

UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF NEW YORK

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Attorneys for Plaintiff Auto-Kaps, LLC

AUTO-KAPS, LLC,  Plaintiff,  v.  CLOROX COMPANY,  Defendant.
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Case No. 2:15-cv-1737-BMC

**PRELIMINARY INFRINGEMENT  
CONTENTIONS**

Pursuant to L. Pat. R. 6, Plaintiff Auto-Kaps LLC (“Plaintiff”) hereby provides its preliminary infringement contentions, as follows:

(a) Plaintiff alleges that claims 1, 2, 3, 4, 6, 8, 9 and 10 of U.S. Patent No. 7,490,743 (hereinafter “the asserted claims”) are infringed under 35 U.S.C. 271 (a) by Clorox Company (“Defendant”).

(b) Plaintiff identifies Defendant’s SMART TUBE<sup>®</sup> dispensers as infringing the asserted claims.

(c) An identification and description of the direct infringement is made in the attached chart identifying where each element of representative asserted claims is found within Defendant's accused SMART TUBE<sup>®</sup> dispensers.

(d) Defendant is inducing infringement of the asserted claims of the patent-in-suit by its customers’ use of the SMART TUBE<sup>®</sup> dispensers.

(e) Each element of each of the asserted claims is literally present and or present by the doctrine of equivalents.

(f) Defendant's continuing infringement is willful as it knows of the patent-in-suit and continues to infringe nonetheless.

Plaintiff reserves the right to amend and/or supplement these preliminary infringement contentions.

By: s/Jean-Marc Zimmerman  
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Attorneys for Plaintiff Auto-Kaps, LLC

Dated: September 26, 2015  
Westfield, NJ

**CERTIFICATE OF SERVICE**

I hereby certify that on September 26, 2015, I served Plaintiff Auto-Kap, LLC's Preliminary Infringement Contentions on counsel for Defendant Clorox Company by delivering the same by e-mail to Defendant's counsel James Isbester of Kilpatrick Townsend LLP by e-mail sent to [jisbester@kilpatricktownsend.com](mailto:jisbester@kilpatricktownsend.com).

/s/Jean-Marc Zimmerman  
Jean-Marc Zimmerman