

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

KARMAGREEN, LLC, )  
)  
Plaintiff, )  
)  
)  
)  
v. )  
)  
MAHMOOD ELNAHAM and )  
ISMAIL ELNAHAM, )  
)  
Defendants. )  
)  

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Case No.: \_\_\_\_\_

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Karmagreen, LLC (“Plaintiff” or “Karmagreen”) by and through its attorneys, for its Complaint against Defendants Mahmood Elnaham (“M. Elnaham”) and Ismail Elnaham (“I. Elnaham”) (collectively, “Defendants”), alleges as follows:

**NATURE OF ACTION**

1. This is a civil action against Defendants for patent infringement under the Patent Act, 35 U.S.C. § 271 *et seq.* for the infringement of United States Patent Nos. 10,624,902 (“the ’902 patent”), 11,324,754 (“the ’754 Patent”), 11,324,755 (“the ’755 Patent), 11,337,986 (“the ’986 Patent”), 11,344,560 (“the ’560 Patent”), 11,318,146 (“the ’146 Patent”), 11,324,756 (the ’756 Patent), and 11,318,147 (“the ’147 Patent”) (collectively, the “Patents-in-Suit”) based on Defendants’ contributing

to and inducing infringement by third parties, including but not limited to MRSS Inc. (“MRSS”), a Georgia corporation with its principal place of business at 3916 Shirley Drive, Atlanta, Georgia 30336. True and correct copies of the Patents-in-Suit are attached as Exhibits 1-8 to this Complaint and are incorporated by reference herein.

### **PARTIES**

2. Karmagreen is a limited liability company organized and existing under the laws of the State of Delaware, with its principal place of business at 912 SE 46th Lane, Cape Coral, FL 33904.

3. On information and belief, M. Elnaham is an individual whose places of business are located at 3916 Shirley Dr, Atlanta, GA, 30336 and/or 3922 Shirley Dr SW, Atlanta, GA, 30336 and/or 80 Whitley Ct, Dallas, GA 30157, and who resides at 5100 Shane Drive, Anniston, Alabama 36206-1580.

4. On information and belief, I. Elnaham is an individual whose places of business are located at 3916 Shirley Dr, Atlanta, GA, 30336 and/or 3922 Shirley Dr SW, Atlanta, GA, 30336, and who resides at 161 Honeysuckle Trail, Anniston, Alabama 36207-2085.

## **JURISDICTION**

5. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Personal jurisdiction over M. Elnaham is proper in this District because, on information and belief, M. Elnaham has personally committed acts of patent infringement in this District including, without limitation, by instructing, directing, and/or requiring third parties, including but not limited to MRSS, a Georgia entity operated and controlled by Messrs. Elnaham, to engage in patent infringement in this District. Additionally, M. Elnaham has transacted and continues to transact business in and has engaged in other conduct within the State of Georgia such that he has sufficient contacts with this State, he purposefully avails himself of the privileges and benefits of conducting business in the State of Georgia, a substantial part of the events or omissions giving rise to the claims against M. Elnaham occurred in Georgia and involved M. Elnaham, and the exercise of jurisdiction over M. Elnaham comports with traditional notions of fair play and substantial justice.

7. Personal jurisdiction over I. Elnaham is proper in this District because, on information and belief, I. Elnaham has personally committed acts of patent infringement in this District including, without limitation, by instructing, directing, and/or requiring third parties, including but not limited to MRSS, a Georgia entity

operated and controlled by Messrs. Elnaham, to engage in patent infringement in this District. Additionally, I. Elnaham has transacted and continues to transact business in and has engaged in other conduct within the State of Georgia such that he has sufficient contacts with this State, he purposefully avails himself of the privileges and benefits of conducting business in the State of Georgia, a substantial part of the events or omissions giving rise to the claims against I. Elnaham occurred in Georgia and involved I. Elnaham, and the exercise of jurisdiction over I. Elnaham comports with traditional notions of fair play and substantial justice.

### **VENUE**

8. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c) and/or 1400(b) because, on information and belief, Defendants conduct business in this District.

### **FACTS**

#### **The Patents-in-Suit**

9. The '902 Patent (Exhibit 1), entitled "Dietary Supplement," was duly and legally issued by the United States Patent and Trademark Office ("USPTO") on April 21, 2020. The '902 Patent is generally directed towards a dietary supplement consisting of tianeptine-based combinations.

10. All rights, title, choses in action, and interest in the '902 Patent are assigned to Karmagreen, which is the sole owner of the '902 Patent. The listed inventor of the '902 Patent assigned his rights, title, and interest in the '902 Patent to Karmagreen. *See Exhibit 9.*

11. The '754 Patent (Exhibit 2), entitled "Dietary Supplement," was duly and legally issued by the USPTO on May 10, 2022. The '754 Patent is generally directed towards supplements including the ingredients tianeptine and sakae naa.

12. All rights, title, choses in action, and interest in the '754 Patent are assigned to Karmagreen, which is the sole owner of the '754 Patent. The listed inventor of the '754 Patent assigned his rights, title, and interest in the '754 Patent to Karmagreen. *See Exhibit 9.*

13. The '755 Patent (Exhibit 3), entitled "Dietary Supplement," was duly and legally issued by the USPTO on May 10, 2022. The '755 Patent is generally directed towards a dietary supplement including the ingredients tianeptine and kava.

14. All rights, title, choses in action, and interest in the '755 Patent are assigned to Karmagreen, which is the sole owner of the '755 Patent. The listed inventor of the '755 Patent assigned his rights, title, and interest in the '755 Patent to Karmagreen. *See Exhibit 9.*

15. The '986 Patent (Exhibit 4), entitled "Dietary Supplement," was duly and legally issued by the USPTO on May 24, 2022. The '986 Patent is generally directed towards a dietary supplement including the ingredients tianeptine and cytidine diphosphate-choline (CDP choline).

16. All rights, title, choses in action, and interest in the '986 Patent are assigned to Karmagreen, which is the sole owner of the '986 Patent. The listed inventor of the '986 Patent assigned his rights, title, and interest in the '986 Patent to Karmagreen. *See* Exhibit 9.

17. The '560 Patent (Exhibit 5), entitled "Dietary Supplement," was duly and legally issued by the USPTO on May 31, 2022. The '560 Patent is generally directed towards a dietary supplement including the ingredients tianeptine and alpha glyceryl phosphoryl choline (alpha GPC).

18. All rights, title, choses in action, and interest in the '560 Patent are assigned to Karmagreen, which is the sole owner of the '560 Patent. The listed inventor of the '560 Patent assigned his rights, title, and interest in the '560 Patent to Karmagreen. *See* Exhibit 9.

19. The '146 Patent (Exhibit 6), entitled "Dietary Supplement," was duly and legally issued by the USPTO on May 3, 2022. The '146 Patent is generally directed towards a dietary supplement including the ingredients sakae naa and kava.

20. All rights, title, choses in action, and interest in the '146 Patent are assigned to Karmagreen, which is the sole owner of the '146 Patent. The listed inventor of the '146 Patent assigned his rights, title, and interest in the '146 Patent to Karmagreen. *See Exhibit 9.*

21. The '756 Patent (Exhibit 7), entitled "Dietary Supplement," was duly and legally issued by the USPTO on May 10, 2022. The '756 Patent is generally directed towards a dietary supplement including the ingredients sakae naa and CDP choline.

22. All rights, title, choses in action, and interest in the '756 Patent are assigned to Karmagreen, which is the sole owner of the '756 Patent. The listed inventor of the '756 Patent assigned his rights, title, and interest in the '756 Patent to Karmagreen. *See Exhibit 9.*

23. The '147 Patent (Exhibit 8), entitled "Dietary Supplement," was duly and legally issued by the USPTO on May 3, 2022. The '147 Patent is generally directed towards a dietary supplement including the ingredients sakae naa and alpha GPC.

24. All rights, title, choses in action, and interest in the '147 Patent are assigned to Karmagreen, which is the sole owner of the '147 Patent. The listed

inventor of the '147 Patent assigned his rights, title, and interest in the '147 Patent to Karmagreen. *See* Exhibit 9.

### **Plaintiff's Business**

25. Plaintiff sells dietary products.

26. Amongst its products is a product line called Tianaa.

27. Tianaa products are manufactured in a manner covered by the claims of the Patents-in-Suit.

28. In addition to the Patents-in-Suit, Karmagreen owns various other intellectual property rights concerning its Tianaa product line, including pending patent applications, multiple trademark registrations, such as TIANAA, TIANAA EX, TIANAA GREEN, TIANAA RED, and TIANAA WHITE.

