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11 *JUUL LABS, INC.*

12
13 **UNITED STATES DISTRICT COURT**
14 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

15 **JUUL LABS, INC.,**

16
17 **Plaintiff,**

18
19 **v.**

20
21 **CIGAR ROAD, INC.,**

22 **Defendant.**

Civil Action No. 2:20-cv-6184

Hon.

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

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1 Plaintiff Juul Labs, Inc. (“JLI”), by its attorneys, for its complaint for patent
2 infringement against Cigar Road, Inc., alleges as follows:

3 **NATURE OF THE SUIT**

4 1. This is a civil action arising out of Cigar Road, Inc.’s (“Defendant”)
5 patent infringement in violation of the Patent Laws of the United States, 35 U.S.C.
6 §§ 271 and 281-285.

7 2. Defendant’s accused products infringe the sole claim of U.S. Patent No.
8 D842,536, the sole claim of U.S. Patent No. D858,870, the sole claim of U.S. Patent
9 No. D858,869, and the sole claim of U.S. Patent No. D858,868 (collectively, the
10 “Asserted Patents”).

11 **PARTIES**

12 3. JLI is a corporation organized in the State of Delaware, with its
13 principal place of business at 560 20th Street, San Francisco, CA 94107.

14 4. On information and belief, defendant Cigar Road, Inc. is a domestic
15 company having an address of 23315 Mulholland Drive, Woodland Hills, CA
16 91364.

17 5. On information and belief, Cigar Road, Inc. uses at least the following
18 website to transact business: <https://www.adwanicigar.com/> and
19 [https://www.facebook.com/pages/category/Tobacco-Store/Cigar-Road-](https://www.facebook.com/pages/category/Tobacco-Store/Cigar-Road-275104943375299/)
20 [275104943375299/](https://www.facebook.com/pages/category/Tobacco-Store/Cigar-Road-275104943375299/).

21 **JURISDICTION AND VENUE**

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

24 7. This Court has personal jurisdiction over Defendant at least because
25 Defendant is incorporated in this District, has purposefully distributed the accused
26 “ES JUUL COMPATIBLE PODS,” “PUFF,” “MR. FOG PODS,” and “SHANGRI-
27 LA CBD” products in this District, made those products available for sale through
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1 an established distribution chain, and JLI's cause of action for patent infringement
2 arises out of those activities.

3 8. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b) at
4 least because Defendant resides in and is a corporate citizen of this District and
5 because Defendant has committed acts of infringement in this District.

6 **COUNT I: Infringement of the D'536 Patent**

7 9. JLI repeats and re-alleges paragraphs 1-8 as if fully set forth herein.

8 10. U.S. Patent No. D842,536 (the "D'536 patent") was duly and lawfully
9 issued by the United States Patent and Trademark Office on March 5, 2019 to JLI.
10 The D'536 patent is titled "Vaporizer Cartridge," names Adam Bowen, James
11 Monsees, Steven Christensen, Joshua Morenstein, and Christopher Nicholas
12 HibmaCronan as co-inventors, and issued from U.S. Patent Application No.
13 35/001,170, which was filed on July 28, 2016.

14 11. The D'536 patent was duly assigned to JLI, which is the owner of all
15 right, title, and interest in and to the D'536 patent and possesses the exclusive right
16 of recovery for past, present, and future infringement. The sole claim of the D'536
17 patent is valid and enforceable. A true and correct copy of the D'536 patent is
18 attached as Exhibit A.

19 12. Defendant has been, and presently is, infringing claim 1 of the D'536
20 patent within this District and elsewhere by using, making, selling, offering to sell,
21 and/or importing into the United States, products identified in this Complaint in
22 violation of 35 U.S.C. §§ 271(a) and 289. Without limitation, this includes ES
23 JUUL COMPATIBLE PODS, PUFF, MR. FOG PODS, and SHANGRI-LA CBD
24 products.

25 13. JLI is informed and believes, and on that basis alleges, that Defendant's
26 infringement of the D'536 patent has been and continues to be intentional, willful,
27 and without regard to JLI's rights. Defendant has had knowledge of the D'536
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1 patent since at least the date that this Complaint was served. Defendant has had
2 knowledge of the infringing nature of its activities, or at least a willful blindness
3 regarding the infringing nature of its activities, with respect to the D'536 patent
4 since at least service of this Complaint. Defendant's infringement has been and
5 continues to be willful since at least service of this Complaint.

6 14. JLI is informed and believes, and on that basis alleges, that Defendant
7 has gained profits by virtue of its infringement of the D'536 patent.

