

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(NORTHERN DIVISION)**

**NUTRAMAX LABORATORIES, INC.** )  
2208 Lakeside Boulevard )  
Edgewood, Maryland 21040 )

Plaintiff, )

**v.** )

**Case No.** \_\_\_\_\_

PHARMAVITE, LLC )  
P.O. Box 9606 )  
Mission Hills, CA 91346-9606 )

Serve On: )  
Paul Bolar )  
15451 San Fernando Mission Blvd. )  
Mission Hills, CA 91345 )

and )

NATROL PRODUCTS, INC. )  
21411 Prairie Street )  
Chatsworth, CA 91311 )

Serve On: )  
CT Corporation System )  
818 West Seventh Street )  
Los Angeles, CA 90017 )

and )

WEIDER NUTRION INTERNATIONAL, )  
INC. )  
2002 S. 5070 W. )  
Salt Lake City, UT 84104 )

Serve On: )  
Philip H. Cooper )  
2002 S. 5070 W. )  
Salt Lake City, UT 84104 )

and )

BOEHRINGER INGELHEIM )  
PHARMACEUTICALS, INC. )  
900 Ridgebury Road )  
Ridgefield, Connecticut 06877 )

Serve: )  
J. Martin Carroll )  
900 Ridgebury Road )  
Ridgefield, Connecticut 06877 )

and )

JARROW FORMULAS, INC. )  
1824 S. Robertson Blvd. )  
Los Angeles, CA 90035 )

Serve On: )  
Jarrow L. Rogovin )  
1824 S. Robertson Blvd. )  
Los Angeles, CA 90035 )

and )

FIGUEROLA GROUP, INC. )  
P.O. Box 1569 )  
Santa Ynez, CA 93460 )

Serve On: )  
Rossana Figuerola )  
P.O. Box 1569 )  
Santa Ynez, CA 93460 )

and )

PURITY PRODUCTS, INC. )  
139 Haven Avenue )  
Port Washington, New York 11050 )

Serve On: )  
John Levin )  
139 Haven Avenue )  
Port Washington, New York 11050 )

and )

VITAMIN WORLD ONLINE, INC. )  
90 Orville Drive )  
Bohemia, NY 11716-2599 )  
)  
Serve On: )  
Corporation Service Co )  
80 State Street )  
Bohemia, NY 12207 )  
)  
Defendants. )  
\_\_\_\_\_ )

**COMPLAINT**  
**(Patent Infringement)**

Plaintiff, Nutramax Laboratories, Inc. (“Nutramax”), by and through its undersigned attorneys, files this Complaint for Patent Infringement against Defendant PHARMAVITE, LLC (“Pharmavite”), NATROL PRODUCTS, INC. (“Natrol”), WEIDER NUTRION INTERNATIONAL, INC. (“Weider”), BOEHRINGER INGELHEIM PHARMACEUTICALS, INC. (“Boehringer”), JARROW FORMULAS (“Jarrow”), FIGUEROLA GROUP, INC. (“Figuerola”), PURITY PRODUCTS, INC. (“Purity”), and VITAMIN WORLD (“Vitamin World”), and in support alleges the following:

**THE PARTIES**

1. Nutramax is a Maryland corporation with its principal place of business in Edgewood, Maryland. Nutramax is the holder of United States Letters Patent 6,583,123 (the “123 Patent”) issued on June 24, 2003, entitled “Aminosugar, Glycosaminoglycan, and S-Adenosylmethionine Composition for the Treatment and Repair of Connective Tissue.” A copy of the ‘123 Patent is attached and incorporated herein as **Exhibit 1**.

2. Defendant Pharmavite is, upon information and belief, a California limited liability company with principal offices in California. Defendant Pharmavite

manufactures, distributes and sells, *inter alia*, dietary supplement products under the trade name, Nature Made™.

3. Defendant Natrol is, upon information and belief, a California corporation with principal offices in California. Defendant Natrol manufactures, distributes and sells among other products, dietary supplements.

4. Defendant Weider is, upon information and belief, a Utah corporation with principal offices in Utah. Defendant Weider manufactures, distributes and sells among other products, dietary supplements.

5. Defendant Boehringer is, upon information and belief, a Connecticut corporation with principal offices in Connecticut. Defendant Boehringer manufactures, distributes and sells among other products, dietary supplements.

6. Defendant Jarrow is, upon information and belief, a California corporation with principal offices in California. Defendant Jarrow manufactures, distributes and sells among other products, dietary supplements.

