

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NATIONAL FOOTBALL SCOUTING, INC.,
a Delaware Corporation,

Plaintiff,

v.

ROB RANG, an individual; and
THE SPORTS XCHANGE, INC., a California
Corporation,

Defendants.

Case No.

COMPLAINT

JURY TRIAL REQUESTED

COMES NOW Plaintiff National Football Scouting, Inc., by and through its attorneys,
and for its causes of action against Defendants The Sports Xchange, Inc. and Rob Rang, states as
follows:

The Parties

1. Plaintiff, National Football Scouting, Inc. (“NFS”), is a corporation organized and
existing under the laws of the State of Delaware. NFS’s principal place of business is 201 South
Capitol Avenue, Suite 400, Indianapolis, Indiana 46225.

2. Defendant The Sports Xchange, Inc. (“TSX”) is a California corporation with its
principal place of business located at 4632 Windsong Street, Sacramento, California, 95834. Frank
Cooney (“Cooney”) is TSX’s president. TSX does business as and at NFLDraftScout.com.

1 Club acknowledges that the information compiled and
2 disseminated to it by NFS represents a trade secret and is of
3 confidential nature, and is intended only for use of shareholders of
4 NFS. Club covenants and agrees to disseminate such scouting
5 information only to members of its football organization who
6 require such information in the performance of their duties for the
7 Club, and not to disseminate, or permit the dissemination by
8 members of its organization to any other person or entity without
9 the express written consent of NFS. If NFS concludes that any
10 such confidential scouting information has been leaked or
11 otherwise disseminated to any unauthorized person(s), Club
12 covenants and agrees that it will take all reasonable steps to assist
13 NFS in any investigation of the source of such leak(s), including
14 without limitation interviewing or authorizing the interview of
15 those members of the Club's football organization who had been
16 given access to the confidential scouting information. Club also
17 covenants and agrees to pay to NFS all costs and attorney's fees
18 reasonably expended in the successful enforcement of the
19 confidentiality provisions under this paragraph [], against the Club,
20 including but not limited to all costs of the investigation which
21 results in the identification of the offending Club and the costs of
22 obtaining legal and equitable relief, in addition to any and all
23 damages arising out of the use, misuse, or unauthorized
24 transmission of scouting information furnished to the Club by
25 NFS.

15 9. Shareholder Clubs receive the Scouting Reports in both written and electronic
16 formats at various times each year.

17 10. When electronically accessing the Scouting Reports, after logging into the NFS
18 system, a member of the Shareholder Club receives the following Terms of Use:

19 All data files and reports accessible from this secure website contain
20 Confidential and Proprietary Trade Secret Scouting Information that
21 is owned by National Football Scouting, Inc., and which is shared
22 with certain National Football League clubs pursuant to a written
23 agreement which restricts the dissemination of such data files, reports
24 and their contents to said National Football League clubs. Any other
25 dissemination or publication of these data files and reports is
26 expressly prohibited. Any breach of the confidentiality terms agreed
27 to by National Football Scouting, Inc. and the National Football
28 League clubs will be pursued to the fullest extent permitted by law.

11. In addition, whenever an employee of a Shareholder Club attempts to download a
specific data file or report, that employee must click on a button confirming that he/she has read,

1 understands, and agrees to the exact same confidentiality provision quoted in ¶ 8, *supra*, that is
2 found in the agreements between NFS and the Shareholder Clubs.

3 12. In addition to the confidentiality agreements between NFS and the Shareholder
4 Clubs, NFS requires its employees to sign confidentiality agreements, prohibiting them from
5 disclosing NFS's Scouting Information to any unauthorized person.

6 13. Likewise, the company that provides NFS with technology services must also sign
7 an extensive confidentiality agreement.

8 14. NFS takes every reasonable step to maintain and keep the Scouting Information
9 confidential.

10 15. NFS's Scouting Information is the product of an enormous amount of time, effort,
11 and expense. The Scouting Information is obtained through numerous campus visits by scouts
12 employed by NFS and by the Shareholder Clubs. These scouts travel throughout the country to
13 evaluate college talent and provide player information to NFS, which then organizes, evaluates,
14 and analyzes the massive amount of information that it has gathered to rate and grade the senior
15 draft prospects for the upcoming draft. The Scouting Reports are then disseminated to the
16 Shareholder Clubs.

