

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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NATURE’S ANSWER, INC.,

Plaintiff,

-against-

AROMA KING INC., HEALTHY RESULTS USA
INC., and SHAYA ISKOWITZ,

Defendants.
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COMPLAINT

Civil Action No.: 22-cv-9665



Plaintiff NATURE’S ANSWER, INC. (“Nature’s Answer”), by and through its attorneys, RIVKIN RADLER LLP, as and for its Complaint against Defendants AROMA KING INC., HEALTHY RESULTS USA INC., and SHAYA ISKOWITZ (collectively, “Defendants”) alleges as follows:

OVERVIEW

1. This is an action seeking redress for Defendants’ egregious trademark counterfeiting.
2. As underscored by the chart displayed below, this action is based upon the Defendants’ willful, unabashed, infringement of Nature’s Answer’s long-standing intellectual property rights in its federally registered trademarks by selling knock-off licorice root extract products - - a product used by millions to support and promote digestive health:

Nature's Answer's Authentic Product	Defendants' Counterfeit Goods
	

3. Specifically, Nature's Answer is the owner of, among others, the following U.S. trademark registrations¹ (collectively, "the NA Marks"):

Mark	Reg. No.	Goods
	6,373,581	<p>Class 1: Plant extracts, namely, herbal extracts used as ingredients in the manufacture of pharmaceuticals, cosmetics, food supplements and vitamins with or without anti-aging properties.</p> <p>Class 3: Body wash; toothpastes; body lotion; hair conditioner; hair shampoo; non-medicated mouthwashes; skin lotion.</p> <p>Class 5: Weight management supplements, namely, weight control preparation comprising vegetables, herbs, spices and seaweed sold in powdered, liquid, tablet or capsule form, or as a medicated tea; botanical essences and extracts for use as food and dietary supplements.</p>
	6,373,580	<p>Class 1: Plant extracts, namely, herbal extracts used as ingredients in the manufacture of pharmaceuticals, cosmetics, food supplements and vitamins with or without anti-aging properties.</p> <p>Class 3: Body wash; toothpastes; body lotion; hair conditioner; hair shampoo; non-medicated mouthwashes; skin lotion.</p>

¹ A copy of U.S. trademark registration number 6,373,581 is attached hereto as Exhibit "1" and a copy of U.S. trademark registration number 6,373,580 is attached hereto as Exhibit "2."

Mark	Reg. No.	Goods
		Class 5: Weight management supplements, namely, weight control preparation comprising vegetables, herbs, spices and seaweed sold in powdered, liquid, tablet or capsule form, or as a medicated tea; botanical essences and extracts for use as food and dietary supplements; herbal extracts used as ingredients in the manufacture of pharmaceuticals, cosmetics, food supplements and vitamins with or without anti-aging properties.

4. The Defendants' blatant disregard for Nature's Answer's intellectual property rights - - rights which Nature's Answer has cultivated through substantial investments of both human and financial capital over the course of four decades - - must cease.

5. The Defendants' continued unauthorized use of Nature's Answer's intellectual property rights through their sale of knock-off licorice root extract products will result in consumer confusion.

6. Finally, it goes without saying that Nature's Answer's authentic licorice root extract products are subject to rigorous testing and quality control efforts. Such testing is mission critical to ensuring that the products sold by Nature's Answer live-up to what the Nature's Answer brand has come to represent.

THE PARTIES

7. Nature's Answer is a corporation incorporated in the State of New York having its principal place of business at 75 Commerce Drive, Hauppauge, New York 11788 and is duly authorized to transact business in the State of New York.

8. Defendant Aroma King Inc. ("Aroma King") is a corporation incorporated in the State of New York having its principal place of business at 1 Carlton Road #213,

Monsey, New York 10952 and is duly authorized to transact business in the State of New York.

9. Defendant Healthy Results USA Inc. (“Healthy Results”) is a corporation incorporated in the State of New York having its principal place of business at 20 Charles Lane, Spring Valley, New York 10977.

10. Defendant Healthy Results filed a certificate of assumed name with the New York State Department of State to do business as Aroma King.

11. Defendant Shaya Iskowitz (“Iskowitz”) is an individual that resides at 1 Carlton Road, Apartment 213, Monsey, New York 10952.

12. Upon information and belief, Iskowitz is the founder of Aroma King.

JURISDICTION AND VENUE

13. This Court has subject matter jurisdiction over this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1338 and 1367, as there are federal questions predicated upon the Lanham Act and claims under the laws of the State of New York for which this Court has supplemental jurisdiction.

14. Venue is proper in the Southern District of New York pursuant to 28 U.S.C. § 1391, as it is the judicial district in which the Defendants reside.

NATURE’S ANSWER’S ESTABLISHED INTELLECTUAL PROPERTY RIGHTS

15. Nature’s Answer has developed a reputation as a leading manufacturer and supplier of high-quality extracts and nutritional products used in connection with

personal health care products, dietary supplements, nutraceuticals, and personal care products.

16. To be sure, Nature's Answer is recognized as an industry leader and innovator in pioneering advancements in the dietary supplements and nutraceuticals fields.

17. Nature's Answer has spent significant time, money, and effort to establish public recognition of the NA Marks as identifying Nature's Answer as the source of, among other things, industry-leading goods in the botanical field, including, but not limited to, extracts.

18. The NA Marks are some of Nature's Answer's most valuable assets.

19. Nature's Answer has used, and continues to use, the NA Marks in interstate commerce, among other places, on its website, letterhead, advertisements, signage, packaging, and other materials to identify, advertise, publicize, and market Nature's Answer's goods.

20. By virtue thereof, the NA Marks identify the source of Nature's Answer's goods and distinguishes them from competitors.

DEFENDANTS' INFRINGING CONDUCT

21. Upon information and belief, Defendants are engaged in the business of selling, among other things, counterfeit extracts and nutritional products.

22. Nature's Answer was recently advised by one of its customers that Defendants sold knock-off licorice root extract products bearing an exact replica of

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