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

| | |
|---|---|
| SHARKNINJA OPERATING LLC and SHARKNINJA SALES COMPANY,<br><br>*Plaintiffs*<br><br>and<br><br>OMACHRON ALPHA INC. and OMACHRON INTELLECTUAL PROPERTY INC.,<br><br>*Plaintiffs*<br><br>v.<br><br>DYSON, INC. and DYSON TECHNOLOGY LIMITED,<br><br>*Defendants*. | C.A. No. 1:23-cv-11277-ADB (LEAD CASE)<br><br>C.A. No. 1:23-cv-12372-ADB (SEVERED CASE)<br><br>**JURY TRIAL DEMANDED** |

**SHARKNINJA'S PRELIMINARY PATENT-RELATED DISCLOSURES AND INFRINGEMENT CONTENTIONS**

Pursuant to Local Rule 16.6(d)(1) and the parties' Joint Statement and Proposed Schedule (ECF 91), Plaintiffs SharkNinja Operating LLC, SharkNinja Sales Company, Omachron Alpha Inc., and Omachron Intellectual Property, Inc. (collectively, "SharkNinja") hereby provide their Preliminary Patent-Related Disclosures and Infringement Contentions (the "Contentions") concerning the infringement of U.S. Patent Nos. 8,607,407 (the "'407 Patent"), 9,301,666 (the "'666 Patent"), 10,080,472 (the "'472 Patent"), 10,117,550 (the "'550 Patent"), 10,327,607 (the "'607 Patent"), 10,478,030 (the "'030 Patent"), 10,568,477 (the "'477 Patent"), and 11,389,038 (the "'038 Patent") (collectively, the "SharkNinja Patents") by Defendants Dyson, Inc. and Dyson Technology Limited (collectively, "Dyson").

SharkNinja bases these Preliminary Patent-Related Disclosures and Infringement Contentions on its current knowledge, understanding, and belief as to the facts and information available as of the date of these Contentions. SharkNinja has not yet completed its investigation, collection of information, discovery, or analysis related to this case, and additional discovery, including discovery from Dyson and third parties, may lead SharkNinja to amend, revise, and/or supplement these Contentions. SharkNinja specifically reserves the right to supplement and/or amend these Contentions in view of information and/or material that may be obtained during discovery, further investigation, applicable case law and authorities, and/or any other reasons permitted under the Court's Order, the Local Rules, and the Federal Rules of Civil Procedure.

Nothing in these Contentions shall be construed to waive rights or objections that otherwise might be available to SharkNinja, nor shall the information herein or documents produced be deemed an admission of relevancy, materiality, or admissibility for any purpose.

## I. ASSERTED CLAIMS

Based on the information presently and reasonably available to SharkNinja, SharkNinja contends that Dyson infringed and/or currently infringes, directly and/or indirectly, literally or by operation of the doctrine of equivalents, the following asserted claims of the SharkNinja Patents (the "Asserted Claims").

| Patent | Asserted Claims | Infringer(s) |
|---|---|---|
| '407 Patent | 23-24 | Dyson, Inc. and Dyson Technology Limited |
| '666 Patent | 1-4, 6-12 | Dyson, Inc. and Dyson Technology Limited |
| '472 Patent | 1, 9-10, 13-14, 17, 22, 25 | Dyson, Inc. and Dyson Technology Limited |
| '550 Patent | 1, 4, 6-14, 17-24, 28 | Dyson, Inc. and Dyson Technology Limited |
| '607 Patent | 1-13 | Dyson, Inc. and Dyson Technology Limited |
| '030 Patent | 1-3, 5-10, 12-13 | Dyson, Inc. and Dyson Technology Limited |
| '477 Patent | 1-7, 12, 14-15 | Dyson, Inc. and Dyson Technology Limited |
| '038 Patent | 1, 10, 12-15 | Dyson, Inc. and Dyson Technology Limited |

This identification is based on information presently known to SharkNinja. SharkNinja expressly reserves its rights to amend and/or supplement its identification of Asserted Claims as discovery ensues, including in view of information and/or material that may be obtained during discovery, further investigation, SharkNinja's review of Dyson's document productions, and written discovery responses.