17 16. The Scouting Reports, which contain the aforementioned ratings and grades of the
18 players, afford the Shareholder Clubs a competitive advantage in evaluating and assessing
19 incoming NFL personnel eligible for the next NFL Draft. The Scouting Information is critical to
20 the Shareholder Clubs' respective determinations of which college athletes to select in the next
21 NFL Draft. NFS's sole product, the Scouting Information, thus affords the Shareholder Clubs a
22 competitive advantage in exchange for their substantial investment in NFS. The Shareholder
23 Clubs pay significant amounts of money to obtain this competitive advantage to the exclusion of
24 those NFL teams that choose not to invest in NFS.

25 17. NFS's most recent reports were first created on May 19, 2011, and submitted for
26 copyright registration on July 7, 2011. In registering the Scouting Reports with the Copyright
27 Office, NFS registered the documents as unpublished works, which obviates the need to submit
28

1 the Scouting Reports to the Copyright Office, thus preserving the secrecy of NFS's proprietary
2 information.

3 DEFENDANTS' DISSEMINATION OF TRADE SECRETS

4 18. Notwithstanding NFS's considerable efforts to protect its trade secrets, Rang and
5 TSX obtained the information and repeatedly published portions of the Scouting Information
6 through cbssports.com, receiving compensation for their knowing and willful dissemination of
7 NFS's trade secrets.

8 19. NFS has initiated an investigation as to how Rang and TSX obtained NFS's
9 Scouting Information, but to date, these attempts have been unsuccessful.

10 20. Rang has long known that the Scouting Reports are proprietary. In the past several
11 years, Rang, without consent, published portions of NFS's Scouting Information. Each time NFS
12 learned of such a publication, NFS immediately contacted Rang and advised him of the confidential
13 and proprietary nature of the Scouting Information. In addition, NFS demanded that Rang cease
14 and desist from disclosing NFS's Scouting Information in his publications. NFS further demanded
15 that Rang immediately remove the offending publications and return to NFS any copies of the ill-
16 gotten materials.

17 21. NFS also previously advised TSX in writing of the confidential and proprietary
18 nature of NFS's Scouting Information. TSX, without consent, published portions of NFS's
19 Scouting Information. Each time NFS learned of such a publication, NFS immediately contacted
20 Cooney at TSX and advised him of the confidential and proprietary nature of the Scouting
21 Information. In addition, NFS demanded that TSX cease and desist from disclosing NFS's
22 Scouting Information in its publications. NFS further demanded that TSX immediately remove the
23 offending publications and return to NFS any copies of the ill-gotten materials.

24 22. NFS last wrote to Rang on July 1, 2011 and last wrote to TSX on June 24, 2011,
25 demanding that they each cease and desist from their wrongful conduct.

26 23. Despite numerous past warnings and demands to cease and desist from his repeated
27 knowing publication of NFS's trade secrets, Rang, through TSX, published and continues to publish

NFS's Scouting Information, to wit:

- 2 a. On June 11, 2010, Rang, through TSX, knowingly published or caused to
3 be published NFS's trade secrets by identifying the top NFS ranking
4 assigned to Prince Amukamara, then a cornerback for the University of
5 Nebraska. See Article, *Huskers' Amukamara faces challenge living up to*
6 *draft grade*, published on June 11, 2010,
7 ([http://www.cbssports.com/nfl/draft/story/13510360/huskers-amukamara-](http://www.cbssports.com/nfl/draft/story/13510360/huskers-amukamara-faces-challenge-living-up-to-draft-grade?tag=pageRow)
8 [faces-challenge-living-up-to-draft-grade?tag=pageRow](http://www.cbssports.com/nfl/draft/story/13510360/huskers-amukamara-faces-challenge-living-up-to-draft-grade?tag=pageRow); (last visited
9 8/26/11));
- 10 b. On June 12, 2010, Rang, through TSX, knowingly published or caused to
11 be published NFS's trade secrets by publishing NFS's confidential data
12 related to Dontay Moch, a defensive end for the University of Nevada.
13 See Blog entry, *DE Moch steals Amukamara's buzz in 4.25 seconds*,
14 published June 12, 2010, ([http://rob-](http://rob-rang.blogs.cbssports.com/mcc/blogs/entry/13682485/22523668?tag=comBlogEntryListCnt;entry22523668)
15 [rang.blogs.cbssports.com/mcc/blogs/entry/13682485/22523668?tag=](http://rob-rang.blogs.cbssports.com/mcc/blogs/entry/13682485/22523668?tag=comBlogEntryListCnt;entry22523668)
16 [comBlogEntryListCnt;entry22523668](http://rob-rang.blogs.cbssports.com/mcc/blogs/entry/13682485/22523668?tag=comBlogEntryListCnt;entry22523668) (last visited 8/26/11));
- 17 c. On June 22, 2010, Rang, through TSX, knowingly published or caused to
18 be published NFS's trade secrets by identifying the grades NFS assigned
19 to Jake Locker, quarterback for the University of Washington, and
20 Christian Ponder, quarterback for Florida State University. See Blog
21 entry, *Locker, Ponder tie atop National's QB grades*, published June 22,
22 2010, ([http://rob-rang.blogs.cbssports.](http://rob-rang.blogs.cbssports.com/mcc/blogs/entry/13682485/22738109?tag=comBlogEntryListCnt;entry22738109) [com/mcc/blogs/entry/ 13682485/](http://rob-rang.blogs.cbssports.com/mcc/blogs/entry/13682485/22738109?tag=comBlogEntryListCnt;entry22738109)
23 [22738109?tag=comBlogEntry ListCnt;entry 22738109](http://rob-rang.blogs.cbssports.com/mcc/blogs/entry/13682485/22738109?tag=comBlogEntryListCnt;entry22738109) (last visited
24 8/26/11));
- 25 d. On June 28, 2010, Rang, through TSX, again knowingly published or
26 caused to be published NFS's trade secrets by identifying the grades NFS
27 assigned to Jake Locker and Christian Ponder. See Article, *Locker*,
- 28

