

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

Kanga Care, LLC,

Plaintiff,

v.

BumBum Babies, LLC,

Defendant.

Civil Action No. CV 122-009

COMPLAINT FOR PATENT INFRINGEMENT AND JURY DEMAND

Plaintiff Kanga Care LLC, by and through its undersigned attorneys, files this Complaint for Patent Infringement and Jury Demand against Defendant BumBum Babies, LLC, alleging as follows:

THE PARTIES

1. Plaintiff Kanga Care LLC (“Kanga Care”) is a limited liability company formed and organized under the laws of the State of Colorado with its principal place of business and headquarters located at 508 Violet Street, Golden, Colorado 80401.

2. Kanga Care was founded in 2007 by Julie Ekstrom, a Colorado mother who wanted to create a better cloth diaper for her daughter with improved fit and function. Ms. Ekstrom devised the double gusset, which provides increased leak protection through the addition of a second, inner gusset to a diaper. Ms. Ekstrom first began by tracing her patterns onto fabric that she would later sew at her kitchen table and setting Kanga Care’s early and high quality standard. Since then, Kanga Care has become an industry leader in the design and manufacture of cloth pocket diapers and diaper accessories. Kanga Care’s Rump·a·rooz® One Size Cloth Pocket Diaper

incorporates Kanga Care’s innovations in reusable and cloth diapering, and Kanga Care products are distributed worldwide.

3. On information and belief, Defendant BumBum Babies, LLC (“Defendant”) is a limited liability company formed and organized under the laws of the State of Georgia, with its principal place of business and headquarters located at 3837 Martinez Boulevard, Suite 3, Augusta, Georgia 30907.

4. Kanga Care contacted Defendant on January 7, 2021 to inform Defendant of its patent infringement and attempted to amicably resolve this dispute. Defendant’s representative Lauren Spruell responded by email that same day: “I want to start by apologizing for this error. Can you give me information on applying for the IP license for the double gussets? I was completely unaware of this patent, so I want to make sure I follow the correct channels.” Ms. Spruell further represented on January 20, 2021: “I already contacted the supplier to let them know I will no longer be producing products with the inner double gusset.” Defendant nonetheless continued its manufacture, use, sale, offer for sale, and/or importation into the United States of the infringing products.

JURISDICTION AND VENUE

5. This is a civil action for patent infringement arising under the Patent Laws of the United States as set forth in 35 U.S.C. § 1 *et seq.*

6. This Court has federal subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over Defendant. On information and belief, Defendant is organized under the laws of the State of Georgia and has a principal place of business located in this District.

8. On information and belief, Defendant is conducting business in this District and has committed acts giving rise to this action within this District. On further information and belief, Defendant has solicited and transacted business in this District, including business directly related to the patent infringement cause of action set forth herein.

9. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (d) and 1400(b) because Defendant conducts business in this District, Defendant has committed acts giving rise to this action in this District, a substantial part of the events or omissions giving rise to the claims herein occurred in this District, and Defendant is subject to personal jurisdiction in this District.

THE ASSERTED PATENTS

10. On April 23, 2013, the United States Patent and Trademark Office issued United States Patent No. 8,425,483 (“the ’483 Patent”), entitled “Double Gusset Cloth Diaper Along With Method For Making The Same.” A copy of the ’483 Patent is attached hereto as Exhibit A.

11. On February 24, 2015, the United States Patent and Trademark Office issued United States Patent No. 8,961,484 (“the ’484 Patent”), entitled “Double Gusset Cloth Diaper Along With Method For Making The Same.” A copy of the ’484 Patent is attached hereto as Exhibit B.

12. On February 21, 2017, the United States Patent and Trademark Office issued United States Patent No. 9,572,726 (“the ’726 Patent”), entitled “Double Gusset Cloth Diaper Along With Method For Making The Same.” A copy of the ’726 Patent is attached hereto as Exhibit C.

13. On February 12, 2019, the United States Patent and Trademark Office issued United States Patent No. 10,201,460 (“the ’460 Patent”), entitled “Double Gusset Cloth Diaper

Along With Method For Making The Same.” A copy of the ’460 Patent is attached hereto as Exhibit D.

14. Kanga Care Chief Executive Officer and President Julie Ekstrom is the sole named inventor of the ’483, ’484, ’726, and ’460 Patents.

15. Kanga Care is the owner and assignee of all right, title, and interest in and to each of the ’483, ’484, ’726, and ’460 Patents.

