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15 Attorneys for Plaintiff
16 CAMCAL ENTERPRISES, LLC dba
17 BOTTLEKEEPER

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19 **UNITED STATES DISTRICT COURT**
20 **CENTRAL DISTRICT OF CALIFORNIA**

21 CAMCAL ENTERPRISES, LLC dba
22 BOTTLEKEEPER, an Arizona limited
23 liability company,

24
25 Plaintiff,

26 v.

27 ZUFLUX, LLC dba VAPE ARMOR!,
28 a California limited liability company,

Defendant.

Case No. 2:17-cv-05799 ABG (SKx)

**FIRST AMENDED COMPLAINT
FOR PATENT INFRINGEMENT**

JURY TRIAL DEMANDED

Hon. André Birotte Jr.

1 Plaintiff CamCal Enterprises, LLC dba BottleKeeper ("BottleKeeper") files
2 this First Amended Complaint against defendant ZuFlux, LLC dba Vape Armor!
3 ("Defendant") and, demanding a trial by jury, alleges as follows:

4 **JURISDICTION AND VENUE**

5 1. This is an action for patent infringement, which arises under the patent
6 laws of the United States, Title 35, United States Code. This Court has jurisdiction
7 over all of the parties in this action and over the subject matter in issue based on 28
8 U.S.C. §§1331 and 1338(a). Defendant also does business in this judicial district,
9 and a substantial part of the events giving rise to the claims in this case occurred in
10 this judicial district.

11 2. Upon information and belief, venue is proper under 28 U.S.C.
12 §1400(b).

13 **THE PARTIES**

14 3. BottleKeeper is a limited liability company organized under the laws
15 of the State of Arizona and has a place of business at 125 Lomita Street, El Segundo,
16 California 90245.

17 4. Upon information and belief, Defendant is a limited liability company
18 organized under the laws of the State of California and has its principal place of
19 business at 1375 Buena Vista Way, Carlsbad California 92008.

20 **THE FIRST CAUSE OF ACTION**

21 **(Patent Infringement – 35 U.S.C. §271, et seq.)**

22 **(United States Patent No. 9,505,527)**

23 5. BottleKeeper repeats, realleges, and incorporates by reference, as
24 though fully set forth herein, the allegations contained in paragraphs 1-4, above.

25 6. On November 29, 2016, United States Patent No. 9,505,527 ("the '527
26 patent"), entitled "Protective Bottle Enclosure," was duly and legally issued in the
27 name of Matthew T. Campbell. By virtue of proper assignment, BottleKeeper has
28 acquired and duly owns all right, title, and interest in this patent, including the right

1 to sue and recover for infringement thereof. A copy of the '527 patent is attached
2 hereto as **Exhibit 1**.

3 7. Upon information and belief, Defendant has notice of BottleKeeper's
4 rights in the '527 patent.

5 8. Defendant has engaged, and continues to engage, in the business of
6 manufacturing, using, importing, offering for sale, and/or selling bottle enclosures
7 embodying one or more of the patented inventions disclosed and claimed in the '527
8 patent ("the '527 Patent Infringing Products"). Upon information and belief, the
9 '527 Patent Infringing Products include, without limitation, Defendant's "Bottle
10 Buddie" stainless steel bottle koozie. Copies of relevant pages from Defendant's
11 Internet website (www.vapearmor.com) illustrating its "Bottle Buddie" stainless
12 steel bottle koozie are attached hereto as **Exhibit 2**.

13 9. Defendant has directly infringed, and continues to directly infringe,
14 one or more claims of the '527 patent (including, but not limited to, claim 1) under
15 35 U.S.C. §271(a) by manufacturing, using, offering for sale, and/or selling one or
16 more of the '527 Patent Infringing Products in the United States, and/or by
17 importing one or more of the '527 Patent Infringing Products into the United States.
18 A chart detailing how Defendant's "Bottle Buddie" stainless steel bottle koozie
19 meets each and every limitation of claim 1 of the '527 patent is attached hereto as
20 **Exhibit 3**.

21 10. Defendant's continuing infringement has inflicted and, unless
22 restrained by this Court, will continue to inflict great and irreparable harm upon
23 BottleKeeper. BottleKeeper has no adequate remedy at law, and is entitled to
24 preliminary and permanent injunctions enjoining Defendant from engaging in
25 further acts of infringement.

