VERIFIED COMPLAINT
UNDER SECTION 337 OF THE TARIFF ACT OF 1930

Complainant

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Proposed Respondents

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(954) 865-9652

The Electric Tobacconist, LLC
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(646) 853-0368

Fuma Vapor, Inc.
605 S. Westgate Rd
Des Plaines, IL 60016
(888) 229-1836

Lan & Mike International Trading, Inc.
20435 Gramercy Place, Suite 101
Torrance, CA 90501

Lizard Juice, LLC
8565 Somerset Drive, Unit A
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(877) 799-5478

Maduro Distributors, Inc.
245 Roselawn Ave E #24
Maplewood, MN 55117
MistHub, LLC
1674 Barclay Blvd.,
Buffalo Grove, IL 60089
(888) 269-0999

Noah Dovberg
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Daytona Beach, FL 32118

ParallelDirect LLC
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(844) 624-4264

Saddam Aburoumi
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Manchester, CT 06042

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Vaperz LLC
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I. INTRODUCTION


2. JLI is the clear market leader in the U.S. electronic nicotine delivery system (“ENDS”) device market. Unfortunately, infringement of JLI’s intellectual property is rampant, with dozens of entities found to be manufacturing, importing, selling, or selling for importation articles that infringe JLI’s patents. Indeed, this Complaint is JLI’s second request to the Commission to institute an investigation into Section 337 violations by ENDS manufacturers and distributors. See Certain Electronic Nicotine Delivery Systems and Components Thereof, Investigation Docket No. 337-3346, filed on October 3, 2018 and amended on October 26, 2018.

3. JLI’s allegations in this Complaint are based on the unlawful importation into the United States, sale for importation into the United States, and sale within the United States after importation of certain cartridges for ENDS and components thereof—such as the mouthpiece, storage compartment, and heater—that infringe one or more of five U.S. patents owned by JLI. Cartridges are also known as nicotine delivery “pods.” Many of these cartridges are direct copies of JLI’s cartridges and are expressly marketed as compatible with JLI’s ENDS devices, and can be used with other ENDS devices as well. All of the accused products infringe the asserted patents.

4. Specifically, JLI alleges that these products infringe one or more of the following patent claims (independent claims shown in bold underline):

<table>
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<th>U.S. Patent No.</th>
<th>Short Name</th>
<th>Asserted Claims</th>
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<td>10,058,129</td>
<td>’129 Patent</td>
<td>1, 2, 3, 5, 6, 7, 8, 12, 13, 16, 17, 18, 19, 20, 22</td>
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The proposed Respondents fall into 17 groups, named according to their primary infringing product:

<table>
<thead>
<tr>
<th>Respondent Group</th>
<th>Respondents (collectively “Respondents”)</th>
<th>Infringing Product(s)</th>
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</table>
| **X Pod Group**  | United Wholesale LLC (“United Wholesale”)  
Saddam Abouroumi  
Loon Pod Group  
DripTip Vapes LLC (“DripTip”)  
Ziip Lab S.A. (“Ziip Labs”)  
Ziip Lab Co., Ltd. (“Ziip China”)  
Shenzhen Yibo Technology Co., Ltd. (“Yibo”)  
Atom Pod Group  
DripTip  
Vapor 4 Life Holdings, Inc. (“Vapor4Life”)  
DripTip  
Airbender ZPod Group  
Vaperz LLC (“Vaperz”)  
Ziip Labs  
Ziip China  
Yibo  
DripTip  
The ZFO (“ZFO”)  
The Electric Tobacconist, LLC (“Electric Tobacconist”)  
JC01 Pod Group  
Shenzhen OVNS Technology Co., Ltd.(“OVNS”)  
MistHub, LLC (“MistHub”)  
ZFO  
Lan & Mike International Trading Inc. (“VaporDNA”) | X Pods  
Loon Pods  
Iced Pods  
Atom Pods  
ViV Pods  
Airbender ZPods  
JC01 Pods |
JLI’s Beginnings: Filling a Gap in the ENDS Market

7. Since its founding in 2007, JLI has sought to provide a satisfying alternative to combustible cigarettes by developing its ENDS products. JLI’s mission—to switch adult smokers from cigarettes—was the driving force behind its product development.

8. As graduate students at Stanford University’s Product Design program in the mid-2000s, the founders of JLI, James Monsees and Adam Bowen, applied their background in design and engineering to the challenge of finding a better alternative to cigarettes. As cigarette smokers at the time, Monsees and Bowen saw a gap in the alternative smoking environment, which then included, for example, nicotine vaping and heat-not-burn systems, for adults who wanted to make the switch from combustible cigarettes. These early ENDS were often overly complex to use and failed to provide the experience traditional cigarette smokers expected.
9. Monsees and Bowen set out to change that. They knew that, to succeed where other ENDS had failed, they needed to develop a product that was different from a cigarette in design, but similar in convenience, simplicity, and satisfaction. Monsees and Bowen leveraged their design and scientific know-how to develop a real alternative for adult smokers. The resulting innovations ultimately led to the introduction in June 2015 of the branded JUUL system (“JUUL system” or “Domestic Articles”), which includes the nicotine-delivery cartridges or “pods” (“JUULpods”) and the ENDS device body (“JUUL device”). Many of these innovations became the subject of patent filings, including those patents asserted in this Investigation.

10. Smoking is the most prevalent addiction in the United States and the number one cause of preventable death worldwide. Exhibit 1 (SSA Article - Global Statistics on Addictive Behaviours); Exhibit 2 at 1-4 (CDC - Quitting Smoking); Exhibit 3 at 1-2 (FDA - 2018 Strategic Policy Roadmap); Exhibit 4 at 1-3 (CDC - Fast Facts Smoking & Tobacco). Tobacco kills half of its users, totaling more than seven million people worldwide each year. Exhibit 5 at 1 (Am. Cancer Society Position Statement on E-Cigarettes); Exhibit 6 at 1 (WHO Tobacco Fact Sheet). The toxic chemical compounds in tobacco products—and particularly in the smoke created by
setting tobacco on fire—are directly and primarily responsible for the illness and death caused by cigarettes. Exhibit 3 at 3. Smoking not only steals valuable years of life but significantly increases national healthcare costs. Exhibit 7 at 5 (Levy - Potential Deaths Averted in USA by Replacing Cigarettes with E-Cigarettes); Exhibit 8 (CMS - Historical Statistics). The Centers for Disease Control estimates that smoking costs the country $14 billion in \textit{monthly} health care costs and $11 billion monthly in lost productivity. Exhibit 9 at 1-4 (CDC - Economic Trends in Tobacco).

11. Not surprisingly, roughly 70% of adult smokers report that they want to give up smoking. Exhibit 2 at 2-3. But the average smoker will attempt to give up the habit more than 30 times before successfully doing so for at least one year. Exhibit 10 at 5-7 (Chaiton - Estimating the Number of Quit Attempts It Takes to Quit Smoking Successfully in a Longitudinal Cohort of Smokers). Importantly, smoking cessation fails over 90% of the time without some form of support. \textit{Id.} at 3-7.

12. ENDS technology represents a potential solution. Recent studies show that switching from cigarettes to an ENDS can reduce exposure to toxic byproducts by up to 99%. Exhibit 11 at 1-3 (NASPH - Consequences of E-Cigarettes); Exhibit 3 at 4-7. One 2017 study lead by researchers from the Oncology Department at Georgetown University Medical Center estimated that 6.6 million premature deaths could be averted over the next decade if all smokers switched to an ENDS. Exhibit 7 at 3. Relatedly, healthcare analysts estimate that for every 1% of cigarette smokers who switch to ENDS, lifetime cost-savings to Medicaid programs would be $2.8 billion. Exhibit 12 at 1 (Policy Study - Expected Savings to Medicaid from Substituting Electronic for Tobacco Cigarettes). Notably, the FDA and other health organizations have concluded that nicotine, while highly addictive, does not itself directly cause the cancer, lung or
heart diseases associated with combusted cigarette smoking. Exhibit 13 at 2 (Gottlieb - A Nicotine-Focused Framework for Public Health) (“Nicotine . . . is not directly responsible for the tobacco-caused cancer, lung disease, and heart disease that kill hundreds of thousands of Americans each year.”).

The JUUL System: A Runaway Success

13. Within a few years of the launch of the JUUL system, JLI became the recognized market leader in the ENDS device and cartridge refill market. Exhibit 14 at 1-3 (CNBC Article - “Popular E-Cigarette Juul’s Sales Have Surged Almost 800 Percent Over the Past Year”); Exhibit 15 (Bloomberg Article – “E-Cigarette Maker Juul Labs Is Raising $1.2 Billion”); Exhibit 16 (Bloomberg Article – “Imperial Takes on Juul as Big Tobacco Faces Upstart Rival”). After a slow start for a then-unknown company, JLI’s products began to gain significant word-of-mouth momentum. By the summer of 2016, the market share for the JUUL system began to grow steadily—and then exponentially. As shown in the table below, JLI is now responsible for over 95% of the growth in the ENDS cartridge refill market in the United States. Confidential Exhibit 17 at ¶ 10, App. 5 (Danaher Decl.); Confidential Exhibit 18 at 3 (Nielsen 4-Week Sell-Through US); Confidential Exhibit 19 at 3 (IRI 4-Week Sell-Through US).
Today, the JUUL system is the leading alternative for adult smokers, and analysts are calling it a “runaway success.” Exhibit 15 at 1-2. As one commentator stated: “It’s no secret that [JLI] has dominated the [ENDS device] market over the past year, but just how much it has dominated is eye-popping.” Exhibit 14 at 1. Similarly, a Wells Fargo analysis of Nielsen data recently reported that JLI’s effective annual dollar sales of ENDS skyrocketed 783% in the 52-week period ending June 16, 2018, reaching $942.6 million. Id. at 2. Even more recently, JLI’s sales of ENDS have surged by 882%—boosting JLI’s United States market share of ENDS to 68%. Id.

As shown in the graphic below, JLI has captured the majority share of the United States’ ENDS market. Exhibit 14 at 3. Its share continues to grow in size. For example, as of early September 2018, JLI’s market share by volume of the U.S. ENDS cartridge refill market is about 72%. Confidential Exhibit 17 at App. 3.
Proliferation of JUULpod Copies and Other Infringing Cartridges

16. JLI’s market share and innovative products have led to competition from copyists—like Respondents—who hope to profit by stealing JLI’s intellectual property. These entities produce cartridges that are nearly identical to JLI’s patented cartridges, which they then import and sell in the United States. These infringing cartridges may be used with various ENDS devices—many of which are themselves copies of JLI’s ENDS devices—or they may be expressly designed and marketed as compatible with JLI’s ENDS devices.

17. Indeed, those in the industry have noted the rapid proliferation of “Juul-compatible” cartridges that are taking advantage of the JUUL system’s success. Exhibit 20 at 1 (Vaper City Blog Entry - “Top Juul-Compatible Pods on the Market”) (stating that “[e]ver since the Juul device burst onto the vape market, companies have been churning out…Juul-compatible pods to keep up with the trend.”) Respondents market these JUULpod look-alikes at a fraction of the price of the JUULpods, without the same attention to quality control that JLI employs. See,
e.g., Exhibit 21 at 1 (Web Printout of Vaperz’s Store Showing All Airbender ZPods for Sale) (selling Airbender ZPods that are marketed as “Airbender Pods for JUUL”); Exhibit 22 at 1 (Web Printout of Vape4U’s Store Showing All Zalt Pods for Sale) (selling Zalt Pods that are marketed as “Juul Compatible Pods” and noting that these are “[t]he absolute cheapest prefilled pods for the Juul system on the market!”). While JLI manufactures, through the use of contract manufacturers, its liquid nicotine formulation and fills its cartridges under tight quality controls here in the United States, on information and belief, each Respondent maintains its liquid nicotine formulation manufacturing and cartridge filling operations in China, operating without necessarily complying with FDA regulations and operating under unspecified quality control procedures.

**JLI’s Leadership: Setting Corporate Responsibility Standards**

18. JLI markets only to adult smokers and takes great pains to combat youth use. Indeed, JLI maintains that no non-nicotine user, especially youth, should ever use its product or any other product designed to deliver nicotine. In this regard, JLI is dedicated to raising the standard for responsibility in the ENDS industry, committing an initial investment of at least $30 million for independent research, youth and parent education, and community engagement efforts. Further, JLI proactively adopted a 21+ “age-gate” nationwide that limits online purchases of JUUL products via JLI’s e-commerce site to adults 21 and older, despite a majority of states permitting sales to 18-year olds. JLI has partnered with an industry leading age verification service to complete a public-records search to determine whether a purchaser is 21 years of age or older. If the system cannot immediately verify age, the user is required to upload a photo I.D. And JLI continually strengthens its online age verification system, most recently implementing a request to input the last four digits of a consumer’s social security number to enhance
verification. In addition, JLI adopted a comprehensive marketing code—particularly on social media—under which JLI adheres to strict guidelines to ensure that its marketing and sales are directed only toward adult smokers.

19. In contrast, each Respondent appears to make only half-hearted attempts, if any, to prevent youth adoption—the single most important challenge facing the industry. See Exhibit 23 (Web Printout of FDA Press Release Regarding Preventing Youth Access to Flavored Nicotine Products). Respondents’ cartridge products are easily purchased online after simply checking an unverified box or filling out a basic unverified form. See, e.g., The ZFO at thezfo.com; The Loon at theloonmn.com; DripTip at driptipvapes.com. And in contrast to JLI’s simple, adult-oriented flavors such as Mango and Virginia Tobacco, many of the Respondents sell cartridges in a variety of flavors having obvious, if not deliberate, youth appeal, such as “Pink Frosted Yellow Cakes,” “Berry Lemonade,” and “Green Apple Candy.” See, e.g., Exhibits 21, 22. On information and belief, Respondents lack any meaningful or formalized program for preventing minors from purchasing their low-cost products. Without safeguards, including age-verification and policing, Respondents’ products are ending up in the hands of underage users. Indeed, it is this very behavior that FDA seeks to address, most recently in Commissioner Gottlieb’s November 15, 2018 statement on proposed new steps to protect youth by preventing access to flavored tobacco products and banning menthol in cigarettes. See https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm625884.htm. In that statement, Dr. Gottlieb announced a new policy framework where all flavored ENDS products (other than tobacco, mint and menthol flavors or non-flavored products) will be sold in age-restricted, in-person locations and, if sold online, will be sold under heightened practices for age verification. Id.
20. Given the encroachment on JLI’s intellectual property, the importance of continued availability of high-quality ENDS, and the immediate need for corporate responsibility in this burgeoning industry—particularly as to youth prevention—JLI seeks as relief: (i) a permanent limited exclusion order under 19 U.S.C. § 1337(d) barring from entry into the United States the Accused Products that infringe the Asserted Patents, (ii) a permanent cease-and-desist order under 19 U.S.C. § 1337(f) prohibiting Respondents and their affiliates, subsidiaries, successors, and assigns from importing, marketing, distributing, repairing, providing warranty services, selling, offering for sale, or selling after importation into the United States ENDS products including devices, cartridges, and all components thereof, that infringe the Asserted Patents, and (iii) any other relief deemed appropriate by the Commission.

21. Further, JLI requests that the Commission impose a bond on Respondents’ importation of infringing products during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j) to prevent further injury to JLI and its domestic industry relating to the Asserted Patents.

II. THE PARTIES

A. The Complainant

22. JLI is a privately-held corporation organized and existing under the laws of the state of Delaware, with its principal place of business at 560 20th Street, San Francisco, California 94107. JLI was incorporated in 2007, beginning as a small start-up consumer-products company. Since its founding in 2007, however, JLI matured into an FDA-regulated enterprise, dedicating significant resources to its capacities in the United States both in terms of assets and personnel. The Domestic Articles were first brought to market in June 2015 by JLI’s predecessor corporate entity, Pax Labs, Inc. (“Pax”). On June 30, 2017, Pax was renamed Juul Labs, Inc., making Juul Labs, Inc. the direct successor-in-interest of the original Pax Labs. Juul Labs, Inc.
then spun off certain products (other than the JUUL system), personnel, and resources into a new, distinct corporate entity named Pax Labs, Inc. (New Pax). New Pax focuses on other vaporization fields that do not involve the vaporization of nicotine liquid formulations.

The JUUL System

23. Three core concepts drove the development of the JUUL system: (i) an elegant design to replace the cigarette iconography of the “round white burning stick”; (ii) a simple user interface requiring no buttons, switches, or complex instructions; and (iii) reliable performance. And the liquid nicotine formulation of the JUUL system was specially formulated to mimic nicotine satisfaction similar to that of cigarettes.

24. Years of research and development, leading to multiple innovations in ENDS technology, resulted in JLI’s market-leading product, the JUUL system: an elegant, intuitive cartridge-based device that delivers a satisfying experience to help adult smokers switch from combustible cigarettes. By way of illustration, certain elements of the JUUL system are shown below, including the JUUL device (far left), JUULpod (certain components of which are included in the red box), its packaging, and various other system components.
The JUUL system, packaging, and components

B. Respondents

25. In contrast to JLI, Respondents are mostly bit players and recent entrants in the ENDS market. Seeing an opportunity to capture some of JLI’s success with minimal investment, Respondents blatantly emulated the distinctive design of the JUUL pods and JUUL system.
Cascade of Copy-Cats Entering Market Starting in 2018

26. On information and belief, Respondents copied JLI’s innovative design and other patented features to steal JLI’s domestic market share by importing into the United States—often at lower prices—infringing products such as cartridges and components thereof that include JLI’s patented technology.

1. X Pod Group

a) United Wholesale LLC (“United Wholesale”)

27. On information and belief, Respondent United Wholesale is a Connecticut limited liability company with its principal place of business at 73 Linden St., Glastonbury, CT 06033. Exhibit 24 (Company Records for United Wholesale LLC).

28. On information and belief, Respondent United Wholesale has engaged and continues to engage in the development, importation, distribution, and/or sale of the X Pod products in the United States. The packaging of the X Pod product states “Designed by United Wholesale CT USA.” Exhibit 25 at 2 (X Pod Photographs). Mr. Ibrahim Eideh, testifying on behalf of United Wholesale in a separate litigation (Case No. 3:18-cv-01396-KAD in D. Conn.) stated that he was involved in the design, importation, and sale in the United States of X Pod products. Exhibit 26 (Eideh Deposition) at 176:21-179:1, 181:16-182:12, 184:13-187:4. Mr. Eideh also stated during his deposition that the X Pod products were manufactured in a factory in China. Id. at 38:7-40:6, 45:9-52:11.

b) Saddam Abouroumi

29. On information and belief, Respondent Saddam Abouroumi is an individual residing at 193 Homestead Street, Unit D3, Manchester, CT 06042. Confidential Exhibit 27 (Personal information report for Saddam Abouroumi).
30. On information and belief, Mr. Abouroumi has engaged and continues to engage in the development, importation, distribution, and/or sale of the X Pod products in the United States. Mr. Ibrahim Eideh, testifying on behalf of United Wholesale in a separate litigation (Case No. 3:18-cv-01396-KAD in D. Conn.) stated that Mr. Abouroumi was his partner and was involved in the design, importation, and sale in the United States of X Pod products. Exhibit 26 at 176:21-179:1, 181:16-182:12, 184:13-187:4. Mr. Eideh also stated that the X Pod products distributed by Mr. Abouroumi were from the same source in China as the X Pods distributed by United Wholesale. Id. at 35:2-36:10.

