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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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11 MYLIFE RECOVERY CENTERS, INC.,

12 Plaintiff,

13 v.

14 BIOCORRX INC.; TRINITY RX
SOLUTIONS, LLC; HARRICO-GALLER
15 DRUG CORP.; TAK MANAGEMENT,
LLC; START FRESH RECOVERY, P.C.;
16 and GEORGE FALLIERAS, an individual;

17 Defendants.
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CASE NO. 15-cv-1962

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Plaintiff MyLife Recovery Centers, Inc. (herein “MyLife”) by and through its undersigned
 2 counsel, files this Complaint against BioCorRx Inc. (herein “BioCorRx”), Trinity Rx Solutions,
 3 LLC (herein “Trinity”), Harrico-Galler Drug Corp. (herein “Harrico-Galler”), TAK Management,
 4 LLC (herein “TAK”), Start Fresh Recovery, P.C. (herein “SFR”), and George Fallieras (herein
 5 “Fallieras”) (collectively “Defendants”), and alleges as follows:

6 **JURISDICTION AND VENUE**

7 1. This is an action for infringement of U.S. Patent No. 6,203,813 B1 entitled
 8 “Pharmaceutical Delivery Device and Method of Preparation Therefor” which was duly issued by
 9 the United States Patent and Trademark Office on March 20, 2001 (herein “the ’813 patent”).
 10 This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and
 11 1338(a) because the claims arise under the patent laws of the United States, 35 U.S.C. §§ 1, *et*
 12 *seq.*

13 2. This Court has personal jurisdiction over Defendants, who conduct continuous and
 14 systematic business in the United States, including, upon information and belief, in this judicial
 15 district. Defendants market, manufacture, use, offer for sale, sell, import, and/or distribute the
 16 infringing products at issue in this case throughout the United States including, upon information
 17 and belief, within this judicial district. Defendants also use, induce its customers’ use of, and/or
 18 contribute to its customers’ use of the infringing products at issue in this case to perform one or
 19 more patented methods of the ’813 patent throughout the United States, including in this judicial
 20 district.

21 3. Venue is proper within this judicial district under 28 U.S.C. §§ 1391(b) and (c)
 22 because Defendants transact business within this district, offer for sale in this district products
 23 that infringe the ’813 patent, and induce their customers to commit infringing acts in this district.

24 **THE PARTIES**

25 4. Plaintiff, MyLife Recovery Centers, Inc., is a Delaware corporation with its
 26 principal place of business at 4421 W. Riverside Drive, Suite 102, Toluca Lake, California 91505.

27 5. Defendant BioCorRx, Inc., is a Nevada corporation with its principal place of
 28 business at 601 Parkcenter Drive, Suite 103, Santa Ana, California 92705. At all times relevant

1 to this lawsuit, BioCorRx made, used, sold, offered for sale, imported and/or distributed
2 infringing products throughout the United States, and used, induced its customers' use of, and/or
3 contributed to its customers' use of the infringing products within the United States to perform
4 one or more of the patented methods disclosed and claimed in the '813 patent.

5 6. Defendant Trinity Rx Solutions, LLC is a limited liability company organized and
6 existing under the laws of New York, and having a principal place of business at 217-21
7 Rockaway Point Blvd., Breezy Point, New York 11695. At all times relevant to this lawsuit,
8 Trinity made, used, sold, offered for sale, imported and/or distributed infringing products
9 throughout the United States, and used, induced its customers' use of, and/or contributed to its
10 customers' use of the infringing products within the United States to perform one or more of the
11 patented methods disclosed and claimed in the '813 patent.

12 7. Defendant Harrico-Galler Drug Corporation is a New York corporation with its
13 principal place of business at 1409 Coney Island Ave., Brooklyn, New York 11230. At all times
14 relevant to this lawsuit, Harrico-Galler made, used, sold, offered for sale, imported and/or
15 distributed infringing products throughout the United States, and used, induced its customers' use
16 of, and/or contributed to its customers' use of the infringing products within the United States to
17 perform one or more of the patented methods disclosed and claimed in the '813 patent.

18 8. Defendant TAK Management, LLC is a limited liability company organized and
19 existing under the laws of California, and having a principal place of business at 30550 Seminole
20 Court, Cathedral City, California 92234. At all times relevant to this lawsuit, TAK made, used,
21 sold, offered for sale, imported and/or distributed infringing products throughout the United
22 States, and used, induced its customers' use of, and/or contributed to its customers' use of the
23 infringing products within the United States to perform one or more of the patented methods
24 disclosed and claimed in the '813 patent.

