

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO.: 24-cv-20594-KMW**

AIR ESSSENTIALS, INC.,

Plaintiff,

vs.

AROMA360, LLC,

Defendant.

PRELIMINARY INFRINGEMENT CONTENTIONS

The parties stipulated to various patent-specific deadlines in the Proposed Scheduling Order [DE 016]. While the Court did not enter these deadlines as part of its Scheduling Order [DE 020], Plaintiff, Air Essentials, Inc., hereby serves these Preliminary Infringement Contentions in a good faith effort to meet the stipulation, and out of an abundance of caution. This disclosure is based on information available to Plaintiff as of the date of this disclosure, and Plaintiff reserves the right to amend this disclosure.

I. Each Asserted Claim of Infringement

Plaintiff asserts that Defendant infringes the following claims under 35 U.S.C. § 271 (a) or (c):

- U.S. Patent No. 10,583,449 – Claims 1, 4, 7, and 8-10.
- U.S. Patent No. 10,092,918 – Claims 1 and 3-8.
- U.S. Patent No. 9,527,094 – Claims 7-9 and 11.

Defendant directly infringes the Asserted Claims under paragraph (a) by making, using, selling, offering for sale, and/or importing into the United States the Accused Instrumentalities

listed below. Alternatively, Defendant directly infringes the Asserted Claims under paragraph (c) by importing components of the Accused Instrumentalities into the United States, knowing the same to be especially made or especially adapted for use in an infringement of the Asserted Claims.

II. The Identity of Each Accused Instrumentality Currently Known to Plaintiff

Plaintiff's identification of the Accused Instrumentalities is based on publicly available information at the time of Plaintiff's investigation. To date, the Accused Instrumentalities include the diffusers sold under the brand names "MUSUEM360", "DAVINCI360", and "VANGOGH360." The Accused Instrumentalities should also be considered to encompass all products, past and present, that include similar diffuser mechanisms.

III. Exemplary Demonstration of the Manner of Infringement

Plaintiff's analysis of the Accused Instrumentalities is based on publicly available information. Plaintiff reserves the right to amend or supplement these disclosures, including in light of discovery provided by defendant, any constructions of the Asserted Claims, and any additional information uncovered during discovery.

With regard to U.S. Patent No. 10,583,449, attached are preliminary claim charts correlating each element of Independent Claim 7, which is exemplary, to the DAVINCI360, MUSUEM360, and VANGOGH360 Accused Instrumentalities. With regard to U.S. Patent No. 10,092,918, attached are preliminary claim charts correlating each element of Independent Claim 5, which is exemplary, to the VANGOGH360 Accused Instrumentality. With regard to U.S. Patent No. 9,527,094, attached are preliminary claim charts correlating each element of Independent Claim 7, which is exemplary, to the DAVINCI360 Accused Instrumentality.

At this time, Plaintiff contends that each element of each Asserted Claim is literally

present in the Accused Instrumentalities. Plaintiff does not contend that any element or term of the Asserted Claims is governed by 35 U.S.C. §112(f) or 35 U.S.C. §112, sixth paragraph (pre-AIA). Plaintiff reserves the right to update its contentions to assert infringement under the Doctrine of Equivalents or that an element is governed by § 112.

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Preliminary Infringement Contentions has been served by email on September 6, 2024 on all parties of record on the Service List below.

/W. John Eagan/
W. John Eagan

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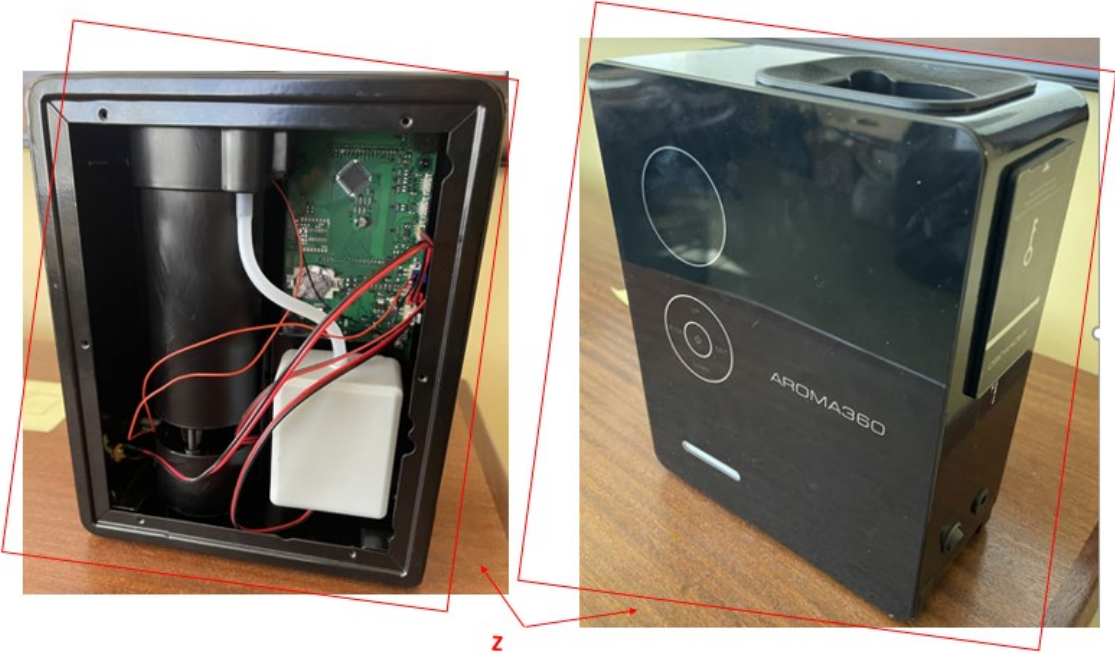
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Preliminary Claim Chart Key for Independent Claim 7 of U.S. Patent No. 10,583,449

