

5. ViV Pod Group

a) Direct Infringement

239. Respondents Vapor4Life and DripTip import, sell for importation, and/or sell after importation the ViV Pod cartridges. In violation of § 1337(a)(1)(B), the ViV Pod cartridges directly infringe, literally or under the doctrine of equivalents, claims 1, 2, 3, 5, 6, 7, 8, 12, 13, 16, 17, 18, 19, 20, 22 of the '129 Patent; claims 10, 15, 17, 29, 30, 31, 32 of the '915 Patent; claims 1, 2, 3, 4, 7, 8, 10, 11 of the '470 Patent; claims 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 of the '465 Patent; and claims 1, 4, 5, 6, 7, 8, 10, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23 of the '466 Patent.

240. Claim charts comparing representative ViV Pod cartridges to the Asserted Claims of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent are attached as Exhibits 181 ('129 Patent), 182 ('915 Patent), 183 ('470 Patent), 184 ('465 Patent), 185 ('466 Patent).

241. On information and belief, each of the Respondents Vapor4Life and DripTip maintain a commercially-significant inventory of the ViV Pod cartridges in the United States. Respondents' sales of cartridges alone directly infringe JLI's Asserted Claims directed to nicotine delivery cartridges of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

b) Indirect Infringement

242. The ViV Pod Group Respondents have also induced and continue to induce others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after importation the Accused Products and encouraging and facilitating others to perform actions using those Accused Products that Respondents know will infringe and with the intent that performance of the actions will infringe.

243. As an initial matter, the ViV Pod Group Respondents had notice of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent, as well as JLI's infringement allegations at least as early as November 20, 2018—the filing date of JLI's complaints in the United States District Courts for the Northern District of Illinois and the Southern District of Florida.

244. The ViV Pod Group Respondents actively encourage, promote, distribute, provide instructions for, and support the use of the imported ViV Pod cartridges in a way that directly infringes the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent, knowing and intending that their customers will commit infringing acts in such a manner as to directly infringe the Asserted Claims. Specifically, Respondents provide explicit instructions to their customers regarding the use of the cartridges with a JUUL device. *See* Exhibit 51. On information and belief, the products are sold to customers and used by them pursuant to Respondents' packaging instructions to infringe one or more of the Asserted Claims. The cartridges have no substantial purpose other than to be combined with a vaporizer device in a manner that infringes the claims of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

245. On information and belief, Respondents also contribute to the infringement of the Asserted Claims under 35 U.S.C. § 271(c) by their manufacture, importation, sale for importation, and/or sale in the United States after importation of one or more components of the Accused Products. Since at least the date a courtesy copy of one of JLI's November 20, 2018 district court complaints alleging infringement of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent was sent to Respondents, Respondents have had knowledge of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent and the infringing nature of the Accused Products. Respondents are aware that their imported components are designed for use in

the Accused Products, embody a material part of the invention claimed in the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent, and are not staple articles of commerce suitable for substantial non-infringing use.

246. Respondents' importation, sale for importation, and sale in the United States after importation of the Accused Products, and components thereof, are continuing. Moreover, Respondents have continued to distribute product literature and website materials encouraging their customers and others to use their products in the customary and intended manner which infringes the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent. *See* Exhibits 51, 52 (showing ViV product literature accessed November 6, 2018). Thus, Respondents contribute to and induce the infringement of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

6. Airbender ZPod Group

a) Direct Infringement

247. Respondents Vaperz, Ziip Labs, Ziip China, Yibo, DripTip, ZFO, and Electric Tobacconist import, sell for importation, and/or sell after importation the Airbender ZPod cartridges. In violation of § 1337(a)(1)(B), the Airbender ZPod cartridges directly infringe, literally or under the doctrine of equivalents, claims 1, 2, 3, 5, 6, 7, 8, 12, 13, 16, 17, 18, 19, 20, 22 of the '129 Patent; claims 10, 15, 17, 29, 30, 31, 32 of the '915 Patent; claims 1, 2, 3, 4, 7, 8, 10, 11 of the '470 Patent; claims 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 of the '465 Patent; and claims 1, 4, 5, 6, 7, 8, 10, 12, 16, 17, 18, 19, 20, 21, 22, 23 of the '466 Patent.

248. Claim charts comparing representative Airbender ZPod cartridges to the Asserted Claims of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent are attached as

Exhibits 186 ('129 Patent), 187 ('915 Patent), 188 ('470 Patent), 189 ('465 Patent), and 190 ('466 Patent).

249. On information and belief, each of the Respondents Vaperz, Ziip Labs, Ziip China, Yibo, DripTip, ZFO, and Electric Tobacconist maintain a commercially-significant inventory of the Airbender ZPod cartridges in the United States. Respondents' sales of cartridges alone directly infringe JLI's Asserted Claims directed to nicotine delivery cartridges of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

b) Indirect Infringement

250. The Airbender ZPod Group Respondents have also induced and continue to induce others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after importation the Accused Products and encouraging and facilitating others to perform actions using those Accused Products that Respondents know will infringe and with the intent that performance of the actions will infringe.

251. As an initial matter, the Airbender ZPod Group Respondents had notice of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent, as well as JLI's infringement allegations at least as early as November 20, 2018—the filing date of JLI's complaints in the United States District Courts for the Northern District of Illinois, the Southern District of Florida, and the Western District of New York.

252. The Airbender ZPod Group Respondents actively encourage, promote, distribute, provide instructions for, and support the use of the imported Airbender ZPod cartridges in a way that directly infringes the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent, knowing and intending that their customers will commit infringing acts in such a manner as to directly infringe the Asserted Claims. Specifically, Respondents provide explicit instructions to

their customers regarding the use of the cartridges with a rechargeable device, their compatibility with JUUL devices, and even sell rechargeable devices and cartridges together as starter kits. *See* Exhibits 69, 73; Exhibit 61 at 1-3, 5. On information and belief, the products are sold to customers and used by them pursuant to Respondents' packaging instructions to infringe one or more of the Asserted Claims. The cartridges have no substantial purpose other than to be combined with a vaporizer device in a manner that infringes the claims of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

253. On information and belief, Respondents also contribute to the infringement of the Asserted Claims under 35 U.S.C. § 271(c) by their manufacture, importation, sale for importation, and/or sale in the United States after importation of one or more components of the Accused Products. Since at least the date a courtesy copy of one of JLI's November 20, 2018 district court complaints alleging infringement of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent was sent to Respondents, Respondents have had knowledge of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent and the infringing nature of the Accused Products. Respondents are aware that their imported components are designed for use in the Accused Products, embody a material part of the invention claimed in the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent, and are not staple articles of commerce suitable for substantial non-infringing use.

254. Respondents' importation, sale for importation, and sale in the United States after importation of the Accused Products, and components thereof, are continuing. Moreover, Respondents have continued to distribute product literature and website materials encouraging their customers and others to use their products in the customary and intended manner which infringes the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent. *See* Exhibits 69,

73 (showing Airbender product literature accessed November 6-7, 2018). Thus, Respondents contribute to and induce the infringement of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

7. JC01 Pod Group

a) Direct Infringement

255. Respondents OVNS, MistHub, ZFO, and VaporDNA import, sell for importation, and/or sell after importation the JC01 Pod cartridges. In violation of § 1337(a)(1)(B), the JC01 Pod cartridges directly infringe, literally or under the doctrine of equivalents, claims 10, 15, 17, 29, 30, 31, 32 of the '915 Patent.

