

**PUBLIC VERSION**

1001 Pennsylvania Avenue, N.W., Washington, District of Columbia 20004-2595 ■ p202 624-2500 ■ f202 628-5116



**PUBLIC VERSION**

Lyle Vander Schaaf  
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LVanderSchaaf@crowell.com

October 4, 2021

(via EDIS)

The Honorable Lisa R. Barton  
Secretary to the Commission  
U.S. International Trade Commission  
500 E Street, SW - Room 112A  
Washington D.C. 20436

**RE: *Certain Oil-Vaping Cartridges, Components Thereof, And Products Containing the Same, Inv. No. 337-TA-\_\_\_\_\_***

Dear Secretary Barton:

In pursuant to the Commission's Temporary Changes to Filing Procedures dated March 16, 2020, Complainant Shenzhen Smoore Technology Limited ("Complainant" or "Smoore") submits its request that the Commission institute an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, concerning certain oil-vaping cartridges, components thereof, and products containing the same.

Complainant submits the following documents via EDIS:

1. One (1) electronic copy of Complainant's verified Complaint, pursuant to Commission Rule 210.8(a)(1)(i);
2. One (1) electronic copy of the public exhibits and public versions of the confidential exhibits to the verified Complaint, pursuant to Commission Rules 210.8(a)(1)(i) and 210.12(a)(9);
3. One (1) electronic copy of the confidential exhibits to the verified Complaint, pursuant to Commission Rules 201.6(c) and 210.8(a)(1)(ii);
4. One (1) electronic copy of the certified versions of the Asserted Patents, pursuant to Commission Rule 210.12(a)(9)(i);
5. One (1) electronic copy of the certified version of the Asserted Trademark, pursuant to Commission Rule 210.12(a)(9)(i);

6. One (1) electronic copy of certified versions of the prosecution histories of each Asserted Patent, pursuant to Commission Rule 210.12(c)(1);

7. One (1) electronic copy of certified versions of the assignments for each of the Asserted Patents, pursuant to Commission Rule 210.12(a)(9)(ii);

8. One (1) electronic copy of each patent and technical reference mentioned in the prosecution history of each of the Asserted Patents, pursuant to Commission Rule 210.12(c)(2);

9. One (1) electronic copy of Complainant's letter and certification requesting confidential treatment for the information contained in the Complaint, Confidential Kovacevich Decl. (Attachment A), Confidential Hoch Decl. (Attachment B), Exhibits 2-14, 16, 18, 19, 69-72, 74, and 79-85 , pursuant to Commission Rules 201.6(b) and 210.5(d);

10. One (1) electronic copy of a statement on the public interest regarding the remedial orders sought by the Complainant, pursuant to Commission Rule 210.8(b).

Please contact me if you have any questions concerning this request. Thank you for your attention to this matter.

Dated: October 4, 2021

Respectfully submitted,

/s/Lyle B. Vander Schaaf

Lyle B. Vander Schaaf

***Counsel to Complainant Shenzhen  
Smooore Technology Limited***



## 2\_Confidential Treatment Letter.pdf

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### E-Signature Summary

**E-Signature 1: Lyle Vander Schaaf (LVS)**

October 01, 2021 12:07:59 -8:00 [8C9065084DC4] [69.195.247.116]  
lvanderschaaf@crowell.com (Principal) (Personally Known)

**E-Signature Notary: Jena K. Talarico (jkt)**

October 01, 2021 12:07:59 -8:00 [48FED3715ED9] [69.195.247.116]  
jtalarico@crowell.com  
I, Jena K. Talarico, did witness the participants named above electronically sign this document.





Lyle Vander Schaaf  
(202) 296-6941  
LVanderSchaaf@crowell.com

October 1, 2021

(via EDIS)

The Honorable Lisa R. Barton  
Secretary to the Commission  
U.S. International Trade Commission  
500 E Street, SW - Room 112A  
Washington D.C. 20436

**RE: *Certain Oil-Vaping Cartridges, Components Thereof, And Products Containing The Same, Inv. No. 337-TA-\_\_\_\_\_***

Dear Secretary Barton:

Crowell & Moring LLP represents Complainant, Shenzhen Smoore Technology Limited ("Complainant") in its action pursuant to Section 337 of the Tariff Act of 1930, as Amended.

Pursuant to Commission Rules 201.6(b) and 210.5(d), Complainant respectfully requests confidential treatment of the Complaint, Confidential Kovacevich Decl. (Attachment A), Confidential Hoch Decl. (Attachment B), Confidential Exhibit Nos. 2-14, 16, 18, 19, 69-72, 74, 79 and 81-85 to the Complaint.

The information for which confidential treatment is sought is propriety and not otherwise publicly available. Specifically, Complaint ¶¶ 213, 224, 225 and 228-230, Confidential Kovacevich Decl. (Attachment A), Confidential Hoch Decl. (Attachment B), Confidential Exhibits 2-14, 16, 18, 19, 69-72, 74, 79 and 81-85 contain proprietary commercial information of Complainant Smoore and Jupiter and Greenlane regarding the atomizers, cartridges, mouth pieces, vaporizers and vaping products at issue, Complainant's patented and trademarked technology and its infringement by the proposed Respondents, as well as Complainant's and Jupiter's and Greenlane's investments and employment activities made in furtherance of the proposed domestic industry under 19 U.S.C. § 1337(a)(3).

The Commission has routinely held that this type of information qualifies as confidential business information pursuant to Rule 201.6(a) because:

1. It is not publicly available;



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October 1, 2021

Page 2

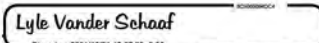
2. Unauthorized disclosure of such information could cause substantial harm to the competitive position of Complainant; and

3. The disclosure of such information could impair Commission's ability to obtain information necessary to perform its statutory function.

Please contact me if you have any questions concerning this request. Thank you for your attention to this matter.

Dated: October 1, 2021

Respectfully submitted,

  
Signed on 2021/10/01 12:07:59 -8:00  
Lyle B. Vander Schaaf

*Counsel to Complainant Shenzhen  
Smoore Technology Limited*

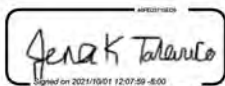
STATE OF MARYLAND,

COUNTY OF MONTGOMERY, to wit:

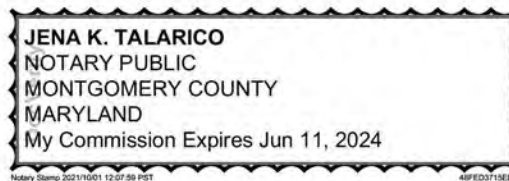
On this 1st day of October, 2021, before me, the undersigned officer, personally appeared Lyle B. Vander Schaaf, known to me to be the person whose name is subscribed to in the within instrument and acknowledged that he executed the same for the purpose therein contained.

**THIS IS A REMOTE NOTARIZATION.**

In witness whereof, I hereunto set my hand and official seal. Sworn to before me this 1st day of October, 2021

  
Signed on 2021/10/01 12:07:59 -8:00

Jena K. Talarico  
Notary Public for the State of Maryland

  
JENA K. TALARICO  
NOTARY PUBLIC  
MONTGOMERY COUNTY  
MARYLAND  
My Commission Expires Jun 11, 2024  
Notary Stamp 2021/10/01 12:07:59 PST

My Commission Expires: June 11, 2024

Notarial act performed by audio-visual communication

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**PUBLIC VERSION**

**UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, DISTRICT OF COLUMBIA**

**In the Matter of:**

**CERTAIN OIL-VAPING CARTRIDGES,  
COMPONENTS THEREOF, AND PRODUCTS  
CONTAINING THE SAME**

**Investigation No. 337-TA-\_\_\_\_\_**

**COMPLAINANT’S STATEMENT ON PUBLIC INTEREST**

Pursuant to the Commission’s Rule 19 C.F.R. § 210.8(b), Complainant Shenzhen Smoore Technology Limited (together “Smoore”) hereby provides its statement on the public interest issues arising from the permanent, limited exclusion order and a permanent cease and desist order Smoore seeks against the proposed Respondents and their agents, prohibiting the entry into the United States certain atomizers, cartridges, mouthpieces, vaporizers and vaping products (“Accused Products”) that infringe one or more of U.S. Trademark No. 5633060 (“the Asserted Trademark”), U.S. Patent Nos. D817,544 (the “D544 Patent”); D823,534 (the “D534 Patent”); D853,635 (the “D635 Patent”) and certain claims of the United States Patent Nos. 10,357,623 (the “’623 Patent”); 10,791,763 (the “’763 Patent”) and 10,791,762 (the “’762 Patent”) (“D544 Patent”, “D534 Patent”, “D544 Patent”, “’623 Patent”, “’763 Patent” and “’762 Patent”, collectively, the “Asserted Patents”).

Vaporizer is a convenient, portable and dosage controllable for both medical and recreational cannabis use. A vaporizer often comprises three components: a cartridge filled with cannabidiol (“CBD”) or marinol (“THC”) or a combination of both, a mouthpiece, and a battery.

