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16 Attorneys for Plaintiff, Trivitis, Inc.

17 **UNITED STATES DISTRICT COURT**  
18 **FOR THE DISTRICT OF NEVADA**

19 TRIVITIS, INC.,

20 Plaintiff,

21 vs.

22 PRIMUS PHARMACEUTICALS, INC.,

23 Defendant.

24 ) CASE NO.: 13-352

25 ) COMPLAINT FOR PATENT  
26 ) INFRINGEMENT

27 ) JURY DEMAND

28 COMPLAINT FOR INFRINGEMENT

1 Plaintiff Trivitis, Inc. for its Complaint for Patent Infringement against  
2 Defendant Primus Pharmaceuticals Inc. ("*Primus Pharmaceuticals*") alleges as  
3 follows:

4  
5 **PARTIES**

- 6 1. Trivitis is a Nevada corporation having its principal place of business at  
7 89780 Avenue 60, Thermal, California 92274.  
8 2. Upon information and belief, Primus Pharmaceuticals is an Arizona  
9 corporation having a principal place of business at 7373 N. Scottsdale  
10 Road Suite B-200 Scottsdale, AZ 85253.  
11 3. Upon information and belief, Primus Pharmaceuticals is in the business  
12 developing and selling pharmaceutical products, including a Limbrel  
13 product.

14 **JURISDICTION AND VENUE**

- 15 4. This is an action for patent infringement arising under the laws of the  
16 United States, Title 35, United States Code §271 et seq.  
17 5. This court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331  
18 and 1338(a).  
19 6. Upon information and belief, this court has personal jurisdiction over  
20 Primus Pharmaceuticals as it transacts business in the District of Nevada,  
21 it has marketed or sold infringing products within this District, and has  
22 caused Trivitis injury within this District.  
23 7. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c)  
24 and 1400(b).

25 **CAUSES OF ACTION**

26 **Count I**

27 **Infringement of U.S. Patent Number 6,562,864**  
28

- 1 8. Trivitis realleges and incorporates by reference the allegations stated in  
2 paragraphs 1 through 7.
- 3 9. Trivitis is the owner of all right title and interest in United States Patent  
4 Number 6,562,864 (the “**864 Patent**”), entitled, Catechin Multimers as  
5 Therapeutic Drug Delivery Agents, duly and properly issued by the U.S.  
6 Patent and Trademark Office on May 13, 2003.
- 7 10. The ‘864 Patent was originally issued to Drake Larson as the inventor and  
8 subsequently all right, title and interest of Larson in the ‘864 Patent was  
9 irrevocably assigned to Trivitis.
- 10 11. Primus Pharmaceuticals is directly infringing and/or inducing others to  
11 infringe the ‘864 Patent by making, using, offering to sell or selling in the  
12 United State, or importing into the United States, products that practice  
13 inventions claimed in the ‘864 Patent, including, but not limited to, its  
14 Limbrel product.

15 **DEMAND FOR JURY TRIAL**

- 16 12. Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Trivitis  
17 respectfully requests a jury trial on all issues properly triable by a jury.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Trivitis prays for relief as follows:

- 20 A. For a judgment declaring that Primus Pharmaceuticals infringed at  
21 least one claim of Trivitis’ ‘864 Patent;
- 22 B. For a judgment awarding Trivitis compensatory damages as a result of  
23 Primus Pharmaceuticals’ infringement of the ‘864 Patent, together with  
24 interest and costs, and in no event less than a reasonable royalty;
- 25 C. For a judgment declaring that Primus Pharmaceuticals infringement of  
26 Trivitis’ ‘864 Patent has been willful and deliberate;
- 27 D. For a judgment awarding Trivitis damages three times the award of  
28