256. A claim chart comparing representative JC01 Pod cartridges to the Asserted Claims of the '915 Patent is attached as Exhibit 191 ('915 Patent).

257. On information and belief, each of the Respondents OVNS, MistHub, ZFO, and VaporDNA maintain a commercially-significant inventory of the JC01 Pod cartridges in the United States. Respondents' sales of cartridges alone directly infringe JLI's Asserted Claims directed to nicotine delivery cartridges of the '915 Patent.

b) Indirect Infringement

258. The JC01 Pod Group Respondents have also induced and continue to induce others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after importation the Accused Products and encouraging and facilitating others to perform actions using those Accused Products that Respondents know will infringe and with the intent that performance of the actions will infringe.

259. As an initial matter, the JC01 Pod Group Respondents had notice of the '915 Patent, as well as JLI's infringement allegations at least as early as November 20, 2018—the

filing date of JLI's complaints in the United States District Courts for the District of Northern Illinois and the Western District of New York.

260. The JC01 Pod Group Respondents actively encourage, promote, distribute, provide instructions for, and support the use of the imported JC01 Pod cartridges in a way that directly infringes the '915 Patent, knowing and intending that their customers will commit infringing acts in such a manner as to directly infringe the Asserted Claims. Specifically, Respondents provide explicit instructions to their customers regarding the use of the cartridges with a rechargeable device, and even sell rechargeable devices and cartridges together as starter kits. *See* Exhibit 78 at 1-3, 14-15 (instructions on how to use the device and cartridges and JC01 packaging). On information and belief, the products are sold to customers and used by them pursuant to Respondents' packaging instructions to infringe one or more of the Asserted Claims. The devices and cartridges have no substantial purpose other than to be combined in a manner that infringes the claims of the '915 Patent.

261. On information and belief, Respondents also contribute to the infringement of the Asserted Claims under 35 U.S.C. § 271(c) by their manufacture, importation, sale for importation, and/or sale in the United States after importation of one or more components of the Accused Products. Since at least the date a courtesy copy of one of JLI's November 20, 2018 district court complaints alleging infringement of the '915 Patent was sent to Respondents, Respondents have had knowledge of the '915 Patent and the infringing nature of the Accused Products. Respondents are aware that their imported components are designed for use in the Accused Products, embody a material part of the invention claimed in the '915 Patent, and are not staple articles of commerce suitable for substantial non-infringing use.

262. Respondents' importation, sale for importation, and sale in the United States after importation of the Accused Products, and components thereof, are continuing. Moreover, Respondents have continued to distribute product literature and website materials encouraging their customers and others to use their products in the customary and intended manner which infringes the '915 Patent. *See* Exhibits 80, 86, 91 (showing JC01 product literature accessed November 6-7, 2018). Thus, Respondents contribute to and induce the infringement of the '915 Patent.

8. VQ Pod Group

a) Direct Infringement

263. Respondents Vaportronix and ZFO import, sell for importation, and/or sell after importation the VQ Pod cartridges. In violation of § 1337(a)(1)(B), the VQ Pod cartridges directly infringe, literally or under the doctrine of equivalents, claims 1, 2, 3, 5, 6, 7, 8, 12, 13, 16, 17, 18, 19, 20, 22 of the '129 Patent; claims 10, 15, 17, 29, 30, 31, 32 of the '915 Patent; claims 1, 2, 3, 4, 7, 8, 10, 11 of the '470 Patent; claims 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 of the '465 Patent; and claims 1, 4, 5, 6, 7, 8, 10, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23 of the '466 Patent.

264. Claim charts comparing representative VQ Pod cartridges to the Asserted Claims of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent are attached as Exhibits 192 ('129 Patent), 193 ('915 Patent), 194 ('470 Patent), 195 ('465 Patent), and 196 ('466 Patent).

265. On information and belief, each of the Respondents Vaportronix and ZFO maintain a commercially-significant inventory of the VQ Pod cartridges in the United States. Respondents' sales of cartridges alone directly infringe JLI's Asserted Claims directed to nicotine delivery cartridges of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

b) Indirect Infringement

266. The VQ Pod Group Respondents have also induced and continue to induce others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after importation the Accused Products and encouraging and facilitating others to perform actions using those Accused Products that Respondents know will infringe and with the intent that performance of the actions will infringe.

267. As an initial matter, the VQ Pod Group Respondents had notice of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent, as well as JLI's infringement allegations at least as early as November 20, 2018—the filing date of JLI's complaints in the United States District Courts for the Southern District of Florida and the Western District of New York.

268. The VQ Pod Group Respondents actively encourage, promote, distribute, provide instructions for, and support the use of the imported VQ Pod cartridges in a way that directly infringes the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent, knowing and intending that their customers will commit infringing acts in such a manner as to directly infringe the Asserted Claims. Specifically, Respondents provide explicit instructions to their customers that the cartridges are “compatible with JUUL.” *See* Exhibit 94; Exhibit 154 at 1. On information and belief, the products are sold to customers and used by them pursuant to Respondents' packaging instructions to infringe one or more of the Asserted Claims. The cartridges have no substantial purpose other than to be combined with a vaporizer device in a manner that infringes the claims of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

269. On information and belief, Respondents also contribute to the infringement of the Asserted Claims under 35 U.S.C. § 271(c) by their manufacture, importation, sale for

importation, and/or sale in the United States after importation of one or more components of the Accused Products. Since at least the date a courtesy copy of one of JLI's November 20, 2018 district court complaints alleging infringement of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent was sent to Respondents, Respondents have had knowledge of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent and the infringing nature of the Accused Products. Respondents are aware that their imported components are designed for use in the Accused Products, embody a material part of the invention claimed in the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent, and are not staple articles of commerce suitable for substantial non-infringing use.

270. Respondents' importation, sale for importation, and sale in the United States after importation of the Accused Products, and components thereof, are continuing. Moreover, Respondents have continued to distribute product literature and website materials encouraging their customers and others to use their products in the customary and intended manner which infringes the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent. *See* Exhibit 94, 95 (showing VQ product literature accessed November 6, 2018). Thus, Respondents contribute to and induce the infringement of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

9. Fuma Pod Group

a) Direct Infringement

271. Respondents Fuma and ZFO import, sell for importation, and/or sell after importation the Fuma Pod cartridges. In violation of § 1337(a)(1)(B), the Fuma Pod cartridges directly infringe, literally or under the doctrine of equivalents, claims 10, 15, 17, 29, 30, 31, 32 of the '915 Patent; claims 1, 2, 3, 4, 7, 8, 10, 11 of the '470 Patent; claims 1, 2, 3, 4, 5, 6, 7, 9, 11,

12, 13, 14, 15, 16, 17, 18, 19, 20 of the '465 Patent; and claims 1, 4, 5, 6, 7, 8, 10, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23 of the '466 Patent.

272. Claim charts comparing representative Fuma Pod cartridges to the Asserted Claims of the '915 Patent, '470 Patent, '465 Patent, and '466 Patent are attached as Exhibits 197 ('915 Patent), 198 ('470 Patent), 199 ('465 Patent), and 200 ('466 Patent).

