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9 Attorneys for Plaintiffs,
10 GROUP LOTUS PLC, a limited liability company
11 and
12 LOTUS CARS LIMITED, a limited liability company

13 UNITED STATES DISTRICT COURT
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 GROUP LOTUS PLC, a British
16 Limited Liability Company; and

17 LOTUS CARS LIMITED, a British
18 Limited Liability Company

19 v.

20 HPE DESIGN LLC, a Texas Limited
21 Liability Company

22 Defendant.

23 BY FAX
24 CASE NO. 09-9214 GHK (JEMx)
25 COMPLAINT

26 DEMAND FOR JURY TRIAL

27 Plaintiffs Group Lotus PLC ("Group Lotus") and Lotus Cars Limited ("Lotus
28 Cars")(collectively "Plaintiffs") for their complaint allege as follows:

29 NATURE OF ACTION

30 1. This is an action for design patent infringement in violation of the
31 Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*; the use of false designations
32 of origin and false and misleading descriptions and representations in violation of
33 § 43(a) of the United States Trademark Act of 1946, 15 U.S.C. § 1125(a); for

1 statutory unfair competition in violation of California Business and Professions
2 Code § 17200; for related claims of trade dress infringement and unfair competition
3 in violation of the common law of California; for dilution in violation of § 43(c) of
4 the United States Trademark Act of 1946, 15 U.S.C. § 1125(c); and for injury to
5 business reputation and dilution in violation of California Business and Professions
6 Code Section § 14330.

7 8 **THE PARTIES**

9 2. Plaintiffs are both limited liability companies organized and existing
10 under the laws of England and Wales both having their principal place of business at
11 Hethel, Norwich, Norfolk NR14 8EZ, United Kingdom.

12 3. Upon information and belief, defendant HPE Design, LLC, is a limited
13 liability company organized and existing under the laws of Texas, and has a
14 business address at 9281 SW Interstate-10 Frontage Road, Sealy, Texas 77474.

15 16 **JURISDICTION AND VENUE**

17 4. The Court has jurisdiction over this action under 28 U.S.C. §§ 1331
18 and 1338(a) and (b) and 15 U.S.C. § 1121, as it involves substantial claims arising
19 under the Patent Laws of the United States, 35 U.S.C. § 1 et seq.; and the United
20 States Trademark Act of 1946, 15 U.S.C. § 1051 et seq., together with related claims
21 under state law.

22 5. Venue is proper in this District pursuant to 28 U.S.C. § 1391 as the
23 unlawful acts of defendant complained of herein have been committed by defendant
24 within this District and have had or will have had effect in this Judicial District.

PLAINTIFFS' PRODUCTS AND REPUTATION

6. Plaintiff Group Lotus owns 100% of the share capital of Plaintiff Lotus Cars. Plaintiff Lotus Cars is the owner of U.S. Design Patent No. D508,437 at issue in this case, but does not trade. Plaintiff Group Lotus is the owner of the trade mark and trade dress rights at issue in this case. Plaintiffs have for many years past been engaged in the design, development, manufacture and marketing of innovative and highly distinctive automotive designs, including the Lotus Elise[®] and Exige[®]. The Plaintiffs are also accepting orders for a new model, the Lotus Evora[™], which has been well publicized all over the world and which the Plaintiffs plan to release in the coming months. The Plaintiffs sell their line of automobiles, including the famous Elise[®], Exige[®], and Evora[™] brands, throughout the United States, including in this District. All of the Plaintiffs automobiles are designed and manufactured to precise specifications and have been and continue to be of the highest quality. This consistent high quality has enabled the Plaintiffs to establish and maintain over many years a reputation for excellence among automotive enthusiasts. The Plaintiffs have a particular reputation for innovative designs and use of materials and are at the cutting edge of automotive design and technology.

7. Since their introduction by the Plaintiffs, and long prior to the acts of defendant, the Plaintiffs have extensively advertised and promoted the Lotus line of automobiles. Based on the aforesaid advertising and promotional efforts and the outstanding quality of the automobiles, the Plaintiffs' Lotus automobiles have become among the most widely recognized line of sports cars in the United States. A promotional page from www.lotuscars.com depicting the Lotus Elise[®], Exige[®] and Evora[™] automobiles are attached hereto as Exhibit 1.

8. Since their date of first introduction, and since long prior to the acts of defendant complained of herein, the Lotus automobiles have prominently featured several distinctive, striking and innovative design features that distinguish these

1 automobiles from any automobiles ever sold in the United States or elsewhere, and
2 that identify the Plaintiffs' automobiles to consumers and the trade alike.

3 9. In recognition of the novelty and innovation of Lotus' automobiles, the
4 Plaintiffs were awarded a design patent under U.S. Design Patent No. D508,437
5 ("the Lotus Patent"), which grants the Plaintiffs, as of that date, the exclusive right
6 to import, make, use, sell and offer for sale automobiles according to the Lotus
7 Patent and to exclude others from doing so. (Exh. 2).

8 10. Since their date of first introduction, and since long prior to the acts of
9 defendant complained of herein, the Plaintiffs adopted an inherently distinctive and
10 non-functional trade dress for the Lotus automobiles ("Lotus Trade Dress"). No
11 other automobile, past or present, has an appearance that even remotely resembles
12 the Lotus Trade Dress.

