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9 *Attorneys for Plaintiff VPR Brands, LP*

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE DISTRICT OF ARIZONA**

12 VPR Brands, LP,

13 Plaintiff,

14 v.

15 B&G Trading LLC D/B/A Vapor Tech,

16 Defendant.

No.

17 **COMPLAINT FOR PATENT**
18 **INFRINGEMENT**

19
20 Plaintiff VPR BRANDS, LP by and through its undersigned counsel, brings
21 this Complaint against Defendant B&G Trading LLC D/B/A Vapor Tech for
22 Patent Infringement, and in support, alleges as follows:
23

24 **NATURE OF THE LAWSUIT**

25 1. This action is for patent infringement arising under the patent laws of
26 the United States, 35 U.S.C. §§ 271, *et seq.*, to enjoin and obtain damages resulting
27 from defendant’s unauthorized manufacture, use, sale, offer to sell and/or
28

1 importation into the United States for subsequent use or sale of products, methods,
2 processes, services and/or systems that infringe one or more claims of United
3 States Patent Number 8,205,622 entitled “Electronic Cigarette.” Plaintiff seeks
4 injunctive relief to prevent defendant from continuing to infringe plaintiff’s patent
5 and recovery of monetary damages resulting from defendant’s past infringement of
6 the patent.
7

8
9 **JURISDICTION AND VENUE**

10 2. This Court has original and exclusive subject matter jurisdiction
11 pursuant to 28 U.S.C. § 1331; 28 U.S.C. § 1338; and 35 U.S.C. § 271.

12 3. This Court has personal jurisdiction over Defendant.

13 4. Venue is proper in this district pursuant to 28 U.S.C. § 1400(b).

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15
16 **THE PLAINTIFF**

17 5. Plaintiff, VPR Brands, LP (“VPR”), is a Delaware limited partnership
18 authorized to do business in Florida with a principal place of business located at
19 3001 Griffin Road, Fort Lauderdale, FL 33312.

20
21 **THE DEFENDANT**

22 6. B&G Trading LLC D/B/A Vapor Tech (“B&G”) is an Arizona
23 limited liability company with its principal place of business at 3150 N 35th Ave,
24 Suite #8, Phoenix, AZ 85016, and can be served by serving its Registered Agent,
25 Ataman Bilgin, 6009 N. 10th Street, Phoenix, AZ 85017.
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27
28

FACTS

1
2 7. VPR is a technology company whose assets include issued U.S. and
3 Chinese patents for atomization-related products, including technology for medical
4 marijuana oil vaporizers, dab pen and flower vaporizer products and components.

5
6 8. VPR is engaged in product development for the vapor or vaping
7 market, including e-liquids, vaporizers and electronic cigarettes (also known as e-
8 cigarettes) which are devices which deliver nicotine and or cannabis and
9 cannabidiol (CBD) through atomization or vaping, and without smoke and other
10 chemical constituents typically found in traditional products.

11
12
13 9. VPR is a vaping market leader specializing in vaporizers and
14 accessories for essential oils, cannabis concentrates and extracts (CBD), as well as
15 electronic cigarettes containing nicotine.

16
17
18 10. VPR owns all right, title and interests in, and/or has standing to sue
19 for infringement of United States Patent Number 8,205,622 (the ‘622 Patent)
20 entitled “Electronic Cigarette.” A copy of the ‘622 Patent is attached hereto as

21 **Exhibit 1.**

22
23 11. The ‘622 Patent discloses an electronic cigarette consisting of an
24 electronic inhaler and an electronic atomizer.

25
26 12. The electronic inhaler contains a rechargeable or non-rechargeable
27 power source such as a battery, which supplies electric power to the electronic
28

1 inhaler. In addition to the power source, the inhaler also includes an electric
2 airflow sensor to detect air movement generated by a user's inhaling or puffing act.
3 The sensor's role is to collect an airflow signal that triggers the electronic cigarette
4 to supply electric power to the inhaler and atomizer connected through an electric
5 connector.
6

7
8 13. Inside the electronic atomizer are an electric connector, electric
9 heating wire, liquid container, and atomizer cap with an air-puffing hole. The user
10 inhales through the air puffing hole at an end of the electronic cigarette to create an
11 air inflow, which triggers the atomization process that converts a solution to a gas
12 emulating the smoking process.
13

14 **DEFENDANT'S PRODUCTS**

15
16 14. B&G makes, uses, imports, offers for sale and sells one or more
17 electronic cigarette products that practice all the steps of at least one claim of the
18 '622 Patent.
19

20 15. One of B&G's electronic cigarette products is known as VAPO.

