

**UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA
(Fort Lauderdale Division)**

ATMOS NATION, LLC,
a Nevada Limited Liability Company, and
ATMOS TECHNOLOGY, LLC,
a Florida Limited Liability Company,

Plaintiffs,

v.

BETTER LIFE PRODUCTS INC.,
d/b/a Vapor Nation
a California Corporation,
MDR WHOLESale GROUP, INC.,
a California Corporation,
JEFFREY SHERMAN, an individual
SHERREEN KUMALA, an individual
JOHN and JANE DOES 1 - 100, and
JOHN DOE CORPORATIONS 1-100
all whose names are unknown,

Case No:

Judge:

Defendants.

_____ /

**VERIFIED COMPLAINT FOR
DAMAGES AND PERMANENT INJUNCTIVE RELIEF**

Plaintiff ATMOS NATION, LLC, a Nevada Limited Liability Company, and ATMOS TECHNOLOGY, LLC, a Florida Limited Liability Company, by and through its undersigned counsel, for its complaint against Defendants BETTER LIFE PRODUCTS, INC., d/b/a VAPOR NATION, MDR WHOLESale GROUP, INC., JEFFREY SHERMAN, SHERREEN KUMALA, JOHN AND JANE DOES 1-10, and JOHN DOE CORPORATIONS 1-10, states as follows:

- Count I** – WILLFUL INFRINGEMENT OF PATENT NO. D 695, 450, “The ‘450 Patent”,
- Count II** – WILLFUL INFRINGEMENT OF PATENT NO. D 720, 095, “The ‘095 Patent”,
- Count III** – WILLFUL INFRINGEMENT OF PATENT NO. D 720, 496, “The ‘496 Patent”,

Count IV – WILLFUL INFRINGEMENT OF PATENT NO. D 720, 497, “The ‘497 Patent”,

Count V – WILLFUL TRADE DRESS INFRINGEMENT AND UNFAIR COMPETITION (SECTION 43(A) OF THE LANHAM ACT: 15 U.S.C. §1125(A)),

Count VI – COMMON LAW TRADE DRESS INFRINGEMENT,

Count VII – FLORIDA UNFAIR COMPETITION,

Count VIII – FLORIDA DECEPTIVE AND UNFAIR TRADE PRACTICES ACT (Florida Statutes §§ 501.204, 501.2015, and 501.211,

Count IX – UNJUST ENRICHMENT,

Count X – BREACH OF IMPLIED IN FACT CONTRACT,

Count XI - WILLFUL COPYRIGHT INFRINGEMENT – (17 U.S.C. §501), and

Count XII - CIVIL CONSPIRACY, and as grounds for support thereof, states as follows:

INTRODUCTION

1. This is an action for infringement of several patents awarded to ATMOS Nation, LLC and ATMOS Technology, LLC (herein collectively referred to as “Plaintiffs” or “ATMOS”), specifically design patents US D695, 450 (“the “450 patent”) US D720, 095 (“the ‘095 patent”), US D720, 496 (“the ‘496 patent”), US D720, 497 (“the ‘497 patent”), and US D722,956 (“the ‘956 patent”) (herein collectively referred to as “the granted patents”). The granted patents are owned by Plaintiff and were invented by Mr. Charly Benassayag of Miami, Florida and Mr. Yariv Alima of Plantation, Florida.

2. Plaintiffs are in the business of designing, marketing, and selling portable vaporizers, e-cigarettes, and their accessories throughout the United States and the World under the brand name ATMOS RX®. ATMOS is among the most prominent, best-selling, and innovative vaporizer companies in the United States and throughout the World.

3. Vaporizers provide their users with a healthier way to inhale tobacco, eucalyptus, hops, chamomile, lavender, lemon, balm, sage, thyme, aromatherapy, dry herbs, and aromatic oils with a reduced negative impact on their health. Vaporizers break down substances into a vapor. Vaporization releases the essential, active elements of a substance, and virtually eliminates second hand smoke.

4. Since the acquisition of the first design patent, ATMOS has since filed over forty patents, forty trademarks, and plurality of copyrights. Furthermore ATMOS have been zealously engaged in protecting their intellectual property all over the world.

5. ATMOS is informed and believes, and on this basis alleges, that Defendant BETTER LIFE PRODUCTS, INC, d/b/a/ Vapor Nation is one of the largest distributors of vaporizer-based products in the world.

6. ATMOS is informed and believes, and on this basis alleges, that Defendant Jeffrey Sherman is the owner and registered agent of BETTER LIFE PRODUCTS, INC, d/b/a Vapor Nation.

7. ATMOS is informed and believes, and on this basis alleges, that Defendant MDR WHOLESale GROUP, INC. is the owner of the domain <http://www.vapornation.com>

8. ATMOS is informed and believes, and on this basis alleges, that Defendant Sherreen Kumala is the owner and registered agent of MDR WHOLESale GROUP, INC.

9. ATMOS is informed and believes, and on this basis alleges, that Vapor Nation's products—including at least the Vaporite Budy Pen Pro, the Vaporite Cosmic Vaporizer, the Vaporite Emerald Vaporizer, the G Slim Hookah Vaporizer, the G Pro Herbal Vaporizer, and the Pulsar SuperNova Mini Vaporizer (collectively referred to as "the infringing products")—each incorporate the technology of the patents into the infringing products to achieve enhanced

efficiency and performance. ATMOS now asks this Court to prevent Defendants unauthorized use of the patents.

10. Defendants have been put on notice of their infringement through verbal and written communications by and through Plaintiff's undersigned counsel.¹ Defendants have not remedied the infringement since being put on notice.

11. Defendants continue to profit by selling the infringing products via www.vapornation.com.

12. Therefore, Defendants are willfully infringing Plaintiff's design patents.

13. As a result, Defendants are causing both monetary harm and irreparable injury to ATMOS, thereby necessitating the filing of this complaint and a permanent injunction preventing the Defendant from selling any more infringing products.

PARTIES

14. Plaintiff ATMOS Nation is a Nevada Limited Liability Company, with its principal place of business in Davie, Florida at 4800 SW 51st St. #106, Davie, FL, 33314.

15. Plaintiff ATMOS Technology is a Florida Limited Liability Company, with its principal place of business in Davie, Florida at 4800 SW 51st St. #106, Davie, FL, 33314.

16. Defendant Better Life Products d/b/a Vapor Nation is a California Corporation and fully-online distributor with its principal place of business in Marina Del Rey, California. Better Life Products has a service address of 13468 Beach Avenue, 2nd floor, Marina Del Rey, California 90292. The name of Better Life Product's service agent is Mr. Jeffrey Sherman.

17. Defendant MDR Wholesale Group Inc. is a California Corporation and the owner

¹ Defendant Vapor Nation failed to respond to a total of two patent cease and desist letters dated June 4, 2015, and August 3, 2015. On October 2, 2015, ATMOS Counsel verbally communicated with Vapor Nation CEO, Jeffrey Sherman. See attached Exhibit-A; see also attached Exhibit-J. Pursuant to the conversation, Mr. Sherman was to remove the infringing products from Vapor Nation distribution channels. To date, the infringing products continue to be sold on www.vapornation.com, proving willfulness; see *infra* Count.X.

of the domain <http://www.vapornation.com>. MDR Wholesale Group has a service address of 13336 Beach Avenue, Marina Del Rey, California 90292. The name of MDR Wholesale Group's service agent is Ms. Sherreen Kumala.

18. Upon information and belief, Defendants John and Jane Does 1-100 (the "Individual Defendants") are individuals whose names and addresses are unknown.

19. Upon information and belief, Defendants John Doe Corporations 1-100 (the "Corporate Defendants") are corporations, the names and addresses of residences which are unknown.

20. Defendant Better Life Products, Inc. d/b/a Vapor Nation, MDR Wholesale Group, Inc., Jeffrey Sherman, Sherreen Kumala, the Individual Defendants, and the Corporate Defendants are collectively referred to as the "Defendants."

21. Due to the complexities of tracking all sources and entities engaged in the present factual allegations, ATMOS reserves right of adding individuals and/or corporations upon discovery.

JURISIDCTION AND VENUE

22. Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1338, in that this action arises under federal statute, the patent laws of the United States (35 U.S.C. §§ 1, *et seq.*)

23. Defendant is subject to general and specific personal jurisdiction of this Court by virtue of their minimum contacts with Florida, including but not limited to:

a. The Defendants' actions targeted ATMOS, a well-known vaporizer company, headquartered in Davie, Florida.

b. Defendants have a pervasive web presence via their website www.vapornation.com through which they routinely ship orders to customers in

Florida.

c. Defendants have sold products that infringe ATMOS' patent rights in this state and judicial district.

d. ATMOS has suffered injury within this state and judicial district while Defendants have carried on solicitation and service activities here, essentially making them "at-home".

e. The Court's exercise of personal jurisdiction over Defendants comports with the Due Process clause of the United States Constitution.

24. Venue lies in this Court pursuant to 28 U.S.C. §§ 1391(b) and (c) and § 1400(a) and (b). Because Defendants are subject to personal jurisdiction in this district, they are thus deemed to reside in the district under § 1391(c) (2), and thus venue is proper under § 1391(b) (1). Further, under § 1391(b)(2), a substantial part of the events giving rise to this claim occurred in this district, including but not limited to the development of the invention claimed in the patent that is the subject of this action and the prosecution of that patent, and because ATMOS resides in this district. Venue is also proper under § 1400(b) because Defendants have committed acts of infringement in this district and maintains a regular and established place of business in this district.

25. Pursuant to 28 U.S.C. § 1367, this Court has supplemental jurisdiction to allow Plaintiff to enforce state law claim against Defendants in this Court for violations of the Florida law, and to grant such relief as provided under state law, including injunctive relief, restitution, costs and attorneys' fees, and such other relief to which the State of Florida may be entitled.

26. All conditions precedent to this action have been met through performance, waiver, or otherwise.

27. Plaintiffs have retained the undersigned law firm to represent them in this action and are obligated to pay those firms a reasonable fee for their services.

FACTUAL ALLEGATIONS

28. The '450 patent discloses a "portable pen-sized herb vaporizer." The application for the '450 patent was filed on December 14, 2012. The '450 patent was granted to ATMOS for a term of fourteen-years on December 10, 2013. A true and correct copy of the '450 patent is attached hereto as Exhibit-B.

29. The '095 patent discloses a "mini vaporizer." The application for the '095 patent was filed on October 4, 2013. The '095 patent was granted to ATMOS for a term of fourteen-years on December 23, 2014. A true and correct copy of the '095 patent is attached hereto as Exhibit-C.

30. The '496 patent discloses a "vaporizer." The application for the '496 patent was filed on March 28, 2014. The '496 patent was granted to ATMOS for a term of fourteen-years on December 30, 2014. A true and correct copy of the '496 patent is attached hereto as Exhibit-D.

31. The '497 patent discloses a "vaporizer". The application for the '497 patent was filed on April 2, 2014. The '497 patent was granted to ATMOS for a term of fourteen-years on December 30, 2014. A true and correct copy of the '497 patent is attached hereto as Exhibit-E.

32. ATMOS is the owner of all rights, title, and interest in the granted patents by assignment and thereby is authorized and has standing to bring legal action to enforce all rights arising under the granted patents.

33. The granted patents were the result of the labor and ingenuity of the two named inventors of the granted patents, Mr. Charly Benassayag of Miami, Florida and Mr. Yariv Alima of Plantation, Florida.

34. The inventions disclosed and claimed in the granted patents have been recognized by those in the industry as a major milestone in the field of vaporizer technology.

35. Since the issuance of the first granted patent, ATMOS has since acquired over thirty-five patents pertaining to their business in vaporizer technology.

