

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

RECEIVED

NOV 20 2018

OFFICE OF THE SECRETARY
U.S. INTL. TRADE COMMISSION

In the Matter of

**CERTAIN CARTRIDGES FOR
ELECTRONIC NICOTINE DELIVERY
SYSTEMS AND COMPONENTS
THEREOF**

Investigation No. 337-TA - ____

**VERIFIED COMPLAINT
UNDER SECTION 337 OF THE TARIFF ACT OF 1930**

Complainant

Juul Labs, Inc.
560 20th Street
San Francisco, CA 94107
(415) 829-2336

Counsel for Complainant

Daniel E. Yonan
Michael E. Joffre
Nirav N. Desai
Paul A. Ainsworth
Uma N. Everett
STERNE, KESSLER,
GOLDSTEIN & FOX, P.L.L.C.
1100 New York Avenue, N.W.
Washington, DC 20005
(202) 371-2600

Proposed Respondents

DripTip Vapes LLC
151 N. Nob Hill Rd. #115
Plantation, FL 33324
(954) 865-9652

The Electric Tobacconist, LLC
3235 Prairie Avenue
Boulder, CO 80301
(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
Largo, FL 33773
(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
836 North Oleander Avenue,
Daytona Beach, FL 32118

ParallelDirect LLC
103 Schelter Rd, #20
Lincolnshire, IL 60069
(844) 624-4264

Saddam Aburoumi
193 Homestead Street, Unit D3
Manchester, CT 06042

Sarvasva LLC
D/b/a One Stop Food Mart
32 Church Road
Maple Shade, NJ 08052
(856) 235-0037

Shenzhen Haka Flavor Technology Co., Ltd.
4F, Building B, Anjia Industrial Park, Gonghe
Industrial Rd,
Shajing Town, Bao'an District,
Shenzhen, Guangdong, China

Shenzhen OCIGA Technology Co., Ltd.
4F-B Building, Anjia Industrial Park, Gonghe
Industrial Rd,
Shajing Town, Bao'an District,
Shenzhen, Guangdong, China

Shenzhen OVNS Technology Co., Ltd.
6F, North Side Of Xinlong Tech Park,
No. 2, Dawangshan Industrial 1st Road,
Shajing Town, Bao'an District,
Shenzhen, Guangdong, China 518101

Shenzhen Yibo Technology Co., Ltd.

E District 4F, 5 Building,
Wen Ge Industrial Zone,
Heshuikou, Gongming St.,
Guangming New District,
Shenzhen City, Guangdong Province,
China 518106
(+86) 755-86001023

Twist Vapor Franchising, LLC

14937 Bruce B Downs Boulevard
Tampa, FL 33613
(813) 971-8600

United Wholesale LLC

73 Linden Street
Glastonbury, CT 06033

Vape4U LLC

8926 Benson Ave. Ste E
Montclair, CA 91763

Vaperz LLC

19818 S Harlem Ave
Frankfort, IL 60423
(773) 273-8845

Vaportronix, LLC

2941 NE 185th Street
Aventura, FL 33180
(305) 733-1377

Vapor 4 Life Holdings, Inc.

4080 Commercial Ave
Suite A
Northbrook, IL 60062
(847) 944-8200

The ZFO

42 Nichols St., Suite 14,
Spencerport, NY 14559
(855) 843-9365

Ziip Lab Co., Ltd.

E District 4F, 5 Building,
Wen Ge Industrial Zone,
Heshuikou, Gongming St.,
Guangming New District,
Shenzhen City, Guangdong Province,
China 518106
(+86) 0755-21385136

Ziip Lab S.A.

Ave. Golero, 911 Office 27,
Punta del Este – Maldonado
Uruguay, 20100
(844) 944-7522

TABLE OF CONTENTS

EXHIBIT LIST	vi
I. INTRODUCTION	1
II. THE PARTIES	11
A. The Complainant.....	11
B. Respondents	13
1. X Pod Group	14
2. Loon Pod Group.....	15
3. Iced Pod Group	16
4. Atom Pod Group	17
5. ViV Pod Group	18
6. Airbender ZPod Group	19
7. JC01 Pod Group.....	21
8. VQ Pod Group	23
9. Fuma Pod Group.....	23
10. Zalt Pod Group.....	24
11. Magic Mist Pod Group.....	25
12. J Pod Group.....	26
13. Edge Pod Group.....	28
14. 5-Star Universal Pod Group.....	28
15. Blankz Pod Group.....	29
16. Sex Pod Group	29
17. Sea100 Pod Group	30
III. THE ASSERTED PATENTS	31
A. The '129 Patent.....	31

B.	The '915 Patent	32
C.	The '470 Patent	33
D.	The '465 Patent	34
E.	The '466 Patent	34
IV.	NON-TECHNICAL DESCRIPTION OF THE ASSERTED PATENTS	35
A.	The '129 Patent	37
B.	The '915 Patent	38
C.	The '470 Patent	39
D.	The '465 Patent	40
E.	The '466 Patent	41
V.	THE ACCUSED PRODUCTS	42
A.	X Pods	43
B.	Loon Pods	43
C.	Iced Pods	44
D.	Atom Pods	44
E.	ViV Pods	45
F.	Airbender ZPods	45
G.	JC01 Pods	46
H.	VQ Pods	46
I.	Fuma Pods / Fumo Pods	47
J.	Zalt Pods	47
K.	Magic Mist Pods	48
L.	J Pods / Ref Pods	48
M.	Blankz Pods	49
N.	Edge Pods	49

O.	5-Star Universal Pods	50
P.	Sex Pods.....	51
Q.	Sea100 Pods.....	51
VI.	RESPONDENTS' UNLAWFUL AND UNFAIR ACTS	52
A.	Importation and Sale	52
1.	Respondent DripTip.....	52
2.	Respondent Electric Tobacconist.....	54
3.	Respondent Fuma.....	55
4.	Respondent Haka	56
5.	Respondent Lizard	57
6.	Respondent Maduro	58
7.	Respondent MistHub	59
8.	Respondent Noah Dovberg	60
9.	Respondent OCIGA	62
10.	Respondent OVNS.....	63
11.	Respondent Sarvasva	64
12.	Respondent ParallelDirect	65
13.	Respondent Saddam Aburoumi.....	66
14.	Respondent Twist.....	67
15.	Respondent United Wholesale	68
16.	Respondent Vaperz.....	69
17.	Respondent Vape4U.....	70
18.	Respondent VaporDNA	71
19.	Respondent Vaportronix.....	73
20.	Respondent Vapor4Life	74

21.	Respondent Yibo	75
22.	Respondent ZFO	77
23.	Respondent Ziip China	79
24.	Respondent Ziip Labs	81
B.	Infringement.....	83
1.	X Pod Group	85
2.	Loon Pod Group.....	87
3.	Iced Pod Group	90
4.	Atom Pod Group	92
5.	ViV Pod Group	95
6.	Airbender ZPod Group	97
7.	JC01 Pod Group.....	100
8.	VQ Pod Group	102
9.	Fuma Pod Group	104
10.	Zalt Pod Group.....	107
11.	Magic Mist Pod Group.....	109
12.	J Pod Group.....	111
13.	Edge Pod Group.....	114
14.	5-Star Universal Pod Group.....	116
15.	Blankz Pod Group.....	118
16.	Sex Pod Group	121
17.	Sea100 Pod Group	123
VII.	PHYSICAL SAMPLE	125
VIII.	HARMONIZED TARIFF SCHEDULE	126
IX.	THE DOMESTIC INDUSTRY	126

X.	RELATED LITIGATION	129
XI.	RELIEF REQUESTED.....	132

EXHIBIT LIST

<i>Exhibit No.</i>	<i>Description</i>
Exhibit 1	SSA Article – Global Statistics on Addictive Behaviours
Exhibit 2	CDC - Quitting Smoking
Exhibit 3	FDA - 2018 Strategic Policy Roadmap
Exhibit 4	CDC - Fast Facts Smoking & Tobacco
Exhibit 5	Am. Cancer Society Position Statement on E-Cigarettes
Exhibit 6	WHO Tobacco Fact Sheet
Exhibit 7	Levy - Potential Deaths Averted in USA by Replacing Cigarettes with E-Cigarettes
Exhibit 8	CMS - Historical Statistics
Exhibit 9	CDC - Economic Trends in Tobacco
Exhibit 10	Chaiton - Estimating the Number of Quit Attempts It Takes to Quit Smoking Successfully in a Longitudinal Cohort of Smokers
Exhibit 11	NASPH - Consequences of E-Cigarettes
Exhibit 12	Policy Study - Expected Savings to Medicaid from Substituting Electronic for Tobacco Cigarettes
Exhibit 13	Gottlieb - A Nicotine-Focused Framework for Public Health
Exhibit 14	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”
Confidential Exhibit 17	Declaration of Tim Danaher
Confidential Exhibit 18	Nielsen 4-Week Sell-Through Report

<i>Exhibit No.</i>	<i>Description</i>
Confidential Exhibit 19	IRI 4-Week Sell-Through Report
Exhibit 20	Vaper City Blog Entry - “Top Juul-Compatible Pods on the Market”
Exhibit 21	Web Printout of Vaperz’s Store Showing All Airbender ZPods for Sale
Exhibit 22	Web Printout of Vape4U’s Store Showing All Zalt Pods for Sale
Exhibit 23	Web Printout of FDA Press Release Regarding Preventing Youth Access to Flavored Nicotine Products
Exhibit 24	Company Records for United Wholesale LLC
Exhibit 25	X Pod Photographs
Exhibit 26	Excerpts from Rule 30(b)(6) Deposition of Ibrahim Eideh
Confidential Exhibit 27	Personal Information Report - Saddam Aburoumi
Exhibit 28	Business Records of Maduro Distributor, Inc.
Exhibit 29	Loon Trademark Registration for Maduro Distributors, Inc.
Exhibit 30	WHOIS Report for theloonmn.com
Exhibit 31	Web Printout of Maduro’s Store Selling Loon Pod 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
Exhibit 34	Loon Pod Photographs
Exhibit 35	Articles of Organization for DripTip Vapes LLC
Exhibit 36	WHOIS Report for driptipvapes.com
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
Exhibit 40	Iced Pod Photographs

<i>Exhibit No.</i>	<i>Description</i>
Exhibit 41	Web Printout of Ziip Lab Contact Information
Exhibit 42	Web Printout of Ziip Lab Contact Information
Exhibit 43	Web Printout of Ziip Wholesale Information
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 46	Atom Pod Photographs
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.
Exhibit 50	WHOIS Report for vapor4life.com
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
Exhibit 54	Declaration of Tony Yarborough
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
Exhibit 57	File Report for Vaperz LLC
Exhibit 58	Web Printout of Vaperz Retail Locations
Exhibit 59	Web Printout of Vaperz Terms and Conditions
Exhibit 60	Web Printout of Vaperz's Store Selling Airbender ZPods
Exhibit 61	Airbender ZPod Photographs
Exhibit 62	Airbender Trademark Registration
Exhibit 63	Web Printout of Airbender's Instagram Page

