

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**Codefine International SA,**

Plaintiff,

v.

**Simply Southern Holdings, LLC,**

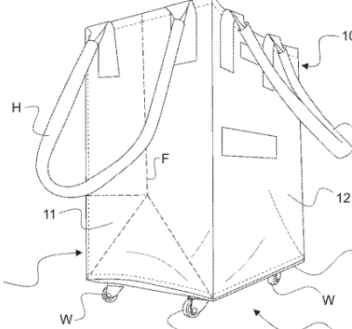




Defendant.

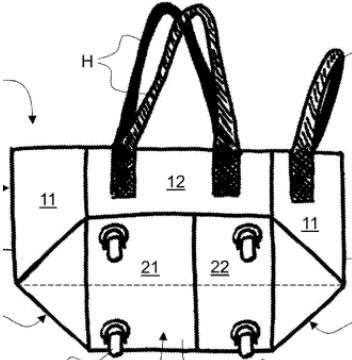




**TRIAL BY JURY DEMANDED**

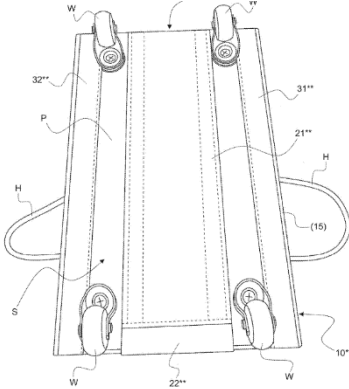




**COMPLAINT FOR PATENT INFRINGEMENT**

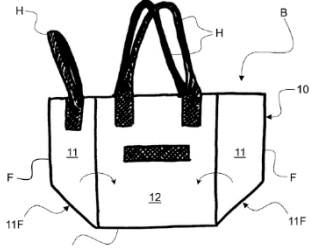




1. Plaintiff Codefine International SA (“Plaintiff” or “Codefine”) files this Complaint for patent infringement and demand for jury trial against Defendant Simply Southern Holdings, LLC (“Defendant” or “Simply Southern”). This is an action for patent infringement under the Patent Laws of the United States, Title 35 of the United States Code (“U.S.C.”), against Simply Southern for infringement of U.S. Patent No. 12,053,071 (the “’071 Patent” or “patent-in-suit”), which is attached as Exhibit A and incorporated herein by reference, pursuant to 35 U.S.C. § 271, to recover damages, attorney’s fees, costs, pre- and post-judgment interest, and injunctive relief.

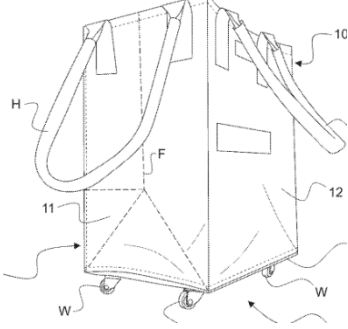


2. Simply Southern sells, offers for sale, uses, and imports into the United States rolling tote bags (the “Accused Products”), made in China, which infringe the ’071 Patent and are an undeniable copy of Plaintiff’s patented HULKEN® rolling tote bags, as shown below:

<b>Plaintiff's '071 Patent</b>	<b>Plaintiff's HULKEN® Rolling Tote Bags</b>	<b>Defendant Simply Southern's Infringing Rolling Tote Bags</b>
 <p>'071 Patent, Fig. 1</p>	 	 

Plaintiff's '071 Patent	Plaintiff's HULKEN® Rolling Tote Bags	Defendant Simply Southern's Infringing Rolling Tote Bags
 <p>'071 Patent, Fig. 3B.</p>	 <p>(Medium size)</p>  <p>(Large size)</p>	 

<b>Plaintiff's '071 Patent</b>	<b>Plaintiff's HULKEN® Rolling Tote Bags</b>	<b>Defendant Simply Southern's Infringing Rolling Tote Bags</b>
 <p>'071 Patent, Fig. 4B.</p>	 <p>(Medium size)</p>  <p>(Large size)</p>	 

Plaintiff's '071 Patent	Plaintiff's HULKEN® Rolling Tote Bags	Defendant Simply Southern's Infringing Rolling Tote Bags
 <p data-bbox="276 535 511 577">Fig. 3A '071 Patent, Fig. 3A</p>	 	 

Plaintiff's '071 Patent	Plaintiff's HULKEN® Rolling Tote Bags	Defendant Simply Southern's Infringing Rolling Tote Bags
 <p>'071 Patent, Fig. 1</p>		

**THE PARTIES**

3. Plaintiff Codefine International SA is a corporation organized under the laws of Switzerland, with its principal place of business at Route de Saint-Maurice 74, 1814 La Tour-de-Peilz, Switzerland.

4. Defendant Simply Southern Holdings, LLC is a limited liability company with a regular and established place of business at 15841 N Fwy Suite 1175, Fort Worth, TX 76177, and an agent for service of process at Paracorp Incorporated, 14001 W Hwy 29 Suite 102, Liberty Hill, TX 78642.

5. Simply Southern conducts business, either directly or through its agents, on an ongoing basis in this judicial district, both in person and via sales on the Internet, and has a regular and established place of business in this judicial district.

### **JURISDICTION AND VENUE**

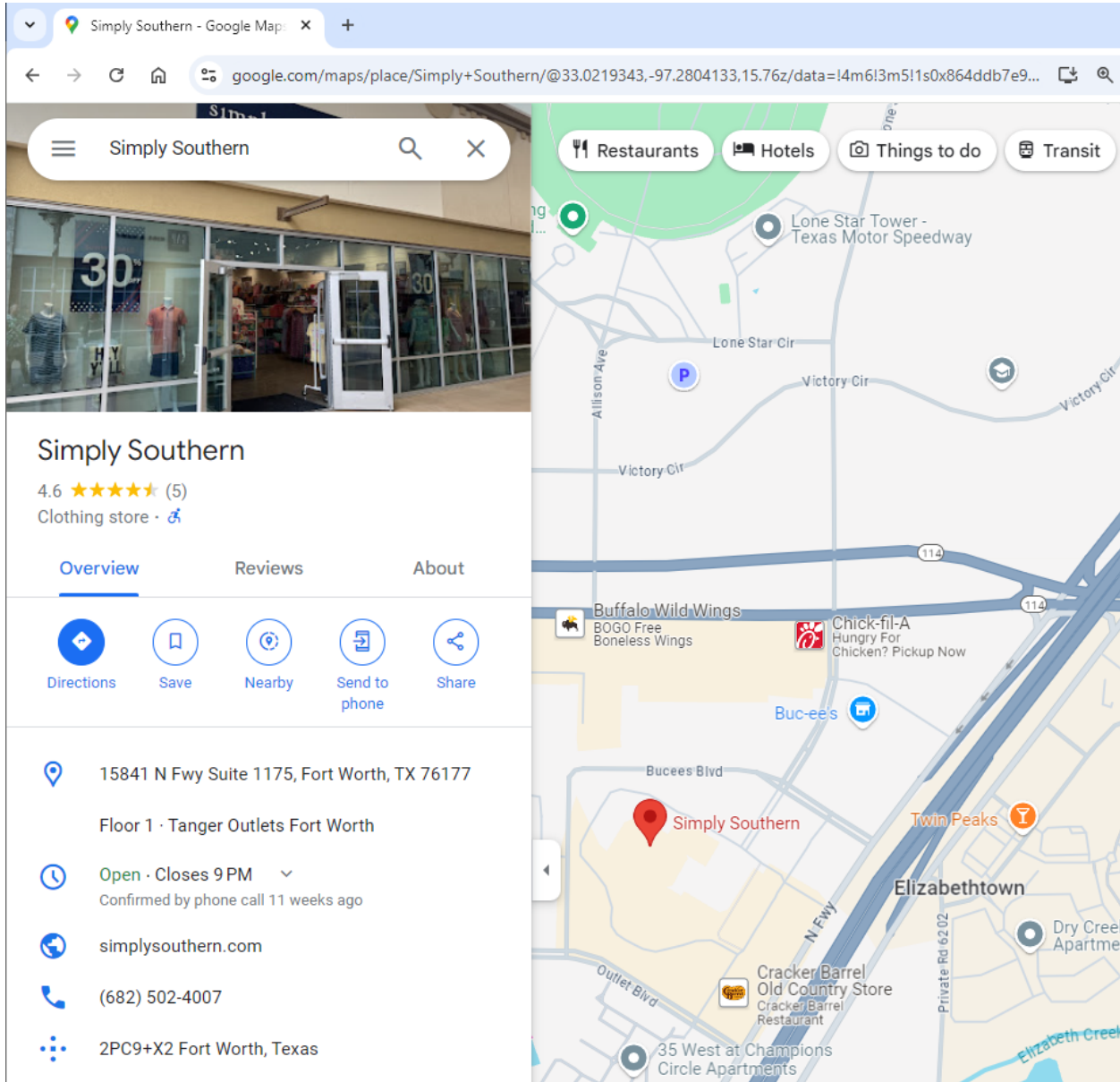
6. This action arises under the patent laws of the United States, 35 U.S.C. § 101, *et seq.* The Court has subject matter jurisdiction over this action pursuant to at least 28 U.S.C. §§ 1331 and 1338(a).

