

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

KARMAGREEN, LLC,

Plaintiff,

v.

SUPER CHILL CBD PRODUCTS
and RAJINDER S. SINGH,

Defendants.

Case No. 1:23-cv-06073

Demand for Jury Trial

ORIGINAL COMPLAINT

Plaintiff Karmagreen, LLC (“Plaintiff” or “Karmagreen”) by and through its attorneys, for its Original Complaint against Defendants Super Chill CBD Products (“Super Chill”) and Rajinder S. Singh (“Singh”) (collectively, “Defendants”), alleges as follows:

NATURE OF ACTION

1. This is a civil action against Defendants for patent infringement, trademark infringement, unfair competition, and copyright infringement arising from Defendants’ wrongful actions in connection with the sale of dietary supplements known as TIA POWER in violation of Karmagreen’s intellectual property rights. Defendants’ acts have injured Karmagreen, are likely to continue injuring Karmagreen, and unless restrained will continue to cause such damage and harm.

2. Defendants in this action have engaged in blatant and willful copyright, patent and trademark infringement through the copying of Karmagreen’s product packaging and artwork, copying of the product brand/trademark, and copying and practicing of the methods of manufacturing the product:

Karmagreen’s Products	Defendants’ Knock-Off Products
	

PARTIES

3. 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.

4. On information and belief, Super Chill is a corporation organized and existing under the laws of the State of New York, with its principal place of business at 827 6th Avenue, New York, New York 10001.

5. On information and belief, Singh is an individual residing at 81 17th St., Jericho, New York 11753.

6. Upon information and belief, Defendant Singh is the sole owner, operator, alter-ego, and/or proprietor of Defendant Super Chill and, if Defendant Super Chill is a legal entity

separate from Defendant Singh, Defendant Singh has authorized, assisted, conspired with, or otherwise cooperated with and/or directed Defendant Super Chill in the acts complained of herein. Plaintiff is further informed and believes that Defendant Singh exercises such domain and control over Defendant Super Chill, with respect to the activities complained of herein, that Defendant Super Chill had no separate will of its own and such control by Defendant Singh was used to commit the wrongs against Plaintiff complained of herein.

JURISDICTION, VENUE AND JOINDER

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

8. Personal jurisdiction over Defendant Super Chill is proper in this District because, on information and belief, Super Chill is incorporated under the laws of New York, maintains its principal place of business in this District, and has committed acts of patent, trademark, and copyright infringement, and unfair competition in this District.

9. Personal jurisdiction over Defendant Singh is proper in this District because, on information and belief, Singh owns and operates Super Chill with its principal place of business in this District, and has committed acts of patent, trademark, and copyright infringement and unfair competition in this District. Additionally, Singh transacts business in and has engaged in other conduct within the State of New York such that he has sufficient contacts with this District and State, he purposefully avails himself of the privileges and benefits of conducting business in the State of New York, a substantial part of the events or omissions giving rise to the claims against Singh occurred in New York and involved Singh, and the exercise of jurisdiction over Singh comports with traditional notions of fair play and substantial justice.

10. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c) and/or 1400(b) because, on information and belief, Super Chill is incorporated under the laws of the State of New York and Defendants reside in this District and/or conduct business in this District.

11. Joinder of Defendants Super Chill and Singh is proper under Fed. R. Civ. P. 20(a)(2) in that the claims set forth herein arise out of the same series of transactions, occurrences, or series of transactions or occurrences, and because the same questions of law are common to each of the Defendants.

FACTS

Plaintiff's Business

12. Karmagreen sells dietary products.

13. Amongst its products is a product line called Tianaa®.

14. The Tianaa products are manufactured in a manner covered by the claims of various patents, including United States Patent Nos. 10,624,902, 11,324,754, 11,337,986, 11,344,560, 11,324,756, and 11,318,147 (collectively, “the “Patents-in-Suit”). A true and correct copy of the Patents-in-Suit are attached as Exhibits 1-6 to this Complaint.

15. In addition to the Patents-in-Suit, Karmagreen owns various other intellectual property rights concerning its Tianaa® product line, including an assortment of TIANNA word and design marks that it uses to market its goods and services (collectively, “the TIANAA Marks”). The TIANAA marks are protected by a number of U.S. federal trademark registrations, including, for example, U.S. Reg. Nos. 5386231 (TIANAA), 5405978 (TIANAA WHITE), 5405977 (TIANAA RED), 5405976 (TIANAA GREEN), and 5386232 (TANAA EX). These registrations are prima facie evidence of Karmagreen’s exclusive right to use the TIANAA Marks and prevent the use of confusingly similar marks throughout the United States. A true and correct copy of a

representative sample of U.S. trademark registrations owned by Karmagreen for the TIANAA Marks is attached hereto as Exhibit 7.

16. The TIANAA® product label artwork is also protected by a number of copyright registrations, including, for example, VA0002151939 (TIANAA GREEN), VA0002151376 (TIANAA RED), and VA0002151942 (TIANAA WHITE) (collectively, “the Copyrighted Works”). The Copyright Act, 17 U.S.C. § 101, et seq., gives Karmagreen sole and exclusive rights to its labels. The unauthorized duplication of all or part of the labels constitutes copyright infringement under U.S. federal law.

The Copyrights-in-Suit

17. VA0002151939 for TIANAA GREEN was duly and legally issued by the U.S. Copyright Office in 2017 for a visual material and was published on November 1, 2017.

18. All rights, title, and interest in the TIANAA GREEN copyright registration are assigned to Karmagreen, which is the sole owner.

19. VA0002151376 for TIANAA RED was duly and legally issued by the U.S. Copyright Office in 2017 for a visual material and was published on November 1, 2017.

20. All rights, title, and interest in the TIANAA RED copyright registration are assigned to Karmagreen, which is the sole owner.

21. VA0002151942 for TIANAA WHITE was duly and legally issued by the U.S. Copyright Office in 2017 for a visual material and was published on November 1, 2017.

22. All rights, title, and interest in the TIANAA GREEN copyright registration are assigned to Karmagreen, which is the sole owner.