273. On information and belief, each of the Respondents Fuma and ZFO maintain a commercially-significant inventory of the Fuma Pod cartridges in the United States. Respondents' sales of cartridges alone directly infringe JLI's Asserted Claims directed to nicotine delivery cartridges of each of the '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

b) Indirect Infringement

274. The Fuma Pod Group Respondents have also induced and continue to induce others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after importation the Accused Products and encouraging and facilitating others to perform actions using those Accused Products that Respondents know will infringe and with the intent that performance of the actions will infringe.

275. As an initial matter, the Fuma Pod Group Respondents had notice of each of the '915 Patent, '470 Patent, '465 Patent, and '466 Patent, as well as JLI's infringement allegations at least as early as November 20, 2018—the filing date of JLI's complaints in the United States District Courts for the Northern District of Illinois and the Western District of New York.

276. The Fuma Pod Group Respondents actively encourage, promote, distribute, provide instructions for, and support the use of the imported Fuma Pod cartridges in a way that directly infringes the '915 Patent, '470 Patent, '465 Patent, and '466 Patent, knowing and intending that their customers will commit infringing acts in such a manner as to directly infringe

the Asserted Claims. Specifically, Respondents provide explicit instructions to their customers that Fuma Pods are “replacement pods for Juul.” *See* Exhibits 103, 104. On information and belief, the products are sold to customers and used by them pursuant to Respondents’ instructions to infringe one or more of the Asserted Claims. The cartridges have no substantial purpose other than to be combined with a vaporizer device in a manner that infringes the claims of each of the ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent.

277. On information and belief, Respondents also contribute to the infringement of the Asserted Claims under 35 U.S.C. § 271(c) by their manufacture, importation, sale for importation, and/or sale in the United States after importation of one or more components of the Accused Products. Since at least the date a courtesy copy of one JLI’s November 20, 2018 district court complaints alleging infringement of the ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent was sent to Respondents, Respondents have had knowledge of the ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent and the infringing nature of the Accused Products. Respondents are aware that their imported components are designed for use in the Accused Products, embody a material part of the invention claimed in the ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent, and are not staple articles of commerce suitable for substantial non-infringing use.

278. Respondents’ importation, sale for importation, and sale in the United States after importation of the Accused Products, and components thereof, are continuing. Moreover, Respondents have continued to distribute product literature and website materials encouraging their customers and others to use their products in the customary and intended manner which infringes the ’915 Patent, ’470 Patent, ’465 Patent, and ’466 Patent. *See* Exhibit 99 (showing

Fuma product literature accessed November 8, 2018). Thus, Respondents contribute to and induce the infringement of the '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

10. Zalt Pod Group

a) Direct Infringement

279. Respondents Vape4U and ZFO import, sell for importation, and/or sell after importation the Zalt Pod cartridges. In violation of § 1337(a)(1)(B), the Zalt Pod cartridges directly infringe, literally or under the doctrine of equivalents, claims 1, 2, 3, 5, 6, 7, 8, 12, 13, 16, 17, 18, 19, 20, 22 of the '129 Patent; claims 10, 15, 17, 29, 30, 31, 32 of the '915 Patent; claims 1, 2, 3, 4, 7, 8, 10, 11 of the '470 Patent; claims 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 of the '465 Patent; and claims 1, 4, 5, 6, 7, 8, 10, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23 of the '466 Patent.

280. Claim charts comparing representative Zalt Pod cartridges to the Asserted Claims of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent are attached as Exhibits 201 ('129 Patent), 202 ('915 Patent), 203 ('470 Patent), 204 ('465 Patent), and 205 ('466 Patent).

281. On information and belief, each of the Respondents Vape4U and ZFO maintain a commercially-significant inventory of the Zalt Pod cartridges in the United States. Respondents' sales of cartridges alone directly infringe JLI's Asserted Claims directed to nicotine delivery cartridges of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

b) Indirect Infringement

282. The Zalt Pod Group Respondents have also induced and continue to induce others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after importation the Accused Products and encouraging and facilitating others to perform actions

using those Accused Products that Respondents know will infringe and with the intent that performance of the actions will infringe.

283. As an initial matter, the Zalt Pod Group Respondents had notice of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent, as well as JLI's infringement allegations at least as early as November 20, 2018—the filing date of JLI's complaints in the United States District Courts for the Central District of California and the Western District of New York.

284. The Zalt Pod Group Respondents actively encourage, promote, distribute, provide instructions for, and support the use of the imported Zalt Pod cartridges in a way that directly infringes the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent, knowing and intending that their customers will commit infringing acts in such a manner as to directly infringe the Asserted Claims. Specifically, Respondents provide explicit instructions to their customers that the Zalt Pods are “Juul [c]ompatible.” *See* Exhibit 22; Exhibit 156 at 1, 5. On information and belief, the products are sold to customers and used by them pursuant to Respondents' instructions to infringe one or more of the Asserted Claims. The cartridges have no substantial purpose other than to be combined with a vaporizer device in a manner that infringes the claims of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

285. On information and belief, Respondents also contribute to the infringement of the Asserted Claims under 35 U.S.C. § 271(c) by their manufacture, importation, sale for importation, and/or sale in the United States after importation of one or more components of the Accused Products. Since at least the date a courtesy copy of one of JLI's November 20, 2018 district court complaints alleging infringement of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent was sent to Respondents, Respondents have had knowledge of the '129

Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent and the infringing nature of the Accused Products. Respondents are aware that their imported components are designed for use in the Accused Products, embody a material part of the invention claimed in the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent, and are not staple articles of commerce suitable for substantial non-infringing use.

286. Respondents' importation, sale for importation, and sale in the United States after importation of the Accused Products, and components thereof, are continuing. Moreover, Respondents have continued to distribute product literature and website materials encouraging their customers and others to use their products in the customary and intended manner which infringes the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent. *See* Exhibits 22, 107 (showing Zalt product literature accessed November 6, 2018). Thus, Respondents contribute to and induce the infringement of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

11. Magic Mist Pod Group

a) Direct Infringement

287. Respondent ParallelDirect imports, sells for importation, and/or sells after importation the Magic Mist Pod cartridges. In violation of § 1337(a)(1)(B), the Magic Mist Pod cartridges directly infringe, literally or under the doctrine of equivalents, claims 10, 15, 17, 29, 30, 31, 32 of the '915 Patent; claims 1, 2, 3, 4, 7, 8, 10, 11 of the '470 Patent; claims 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 of the '465 Patent; and claims 1, 4, 5, 6, 7, 8, 10, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23 of the '466 Patent.

288. Claim charts comparing representative Magic Mist Pod cartridges to the Asserted Claims of the '915 Patent, '470 Patent, '465 Patent, and '466 Patent are attached as Exhibits 206 ('915 Patent), 207 ('470 Patent), 208 ('465 Patent), and 209 ('466 Patent).

289. On information and belief, Respondent ParallelDirect maintains a commercially-significant inventory of the Magic Mist Pod cartridges in the United States. Respondent's sales of cartridges alone directly infringe JLI's Asserted Claims directed to nicotine delivery cartridges of each of the '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

b) Indirect Infringement

290. Respondent ParallelDirect has also induced and continues to induce others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after importation the Accused Products and encouraging and facilitating others to perform actions using those Accused Products that Respondent knows will infringe and with the intent that performance of the actions will infringe.

291. As an initial matter, Respondent had notice of each of the '915 Patent, '470 Patent, '465 Patent, and '466 Patent, as well as JLI's infringement allegations at least as early as November 20, 2018—the filing date of JLI's complaint in the United States District Court for the Northern District of Illinois.