As of May 2021, 36 states, four out of five permanently-inhabited U.S. territories and the District of Columbia have legalized the medical use of cannabis. Twelve other states allow the

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use of CBD. As of June, 2021, 18 states, two territories and the District of Columbia have legalized adult use of cannabis. Vaporizer consumption of legal cannabis for medical and/or recreational use is gaining great popularity.

Smooore is a leading designer and manufacturer of atomization and vaporizing technology, including vaping hardware products. As a result of its significant investment in research and development, Smooore has developed innovative and safe product designs, advanced vaporization technology and won the trust of many customers. Smooore has sought and obtained patent protection in the United States for its numerous vaporization technology and vaporizer designs over the years, including the inventions claimed in the Asserted Patents. Smooore invested significant amount in establishing the safe, high quality and well reputation associated with its CCELL® branded cannabis vaping cartridges among its customers. To the contrary, the Accused Products are usually low quality copies of Smooore's vaping innovative patented and trademarked technologies, using uncertified raw materials, manufactured by unidentified, shady and uncertified suppliers. Using such inferior products together with un-supervised and uncertified extracted and filled CBD/THC oil, marketed without meaningful user support, posted great risks to the health of the general public. Indeed, many of the proposed respondents supply the Accused Products to unidentified oil producers.

Therefore, a permanent limited exclusion order and a permanent cease and desist order would only benefit the public and provide a safe vaping supply chain.

### **How Accused Products are used in the United States**

The Accused Products in this investigation are cannabis vaping cartridges and components thereof, such as the atomizers, mouth pieces. The CBD/THC oil suppliers in the U.S. fill in the vaping cartridges with oil and assemble it together with a battery through a

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cartridge receptacle port making a complete vaping device. The battery can be rechargeable or disposable. A user usually purchases a CBD/THC oil cartridge with the suitable dose and make sure the battery component is charged. Then the user connects the CBD/THC oil cartridge with the battery component, turned on the power button, if there is one. The battery powers a heating element in the CBD/THC oil cartridge which heats up and atomizes the oil for the user to vape and inhale through the mouth piece.

### **Public safety and welfare concerns relating to the requested relief**

Issuance of the relief requested by Smoore would have no adverse effects on public safety and welfare in the United States. To the contrary, it would greatly benefit the public safety and welfare.

The Accused Products here are not uniquely essential for public health, scientific research benefiting the public, or a congressionally mandated public policy. *See Certain Fluidized Supporting Apparatus*, 1984 ITC LEXIS 256, at \*\*1, 35-37 (denying relief because the domestic producer was found to be unable to satisfy demand for hospital beds for burn patients within a reasonable time and there were no available comparable substitutes).

Here, the proposed Accused Products are used for recreation purposes, and as such, are not essential to, and do not implicate, any public health, safety, or welfare concerns in the United States. *See Certain Toothbrushes & Packaging Thereof*, Inv. No. 337-TA-391, Comm'n Order, 1997 ITC LEXIS 344, at \*13 (Oct. 1997); *Certain Hardware Logic Emulation Systems & Components Thereof* Inv. No. 337-TA-383, Comm'n Op., 1996 ITC LEXIS 377, at \*19 (Oct. 15, 1996). Indeed, the public interest favors the protection of U.S. intellectual property rights. *See, e.g., Certain Two-Handle Centerset Faucets and Escutcheons, and Components Thereof*, Inv. No. 337-TA-422, Commission Opinion at 9.



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In addition, Smoore implemented the innovative technology through its search and development, closely monitors its raw materials, and controls the production operations at its state of the art facilities. Smoore's U.S. Distributors use third party testing facilities conduct quality control and tests of Smoore cartridges to make sure it complies the most strict quality requirements. Smoore's U.S. Distributors also work with the state approved and authorized cannabis grower for CBD/THC oil used in the CCELL vaping cartridges. These are essential to provide a safe vaping products to the general public. By contrast, Respondents appear to do nothing to monitor the quality of the Accused Products and reduce the production costs by cutting corners which put the general public's health and welfare at great risk.

**Indication the extent to which like or directly competitive articles that Smoore, its U.S. Distributors and third parties supply that could replace the Accused Products if they are excluded**

As the original inventor for the CCELL TH2, M6T, M6Y and other cannabis oil cartridges, Smoore could replace the Accused Products with high quality and safe Smoore products. The oil customers of Smoore's U.S. Distributors can fill in the cartridges with all varieties of CBD/THC doses the Accused Products provide. In addition, third parties such as OG Laboratories offers CBD/THC pods. Both CBD/THC cartridges and pods would continue to be available in states legalized cannabis and the grant of requested remedies would not impact the general public's selections of CBD/THC oil vaping products.

**Smoore and its U.S. Distributors can provide sufficient replacement products if Accused Products are excluded in a commercially reasonable time**

Smoore and its U.S. Distributors have more than adequate production capacity to meet any increase in demand of the CCELL vaping cartridges if the Requested Remedies were granted. Smoore currently supplies and will continue to supply its high quality CCELL vaping cartridges to U.S. customers unaffected by the remedies. Where the articles in question are

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abundantly available from legitimate, fairly traded sources, the public interest does not bar issuance of Commission remedial orders. *See, e.g., Certain Optical Disk Controller Chips and Chipsets and Prods. Containing Same, Including DVD Players and PC Optical Storage Devices*, Inv. No. 337-TA 506, Comm'n Op. (Sept. 28, 2005) at 61 (issuing exclusion order where “there is no evidence that the U.S. demand for the covered products cannot be met by other entities, including the Complainants”).

**The Requested Remedial Orders will benefit the consumers**

Smoores requested remedial orders will benefit the consumers by providing high quality cannabis vaping cartridges. This significantly reduced the risks associated with the Proposed Respondents' Accused Products such as heavy metal, leaking and burning because the lack of closely monitor and control of the production and source, and the absence of proper tests and certification by independent labs and authorities.

Consequently, there is no indication that the exclusion and cease and desist of the Proposed Respondents' Accused Products may result any unmet demand, adversely impact the public health, safety or welfare or the competitive conditions in the U.S. economy. The general public will greatly benefit from Smoores enforcement.

Dated: October 4, 2021

Respectfully submitted,

/s/Lyle B. Vander Schaaf.

Lyle B. Vander Schaaf

**CROWELL & MORING**

1001 Pennsylvania Ave., NW

Washington, DC 20004

***Counsel to Complainant Shenzhen  
Smoores Technology Limited***

**PUBLIC VERSION**

**UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, DISTRICT OF COLUMBIA**

**In the Matter of:**

**CERTAIN OIL-VAPING CARTRIDGES,  
COMPONENTS THEREOF, AND PRODUCTS  
CONTAINING THE SAME**

**Investigation No. 337-TA-\_\_\_\_\_**

**COMPLAINT OF SHENZHEN SMOORE TECHNOLOGY LIMITED  
UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED**

**COMPLAINANT**

Shenzhen Smoore Technology Limited  
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Trevor K. Copeland  
Emily Kappers  
Louis Constantinou

**PROPOSED RESPONDENTS**

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Canton, MI 48187

**Greenwave Naturals LLC**  
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Austin, TX 78739

**BoldCarts.com**  
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**Jonathan Ray Carfield**  
**d/b/a AlderEgo Wholesale, AlderEgo**  
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**Limited a/k/a AVID Holdings Limited**  
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**Hanna Carfield**  
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Seattle, WA 98121

**Advanced Vapor Devices, LLC**  
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Los Angeles, CA 90021

**avd710.com**  
3131 Western Ave, Suite 325  
Seattle, WA 98121

**AlderEgo Group Limited (“AEG”)**  
Room 21, Unit A, 11F, Tin Wui Industrial  
Building, No. 3 Hing Wong Street, Tuen  
Mun, N.T., Hong Kong

**A&A Global Imports, Inc. d/b/a Marijuana**  
**Packaging**  
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Vernon, CA 90058

