

**UNITED STATES INTERNATIONAL TRADE COMMISSION**

**WASHINGTON, D.C.**

In the Matter of

CERTAIN PLAYARDS AND STROLLERS

Investigation No. \_\_\_\_\_

**COMPLAINT OF GRACO AND WONDERLAND  
UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED**

COMPLAINANTS

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PROPOSED RESPONDENTS

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**Sichuan Hobbies Baby Products Co., Ltd.**  
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**Anhui Chile Baby Products Co., Ltd.**  
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TABLE OF CONTENTS

I.	INTRODUCTION .....	1
II.	THE PARTIES.....	6
	A.    Complainants .....	6
	B.    Proposed Respondents .....	8
III.	THE TECHNOLOGY AND PRODUCTS AT ISSUE .....	10
IV.	THE PATENTS AT ISSUE.....	10
	A.    The '855 Patent .....	10
	B.    The '694 Patent .....	12
	C.    The '919 Patent .....	13
	D.    The '017 Patent .....	15
V.	UNLAWFUL AND UNFAIR ACTS OF PROPOSED RESPONDENTS—PATENT INFRINGEMENT.....	17
VI.	UNFAIR IMPORTATION AND SALE .....	24
	A.    Harmonized Tariff Schedule.....	24
	B.    Specific Instances of Importation and Sale.....	25
VII.	LICENSES .....	30
VIII.	THE DOMESTIC INDUSTRY .....	30
	A.    Technical Prong .....	30
	B.    Economic Prong.....	34
IX.	RELATED LITIGATION .....	37
X.	RELIEF REQUESTED.....	40

**LIST OF EXHIBITS**

<b>Exhibit Number</b>	<b>Description</b>
1.1	Certified Copy of U.S. Patent No. 9,706,855
1.2	Certified Copy of U.S. Patent No. 9,414,694
1.3	Copy of U.S. Patent No. RE43,919 <sup>1</sup>
1.4	Certified Copy of U.S. Patent No. 6,979,017
1.5	Certified Copy of Recorded Assignment of U.S. Patent No. 9,706,855
1.6	Certified Copy of Recorded Assignment of U.S. Patent No. 9,414,694
1.7	Certified Copy of Recorded Assignment of U.S. Patent No. RE43,919
1.8	Certified Copy of Recorded Assignment of U.S. Patent No. 6,979,017
1.9	CONFIDENTIAL Wonderland-Graco License Agreement
1.10	CONFIDENTIAL Declaration of John Bachner Regarding Domestic Industry
2.1	Newell Brands Inc. 2020 Annual Report
2.2	Screen Capture of “Our Strategy” Page of Newell Brands Website
2.3	Screen Capture of Wonderland Nurserygoods Website
2.4	Baby Trend Corporate Registration Information from California Secretary of State
2.5	Baby Trend Corporate Report from D&B Hoovers
2.6	Screen Capture of Baby Trend Website, <a href="https://babytrend.com/">https://babytrend.com/</a>
2.7	Screen Capture of Baby Trend Website, <a href="https://babytrend.com/pages/where-to-buy">https://babytrend.com/pages/where-to-buy</a>
2.8	Article titled “Alpha Group Takes over US Stroller Maker, Digs Deeper into Child Product Market with US\$140mn Investment,” with translation

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<sup>1</sup> The USPTO indicates that a certified copy of this patent is currently unavailable because it is involved in a pending litigation. Complainants will update this Exhibit if and when a certified copy becomes available.

<b>Exhibit Number</b>	<b>Description</b>
2.9	ICP/IP/Domain Name Recording Excerpt from Ministry of Industry and Information Technology of China, with translation
2.10	Import Data Between Baby Trend and Golden Prosper
2.11	Corporate Information of Sichuan Hobbies, with translation
2.12	Import Data Between Baby Trend and Sichuan Hobbies
2.13	Anhui Chile Corporate Report from D&B Hoovers
2.14	Import Data Between Baby Trend and Anhui Chile
2.15	Golden Prosper Corporate Information, with translation
2.16	Alpha Group Annual Report 2020 Excerpt, with translation
2.17	Import Data Between Baby Trend and Miscellaneous Suppliers
5.1	Receipt of Baby Trend Simply Smart Nursery Center
5.2	Receipt of Baby Trend Resort Elite Nursery Center, Lil Snooze Deluxe II Nursery Center, Sit N' Stand Double Stroller, and Sit N' Stand Ultra Tandem Stroller
5.3	Receipt of Baby Trend MUV Custom Grow Nursery Center
5.4	Receipt of Baby Trend Go Lite ELX Nursery Center
5.5	Receipt of Baby Trend Twin Nursery Center
5.6	Receipt of Baby Trend Kid Cube Nursery Center
5.7	Photographs of Baby Trend Simply Smart Nursery Center Showing Importation
5.8	Photographs of Baby Trend Resort Elite Nursery Center Showing Importation
5.9	Photographs of Baby Trend Lil Snooze Deluxe II Nursery Center Showing Importation
5.10	Photographs of Baby Trend MUV Custom Grow Nursery Center Showing Importation
5.11	Photographs of Baby Trend Go-Lite ELX Nursery Center Showing Importation
5.12	Photographs of Baby Trend Twins Nursery Center Showing Importation

<b>Exhibit Number</b>	<b>Description</b>
5.13	Photographs of Baby Trend Kid Cube Nursery Center Showing Importation
5.14	Photographs of Baby Trend Sit N' Stand Double Stroller Showing Importation
5.15	Photographs of Baby Trend Sit N' Stand Ultra Stroller Showing Importation
5.16	Screen Capture of Baby Trend Lil Snooze Deluxe Plus Nursery Center in Whisper Grey
5.17	Screen Capture of Baby Trend Retreat Twins Nursery Center
5.18	Screen Capture of Baby Trend Retreat Nursery Center
5.19	Screen Capture of Baby Trend Lil Snooze Deluxe III Nursery Center for Twins
5.20	Screen Capture of Baby Trend Lil Snooze Deluxe III Nursery Center
5.21	Screen Capture of Baby Trend Lil Snooze Deluxe Nursery Center
5.22	Screen Capture of Baby Trend Resort SE Nursery Center
5.23	Screen Capture of Baby Trend Go-Lite Twins Nursery Center
5.24	Screen Capture of Baby Trend NexGen Dreamland Nursery Center
5.25	Screen Capture of Baby Trend Sit N' Stand Sport Stroller
5.26	Screen Capture of Baby Trend Snap-N-Go Double
5.27	Claim Chart Demonstrating Infringement of U.S. Patent No. 9,706,855 by Representative Accused Products – Group A
5.28	Claim Chart Demonstrating Infringement of U.S. Patent No. 9,706,855 by Representative Accused Products – Group B-1
5.29	Claim Chart Demonstrating Infringement of U.S. Patent No. 9,706,855 by Representative Accused Products – Group B-2
5.30	Claim Chart Demonstrating Infringement of U.S. Patent No. 9,706,855 by Representative Accused Products – Group C
5.31	Claim Chart Demonstrating Infringement of U.S. Patent No. 9,414,694 by Representative Accused Products – Group A
5.32	Claim Chart Demonstrating Infringement of U.S. Patent No. 9,414,694 by

<b>Exhibit Number</b>	<b>Description</b>
	Representative Accused Products – Group B-1
5.33	Claim Chart Demonstrating Infringement of U.S. Patent No. 9,414,694 by Representative Accused Products – Group B-2
5.34	Claim Chart Demonstrating Infringement of U.S. Patent No. RE43,919 by Representative Accused Products – Group D
5.35	Claim Chart Demonstrating Infringement of U.S. Patent No. RE43,919 by Representative Accused Products – Group E
5.36	Claim Chart Demonstrating Infringement of U.S. Patent No. 6,979,017 by Representative Accused Products – Group F
8.1	Photographs of Graco Pack 'n Play Nearby Seat Playard
8.2	Photographs of Graco DuoGlider Click Connect Double Stroller
8.3	Claim Chart Demonstrating Complainants' Technical Domestic Industry with Respect to Representative DI Product and U.S. Patent No. 9,706,855
8.4	Claim Chart Demonstrating Complainants' Technical Domestic Industry with Respect to Representative DI Product and U.S. Patent No. 9,414,694
8.5	Claim Chart Demonstrating Complainants' Technical Domestic Industry with Respect to Representative DI Product and U.S. Patent No. RE43,919
8.6	Claim Chart Demonstrating Complainants' Technical Domestic Industry with Respect to Representative DI Product and U.S. Patent No. 6,979,017

**LIST OF APPENDICES**

<b>Appendix Number</b>	<b>Description</b>
1.1	Certified Copy of Prosecution History of U.S. Patent No. 9,706,855
1.2	Certified Copy of Prosecution History of U.S. Patent No. 9,414,694
1.3	Certified Copy of Prosecution History of U.S. Patent No. RE43,919
1.4	Certified Copy of Prosecution History of U.S. Patent No. 6,979,017
1.5	References Cited in Prosecution History of U.S. Patent No. 9,706,855
1.6	References Cited in Prosecution History of U.S. Patent No. 9,414,694
1.7	References Cited in Prosecution History of U.S. Patent No. RE43,919
1.8	References Cited in Prosecution History of U.S. Patent No. 6,979,017

## I. INTRODUCTION

1.1 Complainants Graco Children’s Products Inc. (“Graco”) and Wonderland Nurserygoods Co., Ltd. (“Wonderland”) request that the United States International Trade Commission commence an investigation into violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”) as to certain playards and strollers (the “Accused Products”) that infringe valid and enforceable patents owned by Graco and Wonderland.

