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13 Attorneys for Plaintiff  
14 CALIFORNIA BOARD SPORTS, INC.

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CLERK, U.S. DISTRICT COURT,  
SOUTHERN DISTRICT OF CALIFORNIA

BY: *ma* DEPUTY

15 UNITED STATES DISTRICT COURT

16 SOUTHERN DISTRICT OF CALIFORNIA

17 '06CV 2365 IEG AJB

18 CALIFORNIA BOARD SPORTS, INC.,  
19 a California Corporation,

20 Plaintiff,

21 v.

22 VANS, INC., a Delaware  
23 Corporation,

24 Defendant.

**COMPLAINT FOR DECLARATION OF  
NON-INFRINGEMENT OF TRADEMARK  
AND DECLARATION OF NON-DILUTION  
OF TRADEMARK**

25 Plaintiff California Board Sports, Inc. ("CBSI")  
26 complains of defendant and alleges as follows:

27 Introduction

28 1. In 1994, several well known figures in the  
skateboarding industry formed California Board Sports, Inc. and  
launched the brand "Osiris." The "Osiris" and "Osiris design"  
marks have since grown tremendously in popularity and are used on  
several types of casual shoes, accessories and apparel sold  
throughout the world. CBSI uses several different designs and  
patterns on its shoes to decorate and embellish the shoes,

*CR*

1 including various generic black and white checkerboard patterns.  
2 Such checkerboard patterns serve no source identifying function  
3 and are used merely to make the shoes more aesthetically pleasing  
4 to consumers. CBSI's use of checkerboards and similar  
5 decorations is similar to the use of polka dots or argyle  
6 patterns by other shoe and apparel manufacturers.

7           2. Defendant Vans, Inc. ("Vans") is one of  
8 CBSI's main competitors in the field of casual shoes, accessories  
9 and apparel marketed to the skate and surf community. Vans owns  
10 several trademarks, including a trademark registration for a slip  
11 on shoe with a generic black and white checkerboard pattern over  
12 the entire front, tongue and heel of the shoe, which Vans refers  
13 to as the "Classic Slip-On." The registration that Vans has for  
14 its Classic Slip-On deck shoe covers the entire design of the  
15 shoe and does not confer rights to the generic pattern of a black  
16 and white checkerboard nor does it preclude third parties from  
17 using decorative checkerboards on shoes for design, descriptive  
18 or non-source identifying purposes.

19           3. Checkerboard patterns have been widely and  
20 commonly used on shoes and apparel for centuries. Checkerboard  
21 patterns are as common as polka dots and argyle patterns in the  
22 shoe and apparel industries and Vans was definitely not the first  
23 party to use checkerboards on shoes. Checkerboard patterns have  
24 been used on numerous types of shoes, accessories and apparel  
25 over the years and are almost always used in a decorative and  
26 non-source identifying manner. Such decorative uses include the  
27 checkerboard pattern emblazoned across the entire product or on a  
28 certain portion of the product to add a decorative accent. Vans

1 itself uses checkerboard patterns as decoration and ornamentation  
2 rather than as a source identifier on its shoes, accessories and  
3 apparel.

4           4. Nevertheless, Vans has demanded that CBSI  
5 cease its use of the checkerboard pattern on shoes, because Vans  
6 believes that CBSI's use of a generic checkerboard pattern on its  
7 shoe infringes Vans' trademark rights.

8           5. Similar to many other shoe manufacturers,  
9 CBSI uses the checkerboard pattern on its shoe in a decorative  
10 and ornamental manner to enhance the aesthetic quality of the  
11 shoe. CBSI does not use the checkerboard pattern in any manner  
12 that could remotely be considered source identifying. CBSI's  
13 Serve Black White Checkered shoe ("Checkered Shoe"), which is the  
14 shoe that Vans alleges infringes on its trademark rights, uses a  
15 generic black and white checkerboard pattern decoratively placed  
16 on the side and heel of the shoe. Neatly and discretely placed  
17 on the tongue of the shoe and a hang tag on the side of the shoe  
18 is CBSI's mark "Osiris." It is highly unlikely that an ordinary  
19 consumer would think that the use of a checkerboard pattern on  
20 the side and heel of CBSI's shoe would be anything more than a  
21 decorative element of the shoe.