36. ATMOS has been selling the ATMOS RX® Vaporizer since on or about 2011.

37. Defendants are distributing products that infringe on the granted patents.

38. ATMOS is informed and believes that Defendants have been, and currently are, selling, offering to sell, and importing and/or exporting products that infringe claims of the granted patents, including at least the Vaporite Budy Pen Pro, the Vaporite Cosmic Vaporizer, the Vaporite Emerald Vaporizer, the G Slim Hookah Vaporizer, the G Pro Herbal Vaporizer, and the Pulsar SuperNova Mini Vaporizer.

39. Upon information and belief, Defendants have sold hundreds of thousands of the infringing products through their interactive website www.vapornation.com, in which they sell vaporizers throughout the United States, inclusive of Florida.

40. Upon information and belief, Defendants are aware that ATMOS has established one of the most successful vaporizer companies in the World and sought to replicate that success by infringing on the Plaintiff's intellectual property.

41. Defendants have past relationship with ATMOS where Defendant has cumulatively purchased millions of dollars of merchandize from ATMOS.

42. Based on the Defendants prior relationship with ATMOS, Defendants have known of the existing Patents on ATMOS products.

43. ATMOS has regularly listed Patent Pending status on most of its product being sold to the Defendants.

44. Defendants have engaged in evasive maneuvers for about a year under different pretexts for either reduced sales and/or their compliance with ATMOS' demands to stop sales of

infringing products.

45. Upon information and belief, Vapor Nation has sold hundreds of thousands of the infringing products through their interactive website www.vapornation.com, in which they sell vaporizers throughout the United States, inclusive of Florida.

46. Defendants have engaged with other sources of sales that shall come to light during discovery.

47. Upon belief ATMOS states that the Defendants have knowingly and willfully engaged in sales of infringing products.

48. Defendants are acting in bad faith and willfully infringing on the granted patents. Defendants have not remedied the misconduct after being put notice of the infringement. Therefore, Defendants' acts are malicious and deliberate.

49. Upon information and belief, Jeffrey Sherman is the CEO of Vapor Nation and controls every facet of the corporation.

50. Upon information and belief, Defendant Better Life Product's operates as a parent company for numerous "shell" companies, a number yet to be determined, that are really acting under the authority of Better Life Products.

51. As a result of Defendants' actions, Defendants continues to profit off distribution of products infringing on the granted patents.

52. As a result of Defendants' actions, ATMOS continues to suffer damages for a sum to be determined at trial. The amount of damages will continue to accrue until the Defendants are enjoined from selling the infringing products.

**COUNT [I]: WILLFUL INFRINGEMENT OF
PATENT NO. D 695, 450, “The ‘450 Patent”**

53. ATMOS realleges and incorporates herein the preceding paragraphs 1– 51 of this Complaint.

54. ATMOS is informed and believes, and on this basis alleges, that Defendants have been, and currently is, selling, offering to sell, and importing and/or exporting products that infringe claims of the ‘450 patent, including at least the Vaporite Budy Pen Pro and G Slim Hookah Vaporizer (hereto attached as Exhibit-F).

55. ATMOS is informed and believes, and on this basis alleges, that the infringing products are being sold through Vapor Nation distribution channels.

56. ATMOS is informed and believes, and on this basis alleges, that Defendants or an agent of Defendants acting under Defendants’ direction and control, has been, and currently is, infringing the ‘450 patent in violation of 35 U.S.C. § 271 and all causes of action thereunder, by selling and offering to sell in this judicial district and elsewhere throughout the United States, and importing into, and exporting from, the United States, without license or authority from ATMOS, infringing products, including at least the Vaporite Budy Pen Pro, the G Slim Hookah Vaporizer, to the damage and injury of Atmos.

57. ATMOS is informed and believes, and on this basis alleges, that Defendants have been, and currently are, contributorily infringing on the granted patents, in violation of 35 U.S.C. § 271(c), by, as a distributor, selling or offering for sale to third parties, in this judicial district and throughout the United States, components that embody a material part of the inventions described in the granted patents, known by Defendants to be especially made or especially adapted for use in infringement of the granted patent, and are not staple articles of commodities

suitable for substantial, non-infringing use, including at least the infringing products. Defendants have done so without license or authority from Atmos.

58. ATMOS was informed by Defendant's on numerous occasions that all sales of products infringing on the '450 patent would cease.

59. ATMOS was informed by Defendant on numerous occasions that all products infringing on the '450 patent were going to be sent back to the manufacturer.

60. ATMOS requested a sworn affidavit stating all products infringing on the '450 patent were going to be sent back to the manufacturer.

61. Since Defendant was aware of the circumstances and chose to not comply with ATMOS requests, Defendants actions are willful.

62. ATMOS is informed and believes, and on this basis alleges, that these third parties have infringed and will infringe the granted patents by using the infringing products in violation of 35 U.S.C. § 271(a).

63. ATMOS is informed and believes, and on this basis alleges, that the acts of infringement by Vapor Nation have been, and continue to be, willful, intentional, and in conscious disregard of Atmos' rights in the granted patents.

64. Unless enjoined by the Court, Defendants will continue to infringe the granted patents.

65. As a direct and proximate result of Defendants' infringement of the granted patents, ATMOS has suffered and will continue to suffer irreparable injury for which there is no adequate remedy at law. ATMOS has also been damages and, until an injunction issues, will continue to be damage in an amount yet determined.

**COUNT [II]: WILLFUL INFRINGEMENT OF
PATENT NO. D 720, 095 “The ‘095 Patent”**

66. ATMOS realleges and incorporates herein the preceding paragraphs 1– 64 of this Complaint.

67. ATMOS is informed and believes, and on this basis alleges, that Defendants have been, and currently is, selling, offering to sell, and importing and/or exporting products that infringe claims of the ‘095 patent, including at least the Vaporite Cosmic Vaporizer (hereto attached as Exhibit-G).

68. ATMOS is informed and believes, and on this basis alleges, that the infringing products are being sold through Vapor Nation distribution channels.

69. ATMOS is informed and believes, and on this basis alleges, that Defendants or an agent of Defendants acting under Defendants’ direction and control, has been, and currently is, infringing the ‘095 patent in violation of 35 U.S.C. § 271 and all causes of action thereunder, by selling and offering to sell in this judicial district and elsewhere throughout the United States, and importing into, and exporting from, the United States, without license or authority from ATMOS, infringing products, including at least the Vaporite Cosmic Vaporizer, to the damage and injury of Atmos.

70. ATMOS is informed and believes, and on this basis alleges, that Defendants have been, and currently are, contributorily infringing on the granted patents, in violation of 35 U.S.C. § 271(c), by, as a distributor, selling or offering for sale to third parties, in this judicial district and throughout the United States, components that embody a material part of the inventions described in the granted patents, known by Defendants to be especially made or especially adapted for use in infringement of the granted patent, and are not staple articles of commodities

suitable for substantial, non-infringing use, including at least the infringing products. Defendants have done so without license or authority from Atmos.

71. ATMOS was informed by Defendant's on numerous occasions that all sales of products infringing on the '095 patent would cease.

72. ATMOS was informed by Defendant on numerous occasions that all products infringing on the '095 patent were going to be sent back to the manufacturer.

73. ATMOS requested a sworn affidavit stating all products infringing on the '095 patent were going to be sent back to the manufacturer.

74. Since Defendant was aware of the circumstances and chose to not comply with ATMOS requests, Defendants actions are willful.

75. ATMOS is informed and believes, and on this basis alleges, that these third parties have infringed and will infringe the granted patents by using the infringing products in violation of 35 U.S.C. § 271(a).

76. ATMOS is informed and believes, and on this basis alleges, that the acts of infringement by Defendants have been, and continue to be, willful, intentional, and in conscious disregard of Atmos' rights in the granted patents.

77. Unless enjoined by the Court, Defendants will continue to infringe the granted patents.

78. As a direct and proximate result of Defendants' infringement of the granted patents, ATMOS has suffered and will continue to suffer irreparable injury for which there is no adequate remedy at law. ATMOS has also been damages and, until an injunction issues, will continue to be damage in an amount yet determined.

**COUNT [III]: WILLFUL INFRINGEMENT OF
PATENT NO. D 720, 496, “The ‘496 Patent”**

79. ATMOS realleges and incorporates herein the preceding paragraphs 1– 77 of this Complaint.

80. ATMOS is informed and believes, and on this basis alleges, that Defendants have been, and currently is, selling, offering to sell, and importing and/or exporting products that infringe claims of the ‘496 patent, including at least the Vaporite Emerald Vaporizer (hereto attached as Exhibit-H).

81. ATMOS is informed and believes, and on this basis alleges, that the infringing products are being sold through Vapor Nation distribution channels.

82. ATMOS is informed and believes, and on this basis alleges, that Defendants or an agent of Defendants acting under Defendants’ direction and control, has been, and currently is, infringing the ‘496 patent in violation of 35 U.S.C. § 271 and all causes of action thereunder, by selling and offering to sell in this judicial district and elsewhere throughout the United States, and importing into, and exporting from, the United States, without license or authority from ATMOS, infringing products, including at least the Vaporite Emerald Vaporizer to the damage and injury of Atmos.

83. ATMOS is informed and believes, and on this basis alleges, that Defendants have been, and currently are, contributorily infringing on the granted patents, in violation of 35 U.S.C. § 271(c), by, as a distributor, selling or offering for sale to third parties, in this judicial district and throughout the United States, components that embody a material part of the inventions described in the granted patents, known by Defendants to be especially made or especially adapted for use in infringement of the granted patent, and are not staple articles of commodities

suitable for substantial, non-infringing use, including at least the infringing products. Defendants have done so without license or authority from Atmos.

84. ATMOS was informed by Defendant's on numerous occasions that all sales of products infringing on the '496 patent would cease.

85. ATMOS was informed by Defendant on numerous occasions that all products infringing on the '496 patent were going to be sent back to the manufacturer.

86. ATMOS requested a sworn affidavit stating all products infringing on the '496 patent were going to be sent back to the manufacturer.

87. Since Defendant was aware of the circumstances and chose to not comply with ATMOS requests, Defendants actions are willful.

88. ATMOS is informed and believes, and on this basis alleges, that these third parties have infringed and will infringe the granted patents by using the infringing products in violation of 35 U.S.C. § 271(a).

89. ATMOS is informed and believes, and on this basis alleges, that the acts of infringement by Vapor Nation have been, and continue to be, willful, intentional, and in conscious disregard of ATMOS' rights in the granted patents.

90. Unless enjoined by the Court, Defendants will continue to infringe the granted patent.

91. As a direct and proximate result of Defendants' infringement of the granted patent, ATMOS has suffered and will continue to suffer irreparable injury for which there is no adequate remedy at law. ATMOS has also been damages and, until an injunction issues, will continue to be damage in an amount yet determined.

**COUNT [IV]: WILLFUL INFRINGEMENT OF
PATENT NO. D 720, 497, “The ‘497 Patent”**

92. ATMOS realleges and incorporates herein the preceding paragraphs 1– 90 of this Complaint.

93. ATMOS is informed and believes, and on this basis alleges, that Defendants have been, and currently is, selling, offering to sell, and importing and/or exporting products that infringe claims of the ‘497 patent, including at least the G Pro Herbal Vaporizer

94. ATMOS is informed and believes, and on this basis alleges, that the infringing products are being sold through Vapor Nation distribution channels.

95. ATMOS is informed and believes, and on this basis alleges, that Defendants or an agent of Defendants acting under Defendants’ direction and control, has been, and currently is, infringing the ‘497 patent in violation of 35 U.S.C. § 271 and all causes of action thereunder, by selling and offering to sell in this judicial district and elsewhere throughout the United States, and importing into, and exporting from, the United States, without license or authority from ATMOS, infringing products, including at least the G Pro Herbal Vaporizer, to the damage and injury of ATMOS (hereto attached as Exhibit-I).

