

UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

Civil Action No: 1:18-cv-02547

Tyger Manufacturing LLC, a California Limited Liability Company
Plaintiff,

v.

Timothy H. Jacobs d/b/a The Glass Blunt Store and/or The G.B.S., individually,
The Glass B Store, a purported Colorado Limited Liability Company, and
Glass B Store, a purported Colorado Limited Liability Company,
Defendants.

FIRST AMENDED COMPLAINT AND JURY DEMAND

Plaintiff, Tyger Manufacturing LLC, for its First Amended Complaint
against the defendants Timothy M. Jacobs d/b/a The Glass Blunt Store and/or
The G.B.S.; The Glass B Store; and Glass B Store, alleges as follows:

PARTIES

1. Plaintiff, Tyger Manufacturing LLC, is a California limited liability company having a principal place of business at 1528 S. El Camino Real, Suite #108, San Mateo CA 94402 (hereinafter "plaintiff").
2. On information and belief, defendant Timothy M. Jacobs d/b/a/ The Glass Blunt Store and/or The G.B.S., is an individual residing and having a principal place of business at 417 S. Pontiac Way, Denver, CO 80224 (hereinafter "defendant Jacobs").

3. On information and belief, defendants The Glass B Store and Glass B Store are each purported Colorado limited liability companies having a principal place of business at 417 S. Pontiac Way, Denver, CO 80224 (hereinafter collectively “defendant LLC”). Defendant Jacobs is the sole owner and manager of defendant LLC.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, 35 U.S.C. §1 *et seq.*, and the copyright laws of the United States, 17 U.S.C. §1 *et seq.*

5. This Court has subject matter jurisdiction over this dispute pursuant to 28 U.S.C. §§1331 and 1338(a).

6. This Court has personal jurisdiction over defendant Jacobs and defendant LLC based upon defendant Jacobs’s residence in the State of Colorado and their contacts with this forum, including, having a regular and established place of business within the State of Colorado.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. §§1391(b) and 1400(b).

GENERAL FACTS

8. Plaintiff is the sole owner of U.S. Patent No. 9,968,127 entitled “Smoking Device” that issued on May 15, 2018. Attached as Exhibit A is a true copy of U.S. Patent No. 9,968,127. U.S. Patent No. 9,968,127 is valid and enforceable.

9. Plaintiff is the sole owner of U.S. Patent No. D761,487 entitled “Smoking Device” that issued on July 12, 2016. Attached as Exhibit B is a true copy of U.S. Patent No. D761,487. U.S. Patent No. D761,487 is valid and enforceable.

10. Plaintiff manufactures, markets, and sells a glass blunt pipe covered and protected by the claims of U.S. Patent No. 9,968,127 and U.S. Patent No. D761,487 under the marks 7PIPE and TWISTY that has been highly successful. Attached as Exhibit C are true pictures of one of plaintiff’s glass blunt pipes. Plaintiff’s glass blunt pipe has received acclaims by industry professionals for its unique and elegant functional and aesthetic design. Plaintiff’s glass blunt pipe has gone viral on the internet.

11. Attached as Exhibit D are pictures of a PHILLY Edition glass blunt pipe (SKU No. GB-OGB) purchased from defendant Jacobs’ and/or defendant LLC’s web site at www.glassbluntstore.com (the “First Accused Product”).

12. On September 24, 2018, plaintiff sent a letter to defendant Jacobs advising him that his import, offer to sell, and/or sale of the First Accused Product infringes U.S. Patent No. 9,968,127 and U.S. Patent No. D761,487 (the “Letter”). Attached as Exhibit E is a true copy of the Letter. In the Letter, plaintiff demanded, *inter alia*, that defendant Jacobs immediately cease and desist from any further import, offer to sell, and/or sale of the First Accused Product and all other glass blunt pipes that infringe U.S. Patent No. 9,968,127 and/or U.S. Patent No. D761,487.

