

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

MAIN HASTINGS LLC,

Plaintiff,

v.

PFIZER, INC. D/B/A PFIZER ANIMAL
HEALTH

Defendant.

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Civil Action No.

JURY TRIAL DEMANDED

COMPLAINT FOR FALSE PATENT MARKING

Plaintiff/Relator, Main Hastings LLC, (herein referred to as “Main Hastings”), by its attorneys, hereby complains against Defendant Pfizer, Inc. d/b/a Pfizer Animal Health and alleges as follows:

NATURE OF THE CASE

1. This is a *qui tam* action on behalf of the public for false patent marking under 35 U.S.C. §292.

2. As set forth below, Defendant has violated 35 U.S.C. §292(a), by marking certain of its products with the purpose of deceiving the public. More specifically, Defendant has, with the purpose of deceiving the public, marked products with patents that have expired and, therefore, do not and cannot cover the marked products.

3. The false marking statute exists to give the public notice of patent rights. Congress intended the public to rely on marking as a ready means of discerning the status of intellectual property embodied in an article of manufacture or design. Federal patent policy recognizes an important public interest in permitting full and free competition in the use of ideas that are, in reality, a part of the public domain.

4. False patent marking – including representing through advertisement that a product is covered by a patent that has expired - is a serious problem. Acts of false marking deter innovation and stifle competition in the marketplace. If an article that is within the public domain is falsely marked, potential competitors may be dissuaded from entering the same market. False marks may also deter scientific research when an inventor sees a mark and decides to forego continued research to avoid possible infringement. False marking can cause unnecessary investment in design around or costs incurred to analyze the validity or enforceability of a patent whose number has been marked upon a product with which a competitor would like to compete. Furthermore, false marking misleads the public into believing that a patentee controls the article in question (as well as like articles), externalizes the risk of error in the determination, placing it on the public rather than the manufacturer or seller of the article, and increases the cost to the public of ascertaining whether a patentee in fact controls the intellectual property embodied in an article. In each instance where it is represented that an article is patented, a member of the public desiring to participate in the market for the marked article must incur the cost of determining whether the involved patents are valid and enforceable. Failure to take on the costs of a reasonably competent search for information necessary to interpret each patent, investigation into prior art and other information bearing on the quality of the patents, and analysis thereof can result in a finding of willful infringement, which may treble the damages an infringer would otherwise have to pay. False markings may also create a misleading impression that the falsely marked product is technologically superior to previously available ones, as articles bearing the term “patent” may be presumed to be novel, useful, and innovative.

5. The false marking statute explicitly permits *qui tam* actions. By permitting members of the public to sue on behalf of the government, Congress allowed individuals to

help control false marking.

6. Main Hastings, on its own behalf and on behalf of the United States, seeks an award of monetary damages of not more than \$500 for each of Defendant's violations of 35 U.S.C. § 292(a), one-half of which shall be paid to the United States pursuant to 35 U.S.C. § 292(b).

THE PARTIES

7. Main Hastings is a Texas limited liability company.

8. Defendant is a corporation established under the laws of the State of Delaware with its principal place of business at 235 East 42nd Street, New York, NY 10017. Defendant can be served through its registered agent at The Corporation Trust Company, Corporation Service Center, 1209 Orange Street, Wilmington, DE 19801.

9. Defendant regularly conducts and transacts business in Texas, throughout the United States, and within the Eastern District of Texas, itself and/or through one or more subsidiaries, affiliates, business divisions, or business units.

JURISDICTION AND VENUE

10. This Court has exclusive jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

11. This Court has personal jurisdiction over the Defendant. The Defendant has conducted and does conduct business within the State of Texas. Defendant, directly or through subsidiaries or intermediaries, offers for sale, sell, mark and/or advertise the products that are the subject of this Complaint in the United States, the State of Texas, and the Eastern District of Texas.

12. Defendant has voluntarily sold the products that are the subject of this Complaint in this District, either directly to customers in this District or through intermediaries with the

expectation that the products will be sold and distributed to customers in this District. These products have been and continue to be purchased and used by consumers in the Eastern District of Texas. Defendant has committed acts of false marking within the State of Texas and, more particularly, within the Eastern District of Texas.

13. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1395(a), because (i) Defendant's products that are the subject matter of this cause of action are advertised, marked, offered for sale, and/or sold in various retail stores and/or on the Internet in this District; (ii) a substantial part of the events or omissions giving rise to the claim occurred in this District; and (iii) Defendant is subject to personal jurisdiction in this District, as described above.

14. Main Hastings brings this action under 35 U.S.C. §292(b), which provides that any person may sue for civil monetary penalties for false patent marking.

DEFENDANT'S FALSELY MARKED PRODUCTS AND PATENTS

A. ANTHELCIDE[®] EQ

15. Defendant manufactures, markets, and sells a product identified on its packaging and/or product documentation as ANTHELCIDE[®] EQ.

16. Figure 1 depicted below shows an image of the packaging for ANTHELCIDE[®] EQ:



Figure 1 – Picture of ANTHELCIDE[®] EQ

17. For a period of time, the packaging and/or product documentation for the

ANTHELCIDE[®] EQ has listed United States Patent No. 3,480,642 (“the ‘642 Patent”) and United States Patent No. 3,574,845 (“the ‘845 Patent”). Figure 2 below shows a copy of the label or product documentation listing the ‘642 Patent and the ‘845 Patent for the ANTHELCIDE[®] EQ. Further, attached as Exhibits A-B are true and correct copies of the ‘642 Patent and the ‘845 Patent.

HOW SUPPLIED: Anthelcide EQ Paste is supplied in 12 0.85-oz (24-g) syringes.

STORAGE: Store at controlled room temperature 15°–30°C (59°–86°F).

Keep Out of Reach of Children.

U.S. Patent Nos. 3,480,642 and 3,574,845

Distributed by:

Pfizer Animal Health
Exton, PA 19341, USA
Div. of Pfizer Inc
NY, NY 10017

Figure 2 –Product Documentation Listing ‘the ‘642 Patent and the ‘845 Patent

18. The ‘642 patent, entitled “Process for Producing z-carbalkoxy-aminobenzimidazoles,” was filed on March 22, 1967, and issued on November 25, 1969. The ‘642 Patent expired on March 22, 1987. The ‘845 patent, entitled “Anthelmintic Compositions and Methods Employing Esters Of Benzimidazolyl Carbamic Acids And Their Thio Analogs,” was filed on July 1, 1966, and issued on April 13, 1971. The ‘845 Patent expired on April 13, 1988.