**Bulk Natural, LLC d/b/a True Terpenes**  
524 E Burnside Street, Suite 600  
Portland, OR 97214

**PUBLIC VERSION**

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Sacramento, CA 95834

**ZTCSMOKE USA Inc.**  
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Niceville, FL 35278

**headcandysmokeshop.com**  
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Richmond, BC V6X 2T1 Canada

**Head Candy Enterprise Ltd.**  
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Vancouver, BC V5X 0B1, Canada

**Green Tank Technologies Corp.**  
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Toronto, ON, M6K 1A7, Canada

**Cannary Packaging Inc.**  
9-1415 Hunter Court Kelowna  
BC, V1X 6E6, Canada

**Cannary LA**  
2901 Gardena Avenue  
Signal Hill, CA 90755

**dcalchemy.com**  
10645 N. Tatum Blvd., Suite 200  
Phoenix, AZ 85028

**DC Alchemy, LLC**  
10645 N. Tatum Blvd., Suite 200  
Phoenix, AZ 85028

**Cartridgesforsale.com**  
P.O. Box 971024  
Ypsilanti, MI 48197

**HW Supply, LLC**  
324 Airport Industrial Dr.  
Ypsilanti, MI, 48198

**International Vapor Group, LLC**  
14300 Commerce Way

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Miami Lakes, FL 33016

**Obsidian Supply, Inc.**  
16 Technology Dr. #103  
Irvine, CA 92618

**Ygreeninc.com**  
671 Brea Canyon Road, Suite-2  
Walnut, CA 91789

**Ygreen Inc.**  
671 Brea Canyon Road, Suite-2  
Walnut, CA 91789

**Atmos Nation LLC**  
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Davie, FL 33314

**shopbvv.com**  
1251 Frontenac Road, Suite 150  
Naperville, IL 60563

**Best Value Vacs, LLC**  
1251 Frontenac Road, Suite 150  
Naperville, IL 60563

**Royalsupplywholesale.com**  
5432 Geary Blvd., Suite 321  
San Francisco, CA 94121

**Customcanabisbranding.com**  
5432 Geary Blvd., Ste. 321  
San Francisco, CA 94121

**CLK Global, Inc.**  
5432 Geary Blvd., Ste. 321  
San Francisco, CA 94121

**iKrusher.com**  
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Arcadia, CA 91006

**The Calico Group Inc.**  
2801 Via Fortuna Suite 675  
Austin, TX 78746

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### EXHIBIT LIST

1. CCell Vape Pens & Parts - Industry's Leading CCell Supplier - VPM.com
2. **Confidential** - Jupiter License Agreement
3. **Confidential** - KushCo and Greenlane License Agreement
4. **Confidential** - Glo
5. **Confidential** - BBTank
6. **Confidential** - Bulk
7. **Confidential** - Tking
8. **Confidential** - Head Candy
9. **Confidential** - DC Alchemy
10. **Confidential** - Solis
11. **Confidential** - Mig Vapor
12. **Confidential** - Bold
13. **Confidential** - Blinc
14. **Confidential** - AVD
15. Green Tank
16. **Confidential** - Verified
17. not used
18. **Confidential** - Obsidian
19. **Confidential** - YGreen
20. Claim Chart – Solis Supply – Infringement US 10,357,623
21. Claim Chart – Solis Supply – Infringement US 10,357,623
22. Claim Chart – Solis Supply – Infringement US 10,357,623
23. Claim Chart – Infringement US 10,357,623
24. Claim Chart – Infringement US 10,791,763
25. Claim Chart – Infringement US 10,791,762
26. Claim Chart – Infringement by Bold B1 Twist 1 mL — US 10,357,623
27. Claim Chart – Infringement by Bold B1 Push 0.5 mL — US 10,791,763
28. Claim Chart – Infringement by Bold B1 Push 0.5 mL — US 10,791,762
29. Claim Chart – Infringement DC Alchemy — US 10,357,623
30. Claim Chart – Infringement DC Alchemy — US 10,791,763

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31. Claim Chart – Infringement DC Alchemy — US 10,791,762
32. Claim Chart – Infringement DC Alchemy — US 10,791,762
33. Claim Chart – Infringement by Glo Cartridge (marked as Jupiter A119) US 10,791,762
34. Claim Chart – Infringement by Bulk Cart Jupiter CCELL Replica 1 mL —  
US 10,357,623
35. Claim Chart – Infringement by Bulk Cart Jupiter CCELL Replica 1 mL —  
US 10,791,762
36. Claim Chart – Infringement Blinc— US 10,357,623
37. Claim Chart – Infringement Blinc— US 10,791,762
38. Claim Chart – Infringement by TKing Tech CCELL-BLK1ML — US 10,357,623
39. Claim Chart – Infringement by TKing Tech CCELL-BLK1ML — US 10,791,762
40. Claim Chart – Infringement by Head Candy CCELL Replica — US 10,357,623
41. Claim Chart – Infringement by Head Candy CCELL Replica — US 10,791,762
42. Claim Chart – Infringement by Green Tank GT CR — US 10,357,623
43. Claim Chart – Infringement by Green Tank GT CR .5 mL US 10,791,762
44. Claim Chart – Infringement by Green Tank GT DX — US 10,791,763
45. Claim Chart – Infringement by Verified Vapes Core Series Glass 1 mL — US 10,357,623
46. Claim Chart – Infringement by Verified Vapes Core Series Glass 1 mL — US 10,791,762
47. Claim Chart – Infringement by MIG Vapor H10 Oil Dab Cartridge 1 mL —  
US 10,357,623
48. Claim Chart – Infringement by MIG Vapor H10 Oil Dab Cartridge 1 mL —  
US 10,791,762
49. Claim Chart – Infringement by Atmos C5 Ceramic 1mL — US 10,357,623
50. Claim Chart – Infringement by Atmos C5 Ceramic 1mL — US 10,791,762
51. Claim Chart – Infringement by BVV CART 0.5 mL twist — US 10,357,623
52. Claim Chart – Infringement by BVV CART 0.5 mL — US 10,791,762
53. Claim Chart – Infringement by iKrusher JC105 — US 10,357,623
54. Claim Chart – Infringement by iKrusher JC105 — US 10,791,762
55. Claim Chart – Infringement by Royal Supply Core Twist 0058-1, 1mL — US 10,357,623
56. Claim Chart – Infringement by Royal Supply Core Twist 0058-1, 1ml — US 10,791,762
57. Claim Chart – Infringement — BB Tank O2 Vape — US 10,357,623

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58. Claim Chart – Infringement — BB Tank O2 Vape — US 10,791,762
  59. Claim Chart – Infringement by Ygreen SC6 — US 10,357,623
  60. Claim Chart – Infringement by Ygreen SC6 — US 10,791,762
  61. Claim Chart – Infringement US 10,791,762
  62. Claim Chart – Domestic Industry US 10,357,623
  63. Claim Chart – Domestic Industry US 10,791,763
  64. Claim Chart – Domestic Industry US 10,791,762
  65. Claim Chart – Infringement by Calico TH210 — US 10,791,762
  66. Claim Chart – Infringement by Calico M6T10 — US 10,791,763
  67. Claim Chart – Infringement by Calico TH210 — US 10,791,763
  68. Cease and Desist Letters
  69. **Confidential** - Atmos
  70. **Confidential** - BVV
  71. **Confidential** - Royal Supply
  72. **Confidential** - iKrusher
  73. The Calico Group
  74. **Confidential** - Jupiter and KushCo/Greenlane previous arrangements
  75. Cannabis Vaping Public Information
  76. Liquid6 CCELL® 510 Thread Cartridges \_ Jupiter Research
  77. Tilt Public Information
  78. A Trusted Partner Serving the Legal Cannabis Ecosystem - KushCo Holdings
  79. **Confidential** – Confidential Agreement
  80. **Confidential** – Confidential Business Information
  81. **Confidential** – Confidential Corporate Document
  82. **Confidential** – Confidential Agreement
  83. **Confidential** – Confidential Agreement
  84. **Confidential** – Confidential Agreement
  85. **Confidential** – Confidential Agreement
- Attachment A. **Confidential** Declaration of Nick Kovacevich
- Attachment B. **Confidential** Declaration of Brad Hoch

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### **APPENDIX LIST**

- A. Certified TM Registration 5633060 with Certified file history
- B. Certified copy of Patent 10,357,623
- C. Certified copy of Patent 10,791,763
- D. Certified copy of Patent 10,791,762
- E. Certified copy of Patent 10,357,623
- E1. Certified copy of Assignments for Patent 10,357,623
- E2. Certified copy of File History 10,357,623
- F. Certified copy of Patent 10,791,763
- F1. Certified Certificate of Correction for Patent 10,791,763
- F2. Certified copy of Assignment for Patent 10,791,763
- F3. Certified copy of File History 10,791,763
- G. Certified copy of Patent 10,791,762
- G1. Certified copy of Assignment Reel 044970 Frames 0348\_762
- G2. Certified copy of File History 10,791,762
- H. Foreign Counterparts
- AA. not used
- BB. Technical references for 10,357,623
- CC. Technical references for 10,791,763
- DD. Technical references for 10,791,762

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### I. INTRODUCTION

1. This complaint is filed by Shenzhen Smoore Technology Limited (“Smoore” or “Complainant”) in accordance with Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”), to remedy the unlawful importation into the United States, the sale for importation and/or the sale within the United States after importation of certain oil-vaping cartridges, components thereof, and products containing the same<sup>1</sup> (“Accused Products”) that infringe Complainant’s common law trademark rights in the mark CCELL, which is used in connection with, and without limitation, oral vaporizers, vaping cartridges, and other vaping products (the “CCELL Mark”) and Complainant’s United States Federal Trademark Reg. No. 5,633,060 for the standard character mark CCELL, which covers “[e]lectronic cigarettes; [o]ral vaporizers for smokers” ( the “Asserted Registration”) (collectively, Complainant’s common law rights to the mark CCELL and United States Federal Trademark Reg. No. 5,633,060 are referred to as the “Asserted Mark”), and certain claims of the United States Patent Nos. 10,357,623 (the “’623 Patent”); 10,791,763 (the “’763 Patent”) and 10,791,762 (the “’762 Patent”) (collectively, the “Asserted Patents”). Smoore’s trademark rights at issue relate to Smoore’s continuous and extensive use and promotion of the Asserted Mark in U.S. commerce in connection with electronic cigarettes, oral vaporizers for smokers, vaping cartridges, and other vaporizer products (collectively, “vaporizer products”). Likewise, Smoore’s patented technologies at issue include claims that cover the structure and function of atomizers, cartridges and mouthpieces, vaporizers and vaping assemblies, and other vaping devices that are used in or that comprise the Respondents’ Accused Products for vaping purposes. The Accused Products are imported into

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<sup>1</sup> The battery is specifically excluded from the “Accused Products.”

