

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION**

NUTRAMAX LABORATORIES, INC.,)

Plaintiff,)

v.)

**PARAMI LIMITED d/b/a
OSASUNA,**)

ADDRESS: Cleveland Ave., 1001)
Glasgow KY 42141)

ALSO SERVE at: 1230 N. King Street 1688)
Wilmington, DE 19801)

ALSO SERVE at : Li Yang)
Di Li Law, P.C.)
17700 Castleton Street,)
STE 315)
City of Industry, CA)
91748)
byuelaw@gmail.com)
trademarks@dililaw.com)
charlie@dililaw.com)

ALSO SERVE at: 22 Market Square)
Floor 1, Office 25)
London, United Kingdom)
E146BU)

SERUMLAB S&C INT. LLC, and)

ADDRESS: 5305 River Road)
N Ste B)
Keizer, OR 97303)

OPTIMUM SUPPS NUTRITION)

ADDRESS: 65 Pinetree)
Irvine, California 92620)

Defendants.)

Civil Action No. 1:24-CV-50-GNS

JURY TRIAL DEMAND

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Nutramax Laboratories, Inc. (“Nutramax”) files this Complaint for Patent Infringement and Demand for Jury Trial against Defendants Parami Limited d/b/a Osasuna (“Parami” and/or “Osasuna”), Serumlab S&C International LLC (“Serumlab”), and Optimum Supps Nutrition (“OSN”) (collectively “Defendants”) for infringement of one or more of United States Patent No. 10,583,178 (“the ’178 Patent”), United States Patent No. 10,960,057 (“the ’057 Patent”), and United States Patent No. 11,654,186 (“the ’186 Patent”).

THE PARTIES

1. Plaintiff Nutramax is a corporation organized and existing under the laws of South Carolina and located at 946 Quality Drive, Lancaster, South Carolina 29720.

2. Upon information and belief, Defendant Parami d/b/a Osasuna is a limited company organized and existing under the laws of the United Kingdom having a place of business at Floor 1, Office 25, 22 Market Square, London United Kingdom E146BU. **(Ex. 1)** (United States OSASUNA Federal Trademark Registration Certificate).

3. Defendant Parami d/b/a Osasuna, upon information and belief, operates under the trade name Osasuna at 1230 N. King Street, Suite 1688, Wilmington, DE 19801. *Id.* (*See also Ex. 2*) (Packaging Specimen submitted to United States Federal Trademark Office).

4. Upon information and belief, Defendant Parami d/b/a Osasuna manufactures, imports, sells, and/or directs the manufacture and/or importation and sale of Liposomal Sulforaphane (“Accused Product”) at Cleveland Ave., 1001, Glasgow, KY 42141. **(Ex. 3)** (Address shown on packaging of Accused Product purchased from, and delivered to, a purchaser located in Kentucky).

5. Defendant Serumlab is a distributor/reseller and/or importer of Osasuna supplements, including the Accused Product, on information and belief, having a place of business at 5305 River Rd. Ste. B, Keizer OR 97303. (Ex. 2 and **Ex. 9**)

6. Upon information and belief, Defendant OSN is a business entity that also is a distributor/reseller and or importer of Accused Product, on information and belief, having a place of business at 65 Pinetree, Irvine, California 92620. (**Exs. 4 and 5**) (Amazon Online Storefront).

JURISDICTION AND VENUE

7. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code, including 35 U.S.C. §§ 154, 271, 281, and 283-285.

8. This Court has exclusive subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338.

9. On information and belief, Defendants are operating as alter egos and/or as coordinated entities in a chain of manufacture, distribution, offer to sell, sale, import and/or use of Accused Product coordinated at least in part from within this Judicial District at Cleveland Ave, 1001, Glasgow KY 42141. (Ex. 3).

10. On information and belief, Defendants are operating as alter egos and/or as coordinated entities in a chain of manufacture, distribution, offer to sell, sale, import and/or use of Accused Product knowingly targeting customers within this Judicial District.

