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22 **UNITED STATES DISTRICT COURT**
23 **CENTRAL DISTRICT OF CALIFORNIA**

24 SPECTRUM LABORATORIES, LLC, an
25 Ohio limited liability company,
26
27 Plaintiff,
28
29 v.
30 MICHAEL TANDBERG, an individual,
31 SYNTHETIX5, a business entity of form
32 unknown,
33
34 Defendants.

Case No.

**COMPLAINT FOR DAMAGES FOR
PATENT INFRINGEMENT;
DEMAND FOR JURY TRIAL**

1 For its complaint, plaintiff Spectrum Laboratories, LLC (“Spectrum Labs”)
2 alleges as follows:

3 **INTRODUCTION**

4 1. This is an action for damages and injunctive relief to remedy the
5 infringement by defendants Michael Tandberg (“Tandberg”) and Sythetix5
6 (collectively “Defendants”) of United States Patent No. 7,192,776 (the “776 patent”)
7 and United States Patent No. 9,128,105 B2 (the “105 patent”) (collectively the
8 “Patents”).

9 2. The Patents are directed to synthetic urine and methods of
10 manufacturing same.

11 **PARTIES, JURISDICTION, AND VENUE**

12 3. Spectrum Labs is an Ohio limited liability company with a principal
13 place of business in Ohio.

14 4. Tandberg is an individual residing in Newport Beach, California.

15 5. Upon information and belief, Sythetix5 is a business entity of form
16 unknown that is qualified to do business in the State of California.

17
18 6. This Court has subject matter jurisdiction over Spectrum Labs’ patent
19 infringement claim under 28 U.S.C. §§ 1331 and 1338 because it arises under federal
20 law.

21 7. This Court has personal jurisdiction over Tandberg because Tandberg
22 resides in California.

23 8. This Court has personal jurisdiction over Sythetix5 on various grounds,
24 including, without limitation, because, upon information and belief, it is located in
25 and does business in California.

26 9. Venue is proper under 28 U.S.C. §§ 1391 and 1400 because, upon
27 information and belief, Sythetix5 is located in and does business in California.
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1 **RELEVANT FACTS**

2 **I. Spectrum Labs’ Legal Rights.**

3 10. Spectrum Labs owns, markets, and sells a synthetic urine product called
4 “Quick Fix.”

5 11. The ’776 patent issued on March 20, 2007 and claims a synthetic urine
6 solution and the method of its manufacture.

7 12. On March 4, 2008, the inventor of the ’776 patent, James Matthew
8 Stephens (“Stephens”), assigned his ownership of that patent to Spectrum Labs.

9 13. On January 4, 2010, Stephens executed a “nunc pro tunc” assignment
10 document that memorialized the assignment, which was recorded with the United
11 States Patent and Trademark Office (“USPTO”) on February 15, 2010.

12 14. The validity of the ’776 patent, which protects a wide variety of
13 products, was recently upheld by the United States District Court for the Southern
14 District of California in *Stephens v. Dr. Greens, Inc.*, Case No. 3:11-cv-00638. The
15 *Stephens* Court granted summary judgment in favor of Spectrum Labs on the
16 infringer’s claim of invalidity, thereby finding the ’776 patent to be valid. *See* Am.
17 Compl. ¶¶ 90-98 (ECF #54); Spectrum Labs’ Mem. of P. & A. in Supp. of Am. Mot.
18 for Summ. J. on Counts LB, II-VI of Am. Compl. (ECF #203); Order (ECF #285).
19 Spectrum Labs ultimately won the entire case at trial and successfully obtained a jury
20 verdict and judgment of willful patent infringement. *See* Special Verdict Form (ECF
21 #326).

22 15. The ’105 patent issued on September 8, 2015 and is directed to a urea-
23 based synthetic urine solution and the method of its manufacture.

24 16. Spectrum Labs owns the ’105 patent.

25 **II. Synthetix5’s Infringement of the Patents.**

26 17. Defendants are making, importing, using, selling, and/or offering to sell
27 synthetic urine products in the United States that are covered by one or more claims
28

1 of each of the Patents, including but not limited to the “Synthetix5” product (the
2 “Accused Product”).