1.2 On information and belief, the proposed Respondents, Baby Trend, Inc. (“Baby Trend”), Dongguan Golden Prosper Baby Products Co., Ltd. (“Golden Prosper”), Sichuan Hobbies Baby Products Co., Ltd. (Sichuan Hobbies), and Anhui Chile Baby Products Co., Ltd. (“Anhui Chile”) (collectively, “Proposed Respondents” or “Respondents”), have engaged in violations of Section 337 through the unlicensed importation into the United States, the sale for importation, and/or the sale within the United States after importation of the Accused Products that infringe one or more claims of United States Patent Nos. 9,706,855 (“the ’855 Patent”), 9,414,694 (“the ’694 Patent”), RE43,919 (“the ’919 Patent”), and 6,979,017 (“the ’017 Patent”) (collectively, the “Asserted Patents”).<sup>2</sup>

1.3 The Accused Products infringe at least the following claims of the Asserted Patents: Claims 1-20 of the ’855 Patent; Claims 1-2, 4-20 of the ’694 Patent; Claims 8, 10-12, 14-20, and 27-28 of the ’919 Patent; and Claims 1-6 of the ’017 Patent (collectively the “Asserted Claims”). The following chart summarizes the Asserted Claims, and indicates which claims are independent:

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<sup>2</sup> Certified copies of the ’855, ’694, and ’017 Patents accompany this Complaint as Exhibits 1.1, 1.2, 1.4. An uncertified copy of the ’919 patent is attached as Exhibit 1.3. The USPTO indicates that a certified copy of the ’919 patent is currently unavailable because it is involved in a pending litigation. Complainants will update this Exhibit with a certified version if and when it becomes available.



Patents	Asserted Claims
'855	1*, 2-12, 13*, 14, 15*, 16-20
'694	1*, 2, 4-17, 18*, 19, 20*
'919	8*, 10-12, 14, 15*, 16-19, 20*, 27-28
'017	1*, 2-6
* denotes an independent claim	

1.4 Graco owns the '855 and '694 Patents, and Wonderland owns the '919 and '017 Patents. Graco is a licensee to the '919 and '017 Patents. *See* Exhibit 1.9. Together, Graco and Wonderland hold all rights to enforce the Asserted Patents.<sup>3</sup>

1.5 Complainants Graco and Wonderland are industry leaders in developing new and innovative baby products, including playards and strollers, as well as car seats, highchairs, swings and bouncers, and travel systems. Wonderland is a trusted supplier to Graco of such products. Graco and Wonderland are devoted to technological advances for improving the safety, functionality, manufacturability, and performance of such products.

1.6 By way of introduction to the Asserted Patents and the protected and Accused Products: Graco's '855 and '694 Patents are directed to child containment systems (playards) that include a bassinet and an infant support unit in different configurations. The inventions protected by Graco's '855 and '694 Patents have been incorporated into numerous Graco playard products identified and described further below in Section VIII. Proposed Respondents have introduced numerous infringing playards that appear to be specifically modeled after Graco's patented playards. A representative figure of the '855 and '694 Patents, along with Graco Pack 'n Play Nearby Seat Playard (a representative Domestic Industry product) and an infringing Baby Trend Simply Smart Playard are depicted below.

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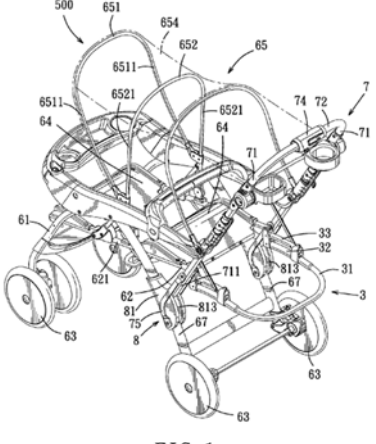


<sup>3</sup> Certified copies of the recorded assignments of the Asserted Patents accompany this Complaint as Exhibits 1.5-1.8.



1.7 Wonderland's '919 Patent is directed to a playard with a rigid frame and an enclosure member, typically made of soft, pliable materials. The frame of the playard includes exposed upright structural tubes that help support the enclosure space for holding a baby. The inventions protected by Wonderland's '919 Patent have been incorporated into numerous Graco playard products identified and described in Section VIII. Proposed Respondents have introduced numerous infringing playards that appear to be specifically modeled after Wonderland's patented playards. A representative figure of the '919 Patent, along with Graco Pack 'n Play Nearby Seat Playard (a representative Domestic Industry product) and an infringing Baby Trend MUV Custom Grow Nursery are depicted below.

<p style="text-align: center;">F I G. 3</p>		
<p>Figure 3 of Wonderland's '919 Patent</p>	<p>Protected Graco Pack 'n Play Nearby Seat Playard</p>	<p>Infringing Baby Trend MUV Custom Grow Nursery Center</p>

1.8 Finally, Wonderland's '017 Patent describes a stroller with a foldable frame that has a relatively simple construction and is relatively easy to fabricate at a relatively low cost. The foldable frame includes a locking unit with a socket and a plug configured to mate with each other. The inventions protected by Wonderland's '017 Patent have been incorporated into numerous Graco stroller products identified and described in Section VIII. Proposed Respondents have introduced numerous infringing strollers that appear to be modeled after Wonderland's patented strollers. A representative figure of the '017 Patent, along with Graco DuoGlider Double Stroller (a representative Domestic Industry product) and an infringing Baby Trend Sit N' Stand Double Stroller are depicted below.

 <p style="text-align: center;">FIG. 1</p>		
<p style="text-align: center;">Figure 1 of Wonderland's '017 Patent</p>	<p style="text-align: center;">Protected Graco DuoGlider Double Stroller</p>	<p style="text-align: center;">Infringing Baby Trend Sit N' Stand Double Stroller</p>

1.9 As required by Section 337(a)(2) and defined in Section 337(a)(3), an industry in the United States exists relating to Graco's playard and stroller products, specific models of which are protected by the Asserted Patents. *See* Section VIII; *see also* Exhibit 1.10 (Declaration of John Bachner Regarding Domestic Industry). In 2020 alone, Graco sold significant quantities of playards and strollers protected by the Asserted Patents, with significant investments to develop and bring-to-market these new and innovative technologies in the United States. Graco makes large investments in facility operations at Graco's corporate headquarters in Atlanta, Georgia, as well as at additional facilities that are leased by various Newell-affiliated entities located in Sandy Springs, Georgia; Exton, Pennsylvania; Kalamazoo, Michigan; Hoboken, New Jersey; High Point, North Carolina; and Victorville, California; each with significant portions devoted to supporting a robust domestic industry. Graco's total investment, when allocated to products covered by the Asserted Patents, constitutes a domestic industry under Section 337.

1.10 Complainants seek a permanent limited exclusion order, pursuant to Section 337(d), excluding Proposed Respondents' Accused Products from entry into the United States.

Complainants also seek cease and desist orders, pursuant to Section 337(f), directing Proposed Respondents and their related entities to cease and desist the importation to the United States, the sale for importation, and/or the sale within the United States after importation of the Accused Products. Complainants also request that the cease and desist orders direct Proposed Respondents and their related entities and agents to cease distributing, selling or offering for sale the Accused Products, and to cease transferring, moving, or shipping their United States inventory of the Accused Products. Further, Complainants request that the Commission impose a bond during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(e)(1) and (f)(1) to prevent further injury to the domestic industry relating to each of the Complainants' Asserted Patents.

## **II. THE PARTIES**

### **A. Complainants**

#### **1. Graco**

2.1 Complainant Graco Children's Products Inc. is a company organized and existing under the laws of Delaware, with a principal place of business at 6655 Peachtree Dunwoody Road, Atlanta, GA 30328.

2.2 Graco is one of the world's leading suppliers of baby products, including car seats, strollers, highchairs, swings and bouncers, playards, and travel systems. Graco sells its products throughout the United States, through online retailers and through traditional brick-and-mortar retailers.

2.3 Graco invests significant resources within the United States to developing and improving new and innovative technologies that are incorporated into its baby products, including playards and strollers. Graco also has invested heavily in the protection of its

intellectual property, which includes over 200 U.S. utility and design patents and pending patent applications covering a variety of baby product related technologies.

2.4 Graco Children's Products, Inc., was founded in 1942 and was originally based in Elverson, Pennsylvania. Graco Children's Products, Inc. is a subsidiary of Newell Brands Inc. ("Newell"), a global marketer of consumer and commercial products. Newell has a strong portfolio of brands such as Graco®, Rubbermaid®, Paper Mate®, Sharpie®, Dymo®, EXPO®, Parker®, Elmer's®, Coleman®, Marmot®, Oster®, Sunbeam®, FoodSaver®, Mr. Coffee®, Rubbermaid Commercial Products®, Baby Jogger®, NUK®, Calphalon®, Contigo®, First Alert®, Mapa®, Spontex®, and Yankee Candle®. *See* Exhibit 2.1, at 6 (Newell Brands 2020 Annual Report). It is estimated that more than 90 percent of U.S. households use at least one Newell product. *See* Exhibit 2.2.

## **2. Wonderland**

2.5 Complainant Wonderland Nurserygoods Co., Ltd. is a company organized and existing under the laws of Taiwan, having its principal place of business at Rui Kwang Road, No. 433, 10th Floor, Neihu, Taipei, Taiwan. *See generally* Exhibit 2.3.

2.6 Wonderland is one of the world's leading manufacturers and suppliers for baby products, such as strollers, cribs, playards, car safety seats, and high chairs. Wonderland is an innovator in the baby product field, and it designs, engineers, and produces high-quality baby products. Wonderland manufactures products as an Original Equipment Manufacturer ("OEM"), to be sold by other companies, such as Graco.

2.7 Wonderland has also invested heavily in the protection of its intellectual property, which includes over 400 U.S. utility and design patents and pending patent applications covering a variety of nursery-related technologies. As a supplier, Wonderland has licensed certain of its

intellectual property, including two patents at issue in this case, to Graco. *See, e.g.*, Exhibit 1.9.

2.8 Wonderland Nurserygoods Co., Ltd. is a part of the Wonderland Group, which was founded in 1983. Since its inception, the Wonderland Group has been devoted to the design, development, and manufacture of high-quality nursery goods. The Wonderland Group currently has offices in Asia, the United States, and Europe, with more than 10,000 employees worldwide. It has been a long-term OEM and Original Design Manufacturer (“ODM”) for internationally leading brands such as Graco<sup>®</sup>, Aprica<sup>®</sup>, and BabyJogger<sup>®</sup>. Wonderland also owns two highly acclaimed brands, Nuna<sup>®</sup> and Joie<sup>®</sup>, whose category-leading products are sold around the world.

