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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

LYCORED CORP. and LYCORED LTD.,	:
	: Civil Action No.
Plaintiffs,	:
v.	: District Judge
	: Magistrate Judge
U.S. NUTRACEUTICALS LLC (d/b/a VALENSA	:
INTERNATIONAL), E.I.D. PARRY (INDIA) LTD,	:
and PARRY PHYTOREMEDIES PVT. LTD.,	:
	:
Defendants.	x

COMPLAINT AND DEMAND FOR TRIAL BY JURY

Plaintiffs Lycored Corp. ("Lycored U.S.") and Lycored Ltd. ("Lycored Israel") (collectively referred to as "Plaintiffs" or "Lycored"), by their attorneys, as and for their complaint herein against U.S. Nutraceuticals LLC (d/b/a Valensa International) ("Valensa"), E.I.D. Parry (India) Ltd ("E.I.D. Parry"), and Parry Phytoremedies Pvt. Ltd. ("Parry Phytoremedies") (collectively referred to as "Defendants" or "Parry"), allege as follows:

JURISDICTION AND VENUE

1. This is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1338(a), as this action arises under an Act of Congress relating to patents.

3. Venue is properly established in this Court pursuant to 28 U.S.C. § 1400(b), as, upon information and belief, Defendants reside in this judicial district within the meaning of 28 U.S.C. § 1391(c) and have engaged in acts of infringement within this judicial district.

PARTIES

4. Plaintiff Lycored Corp. ("Lycored U.S."), is a New Jersey corporation, with a principal place of business at 377 Crane Street, Orange, New Jersey 07051. Lycored U.S. is an exclusive licensee in the United States under the patents-in-suit.

5. Plaintiff Lycored Ltd. ("Lycored Israel") is an Israeli corporation with a principal place of business at P.O. Box 320, Beer Sheva 84102, Israel. Lycored Israel is the owner of the patents-in-suit.

6. Upon information and belief, defendant U.S. Nutraceuticals LLC (d/b/a Valensa International) ("Valensa") is a corporation organized and existing under the laws of the State of Florida, with a principal place of business at 2751 Nutra Lane, Eustis, Florida 32726, and is a subsidiary of E.I.D. Parry (India) Ltd.

7. Upon information and belief, defendant E.I.D. Parry (India) Ltd ("E.I.D. Parry") is an Indian corporation with a principal place of business at Dare House, 4th floor, # 234 N.S.C. Bose Road, Chennai - 600001, India, and having as one of its divisions Parry Nutraceuticals.

8. Upon information and belief, defendant Parry Phytoremedies Pvt. Ltd. ("Parry Phytoremedies") is an Indian corporation, with a principal place of business at Sr no. 79/2, Near Agarwal Godown, Shivane, Warje-NDA Rd, Pune- 411023 Maharashtra, India, and is a subsidiary of E.I.D. Parry (India) Ltd.

LYCORED'S PATENTED TECHNOLOGY

9. Lycored specializes in the development and marketing of ingredients for food fortification, dietary supplements, and food coloring. Among Lycored's products is Lyc-O-Mato[®] tomato lycopene complex, an extract of tomato lycopene. Lycopene is a carotenoid used both as a food coloring and for its health benefits. Rather than supplying only lycopene, Lyc-O-Mato[®] provides a full complement of phytonutrients, including phytoene, phytofluene, beta-carotene, tocopherols, and phytosterols. This phytonutrient complex works in synergy with the natural lycopene, resulting in more powerful antioxidant activity and greater health benefits, including support of good cardiovascular and prostate health, preventing DNA and cell damage and supporting healthy skin.

10. Lycored has obtained patents directed to lycopene-containing compositions, processes for making them and methods of using them.

PARRY'S INFRINGING CONDUCT

11. Defendant E.I.D. Parry, according to its website, is a diversified company that includes a Parry Nutraceuticals division, which offers ingredients for use in food and dietary supplements.

12. Parry Nutraceuticals offers "Parry Tomato Lycopene Complex" and states on the E.I.D. Parry website that it is "a natural combination of tomato lycopene and other health promoting phytonutrients such as Phytoene, Phytofluene, Tocopherols and Beta-carotene."

According to Parry, "Synthetic lycopene contains only lycopene extract whereas Parry's Natural Lycopene, not only includes lycopene but all the naturally occurring phytonutrients found in tomatoes. These phytonutrients act in synergy with lycopene, and are collectively called the lycopene complex."