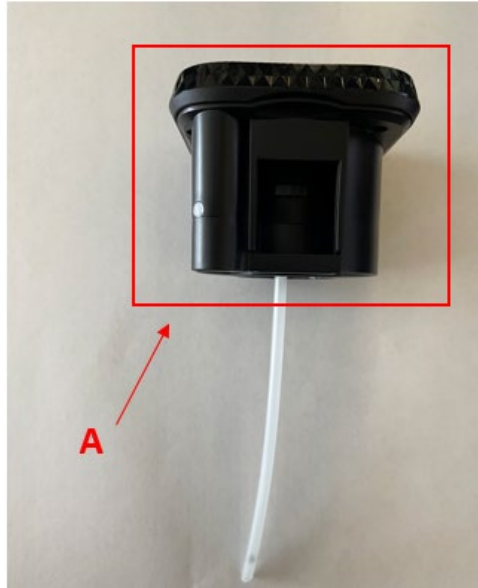
Alphabetic Representation	Independent Claim 7 of U.S. Patent No. 10,583,449
Z	“A fluid dispersion assembly is operatively interconnected to a container of an operative fluid and a compressed air source to generate and discharge a fluid dispersion into a surrounding airspace, said fluid dispersion assembly comprising:”
A	“a diffusion unit”
B	“a diffusion chamber”
C	“a discharge port”
D	“a diffusion assembly”
E	“an atomizer assembly”
F	“an atomizer air inlet channel”
G	“a fluid inlet”
I	“a mixing chamber”
J	“an atomizer exhaust aperture”

Preliminary Claim Chart for Independent Claim 7 of U.S. Patent No. 10,583,449

(*This preliminary claim chart is not intended to be limiting and Air Essentials expressly reserves the right to modify and/or alter it as needed based upon further discovery)

Independent Claim 7 of U.S. Patent No. 10,583,449	Identification of Corresponding Element in the DaVinci360 Scent Diffuser
<p>A fluid dispersion assembly is operatively interconnected to a container of an operative fluid and a compressed air source to generate and discharge a fluid dispersion into a surrounding airspace, said fluid dispersion assembly comprising:</p>	 <p>The image contains two photographs of the DaVinci360 Scent Diffuser. The left photograph shows the internal components of the device, including a green printed circuit board (PCB) with various electronic components, a white reservoir, and a black cylindrical diffuser. The right photograph shows the external view of the device, which is black with a circular diffuser and the text 'AROMA360' on the front. Red lines connect the two photographs, and a red 'Z' is placed below the right photograph.</p>

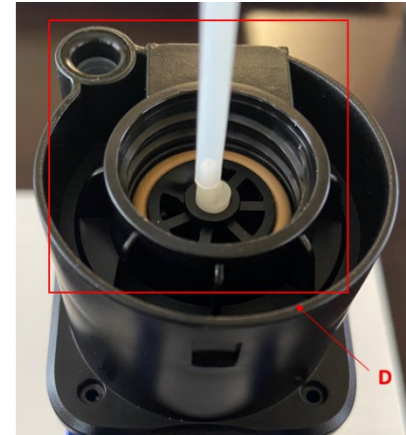
a diffusion unit at least partially defining a diffusion chamber,



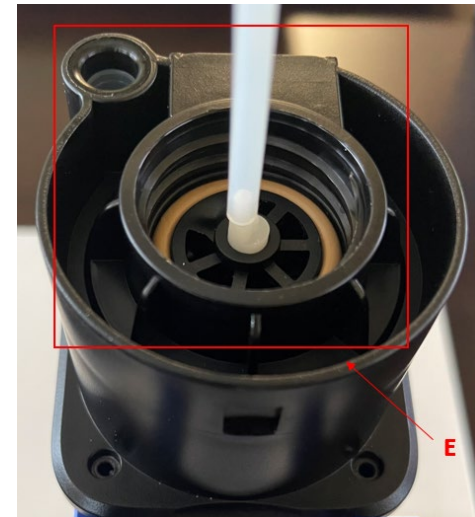
a discharge port disposed in fluid communication between said diffusion chamber and the surrounding airspace, and