292. Respondent ParallelDirect actively encourages, promotes, distributes, and supports the use of the imported Magic Mist cartridges in a way that directly infringes the '915 Patent, '470 Patent, '465 Patent, and '466 Patent, knowing and intending that its customers will commit infringing acts in such a manner as to directly infringe the Asserted Claims. Specifically, Respondent provides explicit instructions to its customers informing them of how to install and operate the Accused Products and informing them that the Accused Products are “Juul compatible.” *See* Exhibit 111; Exhibit 112 at 1, 3, 6. On information and belief, the products are sold to customers and used by them to infringe one or more of the Asserted Claims. The cartridges have no substantial purpose other than to be combined with a vaporizer device in a

manner that infringes the claims of each of the '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

293. On information and belief, Respondent also contributes to the infringement of the Asserted Claims under 35 U.S.C. § 271(c) by its manufacture, importation, sale for importation, and/or sale in the United States after importation of one or more components of the Accused Products. Since at least the date a courtesy copy of JLI's November 20, 2018 district court complaint alleging infringement of the '915 Patent, '470 Patent, '465 Patent, and '466 Patent was sent to Respondent, Respondent has had knowledge of the '915 Patent, '470 Patent, '465 Patent, and '466 Patent and the infringing nature of the Accused Products. Respondent is aware that its imported components are designed for use in the Accused Products, embody a material part of the invention claimed in the '915 Patent, '470 Patent, '465 Patent, and '466 Patent, and are not staple articles of commerce suitable for substantial non-infringing use.

294. Respondent's importation, sale for importation, and sale in the United States after importation of the Accused Products, and components thereof, are continuing. Moreover, Respondent has continued to distribute product literature and website materials encouraging its customers and others to use its products in the customary and intended manner which infringes the '915 Patent, '470 Patent, '465 Patent, and '466 Patent. *See* Exhibit 111 (showing Magic Mist product literature accessed November 6, 2018). Thus, Respondent contributes to and induces the infringement of the '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

12. J Pod Group

a) Direct Infringement

295. Respondents Haka, OCIGA, and Lizard Juice import, sell for importation, and/or sell after importation the J Pod cartridges. In violation of § 1337(a)(1)(B), the J Pod cartridges directly infringe, literally or under the doctrine of equivalents, claims 10, 15, 17, 29, 30, 31, 32

of the '915 Patent; and claims 1, 4, 5, 6, 7, 8, 10, 14, 16, 17, 18, 19, 20, 21, 22, 23 of the '466 Patent.

296. Claim charts comparing representative J Pod cartridges to the Asserted Claims of the '915 Patent and '466 Patent are attached as Exhibits 210 ('915 Patent) and 211 ('466 Patent).

297. On information and belief, each of the Respondents Haka, OCIGA, and Lizard Juice maintain a commercially-significant inventory of the J Pod cartridges in the United States. Respondents' sales of cartridges alone directly infringe JLI's Asserted Claims directed to nicotine delivery cartridges of the '915 Patent and '466 Patent.

b) Indirect Infringement

298. The J Pod Group Respondents have also induced and continue to induce others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after importation the Accused Products and encouraging and facilitating others to perform actions using those Accused Products that Respondents know will infringe and with the intent that performance of the actions will infringe.

299. As an initial matter, the J Pod Group Respondents had notice of each of the '915 Patent and '466 Patent, as well as JLI's infringement allegations at least as early as November 20, 2018—the filing date of JLI's complaint in the United States District Court for the District of Delaware.

300. The J Pod Group Respondents actively encourage, promote, distribute, provide instructions for, and support the use of the imported J Pod cartridges in a way that directly infringes the '915 Patent and '466 Patent, knowing and intending that their customers will commit infringing acts in such a manner as to directly infringe the Asserted Claims. Specifically, Respondents provide explicit instructions to their customers regarding the use of the cartridges

with a rechargeable device. *See* Exhibit 116 at 2-3 (showing instructions on how to use the device and cartridges); Exhibit 121 at 4. On information and belief, the products are sold to customers and used by them pursuant to Respondents' packaging instructions to infringe one or more of the Asserted Claims. The cartridges have no substantial purpose other than to be combined with a vaporizer device in a manner that infringes the claims of the '915 Patent and '466 Patent.

301. On information and belief, Respondents also contribute to the infringement of the Asserted Claims under 35 U.S.C. § 271(c) by their manufacture, importation, sale for importation, and/or sale in the United States after importation of one or more components of the Accused Products. Since at least the date a courtesy copy of JLI's November 20, 2018 district court complaint alleging infringement of the '915 Patent and '466 Patent was sent to Respondents, Respondents have had knowledge of each of the '915 Patent and '466 Patent and the infringing nature of the Accused Products. Respondents are aware that their imported components are designed for use in the Accused Products, embody a material part of the invention claimed in the '915 Patent and '466 Patent, and are not staple articles of commerce suitable for substantial non-infringing use.

302. Respondents' importation, sale for importation, and sale in the United States after importation of the Accused Products, and components thereof, are continuing. Moreover, Respondents have continued to distribute product literature and website materials encouraging their customers and others to use their products in the customary and intended manner which infringes the '915 Patent and '466 Patent. *See* Exhibit 116 (showing J Pod / Ref-Pod product literature accessed November 7, 2018). Thus, Respondents contribute to and induce the infringement of the '915 Patent and '466 Patent.

13. Edge Pod Group

a) Direct Infringement

303. Respondents Electric Tobacconist and ZFO import, sell for importation, and/or sell after importation the Edge Pod cartridges. In violation of § 1337(a)(1)(B), the Edge Pod cartridges directly infringe, literally or under the doctrine of equivalents, claims 1, 2, 3, 5, 6, 7, 8, 12, 13, 16, 17, 18, 19, 20, 22 of the '129 Patent; claims 10, 15, 17, 29, 30, 31, 32 of the '915 Patent; claims 1, 2, 3, 4, 7, 10, 11 of the '470 Patent; and claims 1, 4, 5, 6, 7, 8, 10, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23 of the '466 Patent.

304. Claim charts comparing representative Edge Pod cartridges to the Asserted Claims of the '129 Patent, '915 Patent, '470 Patent, and '466 Patent are attached as Exhibits 212 ('129 Patent), 213 ('915 Patent), 214 ('470 Patent), and 215 ('466 Patent).

305. On information and belief, each of the Respondents Electric Tobacconist and ZFO maintain a commercially-significant inventory of the Edge Pod cartridges in the United States. Respondents' sales of cartridges alone directly infringe JLI's Asserted Claims directed to nicotine delivery cartridges of each of the '129 Patent, '915 Patent, '470 Patent, and '466 Patent.

b) Indirect Infringement

306. The Edge Pod Group Respondents have also induced and continue to induce others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after importation the Accused Products and encouraging and facilitating others to perform actions using those Accused Products that Respondents know will infringe and with the intent that performance of the actions will infringe.

307. As an initial matter, the Edge Pod Group Respondents had notice of each of the '129 Patent, '915 Patent, '470 Patent, and '466 Patent, as well as JLI's infringement allegations

at least as early as November 20, 2018—the filing date of JLI’s complaints in the United States District Courts for the Northern District of Illinois and the Western District of New York.

