

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

MANNATECH, INC.,	§	
	§	
Plaintiff ,	§	
	§	
v.	§	Civil Action No. 3:14-CV-2497-K
	§	
WELLNESS QUEST, LLC, and	§	
HARLEY REGINALD MCDANIEL,	§	
	§	
Defendants.	§	

**ORDER**

Before the court is Plaintiff Mannatech’s Motion for Preliminary Injunction, and Motion to Expedite Discovery, both filed July 16, 2014. The court has considered the motion, response, reply, evidence submitted by the parties, and the applicable law. For the reasons that follow, both of Plaintiff’s motions are **denied**.

**I. Background**

According to its briefing, Plaintiff Mannatech, Inc. (“Mannatech”) is a developer and worldwide seller of nutritional supplements, including a class of supplement products known as glyconutrients. Mannatech has patented some of its glyconutrient products, including United States Patent Nos. 7,157,431 (the “431 Patent”) and 7,202,220 (the “220 Patent”). Defendant Harley Reginald McDaniel (“McDaniel”) is the former Medical Director of Mannatech, and was involved in the research and development of the glyconutrient products. McDaniel is also a founder of Defendant

Wellness Quest, LLC (“Wellness Quest”). Mannatech has sued McDaniel and Wellness Quest (collectively, “Defendants”) for infringement of the above two patents, alleging that they formulated a competing product (known as “New Eden”) by using McDaniel’s knowledge of the patented invention claimed in the ‘431 and ‘220 patents.

## **II. Mannatech’s Motions**

Mannatech moves for a preliminary injunction against Wellness Quest and McDaniel, and also requests an expedited discovery procedure in order to prepare for a hearing on its motion for injunctive relief.

### **A. Motion for Preliminary Injunction**

Mannatech seeks a preliminary injunction against Wellness Quest and McDaniel prohibiting them from infringing the ‘431 and ‘220 patents.

A district court may enter a preliminary injunction based on its consideration of four factors: 1) the likelihood of success on the merits; 2) a substantial threat of irreparable harm if the injunction is not granted; 3) the balance of hardships between the parties; and 4) the public interest. *Opulent Life Church v. City of Holly Springs, Miss.*, 697 F.3d 279, 288 (5<sup>th</sup> Cir. 2012); *FN2 Abbott Labs. v. Sandoz, Inc.*, 566 F.3d 1282, 1298 (Fed.Cir.2009), *cert. denied*, 558 U.S. 1136 (2010) (*quoting Erico Int’l Corp. v. Vutec Corp.*, 516 F.3d 1350, 1353–54 (Fed.Cir.2008)); *Gryodata Inc. v. Gyro Technologies, Inc.*, 679 F. Supp.2d 774, 779 (S.D. Tex. 2009). While the party seeking a preliminary injunction bears the burden of establishing its entitlement to relief, “the court views the

matter in light of the burdens and presumptions that will inhere at trial.” *Titan Tire Corp. v. Case New Holland, Inc.*, 566 F.3d 1372, 1376 (Fed.Cir.2009); *Hoop v. Hoop*, 279 F.3d 1004, 1007 (Fed.Cir.2002). Although the court should weigh each factor, a preliminary injunction cannot be granted unless the movant establishes the existence of both of the first two factors. *Altana Pharma AG v. Teva Pharms. USA, Inc.*, 566 F.3d 999, 1005 (Fed.Cir.2009) (citing *Amazon.com, Inc. v. Barnesandnoble.com, Inc.*, 239 F.3d 1343, 1350 (Fed.Cir.2001)).

The “threat of irreparable injury is ‘perhaps the single most important prerequisite for the issuance of a preliminary injunction.’ ” 11A Charles Alan Wright & Arthur B. Miller, *FEDERAL PRACTICE AND PROCEDURE CIVIL* 2d § 2948.1 (1995). As noted by the Supreme Court, “the basis of injunctive relief in the federal courts has always been irreparable harm and inadequacy of legal remedies[.]” *Sampson v. Murray*, 415 U.S. 61, 88, 94 S.Ct. 937, 39 L.Ed.2d 166 (1974). A plaintiff seeking to show irreparable harm must show that: (a) harm to the plaintiff is imminent; (b) the injury would be irreparable; and (c) the plaintiff has no other adequate legal remedy. *Conlay v. Baylor College of Medicine*, 2010 WL 774162, 5 (S.D.Tex.2010) (citing *Chacon v. Granata*, 515 F.2d 922, 925 (5th Cir.) *cert. denied*, 423 U.S. 985 (1975)). Where money damages would adequately compensate a plaintiff, there can be no irreparable harm. *DFW Metro Line Servs. v. Southwestern Bell Telephone Co.*, 901 F.2d 1267, 1269 (5th Cir.) (per curiam), *cert. denied*, 498 U.S. 985 (1990).

Mannatech's asserted irreparable harm is the loss of profits that may be going to Wellness Quest instead of Mannatech, because Wellness Quest has allegedly infringed Mannatech's patents by producing and selling New Eden. Wellness Quest and McDaniel contend that because Mannatech has known about New Eden for several years but has not sued them until now, they cannot claim imminent irreparable harm. They further assert that any damages Mannatech has incurred can be quantified by and satisfied with a money judgment. Although Mannatech asserts that Defendants may not have the financial wherewithal to satisfy a money judgment, it provides no evidence of same beyond the fact that Wellness Quest appears to sell only two products. Moreover, as Defendants have pointed out, Mannatech will have the opportunity to seek a permanent injunction if it is ultimately successful on the merits of its patent infringement claims. The court agrees that Mannatech has not demonstrated a substantial threat of irreparable harm that cannot be undone through monetary remedies. *Dennis Melancon, Inc. v. City of New Orleans*, 703 F.3d 262, 279 (5<sup>th</sup> Cir. 2012), *cert. denied*, 133 S. Ct. 2396 (2013); *Interlox Am. v. PPG Indus., Inc.*, 736 F.2d 194, 202 (5<sup>th</sup> Cir. 1984).

Because the party seeking preliminary injunctive relief must persuade the court on all four factors, the court need not address the remaining three factors. *Shah v. Univ. of TX Southwestern Med. Sch.*, 2014 WL 4105964, \*4 (N.D. Tex. 2014), *citing DFW Metro Line Svcs.*, 901 F.2d at 1269. Mannatech's Motion for Preliminary Injunction is **denied**.

**B. Motion to Expedite Discovery**

The court has denied Mannatech's motion for preliminary injunctive relief. Therefore, this motion is **denied as moot**.

**III. Conclusion**

For the foregoing reasons, Mannatech's Motion for Preliminary Injunction is **denied**, and its Motion to Expedite Discovery is **denied as moot**.

**SO ORDERED.**

Signed November 4<sup>th</sup>, 2014.

  
ED KINKEADE  
UNITED STATES DISTRICT JUDGE