

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SHARKNINJA OPERATING LLC and
SHARKNINJA SALES COMPANY,

*Plaintiffs and
Counterclaim-Defendants,*

v.

DYSON, INC. and DYSON
TECHNOLOGY LIMITED,

*Defendants and
Counterclaim-Plaintiffs.*

C.A. No. 1:23-cv-11277-ADB

JURY TRIAL DEMANDED

RULE 26(a)(2)(C) DISCLOSURE OF AMY JOHNSON

Background.

1. I am Amy Johnson, Global Head of Education for the Beauty Division at Dyson. I have held that position since April 2024.
2. I oversee a team of a team of 80 global educators, directly or indirectly. I work closely with Dyson global marketing, social, communications, retail and creative professionals.
3. Prior to becoming Global Head of Education, I was Senior Global Education Manager for Commercial Haircare at Dyson, and before that Global Education Manager for Commercial Haircare at Dyson. My first position at Dyson was Head of Education UK.
4. I have been employed at Dyson Technology, Ltd. since July 2016, just after Dyson entered the beauty and haircare business with the introduction of the Supersonic hair dryer in April 2016.
5. I was deeply involved with the launches of the Dyson Supersonic in 2016, Dyson Airwrap in 2018, the Dyson Corrale in 2020, the redesigned Dyson Airwrap curler in 2022, the Dyson Airstrait in 2023, and the Dyson Supersonic Nural and Dyson Supersonic r in 2024.
6. Since joining Dyson, my job has been to drive education strategy, programs and teams, ensuring best in class service delivery to maximize product knowledge and sales across Dyson outlets.
7. I have led training academies and conferences for major retailers including Sephora, Ulta, Currys, Selfridges and Boots.
8. I pioneered the launch of Dyson's first internal global training application.
9. I led the building of a successful business case for qualified stylists as standard across all markets.
10. I created training modules, including Dyson's first Hair Science module, and trained thousands of staff.
11. I have led the bi-annual Global Capability Program with Dyson Education Managers in APAC, US/Canada, Europe & Rest of World (RoW), ensuring consistency and quality of brand/product positioning and training.
12. I pioneered Dyson's use of "How to" YouTube videos, working with commercial and creative teams to produce and personally host 20 consumer facing videos attracting millions of views.

13. For the last four years, my focus has been building a leading Haircare category at Dyson, including building and managing a commercial channel, market capability, brand awareness and training to ensure best in class directives.
14. From 2012 to 2016, I was an Educator with Kao Corporation. Kao Corporation is a Japanese global chemical and cosmetics company.
15. From 2008 to 2011, I was a Technical Educator for L'Oréal, a French multinational personal care company active in cosmetics, haircare and perfume.
16. I am a certified professional hairdresser and have worked as a professional hairdresser.
17. I obtained a NVQ2 qualification in hair styling and hair design from Paragon in 2005.
18. I received a certification in Finance for Non-Financial Managers from Bournemouth and Poole Colleges in 2017.
19. My LinkedIn profile is substantially complete and correct, and can be located at:
<https://www.linkedin.com/in/amyfrancesjohnson/details/experience/>.
20. I live and work in England. My professional address is at Dyson headquarters, Tetbury Hill, Malmesbury, SN16 0RP, UK. I am available for deposition in the UK, and I expect to travel to Boston to testify at trial in this matter.

Expertise.

21. I have the following expertise relevant to this case:
 - I am a certified professional hairdresser.
 - I am intimately familiar with how to use, and how customers and stylists do use, Dyson haircare products including Supersonic, Airwrap, Corrale, and Airstrait.
 - I am specifically familiar with the proper use of Airwrap and its attachments, as well as competing and prior products available to the public, including:
 - Curling irons and tongs
 - Heated and hot air brushes
 - Hot curlers
 - Motorized brushes
 - FlexStyle.

- I have expertise in the education of customers and professional stylists on how to properly use Airwrap and its attachments, and in particular the Coanda curler attachments.
- I have expertise in the launch of new products in the haircare market.

Outline of Expected Expert Testimony.

22. A professional stylist can create styles using a hair dryer and brush for a customer. The stylist can choose to work on wet, damp or dry hair.
23. The stylist has the advantage of being able to use two hands in any position around the customer's head, and to work behind, beside and above the customer.
24. A typical customer, however, has trouble seeing, and reaching every portion of their own head to style hair in this way. The customer's arms do not necessarily or conveniently reach every portion of the head. And it can be difficult or impossible to reach every portion of the hair to style it in the desired manner.
25. Before the introduction of Dyson Airwrap, customers were also limited in the available at-home tools available for curling and styling hair, each of which had distinct disadvantages.
26. "Typical hot tools" for hair styling include any tool that gets hot; these can use air or be electrically heated. Heated tongs and straighteners work at extreme temperatures. This creates an increased risk of burning the hair or skin; if the user does not employ the right technique, there is the risk of injury. These tools also "compact the hair" which causes the hair to lose volume and make the style look "artificial" because it removes volume. The available hot tools made artificial styles, which were very limited and sometimes rigid.
27. Tongs and curling irons, for example, use high heat to style and curl hair. A curling iron, in addition, uses a clip to hold and wrap hair. These kinds of tongs and curling irons have a number of disadvantages. For example, the use of high heat directly on human hair can damage or even burn the hair. Hot appliances can also burn skin on hands, neck, face, ears, or scalp. A typical curling iron's clip also makes it hard to slip the styled hair off the end of the device without unwinding the hair, which can lead to limitations on the type or shape of the style and curl.