### **Defendants' Infringing Acts Related To The Accused Products**

29. On information and belief, Defendants have known of, or have been willfully blind to, the Patents-in-Suit. Upon information and belief, Defendants have had knowledge of the '902 Patent since no later than approximately September 25, 2020. On that date, Plaintiff filed suit against what was then the exclusive distributor of MRSS (an entity owned and operated by Defendants), alleging that the manufacture of the ZaZa Products infringes the '902 patent. *See Karmagreen v. Mossad & J Distribution Inc. a/k/a M&J Distribution*, Civil Action No. 1:20-CV-



3968-WMR. Shortly thereafter, Plaintiff dismissed that case and, on February 16, 2021, filed a complaint against MRSS, pleading substantially similar infringement claims, and providing notice of the fact that Karmagreen had several pending patent applications (which since have matured into the remaining Patents-in-Suit). *See Karmagreen v. MRSS Inc.*, Civil Action No. 1:21-CV-674-WMR. This case is pending before this Court. As such, Defendants have had knowledge of the remaining Patents-in-Suit since no later than approximately February 16, 2021.

30. Despite such knowledge of the Patents-in-Suit and that the acts of manufacture infringe the Patents-in-Suit, Defendants have directly infringed and/or specifically intended that other parties and/or parties under the direction or control of Defendants make the Accused Products in such a way that infringes the Patents-in-Suit by, at minimum, providing ingredients for and instructions on how to make the Accused Products in an infringing manner.

31. Defendants have also been willfully blind to the fact that the acts complained of herein constitute infringement of the Patents-in-Suit. On information and belief, Defendants have had a subjective belief that there is a high probability that the acts complained of herein constitute infringement of the Patents-in-Suit and, despite such belief, Defendants nevertheless took deliberate actions to avoid investigating infringement.

32. To the extent applicable, Plaintiff has complied with the patent marking and notice provisions of 35 U.S.C. § 287 by providing constructive and/or actual notice to Defendants of their infringement.

33. Upon information and belief, Defendants and/or parties under their supervision or control have been tracking Plaintiff's business, products, and intellectual property rights and have been modeling products after those of Plaintiff.

34. Upon information and belief, and with knowledge of or willful blindness to the Patents-in-Suit and knowledge of, or willful blindness to, the fact that the acts complained of herein constitute patent infringement, Defendants have instructed, contributed to, aided and abetted in, and induced third parties, including but not limited to MRSS and/or parties under its supervision or control, to manufacture, offer for sale, and/or sell a number of products intended to replicate Plaintiff's TIANAA brand products. Such products include, but are not limited to, ZaZa Red, ZaZa White, and Noga 530 (also known as Noga) (collectively the "ZaZa Products"), as well as other products that bear different trade names (collectively with the ZaZa Products, "the Accused Products"). Upon information and belief and as described below, the manufacture of the Accused Products infringes the claims of the Patents-in-Suit.

35. Upon information and belief, Defendants instruct, and have instructed, third parties, including but not limited to MRSS, and/or others to track and/or replicate Plaintiff's products and/or Defendants instruct, and have instructed, third parties, including but not limited to MRSS, and others to make the Accused Products in an infringing manner. It is further believed that Defendants advertise and have advertised the Accused Products, including the ingredients contained therein, and display and have displayed them at trade shows, thereby promoting uses that infringe and encouraging others to infringe the 'Patents-in-Suit.

36. Upon information and belief, third parties, including but not limited to MRSS, have made, make, and then sell and offer for sale, or have sold and offered for sale, the Accused Products through various channels, including but not limited to wholesalers, physical retail stores and online marketplaces such as eBay. Upon information and belief, third parties, including but not limited to MRSS, also distribute and have distributed the Accused Products through third-party distributors and vendors, including Mossad & J Distribution, Inc. a/k/a M&J Distribution and H&S Vitamins and Supplements, Inc. and others.

37. Upon information and belief, third parties, including but not limited to MRSS, thus engage and have engaged in the unauthorized manufacture, use, offer for sale, and/or sale in the United States, and/or importation into the United States,

of the Accused Products. Based on these acts, third parties, including but not limited to MRSS, have directly infringed, and/or will directly infringe, the claims of the Patents-in-Suit that cover the method of manufacturing the Accused Products.

38. Upon information and belief, Defendants have induced, participated in, encouraged, directed, authorized, and/or aided and abetted in third parties' infringing manufacture and sale of the Accused Products and have contributed to third parties' infringing manufacture and sales of the Accused Products. For example, Defendants purchase and have purchased ingredients that have no substantial non-infringing uses and are a material part of the claimed inventions. Upon information and belief, these ingredients are then supplied to third parties, including but not limited to MRSS, to make the Accused Products. Further, Defendants have known or have been willfully blind to the fact that their actions would induce third parties to directly infringe the Patents-in-Suit and/or would contribute to such infringement. On information and belief, Defendants have been aware that the methods of making the Accused Products infringe the Patents-in-Suit, have no substantial non-infringing uses, and are a material part of the claimed inventions. Accordingly, Defendants induce and/or contribute to the direct infringement of third parties, including but not limited to MRSS.

39. Upon information and belief, Defendants have and continue to indirectly infringe the claims of the Patents-in-Suit by, among other things, actively inducing others to make, use, offer for sale, and sell Accused Products and/or contributing to the infringement of others in violation of 35 U.S.C. §§ 271 (b) and (c).

40. Upon information and belief, Defendants have had knowledge of the Patents-in-Suit, and despite such knowledge, Defendants have specifically intended that other parties and/or parties under the direction or control of Defendants make the Accused Products in such a way that infringes.

41. On information and belief, Defendants provide and have provided other instructions to third parties to make the Accused Products. Based on these instructions, others have directly infringed and/or will directly infringe the claims of the Patents-in-Suit that cover the Accused Products and/or methods of making the Accused Products. Further, Defendants have known or have been willfully blind to the fact that their actions would induce others to directly infringe the Patents-in-Suit. On information and belief, Defendants have been aware that the methods of making the Accused Products infringe the Patents-in-Suit, have no substantial non-infringing uses, and are a material part of the claimed inventions. Accordingly, Defendants induce and/or contribute to such infringement.

42. Upon information and belief, and despite their knowledge of the Patents-in-Suit, Defendants also have supplied and continue to supply others with the ingredients used to make the Accused Products. On information and belief, at least some of the ingredients are especially made or adapted for this use, and there is no substantial non-infringing use for the ingredients. On information and belief, Defendants have been aware that they are not staple articles or commodities of commerce suitable for substantial non-infringing use and are especially made and/or adapted for use in infringing the Patents-in-Suit. Defendants have contributed, and continue to contribute, to the infringement of the claims of the Patents-in-Suit by selling or offering to sell the Accused Products, knowing them to be especially made or especially adapted for practicing the invention of the Patents-in-Suit, not a staple article or commodity of commerce suitable for substantial non-infringing use, and a material part of the claimed invention.

43. Labels of the Accused Products indicate that they are made according to the claimed methods of the Patents-in-Suit. Copies of representative labels can be found at [www.zazared.com](http://www.zazared.com).

44. A true and correct image of the Supplement Facts of the ZaZa Red product for 24 capsules is reproduced below:

## Supplement Facts

**Quantity per container: 24**

- Serving Size: 1 Capsule
- Servings Per Container: 24

**Proprietary Blend 700mg**

Ingredients: Combretum Quadrangular Leaf, Tianeptine, Piper Methystricum

Other Ingredients: May Contain Vegetable Capsules and Vegetable Stearate Used in Manufacturing.

Storage: Keep in a cool, dry place

<https://www.zazared.com/product/zaza-red-extra-strength/>. The label of ZaZa Red indicates that it contains, *inter alia*, tianeptine, sakae naa (also known as combretum quadrangular leaf), and kava (also known as piper methystricum).

45. The ZaZa Red product comes in bottles of 8 capsules, 15 capsules, and 24 capsules and also comes in a blister-pack of 2 capsules.