96. ATMOS is informed and believes, and on this basis alleges, that Defendants have been, and currently are, contributorily infringing on the granted patents, in violation of 35 U.S.C. § 271(c), by, as a distributor, selling or offering for sale to third parties, in this judicial district and throughout the United States, components that embody a material part of the inventions described in the granted patents, known by Defendants to be especially made or especially adapted for use in infringement of the granted patent, and are not staple articles of commodities suitable for substantial, non-infringing use, including at least the infringing products. Defendants

have done so without license or authority from Atmos.

97. ATMOS was informed by Defendant's on numerous occasions that all sales of products infringing on the '497 patent would cease.

98. ATMOS was informed by Defendant on numerous occasions that all products infringing on the '497 patent were going to be sent back to the manufacturer.

99. ATMOS requested a sworn affidavit stating all products infringing on the '497 patent were going to be sent back to the manufacturer.

100. ATMOS is informed and believes, and on this basis alleges, that these third parties have infringed and will infringe the granted patents by using the infringing products in violation of 35 U.S.C. § 271(a).

101. ATMOS is informed and believes, and on this basis alleges, that the acts of infringement by Vapor Nation have been, and continue to be, willful, intentional, and in conscious disregard of Atmos' rights in the granted patents.

102. Unless enjoined by the Court, Defendants will continue to infringe the granted patent.

103. As a direct and proximate result of Defendants' infringement of the granted patent, ATMOS has suffered and will continue to suffer irreparable injury for which there is no adequate remedy at law. ATMOS has also been damages and, until an injunction issues, will continue to be damage in an amount yet determined.

**COUNT [V]: WILLFUL TRADE DRESS INFRINGEMENT AND
UNFAIR COMPETITION
(SECTION 43(A) OF THE LANHAM ACT: 15 U.S.C. §1125(A))**

104. ATMOS realleges and incorporates herein the preceding paragraphs 1– 102 of this Complaint.

105. As set forth above, ATMOS has owned a valid and protectable interest in ATMOS RX® Marks since before the acts of Defendants complained of herein. As a result of ATMOS’ continuous, exclusive and extensive promotion and sale of ATMOS RX® Vaporizers in commerce and the commercial success of their vaporizers, ATMOS’ unique Trade Dress has developed secondary meaning amongst the relevant consumers as an identifier of the source of the vaporizers.

106. “Trade dress is a complex composite of features and the law of unfair competition in respect to trade dress requires that all of the features be considered together, not separately.” *Hershey Foods Corp. v. Mars, Inc.*, 998 F. Supp. 500, 502 (M.D. Pa. 1998).

107. “Examining the complete trade dress is an important part of the analysis of an infringement claim under the Lanham Act, 15 U.S.C.S. § 1125(a), because consumer confusion as to the source of the product is an essential element of that claim.” *Hershey Foods Corp. v. Mars, Inc.*, 998 F. Supp. 500, 502 (M.D. Pa. 1998).

108. “Confusion is an element of an infringement claim, the less sophisticated the consumers, the more likely there is infringement.” *Hershey Foods Corp. v. Mars, Inc.*, 998 F. Supp. 500, 502 (M.D. Pa. 1998).

109. The Defendants’ misappropriation of the ATMOS trade dress has created consumer confusion, reputational harm, and damage to the ATMOS brand in the market place.

110. Due to ATMOS’ expansive advertising campaign and other efforts, ATMOS’

trade dress is widely recognized by the general consuming public as a source of ATMOS RX® Goods.

111. ATMOS RX® Products are sold throughout the World. Since 2011, ATMOS RX®'s brand recognition and the strength of its trade dress have continued to grow. As such, ATMOS' trade dress is a strong mark, and became well-known before the Defendants began selling or advertising the Infringing Product.

112. The features that comprise ATMOS' trade dress are non-functional, and rather a matter of aesthetics, which is likely to now and in the future, cause confusion, mistake or deception as to the affiliation, connection or association of the Defendants with the ATMOS RX® Vaporizers, and as to the origin, sponsorship or approval of Defendants' goods, in violation of Section 43 of the Lanham Act, 15 U.S.C.

COUNT [VI] – COMMON LAW TRADE DRESS INFRINGEMENT

113. ATMOS realleges and incorporates by reference the averments of the preceding paragraphs 1 - 111 as though fully set forth herein.

114. Defendants have used in commerce, without ATMOS' consent, trade dress that is confusingly similar to ATMOS' trade dress.

115. Defendants have used in commerce, and continue to use, without ATMOS' consent, trade dress that is confusingly similar to ATMOS' trade dress.

116. Defendants' use of such trade dress is likely to cause confusion, deception, or mistake among consumers, in violation of Florida Common Law.

117. Here, the combination of Atmos product color scheme and acquisition of design patents constitute protectable trade dress. The users of Atmos products are not of sophisticated nature in that the products are not marketed to professionals.

118. Therefore, consumer confusion will continue occur if Defendant's continue to distribute the infringing products.

119. ATMOS is entitled to an award of damages from the Defendants for the loss of business and other monetary losses that ATMOS has suffered and will continue to suffer in the future as a proximate result of Defendants' misappropriation and infringement of ATMOS' trade dress. Alternatively, ATMOS is entitled to recover damages in an amount equivalent to the amount of profits that the Defendants have derived and may continue to derive as a result of their unlawful misappropriation and infringement of ATMOS' trade dress.

120. The Defendants' use of the ATMOS' trade dress has caused actual confusion in the marketplace.

121. As a direct and proximate result of Defendants' infringement, ATMOS has suffered damages.

COUNT [VII] – FLORIDA UNFAIR COMPETITION

122. ATMOS realleges and incorporates by reference the averments of the paragraphs 1 - 120 as though fully set forth herein

123. Defendants have intentionally defrauded the public by misleading customers into believing they are the innovators of the products they sold and/or are represented by, or have an intellectual property relationship with, Atmos.

124. Defendants, after being put on notice, continued to engage in their infringing behavior. (*See* Exhibit-J for correspondence)

125. The Defendants' acts constitute unlawful, unfair or fraudulent business acts, practices or competition in violation of Florida Common Law.

126. Defendants acted in concert with companies including but not limited to, Trade

Ventures, LLC; Grenco Science; Vaporite Vape; and All Fun Gifts to provide products nearly identical in manufacture and design to ATMOS' line of vaporizers, willfully infringing on ATMOS' granted patents.

127. Therefore, there is a risk of confusion in that on-line customers who had visited Defendants websites will believe ATMOS provides its intellectual property to Defendants for their own use.

128. As a result of the Defendants' unfair competition, ATMOS has been damaged.

129. Unless the Defendants' unfair competition is enjoined by the Court, the Defendants' will continue their unfair competition and otherwise continue to cause irreparable damage and injury to the Plaintiffs.

COUNT [VIII] - FLORIDA DECEPTIVE AND UNFAIR TRADE PRACTICES ACT

(Fla. Stat. §§ 501.204, 501.2015, and 501.211)

130. ATMOS realleges and incorporates by reference the averments of the paragraphs 1 – 128 as though fully set forth herein.

131. Defendants have intentionally defrauded the public by misleading customers into believing they are the innovators of the products sold and/or are represented by, or have an intellectual property relationship with, Atmos.

132. Defendants, after being put on notice², continued to engage in their infringing behavior. (*See* Exhibit-J for correspondence)

133. The Defendants' conduct is willful; the Defendants are engaged in unfair methods of competition, unconscionable acts or practices, and/or an unfair or deceptive acts or practices in trade or commerce in violation of Fla. Stat. § 501.204, 501.2015, and 501.211.

² *See supra* note 1 and accompanying text.

134. Willful violations occur when the person knew or should have known that his or her conduct was unfair or deceptive or prohibited by rule. Fla. Stat. § 501.2075.

135. The products depicted on Defendants' advertisements and solicitations and sold throughout the United States are similar or identical to ATMOS and/or contain the ATMOS RX® Marks and are designed to deceive or confuse the public.

136. ATMOS has suffered damages as a direct and proximate result of the Defendants' conduct.

137. Pursuant to Fla. Stat. § 501.211, ATMOS is entitled to the entry of an injunction enjoining the Defendants from any further violation of the statute as well as its attorneys' fees and court costs.

COUNT [IX] – UNJUST ENRICHMENT

138. ATMOS realleges and incorporates by reference paragraphs 1- 136 above as if fully set forth herein.

139. ATMOS has been damaged by Defendants' acts and omissions which have resulted in unjust enrichment to Defendants.

140. These acts include Defendants using ATMOS intellectual property for their own financial gain, and confusing customers to believe Defendants are the intellect behind the infringing products.

141. Defendants obtained services from ATMOS for the use of the granted patents and then failed and refused to compensate Atmos.

142. The Defendants' acts complained of herein constitute unjust enrichment of under the common law of the State of Florida.

143. Defendants should be required to disgorge all monies, profits, and gains which

they have obtained or will unjustly obtain in the future at the expense of Plaintiffs, and a constructive trust should be imposed thereon for the benefit of the Plaintiffs. See Exhibit-J for an accounting of Defendants sales by year during January 2011 – October 2015.

COUNT [X] – BREACH OF IMPLIED IN FACT CONTRACT

144. ATMOS realleges and incorporates by reference paragraphs 1- 142 above as if fully set forth herein.

145. An implied-in-fact contract derives the assent of the parties not from words, but from other circumstances including course of dealing or usage of trade. *See McMillan v. Shively*, 23 So. 3d 830, 831 (Fla. 1st DCA 2009).

146. A valid implied-in-fact contract existed between Plaintiff and Defendant, pursuant to a number of conversations and notices Vapor Nation received on behalf of Atmos. *supra* note 1, page 3.

147. Some or all of the contract terms were inferred from the parties’ conduct, not written;

148. Defendant materially breached the contract; and

149. Plaintiff suffered damages as a result of the breach

COUNT [XI] – WILLFUL COPYRIGHT INFRINGEMENT – 17 U.S.C. §501

150. ATMOS realleges and incorporates by reference paragraphs 1 - 148 above as if fully set forth herein.

151. ATMOS registered the ATMOS RX® box, which is titled “ATMOS RX,” Registration Number VA 1-927-216, issued by the United States Copyright Office, with an effective registration date of September 8, 2014.

152. ATMOS applied to register the ATMOS RX® Manual with the United States

Copyright Office on October 31, 2014.

153. ATMOS owns the Federally Registered Copyright in the ATMOS RX® Box and the pending Federal Copyright in the ATMOS RX® Manual, which have been infringed by the Defendants.

154. The ATMOS RX® Box and ATMOS RX® Manual are both original productions, which contain copyrightable subject matter under the laws of the United States. Accordingly, ATMOS owns valid and subsisting copyrights in the ATMOS RX® Manual and ATMOS RX® Box.

155. Plaintiffs' copyrights are a valuable asset and integral to ATMOS' marketing and sales of the ATMOS RX® Vaporizer.

156. The Defendants have appropriated designs and words that are identical or nearly identical to the genuine ATMOS RX® Box and ATMOS RX® Manual.

157. Such copying was made without authorization from the ATMOS, in violation of the exclusive rights that the Plaintiffs' own pursuant to the Copyright Act, 17. U.S.C. §106.

158. "Certainly, one approach to determine whether material can be "identified separately," and the most obvious, is to rely on the capacity of the artistic material to be severed physically from the industrial design." *Pivot Point Int'l, Inc. v. Charlene Prods.*, 372 F.3d 913, 915 (7th Cir. 2004).

