

### **3. Iced Pod Group**

#### ***a) DripTip Vapes LLC (“DripTip”)***

33. On information and belief, Respondent DripTip is a Florida limited liability company with its principal place of business at 151 N. Nob Hill Rd. #115, Plantation, FL 33324. Exhibit 35 (Articles of Organization for DripTip Vapes LLC). On information and belief, DripTip owns and operates the website [www.driptipvapes.com](http://www.driptipvapes.com). The website registration for [www.driptipvapes.com](http://www.driptipvapes.com) does not list the registrant organization, but it lists DripTip’s address as well as the same registered agent: Av Gavriel. Exhibit 36 (WHOIS Report for [driptipvapes.com](http://driptipvapes.com)); *compare* Exhibit 35 (Articles of Organization for DripTip Vapes LLC).

34. On information and belief, Respondent DripTip markets and offers for sale its Iced Pods to consumers in the United States. Exhibit 37 (Web Printout of DripTip’s Store Selling Iced Pods); Exhibit 38 (Web Printout of DripTip’s Store Showing All Iced Pods for Sale); Exhibit 39 (Web Printout of DripTip About Us Page) (stating DripTip is a “U.S.A. based premium online retailer . . . with free delivery within the U.S.”). On information and belief, DripTip’s Iced Pods are designed in Uruguay, Exhibit 40 at 2-3 (Iced Pod Photographs), and manufactured in China. DripTip also explicitly markets its Iced Pods as “Juul Compatible.” Exhibit 37.

#### ***b) ZLab S.A. (“Ziip Labs”)***

35. On information and belief, Respondent Ziip Labs is a Uruguayan corporation with its principal place of business at Ave. Golero, 911 Office 27, Punta del Este – Maldonado – Uruguay, 20100. Exhibit 41 (Web Printout of Ziip Lab Contact Information). On information and belief, the DripTip Group Respondents’ Iced Pods are marketed to consumers in the United States. These products are expressly marketed as “Juul Compatible.”

36. On information and belief, Respondent Ziip Labs designs the Iced Pods in Uruguay, Exhibit 40 at 2-3, and it manufactures its cartridges in China. On information and belief, Ziip Labs has two sales offices in the United States: one in San Francisco, Exhibit 41, and another in New York, Exhibit 42 (Web Printout of Ziip Lab Contact Information).

**c) Ziip Lab Co., Ltd. (“Ziip China”)**

37. On information and belief, Respondent Ziip China is a Chinese company with its principal place of business at E District 4F, 5 Building, Wen Ge Industrial Zone, Heshuikou, Gongming St., Guangming New District, Shenzhen City, Guangdong Province, China 518106. Exhibits 41, 42.

38. On information and belief, Respondent Ziip China manufactures Iced Pods. *See* Exhibits 41, 42 (identifying Ziip China as the “factory” for Ziip Labs).

**d) Shenzhen Yibo Technology Co., Ltd. (“Yibo”)**

39. On information and belief, Respondent Yibo is a Chinese company with its principal place of business at E District 4F, 5 Building, Wen Ge Industrial Zone, Heshuikou, Gongming St., Guangming New District, Shenzhen City, Guangdong Province, China 518106. Exhibit 43 (Web Printout of Ziip Wholesale Information) (noting Ziip China and Yibo have the same address).

40. On information and belief, Respondent Yibo manufactures Ziip cartridges, including the Iced Pods, in China. Exhibit 43 (noting Ziip’s factory as Yibo).

**4. Atom Pod Group**

**a) DripTip**

41. On information and belief, Respondent DripTip markets and offers for sale its Atom Pods to consumers in the United States. Exhibit 44 (Web Printout of DripTip’s Store Selling Atom Pods); Exhibit 45 (Web Printout of DripTip’s Store Showing All Atom Pods for

Sale); Exhibit 39 (stating DripTip is a “U.S.A. based premium online retailer . . . with free delivery within the U.S.”). On information and belief, the Atom Pods are designed by or for DripTip in the United States and are manufactured in China. *See* Exhibit 44 (image of the Atom Pod cartridge packaging on the DripTip webpage shows the “DriptipVapes.com” logo); Exhibit 46 at 2 (Atom Pod Photographs) (stating that the product is “Designed in South Beach Florida” and “Made in China”). DripTip also explicitly markets its Atom Pods as “Juul Compatible.” Exhibit 44.

## **5. ViV Pod Group**

### ***a) Vapor 4 Life Holdings, Inc. (“Vapor4Life”)***

42. On information and belief, Respondent Vapor4Life<sup>1</sup> is an Illinois Corporation with its principal place of business at 4080 Commercial Ave., Suite A, Northbrook, IL 60062<sup>2</sup>. Exhibit 47 (Web Printout of Vapor4Life Contact Information); Exhibit 48 (Corporation File Report for Vapor 4 Life Holdings, Inc.); Exhibit 49 (Company Investigator Report for Vapor 4 Life, Inc.). On information and belief, Vapor4Life owns and operates the website [www.vapor4life.com](http://www.vapor4life.com). Exhibit 50 (WHOIS Report for [vapor4life.com](http://vapor4life.com)).

43. On information and belief, Respondent Vapor4Life markets and distributes its ViV Pods to consumers in the United States. Exhibit 51 (Web Printout of Vapor4Life’s Store Selling ViV Pods); Exhibit 52 (Web Printout of Vapor4Life’s Store Showing All ViV Pods for Sale); Exhibit 53 (Web Printout of Vapor4Life Retail Location). Vapor4Life also explicitly markets its ViV Pods as “Juul-compatible.” Exhibit 51. On information and belief, ViV Pods are

---

<sup>1</sup> Vapor 4 Life Holdings, Inc. d/b/a Vapor4Life, was previously known as Vapor 4 Life, Inc. until November 24, 2014. Exhibit 48 (Corporation File Report for Vapor 4 Life Holdings, Inc.).

<sup>2</sup> State records list the principal place of business as 4100 Commercial Ave., Northbrook, IL 60062, however, this address does not appear to exist.

made in China at a factory owned and operated by Vapor4Life. *See* Exhibit 54 (Yarborough Declaration) at ¶ 40.

***b) DripTip***

44. On information and belief, Respondent DripTip distributes the ViV Pods in the United States through its website. Exhibit 55 (Web Printout of DripTip's Store Selling ViV Pods); Exhibit 56 (Web Printout of DripTip's Store Showing All ViV Pods for Sale).

**6. Airbender ZPod Group**

***a) Vaperz LLC ("Vaperz")***

45. On information and belief, Respondent Vaperz is an Illinois limited liability corporation with its principal place of business at 19818 S. Harlem Ave., Frankfort, IL 60423. Exhibit 57 (File Report for Vaperz LLC). In addition to its primary location, Vaperz also lists five other retail locations in the Chicago area. Exhibit 58 (Web Printout of Vaperz Retail Locations). On information and belief, Vaperz owns and operates [www.vaperzonline.com](http://www.vaperzonline.com). Exhibit 59 (Web Printout of Vaperz Terms and Conditions).

46. On information and belief, Respondent Vaperz markets and offers for sale the Airbender ZPods in the United States. Exhibit 60 (Web Printout of Vaperz's Store Selling Airbender ZPods); Exhibit 21. The product packaging for the Airbender ZPods states that they are "[d]esigned by Ziip Lab" and "[m]anufactured in P.R.C. [People's Republic of China]," and the E-liquid is "made by Airbender E-Liquid – USA." Exhibit 61 at 2, 5 (Airbender ZPod Photographs). Complainant has been unable to locate a business entity by the name of "Airbender E-Liquid." On information and belief, Vaperz controls and distributes the Airbender E-Liquid product line. *See* Exhibit 62 (Airbender Trademark Registration); Exhibit 63 (Web Printout of Airbender's Instagram Page) (listing [vaperzonline.com](http://vaperzonline.com) as the web address). On

information and belief, Vaperz obtains the empty cartridges from Ziip Labs and fills the cartridges with liquid prior to sale. *See* Exhibit 61 at 2, 5.

***b) Ziip Labs***

47. On information and belief, Respondent Ziip Labs designs the Airbender ZPods in Uruguay. Exhibit 61 at 2.

***c) Ziip China***

48. On information and belief, Respondent Ziip China manufactures Airbender ZPods. *See* Exhibits 41, 42 (identifying Ziip China as the “factory” for Ziip Labs).

***d) Yibo***

49. On information and belief, Respondent Yibo manufactures Ziip cartridges, including the Airbender ZPods, in China. Exhibit 43 (noting Ziip’s factory as Yibo).

***e) DripTip***

50. On information and belief, Respondent DripTip distributes the Airbender ZPod cartridges in the United States through its website. Exhibit 64 (Web Printout of DripTip’s Store Selling Airbender ZPods); Exhibit 65 (Web Printout of DripTip’s Store Showing All Airbender ZPods for Sale).

***f) The ZFO (“ZFO”)***

51. On information and belief, Respondent ZFO is a sole proprietorship with its principal place of business at 42 Nichols St., Suite 14, Spencerport, NY 14559. Exhibit 66 at 1 (Web Printout of ZFO Contact Information); Exhibit 67 (Company Investigator Report for ZFO). On information and belief, ZFO owns and operates the website [www.thezfo.com](http://www.thezfo.com).