**B. Proposed Respondents**

**1. Baby Trend, Inc.**

2.9 On information and belief, Proposed Respondent Baby Trend, Inc. (“Baby Trend”) is a corporation organized and existing under the laws of California, with a principal place of business at 13048 Valley Blvd, Fontana, CA 92335. *See generally* Exhibits 2.4, 2.5. Baby Trend, either itself or through the activities of its affiliates or subsidiaries, designs, develops, sells for importation into the United States, imports into the United States, sells after importation in the United States, markets, and distributes playard and stroller products under the trade name Baby Trend. On information and belief, Baby Trend maintains the website (<https://babytrend.com>) for selling the Accused Products and directs consumers to purchase the Accused Products from various retailers, including Walmart, Amazon, and Target. *See* Exhibits 2.6 and 2.7. On information and belief, Accused Products are manufactured by suppliers in China, including Dongguan Golden Prosper Baby Products Co., Ltd. (“Golden Prosper”), Sichuan Hobbies Baby Products Co., Ltd. (“Sichuan Hobbies”), and Anhui Chile Baby Products

Co., Ltd. (“Anhui Chile”). As noted below, Golden Prosper is owned by Alpha Group Co., Ltd. (“Alpha Group”), the parent company of Baby Trend.

## **2. Dongguan Golden Prosper Baby Products Co., Ltd.**

2.10 On information and belief, Proposed Respondent Golden Prosper is a limited liability company organized and existing under the laws of China, with a principal place of business at Unit 1, No. 10 Lengshuikeng Road, Huang Feng Ling Industrial Park, Luo Ma Village, Qing Xi Town, Dongguan City, Guangdong, China, 523660. *See generally* Exhibit 2.15 (Golden Prosper corporate information). As shown in Exhibit 2.8, Baby Trend and Golden Prosper are both wholly owned subsidiaries of Alpha Group, a Chinese company located at Alpha Industrial Park, Fengxiang Road North, JinHong Road East, Chenghai District, Shantou, Guangdong, China. *See also* Exhibit 2.16 (Alpha Group 2020 Annual Report Excerpt). Further, Golden Prosper maintains Baby Trend’s Chinese website, [www.babytrendchina.com](http://www.babytrendchina.com). *See* Exhibit 2.9. Golden Prosper, either itself or through the activities of its affiliates or subsidiaries, is in the business of manufacturing outside the United States and/or selling for importation into the United States at least some of the Accused Products. Exhibit 2.10 (Import Data Between Baby Trend and Golden Prosper).

## **3. Sichuan Hobbies Baby Products Co., Ltd.**

2.11 On information and belief, Proposed Respondent Sichuan Hobbies is a Chinese limited liability company with a registered address at Sandaoqiao Industrial Park, Longchang City, Neijiang, Sichuan, China, 642150. *See generally* Exhibit 2.11 (Corporate Information of Sichuan Hobbies). Sichuan Hobbies, either itself or through the activities of its affiliates or subsidiaries, is in the business of manufacturing outside the United States and/or selling for importation into the United States at least some of the Accused Products. *See* Exhibit 2.12



(Import Data Between Baby Trend and Sichuan Hobbies).

#### **4. Anhuui Chile Baby Products Co., Ltd.**

2.12 On information and belief, Proposed Respondent Anhui Chile is a Chinese limited liability company with a registered address at No. 1, 9th Road, Feidong Xincheng Develop Zone, Feidong County, Anhui Province, China, 231600. *See generally* Exhibit 2.13 (Anhui Chile Corporate Report from D&B Hoovers). Anhui Chile, either itself or through the activities of its affiliates or subsidiaries, is in the business of manufacturing outside the United States and/or selling for importation into the United States at least some of the Accused Products. *See* Exhibit 2.14 (Import Data Between Baby Trend and Anhui Chile).

### **III. THE TECHNOLOGY AND PRODUCTS AT ISSUE**

3.1 Pursuant to Commission Rule 210.12(a)(12) and Rule 210.10(b)(1), Complainants provide the following description of the Accused Products. The technology and products at issue in this requested investigation generally relate to foldable child containment structures that have come to be known as playards, and foldable strollers.

### **IV. THE PATENTS AT ISSUE**

#### **A. The '855 Patent**

##### **1. Identification and Ownership of the Patent**

4.1 Graco's '855 Patent is entitled "Child Containment System with Multiple Infant Support Modes" and was issued by the United States Patent and Trademark Office ("USPTO") on July 18, 2017. *See* Exhibit 1.1 (the '855 Patent). The '855 Patent issued from U.S. Patent Application No. 15/237,094, filed August 15, 2016. The patent depends from multiple parent applications and ultimately claims priority to Provisional Application No. 61/159,991, filed on March 13, 2009. The '855 Patent is expected to expire on March 15, 2030. The '855 Patent

identifies John (Jason) C. Arnold, IV, Brandon Burkholder, Annette Stella, and Matthew Rivera as the inventors.

4.2 Graco owns the '855 Patent. *See* Exhibit 1.5 (Assignment for the '855 Patent).

The '855 Patent is valid, enforceable, and is in full force and effect.

4.3 Pursuant to Commission Rule 210.12(c), this Complaint is accompanied by Appendices 1.1 and 1.5 containing the prosecution history of the '855 Patent, and each patent and applicable pages of each technical reference mentioned in that prosecution history.<sup>4</sup>

## **2. Non-Technical Description of the Patented Invention**

4.4 The '855 Patent is directed to a child containment system including a child containment structure (*e.g.*, a playard), a bassinet, and an infant support unit. The child containment system is capable of being used in different configurations, and is well-suited for use throughout a range of child ages and developmental periods. For example, the infant support unit typically would be used for the youngest infants, the bassinet typically would be used for infants that have outgrown the infant support unit but who are not yet big enough to stand, and the playard typically would be used alone for toddlers who can stand. The configuration for use may be selected based upon the child that will be using the system (*e.g.*, the bassinet and infant support unit can be removed from the playard for use by a toddler). Figure 1 below is a perspective view of an exemplary embodiment of the system including the “playard 54,” “bassinet 56,” and “infant support unit 52.”

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<sup>4</sup> Pursuant to International Trade Commission’s Temporary Changes to Filing Procedures, 85 Fed. Reg. 15798 (Mar. 19, 2020), the Commission waived the requirements to file multiple paper copies and “[t]he Commission has approved the temporary amendment of Rule 210.4(f)(2), Rule 210.75, Rule 210.76, and Rule 210.79 to permit parties to file section 337 complaints, exhibits, attachments, and appendices electronically.”

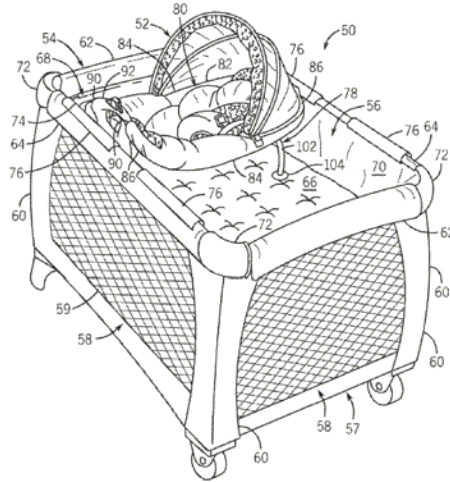


FIG. 1

### 3. Foreign Counterparts

4.5 The foreign counterpart patents and/or applications to the '855 Patent are identified below. Apart from those listed here, there are no other foreign patents or foreign patent applications pending, filed, abandoned, withdrawn, or rejected relating to the '855 Patent.

Country	Application Number	Status	Patent/Publication Number
CN	CN201010138700.9	Abandoned	CN101836804A

#### B. The '694 Patent

##### 1. Identification and Ownership of the Patent

4.6 Graco's '694 Patent is entitled "Child Containment System with Multiple Infant Support Modes" and was issued by the USPTO on August 16, 2016. *See* Exhibit 1.2 (the '694 Patent). The '694 Patent issued from U.S. Patent Application No. 14/313,643, filed June 24, 2014. The patent depends from multiple parent applications and ultimately claims priority to provisional application No. 61/159,991, filed on March 13, 2009. The '694 Patent is expected to expire on March 15, 2030. The '694 Patent identifies John (Jason) C. Arnold, IV, Brandon Burkholder, Annette Stella, and Matthew Rivera as the inventors.

4.7 Graco owns the '694 Patent. *See* Exhibit 1.6 (Assignment for the '694 Patent).

The '694 Patent is valid, enforceable, and is in full force and effect.

4.8 Pursuant to Commission Rule 210.12(c), this Complaint is accompanied by Appendices 1.2 and 1.6 containing the prosecution history of the '694 Patent, and each patent and applicable pages of each technical reference mentioned in that prosecution history.<sup>5</sup>

## **2. Non-Technical Description of the Patented Invention**

4.9 The '694 Patent is related to and shares the same disclosure as the '855 Patent. Like the '855 Patent, the '694 Patent is directed to a child containment system including a child containment structure (*e.g.*, a playard), a bassinet, and an infant support unit. *See* Section IV.A.2, *supra*. The '694 Patent's claims are also directed to configurations of the child containment system.

## **3. Foreign Counterparts**

4.10 The foreign counterpart patents and/or applications to the '694 Patent are identified below. Apart from those listed here, there are no other foreign patents or foreign patent applications pending, filed, abandoned, withdrawn, or rejected relating to the '694 Patent.

Country	Application Number	Status	Patent/Publication Number
CN	CN201010138700.9	Abandoned	CN101836804A

## **C. The '919 Patent**

### **1. Identification and Ownership of the Patent**

4.11 Wonderland's '919 Patent is entitled "Baby Crib" and was issued by the USPTO on January 15, 2013. *See* Exhibit 1.3 (the '919 Patent). The '919 Patent issued from U.S.

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<sup>5</sup> *See* FN 4 above.