16. Every claim of each of the ’483, ’484, ’726, and ’460 Patents is valid and enforceable and enjoys a statutory presumption of validity pursuant to 35 U.S.C. § 282.

17. All requirements under 35 U.S.C. § 287 have been satisfied with respect to each of the ’483, ’484, ’726, and ’460 Patents.

18. Defendant has never, either expressly or impliedly, been licensed to any of the ’483, ’484, ’726, or ’460 Patents.

INFRINGEMENT OF THE ’483 PATENT

19. Defendant has been and continues to directly and/or indirectly (by inducement and/or contributory infringement) and willfully infringe one or more claims of the ’483 Patent in violation of 35 U.S.C. § 271, including, but not limited to claim 8:

8. A reusable cloth diaper, comprising:
 - a. an exterior panel comprising a waterproof material and having a surrounding outer edge margin;
 - b. an interior panel comprising a fluid permeable material that is substantially a same size and shape as the exterior panel and joined to a majority of the exterior panel at the outer edge margin;

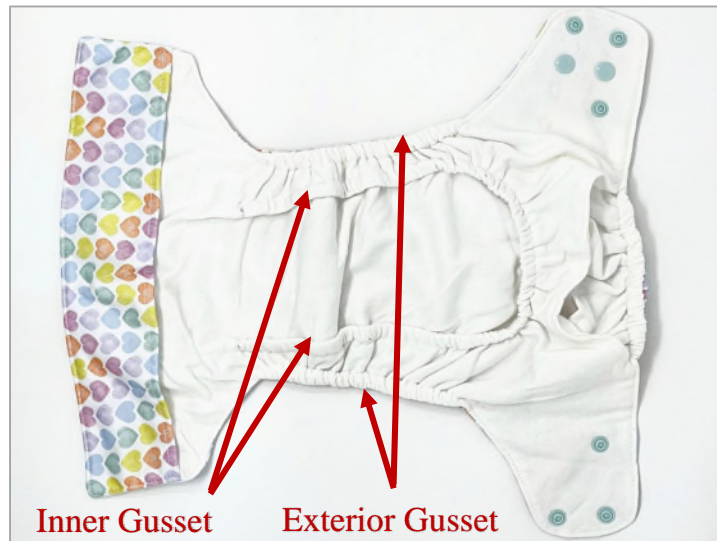
- c. a first pair of sealing means disposed along the outer edge margin operative to engage the legs of a wearer, wherein the first pair of sealing means includes elongate elastic members coupled to said exterior panel;
- d. a second pair of sealing means disposed between the first pair of sealing means, wherein the second pair of sealing means includes elongate elastic members coupled at least to the interior panel; and
- e. at least one absorbent pad removably insertable between the interior and exterior panels.

20. Defendant has and continues to directly infringe the '483 Patent, literally and/or under the doctrine of equivalents, by making, using, offering for sale, selling, and/or importing into the United States, without authority, products that fall within the scope of one or more claims of the '483 Patent in violation of 35 U.S.C. § 271(a), including but not limited to cloth diapers sold under the descriptions “BumBum OS Charcoal Bamboo All.5 Diaper WITH Backup Gusset” and “BumBum OS Pocket Diaper WITH Backup Gusset” (“Accused Products”).

21. For example, Defendant promoted, offered for sale, and sold the Accused Products on its interactive website available at <https://bumbumbabies.com/> as recently as December 3, 2021, and continues to promote the Accused Products on its Facebook page available at <https://www.facebook.com/bumbumbabies/>, including the following image:



22. Each of the Accused Products is a reusable cloth diaper (shown above), comprising an exterior panel made of a waterproof material and having a surrounding outer edge margin; an interior panel made of a fluid permeable material (micro-chamois) that is substantially the same size and shape as the exterior panel and joined to a majority of the exterior panel at the outer edge margin; a first pair of sealing means disposed along the outer edge margin operative to engage the legs of a wearer and including elongate elastic members coupled to said exterior panel (annotated “exterior gusset” shown below); a second pair of sealing means disposed between the first pair of sealing means and including elongate elastic members coupled at least to the interior panel (annotated “inner gusset” shown below); and at least one absorbent pad removably insertable between the interior and exterior panels (inserts sold as “BumBum Babies Insert Trial Pack”). Defendant specifically instructs its customers to purchase inserts for use with the Accused Products and markets the Accused Products and insert products for use together. *See, e.g.,* <https://www.facebook.com/bumbumbabies/> (“Combine these with our inserts and doublers (not included with diapers) and it’s an amazing fit!”).