26 11. As a direct and proximate result of the foregoing acts of Defendant,
27 BottleKeeper has suffered, and is entitled to, monetary damages in an amount not
28 yet determined. BottleKeeper is also entitled to its costs of suit and interest.

1 importing one or more of the '270 Patent Infringing Products into the United States.

2 A chart detailing how Defendant's "Bottle Buddie" stainless steel bottle koozie
3 meets each and every limitation of claim 5 of the '527 patent is attached hereto as

4 **Exhibit 5.**

5 18. Defendant's continuing infringement has inflicted and, unless
6 restrained by this Court, will continue to inflict great and irreparable harm upon
7 BottleKeeper. BottleKeeper has no adequate remedy at law, and is entitled to
8 preliminary and permanent injunctions enjoining Defendant from engaging in
9 further acts of infringement.

10 19. As a direct and proximate result of the foregoing acts of Defendant,
11 BottleKeeper has suffered, and is entitled to, monetary damages in an amount not
12 yet determined. BottleKeeper is also entitled to its costs of suit and interest.

13 20. Upon information and belief, Defendant's acts were in conscious and
14 willful disregard for BottleKeeper's rights, and the resulting damage to
15 BottleKeeper is such as to warrant the trebling of damages to provide just
16 compensation.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, BottleKeeper respectfully demands judgment:

19 1. That the Court enter judgment that Defendant has infringed the '527
20 patent and the '270 patent by its manufacture, use, importation, offer for sale, and/or
21 sale of its "Bottle Buddie" stainless steel bottle koozie.

22 2. That Defendant, its officers, directors, agents, servants, employees,
23 attorneys, confederates, and all persons and/or entities acting for, with, by, through,
24 or in concert with them, or any of them, be enjoined preliminarily and permanently
25 from infringing the '527 patent and the '270 patent;

26 3. That Defendant be required to deliver up to the Court any and all
27 products in its possession, custody, and/or control that infringe the '527 patent
28 and/or the '270 patent;

1 4. That Defendant be required to prepare and deliver to the Court a
2 complete list of the persons and/or entities from whom Defendant purchased, and to
3 whom it distributed and/or sold, products that infringe the '527 patent and/or the
4 '270 patent;

5 5. That Defendant be required to deliver to the Court any and all
6 documents reflecting or relating to the manufacture, purchase, sale, and/or
7 distribution of any products that infringe the '527 patent and/or the '270 patent;

8 6. That Defendant, within thirty (30) days after service of judgment with
9 notice of entry thereof upon it, be required to file with the Court and serve upon
10 BottleKeeper's attorneys a written report, under oath, setting forth in detail the
11 manner in which Defendant has complied with paragraphs 1-4, above;

12 7. That BottleKeeper be awarded compensatory damages for
13 infringement of the '527 patent and the '270 patent in an amount to be determined at
14 trial, as well as interest thereon;

15 8. That BottleKeeper be awarded costs of this suit;

16 9. That, if the Court determines Defendant's infringement is willful,
17 BottleKeeper be entitled to collect enhanced damages up to three times the actual
18 damages found or assessed;

19 10. That the Court declare this an exceptional case under 35 U.S.C. §285
20 and award BottleKeeper its attorneys' fees and any other costs incurred in
21 connection with this action; and
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11. That the Court grant such further relief to BottleKeeper as the Court deems just and proper.

Dated: July 25, 2018

Respectfully submitted,
MANATT, PHELPS & PHILLIPS, LLP

By: /s/ Lawrence R. LaPorte
Lawrence R. LaPorte

Attorneys for Plaintiff
CAMCAL ENTERPRISES, LLC
dba BOTTLEKEEPER

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DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b) and Local Rule 38-1 of the Central District of California, plaintiff CamCal Enterprises, LLC dba BottleKeeper hereby demands a trial by jury on all issues triable in this action.

Dated: July 25, 2018

Respectfully submitted,
MANATT, PHELPS & PHILLIPS, LLP

By: /s/ Lawrence R. LaPorte
Lawrence R. LaPorte

Attorneys for Plaintiff
CAMCAL ENTERPRISES, LLC
dba BOTTLEKEEPER