<i>Exhibit No.</i>	<i>Description</i>
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
Exhibit 66	Web Printout of ZFO Contact Information
Exhibit 67	Company Investigator Report for ZFO
Exhibit 68	Web Printout of ZFO's Store Selling Airbender ZPods
Exhibit 69	Web Printout of ZFO's Store Selling Airbender Kits
Exhibit 70	LLC Entity Information for The Electric Tobacconist
Exhibit 71	Company Investigator Report for The Electric Tobacconist LLC
Exhibit 72	Web Printout of Electric Tobacconist Terms and Conditions
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
Exhibit 75	OVNS Trademark Registration
Exhibit 76	Web Printout of OVNS Contact Information
Exhibit 77	Web Printout of OVNS' Alibaba Store Selling JC01 Cartridges
Exhibit 78	JC01 Pod Photographs
Exhibit 79	Web Printout of OVNS Company Overview
Exhibit 80	Web Printout of OVNS' JC01 Website
Exhibit 81	LLC Report for MistHub, LLC
Exhibit 82	Web Printout of MistHub Contact Information
Exhibit 83	Web Printout of MistHub Terms of Service
Exhibit 84	Web Printout of MistHub's Store Selling JC01 Cartridges
Exhibit 85	Web Printout of MistHub's Store Selling JC01 Starter Kit
Exhibit 86	Web Printout of ZFO's Store Selling JC01 Cartridges

<i>Exhibit No.</i>	<i>Description</i>
Exhibit 87	Corporate Registration for Lan & Mike International Trading, Inc.
Exhibit 88	Web Printout of VaporDNA Terms and Conditions
Exhibit 89	VaporDNA Trademark Registration
Exhibit 90	VaporDNA Trademark Registration
Exhibit 91	Web Printout of VaporDNA's Store Selling JC01 Cartridges
Exhibit 92	Company Investigator report for Vaportronix, LLC
Exhibit 93	Web Printout of Vaportronix "About Us" Page
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
Exhibit 96	Web Printout of ZFO's Store Selling VQ Pods
Exhibit 97	Corporation File Report for Fuma Vapor, Inc.
Exhibit 98	Web Printout of Fuma Contact Information
Exhibit 99	Web Printout of Fumavapor.com Website
Exhibit 100	Web Printout of Fumovapor.com
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
Exhibit 104	Web Printout of ZFO's Store Selling Fuma Pods
Exhibit 105	Company Registration for Vape4U LLC
Exhibit 106	Web Printout of Vapezalt.com Terms and Conditions
Exhibit 107	Web Printout of Vape4U's Store Selling Zalt Pods
Exhibit 108	Web Printout of ZFO's Store Selling Zalt Pods
Exhibit 109	LLC Report for ParallelDirect LLC

<i>Exhibit No.</i>	<i>Description</i>
Exhibit 110	Web Printout of Magic Mist Terms and Conditions
Exhibit 111	Web Printout of ParallelDirect's Store Selling Magic Mist Pods
Exhibit 112	Magic Mist Pod Photographs
Exhibit 113	Web Printout of hakatech.cn Contact Information
Exhibit 114	Web Printout of hakatech.cn About Us Page
Exhibit 115	Web Printout of Haka and OCIGA Alibaba Store Company Information Page
Exhibit 116	Web Printout of Haka and OCIGA's Alibaba Store Selling J Pod and Ref Pod
Exhibit 117	Web Printout of Haka and OCIGA's Alibaba Store Showing All J Pods and Ref Pods for Sale
Exhibit 118	Web Printout of Haka and OCIGA Alibaba Store Home Page
Exhibit 119	Web Printout of Alibaba Page with OCIGA Contact Information
Confidential Exhibit 120	Letter from Jeong Moon Ho
Exhibit 121	J Pod Photographs
Exhibit 122	Company Records for Lizard Juice LLC
Exhibit 123	Web Printout of Lizard's Store Selling J Pods
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
Exhibit 126	Web Printout of ZFO's Store Selling Edge Pods
Exhibit 127	Business Records of Sarvasva LLC
Exhibit 128	Web Printout of Electric Tobacconist's Store Selling Blankz Pods
Exhibit 129	Web Printout of VaporDNA's Store Selling Blankz Pods
Exhibit 130	Web Printout of Sex Vapor Contact Page
Exhibit 131	Web Printout of Google Maps at 836 North Oleander

<i>Exhibit No.</i>	<i>Description</i>
Confidential Exhibit 132	Property Records for 836 Oleander Ave
Exhibit 133	WHOIS Report for Sexvapor.co
Exhibit 134	Web Printout of Sex Vapor’s Store Selling Sex Pods
Exhibit 135	Annual LLC Report for Twist Vapor Franchising, LLC
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
Exhibit 138	Sea100 Pod Photographs
Exhibit 139	Web Printout of ZFO Store Selling Sea100 Pods
Exhibit 140	Certified Copy of U.S. Pat. No. 10,058,129 (“the ’129 Patent”)
Exhibit 141	Certified Copy of the Assignment Record for the ’129 Patent
Exhibit 142	Certified Copy of U.S. Pat. No. 10,104,915 (“the ’915 Patent”)
Exhibit 143	Certified Copy of the Assignment Record for the ’915 Patent
Exhibit 144	Listing of all foreign patents and patent applications corresponding to the ’915 Patent
Exhibit 145	Certified Copy of U.S. Pat. No. 10,111,470 (“the ’470 Patent”)
Exhibit 146	Certified Copy of the Assignment Record for the ’470 Patent
Exhibit 147	Listing of all foreign patents and patent applications corresponding to the ’470 Patent
Exhibit 148	Certified Copy of U.S. Pat. No. 10,117,465 (“the ’465 Patent”)
Exhibit 149	Certified Copy of the Assignment Record for the ’465 Patent
Exhibit 150	Listing of all foreign patents and patent applications corresponding to the ’465 Patent
Exhibit 151	Certified Copy of U.S. Pat. No. 10,117,466 (“the ’466 Patent”)
Exhibit 152	Certified Copy of the Assignment Record for the ’466 Patent

<i>Exhibit No.</i>	<i>Description</i>
Exhibit 153	ViV Pod Photographs
Exhibit 154	VQ Pod Photographs
Exhibit 155	Fuma Pod Photographs
Exhibit 156	Zalt Pod Photographs
Exhibit 157	Blankz Pod Photographs
Exhibit 158	Edge Pod Photographs
Exhibit 159	5-Star Universal Pod Photographs
Exhibit 160	Sex Pod Photographs
Exhibit 161	Web Printout of Eonsmoke’s Instagram Post
Exhibit 162	Representative Claim Chart Showing Infringement of the ’129 Patent by X Pods
Exhibit 163	Representative Claim Chart Showing Infringement of the ’915 Patent by X Pods
Exhibit 164	Representative Claim Chart Showing Infringement of the ’470 Patent by X Pods
Exhibit 165	Representative Claim Chart Showing Infringement of the ’465 Patent by X Pods
Exhibit 166	Representative Claim Chart Showing Infringement of the ’466 Patent by X Pods
Exhibit 167	Representative Claim Chart Showing Infringement of the ’915 Patent by Loon Pods
Exhibit 168	Representative Claim Chart Showing Infringement of the ’470 Patent by Loon Pods
Exhibit 169	Representative Claim Chart Showing Infringement of the ’465 Patent by Loon Pods
Exhibit 170	Representative Claim Chart Showing Infringement of the ’466 Patent by Loon Pods
Exhibit 171	Representative Claim Chart Showing Infringement of the ’129 Patent by Iced Pods
Exhibit 172	Representative Claim Chart Showing Infringement of the ’915 Patent by Iced Pods

<i>Exhibit No.</i>	<i>Description</i>
Exhibit 173	Representative Claim Chart Showing Infringement of the '470 Patent by Iced Pods
Exhibit 174	Representative Claim Chart Showing Infringement of the '465 Patent by Iced Pods
Exhibit 175	Representative Claim Chart Showing Infringement of the '466 Patent by Iced Pods
Exhibit 176	Representative Claim Chart Showing Infringement of the '129 Patent by Atom Pods
Exhibit 177	Representative Claim Chart Showing Infringement of the '915 Patent by Atom Pods
Exhibit 178	Representative Claim Chart Showing Infringement of the '470 Patent by Atom Pods
Exhibit 179	Representative Claim Chart Showing Infringement of the '465 Patent by Atom Pods
Exhibit 180	Representative Claim Chart Showing Infringement of the '466 Patent by Atom Pods
Exhibit 181	Representative Claim Chart Showing Infringement of the '129 Patent by ViV Pods
Exhibit 182	Representative Claim Chart Showing Infringement of the '915 Patent by ViV Pods
Exhibit 183	Representative Claim Chart Showing Infringement of the '470 Patent by ViV Pods
Exhibit 184	Representative Claim Chart Showing Infringement of the '465 Patent by ViV Pods
Exhibit 185	Representative Claim Chart Showing Infringement of the '466 Patent by ViV Pods
Exhibit 186	Representative Claim Chart Showing Infringement of the '129 Patent by Airbender ZPods
Exhibit 187	Representative Claim Chart Showing Infringement of the '915 Patent by Airbender ZPods

<i>Exhibit No.</i>	<i>Description</i>
Exhibit 188	Representative Claim Chart Showing Infringement of the '470 Patent by Airbender ZPods
Exhibit 189	Representative Claim Chart Showing Infringement of the '465 Patent by Airbender ZPods
Exhibit 190	Representative Claim Chart Showing Infringement of the '466 Patent by Airbender ZPods
Exhibit 191	Representative Claim Chart Showing Infringement of the '915 Patent by JC01 Pods
Exhibit 192	Representative Claim Chart Showing Infringement of the '129 Patent by VQ Pods
Exhibit 193	Representative Claim Chart Showing Infringement of the '915 Patent by VQ Pods
Exhibit 194	Representative Claim Chart Showing Infringement of the '470 Patent by VQ Pods
Exhibit 195	Representative Claim Chart Showing Infringement of the '465 Patent by VQ Pods
Exhibit 196	Representative Claim Chart Showing Infringement of the '466 Patent by VQ Pods
Exhibit 197	Representative Claim Chart Showing Infringement of the '915 Patent by Fuma Pods
Exhibit 198	Representative Claim Chart Showing Infringement of the '470 Patent by Fuma Pods
Exhibit 199	Representative Claim Chart Showing Infringement of the '465 Patent by Fuma Pods
Exhibit 200	Representative Claim Chart Showing Infringement of the '466 Patent by Fuma Pods
Exhibit 201	Representative Claim Chart Showing Infringement of the '129 Patent by Zalt Pods
Exhibit 202	Representative Claim Chart Showing Infringement of the '915 Patent by Zalt Pods

<i>Exhibit No.</i>	<i>Description</i>
Exhibit 203	Representative Claim Chart Showing Infringement of the '470 Patent by Zalt Pods
Exhibit 204	Representative Claim Chart Showing Infringement of the '465 Patent by Zalt Pods
Exhibit 205	Representative Claim Chart Showing Infringement of the '466 Patent by Zalt Pods
Exhibit 206	Representative Claim Chart Showing Infringement of the '915 Patent by Magic Mist Pods
Exhibit 207	Representative Claim Chart Showing Infringement of the '470 Patent by Magic Mist Pods
Exhibit 208	Representative Claim Chart Showing Infringement of the '465 Patent by Magic Mist Pods
Exhibit 209	Representative Claim Chart Showing Infringement of the '466 Patent by Magic Mist Pods
Exhibit 210	Representative Claim Chart Showing Infringement of the '915 Patent by J Pods
Exhibit 211	Representative Claim Chart Showing Infringement of the '466 Patent by J Pods
Exhibit 212	Representative Claim Chart Showing Infringement of the '129 Patent by Edge Pods
Exhibit 213	Representative Claim Chart Showing Infringement of the '915 Patent by Edge Pods
Exhibit 214	Representative Claim Chart Showing Infringement of the '470 Patent by Edge Pods
Exhibit 215	Representative Claim Chart Showing Infringement of the '466 Patent by Edge Pods
Exhibit 216	Representative Claim Chart Showing Infringement of the '129 Patent by 5-Star Universal Pods
Exhibit 217	Representative Claim Chart Showing Infringement of the '915 Patent by 5-Star Universal Pods
Exhibit 218	Representative Claim Chart Showing Infringement of the '470 Patent by 5-Star Universal Pods