23. These registrations give Karmagreen the exclusive rights to reproduce, adapt, publish, display, and create derivative works for the Copyrighted Works.

The Patents-in-Suit

24. The '902 Patent, entitled "Dietary Supplement," was duly and legally issued by the United States Patent and Trademark Office ("USPTO") on April 21, 2020.

25. The '902 Patent is generally directed towards a dietary supplement consisting of tianeptine-based combinations.

26. All rights, title, 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.

27. The '754 Patent, entitled "Dietary Supplement," was duly and legally issued by the United States Patent and Trademark Office ("USPTO") on May 10, 2022.

28. The '754 Patent is generally directed towards a dietary supplement consisting of tianeptine-based combinations.

29. All rights, title, 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.

30. The '986 Patent, entitled "Dietary Supplement," was duly and legally issued by the United States Patent and Trademark Office ("USPTO") on May 24, 2022.

31. The '986 Patent is generally directed towards a dietary supplement consisting of tianeptine-based combinations.

32. All rights, title, 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.

33. The '560 Patent, entitled "Dietary Supplement," was duly and legally issued by the United States Patent and Trademark Office ("USPTO") on May 31, 2022.

34. The '560 Patent is generally directed towards a dietary supplement consisting of tianeptine-based combinations.

35. All rights, title, 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.

36. The '756 Patent, entitled "Dietary Supplement," was duly and legally issued by the United States Patent and Trademark Office ("USPTO") on May 10, 2022.

37. The '756 Patent is generally directed towards a dietary supplement consisting of sakae naa-based combinations.

38. All rights, title, 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.

39. The '147 Patent, entitled "Dietary Supplement," was duly and legally issued by the United States Patent and Trademark Office ("USPTO") on May 3, 2022

40. The '147 Patent is generally directed towards a dietary supplement consisting of sakae naa-based combinations.

41. All rights, title, 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.

The Trademarks-in-Suit

42. Karmagreen has used an assortment of TIANAA-formative marks to market its goods and services. These marks include word and design marks featuring TIANAA, TIANAA WHITE, TIANAA RED, TIANAA GREEN, and TIANNA EX.

43. Karmagreen's TIANAA design marks contain a number of distinctive features including the hexagon shape, the yellow and green flower at the top of the hexagon, the bold text in the middle of the hexagon, and the accompanying design flourishes and decorative lines. By virtue of Karmagreen's longstanding and continuous use of the family of TIANAA Marks in U.S. Commerce in association with its dietary products, consumers have come to associate the TIANAA Marks with Karmagreen's goods. As a result, Karmagreen is entitled to broad common law trademark rights in the TIANAA Marks.

44. In addition to its common law trademark rights, Karmagreen possesses statutory trademark rights by virtue of its ownership of subsisting U.S. trademark registrations for its TIANAA Marks.

45. U.S. Registration No. 5386231 issued on January 23, 2018 for the standard character mark TIANAA.

46. U.S. Registration No. 5405978 issued on February 20, 2018 for the standard character mark TIANAA WHITE.

47. U.S. Registration No. 5405977 issued on February 20, 2018 for the standard character mark TIANAA RED.

48. U.S. Registration No. 5405976 issued on February 20, 2018 for the standard character mark TIANAA GREEN.

49. U.S. Registration No. 5386232 issued on January 23, 2018 for the standard character mark TIANAA EX.

50. These registrations are prima facie evidence of Karmagreen's exclusive right to use the TIANAA Marks and prevent the use of confusingly similar marks throughout the United States.

Defendants' Infringing Acts - Patent

51. On information and belief, Defendants have known of, should have known of, or have been willfully blind to, the Patents-in-Suit. To the extent applicable, Plaintiff has complied with the patent marking and notice provisions of 35 U.S.C. § 287 by providing constructive and actual notice to Defendants of their infringement.

52. 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.

53. Upon information and belief, Defendants and/or parties under their supervision or control have manufactured and/or sold a number of products intended to replicate Plaintiff's TIANAA brand products including TIA POWER Gold and TIA POWER Silver (collectively the "Accused Products"). Upon information and belief and as described below, the Accused Products infringe the claims of the Patents-in-Suit.

54. Upon information and belief, Defendants make and/or sell and offer 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, Defendants also distribute the Accused Products through third parties. Upon information and belief, Defendants advertise the Accused Products, including the ingredients contained therein, and display them at

trade shows, thereby promoting uses that infringe and encouraging others to infringe the Patents-in-Suit.

55. Upon information and belief, Defendants thus engage 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, Defendants have directly infringed, and/or will directly infringe, the claims of the Patents-in-Suit that cover the method of manufacturing the Accused Products.

56. To the extent that Defendants instruct third parties to make the Accused Products for the Defendants, Defendants instruct others to track and/or replicate Plaintiff's products and/or Defendants instruct others to make the Accused Products in an infringing manner.

57. To the extent that Defendants provide instructions to third parties to make the Accused Products for the Defendants, others directly infringe 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.

58. To the extent that Defendants provide instructions to third parties to make the Accused Products for the Defendants, 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).

59. To the extent that Defendants have supplied and continue to supply others with the ingredients used to make the Accused Products, 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. To the extent that Defendants have supplied and continue to supply others with the ingredients used

to make the Accused Products, Defendants would have been aware that they are not staple articles or commodities of commerce suitable for substantial noninfringing use and are especially made and/or adapted for use in infringing the Patents-in-Suit. To the extent that Defendants have supplied and continue to supply others with the ingredients used to make the Accused Products, Defendants 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.

60. Upon information and belief, Defendants have had knowledge of the Patents-in-Suit since no later than May 22, 2023, and, despite such knowledge, 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

61. To the extent that Defendants provide instructions to third parties to make the Accused Products for the Defendants and/or have supplied and continue to supply others with the ingredients used to make the Accused Products, Defendants known or should have known, or have been willfully blind to the fact, that their actions would induce others to directly infringe the Patents-in-Suit. To the extent that Defendants provide instructions to third parties to make the Accused Products for the Defendants and/or have supplied and continue to supply others with the ingredients used to make the Accused Products, 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.