52. On information and belief, Respondent ZFO distributes the Airbender ZPod cartridges in the United States through its website. Exhibit 68 (Web Printout of ZFO’s Store Selling Airbender ZPods); Exhibit 69 (Web Printout of ZFO’s Store Selling Airbender Kits).

**g)      *The Electric Tobacconist, LLC (“Electric Tobacconist”)***

53.      On information and belief, Respondent Electric Tobacconist is a Colorado limited liability company with its principal place of business at 3235 Prairie Ave., Boulder, CO 80301. Exhibit 70 (LLC Entity Information for The Electric Tobacconist); Exhibit 71 (Company Investigator Report for The Electric Tobacconist LLC). On information and belief, Electric Tobacconist owns and operates the website [www.electrictobacconist.com](http://www.electrictobacconist.com). Exhibit 72 (Web Printout of Electric Tobacconist Terms and Conditions).

54.      On information and belief, Respondent Electric Tobacconist distributes the Airbender ZPod cartridges through its website. Exhibit 73 (Web Printout of Electric Tobacconist’s Store Selling Airbender ZPods); Exhibit 74 (Web Printout of Electric Tobacconist’s Store Showing All Airbender ZPods for Sale).

**7.      JC01 Pod Group**

**a)      *Shenzhen OVNS Technology Co., Ltd. (“OVNS”)***

55.      On information and belief, Respondent OVNS is a Chinese company with its principal place of business at 6F, North Side of Xinlong Tech Park, No. 2, Dawangshan Industrial 1st Road, Shajing Town, Baoan District, Shenzhen, Guangdong, China 518101. Exhibit 75 at 1 (OVNS Trademark Registration); Exhibit 76 (Web Printout of OVNS Contact Information).

56.      On information and belief, Respondent OVNS owns and operates the website [ovnstech.com](http://ovnstech.com). *See* Exhibit 76. On information and belief, OVNS operates a web store on Alibaba at [ovnstech.en.alibaba.com](http://ovnstech.en.alibaba.com). *Id.*

57.      On information and belief, Respondent OVNS manufactures the JC01 cartridges in China. Exhibit 77 (Web Printout of OVNS’ Alibaba Store Selling JC01 Cartridges) (listing place of origin and factory details); Exhibit 78 at 2, 9 (JC01 Pod Photographs). On information

and belief, OVNS also markets its JC01 products in the United States. Exhibit 77; Exhibit 79 at 1 (Web Printout of OVNS Company Overview) (showing North America as the main market). OVNS explicitly markets its JC01 cartridges as compatible with Juul ENDS devices. Exhibit 80 at 1 (Web Printout of OVNS' JC01 Website) (stating "JC01 pods . . . can use Juul battery").

**b) MistHub, LLC ("MistHub")**

58. On information and belief, Respondent MistHub is an Illinois limited liability company with its principal place of business at 1674 Barclay Blvd., Buffalo Grove, IL 60089. Exhibit 81 (LLC Report for MistHub, LLC); Exhibit 82 (Web Printout of MistHub Contact Information). On information and belief, MistHub owns and operates [www.misthub.com](http://www.misthub.com). Exhibit 83 at 1 (Web Printout of MistHub Terms of Service).

59. On information and belief, Respondent MistHub distributes the JC01 cartridges in the United States through its website. Exhibit 84 (Web Printout of MistHub's Store Selling JC01 Cartridges); Exhibit 85 (Web Printout of MistHub's Store Selling JC01 Starter Kit).

**c) ZFO**

60. On information and belief, Respondent ZFO distributes the JC01 cartridges in the United States through its website. Exhibit 86 (Web Printout of ZFO's Store Selling JC01 Cartridges).

**d) Lan & Mike International Trading, Inc. ("VaporDNA")**

61. On information and belief, Respondent VaporDNA is a California corporation with its principal place of business at 20435 Gramercy Place, Suite 101, Torrance, CA 90501. Exhibit 87 (Corporate Registration for Lan & Mike International Trading, Inc.). On information and belief, Lan & Mike International Trading, Inc. operates under the assumed name of "VaporDNA" and owns and operates [www.vapordna.com](http://www.vapordna.com). Exhibit 88 (Web Printout of

VaporDNA Terms and Conditions); Exhibit 89 (VaporDNA Trademark Registration); Exhibit 90 (VaporDNA Trademark Registration).

62. On information and belief, Respondent VaporDNA distributes the JC01 cartridges in the United States through its website. Exhibit 91 (Web Printout of VaporDNA's Store Selling JC01 Cartridges).

**8. VQ Pod Group**

**a) Vaportronix, LLC ("Vaportronix")**

63. On information and belief, Respondent Vaportronix is a Florida limited liability company with its principal place of business at 2941 NE 185th St., Aventura, FL 33180. Exhibit 92 at 2 (Company Investigator report for Vaportronix, LLC). On information and belief, Vaportronix owns and operates [www.vqforjuul.com](http://www.vqforjuul.com). Exhibit 93 (Web Printout of Vaportronix "About Us" Page).

64. On information and belief, Respondent Vaportronix markets its VQ Pod cartridges in the United States. Exhibit 94 (Web Printout of Vaportronix's Store Selling VQ Pods); Exhibit 95 (Web Printout of Vaportronix's Store Showing All VQ Pods for Sale). Vaportronix explicitly markets its VQ Pod cartridges as "VQ Pods for JUUL." Exhibit 94.

**b) ZFO**

65. On information and belief, Respondent ZFO distributes the VQ Pod cartridges in the United States through its website. Exhibit 96 (Web Printout of ZFO's Store Selling VQ Pods).

**9. Fuma Pod Group**

**a) Fuma Vapor, Inc. ("Fuma")**

66. On information and belief, Respondent Fuma is an Illinois corporation with its principal place of business at 605 S. Westgate Rd., Des Plaines, IL 60016. Exhibit 97

(Corporation File Report for Fuma Vapor, Inc.). On information and belief, Fuma also maintains a place of business at 249 Ung Van Khiem Street, Bing Thanh Dist, Ho Chi Minh, Vietnam.

Exhibit 98 (Web Printout of Fuma Contact Information). On information and belief, Fuma owns and operates [www.fumovapor.com](http://www.fumovapor.com) and [www.fumavapor.com](http://www.fumavapor.com). See Exhibit 99 (Web Printout of Fumavapor.com Website); Exhibit 100 (Web Printout of Fumovapor.com).

67. On information and belief, the Fuma / Fumo Pod products (hereinafter “Fuma Pod”)<sup>3</sup> are designed by or for Respondent Fuma in the United States and manufactured by or for Respondent Fuma in China. Exhibit 155 at 2 (Fuma Pod Photographs) (packaging noting that the Fuma Pod is “[d]esign[ed] in [the] USA” and “[a]ssemble[d] in China”). On information and belief, Fuma also markets its cartridges in the United States. Exhibit 99; Exhibit 101 (Web Printout of Fuma’s Store Selling Fuma Pods); Exhibit 102 (Web Printout of Fuma’s Store Selling Fuma Pods with Fumo Packaging); Exhibit 103 (Web Printout of Fuma’s Store Showing All Fuma Pods for Sale).

**b) ZFO**

68. On information and belief, Respondent ZFO distributes the Fuma Pod cartridges in the United States through its website. Exhibit 104 (Web Printout of ZFO’s Store Selling Fuma Pods). On information and belief, Fuma Pod cartridges are marketed as “Juul Compatible.” *Id.*

**10. Zalt Pod Group**

**a) Vape4U LLC (“Vape4U”)**

69. On information and belief, Respondent Vape4U is a California limited liability company with its principal place of business at 8926 Benson Ave. Ste. E, Montclair, CA 91763.

---

<sup>3</sup> Respondent’s website offers “Fuma Pods” for sale, Exhibit 103, but some images of the Fuma Pod products use the name “Fumo Pod.” See Exhibit 102. On information and belief, Fuma and Fumo Pods are the same product. See Exhibits 99, 100 (showing similar websites using the Fuma branding at [www.fumavapor.com](http://www.fumavapor.com) and [www.fumovapor.com](http://www.fumovapor.com)).

Exhibit 105 (Company Registration for Vape4U LLC). On information and belief, Vape4U owns and operates www.vapezalt.com. Exhibit 106 (Web Printout of Vapezalt.com Terms and Conditions).

70. On information and belief, the Zalt Pod products are manufactured by or for Respondent Vape4U in China. Exhibit 156 at 2-3 (Zalt Pods Photographs) (noting “pods manufactured in China”); *id.* at 5 (noting “www.vapezalt.com”). On information and belief, the Zalt Pod products are also designed by or for Vape4U. On information and belief, Vape4U markets its Zalt Pod cartridges in the United States. Exhibit 107 (Web Printout of Vape4U’s Store Selling Zalt Pods); Exhibit 22. Vape4U explicitly markets its Zalt Pod cartridges “Juul Compatible.” Exhibit 22; Exhibit 156 at 1.

