

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

THE RESEARCH FOUNDATION FOR THE STATE
UNIVERSITY OF NEW YORK and UNIVERSITY OF
CONNECTICUT and WORCESTER POLYTECHNIC
INSTITUTE,

Plaintiffs,

v.

XIAOMI CORPORATION; XIAOMI H.K. LTD.;
XIAOMI COMMUNICATIONS CO., LTD.; XIAOMI
INC.; AND ZEPP HEALTH CORPORATION,

Defendants.

Case No. 2:23-cv-00353

Jury Trial Demanded

**PLAINTIFFS' DISCLOSURE OF ASSERTED CLAIMS AND
INFRINGEMENT CONTENTIONS**

Pursuant to Local Patent Rules 3-1, 3-2, 3-6(a), and 3-6(b), Plaintiffs The Research Foundation for The State University of New York, University of Connecticut, and Worcester Polytechnic Institute (collectively, "Plaintiffs" and/or "the Universities") hereby provides their Disclosure of Asserted Claims and Infringement Contentions to Defendant Zepp Health Corporation ("Zepp" or "Defendants").

I. P.R. 3-1(a).

Pursuant to P.R. 3-1(a), and based on the information presently available to them, Plaintiffs contend that Defendants currently infringe and/or has infringed (directly and/or indirectly) the Asserted Claims of United States patent nos. 8,417,326 ("the '326 patent"), 9,408,576 ("the '576 patent"), 9,713,428 ("the '428 patent"), 9,986,921 ("the '921 patent"), 10,278,647 ("the '647 patent"), 10,285,601 ("the '601 patent"), and 10,653,362 ("the '362 patent") (collectively, the "patents-in-suit"), listed as Exhibits A-G.

Plaintiffs expressly reserve the right to augment and supplement their identification of the patents-in-suit based on additional information obtained through discovery.

II. P.R. 3-1(b) – Accused Products.

Pursuant to P.R. 3-1(b), based on information presently available, Plaintiffs assert that the products listed in Exhibits A-G include at least: Amazfit Bip Series; Amazfit Bip U Pro Series; Amazfit GTR Series; Amazfit GTR Pro Series; Amazfit GTR Mini Series; Amazfit T-Rex Pro Series; Amazfit T-Rex Ultra Series; Amazfit Balance Series; Amazfit GTS Series; Amazfit GTS Mini Series; Amazfit Cheetah Series; Amazfit Cheetah Pro Series; Amazfit Verge Series; Amazfit Pace Series; Amazfit Band Series; Amazfit Zepp Series; Amazfit Active Series; Amazfit Active Edge Series; and Amazfit Helio Ring (hereinafter “Amazfit® Products” or “Accused Products”). Upon information and belief, the identified Amazfit® Products have the same functionality across all Amazfit® Products, using identical or similar applications (for example, the Zepp App). Moreover, Zepp sells or otherwise transfers their products to customers, actively encouraging them to use those products in a manner that induces and contributes to the infringement of the patents-in-suit.

Zepp infringes the patents-in-suit as specified in the charts identified in Section III below. Amazfit® Products with the same or similar functionality as those identified in Exhibits A-G, including any existing or forthcoming Amazfit® Products that contain the same functionality across all Amazfit® Products, using identical or similar applications (for example, the Zepp App), also infringe the patents-in-suit. Plaintiffs expressly reserve the right to augment and supplement their identification of patents-in-suit and Accused Products based on additional information obtained as discovery proceeds and as additional products are introduced.

III. P.R. 3-1(c) – Claim Charts.

Pursuant to P.R. 3-1(c), Plaintiffs detailed infringement assertions with respect to the Asserted Claims are contained in Exhibits A-G. The claim charts depict exemplary Accused Products for the patents-in-suit. Each exemplary Accused Product has the same functionality across all Amazfit® Products, using identical or similar applications (for example, the Zepp App). Plaintiffs’ infringement theories for the exemplary Accused Products are representative of Plaintiffs’ infringement theories for all Accused Products. Further, while Plaintiffs have assigned

numbers to the asserted claim elements for ease of reference, these numbers are not an admission regarding the grouping or exclusivity of claim elements and the asserted claims may be numbered in a different fashion.

IV. P.R. 3-1(d) – Doctrine of Equivalents.

Pursuant to P.R. 3-1(d), Plaintiffs assert that the claims are literally infringed as reflected in attached Exhibits A-G. To the extent that Defendants assert that any of the limitations are not literally present in the Accused Products, the charts identify where the equivalent feature is found under the doctrine of equivalents. Plaintiffs expressly reserve the right to modify, augment, and/or supplement their assertion of infringement under the doctrine of equivalents of any elements of any of the asserted claims after discovery from Defendants and/or third parties and/or after this Court has set forth its construction of the asserted claims.

V. P.R. 3-1(e) – Priority Claim to an Earlier Application.

Pursuant to P.R. 3-1(e), each of the asserted claims are entitled to a filing date of the following:

- The '326 patent ultimately claims priority to U.S. Provisional Patent Application No. 60/953,508, filed on August 2, 2007, and U.S. Provisional Patent Application No. 61/084,389, filed on July 29, 2008.
- The '576 patent ultimately claims priority to U.S. Provisional Patent Application No. 61/818,207, filed on May 1, 2013.
- The '428 patent ultimately claims priority to U.S. Provisional Patent Application No. 61/434,862, filed on January 21, 2011, U.S. Provisional Patent Application No. 61/512,199, filed on July 27, 2011, U.S. Provisional Patent Application No. 61/434,856, filed on January 21, 2011, and U.S. Provisional Patent Application No. 61/566,329, filed on December 2, 2011.

- The '921 patent ultimately claims priority to U.S. Provisional Patent Application No. 61/987,057, filed on May 1, 2014.
- The '647 patent ultimately claims priority to U.S. Provisional Patent Application No. 62/299,944, filed on February 25, 2016, and U.S. Provisional Patent Application No. 62/172,862, filed on June 9, 2015.
- The '601 patent ultimately claims priority to U.S. Provisional Patent Application No. 61/987,057, filed on May 1, 2014.
- The '362 patent ultimately claims priority to U.S. Provisional Patent Application No. 62/109,183, filed on January 29, 2015.

VI. P.R. 3-1(f) – Own Products That Practice Inventions.

Pursuant to P.R. 3-1(f), Plaintiffs do not at this time intend to rely on the assertion that their own apparatus, product, device, process, method, act, or other instrumentality practices any of the claimed inventions.

VII. P.R. 3-2(a) – Documents Evidencing Disclosures, Sales, or Offers to Sell.

Pursuant to P.R. 3-2(a), Plaintiffs are unaware at this time of any documents that evidence 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 patents-in-suit.

VIII. P.R. 3-2(b) – Documents Evidencing Conception, Reduction to Practice, Design, and Development.

Plaintiffs are not presently aware of documents evidencing conception, reduction to practice, design, and development other than the file histories, which are being produced pursuant to Local Rule 3-2(a). Plaintiffs are continuing their investigation and to the extent any responsive documents are located, Plaintiffs will produce them.

IX. P.R. 3-2(c) – File Histories of the Patents-In-Suit.

Pursuant to P.R. 3-2(c), the certified patent histories for the patents-in-suit have been produced as follows:

- 8,417,326 (PLTF_00000604)
- 9,408,576 (PLTF_00000886)
- 9,713,428 (PLTF_00004008)
- 9,986,921 (PLTF_00001235)
- 10,278,647 (PLTF_00001591)
- 10,285,601 (PLTF_00003138)
- 10,653,362 (PLTF_00003285)

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Respectfully submitted,

/s/ Michael A. Siem

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