13 11. Since long prior to the acts of defendant complained of herein, the
14 Plaintiffs have continuously and exclusively used the Lotus Trade Dress in
15 connection with the advertising, promotion and sale of its Lotus automobiles. The
16 Plaintiffs' Lotus automobiles have been extensively shipped, distributed and sold in
17 interstate commerce throughout the United States, including in the Central District
18 of California.

19 12. Since long prior to the acts of defendant complained of herein, the
20 Plaintiffs have extensively and widely advertised and promoted its Lotus
21 automobiles through numerous forms of media including, without limitation,
22 nationally circulated newspapers and magazines, point of sale promotions, and
23 television commercials, and over the Internet at its popular Lotuscars.com website.

24 13. As a result of the aforesaid advertising, promotion, sales and media
25 attention, and as well as the excellence and craftsmanship of the products, the Lotus
26 Trade Dress, has become famous and is recognized and relied upon by consumers as
27 exclusively identifying the products of the Plaintiffs and distinguishing those
28

1 products from the products of others. The distinctive Lotus Trade Dress has come to
2 represent an extremely valuable reputation and goodwill worth many millions of
3 dollars and belonging exclusively to the Plaintiffs.

4
5 **DEFENDANT'S UNLAWFUL CONDUCT**

6 14. Defendant is well aware, and has been well aware since long prior to the
7 acts complained of herein, of the vast goodwill represented and symbolized in the
8 unique appearance of the Plaintiffs' Lotus Trade Dress, and that the public
9 recognizes and relies upon the Lotus Trade Dress as identifying the Plaintiffs'
10 products and distinguishing the Plaintiffs' products from the products of others.
11 Defendant is also well aware of the Lotus Patent.

12 15. Notwithstanding its aforesaid knowledge and indeed by reason of such
13 knowledge, defendant upon information and belief, recently set upon a scheme and
14 course of conduct to misappropriate the Plaintiffs' rights in the Lotus Patent and the
15 Lotus Trade Dress, and to deceive the public into believing that defendant's goods
16 are the Plaintiffs' goods, by importing distributing, making, selling, offering for
17 sale, promoting and advertising automobiles which closely copy and imitate the
18 appearance of the Plaintiffs' Lotus Trade Dress. An article showing the imitation
19 automobiles offered by defendants is attached hereto as Exhibit 3.

20 16. Upon information and belief, defendant is making, distributing, selling,
21 offering for sale, promoting and advertising its automobiles bearing imitations of the
22 Plaintiffs' Lotus Trade Dress, with the deliberate and calculated intent to trade on
23 the enormous goodwill and reputation symbolized by the Lotus Trade Dress and to
24 confuse and mislead the public into believing that defendant's products are the same
25 or come from the same source as the Plaintiffs' products or have been sponsored,
26 approved or connected with the Plaintiffs'.

1 17. Defendant's automobiles so closely simulate and imitate the Plaintiffs'
2 Lotus Trade Dress, as to be likely to cause confusion and mistake and to deceive and
3 to make the public to believe that defendant's products are the Plaintiffs' products,
4 or have been sponsored, approved or somehow connected with plaintiff, with
5 consequent injury to the Plaintiff and to the public.

6 18. Defendant's simulation and imitation of the Plaintiff's Lotus Trade
7 Dress constitutes the use of false designations of origin and false and misleading
8 representations as to the source of the products made, sold, distributed and offered
9 for sale by defendant and is likely to cause confusion among consumers and to cause
10 them to mistakenly believe that defendant's automobiles are the Plaintiffs' Lotus
11 automobiles or are approved, endorsed, affiliated or sponsored by or associated or
12 connected with the Plaintiffs.

13 19. Upon information and belief, defendant has caused its goods to be sold,
14 distributed and offered for sale in interstate commerce with the intent of defendant
15 to cause confusion and deception of the public, and with knowledge and intent to
16 profit unfairly from the Plaintiffs' name, reputation and goodwill associated with the
17 Plaintiffs' Lotus Trade Dress.

18 20. Because of defendant's actions, the Plaintiffs have been damaged and
19 are likely to be further damaged by the use of such false designations and false and
20 misleading descriptions and representations in that the purchasing public is likely to
21 be induced into purchasing defendant's goods in the erroneous belief that they are
22 the Plaintiffs' goods or that defendant's goods are endorsed by the Plaintiffs, or are
23 sponsored by the Plaintiffs, or are approved or connected in some way with The
24 Plaintiffs, or possess the advantages, benefits and quality of the Plaintiffs' goods.
25
26
27
28

COUNT I

INFRINGEMENT OF UNITED STATES DESIGN PATENT NO. D508,437

21. The Plaintiffs repeat and reallege the allegations contained paragraphs 1 through 20 as if set forth herein.

22. On August 16, 2005, the Lotus Patent, U.S. Design Patent No. D508,437 entitled "Automobile" was duly and legally issued. Since that date, Plaintiff Group Lotus has been and still is the owner of the Lotus patent. A copy of the Lotus Patent is attached hereto as Exhibit 2.

