

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

RELEANA, LLC.,

Plaintiff,

v.

DEIRDRE SUE STEPHENS, DEIRDRE S
STEPHENS REVOCABLE TRUST, SARAH
TUNTLAND ALBERG, YORKSHIRE
ENTERPRISE LP, YORKSHIRE MEADOWS
LLC, and UNKNOWN DOE DEFENDANTS
1-10,

Defendants.

CIVIL ACTION FILE

NO. 2:15-cv-222-WCO

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff RELEANA, LLC. (“RELEANA” or “Plaintiff”) files this
Complaint for Patent Infringement and Demand for Jury Trial against Defendants
DEIRDRE SUE STEPHENS (“Stephens”), DEIRDRE S STEPHENS
REVOCABLE TRUST (“DSSRT”), SARAH TUNTLAND ALBERG (“Alberg”),
YORKSHIRE ENTERPRISE LP (“YE”), YORKSHIRE MEADOWS LLC
(“YM”), and UNKNOWN DOE DEFENDANTS 1-10 (collectively, “Defendants”),
and states as follows:

THE PARTIES

1. Plaintiff is a limited liability company organized and existing under the laws of the State of Georgia, having its principal office in Braselton (Barrow County), Georgia.

2. Defendant Stephens, formerly known as Deirdre Sue Tuntland, is an individual resident of the State of California, and is the named inventor on the patent in suit in this case. Upon information and belief, Stephens may be served with process at what is believed to be her home address, 2504 S. Laurelwood, Santa Ana, CA 92704.

3. Upon information and belief, Defendant DSSRT is a trust established under the laws of the State of California by Deirdre S. Stephens, formerly known as Deirdre S. Tuntland, having a principal address of 2504 S. Laurelwood, Santa Ana, CA 92704.

4. Defendant Alberg is an individual resident of the State of Colorado who, upon information and belief, does or has done business under various fictitious names, including but not limited to “Global Weight Loss Solutions,” “Global Weight Loss Services,” “Trileana,” “Trileana.com,” “Alberg Partners,” and “Alberg Corporation.” Upon information and belief, Alberg owns and/or operates the Internet web site www.trileana.com. Alberg may be served with

process at what is believed to be her last known address, 2809 S. Killarney Way, Aurora, Colorado 80013.

5. Defendant YE is a Limited Partnership organized and existing under the laws of the State of California, having a principle address of P.O. Box 10254, Costa Mesa, CA 92627. YE may be served by and through its registered agent for service of process, Matthew C. Mullhofer, 2107 N. Broadway, Ste. 103, Santa Ana, CA 92706.

6. Defendant YM is a limited liability company organized and existing under the laws of the State of California, having a principle address of 23322 Madero, Ste. E, Mission Viejo, CA 92677. YM may be served by and through its registered agent for service of process, Matthew C. Mullhofer, 2107 N. Broadway, Ste. 103, Santa Ana, CA 92706.

7. The Unknown Doe Defendants 1-10 are persons and/or entities whose identities are not yet known and but who have actively participated with the other named defendants in the acts of patent infringement alleged herein.

SUBJECT MATTER JURISDICTION

8. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 et seq., including, without limitation, 35 U.S.C. §§ 271, 281, 284, and

285. As a result, this Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and 1338(a).

PERSONAL JURISDICTION

9. This Court has personal jurisdiction over Defendants in this action pursuant to O.C.G.A. § 9-10-91 and federal law on the grounds that, upon information and belief, (i) Defendants transact business within the State of Georgia; (ii) Defendants have committed acts of patent infringement within or directed toward residents of the State of Georgia; (iii) Defendants' wrongful acts have caused injury within the State of Georgia, and Defendants regularly do or solicit business, engage in other persistent courses of conduct, and/or derive substantial revenue from goods sold, used or consumed or services rendered in this state; (iv) Defendants purposefully direct activities toward residents of the State of Georgia; (v) the causes of action set forth herein arise from or relate to Defendants' activities in or directed toward the State of Georgia; and/or (vi) the exercise of jurisdiction over Defendants will not offend traditional notions of fair play and substantial justice.