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the United States, sold for importation into the United States and/or sold after importation into the United States by or on behalf of Respondents.

2. On information and belief, Respondents import into the United States, sell for importation into the United States, and/or sell in the United States after importation Accused Products that infringe, directly or indirectly, at least the following claims of the Asserted Patents, either literally or under the doctrine of equivalents (independent claims in the '623, '763 and '762 Patents in bold):

<b>Respondents</b>	<b>Patents</b>	<b>Asserted Claims</b>
BBTank	10,357,623	<b>1, 2, 3, 5, 6</b>
	10,791,762	<b>1, 2, 7</b>
Glo Extracts	10,357,623	<b>1, 2, 3, 5, 6</b>
	10,791,762	<b>1, 2, 7</b>
Bulk Carts	10,357,623	<b>1, 2, 3, 5, 6</b>
	10,791,762	<b>1, 2, 7</b>
Bold Carts	10,357,623	<b>1, 2, 3, 5, 6</b>
	10,791,763	<b>1, 11</b>
	10,791,762	<b>1, 2, 7</b>
Blinc	10,357,623	<b>1, 2 3, 5, 6</b>
	10,791,762	<b>1, 2, 7</b>
AVD	10,357,623	<b>1, 2, 3, 5, 6</b>
	10,791,762	<b>1, 2, 7</b>
	10,791,763	<b>1, 11</b>
Tking	10,357,623	<b>1, 2, 3, 5, 6</b>
	10,791,762	<b>1, 2, 7</b>
Head Candy	10,357,623	<b>1, 2, 3, 5, 6</b>
	10,791,762	<b>1, 2, 7</b>
Green Tank	10,357,623	<b>1, 2, 3, 5, 6</b>
	10,791,763	<b>1, 11</b>
	10,791,762	<b>1, 2, 7</b>
Verified	10,357,623	<b>1, 2, 3, 5, 6</b>
	10,791,762	<b>1, 2, 7</b>
DC Alchemy	10,357,623	<b>1, 2, 3, 5, 6</b>
	10,791,763	<b>1, 11</b>
	10,791,762	<b>1, 2, 7</b>



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<b>Respondents</b>	<b>Patents</b>	<b>Asserted Claims</b>
Solis Supply	10,357,623	<b>1, 2, 3, 5, 6</b>
	10,791,763	<b>1, 11</b>
	10,791,762	<b>1, 2, 7</b>
Mig Vapor	10,357,623	<b>1, 2, 3, 5, 6</b>
	10,791,762	<b>1, 2, 7</b>
Obsidian	10,791,762	<b>1, 2, 7</b>
Ygreen	10,357,623	<b>1, 2, 3, 5, 6</b>
	10,791,762	<b>1, 2, 7</b>
Atmos	10,357,623	<b>1, 2, 3, 5, 6</b>
	10,791,762	<b>1, 2, 7</b>
BVV	10,357,623	<b>1, 2, 3, 5, 6</b>
	10,791,762	<b>1, 2, 7</b>
Royal Supply Wholesale	10,357,623	<b>1, 2, 3, 5, 6</b>
	10,791,762	<b>1, 2, 7</b>
iKrusher	10,357,623	<b>1, 2, 3, 5, 6</b>
	10,791,762	<b>1, 2, 7</b>
Calico	10,357,623	<b>1, 2, 3, 5, 6</b>
	10,791,763	<b>1, 11</b>
	10,791,762	<b>1, 2, 7</b>

3. On information and belief, the following Respondents import into the United States, sell for importation into the United States, and/or sell in the United States after importation Accused Products that infringe the Asserted Mark: Glo Extracts, BBTank; Bulk Carts; Tking; Head Candy; DC Alchemy; Solis Supply; Mig Vapor; Obsidian; and BVV.

4. Smoore is a global innovator and leader in the vaporizer space, offering vaping technology solutions, including the manufacture of vaping devices and vaping components for Heat-Not-Burn (“HNB”) products with advanced research and development (“R&D”) technology, strong manufacturing capacity, wide-spectrum product portfolio and a diverse customer base.

5. Smoore offers many of its vaporizer products under the well-known Asserted Mark. Smoore has extensively used and promoted the Asserted Mark in connection with its

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vaporizer products with great commercial success and acclaim, as well as expending significant advertising expense in the U.S. market. As a result of its significant investment in the CCELL brand, the robust advertising, marketing, and promotion of the vaporizer products offered under the Asserted Mark, and the commercial success and acclaim of the CCELL products, Smoore's Asserted Mark has become well-known as a distinctive indicator of the origin of Smoore's goods, has acquired a highly favorable reputation among members of the purchasing public, and has become a valuable symbol of Smoore's goodwill. Indeed, Smoore's CCELL vaporizer products are routinely identified as the gold standard of vaping products. *See* Exhibit 1.

6. The proposed Respondents design, manufacture, import, sell for importation, sell after importation and service, among other things, Accused Products, such as atomizers, cartridges, mouth pieces and vaporizers. The Accused Products incorporate and use, without license or other authorization, Smoore's Asserted Mark or confusingly similar variations thereof and/or technologies developed by Smoore, Jupiter Research, LLC ("Jupiter") and /or KushCo Holdings, Inc. and its successor entities ("KushCo") and protected by patents issued to and owned by Smoore in violation of 19 U.S.C. § 1337.

7. A certified copy of United States Federal Trademark Reg. No. 5,633,060 (the "Asserted Registration") and a certified copy of the prosecution history for the Asserted Registration are included in Appendix A. Smoore owns all right, title, and interest in the Asserted Registration, and the Asserted Registration is valid, subsisting, and in full force and effect.

8. Certified copies of the Asserted Patents are included in Appendices B-D. A list of foreign counterparts to the Asserted Patents is included in Appendix E. Smoore owns all rights,

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title, and interest in each of the Asserted Patents. Copies of the assignment records for each of the Asserted Patents are included in Appendices F-H.

9. A domestic industry exists as required by 19 U.S.C. §§ 1337(a)(2) and (3) in the United States relating to the vaporizer products offered under the Asserted Mark and technologies protected by the Asserted Patents as a result of the substantial investment and expenditures in plant and equipment, labor, and capital related to the Domestic Industry Products that practice the intellectual property and the substantial investment in engineering and R&D with respect to the technology that exploits the Asserted Mark and Asserted Patents by Smoore and its licensed distributors in the United States (and their affiliated entities) in this Investigation, Jupiter Research, LLC (“Jupiter”), together with its parent company TILT Holdings, Inc. (“TILT”) and Greenlane Holdings, LLC (“Greenlane”) (as successor-in-interest to KushCo).

10. On March 31, 2021, KushCo entered into certain Agreement and Plan of Merger (the “Merger Agreement”) with Greenlane Holdings, Inc., Merger Sub Gotham 1, LLC (“Merger Sub 1”) and Merger Sub Gotham 2, LLC (“Merger Sub 2”). Pursuant to the Merger Agreement, Greenlane and KushCo combined through a merger of Merger Sub 1, with and into KushCo, with KushCo surviving as a wholly owned subsidiary of Greenlane (“Merger 1”) and then, a merger of KushCo with and into Merger Sub 2, with Merger Sub 2 surviving as a wholly owned subsidiary of Greenlane (“Merger 2” and together with Merger 1, the “Mergers”). The Mergers were completed on August 31, 2021, whereby 100% of the equity interest of KushCo was acquired by Greenlane, a company doing business in the same industry as KushCo.

11. Pursuant to 19 U.S.C. § 1337(d)(1), Complainant seeks a permanent limited exclusion order against each named Respondent and their affiliates, subsidiaries, predecessors, successors, agents, and assigns, barring from entry into the United States all of Respondents’

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products that infringe the Asserted Mark and/or one or more claims of the Asserted Patents, directly or indirectly.

12. Pursuant to 19 U.S.C. § 1337(f), Complainant also seeks a permanent cease and desist order against each named Respondent and their affiliates, subsidiaries, predecessors, successors, agents, and assigns, prohibiting each from importing, selling, offering for sale, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution of, products that infringe the Asserted Mark and/or one or more claims of the Asserted Patents, directly or indirectly.

13. Pursuant to 19 U.S.C. § 1337(j), Complainant further requests the Commission impose a bond upon Respondents' importation of infringing products during the 60-day Presidential review period to prevent further injury to the Complainant as well as its authorized licensed distributors, including Jupiter and KushCo<sup>2</sup> relating to the Asserted Mark and each of the Asserted Patents.

## II. THE PARTIES

### A. Complainant

#### 1. Introduction

14. A vaporizer (often referred to as a “vaping product” or “vaping device”), as defined for this complaint, is a convenient, portable and dosage-controllable device configured

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<sup>2</sup> See *infra* n. 3.