22           6. Vans recently sent CBSI a letter demanding  
23 that CBSI cease and desist further sales of its Checkered Shoe  
24 and provide a full accounting of its revenues for such shoe.  
25 Vans has sent similar letters to its other competitors who are  
26 using checkerboard designs in a decorative and ornamental  
27 fashion. Therefore, Vans is improperly trying to monopolize a  
28 centuries old, frequently used, and generic black and white

1 checkerboard pattern by threatening CBSI and third parties that  
2 they are infringing Vans' alleged trademark rights. CBSI has  
3 spent considerable sums to advertise its Checkered Shoe and has  
4 significant revenues resulting from the sales of its Checkered  
5 Shoe, none of which can be attributed to any confusion resulting  
6 from the use of a generic checkerboard pattern. As a result,  
7 CBSI respectfully requests a judicial determination of its rights  
8 under the laws of the United States and the State of California  
9 regarding its decorative and ornamental use of checkerboard  
10 patterns on shoes.

11 **Jurisdiction and Venue**

12 7. This action arises under the Trademark Act of  
13 1946, 15 USC §§ 1051 et seq.; and the Declaratory Judgment Act,  
14 28 USC § 2201 (a). Accordingly, this Court has subject matter  
15 jurisdiction pursuant to 28 USC §§ 1331 and 1338 (a).

16 8. This Court has personal jurisdiction over  
17 defendant Vans because Vans sells shoes, accessories and apparel  
18 within this judicial district and it has therefore availed itself  
19 of the laws of this district.

20 9. Venue lies in this district pursuant to 28  
21 USC § 1391 (b), because a substantial part of the events giving  
22 rise to CBSI's claims occurred within this district, including  
23 sales of CBSI's Checkered Shoe, which Vans alleges infringes its  
24 trademark rights, and sales of many varieties of Vans' shoes  
25 which incorporate a checkerboard design. Vans claims trademark  
26 rights in the generic checkerboard design in this judicial  
27 district as a result of sales of shoes bearing such design.

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**Parties**

10. Plaintiff CBSI is a corporation organized and existing under the laws of the State of California, with its principal place of business in San Diego, California.

11. CBSI is informed and believes that defendant Vans is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in Santa Fe Springs, California.

**Factual Background**

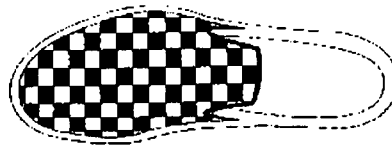
12. CBSI sells a wide array of casual shoes, accessories and apparel that incorporate CBSI's "Osiris" trademark, "Osiris design" trademark, or other highly distinctive and recognizable trademarks and logos, to identify CBSI as the products' source. The "Osiris" and "Osiris design" marks are displayed below:



13. CBSI also employs various ornamental design elements - which have no source identifying function whatsoever - to decorate its shoes. For example, CBSI has used a checkerboard design on its Checkered Shoe:



1                   14. Vans has long been one of CBSI's main  
2 competitors in the market for casual shoes worldwide. One of  
3 Vans' alleged trademarks is a checkerboard design, which was  
4 originally used in a slip on deck shoe with the checkerboard  
5 design emblazoned across the entire front, tongue and heel of the  
6 shoe, as found in Vans' Registration No. 1,583,727 ("Checkerboard  
7 Registration"):



13                   15. On some of Vans' shoes, Vans employs a  
14 variation of the checkerboard pattern found in its Checkerboard  
15 Registration. The checkerboard pattern is applied to shoes in an  
16 even pattern emblazoned across most of the shoe or part of the  
17 shoe in a decorative and ornamental manner, not neatly or  
18 discretely in a manner that would be perceived by the consuming  
19 public as a source identifier. By virtue of such use, Vans also  
20 claims exclusive trademark rights to such varied uses of the  
21 design of a checkerboard on shoes ("Common Law Checkerboard  
22 Marks"), which include the following shoes:



1                   16. On September 29, 2006, Vans sent a letter  
2 through its counsel to Mr. Jay Wilson, President of CBSI,  
3 demanding that CBSI cease selling its Checkered Shoe and any  
4 other shoe incorporating a checkerboard pattern and also  
5 demanding a full accounting of sales from such shoes. Vans has  
6 sent similar letters to competitors who use checkerboard patterns  
7 on their casual shoes and has threatened lawsuits in the United  
8 States against CBSI and other competitors allegedly to enforce  
9 its rights in its Checkerboard Registration and Common Law  
10 Checkerboard Marks (collectively the "Vans Checkerboard  
11 Designs"). However, upon information and belief, no U.S. court  
12 has rendered a decision on the merits in favor of Vans that shoes  
13 bearing a checkerboard pattern infringe or dilute Vans alleged  
14 trademark rights in its Checkerboard Designs.

