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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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HP Ingredients Corp.	:	Civil Action No. 21-_____
Plaintiff	:	
	:	
vs	:	
	:	Electronically Filed
Sabinsa Corporation	:	
Defendant	:	COMPLAINT
-----	:	

OVERVIEW

1. This is a *Complaint* for trademark infringement, unfair competition and tortious interference with economic advantage.
2. Plaintiff sells herbal extracts. Plaintiff's products include PARACTIN® brand *Andrographis paniculata* standardized herbal extract.
3. Plaintiff has been using the PARACTIN® brand name for its *Andrographis* extract for sixteen years. Due to its long period of exclusive use of this trademark in commerce, Plaintiff has acquired the exclusive right to use this trademark under common law.
4. In addition to its common-law rights, The United States Patent & Trademark Office has registered PARACTIN® as a registered trademark. See Exhibit A. Plaintiff has used this trademark for so long that The

United States Patent & Trademark Office has declared the registration “incontestable.” See Exhibit B.

5. Earlier this year, Defendant began marketing its own *Andrographis paniculata* standardized herbal extract, calling it “PANICIN.”
6. The term “PANICIN,” however, is confusingly similar to PARACTIN®. Indeed, given the similarity of the parties’ products, and their identical intended end-uses, marketing channels and customers, one can virtually guarantee that buyers will conflate PANICIN and PARACTIN®. Indeed, one can infer that Defendant selected its confusingly-similar brand name specifically to deceive purchasers into thinking that Defendant’s product is PARACTIN®.
7. Defendant uses a confusingly-similar tradename. In addition, Defendant falsely advertises PANICIN as functionally equivalent to PARACTIN®.
8. Plaintiff respectfully asks the Court to enjoin Defendant from (a) using the term PANICIN in connection with *Andrographis* extract, and (b) advertising alleged health effects for its *Andrographis* extract without having first evaluated its product in clinical testing and obtained results that support the alleged benefits of Defendant’s product.

THE PARTIES

9. Plaintiff is an Illinois corporation with a place of business at 707 24th Ave. West, Bradenton, FL 34205.
10. Defendant is a New Jersey corporation with a place of business at 20 Lake Drive, East Windsor NJ 08520.¹

¹ Muhammed Majeed is an individual and the principal of Defendant. On information and belief, he is a resident of the State of New Jersey. This *Complaint* does not name him as a defendant in his personal capacity.

FACTUAL BACKGROUND

11. On August 2, 2004 Plaintiff applied to register the trademark PARACTIN™ for herbal supplements. See Exhibit A. At least as early as October 6, 2005 Plaintiff began using the PARACTIN™ trademark in conjunction with its *Andrographis paniculata* standardized herbal extract. *Id.* On Jan. 10, 2006, the United States Patent & Trademark Office awarded Plaintiff Federal trademark registration No. 3042863 for PARACTIN®. *Id.* Plaintiff continues to own Federal registration No. 3042863.
12. Plaintiff has been marketing PARACTIN® brand *Andrographis paniculata* standardized herbal extract for at least 16 years. Based on this long term, exclusive use, Plaintiff has under common law acquired the exclusive right to use this trademark. Similarly, based on Plaintiff's long tenure of use, on March 21, 2011 The United States Patent & Trademark Office declared Plaintiff's trademark registration "incontestable." See Exhibit B.
13. For at least 16 years, Plaintiff has invested heavily in patents, trademarks, marketing and clinical research to build consumer awareness for its PARACTIN® brand. For example, Plaintiff's United States patents on PARACTIN® and its uses include *Composition of Labdane Diterpenes Extracted From Andrographis paniculata, Useful for the Treatment of Autoimmune Diseases ...*, United States Letters Patent No. 8084495; *Combination Therapy With Interferon and Andrographolides for Multiple Sclerosis*, United States Letters Patent No. 9060994; *Andrographolide*

Plaintiff, however, reserves the right to amend the *Complaint* to do so if discovery shows that piercing the corporate veil is here justified.

