

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|--------------------------------------|---|--|
| ALEXIAN BROTHERS-AHS MIDWEST |) | |
| REGION HEALTH CO., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| AMITA LABORATORY, WORLDWIDE |) | |
| TRAVEL USA, INC., and ANOOP MAMTANI, |) | |
| |) | |
| Defendants. |) | |
| |) | |

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Alexian Brothers-AHS Midwest Region Health Co. d/b/a AMITA Health (“AMITA Health” or “Plaintiff”) brings the present action against Defendant Amita Laboratory (“Amita Laboratory”), Defendant Worldwide Travel USA, Inc. (“Worldwide Travel”), and Defendant Anoop Mamtani (“Anoop Mamtani”), collectively referred to herein as “Defendants”, and alleges as follows:

NATURE OF THE ACTION

1. This is a civil action for (i) federal trademark infringement (15 U.S.C. §1114) ; (ii) common law trademark infringement; (iii) unfair competition and false designation of origin (15 U.S.C. §1125(a), (iv) cybersquatting (15 U.S.C. 1125(d)); and (v) unfair deceptive trade practices (815 ILCS §510, et seq.) arising from Defendants’ unauthorized use of AMITA Health’s federally registered AMITA trademark to offer healthcare services, including COVID testing, to consumers.

2. Despite AMITA Health’s longstanding use of its AMITA trademark and other trademarks containing the term AMITA in connection with healthcare and related services

provided to customers in Illinois, Defendants adopted and are using the identical mark AMITA on signs, websites, advertisements and social media in for Defendants' COVID testing services.

3. Defendants' use of AMITA will inevitably deceive consumers into believing that Defendants' services are somehow affiliated with, originate from or are authorized by AMITA Health. The confusion caused by Defendants' use of the AMITA mark will continue to damage the goodwill and reputation of the AMITA mark. Furthermore, due to the critical nature of healthcare services, any negative event associated with Defendants' use of the AMITA mark—including testing errors, breach of privacy or merely poor customer service—would severely damage Plaintiff's reputation and cause immeasurable harm.

THE PARTIES

4. Plaintiff Alexian Brothers-AHS Midwest Region Health Co. is a Not-For-Profit Corporation organized under the laws of the State of Illinois with its principal place of business located at 2601 Navistar Drive, Building 3, Floor 3, Lisle, Illinois 60532.

5. On information and belief, Defendant Amita Laboratory is a corporation organized under the laws of the State of Illinois, with a place of business at 1300 E. Irving Park Road, Streamwood, Illinois 60107 ("Streamwood Location"). A true and correct copy of a December 9, 2021 Page Vault Capture of the Corporation File Detail Report for Being Human Medical Inc., having the Assumed Name of Amita Laboratory according to the Illinois Secretary of State, is attached hereto as **Exhibit 1**.

6. On information and belief, Defendant Amita Laboratory operates an additional place of business at 6027-6029 North Cicero Avenue, Chicago, Illinois 60646 ("Chicago Location").

7. On information and belief, Defendant Worldwide Travel USA, Inc. is a corporation organized under the laws of the State of Illinois. A true and correct copy of a December 9, 2021 Page Vault Capture of the Corporation File Detail Report for Worldwide Travel USA, Inc. according to the Illinois Secretary of State is attached hereto as **Exhibit 2**.

8. On information and belief, Defendant Anoop Mamtani is a resident of the state of Illinois and this judicial district, with an address of 5252 Pratt Avenue, Skokie, Illinois 60077. *See Exhibit 1, Exhibit 2.*

JURISDICTION AND VENUE

9. This Court has original subject matter jurisdiction over the claims in this action pursuant to the provisions of the Lanham Act, 15 U.S.C. § 1051, et seq., 28 U.S.C. § 1338(a)-(b) and 28 U.S.C. § 1331. This Court has jurisdiction over the claims in this action that arise under the laws of the State of Illinois pursuant to 28 U.S.C. § 1367(a), because the state law claims are so related to the federal claims that they form part of the same case or controversy and derive from a common nucleus of operative facts.

10. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, and this Court may properly exercise personal jurisdiction over the Defendants by virtue of Defendants' incorporation or residence in the state of Illinois, in this judicial district.

11. This Court may additionally exercise personal jurisdiction over the Defendants, as Defendants directly target business activities toward consumers in Illinois through at least the two brick-and-mortar stores identified in paragraphs 2 and 3 above, as well as the interactive webpage operating under the infringing domain "amitalaboratory.com" ("Infringing Domain"). A true and correct copy of a December 9, 2021 Page Vault Capture of the home page of the Infringing Domain is attached hereto as **Exhibit 3**.

FACTUAL BACKGROUND AND COMMON ALLEGATIONS

12. AMITA Health, a not-for-profit organization, represents one of the largest hospital systems in Illinois, formed from three faith-based health systems; Adventist Midwest Health, Alexian Brothers Health System, and Presence Health.

13. Within the Chicagoland area AMITA Health, in connection with the AMITA Trademarks, operates fifteen acute care hospitals and four specialty hospitals devoted to behavioral health, long-term care, physical rehabilitation and women and children's needs.

14. AMITA Health, in connection with the AMITA Trademarks, provides continuing education for medical professionals, along with training in behavioral health and paramedic fields, as well as physician residency programs and fellowships.

15. In connection with the AMITA Trademarks, AMITA Health's hospitals and providers provide medical treatment and laboratory services across dozens of practice areas, including but not limited to treatment of Alzheimer's disease, eating disorders, autism spectrum disorders, cancers, cardiovascular diseases, gastrointestinal disorders, tremors, neurological disorders, workplace and athletic injuries, strokes, and more.

16. AMITA Health is dedicated to providing access to laboratory testing in connection with the AMITA Trademarks for patients of all ages at convenient hospital and outpatient locations throughout the greater Chicagoland area.

17. AMITA Health, in connection with the AMITA Trademarks, provides medical interpreters for over twenty languages including American Sign Language, and offers in-person, telephone, and video health services to patients.

18. AMITA Health also works to identify and address community health needs, particularly those of the poor and marginalized, providing more than \$335 million in community benefits in fiscal year 2020.

19. AMITA Health and its individual hospitals have received several awards, including the Blue Cross BlueShield of Illinois Blue Distinction, a Five-Star Rating from the Centers for Medicare and Medicaid Services, a Quality Excellence Achievement Award in Behavioral Health from the Illinois Health and Hospital Association, and a Top Cardiologists recognition from Chicago Magazine.

20. Several AMITA Health Trademarks are registered with the United States Patent and Trademark Office, including at least the following marks (the “AMITA Health Trademarks”):

| Registration No. | Trademark | Goods and Services | Registration Date |
|------------------|--------------|---|-------------------|
| 4871948 | AMITA HEALTH | Providing physician referral services and appointment scheduling services in class 35; Health care services, namely, providing hospital, health care, mental health and medical services; providing home health care services and hospice services; providing physical rehabilitation services; providing skilled nursing facilities; hospitals; medical clinics; urgent medical care centers; health care services, namely, wellness programs; and nursing care in class 44. | December 15, 2015 |
| 4871949 | AMITA | Providing physician referral services and appointment scheduling services in class 35; Health care services, namely, providing hospital, health care, mental health and medical services; providing home health care services and hospice services; providing physical rehabilitation services; | December 15, 2015 |

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