2. Loon Pod Group

a) Maduro Distributors, Inc. (“Maduro”)


32. On information and belief, Respondent Maduro’s Loon Pods are marketed to consumers in the United States. Exhibit 31 (Web Printout of Maduro’s Store Selling Loon Pods Starter Kit); Exhibit 32 (Web Printout of Maduro’s Store Showing All Loon Pods for Sale); Exhibit 33 (Web Printout of Loon Product Store Locator). These products are expressly marketed as “compatible with other major brands.” Exhibit 31. On information and belief, Maduro produces its Loon Pods in China. Exhibit 34 at 2-3 (Loon Pod Photographs).
3. **Iced Pod Group**

   **a) DripTip Vapes LLC (“DripTip”)**

   33. On information and belief, Respondent DripTip is a Florida limited liability company with its principal place of business at 151 N. Nob Hill Rd. #115, Plantation, FL 33324. Exhibit 35 (Articles of Organization for DripTip Vapes LLC). On information and belief, DripTip owns and operates the website www.driptipvapes.com. The website registration for www.driptipvapes.com does not list the registrant organization, but it lists DripTip’s address as well as the same registered agent: Av Gavriel. Exhibit 36 (WHOIS Report for driptipvapes.com); compare Exhibit 35 (Articles of Organization for DripTip Vapes LLC).

   34. On information and belief, Respondent DripTip markets and offers for sale its Iced Pods to consumers in the United States. Exhibit 37 (Web Printout of DripTip’s Store Selling Iced Pods); Exhibit 38 (Web Printout of DripTip’s Store Showing All Iced Pods for Sale); Exhibit 39 (Web Printout of DripTip About Us Page) (stating DripTip is a “U.S.A. based premium online retailer . . . with free delivery within the U.S.”). On information and belief, DripTip’s Iced Pods are designed in Uruguay, Exhibit 40 at 2-3 (Iced Pod Photographs), and manufactured in China. DripTip also explicitly markets its Iced Pods as “Juul Compatible.” Exhibit 37.

   **b) ZLab S.A. (“Ziip Labs”)**

   35. On information and belief, Respondent Ziip Labs is a Uruguayan corporation with its principal place of business at Ave. Golero, 911 Office 27, Punta del Este – Maldonado – Uruguay, 20100. Exhibit 41 (Web Printout of Ziip Lab Contact Information). On information and belief, the DripTip Group Respondents’ Iced Pods are marketed to consumers in the United States. These products are expressly marketed as “Juul Compatible.”
36. On information and belief, Respondent Ziip Labs designs the Iced Pods in Uruguay, Exhibit 40 at 2-3, and it manufactures its cartridges in China. On information and belief, Ziip Labs has two sales offices in the United States: one in San Francisco, Exhibit 41, and another in New York, Exhibit 42 (Web Printout of Ziip Lab Contact Information).

c) **Ziip Lab Co., Ltd. (“Ziip China”)**

37. On information and belief, Respondent Ziip China is a Chinese company with its principal place of business at E District 4F, 5 Building, Wen Ge Industrial Zone, Heshuikou, Gongming St., Guangming New District, Shenzhen City, Guangdong Province, China 518106. Exhibits 41, 42.

38. On information and belief, Respondent Ziip China manufactures Iced Pods. See Exhibits 41, 42 (identifying Ziip China as the “factory” for Ziip Labs).

d) **Shenzhen Yibo Technology Co., Ltd. (“Yibo”)**

39. On information and belief, Respondent Yibo is a Chinese company with its principal place of business at E District 4F, 5 Building, Wen Ge Industrial Zone, Heshuikou, Gongming St., Guangming New District, Shenzhen City, Guangdong Province, China 518106. Exhibit 43 (Web Printout of Ziip Wholesale Information) (noting Ziip China and Yibo have the same address).


4. **Atom Pod Group**

a) **DripTip**

41. On information and belief, Respondent DripTip markets and offers for sale its Atom Pods to consumers in the United States. Exhibit 44 (Web Printout of DripTip’s Store Selling Atom Pods); Exhibit 45 (Web Printout of DripTip’s Store Showing All Atom Pods for
Sale); Exhibit 39 (stating DripTip is a “U.S.A. based premium online retailer . . . with free
delivery within the U.S.”). On information and belief, the Atom Pods are designed by or for
DripTip in the United States and are manufactured in China. See Exhibit 44 (image of the Atom
Pod cartridge packaging on the DripTip webpage shows the “DriptipVapes.com” logo); Exhibit
46 at 2 (Atom Pod Photographs) (stating that the product is “Designed in South Beach Florida”
and “Made in China”). DripTip also explicitly markets its Atom Pods as “Juul Compatible.”
Exhibit 44.

5. **ViV Pod Group**

   a) **Vapor 4 Life Holdings, Inc. (“Vapor4Life”)**

   42. On information and belief, Respondent Vapor4Life¹ is an Illinois Corporation
with its principal place of business at 4080 Commercial Ave., Suite A, Northbrook, IL 60062².
Exhibit 47 (Web Printout of Vapor4Life Contact Information); Exhibit 48 (Corporation File
Report for Vapor 4 Life Holdings, Inc.); Exhibit 49 (Company Investigator Report for Vapor 4
Life, Inc.). On information and belief, Vapor4Life owns and operates the website

   43. On information and belief, Respondent Vapor4Life markets and distributes its
ViV Pods to consumers in the United States. Exhibit 51 (Web Printout of Vapor4Life’s Store
Selling ViV Pods); Exhibit 52 (Web Printout of Vapor4Life’s Store Showing All ViV Pods for
Sale); Exhibit 53 (Web Printout of Vapor4Life Retail Location). Vapor4Life also explicitly
markets its ViV Pods as “Juul-compatible.” Exhibit 51. On information and belief, ViV Pods are

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¹ Vapor 4 Life Holdings, Inc. d/b/a Vapor4Life, was previously known as Vapor 4 Life, Inc. until
² State records list the principal place of business as 4100 Commercial Ave., Northbrook, IL
60062, however, this address does not appear to exist.
made in China at a factory owned and operated by Vapor4Life. See Exhibit 54 (Yarborough Declaration) at ¶ 40.

b) **DripTip**

44. On information and belief, Respondent DripTip distributes the ViV Pods in the United States through its website. Exhibit 55 (Web Printout of DripTip’s Store Selling ViV Pods); Exhibit 56 (Web Printout of DripTip’s Store Showing All ViV Pods for Sale).

6. **Airbender ZPod Group**

a) **Vaperz LLC (“Vaperz”)**

45. On information and belief, Respondent Vaperz is an Illinois limited liability corporation with its principal place of business at 19818 S. Harlem Ave., Frankfort, IL 60423. Exhibit 57 (File Report for Vaperz LLC). In addition to its primary location, Vaperz also lists five other retail locations in the Chicago area. Exhibit 58 (Web Printout of Vaperz Retail Locations). On information and belief, Vaperz owns and operates www.vaperzonline.com. Exhibit 59 (Web Printout of Vaperz Terms and Conditions).

46. On information and belief, Respondent Vaperz markets and offers for sale the Airbender ZPods in the United States. Exhibit 60 (Web Printout of Vaperz’s Store Selling Airbender ZPods); Exhibit 21. The product packaging for the Airbender ZPods states that they are “[d]esigned by Ziip Lab” and “[m]anufactured in P.R.C. [People’s Republic of China],” and the E-liquid is “made by Airbender E-Liquid – USA.” Exhibit 61 at 2, 5 (Airbender ZPod Photographs). Complainant has been unable to locate a business entity by the name of “Airbender E-Liquid.” On information and belief, Vaperz controls and distributes the Airbender E-Liquid product line. See Exhibit 62 (Airbender Trademark Registration); Exhibit 63 (Web Printout of Airbender’s Instagram Page) (listing vaperzonline.com as the web address). On
information and belief, Vaperz obtains the empty cartridges from Ziip Labs and fills the cartridges with liquid prior to sale. See Exhibit 61 at 2, 5.

b) **Ziip Labs**

47. On information and belief, Respondent Ziip Labs designs the Airbender ZPods in Uruguay. Exhibit 61 at 2.

c) **Ziip China**

48. On information and belief, Respondent Ziip China manufactures Airbender ZPods. See Exhibits 41, 42 (identifying Ziip China as the “factory” for Ziip Labs).

d) **Yibo**

49. On information and belief, Respondent Yibo manufactures Ziip cartridges, including the Airbender ZPods, in China. Exhibit 43 (noting Ziip’s factory as Yibo).

e) **DripTip**

50. On information and belief, Respondent DripTip distributes the Airbender ZPod cartridges in the United States through its website. Exhibit 64 (Web Printout of DripTip’s Store Selling Airbender ZPods); Exhibit 65 (Web Printout of DripTip’s Store Showing All Airbender ZPods for Sale).

f) **The ZFO (“ZFO”)**

51. On information and belief, Respondent ZFO is a sole proprietorship with its principal place of business at 42 Nichols St., Suite 14, Spencerport, NY 14559. Exhibit 66 at 1 (Web Printout of ZFO Contact Information); Exhibit 67 (Company Investigator Report for ZFO). On information and belief, ZFO owns and operates the website www.thezfo.com.

52. On information and belief, Respondent ZFO distributes the Airbender ZPod cartridges in the United States through its website. Exhibit 68 (Web Printout of ZFO’s Store Selling Airbender ZPods); Exhibit 69 (Web Printout of ZFO’s Store Selling Airbender Kits).
g) The Electric Tobacconist, LLC (“Electric Tobacconist”)


54. On information and belief, Respondent Electric Tobacconist distributes the Airbender ZPod cartridges through its website. Exhibit 73 (Web Printout of Electric Tobacconist’s Store Selling Airbender ZPods); Exhibit 74 (Web Printout of Electric Tobacconist’s Store Showing All Airbender ZPods for Sale).

7. JC01 Pod Group

a) Shenzhen OVNS Technology Co., Ltd. (“OVNS”)

55. On information and belief, Respondent OVNS is a Chinese company with its principal place of business at 6F, North Side of Xinlong Tech Park, No. 2, Dawangshan Industrial 1st Road, Shajing Town, Baoan District, Shenzhen, Guangdong, China 518101. Exhibit 75 at 1 (OVNS Trademark Registration); Exhibit 76 (Web Printout of OVNS Contact Information).

56. On information and belief, Respondent OVNS owns and operates the website ovnstech.com. See Exhibit 76. On information and belief, OVNS operates a web store on Alibaba at ovnstech.en.alibaba.com. Id.

57. On information and belief, Respondent OVNS manufactures the JC01 cartridges in China. Exhibit 77 (Web Printout of OVNS’ Alibaba Store Selling JC01 Cartridges) (listing place of origin and factory details); Exhibit 78 at 2, 9 (JC01 Pod Photographs). On information
and belief, OVNS also markets its JC01 products in the United States. Exhibit 77; Exhibit 79 at 1 (Web Printout of OVNS Company Overview) (showing North America as the main market). OVNS explicitly markets its JC01 cartridges as compatible with Juul ENDS devices. Exhibit 80 at 1 (Web Printout of OVNS’ JC01 Website) (stating “JC01 pods . . . can use Juul battery”).

b) MistHub, LLC (“MistHub”)

58. On information and belief, Respondent MistHub is an Illinois limited liability company with its principal place of business at 1674 Barclay Blvd., Buffalo Grove, IL 60089. Exhibit 81 (LLC Report for MistHub, LLC); Exhibit 82 (Web Printout of MistHub Contact Information). On information and belief, MistHub owns and operates www.misthub.com. Exhibit 83 at 1 (Web Printout of MistHub Terms of Service).

59. On information and belief, Respondent MistHub distributes the JC01 cartridges in the United States through its website. Exhibit 84 (Web Printout of MistHub’s Store Selling JC01 Cartridges); Exhibit 85 (Web Printout of MistHub’s Store Selling JC01 Starter Kit).

c) ZFO

60. On information and belief, Respondent ZFO distributes the JC01 cartridges in the United States through its website. Exhibit 86 (Web Printout of ZFO’s Store Selling JC01 Cartridges).

d) Lan & Mike International Trading, Inc. (“VaporDNA”)

61. On information and belief, Respondent VaporDNA is a California corporation with its principal place of business at 20435 Gramercy Place, Suite 101, Torrance, CA 90501. Exhibit 87 (Corporate Registration for Lan & Mike International Trading, Inc.). On information and belief, Lan & Mike International Trading, Inc. operates under the assumed name of “VaporDNA” and owns and operates www.vapordna.com. Exhibit 88 (Web Printout of
VaporDNA Terms and Conditions); Exhibit 89 (VaporDNA Trademark Registration); Exhibit 90 (VaporDNA Trademark Registration).

62. On information and belief, Respondent VaporDNA distributes the JC01 cartridges in the United States through its website. Exhibit 91 (Web Printout of VaporDNA’s Store Selling JC01 Cartridges).

8. VQ Pod Group
   a) Vaportronix, LLC (“Vaportronix”)


64. On information and belief, Respondent Vaportronix markets its VQ Pod cartridges in the United States. Exhibit 94 (Web Printout of Vaportronix’s Store Selling VQ Pods); Exhibit 95 (Web Printout of Vaportronix’s Store Showing All VQ Pods for Sale). Vaportronix explicitly markets its VQ Pod cartridges as “VQ Pods for JUUL.” Exhibit 94.

   b) ZFO

65. On information and belief, Respondent ZFO distributes the VQ Pod cartridges in the United States through its website. Exhibit 96 (Web Printout of ZFO’s Store Selling VQ Pods).

9. Fuma Pod Group
   a) Fuma Vapor, Inc. (“Fuma”)

66. On information and belief, Respondent Fuma is an Illinois corporation with its principal place of business at 605 S. Westgate Rd., Des Plaines, IL 60016. Exhibit 97
(Corporation File Report for Fuma Vapor, Inc.). On information and belief, Fuma also maintains a place of business at 249 Ung Van Khiem Street, Bing Thanh Dist, Ho Chi Minh, Vietnam. Exhibit 98 (Web Printout of Fuma Contact Information). On information and belief, Fuma owns and operates www.fumovapor.com and www.fumavapor.com. See Exhibit 99 (Web Printout of Fumavapor.com Website); Exhibit 100 (Web Printout of Fumovapor.com).

67. On information and belief, the Fuma / Fumo Pod products (hereinafter “Fuma Pod”)³ are designed by or for Respondent Fuma in the United States and manufactured by or for Respondent Fuma in China. Exhibit 155 at 2 (Fuma Pod Photographs) (packaging noting that the Fuma Pod is “[d]esign[ed] in [the] USA” and “[a]semble[d] in China”). On information and belief, Fuma also markets its cartridges in the United States. Exhibit 99; Exhibit 101 (Web Printout of Fuma’s Store Selling Fuma Pods); Exhibit 102 (Web Printout of Fuma’s Store Selling Fuma Pods with Fumo Packaging); Exhibit 103 (Web Printout of Fuma’s Store Showing All Fuma Pods for Sale).

b) ZFO

68. On information and belief, Respondent ZFO distributes the Fuma Pod cartridges in the United States through its website. Exhibit 104 (Web Printout of ZFO’s Store Selling Fuma Pods). On information and belief, Fuma Pod cartridges are marketed as “Juul Compatible.” Id.

10. Zalt Pod Group

a) Vape4U LLC (“Vape4U”)

69. On information and belief, Respondent Vape4U is a California limited liability company with its principal place of business at 8926 Benson Ave. Ste. E, Montclair, CA 91763.

³ Respondent’s website offers “Fuma Pods” for sale, Exhibit 103, but some images of the Fuma Pod products use the name “Fumo Pod.” See Exhibit 102. On information and belief, Fuma and Fumo Pods are the same product. See Exhibits 99, 100 (showing similar websites using the Fuma branding at www.fumavapor.com and www.fumovapor.com).

70. On information and belief, the Zalt Pod products are manufactured by or for Respondent Vape4U in China. Exhibit 156 at 2-3 (Zalt Pods Photographs) (noting “pods manufactured in China”); id. at 5 (noting “www.vapezalt.com”). On information and belief, the Zalt Pod products are also designed by or for Vape4U. On information and belief, Vape4U markets its Zalt Pod cartridges in the United States. Exhibit 107 (Web Printout of Vape4U’s Store Selling Zalt Pods); Exhibit 22. Vape4U explicitly markets its Zalt Pod cartridges “Juul Compatible.” Exhibit 22; Exhibit 156 at 1.

b) ZFO

71. On information and belief, Respondent ZFO distributes the Zalt Pod cartridges in the United States through its website. Exhibit 108 (Web Printout of ZFO’s Store Selling Zalt Pods).

11. Magic Mist Pod Group

a) ParallelDirect LLC (“ParallelDirect”)


73. On information and belief, the Magic Mist Pod products are manufactured by or for Respondent ParallelDirect in China. Exhibit 112 at 5 (Magic Mist Pod Photographs) (noting
On information and belief, the Magic Mist Pod products are also designed by or for ParallelDirect. Id. On information and belief, ParallelDirect markets its Magic Mist Pod products in the United States. Exhibit 111 (Web Printout of ParallelDirect’s Store Selling Magic Mist Pods). ParallelDirect explicitly markets its Magic Mist cartridges as “Juul Compatible.” Exhibit 111; Exhibit 112 at 1.

12. J Pod Group

a) Shenzhen Haka Flavor Technology Co., Ltd. (“Haka”)

74. On information and belief, Respondent Haka is a Chinese company with its principal place of business at 4F, Building B, Anjia Industrial Park, Gonghe Industrial Rd., ShaJing Town, Bao’an District, Shenzhen City, Guangdong Province, China. Exhibit 113 (Web Printout of hakatech.cn Contact Information). On information and belief, Haka owns and operates the website hakatech.cn and controls and operates a web store on Alibaba at ociga.en.alibaba.com. Exhibit 114 (Web Printout of hakatech.cn About Us Page); Exhibit 115 (Web Printout of Haka and OCIGA Alibaba Store Company Information Page) (referencing Haka).

75. On information and belief, the J Pod / Ref-Pod (hereinafter “J Pod”) cartridges are designed and manufactured by or for Respondent Haka in China. See Exhibit 121 at 4 (J Pod Photographs) (noting “CE” symbol indicating that the product is made in China); Exhibit 116 (Web Printout of Haka and OCIGA’s Alibaba Store Selling Single J Pod and Ref-Pod) at 1 (indicating that the “[p]lace of [o]rigin” for the J Pod is China); id. at 3-4 (providing company information for Haka). On information and belief, Haka markets its J Pod cartridges in the

4 Haka and OCIGA have recently changed the name of the J Pod product to “Ref-Pods.” See Exhibit 118. However, despite the name change on the web portals, the physical product packaging continues to state “J Pod.” Exhibit 54 at ¶¶ 87-88.

b) **Shenzhen OCIGA Technology Co., Ltd. (“OCIGA”)**

76. On information and belief, Respondent OCIGA is a Chinese company with its principal place of business at 4F, Building B, Anjia Industrial Park, Gonghe Industrial Rd, Shajing Town, Bao'an District, Shenzhen City, Guangdong Province, China. Exhibit 119 (Web Printout of Alibaba Page with OCIGA Contact Information); Confidential Exhibit 120 at 2 (Letter from Jeong Moon Ho).