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for medical and/or recreational use of plant-derived extracts or other materials that are in an oil form or that have an oil-like viscosity in contrast with lower-viscosity (water-like) vaporizable materials known and used for nicotine/tobacco vaping products and systems. A vaporizer often comprises three components: (i) an atomizer assembly (often called a “cartridge”) that can be filled with plant-derived extracts or other materials, (ii) a mouthpiece, and (iii) a battery.

15. Complainant’s patented and CCELL branded products have a variety of uses, including being particularly configured for use with oils extracted from plants. Downstream products involved in the relevant domestic industry valuation may include oil derived from hemp (defined in keeping with federal law as containing less than 0.3% tetrahydrocannabinol (“THC”), such as cannabidiol (“CBD”) that is used for a variety of health and wellness purposes and is not subject to federal controlled substance restrictions) and/or marijuana (defined in keeping with federal law as containing 0.3% or more THC, and legal in many states for medicinal and/or other adult use), collectively referred to herein as cannabis, unless specified separately.

### **2. Complainant Shenzhen Smoore Technology Limited**

16. Complainant Shenzhen Smoore Technology Limited is a corporation organized under the laws of China having its principal place of business at Block 16, Dongcai Industry Park, Gushu Village, Bao’an District, Shenzhen, China.

17. Smoore is a leading designer and manufacturer of atomization and vaporizing technology, including vaping hardware products. Because of its significant investment in research and development, Smoore has developed innovative product designs and advanced vaporization technology and has won the trust of many customers.

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18. Smoore has sought and obtained patent protection in the United States for its numerous vaporization technologies and vaporizer designs over the years, including the inventions claimed in the Asserted Patents.

19. Smoore has continuously advertised, marketed, promoted, and sold its vaporizer products, including through licensed distributors, under the Asserted Mark in U.S. commerce since at least as early as March 1, 2016. Through its extensive use and advertisement of its vaporizer products under the Asserted Mark, the Asserted Mark has garnered enormous consumer goodwill and become well-known.

### **3. Licensed Distributor and Cooperating Party Jupiter Research, LLC**

20. Cooperating Party Jupiter Research, LLC is a limited liability company organized under the laws of the State of Arizona having its registered address at 2801 E. Camelback Road STE 180, Phoenix, AZ, 85016, USA. *See* Attachment B, Hoch Decl. ¶2.

21. Jupiter was founded in 2015 and is the leading provider of performance-driven wholesale vaporizer cartridges in the United States. Jupiter assisted with the development of vaping hardware that Smoore manufactures and distributes in the United States. Jupiter is a leading provider of performance-driven wholesale vaporizer cartridges. Jupiter assisted in the development of Smoore's CCELL technology and is a pioneer of introducing and distributing Smoore's CCELL cartridges and vaping products in the U.S. *Id.* Jupiter is an authorized and licensed distributor of Smoore's CCELL vaping products and works with Smoore to provide vaping OEM products and custom designs to its customers. As required by Commission Rule § 210.12(a)(10)(i)-(ii), Complainant hereby identifies Jupiter as a licensee and attaches a copy of the relevant confidential license agreement as Exhibit 2.

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**4. Licensed Distributor and Cooperating Party Greenlane Holdings, LLC, as Successor-In-Interest to KushCo Holdings, Inc.**

22. Cooperating Party Greenlane Holdings, LLC is a Delaware Limited Liability company having a principal place of business at 1095 Broken Sound Parkway NW, Boca Raton, FL 33487 and is successor in interest to KushCo, which was formerly a Nevada corporation having its principal place of business at 6261 Katella Ave., Suite 250, Cypress, CA 90630, USA. KushCo was founded in 2018 and was an early pioneer in the production and distribution of ancillary products for the CBD and regulated cannabis industry. As of August 31, 2021, one hundred percent of KushCo's assets, including ownership interests in all of KushCo's subsidiaries were acquired by Greenlane, a company doing business in the same industry as KushCo<sup>3</sup>. KushCo and Greenlane each provide ancillary products and services to the regulated CBD and cannabis industry, including vaping hardware and vaporizer cartridges supplied by Smoore. KushCo and Greenlane are among the largest and most respected distributors of vaporizer products in the United States. Greenlane and KushCo (during the relevant time period) are each an authorized and licensed distributor of Smoore's CCELL vaping products and work with Smoore to provide vaping OEM product and custom designs to its customers. Greenlane also sells Smoore-made vaporizer cartridges filled with CBD products derived from hemp by other brands, which are not subject to the federal regulations applied to marijuana. As required by Commission Rule § 210.12(a)(10)(i)-(ii), Complainant hereby identifies KushCo and Greenlane as licensees and attaches copies of the relevant confidential license agreements as Exhibit 3.

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<sup>3</sup> Greenlane also cooperates with Smoore for this investigation. Considering the merger took place shortly before the filing of this complaint, "KushCo" and "Greenlane" are each used at times in the complaint to refer to the post-merger Greenlane.

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**B. The Proposed Respondents**

23. With regard to the proposed Respondents, Complainant alleges the following on information and belief:

**1. BBTank Respondents**

*BBTank USA, LLC*

24. Upon information and belief, Respondent BBTank USA, LLC (“BBTank USA”) is a Michigan limited liability company with a registered office mailing address at 8213 Secor Road #583, Lambertville, MI 48144. Upon information and belief, BBTank USA, either itself or through the activities of its affiliates or subsidiaries, is in the business of importation and/or sale after importation in the United States of the patent and/or trademark infringing “BBTank,” “O2Vape,” “CERAMIC CELL,” and/or other branded Accused Products manufactured outside the United States.

*DES Products Ltd. a/b/a O2VAPE*

25. Upon information and belief, Respondent DES Products Ltd. d/b/a O2VAPE (“O2vape”) is a Michigan corporation with a registered office mailing address at 8213 Secor Road #583, Lambertville, MI 48144. Upon information and belief, O2Vape, either itself or through the activities of its affiliates or subsidiaries, imports and/or sells after importation in the United States the patent and/or trademark infringing “O2Vape,” “CERAMIC CELL,” and/or other branded Accused Products manufactured outside the United States.



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### 2. Glo Extracts Respondent

26. The Respondent Glo Extracts includes at least Glo Extracts (“Glo Extracts”). Upon information and belief, Glo Extracts is located at 6230 Wilshire Blvd., Los Angeles, CA 90048. Upon information and belief, Glo Extracts is the importer and seller in the United States of the patent and/or trademark infringing “Glo Extracts,” “JUPITER CCELL,” and/or other branded Accused Products manufactured outside the United States.

### 3. Bulk Carts Respondents

#### BulkCarts.com

27. Upon information and belief, BulkCarts.com (“Bulk Carts”) is an online distributor of atomizers and accessories in the United States founded by Zachary Esquivel based in 42010 Koppernick Road, Ste 114, Canton, MI 48187. Upon information and belief, Bulk Carts, either itself or through the activities of its affiliates or subsidiaries, imports and distributes online in the United States the patent and trademark infringing “CERAMIC CCELL” and/or other branded Accused Products manufactured outside the United States.

#### Greenwave Naturals LLC

28. Upon information and belief, Greenwave Naturals LLC (“Greenwave”) is a Texas limited liability company with Zachary Esquivel as the registered agent. Greenwave has a registered office mailing address at 11800 Silkwood Cove, Austin, TX 78739. Upon information and belief, Greenwave, either itself or through the activities of its affiliates or subsidiaries, sells after importation in the United States the patent-infringing Accused Products, which are manufactured outside the United States.

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### 4. Bold Carts Respondents

#### BoldCarts.com

29. Upon information and belief, BoldCarts.com (“Bold Carts”) is a manufacturer, a seller for importation, an on-line distributor of atomizers in the United States headquartered in Tempe, Arizona founded by William Rinehart based in 1810 W. 4th St., Tempe, AZ 85281. Upon information and belief, Bold Carts, either itself or through the activities of its affiliates or subsidiaries, manufactures, sells for importation, imports, and sells on-line in the United States of the patent-infringing “BOLD” and/or other branded Accused Products manufactured outside the United States.

#### Bold Crafts, Inc.

30. Upon information and belief, Bold Crafts, Inc. (“Bold Crafts”) is a Delaware corporation with William Rinehart as the president and CEO. Bold Crafts has a registered statutory agent address at 420 Goddard Ave., Irvine, CA 92618. Upon information and belief, Bold Crafts, either itself or through the activities of its affiliates or subsidiaries, imports, and sells after importation in the United States the patent-infringing “BOLD” and/or other branded Accused Products manufactured outside the United States.

### 5. Blinc Respondent

31. The Blinc Respondent includes at least Blinc Group Holdings, LLC (“Blinc”). Upon information and belief, Blinc, either itself or through the activities of its affiliates or subsidiaries, sells for importation and sells after importation of atomizers manufactured outside the United States. Blinc is headquartered in 40 Fulton Street, 6 Floor, New York, NY 10038.

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Upon information and belief, Blinc is the seller for importation, and importer and seller in the United States of the patent-infringing “XPro” and/or other branded Accused Products manufactured outside the United States.

### 6. AVD Respondents

#### Jonathan Ray Carfield

32. Jonathan Ray Carfield (U.S. Passport No.: 485948978) is, upon information and belief, the founder and CEO of AlderEgo Group Limited and the principal architect of the AVD Respondents for AVD’s unauthorized infringing use of Complainant’s Asserted Patents in connection with AVD’s design, manufacture, marketing, and sales of AVD infringing products.

