

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

SHARIDAN L. STILES ,
Plaintiff,

v.

WAL-MART STORES INC.,
Defendants.

Civil Action No. 4:19-cv-00420

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Sharidan L. Stiles (“Stiles” or “Plaintiff”), by and through her attorneys, brings this First Amended Complaint for the willful infringement of U.S. Patent No. 9,707,689 (“the ‘689 patent”) (“the Stiles patent” or “the patent-in-suit”) by defendant Wal-Mart Stores Inc. (“Walmart”).

INTRODUCTION

1. Sharidan Stiles is an American inventor and entrepreneur who has spent the past two decades designing, marketing, and selling the patented Stiles Razor—a unique, narrow-width razor that improves the safety, precision, and comfort of detailed shaving applications such as eyebrow, bikini, scalp art, mustache, ear, goatee, beard, sideburns, and nose hair removal.

2. The Stiles Razor is made in the USA, and it is protected by multiple United States patents, including a design patent and two utility patents. The inventions underlying the patents-in-suit date back to 1998, and Stiles has been developing, marketing, and selling commercial embodiments of her patented razor designs ever since.

3. Stiles fought for years to get her patented razor onto the shelves at Walmart, the world’s largest retailer, repeatedly identifying her pending patent application (which eventually issued as the patent-in-suit), and the fact that no other razor of comparable quality, detail, and safety could substitute for the Stiles Razor without infringing her patent.

4. In 2006, Stiles finally achieved her long-sought goal, as Walmart agreed to carry the Stiles Razor on a test-run basis. The 2006 test run was phenomenally successful, as hundreds of Walmart stores across the country sold nearly their entire inventory of Stiles Razors.

5. Between 2006 and 2008, Walmart sales of the Stiles Razor grew phenomenally. By 2008, the Stiles Razor was carried in more than 3500 Walmart stores throughout the United States. The Stiles Razor generated more than \$1.7 in annual sales revenue in 2008.

6. However, in 2008, a company called American International Industries (“AI”)—a Target and CVS supplier with a 73% share of the disposable styling razor market—decided to knock off the Stiles Razor, Stiles’s patents notwithstanding. Target and CVS, who had resisted Stiles’s attempts to sell the patented Stiles Razor in their stores, happily stocked their shelves with cheap knockoffs under the “Ardell” label.

7. Walmart, which competes fiercely with Target and CVS and is known for knocking off patented products, looked jealously at its competitors’ profit margins from willfully infringing Stiles’s patents. And beginning in or around 2009, Walmart took action to reap these ill-gotten gains for itself. The first thing Walmart did was work with AI to source an infringing razor of its own—branded as “Salon Perfect” rather than Ardell.

8. From 2009 through 2012, Walmart manipulated sales figures, lied, destroyed documents, and generally cheated Ms. Stiles in order to get her Stiles Razors out of their stores so that they could sell a cheaper knock-off. Walmart worked with AI, the company behind Ardell, to slavishly copy Stiles’s patented design, and to divide the market for personal styling razors between Ardell and Salon Perfect, Walmart’s white-label store brand for cosmetics.

9. These and other details of the antitrust and unfair competition conspiracy between Walmart and American International Industries are the subject of a separately-filed action in the United States District Court for the Eastern District of California, *Stiles v. Wal-Mart Stores, Inc., et al.*, 2:14-cv-02234-MCE-CMK. That case is complex, and involves allegations of naked horizontal price-fixing among Walmart and four of its major suppliers—AI, Coty Inc., Pacific

World Corporation, and Procter & Gamble Corp.—in addition to patent and unfair competition claims. The asserted ‘689 patent is not part of the Eastern District of California action.

10. For more than a decade, Walmart has worked to force Stiles off its shelves, and has worked directly with AI and other suppliers such as Onyx (“Onyx”) to design, produce, and sell personal styling razors that willfully infringe that patents of Walmart’s own one-time supplier, Ms. Stiles.

