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Attorneys for Plaintiff Happy Products, Inc.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

HAPPY PRODUCTS, INC.,

Plaintiff,

v.

ONTEL PRODUCTS CORPORATION;
BOSCOV'S DEPARTMENT STORE, LLC;
BJ'S WHOLESALE CLUB, INC.; AND
UNBEATABLESALE.COM, INC.,

Defendants.

Civil Action No. 2:24-cv-09819-EP-JRA

**PLAINTIFF HAPPY PRODUCTS, INC.'S
L. PAT. R. 3.1 AND ASSOCIATED L. PAT. R. 3.2 DISCLOSURES**

Pursuant to Local Patent Rule 3.1, Plaintiff Happy Products, Inc. (“Happy Products” or “HPI”) hereby provides its Disclosure of Asserted Claims and Preliminary Infringement Contentions Concerning Defendants Ontel Products Corporation; Boscov’s Department Store, LLC; BJ’s Wholesale Club, Inc.; and Unbeatable.com, Inc. (collectively “Defendants”). Happy Products reserves the right to further amend or modify its disclosures herein—including to supplement and/or amend its infringement contentions pursuant to L. Pat. R. 3.7—based on additional information obtained through discovery or other means concerning the Defendants’ products or services.

I. HPI’s L. Pat. R. 3.1(a)/3.1(d) Disclosures: Infringed Claims

Subject to ongoing discovery and its investigation, Happy Products contends that:

- Each Defendant directly infringes claims 1–2, 8–10, 12–13, 15–17, 19–21, and 27–29 (the “Asserted Claims”) of U.S. Patent No. RE 48,479 (the “’479 patent”) under 35 U.S.C. § 271(a) by at least selling and offering for sale in the United States one or more of the Accused Products set forth in Part II below. HPI is without sufficient information at this time to assess whether one or more of the Accused Products infringes claim 18.
- Defendant Ontel additionally induces infringement of the Asserted Claims under 35 U.S.C. § 271(b) by having actively induced its retailer and wholesaler customers (including but not limited to the other Defendants in this matter) to sell and offer for sale in the United States one or more of the Accused Products.

- Each such retailer or wholesaler customer of Ontel's is the direct infringer, and the direct infringement occurs by that customer's subsequent (re)sales and/or offers for sale of one or more Accused Products.
- Ontel's acts that induce the direct infringement of its above-mentioned customers include, but are not limited to, actively encouraging those customers to sell and offer for sale one or more of the Accused Products and selling to those customers for the express purpose of their (re)sale of one or more of the Accused Products. Specifics regarding Ontel's acts of inducement, which are non-public information within the possession, custody, and control of Ontel and/or such customers, are not presently available to HPI.¹

Happy Products reserves the right to supplement and/or amend its position as to infringement pursuant to L. Pat. R. 3.7 following the receipt of relevant discovery and/or claim construction.

II. HPI's L. Pat. R. 3.1(b) Disclosures: Accused Instrumentalities

Subject to ongoing discovery and investigation, and based on available information obtained to date, Happy Products contends that every version of Ontel's Pillow Pad product with three rounded ledges infringes each of the Asserted Claims.

At present, HPI is not aware of any differences between the various versions or generations of Ontel's Pillow Pad products having three rounded ledges that are relevant to the issue of

¹ HPI believes that more detail on Ontel's acts that induce the direct infringement by Ontel's retailer and wholesaler customers will be provided by Ontel in responding to HPI's discovery requests, and in a timely fashion after receiving such information, expects to seek Amendment of its Infringement Contentions pursuant to L. Pat. R. 3.7.

infringement.

Happy Products reserves the right to supplement and/or amend its position as to which Accused Instrumentalities infringe which of the Asserted Claims pursuant to L. Pat. R. 3.7 once Defendant Ontel has produced physical samples, design specifications, and/or schematics for each such version or generation of Ontel's Pillow Pad product having three rounded ledges sufficient to permit HPI to evaluate the dimensions of each such product as designed and as manufactured.

III. L. Pat. R. 3.1(c) & 3.1(e): Preliminary Infringement Charts

Subject to ongoing discovery and investigation, and based on publicly available information obtained to date, Happy Products hereby contends that each element of each Asserted Claim is met through the use of each Accused Product either literally and/or under the doctrine of equivalents as shown in the preliminary infringement claim chart attached hereto as **Exhibit A** for the Ontel Pillow Pad based on publicly available information. Happy Products reserves the right to amend its asserted claims and infringement contentions pursuant to L. Pat. R. 3.7 as discovery progresses and additional information is gathered and/or in response to a *Markman* Order by the Court.

IV. L. Pat. R. 3.1(f): Priority Dates of Asserted Claims

HPI contends that at least the following Asserted Claims of the '479 patent are entitled to the priority date of Provisional Application No. 61/846,540 filed on Oct. 28, 2013: 1–2, 8–10, 12–13, 15–17, 19–21, and 27–29.

HPI contends that claim 18 of the '479 patent is entitled to the priority date of the June 24, 2016 filing of U.S. Pat. No. 9,642,454.

V. L. Pat. R. 3.1(g): Right to Rely on HPI's Flippy

At present, HPI identifies that Version 2 of its Flippy product, in the small, medium, and large sizes practices at least claims 1–2, 8–10, 12–13, 15–21, and 27–29 of the '479 patent.

VI. L. Pat. R. 3.1(h): Bases for Willful Infringement Allegations

The bases for HPI's allegations of willful infringement on the part of Ontel are set forth in detail in the Amended Complaint (Dkt. 34), including at paragraphs 121–33, 154–66, 179–80, 215–16, 221, 237–41, 249–54, 276–302, 305–07, & 317–21, which are incorporated herein by reference.

HPI's bases for alleging willful infringement against Boscov's are set forth in paragraphs 234–35 and 329 of the Amended Complaint, which are incorporated herein by reference.

HPI's bases for alleging willful infringement against BJ's are set forth in paragraphs 236 and 330 of the Amended Complaint, which are incorporated herein by reference. HPI also sent a notice letter to BJ's regarding the infringing Pillow Pad product on June 16, 2023, as referenced in Paragraph 330 of the Amended Complaint.

VII. L. Pat. R. 3.2 Compliance

Pursuant to L. Pat. R. 3.2, Happy Products is concurrently making available for inspection and/or producing the required documents as set forth below. HPI will also produce copies of the non-public documents that are currently available for inspection once the parties have agreed to an ESI protocol and a Discovery Confidentiality Order in this case:

L. Pat. R. 3.2(a): No such documents exist.

L. Pat. R. 3.2(b), 3.2(e) and (to the extent that they currently exist within HPI's possession custody, or control) **3.2(f):** Documents are currently available for inspection and copying at HPI's

address, 222 SW Texas St., Portland OR 97219. Should Defendants' counsel wish to inspect and copy these documents rather than wait for electronic production, they should coordinate logistics for such inspection and copying with HPI's counsel.

L. Pat. R. 3.2(c): The file histories relating to the '479 patent are located at the following Bates range in HPI's document production: HPI-ONTEL-000001 through HPI-ONTEL-000500.

L. Pat. R. 3.2(d): Documents evincing the ownership of the '479 patent will be produced in short order, as the USPTO assignment database has been down for several days, rendering such documents unavailable, with no time provided for the database becoming accessible again. HPI intends to supplement its document production once that database becomes accessible, and will promptly produce such documents and inform Defendants' counsel of the corresponding Bates ranges.

Dated: May 16, 2025

/s/ Jordan B. Kaplan

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Attorney for Plaintiff Happy Products, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2025 I caused the foregoing to be served electronically on all parties via email.

/s/ Jordan B. Kaplan

Jordan B. Kaplan

EXHIBIT A

L. PAT. R. 3.1(C)/3.1(e) – ONTEL PILLOW PAD – U.S. PAT. NO. RE 48,479

U.S. Patent No. RE 48,479

Happy Product, Inc. (“HPI”) provides evidence of infringement of claims 1–2, 8–10, 12–13, 15–17, 19–21, and 27–29 of U.S. Patent No. RE 48,479 (hereinafter “the ’479 patent”) by Ontel’s Pillow Pad (“Ontel”). In support thereof, HPI provides the following preliminary claim charts.

“Accused Products” as used herein is defined in HPI’s Amended Complaint, and includes, but is not limited to, all versions of Ontel’s Pillow Pad product containing three rounded ledges (“Ontel Accused Products”), and further includes any other multi-angle soft tablet stands having three rounded ledges sold or offered by sale by each Defendant (“Non-Ontel Accused Products”) that were not provided or manufactured by Ontel. It is further understood, on information and belief, that Ontel is responsible, in material part, for the functionality and design of the Ontel Accused Products and any other Accused Products that it provides.

These claim charts demonstrate each Defendant’s infringement, and provide notice of such infringement, by comparing each element of the asserted claims to corresponding components, aspects, and/or features of the Accused Products based on the information available to HPI at the present time. These claim charts are not intended to constitute an expert report on infringement. These claim charts include information provided by way of example, and not by way of limitation.

The analysis set forth below is based only upon information from available resources regarding the Accused Products, as neither Ontel nor any Defendant has yet provided any further non-public information pursuant to discovery in this case, which is expected to include design specifications for and physical copies of each variant or version of the Accused Products. An analysis of each Defendant’s (or other third parties’) documentation may assist in fully identifying all infringing features and functionality. Accordingly, HPI reserves the right to supplement and/or amend this infringement analysis once such information is made available to HPI. Furthermore, HPI reserves the right to revise this infringement analysis, as appropriate, upon issuance of a court order construing any terms recited in the asserted claims. HPI provides this evidence of infringement and related analysis without the benefit of fact discovery, claim construction, and expert reports or discovery. HPI reserves the right to supplement, amend or otherwise modify this analysis and/or evidence based on any such fact discovery, claim construction, or expert reports or discovery.

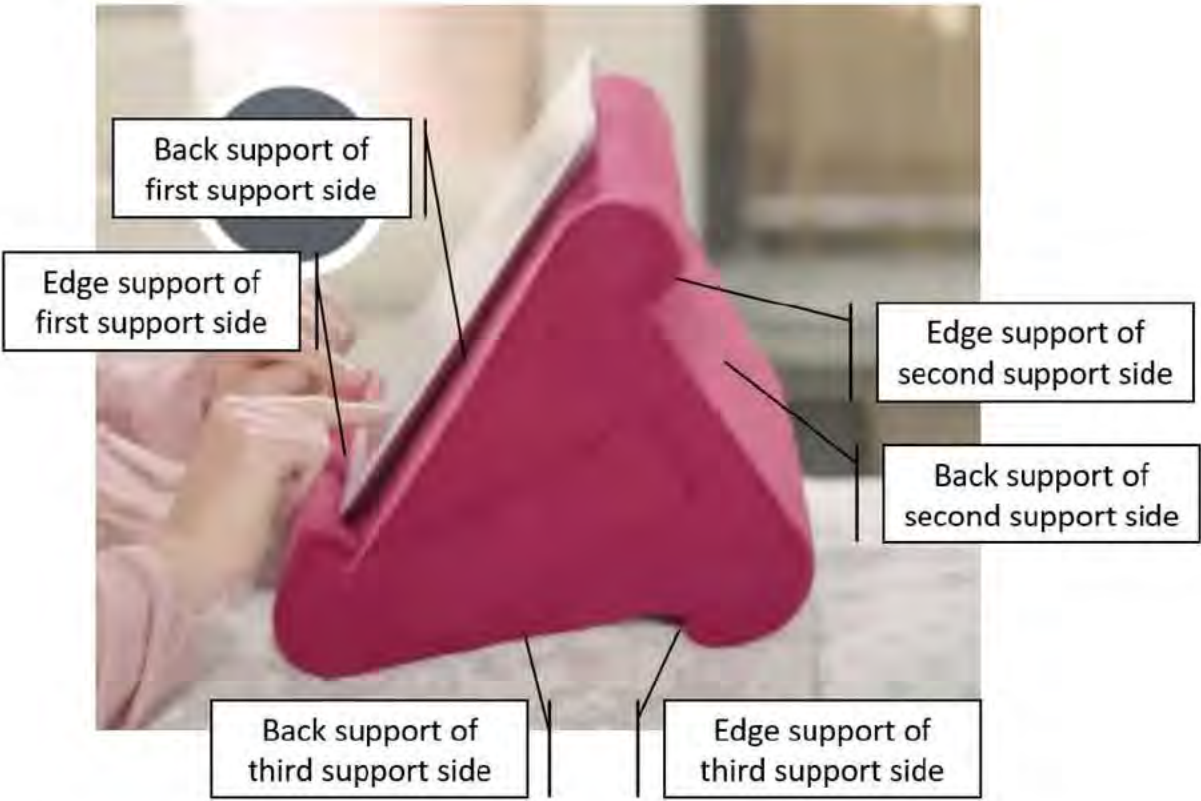
For example, and without limitation, HPI cannot determine whether each Accused Product satisfies the requirements of claim 18 until it has received samples, specifications, and schematics of each Accused Product so that HPI can assess whether each Accused Product as designed and/or as manufactured satisfies each element of such claims of the ’479 patent. HPI expects to receive discovery containing such information on or before June 23, 2025, and will supplement and/or amend its infringement contentions within a reasonable period of time after Ontel has provided the requested information regarding the samples and design parameters of each Accused Product, and will do the same for information from the other Defendants regarding any Non-Ontel Accused Products for all of the claims of the ’479 patent.

