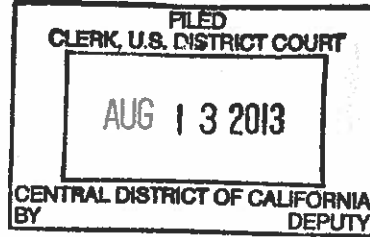


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11 Attorneys for Plaintiff  
12 DEL MONTE INTERNATIONAL GMBH

13 UNITED STATES DISTRICT COURT  
14 CENTRAL DISTRICT OF CALIFORNIA  
15 WESTERN DIVISION

16 DEL MONTE  
17 INTERNATIONAL GMBH,

18 Plaintiff,

19 v.

20 DEL MONTE CORPORATION,

21 Defendant.  
22  
23  
24  
25  
26  
27  
28

} Case No. CV13-5912 RSWL (MANx)  
COMPLAINT FOR  
DECLARATORY RELIEF

1 Pursuant to the Court’s jurisdiction under 28 U.S.C. §§ 1331, 1338, 1391,  
2 2201 and 2202, and 15 U.S.C. §§ 1114, 1121 and 1125, Plaintiff Del Monte  
3 International GmbH (“Plaintiff”) files this Complaint against Defendant Del Monte  
4 Corporation (“Defendant”), by and through its undersigned counsel, upon knowledge  
5 as to itself and upon information and belief as to all other matters, and alleges for its  
6 complaint as follows:

7 **NATURE OF THE ACTION**

8 1. This action seeks: (i) a declaration that Plaintiff has *bona fide* rights in  
9 the DEL MONTE trademark, that it is not in violation of the Anti-cybersquatting  
10 Consumer Protection Act (“ACPA”) by seeking to register the General Top Level  
11 Domain (“gTLD”) <.delmonte>, and that registration of the gTLD <.delmonte> will  
12 not create an impermissible likelihood of confusion; and (ii) an order compelling  
13 Defendant to withdraw its Legal Rights Objection (“LRO”) to Plaintiff’s application  
14 (“Application”) to register the gTLD <.delmonte>.

15 **THE PARTIES**

16 2. Del Monte International GmbH is a limited liability company organized  
17 under the laws of Switzerland, with its principal place of business in Monaco.

18 3. Plaintiff is a wholly owned subsidiary of Fresh Del Monte Produce Inc.  
19 (“Fresh Del Monte”), the holding company for the Del Monte Fresh Produce group  
20 of companies. Fresh Del Monte is a corporation organized under the laws of the  
21 Cayman Islands, has its principal executive offices at Walker House, Mary Street,  
22 George Town, Grand Cayman, Cayman Islands, and has U.S. executive offices at c/o  
23 Del Monte Fresh Produce Company, 241 Sevilla Avenue, Coral Gables, Florida  
24 33134.

25 4. Upon information and belief, Del Monte Corporation is a corporation  
26 organized under the laws of Delaware, and has principal executive offices at One  
27 Maritime Plaza, San Francisco, California 94111.

28

**JURISDICTION AND VENUE**

1  
2           5.       This is an action for declaratory relief pursuant to 28 U.S.C. §§ 2201  
3 and 2202, and 15 U.S.C. § 1125(d). The U.S. District Courts have subject matter  
4 jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331, and 1338, and 15 U.S.C.  
5 § 1121, because this is a matter arising under the Lanham Act, 15 U.S.C. § 1051 *et*  
6 *seq.*

7           6.       This Court has two independent bases for jurisdiction over Defendant.