25 9. Defendant Start Fresh Recovery, P.C. is a California professional corporation with
26 its principal place of business at 720 N. Tustin Ave., Suite 206, Santa Ana, California 92705.
27 SFR operates many additional treatment clinics across the United States, including other locations
28 in California (70 South Lake Ave., 10th Floor, Pasadena, California 91101), Arizona (7150 E.

1 Camelback Rd., Suite 444, Scottsdale, AZ 85251), Nevada (501 S. Rancho Dr., Suite H50, Las
 2 Vegas, Nevada 89106), Texas (4104 W. 15th St., Suite 202, Plano, Texas 75093), Illinois (8707
 3 Skokie Blvd, Suite 308, Skokie, Illinois 60077), Georgia (3193 Howell Mill Rd., Suite 104,
 4 Atlanta, Georgia 30327), and Connecticut (148 East Ave., Suite 1D, Norwalk, Connecticut
 5 06851; and 970 Farmington Ave., Suite 304, West Hartford, Connecticut 06107). At all times
 6 relevant to this lawsuit, SFR made, used, sold, offered for sale, imported and/or distributed
 7 infringing products throughout the United States, and used, induced its customers' use of, and/or
 8 contributed to its customers' use of the infringing products within the United States to perform
 9 one or more of the patented methods disclosed and claimed in the '813 patent.

10 10. Defendant George Fallieras is, upon information and belief, the owner and the
 11 Medical Director of Start Fresh Recovery, P.C.; an owner of TAK Management, LLC; and a
 12 resident of California. At all times relevant to this lawsuit, Dr. Fallieras used, sold, offered for
 13 sale, imported and/or distributed infringing products throughout the United States, and used,
 14 induced his customers' use of, and/or contributed to his customers' use of the infringing products
 15 within the United States to perform one or more of the patented methods disclosed and claimed in
 16 the '813 patent.

17 **THE ASSERTED PATENT**

18 11. The patented inventions embodied in the '813 patent are directed generally to a
 19 medical implant, processes for making the implant, and methods of treating patients by utilizing
 20 the implant. More specifically, the inventions are directed to opiate antagonist subcutaneous
 21 implants, processes for manufacturing the opiate antagonist subcutaneous implants, and methods
 22 of treating addiction using the opiate antagonist subcutaneous implants. Opiate antagonists
 23 effectively inhibit the effects of a number of addictive drugs in patients. Whereas traditional
 24 forms of opiate antagonists utilized in treating addiction suffered from the issue of patient non-
 25 compliance, the patented opiate antagonist subcutaneous implant provides for a time-lapse
 26 release, over desired amounts of time, of therapeutic levels of opiate antagonists. The patented
 27 inventions provide a subcutaneously implantable opiate antagonist that, when implanted in a
 28 patient, is effective as a self-sustaining delivery mechanism for its own dissolution and for

1 delivery of opiate antagonists over a desired extended period of time to effectively block the
 2 effects of heroin and/or other opiates. The patented inventions also provide processes for
 3 manufacturing the subcutaneously implantable opiate antagonists and methods for treating
 4 patients using subcutaneously implantable opiate antagonists.

5 12. On January 13, 1997, Dr. Lance L. Gooberman filed with the United States Patent
 6 and Trademark Office (“USPTO”) Provisional Patent Application No. 60/028,605 (“the ’605
 7 application”) directed to his inventions. On March 31, 1997, Dr. Gooberman filed with the
 8 USPTO a non-provisional patent application, U.S. Patent Application No. 08/829,003 (“the ’003
 9 application”), claiming priority to the ’605 application. On December 15, 1997, Dr. Gooberman
 10 filed with the USPTO a non-provisional patent application, U.S. Patent Application No.
 11 08/991,025 (“the ’025 application”), as a continuation-in-part of the ’003 application. On
 12 October 9, 1998, Dr. Gooberman filed with the USPTO a non-provisional patent application, U.S.
 13 Patent Application No. 09/169,042 (“the ’042 application”), as a continuation-in-part of the ’025
 14 application. On March 20, 2001, the USPTO issued the ’813 patent from the ’042 application. A
 15 copy of the ’813 patent is attached as Exhibit 1.

16 13. MyLife Recovery Centers, Inc. has acquired from Dr. Gooberman an exclusive
 17 license to the ’813 patent, including the right to make, have made, use, sell, offer for sale and
 18 import the patent’s claimed subject matter, and to sue for and collect damages for infringement of
 19 the ’813 patent, past, present, and future.

20 **GENERAL ALLEGATIONS**

21 14. Defendants are engaged in the business of making, using, distributing, importing,
 22 offering for sale, and/or selling subcutaneous opiate antagonist implants that embody patented
 23 inventions disclosed and claimed in the ’813 patent (“the Infringing Products”). The Infringing
 24 Products include, without limitation, Defendants’ naltrexone implant products.