23. Defendant has been and still is directly infringing the Lotus Patent by, upon information and belief, importing, making, selling, offering for sale and/or using certain automobiles that incorporate the invention disclosed in the Lotus Patent, including, without limitation, the automobiles shown in Exh. 3 attached hereto.

24. Defendant's aforesaid acts have caused and will continue to cause great and irreparable injury to the Plaintiffs, and unless such acts are restrained by this Court, they will be continued and the Plaintiffs will continue to suffer great and irreparable injury.

25. Plaintiffs have no adequate remedy at law.

COUNT II

**FEDERAL UNFAIR COMPETITION AND FALSE DESIGNATIONS OF
ORIGIN AND FALSE AND MISLEADING REPRESENTATION**

UNDER 15 U.S.C. § 1125(a)

26. The Plaintiffs reallege and incorporate paragraphs 1 through 25 as if set forth herein.

COUNT IV

**UNFAIR COMPETITION IN VIOLATION OF THE STATUTORY LAW OF
THE STATE OF CALIFORNIA**

34. The Plaintiffs repeat and reallege paragraphs 1 through 33 as if set forth herein.

35. The aforesaid acts of defendant constitute trademark infringement and unfair competition in violation of California Business and Professions Code §17200 *et seq.*

36. Defendant's aforesaid acts have caused and will continue to cause great and irreparable injury to the Plaintiffs and, unless such acts are restrained by this court, they will be continued and the Plaintiffs will continue to suffer great and irreparable injury.

37. The Plaintiffs have no adequate remedy at law.

COUNT V

DILUTION IN VIOLATION OF 15 U.S.C. § 1125(c)

38. The Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 37 as though fully set forth herein.

39. Defendant's aforesaid acts are likely to dilute the distinctive quality of plaintiff's Lotus Trade Dress in violation of Section 43(c) of the United States Trademark Act, 15 U.S.C. § 1125(c).

40. Defendant's aforesaid acts have caused, and will continue to cause, great and irreparable injury to the Plaintiffs and unless such acts are restrained by this Court it will be continued and the Plaintiffs will continue to suffer great and irreparable injury.

1 (b) from using upon, or in connection with the manufacture, distribution,
2 offering for sale or sale of automobiles or any other products, the Lotus Trade Dress,
3 or any other design or trade dress for automobiles or related products that otherwise
4 consists of or that resembles, copies, imitates, simulates or counterfeits the
5 appearance of the Lotus automobiles or elements of the Lotus Trade Dress;

6 (c) from using any colorable imitation of the appearance of the Plaintiffs'
7 Lotus automobiles or the Lotus Trade Dress or any other false designation of origin
8 or false or misleading description or representation in connection with the business
9 of defendant or with the advertising, offering for sale or sale by defendant of its
10 goods or in connection with any other goods, which may imply or lead the public to
11 believe that a product not originating with the Plaintiffs are the Plaintiffs' product or
12 that defendant's products are sponsored, licensed or authorized by the Plaintiffs or
13 that defendant or its products are otherwise affiliated with or approved by the
14 Plaintiffs; and

15 (d) from doing any other act or thing calculated or likely to cause
16 confusion or mistake in the mind of the public or to deceive purchasers into the
17 belief that defendant's products are the Plaintiffs' products or are sponsored,
18 licensed or authorized by the Plaintiffs.

19 3. That defendant and those controlled by or in active concert
20 participation with defendant be required to deliver up to the Plaintiffs for destruction
21 all goods, molds, labels, signs, prints, packages, advertisements, promotional items
22 and any other written or printed materials that bear or depict or embody any of the
23 Lotus Trade Dress, or that are otherwise in violation of this Court's order issued
24 pursuant hereto, and all plates, molds, matrices and other means for making the
25 same.

26 4. That, pursuant to 35 U.S.C. § 289 and 15 U.S.C. § 1117, defendant be
27 required to account to the Plaintiffs for defendant's profits and for such sum in
28

1 addition thereto as the Court shall find just.

2 5. That the Plaintiffs recover the damages arising out of the foregoing acts
3 of patent infringement, trade dress infringement, false descriptions and
4 representations, and unfair competition, in a sum equal to three times the damages
5 suffered by the Plaintiffs.

6 6. That the Plaintiffs have and recover the taxable costs of this civil
7 action, including reasonable attorneys' fees and interests.

8 7. That in view of defendant's wanton and deliberate illegal acts, the
9 Plaintiffs be awarded punitive damages.

10 8. That defendant be ordered to file with the Court and serve upon the
11 Plaintiffs, within thirty (30) days after the service of the injunction upon defendant,
12 a report in writing under oath setting forth in detail the manner and form in which
13 defendant has complied with the injunction and judgment entered pursuant to this
14 Complaint. That the Plaintiffs have such other and further relief as the Court may
15 deem just.

16 **JURY DEMAND**

17 The Plaintiffs hereby demand and request trial by jury of all issues raised that
18 are triable by jury.

19
20 DATED: December 15, 2009

FULWIDER PATTON LLP

21
22 By: 

23 James W. Paul
24 Scott R. Hansen
25 Attorneys for Plaintiff

26 BWT1077020
27 376972.1
28

EXHIBIT 1



The Lotus Elise and Elise SC

The Elise is a driving experience like no other.

