MediaRoom

ITC Investigation Requested, OmniActive Health Technologies' Importation of Lutein is at Risk!

Kemin Asserts its Patents, Requests the ITC to Prevent Unlawful Importation of Carotenoids into the USA

On October 6, 2016, Kemin Industries, Inc. (Kemin) filed a Complaint with the International Trade Commission (ITC) requesting an investigation under Section 337 of the Tariff Act of 1930 with respect to the unlawful and unauthorized importation of infringing products by OminiActive Health Technologies (OmniActive®). Kemin is seeking an exclusion order to preclude OmniActive's continued importation of products that infringe Kemin's patent rights.1 Kemin submitted its request in response to OmniActive's marketing campaigns surrounding its lutein and zeaxanthin products, such as Lutemax 2020®, which actively induce its customers to infringe Kemin's patent rights, including those related to blue light claims.

OmniActive is no stranger to lawsuits being filed against it for patent infringement in the United States. This is not the first time infringement allegations have been raised against it in the past decade.

"OmniActive's pattern of attempting to take other people's inventions and use them for their own profit tarnishes the image of the supplement industry. As a leader in the industry we take pride in the science and quality of our products and we respect our competitors who do the same," said Anita Norian, president of the Human Nutrition and Health Division of Kemin.

Kemin's FloraGLO® is the only lutein brand supported by a patent that shows how ocular antioxidants, such as lutein and zeaxanthin, filter blue light to help protect individual's eyes.1 Kemin encourages everyone to protect their eyes through supplementation including lutein and zeaxanthin. Kemin has not asked OmniActive to stop selling their macular carotenoids, but is asking that it respect Kemin's patent rights.

Sales of LED bulbs which emit damaging blue light are expected to soon completely eliminate the less damaging incandescent bulbs.2 This elevates the importance of blue light protection and for continued research. That being said, Omni's lawsuit is a lengthy process, filled with uncertainty. The safe bet for a customer's marketing material to remain intact is by purchasing FloraGLO®. "Patents are highly valued at Kemin for they are reflective of our vision and commitment to improve the quality of life for everyone. With each discovery we use the return on investments to support future research into human health benefits through supplementation," said Norian.

"Kemin remains committed to protecting its intellectual property. If that means we need to stop OmniActive from importing into the United States to protect our patents, then we will do so. We remain hopeful that OmniActive will work with us to grow the global usage of lutein and zeaxanthin, which will benefit everyone," said Dr. Chris Nelson, president and CEO of Kemin Industries.

Kemin® – Inspired Molecular Solutions™

Kemin (https://www.kemin.com/) provides "inspired molecular solutions" specifically developed to provide nutrition and health benefits for humans and animals. Committed to feed and food safety, Kemin maintains top-of-the-line manufacturing facilities where approximately 500 specialty ingredients are made for the global feed and food industries as well as the health, nutrition and beauty markets. A privately held, family-owned and operated company, Kemin has nearly 2,000 employees and operates in 90 countries with manufacturing facilities in Belgium, Brazil, China, India, Italy, Singapore, South Africa and the United States.

References

1U.S. Patent 9,226,940 B2 entitled Method of Treating Ocular Disorders (Issued January 5, 2016 to Kemin Industries); U.S. Patent 8,815,955 entitled Method of Treating Ocular Disorders (Issued August 26, 2014 to Kemin Industries).

2http://wintergreenresearch.com/reports/LED%202013%20press%20release.pdf

OmniActive® and Lutemax 2020®, are registered trademarks of OmniActive Health Technologies

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