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Attorneys for Plaintiff
JUUL LABS, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA—WESTERN DIVISION

JUUL LABS, INC., a Delaware corporation,

Plaintiff,

v.

LAN & MIKE INTERNATIONAL
TRADING, INC., a California corporation and
VAPORDNA, a California corporation,

Defendants.

Case No. 2:18-cv-09801 JFW (AFMx)

**PLAINTIFF JUUL LABS, INC.'S
AMENDED COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Juul Labs, Inc. (“Juul” or “Plaintiff”) files this Amended Complaint against Defendants Lan & Mike International Trading, Inc. (“L&M Trading,”) and VaporDNA (“VaporDNA”) (collectively “Defendants”) and alleges as follows:

NATURE OF THIS ACTION

1. This is a civil action arising out of L&M Trading's and VaporDNA's patent infringement in violation of the Patent Laws of the United States, 35 U.S.C. §§ 271 and 281-285.

PARTIES

1. 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.

2. On information and belief, L&M Trading is a California corporation with its principal place of business at 20435 Gramercy Place, Suite 101, Torrance, CA 90501. A California Secretary of State corporate registration record available on-line for L&M Trading is attached hereto as Exhibit 4. On further information and belief, L&M Trading owns and operates the online store at www.vapordna.com. Exhibit 1 [Web Printout of VaporDNA Terms and Conditions]; Exhibit 2 [VaporDNA Trademark Registration 1]; Exhibit 3 [VaporDNA Trademark Registration 2].

3. On information and belief, VaporDNA is a California corporation with its principal place of business at 20435 Gramercy Place, Suite 101, Torrance, CA 90501. A California Secretary of State corporate registration record available on-line for L&M Trading is attached hereto as Exhibit 5.

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 L&M Trading and VaporDNA because L&M and VaporDNA are incorporated in this judicial district, and they have purposefully distributed the accused JC01 cartridges into California, made these products available for sale through an established distribution chain, including on L&M Trading's website (www.vapordna.com), and Juul's cause of action for patent infringement arises out of these activities. *See* Exhibit 1 [Web Printout of VaporDNA Terms and Conditions]; Exhibit 6 [VaporDNA JC01 Store Page]; Exhibit 7 [Web Printout of VaporDNA About Us].

1 6. Venue in this judicial district is proper for L&M Trading and VaporDNA under
2 28 U.S.C. §§ 1391 and 1400(b) because they are residents and corporate citizens of this judicial
3 district, regularly conduct business in this District, and because L&M Trading and VaporDNA
4 have committed acts of infringement in this judicial district.

5 **COUNT I: INFRINGEMENT OF U.S. PATENT NO. 10,104,915**

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

8 8. On October 23, 2018, the United States Patent and Trademark Office duly and
9 lawfully issued United States Patent Number 10,104,915, entitled “Securely attaching cartridges
10 for vaporizer devices,” to inventors Adam Bowen, Steven Christensen, James Monsees, Joshua
11 Morenstein, and Christopher Nicholas HibmaCronan. The ’915 patent issued from U.S.
12 Application No. 15/815,666, filed November 16, 2017. There are no fees currently due with
13 respect to the ’915 patent.

14 9. The ’915 patent was duly assigned to Juul, which is the assignee of all right, title,
15 and interest in and to the ’915 patent and possesses the exclusive right of recovery for past,
16 present, and future infringement. Each and every claim of the ’915 patent is valid and
17 enforceable. A true and correct copy of the ’915 patent is attached as Exhibit 8.

18 10. Juul virtually marks its products with the appropriate patent numbers, including
19 the ’915 patent.

20 11. On information and belief, L&M Trading and VaporDNA manufacture, use,
21 import, distribute, offer to sell, and/or sell in the United States the JC01 cartridges that infringe
22 the ’915 patent under 35 U.S.C. § 271(a). Specifically, the JC01 cartridges infringe claims 10,
23 15, 17, 29-31 and 32 of the ’915 patent at least because these pods include each and every
24 limitation of these claims either literally or under the doctrine of equivalents. An exemplary
25 claim chart for the JC01 cartridges is attached as Exhibit 9.

26 12. By their actions, Defendants’ infringement of the ’915 patent has irreparably
27 harmed Juul. Unless Defendants’ infringing acts are enjoined by this Court, Juul will continue to
28 suffer additional irreparable injury. Juul has no adequate remedy at law.

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

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiff requests judgment against L&M Trading and VaporDNA as
6 follows:

7 A. That L&M Trading and VaporDNA and all of their subsidiaries, affiliates,
8 officers, agents, servants, employees, attorneys, and their heirs, successors and assigns, and all
9 persons acting in concert or participation with L&M Trading and VaporDNA and each of them,
10 be immediately enjoined and restrained, preliminarily and permanently, without bond, from
11 manufacturing, distributing, selling or offering to sell in the United States or importing into the
12 United States products infringing the claims of the patents-at-issue; and deliver to Plaintiff all
13 products that infringe the patents-at-issue;

14 B. A judgment by the Court that L&M Trading and VaporDNA have infringed U.S.
15 Patent No. 10,104,915;

16 C. An award of damages for infringement of U.S. Patent No. 10,104,915 together
17 with prejudgment interest and costs, said damages to be trebled by reason of the intentional and
18 willful nature of L&M Trading's and VaporDNA's infringement, as provided by 35 U.S.C. §
19 284;

20 D. A determination that this case is "exceptional" under 35 U.S.C. § 285, and an
21 award of reasonable attorneys' fees;

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

24 F. For costs of suit; and

25 G. For such other or further relief as the Court deems just and proper.
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28

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.

Dated: November 30, 2018

/s/ Victor M. Felix

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