23. Defendant has and continues to indirectly infringe the '483 Patent by inducing others to infringe one or more claims of the '483 Patent through making, using, selling, offering for sale, distributing, and/or importing the Accused Products. For example, Defendant induces its supplier to directly infringe the '483 Patent by making, selling, offering for sale, or importing in or into the United States the Accused Products, including into the State of Georgia and this District, and Defendant induces its customers to combine the Accused Products with its insert products. *See, e.g.,* <https://www.facebook.com/bumbababies/> (“Combine these with our inserts and doublers (not included with diapers) and it’s an amazing fit!”).

24. Defendant was and has been aware of the '483 Patent and its coverage of reusable cloth diapers with double gussets, including at least the Accused Products, since at least January 7, 2021, when Kanga Care first contacted Defendant by email to provide notice of its patents and requested Defendant cease its infringement, and no later than service of this Complaint.

25. Defendant has continued making, using, offering for sale, selling, and importing the Accused Products despite an objectively high likelihood that its actions infringe at least one claim of the '483 Patent—a valid and enforceable patent—and such objective risk of infringement

was known to Defendant or so obvious that Defendant should have known it. Therefore, Kanga Care is entitled to receive enhanced damages up to three times the amount of actual damages for Defendant's willful infringement pursuant to 35 U.S.C. § 284.

26. Defendant's direct, indirect, and willful infringement of the '483 Patent has caused, and will continue to cause, substantial and irreparable damage to Kanga Care. Kanga Care is, therefore, entitled to a preliminary and permanent injunction against continuing infringement of the '483 Patent and an award of damages adequate to compensate for Defendant's infringement of the '483 Patent, but in no event less than a reasonable royalty for Defendant's use and/or sale of Kanga Care's invention, together with pre- and post-judgment interest, attorneys' fees, and costs as fixed by the Court under 35 U.S.C. §§ 284 and 285.

INFRINGEMENT OF THE '484 PATENT

27. Defendant has been and continues to directly and/or indirectly (by inducement and/or contributory infringement) and willfully infringe one or more claims of the '484 Patent in violation of 35 U.S.C. § 271, including, but not limited to claim 1:

1. A reusable diaper, comprising:

a front waistband portion;

a rear waistband portion;

an intermediate portion extending between said front and rear waistband portions, said intermediate portion including first and second arcuate side margins for confronting a wearer's legs; and

interior and exterior gussets, wherein the interior gusset defines a first containment region and the exterior and the interior gusset define a second

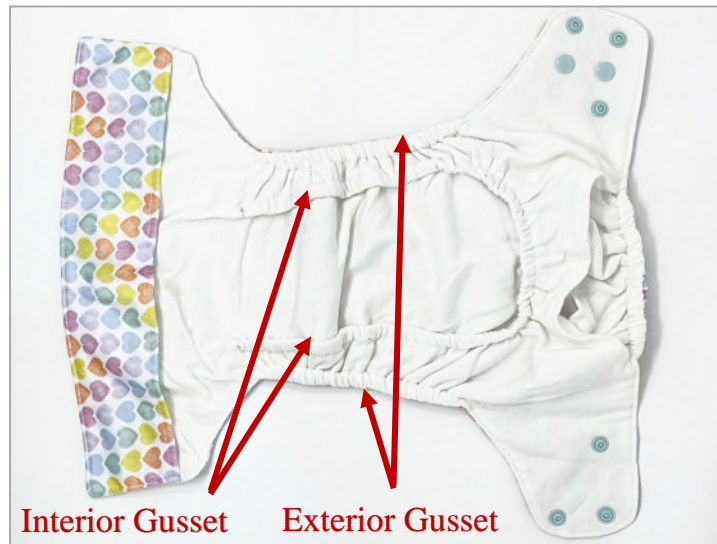
containment region, wherein the gusset extending along said first and second side margins, and the interior gusset are removed from the exterior gusset; wherein the intermediate portion includes an exterior panel, wherein the exterior panel comprises a waterproof material, an interior panel, wherein the interior panel comprises a microchamois material, and the interior and exterior gussets are disposed between the exterior and interior panels.