46. A true and correct image of the Supplement Facts of the ZaZa Silver product is reproduced below:

## Supplement Facts

**Quantity per container: 15**

- Serving Size: 1 Capsule
- Servings Per Container: 15

**Proprietary Blend 700mg**

Ingredients: Tianeptine, Phenibut, Piper Methystricum

Other Ingredients: May Contain Vegetable Capsules and Vegetable Stearate Used in Manufacturing.

Storage: Keep in a cool, dry place

<https://www.zazared.com/product/zaza-silver-extra-strength/>. The label of ZaZa Silver indicates that it contains, *inter alia*, tianeptine and kava.

47. A true and correct image of the Supplement Facts of the ZaZa White product is reproduced below:

## Supplement Facts

**Quantity per container: 15**

- Serving Size: 1 Capsule
- Servings Per Container: 15

**Proprietary Blend 700mg**

Ingredients: Combretum Quadrangular Leaf, Alpha GPC, CDP Choline, Tianeptine

Other Ingredients: May Contain Vegetable Capsules and Vegetable Stearate Used in Manufacturing.

Storage: Keep in a cool, dry place

<https://www.zazared.com/product/zaza-white-extra-strength/>. The label of ZaZa White indicates that it contains, *inter alia*, tianeptine, sakae naa, alpha GPC, and CDP choline.

48. A true and correct image of the Supplement Facts of the Noga 530 (also known as the ZaZa 530) product is reproduced below:



## Supplement Facts

Quantity per container: 15

- Serving Size: 1 Capsule
- Servings Per Container: 15

**Proprietary Blend** 530mg

Ingredients: Combretum Quadrangular Leaf, Tianeptine, Piper Methystricum

Other Ingredients: May Contain Vegetable Capsules and Vegetable Stearate Used in Manufacturing.

Storage: Keep in a cool, dry place

<https://www.zazared.com/product/noga-530-15-capsules/>. The label of Noga 530 indicates that it contains, *inter alia*, tianeptine, sakae naa, and kava.

49. On information and belief, third parties have made additional Accused Products according to the claimed methods of the Patents-in-Suit.

### **Infringement of the Patents-in-Suit**

50. The labels of the Accused Products indicate that they are made by methods that infringe claims 1, 4, 7, and 10 of the '902 Patent (Exhibit 1). Specifically, the labels of the ZaZa Red and Noga products state that they contain, *inter alia*, tianeptine, sakae naa, and kava and are formed into a dietary supplement capsule. As such, the ZaZa Red and Noga products are made by the processes recited in claims 1, 4, and 7 of the '902 Patent. The labels of the ZaZa White product state that it contains, *inter alia*, tianeptine, sakae naa, alpha GPC, and CDP choline. As

such, the ZaZa White product is made by the process recited in claims 1, 4, and 10 of the '902 Patent.

51. On information and belief, based on Plaintiff's current investigation, third parties, including but not limited to MRSS, either directly or through an agent under their control, manufacture, sell, and offer to sell, and have manufactured, sold and offered to sell, the Accused Products, including but not limited to one or more of the ZaZa Products, within the United States which are made by a process recited in claims 1, 4, 7, and 10 of the '902 Patent and therefore directly infringe, have infringed, and continue to infringe those claims literally or under the doctrine of equivalents.

52. On information and belief, based on Plaintiff's current investigation, Defendants induce and have induced third parties, including but not limited to MRSS, to perform, either literally or under the doctrine of equivalents, each and every step of at least claims 1, 4, 7, and 10 of the '902 Patent and have contributed, and continue to contribute, to the infringement of those claims literally or under the doctrine of equivalents.

53. The labels of the Accused Products indicate that they are made by methods that infringe claims 1-8, 11-16, 19-24, and 27-30 of the '754 Patent (Exhibit 2). Specifically, the labels of the ZaZa Red and Noga 530 products state that they

contain, *inter alia*, tianeptine, sakae naa, and kava and are formed into a dietary supplement capsule. As such, the ZaZa Red and Noga 530 products are made by the processes recited in claims 1-6, 11-14, and 19-22 and 27-28 of the '754 Patent. The labels of the ZaZa White product state that it contains, *inter alia*, tianeptine, sakae naa, alpha GPC, and CDP choline. As such, the ZaZa White product is made by the process recited in claims 1-8, 11-16, 19-24, and 27-30 of the '754 Patent.

54. On information and belief, based on Plaintiff's current investigation, third parties, including but not limited to MRSS, either directly or through an agent under their control, manufacture, sell, and offer to sell, and have manufactured, sold and offered to sell, the Accused Products, including but not limited to the ZaZa Products, within the United States which are made by a process recited in claims 1-8, 11-16, 19-24, and 27-30 of the '754 Patent and therefore directly infringe, have infringed, and continue to infringe those claims literally or under the doctrine of equivalents.

55. On information and belief, based on Plaintiff's current investigation, Defendants induce and have induced third parties, including but not limited to MRSS, to perform, either literally or under the doctrine of equivalents, each and every step of at least claims 1-8, 11-16, 19-24, and 27-30 of the '754 Patent and have

contributed, and continue to contribute, to the infringement of those claims literally or under the doctrine of equivalents.

56. The labels of the Accused Products indicate that they are made by methods that infringe claims 1-4, 9-10, and 15-16 of the '755 Patent (Exhibit 3). Specifically, the labels of the ZaZa Red, ZaZa Silver, and Noga 530 state that they contain, *inter alia*, tianeptine and kava, and are formed into a dietary supplement capsule. As such, the ZaZa Red, ZaZa Silver and Noga 530 products are made by the processes recited in claims 1-4, 9-10, and 15-16 of the '755 Patent.

57. On information and belief, based on Plaintiff's current investigation, third parties, including but not limited to MRSS, either directly or through an agent under their control, manufacture, sell, and offer to sell, and have manufactured, sold and offered to sell, the Accused Products, including but not limited to the ZaZa Products, within the United States which are made by a process recited in claims 1-4, 9-10, and 15-16 of the '755 Patent and therefore directly infringe, have infringed, and continue to infringe those claims literally or under the doctrine of equivalents.

58. On information and belief, based on Plaintiff's current investigation, Defendants induce and have induced third parties, including but not limited to MRSS, to perform, either literally or under the doctrine of equivalents, each and every step of at least claims 1-4, 9-10, and 15-16 of the '755 Patent and have

contributed, and continue to contribute, to the infringement of those claims literally or under the doctrine of equivalents.

59. The labels of the Accused Products indicate that they are made by methods that infringe claims 1-16 of the '986 Patent (Exhibit 4). Specifically, the labels of the ZaZa White products state that they contain, *inter alia*, tianeptine, CDP choline, and alpha GPC and are formed into a dietary supplement capsule. As such, the ZaZa White products are made by the processes recited in claims 1-16 of the '986 Patent.

60. On information and belief, based on Plaintiff's current investigation, third parties, including but not limited to MRSS, either directly or through an agent under their control, manufacture, sell, and offer to sell, and have manufactured, sold and offered to sell, the Accused Products, including but not limited to the ZaZa Products, within the United States which are made by a process recited in claims 1-16 of the '986 Patent and therefore directly infringe, have infringed, and continue to infringe those claims literally or under the doctrine of equivalents.

61. On information and belief, based on Plaintiff's current investigation, Defendants induce and have induced third parties, including but not limited to MRSS, to perform, either literally or under the doctrine of equivalents, each and every step of at least claims 1-16 of the '986 Patent and have contributed, and

continue to contribute, to the infringement of those claims literally or under the doctrine of equivalents.

62. The labels of the Accused Products indicate that they are made by methods that infringe claims 1-8 of the '560 Patent (Exhibit 5). Specifically, the labels of the ZaZa White products state that they contain, *inter alia*, tianeptine, alpha GPC, and CDP choline and are formed into a dietary supplement capsule. As such, the ZaZa White products are made by the processes recited in claims 1-8 of the '560 Patent.

63. On information and belief, based on Plaintiff's current investigation, third parties, including but not limited to MRSS, either directly or through an agent under their control, manufacture, sell, and offer to sell, and have manufactured, sold and offered to sell, the Accused Products, including but not limited to the ZaZa Products, within the United States which are made by a process recited in claims 1-8 of the '560 Patent and therefore directly infringe, have infringed, and continue to infringe those claims literally or under the doctrine of equivalents.

64. On information and belief, based on Plaintiff's current investigation, Defendants induce and have induced third parties, including but not limited to MRSS, to perform, either literally or under the doctrine of equivalents, each and every step of at least claims 1-8 of the '560 Patent and have contributed, and continue

to contribute, to the infringement of those claims literally or under the doctrine of equivalents.