77. On information and belief, Respondent OCIGA is the same entity as Haka or is controlled by Haka. See Exhibit 114 (stating that Haka owns both Haka and OCIGA trademarks); Exhibit 115 (referencing both Haka and OCIGA); Exhibit 118 (Haka’s Alibaba store referencing OCIGA); Exhibit 120 (listing OCIGA’s address as identical to Haka’s).

78. On information and belief, the J Pod cartridges are designed and manufactured by or for Respondent OCIGA in China. See Exhibit 121 at 4 (noting “CE” symbol indicating that the product is made in China); Exhibit 116 at 1 (indicating that brand name is “OCIGA” and that the “[p]lace of [o]rigin” for the J Pod is China). On information and belief, OCIGA markets its J Pod cartridges in the United States. Exhibit 116. OCIGA explicitly markets its J Pod cartridges as “Juul compatible.” Exhibit 118 at 1. On information and belief, OCIGA manufactures its J Pod cartridges in China. Exhibit 116 at 1 (listing country of origin as China); Exhibit 121 at 4 (including a “CE” mark indicating Chinese Export).

c) **Lizard Juice, LLC (“Lizard”)**

79. On information and belief, Respondent Lizard is a Delaware limited liability company with its principal place of business at 8565 Somerset Drive, Unit A, Largo, FL 33773.
Exhibit 122 (Company Records for Lizard Juice LLC). On information and belief, Lizard owns and operates the website lizardjuice.com.

80. On information and belief, Respondent Lizard distributes the J Pod cartridges in the United States through its website. Exhibit 123 (Web Printout of Lizard’s Store Selling J Pods).

13. Edge Pod Group

a) Electric Tobacconist

81. On information and belief, Respondent Electric Tobacconist distributes the Edge Pod cartridges through its website. Exhibit 124 (Web Printout of Electric Tobacconist’s Store Selling Edge Pods); Exhibit 125 (Web Printout of Electric Tobacconist’s Store Showing All Edge Pods for Sale). Packaging for these cartridges shows that they were designed and assembled in the United States and “[m]ade in China.” See Exhibit 158 at 2 (Edge Pod Photographs).

b) ZFO

82. On information and belief, Respondent ZFO distributes the Edge Pod cartridges in the United States through its website. Exhibit 126 (Web Printout of ZFO’s Store Selling Edge Pods).

14. 5-Star Universal Pod Group

a) Sarvasva LLC (“Sarvasva”)

83. On information and belief, Respondent Sarvasva is a New Jersey limited liability company with its principal place of business at 32 Church Rd., Maple Shade, NJ 08052. Exhibit 127 (Business Records of Sarvasva LLC). On information and belief, Sarvasva does business under the name “One Stop Food Mart” and operates a convenience store at 32 Church Road under that name. See Exhibit 54 at ¶¶ 107, 109.
84. On information and belief, Respondent Sarvasva distributes the 5-Star Universal Pods in the United States through its retail location. Id. at ¶¶ 107-110. On information and belief, the 5-Star Universal Pods are manufactured in China. See Exhibit 26 at 48:2-50:17 (United Wholesale stating under oath during deposition in the district court litigation, Case No. 3:18-cv-01396-KAD in D. Conn., that the Chinese factory manufacturing the X-Pods also manufactured the 5-Star Universal Pods).

15. Blankz Pod Group

a) Electric Tobacconist

85. On information and belief, Respondent Electric Tobacconist distributes the Blankz Pod cartridges through its website. Exhibit 128 (Web Printout of Electric Tobacconist’s Store Selling Blankz Pods).

b) VaporDNA

86. On information and belief, Respondent VaporDNA distributes the Blankz Pod cartridges in the United States through its website. Exhibit 129 (Web Printout of VaporDNA’s Store Selling Blankz Pods).

16. Sex Pod Group

a) Noah Dovberg

87. On information and belief, Respondent Noah Dovberg is an individual that resides or has a principal place of business at 836 N. Oleander Ave., Daytona Beach, FL, 32118. Exhibit 130 (Web Printout of Sex Vapor Contact Page); Exhibit 131 (Web Printout of Google Maps at 836 N. Oleander Ave.); Confidential Exhibit 132 (Property Records for 836 Oleander Ave.). On information and belief, Noah Dovberg also maintains a place of business at 115 Laurie Dr., Ormond Beach, FL 32176-3215. Exhibit 133 (WHOIS Report for Sexvapor.co).
88. On information and belief, Respondent Noah Dovberg owns and operates the website sexvapor.co. Exhibit 130 (listing “noahdovb@gmail.com” email address); Exhibit 133. On information and belief, Noah Dovberg markets Sex Pod cartridges in the United States. See Exhibit 134 (Web Printout of Sex Vapor’s Store Selling Sex Pods).

17. **Sea100 Pod Group**

   **a) Twist Vapor Franchising, LLC (“Twist”)**

89. On information and belief, Respondent Twist is a Florida limited liability company with a principal place of business at 14937 Bruce B Downs Blvd., Tampa, FL 33613. Exhibit 135 (Annual LLC Report for Twist Vapor Franchising, LLC). On information and belief, Twist owns and operates the website sea100pods.com. See Exhibit 54 at ¶¶ 123-125 (purchasing Sea100 Pods from sea100pods.com and stating that Twist’s sales manager confirmed that Twist sells the Sea100 Pods and that the empty Sea100 Pods are “from China”).

90. On information and belief, Respondent Twist markets and offers for sale the Sea100 Pods in the United States. Exhibit 54 at ¶ 123; Exhibit 136 (Web Printout of Twist’s Store Selling Sea100 Pods); Exhibit 137 (Web Printout of Twist’s Store Showing All Sea100 Pods for Sale). Twist explicitly markets its Sea100 Pods as “Juul compatible.” Exhibit 138 (Sea100 Pod Photographs) at 1. On information and belief, Sea100 Pods are manufactured by or for Twist in China and imported for sale into the United States. Exhibit 54 at ¶ 125.

   **b) ZFO**

91. On information and belief, Respondent ZFO distributes the Sea100 Pods in the United States through its website. Exhibit 139 (Web Printout of ZFO showing Sea100 Pods for sale).
III. THE ASSERTED PATENTS

92. The Asserted Patents are specifically directed to features that have been incorporated into the Domestic Articles. These patented features have contributed to the success of the Domestic Articles in the United States, and are the same features that Respondents have copied in their attempts to undercut and appropriate JLI’s market share.

93. JLI has licensed certain rights in the Asserted Patents to New Pax, the entity spun out from JLI as discussed above in Section II.A. JLI, however, retains the sole right and discretion to assert and defend its intellectual property rights, including against any use of the patented technology for the delivery of nicotine vapor in the United States. Moreover, the license prohibits Pax from using the Asserted Patents outside Pax’s own field of use, meaning Pax lacks any rights to use the Asserted Patents in the nicotine field of use.

94. In addition, JLI has previously given a security interest in the Asserted Patents, but retains all rights, title, and interest to the Asserted Patents absent default.

A. The ’129 Patent


96. A certified copy of the ’129 Patent is attached here to as Exhibit 140. By way of assignment, JLI holds all rights, title, and interest to the ’129 Patent. A certified copy of the assignment record for the ’129 Patent is attached hereto as Exhibit 141. Pursuant to Commission
Rule 210.12(c), a certified copy of the File History of the ’129 Patent is included as Appendix A. Copies of the references cited in the certified file history of the ’129 Patent are included as Appendix B.

97. The ’129 Patent has 39 claims, including 4 independent claims and 35 dependent claims. JLI has asserted independent claims 1, 12, and 19, and dependent claims 2, 3, 5, 6, 7, 8, 13, 16, 17, 18, 20, and 22 of the ’129 Patent.

98. In accordance with Commission Rule 210.12(a)(9)(v), JLI is aware of no foreign patents and patent applications corresponding to the ’129 Patent.

B. The ’915 Patent


100. A certified copy of the ’915 Patent is attached hereto as Exhibit 142. By way of assignment, JLI holds all rights, title, and interest to the ’915 Patent. A certified copy of the assignment record for the ’915 Patent is attached hereto as Exhibit 143. Pursuant to Commission Rule 210.12(c), a certified copy of the File History of the ’915 Patent is included as Appendix C. Copies of the references cited in the certified file history of the ’915 Patent are included as Appendix D.

101. The ’915 Patent has 32 claims, including 3 independent claims and 29 dependent claims. JLI has asserted independent claim 29 and dependent claims 10, 15, 17, 30, 31, and 32 of the ’915 Patent.
102. In accordance with Commission Rule 210.12(a)(9)(v), a list of all foreign patents and patent applications corresponding to the '915 Patent, including an indication of status, is attached as Exhibit 144. JLI is aware of no other foreign counterparts issued, filed, abandoned, withdrawn, or rejected with respect to the '915 Patent.

C. The '470 Patent

103. On October 30, 2018, the USPTO duly and lawfully issued the '470 Patent, entitled “Vaporizer Apparatus,” to inventors James Monsees, Adam Bowen, Steven Christensen, Joshua Morenstein, and Christopher Nicholas HibmaCroman. The '470 Patent issued from U.S. Application No. 15/833,873, filed December 6, 2017, and is a continuation of U.S. Application No. 15/257,768. There are no fees currently due with respect to the '470 Patent. The '470 Patent will expire December 23, 2034.

104. A certified copy of the '470 Patent is attached hereto as Exhibit 145. By way of assignment, JLI holds all rights, title, and interest to the '470 Patent. A certified copy of the assignment record for the '470 Patent is attached hereto as Exhibit 146. Pursuant to Commission Rule 210.12(c), a certified copy of the File History of the '470 Patent is included as Appendix E. Copies of the references cited in the certified file history of the '470 Patent are included as Appendix F.

105. The '470 Patent has 24 claims, including 2 independent claims and 22 dependent claims. JLI has asserted independent claim 1 and dependent claims 2, 3, 4, 7, 8, 10, and 11 of the '470 Patent.

106. In accordance with Commission Rule 210.12(a)(9)(v), a list of all foreign patents and patent applications corresponding to the '470 Patent, including an indication of status, is attached as Exhibit 147. JLI is aware of no other foreign counterparts issued, filed, abandoned, withdrawn, or rejected with respect to the '470 Patent.
D. The ’465 Patent


108. A certified copy of the ’465 Patent is attached hereto as Exhibit 148. By way of assignment, JLI holds all rights, title, and interest to the ’465 Patent. A certified copy of the assignment record for the ’465 Patent is attached hereto as Exhibit 149. Pursuant to Commission Rule 210.12(c), a certified copy of the File History of the ’465 Patent is included as Appendix G. Copies of the references cited in the certified file history of the ’465 Patent are included as Appendix H.

109. The ’465 Patent has 20 claims, including 2 independent claims and 18 dependent claims. JLI has asserted independent claims 1 and 20, and dependent claims 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19 of the ’465 Patent.

110. In accordance with Commission Rule 210.12(a)(9)(v), a list of all foreign patents and patent applications corresponding to the ’466 Patent, including an indication of status, is attached as Exhibit 150. JLI is aware of no other foreign counterparts issued, filed, abandoned, withdrawn, or rejected with respect to the ’465 Patent.

E. The ’466 Patent

111. On November 6, 2018, USPTO duly and lawfully issued the ’466 Patent, entitled “Vaporization Device Systems and Methods,” to inventors James Monsees, Adam Bowen, Nicholas Jay Hatton, Steven Christensen, Kevin Lomeli, and Ariel Atkins. The ’466 Patent
issued from U.S. Application No. 15/815,645, filed November 14, 2017, and is a continuation of U.S. Application No. 15/379,898. There are no fees currently due with respect to the ’466 Patent. The ’466 Patent will expire Dec. 23, 2034.

112. A certified copy of the ’466 Patent is attached hereto as Exhibit 151. By way of assignment, JLI holds all rights, title, and interest to the ’466 Patent. A certified copy of the assignment record for the ’466 Patent is attached hereto as Exhibit 152. Pursuant to Commission Rule 210.12(c), a certified copy of the File History of the ’466 Patent is included as Appendix I. Copies of the references cited in the certified file history of the ’466 Patent are included as Appendix J.

113. The ’466 Patent has 23 claims, including 3 independent claims and 20 dependent claims. JLI has asserted independent claims 1, 20, and 22 and dependent claims 4, 5, 6, 7, 8, 10, 12, 14, 16, 17, 18, 19, 21, and 23 of the ’466 Patent.

114. In accordance with Commission Rule 210.12(a)(9)(v), JLI is aware of no foreign patents and patent applications corresponding to the ’466 Patent.

IV. NON-TECHNICAL DESCRIPTION OF THE ASSERTED PATENTS

115. The Asserted Patents each relate to cartridges or “pods” for use in vaporizer devices. The patented cartridges include a mouthpiece and storage compartment for the liquid nicotine formulation, and can be inserted into the ENDS device body. The disposable cartridge-based system is simple and convenient: with only minimal attention to orientation and mild pressure, the single, reversible cartridge is easily inserted and removed from the device body,

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5 The following non-technical description of the patented technology is provided solely for compliance with the Commission Rules. It is not intended to, and does not, limit, define, or otherwise affect the construction or application of the claim language and should not be understood to do so.
even in the dark. The cartridge is filled with the liquid pursuant to JLI’s patented method in JLI’s domestic filling plants.

116. The cartridges are inserted into the cartridge receptacle in the ENDS device body. The ENDS device body also contains a battery, a charging port for charging the battery, and a printed circuit board that controls the electronic operations of the device. The JUUL system’s form factor allows sufficient space for its advanced components, but is compact enough to easily and snugly fit in a user’s closed lips during puffs.

117. The JUUL system is simple, yet distinct. It is purposefully designed to make it easy for adult smokers to transition to the product. Its design distinguishes the JUUL system from combustible cigarettes and from the first generation of ENDS. Critically, it is not a white, round, cigarette-like stick, instead employing a unique form factor that represented a stark departure from conventional thinking about ENDS design. At one basic level, the flattened,
oblong design creates space for JLI to leverage and incorporate its innovations into an effective and well-controlled ENDS, with a unique iconography.

118. The Asserted Patents are directed to the innovative features of the JUULpod and methods of making the same.

A. The ’129 Patent

119. The ’129 Patent discloses an apparatus comprising a cartridge with a mouthpiece for use with a vaporizer device. Furthermore, the ’129 patent discloses a cartridge that comprises contact tabs that are folded over the distal end of the cartridge and designed to interface with the electrical contacts of the vaporizer device. See Exhibit 140, ’129 Patent, Figures 24B, 28D.

120. The ’129 Patent discloses a pair of exposed, flat, folded-over contact tabs integrally formed from the paired plates. These exposed, flat, folded-over contact tabs complete a circuit with the battery in the vaporizer device body when the cartridge is inserted into the device. Prior to the ’129 Patent, other cartridges used pins to connect the heating element and the vaporizer device. As opposed to the claimed contact tabs which lay flat against the bottom of the cartridge, these pins were larger and often required a separate compartment adjacent to the bottom of the cartridge for housing the pins in order to dissipate excess heat from the heating element. However, the pins were inadequate for dissipating excess heat and so were prone to
overheat and produce a burnt flavor. JLI’s ’129 Patent addresses this problem by disclosing the folded-over contact tabs integrally formed from the paired plates, making the device more space-efficient and relatively easy to manufacture and install, and allowing for heat to dissipate through the heat sink, which prevents the formation and transmission of burnt flavors to users.

B. The ’915 Patent

121. The ’915 Patent discloses an apparatus comprising a cartridge with a mouthpiece for use with a vaporizer device. Furthermore, the ’915 patent discloses that the cartridge is configured to be quickly and reliably secured in an vaporizer device. In particular the cartridge disclosed by the ’915 patent is designed so that it may be quickly removed from the vaporizer device, but so that it is still held securely enough when installed so that the electrical contact between the cartridge and the vaporizer device will not be disrupted when a user holds the cartridge with their mouth. See Exhibit 142, ’915 Patent, Figures 25A, 28D.

122. The ’915 Patent discloses a cartridge with a locking mechanism that allows the cartridge to be removed from the vaporizer device, but that also prevents the cartridge from moving and breaking the electrical contacts between the cartridge and the vaporizer device. Prior to the ’915 Patent, users using many other cartridges would experience instability in the electrical contacts between the cartridge and the vaporizer when the user held the mouthpiece.
using their mouth. This would cause the cartridge and vaporizer device to function poorly or not at all. JLI’s ’915 Patent addresses this difficulty by disclosing cartridges that are comprised of locking gaps that allow the cartridge to be removably installed, but that do not allow disruption of the electrical contacts when the cartridge is held by the user’s mouth.

C. The ’470 Patent

123. The ’470 Patent discloses a cartridge for use with a vaporizer device that includes a mouthpiece enclosing and simultaneously concealing a portion of the storage compartment, but that also contains a notch exposing a portion of the storage compartment to allow a user to view the liquid level inside the cartridge when the cartridge sits inside a vaporizer device body. Moreover, the ’470 Patent discloses that the cartridge has a storage compartment that supports a wicking material in contact with vaporizable liquid and a heating element in contact with the wicking material. See Exhibit 145, ’470 Patent, Figures 24B, 28D.

124. The ’470 Patent discloses a cartridge with a mouthpiece that contains a notch to allow a user to see the level of vaporizable liquid in the cartridge when the cartridge is installed in a vaporizer device. The patent further discloses that the mouthpiece may have a pair of aerosol outlets and be affixed to the cartridge using a snap fit coupling. Additionally, the ’470 patent discloses a heating element and wicking material of the cartridge that are supported by the
storage compartment and connected to electrical contacts. Prior to the ’470 Patent, other cartridges used greater numbers of components, and did not allow a user to determine the liquid level in the cartridge when it was installed in a vaporizer device. JLI’s ’470 Patent addresses these problems by disclosing a mouthpiece, storage compartment, heating element, and wick, making the cartridge more space-efficient and relatively easy to manufacture and install, and allowing the user to see the liquid level with the cartridge is installed.

D. The ’465 Patent

125. The ’465 Patent discloses a cartridge for use with a vaporizer device that includes folded contact tabs (2411) that have fixation sites (2485) for a resistive heating element. Moreover, the ’465 Patent discloses a heater chamber that contains the resistive heater between the fixation sites of the contact plates and a wick in contact with the resistive heating element to draw vaporizable material into the heater chamber. See Exhibit 148, ’465 Patent, Figure 24B.

![FIG. 24B](image)

126. The ’465 Patent discloses a cartridge with a heater chamber that contains folded contact tabs that comprise fixation sites for attachment of a resistive heating element and a wick in contact with the resistive hearing element. The patent further discloses that the contacts may form an electrical connection with a battery to operate the resistive heating element to generate an aerosol from a vaporizable material within the heater chamber. Prior to the ’465 Patent, other
cartridges used greater numbers of components, and were more difficult to manufacture. Additionally, products prior to the ’465 Patent often used pins instead of folded contact tabs, which required more space and was less efficient at dissipating heat. JLI’s ’465 Patent addresses these problems by disclosing a cartridge with folded contact tabs that comprise fixation sites for the resistive heating element and provide heat dissipation to the heating element, making the device more space-efficient and relatively easy to manufacture and install.

