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9 Attorneys for Plaintiff Virtual Point Inc.

10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA

12 VIRTUAL POINT INC., a California corporation  
13 dba CrossPath,

14 Plaintiff,

15 vs.

16 OXYMAGIC FRANCHISE DEVELOPMENT, an  
17 Oklahoma corporation,

18 Defendant.

Case No. SACV11-01425 CJC (ANx)

COMPLAINT FOR:

1. Declaratory Judgment of no Trademark Infringement;
2. Declaratory Judgment of no Unfair Competition;
3. Declaratory Judgment of no violation of the Anticybersquatting Consumer Protection Act;
4. Declaratory Judgment that Plaintiff is rightful holder of <Oxymagic.com> domain name;
5. Common Law Unfair Competition; and
6. Unfair Competition Under Cal. Bus. & Prof. Code Sec. 17200

DEMAND FOR JURY TRIAL

Plaintiff Virtual Point Inc. dba CrossPath ("Plaintiff"), by its attorney, for its  
Complaint alleges:

Complaint - 1

Rodenbaugh Law  
548 Market Street  
San Francisco, CA 94104  
415.738.8087

FILED  
2011 SEP 14 PM 4:22  
CLERK OF DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
SANTA ANA

1 **NATURE OF ACTION**

2 This action seeks a declaratory judgment that Plaintiff's registration and use of the  
3 domain name <Oxymagic.com> (hereinafter "the Domain Name") does not constitute  
4 trademark infringement, unfair competition, or a violation of the Anti-cybersquatting  
5 Consumer Protection Act ("ACPA"), and that Plaintiff is the rightful registered name holder  
6 or registrant of the Domain Name. This action also seeks relief for Defendant's bad faith  
7 actions constituting common law unfair competition and unfair competition under California  
8 Business & Professions Code Sec. 17200.

9 **JURISDICTION AND VENUE**

- 10 1. Pursuant to 28 U.S.C. §§ 2201(a) and 2202, Plaintiff seeks a declaration and  
11 judgment regarding its rights and obligations in an actual controversy within this  
12 Court's jurisdiction, concerning Plaintiff's rights in and to the Domain Name.  
13 Subject matter jurisdiction exists in this case pursuant to 28 U.S.C. § 1331, giving  
14 this Court original jurisdiction in a civil action raising a federal question under 28  
15 U.S.C. § 1338(a), the Lanham Act, 15 U.S.C. § 1051, *et seq.*, and the ACPA, 15  
16 U.S.C. § 1125(d), giving this Court original and exclusive jurisdiction in a civil  
17 action arising under the trademark and cybersquatting laws of the United States.  
18 Pendent jurisdiction exists over the state law claims.
- 19 2. This Court has personal jurisdiction over Defendant because the Defendant has  
20 sufficient contacts with the State of California and this judicial District subjecting it  
21 to the general and specific personal jurisdiction of this Court pursuant to Cal. Code  
22 Civ. Pro. § 410.10. Defendant has purposefully availed itself to this forum through  
23 general business presence and by demanding that Plaintiff cease use of the Domain  
24 Name and transfer same to Defendant.
- 25  
26

1 3. Venue is proper in this Judicial District under 28 U.S.C §§ 1391, because the Court  
2 has personal jurisdiction over the Defendant and because Plaintiff's claims arise  
3 from Defendant's activities in this District.

4 **THE PARTIES**

5 4. Plaintiff is a California corporation with its principal place of business in Irvine,  
6 California.

7 5. Plaintiff is a web development company who has developed several businesses and  
8 websites including without limitation: UDRPSEARCH.COM,  
9 SONICGAMES.COM, HDDVD.COM, DVDUNIVERSE.COM, and  
10 GALACTICA.COM.

11 6. Upon information and belief, Defendant Oxymagic Franchise Development is an  
12 Oklahoma corporation with its principal place of business at 708 W. Briarwood  
13 Circle, Broken Arrow, OK 74011.

14 7. Upon information and belief, Defendant is a company that offers franchise  
15 opportunities for third parties to operate carpet cleaning services under a design mark  
16 that includes the term OxyMagic.