65. The labels of the Accused Products indicate that they are made by methods that infringe claims 1-6 of the '146 Patent (Exhibit 6). Specifically, the labels of the ZaZa Red and Noga 530 products state that they contain, *inter alia*, sakae naa and kava, and are formed into a dietary supplement capsule and, on information and belief and based on Plaintiff's current investigation, the Accused Products contain other excipients including but not limited to stearate and silicate. As such, the ZaZa Red and Noga 530 products are made by the processes recited in claims 1-6 of the '146 Patent.

66. On information and belief, based on Plaintiff's current investigation, third parties, including but not limited to MRSS, either directly or through an agent under their control, manufacture, sell, and offer to sell, and have manufactured, sold and offered to sell, the Accused Products, including but not limited to the ZaZa Products, within the United States which are made by a process recited in claims 1-6 of the '146 Patent and therefore directly infringe, have infringed, and continue to infringe those claims literally or under the doctrine of equivalents.

67. On information and belief, based on Plaintiff's current investigation, Defendants induce and have induced third parties, including but not limited to

MRSS, to perform, either literally or under the doctrine of equivalents, each and every step of at least claims 1-6 of the '146 Patent and have contributed, and continue to contribute, to the infringement of those claims literally or under the doctrine of equivalents.

68. The labels of the Accused Products indicate that they are made by methods that infringe claims 1-6 of the '756 Patent (Exhibit 7). Specifically, the labels of the ZaZa White products state that they contain, *inter alia*, sakae naa and CDP, and are formed into a dietary supplement capsule and, on information and belief and based on Plaintiff's current investigation, the Accused Products contain other excipients including but not limited to stearate and silicate. As such, the ZaZa White products are made by the processes recited in claims 1-6 of the '756 Patent.

69. On information and belief, based on Plaintiff's current investigation, third parties, including but not limited to MRSS, either directly or through an agent under their control, manufacture, sell, and offer to sell, and have manufactured, sold and offered to sell, the Accused Products, including but not limited to the ZaZa Products, within the United States which are made by a process recited in claims 1-6 of the '756 Patent and therefore directly infringe, have infringed, and continue to infringe those claims literally or under the doctrine of equivalents.



70. On information and belief, based on Plaintiff's current investigation, Defendants induce and have induced third parties, including but not limited to MRSS, to perform, either literally or under the doctrine of equivalents, each and every step of at least claims 1-6 of the '756 Patent and have contributed, and continue to contribute, to the infringement of those claims literally or under the doctrine of equivalents.

71. The labels of the Accused Products indicate that they are made by methods that infringe claims 1-6 of the '147 Patent (Exhibit 8). Specifically, the labels of the ZaZa White products state that they contain, *inter alia*, sakae naa and alpha GPC, and are formed into a dietary supplement capsule and, on information and belief and based on Plaintiff's current investigation, the Accused Products contain other excipients including but not limited to stearate and silicate. As such, the ZaZa White products are made by the processes recited in claims 1-6 of the '147 Patent.

72. On information and belief, based on Plaintiff's current investigation, third parties, including but not limited to MRSS, either directly or through an agent under their control, manufacture, sell, and offer to sell, and have manufactured, sold and offered to sell, the Accused Products, including but not limited to the ZaZa Products, within the United States which are made by a process recited in claims 1-

6 of the '147 Patent and therefore directly infringe, have infringed, and continue to infringe those claims literally or under the doctrine of equivalents.

73. On information and belief, based on Plaintiff's current investigation, Defendants induce and have induced third parties, including but not limited to MRSS, to perform, either literally or under the doctrine of equivalents, each and every step of at least claims 1-6 of the '147 Patent and have contributed, and continue to contribute, to the infringement of those claims literally or under the doctrine of equivalents.

#### **WILLFUL INFRINGEMENT**

74. On information and belief, Defendants have known of, should have known of, or have been willfully blind to, the Patents-in-Suit.

75. On information and belief, Defendants have known of, should have known of, or have been willfully blind to, the fact that the behavior complained of herein infringed the Patents-in-Suit.

76. Defendants' foregoing actions constitute willful infringement of the Patents-in-Suit.

**COUNT I**  
**(Indirect Infringement of the '902 Patent by M. Elnaham and I. Elnaham Pursuant to 35 U.S.C. § 271(b))**

77. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, including paragraphs 1-10, 25-52, and 74-76, as set forth above.

78. Defendants have indirectly infringed, and are indirectly infringing, the '902 Patent by instructing, encouraging, directing, and/or requiring third parties, including but not limited to MRSS, to perform, either literally or under the doctrine of equivalents, each and every step of the method claims of the '902 Patent, in violation of 35 U.S.C. § 271(b). It is believed that, since being on notice of the '902 Patent and of its infringement, Defendants have knowingly induced third parties, including but not limited to MRSS, to make, use, offer for sale, and/or sell the Accused Products and possessed specific intent to encourage the infringement by third parties, including but not limited to MRSS. On information and belief, Defendants have also subjectively believed that there is a high probability that the acts complained of herein constitute infringement and took deliberate actions to avoid learning of that fact. On information and belief, Defendants have aided and abetted in the infringement by third parties, including but not limited to MRSS, of the '902 Patent. In accordance with Fed. R. Civ. P. 11(b)(3), Karmagreen will likely

have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

79. Defendants' infringement has been, and continues to be, knowing, intentional, and willful. Defendants knew, or were willfully blind to the fact, that their actions were inducing third parties, including but not limited to MRSS, to infringe by practicing one or more method claims of the '902 Patent, including at least Claims 1, 4, 7, and 10 without the permission, consent, authorization, or license of Karmagreen in this judicial District and elsewhere throughout the United States.

80. Defendants' acts of infringement, including willful infringement, of the '902 Patent have caused, and will continue to cause, harm and injury to Karmagreen for which Karmagreen is entitled to compensation (no less than a reasonable royalty) pursuant to 35 U.S.C. § 284.

81. Defendants' acts of infringement of the '902 Patent have caused, and will continue to cause, Karmagreen immediate and irreparable harm unless such infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283. Karmagreen has no adequate remedy at law.

82. This case is exceptional and, therefore, Karmagreen is entitled to an award of attorney fees pursuant to 35 U.S.C. § 285.

**COUNT II**  
**(Indirect Infringement of the '902 Patent by M. Elnaham and I. Elnaham Pursuant to 35 U.S.C. § 271(c))**

83. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, including paragraphs 1-10, 25-52, and 74-76, as set forth above.

84. Defendants have contributed, and continue to contribute, to the infringement of at least Claims 1, 4, 7, and 10 of the '902 Patent by selling or offering to sell the components or ingredients of the Accused Products to third parties, including but not limited to MRSS, without the permission, consent, authorization, or license of Plaintiff in this judicial District and elsewhere throughout the United States, knowing them to be especially made or especially adapted for practicing the invention of the '902 Patent, not a staple article or commodity of commerce suitable for substantial non-infringing use, and a material part of the claimed invention, in violation of 35 U.S.C. § 271(c).

85. The labels of the Accused Products require that the Accused Products contain key ingredients of the '902 Patent that are found in the Accused Products that are not staple articles or commodities of commerce suitable for substantial non-infringing use and are especially made and/or adapted for use in infringing the '902 Patent. It is believed that, since being on notice of the '902 Patent and despite

knowing that key ingredients that are not staple articles or commodities of commerce suitable for substantial non-infringing use, Defendants have provided these ingredients to third parties, including but not limited to MRSS, for use in practicing the methods of the '902 Patent. In accordance with Fed. R. Civ. P. 11(b)(3), Karmagreen will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

86. Defendants' infringement has been, and continues to be, knowing, intentional, and willful. Defendants knew, should have known, or were willfully blind to the fact that their actions contributed to the infringement by others, including the manufacturers of the Accused Products, of one or more claims of the '902 Patent, including at least Claims 1, 4, 7, and 10, without the permission, consent, authorization, or license of Karmagreen in this judicial District and elsewhere throughout the United States.

87. Defendants' acts of infringement, including willful infringement, of the '902 Patent have caused, and will continue to cause, harm and injury to Karmagreen for which Karmagreen is entitled to compensation (no less than a reasonable royalty) pursuant to 35 U.S.C. § 284.