7. Defendant Figuerola is, upon information and belief, a California corporation with principal offices in California. Defendant Figuerola manufactures, distributes and sells among other products, dietary supplements.

8. Defendant Purity is, upon information and belief, a New York corporation with principal offices in New York. Defendant Purity manufactures, distributes and sells among other products, dietary supplements.

9. Defendant Vitamin World is, upon information and belief, a New York corporation with principal offices in New York. Defendant Vitamin World manufactures, distributes and sells among other products, dietary supplements.

## FACTS

10. Defendant **Pharmavite** manufactures, distributes and sells a product identified as "Joint Action" - which its label claims contains "Glucosamine Hydrochloride, S-adenosylmethionine, Cellulose Gel, Sodium Starch Glycolate, Methacrylic Acid Copolymer, Povidone, Talc, Polyethylene Glycol, Magnesium Stearate, Silica, Polysorbate 80, Sodium Hydroxide, Iron Oxide (artificial color), Simethicone." The amounts and types of certain ingredients as claimed on the label (for one tablet) are as follows:

A. S-adenosylmethionine (commonly referred to as "SAM-e"): 200mg;

B. Glucosamine Hydrochloride: 500mg.

The product packaging recommends taking one or two tablets per serving, being

11. Defendant Natrol manufactures, distributes and sells "SAME" that according to its label contains among other ingredients per tablet:

A. S-Adenosyl-Methionine (SAME) (as S-Adenosyl-Methionine Disulfate Tosylate) - 400 mg

B. Glucosamine Sulfate - 500 mg

12. Defendant Weider manufactures, distributes and sells "Move Free Plus SAME" that according to its label contains among other ingredients per tablet (recommending 3 tablets per serving):

A. Glucosamine Complex (includes unspecified amounts of Glucosamine Sulfate and Glucosamine Hydrochloride) – 1.5 g

B. S-Adenosyl-L-Methionine (SAME) – 400mg

13. Defendant Jarrow manufactures, distributes and sells “Natural SAME Joint” that according to its label contains among other ingredients per tablet (1-2 tablets per serving):

A. SAM-e (S-Adenosyl-Methionine) – 200mg, and

B. Glucosamine HCL – 525mg

14. Defendant Boehringer manufactures, distributes and sells “Flexium” that according to its label contains among other ingredients per tablet (2-3 tablets per serving):

A. SAM-e (S-Adenosyl-Methionine 1, 4 butanedisulfonate) – 200mg,

and

B. Glucosamine HCL – 500mg

15. Defendant Figuerola manufactures, distributes and sells “JointSaver,” for large animals, which according to its label contains among other ingredients per tablet:

A. Glucosamine HCL – 2,500 mg

B. Chondroitin Sulfate – 2,500 mg

C. SAME (S-Adenosyl-Methionine) – 50mg

16. Defendant Figuerola manufactures, distributes and sells “JointSaver,” for humans, which according to its label contains among other ingredients per tablet:

A. Glucosamine HCL – 1,500 mg

B. Chondroitin Sulfate – 1,500 mg

C. SAME (S-Adenosyl-Methionine) – 30mg

17. Defendant Figuerola manufactures, distributes and sells “EquineSaver” for

horses, which according to its label contains among other ingredients per tablet:

- A. Glucosamine HCL – 1,000 mg
- B. Chondroitin Sulfate Low Molecular Weight (LMW) – 800 mg
- C. LMW Chondroitin Sulfate 20%
- D. SAmE (S-Adenosyl-Methionine) – 15 mg

18. Defendant Purity manufactures, distributes and sells “Triple Action Joint Formula” which according to its label contains among other ingredients per tablet:

- A. Glucosamine Sulfate– 750 mg
- B. Chondroitin Sulfate – 600 mg
- C. SAmE (S-Adenosyl-Methionine) – 100mg

19. Defendant Vitamin World manufactures, distributes and sells “JointSoother,” which according to its label contains among other ingredients per tablet:

- A. Glucosamine Sulfate 2KCL – 1,500 mg
- B. Chondroitin Sulfate – 1,200 mg
- C. SAM-e (S-Adenosyl-Methionine) – 100mg

20. In relevant part, the '123 Patent contains the following claims:

A. Claim 1. A composition for treatment and repair and for reducing the inflammation of connective tissue in humans and animals comprising S-Adenosylmethionine in combination with fragments of a glycosaminoglycan selected from the group consisting of chondroitin, chondroitin salts and mixtures thereof.

