

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Juul Labs, Inc.,

Plaintiff,

v.

Vapor 4 Life Holdings, Inc.,

Defendant.

Case No.

DEMAND FOR JURY TRIAL

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Juul Labs, Inc. (“Juul” or “Plaintiff”) files this Complaint against Vapor 4 Life Holdings, Inc. (“V4L” or “Defendant”) and alleges as follows:

NATURE OF THIS ACTION

1. This is a civil action arising out of Defendant’s patent infringement in violation of the Patent Laws of the United States, 35 U.S.C. §§ 271 and 281-285.

PARTIES

2. Juul is a privately-held corporation organized and existing under the laws of Delaware, having a principal place of business at 560 20th Street, San Francisco, CA 94107.

3. V4L is an Illinois corporation with its principal place of business at 4080 Commercial Avenue, Suite A Northbrook, IL 60062.

JURISDICTION AND VENUE

4. This Court has subject-matter jurisdiction over Juul’s patent-infringement claims under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over V4L at least because V4L is incorporated in this District, and has purposefully distributed the accused Bo One and Bo+

devices and pods, Eonsmoke and Eonsmoke v2.0 devices and pods, 4X pods, Ziiip devices and pods, and Myle devices and pods within Illinois, made those products available for sale through an established distribution chain (including the www. vapor4life.com website), and Juul's cause of action for patent infringement arises out of these activities. See Ex. 1 [print out of Bo devices and pods on vapor4life website]; Ex. 2 [print out #2 of Bo devices and pods on vapor4life website]; Ex. 3 [print out #3 of Bo devices and pods on vapor4life website]; Ex. 4 [print out of Eonsmoke devices and pods on vapor4life website]; Ex. 5 [print out of 4X pods on vapor4life website]; Ex. 6 [print out of Ziiip devices on vapor4life website]; Ex. 7 [print out of Ziiip pods on vapor4life website]; Ex. 8 [print out of Myle devices and pods on vapor4life website]; Ex. 9 [print out #2 of Myle devices and pods on vapor4life website].

6. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b) at least because V4L is a resident and corporate citizen of this District, and because V4L has committed acts of infringement in this District.

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 10,070,669

7. Juul re-alleges and incorporates by reference Paragraphs 1-6 above, as if fully set forth herein.

8. On September 11, 2018, the United States Patent and Trademark Office duly and lawfully issued United States Patent Number 10,070,669, entitled "Cartridge for Use with a Vaporizer Device," to inventors James Monsees, Adam Bowen, Nichols Jay Hatton, Steven Christensen, Kevin Lomeli, Ariel Atkins, and Aaron Keller. The '669 patent issued from U.S. Application No. 15/820,370, filed November 21, 2017. There are no fees currently due with respect to the '669 patent.

9. The '669 patent was duly assigned to Juul, which is the assignee of all right, title, and interest in and to the '669 patent and possesses the exclusive right of recovery for past, present, and future infringement. Each and every claim of the '669 patent is valid and enforceable. A true and correct copy of the '669 patent is attached as Exhibit 10.

10. Juul virtually marks its products with the appropriate patent numbers, including the '669 patent.

11. On information and belief, V4L manufactures, uses, imports, distributes, offers to sell, and/or sells in the United States the Bo One devices and pods, Eonsmoke and Eonsmoke v2.0 devices and pods, 4X pods, Ziip devices and pods, and Myle devices and pods, that infringe the '669 patent under 35 U.S.C. § 271(a). For example, the Bo One devices and pods, Eonsmoke and Eonsmoke v2.0 devices and pods, 4X pods, Ziip devices and pods, and Myle devices and pods, infringe claims 1, 2, 4, 5, 7-9, 12, 13, 16, 17, 20, and 21 of the '669 patent at least because these devices and pods include each and every limitation of these claims either literally or under the doctrine of equivalents. Exemplary claim charts for the Bo One devices and pods, Eonsmoke and Eonsmoke v2.0 devices and pods, 4X pods, Ziip devices and pods, Myle devices and pods, are attached as Exhibits 11-16.

12. By its actions, V4L's infringement of the '669 patent has irreparably harmed Juul. Unless V4L's infringing acts are enjoined by this Court, Juul will continue to suffer additional irreparable injury. Juul has no adequate remedy at law.

13. By its actions, V4L's infringement of the '669 patent has damaged, and continues to damage, Juul in an amount yet to be determined, of at least a reasonable royalty and/or lost profits that Juul would have made but for V4L's infringing acts.

COUNT II: INFRINGEMENT OF U.S. PATENT NO. 10,058,130

14. Juul re-alleges and incorporates by reference Paragraphs 1-13 above, as if fully set forth herein.

15. On August 28, 2018, the United States Patent and Trademark Office duly and lawfully issued United States Patent Number 10,058,130, entitled “Cartridge for Use with a Vaporizer Device,” to inventors James Monsees, Adam Bowen, Nichols Jay Hatton, Steven Christensen, Kevin Lomeli, Ariel Atkins, and Aaron Keller. The ’130 patent issued from U.S. Application No. 15/813,089, filed November 14, 2017. There are no fees currently due with respect to the ’130 patent.