308. The Edge Pod Group Respondents actively encourage, promote, distribute, provide instructions for, and support the use of the imported Edge Pod cartridges in a way that directly infringes the ’129 Patent, ’915 Patent, ’470 Patent, and ’466 Patent, knowing and intending that their customers will commit infringing acts in such a manner as to directly infringe the Asserted Claims. Specifically, Respondents provide explicit instructions to their customers regarding the use of the cartridges with a rechargeable device, and even sell rechargeable devices alongside the cartridges. *See* Exhibits 124, 126. On information and belief, the products are sold to customers and used by them pursuant to Respondents’ packaging instructions to infringe one or more of the Asserted Claims. The device and cartridges have no substantial purpose other than to be combined in a manner that infringes the claims of each of the ’129 Patent, ’915 Patent, ’470 Patent, and ’466 Patent.

309. On information and belief, Respondents also contribute to the infringement of the Asserted Claims under 35 U.S.C. § 271(c) by their manufacture, importation, sale for importation, and/or sale in the United States after importation of one or more components of the Accused Products. Since at least the date a courtesy copy of one of JLI’s November 20, 2018 district court complaints alleging infringement of the ’129 Patent, ’915 Patent, ’470 Patent, and ’466 Patent was sent to Respondents, Respondents have had knowledge of the ’129 Patent, ’915 Patent, ’470 Patent, and ’466 Patent and the infringing nature of the Accused Products. Respondents are aware that their imported components are designed for use in the Accused Products, embody a material part of the invention claimed in the ’129 Patent, ’915 Patent, ’470

Patent, and '466 Patent, and are not staple articles of commerce suitable for substantial non-infringing use.

310. Respondents' importation, sale for importation, and sale in the United States after importation of the Accused Products, and components thereof, are continuing. Moreover, Respondents have continued to distribute product literature and website materials encouraging their customers and others to use their products in the customary and intended manner which infringes the '129 Patent, '915 Patent, '470 Patent, and '466 Patent. *See* Exhibits 124, 126 (showing Edge product literature accessed November 6-7, 2018). Thus, Respondents contribute to and induce the infringement of the '129 Patent, '915 Patent, '470 Patent, and '466 Patent.

14. 5-Star Universal Pod Group

a) Direct Infringement

311. Respondent Sarvasva imports, sells for importation, and/or sells after importation the 5-Star Universal Pod cartridges. In violation of § 1337(a)(1)(B), the 5-Star Universal Pod cartridges directly infringe, literally or under the doctrine of equivalents, claims 1, 2, 3, 5, 6, 7, 8, 12, 13, 16, 17, 18, 19, 20, 22 of the '129 Patent; claims 10, 15, 17, 29, 30, 31, 32 of the '915 Patent; claims 1, 2, 3, 4, 7, 8, 10, 11 of the '470 Patent; claims 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 of the '465 Patent; and claims 1, 4, 5, 6, 7, 8, 10, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23 of the '466 Patent.

312. Claim charts comparing representative 5-Star Universal Pod cartridges to the Asserted Claims of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent are attached as Exhibits 216 ('129 Patent), 217 ('915 Patent), 218 ('470 Patent), 219 ('465 Patent), and 220 ('466 Patent).

313. On information and belief, Respondent Sarvasva maintains a commercially-significant inventory of the 5-Star Universal Pod cartridges in the United States. Respondent's

sales of cartridges alone directly infringe JLI's Asserted Claims directed to nicotine delivery cartridges of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

b) Indirect Infringement

314. Respondent Sarvasva has also induced and continues to induce others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after importation the Accused Products and encouraging and facilitating others to perform actions using those Accused Products that Respondent knows will infringe and with the intent that performance of the actions will infringe.

315. As an initial matter, Respondent had notice of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent, as well as JLI's infringement allegations at least as early as November 20, 2018—the filing date of JLI's complaint in the United States District Court for the District of New Jersey.

316. Respondent actively encourages, promotes, distributes, and supports the use of the imported 5-Star Universal Pod cartridges in a way that directly infringes the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent, knowing and intending that its customers will commit infringing acts in such a manner as to directly infringe the Asserted Claims. Specifically, Respondent markets the cartridges to its customers as “universal.” *See* Exhibit 159 at 1-2. On information and belief, the products are sold to customers and used by them to infringe one or more of the Asserted Claims. The cartridges have no substantial purpose other than to be combined with a vaporizer device in a manner that infringes the claims of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

317. On information and belief, Respondent also contributes to the infringement of the Asserted Claims under 35 U.S.C. § 271(c) by its manufacture, importation, sale for importation,

and/or sale in the United States after importation of one or more components of the Accused Products. Since at least the date a courtesy copy of JLI's November 20, 2018 district court complaint alleging infringement of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent was sent to Respondent, Respondent has had knowledge of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent and the infringing nature of the Accused Products. Respondent is aware that its imported components are designed for use in the Accused Products, embody a material part of the invention claimed in the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent, and are not staple articles of commerce suitable for substantial non-infringing use.

318. Respondent's importation, sale for importation, and sale in the United States after importation of the Accused Products, and components thereof, are continuing. Moreover, Respondent has continued to distribute product literature encouraging its customers and others to use its products in the customary and intended manner which infringes the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent. *See* Exhibit 54 at ¶ 109 (stating that the 5-Star products are currently marketed and sold as of November 6, 2018). Thus, Respondent contributes to and induces the infringement of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

15. Blankz Pod Group

a) Direct Infringement

319. Respondents Electric Tobacconist and VaporDNA import, sell for importation, and/or sell after importation the Blankz Pod cartridges. In violation of § 1337(a)(1)(B), the Blankz Pod cartridges directly infringe, literally or under the doctrine of equivalents, claims 10, 15, 17, 29, 30, 31, 32 of the '915 Patent; and claims 1, 4, 5, 6, 7, 8, 10, 14, 16, 18, 19, 20, 21, 22, 23 of the '466 Patent.

320. A Claim chart comparing representative Blankz Pod cartridges to the Asserted Claims of the '915 Patent and '466 Patent are attached as Exhibits 221 ('915 Patent) and 222 ('466 Patent).

321. On information and belief, each of the Respondents Electric Tobacconist, and VaporDNA maintain a commercially-significant inventory of the Blankz Pod cartridges in the United States. Respondents' sales of cartridges alone directly infringe JLI's Asserted Claims directed to nicotine delivery cartridges of the '915 Patent and '466 Patent.

b) Indirect Infringement

322. The Blankz Pod Group Respondents have also induced and continue to induce others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after importation the Accused Products and encouraging and facilitating others to perform actions using those Accused Products that Respondents know will infringe and with the intent that performance of the actions will infringe.

323. As an initial matter, Electric Tobacconist had notice of each of the '915 Patent and '466 Patent, as well as JLI's infringement allegations at least as early as November 20, 2018—the filing date of JLI's complaints in the United States District Courts for the Northern District of Illinois. Respondent VaporDNA had notice of each of the '915 Patent and '466 Patent, as well as JLI's infringement allegations at least as of the date the Commission institutes this Investigation.

324. The Blankz Pod Group Respondents actively encourage, promote, distribute, provide instructions for, and support the use of the imported Blankz Pod cartridges in a way that directly infringes the '915 Patent and '466 Patent, knowing and intending that their customers will commit infringing acts in such a manner as to directly infringe the Asserted Claims. Specifically, Respondents provide explicit instructions to their customers regarding the filling

and usage of Accused Products, including that they “are for the JUUL Vaporizer.” *See* Exhibits 128, 129; Exhibit 157 at 2. On information and belief, the products are sold to customers and used by them pursuant to Respondents’ packaging instructions to infringe one or more of the Asserted Claims. The cartridges have no substantial purpose other than to be combined with a vaporizer device in a manner that infringes the claims of the ’915 Patent and ’466 Patent.