159. "When a three-dimensional article is the focus of the inquiry, reliance on physical separability can no doubt be a helpful tool in ascertaining whether the artistic material in question can be separated from the industrial design." *Pivot Point Int'l, Inc. v. Charlene Prods.*, 372 F.3d 913, 915 (7th Cir. 2004).

160. "The protection of the copyright statute can be secured when a conceptual

separability exists between the material sought to be copyrighted and the utilitarian design in which that material is incorporated.” *Pivot Point Int’l, Inc. v. Charlene Prods.*, 372 F.3d 913, 915 (7th Cir. 2004).

161. Here, the artistic and utilitarian features of Atmos’s line of vaporizers are separable from one another; without the artistic features, Atmos products are equally as useful as portable dry herb vaporizers.

162. The copyright infringement by the Defendants was done intentionally, deliberately, willfully, with full knowledge, and in conscious disregard of ATMOS’ copyright.

163. As a result of the Defendants’ acts of infringement, ATMOS is entitled to recover their actual damages and/or any profits of the Defendants’ attributable to the copyright infringement pursuant to 17 U.S.C. §504(b).

COUNT [XII] – CIVIL CONSPIRACY

164. ATMOS realleges and incorporates by reference paragraphs 1- 162 above as if fully set forth herein.

165. “Civil conspiracy consists of the following elements: (a) a conspiracy between two or more parties; (b) to do an unlawful act or to do a lawful act by unlawful means; (c) the doing of some overt act in pursuance of the conspiracy; and (d) damage to plaintiff as a result of the acts performed pursuant to the conspiracy.” *Olesen v. GE Capital Corp.*, 135 So. 3d 389, 390 (Fla. 5th DCA 2014).

166. Here, (a) conspiracy occurred between Better Life Products/Vapor Nation and the manufacturers and/or owners of the corporations in which Defendants acquired its products, (b) to distribute infringing products with the purpose of misleading customers and obtaining personal profit, (c) after disregarding the conversations had between the CEO of Better Life

Products and counsel for Atmos, which therefore (d) has damaged Atmos.

167. By engaging in the foregoing conduct, Defendants embarked on an unlawful business venture through unlawful means.

168. The actions of Defendants have resulted in actual damages to Plaintiff, in an amount to be determined at trial.

169. The aforementioned acts of Defendants are and continue to be willful, oppressive, fraudulent, and malicious, warranting an award of punitive damages in addition to the actual damages suffered by Plaintiff.

PRAYER FOR RELIEF

WHEREFORE, ATMOS Nation, LLC, and ATMOS Technology, LLC, prays for relief as follows:

- A. A judgement that the granted patents are infringed by Defendant;
- B. A judgement that the granted patents are valid and enforceable;
- C. A judgement that the Defendants' infringement of the granted patents is willful;
- D. An order preliminarily and permanently enjoining Defendant and its subsidiaries, parents, officers, directors, agents, servants, employees, affiliates, attorneys, and all others in active concert or participation with any of the foregoing, from further acts of infringement of the granted patents;
- E. An accounting for damages resulting from Defendants' infringement of the granted patents and the trebling of such damages because of the willful nature of Defendants' infringement;
- F. An assessment of interest on damages;
- G. A judgment awarding damages to ATMOS for its costs, disbursements, expert

witness fees, and attorney's fees and costs incurred in prosecuting this action, with interest, including damages for an exceptional case pursuant to 35 U.S.C. § 285 and as otherwise provided by law;

H. Such other and further relief as this Court may deem just and equitable.

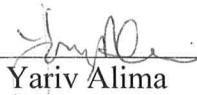
DEMAND FOR JURY TRIAL

I. Pursuant to Fed. R. Civ. P. 38(b), ATMOS requests a trial by jury on all issues.

VERIFICATION

Under penalty of perjury, I declare that I have read the foregoing, and the facts alleged therein are true and correct to the best of my knowledge and belief.

Date: Friday, November 20, 2015


By: Yariv Alima

On behalf of ATMOS NATION, LLC. And
ATMOS TECHNOLOGY, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the undersigned counsel filed the foregoing with the Clerk of the Courts for the Southern District of Florida using the CM/ECF system.

Respectfully submitted,
Khullar, P.A. / USAPatents.com
DKhullar@usapatents.com
4786 W Commercial Blvd
Tamarac, Florida 33319, USA

/s/Divya Khullar

Divya Khullar, Esq.
FL Bar No. 101116



EXHIBIT A

January 20, 2015

VIA EMAIL & FEDEX

BETTER LIFE PRODUCTS, INC.
D/B/A VAPOR NATION
ATTN: JEFFREY ADAM SHERMAN
13468 BEACH AVE, SECOND FLOOR
MARINA DEL REY, CA 90292

RE: FIRST NOTICE OF COPYRIGHT, TRADEMARK, AND PATENT INFRINGEMENT

Dear Better Life Products, Inc.,

The undersigned law firm and Khullar, P.A. represents Atmos Nation, LLC and Atmos Technology, LLC (“ATMOS”) d/b/a ATMOS RX®. This letter has been sent to you to inform you of the possible infringement as delineated below in order to allow you to remedy the infringement.



TRADEMARK INFRINGEMENT

ATMOS is the owner of the Atmos RX® vaporizer line. ATMOS has registered the following four Atmos RX® trademarks with the United States Patent and Trademark Office (“USPTO”): 4052873, 4052867, 4410411 & 4410410 – in class 11 and class 34, pertaining to the use of electric vaporizers and Smoker's articles, namely, handheld electronic vaporizers for personal inhalation of dry herbs and oils. (See Attached Composite Exhibit “A”).

The website registered by Better Life Products, Inc., www.atmos-raw.com, appears to infringe on ATMOS’ trademark rights (See Attached Exhibit “B”), thereby creating consumer confusion as to the source or origin of goods.

*Shrayer Law Firm, LLC, 101 NE 3rd Avenue, Suite # 1500 Ft. Lauderdale FL 33301
Main Office: (954) 601 3732; www.shrayerlaw.com; ghs@shrayerlaw.com*



COPYRIGHT INFRINGEMENT

In addition, ATMOS has established that you are using its Copyrighted material without a license/authorization to do so. Under the Federal Copyright Statute (17 U.S.C. §106) it is unlawful to reproduce and/or distribute another's copyrighted content without authorization (See Attached Exhibit "C") Our Client has never given VAPOR NATION authorization to reproduce or distribute its Content. There is a significant body of case law holding that such copying, publication, and distribution, of original works and images, constitute copyright infringement.

PATENT INFRINGEMENT

Furthermore, ATMOS has reason to believe that you are selling its patented technology without a license to do so (See Attached Exhibit "D"). The purpose of this letter is to allow you opportunity to avoiding the necessity of ATMOS' filing a lawsuit in federal court for patent infringement. ATMOS owns the following intellectual property rights:

- a. U.S. Patent No. D695450 ("Portable pen sized herb vaporizer") (See attached Exhibit "E").
- b. U.S. Application No. 13715538 ("Portable Pen Sized Electric Herb Vaporizer with Ceramic Heating Chamber") (POSSIBILITY OF FUTURE INFRINGEMENT – FOR NOTICE PURPOSES ONLY);
- c. U.S. Patent No. D710,488 ("Vapor Adaptor ")
- d. U.S. Application No. 14016971 (Spring Loaded Rechargeable Battery Assembly) EXHIBIT (POSSIBILITY OF FUTURE INFRINGEMENT – FOR NOTICE PURPOSES ONLY);
- e. U.S. Application No. 29460669 (Rechargeable Battery Mount) (POSSIBILITY OF FUTURE INFRINGEMENT – FOR NOTICE PURPOSES ONLY);



- f. U.S. Application No. 14/481,013 (Ceramic E-cig/Vaporizer) (POSSIBILITY OF FUTURE INFRINGEMENT – FOR NOTICE PURPOSES ONLY);
- g. U.S. Application No. 14/488,970 (Herb Heating chamber/ Electric Heating Cartridge for a Dry Herb Vaporizer) (POSSIBILITY OF FUTURE INFRINGEMENT – FOR NOTICE PURPOSES ONLY).

Resolving These Matters:

Infringers of copyrighted, trademarked, and patented material may be held liable for statutory or treble damages. However, to clarify, this letter should not be interpreted as a threat of litigation. Rather, this letter has been sent to provide you with notice of these issues so that we can engage in a substantive conversation in order to remedy this situation. Accordingly, please contact the undersigned within the next five days so that we can set up a conference call in order to remedy these matters amicably.

Cordially,

THE SHRAYER LAW FIRM, LLC.

/S/ Glen H. Shrayer

Glen H. Shrayer, Esq.
Managing Partner

cc: Divya Khullar, Esq.
USAPatents.com



March 12, 2015

VIA EMAIL & UPS CONFIRMED RECEIPT

EXHIBIT A

BETTER LIFE PRODUCTS, INC.
D/B/A VAPOR NATION
ATTN: JEFFREY ADAM SHERMAN
13468 BEACH AVE, SECOND FLOOR
MARINA DEL REY, CA 90292

**RE: PATENT, TRADEMARK, &
COPYRIGHT INFRINGEMENT OF
ATMOS RX® BRAND PRODUCTS**

Dear Better Life Products, Inc.,

The undersigned law firm and Khullar P.A., an intellectual property law firm, represents Atmos Nation, LLC and Atmos Technology, LLC. On January 20, 2015, a Cease and Desist Letter was sent to your company requiring your compliance with explicit terms listed therein, which was received and signed for on January 27, 2015. Despite being given notice of the infringement your company took no action and failed to contact the undersigned counsel. Accordingly, please advise by March 17, 2015 if you will plan to comply with the following three terms listed herein:

1. Cease selling the Source Raw Vaporizer Kit, <https://www.vapornation.com/source-raw-vaporizer-kit.html>, which infringes on U.S. Patent No. D710,488 and U.S. Patent No. D695450.
2. Cease selling a product referred to as the Vaporite Emerald Vaporizer, <http://www.vapornation.com/vaporite-emerald-vaporizer.html>, which infringes on

*Shrayer Law Firm, LLC, 101 NE 3rd Avenue, Suite # 1500 Ft. Lauderdale FL 33301
Main Office: (954) 601 3732; www.shrayerlaw.com; ghs@shrayerlaw.com*



on U.S. Patent No. D710,488 and U.S. Patent No. D695450

3. Remove the link for www.atmos-raw.com, which infringes on Atmos' trademarks in class 11 & 34, in addition to various copyrighted images. In addition, the use of the word "Raw," which is owned by BBK Tobacco & Foods, LLP d/b/a HBI International, violates their trademark rights in class 34.

Please email the undersigned at ghs@shrayerlaw.com if you intend to comply with the terms of the Cease and Desist Letter by March 17, 2015. This will be the final warning in regards to these infringing items.

Cordially,

THE SHRAYER LAW FIRM, LLC.