62. A true and correct image of the label of the TIA POWER Gold product is reproduced below:



63. A true and correct image of the label of TIA POWER Silver product is reproduced below:



Infringement of the Patents-in-Suit

64. On information and belief, based on Plaintiff's current investigation, Defendants, either directly or through an agent under their control, manufacture the Accused Products within the United States which are made by a process recited in claims 1, 4, and 10 of the '902 Patent and therefore infringe, and continue to infringe those claims as follows below.

65. To the extent that Defendants provide instructions to third parties to make the Accused Products for the Defendants and/or have supplied and continue to supply others with the ingredients used to make the Accused Products, Defendants induce others, namely the manufacturer of the Accused Products, to perform, either literally or under the doctrine of equivalents, each and every step of at least claims 1, 4, and 10 of the '902 Patent and have contributed, and continue to contribute, to the infringement of those claims as follows below.

Table 1 – '902 Patent		
<i>Claim</i>	<i>Claim Element</i>	<i>Claimed Element Present in Accused Products</i>
1	A method of forming a dietary supplement, comprising steps of:	To the extent the preamble of claim 1 is found limiting, the Accused Products are dietary supplements.
	creating a composition of matter comprising a first ingredient of tianeptine sodium,	The labels of the Accused Products indicate that they contain tianeptine. On information and belief, the Accused Products contain tianeptine sodium.
	a second ingredient of sakae naa,	The labels of the Accused Products indicate that they contain combretum quadrangulare leaf, which is sakae naa.
	a third ingredient of stearate,	The labels of the Accused Products indicate that they contain stearate.
	a fourth ingredient of silicate; and	On information and belief, the Accused Products contain silicate.

Table 1 – '902 Patent		
<i>Claim</i>	<i>Claim Element</i>	<i>Claimed Element Present in Accused Products</i>
	filling a capsule with the composition of matter to form the dietary supplement.	The labels of the Accused Products confirm that the compositions are contained within capsules.
4	The method of claim 1, wherein the composition of matter further comprises a fifth ingredient of tianeptine free acid.	The labels of the Accused Products indicate that they contain tianeptine. On information and belief, the Accused Products contain tianeptine free acid.
10	A method of forming a dietary supplement, comprising steps of:	To the extent the preamble of claim 10 is found limiting, the Accused Products are dietary supplements.
	creating a composition of matter comprising a first ingredient of tianeptine sodium,	The label of the Accused Products indicate that they contain tianeptine. On information and belief, the Accused Products contain tianeptine sodium.
	a second ingredient of tianeptine free acid,	The label of the Accused Products indicate that they contain tianeptine. On information and belief, the Accused Products contain tianeptine free acid.
	a third ingredient of cytidine diphosphate-choline (CDP Choline),	The label of the Accused Products indicate that they contain cytidine diphosphate-choline (CDP Choline).
	a fourth ingredient of alpha glycerylphosphorylcholine (Alpha GPC),	The label of the Accused Products indicate that they contain Alpha GPC.
	a fifth ingredient of stearate,	The labels of the Accused Products indicate that they contain stearate.
	and a sixth ingredient of silicate;	On information and belief, the Accused Products contain a silicate.
	and filling a capsule with the composition of matter to form the dietary supplement.	The labels of the Accused Products confirm that the compositions are contained within capsules.

66. On information and belief, based on Plaintiff's current investigation, Defendants, either directly or through an agent under their control, manufacture the Accused Products within the United States which are made by a process recited in claims 1, 2, and 27-30 of the '754 Patent and therefore infringe, and continue to infringe those claims as follows below.

67. On information and belief, based on Plaintiff's current investigation, Defendants induce others, namely the manufacturer of the Accused Products, to perform, either literally or under the doctrine of equivalents, each and every step of at least claims 1, 2, and 27-30 of the '754 Patent and have contributed, and continue to contribute, to the infringement of those claims as follows below.

Table 2 – '754 Patent		
<i>Claim</i>	<i>Claim Element</i>	<i>Claimed Element Present in Accused Products</i>
1	A method of forming a dietary supplement, comprising steps of:	To the extent the preamble of claim 1 is found limiting, the labels of the Accused Products indicate that they are dietary supplements.
	creating a composition of matter comprising a first ingredient of tianeptine and	The labels of the Accused Products indicate that they contain tianeptine.
	a second ingredient of sakae naa;	The labels of the Accused Products indicate that they contain combretum quadrangulare leaf, which is sakae naa.
	and providing the composition of matter in one of a liquid and a solid form as the dietary supplement.	The labels of the Accused Products indicate that the composition is contained within capsules, which is a solid form.
2	The method of claim 1, wherein providing the composition of matter includes filling a container with the composition of matter.	The labels of the Accused Products indicate that the composition is contained within capsules.

Table 2 – '754 Patent		
<i>Claim</i>	<i>Claim Element</i>	<i>Claimed Element Present in Accused Products</i>
27	The method of claim 1, wherein the composition of matter further comprises a third ingredient of one of kava, CDP choline, and alpha GPC.	The labels of the Accused Products indicate that they contain CDP choline and alpha GPC.
28	The method of claim 27, wherein providing the composition of matter includes filling a container with the composition of matter.	The labels of the Accused Products indicate that the composition is contained within capsules.
29	The method of claim 1, wherein the composition of matter further comprises third and fourth ingredients of two of kava, CDP choline, and alpha GPC.	The labels of the Accused Products indicate that they contain CDP choline and alpha GPC.
30	The method of claim 29, wherein providing the composition of matter includes filling a container with the composition of matter.	The labels of the Accused Products indicate that the composition is contained within capsules.

68. On information and belief, based on Plaintiff's current investigation, Defendants, either directly or through an agent under their control, manufacture the Accused Products within the United States which are made by a process recited in claims 1, 2, 15, and 16 of the '986 Patent and therefore infringe, and continue to infringe those claims as follows below.

69. On information and belief, based on Plaintiff's current investigation, Defendants induce others, namely the manufacturer of the Accused Products, to perform, either literally or under the doctrine of equivalents, each and every step of at least claims 1, 2, 15 and 16 of the '986 Patent and have contributed, and continue to contribute, to the infringement of those claims as follows below.