13. Attached as Exhibit F are pictures of a MINI PHILLY Edition glass blunt pipe (SKU No. GB-PHLBBB) purchased from defendant Jacobs' and/or defendant LLC's web site at www.glassbluntstore.com (the "Second Accused Product").

14. Attached as Exhibit G are pictures of a SWISHED glass blunt pipe (SKU No. GB-SWISHB) purchased from defendant Jacobs' and/or defendant LLC's web site at www.glassbluntstore.com (the "Third Accused Product").

15. Attached as Exhibit H are pictures of an OG V2 Version glass blunt pipe (SKU No. GB-OG2B) purchased from defendant Jacobs' and/or defendant LLC's web site at www.glassbluntstore.com (the "Fourth Accused Product").

16. The web site of defendant Jacobs and defendant LLC continues to offer for sale the Second Accused Product, the Third Accused Product, and the Fourth Accused Product.

17. On information and belief, defendant Jacobs and defendant LLC continue to distribute, offer for sale, and/or sell the First Accused Product.

18. Upon information and believe, defendant Jacobs and defendant LLC store the existing inventory of the First Accused Product, the Second Accused Product, the Third Accused Product, and the Fourth Accused at a third party warehouse located at 4040 Holly Street, Unit 20, Denver CO 80216 (the "Warehouse").

COUNT I: PATENT INFRINGEMENT -

FIRST ACCUSED PRODUCT - U.S. PATENT NO. 9,968,127

19. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1-18 as if fully alleged herein.

20. The First Accused Product has each and every limitation of claim 1 of U.S. Patent No. 9,968,127. First, the First Accused Product has a “glass housing comprising a lower open end portion, an upper open end portion, and an inner portion” as required by claim 1. Next, the First Accused Product has a “mouthpiece comprising a rear body portion centrally disposed within said lower end portion of said glass housing...” Next, the rear body portion of the First Accused Product has a “rear surface and first and second air passage ways extending inward from said rear surface.” Next, the First Accused Product has a “first rubber o-ring removably attached to said rear body portion” as required by claim 1. Further, the First Accused Product clearly operates such that “said rear body portion of said mouthpiece being rotatably and sealably engaged with said lower open end portion of said glass housing by said first rubber o-ring...” Next, the First Accused Product has “an auger comprising a first end portion engaged with said rear body portion of said mouthpiece and a second end portion extending within said inner portion of said housing to form a bowl area at said upper open end portion of said glass housing...” Next, the “bowl area” of the First Accused Product is “bound by said upper open end portion of said glass housing and said second end portion of said auger.” Finally, rotation of the mouthpiece of

the First Accused Product “causes rotation of said auger causing the smoking material within said glass housing to move toward said bowl area.”

21. Defendant Jacobs’ and defendant LLC’s import, offer to sell, and/or sale of the First Accused Product into and/or within the United States and its territories infringes claim 1 of U.S. Patent No. 9,968,127 in violation of 35 U.S.C. §271(a).

22. Defendant Jacobs’ and defendant LLC’s offer for sale and/or sale of the First Accused Product after receiving actual knowledge of U.S. Patent No. 9,968,127 is a willful infringement of claim 1 of U.S. Patent No. 9,968,127.

23. As a result of defendant Jacobs’ and defendant LLC’s infringement of U.S. Patent No. 9,968,127, Plaintiff has and continues to incur irreparable harm.

24. As a result of defendant Jacobs’ and defendant LLC’s infringement of U.S. Patent No. 9,968,127, Plaintiff has and continues to incur monetary damages.

25. Defendant Jacobs’ and defendant LLC’s acts of infringement constitute an exceptional case.

COUNT II: PATENT INFRINGEMENT -

FIRST ACCUSED PRODUCT - U.S. PATENT NO. D761,487

26. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1-25 as if fully alleged herein.

27. The ornamental design of the First Accused Product is virtually identical to the claimed design of U.S. Patent No. D761,487. In view of the prior art, a consumer would mistake or confuse the design of the First Accused Product with the claimed design of U.S. Patent No. D761,487.