E. The ’466 Patent

127. The ’466 Patent discloses a cartridge for use with a vaporizer device that includes a storage compartment and a heating chamber that includes a heating element. The ’466 Patent also discloses a first and second electrical contact located near the bottom of the cartridge and a third and fourth electrical contact in a receptacle of a vaporizer device configured to receive the cartridge. Moreover, the ’466 Patent discloses that the cartridge has 180 degree symmetry about the axis of its longer dimension and may be inserted into the receptacle in two orientations that are 180 degrees opposed, such that the cartridge is reversible and may be inserted into the vaporizer in either orientation. See Exhibit 151, ’466 Patent, Figures 24A, 24B.

128. The ’466 Patent discloses a cartridge that contains a heating element that is connected to folded contact tabs, which are configured to connect to contact tabs on a vaporizer
device. When connected the contact tabs complete a circuit allowing the cartridge’s heating element to generate an aerosol from the vaporizable liquid in the heating chamber. Further, the ’466 Patent discloses that the cartridge is reversible and may be inserted in two orientations such that either contact tab of the cartridge is in contact with either contact tab of the vaporizer device. Prior to the ’466 Patent, other cartridges did not allow a user to insert a cartridge in either direction and required that the user insert the cartridge in only a single correct orientation. JLI’s ’466 Patent addresses these problems by disclosing a cartridge with 180 degree symmetry that can be inserted into the vaporizer device in two orientations.

V. THE ACCUSED PRODUCTS

129. Pursuant to section 210.10(b)(1) of the Commission’s Rules of Practice and Procedure, 19 C.F.R. § 210.10(b), the proposed plain language description of the category of accused products, which defines the scope of the investigation, is “cartridges for nicotine vaporizers, and components thereof, such as the mouthpiece, storage compartment, and heater.” As detailed below, the accused products include cartridges sold for use with a nicotine vaporizer (also known as an ENDS device). Some accused products—sold alone or with an associated device (i.e., nicotine vaporizers)—may be used with other unassociated devices, such as the JUUL device, Eon device, or Ziip device. Furthermore, some accused cartridges are expressly marketed as “Juul Compatible.”

130. The Accused Products include at least the X Pods, Loon Pods, Iced Pods, Atom Pods, ViV Pods, Airbender ZPods, JC01 Pods, VQ Pods, Fuma Pods, Zalt Pods, Magic Mist

A. X Pods

131. On information and belief, each of United Wholesale’s Saddam Abroumi’s X Pod products are Cartridges for ENDS or components thereof. See, e.g., Exhibit 25.

B. Loon Pods

132. On information and belief, each of Maduro’s Loon Pod products are cartridges for ENDS or components thereof. See, e.g., Exhibit 34.

6 JLI has identified these products based on information that is publicly available at this time. This list is non-limiting, and JLI reserves the right to identify additional infringing products during discovery.
C. Iced Pods

133. On information and belief, each of DripTip’s, Ziip Labs’, Ziip China’s, and Yibo’s Iced Pod products are cartridges for ENDS or components thereof. See, e.g., Exhibit 40.

D. Atom Pods

134. On information and belief, each of DripTip’s Atom Pod products are cartridges for ENDS or components thereof. See, e.g., Exhibit 46.
E. ViV Pods

135. On information and belief, each of Vapor4Life’s and DripTip’s ViV Pod products are cartridges for ENDS or components thereof. See, e.g., Exhibit 153 (ViV Pod Photographs).

F. Airbender ZPods

136. On information and belief, each of Vaperz’s, Ziip Labs’, Ziip China’s, Yibo’s, DripTip’s, ZFO’s, and Electric Tobacconist’s Airbender ZPod products are cartridges for ENDS or components thereof. See, e.g., Exhibit 61.
Exhibit 61 at 8-10 (Airbender ZPod with ENDS device and Airbender ZPod separated)

G. JC01 Pods

137. On information and belief, each of OVNS’, MistHub’s, ZFO’s, and VaporDNA’s JC01 Pod products are cartridges for ENDS or components thereof. See, e.g., Exhibit 78.

Exhibit 78 at 5-7 (JC01 Pod)

H. VQ Pods

138. On information and belief, each of Vaportronix’s and ZFO’s VQ Pod products are cartridges for ENDS or components thereof. See, e.g., Exhibit 154 (VQ Pod Photographs).
I. **Fuma Pods / Fumo Pods**

139. On information and belief, each of Fuma’s and ZFO’s Fuma Pod products are cartridges for ENDS or components thereof. *See, e.g.*, Exhibit 155.

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**Exhibit 155 at 6 (Fuma Pod)**

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J. **Zalt Pods**

140. On information and belief, each of Vape4U’s and ZFO’s Zalt Pod products are cartridges for ENDS or components thereof. *See, e.g.*, Exhibit 156.

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7 Respondent’s website offers “Fuma Pods” for sale, but some images of the Fuma Pod products use the name “Fumo Pod.” *See* Exhibit 102. On information and belief, Fuma and Fumo Pods are the same product.
K. Magic Mist Pods

141. On information and belief, each of ParallelDirect’s Magic Mist Pod products are cartridges for ENDS or components thereof. See, e.g., Exhibit 112.

L. J Pods / Ref Pods\(^8\)

142. On information and belief, each of Haka’s, OCIGA’s, and Lizard Juice’s J Pod products are cartridges for ENDS or components thereof. See, e.g., Exhibit 121.

\(^8\) Haka and OCIGA have recently changed the name of the J Pod product to “Ref-Pods.” See Exhibit 118. However, despite the name change on the web portals, the physical product packaging continues to state “J Pod.” Exhibit 54 at ¶¶ 87-88.
M. Blankz Pods

143. On information and belief, each of Electric Tobacconist’s, and VaporDNA’s, Blankz Pod products are cartridges for ENDS or components thereof. See, e.g., Exhibit 157 (Blankz Pod Photographs).

N. Edge Pods

144. On information and belief, each of Electric Tobacconist’s and ZFO’s Edge Pod products are cartridges for ENDS or components thereof. See, e.g., Exhibit 158.
O. 5-Star Universal Pods

145. On information and belief, each of Sarvasva’s, 5-Star Universal Pod products are cartridges for ENDS or components thereof. See, e.g., Exhibit 159 (5-Star Universal Pod Photographs).
P. Sex Pods

146. On information and belief, Noah Dovberg’s Sex Pod products are cartridges for ENDS or components thereof. See, e.g., Exhibit 160 (Sex Pod Photographs).

Q. Sea100 Pods

147. On information and belief, each of Twist’s and ZFO’s Sea100 Pod products are cartridges for ENDS or components thereof. See, e.g., Exhibit 138.
VI. RESPONDENTS’ UNLAWFUL AND UNFAIR ACTS

A. Importation and Sale

148. The specific instances set forth below are representative examples of Respondents’ unlawful acts.

1. Respondent DripTip

149. On information and belief, Respondent DripTip knowingly and intentionally organizes, directs, authorizes, approves, or otherwise participates in the unlawful and infringing conduct alleged herein, including the manufacture, distribution, sale for importation, importation, or sale after importation in the United States of the infringing Atom Pod and Iced Pod cartridges.

Specific Instance of Importation of the Atom Pod Cartridges

150. Atom Pod cartridges were purchased in the United States on October 19, 2018, November 2, 2018, and November 7, 2018 from the DripTip webstore and shipped to an address in New York. See Exhibit 54 at ¶¶ 28-33. Packaging for these cartridges does not identify a manufacturer or distributor, but the image of the Atom Pod cartridge packaging on the DripTip webpage shows the “Driptip Vapes.com” logo, which suggests the Atom Pod cartridges are designed and/or made by or for DripTip. See Exhibit 44. Additionally, the packaging states that the cartridges were designed in Florida, DripTip’s state of incorporation, and manufactured in China. See Exhibit 46 at 2. Therefore, DripTip organized, directed, authorized, or otherwise participated in at least the sale after importation in the United States of these infringing Atom Pod cartridges. On information and belief, DripTip also organized, directed, authorized, or otherwise participated in the sale for importation and importation into the United States of these infringing Atom Pod cartridges.
Specific Instance of Importation of the Iced Pod Cartridges

151. Iced Pod cartridges were purchased in the United States on October 26, 2018, November 1, 2018, and November 7, 2018 from the DripTip webstore and shipped to an address in New York. See Exhibit 54 at ¶¶ 22-27. Packaging for these cartridges identifies Ziip Labs as the product designer. Exhibit 40 at 2-3. On information and belief, Respondent Ziip China manufactures Iced Pods. See Exhibits 41, 42 (identifying Ziip China as the “factory” for Ziip Labs). Therefore, on information and belief, DripTip organized, directed, authorized, or otherwise participated in at least the sale after importation in the United States of these infringing Iced Pod cartridges.
2. **Respondent Electric Tobacconist**

152. On information and belief, Respondent Electric Tobacconist knowingly and intentionally organizes, directs, authorizes, approves, or otherwise participates in the unlawful and infringing conduct alleged herein, including the manufacture, distribution, sale for importation, importation, or sale after importation in the United States of the infringing Edge cartridges.

*Specific Instance of Importation of the Edge Cartridges*

153. Edge cartridges were purchased in the United States on November 1, 2018 and November 7, 2018 from the Electric Tobacconist webstore and shipped to an address in New York. Exhibit 54 at ¶¶ 101-104. Packaging for these cartridges shows that they were designed and assembled in the United States and “[m]ade in China.” See Exhibit 158 at 2. Therefore, the Electric Tobacconist organized, directed, authorized, or otherwise participated in at least the sale after importation of these infringing Edge cartridges.
3. **Respondent Fuma**

154. On information and belief, Respondent Fuma knowingly and intentionally organizes, directs, authorizes, approves, or otherwise participates in the unlawful and infringing conduct alleged herein, including the manufacture, distribution, sale for importation, importation, and sale after importation in the United States of the infringing Fuma Pod cartridges.

**Specific Instance of Importation of the Fuma Pod Cartridges**

155. Fuma Pod cartridges were purchased in the United States on November 7, 2018 from the Fuma webstore and shipped to an address in New York. *See* Exhibit 54 at ¶¶ 71-72. Packaging for the Fuma cartridges shows that they were designed in the United States, the e-liquid was made in the United States, and the cartridges were assembled in China. *See* Exhibit 155 at 2. Therefore, Fuma organized, directed, authorized, or otherwise participated in at least the sale after importation in the United States of these infringing Fuma Pod cartridges. On information and belief, Fuma also organizes, directs, authorizes, or otherwise participates in the sale for importation and importation in the United States of infringing Fuma cartridges.
4. **Respondent Haka**

156. On information and belief, Respondent Haka knowingly and intentionally organizes, directs, authorizes, approves, or otherwise participates in the unlawful and infringing conduct alleged herein, including the manufacture, distribution, sale for importation, importation, or sale after importation in the United States of the infringing J Pod cartridges.

**Specific Instance of Importation of the J Pod Cartridges**

157. J Pod cartridges were purchased in the United States on October 29, 2018 from the Haka and OCIGA webstore and shipped to an address in New York. Exhibit 54 at ¶¶ 85-86. J Pod cartridges were also purchased in the United States on November 7, 2018 from the Lizard webstore and shipped to an address in New York. *Id.* at ¶ 91-92. J Pod cartridge packaging states that J Pods are designed and made in China. *See* Exhibit 121 at 4 (indicating the “CE” mark that means “China Export”). Haka and OCIGA’s webstore further indicates that the place of origin for these cartridges is “China.” *See* Exhibit 116 at 1 (listing country of origin as China). Therefore, Haka organized, directed, authorized, or otherwise participated in at least the sale
after importation of these infringing J Pod cartridges. On information and belief, Haka also
organized, directed, authorized, or otherwise participated in the sale for importation and
importation in the United States of these infringing J Pod cartridges.

5. **Respondent Lizard**

158. On information and belief, Respondent Lizard knowingly and intentionally
organizes, directs, authorizes, approves, or otherwise participates in the unlawful and infringing
conduct alleged herein, including the manufacture, distribution, sale for importation, importation,
or sale after importation in the United States of the infringing J Pod cartridges.

*Specific Instance of Importation of the J Pod Cartridges*
159. J Pod cartridges were purchased in the United States on November 1, 2018 and November 7, 2018 from the Lizard webstore and shipped to an address in New York. See Exhibit 54 at ¶¶ 89-92. The packaging states that the J Pod cartridges are designed and made in China. See Exhibit 121 at 4 (indicating the “CE” mark that means “China Export”). Therefore, Lizard organized, directed, authorized, or otherwise participated in at least the sale after importation in the United States of these infringing J Pod cartridges.

6. Respondent Maduro

160. On information and belief, Respondent Maduro knowingly and intentionally organizes, directs, authorizes, approves, or otherwise participates in the unlawful and infringing conduct alleged herein, including the manufacture, distribution, sale for importation, importation, and sale after importation in the United States of the infringing Loon Pod cartridges.
Specific Instance of Importation of the Loon Pod Cartridges

161. Loon Pod cartridges were purchased in the United States from the Loon webstore on October 10, 2018, November 1, and November 7, 2018 and shipped to an address in New York. See Exhibit 54 at ¶¶ 16-21. On information and belief, Maduro owns the Minnesota trademark for “THE LOON Pure Minnesotan” and owns and operates the Loon webstore. See Exhibit 28; Exhibit 29; and Exhibit 30. Packaging for these cartridges shows that they were designed in the United States and manufactured in China. See Exhibit 34 at 2. Therefore, Maduro organized, directed, authorized, or otherwise participated in the sale after importation in the United States of these infringing Loon Pod cartridges. On information and belief, Maduro also organized, directed, authorized, or otherwise participated in the sale for importation and importation in the United States of these infringing Loon Pod cartridges.

7. Respondent MistHub

162. On information and belief, Respondent MistHub knowingly and intentionally organizes, directs, authorizes, approves, or otherwise participates in the unlawful and infringing
conduct alleged herein, including the manufacture, distribution, sale for importation, importation, or sale after importation in the United States of the infringing JC01 Pod cartridges.

Specific Instance of Importation of the JC01 Pod Cartridges

163. JC01 Pod cartridges were purchased in the United States on October 10, 2018, November 1, 2018, and November 7, 2018 from the MistHub webstore and shipped to an address in New York. See Exhibit 54 at ¶¶ 47-52. The packaging on the JC01 Pod cartridges states that they are designed and made in China. See Exhibit 78 at 2, 9. Furthermore, the OVNS webstore lists the place of origin for these cartridges as Guangdong, China. See Exhibit 77 (listing place of origin and factory details). Therefore, MistHub organized, directed, authorized, or otherwise participated in at least the sale after importation in the United States of these infringing JC01 cartridges.

8. Respondent Noah Dovberg

164. On information and belief, Respondent Noah Dovberg knowingly and intentionally organizes, directs, authorizes, approves, or otherwise participates in the unlawful and infringing conduct alleged herein, including the manufacture, distribution, sale for
importation, importation, or sale after importation in the United States of the infringing Sex Pod cartridges.

**Specific Instance of Importation of the Sex Pod Cartridges**

165. Sex Pod cartridges were purchased in the United States on October 17, 2018, November 1, 2018, and November 7, 2018 from the sexvapor.co webstore and shipped to an address in New York. See Exhibit 54 at ¶¶ 111-116. On information and belief, Noah Dovberg is an individual operating the sexvapor.co webstore from his family’s home and is unlikely to be manufacturing these products himself. See Exhibit 130 (sexvapor.co FAQ page showing Noah’s gmail address “noahdovb@gmail.com” and home location); Exhibit 131 (Google Maps indicating the location shown on the FAQ is 836 N. Oleander Ave., Daytona Beach, FL 32118). The Oleander Avenue property is a single family home owned by Roy Dovberg. See Exhibit 132 (property records for 836 N. Oleander Ave showing Roy Dovberg as the owner). The Sex Pod products are not marked with place of manufacture information but ENDS cartridges are widely accepted in the industry to be manufactured outside the United States. See, e.g., Exhibit 161 at 2 (Web Printout of Eonsmoke’s Instagram Post) (Eonsmoke, a distributor of “Juul [c]ompatible [p]ods,” stating that “[n]ot one single pod including Juul [sic] is made in the USA us [sic], no one even has the machinery.”). Therefore, the Sex Pod cartridges are likely also manufactured outside the United States, so the Commission should institute the investigation as to Noah Dovberg and investigate whether importation occurred. See Amgen, Inc. v. Int’l Trade Comm’n, 902 F.2d 1532 (Fed. Cir. 1990) (noting that if there is a question as to importation, the Commission must assume jurisdiction and then address or dismiss the party on the merits). On information and belief, Noah Dovberg organized, directed, authorized, or otherwise participated in the sale for importation, importation, or sale after importation in the United States of these infringing Sex Pod cartridges.
9. **Respondent OCIGA**

166. On information and belief, Respondent OCIGA knowingly and intentionally organizes, directs, authorizes, approves, or otherwise participates in the unlawful and infringing conduct alleged herein, including the manufacture, distribution, sale for importation, importation, or sale after importation in the United States of the infringing J Pod cartridges.

**Specific Instance of Importation of the J Pod Cartridges**

167. J Pod cartridges were purchased in the United States on October 29, 2018 from the Haka and OCIGA webstore and shipped to an address in New York. See Exhibit 54 at ¶¶ 85-86. J Pod cartridges were also purchased in the United States on November 7, 2018 from the Lizard webstore and shipped to an address in New York. Id. at ¶ 91-92. The packaging states that the J Pod cartridges are designed and made in China. See Exhibit 121 at 4 (indicating the “CE” mark that means “China Export”). Haka and OCIGA’s webstore further indicates that the place of origin for these cartridges is “China.” See Exhibit 116 at 1 (listing country of origin as China). Therefore, OCIGA organized, directed, authorized, or otherwise participated in at least the sale after importation in the United States of these infringing J Pod cartridges. On information and belief, OCIGA also organized, directed, authorized, or otherwise participated in the sale for importation and importation in the United States of these infringing J Pod cartridges.
10. Respondent OVNS

168. On information and belief, Respondent OVNS knowingly and intentionally organizes, directs, authorizes, approves, or otherwise participates in the unlawful and infringing conduct alleged herein, including the manufacture, distribution, sale for importation, importation, or sale after importation in the United States of the infringing JC01 Pod cartridges.

Specific Instance of Importation of the JC01 Pod Cartridges

169. JC01 Pod cartridges were purchased in the United States on November 15, 2018 from OVNS’s Alibaba web store and ordered to be shipped to an address in New York. See Exhibit 54 at ¶¶ 55-56. The packaging states that the JC01 Pod cartridges are designed and made in China. See Exhibit 78 at 2, 9. Furthermore, the OVNS webstore that makes the JC01 Pod cartridges available for sale lists the place of origin for these cartridges as Guangdong, China. See Exhibit 77 (listing place of origin and factory details). Therefore, OVNS organized, directed,
authorized, or otherwise participated in at least the sale after importation in the United States of these infringing JC01 Pod cartridges. On information and belief, OVNS also organized, directed, authorized, or otherwise participated in the sale for importation and importation in the United States of these infringing JC01 Pod cartridges.