B. Claim 2. The composition of claim 1, wherein a dose of the fragments of a glycosaminoglycan ranges from about 15 mg to about 30,000 mg.

C. Claim 3. The composition of claim 1, wherein a dose of the

fragments of a glycosaminoglycan for humans and small animals ranges from about 15 mg to about 5,000 mg.

D. Claim 5. The composition of claim 1, wherein a dose of the S-Adenosylmethionine ranges from about 2 mg to about 20,000 mg.

E. Claim 6. The composition of claim 1, wherein a dose of the S-Adenosylmethionine for humans and small animals ranges from about 5 mg to about 5,000 mg.

F. Claim 8. A composition for treatment and repair and for reducing the inflammation of connective tissue in humans and animals comprising: an aminosugar selected from the group consisting of glucosamine, glucosamine salts and mixtures thereof, in combination with S-adenosylmethionine.

G. Claim 9. The composition of claim 8, wherein a dose of the aminosugar ranges from about 50 mg to about 40,000 mg, and wherein a dose of the S-Adenosylmethionine ranges from about 2 mg to about 20,000 mg.

H. Claim 10. The composition of claim 8, wherein a dose of the aminosugar for humans and small animals ranges from about 50 mg to about 5,000 mg, and wherein a dose of the S-Adenosylmethionine for humans and small animals ranges from about 5 mg to about 5,000 mg.

I. Claim 11. The composition of claim 8, wherein a dose of the aminosugar for large animals ranges from about 250 mg to about 40,000 mg, and wherein a dose of the S-Adenosylmethionine for large animals ranges from about 2 mg to about 20,000 mg.

J. Claim 13. The composition of claim 8, wherein the salt of



glucosamine is selected from the group consisting of glucosamine hydrochloride, glucosamine sulfate, and N-acetylglucosamine.

### **JURISDICTION AND VENUE**

21. This Court has jurisdiction over the subject matter of the Complaint pursuant to 28 U.S.C. § 1331 because this action arises under the laws of the United States; under 28 U.S.C. § 1338 because this action arises under patent, plant variety protection, copyright or trademark laws and because this action asserts a claim of patent infringement.

22. Venue is proper in this district pursuant to Md. Cts. & Jud. Proc. Code. Ann. §6-201, § 6-202(3), (11) and pursuant to 28 U.S.C. § 1391 because this is a Civil Action not founded solely on diversity of citizenship and Defendant is subject to personal jurisdiction in this judicial district at the time this action was commenced.

### **COUNT I. DIRECT PATENT INFRINGEMENT** (All Defendants)

23. Plaintiff incorporates by reference the allegations in Paragraphs 1 through 22 as if stated fully herein.

24. Each of the Defendants has made, sold, has have had made or had sold, and upon information and belief continue to make and sell a product in the United States that contains the amounts of ingredients as set forth above.

25. The products sold by the Defendants directly, and/or under the doctrine of equivalents, infringe the following Claims of the '123 Patent:

Defendant/Product	Claims infringed in the '123 Patent:
PHARMAVITE (Joint Action)	8-10, 13
NATROL (SAME)	8-10, 13
WEIDER (Move Free Plus SAME)	8-10, 13
JARROW (Natural SAME Joint)	8-10, 13

BOEHRINGER (Flexium)	8-10, 13
PURITY (Triple Action Joint Formula)	1-3,5,6, 8-11, 13
FIGUEROLA (JointSaver; EquineSaver)	1-3,5,6, 8-11, 13
VITAMIN WORLD (JointSoothe)	1-3,5,6, 8-11, 13

26. Defendants' actions have caused and continue to cause irreparable injury to Plaintiff. Unless restrained and enjoined by this Court, Defendants' actions will persist, thereby causing Plaintiffs further irreparable injury.

27. Plaintiffs have no adequate remedy at law.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays the court enter the following relief:

A. Enter a preliminary and permanent injunction under 35 U.S.C. § 283 restraining the Defendants from making, using selling, importing, and having made, having sold or having imported, any product or composition that infringes the '123 Patent.

B. Enter damages under 35 U.S.C. § 284 for infringement of the '123 Patent adequate to compensate Plaintiff for the infringement, but in no event less than a reasonable royalty for the use made of the invention by the infringer, together with interest and costs.

C. Award Plaintiff such enhanced damages as the court deems just.

D. Award Plaintiff its attorneys' fees under 35 U.S.C. § 285.

