952, 957, 969–972; D21/760, D21/762, 763; 36/7.1 R, 4, 50.1
See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

5,249,375	A	*	10/1993	Tabarly	36/1.5
D343,043	S	*	1/1994	Campbell	D2/897
D369,894	S	*	5/1996	Stolberg	D2/910
D458,439	S	*	6/2002	Hudson	D2/910
6,446,267	B1	*	9/2002	Shah	2/239
6,532,689	B1	*	3/2003	Jones, Jr.	36/88
D500,583	S	*	1/2005	Belley et al.	D2/970

* cited by examiner

Primary Examiner—Stella Reid
Assistant Examiner—Rashida C. McCoy
(74) *Attorney, Agent, or Firm*—Lewis Anten; Ying Chen

(57) **CLAIM**

The ornamental design for a cloth shoe, as shown.

DESCRIPTION

FIG. **1** is a perspective view of the first embodiment of the cloth shoe showing my new design.

FIG. **2** is a top plan view of the first embodiment of the cloth shoe.

FIG. **3** is a bottom plan view of the first embodiment of the cloth shoe.

FIG. **4** is a right side view of the first embodiment of the cloth shoe.

FIG. **5** is a left side view of the first embodiment of the cloth shoe.

FIG. **6** is a front end view of the first embodiment of the cloth shoe.

FIG. **7** is a rear end view of the first embodiment of the cloth shoe.

FIG. **8** is a perspective view of the second embodiment of the cloth shoe showing my new design.

FIG. **9** is a top plan view of the second embodiment of the cloth shoe.

FIG. **10** is a bottom plan view of the second embodiment of the cloth shoe.

FIG. **11** is a right side view of the second embodiment of the cloth shoe.

FIG. **12** is a left side view of the second embodiment of the cloth shoe.

FIG. **13** is a front end view of the second embodiment of the cloth shoe.

FIG. **14** is a rear end view of the second embodiment of the cloth shoe.

FIG. **15** is a perspective view of the third embodiment of the cloth shoe showing my new design.

FIG. **16** is a top plan view of the third embodiment of the cloth shoe.

FIG. **17** is a bottom plan view of the third embodiment of the cloth shoe.

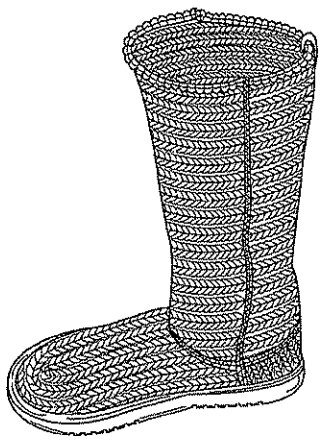
FIG. **18** is a right side view of the third embodiment of the cloth shoe.

FIG. **19** is a left side view of the third embodiment of the cloth shoe.

FIG. **20** is a front end view of the third embodiment of the cloth shoe; and,

FIG. **21** is a rear end view of the third embodiment of the cloth shoe.