B. ANTISEDAN[®]

19. Defendant manufactures, markets, and sells a product identified on its packaging and/or product documentation as ANTISEDAN[®].

20. Figure 3 depicted below shows an image of the packaging for the ANTISEDAN[®]:



Figure 3 – Picture of ANTISEDAN®

21. For a period of time, the packaging and/or product documentation for ANTISEDAN® has listed the following: Patent No.: 4,689,399 (“‘399 Patent”). Figure 4 below shows a copy of the label or product documentation listing the ‘399 Patent for ANTISEDAN®. Further, attached as Exhibit C is a true and correct copy of the ‘399 Patent.

U.S. Patent No. 4,689,399
Antisedan® and Domitor® are trademarks of Orion Corporation.
Developed and manufactured by:
Orion Pharma
Orion Corporation
Espoo, Finland
Distributed by:
Pfizer Animal Health
Exton, PA 19341, USA
Div. of Pfizer Inc
NY, NY 10017

Figure 4 –Product Documentation Listing the ‘399 Patent.

22. The ‘399 Patent, entitled “Collagen Membranes For Medical Use,” was filed on March 13, 1986, and issued on August 25, 1987. The ‘399 Patent expired on March 13, 2006.

C. CALFGUARD®

23. Defendant manufactures, markets, and sells a product identified on its packaging and/or product documentation as CALFGUARD®.

24. Figure 5 depicted below shows an image of the packaging for the CALFGUARD[®]:



Figure 5 – Picture of CALFGUARD[®]

25. For a period of time, the packaging and/or product documentation for the CALFGUARD[®] has listed the following: Patent Nos.: 3,838,004 (“the ‘004 Patent”), 3,839,556 (“the ‘556 Patent”) and 3,869,547 (“the ‘547 Patent”). Figure 6 below shows a copy of the label or product documentation listing the ‘004 Patent, the ‘556 Patent and the ‘547 Patent for the CALFGUARD[®]. Further, attached as Exhibit D-F are true and correct copies of the ‘004 Patent, the ‘556 Patent and the ‘547 Patent.

U.S. Patent Nos. 3,838,004; 3,839,556; and 3,869,547
U.S. Veterinary License No. 189
Pfizer Animal Health
Exton, PA 19341, USA
Div. of Pfizer Inc
NY, NY 10017

Figure 6 –Product Documentation Listing the ‘004 Patent, the ‘556 Patent and the ‘547 Patent.

26. The ‘004 Patent, entitled “Calf Diarrhea Virus Vaccine and Processes,” was filed on November 10, 1971, and issued on September 24, 1974. The ‘004 Patent expired

on November 10, 1991. The '556 Patent, entitled "Calf Diarrhea Virus Vaccine and Processes," was on filed November 7, 1973, and issued on October 1, 1974. The '556 Patent expired on November 7, 1993. The '547 Patent, entitled "Calf Diarrhea Virus Vaccine and Processes," was on filed November 7, 1973, and issued on March 4, 1975. The '547 Patent expired on November 7, 1993.

D. ENTROLYTE[®] H.E.

27. Defendant manufactures, markets, and sells a product identified on its packaging and/or product documentation as ENTROLYTE[®] H.E.

28. Figure 7 depicted below shows an image of the packaging for the ENTROLYTE[®] H.E.:



Figure 7 – Picture of ENTROLYTE[®] H.E.

29. For a period of time, the packaging and/or product documentation for the ENTROLYTE[®] H.E. has listed the following: Patent No. 4,689,319 ("the '319 Patent"). Figure 8 below shows a copy of the label or product documentation listing the '319 Patent for the ENTROLYTE[®] H.E. Further, attached as Exhibit G is a true and correct copy of the '319 Patent.



Figure 8 –Product Documentation Listing the ‘319 Patent.

30. The ‘319 Patent, entitled “Oral Energy Rich Therapy For Diarrhea In Mammals,” was on filed May 6, 1985, and issued on August 25, 1987. The ‘319 Patent expired on May 6, 2005.

E. LEUKOCELL® 2

31. Defendant manufactures, markets, and sells a product identified on its packaging and/or product documentation as LEUKOCELL® 2.

32. Figure 9 depicted below shows an image of the packaging for the LEUKOCELL® 2:



Figure 9 – Picture of LEUKOCELL® 2

33. For a period of time, the packaging and/or product documentation for the LEUKOCELL® 2 has listed the following: Patent No. 4,332,793 (“the ‘793 Patent”). Figure 11 below shows a copy of the label or product documentation listing the ‘793 Patent for the LEUKOCELL® 2. Further, attached as Exhibit H is a true and correct copy of the ‘793 Patent.

U.S. Patent No. 4,332,793
U.S. Veterinary License No. 189
Pfizer Animal Health
Exton, PA 19341, USA
Div. of Pfizer Inc
NY, NY 10017

Figure 11 – Product Documentation Listing the ‘793 Patent.

34. The ‘793 Patent, entitled “Method Of Recovering Cell Antigen And Preparation Of Feline Leukemia Vaccine Therefrom,” was filed on December 18, 1979, and issued on June 1, 1982. The ‘793 Patent expired on December 18, 1999.

F. RE-SORB[®]

35. Defendant manufactures, markets, and sells a product identified on its packaging and/or product documentation as RE-SORB[®].

36. Figure 11 depicted below shows an image of the packaging for the RE-SORB[®]:



Figure 11 – Picture of RE-SORB[®]

37. For a period of time, the packaging and/or product documentation for the RE-SORB[®] has listed the following: Patent No. 4,164,568 (“the ‘568 Patent”). Figure 12 below

shows a copy of the label or product documentation listing the ‘568 Patent for the RE-SORB[®]. Further, attached as Exhibit I is a true and correct copy of the ‘568 Patent.

U.S. Patent No. 4,164,568
NADA #125-961, Approved by FDA
Distributed by:
Pfizer Animal Health
Exton, PA 19341, USA
Div. of Pfizer Inc
NY, NY 10017

Figure 12 –Product Documentation Listing the ‘568 Patent.

38. The ‘568 Patent, entitled “Oral Scour Formulations With Citrate,” was filed on March 11, 1977, and issued on August 14, 1979. The ‘568 Patent expires on March 11, 2007.

G. TEMARIL-P[®]

39. Defendant manufactures, markets, and sells a product identified on its packaging and/or product documentation as TEMARIL-P[®].