<i>Exhibit No.</i>	<i>Description</i>
Exhibit 219	Representative Claim Chart Showing Infringement of the '465 Patent by 5-Star Universal Pods
Exhibit 220	Representative Claim Chart Showing Infringement of the '466 Patent by 5-Star Universal Pods
Exhibit 221	Representative Claim Chart Showing Infringement of the '915 Patent by Blankz Pods
Exhibit 222	Representative Claim Chart Showing Infringement of the '466 Patent by Blankz Pods
Exhibit 223	Representative Claim Chart Showing Infringement of the '129 Patent by Sex Pods
Exhibit 224	Representative Claim Chart Showing Infringement of the '915 Patent by Sex Pods
Exhibit 225	Representative Claim Chart Showing Infringement of the '470 Patent by Sex Pods
Exhibit 226	Representative Claim Chart Showing Infringement of the '465 Patent by Sex Pods
Exhibit 227	Representative Claim Chart Showing Infringement of the '466 Patent by Sex Pods
Exhibit 228	Representative Claim Chart Showing Infringement of the '129 Patent by Sea100 Pods
Exhibit 229	Representative Claim Chart Showing Infringement of the '915 Patent by Sea100 Pods
Exhibit 230	Representative Claim Chart Showing Infringement of the '470 Patent by Sea100 Pods
Exhibit 231	Representative Claim Chart Showing Infringement of the '465 Patent by Sea100 Pods
Exhibit 232	Representative Claim Chart Showing Infringement of the '466 Patent by Sea100 Pods
Confidential Exhibit 233	Confidential Representative Claim Chart Showing that JLI's Domestic Articles Practice the Claims of the '129 Patent

<i>Exhibit No.</i>	<i>Description</i>
Confidential Exhibit 234	Confidential Representative Claim Chart Showing that JLI's Domestic Articles Practice the Claims of the '915 Patent
Confidential Exhibit 235	Confidential Representative Claim Chart Showing that JLI's Domestic Articles Practice the Claims of the '470 Patent
Confidential Exhibit 236	Confidential Representative Claim Chart Showing that JLI's Domestic Articles Practice the Claims of the '465 Patent
Confidential Exhibit 237	Confidential Representative Claim Chart Showing that JLI's Domestic Articles Practice the Claims of the '466 Patent
Exhibit 238	Web Printout of the JUUL System FAQ

PHYSICAL EXHIBIT LIST

<i>Exhibit No.</i>	<i>Description</i>
Physical Exhibit 1	JUUL Starter Kit (device and cartridges)
Physical Exhibit 2	X Pod cartridges
Physical Exhibit 3	Loon Pod Starter Kit (device and cartridges)
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
Physical Exhibit 16	Blankz Pod cartridges
Physical Exhibit 17	Sex Pod cartridges
Physical Exhibit 18	Sea100 Pod cartridges

LIST OF APPENDICES

<i>Appendix</i>	<i>Description</i>
Appendix A	Certified Copy of the File History of the '129 Patent (for U.S. Pat. No. 10,058,129)
Appendix B	References Cited in the Certified File History of the '129 Patent
Appendix C	Certified Copy of the File History of the '915 Patent (for U.S. Pat. No. 10,104,915)
Appendix D	References Cited in the Certified File History of the '915 Patent
Appendix E	Certified Copy of the File History of the '470 Patent (for U.S. Pat. No. 10,111,470)
Appendix F	References Cited in the Certified File History of the '470 Patent
Appendix G	Certified Copy of the File History of the '465 Patent (for U.S. Pat. No. 10,117,465)
Appendix H	References Cited in the Certified File History of the '465 Patent
Appendix I	Certified Copy of the File History of the '466 Patent (for U.S. Pat. No. 10,117,466)
Appendix J	References Cited in the Certified File History of the '466 Patent

I. INTRODUCTION

1. Complainant Juul Labs, Inc. (hereinafter, “JLI”) requests that the United States International Trade Commission institute an investigation into violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

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):

U.S. Patent No.	Short Name	Asserted Claims
10,058,129	’129 Patent	<u>1</u> , 2, 3, 5, 6, 7, 8, <u>12</u> , 13, 16 ,17, 18, <u>19</u> , 20, 22

U.S. Patent No.	Short Name	Asserted Claims
10,104,915	'915 Patent	10, 15, 17, <u>29</u> , 30, 31, 32
10,111,470	'470 Patent	<u>1</u> , 2, 3, 4, 7, 8, 10, 11
10,117,465	'465 Patent	<u>1</u> , 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, <u>20</u>
10,117,466	'466 Patent	<u>1</u> , 4, 5, 6, 7, 8, 10, 12, 14, 16, 17, 18, 19, <u>20</u> , 21, <u>22</u> , 23

5. The '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent are collectively referred to herein as the "Asserted Patents," and the above-listed claims of the Asserted Patents are collectively referred to herein as the "Asserted Claims."

6. The proposed Respondents fall into 17 groups, named according to their primary infringing product:

<u>Respondent Group</u>	<u>Respondents</u> (collectively "Respondents")	<u>Infringing Product(s)</u>
X Pod Group	United Wholesale LLC ("United Wholesale") Saddam Aburoumi	X Pods
Loon Pod Group	Maduro Distributors, Inc. ("Maduro")	Loon Pods
Iced Pod Group	DripTip Vapes LLC ("DripTip") Ziip Lab S.A. ("Ziip Labs") Ziip Lab Co., Ltd. ("Ziip China") Shenzhen Yibo Technology Co., Ltd. ("Yibo")	Iced Pods
Atom Pod Group	DripTip	Atom Pods
ViV Pod Group	Vapor 4 Life Holdings, Inc. ("Vapor4Life") DripTip	ViV Pods
Airbender ZPod Group	Vaperz LLC ("Vaperz") Ziip Labs Ziip China Yibo DripTip The ZFO ("ZFO") The Electric Tobacconist, LLC ("Electric Tobacconist")	Airbender ZPods
JC01 Pod Group	Shenzhen OVNS Technology Co., Ltd. ("OVNS") MistHub, LLC ("MistHub") ZFO Lan & Mike International Trading Inc. ("VaporDNA")	JC01 Pods

<u>Respondent Group</u>	<u>Respondents</u> (collectively “Respondents”)	<u>Infringing Product(s)</u>
VQ Pod Group	Vaportronix, LLC (“Vaportronix”) ZFO	VQ Pods
Fuma Pod Group	Fuma Vapor, Inc. (“Fuma”) ZFO	Fuma / Fumo Pods
Zalt Pod Group	Vape4U LLC (“Vape4U”) ZFO	Zalt Pods
Magic Mist Pod Group	ParallelDirect LLC (“ParallelDirect”)	Magic Mist Pods
J Pod Group	Shenzhen Haka Flavor Technology Co., Ltd. (“Haka”) Shenzhen OCIGA Technology Co., Ltd. (“OCIGA”) Lizard Juice, LLC (“Lizard”)	J Pods / Ref Pods
Edge Pod Group	ZFO Electric Tobacconist	Edge Pods
5-Star Universal Pod Group	Sarvasva LLC (“Sarvasva”)	5-Star Universal Pods
Blankz Pod Group	Electric Tobacconist VaporDNA	Blankz Pods
Sex Pod Group	Noah Dovberg	Sex Pods
Sea100 Pod Group	Twist Vapor Franchising, LLC (“Twist”) ZFO	Sea100 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.



Physical Exhibit 1 – Representative JUUL Starter Kit

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 *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. *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).

Appendix 5: U.S. ENDS Pod Market Retail Unit Sales Growth 2018

4-Week Unit Sales by End Date

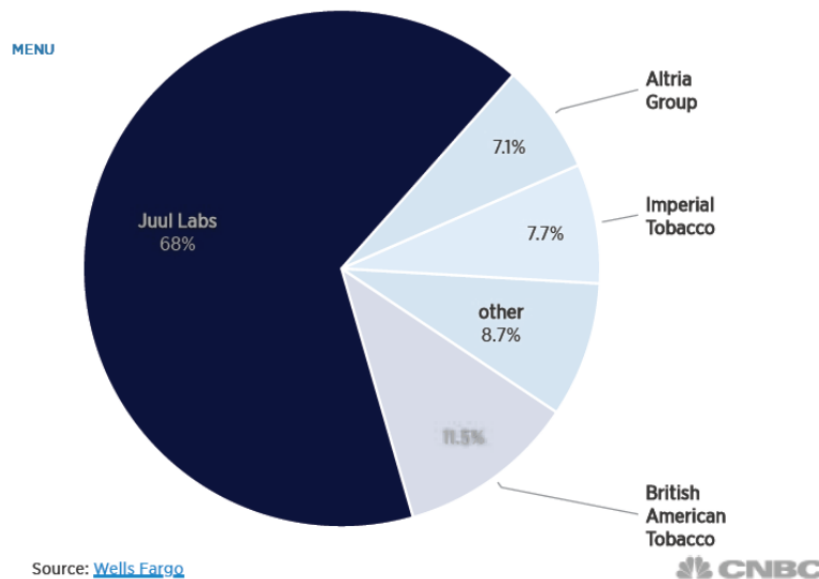
	Nielsen			IRI		
	Apr 21	Sep 8	Share of Growth	Apr 22	Sep 9	Share of Growth
Total Market	36,002,645	55,773,039	100%	29,546,883	50,793,955	100%
Juul	22,618,886	41,501,172	95.5%	14,964,158	35,166,120	95.1%
Vuse	6,385,922	6,172,595	-1.1%	7,204,900	7,409,312	1.0%
MarkTen	3,677,300	4,240,285	2.8%	2,904,168	3,230,237	1.5%
Logic	1,785,167	2,018,023	1.2%	1,928,841	1,876,006	-0.2%
Blu	1,062,360	1,461,127	2.0%	1,305,209	1,937,225	3.0%
Other	473,010	379,837	-0.5%	1,239,607	1,175,055	-0.3%

14. 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.*

15. 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.

Juul dominates the U.S. e-cigarette market

Juul Labs represented 68 percent of dollar market share in the four-week period ended June 16, 2018, according to Nielsen data.



<https://www.cnbc.com/2018/07/02/juul-e-cigarette-sales-have-surged-over-the-past-year.html>.

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.