Table 3 – '986 Patent		
<i>Claim</i>	<i>Claim Element</i>	<i>Claimed Element Present in Accused Products</i>
1	A method of forming a dietary supplement, comprising steps of:	To the extent the preamble of claim 1 is found limiting, the labels of the Accused Products indicate that they are dietary supplements.
	creating a composition of matter comprising a first ingredient of tianeptine and	The labels of the Accused Products indicate that they contain tianeptine.
	a second ingredient of cytidine diphosphate-choline (CDP Choline)	The labels of the Accused Products indicate that they contain CDP choline.
	and providing the composition of matter in one of a liquid and a solid form as the dietary supplement.	The labels of the Accused Products indicate that the composition is contained within capsules, which is a solid form.
2	The method of claim 1, wherein providing the composition of matter includes filling a container with the composition of matter.	The labels of the Accused Products indicate that the composition is contained within capsules.
15	The method of claim 1, wherein the composition of matter further comprises a third ingredient of Alpha GPC.	The labels of the Accused Products indicate that they contain alpha GPC.
16	The method of claim 15, wherein providing the composition of matter includes filling a container with the composition of matter.	The labels of the Accused Products indicate that the composition is contained within capsules.

70. On information and belief, based on Plaintiff's current investigation, Defendants, either directly or through an agent under their control, manufacture the Accused Products within the United States which are made by a process recited in claims 1 and 2 of the '560 Patent and therefore infringe, and continue to infringe those claims as follows below.

71. On information and belief, based on Plaintiff's current investigation, Defendants induce others, namely the manufacturer of the Accused Products, to perform, either literally or under the doctrine of equivalents, each and every step of at least claims 1 and 2 of the '560 Patent and have contributed, and continue to contribute, to the infringement of those claims as follows below.

Table 4 – '560 Patent		
<i>Claim</i>	<i>Claim Element</i>	<i>Claimed Element Present in Accused Products</i>
1	A method of forming a dietary supplement, comprising steps of:	To the extent the preamble of claim 1 is found limiting, the labels of the Accused Products indicate that they are dietary supplements.
	creating a composition of matter comprising a first ingredient of tianeptine and	The labels of the Accused Products indicate that they contain tianeptine.
	a second ingredient of alpha glycerylphosphorylcholine (alpha GPC);;	The labels of the Accused Products indicate that they contain alpha GPC.
	and providing the composition of matter in one of a liquid and a solid form as the dietary supplement.	The labels of the Accused Products indicate that the composition is contained within capsules, which is a solid form.
2	The method of claim 1, wherein providing the composition of matter includes filling a container with the composition of matter.	The labels of the Accused Products indicate that the composition is contained within capsules.

72. On information and belief, based on Plaintiff's current investigation, Defendants, either directly or through an agent under their control, manufacture the Accused Products within the United States which are made by a process recited in claims 1-4 of the '756 Patent and therefore infringe, and continue to infringe those claims as follows below.

73. On information and belief, based on Plaintiff's current investigation, Defendants induce others, namely the manufacturer of the Accused Products, to perform, either literally or under the doctrine of equivalents, each and every step of at least claims 1-4 of the '756 Patent and have contributed, and continue to contribute, to the infringement of those claims as follows below.

Table 5 – '756 Patent		
<i>Claim</i>	<i>Claim Element</i>	<i>Claimed Element Present in Accused Products</i>
1	A method of forming a dietary supplement, comprising steps of:	To the extent the preamble of claim 1 is found limiting, the labels of the Accused Products indicate that they are dietary supplements.
	creating a composition of matter comprising a first ingredient of sakae naa and	The labels of the Accused Products indicate that they contain combretum quadrangulare leaf, which is sakae naa.
	a second ingredient of diphosphate-choline (CDP choline);	The labels of the Accused Products indicate that they contain CDP choline.
	and providing the composition of matter in one of a liquid and a solid form as the dietary supplement.	The labels of the Accused Products indicate that the composition is contained within capsules, which is a solid form.
2	The method of claim 1, wherein providing the composition of matter includes filling a container with the composition of matter.	The labels of the Accused Products indicate that the composition is contained within capsules.
3	The method of claim 1, wherein the composition of matter further comprises at least one of a third ingredient of stearate and a fourth ingredient of silicate.	The labels of the Accused Products indicate that they contain stearate.
4	The method of claim 3, wherein providing the composition of matter includes filling a container with the composition of matter.	The labels of the Accused Products indicate that the composition is contained within capsules.

74. On information and belief, based on Plaintiff's current investigation, Defendants, either directly or through an agent under their control, manufacture the Accused Products within the United States which are made by a process recited in claims 1-4 of the '147 Patent and therefore infringe, and continue to infringe those claims as follows below.

75. On information and belief, based on Plaintiff's current investigation, Defendants induce others, namely the manufacturer of the Accused Products, to perform, either literally or under the doctrine of equivalents, each and every step of at least claims 1-4 of the '147 Patent and have contributed, and continue to contribute, to the infringement of those claims as follows below.

Table 6 – '147 Patent		
<i>Claim</i>	<i>Claim Element</i>	<i>Claimed Element Present in Accused Products</i>
1	A method of forming a dietary supplement, comprising steps of:	To the extent the preamble of claim 1 is found limiting, the labels of the Accused Products indicate that they are dietary supplements.
	creating a composition of matter comprising a first ingredient of sakae naa and	The labels of the Accused Products indicate that they contain combretum quadrangulare leaf, which is sakae naa.
	a second ingredient of alpha glyceryl phosphoryl choline (Alpha GPC);	The labels of the Accused Products indicate that they contain alpha GPC.
	and providing the composition of matter in one of a liquid and a solid form as the dietary supplement.	The labels of the Accused Products indicate that the composition is contained within capsules, which is a solid form.
2	The method of claim 1, wherein providing the composition of matter includes filling a container with the composition of matter.	The labels of the Accused Products indicate that the composition is contained within capsules.
3	The method of claim 1, wherein the composition of matter further comprises at least one of a third ingredient of stearate	The labels of the Accused Products indicate that they contain stearate.

