

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT**

CONAIR CORPORATION,

Plaintiffs,

v.

TRE MILANO, LLC,

Defendant.

**CASE No.**

**October 21, 2014**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Conair Corporation (“Conair”) complains of defendant Tre Milano (“Milano”) as follows:

**JURISDICTION AND VENUE**

1. Jurisdiction exists under 28 U.S.C. §§ 1331 and 1338(a) because this is an action for infringement of Conair’s patent rights.

2. Defendant is subject to personal jurisdiction in Connecticut and in this judicial district and division because it has transacted business here by selling, offering to sell or distributing hair care products that violate Conair’s intellectual property rights, specifically, a product known as the Tulip by Instyler Auto Curler (“Tulip”).

3. Venue is proper under the general federal venue statute, 28 U.S.C. § 1391, and under the specific venue provision relating to patent-infringement cases, 28 U.S.C. § 1400(b).

**PARTIES**

4. Conair is a Delaware corporation headquartered in East Windsor, New Jersey, with sales and marketing offices in Stamford, Connecticut. Conair is the exclusive licensee and owns all substantial rights in and has standing (without joining the nominal legal title owner) to sue for infringement of United States Patent No. 8,651,118, entitled “Hair Styling Device” (the ’118 patent). Conair holds the exclusive license, including the exclusive right to manufacture, market and enforce, from TF3 Limited (Birmingham,

England). Conair has complied with all terms of its exclusive license, and that exclusive license is currently in force.

5. Milano is a California corporation with its headquarters located at 5826 Uplander Way, Culver City, California 90230. Milano has previously and is presently making, using, selling, offering for sale, and/or importing into the U.S. hair styling devices that infringe one or more claims of the '118 patent. Milano has infringed the '118 patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

### **BACKGROUND**

6. The '118 patent, through the invention embodied in its claims, permits one-step hair styling and curling, thus saving consumers substantial time and effort. Conair has worked diligently to commercialize the invention claimed within the '118 patent.

7. As a result of Conair's commercialization efforts, Conair and its subsidiaries have experienced dramatic commercial success worldwide with its embodiments of the patent-in-suit – the Miracurl® (promoted under the Babyliss brand) and the Curl Secret® (promoted under the Conair brand). That success has attracted a number of knock-off efforts and attempts to free ride on Conair's success. Defendant is now among them.

8. Milano has been aware of the '118 patent since at least September 25, 2014, the date of a Notice of Infringement sent to Milano by Conair. The Notice of Infringement included an infringement claim chart for the '118 patent.

### **COUNT I**

#### **UTILITY PATENT INFRINGEMENT**

9. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 8 of this complaint as if fully set forth herein.

10. Defendant Milano has infringed and continues to infringe at least claims 1-5 and 11 of the '118 patent either directly or indirectly through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271, by making, using, selling, importing and/or offering to sell infringing products, namely the Tulip by Instyler Auto Curler. Additional infringing models may be identified through discovery.

11. Defendant has knowingly and intentionally actively aided, abetted and induced others to infringe (such as its customers, users and/or business partners in this judicial district and throughout the United States). Defendant has also knowingly contributed to customer infringement, within the meaning of 35 U.S.C. § 271(c), by among other things providing the Tulip by Instyler Auto Curler, which is not a staple article of commerce capable of substantial non-infringing use.

12. Since at least September 25, 2014, the date of a Notice of Infringement sent to Defendant, its infringement has been reckless, without objective basis, and willful.

13. Defendant's infringement, contributory infringement and/or inducement to infringe has injured Conair and it, therefore, is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

#### **JURY DEMAND**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Conair requests a trial by jury on all issues presented that can properly be tried to a jury.

#### **PRAYER FOR RELIEF**

WHEREFORE, Conair asks this Court to enter judgment against Defendant Milano and against its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with them, granting the following relief:

- A. An injunction permanently prohibiting further infringement, inducement and contributory infringement of the '118 patent;
- B. An award of damages adequate to compensate Conair for the infringement that has occurred, together with prejudgment interest from the date infringement began;

- C. All other damages permitted by 35 U.S.C. § 284;
- D. A finding that this case is exceptional and an award to Conair of its attorneys' fees and costs as provided by 35 U.S.C. § 285;
- E. An award of costs; and
- F. Such other and further relief as this Court or a jury may deem proper and just.

Respectfully submitted

**PLAINTIFF CONAIR CORPORATION**

Dated: October 21, 2014

/s/ Marina F. Cunningham  
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ITS ATTORNEYS