17 **FACTUAL BACKGROUND**

18 **Introduction**

19 8. Domain Names are essentially Internet Protocol addresses that point and direct  
20 Internet users to their desired destination, and they are valuable pieces of property  
21 that many liken to the new "real estate" of our burgeoning virtual society. Domain  
22 name and website development is a legitimate and important industry. Plaintiff is a  
23 prominent and respected web development company.

24 9. Recently, many overreaching trademark owners have sought to capitalize on this  
25 thriving market by filing baseless trademark infringement lawsuits or taking  
26 advantage of the administrative system set up by ICANN (the California corporation

1 that administers the Domain Name System (“DNS”)), and using them to intimidate  
 2 domain name holders into transfer and to swipe valuable descriptive, generic,  
 3 keyword and/or dictionary domain names away from their rightful owners. These  
 4 abusive lawsuits are threatening meaningful development of domain name and  
 5 Internet investment and innovation.

6 10. Such is the situation that is before the Court in this Complaint. Defendant has  
 7 accused Plaintiff numerous times of infringing its trademark and has specifically  
 8 threatened litigation against Plaintiff by requesting its address for legal service of  
 9 process and demanding transfer of the Domain Name to Defendant.

10 11. These serious and baseless accusations and threats establish an actual controversy  
 11 between the parties and thus Plaintiff requests that this Court grant declaratory and  
 12 affirmative relief in its favor.

#### 13 The Domain Name Registration

14 12. Plaintiff’s administrative manager registered the Domain Name <Oxymagic.com> in  
 15 good faith on or about May 24, 2011.

16 13. Upon information and belief, the Domain Name previously was registered by a  
 17 different registrant from at least 2003 to 2011, unrelated to Plaintiff or Defendant.

18 14. Thus it appears Defendant has been unconcerned with the registration of the Domain  
 19 Name for at least eight years before threatening this legal action against the Plaintiff.

#### 20 The Use

21 15. After registering the Domain Name, Plaintiff had placed the website under  
 22 construction, with a directory of content unrelated to carpet cleaning, pending  
 23 potential site launch.

24 16. Plaintiff has not used the Domain Name in connection with goods or services related  
 25 to those registered in connection with Defendant’s mark. Neither did Plaintiff  
 26 register the Domain Name with the intent to sell it to Defendant. Plaintiff has never

1 offered to sell the Domain Name to Defendant, nor attempted to disrupt the  
2 Defendant's business by confusing consumers trying to find the Defendant's website,  
3 or otherwise.

4 17. Content at the website has never been focused upon Defendant, Defendant's  
5 business, or Defendant's competitors, but instead has displayed and linked to a  
6 variety of information and advertising content relevant to web users who visit the  
7 site, pending development of a more complete website.

8 The Weak Trademark

9 18. The term "OxyMagic" is composed of two dictionary words that are both commonly  
10 used in the English language in a large number of generic or descriptive ways, and  
11 also as a part of many companies' trademarks.

12 19. There are several active US trademark registrations, not owned by Defendant, that  
13 use the terms "Oxy" or "Oxi" and "Magic" together, including without limitation  
14 OXYMAGIC (which has at least one live individual registration owned by a  
15 different registrant who is not Defendant), and OXIMAGIC (which has at least two  
16 live individual registrations owned by two different registrants who are not  
17 Defendant).

18 20. There are some 143 active trademark records in the US Patent and Trademark Office  
19 that contain the word OXY, virtually all of which are not owned by Defendant.  
20 More than 175 more contain the word 'oxygen', which the USPTO deems to be  
21 essentially the same word as OXY.

22 21. There are more than 2500 active trademark records in the US Patent and Trademark  
23 Office that contain the word MAGIC, virtually all of which are not owned by  
24 Defendant.

25 22. There are hundreds or thousands of legitimate uses of the formatives "oxy" (or  
26 "oxi") together with "magic" in trademarks, domain names and websites owned by

1 third parties – in addition to OXYMAGIC.COM -- including without limitation a  
2 wood floor refinishing service, a stain removal pen, a face cream, several different  
3 cleaning solutions and a model of refrigerator.

4 23. Defendant does not own and cannot rightfully claim exclusive rights to use of the  
5 common words OXY and MAGIC, separate or apart, as used in a domain name,  
6 trademark or otherwise. At best, Defendant's trademark rights are weak and  
7 narrowly limited to the field of carpet cleaning.