L. PAT. R. 3.1(C)/3.1(e) – ONTEL PILLOW PAD – U.S. PAT. NO. RE 48,479

Unless otherwise noted, HPI believes and contends that each element of each claim asserted herein is literally met through each Defendant's provision of the Accused Products. However, to the extent that any Defendant attempts to allege that any asserted claim element for which literal infringement is alleged herein is not literally met, HPI believes and contends that such elements are met under the doctrine of equivalents. More specifically, in its investigation and analysis of the Accused Products, HPI did not identify any substantial differences between the elements of the patent claims and any of the corresponding features of the Accused Products, as set forth herein. In each instance, the identified feature of the Accused Products performs at least substantially the same function in substantially the same way to achieve substantially the same result as the corresponding claim element.

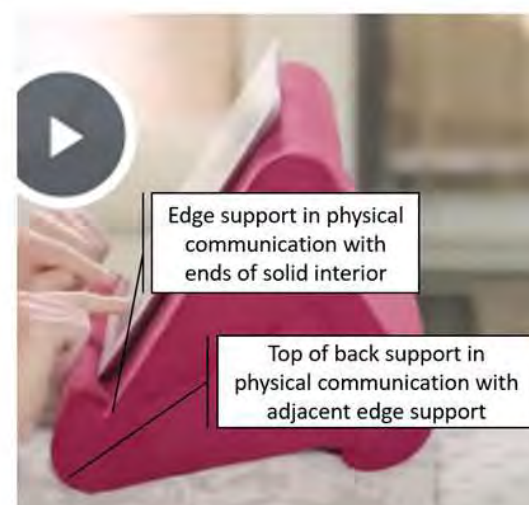
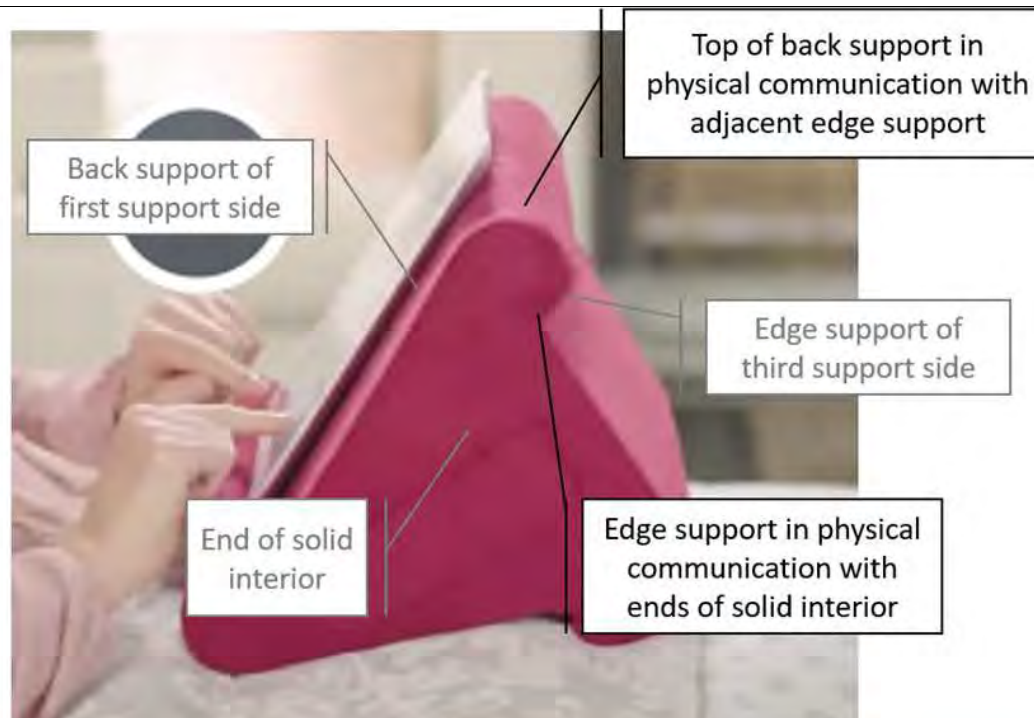
To the extent the chart of an asserted claim relies on evidence about certain specifically identified Accused Products, HPI asserts that, on information and belief, any similarly functioning instrumentalities also infringes the charted claim. HPI reserves the right to amend this infringement analysis based on other products made, used, sold, imported, or offered for sale by each Defendant. HPI also reserves the right to amend this infringement analysis by citing other claims of the '479 patent, not listed in the claim chart, that are infringed by the Accused Products. HPI further reserves the right to amend this infringement analysis by adding, subtracting, or otherwise modifying content in the "Accused Products" column of each chart.

<u>Claim 1</u>	<u>Accused Products</u>
[1.pre] 1. An apparatus comprising:	Each Accused Product is an apparatus:  The advertisement for the 'Pillow Pad' features a central image of a tablet in a black, padded cover. The text 'Pillow Pad' is prominently displayed at the top in a large, white, outlined font. To the right, a circular inset shows a close-up of a 'Built-In Side Pocket For Accessories'. On the left, a red circular arrow indicates '3 Viewing Angles!'. At the bottom, the text 'Machine Washable Cover' is visible. The background is a dark blue with a subtle pattern.

<u>Claim 1</u>	<u>Accused Products</u>
[1.a] three support sides, each support side comprising a back support and an edge support,	As shown below, each Accused Product has three support sides. Each support side comprises a back support and an edge support. 
[1.b] wherein a top of each back support is in physical communication with an adjacent edge support clockwise about a central axis and each	Each Accused Product has a top of each back support in physical communication with an adjacent edge support clockwise about a central axis. Each back support and each edge support is in physical communication with two ends of a solid interior.

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back support and each edge support is in physical communication with two ends of a solid interior,



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<u>Claim 1</u>	<u>Accused Products</u>
	As recited further on in claim 1, “the solid interior <i>is</i> a pillow covered in fabric,” which does not require the pillow (which is inside the fabric cover) itself to be solid, or lack any hollows, cutouts, cavities, or other lacunae. As shown above, the end of the interior is solid at the very least, on the exterior of the Accused Product. To the extent that Ontel or any Defendant would argue that this element may not be met in one or more Accused Products due to hollows, cutouts, cavities, or other lacunae of any size disposed within the interior of the product, this element is still satisfied under the doctrine of equivalents. In particular, there are no substantial differences between this claim element and the corresponding features of any Accused Product, as set forth herein, as demonstrated by the solid appearance on the exterior of the Accused Product. The identified features of the Accused Products perform at least substantially the same function in substantially the same way to achieve substantially the same result as the corresponding claim element. In particular, an interior that may have a hollow, cutout, cavity, or lacuna performs substantially the same function (providing structural integrity sufficient to support a tablet) in substantially the same way (by substantially maintaining and viewing angle shape under compression of the weight of the tablet or other object being viewed) to achieve substantially the same result (providing multiple viewing angles for a tablet or other viewing object).
[1.c] each edge support comprises an edge support width of 2 centimeters (cm) with an edge angle of 90 degrees to an adjacent back support,	Each edge support in the Accused Products comprises an edge support width of 2 centimeters with an edge angle of 90 degrees to an adjacent back support.

<u>Claim 1</u>	<u>Accused Products</u>
	 To the extent that Ontel or any Defendant would argue that this element may not be met in one or more Accused Products due to differences in the angle of attachment and/or the width of the edge support, this element is still satisfied under the doctrine of equivalents. In particular, there are no substantial differences between this claim element and the corresponding features of any Accused Product, as set forth herein, as demonstrated by the solid appearance on the exterior of the Accused Product. The identified feature of the Accused Products performs at least

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<u>Claim 1</u>	<u>Accused Products</u>
	substantially the same function in substantially the same way to achieve substantially the same result as the corresponding claim element. In particular, angles that approximate 90 degrees and edge widths that are approximately 2cm each perform substantially the same function (providing a particular viewing angle and sufficient space to hold the object being viewed) in substantially the same way (by maintaining an appropriate viewing angle when an object is being displayed and having sufficient space on the edge to hold and display the object) to achieve substantially the same result (successfully disposing an object for display at a particular angle)—especially when considering an object made from deformable foam, which has large manufacturing tolerances for angles and dimensions.
[1.d] a face of each edge support width oriented clockwise about the central axis,	Each Accused Product has a face of each edge support width oriented clockwise about the central axis, as shown below:

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<u>Claim 1</u>	<u>Accused Products</u>
	
[1.e.i] a plane of a first back support is at a first plane angle of 60 degrees to a second virtual plane between the top of a second back support counterclockwise to the first back support and an outer edge of a second edge support counterclockwise to	This element is met for each Accused Product at least under the doctrine of equivalents. In particular, there are no substantial differences between this claim element and the corresponding features of any Accused Product, as set forth herein.

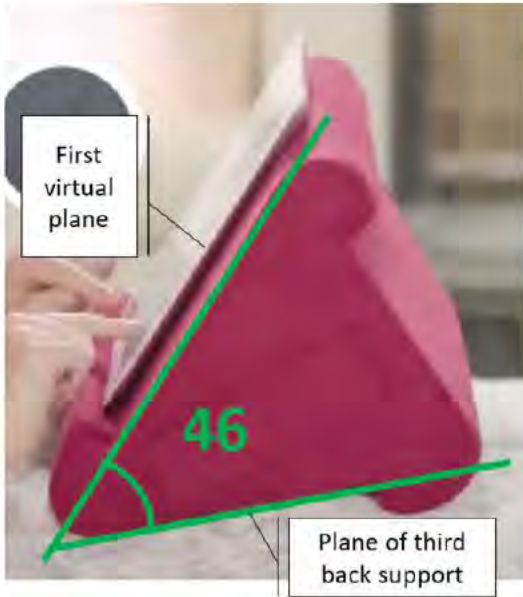
L. PAT. R. 3.1(C)/3.1(e) – ONTEL PILLOW PAD – U.S. PAT. NO. RE 48,479

<u>Claim 1</u>	<u>Accused Products</u>
the first back support,	The identified feature of the Accused Products performs at least substantially the same function in substantially the same way to achieve substantially the same result as the corresponding claim element. In particular, an angle that approximates 60 degrees performs substantially the same function (providing a particular viewing angle) in substantially the same way (by maintaining a particular viewing angle a when an object is being displayed based on a first plane angle of approximately 60 degrees to a second virtual plane) to achieve substantially the same result (successfully disposing an object for display at a particular angle based on the first plane angle of approximately 60 degrees)—especially when considering an object made from deformable foam, which has large manufacturing tolerances for angles. <i>See Adams Respiratory Therapeutics, Inc. v. Perrigo Co.</i>, 616 F.3d 1283 (Fed. Cir. 2010)
[1.e.ii] a plane of the second back support is at a second plane angle of 80 degrees to a third	This element is met for each Accused Product at least under the doctrine of equivalents. In particular, there are no substantial differences between this claim element and the corresponding features of any Accused Product, as set forth herein.

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<u>Claim 1</u>	<u>Accused Products</u>
virtual plane between the top of a third back support counterclockwise to the second back support and an outer edge of a third edge support counterclockwise to the second back support,	The identified feature of the Accused Products performs at least substantially the same function in substantially the same way to achieve substantially the same result as the corresponding claim element. In particular, an angle that approximates 80 degrees performs substantially the same function (providing a particular viewing angle) in substantially the same way (by maintaining a particular viewing angle a when an object is being displayed based on a first plane angle of approximately 80 degrees to a second virtual plane) to achieve substantially the same result (successfully disposing an object for display at a particular angle based on the first plane angle of approximately 80 degrees)—especially when considering an object made from deformable foam, which has large manufacturing tolerances for angles. <i>See Adams Respiratory Therapeutics, Inc. v. Perrigo Co.</i>, 616 F.3d 1283 (Fed. Cir. 2010)
[1.e.iii] a plane of a third back support is at a third plane angle of 40 degrees to a first virtual plane	This element is met for each Accused Product at least under the doctrine of equivalents. In particular, there are no substantial differences between this claim element and the corresponding features of any Accused Product, as set forth herein.

