

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OHIO, EASTERN DIVISION

DEX Imaging, LLC v. Kenneth Vanden Haute, et al.

No. 5:25-cv-00523 (N.D. Ohio Mar. 31, 2026) · No. 5:25-cv-00523 · Decided March 31, 2026

SUMMARY

The United States District Court for the Northern District of Ohio denied Defendants’ Rule 12(b)(1) motion to dismiss for lack of subject matter jurisdiction. The court held that the amended complaint sufficiently alleged the interstate-commerce and relationship requirements for a claim under the Defend Trade Secrets Act, including allegations concerning DEX’s nationwide services and confidential information. The court declined to consider an inadequately developed challenge to other elements of the DTSA claim.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio, Eastern Division
WRITING FOR THE COURT	Amanda M. Knapp
JURISDICTION	United States District Court for the Northern District of Ohio, Eastern Division
DECIDED	March 31, 2026
DOCKET	5:25-cv-00523
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(1) to dismiss the amended complaint for lack of subject matter jurisdiction, arguing that Plaintiff had not adequately pleaded the interstate-commerce element of its Defend Trade Secrets Act claim. The court treated the motion as a facial attack on subject matter jurisdiction.
STANDARD OF REVIEW	On a facial Rule 12(b)(1) challenge, the court accepts the complaint's allegations as true and examines whether the pleading sufficiently alleges subject matter jurisdiction; the plaintiff bears the burden of establishing jurisdiction.
PRECEDENTIAL VALUE	unpublished

TOPICS

subject matter jurisdiction

motions to dismiss

misappropriation of trade secrets

trade secrets

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the amended complaint adequately pleaded the interstate-commerce element required for subject matter jurisdiction over a Defend Trade Secrets Act claim.
2. Whether the alleged trade secrets were related to products or services used in, or intended for use in, interstate commerce under 18 U.S.C. § 1836(b)(1).
3. Whether the court had supplemental jurisdiction over the related state-law claims under 28 U.S.C. § 1367.

HOLDINGS

1. The amended complaint adequately alleged that DEX's products and services were used in, or intended for use in, interstate commerce.
2. The amended complaint adequately alleged that the trade secrets were related to DEX's products and services used in interstate commerce.
3. Because the complaint adequately pleaded a DTSA claim sufficient to establish federal-question jurisdiction, the court retained supplemental jurisdiction over the related state-law claims under 28 U.S.C. § 1367.

KEY QUOTATIONS

“A facial attack on the subject-matter jurisdiction alleged in the complaint questions merely the sufficiency of the pleading.” (Section II.A)

“For the reasons set forth above, the Court finds the allegations in the Amended Complaint describing the nationwide scope of DEX’s products and services are sufficient to demonstrate, at a pleading level, a “nexus” between DEX’s products and services and interstate commerce.” (Section II.C)

“For the reasons set forth above, the Court finds the allegations in the Amended Complaint describing Mr. Vanden Haute’s access to DEX’s national- and Ohio-based trade secrets and asserting that he used those trade secrets to contact or solicit a DEX vendor, and had used or would continue to use those trade secrets to illegally compete with DEX, are sufficient to demonstrate, at a pleading level, a “relationship” between DEX’s trade secrets and the products and services it offered in interstate commerce.” (Section II.D)

FACTUAL BACKGROUND

DEX Imaging provides office-equipment, managed-print, maintenance, and managed-IT services throughout the United States, including Ohio, after acquiring Ohio-based Meritech. DEX alleged that former senior executive

Kenneth Vanden Haute had access to national and Ohio-related confidential information, including customer lists, pricing, marketing strategies, and business plans, and had signed confidentiality and noncompete obligations. After leaving DEX to become president of competitor Impact Networking Ohio, Vanden Haute allegedly retained or used DEX information, including information concerning vendor requirements and pricing.

PROCEDURAL HISTORY

DEX Imaging filed an amended complaint asserting tortious interference with contract, federal trade-secret misappropriation under the Defend Trade Secrets Act, and Ohio trade-secret misappropriation. Defendants moved to dismiss for lack of subject matter jurisdiction; the motion was fully briefed. The parties consented to magistrate-judge jurisdiction under 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73. The court denied the Rule 12(b)(1) motion.

DISPOSITION

other

CASES CITED

- Cartwright v. Garner, 751 F.3d 752, 759 (6th Cir. 2014)
- Carrier Corp. v. Outokumpu Oyj, 673 F.3d 430, 440 (6th Cir. 2012)
- Gentek Bldg. Prods., Inc. v. Sherwin-Williams Co., 491 F.3d 320, 330 (6th Cir. 2007)
- Ohio Nat'l Life Ins. Co. v. United States, 922 F.2d 320, 325 (6th Cir. 1990)
- Rogers v. Stratton Indus., Inc., 798 F.2d 913, 915 (6th Cir. 1986)
- Endless River Techs. LLC v. Trans Union LLC, No. 1:18-CV-00936, 2022 WL 314598, at *9 (N.D. Ohio Feb. 2, 2022)
- Noco Co. v. CTEK, Inc., No. 1:19 CV 00853 DCN, 2020 WL 821485, at *6 (N.D. Ohio Feb. 18, 2020)
- Health Care Facilities, Partners, LLC v. Diamond, No. 5:21-CV-1070, 2022 WL 16923888, at *4, *6-8 (N.D. Ohio Nov. 14, 2022)
- R.J. Heating Co. v. Rust, No. 1:22-CV-00710, 2024 WL 1307114, at *4-5 (N.D. Ohio Mar. 27, 2024)
- Jemison v. AFIMAC Glob., 645 F. Supp. 3d 781, 801 (N.D. Ohio 2022)
- Scottsdale Ins. Co. v. Flowers, 513 F.3d 546, 553 (6th Cir. 2008)
- McPherson v. Kelsey, 125 F.3d 989, 995-996 (6th Cir. 1997)
- Morales v. Trans World Airlines, 504 U.S. 374, 383 (1992)