28. Defendant has and continues to directly infringe the '484 Patent, literally and/or under the doctrine of equivalents, by making, using, offering for sale, selling, and/or importing in or into the United States, without authority, products that fall within the scope of one or more claims of the '484 Patent in violation of 35 U.S.C. § 271(a), including but not limited to cloth diapers sold under the descriptions “BumBum OS Charcoal Bamboo A11.5 Diaper WITH Backup Gusset” and “BumBum OS Pocket Diaper WITH Backup Gusset” (“Accused Products”).

29. For example, Defendant promoted, offered for sale, and sold the Accused Products on its interactive website available at <https://bumbababies.com/> as recently as December 3, 2021, and continues to promote the Accused Products on its Facebook page available at <https://www.facebook.com/bumbababies/>, including the following image:



30. Each of the Accused Products is a reusable diaper, comprising a front waistband portion and a rear waistband portion. As shown above, each of the Accused Products further includes an intermediate portion extending between the front and rear waistband portions, which includes arcuate side margins for confronting a wearer's legs. Each of the Accused Products further includes interior and exterior gussets (annotated in the image below), wherein the interior gusset defines a first containment region and the exterior and interior gusset define a second containment region. In addition, the gussets extend along the side margins and are removed from each other. Finally, the intermediate portion includes an exterior panel comprised of a waterproof material, the interior panel comprises a micro-chamois material, and the gussets are disposed between the panels.



31. Defendant has and continues to indirectly infringe the '484 Patent by inducing others to infringe one or more claims of the '484 Patent through making, using, selling, offering for sale, distributing, and/or importing the Accused Products. For example, Defendant induces its supplier to directly infringe the '484 Patent by making, selling, offering for sale, or importing in or into the United States the Accused Products, including into the State of Georgia and this District.

32. Defendant was and has been aware of the '484 Patent and its coverage of reusable cloth diapers with double gussets, including at least the Accused Products, since at least January 7, 2021, when Kanga Care first contacted Defendant by email to provide notice of its patents and requested Defendant cease its infringement, and no later than service of this Complaint.

33. Defendant has continued making, using, offering for sale, selling, and importing the Accused Products despite an objectively high likelihood that its actions infringe at least one claim of the '484 Patent—a valid and enforceable patent—and such objective risk of infringement was known to Defendant or so obvious that Defendant should have known it. Therefore, Kanga Care is entitled to receive enhanced damages up to three times the amount of actual damages for Defendant's willful infringement pursuant to 35 U.S.C. § 284.

34. Defendant's direct, indirect, and willful infringement of the '484 Patent has caused, and will continue to cause, substantial and irreparable damage to Kanga Care. Kanga Care is, therefore, entitled to a preliminary and permanent injunction against continuing infringement of the '484 Patent and an award of damages adequate to compensate for Defendant's infringement of the '484 Patent, but in no event less than a reasonable royalty for Defendant's use and/or sale of Kanga Care's invention, together with pre- and post-judgment interest, attorneys' fees, and costs as fixed by the Court under 35 U.S.C. §§ 284 and 285.

INFRINGEMENT OF THE '726 PATENT

35. Defendant has been and continues to directly and/or indirectly (by inducement and/or contributory infringement) and willfully infringe one or more claims of the '726 Patent in violation of 35 U.S.C. § 271, including, but not limited to claim 1:

1. A reusable diaper, comprising:

an exterior panel comprising a material having a surrounding outer edge margin, wherein the outer edge margin comprises opposed side margins configured to confront the legs of a wearer;

an interior panel comprising a non-waterproof material joined to a majority of said outer edge margin;

a first pair of gussets coupled at least to the exterior panel and disposed along at least the opposed side margins of said outer edge margin and adapted to engage a wearer's legs; and

a second gusset having at least two portions, each of the at least two portions are generally parallel to one of each of the first pair of gussets, wherein the at least two portions that are generally parallel each comprise a channel formed

