

Ali S. Razai (SBN 246,922)
ali.razai@knobbe.com
Matthew S. Bellinger (SBN 222,228)
matt.bellinger@knobbe.com
Brandon G. Smith (SBN 307,676)
brandon.smith@knobbe.com
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, Fourteenth Floor
Irvine, CA 92614
Telephone: (949) 760-0404
Facsimile: (949) 760-9502

Attorneys for Plaintiff
simplehuman, LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

SIMPLEHUMAN, LLC,	)	Case No. 2:23-CV-02219-JAK-AS
a California limited liability	)	
company,	)	
	)	SIMPLEHUMAN'S DISCLOSURE
Plaintiff,	)	OF ASSERTED CLAIMS AND
	)	INFRINGEMENT CONTENTIONS
v.	)	AND ACCOMPANYING
	)	DOCUMENTS PURSUANT TO S.P.R.
	)	2.1 AND 2.2
VOLUME DISTRIBUTORS, INC.,	)	
a California corporation,	)	
	)	
Defendant.	)	

Pursuant to the Court’s Standing Patent Rules (“S.P.R.”) 2.1 and 2.2 (Dkt. No. 10 at 23–35), Plaintiff simplehuman, LLC (“simplehuman” or “Plaintiff”) hereby provides its disclosure of asserted claims and infringement contentions and accompanying document production. In view of the limited discovery available to simplehuman at this early stage of the proceeding, simplehuman reserves the right to amend this disclosure in view of any relevant evidence subsequently obtained through discovery, its own investigation, or otherwise.

I. DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT
CONTENTIONS – S.P.R. 2.1

A. Asserted Claims – S.P.R. 2.1.1

Based on currently available information, simplehuman contends that Defendant Volume Distributors, Inc. (“Volume Brands,” or “Defendant”) infringes the following claims of U.S. Patent Nos. 10,683,165 (the “’165 patent”) and 11,603,263 (the “’263 patent”) (collectively, the “Asserted Patents”):

Asserted Patent	Asserted Claims
’165 patent	1, 2, 3, 7, 10, 11, 13, 15
’263 patent	1, 2, 3, 5, 6, 7

At this time, simplehuman asserts Claims 1, 2, 7, 10, and 11 of the ’165 patent and Claims 1, 2, 3, 5 and 6 of the ’263 patent against Volume Brands’ Can 1, Can 2, Can 3, and Can 4 (defined *infra*).

At this time, simplehuman asserts Claim 3 of the ’165 patent against Volume Brands’ Can 1 and Can 2.

At this time, simplehuman asserts Claim 13 of the ’165 patent against Volume Brands’ Can 4.

At this time, simplehuman asserts Claim 15 of the ’165 patent and Claim 7 of the ’263 patent against Volume Brands’ Can 1, Can 2, and Can 3.

simplehuman asserts that Volume Brands directly infringes each claim in the

table above under 35 U.S.C. § 271(a) by making, using, selling, offering for sale, and/or importing one or more of the accused products in the United States. The claims identified above are collectively referred to as the “Asserted Claims.” simplehuman reserves the right to amend or supplement this disclosure as additional information becomes available.

B. Accused Instrumentalities – S.P.R. 2.1.2

simplehuman hereby identifies the following Volume Brands products as products that infringe one or more of the Asserted Claims, as explained above and below. For all products identified herein, simplehuman identifies all sizes, colors, and SKUs of the product regardless of the location of sale (e.g., Amazon, Home Depot, etc.). The sizes and colors that simplehuman is presently aware of are listed in the attached claim charts.

