

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GILEAD SCIENCES, INC., GILEAD SCIENCES :
IRELAND UC, and GILEAD SCIENCES, LLC, :

Plaintiffs, :

v. :

PETER KHAIM; 71ST RX PHARMACY INC.; :
AKBAR GRANT; BEST SCRIPTS LLC; IVAN :
OHAR; BORIS AMINOV; BLESS YOU RX INC.; :
RACHEL AMINOV; JONATHAN GAVRIELOF; :
ANTONIO PAYANO; DYNAMIC :
PHARMACEUTICALS SUPPLY, INC.; :
DYNAMIC PHARMACEUTICAL SUPPLY INC.; :
NORTHWEST PHARMACEUTICAL & :
MEDICAL SUPPLY INC.; J&M MEDICAL :
SUPPLY INC.; JFK WHOLESALE AND RETAIL :
MEDICAL SUPPLY CORP.; MERRIC BILLING :
INC.; NEW LINE OF PHARMACEUTICAL, :
INC.; ONLINER MARKETING CORP.; PARK :
AVENUE PHARMACEUTICAL CORP.; :
PHARMACEUTICAL WAY, INC.; FOSTER :
MEDIA GROUP, INC.; FOSTER MEDIA :
PHARMACEUTICAL SUPPLY CORP.; Y&S :
STATISTIC MEDICAL SUPPLY INC.; Y&S :
STATISTIC MEDICAL SUPPLY INC.; PURE :
GEAR CONSULTING, INC.; CHRISTY :
CORVALAN; ISLAND PHARMACY & :
DISCOUNT CORP.; DAVID FERNANDEZ; :
DEZYRE BAEZ; CRYSTAL MEDINA; IRINA :
POLVANOVA; GALAXY RX INC.; ROMAN :
SHAMALOV; and RIVER CHEMISTS CORP.; :

Defendants. :

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Case No. _____

**FILED *EX PARTE* AND UNDER SEAL
PURSUANT TO 15 U.S.C. § 1116(d)**

COMPLAINT AND JURY DEMAND

Plaintiffs Gilead Sciences, Inc., Gilead Sciences Ireland UC, and Gilead Sciences, LLC (together, “Gilead” or “Plaintiffs”), by and through their counsel, Patterson Belknap Webb & Tyler LLP, for their Complaint against the Defendants listed above allege as follows:

SUMMARY OF THE ACTION

1. Gilead brings this suit as a follow-on anti-counterfeiting action to *Gilead Sciences, Inc. et al. v. Safe Chain Solutions LLC, et al.*, No. 21-cv-4106 (AMD)(JAM) (E.D.N.Y.) (“*Gilead I*”).¹ In *Gilead I*, Gilead sued more than one hundred members of an international counterfeiting conspiracy selling dangerous counterfeits of Gilead’s HIV medications. Gilead brings this action as part of its continuing efforts to protect patients by putting a permanent end to the counterfeiting conspiracy.

2. The Defendants in this action are all members of the counterfeiting conspiracy exposed in *Gilead I*, and are all co-conspirators with defendants who were named in *Gilead I*. With one exception, the Defendants in this action were not named as defendants in *Gilead I*, and so this action is, in essence, an expansion of the anti-counterfeiting efforts that Plaintiffs undertook in *Gilead I*.

3. The only Defendant here who is also a defendant in *Gilead I* is Peter Khaim, a twice-convicted medical fraudster who is among the largest and most brazen manufacturers and sellers of counterfeit Gilead medications in the country. Defendant Khaim has been added to this

¹ Gilead’s efforts to shut down this counterfeiting ring have been the subject of mainstream media coverage, including by CNBC and the Wall Street Journal. See CNBC, “Fraud in a bottle: How Big Pharma takes on criminals who make millions off counterfeit drugs,” available at <https://www.cnbc.com/2023/12/11/fraud-in-a-bottle-big-pharma-takes-on-counterfeit-drugs.html>; Corinne Ramey, Justice Department Probes Network Accused of Selling Counterfeit HIV Drugs, Wall Street Journal, (Mar. 30, 2022), available at <https://www.wsj.com/articles/justice-department-probes-network-accused-of-selling-counterfeithiv-drugs-11648653345>; Joseph Walker, Corinne Ramey, Drugmaker Gilead Alleges Counterfeiting Ring Sold Its HIV Drugs, Wall Street Journal, (Jan. 18, 2022), available at <https://www.wsj.com/articles/drugmaker-gilead-alleges-counterfeiting-ring-sold-its-hiv-drugs-11642526471>.

action because he has in recent months, in deliberate contempt of the injunctions this Court issued against him in *Gilead I*, continued to sell counterfeit Gilead-branded HIV medication through a new series of pharmacies.

4. Outside of Defendant Khaim and the nominal owners of the new pharmacies he used to sell counterfeits, the individual Defendants in this action have all been federally indicted in New York for crimes related to their participation in the counterfeiting conspiracy. Defendant Boris Aminov has already been convicted and sentenced for his role in the scheme, and the criminal cases against the other individual Defendants remain pending.

5. The counterfeits at issue are of Gilead-branded medications, and primarily Gilead-branded HIV medications: life-saving treatments for patients living with HIV, as well as pre-exposure prophylactic, or “PrEP,” medication that protects against HIV-1 infection when taken as prescribed.

6. The Defendants and their co-conspirators manufactured and trafficked these counterfeit Gilead-branded HIV medications to pharmacies and patients in at least New York and New Jersey, putting untold numbers of patients’ health and safety at risk.

7. The counterfeiters began by acquiring once-authentic bottles (empty or full) of Gilead-branded HIV medications that had already been dispensed to patients, typically by purchasing them off the street from vulnerable patients who could be persuaded to give up their life-saving medication for cash. Where the bottles purchased off the street were empty, the counterfeiters filled them with other medication, and then re-sealed the bottle with a fake version of Gilead’s tamper-evident seal. The bottles were then altered to make them salable as counterfeits: the patient labeling applied by the dispensing pharmacy was removed, usually with harsh chemicals; the bottles were cleaned and in at least in one instance, re-labeled with the

manufacturer's label for a different, more expensive drug; counterfeit patient instructions were sometimes affixed to the outside of the bottle; and the counterfeits were sold as brand-new bottles, accompanied by counterfeit pedigrees or other documentation that falsely claim to trace the sales of the bottle, or with none of the mandated chain-of-custody documentation at all.

8. The human cost of the Defendants' counterfeiting is staggering. Every counterfeit sold represents a patient who has been deprived of his or her prescribed, life-saving HIV medication. This includes patients who go to their neighborhood pharmacy and, unbeknownst to them, are dispensed a sealed, authentic-looking bottle that does not contain their HIV medication, but an entirely different medication. And this includes patients living with HIV who are preyed upon by Defendants and convinced to give up taking their prescribed medication, which they often receive for free, in exchange for a cash payment. In both cases, both the patients themselves and the community are put at risk: failure to take prescribed HIV medication as instructed can lead to an increase in the patients' viral load, which both endangers the patient's health and makes it possible for the patient to transmit the virus to sexual partners.

9. In *Gilead I*, Plaintiffs successfully sought injunctive relief from this Court against over one hundred members of the counterfeiting conspiracy, and were able to put an immediate stop to much of the counterfeiting conspiracy's activity. Several of the defendants in *Gilead I* have been convicted of crimes related to their counterfeiting, and many more have been indicted, with more indictments likely to come.

10. Nevertheless, in a stunning display of hubris and contempt of this Court, Defendant Khaim and his newest co-conspirators have flouted this Court's injunctions and continued to sell counterfeit Gilead-branded HIV medication through new pharmacies owned by

strawmen, consistent with Defendant Khaim's *modus operandi* for his numerous other healthcare frauds.

11. For their part, Defendant Boris Aminov and his co-conspirators flooded the New York market with counterfeits that they manufactured from bottles they purchased from patients off the streets, which they then both dispensed to patients through Defendant Boris Aminov's pharmacy and sold to other pharmacies in the state. Defendant Boris Aminov has admitted his role in the conspiracy and has been convicted of related crimes, and his co-conspirators have been indicted and are awaiting trial or admitted guilt.

12. In this action, Gilead seeks injunctive relief, including a seizure at certain Defendants' premises, in order to put an immediate stop to the sale of these dangerous counterfeit medications. Gilead also seeks other injunctive and monetary relief against all Defendants for trademark infringement in violation of Section 32 of the Lanham Act (15 U.S.C. § 1114); false descriptions and false designations of origin in commerce in violation of Section 43 of the Lanham Act (15 U.S.C. § 1125); false advertising in violation of Section 43 of the Lanham Act (15 U.S.C. § 1125), trademark dilution in violation of Section 43 of the Lanham Act (15 U.S.C. § 1125) and New York General Business Law § 360-1; deceptive business practices in violation of New York General Business Law § 349; and common-law unjust enrichment and unfair competition.

THE PARTIES

A. PLAINTIFFS

13. Plaintiff Gilead Sciences, Inc. is a public corporation organized under the laws of the State of Delaware, with more than 17,000 employees. Its principal place of business is 333 Lakeside Drive, Foster City, California 94404. Gilead develops and markets a large portfolio of lifesaving medications, including drugs for the treatment or prevention of HIV. Gilead is the

owner of certain well-established and famous registered trademarks that appear on the packaging (including the pedigrees), tablets, and instructional inserts of certain genuine HIV and other medications.

14. Plaintiff Gilead Sciences Ireland UC (“Gilead Ireland”) is a private unlimited company organized under the laws of Ireland, with its principal place of business at IDA Business & Technology Park, Carrigtohill, Co. Cork, Ireland. Gilead Sciences, Inc. is the ultimate parent of Gilead Ireland. Gilead Ireland is the owner of certain well-established and famous registered trademarks that appear on the packaging (including the pedigrees), tablets, and instructional inserts of certain genuine HIV and other medications.

15. Plaintiff Gilead Sciences, LLC is a private limited liability company organized under the laws of the State of Delaware, with its principal place of business at 333 Lakeside Drive, Foster City, California 94404. Gilead Sciences, Inc. is the ultimate parent of Gilead Sciences, LLC. Gilead Sciences, LLC is the owner of at least one well-established and famous registered trademark that appears on the packaging (including the pedigrees), tablets, and instructional inserts of certain genuine HIV and other medications.

B. DEFENDANTS

1. The Khaim Defendants

16. Defendant 71st Rx Pharmacy Inc. (“71st Rx”) is a retail pharmacy with a principal place of business in Forest Hills, Queens, New York. Defendant 71st RX sold counterfeit Gilead-branded HIV medication with falsified documentation.

17. Defendant Akbar Grant is an individual residing in the Bronx, New York. He is the principal of record of 71st Rx. Grant supervised, ratified, and/or personally participated in the trafficking of counterfeit Gilead medications. As principal of 71st Rx, he personally financially

benefited from the trafficking of counterfeit Gilead medications and failed to exercise his authority to stop it.

18. Defendant Best Scripts LLC (“Best Scripts”) is a retail pharmacy with a principal place of business in Fresh Meadows, Queens, New York. Defendant Best Scripts sold counterfeit Gilead-branded HIV medication with falsified documentation.

19. Defendant Ivan Ohar is an individual residing in Brooklyn, New York. He is the principal of record of Defendant Best Scripts. Defendant Grant supervised, ratified, and/or personally participated in the trafficking of counterfeit Gilead medications. As principal of Defendant Best Scripts, he personally financially benefited from the trafficking of counterfeit Gilead medications and failed to exercise his authority to stop it.

20. Defendant Peter Khaim is an individual residing in Queens, New York.² Defendant Khaim is the off-the-books principal of Defendants 71st Rx and Best Scripts. Defendant Khaim has sometimes used the last name “Khaimov.” Defendant Khaim managed, supervised, ratified, and/or personally participated in the trafficking of counterfeit Gilead HIV medications, including through Defendants 71st Rx and Best Scripts. As a principal of Defendants 71st Rx and Best Scripts, Defendant Khaim personally financially benefited from the trafficking of counterfeit Gilead medications and failed to exercise his authority to stop it.

2. The Boris Aminov Defendants

21. Defendant Boris Aminov is an individual residing in Brooklyn, New York. He is the off-the-books principal of all of the following Defendant entities: Bless You Rx Inc., Dynamic Pharmaceuticals Supply, Inc., Dynamic Pharmaceutical Suply Inc., Northwest

² Defendant Khaim, together with Defendants 71st RX Inc., Best Scripts, Grant, and Ohar are referred to collectively as the “Khaim Defendants.”

Pharmaceutical & Medical Supply Inc., J&M Medical Supply Inc., JFK Wholesale and Retail Medical Supply Corp., Merric Billing Inc., New Line of Pharmaceutical, Inc., Onliner Marketing Corp., Park Avenue Pharmaceutical Corp., Pharmaceutical Way, Inc., Foster Media Group, Inc., Foster Media Pharmaceutical Supply Corp., Y&S Statistic Medical Supply Inc., Y&S Statistic Medical Suply Inc., and Pure Gear Consulting, Inc. (collectively, the “Aminov Entities”).

22. Defendant Boris Aminov used the Aminov Entities to operate an HIV medication counterfeiting scheme, which included the purchase, manufacture, and sale of counterfeit Gilead-branded medications. Specifically, Defendant Boris Aminov and his co-conspirators bought already-dispensed bottles of medication off the street (or transacted with others who did so), manufactured counterfeits by altering and/or repacking the bottles to hide the fact that they had already been dispensed and to make them look legitimate, and then either (a) dispensed the counterfeits to patients through Bless You Rx Inc., or (b) sold them to other pharmacies owned by his co-conspirators, with payment rendered to one or more of the remaining Aminov Entities (the “Aminov Laundering Entities”).

23. Defendant Boris Aminov supervised, ratified, and/or personally participated in the trafficking of counterfeit Gilead medications. As principal of the Aminov Entities, he personally financially benefited from the trafficking of counterfeit Gilead medications and failed to exercise his authority to stop it.

24. Defendant Bless You Rx Inc. is an active single-location retail pharmacy located in Queens, New York, established in 2019. Its owner of record is Defendant Rachel Aminov, Defendant Boris Aminov’s mother. Defendant Boris Aminov is the off-the-books principal of Bless You RX Inc. Through Bless You RX Inc., Defendant Boris Aminov knowingly dispensed

or caused the dispensation of counterfeit Gilead medications to patients of the pharmacy and other pharmacies.

25. Defendant Rachel Aminov is an individual residing in Queens, New York. She is the owner of record of Defendant Bless You Rx, the pharmacy through which Defendant Boris Aminov distributed counterfeit Gilead medications to patients. As the principal of Bless You Rx, Defendant Rachel Aminov managed, supervised, ratified, and/or personally participated in the trafficking of counterfeit Gilead HIV medications. Defendant Rachel Aminov personally financially benefited from the trafficking of counterfeit Gilead medications and failed to exercise her authority to stop it.

26. Defendant Jonathan Gavrielof is an individual residing in Woodmere, New York. He conspired with Defendant Boris Aminov and others to traffic counterfeit Gilead medications, including through the Aminov Entities. Defendant Gavrielof supervised, ratified, and/or personally participated in the trafficking of counterfeit Gilead medications. Defendant Gavrielof personally financially benefited from the trafficking of counterfeit Gilead medications and failed to exercise his authority to stop it.

27. Defendant Dynamic Pharmaceuticals Supply, Inc. is a New York corporation with a principal place of business in New York. Its principal of record is an individual named James Murphy. Its off-the-books principal is Defendant Boris Aminov. Defendant Boris Aminov used Dynamic Pharmaceuticals Supply, Inc. as a shell entity to launder the proceeds of the counterfeiting scheme.

28. Defendant Dynamic Pharmaceutical Suply Inc. is a New York corporation with a principal place of business in New York. Its principal of record is Steven Ferguson. Its off-the-

books principal is Defendant Boris Aminov. Defendant Boris Aminov used Dynamic Pharmaceutical Supply Inc. as a shell entity to launder the proceeds of the counterfeiting scheme.