28. Defendant Jacobs' and defendant LLC's import, use, offer for sale, and/or sale of the First Accused Product infringed U.S. Patent No. D761,487 in violation of 35 U.S.C. §271(a).

29. Defendant Jacobs' and defendant LLC's offer for sale and/or sale of the First Accused Product after receiving actual knowledge of U.S. Patent No. D761,487 is a willful infringement of U.S. Patent No. D761,487.

30. There are no non-infringing substitutes for plaintiff's pipe.

31. As a result of defendant Jacobs' and defendant LLC's infringement of U.S. Patent No. D761,487, Plaintiff has and continues to incur irreparable harm.

32. As a result of defendant Jacobs' and defendant LLC's infringement of U.S. Patent No. D761,487, Plaintiff has and continues to incur monetary damage.

33. Defendant Jacobs' and defendant LLC's acts of infringement constitute an exceptional case.

COUNT III: PATENT INFRINGEMENT -

SECOND ACCUSED PRODUCT - U.S. PATENT NO. 9,968,127

34. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1-33 as if fully alleged herein.

35. The First Accused Product has each and every limitation of claim 1 of U.S. Patent No. 9,968,127. First, the Second Accused Product has a "glass housing comprising a lower open end portion, an upper open end portion, and an inner portion" as required by claim 1. Next, the Second Accused Product has a "mouthpiece comprising a rear body portion centrally disposed within said lower

end portion of said glass housing...” Next, the rear body portion of the Second Accused Product has a “rear surface and first and second air passage ways extending inward from said rear surface.” Next, the First Accused Product has a “first rubber o-ring removably attached to said rear body portion” as required by claim 1. Further, the Second Accused Product clearly operates such that “said rear body portion of said mouthpiece being rotatably and sealably engaged with said lower open end portion of said glass housing by said first rubber o-ring...” Next, the Second Accused Product has “an auger comprising a first end portion engaged with said rear body portion of said mouthpiece and a second end portion extending within said inner portion of said housing to form a bowl area at said upper open end portion of said glass housing...” Next, the “bowl area” of the Second Accused Product is “bound by said upper open end portion of said glass housing and said second end portion of said auger.” Finally, rotation of the mouthpiece of the Second Accused Product “causes rotation of said auger causing the smoking material within said glass housing to move toward said bowl area.”

36. Defendant Jacobs’ and defendant LLC’s import, offer to sell, and/or sale of the Second Accused Product into and/or within the United States and its territories infringes claim 1 of U.S. Patent No. 9,968,127 in violation of 35 U.S.C. §271(a).

37. Defendant Jacobs’ and defendant LLC’s offer for sale and/or sale of the Second Accused Product after receiving actual knowledge of U.S. Patent No. 9,968,127 is a willful infringement of claim 1 of U.S. Patent No. 9,968,127.

38. As a result of defendant Jacobs' and defendant LLC's infringement of U.S. Patent No. 9,968,127, Plaintiff has and continues to incur irreparable harm.

39. As a result of defendant Jacobs' and defendant LLC's infringement of U.S. Patent No. 9,968,127, Plaintiff has and continues to incur monetary damages.

40. Defendant Jacobs' and defendant LLC's acts of infringement constitute an exceptional case.

COUNT IV: PATENT INFRINGEMENT -

SECOND ACCUSED PRODUCT - U.S. PATENT NO. D761,487

41. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1-40 as if fully alleged herein.

42. The ornamental design of the Second Accused Product is virtually identical to the claimed design of U.S. Patent No. D761,487. In view of the prior art, a consumer would mistake or confuse the design of the First Accused Product with the claimed design of U.S. Patent No. D761,487.

43. Defendant Jacobs' and defendant LLC's import, use, offer for sale, and/or sale of the First Accused Product infringed U.S. Patent No. D761,487 in violation of 35 U.S.C. §271(a).