40. Figure 13 depicted below shows an image of the packaging for the TEMARIL-P[®]:



Figure 13 – Picture of TEMARIL-P[®]

41. For a period of time, the packaging and/or product documentation for the

TEMARIL-P[®] has listed the following: Patent Nos. 2,837,518 (“the ‘518 Patent) and 3,134,718 (“the ‘718 Patent”). Figure 14 below shows a copy of the label or product documentation listing the ‘518 Patent and the ‘718 Patent for the TEMARIL-P[®]. Further, attached as Exhibits J-K are true and correct copies of the ‘518 Patent and the ‘718 Patent.

U.S. Patent No. 2,837,518
Licensed under U.S. Patent No. 3,134,718
NADA #12-437, Approved by FDA
Pfizer Animal Health
Exton, PA 19341, USA
Div. of Pfizer Inc
NY, NY 10017

Figure 14 –Product Documentation Listing the ‘518 Patent and the ‘718 Patent.

42. The ‘518 Patent, entitled “Phenthiazine Compounds,” was filed on October 22,1956, and issued on June 3, 1958. The ‘518 Patent expired on October 22, 1976. The ‘718 Patent, entitled “Pregna-1,4-dienes And Compositions Containing Same,” was filed December 12, 1963, and issued on May 26, 1964. The ‘718 Patent expired on December 12, 1983.

H. VALBAZEN[®]

43. Defendant manufactures, markets, and sells a product identified on its packaging and/or product documentation as VALBAZEN[®].

44. Figure 15 depicted below shows an image of the packaging for the VALBAZEN[®]:



Figure 15 – Picture of VALBAZEN[®]

45. For a period of time, the packaging and/or product documentation for the VALBAZEN[®] has listed the following: Patent Nos. 3,915,986 (“the ‘986 Patent”) and 3,956,499 (“the ‘499 Patent”). Figure 20 below shows a copy of the label or product documentation listing the ‘986 Patent and the ‘499 Patent for the VALBAZEN[®]. Further, attached as Exhibits L-M are true and correct copies of the ‘986 Patent and the ‘499 Patent.

U.S. Patent Nos. 3,915,986 and 3,956,499
NADA #110-048, Approved by FDA
Distributed by:
Pfizer Animal Health
Exton, PA 19341, USA
Div. of Pfizer Inc
NY, NY 10017

Figure 16 –Product Documentation Listing the ‘986 Patent and the ‘499 Patent.

46. The ‘986 Patent, entitled “Methyl s-propylthio-z- benzimidazolecarbamate,” was filed on June 19, 1974, and issued on October 28, 1975. The ‘986 Patent expired on June 19, 1994. The ‘499 Patent, entitled “Methods And Compositions For Producing Polyphasic Parasiticide Activity Using Methyl 5-propylthio-2-benzimidazolecarbamate,” was

August 7, 1975, and issued on May 11, 1976. The '499 Patent expired on October August 7, 1995.

I. VANGUARD[®] PLUS 5

47. Defendant manufactures, markets, and sells a product identified on its packaging and/or product documentation as VANGUARD[®] PLUS 5.

48. Figure 15 depicted below shows an image of the packaging for the VANGUARD[®] PLUS 5:



Figure 15 – Picture of VANGUARD[®] PLUS 5

49. For a period of time, the packaging and/or product documentation for the VANGUARD[®] PLUS 5 has listed the following: Patent No. 3,616,203 (“the ‘203 Patent). Figure 20 below shows a copy of the label or product documentation listing the ‘203 Patent for the VANGUARD[®] PLUS 5. Further, attached as Exhibit N is a true and correct copy of the ‘203 Patent.

U.S. Patent No. 3,616,203
U.S. Veterinary License No. 189
Pfizer Animal Health
Exton, PA 19341, USA
Div. of Pfizer Inc
NY, NY 10017

Figure 16 –Product Documentation Listing the ‘203 Patent.

50. The ‘203 Patent, entitled “Virus Culture And Method,” was filed on December 11, 1969, and issued on October 26, 1971. The ‘203 Patent expired on December 11, 1989.

J. VANGUARD[®] PLUS 5/CV

51. Defendant manufactures, markets, and sells a product identified on its packaging and/or product documentation as VANGUARD[®] PLUS 5/CV.

52. Figure 15 depicted below shows an image of the packaging for the VANGUARD[®] PLUS 5/CV:



Figure 15 – Picture of VANGUARD[®] PLUS 5/CV

53. For a period of time, the packaging and/or product documentation for the VANGUARD[®] PLUS 5/CV has listed the following: Patent Nos. 3,616,203 (“the ‘203 Patent”), 4,567,042 (“the ‘042 Patent”), 4,567,043 (“the ‘043 Patent”) and 4,824,785 (“the ‘785 Patent”). Figure 20 below shows a copy of the label or product documentation listing

the '203 Patent, the '042 Patent, the '043 Patent and the '785 Patent for the VANGUARD[®] PLUS 5/CV. Further, attached as Exhibits O-R are true and correct copies of the '042 Patent, the '043 Patent and the '785 Patent.

U.S. Patent Nos. 3,616,203; 4,567,042; 4,567,043; and 4,824,785
U.S. Veterinary License No. 189
Pfizer Animal Health
Exton, PA 19341, USA
Div. of Pfizer Inc
NY, NY 10017

Figure 16 –Product Documentation Listing the '203 Patent, the '042 Patent, the '043 Patent and the '785 Patent.

54. The '203 Patent, entitled “Virus Culture And Method,” was filed on December 11, 1969, and issued on October 26, 1971. The '203 Patent expired on December 11,1989. The '042 Patent, entitled “Inactivated Canine Coronavirus Vaccine,” was filed on June 7, 1984 and was issued on January 28, 1986. The '042 Patent expired on June 7, 2004. The '043 Patent, entitled “Canine Corona Virus Vaccine,” was filed on June 15, 1983 and was issued on January 28, 1986. The '043 Patent expired on June 15, 2003. The '785 Patent, entitled “Canine Corona Virus Vaccine,” was filed on January 22, 1986 and was issued on April 25,1989. The '785 Patent expired on April 25, 2006.

K. VANGUARD[®] PLUS CPV/CV

55. Defendant manufactures, markets, and sells a product identified on its packaging and/or product documentation as VANGUARD[®] PLUS CPV/CV.