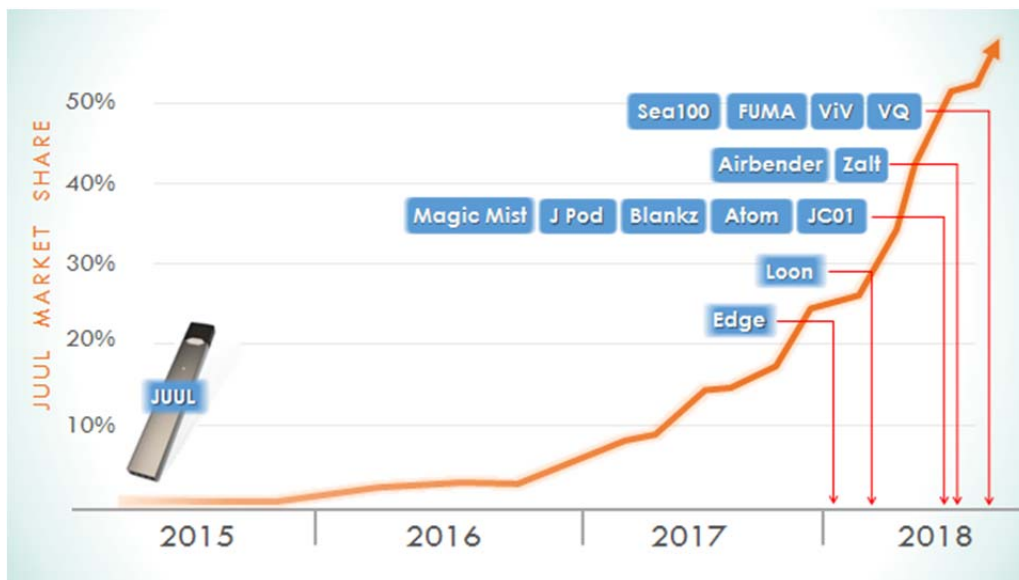
24. Years of research and development, leading to multiple innovations in ENDS technology, resulted in JLI’s market-leading product, the JUUL system: an elegant, intuitive cartridge-based device that delivers a satisfying experience to help adult smokers switch from combustible cigarettes. By way of 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 JUULpods 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 Aburoumi

29. On information and belief, Respondent Saddam Aburoumi is an individual residing at 193 Homestead Street, Unit D3, Manchester, CT 06042. Confidential Exhibit 27 (Personal information report for Saddam Aburoumi).

30. On information and belief, Mr. Aburoumi 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. Aburoumi 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. Aburoumi 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”)

31. On information and belief, Respondent Maduro is a Minnesota corporation with its principal place of business at 245 E. Roselawn Ave. #24, Maplewood, MN 55117. Exhibit 28 (Business Records of Maduro Distributors, Inc.); Exhibit 29 (Loon Trademark Registration for Maduro Distributors, Inc.). On information and belief, Maduro owns and operates www.theloonmn.com. Exhibit 30 (WHOIS Report for theloonmn.com).

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).

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

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 www.vapor4life.com. Exhibit 50 (WHOIS Report for vapor4life.com).

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

¹ Vapor 4 Life Holdings, Inc. d/b/a Vapor4Life, was previously known as Vapor 4 Life, Inc. until November 24, 2014. Exhibit 48 (Corporation File Report for Vapor 4 Life Holdings, Inc.).

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”)

53. On information and belief, Respondent Electric Tobacconist is a Colorado limited liability company with its principal place of business at 3235 Prairie Ave., Boulder, CO 80301. Exhibit 70 (LLC Entity Information for The Electric Tobacconist); Exhibit 71 (Company Investigator Report for The Electric Tobacconist LLC). On information and belief, Electric Tobacconist owns and operates the website www.electrictobacconist.com. Exhibit 72 (Web Printout of Electric Tobacconist Terms and Conditions).

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")

63. On information and belief, Respondent Vaportronix is a Florida limited liability company with its principal place of business at 2941 NE 185th St., Aventura, FL 33180. Exhibit 92 at 2 (Company Investigator report for Vaportronix, LLC). On information and belief, Vaportronix owns and operates www.vqforjuul.com. Exhibit 93 (Web Printout of Vaportronix "About Us" Page).

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]ssemble[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).

Exhibit 105 (Company Registration for Vape4U LLC). On information and belief, Vape4U owns and operates www.vapezalt.com. Exhibit 106 (Web Printout of Vapezalt.com Terms and Conditions).

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”)

72. On information and belief, Respondent ParallelDirect is an Illinois limited liability company with its principal place of business at 103 Schelter Rd., #20, Lincolnshire, IL 60069. Exhibit 109 (LLC Report for ParallelDirect LLC). On information and belief, ParallelDirect operates under the name “The Magic Mist.” *Id.* On information and belief, ParallelDirect owns and operates www.themagicmist.com. *See* Exhibit 110 (Web Printout of Magic Mist Terms and Conditions) (referencing 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

“[m]ade in China”) and at 6 (noting “www.theMagicMist.com”). 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”)⁴ 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.

United States. Exhibit 116; Exhibit 117 (Web Printout of Haka and OCIGA's Alibaba Store Selling All J Pod and Ref Pod). Haka explicitly markets its J Pod cartridges as "Juul compatible." Exhibit 118 at 1 (Web Printout of Haka and OCIGA Alibaba Store Home Page).

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

95. On August 28, 2018, the United States Patent and Trademark Office ("USPTO") duly and lawfully issued the '129 Patent, entitled "Vaporization Device Systems and Methods," to inventors James Monsees, Adam Bowen, Steven Christensen, Joshua Morenstein, and Christopher Nicholas HibmaCronan. The '129 Patent issued from U.S. Application No. 15/379,898, filed December 15, 2016, and is a continuation of U.S. Application No. 15/053,927. There are no fees currently due with respect to the '129 Patent. The '129 Patent will expire December 23, 2034.

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

99. On October 23, 2018, USPTO duly and lawfully issued the '915 Patent, entitled "Securely Attaching Cartridges for Vaporizer Devices," to inventors Adam Bowen, Steven Christensen, James Monsees, Joshua Morenstein, and Christopher Nicholas HibmaCronan. The '915 Patent issued from U.S. Application No. 15/815,666, filed November 16, 2017, and is a continuation of U.S. Application No. 15/430,357. There are no fees currently due with respect to the '915 Patent. The '915 Patent will expire December 23, 2034.

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

107. On November 6, 2018, the USPTO duly and lawfully issued the '465 Patent, entitled "Vaporization Device Systems and Methods," to inventors James Monsees, Adam Bowen, Nicholas Jay Hatton, Steven Christensen, Kevin Lomeli, and Ariel Atkins. The '465 Patent issued from U.S. Application No. 15/813,096, filed November 16, 2017, and is a continuation of U.S. Application No. 15/379,898. There are no fees currently due with respect to the '465 Patent. The '465 Patent will expire December 23, 2034.

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 '465 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.

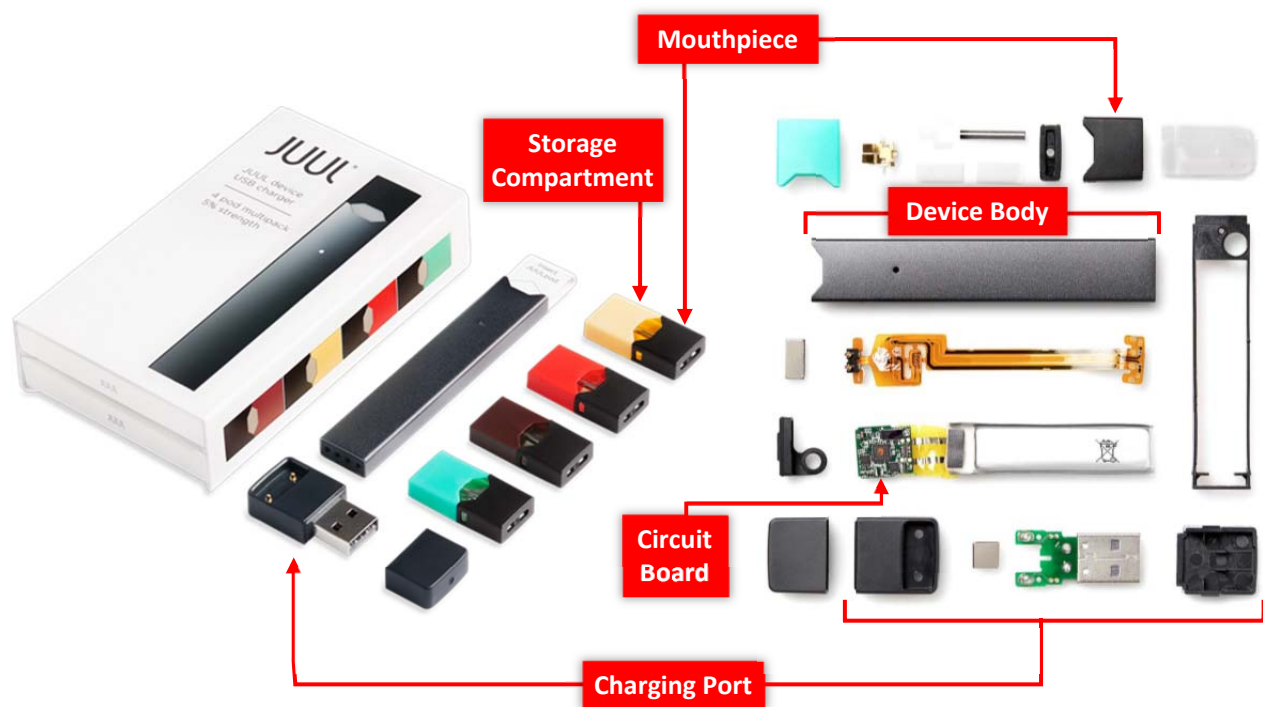
IV. NON-TECHNICAL DESCRIPTION OF THE ASSERTED PATENTS⁵

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,

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.



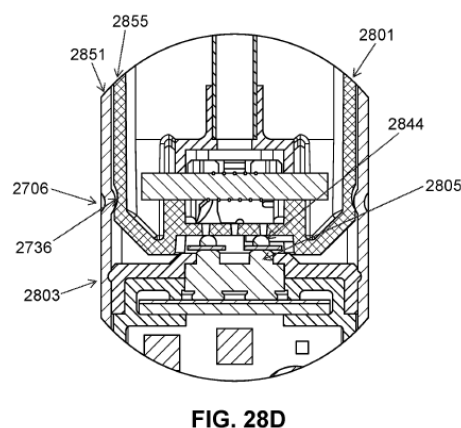
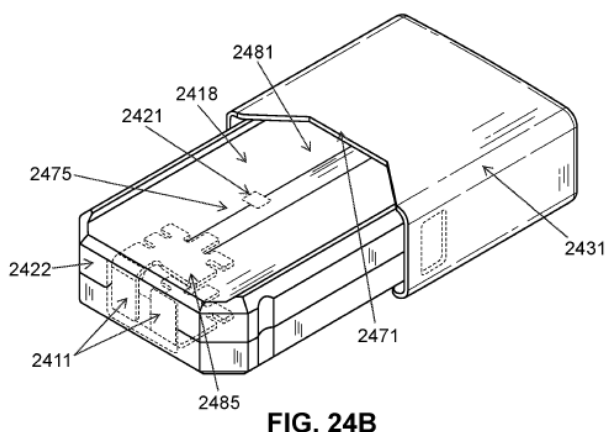
117. The JUUL system is simple, yet distinct. It is purposefully designed to make it easy for adult smokers to transition to the product. Its design distinguishes the JUUL system from combustible cigarettes and from the first generation of ENDS. Critically, it is not a white, round, cigarette-like stick, 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.