10. More specifically, Defendants are subject to specific personal jurisdiction in this Court pursuant to O.C.G.A. § 9-10-91(1) and federal law because Defendants have shipped, distributed, offered for sale, sold, and/or

advertised infringing products in the United States, the State of Georgia, and the Northern District of Georgia directly, jointly, and/or through intermediaries.

VENUE

11. Venue is proper in the Northern District of Georgia pursuant to 28 U.S.C. §§ 1391 and/or 1400(b).

FACTUAL BACKGROUND

12. Plaintiff is the owner by assignment from Millennium Medical Spa, LLC (“MMS”), of all right, title and interest in and to United States Patent Number 7,605,122, entitled “Human Chorionic Gonadotropin (HCG) Formulations for Facilitating Weight Loss and Body Contouring” (“the ’122 Patent”), including the right to sue for all past, present, and future infringement, which assignment was duly recorded in the United States Patent and Trademark Office (“USPTO”).

13. The application that became the ’122 Patent was filed on July 31, 2006, and claimed priority to a provisional application filed on July 29, 2005.

14. The ’122 Patent issued on October 20, 2009, after full and fair examination by the United States Patent Office. Stephens assigned all her right, title and interest in and to the ’122 Patent to MMS during prosecution of the patent, which assignment was duly recorded in the USPTO.

15. The term of the ’122 Patent extends through July 31, 2026.

16. The '122 Patent is valid and enforceable.
17. A true and correct copy of the '122 Patent is attached hereto as Exhibit A.
18. Claim 1 of the '122 Patent claims:
 1. A sublingual formulation of hCG for promoting weight loss in a human on a reduced calorie diet, comprising:
 - reconstituted hCG, in an amount sufficient to promote weight loss in said human when the formulation is administered sublingually;
 - a pharmaceutically acceptable buffer consisting of sodium bicarbonate in an amount sufficient to adjust the pH of the formulation to a range of about 7 to about 8;
 - a taste-enhancing agent consisting of glycerin; and
 - an absorption-enhancing compound consisting of ethanol.

COUNT I – DIRECT PATENT INFRINGEMENT

19. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1-18, above, as if set forth verbatim herein.
20. Defendants, individually and/or in combination, have directly infringed at least claim 1 of the '122 patent in violation of 35 U.S.C. § 271(a) by making, importing, using, selling, or offering for sale in the United States products that embody the patented invention, and defendants will continue to do so unless

enjoined by this court. Defendants' infringing products include, without limitation, their products made, used, sold, offered for sale, or imported after January 12, 2013 under the names "Releana" and/or "Trileana." Both Releana and Trileana satisfy each and every element of claim 1 of the '122 Patent, and are therefore infringing.

21. Defendants' infringing activities are and have been without authority or license under the '122 Patent since at least January 12, 2013.

22. Defendants have had actual knowledge of the '122 patent since at least as early as the filing of this action. Upon information and belief, Defendants have had actual knowledge of the '122 patent since it issued on October 20, 2009.

23. Plaintiff is entitled to recover from Defendants the damages sustained by Plaintiff as a result of Defendants' infringing acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court, pursuant to 35 U.S.C. § 284.

24. Defendants' past and continuing infringement of the '122 Patent has irreparably harmed, and continues irreparably to harm, Plaintiff.

25. Defendants' infringing activities will continue unless enjoined by this Court pursuant to 35 U.S.C. § 283.

PRAYER FOR RELIEF

Plaintiff respectfully requests that the Court find in its favor and against Defendants, and that the Court grant Plaintiff the following relief:

- A. An adjudication that one or more claims of the '122 patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendants;
- B. A permanent injunction pursuant to 35 U.S.C. § 283, enjoining Defendant from further acts of infringement with respect to the claims of the '122 patent;
- C. An accounting and an award to Plaintiff of damages adequate to compensate Plaintiff for the Defendants' acts of infringement together with pre-judgment and post-judgment interest and costs pursuant to 35 U.S.C. § 284;
- D. That Defendants' infringement be found to be willful, and that the Court award enhanced damages pursuant to 35 U.S.C. § 284;
- E. That this Court declare this to be an exceptional case and award Plaintiff its reasonable attorneys' fees and expenses in accordance with 35 U.S.C. § 285; and
- F. Any further relief that this Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

This 10th day of November, 2015.

KENT LAW, P.C.

/s/*Daniel A. Kent*

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