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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HONG KONG LUTE TECHNOLOGY CO.,
LTD. D/B/A MOMCOZY,

Plaintiff,

v.

THE ERGO BABY CARRIER, INC.,

Defendant.

No.

**COMPLAINT FOR
DECLARATORY JUDGMENT**

JURY TRIAL DEMANDED

Plaintiff Hong Kong Lute Technology Co., Ltd. d/b/a/ Momcozy (“Plaintiff” or “Momcozy”) respectfully files this Complaint seeking a declaratory judgment against Defendant The Ergo Baby Carrier, Inc., (“Defendant” or “Ergo Baby”), and alleges, upon information and belief, as follows:

NATURE OF THE CASE

1. This action arises under the Declaratory Judgment Act, 28 U.S.C. § 2201, *et seq.*, and the United States Patent Act, 35 U.S.C. § 1, *et seq.* Momcozy seeks a declaratory judgment that United States Patent No. 10,426,275 (“the ’275 Patent”) (Exhibit A) is not infringed by Momcozy.

PARTIES

2. Momcozy is organized under the laws of the People’s Republic of China and has a place of business at Room 02, 21/F, Hip Kwan Commercial Building, 38 Pitt Street, Yau Ma Tei, Kowloon, Hong Kong.

3. Defendant Ergo Baby is, upon information and belief, a corporation organized and existing under the laws of the State of California and maintains a place of business at 19700 S. Vermont Ave., Suite 250, Torrance, CA 90502.

JURISDICTION AND VENUE

4. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et. seq.* and the Declaratory Judgment Act, 28 U.S.C. § 2201. This Court has subject matter jurisdiction over the federal law claims in action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over the Defendant in this action at least because Defendant commenced and continues to maintain enforcement proceedings regarding the '275 Patent in this judicial district. *See, e.g., Campbell Pet Co. v. Miale*, 542 F.3d 879, 884-86 (Fed. Cir. 2008) (specific personal jurisdiction satisfied by patentee’s “extra-judicial patent enforcement” efforts in forum state). Specifically, Defendant sent a complaint of infringement of the '275 Patent to Amazon.com, Inc. (“Amazon”) that has a place of business at 410 Terry Ave. N, Seattle, WA 98109. Each claim presented herein arises out of Defendant’s actions directed at this forum, which gives rise to sufficient minimum contacts under Washington’s Long-Arm statute. RCW 4.28.185.

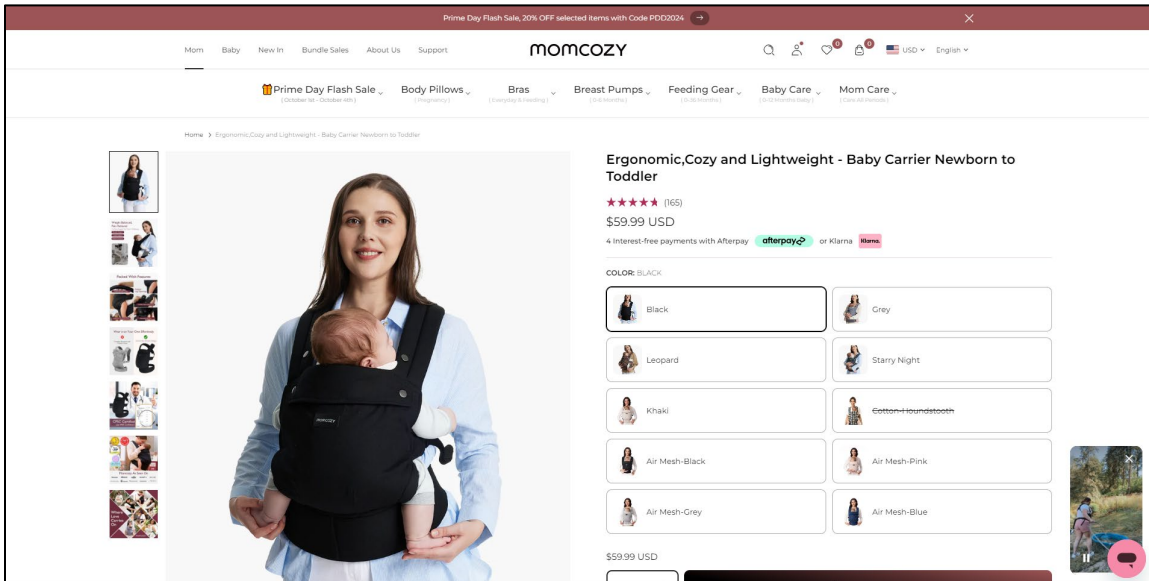
6. This Court also has personal jurisdiction over Defendant because Defendant expressly “agree[d] to the jurisdiction and venue of the federal and state courts located in King County, Seattle, Washington” when it submitted its complaint to Amazon in this judicial district pursuant to the Amazon Patent Evaluation Express (“APEX”) procedures. Exhibit B, Amazon Patent Evaluation Express Agreement at p. 1 (¶5).

7. For the same reasons, venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because the events giving rise to this action took place within this District.

BACKGROUND

8. Momcozy is a top-selling mother and baby brand in North America, selling a variety of products including pumping bras, wearable breast pumps, and baby carriers. See <https://momcozy.com/pages/our-story>. Momcozy has sold products to over 3,000,000 customers. See *id.*

9. As particularly relevant to this dispute, Momcozy markets and sells the Ergonomic, Cozy and Lightweight Baby Carrier “Baby Carrier.” Momcozy’s “Baby Carrier” is available for sale through its own website as well as on Amazon.



10. Screenshot of Momcozy website. See <https://momcozy.com/products/ergonomic-cozy-and-lightweight-baby-carrier-newborn-to-toddler?variant=43060852195526> (retrieved October 2, 2024).

10. The Ergonomic, Cozy and Lightweight Baby Carrier is a “3-in-1 Baby Carrier perfect for experiencing hands-free convenience in everyday use, outing or travel.” See <https://momcozy.com/products/ergonomic-cozy-and-lightweight-baby-carrier-newborn-to-toddler?variant=43060852195526> (retrieved October 2, 2024). The Baby Carrier has

1 “Ergonomic Waist EVA Support” which “offers crucial lumbar support but also minimizes
2 strain on your back.” *Id.* Momcozy’s Baby Carrier is available in several fabrics and patterns.
3 *Id.*

4 11. On or about September 20, 2024, Amazon sent notice to Momcozy (“the
5 APEX Notice”) of Defendant’s complaint made pursuant to the APEX Program. *See* Exhibit
6 C, September 20, 2024 e-mail from Amazon.com, Neutral Patent Evaluation Team. The
7 APEX Notice accused several products listed on Amazon’s marketplace of infringing at least
8 one claim of the ’275 Patent, including products having the following Amazon Standard
9 Identification Numbers (“ASINs”): B0CPYD5C7H; B0CDQ2KVJD; B0CLGG2PV2;
10 B0CLGCN5ZS; B0CDQ1ZLJ9; B0CLGCLYYF; B0CLGC1MTX; B0CPYFGFPS; and
11 B0CDQ1XH6W.

12 12. The APEX Notice further indicated that “[i]f you do not either resolve your
13 claim with the patent owner directly, or agree to participate in the neutral evaluation process,
14 we will remove the listings at the end of this email from Amazon.com.” *Id.* A copy of the
15 Amazon Patent Evaluation Express Procedure included with the APEX Notice is attached at
16 Exhibit D.

17 13. The APEX also provides that the filing of a declaratory judgment action for
18 non-infringement will allow Momcozy to continue to sell its products as follows: “[I]f you
19 file a lawsuit against the patent owner for declaratory judgment of non-infringement of the
20 asserted patent, please provide us with a copy of the relevant complaint within the next three
21 weeks, and you may continue selling the items listed at the end of the email which the lawsuit
22 proceeds.” Exhibit C.

23 14. The APEX Notice to Momcozy included a document entitled “Amazon Patent
24 Evaluation Express Agreement” (“APEX Agreement”), which has been executed by
25 Defendant. Exhibit B, Amazon Patent Evaluation Express Agreement. The APEX
26 Agreement identifies claim 1 (“Asserted Claim”) as the claim number for evaluation for the

1 '275 Patent. *Id.* at 2. The APEX Agreement identifies two additional allegedly infringing
 2 products having the ASIN numbers B0D97KQR1Z and B0D97H4W9Q. *Id.* at 2. The
 3 Momcozy Baby Carriers having the ASINs identified in the APEX Agreement are referred
 4 to herein as the “Accused Products.”

5 15. The Accused Products having the ASINs identified in the APEX Agreement
 6 have the following fabrics and/or patterns:

ASIN Number	Fabric/Pattern
B0CDQ2KVJD	Cotton/Black
B0CLGG2PV2	Air Mesh/Pink
B0D97KQR1Z	Polyester/Black
B0CLGCN5ZS	Cotton/Khaki
B0D97H4W9Q	Cotton/Houndstooth
B0CDQ1ZLJ9	Cotton/Grey
B0CLGCLYYF	Air Mesh/Blue
B0CLGC1MTX	Cotton/Starry Night
B0CPYFGFPS	Air Mesh/Grey
B0CDQ1XH6W	Cotton/Leopard
B0CPYD5C7H	Air Mesh/Black

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14 16. Amazon requires a response to the APEX complaint within three weeks (on
 15 about October 11, 2024), or the Accused Products will be removed from the Amazon website.
 16 Exhibit C. If Momcozy responds to the APEX complaint, an evaluator appointed by Amazon
 17 will review Ergo Baby’s infringement allegations against Momcozy, and make a
 18 determination as to whether or not Momcozy’s Accused Products infringe the ’275 Patent.
 19 *Id.*

20 17. Ergo Baby has interfered with Momcozy’s sales by accusing Momcozy of
 21 infringing the ’275 Patent. And have the continued potential to result in a loss of sales for
 22 Momcozy.

23 THE PATENT IN SUIT

24 18. The face of the ’275 Patent indicates that it was filed on October 28, 2016, as
 25 U.S. Patent Application No. 15/337,813, and issued on October 1, 2019. Exhibit A, ’275
 26

1 Patent at cover page 1. The '275 Patent claims priority to U.S. Provisional Patent Application
2 No. 62/248,745, filed October 30, 2015. *Id.*

3 19. The '275 Patent identifies one inventor on its face, Rodney V. Telford, and is
4 assigned on its face to The Ergo Baby Carrier, Inc., Los Angeles, CA. *Id.*

5 20. The '275 Patent purports to be directed to “An adjustable child carrier includes
6 an adjustable bucket seat that can be adjusted to accommodate children of a wide range of
7 sizes. The child carrier includes one or more adjustments that work alone or in cooperation
8 to adjust the depth and width of the bucket seat area provided by the child carrier. The carrier
9 is capable of supporting children of various sizes in an ergonomic position appropriate for
10 the child’s size.” Exhibit A, '275 Patent at Abstract.

11 21. The '275 Patent recites twenty (20) claims, of which claims 1 and 18 are
12 independent. Claim 1 (the Accused Claim) purports to be directed to “[a] child carrier” and
13 is reproduced below:

14 1. A child carrier comprising:

15 a waist belt adapted for securing about a wearer’s hips;

16 a main body coupled to the waist belt, the main body adapted to form a child
17 carrying area in cooperation with a wearer’s torso, the main body
comprising:

18 a torso support portion configured for supporting at least of the torso of a
19 child; and

20 an adjustable bucket seat configurable in a plurality of bucket seat
21 configurations, each of the plurality of bucket seat configurations having a
22 different a) bucket seat depth and b) bucket seat width and adapted to
support a child in a corresponding size range in a spread squat position, the
adjustable bucket seat comprising:

23 a seat center portion coupled to the waist belt and torso support portion;

24 thigh supports disposed on either side of the seat center portion the thigh
25 supports adapted to pass under and support a child’s thighs and cooperate
26 with the seat center portion to form the bucket seat; and;

1 a base width adjuster coupled to each thigh support wherein the base width
2 adjusters are configured for selective coupling to the waist belt at multiple
3 locations to adjust a width of the main body at the waist belt.

4 **COUNT I: DECLARATORY JUDGMENT OF**
5 **NON-INFRINGEMENT OF THE '275 PATENT**

6 22. Plaintiff incorporates and re-alleges the allegations in the preceding
7 paragraphs of the Complaint as if fully set forth herein.

8 23. Defendant purports to be the owner of the '275 Patent with all right, title, and
9 interest thereto.

10 24. In its APEX request to Amazon, Defendant asserted that Momcozy's Accused
11 Products infringe claim 1 of the '275 Patent. *See* Exhibit B at 2.

12 25. Momcozy's Accused Products do not meet, either literally or under the
13 doctrine of equivalents, every element of the Asserted Claim of the '275 Patent.

14 26. In particular, Momcozy's Accused Products do not meet at least the following
15 limitation recited in the Asserted Claim: "an adjustable bucket seat configurable in a plurality
16 of bucket seat configurations, each of the plurality of bucket seat configurations having a
17 different a) bucket seat depth and b) bucket seat width."

18 27. Accordingly, Momcozy has not and does not infringe the Asserted Claim of
19 the '275 Patent.

20 28. An actual and justiciable controversy therefore exists between Momcozy and
21 Defendant regarding whether Momcozy has infringed the Asserted Claim of the '275 Patent.

22 29. A judicial declaration is necessary to determine the parties' respective rights
23 with respect to the '275 Patent.

24 30. Momcozy is entitled to a judgment declaring that it has not infringed and does
25 not infringe at least the Asserted Claim of the '275 Patent.
26

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment on the Complaint as follows:

- A. A judgment that the Asserted Claim of the '275 Patent is not infringed by Plaintiff or Plaintiff's Accused Products;
- B. An order requiring Defendant to withdraw or retract its improper request to Amazon that will result in the de-listing of Plaintiff's Accused Products;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285 and a concomitant award of Plaintiff's reasonable attorney's fees, costs, and any expenses incurred by Plaintiff in this action;
- D. An order awarding Plaintiff its costs in filing and prosecuting this action; and
- E. Any other relief this Court deems just and proper under the circumstances.

DATED: October 10, 2024.

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EXHIBIT A



US010426275B2

(12) **United States Patent**
Telford

(10) **Patent No.:** **US 10,426,275 B2**
(45) **Date of Patent:** **Oct. 1, 2019**

- (54) **ADJUSTABLE CHILD CARRIER**
- (71) Applicant: **The ERGO Baby Carrier, Inc.**, Los Angeles, CA (US)
- (72) Inventor: **Rodney V. Telford**, Kula, HI (US)
- (73) Assignee: **The Ergo Baby Carrier, Inc.**, Los Angeles, CA (US)
- (*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

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(21) Appl. No.: **15/337,813**

(22) Filed: **Oct. 28, 2016**

(65) **Prior Publication Data**

US 2017/0119173 A1 May 4, 2017

Related U.S. Application Data

(60) Provisional application No. 62/248,745, filed on Oct. 30, 2015.

(51) **Int. Cl.**
A47D 13/00 (2006.01)
A47D 13/02 (2006.01)

(52) **U.S. Cl.**
CPC *A47D 13/025* (2013.01)

(58) **Field of Classification Search**
CPC *A47D 13/025*
USPC *224/160*
See application file for complete search history.