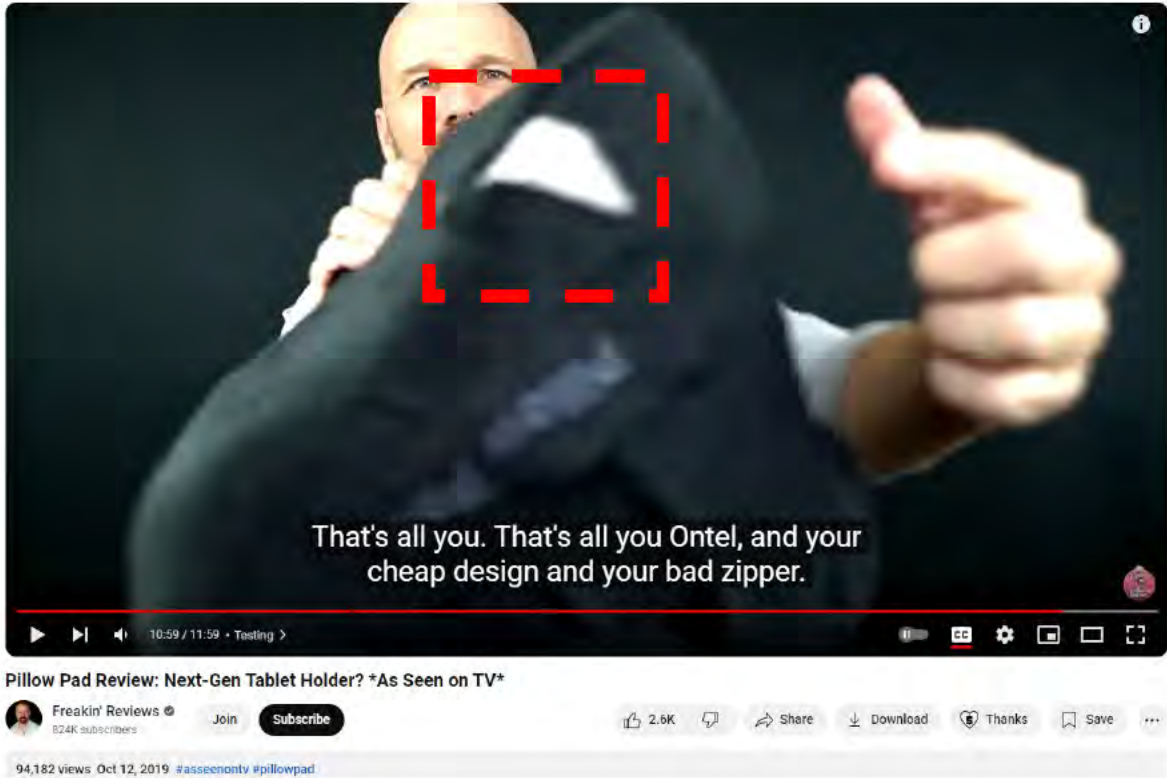
L. PAT. R. 3.1(C)/3.1(e) – ONTEL PILLOW PAD – U.S. PAT. NO. RE 48,479

<u>Claim 1</u>	<u>Accused Products</u>
between the top of the first back support counterclockwise to the third back support and an outer edge of the first edge support counterclockwise to the third back support, and	 First virtual plane 46 Plane of third back support  Holds all Devices! First virtual plane 44 it securely holds all your devices, large or small. Pillow Pad Plane of third back support The identified feature of the Accused Products performs at least substantially the same function in substantially the same way to achieve substantially the same result as the corresponding claim element. In particular, an angle that approximates 40 degrees performs substantially the same function (providing a particular viewing angle) in substantially the same way (by maintaining a particular viewing angle a when an object is being displayed based on a first plane angle of approximately 40 degrees to a second virtual plane) to achieve substantially the same result (successfully disposing an object for display at a particular angle based on the first plane angle of approximately 40 degrees)—especially when considering an object made from deformable foam, which has large manufacturing tolerances for angles. <i>See Adams Respiratory Therapeutics, Inc. v. Perrigo Co.</i>, 616 F.3d 1283 (Fed. Cir. 2010).
[1.f] wherein each back	In each Accused Product, each back support, each edge support, and edge end is a surface of the solid interior.

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<u>Claim 1</u>	<u>Accused Products</u>
support, each edge support, and each end is a surface of the solid interior,	Breakthrough Cushioned Foam <i>Pillow Pad is made from a breakthrough cushioned foam</i> Pillow Pad 0:35 -0:56 Non-Slip Fabric! <i>And because of Pillow Pad's nonslip fabric</i> Pillow Pad -0:39

L. PAT. R. 3.1(C)/3.1(e) – ONTEL PILLOW PAD – U.S. PAT. NO. RE 48,479

<u>Claim 1</u>	<u>Accused Products</u>
[1.g] the solid interior is a pillow covered in fabric,	In each Accused Product, the solid interior is a pillow covered in fabric.  That's all you. That's all you Ontel, and your cheap design and your bad zipper. Pillow Pad Review: Next-Gen Tablet Holder? *As Seen on TV* Freakin' Reviews 824K subscribers 94,182 views Oct 12, 2019 #asseenontv #pillowpad

Claim 1	Accused Products
	
[1.h.i] a first viewing angle of the first back support is 36 degrees,	At least certain of the Accused Products appear to satisfy this element literally because those Accused Products have a first viewing angle of the first back support at 36 degrees, as shown at left below.

<u>Claim 1</u>	<u>Accused Products</u>
	In the alternative, this element is met for each Accused Product at least under the doctrine of equivalents. In particular, there are no substantial differences between this claim element and the corresponding features of any Accused Product, as set forth herein. The identified feature of the Accused Products performs at least substantially the same function in substantially the same way to achieve substantially the same result as the corresponding claim element. In particular, an angle that approximates 36 degrees performs substantially the same function (providing a particular viewing angle) in substantially the same way (by maintaining a particular viewing angle a when an object is being displayed based on a first plane angle of approximately 36 degrees to a second virtual plane) to achieve substantially the same result (successfully disposing an object for display at a particular angle based on the first plane angle of approximately 36 degrees)—especially when

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<u>Claim 1</u>	<u>Accused Products</u>
[1.h.ii] a second viewing angle of the second back support is 74 degrees, and	considering an object made from deformable foam, which has large manufacturing tolerances for angles. <i>See Adams Respiratory Therapeutics, Inc. v. Perrigo Co.</i>, 616 F.3d 1283 (Fed. Cir. 2010). This element is met for each Accused Product at least under the doctrine of equivalents. In particular, there are no substantial differences between this claim element and the corresponding features of any Accused Product, as set forth herein.   The identified feature of the Accused Products performs at least substantially the same function in substantially the same way to achieve substantially the same result as the corresponding claim element. In particular, an angle that approximates 74 degrees performs substantially the same function (providing a particular viewing angle) in substantially the same way (by maintaining a particular viewing angle a when an object is being displayed based on a first plane angle of approximately 74 degrees to a second virtual plane) to achieve substantially the same result (successfully disposing an object for display at a particular angle based on the first plane angle of approximately 74 degrees) —especially when

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<u>Claim 1</u>	<u>Accused Products</u>
	considering an object made from deformable foam, which has large manufacturing tolerances for angles. <i>See Adams Respiratory Therapeutics, Inc. v. Perrigo Co.</i>, 616 F.3d 1283 (Fed. Cir. 2010). In addition, there are no substantial differences between this claim element as recited and in the accused product, as is shown by the enumeration of the second and third viewing angles being transposed if the Accused Product were viewed from the other side. That the determination of which viewing angle is the second and which is the third depends on which side the tablet stand is viewed from confirms that these differences are no more than insubstantial at best. Moreover, a second viewing angle that approximates 49 degrees and a third viewing angle that approximates 74 degrees, as in the Accused Products, performs substantially the same function (providing three different viewing angles) in substantially the same way (by allowing the product to be flipped into an orientation from one of those three angles to either of the two others) to achieve substantially the same result (having three different viewing angles for a multi-angle tablet stand that approximate 36, 49, and 74 degrees) as having a second viewing angle that approximates 74 degrees and a third viewing angle that approximates 49 degrees.
[1.h.iii] a third viewing angle of the third back support is 49 degrees.	This element is met for each Accused Product at least under the doctrine of equivalents. In particular, there are no substantial differences between this claim element and the corresponding features of any Accused Product, as set forth herein.

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Claim 1	Accused Products
	The identified feature of the Accused Products performs at least substantially the same function in substantially the same way to achieve substantially the same result as the corresponding claim element. In particular, an angle that approximates 49 degrees performs substantially the same function (providing a particular viewing angle) in substantially the same way (by maintaining a particular viewing angle a when an object is being displayed based on a first plane angle of approximately 49 degrees to a second virtual plane) to achieve substantially the same result (successfully disposing an object for display at a particular angle based on the first plane angle of approximately 49 degrees)—especially when considering an object made from deformable foam, which has large manufacturing tolerances for angles. <i>See Adams Respiratory Therapeutics, Inc. v. Perrigo Co.</i>, 616 F.3d 1283 (Fed. Cir. 2010). In addition, there are no substantial differences between this claim element as recited and in the accused product, as is shown by the enumeration of the second and third viewing angles being transposed if the Accused Product were viewed from the other side. That the determination of which viewing angle is

L. PAT. R. 3.1(C)/3.1(e) – ONTEL PILLOW PAD – U.S. PAT. NO. RE 48,479

<u>Claim 1</u>	<u>Accused Products</u>
	the second and which is the third depends on which side the tablet stand is viewed from confirms that these differences are no more than insubstantial at best. Moreover, a second viewing angle that approximates 49 degrees and a third viewing angle that approximates 74 degrees, as in the Accused Products, performs substantially the same function (providing three different viewing angles) in substantially the same way (by allowing the product to be flipped into an orientation from one of those three angles to either of the two others) to achieve substantially the same result (having three different viewing angles for a multi-angle tablet stand that approximate 36, 49, and 74 degrees) as having a second viewing angle that approximates 74 degrees and a third viewing angle that approximates 49 degrees.

<u>Claim 2</u>	<u>Accused Products</u>
[2.pre] The apparatus of claim 1, wherein	See claim 1, above.

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<u>Claim 2</u>	<u>Accused Products</u>
[2.a] the first back support has a longitudinal length in the range of 12 to 26 centimeters (cm), the second back support has a longitudinal length in the range of 9 to 21 cm, and the third back support has a longitudinal length in the range of 10 to 22 cm.	The additional recitation of claim element 2.a is satisfied in the Accused Products, as shown below:  The first back support has a longitudinal length of about 21.6cm, which is in the range of 12 to 26 centimeters (cm). The second back support has a longitudinal length of about 17.15cm, which is in the range of 9 to 21 centimeters (cm). The third back support has a longitudinal length of about 19.7cm, which is in the range of 10 to 22 centimeters (cm).

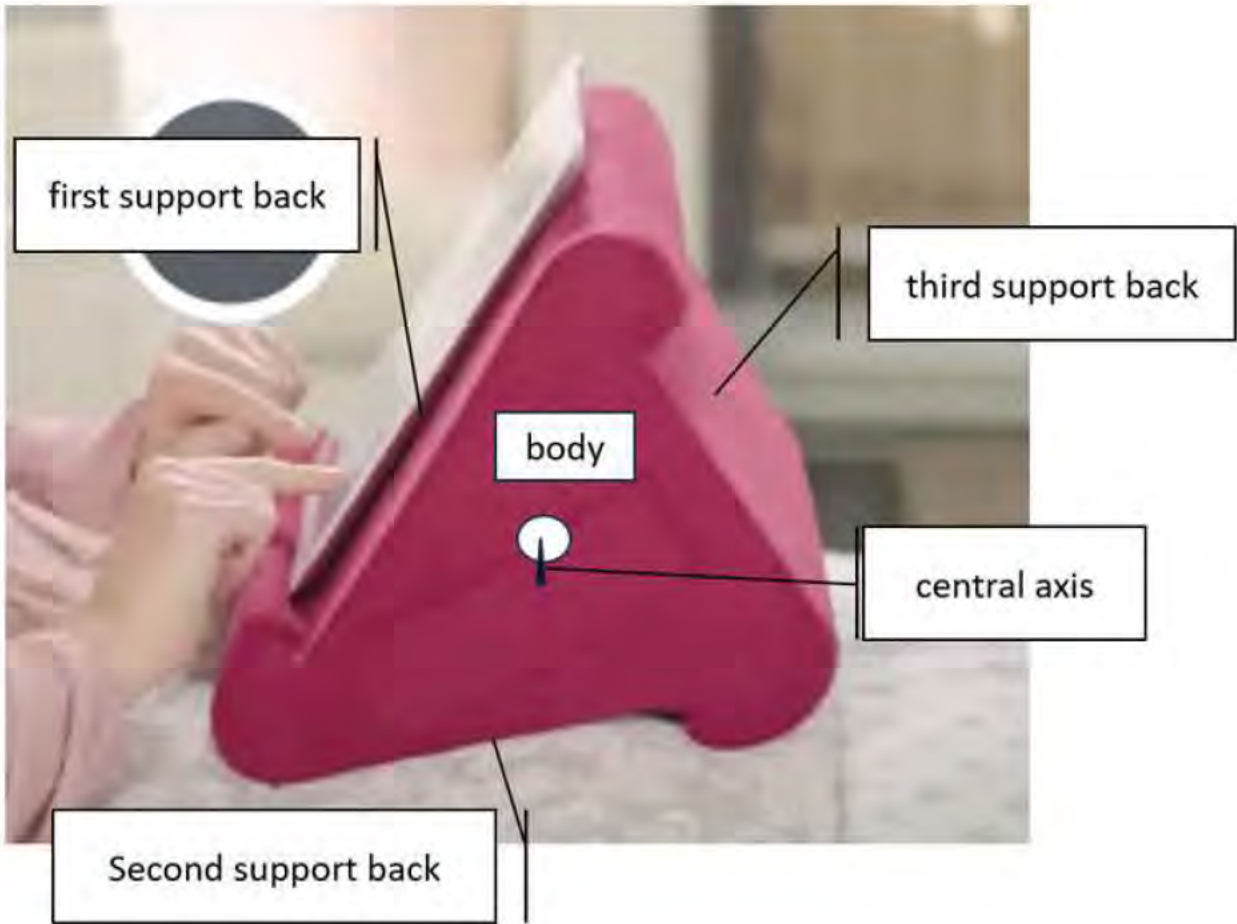
L. PAT. R. 3.1(C)/3.1(e) – ONTEL PILLOW PAD – U.S. PAT. NO. RE 48,479