Table 6 – '147 Patent		
<i>Claim</i>	<i>Claim Element</i>	<i>Claimed Element Present in Accused Products</i>
	and a fourth ingredient of silicate.	
4	The method of claim 3, wherein providing the composition of matter includes filling a container with the composition of matter.	The labels of the Accused Products indicate that the composition is contained within capsules.

WILLFUL INFRINGEMENT

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

77. 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.

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

Defendants' Infringing Acts - Copyrights

79. On information and belief, Defendants sell their dietary supplements with labels that are substantially similar to the copyright-protected TIANAA® labels:



80. The artwork for the TIA POWER dietary supplements, including TIA POWER Gold, TIA POWER Silver, and TIA POWER Diamond, includes the same flower decoration in

the same colors, the same font in the same color, the same hexagon shape in the same color, the same design flourishes and decorative lines—all in violation of Karmagreen’s registered copyrights.

81. The artwork for the TIA POWER dietary supplements reflects a copy or derivative of the Karmagreen Copyrighted Works.

82. Defendants’ copying, distributing, altering, and/or displaying of the Copyrighted Works is without the consent or authorization of Karmagreen.

83. Upon information and belief, Defendant Singh was a knowing and actual participant in the infringement of the Copyrighted Works through the creation and distribution of the infringing labels.

Defendants’ Infringing Acts - Trademarks

84. Notwithstanding Karmagreen’s well-known and prior-established rights in its TIANAA Marks, Defendants are using marks confusingly similar to Karmagreen’s TIANNA marks in connection with Defendants’ goods and services.

85. On information and belief, Defendants sell their dietary supplements under the name TIA POWER.

86. TIA POWER is confusingly similar to Karmagreen’s TIANAA marks because TIA POWER incorporates the first three letters of Karmagreen’s TIANAA word marks and is designed to mislead consumers.

87. On information and belief, Defendants sell or have sold their dietary supplements using the designs below.



88. The designs used by Defendants to sell their dietary supplements are confusingly similar to Karmagreen's TIANAA design marks.

89. On information and belief, Defendants are using the TIA POWER mark and design in the distribution, offering for sale, and sale of its dietary supplements in interstate commerce and within the State of New York.

90. In light of the nearly identical marks and the related goods, consumer confusion is highly likely.

COUNT I

(Direct Infringement of the '902 Patent Pursuant to 35 U.S.C. § 271(a))

91. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

92. Defendants have directly infringed, and continue to infringe, in violation of 35 U.S.C. § 271(a), at least Claims 1, 4, and 10 of the '902 Patent, either literally or under the doctrine of equivalents, during the period prior to the expiration of the '902 Patent by making, using, selling, offering for sale in the United States, and/or importing into the United States, the Accused Products

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 '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.

94. 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.

95. 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 Pursuant to 35 U.S.C. § 271(b))

96. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

97. Defendants have indirectly infringed, and are indirectly infringing, the '902 Patent by instructing, directing, and/or requiring others, including the manufacturer of the Accused Products, 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, Defendants have knowingly induced others to make, use, offer for sale, and/or sell the Accused Products and possessed specific intent to encourage others' infringement. 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.

98. 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 were inducing others, including the manufacturer of the Accused Products, to infringe by practicing one or more method claims of the '902 Patent, including at least Claims 1, 4, and 10 without the permission, consent, authorization, or license of Karmagreen in this judicial District and elsewhere throughout the United States.

99. 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.

100. 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.

101. 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 '902 Patent Pursuant to 35 U.S.C. § 271(c))

102. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

103. Defendants have contributed, and continue to contribute, to the infringement of at least Claims 1, 4, and 10 of the '902 Patent by selling or offering to sell the components or ingredients of the Accused Products, without the permission, consent, authorization, or license of Karmagreen 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).

104. The label of the Accused Products requires that the Accused Products contain tianeptine and combretum quadrangulare leaf (also known as sakae naa), two key ingredients in the Accused Products that are not staple articles or commodities of commerce suitable for substantial noninfringing 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 tianeptine sodium and combretum quadrangulare leaf are not staple articles or commodities of commerce suitable for substantial noninfringing use, Defendants have sold these ingredients 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.

105. 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 manufacturer of the Accused Products, of one or more claims of the '902 Patent, including at least Claims 1, 4, and 10, 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 '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.

107. 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.

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

COUNT IV
(Direct Infringement of the '754 Patent Pursuant to 35 U.S.C. § 271(a))

109. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

110. Defendants have directly infringed, and continue to infringe, in violation of 35 U.S.C. § 271(a), at least Claims 1, 2, and 27-30 of the '754 Patent, either literally or under the doctrine of equivalents, during the period prior to the expiration of the '754 Patent by making, using, selling, offering for sale in the United States, and/or importing into the United States, the Accused Products without the permission, consent, authorization, or license of Karmagreen in this judicial district and elsewhere throughout the United States.

111. 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.

112. 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.

113. 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 '754 Patent Pursuant to 35 U.S.C. § 271(b))

114. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

115. Defendants have indirectly infringed, and are indirectly infringing, the '754 Patent by instructing, directing, and/or requiring others, including the manufacturer of the Accused Products, 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, Defendants have knowingly induced others to make, use, offer for sale, and/or sell the Accused Products and possessed specific intent to encourage others' infringement. 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.

116. 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 were inducing others, including the manufacturer of the Accused Products, to infringe by practicing one or more method claims of the '754 Patent, including at least Claims 1, 2, and 27-30 without the permission, consent, authorization, or license of Karmagreen in this judicial District and elsewhere throughout the United States.

117. 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.

118. 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.

119. 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 '754 Patent Pursuant to 35 U.S.C. § 271(c))

120. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding, as set forth above.

121. Defendants have contributed, and continue to contribute, to the infringement of at least Claims 1, 2, and 27-30 of the '754 Patent by selling or offering to sell the components or ingredients of the Accused Products, without the permission, consent, authorization, or license of Karmagreen 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).