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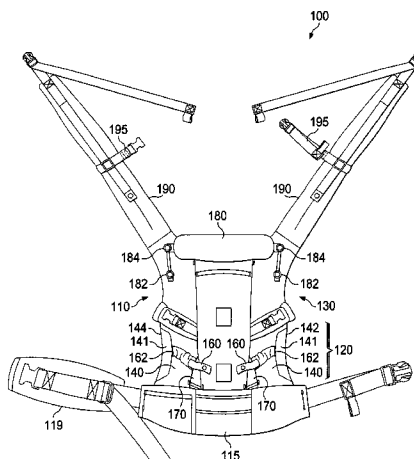
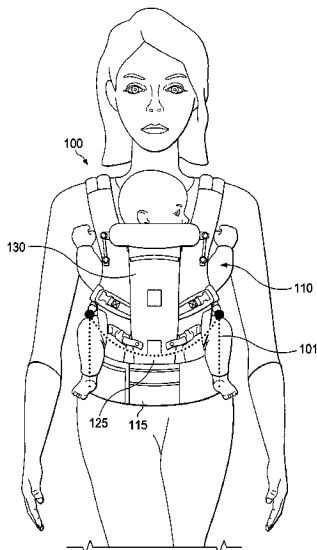
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Primary Examiner — Peter N Helvey
(74) *Attorney, Agent, or Firm* — Sprinkle IP Law Group

(57) **ABSTRACT**

An adjustable child carrier includes an adjustable bucket seat that can be adjusted to accommodate children of a wide range of sizes. The child carrier includes one or more adjustments that work alone or in cooperation to adjust the depth and width of the bucket seat area provided by the child carrier. The carrier is capable of supporting children of various sizes in an ergonomic position appropriate for the child's size.

20 Claims, 9 Drawing Sheets



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Appendix WWW: U.S. Pat. No. 6,257,468 ("Yamazoe") Invalidity Chart, *The Ergo Baby Carrier, Inc. v. BOBA Inc.*, Case No. 2:15-cv-08946, In the United States District Court for the Central District of California, Jul. 15, 2016, 2 pgs.

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Appendix Y: U.S. Pat. No. 6,155,579 ("Eyman") Invalidity Chart, *The Ergo Baby Carrier, Inc. v. BOBA Inc.*, Case No. 2:15-cv-08946, In the United States District Court for the Central District of California, Jul. 15, 2016, 4 pgs.

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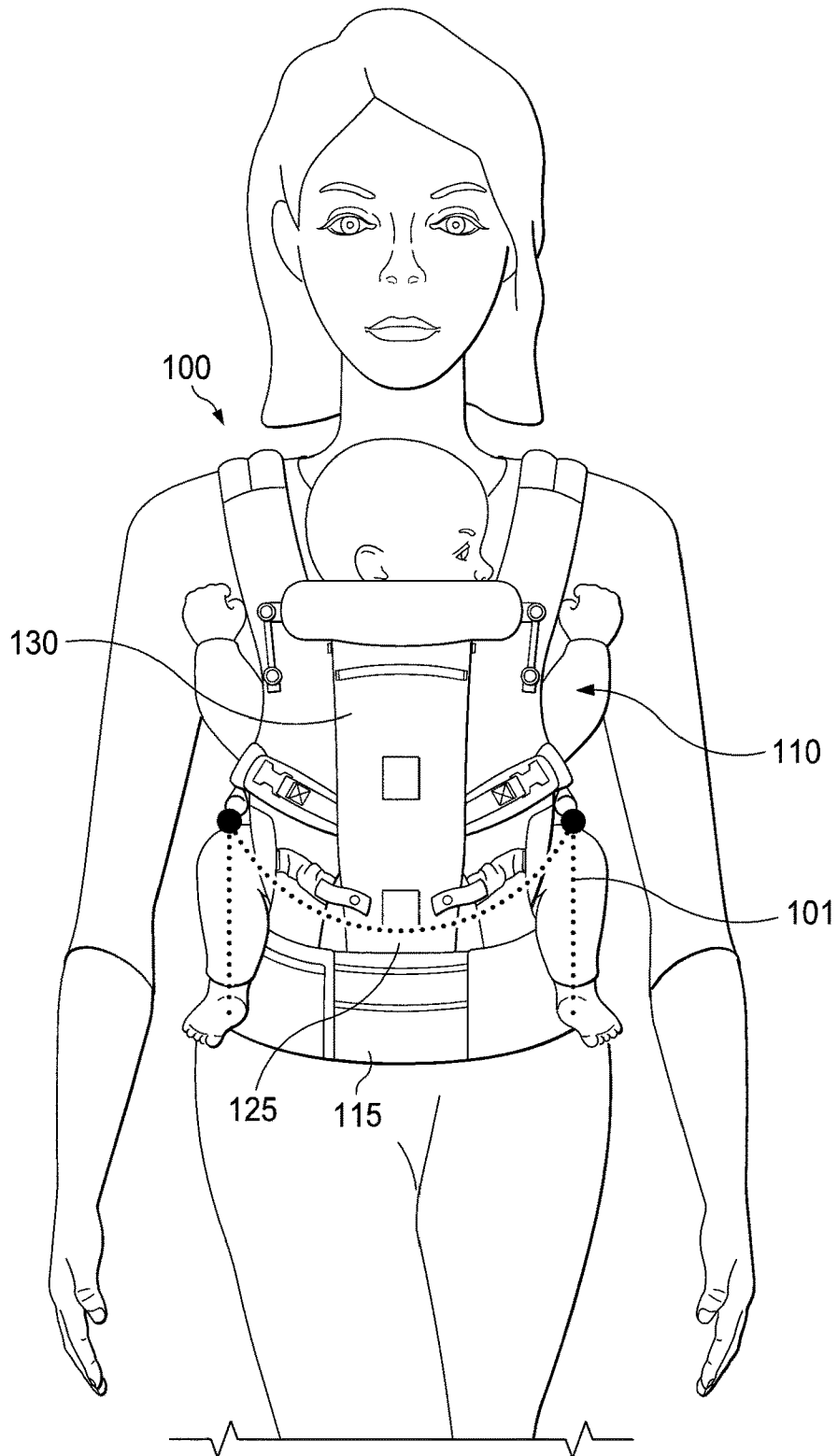


FIG. 1

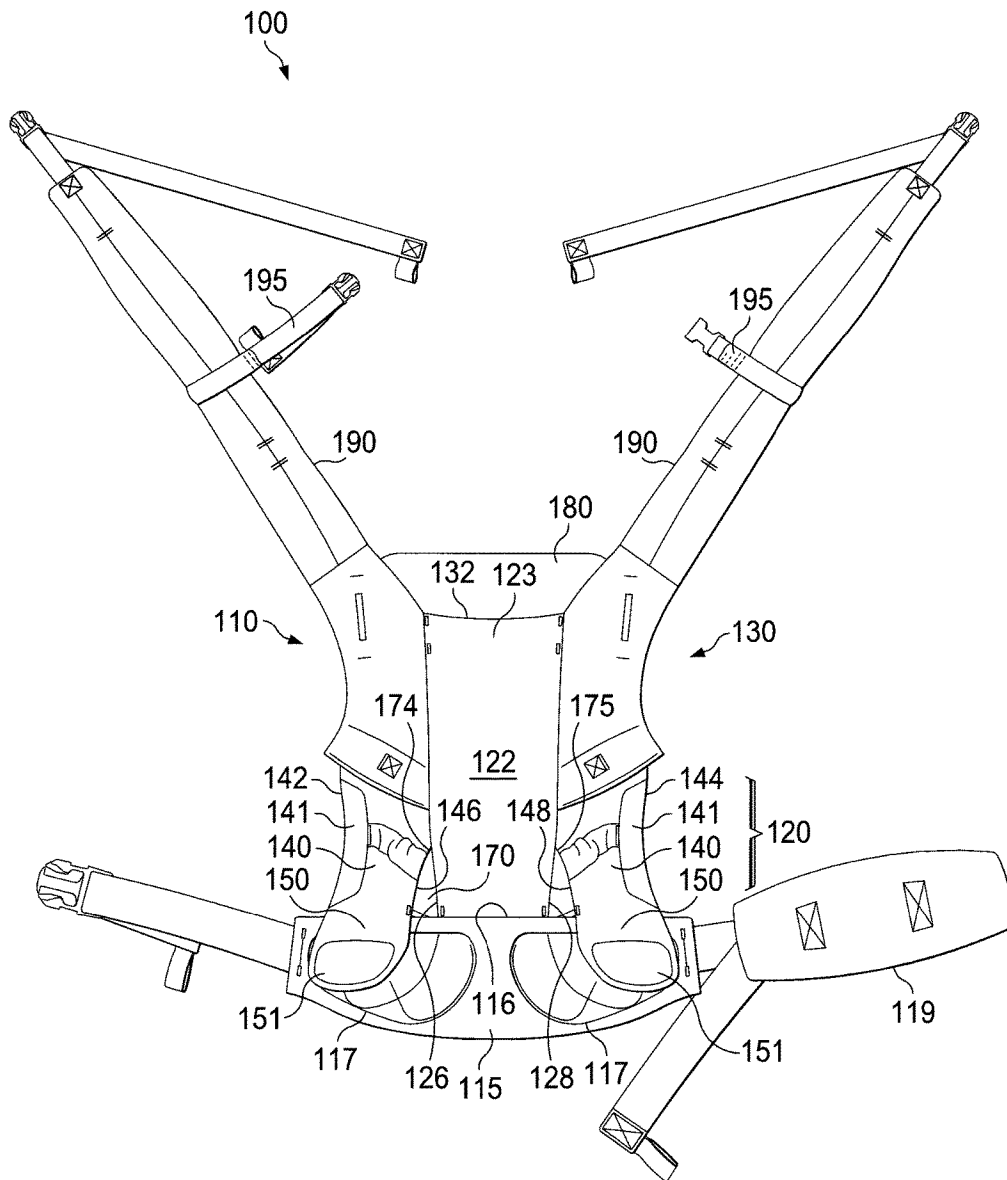


FIG. 2A

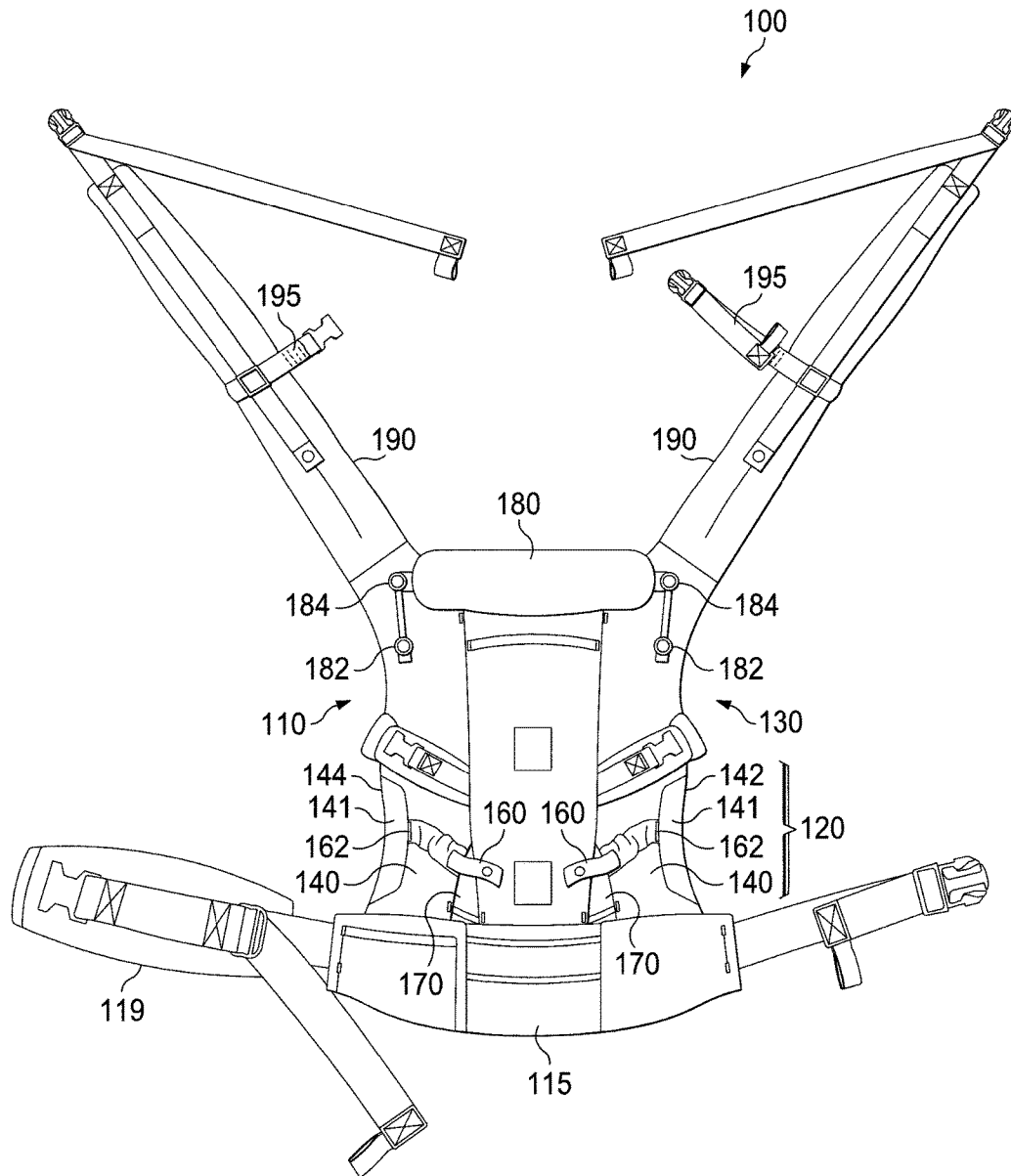
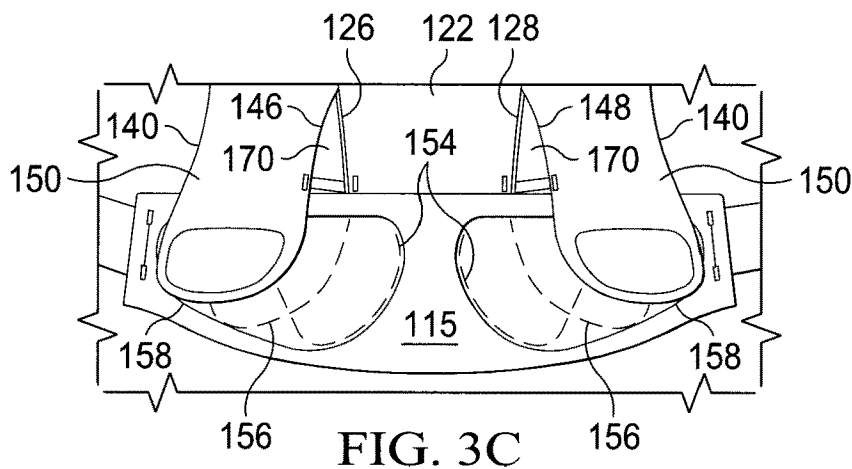
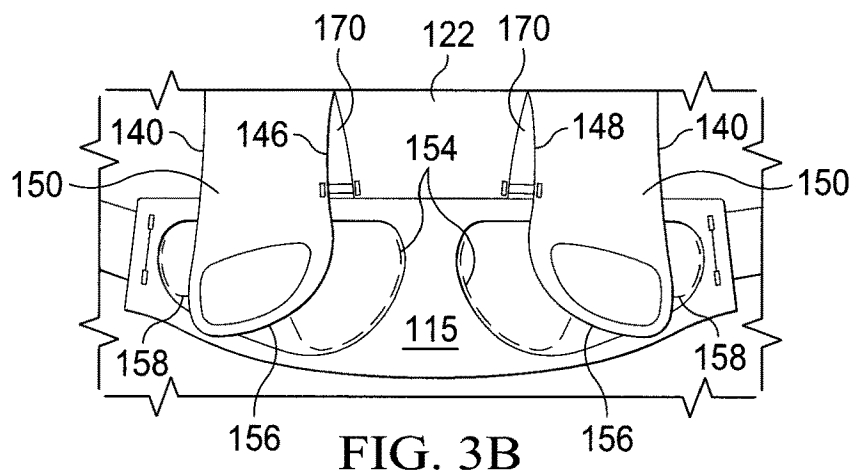
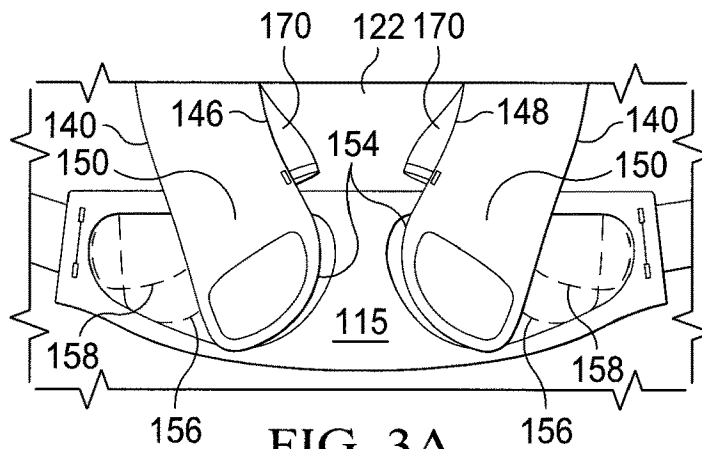