11. In dozens of presentations, emails, phone calls, and in-person meetings between 2005 and the present, Stiles has informed Walmart of her patents, specifically informed Walmart that Ardell’s, Salon Perfect’s, and Onyx’s personal beauty razor products infringe her patents, and sought a business resolution in which the Stiles Razor could get back on Walmart’s shelves.

12. Walmart’s response was to ***actively knock-off its own supplier***, Ms. Stiles, and to manipulate the Stiles Razor’s sales to get Stiles kicked out of Walmart—and effectively blacklisted from the national retail industry. No large retailer will stock a product that has been terminated from Walmart.

13. In 2014, Stiles sued Walmart, alleging among other things infringement of one of her design patents. After the suit was filed, Walmart’s supplier AI admitted that Walmart willfully infringed Stiles’s patents. For example, on August 19, 2014, Terri Cooper, Vice President of American International Industries, called Stiles, unprompted and unplanned, and admitted to Stiles that Walmart had approached Cooper, had given her the patented Stiles Razor, and had asked American International Industries to copy it for sale on Walmart shelves. American International Industries agreed.

14. In 2016, Stiles amended her complaint in the Eastern District of California to add a newly-issued utility patent, U.S. Patent No. 9,108,329.

15. The action in California has now been pending for five years. Walmart’s response ***has been to continue to sell infringing razors***. For example, Walmart, to this day, sells and offers to sell the Salon Perfect Precision Shaper, the Ardell Pro Brow Precision Shaper, and the Onyx Professional Details Matter Brow Razor.

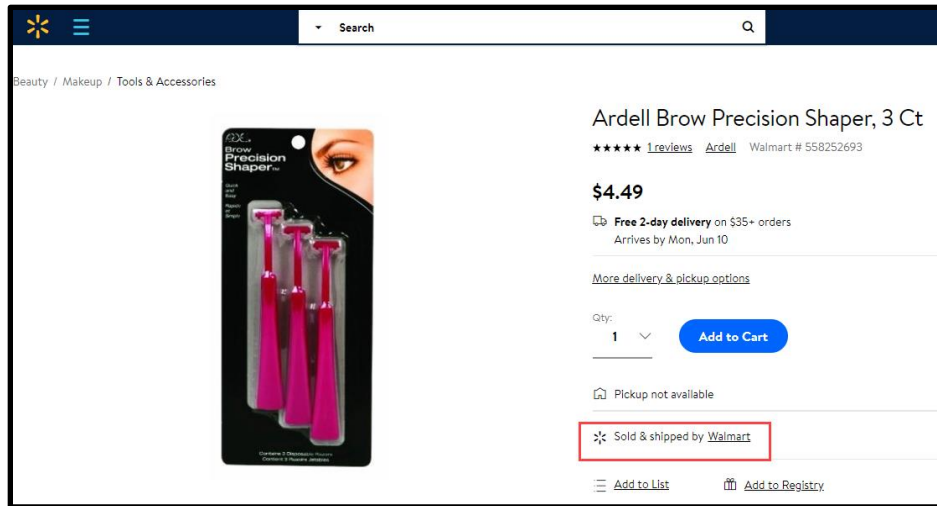
16. On July 18, 2017, the '689 patent issued. Walmart has known about the application for the '689 patent for years, as Stiles's pending patent was the topic of specific, documented communications between Stiles and close to a dozen different Walmart executives and buyers over the course of a decade.

17. Immediately upon issuance, Walmart knew of the '689 patent and its claimed subject matter. In particular, several claims of the '689 patent specifically, directly, and comprehensively cover the Salon Perfect Precision Shaper and the Ardell Pro Brow Precision Shaper.

18. Specifically, claims 9-13 and 16-18 of the '689 patent cover every notable aspect of the Salon Perfect Precision Shaper and the Ardell Pro Brow Precision Shaper (both of which are materially identical in their design). The '689 patent covers the Salon Perfect and Ardell products' razor design, including its length, width, and configuration; covers these products' handle design, including its length and composition; and it covers the interface between the Salon Perfect and Ardell products' handle and razor head (among many other covered features).

