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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

BabyBjörn AB,

Plaintiff,

v.

The Ergo Baby Carrier, Inc.,

Defendant.

CASE NO: 2:23-cv-00446

COMPLAINT FOR:

**(1) UTILITY PATENT
INFRINGEMENT**

DEMAND FOR TRIAL BY JURY

1 Plaintiff BabyBjörn AB (“BabyBjörn” or “Plaintiff”) hereby brings the present
2 action against Defendant The Ergo Baby Carrier, Inc. (“Defendant” or “Ergo Baby”) and
3 alleges as follows:

4 **NATURE OF THE ACTION AND SUMMARY OF RELIEF SOUGHT**

5 1. This action has been filed by Plaintiff to address Ergo Baby’s importation,
6 manufacture, use, sale, and/or offer of sale of Ergo Baby’s Evolve 3-in-1 Bouncer
7 (“Evolve Bouncer”), which practices multiple claims of BabyBjörn’s patent rights
8 without license or permission, as described herein. Plaintiff has been and continues to be
9 irreparably damaged through Ergo Baby’s unlawful use of BabyBjörn’s patented
10 technology, and BabyBjörn seeks injunctive and monetary relief to address this unlawful
11 use.

12 **PARTIES**

13 2. BabyBjörn is a Swedish company with its principal place of business in
14 Sweden.

15 3. The Ergo Baby Carrier, Inc. is a Hawaiian corporation with a principal place
16 of business at 680 Knox Street, Suite 125 Torrance, CA 90502.

17 **JURISDICTION AND VENUE**

18 4. This Court has original subject matter jurisdiction over the claims in this
19 action pursuant to the Patent Act, 35 U.S.C. § 1, et seq., 28 U.S.C. § 1338(a) and (b), and
20 28 U.S.C. § 1331.

21 5. This Court has personal jurisdiction over Ergo Baby because it is
22 headquartered in this Judicial District and, on information and belief, has committed acts
23 of infringement within this Judicial District.

24 6. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400.

25 **FACTUAL BACKGROUND**

26 **BabyBjörn’s Innovation and Products**

27 7. The name BabyBjörn is synonymous with high quality and safe children’s
28 products. BabyBjörn’s founders, Björn and Lillemor Jakobson, are industry pioneers

1 who began developing innovative child care products to enhance the quality of life of
2 young children and their parents in the 1960's. While BabyBjörn is best known for its
3 parent-worn baby carrier products, its very first commercial success was an innovative
4 "baby sitter" bouncing chair¹ that provided parents a safe, ergonomic place to sit their
5 baby when tending to other tasks. Images of the "baby sitter" product are below.



8. This product had a static wireframe design over which a cloth infant seat was installed, and was heralded for its utility, simplicity, and aesthetic qualities.

9. Ever since, innovation and design have been a part of the BabyBjörn company DNA, and BabyBjörn continued to innovate and improve in this product category. In the 1980's, for example, BabyBjörn designed and marketed a baby bouncer with enhanced strength and improved mechanical operation allowing the seat to collapse for transport or storage:

28 ¹ See, e.g., <https://www.babybjorn.com/about/our-history>.

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10. In 2008, BabyBjörn again implemented its meticulous approach to product innovation and design and created the BabyBjörn Babysitter Balance, which today is named BabyBjörn Bouncer Bliss and BabyBjörn Bouncer Balance Soft, pictured below:





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10 11. Like the original “baby sitter” product, the Bouncer Bliss and Bouncer
11 Balance Soft utilizes a frame design allowing the child or parent to bounce the seated
12 area to pacify or entertain the child. Unlike predecessor designs, however, this product
13 introduced a novel design that combines a front support plate and connection with a rear
14 support frame to provide 360-degree stability for the child, as well as an innovative
15 locking mechanism allowing for the parent to easily adjust the inclination of the seat
16 area. BabyBjörn’s innovative design decisions resulted in a “Goldilocks” product, in that
17 it perfectly balances a user’s needs (both functional and aesthetic), while also making it
18 easier for the consumer to use and store it.

19 12. In recognition of BabyBjörn’s unique advancements in the field of baby
20 bouncer design, BabyBjörn was awarded U.S. Patent No. 7,779,490 (the “’490 patent”)
21 for the inventions embodied in the Bouncer Bliss and Bouncer Balance Soft as well as
22 other innovations, attached to this Complaint as **EXHIBIT 1**, as well as other domestic
23 and international patent rights, including in Europe, China, Australia, Canada, Israel,
24 Japan, Korea, and Russia.

