

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WONDERLAND SWITZERLAND AG,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. _____
)	
EVENFLO COMPANY, INC.,)	DEMAND FOR JURY TRIAL
)	
Defendant.)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Wonderland Switzerland AG (“Wonderland”) files this Complaint for patent infringement against Defendant Evenflo Company, Inc. Wonderland alleges as follows:

1. Wonderland and its affiliates have been child product innovators for over thirty years. Wonderland designs, manufactures, and sells products for children of all ages to keep children safe, including state-of-the-art child car seats, playards, strollers, rockers, and high chairs for leading brands such as Graco, Nuna, and Joie. More than 650 patents protect Wonderland and its affiliates’ innovations in the U.S., and nearly 4,300 patents worldwide.

2. Evenflo is one of Wonderland’s main competitors in the child car seat category. However, Evenflo competes by infringing Wonderland’s patents.

3. Evenflo has a history of systematically monitoring Wonderland technology and product development and then using Wonderland’s patented innovations in the child car seat category. These include products that Wonderland’s partner Graco sells in the United States, which are designed and manufactured by Wonderland utilizing Wonderland’s patented technology.

4. Since 2018, Wonderland has brought multiple suits against Evenflo concerning

eight car seat models. In its last suit, Wonderland successfully sued for infringement of U.S. Patent No. 7,625,043 (the “’043 patent”) and of another U.S. patent on several Evenflo products, with a Delaware jury rendering a verdict finding Evenflo liable for infringement on both patents: *Wonderland Switzerland AG v. Evenflo Company, Inc.*, Civil Case No. 1:20-cv-00727-JPM (the “Second Delaware case”).

5. Two years prior, Wonderland had successfully sued for infringement of three U.S. patents on Evenflo’s EveryStage LX, DLX, and Gold models of car seats in a bench trial, with Judge Andrews finding Evenflo liable for infringement on all three patents: *Wonderland Switzerland AG v. Evenflo Company, Inc.*, Civil Case No. 1:18-cv-01990-RGA (the “First Delaware case”).

6. Late in the Second Delaware case, Wonderland learned that Evenflo’s use of Wonderland’s novel technology extended beyond the products at issue when Evenflo released its ALL4ONE products in the U.S. market in the first quarter of 2022, including Evenflo’s ALL4ONE 4-in-1 Convertible Car Seat (“ALL4ONE Car Seat” or “ALL4ONE”) and ALL4ONE DLX 4-in-1 Convertible Car Seat (“ALL4ONE DLX Car Seat” or “ALL4ONE DLX”).

7. Indeed, Evenflo specifically used the same features of the Graco Nautilus, one of the practicing products of the ’043 Patent, when it began selling what it calls the Evenflo ALL4ONE and ALL4ONE DLX car seats. Wonderland’s expert, Dr. Kimberly Cameron, who testified to the prior infringements, confirms that the Evenflo ALL4ONE and ALL4ONE DLX implementations are essentially the same as the implementations that the jury found to infringe Wonderland’s ’043 Patent. *See* Ex. A.

8. Non-equitable relief clearly is not enough to stop Evenflo from infringing Wonderland patented technology. Rather, it is clear Evenflo’s business strategy is to continue to use Wonderland’s technology and simply reintroduce essentially the same products in hopes of

avoiding infringement. Accordingly, Wonderland brings this complaint for damages, enhanced damages, and an injunction to once and for all end Evenflo's impermissive usage.

THE PARTIES

9. Wonderland is a corporation duly organized and existing under the laws of Switzerland, having its principal place of business at Beim Bahnhof 5, 6312 Steinhausen, Switzerland.

10. On information and belief, Evenflo is a Delaware corporation having its principal place of business at 225 Byers Road, Miamisburg, Ohio 45342-3614.

JURISDICTION AND VENUE

11. This Court has subject matter jurisdiction over the patent infringement claims herein under 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 et seq.

12. This Court has both general and specific personal jurisdiction over Evenflo because Evenflo is organized and incorporated under the laws of this state. On information and belief, Evenflo has also established minimum contacts with Delaware because: (1) Evenflo owns and/or operates an interactive Internet website, www.evenflo.com, accessible to Delaware residents, which advertises and offers for sale goods, including Evenflo's ALL4ONE Car Seat and ALL4ONE DLX Car Seat, that infringe the '043 Patent; (2) Evenflo offers for sale and sells its goods to residents of Delaware, including its ALL4ONE Car Seat and ALL4ONE DLX Car Seat, accused of infringement herein, through online retailers such as Amazon.com, buybuybaby.com, and Walmart.com; and (3) Evenflo has sold and offered for sale the ALL4ONE Car Seat and ALL4ONE DLX Car Seat through retailers in Delaware, such as buybuy Baby, Target, and Walmart. Evenflo has purposefully availed itself of the benefits of Delaware and the exercise of personal jurisdiction by this Court is proper.

13. Venue is proper in this federal district pursuant to 28 U.S.C. § 1400(b) because Evenflo is incorporated in Delaware, and has committed acts of infringement in this District.

14. In the Second Delaware case, Evenflo admitted that this Court has both general and specific personal jurisdiction over Evenflo, and that venue is proper in this federal district. Ex. B at ¶¶ 4-5; Ex. C at ¶¶ 4-5.

STATEMENT OF FACTS

Wonderland and Its Innovative Car Seat Features and Designs

15. Child car seats are necessary to protect children during car travel, but children outgrow them, and buying new car seats can be a significant expense of time (for the parents to select the appropriate car seat) and of money. To address this problem, Wonderland, and its affiliates developed an improved child car seat that created a new category of all-in-one child car seats. Wonderland was the first to develop and market a child car seat globally that would allow a parent the benefit of one car seat that could be used from the time the baby was about 22lbs until the child outgrew using a child car seat. Wonderland was also the first to even further expand the life of the car seat by releasing the first 4-in-1 car seats, which further accommodates infants in a rear-facing mode.

16. Wonderland spent years developing a novel car seat for babies and toddlers that owners can easily convert from a harness forward-facing car seat into a high-back booster car seat for young children and to a no-back booster car seat for older children. The challenge Wonderland and its affiliates addressed was to ensure the connection between the booster seat base and the seatback would be as safe and secure as a single component.