Reissue Application No. 11/588,412, filed October 26, 2006. The patent is a reissue of U.S. Patent No. 6,859,957, filed April 20, 2004. The '919 Patent is expected to expire on April 20, 2024. The '919 Patent identifies Shun-Min Chen as the sole inventor.

4.12 Wonderland owns the '919 Patent. *See* Exhibit 1.7 (Assignment for the '919 Patent). The '919 Patent is valid, enforceable, and is in full force and effect.

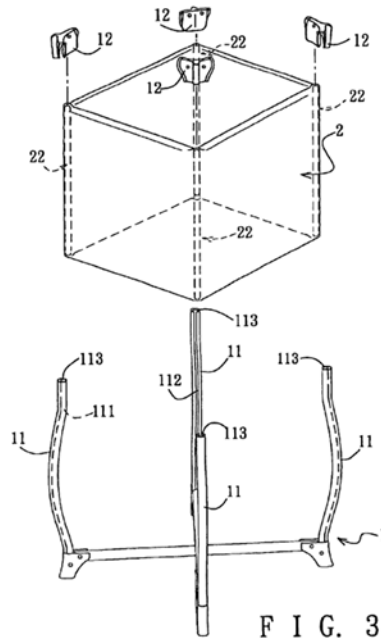
4.13 Pursuant to Commission Rule 210.12(c), this Complaint is accompanied by Appendices 1.3 and 1.7 containing the prosecution history of the '919 Patent, and each patent and applicable pages of each technical reference mentioned in that prosecution history.<sup>6</sup>

## **2. Non-Technical Description of the Patented Invention**

4.14 The '919 Patent is directed to a baby crib (or playard) with a rigid frame and an enclosure member, which typically is made from a soft, pliable material. The frame of the crib includes upright structural tubes that help support the enclosure space for holding a baby. The enclosure material is secured to those structural tubes along the tubes' lengths. As a result, the enclosure material extends between the tubes, creating a crib wall and floor, while leaving the outwardly facing surfaces of the upright structural support tubes exposed. The inventive baby crib sought to improve upon prior art cribs, the assembly of which consumed a lot of time and the outer appearance of which was unattractive. Figure 3 below contains an exploded view of an exemplary baby crib covered by the patent.

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<sup>6</sup> *See* FN 4 above.



### 3. Foreign Counterparts

4.15 The foreign counterpart patents and/or applications to the '919 Patent are identified below. Apart from those listed here, there are no other foreign patents or foreign patent applications pending, filed, abandoned, withdrawn, or rejected relating to the '919 Patent.

Country	Application Number	Status	Patent/Publication Number
CN	CN200420001804.5	Expired	CN2680127Y
EP	EP04009200.9	Issued	EP1550387B1
DE	DE602004001386.2	Issued	DE602004001386C5
AT	AT04009200T	Ceased	AT331456T

#### D. The '017 Patent

##### 1. Identification and Ownership of the Patent

4.16 Wonderland's '017 Patent is entitled "Foldable Frame Assembly for a Foldable Stroller" and was issued by the USPTO on December 27, 2005. See Exhibit 1.4 (the '017

Patent). The '017 Patent issued from U.S. Patent Application No. 10/644,663, filed August 19, 2003. The '017 Patent is expected to expire on February 15, 2024. The '017 Patent identifies Shun-Min Chen as the sole inventor.

4.17 Wonderland owns the '017 Patent. *See* Exhibit 1.8 (Assignment for the '017 Patent). The '017 Patent is valid, enforceable, and is in full force and effect.

4.18 Pursuant to Commission Rule 210.12(c), this Complaint is accompanied by Appendices 1.4 and 1.8 containing the prosecution history of the '017 Patent, and each patent and applicable pages of each technical reference mentioned in that prosecution history.<sup>7</sup>

## **2. Non-Technical Description of the Patented Invention**

4.19 The '017 Patent is directed to a foldable frame assembly for a stroller that has a simple construction and that, when implemented, is comparatively easy to fabricate at a relatively low cost. The foldable frame contains numerous parts, with one of the parts including components arranged to connect and be movable with respect to one another. The various components of the one part include a locking unit with a socket and a plug being configured to mate with each other. This patented design improves upon prior art strollers that utilized locking mechanisms with complicated construction and that were required to be fabricated with precision. Figure 1 below provides a perspective view of an exemplary foldable frame assembly, and Figure 2 below provides an exemplary side view of one of the “parts” of the assembly.

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<sup>7</sup> *See* FN 4 above.

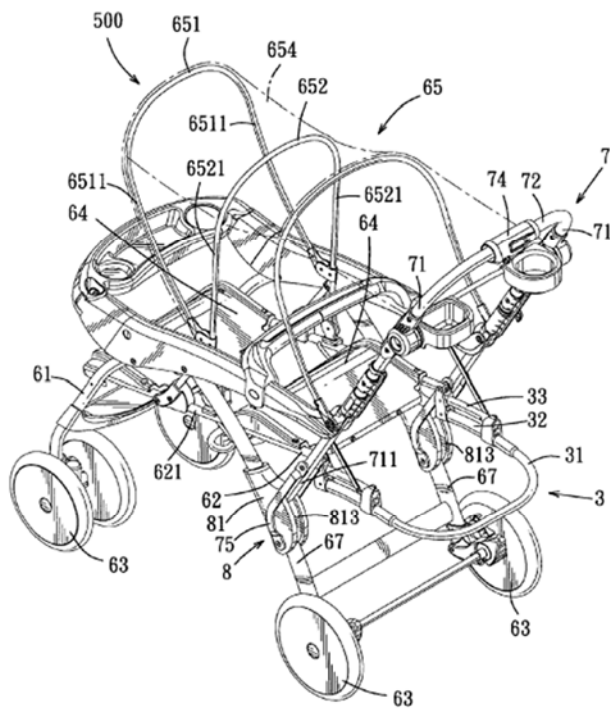


FIG. 1

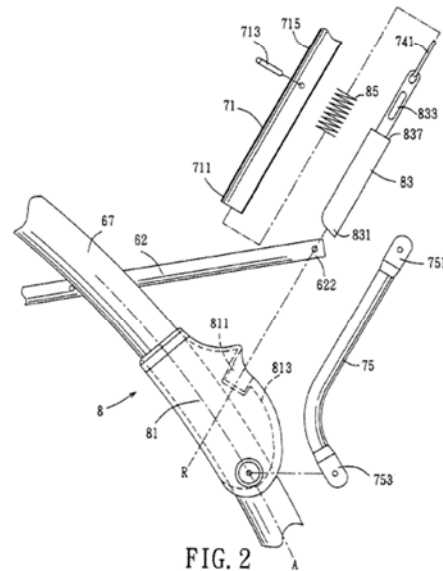


FIG. 2

### 3. Foreign Counterparts

4.20 No foreign patents or patent applications corresponding to the '017 Patent have been filed, abandoned, withdrawn, or rejected.

## V. UNLAWFUL AND UNFAIR ACTS OF PROPOSED RESPONDENTS—PATENT INFRINGEMENT

5.1 On information and belief, Proposed Respondents and their Accused Products directly infringe, either literally or under the doctrine of equivalents, at least the following claims of the Asserted Patents: Claims 1-20 of the '855 Patent; Claims 1-2 and 4-20 of the '694 Patent; Claims 8, 10-12, 14-20, and 27-28 of the '919 Patent; and Claims 1-6 of the '017 Patent. Discovery may reveal that Proposed Respondents infringe additional claims of the Asserted Patents.

5.2 On information and belief, Baby Trend directly infringes, either literally or under



the doctrine of equivalents, the Asserted Patents by – either by itself or through the activities of its affiliates or subsidiaries or by directing and controlling others such as the other Proposed Respondents – manufacturing for importation into the United States, importing into the United States, selling for importation into the United States, and/or selling after importation into the United States the Accused Products. *See, e.g.*, Exhibits 5.1-5.15 (receipts and photographs of the Accused Products); *see also* Section VI.B.1.

5.3 On information and belief, Golden Prosper, either itself or through the activities of its affiliates or subsidiaries, manufactures the Accused Products outside of the United States—specifically, at least in China—and imports at least certain of the Representative Accused Stroller Products into the United States, and/or sells them for importation into the United States. *See* ¶6.7 (summary of import data of Exhibit 2.10) below; *see also* Section VI.B.2.

5.4 On information and belief, Sichuan Hobbies, either itself or through the activities of its affiliates or subsidiaries, manufactures the Accused Products outside of the United States—specifically, at least in China—and imports at least certain of the Representative Accused Playard Products into the United States, and/or sells them for importation into the United States. *See* ¶6.8 (summary of import data of Exhibit 2.12); *see also* Section VI.B.3.

5.5 On information and belief, Anhui Chile, either itself or through the activities of its affiliates or subsidiaries, manufactures the Accused Products outside of the United States—specifically, at least in China—and imports at least certain of the Representative Accused Playard Products into the United States, and/or sells them for importation into the United States. *See* ¶6.9 (summary of import data of Exhibit 2.14); *see also* Section VI.B.4.

5.6 Proposed Respondents have been notified of their infringement of the Asserted Patents by service of this Complaint and further as follows: Graco provided notice to Baby Trend

regarding infringement of the '694 and '855 Patents by letter dated September 29, 2021.<sup>8</sup> Baby Trend was sued by Wonderland for infringement of the '919 Patent in 2014, in a case which is still pending. *See* ¶¶9.4-9.5. Wonderland provided notice to Baby Trend regarding infringement of the '017 patent by filing of a district court complaint on November 23, 2021 asserting infringement of that patent, a copy of which was sent to counsel for Baby Trend. *See* ¶9.13.

5.7 On information and belief, Baby Trend indirectly infringes the Asserted Patents, by, without authority and on information and belief, licensing, indemnifying, designing, developing, aiding or assisting in marketing, and/or encouraging or assisting others, including the other Proposed Respondents named herein, to manufacture for importation into the United States, import into the United States, sell for importation into the United States, and/or sell after importation into the United States, the Accused Products. These acts were performed knowingly and with the specific intent to encourage infringement, including at a minimum being willfully blind to the Asserted Patents, and further knowing, or being willfully blind, that such acts would infringe the Asserted Patents within the United States, in violation of 35 U.S.C. § 271(b). Exhibits 2.7, 2.10, 2.12, 2.14, 2.17.