***b) ZFO***

71. On information and belief, Respondent ZFO distributes the Zalt Pod cartridges in the United States through its website. Exhibit 108 (Web Printout of ZFO’s Store Selling Zalt Pods).

**11. Magic Mist Pod Group**

***a) ParallelDirect LLC (“ParallelDirect”)***

72. On information and belief, Respondent ParallelDirect is an Illinois limited liability company with its principal place of business at 103 Schelter Rd., #20, Lincolnshire, IL 60069. Exhibit 109 (LLC Report for ParallelDirect LLC). On information and belief, ParallelDirect operates under the name “The Magic Mist.” *Id.* On information and belief, ParallelDirect owns and operates www.themagicmist.com. *See* Exhibit 110 (Web Printout of Magic Mist Terms and Conditions) (referencing ParallelDirect).

73. On information and belief, the Magic Mist Pod products are manufactured by or for Respondent ParallelDirect in China. Exhibit 112 at 5 (Magic Mist Pod Photographs) (noting

“[m]ade in China”) and at 6 (noting “www.theMagicMist.com”). On information and belief, the Magic Mist Pod products are also designed by or for ParallelDirect. *Id.* On information and belief, ParallelDirect markets its Magic Mist Pod products in the United States. Exhibit 111 (Web Printout of ParallelDirect’s Store Selling Magic Mist Pods). ParallelDirect explicitly markets its Magic Mist cartridges as “Juul Compatible.” Exhibit 111; Exhibit 112 at 1.

## **12. J Pod Group**

### ***a) Shenzhen Haka Flavor Technology Co., Ltd. (“Haka”)***

74. On information and belief, Respondent Haka is a Chinese company with its principal place of business at 4F, Building B, Anjia Industrial Park, Gonghe Industrial Rd., ShaJing Town, Bao’an District, Shenzhen City, Guangdong Province, China. Exhibit 113 (Web Printout of hakatech.cn Contact Information). On information and belief, Haka owns and operates the website hakatech.cn and controls and operates a web store on Alibaba at ociga.en.alibaba.com. Exhibit 114 (Web Printout of hakatech.cn About Us Page); Exhibit 115 (Web Printout of Haka and OCIGA Alibaba Store Company Information Page) (referencing Haka).

75. On information and belief, the J Pod / Ref-Pod (hereinafter “J Pod”)<sup>4</sup> cartridges are designed and manufactured by or for Respondent Haka in China. *See* Exhibit 121 at 4 (J Pod Photographs) (noting “CE” symbol indicating that the product is made in China); Exhibit 116 (Web Printout of Haka and OCIGA’s Alibaba Store Selling Single J Pod and Ref-Pod) at 1 (indicating that the “[p]lace of [o]rigin” for the J Pod is China); *id.* at 3-4 (providing company information for Haka). On information and belief, Haka markets its J Pod cartridges in the

---

<sup>4</sup> Haka and OCIGA have recently changed the name of the J Pod product to “Ref-Pods.” *See* Exhibit 118. However, despite the name change on the web portals, the physical product packaging continues to state “J Pod.” Exhibit 54 at ¶¶ 87-88.

United States. Exhibit 116; Exhibit 117 (Web Printout of Haka and OCIGA's Alibaba Store Selling All J Pod and Ref Pod). Haka explicitly markets its J Pod cartridges as "Juul compatible." Exhibit 118 at 1 (Web Printout of Haka and OCIGA Alibaba Store Home Page).

**b)      *Shenzhen OCIGA Technology Co., Ltd. ("OCIGA")***

76.      On information and belief, Respondent OCIGA is a Chinese company with its principal place of business at 4F, Building B, Anjia Industrial Park, Gonghe Industrial Rd, Shajing Town, Bao'an District, Shenzhen City, Guangdong Province, China. Exhibit 119 (Web Printout of Alibaba Page with OCIGA Contact Information); Confidential Exhibit 120 at 2 (Letter from Jeong Moon Ho).

77.      On information and belief, Respondent OCIGA is the same entity as Haka or is controlled by Haka. *See* Exhibit 114 (stating that Haka owns both Haka and OCIGA trademarks); Exhibit 115 (referencing both Haka and OCIGA); Exhibit 118 (Haka's Alibaba store referencing OCIGA); Exhibit 120 (listing OCIGA's address as identical to Haka's).

78.      On information and belief, the J Pod cartridges are designed and manufactured by or for Respondent OCIGA in China. *See* Exhibit 121 at 4 (noting "CE" symbol indicating that the product is made in China); Exhibit 116 at 1 (indicating that brand name is "OCIGA" and that the "[p]lace of [o]rigin" for the J Pod is China). On information and belief, OCIGA markets its J Pod cartridges in the United States. Exhibit 116. OCIGA explicitly markets its J Pod cartridges as "Juul compatible." Exhibit 118 at 1. On information and belief, OCIGA manufactures its J Pod cartridges in China. Exhibit 116 at 1 (listing country of origin as China); Exhibit 121 at 4 (including a "CE" mark indicating Chinese Export).

**c)      *Lizard Juice, LLC ("Lizard")***

79.      On information and belief, Respondent Lizard is a Delaware limited liability company with its principal place of business at 8565 Somerset Drive, Unit A, Largo, FL 33773.

Exhibit 122 (Company Records for Lizard Juice LLC). On information and belief, Lizard owns and operates the website lizardjuice.com.

80. On information and belief, Respondent Lizard distributes the J Pod cartridges in the United States through its website. Exhibit 123 (Web Printout of Lizard's Store Selling J Pods).

**13. Edge Pod Group**

**a) *Electric Tobacconist***

81. On information and belief, Respondent Electric Tobacconist distributes the Edge Pod cartridges through its website. Exhibit 124 (Web Printout of Electric Tobacconist's Store Selling Edge Pods); Exhibit 125 (Web Printout of Electric Tobacconist's Store Showing All Edge Pods for Sale). Packaging for these cartridges shows that they were designed and assembled in the United States and "[m]ade in China." See Exhibit 158 at 2 (Edge Pod Photographs).

**b) *ZFO***

82. On information and belief, Respondent ZFO distributes the Edge Pod cartridges in the United States through its website. Exhibit 126 (Web Printout of ZFO's Store Selling Edge Pods).

**14. 5-Star Universal Pod Group**

**a) *Sarvasva LLC ("Sarvasva")***

83. On information and belief, Respondent Sarvasva is a New Jersey limited liability company with its principal place of business at 32 Church Rd., Maple Shade, NJ 08052. Exhibit 127 (Business Records of Sarvasva LLC). On information and belief, Sarvasva does business under the name "One Stop Food Mart" and operates a convenience store at 32 Church Road under that name. See Exhibit 54 at ¶¶ 107, 109.

84. On information and belief, Respondent Sarvasva distributes the 5-Star Universal Pods in the United States through its retail location. *Id.* at ¶¶ 107-110. On information and belief, the 5-Star Universal Pods are manufactured in China. *See* Exhibit 26 at 48:2-50:17 (United Wholesale stating under oath during deposition in the district court litigation, Case No. 3:18-cv-01396-KAD in D. Conn., that the Chinese factory manufacturing the X-Pods also manufactured the 5-Star Universal Pods).

**15. Blankz Pod Group**

***a) Electric Tobacconist***

85. On information and belief, Respondent Electric Tobacconist distributes the Blankz Pod cartridges through its website. Exhibit 128 (Web Printout of Electric Tobacconist's Store Selling Blankz Pods).

***b) VaporDNA***

86. On information and belief, Respondent VaporDNA distributes the Blankz Pod cartridges in the United States through its website. Exhibit 129 (Web Printout of VaporDNA's Store Selling Blankz Pods).

**16. Sex Pod Group**

***a) Noah Dovberg***

87. On information and belief, Respondent Noah Dovberg is an individual that resides or has a principal place of business at 836 N. Oleander Ave., Daytona Beach, FL, 32118. Exhibit 130 (Web Printout of Sex Vapor Contact Page); Exhibit 131 (Web Printout of Google Maps at 836 N. Oleander Ave.); Confidential Exhibit 132 (Property Records for 836 Oleander Ave.). On information and belief, Noah Dovberg also maintains a place of business at 115 Laurie Dr., Ormond Beach, FL 32176-3215. Exhibit 133 (WHOIS Report for Sexvapor.co).

88. On information and belief, Respondent Noah Dovberg owns and operates the website sexvapor.co. Exhibit 130 (listing “noahdovb@gmail.com” email address); Exhibit 133. On information and belief, Noah Dovberg markets Sex Pod cartridges in the United States. *See* Exhibit 134 (Web Printout of Sex Vapor’s Store Selling Sex Pods).

**17. Sea100 Pod Group**

***a) Twist Vapor Franchising, LLC (“Twist”)***

89. On information and belief, Respondent Twist is a Florida limited liability company with a principal place of business at 14937 Bruce B Downs Blvd., Tampa, FL 33613. Exhibit 135 (Annual LLC Report for Twist Vapor Franchising, LLC). On information and belief, Twist owns and operates the website sea100pods.com. *See* Exhibit 54 at ¶¶ 123-125 (purchasing Sea100 Pods from sea100pods.com and stating that Twist’s sales manager confirmed that Twist sells the Sea100 Pods and that the empty Sea100 Pods are “from China”).