17. Wonderland's innovations, protected by the patent-in-suit, allow a single car seat configurable in at least three modes. Ex. D. The technology of the '043 Patent allowed Graco to release the first 3-in-1 backless booster car seat – the Graco Nautilus – which created the market

for 3-in-1 car seats. *Id.* The three modes are shown here:

3 Modes of Use



18. The first mode allows the child to be secured in a forward-facing harness mode. The second mode allows the seat to be configured as a highback booster. The third mode is a backless no-back booster mode in which the seatback is detached from the booster base. Ex. D.

19. The technology of the '043 Patent also allowed Graco to release the first 4-in-1 car seat – the Graco 4Ever – which created the market for 4-in-1 car seats. This 4-in-1 includes the same three modes as the 3-in-1 car seat, but also includes an additional rear-facing harness mode for infants. Ex. F.

4 Modes of Use



20. In the Second Delaware case, also involving the '043 Patent, Wonderland's named inventor, Curt Hartenstine, detailed how the Graco Nautilus, a patented car seat of the '043 Patent manufactured by Wonderland, was the first 3-in-1 car seat on the market with a backless booster. Ex. E at 499:13-24, 493:11-496:24. During the jury trial, Evenflo's Director of Product Management, Jon Conaway, confirmed that when the Graco Nautilus launched, there were no convertible 3-in-1 car seats on the market with these three modes (the forward-facing harness, the high-back booster, and the backless booster modes). Ex. E at 909:3-21. Mr. Conaway further testified that another practicing product of the '043 Patent – the Graco 4Ever – was the first 4-in-1 car seat on the market, allowing the car seat to convert from a rear-facing car seat all the way to a backless booster. Ex. E at 910:15-911:13.

21. Mr. Hartenstine further explained how no backless booster 3-in-1 or 4-in-1 car seat existed before the '043 Patent. As Mr. Hartenstine explained, the forward-facing harness mode requires a great deal of structural integrity to prevent the seat back from collapsing in the

event of a crash because the vehicle harness (seatbelt) is not providing such restraint. Ex. E at 546:20-548:8, 497:5-502:18, 485:5-496:24. However, the backless booster mode requires detachability of the booster base, so the structurally sound traditional “unibody” frame could not be used. *Id.*

22. Wonderland solved this problem with the invention of the '043 Patent. As Mr. Hartenstine testified, the innovative L-shaped attachment arms and corresponding receptacles of the seat base of the '043 Patent provide the structural integrity necessary for the forward-facing harness mode, and detachability required for the backless booster mode. Ex. E at 497:5-499:17, 546:20-548:8. Significant structural testing was performed on the car seat design, specifically on the attachment arms, to arrive at the novel structure described in claim 1 of the '043 Patent (and as shown, for example, in Figure 5). *Id.*

23. During the jury trial, both Evenflo’s engineer Bryan Adams, and Evenflo’s expert Mr. Campbell, agreed that the novel attachment arms provide the structural integrity to prevent the car seat from folding in the event of a crash. Ex. E at 652:8-653:11, 706:9-707:16, 1363:25-1364:13.

24. Wonderland’s designs have been very well-received. Kerry Strzelecki, Graco’s Vice President of Marketing for Baby Gear, testified in the Second Delaware case and described how Wonderland is Graco’s manufacturer and product development partner and has been for 35 years. Ex. E at 1214:11-1215:10. She further explained how in the car seat market, Graco and Wonderland have a “one-for-one” relationship such that a sale for Graco is a sale for Wonderland. *Id.* With respect to the Graco Nautilus, Ms. Strzelecki explained that the Graco Nautilus “completely revolutionized the category and created a whole new category of 3-in-1s.” *Id.* at 1215:15-1216:8.

25. As further examples, users have remarked that “[s]witching between car seat

modes is easy, and each mode is true to size than many other convertibles” and “[t]he car seat has the best in class durability, a proven crash safety record, and grows well with your children.”

<https://bestcarseathub.com/best-top-rated-car-seats/> (referencing the Graco 4Ever Car Seat).

26. These systems have proven superior to competing car seats and have received industry praise as well as glowing reviews from customers. *See, e.g.*, <https://mommyhood101.com/best-booster-seats> (naming the Graco Nautilus Snuglock LX as the No. 1 on their list of the “Best Booster Seats of 2020”); <https://babysafetylab.com/best-safest-convertible-car-seats/> (listing the Graco 4Ever as No. 1 in the list of the “Best Safest Convertible Car Seat 2020”); <https://www.safety.com/car-seats/> (naming the Graco 4Ever DLX as the “Best Car Seat for Growth with Your Child.”); <https://bestcarseathub.com/best-top-rated-car-seats/> (naming Graco 4Ever as the “Best Seller Seat (2021 Moms’ Picks)”; <https://www.msn.com/en-my/lifestyle/shopping/5-best-car-seats-for-toddlers-2022-guide/ar-AATxvwM> (naming the Graco Nautilus as one of the best car seats for toddlers and the “Most Adjustable”); <https://www.babylist.com/hello-baby/best-convertible-car-seats> (naming the Graco 4Ever as the “Best Convertible Car Seat According to Babylist Parents”). As testified by Ms. Strzelecki in the Second Delaware case, the Graco 4Ever won as the “parent pick ... for convertible car seats in 2022.” Ex. E at 1214:4-6.

27. Mommyhood101 included three Graco car seats in their list of the “Best Convertible Car Seats 2020.” <https://mommyhood101.com/best-convertible-car-seats>. The online publication praises the Graco 4Ever because it can “basically be used until your child is ready to ride without a car seat at all, with the largest weight range available (4 to 120 pounds) and true 4in1 convertible car seat capabilities (serving as a rear-facing seat, front-facing harnessed seat, front-facing belt-positioning booster, and a backless booster),” and their reviewers agreed that “the Graco 4Ever was one of the most versatile, comfortable, and functional products available.”

Id. Parenting Pod named the 4Ever the “Best one seat for all ages” because “[s]ure, there are other convertible (and combination) seats, but they don’t offer all four options.”

<https://parentingpod.com/best-safest-convertible-car-seats>.

Evenflo’s Car Seats

28. Evenflo is also in the business of manufacturing and selling child car seats. On information and belief, Evenflo introduced the ALL4ONE Car Seat in the first quarter of 2022, and has sold and continues to sell the ALL4ONE Car Seat online and in retail stores throughout the United States, including in Delaware.