3 18. To try and resolve the dispute and end Defendants’ infringement without
4 suing, Spectrum Labs’ attorney wrote to a letter to Tandberg and Synthetix5 on April
5 5, 2019. The letter informed them that Synthetix5 was infringing Spectrum Labs’
6 Patents and asked Synthetix5 to: “[c]ease and desist making, using, importing,
7 offering to sell, or selling synthetic urine”; “[p]rovide a full written accounting of all
8 sales of synthetic urine by Synthetix5 for the past six years”; and “[a]dvice any and
9 all third parties associated with Synthetix5 or its products . . . to immediately cease
10 using, manufacturing, selling, offering for sale, importing, and marketing synthetic
11 urine” Spectrum Labs asked Tandberg and Synthetix5 to respond to its letter
12 indicating that Synthetix5 would comply by April 19, 2019. Spectrum Labs’ letter to
13 Synthetix5 is attached hereto as Exhibit A.

14 19. Neither Tandberg nor Synthetix5 have not responded to Spectrum’s
15 April 5, 2019 correspondence.

16
17 **COUNT ONE**

18 **INFRINGEMENT OF THE ’776 PATENT UNDER 35 U.S.C. § 271**

19 **By Spectrum Labs against Defendants**

20 20. Spectrum Labs incorporates by reference all allegations in all preceding
21 paragraphs of this complaint as if fully rewritten herein.

22 21. Defendants have directly infringed, and continue to directly infringe, one
23 or more claims of the ’776 patent by making, using, selling, and/or offering to sell
24 synthetic urine products covered by the ’776 patent.

25 22. As an illustrative example shown below, the Accused Product has each
26 of the limitations in at least claim 1 of the ’776 patent. The description of the Accused
27 Product below shows that the Accused Product infringes at least claim 1 of the ’776
28 patent.

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	Claim Limitation	Element of Accused Product
1	A synthetic urine solution comprising:	The Accused Product is a synthetic urine solution.
	water having a pH between 3 and 10;	The Accused Product includes water that has a pH between 3 and 10.
	creatinine and a biocide, said creatinine and biocide dissolved within said water to form a solution exhibiting a specific gravity and said creatinine and biocide selected in relative concentrations to minimize sepsis;	The Accused Product contains creatinine and a biocide. The biocide is dissolved within water, forming a solution that exhibits a specific gravity. The creatinine and biocide were selected in relative concentrations to minimize sepsis.
	at least one dissociated ionic compound also dissolved within said solution to adjust the specific gravity of the solution to between 1.005 g/cm ³ and 1.025 g/cm ³ ; and	There is at least one dissociated ionic compound dissolved within the solution to adjust the specific gravity of the solution to between 1.005 g/cm ³ and 1.025 g/cm ³ .
	wherein said biocide is selected from the group consisting of 2-bromo-4-hydroxyacetophenone, bronopols, carbamates, chlorothioethers, 2-2-Dibromo-3-nitrilopropionamide, 2-(Decylthio)ethanamine, glutaraldehydes, isothiazolines, Methylene bis(thiocyanate), polyquat, Alkyldimethylbenzylammonium chloride, sulfones, Bis(tributyltin) oxide, tertbutylazines, Tetrachloro-2, 4,6-cyano-3-benzonitrile, 2 (thiocyanomethylthio) benzothiazole, thiones, Tetrakis(hydroxymethyl) phosphoniumsulfate, Tributyltetradecylphosphonium chloride, peroxides, hypochlorites, and super oxides.	The Accused Product contains isothiazolines, which is one of the biocides listed in claim 1.

1 23. Defendants have also contributorily infringed and induced infringement
2 of the '776 patent at least because, with knowledge of the '776 patent, they
3 intentionally and actively induced end users of the Accused Product to use it in a
4 manner that infringes the '776 patent with specific intent that they do so.

5 24. To the extent Defendants have directed others to manufacture its
6 synthetic urine products, they has actively induced infringement of the '776 patent
7 under 35 U.S.C. § 271(b).

8 25. Defendants have further induced infringement of the '776 patent at least
9 by selling the Accused Product to distributors, retailers, and/or other resellers with
10 specific intent that they infringe the '776 patent by reselling the Accused Product to
11 others.

12 26. Defendants' infringement of the '776 patent was, and continues to be,
13 willful and deliberate, and Defendants likely will continue their infringing activities
14 unless restrained by this Court.

15 27. Defendants' activities were done with an intent to, and in fact did allow
16 Defendants to derive benefit from use of Spectrum's '776 patent.

17 28. Defendants have profited, and will continue to profit, by their infringing
18 activities.

19 29. Spectrum Labs has been damaged by Defendants' infringing activities
20 and will continue to be irreparably injured unless the infringing activities are enjoined
21 by this Court.