8 Defendant's Activities That Create a Justiciable Controversy

9 24. On September 8, 2011 a representative for Defendant sent three separate  
10 communications, each accusing Plaintiff of infringing Defendant's trademark rights.  
11 Within these emails the Defendant also demanded transfer of the Domain Name and  
12 sought Plaintiff's address for legal service of process.

13 25. On September 9, 2011, Plaintiff responded to Defendant via email explaining that  
14 Plaintiff was not using the Domain Name in an infringing manner.

15 26. Plaintiff refuses to transfer its rightful property to the Defendant, or to anyone else.

16 27. Defendant's actions and communications show a clear intent to use any means  
17 necessary to obtain the Domain Name, including federal litigation. Thus an actual,  
18 substantial and immediate controversy exists, justifying the declaratory relief that  
19 Plaintiff seeks.

20 Defendant's Activities that Create a Claim for Unfair Competition

21 28. Defendant operates a franchising business, with its franchisees offering carpet  
22 cleaning services under the OxyMagic design mark.

23 29. Plaintiff has not used the Domain Name for goods and services related to carpet  
24 cleaning. Plaintiff has not used the Domain Name to offer any goods or services that  
25 are related to or compete with those of Defendant, nor for any other illegitimate  
26 purpose.

30. Defendant's accusations of trademark infringement are objectively specious and baseless, and have been made in bad faith in an effort to obtain ownership of the Domain Name.

**COUNT I: CLAIM FOR DECLARATORY RELIEF**

31. Plaintiff realleges paragraphs 1-30 of this Complaint.

32. Plaintiff rightfully registered the Domain Name in good faith, and with no intent to sell the Domain Name to Defendant. Plaintiff had no intention of confusing any of Defendant's customers or diverting any traffic from Defendant's websites.

33. "Oxy" and "magic" are common, generic, dictionary terms that are commonly used in many business names, trademarks and domain names. Defendant has no exclusive right to the use of the term "OxyMagic", or the words "Oxy" and "Magic" in a trademark, domain name or otherwise, at least not outside of its field of business – carpet cleaning.

34. Plaintiff believed and had reasonable grounds to believe that the registration and its use of the Domain Name was and is lawful.

35. Defendant has threatened legal proceedings, contending that Plaintiff used the Domain Name in violation of trademark and unfair competition laws.

36. A justiciable controversy exists between Plaintiff and Defendant.

37. To resolve this actual controversy, Plaintiff seeks a declaration and judgment that it is not infringing Defendant's trademark rights, that Plaintiff is not violating unfair competition laws and/or the ACPA, that its registration and use of the Domain Name is a good faith use, and that Plaintiff is the rightful owner of the Domain Name.

**COUNT II: CLAIM FOR COMMON LAW UNFAIR COMPETITION**

38. Plaintiff realleges paragraphs 1-37 of this Complaint.

39. Defendant has threatened legal proceedings, contending that Plaintiff used the Domain Name in violation of trademark and unfair competition laws.

1 40. Defendant's wrongful and baseless accusations of infringement have created a cloud  
2 on Plaintiff's title to the Domain Name.

3 41. As a result of Defendants' past and continued wrongful acts, Plaintiff has incurred  
4 damages in an amount to be proved at trial, including compensation for Plaintiff's  
5 time, effort and attorneys' fees in defending against Defendant's baseless claims.

6 **COUNT III: CLAIM FOR UNFAIR COMPETITION**  
7 **UNDER CAL. BUS. & PROF. CODE SEC. 17200**

8 42. Plaintiff realleges paragraphs 1-41 of this Complaint.

9 43. Defendants' wrongful acts, as described in this Complaint, cause damage to Plaintiff  
10 and injure its business, in violation of section 17200 of the California Business and  
11 Professions Code.