56. Figure 15 depicted below shows an image of the packaging for the VANGUARD[®] PLUS CPV/CV:



Figure 15 – Picture of VANGUARD[®] PLUS CPV/CV

57. For a period of time, the packaging and/or product documentation for the VANGUARD[®] PLUS CPV/CV has listed the following: Patent Nos. 4,567,042 (“the ‘042 Patent”), 4,567,043 (“the ‘043 Patent”) and 4,824,785 (“the ‘785 Patent”). Figure 20 below shows a copy of the label or product documentation listing the ‘042 Patent, the ‘043 Patent and the ‘785 Patent for the VANGUARD[®] PLUS CPV/CV. As noted in Paragraph 54 above, the '042, '043 and '785 Patents are expired.

U.S. Patent Nos. 4,567,042; 4,567,043; and 4,824,785
U.S. Veterinary License No. 189
Pfizer Animal Health
Exton, PA 19341, USA
Div. of Pfizer Inc
NY, NY 10017

Figure 16 –Product Documentation Listing the ‘042 Patent, the ‘043 Patent and the ‘785 Patent.

L. VIBRIN[®]

58. Defendant manufactures, markets, and sells a product identified on its packaging and/or product documentation as VIBRIN[®].

59. Figure 15 depicted below shows an image of the packaging for the VIBRIN[®]:

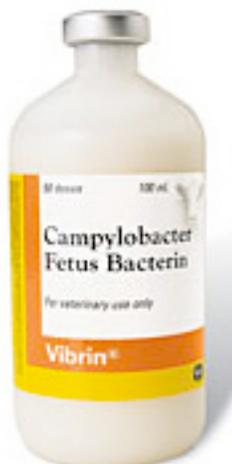


Figure 15 – Picture of VIBRIN®

60. For a period of time, the packaging and/or product documentation for the VIBRIN® has listed the following: Patent Nos. 3,329,573 (“the ‘573 Patent”) and 3,435,112 (“the ‘112 Patent”). Figure 20 below shows a copy of the label or product documentation listing the ‘573 Patent and the ‘112 Patent for the VIBRIN®. Further, attached as Exhibits R-S are true and correct copies of the ‘573 Patent and the ‘112 Patent.

U.S. Patent Nos. 3,329,573 and 3,435,112
U.S. Veterinary License No. 189
Pfizer Animal Health
Exton, PA 19341, USA
Div. of Pfizer Inc
NY, NY 10017

Figure 16 –Product Documentation Listing the ‘573 Patent and the ‘112 Patent.

61. The ‘573 Patent, entitled “Bovine Vibriosis Vaccine And Method of Administering Same,” was filed on August 26, 1963 and was issued on July 4, 1967. The ‘573 Patent expired on July 4, 1984. The ‘112 Patent, entitled “Repository Vaccine And Method Of Preparing The Same,” was filed on June 21, 1966 and was issued on March 25,

1969. The '112 Patent expired on June 21, 1986.

M. VI-SORBIN®

62. Defendant manufactures, markets, and sells a product identified on its packaging and/or product documentation as VI-SORBIN®.

63. Figure 15 depicted below shows an image of the packaging for the VI-SORBIN®:



Figure 15 – Picture of VI-SORBIN®

64. For a period of time, the packaging and/or product documentation for the VI-SORBIN® has listed the following: Patent No. 2,850,429. Figure 20 below shows a copy of the label or product documentation listing the '429 Patent for the VI-SORBIN®. Further, attached as Exhibit T is a true and correct copy of the '429 Patent.

Licensed under U.S. Patent No. 2,850,429

**Distributed by:
Pfizer Animal Health
Exton, PA 19341, USA
Div. of Pfizer Inc
NY, NY 10017**

Figure 16 –Product Documentation Listing the ‘429 Patent.

65. The ‘429 Patent, entitled “Liquid Vitamin Preparation,” was filed on July 15, 1955 and was issued on September 2, 1958. The ‘573 Patent expired on September 2, 1975.

CAUSES OF ACTION FOR FALSE PATENT MARKING

66. Main Hastings incorporates by reference the foregoing paragraphs as if fully set forth herein.

67. Defendant is a sophisticated company with many decades of experience applying for, obtaining, and litigating patents, and knows that all patents expire and that all monopoly rights in a patent terminate irrevocably when it expires.

68. Defendant has or regularly retains, sophisticated legal counsel.

69. Each false marking on the products identified in this Complaint is likely to, or at least has the potential to, discourage or deter persons and companies from commercializing competing products.

70. Defendant’s false marking of its products has wrongfully quelled competition with respect to such products thereby causing harm to Main Hastings, the United States, and the public.

71. Defendant has wrongfully and illegally advertised patent monopolies that it does not possess and, as a result, has benefited by maintaining a substantial market share with respect to the products referenced in this Complaint.

72. Defendant knows that patents provide the patent holder extreme market power to monopolize the invention.

73. Defendant knows that all patents expire and that all monopoly rights in the patent terminate irrevocably when it expires.

74. As set forth in detail herein, and/or for other reasons that will be later evidenced, Defendant has falsely marked the products described below, with the intent to deceive the public, in violation of 35 U.S.C. §292. Defendant knows that the subject patents are all expired and have been expired for many years, and, in some cases, for decades. Despite the fact that Defendant has continually manufactured and/or revised its products, product packaging and/or product documentation since the expiration of the subject patents, and despite the fact that Defendant has had the opportunity and the ability to cease the false markings, Defendant nevertheless has, over a prolonged period of time, knowingly, intentionally, repeatedly and continued to use, and continues to use, the expired patents in selling, offering for sale, marketing and/or advertising its products, with the intent to deceive the public.

COUNTS 1-20: FALSE MARKING ON DEFENDANT'S PRODUCTS

COUNT 1: THE '642 PATENT

75. The Plaintiff incorporates and restates the allegations of Paragraphs 1-74.

76. As noted above in paragraph 18, the '642 Patent is expired. Because the '642 Patent is expired, any product once covered by the '642 Patent is no longer protected by the patent laws of the United States. When the '642 Patent expired, its formerly protected property entered the public domain.

77. Despite the fact the '642 Patent is no longer in force, Defendant has and continue to mark (or cause to be marked) various products, including its ANTHELCIDE[®] EQ, with the '642 Patent. See Exhibit U attached hereto.

78. Despite its knowledge of patent law and the current status of the '642 Patent, Defendant has and continue to falsely mark (or cause to be marked) its products as being

covered by the '642 Patent. Defendant knew or reasonably should have known that marking its products with the '642 Patent after its expiration violated Federal patent marking laws which authorize marking only existing and enforceable patent or patent pending claims on a "patented" article.