19. Walmart's response to learning of the '689 patent and its claimed subject matter has been unfortunate, but predictable: despite knowing about the '689 patent and its literal, specially-tailored coverage of the Salon Perfect Precision Shaper and the Ardell Pro Brow

Precision Shaper, **Walmart continued selling both products**. In fact, the Ardell Pro Brow Precision Shaper continues to be sold by Walmart to this day:



20. In or around 2018, Walmart **willfully expanded its infringement of the '689 patent** by adding a new infringing razor, the Onyx Professional Details Matter Brow Razor.



21. The Onyx Professional Details Matter Brow Razor is virtually identical to the Stiles Razor, and infringes claims 1-18 of the '689 patent. On information and belief based on Walmart's documented sourcing procedures and activities in the Beauty category, Walmart or one of its representatives likely approached Onyx to copy the Stiles Razor in order to procure this product. The '689 patent covers nearly every aspect of the Onyx Professional Details Matter Brow Razor, as discussed later in this First Amended Complaint. A side-by-side photograph of the patented Stiles Razor (on the left) and the infringing knockoff Onyx Professional Details Matter Brow Razor (on the right) appears below:



22. As of the date of this Complaint, Walmart continues to exclude Stiles's better-quality, USA-made, patented razor from its stores.

23. As of the date of this Complaint, Walmart continues to willfully infringe Stiles's patents, including the asserted '689 patent.

24. This lawsuit seeks to hold Walmart responsible for its actions, and to remedy the wrongs Walmart has visited upon Ms. Stiles.

THE PARTIES

25. Plaintiff Sharidan Stiles is an American inventor and entrepreneur, and the creator of the patented Stiles Razor. Ms. Stiles lives in Redding, California, and sells her Stiles Razor throughout the United States, including in the Eastern District of Texas.

26. Defendant Wal-Mart Stores Inc. is a Delaware corporation with its headquarters at 702 SW 8th Street, Bentonville AR 72716. Walmart is the world's largest retailer, and has regular and established places of business throughout the Eastern District of Texas, including the Walmart Supercenter at 1701 East End Blvd. North, Marshall, TX 75670. Walmart is authorized to do business in Texas, and may be served with process through its registered agent, CT Corporation System, 1999 Bryan St., Suite 900, Dallas, Texas 75201.

27. Walmart is well-known for disrespecting intellectual property rights, including those of its own suppliers. For example, Walmart has been accused of “knocking off” or copying patented products in, among other actions: *Reel Grip, Ltd. v. Wal-Mart Stores, Inc.*, Case No. 1:14-cv-02290-DCN (N.D. Ohio); *Solar Sun Rings, Inc. v. Wal-Mart Stores, Inc.*, Case No. 2:11-cv-06990-PSG-SP (C.D. Cal.); *Nike, Inc. v. Wal-Mart Stores, Inc.*, Case No. 1:08-cv-05840 (N.D. Ill.); and *Golight, Inc. v. Wal-Mart Stores, Inc.*, Case No. 1:00-cv-00331-ZLW-MJW (D. Colo.).

JURISDICTION AND VENUE

28. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has exclusive subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

29. The Court has personal jurisdiction over Walmart. Walmart has committed acts of infringement within the Eastern District of Texas that gave rise to this action—for example, offering to sell and selling the Salon Perfect Precision Shaper, the Ardell Pro Brow Precision Shaper, and the Onyx Professional Details Matter Brow Razor throughout this district. Walmart has numerous stores in this district, including but not limited to the Walmart Supercenter at 1701 East End Blvd. North, Marshall, TX 75670. Walmart has established minimum contacts with the

Eastern District of Texas, including by operating Walmart and Sam's Club stores throughout this district.

30. Venue is proper in this district under 28 U.S.C. §§ 1391(b)-(d) and 1400(b). Walmart has several regular and established places of business in the Eastern District of Texas, including but not limited to the Walmart Supercenter at 1701 East End Blvd. North, Marshall, TX 75670. Moreover, Walmart has willfully infringed and continues to willfully infringe the patent-in-suit in this judicial district, including by offering to sell and selling the Salon Perfect Precision Shaper, the Ardell Pro Brow Precision Shaper, and the Onyx Professional Details Matter Brow Razor in this district.