/S/ Glen H. Shrayer

Glen H. Shrayer, Esq.
Managing Partner

cc: Divya Khullar, Esq.
USAPatents.com

EXHIBIT A



USAPatents.com

Miami (Brickell) Office

175 SW 7th Street, Suite 1912
Miami, Florida 33130
Phone: (305) 209-9008

Broward (Main) Office

4786 W. Commercial Blvd
Tamarac, Florida 33319
Phone: (954) 642-2308

Palm Beach Office

517 24th Avenue North
Lake Worth, Florida 33460
Phone: (561) 331-1561

E-Mail: DKHULLAR@USAPatents.com

Facsimile: (754)-999-7057

**CEASE AND DESIST
PATENT INFRINGEMENT**

VIA ELECTRONIC MAIL:

Date: June 4, 2015

**ATTN: JEFFREY SHERMAN
VAPORNATION.COM
13468 BEACH AVE.
SECOND FLOOR
MARINA DEL REY, CA 90292
bobby@vapornation.com**

THIS IS NOT AN ADVERTISEMENT

RE: FIRST NOTICE OF PATENT INFRINGEMENT

To Whom It May Concern:

Our firm (Khullar P.A. / USAPatents.com) represents Atmos Nation, LLC (“ATMOS NATION”) and Atmos Technology, LLC (“Atmos Technology”) d/b/a ATMOS RX® (collectively hereinafter “ATMOS”). ATMOS owns Intellectual Property in various art and content including but not limited to Atmos RX Box pictures.

PATENT INFRINGEMENT

You are receiving this letter because ATMOS has reason to believe that you are selling its patented technology without a license to do so. The purpose of this letter is to allow you opportunity to avoiding the necessity of ATMOS' filing a lawsuit in federal court for patent infringement against VAPORNATION.

The two relevant arts (one issued patent and one patent application) are as follows:

- a. U.S. Application No. 13715538 ("Portable Pen Sized Electric Herb Vaporizer with Ceramic Heating Chamber") EXHIBIT-G. (POSSIBILITY OF FUTURE INFRINGEMENT – FOR NOTICE PURPOSES ONLY);
- b. U.S. Application No. 14/481,013 (**Ceramic E-cig/Vaporizer**) EXHIBIT – K (POSSIBILITY OF FUTURE INFRINGEMENT – FOR NOTICE PURPOSES ONLY);
- c. U.S. Application No. 14/488,970 (**Herb Heating chamber/ Electric Heating Cartridge for a Dry Herb Vaporizer**) EXHIBIT - L (POSSIBILITY OF FUTURE INFRINGEMENT – FOR NOTICE PURPOSES ONLY);

Our initial investigation indicates that VAPORNATION is selling ATMOS products relate to ATMOS vaporizer technology. You infringing products are attached. EXHIBIT-D.

Infringers who continue to infringe despite having an objectively high risk of infringement of a valid patent can be liable for triple the actual damages and the patent owner's litigation costs, including all attorney fees and expenses.



EXHIBIT A

USAPatents.com

Miami (Brickell) Office

175 SW 7th Street, Suite 1912
Miami, Florida 33130
Phone: (305) 209-9008

Broward (Main) Office

4786 W. Commercial Blvd
Tamarac, Florida 33319
Phone: (954) 642-2308

Palm Beach Office

517 24th Avenue North
Lake Worth, Florida 33460
Phone: (561) 331-1561

E-Mail: DKHULLAR@USAPatents.com

Facsimile: (754)-999-7057

CEASE AND DESIST PATENT INFRINGEMENT

VIA ELECTRONIC MAIL:

Date: August 3, 2015

**ATTN: JEFFREY SHERMAN
VAPORNATION.COM
13468 BEACH AVE.
SECOND FLOOR
MARINA DEL REY, CA 90292
bobby@vapornation.com**

THIS IS NOT AN ADVERTISEMENT

RE: FINAL NOTICE OF PATENT INFRINGEMENT

To Whom It May Concern:

Our firm (Khullar P.A. / USAPatents.com) represents Atmos Nation, LLC (“ATMOS NATION”) and Atmos Technology, LLC (“Atmos Technology”) d/b/a ATMOS RX® (collectively hereinafter “ATMOS”). ATMOS owns Intellectual Property in various art and content including but not limited to Atmos RX Box pictures.

PATENT INFRINGEMENT

You are receiving this letter because ATMOS has reason to believe that you are selling its patented technology without a license to do so. The purpose of this letter is to allow you opportunity to avoiding the necessity of ATMOS' filing a lawsuit in federal court for patent infringement against VAPORNATION.

The two relevant arts (one issued patent and one patent application) are as follows:

- a. U.S. Application No. 13715538 ("Portable Pen Sized Electric Herb Vaporizer with Ceramic Heating Chamber") EXHIBIT-G. (POSSIBILITY OF FUTURE INFRINGEMENT – FOR NOTICE PURPOSES ONLY);
- b. U.S. Application No. 14/481,013 (**Ceramic E-cig/Vaporizer**) EXHIBIT – K (POSSIBILITY OF FUTURE INFRINGEMENT – FOR NOTICE PURPOSES ONLY);
- c. U.S. Application No. 14/488,970 (**Herb Heating chamber/ Electric Heating Cartridge for a Dry Herb Vaporizer**) EXHIBIT - L (POSSIBILITY OF FUTURE INFRINGEMENT – FOR NOTICE PURPOSES ONLY);

Our initial investigation indicates that VAPORNATION is selling ATMOS products relate to ATMOS vaporizer technology. You infringing products are attached. EXHIBIT-D.

Infringers who continue to infringe despite having an objectively high risk of infringement of a valid patent can be liable for triple the actual damages and the patent owner's litigation costs, including all attorney fees and expenses.



EXHIBIT A

USAPatents.com

Patent

Miami (Brickell)

Phone: (305) 209-9008

Trademark

Broward

4786 W. Commercial Blvd
Tamarac, Florida 33319

Phone: (954) 642-2308

Facsimile: (754)-999-7057

Copyright

Palm Beach

Phone: (561) 331-1561

E-Mail: ASSISTANT@USAPatents.com

Dear Mr. Sherman,

We appreciate you taking the time to speak with us on Friday, October 2, 2015. As discussed during our call and in furtherance of settlement of this matter, ATMOS requests that you do the following:

1. As discussed you will, within 7 days of October 2, 2015, cease sale and remove the following products from Vapor Nation distribution channels:

- a. Vaporite Budy Pen Pro Vaporizer
- b. Vaporite Cosmic Vaporizer
- c. Vaporite Emerald Vaporizer
- d. G Slim Hookah Vaporizer
- e. G Pro Herbal Vaporizer;

2. Provide proof that the above-mentioned infringing products have been returned to the seller;

3. In lieu of your full cooperation, please provide all records of sale concerning each infringing product sold through Vapor Nation distribution channels, this disclosure includes, but is not limited to:

- a. Fully disclose inventory for each of the infringing products;
- b. Fully disclose your purchase price of each of the infringing products;
- c. Disclose Vapor Nation's sale price of each of the infringing products;
- d. Provide a list of all distributors, sellers, customers, manufactures, and the like who have been involved in the commerce of the infringing products.
- e. Provide a sworn affidavit under the penalty of perjury for the truth in each assertion that is made.

Please respond to this letter within 48 hours.

Respectfully Yours,



Divya Khullar, Esq.
Florida Bar No. 0101116
USAPatents.com
4786 W. Commercial Blvd.
Tamarac, Florida 33319
Phone: (954) 642-2308
Fax: (754) 999-7057
ASSISTANT@USAPATENTS.COM



EXHIBIT A

USAPatents.com

Patent

Miami (Brickell)

Phone: (305) 209-9008

E-Mail: Assistant@USAPatents.com

Trademark

Broward

4786 W. Commercial Blvd

Tamarac, Florida 33319

Phone: (954) 642-2308

Copyright

Palm Beach

Phone: (561) 331-1561

Facsimile: (754)-999-7057

ATTN: JEFFREY SHERMAN
VAPORNATION.COM
13468 BEACH AVE.
SECOND FLOOR
MARINA DEL REY, CA 90292
bobby@vapornation.com
JSherman@vapornation.com
VTjitra@vapornation.com

Date: October 15, 2015

Mr Sherman,

This correspondence serves as **LAST AND FINAL** 48 HOUR notice. You SHALL comply with all demands made on behalf of our Client, Atmos Nation LLC. Failure to cooperate with our demands will subject you to Federal Court Litigation including treble damages resulting from your willful behavior.

1. Cease sale and remove the following products from Vapor Nation distribution channels:
 - a. Vaporite Budy Pen Pro Vaporizer
 - b. Vaporite Cosmic Vaporizer
 - c. Vaporite Emerald Vaporizer
 - d. G Slim Hookah Vaporizer
 - e. G Pro Herbal Vaporizer;
2. Provide proof that the above-mentioned infringing products have been returned to the seller;
3. In lieu of your full cooperation, please provide all records of sale concerning each infringing product sold through Vapor Nation distribution channels, this disclosure includes, but is not limited to:
 - a. Fully disclose inventory for each of the infringing products;

- b. Fully disclose your purchase price of each of the infringing products;
- c. Disclose Vapor Nation's sale price of each of the infringing products;
- d. Provide a list of all distributors, sellers, customers, manufactures, and the like who have been involved in the commerce of the infringing products.
- e. Provide a sworn affidavit under the penalty of perjury for the truth in each assertion that is made.

All communication must be directed to USAPatents.com/Khullar P.A., therefore any circumvention of our firm is **strictly prohibited**.

If you have retained counsel, please provide us the Attorney's contact information immediately so that we can contact them instead.

GOVERN YOURSELVES ACCORDINGLY.

Respectfully Yours,



Divya Khullar, Esq.
Florida Bar No. 0101116
USAPatents.com
4786 W. Commercial Blvd.
Tamarac, Florida 33319
Phone: (954) 642-2308
Fax: (754) 999-7057
notices@khullarlaw.com

EXHIBIT B



US00D695450S

(12) **United States Design Patent** (10) **Patent No.:** **US D695,450 S**
Benassayag et al. (45) **Date of Patent:** **** Dec. 10, 2013**

(54) **PORTABLE PEN SIZED HERB VAPORIZER**

(71) Applicant: **Atmos Technology, LLC**, Davie, FL (US)

(72) Inventors: **Charly Benassayag**, Miami, FL (US); **Yariv Alima**, Plantation, FL (US)

(73) Assignee: **Atmos Technology, LLC**, Davie, FL (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/439,800**

(22) Filed: **Dec. 14, 2012**

(51) **LOC (9) Cl.** **27-02**

(52) **U.S. Cl.**
 USPC **D27/163**; D27/101; D24/110.5

(58) **Field of Classification Search**
 USPC D24/110, 110.5; D19/51; D23/360;
 D27/163, 164; 131/329; 261/DIG. 65;
 392/386, 398, 400, 404; 128/200.21,
 128/202.21

See application file for complete search history.

(56) **References Cited**

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 2006/0272659 A1 * 12/2006 Kobal et al. 131/187
 2012/0260926 A1 * 10/2012 Tu et al. 131/329

* cited by examiner

Primary Examiner — Ian Simmons

Assistant Examiner — Richelle G Shelton

(74) *Attorney, Agent, or Firm* — Sinorica, LLC

(57) **CLAIM**

The ornamental design for a portable pen sized herb vaporizer, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of the portable pen sized herb vaporizer;

FIG. 2 is a front elevational view thereof;

FIG. 3 is a rear elevational view thereof;

FIG. 4 is a right-side elevational view thereof;

FIG. 5 is a left-side elevational view thereof;

FIG. 6 is a bottom plan view thereof; and,

FIG. 7 is a top plan view thereof.

The broken line showing in FIG. 1 and FIG. 7 is included for the purpose of showing environmental structure and forms no part of the claimed design.