122. The label of the Accused Products requires that the Accused Products contain tianeptine and combretum quadrangulare leaf (also known as sakae naa), two key ingredients in the Accused Products that are not staple articles or commodities of commerce suitable for substantial noninfringing 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 tianeptine sodium and combretum quadrangulare leaf are not staple articles or commodities of commerce suitable for substantial noninfringing use, Defendants have sold these ingredients 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.

123. 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 manufacturer of the Accused Products, of one or more claims of the '754 Patent, including at least Claims 1, 2, and 27-30, without the permission, consent, authorization, or license of Karmagreen in this judicial District and elsewhere throughout the United States.

124. 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.

125. 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.

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

COUNT VII
(Direct Infringement of the '986 Patent Pursuant to 35 U.S.C. § 271(a))

127. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

128. Defendants have directly infringed, and continue to infringe, in violation of 35 U.S.C. § 271(a), at least Claims 12, 15, and 16 of the '986 Patent, either literally or under the doctrine of equivalents, during the period prior to the expiration of the '986 Patent by making,

using, selling, offering for sale in the United States, and/or importing into the United States, the Accused Products without the permission, consent, authorization, or license of Karmagreen in this judicial district and elsewhere throughout the United States.

129. 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.

130. 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.

131. 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 Pursuant to 35 U.S.C. § 271(b))

132. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

133. Defendants have indirectly infringed, and are indirectly infringing, the '986 Patent by instructing, directing, and/or requiring others, including the manufacturer of the Accused Products, 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, Defendants have knowingly induced others to make, use, offer for sale, and/or sell the Accused Products and possessed specific intent to encourage others' infringement. 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.

134. 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 were inducing others, including the manufacturer of the Accused Products, to infringe by practicing one or more method claims of the '986 Patent, including at least Claims 1, 2, 15, and 16 without the permission, consent, authorization, or license of Karmagreen in this judicial District and elsewhere throughout the United States.

135. 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.

136. 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.

137. 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 '986 Patent Pursuant to 35 U.S.C. § 271(c))

138. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

139. Defendants have contributed, and continue to contribute, to the infringement of at least Claims 1, 2, 15, and 16 of the '986 Patent by selling or offering to sell the components or ingredients of the Accused Products, without the permission, consent, authorization, or license of

Karmagreen 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).

140. The label of the Accused Products requires that the Accused Products contain tianeptine, a key ingredient in the Accused Products that is not a staple article or commodity of commerce suitable for substantial noninfringing use and is 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 tianeptine is not a staple article or commodity of commerce suitable for substantial noninfringing use, Defendants have sold this ingredient 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.

141. 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 manufacturer of the Accused Products, of one or more claims of the '986 Patent, including at least Claims 1, 2, 15, and 16, without the permission, consent, authorization, or license of Karmagreen in this judicial District and elsewhere throughout the United States.

142. 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.

143. 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.

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

COUNT X

(Direct Infringement of the '560 Patent Pursuant to 35 U.S.C. § 271(a))

145. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

146. Defendants have directly infringed, and continue to infringe, in violation of 35 U.S.C. § 271(a), at least Claims 1 and 2 of the '560 Patent, either literally or under the doctrine of equivalents, during the period prior to the expiration of the '560 Patent by making, using, selling, offering for sale in the United States, and/or importing into the United States, the Accused Products without the permission, consent, authorization, or license of Karmagreen in this judicial district and elsewhere throughout the United States.

147. 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.

148. 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.

149. 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 '560 Patent Pursuant to 35 U.S.C. § 271(b))

150. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

151. Defendants have indirectly infringed, and are indirectly infringing, the '560 Patent by instructing, directing, and/or requiring others, including the manufacturer of the Accused Products, 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, Defendants have knowingly induced others to make, use, offer for sale, and/or sell the Accused Products and possessed specific intent to encourage others' infringement. 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.

152. 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 were inducing others, including the manufacturer of the Accused Products, to infringe by practicing one or more method claims of the '560 Patent, including at least Claims 1 and 2 without the permission, consent, authorization, or license of Karmagreen in this judicial District and elsewhere throughout the United States.

153. 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.

154. 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.

155. 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 '560 Patent Pursuant to 35 U.S.C. § 271(c))

156. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

157. Defendants have contributed, and continue to contribute, to the infringement of at least Claims 1 and 2 of the '560 Patent by selling or offering to sell the components or ingredients of the Accused Products, without the permission, consent, authorization, or license of Karmagreen 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).

158. The label of the Accused Products requires that the Accused Products contain tianeptine, a key ingredients in the Accused Products that is not a staple article or commodity of commerce suitable for substantial noninfringing use and is 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 tianeptine is not a staple article or commodity of commerce suitable for substantial noninfringing use, Defendants have sold these ingredients 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.

159. 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 manufacturer of the Accused Products, of one or more claims of the '560 Patent, including at least Claims 1 and 2 without the permission, consent, authorization, or license of Karmagreen in this judicial District and elsewhere throughout the United States.

160. 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.

161. 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.

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

COUNT XIII

(Direct Infringement of the '756 Patent Pursuant to 35 U.S.C. § 271(a))

163. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

164. Defendants have directly infringed, and continue to infringe, in violation of 35 U.S.C. § 271(a), at least Claims 1-4 of the '756 Patent, either literally or under the doctrine of equivalents, during the period prior to the expiration of the '756 Patent by making, using, selling, offering for sale in the United States, and/or importing into the United States, the Accused Products

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 XIV
(Indirect Infringement of the '756 Patent 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, as set forth above.

169. Defendants have indirectly infringed, and are indirectly infringing, the '756 Patent by instructing, directing, and/or requiring others, including the manufacturer of the Accused Products, 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, Defendants have knowingly induced others to make, use, offer for sale, and/or sell the Accused Products and possessed specific intent to encourage others' infringement. 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, should have known, or were willfully blind to the fact, that their actions were inducing others, including the manufacturer of the Accused Products, to infringe by practicing one or more method claims of the '756 Patent, including at least Claims 1-4 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 '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.

172. 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.

173. 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 '756 Patent 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, as set forth above.

