

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION**

CONNECTIVE LICENSING, LLC,  
GEORGE D. PETITO, and  
ANITA M. PETITO,

Plaintiffs,

v.

ICELAND HEALTH, INC.,

Defendants.

Case No.

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

This is an action for patent infringement in which George D. Petito, Anita M. Petito and Connective Licensing, LLC (collectively “Plaintiffs”) make the following allegations against Iceland Health, Inc. (“Iceland Health” or “Defendant”).

**PARTIES**

1. Plaintiff Connective Licensing, LLC (“Connective”) is a California limited liability corporation with its principal place of business at 547 South Marengo Avenue, Pasadena, CA 91101.

2. Plaintiff George D. Petito is an individual residing in Bethlehem, PA.

3. Plaintiff Anita M. Petito is an individual residing in Allentown, PA.

4. On information and belief, Defendant Iceland Health is a Florida corporation, with its principal place of business at 1301 Sawgrass Corporate Parkway, Sunrise, FL 33323. On information and belief, Iceland Health may be served at 1301 Sawgrass Corporate Parkway, Sunrise, FL 33323.

## **JURISDICTION AND VENUE**

5. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant resides and has transacted business in this district, and has committed and/or induced acts of patent infringement in this district.

## **COUNT I INFRINGEMENT OF U.S. PATENT NO. 6,645,948**

7. Plaintiffs George D. Petito and Anita M. Petito (“the Petitos”) are the listed inventors and owners of United States Patent No. 6,645,948 (“the ‘948 Patent”) entitled “Nutritional Composition for the Treatment of Connective Tissue.” Plaintiff Connective has an exclusive license from the Petitos, which includes all rights to recover for past and future acts of infringement. The ‘948 Patent issued on November 11, 2003. A true and correct copy of the ‘948 Patent is attached as Exhibit A.

8. The Petitos own and operate The Hymed Group Corporation (See <http://hymed.com/>), which is a manufacturer and marketer of natural, innovative products that utilize collagen and glycosaminoglycan chemistry for the human and veterinary markets with applications in wound care, arthritis/tissue support, eye care, dental and cosmetics.

9. On information and belief, Iceland Health has been and now is infringing the ‘948 Patent in this judicial district, and elsewhere in the United States. Acts of infringement by Iceland Health includes, without limitation, making, using, offering for sale, and/or selling within the United States, and/or importing into the United States, at least its supplement products containing a glucosamine salt, chondroitin sulfate, collagen and sodium hyaluronate (“Accused

Products”). Iceland Health is thus liable for infringement of the ‘948 Patent under 35 U.S.C. § 271.

10. Iceland Health’s infringing products include, but are not limited to, its Joint Relief Formula (See <http://www.icelandhealth.com/joint-health-joint-relief-formula.aspx#.Ulm-h0ko7IU>, a true and correct screenshot of which is attached as Exhibit B)

11. Iceland Health infringes at least Claim 1 of the ‘948 Patent, by way of example only, and without limitation on Plaintiffs’ assertion of infringement by Iceland Health of other claims of the ‘948 Patent. Claim 1 of the ‘948 Patent reads as follows:

1. A nutritional composition for the treatment of connective tissue in mammals comprising: a therapeutically effective amount of a glucosamine salt, chondroitin sulfate, collagen and sodium hyaluronate.

12. Each of Iceland Health’s accused products contains all four recited components, a glucosamine salt, chondroitin sulfate, collagen and sodium hyaluronate. Specifically, the exemplary product label attached hereto as Exhibit B states that the included 850 mg of OmegaMOVE™ formula contains Glucosamine Sulfate 2KCl, Collagen Type I, Collagen Type II, Chondroitin Sulfate and Hyaluronic Acid (as Sodium Hyaluronate).

13. As a result of Defendant’s infringement of the ‘948 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for the infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court, and Plaintiff will continue to suffer damages in the future unless Defendant’s infringing activities are enjoined by this Court.

14. In addition, Plaintiffs are entitled to the issuance of permanent injunction enjoining Defendant from continuing its infringement. Plaintiffs have suffered irreparable harm as Defendant’s infringement has diluted the value of Plaintiffs’ patent rights, and has taken business away from Plaintiffs, resulting in lost profits, and a loss of market share and good will,

in amounts that cannot be compensated by payment of money. Moreover, allowing Defendant to continue in its infringement would encourage other would-be infringers to attempt to gain access, resulting in significant litigation expenses and uncertainty about the value of Plaintiffs' patent, which is the foundation of their business. In addition, a remedy in equity is warranted because, considering the balance of hardship as between Defendant and Plaintiffs, Defendant would suffer far less hardship from the issuance of an injunction than Plaintiffs would suffer if an injunction is not issued. Finally, the public interest would not be disserved by the issuance of a permanent injunction, as the public does not have any substantial interest in the Defendant's continued unauthorized infringement.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court enter a judgment:

1. In favor of Plaintiffs that Defendant has infringed the '948 Patent;
2. Requiring Defendant to pay Plaintiffs their damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '948 Patent as provided under 35 U.S.C. § 284;
3. Enjoining Defendant from further infringement;
4. Finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiffs their reasonable attorneys' fees; and
5. Granting Plaintiffs any and all other relief to which Plaintiffs may show itself to be entitled.

#### **DEMAND FOR JURY TRIAL**

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Respectfully submitted November 7, 2013.

*/s/Brian R. Gilchrist*

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