29. Evenflo’s sales of the ALL4ONE Car Seat and ALL4ONE DLX Car Seat compete with sales of car seats by Wonderland, its affiliates, and its customers, who sell under well-known brands such as Graco.

30. In the Second Delaware case, Evenflo’s Director of Product Management Jon Conaway, and Evenflo’s Director of Engineering and Product Safety Eric Dahle, both testified that Graco and Evenflo are primary competitors in the car seat market. Ex. E at 807:22-809:2, 906:10-907:21. In the First Delaware case, this Court already found that Evenflo and Wonderland “are direct competitors in the industry of” convertible car seats. Ex. G at 33. Evenflo’s engineer Andrew Davis also explained that the Graco Nautilus was “definitely a competitive car seat” that he deconstructed and analyzed as soon as it was on the market. Ex. E at 786:2-18.

31. Kerry Strzelecki, Graco’s Vice President of Marketing for Baby Gear, testified in the Second Delaware case that Evenflo is Graco’s main competitor in the car seat space, and competes with Graco for floorspace in the car seat market at retailers like Target, Walmart, buybuy BABY, and Costco, and at online retailers like Amazon. Ex. E at 1216:9-1219:9. With respect to the 3-in-1 car seat market, customers only have Graco, Evenflo, and Baby Trend to chose from, and in the 4-in-1 car seat market, customers can only chose from Graco and Evenflo.

Id. at 1223:3-1224:2. The ALL4ONE Car Seat and ALL4ONE DLX Car Seat are 4-in-1 car seats.

32. Jon Conaway testified that Evenflo started its project to create its first 3-in-1 car seat when Walmart asked them to create a product that would compete with the highly successful Graco Nautilus, which was a “very good selling product.” Ex. E at 908:10-910:5, 930:24-934:22, 896:4-898:11, 907:9-21. According to Mr. Conaway, at that time there were no other 3-in-1 car seats with the three modes supported by the Graco Nautilus (the forward-facing harness booster, the highback booster, and the backless booster). *Id.* at 909:11-17. In response to this request from Walmart, Evenflo “frantically” tried to figure out how to complete the project in limited time demanded by Walmart. *Id.* at 933:20-934:22.

33. Evenflo responded to Walmart’s request to create a 3-in-1 car seat to compete with the Nautilus by analyzing claim 1 of Wonderland’s ’043 Patent and the Graco Nautilus to introduce its first convertible car seat. For example, Evenflo’s internal product development documentation introduced during the jury trial in the Second Delaware case showed that Evenflo developed its first 3-in-1 products “to compete for Graco Nautilus business,” and as a result, **“many of the same features [the Graco Nautilus] are being planned to integrate into [Evenflo’s] seat.”** Ex. H at p. 2 (emphasis added). In using the Graco Nautilus car seat as a blue print, Evenflo’s Eric Dahle testified that Evenflo was aware of claim 1 of the ’043 Patent “early” in its project to develop Evenflo’s first 3-in-1 car seat. Ex. E at 814:1-9. Mr. Dahle also explained how Evenflo regarded its first 3-in-1 car seat as the “Nautilus replacement at Walmart.” *Id.* at 795:4-23.

34. Evenflo specifically markets the ALL4ONE Car Seat to tout the three-mode functionality invented by the ’043 Patent. According to the Evenflo website, the ALL4ONE Car Seat “will grow with your child for 10 years” and “[t]hat decade of use will take you from rear-facing harness to forward-facing harness and from high-back booster to no-back booster as your

child grows from 4 to 120 lb.” *See* <https://www.evenflo.com/products/all4one-convertible-car-seat>.

35. The Evenflo website likewise says that the ALL4ONE DLX Car Seat “will grow with your child for 10 years” and “[d]uring that 10 years of use, this car seat will adapt to every stage of development from infancy to big kid as your child grows from 4 to 120 lb. Over the years, four modes allow you to adjust as appropriate from rear-facing harness to forward-facing harness and from high-back booster to no-back booster.” *See* <https://www.evenflo.com/products/all4one-dlx-convertible-car-seat>.

36. In the Second Delaware case, Mr. Conaway of Evenflo also testified that the 3-in-1 and 4-in-1 car seat functionality was the number one focus of the marketing of the Evenflo products at issue in that case (which were found to infringe claim 1 of the ’043 Patent). Ex. E at 898:5-11, 904:8-25.

37. The evidence in the Second Delaware case also showed that Evenflo was unable to successfully engineer a 3-in-1 or 4-in-1 car seat that does not infringe the ’043 Patent. For example, Evenflo’s engineer Bryan Adams testified that Evenflo initially tried a “screw-lock mechanism for the detachable booster base” for its first 4-in-1 car seat that was a “horrible idea” because “it was difficult for the consumer to use.” Ex. E at 638:20-639:16. In its very next iteration, Evenflo abandoned its idea of “screw lock mechanism” and replaced it with Wonderland’s L-shaped attachment arms used in the Nautilus Graco car seat and described in the ’043 Patent (which was found to infringe claim 1 of the ’043 Patent). *Id.*

38. Wonderland and its affiliates invented, patented, and commercialized the detachable seatback of the ALL4ONE Car Seat and ALL4ONE DLX Car Seat before Evenflo copied them. Wonderland and its customers sold products using these features since at least 2008, long before Evenflo introduced its ALL4ONE Car Seat and ALL4ONE DLX Car Seat.

Wonderland's customer, Graco, sold the Nautilus, Nautilus Snuglock, 4Ever, 4Ever Extend2Fit, and Grow4Me before Evenflo, and each of these products incorporates at least one of the patented inventions.

Wonderland's Patent

39. On December 1, 2009, the United States Patent and Trademark Office ("USPTO") issued the '043 Patent entitled "Child car seat with multiple use configurations." A copy of the '043 Patent is attached as Exhibit I.

40. The '043 Patent describes a car seat for transporting children in an automobile that can change configurations as a child grows. The patent further describes a car seat with a seat back that someone can detach to form a backless booster seat. *See* Ex. I, 3:24-29.

