

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THE CONAIR GROUP, INC.	)	
	)	
Plaintiff,	)	Civil Action No. _____
	)	
v.	)	
	)	
NOVATEC, INC.,	)	[JURY TRIAL DEMANDED]
	)	
Defendant.	)	[FILED ELECTRONICALLY]

**COMPLAINT FOR PATENT INFRINGEMENT**

This isn't a typical patent infringement case. This case involves the added intrigue of Conair's long-time employee and former president, Conrad Bessemer, leaving Conair to head up on of its competitors, Novatec – the accused infringer. Under his direction, Novatec revamped its plastic-drying product line to mimic that of Conair, culminating with the introduction of its Intelli PET Drying System that incorporates the valuable patented technology developed and patented at Conair prior to Mr. Bessemer's departure.

Accordingly, Plaintiff The Conair Group, Inc. ("Conair") alleges the following for its Complaint against Defendant Novatec, Inc. ("Novatec" or "Defendant").

**JURISDICTION AND VENUE**

1. This Complaint alleges patent infringement claims under the Patent Act, 35 U.S.C. §271, *et seq.*

2. This Court has subject matter jurisdiction for such patent claims pursuant to 28 U.S.C. §§ 1331 and 1338.

3. This Court has personal jurisdiction over Defendant because Defendant has established minimum contacts with the forum by purposely availing itself of the laws and benefits of the forum, and the exercise of jurisdiction over the Defendant would not offend traditional notions of fair play and substantial justice. On information and belief, Defendant has voluntarily conducted business in this judicial district.

4. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c) and/or 1400 because Defendant is subject to personal jurisdiction in this judicial district.

### **THE PARTIES**

5. Plaintiff Conair is a Delaware corporation having its principal place of business at 200 West Kensinger Drive, Cranberry Township, PA 16066.

6. Upon information and belief, Defendant Novatec is a Maryland corporation having its principal place of business at 222 E. Thomas Ave., Baltimore, MD 21225. Upon further information and belief, Novatec is doing business, has carried out business, and has had other contacts within this judicial district.

### **COUNT I**

*(Patent Infringement)*

7. Conair is the owner by assignment of United States Patent No. 5,487,225 (“the ‘225 Patent”), issued on January 30, 1996, and titled “Apparatus and Method for Controlled

Drying of Plastic Pellets.” A true and correct copy of the ‘225 Patent is attached hereto as Exhibit A.

8. The ‘225 Patent discloses and claims innovative and valuable apparatus and methods for the controlled drying of polymer plastic pellets.

9. Upon information and belief, Novatec has manufactured, used, sold and/or offered for sale in the United States devices for the controlled drying of polymer plastic pellets. Upon further information and belief, Novatec has manufactured, used, sold and/or offered for sale systems in the United States which it markets as its Intelli PET Drying System.

10. Upon information and belief, Novatec’s Intelli PET Drying System infringes one or more claims of the ‘225 Patent under 35 U.S.C. § 271(a) based on Novatec’s manufacture, use, sale, and/or offer for sale in the United States. A true and correct copy of Novatec’s Product Bulletin for its Intelli PET Drying System is attached hereto as Exhibit B.

11. Conrad Bessemer, Novatec’s current president, was previously employed by Conair for nearly 20 years and served as Conair’s North American President from March, 2002 until his departure in February, 2006.

12. After being a party to the acquisition of Novatec from its prior owner, Conrad Bessemer took over as Novatec’s President upon closing the acquisition in May 2006. Then, Novatec began introducing products that mimicked those offered by Conair. This trend continued and, in 2008, Novatec introduced its Intelli PET Drying System that incorporates the Conair proprietary technology with full knowledge of the ‘225 Patent.

13. By reason of the foregoing, Conair has been damaged in an amount that is yet to be ascertained and has suffered and will continue to suffer irreparable loss and injury.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff The Conair Group, Inc. prays as to Count I:

- A. that Novatec, its officers, agents, servants, employees, and attorneys be preliminarily and permanently enjoined from infringing the ‘225 Patent;
- B. that judgment be entered that Novatec has knowingly and willfully infringed the ‘225 Patent;
- C. that Novatec be found liable to Conair for its acts of infringement and be ordered to pay compensatory damages pursuant to 35 U.S.C. § 284 as a result of infringement the ‘225 Patent, including all damages suffered by Conair as a result of the infringement;
- D. that this case be adjudged and decreed exceptional under 35 U.S.C. § 285 and that Novatec be ordered to pay the expenses and costs incurred by Conair, including reasonable attorneys’ fees, pursuant to 35 U.S.C. § 285;
- E. that Conair be awarded its costs and prejudgment interest on all damages pursuant to 35 U.S.C. § 284; and

F. that Conair be awarded such further relief as the Court shall deem appropriate.

Respectfully submitted,

Dated: April 15, 2009

/s/ Gene A. Tabachnick

Gene A. Tabachnick

Pa. I.D. No. 73032

[gtabachnick@reedsmith.com](mailto:gtabachnick@reedsmith.com)

Clay P. Hughes

Pa. I.D. No. 200033

[chughes@reedsmith.com](mailto:chughes@reedsmith.com)

REED SMITH LLP

435 Sixth Avenue

Pittsburgh, Pennsylvania 15219-1886

(412) 288-3258/3008

Attorneys for Plaintiff The Conair Group, Inc.