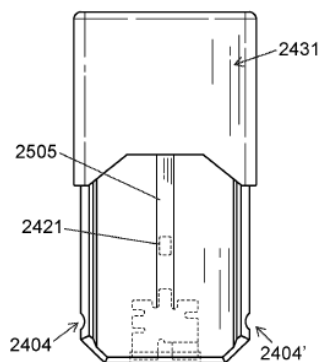


FIG. 25A

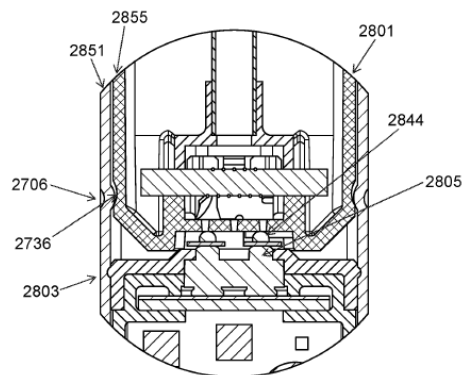


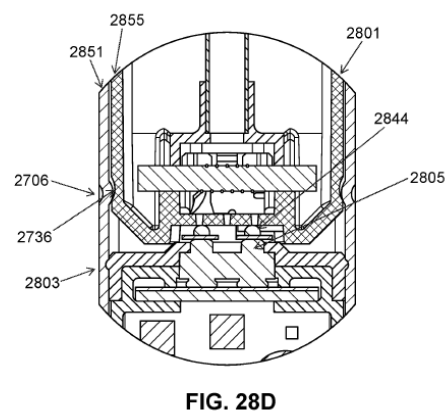
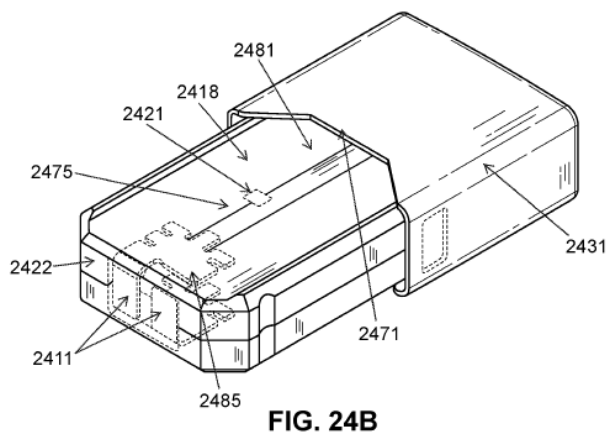
FIG. 28D

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 now 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.

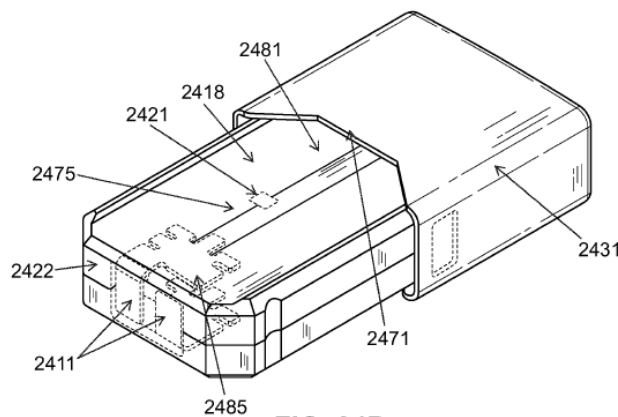


FIG. 24B

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.

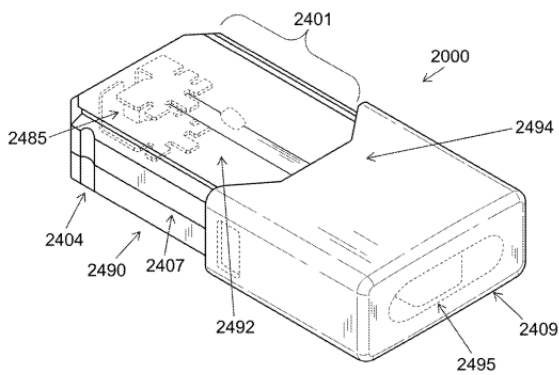


FIG. 24A

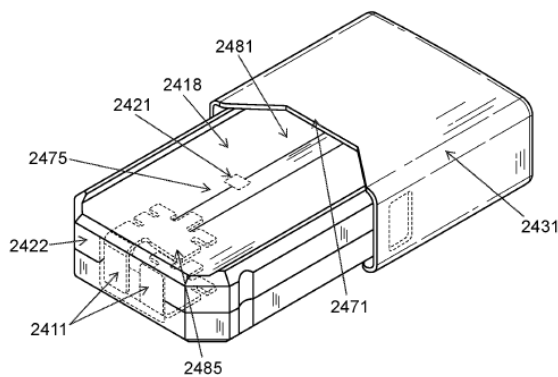


FIG. 24B

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

Pods, J Pods, Blankz Pods, Edge Pods, 5-Star Universal Pods, Sex Pods, and Sea100 Pods (“Accused Products”).⁶

A. X Pods

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



Exhibit 25 at 9 (X Pod)

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.



Exhibit 34 at 11-13 (Loon Pod with ENDS device and Loon Pod separated)

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.



Exhibit 40 at 9 (Iced Pod)

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.



Exhibit 46 at 7 (Atom Pod)

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).

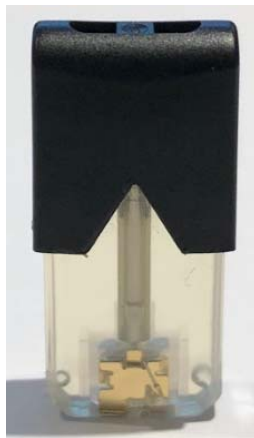


Exhibit 153 at 7 (ViV Pod)

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.

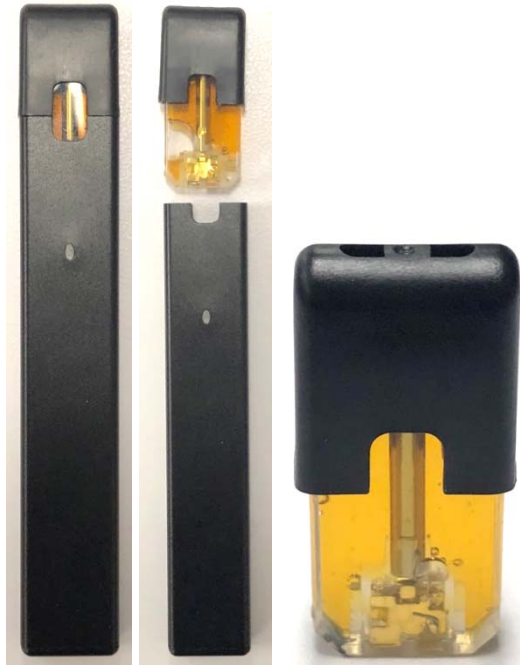


Exhibit 61 at 8-10 (Airbender ZPod with ENDS device and Airbender ZPod separated)

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).



Exhibit 154 at 8 (VQ Pod)

I. Fuma Pods / Fumo Pods⁷

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.



Exhibit 155 at 6 (Fuma Pod)

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.

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.



Exhibit 156 at 9 (Zalt Pod)

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.



Exhibit 112 at 10 (Magic Mist Pod)

L. J Pods / Ref Pods⁸

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.



Exhibit 121 at 7 (J Pod)

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).



Exhibit 157 at 6 (Blankz Pod)

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.



Exhibit 158 at 7-9 (Edge Pod with ENDS device and Edge Pod separated)

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).



Exhibit 159 at 10 (5-Star Universal Pod)

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).



Exhibit 160 at 8 (Sex Pod)

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.



Exhibit 138 at 8-10 (Sea100 Pod)

VI. RESPONDENTS' UNLAWFUL AND UNFAIR ACTS

A. Importation and Sale

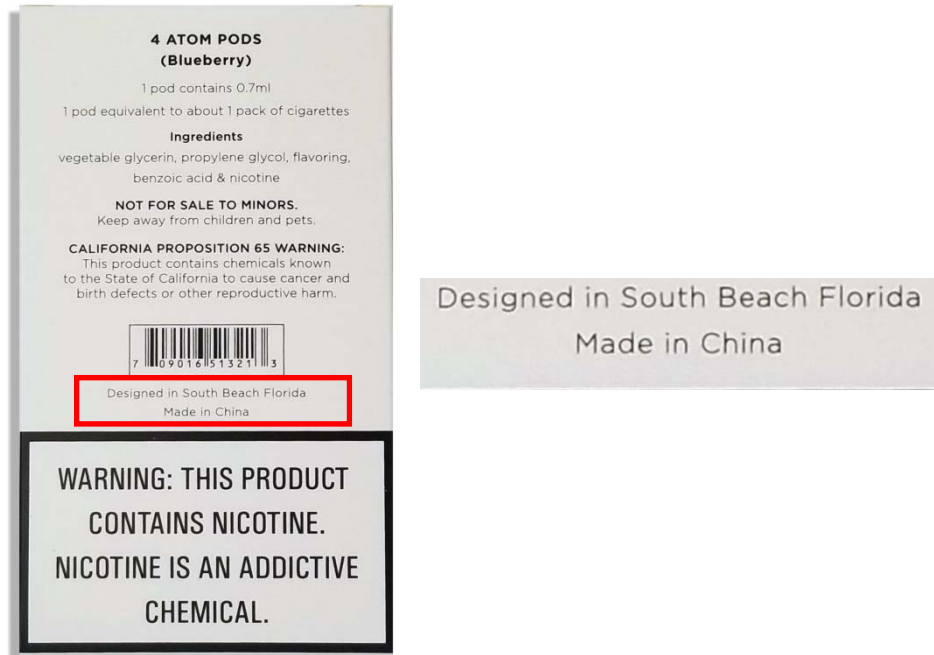
148. The specific instances set forth below are representative examples of Respondents' unlawful acts.

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.

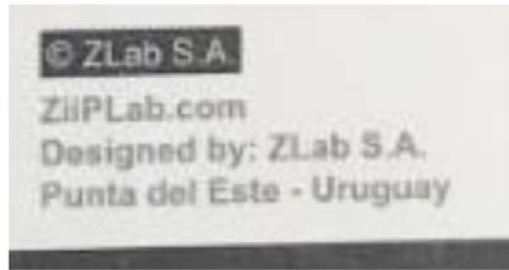
Specific Instance of Importation of the Atom Pod Cartridges

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.