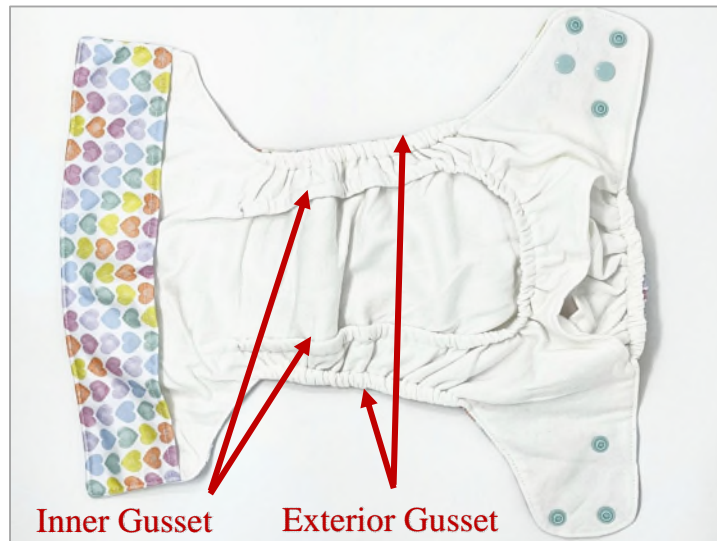
by a wrong side of the interior panel and an elastic member disposed in each channel such that a right side of the interior panel forms an outer surface of the at least two portions and is generally contiguous over the width of the reusable diaper from one to the other of the opposed side margins, wherein the second gusset is disposed between said first pair of gussets, wherein a first containment area is formed by the second gusset and the right side of the interior panel and a second containment area is formed by the first pair of gussets, the right side of the interior panel, and the second gusset.

36. Defendant has and continues to directly infringe the '726 Patent, literally and/or under the doctrine of equivalents, by making, using, offering for sale, selling, and/or importing in or into the United States, without authority, products that fall within the scope of one or more claims of the '726 Patent in violation of 35 U.S.C. § 271(a), including but not limited to cloth diapers sold under the descriptions “BumBum OS Charcoal Bamboo All.5 Diaper WITH Backup Gusset” and “BumBum OS Pocket Diaper WITH Backup Gusset” (“Accused Products”).

37. For example, Defendant promoted, offered for sale, and sold the Accused Products on its interactive website available at <https://bumbumbabies.com/> as recently as December 3, 2021, and continues to promote the Accused Products on its Facebook page available at <https://www.facebook.com/bumbumbabies/>, including the following image:



38. Each of the Accused Products is a reusable diaper, comprising an exterior panel (the outside of the diaper) comprising a material having a surrounding outer edge margin, wherein the outer edge margin comprises opposed side margins configured to confront the legs of a wearer; an interior panel comprising a non-waterproof material (micro-chamois) joined to a majority of said outer edge margin; a first pair of gussets coupled at least to the exterior panel and disposed along at least the opposed side margins of said outer edge margin and adapted to engage a wearer's legs (annotated "exterior gusset" in the image below); and a second gusset having at least two portions generally parallel to one of each of the first pair of gussets that are generally parallel and each comprise a channel formed by a wrong side of the interior panel and an elastic member disposed in each channel such that a right side of the interior panel forms an outer surface of the at least two portions and is generally contiguous over the width of the reusable diaper from one to the other of the opposed side margins and disposed between said first pair of gussets to form a first containment area by the second gusset and the right side of the interior panel and a second containment area by the first pair of gussets, the right side of the interior panel, and the second gusset (annotated "inner gusset" in the image below).



39. Defendant has and continues to indirectly infringe the '726 Patent by inducing others to infringe one or more claims of the '726 Patent through making, using, selling, offering for sale, distributing, and/or importing the Accused Products. For example, Defendant induces its supplier to directly infringe the '726 Patent by making, selling, offering for sale, or importing in or into the United States the Accused Products, including into the State of Georgia and this District.

40. Defendant was and has been aware of the '726 Patent and its coverage of reusable cloth diapers with double gussets, including at least the Accused Products, since at least January 7, 2021, when Kanga Care first contacted Defendant by email to provide notice of its patents and requested Defendant cease its infringement, and no later than service of this Complaint.

41. Defendant has continued making, using, offering for sale, selling, and importing the Accused Products despite an objectively high likelihood that its actions infringe at least one claim of the '726 Patent—a valid and enforceable patent—and such objective risk of infringement was known to Defendant or so obvious that Defendant should have known it. Therefore, Kanga Care is entitled to receive enhanced damages up to three times the amount of actual damages for Defendant's willful infringement pursuant to 35 U.S.C. § 284.

42. Defendant's direct, indirect, and willful infringement of the '726 Patent has caused, and will continue to cause, substantial and irreparable damage to Kanga Care. Kanga Care is, therefore, entitled to a preliminary and permanent injunction against continuing infringement of the '726 Patent and an award of damages adequate to compensate for Defendant's infringement of the '726 Patent, but in no event less than a reasonable royalty for Defendant's use and/or sale of Kanga Care's invention, together with pre- and post-judgment interest, attorneys' fees, and costs as fixed by the Court under 35 U.S.C. §§ 284 and 285.