7. Defendant is subject to this Court's specific and general personal jurisdiction, pursuant to constitutional due process and the Texas Long-Arm Statute, due at least to its extensive activities in the jurisdiction of the United States District Court, Northern District of Texas (this "District"), including its infringement of the '071 Patent. This Court has specific and general personal jurisdiction over Defendant at least because it (1) has committed acts of patent infringement in this District, both in person and online; (2) regularly does business and solicits business in this District, both in person and online; (3) has engaged in other persistent courses of conduct and derived substantial revenue by its offering of infringing products and selling of infringing products in this District, both in person and online; and (4) has purposefully established substantial, systematic, and continuous contacts with this District and thus should reasonably expect to be subject to suit here, including by its maintenance of a regular and established physical place of business in this District and offering of infringing products and selling of infringing products in this District, both in person and online.

8. Defendant has also directly, purposefully and voluntarily sold infringing products into this District and into the stream of commerce with the intention and expectation that the infringing products will be purchased for use in this District.

9. Venue is proper in this judicial district under at least 28 U.S.C. §§ 1391(b), (c) and/or 28 U.S.C. § 1400(b) at least because Simply Southern has committed acts of infringement in this District, as detailed throughout this complaint, and Simply Southern has a regular and established place of business in this District.

10. For example, Simply Southern has a regular and established place of business through its physical location at 15841 N Fwy Suite 1175, Fort Worth, TX 76177, which is advertised online:



<https://www.google.com/maps/place/Simply+Southern/@33.0223818,-97.2824627,15z/data=!4m2!3m1!1s0x0:0x564251cbf748a71d?sa=X&ved=1t:2428&ictx=111>





SIMPLY SOUTHERN - FORT WORTH  
TANGER OUTLETS - FORT WORTH  
15841 NORTH FREEWAY  
SUITE 1175  
FORT WORTH, TX 76177




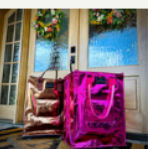

Get Directions

<https://simplysouthern.com/locations/>

11. At this physical location in Fort Worth, Texas, Simply Southern uses, sells, and offers to sell the Accused Products, and such infringement of the '071 Patent is ongoing.

12. In addition to its physical stores, Simply Southern maintains an online website, <https://www.simplysouthern.com/> which is accessible in, and used by consumers in, Texas and in this District. Additional infringement by Simply Southern, including sales and offers for sale of the Accused Products, occurs in this District as a result of this online website.

13. Examples of the Accused Products include at least the following:

Image	Item #	Item Name	Category	Current Price
	SKU: 0124-BAG-ROLLTOTE	<b>0124-BAG-ROLLTOTE</b>	Bags/Totes,New,Bags/All Bags	\$64.99
	SKU: 0224-BAG-ROLLTOTE-ORANGE	<b>0224-BAG-ROLLTOTE-ORANGE</b>	Bags/Totes,New,Bags/All Bags	\$64.99
	SKU: 0224-BAG-ROLLTOTE-SILVER	<b>0224-BAG-ROLLTOTE-SILVER</b>	Bags/Totes,New,Bags/All Bags	\$64.99
	SKU: 0224-BAG-ROLLTOTE-PINK	<b>0224-BAG-ROLLTOTE-PINK</b>	Bags/Totes,New,Bags/All Bags	\$64.99
	SKU: 0224-BAG-ROLLTOTE-BLACK	<b>0224-BAG-ROLLTOTE-BLACK</b>	Bags/Totes,New,Bags/All Bags	\$64.99