1 *Ponder bring plenty to the table for NFL scouts*, published on June 28,
2 2010, ([http://www.cbssports.com/nfl/draft/story/13576492/locker-](http://www.cbssports.com/nfl/draft/story/13576492/locker-ponder-bring-plenty-to-the-table-for-nfl-scouts?tag=pageRow)
3 [ponder-bring-plenty-to-the-table-for-nfl-scouts?tag= pageRow](http://www.cbssports.com/nfl/draft/story/13576492/locker-ponder-bring-plenty-to-the-table-for-nfl-scouts?tag=pageRow); (last
4 visited 8/26/11));

5 e. On June 9, 2011, Rang, through TSX, knowingly published or caused to
6 be published NFS's trade secrets by identifying the grade NFS assigned to
7 Nick Foles, a senior quarterback at the University of Arizona. See Blog
8 entry, *Arizona QB Foles Gets 7th RD-UFA Preseason Grade*, published
9 June 9, 2011,

10 (<http://robrang.blogs.cbssports.com/mcc/blogs/entry/13682485/29914919>
11 (lastvisited 8/26/11));

12 f. On June 12, 2011, Rang, through TSX, knowingly published or caused to
13 be published NFS's trade secrets by identifying the grade NFS assigned to
14 Juron Criner, a senior wide receiver at the University of Arizona. See
15 Blog entry, *ScoutsGrade WR Criner a Bit Higher than Foles*, published
16 June 12, 2011,

17 (<http://www.cbssports.com/print/mcc/blogs/entry/13682485/29981590>
18 (last visited 8/26/11));

19 g. On June 20, 2011, Rang, through TSX, knowingly published or caused to
20 be published NFS's trade secrets by identifying the grade NFS assigned to
21 Chris Owusu, a senior wide receiver at Stanford University. See Blog
22 entry, *Luck's Top WR Owusu Highly Rated by Scouts*, published June 20,
23 2011,

24 (<http://www.cbssports.com/print/mcc/blogs/entry/13682485/30151442>
25 (last visited 8/26/11));

26 h. On June 21, 2011, Rang, through TSX, knowingly published or caused to
27 bepublished NFS's trade secrets by identifying the grade NFS assigned to
28

1 Terrelle Pryor, the former starting quarterback for Ohio State University,
2 who was drafted in the NFL's Supplemental Draft on August 22, 2011.
3 See Blog Entry, *Pryor Gets Late Round Grades from BLESTO, NFS*,
4 published on June 21, 2011, ([http://rob-](http://rob-rang.blogs.cbssports.com/mcc/blogs/entry/13682485/30166630)
5 [rang.blogs.cbssports.com/mcc/blogs/entry/13682485/30166630](http://rob-rang.blogs.cbssports.com/mcc/blogs/entry/13682485/30166630) (last
6 visited 8/26/11)).

7 24. Despite NFS's repeated demands, Rang and TSX have refused to remove the
8 publications containing NFS's trade secrets.

9 COUNT I – TRADE SECRETS

10 25. NFS incorporates the allegations made in paragraphs 1-24 by reference as
11 thoughtfully set herein.

12 26. NFS's Scouting Reports represent essentially all of its products that its
13 Shareholder Clubs pay significant sums to receive.

14 27. NFS's Scouting Reports are produced solely for the benefit of the Shareholder Clubs
15 who use the Scouting Reports in the operation of their business.

16 28. NFS's Scouting Reports are secret, and every person or entity with lawful access
17 to any Scouting Information is bound by a confidentiality agreement.