28. Other typical “wet to dry” tools just blow air out in any direction; and they can still get very hot. Because the air is not controlled or aligned with the hair, the user gets more frizz, and may have difficulty in getting the right style.
29. There are many kinds of hot air brushes that fall into this category. All of these rely on bristles to hold and curl hair. Bristles can break or damage hair by pulling. Bristles also make it hard or impossible to slip the styled hair off the end of the device without unwinding the hair, which can lead to limitations on the type or shape of the style and curl. Most also rely on high heat, having the same disadvantages of heat damage to hair as mentioned above. These devices also require the user to rotate the brush, which can be hard on the wrist and difficult to achieve.
30. Styling or curling hair with a hair dryer and brush has the same disadvantages as hot air brushes, mentioned above. In addition, it can be difficult for the user to hold and manipulate both a brush and a hair dryer, particularly behind the head. It is simply not possible for most users to blow dry their own hair curly.
31. A number of motorized brushes and devices have been introduced over the years. These devices rely on a mechanism to rotate the brush head (or similar device) in order to reduce the user’s need to rotate the device by the wrist. However, these devices have the disadvantage that the rotating mechanism can get caught on the user’s hair, tangling the hair or even tangling into the hair, causing pain and damage.
32. Another alternative was hot curlers, which also use extreme heat and have the same disadvantage of as other typical hot tools. These require the user to wind hair mechanically around the curlers, and have no airflow to dry the hair. They have to be used on hair that is already dry. To get dry hair, the user typically already has to use a hair dryer and brush.
33. None of these products that were available before the Dyson Airwrap and its Coanda styling curlers met users’ needs in the marketplace. Users had long experienced an unmet need for a styler and curler that could be used by the user at home, outside of a salon, without bristles, without any kind of rotating mechanism, without high heat that would style and curl hair effectively and without damage from bristles and high heat. These needs had persisted for decades.

34. Many other manufacturers had tried and failed to meet these needs. There was a wide variety of products on the market before Airwrap, ostensibly to style and curl hair, but all of them had some combination of the disadvantages mentioned above: heat damage from high heat, bristles that led to damaged or broken hair, limited ability to style or curl hair or slip curls off the end of the device, rotating mechanisms that increased the chance for tangles, etc.
35. The Dyson Airwrap was the first product of its kind in the hair care space, in particular for styling and curling hair.
36. So that the jury can understand its use and operation, I intend to demonstrate the proper use of Dyson Airwrap on human hair. I may use a human volunteer, or I may use a real human hair mannequin head.
37. So that the jury can understand their use and operation, I may also demonstrate the use of other hair curling and styling devices on human hair, including curling irons and tongs, heated and hot air brushes, hot curlers, motorized brushes and/or FlexStyle.
38. I may use commercial videos from Dyson's and Shark's websites, as well as videos from social media, in order to illustrate the uses and advantages of Airwrap, FlexStyle, and the disadvantages of other hair curling and styling tools.
39. Dyson recognized a need in the industry for a more convenient, at-home device for consumers. Dyson devoted years of research and development activities towards Airwrap, and the Coanda styling and curling barrels for Airwrap.
40. An additional advantage of Airwrap Coanda barrels over older devices and methods is that it simultaneously dries and styles hair, saving time. In part, this is because Airwrap blows heated air along the hair, instead of through it, allowing the air to travel along the hair and dry it faster.
41. An additional advantage of Airwrap Coanda barrels over older devices and methods is that the user does not need any particular skill to use them; they do not snag; and they can create styles that the user would normally not be able to create by themselves.
42. The Airwrap Coanda barrels also help make the hair style much smoother than the user would be able to achieve with a brush and hair dryer.