41. The inventors assigned the '043 Patent to Wonderland Nurserygoods Co., Ltd., which recorded that assignment on September 12, 2006. Wonderland Nurserygoods Co., Ltd. assigned the '043 Patent to Wonderland Switzerland AG, which recorded that assignment on April 16, 2020. Wonderland Switzerland AG has the full and exclusive right to bring suit and enforce the '043 Patent and to collect damages and profits for infringement.

42. The '043 Patent includes three independent claims 1, 12, and 18. Claim 1 is representative. It recites:

1. A car seat for use in an automobile to transport a child, comprising:

a seat assembly defining a generally horizontal seat surface for supporting a child positioned thereon, said seat assembly including a pair of receptacles; and

a seat back having a locking mechanism for selectively detachably connecting said seat back to said seat assembly, said seat back including a rear support portion oriented in generally upright position when attached to said seat assembly, said seat back having a pair of attachment arms projecting generally perpendicularly outwardly relative to said rear support portion for engagement with said seat assembly so as to be received within corresponding said receptacles.

Prior Litigation Involving the '043 Patent

43. On May 29, 2020, Plaintiff Wonderland filed the Second Delaware case in this Court against Defendant Evenflo alleging infringement of the '043 Patent. In the Second Delaware case, Plaintiff Wonderland alleged that Defendant Evenflo infringed the '043 Patent by conduct occurring on or before May 29, 2020. A true and correct copy of Plaintiff Wonderland's "Complaint for Patent Infringement" from the Second Delaware case (without its exhibit) is attached as Exhibit B.

44. Defendant Evenflo raised invalidity and non-infringement of the '043 Patent as defenses in the Second Delaware case. A true and correct copy of Defendant Evenflo's "Answer and Affirmative Defenses of Defendant Evenflo Company, Inc. to Complaint for Patent Infringement Filed by Wonderland Switzerland AG" from the Second Delaware case is attached as Exhibit C.

45. The last day for the parties to identify accused products in the Second Delaware case was September 3, 2020. Ex. J at 11.

46. In the Second Delaware case, the parties served infringement and invalidity contentions on November 4, 2020. Ex. J at 11.

47. The last day for the parties to amend pleadings in the Second Delaware case was May 21, 2021. Ex. J at 11.

48. The parties completed claim construction briefing on June 15, 2021. *Id.* This Court held a *Markman* hearing on August 23, 2021, and issued a *Markman* Order on August 26, 2021. Ex. K.

49. The parties completed fact discovery in the Second Delaware case on September

30, 2021.¹ Ex. L at 11-12. The parties completed expert reports by January 21, 2022. Ex. M.

50. The parties filed motions for summary judgment in the Second Delaware case on March 10, 2022, and completed summary judgment briefing on April 8, 2022. This Court held a summary judgment hearing on May 27, 2022.

51. In the first quarter of 2022, Wonderland learned that the ALL4ONE Car Seat and ALL4ONE DLX Car Seat were released on the market based on public information. Wonderland did not learn that the ALL4ONE Car Seat or ALL4ONE DLX Car Seat had been released in the market through, for example, Evenflo providing responsive discovery requests. When Wonderland learned that Evenflo had released the ALL4ONE Car Seat and ALL4ONE DLX Car Seat based on public information, Wonderland promptly purchased these products and conducted an investigation as to infringement with respect to claim 1 of the '043 Patent. This investigation determined that the ALL4ONE Car Seat and ALL4ONE DLX Car Seat infringe claim 1 of the '043 Patent.

52. On July 25, 2022, Wonderland's counsel sent a letter to Evenflo's counsel in the Second Delaware case requesting that Evenflo agree to stipulate to the inclusion of the ALL4ONE and ALL4ONE DLX Car Seats in the Second Delaware case for judicial efficiency. Ex. N. Wonderland's counsel represented that the "infringement theories would be the same as those at issue in the present case." *Id.*

53. The correspondence also noted that information related to the ALL4ONE was relevant to certain discovery requests Wonderland had served on Evenflo, and that Wonderland

¹ The parties agreed to hold a second deposition of Evenflo 30(b)(6) witness Eric Dahle on January 31, 2022 due to new opinions provided by Evenflo expert Mr. Campbell in his Rebuttal Expert Report regarding purported non-infringing alternatives. The parties also agreed to hold a desposition of an inventor of another patent in October 2022. This was done by agreement of the parties because the inventor was located China, which had COVID travel restrictions in place at the time.

was prejudiced by Evenflo’s failure to supplement its responses to Wonderland’s discovery requests to include the ALL4ONE and ALL4ONE DLX Car Seats. *Id.*

54. In response, on August 5, 2022, Evenflo’s counsel rejected Wonderland’s request to add the ALL4ONE and ALL4ONE DLX Car Seats to the Second Delaware case because in Evenflo’s view, the case was in too late of a stage to add new products.² Ex. O. In particular, Evenflo stated that “[e]xpert discovery is closed. The parties fully briefed dispositive motions, and a hearing on those motions took place months ago. Five months from now, the parties are set to begin trial. To begin anew with additional products, claim construction, fact discovery, expert discovery, and dispositive motions, would reset the clock on nearly three years of litigation.” *Id.* Evenflo did not raise any non-infringement or invalidity arguments in response to the communication.

55. On August 22, 2022, Wonderland’s counsel responded to Evenflo’s counsel by “provid[ing] notice that Evenflo’s ALL4ONE and ALL4ONE DLX car seats infringe U.S. Patent No. 7,625,043.” Ex. P. This correspondence also explained that the ALL4ONE and ALL4ONE DLX Car Seats were simply a new version of the EveryKid and EveryFit car seats at issue in the Second Delaware case, and included a claim chart (attached as Ex. Q) showing how the ALL4ONE and ALL4ONE DLX Car Seats “have the same key infringing features of the previously accused products and, as such, an infringement action against the [the ALL4ONE and ALL4ONE DLX Car seats] will implicate the same infringement contentions raised in this case.” Ex. P.

56. In response, on September 6, 2022, Evenflo’s counsel again rejected

² As discussed above, the last day for the parties to identify accused products in the Second Delaware case was September 3, 2020, and the last day for the parties to amend pleadings was May 21, 2021. Ex. J at 11.