33. Mr. Carfield incorporated Carfield Family, Inc. d/b/a AlderEgo Wholesale (“AlderEgo Wholesale”) in Washington State in February 2014, AlderEgo Holdings, Inc. (“AlderEgo Holdings”) also in Washington State in March 2016, and AlderEgo Group Limited (“AEG”) in Hong Kong on April 25, 2018 (a/k/a AVID Holdings Limited, as of July 29, 2021). Mr. Carfield solicited five investors to invest in his businesses during December 2015 and March 2016 in exchange of a promissory note with AlderEgo Wholesale and stock in AlderEgo Holdings. Mr. Carfield stopped responding to investors’ request for payment. Both AlderEgo Wholesale and AlderEgo Holdings were subsequently administratively dissolved by the Washington Secretary of State. Mr. Carfield and his companies were investigated by the Washington State Department of Financial Institutions Securities Division and were charged on October 3, 2018.<sup>4</sup> Mr. Carfield defaulted the investigation and a cease and desist order, and fines

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<sup>4</sup> Washington State Department of Financial Institutions Securities Division Final Order S-17-2257-18-SC01 dated January 17, 2019, states that Carfield raised over \$150,000 from selling a

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and cost recovery were issued thereafter. Fearing the legal consequences, Mr. Carfield fled the United States, moved to China, and set up AEG. Considering the timing, Mr. Carfield's control and ownership interest of AEG, his personal actions systematically escaping Washington State's investigation, charge and fines, AEG is the agent and alter ego of Mr. Carfield.

34. On information and belief, Mr. Carfield's current address is: Apt. 2702, Unit 1, Block A, Tianyuan Building 5, Gangxia Center, Futian District, Shenzhen 518016, Guangdong, China. As of today, Mr. Carfield continues to operate his marijuana business manufacturing, importing, selling for importation, and selling after importation into the United States patent-infringing products using the "AlderEgo" name. On information and belief, Mr. Carfield directs and/or has ownership, possibly through a proxy, in other AVD Respondents, such as Next Level Ventures, LLC and Advanced Vapor Devices, LLC.

### Hanna Carfield

35. Hanna Carfield is, on information and belief, Jonathan Ray Carfield's spouse. Hanna Carfield is the owner of AVD's U.S. trademark registration with registration number 5,725,656. As part of the trademark prosecution history, Hanna Carfield submitted a specimen to the United State Patent and Trademark Office, which confirms her importing into the United States the patent-infringing AVD products. One specimen clearly shows a patent-infringing vaporizer containing THC/CBD oil, which is not legal in China, where AVD's vaporizers are made. Ms. Carfield has a mailing address at PO Box 7010 Tacoma, Washington, 98417, USA. Upon information and belief, Hanna Carfield, together with Mr. Carfield and other AVD entities,

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promissory note and stock in his marijuana businesses to five investors, including four Washington residents, acted as an unregistered broker-dealer and/or securities salesperson, and that the offer and sale of securities by the Respondents violated the anti-fraud provision of the Securities Act of Washington.

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continues the importation, sale for importation, and sale after importation into the United States of the AVD Accused Products.

### Next Level Ventures, LLC

36. Upon information and belief, Next Level Ventures, LLC (“NLV”) is a Washington state limited liability company with a principal office street address at 3131 Western Ave., Ste 325, Seattle, WA 98121. Upon information and belief, NLV, either itself or through the activities of its affiliates or subsidiaries, imports and sells after importation in the United States the patent-infringing “AVD” and/or other branded Accused Products, which are manufactured outside the United States.

### Advanced Vapor Devices, LLC

37. Upon information and belief, Advanced Vapor Devices, LLC (“AVD LLC”) is NLV’s California registered limited liability company. AVD LLC has a registered statutory agent address at 1230 Long Beach Ave., Los Angeles, CA 90021. Upon information and belief, AVD LLC, either itself or through the activities of its affiliates or subsidiaries, imports and sells after importation in the United States the patent-infringing “AVD” and/or other branded Accused Products, which are manufactured outside the United States.

### avd710.com

38. Upon information and belief, avd.com is the on-line distributor of atomizers operated by NVL, AVD LLC and/or AEG. Upon information and belief, avd.com, either itself or through the activities of its affiliates or subsidiaries, imports and sells on-line in the United States the patent-infringing “AVD” and/or other branded Accused Products manufactured

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outside the United States. Avd710.com lists 3131 Western Ave, Suite 325, Seattle, WA 98121 as the contact address on its website.

*AlderEgo Group Limited*

39. Upon information and belief, AlderEgo Group Limited (“AEG”) is a Hong Kong limited liability company with Jonathan Ray Carfield as the director. AlderEgo has a registered office address at Room 21, Unit A, 11F, Tin Wui Industrial Building, No. 3 Hing Wong Street, Tuen Mun, N.T., Hong Kong. Upon information and belief, AEG, either itself or through the activities of its affiliates or subsidiaries, designs, manufactures, sells for importation, and sells after importation in the United States the patent-infringing “AVD” and/or other branded Accused Products, which are manufactured outside the United States.

*A&A Global Imports, Inc. d/b/a Marijuana Packaging*

40. Upon information and belief, A&A Global Imports, Inc. d/b/a Marijuana Packaging (“Marijuana Packaging”) is a California corporation with a principal office street address at 3359 East 50th Street, Vernon, CA 90058. Upon information and belief, Marijuana Packaging, either itself or through the activities of its affiliates or subsidiaries, imports and sells after importation in the United States the patent-infringing “AVD” and/or other branded Accused Products, which are manufactured outside the United States.

*Bulk Natural, LLC d/b/a True Terpenes*

41. Upon information and belief, Bulk Natural, LLC d/b/a True Terpenes (“True Terpenes”) is an Oregon state limited liability company with a principal office street address at 524 E Burnside Street, Suite 600, Portland, OR 97214. Upon information and belief, True Terpenes, either itself or through the activities of its affiliates or subsidiaries, imports and sells

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after importation in the United States the patent-infringing “AVD” and/or other branded Accused Products, which are manufactured outside the United States.

### Brand King, LLC

42. Upon information and belief, Brand King, LLC (“Brand King”) is a California state limited liability company with a principal office street address at 717 Del Paso Road, Sacramento, CA 95834. Upon information and belief, Brand King, either itself or through the activities of its affiliates or subsidiaries, imports and sells after importation in the United States the patent-infringing “AVD” and/or other branded Accused Products, which are manufactured outside the United States.

## **7. Tking Respondent**

43. Upon information and belief, ZTC SMOKE USA Inc. (“ZTC USA”) is a Florida corporation with its registered address at 599B West John Sims Pkwy, Niceville, FL 35278. Upon information and belief, ZTC USA, either itself or through the activities of its affiliates or subsidiaries, sells for importation, imports, and sells after importation in the United States the patent and trademark infringing CCELL-BLK1ML (1ml) and/or other branded Accused Products, which are manufactured outside the United States.

## **8. Head Candy Respondents**

### Headcandysmokeshop.com

44. Upon information and belief, headcandysmokeshop.com (“Headcandy.com”) is an on-line distributor of atomizers and accessories in the United States and it is affiliated with Head Candy Enterprises Ltd. located at 200-2288 No. 5 Road, Richmond, BC V6X 2T1, Canada.

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Upon information and belief, Headcandy.com, either itself or through the activities of its affiliates or subsidiaries, sells for importation, imports, and sells after importation in the United States the patent and trademark infringing “CCELL Ceramic Cartridge” and/or other branded Accused Products, which are manufactured outside the United States.

### Head Candy Enterprises Ltd.

45. Upon information and belief, Head Candy Enterprise Ltd. (“Head Candy Enterprise”) is a British Columbia company with a registered office mailing address at 121-618 East Kent Ave. South, Vancouver, BC V5X 0B1, Canada. Upon information and belief, Head Candy Enterprise, either itself or through the activities of its affiliates or subsidiaries, sells for importation, imports, and sells after importation in the United States the patent and trademark infringing “CELL Ceramic Cartridge” and/or other branded Accused Products, which are manufactured outside the United States.

## **9. Green Tank Respondent**

46. The Green Tank Respondent includes at least Green Tank Technologies Corp. (“Green Tank”). Upon information and belief, Green Tank is an Ontario corporation located at 102-135 Liberty Street, Toronto, ON, M6K 1A7, Canada. Upon information and belief, Green Tank, either itself or through the activities of its affiliates or subsidiaries, designs, manufactures, sells for importation, imports, and sells in the United States the patent-infringing “GT” and/or other branded Accused Products, which are manufactured outside the United States.



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### 10. Verified Respondents

#### Cannary Packaging Inc.

47. Upon information and belief, Cannary Packaging Inc. (“Cannary Inc.”) is a distributor of atomizers in the North America located at 9-1415 Hunter Court Kelowna, BC, V1X 6E6, Canada. Upon information and belief, Cannary Inc., either itself or through the activities of its affiliates or subsidiaries, imports and sells after importation in the United States the patent-infringing “Verified” and/or other branded Accused Products, which are manufactured outside the United States.