## II. ACCUSED PRODUCTS

SharkNinja accuses the following of Dyson's products (in any configuration, color, or bundle) of infringing the Asserted Claims (the "Accused Products"), based on the information presently and reasonably available to SharkNinja.

| Patent | Product | Asserted Claims |
|---|---|---|
| '407 Patent | Dyson V15/V15s Submarine Lines | 23-24 |
| | Dyson Outsize Line | |
| | Dyson Gen5 Line | |
| | Dyson V12 Line | |
| | Dyson V10 Line/V11 Line | |
| | Dyson Omni-glide | |
| | Dyson Humdinger | |
| '666 Patent | Dyson V8 Line/Cyclone V8™ line | 1-4, 6-12 |
| '472 Patent | Dyson V8 Line/Cyclone V8™ line | 1, 9-10, 13-14, 17, 22, 25 |
| '550 Patent | Dyson V15/V15s Submarine Lines | 1, 4, 6-14, 17-24, 28 |
| | Dyson Outsize Line | |
| | Dyson Gen5 Line | |
| | Dyson V12 Line | |
| | Dyson V10 Line/V11 Line | |
| '607 Patent | Dyson V8 Line/Cyclone V8™ line | 1-13 |
| '030 Patent | Dyson V15/V15s Submarine Lines | 1-3, 5-10, 12-13 |
| | Dyson Outsize Line | |
| | Dyson Gen5 Line | |
| | Dyson V12 Line | |
| | Dyson Omni-glide | |
| | Dyson V10 Line/V11 Line | 1-3, 5-9, 12-13 |
| '477 Patent | Dyson V15/V15s Submarine Lines | 1-7, 12, 14-15 |
| | Dyson Outsize Line | |
| | Dyson Gen5 Line | |
| | Dyson V12 Line | |
| | Dyson V10 Line/V11 Line | |

| Patent | Product | Asserted Claims |
|---|---|---|
| | Dyson Omni-glide | |
| | Dyson Humdinger | |
| ’038 Patent | Dyson V15/V15s Submarine Lines | 1, 10, 12-15 |
| | Dyson V10 Line/V11 Line | |
| | Dyson Outsize Line | |
| | Dyson Gen5 Line | |
| | Dyson V12 Line | |

This identification is based on information presently known to SharkNinja. SharkNinja expressly reserves its rights to amend and/or supplement its identification of the Accused Products as discovery ensues, including in view of information and/or material that may be obtained during discovery, further investigation, SharkNinja’s review of Dyson’s document products, and written discovery responses.

## III. INFRINGEMENT CHARTS

Subject to ongoing discovery and investigation, and based on available information obtained to date, SharkNinja hereby contends that each element of each Asserted Claim is found within the Accused Products as shown in the infringement claims charts attached hereto as Exhibit A-H, either literally or by operation of the doctrine of equivalents. The citations, annotations, and figures in the claim charts attached constitute exemplary evidence of infringement and are not intended to exhaust the evidence upon which SharkNinja may rely. Further, the division of claim elements in the charts attached as exhibits hereto is provided solely for purposes of convenience in presenting these Contentions. These divisions are not meant to modify the claim language or to inform claim construction, nor do they represent SharkNinja’s positions as to how any claim term should be construed, clarified, or otherwise interpreted. SharkNinja has applied constructions based on the understandings of a person of ordinary skill in the art. Further, these disclosures are based on SharkNinja’s present understanding of the meaning and scope of the Asserted Claims of

the SharkNinja Patents, which in turn relies on discovery to date. SharkNinja reserves the right to supplement or amend these disclosures if its understanding of the claim terms changes, including in view of information and/or material that may be obtained during discovery, further investigation, SharkNinja's review of Dyson's document productions, and written discovery.

To the extent it is found that any of the limitations of the Asserted Claims is not literally present in the Accused Products, the Accused Products nonetheless infringe under the doctrine of equivalents because any differences between the claim limitations and the Accused Products are insubstantial and the Accused Products perform the same or substantially the same functions, in the same or substantially the same ways, to achieve the same or substantially the same results. SharkNinja reserves the right to amend and/or supplement its Contentions as discovery progresses.