8           7.       First, Defendant agreed to submit to the jurisdiction of this Court when  
9 it initiated an administrative proceeding with the World Intellectual Property  
10 Organization (“WIPO”). Specifically, the Uniform Domain Name Dispute  
11 Resolution Policy and Rules (together the “UDRP Rules”), which WIPO has stated  
12 apply to new gTLDs, state that a challenge to a WIPO decision must occur in a court  
13 of “Mutual Jurisdiction,” and that the parties to a WIPO administrative proceeding  
14 must submit to such jurisdiction. A court of Mutual Jurisdiction is defined by the  
15 UDRP Rules as a court at the location of either (a) the principal office of the  
16 Registrar, or (b) the domain-name holder’s address. Accordingly, jurisdiction is  
17 proper in this Court, because the Registrar with whom the Application was filed, the  
18 Internet Corporation for Assigned Names and Numbers (“ICANN”), is located in  
19 Marina del Rey, California, which is within this judicial district.

20           8.       Second, this Court has personal jurisdiction over Defendant because its  
21 principal place of business is in the State of California.

22           9.       Upon information and belief, Defendant has established minimum  
23 contacts with this forum such that the exercise of jurisdiction over Defendant will not  
24 offend traditional notions of fair play and substantial justice. In particular, upon  
25 information and belief, Defendant resides in this district and has committed such  
26 purposeful acts and/or transactions in the State of California that it reasonably knew  
27 and/or expected that it could be sued in a California court as a future consequence of  
28 such activity.



1 14. Fresh Del Monte has leading market positions in several product  
2 categories, including the following, all of which are sold under the DEL MONTE  
3 trademark: the number one marketer of fresh pineapples worldwide; the third-largest  
4 marketer of bananas worldwide; and a leading marketer of branded fresh-cut fruit in  
5 the US, UK, UAE, and Saudi Arabia. In fiscal year 2012, Fresh Del Monte  
6 generated approximately \$2,664,166,000 in net sales from its DEL MONTE branded  
7 products.

8 15. Although Defendant retained ownership of the DEL MONTE trademark  
9 in many jurisdictions throughout the world, it has retained for itself limited rights to  
10 use the DEL MONTE trademark in the United States and South America, and to do  
11 so on only a narrow category of products – specifically, fruit and vegetable products  
12 that have been heat treated or sterilized for the purpose of rendering them shelf-  
13 stable.

14 **Plaintiff's Bona Fide Rights in the DEL MONTE Mark**

15 16. Plaintiff is indisputably the *owner* of the DEL MONTE trademark—  
16 including the words “DEL MONTE,” the DEL MONTE “device” (logo), and a  
17 combination of the words DEL MONTE and the DEL MONTE device (collectively,  
18 the “DEL MONTE Mark”)—in South Africa, and has owned the Mark there  
19 (directly or through its affiliates and predecessors in interest) since 1990. This fact  
20 alone provides Plaintiff with *bona fide* rights in the DEL MONTE Mark.

21 17. Moreover, Plaintiff, either directly or through its affiliates and  
22 predecessors in interest, is party to a series of license agreements entered into in  
23 1989 and 1990 with Defendant, pursuant to which Plaintiff holds the following  
24 additional *bona fide* rights in the DEL MONTE Mark: (i) an exclusive, perpetual,  
25 royalty-free worldwide license to use the DEL MONTE Mark on or in connection  
26 with the production, manufacture, sale, and distribution of fresh fruit, fresh  
27 vegetables and fresh produce, as well as certain preserved fruit products, among  
28 others; and (ii) an exclusive, royalty-free license to use the DEL MONTE Mark on or

1 in connection with the production, manufacture, sale, and distribution of all food  
2 products (including beverages), whether fresh or preserved, in Europe, the Middle  
3 East, Africa and the former Soviet Union countries.

4 18. Since Plaintiff's acquisition of these rights, the parties have engaged in  
5 simultaneous use of the DEL MONTE Mark for 24 years, without any known  
6 instance of consumer confusion.

7 19. Furthermore, Plaintiff and its affiliates have owned and operated over a  
8 dozen "delmonte" domain names for over a decade without seeking or obtaining  
9 authorization from Defendant (e.g., <delmonteonline.com> (registered April 25,  
10 2000) and <delmontenet.com> (registered April 25, 2000)). Defendant has objected  
11 to none of these domain names, and Plaintiff is not aware of any examples of  
12 consumer confusion resulting from its registration and use of these domain names.