STILES'S INVENTIONS AND THE PATENTS-IN-SUIT

31. Sharidan Stiles is the creator, designer, and inventor of the Stiles Razor, a patented, disposable, personal styling razor with a narrow-width blade. The Stiles Razor's innovative, proprietary design addresses the shaving needs of men and women for unique areas of the body such as eyebrows, scalp art, mustache, goatee, beard, sideburns, bikini, and nose hair removal. Stiles's design is characterized by a narrow-width, honed razor blade, a tubular body, and an ergonomically designed grip handle, making personal razor styling safe and easy.

32. Images of the Stiles Razor appear below:



33. The Stiles Razor is made in the USA, and is sold at retailers and online throughout the country—but not at Walmart, which has consistently refused to respect Stiles’s intellectual property.

34. Stiles has devoted the better part of two decades—and nearly all of her savings—to developing, marketing, and selling a better, safer, and more precise personal styling razor. In 1998, Stiles first conceived of the inventions that would underpin her patented razor, including improved handle, head, and blade components. Over the next few years, Stiles worked diligently to reduce to practice and commercialize her inventions, including by filing applications for patent protection on November 1, 2000¹, and November 29, 2000.²

35. By 2003, Stiles had developed a commercial embodiment of her patented styling razor, the Stiles Razor. For four years, Stiles worked to get the Stiles Razor onto retailer shelves, including outreach to Walmart, Target, and CVS. Stiles’s outreach to major retailers emphasized that her innovative razor design was not just uniquely safe and useful, but *patented*.

36. For example, on August 1, 2005, Stiles was negotiating with Norm Nelson and Joe Grady of Walmart’s Grooming Department for shelf space for the Stiles Razor. She sent a letter to these Walmart buyers explaining that “[w]e are a small, female owned business and currently have a patent pending for our product.” An excerpt of this letter is shown below:



¹ See U.S. Patent Provisional Application No. 60/245,397.

² See U.S. Patent Application No. 09/725,789.

37. At the time of Stiles's mid-2000s outreach to Walmart, Target, and CVS, a single patent application was pending for the Stiles Razor: U.S. Patent Application No. 10/648,686, which eventually issued as the '329 and '689 patents asserted in this case.

38. In 2006—after nearly a decade of hard work developing, perfecting, marketing, and protecting the inventions behind the Stiles Razor—Stiles's ingenuity and hustle finally bore fruit. That year, Norm Nelson of Walmart agreed to a test run of Stiles' products. The Stiles Two-Pack Women's and Stiles Two-Pack Men's Metro Razor would be placed in sidekick displays³ in the Wet Shave department of five hundred Walmart stores around the country for three-and-a-half weeks.

39. The Stiles Razors performed well during the 2006 sidekick test run, selling 87% of Stiles's women's razors and 83% of Stiles's men's razors.

40. Following their successful test run, Stiles Razors were placed in the Wet Shave Department at nearly two thousand Walmart stores in 2007.

41. Stiles Razor sales exceeded expectations at Walmart. By 2008, Stiles Razors were offered for sale at 3,600 Walmart stores throughout the United States.

42. Throughout this period, Stiles sought to have her high-quality, patented razor carried in other major retailers, including Target and CVS. Target and CVS declined to carry the Stiles Razor.

43. Instead, in 2008, Target and CVS began selling a lower-quality knockoff of the Stiles Razor made by AI, a Target and CVS supplier that controls 73% of the disposable styling razor market in the United States.

44. Walmart looked jealously at its competitors' profit margins from knocking off Stiles's patented razor, and between 2009 and 2013, Walmart lied, cheated, and manipulated sales figures to get the Stiles Razor off its shelves—and to work with AI and other major beauty

³ A sidekick display attaches to the side of an aisle end-cap or is placed in strategic locations in-store, and is typically used for smaller retail products (for example, razors).

suppliers such as Coty Inc., Pacific World Corporation, and Procter & Gamble Corp. to get Walmart's own Stiles knockoff onto Walmart shelves.

