

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SHENZHEN ROOT TECHNOLOGY CO., LTD.,
et al.,

Plaintiffs,

v.

CHIARO TECHNOLOGY Ltd.,

Defendant.

Case No. 2:23-cv-631

CHIARO TECHNOLOGY LTD.,

Counterclaim Plaintiff,

v.

SHENZHEN ROOT TECHNOLOGY CO., LTD.,
et al.

Counterclaim Defendants.

**ELVIE’S DISCLOSURE OF ASSERTED CLAIMS AND INITIAL INFRINGEMENT
CONTENTIONS UNDER LOCAL PATENT RULE 120**

Pursuant to Local Patent Rule 120 of the United States District Court for the Western District of Washington, and this Court’s Scheduling Order on July 5, 2023 (Dkt. No. 62), Defendant and Counterclaim Plaintiff Chiaro Technology Ltd., Inc., d/b/a Elvie (“Elvie”) provides the following Disclosure of Asserted Claims and Initial Infringement Contentions concerning the

1 infringement by Plaintiffs and Counterclaim Defendants Shenzhen Root Technology Co., Ltd.,
2 Hong Kong Lute Technology Co., Ltd., Shenzhen Conglin E-Commerce Co., Ltd., Shenzhen Root
3 E-Commerce Co., Ltd., Shenzhen TPH Technology Co., Ltd., Shenzhen Lutejiacheng Network
4 Technology Co., Ltd., Shenzhen Jinruihang Technology Co., Ltd., and Shenzhen Xitao Network
5 Technology, Co., Ltd. (collectively, “Momcozy”) of U.S. Patent Nos. 11,357,893 (the “893
6 patent”), 11,413,380 (the “380 patent”), 11,813,381 (the “381 patent”), and 11,806,454 (the
7 “454 patent”) (collectively, the “Asserted Patents”).

8 I. PRELIMINARY STATEMENT

9 Elvie’s contentions are based on information reasonably available to it at this time. As of
10 the date of these disclosures, fact discovery is in the early stages, the parties have yet to identify
11 what, if any, terms need to be construed, fact depositions have not yet occurred, and expert
12 discovery has not yet commenced. Thus, Elvie’s investigation is ongoing.

13 Additional fact and expert discovery is anticipated, including without limitation,
14 development documents related to and expert testing of Momcozy’s accused products, which
15 include the Momcozy S9, S9 Pro, S12, S12 Pro, M1, M5, V1, V2, Mobile Style (M6), and Mobile
16 Flow (M9) products, the Paruu P3, P10, P15, P16, R10, R12, Y10, X1, and X2 products, and the
17 Pibur P15 product, as well as associated accessory or replacement products (collectively, the
18 “Accused Products”). Moreover, Momcozy’s production of responsive documents and
19 information remain deficient, and Elvie expects to receive detailed technical information on the
20 Accused Products. However, based on the current discovery, Elvie contends that the Accused
21 Products infringe, directly and indirectly, the asserted claims of at least one of the Asserted Patents,
22 as set forth herein.

23 Momcozy recently disclosed in discovery responses its ownership of eight additional breast
24 pump products sold under the Paruu and Pibur brands. These newly disclosed breast pump
25 products appear to infringe the Asserted Patents, as explained below. Elvie is awaiting discovery
26 on the Paruu and Pibur products and will amend its Initial Infringement Contentions as discovery

1 becomes available. At the outset, however, several of the newly identified Paruu and Pibur
2 products appear substantively the same as or similar to previously accused Momcozy products
3 such that Elvie's Infringement Contentions generally apply. For example, Elvie's Infringement
4 Contentions for the Momcozy S9 product applies to at least the Paruu X1; Elvie's Infringement
5 Contentions for the Momcozy S9 and S12 products apply to at least the Paruu Y10 and R12
6 products; Elvie's Infringement Contentions for the Momcozy S9 Pro and S12 Pro products apply
7 to at least the Paruu R10 product; and Elvie's Infringement Contentions for the Momcozy M1
8 product applies to at least the Paruu P10 and P16 products and to the Pibur P15 product. Elvie
9 reserves the right to supplement these contentions with evidence and support disclosed during
10 discovery.

11 Additionally, Momcozy failed to timely identify the Mobile Style and Mobile Flow
12 products in its interrogatory responses, despite Elvie's repeated insistence for Momcozy to
13 supplement their identification of products. Elvie recently identified these new Momcozy products
14 on the eve of its Infringement Contentions deadline through its own investigation. The Momcozy
15 Mobile Style (M6) product became available to the public last month and Elvie discloses herein
16 exemplary infringement claim charts. As Elvie's investigation is still ongoing, Elvie intends to
17 amend and/or supplement its contentions as to the Mobile Style as discovery continues. Upon
18 information and belief, the Momcozy Mobile Flow (M9) is not yet available to the public, nor has
19 Momcozy produced any technical information regarding it, so Elvie intends to supplement its
20 Infringement Contentions as that information and discovery becomes available.