88. Defendants' acts of infringement of the '902 Patent have caused, and will continue to cause, Karmagreen immediate and irreparable harm unless such

infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283.

Karmagreen has no adequate remedy at law.

89. This case is exceptional and, therefore, Karmagreen is entitled to an award of attorney fees pursuant to 35 U.S.C. § 285.

**COUNT III**  
**(Indirect Infringement of the '754 Patent by M. Elnaham and I. Elnaham Pursuant to 35 U.S.C. § 271(b))**

90. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, including paragraphs 1-8, 11-12, 25-49, 53-55, and 74-76, as set forth above.

91. Defendants have indirectly infringed, and are indirectly infringing, the '754 Patent by instructing, encouraging, directing, and/or requiring third parties, including but not limited to MRSS, to perform, either literally or under the doctrine of equivalents, each and every step of the method claims of the '754 Patent, in violation of 35 U.S.C. § 271(b). It is believed that, since being on notice of the '754 Patent, and of its infringement, Defendants have knowingly induced third parties, including but not limited to MRSS, to make, use, offer for sale, and/or sell the Accused Products and possessed specific intent to encourage the infringement by third parties, including but not limited to MRSS. On information and belief, Defendants have also subjectively believed that there is a high probability that the

acts complained of herein constitute infringement and took deliberate actions to avoid learning of that fact. On information and belief, Defendants have aided and abetted in the infringement by third parties, including but not limited to MRSS, of the '754 Patent. In accordance with Fed. R. Civ. P. 11(b)(3), Karmagreen will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

92. Defendants' infringement has been, and continues to be, knowing, intentional, and willful. Defendants knew, or were willfully blind to the fact, that their actions were inducing third parties, including but not limited to MRSS, to infringe by practicing one or more method claims of the '754 Patent, including at least Claims 1-8, 11-16, 19-24, and 27-30 without the permission, consent, authorization, or license of Karmagreen in this judicial District and elsewhere throughout the United States.

93. Defendants' acts of infringement, including willful infringement, of the '754 Patent have caused, and will continue to cause, harm and injury to Karmagreen for which Karmagreen is entitled to compensation (no less than a reasonable royalty) pursuant to 35 U.S.C. § 284.

94. Defendants' acts of infringement of the '754 Patent have caused, and will continue to cause, Karmagreen immediate and irreparable harm unless such



infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283. Karmagreen has no adequate remedy at law.

95. This case is exceptional and, therefore, Karmagreen is entitled to an award of attorney fees pursuant to 35 U.S.C. § 285.

**COUNT IV**  
**(Indirect Infringement of the '754 Patent by M. Elnaham and I. Elnaham Pursuant to 35 U.S.C. § 271(c))**

96. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, , including paragraphs 1-8, 11-12, 25-49, 53-55, and 74-76, as set forth above.

97. Defendants have contributed, and continue to contribute, to the infringement of at least Claims 1-8, 11-16, 19-24, and 27-30 of the '754 Patent by selling or offering to sell the components or ingredients of the Accused Products to third parties, including but not limited to MRSS, without the permission, consent, authorization, or license of Plaintiff in this judicial District and elsewhere throughout the United States, knowing them to be especially made or especially adapted for practicing the invention of the '754 Patent, not a staple article or commodity of commerce suitable for substantial non-infringing use, and a material part of the claimed invention, in violation of 35 U.S.C. § 271(c).

98. The labels of the Accused Products require that the Accused Products contain key ingredients of the '754 Patent that are found in the Accused Products that are not staple articles or commodities of commerce suitable for substantial non-infringing use and are especially made and/or adapted for use in infringing the '754 Patent. It is believed that, since being on notice of the '754 Patent and despite knowing that key ingredients that are not staple articles or commodities of commerce suitable for substantial non-infringing use, Defendants have provided these ingredients to third parties, including but not limited to MRSS, for use in practicing the methods of the '754 Patent. In accordance with Fed. R. Civ. P. 11(b)(3), Karmagreen will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

99. Defendants' infringement has been, and continues to be, knowing, intentional, and willful. Defendants knew, should have known, or were willfully blind to the fact that their actions contributed to the infringement by others, including the manufacturers of the Accused Products, of one or more claims of the '754 Patent, including at least Claims 1-8, 11-16, 19-24, and 27-30, without the permission, consent, authorization, or license of Karmagreen in this judicial District and elsewhere throughout the United States.

100. Defendants' acts of infringement, including willful infringement, of the '754 Patent have caused, and will continue to cause, harm and injury to Karmagreen for which Karmagreen is entitled to compensation (no less than a reasonable royalty) pursuant to 35 U.S.C. § 284.

101. Defendants' acts of infringement of the '754 Patent have caused, and will continue to cause, Karmagreen immediate and irreparable harm unless such infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283. Karmagreen has no adequate remedy at law.

102. This case is exceptional and, therefore, Karmagreen is entitled to an award of attorney fees pursuant to 35 U.S.C. § 285.

**COUNT V**  
**(Indirect Infringement of the '755 Patent by M. Elnaham and I. Elnaham Pursuant to 35 U.S.C. § 271(b))**

103. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, including paragraphs 1-8, 13-14, 25-49, 56-58, and 74-76, as set forth above.

104. Defendants have indirectly infringed, and are indirectly infringing, the '755 Patent by instructing, encouraging, directing, and/or requiring third parties, including but not limited to MRSS, to perform, either literally or under the doctrine of equivalents, each and every step of the method claims of the '755 Patent, in

violation of 35 U.S.C. § 271(b). It is believed that, since being on notice of the '755 Patent, and of its infringement, Defendants have knowingly induced third parties, including but not limited to MRSS, to make, use, offer for sale, and/or sell the Accused Products and possessed specific intent to encourage the infringement by third parties, including but not limited to MRSS. On information and belief, Defendants have also subjectively believed that there is a high probability that the acts complained of herein constitute infringement and took deliberate actions to avoid learning of that fact. On information and belief, Defendants have aided and abetted in the infringement by third parties, including but not limited to MRSS, of the '755 Patent. In accordance with Fed. R. Civ. P. 11(b)(3), Karmagreen will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

105. Defendants' infringement has been, and continues to be, knowing, intentional, and willful. Defendants knew, or were willfully blind to the fact, that their actions were inducing third parties, including but not limited to MRSS, to infringe by practicing one or more method claims of the '755 Patent, including at least Claims 1-4, 9-10, and 15-16 without the permission, consent, authorization, or license of Karmagreen in this judicial District and elsewhere throughout the United States.

106. Defendants' acts of infringement, including willful infringement, of the '755 Patent have caused, and will continue to cause, harm and injury to Karmagreen for which Karmagreen is entitled to compensation (no less than a reasonable royalty) pursuant to 35 U.S.C. § 284.

107. Defendants' acts of infringement of the '755 Patent have caused, and will continue to cause, Karmagreen immediate and irreparable harm unless such infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283. Karmagreen has no adequate remedy at law.

108. This case is exceptional and, therefore, Karmagreen is entitled to an award of attorney fees pursuant to 35 U.S.C. § 285.

**COUNT VI**  
**(Indirect Infringement of the '755 Patent by M. Elnaham and I. Elnaham Pursuant to 35 U.S.C. § 271(c))**

109. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, including paragraphs 1-8, 13-14, 25-49, 56-58, and 74-76, as set forth above.

110. Defendants have contributed, and continue to contribute, to the infringement of at least Claims 1-4, 9-10, and 15-16 of the '755 Patent by selling or offering to sell the components or ingredients of the Accused Products to third parties, including but not limited to MRSS, without the permission, consent,

authorization, or license of Plaintiff in this judicial District and elsewhere throughout the United States, knowing them to be especially made or especially adapted for practicing the invention of the '755 Patent, not a staple article or commodity of commerce suitable for substantial non-infringing use, and a material part of the claimed invention, in violation of 35 U.S.C. § 271(c).