90. On information and belief, Respondent Twist markets and offers for sale the Sea100 Pods in the United States. Exhibit 54 at ¶ 123; Exhibit 136 (Web Printout of Twist’s Store Selling Sea100 Pods); Exhibit 137 (Web Printout of Twist’s Store Showing All Sea100 Pods for Sale). Twist explicitly markets its Sea100 Pods as “Juul compatible.” Exhibit 138 (Sea100 Pod Photographs) at 1. On information and belief, Sea100 Pods are manufactured by or for Twist in China and imported for sale into the United States. Exhibit 54 at ¶ 125.

***b) ZFO***

91. On information and belief, Respondent ZFO distributes the Sea100 Pods in the United States through its website. Exhibit 139 (Web Printout of ZFO showing Sea100 Pods for sale).

### **III. THE ASSERTED PATENTS**

92. The Asserted Patents are specifically directed to features that have been incorporated into the Domestic Articles. These patented features have contributed to the success of the Domestic Articles in the United States, and are the same features that Respondents have copied in their attempts to undercut and appropriate JLI's market share.

93. JLI has licensed certain rights in the Asserted Patents to New Pax, the entity spun out from JLI as discussed above in Section II.A. JLI, however, retains the sole right and discretion to assert and defend its intellectual property rights, including against any use of the patented technology for the delivery of nicotine vapor in the United States. Moreover, the license prohibits Pax from using the Asserted Patents outside Pax's own field of use, meaning Pax lacks any rights to use the Asserted Patents in the nicotine field of use.

94. In addition, JLI has previously given a security interest in the Asserted Patents, but retains all rights, title, and interest to the Asserted Patents absent default.

#### **A. The '129 Patent**

95. On August 28, 2018, the United States Patent and Trademark Office ("USPTO") duly and lawfully issued the '129 Patent, entitled "Vaporization Device Systems and Methods," to inventors James Monsees, Adam Bowen, Steven Christensen, Joshua Morenstein, and Christopher Nicholas HibmaCronan. The '129 Patent issued from U.S. Application No. 15/379,898, filed December 15, 2016, and is a continuation of U.S. Application No. 15/053,927. There are no fees currently due with respect to the '129 Patent. The '129 Patent will expire December 23, 2034.

96. A certified copy of the '129 Patent is attached here to as Exhibit 140. By way of assignment, JLI holds all rights, title, and interest to the '129 Patent. A certified copy of the assignment record for the '129 Patent is attached hereto as Exhibit 141. Pursuant to Commission

Rule 210.12(c), a certified copy of the File History of the '129 Patent is included as **Appendix A**.

Copies of the references cited in the certified file history of the '129 Patent are included as **Appendix B**.

97. The '129 Patent has 39 claims, including 4 independent claims and 35 dependent claims. JLI has asserted independent claims 1, 12, and 19, and dependent claims 2, 3, 5, 6, 7, 8, 13, 16, 17, 18, 20, and 22 of the '129 Patent.

98. In accordance with Commission Rule 210.12(a)(9)(v), JLI is aware of no foreign patents and patent applications corresponding to the '129 Patent.

**B. The '915 Patent**

99. On October 23, 2018, USPTO duly and lawfully issued the '915 Patent, 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, and is a continuation of U.S. Application No. 15/430,357. There are no fees currently due with respect to the '915 Patent. The '915 Patent will expire December 23, 2034.

100. A certified copy of the '915 Patent is attached hereto as Exhibit 142. By way of assignment, JLI holds all rights, title, and interest to the '915 Patent. A certified copy of the assignment record for the '915 Patent is attached hereto as Exhibit 143. Pursuant to Commission Rule 210.12(c), a certified copy of the File History of the '915 Patent is included as **Appendix C**. Copies of the references cited in the certified file history of the '915 Patent are included as **Appendix D**.

101. The '915 Patent has 32 claims, including 3 independent claims and 29 dependent claims. JLI has asserted independent claim 29 and dependent claims 10, 15, 17, 30, 31, and 32 of the '915 Patent.

102. In accordance with Commission Rule 210.12(a)(9)(v), a list of all foreign patents and patent applications corresponding to the '915 Patent, including an indication of status, is attached as Exhibit 144. JLI is aware of no other foreign counterparts issued, filed, abandoned, withdrawn, or rejected with respect to the '915 Patent.

**C. The '470 Patent**

103. On October 30, 2018, the USPTO duly and lawfully issued the '470 Patent, entitled "Vaporizer Apparatus," to inventors James Monsees, Adam Bowen, Steven Christensen, Joshua Morenstein, and Christopher Nicholas HibmaCroman. The '470 Patent issued from U.S. Application No. 15/833,873, filed December 6, 2017, and is a continuation of U.S. Application No. 15/257,768. There are no fees currently due with respect to the '470 Patent. The '470 Patent will expire December 23, 2034.

104. A certified copy of the '470 Patent is attached hereto as Exhibit 145. By way of assignment, JLI holds all rights, title, and interest to the '470 Patent. A certified copy of the assignment record for the '470 Patent is attached hereto as Exhibit 146. Pursuant to Commission Rule 210.12(c), a certified copy of the File History of the '470 Patent is included as **Appendix E**. Copies of the references cited in the certified file history of the '470 Patent are included as **Appendix F**.

105. The '470 Patent has 24 claims, including 2 independent claims and 22 dependent claims. JLI has asserted independent claim 1 and dependent claims 2, 3, 4, 7, 8, 10, and 11 of the '470 Patent.

106. In accordance with Commission Rule 210.12(a)(9)(v), a list of all foreign patents and patent applications corresponding to the '470 Patent, including an indication of status, is attached as Exhibit 147. JLI is aware of no other foreign counterparts issued, filed, abandoned, withdrawn, or rejected with respect to the '470 Patent.

**D. The '465 Patent**

107. On November 6, 2018, the USPTO duly and lawfully issued the '465 Patent, entitled "Vaporization Device Systems and Methods," to inventors James Monsees, Adam Bowen, Nicholas Jay Hatton, Steven Christensen, Kevin Lomeli, and Ariel Atkins. The '465 Patent issued from U.S. Application No. 15/813,096, filed November 16, 2017, and is a continuation of U.S. Application No. 15/379,898. There are no fees currently due with respect to the '465 Patent. The '465 Patent will expire December 23, 2034.

108. A certified copy of the '465 Patent is attached hereto as Exhibit 148. By way of assignment, JLI holds all rights, title, and interest to the '465 Patent. A certified copy of the assignment record for the '465 Patent is attached hereto as Exhibit 149. Pursuant to Commission Rule 210.12(c), a certified copy of the File History of the '465 Patent is included as **Appendix G**. Copies of the references cited in the certified file history of the '465 Patent are included as **Appendix H**.

109. The '465 Patent has 20 claims, including 2 independent claims and 18 dependent claims. JLI has asserted independent claims 1 and 20, and dependent claims 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19 of the '465 Patent.

110. In accordance with Commission Rule 210.12(a)(9)(v), a list of all foreign patents and patent applications corresponding to the '465 Patent, including an indication of status, is attached as Exhibit 150. JLI is aware of no other foreign counterparts issued, filed, abandoned, withdrawn, or rejected with respect to the '465 Patent.

**E. The '466 Patent**

111. On November 6, 2018, USPTO duly and lawfully issued the '466 Patent, entitled "Vaporization Device Systems and Methods," to inventors James Monsees, Adam Bowen, Nicholas Jay Hatton, Steven Christensen, Kevin Lomeli, and Ariel Atkins. The '466 Patent

issued from U.S. Application No. 15/815,645, filed November 14, 2017, and is a continuation of U.S. Application No. 15/379,898. There are no fees currently due with respect to the '466 Patent. The '466 Patent will expire Dec. 23, 2034.

112. A certified copy of the '466 Patent is attached hereto as Exhibit 151. By way of assignment, JLI holds all rights, title, and interest to the '466 Patent. A certified copy of the assignment record for the '466 Patent is attached hereto as Exhibit 152. Pursuant to Commission Rule 210.12(c), a certified copy of the File History of the '466 Patent is included as **Appendix I**. Copies of the references cited in the certified file history of the '466 Patent are included as **Appendix J**.

113. The '466 Patent has 23 claims, including 3 independent claims and 20 dependent claims. JLI has asserted independent claims 1, 20, and 22 and dependent claims 4, 5, 6, 7, 8, 10, 12, 14, 16, 17, 18, 19, 21, and 23 of the '466 Patent.

114. In accordance with Commission Rule 210.12(a)(9)(v), JLI is aware of no foreign patents and patent applications corresponding to the '466 Patent.