FIG. 2B



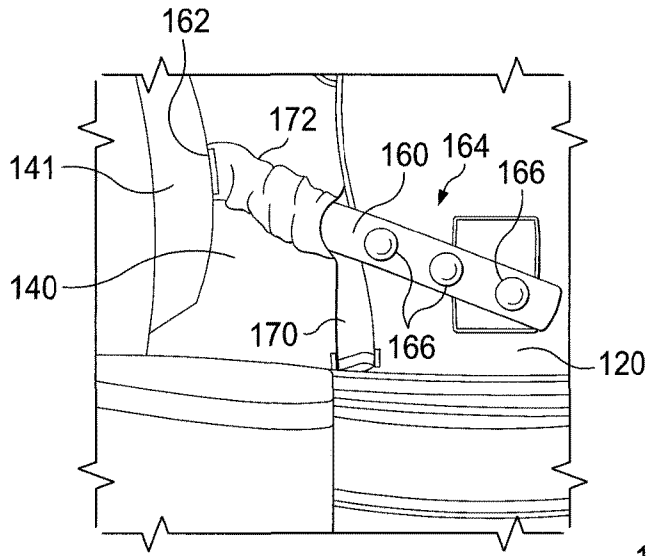


FIG. 4A

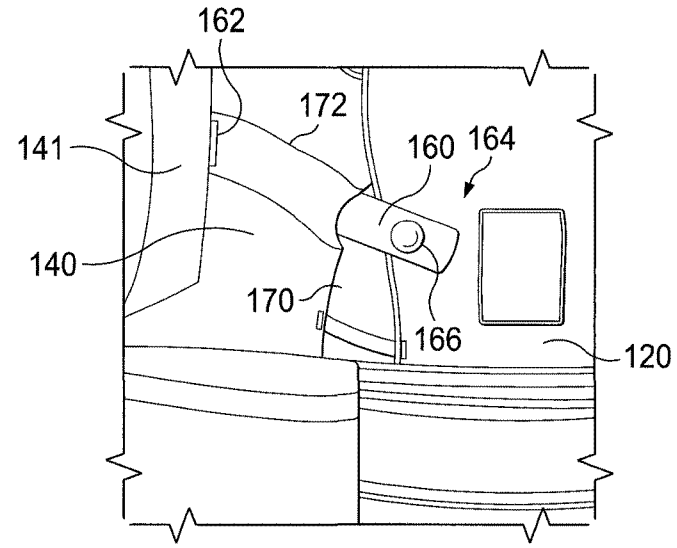


FIG. 4C

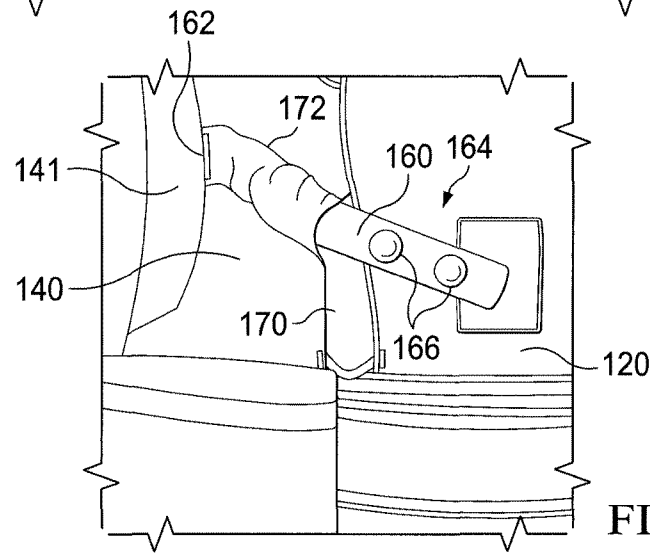


FIG. 4B

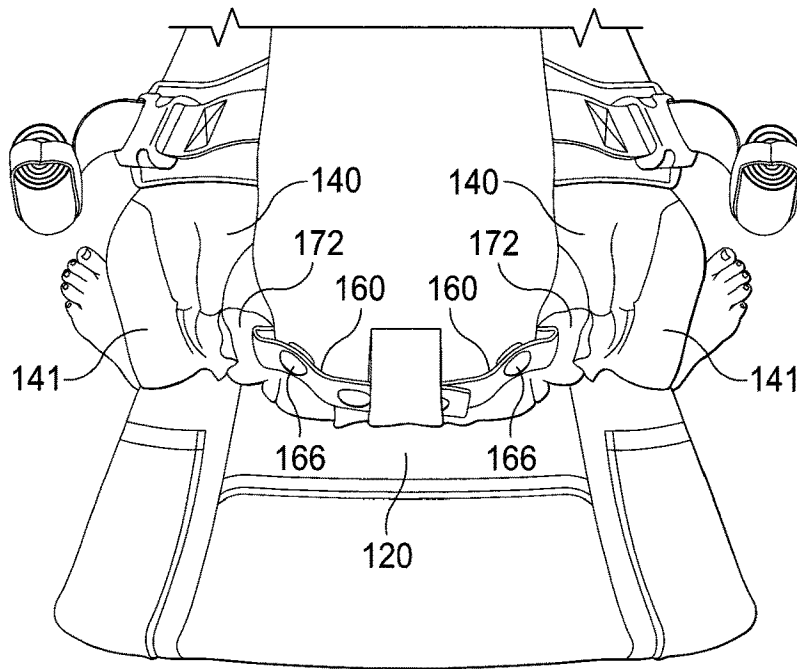


FIG. 5A

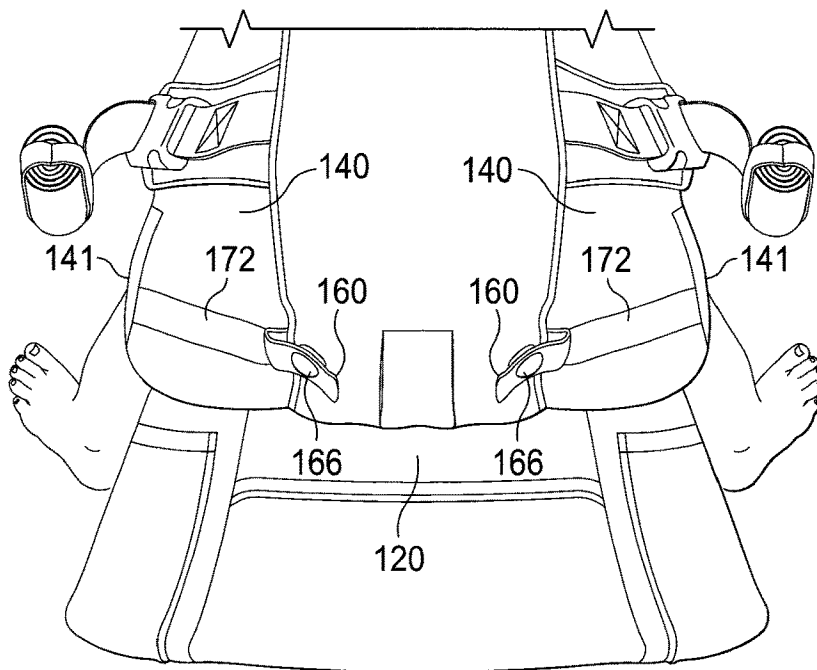


FIG. 5B

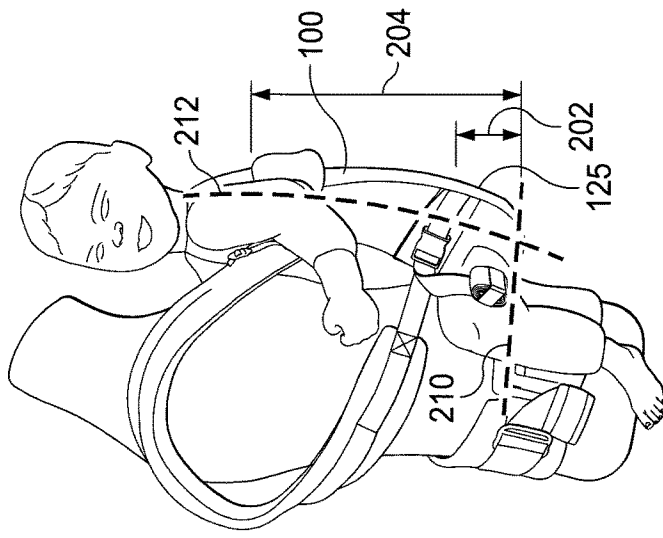


FIG. 6A

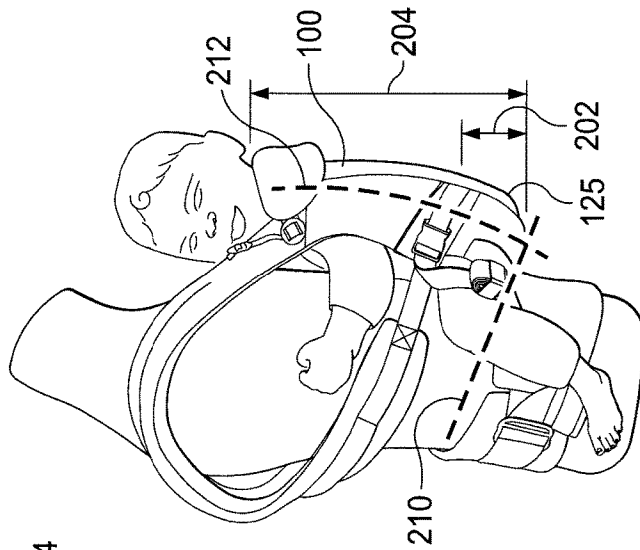


FIG. 6B

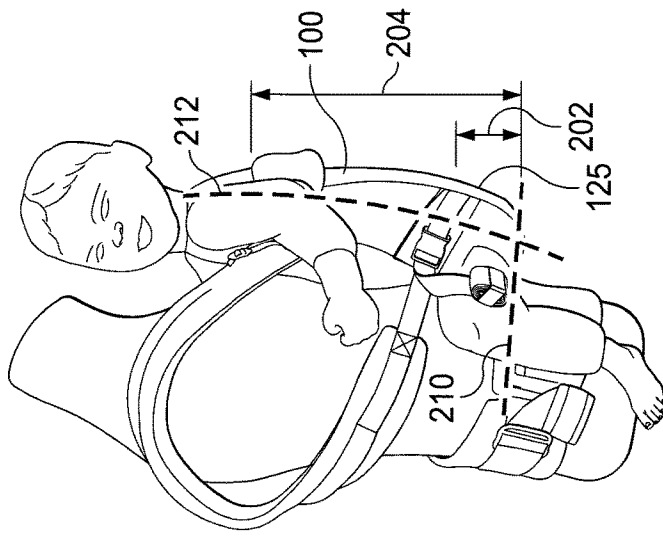


FIG. 6C

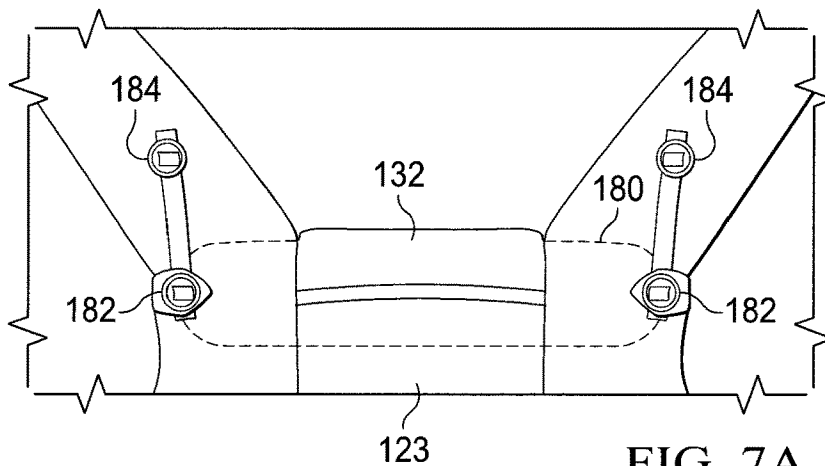


FIG. 7A

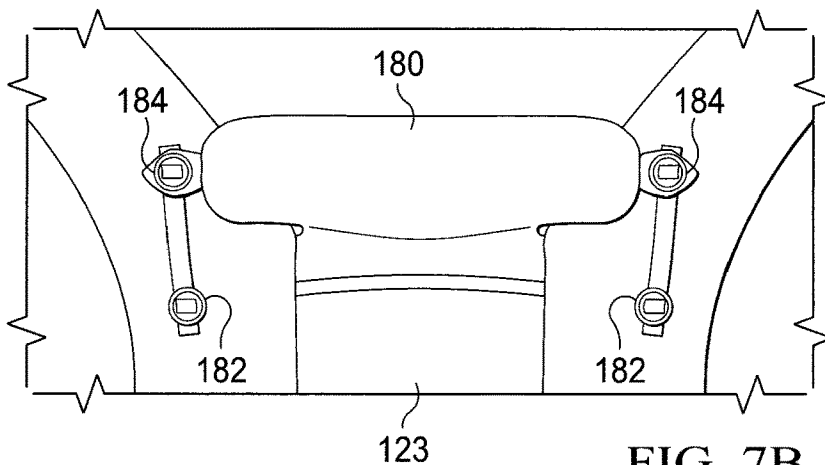


FIG. 7B

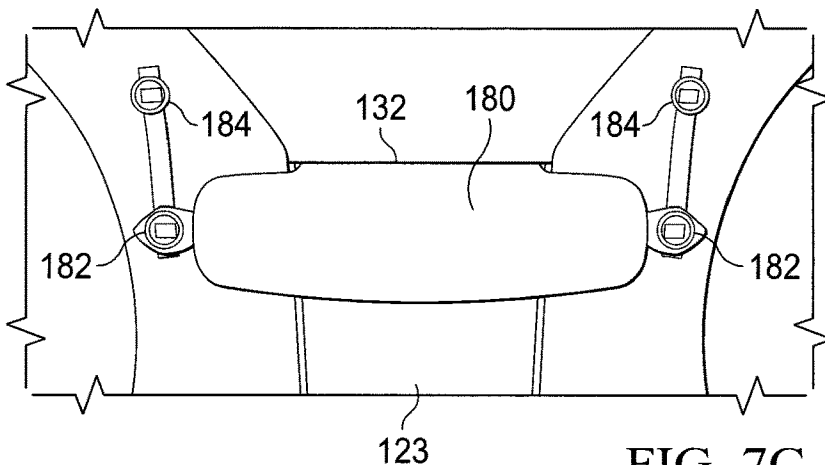


FIG. 7C

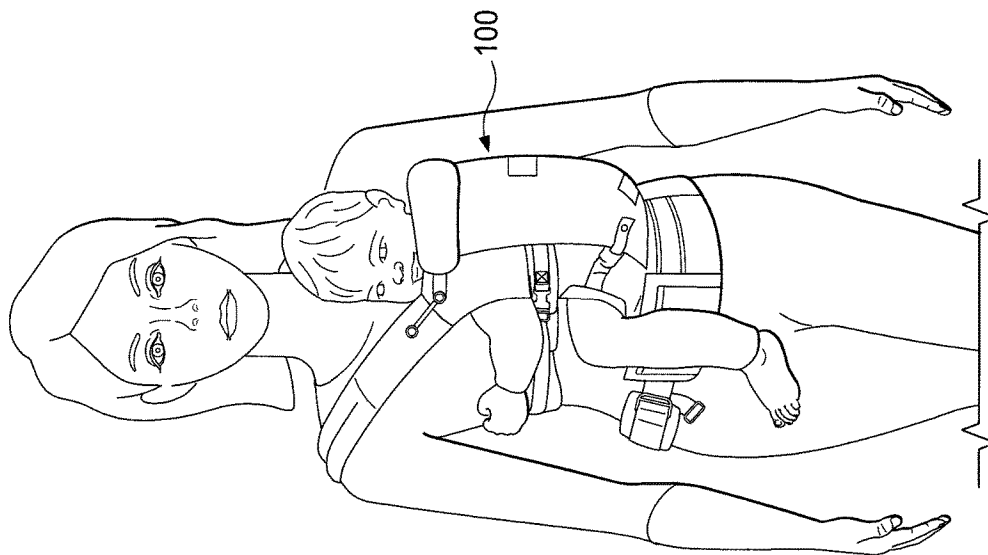


FIG. 9

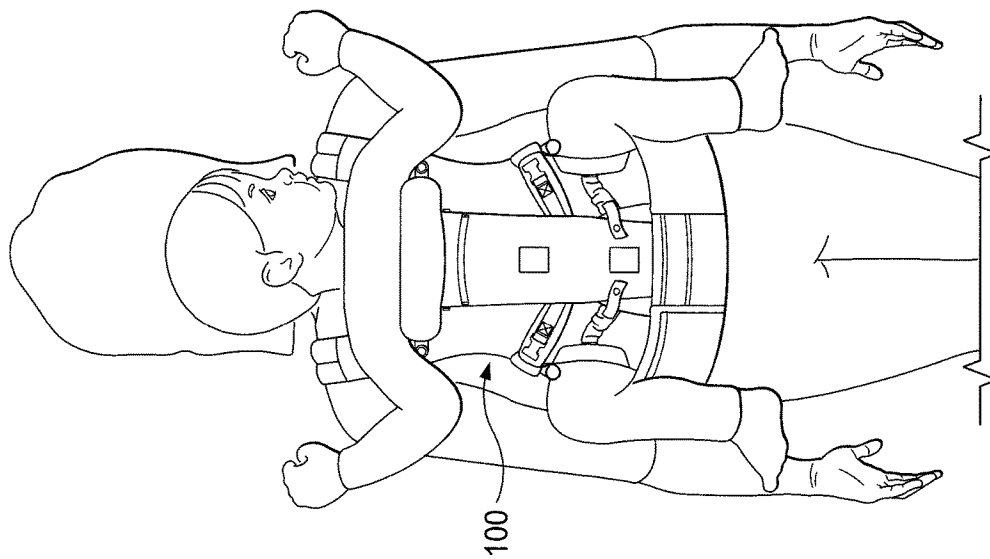


FIG. 8

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ADJUSTABLE CHILD CARRIER

RELATED APPLICATIONS

This application claims the benefit of priority under 35 USC § 119(e) to U.S. Provisional Patent Application No. 62/248,745 by Rodney Telford, filed Oct. 30, 2015 and entitled "Baby Carrier," of which the entire contents are incorporated herein by reference.

TECHNICAL FIELD

The present disclosure relates to child carriers. Even more particularly, the present disclosure relates to a child carrier that is adaptable to ergonomically carry a child as the child grows.

BACKGROUND

Various child carriers are currently available for transporting a child by a parent or other individual. Child carriers have become popular for carrying infants and toddlers because they afford the wearer freedom of hand and arm movement while carrying a child. In pursuit of child safety, some of these devices have become overly complex involving, among other things, rigid seats and frames which considerably increase the weight of the carrier and cannot accommodate for the growth of the child. These complex carriers are relatively heavy and place an undue strain upon the wearer, particularly in the lumbar region. In addition, because of the size of many of the present day carriers, they can only be worn on the back thus denying the child the comfort and security of a position where a child and its mother may be in a face-to-face relationship.

Soft structured carriers have become increasingly popular because they are lighter, less cumbersome and more comfortable to wear. These carriers incorporate padding, stitching and fabrics, rather than a rigid frame, to provide the structure. However, some soft-structured carriers hold a child in an upright position with the child's legs hanging down and the base of the child's spine supporting the child's bodyweight. This position may not be optimal for infant and other young children. While an adult spine has four curves, a young child's spine only has two curves. A majority of a young child's spine will form a C-shape (so-called total kyphosis). Positioning a young child, particularly an infant, in an upright position may unduly limit curvature of the spine and puts stress on the infant's sacrum. This can cause the infant's pelvis to tilt backward limiting leg and hip movement, which may impede healthy development of the infant's pelvis.

Moreover, conventional soft structured carriers are usually designed for a very limited age, weight and size of child and make compromises regarding the shape of the carrier to accommodate a range of ages. Even if a carrier supports ergonomic positioning of the child at one age/weight/size, positioning a child in an ergonomic position through the range of ages while utilizing the same carrier poses a problem as different children develop at different rates and the anatomy and physiology of children changes dramatically between infancy and toddlerhood.

A carrier designed for infants or younger babies may not accommodate a child as the child grows into toddlerhood because the seat and back support portions of the carrier will become too small. In an attempt to make carriers more adaptable, some carriers provide additional panels that can be unfolded and added to the seat to widen the seat and/or

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back panels that can expand (e.g., by unfolding additional back panel material or attaching new panels) to accommodate the child's growth. However, simply widening the seat or lengthening the carrier does not adequately address proper ergonomics.

On the other hand, a carrier designed for older children may not properly support an infant. One solution to this problem is the use of a specially designed "infant insert." In general, an infant insert is an accessory that incorporates additional padding and structure and makes it possible to carry a small infant in a carrier that would not otherwise properly support the infant. However, not all carriers support the use of infant inserts. Moreover, depending on design, infant inserts may be cumbersome, non-intuitive, and easily lost. In particular, the use of a separate infant insert may require that parents keep track of two separate devices and may significantly increase the difficulty of configuring the carrier for a wearer, the wearing of the carrier, or the ingress and egress of a child to the carrier.

Due to the foregoing issues, parents often opt for changing carriers as the child ages.

SUMMARY

Embodiments described herein provide a wearable child carrier that can be adapted to a baby's size and provide ergonomic positioning of the child throughout the range of the carrier adjustability.

According to one embodiment, a child carrier includes a waist belt adapted for securing about a wearer's hips and a main body coupled to the waist belt, where the main body adapted to form a child carrying area in cooperation with a wearer's torso. The main body can include a torso support portion configured for supporting at least the torso of a child; and an adjustable bucket seat configurable in a plurality of bucket seat configurations, each of the plurality of bucket seat configurations having a different bucket seat depth and bucket seat width and adapted to support a child in a corresponding size range in a spread squat position. In one embodiment, the plurality of bucket seat configurations comprises a configuration adapted to support an infant in a spread squat position without an infant insert. The plurality of bucket seat configurations may include a configuration adapted to support a toddler in a spread squat position.

The child carrier can include one or more adjustment areas adapted to adjust the bucket seat depth and the bucket seat width. In one embodiment, the child carrier has a minimum wearable height that is dependent on the bucket seat depth.

In accordance with one aspect, the plurality of bucket seat configurations comprises a first configuration adapted to support a child in a first size range in a first spread squat position; and a second configuration adapted to support a child in a second size range in a second spread squat position. The first configuration may have a first bucket seat width and first bucket seat depth and the second configuration may have a second bucket seat width and a second bucket seat depth, wherein the first bucket seat width is less than the second bucket seat width and the first bucket seat depth is greater than the second seat bucket depth.

In one embodiment, the main body further comprises a seat center portion coupled to the waist belt and torso support portion and thigh supports disposed on either side of the seat center portion. The thigh supports can be adapted to pass under and support a child's thighs and cooperate with the seat center portion to form the bucket seat. The carrier can further include a base width adjuster coupled to each

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thigh support. The base width adjusters can be configured for selective coupling to the waist belt in multiple locations to adjust a width of the main body at the waist belt. The base width adjusters can also be configured for selective coupling to the waist belt in multiple locations to adjust the bucket seat depth.

The child carrier may include one or more fabric shaping members adapted to control a bulge of the bucket seat. As one example, the fabric shaping members may comprise darts disposed between the thigh supports and the seat center portion, where the darts are adapted to open or close responsive to adjustment of the base width adjusters. The base width adjusters may be configurable in a first setting corresponding to a maximum bucket seat depth and a second setting corresponding to a minimum bucket seat depth, wherein the darts or other fabric shaping members have a first shape corresponding to the first setting and a second shape corresponding to the second setting.