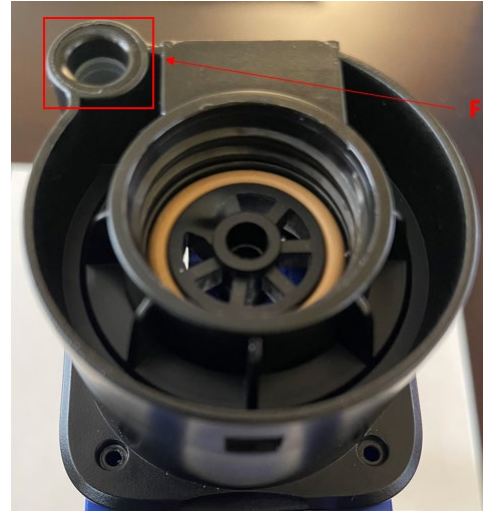
a diffusion assembly disposed in an operative engagement with said diffusion unit,



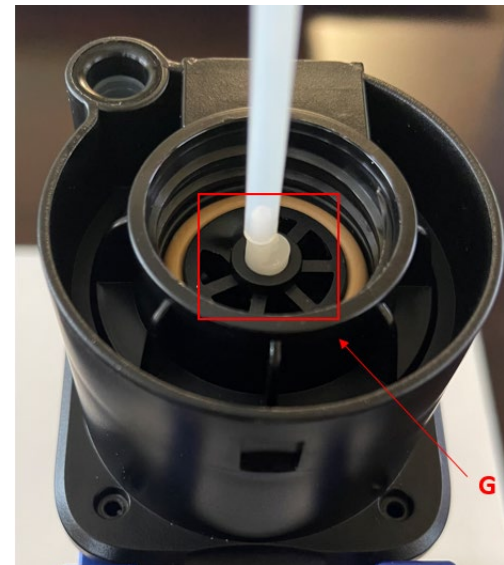
wherein said diffusion assembly comprises an atomizer assembly,



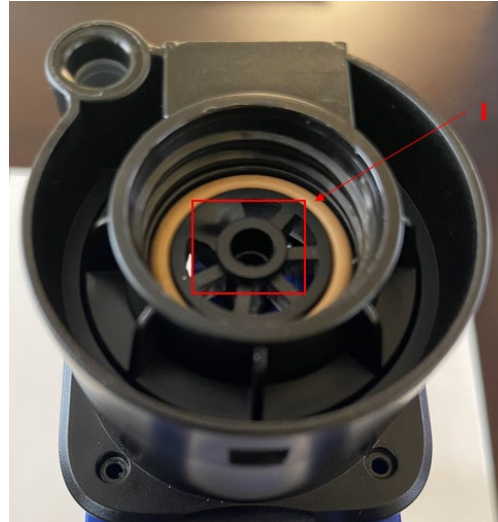
said atomizer assembly comprising an atomizer air inlet channel,



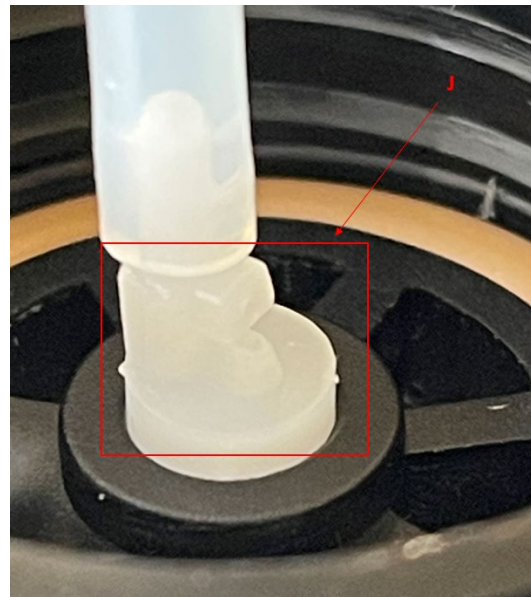
a fluid inlet,



a mixing chamber, and




an atomizer exhaust aperture.

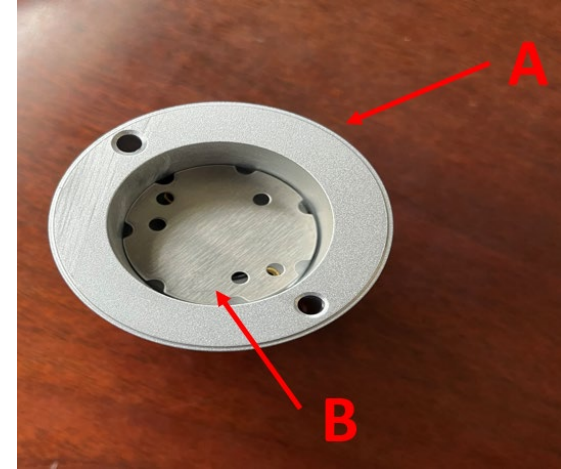


Preliminary Claim Chart for Independent Claim 7 of U.S. Patent No. 10,583,449

(*This preliminary claim chart is not intended to be limiting and Air Essentials expressly reserves the right to modify and/or alter it as needed based upon further discovery)