21 Subject to the Federal Rules of Civil Procedure and the United States District Court for the
22 Western District of Washington's Local Civil Rules and Local Patent Rules, Elvie reserves the
23 right to move to amend and/or supplement these disclosures based on, without limitation, any
24 amendments or supplements to Momcozy's noninfringement contentions or invalidity contentions.
25 Elvie further reserves the right to move to amend and/or supplement these disclosures based on,
26 including without limitation, any documents, information, or things received from or produced to

1 Momcozy during fact or expert discovery. Elvie specifically reserves the right to supplement these
2 contentions to add additional products that have not yet been disclosed in discovery and are of
3 substantively same or similar design to the Accused Products.

4 The Court has not yet construed the terms of the asserted claims of Elvie's Asserted Patents.
5 Pursuant to Local Patent Rule 124, Elvie reserves the right to amend these contentions based on
6 the Court's claim construction rulings. These contentions shall not be construed as: (i) an adoption
7 of any particular claim scope of construction; (ii) an admission that any particular claim limitation
8 requires construction; or (iii) an admission that any particular claim language constitutes a
9 substantive claim limitation.

10 Elvie incorporates herein by references all written discovery responses served by the
11 parties in this action. Elvie also incorporates herein by reference any and all expert reports,
12 declarations, disclosures, and testimony in support of the information disclosed in these
13 contentions.

14 Elvie does not waive any claims or defenses that may be asserted in this case. These
15 contentions may be asserted in the alternative and do not constitute any concession by Elvie for
16 purposes of claim construction or infringement, nor does Elvie waive any arguments that may be
17 made or position that may be taken regarding the proper construction of any claim term.

18 Elvie objects to the disclosure of information protected by the attorney-client privilege,
19 attorney work-product immunity, the common-interest privilege, or any other applicable privilege
20 or immunity. To the extent that Elvie inadvertently disclosed information that may be protected
21 from discovery under the attorney-client privilege, the attorney work-product immunity, or any
22 other applicable privilege or immunity, such inadvertent disclosure does not constitute a waiver of
23 any such privilege or immunity.

24 Elvie reserves the right to rebut any of Momcozy's noninfringement contentions based on
25 any and all inconsistencies between Momcozy's noninfringement contentions and Momcozy's
26 invalidity contentions.

II. ASSERTED CLAIMS

Elvie contends that Momcozy's Accused Products infringe, directly and indirectly, one or more of the Asserted Patents under 35 U.S.C. § 271(a), (b), or (c), either literally or through the doctrine of equivalents, as shown in the attached exemplary claim charts, Exhibits 1–20:

Ex. No.	U.S. Patent No.	Asserted Claims	Accused Product
1	11,357,893	1-4, 7, 11, 14, 16, 19, 20, 25, 28	S9
2	11,357,893	1-4, 7, 11, 14, 16, 19, 20, 25, 26, 28	S12
3	11,357,893	1-4, 7, 11, 14, 16, 19, 20, 25, 26, 28	S9 Pro
4	11,357,893	1-4, 7, 11, 14, 16, 19, 20, 25, 26, 28	S12 Pro
5	11,357,893	1-4, 7-11, 14, 16-20, 25, 26, 28	M1
6	11,357,893	1-4, 7-11, 14, 16, 18-20, 25, 26, 28	M5
7	11,357,893	1-4, 6-11, 14, 16-20, 25, 26, 28	Mobile Style
8	11,413,380	29, 30, 32, 34, 35, 37-39, 41-46	S9
9	11,413,380	29, 30, 32, 34, 35, 37-39, 41-46	S12
10	11,413,380	29, 30, 32, 34, 35, 37-39, 41-46	S9 Pro
11	11,413,380	29, 30, 32, 34, 35, 37-39, 41-46	S12 Pro
12	11,413,380	29-32, 35-37, 39-41, 43-46	M1
13	11,413,380	29-32, 34-39, 41-46	M5
14	11,413,380	29-32, 35-37, 39, 41, 43-46	Mobile Style
15	11,813,381	1, 2, 6, 11-13, 16, 17, 21, 23, 26, 27, 29	S9
16	11,813,381	1, 2, 6, 11-13, 16, 17, 21, 23, 24, 26, 27, 29	S12
17	11,813,381	1, 2, 6, 11-13, 16, 17, 21, 23, 24, 26, 27, 29	S9 Pro
18	11,813,381	1, 2, 6, 11-13, 16, 17, 21, 23, 24, 26, 27, 29	S12 Pro
19	11,806,454	17-19, 21-33	V1
20	11,806,454	17-19, 21-33	V2

Elvie's Initial Infringement Contentions are meant to be illustrative at this time. In no way are these contentions intended to be a complete recitation or explanation of the evidence that supports Elvie's contentions or to limit Elvie's ability to rely on other documents or information

1 or other portions of cited documents. Moreover, Elvie may supplement its Initial Infringement
2 Contentions as additional discovery becomes available on each of the Accused Products.

3 **III. PRIORITY DATES**

4 Pursuant to Local Patent Rule 120(f), Elvie states that each claim for the '893 patent, '380
5 patent, and '381 patent is entitled to a priority date of no later than June 15, 2017. Each claim for
6 the '454 patent is entitled to a priority date of no later than March 26, 2020.

1 DATED: June 10, 2024



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27 ELVIE'S INITIAL INFRINGEMENT
CONTENTIONS AND CLAIM CHARTS
(CASE NO. 2:23-CV-631)

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