Wonderland's request to add the ALL4ONE and ALL4ONE DLX Car Seats to the Second Delaware case. Ex. R. Evenflo's counsel stated that Evenflo would not agree to add the ALL4ONE and ALL4ONE DLX Car Seats to the Second Delaware case because doing so "would require additional discovery and substantially interfere with our trial preparations." *Id.*

57. On December 21, 2022 (about two weeks before the start of trial), Evenflo notified Wonderland that it was withdrawing its invalidity defenses of the '043 Patent "based on the Court's rulings on the parties' motions for summary judgment (D.I. 171) and the final pre-trial order (D.I. 147)." Ex. S. Evenflo also did not agree to stipulate that the EveryFit Car Seat and EveryKid Car Seat were identical for purposes of infringement of the '043 Patent but both parties treated them that way at trial. Ex. E at 1360:17-20 (Evenflo's infringement expert Mr. Campbell testifying that the EveryKid and EveryFit "are structurally effectively identical."), 975:2-5 (Wonderland's infringement expert Dr. Cameron testifying that the EveryKid and EveryFit are structurally the same), 801:2-6 (Evenflo 30(b)(6) witness Eric Dahle agreeing that the EveryKid and EveryFit are structurally the same), 635:22-24 (Evenflo EveryKid/EveryFit engineer Bryan Adams confirming the EveryKid and EveryFit are structurally "essentially the same seat").

58. On January 13, 2023, the jury issued a verdict in the Second Delaware case finding that Evenflo's EveryFit 4-in-1 Car Seat, EveryKid 4-in-1 Car Seat, SafeMax 3-in-1 Car Seat, Evolve 3-in-1 Car Seat, and Transitions 3-in-1 Car Seat infringe claim 1 of the '043 Patent. A true and correct copy of the Jury Verdict in the Second Delaware case is attached as Exhibit T.

59. As explained by Wonderland's expert witness in the Second Delaware case, Dr. Kimberly K. Cameron, Evenflo's EveryFit 4-in-1 Car Seat and EveryKid 4-in-1 Car Seat at issue in the Second Delaware case are structurally essentially the same as the ALL4ONE Car Seat and ALL4ONE DLX Car Seat. *See* Exhibit A. There are no material structural differences related to the limitations of the '043 Patent between the EveryFit 4-in-1 Car Seat and EveryKid 4-in-1 Car

Seat at issue in the Second Delaware case, and the ALL4ONE Car Seat and ALL4ONE DLX Car Seat. *Id.*

60. On information and belief, the ALL4ONE Car Seat and ALL4ONE DLX Car Seat are the next versions of the EveryFit 4-in-1 Car Seat and EveryKid 4-in-1 Car Seat.

61. Wonderland continues to suffer damages and other irreparable harm in the marketplace because of Evenflo's continued patent infringement disguised under a new product name.

COUNT ONE
(Infringement of U.S. Patent 7,625,043)

62. Wonderland realleges and incorporates by reference paragraphs 1-61.

63. Evenflo has made, used, sold, offered for sale, and imported into the United States, and continues to do so, child car seats, including the ALL4ONE Car Seat and ALL4ONE DLX Car Seat that practice at least one claim of the '043 Patent.

Infringement of the '043 Patent by the ALL4ONE Car Seat

64. The Evenflo ALL4ONE Car Seat includes every element of claim 1 of the '043 Patent.

65. The Evenflo ALL4ONE Car Seat is essentially the same structurally as the infringing EveryKid and EveryFit Car Seats. *See* Ex. A. There are no material structural differences related to the limitations of the '043 Patent between the EveryFit and EveryKid Car Seats at issue in the Second Delaware case, and the ALL4ONE Car Seat. *See* Ex. A.

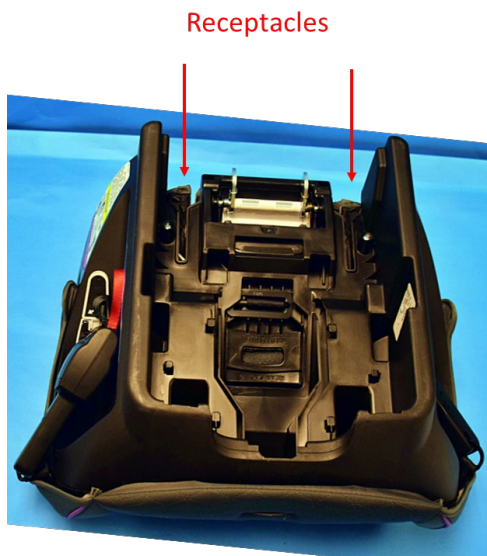
66. Claim 1 recites a car seat "for use in an automobile to transport a child" (limitation 1.Pre), comprising "a seat assembly defining a generally horizontal seat surface for supporting a child positioned thereon, said seat assembly including a pair of receptacles" (limitation [1]). The ALL4ONE Car Seat is designed to transport a child in a car and has a seat

assembly with a generally horizontal seat surface to support a child seated on it. These features are apparent in the images of the ALL4ONE Car Seat available on the Evenflo website

<https://www.evenflo.com/products/all4one-convertible-car-seat>. A representative image of the ALL4ONE Car Seat from Evenflo's website is below.



67. The ALL4ONE Car Seat also includes a pair of receptacles in the seat assembly shown below in the disassembled car seat.