#### Cannary LA

48. Upon information and belief, Cannary LA (“Cannary LA”) is a California registered Wyoming Corporation with a mailing address at 2901 Gardena Avenue, Signal Hill, CA 90755. Upon information and belief, Cannary LA, either itself or through the activities of its affiliates or subsidiaries, imports, and sells after importation in the United States the patent-infringing “Verified” and/or other branded Accused Products, which are manufactured outside the United States.

### 11. DC Alchemy Respondents

#### Dcalchemy.com

49. Upon information and belief, dcalchemy.com is an on-line distributor of atomizers and accessories in the United States that is operated by DC Alchemy, LLC and based in 10645 N. Tatum Blvd., Suite 200, Phoenix, AZ 85028. Upon information and belief,

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dcalchemy.com sells on-line the patent and trademark infringing “DC CCELL” and/or other branded Accused Products, which are manufactured outside the United States.

### DC Alchemy LLC

50. Upon information and belief, DC Alchemy LLC (“DC Alchemy”) is an Arizona limited liability company with a registered office mailing address at 10645 N. Tatum Blvd., Suite 200-228, Phoenix, AZ 85028. Upon information and belief, DC Alchemy, either itself or through the activities of its affiliates or subsidiaries, imports and sells after importation in the United States the patent and trademark infringing “DC CCELL” and/or other branded Accused Products, which are manufactured outside the United States.

## 12. Solis Supply Respondents

### Cartridgesforsale.com

51. Upon information and belief, cartridgesforsale.com is an on-line seller in the United States of the patent and trademark infringing “CERAMIC CELL” and/or other branded atomizers, which are manufactured outside the United States. Upon information and belief, cartridgesforsale.com is operated by HW Supply, LLC with a contact address at P.O. Box 971024, Ypsilanti, MI 48197.

### HW Supply, LLC

52. Upon information and belief, HW Supply LLC (“HW Supply”) is a Michigan limited liability company with a registered office mailing address at 324 Airport Industrial Dr., Ypsilanti, MI, 48198. Upon information and belief, HW Supply, either itself or through the activities of its affiliates or subsidiaries, manages and operates cartridgesforsale.com and imports

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and sells after importation in the United States the patent and trademark infringing “CERAMIC CELL” and/or other branded Accused Products, which are manufactured outside the United States.

### **13. Mig Vapor Respondent**

53. The Mig Vapor Respondent includes at least International Vapor Group, LLC (“Mig Vapor”). Upon information and belief, Mig Vapor is located at 14300 Commerce Way, Miami Lakes, FL 33016. Upon information and belief, Mag Vapor, either itself or through the activities of its affiliates or subsidiaries, imports and sells in the United States the patent and trademark infringing “H10 CERAMIC CELL 510 Oil Dab” cartridges and/or other branded Accused Products, which are manufactured outside the United States.

### **14. Obsidian Respondent**

54. The Obsidian Respondent includes at least Obsidian Supply, Inc. (“Obsidian”). Upon information and belief, Obsidian is located at 16 Technology Dr. #103, Irvine, CA 92618. Upon information and belief, Obsidian, either itself or through the activities of its affiliates or subsidiaries, imports and sells in the United States the patent and trademark infringing “Nextvapor C-CELL” cartridges and/or other branded Accused Products, which are manufactured outside the United States.

### **15. Ygreen Respondents**

*Ygreeninc.com*

55. Upon information and belief, Ygreeninc.com is an on-line seller in the United States of the patent-infringing “S,” “SC” models and/or other branded Accused Products, which

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are manufactured outside the United States. Upon information and belief, ygreeninc.com is operated by Ygreen Inc. is located at 671 Brea Canyon Road, Suite-2, Walnut, CA 91789.

### Ygreen Inc.

56. Upon information and belief, Ygreen Inc. (“Ygreen”) is located at 671 Brea Canyon Road, Suite-2, Walnut, CA 91789. Upon information and belief, Ygreen, either itself or through the activities of its affiliates or subsidiaries, designs, manufactures, sells for importation, imports, and sells in the United States after importation the patent-infringing “S” and “SC” models of Ygreen branded and/or other branded Accused Products, which are manufactured outside the United States.

### **16. Atmos Respondent**

57. The Atmos Respondent includes at least Atmos Nation LLC (“Atmos”). Upon information and belief, Atmos is a Nevada limited liability company located at 4800 SW 51st Street, Suite 106, Davie, FL 33314. Upon information and belief, Atmos, either itself or through the activities of its affiliates or subsidiaries, designs, manufactures, sells for importation, imports, and sells in the United States after importation of the patent-infringing “C5 Ceramic Cartridge,” “Ceramic Cartridge” and/or other branded Accused Products, which are manufactured outside the United States.

### **17. BVV Respondents**

58. The BVV Respondents include at least shopbv.com and Best Value Vacs, LLC, who, upon information and belief, sell for importation, import, and sell after importation the

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patent and trademark infringing Ceramic Tip Vape Cartridges, CCELL, and/or other branded Accused Products.

### Shopbv.com

59. Upon information and belief, Shopbv.com (“Shopbv”) is headquartered at 1251 Frontenac Road, Suite 150, Naperville, IL 60563. Upon information and belief, Shopbv is a seller for importation, importer, and on-line seller in the United States of the patent-infringing Ceramic Tip Vape Cartridges and/or other branded Accused Products.

### Best Value Vacs, LLC

60. Upon information and belief, Best Value Vacs, LLC (“BVV”) is an Illinois limited liability company with a registered address at 1251 Frontenac Road, Suite 150, Naperville, IL 60563. Upon information and belief, BVV imports, sells after importation in the United States the patent infringing Ceramic Tip Vape Cartridges and/or other branded Accused Products.

## **18. Royal Supply Respondents**

61. The Royal Supply Respondents include at least royalsupplywholesale.com; customcannabisbranding.com and CLK Global, Inc., who, upon information and belief, manufacture, sell for importation, import, and sell after importation ceramic core glass cartridge and/or other branded patent-infringing Accused Products.

### Royalsupplywholesale.com

62. Upon information and belief, Royalsupplywholesale.com (“Royal Supply”) was founded by Robert Kenny and is headquartered at 5432 Geary Blvd., Suite 321, San Francisco,

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CA 94121. Upon information and belief, Royal Supply is the designer, manufacturer, seller for importation, importer, and on-line seller in the United States of the patent-infringing ceramic core glass cartridge and/or other branded Accused Products.

### Customcannabisbranding.com

63. Upon information and belief, Customcannabisbranding.com (“CCB”) was founded by Robert Kenny and is headquartered at 5432 Geary Blvd., Ste. 321, San Francisco, CA 94121. Upon information and belief, Royal Supply is the manufacturer, seller for importation, importer and on-line seller in the United States of the patent-infringing ceramic core glass cartridge and/or other private branded Accused Products. Additionally, upon information and belief, CCB also offers private label services for the Accused Products.

### CLK Global, Inc.

64. Upon information and belief, CLK Global, Inc. (“CLK”) is a Delaware corporation founded by Robert Kenny, who also serves as CLK’s CEO. CLK has a registered standard mailing address at 5432 Geary Blvd., Ste. 321, San Francisco, CA 94121. Upon information and belief, CLK designs, manufactures, imports, and sells after importation in the United States the patent-infringing ceramic core glass cartridge and/or other branded Accused Products.

## **19. iKrusher Respondents**

65. The iKrusher Respondents include at least ikrusher.com and iKrusher, Inc., who, upon information and belief, manufacture, sell for importation, import, and sell after importation 510 cartridge and/or other branded patent-infringing Accused Products.

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### *ikrusher.com*

66. Upon information and belief, iKrusher.com (“iKrusher.com”) is headquartered at 11818 Clark Street, Arcadia, CA 91006. Upon information and belief, iKrusher.com is the designer, manufacturer, seller for importation, importer, and on-line seller in the United States of the patent-infringing 510 cartridge and/or other branded Accused Products.

### *iKrusher, Inc.*

67. Upon information and belief, iKrusher, Inc. (“iKrusher”) is a California corporation with CHEN, Bo as the officer and manager. iKrusher has a registered business address at 11818 Clark Street, Arcadia, CA 91006. Upon information and belief, iKrusher designs, manufactures, imports, and sells after importation in the United States the patent-infringing 510 cartridge and/or other branded Accused Products.

## **20. Calico Respondent**

68. The Calico Respondent includes at least The Calico Group Inc. (“Calico”). Upon information and belief, Calico is a Nevada corporation with its headquarters located at 2801 Via Fortuna Suite 675, Austin, TX 78746. Upon information and belief, Calico, either itself or through the activities of its affiliates or subsidiaries, designs, manufactures, sells for importation, imports, and sells in the United States after importation of the patent-infringing “TH205,” “TH210,” “M6T06,” “M6T10” and/or other branded Accused Products, which are manufactured outside the United States.