325. On information and belief, Respondents also contribute to the infringement of the Asserted Claims under 35 U.S.C. § 271(c) by their manufacture, importation, sale for importation, and/or sale in the United States after importation of one or more components of the Accused Products. Since at least the date a courtesy copy of JLI’s November 20, 2018 district court complaint or this Verified Complaint alleging infringement of the ’915 Patent and ’466 Patent were sent to Respondents, Respondents have had knowledge of each of the ’915 Patent and ’466 Patent and the infringing nature of the Accused Products. Respondents are aware that their imported components are designed for use in the Accused Products, embody a material part of the invention claimed in the ’915 Patent and ’466 Patent, and are not staple articles of commerce suitable for substantial non-infringing use.

326. Respondents’ importation, sale for importation, and sale in the United States after importation of the Accused Products, and components thereof, are continuing. Moreover, Respondents have continued to distribute product literature and website materials encouraging their customers and others to use their products in the customary and intended manner which infringes the ’915 Patent and ’466 Patent. *See* Exhibits 128, 129 (showing Blankz product literature accessed November 6-7, 2018). Thus, Respondents contribute to and induce the infringement of the ’915 Patent and ’466 Patent.

16. Sex Pod Group

a) Direct Infringement

327. Respondent Noah Dovberg, sells for importation, and/or sells after importation the Sex Pod cartridges. In violation of § 1337(a)(1)(B), the Sex Pod cartridges directly infringe, literally or under the doctrine of equivalents, claims 1, 2, 3, 5, 6, 7, 8, 12, 13, 16, 17, 18, 19, 20, 22 of the '129 Patent; claims 10, 15, 17, 29, 30, 31, 32 of the '915 Patent; claims 1, 2, 3, 4, 7, 8, 10, 11 of the '470 Patent; claims 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 of the '465 Patent; and claims 1, 4, 5, 6, 7, 8, 10, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23 of the '466 Patent.

328. Claim charts comparing representative Sex Pod cartridges to the Asserted Claims of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent are attached as Exhibits 223 ('129 Patent), 224 ('915 Patent), 225 ('470 Patent), 226 ('465 Patent), and 227 ('466 Patent).

329. On information and belief, Respondent Noah Dovberg maintains a commercially-significant inventory of the Sex Pod cartridges in the United States. Respondent's sales of cartridges alone directly infringe JLI's Asserted Claims directed to nicotine delivery cartridges of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

b) Indirect Infringement

330. Respondent Noah Dovberg has also induced and continues to induce others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after importation the Accused Products and encouraging and facilitating others to perform actions using those Accused Products that Respondent knows will infringe and with the intent that performance of the actions will infringe.

331. As an initial matter, Respondent had notice of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent, as well as JLI's infringement allegations at least as early as November 20, 2018—the filing date of JLI's complaint in the United States District Court for the Middle District of Florida.

332. Respondent actively encourages, promotes, distributes, provides instructions for, and supports the use of the imported Sex Pod cartridges in a way that directly infringes the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent, knowing and intending that his customers will commit infringing acts in such a manner as to directly infringe the Asserted Claims. Specifically, Respondent provides explicit instructions to his customers that the Sex Pods are "JUUL compatible," and "made with the same chemicals as JUUL." *See* Exhibit 134; Exhibit 160 at 1. On information and belief, the products are sold to customers and used by them pursuant to Respondent's packaging instructions to infringe one or more of the Asserted Claims. The cartridges have no substantial purpose other than to be combined with a vaporizer device in a manner that infringes the claims of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

333. On information and belief, Respondent also contributes to the infringement of the Asserted Claims under 35 U.S.C. § 271(c) by his manufacture, importation, sale for importation, and/or sale in the United States after importation of one or more components of the Accused Products. Since at least the date a courtesy copy of JLI's November 20, 2018 district court complaint alleging infringement of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent was sent to Respondent, Respondent has had knowledge of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent and the infringing nature of the Accused Products. Respondent is aware that his imported components are designed for use in the Accused

Products, embody a material part of the invention claimed in the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent, and are not staple articles of commerce suitable for substantial non-infringing use.

334. Respondent's importation, sale for importation, and sale in the United States after importation of the Accused Products, and components thereof, are continuing. Moreover, Respondent has continued to distribute product literature and website materials encouraging his customers and others to use his products in the customary and intended manner which infringes the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent. *See* Exhibit 134 (showing Sex Pod product literature accessed November 7, 2018). Thus, Respondent contributes to and induces the infringement of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

17. Sea100 Pod Group

a) Direct Infringement

335. Respondents Twist and ZFO import, sell for importation, and/or sell after importation the Sea100 Pod cartridges. In violation of § 1337(a)(1)(B), the Sea100 Pod cartridges directly infringe, literally or under the doctrine of equivalents, claims 1, 2, 3, 5, 6, 7, 8, 12, 13, 16, 17, 18, 19, 20, 22 of the '129 Patent; claims 10, 15, 17, 29, 30, 31, 32 of the '915 Patent; claims 1, 2, 3, 4, 7, 8, 10, 11 of the '470 Patent; claims 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 of the '465 Patent; and claims 1, 4, 5, 6, 7, 8, 10, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23 of the '466 Patent.

336. Claim charts comparing representative Sea100 Pod cartridges to the Asserted Claims of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent are attached as Exhibits 228 ('129 Patent), 229 ('915 Patent), 230 ('470 Patent), 231 ('465 Patent), and 232 ('466 Patent).

337. On information and belief, Respondents Twist and ZFO maintain a commercially-significant inventory of the Sea100 Pod cartridges in the United States. Respondents' sales of cartridges alone directly infringe JLI's Asserted Claims directed to nicotine delivery cartridges of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

b) Indirect Infringement

338. The Sea100 Pod Group Respondents have also induced and continue to induce others to infringe, literally or under the doctrine of equivalents, the Asserted Claims under 35 U.S.C. § 271(b) by selling for importation into the United States, importing, and selling after importation the Accused Products and encouraging and facilitating others to perform actions using those Accused Products that Respondents knows will infringe and with the intent that performance of the actions will infringe.

339. As an initial matter, the Sea100 Pod Group Respondents had notice of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent, as well as JLI's infringement allegations at least as early as November 20, 2018—the filing date of JLI's complaints in the United States District Courts for the Middle District of Florida and the Western District of New York.

340. The Sea100 Pod Group Respondents actively encourage, promote, distribute, and support the use of the imported Sea100 Pod cartridges in a way that directly infringes the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent, knowing and intending that their customers will commit infringing acts in such a manner as to directly infringe the Asserted Claims. Specifically, Respondents provide explicit instructions to their customers that the Accused Products are “compatible with Juul and similar style devices.” *See* Exhibits 136, 139; Exhibit 138 at 1. On information and belief, the products are sold to customers and used by them to infringe one or more of the Asserted Claims. The cartridges have no substantial purpose other

than to be combined with a vaporizer device in a manner that infringes the claims of each of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

341. On information and belief, Respondents also contribute to the infringement of the Asserted Claims under 35 U.S.C. § 271(c) by their manufacture, importation, sale for importation, and/or sale in the United States after importation of one or more components of the Accused Products. Since at least the date a courtesy copy of one of JLI's November 20, 2018 district court complaints alleging infringement of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent was sent to Respondents, Respondents have had knowledge of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent and the infringing nature of the Accused Products. Respondents are aware that their imported components are designed for use in the Accused Products, embody a material part of the invention claimed in the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent, and are not staple articles of commerce suitable for substantial non-infringing use.