Independent Claim 7 of U.S. Patent No. 10,583,449	Identification of Corresponding Element in the Museum360 HVAC Scent Diffuser
<p>A fluid dispersion assembly is operatively interconnected to a container of an operative fluid and a compressed air source to generate and discharge a fluid dispersion into a surrounding airspace, said fluid dispersion assembly comprising:</p>	 <p>hotels, malls or large home. All of these products are available for purchase online or at their</p>

a diffusion unit at least partially defining a diffusion chamber,



a discharge port disposed in fluid communication between said diffusion chamber and the surrounding airspace, and



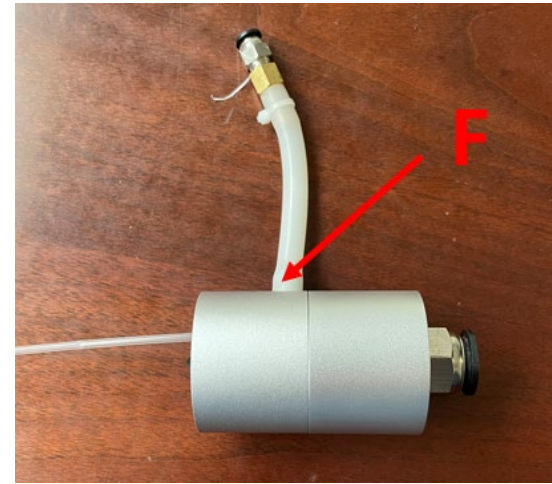
a diffusion assembly disposed in an operative engagement with said diffusion unit,



wherein said diffusion assembly comprises an atomizer assembly,



said atomizer assembly comprising an atomizer
air inlet channel,



a fluid inlet,



a mixing chamber, and




an atomizer exhaust aperture.

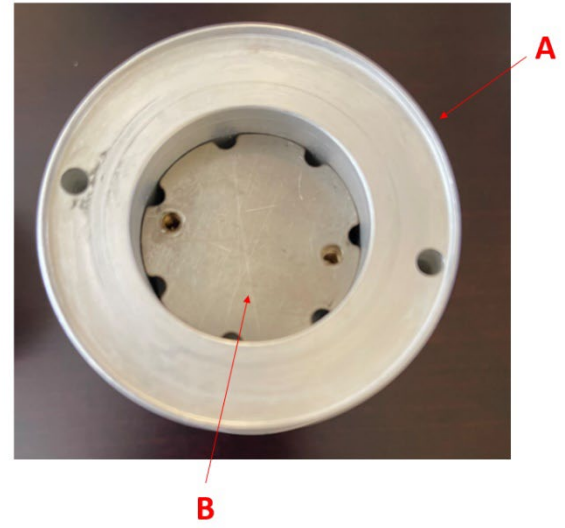
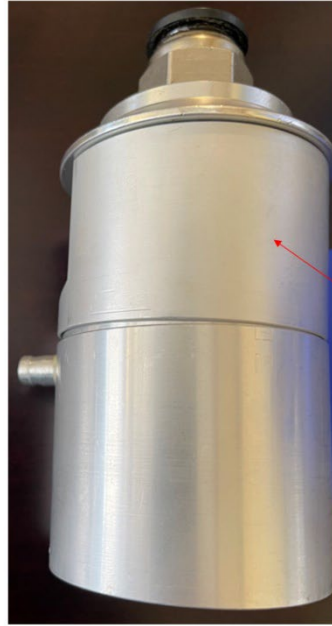


Preliminary Claim Chart for Independent Claim 7 of U.S. Patent No. 10,583,449

(*This preliminary claim chart is not intended to be limiting and Air Essentials expressly reserves the right to modify and/or alter it as needed based upon further discovery)

Independent Claim 7 of U.S. Patent No. 10,583,449	Identification of Corresponding Element in the VanGogh360 Scent Diffuser
<p>A fluid dispersion assembly is operatively interconnected to a container of an operative fluid and a compressed air source to generate and discharge a fluid dispersion into a surrounding airspace, said fluid dispersion assembly comprising:</p>	 <p data-bbox="1312 1291 1344 1323">Z</p>

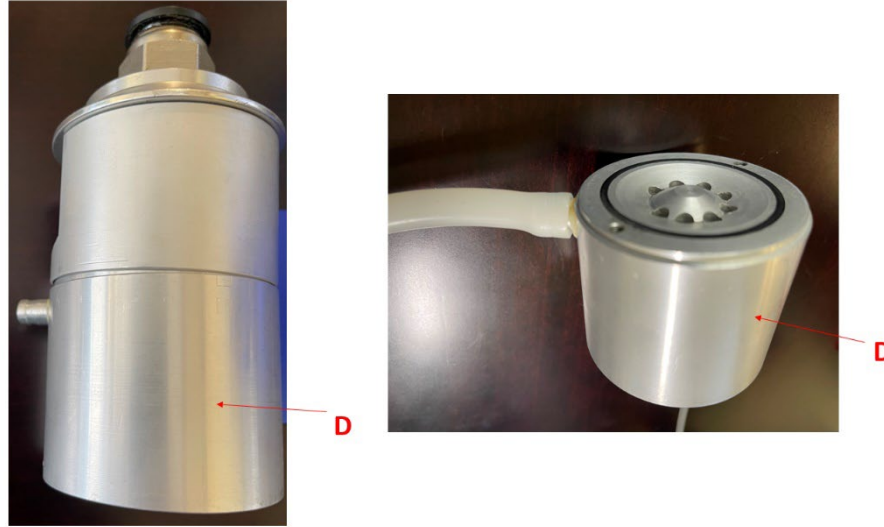
a diffusion unit at least partially defining a diffusion chamber,