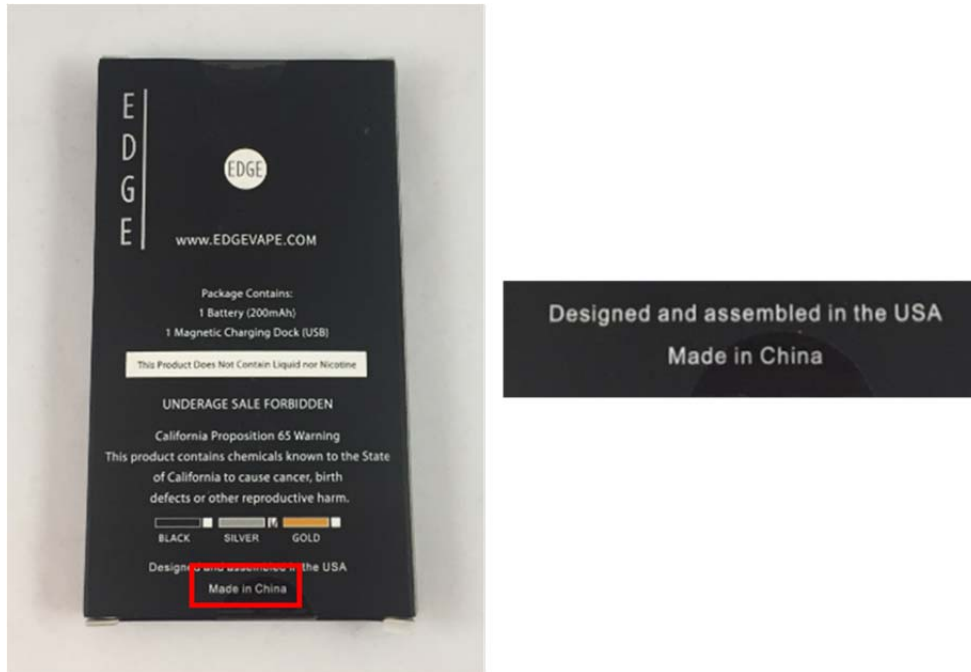


2. Respondent Electric Tobacconist

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

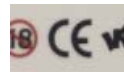
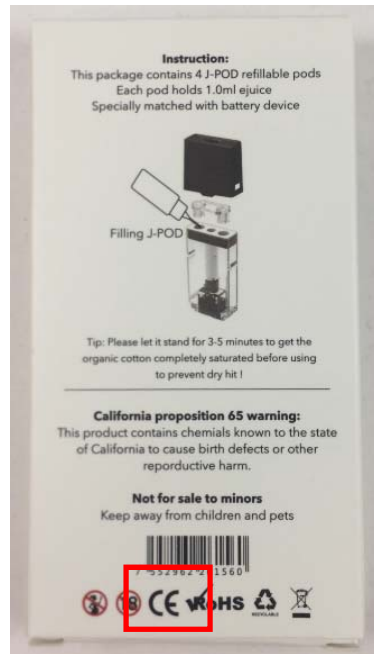
156. On information and belief, Respondent Haka knowingly and intentionally organizes, directs, authorizes, approves, or otherwise participates in the unlawful and infringing conduct alleged herein, including the manufacture, distribution, sale for importation, importation, or sale after importation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

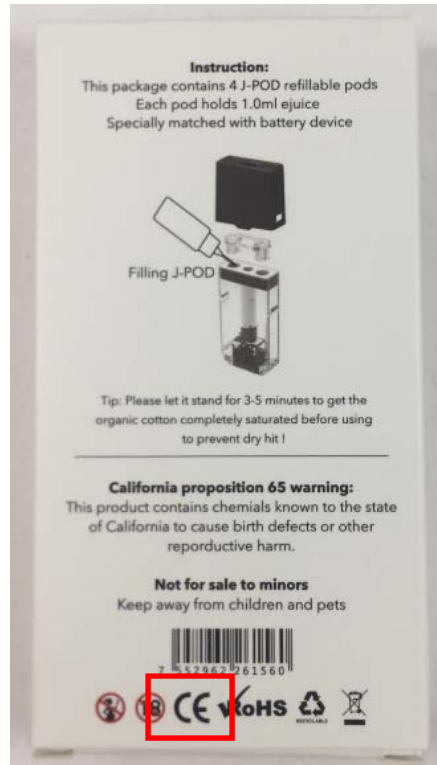
165. Sex Pod cartridges were purchased in the United States on October 17, 2018, November 1, 2018, and November 7, 2018 from the sexvapor.co webstore and shipped to an address in New York. *See* Exhibit 54 at ¶¶ 111-116. On information and belief, Noah Dovberg is an individual operating the sexvapor.co 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.



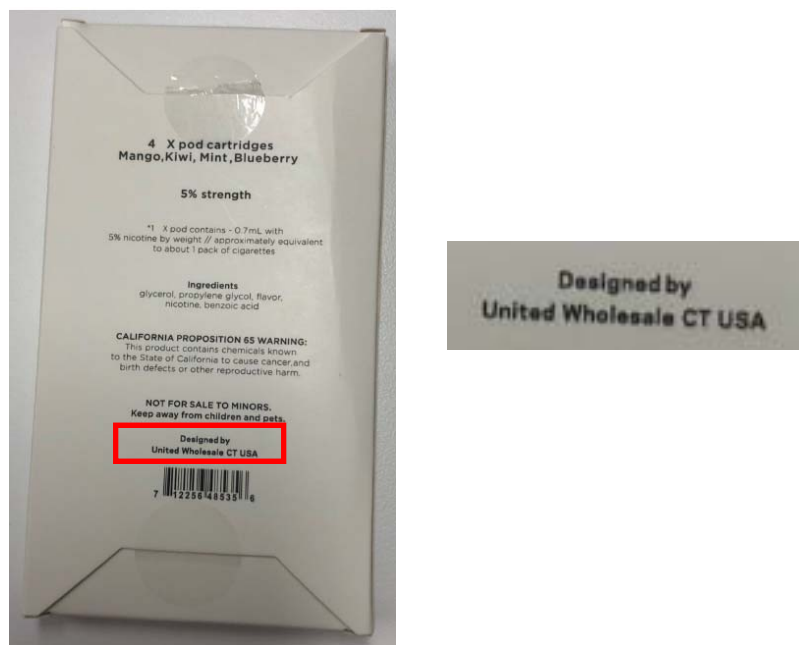
13. Respondent Saddam Aburoumi

174. On information and belief, Respondent Saddam Aburoumi 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. Ibrahim 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 Aburoumi 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 Aburoumi 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 website 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

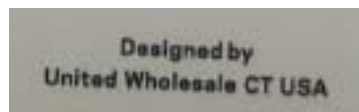
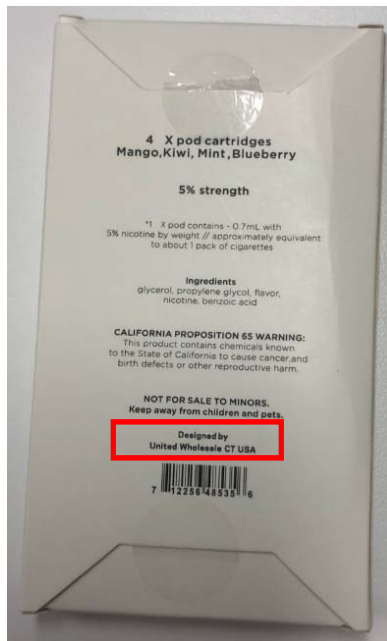
the United States of these infringing Sea100 Pod cartridges. On information and belief, Twist organized, directed, authorized, or otherwise participated in the sale for importation and importation in the United States of these infringing Sea100 Pod cartridges.

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.

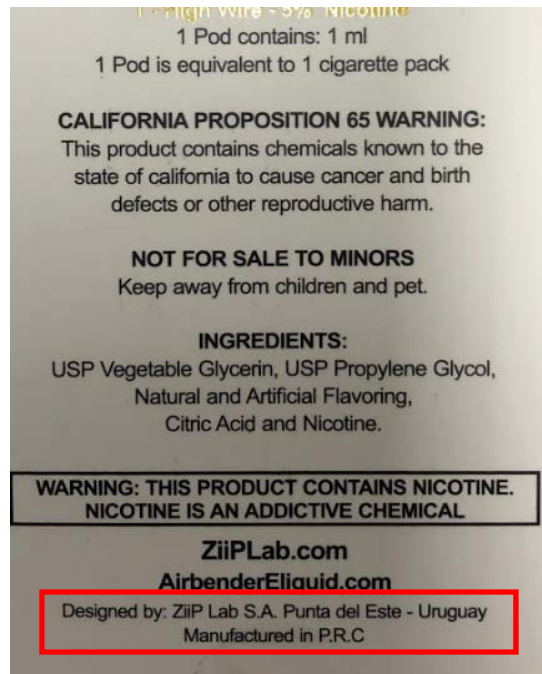


16. Respondent Vaperz

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.

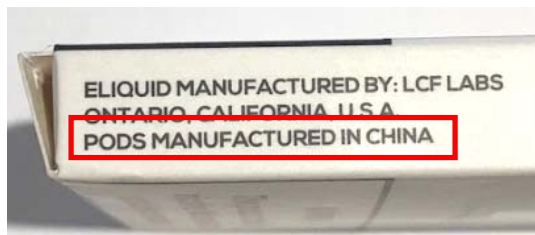


17. Respondent Vape4U

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.



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

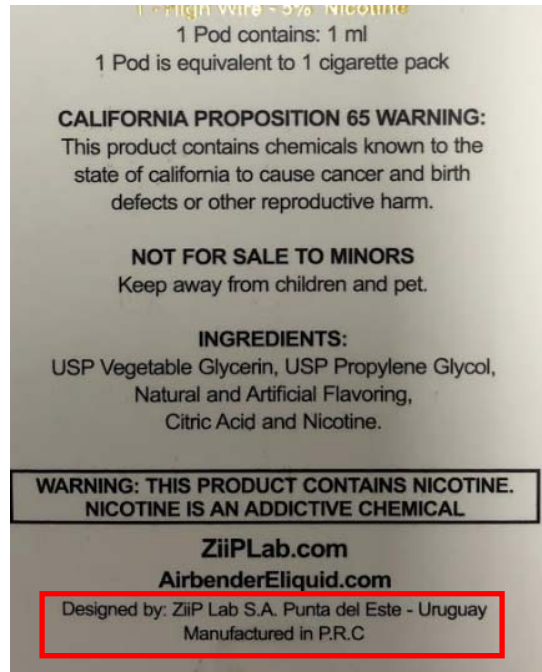
at least the importation and sale after importation in the United States of these infringing ViV Pod cartridges.

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.

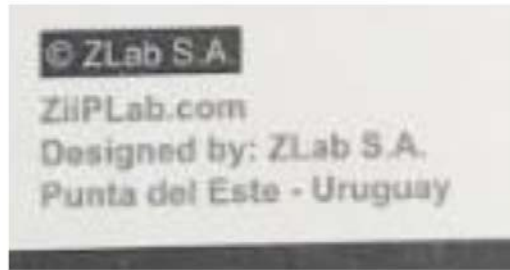
Specific Instance of Importation of the Airbender ZPod Cartridges

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 website 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.



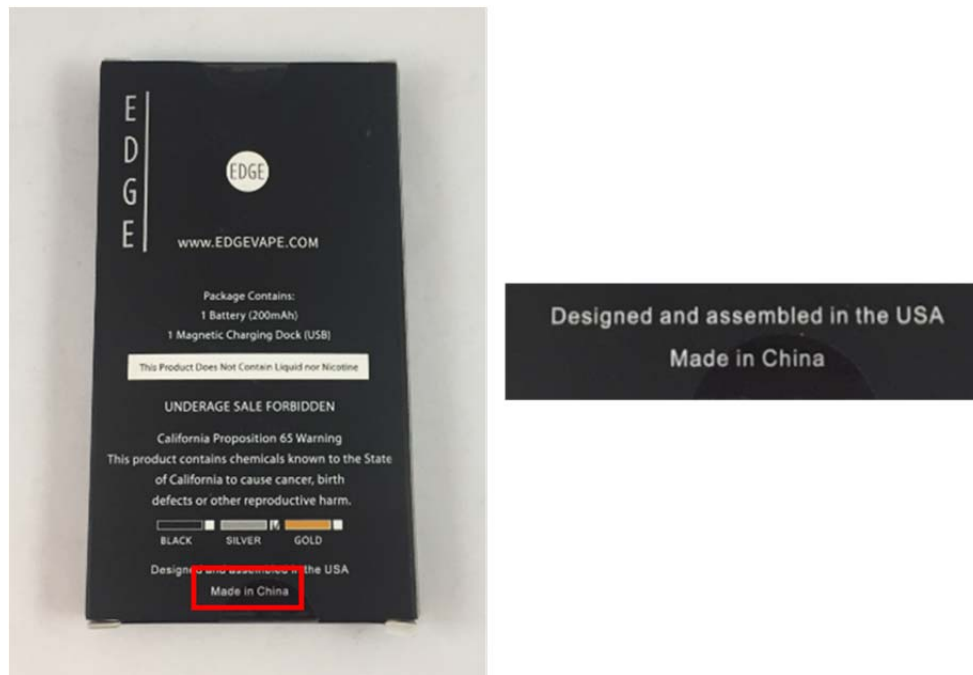
Specific Instance of Importation of the Sea100 Pod Cartridges

196. Sea100 Pod cartridges were purchased in the United States on October 17, 2018, November 1, and November 7, 2018 from the ZFO website 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.