18 29. NFS's Scouting Reports afford NFS a competitive advantage over other scouting
19 services.

20 30. The Shareholder Clubs that pay for access to NFS's Scouting Reports are afforded
21 an actual advantage in conducting their businesses in the National Football League.

22 31. NFS's reports are the product of extensive travel, research, observation and analysis,
23 all done at a substantial cost to NFS.

24 32. The Scouting Reports are difficult to create, and the work, time, and expense
25 necessary to prepare the Scouting Reports is not easily developed by others.

26 33. Given NFS's numerous prior communications to Rang and TSX regarding NFS's
27 trade secrets, Rang and TSX knew the confidential and proprietary nature of NFS's Scouting
28

1 Information when they published the articles and blog entries containing the Scouting Information.

2 34. Despite this knowledge, Rang and TSX knowingly sought to and did willfully and
3 wantonly obtain NFS's confidential and proprietary information.

4 35. After knowingly and improperly obtaining NFS's proprietary and copyrighted
5 information and materials, Rang and TSX published portions of NFS's reports in articles and blogs
6 as alleged in ¶ 21, *supra*.

7 36. NFS notified Defendants in writing of their improper publication of NFS's trade
8 secrets, yet they continue to publish the offending confidential articles and blogs containing
9 NFS's proprietary information.

10 37. Defendants' continued knowing publication of NFS's trade secrets constitutes
11 deliberate, intentional, and outrageous conduct, warranting an award of exemplary damages.

12 38. Based on the Defendants' continued misappropriation and dissemination of NFS's
13 trade secrets despite NFS's repeated demands to cease and desist, NFS has reason to believe
14 further disseminations of its trade secrets will occur.

15 39. Because of Defendants' unlawful dissemination of NFS's trade secrets, NFS has
16 been and will continue to be irreparably harmed. Unless Defendants are preliminarily and
17 permanently enjoined from continuing their knowing offensive conduct in violation of NFS's
18 rights to its trade secrets, NFS will continue to be irreparably harmed.

19 40. Through its allegations herein, NFS has demonstrated a likelihood of success on
20 the merits, and no adequate remedy is available at law.

21 41. The protection of trade secrets such as NFS's serves the interest of the public,
22 ensuring that those who make substantial investments in their business to gain an economic
23 advantage over their competitors will not lose that advantage as a result of the unscrupulous,
24 intentional, and outrageous actions of third parties, such as Rang and TSX, who look to profit
25 from the wrongful dissemination of the trade secrets.

26 42. Because of Defendants' willful and malicious misappropriation and dissemination
27 of the Scouting Information, NFS is entitled to recover its reasonably incurred attorneys' fees
28

1 and costs in pursuing this action. RCW § 19.108.040 (West).

2 WHEREFORE, Plaintiff National Football Scouting, Inc. prays for the following relief:

- 3 a. For a preliminary and thereafter permanent injunction
- 4 i. Ordering Defendants to cease and desist from publishing or
- 5 otherwise disseminating any of NFS's Scouting Information;
- 6 ii. Ordering Defendants immediately to remove all publications of
- 7 NFS's Scouting Information from the internet, weblogs, or any
- 8 other media available to the general public;
- 9 iii. Ordering Defendants immediately to return any copies on NFS's
- 10 Scouting Information in any format (paper, electronic, or
- 11 otherwise) to;
- 12 iv. Ordering Defendants to preserve all electronic data in their control
- 13 including, but not limited to, personal and laptop computers,
- 14 cellular phones, or any other electronic device through which
- 15 Defendants might have improperly obtained NFS's Scouting
- 16 Information and make those machines available to NFS so that
- 17 they may have computer forensics technicians examine, mirror-
- 18 image, and ultimately remove any of NFS's trade secrets found
- 19 thereon;
- 20 v. Ordering Defendants to allow NFS to inspect Defendants' e-mail
- 21 accounts along with proper access to those accounts to search for
- 22 trade secrets contained therein and to allow NFS to investigate
- 23 Defendants' sources of NFS's Scouting Information and evidence
- 24 of further disseminations;
- 25
- 26 vi. Further ordering Defendants, after proper forensic investigation, to
- 27 allow computer technicians to remove NFS's Scouting Information
- 28

1 from Defendants' electronic media at the direction of NFS;

- 2 vii. Ordering Defendants to identify the sources from which
3 Defendants received NFS's Scouting Information so that NFS may
4 seek appropriate relief to prevent such sources from further
5 damaging NFS with additional unlawful disseminations;
6 viii. Enjoining Defendants from soliciting NFS's confidential Scouting
7 Information in the future.