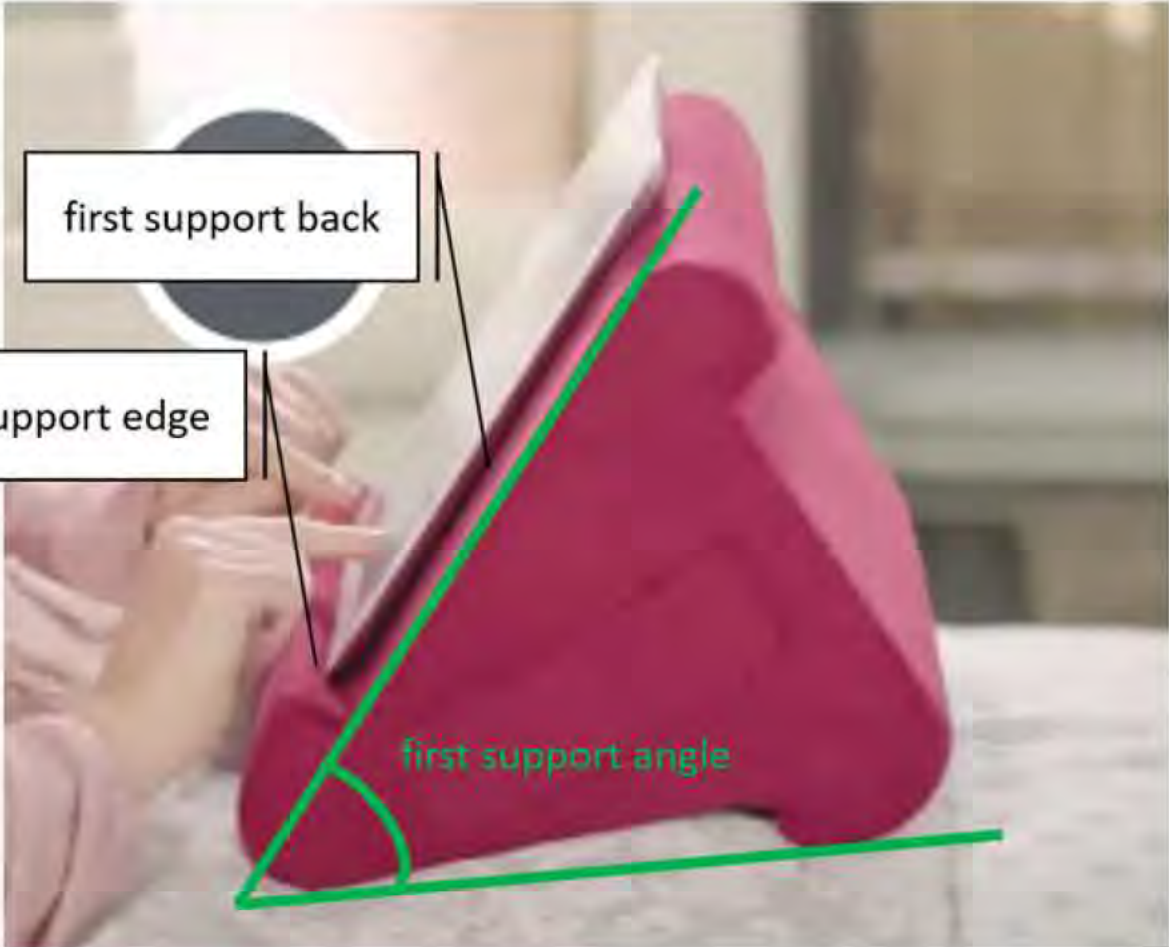
<u>Claim 8</u>	<u>Accused Products</u>
[8.pre] The apparatus of claim 1, wherein	See claim 1, above.
[8.a] each edge support has an edge support width in the range of 1 to 5 centimeters (cm).	See element 1.c, above.

<u>Claim 9</u>	<u>Accused Products</u>
[9.pre] The apparatus of claim 1, wherein	See claim 1, above.
[9.a] a plane of each edge support forms an edge angle in the range of 85 to 120 degrees with an adjacent back support.	See element 1.c, above.

<u>Claim 10</u>	<u>Accused Products</u>
[10.pre] The apparatus of claim 9, wherein	See claims 1 & 9, above.
[10.a] the edge angle is 90 degrees.	See element 1.c, above.

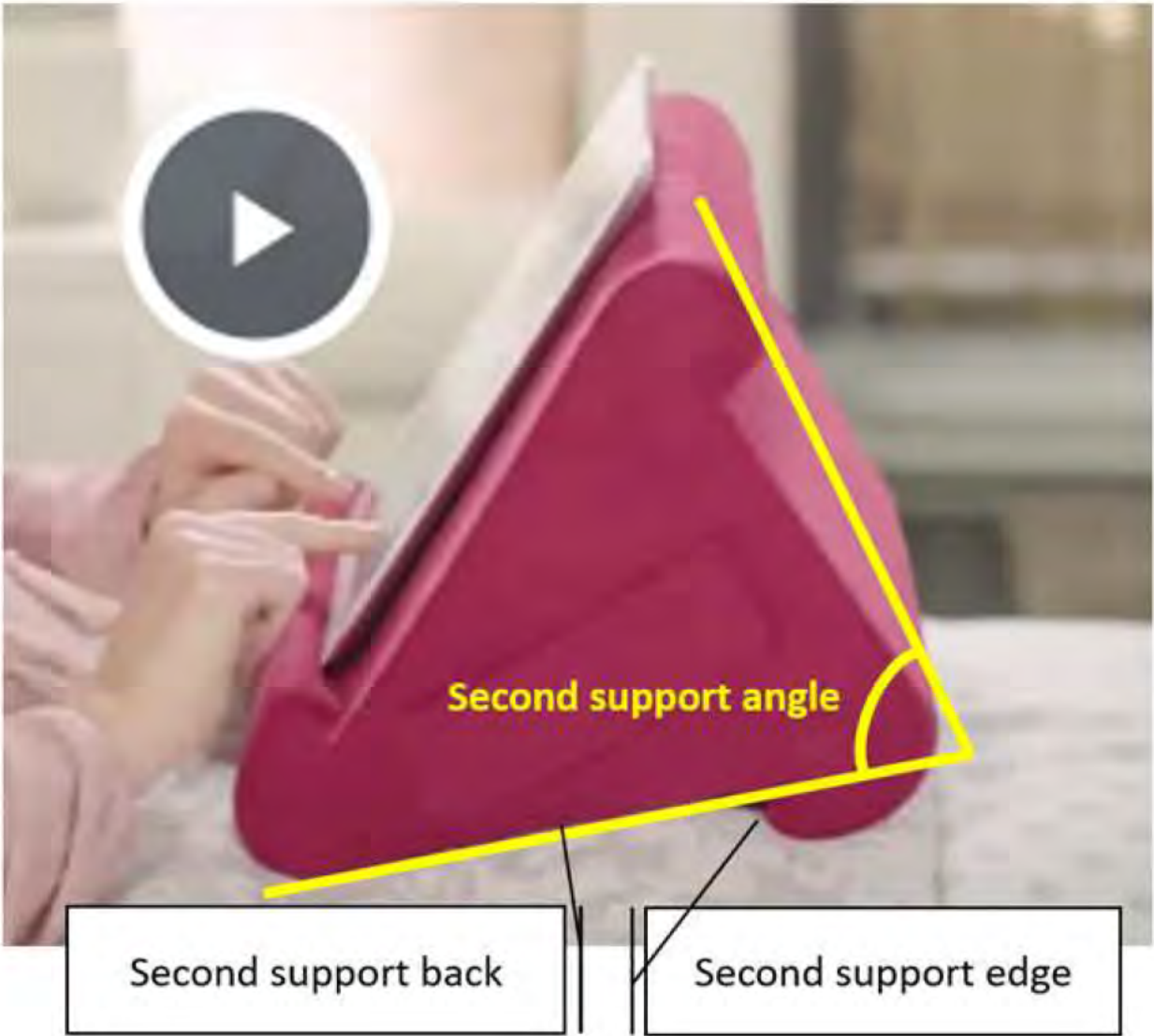
<u>Claim 12</u>	<u>Accused Products</u>
[12.pre] A media support apparatus comprising:	Each Accused Product is a media support apparatus:  The advertisement features a black Pillow Pad device holding a tablet. The title 'Pillow Pad' is at the top in large white letters with a blue outline. A circular inset shows a 'Built-In Side Pocket For Accessories' with a hand inserting a device. Red curved arrows on the left indicate '3 Viewing Angles!'. A label at the bottom right points to the 'Machine Washable Cover'.

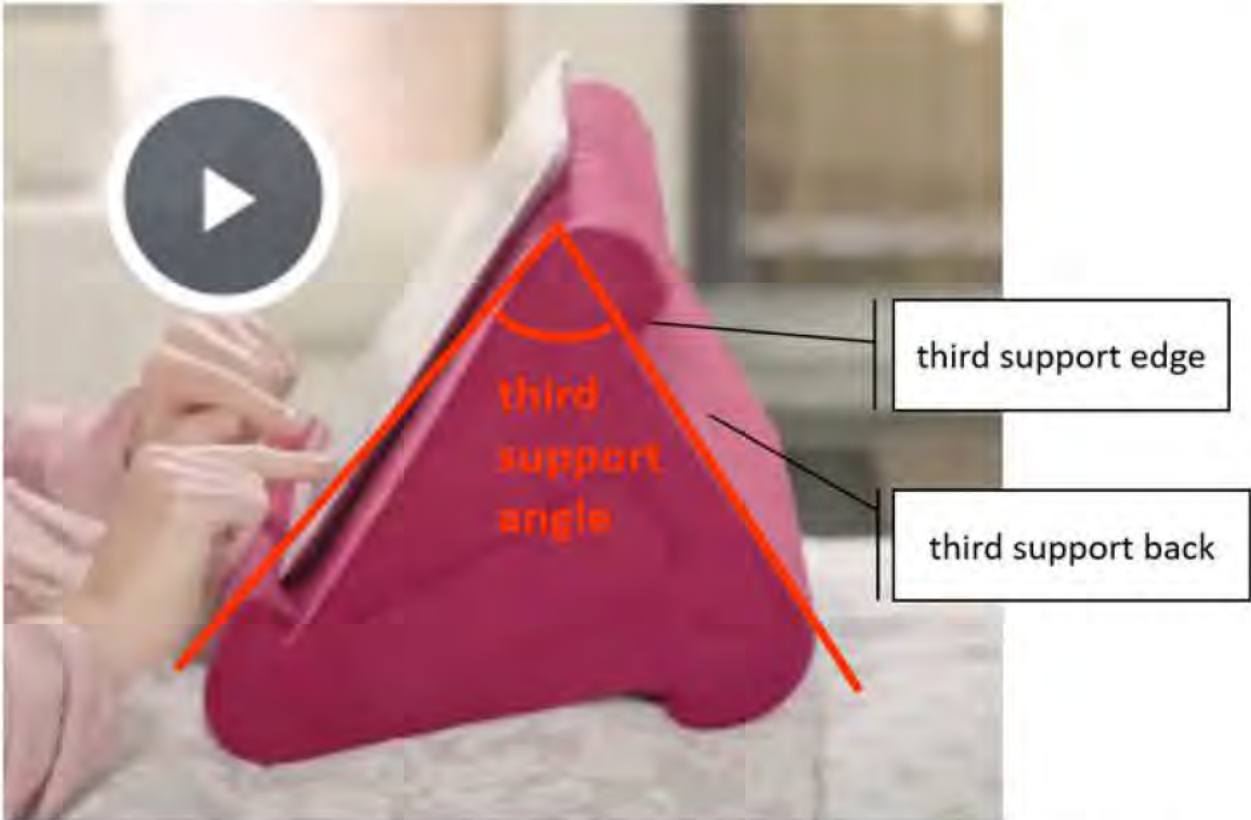
<u>Claim 12</u>	<u>Accused Products</u>
[12.a] A body having a first support back, a second support back, and a third support back disposed about a central axis	As shown below, each Accused Product includes a body having a first support back, a second support back, and a third support back disposed about a central axis. 