45. In 2012, Walmart terminated its contract with Stiles, sounding the death knell for the Stiles Razor at major retailers in the United States.

46. At the same time, Walmart worked with AI to produce its own Salon Perfect-branded knockoff of the Stiles Razor, the Salon Perfect Micro Razor. Eventually, Walmart began selling the Salon Perfect Precision Shaper and the Ardell Pro Brow Precision Shaper as well.

47. By making (through its coordinated design activities with AI), selling, and offering to sell the Salon Perfect Precision Shaper and the Ardell Pro Brow Precision Shaper, Walmart willfully infringes Stiles's patents, including the patent-in-suit. For example, the Salon Perfect Precision Shaper and the Ardell Pro Brow Precision Shaper meet at least claims 9-13 and 16-18 of the '689 patent.

48. Walmart has known for years about Stiles's '689 patent, and has certainly known about the '689 patent and its detailed, specific coverage of the Salon Perfect Precision Shaper and the Ardell Pro Brow Precision Shaper at least since the '689 patent's issuance on July 18, 2017.

49. In 2018, after Walmart had been repeatedly informed of Stiles's patents, and while a patent infringement lawsuit was in fact pending against it, Walmart decided to stock a near-identical knockoff of the Stiles Razor, the Onyx Professional Details Matter Brow Razor. This expanded Walmart's willful infringement of the '689 patent, including at least claims 1-10 and 13-18.

50. In dozens of presentations, emails, phone calls, and in-person meetings between 2005 and the present, Stiles has informed Walmart of her patents, including the asserted '689 patent and its parent application; specifically informed Walmart that Ardell's, Salon Perfect's, and Onyx's personal beauty razor products infringe her patents; and sought a business resolution in which the Stiles Razor could get back on Walmart's shelves.

51. Since the date of the '689 patent's issuance, Walmart has affirmatively known that of the '689 patent's existence and claimed subject matter; that making, offering to sell, and selling the Salon Perfect Precision Shaper, the Ardell Pro Brow Precision Shaper, and the Onyx Professional Details Matter Brow Razor infringes numerous claims of the '689 patent; and that the Stiles Razor was a higher-quality, patented direct competitor to Walmart's infringing Salon Perfect, Ardell, and Onyx products. Walmart's response has been to demand that Salon Perfect, Ardell, and Onyx provide it with a cheaper, infringing product anyway; to exclude the patented Stiles Razor from its shelves; and to continue to sell at least the Ardell Pro Brow Precision Shaper and the Onyx Professional Details Matter Brow Razor to this day.

52. Walmart's willful infringement through selling knockoff Ardell, Salon Perfect, and Onyx products has undercut the market for Stiles's high quality, patented razor.

53. With widespread, willful infringement of her patents by Target, Walmart, and CVS, Stiles has been unable to profitably compete. Meanwhile, Walmart reported revenue of \$514 billion in fiscal year 2018.

54. Stiles's damages from Walmart's infringement of the '689 patent are estimated to be no less than 3 million dollars, before any willfulness enhancement.

55. In this lawsuit against Walmart, Stiles seeks to set things right: to return the Stiles Razor to its rightful place on retailer shelves and in American households; to recover what Stiles is owed by Walmart for its willful infringement of her patent; and to hold Walmart accountable for its flagrant, years-long disregard for Stiles's intellectual property rights.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 9,707,689

56. Stiles realleges and incorporates by reference the preceding paragraphs of this Complaint as if fully set forth herein.

57. Stiles is the inventor and assignee of U.S. Patent No. 9,707,689 ("the '689 patent").

58. A true and correct copy of the '689 patent is attached to this Complaint as Exhibit A.

59. The '689 patent was filed August 6, 2015, and claims priority to (among others) U.S. Patent Application No. 09/725,789, filed November 29, 2000, and U.S. Patent Provisional Application No. 60/830,952, filed November 1, 2000.