13 **The New gTLD Program**

14 20. In June 2011, ICANN introduced its New gTLD Program, which allows  
15 parties to apply for a unique top level domain, to be used in lieu of traditional top  
16 level domains, such as <.com> or <.net>.

17 21. The application window opened on January 12, 2012, and closed on  
18 May 30, 2012.

19 22. ICANN also provided for a New gTLD Dispute Resolution Procedure  
20 ("Procedure"), and delegated authority for administering this Procedure to WIPO,  
21 which in turn adopted the WIPO Rules for New gTLD Dispute Resolution for  
22 Existing Legal Rights Objections ("WIPO gTLD Rules").

23 23. Pursuant to the Procedure and the WIPO gTLD Rules, third parties were  
24 permitted to challenge a gTLD application by filing an LRO during a specified  
25 period, which ran from June 13, 2012 through March 13, 2013.

26 24. With respect to LROs pertaining to applications for gTLDs that are  
27 also trademarks, the principal inquiries under the Procedure and the WIPO gTLD  
28 Rules are whether the applicant has *bona fide* rights in the trademark that

1 corresponds to the applied-for gTLD and whether registration of the gTLD by the  
2 applicant would create an impermissible likelihood of consumer confusion.

3 **Plaintiff's gTLD Application**

4 25. Plaintiff submitted its Application for the gTLD <.delmonte> during the  
5 specified period, and seeks to register <.delmonte> in order to establish and expand  
6 its global presence on the Internet for the products it lawfully sells under the DEL  
7 MONTE Mark.

8 26. Plaintiff is not a cybersquatter and has not engaged in a pattern of  
9 cybersquatting conduct.

10 27. While Plaintiff knew of Defendant's existence when it applied for the  
11 gTLD, Plaintiff has its own *bona fide* rights as an owner and exclusive licensee of  
12 the DEL MONTE Mark (as detailed in ¶¶ 16-17 above), and had no obligation to  
13 seek or obtain authorization from Defendant before applying for the gTLD.

14 28. Plaintiff was the first – *and only* – entity with *bona fide* rights in the  
15 DEL MONTE Mark to apply for <.delmonte>, and therefore Plaintiff has priority  
16 with respect to the gTLD. The new gTLD application period has closed, and  
17 Defendant has not applied for the <.delmonte> gTLD. Nor did Defendant seek a  
18 transfer of the <.delmonte> gTLD to itself; rather, it is merely attempting to play  
19 spoiler and block Plaintiff's application.

20 29. Moreover, as noted above, Plaintiff and its affiliates have owned and  
21 operated over a dozen "delmonte" domain names for over a decade without seeking  
22 or obtaining authorization from Defendant (e.g., <delmonteonline.com> (registered  
23 April 25, 2000) and <delmontenet.com> (registered April 25, 2000)). Defendant has  
24 objected to none of these domain names.

25 30. Similarly, third-party licensees with far more limited rights to use the  
26 DEL MONTE Mark have registered "delmonte" domain names. For example, Del  
27 Monte Philippines Inc. owns <delmonte.ph>, and Nippon Del Monte Corporation  
28 (aka Kikkoman) owns <delmonte.co.jp>.

**The WIPO Proceeding**

1  
2 31. On March 1, 2013, Defendant filed an LRO objecting to the Application,  
3 asserting, *inter alia*, that Plaintiff has no ownership rights in the DEL MONTE Mark,  
4 and that ownership and use of the <.delmonte> gTLD will mislead the general public  
5 into thinking that Plaintiff holds a superior position with respect to the DEL MONTE  
6 brand.

7 32. On May 15, 2013, Plaintiff filed a timely Response to Defendant's LRO,  
8 providing indisputable evidence of its ownership of, and *bona fide* rights in, the DEL  
9 MONTE Mark, refuting all of Defendant's arguments, and establishing the validity  
10 of its gTLD Application.

