

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

MULTIBENE INGREDIENTS OY LTD.,)
)
Plaintiff,)
)
v.) Civil Action No.
)
STURM FOODS INC.,)
)
Defendant.)
_____)

COMPLAINT FOR PATENT INFRINGEMENT
(INJUNCTIVE RELIEF REQUESTED)
(JURY TRIAL DEMANDED)

Plaintiff Multibene Ingredients Oy Ltd. (“Multibene”), by its undersigned counsel, brings this action against defendant Sturm Foods Inc. (“Sturm”) for patent infringement and other relief. In support of its complaint, Multibene alleges as follows:

Nature of this Action

1. Finnish Prof. Heikki Karppanen invented a food additive that has the novel property of reducing both serum cholesterol and blood pressure. The health benefits of that invention have been widely recognized and companies like General Mills and Nestle have licensed the invention for use in their products. Through his company, Multibene, Prof. Karppanen now seeks to enforce his U.S. patent against defendant Sturm, which uses the patented invention in its Village Farm Whole Grain Oatmeal products.

The Parties

2. Plaintiff Multibene is a corporation duly organized and existing under the laws of Finland, with its principal place of business in Espoo, Finland.

3. Multibene is informed and believes, and on that basis alleges, that defendant Sturm is a corporation organized and existing under the laws of Wisconsin, with its principal place of business in Manawa, Wisconsin.

Jurisdiction and Venue

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. §§1 *et seq.*

5. Venue is proper in this district pursuant to 28 U.S.C. §§1391(b)-(c) and 1400(b) as Sturm has done business in this district, has committed acts of infringement in this district, and continues to commit acts of infringement in this district, entitling Multibene to relief.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 6,136,349

6. Multibene incorporates by reference and realleges paragraphs 1-5.

7. On October 24, 2000, United States Patent No. 6,136,349 (“the ‘349 patent”) was duly and legally issued for an invention entitled “Food Seasoning, Food Ingredients and Food Item Compositions and Methods for their Preparation.” Multibene is the assignee of the ‘349 patent and continues to hold all rights and interest in the ‘349 patent. A copy of the ‘349 patent is attached hereto as Exhibit A.

8. Defendant Sturm has directly, indirectly, contributorily, and/or by inducement infringed and continues to infringe the ‘349 patent by its manufacture, use, sale and/or offer for sale of certain products, including without limitation, its Village Farm Whole Grain Oatmeal products. Defendant is liable for its infringement of the ‘349 patent pursuant to 35 U.S.C. §271.

9. Sturm’s acts of infringement have caused damage to Multibene, and Multibene is entitled to recover from Sturm the damages sustained as a result of Sturm’s wrongful acts in an amount subject to proof at trial. Sturm’s infringement of Multibene’s exclusive rights under the ‘349 patent will continue to cause damage to Multibene, causing irreparable harm for which there is no adequate remedy at law unless enjoined by this Court.

10. Upon information and belief, Sturm’s infringement of the ‘349 patent is willful and deliberate, entitling Multibene to increased damages under 35 U.S.C. §284 and to attorneys’ fees and costs incurred in prosecuting this action under 35 U.S.C. §285.

Prayer for Relief

WHEREFORE, plaintiff Multibene requests entry of judgment in its favor and against defendant Sturm as follows:

- (a) A declaration that defendants have infringed, and are infringing, U.S. Patent No. 6,136,349;
- (b) A permanent injunction enjoining defendant and its officers, agents, employees, subsidiaries, and those acting in privity or concert with them, including related individuals and entities, customers, representatives, dealers, distributors, from further infringement, contributory infringement and/or inducing infringement of U.S. Patent No. 6,136,349;
- (c) An award of damages arising out of defendants' infringement of U.S. Patent No. 6,136,349, including enhanced damages pursuant to 35 U.S.C. §284, together with prejudgment and post-judgment interest, in an amount according to proof;
- (d) An award of attorneys' fees pursuant to 35 U.S.C. §285 or as otherwise permitted by law; and
- (e) Costs of suit and such other and further relief as the Court deems just and proper.

DATED: March 6, 2009

Respectfully submitted,

/s/ Robert H. Stier, Jr.
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DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury of all issues so triable.

/s/ Robert H. Stier, Jr.
Robert H. Stier, Jr.