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6  
7 *Attorneys for Plaintiff*

8  
9 **IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

10  
 11 **MOBILE HEALTH INNOVATIVE**  
 12 **SOLUTIONS, LLC**  
 13 Plaintiff,  
 14  
 15 v.  
 16 **ZEPP HEALTH CORPORATION**  
 17 **and ZEPP NORTH AMERICA, INC.**  
 18 Defendants.

**Case No. 2:24-cv-1030**

**Jury Trial Demanded**

19 **COMPLAINT FOR PATENT INFRINGEMENT**

20  
21 Mobile Health Innovative Solutions, LLC (“Plaintiff” and/or “MHIS”)  
22 files this complaint against Zepp Health Corporation and Zepp North America,  
23 Inc. (collectively “Defendants” or “Zepp”) for infringement of U.S. Patent No.  
24 11,468,984 (“the ’984 Patent”) and alleges as follows:

25 **PARTIES**

- 26 1. Plaintiff is a Wyoming company having its principal place of business in  
 27 Cheyenne, Wyoming.  
 28 2. Upon information and belief, Zepp Health Corporation is a company

1 organized and existing under the laws of China with its principal place of business at  
2 Huami Global Innovation Center, Building B2, Zhongan Chuanggu Science and  
3 Technology Park, No. 900 Wangjiang West Road, Hefei, 230088, People's Republic  
4 of China.

5 3. Upon information and belief, Zepp North America, Inc. is a company  
6 organized and existing under the laws of the State of Delaware and has a principal place  
7 of business at 1551 McCarthy Blvd., Ste 107, Milpitas, California 95035.

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9 **JURISDICTION AND VENUE**

10 4. This action arises under the patent laws of the United States, 35 U.S.C. §  
11 271 et seq. Plaintiff is seeking damages, as well as attorney fees and costs.

12  
13 5. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal  
14 Question) and 1338(a) (Patents).

15  
16 6. This Court has personal jurisdiction over Defendants. Defendants have  
17 continuous and systematic business contacts with the State. Defendants transact  
18 business within this District. Further, this Court has personal jurisdiction over  
19 Defendants based on its commission of one or more acts of infringement of Patents in  
20 this District and elsewhere in the State.

21  
22 7. More specifically, Defendants, directly and/or through intermediaries,  
23 ship, distribute, use, offer for sale, sell, and/or advertise products and services in the  
24 United States, the State of California, and the Central District of California including  
25 but not limited to the Products as detailed below. Upon information and belief,  
26 Defendants have committed patent infringement in the State of California and in the  
27  
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1 Central District of California. Defendants solicit and have solicited customers in the  
2 State of California and in the Central District of California. Defendants have paying  
3 customers, who are residents of the State of California and the Central District of  
4 California, who each use and have used the Defendants' products and services in the  
5 State of California and in the Central District of California.  
6

7 8. On information and belief, Defendants maintain physical brick-and-  
8 mortar business locations in the State and within this District, retains employees  
9 specifically in this District for the purpose of servicing customers in this District, and  
10 generates substantial revenues from its business activities in this District.  
11

12 9. Venue is proper in this judicial district as to Zepp Health Corporation  
13 pursuant to 28 U.S.C. §§ 1391(c)(3) because Zepp Health Corporation is not a resident  
14 of the United States and therefore may be sued in any judicial district.  
15

