

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

NUTRADOSE LABS, LLC, a Florida
limited liability company

Plaintiff,

vs.

Case No.:

BIO DOSE PHARMA, LLC, a Florida limited
liability company, and RAIMUNDO
SANTAMARTA, an individual

Defendants.

COMPLAINT

Nutrados Labs, LLC (“Nutrados”) sues Defendants Bio Dose Pharma, LLC (“Bio Dose”) and Raimundo Santamarta (collectively with Bio Dose, the “Defendants”) and alleges as follows:

NATURE OF THE ACTION

1. This is an action for trademark infringement, conversion, and deceptive and unfair practices arising from Defendants’ unauthorized use of Nutrados’s federally registered trademark rights in the name and trademark **GLUTADOSE** (the “GLUTADOSE Mark”) and unauthorized use of Nutrados’s social media accounts and internet profiles.

2. Nutrados has been damaged as a result of Defendants’ unauthorized and unlawful use of the GLUTADOSE Mark and Nutrados seeks damages and to enjoin Defendants’ infringement.

THE PARTIES

3. Nutrados is a limited liability company organized under the laws of the State of Florida with its principal place of business in Miami-Dade County, Florida.

4. Bio Dose is a limited liability company organized under the laws of the State of Florida with, on information and belief, its principal place of business in Broward County, Florida.

5. Mr. Santamarta is an individual who resides in Broward County, Florida, and is the controlling equity owner and manager of Bio Dose.

JURISDICTION AND VENUE

6. Pursuant to 15 U.S.C. § 1121(a) and 28 U.S.C. §§ 1331 and 1338, this Court has original subject matter jurisdiction of Nutradose's claims for unlawful use of the GLUTADOSE Mark under 15 U.S.C. § 1125.

7. Pursuant to 28 U.S.C. § 1367, this Court has supplemental jurisdiction over Nutradose's state law claims, which arise from a common nucleus of operative facts to the federal trademark claims.

8. This Court has personal jurisdiction over the Defendants because Bio Dose is a Florida limited liability company with its principal place of business in Florida and because Mr. Santamarta is domiciled in Florida and conducts business in Florida.

9. Pursuant to 28 U.S.C. § 1391(b), venue is proper in this District because Defendants reside and do business in this District and because a substantial part of the events or omissions giving rise to the claims occurred in this District.

FACTUAL BACKGROUND

Registration of the GLUTADOSE Mark and the Bankruptcy Sale

10. Unipharma, LLC n/k/a UP Window LLC, ("Unipharma") was a pharmaceutical development and manufacturing company established around 2013.

11. In 2019, Unipharma began manufacturing a line of dietary supplement (the “GLUTADOSE Products”) under the GLUTADOSE Mark. Mr. Santamarta was the controlling equity owner and manager of Unipharma.

12. On December 24, 2019, Unipharma registered the GLUTADOSE Mark with the United States Patent and Trademark Office. **Exhibit A.**

13. On December 7, 2020, Unipharma filed for Chapter 11 bankruptcy, *In re UP Winddown LLC*, 20-23348-PDR (Bankr. S.D. Fla. 2020), which was jointly administered with the bankruptcy of a related entity, *In re TAM Winddown LLC*, 20-23346-PDR (Bankr. S.D. Fla. 2020), (the jointly-administered bankruptcies hereinafter collectively referred to as the “Bankruptcy”).

14. Defendants were both listed as creditors and participated in the Bankruptcy.

15. On January 29, 2021, the Bankruptcy Court approved the sale of certain assets of Unipharma to NHTV (AIV) ULM BIDCO LLC (the “Bankruptcy Sale”), and Defendants did not object to the Bankruptcy Sale. **Exhibit B.**

16. Through the Bankruptcy Sale, NHTV (AIV) ULM BIDCO LLC n/k/a New Vision Pharmaceuticals, LLC (“New Vision”) acquired, among other things, all rights in the intellectual property of Unipharma, which included the GLUTADOSE Products, the GLUTADOSE Mark, and all related intellectual property of Unipharma, including, but not limited to, internet domains and social media accounts and profiles connected with the GLUTADOSE Products and the GLUTADOSE Mark. *See Exhibit B* at 17; § 2.1.

17. Furthermore, through the Bankruptcy Sale, which neither Defendant objected to, Defendants lost any rights that they may have had to use the GLUTADOSE Mark and to sell GLUTADOSE Products: “Prior to Closing, the [Unipharma] shall . . . terminate all prior

arrangements or agreements, whether oral or in writing, between [Unipharma] and Bio Dose Pharma, LLC” *Id.* at 53; § 6.12.

18. The termination of all prior agreements between Unipharma and Bio Dose was in recognition that Mr. Santamarta was the controlling equity owner and manager of Unipharma and Bio Dose and that any such agreements between such entities were self-serving agreements essentially between Mr. Santamarta and himself.

19. On June 14, 2021, a trademark assignment from Unipharma to New Vision of the GLUTADOSE Mark was registered with the United States Patent and Trademark Office. **Exhibit C.**

The New Vision Lawsuit

20. On September 9, 2021, New Vision filed suit against Bio Dose and Mr. Santamarta, along with two other defendants, for cybersquatting. *New Vision Pharmaceuticals, LLC v. Bio Dose Pharma LLC, et. al.*, 21-cv-61903-AHS (S.D. Fla. 2021) (the “New Vision Lawsuit”).

21. The New Vision Lawsuit alleged that despite the Bankruptcy Sale, Defendants had transferred control of the www.glutadose.com domain name from Unipharma to Bio Dose and that despite the Bankruptcy Sale wherein Defendants sold and relinquished all intellectual property of Unipharma, Defendants had refused to transfer control of the domain name to New Vision.

22. As part of this refusal to hand over what was properly New Vision’s, Defendants’ counsel in the New Vision Lawsuit wrote “I just heard back from my client and they have informed me that the domain name expires in October 2021. Rather than transfer it, they will merely let it expire.” New Vision Lawsuit Compl. ¶ 33; Ex. H.

23. In other words, Defendants were adamant in obtaining as much financial gain as possible, for as long as possible, from their improper and unauthorized use of New Visions domain name, despite and in direct contravention of the Bankruptcy Sale.

24. On October 19, 2021, apparently after the domain name had expired, New Vision and Defendants entered a Stipulated Voluntary Dismissal without prejudice of the New Vision Lawsuit.

Nutradoses Purchases GLUTADOSE and Defendants' Infringement

25. On December 17, 2021, Nutradoses purchased from New Vision, among other things, the rights to the GLUTADOSE Products and the GLUTADOSE Mark, including internet domains and social media accounts and profiles connected to the same.

26. A trademark assignment was filed with the United States Patent and Trademark Office and Nutradoses is currently reflected as the owner of the GLUTADOSE Mark. **Exhibit A.**

27. Unbeknownst to Nutradoses at the time of the purchase, Defendants continued, and continue to this date, to violate the Bankruptcy Sale by improperly infringing on the GLUTADOSE Mark by:

- a. Maintaining the GLUTADOSE Mark in multiple foreign jurisdictions, including, Mexico and the Dominican Republic, under Defendants' names;
- b. Registering the GLUTADOSE Mark in the European Union under Defendants' name;
- c. Continuing to utilize (and refusing to hand over) the Amazon Brand Registry on Amazon.com¹;

¹ As of the date of filing this Complaint, Nutradoses is working with Amazon.com through its internal procedures to obtain control of the Amazon Brand Registry but has not yet obtained control. Nutradoses reserves the right to amend this Complaint should it successfully obtain the Amazon Brand Registry prior to final adjudication of this action.

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