

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**HELEN OF TROY LIMITED**

**Plaintiff,**

v.

**DEXAS INTERNATIONAL LTD.**

**Defendant.**

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**CIVIL ACTION NO.** 12-4183

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT AND JURY DEMAND**

Plaintiff Helen of Troy Limited (“Helen of Troy”), through its undersigned counsel, for its Complaint against Defendant Dexas International Ltd. (“Dexas”), states as follows:

**I. THE PARTIES**

1. Plaintiff Helen of Troy is a non-publicly held Barbados company having an address at 13 8<sup>th</sup> Avenue, Belleville, P.O. Box 836E, St. Michael, Barbados. Helen of Troy is a global designer and developer of brand-name consumer products, including “OXO” branded housewares.

2. Defendant Dexas is a Texas limited partnership having an address at 585 South Royal Lane, Suite 200, Coppell, Texas 75019. Dexas may be served through its registered agent Ellis N. Shamon, 585 South Royal Lane, Suite 200, Coppell, Texas 75019.

**II. JURISDICTION AND VENUE**

3. All patent infringement claims herein arise under the Patent Act, 35 U.S.C. § 1 *et seq.*

4. Subject matter jurisdiction for the pleaded claims is conferred upon the Court by 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Dexas. Dexas is headquartered in the State of Texas. Dexas has conducted and does conduct business within the State of Texas. Dexas, directly or through intermediaries (including distributors, retailers, and others), imports, ships, distributes, offers for sale, sells, and advertises (including the provision of an interactive web page) its products in the United States, the State of Texas, and the Northern District of Texas. Dexas has purposefully and voluntarily placed its infringing products, as described below, into the stream of commerce with the expectation that they will be purchased by consumers in the Northern District of Texas. These infringing products have been and continue to be purchased by consumers in the Northern District of Texas. Dexas has committed the tort of patent infringement within the State of Texas and, particularly, within the Northern District of Texas.

6. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and 1400(b). On information and belief, Dexas is headquartered in and has committed acts of patent infringement in this District.

### **III. PATENTS**

7. On February 1, 2000, the United States Patent and Trademark office duly and lawfully issued U.S. Patent No. 6,018,883 (“the ’883 Patent”), titled “Brake for Device for Drying Foods.” A true and correct copy of the ’883 Patent is attached as Exhibit A.

8. Helen of Troy is the owner by assignment of the ’883 Patent. Helen of Troy is the sole owner of the entire right, title, and interest in the ’883 Patent, including the right to sue and recover for any and all infringements thereof.

### **IV. ACCUSED PRODUCT**

9. Dexas imports, sells, and offers to sell a salad dryer known as the “Turbo Fan Salad Spinner - Dryer,” SKU 511TF, whose picture is shown below.



10. According to Dexas' web site, the Turbo Fan Salad Spinner - Dryer includes a "[p]ush button brake to stop spinning."<sup>1</sup>

11. Dexas has had actual knowledge of the '883 Patent since at least August 3, 2012, when Helen of Troy sent a letter to the Defendant notifying Dexas of possible infringement of the '883 Patent and enclosing a copy of the '883 Patent.

**V. COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,018,883**

12. Dexas directly infringes, literally or under the doctrine of equivalents, claims of the '883 Patent, including but not limited to Claims 1-6 and 10, by importing, selling, and offering to sell the Turbo Fan Salad Spinner - Dryer in the United States.

13. On or about August 3, 2012, Helen of Troy sent a letter informing Dexas of Helen of Troy's belief that the Turbo Fan Salad Spinner - Dryer infringed one or more claims of the

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<sup>1</sup> Exhibit B is a true and correct copy of a web page located on Dexas' web site, last accessed on October 2, 2012, advertising the Turbo Fan Salad Spinner - Dryer.

'883 Patent. As such, no later than August 3, 2012, Dexas had actual knowledge of the '883 Patent and actual knowledge that its activities directly infringe the '883 Patent. Dexas' infringement of the '883 Patent has therefore been and continues to be willful.

14. Helen of Troy has suffered injury as a result of the infringing activities of Dexas, and will continue to suffer severe and irreparable injury and damages as long as Dexas' infringing activities continue.

15. Helen of Troy is entitled to recover damages adequate to compensate it for the injuries complained of herein, but in no event less than a reasonable royalty.

16. Helen of Troy is further entitled to have Dexas enjoined from committing future acts of infringement that would subject Helen of Troy to irreparable harm.

#### **VI. JURY DEMAND**

17. Helen of Troy demands a trial by jury for all issues so triable.

#### **PRAYER FOR RELIEF**

Helen of Troy prays for the following relief:

1. Judgment declaring that Dexas has infringed one or more claims of the '883 Patent;

2. Judgment declaring that Dexas' infringement of the '883 Patent is willful;

3. A preliminary and permanent injunction pursuant to 35 U.S.C. § 283, enjoining Dexas, together with any of its officers, directors, agents, servants, employees, and attorneys, and such other persons in active concert or participation with Dexas who receive actual notice of the order, from any further acts of infringement of the '883 Patent;

4. Damages adequate to compensate Helen of Troy for Dexas' infringement;

5. An award of treble damages for willful infringement pursuant to 35 U.S.C. § 284, ¶ 2;

6. Pre- and post judgment interest on all damages awarded in accordance with the rates allowed by law;

7. A Declaration that this case is exceptional and awarding Helen of Troy its reasonable attorneys' fees; and

8. Any other relief this Court deems just and proper.

Dated: October 17, 2012.

Respectfully submitted,

/s/ James G. Warriner

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