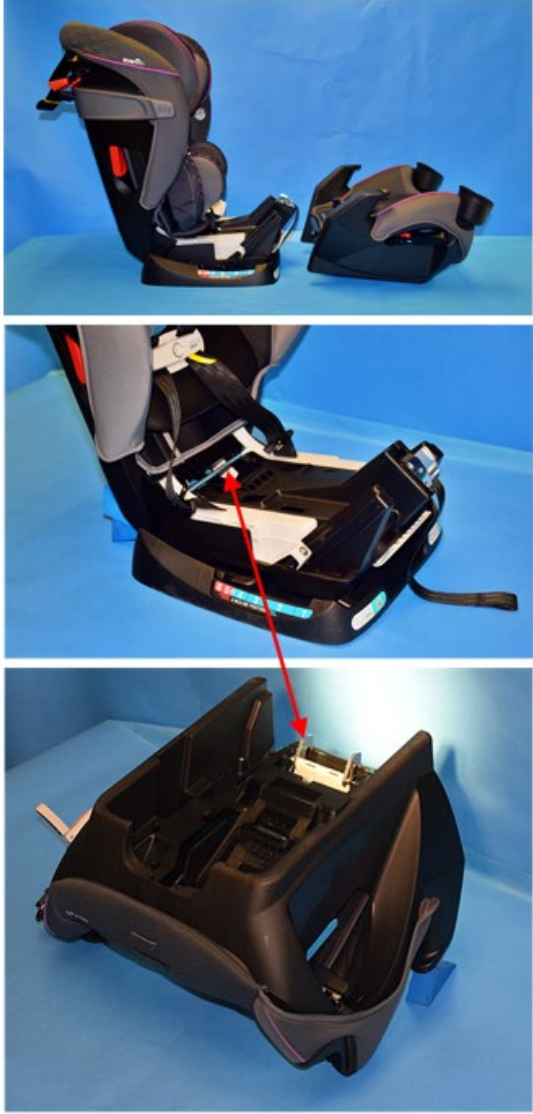
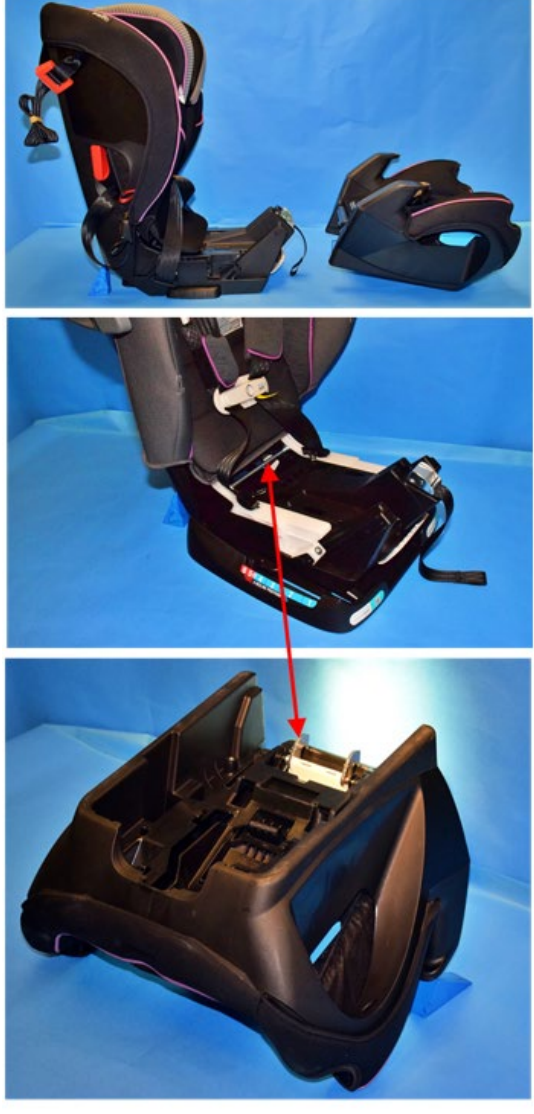
68. With respect to infringement limitations [1Pre] and [1], the ALL4ONE Car Seat is structurally essentially the same as the EveryKid/EveryFit car seats at issue in the Second Delaware case. Ex. A at ¶¶ 14-16; Figs. 1-3.

<p style="text-align: center; color: red;">Receptacles</p>	<p style="text-align: center; color: red;">Receptacles</p>
<p style="text-align: center;">ALL4ONE Car Seat</p>	<p style="text-align: center;">EveryFit Car Seat</p>

69. Claim 1 further recites “a seat back having a locking mechanism for selectively detachably connecting said seat back to said seat assembly” (limitation [2a]), and “said seat back including a rear support portion oriented in generally upright position when attached to said seat assembly” (limitation [2b]). The ALL4ONE Car Seat has a seat back that is generally vertical when attached to the seat and has a mechanism that connects and detaches the seat back to the car seat. Evenflo’s website, <https://www.evenflo.com/products/all4one-convertible-car-seat>, shows the ALL4ONE Car Seat in four different configurations: “rear-facing harness,” “forward-facing harness,” “high-back booster,” and “no-back booster.” In the forward-facing and highback booster configurations, the seat back of the ALL4ONE Car Seat is attached to the seat assembly and generally vertically oriented. In the “backless booster” configuration, the seat back of the ALL4ONE Car Seat is detached.



70. With respect to infringement limitation [2a], the ALL4ONE Car Seat is structurally essentially the same as the EveryKid/EveryFit Car Seats at issue in the Second Delaware case. Ex. A at ¶ 17; Fig. 4.

	
ALL4ONE Car Seat	EveryFit Car Seat

71. With respect to infringement limitation [2b], the ALL4ONE Car Seat is structurally essentially the same as the EveryKid/EveryFit Car Seats at issue in the Second Delaware case. Ex. A at ¶ 18; Fig. 5.

	
ALL4ONE Car Seat	EveryFit Car Seat

72. Claim 1 further recites “said seat back having a pair of attachment arms projecting generally perpendicularly outwardly relative to said rear support portion for engagement with said seat assembly so as to be received within corresponding said receptacles” (limitation [2c]). The ALL4ONE Car Seat also includes such attachment arms. They appear in images on Evenflo’s website, <https://www.evenflo.com/products/all4one-convertible-car-seat>, for example the following representative image.



73. With respect to infringement limitation [2c], the ALL4ONE Car Seat is structurally essentially the same as the EveryKid/EveryFit Car Seats at issue in the Second Delaware case. Ex. A at ¶ 19; Fig. 6.



ALL4ONE Car Seat	EveryFit Car Seat
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Infringement of the '043 Patent by the ALL4ONE DLX Car Seat

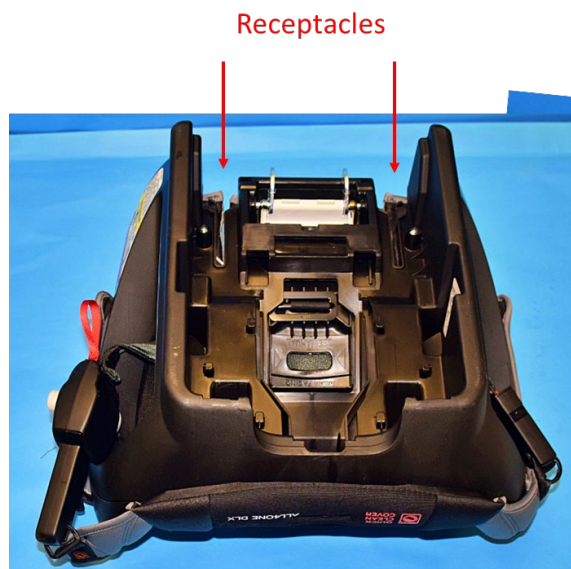
74. The Evenflo All4One DLX Car Seat also includes every element of claim 1 of the '043 Patent.