1 Claim, 21 Drawing Sheets



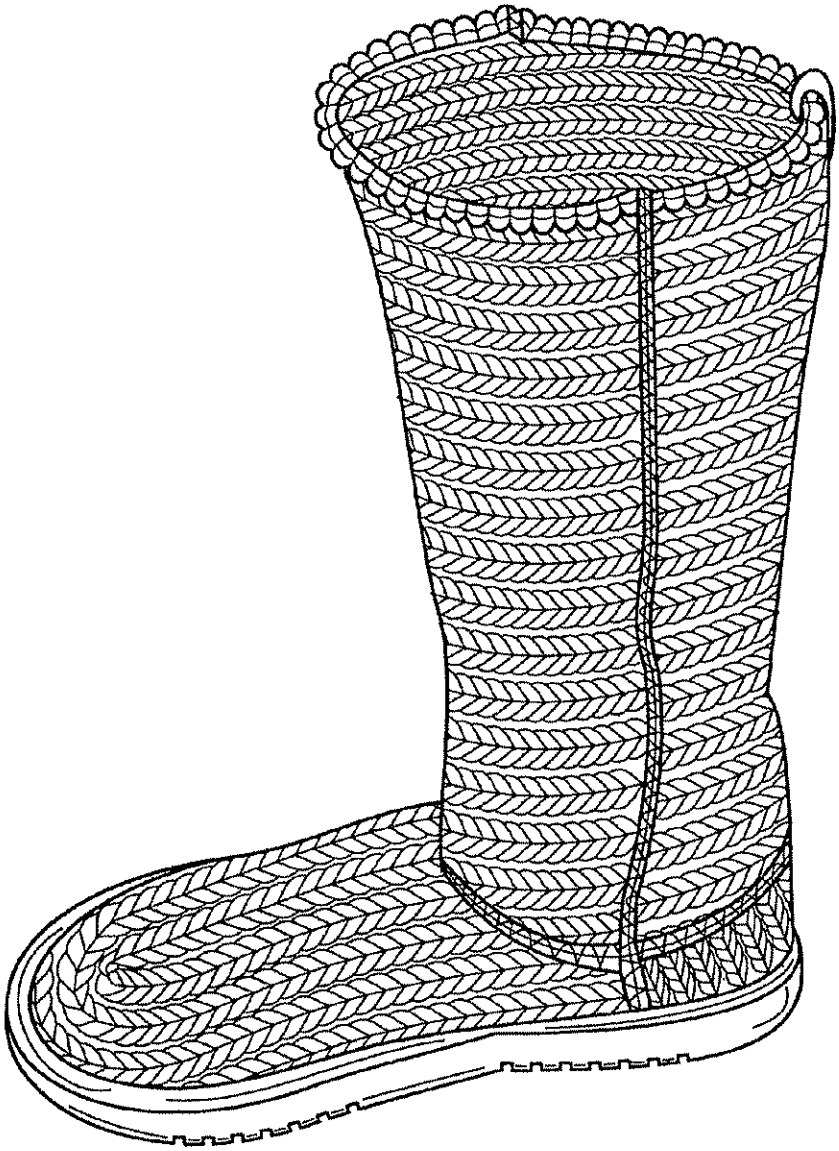


Fig. 1

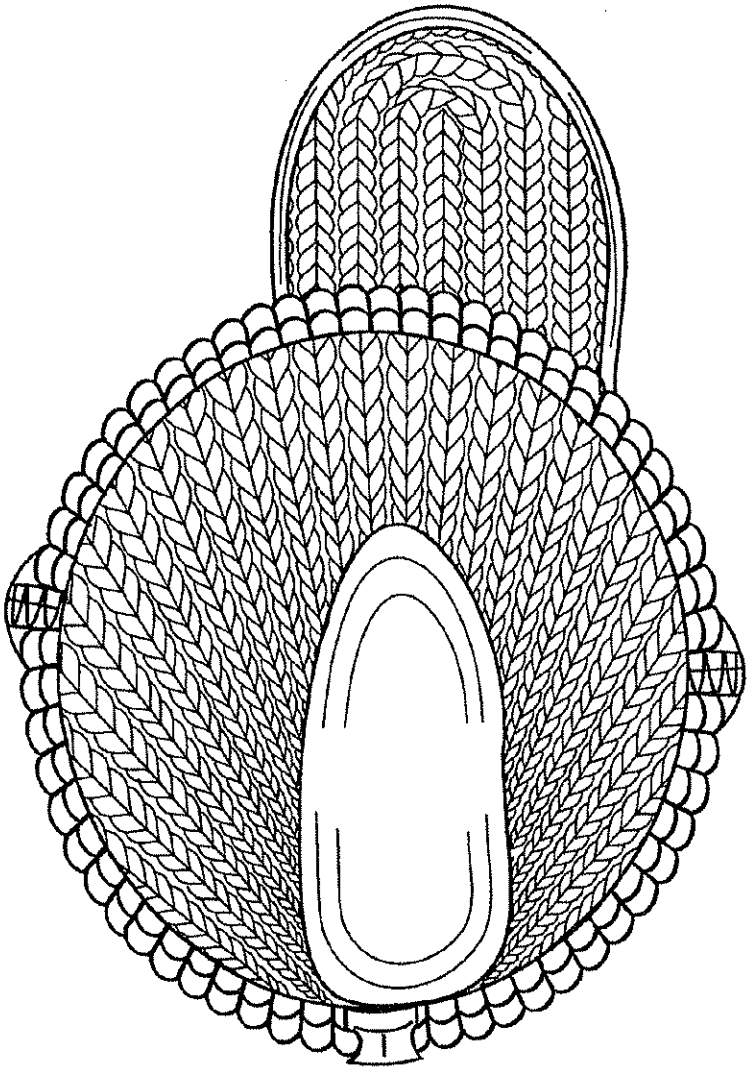


Fig. 2

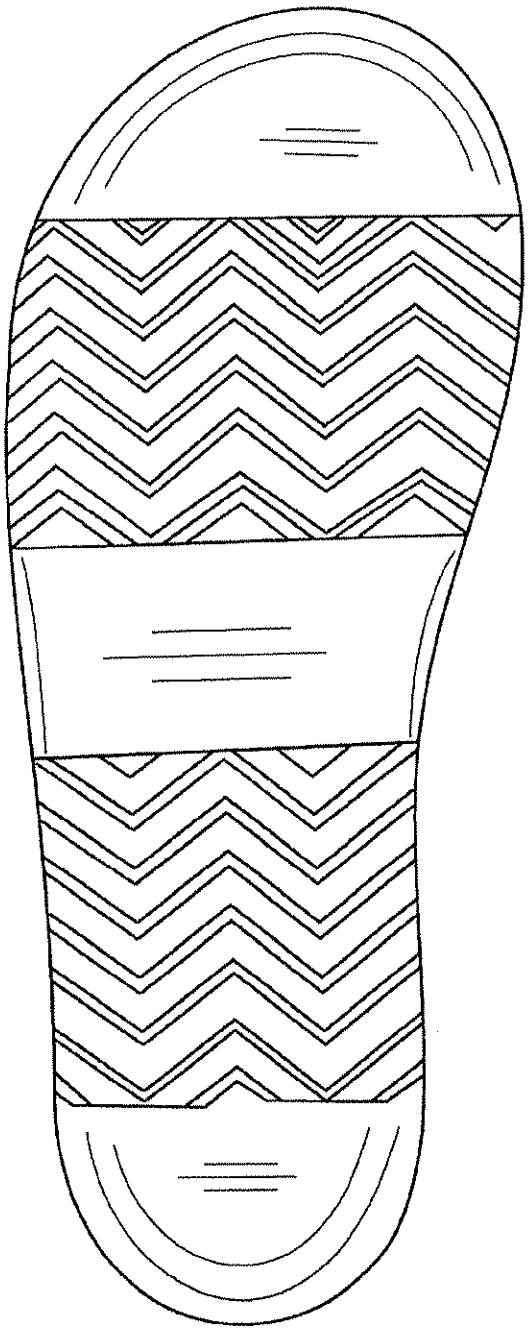


Fig. 3

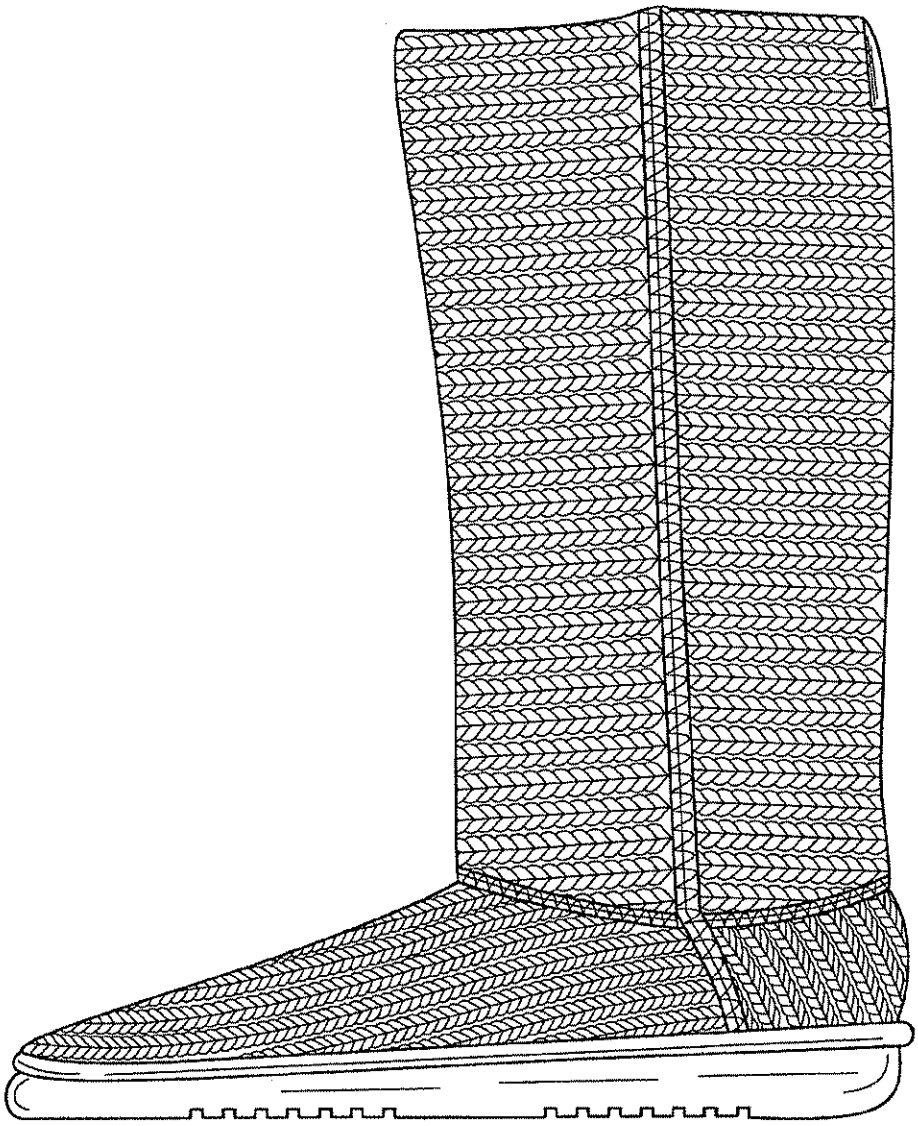


Fig. 4

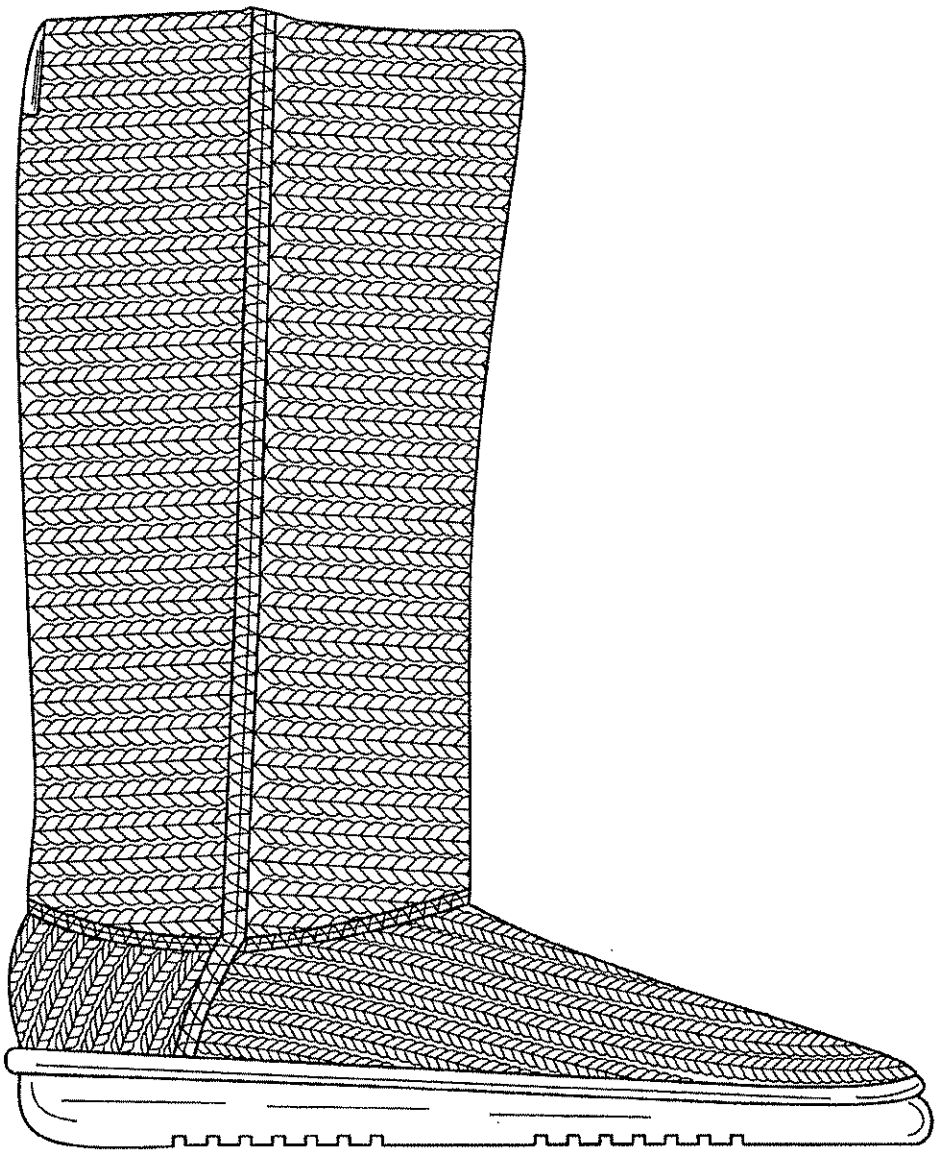


Fig. 5

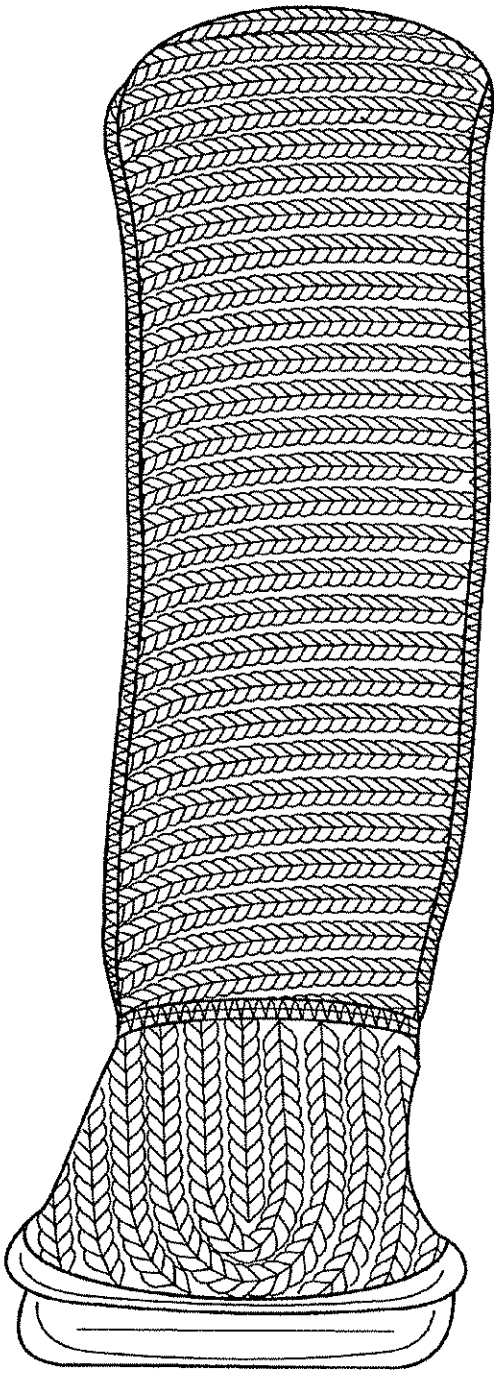


Fig. 6

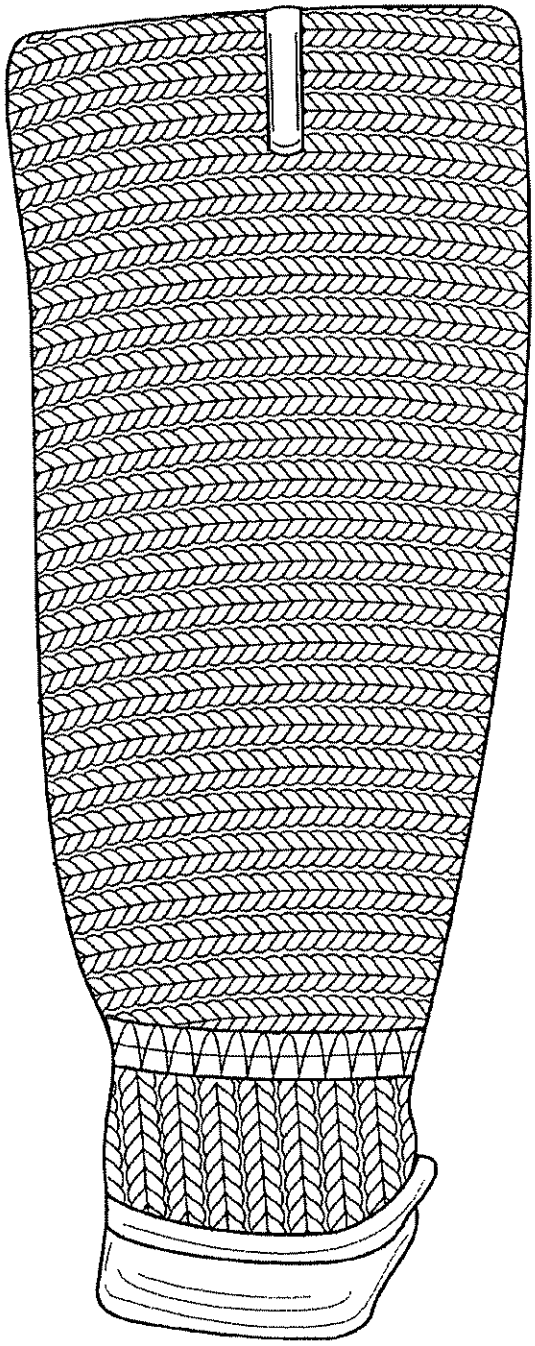


Fig. 7

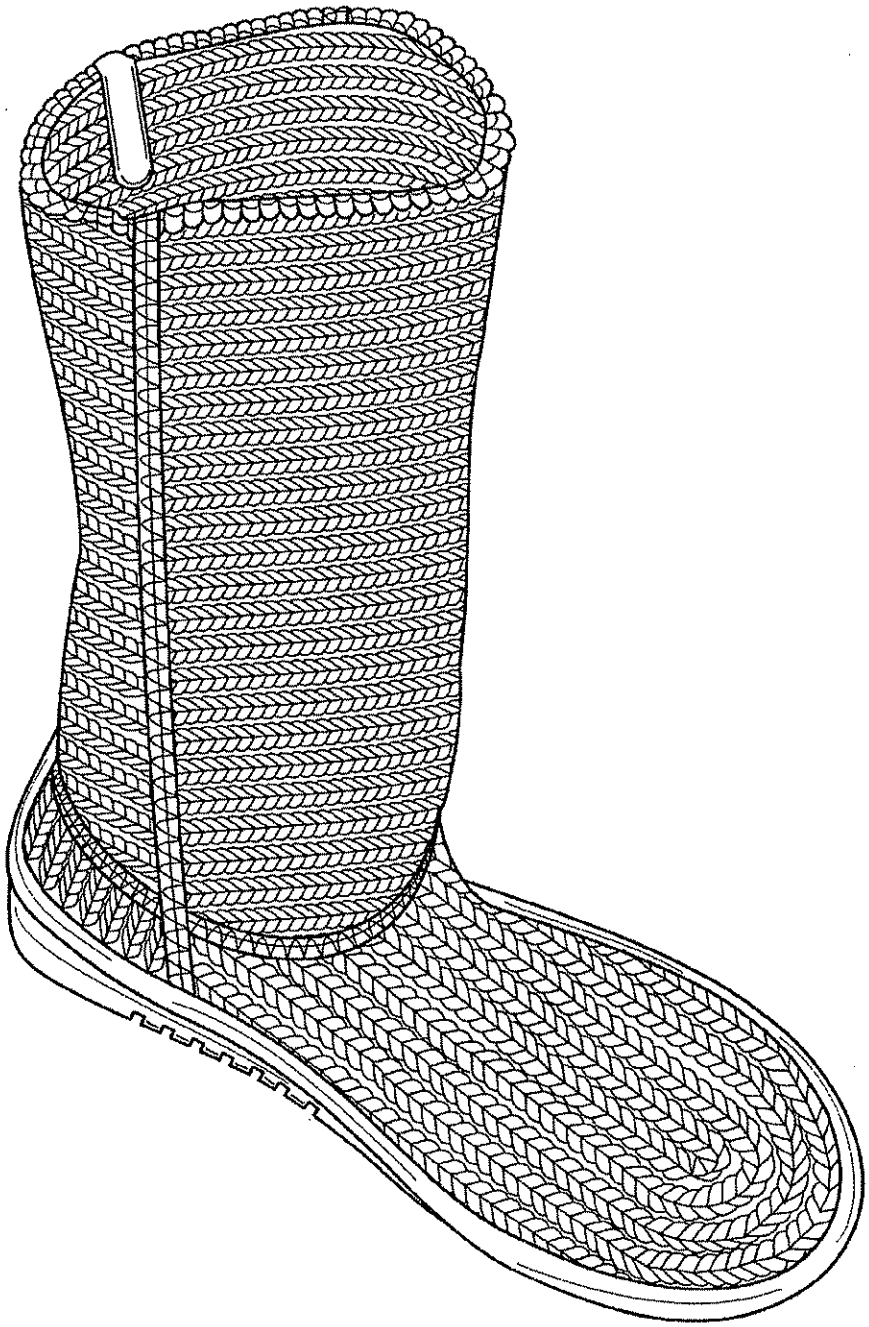


Fig. 8

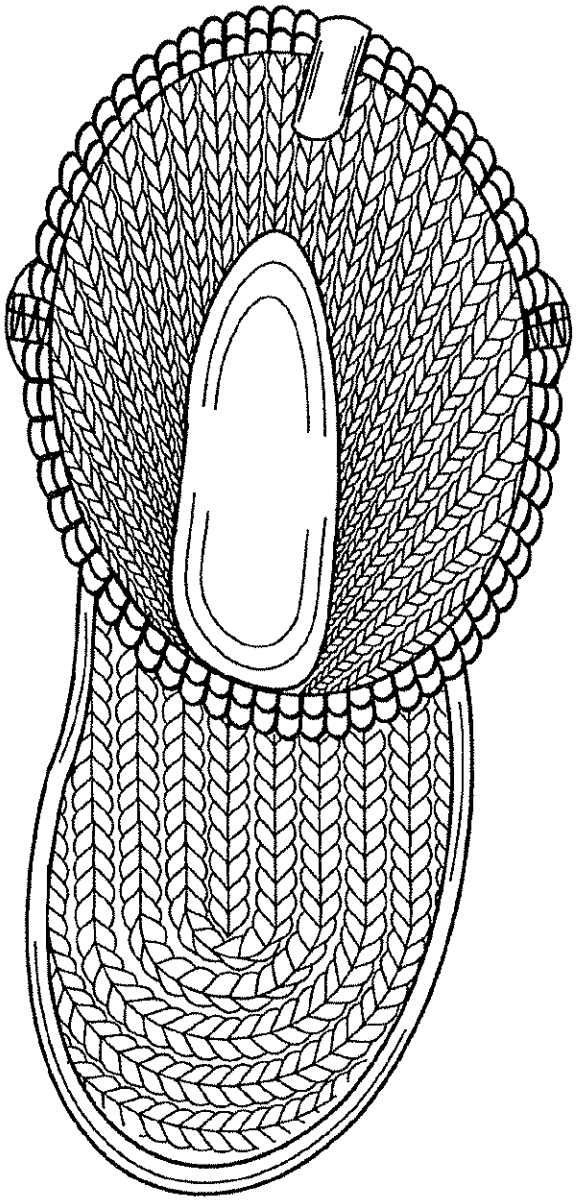


Fig. 9

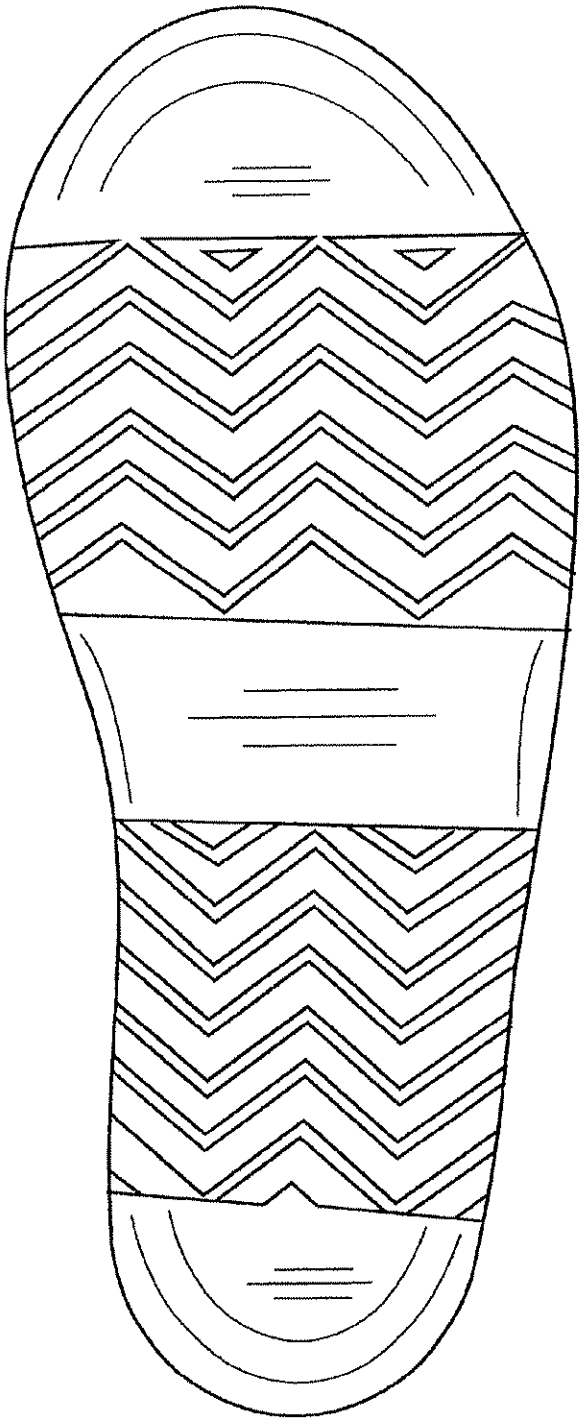


