

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

CONAIR CORPORATION,

Plaintiff,

v.

ZADRO PRODUCTS, INC.,

Defendant.

**CASE No.**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Conair Corporation (“Conair”) complains of defendant Zadro Products, Inc. (“Zadro”) 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 lighted mirror products that violate Conair’s intellectual property rights, specifically, a product known as the Zadro Variable Light Mirror model LVAR410 (“LVAR410”).

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 owner of, and has standing to sue for infringement of, United States Patent No. 6,604,836, entitled “Variable Lighted Make-Up Mirror” (the ’836 patent).

5. Zadro is a California corporation with its headquarters located at 14462 Astronautics Lane, Huntington Beach, California 92647. Zadro has previously and is

presently making, using, selling, offering for sale, and/or importing into the U.S. variable lighted mirror products that infringe one or more claims of the '836 patent. Zadro has infringed the '836 patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

### **BACKGROUND**

6. The '836 patent, through the invention embodied in its claims, describes an illuminated mirror that simulates different types of light experienced by a person during the course of a day, the light being simulated across the mirror's reflective surface and including incandescent light, white light, blue light, office light, daylight, home light, and evening light. Conair has worked diligently to commercialize the invention claimed within the '836 patent.

7. On May 15, 2015, Conair sent a Notice of Infringement to Zadro Products, Inc., informing Zadro of its infringement of at least claims 1-3 and 5-10 of the '836 Patent through its manufacture, sale, offer for sale, use, and importation of the LVAR410. The letter indicated a demand that Zadro immediately cease all sales, marketing, advertising, importation, use and manufacture of the LVAR410 and any other product that is substantially similar or that also infringes the '836 patent. Conair also requested data showing the total sales (in dollars and units), unsold inventory, and total purchased (in dollars and units) including identity of the manufacturer(s) Zadro purchased the products from. The Notice of Infringement included a copy of the '836 patent.

8. On May 26, 2015, counsel for Zadro responded, arguing that claim 1 of the '836 patent contains a limitation to "a switch", believing that this term should be construed narrowly as to not cover the switch of the Zadro product. The letter indicated that the Zadro product has three separate switches and that the '836 patent is limited to a single switch.

9. On June 12, 2015, Conair responded to the May 26, 2015 letter, indicating that while the switch assembly of the LVAR410 comprises three internal components, they are structurally joined and manipulated by pushbuttons to function as a single switch.

The June 12, 2015 letter additionally indicated that even if one argued against literal infringement, infringement under the doctrine of equivalents could still be asserted, reserving the right to assert both.

10. On July 3, 2015, counsel for Zadro responded to the June 12, 2015 letter, continuing to argue that the LVAR410 switch is not covered by the '836 patent due to its containing three switches rather than a single switch.

11. Zadro's communications were in bad faith and reflect the wilfulness of its infringement. The specific component that Zadro stated constitutes more than one switch is a part sold to manufacturers like Zadro, and other members of the public, as a single "switch" (namely, a three-gang switch). Zadro knowingly stated false information to Conair to delay or dissuade Conair from remedying Zadro's trespass on its rights.

## **COUNT I**

### **UTILITY PATENT INFRINGEMENT**

12. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 11 of this complaint as if fully set forth herein.

13. Defendant has infringed and continues to infringe at least claims 1-3 and 5-10 of the '836 patent in violation of 35 U.S.C. § 271 through, among other activities, making, using (for example by testing), offering to sell, and/or selling the LVAR410 variable lighted mirror. Zadro has also 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). Zadro has also knowingly contributed to customer infringement, within the meaning of 35 U.S.C. § 271(c), by among other things providing the LVAR410, which is not a staple article or commodity of commerce capable of substantial non-infringing use.

14. Defendant's infringing technology and services include, without limitation, Zadro's variable lighted mirror products, including, for example, the LVAR410.

Defendant's infringement may include additional products, services and technologies (to be determined in discovery) marketed or used by Zadro.

15. Zadro's customers directly infringe the '836 patent when using Zadro's lighted mirror products, including the LVAR410 and other variable lighted mirror products. Each of Zadro's customers that purchase these techniques is a third-party direct infringer. When one such third-party direct infringer uses the LVAR410, that constitutes an act of direct infringement. Zadro knows that these customer acts constitute infringement, and induces that infringement via, for example, website promotional materials such as <http://zadroinc.com/led-variable-lighted-vanity-mirror-1x-10x/> (last visited September 28, 2015).

16. Zadro has known of the '836 patent at least as early as May 15, 2015, the date Conair sent the Notice of Infringement to Zadro. On information and belief, Zadro was never given any reason to believe that it did not infringe the '836 patent. Accordingly, from at least May 15, 2015 onwards, Zadro specifically intended and encouraged its customers to infringe the '836 patent because it knew that its variable lighted mirrors were to be used to provide a variable lighted mirror with different light sources controlled by a switch, infringing the '836 patent. Zadro sold the mirrors with knowledge that they infringe the '836 patent. Because Zadro had knowledge of the '836 patent, Zadro knew that its customers' acts of using Zadro's mirrors to provide a variable lighted mirror with a plurality of light sources constituted acts of infringement. Zadro thereby has induced and is inducing infringement of the '836 patent.

17. Zadro has sold, offered to sell, and/or imported a material part of the invention constituting the '836 patent. Specifically, Zadro has sold and offered to sell variable lighted mirrors used for infringement such as the LVAR410, which are used to provide a mirror with variable light sources controlled by a switch, infringing the '836 patent. Zadro also imports technology that is used to manufacture these mirrors. Since at least as early as May 15, 2015, the date of the Notice of Infringement, Zadro knew that the accused techniques and products were patented, and were especially made, adapted

and designed for use in infringement of the '836 patent. The infringing variable lighted mirrors and their components are not staple articles or commodities of commerce capable of substantial noninfringing use. Zadro thereby has contributorily infringed and is contributorily infringing the '836 patent.

18. As a direct and proximate consequence of Zadro's contributory infringement and/or inducement to infringe, Conair has been, is being and, unless such acts and practices are enjoined by the Court, will continue to be injured in its business and property rights, and has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284 adequate to compensate for such infringement, but in no event less than a reasonable royalty.

19. Defendant's infringement, contributory infringement and/or inducement to infringe will continue to injure Conair, unless and until this Court enters an injunction, which prohibits further infringement and specifically enjoins further manufacture, use, sale and/or offer for sale of products or services that come within the scope of the '836 patent.

#### **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 Zadro 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 '836 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.

Dated: September 29, 2015

Respectfully submitted,

/s/ Marina F. Cunningham

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