#### **IV. NON-TECHNICAL DESCRIPTION OF THE ASSERTED PATENTS<sup>5</sup>**

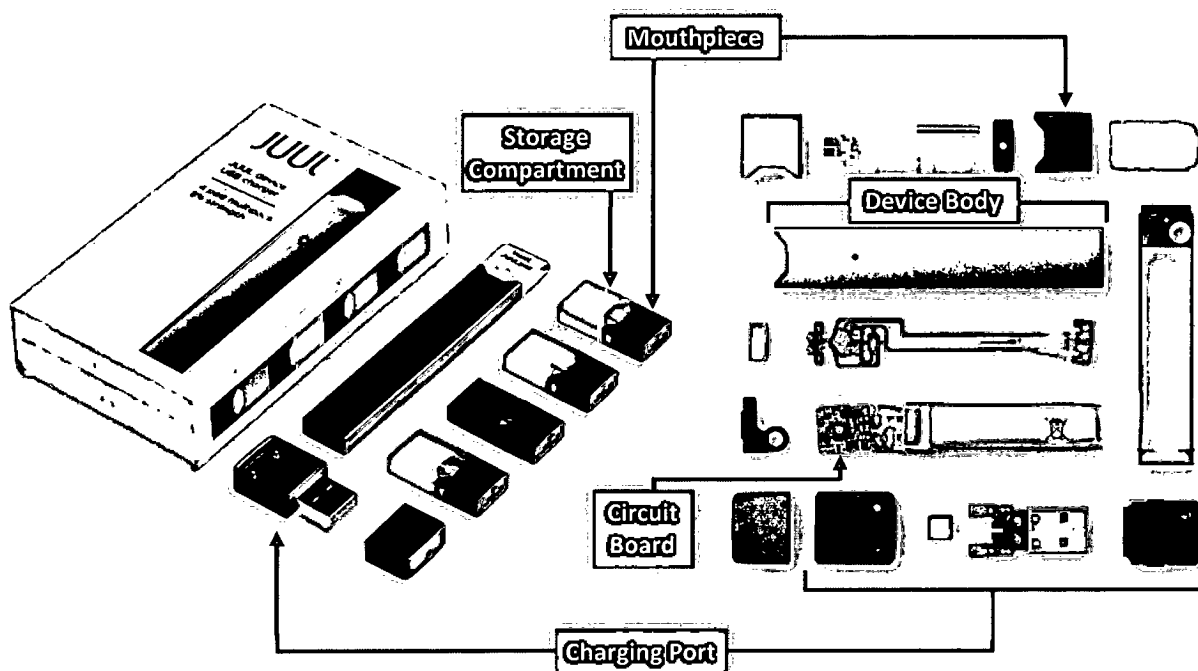
115. The Asserted Patents each relate to cartridges or “pods” for use in vaporizer devices. The patented cartridges include a mouthpiece and storage compartment for the liquid nicotine formulation, and can be inserted into the ENDS device body. The disposable cartridge-based system is simple and convenient: with only minimal attention to orientation and mild pressure, the single, reversible cartridge is easily inserted and removed from the device body,

---

<sup>5</sup> The following non-technical description of the patented technology is provided solely for compliance with the Commission Rules. It is not intended to, and does not, limit, define, or otherwise affect the construction or application of the claim language and should not be understood to do so.

even in the dark. The cartridge is filled with the liquid pursuant to JLI's patented method in JLI's domestic filling plants.

116. The cartridges are inserted into the cartridge receptacle in the ENDS device body. The ENDS device body also contains a battery, a charging port for charging the battery, and a printed circuit board that controls the electronic operations of the device. The JUUL system's form factor allows sufficient space for its advanced components, but is compact enough to easily and snugly fit in a user's closed lips during puffs.



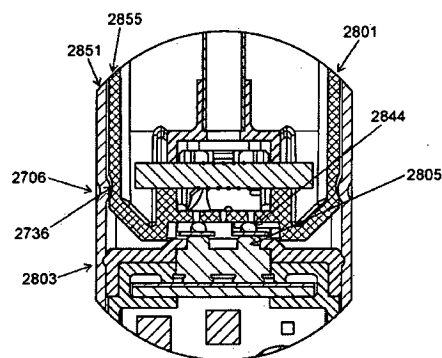
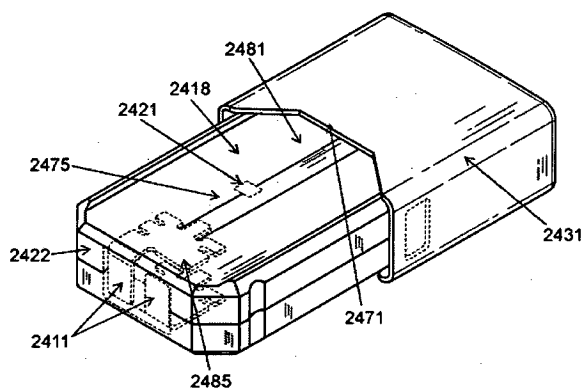
117. The JUUL system is simple, yet distinct. It is purposefully designed to make it easy for adult smokers to transition to the product. Its design distinguishes the JUUL system from combustible cigarettes and from the first generation of ENDS. Critically, it is not a white, round, cigarette-like stick, instead employing a unique form factor that represented a stark departure from conventional thinking about ENDS design. At one basic level, the flattened,

oblong design creates space for JLI to leverage and incorporate its innovations into an effective and well-controlled ENDS, with a unique iconography.

118. The Asserted Patents are directed to the innovative features of the JUULpod and methods of making the same.

**A. The '129 Patent**

119. The '129 Patent discloses an apparatus comprising a cartridge with a mouthpiece for use with a vaporizer device. Furthermore, the '129 patent discloses a cartridge that comprises contact tabs that are folded over the distal end of the cartridge and designed to interface with the electrical contacts of the vaporizer device. *See* Exhibit 140, '129 Patent, Figures 24B, 28D.

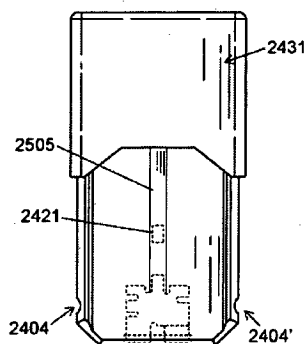


120. The '129 Patent discloses a pair of exposed, flat, folded-over contact tabs integrally formed from the paired plates. These exposed, flat, folded-over contact tabs complete a circuit with the battery in the vaporizer device body when the cartridge is inserted into the device. Prior to the '129 Patent, other cartridges used pins to connect the heating element and the vaporizer device. As opposed to the claimed contact tabs which lay flat against the bottom of the cartridge, these pins were larger and often required a separate compartment adjacent to the bottom of the cartridge for housing the pins in order to dissipate excess heat from the heating element. However, the pins were inadequate for dissipating excess heat and so were prone to

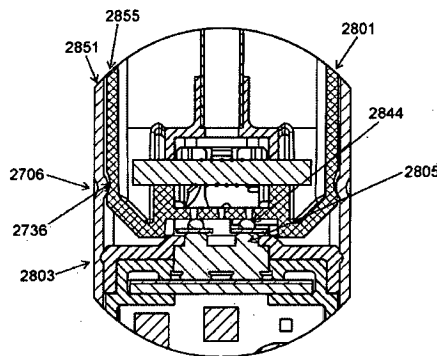
overheat and produce a burnt flavor. JLI's '129 Patent addresses this problem by disclosing the folded-over contact tabs integrally formed from the paired plates, making the device more space-efficient and relatively easy to manufacture and install, and allowing for heat to dissipate through the heat sink, which prevents the formation and transmission of burnt flavors to users.

#### **B. The '915 Patent**

121. The '915 Patent discloses an apparatus comprising a cartridge with a mouthpiece for use with a vaporizer device. Furthermore, the '915 patent discloses that the cartridge is configured to be quickly and reliably secured in a vaporizer device. In particular the cartridge disclosed by the '915 patent is designed so that it may be quickly removed from the vaporizer device, but so that it is still held securely enough when installed so that the electrical contact between the cartridge and the vaporizer device will not be disrupted when a user holds the cartridge with their mouth. *See* Exhibit 142, '915 Patent, Figures 25A, 28D.



**FIG. 25A**



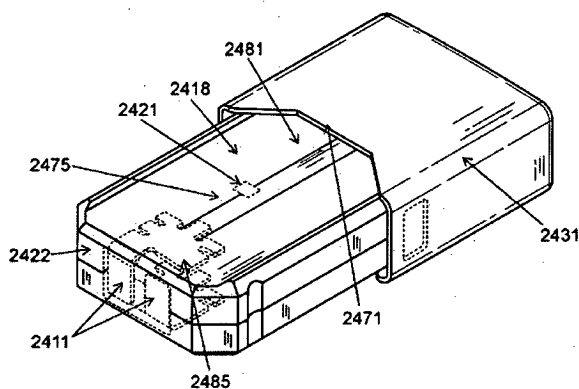
**FIG. 28D**

122. The '915 Patent discloses a cartridge with a locking mechanism that allows the cartridge to be removed from the vaporizer device, but that also prevents the cartridge from moving and breaking the electrical contacts between the cartridge and the vaporizer device. Prior to the '915 Patent, users using many other cartridges would experience instability in the electrical contacts between the cartridge and the vaporizer when the user held the mouthpiece

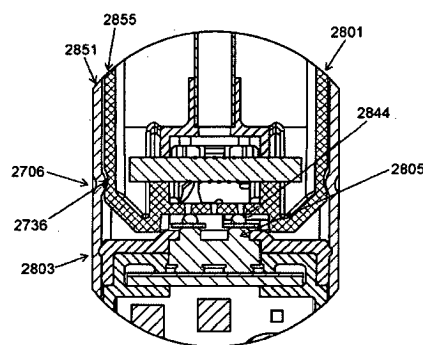
using their mouth. This would cause the cartridge and vaporizer device to function poorly or not at all. JLI's '915 Patent addresses this difficulty by disclosing cartridges that are comprised of locking gaps that allow the cartridge to be removably installed, but that do not allow disruption of the electrical contacts when the cartridge is held by the user's mouth.