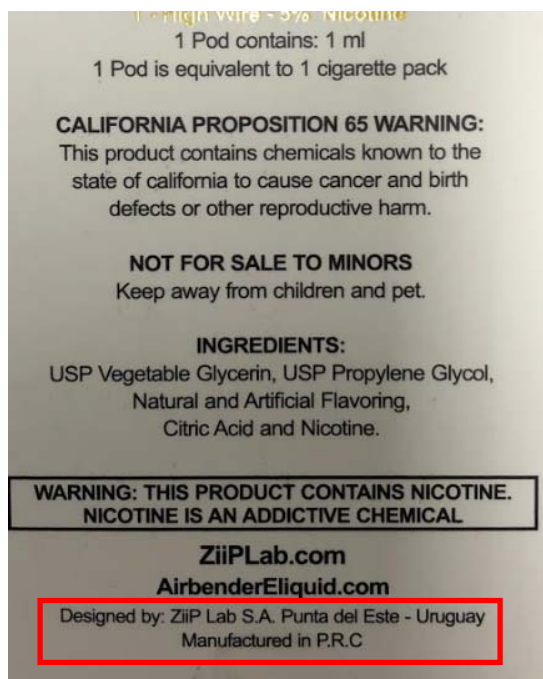
23. Respondent Ziip China

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

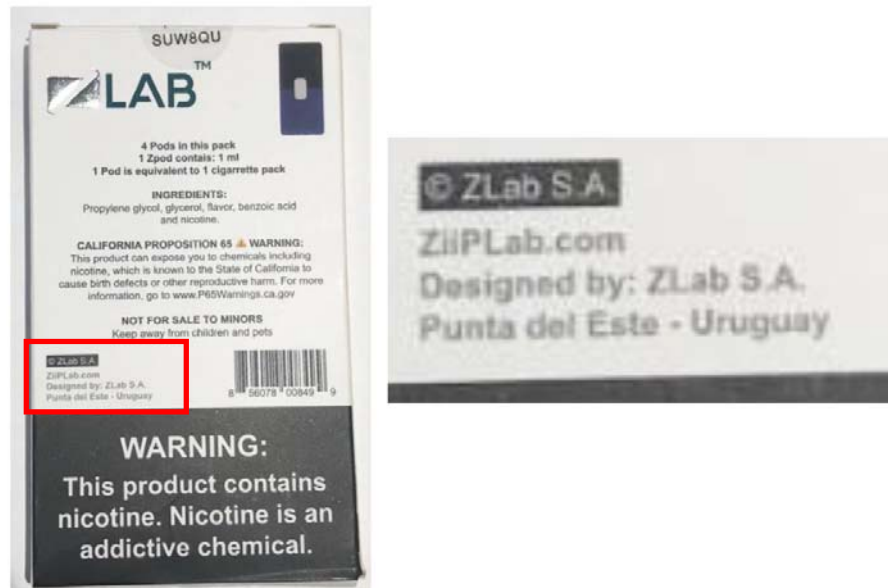
199. Airbender ZPod cartridges were purchased in the United States on October 10, 2018, November 1, 2018, and November 7, 2018 from the Vaperz webstore and shipped to an address in New York. *See* Exhibit 54 at ¶¶ 41-46. Packaging for these cartridges shows the Ziip logo and further states that they 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.



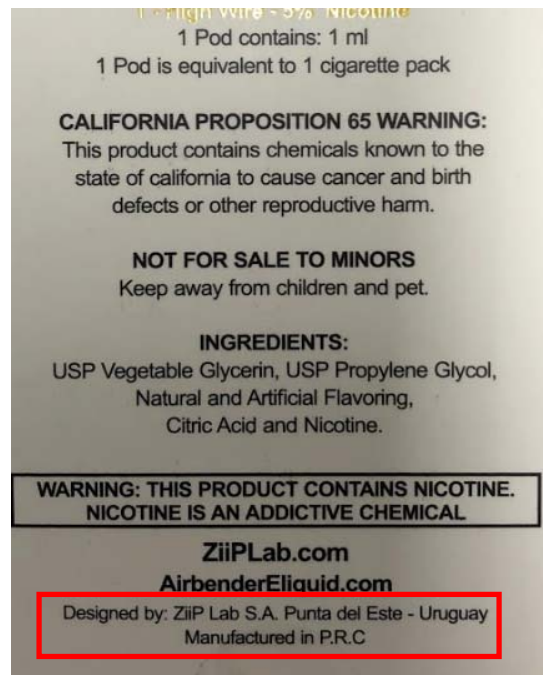
24. Respondent Ziip Labs

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

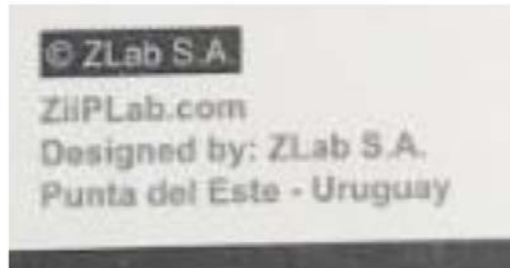
202. Airbender ZPod cartridges were purchased in the United States on October 10, 2018, November 1, 2018, and November 7, 2018 from the Vaperz webstore and shipped to an address in New York. *See* Exhibit 54 at ¶¶ 41-46. Packaging for these cartridges shows the Ziip

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 website 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:

		'129 Patent	'915 Patent	'470 Patent	'465 Patent	'466 Patent
X Pod Group	X Pods	1-3, 5-8, 12, 13, 16-20, 22	10, 15, 17, 29-32	1-4, 7, 8, 10, 11	1-7, 9-20	1, 4-8, 10, 12, 14, 16-23
Loon Pod Group	Loon Pods		10, 15, 17, 29-32	1-4, 7, 8, 10, 11	1-7, 9, 11-20	1, 4-8, 10, 12, 14, 16-23
Iced Pod Group	Iced Pods	1-3, 5-8, 12, 13, 16-20, 22	10, 15, 17, 29-32	1-4, 7, 8, 10, 11	1-7, 9-20	1, 4-8, 10, 12, 14, 16-23
Atom Pod Group	Atom Pods	1-3, 5-8, 12, 13, 16-20, 22	10, 15, 17, 29-32	1-4, 7, 8, 10, 11	1-7, 9-20	1, 4-8, 10, 12, 14, 16-23
ViV Pod Group	ViV Pods	1-3, 5-8, 12, 13, 16-20, 22	10, 15, 17, 29-32	1-4, 7, 8, 10, 11	1-7, 9-20	1, 4-8, 10, 12, 14, 16-23
Airbender ZPod Group	Airbender ZPods	1-3, 5-8, 12, 13, 16-20, 22	10, 15, 17, 29-32	1-4, 7, 8, 10, 11	1-7, 9-20	1, 4-8, 10, 12, 16-23
JC01 Pod Group	JC01 Pods		10, 15, 17, 29-32			
VQ Pod Group	VQ Pods	1-3, 5-8, 12, 13, 16-20, 22	10, 15, 17, 29-32	1-4, 7, 8, 10, 11	1-7, 9-20	1, 4-8, 10, 12, 14, 16-23
Fuma Pod Group	Fuma / Fumo Pods		10, 15, 17, 29-32	1-4, 7, 8, 10, 11	1-7, 9, 11-20	1, 4-8, 10, 12, 14, 16-23
Zalt Pod Group	Zalt Pods	1-3, 5-8, 12, 13, 16-20, 22	10, 15, 17, 29-32	1-4, 7, 8, 10, 11	1-7, 9-20	1, 4-8, 10, 12, 14, 16-23
Magic Mist Pod Group	Magic Mist Pods		10, 15, 17, 29-32	1-4, 7, 8, 10, 11	1-7, 9-20	1, 4-8, 10, 12, 14, 16-23
J Pod Group	J Pods / Ref Pods		10, 15, 17, 29-32			1, 4-8, 10, 14, 16-23
Edge Pod Group	Edge Pods	1-3, 5-8, 12, 13, 16-20, 22	10, 15, 17, 29-32	1-4, 7, 10, 11		1, 4-8, 10, 12, 14, 16-23
5-Star Universal Pod Group	5-Star Universal Pods	1-3, 5-8, 12, 13, 16-20, 22	10, 15, 17, 29-32	1-4, 7, 8, 10, 11	1-7, 9-20	1, 4-8, 10, 12, 14, 16-23
Blankz Pod Group	Blankz Pods		10, 15, 17, 29-32			1, 4-8, 10, 14, 16, 18-23

		<u>'129 Patent</u>	<u>'915 Patent</u>	<u>'470 Patent</u>	<u>'465 Patent</u>	<u>'466 Patent</u>
Sex Pod Group	Sex Pods	1-3, 5-8, 12, 13, 16-20, 22	10, 15, 17, 29-32	1-4, 7, 8, 10, 11	1-7, 9-20	1, 4-8, 10, 12, 14, 16-23
Sea 100 Pod Group	Sea100 Pods	1-3, 5-8, 12, 13, 16-20, 22	10, 15, 17, 29-32	1-4, 7, 8, 10, 11	1-7, 9-20	1, 4-8, 10, 12, 14, 16-23

1. X Pod Group

a) *Direct Infringement*

207. Respondents United Wholesale and Saddam Aburoumi 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.

208. Claim charts comparing representative X Pod cartridges to the Asserted Claims of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent are attached as Exhibits 162 ('129 Patent), 163 ('915 Patent), 164 ('470 Patent), 165 ('465 Patent), and 166 ('466 Patent).

209. On information and belief, each of the Respondents United Wholesale and Saddam Aburoumi maintain a commercially-significant inventory of the X Pod cartridges in the United States. Respondents' sales of cartridges alone directly infringe JLI's Asserted Claims directed to nicotine delivery cartridges of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '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

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 Patent, '470 Patent, '465 Patent, and '466 Patent, and are not staple articles of commerce suitable for substantial non-infringing use.

214. 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 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* Exhibit 54 at ¶ 13 (stating X Pod products are still marketed and available for sale as of November 9, 2018). Thus, Respondents contribute to and induce the infringement of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

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.

216. Claim charts comparing representative Loon Pod cartridges to the Asserted Claims of the '915 Patent, '470 Patent, '465 Patent, and '466 Patent are attached as Exhibits 167 ('915 Patent), 168 ('470 Patent), 169 ('465 Patent), and 170 ('466 Patent).

217. On information and belief, Respondent Maduro maintains a commercially-significant inventory of the Loon Pod cartridges in the United States. Respondent's sales of cartridges alone directly infringes JLI's Asserted Claims directed to nicotine delivery cartridges of each of the '915 Patent, '470 Patent, '465 Patent, and '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.

222. 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 the '915 Patent, '470 Patent, '465 Patent, and '466 Patent. *See* Exhibits 31, 32 (showing Loon product literature accessed on November 7, 2018). Thus, Respondent contributes to and induces the infringement of the '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

3. Iced Pod Group

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.