11. **Respondent Sarvasva**

170. On information and belief, Respondent Sarvasva knowingly and intentionally organizes, directs, authorizes, approves, or otherwise participates in the unlawful and infringing conduct alleged herein, including the manufacture, distribution, sale for importation, importation, or sale after importation in the United States of the infringing 5-Star Universal Pod cartridges.

**Specific Instance of Importation of the 5-Star Universal Pod Cartridges**

171. On information and belief, Sarvasva does business under the name “One Stop Food Mart” and operates a convenience store at 32 Church Road under that name. See Exhibit 127; Exhibit 54 at ¶¶ 107, 109. 5-Star Universal Pod cartridges were purchased in the United States on October 11, 2018 and November 6, 2018 from the One Stop Food Mart at 32 Church
Road. See Exhibit 54 at ¶¶ 107-110. On information and belief, the 5-Star Universal Pod cartridges are manufactured in China. See Exhibit 26 at 48:2-50:17 (United Wholesale stating under oath during deposition in the district court litigation, Case No. 3:18-cv-01396-KAD in D. Conn., that the Chinese factory manufacturing the X Pods also manufactured the 5-Star Universal products). Therefore, on information and belief, Sarvasva organized, directed, authorized, or otherwise participated in at least the sale after importation in the United States of these infringing 5-Star Universal Pod cartridges.

12. **Respondent ParallelDirect**

172. On information and belief, Respondent ParallelDirect knowingly and intentionally organizes, directs, authorizes, approves, or otherwise participates in the unlawful and infringing conduct alleged herein, including the manufacture, distribution, sale for importation, importation, or sale after importation in the United States of the infringing Magic Mist Pod cartridges.

*Specific Instance of Importation of the Magic Mist Pod Cartridges*

173. Magic Mist Pod cartridges were purchased in the United States on October 17, 2018, November 1, 2018, and November 7, 2018 from the Magic Mist webstore and shipped to an address in New York. See Exhibit 54 at ¶¶ 79-84. On information and belief, ParallelDirect operates under the name “The Magic Mist.” See Exhibit 109 (noting that ParallelDirect operates under the name “The Magic Mist”); Exhibit 110 (referencing ParallelDirect). Packaging for these cartridges shows that they were “Made in China.” See Exhibit 112 at 5. Therefore, Magic Mist organized, directed, authorized, or otherwise participated in at least the sale after importation in the United States of these infringing Magic Mist Pod cartridges. On information and belief, Magic Mist also organized, directed, authorized, or otherwise participated in the sale for importation and importation in the United States of these infringing Magic Mist Pod cartridges.
13. **Respondent Saddam Abouromi**

174. On information and belief, Respondent Saddam Abouromi knowingly and intentionally organizes, directs, authorizes, approves, or otherwise participates in the unlawful and infringing conduct alleged herein, including the manufacture, distribution, sale for importation, importation, and/or sale after importation in the United States of the infringing X Pod cartridges.

**Specific Instance of Importation of the X Pod Cartridges**

175. X Pod cartridges were purchased in the United States on June 13, 2018, November 1, 2018, and November 9, 2018 from the High Mart Mobil Station located at 198 Wessex Rd., Westbrook, CT 06498. See Exhibit 54 at ¶¶ 8-15. These cartridges identify United Wholesale as having “[d]esigned” the product. See Exhibit 25 at 2. Furthermore, in the separate district court litigation (Case No. 3:18-cv-01396-KAD in D. Conn.), Mr. Ibrahaim Eideh, testifying on behalf of United Wholesale, admitted under oath that X Pod cartridges were manufactured in China. See Exhibit 26 at 38:7-40:6, 45:9-52:11. Mr. Eideh further admitted under oath that Saddam Abouromi received the X Pod cartridges from the same Chinese source and has distributed, and continues to distribute, X Pod cartridges in the United States. See id. at
11:20-12:4, 34:21-36:2. Therefore, on information and belief, Saddam Abouroumi organized, directed, authorized, or otherwise participated in the sale for importation, importation, and sale after importation in the United States of these infringing X Pod cartridges.

14. **Respondent Twist**

176. On information and belief, Respondent Twist knowingly and intentionally organizes, directs, authorizes, approves, or otherwise participates in the unlawful and infringing conduct alleged herein, including the manufacture, distribution, sale for importation, importation, or sale after importation in the United States of the infringing Sea100 Pod cartridges.

**Specific Instance of Importation of the Sea100 Pod Cartridges**

177. Sea100 Pod cartridges were purchased in the United States on November 7, 2018 from Twist’s webstore and shipped to an address in New York. See Exhibit 54 at ¶¶ 123-124. On information and belief, the Sea100 Pod cartridges are a product of Twist and are manufactured in China. *Id.* at ¶ 125 (stating that Twist’s sales manager confirmed that Twist sells the Sea100 Pod cartridges and that the empty Sea100 Pod cartridges are “from China”). Therefore, Twist organized, directed, authorized, or otherwise participated in at least the sale after importation in
the United States of these infringing Sea100 Pod cartridges. On information and belief, Twist organized, directed, authorized, or otherwise participated in the sale for importation and importation in the United States of these infringing Sea100 Pod cartridges.

15. Respondent United Wholesale

178. On information and belief, Respondent United Wholesale knowingly and intentionally organizes, directs, authorizes, approves, or otherwise participates in the unlawful and infringing conduct alleged herein, including the manufacture, distribution, sale for importation, importation, and/or sale after importation in the United States of the infringing X Pod cartridges.

Specific Instance of Importation of the X Pod Cartridges

179. X Pod cartridges were purchased in the United States on June 13, 2018, November 1, 2018, and November 9, 2018 from the High Mart Mobil Station located at 198 Wessex R., Westbrook, CT 06498 on June 13, 2018. See Exhibit 54 at ¶¶ 8-15. The X Pod cartridges identify United Wholesale as having “[d]esigned” the product. See Exhibit 25 at 2. Furthermore, in the separate district court litigation (Case No. 3:18-cv-01396-KAD in D. Conn.), Mr. Ibrahim Eideh, testifying on behalf of United Wholesale, stated that he was involved in the design, importation, and sale in the United States of X Pod products. See Exhibit 26 at 176:21-179:1, 181:16-182:12, 184:13-187:4. Mr. Eideh also stated during his deposition that the X Pod products were manufactured in a factory in China. Id. at 38:7-40:6, 45:9-52:11. Therefore, on information and belief, United Wholesale organized, directed, authorized, or otherwise participated in the sale for importation, importation, and sale after importation in the United States of these infringing X Pod cartridges.
16. **Respondent Vaperz**

180. On information and belief, Respondent Vaperz knowingly and intentionally organizes, directs, authorizes, approves, or otherwise participates in the unlawful and infringing conduct alleged herein, including the manufacture, distribution, sale for importation, importation, or sale after importation in the United States of the infringing Airbender ZPod cartridges.

**Specific Instance of Importation of the Airbender ZPod Cartridges**

181. Airbender ZPod cartridges were purchased in the United States on October 10, 2018, November 1, 2018, and November 7, 2018 from the Vaperz webstore and shipped to an address in New York. See Exhibit 54 at ¶¶ 41-46. Packaging for these cartridges shows that they were designed by Ziip Labs in Uruguay and manufactured in China. See Exhibit 61 at 2 (Airbender ZPod Photographs). Therefore, Vaperz organized, directed, authorized, or otherwise participated in at least the sale after importation in the United States of these infringing Airbender ZPod cartridges.
17. **Respondent Vape4U**

182. On information and belief, Respondent Vape4U knowingly and intentionally organizes, directs, authorizes, approves, or otherwise participates in the unlawful and infringing conduct alleged herein, including the manufacture, distribution, sale for importation, importation, or sale after importation in the United States of the infringing Zalt Pod cartridges.

**Specific Instance of Importation of the Zalt Pod Cartridges**

183. Zalt Pod cartridges were purchased in the United States on October 15, 2018, November 1, 2018, and November 7, 2018 from the Vape4U webstore and shipped to an address in New York. See Exhibit 54 at ¶¶ 73-78. Packaging for these cartridges shows that they were “manufactured in China.” See Exhibit 156 at 2-3. Therefore, Vape4U organized, directed, authorized, or otherwise participated in at least the sale after importation in the United States of these infringing Zalt Pod cartridges.
18. **Respondent VaporDNA**

184. On information and belief, Respondent VaporDNA knowingly and intentionally organizes, directs, authorizes, approves, or otherwise participates in the unlawful and infringing conduct alleged herein, including the manufacture, distribution, sale for importation, importation, or sale after importation in the United States of the infringing JC01 Pod and Blankz Pod cartridges.

**Specific Instance of Importation of the JC01 Pod Cartridges**

185. JC01 Pod cartridges were purchased in the United States on November 13, 2018 from the VaporDNA webstore and shipped to an address in New York. See Exhibit 54 at ¶¶ 53-54. The packaging of the JC01 Pod cartridge states that it is designed and made in China. See Exhibit 78 at 2, 9. Furthermore, the OVNS webstore, which makes the same JC01 Pod cartridges available for sale, lists the place of origin for these cartridges as Guangdong, China. See Exhibit 77 (listing place of origin and factory details). Therefore, VaporDNA organized, directed,
authorized, or otherwise participated in at least the sale after importation in the United States of these infringing JC01 Pod cartridges.

Specific Instance of Importation of the Blankz Pod Cartridges

186. Blankz Pod cartridges were purchased in the United States on November 7, 2018 from the VaporDNA webstore and shipped to an address in New York. See Exhibit 54 at ¶¶ 99-100. The Blankz Pod cartridges are not marked with place of manufacture information. Instead, the packaging identifies a fake name: Satoshi Nakamoto, which is the name used by the unknown person or persons who developed bitcoin. See Exhibit 157 at 2 (Blankz Pod cartridge packaging stating that it has been “[m]anufactured and [d]istributed by: Satoshi Nakamoto”). ENDS cartridges are widely accepted in the industry to be manufactured outside the United States. See, e.g., Exhibit 161 at 2 (Eonsmoke, a distributor of “Juul [c]ompatible [p]ods,” stating that “[n]ot one single pod including Juul [sic] is made in the USA us [sic], no one even has the machinery.”). Therefore, on information and belief, the Blankz Pod cartridges are falsely marked and likely manufactured outside the United States, so the Commission should institute the
investigation as to VaporDNA and investigate whether importation occurred. See Amgen, 902 F.2d 1532 (noting that if there is a question as to importation, the Commission must assume jurisdiction and then address or dismiss the party on the merits). On information and belief, VaporDNA organized, directed, authorized, or otherwise participated in at least the sale after importation in the United States of these infringing Blankz Pod cartridges.

![Image of Blankz Pod cartridge]

19. **Respondent Vaportronix**

187. On information and belief, Respondent Vaportronix knowingly and intentionally organizes, directs, authorizes, approves, or otherwise participates in the unlawful and infringing conduct alleged herein, including the manufacture, distribution, sale for importation, importation, or sale after importation in the United States of the infringing VQ Pod cartridges.

**Specific Instance of Importation of the VQ Pod Cartridges**

188. VQ Pod cartridges were purchased in the United States on November 7, 2018 from the Vaportronix website. See Exhibit 54 at ¶¶ 63-64. These products are not marked with
place of manufacture information, but ENDS cartridges are widely accepted in the industry to be manufactured outside the United States. See, e.g., Exhibit 161 (Eonsmoke, a distributor of “Juul [c]ompatible [p]ods,” stating that “[n]ot one single pod including Juul [sic] is made in the USA us [sic], no one even has the machinery.”). Therefore, these VQ Pod cartridges are likely manufactured outside of the United States for the same reasons. The Commission should institute the investigation as to Vaportronix and investigate whether importation occurred. See Amgen, 902 F.2d 1532 (noting that if there is a question as to importation, the Commission must assume jurisdiction and then address or dismiss the party on the merits). On information and belief, Vaportronix organized, directed, authorized, or otherwise participated in the sale for importation, importation, or sale after importation in the United States of these infringing VQ Pod cartridges.

20. **Respondent Vapor4Life**

189. On information and belief, Respondent Vapor4Life knowingly and intentionally organizes, directs, authorizes, approves, or otherwise participates in the unlawful and infringing conduct alleged herein, including the manufacture, distribution, sale for importation, importation, or sale after importation in the United States of the infringing ViV Pod cartridges.

**Specific Instance of Importation of the ViV Pod Cartridges**

190. ViV Pod cartridges were purchased in the United States on October 11, 2018, November 1, 2018, and November 7, 2018 from the Vapor4Life webpage. See Exhibit 54 at ¶¶ 34-39. The packaging indicates that ViV Pod cartridges are distributed by Vapor4Life, but does not identify the manufacturer or country of origin. Exhibit 153. However, Vapor4Life’s customer service confirmed that Vapor4Life-brand ViV Pods are manufactured in China and that the factory is owned and operated by Vapor4Life. See Exhibit 54 at ¶ 40. Therefore, on information and belief, Vapor4Life organized, directed, authorized, or otherwise participated in
at least the importation and sale after importation in the United States of these infringing ViV Pod cartridges.

21. **Respondent Yibo**

191. On information and belief, Respondent Yibo knowingly and intentionally organizes, directs, authorizes, approves, or otherwise participates in the unlawful and infringing conduct alleged herein, including the manufacture, distribution, sale for importation, importation, or sale after importation in the United States of the infringing Airbender ZPod and Iced Pod cartridges.

**Specific Instance of Importation of the Airbender ZPod Cartridges**

192. Airbender ZPod cartridges were purchased in the United States on October 10, 2018, November 1, 2018, and November 7, 2018 from the Vaperz webstore and shipped to an address in New York. See Exhibit 54 at ¶¶ 41-46. Packaging for these cartridges shows the Ziip logo and further states that they were designed by “Ziip Labs” in Uruguay and manufactured in China. See Exhibit 61 at 2-5. On information and belief, Yibo manufactures Ziip cartridges, including the Airbender ZPods, in China. Exhibit 43 (noting Ziip’s factory as Yibo). Therefore, on information and belief, Yibo organized, directed, authorized, or otherwise participated in the sale for importation in the United States of these infringing Airbender ZPod cartridges.
Specific Instance of Importation of the Iced Pod Cartridges

193. Iced Pod cartridges were purchased in the United States on October 26, 2018, November 1, 2018, and November 7, 2018 from the DripTip webstore and shipped to an address in New York. See Exhibit 54 at ¶¶ 22-27. Packaging for these cartridges identifies Ziip Labs as the product designer. Exhibit 40 at 2-3. On information and belief, Yibo manufactures Ziip cartridges, including the Airbender ZPods, in China. Exhibit 43 (noting Ziip’s factory as Yibo). Therefore, on information and belief, Ziip China organized, directed, authorized, or otherwise participated in at least the sale for importation into the United States of these infringing Iced Pod cartridges.
22. **Respondent ZFO**

194. On information and belief, Respondent ZFO knowingly and intentionally organizes, directs, authorizes, approves, or otherwise participates in the unlawful and infringing conduct alleged herein, including the manufacture, distribution, sale for importation, importation, or sale after importation in the United States of the infringing Fuma Pod, Sea100 Pod, and Edge Pod cartridges.

*Specific Instance of Importation of the Fuma Pod Cartridges*
195. Fuma Pod cartridges were purchased in the United States on October 17, 2018, November 1, 2018, and November 7, 2018 from the ZFO webstore and shipped to an address in New York. See Exhibit 54 at ¶¶ 65-70. Packaging for these cartridges shows that they were designed in the United States, the e-liquid was made in the United States, and the cartridges were assembled in China. See Exhibit 155 at 2. Therefore, ZFO organized, directed, authorized, or otherwise participated in at least the sale after importation in the United States of these infringing Fuma Pod cartridges.

Specific Instance of Importation of the Sea100 Pod Cartridges

196. Sea100 Pod cartridges were purchased in the United States on October 17, 2018, November 1, and November 7, 2018 from the ZFO webstore and shipped to an address in New York. See Exhibit 54 at ¶¶ 117-122. On information and belief, these pods are manufactured in China. Id. at ¶ 125 (Sea100 sales manager confirming that the pods are made in China).
Therefore, on information and belief, ZFO organized, directed, authorized, or otherwise participated in at least the sale after importation in the United States of these infringing Sea100 Pod cartridges.

**Specific Instance of Importation of the Edge Pod Cartridges**

197. Edge Pod cartridges were purchased in the United States on November 13, 2018 from the ZFO webstore and shipped to an address in New York. Exhibit 54 at ¶¶ 105-106. Packaging for these cartridges shows that they were designed and assembled in the United States and “[m]ade in China.” See Exhibit 158 at 2. Therefore, ZFO organized, directed, authorized, or otherwise participated in at least the sale after importation of these infringing Edge Pod cartridges.

23. **Respondent Ziip China**

198. On information and belief, Respondent Ziip China knowingly and intentionally organizes, directs, authorizes, approves, or otherwise participates in the unlawful and infringing conduct alleged herein, including the manufacture, distribution, sale for importation, importation,
or sale after importation in the United States of the infringing Airbender ZPod and Iced Pod cartridges.

*Specific Instance of Importation of the Airbender ZPod Cartridges*

199. Airbender ZPod cartridges were purchased in the United States on October 10, 2018, November 1, 2018, and November 7, 2018 from the Vaperz webstore and shipped to an address in New York. See Exhibit 54 at ¶¶ 41-46. Packaging for these cartridges shows the Ziip logo and further states that they were designed by “Ziip Labs” in Uruguay and manufactured in China. See Exhibit 61 at 2-5. On information and belief, Ziip China manufactures Airbender ZPods. See Exhibits 41, 42 (identifying Ziip China as the “factory” for Ziip Labs). Therefore, on information and belief, Ziip China organized, directed, authorized, or otherwise participated in the sale for importation in the United States of these infringing Airbender ZPod cartridges.

*Specific Instance of Importation of the Iced Pod Cartridges*

200. Iced Pod cartridges were purchased in the United States on October 26, 2018, November 1, 2018, and November 7, 2018 from the DripTip webstore and shipped to an address...
in New York. See Exhibit 54 at ¶¶ 22-27. Packaging for these cartridges identifies Ziip Labs as the product designer. Exhibit 40 at 2-3. On information and belief, Ziip China manufactures Iced Pods. See Exhibits 41, 42 (identifying Ziip China as the “factory” for Ziip Labs). Therefore, on information and belief, Ziip China organized, directed, authorized, or otherwise participated in at least the sale for importation into the United States of these infringing Iced Pod cartridges.

24. **Respondent Ziip Labs**

201. On information and belief, Respondent Ziip Labs knowingly and intentionally organizes, directs, authorizes, approves, or otherwise participates in the unlawful and infringing conduct alleged herein, including the manufacture, distribution, sale for importation, importation, or sale after importation in the United States of the infringing Airbender ZPod and Iced Pod cartridges.

**Specific Instance of Importation of the Airbender ZPod Cartridges**

202. Airbender ZPod cartridges were purchased in the United States on October 10, 2018, November 1, 2018, and November 7, 2018 from the Vaperz webstore and shipped to an address in New York. See Exhibit 54 at ¶¶ 41-46. Packaging for these cartridges shows the Ziip
logo and further states that they were designed by “Ziip Labs” in Uruguay and manufactured in China. See Exhibit 61 at 2-5. Therefore, on information and belief, Ziip Labs organized, directed, authorized, or otherwise participated in at least the sale for importation in the United States of these infringing Airbender ZPod cartridges.