“Can 1”

- Glad Stainless Steel Step Trash Can (for example, available at <https://www.amazon.com/dp/B07GY6G132>)

“Can 2”

- Glad Stainless Steel Step Trash Can – All Stainless (for example, available at <https://www.amazon.com/dp/B08SR8BY9T>)

“Can 3”

- Glad Slim Trash Can (for example, available at https://www.amazon.com/Glad-Slim-Trash-Clorox-Protection/dp/B0BTZ6MKNZ/ref=sr_1_3?crid=SWN22NBO85CD&keywords=Glad+Slim+Can&qid=1677166204&srefix=glad+slim+can%2Caps%2C650&sr=8-3)

“Can 4”

- Glad Stainless Steel Sensor Trash Can (for example, available at <https://www.amazon.com/dp/B07GY5QWG9>)

Cans 1, 2, 3, and 4 are referred to as the “Volume Brands Products.”

C. Claim Charts – S.P.R. 2.1.3

Attached as Exhibit A are claim charts showing where each limitation of each Asserted Claim is literally present within the accused products.

D. Priority Date of the Asserted Patents – S.P.R. 2.1.4

Both Asserted Patents claim and are entitled to a priority date of March 9, 2012, the filing date of U.S. Provisional Patent Application No. 61/609,233, which is the common original parent application to the Asserted Patents.

E. Practicing the Claimed Inventions – S.P.R. 2.1.5

simplehuman identifies the following model numbers as practicing the Asserted Claims of each of the Asserted Patents:¹ CW1385, CW1385, CW1386, CW1387, CW1390*, CW1391*, CW1392*, CW2023, CW2024, CW2025, CW2026, CW2027 CW2029*, CW2030*, CW2044*, CW2069*, CW2080, CW2080, CW2087, CW2092, CW2093, CW2098*, CW2099, CW2103, CW2209, ST2009*, ST2031, ST2033, ST2036, ST2037, ST2038, ST2042, ST2043, ST2044*.

F. Willful Infringement – S.P.R. 2.1.6

At this time, based on the limited discovery available to simplehuman at this early stage of the proceedings, simplehuman alleges willful infringement of the '165 patent at least since March 3, 2023, when simplehuman sent Volume Brands a letter alleging infringement of the '165 patent. Despite that letter, Volume Brands has continued to advertise, offer for sale, and sell the Accused Products.

II. ACCOMPANYING DOCUMENT PRODUCTION – S.P.R. 2.2

A. File Histories of the Asserted Patents

simplehuman has produced the file histories of the Asserted Patents at

¹ Model numbers beginning in “ST” are not alleged to be covered by Claim 15 of the '165 Patent or Claim 7 of the '263 Patent. Model numbers beginning in “CW” are not alleged to be covered by Claim 13 of the '165 Patent. Model Numbers with a * are not alleged to be covered by Claim 11 of the '165 Patent.

SHUMAN-VB_0000001-1081.

B. Documents Evidencing Ownership – S.P.R. 2.2.2

simplehuman has produced documents evidencing ownership of the Asserted Patents at SHUMAN-VB_0001082-1092.

C. Documents Supporting Practicing the Claimed Inventions – S.P.R. 2.2.3

simplehuman has produced documents sufficient to show the operation of simplehuman's products that it relies upon as embodying any of the Asserted Claims at SHUMAN-VB_0001093-1436. Furthermore, simplehuman will make each of these products available for inspection by Volume Brands upon request.

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 9, 2023

By: /s/ Matthew Bellinger

Ali S. Razai

Matthew S. Bellinger

Brandon G. Smith

Attorneys for Plaintiff
simplehuman, LLC

EXHIBIT A

Infringement Claim Chart for U.S. Patent No. 10,683,165 (the “’165 Patent”)

Plaintiff simplehuman, LLC (“simplehuman”) provides these charts pursuant to S.P.R. 2.1.3. These charts should not be interpreted as providing simplehuman’s claim construction positions, which shall be set forth in separate documents at the appropriate times called for by the schedule set forth by the Court. No discovery has occurred. simplehuman reserves the right to amend these charts in view of additional information discovered or provided by Defendant Volume Distributors, Inc. (“Defendant” or “Volume Brands”) later in this proceeding. References below to image numbers (i.e., Image 1) and corresponding lettered components (i.e., [A], [B], [C], etc.) are to the annotated images of Volume Brands’ Can 1, Can 2, Can 3, and Can 4 provided with these claim charts.