29. Defendant Northwest Pharmaceutical & Medical Supply Inc. is a New York corporation with a principal place of business in New York. Its principal of record is Matthew Wildman. Its off-the-books principal is Defendant Boris Aminov. Defendant Boris Aminov used Northwest Pharmaceutical & Medical Supply Inc. as a shell entity to launder the proceeds of the counterfeiting scheme.

30. Defendant J&M Medical Supply Inc. is a New York corporation with a principal place of business in New York. Its principal of record is Jeffrey Schonsky. Its off-the-books principal is Defendant Boris Aminov. Defendant Boris Aminov used J&M Medical Supply Inc. as a shell entity through which he laundered the proceeds of the counterfeiting scheme.

31. Defendant JFK Wholesale and Retail Medical Supply Corp. is a New York corporation with a principal place of business in New York. Its principal of record is Matthew Wildman. Its off-the-books principal is Defendant Boris Aminov. Defendant Boris Aminov used JFK Wholesale and Retail Medical Supply Corp. as a shell entity to launder the proceeds of the counterfeiting scheme.

32. Defendant Merric Billing Inc. is a New York corporation with a principal place of business in New York. Its principal of record is Mikhail Yampolsky. Its off-the-books principal is Defendant Boris Aminov. Defendant Boris Aminov used Merric Billing Inc. as a shell entity to launder the proceeds of the counterfeiting scheme.

33. Defendant New Line of Pharmaceutical, Inc. is a New York corporation with a principal place of business in New York. Its principal of record is David Mock. Its off-the-

books principal is Defendant Boris Aminov. Defendant Boris Aminov used New Line of Pharmaceutical, Inc. as a shell entity to launder the proceeds of the counterfeiting scheme.

34. Defendant Onliner Marketing Corp. is a New York corporation with a principal place of business in New York. Its principal of record is Sigmond Schnitzler. Its off-the-books principal is Defendant Boris Aminov. Defendant Boris Aminov used Onliner Marketing Corp. as a shell entity to launder the proceeds of the counterfeiting scheme.

35. Defendant Park Avenue Pharmaceutical Corp. is a New York corporation with a principal place of business in New York. Its principal of record is David Mock. Its off-the-books principal is Defendant Boris Aminov. Defendant Boris Aminov used Park Avenue Pharmaceutical Corp. as a shell entity to launder the proceeds of the counterfeiting scheme.

36. Defendant Pharmaceutical Way, Inc. is a New York corporation with a principal place of business in New York. Its principal of record is Marco Graham. Its off-the-books principal is Defendant Boris Aminov. Defendant Boris Aminov used Pharmaceutical Way, Inc. as a shell entity to launder the proceeds of the counterfeiting scheme.

37. Defendant Foster Media Group, Inc. is a New York corporation with a principal place of business in New York. Its principal of record is Sigmond Schnitzler. Its off-the-books principal is Defendant Boris Aminov. Defendant Boris Aminov used Foster Media Group, Inc. as a shell entity to launder the proceeds of the counterfeiting scheme.

38. Defendant Foster Media Pharmaceutical Supply Corp. is a New York corporation with a principal place of business in New York. Its principal of record is Jeffrey Schonsky. Its off-the-books principal is Defendant Boris Aminov. Defendant Boris Aminov used Foster Media Pharmaceutical Supply Corp. as a shell entity to launder the proceeds of the counterfeiting scheme.

39. Defendant Y&S Statistic Medical Supply Inc. is a New York corporation with a principal place of business in New York. Its principal of record is James Murphy. Its off-the-books principal is Defendant Boris Aminov. Defendant Boris Aminov used Y&S Statistic Medical Supply Inc. as a shell entity to launder the proceeds of the counterfeiting scheme.

40. Defendant Y&S Statistic Medical Suply Inc. is a New York corporation with a principal place of business in New York. Its principal of record is Steven Ferguson. Its off-the-books principal is Defendant Boris Aminov. Defendant Boris Aminov used Y&S Statistic Medical Suply Inc. as a shell entity to launder the proceeds of the counterfeiting scheme.

41. Defendant Pure Gear Consulting, Inc. is a New York corporation with a principal place of business in New York. Its principal of record is Mikhail Yampolsky. Its off-the-books principal is Defendant Boris Aminov. Defendant Boris Aminov used Pure Gear Consulting, Inc. as a shell entity to launder the proceeds of the counterfeiting scheme.

42. Defendant Antonio Payano is an individual residing in the Bronx, New York. Defendant Payano supervised, ratified, and/or personally participated in the trafficking of counterfeit Gilead medications, including through sales to Defendant Corvalan. Defendant Payano personally financially benefited from the trafficking of counterfeit Gilead medications and failed to exercise his authority to stop it.

43. Defendant Christy Corvalan is an individual residing in the Bronx, New York. She is the principal of record of Defendant Island Pharmacy & Discount Corp and, controlled, operated, and was the off-the-books principal of Laconia Avenue Pharmacy (“Laconia Pharmacy”), a defendant in *Gilead I*. Defendant Corvalan supervised, ratified, and/or personally participated in the manufacture and trafficking of counterfeit Gilead medications. Defendant

Corvalan personally financially benefited from the trafficking of counterfeit Gilead medications and failed to exercise her authority to stop it.

44. Defendant Island Pharmacy & Discount Corp. is an active single-location retail pharmacy located in the Bronx, New York, opened in 2018. The pharmacy is de-facto owned and controlled by Defendant Corvalan. Island Pharmacy & Discount Corp. purchased and sold counterfeit Gilead-branded medications. In particular, Island Pharmacy paid approximately \$3,500,000 to the Aminov Entities in exchange for counterfeit HIV medications.

45. Defendant David Fernandez is an individual residing in the Bronx, New York. He is an employee of Defendant Corvalan and a co-conspirator in the trafficking of counterfeit Gilead medications through Defendant Island Pharmacy & Discount Corp and/or Laconia Pharmacy. Defendant Fernandez supervised, ratified, and/or personally participated in the trafficking of counterfeit Gilead medications. He personally financially benefited from the trafficking of counterfeit Gilead medications and failed to exercise his authority to stop it.

46. Defendant Dezyre Baez is an individual residing in the Bronx, New York. She is an employee of Defendant Corvalan and a co-conspirator in the trafficking of counterfeit Gilead medications through Defendant Island Pharmacy & Discount Corp and/or Laconia Pharmacy. Defendant Baez supervised, ratified, and/or personally participated in the trafficking of counterfeit Gilead medications. She personally financially benefited from the trafficking of counterfeit Gilead medications and failed to exercise her authority to stop it.

47. Defendant Crystal Medina is an individual residing in the Bronx, New York. She is an employee of Defendant Corvalan and a co-conspirator in the trafficking of counterfeit Gilead medications through Island Pharmacy & Discount Corp and/or Laconia Pharmacy. Defendant Medina supervised, ratified, and/or personally participated in the trafficking of

counterfeit Gilead medications. She personally financially benefited from the trafficking of counterfeit Gilead medications and failed to exercise her authority to stop it.

48. Defendant Irina Polvanova is an individual residing in Jamaica, Queens, New York. She is President of Galaxy RX Inc. Defendant Polvanova supervised, ratified, and/or personally participated in the trafficking of counterfeit Gilead medications. She personally financially benefited from the trafficking of counterfeit Gilead medications and failed to exercise her authority to stop it.

49. Defendant Galaxy RX Inc. is an active single-location retail pharmacy located in Queens, New York. The pharmacy is de-facto owned and controlled by Defendant Polvanova. Through Defendant Galaxy RX Inc., Defendant Polvanova purchased and sold counterfeit HIV medications, including counterfeit Gilead medications.

50. Defendant Roman Shamalov is an individual residing in Woodside, Queens, New York. He is the principal of record and CEO of defendant River Chemists Corp. Defendant Shamalov supervised, ratified, and/or personally participated in the trafficking of counterfeit Gilead medications. He personally financially benefited from the trafficking of counterfeit Gilead medications and failed to exercise his authority to stop it.

51. Defendant River Chemists Corp. is an active single-location retail pharmacy located in the Bronx, New York. The pharmacy is owned and controlled by Defendant Shamalov. Through River Chemists Corp., Defendant Shamalov purchased and sold counterfeit HIV medications, including Gilead medications.

52. Defendants Boris Aminov, Rachel Aminov, Gavriellof, Corvalan, Fernandez, Baez, Madina, Polvanova, Shamalov, the Aminov Entities, Island Pharmacy & Discount Corp.,

Galaxy RX Inc., and River Chemists Corp. are referred to collectively as the “Aminov Defendants,” and, together with the Khaim Defendants, “Defendants.”

JURISDICTION AND VENUE

53. This Court has subject matter jurisdiction over this action pursuant to 15 U.S.C. §§ 1121(a), 1331, 1338, and 1367 and general principles of ancillary and pendent jurisdiction.

54. The Court has personal jurisdiction over each of the Defendants because each of the Defendants has sufficient minimum contacts with New York and with this District so as to render the exercise of jurisdiction by this Court permissible under traditional notions of fair play and substantial justice.

55. As alleged herein, all Defendants are residents of New York. All individual defendants reside in New York. All corporate Defendants are New York entities and/or have a principal place of business in New York.

56. As alleged herein, all Defendants transacted business in New York and committed tortious acts in New York in connection with the counterfeiting conspiracy described herein. In particular, the Khaim Defendants, through Defendants 71st Rx and Best Scripts, sold counterfeit Gilead medications out of their pharmacy locations in Queens, New York City. The Aminov Defendants also participated in the manufacture, sourcing, purchase, and sale of counterfeit Gilead medications in Queens, New York City.

57. Venue in this judicial district is proper pursuant to 28 U.S.C. § 1391(b)(1) because all Defendants are residents of New York and at least one Defendant resides in this District. Further, venue in this judicial district is proper pursuant to 28 U.S.C. § 1391(b)(2) because Defendants manufactured and sold counterfeit products in this District, and/or conspired to operate a counterfeiting operation that manufactured and sold counterfeit products in this

District, and thus a substantial part of the events giving rise to Gilead's claims occurred in this District.

FACTUAL ALLEGATIONS

A. GILEAD'S HIV MEDICATIONS

58. For more than three decades, Gilead has strived to create a healthier world for all by delivering innovative therapeutics that aim to prevent, treat, or cure life-threatening diseases. Gilead relentlessly pursues advancements in science with the goal of bringing to patients around the world treatments that improve care in areas of unmet medical needs.

59. Gilead has transformed care for people living with serious diseases, such as HIV and hepatitis C, developing pioneering medicines including the world's first single tablet regimen to treat HIV, the first prophylactic medicine to prevent HIV infection, and four hepatitis C therapies.

60. BIKTARVY[®] is a complete, one-pill, once-a-day prescription medication used to treat HIV. Developed by Gilead and first approved by the FDA in 2018, BIKTARVY[®] is a single-tablet combination medicine for the treatment of HIV-1 infection, combining an unboosted integrase strand transfer inhibitor called bictegravir with Gilead's dual nucleoside reverse transcriptase inhibitors, emtricitabine and tenofovir alafenamide, the components another Gilead medication approved by the FDA: DESCOVY[®] (also called DESCOVY for PrEP[®], discussed below).

61. BIKTARVY[®] has a demonstrated long-term efficacy and safety profile, has few drug interactions and side effects, and a high barrier to developing drug resistance.

62. Although BIKTARVY[®] does not cure HIV, when taken every day as prescribed, it can lower the amount of virus in a patient's blood to undetectable levels. In addition to halting the progression of HIV, research shows that having undetectable levels of the virus prevents

transmission of HIV through sex, protecting a patient's sexual partners (and thus the broader community) from possible transmission.

63. BIKTARVY[®] also can help increase a patients' CD4 T-cell count. CD4 T-cells are an important part of a person's immune system. HIV attacks and destroys CD4 T-cells, which decreases a patient's ability to fight off other infections, which can lead to serious illness or death. Indeed, a diagnosis of AIDS – the most advanced stage of HIV – is based on low levels of CD4 T-cells and/or the presence of opportunistic infections. AIDS is deadly particularly because those suffering from it cannot fight off other infections. Thankfully, medications like BIKTARVY[®], when taken correctly, can stop the progression of an HIV infection and protect patients' immune systems.

64. One of the most significant developments in the fight against HIV is the development of drugs for pre-exposure prophylaxis, or "PrEP": a method of HIV prevention whereby individuals who are HIV-negative but at-risk for HIV infection proactively take medication on an ongoing basis to decrease their risk of acquiring HIV through sex.

65. DESCOVY for PrEP[®] is a therapy developed and manufactured by Gilead that can be taken for PrEP. The drug comes in the form of a tablet. The dosage in the FDA approved label is one tablet per day.

66. When taken as indicated, DESCOVY for PrEP[®] is highly effective at preventing HIV-1 infection in individuals exposed to the virus.

67. DESCOVY for PrEP[®] was approved by the FDA in 2019. It has been an instrumental part of preventing the spread of HIV in areas in the United States where there is a high prevalence of HIV, including New York City.

68. Counterfeits of Gilead’s HIV medications pose particular health dangers because, for patients treating HIV infection or using PrEP to prevent infection, it is very important that they follow the FDA-approved instructions, including regarding dosage frequency. If a patient with an HIV infection skips doses for even a short period of time, the patient faces the risk that the patient’s viral load – that is, the amount of HIV in their blood – will increase. Viral rebound can have severe consequences. Over time, it can weaken the patient’s immune system and increase the possibility of infections; it can result in progression of the disease and lead to the development of AIDS; and if patients are not virally suppressed, they may transmit the virus to their sexual partners.

69. Patients taking DESCOVY for PrEP® similarly must take the medication regularly as prescribed to receive the labeled prophylactic benefits of the drug. DESCOVY for PrEP® is indicated only for certain individuals at risk for HIV infection. A patient who unknowingly discontinues their DESCOVY for PrEP® regimen because they have received counterfeit medication would be at risk for contracting HIV while still believing they are protected from infection.

70. Gilead Sciences, Inc., Gilead Ireland, and Gilead Sciences, LLC (together, “Gilead”) are the collective owners of a number of well-established and famous registered trademarks (the “Gilead Marks”) that appear on its genuine medications. A complete list of these trademarks is set forth in **Exhibit A** hereto, which is incorporated by reference. Gilead also owns and uses distinctive packaging (the “Gilead Trade Dress”) to distinguish its medications in the marketplace.

71. Gilead has used and/or currently is using the Gilead Marks and the Gilead Trade Dress in commerce in connection with its sale of medications, and plans to continue such use in

the future. Gilead prominently displays the Gilead Marks in its advertising and promotional materials.

72. Gilead has engaged and continues to engage in activities designed to promote its medications and the business and goodwill associated with its trademarks, and to expand the use and reputation of its trademarks, trade dress, logos, copyrights, and property throughout the United States. All of these trademarks and trade dress symbolize business goodwill of Gilead and are invaluable assets to Gilead.

B. THE COUNTERFEITS

73. Gilead first learned of the counterfeiting ring in *Gilead I* when Gilead received multiple complaints from patients and pharmacies about bottles of Gilead HIV medications that were sold by a pharmaceutical distributor called Safe Chain Solutions, LLC (a defendant in *Gilead I*) and that, when opened, were actually filled with an entirely different drug—sometimes a generic over-the-counter analgesic, but more often, a prescription anti-psychotic medication (quetiapine fumarate) with a number of serious potential side effects. One patient who unknowingly took the antipsychotic medication inside a counterfeit bottle of BIKTARVY® reported being unable to speak or walk afterwards.

74. After acquiring several bottles of counterfeit HIV medications that Safe Chain sold to U.S. pharmacies, Gilead's in-house experts and an outside laboratory examined the bottles and their contents and determined the products to be counterfeit.

75. This discovery led Gilead to conduct an investigation that ultimately unveiled a wide-reaching and prolific counterfeiting conspiracy dealing in more than a hundred thousand bottles of counterfeit Gilead medications and generating hundreds of millions of dollars in illicit proceeds. This conspiracy involved hundreds of persons and entities, including the defendants named in *Gilead I* as well as the Defendants in this action.