Specific Instance of Importation of the Iced Pod Cartridges

203. Iced Pod cartridges were purchased in the United States on November 7, 2018 from the DripTip webstore and shipped to an address in New York. See Exhibit 54 at ¶¶ 26-27. Packaging for these cartridges identifies Ziip Labs as the product designer. Exhibit 40 at 2-3. Therefore, on information and belief, Ziip Labs organized, directed, authorized, or otherwise participated in at least the sale for importation into the United States of these infringing Iced Pod cartridges.
B. Infringement

204. As explained in Section VI.A., Respondents import, sell for importation, and sell after importation the Accused Products. In violation of § 1337(a)(1)(B), the Accused Products directly infringe, literally or under the doctrine of equivalents, the Asserted Claims or are made by a process that directly infringes, literally or under the doctrine of equivalents, the Asserted Claims.

205. The Accused Products directly infringe at least claims 1, 2, 3, 5, 6, 7, 8, 12, 13, 16, 17, 18, 19, 20, 22 of the ’129 Patent; claims 10, 15, 17, 29, 30, 31, 32 of the ’915 Patent; claims 1, 2, 3, 4, 7, 8, 10, 11 of the ’470 Patent; claims 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 of the ’465 Patent; and claims 1, 4, 5, 6, 7, 8, 10, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23 of the ’466 Patent.

206. Specifically, the Accused Devices and the Accused Pods infringe the following claims of each patent:
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<td>1-3, 5-8, 12, 13, 16-20, 22</td>
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<td>J Pod Group</td>
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<td>1-7, 9-20</td>
<td>1, 4-8, 10, 12, 14, 16-23</td>
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1. **X Pod Group**

   **a) Direct Infringement**

   207. Respondents United Wholesale and Saddam Abouroumi import, sell for importation, and/or sell after importation the X Pod cartridges. In violation of § 1337(a)(1)(B), the X Pod cartridges directly infringe, literally or under the doctrine of equivalents, claims 1, 2, 3, 5, 6, 7, 8, 12, 13, 16, 17, 18, 19, 20, and 22 of the ’129 Patent; claims 10, 15, 17, 29, 30, 31, and 32 of the ’915 Patent; claims 1, 2, 3, 4, 7, 8, 10, 11 of the ’470 Patent; claims 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 of the ’465 Patent; and claims 1, 4, 5, 6, 7, 8, 10, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23 of the ’466 Patent.


b) **Indirect Infringement**

210. The X Pod Group Respondents have also induced and continue to induce others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after importation the Accused Products and encouraging and facilitating others to perform actions using those Accused Products that Respondents know will infringe and with the intent that performance of the actions will infringe.

211. As an initial matter, the X Pod Group Respondents had notice of each of the ’129 Patent, ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent, as well as JLI’s infringement allegations at least as early as November 20, 2018—the filing date of JLI’s complaint in the United States District Court for the District of Connecticut.

212. The X Pod Group Respondents actively encourage, promote, distribute, provide instructions for, and support the use of the imported X Pod cartridges in a way that directly infringes the ’129 Patent, ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent, knowing and intending that their customers will commit infringing acts in such a manner as to directly infringe the Asserted Claims. Specifically, Respondents provide explicit instructions to their customers that the X Pods “fit[] in Juul device[s].” See Exhibit 25 at 1. On information and belief, the products are sold to customers and used by them pursuant to Respondents’ packaging instructions to infringe one or more of the Asserted Claims. The cartridges have no substantial purpose other than to be combined with a vaporizer device in a manner that infringes the claims of each of the ’129 Patent, ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent.

213. On information and belief, Respondents also contribute to the infringement of the Asserted Claims under 35 U.S.C. § 271(c) by their manufacture, importation, sale for importation, and/or sale in the United States after importation of one or more components of the


2. **Loon Pod Group**

  a) **Direct Infringement**

215. Respondent Maduro imports, sells for importation, and/or sells after importation the Loon Pod cartridges. In violation of § 1337(a)(1)(B), the Loon Pod cartridges directly infringe, literally or under the doctrine of equivalents, claims 10, 15, 17, 29, 30, 31, 32 of the ’915 Patent; claims 1, 2, 3, 4, 7, 8, 10, 11 of the ’470 Patent; claims 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 of the ’465 Patent; and claims 1, 4, 5, 6, 7, 8, 10, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23 of the ’466 Patent.


**b) Indirect Infringement**

218. Respondent Maduro has also induced and continues to induce others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after importation the Accused Products and encouraging and facilitating others to perform actions using those Accused Products that Maduro knows will infringe and with the intent that performance of the actions will infringe.

219. As an initial matter, Maduro had notice of each of the ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent, as well as JLI’s infringement allegations at least as early as November 20, 2018—the filing date of JLI’s complaint in the United States District Court for the District of Minnesota.

220. Maduro actively encourages, promotes, distributes, provides instructions for, and supports the use of the imported Loon Pod cartridges in a way that directly infringes the ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent, knowing and intending that its customers will commit infringing acts in such a manner as to directly infringe the Asserted Claims. Specifically, Respondent provides explicit instructions to its customers regarding the use of the cartridges with a rechargeable device, and even sells rechargeable devices and cartridges together as starter
kits. See Exhibit 34 at 1-2, 15-16 (instructions on how to use the device and cartridges and Loon Pod packaging). On information and belief, the products are sold to customers and used by them pursuant to Respondent’s packaging instructions to infringe one or more of the Asserted Claims. The devices and cartridges have no substantial purpose other than to be combined in a manner that infringes the claims of each of the ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent.

221. On information and belief, Respondent also contributes to the infringement of the Asserted Claims under 35 U.S.C. § 271(c) by its manufacture, importation, sale for importation, and/or sale in the United States after importation of one or more components of the Accused Products. Since at least the date a courtesy copy of JLI’s November 20, 2018 district court complaint alleging infringement of the ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent was sent to Respondent, Respondent has had knowledge of the ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent and the infringing nature of the Accused Products. Respondent is aware that its imported components are designed for use in the Accused Products, embody a material part of the invention claimed in the ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent, and are not staple articles of commerce suitable for substantial non-infringing use.

3. *Iced Pod Group*

   \textit{a) Direct Infringement}

223. Respondents DripTip, Ziip Labs, Ziip China, and Yibo import, sell for importation, and/or sell after importation the Iced Pod cartridges. In violation of § 1337(a)(1)(B), the Iced Pod cartridges directly infringe, literally or under the doctrine of equivalents, claims 1, 2, 3, 5, 6, 7, 8, 12, 13, 16, 17, 18, 19, 20, 22 of the '129 Patent; claims 10, 15, 17, 29, 30, 31, 32 of the '915 Patent; claims 1, 2, 3, 4, 7, 8, 10, 11 of the '470 Patent; claims 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 of the '465 Patent; and claims 1, 4, 5, 6, 7, 8, 10, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23 of the '466 Patent.


   \textit{b) Indirect Infringement}

226. The Iced Pod Group Respondents have also induced and continue to induce others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after importation the Accused Products and encouraging and facilitating others to perform actions using those Accused Products that Respondents know will infringe and with the intent that performance of the actions will infringe.
227. As an initial matter, the Iced Pod Group Respondents had notice of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent, as well as JLI’s infringement allegations at least as early as November 20, 2018—the filing date of JLI’s complaint in the United States District Court for the Southern District of Florida.

228. The Iced Pod Group Respondents actively encourage, promote, distribute, provide instructions for, and support the use of the imported Iced Pod cartridges in a way that directly infringes the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent, knowing and intending that their customers will commit infringing acts in such a manner as to directly infringe the Asserted Claims. Specifically, Respondents provide explicit instructions to their customers stating that the Accused Products are “Juul Compatible” cartridges. See Exhibit 38. On information and belief, the products are sold to customers and used by them pursuant to Respondents’ instructions to infringe one or more of the Asserted Claims. The cartridges have no substantial purpose other than to be combined with a vaporizer device in a manner that infringes the claims of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

229. On information and belief, Respondents also contribute to the infringement of the Asserted Claims under 35 U.S.C. § 271(c) by their manufacture, importation, sale for importation, and/or sale in the United States after importation of one or more components of the Accused Products. Since at least the date a courtesy copy of JLI’s November 20, 2018 district court complaint alleging infringement of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent was sent to Respondents, Respondents have had knowledge of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent and the infringing nature of the Accused Products. Respondents are aware that their imported components are designed for use in the Accused Products, embody a material part of the invention claimed in the '129 Patent, '915


4. Atom Pod Group

a) Direct Infringement

231. Respondent DripTip imports, sells for importation, and/or sells after importation the Atom Pod cartridges. In violation of § 1337(a)(1)(B), the Atom Pod cartridges directly infringe, literally or under the doctrine of equivalents, claims 1, 2, 3, 5, 6, 7, 8, 12, 13, 16, 17, 18, 19, 20, 22 of the ’129 Patent; claims 10, 15, 17, 29, 30, 31, 32 of the ’915 Patent; claims 1, 2, 3, 4, 7, 8, 10, 11 of the ’470 Patent; claims 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 of the ’465 Patent; and claims 1, 4, 5, 6, 7, 8, 10, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23 of the ’466 Patent.


b) Indirect Infringement

234. Respondent DripTip has also induced and continues to induce others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after importation the Accused Products and encouraging and facilitating others to perform actions using those Accused Products that Respondent knows will infringe and with the intent that performance of the actions will infringe.


236. Respondent DripTip actively encourages, promotes, distributes, provides instructions for, and supports the use of the imported Atom Pod cartridges in a way that directly infringes the ’129 Patent, ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent, knowing and intending that its customers will commit infringing acts in such a manner as to directly infringe the Asserted Claims. Specifically, Respondent provides explicit instructions to its customers stating that the Accused Products are “Juul Compatible” cartridges. See Exhibit 44. On information and belief, the products are sold to customers and used by them pursuant to Respondent’s instructions to infringe one or more of the Asserted Claims. The cartridges have no
substantial purpose other than to be combined with a vaporizer device in a manner that infringes

237. On information and belief, Respondent also contributes to the infringement of the
Asserted Claims under 35 U.S.C. § 271(c) by its manufacture, importation, sale for importation,
and/or sale in the United States after importation of one or more components of the Accused
Products. Since at least the date a courtesy copy of JLI’s November 20, 2018 district court
’466 Patent was sent to Respondent, Respondent has had knowledge of the ’129 Patent, ’915
Products. Respondent is aware that its imported components are designed for use in the Accused
Products, embody a material part of the invention claimed in the ’129 Patent, ’915 Patent, ’470
Patent, ’465 Patent, and ’466 Patent, and are not staple articles of commerce suitable for
substantial non-infringing use.

238. Respondent’s importation, sale for importation, and sale in the United States after
importation of the Accused Products, and components thereof, are continuing. Moreover,
Respondent has continued to distribute product literature and website materials encouraging its
customers and others to use its products in the customary and intended manner which infringes
(showing Atom product literature accessed November 7, 2018). Thus, Respondent contributes to
Patent.
5. ViV Pod Group

a) Direct Infringement

239. Respondents Vapor4Life and DripTip import, sell for importation, and/or sell after importation the ViV Pod cartridges. In violation of § 1337(a)(1)(B), the ViV Pod cartridges directly infringe, literally or under the doctrine of equivalents, claims 1, 2, 3, 5, 6, 7, 8, 12, 13, 16, 17, 18, 19, 20, 22 of the ’129 Patent; claims 10, 15, 17, 29, 30, 31, 32 of the ’915 Patent; claims 1, 2, 3, 4, 7, 8, 10, 11 of the ’470 Patent; claims 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 of the ’465 Patent; and claims 1, 4, 5, 6, 7, 8, 10, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23 of the ’466 Patent.


b) Indirect Infringement

242. The ViV Pod Group Respondents have also induced and continue to induce others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after importation the Accused Products and encouraging and facilitating others to perform actions using those Accused Products that Respondents know will infringe and with the intent that performance of the actions will infringe.
As an initial matter, the ViV Pod Group Respondents had notice of each of the ’129 Patent, ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent, as well as JLI’s infringement allegations at least as early as November 20, 2018—the filing date of JLI’s complaints in the United States District Courts for the Northern District of Illinois and the Southern District of Florida.

The ViV Pod Group Respondents actively encourage, promote, distribute, provide instructions for, and support the use of the imported ViV Pod cartridges in a way that directly infringes the ’129 Patent, ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent, knowing and intending that their customers will commit infringing acts in such a manner as to directly infringe the Asserted Claims. Specifically, Respondents provide explicit instructions to their customers regarding the use of the cartridges with a JUUL device. See Exhibit 51. On information and belief, the products are sold to customers and used by them pursuant to Respondents’ packaging instructions to infringe one or more of the Asserted Claims. The cartridges have no substantial purpose other than to be combined with a vaporizer device in a manner that infringes the claims of each of the ’129 Patent, ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent.

On information and belief, Respondents also contribute to the infringement of the Asserted Claims under 35 U.S.C. § 271(c) by their manufacture, importation, sale for importation, and/or sale in the United States after importation of one or more components of the Accused Products. Since at least the date a courtesy copy of one of JLI’s November 20, 2018 district court complaints alleging infringement of the ’129 Patent, ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent was sent to Respondents, Respondents have had knowledge of the ’129 Patent, ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent and the infringing nature of the Accused Products. Respondents are aware that their imported components are designed for use in


6. **Airbender ZPod Group**

   a) **Direct Infringement**

247. Respondents Vaperz, Ziip Labs, Ziip China, Yibo, DripTip, ZFO, and Electric Tobacconist import, sell for importation, and/or sell after importation the Airbender ZPod cartridges. In violation of § 1337(a)(1)(B), the Airbender ZPod cartridges directly infringe, literally or under the doctrine of equivalents, claims 1, 2, 3, 5, 6, 7, 8, 12, 13, 16, 17, 18, 19, 20, 22 of the ’129 Patent; claims 10, 15, 17, 29, 30, 31, 32 of the ’915 Patent; claims 1, 2, 3, 4, 7, 8, 10, 11 of the ’470 Patent; claims 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 of the ’465 Patent; and claims 1, 4, 5, 6, 7, 8, 10, 12, 16, 17, 18, 19, 20, 21, 22, 23 of the ’466 Patent.


b) Indirect Infringement

250. The Airbender ZPod Group Respondents have also induced and continue to induce others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after importation the Accused Products and encouraging and facilitating others to perform actions using those Accused Products that Respondents know will infringe and with the intent that performance of the actions will infringe.

251. As an initial matter, the Airbender ZPod Group Respondents had notice of each of the ’129 Patent, ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent, as well as JLI’s infringement allegations at least as early as November 20, 2018—the filing date of JLI’s complaints in the United States District Courts for the Northern District of Illinois, the Southern District of Florida, and the Western District of New York.

252. The Airbender ZPod Group Respondents actively encourage, promote, distribute, provide instructions for, and support the use of the imported Airbender ZPod cartridges in a way that directly infringes the ’129 Patent, ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent, knowing and intending that their customers will commit infringing acts in such a manner as to directly infringe the Asserted Claims. Specifically, Respondents provide explicit instructions to
their customers regarding the use of the cartridges with a rechargeable device, their compatibility with JUUL devices, and even sell rechargeable devices and cartridges together as starter kits. See Exhibits 69, 73; Exhibit 61 at 1-3, 5. On information and belief, the products are sold to customers and used by them pursuant to Respondents’ packaging instructions to infringe one or more of the Asserted Claims. The cartridges have no substantial purpose other than to be combined with a vaporizer device in a manner that infringes the claims of each of the ’129 Patent, ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent.


254. Respondents’ importation, sale for importation, and sale in the United States after importation of the Accused Products, and components thereof, are continuing. Moreover, Respondents have continued to distribute product literature and website materials encouraging their customers and others to use their products in the customary and intended manner which infringes the ’129 Patent, ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent. See Exhibits 69,

7. **JC01 Pod Group**

    a) **Direct Infringement**

    255. Respondents OVNS, MistHub, ZFO, and VaporDNA import, sell for importation, and/or sell after importation the JC01 Pod cartridges. In violation of § 1337(a)(1)(B), the JC01 Pod cartridges directly infringe, literally or under the doctrine of equivalents, claims 10, 15, 17, 29, 30, 31, 32 of the ’915 Patent.

    256. A claim chart comparing representative JC01 Pod cartridges to the Asserted Claims of the ’915 Patent is attached as Exhibit 191 (’915 Patent).

    257. On information and belief, each of the Respondents OVNS, MistHub, ZFO, and VaporDNA maintain a commercially-significant inventory of the JC01 Pod cartridges in the United States. Respondents’ sales of cartridges alone directly infringe JLI’s Asserted Claims directed to nicotine delivery cartridges of the ’915 Patent.

    b) **Indirect Infringement**

    258. The JC01 Pod Group Respondents have also induced and continue to induce others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after importation the Accused Products and encouraging and facilitating others to perform actions using those Accused Products that Respondents know will infringe and with the intent that performance of the actions will infringe.

    259. As an initial matter, the JC01 Pod Group Respondents had notice of the ’915 Patent, as well as JLI’s infringement allegations at least as early as November 20, 2018—
filing date of JLI’s complaints in the United States District Courts for the District of Northern Illinois and the Western District of New York.

260. The JC01 Pod Group Respondents actively encourage, promote, distribute, provide instructions for, and support the use of the imported JC01 Pod cartridges in a way that directly infringes the ’915 Patent, knowing and intending that their customers will commit infringing acts in such a manner as to directly infringe the Asserted Claims. Specifically, Respondents provide explicit instructions to their customers regarding the use of the cartridges with a rechargeable device, and even sell rechargeable devices and cartridges together as starter kits. See Exhibit 78 at 1-3, 14-15 (instructions on how to use the device and cartridges and JC01 packaging). On information and belief, the products are sold to customers and used by them pursuant to Respondents’ packaging instructions to infringe one or more of the Asserted Claims. The devices and cartridges have no substantial purpose other than to be combined in a manner that infringes the claims of the ’915 Patent.

261. On information and belief, Respondents also contribute to the infringement of the Asserted Claims under 35 U.S.C. § 271(c) by their manufacture, importation, sale for importation, and/or sale in the United States after importation of one or more components of the Accused Products. Since at least the date a courtesy copy of one of JLI’s November 20, 2018 district court complaints alleging infringement of the ’915 Patent was sent to Respondents, Respondents have had knowledge of the ’915 Patent and the infringing nature of the Accused Products. Respondents are aware that their imported components are designed for use in the Accused Products, embody a material part of the invention claimed in the ’915 Patent, and are not staple articles of commerce suitable for substantial non-infringing use.
262. Respondents’ importation, sale for importation, and sale in the United States after importation of the Accused Products, and components thereof, are continuing. Moreover, Respondents have continued to distribute product literature and website materials encouraging their customers and others to use their products in the customary and intended manner which infringes the ’915 Patent. See Exhibits 80, 86, 91 (showing JC01 product literature accessed November 6-7, 2018). Thus, Respondents contribute to and induce the infringement of the ’915 Patent.