Fig. 10



Fig. 11



Fig. 12

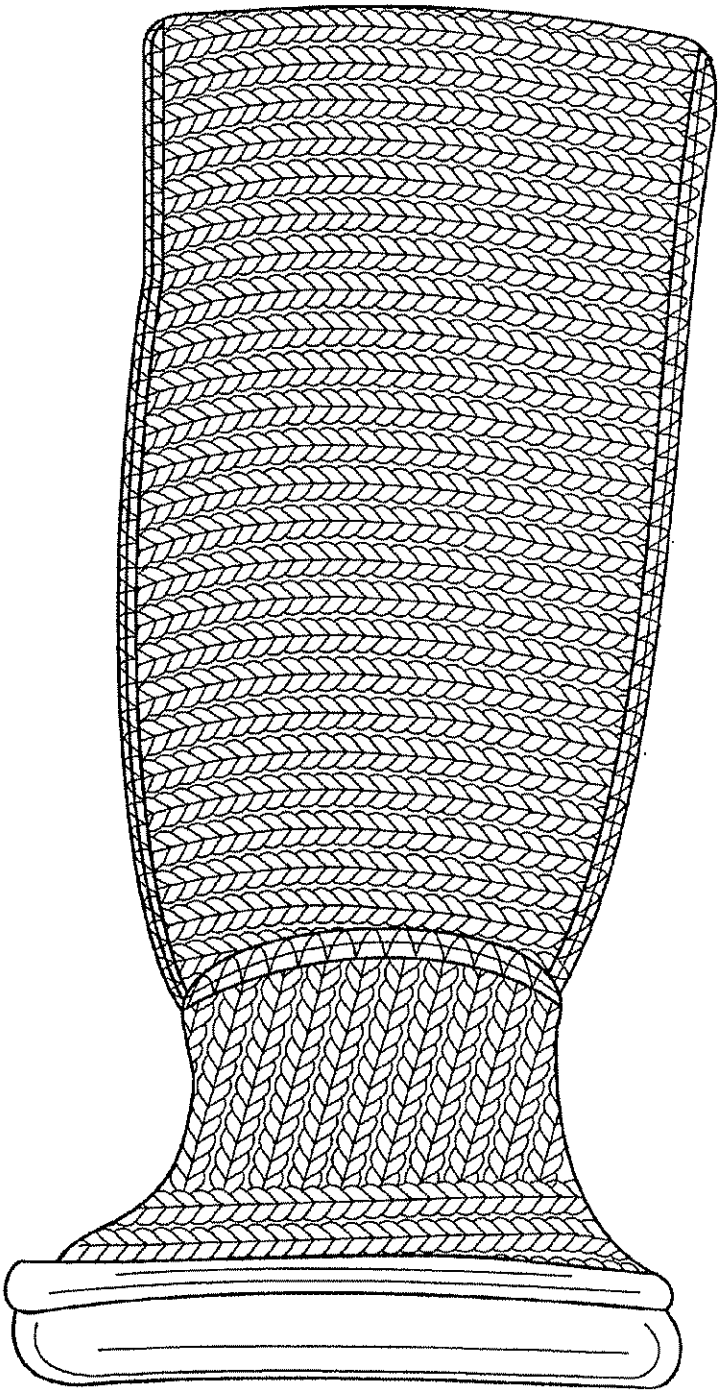


Fig. 13

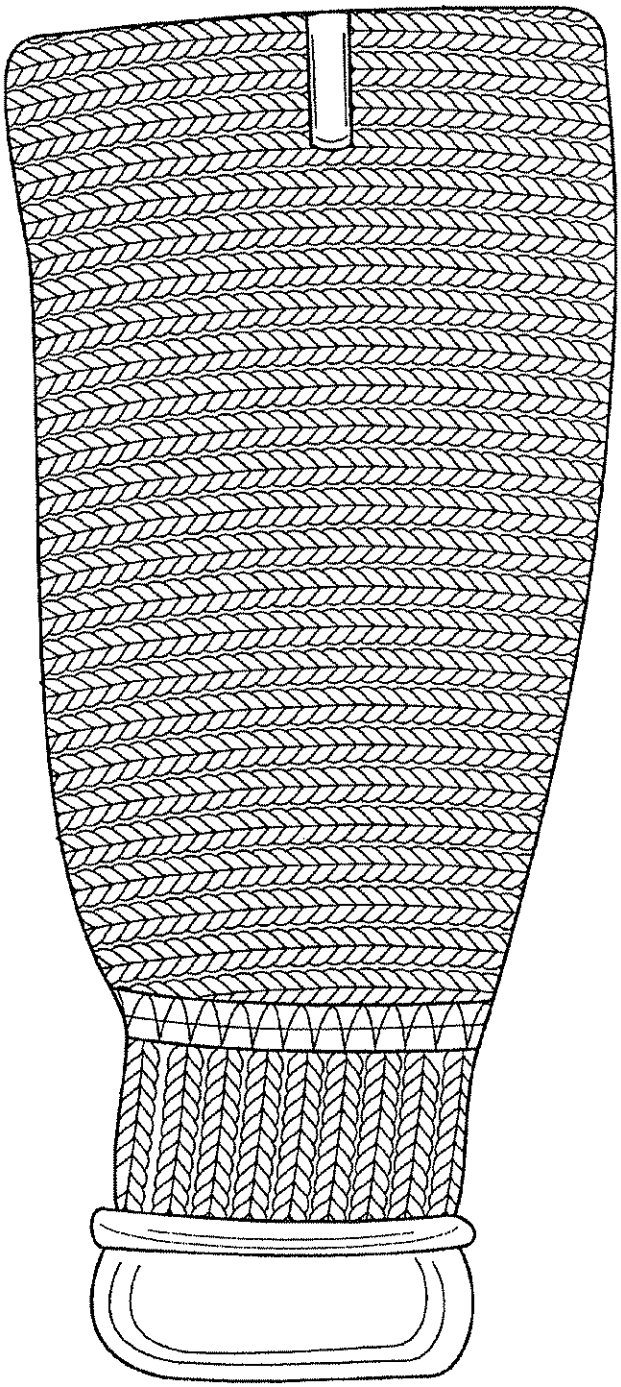


Fig. 14

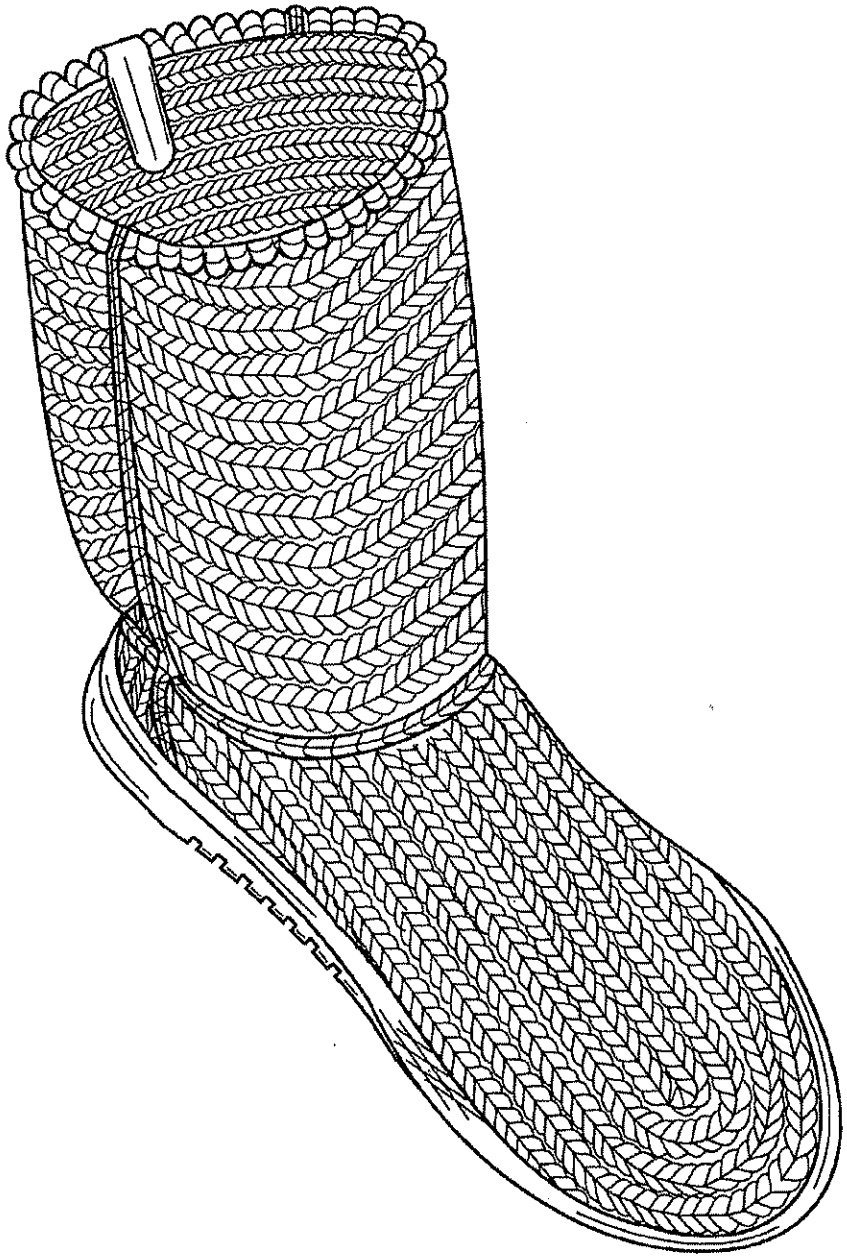


Fig. 15

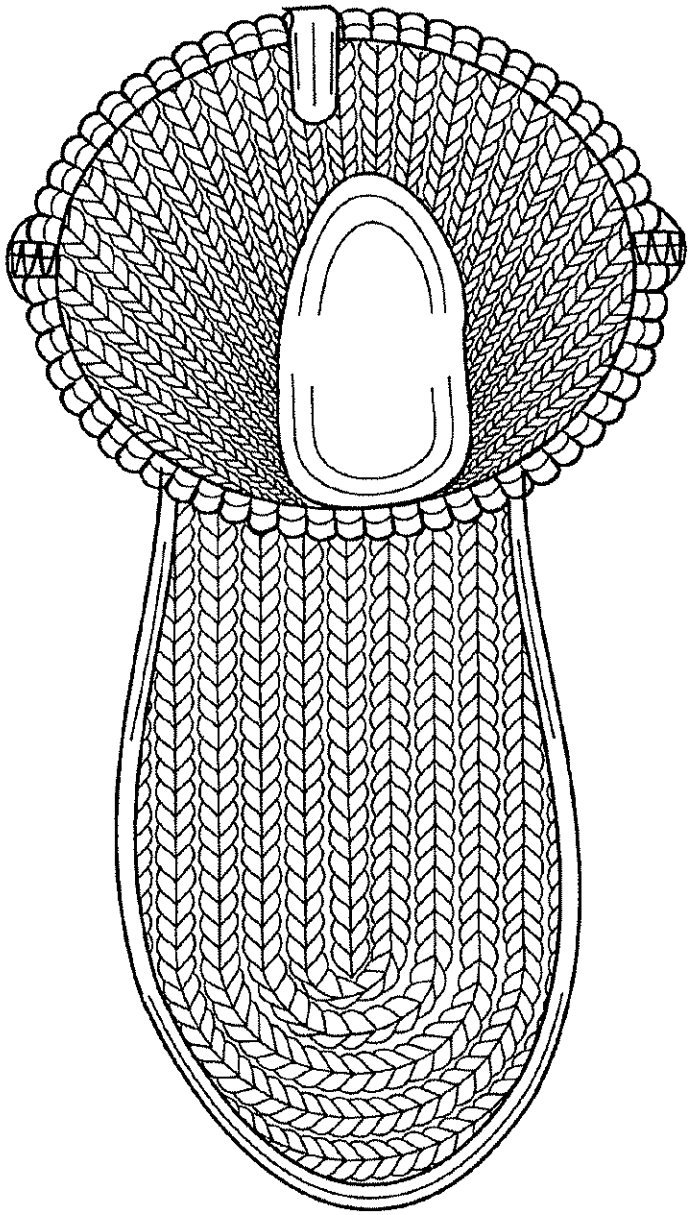


Fig. 16

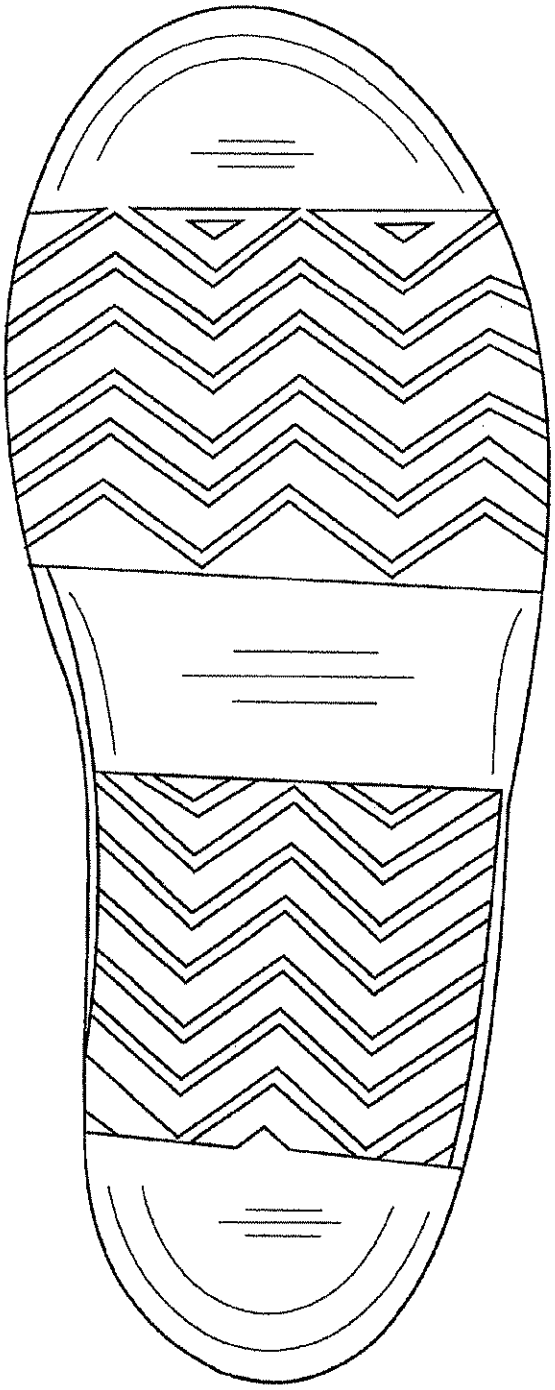


Fig. 17

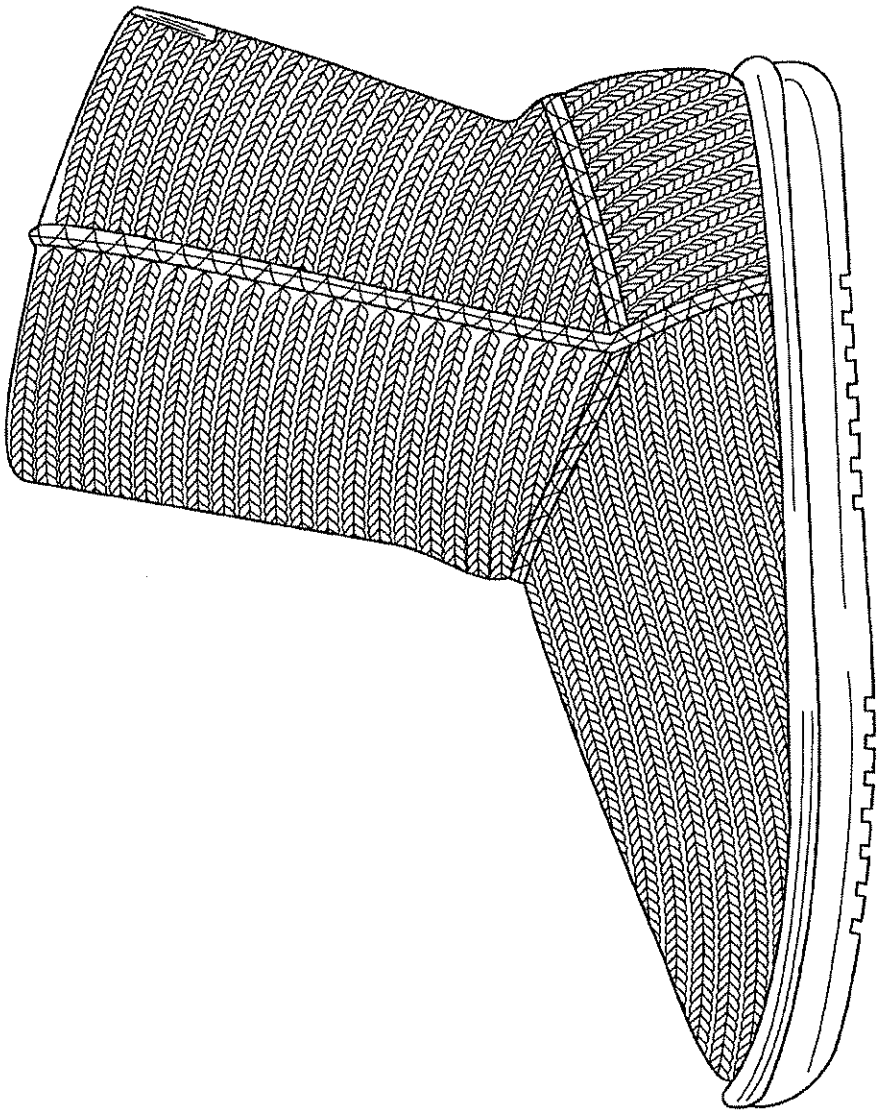


Fig. 18

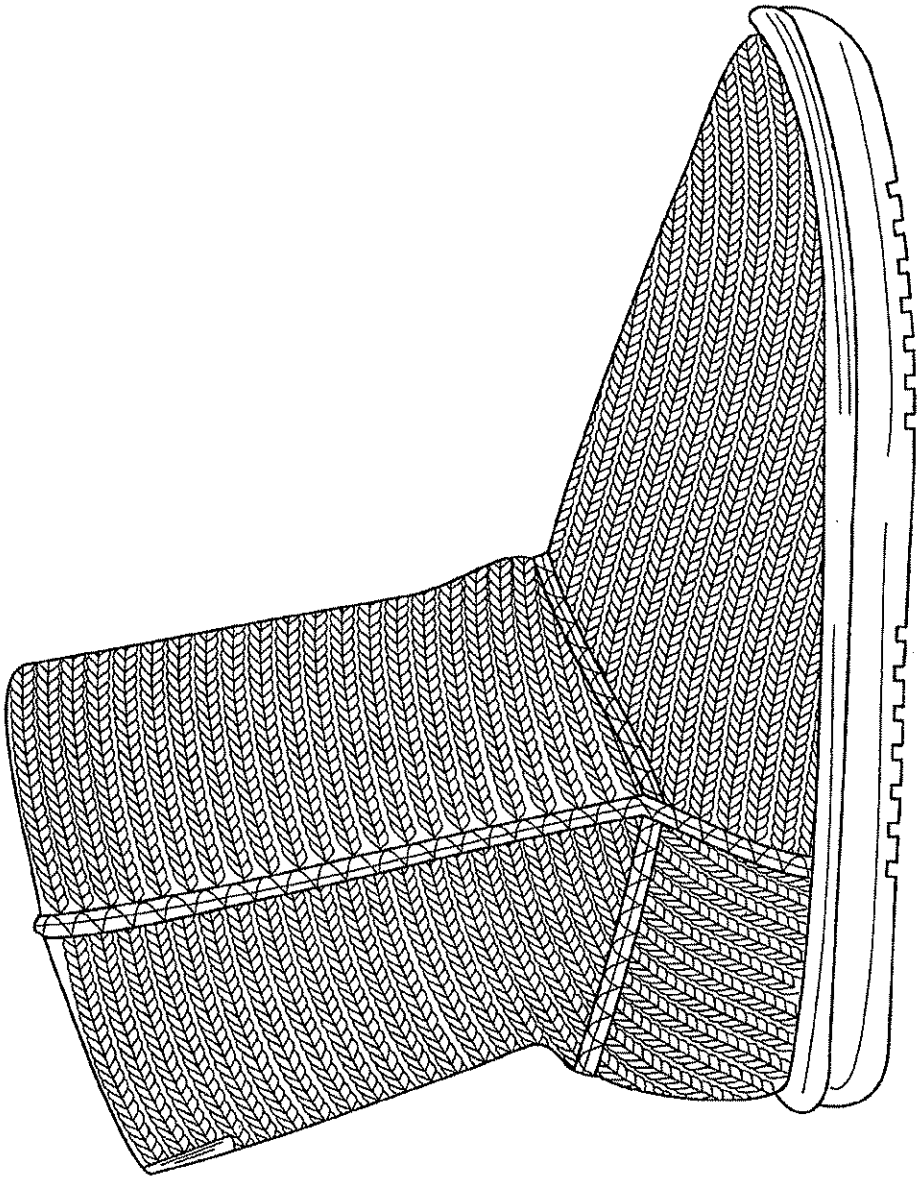


Fig. 19

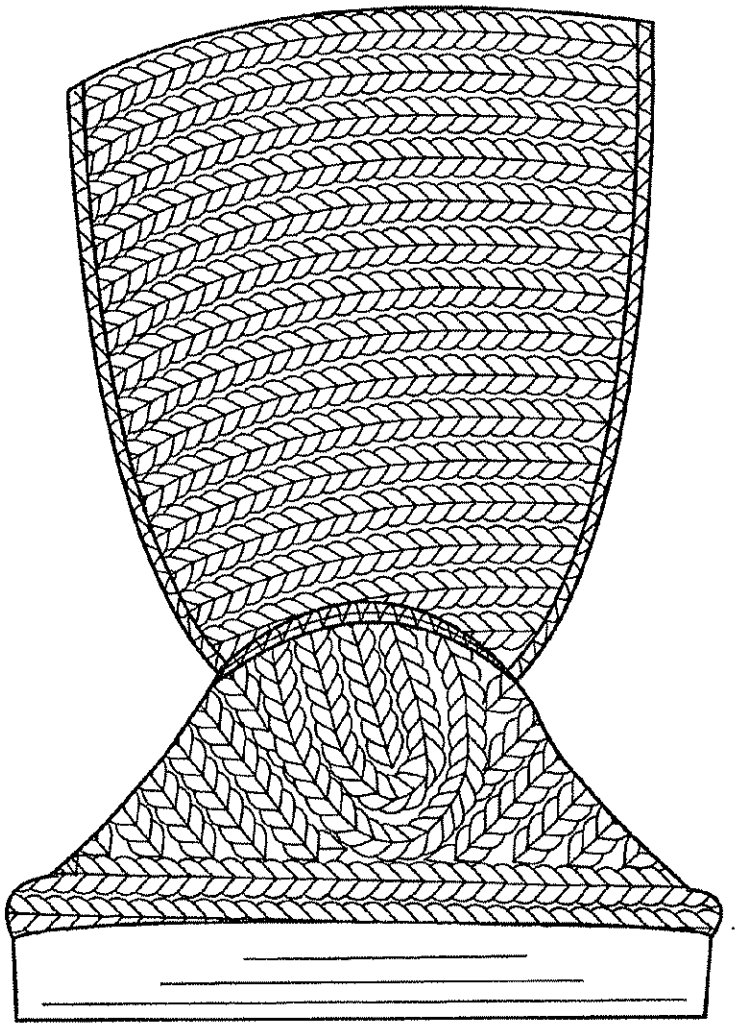


Fig. 20

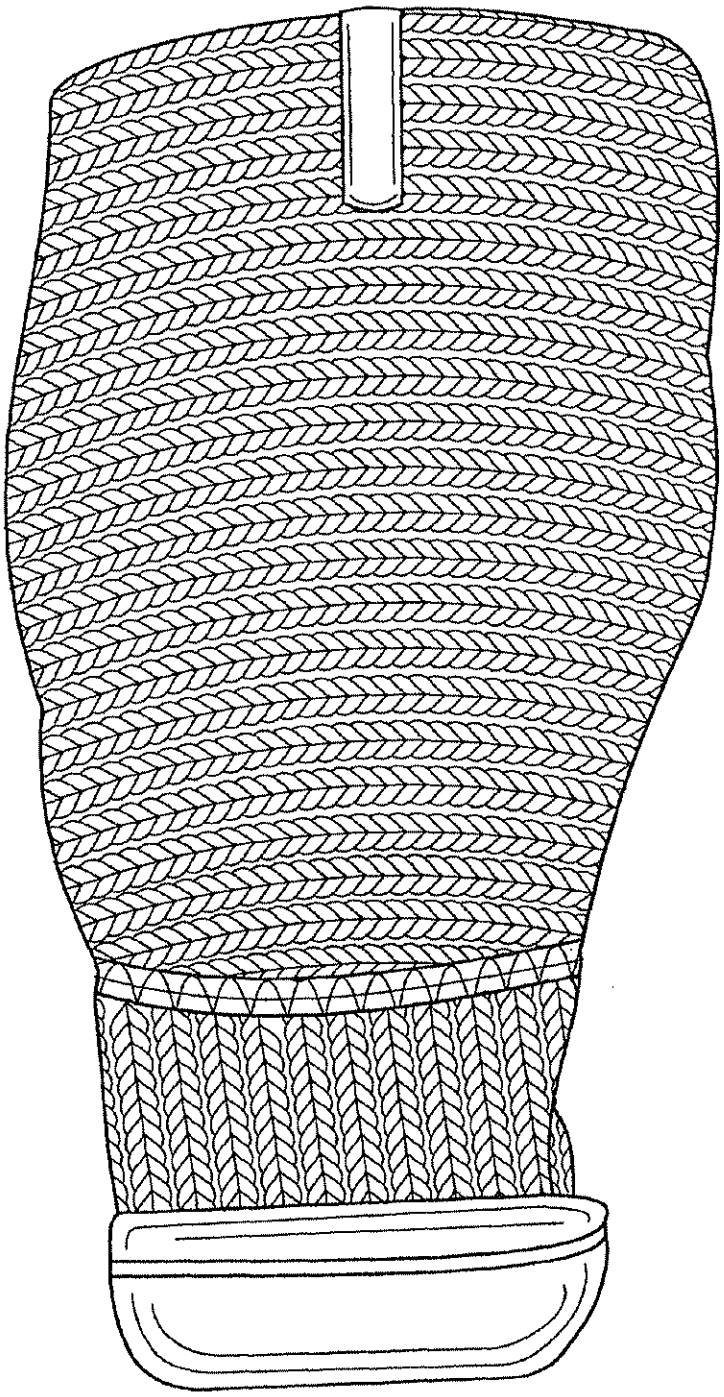


Fig. 21