44. Defendant Jacobs' and defendant LLC's offer for sale and/or sale of the First Accused Product after receiving actual knowledge of U.S. Patent No. D761,487 is a willful infringement of U.S. Patent No. D761,487.

45. There are no non-infringing substitutes for plaintiff's pipe.

46. As a result of defendant Jacobs' and defendant LLC's infringement of U.S. Patent No. D761,487, Plaintiff has and continues to incur irreparable harm.

47. As a result of defendant Jacobs' and defendant LLC's infringement of U.S. Patent No. D761,487, Plaintiff has and continues to incur monetary damage.

48. Defendant Jacobs' and defendant LLC's acts of infringement constitute an exceptional case.

COUNT V: PATENT INFRINGEMENT -

THIRD ACCUSED PRODUCT - U.S. PATENT NO. 9,968,127

49. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1-48 as if fully alleged herein.

50. The Third Accused Product has each and every limitation of claim 1 of U.S. Patent No. 9,968,127. First, the Third Accused Product has a "glass housing comprising a lower open end portion, an upper open end portion, and an inner portion" as required by claim 1. Next, the Third Accused Product has a "mouthpiece comprising a rear body portion centrally disposed within said lower end portion of said glass housing..." The removable mouth stem of the Third Accused Product when engaged with the rear body portion (by screwing it on) that is rotatably engaged with the lower end of the glass housing of the Third Accused Product corresponds to the limitation of a "mouthpiece comprising a rear body portion" as required by claim 1. Next, the rear body portion of the Third Accused Product has a "rear surface and first and second air passage ways extending inward from said rear surface." Next, the Third Accused Product has a

“first rubber o-ring removably attached to said rear body portion” as required by claim 1. Next, the Third Accused Product operates such that “said rear body portion of said mouthpiece being rotatably and sealably engaged with said lower open end portion of said glass housing by said first rubber o-ring...” Next, the Third Accused Product has “an auger comprising a first end portion engaged with said rear body portion of said mouthpiece and a second end portion extending within said inner portion of said housing to form a bowl area at said upper open end portion of said glass housing...” Next, the “bowl area” of the Third Accused Product is clearly “bound by said upper open end portion of said glass housing and said second end portion of said auger.” Finally, rotation of the mouthpiece of the Third Accused Product “causes rotation of said auger causing the smoking material within said glass housing to move toward said bowl area.”

51. Defendant Jacobs’ and defendant LLC’s import, offer to sell, and/or sale of the Third Accused Product into and/or within the United States and its territories infringes claim 1 of U.S. Patent No. 9,968,127 in violation of 35 U.S.C. §271(a).

52. Defendant Jacobs and defendant LLC had constructive and then actual knowledge of U.S. Patent No. 9,968,127. Defendant Jacobs’ and defendant LLC’s import, offer for sale, and/or sale of the Third Accused Product after receiving actual knowledge of U.S. Patent No. 9,968,127 is and continues to be a willful infringement of claim 1 of U.S. Patent No. 9,968,127.

53. As a result of defendant Jacobs’ and defendant LLC’s infringement of U.S. Patent No. 9,968,127, Plaintiff has and continues to incur irreparable harm.

54. As a result of defendant Jacobs' and defendant LLC's infringement of U.S. Patent No. 9,968,127, Plaintiff has and continues to incur monetary damages.

55. Defendant Jacobs' and defendant LLC's acts of infringement constitute an exceptional case.

COUNT VI: PATENT INFRINGEMENT -

THIRD ACCUSED PRODUCT - U.S. PATENT NO. D761,487

56. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1-55 as if fully alleged herein.

57. The ornamental design of the Third Accused Product is highly and substantially similar to the claimed design of U.S. Patent No. D761,487. A consumer would mistake or confuse the design of the Third Accused Product with the claimed design of U.S. Patent No. D761,487.

58. Defendant Jacobs' and defendant LLC's import, use, offer for sale, and/or sale of the Third Accused Product infringes U.S. Patent No. D761,487 in violation of 35 U.S.C. §271(a).