5.8 On information and belief, the Accused Products that infringe one or more of the Asserted Claims include, but are not limited to, the “Representative Accused Playard Products” and “Representative Accused Stroller Products” (collectively, “Representative Accused Products”) identified herein.




5.9 With respect to infringement of the '855 and '694 Patents, the Representative

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<sup>8</sup> More particularly, Graco notified Baby Trend that the following playard products infringe the '694 and '855 Patents: Go Lite Nursery, Go Lite Twins Nursery, Lil Snooze Deluxe, Lil Snooze Deluxe II, MUV Custom Grow, NexGen Dreamland, Resort Elite Nursery, Retreat Nursery, and Simply Smart. Graco invited Baby Trend to mediate the dispute, but Baby Trend failed to engage in mediation.

Accused Playard Products can be grouped into four categories based on the design of the infant support unit to be held within the playard, as shown in Table 5.1 below. Claim charts of an exemplary Accused Product from each group are provided that demonstrate infringement of the independent claims of those patents. Exhibits 5.27-5.33.

**Table 5.1**

Group No.	Exemplary Infant Support Unit <sup>9</sup>	Representative Accused Products	Asserted Patents
A	 Simply Smart Nursery Center	Simply Smart Nursery Center	'855 Patent; '694 Patent
		Retreat Twins Nursery Center	
		Retreat Nursery Center	
		Lil Snooze Deluxe III Nursery Center for Twins	
		Lil' Snooze Deluxe III Nursery Center	
B-1	 MUV Custom Grow Nursery Center	Resort Elite Nursery Center	'855 Patent; '694 Patent
		Resort SE Nursery Center	
		MUV Custom Grow Nursery Center	
B-2	 Twins Nursery Center <sup>10</sup>	Twins Nursery Center	'855 Patent; '694 Patent
		Go-Lite Twins Nursery Center	
		Go-Lite ELX Nursery Center	

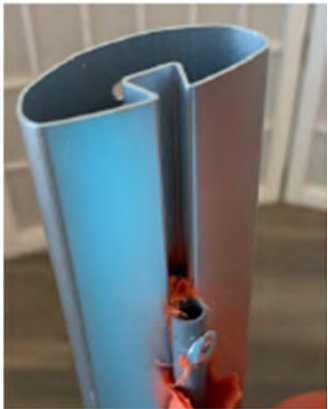
<sup>9</sup> The claim charts attached to the Complaint are of the exemplary products identified in this column.

<sup>10</sup> The products in Group B-2 were seen with “legs” touching the bassinet surface, whereas the products in Group B-1 that were seen with legs that were slightly elevated off the bassinet surface. The “touching” aspect is relevant to which claims of the '855 and '694 patents are infringed. During discovery, Complainants intend to further investigate the configuration of

C		Lil Snooze Deluxe II Nursery Center	'855 Patent
		Lil Snooze Deluxe Nursery Center	
		NexGen Dreamland Nursery Center	
	Lil Snooze Deluxe II Nursery Center		


5.10 With respect to infringement of '919 Patent, certain of the Representative Accused Playard Products can be grouped into two categories based on the configuration of the mechanical connections between the upright support tubes and the walls of the playards as shown in Table 5.2 below. Claim charts of an exemplary Accused Product from each group are provided that demonstrate infringement of the independent claims of this patent. Exhibits 5.34-5.35.

**Table 5.2**

Group No.	Exemplary Support Tube Connection <sup>11</sup>	Representative Accused Products
D	 Kid Cube Nursery Center	Kid Cube Nursery Center

products in Group B-1 to determine whether any of such products do have “legs” touching the bassinet surface. If so, such products may be shifted into being grouped with the products in Group B-2.

<sup>11</sup> The claim charts attached to the Complaint are of the exemplary products identified in this column.

E		Go-Lite ELX Nursery Center
		Go-Lite Twins Nursery Center
		Resort SE Nursery Center
		Resort Elite Nursery Center
		MUV Custom Grow Nursery Center

5.11 Complainants are currently aware of the following specific models of the Representative Accused Playard Products, referred to in the charts above: **Resort Elite Nursery Center**<sup>12</sup>, including Laguna (PY72B16B) and Dotty (PY72B15B); **Lil Snooze Deluxe II Nursery Center**, including Funfetti (PY86B28C), Daisy Dots (PY86B63C), Twinkle Twinkle Little Moon (PY86B64C), Forest Party Grey (PY86E18C), Bluebell (PY86C04C and/or PY86C04K), and Sockorama (PY86C24C); **Lil Snooze Deluxe Nursery Center**, including Floral Rain (PY81A96JR) and Circle Pop (PY81A98JR); **MUV Custom Grow Nursery Center**, including Jaelyn (PY74C65A) and Aero (PY74C05A); **Simply Smart Nursery Center**, including Whisper Grey (PY75B90A); **Go-Lite ELX Nursery Center**, including Drip Drop Blue (PY47054H), Drip Drop Blue (PY47054HD and/or PY47054H), Phoenix (PY47C21H), and Stardust Rose (PY47C46H); **Go-Lite Twins Nursery Center**, including Drip Drop Blue (PY47054J); **Resort SE Nursery Center**, including Dotty, Laguna, and Helix (PY72971P); **Twins Nursery Center**, including Circle Tech (PY66A06F) and Goodnight Forest (PY66B62F);


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<sup>12</sup> The model numbers and styles identified herein are intended to be exemplary and should not be construed as limiting the scope of the Accused Products.

**Retreat Twins Nursery Center**, including Quarry (PY75C45B) and Shale (PY75C80B); **Retreat Nursery Center**, including Mulberry (PY75C55C), Hint of Mint (PY75C56C), and Robin (PY75C54C); **NexGen Dreamland Nursery Center**, including Aspen (PY86C94N) and Kaleidoscope (PY86C95N); **Kid Cube Nursery Center**, including Peek a Boo Pals (PY21B87A); **Lil’ Snooze Deluxe III Nursery Center for Twins**, including Cozy Grey (PY86E27J) and Cozy Berry (PY86E52J); and **Lil’ Snooze Deluxe III Nursery Center**, including Cozy Mint (PY86E28H) and Cozy Pink (PY86E53H).<sup>13</sup>

5.12 With respect to infringement of the ’017 Patent, the Representative Accused Stroller Products can be grouped into one category based on the relevant functionality of the folding arrangement as in Table 5.3 below. A claim chart of an exemplary Accused Product from this group is provided that demonstrates infringement of the independent claim of this patent. Exhibit 5.36.

**Table 5.3**

Group No.	Exemplary Stroller <sup>14</sup>	Representative Accused Products
F	 <p data-bbox="435 1549 803 1581">Sit N’ Stand Double Stroller</p>	Sit N’ Stand Double Stroller
		Sit N’ Stand Ultra/Deluxe Stroller
		Sit N’ Stand Sport Stroller
		Snap-N-Go Double

<sup>13</sup> Baby Trend’s website indicates that it sells additional models in Canada only. One example is the Lil Snooze Deluxe Plus Nursery Center in Whisper Grey (RC86B90B). *See* Exhibit 5.16. Complainants intend to conduct discovery to determine whether any such models constitute an unfair import to the United States.

<sup>14</sup> The claim charts attached to the Complaint are of the exemplary products identified in this column.

5.13 Complainants are currently aware of the following specific models of the Representative Accused Stroller Products, referred to in the chart above: **Sit N’ Stand Double Stroller**, including Onyx (SS76072A), Millennium Orange (SS76203), Carbon (SS76710), Elixer (SS76715), Millennium (SS76773), and Optic Red (SS76B76A); **Sit N’ Stand Ultra/Deluxe Stroller**, including Phantom (SS66068), Millennium Raspberry (SS66633), Morning Mist (SS66758A), Millennium (SS66773), and Moonstruck (SS66A80A); **Sit N’ Stand Sport Stroller**, including Stanford (SS80A07A), Meridian Hill (SS80A31A), Moonstruck (SS80A80B), and Dusk Red (SS80B50B); and **Snap-N-Go Double** (SG33100).

5.14 Exemplary photographs and website screen captures for Representative Accused Products are attached to this Complaint as Exhibits 5.7-15, 5.17-5.26. Discovery may reveal additional products that infringe the Asserted Patents.

## **VI. UNFAIR IMPORTATION AND SALE**

### **A. Harmonized Tariff Schedule**

6.1 The Accused Products are believed to be imported within at least the following classifications of the Harmonized Tariff Schedule of the United States (“HTSUS”): Playards (9401.80.XX; 9401.71.XX; 9403.70.40; 9403.20.00; 9401.80.XX; 9401.90.XX; 9403.50.XX; 9403.70.80; 6307.90.XX; 8715.00.XX; 9403.90.XX); and Strollers (8715.00.00; 8713.90.XX; 9401.80.XX; 9503.00.XX; 9401.71.XX; 9403.60.XX; 8716.80.XX).<sup>15</sup> These classifications are provided for illustrative purposes only, as reflective and representative of a broader set of HTSUS headings, and are not intended to restrict the scope or type of Accused Products.

6.2 Further discovery will likely reveal additional specific acts of importation by

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<sup>15</sup> Certain publicly available importation records revealed only the first six HTSUS numbers—discovery will reveal the remaining two HTSUS numbers of these unfair imports.

Proposed Respondents of Accused Products into the United States, sale for importation into the United States and/or sale in the United States after importation.

**B. Specific Instances of Importation and Sale**

**1. Baby Trend**

6.3 On information and belief, Baby Trend designs, develops, imports, markets, sells, and distributes the Accused Products in the United States.

6.4 On information and belief, Baby Trend markets and sells Accused Products directly to consumers through its website and through retailers. *See* Exhibit 2.6 (Screen capture of Baby Trend official website) and 2.7 (Baby Trend “Where to Buy” webpage).