25 13. BabyBjörn is the lawful assignee of all right, title and interest in and to the
26 ’490 patent. The ’490 patent was lawfully issued on August 24, 2010, listing Håkan
27 Bergkvist as an inventor. The claims of the ’490 patent generally relate to improved
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1 baby bouncer designs. Claim 1 is the sole independent claim of that patent, and recites
2 innovations found in BabyBjörn’s Bouncer Bliss and Balance Soft products:

3 A bouncing cradle comprising a base frame (10) intended
4 to rest on an underlay, a backrest (20), a pivot mounting
5 (12) arranged for the backrest and carried by the base
6 frame, an arm (22) fixedly connected to the backrest and
7 situated under the backrest (20) as well as at a distance
8 from the pivot mounting, and an adjustment fitting (40) for
9 setting different angles of inclination of the backrest in
10 relation to the base frame, the base frame comprising an
11 essentially plane support yoke (84) having yoke branches
12 with mutually parallel branch ends attached to a support
13 plate (16), characterized in that the support plate (16)
14 consists of an injection-moulded piece of plastic having
15 integrated tubular sleeves (85) that receive the mutually
16 parallel branch ends of the yoke branches, and that the
17 sleeves (85) are situated at a distance above a support
18 surface of the support plate facing the underlay.

14 14. At all times relevant to this action, BabyBjörn is and has been making and
15 selling baby bouncer products that incorporate the inventions claimed in the ’490 patent,
16 including the Bouncer Bliss and Balance Soft products, which BabyBjörn has marked
17 with the ’490 patent number both physically and via its website, a screenshot of which is
18 included below.²

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² See, e.g., <https://www.babybjorn.com/customer-service/patents>.

Free shipping on all orders for a limited time

☰ **BabyBjörn**

BID FOR Baby Carrier MINI and MOVE/Free
CD No. 000336144

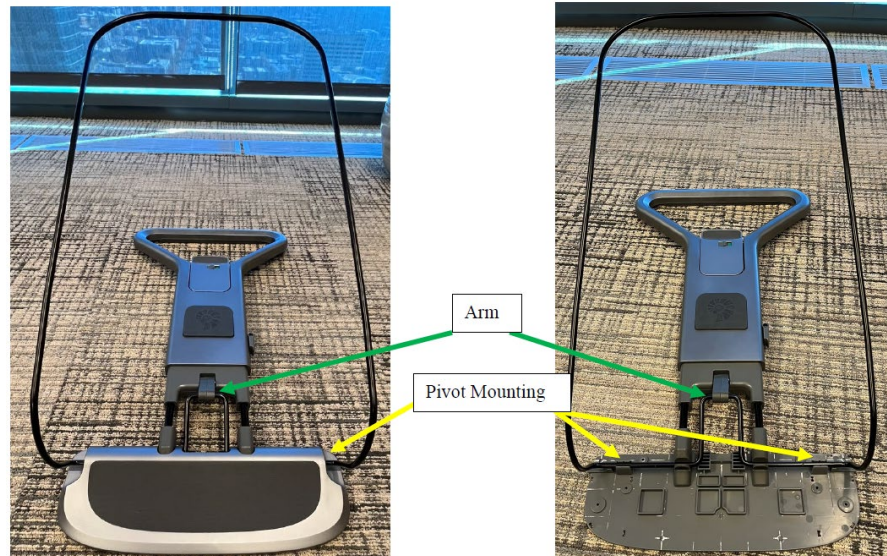
Bouncer Balance Soft and Bliss
US Patent 7780236
US Patent 7779490
Canadian Patent No. 2654690
Canadian Patent No. 2654691
Swedish Patent No. 530117
Swedish Patent No. 530118

Ergo Baby's Infringing Acts

15. Ergo Baby is a direct competitor of BabyBjörn in the United States, and makes children's products including baby carriers. In September 2022, Ergo Baby launched its first baby bouncer product called the Evolve Bouncer. Ergo Baby imports, manufactures, uses, sells, and offers for sale the Evolve Bouncer product. A picture of the Evolve Bouncer is below:

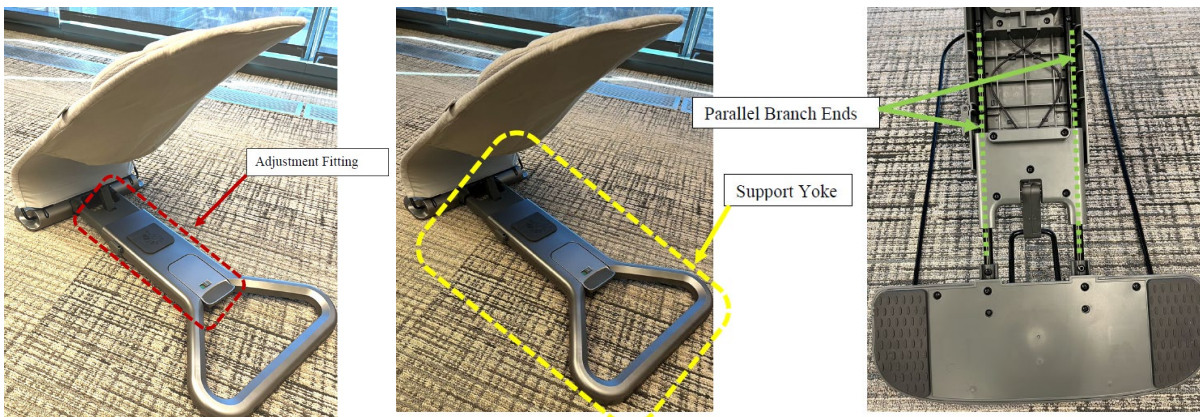


16. The Evolve Bouncer is a bouncing cradle having a base frame, a backrest, an arm (under the backrest and at a distance from the pivot mounting), and a pivot mounting arranged for the backrest and carried by the base frame.

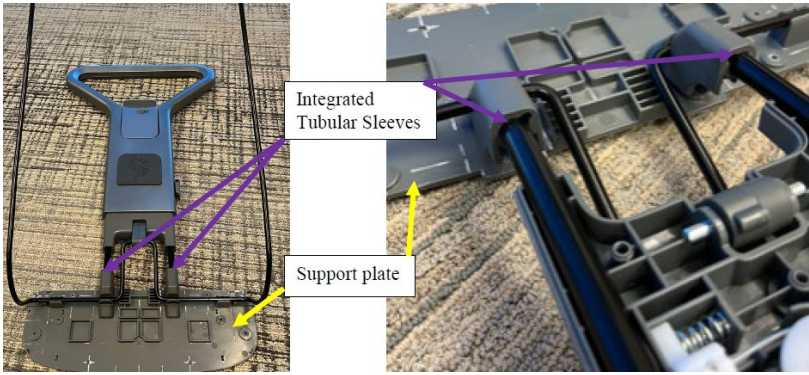


21 17. The Evolve Bouncer has an adjustment fitting for setting different angles of
22 inclination of the backrest in relation to the base frame, the base frame having a planar
23 support yoke with yoke branches having mutually parallel branch ends attached to a
24 support plate.

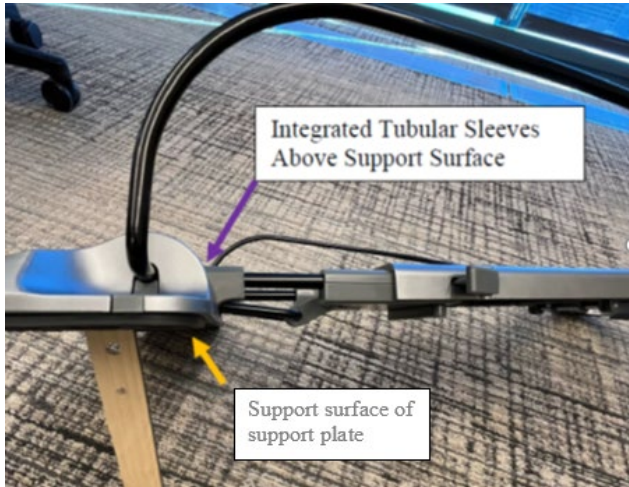
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18. The support plate consists of an injection-moulded piece of plastic having integrated tubular sleeves that receive the mutually parallel branch ends of the yoke branches.



19. The sleeves are situated at a distance above a support surface of the support plate facing the underlay [e.g. the floor].



20. Since the introduction of the Evolve Bouncer, Ergo Baby has marketed the Evolve Bouncer in direct competition with BabyBjörn's Bouncer Bliss and Bouncer

1 Balance Soft. In view of BabyBjörn’s physical and virtual marking of the Bouncer Bliss
2 and Bouncer Balance Soft products, which were on the market for more than a decade
3 before Ergo Baby introduced the Evolve Bouncer, on information and belief, Ergo Baby
4 had knowledge of the Bouncer Bliss and Bouncer Balance Soft and BabyBjörn’s patent
5 rights protecting the Bouncer Bliss and Bouncer Balance Soft design (including the ’490
6 patent rights) before introducing the Evolve Bouncer, but nevertheless decided to bring
7 the Evolve Bouncer product to market, with knowledge and/or a reckless disregard of the
8 fact that the Evolve Bouncer infringes BabyBjörn’s patent rights, including its rights in
9 the ’490 patent.