Few cars can match the delicacy and accuracy of the steering, throttle and brakes. Supremely light and engineered for strength, performance and driver enjoyment.

"Performance through lightweight" is key to the way that this accomplished car handles on the road and track. Sweeping lines and a pure connection between driver and machine ensure that it is a pleasure to drive and a memory to savour.

The Lotus Evora

The first all-new Lotus since the iconic Elise made its debut in 1995, the Evora enters the sports car market as the world's only mid-engine 2+2. Powered by a Lotus-tuned 3.5-liter V6 engine producing 276 hp, and weighing just 2,976 lbs. (prototype specification), the Evora promises breathtaking performance.

The Evora offers a more refined ownership experience than Lotus's existing smaller four-cylinder models with a contemporary, hand-crafted and elegantly trimmed cabin and an equipment list including such high-tech features as an advanced touch-screen multi-media system incorporating a state-of-the-art Alpine satellite navigation and audio system.

The Lotus Exige S 240 and 260

The Exige S 240 and 260 are real sports cars that redefine the term, "extreme performance".

For their engine size, the Exige S 240 and 260 are two of the most powerful production cars in the world. The Exige is not just a track day enthusiasts' car, but a sublime sports car that's equally at home on the backroads, motorways and autobahns as it is on city streets and race tracks.

From pure racing heritage to cutting edge technology and world-leading ride and handling, Lotus' Exige models are in a league of their own. Lotus' Exige models are instruments of pure driving bliss.

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EXHIBIT 2



US00D508437S

(12) **United States Design Patent**
Crijns

(10) Patent No.: **US D508,437 S**(45) Date of Patent: **** Aug. 16, 2005**(54) **AUTOMOBILE**(75) Inventor: **Steven Crijns, Norfolk (GB)**(73) Assignee: **Lotus Cars Limited, Norfolk (GB)**(**) Term: **14 Years**(21) Appl. No.: **29/195,305**(22) Filed: **Dec. 8, 2003**(30) **Foreign Application Priority Data**

Sep. 18, 2003 (GB) 3014463

(51) **LOC (8) Cl.** **12-08**(52) **U.S. Cl.** **D12/92**(58) **Field of Search** D12/90-92, 86,
D12/88; D21/424, 433; 296/185(56) **References Cited****U.S. PATENT DOCUMENTS**

D455,102 S * 4/2002 Crijns D12/92

D484,440 S * 12/2003 Okonkwo D12/92

D485,211 S * 1/2004 Pfeiffer et al. D12/92

D495,976 S * 9/2004 Sugimoto D12/92

* cited by examiner

Primary Examiner—Melody N. Brown(74) *Attorney, Agent, or Firm*—Fulwider Patton Lee & Utecht, LLP(57) **CLAIM**

The ornamental design for an automobile, as shown and described.

DESCRIPTION

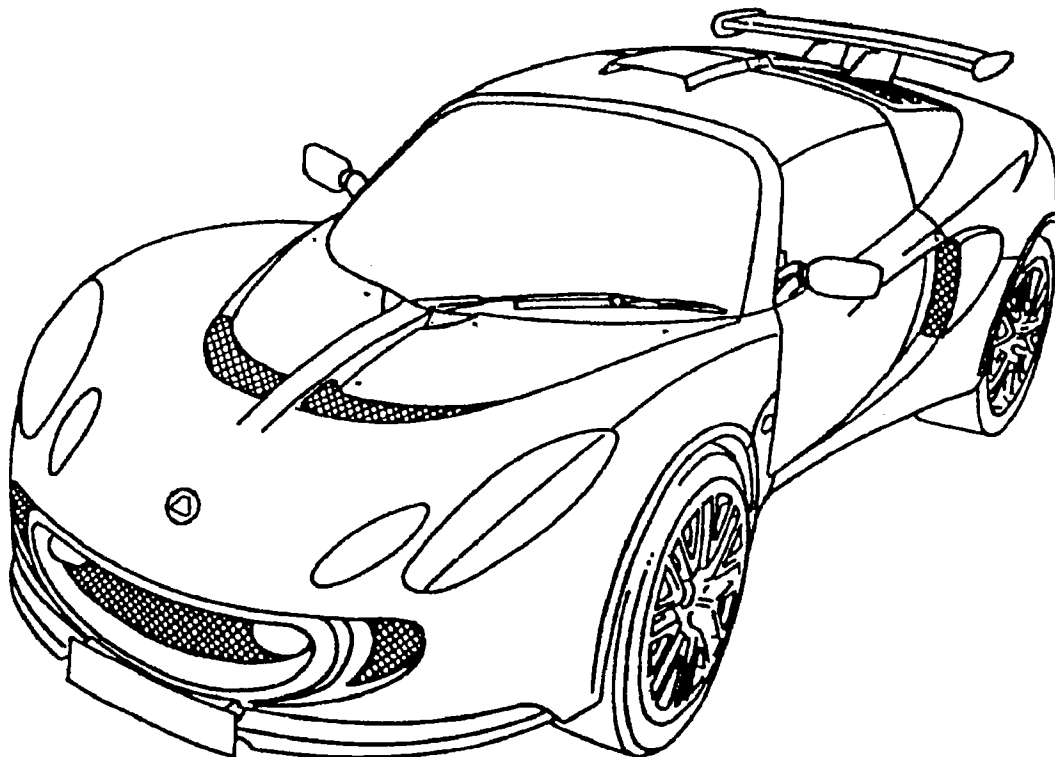
FIG. 1 is a side elevation view of an automobile showing my new design; and

FIG. 2 is a rear perspective view thereof.