111. The labels of the Accused Products require that the Accused Products contain key ingredients of the '755 Patent that are found in the Accused Products that are not staple articles or commodities of commerce suitable for substantial non-infringing use and are especially made and/or adapted for use in infringing the '755 Patent. It is believed that, since being on notice of the '755 Patent and despite knowing that key ingredients that are not staple articles or commodities of commerce suitable for substantial non-infringing use, Defendants have provided these ingredients to third parties, including but not limited to MRSS, for use in practicing the methods of the '755 Patent. In accordance with Fed. R. Civ. P. 11(b)(3), Karmagreen will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

112. Defendants' infringement has been, and continues to be, knowing, intentional, and willful. Defendants knew, should have known, or were willfully blind to the fact, that their actions contributed to the infringement by others,

including the manufacturers of the Accused Products, of one or more claims of the '755 Patent, including at least Claims 1-4, 9-10, and 15-16, without the permission, consent, authorization, or license of Karmagreen in this judicial District and elsewhere throughout the United States.

113. Defendants' acts of infringement, including willful infringement, of the '755 Patent have caused, and will continue to cause, harm and injury to Karmagreen for which Karmagreen is entitled to compensation (no less than a reasonable royalty) pursuant to 35 U.S.C. § 284.

114. Defendants' acts of infringement of the '755 Patent have caused, and will continue to cause, Karmagreen immediate and irreparable harm unless such infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283. Karmagreen has no adequate remedy at law.

115. This case is exceptional and, therefore, Karmagreen is entitled to an award of attorney fees pursuant to 35 U.S.C. § 285.

**COUNT VII**  
**(Indirect Infringement of the '986 Patent by M. Elnaham and I. Elnaham Pursuant to 35 U.S.C. § 271(b))**

116. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, including paragraphs 1-8, 15-16, 25-49, 59-61, and 74-76, as set forth above.

117. Defendants have indirectly infringed, and are indirectly infringing, the '986 Patent by instructing, encouraging, directing, and/or requiring third parties, including but not limited to MRSS, to perform, either literally or under the doctrine of equivalents, each and every step of the method claims of the '986 Patent, in violation of 35 U.S.C. § 271(b). It is believed that, since being on notice of the '986 Patent, and of its infringement, Defendants have knowingly induced third parties, including but not limited to MRSS, to make, use, offer for sale, and/or sell the Accused Products and possessed specific intent to encourage the infringement by third parties, including but not limited to MRSS. On information and belief, Defendants have also subjectively believed that there is a high probability that the acts complained of herein constitute infringement and took deliberate actions to avoid learning of that fact. On information and belief, Defendants have aided and abetted in the infringement by third parties, including but not limited to MRSS, of the '986 Patent. In accordance with Fed. R. Civ. P. 11(b)(3), Karmagreen will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

118. Defendants' infringement has been, and continues to be, knowing, intentional, and willful. Defendants knew, or were willfully blind to the fact, that their actions were inducing third parties, including but not limited to MRSS, to



infringe by practicing one or more method claims of the '986 Patent, including at least Claims 1-16 without the permission, consent, authorization, or license of Karmagreen in this judicial District and elsewhere throughout the United States.

119. Defendants' acts of infringement, including willful infringement, of the '986 Patent have caused, and will continue to cause, harm and injury to Karmagreen for which Karmagreen is entitled to compensation (no less than a reasonable royalty) pursuant to 35 U.S.C. § 284.

120. Defendants' acts of infringement of the '986 Patent have caused, and will continue to cause, Karmagreen immediate and irreparable harm unless such infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283. Karmagreen has no adequate remedy at law.

121. This case is exceptional and, therefore, Karmagreen is entitled to an award of attorney fees pursuant to 35 U.S.C. § 285.

**COUNT VIII**  
**(Indirect Infringement of the '986 Patent by M. Elnaham and I. Elnaham Pursuant to 35 U.S.C. § 271(c))**

122. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, including paragraphs 1-8, 15-16, 25-49, 59-61, and 74-76, as set forth above.

123. Defendants have contributed, and continue to contribute, to the infringement of at least Claims 1-16 of the '986 Patent by selling or offering to sell the components or ingredients of the Accused Products to third parties, including but not limited to MRSS, without the permission, consent, authorization, or license of Plaintiff in this judicial District and elsewhere throughout the United States, knowing them to be especially made or especially adapted for practicing the invention of the '986 Patent, not a staple article or commodity of commerce suitable for substantial non-infringing use, and a material part of the claimed invention, in violation of 35 U.S.C. § 271(c).

124. The labels of the Accused Products requires that the Accused Products contain key ingredients of the '986 Patent that are found in the Accused Products that are not staple articles or commodities of commerce suitable for substantial non-infringing use and are especially made and/or adapted for use in infringing the '986 Patent. It is believed that, since being on notice of the '986 Patent and despite knowing that key ingredients that are not staple articles or commodities of commerce suitable for substantial non-infringing use, Defendants have provided these ingredients to third parties, including but not limited to MRSS, for use in practicing the methods of the '986 Patent. In accordance with Fed. R. Civ. P. 11(b)(3),

Karmagreen will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

125. Defendants' infringement has been, and continues to be, knowing, intentional, and willful. Defendants knew, should have known, or were willfully blind to the fact, that their actions contributed to the infringement by others, including the manufacturers of the Accused Products, of one or more claims of the '986 Patent, including at least Claims 1-16, without the permission, consent, authorization, or license of Karmagreen in this judicial District and elsewhere throughout the United States.

126. Defendants' acts of infringement, including willful infringement, of the '986 Patent have caused, and will continue to cause, harm and injury to Karmagreen for which Karmagreen is entitled to compensation (no less than a reasonable royalty) pursuant to 35 U.S.C. § 284.

127. Defendants' acts of infringement of the '986 Patent have caused, and will continue to cause, Karmagreen immediate and irreparable harm unless such infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283. Karmagreen has no adequate remedy at law.

128. This case is exceptional and, therefore, Karmagreen is entitled to an award of attorney fees pursuant to 35 U.S.C. § 285.

**COUNT IX**  
**(Indirect Infringement of the '560 Patent by M. Elnaham and I. Elnaham Pursuant to 35 U.S.C. § 271(b))**

129. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, including paragraphs 1-8, 17-18, 25-49, 62-64, and 74-76, as set forth above.

130. Defendants have indirectly infringed, and are indirectly infringing, the '560 Patent by instructing, encouraging, directing, and/or requiring third parties, including but not limited to MRSS, to perform, either literally or under the doctrine of equivalents, each and every step of the method claims of the '560 Patent, in violation of 35 U.S.C. § 271(b). It is believed that, since being on notice of the '560 Patent, and of its infringement, Defendants have knowingly induced third parties, including but not limited to MRSS, to make, use, offer for sale, and/or sell the Accused Products and possessed specific intent to encourage the infringement by third parties, including but not limited to MRSS. On information and belief, Defendants have also subjectively believed that there is a high probability that the acts complained of herein constitute infringement and took deliberate actions to avoid learning of that fact. On information and belief, Defendants have aided and abetted in the infringement by third parties, including but not limited to MRSS, of the '560 Patent. In accordance with Fed. R. Civ. P. 11(b)(3), Karmagreen will likely

have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

131. Defendants' infringement has been, and continues to be, knowing, intentional, and willful. Defendants knew, or were willfully blind to the fact, that their actions were inducing third parties, including but not limited to MRSS, to infringe by practicing one or more method claims of the '560 Patent, including at least Claims 1-8 without the permission, consent, authorization, or license of Karmagreen in this judicial District and elsewhere throughout the United States.

132. Defendants' acts of infringement, including willful infringement, of the '560 Patent have caused, and will continue to cause, harm and injury to Karmagreen for which Karmagreen is entitled to compensation (no less than a reasonable royalty) pursuant to 35 U.S.C. § 284.

133. Defendants' acts of infringement of the '560 Patent have caused, and will continue to cause, Karmagreen immediate and irreparable harm unless such infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283. Karmagreen has no adequate remedy at law.

134. This case is exceptional and, therefore, Karmagreen is entitled to an award of attorney fees pursuant to 35 U.S.C. § 285.

**COUNT X**

**(Indirect Infringement of the '560 Patent by M. Elnaham and I. Elnaham Pursuant to 35 U.S.C. § 271(c))**

135. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, including paragraphs 1-8, 17-18, 25-49, 62-64, and 74-76, as set forth above.

136. Defendants have contributed, and continue to contribute, to the infringement of at least Claims 1-8 of the '560 Patent by selling or offering to sell the components or ingredients of the Accused Products to third parties, including but not limited to MRSS, without the permission, consent, authorization, or license of Plaintiff in this judicial District and elsewhere throughout the United States, knowing them to be especially made or especially adapted for practicing the invention of the '560 Patent, not a staple article or commodity of commerce suitable for substantial non-infringing use, and a material part of the claimed invention, in violation of 35 U.S.C. § 271(c).

