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6 Attorney for Plaintiff Follea International Ltd.

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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 Follea International Ltd., a British  
11 Virgin Islands corporation,

12 Plaintiff,

13 vs.

14 CosmoGene Skincare Pvt. Ltd., an India  
15 corporation, and Regaliz Medicare Ltd.,  
16 an India corporation

17 Defendant.

Case No. 8:24-cv-769

**COMPLAINT FOR PATENT  
INFRINGEMENT**

JURY TRIAL DEMANDED

18  
19 **COMPLAINT FOR PATENT INFRINGEMENT**

20 Plaintiff Follea International Ltd. (“Follea”) hereby asserts the following claims for  
21 patent infringement against Defendants CosmoGene Skincare Pvt. Ltd. and its  
22 Regaliz Medicare Ltd. (collectively, “Defendants”), and alleges as follows:

23 **NATURE OF THE ACTION**

- 24 1. This is a civil action for patent infringement under the patent laws of the  
25 United States, 35 U.S.C. § 1 *et seq.*  
26 2. Defendants have infringed and continue to infringe, and have induced  
27 and continue to induce infringement of, one or more claims of Follea’s U.S.

1 Patent No. 8,691,518 (the “Patent”) at least by manufacturing, advertising, selling  
2 and offering to sell Follea’s Minoxidil Response Test.

3 3. Follea is the legal owner by assignment of the Patent, which was duly and  
4 legally issued by the United States Patent and Trademark Office (“USPTO”).

5 4. Follea seeks injunctive relief and monetary damages.

6 **THE PARTIES**

7 5. Follea International Ltd. is a corporation organized and existing under the laws  
8 of the British Virgin Islands with its principal place of business at 520 Newport  
9 Center Dr., Ste 1420, Newport Beach, CA 92660, USA.

10 6. Upon information and belief, defendant CosmoGene Skincare Pvt. Ltd.  
11 (“CosmoGene”) is a corporation organized and existing under the laws of India  
12 with its principal place of business at Plot no. 47, 1<sup>st</sup> floor, Rajiv Gandhi Nagar,  
13 Kukatpally, Hyderabad – 500072 India. CosmoGene is in the business of  
14 Manufacturing, distributing and selling DNA-based tests for skincare and haircare  
15 solutions.

16 7. Upon information and belief, defendant Regaliz Medicare Ltd., an India  
17 corporation (“Regaliz”) is a corporation organized and existing under the laws of  
18 India, with its principal place of business at Western Express Highway, Borivali  
19 (East), Mumbai-400066, Maharashtra, India. Regaliz is in the business of  
20 distributing and selling dermatological products and solutions, for importation  
21 into the United States and sales in the United States, including in this Central  
22 District of California (“District”).

23 8. Upon information and belief, each of the Defendants directly and/or indirectly  
24 imports, develops, designs, manufactures, distributes, markets, offers to sell  
25 and/or sells infringing products and services in the United States, including in this  
26 District, and otherwise purposefully directs infringing activities to this district in  
27 connection with the Minoxidil Response Test.

28 9. Upon information and belief and as further explained below, Defendants have  
been and are acting in concert, and are otherwise liable jointly, severally or  
otherwise for a right to relief related to or arising out of the same transaction,  
occurrence or series of transactions or occurrences related to the making, using,

1 importing into the United States, offering for sale or selling the Minoxidil  
2 Response Test in this District. In addition, this action involves questions of law  
3 and fact that are common to all Defendants.

4 **JURISDICTION AND VENUE**

5 10. This is a civil action for patent infringement arising under the patent laws of  
6 the United States, 35 U.S.C. § 1 *et seq.*

7 11. This Court has subject matter jurisdiction over the matters asserted herein  
8 under 28 U.S.C. §§ 1331 and 1338(a).