15                   17. Notwithstanding Vans' claims, numerous  
16 persons and entities have employed checkerboard patterns  
17 decoratively and ornamentally on shoes, accessories, and apparel  
18 for centuries. Checkerboard decorations are frequently used  
19 descriptively on various types of shoes, accessories and apparel  
20 with no source identification purpose, but merely to add an  
21 aesthetically pleasing decorative or ornamental design to the  
22 products.

23                   18. Vans' alleged marks (the Common Law  
24 Checkerboard Marks and the Vans Registration) lack inherent  
25 distinctiveness, as they are comprised merely of the longstanding  
26 and commonplace design element of the checkerboard, which has  
27 historically adorned the shoes, accessories, and apparel of many  
28 manufacturers. Although the Vans Registration of a specific

1 checkerboard pattern for a particular slip on deck shoe may  
2 entitle it to some limited degree of trademark protection for the  
3 entire design of the shoe, this protection must be carefully  
4 tailored so as not to unduly narrow the public domain or to  
5 deprive others of the right to continue the centuries-old  
6 practice of using checkerboard designs ornamentally and/or  
7 descriptively on shoes, accessories and apparel.

8           19. Indeed, Vans itself uses ornamental  
9 checkerboard designs on its shoes, accessories and apparel in a  
10 decorative and/or descriptive manner emblazoned across the entire  
11 surface of the shoes, accessories and apparel, as shown below:

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26           20. In other cases, Vans uses checkerboard  
27 patterns more sparingly on certain shoes, but nonetheless in a  
28 decorative and/or descriptive manner to make the shoes more



1 aesthetically pleasing. The checkerboard patterns are not neatly  
2 and discretely placed on a certain area of the shoe, as would be  
3 the case with a design mark that is recognized as a source  
4 identifier (i.e. Nike Swoosh). Instead, the checkerboard  
5 patterns are haphazardly placed on the heel, toebed, tongue and  
6 side of the shoe in a random manner that serves no source  
7 identifying purpose. This haphazard and decorative use of the  
8 various checkerboard patterns indicates that the pattern does not  
9 serve as a trademark, but instead serves merely to decorate and  
10 embellish the shoes. (See examples of Common Law Checkerboard  
11 Marks, *infra*, P. 6, Lines 12 to 28).

12                   21. Thus, Vans has itself blurred the line  
13 between its alleged proprietary use of checkerboard patterns to  
14 indicate origin, and the commonplace decorative and/or  
15 descriptive use of checkerboard patterns to decoratively adorn  
16 shoes, accessories, and apparel, to which all competitors are  
17 entitled. Vans should not be permitted to narrow or preclude the  
18 longstanding and commonplace use of checkerboard patterns on  
19 shoes, accessories, and apparel to its own commercial advantage.

20                   **FIRST CLAIM FOR RELIEF**

21                   (Declaration of Non-Infringement of Trademark-28 USC § 2201)

22                   (Against Defendant)

23                   22. CBSI incorporates herein by reference each  
24 and every allegation contained in paragraphs 1 through 21 above,  
25 as though set forth at length.

26                   23. By virtue of Vans' cease and desist letter to  
27 CBSI dated September 29, 2006, an actual controversy has arisen  
28 and exists between CBSI and Vans with respect to whether CBSI has

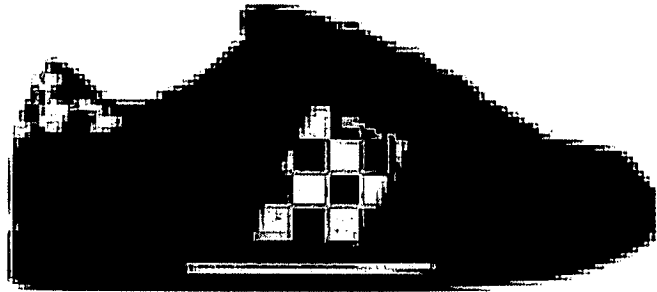
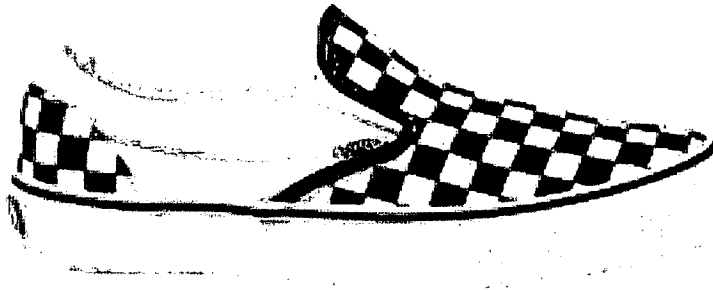
1 infringed and is infringing Vans' alleged trademark rights in the  
2 Vans Checkerboard Designs.