- 8 b. For damages and unjust enrichment in excess of \$75,000 in an amount to
9 be determined at trial;
10 c. For NFS's attorneys' fees and costs incurred herein;
11 d. For exemplary damages; and
12 e. For such other relief as this Court deems just and proper.

13 COUNT II – COPYRIGHT

14 43. NFS incorporates by reference the statements made in paragraphs 1-24 and 26-42 as
15 though fully set forth herein.

16 44. NFS's 2012 Scouting Reports are original works created and owned by NFS.

17 45. NFS's 2012 Scouting Reports were first created on May 19, 2011.

18 46. As the creator of the 2012 Scouting Reports, NFS retains ownership of the material.

19 47. NFS applied for registration of its claims of copyright in the 2012 Scouting Reports
20 for copyright protection on July 7, 2011.

21 48. As alleged in ¶ 21, *supra*, Defendants published portions of NFS's 2012 Scouting
22 reports on at least four (4) separate occasions, in violation the Copyright Act, 17 U.S.C. § 101, *et*.
23 *seq.*

24 49. Defendants received payment for the publication of portions of NFS's 2012
25 Scouting Reports.

26 50. NFS has never authorized either Defendant to duplicate or publish NFS's 2012
27 Scouting Reports.

1 51. Defendants' acts, as alleged herein, are infringements of Plaintiff's copyrights in
2 the 2012 Scouting Reports.

3 52. Defendants have committed all of the aforesaid acts of infringement deliberately
4 and willfully.

5 53. NFS has sustained, and will continue to sustain, substantial injuries, loss and
6 damage to its exclusive rights in its 2012 Scouting Reports under the Copyright Act.

7 WHEREFORE, NFS prays for the following relief:

- 8 a. Disgorgement of all profits earned by Defendants from their willful
9 infringement of NFS's copyrights; and
10 b. Actual damages; or
11 c. Statutory damages of up to \$150,000 for each copyright infringement;
12 d. For such other relief as this Court deems just and proper.

13 JURY DEMAND

14 Plaintiff demands trial by jury of all issues so triable in this matter.

15
16 Respectfully submitted,

17
18 GUILFOIL, PETZALL & SHOEMAKE, L.L.C

HENDRICKS & LEWIS, PLLC

19 By: s/Eric M. Walter

By: s/Katherine Hendricks

20 Eric M. Walter (*pro hac vice*)
21 William C. Dunning, Esq. (*pro hac vice*)
22 100 South 4th Street, Suite 500
23 St. Louis, Missouri 63102
24 314-241-6890 (phone)
314-241-2389 (fax)
emw@gpslegal.com
wcd@gpslegal.com

Katherine Hendricks (WSBA No. 14040)
901 Fifth Avenue, Suite 4100
Seattle, Washington 98164
206-624-1933 (phone)
206-583-2716 (fax)
kh@hllaw.com

25 ATTORNEYS FOR PLAINTIFF
26 NATIONAL FOOTBALL SCOUTING, INC.

LOCAL COUNSEL

27 Request for admission *pro hac vice* to be made

28 COMPLAINT - 12

{100224.DOC }

HENDRICKS & LEWIS PLLC

901 Fifth Avenue, Suite 4100
Seattle, Washington 98164
TEL: (206) 624-1933

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

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

<p>I. (a) PLAINTIFFS National Football Scouting, Inc.</p> <p>(b) County of Residence of First Listed Plaintiff <u>Marion Co., Indiana</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number) Katherine Hendricks, Hendricks & Lewis, PLLC 901 Fifth Avenue, Suite 4100 Seattle, WA 98164 (206) 624-1933</p>	<p>DEFENDANTS</p> <p>County of Residence of First Listed Defendant <u>Pierce</u> (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
---	--

<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES(Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only)</p> <table style="width:100%;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%;"><input type="checkbox"/> 1</td> <td style="width:10%;"><input checked="" type="checkbox"/> 1</td> <td style="width:33%;">Incorporated or Principal Place of Business In This State</td> <td style="width:10%;"><input type="checkbox"/> 4</td> <td style="width:10%;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input checked="" 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> </table>	Citizen of This State	<input type="checkbox"/> 1	<input checked="" 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 checked="" 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
Citizen of This State	<input type="checkbox"/> 1	<input checked="" 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 checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6														

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury 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 PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 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 Acts <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 Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<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	<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 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
17 U.S.C. 101 et. seq.

Brief description of cause:
Copyright infringement; Trade secret violation

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ 75,000+ CHECK YES only if demanded in complaint: **JURY DEMAND:** Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE 09/21/2011 SIGNATURE OF ATTORNEY OF RECORD s/Katherine Hendricks

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.