342. Respondents' importation, sale for importation, and sale in the United States after importation of the Accused Products, and components thereof, are continuing. Moreover, Respondents have continued to distribute product literature and website materials encouraging their customers and others to use their products in the customary and intended manner which infringes the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent. *See* Exhibits 136, 139 (showing Sea100 product literature accessed November 6-9, 2018). Thus, Respondents contribute to and induce the infringement of the '129 Patent, '915 Patent, '470 Patent, '465 Patent, and '466 Patent.

VII. PHYSICAL SAMPLE

343. Physical samples of the Domestic Articles have been submitted with this Complaint as Physical Exhibit 1 (JLI's JUUL system, which includes the JUUL device body and

JUULpods (or cartridges)). Physical samples of the Accused Products have been submitted with this Complaint as Physical Exhibit 2 (X Pod cartridges); Physical Exhibit 3 (Loon Pod Starter Kit); Physical Exhibit 4 (Iced Pod cartridges); Physical Exhibit 5 (Atom Pod cartridges); Physical Exhibit 6 (ViV Pod cartridges); Physical Exhibit 7 (Airbender ZPod cartridges); Physical Exhibit 8 (JC01 Pod device and cartridges); Physical Exhibit 9 (VQ Pod cartridges); Physical Exhibit 10 (Fuma Pod cartridges); Physical Exhibit 11 (Zalt Pod cartridges); Physical Exhibit 12 (Magic Mist Pod cartridges); Physical Exhibit 13 (J Pod cartridges); Physical Exhibit 14 (Edge Pod device and cartridges); Physical Exhibit 15 (5-Star Universal Pod cartridges); Exhibit 16 (Blankz Pod cartridges); Physical Exhibit 17 (Sex Pod cartridges); Physical Exhibit 18 (Sea100 Pod cartridges).

VIII. HARMONIZED TARIFF SCHEDULE

344. The Accused Products fall within at least the following headings and subheadings of the United States Harmonized Tariff Schedule (“HTS”): 8543.70.9930; 8543.70.9940; 8543.90.8850; 8543.90.8860. These HTS numbers are illustrative only and not intended to limit the scope of the Investigation.

IX. THE DOMESTIC INDUSTRY

345. A domestic industry exists in the United States relating to the Domestic Articles as required by 19 U.S.C. § 1337(a)(3)(A) – (a)(3)(C) through JLI’s and its contractors’ employment of plant and equipment, and labor and capital, towards design, manufacture, regulatory compliance, customer support, sales, marketing, and administrative activities related to the JUUL system, as well as its investments in research and development and engineering to exploit the technology of the Asserted Patents by bringing the JUUL system to market.

346. JLI’s success has been extraordinary and classically American. Despite a slow launch in 2015, the JUUL system (as of early September 2018) commands a market share by

volume of approximately 72% and in recent months has been responsible for over 95% of the explosive growth in the ENDS pod refill market. Accordingly, JLI is poised to achieve its goal of improving the lives of the world's one billion smokers, and it is doing so through its significant and substantial investments in the United States.

347. JLI made substantial investments in research, development, and engineering in the United States through June 2016 to develop the JUUL system. Additional details regarding these investments can be found in the Declaration of Tim Danaher. *See Confidential Exhibit 17 (Danaher Decl.)*.

348. JLI also made, and continues to make, significant investments in the United States in plant and equipment as well as labor and capital related to the JUUL system. JLI employs several dozen individuals in the United States who manage the foreign and domestic manufacturing activities for the JUUL system; these employees manage the installation and validation of new manufacturing capacity on a weekly basis to cope with the escalating demand for the JUUL system. JLI's domestic manufacturing activities include substantial filling, finishing, packaging, and quality checking of the JUULpods in the United States before they are sold for customers to use with their JUUL systems. JLI has invested tens of millions of dollars in equipment that is used in the United States for these activities—including certain key equipment that was itself manufactured in the United States. This equipment allows JLI and its contractors to fill millions of pods every month. These activities occur in domestic facilities that take up hundreds of thousands of square feet and for which JLI and its contractors have invested millions of dollars. Further details can be found in the Declaration of Tim Danaher. *See Confidential Exhibit 17*.

349. Historically, JLI has supplied enough product to meet rapidly growing market demand for its ENDS products, even when JLI's sales increased by over 700% in 2017. Exhibit 14 at 2 (CNBC Article – "Popular E-Cigarette Juul's Sales Have Surged Almost 800 Percent Over the Past Year"). And both JLI and its contractors continue to invest in the United States to ensure that capacity will grow along with demand into the future.

350. JLI directly employs hundreds of individuals in the United States—885 people as of September 30, 2018, and continuing to grow—to support JLI's R&D, manufacturing, clinical research, customer support, sales, marketing, and administrative activities for the JUUL system, and JLI is constantly hiring more employees to support its rapidly growing operations.

Confidential Exhibit 17 at ¶ 12, App. 7.

351. Representative claim charts, attached as Confidential Exhibits 233 ('129 Patent), 234 ('915 Patent), 235 ('470 Patent), 236 ('465 Patent), and 237 ('466 Patent), demonstrate that the JUULpods and the method of manufacturing the JUULpods—which is done under the direction and control of JLI and as a condition of payment—falls within the scope of at least the following claims:

U.S. Patent No.	Domestic Industry Claims
'129 Patent	1-39
'915 Patent	1-32
'470 Patent	1-8, 10-24
'465 Patent	1-7, 9-20
'466 Patent	1, 4-8, 10, 12, 14-23

352. Additional information related to the Domestic Articles is attached as Exhibit 238 (FAQ for the JUUL system).

X. RELATED LITIGATION

353. On October 3, 2018, with the complaint amended on October 26, 2018, JLI filed suit against J Well France S.A.S. (“J Well”), Bo Vaping (“Bo Vaping”), MMS Distribution LLC (“MMS”), The Electric Tobacconist, LLC (“Electric Tobacconist”), Vapor4Life, Eonsmoke, LLC (“Eonsmoke”), Ziip Labs, Ziip China, Shenzhen Yibo Technology Co., Ltd. (“Yibo”), XFire, Inc. (“XFire”), ALD Group Limited (“ALD”), Flair Vapor LLC (“Flair”), Shenzhen Joecig Technology Co., Ltd. (“Joecig”), Myle Vape Inc. (“Myle”), Vapor Hub International, Inc. (“Vapor Hub”), Limitless Mod Co. (“Limitless”), Asher Dynamics, Inc. (“Asher”), Ply Rock, Infinite-N Technology Limited (“INTL”), King Distribution LLC (“King”), and Keep Vapor Elec. Tech. Co., Ltd. (“Keep Vapor”) in the International Trade Commission for infringement of certain patents, including the ’915 Patent. *See Certain Electronic Nicotine Delivery Systems and Components Thereof*, Investigation Docket No. 337-3346.