76. The counterfeits at issue both in this action and in *Gilead I* are manufactured using once-authentic Gilead bottles. In some cases, the bottles had their contents emptied, were refilled with the wrong medication, and then were re-sealed using a different material than Gilead's authentic tamper-evident foil seals. In at least one instance, Gilead's original manufacturer's label was removed and replaced with the label for a different, more expensive Gilead-branded drug. The co-conspirators then sold the counterfeit bottles with counterfeit patient information documents, counterfeit caps, and/or counterfeit pedigrees or invoices.

77. The FDA requires Gilead's HIV medications to be sold in the original manufacturer bottles. Authentic bottles of Gilead-branded medication are covered at the lip with a tamper-evident foil seal, which is covered by a screw-on lid. These Gilead-branded medications cannot lawfully be repackaged and dispensed in generic pharmacy bottles.

78. To create the counterfeits, the conspirators purchased already-dispensed bottles of Gilead-branded medication, whether open or sealed, from patients for cash on the street. These street-level buyback operations targeted particularly vulnerable populations, such as individuals who are unhoused or substance users, who receive their HIV medication for free and therefore may be susceptible to being coerced into giving up their medication for cash. These illegally repurchased bottles are collected, stripped of their pharmacy patient labels using harsh chemicals, cleaned, and sometimes re-labeled with counterfeit versions of Gilead's original labels. If the bottles were purchased empty or partially empty, they are refilled with another medication and resealed with a fake version of Gilead's foil seal.

79. On authentic Gilead bottles, the FDA-required patient instructions are affixed to the side of the bottle, and are known as "outserts." The instructions are printed on a single piece of paper, machine-folded, and then affixed to the side of the bottle during the manufacturing

process using an adhesive. When the conspirators illegally purchased bottles from patients on the street, the patient instructions were often missing or damaged, or were damaged while the bottles were processed into counterfeits. And so the counterfeiters often attached a counterfeit reprint of the prescribing information/patient instructions. These counterfeit reprints contained misspellings, omitted entire sections (such as drug interaction warnings), contained outdated information, were printed on low-quality paper that tore upon opening, and consisted of multiple sheets of paper that were pasted or taped together. Other times, the counterfeits simply omitted the required patient instructions altogether.

80. In addition to legitimate and complete packaging, the FDA requires that Gilead's HIV medications be sold with what is known in the industry as a "pedigree" or "T3." Pedigrees are legally mandated chain-of-custody documents that must, with few exceptions, accompany every sale of every bottle of prescription drugs in the United States. *See* 21 U.S.C. §§ 360eee *et seq.* Every authentic bottle of medication that Gilead sells comes with an authentic Gilead-created pedigree that accurately discloses, among other things, when, where, and to whom Gilead sold that bottle. The pedigree is part of the product that Gilead sells.

81. For Gilead, pedigrees are anti-counterfeiting measures and also play other important internal quality-control functions, such as tracing the distribution of reported suspect bottles and facilitating targeted recalls. For the distributors, pharmacies, and patients that buy Gilead's HIV and other prescription medications, authentic pedigrees that accurately disclose the original and subsequent sales of the product are an important feature of Gilead's products that certify the medication's authenticity and safety.

82. Counterfeits by definition cannot have valid pedigrees that show a legitimate chain of distribution. The counterfeiters thus sell the counterfeit Gilead-branded medication with

counterfeit pedigrees listing fake chains of sale, or with no pedigree at all, each of which differentiates the counterfeits from the products Gilead sells and with which Gilead associates its trademarks.

83. Gilead's authentic pedigrees use Gilead's registered trademarks to identify the medication, the origin of the bottle, and the authorized distribution channel in which it was sold. Fake pedigrees are unauthorized copies of Gilead's authentic pedigrees that utilize counterfeit copies of Gilead's registered marks. These counterfeit pedigrees are intended to trick customers into believing the bottles have a legitimate origin and were distributed through legitimate distribution channels, but in reality list fictitious chain-of-custody transactions that never occurred.

C. THE KHAIM DEFENDANTS

1. Defendant Khaim

84. Defendant Khaim is a career criminal and twice-convicted medical fraudster. Defendant Khaim is currently awaiting sentencing in a federal criminal case in this District, after being convicted of running a multi-million-dollar pharmaceutical fraud scheme. The indictment in that case states that Defendant Khaim used several pharmacies nominally owned by strawmen that he controlled, and used those pharmacies to fill fake prescriptions for expensive cancer-related medication. Defendant Khaim then pushed those fake prescriptions through for insurance reimbursement by using emergency override procedures established for the COVID-19 pandemic.

85. Defendant Khaim was also convicted in another federal criminal case, which prosecutors from the Southern District of New York described in a press release as "one of the largest no-fault automobile insurance fraud takedowns in history." In particular, he ran a criminal enterprise that exploited insurance programs designed to protect motor vehicle accident

victims. The indictment describes that the enterprise created medical clinics that fraudulently billed insurance companies for unnecessary (and sometimes never-performed) medical treatments. It did so by bribing medical professionals and 911 operators for motor vehicle accident victim information and then inducing those patients to seek treatment at the medical clinics, which would then fraudulently bill for the excessive (or nonexistent) treatments.

Defendant Khaim was convicted and was recently sentenced to 15 years' imprisonment for his role in the scheme.

86. Defendant Khaim's involvement in the HIV medication counterfeiting conspiracy at issue here runs deep. Defendant Khaim is the only defendant to be named both in this action and in *Gilead I*. He is a willful and unrepentant counterfeiter, and among the most prolific sellers of counterfeit HIV medications in the conspiracy. For example, in *Gilead I*, Defendant Khaim was caught red-handed selling well over 10,000 bottles of counterfeit Gilead-branded medication, all with fake pedigrees and some with the wrong pills inside the bottle, through Boulevard 9229 LLC ("Boulevard"), a company he ran through a strawman.

87. In *Gilead I*, Defendant Khaim was also caught controlling and operating another counterfeit supplier, Valuecare Pharmacy Inc. ("Valuecare"), through which he sold counterfeit Gilead medications to pharmacies via online pharmaceutical marketplaces such as MatchRx. As with Boulevard, Defendant Khaim used a strawman owner to conceal his control of Valuecare.

88. As Gilead demonstrated in *Gilead I*, through these supplier entities, Defendant Khaim made well over \$38 million in proceeds selling counterfeit Gilead medications to large-scale distributors and directly to pharmacies.

89. Defendant Khaim is also the de facto principal of over a dozen other entities (that Gilead knows about) involved in the trafficking of counterfeit Gilead medications or laundering

the proceeds therefrom. His *modus operandi* was to establish (through nominal owners that were his relatives, friends, and/or associates) various shell companies that he controlled for the purpose of laundering the illicit proceeds he gained through the counterfeiting enterprise and hiding those proceeds. Those shell companies include a number of entities who are defendants in *Gilead I*: MFK Management LLC d/b/a Boulevard 9229 & 9229 Boulevard (“MFK Management”); 5 Continental Ventures LLC (“5 Continental”); AP Funding LLC; A&P Holding Group Corp.; 441 Willis Ave LLC; La Vie Jewels of NY LLC; Etzhaim, Inc.; B&O Estates LLC; 214 Jamaica LLC; A&P Rockaway LLC; 91 Park LLC; 91 Rego LLC; and 93 Everton LLC. Defendant Khaim also established the Khaim Family Irrevocable Living Trust for the same asset-laundering purpose.

90. Gilead named Defendant Khaim as a defendant in *Gilead I* on August 19, 2021. Gilead sought a seizure order, a temporary restraining order, and an asset freeze order against him, which the Court granted on August 20, 2021. Gilead also obtained supplemental asset freeze orders on April 26, 2022, and April 25, 2023, restraining various Khaim-controlled entities that Gilead later discovered.

91. Since August 20, 2021, this Court’s Temporary Restraining Order, subsequently converted into a Preliminary Injunction, has prohibited Defendant Khaim from, among other things, “[p]urchasing, selling, distributing, marketing, [or] manufacturing” any “counterfeit or authentic product” bearing any of the Gilead Marks. But as described below, in flagrant and deliberate contempt of this Court’s orders, Defendant Khaim nevertheless continued to sell counterfeit Gilead medications under this Court’s nose, through new entities and with new co-conspirators.

2. Defendant Khaim's New Pharmacies and the Associated Front Men

92. Defendant Khaim established two pharmacies *after* Gilead sued him for counterfeiting and *after* this Court enjoined him from selling any Gilead products: Defendants 71st Rx and Best Scripts (together, the "Khaim Pharmacies"). Defendant Khaim then utilized the Khaim Pharmacies to continue selling counterfeit Gilead medication.

93. Defendant 71st Rx is a single-location retail pharmacy that is still currently in operation, located in Forest Hills, Queens, New York. It filed its articles of incorporation in March 2023.

94. Defendant 71st Rx operates from the first floor of a commercial building located at 107-27 71st Ave., Forest Hills, New York 11375 (the "71st Ave Property"). The 71st Avenue Property is a Defendant Khaim money-laundering vehicle. Gilead obtained an asset freeze order specifically naming the 71st Ave Property in *Gilead I* after proving that the building, which is nominally owned by a shell company nominally owned by Defendant Khaim's wife and mother, was in fact purchased by Defendant Khaim with his illicit proceeds and is controlled and operated by Defendant Khaim. Gilead also proved that Defendant Khaim recorded a sham mortgage on the 71st Ave Property, claiming to owe a company called AP Funding LLC millions of dollars, when in fact Defendant Khaim himself created AP Funding LLC just days prior.

95. As confirmed by depositions of Defendant Khaim's family members in *Gilead I*, Defendant 71st Rx has no lease and pays no rent – it simply operates, without any formalities observed or payment made, out of the building that Defendant Khaim controls and uses for money-laundering purposes.

96. The nominal owner of Defendant 71st Rx is Defendant Grant, who is closely tied to Defendant Khaim. For example, Defendant Grant worked as a 1099 contractor for a company called Make it Happen Marketing, which was one of Defendant Khaim's counterfeit suppliers in

Gilead I. Defendant Grant is also one of the co-owners of the Royal Leaf Club, which also operates (rent and lease free) from the 71st Ave Property. Consistent with his *modus operandi* in all of his fraudulent schemes, Defendant Khaim is using Defendant Grant as a straw owner to conceal Defendant Khaim's interest in and control of 71st Rx.

97. In addition to Defendant 71st Rx, the 71st Ave Property houses a beauty parlor that is partially owned by Defendant Khaim's wife, as well as the cannabis dispensary noted above, Royal Leaf Club, that is nominally owned by Defendant Grant and two other close associates of Defendant Khaim, including another defendant in *Gilead I.* Consistent with his *modus operandi*, Defendant Khaim's name does not appear on the Royal Leaf Club's filings, but a local journalist identified Defendant Khaim and his brother as the "managers" of the dispensary.

98. Defendant Best Scripts is a single-location retail pharmacy formed on June 6, 2023. It has an active pharmacy license as well as an active wholesaler license in New York, both issued on August 30, 2023. The nominal owner of Defendant Best Scripts is Defendant Ohar, but in reality, Defendant Khaim is the de facto owner and operator.

99. Defendant Best Scripts shares the exact same location, down to the suite number, as another pharmacy that Defendant Khaim used in one of his prior pharmaceutical fraud schemes. That exact same space was used by a company named IVS Pharmacy, which is specifically named in Defendant Khaim's indictment in this District as one of the pharmacies that Defendant Khaim controlled, through a strawman, to commit massive healthcare fraud. It is no coincidence that Defendant Best Scripts is in the exact same location as a previous Defendant Khaim-controlled pharmacy used to facilitate Defendant Khaim's criminal activity.

100. Defendant Best Script's nominal owner, Defendant Ohar, also has deep ties to Defendant Khaim. For example, Defendant Ohar is also the organizer and sole member of two other businesses, both of which are run out of storefronts in Defendant Khaim-controlled commercial properties. Those properties were frozen in *Gilead I* after Gilead proved that those properties – nominally owned by LLCs that were nominally owned by Defendant Khaim's father – were in fact purchased by and controlled by Defendant Khaim himself.

101. Parking tickets and moving violations associated with Defendant Khaim's luxury SUVs demonstrate he frequented the immediate vicinities of the Khaim Pharmacies between February 2023 and March 2024.

3. Defendant Khaim's Continued Sale of Counterfeits Online

102. Gilead has caught Defendant Khaim, using the Khaim Pharmacies, engaged in the same scam he used in *Gilead I* to sell counterfeit Gilead-branded HIV medication on an online pharmaceutical marketplace called MatchRx. Defendant Khaim previously used MatchRx to sell millions of dollars' worth counterfeits through Valuecare, a defendant in *Gilead I*. Given the known scope of Defendant Khaim's past counterfeiting and his brazenness in defying this Court's injunctions, the new counterfeit bottles of which Gilead is aware are almost certainly just the tip of the iceberg.

103. MatchRx is an online pharmaceutical marketplace whose listings can only be viewed by pharmacies that create a MatchRx account. MatchRx's marketplace is used by pharmacies to sell prescription medications to other pharmacies.

104. On March 20, 2024, Gilead received verification requests from MatchRx related to two bottles of BIKTARVY® sold on MatchRx – one by Defendant 71st Rx and one by Defendant Best Scripts – both of which were purchased by the same pharmacy in New Jersey. Both bottles bore the lot number 7315304A.

105. Gilead investigated the bottles sold by the Khaim Pharmacies on MatchRx and determined they were counterfeit and had been fraudulently sold with documentation falsely claiming to trace the bottles back to a legitimate distributor.

106. MatchRx informed Gilead that it requires sellers to upload an invoice proving that the bottle of medication they are selling came from a legitimate source. Defendant 71st Rx uploaded an invoice claiming it had purchased its bottle of BIKTARVY® from a wholesaler called Independent Pharmacy Cooperative (“IPC”). However, the IPC invoice did not provide lot or serial numbers, making it impossible to verify that the invoice corresponded to the bottle that Defendant 71st Rx sold via MatchRx. Gilead contacted IPC, which confirmed that IPC had *never* sold any bottles from lot number 7315304A. Thus, Defendant 71st Rx’s provision of the IPC invoice as evidence of the listed bottle’s provenance was fraudulent.

107. In connection with its sale via MatchRx, Defendant Best Scripts uploaded an invoice claiming it had purchased its bottle of BIKTARVY® from AmerisourceBergen Corporation (“ABC”), a Gilead-authorized distributor. Once again, the invoice did not provide lot or serial numbers, making it impossible to verify that the invoice corresponded to the bottle Defendant Best Scripts sold via MatchRx. However, Gilead sells directly to ABC, and Gilead’s internal records confirmed that Gilead had never shipped to ABC a bottle with the serial number matching what Defendant Best Scripts sold via MatchRx.

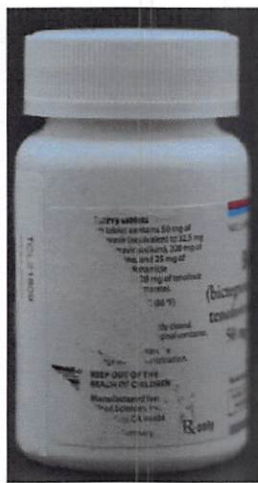
108. Both IPC and ABC confirmed that their respective invoices were legitimate, and that they had in fact each sold *a* bottle of BIKTARVY® to the respective Khaim Pharmacies. The Khaim Pharmacies were thus both employing the same scam: making a small legitimate purchase, then fraudulently using the invoice from that purchase as cover to sell illegitimate products obtained off the street and repackaged into counterfeits. The Khaim Defendants

knowingly and purposefully submitted the invoices to MatchRx knowing they did not correspond to the bottles being sold, and did so with the purpose of tricking customers into believing that the counterfeit BIKTARVY® they were selling was legitimately sourced.