224. Claim charts comparing representative Iced Pod cartridges to the Asserted Claims of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent are attached as Exhibits 171 ('129 Patent), 172 ('915 Patent), 173 ('470 Patent), 174 ('465 Patent), and 175 ('466 Patent).

225. On information and belief, each of the Respondents DripTip, Ziip Labs, Ziip China, and Yibo maintain a commercially-significant inventory of the Iced Pod cartridges in the United States. Respondents' sales of cartridges alone directly infringe JLI's Asserted Claims directed to nicotine delivery cartridges of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

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

Patent, '470 Patent, '465 Patent, and '466 Patent, and are not staple articles of commerce suitable for substantial non-infringing use.

230. 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 37, 38 (showing Iced product literature accessed November 7, 2018). Thus, Respondents contribute to and induce the infringement of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

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.

232. Claim charts comparing representative Atom Pod cartridges to the Asserted Claims of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent are attached as Exhibits 176 ('129 Patent), 177 ('915 Patent), 178 ('470 Patent), 179 ('465 Patent), and 180 ('466 Patent).

233. On information and belief, Respondent DripTip maintains a commercially-significant inventory of the Atom Pod cartridges in the United States. Respondent's sales of cartridges alone directly infringe JLI's Asserted Claims directed to nicotine delivery cartridges of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '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.

235. As an initial matter, Respondent DripTip 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.

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 the claims of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

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 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 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 the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent. *See* Exhibits 44, 45 (showing Atom product literature accessed November 7, 2018). Thus, Respondent contributes to and induces the infringement of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 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.

240. Claim charts comparing representative ViV Pod cartridges to the Asserted Claims of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent are attached as Exhibits 181 ('129 Patent), 182 ('915 Patent), 183 ('470 Patent), 184 ('465 Patent), 185 ('466 Patent).

241. On information and belief, each of the Respondents Vapor4Life and DripTip maintain a commercially-significant inventory of the ViV Pod cartridges in the United States. Respondents' sales of cartridges alone directly infringe JLI's Asserted Claims directed to nicotine delivery cartridges of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '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.

243. 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.

244. 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.

245. 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

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.

246. 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 51, 52 (showing ViV product literature accessed November 6, 2018). Thus, Respondents contribute to and induce the infringement of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

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.

248. Claim charts comparing representative Airbender ZPod cartridges to the Asserted Claims of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent are attached as

Exhibits 186 ('129 Patent), 187 ('915 Patent), 188 ('470 Patent), 189 ('465 Patent), and 190 ('466 Patent).

249. On information and belief, each of the Respondents Vaperz, Ziip Labs, Ziip China, Yibo, DripTip, ZFO, and Electric Tobacconist maintain a commercially-significant inventory of the Airbender ZPod cartridges in the United States. Respondents' sales of cartridges alone directly infringe JLI's Asserted Claims directed to nicotine delivery cartridges of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '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.

253. 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 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.

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,

73 (showing Airbender product literature accessed November 6-7, 2018). Thus, Respondents contribute to and induce the infringement of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

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—the

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.

264. Claim charts comparing representative VQ Pod cartridges to the Asserted Claims of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent are attached as Exhibits 192 ('129 Patent), 193 ('915 Patent), 194 ('470 Patent), 195 ('465 Patent), and 196 ('466 Patent).

265. On information and belief, each of the Respondents Vaportronix and ZFO maintain a commercially-significant inventory of the VQ Pod cartridges in the United States. Respondents' sales of cartridges alone directly infringe JLI's Asserted Claims directed to nicotine delivery cartridges of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

b) Indirect Infringement

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

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 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.

270. 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* Exhibit 94, 95 (showing VQ product literature accessed November 6, 2018). Thus, Respondents contribute to and induce the infringement of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

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 Claims of the '915 Patent, '470 Patent, '465 Patent, and '466 Patent are attached as Exhibits 197 ('915 Patent), 198 ('470 Patent), 199 ('465 Patent), and 200 ('466 Patent).

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 delivery cartridges of each of the '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

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 '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 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 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 ’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

Fuma product literature accessed November 8, 2018). Thus, Respondents contribute to and induce the infringement of the '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

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.

280. Claim charts comparing representative Zalt Pod cartridges to the Asserted Claims of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent are attached as Exhibits 201 ('129 Patent), 202 ('915 Patent), 203 ('470 Patent), 204 ('465 Patent), and 205 ('466 Patent).

281. On information and belief, each of the Respondents Vape4U and ZFO maintain a commercially-significant inventory of the Zalt Pod cartridges in the United States. Respondents' sales of cartridges alone directly infringe JLI's Asserted Claims directed to nicotine delivery cartridges of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '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

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 Patent, '470 Patent, '465 Patent, and '466 Patent, and are not staple articles of commerce suitable for substantial non-infringing use.

286. 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 22, 107 (showing Zalt product literature accessed November 6, 2018). Thus, Respondents contribute to and induce the infringement of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

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.

288. Claim charts comparing representative Magic Mist Pod cartridges to the Asserted Claims of the '915 Patent, '470 Patent, '465 Patent, and '466 Patent are attached as Exhibits 206 ('915 Patent), 207 ('470 Patent), 208 ('465 Patent), and 209 ('466 Patent).

289. On information and belief, Respondent ParallelDirect maintains a commercially-significant inventory of the Magic Mist Pod cartridges in the United States. Respondent's sales of cartridges alone directly infringe JLI's Asserted Claims directed to nicotine delivery cartridges of each of the '915 Patent, '470 Patent, '465 Patent, and '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.

294. 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 the '915 Patent, '470 Patent, '465 Patent, and '466 Patent. *See* Exhibit 111 (showing Magic Mist product literature accessed November 6, 2018). Thus, Respondent contributes to and induces the infringement of the '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

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.

296. Claim charts comparing representative J Pod cartridges to the Asserted Claims of the '915 Patent and '466 Patent are attached as Exhibits 210 ('915 Patent) and 211 ('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.

304. Claim charts comparing representative Edge Pod cartridges to the Asserted Claims of the '129 Patent, '915 Patent, '470 Patent, and '466 Patent are attached as Exhibits 212 ('129 Patent), 213 ('915 Patent), 214 ('470 Patent), and 215 ('466 Patent).

305. On information and belief, each of the Respondents Electric Tobacconist and ZFO maintain a commercially-significant inventory of the Edge Pod cartridges in the United States. Respondents' sales of cartridges alone directly infringe JLI's Asserted Claims directed to nicotine delivery cartridges of each of the '129 Patent, '915 Patent, '470 Patent, and '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.

312. Claim charts comparing representative 5-Star Universal Pod cartridges to the Asserted Claims of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent are attached as Exhibits 216 ('129 Patent), 217 ('915 Patent), 218 ('470 Patent), 219 ('465 Patent), and 220 ('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

sales of cartridges alone directly infringe JLI's Asserted Claims directed to nicotine delivery cartridges of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

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,

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 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.

318. 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 encouraging its customers and others to use its products in the customary and intended manner which infringes the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent. *See* Exhibit 54 at ¶ 109 (stating that the 5-Star products are currently marketed and sold as of November 6, 2018). Thus, Respondent contributes to and induces the infringement of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

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.

328. Claim charts comparing representative Sex Pod cartridges to the Asserted Claims of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent are attached as Exhibits 223 ('129 Patent), 224 ('915 Patent), 225 ('470 Patent), 226 ('465 Patent), and 227 ('466 Patent).

329. On information and belief, Respondent Noah Dovberg maintains a commercially-significant inventory of the Sex Pod cartridges in the United States. Respondent's sales of cartridges alone directly infringe JLI's Asserted Claims directed to nicotine delivery cartridges of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '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

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.

334. 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 his customers and others to use his products in the customary and intended manner which infringes the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent. *See* Exhibit 134 (showing Sex Pod product literature accessed November 7, 2018). Thus, Respondent contributes to and induces the infringement of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

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.

336. Claim charts comparing representative Sea100 Pod cartridges to the Asserted Claims of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent are attached as Exhibits 228 ('129 Patent), 229 ('915 Patent), 230 ('470 Patent), 231 ('465 Patent), and 232 ('466 Patent).

337. On information and belief, Respondents Twist and ZFO maintain a commercially-significant inventory of the Sea100 Pod cartridges in the United States. Respondents' sales of cartridges alone directly infringe JLI's Asserted Claims directed to nicotine delivery cartridges of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '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 '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

341. 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 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.

342. 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 136, 139 (showing Sea100 product literature accessed November 6-9, 2018). Thus, Respondents contribute to and induce the infringement of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

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

JUULpods (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 JUULpods 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:

U.S. Patent No.	Domestic Industry Claims
’129 Patent	1-39
’915 Patent	1-32
’470 Patent	1-8, 10-24
’465 Patent	1-7, 9-20
’466 Patent	1, 4-8, 10, 12, 14-23

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

X. RELATED LITIGATION

353. On October 3, 2018, with the complaint amended on October 26, 2018, JLI filed suit against J Well France S.A.S. (“J Well”), Bo Vaping (“Bo Vaping”), MMS Distribution LLC (“MMS”), The Electric Tobacconist, LLC (“Electric Tobacconist”), Vapor4Life, Eonsmoke, LLC (“Eonsmoke”), Ziip Labs, Ziip China, Shenzhen Yibo Technology Co., Ltd. (“Yibo”), XFire, Inc. (“XFire”), ALD Group Limited (“ALD”), Flair Vapor LLC (“Flair”), Shenzhen Joecig Technology Co., Ltd. (“Joecig”), Myle Vape Inc. (“Myle”), Vapor Hub International, Inc. (“Vapor Hub”), Limitless Mod Co. (“Limitless”), Asher Dynamics, Inc. (“Asher”), Ply Rock, Infinite-N Technology Limited (“INTL”), King Distribution LLC (“King”), and Keep Vapor Elec. Tech. Co., Ltd. (“Keep Vapor”) in the International Trade Commission for infringement of certain patents, including the ’915 Patent. *See Certain Electronic Nicotine Delivery Systems and Components Thereof*, Investigation Docket No. 337-3346.

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.

358. On October 3, 2018, with the complaint amended on October 26, 2018, JLI filed suit against Myle, Electric Tobacconist, and Vapor4Life in the district court of Eastern District of New York for infringement of certain patents, including the '915 Patent. *See* Case No. 18-cv-05549.

359. On October 3, 2018, with the complaint amended on October 26, 2018, JLI filed suit against Vapor Hub, Limitless, INTL, Electric Tobacconist, Asher, and Ply Rock in the district court for the Central District of California for infringement of certain patents, including the '915 Patent. *See* Case No. 18-cv-08515.

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.

362. On October 29, 2018, JLI filed suit against Vapor4Life in the district court for the Northern District of Illinois for infringement of certain patents, including the '915 Patent. *See* Case No. 18-cv-07201.

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.

364. On November 20, 2018, JLI filed suit against United Wholesale and Saddam Aburoumi in the United States District Court for the District of Connecticut for patent infringement of the Asserted Patents. The case is currently in its initial stages.

365. On November 20, 2018, JLI filed suit against Lizard, Haka, and OCIGA in the United States District Court for the District of Delaware for patent infringement of the '915 Patent and the '466 Patent. 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,

A handwritten signature in blue ink, appearing to be 'D. Yonan', is written over a horizontal line.

Daniel E. Yonan

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.