11 33. Upon information and belief, and despite its erroneous assertion  
12 otherwise in its LRO, Defendant had actual knowledge when it filed its LRO that  
13 Plaintiff (or its affiliate) owned the DEL MONTE Mark in South Africa. Nor does  
14 Defendant contest the validity of this ownership.

15 34. Despite bearing the burden of proof in the LRO, Defendant offered zero  
16 evidence to support its claim that the gTLD would lead to consumer confusion. Nor  
17 is such confusion plausible given the parties' long-standing, 24 year history of  
18 simultaneous use of the DEL MONTE Mark and multiple domain names containing  
19 the DEL MONTE Mark.

20 35. On June 14, 2013, WIPO appointed a three-member panel ("Panel"),  
21 with the principal purpose of deciding whether Plaintiff has *bona fide* rights in the  
22 DEL MONTE Mark and whether registration of the gTLD by the applicant would  
23 create an impermissible likelihood of consumer confusion, and, based on these  
24 determinations, whether to uphold or reject the LRO (the "WIPO Proceeding").

25 36. On August 6, 2013, a majority of the Panel rendered a decision in favor  
26 of sustaining the objection to Plaintiff's Application, reasoning that registration of  
27 the gTLD would create an impermissible likelihood of confusion. This  
28 determination was based not on the arguments of the parties, but on the Panel's



1 unsupported, *sua sponte* assertion that: (i) there is a cloud on Plaintiff's title as to the  
2 DEL MONTE Mark in South Africa—which there indisputably is not; and (ii)  
3 Plaintiff's ownership of the DEL MONTE Mark in South Africa violates the parties'  
4 license agreements—which it undisputedly does not.

5 37. Furthermore, the majority Panel's own acknowledgment that there has  
6 been a "24 year history of coexistence in the global marketplace" by Plaintiff and  
7 Defendant would, if anything, prove a *likely lack* of consumer confusion, rather than  
8 vice versa.

9 38. The Panel majority's reasoning is pure conjecture, and its decision is  
10 manifestly erroneous.

## 11 FIRST CAUSE OF ACTION

### 12 **Declaratory Relief**

13 39. Plaintiff repeats and realleges the allegations contained in the foregoing  
14 paragraphs as though fully set forth herein.

15 40. Plaintiff is indisputably the *owner* of the DEL MONTE Mark in South  
16 Africa, and has owned the Mark there (directly or through its affiliates and  
17 predecessors in interest) since 1990. This alone establishes Plaintiff's *bona fide*  
18 rights in the DEL MONTE Mark, entitling it to register the gTLD <.delmonte>.

19 41. Moreover, pursuant to various license agreements with Defendant,  
20 Plaintiff and its affiliates hold worldwide *bona fide* rights in the DEL MONTE Mark,  
21 which also entitles it to register the gTLD <.delmonte>.

22 42. In light of the foregoing, pursuant to 28 U.S.C. §§ 2201 and 2202, and  
23 28 U.S.C. § 1125(d), the Court should: (i) declare that Plaintiff has *bona fide* rights  
24 in the DEL MONTE Mark, that it is not in violation of ACPA, and that registration  
25 of the gTLD <.delmonte> will not create an impermissible likelihood of confusion;  
26 and (ii) order Defendant to withdraw its LRO.

27

28



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

**NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES**

This case has been assigned to District Judge Ronald S.W. Lew and the assigned Magistrate Judge is Margaret A. Nagle.

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

2:13CV5912 RSWL MANx

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.

Clerk, U. S. District Court

August 13, 2013

Date

By J.Prado

Deputy Clerk

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**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 Street, G-8  
Los Angeles, CA 90012

Southern Division  
411 West Fourth St., Ste 1053  
Santa Ana, CA 92701

Eastern Division  
3470 Twelfth Street, Room 134  
Riverside, CA 92501

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

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT  
for the  
Central District of California

DEL MONTE INTERNATIONAL GMBH

\_\_\_\_\_  
*Plaintiff(s)*

v.