79. Defendant intended to and has deceived the public by falsely marking (or causing to be marked) the patent protection status of its products.

80. Defendant has violated 35 U.S.C. §292(a) by marking (or causing to be marked), with intent to deceive the public, the packaging and/or product documentation of the ANTHELCIDE[®] EQ with the '642 Patent.

COUNT 2: THE '845 PATENT

81. The Plaintiff incorporates and restates the allegations of Paragraphs 1-74.

82. As noted above in paragraph 18, the '845 Patent is expired. Because the '845 Patent is expired, any product or method once covered by the claims of the '845 Patent is no longer protected by the patent laws of the United States. When the '845 Patent expired, its formerly protected property entered the public domain.

83. Despite the fact that the claims of the '845 Patent are no longer afforded patent protection, Defendant has and continue to mark (or cause to be marked) various products, including its ANTHELCIDE[®] EQ, with the '845 Patent. See Exhibit U attached hereto.

84. Despite its knowledge of patent law and the current status of the '845 Patent, Defendant has and continue to falsely mark (or cause to be marked) its products as being covered by the '845 Patent. Defendant knew or reasonably should have known that marking its products with the '845 Patent after its expiration violated Federal patent marking laws

which authorize marking only existing and enforceable patent or patent pending claims on a “patented” article.

85. Defendant intended to and has deceived the public by falsely marking (or causing to be marked) the patent protection status of its products.

86. Defendant has violated 35 U.S.C. §292(a) by marking (or causing to be marked), with intent to deceive the public, the packaging and/or product documentation of the ANTHELCIDE[®] EQ with the ‘845 Patent.

COUNT 3: THE ‘399 PATENT

87. The Plaintiff incorporates and restates the allegations of Paragraphs 1-74.

88. As noted above in paragraph 22, the ‘399 Patent is expired. Because the ‘399 Patent is expired, any product or method once covered by the claims of the ‘399 Patent is no longer protected by the patent laws of the United States. When the ‘399 Patent expired, its formerly protected property entered the public domain.

89. Despite the fact that the claims of the ‘399 Patent are no longer afforded patent protection, Defendant has and continue to mark (or cause to be marked) various products, including its ANTISEDAN[®], with the ‘399 Patent. See Exhibit V attached hereto.

90. Despite its knowledge of patent law and the current status of the ‘399 Patent, Defendant has and continue to falsely mark (or cause to be marked) its products as being covered by the ‘399 Patent. Defendant knew or reasonably should have known that marking its products with the ‘399 Patent after its expiration violated Federal patent marking laws which authorize marking only existing and enforceable patent or patent pending claims on a “patented” article.

91. Defendant intended to and has deceived the public by falsely marking (or

causing to be marked) the patent protection status of its products.

92. Defendant has violated 35 U.S.C. §292(a) by marking (or causing to be marked), with intent to deceive the public, the packaging and/or product documentation of the ANTISEDAN® with the '399 Patent.

COUNT 4: THE '004 PATENT

93. The Plaintiff incorporates and restates the allegations of Paragraphs 1-74.

94. As noted above in paragraph 26, the '004 Patent is expired. Because the '004 Patent is expired, any product once covered by the '004 Patent is no longer protected by the patent laws of the United States. When the '004 Patent expired, its formerly protected property entered the public domain.

95. Despite the fact the '004 Patent is no longer in force, Defendant has and continue to mark (or cause to be marked) various products, including its CALFGUARD®, with the '004 Patent. See Exhibit W attached hereto.

96. Despite its knowledge of patent law and the current status of the '004 Patent, Defendant has and continue to falsely mark (or cause to be marked) its products as being covered by the '004 Patent. Defendant knew or reasonably should have known that marking its products with the '004 Patent after its expiration violated Federal patent marking laws which authorize marking only existing and enforceable patent or patent pending claims on a "patented" article.

97. Defendant intended to and has deceived the public by falsely marking (or causing to be marked) the patent protection status of its products.

98. Defendant has violated 35 U.S.C. §292(a) by marking (or causing to be marked), with intent to deceive the public, the packaging and/or product documentation of

the CALFGUARD[®] with the '004 Patent.

COUNT 5: THE '556 PATENT

99. The Plaintiff incorporates and restates the allegations of Paragraphs 1-74.

100. As noted above in paragraph 26, the '556 Patent is expired. Because the '556 Patent is expired, any product or method once covered by the claims of the '556 Patent is no longer protected by the patent laws of the United States. When the '556 Patent expired, its formerly protected property entered the public domain.

101. Despite the fact that the claims of the '556 Patent are no longer afforded patent protection, Defendant has and continue to mark (or cause to be marked) various products, including its CALFGUARD[®], with the '556 Patent. See Exhibit W attached hereto.

102. Despite its knowledge of patent law and the current status of the '556 Patent, Defendant has and continue to falsely mark (or cause to be marked) its products as being covered by the '556 Patent. Defendant knew or reasonably should have known that marking its products with the '556 Patent after its expiration violated Federal patent marking laws which authorize marking only existing and enforceable patent or patent pending claims on a "patented" article.

103. Defendant intended to and has deceived the public by falsely marking (or causing to be marked) the patent protection status of its products.

104. Defendant has violated 35 U.S.C. §292(a) by marking (or causing to be marked), with intent to deceive the public, the packaging and/or product documentation of the CALFGUARD[®] with the '556 Patent.

COUNT 6: THE '547 PATENT

105. The Plaintiff incorporates and restates the allegations of Paragraphs 1-74.

106. As noted above in paragraph 26, the '547 Patent is expired. Because the '547 Patent is expired, any product once covered by the '547 Patent is no longer protected by the patent laws of the United States. When the '547 Patent expired, its formerly protected property entered the public domain.

107. Despite the fact the '547 Patent is no longer in force, Defendant has and continue to mark (or cause to be marked) various products, including its CALFGUARD[®], with the '547 Patent. See Exhibit W attached hereto.

108. Despite its knowledge of patent law and the current status of the '547 Patent, Defendant has and continue to falsely mark (or cause to be marked) its products as being covered by the '547 Patent. Defendant knew or reasonably should have known that marking its products with the '547 Patent after its expiration violated Federal patent marking laws which authorize marking only existing and enforceable patent or patent pending claims on a "patented" article.

109. Defendant intended to and has deceived the public by falsely marking (or causing to be marked) the patent protection status of its products.

110. Defendant has violated 35 U.S.C. §292(a) by marking (or causing to be marked), with intent to deceive the public, the packaging and/or product documentation of the CALFGUARD[®] with the '547 Patent.