1 Claim, 7 Drawing Sheets



U.S. Patent

Dec. 10, 2013

Sheet 1 of 7

US D695,450 S

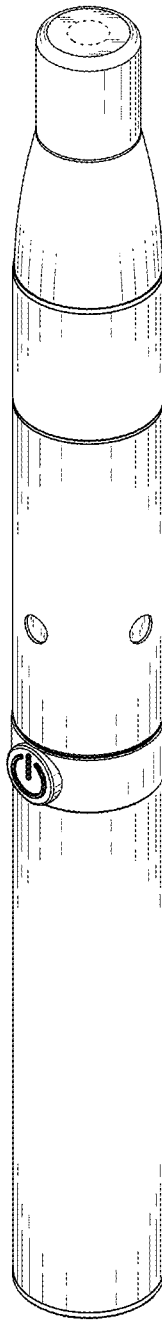


FIG. 1

U.S. Patent

Dec. 10, 2013

Sheet 2 of 7

US D695,450 S

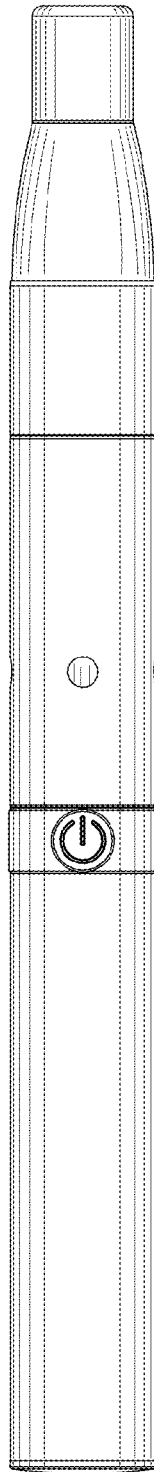


FIG. 2

U.S. Patent

Dec. 10, 2013

Sheet 3 of 7

US D695,450 S

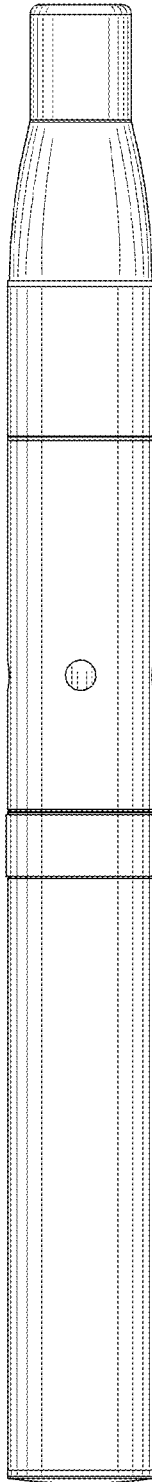


FIG. 3

U.S. Patent

Dec. 10, 2013

Sheet 4 of 7

US D695,450 S

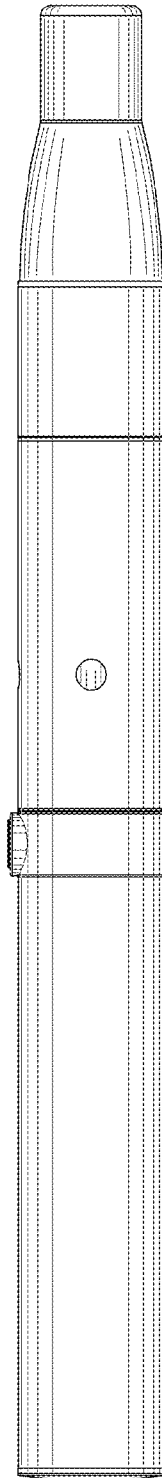


FIG. 4

U.S. Patent

Dec. 10, 2013

Sheet 5 of 7

US D695,450 S

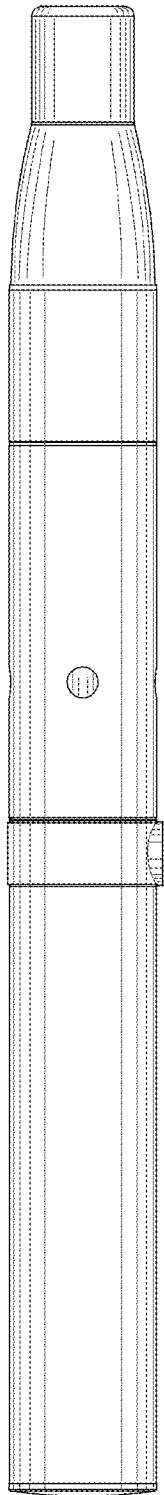


FIG. 5

U.S. Patent

Dec. 10, 2013

Sheet 6 of 7

US D695,450 S

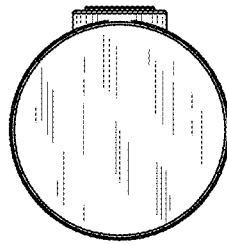


FIG. 6

U.S. Patent

Dec. 10, 2013

Sheet 7 of 7

US D695,450 S

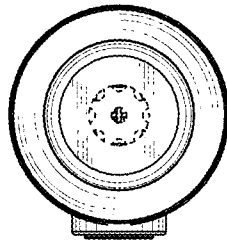


FIG. 7



US00D720095S

EXHIBIT C

(12) **United States Design Patent** (10) **Patent No.:** **US D720,095 S**
Alima (45) **Date of Patent:** **** Dec. 23, 2014**

(54) **MINI VAPORIZER**
 (71) Applicant: **Yariv Alima**, Plantation, FL (US)
 (72) Inventor: **Yariv Alima**, Plantation, FL (US)
 (73) Assignee: **Atmos Nation, LLC**, Davie, FL (US)
 (**) Term: **14 Years**
 (21) Appl. No.: **29/468,951**

D688,415 S * 8/2013 Kim D27/101
 D688,416 S * 8/2013 Liu D27/101
 D693,053 S * 11/2013 Chen D27/101
 D694,468 S * 11/2013 Chen D27/101
 D695,450 S * 12/2013 Benassayag et al. D27/163
 D707,389 S * 6/2014 Liu D27/194
 2012/0260926 A1 * 10/2012 Tu et al. 131/329
 2013/0068239 A1 * 3/2013 Youn 131/273
 2013/0152922 A1 * 6/2013 Benassayag et al. 128/202.21
 2013/0333711 A1 * 12/2013 Liu 131/329
 2014/0041655 A1 * 2/2014 Barron et al. 128/202.21
 2014/0216483 A1 * 8/2014 Alima 131/329

* cited by examiner

(22) Filed: **Oct. 4, 2013**
 (51) **LOC (10) Cl.** **27-02**
 (52) **U.S. Cl.**

Primary Examiner — Susan Bennett Hattan
Assistant Examiner — Janice Hallmark

USPC **D27/163**; D27/101
 (58) **Field of Classification Search**
 CPC A24F 1/02; A24F 1/04; A24F 1/06;
 A24F 1/08; A24F 1/10; A24F 1/12; A24F
 1/14; A24F 1/22; A24F 9/16; A24F
 47/002–47/008; A24F 1/30; A24F 47/00
 USPC D27/100–101, 106, 143, 152, 161–172,
 D27/183–184, 187, 189, 190, 193–194;
 131/220–222, 226, 173, 174, 194,
 131/328–330, 270, 273; D7/584, 585;
 D9/500, 502; D11/143, 144, 146, 152;
 D24/110.5

(57) **CLAIM**
 The ornamental design for a mini vaporizer, as shown and described.

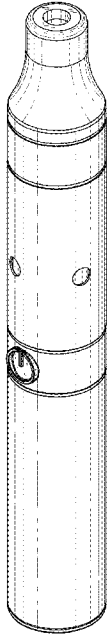
See application file for complete search history.

DESCRIPTION

FIG. 1 is a perspective view of a mini vaporizer;
 FIG. 2 is a front view thereof;
 FIG. 3 is a rear view thereof;
 FIG. 4 is a right view thereof;
 FIG. 5 is a left view thereof;
 FIG. 6 is a top view thereof;
 FIG. 7 is a bottom view thereof;
 FIG. 8 is a front view thereof, showing the plane upon which a cross-sectional view is taken and shown in FIG. 9; and,
 FIG. 9 is a side cross-sectional view thereof taken along line 9-9 of FIG. 8.
 The broken lines in the drawings illustrate portions of the mini vaporizer which form no part of the claimed design.

(56) **References Cited**
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 D364,480 S * 11/1995 Warren, Sr. D27/183
 6,606,998 B1 * 8/2003 Gold 131/273
 D644,375 S * 8/2011 Zhou D27/101
 D653,803 S * 2/2012 Timmermans D27/163
 D687,181 S * 7/2013 Goch D27/101

