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11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
13 **SOUTHERN DIVISION**

14 **HEALTHNESS LLC,**

Case No. 8:23-cv-00666

15
16 Plaintiff,

Patent Case

17 v.

Jury Trial Demanded

18 **COROS WEARABLES INC.,**

19
20 Defendant.

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22 **COMPLAINT FOR PATENT INFRINGEMENT**

23 1. Plaintiff Healthness LLC (“Plaintiff”), through its attorneys, complains
24 of Coros Wearables Inc. (“Defendant”), and alleges the following:
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PARTIES

2. Plaintiff Healthness LLC is a corporation organized and existing under the laws of Delaware that maintains its principal place of business at 261 West 35th St., Suite 1003, New York, NY 10001.

3. Defendant Coros Wearables Inc. is a corporation organized and existing under the laws of California that maintains an established place of business at 14511 Franklin Ave., Ste. 220, Tustin, California, 92780.

JURISDICTION

4. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

5. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Defendant because it has engaged in systematic and continuous business activities in this District and is incorporated in this District’s state. As described below, Defendant has committed acts of patent infringement giving rise to this action within this District.

VENUE

7. Venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant has an established place of business in this District. In addition, Defendant has committed acts of patent infringement in this District, and Plaintiff has suffered harm in this district.

PATENTS-IN-SUIT

8. Plaintiff is the assignee of all right, title and interest in United States Patent Nos. 6,445,298 and 6,696,957 (the “Patents-in-Suit”); including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patents-in-Suit. Accordingly, Plaintiff

1 possesses the exclusive right and standing to prosecute the present action for
2 infringement of the Patents-in-Suit by Defendant.

3 **THE '298 PATENT**

4 9. The '298 Patent is entitled "System and method for remotely
5 monitoring movement of individuals," and issued 2002-09-03. The application
6 leading to the '298 Patent was filed on 2000-12-21. A true and correct copy of the
7 '298 Patent is attached hereto as Exhibit 1 and incorporated herein by reference.

8 **THE '957 PATENT**

9 10. The '957 Patent is entitled "System and method for remotely
10 monitoring movement of individuals," and issued 2004-02-24. The application
11 leading to the '957 Patent was filed on 2002-05-28. A true and correct copy of the
12 '957 Patent is attached hereto as Exhibit 2 and incorporated herein by reference.

13 **COUNT 1: INFRINGEMENT OF THE '298 PATENT**

14 11. Plaintiff incorporates the above paragraphs herein by reference.

15 12. **Direct Infringement.** Defendant directly infringed one or more claims
16 of the '298 Patent in at least this District by making, using, offering to sell, selling
17 and/or importing, without limitation, at least the Defendant products identified in the
18 charts incorporated into this Count below (among the "Exemplary Defendant
19 Products") that infringed at least the exemplary claims of the '298 Patent also
20 identified in the charts incorporated into this Count below (the "Exemplary '298
21 Patent Claims") literally or by the doctrine of equivalents. On information and
22 belief, numerous other devices that infringed the claims of the '298 Patent have been
23 made, used, sold, imported, and offered for sale by Defendant and/or its customers.

24 13. Defendant also directly infringed, literally or under the doctrine of
25 equivalents, the Exemplary '298 Patent Claims, by having its employees internally
26 test and use these Exemplary Products.

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1 14. Exhibit 3 includes charts comparing the Exemplary '298 Patent Claims
2 to the Exemplary Defendant Products. As set forth in these charts, the Exemplary
3 Defendant Products practice the technology claimed by the '298 Patent.
4 Accordingly, the Exemplary Defendant Products incorporated in these charts satisfy
5 all elements of the Exemplary '298 Patent Claims.

6 15. Plaintiff therefore incorporates by reference in its allegations herein the
7 claim charts of Exhibit 3.

8 16. Plaintiff is entitled to recover damages adequate to compensate for
9 Defendant's infringement.

10 **COUNT 2: INFRINGEMENT OF THE '957 PATENT**

11 17. Plaintiff incorporates the above paragraphs herein by reference.

12 18. **Direct Infringement.** Defendant directly infringed one or more claims
13 of the '957 Patent in at least this District by making, using, offering to sell, selling
14 and/or importing, without limitation, at least the Defendant products identified in the
15 charts incorporated into this Count below (among the "Exemplary Defendant
16 Products") that infringed at least the exemplary claims of the '957 Patent also
17 identified in the charts incorporated into this Count below (the "Exemplary '957
18 Patent Claims") literally or by the doctrine of equivalents. On information and
19 belief, numerous other devices that infringed the claims of the '957 Patent have been
20 made, used, sold, imported, and offered for sale by Defendant and/or its customers.

21 19. Defendant also directly infringed, literally or under the doctrine of
22 equivalents, the Exemplary '957 Patent Claims, by having its employees internally
23 test and use these Exemplary Products.

24 20. Exhibit 4 includes charts comparing the Exemplary '957 Patent Claims
25 to the Exemplary Defendant Products. As set forth in these charts, the Exemplary
26 Defendant Products practice the technology claimed by the '957 Patent.

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1 Accordingly, the Exemplary Defendant Products incorporated in these charts satisfy
2 all elements of the Exemplary '957 Patent Claims.

3 21. Plaintiff therefore incorporates by reference in its allegations herein the
4 claim charts of Exhibit 4.

5 22. Plaintiff is entitled to recover damages adequate to compensate for
6 Defendant's infringement.

7 **JURY DEMAND**

8 23. Under Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff
9 respectfully requests a trial by jury on all issues so triable.

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff respectfully requests the following relief:

- 12 A. A judgment that the '298 Patent is valid and enforceable;
- 13 B. A judgment that Defendant has infringed directly one or more
14 claims of the '298 Patent;
- 15 C. A judgment that the '957 Patent is valid and enforceable;
- 16 D. A judgment that Defendant has infringed directly one or more
17 claims of the '957 Patent;
- 18 E. An accounting of all damages not presented at trial;
- 19 F. A judgment that awards Plaintiff all appropriate damages under
20 35 U.S.C. § 284 for Defendant's past infringement at least with
21 respect to the '298; and '957 Patents;
- 22 G. And, if necessary, to adequately compensate Plaintiff for
23 Defendant's infringement, an accounting:
- 24 i. that this case be declared exceptional within the meaning
25 of 35 U.S.C. § 285 and that Plaintiff be awarded its
26 reasonable attorneys' fees against Defendant that it incurs
27 in prosecuting this action;
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- ii. that Plaintiff be awarded costs, and expenses that it incurs in prosecuting this action; and
- iii. that Plaintiff be awarded such further relief at law or in equity as the Court deems just and proper.

Dated: April 17, 2023

Respectfully submitted,

/s/ Stephen M. Lobbin
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Counsel for Plaintiff
Healthness LLC