## IV. DIRECT AND INDIRECT INFRINGEMENT

For the reasons set forth in SharkNinja's Second Amended Complaint (Dkt. 58) and these Contentions, Dyson directly infringes the Asserted Claims under 35 U.S.C. § 271(a). Dyson has also actively induced, and will continue to actively induce, users of their infringing products to infringe the SharkNinja Patents under 35 U.S.C. § 271(b) by actively and knowingly inducing, directing, causing, and encouraging others, including, but not limited to, their merchant customers, and consumer end users to directly infringe the SharkNinja Patents. Dyson has actively induced and will continue to actively induce infringement through making, using, selling, and/or offering to sell in the United States, and/or importing into the United States, the Accused Products, with the specific intent to encourage such infringement, and knowing that the induced acts constitute patent infringement. Dyson has also actively contributed and will continue to contribute users of their infringing products to infringe SharkNinja's Patents under 35 U.S.C. § 271(c) as Dyson has made the deliberate decision to sell and/or offer to sell in the United States, and/or import in the

United States, the Accused Products which are products that Dyson knew or should have known to infringe SharkNinja's Patents. Dyson has had knowledge that their activities concerning the Accused Products infringe the Asserted Claims of SharkNinja's Patents. Dyson offered and continues to offer the Accused Products for sale, and instructed and continues to instruct users to operate them in an infringing manner though, without limitation, instructions, manuals, and technical assistance relating to the use, operation, maintenance, and other support to Dyson's merchant customers and consumer end users, encouraging them to purchase and instructing them to use the Accused Products.

## V. DOCUMENT PRODUCTION

A copy of the file history for each of the SharkNinja Patents, documents evidencing the ownership of each of the SharkNinja Patents, documents evidencing the identity of all real parties in interest, and documents evidencing conception and reduction to practice for each of the SharkNinja Patents have been produced as SHARKNINJA_VACDRIVE_001, SHARKNINJA_VACDRIVE_002, SHARKNINJA_VACDRIVE_003, SHARKNINJA_VACDRIVE_004, SHARKNINJA_VACDRIVE_005, and the full Bates range of SHARKNINJA_VAC_PROD001.

Dated: December 15, 2023

*/s/ Brian Rosenthal*

Joseph J. Mueller
**WILMER CUTLER PICKERING HALE AND DORR LLP**
60 State Street
Boston, Massachusetts 02109
(617) 526-6000
joseph.mueller@wilmerhale.com

Todd C. Zubler (*pro hac vice*)

Brian A. Rosenthal (*pro hac vice*)
Benjamin Hershkowitz (*pro hac vice*)
Vivian Lu (*pro hac vice*)
**GIBSON, DUNN & CRUTCHER LLP**
200 Park Avenue
New York, NY
10166
(212) 351-4000

Brian M. Buroker (*pro hac vice*)

**WILMER CUTLER PICKERING HALE AND DORR LLP**
2100 Pennsylvania Avenue N.W.
Washington, D.C. 20037
(202) 663-6000
todd.zubler@wilmerhale.com

Omar A. Khan (*pro hac vice*)
Jeffrey A. Dennhardt (*pro hac vice*)
**WILMER CUTLER PICKERING HALE AND DORR LLP**
7 World Trade Center
250 Greenwich Street
New York, New York 10007
(212) 230-8800
omar.khan@wilmerhale.com
Jeffrey.dennhardt@wilmerhale.com
(202) 955-8500

*Attorneys for Plaintiffs SharkNinja Operating LLC, SharkNinja Sales Company, Omachron Alpha Inc., and Omachron Intellectual Property, Inc.*

Wendy W. Cai (*pro hac vice*)
A. David Brzozowski, II (*pro hac vice*)
**GIBSON, DUNN & CRUTCHER LLP**
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5306
(202) 955-8500

## CERTIFICATE OF SERVICE

The undersigned certifies that on December 15, 2023, all counsel of record who are deemed to have consented to electronic services are being served with a copy of this document via email. Any other counsel of record will be served by first class mail.

*/s/ Cameron Fredriksen Isaacs*