3           24. In fact, CBSI has not infringed and is not  
4 infringing, directly or indirectly, contributory, by inducement  
5 or otherwise, the Vans Checkerboard Designs. Among other things,  
6 CBSI's use of a checkerboard pattern on its shoes is not likely  
7 to cause consumer confusion, because Vans does not have the  
8 exclusive right to use the checkerboard pattern on shoes,  
9 accessories and apparel. Vans does not use the Vans Checkerboard  
10 Designs in a non-decorative, source identifying manner. Its use  
11 of the Vans Checkerboard Designs is purely ornamental and  
12 decorative and Vans cannot take a common design element which has  
13 been in the public domain for centuries and suddenly claim  
14 exclusive rights to such design through purely ornamental use.  
15 If this were allowed, then polka dots would be the next design  
16 element to be monopolized by Vans, as it also sells a slip-on  
17 shoe with polka dots.

18           25. Even assuming arguendo that Vans has the  
19 right to a certain limited checkerboard pattern for shoes (such  
20 as the pattern found on its Checkerboard Registration), CBSI's  
21 Checkered Shoe is not likely to cause consumer confusion, because  
22 the shoe depicted in the Checkerboard Registration bears  
23 absolutely no resemblance to CBSI's Checkered Shoe. Vans' shoe  
24 is a slip-on deck shoe with no laces and CBSI's Checkered Shoe is  
25 a bulkier lace-up skate shoe that is primarily black and only  
26 uses checkerboard patterns as a decorative accent. The following  
27 is a comparison of the respective shoes:

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Therefore, the shoes, when viewed in their entirety, are completely visually distinct. Also, CBSI and Vans use their respective marks ("Osiris" and "Vans") on their shoes. CBSI uses "Osiris" on the tongue of the shoe and Vans uses a red raised "Vans off the wall" logo on the heel of the shoe. CBSI also uses "Osiris" and Vans uses "Vans" on a hang tag attached to the sides of their respective shoes. The only similarity shared by the shoes is that they each use a black and white checkerboard pattern in a decorative and purely ornamental manner. However, it is highly unlikely that an ordinary consumer would confuse such highly different shoes which are clearly branded with the respective Osiris and Vans trademarks merely because they both incorporate a generic checkerboard pattern as decoration.

1                         26. Even if there were a likelihood of confusion  
2 between CBSI's use of the checkerboard pattern on shoes and the  
3 Vans Checkerboard Designs, CBSI could not be held liable for  
4 trademark infringement because CBSI's use of such checkerboard  
5 patterns on shoes is strictly decorative and would qualify as a  
6 "fair use." Such checkerboard patterns serve no source  
7 identification function and are merely used decoratively and  
8 ornamentally for the lawful purpose of making the shoes more  
9 aesthetically pleasing. CBSI has done nothing to suggest  
10 sponsorship or endorsement by Vans of its shoes.

11                         27. Accordingly, CBSI requires a judicial  
12 determination of the rights and duties of the parties under the  
13 laws of the United States (including but not limited to 15 USC §§  
14 1114 and 1125 9a)), the laws of the State of California  
15 (including but not limited to California Business & Professions  
16 Code § 17200, et seq.) and the common law with respect to the use  
17 of the checkerboard pattern on shoes, and a declaratory judgment  
18 that CBSI's use of its current checkerboard pattern for the  
19 Checkered Shoe or any checkerboard pattern does not infringe,  
20 directly or contributory, any valid and protectable design mark  
21 held by Vans.

22                         28. Vans' continued attempts to broaden its  
23 trademark rights beyond its specifically registered marks, among  
24 other things, entitle CBSI to recover its attorneys' fees under  
25 15 USC § 1117(a).

26 /////

27 /////

28 /////

**SECOND CLAIM FOR RELIEF**

(Declaration of Non-Dilution of Trademark-28 USC § 2201)

(Against Defendant)

29. CBSI incorporates herein by reference each and every allegation contained in paragraphs 1 through 28, above, as though set forth at length.

30. Vans has made arguments in its September 29, 2006 cease and desist letter that it has been using its Checkerboard Registration on shoes for almost 25 years and that sales of shoes bearing the Vans Checkerboard Designs are "substantial." As a result, it is anticipated that in any complaint for trademark infringement, Vans will undoubtedly claim that its Vans Checkerboard Designs are well known and famous and that CBSI's sales of shoes bearing any checkerboard design serves to dilute its famous marks.

31. CBSI, however, has not diluted and is not diluting, directly or indirectly, contributory, by inducement or otherwise, the Vans Checkerboard Designs.