354. On October 3, 2018, with the complaint amended on October 26, 2018, JLI filed suit against Eonsmoke, Electric Tobacconist, and Vapor4Life in the district court of New Jersey for infringement of certain patents, including the ’915 Patent. *See Case No. 18-cv-14608*.

355. On October 3, 2018, with the complaint amended on October 26, 2018, JLI filed suit against Ziip Labs, Ziip China, Yibo, Electric Tobacconist, and Vapor4Life in the district court for the Northern District of California for infringement of certain patents, including the ’915 Patent. *See Case No. 18-cv-06094*.

356. On October 3, 2018, with the complaint amended on October 26, 2018, JLI filed suit against XFire and ALD in the district court for the Southern District of Texas for infringement of certain patents, including the ’915 Patent. *See Case No. 18-cv-03571*.

357. On October 3, 2018, with the complaint amended on October 26, 2018, JLI filed suit against Flair and Joecig in the district court of New Jersey for infringement of certain patents, including the '915 Patent. *See* Case No. 18-cv-14605.

358. On October 3, 2018, with the complaint amended on October 26, 2018, JLI filed suit against Myle, Electric Tobacconist, and Vapor4Life in the district court of Eastern District of New York for infringement of certain patents, including the '915 Patent. *See* Case No. 18-cv-05549.

359. On October 3, 2018, with the complaint amended on October 26, 2018, JLI filed suit against Vapor Hub, Limitless, INTL, Electric Tobacconist, Asher, and Ply Rock in the district court for the Central District of California for infringement of certain patents, including the '915 Patent. *See* Case No. 18-cv-08515.

360. On October 3, 2018, with the complaint amended on October 26, 2018, JLI filed suit against King and Keep Vapor in the district court of New Jersey for infringement of certain patents, including the '915 Patent. *See* Case No. 18-cv-14607.

361. On October 4, 2018, with the complaint amended on October 26, 2018, JLI filed suit against Electric Tobacconist in the district court for the District of Colorado for infringement of certain patents, including the '915 Patent. *See* Case No. 18-cv-02546.

362. On October 29, 2018, JLI filed suit against Vapor4Life in the district court for the Northern District of Illinois for infringement of certain patents, including the '915 Patent. *See* Case No. 18-cv-07201.

363. On November 20, 2018, JLI filed suit against Vape4U in the United States District Court for the Central District of California for patent infringement of the Asserted Patents. The case is currently in its initial stages.

364. On November 20, 2018, JLI filed suit against United Wholesale and Saddam Aburoumi in the United States District Court for the District of Connecticut for patent infringement of the Asserted Patents. The case is currently in its initial stages.

365. On November 20, 2018, JLI filed suit against Lizard, Haka, and OCIGA in the United States District Court for the District of Delaware for patent infringement of the '915 Patent and the '466 Patent. The case is currently in its initial stages.

366. On November 20, 2018, JLI filed suit against Noah Dovberg in the United States District Court for the Middle District of Florida for patent infringement of the Asserted Patents. The case is currently in its initial stages.

367. On November 20, 2018, JLI filed suit against Twist in the United States District Court for the Middle District of Florida for patent infringement of the Asserted Patents. The case is currently in its initial stages.

368. On November 20, 2018, JLI filed suit against DripTip, Ziip Labs, Ziip China, and Yibo in the United States District Court for the Southern District of Florida for patent infringement of the Asserted Patents. The case is currently in its initial stages.

369. On November 20, 2018, JLI filed suit against Vaportronix in the United States District Court for the Southern District of Florida for patent infringement of the Asserted Patents. The case is currently in its initial stages.

370. On November 20, 2018, JLI filed suit against Vapor4Life in the United States District Court for the Northern District of Illinois for patent infringement of the Asserted Patents. The case is currently in its initial stages.

371. On November 20, 2018, JLI filed suit against Vaperz, Ziip Labs, Ziip China, Yibo, and Electric Tobacconist in the United States District Court for the Northern District of Illinois for patent infringement of the Asserted Patents. The case is currently in its initial stages.

372. On November 20, 2018, JLI filed suit against OVNS, MistHub, and VaporDNA in the United States District Court for the Northern District of Illinois for patent infringement of the '915 Patent. The case is currently in its initial stages.

373. On November 20, 2018, JLI filed suit against ParallelDirect in the United States District Court for the Northern District of Illinois for patent infringement of the '915 Patent, the '470 Patent, the '465 Patent, and the '466 Patent. The case is currently in its initial stages.

374. On November 20, 2018, JLI filed suit against Fuma in the United States District Court for the Northern District of Illinois for patent infringement of the '915 Patent, the '470 Patent, the '465 Patent, and the '466 Patent. The case is currently in its initial stages.

375. On November 20, 2018, JLI filed suit against Maduro in the United States District Court for the District of Minnesota for patent infringement of the '915 Patent, the '470 Patent, the '465 Patent, and the '466 Patent. The case is currently in its initial stages.

376. On November 20, 2018, JLI filed suit against Sarvasva in the United States District Court for the District of New Jersey for patent infringement of the Asserted Patents. The case is currently in its initial stages.

377. On November 20, 2018, JLI filed suit against ZFO in the United States District Court for the Western District of New York for patent infringement of the Asserted Patents. The case is currently in its initial stages.

XI. RELIEF REQUESTED

378. WHEREFORE, by reason of the foregoing, Complainant Juul Labs, Inc., requests that the United States International Trade Commission:

A. Institute an immediate investigation under Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to Respondents' violations of § 1337(a)(1)(B) based on the unlawful importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of certain cartridges or "pods" for electronic nicotine delivery systems ("ENDS") and components thereof that infringe one or more claims of the Asserted Patents or that are made by a process covered by one or more claims of the Asserted Patents;

B. Schedule and conduct an evidentiary hearing on permanent relief under 19 U.S.C. § 1337(d) and (f) of the Tariff Act of 1930, as amended;

C. Determine that each Respondent has violated Section 337;

D. Issue a limited exclusion order under 19 U.S.C. § 1337(d) specifically directed to each named Respondent barring and excluding from entry into the United States all cartridges for ENDS and components thereof that infringe one or more claims of the Asserted Patents or that are made by a process covered by one or more claims of the Asserted Patents;

E. Issue permanent cease and desist orders under 19 U.S.C. § 1337(f) prohibiting any and all Respondents and their affiliates, subsidiaries, successors, or assigns, from importing, selling for importation, marketing, demonstrating, distributing, repairing, refurbishing, offering for sale, selling after importation, or transferring, including moving or shipping inventory in the United States, all cartridges for ENDS and components thereof that infringe one or more claims of the Asserted Patents or that are made by a process covered by one or more claims of the Asserted Patents;

F. Impose a bond upon Respondents who continue to import infringing cartridges for ENDS or components thereof during the 60-day Presidential review period per 19 U.S.C.

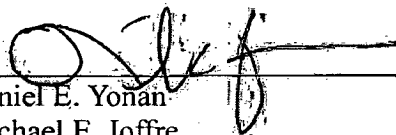
§ 1337(j);

G. Issue such other and further relief as the Commission deems just and proper under the law based upon the facts determined by the Investigation and the authority of the Commission; and

H. Find that the public interest is not affected by the remedial orders requested by JLI and, therefore, not delegate this issue for further discovery to the Administrative Law Judge.

Dated: November 20, 2018

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Yonan', is written over a horizontal line.

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