6.5 On information and belief, Baby Trend directs and controls others, including Golden Prosper, Sichuan Hobbies, and Anhui Chile, to manufacture, import into the United States, and/or sell for importation into the United States the Accused Products. *See further* Sections VI.B.2-4 below.

6.6 Samples of the Representative Accused Products, specifically including the Baby Trend Simply Smart Nursery Center, Resort Elite Nursery Center, Lil Snooze Deluxe II Nursery Center, MUV Custom Grow Nursery Center, Go Lite ELX Nursery Center, Twin Nursery Center, Kid Cube Nursery Center, Sit N’ Stand Double Stroller, and Sit N’ Stand Ultra Stroller, were acquired by counsel for Complainants in the United States in connection with preparation of this Complaint. Pursuant to Commission Rule 210.12(a)(3), Exhibits 5.1-5.6 contain the receipts for these acquired Accused Products. Exhibits 5.7-5.15 include the labels attached to the acquired Accused Products showing that acquired Accused Products are “Made in China.”<sup>16</sup>

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<sup>16</sup> Exhibits 5.1-5.15 concern the same products that are the subject of the claim charts provided in Exhibit 5.27-5.36.



Importation data further show Baby Trend imported its Accused Products into the United States as follows. *See* Exhibits 2.10, 2.12, 2.14, and 2.17.

6.7 Exhibit 2.10 (Import Data Between Baby Trend and Golden Prosper) includes Baby Trend’s exemplary importation records showing at least the following Accused Stroller Products from Golden Prosper have been imported into the United States according to ImportGenius:

<b>Accused Stroller Product Brand</b>	<b>Accused Stroller Product Model</b>	<b>Row Number of Exhibit 2.10</b>
Sit N’ Stand Double Stroller <sup>17</sup>	Onyx (SS76072A)	2
	Millennium Orange (SS76203)	1
	Carbon (SS76710)	6
	Elixir (SS76715)	7
	Optic Red (SS76B76A)	5
Sit N’ Stand Ultra/Deluxe Stroller	Phantom (SS66068)	2
	Millennium Raspberry (SS66633)	8
	Morning Mist (SS66758A)	4
	Millennium (SS66773)	8
	Moonstruck (SS66A80A)	11
Sit N’ Stand Sport Stroller	Stanford (SS80A07A)	9
	Meridian Hill (SS80A31A)	10
	Dusk Red (SS80B50B)	12
Snap-N-Go Double	(SG33100)	3

6.8 Exhibit 2.12 (Import Data Between Baby Trend and Sichuan Hobbies) includes Baby Trend’s exemplary importation records showing at least the following Accused Playard Products from Sichuan Hobbies have been imported into the United States according to ImportGenius:

<b>Accused Playard Product Brand</b>	<b>Accused Playard Product Model</b>	<b>Row Number of Exhibit 2.12</b>
Resort Elite Nursery Center	Laguna (PY72B16B)	9
	Dotty (PY72B15B)	6

<sup>17</sup> This product is the subject of the claim chart provided in Exhibit 5.36.

Simply Smart Nursery Center <sup>18</sup>	Whisper Grey (PY75B90A)	3
Retreat Twins Nursery Center	Quarry (PY75C45B)	1
	Shale (PY75C80B)	9
Retreat Nursery Center	Mulberry (PY75C55C)	5
	Hint of Mint (PY75C56C)	5
	Robin (PY75C54C)	4
NexGen Dreamland Nursery Center	Aspen (PY86C94N)	7
Lil Snooze Deluxe III Nursery Center	Cozy Pink (PY86E53H)	2

6.9 Exhibit 2.14 (Import Data Between Baby Trend and Anhui Chile) includes Baby Trend’s exemplary importation records showing at least the following Accused Playard Products from Anhui Chile have been imported into the United States according to ImportGenius:

<b>Accused Playard Product Brand</b>	<b>Accused Playard Product Model</b>	<b>Row Number of Exhibit 2.14</b>
Resort Elite Nursery Center	Dotty (PY72B15B)	9
Lil Snooze Deluxe II Nursery Center <sup>19</sup>	Funfetti (PY86B28C)	4
	Daisy Dots (PY86B63C)	1
	Twinkle Twinkle Little Moon (PY86B64C)	2
	Sockorama (PY86C24C)	3
Lil Snooze Deluxe Nursery Center	Floral Rain (PY81A96JR)	6
	Circle Pop (PY81A98JR)	14
MUV Custom Grow Nursery Center <sup>20</sup>	Jaelyn (PY74C65A)	2
	Aero (PY74C05A)	5
Simply Smart Nursery Center <sup>21</sup>	Whisper Grey (PY75B90A)	10
Retreat Twins Nursery Center	Quarry (PY75C45B)	12
Retreat Nursery Center	Mulberry (PY75C55C)	7
	Hint of Mint (PY75C56C)	11
	Robin (PY75C54C)	13
NexGen Dreamland Nursery Center	Aspen (PY86C94N)	8

<sup>18</sup> This product is the subject of the claim charts provided in Exhibits 5.27 and 5.31.

<sup>19</sup> This product is the subject of the claim chart provided in Exhibit 5.30.

<sup>20</sup> This product is the subject of the claim charts provided in Exhibits 5.28, 5.32, and 5.35.

<sup>21</sup> This product is the subject of the claim charts provided in Exhibits 5.27 and 5.31.

6.10 Exhibit 2.17 (Import Data Between Baby Trend and other suppliers) includes Baby Trend’s exemplary importation records showing at least the following Accused Playard Products from other suppliers have been imported into the United States according to ImportGenius:

<b>Accused Playard Product Brand</b>	<b>Accused Playard Product Model</b>	<b>Row Number of Exhibit 2.17</b>
Lil Snooze Deluxe II Nursery Center <sup>22</sup>	Forest Party Grey (PY86E18C)	1
	Bluebell (PY86C04C and/or PY86C04K)	2
Go-Lite ELX Nursery Center	Drip Drop Blue (PY47054H)	3
	Phoenix (PY47C21H)	4
	Stardust Rose (PY47C46H)	6
Go-Lite Twins Nursery Center	Drip Drop Blue (PY47054J)	5
Resort SE Nursery Center	Helix (PY72971P)	7
Twins Nursery Center <sup>23</sup>	Circle Tech (PY66A06F)	8
	Goodnight Forest (PY66B62F)	8
Kid Cube Nursery Center <sup>24</sup>	Peek a Boo Pals (PY21B87A)	9

## 2. Golden Prosper

6.11 On information and belief, Golden Prosper manufactures certain of the Accused Products in China under authorization from and for unfair import to Baby Trend. For example, Exhibit 2.8 is a published article discussing Alpha Group’s acquisition of both Baby Trend and Golden Prosper on April, 26, 2016, and says that Alpha Group will enter into baby stroller and baby playard markets by acquiring Baby Trend and that “Golden Prosper . . . owns factories and equipment, and its capabilities in procurement, production, testing, quality control, and logistics will bolster Alpha’s diversification of infant/child products. The acquisitions will not only boost our profitability, but also extend our reach into product categories such as strollers, child safety

<sup>22</sup> This product is the subject of the claim chart provided in Exhibit 5.30.

<sup>23</sup> This product is the subject of the claim charts provided in Exhibit 5.29 and 5.33.

<sup>24</sup> This product is the subject of the claim chart provided in Exhibit 5.34.

seats, nursery centers, paving the way for our entry into the North American market and stepping up our global presence.” *Id.* at 1.

6.12 Samples of the Representative Accused Products, specifically including the Sit N’ Stand Double Stroller and Sit N’ Stand Ultra Stroller, were acquired by counsel for Complainants in the United States in connection with preparation of this Complaint. Pursuant to Commission Rule 210.12(a)(3), Exhibit 5.2 contains the receipt for these Accused Products. Exhibits 5.14 and 5.15 indicates that the Sit N’ Stand Double Stroller and Sit N’ Stand Ultra Stroller are labeled “Made in China.” Golden Prosper’s exemplary unfair imports of Accused Products into the United States are provided in the Table included in Paragraph 6.7 above. *See also* Exhibit 2.10.

### **3. Sichuan Hobbies**

6.13 On information and belief, Sichuan Hobbies manufactures certain of the Accused Products outside of the United States for unfair import to Baby Trend.

6.14 Samples of the Representative Accused Products, specifically including the Simply Smart Nursery Center (PY75B90A) and Resort Elite Nursery Center (PY72B15B), were acquired by counsel for Complainants in the United States in connection with preparation of this Complaint. Pursuant to Commission Rule 210.12(a)(3), Exhibits 5.1 and 5.2 contain the receipts for these Accused Products. Exhibits 5.7 and 5.8 indicate that the Simply Smart Nursery Center (PY75B90A) and Resort Elite Nursery Center (PY72B15B) are labeled “Made in China.” Sichuan Hobbies exemplary unfair imports of Accused Products are provided in the Table included in Paragraph 6.8 above. *See also* Exhibit 2.12.

### **4. Anhui Chile**

6.15 On information and belief, Anhui Chile manufactures certain of the Accused

Products outside of the United States for unfair import to Baby Trend.

6.16 Samples of the Representative Accused Products, specifically including the Simply Smart Nursery Center, Resort Elite Nursery Center, and MUV Custom Grow Nursery Center (PY74C05A), were acquired by counsel for Complainants in the United States in connection with preparation of this Complaint. Pursuant to Commission Rule 210.12(a)(3), Exhibits 5.1, 5.2, and 5.3 contain the receipts for these Accused Products. Exhibits 5.7, 5.8, and 5.10 show the Simply Smart Nursery Center, Resort Elite Nursery Center, and MUV Custom Grow Nursery Center are labeled “Made in China.” Anhui Chile’s exemplary unfair imports of Accused Products are provided in the Table included in Paragraph 6.9 above. *See also* Exhibit 2.14.

## **VII. LICENSES**

7.1 Attached as Confidential Exhibit 1.9 is the single license to the Asserted Patents—by Wonderland to Graco as to the ’017 and ’919 Patents.