FIG. 3 is a rear perspective view thereof.

FIG. 4 is a front perspective view thereof; and,

FIG. 5 is a front elevation view thereof.

1 Claim, 4 Drawing Sheets

U.S. Patent

Aug. 16, 2005

Sheet 1 of 4

US D508,437 S

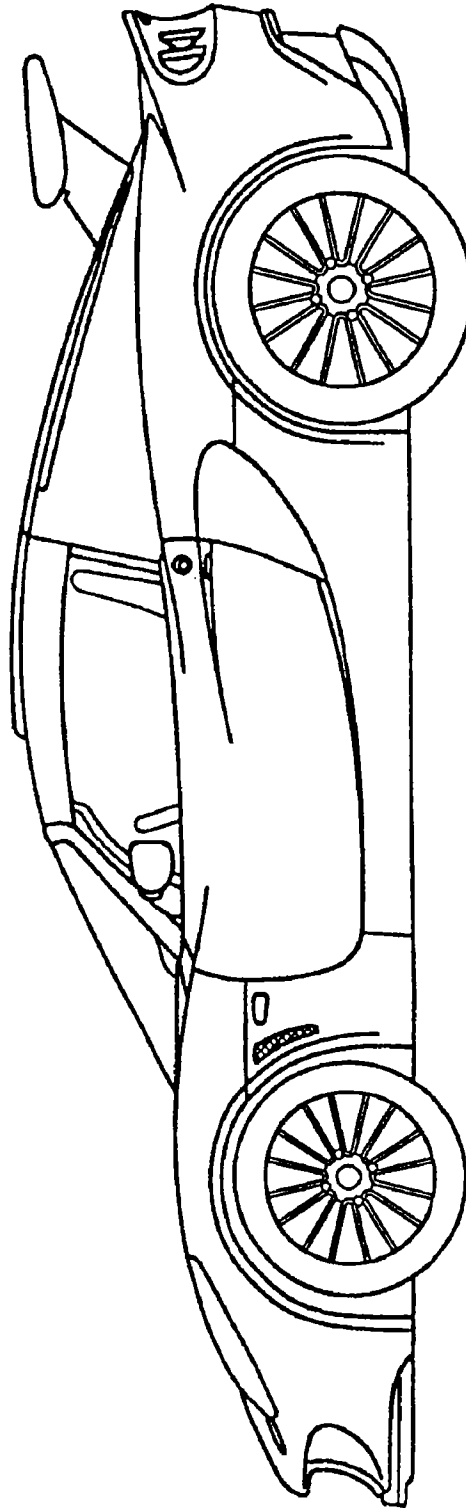


FIG. 1

EXHIBIT 2

Page 17

U.S. Patent

Aug. 16, 2005

Sheet 2 of 4

US D508,437 S

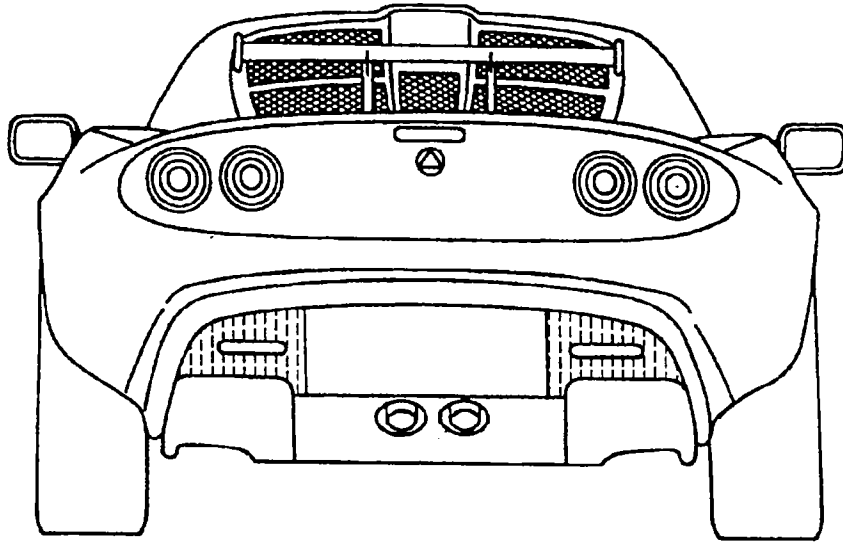


FIG. 2

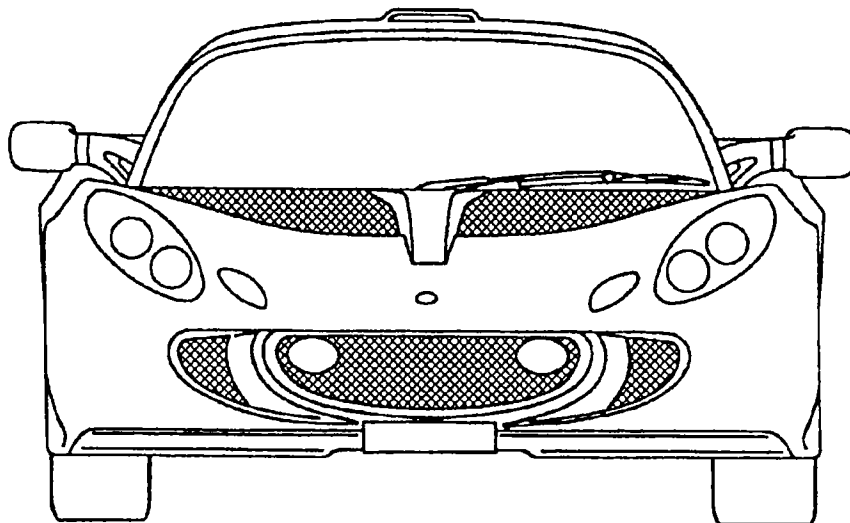


