

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

LIGHTWIRE, LLC, a California limited liability company,	§	
	§	
Plaintiff,	§	Civil Action No. _____-cv-_____
	§	
v.	§	
	§	
CB DISTRIBUTORS, INC., an Illinois corporation,	§	JURY TRIAL DEMANDED
	§	
Defendant.	§	

COMPLAINT FOR PATENT INFRINGEMENT

Lightwire, LLC (“Plaintiff”) brings this complaint against CB Distributors, Inc. (“CB Distributors” or “Defendant”). Plaintiff alleges as follows:

NATURE OF THE ACTION

1. This is an action under 35 U.S.C. § 271 for infringement of United States Patent No. 7,614,402 (“the ’402 Patent”).

THE PARTIES

2. Plaintiff Lightwire is a California limited liability company having a principal place of business at 177 E. Colorado Blvd., Suite 200, Pasadena, California 91101.

3. Defendant CB Distributors is an Illinois corporation with a principal place of business at 2500 Kennedy Dr., Beloit, WI 53511-6902. Defendant may be served via its registered agent, Erin E. Walsh, 1707 E. State Street, Rockford, IL 61104-2451.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because it arises under United States Patent law.

5. This Court has personal jurisdiction over the Defendant because, *inter alia*, it resides in the State of Illinois; regularly conducts business in the State of Illinois; and continues to commit acts of patent infringement in the State of Illinois including by making, using, offering to sell, and/or selling Accused Products within the State of Illinois and this district.

6. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). Defendant is subject to this Court's personal jurisdiction because, *inter alia*, Defendant has committed and continues to commit acts of patent infringement including making, using, offering to sell, and/or selling Accused Products in this district, and/or importing Accused Products into this district; Defendant has a principal place of business in this judicial district, and Defendant is incorporated in this District.

FACTS

7. Plaintiff is the owner, by assignment, of the '402" Patent, entitled "Simulated Cigarette," which was duly and legally issued on November 10, 2009. A true and correct copy of which is attached as Exhibit A.

8. The claims of the '402 Patent are valid and enforceable.

COUNT I: CLAIM FOR PATENT INFRINGEMENT UNDER 35 U.S.C. § 271(a)

9. Plaintiff hereby incorporates by reference the allegations of paragraphs 1 through 8 of this Complaint as if fully set forth herein.

10. Claim 1 of the '402 Patent covers "a simulated cigarette for use as a smoking cessation aid, said simulated cigarette comprising a cylindrical member having a predetermined size and shape, said cylindrical member having a first and second portion; a filter member formed at an end of said first portion of said cylindrical member, said filter member having a predetermined size and shape capable of being comfortably held between a user's lips; (c) an opening within an end of said filter

member; (d) a hollow portion formed within said filter member; and (e) a flavoring means placed within said hollow portion, said flavoring means capable of dispersing flavoring through said opening of said filter member and into a user's mouth upon the application of pressure to said filter member to aid in the reduction of a user's urge for a cigarette; wherein said hollow portion comprises a plastic tube which extends through said filter member for containing said flavoring means therein.”

11. Defendant manufactures, imports into the United States, offers for sale, and/or sells cigarette-like devices, which infringes at least Claim 1 of the '402 Patent (hereafter “Accused Product”).

12. Defendant’s Accused Product includes, without limitation, the 21st Century Smoke Disposable E-Cigarette Cool Mint.

13. A claim chart comparing Claim 1 of the '402 Patent to the Accused Product is attached as Exhibit B.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief against Defendant as follows:

A. In favor of Plaintiff that Defendant has infringed one or more claims of the '402 Patent, either literally or under the doctrine of equivalents;

B. Requiring Defendant to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant’s infringement of the '402 Patent as provided under 35 U.S.C. § 284, but not less than a reasonable royalty; and

C. For such other and further relief, as may be just and equitable.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff hereby demands a trial by jury on all issues triable of right by a jury.

Dated: September 20, 2018

Respectfully submitted,

By: /s/ Isaac Rabicoff
Isaac Rabicoff
isaac@rabilaw.com
Kenneth Matuszewski
kenneth@rabilaw.com
RABICOFF LAW LLC
73 W. Monroe St.
Chicago, IL 60603
(773) 669-4590

/s/ Todd Y. Brandt
Todd Y. Brandt (*pro hac vice pending*)
State Bar No. 24027051
BRANDT LAW FIRM
222 N. Fredonia Street
Longview, Texas 75606
Telephone: (903) 212-3130
Facsimile: (903) 753-6761
tbrandt@thebrandtlawfirm.com