175. Defendants have contributed, and continue to contribute, to the infringement of at least Claims 1-4 of the '756 Patent by selling or offering to sell the components or ingredients of the Accused Products, without the permission, consent, authorization, or license of Karmagreen 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).

176. The label of the Accused Products requires that the Accused Products contain combretum quadrangulare leaf (also known as sakae naa), a key ingredient in the Accused Products that are not a staple article or commodity of commerce suitable for substantial noninfringing use and is 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 combretum quadrangulare leaf is not a staple article or commodity of commerce suitable for substantial noninfringing use, Defendants have sold this ingredient 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.

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 manufacturer of the Accused Products, of one or more claims of the '756 Patent, including at least Claims 1-4, 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 '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.

179. 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.

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

COUNT XVI
(Direct Infringement of the '147 Patent Pursuant to 35 U.S.C. § 271(a))

181. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

182. Defendants have directly infringed, and continue to infringe, in violation of 35 U.S.C. § 271(a), at least Claims 1-4 of the '147 Patent, either literally or under the doctrine of equivalents, during the period prior to the expiration of the '147 Patent by making, using, selling, offering for sale in the United States, and/or importing into the United States, the Accused Products without the permission, consent, authorization, or license of Karmagreen in this judicial district and elsewhere throughout the United States.

183. 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.

184. 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.

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

COUNT XVII
(Indirect Infringement of the '147 Patent Pursuant to 35 U.S.C. § 271(b))

186. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

187. Defendants have indirectly infringed, and are indirectly infringing, the '147 Patent by instructing, directing, and/or requiring others, including the manufacturer of the Accused Products, 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, Defendants have knowingly induced others to make, use, offer for sale, and/or sell the Accused Products and possessed specific intent to encourage others' infringement. 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.

188. 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 were inducing others, including the manufacturer of the Accused Products, to infringe by practicing one or more method claims of the '147 Patent, including at least Claims 1-4 without the permission, consent, authorization, or license of Karmagreen in this judicial District and elsewhere throughout the United States.

189. 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.

190. 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.

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

COUNT XVIII

(Indirect Infringement of the '147 Patent Pursuant to 35 U.S.C. § 271(c))

192. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

193. Defendants have contributed, and continue to contribute, to the infringement of at least Claims 1-4 of the '147 Patent by selling or offering to sell the components or ingredients of the Accused Products, without the permission, consent, authorization, or license of Karmagreen 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).

194. The label of the Accused Products requires that the Accused Products contain combretum quadrangulare leaf (also known as sakae naa), a key ingredient in the Accused Products that are not a staple article or commodity of commerce suitable for substantial noninfringing use and is 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 combretum quadrangulare leaf is not a staple article or commodity of commerce suitable for substantial noninfringing use, Defendants have sold this ingredient 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.

195. 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 manufacturer of the Accused Products, of

one or more claims of the '147 Patent, including at least Claims 1-4, without the permission, consent, authorization, or license of Karmagreen in this judicial District and elsewhere throughout the United States.

196. 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.

197. 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.

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

COUNT XIX
(Copyright Infringement)

199. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

200. Karmagreen is the owner of the Karmagreen Copyrighted Works, which include certain copyright protected pictorial or graphic works.

201. At all times relevant hereto, Karmagreen has been and still is the owner and proprietor of all right, title, and interest in and to the Karmagreen Copyrighted Works.

202. The Karmagreen Copyrighted Works contain creative material wholly original to Karmagreen and are copyrightable subject matter under the copyright laws of the United States.

203. Defendants have infringed and continue to infringe Karmagreen's copyrights by reproducing, adapting, publishing, and displaying the Copyrighted Works, in whole or part, and

creating derivatives of the Karmagreen Copyrighted Works through the sales of their TIA POWER products, including TIA POWER Gold, TIA POWER Diamond, and TIA POWER Silver.

204. Such copying, distributing, altering, and/or displaying of the Karmagreen Copyrighted Works was done by the Defendants without the consent, approval, or license of Karmagreen.

205. The foregoing actions of the Defendants have been knowing, deliberate, willful, and in utter disregard of Karmagreen's rights.

206. The above acts by the Defendants violate Karmagreen's exclusive rights under § 106 of the Copyright Act, 17 U.S.C. § 106, and constitute willful infringement of Karmagreen's copyrights under § 501 of the Copyright Act, 17 U.S.C. § 501.

207. As a direct and proximate result of the foregoing acts and conduct, Karmagreen has sustained and will continue to sustain substantial, immediate, and irreparable injury, for which there is no adequate remedy at law. Unless enjoined and restrained by this Court, the Defendants will continue to infringe Karmagreen's rights in the Copyrighted Works. Karmagreen is entitled to actual and/or statutory damages and injunctive relief under Section 502 of the Copyright Act, 17 U.S.C. § 502.

COUNT XX
(Trademark Infringement)

208. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

209. Defendants are promoting and selling in interstate commerce nutritional supplement products under the confusingly similar TIA POWER mark without Plaintiff's authorization or consent.

210. Defendants have actual and/or constructive notice, pursuant to Section 22 of the Lanham Act, 15 U.S.C. § 1072, of the existence of Karmagreen's superior rights in its TIANNA Marks by reason of the existence of Karmagreen's aforementioned federal trademark rights.

211. Use of marks identical or substantially similar to the TIANNA Marks by Defendants is without the permission or authorization of Karmagreen.

212. Such copying and use by Defendants of the TIANAA Marks is likely to cause, and already has caused, confusion, deception, and mistake among the members of the public and the trade as to the source or affiliation of Defendants' products.

213. Defendants' unauthorized and wrongful use of marks identical or confusingly similar to the TIANAA Marks in connection with the advertising and sale of dietary supplement products is likely to confuse and deceive members of the public and trade as to the origin, sponsorship and affiliation of Defendants and products sold by Defendants, and to cause such persons to mistakenly believe that Defendants are associated with Karmagreen and to mistakenly believe that Defendants products are authorized by Karmagreen.