FIG. 5

U.S. Patent

Aug. 16, 2005

Sheet 3 of 4

US D508,437 S

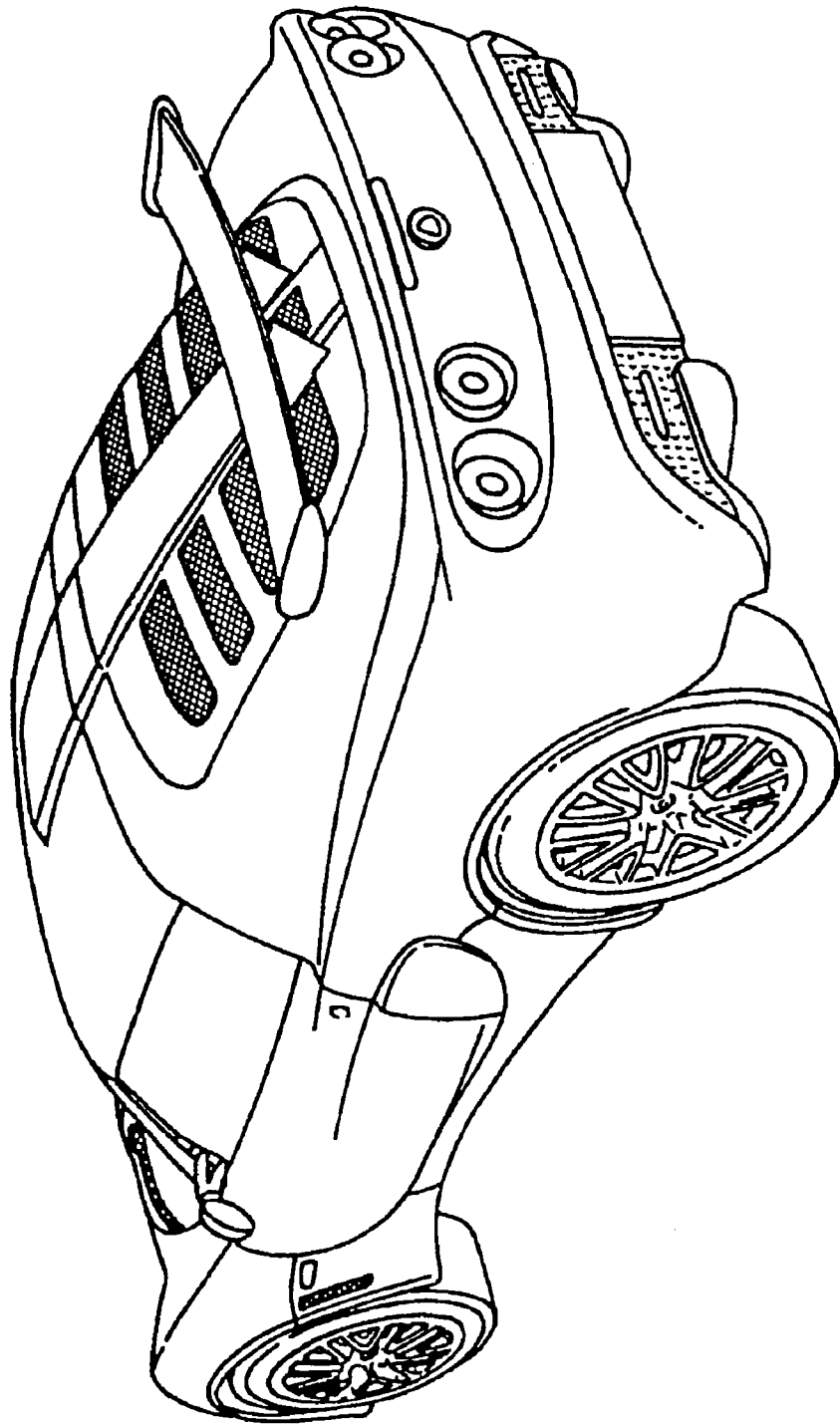


FIG. 3

U.S. Patent

Aug. 16, 2005

Sheet 4 of 4

US D508,437 S

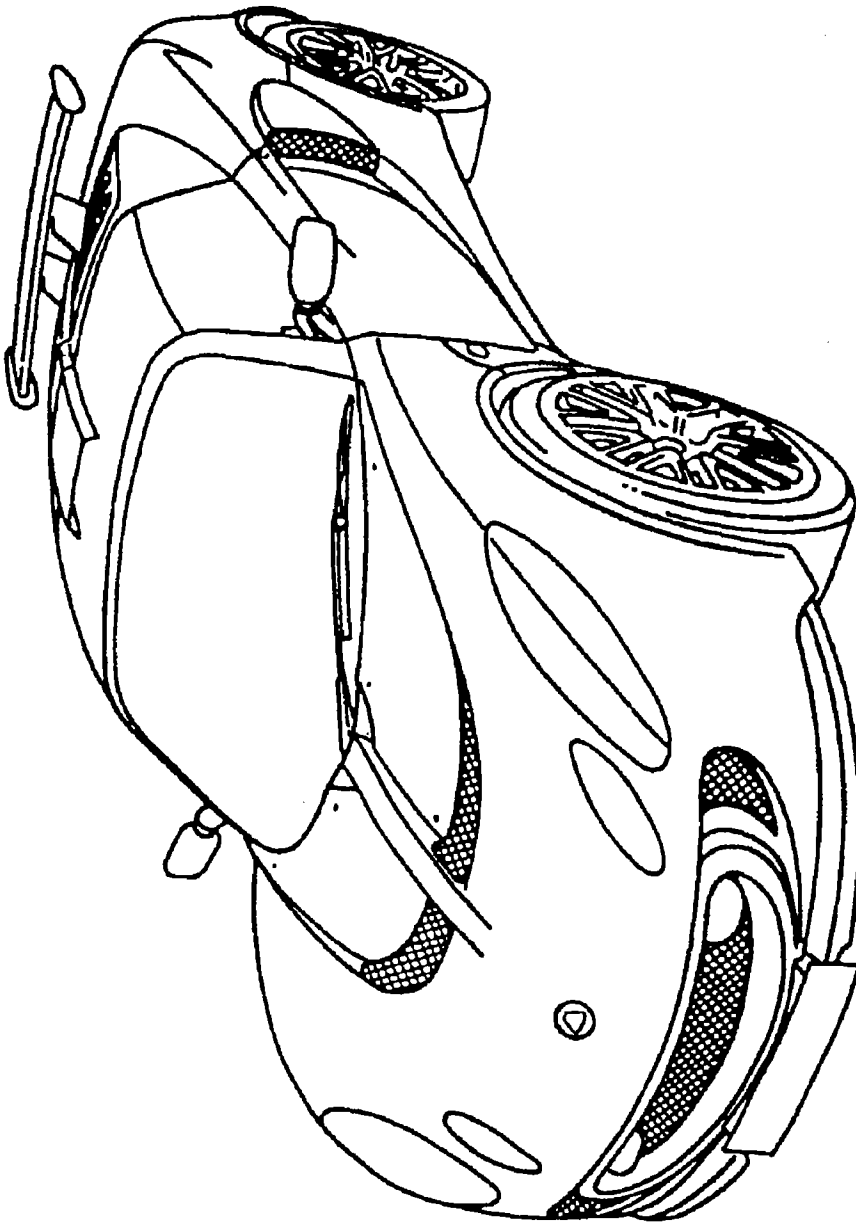


FIG. 4

EXHIBIT 3



WORLDCARFANS

search

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Your account

username
password
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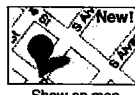