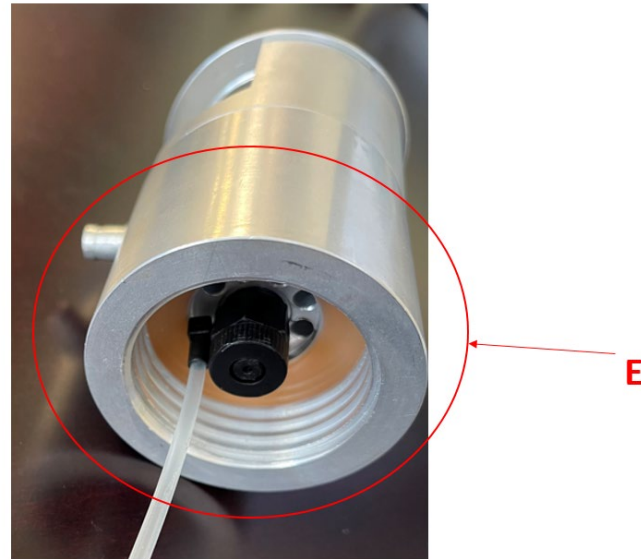
a discharge port disposed in fluid communication between said diffusion chamber and the surrounding airspace, and



a diffusion assembly disposed in an operative engagement with said diffusion unit,

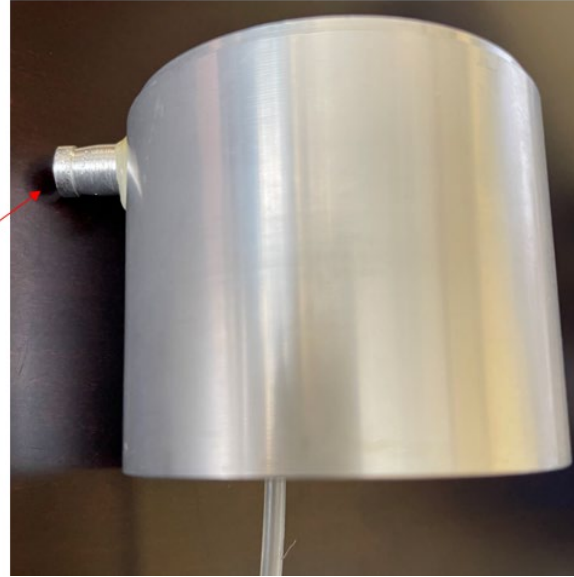


wherein said diffusion assembly comprises an atomizer assembly,



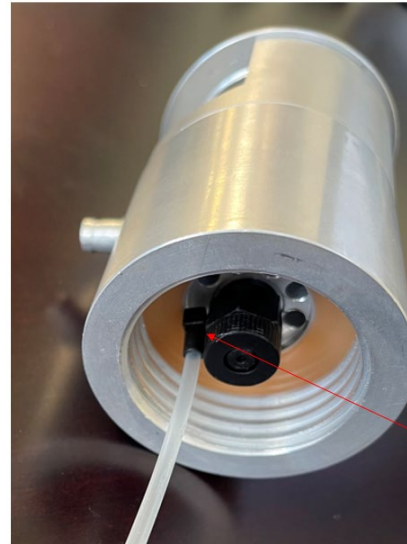
said atomizer assembly comprising an atomizer air inlet channel,

F

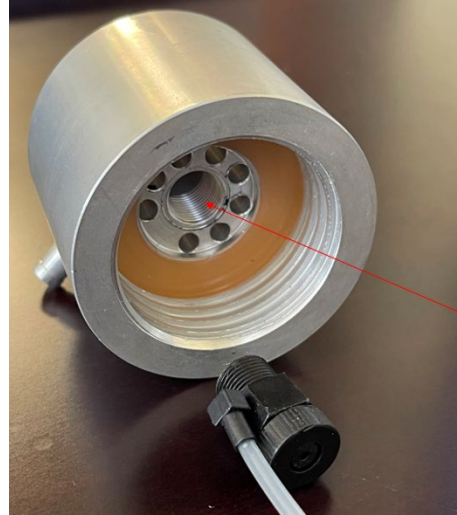


a fluid inlet,

G



a mixing chamber, and



I

an atomizer exhaust aperture.