In accordance with one embodiment, the seat center portion comprises laterally outer edges and the thigh supports comprise laterally inner edges. The fabric shaping members may be disposed between the laterally outer edges and the laterally inner edges. The base width adjusters can be adjustable through rotation to rotate the laterally inner edges relative to the laterally outer edges to open or close the fabric shaping members. Furthermore, adjusting the base width adjusters can increase or decrease the bucket depth/shape.

The carrier may further include thigh width adjusters comprising thigh width adapters coupled to the thigh supports where the thigh width adapters can adjust the width of the bucket seat.

The carrier may also include a neck support configurable in an inside folded down position in which the neck support is positioned in the child carrying area to support a child's neck. The neck support may also be configured in an extended position to provide additional carrier length and support for a larger child, or additional neck support and coverage for a sleeping baby. The neck support may also be configurable in an outside folded down position.

According to one embodiment, a method of configuring a child carrier can comprise: for a child to be carried, adjusting a bucket seat of the child carrier to a child's size and positioning the child in a child carrying area of the child carrier such that the child is supported in an ergonomic spread squat position. Adjusting the bucket seat to the child's size can include configuring a depth of the bucket seat by coupling base width adjusters of the child carrier to a waist belt of the child carrier at positions for a base width setting corresponding to the child's size and adjusting thigh width adapters to adjust a width of the bucket seat. Configuring the depth the bucket seat may further comprise rotating the base width adjusters to open or close darts. The method may further include configuring an adjustable neck support to fill a portion of the child carrying area and support a child's neck.

Embodiments described herein provide an advantage over prior carriers because the ergonomic bucket seat gradually adjusts to a growing baby from newborn to toddler, to ensure baby is seated in an ergonomic spread-squat, natural "M shape" position at multiple stages.

As an additional advantage, embodiments described herein can provide an adjustable seat shape that does not require adding to or removing structure from the carrier to change the seat shape. For example, some embodiments can accommodate infants and larger children without requiring an infant insert for an infant.

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Embodiments described herein can provide another advantage by allowing for easy adjustment of the carrier seat shape without adding or removing panels from the seat.

Embodiments described herein can provide another advantage by providing a carrier with a wearable length that can be adjusted without requiring complicated mechanisms to extend the overall length of the carrier.

BRIEF DESCRIPTION OF THE DRAWINGS

For a better understanding of these and other objects of the invention, reference will be made to the following detailed description of the invention which is to be read in association with the accompanying drawings, wherein:

FIG. 1 is a diagrammatic representation of an adult wearer carrying a child in an adjustable carrier;

FIG. 2A is a diagrammatic representation of an inside view of one embodiment of an adjustable baby carrier;

FIG. 2B is a diagrammatic representation of an outside view of one embodiment of adjustable carrier;

FIG. 3A is a diagrammatic representation of one embodiment of a base width adjuster in a first base width adjuster configuration;

FIG. 3B is a diagrammatic representation of one embodiment of a base width adjuster in a second base width adjuster configuration;

FIG. 3C is a diagrammatic representation of one embodiment of a base width adjuster in a third base width adjuster configuration;

FIG. 4A is a diagrammatic representation of one embodiment of a carrier with thigh width adjusters in a first thigh width adjuster configuration;

FIG. 4B is a diagrammatic representation of one embodiment of a carrier with thigh width adjusters in a second thigh width adjuster configuration;

FIG. 4C is a diagrammatic representation of one embodiment of a carrier with thigh width adjusters in a third thigh width adjuster configuration;

FIG. 5A is a diagrammatic representation of another view one embodiment of a carrier with thigh width adjusters in the first thigh width adjuster configuration;

FIG. 5B is a diagrammatic representation of another view of one embodiment of a carrier with thigh width adjusters in the third thigh width adjuster configuration;

FIG. 6A is a diagrammatic representation of one embodiment of a carrier with bucket seat in a first seat configuration;

FIG. 6B is a diagrammatic representation of one embodiment of a carrier with bucket seat in a second seat configuration;

FIG. 6C is a diagrammatic representation of one embodiment of a carrier with bucket seat in a third seat configuration;

FIG. 7A is a diagrammatic representation of one embodiment of a carrier with a neck support in a first neck support configuration;

FIG. 7B is a diagrammatic representation of one embodiment of a carrier with a neck support in a second neck support configuration;

FIG. 7C is a diagrammatic representation of one embodiment of a carrier with a neck support in a third neck support configuration;

FIG. 8 is a diagrammatic representation of one embodiment of a wearer wearing a carrier in a back carry position;

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FIG. 9 is a diagrammatic representation of one embodiment of a wearer wearing a carrier in a side carry configuration.

DETAILED DESCRIPTION

Child carriers and related methods and the various features and advantageous details thereof are explained more fully with reference to the nonlimiting embodiments that are illustrated in the accompanying drawings and detailed in the following description. Descriptions of well-known starting materials, processing techniques, components and equipment are omitted so as not to unnecessarily obscure the invention in detail. It should be understood, however, that the detailed description and the specific examples, while indicating preferred embodiments of the invention, are given by way of illustration only and not by way of limitation. Various substitutions, modifications, additions and/or rearrangements within the spirit and/or scope of the underlying inventive concept will become apparent to those skilled in the art from this disclosure.

The present disclosure relates to child carriers that allow a child, including an infant, to be carried in a manner that supports the child and maintains the child's pelvis and thighs in a preferred ergonomic position through a range of ages. In particular, embodiments described herein provide carriers that support the child's bottom, pelvis and thighs in a desired position. Embodiments described herein also allow a child to be carried on the front or back or to the side of the person carrying the child. The carrier can be worn by a user in front of, in back of or to the side of the wearer with the child's weight carried near the wearer's center of gravity and close to the wearer's front, back or side in a front, back or side position, respectively.

The adjustable child carrier can be configured to accommodate children of a wide range of sizes in a front, rear or side carrying position while supporting the child's hips, pelvis, bottom and both upper thighs when the child is being carried in various orientations. For example, embodiments of a child carrier as disclosed herein may provide an adjustable child carrier usable with a newborn children (infant) (e.g., around 7 pounds) and additionally with children all the way to up to around 45 pounds or more.

In accordance with one aspect of the present disclosure, a carrier includes a bucket seat for a child and one or more adjustment areas that when adjusted serve to adjust a depth of the seat bucket and a height of the child carrier. When adjusted to a newborn setting, the carrier is configured such that the depth of the seat bucket may be at a maximum. Conversely, when adjusted to its maximum, or largest size, setting (e.g., a setting for the largest child the carrier is designed to accommodate) the depth of the seat bucket may be at a minimum. When the depth of the bucket seat is at a maximum the thighs may be supported such that the angle of the thighs of the child relative to the coronal plane may be greatest and when the depth of the bucket seat is at a minimum the thighs may be supported such that the angle of the thighs of the child relative to the coronal plane may be the smallest. Similarly, then, the bucket seat is at a maximum, the carrier may be configured such that the carrier maintains a child carried therein with relatively more curve in their spine than when the bucket seat is at a minimum depth.