1 Claim, 9 Drawing Sheets



U.S. Patent

Dec. 23, 2014

Sheet 1 of 9

US D720,095 S

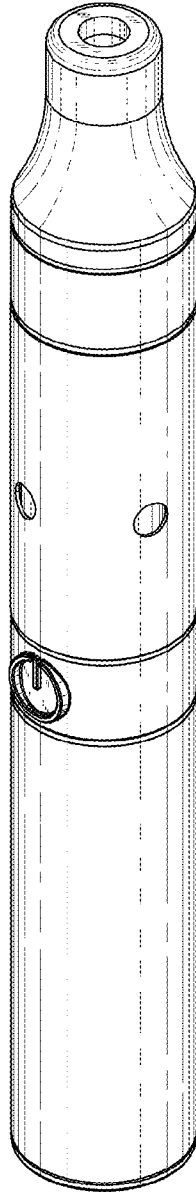


FIG. 1

U.S. Patent

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US D720,095 S

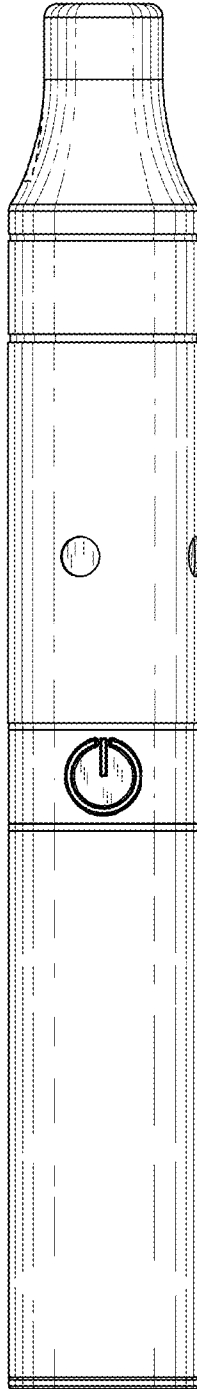


FIG. 2

U.S. Patent

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US D720,095 S

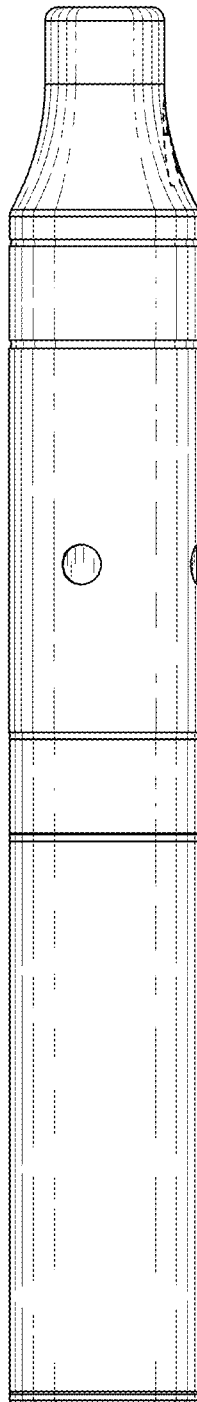


FIG. 3

U.S. Patent

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US D720,095 S

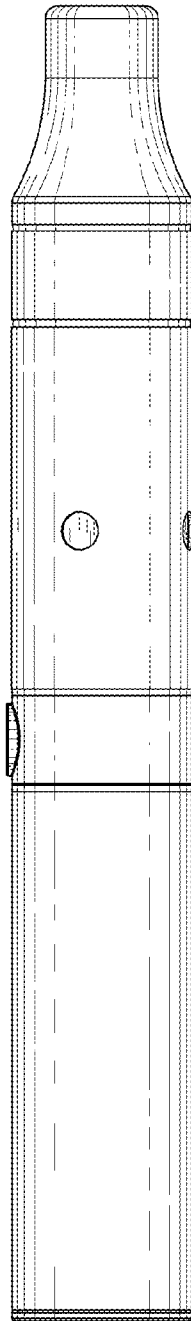


FIG. 4

U.S. Patent

Dec. 23, 2014

Sheet 5 of 9

US D720,095 S

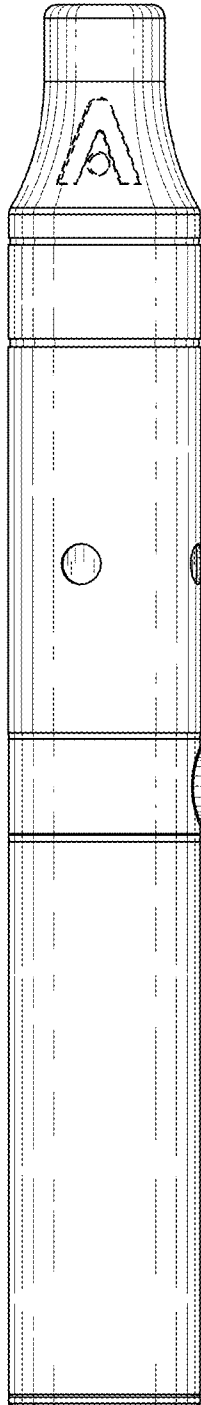


FIG. 5

U.S. Patent

Dec. 23, 2014

Sheet 6 of 9

US D720,095 S

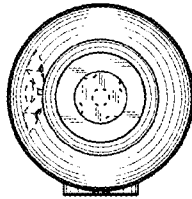


FIG. 6

U.S. Patent

Dec. 23, 2014

Sheet 7 of 9

US D720,095 S

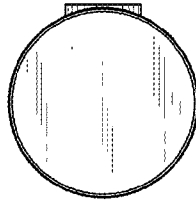


FIG. 7

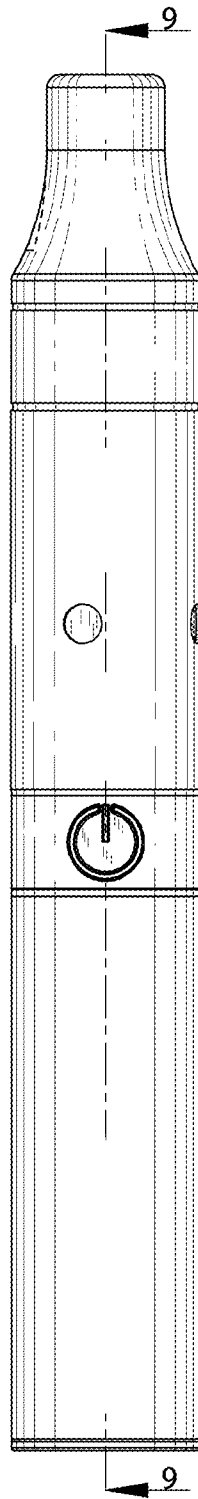


FIG. 8

U.S. Patent

Dec. 23, 2014

Sheet 9 of 9

US D720,095 S

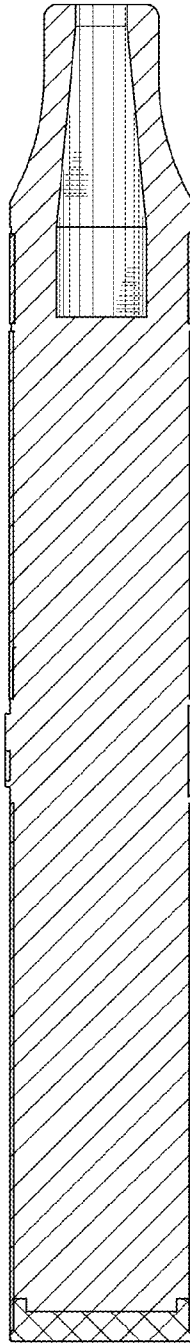


FIG. 9



US00D720496S

EXHIBIT D

(12) **United States Design Patent** (10) **Patent No.:** **US D720,496 S**
Alima (45) **Date of Patent:** **** Dec. 30, 2014**

(54) **VAPORIZER**

(71) Applicant: **Yariv Alima**, Plantation, FL (US)

(72) Inventor: **Yariv Alima**, Plantation, FL (US)

(73) Assignee: **Atmos Nation, LLC**, Davie, FL (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/486,389**

(22) Filed: **Mar. 28, 2014**

(51) **LOC (10) Cl.** **27-01**

(52) **U.S. Cl.**
 USPC **D27/101**; D27/163

(58) **Field of Classification Search**
 CPC A24F 1/02; A24F 1/04; A24F 1/06;
 A24F 1/08; A24F 1/10; A24F 1/12; A24F
 1/14; A24F 1/22; A24F 9/16; A24F
 47/002-47/008; A24F 1/30; A24F 47/00
 USPC D27/100-101, 106, 143, 152, 161-172,
 D27/183-184, 187, 189, 190, 193-194;
 131/220-222, 226, 173, 174, 194,
 131/328-330, 270, 273; D7/584, 585;
 D9/500, 502; D11/143, 144, 146, 152;
 D24/110.5

See application file for complete search history.

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 D688,415 S * 8/2013 Kim D27/101
 D688,416 S * 8/2013 Liu D27/101
 D693,053 S * 11/2013 Chen D27/101
 D694,468 S * 11/2013 Chen D27/101
 D695,450 S * 12/2013 Benassayag et al. D27/163
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 2013/0068239 A1* 3/2013 Youn 131/273
 2013/0139833 A1* 6/2013 Hon 131/273
 2013/0152922 A1* 6/2013 Benassayag et al. 128/202.21
 2013/0333711 A1* 12/2013 Liu 131/329
 2014/0041655 A1* 2/2014 Barron et al. 128/202.21
 2014/0216483 A1* 8/2014 Alima 131/329
 2014/0261500 A1* 9/2014 Park 131/329

* cited by examiner

Primary Examiner — Susan Bennett Hattan
Assistant Examiner — Janice Hallmark

(57) **CLAIM**
 The ornamental design for a vaporizer, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of a vaporizer;
 FIG. 2 is a front view thereof;
 FIG. 3 is a rear view thereof;
 FIG. 4 is a right view thereof;
 FIG. 5 is a left view thereof;
 FIG. 6 is a top view thereof; and,
 FIG. 7 is a bottom view thereof.
 The broken lines in the drawings illustrate portions of the vaporizer and form no part of the claimed design.

1 Claim, 7 Drawing Sheets

(56) **References Cited**
 U.S. PATENT DOCUMENTS

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 6,606,998 B1 * 8/2003 Gold 131/273
 D644,375 S * 8/2011 Zhou D27/101





US00D720496S

(12) **United States Design Patent** (10) **Patent No.:** **US D720,496 S**
Alima (45) **Date of Patent:** **** Dec. 30, 2014**

(54) **VAPORIZER**
 (71) Applicant: **Yariv Alima**, Plantation, FL (US)
 (72) Inventor: **Yariv Alima**, Plantation, FL (US)
 (73) Assignee: **Atmos Nation, LLC**, Davie, FL (US)
 (**) Term: **14 Years**
 (21) Appl. No.: **29/486,389**
 (22) Filed: **Mar. 28, 2014**
 (51) **LOC (10) Cl.** **27-01**
 (52) **U.S. Cl.**
 USPC **D27/101; D27/163**
 (58) **Field of Classification Search**
 CPC A24F 1/02; A24F 1/04; A24F 1/06;
 A24F 1/08; A24F 1/10; A24F 1/12; A24F
 1/14; A24F 1/22; A24F 9/16; A24F
 47/002-47/008; A24F 1/30; A24F 47/00
 USPC D27/100-101, 106, 143, 152, 161-172,
 D27/183-184, 187, 189, 190, 193-194;
 131/220-222, 226, 173, 174, 194,
 131/328-330, 270, 273; D7/584, 585;
 D9/500, 502; D11/143, 144, 146, 152;
 D24/110.5
 See application file for complete search history.

D653,803	S	*	2/2012	Timmermans	.....	D27/163
D687,181	S	*	7/2013	Goch	.....	D27/101
D688,415	S	*	8/2013	Kim	.....	D27/101
D688,416	S	*	8/2013	Liu	.....	D27/101
D693,053	S	*	11/2013	Chen	.....	D27/101
D694,468	S	*	11/2013	Chen	.....	D27/101
D695,450	S	*	12/2013	Benassayag et al.	.....	D27/163
D707,389	S	*	6/2014	Liu	.....	D27/194
2012/0260926	A1	*	10/2012	Tu et al.	.....	131/329
2013/0068239	A1	*	3/2013	Youn	.....	131/273
2013/0139833	A1	*	6/2013	Hon	.....	131/273
2013/0152922	A1	*	6/2013	Benassayag et al.	.....	128/202.21
2013/0333711	A1	*	12/2013	Liu	131/329
2014/0041655	A1	*	2/2014	Barron et al.	128/202.21
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2014/0261500	A1	*	9/2014	Park	131/329

* cited by examiner

Primary Examiner — Susan Bennett Hattan
Assistant Examiner — Janice Hallmark

(57) **CLAIM**
 The ornamental design for a vaporizer, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of a vaporizer;
 FIG. 2 is a front view thereof;
 FIG. 3 is a rear view thereof;
 FIG. 4 is a right view thereof;
 FIG. 5 is a left view thereof;
 FIG. 6 is a top view thereof; and,
 FIG. 7 is a bottom view thereof.
 The broken lines in the drawings illustrate portions of the vaporizer and form no part of the claimed design.

1 Claim, 7 Drawing Sheets

(56) **References Cited**
 U.S. PATENT DOCUMENTS
 6,216,705 B1 * 4/2001 Ossepian 131/273
 6,606,998 B1 * 8/2003 Gold 131/273
 D644,375 S * 8/2011 Zhou D27/101





US00D720497S

EXHIBIT E

(12) **United States Design Patent**
Alima

(10) **Patent No.:** **US D720,497 S**

(45) **Date of Patent:** **** Dec. 30, 2014**

(54) **VAPORIZER**

(71) Applicant: **Yariv Alima**, Plantation, FL (US)

(72) Inventor: **Yariv Alima**, Plantation, FL (US)

(73) Assignee: **Atmos Nation, LLC**, Davie, FL (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/486,726**

(22) Filed: **Apr. 2, 2014**

(51) **LOC (10) Cl.** **27-01**

(52) **U.S. Cl.**

USPC **D27/101**; D27/163

(58) **Field of Classification Search**

CPC A24F 1/02; A24F 1/04; A24F 1/06;
A24F 1/08; A24F 1/10; A24F 1/12; A24F
1/14; A24F 1/22; A24F 9/16; A24F
47/002-47/008; A24F 1/30; A24F 47/00
USPC D27/100-101, 106, 143, 152, 161-172,
D27/183-184, 187, 189, 190, 193-194;
131/220-222, 226, 173, 174, 194,
131/328-330, 270, 273; D7/584, 585;
D9/500, 502; D11/143, 144, 146, 152;
D24/110.5

See application file for complete search history.