16. The ’130 patent was duly assigned to Juul, which is the assignee of all right, title, and interest in and to the ’130 patent and possesses the exclusive right of recovery for past, present, and future infringement. Each and every claim of the ’130 patent is valid and enforceable. A true and correct copy of the ’130 patent is attached as Exhibit 17.

17. Juul virtually marks its products with the appropriate patent numbers, including the ’130 patent.

18. On information and belief, V4L manufactures, uses, imports, distributes, offers to sell, and/or sells in the United States the Bo One and Bo+ devices and pods, Eonsmoke and Eonsmoke v2.0 devices and pods, 4X pods, and Ziip devices and pods, that infringe the ’130 patent under 35 U.S.C. § 271(a). For example, the Bo One and Bo+ devices and pods, Eonsmoke and Eonsmoke v2.0 devices and pods, 4X pods, and Ziip devices and pods, infringe claims 1, 2, 4, 5, 6, 8, 9, 10, 16, 19, 21, and 27 of the ’130 patent at least because these devices and pods include each and every limitation of these claims either literally or under the doctrine of equivalents. Exemplary claim charts for the Bo One and Bo+ devices and pods, Eonsmoke and

Eonsmoke v2.0 devices and pods, 4X pods, and Ziiip devices and pods, are attached as Exhibits 18-23.

19. By its actions, V4L's infringement of the '130 patent has irreparably harmed Juul. Unless V4L's infringing acts are enjoined by this Court, Juul will continue to suffer additional irreparable injury. Juul has no adequate remedy at law.

20. By its actions, V4L's infringement of the '130 patent has damaged, and continues to damage, Juul in an amount yet to be determined, of at least a reasonable royalty and/or lost profits that Juul would have made but for V4L's infringing acts.

COUNT III: INFRINGEMENT OF U.S. PATENT NO. 10,045,568

21. Juul re-alleges and incorporates by reference Paragraphs 1-20 above, as if fully set forth herein.

22. On August 14, 2018, the United States Patent and Trademark Office duly and lawfully issued United States Patent Number 10,045,568, entitled "Vaporization Device Systems and Methods," to inventors James Monsees, Adam Bowen, Nichols Jay Hatton, Steven Christensen, Kevin Lomeli, and Ariel Atkins. The '568 patent issued from U.S. Application No. 15/832,749, filed December 5, 2017. There are no fees currently due with respect to the '568 patent.

23. The '568 patent was duly assigned to Juul, which is the assignee of all right, title, and interest in and to the '568 patent and possesses the exclusive right of recovery for past, present, and future infringement. Each and every claim of the '568 patent is valid and enforceable. A true and correct copy of the '568 patent is attached as Exhibit 24.

24. Juul virtually marks its products with the appropriate patent numbers, including the '568 patent.

25. On information and belief, V4L manufactures, uses, imports, distributes, offers to sell, and/or sells in the United States the Bo One and Bo+ devices and pods, Eonsmoke and Eonsmoke v2.0 devices and pods, 4X pods, and Ziip devices and pods, that infringe the '568 patent under 35 U.S.C. § 271(a). For example, the Bo One and Bo+ devices and pods, Eonsmoke and Eonsmoke v2.0 devices and pods, 4X pods, and Ziip devices and pods, infringe claims 1-3, 5-9, 12, and 17-20 of the '568 patent at least because these devices and pods include each and every limitation of these claims either literally or under the doctrine of equivalents. Exemplary claim charts for the Bo One and Bo+ devices and pods, Eonsmoke and Eonsmoke v2.0 devices and pods, 4X pods, and Ziip devices and pods, are attached as Exhibits 25-30.

26. By its actions, V4L's infringement of the '568 patent has irreparably harmed Juul. Unless V4L's infringing acts are enjoined by this Court, Juul will continue to suffer additional irreparable injury. Juul has no adequate remedy at law.

27. By its actions, V4L's infringement of the '568 patent has damaged, and continues to damage, Juul in an amount yet to be determined, of at least a reasonable royalty and/or lost profits that Juul would have made but for V4L's infringing acts.

COUNT IV: INFRINGEMENT OF U.S. PATENT NO. 10,076,139

28. Juul re-alleges and incorporates by reference Paragraphs 1-27 above, as if fully set forth herein.

29. On September 18, 2018, the United States Patent and Trademark Office duly and lawfully issued United States Patent Number 10,076,139, entitled "Vaporizer Apparatus," to inventors James Monsees, Adam Bowen, Steven Christensen, Joshua Morenstein, and Christopher Nicholas HibmaCronan. The '139 patent issued from U.S. Application No.

15/257,760, filed September 6, 2016. There are no fees currently due with respect to the '139 patent.

30. The '139 patent was duly assigned to Juul, which is the assignee of all right, title, and interest in and to the '139 patent and possesses the exclusive right of recovery for past, present, and future infringement. Each and every claim of the '139 patent is valid and enforceable. A true and correct copy of the '139 patent is attached as Exhibit 31.