### C. The '470 Patent

123. The '470 Patent discloses a cartridge for use with a vaporizer device that includes a mouthpiece enclosing and simultaneously concealing a portion of the storage compartment, but that also contains a notch exposing a portion of the storage compartment to allow a user to view the liquid level inside the cartridge when the cartridge sits inside a vaporizer device body. Moreover, the '470 Patent discloses that the cartridge has a storage compartment that supports a wicking material in contact with vaporizable liquid and a heating element in contact with the wicking material. *See* Exhibit 145, '470 Patent, Figures 24B, 28D.



**FIG. 24B**



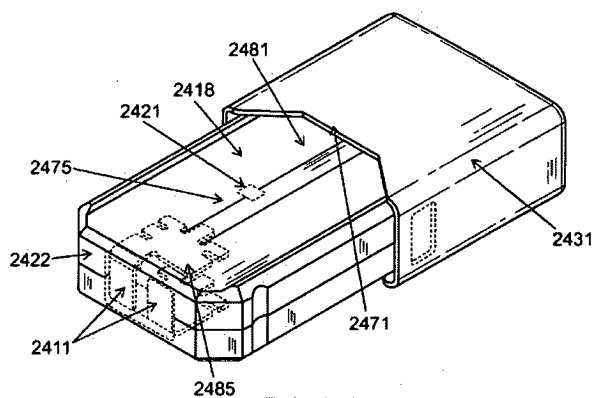
**FIG. 28D**

124. The '470 Patent discloses a cartridge with a mouthpiece that contains a notch to allow a user to see the level of vaporizable liquid in the cartridge when the cartridge is installed in a vaporizer device. The patent further discloses that the mouthpiece may have a pair of aerosol outlets and be affixed to the cartridge using a snap fit coupling. Additionally, the '470 patent discloses a heating element and wicking material of the cartridge that are supported by the

storage compartment and connected to electrical contacts. Prior to the '470 Patent, other cartridges used greater numbers of components, and did not allow a user to determine the liquid level in the cartridge when it was installed in a vaporizer device. JLI's '470 Patent addresses these problems by disclosing a mouthpiece, storage compartment, heating element, and wick, making the cartridge more space-efficient and relatively easy to manufacture and install, and allowing the user to see the liquid level with the cartridge is installed.

#### **D. The '465 Patent**

125. The '465 Patent discloses a cartridge for use with a vaporizer device that includes folded contact tabs (2411) that have fixation sites (2485) for a resistive heating element. Moreover, the '465 Patent discloses a heater chamber that contains the resistive heater between the fixation sites of the contact plates and a wick in contact with the resistive heating element to draw vaporizable material into the heater chamber. *See* Exhibit 148, '465 Patent, Figure 24B.



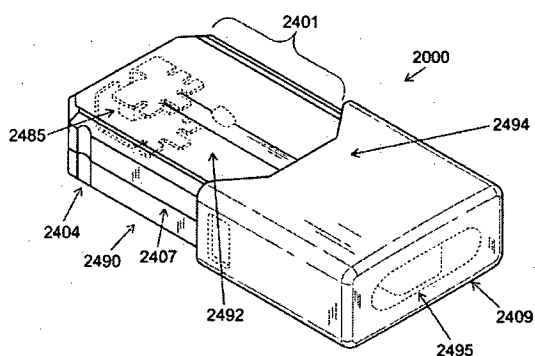
**FIG. 24B**

126. The '465 Patent discloses a cartridge with a heater chamber that contains folded contact tabs that comprise fixation sites for attachment of a resistive heating element and a wick in contact with the resistive heating element. The patent further discloses that the contacts may form an electrical connection with a battery to operate the resistive heating element to generate an aerosol from a vaporizable material within the heater chamber. Prior to the '465 Patent, other

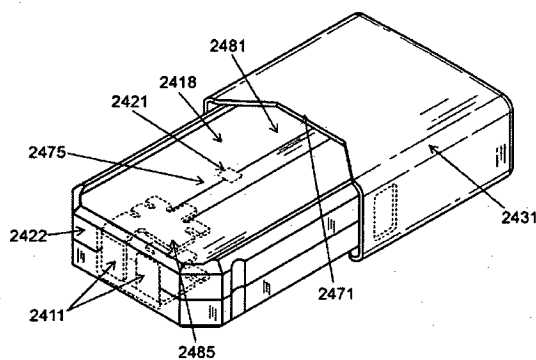
cartridges used greater numbers of components, and were more difficult to manufacture. Additionally, products prior to the '465 Patent often used pins instead of folded contact tabs, which required more space and was less efficient at dissipating heat. JLI's '465 Patent addresses these problems by disclosing a cartridge with folded contact tabs that comprise fixation sites for the resistive heating element and provide heat dissipation to the heating element, making the device more space-efficient and relatively easy to manufacture and install.

#### **E. The '466 Patent**

127. The '466 Patent discloses a cartridge for use with a vaporizer device that includes a storage compartment and a heating chamber that includes a heating element. The '466 Patent also discloses a first and second electrical contact located near the bottom of the cartridge and a third and fourth electrical contact in a receptacle of a vaporizer device configured to receive the cartridge. Moreover, the '466 Patent discloses that the cartridge has 180 degree symmetry about the axis of its longer dimension and may be inserted into the receptacle in two orientations that are 180 degrees opposed, such that the cartridge is reversible and may be inserted into the vaporizer in either orientation. *See Exhibit 151, '466 Patent, Figures 24A, 24B.*



**FIG. 24A**



**FIG. 24B**

128. The '466 Patent discloses a cartridge that contains a heating element that is connected to folded contact tabs, which are configured to connect to contact tabs on a vaporizer

device. When connected the contact tabs complete a circuit allowing the cartridge's heating element to generate an aerosol from the vaporizable liquid in the heating chamber. Further, the '466 Patent discloses that the cartridge is reversible and may be inserted in two orientations such that either contact tab of the cartridge is in contact with either contact tab of the vaporizer device. Prior to the '466 Patent, other cartridges did not allow a user to insert a cartridge in either direction and required that the user insert the cartridge in only a single correct orientation. JLI's '466 Patent addresses these problems by disclosing a cartridge with 180 degree symmetry that can be inserted into the vaporizer device in two orientations.

## **V. THE ACCUSED PRODUCTS**

129. Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10(b), the proposed plain language description of the category of accused products, which defines the scope of the investigation, is "cartridges for nicotine vaporizers, and components thereof, such as the mouthpiece, storage compartment, and heater." As detailed below, the accused products include cartridges sold for use with a nicotine vaporizer (also known as an ENDS device). Some accused products—sold alone or with an associated device (i.e., nicotine vaporizers)—may be used with other unassociated devices, such as the JUUL device, Eon device, or Ziip device. Furthermore, some accused cartridges are expressly marketed as "Juul Compatible."

130. The Accused Products include at least the X Pods, Loon Pods, Iced Pods, Atom Pods, ViV Pods, Airbender ZPods, JC01 Pods, VQ Pods, Fuma Pods, Zalt Pods, Magic Mist

Pods, J Pods, Blankz Pods, Edge Pods, 5-Star Universal Pods, Sex Pods, and Sea100 Pods (“Accused Products”).<sup>6</sup>

**A. X Pods**

131. On information and belief, each of United Wholesale’s Saddam Aburoumi’s X Pod products are Cartridges for ENDS or components thereof. *See, e.g.*, Exhibit 25.



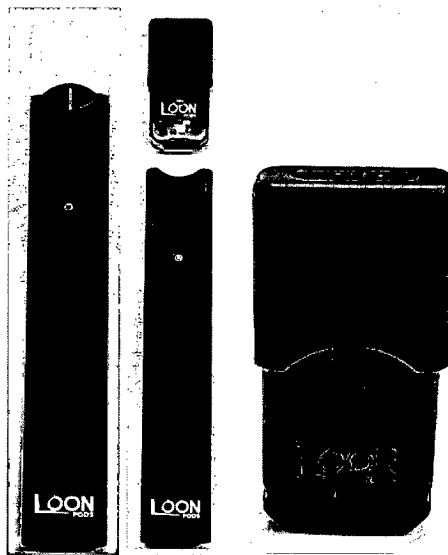
**Exhibit 25 at 9 (X Pod)**

**B. Loon Pods**

132. On information and belief, each of Maduro’s Loon Pod products are cartridges for ENDS or components thereof. *See, e.g.*, Exhibit 34.

