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JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

THERMOLIFE INTERNATIONAL,
LLC,

Plaintiff,

v.

BETTER BODY SPORTS, LLC, et
al.,

Defendants,

And Related Counterclaims and
Consolidated Actions.

Master Case: CV12-09229 GAF (FFMx)
(related/coordinated to ALL CASES)

Judge: The Honorable Gary A. Feess

JUDGMENT

On October 26, 2012, Plaintiff, Thermolife International, LLC (“Thermolife”) filed its Complaint against Defendants All Star Health; Lecheek, LLC; Lone Star Distribution; Maximum Human Performance, LLP; Purus Labs, Inc.; Reaction Nutrition, LLC; Redefine Nutrition LLC; Bronson Laboratories, Inc.; Bio-Engineered Supplements and Nutrition, Inc.; Pharmafreak Holdings, Inc.; Nutrex Research, Inc.; Infinite Labs LLC; Muscle Warfare, Inc.; Allmax Nutrition, Inc.; General Nutrition Corporation; General Nutrition Centers, Inc.; GNC Corporation; Hi-Tech Pharmaceuticals, Inc.; DNA Sports Nutrition; Nutrition Zone Worldwide, Inc.; SNI, LLC; and NutraPlanet, alleging that Defendants

1 infringed U.S. Patent No. 8,202,908 (“the ‘908 patent”) entitled “D-Aspartic Acid
2 Supplement.” Defendants filed their separate Answers to Plaintiff’s Complaint,
3 which included Counterclaims for (1) Declaratory Judgment of Non-Infringement;
4 (2) Declaratory Judgment of Patent Invalidity; and (3) Inequitable Conduct.

5 On July 15, 2013, Defendants, All Star Health; Lecheek, LLC; Lone Star
6 Distribution; Maximum Human Performance, LLP; Purus Labs, Inc.; Reaction
7 Nutrition, LLC; Redefine Nutrition LLC; Bronson Laboratories, Inc.; Bio-
8 Engineered Supplements and Nutrition, Inc.; Pharmafreak Holdings, Inc.; Nutrex
9 Research, Inc.; Infinite Labs LLC; Muscle Warfare, Inc.; General Nutrition
10 Corporation; General Nutrition Centers, Inc.; GNC Corporation; Hi-Tech
11 Pharmaceuticals, Inc.; DNA Sports Nutrition; Nutrition Zone Worldwide, Inc.;
12 SNI, LLC; and NutraPlanet (collectively, “Defendants”), filed their Motion for
13 Summary Judgment of Invalidity of U.S. Patent No. 8,202,908 and For Attorneys’
14 Fees.

15 On October 8, 2013, the Court granted Defendants’ Motion for Summary
16 Judgment and held that the ‘908 Patent is invalid. The Court denied Defendants’
17 Request for Attorneys’ Fees.

18 It is hereby ORDERED, ADJUDGED AND DECREED, based on the
19 record in this civil action, as follows:

- 20 1. The ‘908 Patent is invalid;
- 21 2. Defendants’ Request for Attorneys’ Fees is denied;
- 22 3. Final judgment is entered in favor of Defendants;
- 23 4. Costs shall be awarded pursuant to Fed. R. Civ. P. 54(d)(1); and

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5. The Clerk is directed to enter final judgment in accordance with the foregoing.

SO ORDERED.

Dated: October 15, 2013.



JS-6

The Honorable Gary A. Feess
United States District Court Judge