11. Accused Product was recently purchased in Kentucky from an Amazon e-commerce store. (Ex. 5)

12. At least by way of the above-identified activities, each of the Defendants is purposefully directing the manufacture, import, offer for sale, or sale of accused product to Kentucky residents.

13. The Court has personal jurisdiction over each Defendant as each is operating, on information and belief, as an alter ego of the other in a chain of import, manufacture, sale and/or use of Accused Product emanating from Kentucky and purposefully directing sales to residents of Kentucky.

14. At least by way of the above-listed activities, each of the Defendants is engaged in interstate commerce and has wrongfully caused Nutramax harm in Kentucky.

15. Venue is proper in this Court pursuant to 28 U.S.C. § 1400(b) because: (i) the Accused Product is self-identified as having been manufactured or imported into this Judicial District at Defendant Parami Limited d/b/a Osasuna's regular and established place of business; and/or (ii) Defendants, on information and belief are operating as alter egos of one another such that each has committed acts of infringement in this District by importing, manufacturing, offering to sell, selling, distributing and/or setting up Internet store fronts to sell Accused Product to residents located within this District; and (iii) pursuant to 28 U.S.C. § 1391(c)(3), to the extent Defendant Parami Limited d/b/a Osasuna is not resident in the United States, it may be sued in any judicial district and thus is eligible to be sued in this District.

NUTRAMAX

16. Nutramax and its related companies are dedicated to the research and development of the highest quality products in the nature of supplements to support health and wellness. Nutramax is proud to be the industry leader in setting and adhering to strict standards for manufacturing and quality in the field of supplements.

17. Nutramax through related companies offers a wide array of supplements, and firmly believes that its supplements should be backed by scientific research. Nutramax's commitment to research is evident from, among other things, a state-of-the art research facility.

18. To ensure it is offering safe and effective supplements, Nutramax regularly conducts research and/or studies on its own products. Many of these studies have been published and/or presented in medical, veterinary, and other health-related journals and publications. Nutramax also conducts studies relating to efficacy, bioavailability, and safety.

19. In addition to the cutting-edge research and development, Nutramax has been successful in obtaining intellectual property protection related to its supplements, including a large portfolio of domestic and foreign patents, as shown below.

THE '178 PATENT

20. By written assignment from the inventors, Brian Cornblatt, Grace Cornblatt, Anton Bzhelyansky, and Robert Henderson, Nutramax is the owner of all right, title, and interest in and to the '178 Patent, entitled "Compositions comprising sulforaphane or a sulforaphane precursor and a mushroom extract or powder," including the right to sue for all past, present, and future infringement. **(Ex. 6)** (A true and correct copy of the '178 Patent).

21. The '178 Patent issued from U.S. Patent Application No. 15/244,374 (the "'374 Application"), filed on August 23, 2016.

22. The '374 Application is a continuation of application No. 14/586,765 (the "'765 Application"), filed on December 30, 2014.

23. The '765 Application is a continuation of International Application No. PCT/US2013/049248, filed July 3, 2013, which claims priority to: (i) U.S. Provisional Patent Application No. 61/668,328, filed on July 5, 2012; (ii) U.S. Provisional Patent Application No. 61/668,342, filed on July 5, 2012; U.S. Provisional Patent Application No. 61/668,386, filed on July 5, 2012; (iii) U.S. Provisional Patent Application No. 61/668,396, filed on July 5, 2012; (iv) U.S. Provisional Patent Application No. 61/668,364, filed on July 5, 2012; (v) U.S. Provisional

Patent Application No. 61/668,374, filed on July 5, 2012; and (vi) U.S. Provisional Patent Application No. 61/794,417, filed on March 15, 2013.