<u>Claim 12</u>	<u>Accused Products</u>
[12.b] a first support edge disposed between the first support back and the second support back, the first support back and first support edge are configured to support a media device at a first support angle;	Each Accused Product has a first support edge disposed between the first support back and the second support back. The first support back and first support edge are configured to support a media device at a first support angle: 

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<u>Claim 12</u>	<u>Accused Products</u>
[12.c] a second support edge disposed between the second support back and third support back, the second support back and second support edge are configured to support a media device at a second support angle;	Each Accused Product has a second support edge disposed between the second support back and third support back. The second support back and second support edge are configured to support a media device at a second support angle:

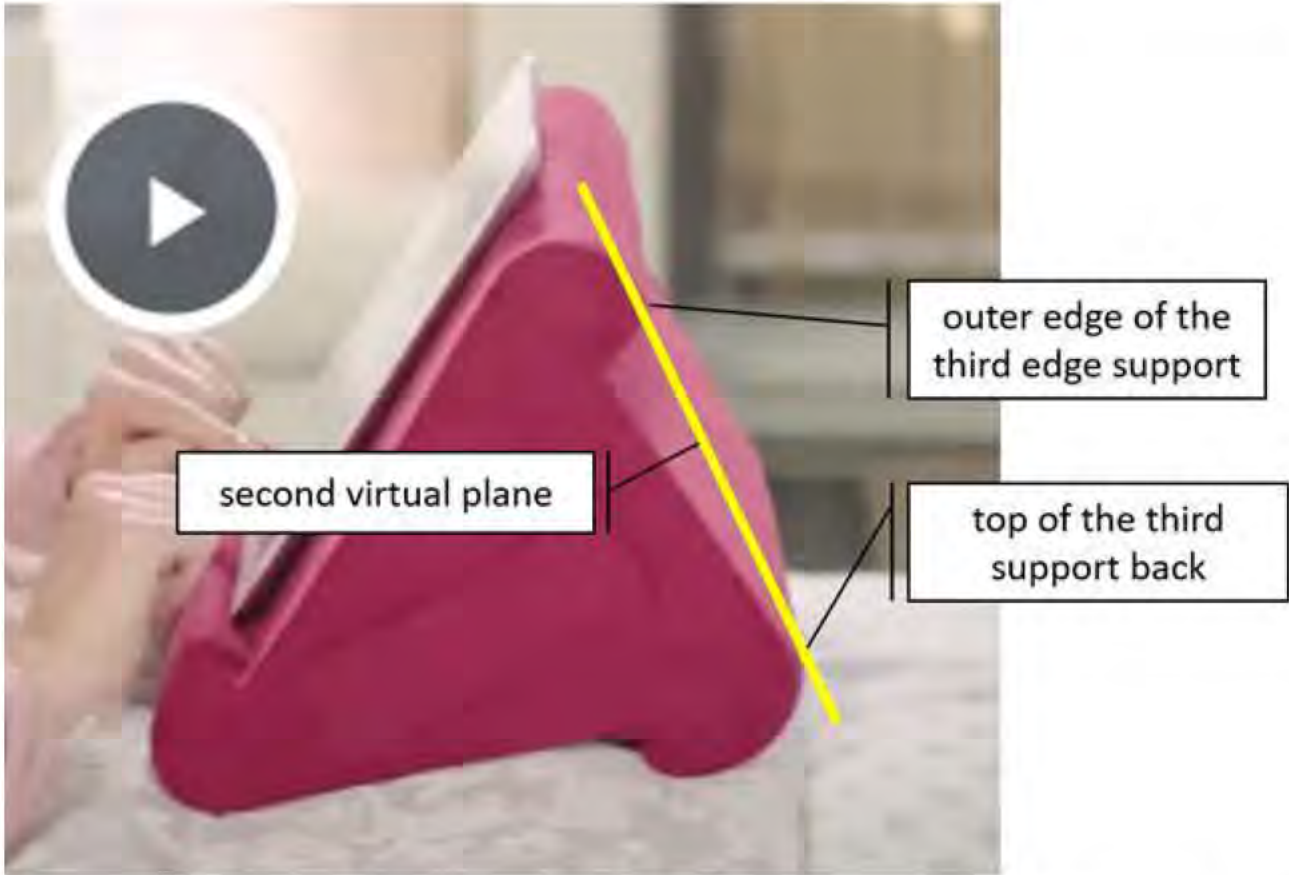
<u>Claim 12</u>	<u>Accused Products</u>
	 The image shows a red, triangular pillow pad. A hand is holding it from the left. A yellow line is drawn along the bottom edge of the triangle, with an arc indicating an angle. The text 'Second support angle' is written in yellow next to this arc. At the bottom left, a label 'Second support back' has a line pointing to the bottom-left edge. At the bottom right, a label 'Second support edge' has a line pointing to the bottom-right edge. A large play button icon is overlaid on the top left of the image.

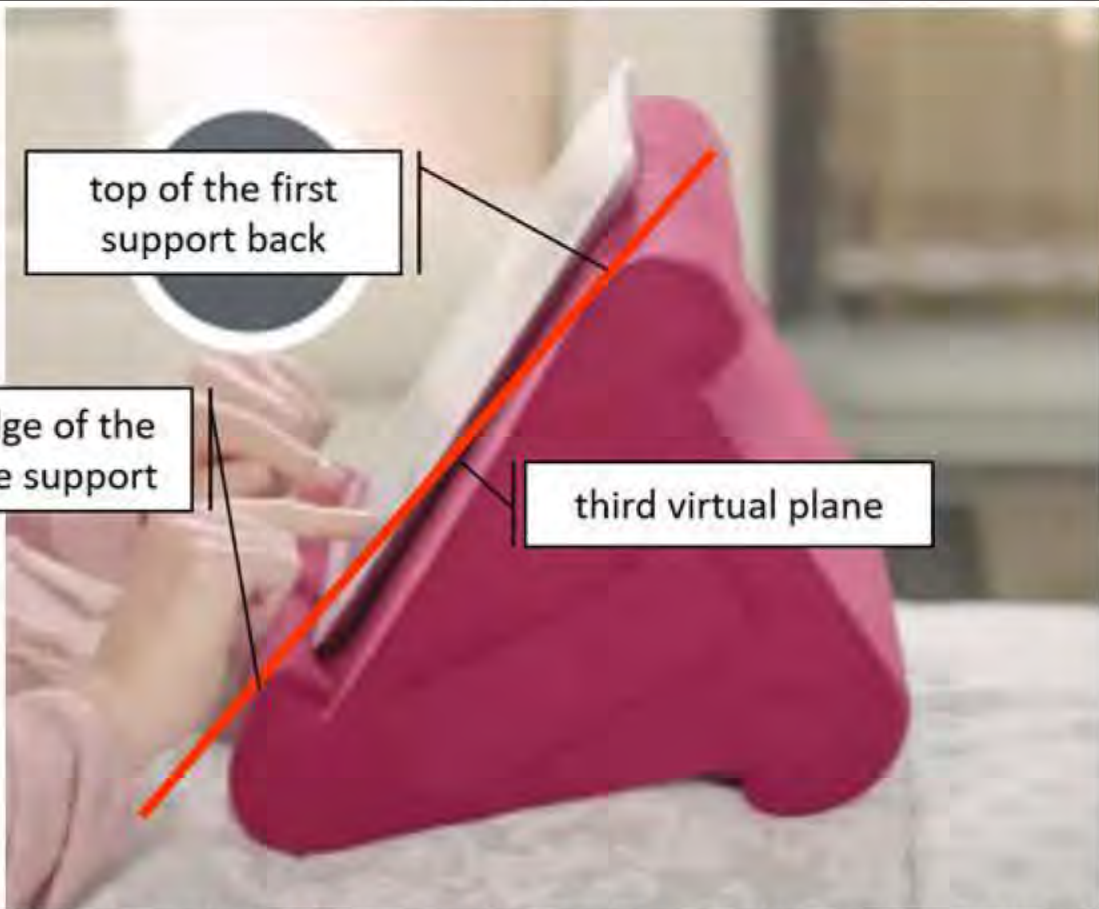
<u>Claim 12</u>	<u>Accused Products</u>
[12.d] a third support edge disposed between the third support back and first support back, the third support back and third support edge are configured to support a media device at a third support angle,	Each Accused Product has a third support edge disposed between the third support back and first support back. The third support back and third support edge are configured to support a media device at a third support angle: 
[12.e] wherein each edge support comprises an edge support width with an edge angle in the	The edge support of each Accused Product comprises an edge support width with an edge angle in the range of 85 to 120 degrees to an adjacent support back, a face of each edge support width oriented clockwise about the central axis:

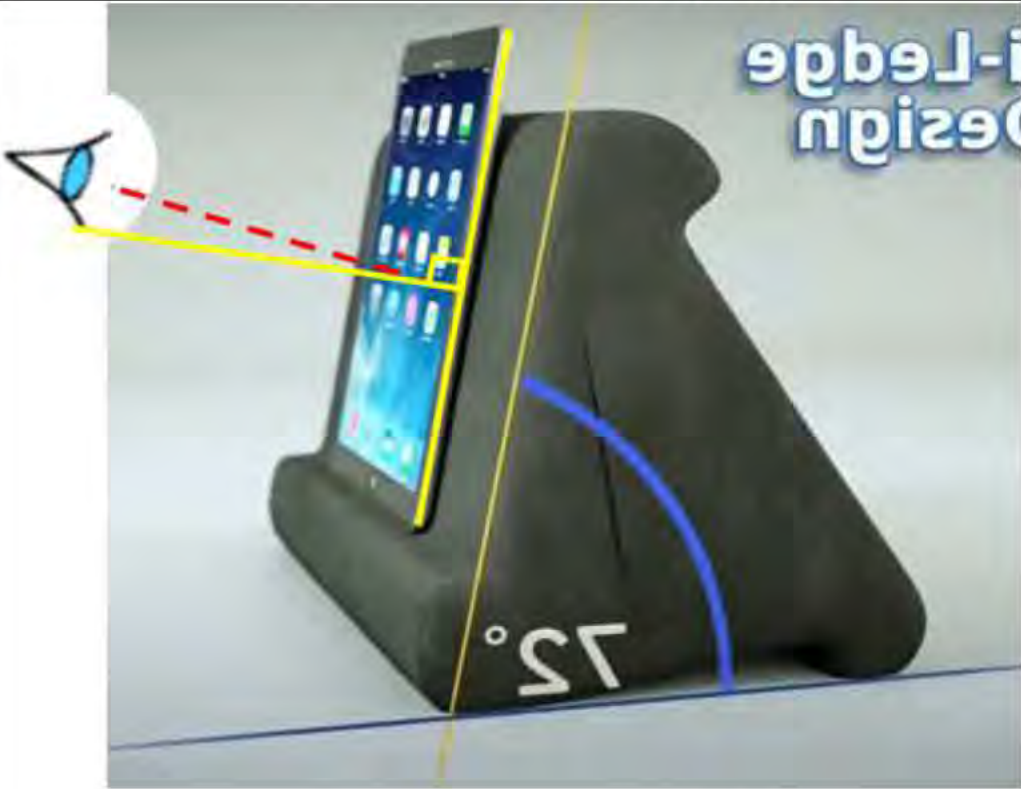
<u>Claim 12</u>	<u>Accused Products</u>
range of 85 to 120 degrees to an adjacent support back, a face of each edge support width oriented clockwise about the central axis;	

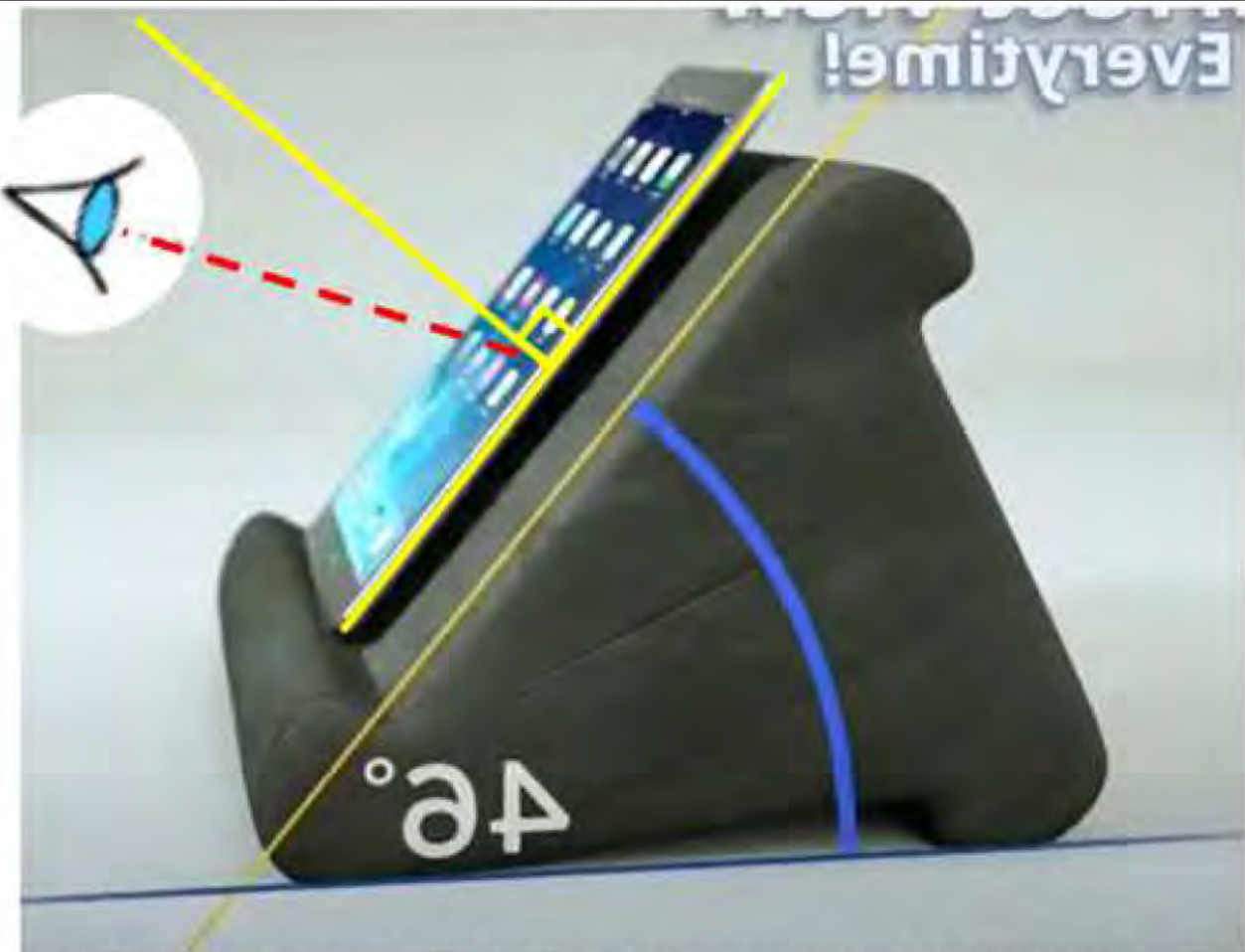
<u>Claim 12</u>	<u>Accused Products</u>
[12.f] wherein the media support apparatus is configured to be rotated about the central axis so that the body can rest on a horizontal support in any one of three positions including	Each Accused Product is configured to be rotated about its central axis so that the body can rest on a horizontal support in any one of three positions:  The six images in the grid are as follows: - Top-left: A woman sitting on a couch using the Pillow Pad Tablet Stand. Text: "Rotate to Find the Best View for You!". - Top-right: The stand holding a tablet at a 72° angle. Text: "Tri-Ledge Design". - Middle-left: The stand holding a tablet at a 72° angle. Text: "Tri-Ledge Design". - Middle-right: The stand holding a tablet at a 46° angle. Text: "Perfect view Everytime!". - Bottom-left: The stand holding a tablet at a 46° angle. Text: "Perfect view Everytime!". - Bottom-right: The stand holding a tablet at a 62° angle. Text: "Perfect view Everytime!".

