

From: [George El-Khoury](#)
To: [Dengler, Ralph A.](#); [Sharret, Jonathan M.](#)
Cc: [Gasparo, Frank M.](#); [Kang, Daniel](#); [Carswell, Samantha P.](#); [Andrew Gorham](#); [Melissa R. Smith](#); [Aylo WellcomeMat Lit](#); [Andres Healy](#); [Matthew R. Berry](#); [John Schiltz](#); [Claire A. Henry](#); [Garrett Parish](#); [Chris Henry](#); [Madison Cooley](#); [Michelle Wimmer](#)
Subject: WellcomeMat v. Aylo - WellcomeMat's Amended Contentions
Date: Monday, June 10, 2024 10:04:56 PM
Attachments: [2024-06-10 WellcomeMat's 1st Amended Initial Infr Contentions & Ex. 1.pdf](#)
[2024-06-10 WellcomeMat's 1st Amended Initial Infr Contentions & Ex. 1 - REDLINE.pdf](#)

Caution: External Email

Counsel,

Per Aylo's request, attached are amended contentions. For your convenience, also attached are redlines reflecting all changes. Please confirm that Aylo does not oppose WellcomeMat's request to serve these contentions pursuant to Paragraph 3(A)(i) of the Discovery Order and Rule 3-6(b) of the Local Patent Rules. To the extent Aylo opposes, please let us know your availability this week for a lead/local.

George R. El-Khoury | Susman Godfrey LLP
One Manhattan West, 50th Floor
New York, NY 10001
Office: (212) 729-2063
Cell: (908) 337-1312

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

WELLCOMEMAT, LLC,

Plaintiff,

v.

AYLO HOLDINGS S.à r.l., AYLO
FREESITES LTD., AYLO PREMIUM,
LTD., 9219-1568 QUEBEC, INC., and
JARROD BELTRAN,

Defendants.

C.A. No. 2:23-cv-483

JURY TRIAL DEMANDED

**PLAINTIFF'S [FIRST SUPPLEMENTAL](#) DISCLOSURE OF ASSERTED CLAIMS AND
INFRINGEMENT CONTENTIONS PURSUANT TO LOCAL PATENT RULES 3-1 AND 3-2**

Pursuant to Local Patent Rules 3-1 and 3-2, Plaintiff WellcomeMat, LLC (“WellcomeMat”) hereby serves its [First Supplemental](#) Disclosure of ~~Assert~~[Asserted](#) Claims and Infringement Contentions and accompanying documents on Defendants Aylo Holdings S.à r.l.; Aylo Freesites, Ltd.; Aylo Premium, Ltd.; 9219-1568 Quebec, Inc. (together, “Aylo Defendants”).

WellcomeMat makes these contentions based on the information reasonably available to it at this time and reserves its right to supplement and/or amend these contentions.

I. Patent Rule 3-1(a) Disclosures

Based upon information presently available, WellcomeMat asserts that Defendants directly and indirectly infringe the claims identified in the claim charts that accompany these disclosures. For convenience, the Asserted Claims are Claims 13, 14, 15, [17](#), 18, 19, and 20 of U.S. Patent No. 8,307,286 B2.

WellcomeMat makes this disclosure based on information reasonably available to it at this time and reserves its right to supplement and/or amend its disclosure of Asserted Claims.

II. Patent Rule 3-1(b) Disclosures

WellcomeMat's detailed infringement assertions are contained in the [amended](#) claim charts that accompany these disclosures and identify for each asserted claim each apparatus, product, device, process, method, act, or other instrumentality accused of infringing.

WellcomeMat makes this disclosure based on information reasonably available to it at this time and reserves its right to supplement and/or amend its disclosure of the Accused Instrumentalities, including to identify additional Accused Instrumentalities.

III. Patent Rule 3-1(c) Disclosures

WellcomeMat's detailed infringement assertions are contained in the [amended](#) claim charts that accompany these disclosures.

WellcomeMat makes this disclosure based on information reasonably available to it at this time and reserves its right to supplement and/or amend its disclosure.

IV. Patent Rule 3-1(d) Disclosures

WellcomeMat asserts that Defendants literally infringe each asserted claim. To the extent that any particular element is shown not to be met literally, Plaintiff contends that Defendants infringe under the Doctrine of Equivalents as there would be no substantial difference between the elements of the asserted claims and the corresponding functionality in the accused instrumentality, i.e., the corresponding functionality in the Accused Products does substantially the same thing, in substantially the same way, to achieve substantially the same result(s) as the claimed elements.