24. The United States Patent Office issued the '178 Patent on March 10, 2020, after a full and fair examination.

25. The '178 Patent is valid and enforceable.

26. As granted, claim 14 of the '178 Patent reads:

*14. An orally administrable composition comprising a synergistic combination of:
a sulforaphane or sulforaphane derivative; and
a glucan.*

THE '057 PATENT

27. By written assignment from the inventors, Brian Cornblatt, Grace Cornblatt, Anton Bzhelyansky, and Robert Henderson, Nutramax is the owner of all right, title, and interest in and to the '057 Patent, entitled "Compositions comprising sulforaphane or a sulforaphane precursor and a mushroom extract or powder," including the right to sue for all past, present, and future infringement. (**Ex. 7**) (A true and correct copy of the '057 Patent).

28. The '057 Patent issued from U.S. Patent Application No. 14/412,191 (the "'191 Application"), which entered the national stage based on International Application No. PCT/US2013/049248 (the '248 Application) on July 3, 2013.

29. The '248 Application claims priority to: (i) U.S. Provisional Patent Application No. 61/668,328, filed on July 5, 2012; (ii) U.S. Provisional Patent Application No. 61/668,342, filed on July 5, 2012; U.S. Provisional Patent Application No. 61/668,386, filed on July 5, 2012; (iii) U.S. Provisional Patent Application No. 61/668,396, filed on July 5, 2012; (iv) U.S. Provisional Patent Application No. 61/668,364, filed on July 5, 2012; (v) U.S. Provisional Patent Application

No. 61/668,374, filed on July 5, 2012; and (vi) U.S. Provisional Patent Application No. 61/794,417, filed on March 15, 2013.

30. The United States Patent Office issued the '057 Patent on March 30, 2021, after a full and fair examination.

31. The '057 Patent is valid and enforceable.

32. As granted, claim 1 of the '057 Patent reads:

1. An orally administrable composition comprising a broccoli extract or powder and one or both of a maitake and a shiitake mushroom extract or powder, the orally administrable composition being formulated to provide synergistically effective amounts of one or both of a sulforaphane and a sulforaphane precursor and one or more glucans, wherein the one or both of the sulforaphane and the sulforaphane precursor and one or more glucans are provided to a subject in need thereof in amounts synergistically effective to at least increase levels and/or gene expression of NAD(P)H:quinone oxidoreductase 1 (NQO-1).

THE '186 PATENT

33. By written assignment from the inventors, Brian Cornblatt, Grace Cornblatt, Anton Bzhelyansky, and Robert Henderson, Nutramax is the owner of all right, title, and interest in and to the '186 Patent, entitled "Compositions comprising sulforaphane or a sulforaphane precursor and a mushroom extract or powder," including the right to sue for all past, present, and future infringement. **(Ex. 8)** (A true and correct copy of the '186 Patent).

34. The '186 Patent is a continuation patent application of U.S. patent application Ser. No. 15/244,374 filed on August 23, 2016, which is a continuation patent application of U.S. patent application Ser. No. 14/586,765 filed on December 30, 2014, which is a continuation of International Application No. PCT/US2013/049248 ("the '248 Application") filed on July 3, 2013.

35. The '248 Application claims priority to: (i) U.S. Provisional Patent Application No. 61/668,328, filed on July 5, 2012; (ii) U.S. Provisional Patent Application No. 61/668,342, filed on July 5, 2012; U.S. Provisional Patent Application No. 61/668,386, filed on July 5, 2012; (iii) U.S. Provisional Patent Application No. 61/668,396, filed on July 5, 2012; (iv) U.S. Provisional Patent Application No. 61/668,364, filed on July 5, 2012; (v) U.S. Provisional Patent Application No. 61/668,374, filed on July 5, 2012; and (vi) U.S. Provisional Patent Application No. 61/794,417, filed on March 15, 2013.