INFRINGEMENT OF THE '460 PATENT

43. Defendant has been and continues to directly and/or indirectly (by inducement and/or contributory infringement) and willfully infringe one or more claims of the '460 Patent in violation of 35 U.S.C. § 271, including, but not limited to claim 1:

1. A reusable diaper, comprising:

an exterior panel comprising a material having a surrounding outer edge margin, wherein the outer edge margin comprises opposed side margins configured to confront the legs of a wearer;

an interior panel comprising a non-waterproof material joined to said outer edge margin, the interior panel comprising a right side and a wrong side wherein the wrong side of the interior panel faces the exterior panel;

a first pair of gussets coupled at least to the exterior panel and disposed along at least the opposed side margins of said outer edge margin and adapted to engage a wearer's legs; and

a second gusset having at least two portions, each of the at least two portions are generally parallel to one of each of the first pair of gussets, wherein the at

least two portions that are generally parallel each comprise a channel formed by the wrong side of the interior panel, and the right side of the interior panel forms an outer surface that is generally contiguous over the width of the reusable diaper from one to the other of the opposed side margins, wherein the at least two portions of the second gusset are disposed between said first pair of gussets to form an interior containment region with the right side of the interior panel and an exterior containment area is formed by the second gusset, the first pair of gussets, and the right side of the interior panel.

44. Defendant has and continues to directly infringe the '726 Patent, literally and/or under the doctrine of equivalents, by making, using, offering for sale, selling, and/or importing in or into the United States, without authority, products that fall within the scope of one or more claims of the '726 Patent in violation of 35 U.S.C. § 271(a), including but not limited to cloth diapers sold under the descriptions “BumBum OS Charcoal Bamboo All.5 Diaper WITH Backup Gusset” and “BumBum OS Pocket Diaper WITH Backup Gusset” (“Accused Products”).

45. For example, Defendant promoted, offered for sale, and sold the Accused Products on its interactive website available at <https://bumbumbabies.com/> as recently as December 3, 2021, and continues to promote the Accused Products on its Facebook page available at <https://www.facebook.com/bumbumbabies/>, including the following image:

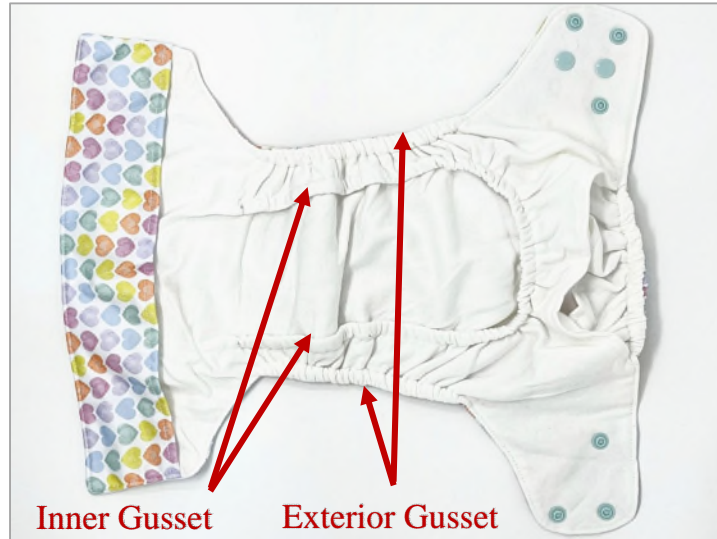


46. Each of the Accused Products is a reusable diaper, comprising an exterior panel (the outside of the diaper) comprising a material having a surrounding outer edge margin with opposed side margins configured to confront the legs of a wearer;

47. an interior panel comprising a non-waterproof material joined to said outer edge margin, the interior panel comprising a right side and a wrong side wherein the wrong side of the interior panel faces the exterior panel;

48. a first pair of gussets coupled at least to the exterior panel and disposed along at least the opposed side margins of said outer edge margin and adapted to engage a wearer's legs (annotated "exterior gusset" in the image below); a second gusset having at least two portions generally parallel to one of each of the first pair of gussets in which each comprise a channel formed by the wrong side of the interior panel, and the right side of the interior panel forms an outer surface that is generally contiguous over the width of the reusable diaper from one to the other of the opposed side margins and the at least two portions of the second gusset are disposed between said first pair of gussets to form an interior containment region with the right side of the

interior panel and an exterior containment area is formed by the second gusset, the first pair of gussets, and the right side of the interior panel (annotated “inner gusset” in the image below).