## **VIII. THE DOMESTIC INDUSTRY**

8.1 As required by Section 337(a)(2) and defined by Section 337(a)(3), an industry in the United States exists in connection with articles protected by the Asserted Patents.

### **A. Technical Prong**

8.2 As detailed below, numerous Graco playard and stroller products (“Domestic Industry Products”) are covered by the Asserted Patents.

8.3 The following table summarizes the Asserted Patents and their corresponding domestic industry products. Photographs of the exemplary Domestic Industry Products are attached to this Complaint as Exhibits 8.1-8.2. Claim charts applying a single independent claim of each of the Asserted Patents to the exemplary Domestic Industry Products are attached as

Exhibits 8.3-8.6.

Group No.	Exemplary Covered Products <sup>25</sup>	Representative Covered Products <sup>26</sup>	Asserted Patents
1	 <p data-bbox="381 785 899 816">Graco Pack 'n Play Nearby Seat Playard</p>	<p data-bbox="930 527 1170 632">'855/'694 Patent Domestic Industry Products</p>	<p data-bbox="1255 543 1414 611">'855 Patent; '694 Patent</p>
2	 <p data-bbox="381 1209 899 1241">Graco Pack 'n Play Nearby Seat Playard</p>	<p data-bbox="930 995 1211 1062">'919 Patent Domestic Industry Products</p>	<p data-bbox="1255 1012 1406 1043">'919 Patent</p>
3	 <p data-bbox="381 1640 899 1705">Graco DuoGlider Click Connect Double Stroller</p>	<p data-bbox="930 1440 1211 1507">'017 Patent Domestic Industry Products</p>	<p data-bbox="1255 1457 1406 1488">'017 Patent</p>

<sup>25</sup> The claim charts attached to the Complaint are of the exemplary products identified in this column.

<sup>26</sup> The Representative Covered Products in this column are identified in Paragraphs 8.4-8.6.

8.4 Further to the exemplary Domestic Industry products identified above, the following Graco playard products are representative of the Domestic Industry Products protected by the '855 Patent and the '694 Patent (“'855/'694 Patent Domestic Industry Products”): Pack 'n Play Nearby Seat Playard (9D100, 9D102); Pack 'n Play Quick Connect Portable Bassinet Playard (9AM320); Pack 'n Play Quick Connect Portable Seat (9AM03, 9AM06); Pack 'n Play Quick Connect Portable Seat DLX (9AM101, 9AM102); Pack 'n Play Quick Connect Playard with Portable Bouncer (9AP00, 9AP01); Pack 'n Play Quick Connect Portable Seat DLX Playard featuring Rapid Remove (9AP60); Pack 'n Play Playard with Reversible Seat & Changer LX (9D30, 9D32, 9D33, 9E31); Pack 'n Play Anywhere Dreamer Playard (9AR00); Pack 'n Play Care Suite Bassinet Playard (9AR20); Pack 'n Play Care Suite Playard (9AR100, 9AR101); Pack 'n Play Travel Dome Playard (9AC60); Pack 'n Play Travel Dome Deluxe Playard (9AC01); Pack 'n Play Travel Dome LX Playard (9AC00); Pack 'n Play Close2Baby Playard (9D200, 9D201); Pack 'n Play Close2Baby Bassinet Playard (9D220); Pack 'n Play Portable Seat & Changer Playard (9E50, 9E53); Pack 'n Play Playard with Newborn Seat DLX (9E48, 9E54); Pack 'n Play FoldLite Playard (9AW00); Premier Pack 'n Play FoldLite Playard (Savoy Collection) (9AW600); Pack 'n Play Rock 'n Grow Playard (9AP200, 9AP201); Pack 'n Play Newborn2Toddler Playard (9AM400, 9AM401); Pack 'n Play Snuggle Seat Playard (9AP100, 9AP101); Pack 'n Play Day2Dream Travel Bassinet Playard (9AX100); Pack 'n Play Day2Dream Bassinet Playard (9AX00), and Pack 'n Play Day2Dream Bassinet Deluxe Playard (9AP220).

8.5 Similarly, the following Graco playard products are representative of the Domestic Industry Products protected by the '919 Patent (“'919 Patent Domestic Industry Products”): Pack 'n Play Nearby Seat Playard (9D100, 9D102); Pack 'n Play Playard with Reversible Seat & Changer LX (9D30, 9D32, 9D33, 9E31); Pack 'n Play Anywhere Dreamer

Playard (9AR00); Pack 'n Play Care Suite Playard (9AR100, 9AR101); Pack 'n Play Care Suite Bassinet Playard (9AR20); Pack 'n Play Travel Dome Playard (9AC60); Pack 'n Play Travel Dome LX Playard (9AC00); Pack 'n Play Travel Dome Deluxe Playard (9AC01); Pack 'n Play Close2Baby Playard (9D200, 9D201); Pack 'n Play Close2Baby Bassinet Playard (9D220); Pack 'n Play Quick Connect Portable Bassinet Playard (9AM320); Pack 'n Play Quick Connect Portable Seat Playard (9AM03, 9AM06); Pack 'n Play Quick Connect Portable Seat DLX Playard (9AM101, 9AM102); Pack 'n Play Quick Connect Playard With Portable Bouncer (9AP00, 9AP01); Pack 'n Play Quick Connect Portable Seat DLX Playard featuring Rapid Remove (9AP60); Pack 'n Play FoldLite Playard (9AW00); Premier Pack 'n Play FoldLite Playard (Savoy Collection) (9AW600); Pack 'n Play Rock 'n Grow Playard (9AP200, 9AP201); Pack 'n Play Newborn2Toddler Playard (9AM400, 9AM401); Pack 'n Play Snuggle Seat Playard (9AP100, 9AP101); Pack 'n Play Day2Dream Bassinet Deluxe Playard (9AP220); Pack 'n Play Day2Dream Bassinet Playard (9AX00); Pack 'n Play Day2Dream Travel Bassinet Playard (9AX100); My View 4-in-1 Bassinet (9PA00); Pack 'n Play On the Go Playard (9G04); Pack 'n Play On the Go Playard with (Folding) Bassinet (9G01, 9H00); Pack 'n Play Simple Solutions Playard (9G08); Pack 'n Play (foldable) Playard (9G07); Playard with Twins Bassinets (9F00, 9F01); Century Play On 2-in-1 Playard and Activity Center (9KA00); and Century Travel On 2-in-1 Compact Playard with Bassinet (9KB00); Century Travel On LX 2-in-1 Compact Playard with Bassinet (9KB100).

8.6 Finally, the following Graco stroller products are representative of the Domestic Industry Products protected by the '017 Patent (“’017 Patent Domestic Industry Products”): DuoGlider Click Connect Double Stroller (6L100); Ready2Grow Click Connect LX Double Stroller (6AC12, 6AC13); Modes Duo Stroller (6BV00, 6BV01); RoomFor2 Click Connect



Stand and Ride Stroller (6AF10); and RoomFor2 Travel System (7AF12).

8.7 The '855/'694 Patent Domestic Industry Products, the '919 Patent Domestic Industry Products, and the '017 Patent Domestic Industry Products are collectively referred to herein as the "Representative Domestic Industry Products."

**B. Economic Prong**

8.8 Graco conducts significant domestic activities in the United States in connection with developing and bringing its Domestic Industry Products to market. *See generally* Exhibit 1.10 (Declaration of John Bachner). These activities include substantial investments in, for example, facilities and employees as well as research and development, distribution and logistics, consumer and technical service, and marketing and sales. *See generally id.*

8.9 Graco's domestic activities include substantial investments in and operation of domestic facilities including Graco's headquarters, research and development facilities, offices, and warehouse facilities, both leased and owned. Declaration of John Bachner ¶ 12.

8.10 Much of Graco's business activities and costs are conducted and incurred from its Atlanta headquarters, including research and development, marketing, brand management, and sales for its products in the United States. Declaration of John Bachner ¶ 13. Graco's headquarters are located at 6655 Peachtree Dunwoody Road, Atlanta, Georgia 30328. *Id.* This location is owned by Newell. *Id.* It consists of several thousand square feet of space. *Id.* A substantial portion of this space is dedicated to Graco. *Id.*

8.11 Graco also operates out of additional facilities that are leased by various Newell-affiliated entities. Declaration of John Bachner ¶ 14. These additional facilities are located in Sandy Springs, Georgia (R&D); Exton, Pennsylvania (R&D, Consumer & Technical Service); Kalamazoo, Michigan (R&D); Hoboken, New Jersey (E-Commerce); High Point, North Carolina

(Consumer & Technical Service); and Victorville, California (Distribution & Logistics). *Id.* Newell maintains substantial rentable space at these facilities, including a significant area dedicated to Graco. *Id.*

8.12 Graco's business is generally organized into six core functions: Research & Development, Consumer & Technical Service, Product Marketing, Brand Management, Sales, and General Administration. Declaration of John Bachner ¶ 4. Graco also has a Distribution & Logistics component in the United States. *Id.*

8.13 The Graco Research & Development team is based in Atlanta, Georgia; Sandy Springs, Georgia; Kalamazoo, Michigan; and Exton, Pennsylvania. Declaration of John Bachner ¶ 5. These facilities house employees dedicated to strollers, playards, and other children's products, including breakthrough innovation and improvements for existing products. *Id.* In 2020, Research & Development had numerous employees directed to Graco at a substantial total salary cost, which can be allocated to the Domestic Industry Products. *Id.* Graco's Research & Development function also includes a safety and testing arm. *Id.* At the Sandy Springs location, a testing laboratory and equipment of substantial total value are maintained. *Id.*

8.14 The Graco Consumer & Technical Service team handles consumer calls and provides support to Graco's customers in connection with installation, assembly, warranty, replacement parts, and other product issues. Declaration of John Bachner ¶ 6. Graco's Consumer & Technical Service function includes "consumer" and "customer" arms. *Id.* For Graco's purposes, "consumers" are individual end product users while "customers" are retailers. Consumer services occur in High Point, North Carolina, while customer service work takes place in Exton, Pennsylvania. *Id.* While some employees work from home, at least pre-pandemic the majority of activities were performed in-office. *Id.* In 2020, Customer Service had multiple

employees directed to Graco at a meaningful total salary cost, which can be allocated to the Domestic Industry Products. *Id.*