75. The Evenflo ALL4ONE DLX Car Seat is essentially the same structurally as the EveryKid and EveryFit Car Seats. *See* Ex. A. There are no material differences related to the limitations of the '043 Patent between the EveryFit and EveryKid Car Seats at issue in the Second Delaware case, and the ALL4ONE DLX Car Seat. *See* Ex. A.

76. Claim 1 recites a car seat “for use in an automobile to transport a child” (limitation [1Pre]) comprising “a seat assembly defining a generally horizontal seat surface for supporting a child positioned thereon, said seat assembly including a pair of receptacles” (limitation [1]). The ALL4ONE DLX Car Seat is designed to transport a child in a car and has a seat assembly with a generally horizontal seat surface to support a child seated on it. These features are apparent in the images of the ALL4ONE DLX Car Seat available on the Evenflo website (<https://www.evenflo.com/products/all4one-dlx-convertible-car-seat>). A representative image of the ALL4ONE DLX Car Seat from Evenflo’s website is below.

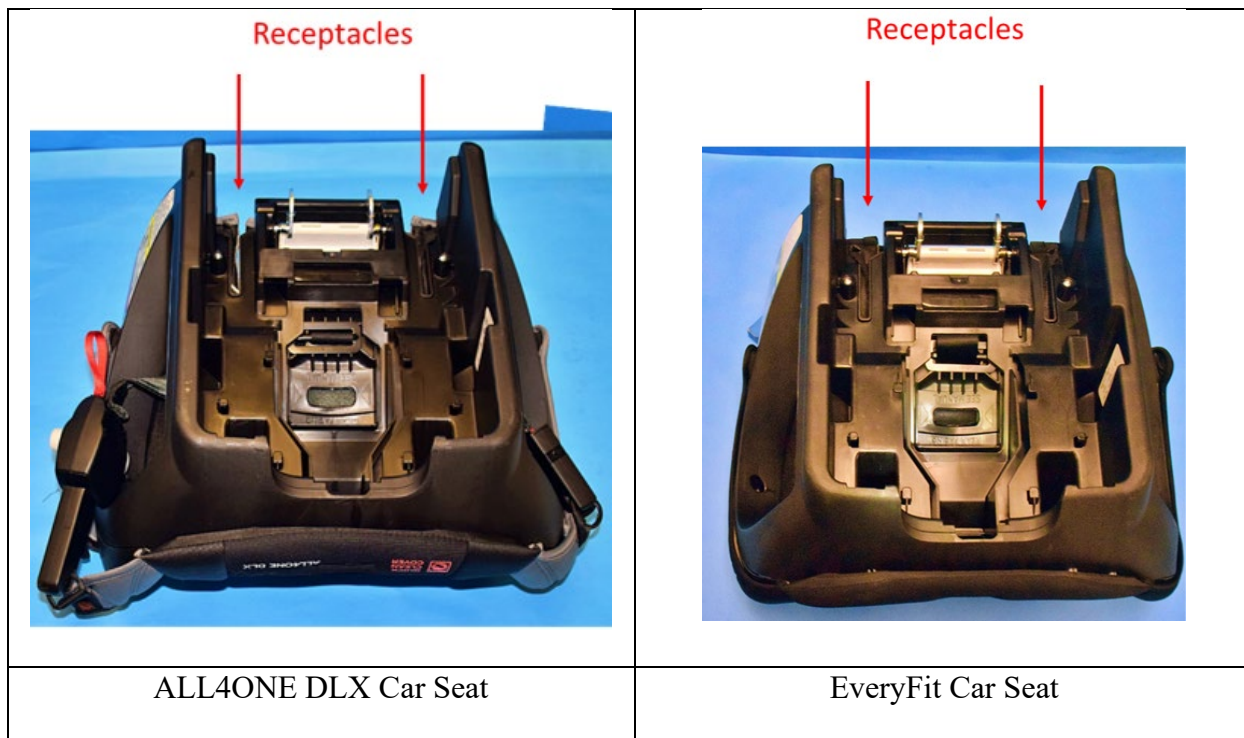


77. The ALL4ONE DLX Car Seat also includes a pair of receptacles in the seat assembly shown below in the disassembled car seat.



78. With respect to infringement limitations [1Pre] and [1.1], the ALL4ONE DLX Car Seat is structurally essentially the same as the EveryKid/EveryFit Car Seats at issue in the

Second Delaware case. Ex. A at ¶¶ 14-16; Figs. 1-3.



79. Claim 1 further recites “a seat back having a locking mechanism for selectively detachably connecting said seat back to said seat assembly” (limitation [2a]), and “said seat back including a rear support portion oriented in generally upright position when attached to said seat assembly” (limitation [2b]). The ALL4ONE DLX Car Seat has a seat back that is generally vertical when attached to the seat and has a mechanism that can selectively detachably connect the seat back to the car seat. Evenflo’s website (<https://www.evenflo.com/products/all4one-dlx-convertible-car-seat>), shows the ALL4ONE DLX Car Seat in four different configurations: “rear-facing harness,” “forward-facing harness,” highback booster,” and “backless booster.” In the forward-facing and highback booster configurations, the seat back of the ALL4ONE DLX Car Seat is attached to the seat assembly and generally vertically oriented. In the “backless booster” configuration, the seat back of the ALL4ONE DLX Car Seat is detached.



80. With respect to infringement limitation [2a], the ALL4ONE DLX Car Seat is structurally essentially the same as the EveryKid/EveryFit Car Seats at issue in the Second Delaware case. Ex. A at ¶ 17; Fig. 4.

	
<p>ALL4ONE DLX Car Seat</p>	<p>EveryFit Car Seat</p>

81. With respect to infringement limitation [2b], the ALL4ONE DLX Car Seat is structurally essentially the same as the EveryKid/EveryFit Car Seats at issue in the Second Delaware case. Ex. A at ¶ 18; Fig. 5.