COUNT 7: THE '319 PATENT

111. The Plaintiff incorporates and restates the allegations of Paragraphs 1-74.

112. As noted above in paragraph 30, the '319 Patent is expired. Because the '319 Patent is expired, any product once covered by the '319 Patent is no longer protected by the

patent laws of the United States. When the '319 Patent expired, its formerly protected property entered the public domain.

113. Despite the fact the '319 Patent is no longer in force, Defendant has and continue to mark (or cause to be marked) various products, including its ENTROLYTE[®] H.E., with the '319 Patent. See Exhibit X attached hereto.

114. Despite its knowledge of patent law and the current status of the '319 Patent, Defendant has and continue to falsely mark (or cause to be marked) its products as being covered by the '319 Patent. Defendant knew or reasonably should have known that marking its products with the '319 Patent after its expiration violated Federal patent marking laws which authorize marking only existing and enforceable patent or patent pending claims on a "patented" article.

115. Defendant intended to and has deceived the public by falsely marking (or causing to be marked) the patent protection status of its products.

116. Defendant has violated 35 U.S.C. §292(a) by marking (or causing to be marked), with intent to deceive the public, the packaging and/or product documentation of the ENTROLYTE[®] H.E. with the '319 Patent.

COUNT 8: THE '793 PATENT

117. The Plaintiff incorporates and restates the allegations of Paragraphs 1-74.

118. As noted above in paragraph 34, the '793 Patent is expired. Because the '793 Patent is expired, any product once covered by the '793 Patent is no longer protected by the patent laws of the United States. When the '793 Patent expired, its formerly protected property entered the public domain.

119. Despite the fact the '793 Patent is no longer in force, Defendant has and

continue to mark (or cause to be marked) various products, including its LEUKOCELL[®] 2, with the '793 Patent. See Exhibit Y attached hereto.

120. Despite its knowledge of patent law and the current status of the '793 Patent, Defendant has and continue to falsely mark (or cause to be marked) its products as being covered by the '793 Patent. Defendant knew or reasonably should have known that marking its products with the '793 Patent after its expiration violated Federal patent marking laws which authorize marking only existing and enforceable patent or patent pending claims on a "patented" article.

121. Defendant intended to and has deceived the public by falsely marking (or causing to be marked) the patent protection status of its products.

122. Defendant has violated 35 U.S.C. §292(a) by marking (or causing to be marked), with intent to deceive the public, the packaging and/or product documentation of the LEUKOCELL[®] 2 with the '793 Patent.

COUNT 9:THE '568 PATENT

123. The Plaintiff incorporates and restates the allegations of Paragraphs 1-74.

124. As noted above in paragraph 38, the '568 Patent is expired. Because the '568 Patent is expired, any product once covered by the '568 Patent is no longer protected by the patent laws of the United States. When the '568 Patent expired, its formerly protected property entered the public domain.

125. Despite the fact the '568 Patent is no longer in force, Defendant has and continue to mark (or cause to be marked) various products, including its RE-SORB[®], with the '568 Patent. See Exhibit Z attached hereto.

126. Despite its knowledge of patent law and the current status of the '568 Patent,

Defendant has and continue to falsely mark (or cause to be marked) its products as being covered by the '568 Patent. Defendant knew or reasonably should have known that marking its products with the '568 Patent after its expiration violated Federal patent marking laws which authorize marking only existing and enforceable patent or patent pending claims on a "patented" article.

127. Defendant intended to and has deceived the public by falsely marking (or causing to be marked) the patent protection status of its products.

128. Defendant has violated 35 U.S.C. §292(a) by marking (or causing to be marked), with intent to deceive the public, the packaging and/or product documentation of the RE-SORB[®] with the '568 Patent.

COUNT 10: THE '518 PATENT

129. The Plaintiff incorporates and restates the allegations of Paragraphs 1-74.

130. As noted above in paragraph 42, the '518 Patent is expired. Because the '518 Patent is expired, any product once covered by the '518 Patent is no longer protected by the patent laws of the United States. When the '518 Patent expired, its formerly protected property entered the public domain.

131. Despite the fact the '518 Patent is no longer in force, Defendant has and continue to mark (or cause to be marked) various products, including its TEMARIL-P[®], with the '518 Patent. See Exhibit AA attached hereto.

132. Despite its knowledge of patent law and the current status of the '518 Patent, Defendant has and continue to falsely mark (or cause to be marked) its products as being covered by the '518 Patent. Defendant knew or reasonably should have known that marking its products with the '518 Patent after its expiration violated Federal patent marking laws

which authorize marking only existing and enforceable patent or patent pending claims on a “patented” article.

133. Defendant intended to and has deceived the public by falsely marking (or causing to be marked) the patent protection status of its products.

134. Defendant has violated 35 U.S.C. §292(a) by marking (or causing to be marked), with intent to deceive the public, the packaging and/or product documentation of the TEMARIL-P[®] with the ‘518 Patent.

COUNT 11: THE ‘718 PATENT

135. The Plaintiff incorporates and restates the allegations of Paragraphs 1-74.

136. As noted above in paragraph 42, the ‘718 Patent is expired. Because the ‘718 Patent is expired, any product once covered by the ‘718 Patent is no longer protected by the patent laws of the United States. When the ‘718 Patent expired, its formerly protected property entered the public domain.

137. Despite the fact the ‘718 Patent is no longer in force, Defendant has and continue to mark (or cause to be marked) various products, including its TEMARIL-P[®], with the ‘718 Patent. See Exhibit AA attached hereto.

138. Despite its knowledge of patent law and the current status of the ‘718 Patent, Defendant has and continue to falsely mark (or cause to be marked) its products as being covered by the ‘718 Patent. Defendant knew or reasonably should have known that marking its products with the ‘718 Patent after its expiration violated Federal patent marking laws which authorize marking only existing and enforceable patent or patent pending claims on a “patented” article.

139. Defendant intended to and has deceived the public by falsely marking (or causing to be marked) the patent protection status of its products.

140. Defendant has violated 35 U.S.C. §292(a) by marking (or causing to be marked), with intent to deceive the public, the packaging and/or product documentation of the TEMARIL-P[®] with the '718 Patent.

COUNT 12: THE '986 PATENT

141. The Plaintiff incorporates and restates the allegations of Paragraphs 1-74.

142. As noted above in paragraph 46, the '986 Patent is expired. Because the '986 Patent is expired, any product once covered by the '986 Patent is no longer protected by the patent laws of the United States. When the '986 Patent expired, its formerly protected property entered the public domain.