'165 Patent Claims		Infringement by the Volume Brands Products
Claim 1		
1(a)	A trash can assembly comprising:	The Volume Brands Products are trash can assemblies. <i>E.g.</i> , Images 1.
1(b)	a body component comprising a lower base, an upper opening, and a front upper edge; and	The Volume Brands Products include a body component [A] comprising a lower base [B], an upper opening [C], and a front upper edge [D].
1(c)	a lid assembly configured to couple with the body component,	The Volume Brands Products include a lid assembly [E] configured to couple with the body component [A].
1(c)(1)	the lid assembly comprising: a lid configured to rotate, relative to the body, between a lower position and an upper position; and	In the Volume Brands Products, the lid assembly [E] comprises a lid [F] configured to rotate, relative to the body [A], between a lower position (<i>e.g.</i> , Images 1) and an upper position (<i>e.g.</i> , Images 2).
1(c)(2)	a trim member configured to rotate between a closed position and an open position, wherein:	In the Volume Brands Products, the lid assembly [E] comprises a trim member [G] configured to rotate between a closed position (<i>e.g.</i> , Images 1) and an open position (<i>e.g.</i> , Images 3).
1(c)(3)	in the closed position, a front of the trim member is adjacent the front upper edge of the body component; and	In the Volume Brands Products, when the trim member [G] is in the closed position, a front of the trim member [H] is adjacent the front upper edge [D] of the body component [A].
1(c)(4)	in the open position, the front of the trim member is spaced apart from and	In the Volume Brands Products, when the trim member [G] is in the open position, the front of the trim member [H] is spaced apart from and vertically higher than the front upper edge [D] of the body component [A].

'165 Patent Claims		Infringement by the Volume Brands Products
	vertically higher than the front upper edge of the body component; and	
1(d)	a power transmission device configured to drive the lid between the lower position and the upper position; and	The Volume Brands Products include a power transmission device [I] configured to drive the lid [F] between the lower position and the upper position.
1(e)	a retaining mechanism configured to maintain the trim member in the open position against the force of gravity.	The Volume Brands Products include a retaining mechanism [J] configured to maintain the trim member [G] in the open position against the force of gravity.
Claim 2		
2	The trash can assembly of claim 1, wherein the retaining mechanism comprises a detent.	In the Volume Brands Products, the retaining mechanism [J] comprises a detent.
Claim 3		
3	The trash can assembly of claim 1, wherein, in the open position, the trim member is at an acute angle with respect to a longitudinal axis of the body component.	In the Volume Brands Products, Cans 1 and 2, in the open position, the trim member [G] is at an acute angle with respect to a longitudinal axis [K] of the body component [A].
Claim 7		
7	The trash can assembly of claim 1, wherein: a majority of the periphery of the lid is received in the trim member when the	In the Volume Brands Products, a majority of the periphery of the lid [L] is received in the trim member [G] when the trim member is in the closed position and the lid is in the lower position; and a majority of the periphery of the lid [L] is positioned outside of the trim member [G] when the trim member is in the closed position and the lid is in the upper position.

'165 Patent Claims		Infringement by the Volume Brands Products
	trim member is in the closed position and the lid is in the lower position; and a majority of the periphery of the lid is positioned outside of the trim member when the trim member is in the closed position and the lid is in the upper position.	
Claim 10		
10	The trash can assembly of claim 1, wherein the trim member further comprises an exterior wall that extends: generally parallel with a longitudinal axis of the trash can; downward beyond an upper lip of the body component; and radially outward from the upper lip of the body component.	In the Volume Brands Products, the trim member [G] includes an exterior wall [M] that extends: generally parallel with a longitudinal axis [K] of the trash can; downward beyond an upper lip [N] of the body component [A]; and radially outward from the upper lip [N] of the body component [A].
Claim 11		
11	The trash can assembly of claim 1, wherein the body component has a rectangular shape.	In the Volume Brands Products, the body component [A] has a rectangular shape.
Claim 13		
13.	The trash can assembly of claim 1, wherein the power	In Can 4, the power transmission device [I] comprises a motor.

