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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

ELI ZHADANOV and INTERLINK  
PRODUCTS INTERNATIONAL, INC.,

Plaintiffs,

v.

DELTA FAUCET COMPANY and  
PEERLESS FAUCET COMPANY,

Defendants.

Case No: \_\_\_\_\_

**COMPLAINT &  
JURY TRIAL DEMAND**

Plaintiffs, Eli Zhadanov and Interlink Products International, Inc. (collectively “Interlink”), by and through their undersigned counsel, hereby complain of Defendants, Delta Faucet Company (“Delta”) and Peerless Faucet Company (“Peerless”), as follows:

**STATEMENT PURSUANT TO LOCAL RULE 10.1**

1. Plaintiff Eli Zhadanov is an individual residing at 2944 W. 5<sup>th</sup> Street, Brooklyn, New York 11224.
2. Plaintiff Interlink Products International, Inc. is a New Jersey corporation with its principal place of business at 1315 East Elizabeth Avenue, Linden, New Jersey 07036.

3. On information and belief, Defendant Delta is an Indiana corporation with its principal place of business at 55 E. 111th Street, Indianapolis, Indiana 46280.

4. On information and belief, Delta is the successor, by merger, to Alsons Corporation.

5. On information and belief, Defendant Peerless is an Indiana corporation with its principal place of business at 55 E. 111th Street, Indianapolis, Indiana 46280. On information and belief, Peerless is a subsidiary of Delta.

### **JURISDICTION AND VENUE**

6. This Court has jurisdiction over the claims alleged pursuant to 28 U.S.C. §§ 1331 and 1338.

7. This Court has personal jurisdiction over Defendants in that they do business regularly in this district and the claims at issue in this case arise out of or are related to Defendants' business activities with respect to this district. Defendants regularly offer for sale, ship and sell, to customers located in New Jersey, products that are the subject of the infringement allegations in this Complaint. Defendants also regularly place the infringing products at issue into the stream of commerce through established relationships with retailers selling their products in New Jersey and with full awareness that substantial quantities of the infringing products will be sold in New Jersey. Defendants thus purposely direct their business activities to this forum and the claims herein thereby arise out of and relate to such business activities.

8. Venue is proper in this district pursuant to 28 U.S.C. §§ 1400(b) and 1391(b) and (c).

**CLAIM FOR INFRINGEMENT OF  
U.S. PATENT NO. 8,292,253**

9. Interlink is a New Jersey based research & development company specializing in the development, manufacturing and marketing of innovative consumer and professional healthcare products in the shower and bath, personal care and cleaning categories. The company was founded in 1996 and built on conceptual and technological innovation, high product quality and excellence in customer service.

10. Interlink's products include several lines of shower and bath accessories that can be purchased from various retailers both in stores and online.

11. On October 23, 2012, United States Letters Patent No. 8,292,253 ("the '253 Patent") were issued to Eli Zhadanov, Interlink's President and majority shareholder. In general terms, the '253 Patent describes an invention centering on a mounting bracket with an adhesive backing (typically used to attach the bracket to a wall) for mounting a suction-based shower accessory, thereby allowing the accessory to be installed on surfaces that otherwise would not permit or be ideal for attachment to a suction device, or to be securely installed on any other surface. A copy of the '253 Patent is attached as Exhibit A.

12. Interlink is the exclusive licensee of the '253 Patent.

13. Defendants sell showerheads and shower and bath accessories under the "Delta" and "Peerless" brands, among others. Delta states on its website that it "manufactures Delta® . . . and Peerless®" branded products, apparently in conjunction with Defendant Peerless.

14. Beginning in approximately 2005, Interlink supplied Alsons Corporation (Delta) and two of its sub-suppliers (as per Delta's instructions) with a product embodying the claims of the '253 Patent. Delta ceased purchasing the product covered by the '253 Patent from Interlink in 2010.

15. Interlink later discovered that Delta had begun producing or obtaining from another source an infringing version of the product Interlink had previously supplied to Delta. For example, Delta includes a combination adhesive mounting bracket and suction holder device in its model 75530 dual showerhead system that embodies the claims of the '253 Patent. Images of that product reflecting the inclusion of the infringing device are attached as Exhibit B. Defendants also sell, under their PEERLESS brand, a stand-alone a combination adhesive mounting bracket and suction holder device that embodies the claims of the '253 Patent. Images of the stand-alone device are attached as Exhibit C.

