

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHENZHEN ROOT TECHNOLOGY CO., LTD.,
Petitioner

v.

CHIARO TECHNOLOGY LTD.,
Patent Owner

Case IPR2024-01296
U.S. Patent No. 11,413,380

**PATENT OWNER CHIARO TECHNOLOGY LTD.'S
UPDATED MANDATORY NOTICES**

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I. RELATED MATTERS

The '380 patent is involved in two ongoing litigations, only one of which involves Petitioner Momcozy—*Shenzhen Root Technology Co., Ltd. v. Chiaro Technology, Ltd.*, case no. 2:23-cv-00631 in the Western District of Washington, hereinafter “the *Shenzhen Root* case.” In the *Shenzhen Root* case, Shenzhen TPH Technology Co., Ltd. (“TPH”), a party named in Elvie’s counterclaims filed on August 14, 2023, recently made an appearance on January 14, 2025, reiterating counterclaims of patent non-infringement and invalidity as previously asserted by Petitioner Momcozy. *See Shenzhen Root* case Dkt. Nos. 69 and 140 at 77-80. TPH also alleges that it previously was a manufacturer for Petitioner Momcozy and has asserted cross-claims of trade secret theft, trade dress infringement, and unfair competition against Momcozy. Dkt. No. 140 at 75-77, 80-83. In view of TPH’s appearance, the parties agreed to a one-month extension of the case deadlines, which would permit the parties to negotiate and propose a revised case schedule to the Court.¹ Dkt. No. 148.

¹ Petitioner incorrectly asserts in their updated mandatory notices that “Recently, all parties in the *Shenzhen Root* case agreed to extend the scheduled deadlines in the district court’s scheduling order by another 45 days, so the deadlines (e.g., *Markman* briefing, etc.) are now extended even further beyond the original dates.” Paper 7, 1. Petitioner Momcozy apparently has separately negotiated with

The '380 patent is also involved in a second litigation—*Willow Innovations, Inc. v. Chiaro Technology, Ltd.*, case no. 2:23-cv-00229 in the Eastern District of Texas, hereinafter “the *Willow* case.” Petitioner Momcozy is not a party to this litigation. As noted in the Patent Owner’s Preliminary Response, the *Willow* case was proceeding as scheduled and a *Markman* Order issued on January 10, 2025. *See Willow* case Dkt. No. 157. On January 31, 2025, the Court granted a stay of 30 days after the parties informed the Court that the parties had reached an agreement in principle to resolve the litigation, and that the parties were working to finalize and implement the terms of this settlement in principle. Dkt. Nos. 161 and 162. At this time, the parties have not yet finalized settlement or filed dismissal papers with the Court.

Respectfully submitted,
STERNE, KESSLER, GOLDSTEIN & FOX PLLC

/Graham C. Phero/

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Date: February 12, 2025

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TPH a 45-day extension for Petitioner Momcozy to respond to TPH’s cross-claims.

CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))

I certify that the above-captioned **PATENT OWNER CHIARO TECHNOLOGY LTD.'S UPDATED MANDATORY NOTICES** was served in its entirety on February 12, 2025 upon the following parties via electronic mail:

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