A child carrier may include one or more adjustment points that work alone or in cooperation to adjust the shape of the bucket seat area provided by the child carrier. These adjustment points may include base width adjusters adapted to

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adjust the width of the main panel of the baby carrier at a point where the main panel is coupled to the waistband of the carrier. The adjustment of the width of the base of the main panel may serve to provide maximum shape for the bucket area and thus maximum depth of the bucket seat area when adjusted to the narrowest setting for newborn babies and the minimal depth of the bucket seat area for the largest children when adjusted to the widest setting.

Another adjustment point provided by embodiments may be thigh width adjusters. These thigh width adjusters are configured to adjust the width of the main panel of the baby carrier at a point in the main panel configured to accommodate the thighs of a child. The thigh width of the main panel may be smallest at the tightest or smallest setting of the thigh width adjusters for newborn babies and widest at its largest or loosest setting (which may be fully released or not engaged) for the largest children (e.g., that the carrier is designed to accommodate).

These adjustment points may also work in cooperation to adjust the baby carrier. For example, the thigh width adjusters may also serve as more granular adjustment for the bucket area within the range of gross adjustment provided by the base width adjuster.

The carrier of certain embodiments may also be configured to adjust in height. In certain embodiments, the length of the physical carrier from the top edge of the waist belt at the center to the top edge of carrier at the center remains consistent, however, the wearable height changes depending on the setting of the bucket seat size. With the base width at its smallest/narrowest setting the bucket seat is deeper consuming more of the carrier length measurement, thus leaving less measurement for the wearable height while with the base width at its largest/widest setting the bucket seat is shallow consuming less of the carrier length measurement, thus leaving more measurement for the wearable height.

Embodiments of such carriers may also include an adjustable neck support. Such a neck support or collar that may be positioned according to the direction the child is facing, the size of the child, or other criteria. The adjustable neck support may be rotatable relative to the main panel such that the neck support may be extended increasing the center height of the carrier giving additional back or neck support for a child (depending on the size of the child). The neck support may also be folded back away from the wearer to reduce the height of the carrier (e.g., for non-infant children). The neck support may also be folded down into the carrier toward the wearer such that it may reside inside the child carrying area to give an infant or other child additional head or neck support.

Embodiments as disclosed herein may therefore provide an adjustable child carrier configured to accommodate children of a wide range of sizes in a front, rear or side carrying position. Embodiments may thus be sized appropriately to carry an infant without the use of an additional infant insert. Configured according to such a setting, the carrier may be adapted for placement of a child in a child carrying area of the child carrier with the infant's knees raised. In one embodiment, when adjusted to accommodate an infant the carrier is adapted to support the infant in a position with the infant's femur at an angle of 90-120 degrees from the coronal plane. Additionally, the carrier can be adapted to support the infant in a position with the infant's knees at 45-60 degrees from the median plane. In particular embodiments, the carrier can be adapted to promote a spread-squat position.

The carrier can be ergonomic for the wearer as well. A padded waist belt may provide lumbar support and may

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cooperate with shoulder straps (that may attach to the same or opposite sides of the carrier) that can form a configurable harness that can position the carrier in a front, side or back carry position while distributing the weight evenly to the wearer. The carrier may be adjusted such that the child is positioned close to the wearer's center of gravity which distributes the child's weight evenly. In some embodiments, the harness may be adjusted so that a majority of the child's weight is transferred to the wearer's hips.

FIG. 1 is a diagrammatic representation of an adult wearer carrying a child in an adjustable carrier **100**. Adjustable carrier comprises a main body **110** coupled to a waist belt **115**. Main body **110** includes a torso support portion **130** and a bucket seat **125**. The torso support portion **130** is configured for supporting the upper body of the child while in the carrier **100**. The seat **125** is configured for supporting the legs, hips and posterior of the child in an ergonomic position. As discussed in more detail below, embodiments of adjustable carrier **100** can include various adjustments such that carrier **100** can be adjusted as the child grows to support the child in an ergonomic spread squat position appropriate for the weight or size of the child with the child's pelvis, bottom and thighs all being supported. In an ergonomic spread squat position (also known as the "frog leg", "frog", "squat spread" or "M" position) (indicated by line **101**) the flexion at the hip joint is at least 90° and in some cases is 110° to 120° from the coronal plane, and the spreading angle can average at approximately 45-55° from the median plane. As carrier **100** is adjustable, the angle of the hips and spread can depend on the settings of the carrier **100** and developmental stage of the child.

In one embodiment, the carrier can be adapted to support the child in a position with the child's femur approximately 90° to 120° (or other elevated position) from the coronal plane and to position the child's knees with an amount of spreading. The amount of spreading may depend on the developmental stage of the child and orientation with a newborn having less than 30°, then approximately 30°, then approximately 35°-40° and so on so, such that the final spread is approximately 40°-45°, though other amounts of spreading may be achieved including (e.g., for example approximately 55°). In one embodiment, the spreading may be at least 20° degrees from the median plane. The child's weight can be distributed across the child's bottom, thighs and back so that the sacrum does not bear too much weight and the child can rest with a more naturally curved "C" spine in a spread squat position that is believed to be better for pelvic development. It can be noted, however, that the child can be positioned in any comfortable position, preferably emphasizing a supportive posture rather than a posture where the child is primarily sitting on his or her sacrum.

FIG. 2A is a diagrammatic representation of an inside view of one embodiment of an adjustable baby carrier **100** and FIG. 2B is a diagrammatic representation of an outside view of one embodiment of adjustable carrier **100** (FIGS. 2A and 2B are referred to collectively herein as FIG. 2). Carrier **100** comprises a main body **110** coupled to a waist belt **115**. Main body **110** includes an upper torso support portion **130**, a seat portion **120** and thigh support areas **140**. Carrier **100** may also include shoulder straps **190** and a chest strap **195**. A child can be supported in a child carrying area created by the main body **110** in cooperation with the wearer's torso. Torso support portion **130** is configured to support upper body of the child while in the carrier while seat portion **120** cooperates with adjustable thigh support areas **140** to form an adjustable bucket seat **125** (FIG. 1) adapted to ergonomically position the child's legs and hips. Waist belt **115** and

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shoulder straps **190** provide a harness that distributes the child's weight to the wearer. Chest strap **195** can be used to secure left and right shoulder straps together.

Bucket seat portion **120** and thigh support areas **140** are adapted to pass from the outer side of the child carrying area (the side away from the wearer's torso) to inner side to form supportive and adjustable bucket seat **125**. Inner end portions of thigh support areas **140** can be selectively coupled to waist belt **115** by base width adjusters **150** that are configurable for adjusting the width and depth of the bucket seat **125**. Thigh width adjusters **160** can also be provided to provide additional width adjustment. Thus, the bucket seat **120** can be adjusted to accommodate a range of ages/sizes/weights.

The supportive and adjustable bucket seat **125** can have a generally concave (e.g., "C" shape) inner profile from the inward side to the outward side and from right to left. Seat side edges **142**, **144** (formed by the edges of thigh support areas **140**) can be higher than the center of the seat and can be spaced such that the side edges pass under and around the child's thighs at a distance from the child's hips such that the child's legs (e.g., above the knee) do not dangle down. In some embodiments, thigh support areas **140** may provide additional support. In particular, in certain embodiments the thigh support areas **140** may include gathers, elastic material or another type of biasing material.

Bucket seat portion **120** comprises a seat center portion **122** that is coupled to waist belt **115** or other portion of carrier **100** at one end and to upper torso support portion **130** at the other end. Seat center portion **122** may be formed from a single piece of material, or may be formed from multiple pieces of material, multiple layers of materials, or multiple materials. The junction between upper torso support portion **130** and seat center portion **122** may be a substantially seamless transition. For example, in one embodiment, a center panel **123** may form seat center portion **122** and an upper torso center panel such that seat center portion **122** and the upper torso center panel comprise a unitary construction of one or more layers of material. In other embodiments, the junction may include seams, edges or other features delineating between upper torso support portion **130** and seat center portion **122**.

Thigh support areas **140** are disposed to the left and right of seat center portion **122**. Thigh support areas **140** may be selectively coupled to waist belt **115** by base width adjusters **150** such that thigh support areas **140** pass under and around the child's thighs at a distance from the child's hips where the portion of the thigh support areas **140** that pass under and around the child's thighs is higher than the child's bottom so that the child's knees are lifted. The thigh support areas **140** can have sufficient stiffness such that the child's thighs may be encouraged to spread by the thigh support areas **140** or wearer's torso. In one embodiment, thigh support areas **140** provide areas of thigh padding **141** to support the child's thighs.

Base width adjusters **150** may be coupled to respective thigh support areas **140**. In one embodiment, base width adjusters **150** may comprise flaps or tabs coupled to thigh support areas **140**. In the illustrated embodiment, base width adjusters **150** are coupled to a respective thigh support areas **140** by virtue of being part of the same thigh support straps. However, other configurations may also be used. In any event, base width adjusters **150** can be selectively coupled to waist belt **115** to couple thigh support areas **140** of main body **110** to waist belt **115**.

Base width adjusters **150** can be used to adjust the width of the base of main body **110** where it connects to waist belt

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115. A fastening mechanism 151 of base width adjusters 150, such as a hook and loop material, buttons, snaps, zipper, etc., can cooperate with a corresponding fastening mechanism 117 on waist belt 115 to couple thigh support areas 140 to waist belt 115. The fastening mechanisms 117, 151 are configured such that the base width adjusters 150 may be coupled to the waist belt 115 in multiple positions or throughout a range of positions.

The width of bucket seat 125 proximate to waist belt 115 can be adjusted by changing the position at which base width adjusters 150 are secured to waist belt 115. For example, moving the bottom ends of base width adjusters 150 laterally inboard (rotating base width adjusters 150 inward) decreases the width of main body 110 at the point main body 110 meets waist band 115 and may serve to decrease the width of the bucket seat where thigh support areas 140 pass under the child's thighs. Moving the ends of base width adjusters 150 more laterally outboard (rotating base width adjusters 150 laterally outward) increases the width of the main body 110 where it is coupled to the waist belt 115 and may increase the bucket seat width where the thigh support areas 140 pass under the child's thighs.

Base width adjusters 150 can be used to control the depth of the bucket seat 125. In a minimum (or narrowest) base width setting the base width adjusters 150 may be fastened to the waist belt 115 such that they are maximally proximate one another toward the center axis of the waist belt 115 (given the range or number of positions possible). In this minimum base width setting carrier 100 is configured such that the depth of the seat bucket 125 may be at a maximum. In a maximum (or widest) base width setting, the base width adjusters 150 may be fastened to the waist belt 115 such that they are maximally distal one another away from the center axis of the waist belt 115 (given the range or number of positions possible). In this maximum (or widest) base width setting, carrier 100 is configured such that the depth of the bucket seat 125 may be at a minimum.

Bucket seat portion 120 may include one or more shaping members to facilitate shaping the bucket seat. In one embodiment, bucket seat portion 120 includes gusset portions 170 that span the gap between the respective inner edges 146, 148 of thigh support areas 140 and the laterally outer edges 126, 128 of seat center portion 122. Gusset portions 170 may be fastened to seat center portion 122 at or proximate to laterally outer edges 126, 128 and to thigh support areas at or proximate to laterally inner edges 146, 148 to form a first dart having a dart apex 174 generally pointing toward the bottom of the bucket seat 125 and dart legs defined by the connections at or proximate to edges 126, 146 and a second dart having a dart apex 175 and dart legs defined by the connections at or proximate to edges 128, 148. The dart legs can be closed or opened to gather or release the darts. In particular, by adjusting base width adjusters 150 to decrease the angle between seat center portion 122 and thigh support areas 140, the dart legs can be closed and darts deepened. Consequently, bucket seat 125 can bulge further and take on a deeper curve. Conversely, adjusting base width adjusters 150 to increase the angle between seat center portion 122 and thigh support areas 140 opens the dart legs and makes the darts formed by gusset portions 170 shallower. Consequently, the bucket seat 125 formed by carrier 100 will be shallower. While, in the above embodiment, the shaping members are darts, other shaping mechanisms can be used to control the fullness of bucket seat 125 including, but not limited to pleats, gathers or tucks.

Referring briefly to FIGS. 3A, 3B and 3C (collectively FIG. 3), FIG. 3 illustrates the operation of one embodiment

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of base width adjusters 150. In FIG. 3, the base width adjusters 150 can be secured to waist belt 115 to either side of the lateral centerline of main body 110 to adjust the width of carrier 100 at thigh support areas 140. In the embodiment illustrated, hook and loop material is used to secure the base width adjusters 150 to waist belt 115 on the side of waist belt 115 sandwiched between waist belt 115 and the wearer. This can increase the hold of the hook and loop material when in use because of the pressure against the base width adjusters 150.

In the embodiment of FIG. 3, each base width adjuster 150 is secured to waist belt 115 in one of three positions 154, 156, 158. These positions may correspond to particular size ranges of children. In FIG. 3A, base width adjusters 150 are secured at positions 154 corresponding to a minimum (or narrowest) base width setting. In FIG. 3B, base width adjusters 150 are secured at positions 156 corresponding to a moderate base width setting. In FIG. 3C, base width adjusters 150 are secured at positions 158 corresponding to a maximum (or widest) base width setting.

It can be noted that base width adjusters 150 as illustrated essentially rotate from a pivot point as they are adjusted. Thus, not only does the lateral position of the attachment position change, the vertical position does as well (e.g., positions 154, 156 and 158 for a base width adjuster 150 are both laterally and vertically displaced from each other). The use of a rotational motion like this provides a greater change in bucket depth for a given lateral change. Other embodiments, however, could use a more linear motion (e.g., in which the attachment positions are horizontally aligned). Furthermore, positions 154, 156 and 158 are provided by way of example. In the embodiment illustrated, base width adjusters 150 can be coupled to fastening mechanism 117 in a continuous range of positions. Other embodiments may provide discrete attachment points.

Referring to FIG. 3A, base width adjusters 150 are fastened to the waist belt 115 such that they are maximally proximate one another toward the center axis of the waist belt 115 (given the range or number of positions possible). However, because laterally inner edges 146, 148 of thigh support areas 140 are drawn close to laterally outer edges 126, 128 (hidden by gusset portion 170) of seat center support part 122, gusset portions 170 form deeply curved darts. Put another way, by fastening base width adjusters 150 to waist belt 115 such that they are maximally proximate one another, the laterally outer edges of gusset portions 170 may be drawn toward the laterally inner edges of gusset portions 170, creating a corresponding greater curve or dart shapes in gusset portions 170. This serves to shape bucket seat portion 120 to increase the depth of the bucket seat portion.

Referring to FIG. 3C, the base width adjusters 150 are secured at positions 158 corresponding to a maximum (or widest) base width setting. In this configuration, the laterally inner edges 146, 148 are rotated away from the respective laterally outer edges 126, 148 of FIG. 3C. In other words, the dart legs are opened to release the darts and create less shape (curve) at the end of the gusset portions 170. By fastening base width adjusters 150 to waist belt 115 such that they are maximally distal one another (again, given the range of possible setting for coupling base width adjusters 150 to waist belt 115), tension may be maintained on outer edges of gusset portions 170 such that gusset portions 170 remain relatively flat. As such, bucket seat portion 120 may be maintained in a relatively flat or less shaped configuration, serving to minimize the depth of the bucket seat 125.

Base width adjusters 150 primarily adjust the width of the seat proximate to waist belt 115. However, moving away

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from waist belt **115**, the seat (edges **142**, **144**) may flare out. With reference to FIG. **2**, thigh width adjusters **160** may be provided to adjust the width of the seat away from waist belt **115**. In particular, thigh width adjusters **160** may be adapted to adjust the width of the bucket seat where edges **142**, **144** of thigh supports **140** pass under the child's thighs. Thigh width adjusters **160** can be used to pull in thigh support areas **140** so that thigh support areas **140** do not extend past the child's knee and thus prevent thigh support areas **140** from straightening the child's legs or overspreading the child's legs.