---

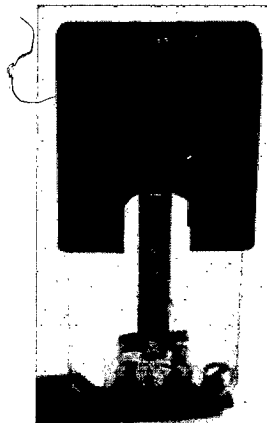
<sup>6</sup> JLI has identified these products based on information that is publicly available at this time. This list is non-limiting, and JLI reserves the right to identify additional infringing products during discovery.



**Exhibit 34 at 11-13 (Loon Pod with ENDS device and Loon Pod separated)**

**C. Iced Pods**

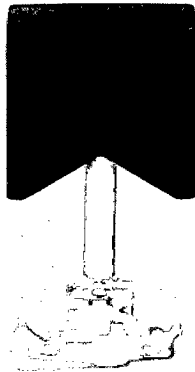
133. On information and belief, each of DripTip's, Ziip Labs', Ziip China's, and Yibo's Iced Pod products are cartridges for ENDS or components thereof. *See, e.g.*, Exhibit 40.



**Exhibit 40 at 9 (Iced Pod)**

**D. Atom Pods**

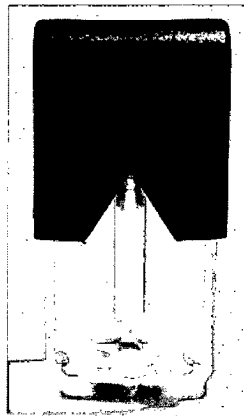
134. On information and belief, each of DripTip's Atom Pod products are cartridges for ENDS or components thereof. *See, e.g.*, Exhibit 46.



**Exhibit 46 at 7 (Atom Pod)**

**E. ViV Pods**

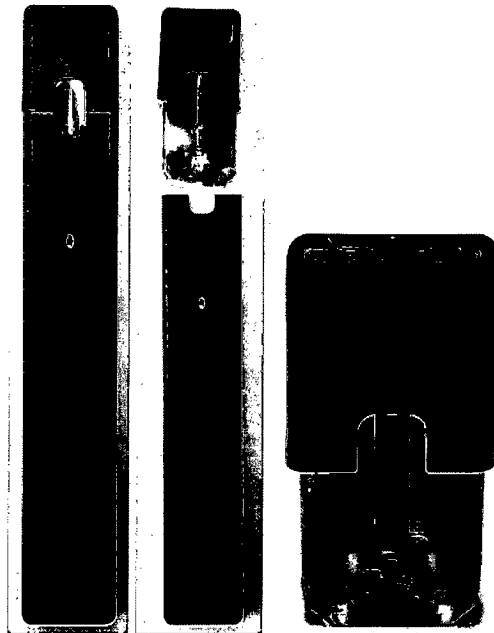
135. On information and belief, each of Vapor4Life's and DripTip's ViV Pod products are cartridges for ENDS or components thereof. *See, e.g.*, Exhibit 153 (ViV Pod Photographs).



**Exhibit 153 at 7 (ViV Pod)**

**F. Airbender ZPods**

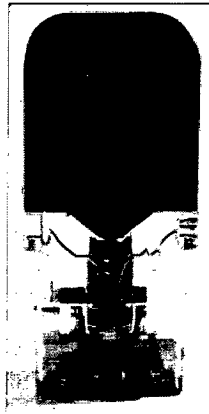
136. On information and belief, each of Vaperz's, Ziip Labs', Ziip China's, Yibo's, DripTip's, ZFO's, and Electric Tobacconist's Airbender ZPod products are cartridges for ENDS or components thereof. *See, e.g.*, Exhibit 61.



**Exhibit 61 at 8-10 (Airbender ZPod with ENDS device and Airbender ZPod separated)**

**G. JC01 Pods**

137. On information and belief, each of OVNS', MistHub's, ZFO's, and VaporDNA's JC01 Pod products are cartridges for ENDS or components thereof. *See, e.g.,* Exhibit 78.



**Exhibit 78 at 5-7 (JC01 Pod)**

**H. VQ Pods**

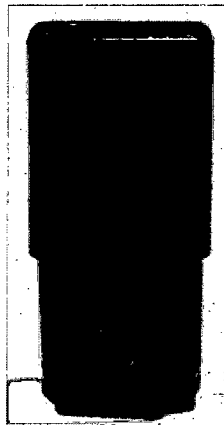
138. On information and belief, each of Vaportronix's and ZFO's VQ Pod products are cartridges for ENDS or components thereof. *See, e.g.,* Exhibit 154 (VQ Pod Photographs).



**Exhibit 154 at 8 (VQ Pod)**

**I. Fuma Pods / Fumo Pods<sup>7</sup>**

139. On information and belief, each of Fuma's and ZFO's Fuma Pod products are cartridges for ENDS or components thereof. *See, e.g.,* Exhibit 155.



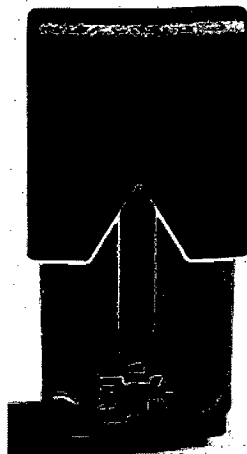
**Exhibit 155 at 6 (Fuma Pod)**

**J. Zalt Pods**

140. On information and belief, each of Vape4U's and ZFO's Zalt Pod products are cartridges for ENDS or components thereof. *See, e.g.,* Exhibit 156.

---

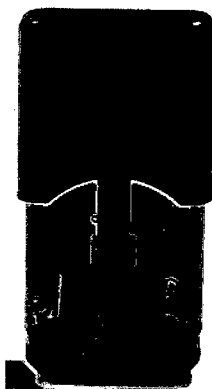
<sup>7</sup> Respondent's website offers "Fuma Pods" for sale, but some images of the Fuma Pod products use the name "Fumo Pod." *See* Exhibit 102. On information and belief, Fuma and Fumo Pods are the same product.



**Exhibit 156 at 9 (Zalt Pod)**

**K. Magic Mist Pods**

141. On information and belief, each of ParallelDirect's Magic Mist Pod products are cartridges for ENDS or components thereof. *See, e.g.*, Exhibit 112.



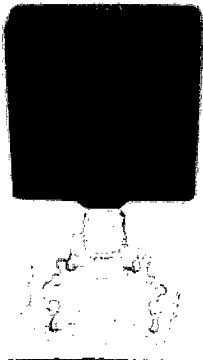
**Exhibit 112 at 10 (Magic Mist Pod)**

**L. J Pods / Ref Pods<sup>8</sup>**

142. On information and belief, each of Haka's, OCIGA's, and Lizard Juice's J Pod products are cartridges for ENDS or components thereof. *See, e.g.*, Exhibit 121.

---

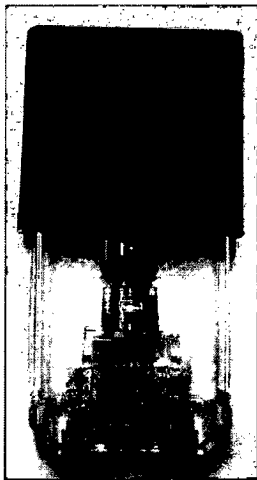
<sup>8</sup> Haka and OCIGA have recently changed the name of the J Pod product to "Ref-Pods." *See* Exhibit 118. However, despite the name change on the web portals, the physical product packaging continues to state "J Pod." Exhibit 54 at ¶¶ 87-88.



**Exhibit 121 at 7 (J Pod)**

**M. Blankz Pods**

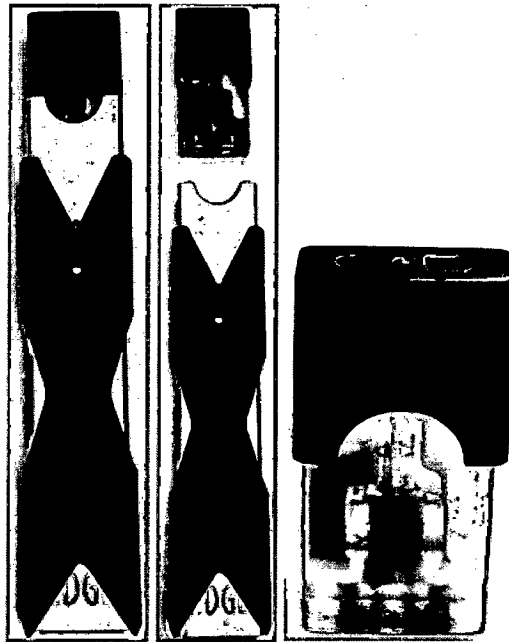
143. On information and belief, each of Electric Tobacconist's, and VaporDNA's, Blankz Pod products are cartridges for ENDS or components thereof. *See, e.g.*, Exhibit 157 (Blankz Pod Photographs).



**Exhibit 157 at 6 (Blankz Pod)**

**N. Edge Pods**

144. On information and belief, each of Electric Tobacconist's and ZFO's Edge Pod products are cartridges for ENDS or components thereof. *See, e.g.*, Exhibit 158.



