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Storz & Bickel GmbH & Co. KG

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

Storz & Bickel GmbH & Co. KG,)	Case No. <u>'18CV0422 AJB JLB</u>
)	PATENT
Plaintiff,)	
)	COMPLAINT FOR PATENT
v.)	INFRINGEMENT OF U.S. PATENT
)	NO. 6,513,524
1Ready, LLC, a California limited liability company,)	
)	DEMAND FOR JURY TRIAL
Defendant.)	

Storz & Bickel GmbH & Co. KG (“Plaintiff”), for its Complaint against
1Ready, LLC (“Defendant”), alleges as set forth herein.

Jurisdiction And Venue

1. This cause of action arises under the United States patent laws, Title
35 of the United States Code. This Court has original jurisdiction over this action
pursuant to 28 U.S.C. §§ 1331 and 1338.

2. Venue is proper in this District pursuant to 28 U.S.C. § 1400 because
Defendant resides in this District.

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PARTIES

3. Plaintiff is a company duly organized and existing in accordance with the laws of Germany, with its principal place of business located in Germany.

4. Upon information and belief, Defendant is a California limited liability company, with its principal place of business located in this District at 5005 Texas Street, Suite 102, San Diego, California, 92108.

Count 1
Patent Infringement of U.S. Patent No. 6,513,524

5. On February 4, 2003, United States Patent No. 6,513,524 (“the ‘524 Patent”), titled "INHALER FOR PRODUCTION OF AROMA- AND/OR ACTIVE SUBSTANCE-CONTAINING VAPORS OF PLANT MATERIALS AND/OR FLUIDS” was issued to Markus H. Storz (“Storz”).

6. On or before the date this Complaint is being filed, Storz granted to Plaintiff an exclusive license to the ‘524 Patent, including the exclusive right to sue for infringement, including past infringement.

7. Plaintiff is currently the exclusive licensee to the ‘524 Patent, and owns the right to sue for past infringement.

8. The ‘524 Patent is presumed valid pursuant to 35 U.S.C. § 282.

9. In violation of 35 U.S.C. § 271(a), Defendant has manufactured, used, sold, offered for sale, and/or imported within this judicial District and within other judicial Districts, products known as HERBALIZER and CHONG’S CHOICE

1
2 (“Accused Products”), which infringe one or more claims of the '524 Patent,
3 including specifically Claims 4, 7, and 9-12, because the Accused Products contain
4 each and every limitation of at least Claims 4, 7, and 9-12 of the '524 Patent.
5

6 10. The Accused Products are offered for sale by Defendant at
7 www.herbalizer.com.
8

9 11. Upon information and belief, the Accused Products have been offered
10 for sale by Defendant at www.herbalizer.com since at least as early as July 1,
11 2017.
12

13 12. Plaintiff has been damaged and continues to be damaged by
14 Defendant’s acts of infringement of the '524 Patent alleged in this Count. Upon
15 information and belief, the amount of damages is not less than \$500,000.
16

17 13. Plaintiff has been and continues to be irreparably harmed by
18 Defendant’s acts of infringement of the '524 Patent alleged in this Count.
19

20 14. Upon information and belief, Defendant will continue to commit acts
21 of infringement of the '524 Patent unless enjoined by this Court.
22

23 *****

24 WHEREFORE, Plaintiff respectfully requests judgment as follows:

25 A. Pursuant to 35 U.S.C. § 283, the Court preliminarily and permanently
26 enjoin Defendant, and those persons in concert or active participation with
27 Defendant, from further acts of infringement of the '524 Patent;
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B. Pursuant to 35 U.S.C. § 284, Plaintiff be awarded damages, interest, and costs;

C. Pursuant to 35 U.S.C. § 285, the case be declared exceptional, and Plaintiff be awarded reasonable attorney fees;

D. Plaintiff be awarded pre-judgment and post-judgment interest according to the law; and

E. Plaintiff be awarded such other relief as this Court deems appropriate.

Respectfully submitted,

Vista IP Law Group LLP

Dated: February 23, 2018

s/ Neal M. Cohen

by: Neal M. Cohen
Attorneys for Plaintiff
nmc@viplawgroup.com

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JURY DEMAND

Pursuant to F.R.Civ.P. Rule 38(b), Plaintiff demands a jury trial on all issues triable to a jury.

Respectfully submitted,

Dated: February 23, 2018

s/ Neal M. Cohen
by: Neal M. Cohen
Attorneys for Plaintiff
nmc@viplawgroup.com