60. The '689 patent discloses and claims inventions that Stiles first conceived of in 1998, and that Stiles diligently reduced to practice without abandoning, suppressing, or concealing them.

61. The '689 patent issued July 18, 2017, after years of delay by the USPTO. Based on the USPTO's delay, the '689 patent is entitled to a lengthy patent term extension ("PTE").

62. At the '689 patent's issuance, the USPTO calculated a PTE of 68 days, such that the '689 patent expires no earlier than February 5, 2021. However, on information and belief, the '689 patent is entitled to a longer PTE than 68 days, based on the nearly fifteen-year delay between Stiles's originally-filed application and the issuance of the '689 patent's parent, the '329 patent.

63. The '689 patent is valid and enforceable.

64. Stiles is the assignee of the '689 patent, and has all right, title, and interest in the '689 patent.

65. Walmart directly and willfully infringes, and has directly and willfully infringed since the issuance of the '689 patent, claims 1-18 of that patent.

66. For example, by making (through coordinated design with manufacturer AI), offering to sell, and selling in the United States the Salon Perfect Precision Shaper and the Ardell Precision Brow Shaper, Walmart directly and willfully infringes (and has infringed) at least claims 9-13 and 16-18 of the '689 patent.

67. For example, Walmart makes or has made (through coordinated design with manufacturer AI), offers for sale, and sells in the United States the Ardell Pro Brow Precision Shaper,⁴ which is pictured below:



68. The Ardell Pro Brow Precision Shaper is a personal shaving razor for shaving unwanted hair from a body surface—e.g., an eyebrow.

69. As can be seen in the above left image, the Ardell Pro Brow Precision Shaper comprises a handle portion, and a head portion attached to the handle portion.

70. As shown in the above right image, the head portion of the Ardell Pro Brow Precision Shaper comprises a razor blade with a straight cutting portion that is disposed substantially perpendicular to a longitudinal axis of its handle. This straight cutting portion extends beyond all other parts of the head portion by about 0.02 inches.

71. Although the head portion of the Ardell Pro Brow Precision Shaper is difficult to disassemble by design, breaking apart the head portion reveals a razor blade with two corner portions (used to affix the blade within the head of the razor) and a straight cutting edge portion.

⁴ The Salon Perfect Precision Shaper is completely identical to the Ardell Pro Brow Precision Shaper, except for the words on its box. All descriptions of the Ardell Pro Brow Precision Shaper within this count apply equally to the Salon Perfect Precision Shaper.

72. The head portion and blade of the Ardell Pro Brow Precision Shaper are less than or equal to about 1/2 inch wide (approx. 0.31 inch wide).

73. The head portion of the Ardell Pro Brow Precision Shaper is wider than the razor blade.

74. The razor blade Ardell Pro Brow Precision Shaper comprises first and second side edges connected to the cutting edge portion of the razor by the corner portions of the blade, wherein the head portion comprises a corner guard. As noted above, this configuration is not readily ascertainable in regular operation of the razor, but can be identified upon breaking open the head portion of the Ardell Pro Brow Precision Shaper.

75. The handle portion of the Ardell Pro Brow Precision Shaper has an upper longitudinal portion (a skinny, downward-slanted longitudinal portion) and a lower longitudinal portion (a thick, upward-slanted longitudinal portion). The longitudinal axes (e.g., tangents, to account for curvature) of the two longitudinal portions form an obtuse angle of approximately 135 degrees.

76. The handle portion of the Ardell Pro Brow Precision Shaper has a handle portion that has a maximum width of less than or equal to about 3/8 inch (approx. 0.38 inch).

77. The Ardell Pro Brow Precision Shaper has an overall length less than or equal to about 3.5 inches (approx. 3.75 inches long).

78. The head portion and handle portion of the Ardell Pro Brow Precision Shaper, with the exception of the blade, are made of a single piece of molded plastic.