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 Percy Anderson and the assigned discovery Magistrate Judge is Paul Abrams.

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

CV10- 4557 PA (PLAx)

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:

[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.

COPY

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of California

LIVJO, Inc.. and Diana FitzGerald

Plaintiff

v.

Deckers Outdoor Corporation and Does 1-10

Defendant

CV10 4557 PA PLAx

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Deckers Outdoor Corporation
495 South Fairview Avenue
Goleta, CA 93117

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Christine Karol Roberts
Law Offices of Christine Karol Roberts
1109 West Twenty-First St., Floral Park-Santa Ana, CA 92706 and
Glenn W. Trost
Connolly Bove Lodge & Hutz
333 South Grand Avenue, Los Angeles, CA 90071

If you fail to respond, 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 OF COURT

Date: JUN 21 2010

CHRISTOPHER POWERS

Signature of Clerk or Deputy Clerk

SEAL

COPY

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

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)
LIVJO, Inc. and Diana FitzGerald

DEFENDANTS
Deckers Outdoor Corporation and Does 1-10

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)
Law Offices of Christine Karol Roberts, 1109 W.21st St., Floral Park-Santa Ana, California 92706, 714.479.0024; Connolly Bove Lodge & Hutz, 333 South Grand Avenue, Los Angeles, CA 90071, 213.787.2500

Attorneys (If Known)

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

☐ 1 U.S. Government Plaintiff ☑ 3 Federal Question (U.S. Government Not a Party)

☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

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

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 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: $** _____

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.)
Suit for patent infringement under 35 U.S.C. Sec. 1, et seq and Unfair Competition under 15 U.S.C. Sec. 1125(a) and Cal.Bus.Prof.Code Sec. 17200 et seq

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

CV10 4557

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): _____

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
LIVJO, Inc. - Los Angeles County	Diana FitzGerald - Martin County, Florida

(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
Deckers Outdoor Corp.- Santa Barbara County	

(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 County	

*** 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): Glenn W Rhett Date 21 June 2010

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))