(56) **References Cited**

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D655,036 S * 2/2012 Zhou D27/101
D687,181 S * 7/2013 Goch D27/101
D688,415 S * 8/2013 Kim D27/101
D688,416 S * 8/2013 Liu D27/101
D693,053 S * 11/2013 Chen D27/101
D694,468 S * 11/2013 Chen D27/101
D695,450 S * 12/2013 Benassayag et al. D27/163
D702,876 S * 4/2014 Liu D27/194
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2009/0151717 A1 * 6/2009 Bowen et al. 128/200.23
2012/0067358 A1 * 3/2012 Rasch 131/273
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2013/0068239 A1 * 3/2013 Youn 131/273
2013/0152922 A1 * 6/2013 Benassayag et al. 128/202.21
2014/0041655 A1 * 2/2014 Barron et al. 128/202.21

* cited by examiner

Primary Examiner — Susan Bennett Hattan

Assistant Examiner — Janice Hallmark

(57) **CLAIM**

The ornamental design for a vaporizer, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of a vaporizer;
FIG. 2 is a front view thereof;
FIG. 3 is a rear view thereof;
FIG. 4 is a right view thereof;
FIG. 5 is a left view thereof;
FIG. 6 is a top view thereof;
FIG. 7 is a bottom view thereof; and,
FIG. 8 is a bottom perspective view thereof.
The broken lines in the drawings illustrate portions of the vaporizer and form no part of the claimed design.

1 Claim, 8 Drawing Sheets

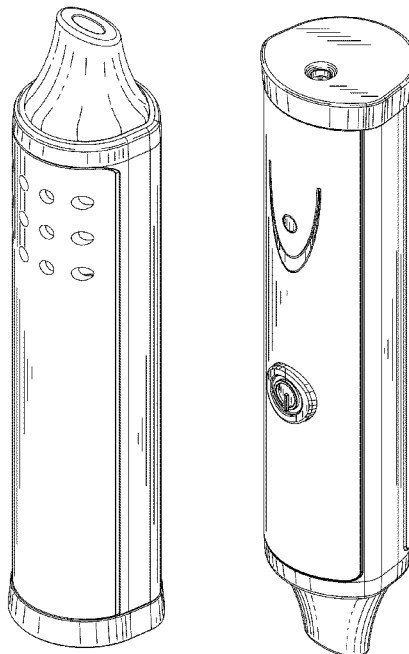


EXHIBIT F

Infringing Product- G Slim and Buddy Pen Pro

The screenshot shows the Vapornation website's product page for the G Slim Hookah Vaporizer. The page features a navigation bar with categories like HOME, VAPORIZERS, and VAPORIZER PARTS. The product is displayed in a vertical orientation. Key features are highlighted with icons: E-Juice, Pen-Style, a 1-year warranty, and a 6-second heat-up time. The price is listed as \$19.95, and there is a 'LOW PRICE GUARANTEE' badge. The page also includes a search bar, a shopping cart, and a live chat option.

VAPORNATION
Your Online Vaporizer Superstore

Sign In - My Account | Order Status | Contact Us
TOLL FREE: 888-321-VAPOR (8276) LIVE CHAT

NEW \$100.00 away from Bonus Gift! Cart | 0 Items

HOME VAPORIZERS VAPORIZER PARTS ACCESSORIES GRINDERS MODS E-JUICE Search Here...

Home > Vaporizers > Vaporizers By Brand > Greenco Science > G Slim Hookah Vaporizer

G Slim Hookah Vaporizer

E-Juice Pen-Style 1 year Warranty 6 Sec Heat-up Time

Product Features:

- Easy to Use
- Great for Beginners
- Portable & Discreet
- Quick Heat Up Time
- 0.6ml Tank Capacity

Accessories (Included):

- 1 x G Slim Battery
- 1 x G Slim Hookah Tank
- 1 x G Slim Atomizer
- 1 x Wireless USB Charger

Double click on above image to view full picture

\$19.95

LOW PRICE GUARANTEE

Average Rating: n/a | 0 Reviews | Add your own Review | Add to Compare

The screenshot shows a Pinterest image search result for the Buddy Pen Pro. The main image is a black and white photograph of the Buddy Pen Pro packaging and the device itself. The packaging features the text 'Buddy Pen Pro from Vapornation' and 'buddy pen pro'. The device is a sleek, black, pen-style vaporizer. The search results include the URL 'http://www.vapornation.com/vaporite-...' and a 'View image' button. Below the main image, there are several related images showing different views of the device and other products.

http://www.vapornation.com/vaporite-...
www.pinterest.com - 485 x 485 - Search by image
http://www.vapornation.com/vaporite-buddy-pen-

Visit page View image

Related images:

Images may be subject to copyright. - Send feedback

Atmos Boss

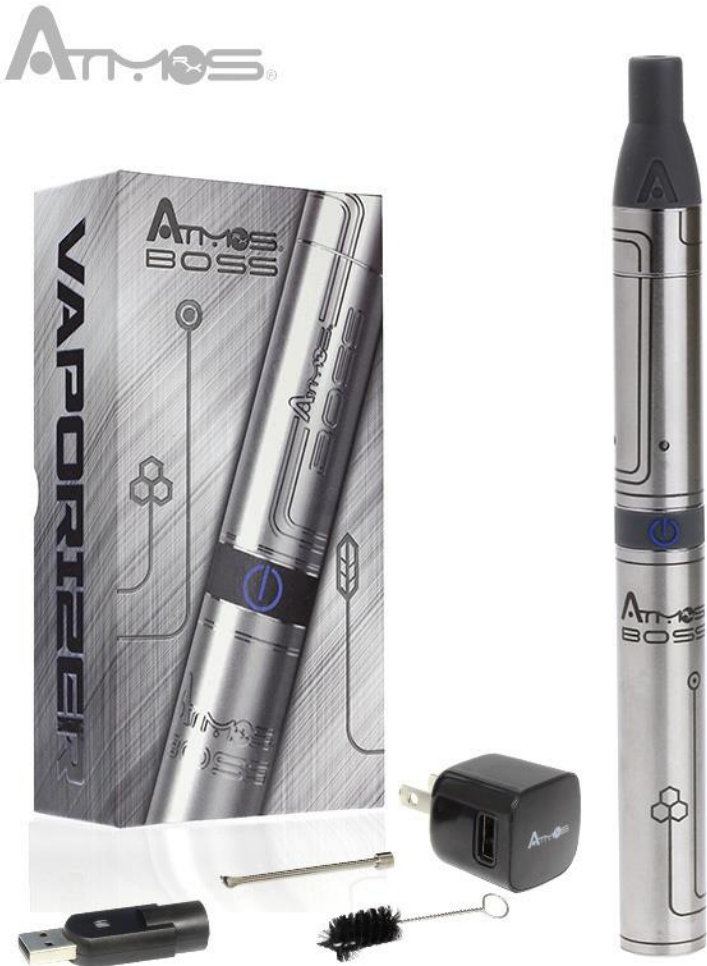


EXHIBIT G

Infringing Product- Vaporite Cosmic



Atmos Jr.



Infringing Product- Vaporite Emerald

EXHIBIT H

The screenshot shows the product page for the Vaporite Emerald Vaporizer on the VAPORNATION website. The page features a navigation bar with categories like HOME, VAPORIZERS, and VAPORIZER PARTS. The product is displayed with four color options: green, black, silver, and blue. Key features are highlighted with icons: Herb, Pen-Style, 90-day Warranty, 3.1 Rating, and 5-second Heat-up Time. The product features list includes a ceramic heating chamber, quick heat-up time, compatibility with dry herbs, and a variety of colors. Accessories included are a mouthpiece, chamber connector, ceramic heating chamber, battery, stir tool, USB adapter, and instruction manual. The price is listed as \$59.99, a \$30 savings from the regular price of \$89.99. A 'LOW PRICE GUARANTEE' badge is also present. The page includes a search bar, a shopping cart icon, and a live chat option.

Atmos Orbit



EXHIBIT I

Infringing Product- Greenco G Pro

VAPOR NATION
Your Online Vaporizer Superstore

Sign In | My Account | Order Status | Contact Us
TOLL FREE: 888-321-VAPOR (8276) LIVE CHAT

NEW \$100.00 away from Bonus Gift! Cart | 0 Items

HOME VAPORIZERS VAPORIZER PARTS ACCESSORIES GRINDERS MODS E-JUICE

Home > Vaporizers > Vaporizers By Brand > Greenco Science > G Pro Herbal Vaporizer

G Pro Herbal Vaporizer

Herb Portable 1 year Warranty 3.5 Rating 80 Sec Heat-up Time

Product Features:

- Compatible with Dry Herbs
- Stainless Steel Heating Chamber
- Three Temperature Settings
- Quick Heat-Up Time

Accessories (Included):

- 1 x Mouthpiece
- 1 x Filter
- 5 x Filter Screens
- 1 x Cleaning Brush
- 2 x Extended Mouthpiece Sleeves
- 3 x Mouthpiece Sleeves
- 1 x USB Charger
- 1 x G Card

\$89.95

LOW PRICE GUARANTEE

Average Rating: 3.5 | 4 Reviews | Add your own Review | Add to Compare

Atmos Granted Patent D 720, 497

US000720497S

(12) **United States Design Patent** (10) Patent No.: **US D720,497 S**
Alima (45) Date of Patent: **Dec. 30, 2014**

(54) **VAPORIZER** D653,803 S * 2/2012 Timmermans D27,163
D655,038 S * 2/2012 Zhou D27,163
D687,181 S * 7/2013 Gisch D27,161
D688,415 S * 8/2013 Kim D27,161
D688,418 S * 8/2013 Liu D27,161
D693,653 S * 11/2013 Chen D27,161
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D707,306 S * 4/2014 Liu D27,194
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20130968239 A1 * 3/2013 Yoon 131,273
20131015222 A1 * 6/2013 Benninghoff et al. 128,202,21
20140941655 A1 * 2/2014 Hanson et al. 128,202,21

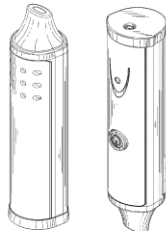
(55) **U.S. CL.** D271/01; D271/63
USPC D271/01; D271/63

(56) **Field of Classification Search**
CPC A24F 1/02; A24F 1/04; A24F 1/06; A24F 1/08; A24F 1/10; A24F 1/12; A24F 1/14; A24F 1/22; A24F 9/16; A24F 47/002-47/006; A24F 1/30; A24F 47/000
USPC D271/00-101, 106, 143, 152, 161-172, D271/183-184, 187, 189, 190, 193-194, 131/220-222, 226, 173, 174, 194, 131/328-330, 370, 273; D7/584, 585, D9/500, 502; D11/143, 144, 146, 152; D24/110.5
See application file for complete search history.

(57) **CLAIM**
The ornamental design for a vaporizer, as shown and described.

DESCRIPTION
FIG. 1 is a perspective view of a vaporizer;
FIG. 2 is a front view thereof;
FIG. 3 is a rear view thereof;
FIG. 4 is a right view thereof;
FIG. 5 is a left view thereof;
FIG. 6 is a top view thereof;
FIG. 7 is a bottom perspective view thereof; and,
FIG. 8 is a bottom perspective view thereof.
The broken lines in the drawings illustrate portions of the vaporizer and form no part of the claimed design.

1 Claim, 8 Drawing Sheets



Atmos Nation, LLC
Sales by Customer Summary
 January 1, 2011 - October 13, 2015

EXHIBIT J

By Year
 Better Life Products Inc
 TOTAL

Jan - Dec 2011	Jan - Dec 2012	Jan - Dec 2013	Jan - Dec 2014	Jan 1 - Oct 13, 2015	Total
	461,467.75	1,583,095.80	984,941.37	76,285.39	3,105,790.31
\$ -	\$ 461,467.75	\$ 1,583,095.80	\$ 984,941.37	\$ 76,285.39	\$ 3,105,790.31

Tuesday, Oct 13, 2015 11:26:20 AM PDT GMT-4 - Accrual Basis