59. Defendant Jacobs and defendant LLC had constructive and then actual knowledge of U.S. Patent No. D761,487. Defendant Jacobs's and defendant LLC's import, offer for sale, and/or sale of the Third Accused Product after receiving actual knowledge of U.S. Patent No. D761,487 is and continues to be a willful infringement of U.S. Patent No. D761,487.

60. There are no non-infringing substitutes for plaintiff's pipe.

61. As a result of defendant Jacobs' and defendant LLC's infringement of U.S. Patent No. D761,487, Plaintiff has and continues to incur irreparable harm.

62. As a result of defendant Jacobs' and defendant LLC's infringement of U.S. Patent No. D761,487, Plaintiff has and continues to incur monetary damage.

63. Defendant Jacobs' and defendant LLC's acts of infringement constitute an exceptional case.

COUNT VII: PATENT INFRINGEMENT -

FOURTH ACCUSED PRODUCT - U.S. PATENT NO. 9,968,127

64. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1-63 as if fully alleged herein.

65. The Fourth Accused Product has each and every limitation of claim 1 of U.S. Patent No. 9,968,127. First, the Fourth Accused Product has a "glass housing comprising a lower open end portion, an upper open end portion, and an inner portion" as required by claim 1. Next, the Fourth Accused Product has a "mouthpiece comprising a rear body portion centrally disposed within said lower end portion of said glass housing..." The removable mouth stem of the Fourth Accused Product when engaged with the rear body portion (by screwing it on) that is rotatably engaged with the lower end of the glass housing of the Fourth Accused Product corresponds to the limitation of a "mouthpiece comprising a rear body portion" as required by claim 1. Next, the rear body portion of the Fourth Accused Product has a "rear surface and first and second air passage ways extending inward from said rear surface." Next, the Fourth Accused

Product has a “first rubber o-ring removably attached to said rear body portion” as required by claim 1. Next, the Fourth Accused Product operates such that “said rear body portion of said mouthpiece being rotatably and sealably engaged with said lower open end portion of said glass housing by said first rubber o-ring...” Next, the Fourth Accused Product has “an auger comprising a first end portion engaged with said rear body portion of said mouthpiece and a second end portion extending within said inner portion of said housing to form a bowl area at said upper open end portion of said glass housing...” Next, the “bowl area” of the Fourth Accused Product is clearly “bound by said upper open end portion of said glass housing and said second end portion of said auger.” Finally, rotation of the mouthpiece of the Fourth Accused Product “causes rotation of said auger causing the smoking material within said glass housing to move toward said bowl area.”

66. Defendant Jacobs’ and defendant LLC’s import, offer to sell, and/or sale of the Fourth Accused Product into and/or within the United States and its territories infringes claim 1 of U.S. Patent No. 9,968,127 in violation of 35 U.S.C. §271(a).

67. Defendant Jacobs and defendant LLC had constructive and then actual knowledge of U.S. Patent No. 9,968,127. Defendant’s import, offer for sale, and/or sale of the Fourth Accused Product after receiving actual knowledge of U.S. Patent No. 9,968,127 is and continues to be a willful infringement of claim 1 of U.S. Patent No. 9,968,127.

68. As a result of Defendant Jacobs’ and defendant LLC’s infringement of U.S. Patent No. 9,968,127, Plaintiff has and continues to incur irreparable harm.

69. As a result of Defendant Jacobs' and defendant LLC's infringement of U.S. Patent No. 9,968,127, Plaintiff has and continues to incur monetary damages.

70. Defendant Jacobs' and defendant LLC's acts of infringement constitute an exceptional case.

COUNT VIII: - PATENT INFRINGEMENT -

FOURTH ACCUSED PRODUCT - U.S. PATENT NO. D761,487

71. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1-70 as if fully alleged herein.

72. The ornamental design of the Fourth Accused Product is highly and substantially similar to the claimed design of U.S. Patent No. D761,487. A consumer would mistake or confuse the design of the Fourth Accused Product with the claimed design of U.S. Patent No. D761,487.