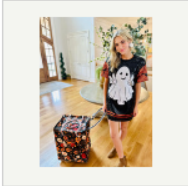
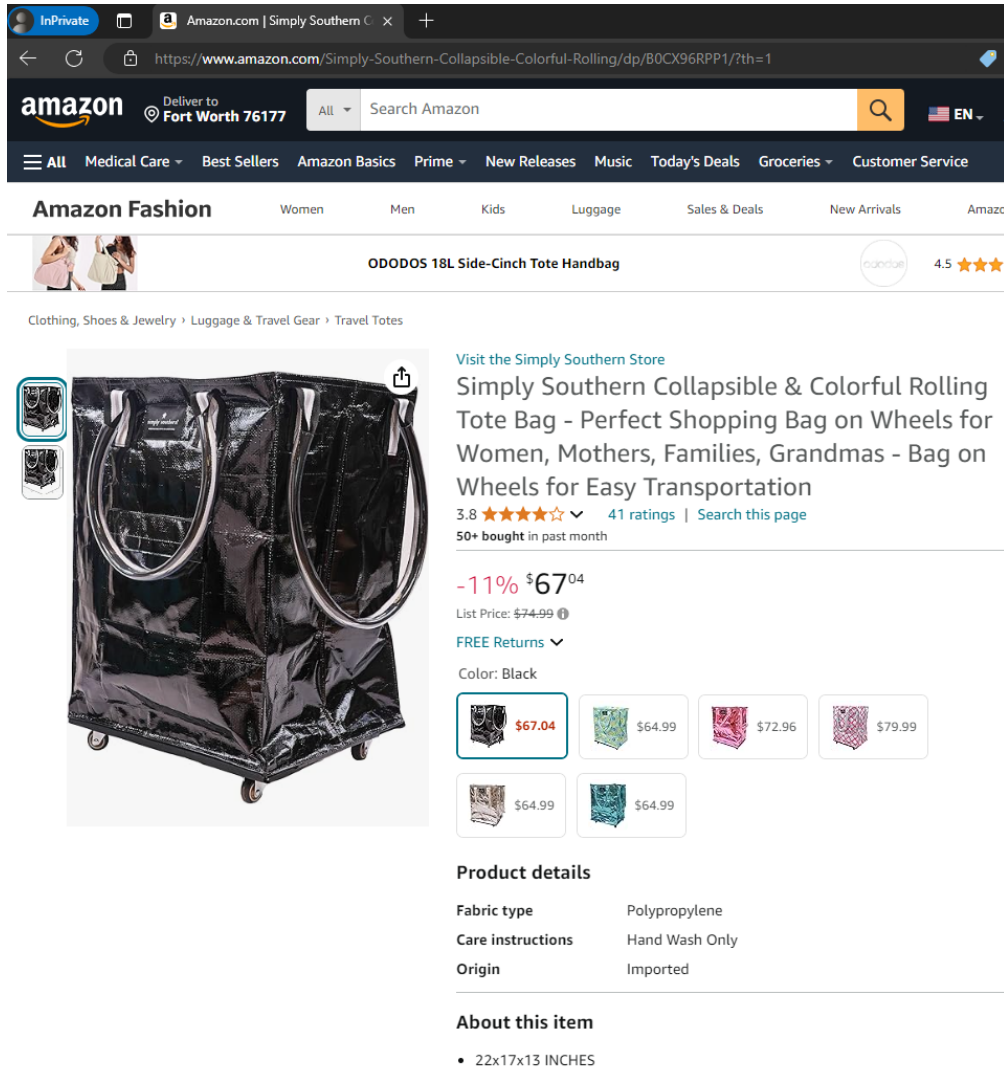
	SKU: 0224-BAG-ROLLTOTE-DKPINK	<b>0224-BAG-ROLLTOTE-DKPINK</b>	Bags/Totes,New,Bags/All Bags	\$64.99
	SKU: 0224-BAG-ROLLTOTE-RAINBOW	<b>0224-BAG-ROLLTOTE-RAINBOW</b>	Bags/Totes,New,Bags/All Bags	\$64.99
	SKU: 0224-BAG-ROLLTOTE-BROWN	<b>0224-BAG-ROLLTOTE-BROWN</b>	Bags/Totes,New,Bags/All Bags	\$64.99
	SKU: 0224-BAG-ROLLTOTE-RED	<b>0224-BAG-ROLLTOTE-RED</b>	Bags/Totes,New,Bags/All Bags	\$64.99
	SKU: 0224-BAG-ROLLTOTE-ROSE	<b>0224-BAG-ROLLTOTE-ROSE</b>	Bags/Totes,New,Bags/All Bags	\$64.99
	SKU: 0224-BAG-ROLLTOTE-BLUE	<b>0224-BAG-ROLLTOTE-BLUE</b>	Bags/Totes,New,Bags/All Bags	\$64.99
	SKU: 0224-BAG-ROLLTOTE-NVYFLD	<b>0224-BAG-ROLLTOTE-NVYFLD</b>	Bags/Totes,New,Bags/All Bags	\$64.99

Image	Item #	Item Name	Category	Current Price
	SKU: 0224-BAG-ROLLTOTE-VNTG	<b>0224-BAG-ROLLTOTE-VNTG</b>	Bags/Totes,New,Bags/All Bags	\$64.99

14. The Accused Products are also sold on Amazon:



The screenshot shows an Amazon product page for a 'Simply Southern Collapsible & Colorful Rolling Tote Bag'. The product is a black, large tote bag with two handles and four wheels. The price is \$67.04, marked down from a list price of \$74.99 (-11%). The product has a 3.8-star rating from 41 reviews. The page also shows color options: Black (\$67.04), Green (\$64.99), Pink (\$72.96), Purple (\$79.99), Tan (\$64.99), and Teal (\$64.99). Product details include: Fabric type: Polypropylene, Care instructions: Hand Wash Only, and Origin: Imported. The dimensions are listed as 22x17x13 INCHES.

<https://www.amazon.com/Simply-Southern-Collapsible-Colorful-Rolling/dp/B0CX96RPP1/?th=1> (ASIN: B0CX8SSGYB).

15. The Accused Products are made in China, not in the United States.

## **FACTUAL ALLEGATIONS**

16. Founded in 1959 and based in Switzerland, Codefine is an innovative and revolutionary packaging solutions company that has changed the industry with regard to several categories of products. One such category that Codefine has revolutionized is the category of rolling tote bags. Over the years, Codefine has expended significant resources on research, development, and innovation, and on capturing and protecting the fruits of those efforts in patent applications filed around the world. The patent-in-suit, which provides an improved rolling tote bag with an innovative design that enhances protection against dust and foreign particles while also maintaining mobility and structural support, was born from this history of innovation.

17. Codefine's patented rolling tote bag, referred to as "The Original Rolling Tote" and "Schlepping Made Easy," is sold online at <https://hulken.com/> and by Amazon at <https://www.amazon.com/stores/HULKEN/page/5E656EDC-B476-4C08-81DF-385C9971803A> under the brand name HULKEN<sup>®</sup>. The HULKEN<sup>®</sup> rolling tote bag has been featured on NBC's "TODAY" show, ABC's "Good Morning America," ABC's "The View," QVC, and in GQ and in Poosh by Kourtney Kardashian. The HULKEN<sup>®</sup> rolling tote bag has over 8,000 reviews with an average score of 4.9 out of 5.0.

### **The '071 Patent**

18. On August 6, 2024, the United States Patent and Trademark Office duly and legally issued the '071 Patent, entitled "ROLLING TOTE BAG," after a full and fair examination. The '071 Patent is attached hereto as Exhibit A and incorporated herein as if fully rewritten.

19. Codefine is the owner of the '071 Patent with all substantial rights, including the exclusive right to enforce, sue, and recover damages for past and future infringements.

20. Claim 1 of the '071 Patent recites:

1. A rolling tote bag comprising a collapsible container body made of a foldable assembly of fabric panels, including a bottom panel and side panels, that jointly define an inner storage volume when in an expanded state,

wherein the rolling tote bag further comprises a rolling support assembly to provide rolling support for the collapsible container body in the expanded state, the rolling support assembly including a support plate and a plurality of caster wheels provided on an underside of the support plate,

wherein the collapsible container body further comprises a retaining structure formed of one or more fabric panels, which retaining structure is provided underneath the bottom panel and is configured to securely hold the support plate outside of the inner storage volume against an underside of the bottom panel,

wherein the retaining structure includes first and second releasable securing flaps attached to and positioned along opposite lateral ends of the bottom panel,

wherein the first and second releasable securing flaps are partially overlapping and releasably attachable to one another to encase the support plate between the bottom panel and the first and second releasable securing flaps,

wherein a distal end section of the first releasable securing flap is provided with a first fastening element positioned on an inner side of the first releasable securing flap,

wherein a distal end section of the second releasable securing flap is provided with a complementary, second fastening element positioned on an outer side of the second releasable securing flap for releasable cooperation with the first fastening element,

wherein the retaining structure further includes third and fourth releasable securing flaps attached to and positioned along opposite longitudinal ends of the bottom panel to hold corresponding longitudinal end sections of the support plate,

wherein each of the third and fourth releasable securing flaps is provided with an inner fastening element positioned on an inner side thereof,

and wherein opposite longitudinal end sections of the support plate are each provided with a complementary fastening element for releasable cooperation with a corresponding one of the inner fastening elements.