16 10. Venue is also proper in this district as to Defendants pursuant to at least  
17 28 U.S.C. §§ 1391(c)(2) and 1400(b). As noted above, Defendants maintain a regular  
18 and established business presence in this District. *See* Figures 1 and 2 below.  
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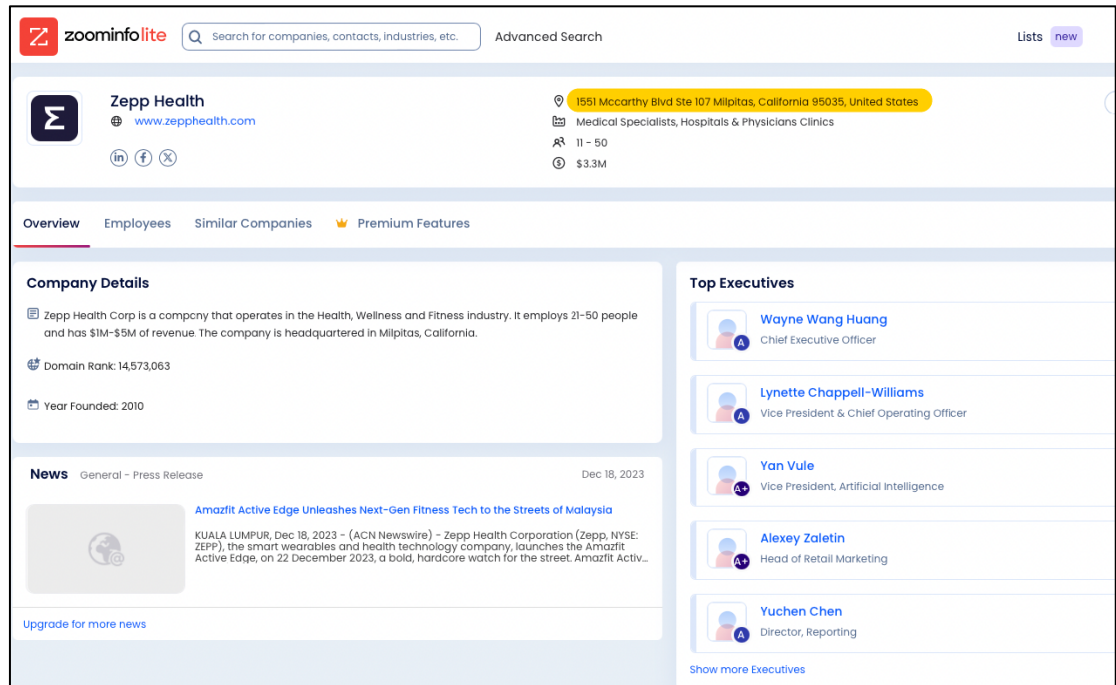


Figure 1

(source: <https://apps.zoominfo.com/zi-lite/#/profile/company/1308718241/overview>)

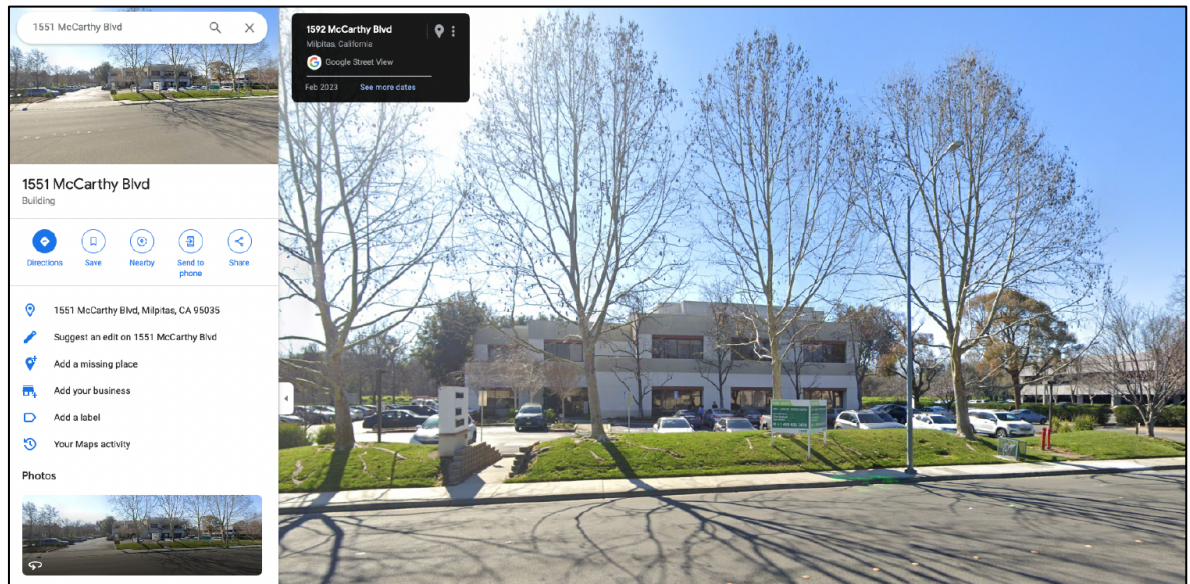


Figure 2

(source: Google Maps)

**PATENT-IN-SUIT**

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3       11. On October 11, 2022, the United States Patent and Trademark Office  
4 (“USPTO”) duly and legally issued the ’984 Patent, entitled “Device, Method and  
5 Application for Establishing a Current Load Level.” The ’984 Patent is attached as  
6 Exhibit A.  
7

8       12. Plaintiff is the sole and exclusive owner, by assignment, of the ’984 Patent.  
9

10       13. Plaintiff possesses all rights of recovery under the ’984 Patent, including  
11 the exclusive right to recover for past, present and future infringement.  
12

13       14. The ’984 Patent contains eighteen claims including two independent  
14 claims (claims 1 and 12) and sixteen dependent claims.  
15

16       15. The priority date of the ’984 Patent is at least as early as August 1, 2013.  
17 As of the priority date, the inventions as claimed were novel, non-obvious,  
18 unconventional, and non-routine.

