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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

10 PURE PROACTIVE HEALTH, INC.,
11 a Delaware corporation,

12 Plaintiff,

13 vs.

14 BETR REMEDIES, LLC, a Delaware
limited liability company, COUNTRY
MILE, LLC, a Delaware limited
15 liability company, GREEN PARK
BRANDS, LP, a Delaware limited
16 partnership, GREEN PARK BRANDS
GP, LLC, a Delaware limited liability
17 company, GREEN PARK
HOLDINGS, LLC, a Delaware limited
18 liability company, LIVIO BISTERZO,
JENNIFER SIMONE HOFFMAN,
19 ELLEN POMPEO, and DOES 1-10

20 Defendants.

Case No. 2:22-cv-00651

COMPLAINT

1. **FEDERAL REGISTERED TRADEMARK INFRINGEMENT (15 U.S.C. § 1114)**
2. **FEDERAL FALSE DESIGNATION OF ORIGIN (15 U.S.C. § 1125(a))**
3. **CALIFORNIA COMMON LAW TRADEMARK INFRINGEMENT (Cal. Bus. & Prof. Code § 14200 et seq.)**
4. **UNFAIR COMPETITION AND UNFAIR BUSINESS PRACTICES (Cal. Bus. & Prof. Code § 17200 et seq.)**
5. **CANCELATION OF REGISTERED TRADEMARKS (15 U.S.C. § 1064(1) and (3))**
6. **CYBERSQUATTING UNDER 15 U.S.C. § 1125(d)**

AND DEMAND FOR JURY TRIAL

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1 Plaintiff Pure Proactive Health, Inc., by and through its attorneys, files this
2 Complaint (“Complaint”) against Defendants Betr Remedies, LLC, Country Mile,
3 LLC, Green Park Brands, LP, Green Park Brands GP, LLC, Green Park Holdings,
4 LLC, Livio Bisterzo, Jennifer Simone Hoffman, Ellen Pompeo, and DOES 1-10,
5 individually and collectively, alleging as follows:

6 **PARTIES**

7 1. Plaintiff Pure Proactive Health, Inc., a Delaware corporation, is
8 engaged in the business of developing and selling various health and nutritional
9 supplements and providing wholistic wellness and chronic disease management
10 programs, doing business as “Betr Health” also known as “Betr” (hereinafter
11 “Plaintiff” or “Betr Health”), having its principal place of business at 1 Glenwood
12 Avenue #5, Raleigh, NC 27603.

13 2. Defendant Betr Remedies, LLC (“BR”), a Delaware limited liability
14 company, having a principal place of business at 1601 Colorado Avenue, Santa
15 Monica, CA 90404, is also engaged in the manufacture, distribution and sale of
16 various health and nutritional supplements and medications. BR is formerly known
17 as Live Betr, LLC.

18 3. Defendant Country Mile, LLC (“Country Mile”) is a Delaware limited
19 liability company having a principal place of business at 348 Sterling Road,
20 Kenilworth, IL 60043. Country Mile is a member of Defendant BR.

21 4. Defendant Green Park Brands, LP (“Green Park Brands”) is a Delaware
22 limited partnership, having a principal place of business at 1601 Colorado Avenue,
23 Santa Monica, CA 90404, and is the holding company for BR.

24 5. Defendant Green Park Brands GP, LLC (“GPB”) is a Delaware limited
25 liability company, having a principal place of business at 1601 Colorado Avenue,
26 Santa Monica, CA 90404.

1 6. Defendant Green Park Holdings, LLC (“GPH”) is a Delaware limited
2 liability company, having a principal place of business at 2804 Gateway Oaks Drive,
3 Suite 100, Sacramento CA 95833.

4 7. On information and belief, Defendant Livio Bisterzo (“Mr. Bisterzo”)
5 is an individual domiciled in Santa Monica, California, and is the COO and Co-
6 Founder of BR. On information and belief, Mr. Bisterzo was formerly also the CEO
7 of BR, has been one of the primary active participants in the allegations herein and
8 is a guiding spirit of, central figure in, and moving, conscious force of the Defendant
9 BR (hereinafter, for efficiency, “moving, conscious force”).

10 8. On information and belief, Defendant Jennifer Simone Hoffman (“Ms.
11 Hoffman”) is an individual domiciled in New York, and is the President and Co-
12 Founder of BR. On information and belief, Ms. Hoffman has been one of the primary
13 active participants in the allegations herein and is a moving, conscious force of the
14 Defendant BR as further described herein.