8 15. JLI has sustained damages as a direct and proximate result of
9 Defendant's infringement of the D'536 patent.

10 16. JLI will suffer and is suffering irreparable harm from Defendant's
11 infringement of the D'536 patent. JLI has no adequate remedy at law and is entitled
12 to an injunction against Defendant's continuing infringement of the D'536 patent.
13 Unless enjoined, Defendant will continue its infringing conduct.

14 **COUNT II.: Infringement of the D'870 Patent**

15 17. JLI repeats and re-alleges paragraphs 1-16 as if fully set forth herein.

16 18. U.S. Patent No. D858,870 (the "D'870 patent") was duly and lawfully
17 issued by the United States Patent and Trademark Office on September 3, 2019 to
18 JLI. The D'870 patent is titled "Vaporizer Cartridge," names Adam Bowen, Steven
19 Christensen, Christopher Nicholas HibmaCronan, James Monsees, and Joshua
20 Morenstein as co-inventors, and issued from U.S. Patent Application No.
21 29/662,037, which was filed on August 31, 2018.

22 19. The D'870 patent was duly assigned to JLI, which is the owner of all
23 right, title, and interest in and to the D'870 patent and possesses the exclusive right
24 of recovery for past, present, and future infringement. The sole claim of the D'870
25 patent is valid and enforceable. A true and correct copy of the D'870 patent is
26 attached as Exhibit B.

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1 20. Defendant has been, and presently is, infringing claim 1 of the D’870
2 patent within this District and elsewhere by using, making, selling, offering to sell,
3 and/or importing into the United States, products identified in this Complaint in
4 violation of 35 U.S.C. §§ 271(a) and 289. Without limitation, this includes ES
5 JUUL COMPATIBLE PODS, PUFF, MR. FOG PODS, and SHANGRI-LA CBD
6 products.

7 21. JLI is informed and believes, and on that basis alleges, that Defendant’s
8 infringement of the D’870 patent has been and continues to be intentional, willful,
9 and without regard to JLI’s rights. Defendant has had knowledge of the D’870
10 patent since at least the date that this Complaint was served. Defendant has had
11 knowledge of the infringing nature of its activities, or at least a willful blindness
12 regarding the infringing nature of its activities, with respect to the D’870 patent
13 since at least service of this Complaint. Defendant's infringement has been and
14 continues to be willful since at least service of this Complaint.

15 22. JLI is informed and believes, and on that basis alleges, that Defendant
16 has gained profits by virtue of its infringement of the D’870 patent.

17 23. JLI has sustained damages as a direct and proximate result of
18 Defendant’s infringement of the D’870 patent.

19 24. JLI will suffer and is suffering irreparable harm from Defendant’s
20 infringement of the D’870 patent. JLI has no adequate remedy at law and is entitled
21 to an injunction against Defendant’s continuing infringement of the D’870 patent.
22 Unless enjoined, Defendant will continue its infringing conduct.

23 **COUNT III.: Infringement of the D’869 Patent**

24 25. JLI repeats and re-alleges paragraphs 1-24 as if fully set forth herein.

25 26. U.S. Patent No. D858,869 (the “D’869 patent”) was duly and lawfully
26 issued by the United States Patent and Trademark Office on September 3, 2019 to
27 JLI. The D’869 patent is titled “Vaporizer Cartridge,” names Adam Bowen, Steven
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1 Christensen, Christopher Nicholas HibmaCronan, James Monsees, and Joshua
2 Morenstein as co-inventors, and issued from U.S. Patent Application No.
3 29/661,973, which was filed on August 31, 2018.

4 27. The D’869 patent was duly assigned to JLI, which is the owner of all
5 right, title, and interest in and to the D’869 patent and possesses the exclusive right
6 of recovery for past, present, and future infringement. The sole claim of the D’869
7 patent is valid and enforceable. A true and correct copy of the D’869 patent is
8 attached as Exhibit C.

9 28. Defendant has been, and presently is, infringing claim 1 of the D’869
10 patent within this District and elsewhere by using, making, selling, offering to sell,
11 and/or importing into the United States, products identified in this Complaint in
12 violation of 35 U.S.C. §§ 271(a) and 289. Without limitation, this includes ES
13 JUUL COMPATIBLE PODS, PUFF, MR. FOG PODS, and SHANGRI-LA CBD
14 products.

15 29. JLI is informed and believes, and on that basis alleges, that Defendant’s
16 infringement of the D’869 patent has been and continues to be intentional, willful,
17 and without regard to JLI’s rights. Defendant has had knowledge of the D’869
18 patent since at least the date that this Complaint was served. Defendant has had
19 knowledge of the infringing nature of its activities, or at least a willful blindness
20 regarding the infringing nature of its activities, with respect to the D’869 patent
21 since at least service of this Complaint. Defendant's infringement has been and
22 continues to be willful since at least service of this Complaint.