19       16. Plaintiff alleges infringement on the part of Defendants of the ’984 Patent.  
20

21       17. The ’984 Patent teaches devices and methods for establishing a current  
22 load or stress level of a user. The devices and methods of the ’984 Patent determine a  
23 current load or stress level of a user from biometric data obtained from at least one  
24 sensor on a mobile terminal. *See* ’984 Patent, Abstract.  
25

26       18. The ’984 Patent was examined by Primary United States Patent Examiner  
27 Rex R. Holmes. During the examination of the ’984 Patent, the United States Patent  
28

1 Examiner searched for prior art in the following US Classifications: *G16H 40167*  
2 (2018.01); A61B 51165 (2013.01); A61B 514809 (2013.01); A61B 514812 (2013.01);  
3 A61B 514815 (2013.01); A61B 514884 (2013.01); A61B 517267 (2013.01); G06N  
4 3/04 (2013.01); G06N 3/0454 (2013.01); G06N 3/084 (2013.01); G06N 3/088  
5 (2013.01); G10L 25163 (2013.01); G10L 25166 (2013.01); G16B 40120 (2019.02);  
6 G16H 50/20 (2018.01); A61B 511124 (2013.01); A61B 5/486 (2013.01); A61B 5/4806  
7 (2013.01); A61B 5/6898 (2013.01); A61B 5/7264 (2013.01); G06N 3/0445 (2013.01);  
8  
9 and G16B 40/00 (2019.02).

11 19. After conducting a search for prior art during the examination of the '984  
12 Patent, the United States Patent Examiner identified and cited 4 U.S. patents, 27  
13 published U.S. patent applications, 4 international patent applications and 5 published  
14 articles.  
15

16 20. After giving full proper credit to the prior art and having conducted a  
17 thorough search for all relevant art and having fully considered the most relevant art  
18 known at the time, the United States Patent Examiner allowed all of the claims of the  
19 '984 Patent to issue. In so doing, it is presumed that Examiner Holmes used his  
20 knowledge of the art when examining the claims. *K/S Himpp v. Hear-Wear Techs.,*  
21 *LLC*, 751 F.3d 1362, 1369 (Fed. Cir. 2014). It is further presumed that Examiner  
22 Holmes had experience in the field of the invention, and that the Examiner properly  
23 acted in accordance with a person of ordinary skill. *In re Sang Su Lee*, 277 F.3d 1338,  
24 1345 (Fed. Cir. 2002). In view of the foregoing, the claims of the '984 Patent are novel  
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1 and non-obvious, including over all non-cited art which is merely cumulative with the  
2 referenced and cited prior art. Likewise, the claims of the '984 Patent are novel and  
3 non-obvious, including over all non-cited contemporaneous state of the art systems and  
4 methods, all of which would have been known to a person of ordinary skill in the art,  
5 and which were therefore presumptively also known and considered by Examiner  
6  
7 Holmes.

8  
9 21. The claims of the '984 Patent were all properly issued, and are valid and  
10 enforceable for the respective terms of their statutory life through expiration, and are  
11 enforceable for purposes of seeking damages for past infringement even post-  
12 expiration. *See, e.g., Genetics Institute, LLC v. Novartis Vaccines and Diagnostics,*  
13 *Inc.*, 655 F.3d 1291, 1299 (Fed. Cir. 2011) (“[A]n expired patent is not viewed as  
14 having ‘never existed.’ Much to the contrary, a patent does have value beyond its  
15 expiration date. For example, an expired patent may form the basis of an action for  
16 past damages subject to the six-year limitation under 35 U.S.C. § 286”) (internal  
17 citations omitted).

18  
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20  
21 22. The nominal expiration date for the claims of the '984 Patent is no earlier  
22 than August 1, 2033.

### 23 ACCUSED INSTRUMENTALITIES

24  
25 23. On information and belief, Defendant sells, advertises, offers for sale,  
26 uses, or otherwise provides exemplary products, including at least Amazfit  
27 smartwatches such as the Amazfit GTR 4 (Watch), which provides an AI-powered  
28

1 solution, Zepp Aura that measures the readiness and relaxation level (“current load  
2 level”) of users and helps them understand their sleeping patterns. The foregoing are  
3 referred to as the “Accused Instrumentalities.”  
4

5 **COUNT I**  
6 **(INFRINGEMENT OF UNITED STATES PATENT NO. 11,468,984)**

7 24. Plaintiff refers to and incorporates the allegations in Paragraphs 1 - 23, the  
8 same as if set forth herein.