22
23 **COUNT TWO**

24 **INFRINGEMENT OF THE '105 PATENT UNDER 35 U.S.C. § 271**

25 **By Spectrum Labs against Defendants**

26 30. Spectrum Labs incorporates by reference all allegations in all preceding
27 paragraphs of this complaint as if fully rewritten herein.

1 31. Defendants have directly infringed, and continue to directly infringe, one
2 or more claims of the '105 patent by making, using, selling, and/or offering to sell
3 synthetic urine products covered by the '105 patent.

4 32. As an illustrative example shown below, the Accused Product has each
5 of the limitations in at least claim 1 of the '105 patent. The description of the Accused
6 Product below shows that the Accused Product infringes at least claim 1 of the '105
7 patent.

	Claim Limitation	Element of Accused Product
1 2 3 4 5 6 7 8 9	1 A synthetic urine solution comprising:	The Accused Product is a synthetic urine solution.
10 11 12	water having a pH between about 3 and about 10;	The Accused Product includes water that has a pH between 3 and 10.
13 14 15 16 17	creatinine and a biocide, said creatinine and biocide dissolved within said water to form a solution exhibiting a specific gravity and said creatinine and biocide selected in relative concentrations to minimize sepsis;	The Accused Product contains creatinine and a biocide. The biocide is dissolved within water, forming a solution that exhibits a specific gravity. The creatinine and biocide were selected in relative concentrations to minimize sepsis.
18 19 20 21 22	at least one dissociated ionic compound also dissolved within said solution to adjust the specific gravity of the solution to between 1.005 g/cm ³ and 1.025 g/cm ³ ;	There is at least one dissociated ionic compound dissolved within the solution to adjust the specific gravity of the solution to between 1.005 g/cm ³ and 1.025 g/cm ³ .

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<p>wherein said biocide is selected from at least one of 2-bromo-4-hydroxyacetophenone, bronopols, carbamates, chlorothioethers, 2-2-Dibromo-3-nitrilopropionamide, 2-(Decylthio)ethanamine, glutaraldehydes, isothiazolines, Methylene bis(thiocyanate), polyquats, Alkyldimethylbenzylammonium chloride, sulfones, bis(tributyltin) oxide, tertbutylazines, Tetrachloro-2,4,6-cyano-3-benzonitrile, 2(thiocyanomethylthio)benzothiazole, thiones, Tetrakis(hydroxymethyl) phosphonium sulfate, Tributyltetradecylphosphonium chloride, peroxides, hypochlorites, and super oxides;</p>	<p>The Accused Product contains isothiazolines, which is one of the biocides listed in claim 1.</p>
<p>at least one urea compound provided in conjunction with the synthetic urine solution, wherein the at least one urea compound is carbamide peroxide, and optionally allantoin and optionally hydantoin.</p>	<p>At least one urea compound is provided in conjunction with the Accused Product. The at least one urea compound provided with the Accused Product is believed carbamide peroxide, allantoin, or hydantoin.</p>

33. Defendants have directly infringed, and continue to directly infringe, one or more claims of the '105 patent by making, using, selling, and/or offering to sell synthetic urine products covered by the '105 patent.

34. Defendants have contributorily infringed and induced infringement of the '105 patent. With knowledge of the '105 patent, they intentionally and actively induced end users of the Accused Product to use it in a manner that infringes the '105 patent with specific intent that they do so.

1 privity with it, and all others aiding, abetting, or acting in concert
2 or active participation therewith, from continuing to infringe the
3 '776 patent;

4 D. Preliminary and permanent injunctive relief enjoining Defendants,
5 its officers, directors, managers, employees, affiliates, agents,
6 representatives, parents, subsidiaries, successors, assigns, those in
7 privity with it, and all others aiding, abetting, or acting in concert
8 or active participation therewith, from continuing to infringe the
9 '105 patent;

10 E. Compensatory damages;

11 F. Treble damages;

12 G. Punitive damages;

13 H. An accounting and disgorgement of all sales, revenues, and profits
14 derived from Defendants' wrongful conduct;

15 I. Attorneys' fees;

16 J. Pre-judgment and post-judgment interest;

17 K. Costs of the action; and

18 L. Such other and further relief as allowed at law or in equity that the
19 Court deems to be appropriate.

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21 Dated: May 20, 2019

/s/ Nicole A. Poltash

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DEMAND FOR JURY TRIAL

Plaintiff Spectrum Laboratories, LLC hereby demands a jury trial for all issues so triable.

Dated: May 20, 2019

/s/ Nicole A. Poltash

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