36. The United States Patent Office issued the '186 Patent on May 23, 2023, after a full and fair examination.

37. The '186 Patent is valid and enforceable.

38. As granted, claim 16 of the '186 Patent reads:

*16. An orally administrable composition comprising a synergistic combination of:
a sulforaphane or sulforaphane derivative; and
a glucan;
the combination having a ratio of sulforaphane or sulforaphane derivative:glucan of from about 50:1 to about 1:50.*

DEFENDANTS' INFRINGEMENT

39. Upon information and belief, Defendants develop, manufacture, import, and offer to sell, sell and use nutritional supplements including the Accused Product within the United States, including Kentucky.

40. Defendant Parami d/b/a Osasuna and the alter ego Defendants, on information and belief, develop, manufacture, imports, offers to sell, sell and/or use Accused Product, which is an orally administrable composition comprising a synergistic combination of a sulforaphane or

sulforaphane derivative and a glucan, falling within the scope of at least claim 14 of the '178 Patent, at least claim 1 of the '057 Patent, and at least claim 16 of the '186 Patent.


41. Upon information and belief, Defendants develop, manufacture, import, offer to sell, sell and/or use various Osasuna Supplements through a complex network of hidden online storefronts. *See generally* <https://medium.com/@SupplementReport/tens-of-thousands-of-fake-dietary-supplements-being-sold-every-month-on-amazon-123746f50318>. (Ex. 9)

42. The Accused Product has been offered for sale in the United States, including by way of at least the following online storefronts:

(i) Gosupps.com
(<https://www.gosupps.com/catalogsearch/result/?q=sulforaphane>) (the “Gosupps Storefront”) (Ex. 10); and

(ii) Amazon.com (https://www.amazon.com/Sulforaphane-Supplement-Glucoraphanin-Antioxidant-Detoxification/dp/B0B3J1Q8FL/ref=sr_1_3?crid=3C1FK2I0HWDC2&keywords=osasuna&qid=1706643631&srefix=osasuna%2Caps%2C181&sr=8-3) (the “Amazon Storefront”) (Ex. 11)

43. The Osasuna Supplement has been and is identified on the Amazon Site as being “Sold by: Optimum Supps Nutrition.” which is a reference to Defendant OSN as the seller.



This item Osasuna Liposomal Sulforaphane 450MG, Maximum Absorption, Glucoraphanin with Myrosinase, Antioxidant Supplement from Broccoli Seed Extract, 60 Softgels (2 Months Supply)

Add to Cart

★★★★☆ (497)

\$24⁹⁹

FREE Shipping on orders over \$35.00 shipped by Amazon or get **Fast, Free Shipping** with Amazon Prime

Optimum Supps Nutrition

44. Upon information and belief, the Osasuna Supplement is sold at both the Amazon Site and the Gosupps online storefront and is manufactured, imported, offered for sale, sold and/or used in the United Kingdom and Kentucky and sold through a distribution network controlled by Defendants.

COUNT I
(PATENT INFRINGEMENT)

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

46. Defendant Parami and, on information and belief, the alter ego companies identified in this Complaint as Defendants have offered for sale and sold in the United States Accused Product that directly infringes at least claim 14 of the '178 Patent, at least claim 1 of the '057 Patent, and at least claim 16 of the '186 Patent. Specifically, the Accused Product is an orally administrable composition comprising a synergistic combination of a sulforaphane or sulforaphane derivative and a glucan (in the form of maitake mushroom extract), which is confirmed in advertisements for the Osasuna Supplement provided at the Gosupps.com Site (**Ex. 10**) as shown below:

SUPPLEMENT FACTS		
Serving Size:	1 softgel	
Servings Per Container:	60	
	Amount Per Serving	%DV
Liposomal Sulforaphane <i>(from Broccoli Seed Extract)</i>	150 mg	**
Glucoraphnin <i>(from Broccoli Seed Extract)</i> <i>(Precursor of Sulforaphane)</i>	300 mg	**
Phosphatidylcholine <i>(from Non-GMO Sunflower Oil)</i>	100 mg	**
Proprietary Sulforaphane Boost Blend Organic Mustard Seed <i>(Sinapis alba)</i> Myrosinase Enzyme Maitake Mushroom Extract <i>(Grifola frondos)</i>	250 mg	**

**Daily Value not established.

47. The Gosupps Site further states that “Maitake Mushroom Extract [a glucan] works synergistically with sulforaphane to provide immune support by promoting neutrophil function and natural killer cell activity.”

