JS 44 (Rev. 0617) Rev. 0617) Rev.

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 NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS				DEFENDANTS United States National Institutes of Health, United States National						
Monib Zirvi, M.D., PH.D.				United States National Institutes of Health, United States National Institutes of Standards and Technology, United States Patent and Trademark Office						
(b) County of Residence of First Listed Plaintiff <u>Monmouth</u> (EXCEPT IN U.S. PLAINTIFF CASES)				County of Residence of First Listed Defendant <u>Montgomery</u> (IN U.S. PLAINTIFF CASES ONLY)						
(c) Attorneys (Firm Name, Address, and Telephone Number)				Attorneys (If Known)						
Spìró Harrison 830 Morris Turnpike, Second Floor, Short Hills, NJ 07078										
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)				III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff (For Diversity Cases Only) and One Box for Defendant)						
Image: 1 U.S. Government Plaintiff Image: 3 Government Not a Party) Image: 1 U.S. Government Not a Party)				PTF DEF PTF DEF						
			Citize	Citizen of This State 🕅 X 1 🗖 1 Incorporated <i>or</i> Principal Place 🗖 4 🗖 4 of Business In This State						
■ 2 U.S. Government Defendant	□ 4 Diversity (Indicate Citizenship of Parties in Item III)		Citize	Citizen of Another State 2 2 Incorporated <i>and</i> Principal Place 5 5 5 of Business In Another State					5	
				Citizen or Subject of a \Box 3 \Box 3 Foreign Nation \Box 6 \Box 6 Foreign Country						
IV. NATURE OF SUIT (Place an "X" in One Box Only) CONTRACT TORTS				Click here for: Nature of Suit Code Descriptions. FORFEITURE/PENALTY BANKRUPTCY OTHER STATUTES					_	
□ 110 Insurance	PERSONAL INJURY PERSONAL INJURY			5 Drug Related Seizure	□ 422 Appeal 28 USC 158		□ 375 False Claims Act			
 120 Marine 130 Miller Act 	□ 310 Airplane	310 Airplane□365 Personal Injury -315 Airplane ProductProduct Liability		of Property 21 USC 881 690 Other		423 Withdrawal 28 USC 157		376 Qui Tam (31 USC 3729(a))		
140 Negotiable Instrument	Liability	□ 367 Health Care/	L 09	0 Ouler			 400 State Reapportionment 410 Antitrust 430 Banks and Banking 			
150 Recovery of Overpayment & Enforcement of Judgment	320 Assault, Libel & Slander	Pharmaceutical Personal Injury			PROPERTY RIGHTS ☐ 820 Copyrights					
 151 Medicare Act 152 Recovery of Defaulted 	330 Federal Employers' Liability	Product Liability 368 Asbestos Personal			 830 Patent 835 Patent - Abbreviated 		450 Commerce460 Deportation			
Student Loans	3 40 Marine	Injury Product Liability PERSONAL PROPERT			New Drug Application 840 Trademark SOCIAL SECURITY 861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 865 RSI (405(g))		 400 Dependential 470 Racketeer Influenced and Corrupt Organizations 480 Consumer Credit 490 Cable/Sat TV 850 Securities/Commodities/ Exchange 890 Other Statutory Actions 891 Agricultural Acts 893 Environmental Matters \$855 Freedom of Information 			
(Excludes Veterans) □ 153 Recovery of Overpayment	345 Marine Product Liability			LABOR						
of Veteran's Benefits	O Stockholders' SuitsImage: 355 Motor VehicleImage: 371 Truth in LendingO Other ContractProduct LiabilityImage: 380 Other PersonalO Contract Product LiabilityImage: 360 Other PersonalProperty Damage		1 71	0 Fair Labor Standards Act						
190 Other Contract			1 72	0 Labor/Management						
 195 Contract Product Liability 196 Franchise 			□ 74	Relations 0 Railway Labor Act						
			1 75	1 Family and Medical Leave Act						
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITION		0 Other Labor Litigation		AL TAX SUITS	Act	or morn	lation	
 210 Land Condemnation 220 Foreclosure 	 440 Other Civil Rights 441 Voting 	Habeas Corpus: 463 Alien Detainee	□ 79	1 Employee Retirement Income Security Act		s (U.S. Plaintiff efendant)	 896 Arbitrati 899 Administ 		ocedure	
230 Rent Lease & Ejectment	□ 442 Employment □ 510 Motions to Vacat		•			871 IRS—Third Party		Act/Review or Appeal of		
 240 Torts to Land 245 Tort Product Liability 	443 Housing/ Accommodations	Sentence 530 General			26 U	SC 7609	Agency I 950 Constitut		f	
290 All Other Real Property	445 Amer. w/Disabilities - 535 Death Pena Employment Other:		1 46	IMMIGRATION 2 Naturalization Application			State Stat	tutes		
	446 Amer. w/Disabilities -	540 Mandamus & Oth		5 Other Immigration	1					
	Other 448 Education 	 550 Civil Rights 555 Prison Condition 		Actions						
		560 Civil Detainee - Conditions of								
		Confinement								
V. ORIGIN (Place an "X" in										
	moved from \Box 3 te Court	Remanded from Appellate Court	⊐ 4 Rein Reop	1 11411510	er District	□ 6 Multidistri Litigation Transfer	-	Multidis Litigatio Direct Fil	m -	
	511SC Section		re filing (1	Do not cite jurisdictional stat		versity):				
VI. CAUSE OF ACTIO	Brief description of ca	use:				A .				
VII. REQUESTED IN	_	IS A CLASS ACTION		nder the Freedom of EMAND \$		On ACt HECK YES only	if demanded in	complai	nt∙	
COMPLAINT:	UNDER RULE 2					URY DEMAND:		X No		
VIII. RELATED CASI IF ANY	E(S) (See instructions):	JUDGE			DOCKE	T NUMBER	_	_	·	
DATE		SIGNATURE OF AT	FORNEY O	OF RECORD						
06/23/2020	/s/ Jason C. Spiro									
FOR OFFICE USE ONLY										
RECEIPT # AM	MOUNT	APPLYING IFP		JUDGE		MAG. JUD	GE			

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

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

- **I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

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

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

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

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

- **III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: <u>Nature of Suit Code Descriptions</u>.
- V. Origin. Place an "X" in one of the seven boxes.

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

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

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

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date. Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.

Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statue.

- VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

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