43. An additional benefit of the Airwrap Coanda barrels is that the user can curl all the way to the top of the hair without the curl unwrapping, so that the curl stays in longer and the user does not have to unwrap it from the curler—it slides off.
44. The Airwrap Coanda barrels would not perform without the novel use of the Coanda effect. This is fundamental to attracting the hair to the barrel itself while allowing it to wrap around the curler. Without the Coanda effect, the curler would just be blowing air outward and there would be no curl because the hair would not be able to wrap itself around the barrel. Similarly, without the Coanda effect, a user could manually wind it and hold the hair, and it would dry, but the curler would lose the advantage of wrapping and curling automatically and the user would be forced to wind the hair manually. This would also result in a frizzier style.
45. Dyson’s Airwrap Coanda barrels thus are a unique combination of benefits to the user: less heat damage, no bristles, automatic wrapping, slide-off styling all the way to the top of the hair, and no mechanical damage—all in one package.
46. All Dyson Airwrap kits/versions are sold with one or more sets of Coanda barrels. Coanda barrels are the most innovative, versatile, and popular attachment for Airwrap. The Coanda barrels are the “hero” attachments of the device, and they are sold with every Airwrap.
47. Airwrap and its Coanda barrels were a viral success in the marketplace, both globally and in the United States. Airwrap garnered thousands of positive reviews, on-line and social media reviews and attention, positive media mentions, and sales. Most of these reviews, and social media and media attention were directed to the Coanda barrel attachments and the results they could obtain for users.
48. Airwrap was commercially successful. Dyson sold far more Airwrap units than expected, which periodically led to inventory shortfalls. Airwrap sales were driven by the public’s desire for the Coanda barrels and their results.
49. At first, stylists and other experts in the market (as well as consumers) were skeptical of Airwrap’s Coanda curlers. Many required education on how they worked, and how to effectively use them. It was difficult for stylists and customers to understand how Airwrap Coanda curlers could dry, style and curl hair without the use of bristles or high

heat, could minimize heat damage, and could make styling faster, easier and more convenient.

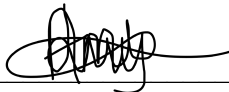
50. Airwrap's results were unexpected. Dyson did not anticipate Airwrap's viral success in the marketplace. Consumers and stylists were taken by surprise at the ease of use, and wide variety of styles available, from Dyson Airwrap and its Coanda barrels. We actually created a video of users' initial reactions, showing users' "wow moment" upon first seeing or using Airwrap and its Coanda barrels.
51. Stylists recognized that Airwrap allowed their customers to maintain their hair styles between salon appointments by allowing the stylist's customers to style their own hair between salon visits.
52. Airwrap's success was particularly surprising, given Airwrap's price. Airwrap is generally priced above \$500, with the exception of certain promotions, discounts for older generation models, and limited pared-down versions.
53. The effect of the Coanda curling technology on the sales of Airwrap are hard to overstate. Dyson uses the Coanda curlers to promote sales of Airwrap and Airwrap bundled sets. Dyson uses the term "Coanda" in marketing the Airwrap because it is a natural phenomenon Dyson was able to harness in a new way to create a new product, and thus reminds users of Dyson's roots as a technology company. Consumers who want the Coanda curler technology purchase the entire Airwrap bundle in order to obtain it.
54. Coanda curling technology generally, and the Airwrap in particular, remain popular with consumers even years after the market introduction of Airwrap. Dyson continues to introduce new versions and colors of the Airwrap.
55. Dyson Airwrap and its attachments, including the Coanda curlers, are foundational products of Dyson's beauty and haircare line of products. Dyson uses Airwrap and its attachments, including the Coanda curlers, to drive branding, loyalty, and market attention for its other beauty and haircare products.
56. As detailed above, consumers and users derive considerable benefit from Airwrap and its Coanda curling technology. These include faster drying, simultaneous drying and styling, styling and curling with lower heat and less heat damage, styling to the top of the hair, and drying and styling without damage from bristles or mechanisms.

57. From the user's perspective, the use and operation of the Shark FlexStyle curlers is substantially the same as that of the first-generation Airwrap Coanda curlers. It is nearly identical.
58. From a user's perspective, Shark FlexStyle curlers and Airwrap Coanda curlers have similar advantages. They both allow simultaneous drying and styling, they both allow styling with lower heat and consequently less heat damage. They both allow styling and curling without bristles or rotational mechanisms.
59. Shark and Dyson are competitors in the hair styling device space. Shark and Dyson compete, for example, for sales of hair dryers as well as hair stylers such as Airwrap and FlexStyle. As it concerns Coanda curling barrels specifically, Dyson was the innovator in this market, introduced the first product, and developed the market for the product. Shark was a "dupe" that came along years later.
60. In recent years, Coanda curling technology has been copied by a wide segment of the market. Competitors including SharkNinja, L'Brise, Sharper Image, T3, and Luxx Air have introduced or announced copycat or "dupe" Coanda stylers to Airwrap. I understand "dupe" to mean "duplicate" or "copy."

In addition to the numbered paragraphs of expert testimony above, I will be prepared to give testimony as to facts within my personal knowledge in response to questions from counsel at trial.

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DATE: 1st July 2024



Amy Johnson