137. The labels of the Accused Products require that the Accused Products contain key ingredients of the '560 Patent that are found in the Accused Products that are not staple articles or commodities of commerce suitable for substantial non-infringing use and are especially made and/or adapted for use in infringing the '560 Patent. It is believed that, since being on notice of the '560 Patent and despite

knowing that key ingredients that are not staple articles or commodities of commerce suitable for substantial non-infringing use, Defendants have provided these ingredients to third parties, including but not limited to MRSS, for use in practicing the methods of the '560 Patent. In accordance with Fed. R. Civ. P. 11(b)(3), Karmagreen will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

138. Defendants' infringement has been, and continues to be, knowing, intentional, and willful. Defendants knew, should have known, or were willfully blind to the fact that their actions contributed to the infringement by others, including the manufacturers of the Accused Products, of one or more claims of the '560 Patent, including at least Claims 1-8, without the permission, consent, authorization, or license of Karmagreen in this judicial District and elsewhere throughout the United States.

139. Defendants' acts of infringement, including willful infringement, of the '560 Patent have caused, and will continue to cause, harm and injury to Karmagreen for which Karmagreen is entitled to compensation (no less than a reasonable royalty) pursuant to 35 U.S.C. § 284.

140. Defendants' acts of infringement of the '560 Patent have caused, and will continue to cause, Karmagreen immediate and irreparable harm unless such

infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283. Karmagreen has no adequate remedy at law.

141. This case is exceptional and, therefore, Karmagreen is entitled to an award of attorney fees pursuant to 35 U.S.C. § 285.

**COUNT XI**  
**(Indirect Infringement of the '146 Patent by M. Elnaham and I. Elnaham Pursuant to 35 U.S.C. § 271(b))**

142. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, including paragraphs 1-8, 19-20, 25-49, 65-67, and 74-76, as set forth above.

143. Defendants have indirectly infringed, and are indirectly infringing, the '146 Patent by instructing, encouraging, directing, and/or requiring third parties, including but not limited to MRSS, to perform, either literally or under the doctrine of equivalents, each and every step of the method claims of the '146 Patent, in violation of 35 U.S.C. § 271(b). It is believed that, since being on notice of the '146 Patent, and of its infringement, Defendants have knowingly induced third parties, including but not limited to MRSS, to make, use, offer for sale, and/or sell the Accused Products and possessed specific intent to encourage the infringement by third parties, including but not limited to MRSS. On information and belief, Defendants have also subjectively believed that there is a high probability that the



acts complained of herein constitute infringement and took deliberate actions to avoid learning of that fact. On information and belief, Defendants have aided and abetted in the infringement by third parties, including but not limited to MRSS, of the '146 Patent. In accordance with Fed. R. Civ. P. 11(b)(3), Karmagreen will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

144. Defendants' infringement has been, and continues to be, knowing, intentional, and willful. Defendants knew, or were willfully blind to the fact, that their actions were inducing third parties, including but not limited to MRSS, to infringe by practicing one or more method claims of the '146 Patent, including at least Claims 1-6 without the permission, consent, authorization, or license of Karmagreen in this judicial District and elsewhere throughout the United States.

145. Defendants' acts of infringement, including willful infringement, of the '146 Patent have caused, and will continue to cause, harm and injury to Karmagreen for which Karmagreen is entitled to compensation (no less than a reasonable royalty) pursuant to 35 U.S.C. § 284.

146. Defendants' acts of infringement of the '146 Patent have caused, and will continue to cause, Karmagreen immediate and irreparable harm unless such

infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283. Karmagreen has no adequate remedy at law.

147. This case is exceptional and, therefore, Karmagreen is entitled to an award of attorney fees pursuant to 35 U.S.C. § 285.

**COUNT XII**  
**(Indirect Infringement of the '146 Patent by M. Elnaham and I. Elnaham Pursuant to 35 U.S.C. § 271(c))**

148. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, including paragraphs 1-8, 19-20, 25-49, 65-67, and 74-76, as set forth above.

149. Defendants have contributed, and continue to contribute, to the infringement of at least Claims 1-6 of the '146 Patent by selling or offering to sell the components or ingredients of the Accused Products to third parties, including but not limited to MRSS, without the permission, consent, authorization, or license of Plaintiff in this judicial District and elsewhere throughout the United States, knowing them to be especially made or especially adapted for practicing the invention of the '146 Patent, not a staple article or commodity of commerce suitable for substantial non-infringing use, and a material part of the claimed invention, in violation of 35 U.S.C. § 271(c).

150. The labels of the Accused Products require that the Accused Products contain key ingredients of the '146 Patent that are found in the Accused Products that are not staple articles or commodities of commerce suitable for substantial non-infringing use and are especially made and/or adapted for use in infringing the '146 Patent. It is believed that, since being on notice of the '146 Patent and despite knowing that key ingredients that are not staple articles or commodities of commerce suitable for substantial non-infringing use, Defendants have provided these ingredients to third parties, including but not limited to MRSS, for use in practicing the methods of the '146 Patent. In accordance with Fed. R. Civ. P. 11(b)(3), Karmagreen will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

151. Defendants' infringement has been, and continues to be, knowing, intentional, and willful. Defendants knew, should have known, or were willfully blind to the fact that their actions contributed to the infringement by others, including the manufacturers of the Accused Products, of one or more claims of the '146 Patent, including at least Claims 1-6, without the permission, consent, authorization, or license of Karmagreen in this judicial District and elsewhere throughout the United States.

152. Defendants' acts of infringement, including willful infringement, of the '146 Patent have caused, and will continue to cause, harm and injury to Karmagreen for which Karmagreen is entitled to compensation (no less than a reasonable royalty) pursuant to 35 U.S.C. § 284.

153. Defendants' acts of infringement of the '146 Patent have caused, and will continue to cause, Karmagreen immediate and irreparable harm unless such infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283. Karmagreen has no adequate remedy at law.

154. This case is exceptional and, therefore, Karmagreen is entitled to an award of attorney fees pursuant to 35 U.S.C. § 285.

**COUNT XIII**  
**(Indirect Infringement of the '756 Patent by M. Elnaham and I. Elnaham Pursuant to 35 U.S.C. § 271(b))**

155. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, including paragraphs 1-8, 21-22, 25-49, 68-70, and 74-76, as set forth above.

156. Defendants have indirectly infringed, and are indirectly infringing, the '756 Patent by instructing, encouraging, directing, and/or requiring third parties, including but not limited to MRSS, to perform, either literally or under the doctrine of equivalents, each and every step of the method claims of the '756 Patent, in

violation of 35 U.S.C. § 271(b). It is believed that, since being on notice of the '756 Patent, and of its infringement, Defendants have knowingly induced third parties, including but not limited to MRSS, to make, use, offer for sale, and/or sell the Accused Products and possessed specific intent to encourage the infringement by third parties, including but not limited to MRSS. On information and belief, Defendants have also subjectively believed that there is a high probability that the acts complained of herein constitute infringement and took deliberate actions to avoid learning of that fact. On information and belief, Defendants have aided and abetted in the infringement by third parties, including but not limited to MRSS, of the '756 Patent. In accordance with Fed. R. Civ. P. 11(b)(3), Karmagreen will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

157. Defendants' infringement has been, and continues to be, knowing, intentional, and willful. Defendants knew, or were willfully blind to the fact, that their actions were inducing third parties, including but not limited to MRSS, to infringe by practicing one or more method claims of the '756 Patent, including at least Claims 1-6 without the permission, consent, authorization, or license of Karmagreen in this judicial District and elsewhere throughout the United States.

158. Defendants' acts of infringement, including willful infringement, of the '756 Patent have caused, and will continue to cause, harm and injury to Karmagreen for which Karmagreen is entitled to compensation (no less than a reasonable royalty) pursuant to 35 U.S.C. § 284.

159. Defendants' acts of infringement of the '756 Patent have caused, and will continue to cause, Karmagreen immediate and irreparable harm unless such infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283. Karmagreen has no adequate remedy at law.

160. This case is exceptional and, therefore, Karmagreen is entitled to an award of attorney fees pursuant to 35 U.S.C. § 285.

