

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MANNATECH, INC.

Plaintiff,

v.

**RBC LIFE SCIENCES, INC. and
RBC LIFE SCIENCES USA, INC.**

Defendants.

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CASE NO. 3:15-cv-____ - _

COMPLAINT

Plaintiff, Mannatech, Inc. (“Mannatech”) files this Complaint and alleges as follows:

THE PARTIES

1. Plaintiff, Mannatech, is a corporation organized and existing under the laws of the State of Texas with its principal place of business at 600 S. Royal Lane, Suite 200, Coppell, Texas 75019.

2. Defendant, RBC Life Sciences, Inc. (“RBC”) is a corporation organized and existing under the laws of the State of Nevada with its principal place of business at 2301 Crown Court, Irving, Dallas County, Texas, 75038. Defendant RBC’s registered agent in the State of Texas is CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201.

3. Defendant, RBC Life Sciences USA, Inc. (“RBC USA”) is a corporation organized and existing under the laws of the State of Texas with its principal place of business at 2301 Crown Court, Irving, Dallas County, Texas, 75038. Defendant RBC USA’s registered agent in the State of Texas is Clinton H. Howard, 2301 Crown Court, Irving, Dallas County, Texas, 75038.

JURISDICTION AND VENUE

4. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338 because this is an action for patent infringement arising under the Patent Act, 35 U.S.C. § 1 *et seq.*

5. This court has personal jurisdiction over the Defendant RBC because it has its principal place of business in the State of Texas, and has continuous and systematic contacts with the State of Texas.

6. This court has personal jurisdiction over the Defendant RBC USA because it is incorporated in the State of Texas, has its principal place of business in the State of Texas, and has continuous and systematic contacts with the State of Texas.

7. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because both RBC and RBC USA (collectively “Defendants”) reside in this district. Venue is also proper pursuant to 28 U.S.C. § 1400(b) because Defendants have committed acts of patent infringement in this district by making, offering for sale and/or selling a dietary supplement product that is covered by one or more claims of United States Patent No. 7,157,431 and United States Patent No. 7,202,220.

THE PATENTS -IN-SUIT

8. On January 2, 2007, United States Patent No. 7,157,431 (the “‘431 Patent”), entitled “Compositions of Plant Carbohydrates as Dietary Supplements” was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the ‘431 patent is attached hereto as Exhibit A and incorporated herein by reference. Mannatech is the original assignee of the ‘431 Patent, and has owned the patent since it issued.

9. On April 10, 2007, United States Patent No. 7,202,220 (the “‘220 Patent”), also

entitled “Compositions of Plant Carbohydrates as Dietary Supplements” was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the ‘220 patent is attached hereto as Exhibit B and incorporated herein by reference. Mannatech is the original assignee of the ‘220 Patent, and has owned the patent since it issued.

10. Mannatech has not licensed the ‘431 patent or the ‘220 patent to Defendants, or otherwise authorized Defendants and/or their affiliates to make, use, offer for sale, or sell products that embody the inventions claimed in ‘431 and ‘220 patents.

11. Mannatech has complied with statutory requirements of 35 U.S.C. § 287 by placing the patent number for the ‘431 and ‘220 patents on the packaging of dietary supplements that it manufactures and sells.

DEFENDANTS’ ACTS

12. Defendants offer for sale and sell dietary supplements in the United States under the trademarks Vitaloe® and Immune 360®.

13. Vitaloe® and Immune 360® are covered by one or more claims of the ‘431 patent and the ‘220 patent.

14. Upon information and belief, Defendants actively encourage a network of “Associates” to offer for sale and sell Vitaloe® and Immune 360®.

15. Upon information and belief, Defendants encourage consumers to use Vitaloe® and Immune 360® by providing them with information concerning the benefits of using the Vitaloe® and Immune 360® as dietary supplements.

16. In 2014, Mannatech sent a letter to Defendants’ Chief Executive Officer, Clinton Howard, requesting that Defendants cease and desist infringement of Mannatech’s patents, including the ‘431 patent and the ‘220 patent.

17. Defendants did not cease and desist their acts of infringement as requested by Mannatech.

COUNT I - INFRINGEMENT OF U.S. PATENT NO. 7,157,431

18. Plaintiff repeats and realleges the allegations of paragraphs 1 through 17 as if fully set forth herein.

19. Defendants have infringed and are still infringing the '431 patent, literally or under the doctrine of equivalents, by making, using, offering to sell, and/or selling dietary supplements that embody the patented invention and Defendants will continue to do so unless enjoined by this Court.

20. Defendants have induced and are still inducing others to infringe the '431 patent, literally or under the doctrine of equivalents by encouraging and assisting others in making, using, offering for sale and/or selling dietary supplements that embody the patented invention and Defendants will continue to do so unless enjoined by this Court.

21. Defendants' acts of infringement have been without express or implied license by Plaintiff and are in violation of Plaintiff's rights.

22. As a result of Defendants' acts of infringement, Plaintiff has suffered and will continue to suffer damages in an amount to be proved at trial, and is entitled to injunctive relief prohibiting further acts of infringement.

23. Defendants' acts of past infringement and/or continuing infringement have been deliberate and willful. As such, this is an exceptional case which warrants an award of increased damages and reasonable attorneys' fees.

COUNT II - INFRINGEMENT OF U.S. PATENT NO. 7,202,220

24. Plaintiff repeats and realleges the allegations of paragraphs 1 through 23 as if fully set forth herein.

25. Defendants have infringed and are still infringing the '220 patent, literally or under the doctrine of equivalents, by making, using, offering to sell, and/or selling dietary supplements that embody the patented invention and Defendants will continue to do so unless enjoined by this Court.

26. Defendants have induced and are still inducing others to infringe the '220 patent, literally or under the doctrine of equivalents by encouraging and assisting others in making, using, offering for sale and/or selling dietary supplements that embody the patented invention and Defendants will continue to do so unless enjoined by this Court.

27. Defendants' acts of infringement have been without express or implied license by Plaintiff and are in violation of Plaintiff's rights.

28. As a result of Defendants' acts of infringement, Plaintiff has suffered and will continue to suffer damages in an amount to be proved at trial, and is entitled to injunctive relief prohibiting further acts of infringement.

29. Defendants' acts of past infringement and/or continuing infringement have been deliberate and willful. As such, this is an exceptional case which warrants an award of increased damages and reasonable attorneys' fees.

JURY DEMAND

Mannatech hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Mannatech requests that this Court enter judgment against Defendants as follows:

- A. Enjoining Defendants from continuing to infringement of the '431 patent and the '220 patent;
- B. an award of damages adequate to compensate Mannatech for Defendants' past infringement of the '431 patent and the '220 patent;
- C. an award of increased damages for Defendants' infringement of the '431 patent and the '220 patent;
- D. a declaration that this case is exceptional under 35 U.S.C. § 285, and an award of reasonable attorneys' fees;
- E. an award of interest and costs; and

such other and further relief at law or in equity as the Court deems just and proper.

Dated: April 28, 2015

Respectfully Submitted,

/s/ Eric W. Pinker

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