**Exhibit 158 at 7-9 (Edge Pod with ENDS device and Edge Pod separated)**

**O. 5-Star Universal Pods**

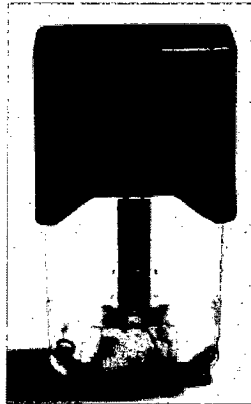
145. On information and belief, each of Sarvasva's, 5-Star Universal Pod products are cartridges for ENDS or components thereof. *See, e.g.,* Exhibit 159 (5-Star Universal Pod Photographs).



**Exhibit 159 at 10 (5-Star Universal Pod)**

**P. Sex Pods**

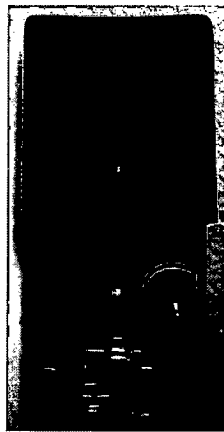
146. On information and belief, Noah Dovberg's Sex Pod products are cartridges for ENDS or components thereof. *See, e.g.,* Exhibit 160 (Sex Pod Photographs).



**Exhibit 160 at 8 (Sex Pod)**

**Q. Sea100 Pods**

147. On information and belief, each of Twist's and ZFO's Sea100 Pod products are cartridges for ENDS or components thereof. *See, e.g.,* Exhibit 138.



**Exhibit 138 at 8-10 (Sea100 Pod)**

## **VI. RESPONDENTS' UNLAWFUL AND UNFAIR ACTS**

### **A. Importation and Sale**

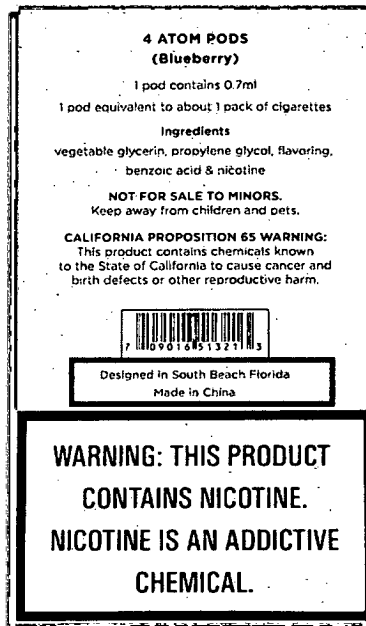
148. The specific instances set forth below are representative examples of Respondents' unlawful acts.

#### **1. Respondent DripTip**

149. On information and belief, Respondent DripTip knowingly and intentionally organizes, directs, authorizes, approves, or otherwise participates in the unlawful and infringing conduct alleged herein, including the manufacture, distribution, sale for importation, importation, or sale after importation in the United States of the infringing Atom Pod and Iced Pod cartridges.

#### ***Specific Instance of Importation of the Atom Pod Cartridges***

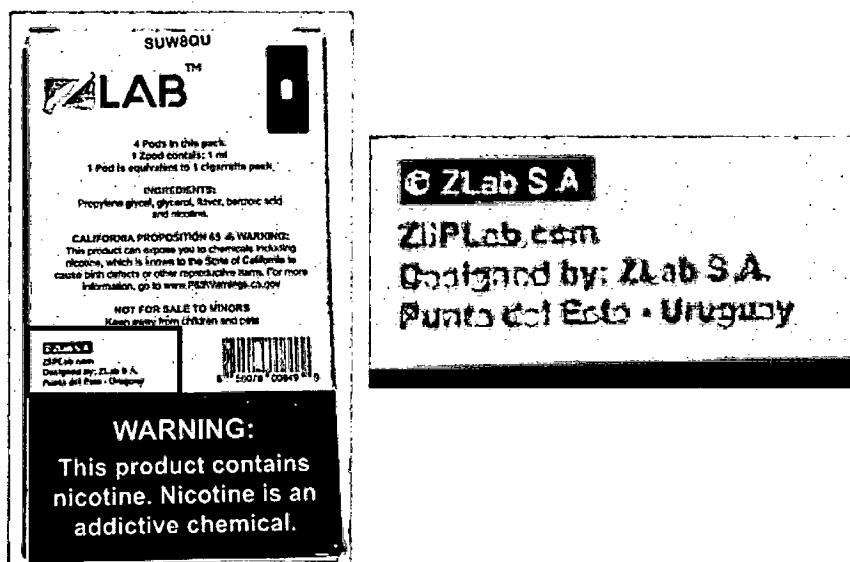
150. Atom Pod cartridges were purchased in the United States on October 19, 2018, November 2, 2018, and November 7, 2018 from the DripTip webpage and shipped to an address in New York. *See* Exhibit 54 at ¶¶ 28-33. Packaging for these cartridges does not identify a manufacturer or distributor, but the image of the Atom Pod cartridge packaging on the DripTip webpage shows the "Driptip Vapes.com" logo, which suggests the Atom Pod cartridges are designed and/or made by or for DripTip. *See* Exhibit 44. Additionally, the packaging states that the cartridges were designed in Florida, DripTip's state of incorporation, and manufactured in China. *See* Exhibit 46 at 2. Therefore, DripTip organized, directed, authorized, or otherwise participated in at least the sale after importation in the United States of these infringing Atom Pod cartridges. On information and belief, DripTip also organized, directed, authorized, or otherwise participated in the sale for importation and importation into the United States of these infringing Atom Pod cartridges.



Designed in South Beach Florida  
Made in China

*Specific Instance of Importation of the Iced Pod Cartridges*

151. Iced Pod cartridges were purchased in the United States on October 26, 2018, November 1, 2018, and November 7, 2018 from the DripTip website and shipped to an address in New York. See Exhibit 54 at ¶¶ 22-27. Packaging for these cartridges identifies Ziip Labs as the product designer. Exhibit 40 at 2-3. On information and belief, Respondent Ziip China manufactures Iced Pods. See Exhibits 41, 42 (identifying Ziip China as the “factory” for Ziip Labs). Therefore, on information and belief, DripTip organized, directed, authorized, or otherwise participated in at least the sale after importation in the United States of these infringing Iced Pod cartridges.

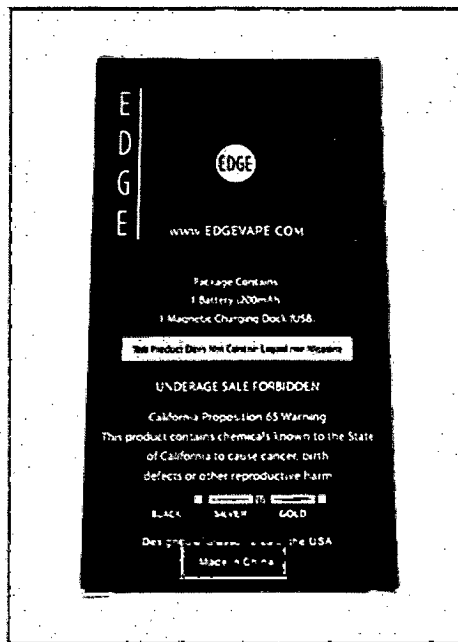


## 2. Respondent Electric Tobacconist

152. On information and belief, Respondent Electric Tobacconist knowingly and intentionally organizes, directs, authorizes, approves, or otherwise participates in the unlawful and infringing conduct alleged herein, including the manufacture, distribution, sale for importation, importation, or sale after importation in the United States of the infringing Edge cartridges.

### *Specific Instance of Importation of the Edge Cartridges*

153. Edge cartridges were purchased in the United States on November 1, 2018 and November 7, 2018 from the Electric Tobacconist webstore and shipped to an address in New York. Exhibit 54 at ¶¶ 101-104. Packaging for these cartridges shows that they were designed and assembled in the United States and “[m]ade in China.” See Exhibit 158 at 2. Therefore, the Electric Tobacconist organized, directed, authorized, or otherwise participated in at least the sale after importation of these infringing Edge cartridges.



Designed and assembled in the USA  
Made in China

### 3. Respondent Fuma

154. On information and belief, Respondent Fuma knowingly and intentionally organizes, directs, authorizes, approves, or otherwise participates in the unlawful and infringing conduct alleged herein, including the manufacture, distribution, sale for importation, importation, and sale after importation in the United States of the infringing Fuma Pod cartridges.

#### *Specific Instance of Importation of the Fuma Pod Cartridges*

155. Fuma Pod cartridges were purchased in the United States on November 7, 2018 from the Fuma website and shipped to an address in New York. *See* Exhibit 54 at ¶¶ 71-72. Packaging for the Fuma cartridges shows that they were designed in the United States, the e-liquid was made in the United States, and the cartridges were assembled in China. *See* Exhibit 155 at 2. Therefore, Fuma organized, directed, authorized, or otherwise participated in at least the sale after importation in the United States of these infringing Fuma Pod cartridges. On information and belief, Fuma also organizes, directs, authorizes, or otherwise participates in the sale for importation and importation in the United States of infringing Fuma cartridges.