WellcomeMat makes this disclosure based on information reasonably available to it at this time and reserves its right to supplement and/or amend its disclosure.

V. Patent Rule 3-1(e) Disclosures

The Asserted Claims of U.S. Patent No. 8,307,286 B2 are entitled to a priority date of no later than January 3, 2006. In the alternative, the Asserted Claims of U.S. Patent No. 8,307,286 B2 are entitled to a priority date of no later than May 7, 2006, including through the filing of Provisional Application No. 60/746,645. In the alternative, the Asserted Claims of U.S. Patent No. 8,307,286 B2 are entitled to a priority date of no later than May 25, 2006. In the alternative, the Asserted Claims of U.S. Patent No. 8,307,286 B2 are entitled to a priority date of no later than May 4, 2007, including through the filing of U.S. Patent No. 2007/0294622 A1.

VI. Patent Rule 3-1(f) Disclosures

~~WellcomeMat presently is not relying on the assertion that its own apparatus, product, device, process, method, act, or other instrumentality practices the claimed invention.~~

Each of the following WellcomeMat products and/or systems practice each of the Asserted Claims of U.S. Patent No. 8,307,286 B2: WellcomeMat Enterprise; WellcomeMat Pro; WellcomeMat Professional; WellcomeMat Pro-Classic; and WellcomeMat Filmmaker.

WellcomeMat makes this disclosure based on information reasonably available to it at this time and reserves its right to supplement and/or amend its disclosure.

VII. Patent Rule 3-2(a) Documents

Non-privileged documents evidencing any discussion with, disclosure to, or other manner of providing to a third party, or sale of or offer to sell, the claimed invention prior to the date of application for the patent in suit ~~are being concurrently~~were produced on March 11, 2024, bearing Bates numbers WM-AYLO_00001073 through WM-AYLO_00001585.

WellcomeMat makes this disclosure based on information reasonably available to it at this time and reserves its right to supplement and/or amend its disclosure.

VIII. Patent Rule 3-2(b) Documents

Non-privileged documents evidencing the conception, reduction to practice, design, and development of each claimed invention, which were created on or before the date of application for the patent in suit or the priority date identified pursuant to Patent Rule 3-1(e) ~~are being concurrently~~were produced on March 11, 2024, bearing Bates numbers WM-AYLO_00000001 through WM-AYLO_00001072.

WellcomeMat makes this disclosure based on information reasonably available to it at this time and reserves its right to supplement and/or amend its disclosure.

IX. Patent Rule 3-2(c) Documents

A copy of the file history for the '286 Patent ~~is being concurrently~~was produced on March 11, 2024, bearing Bates numbers WM-AYLO_00001586 through WM-AYLO_00001949. A copy of the certified file history for the '286 Patent was produced on March 28, 2024, bearing Bates numbers WM-AYLO_00001950 through WM-AYLO_00002404.

Date: June 10, 2024

Respectfully submitted,

/s/ Andres C. Healy
Andres C. Healy
Washington State Bar No. 45578
ahealy@susmangodfrey.com
Matthew R. Berry
Washington State Bar No. 37364
mberry@susmangodfrey.com
John Schiltz
Washington State Bar No. 48973
jschiltz@susmangodfrey.com
SUSMAN GODFREY L.L.P.
401 Union Street Suite 3000
Seattle, WA 98101-2683
Telephone: (206) 505-3880
Facsimile: (206) 516-3883

George R. El-Khoury
New York State Bar No. 5898358
gel-khoury@susmangodfrey.com
SUSMAN GODFREY L.L.P.
1301 Avenue of the Americas, 32nd Floor
New York, NY 10019
Telephone: (212) 336-8330
Facsimile: (212) 336-8340

Claire Abernathy Henry
Texas State Bar No. 24053063
claire@wsfirm.com
WARD, SMITH & HILL, PLLC
1507 Bill Owens Parkway
Longview, TX 75604
Phone: (903) 757-6400
Facsimile: (903) 757-2323

Attorneys for WellcomeMat, LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on all counsel of record by e-mail on this 10th day of June, 2024.

/s/ George R. El-Khoury
George R. El-Khoury