12 44. As a result of Defendants' past and continued wrongful acts, Plaintiff has incurred  
13 damages in an amount to be proved at trial, including compensation for Plaintiff's  
14 time, effort and attorneys' fees in defending against Defendant's baseless claims.  
15

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff prays for judgment as follows:

- 18 a. a declaration that Plaintiff is not infringing the trademark rights of Defendant;  
19 b. a declaration that Plaintiff is not violating unfair competition law;  
20 c. a declaration that Plaintiff is not violating the ACPA;  
21 d. a declaration that Plaintiff registered and used the Domain Name in good faith  
22 and is the rightful registrant of the Domain Name;  
23 e. a finding awarding Plaintiff monetary compensation for damages sustained by  
24 Defendants' wrongful actions as alleged in this Complaint;  
25 f. an award of reasonable attorneys' fees and expenses; and  
26



g. such other and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff respectfully requests that all issues in this case be decided by a jury.

Dated: September 14, 2011

RODENBAUGH LAW

By: Mike Rodenbaugh

Mike Rodenbaugh  
RODENBAUGH LAW  
584 Market Street  
San Francisco, CA 94014  
Tel/fax: (415) 738-8087

Attorney for Plaintiff  
Virtual Point Inc.

## Name &amp; Address:

OXYMAGIC FRANCHISE DEVELOPMENT  
708 W. Briarwood Circle  
Broken Arrow, OK 74011

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

VIRTUAL POINT INC., a California corporation dba  
CrossPath

PLAINTIFF(S)

v.

OXYMAGIC FRANCHISE DEVELOPMENT, an  
Oklahoma corporation

DEFENDANT(S).

CASE NUMBER

SACV11-01425 CJC (ANx)

SUMMONS

TO: DEFENDANT(S): OXYMAGIC FRANCHISE DEVELOPMENT

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ \_\_\_\_\_ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Mike Rodenbaugh, whose address is 548 Market Street, Box 55819, San Francisco, CA 94104. 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: September 14, 2011

By: \_\_\_\_\_

ROLLS ROYCE PASCHAL

Deputy Clerk

(Seal of the Court)

1144

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

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

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> VIRTUAL POINT INC., a California corporation dba CrossPath		<b>DEFENDANTS</b> OXYMAGIC FRANCHISE DEVELOPMENT, an Oklahoma corporation																									
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide name.) Rodenbaugh Law, 548 Market St. Box 55819, San Francisco, CA 94104 415-738-8087 Mike Rodenbaugh		Attorneys (If Known)																									
<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)		<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table border="1"><thead><tr><th></th><th>PTF</th><th>DEF</th><th></th><th>PTF</th><th>DEF</th></tr></thead><tbody><tr><td>Citizen of This State</td><td><input type="checkbox"/> 1</td><td><input type="checkbox"/> 1</td><td>Incorporated or Principal Place of Business in this State</td><td><input type="checkbox"/> 4</td><td><input type="checkbox"/> 4</td></tr><tr><td>Citizen of Another State</td><td><input type="checkbox"/> 2</td><td><input type="checkbox"/> 2</td><td>Incorporated and Principal Place of Business in Another State</td><td><input type="checkbox"/> 5</td><td><input type="checkbox"/> 5</td></tr><tr><td>Citizen or Subject of a Foreign Country</td><td><input type="checkbox"/> 3</td><td><input type="checkbox"/> 3</td><td>Foreign Nation</td><td><input type="checkbox"/> 6</td><td><input type="checkbox"/> 6</td></tr></tbody></table>			PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input 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
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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																						
<b>IV. ORIGIN</b> (Place an X in one box only.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge																											
<b>V. REQUESTED IN COMPLAINT:</b> JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.) CLASS ACTION under F.R.C.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> MONEY DEMAND IN COMPLAINT: \$																											
<b>VI. CAUSE OF ACTION</b> (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 28 U.S.C. §52201-02; Lanham Act, 15 U.S.C. §§1051 et seq; Action for Declaratory Judgment of no Trademark Infringement and/or no Unfair Competition																											
<b>VII. NATURE OF SUIT</b> (Place an X in one box only.)																											
<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 930 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <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>TORTS</b> <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 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus- Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER</b> <b>PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Habeas Corpus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <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																						

FOR OFFICE USE ONLY: Case Number: **SACV11-01425 CJC (ANx)**  
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
Orange County	

(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
	Oklahoma

(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
Orange 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): Mike Rodenbaugh Date September 14, 2011

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 3-1.1 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))
865	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(e))