

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**BIOMEA FUSION, INC.,
a Delaware Company,**

Plaintiff,

v.

**SELLECK CHEMICALS LLC,
a Texas limited liability company,**

Defendant.

Civil Action No. _____

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Biomea Fusion, Inc. (“Biomea” or Plaintiff), by and through its attorneys, files this Complaint against Selleck Chemicals LLC (“Selleck” or Defendant) and alleges as follows:

PARTIES

1. Biomea Fusion, Inc. is a company organized and existing under the laws of the State of Delaware, with its corporate headquarters in Redwood City, California.

2. Selleck Chemicals LLC is a limited liability company organized under the laws of the State of Texas, with its principal place of business located at 14408 W. Sylvanfield Dr., Houston, Texas 77014. It may be served with process by serving its registered agent, Shicheng Ding, at 14408 W. Sylvanfield Dr., Houston, Texas 77014.

NATURE OF THE ACTION

3. This is an action for patent to protect Biomea’s intellectual property rights to its patented heterocyclic compound for the treatment of acute forms of leukemia. Biomea is a biopharmaceutical company focused on developing highly selective, targeted medicines that address known cell mutations in patients to provide efficacious and safe therapies. The patented

heterocyclic compound for the treatment of acute forms of leukemia that Biomea has developed is internally named BMF-219. The compound is the product of Biomea's heavy investment in research and development, both to develop the compound and in demonstrating its efficacy in pretrial clinical and clinical studies as part of the FDA approval proves – and ultimately to the market to benefit patients. Biomea's patent rights in BMF-219 are critical to Biomea's ability to sustain the development of BMF-219.

4. Selleck Chemicals LLC is an online retailer of bioactive compounds and small molecule compounds. Selleck sells and offers to sell the proprietary BMF-219 compound. Selleck persisted with the unlawful sale and offers for sale even after Biomea notified Selleck of its infringement of Biomea's intellectual property rights in BMF-219. Biomea brings this action to enjoin and obtain damages resulting from Selleck's unlawful conduct, as defined below.

JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the Patent Laws of the United States. The Court has original jurisdiction over the federal subject matters under 28 U.S.C. §1331 and 1338(a).

6. This Court has personal jurisdiction over Selleck because Selleck is a Texas company with its principal place of business in Texas.

7. Personal jurisdiction over Selleck is also proper because Selleck transacts substantial business in the State of Texas and has purposefully availed itself of the privilege of conducting activities within the State of Texas and in this District.

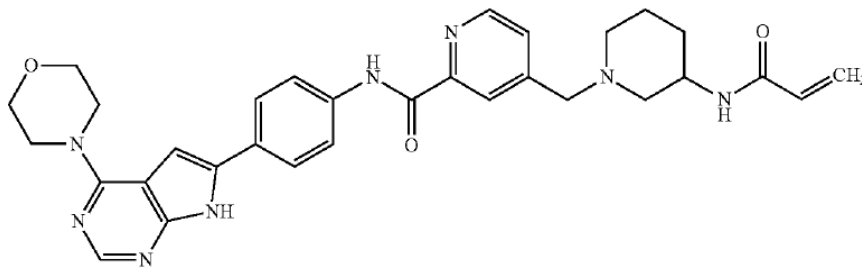
8. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b) and 28 U.S.C. § 1391(b) because Selleck resides in this district.

THE PATENT-IN-SUIT

9. Biomea is the owner of all right, title, and interest in and to U.S. Patent No. 11, 084, 825 B2 (“the ’825 patent”).

10. The ’825 patent duly issued on August 10, 2021, entitled “Substituted Pyridines as Irreversible Inhibitors of Menin-MLL Interaction.” The patent was issued to Biomea as the assignee of the named inventors. A true and correct copy of the ’825 patent is attached to this Complaint as **Exhibit A**.

11. Biomea’s BMF-219 compound is covered by at least claim 19 of the ’825 patent, which recites a chemical composition as shown below, and its pharmaceutically acceptable salt or stereoisomer:

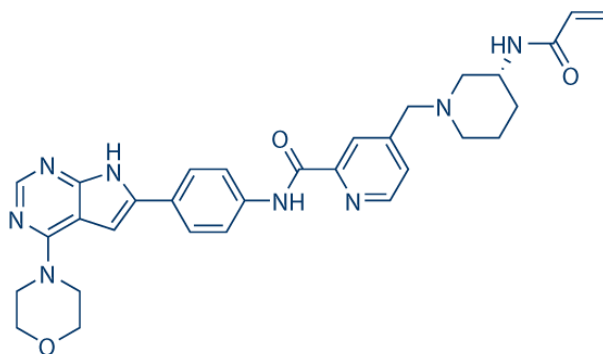


DEFENDANT’S UNLAWFUL ACTS

12. Selleck sells and offers to sell the “BMF-219” compound under a Selleck Catalog No. E1210 at least online through its website at <https://www.selleckchem.com/products/bmf-219.html> (last visited March 8, 2023).