10 21. Counsel for BabyBjörn will concurrently send a cease-and-desist letter (the
11 “Letter”) to Ergo Baby, informing Ergo Baby of the manner of Ergo Baby’s infringement
12 of the ’490 patent.

13 22. To date, Ergo Baby has refused to cease selling the Evolve Bouncer.

14 23. At no time has BabyBjörn given Ergo Baby permission, license, or
15 authorization to use BabyBjörn’s patented baby bouncer technology, including the
16 inventions claimed in the ’490 patent.

17 24. Ergo Baby’s use, sale, offer for sale, importation, and/or manufacture of the
18 Evolve Bouncer since at least receipt of the Letter demonstrates a deliberate and
19 conscious decision to infringe the ’490 patent, or at the very least a reckless disregard of
20 BabyBjörn’s patent rights and therefore constitute willful infringement.

21 25. Despite having knowledge of BabyBjörn’s patent rights, Ergo Baby is likely
22 to continue to willfully and deliberately infringe the ’490 patent unless enjoined by this
23 Court.

24 26. BabyBjörn has lost and continues to lose customers, market share, and
25 goodwill as a result of Ergo Baby’s infringement.

26 27. Ergo Baby’s marketing and sale of the Evolve Bouncer cause BabyBjörn to
27 compete against its own technology, thus irreparably harming BabyBjörn by depriving
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1 BabyBjörn of the exclusive use of its inventions to compete, build its reputation and
2 goodwill as an innovator, and expand its market share.

3 28. Ergo Baby’s continued making, using, importing, selling, offering for sale,
4 and distribution of the Evolve Bouncer has injured, is injuring, and will continue to cause
5 irreparable injury to BabyBjörn and BabyBjörn’s valuable patent rights, goodwill,
6 reputation, and market share if not preliminarily and permanently enjoined.

7 **FIRST CAUSE OF ACTION**

8 **(Patent Infringement Under 35 U.S.C. § 271)**

9 29. BabyBjörn re-alleges and incorporates by this reference the preceding
10 allegations of this Complaint.

11 30. As set forth *supra*, the Evolve Bouncer contains each of the limitations of at
12 least Claim 1 of the ’490 patent literally or by substantial equivalence.

13 31. Ergo Baby’s actions as described above, and specifically Ergo Baby’s
14 unauthorized manufacture, use, importation, offers to sell, and sales of the Evolve
15 Bouncer constitute infringement of the ’490 patent under 35 U.S.C. § 271.

16 32. Ergo Baby’s continued actions of making, using, importing, selling, offering
17 for sale, and/or manufacturing the Evolve Bouncer have injured, are injuring, and will
18 cause irreparable injury to BabyBjörn if not permanently enjoined.

19 33. Ergo Baby’s continued actions of using, importing, selling, offering for sale,
20 and/or manufacturing the Evolve Bouncer after having knowledge of the ’490 patent and
21 BabyBjörn’s allegations of infringement demonstrate a deliberate and conscious decision
22 to infringe the ’490 patent or, at the very least, a reckless disregard of BabyBjörn’s
23 patent rights.

24 34. BabyBjörn is entitled to an injunction prohibiting Ergo Baby from further
25 making, importing, using, selling, or offering to sell the Evolve Bouncer without
26 permission or license from BabyBjörn under 35 U.S.C. § 283.

27 35. BabyBjörn is entitled to recover all damages caused by Ergo Baby’s
28 infringement of the ’490 patent under 35 U.S.C. § 284.

1 DATED: January 20, 2023

DORSEY & WHITNEY LLP

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3 By /s/ Elliot Hales
4 Elliot Hales
5 Attorney for BabyBjörn AB
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DEMAND FOR TRIAL BY JURY

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2 Plaintiff BabyBjörn demands a jury trial pursuant to Fed. R. Civ. P. 38(b) on all
3 claims, defenses and counterclaims so triable.

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5 DATED: January 20, 2023

DORSEY & WHITNEY LLP

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7 By /s/ Elliot Hales
8 Elliot Hales
9 Attorney for BabyBjörn AB.
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