21
22 16. B&G's VAPO is an electronic cigarette that contains a rechargeable
23 battery that functions as a power source which supplies electric power to an
24 electronic inhaler. In addition to the power source, the inhaler also includes an
25 electric airflow sensor to detect air movement generated by a user's inhaling or
26 puffing act.
27
28

1 17. The VAPO also contains an electronic atomizer with an electric
2 connector, electric heating wire, liquid container, and atomizer cap with an air-
3 puffing hole.
4

5 18. The user inhales through the air puffing hole at an end of the VAPO to
6 create an air inflow, which triggers the atomization process that converts a solution
7 to a gas emulating the smoking process.
8

9 19. B&G also makes, uses, imports, offers for sale and sells electronic
10 cigarette products under the names VAPO 1500, VAPO MAXX, VAPORTECH
11 and CUBE that are substantially similar to the VAPO product and function in the
12 same way as the VAPO product.
13
14

15 20. The electronic cigarette products that B&G imports, makes, uses,
16 offers to sell and sells, including but not limited to the VAPO, VAPO 1500, VAPO
17 MAXX, VAPORTECH and CUBE products, infringe one or more claims of the
18 ‘622 Patent.
19

20 21. At all times during which defendant imported, made, used, offered to
21 sell and sold electronic cigarette products that infringe one or more claims of the
22 ‘622 Patent, defendant had knowledge of the ‘622 Patent.
23

24 22. Plaintiff has been irreparably harmed by defendant’s infringement of
25 VPR’s valuable patent rights.
26
27
28

1 23. Defendant's unauthorized, infringing use of VPR's patented electronic
2 cigarette has threatened the value of their intellectual property because defendant's
3 conduct results in VPR's loss of its lawful patent rights to exclude others from
4 importing, making, using, selling, offering to sell and/or importing the patented
5 inventions.
6

7
8 24. Defendant's disregard for VPR's property rights similarly threatens
9 VPR's relationships with potential licensees of this intellectual property.
10

11 25. Defendant will derive a competitive advantage from using VPR's
12 patented technology without paying compensation for such use.
13

14 26. Unless and until defendant's continued acts of infringement are
15 enjoined, VPR will suffer further irreparable harm for which there is no adequate
16 remedy at law.
17

18 **COUNT I**
19 **DIRECT INFRINGEMENT OF U.S. PATENT NO. 8,205,622**

20 27. VPR realleges paragraphs 1 through 26 of this Complaint, as fully
21 and completely as if set forth verbatim herein.
22

23 28. Within the six years preceding the filing of this Complaint, B&G has
24 directly infringed at least one claim of U.S. Patent No. 8,205,622 by the activities
25 referred to in this Complaint in violation of 35 U.S.C. § 271(a).
26

27 29. Without limiting the foregoing, Defendant has infringed at least claim
28 13 of the '622 Patent as described in the Claim Chart attached hereto as **Exhibit 2**.

1 30. B&G’s activities alleged in this Count have been without license,
2 permission, or authorization from VPR.

3
4 31. The activities of B&G as set forth in this Count have been to the
5 injury, detriment and irreparable harm to VPR.

6
7 **COUNT II**
8 **INDIRECT INFRINGEMENT OF U.S. PATENT NO. 8,205,622**

9 32. VPR realleges paragraphs 1 through 26 of this Complaint as fully and
10 completely as if set forth herein verbatim.

11 33. Within the six years preceding the filing of this Complaint, B&G has
12 indirectly infringed at least one claim of U.S. Patent No. 8,205,622, by requesting
13 and encouraging and inducing customers to purchase and use VAPO, VAPO 1500,
14 VAPO MAXX, VAPORTECH and CUBE products in violation of 35 U.S.C. §
15 271(b).
16

17
18 34. B&G’s activities alleged in this Count have been without license
19 permission or authorization from VPR.

20
21 35. The activities of B&G as set forth in this Count have been to the
22 injury, detriment and irreparable harm to VPR.
23

24 **PRAYER FOR RELIEF**

25 WHEREFORE, Plaintiff VPR Brands, LP demands judgment and relief
26 against Defendant B&G Trading LLC D/B/A Vapor Tech and respectfully requests
27 that the Court:
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1 A. Enter a finding of infringement against Defendant under each of the
2 patents asserted in this Complaint;

3
4 B. Award in favor of Plaintiff and against Defendant such damages as
5 Plaintiff may have suffered but in no event less than a reasonable royalty pursuant
6 to 35 U.S.C. § 284;

7
8 C. Award in favor of Plaintiff and against Defendant an enhancement of
9 damages;

10 D. Find that this is an exceptional case;

11 E. Enter an injunction preliminarily and permanently enjoining
12 infringement;
13

14 F. Award Plaintiff its attorneys' fees against Defendant under 35 U.S.C.
15 § 285;

16 G. Award Plaintiff its costs; against Defendant, and
17

18 H. Award in favor of Plaintiff and against Defendant such other and
19 further relief as to the Court appears just and proper.
20

21
22 **JURY DEMAND**

23 Plaintiff hereby demands a trial by jury of all issues so triable.

24 Dated: March 2, 2021

25 Respectfully submitted,

26 /s/ *Joel B. Rothman*

27 _____
28 JOEL B. ROTHMAN