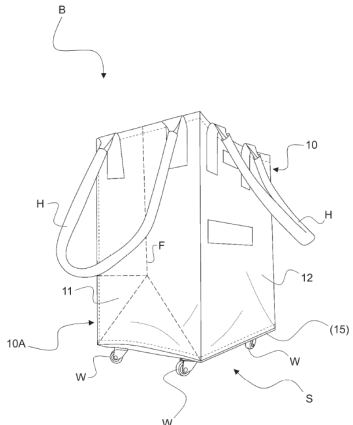

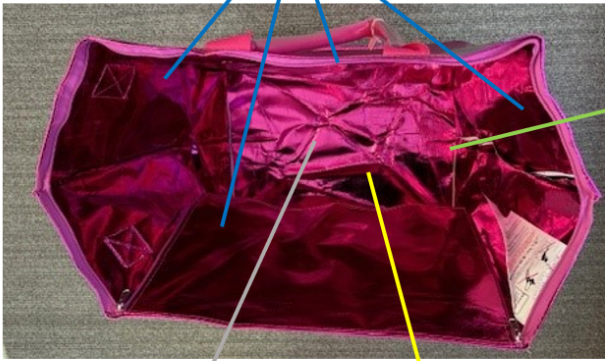
*See Exhibit A.*

### **Count I: Infringement of the '071 Patent**

21. Plaintiff realleges and incorporates by reference all of the allegations set forth in the preceding paragraphs.

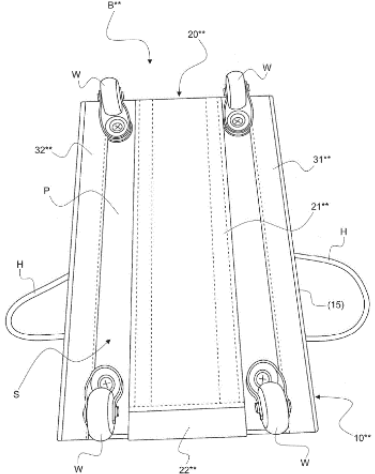
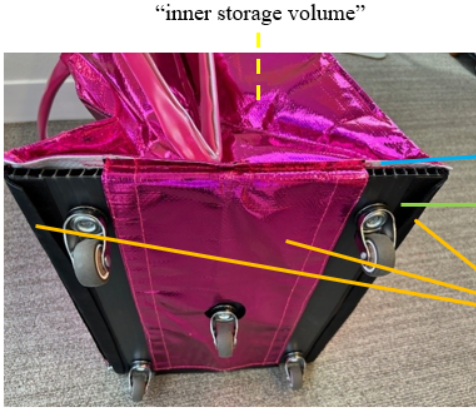
22. Simply Southern has infringed and continues to infringe at least Claims 1 and 4–13 of the '071 Patent in violation of 35 U.S.C. § 271, including by offering to sell, selling, using, and importing into the United States the Accused Products.

23. By way of example, Simply Southern's Accused Products infringe at least Claims 1 and 4–13 of the '071 Patent, as detailed below:

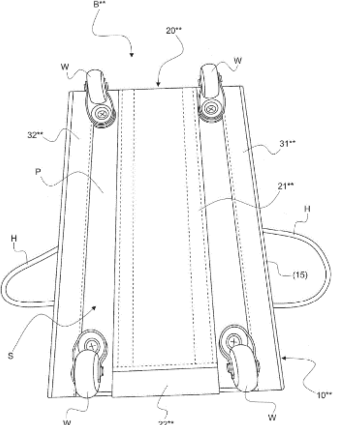


Claim of '071 Patent	Examples in '071 Patent	Defendant Simply Southern's Accused Products
<p>[1.pre] A rolling tote bag comprising a collapsible container body made of a foldable assembly of fabric panels, including a bottom panel and side panels, that jointly define an inner storage volume when in an expanded state,</p>	 <p>B: rolling tote bag</p> <p>10: collapsible (foldable) container body of rolling tote bag B</p> <p>11: opposite side panels of collapsible container body 10 (short side panels)</p> <p>12: opposite side panels of collapsible container body 10 (long side panels)</p> <p>15: bottom panel of collapsible container body 10</p> <p>“The fabric panels 11, 12, 15 jointly define an inner storage volume when in the expanded state as shown in FIG. 1.”</p> <p>See '071 Patent at 5:29–:34, 5:41–:43, 9:45–11:18 &amp; Fig. 1.</p>	 <p>“rolling tote bag”</p>  <p>“foldable assembly of fabric panels”; “side panels”</p> <p>“collapsible container body”</p> <p>“inner storage volume when in an expanded state”</p> <p>“bottom panel”</p>

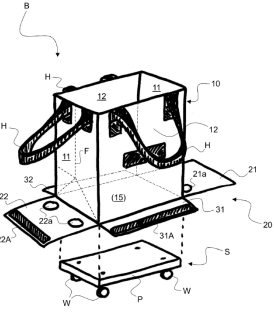
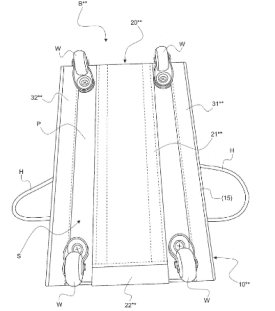




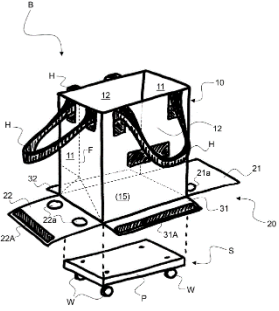
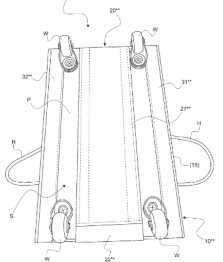

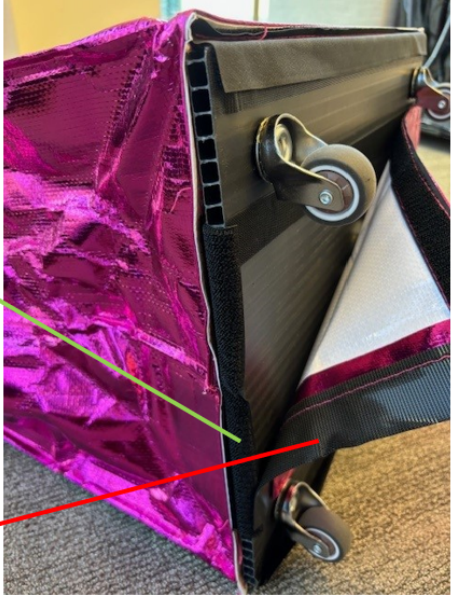
Claim of '071 Patent	Examples in '071 Patent	Defendant Simply Southern's Accused Products
<p>[1.a] wherein the rolling tote bag further comprises a rolling support assembly to provide rolling support for the collapsible container body in the expanded state, the rolling support assembly including a support plate and a plurality of caster wheels provided on an underside of the support plate,</p>	<p>Fig. 2D</p> <p>Fig. 4B</p> <p>S: rolling support assembly removably attached to bottom side of collapsible container body 10</p> <p>P: support plate</p> <p>W: caster wheels provided on underside of support plate P</p> <p>See '071 Patent at 5:29-:34, 9:45-11:18 &amp; Figs. 2D, 4B.</p>	<p>"support plate"</p> <p>"rolling support assembly"</p> <p>"plurality of caster wheels"</p> <p>"support plate"</p> <p>"plurality of caster wheels provided on an underside of the support plate"</p>