16. Defendants' products that include a wall-mount adhesive bracket that is identical or equivalent to that included with the items depicted in Exhibits B and C, along with a suction-based holder device that is inserted into the bracket (hereinafter, collectively, "the Accused Products") embody all claims of the '253 Patent.

17. Defendants package some if not all of the Accused Products completely assembled with the suction device pre-inserted into the mounting bracket at the time of packaging. To the extent the mounting and suction components are not pre-assembled, Delta sells them as a completed machine. The mounting bracket and suction devices at issue are designed to be combined before use, are sold ready for combination and serve no useful non-infringing purpose. The components thereof cannot be combined or assembled into any ordinary or practical device that does not infringe the '253 Patent.

18. Defendants infringe the '253 Patent by selling and, on information and belief, importing the Accused Products. To the extent Defendants assemble or manufacture the Accused Products, they also infringe the '253 Patent by making those products.

19. In the alternative, Defendants contributorily infringe the '253 Patent by selling the adhesive mounting bracket used in its products. The adhesive wall-mount bracket embodies a material component of each of the claims of the '253 Patent. Further, the adhesive mounting bracket is not a staple article or commodity of commerce suitable for substantial non-infringing use. The bracket is especially made, Defendants sell the bracket and the bracket is used by purchasers solely to interface with, and attach to a surface, suction-based holder devices. There are no usual, non-far-fetched, non-illusory, practical, non-occasional, non-aberrant or non-experimental uses for the bracket that do not infringe the claims of the '253 Patent. The bracket does not have ordinary non-infringing uses.

20. Through this Complaint, Plaintiffs have notified Defendants of the '253 Patent and of the infringing nature of the Accused Products.

21. Defendants' continued sale of the Accused Products is in willful, knowing disregard of the '253 Patent and intentionally induces infringement of the '253 Patent by purchasers.

22. By selling the Accused Products, and through its advertising and promotional materials and the instructions included with the Accused Products, Defendants encourage purchasers to assemble, install and use on an ongoing basis the Accused Products. Defendants' online product listings and promotional materials encourage installation and use of the Accused Products by, among other things, promoting the functionality of the products and, specifically, the use of the combination adhesive mounting bracket and suction holder device as a wall-mounted device for holding hand showers or other items. Defendants' instructions included with the Accused Products induce infringement by instructing purchasers to assemble, install and use the combination adhesive mounting bracket and suction holder device.

23. By its nature, the combination adhesive mounting bracket and suction holder device does not have substantial non-infringing uses. It cannot be assembled or combined into any ordinary or practical device that does not infringe the '253 Patent. Defendants sell the combination adhesive mounting bracket and suction holder device for the sole purpose of installation and use by purchasers and with the knowledge and intent that purchasers will thereby infringe the '253 Patent.

24. Defendants have engaged in the foregoing acts of infringement despite an objectively high likelihood that their actions constitute infringement of a valid patent, and such likelihood was known or so obvious that it should have been known by Defendants.

25. At all relevant times, Interlink sells and has sold products that compete directly with the Accused Products. As a result of Defendants' infringement Interlink has suffered direct competitive harm, loss of goodwill, and lost sales.

26. Defendants' infringement is ongoing and has injured and will continue to injure Interlink unless and until this Court enters an injunction prohibiting further direct, contributory and induced infringement, including enjoining further sale of Defendants' infringing products.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment in its favor and against Defendants and their subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with Defendants, granting the following relief:

- A. An award of damages sufficient to compensate Interlink for Defendants' direct and indirect infringement of the '253 Patent, including Interlink's lost profits and/or reasonable royalties for the infringement, and any other relief provided for under 35 U.S.C. § 284, together with prejudgment interest;

- B. Increased damages as permitted under 35 U.S.C. § 284;
- C. A finding that this case is exceptional and an award to Interlink of its attorneys' fees and costs as provided by 35 U.S.C. § 285;
- D. A preliminary and permanent injunction prohibiting further infringement, inducement of infringement and contributory infringement of the '253 Patent; and
- E. Such other and further relief as this Court or a jury may deem proper and just.

Dated: February 29, 2016

Respectfully submitted,

The Law Office Of  
JASON B. LATTIMORE, ESQ. LLC

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*Attorneys for Plaintiff  
Interlink International Products, Inc.*

**DEMAND FOR JURY TRIAL**

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff demands a trial by jury on all issues triable by jury.

Dated: February 29, 2016

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Interlink International Products, Inc.*

**CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2**

The undersigned hereby certifies that, to the best of his knowledge, this matter is not the subject of any other action pending in any court, or any pending or contemplated arbitration or administrative proceeding.

Dated: February 29, 2016

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