In certain embodiments, thigh width adjusters **160** may be coupled to respective thigh support areas **140** and are configured to adjust the width of the carrier at the level of thigh support areas **140**. In accordance with one embodiment, each thigh width adjuster **160** may be a piece of material(s) (webbing or other material) that is coupled at a first end **162** to the respective thigh support area **140** proximate to support portions **141** and includes a second end that can be selectively coupled to main body **110** (e.g., to seat center portion **122** or elsewhere). The thigh width adjusters **160** can act as a drawstring system, one on each side, to adjust the width of carrier **100** at thigh level by pulling the thigh support areas **140** laterally inward and thereby further adjusting the width of carrier **100** at the child's thighs.

Referring briefly to FIGS. **4A**, **4B** and **4C** (collectively FIG. **4**) and FIGS. **5A** and **5B** (collectively FIG. **5**), the operation of one embodiment of thigh width adjusters **160** is illustrated. Thigh width adjusters **160** can be selectively coupled to bucket seat portion **120** to pull thigh support areas **140** laterally inward a desired amount. FIG. **4**, for example, illustrates the thigh width adjuster **160** secured in three positions corresponding to a narrowest (tightest) setting (FIG. **4A**, FIG. **5A**), a moderate setting (FIG. **4B**) and a widest (loosest) setting (FIG. **4C**, FIG. **5B**).

In the embodiment illustrated, each thigh width adjuster **160** includes a strip of material that is fastened at first end **162** to the outside of a respective thigh support area **140** proximate to the thigh padding **141** (e.g., near the respective outer edge **142**, **144**). The thigh width adjuster **160** runs laterally inboard through a fabric tunnel **172** to a distal portion **164** that includes a plurality of spaced thigh width adjuster fasteners **166** (e.g., snaps, buttons, hook and loop, etc.) that can be selectively fastened to a corresponding fastener on bucket seat portion **120** of main body **110**.

In FIG. **4A**, the thigh width adjuster fastener **166** that is closest to the respective thigh support area **140** is fastened to the corresponding fastener on the bucket seat portion **120**. This position corresponds to a narrowest thigh width adjuster setting and, as illustrated in FIG. **5A**, thigh support area **140** is gathered inward to decrease the width of carrier **100** at the child's thighs. Conversely, fastening the fastener **166** that is farthest from the respective thigh support area **140** to bucket seat portion **120**, as shown in FIG. **4C**, may achieve the widest setting of the thigh width adjusters **160**. When the thigh width adjusters **160** are in the widest setting position of FIG. **4C**, the outer edges of the thigh support areas **140** can spread out as illustrated in FIG. **5B**, thus widening carrier **100** at the child's thighs.

As can be understood from the foregoing, the base width adjusters **150** and the thigh width adjusters **160** may work in cooperation to adjust the carrier **100**. In accordance with one embodiment, base width adjusters **150** can be used for adjustment of seat depth and provide a gross adjustment of seat width, while thigh width adjusters **160** may serve as granular adjustments for width within the range of gross

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adjustment provided by the base width adjusters **150**. For example, at a particular setting of the base width adjusters **150** of the carrier **100**, the width of the carrier **100** at thigh support areas **140** may be narrowest with the thigh width adjusters **160** at their smallest or narrowest (tightest) setting and largest with the thigh width adjusters **160** at their widest (loosest) setting.

Carrier **100** may also adjust in height based on other settings of carrier **100**. In particular, adjusting base width adjusters **150** adjusts the wearable back height (length from bottom of bucket seat **125** to top edge **132**). This occurs because the length of the physical carrier material from the top edge **116** of the waist belt **115** at center to the top edge **132** of main body **110** at center remains consistent such that the wearable back height changes depending on the setting of the bucket seat size. A deeper bucket consumes more length of material between edges **116** and **132**, thus leaving less measurement for the wearable height. On the other hand, a shallower bucket consumes less length of material between edges **116** and **132**, thus leaving more measurement for the wearable height.

Thus, adjusted to a smallest child mode (e.g., an infant mode) (base width at its smallest/narrowest setting) the bucket seat **125** may be deeper consuming more of the carrier length measurement, thus leaving less measurement for the wearable height (length from bottom of bucket seat **125** to top edge of carrier center panel **123** at center is at its shortest height). Adjusted to a largest child mode (e.g., a toddler mode) (base width at its largest/widest setting) the bucket seat **125** is shallow consuming less of the carrier length measurement, thus leaving more measurement for the wearable height (length from bottom of bucket seat **125** to top edge of carrier center panel **123** at center at its longest height). The carrier thus adjusts to the height of the child based on adjustment to the bucket seat.

Carrier **100** may be adjusted to provide ergonomic support for the child regardless of the size of the child through a supported range. In accordance with one embodiment, carrier **100** can be set for an infant with base width adjusters **150** and thigh width adjusters **160** set at their narrowest settings. In this configuration, the bucket seat will be at its deepest with higher walls at the thigh support areas **140** lifting the child's thighs and knees to a greater angle and into a spread squat position appropriate for that size child. Similarly, carrier **100** can be set for the largest child with the base width adjusters **150** and the thigh width adjusters **160** at their widest settings. In this configuration, the bucket seat may be at its shallowest depth with lower walls at the thigh support areas **140** lifting the child's thighs and knees to a lesser angle and into a spread squat position appropriate for a larger sized child.

Thus, the adjustable bucket seat is configurable in a plurality of configurations having different seat bucket depths and seat bucket widths. The different configurations can be adapted to support a child in a corresponding size range in a spread squat position. For example, in one embodiment, bucket seat can have a first configuration adapted to ergonomically carry a child of 20-24 inches (generally corresponding to an infant of 0-3 months and over 7 pounds) in a spread squat position appropriate for the infant without requiring an infant insert. Furthermore, the carrier can have a second configuration adapted to ergonomically carry a child of 24-28 inches (generally corresponding to an older baby of 3-9 months) in a spread squat position appropriate for that child's size. In addition, the carrier, in this example, can have a third configuration adapted to ergonomically carry a child of 28 inches or

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greater (generally corresponding to an older baby or toddler of 9-48 months (up to the carrying capacity of the carrier or the wearer)). The first configuration can correspond to the base width being at the narrowest setting (deepest bucket seat) (an infant mode), the second configuration can correspond to the base width being at a moderate setting and the third configuration can correspond to the base width being at a widest setting (shallowest bucket seat) (a toddler mode). It can be noted that the ranges provided above are provided by way of example and not limitation. Furthermore, the seat may have other configurations.

The user can thus adjust the bucket seat **125** to support the child in an ergonomic spread squat position appropriate for the weight or size of the child with the child's pelvis, bottom and thighs all being supported. The child's weight can be supported so that the child is squatting in the seat rather than sitting with the child's weight primarily on the sacrum. The child can be supported with the knees higher than the bottom, in some cases higher than 90 degrees. The bucket seat **125** can be adjusted to form a sling or pouch that is wider than the child's hips in which the child's bottom is supported. The thigh support areas **140** can be adjusted pass under and around the child's thighs at a distance from the child's hips such that the portions of thigh support areas **140** that pass under and around the child's thighs are higher than the child's bottom to lift the child's knees. The thigh support areas **140** can have sufficient stiffness to encourage the child's thighs to spread by the thigh support straps or wearer's torso.

FIGS. **6A**, **6B** and **6C** (collectively FIG. **6**) are diagrammatic representations of one embodiment of carrier **100** adjusted to accommodate various sized children. FIG. **6A** corresponds to the minimum base width setting of FIG. **3A**, FIG. **6B** corresponds to a moderate base width setting of FIG. **3B** and FIG. **6C** corresponds to the maximum base width setting of FIG. **3C**. Through adjustment of base width adjusters **150** and thigh width adjusters **160**, the width of bucket seat **125** and the depth of bucket seat **125** (indicated by depth **202**) can be configured. Furthermore, because the length of material of carrier **100** available to support the back depends on the depth of bucket seat **125**, adjusting base width adjusters **150** also adjusts the minimum wearable height **204** of carrier **100**. As illustrated in FIG. **6**, the wearable height **204** of carrier **100** increases with decreasing bucket depth.

With all settings set for a small baby, the seat center portion **122**, gusset portions **170** and thigh support areas **140** cooperate to form a deep bucket seat **125** as illustrated in FIG. **6A**. The deep bucket seat **125** with higher walls at the thigh (under the knee) tends to lift the child's knees (indicated by line **210**) to the appropriate spread squat position and promotes rounding of the back into a c-shape (indicated by line **212**). Moreover, a deeper bucket seat **125** shortens the wearable height **204**. Thus, the configuration of FIG. **6A** may be suitable for infants. As the child grows, the child's spine should naturally straighten and the child will require less knee support. Base width adjusters **150** and thigh width adjusters can be adjusted to widen bucket seat **125** and provide additional back support length to support the child's lengthening spine. As shown in FIG. **6B** and FIG. **6C**, for example, carrier **100** the bucket seat **125** may be adjusted to provide less knee lift, but enough to maintain an appropriate spread squat position (e.g., for an older baby in FIG. **6B** and for a toddler in FIG. **6C**) and allow the child to rest with a straighter back.

Returning to FIG. **2**, carrier **100** may also include an adjustable neck support **180**. Adjustable neck support **180**

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may be extended to increase the center height of carrier **100**, giving additional back or neck support for a child (depending on the size of the child). The neck support **180** may also be folded back away from the wearer to reduce the height of the carrier (e.g., for non-infant children). The neck support **180** may also be folded down toward the wearer such that it may reside inside the child carrying area to give an infant or other child additional head or neck support. The size, shape and position of neck support **180** can be selected so that neck support **180** will fit behind and support the average infant's neck when neck support **180** is folded into the carrier.

Complementary extended position securing mechanisms and complementary non-extended position securing mechanisms such as, but not limited to, buttons, snaps, d-rings and clips or hooks, patches of hook and loop material or other securing mechanism, can be provided so that adjustable neck support **180** can be secured in an extended position or folded back and secured in a non-extended position.

FIGS. **7A**, **7B** and **7C** illustrate one embodiment of adjustable neck support **180** in an inside folded down configuration, an extended configuration and an outside folded down configuration respectively. In the inside folded down position of FIG. **7A**, adjustable neck support **180** can be adapted to partially fill the inside of the carrying area of carrier **100** to give infants with insufficient head control more head and neck support (see also FIG. **6A**). Adjustable neck support **180** can also be configured in the outside folded down configuration of FIG. **7B** to provide additional volume in the carrier as the child grows (see also FIGS. **6B** and **6C**). Neck support **180** can be configured in the extended mode (flipped up) as illustrated in FIG. **7C** to increase the center back length, giving additional back support for toddlers or head and neck support for non-infant babies. Neck support **180** may be positioned according to the size of the child, or other criteria.

According to one embodiment, adjustable neck support **180** may be joined to main body **110** proximate to top edge **132**. The coupling may form a generally horizontal hinge that allows adjustable neck support **180** to flip over edge **132** from the inside folded down configuration to the outside folded down configuration. In the embodiment illustrated, adjustable neck support **180** may be secured in the inside folded down configuration and outside folded down configuration using first set of neck support fasteners **182** and may be secured in the extended configuration using a second set of neck support fasteners **184** located above the first set of neck support fasteners **182**. Preferably, but not necessarily, the neck support fasteners are located on the outside of main body **110**.

With reference again to FIG. **2**, shoulder straps **190** can be configured to form a loop and attach on either side of the lateral centerline of carrier **100**. In other embodiments, shoulder straps may be worn in an "x" configuration. Each shoulder strap **190** may connect to upper torso support portion **130** at one or more locations to pull upper torso support portion **130** toward the wearer. A shoulder strap may also couple to main body **110** of carrier **100** above thigh support areas **140** or other portion of carrier **100** on the same side, or an opposite side, of the centerline where the shoulder strap **190** is coupled to the upper torso support portion **130**. Shoulder straps **190** may be adjustable and, in some cases, can be re-configured to support multiple carrier positions, such as a front carry, side carry position (hip carry) or back carry position.

Waist belt **115** may have a lumbar support portion **119** and be configured to rest on the wearer's hips. Preferably, the harness is configured so that the child's weight is evenly

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distributed to the wearer's hips and shoulders and even more preferably such that the child's weight is distributed evenly to the wearer's hips and shoulders and in some cases primarily to the wearer's hips rather than shoulders. In some cases, 70 percent or more of the child's weight can be distributed to the wearer's hips through waist belt **115**, thereby promoting wearer comfort and diminishing wearer fatigue.

In accordance with one aspect of the present disclosure, carrier **100** can be a soft structured carrier that incorporates padding, stitching and fabrics to provide structure. Main body **110**, including upper torso support portion **130**, bucket seat portion **120**, thigh supports **140** and thigh width adjusters **150** can be flexible and can be formed primarily of natural or synthetic fibers without a rigid frame. As would be understood by a person of ordinary skill in the art, however, some components, such as buckles, fasteners, etc. of a soft structured carrier may be formed of hard plastics, metals and the like.

Carrier **100** may include one or more panels formed from a single piece of material or multiple pieces of material, multiple layers of materials, or multiple materials. For example, in some embodiments, upper torso support portion **130** may be formed with an inner layer selected for comfort against a child's skin and an outer layer selected for breathability, fashion, stain resistance, etc. Upper torso support portion **130** may have straight edges, tapered edges for an area of increased width or decreased width, or otherwise configured for comfort or security of a child or a user. Similarly, bucket seat portion **120** may include one or more panels formed from a single piece of material, or may be formed from multiple pieces of material, multiple layers of materials, or multiple materials. The junction between upper torso support portion **130** and bucket seat portion **120** may be a substantially seamless transition. In one embodiment, the center of upper torso support portion **130** and center of bucket seat portion **120** may be formed from a unitary center panel **123** (of one or more layers) attached to side panels that form the laterally outer portions of upper torso support portion **130** and thigh support areas **140**. Inner layers may be selected for comfort against a child's skin and outer layers selected for breathability, fashion, stain resistance, etc. In some embodiments, the center portion may be selected for comfort and lateral portions selected for breathability, security, etc.

It can be noted that carrier **100** may support a number of carrying positions. FIG. **1**, for example, is a diagrammatic representation of one embodiment of an adult wearer carrying a child in an inward facing front carry position. FIG. **8** is a diagrammatic representation of one embodiment of an adult wearer carrying a child in carrier **100** in an inward facing back wearing configuration. FIG. **9** is a diagrammatic representation of one embodiment of an adult wearer carrying a child in carrier **100** in a side (hip) wearing configuration.

As used herein, the terms "comprises," "comprising," "includes," "including," "has," "having" or any other variation thereof, are intended to cover a non-exclusive inclusion. For example, a process, article, or apparatus that comprises a list of elements is not necessarily limited to only those elements but may include other elements not expressly listed or inherent to such process, article, or apparatus. Further, unless expressly stated to the contrary, "or" refers to an inclusive or and not to an exclusive or. For example, a condition A or B is satisfied by any one of the following: A is true (or present) and B is false (or not present), A is false (or not present) and B is true (or present), and both A and B

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are true (or present). As used herein, a term preceded by "a" or "an" (and "the" when antecedent basis is "a" or "an") includes both singular and plural of such term, unless clearly indicated otherwise (i.e., that the reference "a" or "an" clearly indicates only the singular or only the plural). Also, as used in the description herein and throughout the meaning of "in" includes "in" and "on" unless the context clearly dictates otherwise.

Additionally, any examples or illustrations given herein are not to be regarded in any way as restrictions on, limits to, or express definitions of, any term or terms with which they are utilized. Instead, these examples or illustrations are to be regarded as being described with respect to one particular embodiment and as illustrative only. Those of ordinary skill in the art will appreciate that any term or terms with which these examples or illustrations are utilized will encompass other embodiments which may or may not be given therewith or elsewhere in the specification and all such embodiments are intended to be included within the scope of that term or terms. Language designating such nonlimiting examples and illustrations include, but is not limited to: "for example," "for instance," "e.g.," "in one embodiment."

