UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

ŌURA HEALTH OY, Plaintiff, v. CIRCULAR SAS, Defendant.	Case No. 6:22-cv-478 **JURY TRIAL DEMANDED**

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff **Ōura Health Oy**, ("Ōura" or "Plaintiff") files this Original Complaint for Patent Infringement against Defendant **Circular SAS** ("Circular" or "Defendant").

NATURE OF THE ACTION

1. Ōura brings this an action against Circular for infringement of United States Patent Nos. 10,893,833 ("the '833 Patent) and 10,842,429 ("the '429 Patent) pursuant to the patent laws of the United States, 35 U.S.C § 1 *et seq*. *See* Ex. A (the '833 Patent), Ex. B (the '429 Patent).

PARTIES

2. Plaintiff Ōura is a Finnish osakeyhtiö with its principal place of business at Elektroniikkatie 10, 90590, Oulu, Finland. Ōura has an office at 415 Mission Street, 37th Floor, San Francisco, California 94105. Ōura is the owner by assignment of the '833 Patent and the '429 Patent.

3. Defendant Circular is a French société par actions simplifiée, located at 34 Avenue des Champs-Elysées, 75008, Paris, France. Circular is offering to sell its infringing product within the United States through its website, circular.xyz.

JURISDICTION AND VENUE

4. This Court has original subject matter jurisdiction over this action in accordance with 28 U.S.C §§ 1331 and 1338(a) because this action arises under the patent laws of the United

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States 35 U.S.C. § 101, *et seq*.

5. This Court has personal jurisdiction over Circular because it is offering to sell its infringing products, the Circular Ring and corresponding application ("Circular App") within the geographical boundaries of this judicial district. Circular's website is interactive and has numerous pages allowing people to educate themselves about the product. The website also includes a chat function allowing persons residing in the district to interact with Circular. The website notably has a prominent shop button. Clicking the shop button directs the user to a page on Circular's website with a button to reserve the Circular Ring and other buttons to buy accessories, such as a ring sizing kit and a charger. Ex. C (available at: https://www.circular.xyz/shop. Retrieved May 11, 2022). Circular currently anticipates delivering ordered Circular Rings sometime between July and August of 2022. *Id*. Clicking the reserve button directs the user to a page to purchase a Circular Ring. Ex. D (available at: https://www.circular.xyz/circular-product-ring. Retrieved May 11, 2022). Circular requests payment information to "reserve" the ring. If the customer does not know their ring size, the customer may include a ring sizing kit in their purchase that Circular will ship to a desired address. Ex. C; Ex. D. Circular represents on its LinkedIn page that ring sizing kits will be shipped around the last week of April. Ex. E (available at https://www.linkedin.com/company/circularing. Retrieved May 11, 2022). Circular allows the purchaser to download a 3-D ring to print on a 3-D printer to establish a proper ring size. Ex. D. Circular purports to have a Circular App that is downloadable onto the user's mobile device. Ex. D. On information and belief, the Circular App can communicate with the Circular Ring through the mobile device's Bluetooth. *Id*. Circular's privacy policy demonstrates that personal data of its customers within the district, including health data, will be collected and contemplates transferring this data out of the United States. Ex. F (available at:

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https://www.circular.xyz/privacy-policy. Retrieved May 11, 2022).

6. Circular, including Circular's co-founders Laurent Bsalis and Amaury Kosman, advertised attending and was an exhibitor at South by Southwest Conference and Festivals ("SXSW") in Austin, Texas on or around March 13 – 16, 2022 to market the Circular Ring at the Creative Industries Expo (Booth #1423). Ex. E; Ex. N (available at: https://www.linkedin.com/feed/update/activity:6908781006237659136. Retrieved May 11, 2022).

7. Circular has purposefully availed itself of the privileges and benefits of the laws of the State of Texas and the United States for at least these reasons. *See* Tex. Civ. Prac. & Rem. Code § 17.042.

8. Venue is proper in this district under 28 U.S.C. § 1391.

FACTUAL BACKGROUND

Patents-in-Suit

9. The Patents-in-Suit relate to, among other things, novel wearable devices, such as rings, for "analysing and processing biological signals[.]" Ex. A, 1:65-67; Figure 1. Analysis of the biosignals provides the wearer insights into their health, including a readiness score.

'833 Patent

10. The '833 Patent generally describes and claims a wearable electronic device including a body part, an electronic part, and a coating. The body part is made of a non-ceramic material and has a cavity. The depth of the cavity is arranged within an inner surface of the body part, and the electronic part is arranged in the cavity. The electronic part has a thickness less than the depth of cavity. The coating is made of a moldable filler material on the inner surface of the body part covers the electronic part. The disclosed wearable device can be a ring as shown below:

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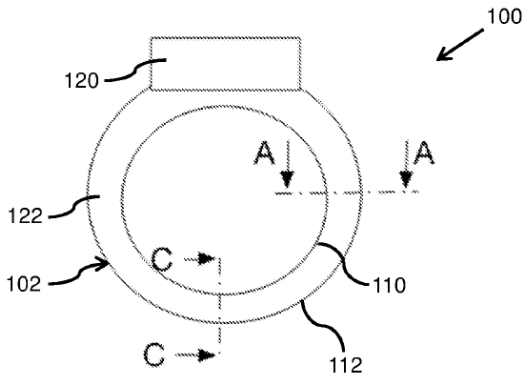

FIG. 1

Ex. A, Figure 1.

'429 Patent

11. The '429 Patent generally describes and claims a method and system of obtaining a user's movements, using the movements to determine a rest period or activity period, measuring biosignals during the rest period, determining a rest period summary, determining an activity summary, determining a body response summary based on the rest summary and activity summary, calculating a readiness score, and showing elements contributing to the readiness score and instructions related to physical activity and mental activity for improving the readiness score on a user interface of a mobile communication device.

12. "The readiness score indicates a level of readiness of the user as well as the recovery of the user from the mental and physical load." Ex. B, 10:3-5. The readiness score takes into account the user's sleep and activity to help the user understand their readiness to tackle the challenges of the day. The user is provided "appropriate instructions to improve the readiness score." *Id*. at 2:37-40. Below are two examples from the '429 Patent of instructions provided to the user to improve the readiness score:

> For example, if the readiness score of the user is poor or low (such as about 40%) after doing exercise, the user may be instructed to take more rest such that the heart rate, heart rate variability and stress level return to normal state. This in turn may

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> improve the readiness score related to the physical load. Similarly, if the readiness score of the user is poor or low (such as about 40%) after a sleep, the user may be instructed to sleep longer or to do mild exercise to have good quality sleep, which in turn may improve the readiness score related to the mental load.

Ex. B, 10:43-52.

Ōura's Product

13. Ōura sells the Ōura Ring Generation 3 ("Ōura Ring"). The Ōura Ring is connectable to Ōura's mobile application ("Ōura App") installed on the wearer's mobile communication device, such as a cell phone. Below are example images of the Ōura Ring and the readiness score shown on the Ōura App.

Ōura Ring Generation 3

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