8.15 The Graco Product Marketing team is based in Atlanta, Georgia. Declaration of John Bachner ¶ 7. Each employee is dedicated to Graco’s product portfolio and works to promote the Graco® brand in the United States. *Id.* Graco’s Product Marketing function includes the business’s “Brand Activation” arm, which helps with launch and commercialization, including for large-scale national campaigns. *Id.* In 2020, Brand Activation had multiple employees directed to Graco at a meaningful total salary cost, which can be allocated to the Domestic Industry Products. *Id.*

8.16 The Graco Brand Management team is dedicated to Graco’s product lines, including strollers and playards. Declaration of John Bachner ¶ 8. The team is based in Atlanta, Georgia. *Id.* Graco’s Brand Management function includes the business’s “Brand Marketing” arm, which is involved in product development from idea to concept to launch and works closely with Research & Development as well as the industrial design and Kalamazoo design teams. *Id.* In 2020, Brand Management had numerous employees directed to Graco at a substantial total salary cost, which can be allocated to the Domestic Industry Products. *Id.*

8.17 The Graco Sales team sells to retailers and is primarily based in Atlanta, Georgia. Declaration of John Bachner ¶ 9. Some members are located in other locations in the United States near retailers like Amazon, Walmart, Target, and buybuyBaby. *Id.* In 2020, Sales had numerous employees directed to Graco at a substantial total salary cost, which can be allocated to the Domestic Industry Products. *Id.* A separate but related Sales unit specific to E-Commerce had numerous employees directed to Graco at a substantial total salary cost, which can be allocated to the Domestic Industry Products. *Id.*

8.18 The Graco General Administration team is responsible for activities including human resources and accounting. Declaration of John Bachner ¶ 10. The Human Resource employees are based in Atlanta, Georgia and Exton, Pennsylvania. *Id.* In 2020, Human Resources had multiple employees directed to Graco at a meaningful total salary cost, which can be allocated to the Domestic Industry Products. *Id.*

8.19 Graco's Distribution & Logistics component operates primarily out of Victorville, California, with additional supply chain employees in Atlanta, Georgia and Exton, Pennsylvania. Declaration of John Bachner ¶ 11. Distribution manages the physical space and labor requirements related to inventory integrity, receiving products, and shipping products. *Id.* Logistics focuses on management of product transportation operations, including to distribution centers and customers. *Id.* In 2020, Supply Chain Operations had numerous employees directed to Graco at a substantial total salary cost, which can be allocated to the Domestic Industry Products. *Id.* At the Victorville location, equipment is also maintained of a substantial total value. *Id.*

8.20 For purposes of this Complaint, Graco invests significantly in the United States for the design, research, development, distribution, and support of Graco's products protected by the Asserted Patents. Declaration of John Bachner ¶ 28.

## **IX. RELATED LITIGATION**

9.1 Pursuant to 19 C.F.R. § 210.12(a)(5), Complainants disclose that the alleged unfair methods of importation have been the subject of the court and/or agency proceedings identified below.

9.2 On March 18, 2013, Wonderland filed a Complaint against Thorley Industries in the United States District Court for the Western District of Pennsylvania, alleging infringement

of the '919 Patent. *Wonderland Nurserygoods Co., Ltd v. Thorley Industries*, W.D. Pa., 2:13-cv-00387-MRH. This action was stayed for the Inter Partes Review (“IPR”) proceedings discussed below, and the court has not yet lifted the stay.

9.3 On April 4, 2013, Wonderland filed a Complaint against Kids II, Inc. in the United States District Court for the Northern District of Georgia, alleging infringement of the '919 Patent. *Wonderland Nurserygoods Co., Ltd. v. Kids II, Inc.*, N.D. Ga. 1:13-cv-01114-ELR. The action was dismissed with prejudice on August 12, 2019.

9.4 On January 06, 2014, Wonderland filed a Complaint against Baby Trend, Inc., and its officers, Denny Tsai and Betty Tsai, in the U.S. District Court for the Central District of California, alleging infringement of the '919 Patent. *Wonderland Nurserygoods Co Ltd v. Baby Trend, Inc.*, Case No. 5:14-cv-01153-JWH-SP. This action was stayed for the IPR proceedings discussed below. The stay was subsequently lifted and the parties are currently engaged in discovery in this litigation.

9.5 On March 04, 2015, Baby Trend filed two IPR petitions before the USPTO's Patent Trial and Appeal Board (“PTAB”), both of which were instituted. IPR2015-00841; IPR2015-00842. The PTAB invalidated claims 15-29 in Final Written Decisions. Those decisions were reversed by the Federal Circuit. *Wonderland Nurserygoods Co. v. Baby Trend, Inc.*, Case Nos. 2017-1295, -1297, 727 F. App'x 1017, 1020 (Fed. Cir. 2018). After remand, the parties agreed to terminate IPR2015-00841, but proceeded after remand in IPR2015-00842. The PTAB issued a Final Written Decision which stated that challenged claims 1-5, 8-11, and 12-29 of the '919 Patent were not invalid. That decision was affirmed by the Federal Circuit. *Baby Trend, Inc. v. Wonderland Nurserygoods Co.*, Case No. 2019-2309, 829 F. App'x 968 (Fed. Cir. 2020).

9.6 On December 31, 2019, Wonderland filed a Complaint against Halo Innovations, Inc., Swander Pace Capital, LLC, and Aden & Anais, Inc. in the U.S. District Court for the Southern District of New York, alleging infringement of the '919 Patent. *Wonderland Nurserygoods Co., Ltd. v. Halo Innovations, Inc. et al.*, S.D.N.Y. 1:19-cv-11946-VSB. The parties reached a settlement agreement and the action was dismissed with prejudice on October 7, 2020.

9.7 Additionally, on January 31, 2011, Graco filed a Complaint against Baby Trend with the United States International Trade Commission, alleging that Baby Trend infringes claims of United States Patent Nos. 6,669,225, 7,044,497, 7,188,858, 7,404,569, and 6,510,570—all unrelated to the presently Asserted Patents. On March 2, 2011, the ITC instituted an investigation based on the Complaint. *In the Matter of Certain Strollers and Playards*, Investigation No. 337-TA-762. The parties reached a settlement agreement on around December 30, 2011, and the Investigation was subsequently terminated.

9.8 On June 14, 2004, Graco filed a Complaint against Baby Trend in the U.S. District Court for the Eastern District of Pennsylvania, alleging that Baby Trend's stroller products and juvenile toy products infringe claims of United States Patent Nos. 6,666,473, 6,669,225, and 6,705,950—all unrelated to the presently Asserted Patents. On December 20, 2004, the case was dismissed with prejudice subject to respective rights to pursue any legal remedies in connections with the enforcement of the settlement agreement and release.

9.9 On September 10, 2008, Wonderland instituted an infringement proceeding in Germany against Silver Cross (UK) Ltd. and DOREL France SA, and DOREL Germany GmbH concerning EP 1550387, which is related to the '919 patent. The matter resolved by settlement agreement.

9.10 On March 20, 2012, Wonderland was awarded judgment against Qing Yang, Baby Trend's supplier in China. Qing Yang's manufacture of Baby Trend playards, including the Deluxe Nursery Center line, was found to infringe China Pat. No. CN2680127Y, which is related to the '919 patent.

9.11 On August 11, 2020, two third parties filed invalidation proceedings in China against China Pat. No. CN2680127Y, which is related to the '919 patent. The case numbers are 5W121346 and 5W121348. The patent had already been expired and, as a result, Wonderland did not present a full defense. The China PTO rendered a decision of invalidity of the already expired patent on January 20, 2021.

9.12 Concurrent with the present USITC Complaint, Graco is filing a Complaint against Baby Trend in the United States District Court for the Central District of California, also seeking to enforce the '855 and '694 Patents. *Graco Children's Products Inc. v. Baby Trend, Inc.*, Case No. TBD.

9.13 Concurrent with the present USITC Complaint, Wonderland is filing a Complaint against Baby Trend in the United States District Court for the Central District of California, also seeking to enforce the '017 Patent. *Wonderland Nurserygoods Co., Ltd. v. Baby Trend, Inc.*, Case No. 21-1983.

9.14 There are no other related litigations.

## **X. RELIEF REQUESTED**

10.1 WHEREFORE, Complainants respectfully request that the United States International Trade Commission:

A. Immediately institute an investigation, pursuant to Section 337(b)(1) of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, into the unlawful importation into the United States,

sale for importation, and/or sale within the United States after importation by the Proposed Respondents of playard and stroller products that infringe one or more asserted claims of the Asserted Patents;

B. Schedule and conduct a hearing pursuant to Section 337(c) for purposes of receiving evidence and hearing argument concerning whether there has been a violation of Section 337, and, following the hearing, determine that there has been a violation of Section 337;

C. Issue a permanent limited exclusion order, pursuant to Section 337(d), excluding from entry into the United States all playard and stroller products that are manufactured, imported, sold for importation, and/or sold after importation by or on behalf of the Proposed Respondents, their affiliates, subsidiaries, successors, or assigns, that infringe one or more claims of the Asserted Patents;

E. Issue permanent cease and desist orders, pursuant to Section 337(f), directing each Proposed Respondent, its affiliates, subsidiaries, successors, or assigns, to cease and desist from distributing, offering for sale, selling, or otherwise transferring, including the movement or shipment of inventory, in the United States, or transferring outside the United States for sale in the United States, all playard and stroller products that infringe one or more claims of the Asserted Patents;

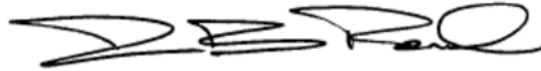
F. Impose a bond during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(e)(1) and (f)(1) to prevent further injury to the domestic industry relating to the Asserted Patents; and

G. Issue such further relief as the Commission deems just and proper based on the facts determined by the Investigation and the authority of the Commission.



DATED: November 23, 2021

Respectfully submitted,



By: \_\_\_\_\_

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