Reference throughout this specification to "one embodiment", "an embodiment", or "a specific embodiment" or similar terminology means that a particular feature, structure, or characteristic described in connection with the embodiment is included in at least one embodiment and may not necessarily be present in all embodiments. Thus, respective appearances of the phrases "in one embodiment", "in an embodiment", or "in a specific embodiment" or similar terminology in various places throughout this specification are not necessarily referring to the same embodiment. Furthermore, the particular features, structures, or characteristics of any particular embodiment may be combined in any suitable manner with one or more other embodiments. It is to be understood that other variations and modifications of the embodiments described and illustrated herein are possible in light of the teachings herein and are to be considered as part of the spirit and scope of the invention.

In the description herein, numerous specific details are provided, such as examples of components and/or methods, to provide a thorough understanding of embodiments of the invention. One skilled in the relevant art will recognize, however, that an embodiment may be able to be practiced without one or more of the specific details, or with other apparatus, systems, assemblies, methods, components, materials, parts, and/or the like. In other instances, well-known structures, components, systems, materials, or operations are not specifically shown or described in detail to avoid obscuring aspects of embodiments of the invention. While the invention may be illustrated by using a particular embodiment, this is not and does not limit the invention to any particular embodiment and a person of ordinary skill in the art will recognize that additional embodiments are readily understandable and are a part of this invention.

It will also be appreciated that one or more of the elements depicted in the drawings/figures can also be implemented in a more separated or integrated manner, or even removed or rendered as inoperable in certain cases, as is useful in accordance with a particular application. Additionally, any signal arrows in the drawings/Figures should be considered only as exemplary, and not limiting, unless otherwise specifically noted.

The representative embodiments, which have been described in detail herein, have been presented by way of example and not by way of limitation. It will be understood by those skilled in the art that various changes may be made

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in the form and details of the described embodiments resulting in equivalent embodiments that remain within the scope of the appended claims.

What is claimed is:

1. A child carrier comprising:
 - a waist belt adapted for securing about a wearer's hips;
 - a main body coupled to the waist belt, the main body adapted to form a child carrying area in cooperation with a wearer's torso, the main body comprising:
 - a torso support portion configured for supporting at least of the torso of a child; and
 - an adjustable bucket seat configurable in a plurality of bucket seat configurations, each of the plurality of bucket seat configurations having a different a) bucket seat depth and b) bucket seat width and adapted to support a child in a corresponding size range in a spread squat position, the adjustable bucket seat comprising:
 - a seat center portion coupled to the waist belt and torso support portion;
 - thigh supports disposed on either side of the seat center portion the thigh supports adapted to pass under and support a child's thighs and cooperate with the seat center portion to form the bucket seat; and
 - a base width adjuster coupled to each thigh support, wherein the base width adjusters are configured for selective coupling to the waist belt at multiple locations to adjust a width of the main body at the waist belt.
2. The child carrier of claim 1, wherein the plurality of bucket seat configurations comprises:
 - a first configuration adapted to support a child in a first size range in a first spread squat position; and
 - a second configuration adapted to support a child in a second size range in a second spread squat position, the first configuration having a first bucket seat width and first bucket seat depth and the second configuration having a second bucket seat width and a second bucket seat depth, wherein the first bucket seat width is less than the second bucket seat width and the first bucket seat depth is greater than the second bucket seat depth.
3. The child carrier of claim 1, further comprising one or more adjustment areas adapted to adjust the bucket seat depth and the bucket seat width.
4. The child carrier of claim 1, wherein the child carrier comprises a set of thigh width adjusters, wherein the base width adjusters are adapted to provide gross bucket seat width control and the set of thigh width adjusters are adapted to provide more granular bucket seat width control.
5. The child carrier of claim 1, wherein the child carrier has a minimum wearable height that is dependent on the bucket seat depth.
6. The child carrier of claim 1, wherein the base width adjusters are configured for selective coupling to the waist belt in multiple locations to adjust the bucket seat depth.
7. The child carrier of claim 6, further comprising one or more fabric shaping members adapted to control a bulge of the bucket seat.
8. The child carrier of claim 7, wherein the fabric shaping members comprise darts disposed between the thigh supports and the seat center portion, the darts adapted to open or close responsive to adjustment of the base width adjusters.
9. The child carrier of claim 8, wherein the base width adjusters are configurable in a first setting corresponding to a maximum bucket seat depth and a second setting corre-

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sponding to a minimum bucket seat depth, wherein the darts have a first shape corresponding to the first setting and a second shape corresponding to the second setting.

10. The child carrier of claim 8, wherein the seat center portion comprises laterally outer edges and the thigh supports comprise laterally inner edges, wherein the darts are disposed between the laterally outer edges and the laterally inner edges.
11. The child carrier of claim 10, wherein the base width adjusters are adjustable through rotation to rotate the laterally inner edges relative to the laterally outer edges to open or close the darts.
12. The child carrier of claim 6, wherein adjustment of the bucket seat depth adjusts a minimum wearable height of the child carrier.
13. The child carrier of claim 6, further comprising thigh width adapters coupled to the thigh supports, the thigh width adapters configured to adjust the width of the bucket seat.
14. The child carrier of claim 1, further comprising a neck support configurable in an inside folded down position in which the neck support is positioned in the child carrying area to support a child's neck.
15. The child carrier of claim 14, wherein the neck support is further configurable in an extended folded up position and an outside folded down position.
16. The child carrier of claim 1, wherein the plurality of bucket seat configurations comprises a configuration adapted to support an infant in a spread squat position without an infant insert.
17. The child carrier of claim 16, wherein the plurality of bucket seat configurations comprises a configuration adapted to support a toddler in a spread squat position.
18. A child carrier comprising:
 - a waist belt adapted for securing about a wearers hips;
 - a main body coupled to the waist belt, the main body adapted to form a child carrying area in cooperation with a wearer's torso, the main body comprising:
 - a torso support portion configured for supporting at least of the torso of a child;
 - an adjustable bucket seat configurable in a plurality of bucket seat configurations, each of the plurality of bucket seat configurations having a different a) bucket seat depth and b) bucket seat width and adapted to support a child in a corresponding size range in a spread squat position; and
 - a set of base width adjusters and a set of thigh width adjusters, wherein the set of base width adjusters are adapted to provide gross bucket seat width control and the set of thigh width adjusters are adapted to provide more granular bucket seat width control.
19. The child carrier of claim 18, further comprising thigh supports disposed on either side of a seat center portion, the thigh supports adapted to pass under and support a child's thighs and cooperate with the seat center portion to form the bucket seat; and
 - wherein each thigh width adjuster in the set of thigh width adjusters comprises a thigh width adjuster strap having first end coupled to a respective thigh support and a second end adapted to selectively couple to the main body at multiple positions to adjust width of the bucket seat at the child's thighs.
20. The child carrier of claim 19, wherein the set of base width adjusters comprises a base width adjuster coupled to each thigh support, the set of base width adjusters adapted to selectively couple to the waist belt to adjust a width of the main body at the waist belt.

* * * * *

EXHIBIT B

Amazon Patent Evaluation Express Agreement

This Amazon Patent Evaluation Express (APEX) Agreement (“Agreement”) is between the Patent Owner (or Patent Owner’s authorized representative) listed in Exhibit 1 and the Seller or Sellers (or their authorized representative(s)) listed in Exhibit 2 (collectively, “Participants”).

Amazon.com, Inc. (“Amazon”) has developed the APEX Procedure (“Procedure”) for owners of United States utility patents to obtain an evaluation of their patent infringement claims against products offered by third-party sellers on amazon.com (“Evaluation”). By executing this agreement, the Patent Owner represents and warrants that it owns or has the right to enforce the patent identified in Exhibit 1 (“Patent”), and asserts that listings identified by the Amazon Standard Identification Numbers (“ASINs”) in Exhibit 1 (“Products”) infringe the patent claim identified in Exhibit 1.

By respectively executing Exhibits 1 and 2, Patent Owner and Seller agree as follows:

1. Following the Evaluation Procedure. Patent Owner and Seller have reviewed and agree to comply with the Procedure, which is incorporated herein by reference. Patent Owner agrees to accurately complete Exhibit 1, and Seller agrees to accurately complete Exhibit 2. Both Exhibits 1 and 2 are incorporated herein by reference.

2. Confidentiality; No Discovery. Participants agree not to disclose to third parties information or documents learned from other Participants, Amazon, or Evaluator in the Evaluation, except to their respective affiliates, legal counsel or as required by law; provided, however, that the fact that an Accused Product and ASIN (identified in Exhibit 1) was either removed or not as a result of an Evaluation, and the identity of the patent claim in that Evaluation, shall not be considered confidential. Participants agree that receipt or disclosure of any information relating to patents in APEX may not be used in court or any agency proceeding to establish notice of patent infringement, knowledge of any patent, or to establish damages. Participants agree not to seek discovery from other Participants, Amazon, or Evaluator relating to the Evaluation in any litigation, arbitration, or agency proceeding.

3. Waiver of Claims. Participants acknowledge and agree that neither Amazon nor Evaluator shall be liable for any claims arising out of the Procedure or Evaluation, and Participants hereby waive any claims (including claims that are unknown or are based on activities that have not yet occurred) against Amazon or Evaluator relating to the Procedure or Evaluation; provided that, the foregoing shall not be deemed to waive any rights or claims of a Participant to receive a refund of amounts paid by a Participant that should be returned to a Participant pursuant to the rules of the Procedure. Participants agree that Amazon’s liability to any Participant relating to the Evaluation is limited to any payment made by that Participant to the Evaluator. Participants agree not to sue Amazon or its affiliates for infringement of the Patent with respect to the ASINs listed on Exhibit 1 or materially identical products. Nothing in this Agreement shall limit a Participant’s ability to sue any Seller or other third party for infringement of the Patent.

4. Updating Participant’s Information. Contact during the Evaluation will occur through the email addresses listed in Exhibits 1 and 2. It is each Participant’s responsibility to ensure that its email address and other information in Exhibits 1 and 2 remain accurate and current.

5. General Matters. This Agreement shall be governed by the laws of the state of Washington, USA, and Participants agree to the jurisdiction and venue of the federal and state courts located in King County, Seattle, Washington. Any dispute regarding this Agreement may be submitted to the Evaluator, and if not resolved by the Evaluator may only be resolved by Amazon, in its sole discretion. Participants may not assign their rights or obligations under this Agreement. This Agreement does not create any partnership or any fiduciary relationship between or among the Participants, the Evaluator and Amazon. No third party is intended to be a beneficiary of this Agreement, except that the parties agree and acknowledge that the Evaluator and Amazon are third- party beneficiaries of Sections 2 and 3 of this Agreement. This Agreement and the APEX Procedure are the entire agreement for the Evaluation and supersede any prior agreements related to the Evaluation.

Exhibit 1: Patent Owner-Supplied Information

Patent Owner name: The Ergo Baby Carrier, Inc.

Patent Owner physical address: The Ergo Baby Carrier, Inc., 19700 S. Vermont Ave., Suite 250, Torrance, CA 90502

Names of any corporate parents, subsidiaries, or other entities related to Patent Owner:

Ergo Baby Intermediate Holding Corporation, which is a wholly owned subsidiary of Ergo Baby Holding Corporation, which is a wholly owned subsidiary of EBP Lifestyle Brands Holdings, Inc. Compass Group Diversified Holdings, LLC owns 10% of more of the stock of Ergo Baby Carrier, Inc.

Name of individual contact for Patent Owner or Patent Owner's authorized representative:

Jennifer Bailey

Is Patent Owner registered in Amazon's Brand Registry? If yes, please identify the brand(s) registered in Brand Registry: Yes, ErgoBaby

Email Address for contact (this email address will be used by the Evaluator and Amazon for communications related to the Evaluation): apexhandling@eriseip.com

United States utility patent number ("Asserted Patent") for Evaluation: 10,426,275

Patent Claim number for Evaluation: 1

Amazon Standard Identification Numbers (ASINs) of Accused Products:

B0CDQ2KVJD	B0D97H4W9Q	B0CPYFGFPS		
B0CLGG2PV2	B0CDQ1ZLJ9	B0CPYD5C7H		
B0D97KQR1Z	B0CLGCLYYF	B0CDQ1XH6W		
B0CLGCN5ZS	B0CLGC1MTX			

Signature: 

Name: Jennifer Bailey

Title: Patent Owner's Representative

Date: 9/13/2024

Exhibit 2: Seller-Supplied Information

Seller name:

Seller physical address:

Names of any corporate parents, subsidiaries, or other entities related to Seller:

Name of individual contact for Seller or Seller's authorized representative:

Email Address for contact (this email address will be used by the Evaluator and Amazon for communications related to the Evaluation):

Amazon Standard Identification Numbers (ASINs) of Accused Products for which Seller will participate in the Evaluation:

Signature: _____

Name: _____

Title: _____

Date: _____

EXHIBIT C

发件人: patent-evaluation@amazon.com <patent-evaluation@amazon.com>

发送时间: 2024 年 9 月 20 日 15:37

收件人: sichuangtiancheng_us@outlook.com <sichuangtiancheng_us@outlook.com>

主题: RE:[CASE 16044206971] Notice: Amazon Patent Evaluation Express Program - Action Required

Hello,

We received a report from a patent owner who believes the items listed at the end of this email infringe their U.S. Patent No. 10,426,275.

If you wish to continue selling the items listed at the end of the email, you have two choices.

First, you can choose to resolve your claim with the patent owner directly within the next three weeks. If we receive a retraction from the patent owner within the next three weeks, we will allow you to continue selling the items listed at the end of this email. The patent owner's contact information is as follows:

The Ergo Baby Carrier, Inc.

APEXhandling@eriseip.com

The Ergo Baby Carrier, Inc., 19700 S. Vermont Ave., Suite 250, Torrance, CA 90502

If the patent owner agrees to retract their complaint, they must send the retraction directly to us at patent-evaluation@amazon.com. Forwarded retractions will not be accepted. Another option is to resolve the claim with the patent owner in a federal district court case. If you are already engaged in a patent lawsuit with the patent owner, or if you file a lawsuit against the patent owner for declaratory judgment of non-infringement of the asserted patent, please provide us with a copy of the relevant complaint within the next three weeks, and you may continue selling the items listed at the end of the email while the lawsuit proceeds.

Second, you can choose to participate in neutral evaluation of the patent owner's claim. Amazon's neutral evaluation procedure is described in the attached document titled "Amazon Patent Evaluation Express Procedure." Please read this document carefully and note that payment of a deposit is required. If you choose to participate in the neutral evaluation, you must agree to the attached Amazon Patent Evaluation Express Agreement, complete Exhibit 2 of the Agreement, "Seller-Supplied Information," and return the completed Agreement to patent-evaluation@amazon.com within three weeks.

Please note that participation in the evaluation process does not guarantee that you will be able to continue to sell the items listed at the end of this email following the evaluation. If the evaluator decides that the items likely infringe, we intend to remove them from Amazon.com. If, however, the evaluator decides the items likely do not infringe, we will not remove your listings from

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If you do not either resolve your claim with the patent owner directly, or agree to participate in the neutral evaluation process, we will remove the listings at the end of this email from Amazon.com.

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B0CDQ2KVJD

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B0CLGCLYYF

B0CLGC1MTX

B0CPYFGFPS

B0CDQ1XH6W

Infringement type: Patent

Patent Number: 10,426,275

Case ID: 16044206971

You can learn more about your account health in the Performance section of Seller Central

[https://jpn01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsellercentral.amazon.com%2Fgp%2Fseller-rating%2Fpages%2Fperformance-summary.html&data=05%7C02%7C%7C1728db4fc5024ca655c608dcd98a1903%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C638624434827692344%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=Yo761euw52N6ehcPKL6RABYs3fvkd5Al5YFHgZjSNF8%3D&reserved=0\).](https://jpn01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsellercentral.amazon.com%2Fgp%2Fseller-rating%2Fpages%2Fperformance-summary.html&data=05%7C02%7C%7C1728db4fc5024ca655c608dcd98a1903%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C638624434827692344%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=Yo761euw52N6ehcPKL6RABYs3fvkd5Al5YFHgZjSNF8%3D&reserved=0).)