109. Moreover, both of the Khaim Pharmacies claimed to have purchased their respective bottles of BIKTARVY® at full price, and then sold them at a steep discount on MatchRx several days later. If it were true, this would have caused the Khaim Pharmacies to incur losses of several hundred dollars on each sale. In reality, the Khaim Pharmacies were selling counterfeits obtained off the street for pennies-on-the-dollar and thus profited handsomely from the sales.

110. Gilead obtained from the purchasing pharmacy the two bottles that the Khaim Pharmacies sold on MatchRx.

111. The bottle sold by Defendant 71st Rx had significant and obvious damage to the Gilead FDA-mandated label: it was torn, and there was sticky residue around the area of the tear. The bottle had obviously had another label applied to it – a pharmacy patient label when the bottle was first dispensed – that was subsequently removed in a manner that damaged the original label.



112. The bottles sold by the Khaim Pharmacies were both missing their instructional outserts, without which the medications cannot lawfully be dispensed. On the bottle sold by Defendant 71st Rx, the adhesive that originally affixed the outsert to the bottle was visible; on Defendant Best Scripts' bottle, the adhesive appeared to have been removed or cleaned off.

113. Gilead sent the bottles sold by the Khaim Pharmacies to an outside laboratory for analysis. Using infrared spectroscopy, the outside laboratory determined that the adhesive used on the foil seal of both bottles was inconsistent with authentic Gilead product. Specifically, both bottles used a seal adhesive that contained polyester, a material that does not appear in the seal adhesive on authentic Gilead bottles.

114. The laboratory had seen this before: it identified in its record four other counterfeit bottles of Gilead medication that it had tested previously that had matching levels of polyester in the seal adhesive. All four of those prior instances were confirmed counterfeit bottles with the wrong pills inside sold by defendants in *Gilead I*.

115. Defendant Khaim's continued sale of counterfeit Gilead-branded medications through Defendants 71st Rx and Best Scripts is unquestionably willful and in knowing contempt of this Court's orders.

D. THE BORIS AMINOV DEFENDANTS

1. Defendant Boris Aminov, His Employee Defendant Jonathan Gavrielif, His Pharmacy Defendant Bless You RX, and His Mother Defendant Rachel Aminov

116. Defendant Boris Aminov has already been sentenced for his admitted role in the counterfeiting conspiracy. Defendant Boris Aminov is also connected to several defendants in *Gilead I*, including Defendant Khaim, whose phone records show numerous FaceTime calls between the two.

117. Defendant Boris Aminov is also connected to Quan Hernandez, one of Defendant Khaim's suppliers of counterfeit Gilead medications and also a defendant in *Gilead I*. Specifically, Quan Hernandez worked for a supposed charity run by Defendant Boris Aminov called God Bless You All, which operates from the same location as Defendant Boris Aminov's counterfeit distributor, Defendant Bless You Rx. Quan Hernandez is also the son of another individual indicted with Defendant Boris Aminov, Juan Hernandez Sr.

118. As the government detailed in its sentencing memorandum, from at least 2020 to 2023, Defendant Boris Aminov led a conspiracy to distribute more than ten million dollars' worth of black-market HIV medication, acquired off the street from low-income individuals and re-sold as counterfeits. Defendant Boris Aminov took over the business when his brother, Koyen Aminov, passed away in 2019.

119. In furtherance of the scheme, Defendant Boris Aminov worked alongside his co-conspirator and employee, Defendant Gavrielif, and his mother, Defendant Rachel Aminov.

120. Defendant Rachel Aminov is the on-paper owner of Defendant Bless You Rx, a pharmacy in Jamaica, Queens, New York. Defendant Boris Aminov conspired with her to use the pharmacy to dispense counterfeit Gilead-branded HIV medication to unsuspecting patients.

121. Together with Defendant Gavrielif, Defendant Boris Aminov acquired the bottles (empty or full) of HIV medication to produce the counterfeits by buying already-dispensed bottles off the street, often from vulnerable patients who were willing to sell their life-saving medication in exchange for small cash payments.

122. Defendant Gavrielif sent Defendant Boris Aminov WhatsApp messages with lists and photographs of the bottles of HIV medication to acquire. Defendant Boris Aminov would

sign off on Defendant Gavriellof's acquisitions. The bottles of medication in the photographs were visibly used and adulterated, as in the below examples:

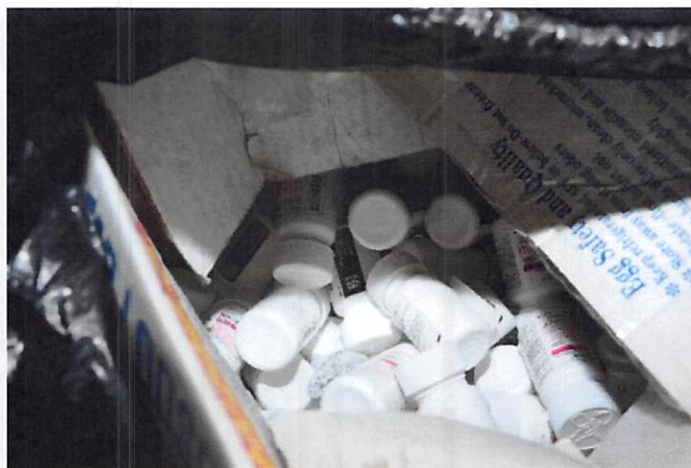


123. After acquiring these bottles and processing them into counterfeits, Defendant Boris Aminov would either dispense them to unsuspecting patients of Defendant Bless You RX or sell them to other Defendants' pharmacies, as discussed below.

124. Defendant Boris Aminov recently pled guilty and was sentenced to 108 months in prison after being indicted in the Southern District of New York for running this counterfeit HIV scheme. Defendant Gavriellof has also pled guilty to the same conduct and is awaiting sentencing.

125. In March 2023, federal law enforcement officials executed a search warrant at a townhouse in Queens, from which Defendant Boris Aminov orchestrated aspects of this scheme. As reported in the government's sentencing memorandum: "the Government found stockpiles of black-market and potentially dangerous HIV medications. The medication bottles contained labels in the names of patients of many different pharmacies, indicating they had been bought from patients for re-sale to other unknowing patients. The Government also recovered printing

labels, lighter fluid, and other materials used to alter medication bottles for illegal re-sale. For example, lighter fluid is commonly used in diversion schemes like the defendant's to strip the adhesive from labels on medication bottles, so that the labels can be removed without patients detecting that the medication had previously been prescribed to others. The Government also recovered \$318,393.00 in cash from two large safes in the Townhouse, as well as firearms and ammunition." Photographs from the search are below:





2. Defendant Boris Aminov's Money Laundering Entities

126. Defendants Boris Aminov and Gavriellof used the Aminov Laundering Entities, a network of shell companies, to facilitate the sale of the counterfeits and to hide and launder the illicit proceeds of their counterfeiting scheme. Employing the same strategy as Defendant Khaim, Defendant Boris Aminov set up these shell entities using nominal paper principals, but in practice, Defendant Boris Aminov owns and controls the entities.

127. Defendant Boris Aminov personally instructed his pharmacy customers, including Defendants, to make payments to the Aminov Money Laundering Entities in exchange for the counterfeit medications he supplied.

128. Defendant Boris Aminov, who pled guilty to money-laundering charges (among others), also laundered his assets through real estate transactions. Since 2022, well after he started selling counterfeits, Defendant Boris Aminov purchased at least four real estate properties with a combined assessed value over \$1 million. Defendant Boris Aminov purchased another two properties in 2019, the year in which he took over the counterfeiting business from his brother. Further, shortly after *Gilead I* was unsealed and became the subject of mainstream press articles, Defendant Boris Aminov established a series of trusts and shell owners to take nominal

ownership of his and Defendant Rachel Aminov's real-estate assets in a further attempt to shield their ill-gotten gains.

3. Defendant Payano

129. Defendant Payano was another supplier of counterfeit HIV medication for the Aminov Defendants. Similar to Defendants Boris Aminov and Gavrielof, Defendant Payano purchased already-dispensed bottles of HIV medication from patients off the street and processed those bottles into counterfeits by altering the bottles. Defendant Payano was aware of harm he was causing to the patients he convinced to sell him their life-saving HIV medication. One such patient texted him, asking: "why am I risking my life for such little \$."

130. Defendant Payano sold at least some of the counterfeit HIV medication that he helped source and manufacture to New York City pharmacies, including Corvalan's (discussed below).

4. Defendant Boris Aminov's Pharmacy Customers

131. The pharmacies who purchased counterfeits from Defendant Boris Aminov and his co-conspirators included, at a minimum, Laconia Pharmacy (a defendant in *Gilead I*), whose principal is Defendant Corvalan; Defendant Island Pharmacy & Discount Corp., whose principal is also Defendant Corvalan; Defendant Galaxy Rx Inc., whose principal is Defendant Polvanova; and Defendant River Chemists Corp., whose principal is Defendant Shamalov. All of these pharmacy customers and their principals knew they were buying counterfeit HIV medication and willfully trafficked in the counterfeits in order to make an illicit profit at the expense of patients.

132. In total, these pharmacy customers paid the Aminov Laundering Entities over \$8 million in exchange for large quantities of counterfeit HIV medication. Defendant Boris Aminov personally instructed Defendants Corvalan, Polvanova, and Shamalov to make these payments to the Aminov Laundering Entities.

a. Defendant Corvalan, Her Pharmacy, Defendant Island Pharmacy & Discount Corp., and Her Employees, Defendants Fernandez, Baez, and Medina

133. Defendant Corvalan paid approximately \$6 million to the Aminov Laundering Entities in exchange for counterfeit HIV medications, the majority of which were Gilead-branded HIV medications. Corvalan made those purchases through her two pharmacies, Laconia Pharmacy and Defendant Island Pharmacy Discount Corp. Corvalan also sourced counterfeit HIV medications directly from Defendant Payano and her patients.

134. In addition to knowingly purchasing and selling counterfeit Gilead-branded HIV medication from Defendants Boris Aminov and Payano, Corvalan conspired with her employees, Defendants Fernandez, Baez, and Medina, to purchase HIV medication from patients for cash and process the repurchased bottles into counterfeits. Through their pharmacies, Laconia Pharmacy and Defendant Island Pharmacy Discount Corp., Defendants Corvalan, Fernandez, Baez, and Medina purchased already-dispensed HIV medication from customers of the pharmacies who would sell back the HIV medication they were dispensed.

135. Laconia Pharmacy is a retail pharmacy located in the Bronx. Laconia first came to Gilead's attention in July 2022 when a patient reported to Gilead that Laconia Pharmacy dispensed him counterfeit Gilead-branded HIV medication with the wrong pills in the bottle. The patient reported that Laconia had delivered to him what appeared to be a sealed bottle of GENVOYA[®], but that after the patient had consumed one of the pills inside, he noticed that the pills had a different appearance than he expected, that the bottle had blue staining on the inside, and "smelled like paint." Gilead obtained the bottle from the patient and confirmed it was counterfeit.

136. In August 2022, Gilead executed a seizure at Laconia, where it found a stash of over 100 bottles of HIV medication, including many Gilead-branded bottles, that had been

purchased from patients for cash. Many of the bottles still had pharmacy patient labels attached indicating they had been dispensed by other pharmacies in the New York region. Gilead also found several bottles of lighter fluid in the pharmacy that Defendant Corvalan and her employees were using to remove the pharmacy patient labels, and a stack of envelopes each containing exactly \$175 in cash, which Defendant Corvalan and her employees used to purchase the medications back from patients.

137. Based on the foregoing evidence, the Court in *Gilead I* enjoined Laconia Pharmacy from transacting in Gilead-branded medications, and Laconia Pharmacy has since defaulted.

138. Defendants Corvalan, Baez, Fernandez, and Medina would also recruit and pay kickbacks to patients to induce them to fill their prescriptions for HIV medications at their preferred pharmacies, allowing Defendant Corvalan and her employees to harm even more patients by dispensing more counterfeit HIV medication and reaping more enormous illicit profits.

139. Defendants Corvalan, Baez, Fernandez, and Medina used counterfeiting proceeds to purchase property, luxury cars, designer clothes, and jewelry to launder and hide their assets. For example, Corvalan used illicit funds to purchase at least two waterfront apartments in the Bronx for a total of \$2.4 million and a \$245,000 Mercedes Benz Maybach.

b. Defendant Polvanova, Her Pharmacy, Defendant Galaxy RX Inc., Defendant Shamalov, and his His Pharmacy, Defendant River Chemists Corp

140. Defendants Polvanova and Shamalov used their pharmacies, Defendants Galaxy RX Inc. and River Chemists Corp., respectively, to knowingly and willfully buy counterfeit HIV medications, including Gilead-branded medications, from Defendants Boris Aminov and Gavriellof. Defendants Polvanova and Shamalov paid Defendant Aminov, through the Aminov

Laundering Entities, to disguise the nature of the payments. Once they procured the counterfeit HIV medications, Defendants Polvanova and Shamalov distributed the counterfeits they bought to unsuspecting patients of their pharmacies.

141. Defendants Polvanova and Shamalov also resold the counterfeit HIV medications to other pharmacies through online pharmaceutical marketplaces, spreading the counterfeits throughout the country.

CLAIMS FOR RELIEF

**FIRST CLAIM FOR RELIEF
FEDERAL TRADEMARK INFRINGEMENT (15 U.S.C. § 1114(1)(A))
(Against all Defendants)**

142. Gilead realleges and incorporates by reference the paragraphs above as if fully set forth herein.

143. In violation of 15 U.S.C. § 1114(1)(a), Defendants, independently and in conspiracy with one another, used in commerce, without Gilead's consent, either a reproduction, counterfeit, copy or colorable imitation of the Gilead Marks and the Gilead Trade Dress in connection with the sale, offering for sale, distribution, or advertising of counterfeit Gilead products; in connection with the sale, offering for sale, distribution, or advertising of Gilead products with altered, falsified, and/or nonexistent pedigrees that are materially different from authentic Gilead products authorized for sale by Gilead in the United States and that are not subject to and subvert Gilead's quality-control measures; and in connection with which such use that is likely to cause confusion, or to cause mistake, or to deceive.

144. Defendants' actions constitute willful infringement of Gilead's exclusive rights in the Gilead Marks and Trade Dress.

145. Defendants are directly, contributorily, and vicariously liable for their infringement.

146. As a direct and proximate result of Defendants' conduct, Gilead has suffered irreparable harm to the valuable Gilead Marks and Trade Dress and their reputation in the industry. Unless Defendants are restrained from further infringement of the Gilead Marks and Trade Dress, Gilead will continue to be irreparably harmed.

147. Gilead has no adequate remedy at law that will compensate for the continued and irreparable harm it will suffer if Defendants' acts are allowed to continue.

148. As a direct and proximate result of Defendants' conduct, Gilead has suffered damages to the valuable Gilead Marks and Trade Dress and other damages in an amount to be proved at trial.

SECOND CLAIM FOR RELIEF
FEDERAL TRADEMARK INFRINGEMENT (15 U.S.C. § 1114(1)(B))
(Against all Defendants)

149. Gilead realleges and incorporates by reference the paragraphs above as if fully set forth herein.

150. In violation of 15 U.S.C. § 1114(1)(b), Defendants, independently and in conspiracy with one another, reproduced, counterfeited, copied, or colorably imitated the registered Gilead Marks and Trade Dress belonging to Gilead and applied such reproduction, counterfeit, copy or colorable imitation to labels, signs, prints, packages, wrappers, receptacles, or advertisements intended to be used in commerce upon or in connection with the offering for sale, distribution or advertising of counterfeit Gilead products; in connection with the sale, offering for sale, distribution, or advertising of Gilead products with altered, falsified, and/or nonexistent pedigrees that are materially different from authentic Gilead products authorized for sale by Gilead in the United States and that are not subject to and subvert Gilead's quality-

control measures; and in connection with such use that is likely to cause confusion, to cause mistake, or to deceive.

151. For example, and without limitation, the Defendants used counterfeit, reproduced, copied, or colorably imitated Gilead Marks on the labels of the counterfeit bottles of Gilead HIV medications they purchased, advertised, and sold, as well as on altered and/or falsified pedigrees for bottles of Gilead HIV medications.