79. The Ardell Pro Brow Precision Shaper comprises no more than one head portion.

80. The head portion of the Ardell Pro Brow Precision Shaper comprises no more than one blade.

81. As a further example, at least by offering to sell and selling⁵ in the United States the Onyx Professional Details Matter Brow Razor, Walmart directly and willfully infringes (and has infringed) at claims 1-18 of the '689 patent.

82. For example, the Onyx Professional Details Matter Brow Razor is a personal shaving razor for shaving unwanted hair from a body surface.



⁵ Stiles believes, based on Walmart's documented practices and procedures in the Beauty category, that Walmart or its representatives directly participated in the making (e.g., design) of the Onyx Professional Details Matter Brow Razor, but lacks direct evidence of "making" liability at this time. Should evidence in discovery show coordination between Walmart and Onyx on the design and/or manufacture of the Onyx Professional Details Matter Brow Razor, Stiles will promptly move to amend her complaint to add "making" liability against Walmart in order to conform to the evidence.

83. The Onyx Professional Details Matter Brow Razor comprises a handle portion, and a head portion attached to the head portion.

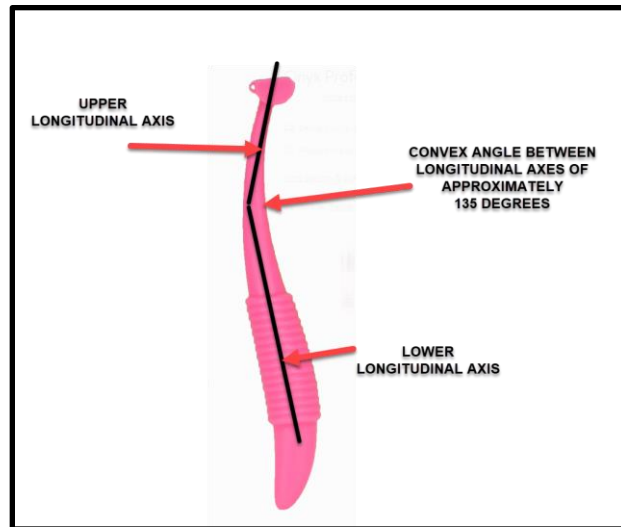


84. As shown above and confirmed through a teardown of the Onyx Professional Details Matter Brow Razor, the head portion comprises a razor blade having two corner portions and a straight cutting edge portion that is connected to the two corner portions. Additionally, as shown above and confirmed through measurement, the straight cutting edge portion is disposed substantially perpendicular to a longitudinal axis of the handle; extends beyond all other parts of the head portion along the straight cutting edge portion by about 0.02 inch such that no part of the head portion extends beyond the straight cutting edge portion of the blade along the straight cutting edge portion.

85. The head portion and blade of the Onyx Professional Details Matter Brow Razor are approximately 0.20 inches wide, which is less than 1/4 inch wide and less than 1/2 inch wide.

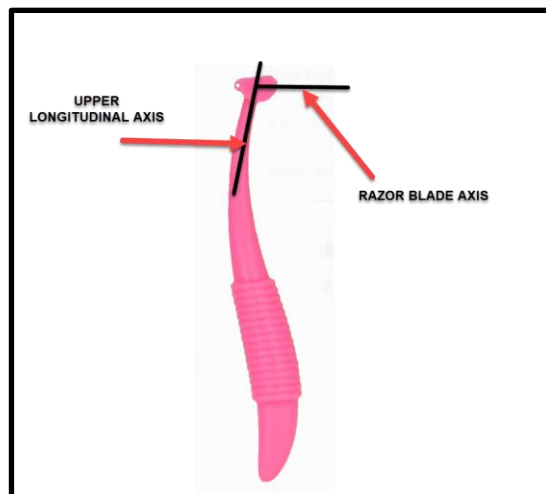
86. The head portion of the Onyx Professional Details Matter Brow Razor is wider than the razor blade.

87. As illustrated below, the handle portion of the Onyx Professional Details Matter Brow Razor has an upper longitudinal portion and a lower longitudinal portion, wherein the lower longitudinal portion has a longitudinal axis and the upper longitudinal portion has a longitudinal axis.