214. Defendants' unauthorized use of marks identical or confusingly similar to the TIANAA Marks in connection with the advertising and sale of dietary supplement products is likely to cause confusion, to cause mistake, and to deceive an appreciable number of reasonably prudent customers as to sponsorship, endorsement, association, or connection between Defendants and Karmagreen.

215. Defendants' continued use of marks identical or confusingly similar to the TIANNA Marks in the manner hereinabove alleged, in the face of actual knowledge of Karmagreen's family of TIANAA trademarks and with no defense to infringement that has a reasonable basis in either fact or law, makes Defendants willful infringers.

216. The foregoing actions of Defendants have caused great and irreparable injury to Karmagreen and, unless said acts are enjoined by the Court, said acts will continue and Karmagreen will continue to suffer great and irreparable injury for which it has no adequate remedy at law.

217. The above acts by Defendants constitute trademark infringement of the registered TIANAA Marks in violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1).

COUNT XXI
(Unfair Competition)

218. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

219. As a cause of action and ground for relief, Plaintiff alleges that Defendant is engaged in acts of unfair competition under § 43(a)(1) of the Federal Trademark Act, 15 U.S.C. § 1125(a)(1), and at common law.

220. Defendants' use of the TIA POWER word and design marks in connection with dietary supplements in the manner hereinabove alleged constitutes a violation of § 43(a)(1) of the Federal Trademark Act, 15 U.S.C. § 1125(a)(1) in that Defendants' use of the trademark TIA POWER is likely to cause confusion, to cause mistake, and/or to deceive the public as to an affiliation, connection, or association between Defendants and Karmagreen, and as to the origin, sponsorship, and/or approval of Defendants dietary supplement products by Karmagreen.

221. The nature and probable tendency and effect of Defendants' use of the trademark TIA POWER in the manner hereinabove alleged is to enable Defendants to confuse or deceive the public and others by misrepresenting that Defendants' products are in some way sponsored or

approved by Karmagreen and/or that Defendant is affiliated with Karmagreen and therefore constitutes unfair competition at common law.

222. As a direct and proximate result of Defendants' unfair competition, Defendants have been unjustly enriched, and Karmagreen has suffered actual damages, including without limitation lost profits, diversion of resources, costs for investigation and mitigation of harms caused by Defendants' wrongful conduct, loss of reputation and good will, and all other costs of resolving consumer confusion. Karmagreen is entitled to disgorgement of Defendants' profits, to recover any damages, and to costs of the action.

223. Unless enjoined by this Court, Defendants will continue said acts of unfair competition, thereby causing Karmagreen immediate and irreparable injury for which it has no adequate remedy at law.

COUNT XXII
(New York Unfair Competition – Common Law)

224. Karmagreen repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

225. Defendants' use of the TIA POWER word and design marks in connection with dietary supplements in the manner hereinabove alleged misrepresents to consumers that the goods provided by Defendants are the goods of Karmagreen.

226. Defendants' use of the TIA POWER word and design marks in connection with dietary supplements in the manner hereinabove alleged misrepresents to consumers that Defendants' goods are sponsored by, approved by, or certified by Karmagreen or that Karmagreen is a source of such goods.

227. Defendants' use of the TIA POWER word and design marks in connection with dietary supplements in the manner hereinabove alleged misrepresents to consumers that Defendants' goods are affiliated, connected, or associated with Karmagreen.

228. Defendants' use of the TIA POWER word and design marks in connection with dietary supplements in the manner hereinabove alleged misrepresents to consumers that Defendants' goods are similar to those of Karmagreen in terms of standards, quality, grade, style, or model.

229. As a direct and proximate result of the unfair competition, Defendants have been unjustly enriched, and Karmagreen has suffered actual damages, including without limitation lost profits, diversion of resources, costs for investigation and mitigation of harms caused by Defendants' wrongful conduct, loss of reputation and goodwill, and all other costs of resolving consumer confusion.

230. Unless enjoined by this Court, Defendants will continue said acts of unfair competition, thereby causing Karmagreen immediate and irreparable injury for which it has no adequate remedy at law.

JURY DEMAND

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

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

B. Adjudging that Defendants infringed Karmagreen's Copyrighted Works in violation of § 501 of the Copyright Act, 17 U.S.C. § 501;

C. Adjudging that Defendants infringed Karmagreen's trademark rights in violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114;

D. 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;

E. 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, jointly or severally, from copying, distributing, altering, displaying, selling and/or promoting the Karmagreen Copyrighted Works;

F. 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, jointly or severally, from using any copy or colorable imitation of the TIANAA Marks, or other marks associated with Karmagreen in connection with the promotion, advertisement, display, sale, offering for sale, manufacture, printing, importation, production, circulation, or distribution of any product or service, in such fashion as to relate or connect such product in any way to Karmagreen or to any goods sold, manufactured, sponsored, approved by, or connected with Karmagreen;

G. If elected by Karmagreen, ordering Defendants to pay Karmagreen statutory damages pursuant to 15 U.S.C. § 1117(c) and 17 U.S.C. § 504(c);

- H. Awarding actual, compensatory, and/or statutory damages against Defendants;
- I. Ordering that the damages for patent infringement award be increased up to three times the actual amount assessed pursuant to 35 U.S.C. § 284;
- J. Ordering an award of costs and reasonable attorneys' fees, pursuant to 15 U.S.C. § 1117(a), 17 U.S.C. § 505, 35 U.S.C. § 285, or as otherwise permitted by law, incurred by Karmagreen in connection with this action;
- K. Awarding Karmagreen pre-judgment interest and post-judgment interest on the above damages awards;
- L. 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.
- M. Awarding such other and further relief as this Court deems just and proper.

Date: July 14, 2023

/s/ Frank Scaduto
Frank Scaduto (Bar No. FS1280)
A. Neal Seth (for pro hac vice)
David E. Weslow (for pro hac vice)
Corey Weinstein (for pro hac vice)
Wiley Rein LLP
2050 M Street, NW
Washington, DC 20036
(202) 719-7000
nseth@wiley.law
dweslow@wiley.law
fscaduto@wiley.law

*Attorneys for Plaintiff,
Karmagreen, LLC*