

## ITC Agrees, OmniActive Should Be Investigated for Patent Infringement

### ITC Institutes Investigation into OmniActive Health Technologies' Importation of Lutein into the U.S.

Des Moines, Iowa - On November 3, 2016 the International Trade Commission (ITC) has officially instituted an investigation into the importation of lutein and zeaxanthin products by OmniActive Health Technologies, Inc. (OmniActive®).

This investigation is in response to Kemin's complaint filed on October 6 regarding the unlawful and unauthorized importation of OmniActive's products which infringe on Kemin's patents.<sup>1</sup> The decision marks the ITC's conclusion there is sufficient merit to move forward with an investigation. The ITC will now investigate the infringement claims and decide whether to prevent OmniActive's continued importation into the U.S. market.

"Kemin believes that OmniActive's marketing campaigns for its lutein and zeaxanthin products actively encourage infringement of Kemin's patent rights, which include claims directed to blue light," said Anita Norian, president of the Human Nutrition and Health Division of Kemin. "The purpose of the ITC is to protect the American public from unfair practices by foreign companies. Having the ITC open an investigation reinforces Kemin's position that OmniActive is in violation."

As the ITC investigation progresses, Kemin's **FloraGLO® Lutein** and ZeaOne® Zeaxanthin remains the safe bet to keep customers' marketing material intact. The ITC action will move more swiftly to resolution than the federal district court action filed by OmniActive early this year and they will be setting a target date for completion.

"We would like to work with members of the industry to grow the global usage of lutein and zeaxanthin which will benefit everyone," said Dr. Chris Nelson, president and CEO of Kemin Industries. "The importance of lutein supplementation has been shown in over 70 clinical studies<sup>2</sup> which used FloraGLO® Lutein, including the largest lutein supplementation trial to date, the prestigious National Institutes of Health's, National Eye Institute Second Age-Related Eye Disease Study, better known as AREDS2."

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.<sup>1</sup> Kemin encourages everyone to protect their eyes through supplementation including lutein and zeaxanthin.

### 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.

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### References

1 U.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).

2 PubMed, 2015

OmniActive® is a registered trademarks of OmniActive Health Technologies

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