49. Defendant has and continues to indirectly infringe the '460 Patent by inducing others to infringe one or more claims of the '460 Patent through making, using, selling, offering for sale, distributing, and/or importing the Accused Products. For example, Defendant induces its supplier to directly infringe the '460 Patent by making, selling, offering for sale, or importing in or into the United States the Accused Products, including into the State of Georgia and this District.

50. Defendant was and has been aware of the '460 Patent and its coverage of reusable cloth diapers with double gussets, including at least the Accused Products, since at least January 7, 2021, when Kanga Care first contacted Defendant by email to provide notice of its patents and requested Defendant cease its infringement, and no later than service of this Complaint.

51. Defendant has continued making, using, offering for sale, selling, and importing the Accused Products despite an objectively high likelihood that its actions infringe at least one claim of the '460 Patent—a valid and enforceable patent—and such objective risk of infringement was known to Defendant or so obvious that Defendant should have known it. Therefore, Kanga

Care is entitled to receive enhanced damages up to three times the amount of actual damages for Defendant's willful infringement pursuant to 35 U.S.C. § 284.

52. Defendant's direct, indirect, and willful infringement of the '460 Patent has caused, and will continue to cause, substantial and irreparable damage to Kanga Care. Kanga Care is, therefore, entitled to a preliminary and permanent injunction against continuing infringement of the '460 Patent and an award of damages adequate to compensate for Defendant's infringement of the '460 Patent, but in no event less than a reasonable royalty for Defendant's use and/or sale of Kanga Care's invention, together with pre- and post-judgment interest, attorneys' fees, and costs as fixed by the Court under 35 U.S.C. §§ 284 and 285.

COUNT I

Infringement of United States Patent No. 8,425,483

53. Kanga Care incorporates by reference paragraphs 1-52.

54. Defendant has been and currently is infringing one or more claims of the '483 Patent in violation of 35 U.S.C. § 271(a) by, among other things, making, using, importing, offering for sale, and/or selling in the United States products that embody the patented invention, including, for example, the Accused Products, which Defendant instructs its customers to use with its insert products. *See, e.g.*, <https://www.facebook.com/bumbumbabies/> ("Combine these with our inserts and doublers (not included with diapers) and it's an amazing fit!"). On information and belief, the Accused Products have been and currently are sold with Defendant's insert products.

55. Defendant's infringement of the '483 Patent is willful and intentional because it has knowledge of the '483 Patent, yet continues to infringe the patent by committing the acts described above.

56. Defendant has been and currently is indirectly infringing one or more claims of the '483 Patent in violation of 35 U.S.C. § 271(b) by inducing users of Defendant's products to directly infringe one or more claims of the '483 Patent through their use of Defendant's products.

57. On information and belief, Defendant engages in such inducement knowingly, and has done so with knowledge that such activity encourages users of the infringing products to directly infringe one or more claims of the '483 Patent.

58. Defendant has been and currently is further indirectly infringing one or more claims of the '483 Patent in violation of 35 U.S.C. § 271(c) by offering to sell, selling, and importing into the United States the Accused Products.

59. On information and belief, Defendant engages in such contributory infringement knowingly, and has done so with knowledge that the Accused Products are especially made or especially adapted for use in an infringement of the '483 patent and not a staple article or commodity of commerce suitable for substantial noninfringing use.

60. Defendant's infringement of the '483 Patent has caused and will continue to cause Kanga Care both monetary damage and irreparable harm for which it has no adequate remedy at law.

61. Unless this Court enjoins Defendant's infringing conduct, Kanga Care will continue to be irreparably harmed by Defendant's infringement of the '483 Patent.

COUNT II

Infringement of United States Patent No. 8,961,484

62. Kanga Care incorporates by reference paragraphs 1-61.

63. Defendant has been and currently is infringing one or more claims of the '484 Patent in violation of 35 U.S.C. § 271(a) by, among other things, making, using, importing,

offering for sale, and/or selling in the United States products that embody the patented invention, including, for example, the Accused Products.

64. Defendant's infringement of the '484 Patent is willful and intentional because it has knowledge of the '484 Patent, yet continues to infringe the patent by committing the acts described above.

65. Defendant has been and currently is indirectly infringing one or more claims of the '484 Patent in violation of 35 U.S.C. § 271(b) by inducing users of Defendant's products to directly infringe one or more claims of the '484 Patent through their use of Defendant's products.