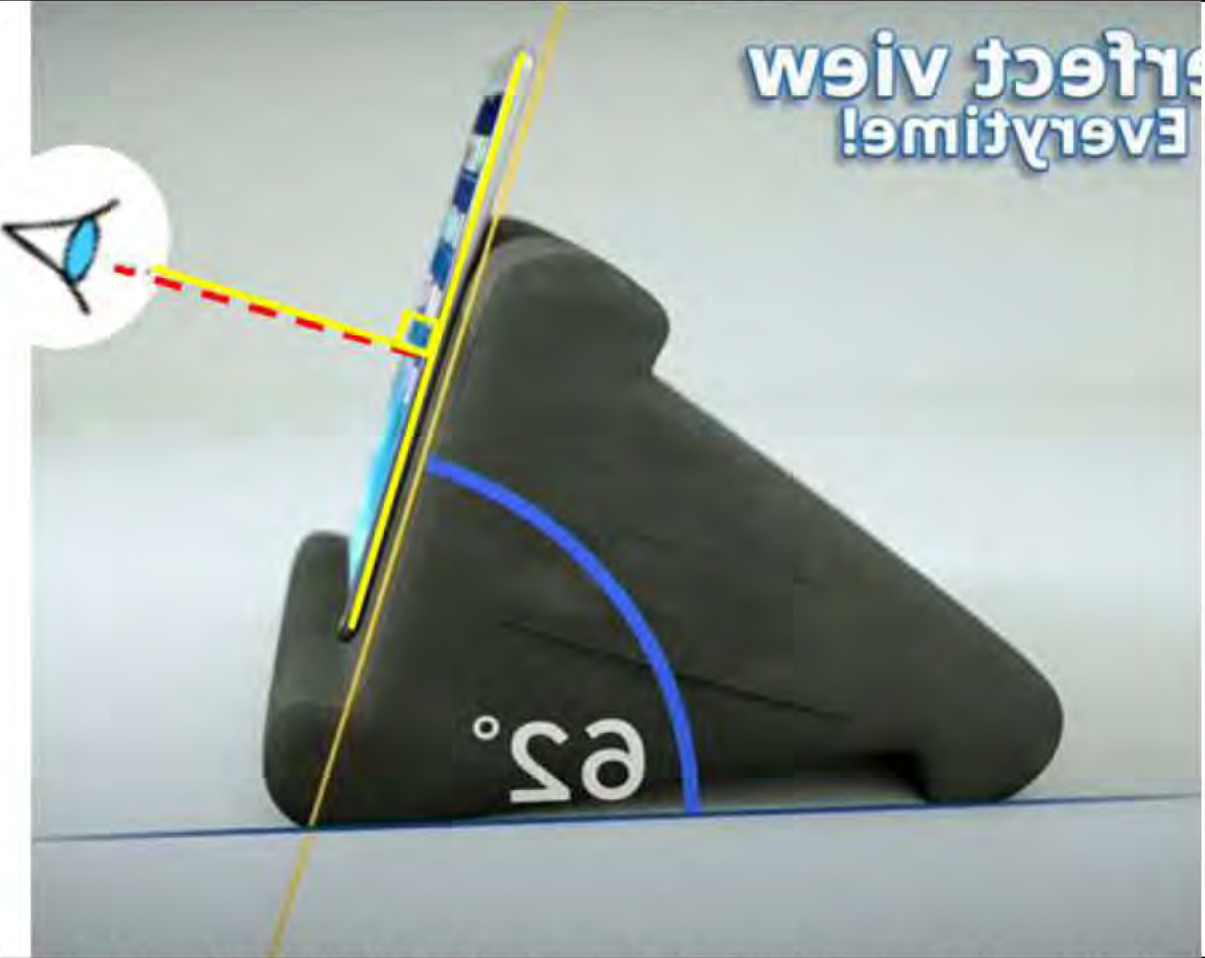
<u>Claim 12</u>	<u>Accused Products</u>
[12.f.i] on a first virtual plane between a top of the second support back and an outer edge of the second edge support,	Each Accused Product is configured to be rotated about its central axis so that the body can rest on a horizontal support on a first virtual plane between a top of the second support back and an outer edge of the second edge support:  first virtual plane top of the second support back outer edge of the second edge support
[12.f.ii] on a second virtual plane between a top of the third support	Each Accused Product is configured to be rotated about its central axis so that the body can rest on a horizontal support on a second virtual plane between a top of the third support back and an outer edge of the third edge support:

<u>Claim 12</u>	<u>Accused Products</u>
back and an outer edge of the third edge support, and	
[12.f.iii] on a third virtual plane between a top of the first support back and an outer edge of the first edge support; and	Each Accused Product is configured to be rotated about its central axis so that the body can rest on a horizontal support on a third virtual plane between a top of the first support back and an outer edge of the first edge support:

<u>Claim 12</u>	<u>Accused Products</u>
	
[12.g.i] wherein the media support apparatus is configured to provide a first viewing angle of the media device when	Each Accused Product is configured to provide a first viewing angle of the media device when the media support apparatus body rests on the first virtual plane and the media device is supported at the first support angle:

<u>Claim 12</u>	<u>Accused Products</u>
the media support apparatus body rests on the first virtual plane and the media device is supported at the first support angle,	
[12.g.ii] [wherein the media support apparatus is configured to provide] a second viewing angle when the media support apparatus body rests on the second virtual plane	Each Accused Product is configured to provide a second viewing angle when the media support apparatus body rests on the second virtual plane and the media device is supported at the second support angle:

<u>Claim 12</u>	<u>Accused Products</u>
and the media device is supported at the second support angle, and	
[12.g.iii] wherein the media support apparatus is configured to provide a third viewing angle when the media support	Each Accused Product is configured to provide a third viewing angle when the media support apparatus body rests on the third virtual plane and the media device is supported at the third support angle:

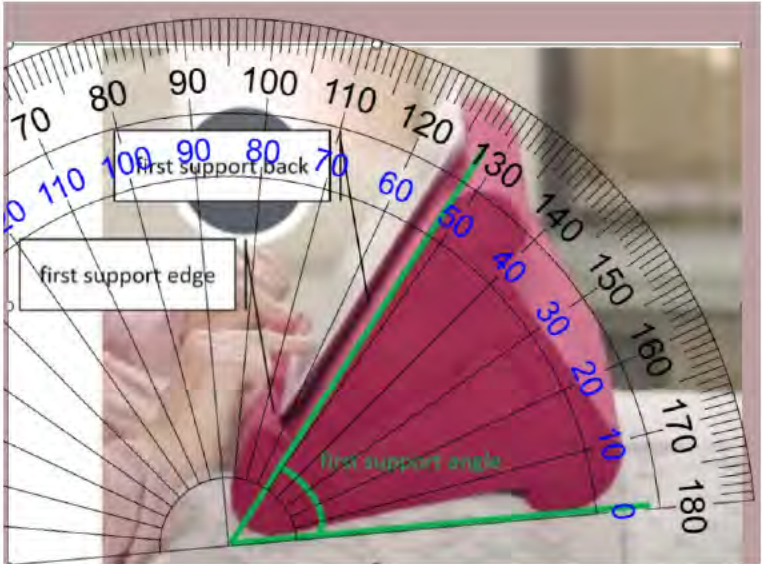
<u>Claim 12</u>	<u>Accused Products</u>
apparatus body rests on the third virtual plane and the media device is supported at the third support angle,	
[12.g.iv] wherein the first viewing angle, the second viewing angle, and the third viewing angle are different from one another.	In each Accused Product, the first viewing angle, the second viewing angle, and the third viewing angle are different from one another, as shown above and below:

<u>Claim 12</u>	<u>Accused Products</u>
	
<u>Claim 13</u>	<u>Accused Products</u>
[13.pre] The apparatus of claim 12, wherein	See claim 12, above.

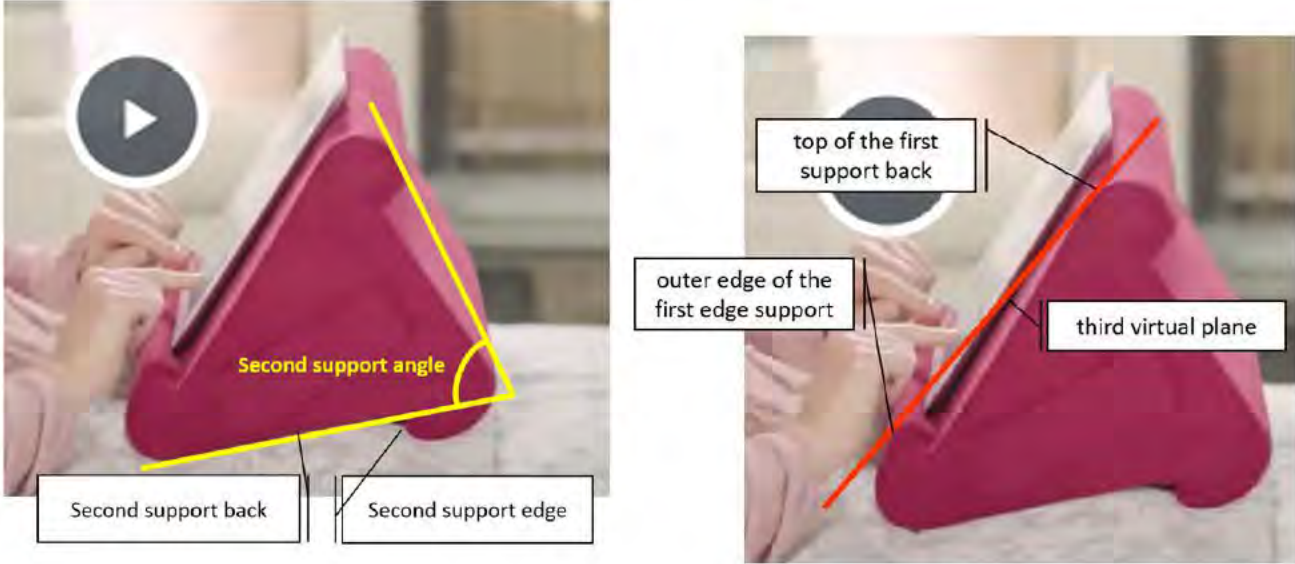
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<u>Claim 13</u>	<u>Accused Products</u>
[13.a] the first support angle is between 50 and 60 degrees to the second virtual plane,	The first support angle is between 50 and 60 degrees to the second virtual plane (opposite the first support angle), as shown below:  The images illustrate the pillow pad's geometry. The left image shows a side view with a green line indicating the 'first support angle' between the base and the backrest. Labels point to the 'first support back' and 'first support edge'. The right image shows a similar view with a yellow line indicating the 'second virtual plane' and a play button icon in the top left corner.