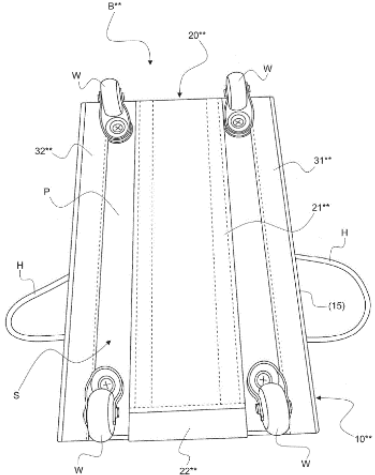

Claim of '071 Patent	Examples in '071 Patent	Defendant Simply Southern's Accused Products
<p>[1.b] wherein the collapsible container body further comprises a retaining structure formed of one or more fabric panels, which retaining structure is provided underneath the bottom panel and is configured to securely hold the support plate outside of the inner storage volume against an underside of the bottom panel,</p>	 <p>Fig. 4B</p> <p>20**: retaining structure formed of releasable fabric panels 21**, 22**, 31**, 32**</p> <p>P: support plate</p> <p>“FIG. 4B shows ... a retaining structure 20** ... including four releasable securing flaps, here designated by reference signs 21**, 22**, 31**, 32**, that are provided about a periphery of the bottom panel 15 to securely hold the support plate P of the rolling support assembly S against an underside of the bottom panel 15.”</p> <p>See '071 Patent at 5:29–:34, 8:15–:22, 9:45–11:18 &amp; Fig. 4B.</p>	 <p>“inner storage volume”</p> <p>“bottom panel”</p> <p>“support plate”</p> <p>“retaining structure formed of one or more fabric panels...configured to securely hold the support plate outside of the inner storage volume against an underside of the bottom panel”</p>

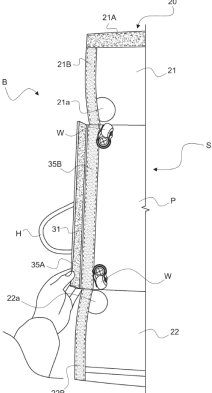
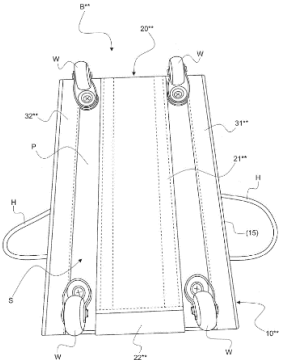



Claim of '071 Patent	Examples in '071 Patent	Defendant Simply Southern's Accused Products
<p>[1.d] wherein the first and second releasable securing flaps are partially overlapping and releasably attachable to one another to encase the support plate between the bottom panel and the first and second releasable securing flaps,</p>	 <p>Fig. 4B</p> <p>21**: first releasable securing flap provided along first short side of bottom panel 15</p> <p>22**: second releasable securing flap provided along second short side of bottom panel 15, opposite first securing flap 21**</p> <p>P: support plate</p> <p>“These first and second securing flaps 21, 22 are partially overlapping at a distal end and mutually cooperate to encase the support plate P between the bottom panel 15 and the first and second securing flaps 21, 22.”</p> <p>See '071 Patent at 5:29–:34, 6:59–:63, 9:45–11:18 &amp; Fig. 4B.</p>	 <p>“bottom panel”</p> <p>“support plate”</p> <p>“the first and second releasable securing flaps are partially overlapping and releasably attachable to one another ”</p>  <p>“the first and second releasable securing flaps are partially overlapping and releasably attachable to one another ”</p>

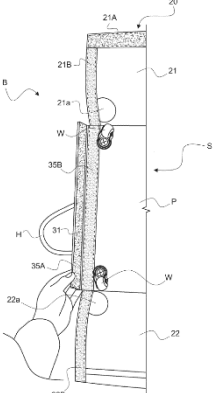
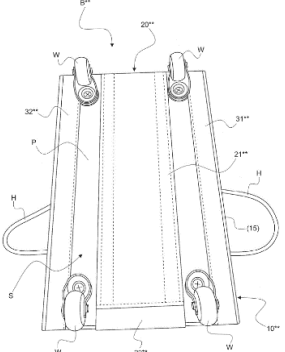

Claim of '071 Patent	Examples in '071 Patent	Defendant Simply Southern's Accused Products
<p>[1.e] wherein a distal end section of the first releasable securing flap is provided with a first fastening element positioned on an inner side of the first releasable securing flap,</p>	 <p>Fig. 2D</p>  <p>Fig. 4B</p> <p>21A: first fastening element (e.g. hook-and-loop fastener) positioned on inner side of the first securing flap 21**, at distal end section thereof for cooperation with second fastening element 22A</p> <p>21**: first releasable securing flap provided along first short side of bottom panel 15</p> <p>See '071 Patent at 5:29–:34, 9:45–11:18 &amp; Figs. 2B–2D, 4B.</p>	 <p>“first releasable securing flap”</p> <p>“distal end section”</p>  <p>“a distal end section of the first releasable securing flap”</p> <p>“first fastening element positioned on an inner side of the first releasable securing flap”</p>

Claim of '071 Patent	Examples in '071 Patent	Defendant Simply Southern's Accused Products
<p>[1.f] wherein a distal end section of the second releasable securing flap is provided with a complementary, second fastening element positioned on an outer side of the second releasable securing flap for releasable cooperation with the first fastening element,</p>	<div style="text-align: center;">  <p>Fig. 2D</p>  <p>Fig. 4B</p> </div> <p>22A second fastening element (e.g. hook-and-loop fastener) positioned on outer side of second securing flap 22**, at distal end section thereof, for cooperation with first fastening element 21A</p> <p>22** second releasable securing flap provided along second short side of bottom panel 15, opposite first securing flap 21**</p> <p>See '071 Patent at 5:29-:34, 9:45-11:18 &amp; Figs. 2B-2D, 4B.</p>	<div style="display: flex; flex-direction: column; align-items: center;">   </div>


Claim of '071 Patent	Examples in '071 Patent	Defendant Simply Southern's Accused Products
<p>[1.g] wherein the retaining structure further includes third and fourth releasable securing flaps attached to and positioned along opposite longitudinal ends of the bottom panel to hold corresponding longitudinal end sections of the support plate,</p>	 <p style="text-align: center;">Fig. 4B</p> <p>20**: retaining structure formed of releasable fabric panels 21**, 22**, 31**, 32**</p> <p>31**: third releasable securing flap provided along first long side of bottom panel 15</p> <p>32**: fourth releasable securing flap provided along second long side of bottom panel 15, opposite third securing flap 31**</p> <p>P: support plate</p> <p>See '071 Patent at 5:29–:34, 9:45–11:18 &amp; Fig. 4B.</p>	 <p>“third and fourth releasable securing flaps . . . positioned along opposite longitudinal ends of the bottom panel”</p>