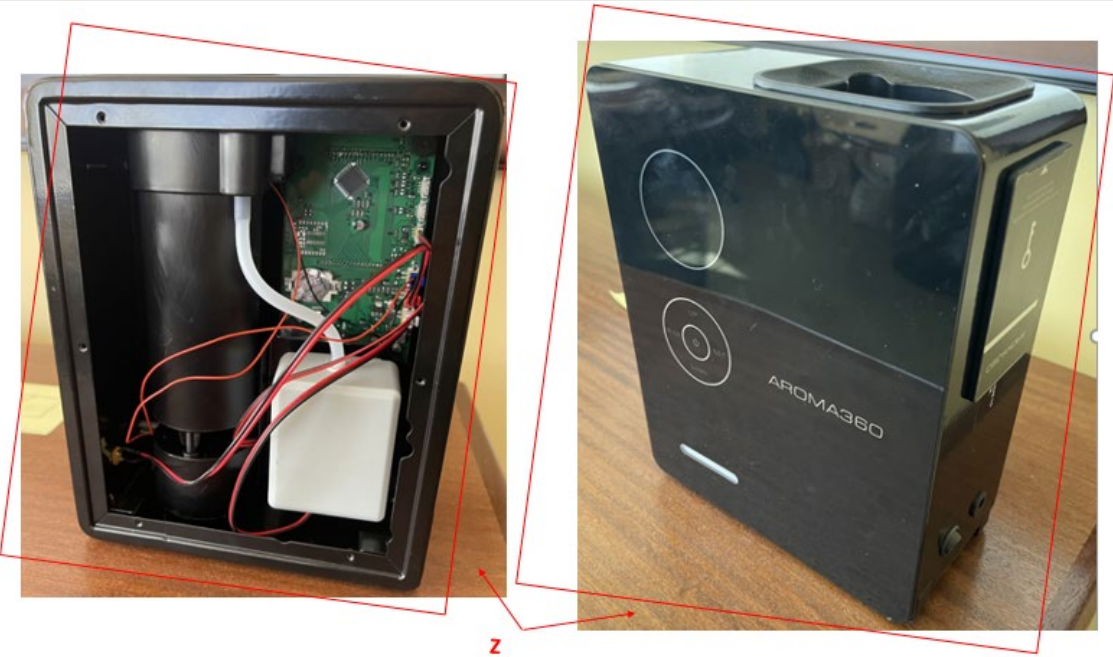
J

Preliminary Claim Chart Key for Independent Claim 7 of U.S. Patent No. 9,527,094

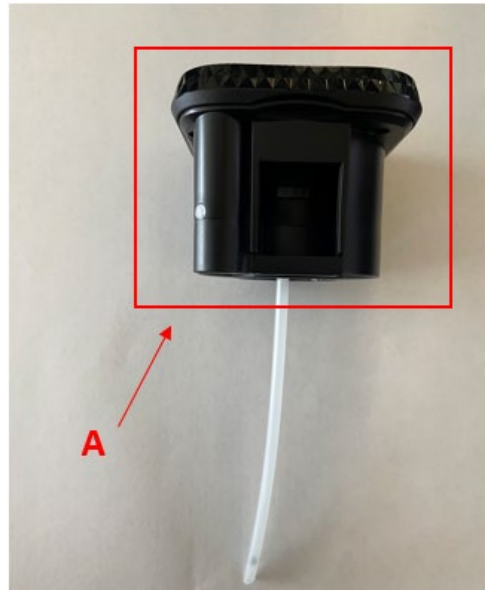
Alphabetic Representation	Independent Claim 7 of U.S. Patent No. 9,527,094
Z	“A fluid dispersion assembly is operatively interconnected to a container of an operative fluid and a compressed air source to generate and discharge a fluid dispersion into a surrounding airspace, said fluid dispersion assembly comprising:”
A	“a diffusion unit”
B	“a diffusion chamber”
C	“a discharge port”
D	“a diffusion assembly”
E	“an atomizer assembly”
F	“a silencer assembly”
G	“a silencer inlet”
H	“a silencer outlet”
I	“a baffle”

Preliminary Claim Chart for Independent Claim 7 of U.S. Patent No. 9,527,094

(*This preliminary claim chart is not intended to be limiting and Air Essentials expressly reserves the right to modify and/or alter it as needed based upon further discovery)

Independent Claim 7 of U.S. Patent No. 9,527,094	Identification of Corresponding Element in the DaVinci360 Scent Diffuser
<p>A fluid dispersion assembly is operatively interconnected to a container of an operative fluid and a compressed air source to generate and discharge a fluid dispersion into a surrounding airspace, said fluid dispersion assembly comprising:</p>	 <p>The image displays two views of the DaVinci360 Scent Diffuser. On the left is an internal view showing a black plastic housing containing a green printed circuit board (PCB) with various electronic components, a white rectangular reservoir, and a black nozzle assembly. On the right is an external view of the device, which is black with a circular speaker grille and the text 'AROMA360' on the front. Red lines connect the two images, and a red 'Z' is placed between them.</p>