152. Defendants' actions constitute willful infringement of Gilead's exclusive rights in the Gilead Marks and Trade Dress.

153. Defendants are directly, contributorily, and vicariously liable for their infringement.

154. As a direct and proximate result of Defendants' conduct, Gilead has suffered irreparable harm to the valuable Gilead Marks and Trade Dress and their reputation in the industry. Unless Defendants are restrained from further infringement of the Gilead Marks and Trade Dress, Gilead will continue to be irreparably harmed.

155. Gilead has no adequate remedy at law that will compensate for the continued and irreparable harm it will suffer if Defendants' acts are allowed to continue.

156. As a direct and proximate result of Defendants' conduct, Gilead has suffered damages to the valuable Gilead Marks and Trade Dress and other damages in an amount to be proved at trial.

THIRD CLAIM FOR RELIEF
FALSE DESCRIPTION AND DESIGNATION OF ORIGIN IN COMMERCE
(Against all Defendants)

157. Gilead realleges and incorporates by reference the paragraphs above as if fully set forth herein.

158. In violation of 15 U.S.C. § 1125(a)(1)(A), Defendants, independently and in conspiracy with one another, in connection with the counterfeit Gilead medication, and in connection with Gilead products with altered, falsified, and/or nonexistent pedigrees that are materially different from authentic Gilead products authorized for sale by Gilead in the United States, and/or that are not subject to and subvert Gilead's quality-control measures, used in commerce a slogan, trade dress, word, term, name, symbol, or device, or any combination thereof, or a false designation of origin, false or misleading description of fact, or false or misleading representation of fact, which was or is likely to cause confusion or to cause mistake, or to deceive as to an affiliation, connection, or association with Gilead.

159. Defendants' actions constitute willful infringement of Gilead's exclusive rights in the Gilead Marks and Trade Dress.

160. Defendants are directly, contributorily, and vicariously liable for their infringement.

161. As a direct and proximate result of Defendants' conduct, Gilead has suffered irreparable harm to the valuable Gilead Marks and Trade Dress and their reputation in the industry. Unless Defendants are restrained from further infringement of the Gilead Marks and Trade Dress, Gilead will continue to be irreparably harmed.

162. Gilead has no adequate remedy at law that will compensate for the continued and irreparable harm it will suffer if Defendants' acts are allowed to continue.

163. As a direct and proximate result of Defendants' conduct, Gilead has suffered damages to the valuable Gilead Marks and Trade Dress and other damages in an amount to be proved at trial.

FOURTH CLAIM FOR RELIEF
FEDERAL FALSE ADVERTISING
(Against all Defendants)

164. Gilead realleges and incorporates by reference the paragraphs above as if fully set forth herein.

165. In violation of 15 U.S.C. § 1125(a)(1)(B), Defendants, independently and in conspiracy with one another, in connection with the sale of counterfeit Gilead medication, and in connection with the sale of Gilead products with altered, falsified, and/or nonexistent pedigrees that are materially different from authentic Gilead products authorized for sale by Gilead in the United States and that are not subject to and subvert Gilead's quality-control measures, used a slogan, trade dress, word, term, name, symbol, or device, or any combination thereof, or a false designation of origin, false or misleading description of fact, or false or misleading representation of fact, which in commercial advertising or promotion, misrepresents the nature, characteristics, and qualities of the counterfeit Gilead medication.

166. Defendants advertised, marketed, and promoted the counterfeit Gilead products, and the materially different Gilead products with altered, falsified, and/or nonexistent pedigrees, to the public, and/or to specific segments of the public, using the Gilead Marks and Trade Dress, as well as other intellectual property belonging to Gilead.

167. Defendants' actions constitute willful infringement of Gilead's exclusive rights in the Gilead Marks and Trade Dress.

168. Defendants are directly, contributorily, and vicariously liable for their infringement.

169. As a direct and proximate result of Defendants' conduct, Gilead has suffered irreparable harm to the valuable Gilead Marks and Trade Dress and their reputation in the

industry. Unless Defendants' conduct is restrained, Gilead will continue to be irreparably harmed.

170. Gilead has no adequate remedy at law that will compensate for the continued and irreparable harm it will suffer if Defendants' acts are allowed to continue.

171. As a direct and proximate result of Defendants' conduct, Gilead has suffered damages to the valuable Gilead Marks and Trade Dress and other damages in an amount to be proved at trial.

FIFTH CLAIM FOR RELIEF
FEDERAL DILUTION OF MARK
(Against all Defendants)

172. Gilead realleges and incorporates by reference the paragraphs above as if fully set forth herein.

173. The Gilead Marks and Trade Dress are famous and distinctive within the meaning of 15 U.S.C. § 1125(c).

174. Defendants are selling and/or have sold counterfeit, altered, and/or falsified products bearing the Gilead Marks and Trade Dress after such trademarks and trade dress became famous.

175. By selling these products, Defendants, independently and in conspiracy with one another, have diluted and are diluting the distinctive quality of a mark or trade name owned by Gilead in violation of 15 U.S.C. § 1125(c).

176. Defendants' actions constitute willful infringement of Gilead's exclusive rights in the Gilead Marks and Trade Dress.

177. Defendants are directly, contributorily, and vicariously liable for their infringement.

178. As a direct and proximate result of Defendants' conduct, Gilead has suffered irreparable harm to the valuable Gilead Marks and Trade Dress and their reputation in the industry. Unless Defendants' conduct is restrained, Gilead will continue to be irreparably harmed.

179. Gilead has no adequate remedy at law that will compensate for the continued and irreparable harm it will suffer if Defendants' acts are allowed to continue.

180. As a direct and proximate result of Defendants' conduct, Gilead has suffered damages to the valuable Gilead Marks and Trade Dress and other damages in an amount to be proved at trial.

SIXTH CLAIM FOR RELIEF
NEW YORK DILUTION OF MARK AND INJURY TO BUSINESS REPUTATION
(Against all Defendants)

181. Gilead realleges and incorporates by reference the paragraphs above as if fully set forth herein.

182. All of the Gilead Marks and Trade Dress are individually distinctive under New York General Business Law § 360-1.

183. By selling counterfeit, altered, and/or falsified products bearing the Gilead Marks and Trade Dress, Defendants, independently and in conspiracy with one another, have injured and are continuing to injure Gilead's business reputation and/or have diluted and are continuing to dilute the distinctive quality of a mark or trade name owned by Gilead, in violation of New York General Business Law § 360-1.

184. As a direct and proximate result of Defendants' conduct, Gilead has suffered irreparable harm to the valuable Gilead Marks and Trade Dress and their reputation in the

industry. Unless Defendants' conduct is restrained, Gilead will continue to be irreparably harmed.

185. Gilead has no adequate remedy at law that will compensate for the continued and irreparable harm it will suffer if Defendants' acts are allowed to continue.

186. As a direct and proximate result of Defendants' conduct, Gilead has suffered damages to the valuable Gilead Marks and Trade Dress and other damages in an amount to be proved at trial.

SEVENTH CLAIM FOR RELIEF
NEW YORK DECEPTIVE BUSINESS PRACTICES
(Against all Defendants)

187. Gilead realleges and incorporates by reference the paragraphs above as if fully set forth herein.

188. In violation of New York General Business Law § 349, Defendants, independently and in conspiracy with one another, are selling, offering for sale, and/or distributing counterfeit, altered, and/or falsified products unlawfully bearing the Gilead Marks and Trade Dress.

189. As a direct and proximate result of Defendants' deceptive conduct, Gilead has suffered irreparable harm to the valuable Gilead Marks and Trade Dress and their reputation in the industry. Unless Defendants are restrained from further infringement of the Gilead Marks and Trade Dress, Gilead will continue to be irreparably harmed.

190. Gilead has no adequate remedy at law that will compensate for the continued and irreparable harm it will suffer if Defendants' acts are allowed to continue.

EIGHTH CLAIM FOR RELIEF
COMMON-LAW UNFAIR COMPETITION
(Against all Defendants)

191. Gilead realleges and incorporates by reference the paragraphs above as if fully set forth herein.

192. In violation of the common law of the State of New York and elsewhere, Defendants, independently and in conspiracy with one another, have unfairly competed with Gilead by selling the counterfeit, altered, and/or falsified products.

193. As a direct and proximate result of Defendants' unfair competition, Gilead has suffered irreparable harm to the valuable Gilead Marks and Trade Dress and their reputation in the industry. Unless Defendants' conduct is restrained, Gilead will continue to be irreparably harmed.

194. Gilead has no adequate remedy at law that will compensate for the continued and irreparable harm it will suffer if Defendants' acts are allowed to continue.

195. As a direct and proximate result of Defendants' unfair competition, Gilead has suffered damages to the valuable Gilead Marks and Trade Dress and other damages in an amount to be proved at trial.

NINTH CLAIM FOR RELIEF
COMMON-LAW UNJUST ENRICHMENT
(Against all Defendants)

196. Gilead realleges and incorporates by reference the paragraphs above as if fully set forth herein.

197. By selling the counterfeit, altered, and/or falsified products bearing Gilead's valuable trademarks independently and in conspiracy with one another, Defendants have been

unjustly enriched at Gilead's expense in violation of the common law of New York and elsewhere.

198. Under principles of equity, Gilead is entitled to restitution and/or disgorgement of Defendants' ill-gotten gains.

PRAYER FOR RELIEF

WHEREFORE, Gilead demands judgment against Defendants as follows:

A. preliminarily and permanently enjoining, each and every one of the Defendants and their subsidiaries, parents, affiliates, agents, servants, employees, members, directors, officers, and attorneys, and those persons in active concert or participation with them:

- (i) from selling any Gilead medication, whether genuine or counterfeit;
- (ii) from using any of the Gilead Marks and Trade Dress or any marks confusingly similar thereto in connection with the manufacture, sale, offer for sale, distribution, advertisement, or any other use of medication;
- (iii) from using any logo, trade name, or trademark confusingly similar to any of the Gilead Marks and Trade Dress, which may be calculated to falsely represent or which has the effect of falsely representing that the services or products of Defendants or of others are sponsored by, authorized by, or in any way associated with Gilead;
- (iv) from directly, contributorily, and vicariously infringing any of the Gilead Marks and Trade Dress;

- (v) from otherwise unfairly competing with Gilead in the manufacture, sale, offering for sale, distribution, advertisement, or any other use of Gilead medications;
- (vi) from falsely representing themselves as being connected with Gilead or sponsored by or associated with Gilead or engaging in any act which is likely to cause the trade, retailers, and/or members of the purchasing public to believe that Defendants, or any of them, are associated with Gilead;
- (vii) from using any reproduction, counterfeit, copy, or colorable imitation of any of the Gilead Marks and Trade Dress in connection with the publicity, promotion, sale, or advertising of medications;
- (viii) from affixing, applying, annexing or using in connection with the sale of any goods, a false description or representation including words or other symbols tending to falsely describe or represent such goods as being authentic Gilead medication and from offering such goods in commerce;
- (ix) from diluting the Gilead Marks and Trade Dress;
- (x) from destroying any records documenting the manufacture, sale, offer for sale, distribution, advertisement, or receipt of any product purporting to be Gilead medication; and

- (xi) from assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs (i) through (x) above; and
- B. ordering that, within fifteen days after the entry and service of a preliminary or permanent injunction, Defendants serve and file a written report under oath setting forth in detail the manner and form in which they have complied with the injunction; and
- C. ordering that all infringing material be turned over, seized, impounded, and/or destroyed; and
- D. awarding to Gilead punitive damages from each Defendant in an amount to be ascertained at trial, but in no event less than \$25 million; and
- E. awarding to Gilead statutory, actual damages, or threefold damages in an amount to be ascertained at trial, and costs and attorney's fees; and
- F. awarding to Gilead an accounting, and an award of: (i) all ill-gotten profits from Defendants' manufacture, sale, and/or distribution of the counterfeit medication; (ii) Gilead's lost profits; and (iii) Gilead's remedial costs; and
- G. awarding to Gilead pre-judgment and post-judgment interest; and
- H. awarding such other and further relief to Gilead as may be just, proper, and equitable.

JURY DEMAND

Gilead hereby demands a trial by jury, pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, of all claims and issues so triable.

Dated: New York, New York
June 17, 2024

PATTERSON BELKNAP WEBB & TYLER LLP

By:  _____

Geoffrey Potter

Timothy A. Waters

Thomas P. Kurland

Maxwell K. Weiss

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anguyen@pbwt.com

Attorneys for Plaintiffs

*Gilead Sciences, Inc., Gilead Sciences Ireland UC,
and Gilead Sciences, LLC*



June 17, 2024

Geoffrey Potter
Partner
(212) 336-2050
gpotter@pbwt.com

By Hand, EX PARTE and Under Seal

Hon. Ann M. Donnelly, U.S.D.J.
United States District Court, Eastern District of New York
Theodore Roosevelt United States Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201
Email: donnelly_chambers@nyed.uscourts.gov

Re: Gilead Sciences, Inc. et al. v. Peter Khaim et al.

Dear Judge Donnelly:

We are counsel for the Plaintiffs (collectively, “Gilead”) in the above-captioned action, which was filed *ex parte* and under seal today. Gilead has designated this new action as related to the pending anti-counterfeiting action before Your Honor, *Gilead Sciences Inc. v. Safe Chain Solutions LLC*, No. 21-cv-4106 (“*Gilead I*”).

As set forth in Gilead’s papers, this case can be considered an extension of *Gilead I*: it involves the same counterfeiting conspiracy, and all of the newly named defendants are alleged co-conspirators with defendants in *Gilead I*. Along with its pleadings, Gilead has filed an emergency motion for *ex parte* preliminary relief, including an *ex parte* seizure order under the Lanham Act.

Gilead has commenced this action *ex parte* and is seeking a Seizure Order because Gilead has uncovered substantial evidence that Defendant Peter Khaim – who is the only Defendant in this action who is also a defendant in *Gilead I* – is continuing to sell counterfeit Gilead-branded HIV medication, despite this Court’s injunction in *Gilead I* prohibiting him from selling any Gilead-branded products. The evidence shows that Khaim is using two newly created pharmacies to sell counterfeits, one of which is located in a Khaim-controlled property that this Court froze in *Gilead I*. As set forth in Gilead’s moving papers, in light of the evidence that Khaim has willfully flouted this Court’s prior injunctions, an *ex parte* seizure against Khaim and the two new pharmacies is the only viable means to obtain evidence and shut down this ongoing counterfeiting.

In addition to the requested *ex parte* seizure order against Khaim and the two new pharmacies, Gilead also seeks a temporary restraining order and asset freeze order against all of the other newly named Defendants, none of whom were named in *Gilead I*, but who are alleged to have participated in the same counterfeiting conspiracy. Gilead also seeks an expedited discovery order and a sealing order.

Out of appreciation for the Court’s busy docket and consistent with Your Honor’s guidance in *Gilead I*, we are not requesting that the seizure order be issued on any particular date, and thus we have not secured law enforcement assistance in executing the requested seizures for any particular date. We will finalize those arrangements as quickly as possible if the

Hon. Ann M. Donnelly
Page 2

Court issues the requested orders, although law enforcement has asked for a minimum 48-hour notice period. Given that the evidence shows that the targeted pharmacies are currently operating and selling counterfeits, Gilead hopes to execute seizures at those locations as soon as possible.

Because Gilead's application is being filed *ex parte* and under seal, as required by 15 U.S.C. § 1116(d)(8), we respectfully request that chambers e-mail any orders or written communications concerning this application to myself, my partner Timothy Waters, our colleagues Andrew Haddad and Maxwell Weiss at the addresses gpotter@pbwt.com, twaters@pbwt.com, ahaddad@pbwt.com, and maweiss@pbwt.com. My colleagues and I are also available to appear in person, via Zoom, or telephonically as to the Court may request. I may also be reached any time on my cell phone, (917) 854-2310; Mr. Waters may be reached his cell phone at (617) 308-8533; Mr. Haddad may be reached on his cell phone at (517) 902-7687; and Mr. Weiss may be reached on his cell phone at (814) 880-5906.