9 12. Defendants are subject to this Court's personal jurisdiction. Defendants have  
10 infringed the Patent in this District by, among other things, engaging in infringing  
11 conduct within and directed at or from this District. For example, Defendants  
12 have has purposefully and voluntarily placed the Minoxidil Response Test into the  
13 stream of commerce with the expectation that these infringing products will be  
14 used in this District. These infringing products have been and continue to be sold and  
15 used in this District.

16 13. Venue is proper in this judicial district pursuant to 28 U.S.C. §§1391 and  
17 1400(b) at least because Defendants have committed acts of infringement in this  
18 District and resides in this District by virtue of selling the Minoxidil Response Test  
19 to the worldwide public via its website at [www.trichogene.in](http://www.trichogene.in) and thus transacting  
20 business in the District and by selling directly to doctors for use with, or resale to,  
21 their patients.

22 **MONOXIDIL RESPONSE TEST'S HISTORY AND PATENTED  
23 TECHNOLOGY**

24 14. The Minoxidil Response Test was developed in 2011 and is a test that helps  
25 its users to determine whether the Minoxidil drug for hair loss treatment is  
26 suitable for them as Minoxidil is only effective for 50% of men.

27 15. The Minoxidil Response Test reports if Minoxidil will be an effective  
28 treatment by determining if the user has the necessary sulfotransferase

1 (SULT1A1) enzyme present in hair follicles, which create the ideal scalp  
2 environment for Minoxidil-based treatments to regrow hair. SULT1A1 is needed  
3 to convert Minoxidil to its active form, Minoxidil Sulfate, in the hair follicles to  
4 regrow hair.

5 16. Follea has filed for patent protection in numerous countries for the Minoxidil  
6 Response Test. The Patent, granted by the USPTO on April 8, 2014 is entitled  
7 “Systems and methods for predicting response to minoxidil for the treatment of  
8 androgenetic alopecia.” Follea is the true and correct owner of the Patent and a  
9 true and correct copy of the Patent is attached hereto as Exhibit A.

10 17. The Patent claims in part:

11 “A method for selecting a treatment for a human subject suffering from  
12 androgenetic alopecia, comprising:

13 obtaining a sample from the human subject, comprising one or more hairs that  
14 have been plucked from the human subject, said hairs comprising one or more hair  
15 follicles;

16 performing a colorimetric assay to measure minoxidil sulfotransferase activity in  
17 the sample, thereby generating an activity value indicative of the minoxidil  
18 sulfotransferase activity level in the sample, wherein the assay comprises the step  
19 of placing the sample in a reaction mixture comprising an indicator dye and  
20 minoxidil, and wherein during the assay, the indicator dye undergoes a color  
change that correlates with the amount of minoxidil sulfotransferase activity level  
in the sample, and wherein the activity value correlates with said color change;

21 comparing the activity value to one or more standardized activity values, each  
22 standardized activity value representing either high or low expected minoxidil  
23 response for hair re-growth or retention for a class of patients including the subject,  
24 thereby producing an indication of either high or low expected minoxidil response  
25 for hair re-growth or retention for the subject at a particular dosage of minoxidil;  
and

26 presenting the indication to the human subject.”

27 18. Follea markets and sells the Mixodil Response Test in the United States,  
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1 including the District, online through its affiliated business Daniel Alain  
2 ([www.danielalain.com](http://www.danielalain.com)) under the trademark “MRT”:

3  
4 **STEP 1 - TEST**

5 Tests the level of sulfotransferase enzyme present

6 **MRT**

7 **Minoxidil Response Test**

8  
9 95.9% accurate in predicting Minoxidil response.



20 **ACTS GIVING RISE TO THIS ACTION**

21 19. Defendants have commenced a blatant and willful rip-off by manufacturing  
22 and selling an identical product to the Minoxidil Response Test to doctors directly  
23 and online at [www.trichogene.in](http://www.trichogene.in):  
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# Minoxidil Response Test

₹2,950.00

“Decode Your DNA, Design Your Hair Destiny.”