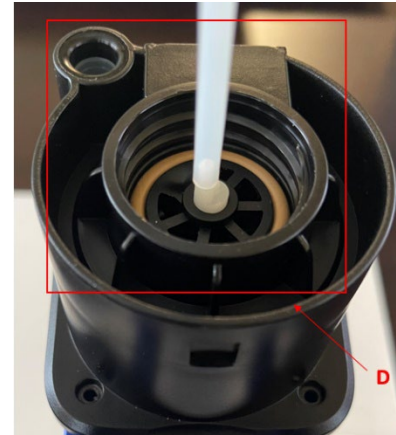
a diffusion unit at least partially defining a diffusion chamber,



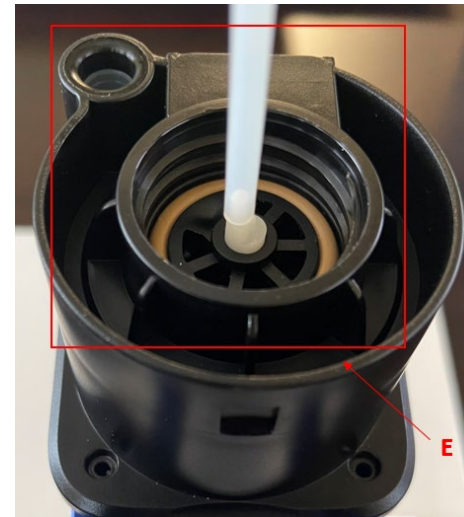
a discharge port disposed in fluid communication between said diffusion chamber and the surrounding airspace,



a diffusion assembly disposed in an operative engagement with said diffusion unit,



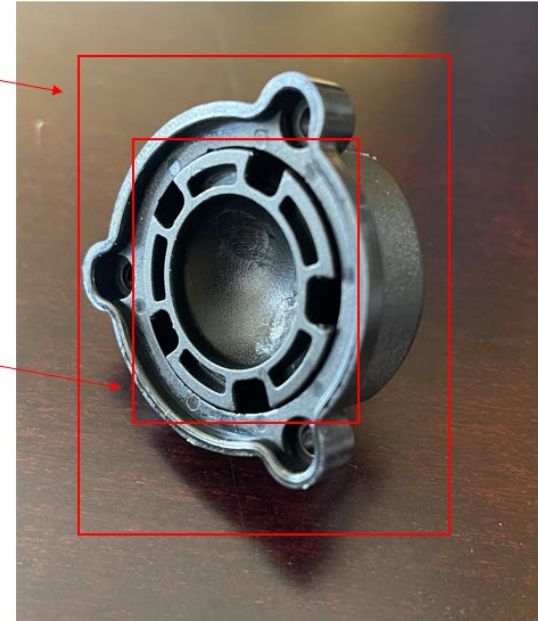
wherein said diffusion assembly comprises an atomizer assembly, and



a silencer assembly having a silencer inlet,



F



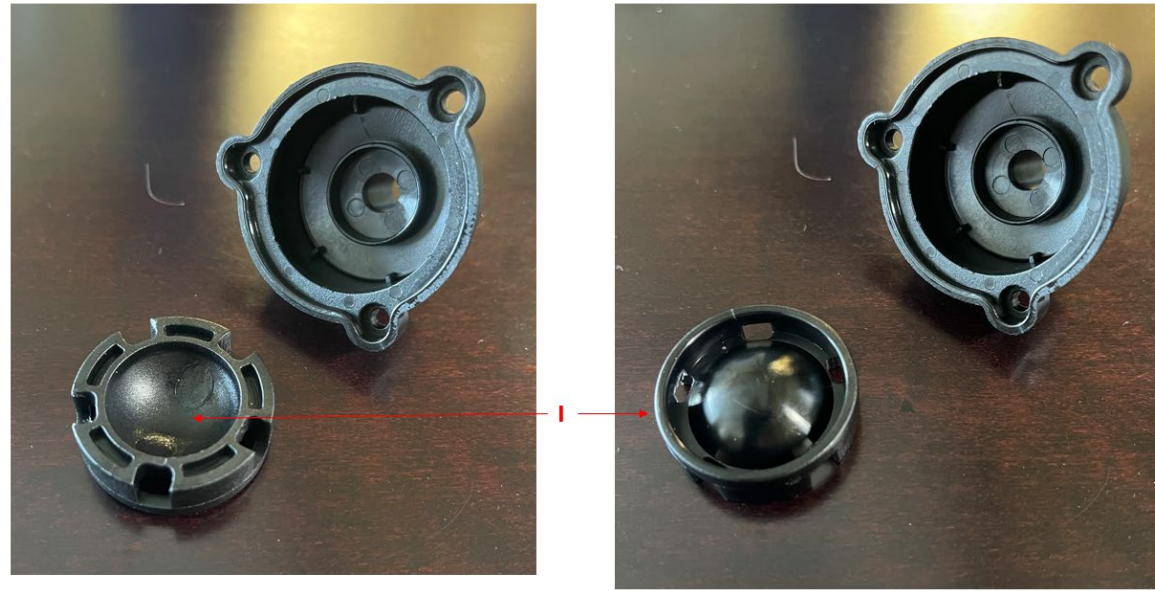
G

a silencer outlet, and



H

a baffle, wherein said baffle partially restricts movement of the fluid dispersion through said silencer chamber from said silencer inlet to said silencer outlet, thereby dampening sound waves generated during operation of said fluid dispersion assembly.