	
ALL4ONE DLX Car Seat	EveryFit Car Seat

82. Claim 1 also recites “said seat back having a pair of attachment arms projecting generally perpendicularly outwardly relative to said rear support portion for engagement with said seat assembly so as to be received within corresponding said receptacles” (limitation [2c]). The ALL4ONE DLX Car Seat also includes a pair of attachment arms that extend generally perpendicularly outward relative to the seat’s rear support portion for receipt in the seat assembly’s receptacles. These features appear in images on Evenflo’s <https://www.evenflo.com/products/all4one-dlx-convertible-car-seat>, for example the following representative image.



83. With respect to infringement limitation [2c], the ALL4ONE DLX Car Seat is structurally essentially the same as the EveryKid/EveryFit Car Seats at issue in the Second Delaware case. Ex. A at ¶ 19; Fig. 6.

	
ALL4ONE DLX Car Seat	EveryFit Car Seat

84. By making, using, selling, offering for sale, and/or importing in the United States the ALL4ONE Car Seat and ALL4ONE DLX Car Seat, Evenflo has infringed and is continuing to infringe at least one claim of the '043 Patent. 35 U.S.C. § 271(b).

85. On information and belief, Evenflo is knowledgeable of Wonderland's patent portfolio from the parties' prior dealings and litigation history. In particular, Evenflo is knowledgeable of the '043 patent at least from its previous litigation involving the '043 Patent in the Second Delaware case. In that case, Evenflo conceded that it was aware of the '043 Patent no later than 2014. Exhibit U, pp. 7-8.

86. On January 13, 2023, the jury issued a verdict in the Second Delaware case

finding that Evenflo's EveryFit 4-in-1 Car Seat, EveryKid 4-in-1 Car Seat, SafeMax 3-in-1 Car Seat, Evolve 3-in-1 Car Seat, and Transitions 3-in-1 Car Seat infringe claim 1 of the '043 Patent. *See* Exhibit T. At least as of January 13, 2023, there is no doubt that Evenflo's infringement of the '043 Patent is intentional.

87. As testified to by Wonderland's expert witness in the Second Delaware case, Dr. Kimberly Cameron, Evenflo's EveryFit 4-in-1 Car Seat and EveryKid 4-in-1 Car Seat at issue are essentially the same as the ALL4ONE Car Seat and ALL4ONE DLX Car Seat. *See* Exhibit A. There are no material structural differences related to the limitations of the '043 Patent between the EveryFit 4-in-1 Car Seat and EveryKid 4-in-1 Car Seat at issue in the Second Delaware case, and the ALL4ONE Car Seat and ALL4ONE DLX Car Seat. *Id.*

88. Despite Evenflo's knowledge of the '043 Patent and its infringing activities, Evenflo has infringed and continues to infringe one or more claims of the '043 Patent by manufacturing, selling, and/or offering for sale additional ALL4ONE Car Seats and ALL4ONE DLX Car Seats. This intentional infringement without regard for Wonderland's patent rights constitutes egregious conduct sufficient to establish willful infringement under 35 U.S.C. § 284.

89. The ongoing and continuous infringement by Evenflo of the '043 Patent entitles Wonderland to an injunction permanently enjoining Evenflo from further infringing Wonderland's patent rights, pursuant to 35 U.S.C. § 283.

90. Wonderland has suffered and continues to suffer damages from Evenflo's infringement of the '043 Patent and is entitled to compensation, exemplary damages, and other monetary relief to the extent allowed by law, pursuant to 35 U.S.C §§ 284 and 285.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff Wonderland respectfully requests the Court enter judgment in its favor and against Evenflo on the patent infringement claims set forth above and respectfully requests that this Court:

(a) enter judgment that Evenflo has infringed, and continues to infringe at least one claim of the '043 Patent in violation of at least one of 35 U.S.C. § 271(a), (b), and/or (c);

(b) award Wonderland all available and legally permissible damages and relief sufficient to compensate Wonderland for Evenflo's infringement of the '043 Patent, including to the full extent permitted by 35 U.S.C. § 284, together with interest, in an amount to be determined at trial;

(c) declare Evenflo's infringement of the '043 Patent to be willful and award Wonderland treble damages in accordance with 35 U.S.C. § 284;

(d) adjudge that under the doctrine of claim preclusion, Evenflo has been and still is infringing claim 1 of the '043 Patent by making, using, selling, or offering for sale the ALL4ONE Car Seat and ALL4ONE DLX Car Seat, that are essentially the same as, and have no differences related to the limitations of the '043 Patent with respect to, the EveryFit 4-in-1 Car Seat and EveryKid 4-in-1 Car Seat;

(e) adjudge that under the doctrine of claim preclusion, Evenflo is estopped from asserting a defense of invalidity of the '043 Patent, a defense of the non-infringement of the '043 Patent, or any other defense that Evenflo raised or could have raised in the Second Delaware case, in an Answer, in a Counterclaim, or in any other manner connected with this action based upon Evenflo's making, using, selling, or offering for sale any product that is essentially the same as the EveryFit 4-in-1 Car Seat and EveryKid 4-in-1 Car Seat;

(f) adjudge that under the doctrine of issue preclusion, Evenflo has been and

still is infringing claim 1 of the '043 Patent by making, using, selling, or offering for sale the ALL4ONE Car Seat and ALL4ONE DLX Car Seat, that are essentially the same as, and have no differences related to the limitations of the '043 Patent with respect to, the EveryFit 4-in-1 Car Seat and EveryKid 4-in-1 Car Seat;

(g) enter a permanent injunction against Evenflo, barring and enjoining its further making, using, selling, offering for sale, and/or importing into the United States of all infringing products;

(h) declare this to be an exceptional case under 35 U.S.C. §§ 285 and 271(e)(4) and award Wonderland costs, expenses, and disbursements in this action, including reasonable attorney fees; and

(i) award Wonderland such other and further relief as may be permitted and is appropriate at law or in equity.

JURY DEMAND

Plaintiff Wonderland hereby demands a jury trial on all issues and claims so triable (to the extent the Court determines that any such issues or claims exist).

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Dated: March 28, 2023

/s/ Karen E. Keller

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