73. Defendant Jacobs' and defendant LLC's import, use, offer for sale, and/or sale of the Fourth Accused Product infringes U.S. Patent No. D761,487 in violation of 35 U.S.C. §271(a).

74. Defendant Jacobs and defendant LLC had constructive and then actual knowledge of U.S. Patent No. D761,487. Defendant Jacobs' and defendant LLC's import, offer for sale, and/or sale of the Fourth Accused Product after receiving actual knowledge of U.S. Patent No. D761,487 is and continues to be a willful infringement of U.S. Patent No. D761,487.

75. There are no non-infringing substitutes for plaintiff's pipe.

76. As a result of defendant Jacobs' and defendant LLC's infringement of U.S. Patent No. D761,487, Plaintiff has and continues to incur irreparable harm.

77. As a result of defendant Jacobs' and defendant LLC's infringement of U.S. Patent No. D761,487, Plaintiff has and continues to incur monetary damage.

78. Defendant Jacobs' and defendant LLC's acts of infringement constitute an exceptional case.

COUNT VIV: COPYRIGHT INFRINGEMENT - FIRST ACCUSED PRODUCT

79. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1-78 as if fully alleged herein.

80. Plaintiff is the sole owner of a copyright to a work entitled "Loading Instructions" that was created and published by plaintiff at least as early as April 28, 2017 (the "Copyrighted Work"). Attached as Exhibit I is a copy of the Copyrighted Work.

81. On October 3, 2018, plaintiff filed a federal copyright application with the U.S. Copyright Office to register the Copyrighted Work that was assigned Case No. 1-7006635521 (the "Federal Copyright"). Plaintiff also deposited a copy of the Copyrighted Work with U.S. Copyright Office on October 3, 2018.

82. The Federal Copyright is valid and subsisting.

83. Defendant Jacobs and Defendant LLC had access to the Copyrighted Work.

84. Attached as Exhibit J is a true picture of the bottom panel of a box of the First Accused Product that includes an identical copy or reproduction of the Copyrighted Work.

85. Defendant Jacobs and/or defendant LLC have not been authorized by plaintiff to use, copy, reproduce, and/or distribute the Copyrighted Work.

86. Defendant Jacobs' and/or defendant LLC' import, coping, reproduction, use, distribution, offer for sale, and/or sale of the First Accused Product with a box bearing an identical reproduction of the Copyrighted Work infringes the Federal Copyright in violation of 17 U.S.C. §501.

87. Defendant Jacobs' and/or defendant LLC's import, coping, reproduction, use, distribution, offer for sale, and/or sale of the First Accused Product with a box bearing an identical reproduction of the Copyrighted Work was willfully committed.

88. Defendant's infringement of the Federal Copyright has caused and continues to cause plaintiff irreparable harm.

89. Defendant's infringement of the Federal Copyright has caused and continues to cause plaintiff monetary damage.

COUNT X: COPYRIGHT INFRINGEMENT - SECOND ACCUSED PRODUCT

90. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1-89 as if fully alleged herein.

91. Attached as Exhibit K is a true picture of the bottom panel of a box of the Second Accused Product that includes an identical copy or reproduction of the Copyrighted Work.

92. Defendant Jacobs and/or defendant LLC have not been authorized by plaintiff to use, copy, reproduce, and/or distribute the Copyrighted Work.

93. Defendant Jacobs' and/or defendant LLC' import, coping, reproduction, use, distribution, offer for sale, and/or sale of the Second Accused Product with a box bearing an identical reproduction of the Copyrighted Work infringes the Federal Copyright in violation of 17 U.S.C. §501.

94. Defendant Jacobs' and/or defendant LLC's import, coping, reproduction, use, distribution, offer for sale, and/or sale of the Second Accused Product with a box bearing an identical reproduction of the Copyrighted Work was willfully committed.