8. **VQ Pod Group**

   a) **Direct Infringement**

263. Respondents Vaportronix and ZFO import, sell for importation, and/or sell after importation the VQ Pod cartridges. In violation of § 1337(a)(1)(B), the VQ Pod cartridges directly infringe, literally or under the doctrine of equivalents, claims 1, 2, 3, 5, 6, 7, 8, 12, 13, 16, 17, 18, 19, 20, 22 of the ’129 Patent; claims 10, 15, 17, 29, 30, 31, 32 of the ’915 Patent; claims 1, 2, 3, 4, 7, 8, 10, 11 of the ’470 Patent; claims 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 of the ’465 Patent; and claims 1, 4, 5, 6, 7, 8, 10, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23 of the ’466 Patent.


266. The VQ Pod Group Respondents have also induced and continue to induce others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after importation the Accused Products and encouraging and facilitating others to perform actions using those Accused Products that Respondents know will infringe and with the intent that performance of the actions will infringe.

267. As an initial matter, the VQ Pod Group Respondents had notice of each of the ’129 Patent, ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent, as well as JLI’s infringement allegations at least as early as November 20, 2018—the filing date of JLI’s complaints in the United States District Courts for the Southern District of Florida and the Western District of New York.

268. The VQ Pod Group Respondents actively encourage, promote, distribute, provide instructions for, and support the use of the imported VQ Pod cartridges in a way that directly infringes the ’129 Patent, ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent, knowing and intending that their customers will commit infringing acts in such a manner as to directly infringe the Asserted Claims. Specifically, Respondents provide explicit instructions to their customers that the cartridges are “compatible with JUUL.” See Exhibit 94; Exhibit 154 at 1. On information and belief, the products are sold to customers and used by them pursuant to Respondents’ packaging instructions to infringe one or more of the Asserted Claims. The cartridges have no substantial purpose other than to be combined with a vaporizer device in a manner that infringes the claims of each of the ’129 Patent, ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent.

269. On information and belief, Respondents also contribute to the infringement of the Asserted Claims under 35 U.S.C. § 271(c) by their manufacture, importation, sale for


9. Fuma Pod Group

a) Direct Infringement

271. Respondents Fuma and ZFO import, sell for importation, and/or sell after importation the Fuma Pod cartridges. In violation of § 1337(a)(1)(B), the Fuma Pod cartridges directly infringe, literally or under the doctrine of equivalents, claims 10, 15, 17, 29, 30, 31, 32 of the ’915 Patent; claims 1, 2, 3, 4, 7, 8, 10, 11 of the ’470 Patent; claims 1, 2, 3, 4, 5, 6, 7, 9, 11,
12, 13, 14, 15, 16, 17, 18, 19, 20 of the ’465 Patent; and claims 1, 4, 5, 6, 7, 8, 10, 12, 14, 16, 17, 
18, 19, 20, 21, 22, 23 of the ’466 Patent.

272. Claim charts comparing representative Fuma Pod cartridges to the Asserted 

273. On information and belief, each of the Respondents Fuma and ZFO maintain a 
commercially-significant inventory of the Fuma Pod cartridges in the United States. 
Respondents’ sales of cartridges alone directly infringe JLI’s Asserted Claims directed to nicotine 

b) Indirect Infringement

274. The Fuma Pod Group Respondents have also induced and continue to induce 
others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 
U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after 
importation the Accused Products and encouraging and facilitating others to perform actions 
using those Accused Products that Respondents know will infringe and with the intent that 
performance of the actions will infringe.

275. As an initial matter, the Fuma Pod Group Respondents had notice of each of the 
at least as early as November 20, 2018—the filing date of JLI’s complaints in the United States 
District Courts for the Northern District of Illinois and the Western District of New York.

276. The Fuma Pod Group Respondents actively encourage, promote, distribute, 
provide instructions for, and support the use of the imported Fuma Pod cartridges in a way that 
directly infringes the ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent, knowing and 
intending that their customers will commit infringing acts in such a manner as to directly infringe
the Asserted Claims. Specifically, Respondents provide explicit instructions to their customers that Fuma Pods are “replacement pods for Juul.” See Exhibits 103, 104. On information and belief, the products are sold to customers and used by them pursuant toRespondents’ instructions to infringe one or more of the Asserted Claims. The cartridges have no substantial purpose other than to be combined with a vaporizer device in a manner that infringes the claims of each of the ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent.

277. On information and belief, Respondents also contribute to the infringement of the Asserted Claims under 35 U.S.C. § 271(c) by their manufacture, importation, sale for importation, and/or sale in the United States after importation of one or more components of the Accused Products. Since at least the date a courtesy copy of one JLI’s November 20, 2018 district court complaints alleging infringement of the ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent was sent to Respondents, Respondents have had knowledge of the ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent and the infringing nature of the Accused Products. Respondents are aware that their imported components are designed for use in the Accused Products, embody a material part of the invention claimed in the ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent, and are not staple articles of commerce suitable for substantial non-infringing use.

278. Respondents’ importation, sale for importation, and sale in the United States after importation of the Accused Products, and components thereof, are continuing. Moreover, Respondents have continued to distribute product literature and website materials encouraging their customers and others to use their products in the customary and intended manner which infringes the ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent. See Exhibit 99 (showing

10. Zalt Pod Group

a) Direct Infringement

279. Respondents Vape4U and ZFO import, sell for importation, and/or sell after importation the Zalt Pod cartridges. In violation of § 1337(a)(1)(B), the Zalt Pod cartridges directly infringe, literally or under the doctrine of equivalents, claims 1, 2, 3, 5, 6, 7, 8, 12, 13, 16, 17, 18, 19, 20, 22 of the ’129 Patent; claims 10, 15, 17, 29, 30, 31, 32 of the ’915 Patent; claims 1, 2, 3, 4, 7, 8, 10, 11 of the ’470 Patent; claims 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 of the ’465 Patent; and claims 1, 4, 5, 6, 7, 8, 10, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23 of the ’466 Patent.


b) Indirect Infringement

282. The Zalt Pod Group Respondents have also induced and continue to induce others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after importation the Accused Products and encouraging and facilitating others to perform actions
using those Accused Products that Respondents know will infringe and with the intent that performance of the actions will infringe.

283. As an initial matter, the Zalt Pod Group Respondents had notice of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent, as well as JLI’s infringement allegations at least as early as November 20, 2018—the filing date of JLI’s complaints in the United States District Courts for the Central District of California and the Western District of New York.

284. The Zalt Pod Group Respondents actively encourage, promote, distribute, provide instructions for, and support the use of the imported Zalt Pod cartridges in a way that directly infringes the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent, knowing and intending that their customers will commit infringing acts in such a manner as to directly infringe the Asserted Claims. Specifically, Respondents provide explicit instructions to their customers that the Zalt Pods are “Juul [c]ompatible.” See Exhibit 22; Exhibit 156 at 1, 5. On information and belief, the products are sold to customers and used by them pursuant to Respondents’ instructions to infringe one or more of the Asserted Claims. The cartridges have no substantial purpose other than to be combined with a vaporizer device in a manner that infringes the claims of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

285. On information and belief, Respondents also contribute to the infringement of the Asserted Claims under 35 U.S.C. § 271(c) by their manufacture, importation, sale for importation, and/or sale in the United States after importation of one or more components of the Accused Products. Since at least the date a courtesy copy of one of JLI’s November 20, 2018 district court complaints alleging infringement of the ’129 Patent, ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent was sent to Respondents, Respondents have had knowledge of the ’129


11. Magic Mist Pod Group

a) Direct Infringement

287. Respondent ParallelDirect imports, sells for importation, and/or sells after importation the Magic Mist Pod cartridges. In violation of § 1337(a)(1)(B), the Magic Mist Pod cartridges directly infringe, literally or under the doctrine of equivalents, claims 10, 15, 17, 29, 30, 31, 32 of the ’915 Patent; claims 1, 2, 3, 4, 7, 8, 10, 11 of the ’470 Patent; claims 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 of the ’465 Patent; and claims 1, 4, 5, 6, 7, 8, 10, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23 of the ’466 Patent.


b) Indirect Infringement

290. Respondent ParallelDirect has also induced and continues to induce others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after importation the Accused Products and encouraging and facilitating others to perform actions using those Accused Products that Respondent knows will infringe and with the intent that performance of the actions will infringe.

291. As an initial matter, Respondent had notice of each of the ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent, as well as JLI’s infringement allegations at least as early as November 20, 2018—the filing date of JLI’s complaint in the United States District Court for the Northern District of Illinois.

292. Respondent ParallelDirect actively encourages, promotes, distributes, and supports the use of the imported Magic Mist cartridges in a way that directly infringes the ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent, knowing and intending that its customers will commit infringing acts in such a manner as to directly infringe the Asserted Claims. Specifically, Respondent provides explicit instructions to its customers informing them of how to install and operate the Accused Products and informing them that the Accused Products are “Juul compatible.” See Exhibit 111; Exhibit 112 at 1, 3, 6. On information and belief, the products are sold to customers and used by them to infringe one or more of the Asserted Claims. The cartridges have no substantial purpose other than to be combined with a vaporizer device in a
manner that infringes the claims of each of the '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

293. On information and belief, Respondent also contributes to the infringement of the Asserted Claims under 35 U.S.C. § 271(c) by its manufacture, importation, sale for importation, and/or sale in the United States after importation of one or more components of the Accused Products. Since at least the date a courtesy copy of JLI’s November 20, 2018 district court complaint alleging infringement of the '915 Patent, '470 Patent, '465 Patent, and '466 Patent was sent to Respondent, Respondent has had knowledge of the '915 Patent, '470 Patent, '465 Patent, and '466 Patent and the infringing nature of the Accused Products. Respondent is aware that its imported components are designed for use in the Accused Products, embody a material part of the invention claimed in the '915 Patent, '470 Patent, '465 Patent, and '466 Patent, and are not staple articles of commerce suitable for substantial non-infringing use.


12. J Pod Group

a) Direct Infringement

295. Respondents Haka, OCIGA, and Lizard Juice import, sell for importation, and/or sell after importation the J Pod cartridges. In violation of § 1337(a)(1)(B), the J Pod cartridges directly infringe, literally or under the doctrine of equivalents, claims 10, 15, 17, 29, 30, 31, 32
of the ’915 Patent; and claims 1, 4, 5, 6, 7, 8, 10, 14, 16, 17, 18, 19, 20, 21, 22, 23 of the ’466 Patent.


297. On information and belief, each of the Respondents Haka, OCIGA, and Lizard Juice maintain a commercially-significant inventory of the J Pod cartridges in the United States. Respondents’ sales of cartridges alone directly infringe JLI’s Asserted Claims directed to nicotine delivery cartridges of the ’915 Patent and ’466 Patent.

b) Indirect Infringement

298. The J Pod Group Respondents have also induced and continue to induce others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after importation the Accused Products and encouraging and facilitating others to perform actions using those Accused Products that Respondents know will infringe and with the intent that performance of the actions will infringe.

299. As an initial matter, the J Pod Group Respondents had notice of each of the ’915 Patent and ’466 Patent, as well as JLI’s infringement allegations at least as early as November 20, 2018—the filing date of JLI’s complaint in the United States District Court for the District of Delaware.

300. The J Pod Group Respondents actively encourage, promote, distribute, provide instructions for, and support the use of the imported J Pod cartridges in a way that directly infringes the ’915 Patent and ’466 Patent, knowing and intending that their customers will commit infringing acts in such a manner as to directly infringe the Asserted Claims. Specifically, Respondents provide explicit instructions to their customers regarding the use of the cartridges
with a rechargeable device. See Exhibit 116 at 2-3 (showing instructions on how to use the device and cartridges); Exhibit 121 at 4. On information and belief, the products are sold to customers and used by them pursuant to Respondents’ packaging instructions to infringe one or more of the Asserted Claims. The cartridges have no substantial purpose other than to be combined with a vaporizer device in a manner that infringes the claims of the ’915 Patent and ’466 Patent.

301. On information and belief, Respondents also contribute to the infringement of the Asserted Claims under 35 U.S.C. § 271(c) by their manufacture, importation, sale for importation, and/or sale in the United States after importation of one or more components of the Accused Products. Since at least the date a courtesy copy of JLI’s November 20, 2018 district court complaint alleging infringement of the ’915 Patent and ’466 Patent was sent to Respondents, Respondents have had knowledge of each of the ’915 Patent and ’466 Patent and the infringing nature of the Accused Products. Respondents are aware that their imported components are designed for use in the Accused Products, embody a material part of the invention claimed in the ’915 Patent and ’466 Patent, and are not staple articles of commerce suitable for substantial non-infringing use.

302. Respondents’ importation, sale for importation, and sale in the United States after importation of the Accused Products, and components thereof, are continuing. Moreover, Respondents have continued to distribute product literature and website materials encouraging their customers and others to use their products in the customary and intended manner which infringes the ’915 Patent and ’466 Patent. See Exhibit 116 (showing J Pod / Ref-Pod product literature accessed November 7, 2018). Thus, Respondents contribute to and induce the infringement of the ’915 Patent and ’466 Patent.
13. **Edge Pod Group**

   **a) Direct Infringement**

   303. Respondents Electric Tobacconist and ZFO import, sell for importation, and/or sell after importation the Edge Pod cartridges. In violation of § 1337(a)(1)(B), the Edge Pod cartridges directly infringe, literally or under the doctrine of equivalents, claims 1, 2, 3, 5, 6, 7, 8, 12, 13, 16, 17, 18, 19, 20, 22 of the ’129 Patent; claims 10, 15, 17, 29, 30, 31, 32 of the ’915 Patent; claims 1, 2, 3, 4, 7, 10, 11 of the ’470 Patent; and claims 1, 4, 5, 6, 7, 8, 10, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23 of the ’466 Patent.


   **b) Indirect Infringement**

   306. The Edge Pod Group Respondents have also induced and continue to induce others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after importation the Accused Products and encouraging and facilitating others to perform actions using those Accused Products that Respondents know will infringe and with the intent that performance of the actions will infringe.

   307. As an initial matter, the Edge Pod Group Respondents had notice of each of the ’129 Patent, ’915 Patent, ’470 Patent, and ’466 Patent, as well as JLI’s infringement allegations.
at least as early as November 20, 2018—the filing date of JLI’s complaints in the United States District Courts for the Northern District of Illinois and the Western District of New York.

308. The Edge Pod Group Respondents actively encourage, promote, distribute, provide instructions for, and support the use of the imported Edge Pod cartridges in a way that directly infringes the ’129 Patent, ’915 Patent, ’470 Patent, and ’466 Patent, knowing and intending that their customers will commit infringing acts in such a manner as to directly infringe the Asserted Claims. Specifically, Respondents provide explicit instructions to their customers regarding the use of the cartridges with a rechargeable device, and even sell rechargeable devices alongside the cartridges. See Exhibits 124, 126. On information and belief, the products are sold to customers and used by them pursuant to Respondents’ packaging instructions to infringe one or more of the Asserted Claims. The device and cartridges have no substantial purpose other than to be combined in a manner that infringes the claims of each of the ’129 Patent, ’915 Patent, ’470 Patent, and ’466 Patent.

309. On information and belief, Respondents also contribute to the infringement of the Asserted Claims under 35 U.S.C. § 271(c) by their manufacture, importation, sale for importation, and/or sale in the United States after importation of one or more components of the Accused Products. Since at least the date a courtesy copy of one of JLI’s November 20, 2018 district court complaints alleging infringement of the ’129 Patent, ’915 Patent, ’470 Patent, and ’466 Patent was sent to Respondents, Respondents have had knowledge of the ’129 Patent, ’915 Patent, ’470 Patent, and ’466 Patent and the infringing nature of the Accused Products. Respondents are aware that their imported components are designed for use in the Accused Products, embody a material part of the invention claimed in the ’129 Patent, ’915 Patent, ’470
Patent, and ’466 Patent, and are not staple articles of commerce suitable for substantial non-infringing use.

310. Respondents’ importation, sale for importation, and sale in the United States after importation of the Accused Products, and components thereof, are continuing. Moreover, Respondents have continued to distribute product literature and website materials encouraging their customers and others to use their products in the customary and intended manner which infringes the ’129 Patent, ’915 Patent, ’470 Patent, and ’466 Patent. See Exhibits 124, 126 (showing Edge product literature accessed November 6-7, 2018). Thus, Respondents contribute to and induce the infringement of the ’129 Patent, ’915 Patent, ’470 Patent, and ’466 Patent.

14. **5-Star Universal Pod Group**

   a) **Direct Infringement**

311. Respondent Sarvasva imports, sells for importation, and/or sells after importation the 5-Star Universal Pod cartridges. In violation of § 1337(a)(1)(B), the 5-Star Universal Pod cartridges directly infringe, literally or under the doctrine of equivalents, claims 1, 2, 3, 5, 6, 7, 8, 12, 13, 16, 17, 18, 19, 20, 22 of the ’129 Patent; claims 10, 15, 17, 29, 30, 31, 32 of the ’915 Patent; claims 1, 2, 3, 4, 7, 8, 10, 11 of the ’470 Patent; claims 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 of the ’465 Patent; and claims 1, 4, 5, 6, 7, 8, 10, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23 of the ’466 Patent.


313. On information and belief, Respondent Sarvasva maintains a commercially-significant inventory of the 5-Star Universal Pod cartridges in the United States. Respondent’s

b) **Indirect Infringement**

314. Respondent Sarvasva has also induced and continues to induce others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after importation the Accused Products and encouraging and facilitating others to perform actions using those Accused Products that Respondent knows will infringe and with the intent that performance of the actions will infringe.

315. As an initial matter, Respondent had notice of each of the ’129 Patent, ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent, as well as JLI’s infringement allegations at least as early as November 20, 2018—the filing date of JLI’s complaint in the United States District Court for the District of New Jersey.

316. Respondent actively encourages, promotes, distributes, and supports the use of the imported 5-Star Universal Pod cartridges in a way that directly infringes the ’129 Patent, ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent, knowing and intending that its customers will commit infringing acts in such a manner as to directly infringe the Asserted Claims. Specifically, Respondent markets the cartridges to its customers as “universal.” See Exhibit 159 at 1-2. On information and belief, the products are sold to customers and used by them to infringe one or more of the Asserted Claims. The cartridges have no substantial purpose other than to be combined with a vaporizer device in a manner that infringes the claims of each of the ’129 Patent, ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent.

317. On information and belief, Respondent also contributes to the infringement of the Asserted Claims under 35 U.S.C. § 271(c) by its manufacture, importation, sale for importation,


15. **Blankz Pod Group**

   a) **Direct Infringement**

319. Respondents Electric Tobacconist and VaporDNA import, sell for importation, and/or sell after importation the Blankz Pod cartridges. In violation of § 1337(a)(1)(B), the Blankz Pod cartridges directly infringe, literally or under the doctrine of equivalents, claims 10, 15, 17, 29, 30, 31, 32 of the ’915 Patent; and claims 1, 4, 5, 6, 7, 8, 10, 14, 16, 18, 19, 20, 21, 22, 23 of the ’466 Patent.
320. A Claim chart comparing representative Blankz Pod cartridges to the Asserted Claims of the ’915 Patent and ’466 Patent are attached as Exhibits 221 (’915 Patent) and 222 (’466 Patent).