32. Accordingly, CBSI requires a judicial determination of the rights and duties of the parties under the trademark laws of the United States (including but not limited to 15 USC § 1125), the laws of the State of California (including but not limited to the California Anti-Dilution statute, California Business & Professions Code §14330), and the common law with respect to the use of the checkerboard pattern on shoes, and a declaratory judgment that its current checkerboard pattern for the Checkered Shoe or any checkerboard pattern does not

/////

1 dilute, directly, or contributorily, any valid and protectable  
2 design mark held by Vans.

3 33. Vans' continued attempts to broaden its  
4 trademark rights beyond its specifically registered marks, among  
5 other things, entitle CBSI to recover its attorneys' fees under  
6 15 USC § 1117 (a).

7 WHEREFORE, CBSI demands judgment:

8 1. That the Court issue a declaration that  
9 CBSI's use of its checkerboard pattern on the Checkered Shoe or  
10 any decorative use of a checkerboard pattern on shoes,  
11 accessories and apparel does not infringe, directly or  
12 contributorily, any valid and protectable design mark held by  
13 Vans under the laws of the United States, the laws of the State  
14 of California, or the common law;

15 2. That the Court issue a declaration that  
16 CBSI's use of the decorative checkerboard design on shoes,  
17 accessories and apparel does not dilute, directly or  
18 contributorily, any valid and protectable design mark held by  
19 Vans under the laws of the United States, the laws of the State  
20 of California or the common law;

21 3. That the Court award CBSI its reasonable  
22 attorneys' fees pursuant to 15 USC § 1117 (a):

23 4. That CBSI be awarded its costs of suit; and

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1                   5. That CBSI have such other and further relief  
2 as the Court deems just and proper.

3 Dated: October 17, 2006

4  
5 IP LEGAL ADVISORS, P.C.

6  
7 By   
8 JOHN M. KIM  
9 Attorneys for Plaintiff  
10 CALIFORNIA BOARD SPORTS, INC.

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DEMAND FOR JURY TRIAL

Plaintiff CALIFORNIA BOARD SPORTS, INC. hereby demands a trial by jury.

Dated: October 17, 2006

IP LEGAL ADVISORS, P.C.

By   
\_\_\_\_\_  
JOHN M. KIM  
Attorneys for Plaintiff  
CALIFORNIA BOARD SPORTS, INC.



JS44

(Rev. 07/89)

**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 SECOND PAGE OF THIS FORM.)

**I (a) PLAINTIFFS**

CALIFORNIA BOARD SPORTS, INC.,  
a California Corporation

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF San Diego  
(EXCEPT IN U.S. PLAINTIFF CASES)

**DEFENDANTS**

VANS, INC., a Delaware Corporation

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY) Los Angeles  
DEPUTY

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

**(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**

SEE ATTACHMENT

**ATTORNEYS (IF KNOWN)**

'06CV 2365 IEG AJB

**II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)**

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)**

- |   |                                     |                          |   |                                     |                          |
|---|-------------------------------------|--------------------------|---|-------------------------------------|--------------------------|
|   | PT                                  | DEF                      |   | PT                                  | DEF                      |
| Citizen of This State                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Incorporated or Principal Place of Business in This State     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Citizen of Another State                | <input type="checkbox"/>            | <input type="checkbox"/> | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/>            | <input type="checkbox"/> |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/>            | <input type="checkbox"/> | Foreign Nation  | <input type="checkbox"/>            | <input type="checkbox"/> |

**IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).**

Declaration of Non-infringement and Non-dilution of trademark.  
15 U.S.C. §1051 et seq. and 28 U.S.C. §2201 (a)

**V. 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 Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <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	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & 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	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWCDIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(e)) <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	<input type="checkbox"/> 400 State Reappointment <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"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC <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 <input type="checkbox"/> 890 Other Statutory Actions
<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 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<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"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <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 Prisoner Conditions			

**VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)**

- 1 Original Proceeding
- 2 Removal 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

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

Declaration of non-infringement JURY DEMAND:  YES  NO

**VIII. RELATED CASE(S) IF ANY (See Instructions):**

JUDGE

Docket Number

DATE 10/25/06

SIGNATURE OF ATTORNEY OF RECORD

130998 Ser 10/25/06 \$350

UNITED STATES  
DISTRICT COURT  
Southern District of California  
San Diego Division

# 130998 - A1  
October 25, 2006

Code	Case #	Qty	Amount
CV006900	3-06-CV-2345		60.00 CH
	Judge - GONZALEZ		
CV006400			100.00 CH
CV510000			190.00 CH
Total ->			350.00

FROM: CIVIL FILING  
CA BOARD SPORTS INC V. VANS  
INC  
BCH 1811 SH