\$24,200 Dodge : Viper RT-10
Dodge Viper 8.0 RT-10
Convertible Spo... **Gainesville**



\$1,799 2008 2009 FACTORY
OEM DODGE VIPER SRT
WHEELS W...
North Royalton



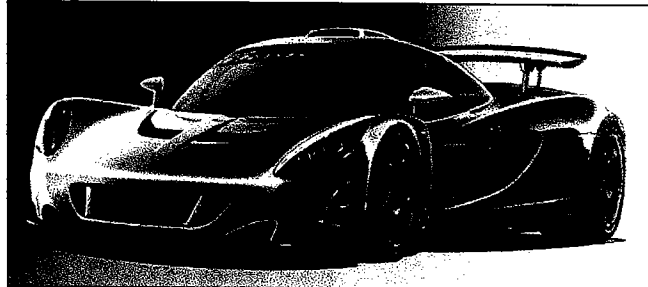
\$25,900 Dodge : Viper GTS
VIPER GTS 12K MILES SIDE
EXHAUST 2-PI... **Houston**



Show on map

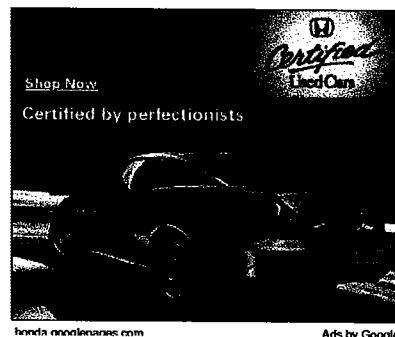
Hennessy VENOM GT Concept Car Headed for Geneva with 1200bhp

A Bugatti beater?



