

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

PHARMAZAM, LLC., a Florida  
limited liability company,

CASE NO:

Plaintiffs,

v.

THERMO FISHER SCIENTIFIC, INC.  
d/b/a LIFE TECHNOLOGIES CORPORATION,  
a foreign profit corporation,

Defendant.

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**COMPLAINT**

Plaintiff Pharmazam, LLC (“Pharmazam”), sues Defendant Thermo Fisher Scientific, Inc. d/b/a Life Technologies Corporation, (“Thermo Fisher”), collectively referred to as (“the Parties”), stating:

**Preliminary Statement**

Pharmazam was formed to provide genetic testing services to enable consumers and various medical professionals to better determine the most beneficial course(s) of treatment for a particular patient. Its proprietary app informs consumers of potential drug-to-drug and drug-to-gene interactions, providing valuable

information that doctors can use to tailor treatment to a particular patient's needs. As part of its business, Pharmazam regularly enters into non-disclosure and confidentiality agreements with its vendors, business partners, and affiliates in order to protect its valuable proprietary and confidential business information. Thermo Fisher was one of those vendors, and entered into a Mutual Non-Disclosure Agreement with Pharmazam. Pharmazam ultimately elected not to engage Thermo Fisher to provide testing.

After entering into that agreement, and unbeknownst to Pharmazam, Thermo Fisher entered into a business relationship with another company, Unlock MyDNA, which purports to conduct substantially identical genetic tests and provide services to consumers that are substantially identical to those provided by Pharmazam. As part of that relationship, on May 14, 2020, Thermo Fisher published a report titled "Pharmacogenomics on Axiom Precision Medicine Diversity Array Results from Unlock MyDNA Validation Testing," which included various proprietary information. However, substantially all of the data in that report is in fact *Pharmazam's* confidential and proprietary business information, and a significant portion of the data contained in that report is *actually identified as Pharmazam's data*.

Pharmazam's confidential information and trade secrets were obtained by Thermo Fisher in one of two possible ways: (1) Thermo Fisher obtained

Pharmazam's information pursuant to the NDA executed in 2017, whereas, Thermo Fisher's use and disclosure of such information is a breach of the aforementioned NDA; or (2) Thermo Fisher obtained Pharmazam's information from its joint venture partner, Unlock myDNA, at which Thermo Fisher is liable for use and disclosure of Pharmazam's information if Thermo Fisher obtained this information from Unlock myDNA. Regardless of how it obtained that information, though, Thermo Fisher knew or should have known that the data it was publishing was the confidential and proprietary business information of Pharmazam, and published it anyway.

As a result of Thermo Fisher's actions, not only has Pharmazam's trade secret information been misappropriated, it has been published to the world without Pharmazam's knowledge or consent. As a result of these breaches of the Non-Disclosure Agreement and misappropriation of Pharmazam's confidential and proprietary business information, Pharmazam has suffered significant damage.

### **Parties and Jurisdiction**

1. This Court has subject matter jurisdiction under 18 U.S.C. § 1831, the Uniform Trade Act, 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338 because this action involves substantial claims arising under the Lanham Act.
2. This Court has jurisdiction over Pharmazam's related state and common-law claims pursuant to 28 U.S.C. §§ 1338 and 1367.

3. This Court has personal jurisdiction over Thermo Fisher because Thermo Fisher has distributed, offered for sale, and/or sold genetic testing services within this State, has engaged in acts or omissions within this State causing injury, has manufactured or distributed products used or consumed within this State in the ordinary course of trade, or has otherwise made contacts with this State sufficient to permit the exercise of personal jurisdiction.

4. This District is a proper venue pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the acts or omissions giving rise to Pharmazam's claims occurred in this District.

5. Plaintiff Pharmazam, LLC is a Florida limited liability company with its principal place of business in the State of Florida, having its principal place of business in Hillsborough County, Florida.

6. Pharmazam is the record owner of the "Pharmazam" name and all trademarks at issue in the instant action.

7. On information and belief, Defendant Thermo Fisher is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business in Massachusetts, and conducting business routinely throughout the State of Florida.

**General Allegations**

8. Pharmazam, through long and extensive research and development, and the expenditure of a considerable amount of time and effort and large sums of money, has developed a substantial number of commercially valuable trade secrets and amount of confidential, proprietary, scientific, technical, and business information concerning the research, development, formulation, processing, production, and marketing of genetic testing services, enabling consumers and various medical professionals to better determine the most beneficial course(s) of treatment for a particular patient.

9. Pharmazam has used this information to generate various written materials, drawings, processes, procedures, equipment, lists of suppliers and customers, and the like, and that information constitutes a valuable commercial asset for Plaintiffs.

10. Pharmazam has taken reasonable steps to keep its confidential and proprietary business information secret, including but not limited to:

- a. restricting access to that information to employees who have a need to know it;
- b. maintaining that information on password-protected databases;

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