31. Juul virtually marks its products with the appropriate patent numbers, including the '139 patent.

32. On information and belief, V4L manufactures, uses, imports, distributes, offers to sell, and/or sells in the United States the Bo One devices and pods, Eonsmoke and Eonsmoke v2.0 devices and pods, Ziip devices and pods, and Myle devices and pods, that infringe the '139 patent under 35 U.S.C. § 271(a). For example, the Bo One devices and pods, Eonsmoke and Eonsmoke v2.0 devices and pods, Ziip devices and pods, and Myle devices and pods, infringe claims 1-4, 9-11, 13, 14, 19-21, 24, 28, and 29 of the '139 patent at least because these devices and pods include each and every limitation of these claims either literally or under the doctrine of equivalents. Exemplary claim charts for the Bo One devices and pods, Eonsmoke and Eonsmoke v2.0 devices and pods, Ziip devices and pods, and Myle devices and pods, are attached as Exhibits 32-36.

33. By its actions, V4L's infringement of the '139 patent has irreparably harmed Juul. Unless V4L's infringing acts are enjoined by this Court, Juul will continue to suffer additional irreparable injury. Juul has no adequate remedy at law.

34. By its actions, V4L's infringement of the '139 patent has damaged, and continues to damage, Juul in an amount yet to be determined, of at least a reasonable royalty and/or lost profits that Juul would have made but for V4L's infringing acts.

COUNT V: INFRINGEMENT OF U.S. PATENT NO. 10,104,915

35. Juul re-alleges and incorporates by reference Paragraphs 1-34 above, as if fully set forth herein.

36. On October 23, 2018, the United States Patent and Trademark Office duly and lawfully issued United States Patent Number 10,104,915, entitled "Securely Attaching Cartridges for Vaporizer Devices," to inventors Adam Bowen, Steven Christensen, James Monsees, Joshua Morenstein, and Christopher Nicholas HibmaCronan. The '915 patent issued from U.S. Application No. 15/815,666, filed November 16, 2017. There are no fees currently due with respect to the '915 patent.

37. The '915 patent was duly assigned to Juul, which is the assignee of all right, title, and interest in and to the '915 patent and possesses the exclusive right of recovery for past, present, and future infringement. Each and every claim of the '915 patent is valid and enforceable. A true and correct copy of the '915 patent is attached as Exhibit 37.

38. Juul virtually marks its products with the appropriate patent numbers, including the '915 patent.

39. On information and belief, V4L manufactures, uses, imports, distributes, offers to sell, and/or sells in the United States the Eonsmoke and Eonsmoke v2.0 devices and pods, 4X pods, Ziip devices and pods, and Myle devices and pods, that infringe the '915 patent under 35 U.S.C. § 271(a). For example, the Eonsmoke and Eonsmoke v2.0 devices and pods, 4X pods, Ziip devices and pods, and Myle devices and pods, infringe claims 1-4, 6, 9, 11, 12, 18-23, and

27 of the '915 patent at least because these devices and pods include each and every limitation of these claims either literally or under the doctrine of equivalents. Exemplary claim charts for the Eonsmoke and Eonsmoke v2.0 devices and pods, 4X pods, Ziip devices and pods, and Myle devices and pods, are attached as Exhibits 38-42.

40. By its actions, V4L's infringement of the '915 patent has irreparably harmed Juul. Unless V4L's infringing acts are enjoined by this Court, Juul will continue to suffer additional irreparable injury. Juul has no adequate remedy at law.

41. By its actions, V4L's infringement of the '915 patent has damaged, and continues to damage, Juul in an amount yet to be determined, of at least a reasonable royalty and/or lost profits that Juul would have made but for V4L's infringing acts.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests judgment against V4L as follows:

A. That V4L and all of its subsidiaries, affiliates, officers, agents, servants, employees, attorneys, and their heirs, successors and assigns, and all persons acting in concert or participation with it and each of them, be immediately enjoined and restrained, preliminarily and permanently, without bond, from manufacturing, distributing, selling or offering to sell in the United States or importing into the United States products infringing the claims of the patents-at-issue; and deliver to Plaintiff all products that infringe the patents-at-issue;

B. A judgment by the Court that V4L has infringed U.S. Patent Nos. 10,070,669; 10,058,130; 10,045,568; 10,076,139; and 10,104,915;

C. An award of damages for infringement of U.S. Patent Nos. 10,070,669; 10,058,130; 10,045,568; 10,076,139; and 10,104,915 together with prejudgment interest and costs, said damages to be trebled by reason of the intentional and willful nature of V4L's infringement, as provided by 35 U.S.C. § 284;

D. A determination that this case is “exceptional” under 35 U.S.C. § 285, and an award of Plaintiff’s reasonable attorneys’ fees;

E. That any monetary award includes pre- and post-judgment interest at the highest rate allowed by law;

F. For costs of suit; and

G. For such other or further relief as the Court deems just and proper.

JURY DEMAND

Under Rule 38 of the Federal Rules of Civil Procedure, Plaintiff respectfully demands a trial by jury of any issues triable of right by a jury.

By: /s/ Paul F. Stack

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(Admission Applications to be filed shortly.)