9 25. This cause of action arises under the patent laws of the United States and,  
10 in particular under 35 U.S.C. §§ 271, *et seq.*

11 26. Defendant have knowledge of its infringement of the '984 Patent, at least  
12 as of the service of the present complaint.  
13

14 27. The '984 Patent is valid, enforceable, and was duly issued in full  
15 compliance with Title 35 of the United States Code.  
16

17 28. Upon information and belief, Defendants have infringed and continues to  
18 infringe one or more claims, including at least Claims 1, 5, 11 and 12 of the '984 Patent  
19 by manufacturing, using, importing, selling, offering for sale, and/or providing (as  
20 identified in the Claim Chart attached hereto as Exhibit B) the Accused  
21 Instrumentalities which infringe at least Claims 1, 5, 11 and 12 of the '984 Patent.  
22 Defendants have infringed and continue to infringe the '984 patent either directly or  
23 through acts of contributory infringement or inducement in violation of 35 U.S.C. §  
24 271.  
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1           29. Defendants also have and continue to directly infringe, literally or under  
2 the doctrine of equivalents, at least Claims 1, 5, 11 and 12 of the '984 Patent, by having  
3 its employees internally test and use these exemplary Accused Instrumentalities.  
4

5           30. The service of this Complaint, in conjunction with the attached claim chart  
6 and references cited, constitutes actual knowledge of infringement as alleged here.  
7

8           31. Despite such actual knowledge, Defendants continue to make, use, test,  
9 sell, offer for sale, market, and/or import into the United States, products that infringe  
10 the '984 Patent. On information and belief, Defendants have also continued to sell the  
11 exemplary Accused Instrumentalities and distribute product literature and website  
12 materials inducing end users and others to use its products in the customary and  
13 intended manner that infringes the '984 Patent. *See* Exhibit B (extensively referencing  
14 these materials to demonstrate how they direct end users to commit patent  
15 infringement).  
16  
17

18           32. At least since being served by this Complaint and corresponding claim  
19 chart, Defendants have actively, knowingly, and intentionally continued to induce  
20 infringement of the '984 Patent, literally or by the doctrine of equivalents, by selling  
21 exemplary Accused Instrumentalities to their customers for use in end-user products in  
22 a manner that infringes one or more claims of the '984 Patent.  
23  
24

25           33. Exhibit B includes at least one chart comparing the exemplary '984 Patent  
26 Claims to the exemplary Accused Instrumentalities. As set forth in this chart, the  
27 exemplary Accused Instrumentalities practice the technology claimed by the '984  
28

1 Patent. Accordingly, the exemplary Accused Instrumentalities incorporated in this  
2 chart satisfy all elements of at least Claims 1, 5, 11 and 12 of the '984 Patent.

3 34. Plaintiff therefore incorporates by reference in its allegations herein the  
4 claim chart of Exhibit B.

5  
6 35. Plaintiff is entitled to recover damages adequate to compensate for  
7 Defendants' infringement.

8  
9 36. Defendants' actions complained of herein will continue unless Defendants  
10 are enjoined by this court.

11 37. Defendants' actions complained of herein are causing irreparable harm  
12 and monetary damage to Plaintiff and will continue to do so unless and until Defendants  
13 are enjoined and restrained by this Court.

14  
15 38. Plaintiff is in compliance with 35 U.S.C. § 287.

16  
17 **DEMAND FOR JURY TRIAL**

18 39. Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a  
19 trial by jury of any issues so triable by right.

20  
21 **PRAYER FOR RELIEF**

22 WHEREFORE, Plaintiff asks the Court to:

23 (a) Enter judgment for Plaintiff on this Complaint on all causes of action  
24 asserted herein;

25  
26 (b) Enter an Order enjoining Defendants, their agents, officers, servants,  
27 employees, attorneys, and all persons in active concert or participation with Defendant  
28

1 who receive notice of the order from further infringement of United States Patent No.  
2 11,468,984 (or, in the alternative, awarding Plaintiff running royalties from the time of  
3 judgment going forward);  
4

5 (c) Award Plaintiff damages resulting from Defendants' infringement in  
6 accordance with 35 U.S.C. § 284;

7 (d) Award Plaintiff pre-judgment and post-judgment interest and costs; and  
8

9 (e) Award Plaintiff such further relief to which the Court finds Plaintiff  
10 entitled under law or equity.  
11

12  
13 Dated: February 6, 2024

Respectfully served,  
GARTEISER HONEA, PLLC

14  
15 */s/ Randall Garteiser*

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