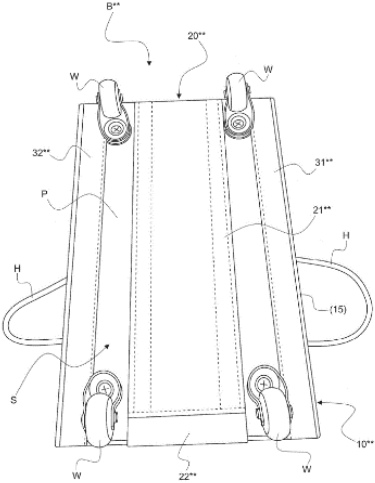
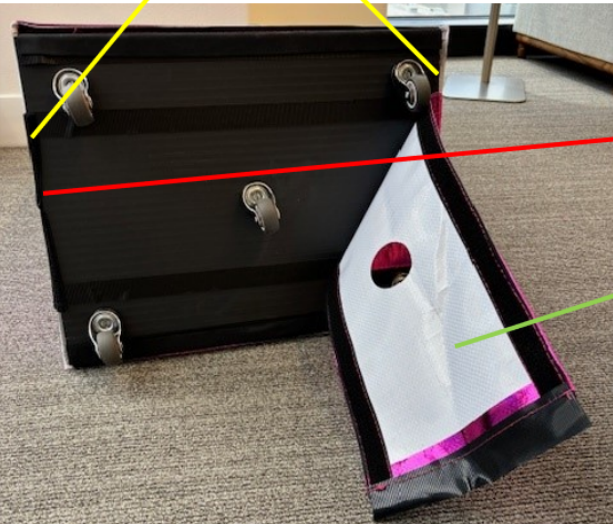
Claim of '071 Patent	Examples in '071 Patent	Defendant Simply Southern's Accused Products
<p>[1.h] wherein each of the third and fourth releasable securing flaps is provided with an inner fastening element positioned on an inner side thereof,</p>	<div style="text-align: center;">  <p>Fig. 2C</p>  <p>Fig. 4B</p> </div> <p>35A: inner fastening elements (e.g. hook-and-loop fastener) positioned on inner side of third and fourth securing flaps 31**, 32**, for cooperation with fastening elements 35B</p> <p>See '071 Patent at 5:29–:34, 8:37–:42, 9:45–11:18 &amp; Figs. 2C, 4B.</p>	<div style="text-align: center;">  <p>“inner fastening element positioned on an inner side thereof”</p> </div>

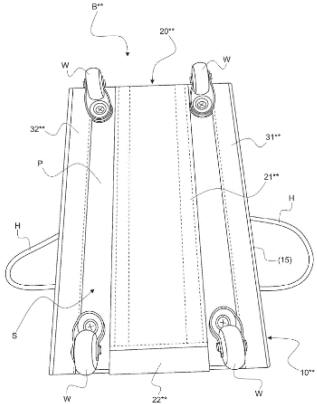



Claim of '071 Patent	Examples in '071 Patent	Defendant Simply Southern's Accused Products
<p>[1.i] and wherein opposite longitudinal end sections of the support plate are each provided with a complementary fastening element for releasable cooperation with a corresponding one of the inner fastening elements.</p>	<div style="text-align: center;">  <p>Fig. 2C</p>  <p>Fig. 4B</p> <p>35B: fastening elements (e.g. hook-and-loop fastener) provided along opposite longitudinal end sections of support plate P for cooperation with the inner fastening elements 35A</p> <p>See '071 Patent at 5:29–:34, 8:37–:42, 9:45–11:18 &amp; Figs. 2C, 4B.</p> </div>	<div style="text-align: center;"> <p>“complementary fastening element for releasable cooperation with a corresponding one of the inner fastening elements”</p>  <p>“inner fastening element[]”</p> <p>“inner fastening element[]”</p> </div>

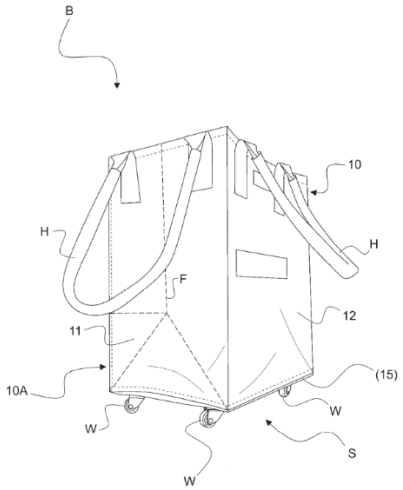


Claim of '071 Patent	Examples in '071 Patent	Defendant Simply Southern's Accused Products
<p>[4] The rolling tote bag according to claim 1, wherein the first and second releasable securing flaps are dimensioned not to cover the third and fourth releasable securing flaps and to leave spacings that are positioned and dimensioned to accommodate passage of the caster wheels.</p>	<div data-bbox="541 248 951 771" data-label="Image"> </div> <p data-bbox="709 781 793 808">Fig. 4B</p> <p data-bbox="520 834 976 1193">“[T]he first and second releasable securing flaps 21**, 22** are ... dimensioned not to cover the third and fourth releasable securing flaps 31**, 32** and to leave spacings (here extending over the whole longitudinal length) that are positioned and dimensioned to accommodate passage of the caster wheels W.”</p> <p data-bbox="520 1214 968 1284">See '071 Patent at 5:29–:34, 8:23–:28, 9:45–11:18 &amp; Fig. 4B.</p>	<div data-bbox="1014 313 1266 537" data-label="Text"> <p>“first and second releasable securing flaps are dimensioned not to cover the third and fourth releasable securing flaps and ... to accommodate passage of the caster wheels”</p> </div> <div data-bbox="1310 277 1749 743" data-label="Image"> </div> <div data-bbox="1371 756 1524 781" data-label="Text"> <p>“caster wheels”</p> </div> <div data-bbox="1787 415 1892 553" data-label="Text"> <p>“the third and fourth releasable securing flaps”</p> </div>

Claim of '071 Patent	Examples in '071 Patent	Defendant Simply Southern's Accused Products
<p>[5] The rolling tote bag according to claim 1, wherein the fastening elements consist of hook-and-loop fasteners.</p>	<p>21A: first fastening element (e.g. hook-and-loop fastener) positioned on inner side of the first securing flap 21**, at distal end section thereof for cooperation with second fastening element 22A</p> <p>22A second fastening element (e.g. hook-and-loop fastener) positioned on outer side of second securing flap 22**, at distal end section thereof, for cooperation with first fastening element 21A</p> <p>35A: inner fastening elements (e.g. hook-and-loop fastener) positioned on inner side of third and fourth securing flaps 31**, 32**, for cooperation with fastening elements 35B</p> <p>35B: fastening elements (e.g. hook-and-loop fastener) provided along opposite longitudinal end sections of support plate P for cooperation with the inner fastening elements 35A</p> <p><i>See '071 Patent at 5:29–:34, 9:45–11:18 &amp; Figs. 2B–2D, 4B.</i></p>	 <p>“hook-and-loop fasteners”</p>

Claim of '071 Patent	Examples in '071 Patent	Defendant Simply Southern's Accused Products
<p>[6] The rolling tote bag according to claim 1, wherein the first and second releasable securing flaps are positioned along opposite short ends of the bottom panel.</p>	 <p>Fig. 4B</p> <p>21** : first releasable securing flap provided along first short side of bottom panel 15</p> <p>22** second releasable securing flap provided along second short side of bottom panel 15, opposite first securing flap 21**</p> <p>“These first and second securing flaps 21, 22 are partially overlapping at a distal end and mutually cooperate to encase the support plate P between the bottom panel 15 and the first and second securing flaps 21, 22.”</p> <p>See '071 Patent at 5:29–:34, 6:59–:63, 9:45–11:18 &amp; Fig. 4B.</p>	 <p>“opposite short ends of the bottom panel”</p> <p>“second releasable securing flap[]”</p> <p>“first [] releasable securing flap[]”</p>