Respectfully submitted,



Geoffrey Potter

CV 24 04259

JS 44 (Rev. 03/24)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

GILEAD SCIENCES, INC.; GILEAD SCIENCES IRELAND UC; and GILEAD SCIENCES, INC.

(b) County of Residence of First Listed Plaintiff San Mateo County, CA (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Patterson Belknap Webb & Tyler LLP 1133 Avenue of the Americas, New York, New York 10036 212-336-2711

DEFENDANTS

See list appended to last page

County of Residence of First Listed Defendant Queens County, NY (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

★ JUN 17 2024 ★

BROOKLYN OFFICE

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation
4 4
5 5
6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories and checkboxes.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. section 1114 et seq.; 15 U.S.C. 1125 et. seq

Brief description of cause:

Trademark infringement / counterfeiting

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 25,000,000

CHECK YES only if demanded in complaint:

JURY DEMAND: [X] Yes [] No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Hon. Ann M. Donnelly

DOCKET NUMBER 21-cv-4106

DATE

6/17/2024

SIGNATURE OF ATTORNEY OF RECORD

[Handwritten Signature]

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.7 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

Case is Eligible for Arbitration

I, Geoffrey Potter, counsel for Plaintiffs, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
- the complaint seeks injunctive relief,
- the matter is otherwise ineligible for the following reason

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

Pursuant to Federal Rule of Civil Procedure 7.1, Gilead Sciences, Inc. makes the following disclosures: Gilead Sciences, Inc. has no parent corporation, and no publicly held corporation owns 10% or more of its stock. Gilead Sciences, Inc. is the ultimate parent of Gilead Sciences Ireland UC and Gilead Sciences, LLC.

RELATED CASE STATEMENT (Section VIII on the Front of this Form)

Please list all cases that are arguably related pursuant to Division of Business Rule 3 in Section VIII on the front of this form. Rule 3(a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 3(a) provides that " A civil case shall not be deemed "related" to another civil case merely because the civil case involves identical legal issues, or the same parties." Rule 3 further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (b), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

NY-E DIVISION OF BUSINESS RULE 1(d)

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? Yes No
- 2.) If you answered "no" above:
 - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? Yes No
 - b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? Yes No
 - c) If this is a Fair Debt Collection Practice Act case, specify the County in which the offending communication was received:

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? Yes No

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

BAR ADMISSION

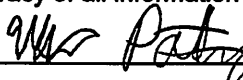
I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

Yes No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

Yes (If yes, please explain) No

I certify the accuracy of all information provided above.

Signature: 

TO: Clerk's Office
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK



APPLICATION FOR LEAVE
TO FILE DOCUMENT UNDER SEAL

GILEAD SCIENCES, INC.; GILEAD SCIENCES
IRELAND UC; and GILEAD SCIENCES, LLC
-v-

A) If pursuant to a prior Court Order:

Docket Number of Case in Which Entered: _____
Judge/Magistrate Judge: _____
Date Entered: _____

SEE APPENDED LIST

Docket Number

SUBMITTED BY: Plaintiff Defendant DOJ
Name: Geoffrey Potter
Firm Name: Patterson Belknap Webb & Tyler LLP
Address: 1133 Avenue of the Americas
New York, NY 10036
Phone Number: 212-336-2000
E-Mail Address: gpotter@pbwt.com

B) If a new application, the statute, regulation, or other legal basis that
authorizes filing under seal

15 U.S.C. § 1116(d)

INDICATE UPON THE PUBLIC DOCKET SHEET: YES NO

If yes, state description of document to be entered on docket sheet:

ORDERED SEALED AND PLACED IN THE CLERK'S OFFICE,
AND MAY NOT BE UNSEALED UNLESS ORDERED BY
THE COURT.

DATED: _____, NEW YORK

U.S. DISTRICT JUDGE/U.S. MAGISTRATE JUDGE

RECEIVED IN CLERK'S

OFFICE _____

DATE

MANDATORY CERTIFICATION OF SERVICE:

A.) A copy of this application either has been or will be promptly served upon all parties to this action, B.) Service is excused by 31 U.S.C. 3730(b), or by
the following other statute or regulation: 15 U.S.C. § 1116(d); or C.) This is a criminal document submitted, and flight public safety, or security are significant concerns.
(Check one)

15 U.S.C. § 1116(d)

June 17, 2024

DATE

Geoffrey Potter
SIGNATURE

LIST OF DEFENDANTS

1. PETER KHAIM;
2. 71ST RX PHARMACY INC.;
3. AKBAR GRANT;
4. BEST SCRIPTS LLC;
5. IVAN OHAR;
6. BORIS AMINOV;
7. BLESS YOU RX INC.;
8. RACHEL AMINOV;
9. JONATHAN GAVRIELOF;
10. ANTONIO PAYANO;
11. DYNAMIC PHARMACEUTICALS SUPPLY, INC.;
12. DYNAMIC PHARMACEUTICAL SUPPLY INC.;
13. NORTHWEST PHARMACEUTICAL & MEDICAL SUPPLY INC.;
14. J&M MEDICAL SUPPLY INC.;
15. JFK WHOLESALE AND RETAIL MEDICAL SUPPLY CORP.;
16. MERRIC BILLING INC.;
17. NEW LINE OF PHARMACEUTICAL, INC.;
18. ONLINER MARKETING CORP.;
19. PARK AVENUE PHARMACEUTICAL CORP.;
20. PHARMACEUTICAL WAY, INC.;
21. FOSTER MEDIA GROUP, INC.;
22. FOSTER MEDIA PHARMACEUTICAL SUPPLY CORP.;
23. Y&S STATISTIC MEDICAL SUPPLY INC.;
24. Y&S STATISTIC MEDICAL SUPPLY INC.;
25. PURE GEAR CONSULTING, INC.;
26. CHRISTY CORVALAN;
27. ISLAND PHARMACY & DISCOUNT CORP.;
28. DAVID FERNANDEZ;
29. DEZYRE BAEZ;
30. CRYSTAL MEDINA;
31. IRINA POLVANOVA;
32. GALAXY RX INC.;
33. ROMAN SHAMALOV; and
34. RIVER CHEMISTS CORP.

EXHIBIT A

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

Reg. No. 3,251,595

United States Patent and Trademark Office

Registered June 12, 2007

**TRADEMARK
PRINCIPAL REGISTER**

GILEAD

GILEAD SCIENCES, INC. (DELAWARE CORPORATION)
333 LAKESIDE DRIVE
FOSTER CITY, CA 94404

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: PHARMACEUTICAL PREPARATIONS, NAMELY, ANTIVIRALS, ANTIFUNGALS AND PREPARATIONS FOR THE TREATMENT OF INFECTIOUS CONDITIONS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

OWNER OF U.S. REG. NO. 1,611,838.

SER. NO. 78-942,489, FILED 8-1-2006.

FIRST USE 4-7-1989; IN COMMERCE 4-7-1989.

DAWN HAN, EXAMINING ATTORNEY

Int. Cl.: 5

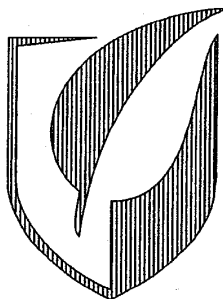
Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

Reg. No. 2,656,314

United States Patent and Trademark Office

Registered Dec. 3, 2002

**TRADEMARK
PRINCIPAL REGISTER**



GILEAD SCIENCES, INC. (DELAWARE CORPORATION)
333 LAKESIDE DRIVE
FOSTER CITY, CA 94404

THE ACCOMPANYING DRAWING IS LINED FOR THE COLOR RED, AND RED IS A FEATURE OF THE MARK.

FOR: PHARMACEUTICAL PREPARATIONS FOR THE TREATMENT AND/OR PREVENTION OF INFECTIOUS DISEASES, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

SER. NO. 76-348,396, FILED 12-12-2001.

FIRST USE 2-22-2002; IN COMMERCE 2-22-2002.

JEAN IM, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

GSI

Reg. No. 3,890,252

GILEAD SCIENCES LIMITED (IRELAND COMPANY)
IDA BUSINESS AND TECHNOLOGY PARK
CARRIGTOHILL, CO. CORK, IRELAND

Registered Dec. 14, 2010

Int. Cl.: 5

FOR: PHARMACEUTICAL PREPARATIONS FOR THE TREATMENT OF INFECTIOUS CONDITIONS AND DISEASES AND DISORDERS OF THE IMMUNE SYSTEM, THE LIVER AND THE CARDIOVASCULAR SYSTEM; ANTIVIRALS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

TRADEMARK

PRINCIPAL REGISTER

FIRST USE 6-17-2007; IN COMMERCE 6-17-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

PRIORITY CLAIMED UNDER SEC. 44(D) ON IRELAND APPLICATION NO. 2010/00199, FILED 2-4-2010.

SER. NO. 85-032,245, FILED 5-6-2010.

SAMUEL E. SHARPER JR., EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

BIKTARVY

Reg. No. 5,344,455

Gilead Sciences Ireland UC (IRELAND Unlimited Company)
Ida Business And Technology Park

Registered Nov. 28, 2017

Carrigtohill, Co. Cork, IRELAND

Int. Cl.: 5

CLASS 5: Pharmaceutical preparations for the prevention and treatment of hepatitis and HIV infection; antivirals; anti-inflammatories; antifungal preparations; pharmaceutical preparations for use in the treatment of infectious diseases, liver diseases and disorders, respiratory diseases and disorders, oncological diseases and disorders, and cardiovascular diseases and disorders

Trademark

Principal Register

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

PRIORITY CLAIMED UNDER SEC. 44(D) ON IRELAND APPLICATION NO. 2016/02221, FILED 10-20-2016, REG. NO. 256093, DATED 10-20-2016, EXPIRES 10-19-2026

SER. NO. 87-226,465, FILED 11-04-2016



Joseph Matal

Performing the Functions and Duties of the
Under Secretary of Commerce for
Intellectual Property and Director of the
United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office

DESCOVY

Reg. No. 4,876,632

Registered Dec. 29, 2015

Int. Cl.: 5

TRADEMARK

PRINCIPAL REGISTER

GILEAD SCIENCES IRELAND UC (IRELAND UNLIMITED COMPANY)
IDA BUSINESS AND TECHNOLOGY PARK
CARRIGTOHILL, CO. CORK, IRELAND

FOR: PHARMACEUTICAL PREPARATIONS FOR THE PREVENTION AND TREATMENT OF HEPATITIS AND HIV INFECTION; ANTIVIRALS; ANTI-INFLAMMATORIES; ANTI-FUNGALS; PHARMACEUTICAL PREPARATIONS FOR USE IN THE TREATMENT OF INFECTIOUS DISEASES, LIVER DISEASES AND DISORDERS, RESPIRATORY DISEASES AND DISORDERS, ONCOLOGICAL DISEASES AND DISORDERS, AND CARDIOVASCULAR DISEASES AND DISORDERS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF IRELAND REG. NO. 249773, DATED 4-26-2014, EXPIRES 10-31-2023.

SER. NO. 86-170,326, FILED 1-20-2014.

LUCY ARANT, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

DESCOVY FOR PREP

Reg. No. 5,912,591

Registered Nov. 19, 2019

Int. Cl.: 5, 44

Service Mark

Trademark

Principal Register

Gilead Sciences Ireland UC (IRELAND UNLIMITED COMPANY)
Ida Business And Technology Park
Carrigtohill, Co. Cork, IRELAND

CLASS 5: Anti-viral pharmaceutical preparations; pharmaceutical preparations for the treatment and prevention of infectious diseases; pharmaceutical preparations for the treatment of immune dysfunction; pharmaceutical preparations for the treatment and prevention of human immunodeficiency virus infection

CLASS 44: Information and advisory services relating to pharmaceuticals, diseases and medical conditions and treatments, namely, pharmaceutical advice, medical and pharmaceutical consultation, medical advisory services, and providing medical information, consultancy and advisory services; information and advisory services relating to pharmaceuticals, diseases and medical conditions and treatments, namely, pharmaceutical advice, medical and pharmaceutical consultation, medical advisory services, and providing medical information, consultancy and advisory services provided on-line over a computer network and the Internet; providing medical information and advisory services regarding HIV infection

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

PRIORITY CLAIMED UNDER SEC. 44(D) ON EUROPEAN UNION APPLICATION NO. 018009954, FILED 01-14-2019, REG. NO. 018009954, DATED 05-14-2019, EXPIRES 01-14-2029

OWNER OF U.S. REG. NO. 4876632

No claim is made to the exclusive right to use the following apart from the mark as shown: "FOR PREP"

SER. NO. 88-266,226, FILED 01-17-2019



Andrei Iancu

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

9883

Reg. No. 5,467,392

Registered May 15, 2018

Int. Cl.: 5

Trademark

Principal Register

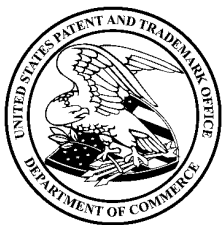
Gilead Sciences Ireland UC (IRELAND Unlimited Company)
Ida Business And Technology Park
Carrigtohill, Co. Cork, IRELAND

CLASS 5: Antiviral pharmaceutical preparations; anti-infective pharmaceutical preparations; pharmaceutical preparations for treatment and prevention of HIV infection

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

PRIORITY CLAIMED UNDER SEC. 44(D) ON EUROPEAN UNION APPLICATION NO. 16800914, FILED 06-02-2017, REG. NO. 016800914, DATED 09-19-2017, EXPIRES 06-02-2027

SER. NO. 87-507,933, FILED 06-27-2017



Andrei Iancu

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 5,636,131

Registered Dec. 25, 2018

Int. Cl.: 5

Trademark

Principal Register

Gilead Sciences Ireland UC (IRELAND Unlimited Company)
Ida Business And Technology Park
Carrigtohill, Co. Cork, IRELAND

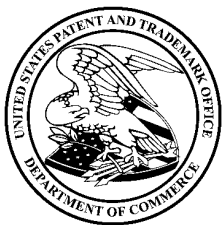
CLASS 5: Antiviral pharmaceutical preparations; anti-infective pharmaceutical preparations;
pharmaceutical preparations for treatment of HIV infection

FIRST USE 2-7-2018; IN COMMERCE 2-7-2018

The color(s) purplish-brown is/are claimed as a feature of the mark.

The mark consists of "9883" imprinted on a three-dimensional design of an oblong-shaped purplish-brown tablet. The broken lines depicting the shape of the tablet indicate placement of the mark on the goods and the tablet shape depicted in broken lines, alone or separate from the other elements, is not claimed.

SER. NO. 87-691,972, FILED 11-20-2017



Andrei Iancu

Director of the United States
Patent and Trademark Office

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

United States Patent and Trademark Office

Reg. No. 2,915,213

Registered Dec. 28, 2004

**TRADEMARK
PRINCIPAL REGISTER**

TRUVADA

GILEAD SCIENCES, INC. (DELAWARE COR-
PORATION)
333 LAKESIDE DRIVE
FOSTER CITY, CA 94404

FIRST USE 8-5-2004; IN COMMERCE 8-5-2004.

SN 78-239,720, FILED 4-18-2003.

FOR: PHARMACEUTICAL PREPARATIONS FOR
THE TREATMENT OF INFECTIOUS CONDITIONS,
IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

JERI J. FICKES, EXAMINING ATTORNEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

United States Patent and Trademark Office

Reg. No. 3,094,007

Registered May 16, 2006

**TRADEMARK
PRINCIPAL REGISTER**

RANEXA

CV THERAPEUTICS, INC. (DELAWARE COR-
PORATION)
3172 PORTER DRIVE
PALO ALTO, CA 94304

FOR: PHARMACEUTICALS FOR THE TREAT-
MENT OF CARDIOVASCULAR DISEASES AND
CONDITIONS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46,
51 AND 52).

FIRST USE 2-8-2006; IN COMMERCE 2-8-2006.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

SN 78-397,268, FILED 4-6-2004.