13. The Selleck website describes “BMF-219” as a “novel, potent, irreversible menin inhibitor, can be used in the treatment of leukemia.”

14. The Selleck website displays a drawing depicting the chemical structure of the “BMF-219” under CAS No. 2448172-22-1, as shown below:



15. The chemical structure of “BMF-219” provided on Selleck’s website matches that of Biomea’s BMF-219 compound and as claimed by claim 19 of the ’825 patent as shown in Paragraph 12 above.

16. The “BMF-219” identifier of the compound of the chemical structure above as displayed in Selleck website and claimed by claim 19 of the ’825 patent is Biomea’s internal identifier for the heterocyclic compound claimed by the ’825 patent. “BMF-219” is not an identifier or compound name generally used in any industry related to Biomea’s patented compound. The identifier is used only internally at Biomea and a very small number of its vendors, the latter of which have all contracted to be subject to strong confidentiality restrictions. That Selleck is using the BMF-219 name in association with its offers to sell demonstrates that it is offering to sell what is claimed by the ’825 patent

17. The Selleck website further provides the Clinical Trial Information of “Drug: BMF-219,” identifying Sponsor/Collaborators as Biomea and the clinical trial number (NCT Number) with a hyperlink to Biomea’s clinical trial study of BMF-219 at ClinicalTrials.gov.

18. Selleck has not obtained Biomea’s authorization to sell or offer to sell the BMF-219 compound.

19. On January 24, 2023, Biomea, by its counsel, sent a cease-and-desist letter to Selleck describing its acts of infringement of the '825 patent and demanding that it stop. Selleck never responded and continues to infringe by offering to sell and, on information and belief, selling BMF-219 without Biomea's authorization.

NOTICE

20. Selleck had actual and/or constructive knowledge of the '825 patent and the unlawful conduct at least on January 24, 2023, when Biomea sent its notice letter to Selleck.

CAUSE OF ACTION
(Infringement of U.S. Patent No. 11,084,825 B2)

21. Biomea repeats and realleges paragraphs 1-20 above as if fully set forth herein.

22. Biomea is the assignee and owner of all right, title, and interest to the '825 patent. Biomea has the legal right to enforce the patent, sue for infringement, and seek equitable relief and damages.

23. By engaging in the commercial manufacture, use, sale, offer to sell, or importation into the United States of the BMF-219 compound without authorization before the expiration of the '825 patent, and by actively inducing and/or contributing to the infringement of others, Selleck has infringed at least claim 19 of the '825 patent under 35 U.S.C. §§ 271(a), (b), and/or (c).

24. Selleck has knowingly and willfully infringed the '825 patent.

25. As a result of Selleck's infringement of the '825 patent, Biomea has suffered and continues to suffer substantial harm.

PRAYER FOR RELIEF

WHEREFORE, Biomea prays for judgment and seeks relief against Selleck as follows:

1. A judgment that Selleck's making, using, selling, offering to sell, or importing into the United States of the BMF-219 compound has infringed the '825 patent;

2. A judgment that this case is exceptional and that Biomea be entitled to its attorney fees pursuant to 35 U.S.C. § 285;
3. A judgment that Selleck has misappropriated Plaintiff's trade secrets related to the "BMF-219" identifier;
4. An award of damages adequate to compensate Biomea;
5. Injunctive relief enjoining and restraining Selleck from making, using, selling, offering to sell, and importing into the United States the BMF-219 compound; and
6. Such other relief to Biomea as the Court deems just and appropriate.

JURY DEMAND

Biomea respectfully demands a jury on all issues so triable.

Dated: March 8, 2023

Respectfully submitted,

/s/ Greg R. Wehrer

Greg R. Wehrer, Attorney-In-Charge

Texas Bar No. 24068592

Southern District I.D. No. 1037384

600 Travis Street, Suite 6700

Houston, Texas 77002

Telephone: (713) 546-5850

Facsimile: (713) 546-5830

Email: Greg.Wehrer@squirepb.com

OF COUNSEL:

David S. Elkins
(*pro hac vice* motion to be filed)
Xiaomei Cai
(*pro hac vice* motion to be filed)
SQUIRE PATTON BOGGS(US) LLP
1841 Page Mill Road, Suite 150
Palo Alto, California 94304
Telephone: (650) 856-6500
Facsimile: (650) 843-8777
Email: David.Elkins@squirepb.com
Xiaomei.Cai@squirepb.com

ATTORNEYS FOR PLAINTIFF
BIOMEA FUSION, INC.