**COUNT XIV**  
**(Indirect Infringement of the '756 Patent by M. Elnaham and I. Elnaham Pursuant to 35 U.S.C. § 271(c))**

161. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, including paragraphs 1-8, 21-22, 25-49, 68-70, and 74-76, as set forth above.

162. Defendants have contributed, and continue to contribute, to the infringement of at least Claims 1-6 of the '756 Patent by selling or offering to sell the components or ingredients of the Accused Products to third parties, including but not limited to MRSS, without the permission, consent, authorization, or license of

Plaintiff in this judicial District and elsewhere throughout the United States, knowing them to be especially made or especially adapted for practicing the invention of the '756 Patent, not a staple article or commodity of commerce suitable for substantial non-infringing use, and a material part of the claimed invention, in violation of 35 U.S.C. § 271(c).

163. The labels of the Accused Products require that the Accused Products contain key ingredients of the '756 Patent that are found in the Accused Products that are not staple articles or commodities of commerce suitable for substantial non-infringing use and are especially made and/or adapted for use in infringing the '756 Patent. It is believed that, since being on notice of the '756 Patent and despite knowing that key ingredients that are not staple articles or commodities of commerce suitable for substantial non-infringing use, Defendants have provided these ingredients to third parties, including but not limited to MRSS, for use in practicing the methods of the '756 Patent. In accordance with Fed. R. Civ. P. 11(b)(3), Karmagreen will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

164. Defendants' infringement has been, and continues to be, knowing, intentional, and willful. Defendants knew, should have known, or were willfully blind to the fact that their actions contributed to the infringement by others, including

the manufacturers of the Accused Products, of one or more claims of the '756 Patent, including at least Claims 1-6, without the permission, consent, authorization, or license of Karmagreen in this judicial District and elsewhere throughout the United States.

165. Defendants' acts of infringement, including willful infringement, of the '756 Patent have caused, and will continue to cause, harm and injury to Karmagreen for which Karmagreen is entitled to compensation (no less than a reasonable royalty) pursuant to 35 U.S.C. § 284.

166. Defendants' acts of infringement of the '756 Patent have caused, and will continue to cause, Karmagreen immediate and irreparable harm unless such infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283. Karmagreen has no adequate remedy at law.

167. This case is exceptional and, therefore, Karmagreen is entitled to an award of attorney fees pursuant to 35 U.S.C. § 285.

**COUNT XV**  
**(Indirect Infringement of the '147 Patent by M. Elnaham and I. Elnaham Pursuant to 35 U.S.C. § 271(b))**

168. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, including paragraphs 1-8, 23-49, and 71-76, as set forth above.



169. Defendants have indirectly infringed, and are indirectly infringing, the '147 Patent by instructing, encouraging, directing, and/or requiring third parties, including but not limited to MRSS, to perform, either literally or under the doctrine of equivalents, each and every step of the method claims of the '147 Patent, in violation of 35 U.S.C. § 271(b). It is believed that, since being on notice of the '147 Patent, and of its infringement, Defendants have knowingly induced third parties, including but not limited to MRSS, to make, use, offer for sale, and/or sell the Accused Products and possessed specific intent to encourage the infringement by third parties, including but not limited to MRSS. On information and belief, Defendants have also subjectively believed that there is a high probability that the acts complained of herein constitute infringement and took deliberate actions to avoid learning of that fact. On information and belief, Defendants have aided and abetted in the infringement by third parties, including but not limited to MRSS, of the '147 Patent. In accordance with Fed. R. Civ. P. 11(b)(3), Karmagreen will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

170. Defendants' infringement has been, and continues to be, knowing, intentional, and willful. Defendants knew, or were willfully blind to the fact, that their actions were inducing third parties, including but not limited to MRSS, to

infringe by practicing one or more method claims of the '147 Patent, including at least Claims 1-6 without the permission, consent, authorization, or license of Karmagreen in this judicial District and elsewhere throughout the United States.

171. Defendants' acts of infringement, including willful infringement, of the '147 Patent have caused, and will continue to cause, harm and injury to Karmagreen for which Karmagreen is entitled to compensation (no less than a reasonable royalty) pursuant to 35 U.S.C. § 284.

172. Defendants' acts of infringement of the '147 Patent have caused, and will continue to cause, Karmagreen immediate and irreparable harm unless such infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283. Karmagreen has no adequate remedy at law.

173. This case is exceptional and, therefore, Karmagreen is entitled to an award of attorney fees pursuant to 35 U.S.C. § 285.

**COUNT XVI**  
**(Indirect Infringement of the '147 Patent by M. Elnaham and I. Elnaham Pursuant to 35 U.S.C. § 271(c))**

174. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, including paragraphs 1-8, 23-49, and 71-76, as set forth above.

175. Defendants have contributed, and continue to contribute, to the infringement of at least Claims 1-6 of the '147 Patent by selling or offering to sell the components or ingredients of the Accused Products to third parties, including but not limited to MRSS, without the permission, consent, authorization, or license of Plaintiff in this judicial District and elsewhere throughout the United States, knowing them to be especially made or especially adapted for practicing the invention of the '147 Patent, not a staple article or commodity of commerce suitable for substantial non-infringing use, and a material part of the claimed invention, in violation of 35 U.S.C. § 271(c).

176. The labels of the Accused Products require that the Accused Products contain key ingredients of the '147 Patent that are found in the Accused Products that are not staple articles or commodities of commerce suitable for substantial non-infringing use and are especially made and/or adapted for use in infringing the '147 Patent. It is believed that, since being on notice of the '147 Patent and despite knowing that key ingredients that are not staple articles or commodities of commerce suitable for substantial non-infringing use, Defendants have provided these ingredients to third parties, including but not limited to MRSS, for use in practicing the methods of the '147 Patent. In accordance with Fed. R. Civ. P. 11(b)(3),

Karmagreen will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

177. Defendants' infringement has been, and continues to be, knowing, intentional, and willful. Defendants knew, should have known, or were willfully blind to the fact that their actions contributed to the infringement by others, including the manufacturers of the Accused Products, of one or more claims of the '147 Patent, including at least Claims 1-6, without the permission, consent, authorization, or license of Karmagreen in this judicial District and elsewhere throughout the United States.

178. Defendants' acts of infringement, including willful infringement, of the '147 Patent have caused, and will continue to cause, harm and injury to Karmagreen for which Karmagreen is entitled to compensation (no less than a reasonable royalty) pursuant to 35 U.S.C. § 284.

179. Defendants' acts of infringement of the '147 Patent have caused, and will continue to cause, Karmagreen immediate and irreparable harm unless such infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283. Karmagreen has no adequate remedy at law.

180. This case is exceptional, and Karmagreen is therefore entitled to an award of attorney fees pursuant to 35 U.S.C. § 285.

**JURY DEMAND**

181. Plaintiff demands a trial by jury on all issues.

**PRAYER FOR RELIEF**

A. Adjudging that Defendants have actively induced infringement and contributed to the infringement of the Patents-in-Suit in violation of 35 U.S.C. §§ 271 (b) and (c);

B. Granting an injunction permanently enjoining Defendants, their employees, agents, officers, directors, attorneys, successors, affiliates, subsidiaries, and assigns, and all of those in active concert and participation with any of the foregoing persons or entities, from infringing, contributing to the infringement of, or inducing infringement of the Patents-in-Suit;

C. Ordering Defendants to account and pay damages adequate to compensate Plaintiff for Defendants' infringement of the Patents-in-Suit, including pre-judgment and post-judgment interest and costs pursuant to 35 U.S.C. § 284;

D. Ordering an accounting for any infringing sales not presented at trial and an award by the court of additional damages for any such infringing sales.

E. Ordering that the damages award be increased up to three times the actual amount assessed pursuant to 35 U.S.C. § 284;

F. Declaring this case exceptional and awarding Plaintiff its reasonable attorney fees pursuant to 35 U.S.C. § 285; and

G. Awarding such other and further relief as this Court deems just and proper.

Dated: June 28, 2022

Respectfully submitted,

BLOOM PARHAM, LLP

/s/ Troy R. Covington

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**Local Rule 7.1(D) Certification of Compliance**

I hereby certify that the foregoing pleading has been prepared with Times New Roman font, 14 point, one of the font and point selections approved by the Court in L.R. 5.1B, N.D. Ga.

This 28th day of June, 2022.

/s/ Troy R. Covington  
Troy R. Covington  
Georgia Bar No. 190949