Hennessy Venom GT concept illustrations - 1280

by Michael Gauthier
August 13, 2009 3:53 PM
Filed Under: American, Concept Car, Geneva Motor Show, Tuners



honda motorcycles.com

Arts by Google

Hennessy Performance Engineering has announced that their Venom GT Concept will be officially unveiled at the 2010 Geneva Motor Show.

Boasting a 1200 bhp V8 engine, of unspecified displacement, the Venom GT is expected to accelerate from 0-60 mph in 2.4 seconds before hitting a top speed of 272 mph (440 km/h). If Hennessy is correct, the Venom GT will easily surpass the Bugatti Veyron's top speed of 254 mph (408 km/h). Should that fail to

impress you, Hennessy also says the Venom GT will accelerate from 0-100 mph in 5.3 seconds, 0-150 mph in 8.9 seconds, and 0-200 mph in 14.3 seconds.

In order to achieve these insane performance figures, Hennessy strictly followed the idea of creating a lightweight supercar. The company estimates that Venom GT will weigh less than 2,400 lbs which is roughly 1,700 lbs lighter than the Veyron.

Designed by Steve Everitt, the Venom GT has an aggressive appearance that should produce plenty of downforce thanks to its massive "VenomAero" rear wing. If things get a little dicey, the massive 14-inch carbon brake rotors (with 6-piston calipers up front, 4-piston calipers in rear) will bring things to halt.

Look for more information to be released closer to the car's unveiling in March 2010.

[UPDATE] Press release added including base price of \$600,000.

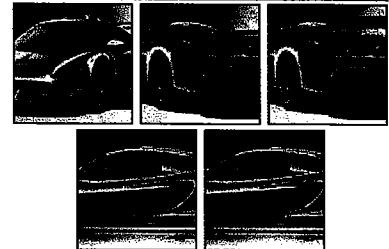
Source: Hennessy
[Press Release](#) (Click to expand)

Hennessy Performance Engineering (HPE) will be unveiling its VENOM GT supercar to the public for the first time at the 2010 Geneva Motor Show. The VENOM GT will be powered by Hennessy's specially-tuned version of the Corvette ZR1's LS9 engine, which will be both supercharged and twin-turbocharged. With over 1,000 bhp of power on tap, and a curb weight under 2,500 lbs, the mid-engine VENOM GT will boast an astounding power-to-weight ratio of less than 2.5 to 1.

"It goes without saying that I am not the first Texan to come up with the idea of marrying a powerful American V8 with a light-weight British chassis," says company founder, John Hennessy, referring to legendary tuner Carroll Shelby. "However, I am confident that automotive fans around the world will find our forthcoming VENOM GT to be every bit as earth-shattering as the 289 AC Cobra was back in the early 1960's".

The company currently has three orders for the VENOM GT, which is based on a radically modified Lotus Exige S chassis. Cost for the base vehicle with 1,000 bhp is \$600,000 US Dollars.

Additional Images



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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge George King and the assigned discovery Magistrate Judge is John E. McDermott.

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

CV09 - 9214 GHK (JEMx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:

James W. Paul
 Scott R. Hansen
 FULWIDER PATTON LLP
 6060 Center Drive, 10th Floor
 Los Angeles, CA 90045

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

GROUP LOTUS PLC, a British Limited Liability
 Company; and
 LOTUS CARS LIMITED, a British Limited Liability
 company PLAINTIFF(S)

v.

HPE DESIGN LLC, a Texas Limited Liability
 Company

DEFENDANT(S).

CASE NUMBER

CV09-9214GHK (JEMx)

SUMMONS

TO: DEFENDANT(S): HPE DESIGN LLC

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, James W. Paul, whose address is Fulwider Patton LLP, 6060 Center Drive, 10th Floor, Los Angeles, CA 90045. 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: 15 DEC 2009By: Star Bayes

Deputy Clerk

(Seal of the Court)

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

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

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> GROUP LOTUS PLC, a British Limited Liability Company; and LOTUS CARS LIMITED, a British Limited Liability Company		DEFENDANTS HPE DESIGN LLC, a Texas Limited Liability Company	
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) FULWIDER PATTON LLP 6060 Center Drive, 10th Floor Los Angeles, CA 90045		Attorneys (If Known)	

II. BASIS OF JURISDICTION (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)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </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
	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																				

IV. ORIGIN (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
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V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check "Yes" only if demanded in complaint.)	MONEY DEMANDED IN COMPLAINT: \$ Damages and Enhanced Damages
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VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

VII. NATURE OF SUIT (Place an X in one box only.)					
OTHER STATUTES <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"/> 950 Constitutionality of State Statutes	CONTRACT <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 REAL PROPERTY <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	TORTS 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 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 IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS 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 BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <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	PRISONER PELLETONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus 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 FORFEITURE/PENALTY <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 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" 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

FOR OFFICE USE ONLY: Case Number:

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

CV09-9214 BY FAX

**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
	Group Lotus PLC and Lotus Cars Limited, both British Limited Liability Companies with a principal place of business in the United Kingdom;

- (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
	HPE DESIGN LLC, a Texas Limited Liability Company with a principal place of business in Texas

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

* 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):

Scott R. Hansen

Date

December 15, 2009

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))