15 9. On information and belief, Defendant Ellen Pompeo (“Ms. Pompeo”)
16 is an individual domiciled in Los Angeles, California, is a Co-Founder of BR, and
17 is the Chief Impact Officer of BR. Ms. Pompeo is well known for her role as a doctor
18 in the hit television series, Grey’s Anatomy. On information and belief, Ms. Pompeo
19 has been one of the primary active participants in the allegations herein and is a
20 moving, conscious force of the Defendant BR as further described herein.

21 10. Does 1-10 are persons or entities responsible, in whole or in part, for
22 the wrongdoing alleged herein (“Doe Defendants”). Plaintiff is informed and
23 believes, and based thereon, alleges that each of the Doe Defendants participated in,
24 assisted, endorsed, or was otherwise involved in the acts complained hereof, and that
25 they have liability for such acts. Plaintiff will amend this Complaint if and when
26 the identities of such persons or entities, and the details of their involvement
27 becomes known.
28

1 11. Defendants BR, Country Mile, Green Park Brands, GPB, GPH, Mr.
2 Bisterzo, Ms. Hoffman, and Ms. Pompeo are collectively referred to as the
3 “Defendants.” Individual defendants may be referred to herein as “Defendant.”

4 JURISDICTION AND VENUE

5 12. This court has subject matter jurisdiction under 15 U.S.C. § 1121(a),
6 15 U.S.C. § 1125(d), 28 U.S.C. §§ 1331, 1338(a), 1338(b), and 1367(a), in that this
7 action arises under Acts of Congress relating to federal trademarks and federal
8 false designation of origin, cybersquatting under the federal trademark and anti-
9 cybersquatting laws, and the claims for California common law trademark
10 infringement, unfair competition under California state law are joined with
11 substantial and related claims brought under the federal trademark laws, and the
12 federal and state law claims arise from a common nucleus of operative facts. This
13 Court has supplemental jurisdiction over related state law claims pursuant to 28
14 U.S.C. § 1367(a) because these claims form part of the same case or controversy.
15 Subject matter jurisdiction is also proper as to Country Mile, Green Park Brands,
16 GPB, GPH, Mr. Bisterzo, Ms. Hoffman and Ms. Pompeo in that the court would
17 have supplemental jurisdiction as they are necessary parties to the action and the
18 claims are so related to the claims in the action with such original jurisdiction that
19 they form part of the same case or controversy under Article III of the United
20 States Constitution pursuant to 28 U.S.C. § 1367.

21 13. This Court has personal jurisdiction over Defendant BR, Defendant
22 Green Park Brands, and Defendant GPB because each of them has a principal
23 place of business in this District. This Court also has personal jurisdiction over Mr.
24 Bisterzo and Ms. Pompeo because they are domiciled in this District.

25 14. This Court also has personal jurisdiction over all Defendants because
26 Defendants have conducted systematic and continuous business within California,
27 including this District, and because they have directed their unlawful business
28 activities towards California, including this District, and have caused injury to the

1 Plaintiff within California, including this District. Defendants are also subject to
2 personal jurisdiction in this Court because, inter alia, and upon information and
3 belief, Defendants directly and through agents regularly solicit and transact
4 business in this District and elsewhere in the state of California. In particular,
5 Defendants have committed and continue to commit the unlawful acts set forth in
6 this Complaint in the State of California, including in this District. Defendants'
7 acts have caused injury to Plaintiff in the State of California, including in this
8 District.

9 15. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c) in
10 that a substantial part of the events giving rise to the claim occurred in this district
11 and that Defendants are subject to the court's subject matter and/or personal
12 jurisdiction with respect to this action as indicated in the preceding paragraphs.

13 **FACTUAL BACKGROUND REGARDING PLAINTIFF**

14 16. Betr Health was founded by Dr. William Ferro, a doctor of
15 chiropractic who, in addition to his chiropractic work, specializes in the business
16 of nutrition, holistic remedies, personal coaching and stress management solutions.

17 17. Betr Health was originally launched as Pure Proactive Health in 2011,
18 and rebranded to Betr Health in 2015. Betr Health began applying for federal
19 trademark protection for the mark BETR and variations thereof shortly thereafter.

20 18. Since at least as early as February 5, 2016, Plaintiff has used the
21 trademark BETR in U.S. commerce in connection with its proprietary daily health
22 and wellness supplements, some of which are medical grade health supplements,
23 and these products have been marketed continuously in commerce throughout the
24 United States.

25 19. Plaintiff has also offered chronic disease management and wellness
26 coaching software and programs concurrently with its health supplements since at
27 least 2016.
28

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