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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Naturex, Inc. (DBA Pure World Botanicals
Inc.),

Plaintiff,

-against-

Phyto Tech Corp. (DBA Blue California),
Steven Chen, Nature's Power Nutraceuticals
Corp., and Axel Wippich,

Defendants.

Civil Action No. _____

**COMPLAINT FOR PATENT INFRINGEMENT
AND DEMAND FOR JURY TRIAL**

Document Electronically Filed

Plaintiff Naturex, Inc., doing business as Pure World Botanicals Inc.,
("Pure World"), having its principal place of business at 375 Huyler Street, South
Hackensack, NJ 07606, by its attorneys Robinson & Livelli and Orrick, Herrington &
Sutcliffe LLP, for its Complaint against Phyto Tech Corp., doing business as Blue
California ("Blue California"), having its principal place of business at 30011 Tomas,
Rancho Santa Margarita, CA 92688, Steven Chen ("Mr. Chen"), the President of Blue
California, (collectively "Blue California defendants"), and for its Complaint against

1. This is an action for infringement of United States Patent No. 6,552,206 ("the '206 patent") under 35 U.S.C. §271.

2. Naturex, Inc. (doing business as Pure World Botanicals, Inc.) is a corporation organized under the laws of the state of the State of Delaware with its principal place of business located at 375 Huyler Street, South Hackensack, NJ 07606 and is a wholly owned subsidiary of Naturex S.A., a French corporation. Pure World, among other things, is engaged in the business of selling dietary supplements that contain macamides.

3. On information and belief, defendant Blue California is a corporation organized under the laws of the state of California with its corporate headquarters located at 30011 Tomas, Rancho Santa Marguarita, CA 92688 and with an office in this District located at 385 Franklin Ave, Suite H, Rockaway NJ 07866. On information and belief, Blue California is engaged in the business of selling dietary supplements, including dietary supplements that contain macamides in this District and elsewhere throughout the United States.

4. On information and belief, defendant Steven Chen, an individual who may be known by one or more other names, is the President and owner of defendant

Blue California. Defendant Chen resides at an address currently unknown to plaintiff.

5. On information and belief, defendant NP Nutra is a corporation organized under the laws of the state of California with its corporate headquarters located at 14311 Cerise Ave., Hawthorne, CA 90250. On information and belief, NP Nutra is engaged in the business of selling dietary supplements, including dietary supplements that contain macamides in this District and elsewhere throughout the United States.

6. On information and belief, defendant Alex Wippich, an individual who may be known by one or more other names, is the President and owner of defendant NP Nutra and he resides at 1905 Carnegie Ln #1, Redondo Beach, CA 90278.

JURISDICTION AND VENUE

7. This action arises under the patent laws of the United States of America, United States Code, Title 35, Section 1, *et seq.* This Court has subject matter jurisdiction over the action under 28 U.S.C. §§ 1331 and 1338.

8. Venue is proper in this Court under 28 U.S.C. §§ 1391 and 1400(b).

BACKGROUND

9. The '206 patent, entitled "Compositions and Methods For Their Preparation from Lepidium," issued to Bo Lin Zheng, Kan He, Yu Shao, and Qun Yi Zheng on April 22, 2003. A copy of the '206 patent is attached hereto as Exhibit A.

10. Pure World Botanical, Inc., as the assignee, owns the entire right, title, and interest in the '206 patent.

11. Blue California manufactures, markets and sells maca products that contain macamides.

12. NP Nutra manufactures, markets and sells maca products that contain macamides.

Count I

(Blue California's Infringement of the '206 Patent Under 35 U.S.C. §271)

13. Paragraphs 1-12 are incorporated herein as set forth above.

14. Blue California's manufacture, use, offer for sale, sale and/or importation of its maca products that contain macamides constitutes an act of infringement of the '206 patent.

15. Pure World has been and continues to be damaged by the Blue California defendants' infringement of the '206 patent.

16. Upon information and belief, Blue California and Steven Chen acted without a reasonable basis for believing that it would not be liable for infringement of the '206 patent, and as such, their infringement of the '206 patent is willful.

Count II

(NP Nutra's Infringement of the '206 Patent Under 35 U.S.C. §271)

17. Paragraphs 1-12 are incorporated herein as set forth above.

18. NP Nutra's manufacture, use, offer for sale, sale and/or importation of its maca products that contain macamides constitutes an act of infringement of the '206 patent.

19. Pure World has been and continues to be damaged by the NP Nutra defendants' infringement of the '206 patent.

20. Upon information and belief, Blue California and Axel Wippich acted without a reasonable basis for believing that it would not be liable for infringement

of the '206 patent, and as such, their infringement of the '206 patent is willful.

Prayer for relief

Plaintiff respectfully prays for the following relief:

a. That judgment be entered that the Blue California defendants have infringed the '206 patent under 35 U.S.C. § 271 by their manufacture, use, offer for sale, sale and/or importation of maca products that contain macamides;

b. That an injunction be issued under 35 U.S.C. § 271 permanently enjoining Steven Chen and Blue California, its officers, directors, agents, servants, employees and attorneys and all persons acting or attempting to act in active concert or participation with defendants, or acting on its behalf, from engaging in the commercial manufacture, use, offer to sell, or sale within the United States, or importation into the United States, of any product covered by the '206 patent;

c. An award of damages adequate to compensate Pure World for the Blue California defendants' infringement of its '206 patent, in accordance with 35 U.S.C. Section 285;

d. That judgment be entered that the Blue California defendants' infringement of the '206 patent was willful;

e. That judgment be entered that the NP Nutra defendants have infringed the '206 patent under 35 U.S.C. § 271 by their manufacture, use, offer for sale, sale and/or importation of maca products that contain macamides;

f. That an injunction be issued under 35 U.S.C. § 271 permanently enjoining Axel Wippich and NP Nutra, its officers, directors, agents, servants, employees and attorneys and all persons acting or attempting to act in active concert or participation

with defendants, or acting on its behalf, from engaging in the commercial manufacture, use, offer to sell, or sale within the United States, or importation into the United States, of any product covered by the '206 patent;

g. An award of damages adequate to compensate Pure World for the NP Nutra defendants' infringement of its '206 patent in accordance with 35 U.S.C. Section 285;

h. That judgment be entered that the NP Nutra defendants' infringement of the '206 patent was willful;

i. That this is an exceptional case under 35 U.S.C. § 285, and that Pure World be awarded reasonable attorneys' fees and costs; and

j. That this Court award such other and further relief as it may deem just and proper.

DATED: August 17, 2006

Respectfully submitted,

ROBINSON & LIVELLI

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business as Pure World Botanicals, Inc.)

CERTIFICATE PURSUANT TO LOCAL CIVIL RULE 11.2

I hereby certify that the matter in controversy is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding.

Dated: August 17, 2006

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