'165 Patent Claims		Infringement by the Volume Brands Products
	transmission device comprises a motor.	
Claim 15		
15	The trash can assembly of claim 1, wherein the power transmission device comprises a footpedal.	In Cans 1, 2, and 3, the power transmission [I] device includes a footpedal.

Infringement Claim Chart for U.S. Patent No. 11,603,263 (the “’263 Patent”)

Plaintiff simplehuman, LLC (“simplehuman”) provides these charts pursuant to S.P.R. 2.1.3. These charts should not be interpreted as providing simplehuman’s claim construction positions, which shall be set forth in separate documents at the appropriate times called for by the schedule set forth by the Court. No discovery has occurred. simplehuman reserves the right to amend these charts in view of additional information discovered or provided by Defendant Volume Distributors, Inc. (“Defendant” or “Volume Brands”) later in this proceeding. References below to image numbers (i.e., Image 1) and corresponding lettered components (i.e., [A], [B], [C], etc.) are to the annotated images of Volume Brands’ Can 1, Can 2, Can 3, and Can 4 provided with these claim charts.

'263 Patent Claims		Infringement by the Volume Brands Products
Claim 1		
1(a)	A trash can assembly comprising:	The Volume Brands Products are trash can assemblies. <i>E.g.</i> , Images 1.
1(b)	a body component comprising an interior configured to receive a trash bag;	The Volume Brands Products include a body component [A] comprising an interior [O] configured to receive a trash bag.
1(c)	a lid rotatable between an upper position and a lower position, the lid comprising a front;	The Volume Brands Products include a lid [F] rotatable between an upper position (<i>e.g.</i> , Images 2) and a lower position (<i>e.g.</i> , Images 1), the lid comprising a front [P].
1(d)	a trim member rotatable between an open position and a closed position, the trim member comprising a recess; and	The Volume Brands Products include a trim member [G] rotatable between an open position (<i>e.g.</i> , Images 3) and a closed position (<i>e.g.</i> , Images 1), the trim member comprising a recess [Q].
1(e)	a retainer configured to maintain the trim member in the open position against the force of gravity;	The Volume Brands Products include a retainer [J] configured to maintain the trim member [G] in the open position against the force of gravity.
1(f)	wherein the recess of the trim member receives the front of the lid when the trim member is in the closed position and the lid is in the lower position.	In the Volume Brands Products, the recess [Q] of the trim member [G] receives the front [P] of the lid [F] when the trim member [G] is in the closed position and the lid [F] is in the lower position.
Claim 2		
2	The trash can assembly of claim 1, wherein the recess surrounds an opening into the interior of the trash can assembly.	In the Volume Brands Products, the recess [Q] surrounds an opening [R] into the interior [O] of the trash can assembly.

'263 Patent Claims		Infringement by the Volume Brands Products
Claim 3		
3	The trash can assembly of claim 1, wherein, when the trim member is in the closed position and the lid is in the lower position, the trim member is visible from outside the trash can assembly.	In the Volume Brands Products, when the trim member [G] is in the closed position and the lid [F] is in the lower position, the trim member [G] is visible from outside the trash can assembly (e.g., Images 1).
Claim 5		
5	The trash can assembly of claim 1, wherein the trim member is graspable by a user when the lid is in the lower position.	In the Volume Brands Products, the trim member [G] is graspable by a user when the lid [F] is in the lower position.
Claim 6		
6	The trash can assembly of claim 1, wherein the retainer comprises a detent.	In the Volume Brands Products, the retainer [J] includes a detent.
Claim 7		
7	The trash can assembly of claim 1, further comprising a power transmission device comprising a footpedal.	The Volume Brands Products, Cans 1, 2, and 3, include a power transmission device [I] comprising a footpedal.