95. Defendant's infringement of the Federal Copyright has caused and continues to cause plaintiff irreparable harm.

96. Defendant's infringement of the Federal Copyright has caused and continues to cause plaintiff monetary damage.

COUNT XI: COPYRIGHT INFRINGEMENT - THIRD ACCUSED PRODUCT

97. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1-96 as if fully alleged herein.

98. Attached as Exhibit L is a true picture of the bottom panel of a box of the Third Accused Product that includes an identical copy or reproduction of the Copyrighted Work.

99. Defendant Jacobs and/or defendant LLC have not been authorized by plaintiff to use, copy, reproduce, and/or distribute the Copyrighted Work.

100. Defendant Jacobs' and/or defendant LLC' import, coping, reproduction, use, distribution, offer for sale, and/or sale of the Third Accused Product with a box bearing an identical reproduction of the Copyrighted Work infringes the Federal Copyright in violation of 17 U.S.C. §501.

101. Defendant Jacobs' and/or defendant LLC's import, coping, reproduction, use, distribution, offer for sale, and/or sale of the Third Accused Product with a box bearing an identical reproduction of the Copyrighted Work was willfully committed.

102. Defendant's infringement of the Federal Copyright has caused and continues to cause plaintiff irreparable harm.

103. Defendant's infringement of the Federal Copyright has caused and continues to cause plaintiff monetary damage.

COUNT XII: COPYRIGHT INFRINGEMENT - FOURTH ACCUSED PRODUCT

104. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1-103 as if fully alleged herein.

105. Attached as Exhibit M is a true picture of the bottom panel of a box of the Fourth Accused Product that includes an identical copy or reproduction of the Copyrighted Work.

106. Defendant Jacobs and/or defendant LLC have not been authorized by plaintiff to use, copy, reproduce, and/or distribute the Copyrighted Work.

107. Defendant Jacobs' and/or defendant LLC' import, coping, reproduction, use, distribution, offer for sale, and/or sale of the Fourth Accused Product with a box bearing an identical reproduction of the Copyrighted Work infringes the Federal Copyright in violation of 17 U.S.C. §501.

108. Defendant Jacobs' and/or defendant LLC's import, coping, reproduction, use, distribution, offer for sale, and/or sale of the Fourth Accused Product with a box bearing an identical reproduction of the Copyrighted Work was willfully committed.

109. Defendant's infringement of the Federal Copyright has caused and continues to cause plaintiff irreparable harm.

110. Defendant's infringement of the Federal Copyright has caused and continues to cause plaintiff monetary damage.

COUNT XIII: COPYRIGHT INFRINGEMENT - Defendant's Web Pages

111. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1-110 as if fully alleged herein.

112. Attached as Exhibit N is a true picture of a web page from defendant Jacobs' and/or the LLC's web site offering for sale the Third Product the ("Web Page"). This Web Page includes an identical copy or reproduction of the Copyrighted Work.

113. On information and belief, the Copyrighted Work is reproduced on other web pages of defendants web site and in connection with each glass blunt pipe.

114. Defendant Jacobs and/or defendant LLC have not been authorized by plaintiff to use, copy, reproduce, and/or distribute the Copyrighted Work.

115. Defendant Jacobs' and/or defendant LLC' coping, reproduction, and/or use of the Web Page bearing an identical reproduction of the Copyrighted Work infringes the Federal Copyright in violation of 17 U.S.C. §501.

116. Defendant Jacobs' and/or defendant LLC' coping, reproduction, and/or use of the Web Page bearing an identical reproduction of the Copyrighted Work was willfully committed.