13. Parry Nutraceuticals states that its "U.S. Address" is Valensa International in Eustis, Florida. Upon information and belief, defendant U.S. Nutraceuticals LLC does business as "Valensa International."

14. According to Valensa's website,

Valensa, through its partnership with Parry Nutraceuticals, offers a uniquely processed Natural Tomato Lycopene, that not only includes lycopene but also all the naturally occurring phytonutrients found in tomatoes including Phytoene, Phytofluene, Tocopherols and Beta-carotene and eliminates the sugar and water. These phytonutrients act in synergy with lycopene to collectively form the Parry Tomato Lycopene Complex.

15. Valensa International's website states that it offers tomato lycopene beadlets (which can be used in tablets and capsules), tomato lycopene oil (which can be used in softgels), and tomato lycopene cold water dispersible powder (which can be used in food fortification). Upon information and belief, Valensa and the Parry Nutraceuticals division of E.I.D. Parry make, use, offer for sale, sell, and/or import these products in or into the United States.

16. Upon information and belief, tomato lycopene complex products offered for sale by Valensa and Parry Nutraceuticals in the United States are manufactured by Parry Phytoremedies, a subsidiary of E.I.D. Parry.

FIRST CLAIM FOR RELIEF
Patent Infringement: '018 Patent

17. Lycored incorporates by reference the allegations of paragraphs 1 through 16, inclusive, as if fully repeated herein.

18. On February 4, 2003, the United States Patent and Trademark Office duly issued United States Patent No. 6,515,018, entitled "Synergistic Compositions for Lycopene and Vitamin E for the Prevention of LDL Oxidation," incorporated herein by reference and attached hereto as Exhibit A ("the '018 Patent"), to inventors Bianca Fuhrman, Michael Aviram, Zohar Nir, and Morris Zelkha. Lycored Israel has been assigned all right, title, and interest in the '018 Patent.

19. Lycored U.S. is an exclusive licensee of the '018 Patent in the United States. As exclusive licensee of the '018 Patent, Lycored U.S. has the exclusive right to make, use, and sell products according to, and to practice the methods claimed in, the '018 Patent. Lycored U.S. also holds the right to sue for infringement of the '018 Patent in the United States.

20. Upon information and belief, Defendants have infringed the '018 Patent by making, using, selling, offering for sale, and/or importing in or into the United States tomato lycopene products, including tomato lycopene oil. Upon information and belief, Defendants have also induced, and contributed to, the infringement of the '018 Patent by those who have used, sold, or offered to sell lycopene-containing products in an infringing manner in the United States.

21. These infringing activities, as alleged above, have not been authorized in any manner by Lycored, nor have the Defendants ever been authorized or otherwise granted the right to manufacture, offer for sale, sell, or otherwise distribute products made according to the '018 Patent.

22. Upon information and belief, Defendants' infringement of the '018 Patent has been willful and deliberate.

23. Upon information and belief, Defendants will continue to infringe upon the '018 Patent to the irreparable damage of Lycored, unless enjoined by the Court. Lycored has no adequate remedy at law.

SECOND CLAIM FOR RELIEF
Patent Infringement: '311 Patent

24. Lycored incorporates by reference the allegations of paragraphs 1 through 23, inclusive, as if fully repeated herein.

25. On November 17, 1998, the United States Patent and Trademark Office duly issued United States Patent No. 5,837,311, entitled "Industrial Processing of Tomatoes and Product Thereof," incorporated herein by reference and attached hereto as Exhibit B ("the '311 Patent"), to inventors Morris Zelkha, Mordechai Ben-Yehuda, Dov Hartal, Yigal Raveh, and Hissim Garti. Lycored Israel has been assigned all right, title, and interest in the '311 Patent.

26. Lycored U.S. is an exclusive licensee of the '311 Patent in the United States. As exclusive licensee of the '311 Patent, Lycored U.S. has the exclusive right to make, use, and sell products according to, and to practice the methods claimed in, the '311 Patent. Lycored U.S. also holds the right to sue for infringement of the '311 Patent in the United States.

27. Upon information and belief, Defendants have infringed the '311 Patent by making, using, selling, offering for sale, and/or importing in or into the United States tomato lycopene products, including tomato lycopene beadlets, tomato lycopene oil, and tomato lycopene cold water dispersible powder. Upon information and belief, Defendants have also induced, and contributed to, the infringement of the '311 Patent by those who have used, sold, or offered to sell lycopene-containing products in an infringing manner in the United States.

28. These infringing activities, as alleged above, have not been authorized in any manner by Lycored, nor have the Defendants ever been authorized or otherwise granted the

right to manufacture, offer for sale, sell, or otherwise distribute products made according to the '311 Patent.