Claim of '071 Patent	Examples in '071 Patent	Defendant Simply Southern's Accused Products
<p>[7.pre] The rolling tote bag according to claim 1, wherein the first and second releasable securing flaps are positioned along opposite short ends of the bottom panel,</p>	<p><i>See Claim 6.</i></p>	
<p>[7.a] and wherein the third and fourth releasable securing flaps are positioned along opposite long ends of the bottom panel.</p>	 <p style="text-align: center;">Fig. 4B</p> <p>31** : third releasable securing flap provided along first long side of bottom panel 15</p> <p>32** : fourth releasable securing flap provided along second long side of bottom panel 15, opposite third securing flap 31**</p> <p><i>See '071 Patent at 5:29–:34, 9:45–11:18 &amp; Fig. 4B.</i></p>	 <p>“third . . . releasable securing flap[]”</p> <p>“opposite long ends of the bottom panel”</p> <p>“fourth releasable securing flap[]”</p>

Claim of '071 Patent	Examples in '071 Patent	Defendant Simply Southern's Accused Products
<p>[8] The rolling tote bag according to claim 1, wherein the collapsible container body is configured to exhibit rounded corners.</p>	<p>10: collapsible (foldable) container body of rolling tote bag B</p> <p>10A: corners of collapsible container body 10 formed at junctions between side panels 11, 12 / corners of bottom panel 15</p> <p>“As a further refinement, it may be contemplated to configure the collapsible container body ... to exhibit rounded corners 10A, which will improve resistant to wear and tear at the four bottom corners.”</p> <p>See '071 Patent at 5:29–:34, 9:22–:25, 9:45–11:18 &amp; Fig. 1.</p>	<p>“rounded corners”</p> <p>“rounded corners”</p>

Claim of '071 Patent	Examples in '071 Patent	Defendant Simply Southern's Accused Products
<p>[9] The rolling tote bag according to claim 1, wherein the side panels are each made of at least two outer pieces of fabric and an intermediate piece of bubble wrap interposed between the two outer pieces of fabric.</p>	 <p>11: opposite side panels of collapsible container body 10 (short side panels)</p> <p>12: opposite side panels of collapsible container body 10 (long side panels)</p> <p>“The collapsible container body 10 is advantageously constructed such that each side panel 11, 12 is made of at least two outer pieces of fabric and an intermediate piece of bubble wrap interposed between the two outer pieces of fabric....”</p> <p>See '071 Patent at 5:29–:34, 5:56–:60, 9:45–11:18 &amp; Fig. 1.</p>	 <p>“side panels”</p>  <p>“two outer pieces of fabric”</p> <p>“intermediate piece of bubble wrap interposed between the two outer pieces of fabric”</p>

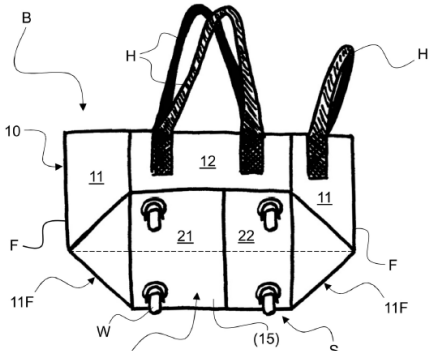

Claim of '071 Patent	Examples in '071 Patent	Defendant Simply Southern's Accused Products
<p>[10.pre] A rolling tote bag comprising a collapsible container body made of a foldable assembly of fabric panels, including a bottom panel and side panels, that jointly define an inner storage volume when in an expanded state,</p>		<p><i>See Claim 1.pre.</i></p>
<p>[10.a] wherein the rolling tote bag further comprises a rolling support assembly to provide rolling support for the collapsible container body in the expanded state, the rolling support assembly including a support plate and a plurality of caster wheels provided on an underside of the support plate,</p>		<p><i>See Claim 1.a.</i></p>



Claim of '071 Patent	Examples in '071 Patent	Defendant Simply Southern's Accused Products
<p>[10.b] wherein the collapsible container body further comprises a retaining structure formed of one or more fabric panels, which retaining structure is provided underneath the bottom panel and is configured to securely hold the support plate outside of the inner storage volume against an underside of the bottom panel,</p>		<p><i>See Claim 1.b.</i></p>
<p>[10.c] wherein the side panels are each made of at least two outer pieces of fabric and an intermediate piece of bubble wrap interposed between the two outer pieces of fabric,</p>		<p><i>See Claim 9.</i></p>

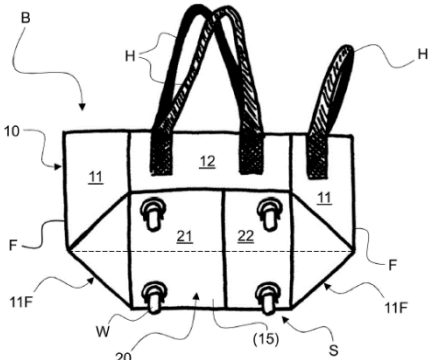
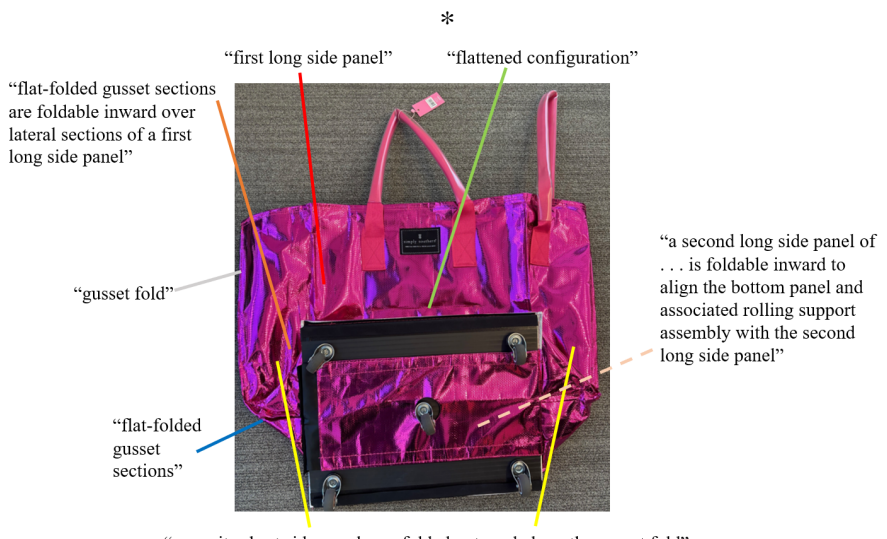
Claim of '071 Patent	Examples in '071 Patent	Defendant Simply Southern's Accused Products
<p>[10.d] and wherein the outer pieces of fabric are made of or comprise at least one sheet of woven fabric produced out of strands of synthetic or non-synthetic material, such as polypropylene strands.</p>	<div data-bbox="625 251 892 576" data-label="Diagram"> </div> <p data-bbox="520 600 976 1331">                     “The collapsible container body 10 is advantageously constructed such that each side panel 11, 12 is made of at least two outer pieces of fabric. . . . The outer pieces of fabric may especially be made of or comprise at least one sheet of woven fabric produced out of polypropylene strands.... Preferably, one or each of the outer pieces of fabric further comprises a laminated film such as but not limited to a BOPP film, that is laminated on an outer side of the sheet of woven fabric, which allows customization of the appearance of either one or both of the external and internal visible sides of the collapsible container body 10.”                 </p> <p data-bbox="520 1347 976 1421">                     See '071 Patent at 5:29–:34, 5:56–6:11, 9:45–11:18 &amp; Fig. 1.                 </p>	<div data-bbox="1176 284 1701 836" data-label="Image"> </div> <div data-bbox="1281 885 1627 1339" data-label="Image"> </div>