25 15. Additionally, Defendants are engaged in the business of making or having made
 26 the Infringing Products according to processes that embody patented inventions disclosed and
 27 claimed in the ’813 patent.

28 16. Furthermore, Defendants are engaged in the business of inducing or contributing

1 to customers' use of Infringing Products and methods of treatment that embody patented
 2 inventions disclosed and claimed in the '813 patent ("the Infringing Treatments").

3 **CLAIMS FOR RELIEF**

4 17. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs
 5 1–16, inclusive, of this Complaint with the same force and effect as if set forth at length herein.

6 18. Defendants have been infringing and continue to infringe the '813 patent by
 7 making, having made, using, offering for sale and/or selling directly or through intermediaries, in
 8 this district or elsewhere in the United States, the Infringing Products, and/or by importing into
 9 the United States the Infringing Products.

10 19. Defendants have indirectly infringed and continue to indirectly infringe the '813
 11 patent under 35 U.S.C. § 271(b) by knowingly and actively inducing infringement of one or more
 12 claims of the '813 patent. Defendants had knowledge of the '813 patent from a time prior to the
 13 filing of this complaint. Defendants have actively and knowingly encouraged and induced
 14 infringement of one or more claims of the '813 patent, for example, by instructing, aiding,
 15 assisting, and encouraging the use of their Infringing Products in an infringing manner, and by
 16 selling Infringing Products that have no substantial non-infringing uses to customers who in turn
 17 use them to perform one or more of the patented methods disclosed and claimed in the '813
 18 patent. The direct infringers of the '813 patent that are being induced by Defendants include,
 19 without limitation, Defendants' customers and patients that are implanted with the Infringing
 20 Products.

21 20. Defendants have also indirectly infringed and continue to indirectly infringe one or
 22 more of the claims of the '813 patent under 35 U.S.C. § 271(c) through, among other things,
 23 unlawfully selling or offering to sell within the United States, or importing into the United States,
 24 the Infringing Products, which products constitute a material part of the claimed inventions of the
 25 '813 patent, which Defendants know to be especially made or especially adapted for use in
 26 infringement of the '813 patent, and which are not staple articles or commodities of commerce
 27 suitable for substantial non-infringing use. The direct infringers for Defendants' contributory
 28 infringement under 35 U.S.C. § 271(c) include, without limitation, its customers and users of the

1 Infringing Products.

2 21. Defendants infringement of the '813 patent has caused and will continue to cause
3 significant damage to Plaintiff. As a result, Plaintiff is thereby entitled to an award of damages
4 adequate to compensate it for the infringement in an amount that is in no event less than a
5 reasonable royalty pursuant to 35 U.S.C. § 284. Plaintiff is also entitled to recover prejudgment
6 interest, post-judgment interest, costs, and enhanced damages under 35 U.S.C. § 284.

7 22. Although Defendants had knowledge of the '813 patent before the filing of this
8 Complaint, on information and belief, Defendants nevertheless continued to directly and
9 indirectly infringe the '813 patent, despite an objectively high likelihood that its actions constitute
10 infringement of the '813 patent. Accordingly, on information and belief, Defendants'
11 infringement has been and continues to be willful.

12 23. As a result of Defendants' infringement of the '813 patent, Plaintiff has suffered
13 irreparable harm and impairment of the value of its patent rights, and is now suffering, and will
14 continue to suffer, the violation of its patent rights unless and until Defendants are permanently
15 enjoined by this Court from infringing the '813 patent under 35 U.S.C. § 283. Plaintiff has no
16 adequate remedy at law and is entitled to a permanent injunction against Defendants and its
17 Infringing Products.

18 24. On information and belief, this case is an "exceptional" case within the meaning of
19 35 U.S.C. § 285 and Plaintiff is entitled to an award of attorneys' fees.

20 **PRAYER FOR RELIEF**

21 WHEREFORE, MyLife Recovery Centers, Inc. prays for relief as follows:

- 22 1. Judgment be entered in favor of MyLife against Defendants;
- 23 2. MyLife be awarded costs of the suit;
- 24 3. MyLife be awarded compensatory and special damages for the infringement of the
25 '813 patent in an amount to be determined at trial, jointly and severally against each of the
26 Defendants;
- 27 4. Defendants be preliminarily and permanently enjoined from directly or indirectly
28 infringing the '813 patent;

8. The Court grant such further relief as the Court deems just and proper.

Plaintiff MyLife Recovery Centers, Inc. demands a trial by jury on all issues so triable.

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