Neutral Patent Evaluation Team

Amazon.com

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EXHIBIT D

Amazon Patent Evaluation Express Procedure

To efficiently resolve claims that third-party product listings infringe utility patents, Amazon offers a simple, low-cost procedure called Amazon Patent Evaluation Express (APEX). APEX is voluntary, confidential, and allows owners of U.S. utility patents or their authorized representatives, such as attorneys or exclusive licensees (“Patent Owner”) to obtain a fast evaluation of patent infringement claims against products (“Accused Products”), identified by Amazon Standard Identification Number, listed by third-party sellers (“Sellers”) on amazon.com (“Evaluation”). In APEX, a neutral evaluator reviews a patent infringement claim against third-party product listings on amazon.com. The evaluator will make a yes/no decision about whether the patent covers the product listings. The evaluator may decide that the patent does not cover the product listings because: they do not infringe (i.e., include all elements of the asserted claim); a court has found the patent invalid or unenforceable; or the accused products (or physically identical products) were on sale more than one year before the earliest effective filing date of the patent. Amazon will comply with the evaluator’s decision pending any litigation or settlement between the patent owner and Sellers, or other legal proceedings that may impact the patent. If there is litigation pending on a patent subject to a proposed or pending Evaluation, Amazon may decide not to initiate or suspend an Evaluation until the completion of that litigation.

If an evaluator concludes that an Accused Product is covered by a patent, Amazon will remove that Accused Product from www.amazon.com. The cost of the Evaluation is \$4,000 and covers the Evaluator’s expenses; Amazon will not retain any portion of the cost. The cost will be paid by the participant(s) losing the Evaluation in the event an Evaluation actually occurs.

1. Starting an Evaluation. To request an Evaluation, a Patent Owner submits an APEX Agreement (“Agreement”) to Amazon, with all information requested in its Exhibit 1. Amazon then sends that Agreement to each Seller listing Accused Products and gives each the option of: (i) executing and returning the Agreement within three weeks, with all information requested in its Exhibit 2; or (ii) having their listings on Accused Products removed from www.amazon.com. If a Seller does not participate in the Evaluation or does not comply with the Agreement, Amazon intends to remove its listings of Accused Products. After receiving a completed Agreement from one or more Sellers, Amazon will use the information in Exhibits 1 and 2 of the Agreement to select a neutral individual from a list of attorneys experienced in U.S. patent disputes (“Evaluator”). It is critical that each of Exhibits 1 and 2 be filled out completely, including with the full corporate names of each Participant, as well as all of their related companies, so that Amazon can select a neutral evaluator.

2. Payment and Schedule. Once an Evaluator is selected, Amazon will contact the Patent Owner and each Seller with instructions to wire \$4,000 to the Evaluator. When wiring the \$4,000, a party should identify in the wire transmittal the evaluation number and the name of the Participant in the evaluation for which the payment is being made. Each Participant should also email the Evaluator with the confirmation number for the wire once it has been sent. If the Patent Owner does not submit \$4,000 to the Evaluator within one week, no Evaluation will occur and any money submitted by Sellers will be returned. If a Seller does not submit \$4,000 within one week, the Evaluator will notify Amazon, who will then remove that Seller’s listings of Accused Products. If no Seller submits \$4,000, Amazon will remove all Sellers’ listings of the Accused Products and the Evaluator will return the Patent Owner’s payment.

3. Submission of Written Arguments. After the Patent Owner and a Seller have timely submitted \$4,000, the Evaluator will set a schedule for submission of written arguments (“Schedule”). In general, the Schedule will provide: (i) the Patent Owner with 14 days for its initial arguments; (ii) Sellers with 14 days to respond; and (iii)

the Patent Owner with 7 days to reply. Modifications to the schedule can be requested for good cause only. The Patent Owner may use a total of 20 double-spaced 8.5 x 11" pages between its two submissions. Each Seller may use 15 double-spaced pages in its response. Claim charts and exhibits are not counted against page limits. Each submission must be in English and emailed to the Evaluator and to the opposing Participants in the same email; physical exhibits cannot be submitted. Failure to timely make a submission by a Participant will generally result in a finding by the Evaluator against that Participant and forfeiture of its payment, except that the Patent Owner may waive reply. In appropriate circumstances, the Evaluator may request that the Participants answer discrete questions that will aid the Evaluator in the Evaluator's determination, and the Evaluator may extend the schedule and briefing limits modestly to enable the Participants to answer such questions.

4. Evaluation is a Limited Procedure. To make the Evaluation fast, efficient, and relatively low-cost, it is limited to one claim from one unexpired U.S. utility patent. Design, non-U.S., and expired patents are not eligible. The Patent Owner may include up to 20 ASINs in an Evaluation. If a Patent Owner lists more than 20 ASINs in Exhibit 1 to the Agreement, Amazon may in its sole discretion reduce the Patent Owner's list to 20 ASINs.

Amazon or the Evaluator may exclude ASINs of Accused Products not physically identical for purposes of the Evaluation. When excluding ASINs, the Evaluator will notify Amazon as well as the Patent Owner and implicated Sellers of the excluded ASINs, while also giving the Patent Owner and the implicated Sellers a time deadline and parameters for submitting their respective arguments for and against inclusion of the excluded ASINs. Each of the Patent Owner and Sellers have the option, in their sole discretion, whether or not to submit their respective arguments. The Evaluator will consider submitted arguments, if any, in deciding finally on excluding the ASINs. The Evaluator will communicate to the Participants whether any ASINs have been excluded and if so, which ones.

If Evaluator's exclusion of ASINs results in any of the Sellers having no remaining products in the Evaluation, the Evaluator will return those Sellers' \$4000 payments, those Sellers will no longer be Participants in the Evaluation, and the Evaluator will not consider those Sellers' respective responsive arguments, if any.

The Evaluation will address only Accused Products sold solely by third-party sellers on www.amazon.com. The Evaluator will consider whether a Product likely infringes. The process is intended to evaluate the Accused Products in the listings on the date ("Complaint Date") that the Patent Owner executed the Evaluation Agreement. Any manipulation of the Accused Products, or any manipulation of the listings on amazon.com for Accused Products, after the Complaint Date by a participating Seller will be grounds for the Evaluator to find for the Patent Owner and/or for Amazon to remove the listing of that Seller. Any Seller making such a change may lose all (or part, if there is more than one losing Seller) of its \$4,000 in accordance with Section 6, below.

Amazon reserves the right to terminate an Evaluation at any time, if Amazon determines that a participant has acted improperly in connection with that Evaluation. Such conduct may include: failure to follow this Procedure; failure to abide by the terms of the Agreement; incorrectly filling out an Agreement; providing false information to Amazon or the Evaluator; or any other action that Amazon determines is fraudulent or a misuse of the Evaluation procedure. In addition to terminating an Evaluation for such conduct, Amazon may take down ASINs, prohibit future sales of products, prohibit future filings of Evaluations, and encourage an Evaluator to enter a decision against that participant.

If more than four Sellers opt in and make the required \$4,000 deposit in a single Evaluation case, the Evaluator will give the Patent Owner the option of: (i) limiting the Evaluation so that it applies to no more than four Sellers; or (ii) making one or more additional payments to the Evaluator so that multiple concurrent Evaluations can take

place, each with no more than four Sellers. If the Patent Owner decides to limit the Evaluation to four Sellers and not to proceed in concurrent evaluations against the remaining sellers that opted in and made timely deposits, the Evaluator will return the \$4,000 payments to those Sellers who have not been chosen by the Patent Owner to continue in the Evaluation. The Evaluation will then proceed with four sellers. At the completion of the Evaluation, the Patent Owner may institute one or more additional Evaluations against the other Sellers that opted in, which Amazon intends to have proceed with the same Evaluator as the first Evaluation to minimize the chances of inconsistent results. If the Patent Owner decides to conduct Evaluations against more than four Sellers, the Patent Owner must pay to the Evaluator \$4,000 for each additional Evaluation that will be conducted. Once those payments have been made, the Evaluations will be conducted generally in parallel, with the Evaluator setting a schedule for each and limiting communications for each Evaluation to the Patent Owner and the Sellers involved in that Evaluation. If the Patent Owner does not make an election within one week of notice from the Evaluator that more than four sellers have opted in of whether to proceed against only four Sellers or to conduct multiple Evaluations, no Evaluation will proceed and the Evaluator will return the payments of all parties.

Only two defenses other than non-infringement based on failure to meet one or more claim limitations will be considered by the Evaluator. First, Sellers can defend on the basis of invalidity and/or unenforceability of the asserted patent claim by providing a finding by a court of competent jurisdiction, or by the U.S. Patent Office or U.S. International Trade Commission ("ITC"), that the asserted patent claim is invalid or unenforceable. Arguments regarding, for example, invalidating prior art will not be accepted; the only way Sellers can show invalidity/unenforceability is by presenting a court, Patent Office, or ITC order finding an asserted patent claim invalid or unenforceable. Second, Sellers may show that the Accused Products (or physically identical products) were on sale one year or more before the asserted patent's earliest effective filing date, only by using credible evidence that the Evaluator can independently observe (such as a date of sale on amazon.com, or on the Wayback Machine). The Evaluator will not accept affidavits, declarations, or mere arguments about the date of a sale; the Seller must come forward with independently verifiable objective evidence that the Evaluator can confirm.

The Evaluator will consider infringement under the doctrine of equivalents only if the Patent Owner argues for infringement under the doctrine in its opening brief. Doctrine of equivalents arguments made for the first time in a reply brief will not be considered by the Evaluator.

No discovery (*e.g.*, depositions, document requests, etc.) will occur in the Evaluation, nor will there be a trial or hearing. The Patent Owner and Sellers may not contact the Evaluator, unless by email in response to an inquiry from the Evaluator, while copying the other parties. The Evaluator may consider any information submitted, giving any weight to that information the Evaluator believes appropriate.

5. Decision. Within 14 days of the reply date, the Evaluator will announce a decision, choosing between: (i) the Patent Owner is likely to prove that the Accused Product infringes the asserted claim; or (ii) the Patent Owner is not likely to prove that the Accused Product infringes the asserted claim. The Evaluator will not provide reasoning if the Evaluator decides that the Patent Owner is likely to prove that the Accused Product infringes the asserted claim, although the Evaluator may provide a brief explanation of how certain claim terms were construed where appropriate. If the Evaluator decides that Patent Owner is not likely to prove that the Accused Product infringes, the Evaluator shall provide a brief explanation of why the Patent Owner is unlikely to prove infringement. The Participants will not contact or question the Evaluator regarding his or her decision. There is no process for

reconsideration of the Evaluator's decision, though either side may appeal to Amazon by providing a court order that conflicts with the Evaluator's decision concerning invalidity or infringement.

6. Disposition of Payments Following Evaluation. If the Evaluator decides the Patent Owner is likely to prove that all Accused Products infringe, the Evaluator will return the Patent Owner's \$4,000 and retain a total of \$4,000 divided evenly among the participating Sellers. If more than one Seller has participated and is found to infringe, the Evaluator will give any amount of money deposited from losing Sellers in excess of \$4,000 to an Internal Revenue Code Section 501(c)(3) charitable organization chosen by the Patent Owner. If the Evaluator decides the Patent Owner is not likely to prove that any Accused Product infringes, the Evaluator will return participating Sellers' payments and retain the Patent Owner's \$4,000. If the Evaluator decides the Patent Owner is likely to prove that some Accused Products infringe and not likely to prove that other Accused Products infringe, the Evaluator will: (i) retain \$2,000 from the Patent Owner's payment and return the remainder; (ii) return in full payments of participating Sellers whose Accused Products were found not to infringe; and (iii) retain \$2,000, divided evenly among participating Sellers of Accused Products found to infringe. Any excess funds from Sellers of Accused Products found to infringe shall be given to a 501(c)(3) organization chosen by the Patent Owner. In no case may the Evaluator retain more than \$4,000 after making a merits decision in an Evaluation.

If the Patent Owner and a Seller reach a settlement after Seller's listings have been taken down in connection with an Evaluation, and Patent Owner has agreed to reinstatement of the listings, the Participants may contact Amazon at patent-evaluation@amazon.com for information about the reinstatement process

7. Settlement or Patent Owner Retraction. If the Patent Owner and a Seller notify the Evaluator they have settled their dispute prior to the date of Patent Owner's reply, the Evaluator will terminate the Evaluation as to that Seller, or terminate the Evaluation entirely if there is only one participating Seller. The Evaluator may retain up to \$1,000 to cover the Evaluator's efforts, equally divided from the Participants' payments when settlement results in termination of the entire Evaluation. If the settlement occurs after the Patent Owner's reply but before the Evaluation is completed, the Evaluator may retain up to \$2,000, \$1,000 from the Patent Owner and a total of \$1,000 from the participating Sellers, if the Evaluation is terminated in its entirety. The Evaluator will return the remainder of each Participant's payment to that Participant. If the Patent Owner retracts or withdraws its claims of infringement against one or more Participants such that the retraction or withdrawal of claims by the Patent Owner results in no further claims of infringement to evaluate, the Evaluator will terminate the Evaluation. If the Patent Owner retracts or withdraws its claims of infringement such that the Evaluation is terminated pursuant to the preceding sentence before briefing begins, the Evaluator may retain \$500 from the Patent Owner; the Evaluator must return the remainder of the Patent Owner's deposit and all Seller deposits. If the Patent Owner retracts or withdraws its claims of infringement such that no claims remain to be evaluated during briefing, the Evaluator may retain \$1,000 from the Patent Owner; the Evaluator must return the remainder of the Patent Owner's deposit and all Seller deposits. If the Patent Owner retracts or withdraws its claims of infringement such that no claims remain to be evaluated after briefing has completed but before the Evaluator has announced a decision, the Evaluator may retain \$2,000 from the Patent Owner; the Evaluator must return the remainder of the Patent Owner's deposit and all Seller deposits.

8. Effect of Evaluation. If the Evaluator finds the Patent Owner is likely to prove that an Accused Product infringes, Amazon will remove that Accused Product from www.amazon.com as soon as practicable, but generally within 10 business days of Amazon's receipt of the decision. If the Evaluator finds that the Patent Owner is not likely to prove that an Accused Product infringes, Amazon will have no obligation to take any action as a

result of the Evaluation. No other action is contemplated or required as a result of the Evaluation and no damages, attorney's fees or costs may be awarded.

If any Participant obtains a judgment or order in litigation or an arbitration that an Accused Product does not infringe or that the Patent is invalid or unenforceable, that Participant may submit it to Amazon, and Amazon may allow relisting of the Accused Product, in accordance with Amazon's policies and procedures. When a patent expires or is found invalid or unenforceable, Amazon may restore a removed listing. If the Evaluator finds that the Patent Owner is not likely to prove an Accused Product infringes, and the Patent Owner subsequently obtains an order or judgment finding that the Accused Product infringes, the Patent Owner may submit that judgment or order to Amazon, and Amazon will remove the Accused Product, in accordance with Amazon's policies and procedures. Amazon reserves the right to use and disclose the results of an Evaluation in connection with actual or proposed Evaluations, requests for takedown of ASINs, in response to statements of others about an Evaluation, or otherwise in connection with Amazon's business.

If the Patent Owner and a Seller reach a settlement after Seller's listings have been taken down in connection with an Evaluation, and Patent Owner has agreed to reinstatement of the listings, the Participants may contact Amazon at patent-evaluation@amazon.com for information about the reinstatement process.