L. PAT. R. 3.1(c)/3.1(e) – ONTEL PILLOW PAD – U.S. PAT. NO. RE 48,479

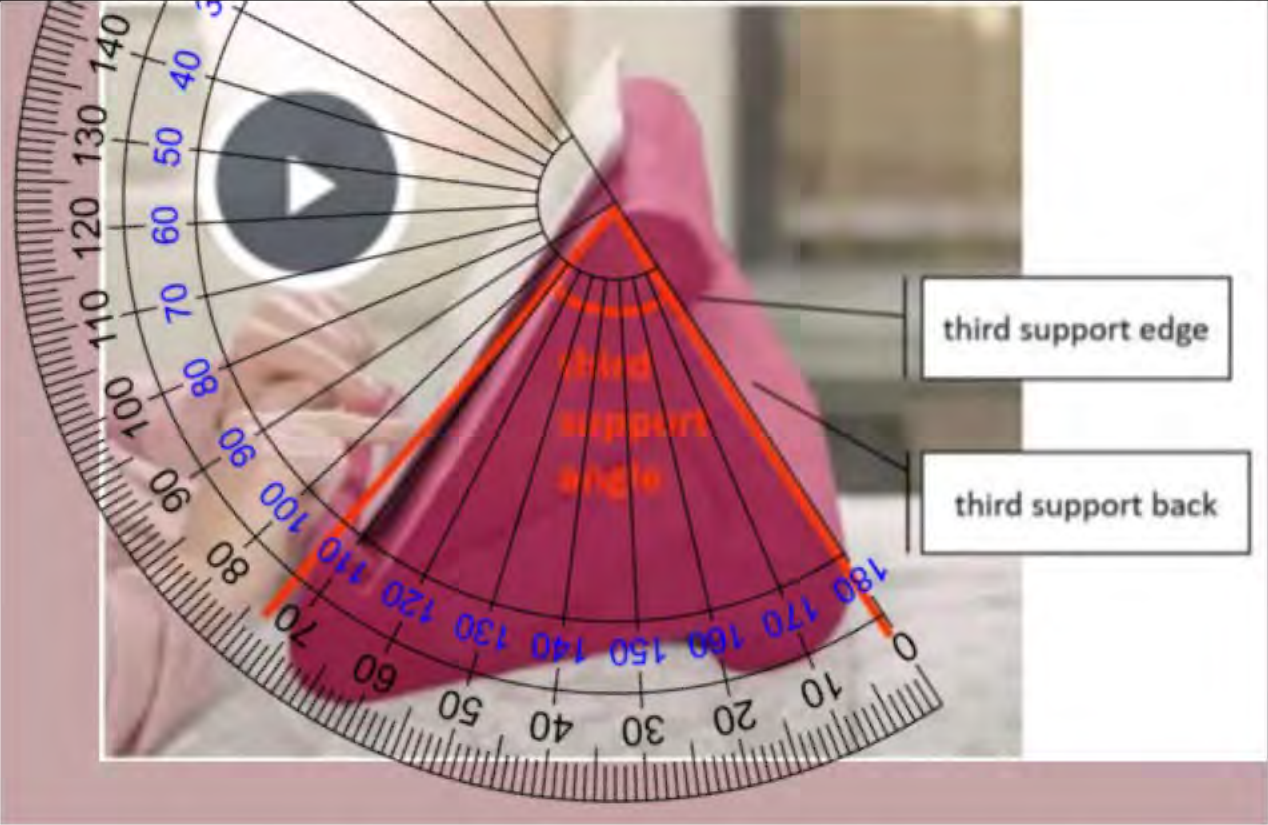
<u>Claim 13</u>	<u>Accused Products</u>
	
[13.b] the second support angle is between 55 and 65 degrees to the third virtual plane, and	This element is met for each Accused Product at least under the doctrine of equivalents. In particular, there are no substantial differences between this claim element and the corresponding features of any Accused Product, as set forth herein.

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<u>Claim 13</u>	<u>Accused Products</u>
	 The image displays two photographs of a pink, triangular pillow pad, likely used for neck support. The left photograph shows a yellow line indicating the 'Second support angle' between the 'Second support back' and 'Second support edge'. The right photograph shows a red line indicating the 'third virtual plane' passing through the 'top of the first support back' and the 'outer edge of the first edge support'.

Claim 13	Accused Products
	The identified feature of the Accused Products performs at least substantially the same function in substantially the same way to achieve substantially the same result as the corresponding claim element. In particular, an angle that approximates a support angle within the range of 55–65 degrees performs substantially the same function (providing an object for display at a particular angle) in substantially the same way (by maintaining a particular support angle for an object is being displayed using an edge support approximately 90 degrees from the adjacent back support) to achieve substantially the same result (successfully supporting an object for display at a particular viewing angle based on the support angle within the range of 55-65 degrees)—especially when considering an object made from deformable foam, which has large manufacturing tolerances for angles. <i>See Adams Respiratory Therapeutics, Inc. v. Perrigo Co.</i>, 616 F.3d 1283 (Fed. Cir. 2010).

<u>Claim 13</u>	<u>Accused Products</u>
[13.c.] the third support angle is between 50 and 75 degrees to the first virtual plane	The third support angle is between 50 and 75 degrees to the first virtual plane (opposite the third support angle), as shown below: 

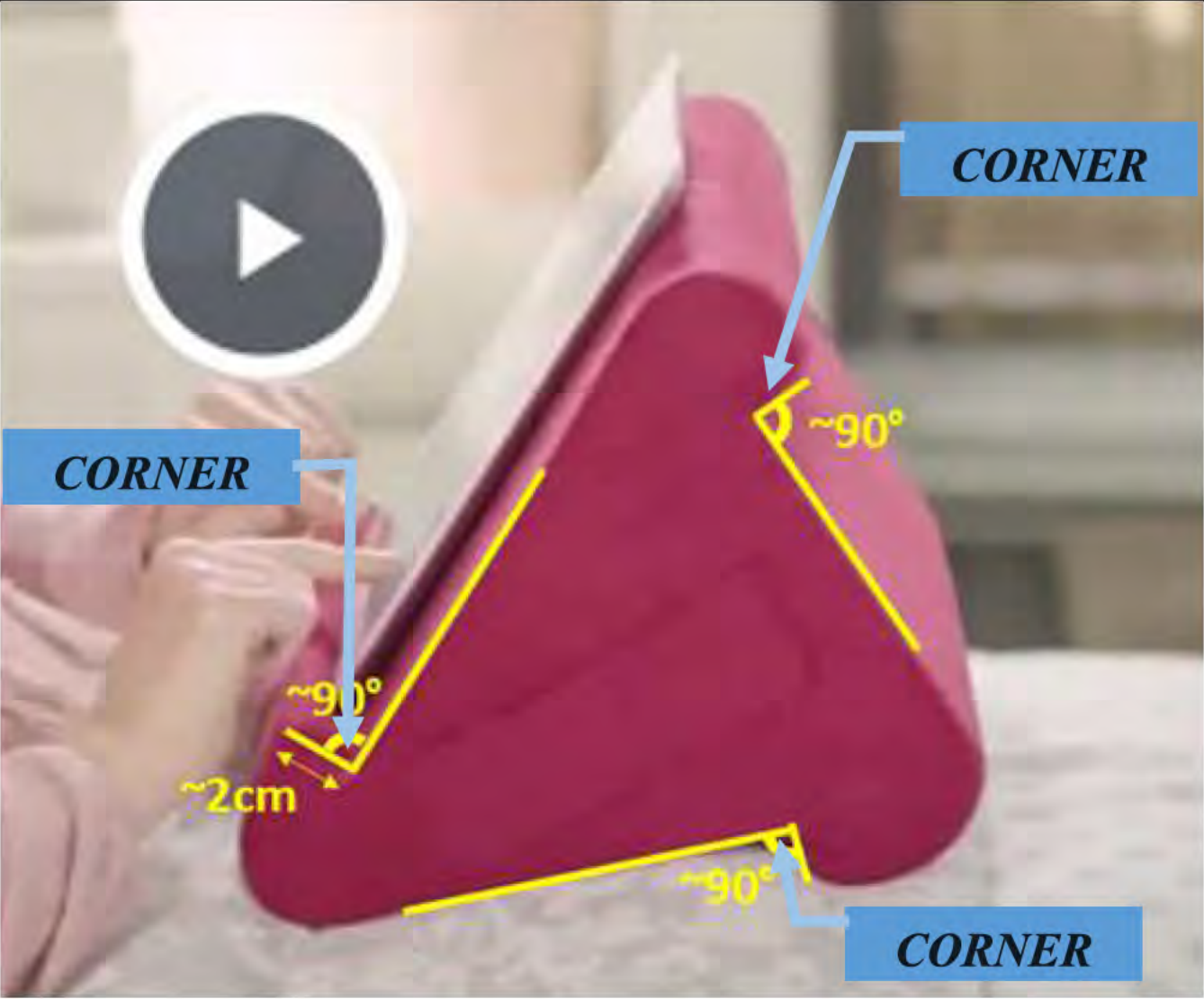
<u>Claim 13</u>	<u>Accused Products</u>
	 In particular, there are no substantial differences between this claim element and the corresponding features of any Accused Product, as set forth herein.

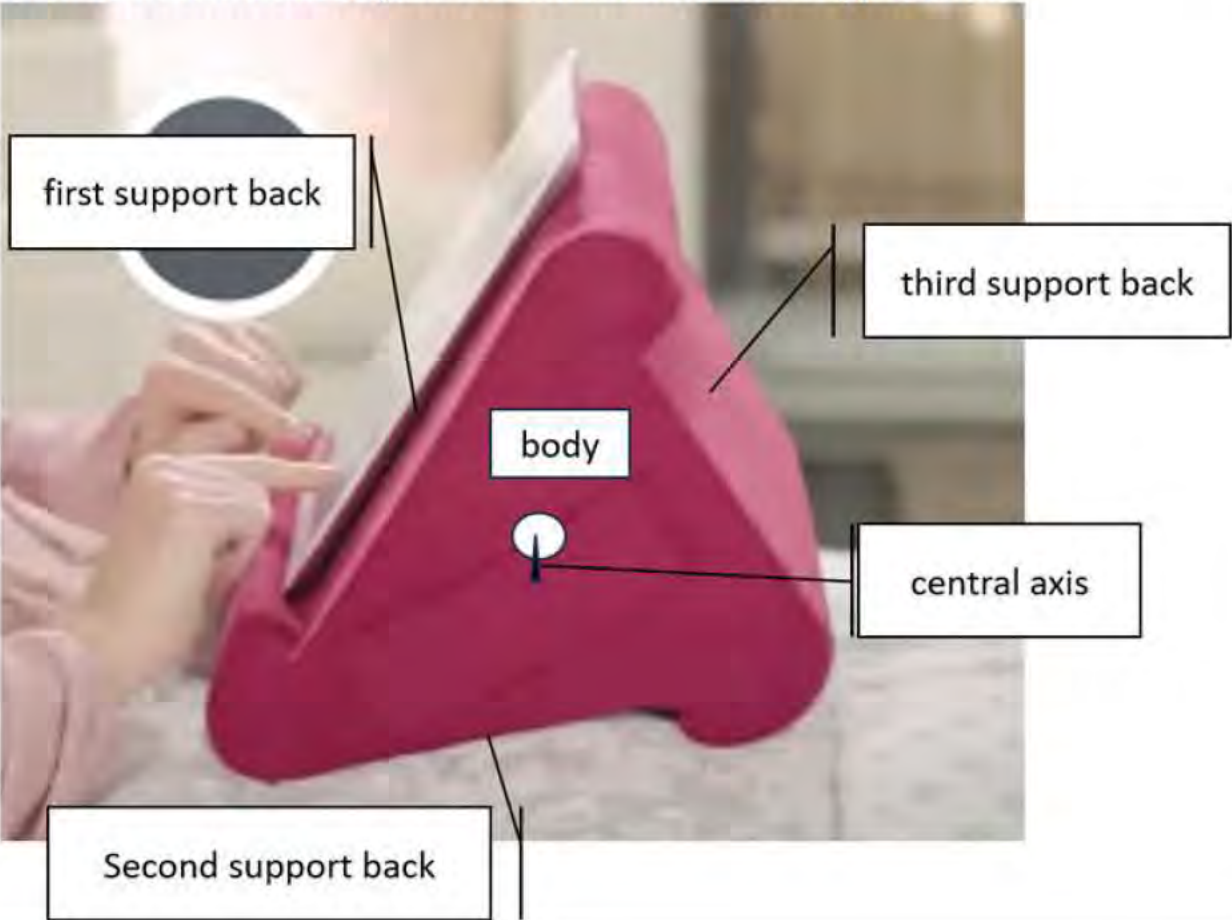
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<u>Claim 15</u>	<u>Accused Products</u>
[15.pre] The apparatus of claim 12, wherein	See claim 12, above.
[15.a] the edge support angle is 90 degrees.	See claim element 1.c, above

<u>Claim 16</u>	<u>Accused Products</u>
[16.pre] The apparatus of claim 15, wherein	See claims 12 & 15, above.
[16.a] the edge support width is 2 cm.	See claim element 1.c, above.