Treats Progressive Forms of Multiple Sclerosis, United States Letters Patent No. 10722492 and *Treatment of Alzheimer's and Cognitive Impairment with Andrographolides*, United States Patent Publication No. 2015/0352075.

14. Similarly, Plaintiff has invested heavily in scientific research on its product. Plaintiff has sponsored perhaps 20 years of research and development on PARACTIN® *Andrographis* extract. See Exhibit H pp. 16, 18, 20, 26-27, 38-40, 46, 66-67, 77-79 107-10, 125-30. Plaintiff's research entails more than thirty (30) scientific studies, including studying the effects of PARACTIN® *Andrographis* extract *in vitro* (in cell cultures), *in vivo* in animal models and in several human clinical trials. *Id.*
15. Plaintiff's research on PARACTIN® *Andrographis* extract includes at least seven (9) human clinical trials. These include (a) *A Double-Blind, Randomized, Placebo-Controlled Study To Assess The Efficacy Of Andrographis Paniculata Standardized Extract (Paractin®) On Pain Reduction In Subjects With Knee Osteoarthritis*; (b) *Efficacy Study of Andrographis Paniculata Purified Standardized Extract (ApE) in Patients With Multiple Sclerosis*; (c) *To Assess the Effect of 336 Days Exposure of Paractin® on Pain & Disease Progression in Patients Suffering From Osteoarthritis of Knee Joint*; (d) *Efficacy Of An Andrographis Paniculata Composition For The Relief Of Rheumatoid Arthritis Symptoms: A Prospective Randomized Placebo-Controlled Trial*; (e) *Andrographis Paniculata Decreases Fatigue In Patients With Relapsing-Remitting Multiple Sclerosis: A 12-Month Double-Blind Placebo-Controlled Pilot Study*; (f) *Andrographolide: a New Potential Drug for the Long Term Treatment of Rheumatoid Arthritis Disease*; (g) *Efficacy of Andrographolide in Not Active Progressive Multiple Sclerosis: A*

Prospective Exploratory Double-Blind, Parallel-Group, Randomized, Placebo-Controlled Trial; (h) Double-Blind Preventive Phase II Clinical Trial To Evaluate The Prophylactic Effect Of Paractin® Capsules On The Incidence Of COVID Infection In Health Workers; and (i) A Double-Blind, Randomized, Placebo-Controlled, Comparative Study for Assessing the Efficacy and Tolerability of Paractin®/MaquiCare™ in Individuals with Upper Respiratory Tract Infections (URTI) of Viral Etiology.

16. Based on its investments in marketing and in research, PARACTIN® is, to Plaintiff's knowledge, now the largest-selling brand of *Andrographis paniculata* extract in The United States.
17. On March 16, 2021 Defendant sent a direct-marketing email advertising Defendant's *Andrographis* herbal extract. See Exhibit D. Defendant also now includes its *Andrographis* herbal extract in its on-line catalog. See Exhibit E.
18. Defendant's email and catalog are problematic for two reasons.
19. First, both refer to Defendant's *Andrographis* herbal extract as "PANICIN." See Exhibit D; Exhibit E. The terms "PANICIN", however, is so similar to Plaintiff's PARACTIN® trademark that customers are all but guaranteed to conflate the two. Indeed, it looks like Defendant specifically selected the term PANICIN to deceive purchasers into thinking that Defendant's PANICIN is Plaintiff's PARACTIN®.
20. This likelihood of confusion is heightened by the fact that Defendant markets its product to the same purchasers, using the same marketing channels, as does Plaintiff. Plaintiff markets PARACTIN® to both retail and wholesale purchasers. See Exhibit H pp. 141-42 (retail advertisement), 148-52 and 154-56 (retail product examples); 81-84 (wholesale trade show announcement); 153 (wholesale product

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