66. On information and belief, Defendant engages in such inducement knowingly, and has done so with knowledge that such activity encourages users of the infringing products to directly infringe one or more claims of the '484 Patent.

67. Defendant's infringement of the '484 Patent has caused and will continue to cause Kanga Care both monetary damage and irreparable harm for which it has no adequate remedy at law.

68. Unless this Court enjoins Defendant's infringing conduct, Kanga Care will continue to be irreparably harmed by Defendant's infringement of the '484 Patent.

COUNT III

Infringement of United States Patent No. 9,572,726

69. Kanga Care incorporates by reference paragraphs 1-68.

70. Defendant has been and currently is infringing one or more claims of the '726 Patent in violation of 35 U.S.C. § 271(a) by, among other things, making, using, importing, offering for sale, and/or selling in the United States products that embody the patented invention, including, for example, the Accused Products.

71. Defendant's infringement of the '726 Patent is willful and intentional because it has knowledge of the '726 Patent, yet continues to infringe the patent by committing the acts described above.

72. Defendant has been and currently is indirectly infringing one or more claims of the '726 Patent in violation of 35 U.S.C. § 271(b) by inducing users of Defendant's products to directly infringe one or more claims of the '726 Patent through their use of Defendant's products.

73. On information and belief, Defendant engages in such inducement knowingly, and has done so with knowledge that such activity encourages users of the infringing products to directly infringe one or more claims of the '726 Patent.

74. Defendant's infringement of the '726 Patent has caused and will continue to cause Kanga Care both monetary damage and irreparable harm for which it has no adequate remedy at law.

75. Unless this Court enjoins Defendant's infringing conduct, Kanga Care will continue to be irreparably harmed by Defendant's infringement of the '726 Patent.

COUNT IV

Infringement of United States Patent No. 10,201,460

76. Kanga Care incorporates by reference paragraphs 1-75.

77. Defendant has been and currently is infringing one or more claims of the '460 Patent in violation of 35 U.S.C. § 271(a) by, among other things, making, using, importing, offering for sale, and/or selling in the United States products that embody the patented invention, including, for example, the Accused Products.

78. Defendant's infringement of the '460 Patent is willful and intentional because it has knowledge of the '460 Patent, yet continues to infringe the patent by committing the acts described above.

79. Defendant has been and currently is indirectly infringing one or more claims of the '460 Patent in violation of 35 U.S.C. § 271(b) by inducing users of Defendant's products to directly infringe one or more claims of the '460 Patent through their use of Defendant's products.

80. On information and belief, Defendant engages in such inducement knowingly, and has done so with knowledge that such activity encourages users of the infringing products to directly infringe one or more claims of the '460 Patent.

81. Defendant's infringement of the '460 Patent has caused and will continue to cause Kanga Care both monetary damage and irreparable harm for which it has no adequate remedy at law.

82. Unless this Court enjoins Defendant's infringing conduct, Kanga Care will continue to be irreparably harmed by Defendant's infringement of the '460 Patent.

PRAYER FOR RELIEF

Accordingly, Plaintiff Kanga Care LLC respectfully requests that this Court enter judgment against Defendant Bumbum Babies, LLC as follows:

- A. A declaration that Defendant has infringed the '483, '484, '726, and '460 Patents;
- B. A declaration that Defendant's infringement is willful;
- C. A preliminary and permanent injunction against continuing infringement of any of the claims of the '483, '484, '726, and '460 Patents in any manner by Defendant and its respective officers, directors, agents, servants, affiliates, employees,

divisions, branches, subsidiaries, parents, and all others acting in active concert therewith;

- D. An accounting for damages in an amount adequate to compensate Kanga Care for Defendant's infringement, but in no event less than a reasonable royalty, including up to treble damages for willful infringement, and together with interest thereon;
- E. A judgment in favor of Kanga Care that this is an exceptional case under 35 U.S.C. § 285, and an award to Kanga Care of its costs, including its reasonable attorney fees and other expenses incurred in connection with this action;
- F. An award of prejudgment interest under 35 U.S.C. § 284 and post-judgment interest under 35 U.S.C. § 1961 on all damages awarded; and
- G. Such other costs and further relief as the Court may deem just and proper.

DEMAND FOR A JURY TRIAL

Plaintiff Kanga Care LLC respectfully demands a jury trial on all issues so triable.

Respectfully submitted this 31st day of January, 2022.

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