<u>Claim 17</u>	<u>Accused Products</u>
[17.pre] The apparatus of claim 12, wherein	See claim 12, above.
[17.a] the body includes three solid corners, with each of the corners interposed between two adjacent support backs and including a respective edge support	In each Accused Product, the body includes three solid corners, each of which includes a respective edge support and is interposed between two adjacent support backs, as shown below: The body includes three solid corners

<u>Claim 17</u>	<u>Accused Products</u>
	

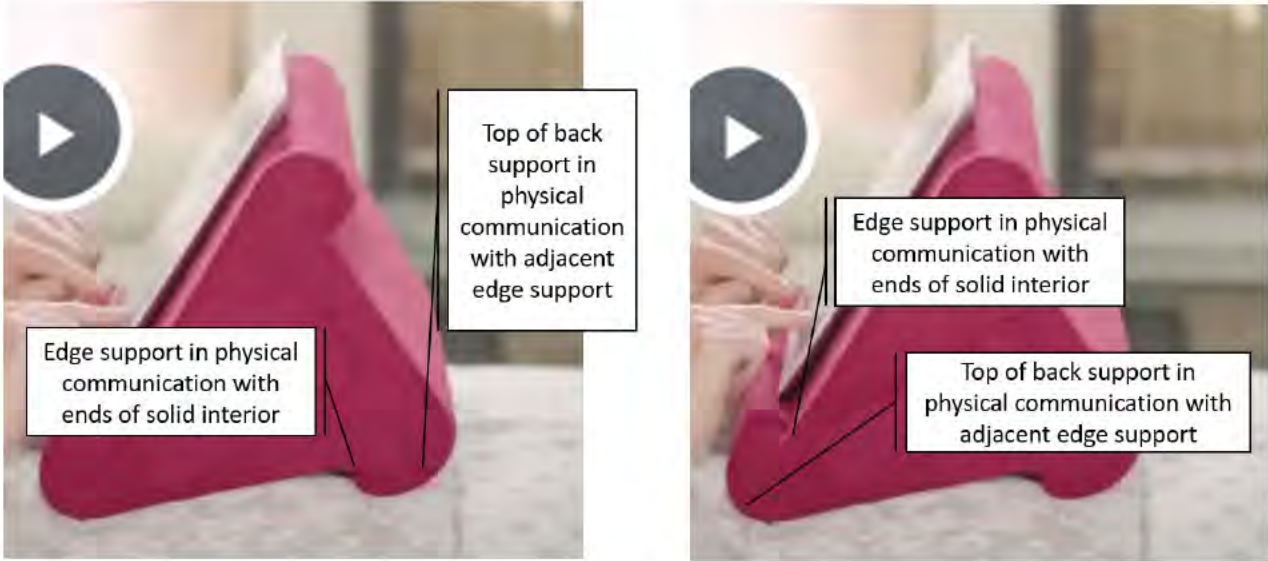
<u>Claim 17</u>	<u>Accused Products</u>
	Each of the three corners is interposed between two of the three support backs  first support back third support back body central axis Second support back

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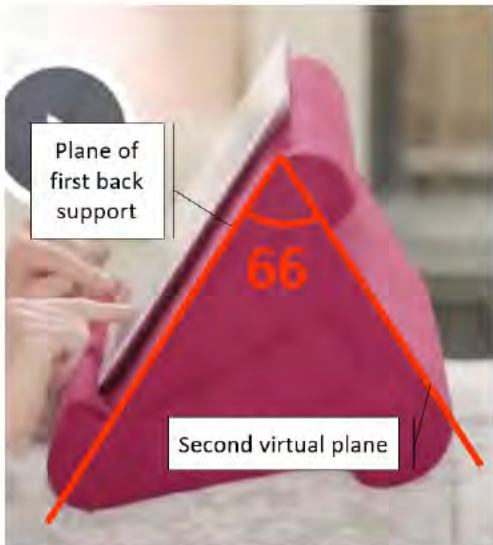
<u>Claim 19</u>	<u>Accused Products</u>
[19.pre] The apparatus of claim 12, wherein	See claim 12, above.
[19.a] the edge support width is in the range of 1 to 5 cm.	See claim element 1.c, above.

<u>Claim 20</u>	<u>Accused Products</u>
[20.pre] An apparatus comprising:	See 1.pre, above.
[20.a] three support sides, each support side comprising a back support and an edge support,	See claim element 1.a, above.
[20.b] wherein a top of each back support is in physical communication with an adjacent edge support clockwise about a central axis and each back support and each edge support is in physical communication with two ends,	See claim element 1.b, above.

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<u>Claim 20</u>	<u>Accused Products</u>
	
[20.c] wherein each edge support comprises an edge support width with an edge angle to an adjacent back support in the range of 85 to 120 degrees to an adjacent back support,	See claim element 1.c, above.
[20.d] wherein a face of each edge support width is oriented clockwise about the central axis,	See claim element 1.d, above.

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<u>Claim 20</u>	<u>Accused Products</u>
[20.e.i] wherein a plane of a first back support is at a first plane angle to a second virtual plane between the top of a second back support counterclockwise to the first back support and an outer edge of a second edge support counterclockwise to the first back support,	A plane of a first back support is at a first plane angle to a second virtual plane between the top of a second back support counterclockwise to the first back support and an outer edge of a second edge support counterclockwise to the first back support  
[20.e.ii] wherein a plane of the second back support is at a second plane angle to a third virtual plane between the top of a third back support counterclockwise to the second back support and an outer edge of a third edge support counterclockwise	A plane of a second back support is at a second plane angle to a third virtual plane between the top of a third back support counterclockwise to the second back support and an outer edge of a third edge support counterclockwise to the second back support,

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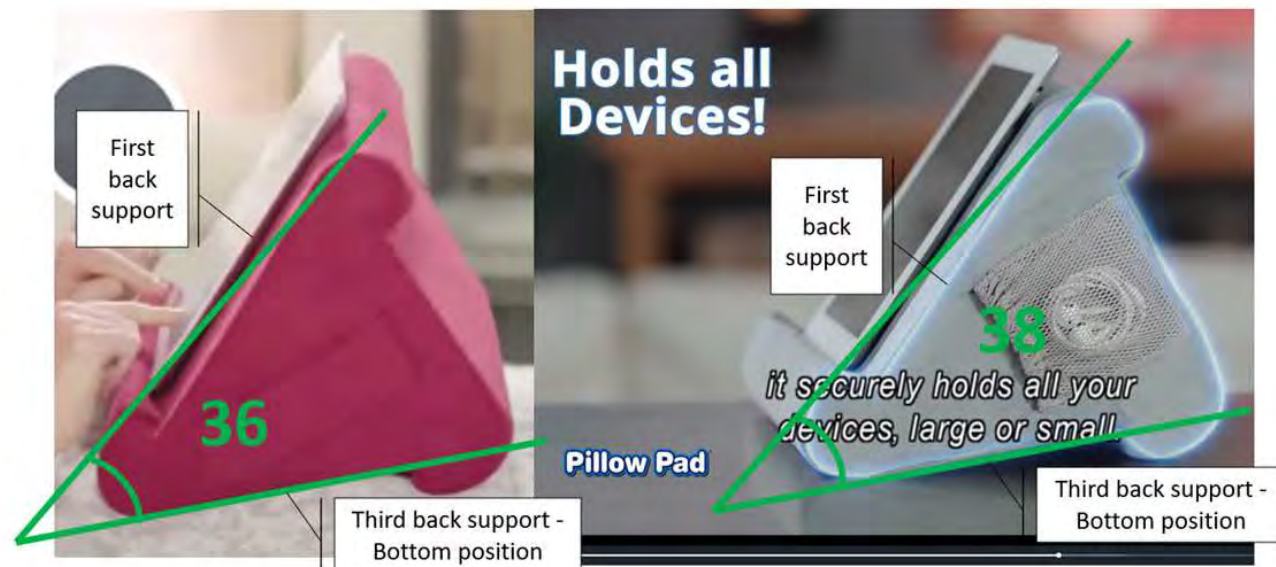
Claim 20	Accused Products
to the second back support,	
[20.e.iii] wherein a plane of a third back support is at a third plane angle to a first virtual plane between the top of the first back support counterclockwise to the third back support and an outer edge of the first edge support counterclockwise to the third back support,	a plane of a third back support is at a third plane angle to a first virtual plane between the top of the first back support counterclockwise to the third back support and an outer edge of the first edge support counterclockwise to the third back support,

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Claim 20	Accused Products
	
[20.f] wherein the first plane angle, the second plane angle, and the third plane angle are different from one another	The first plane angle, second plane angle, and third plane angle are different from one another , as shown above in claim elements 20.e.i through 20.e.iii
[20.g] and are configured to provide a first viewing angle, a second viewing angle, and a third viewing angle that are different from one another;	The first plane angle, second plane angle, and third plane angle are configured to provided a first viewing angle, a second viewing angle, and a third viewing angle that are different from one another , as shown below.

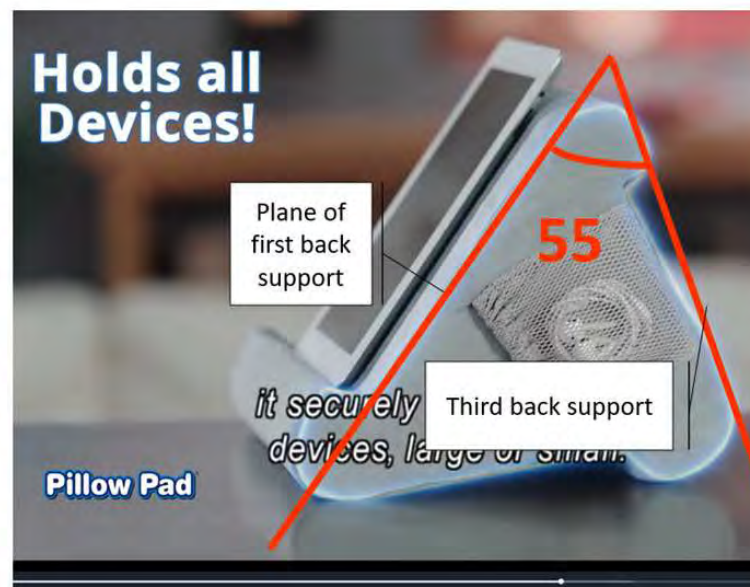
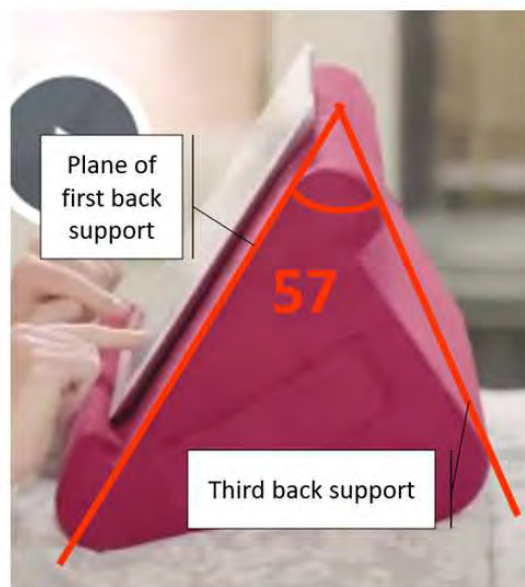
L. PAT. R. 3.1(C)/3.1(e) – ONTEL PILLOW PAD – U.S. PAT. NO. RE 48,479

The first viewing angle is approximately 36–38 degrees:

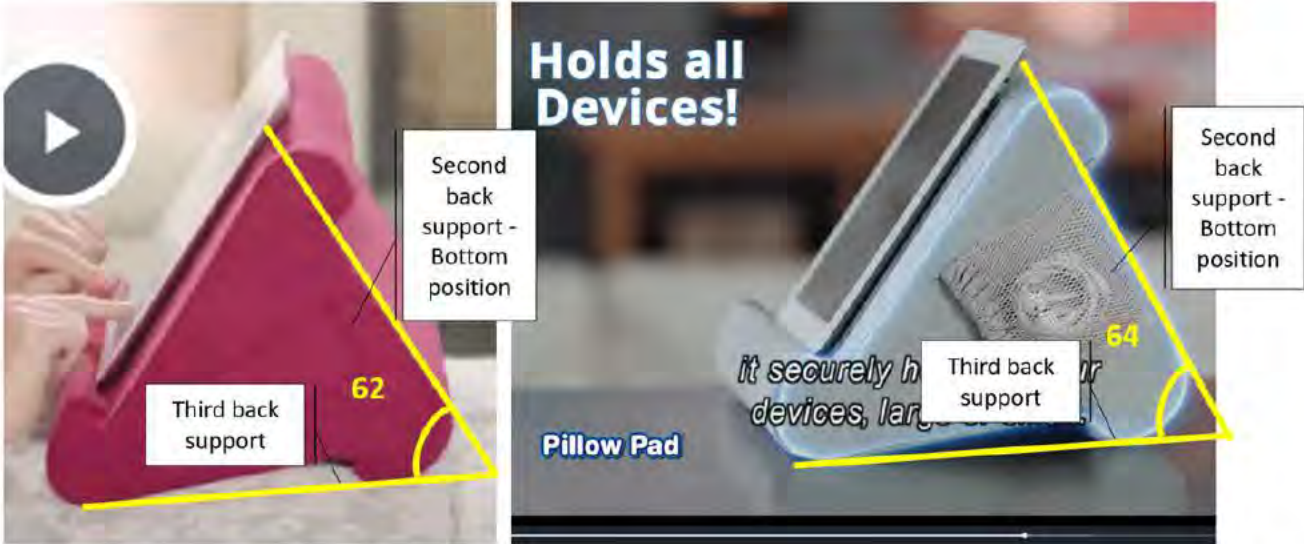


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The second viewing angle is approximately 55–57 degrees:



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<u>Claim 20</u>	<u>Accused Products</u>
	The third viewing angle is approximately 62–64 degrees: 
[20.i] and wherein each back support, each edge support, and each end is a surface of an interior.	See claim elements 1.b & 1.f, above. As shown above, each back support, each edge support, and each end is a surface of an interior.
<u>Claim 21</u>	<u>Accused Products</u>
[21.pre] The apparatus of claim 20, wherein	See claim 20, above.

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<u>Claim 21</u>	<u>Accused Products</u>
[21.a] the first back support has a longitudinal length in the range of 12 to 26 centimeters (cm), the second back support has a longitudinal length in the range of 9 to 21 cm, and the third back support has a longitudinal length in the range of 10 to 22 cm.	See claim element 2.a, above.

<u>Claim 27</u>	<u>Accused Products</u>
[27.pre] The apparatus of claim 20, wherein	See claim 20, above.
[27.a] each edge support has an edge support width in the range of 1 to 5 centimeters (cm)	See claim element 1.c, above.

<u>Claim 28</u>	<u>Accused Products</u>
[28.pre] The apparatus of claim 20, wherein	See claim 20, above.

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<u>Claim 28</u>	<u>Accused Products</u>
[28.a] a plane of each edge support forms an edge angle of 90 degrees with an adjacent back support.	See claim element 1.c, above.

<u>Claim 29</u>	<u>Accused Products</u>
[29.pre] The apparatus of claim 28, wherein	See claims 20 & 28, above.
[29.a] each edge support has an edge support width of 2 centimeters (cm).	See claim element 1.c, above.