117. Defendant's infringement of the Federal Copyright has caused and continues to cause plaintiff irreparable harm.

118. Defendant's infringement of the Federal Copyright has caused and continues to cause plaintiff monetary damage.

REQUESTED RELIEF

Plaintiff requests this Court to enter judgment in favor of it and against the defendants Timothy H. Jacobs, The Glass B Store LLC, and Glass B Store LLC, jointly and severally, on the above counts and grant it the following relief:

1. Pursuant to 35 U.S.C. §283, an Order that defendants be preliminary enjoined from making, importing, using, offering for sale, and/or selling the First Accused Product, the Second accused Product, the Third Accused Product, the Fourth Accused Product, and any other product that infringes U.S. Patent No. 9,968,127 and/or U.S. Patent No. D761,487;
2. Pursuant to 35 U.S.C. §283, an Order that defendants be permanently enjoined from making, importing, using, offering for sale, and/or selling the First Accused Product, the Second Accused Product, the Third Accused Product, the Fourth Accused Product and any other product that infringes U.S. Patent No. 9,968,127 and/or U.S. Patent No. D761,487;
3. Pursuant to 17 U.S.C. §502, an Order that defendants be preliminary enjoined from making, importing, using, offering for sale, and/or selling the First Accused Product, the Second Accused Product, the Third Accused Product, the Fourth Accused Product and any other product having packaging that infringes the Federal Copyright;
4. Pursuant to 17 U.S.C. §502, an Order that defendants be permanently enjoined from importing, making, using, offering for sale, and/or selling the First Accused Product, the Second Accused Product, the Third

Accused Product, the Fourth Accused Product and any other product having packaging that infringes the Federal Copyright;

5. An accounting of all sales and existing inventory of the First Accused Product, the Second Accused Product, the Third Accused Product, and the Fourth Accused Product;

6. Pursuant to 35 U.S.C. §284, that defendants pay plaintiff actual damages as may be proved at trial, including plaintiff's lost profits and in no event less than a reasonable royalty;

7. Pursuant to 35 U.S.C. §289, and 17 U.S.C. §504, that defendants pay plaintiff actual damages equal to the profits realized by defendants sale of the First Accused Product, the Second Accused Product, the Third Accused Product, and the Fourth Accused Product as may be proved at trial;

8. Pursuant to 35 U.S.C. §289, and 17 U.S.C. §504, that defendants pay plaintiff statutory damages for each copyright infringement in an amount to be determined at trial.

9. Pursuant to 35 U.S.C. §284, that plaintiff be awarded treble damages;

10. Pursuant to 35 U.S.C. §284, and 17 U.S.C. §505, that plaintiff be awarded interest on its actual damages and costs;

11. Pursuant to 35 U.S.C. §285 and 17 U.S.C. §505, that plaintiff be awarded its reasonable attorney fees;

12. Pursuant to 17 U.S.C. §504, that all existing inventory of the First Accused Product, the Second Accused Product, the Third Accused Product, and

the Fourth Accused Product, and all packaging bearing the Copyrighted Work located at the Warehouse (or any other location) be impounded and destroyed; and

13. Such other relief as this Court deems equitable and just.

DEMAND FOR JURY TRIAL

Pursuant to the provisions of Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury on all issues so triable in this matter.

Respectfully submitted,

Tyger Manufacturing, LLC,

By its counsel,

Dated: 10/24/2018

/s/ Ramon L. Pizarro
Ramon L. Pizarro
7535 East Hampden Avenue, Suite 520
Denver, CO 80231
Tel: (303) 779-9551
e-mail: ramon@ramonpizarro.com

Dated: 10/24/2018

/s/ Steven N. Fox
Steven N. Fox (Mass. BBO #554692)
P.O. Box 193
Sharon, MA 02067
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CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2018, I electronically filed the foregoing document entitled "FIRST AMENDED COMPLAINT" with the Clerk of Court using the CM/ECF system, and served a true copy thereof upon the defendants by mailing, postage pre-paid, to:

Timothy M. Jacobs
d/b/a/ The Glass Blunt Store and/or The G.B.S.
417 S. Pontiac Way
Denver, CO 80224

The Glass B Store
417 S. Pontiac Way
Denver, CO 80224

Glass B Store
417 S. Pontiac Way
Denver, CO 80224

/s/ Steven N. Fox
Steven N. Fox