BRENDAN REGAN, EXAMINING ATTORNEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

United States Patent and Trademark Office

Reg. No. 3,276,743

Registered Aug. 7, 2007

**TRADEMARK
PRINCIPAL REGISTER**

ATRIPLA

BRISTOL-MYERS SQUIBB & GILEAD SCIENCES,
LLC (DELAWARE LTD LIAB CO)
333 LAKESIDE DRIVE
FOSTER CITY, CA 94404

FOR: PHARMACEUTICAL PREPARATIONS FOR
THE TREATMENT OF HIV, IN CLASS 5 (U.S. CLS. 6,
18, 44, 46, 51 AND 52).

FIRST USE 6-13-2006; IN COMMERCE 6-13-2006.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

SN 78-595,551, FILED 3-25-2005.

WILLIAM VERHOSEK, EXAMINING ATTORNEY

United States of America
United States Patent and Trademark Office

STRIBILD

Reg. No. 4,263,613

Registered Dec. 25, 2012

Int. Cl.: 5

TRADEMARK

PRINCIPAL REGISTER

GILEAD SCIENCES LIMITED (IRELAND COMPANY)
IDA BUSINESS AND TECHNOLOGY PARK
CARRIGTOHILL, CO. CORK, IRELAND

FOR: PHARMACEUTICALS FOR THE TREATMENT OF HIV INFECTION; ANTIVIRALS;
PHARMACEUTICAL PREPARATIONS FOR USE IN THE TREATMENT OF INFECTIOUS
DISEASES, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

PRIORITY CLAIMED UNDER SEC. 44(D) ON ERPN CMNTY TM OFC APPLICATION NO.
10679595, FILED 2-28-2012, REG. NO. 10679595, DATED 7-9-2012, EXPIRES 2-28-2022.

SER. NO. 85-555,217, FILED 2-28-2012.

MATTHEW MCDOWELL, EXAMINING ATTORNEY



David J. Kyfos

Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office

SOVALDI

Reg. No. 4,468,665

Registered Jan. 21, 2014

Int. Cl.: 5

TRADEMARK

PRINCIPAL REGISTER

GILEAD SCIENCES LIMITED (IRELAND COMPANY)
IDA BUSINESS AND TECHNOLOGY PARK
CARRIGTOHILL, CO. CORK, IRELAND

FOR: PHARMACEUTICALS, NAMELY, PHARMACEUTICAL PREPARATIONS FOR THE TREATMENT OF VIRAL INFECTIONS; PHARMACEUTICAL PREPARATIONS FOR THE TREATMENT OF CARDIOVASCULAR DISORDERS AND CONDITIONS; PHARMACEUTICAL PREPARATIONS FOR THE TREATMENT OF RESPIRATORY DISORDERS AND CONDITIONS; PHARMACEUTICAL PREPARATIONS FOR THE TREATMENT OF FUNGAL DISEASES AND DISORDERS; PHARMACEUTICAL PREPARATIONS FOR THE TREATMENT OF LIVER DISEASE; PHARMACEUTICAL PREPARATIONS FOR THE TREATMENT OF ONCOLOGICAL DISEASES AND DISORDERS; PHARMACEUTICAL PREPARATIONS FOR THE TREATMENT OF HIV/AIDS AND HEPATITIS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

PRIORITY CLAIMED UNDER SEC. 44(D) ON IRELAND APPLICATION NO. 2012/00624, FILED 4-10-2012, REG. NO. 247004, DATED 9-13-2012, EXPIRES 4-10-2022.

THE WORDING "SOVALDI" HAS NO MEANING IN A FOREIGN LANGUAGE.

SER. NO. 85-709,308, FILED 8-21-2012.

JAY BESCH, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

7977

Reg. No. 4,585,257

GILEAD SCIENCES LIMITED (IRELAND COMPANY)
IDA BUSINESS AND TECHNOLOGY PARK
CARRIGTOHILL, CO. CORK, IRELAND

Registered Aug. 12, 2014

Int. Cl.: 5

FOR: PHARMACEUTICALS FOR THE TREATMENT OF HEPATITIS C; ANTIVIRALS;
PHARMACEUTICALS FOR USE IN THE TREATMENT OF INFECTIOUS DISEASES;
PHARMACEUTICALS FOR THE TREATMENT OF LIVER DISEASES, IN CLASS 5 (U.S.
CLS. 6, 18, 44, 46, 51 AND 52).

TRADEMARK

PRINCIPAL REGISTER

FIRST USE 6-26-2012; IN COMMERCE 6-26-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

PRIORITY CLAIMED UNDER SEC. 44(D) ON ERPN CMNTY TM OFC APPLICATION NO. 011134186, FILED 8-22-2012, REG. NO. 011134186, DATED 1-22-2013, EXPIRES 8-22-2022.

SN 85-800,269, FILED 12-11-2012.

CURTIS FRENCH, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

United States of America
United States Patent and Trademark Office

GENVOYA

Reg. No. 4,797,730

Registered Aug. 25, 2015

Int. Cl.: 5

TRADEMARK

PRINCIPAL REGISTER

GILEAD SCIENCES IRELAND UC (IRELAND UNLIMITED COMPANY), DBA/AKA/TA:
DBA GILEAD SCIENCES IRELAND UC
IDA BUSINESS AND TECHNOLOGY PARK
CARRIGTOHILL, CO. CORK, IRELAND

FOR: PHARMACEUTICAL PREPARATIONS FOR THE PREVENTION AND TREATMENT OF HEPATITIS AND HIV INFECTION; ANTIVIRALS; ANTI-INFLAMMATORIES; ANTI-FUNGAL PREPARATIONS; PHARMACEUTICAL PREPARATIONS FOR USE IN THE TREATMENT OF INFECTIOUS DISEASES, LIVER DISEASES AND DISORDERS, RESPIRATORY DISEASES AND DISORDERS, ONCOLOGICAL DISEASES AND DISORDERS, AND CARDIOVASCULAR DISEASES AND DISORDERS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

PRIORITY CLAIMED UNDER SEC. 44(D) ON ERPN CMNTY TM OFC APPLICATION NO. 2013/02007, FILED 11-1-2013, REG. NO. 12520607, DATED 6-17-2014, EXPIRES 3-10-2024.

SER. NO. 86-170,336, FILED 1-20-2014.

JAMES A. RAUEN, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 5,018,106

Registered Aug. 09, 2016

Int. Cl.: 5

Trademark

Principal Register

Gilead Sciences Ireland UC (IRELAND UNLIMITED COMPANY)
IDA Business and Technology Park
Carrigtohill, Co. Cork IRELAND

CLASS 5: Pharmaceutical preparations, namely, pharmaceutical preparations for the treatment of hepatitis c; antiviral pharmaceutical preparations; pharmaceutical preparations for the treatment of liver diseases and disorders

FIRST USE 6-26-2012; IN COMMERCE 6-26-2012

The color(s) light-yellow is/are claimed as a feature of the mark.

The mark consists of a three-dimensional design of an oval-shaped tablet which is light-yellow in color with the numbers "7977".

OWNER OF U.S. REG. NO. 4585257

No claim is made to the exclusive right to use the following apart from the mark as shown:
THE DESIGN OF THE TABLET

SER. NO. 86-937,457, FILED 03-11-2016

ROBERT C CLARK, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 5,030,567

Gilead Sciences, Inc. (DELAWARE CORPORATION)
333 Lakeside Drive
Foster City, CA 94404

Registered Aug. 30, 2016

Int. Cl.: 5

CLASS 5: pharmaceutical preparations for the treatment of HIV infection; pharmaceutical preparations, namely, pre-exposure prophylaxis (PrEP) preparations for prevention and risk mitigation of contracting HIV

Trademark

FIRST USE 8-5-2004; IN COMMERCE 8-5-2004

Principal Register

The color(s) blue is/are claimed as a feature of the mark.

The mark consists of the placement of the word "GILEAD" in blue, debossed on the front of a three-dimensional configuration of an oblong tablet, also in blue. The broken lines depicting the tablet indicate placement of the mark on the goods and the tablet shape depicted in broken lines, alone, is not part of the mark.

OWNER OF U.S. REG. NO. 4279898, 2679181

SER. NO. 86-850,196, FILED 12-15-2015
JOHN M GARTNER, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 5,154,303

Gilead Sciences, Inc. (DELAWARE CORPORATION)

333 Lakeside Drive

Registered Mar. 07, 2017

Foster City, CA 94404

Int. Cl.: 5

CLASS 5: Pharmaceutical preparations for the treatment of HIV infection; pharmaceutical preparations, namely, pre-exposure prophylaxis (PrEP) preparations for prevention and risk mitigation of contracting HIV

Trademark

FIRST USE 8-5-2004; IN COMMERCE 8-5-2004

Principal Register

The color(s) light blue is/are claimed as a feature of the mark.

The mark consists of "701" imprinted on a three-dimensional design of an oblong shape light blue tablet. The broken lines depicting the shape of the tablet indicate placement of the mark on the goods and the tablet shape depicted in broken lines, alone, is not part of the mark.

SER. NO. 86-963,774, FILED 04-04-2016

JORDAN A BAKER, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

VOSEVI

Reg. No. 5,259,592

Registered Aug. 08, 2017

Int. Cl.: 5

Trademark

Principal Register

Gilead Sciences Ireland UC (IRELAND Unlimited Company)
IDA Business and Technology Park
Carrigtohill, Co. Cork IRELAND

CLASS 5: Antiviral pharmaceutical preparations; anti-infective pharmaceutical preparations; anti-fibrotic pharmaceutical preparations; pharmaceutical preparations for treatment and prevention of HIV infection; pharmaceutical preparations for the treatment of liver diseases and disorders; pharmaceutical preparations for the treatment of hematological diseases and disorders; pharmaceutical preparations for the treatment of oncological diseases and disorders; pharmaceutical preparations for the treatment of cardiovascular diseases and disorders; pharmaceutical preparations for the treatment of inflammatory diseases and disorders; pharmaceutical preparations for the treatment of respiratory and pulmonary diseases and disorders; pharmaceutical preparations for the treatment of kidney and nephropathic diseases and disorders; pharmaceutical preparations for the treatment of arthritis

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

PRIORITY CLAIMED UNDER SEC. 44(D) ON IRELAND APPLICATION NO. 2016/02021, FILED 09-27-2016, REG. NO. 015993082, DATED 02-21-2017, EXPIRES 11-02-2026

SER. NO. 87-219,959, FILED 10-28-2016
KAMAL PREET, EXAMINING ATTORNEY

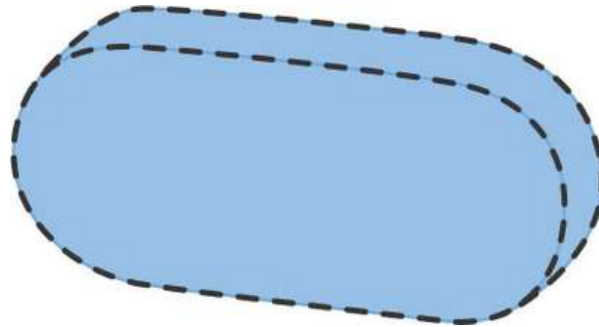


Joseph Matol

Performing the Functions and Duties of the
Under Secretary of Commerce for
Intellectual Property and Director of the
United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 5,906,177

Registered Nov. 12, 2019

Int. Cl.: 5

Trademark

Principal Register

Gilead Sciences, Inc. (DELAWARE CORPORATION)
333 Lakeside Drive
Foster City, CALIFORNIA 94404

CLASS 5: Pharmaceutical preparations, namely, pre-exposure prophylaxis (PrEP) preparations for prevention and risk mitigation of contracting HIV

FIRST USE 8-5-2004; IN COMMERCE 8-5-2004

The color(s) blue is/are claimed as a feature of the mark.

The mark consists of the color blue applied to the entire surface of a three-dimensional oblong tablet. The dotted outline of the tablet is intended to show the position of the mark on the goods, and exclusive right is not claimed to the shape of the tablet itself.

OWNER OF U.S. REG. NO. 5154303, 5030567

SEC.2(F)

SER. NO. 87-794,113, FILED 02-12-2018



Andrei Iancu

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 6,031,751

Registered Apr. 14, 2020

Int. Cl.: 5

Trademark

Principal Register

Gilead Sciences Ireland UC (IRELAND UNLIMITED CORPORATION)
Ida Business And Technology Park
Carrigtohill, Co. Cork, IRELAND

CLASS 5: Antiviral pharmaceutical preparations; anti-infective pharmaceutical preparations;
pharmaceutical preparations for the treatment of liver diseases and disorders

FIRST USE 7-20-2017; IN COMMERCE 7-20-2017

The color(s) beige is/are claimed as a feature of the mark.

The mark consists of "3" inside a square imprinted on a three-dimensional design of an oblong-shaped beige tablet. The broken lines depicting the shape of the tablet indicate placement of the mark on the goods and the tablet shape depicted in broken lines, alone or separate from the other elements, is not claimed.

SER. NO. 87-830,302, FILED 03-12-2018



Andrei Iancu

Director of the United States
Patent and Trademark Office



TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
 Stylesheet Version v1.2

ETAS ID: TM322197

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	CHANGE OF NAME

CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
Gilead Sciences Limited		09/22/2014	LIMITED LIABILITY COMPANY: IRELAND

RECEIVING PARTY DATA

Name:	Gilead Sciences Ireland UC
Doing Business As:	Gilead Sciences Ireland UC
Street Address:	IDA Business and Technology Park
City:	Carrigtohill, Co. Cork
State/Country:	IRELAND
Entity Type:	Unlimited Company: IRELAND

PROPERTY NUMBERS Total: 144

Property Type	Number	Word Mark
Registration Number:	4188355	TRILEUS
Registration Number:	4277625	COFENDA
Registration Number:	4038955	COMPLERA
Registration Number:	4277626	CYTACTA
Registration Number:	4277627	VICLUDA
Registration Number:	4378034	VITECA
Registration Number:	4315192	AZEVITA
Registration Number:	4315191	AMPLETTA
Registration Number:	4315190	AMPLETA
Registration Number:	4033139	COMPLEVA
Registration Number:	4476435	APEXIAD
Registration Number:	4476436	CYPLUS
Registration Number:	4476437	QUALTARA
Registration Number:	4370358	TYBOST
Registration Number:	3890252	GSI
Registration Number:	4062201	CMPLERA
Registration Number:	4047842	KOMPLIRA
Registration Number:	4047840	KONPLERA
Registration Number:	4047841	CANPLERA

CH \$3615.00 4188355

TRADEMARK

Property Type	Number	Word Mark
Registration Number:	4483241	QUAVEAD
Registration Number:	4535448	ERAQUAD
Registration Number:	4535447	UNOSTARA
Registration Number:	4535446	COBRELA
Registration Number:	4535445	QUADUNO
Registration Number:	4535444	QUADVYR
Registration Number:	4473232	QUATREAD
Registration Number:	4578217	VITECTA
Registration Number:	4048113	KOMPLARA
Registration Number:	4104494	VIXPLERA
Registration Number:	4090077	EVIPLERA
Registration Number:	4130861	STR
Registration Number:	4278048	STRIBOLD
Registration Number:	4105297	
Registration Number:	4263613	STRIBILD
Registration Number:	4345163	VITEKTA
Registration Number:	4323411	STR
Registration Number:	4320307	STRIBILD
Registration Number:	4320650	SOCINCT
Registration Number:	4468665	SOVALDI
Registration Number:	4438755	INODELT
Registration Number:	4364273	ZYDELIG
Registration Number:	4371363	SELNISA
Registration Number:	4435098	EXPALITE
Registration Number:	4438767	FINLIZA
Registration Number:	4456646	7985
Registration Number:	4582787	1160
Registration Number:	4509797	
Registration Number:	4509798	
Registration Number:	4608545	HARVONI
Registration Number:	4560268	7916
Serial Number:	77894772	QUADRID
Serial Number:	77942516	ARVANCE
Serial Number:	85191697	SYMPLERA
Serial Number:	77894779	UNIVADA
Serial Number:	85330091	THEQUAD
Serial Number:	85329999	QWAD
Serial Number:	85330085	MYKWAD
Serial Number:	85358082	AMPLEV