Claim of '071 Patent	Examples in '071 Patent	Defendant Simply Southern's Accused Products
<p>[11] The rolling tote bag according to claim 10, wherein one or each of the outer pieces of fabric further comprises a laminated film, such as a BOPP film, that is laminated on an outer side of the sheet of woven fabric.</p>	<div data-bbox="619 251 892 576" data-label="Image"> </div> <p>“The collapsible container body 10 is advantageously constructed such that each side panel 11, 12 is made of at least two outer pieces of fabric. . . . The outer pieces of fabric may especially be made of or comprise at least one sheet of woven fabric produced out of polypropylene strands.... Preferably, one or each of the outer pieces of fabric further comprises a laminated film such as but not limited to a BOPP film, that is laminated on an outer side of the sheet of woven fabric, which allows customization of the appearance of either one or both of the external and internal visible sides of the collapsible container body 10.”</p> <p>See '071 Patent at 5:29–:34, 5:56–6:11, 9:45–11:18 &amp; Fig. 1.</p>	<div data-bbox="1417 251 1795 755" data-label="Image"> </div> <p>“outer piece[] of fabric”</p> <div data-bbox="997 803 1459 1209" data-label="Image"> </div> <p>“a laminated film, such as a BOPP film, that is laminated on an outer side of the sheet of woven fabric”</p> <p>The BOPP film is on both sides of the white woven polypropylene.</p> <p>“an outer side of the sheet of woven fabric”</p>

Claim of '071 Patent	Examples in '071 Patent	Defendant Simply Southern's Accused Products
<p>[12] The rolling tote bag according to claim 1, wherein opposite short side panels of the collapsible container body are each provided with a gusset fold designed to allow outward folding of the opposite short side panels into flat-folded gusset sections.</p>	 <p style="text-align: center;">Fig. 3B</p> <p>11: opposite side panels of collapsible container body 10 (short side panels)</p> <p>F: gusset fold formed on each side panel 11</p> <p>11F: flat-folded gusset sections formed by outward folding of side panels 11 along gusset fold F</p> <p>See '071 Patent at 5:29-:34, 9:45-11:18 &amp; Fig. 3B.</p>	 <p>“opposite short side panels”</p> <p>“flat-folded gusset sections”</p> <p>“gusset fold”</p> <p>“outward folding”</p> <p>“opposite short side panels”</p> <p>“gusset fold”</p> <p>“gusset fold”</p> <p>“outward folding”</p> <p>“outward folding”</p> <p>“flat-folded gusset sections”</p>

Claim of '071 Patent	Examples in '071 Patent	Defendant Simply Southern's Accused Products
<p>[13.pre] A rolling tote bag comprising a collapsible container body made of a foldable assembly of fabric panels, including a bottom panel and side panels, that jointly define an inner storage volume when in an expanded state,</p>		<p><i>See Claim 1.pre.</i></p>
<p>[13.a] wherein the rolling tote bag further comprises a rolling support assembly to provide rolling support for the collapsible container body in the expanded state, the rolling support assembly including a support plate and a plurality of caster wheels provided on an underside of the support plate,</p>		<p><i>See Claim 1.a.</i></p>

Claim of '071 Patent	Examples in '071 Patent	Defendant Simply Southern's Accused Products
<p>[13.b] wherein the collapsible container body further comprises a retaining structure formed of one or more fabric panels, which retaining structure is provided underneath the bottom panel and is configured to securely hold the support plate outside of the inner storage volume against an underside of the bottom panel,</p>		<p><i>See Claim 1.b.</i></p>
<p>[13.c] wherein opposite short side panels of the collapsible container body are each provided with a gusset fold designed to allow outward folding of the opposite short side panels into flat-folded gusset sections,</p>		<p><i>See Claim 12.</i></p>

Claim of '071 Patent	Examples in '071 Patent	Defendant Simply Southern's Accused Products
<p>[13.d] and wherein the collapsible container body is configured to be foldable into a flattened configuration where the opposite short side panels are folded outward along the gusset fold into the flat-folded gusset sections, which flat-folded gusset sections are foldable inward over lateral sections of a first long side panel of the collapsible container body, while a second long side panel of the collapsible container body, opposite the first long side panel, is foldable inward to align the bottom panel and associated rolling support assembly with the second long side panel.</p>	 <p style="text-align: center;"><b>Fig. 3B</b></p> <p>11: opposite side panels of collapsible container body 10 (short side panels)</p> <p>12: opposite side panels of collapsible container body 10 (long side panels)</p> <p>F: gusset fold formed on each side panel 11</p> <p>11F: flat-folded gusset sections formed by outward folding of side panels 11 along gusset fold F</p> <p>S: rolling support assembly removably attached to bottom side of collapsible container body 10</p> <p><i>See '071 Patent at 5:29–:34, 6:22–:35, 9:45–11:18 &amp; Fig. 3B.</i></p>	 <p style="text-align: center;">*</p> <p>“first long side panel”      “flattened configuration”</p> <p>“flat-folded gusset sections are foldable inward over lateral sections of a first long side panel”</p> <p>“gusset fold”</p> <p>“flat-folded gusset sections”</p> <p>“opposite short side panels are folded outward along the gusset fold”</p> <p>“a second long side panel of . . . is foldable inward to align the bottom panel and associated rolling support assembly with the second long side panel”</p>

24. The claim chart above applies to all Accused Products because the claim chart above is representative of all Accused Products.

25. By engaging in the conduct described herein, Simply Southern has injured and continues to injure Codefine and is liable for infringement of the '071 Patent, pursuant to 35 U.S.C. § 271.

26. Simply Southern has committed these acts of infringement without license or authorization.

27. As a result of Simply Southern's infringement of the '071 Patent, Codefine has been, and will continue to be, damaged and will suffer irreparable injury unless the infringement is enjoined by this Court pursuant to 35 U.S.C. § 283 and/or the equitable powers of this Court.

#### **DEMAND FOR JURY TRIAL**

28. Plaintiff demands a trial by jury of any and all causes of action.

#### **PRAYER FOR RELIEF**

29. WHEREFORE, Plaintiff prays for the following relief:

- a. That Defendant be adjudged to have infringed the patent-in-suit;
- b. Entry of a preliminary and/or permanent injunction against Defendants, their officers, directors, agents, servants, employees, attorneys, parties in privity with, and all persons in active concert or participation with any of the foregoing, pursuant to 35 U.S.C. § 283 and/or the equitable powers of the Court, to prevent further infringement of the patent-in-suit;
- c. An award of damages to Plaintiff and against Defendant pursuant to 35 U.S.C. § 284 adequate to compensate Plaintiff for Defendant's infringement and any continuing or future infringement of the patent-in-suit, including compensatory damages, lost profits, and/or a reasonable royalty, with all of these damages enhanced in an amount up to treble the amount of compensatory damages under 35 U.S.C. § 284;



d. An accounting of all infringing sales and damages including, but not limited to, those sales and damages not presented at trial;

e. An assessment of pre-judgment and post-judgment interest and costs against Defendant, together with an award of such interest and costs, in accordance with 35 U.S.C. § 284;

f. That this case is exceptional under 35 U.S.C. § 285 and under the Court's inherent powers, and awarding Plaintiff its entire costs and expenses of litigation, including all attorneys' fees, out of pocket or third party costs, and experts' fees, together with pre-judgment and post-judgment interest on all such costs and expenses awarded; and

g. That Plaintiff be granted such other and further relief as this Court may deem just and proper.

Dated: October 8, 2024

Respectfully submitted,

/s/ Harrison G. Rich

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Codefine International SA*