## Are You Genetically Wired to Respond to Minoxidil?

Discover with precision how your DNA might influence your response to one of the most popular hair regrowth treatments.

### Why This Test?

- **Personalized Treatment:** Understand if minoxidil is likely to work for you, tailored to your unique DNA.
  - **Informed Decisions:** Make choices about hair regrowth strategies with confidence.
  - **Scientifically Backed:** Grounded in the latest research connecting SULT1A1 genes and minoxidil efficacy.
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- Minoxidil is only effective for 50% of men and 40% of women and can take 6-9 months to show results.
  - The Minoxidil Response Test reports if Minoxidil will be an effective treatment for you within 1-2 weeks (once the sample is received at our lab), backed by strong scientific research.
  - SULT1A1 is needed to convert Minoxidil to its active form, Minoxidil Sulfate, in the hair follicles to regrow hair.



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15 *"The only test to assess the*  
16 *outcome of minoxidil*  
17 *treatment."*

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21 Order the Revolutionary Minoxidil Response Test only from  
22 TrichoGene.

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24 **DEFENDANTS KNOWLEDGE OF THE PATENT**

25 20. Defendants have been aware of the Patent and the fact that Defendants products  
26 practice the claimed inventions of such patent since at least March 6, 2024.  
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1 21. On March 6, 2024, attorneys for Follea, O.P. Khaitan & Co. Legal Partners LLP  
2 in New Delhi, India, sent a cease and desist letter to Defendants informing them that  
3 their manufacturing and selling their Minoxidil Response Test infringed the Patent (as  
4 well as certain trademarks and copyrights). Defendants failed to respond but did  
5 remove a few Follea trademarks from the [www.trichogene.in](http://www.trichogene.in) website.

6 22. Despite their knowledge of the Patent and of their infringement of such patents,  
7 Defendants have continued to willfully infringe the Patent so as to obtain the  
8 significant benefits of Follea's innovations without paying compensation to Follea.

9 **COUNT 1**

10 **INFRINGEMENT OF THE PATENT**

11 23. Follea incorporates by reference paragraphs 1–22.

12 24. The Patent is valid and enforceable.

13 25. Defendants have infringed, and continue to infringe, one or more claims of the  
14 Patent under 35 U.S.C. § 271, either literally and/or under the doctrine of  
15 equivalents, by making, using, selling, and/or offering for sale in the United States,  
16 and/or importing into the United States, products and/or methods encompassed by  
17 those claims, including Defendant's Minoxidil Response Test.

18 26. Defendant's infringement has caused, and is continuing to cause, damage and  
19 irreparable injury to Follea, and Follea will continue to suffer damage and irreparable  
20 injury unless and until that infringement is enjoined by this Court.

21 27. Follea is entitled to injunctive relief and damages in accordance with 35  
22 U.S.C. §§ 271, 281, 283, and 284.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, Follea respectfully requests:

25 A. That Judgment be entered that Defendants have infringed the Patent, directly and  
26 indirectly, literally or under the doctrine of equivalents;

27 B. Defendants infringement of the Patent has been willful;

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1 C. That, in accordance with 35 U.S.C. § 283, Defendants and all affiliates,  
2 employees, agents, officers, directors, attorneys, successors, and assigns and all  
3 those acting on behalf of or in active concert or participation with any of them, be  
4 preliminarily and permanently enjoined from (1) infringing the Patent and (2)  
5 making, using, selling, and offering for sale the Minoxidil Response Test;

6 D. An award of damages sufficient to compensate Follea for Defendants’  
7 infringement under 35 U.S.C. ¶ 284;

8 E. That the case be found exceptional under 35 U.S.C. § 285 and that Follea be  
9 awarded its attorneys’ fees;

10 F. Costs and expenses in this action;

11 G. An award of prejudgment and post-judgment interest; and

12 H. Such other and further relief as the Court may deem just and proper.

13  
14 Dated: April 9, 2024

/s/ Scott Olson  
Attorney for Plaintiff Follea International Ltd.