48. The Accused Product constitutes an orally administrable composition comprising a broccoli extract or powder and one or both of a maitake and a shiitake mushroom extract or powder, the orally administrable composition being formulated to provide synergistically effective amounts of one or both of a sulforaphane and a sulforaphane precursor and one or more glucans,

wherein the one or both of the sulforaphane and the sulforaphane precursor and one or more glucans are provided to a subject in need thereof in amounts synergistically effective to at least increase levels and/or gene expression of NAD(P)H:quinone oxidoreductase 1 (NQO-1), as required by claim 1 of the '057 Patent.

49. The Accused Product constitutes an orally administrable composition comprising a synergistic combination of a sulforaphane or sulforaphane derivative and a glucan, the combination having a ratio of sulforaphane or sulforaphane derivative:glucan of from about 50:1 to about 1:50.

50. Such infringing activities are and have been without authority or license from Nutramax.

51. As a direct and proximate result of such infringement, Nutramax has suffered and will continue to suffer damage.

52. Nutramax is informed and believes that Defendants Parami d/b/a Osasuna and OSN are deliberately failing to avoid infringement of the '178 Patent, despite their knowledge and understanding that the Accused Product infringes at least the '178 Patent. Therefore, these defendants' infringement of the '178 Patent is willful and egregious, warranting an enhancement of damages.

53. Defendants Parami d/b/a Osasuna and OSN have acted and continue to act recklessly, willfully, wantonly, deliberately, and egregiously in infringement of the '178 Patent, the '057 Patent, and the '186 Patent, justifying an award to Nutramax of increased damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. § 285.

54. Since at least prior to the time of the alleged acts of patent infringement complained of herein, Plaintiff has complied with the patent marking requirements of 35 U.S.C. 287(a).

55. Nutramax is entitled to recover from Defendants Parami d/b/a Osasuna, OSN and, on information and belief, the remaining Defendants compensation in the form of monetary damages suffered as a result of the aforementioned acts of infringement in an amount that cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

JURY DEMAND

Nutramax hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

WHEREFORE, Nutramax prays for relief against Defendants as follows:

- (A) An entry of judgment that Defendants have infringed and are directly infringing one or more claims of the '178 Patent, the '057 Patent, and the '186 Patent;
- (B) An order pursuant to 35 U.S.C. § 283 permanently enjoining Defendants, and their officers, agents, servants, employees, attorneys, and those persons in active concert or participation with it, from further acts of infringement;
- (C) An entry of judgment that the '178 Patent, including claim 14 thereof, the '057 Patent, including claim 1 thereof, and the '186 Patent, including claim 16 thereof, are valid and enforceable;
- (D) An order awarding damages sufficient to compensate Nutramax for Defendants' infringement, but in no event less than a reasonable royalty, together with interest and costs;
- (E) A determination that Defendants' infringement has been willful, wanton, deliberate, and egregious;

- (F) A determination that the damages against Defendants be trebled or for any other basis within the Court’s discretion pursuant to 35 U.S.C. § 284;
- (G) A finding that this case against Defendants is “exceptional” and an award to Nutramax of its costs and reasonable attorneys’ fees, as provided by 35 U.S.C. § 285;
- (H) An accounting of all infringing sales and revenues of Defendants, together with post-judgment interest and prejudgment interest from the first date of infringement; and
- (I) Such further and other relief as the Court may deem proper and just.

Dated: March 19, 2024

Respectfully submitted,

/s/ Andrew D. Dorisio

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