321. On information and belief, each of the Respondents Electric Tobacconist, and VaporDNA maintain a commercially-significant inventory of the Blankz Pod cartridges in the United States. Respondents’ sales of cartridges alone directly infringe JLI’s Asserted Claims directed to nicotine delivery cartridges of the ’915 Patent and ’466 Patent.

b) Indirect Infringement

322. The Blankz Pod Group Respondents have also induced and continue to induce others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after importation the Accused Products and encouraging and facilitating others to perform actions using those Accused Products that Respondents know will infringe and with the intent that performance of the actions will infringe.

323. As an initial matter, Electric Tobacconist had notice of each of the ’915 Patent and ’466 Patent, as well as JLI’s infringement allegations at least as early as November 20, 2018—the filing date of JLI’s complaints in the United States District Courts for the Northern District of Illinois. Respondent VaporDNA had notice of each of the ’915 Patent and ’466 Patent, as well as JLI’s infringement allegations at least as of the date the Commission institutes this Investigation.

324. The Blankz Pod Group Respondents actively encourage, promote, distribute, provide instructions for, and support the use of the imported Blankz Pod cartridges in a way that directly infringes the ’915 Patent and ’466 Patent, knowing and intending that their customers will commit infringing acts in such a manner as to directly infringe the Asserted Claims. Specifically, Respondents provide explicit instructions to their customers regarding the filling
and usage of Accused Products, including that they “are for the JUUL Vaporizer.” See Exhibits 128, 129; Exhibit 157 at 2. On information and belief, the products are sold to customers and used by them pursuant to Respondents’ packaging instructions to infringe one or more of the Asserted Claims. The cartridges have no substantial purpose other than to be combined with a vaporizer device in a manner that infringes the claims of the ’915 Patent and ’466 Patent.

325. On information and belief, Respondents also contribute to the infringement of the Asserted Claims under 35 U.S.C. § 271(c) by their manufacture, importation, sale for importation, and/or sale in the United States after importation of one or more components of the Accused Products. Since at least the date a courtesy copy of JLI’s November 20, 2018 district court complaint or this Verified Complaint alleging infringement of the ’915 Patent and ’466 Patent were sent to Respondents, Respondents have had knowledge of each of the ’915 Patent and ’466 Patent and the infringing nature of the Accused Products. Respondents are aware that their imported components are designed for use in the Accused Products, embody a material part of the invention claimed in the ’915 Patent and ’466 Patent, and are not staple articles of commerce suitable for substantial non-infringing use.

326. Respondents’ importation, sale for importation, and sale in the United States after importation of the Accused Products, and components thereof, are continuing. Moreover, Respondents have continued to distribute product literature and website materials encouraging their customers and others to use their products in the customary and intended manner which infringes the ’915 Patent and ’466 Patent. See Exhibits 128, 129 (showing Blankz product literature accessed November 6-7, 2018). Thus, Respondents contribute to and induce the infringement of the ’915 Patent and ’466 Patent.
16. **Sex Pod Group**

   a) **Direct Infringement**

327. Respondent Noah Dovberg, sells for importation, and/or sells after importation the Sex Pod cartridges. In violation of § 1337(a)(1)(B), the Sex Pod cartridges directly infringe, literally or under the doctrine of equivalents, claims 1, 2, 3, 5, 6, 7, 8, 12, 13, 16, 17, 18, 19, 20, 22 of the ’129 Patent; claims 10, 15, 17, 29, 30, 31, 32 of the ’915 Patent; claims 1, 2, 3, 4, 7, 8, 10, 11 of the ’470 Patent; claims 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 of the ’465 Patent; and claims 1, 4, 5, 6, 7, 8, 10, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23 of the ’466 Patent.


   b) **Indirect Infringement**

330. Respondent Noah Dovberg has also induced and continues to induce others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after importation the Accused Products and encouraging and facilitating others to perform actions using those Accused Products that Respondent knows will infringe and with the intent that performance of the actions will infringe.
331. As an initial matter, Respondent had notice of each of the ’129 Patent, ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent, as well as JLI’s infringement allegations at least as early as November 20, 2018—the filing date of JLI’s complaint in the United States District Court for the Middle District of Florida.

332. Respondent actively encourages, promotes, distributes, provides instructions for, and supports the use of the imported Sex Pod cartridges in a way that directly infringes the ’129 Patent, ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent, knowing and intending that his customers will commit infringing acts in such a manner as to directly infringe the Asserted Claims. Specifically, Respondent provides explicit instructions to his customers that the Sex Pods are “JUUL compatible,” and “made with the same chemicals as JUUL.” See Exhibit 134; Exhibit 160 at 1. On information and belief, the products are sold to customers and used by them pursuant to Respondent’s packaging instructions to infringe one or more of the Asserted Claims. The cartridges have no substantial purpose other than to be combined with a vaporizer device in a manner that infringes the claims of each of the ’129 Patent, ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent.

333. On information and belief, Respondent also contributes to the infringement of the Asserted Claims under 35 U.S.C. § 271(c) by his manufacture, importation, sale for importation, and/or sale in the United States after importation of one or more components of the Accused Products. Since at least the date a courtesy copy of JLI’s November 20, 2018 district court complaint alleging infringement of the ’129 Patent, ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent was sent to Respondent, Respondent has had knowledge of the ’129 Patent, ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent and the infringing nature of the Accused Products. Respondent is aware that his imported components are designed for use in the Accused


17. Sea100 Pod Group

a) Direct Infringement

335. Respondents Twist and ZFO import, sell for importation, and/or sell after importation the Sea100 Pod cartridges. In violation of § 1337(a)(1)(B), the Sea100 Pod cartridges directly infringe, literally or under the doctrine of equivalents, claims 1, 2, 3, 5, 6, 7, 8, 12, 13, 16, 17, 18, 19, 20, 22 of the ’129 Patent; claims 10, 15, 17, 29, 30, 31, 32 of the ’915 Patent; claims 1, 2, 3, 4, 7, 8, 10, 11 of the ’470 Patent; claims 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 of the ’465 Patent; and claims 1, 4, 5, 6, 7, 8, 10, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23 of the ’466 Patent.


b) Indirect Infringement

338. The Sea100 Pod Group Respondents have also induced and continue to induce others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after importation the Accused Products and encouraging and facilitating others to perform actions using those Accused Products that Respondents knows will infringe and with the intent that performance of the actions will infringe.

339. As an initial matter, the Sea100 Pod Group Respondents had notice of each of the ’129 Patent, ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent, as well as JLI’s infringement allegations at least as early as November 20, 2018—the filing date of JLI’s complaints in the United States District Courts for the Middle District of Florida and the Western District of New York.

340. The Sea100 Pod Group Respondents actively encourage, promote, distribute, and support the use of the imported Sea100 Pod cartridges in a way that directly infringes the ’129 Patent, ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent, knowing and intending that their customers will commit infringing acts in such a manner as to directly infringe the Asserted Claims. Specifically, Respondents provide explicit instructions to their customers that the Accused Products are “compatible with Juul and similar style devices.” See Exhibits 136, 139; Exhibit 138 at 1. On information and belief, the products are sold to customers and used by them to infringe one or more of the Asserted Claims. The cartridges have no substantial purpose other
than to be combined with a vaporizer device in a manner that infringes the claims of each of the


VII. PHYSICAL SAMPLE

343. Physical samples of the Domestic Articles have been submitted with this Complaint as Physical Exhibit 1 (JLI’s JUUL system, which includes the JUUL device body and
JUUL pods (or cartridges)). Physical samples of the Accused Products have been submitted with this Complaint as Physical Exhibit 2 (X Pod cartridges); Physical Exhibit 3 (Loon Pod Starter Kit); Physical Exhibit 4 (Iced Pod cartridges); Physical Exhibit 5 (Atom Pod cartridges); Physical Exhibit 6 (ViV Pod cartridges); Physical Exhibit 7 (Airbender ZPod cartridges); Physical Exhibit 8 (JC01 Pod device and cartridges); Physical Exhibit 9 (VQ Pod cartridges); Physical Exhibit 10 (Fuma Pod cartridges); Physical Exhibit 11 (Zalt Pod cartridges); Physical Exhibit 12 (Magic Mist Pod cartridges); Physical Exhibit 13 (J Pod cartridges); Physical Exhibit 14 (Edge Pod device and cartridges); Physical Exhibit 15 (5-Star Universal Pod cartridges); Exhibit 16 (Blankz Pod cartridges); Physical Exhibit 17 (Sex Pod cartridges); Physical Exhibit 18 (Sea100 Pod cartridges).

VIII. HARMONIZED TARIFF SCHEDULE

344. The Accused Products fall within at least the following headings and subheadings of the United States Harmonized Tariff Schedule (“HTS”): 8543.70.9930; 8543.70.9940; 8543.90.8850; 8543.90.8860. These HTS numbers are illustrative only and not intended to limit the scope of the Investigation.

IX. THE DOMESTIC INDUSTRY

345. A domestic industry exists in the United States relating to the Domestic Articles as required by 19 U.S.C. § 1337(a)(3)(A) – (a)(3)(C) through JLI’s and its contractors’ employment of plant and equipment, and labor and capital, towards design, manufacture, regulatory compliance, customer support, sales, marketing, and administrative activities related to the JUUL system, as well as its investments in research and development and engineering to exploit the technology of the Asserted Patents by bringing the JUUL system to market.

346. JLI’s success has been extraordinary and classically American. Despite a slow launch in 2015, the JUUL system (as of early September 2018) commands a market share by
volume of approximately 72% and in recent months has been responsible for over 95% of the explosive growth in the ENDS pod refill market. Accordingly, JLI is poised to achieve its goal of improving the lives of the world's one billion smokers, and it is doing so through its significant and substantial investments in the United States.

347. JLI made substantial investments in research, development, and engineering in the United States through June 2016 to develop the JUUL system. Additional details regarding these investments can be found in the Declaration of Tim Danaher. See Confidential Exhibit 17 (Danaher Decl.).

348. JLI also made, and continues to make, significant investments in the United States in plant and equipment as well as labor and capital related to the JUUL system. JLI employs several dozen individuals in the United States who manage the foreign and domestic manufacturing activities for the JUUL system; these employees manage the installation and validation of new manufacturing capacity on a weekly basis to cope with the escalating demand for the JUUL system. JLI’s domestic manufacturing activities include substantial filling, finishing, packaging, and quality checking of the JUUL pods in the United States before they are sold for customers to use with their JUUL systems. JLI has invested tens of millions of dollars in equipment that is used in the United States for these activities—including certain key equipment that was itself manufactured in the United States. This equipment allows JLI and its contractors to fill millions of pods every month. These activities occur in domestic facilities that take up hundreds of thousands of square feet and for which JLI and its contractors have invested millions of dollars. Further details can be found in the Declaration of Tim Danaher. See Confidential Exhibit 17.
349. Historically, JLI has supplied enough product to meet rapidly growing market demand for its ENDS products, even when JLI’s sales increased by over 700% in 2017. Exhibit 14 at 2 (CNBC Article – “Popular E-Cigarette Juul’s Sales Have Surged Almost 800 Percent Over the Past Year”). And both JLI and its contractors continue to invest in the United States to ensure that capacity will grow along with demand into the future.

350. JLI directly employs hundreds of individuals in the United States—885 people as of September 30, 2018, and continuing to grow—to support JLI’s R&D, manufacturing, clinical research, customer support, sales, marketing, and administrative activities for the JUUL system, and JLI is constantly hiring more employees to support its rapidly growing operations. Confidential Exhibit 17 at ¶ 12, App. 7.

351. Representative claim charts, attached as Confidential Exhibits 233 (’129 Patent), 234 (’915 Patent), 235 (’470 Patent), 236 (’465 Patent), and 237 (’466 Patent), demonstrate that the JUULpods and the method of manufacturing the JUULpods—which is done under the direction and control of JLI and as a condition of payment—falls within the scope of at least the following claims:

<table>
<thead>
<tr>
<th>U.S. Patent No.</th>
<th>Domestic Industry Claims</th>
</tr>
</thead>
<tbody>
<tr>
<td>’129 Patent</td>
<td>1-39</td>
</tr>
<tr>
<td>’915 Patent</td>
<td>1-32</td>
</tr>
<tr>
<td>’470 Patent</td>
<td>1-8, 10-24</td>
</tr>
<tr>
<td>’465 Patent</td>
<td>1-7, 9-20</td>
</tr>
<tr>
<td>’466 Patent</td>
<td>1, 4-8, 10, 12, 14-23</td>
</tr>
</tbody>
</table>

352. Additional information related to the Domestic Articles is attached as Exhibit 238 (FAQ for the JUUL system).
X. RELATED LITIGATION


354. On October 3, 2018, with the complaint amended on October 26, 2018, JLI filed suit against Eonsmoke, Electric Tobacconist, and Vapor4Life in the district court of New Jersey for infringement of certain patents, including the ’915 Patent. See Case No. 18-cv-14608.

355. On October 3, 2018, with the complaint amended on October 26, 2018, JLI filed suit against Ziip Labs, Ziip China, Yibo, Electric Tobacconist, and Vapor4Life in the district court for the Northern District of California for infringement of certain patents, including the ’915 Patent. See Case No. 18-cv-06094.

356. On October 3, 2018, with the complaint amended on October 26, 2018, JLI filed suit against XFire and ALD in the district court for the Southern District of Texas for infringement of certain patents, including the ’915 Patent. See Case No. 18-cv-03571.
357. On October 3, 2018, with the complaint amended on October 26, 2018, JLI filed suit against Flair and Joecig in the district court of New Jersey for infringement of certain patents, including the ’915 Patent. See Case No. 18-cv-14605.


360. On October 3, 2018, with the complaint amended on October 26, 2018, JLI filed suit against King and Keep Vapor in the district court of New Jersey for infringement of certain patents, including the ’915 Patent. See Case No. 18-cv-14607.

361. On October 4, 2018, with the complaint amended on October 26, 2018, JLI filed suit against Electric Tobacconist in the district court for the District of Colorado for infringement of certain patents, including the ’915 Patent. See Case No. 18-cv-02546.


363. On November 20, 2018, JLI filed suit against Vape4U in the United States District Court for the Central District of California for patent infringement of the Asserted Patents. The case is currently in its initial stages.


366. On November 20, 2018, JLI filed suit against Noah Dovberg in the United States District Court for the Middle District of Florida for patent infringement of the Asserted Patents. The case is currently in its initial stages.

367. On November 20, 2018, JLI filed suit against Twist in the United States District Court for the Middle District of Florida for patent infringement of the Asserted Patents. The case is currently in its initial stages.

368. On November 20, 2018, JLI filed suit against DripTip, Ziip Labs, Ziip China, and Yibo in the United States District Court for the Southern District of Florida for patent infringement of the Asserted Patents. The case is currently in its initial stages.

369. On November 20, 2018, JLI filed suit against Vaportronix in the United States District Court for the Southern District of Florida for patent infringement of the Asserted Patents. The case is currently in its initial stages.

370. On November 20, 2018, JLI filed suit against Vapor4Life in the United States District Court for the Northern District of Illinois for patent infringement of the Asserted Patents. The case is currently in its initial stages.
371. On November 20, 2018, JLI filed suit against Vaperz, Ziip Labs, Ziip China, Yibo, and Electric Tobacconist in the United States District Court for the Northern District of Illinois for patent infringement of the Asserted Patents. The case is currently in its initial stages.

372. On November 20, 2018, JLI filed suit against OVNS, MistHub, and VaporDNA in the United States District Court for the Northern District of Illinois for patent infringement of the '915 Patent. The case is currently in its initial stages.

373. On November 20, 2018, JLI filed suit against ParallelDirect in the United States District Court for the Northern District of Illinois for patent infringement of the '915 Patent, the '470 Patent, the '465 Patent, and the '466 Patent. The case is currently in its initial stages.

374. On November 20, 2018, JLI filed suit against Fuma in the United States District Court for the Northern District of Illinois for patent infringement of the '915 Patent, the '470 Patent, the '465 Patent, and the '466 Patent. The case is currently in its initial stages.

375. On November 20, 2018, JLI filed suit against Maduro in the United States District Court for the District of Minnesota for patent infringement of the '915 Patent, the '470 Patent, the '465 Patent, and the '466 Patent. The case is currently in its initial stages.

376. On November 20, 2018, JLI filed suit against Sarvasva in the United States District Court for the District of New Jersey for patent infringement of the Asserted Patents. The case is currently in its initial stages.

377. On November 20, 2018, JLI filed suit against ZFO in the United States District Court for the Western District of New York for patent infringement of the Asserted Patents. The case is currently in its initial stages.

XI. RELIEF REQUESTED

378. WHEREFORE, by reason of the foregoing, Complainant Juul Labs, Inc., requests that the United States International Trade Commission:
A. Institute an immediate investigation under Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to Respondents’ violations of § 1337(a)(1)(B) based on the unlawful importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of certain cartridges or “pods” for electronic nicotine delivery systems (“ENDS”) and components thereof that infringe one or more claims of the Asserted Patents or that are made by a process covered by one or more claims of the Asserted Patents;

B. Schedule and conduct an evidentiary hearing on permanent relief under 19 U.S.C. § 1337(d) and (f) of the Tariff Act of 1930, as amended;

C. Determine that each Respondent has violated Section 337;

D. Issue a limited exclusion order under 19 U.S.C. § 1337(d) specifically directed to each named Respondent barring and excluding from entry into the United States all cartridges for ENDS and components thereof that infringe one or more claims of the Asserted Patents or that are made by a process covered by one or more claims of the Asserted Patents;

E. Issue permanent cease and desist orders under 19 U.S.C. § 1337(f) prohibiting any and all Respondents and their affiliates, subsidiaries, successors, or assigns, from importing, selling for importation, marketing, demonstrating, distributing, repairing, refurbishing, offering for sale, selling after importation, or transferring, including moving or shipping inventory in the United States, all cartridges for ENDS and components thereof that infringe one or more claims of the Asserted Patents or that are made by a process covered by one or more claims of the Asserted Patents;
F. Impose a bond upon Respondents who continue to import infringing cartridges for ENDS or components thereof during the 60-day Presidential review period per 19 U.S.C. § 1337(j);

G. Issue such other and further relief as the Commission deems just and proper under the law based upon the facts determined by the Investigation and the authority of the Commission; and

H. Find that the public interest is not affected by the remedial orders requested by JLI and, therefore, not delegate this issue for further discovery to the Administrative Law Judge.
Dated: November 20, 2018

Respectfully submitted,

Daniel E. Yohan
Michael E. Joffre
Nirav N. Desai
Paul A. Ainsworth
Uma N. Everett

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 New York Avenue
Washington, DC 20005
(202) 371-2600
VERIFICATION OF COMPLAINT

I, Timothy Danaher, Chief Financial Officer of Juul Labs, Inc. ("JLI"), for and on behalf of JLI, in accordance with the provisions of Rule 210.4 and 210.12(a), declare that:

1. I am duly authorized to execute this verification.

2. I have read the complaint and am familiar with the allegations and statements contained therein, and that to the best of my knowledge, information, and belief founded after reasonable inquiry, the allegations and statements made in the complaint are well-grounded in fact and are warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law.

This document is not being filed for any improper purpose.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 19, 2018

____________________________
Timothy Danaher
Chief Financial Officer
Juul Labs, Inc.