Volume Brands “Can 1”

Sold as: Glad Stainless Steel Step Trash Can (ABS Lid)

Sizes: 13 gallon and 20 gallon

Colors: stainless and pewter

Image 1



Image 2



Image 3



Image 4



Image 5

A protrusion fits (not visible) fits into the indentation shown below.



Volume Brands “Can 2”

Sold as: Glad Stainless Steel Step Trash Can

Sizes: 13 gallon and 20 gallon

Colors: pewter, stainless, white

Image 1



Image 2



Image 3



Image 4



Image 5



Image 6

Though not visible in the image, there is a protrusion that fits into the visible recess.



Volume Brands “Can 3”

Sold as: Glad Slim Trash Can

Size: 45 Liter

Colors: all stainless, stainless steel (ABS lid), white

Image 1



Image 2



Image 3



Image 4



Volume Brands “Can 4”

Sold as: Glad Stainless Steel Sensor Trash Can

Sizes: 13 gallon and 20 gallon

Color: stainless steel (ABS lid)

Image 1



Image 2



Image 3

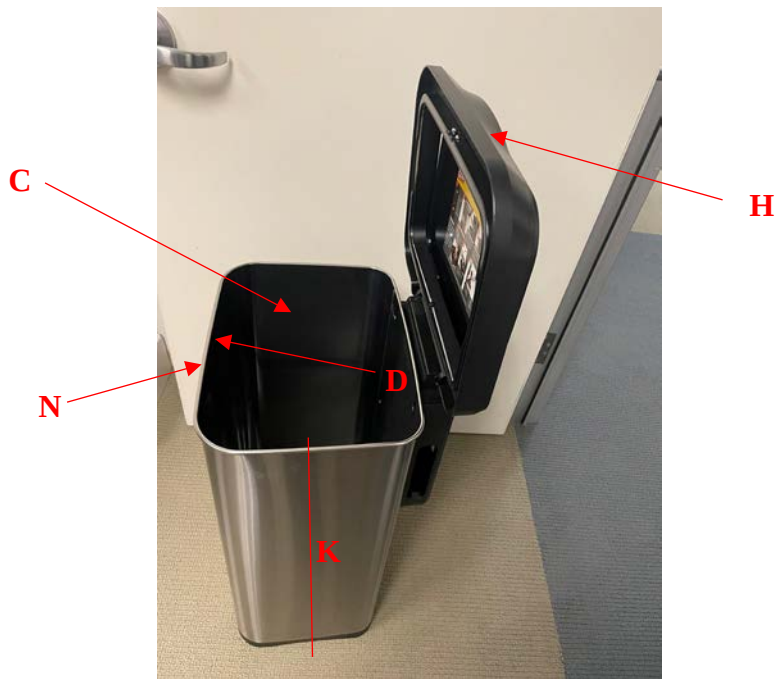


Image 4



CERTIFICATE OF SERVICE

I am a citizen of the United States of America and I am employed in Irvine, California. I am over the age of 18 and not a party to the within action. My business address is 2040 Main Street, Fourteenth Floor, Irvine, California.

On June 9, 2023, I served the foregoing **SIMPLEHUMAN'S DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS AND ACCOMPANYING DOCUMENTS PURSUANT TO S.P.R. 2.1 AND 2.2** on counsel shown below via email:

Larry Russ
lruss@raklaw.com
Paul Kroeger
pkroeger@raklaw.com
RUSS, AUGUST & KABAT
12424 Wilshire Boulevard, 12th Floor
Los Angeles, California 90025
Telephone: (310) 826-7474
Facsimile: (310) 826-6991

Attorneys for Defendant
Volume Distributors. Inc.

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on June 9, 2023, at Irvine, California.



Linda Dunn