143. Despite the fact the '986 Patent is no longer in force, Defendant has and continue to mark (or cause to be marked) various products, including its VALBAZEN[®], with the '986 Patent. See Exhibit BB attached hereto.

144. Despite its knowledge of patent law and the current status of the '986 Patent, Defendant has and continue to falsely mark (or cause to be marked) its products as being covered by the '986 Patent. Defendant knew or reasonably should have known that marking its products with the '986 Patent after its expiration violated Federal patent marking laws which authorize marking only existing and enforceable patent or patent pending claims on a "patented" article.

145. Defendant intended to and has deceived the public by falsely marking (or causing to be marked) the patent protection status of its products.

146. Defendant has violated 35 U.S.C. §292(a) by marking (or causing to be

marked), with intent to deceive the public, the packaging and/or product documentation of the VALBAZEN[®] with the '986 Patent.

COUNT 13: THE '499 PATENT

147. The Plaintiff incorporates and restates the allegations of Paragraphs 1-74.

148. As noted above in paragraph 46, the '499 Patent is expired. Because the '499 Patent is expired, any product or method once covered by the claims of the '499 Patent is no longer protected by the patent laws of the United States. When the '499 Patent expired, its formerly protected property entered the public domain.

149. Despite the fact that the claims of the '499 Patent are no longer afforded patent protection, Defendant has and continue to mark (or cause to be marked) various products, including its VALBAZEN[®], with the '499 Patent. See Exhibit BB attached hereto.

150. Despite its knowledge of patent law and the current status of the '499 Patent, Defendant has and continue to falsely mark (or cause to be marked) its products as being covered by the '499 Patent. Defendant knew or reasonably should have known that marking its products with the '499 Patent after its expiration violated Federal patent marking laws which authorize marking only existing and enforceable patent or patent pending claims on a "patented" article.

151. Defendant intended to and has deceived the public by falsely marking (or causing to be marked) the patent protection status of its products.

152. Defendant has violated 35 U.S.C. §292(a) by marking (or causing to be marked), with intent to deceive the public, the packaging and/or product documentation of the VALBAZEN[®] with the '499 Patent.

COUNT 14: THE '203 PATENT

153. The Plaintiff incorporates and restates the allegations of Paragraphs 1-74.

154. As noted above in paragraph 50, the '203 Patent is expired. Because the '203 Patent is expired, any product or method once covered by the claims of the '203 Patent is no longer protected by the patent laws of the United States. When the '203 Patent expired, its formerly protected property entered the public domain.

155. Despite the fact that the claims of the '203 Patent are no longer afforded patent protection, Defendant has and continue to mark (or cause to be marked) various products, including its VANGUARD[®] PLUS 5 and VANGUARD[®] PLUS 5/CV, with the '203 Patent. See Exhibit CC attached hereto.

156. Despite its knowledge of patent law and the current status of the '203 Patent, Defendant has and continue to falsely mark (or cause to be marked) its products as being covered by the '203 Patent. Defendant knew or reasonably should have known that marking its products with the '203 Patent after its expiration violated Federal patent marking laws which authorize marking only existing and enforceable patent or patent pending claims on a "patented" article.

157. Defendant intended to and has deceived the public by falsely marking (or causing to be marked) the patent protection status of its products.

158. Defendant has violated 35 U.S.C. §292(a) by marking (or causing to be marked), with intent to deceive the public, the packaging and/or product documentation of the VANGUARD[®] PLUS 5 and VANGUARD[®] PLUS 5/CV with the '203 Patent.

COUNT 15: THE '042 PATENT

159. The Plaintiff incorporates and restates the allegations of Paragraphs 1-74.

160. As noted above in paragraph 54, the '042 Patent is expired. Because the '042

Patent is expired, any product once covered by the '042 Patent is no longer protected by the patent laws of the United States. When the '042 Patent expired, its formerly protected property entered the public domain.

161. Despite the fact the '042 Patent is no longer in force, Defendant has and continue to mark (or cause to be marked) various products, including its VANGUARD[®] PLUS 5/CV and VANGUARD[®] PLUS CPV/CV, with the '042 Patent. See Exhibit DD attached hereto.

162. Despite its knowledge of patent law and the current status of the '042 Patent, Defendant has and continue to falsely mark (or cause to be marked) its products as being covered by the '042 Patent. Defendant knew or reasonably should have known that marking its products with the '042 Patent after its expiration violated Federal patent marking laws which authorize marking only existing and enforceable patent or patent pending claims on a "patented" article.

163. Defendant intended to and has deceived the public by falsely marking (or causing to be marked) the patent protection status of its products.

164. Defendant has violated 35 U.S.C. §292(a) by marking (or causing to be marked), with intent to deceive the public, the packaging and/or product documentation of the VANGUARD[®] PLUS 5/CV and VANGUARD[®] PLUS CPV/CV with the '042 Patent.

COUNT 16: THE '043 PATENT

165. The Plaintiff incorporates and restates the allegations of Paragraphs 1-74.

166. As noted above in paragraph 54, the '043 Patent is expired. Because the '043 Patent is expired, any product or method once covered by the claims of the '043 Patent is no longer protected by the patent laws of the United States. When the '043 Patent expired, its

formerly protected property entered the public domain.

167. Despite the fact that the claims of the '043 Patent are no longer afforded patent protection, Defendant has and continue to mark (or cause to be marked) various products, including its VANGUARD[®] PLUS 5/CV and VANGUARD[®] PLUS CPV/CV, with the '043 Patent. See Exhibit DD attached hereto.

168. Despite its knowledge of patent law and the current status of the '043 Patent, Defendant has and continue to falsely mark (or cause to be marked) its products as being covered by the '043 Patent. Defendant knew or reasonably should have known that marking its products with the '043 Patent after its expiration violated Federal patent marking laws which authorize marking only existing and enforceable patent or patent pending claims on a "patented" article. Moreover, Defendant knew or reasonably should have known that marking its products with patents that unmistakably do not cover the product on which such patents are marked violated Federal patent marking laws.

169. Defendant intended to and has deceived the public by falsely marking (or causing to be marked) the patent protection status of its products.

170. Defendant has violated 35 U.S.C. §292(a) by marking (or causing to be marked), with intent to deceive the public, the packaging and/or product documentation of the VANGUARD[®] PLUS 5/CV and VANGUARD[®] PLUS CPV/CV with the '043 Patent.