DEL MONTE CORPORATION

\_\_\_\_\_  
*Defendant(s)*

)  
)  
)  
) **CV13- 5912** RSWL (MAN x)  
)

Civil Action No.

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)* DEL MONTE CORPORATION  
One Maritime Plaza  
San Francisco, California 94111

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jason D. Russell (SBN 169219)  
Skadden, Arps, Slate, Meagher & Flom LLP  
300 South Grand Avenue, Suite 3400  
Los Angeles, California 90071-3144

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

AUG 13 2013

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

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

<b>I. (a) PLAINTIFFS</b> ( Check box if you are representing yourself <input type="checkbox"/> ) DEL MONTE INTERNATIONAL GMBH	<b>DEFENDANTS</b> ( Check box if you are representing yourself <input type="checkbox"/> ) DEL MONTE CORPORATION
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<b>(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)</b> Jason D. Russell (S8N 169219) Skadden, Arps, Slate, Meagher & Flom LLP 300 South Grand Avenue, Suite 3400, Los Angeles, CA 90071 Telephone: (213) 687-5000	<b>(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)</b> Beth M. Goldman (S8N 118341) Orrick, Herrington & Sutcliffe LLP 405 Howard Street, San Francisco, CA 94105 Telephone: (415) 773-5700
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<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.) <input type="checkbox"/> 1. U.S. Government Plaintiff <input type="checkbox"/> 2. U.S. Government Defendant <input checked="" type="checkbox"/> 3. Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4. Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:33%;">Incorporated or Principal Place of Business in This State</td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td></td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td></td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in This State	PTF	DEF		<input type="checkbox"/> 1	<input type="checkbox"/> 1		<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
Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in This State	PTF	DEF																				
	<input type="checkbox"/> 1	<input type="checkbox"/> 1		<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.)

1. Original Proceeding  
  2. Removed from State Court  
  3. Remanded from Appellate Court  
  4. Reinstated or Reopened  
  5. Transferred from Another District (Specify)  
  6. Multi-District Litigation

**V. REQUESTED IN COMPLAINT: JURY DEMAND:**  Yes  No (Check "Yes" only if demanded in complaint.)

**CLASS ACTION under F.R.Cv.P. 23:**  Yes  No      **MONEY DEMANDED IN COMPLAINT:** \$ \_\_\_\_\_

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 Declaratory relief pursuant to 15 U.S.C. § 1125(d) of the Lanham Act.

**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b>	<input type="checkbox"/> 530 General	<input checked="" type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	<b>PERSONAL INJURY</b>	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 535 Death Penalty	<b>SOCIAL SECURITY</b>
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 861 HIA (1395f)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth In Lending	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	<b>BANKRUPTCY</b>	<b>FORFEITURE/PENALTY</b>	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 15B	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<b>FEDERAL TAX SUITS</b>
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<b>CIVIL RIGHTS</b>	<b>LABOR</b>	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 210 Land	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 895 Freedom of info. Act	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 362 Personal injury-Med Malpractice	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 365 Personal injury-Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 740 Railway Labor Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<b>REAL PROPERTY</b>	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 751 Family and Medical Leave Act	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 790 Other Labor Litigation	
			<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	
			<input type="checkbox"/> 448 Education		

FOR OFFICE USE ONLY: Case Number: CV13-5912

AFTER COMPLETING PAGE 1 OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED ON PAGE 2.

**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).

<b>County in this District:*</b>	California County outside of this District; State, if other than California; or Foreign Country
	Plaintiff Del Monte International GmbH - The Principality of Monaco

(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).

<b>County in this District:*</b>	California County outside of this District; State, if other than California; or Foreign Country
	Defendant Del Monte Corporation - San Francisco County

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

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

\*Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties  
 Note: in land condemnation cases, use the location of the tract of land involved

**X. SIGNATURE OF ATTORNEY (OR SELF-REPRESENTED LITIGANT):** *[Signature]* / WPH DATE: August 13, 2013

**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 8, 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. 405 (g))