29. Upon information and belief, Defendants' infringement of the '311 Patent has been willful and deliberate.

30. Upon information and belief, Defendants will continue to infringe upon the '311 Patent to the irreparable damage of Lycored, unless enjoined by the Court. Lycored has no adequate remedy at law.

THIRD CLAIM FOR RELIEF
Patent Infringement: '183 Patent

31. Plaintiffs incorporate by reference the allegations of paragraphs 1 through 30, inclusive, as if fully repeated herein.

32. On October 12, 1999, the United States Patent and Trademark Office duly issued United States Patent No. 5,965,183, entitled "Stable Lycopene Concentrates and Process for Their Preparation," incorporated herein by reference and attached hereto as Exhibit C ("the '183 Patent"), to inventors Dov Hartal, Yigal Raveh, and Abraham Wolf. Lycored Israel has been assigned all right, title, and interest in the '183 Patent.

33. Lycored U.S. is an exclusive licensee of the '183 Patent in the United States. As exclusive licensee of the '183 Patent, Lycored U.S. has the exclusive right to make, use, and sell products according to, and to practice the methods claimed in, the '183 Patent. Lycored U.S. also holds the right to sue for infringement of the '183 Patent in the United States.

34. Upon information and belief, Defendants have infringed the '183 Patent by making, using, selling, offering for sale, and/or importing in or into the United States tomato lycopene products, including tomato lycopene beadlets and tomato lycopene cold water dispersible powder. Upon information and belief, Defendants have also induced, and

contributed to, the infringement of the '183 Patent by those who have used, sold, or offered to sell lycopene-containing products in an infringing manner in the United States.

35. These infringing activities, as alleged above, have not been authorized in any manner by Lycored, nor have the Defendants ever been authorized or otherwise granted the right to manufacture, offer for sale, sell, or otherwise distribute products made according to the '183 Patent.

36. Upon information and belief, Defendants' infringement of the '183 Patent has been willful and deliberate.

37. Upon information and belief, Defendants will continue to infringe upon the '183 Patent to the irreparable damage of Lycored, unless enjoined by the Court. Lycored has no adequate remedy at law.

WHEREAS, Plaintiffs request that this Court grant judgment in their favor, and award them the following relief:

- A. A declaration that Defendants' acts and conduct infringe the '018, '311, and '183 Patents and the exclusive rights in said patents held by the Plaintiffs;
- B. A declaration that such infringements are willful;
- C. An injunction which:
 - i. enjoins the Defendants, their officers, agents, employees, privies, subsidiaries, successors, and assigns, and all holding by, through, or under them, and all those acting for them or on their behalf, from infringing upon the '018, '311, and '183 Patents; and
 - ii. requires the Defendants, their directors, officers, agents, employees, representatives, and all other persons in active participation with them, to

recall from all distributors, wholesalers, retailers, and all others known to Defendants, all products which infringe upon the '018, '311, and '183 Patents, and requires Defendants to file with this Court and to serve upon the Plaintiffs, within thirty (30) days after service of the Court's Order as herein prayed, a report in writing under oath setting forth in detail the manner and form in which Defendants have complied with the Court's order;

D. An accounting to Plaintiffs for all revenues and/or profits realized by Defendants and any subsidiary of Defendants;

E. Pursuant to 35 U.S.C. § 284, an award of the Plaintiffs' damages adequate to compensate for the infringement, but in no event less than a reasonable royalty, together with interest and costs, taking account of Plaintiffs' actual damages and Defendants' revenues and/or profits as a result of the infringement;

F. Pursuant to 35 U.S.C. § 284, an order that any award of damages be trebled;

G. Pursuant to 35 U.S.C. § 285, a finding that this case is exceptional and an award of the Plaintiffs' reasonable attorney fees as the prevailing party; and

H. Such other and further relief as the equity of the case may require and as this Court may deem just and proper, together with costs and disbursements of this action, including attorney fees.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38(b), Plaintiffs hereby demand a trial by a jury on all issues so triable, and respectfully request an early trial date.

Respectfully submitted,

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Lycored Corp. and Lycored Ltd.

Dated: March 19, 2012

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CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2

The undersigned hereby certifies, pursuant to Local Civil Rule 11.2, that with respect to the matter in controversy herein, neither plaintiffs nor plaintiffs' attorney are aware of any other action pending in any court, or of any pending arbitration or administrative proceeding, to which this matter is subject.

Dated: March 19, 2012

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