TRADEMARK

Property Type	Number	Word Mark
Serial Number:	85358100	ASSEVITA
Serial Number:	85358136	BLOXEGRA
Serial Number:	85358437	CRUZALON
Serial Number:	85358466	DEFISTRO
Serial Number:	85358502	FIRCLAZA
Serial Number:	85358537	GOFAZRI
Serial Number:	85358584	INCLUZA
Serial Number:	85358588	INGENSIDY
Serial Number:	85358652	JUSTRION
Serial Number:	85358658	MONFORZO
Serial Number:	85358678	STIGRAZ
Serial Number:	85358714	STURDECA
Serial Number:	85358725	ZKWAD
Serial Number:	85679729	QSTARA
Serial Number:	85709246	IPANGEO
Serial Number:	85709337	CIXIGY
Serial Number:	85709313	VCISEV
Serial Number:	85709365	CCISEV
Serial Number:	85839069	SURCEZE
Serial Number:	85839086	OZIMLA
Serial Number:	85839094	SENZIST
Serial Number:	85839098	VENZAYA
Serial Number:	85839101	ZENKAY
Serial Number:	85844208	SELNISA
Serial Number:	85844212	LYMCYSE
Serial Number:	85944354	510
Serial Number:	86029203	
Serial Number:	86096000	SOSIPLI
Serial Number:	86096008	SIMLIBIS
Serial Number:	86095989	SOPASVIO
Serial Number:	86096012	SOPIFNI
Serial Number:	86095999	SUMLEDIR
Serial Number:	86095997	COHYCIV
Serial Number:	86095993	ONVALSI
Serial Number:	86107391	MOMENTS LIKE THIS CAN CHANGE EVERYTHING
Serial Number:	86033869	VOYANNIS
Serial Number:	86124771	SOFALVI
Serial Number:	86170336	GENVOYA
Serial Number:	86170334	ALVANSIS

TRADEMARK

Property Type	Number	Word Mark
Serial Number:	86170333	JENBRISA
Serial Number:	86170331	GENPHYSA
Serial Number:	86170330	ENSTRALA
Serial Number:	86170328	NUFEZA
Serial Number:	86170959	GENLIBIS
Serial Number:	86171158	COHERIS
Serial Number:	86170326	DESCOVY
Serial Number:	86174687	VUHANSA
Serial Number:	86095996	FULDELIS
Serial Number:	86186218	INGENSIDI
Serial Number:	86226938	SUMTELIS
Serial Number:	86227023	GENDEVRA
Serial Number:	86227054	VISTREMA
Serial Number:	86227084	OSYMTEE
Serial Number:	86227091	RIZUPA
Serial Number:	86227174	OTIMSA
Serial Number:	86227110	MELOVY
Serial Number:	86227119	MARPOSIS
Serial Number:	86227180	VOYALA
Serial Number:	86029273	
Serial Number:	86030025	VOYANIS
Serial Number:	86118077	SOPIFNY
Serial Number:	86222090	NESEQUENT
Serial Number:	86280995	TYBOST
Serial Number:	86281218	VITEKTA
Serial Number:	86282333	SOHEPIC
Serial Number:	86282353	EPCLUSA
Serial Number:	86124768	SOFALDI
Serial Number:	86341939	HINGENO
Serial Number:	86341936	VERCEBIA
Serial Number:	86341933	VYNCLUSA
Serial Number:	86341931	GENCLUSA
Serial Number:	86341927	NESSAVIO
Serial Number:	86341924	ZENJURNA
Serial Number:	86341919	ENCLUITIVE
Serial Number:	86341913	LYGADDO
Serial Number:	86346340	ZYDELIG
Serial Number:	86346343	ZYDELIG
Serial Number:	86363315	PANJEVRY

TRADEMARK

Property Type	Number	Word Mark
Serial Number:	86363321	ESOFIS
Serial Number:	86373746	PANGYPIC
Serial Number:	86373736	PANJEVRIS
Serial Number:	86373733	PANGIVIS
Serial Number:	86373725	FINJOSO
Serial Number:	86373718	JENSTREY
Serial Number:	86373710	IONLAY
Serial Number:	86373704	CLUMENTI

CORRESPONDENCE DATA

Fax Number: 650 522-55

Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.

Phone: 650 522-2401

Email: trademarks@gilead.com

Correspondent Name: Gretchen R. Stroud

Address Line 1: 333 Lakeside Drive

Address Line 4: Foster City, CALIFORNIA 94404

ATTORNEY DOCKET NUMBER: GSL NAME CHANGE

DOMESTIC REPRESENTATIVE

Name: Gretchen R. Stroud

Address Line 1: 333 Lakeside Drive

Address Line 4: Foster City, CALIFORNIA 94404

NAME OF SUBMITTER: Gretchen R. Stroud

SIGNATURE: /Gretchen R. Stroud/

DATE SIGNED: 11/04/2014

Total Attachments: 1

source=Certified copy Cert of Inc#page1.tif

Number : 259755

Duplicate Certificate



Certificate of Incorporation of a Company

I hereby certify, that

GILEAD SCIENCES IRELAND UC

originally called **NEXSTAR PHARMACEUTICALS LIMITED**

which name was changed to
GILEAD PHARMACEUTICALS LIMITED

on **Thursday, the 16th day of March, 2000**

which name was changed to
GILEAD SCIENCES LIMITED

on **Thursday, the 18th day of May, 2000**

which name was changed to
GILEAD SCIENCES

on **Monday, the 22nd day of September, 2014**

which name was changed to
GILEAD SCIENCES IRELAND UC

on **Monday, the 22nd day of September, 2014**

each name change having been made by Special Resolution and with the Authority of the Registrar of Companies.

was Reregistered under the Companies Acts, 1963 to 2013

as an *Unlimited* Company, on
Monday, the 22nd day of September, 2014.

Ika Bwe

Given under my hand at Dublin, this
Wednesday, the 8th day of October, 2014.

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM469936

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	CHANGE OF NAME		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Bristol-Myers Squibb & Gilead Sciences LLC		01/01/2018	Limited Liability Company: DELAWARE
RECEIVING PARTY DATA			
Name:	Gilead Sciences LLC		
Street Address:	333 Lakeside Drive		
City:	Foster City		
State/Country:	CALIFORNIA		
Postal Code:	94404		
Entity Type:	Limited Liability Company: DELAWARE		
PROPERTY NUMBERS Total: 1			
Property Type	Number	Word Mark	
Registration Number:	3276743	ATRIPLA	
CORRESPONDENCE DATA			
Fax Number:			
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.</i>			
Phone:	6505222401		
Email:	trademarks@gilead.com		
Correspondent Name:	Gretchen R. Stroud, Gilead Sciences, Inc		
Address Line 1:	333 Lakeside Drive		
Address Line 4:	Foster City, DELAWARE 94404		
NAME OF SUBMITTER:	Gretchen R. Stroud		
SIGNATURE:	/Gretchen R. Stroud/		
DATE SIGNED:	04/16/2018		
Total Attachments: 0			

CH \$40.00 3276743

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AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Defendant(s)

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)
)
)
)
)
)
)
)
)
)
)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

BRENNA B. MAHONEY
CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

SUMMONS RIDER

1. 71st Rx Pharmacy Inc. -- 107-27 71st Ave, Forest Hills, NY 11375
2. Akbar Grant -- 2571 Tenbroeck Ave, Bronx, NY 10469
 - o 1985 Sedgwick Ave, Apt. #3A, Bronx, NY 10453
3. Best Scripts LLC -- 185-08 Union Tpke, Suite 109, Fresh Meadows, NY 11366
4. Ivan Ohar -- 1695 E 21st St., Apt C4, Brooklyn, NY 11210-5061
5. Boris Aminov -- 60 Oceana Dr W, Apt. 10D, Brooklyn, NY 11235
 - o 9517 67th Ave, Rego Park, NY 11374
6. Bless You Rx Inc. -- 9531 Jamaica Ave, Woodhaven, NY 11421
7. Rachel Aminov -- 8609 66th Ave, Rego Park, NY 11374-5207
 - o 9517 67th Ave, Rego Park, NY 11374-5135
8. Jonathan Gavrielof -- 1009 Dartmouth Ln, Woodmere, NY 11598
9. Antonio Payano -- 3215 Bainbridge Ave, Apt. 1C, Bronx, NY 10467
10. Dynamic Pharmaceuticals Supply, Inc. -- 30 Wall St., 8th floor, New York, NY, 10005
11. Dynamic Pharmaceutical Suply Inc. -- 445 Park Ave, New York, NY 10022
12. Northwest Pharmaceutical & Medical Supply Inc. -- 708 3rd Ave, New York, NY 10017
13. J&M Medical Supply Inc. -- 1790 Broadway, 15th floor, New York, NY 10019
14. JFK Wholesale and Retail Medical Supply Corp. -- 42 Broadway, New York, NY 10014
15. Merric Billing Inc. -- 5314 16th Avenue, Brooklyn, NY 11204
16. New Line of Pharmaceutical, Inc. -- 1216 Broadway, New York, NY 10001
17. Onliner Marketing Corp. -- 1421 58th Street, Brooklyn, NY 11219
18. Park Avenue Pharmaceutical Corp. -- 125 Park Avenue, 25th floor, New York, NY 10017
19. Pharmaceutical Way, Inc. -- 48 Wall Street, Suite 1100, New York, NY 10005
20. Foster Media Group, Inc. -- 46 Main Street, Suite 111, Monsey, NY 10952
21. Foster Media Pharmaceutical Supply Corp. -- 100 Church Street, 8th floor, New York, NY 10007
22. Y&S Statistic Medical Supply Inc. -- 30 Wall St., 8th Floor, New York, NY, 10005
23. Y&S Statistic Medical Suply Inc. -- 445 Park Ave, New York, NY 10022
24. Pure Gear Consulting, Inc. -- 23 Oak Glen Road, Monsey, NY, 10952
25. Christy Corvalan -- 22 The Hamlet, Pelham, NY 10803
 - o 914 Wynnewood Rd, Apt. 2C, Pelham, NY 10803
26. Island Pharmacy & Discount Corp. -- 290 City Island Ave, Bronx, NY, 10464
27. David Fernandez -- 2105 Ryer Ave, Bronx, NY 10457
 - o 156 Summit Pl, #1, Bronx, NY 10463
28. Dezyre Baez -- 22 The Hamlet, Pelham, NY 10803
 - o 914 Wynnewood Rd, Apt. 2C, Pelham, NY 10803
 - o 300 Hayward Ave, Apt. 2N, Mount Vernon, NY 10552
29. Crystal Medina -- 2876 Parkview Ter, Apt. 4D, Bronx, NY 10468
 - o 602 S Arlington Ave, Harrisburg, PA 17109
30. Irina Polvanova -- 8274 166th St, Jamaica, NY 11432
31. Galaxy Rx Inc. -- 47-02 47th Ave, Woodside, NY 11377
32. Roman Samalov -- 18456 Tudor Rd, Jamaica, NY 11432
33. River Chemists Corp. -- 3721 Riverdale Ave, Bronx, NY 10463

AO 458 (Rev. 06/09) Appearance of Counsel

UNITED STATES DISTRICT COURT
for the

Gilead Sciences, Inc., et al.
Plaintiff
v.
Peter Khaim, et al.
Defendant
Case No.

APPEARANCE OF COUNSEL

To: The clerk of court and all parties of record

I am admitted or otherwise authorized to practice in this court, and I appear in this case as counsel for:

Plaintiffs Gilead Sciences, Inc., Gilead Sciences Ireland UC, and Gilead Sciences, LLC

Date: 06/17/2024

Handwritten signature of Geoffrey Potter

Attorney's signature

Geoffrey Potter, #2252302
Printed name and bar number

Patterson Belknap Webb & Tyler LLP
1133 Avenue of the Americas
New York, NY 10036

Address

gpotter@pbwt.com
E-mail address

(212) 336-2050
Telephone number

(212) 336-2222
FAX number

AO 458 (Rev. 06/09) Appearance of Counsel

UNITED STATES DISTRICT COURT
for the

Gilead Sciences, Inc., et al.
Plaintiff
v.
Peter Khaim, et al.
Defendant
Case No.

APPEARANCE OF COUNSEL

To: The clerk of court and all parties of record

I am admitted or otherwise authorized to practice in this court, and I appear in this case as counsel for:

Plaintiffs Gilead Sciences, Inc., Gilead Sciences Ireland UC, and Gilead Sciences, LLC

Date: 06/17/2024

[Handwritten signature]

Attorney's signature

Timothy A. Waters, 4683157

Printed name and bar number

Patterson Belknap Webb & Tyler LLP
1133 Avenue of the Americas
New York, NY 10036

Address

twaters@pbwt.com

E-mail address

(212) 336-2000

Telephone number

(212) 336-2222

FAX number

AO 458 (Rev. 06/09) Appearance of Counsel

UNITED STATES DISTRICT COURT
for the

Gilead Sciences, Inc., et al.
Plaintiff
v.
Peter Khaim, et al.
Defendant
Case No.

APPEARANCE OF COUNSEL

To: The clerk of court and all parties of record

I am admitted or otherwise authorized to practice in this court, and I appear in this case as counsel for:

Plaintiffs Gilead Sciences, Inc., Gilead Sciences Ireland UC, and Gilead Sciences, LLC

Date: 06/17/2024

/s/ Thomas P. Kurland

Attorney's signature

Thomas P. Kurland, 4885810

Printed name and bar number

Patterson Belknap Webb & Tyler LLP
1133 Avenue of the Americas
New York, NY 10036

Address

tkurland@pbwt.com

E-mail address

(212) 336-2000

Telephone number

(212) 336-2222

FAX number

AO 458 (Rev. 06/09) Appearance of Counsel

UNITED STATES DISTRICT COURT
for the

_____)	
Gilead Sciences, Inc., et al.)	
Plaintiff)	
v.)	Case No. _____
_____)	
Peter Khaim, et al.)	
Defendant)	

APPEARANCE OF COUNSEL

To: The clerk of court and all parties of record

I am admitted or otherwise authorized to practice in this court, and I appear in this case as counsel for:

Plaintiffs Gilead Sciences, Inc., Gilead Sciences Ireland UC, and Gilead Sciences, LLC _____ .

Date: 06/17/2024

Andrew Haddad
Attorney's signature

Andrew Haddad, Bar # 5540026
Printed name and bar number

Patterson Belknap Webb & Tyler LLP
1133 Avenue of the Americas
New York, NY 10036

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ahaddad@pbwt.com
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Telephone number

(212) 336-2222
FAX number

AO 458 (Rev. 06/09) Appearance of Counsel

UNITED STATES DISTRICT COURT
for the

Gilead Sciences, Inc., et al.
Plaintiff
v.
Peter Khaim, et al.
Defendant
Case No.

APPEARANCE OF COUNSEL

To: The clerk of court and all parties of record

I am admitted or otherwise authorized to practice in this court, and I appear in this case as counsel for:

Plaintiffs Gilead Sciences, Inc., Gilead Sciences Ireland UC, and Gilead Sciences, LLC

Date: 06/17/2024

Attorney's signature

Maxwell K. Weiss, #5509823
Printed name and bar number

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New York, NY 10036
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Telephone number

(212) 336-2222
FAX number

AO 458 (Rev. 06/09) Appearance of Counsel

UNITED STATES DISTRICT COURT
for the

Gilead Sciences, Inc., et al.)
Plaintiff)
v.)

Peter Khaim, et al.)
Defendant)

Case No. _____

APPEARANCE OF COUNSEL

To: The clerk of court and all parties of record

I am admitted or otherwise authorized to practice in this court, and I appear in this case as counsel for:

Plaintiffs Gilead Sciences, Inc., Gilead Sciences Ireland UC, and Gilead Sciences, LLC .

Date: 06/17/2024


Attorney's signature

Angelica H. Nguyen, #5706098
Printed name and bar number

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