88. As shown above, the longitudinal axes of the upper and lower longitudinal portions of the Onyx Professional Details Matter Brow Razor form an angle that is about 135 degrees.

89. As illustrated below, the head portion of the Onyx Professional Details Matter Brow Razor is attached to an end of the upper longitudinal portion, and the cutting edge portion of the razor blade is substantially perpendicular to the longitudinal axis of the upper longitudinal portion of the handle.



90. As shown below and as confirmed through teardown analysis, the razor blade of the Onyx Professional Details Matter Brow Razor comprises a first side edge and a second side edge, each of which are connected to the straight cutting edge portion of the blade by one of the two corner portions of the blade. Additionally, as is visible in the illustrations below, the head portion further comprises a corner guard disposed along each side edge of the razor blade.



91. The Onyx Professional Details Matter Brow Razor has an overall length of approximately 3.2 inches, which is less than about 3.5 inches.

92. The lower longitudinal portion of the Onyx Professional Details Matter Brow Razor has a maximum width of approximately 0.28 inches, which is less than or equal to about 1/4 inch wide, and is also less than about 3/8 inches wide.

93. As shown below, the Onyx Professional Details Matter Brow Razor comprises a grip enhancing element on a portion of the lower longitudinal portion of the handle.



94. The grip enhancing element is located on the lower longitudinal portion of the handle such that a segment of the lower longitudinal portion above and below the grip enhancing element does not have a grip enhancing element; and has a maximum width of approximately 0.28 inches (less than 3/8 inch).

95. The grip enhancing element is made from a deformable material (e.g. deformable plastic).

96. The head portion and blade of the Onyx Professional Details Matter Brow Razor is approximately 0.34 inches in length, which is about 1/8 to 3/8 inch in length.

97. The head portion and handle portion of the Onyx Professional Details Matter Brow Razor, with the exception of the blade, are a single piece of molded plastic.

98. As shown in the above images and as confirmed by teardown analysis, the Onyx Professional Details Matter Brow Razor comprises no more than one head portion, and the head portion comprises no more than one blade.

99. To the extent applicable, the requirements of 35 U.S.C. § 287(a) have been met with respect to the '689 patent.

100. As described earlier in this Complaint, Walmart's infringement of the '689 patent is willful. Walmart knew about Stiles's patents, including the application that gave rise to the '689 patent, and deliberately chose to infringe by selling the Ardell Pro Brow Precision Shaper instead of stocking the superior, patented Stiles Razor on Walmart shelves.

101. As a result of Walmart's infringement of the '689 patent, Stiles has suffered monetary damages, and seeks recovery in an amount adequate to compensate for Walmart's infringement, but in no event less than her lost profits, a reasonable royalty for the use made of the invention by Walmart, enhanced damages for willful infringement, interest and costs as fixed by the Court, and a permanent injunction against Walmart's making, offering to sell, and/or selling products covered by the '689 patent including the Salon Perfect Precision Shaper, the Ardell Pro Brow Precision Shaper, and the Onyx Professional Details Matter Brow Razor.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Sharidan Stiles respectfully requests that this Court enter:

- A. A judgment in favor of Plaintiff Stiles that Walmart has infringed, either literally and/or under the doctrine of equivalents, the '689 patent;
- B. An award of damages resulting from Walmart's acts of infringement in accordance with 35 U.S.C. § 284, including an enhancement for Walmart's willful infringement;
- C. A determination that this case is exceptional and an award of attorney's fees to Stiles pursuant to 35 U.S.C. § 285;
- D. A judgment and order requiring Walmart to provide accountings and to pay supplemental damages to Stiles, including, without limitation, prejudgment and post-judgment interest; and
- E. Any and all other relief to which Stiles may show herself to be entitled.

JURY TRIAL DEMANDED

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Stiles requests a trial by jury of any issues so triable by right.

Dated: July 3, 2019

Respectfully submitted,

/s/ Brian J. Dunne

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