Preliminary Claim Chart Key for Independent Claim 5 of U.S. Patent No. 10,092,918

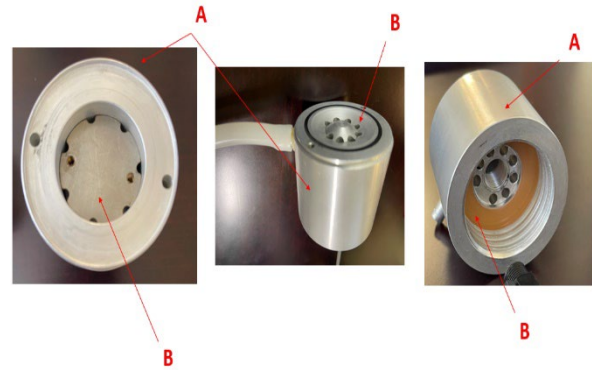
Alphabetic Representation	Independent Claim 5 of U.S. Patent No. 10,092,918
Z	“A fluid dispersion assembly is operatively interconnected to a container of an operative fluid and a compressed air source to generate and discharge a fluid dispersion into a surrounding airspace, said fluid dispersion assembly comprising:”
A	“a diffusion unit”
B	“a diffusion chamber”
C	“an upper chamber”
D	“a lower chamber”
E	“a discharge port”
F	“a diffusion assembly”
G	“an atomizer assembly”

Preliminary Claim Chart for Independent Claim 5 of U.S. Patent No. 10,092,918

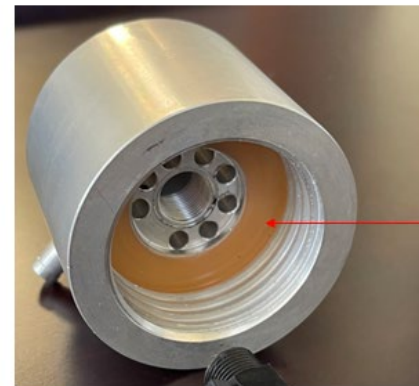
(*This preliminary claim chart is not intended to be limiting and Air Essentials expressly reserves the right to modify and/or alter it as needed based upon further discovery)

Independent Claim 5 of U.S. Patent No. 10,092,918	Identification of Corresponding Element in the VanGogh360 Scent Diffuser
<p>A fluid dispersion assembly is operatively interconnected to a container of an operative fluid and a compressed air source to generate and discharge a fluid dispersion into a surrounding airspace, said fluid dispersion assembly comprising:</p>	 <p>Z</p>

a diffusion unit at least partially defining a diffusion chamber,



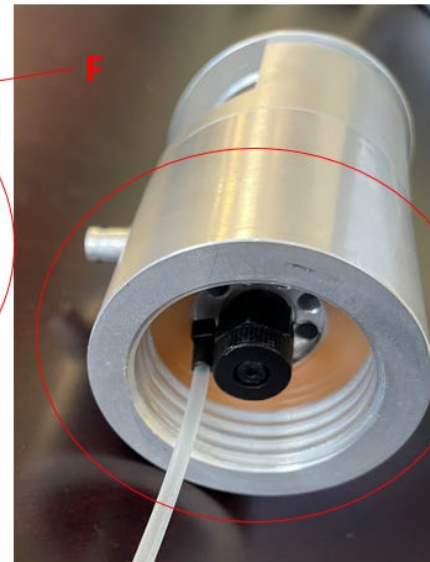
wherein said diffusion chamber comprises an upper chamber and a lower chamber,



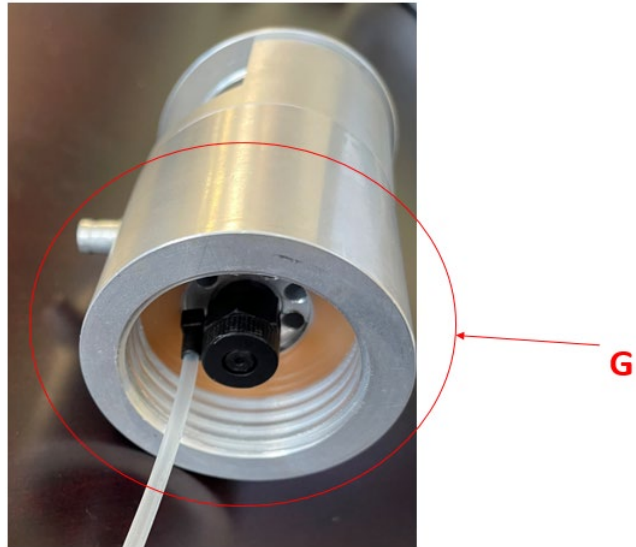
a discharge port disposed in fluid communication between said diffusion chamber and the surrounding airspace, and



a diffusion assembly disposed in an operative engagement with said diffusion unit,



wherein said diffusion assembly comprises an atomizer assembly,



said diffusion assembly is disposed between said upper chamber and said lower chamber.

