

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MOLO DESIGN LTD.,

Plaintiff,

v.

CHANEL, INC.,

Defendant.

No. 1:21-cv-01578 (VEC)

**PLAINTIFF MOLO DESIGN LTD.’S NOTICE
REGARDING CHANEL’S SUPPLEMENTAL CLAIM CONSTRUCTION POSITIONS**

On September 24, 2021, Plaintiff Molo Design, Ltd. (“Molo”) and Defendant Chanel, Inc. (“Chanel”) submitted a Joint Disputed Claim Terms Chart pursuant to Local Patent Rule (“LPR”) 11, which identified a number of patent claim terms for construction. Dkt. 38. Molo subsequently filed its Opening Claim Construction Brief pursuant to LPR 12(a) on October 25, 2021 (Dkt. 41), Chanel filed its Claim Construction Brief pursuant to LPR 12(b) on November 30, 2021 (Dkt. 43), and Molo filed its Reply Claim Construction Brief pursuant to LPR 12(c) on December 9, 2021 (Dkt. 45). In connection with the parties’ claim construction briefs, Molo respectfully requests that the Court consider Chanel’s petitions for *inter partes* review (“IPR petitions”), which were recently filed with the U.S. Patent Trial and Appeal Board (“PTAB”) on February 4, 2022. The IPR petitions are attached to Chanel’s pending Motion to Stay Pending *Inter Partes* Review. *See* Dkt. 48-1, Dkt. 48-2, Dkt. 48-3, and Dkt. 48-4.

During the claim construction proceedings in this case, Chanel has taken the position that multiple claim terms require construction by the Court. *See, e.g.*, Dkt. 38; Dkt. 41. Critically,

however, in each of its recent IPR petitions, Chanel directly contradicted its previous claim construction positions and unequivocally stated that the PTAB “*need not construe any terms in order to resolve the underlying controversy.*” Dkt. 48-1 at 25; Dkt. 48-2 at 22; Dkt. 48-3 at 22-23; Dkt. 48-4 at 22 (emphasis added).

Molo respectfully submits that the IPR petitions bear on Chanel’s argument that this Court should construe the claim terms identified in the Joint Disputed Claim Terms chart and the parties’ claim construction briefs. Given Chanel’s clear and unequivocal acknowledgement to the PTAB that none of the claim terms require construction, Molo asserts that additional claim construction activities are not needed, and respectfully submits that it is appropriate for the Court to issue a claim construction order stating that no further claim construction is necessary.

Dated: February 18, 2022

Respectfully submitted,

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/s/ *Conor Civins*

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