23 30. JLI is informed and believes, and on that basis alleges, that Defendant
24 has gained profits by virtue of its infringement of the D’869 patent.

25 31. JLI has sustained damages as a direct and proximate result of
26 Defendant’s infringement of the D’869 patent.

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1 32. JLI will suffer and is suffering irreparable harm from Defendant’s
2 infringement of the D’869 patent. JLI has no adequate remedy at law and is entitled
3 to an injunction against Defendant’s continuing infringement of the D’869 patent.
4 Unless enjoined, Defendant will continue its infringing conduct.

5 **COUNT IV.: Infringement of the D’868 Patent**

6 33. JLI repeats and re-alleges paragraphs 1-32 as if fully set forth herein.

7 34. U.S. Patent No. D858,868 (the “D’868 patent”) was duly and lawfully
8 issued by the United States Patent and Trademark Office on September 3, 2019 to
9 JLI. The D’868 patent is titled “Vaporizer Cartridge,” names Adam Bowen, Steven
10 Christensen, Christopher Nicholas HibmaCronan, James Monsees, and Joshua
11 Morenstein as co-inventors, and issued from U.S. Patent Application No.
12 29/661,968, which was filed on August 31, 2018.

13 35. The D’868 patent was duly assigned to JLI, which is the owner of all
14 right, title, and interest in and to the D’868 patent and possesses the exclusive right
15 of recovery for past, present, and future infringement. The sole claim of the D’868
16 patent is valid and enforceable. A true and correct copy of the D’868 patent is
17 attached as Exhibit D.

18 36. Defendant has been, and presently is, infringing claim 1 of the D’868
19 patent within this District and elsewhere by using, making, selling, offering to sell,
20 and/or importing into the United States, products identified in this Complaint in
21 violation of 35 U.S.C. §§ 271(a) and 289. Without limitation, this includes ES
22 JUUL COMPATIBLE PODS, PUFF, MR. FOG PODS, and SHANGRI-LA CBD
23 products.

24 37. JLI is informed and believes, and on that basis alleges, that Defendant’s
25 infringement of the D’868 patent has been and continues to be intentional, willful,
26 and without regard to JLI’s rights. Defendant has had knowledge of the D’868
27 patent since at least the date that this Complaint was served. Defendant has had
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1 knowledge of the infringing nature of its activities, or at least a willful blindness
2 regarding the infringing nature of its activities, with respect to the D'868 patent
3 since at least service of this Complaint. Defendant's infringement has been and
4 continues to be willful since at least service of this Complaint.

5 38. JLI is informed and believes, and on that basis alleges, that Defendant
6 has gained profits by virtue of its infringement of the D'868 patent.

7 39. JLI has sustained damages as a direct and proximate result of
8 Defendant's infringement of the D'868 patent.

9 40. JLI will suffer and is suffering irreparable harm from Defendant's
10 infringement of the D'868 patent. JLI has no adequate remedy at law and is entitled
11 to an injunction against Defendant's continuing infringement of the D'868 patent.
12 Unless enjoined, Defendant will continue its infringing conduct.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, JLI requests entry of judgment against Defendant as follows:

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

22 B. A judgment that Defendant has infringed each of the Asserted Patents;

23 C. An award of damages for infringement of the Asserted Patents together
24 with prejudgment interest and costs, said damages to be trebled by reason of the
25 intentional and willful nature of Defendant's infringement, as provided by 35 U.S.C.
26 § 284;

27 D. An accounting of Defendant's profits pursuant to 35 U.S.C. § 289;
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- 1 E. Costs of suit;
- 2 F. Finding of the case to be exceptional under 35 U.S.C. § 285, and an
- 3 award of JLI's reasonable attorneys' fees;
- 4 G. That any monetary award includes pre- and post-judgment interest at
- 5 the highest rate allowed by law; and
- 6 H. Such other relief as the Court may deem just and proper.

7 **DEMAND FOR JURY TRIAL**

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

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Dated: July 10, 2020

Respectfully submitted,

By: /s/ Victoria F. Maroulis
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JUUL LABS, INC.

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ATTESTATION

I, Todd Briggs, am the ECF user whose ID and password are being used to file the above document. In compliance with Local Rule 5-4, I hereby attest that Victoria Maroulis has concurred in the filing of the above document.

/s/ Todd Briggs

Todd Briggs