



San Antonio's Xenex files lawsuit against Clorox

Xenex Disinfection Services LLC has filed a Declaratory Judgment Action in District Court in Bexar County.

Xenex, which is based in San Antonio, filed the lawsuit on March 27, alleging that its dispute with Clorox over marketing language is damaging the company's ability to promote its product.

Xenex and Clorox offer competing ultraviolet (UV) light disinfection devices used by health care facilities. Xenex CEO Morris Miller said in December 2014, Clorox challenged some of his company's marketing claims about the Clorox Healthcare Optimum-UV System through an advertising forum called NAD.

According to Xenex, the Clorox device uses bulbs that contain mercury to create a narrow spectrum UV light, while Xenex's Germ-Zapping Robots use pulsed xenon, "an environmentally friendly, non-toxic inert gas," to create broad spectrum UV light.

"When we looked at the complaints brought by Clorox over specific statements that appeared on the Xenex website, we decided to replace those specific claims objected to by Clorox with more specific language based on recent studies that focus on the science of our technology and the success our customers have experienced in reducing their infection rates," Miller explained in a statement.

Xenex informed the NAD that the company had ceased using the statements that drew complaints from Clorox. However, Xenex officials allege that Clorox indicated it would take action against the company if it continued to publicize that its competing UV disinfection devices use bulbs that contain toxic mercury, and that the Xenex germ-zapping robot was faster than competing mercury devices.

Miller, who contends that both statements are accurate, said, "At that point we recognized that we needed to further protect our intellectual property and ability to compete in the marketplace. We cannot allow a competitor to restrict us from marketing our differentiators."

Xenex officials said the two companies are currently in discussions in an attempt to resolve these issues.

Source: <http://www.bizjournals.com/sanantonio/news/2015/04/06/san-antonio-s-xenex-files-lawsuit-against-clorox.html?page=all>

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