

August 29, 2019

Sulzer Mixpac wins trial awarding USD 2 million in damages for counterfeiting of Candy Color trademarks

Following a trial, the U.S. District Court for the Southern District of New York issued a Judgment in favor of Sulzer Mixpac in *Sulzer Mixpac AG v. A&N Trading Co., A&N Trading Co. Ltd. and Sung Bin An*, awarding USD 2 million in damages and imposing a permanent injunction against further infringement.

Sulzer Mixpac filed the case during the 2016 Greater New York Dental Meeting (GNYDM) after an exhibitor, A&N Trading Co., displayed dental mixing tips that used Sulzer Mixpac's Candy Colors™ (Mixpac's Candy Color trademarks include yellow, teal, blue, pink, purple, and brown). See examples of the Accused's mixing tips in yellow, teal, and blue, below:



Figure 1: examples of Accused's mixing tips in yellow, teal and blue

Sulzer Mixpac later learned that the mixing tips were made by Seil Global of Korea that was previously ordered by the same court not to offer certain mixing tips. Defendant Sung Bin An was a Seil Global employee who displayed the infringing mixing tips during the 2016 GNYDM. He is also the son of Seil Global's CEO and President. The court also found that An's companies A&N Trading Co. and A&N Trading Co. Ltd. were the alter egos of Seil Global.

The Defendants mistakenly argued that using the Candy Colors on a different location of the mixing tip was not infringing. The court confirmed that Sulzer Mixpac's Candy Colors are a strong trademark for its dental system and that use of the Candy Colors by the Defendants was intended to cause confusion.

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The court found that the Defendants' infringement was willful and awarded Sulzer Mixpac USD 2 million in statutory damages. Further, the court issued a Permanent Injunction that prohibits infringing use of Sulzer Mixpac's Candy Colors on dental mixing tips by An, his companies, or Seil Global.



About Sulzer Mixpac

Sulzer Mixpac AG is a worldwide leading manufacturer and supplier of products and services for liquid application and mixing technology. As part of the Applicator Systems Division within the Sulzer Group, the Mixpac business unit can draw on a strong international network. The head office is located in Switzerland. For optimal service to its customers, subsidiaries are located in the USA, Brazil, Germany, UK, Poland and China.

About Sulzer

Sulzer's core strengths are flow control and applicators. We specialize in pumping solutions and services for rotating equipment, as well as separation, mixing and application technology. Our customers benefit from a network of over 180 production and service sites in about 50 countries around the world. Sulzer has been headquartered in Winterthur, Switzerland, since 1834. In 2018, we achieved sales of more than CHF 3.4 billion with around 15'500 employees. Our shares are traded on the SIX Swiss Exchange (SIX: SUN). www.sulzer.com MIXPAC™ is a registered trademark of Sulzer Mixpac, AG, Switzerland.

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