COUNT 17: THE '785 PATENT

171. The Plaintiff incorporates and restates the allegations of Paragraphs 1-74.

172. As noted above in paragraph 54, the '785 Patent is expired. Because the '785 Patent is expired, any product once covered by the '785 Patent is no longer protected by the patent laws of the United States. When the '785 Patent expired, its formerly protected

property entered the public domain.

173. Despite the fact the '785 Patent is no longer in force, Defendant has and continue to mark (or cause to be marked) various products, including its VANGUARD[®] PLUS 5/CV and VANGUARD[®] PLUS CPV/CV, with the '785 Patent. See Exhibit DD attached hereto.

174. Despite its knowledge of patent law and the current status of the '785 Patent, Defendant has and continue to falsely mark (or cause to be marked) its products as being covered by the '785 Patent. Defendant knew or reasonably should have known that marking its products with the '785 Patent after its expiration violated Federal patent marking laws which authorize marking only existing and enforceable patent or patent pending claims on a "patented" article.

175. Defendant intended to and has deceived the public by falsely marking (or causing to be marked) the patent protection status of its products.

176. Defendant has violated 35 U.S.C. §292(a) by marking (or causing to be marked), with intent to deceive the public, the packaging and/or product documentation of the VANGUARD[®] PLUS 5/CV and VANGUARD[®] PLUS CPV/CV with the '785 Patent.

COUNT 18: THE '573 PATENT

177. The Plaintiff incorporates and restates the allegations of Paragraphs 1-74.

178. As noted above in paragraph 61, the '573 Patent is expired. Because the '573 Patent is expired, any product once covered by the '573 Patent is no longer protected by the patent laws of the United States. When the '573 Patent expired, its formerly protected property entered the public domain.

179. Despite the fact the '573 Patent is no longer in force, Defendant has and

continue to mark (or cause to be marked) various products, including its VIBRIN®, with the ‘573 Patent. See Exhibit FF attached hereto.

180. Despite its knowledge of patent law and the current status of the ‘573 Patent, Defendant has and continue to falsely mark (or cause to be marked) its products as being covered by the ‘573 Patent. Defendant knew or reasonably should have known that marking its products with the ‘573 Patent after its expiration violated Federal patent marking laws which authorize marking only existing and enforceable patent or patent pending claims on a “patented” article.

181. Defendant intended to and has deceived the public by falsely marking (or causing to be marked) the patent protection status of its products.

182. Defendant has violated 35 U.S.C. §292(a) by marking (or causing to be marked), with intent to deceive the public, the packaging and/or product documentation of the VIBRIN® with the ‘573 Patent.

COUNT 19: THE ‘112 PATENT

183. The Plaintiff incorporates and restates the allegations of Paragraphs 1-74.

184. As noted above in paragraph 61, the ‘112 Patent is expired. Because the ‘112 Patent is expired, any product once covered by the ‘112 Patent is no longer protected by the patent laws of the United States. When the ‘112 Patent expired, its formerly protected property entered the public domain.

185. Despite the fact the ‘112 Patent is no longer in force, Defendant has and continue to mark (or cause to be marked) various products, including its VIBRIN®, with the ‘112 Patent. See Exhibit FF attached hereto.

186. Despite its knowledge of patent law and the current status of the ‘112 Patent,

Defendant has and continue to falsely mark (or cause to be marked) its products as being covered by the '112 Patent. Defendant knew or reasonably should have known that marking its products with the '112 Patent after its expiration violated Federal patent marking laws which authorize marking only existing and enforceable patent or patent pending claims on a "patented" article.

187. Defendant intended to and has deceived the public by falsely marking (or causing to be marked) the patent protection status of its products.

188. Defendant has violated 35 U.S.C. §292(a) by marking (or causing to be marked), with intent to deceive the public, the packaging and/or product documentation of the VIBRIN® with the '112 Patent.

COUNT 20: THE '429 PATENT

189. The Plaintiff incorporates and restates the allegations of Paragraphs 1-74.

190. As noted above in paragraph 65, the '429 Patent is expired. Because the '429 Patent is expired, any product once covered by the '429 Patent is no longer protected by the patent laws of the United States. When the '429 Patent expired, its formerly protected property entered the public domain.

191. Despite the fact the '429 Patent is no longer in force, Defendant has and continue to mark (or cause to be marked) various products, including its VI-SORBIN®, with the '429 Patent. See Exhibit GG attached hereto.

192. Despite its knowledge of patent law and the current status of the '429 Patent, Defendant has and continue to falsely mark (or cause to be marked) its products as being covered by the '429 Patent. Defendant knew or reasonably should have known that marking its products with the '429 Patent after its expiration violated Federal patent marking laws

which authorize marking only existing and enforceable patent or patent pending claims on a “patented” article.

193. Defendant intended to and has deceived the public by falsely marking (or causing to be marked) the patent protection status of its products.

194. Defendant has violated 35 U.S.C. §292(a) by marking (or causing to be marked), with intent to deceive the public, the packaging and/or product documentation of the VI-SORBIN® with the ‘429 Patent.

DAMAGES

195. The Plaintiff incorporates and restates the allegations of Paragraphs 1-194.

196. Upon information and belief, Defendant knows, or reasonably should know, that marking its products with false patent statements was and is illegal under Title 35 of the United States Code.

197. Each falsely marked product is a separate “offense” pursuant to 35 U.S.C. §292(a).

PRAYER FOR RELIEF

198. WHEREFORE, Plaintiff respectfully requests that this Court enter judgment against Defendant as follows:

199. A decree that Defendant has falsely marked products in violation of 35 U.S.C. § 292;

200. An award of monetary damages, pursuant to 35 U.S.C. § 292, in the form of a civil monetary fine of \$500 per false marking “offense,” or an alternative amount as determined by the Court, one half of which should be paid to the United States of America and one-half of which shall be paid to Main Hastings;

201. An accounting for any falsely marked products not presented at trial and an award by the Court of additional damages for any such falsely marked products;

202. Enter a judgment and order requiring Defendant to pay Main Hastings prejudgment and post-judgment interest on the damages awarded;

203. Order Defendant to pay Main Hastings' costs and attorney fees; and

204. Grant Main Hastings such other and further relief as it may deem just and equitable.

DEMAND FOR JURY TRIAL

205. Pursuant to Federal Rules of Civil Procedure Rule 38, Plaintiff hereby demands a jury trial on all issues triable by jury.

Dated: December 29, 2010

Respectfully submitted,

/s/ Winston O. Huff _____

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