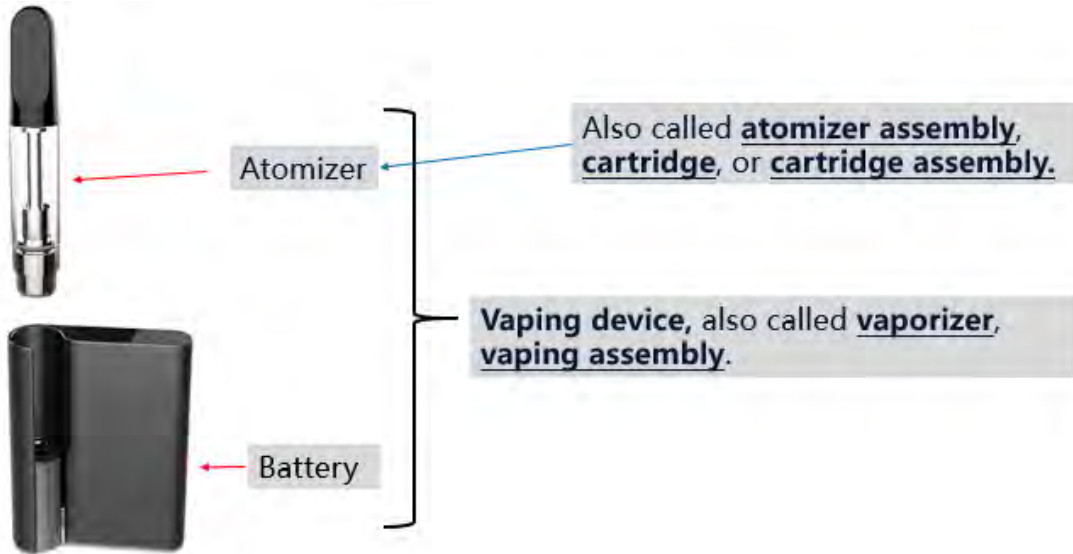
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**III. THE PRODUCTS AND TECHNOLOGY AT ISSUE**

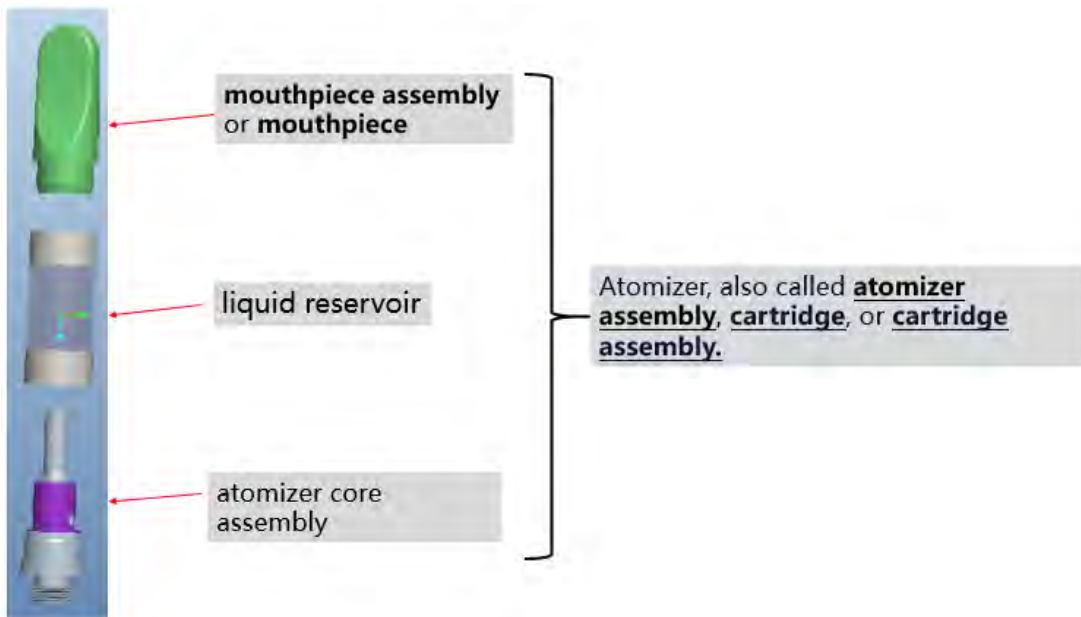
69. Pursuant to Commission Rule 210.12(a)(2), Complainant states the Accused Products are certain oil-vaping cartridges, components thereof and products containing the same, including downstream commercial products that may contain a vaporizable material. The technologies at issue relate to the liquid reservoir, atomizer coil assembly, mouthpieces (a/k/a mouthpiece assembly), atomizers (a/k/a atomizer assembly, cartridges or cartridge assembly), and vaping devices (a/k/a vaporizer, vaping assembly) that are used in or comprise Respondents' Accused Products for vaping purposes. The drawings below provide a detailed illustration of the technologies. The Accused Products are imported into the United States, sold for importation into the United States and/or sold after importation into the United States by or on behalf of Respondents. If any additional infringing products are identified by Complainant during the ITC investigation, Complainant will amend the listing of Accused Products accordingly. The Commission's investigation and any remedy should extend to all of Respondents' infringing products.



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Drawing 1: illustration of atomizer (a/k/a atomizer assembly, cartridge, cartridge assembly) and vaping device (a/k/a vaporizer or vaping assembly)



Drawing 2: illustration of mouthpiece (a/k/a mouthpiece assembly), liquid reservoir, atomizer coil assembly and atomizer (a/k/a atomizer assembly, cartridge, or cartridge assembly)

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### IV. THE ASSERTED PATENTS, WITH NONTECHNICAL DESCRIPTION AND ASSERTED MARK

70. The Asserted Patents disclose vaporizer cartridges, which are sold with or including a mouthpiece, and which typically can be assembled to a battery for use in vaporization of a selected material, with the vapor drawn into a user's mouth. Many different constructions exist for vaporizer cartridges, going back over 20 years. Complainant's products differ from many of those by not having a flexible wick material disposed in a fluid container and in direct contact with a wire heating element. Instead, the wire heating element of Complainant's products is embedded tangent to the inward-facing external surface of a tubular ceramic cylinder. The ceramic material is absorbent, allowing passage through of liquid fluid from an adjacent (e.g., outwardly coaxial/concentric, or otherwise adjacent) container. Optionally, a separate absorbent material such as cotton or another textile may abut and/or concentrically surround the ceramic tube, between that ceramic and a metallic or polymeric tube that provides a barrier between the ceramic and the tube, with one or more apertures through the barrier to allow fluid from the container to absorb into and through the ceramic, such that the tube, ceramic, and optional separate absorbent material comprise an atomizer core assembly. When in use, the fluid is warmed by the wire element to a vaporization temperature in the central lumen of the ceramic tube, which lumen is typically referred to as an atomization chamber and is in communication with the mouthpiece for delivering vaporized material to a user.

71. This construction provides for uniform, controlled heating and vaporization of the fluid, which may be—for example— a plant-derived oil or derivative thereof. Complainant's products have become very popular because the vapor flavor profile and mainstream aerosol are considered superior to many other products that may introduce a scorched flavor or other flavor profile with the fluids being vaporized.

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72. The Asserted Patents include features that provide the structure and function described above.

### A. The Asserted '623 patent

#### 1. Ownership and Asserted Claims of the '623 Patent

73. United States Patent No. 10,357,623 (the '623 patent), entitled "Atomizer and electronic cigarette using the same," issued on July 23, 2019, from United States Patent Application No. 15/211,032, filed July 15, 2016 by Applicant Shenzhen Detail Technology Company, Ltd. It is a continuation of United States Patent Application No. 14/678,937, inventor Xiaolin Fang, filed on April 4, 2015, and issued on August 30, 2016 as United States Patent No. 9,427,536, which is a continuation of United States Patent Application No. 12/831,553, filed on July 7, 2010, and issued on May 5, 2015 as United States Patent No. 9,022,026, which claims the benefit of Chinese Application No. 200910108807.6 filed on July 14, 2009 and granted as Chinese Patent No. 101606758B on April 13, 2011. By way of assignment, Complainant Smoore owns all rights, title, and interest to the '623 patent.

74. The '623 patent has 9 claims, including two independent claims (1, 9), and 7 dependent claims (2-8). Complainant is asserting claims 1, 2, 3, 5, and 6 against Respondents BBTank, Glo Extracts, Bulk Carts, Bold Carts, Blinc, AVD, Tking, Head Candy, Green Tank, Verified, DC Alchemy, Solis Supply, Mig Vapor, Ygreen, Atmos, BVV, and Royal Supply Wholesale, whose products infringe these claims literally or under the doctrine of equivalents.

75. As required by Commission Rules 210.12(a)(9)(i)-(ii), certified copies of the '623 patent and its assignment records are attached as Appendices E and E1. In keeping with Commission Rules 210.12(c)(1)-(2), Appendix E2 to this Complaint includes one certified copy

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of the United States Patent and Trademark Office prosecution history for the '623 patent.

Appendix BB includes applicable pages of each technical reference identified in the prosecution history of the '623 patent.

76. No maintenance fees have yet been due for the '623 patent, which is calculated to expire June 30, 2031. In compliance with Commission Rules 210.12(a)(9)(v), Complainant further identifies only one foreign counterpart patent or application: Chinese Patent No. 101606758B, which granted on April 13, 2011. Complainant is not aware of any other foreign counterpart patents or applications corresponding to the asserted '623 patent that have been issued, denied, abandoned, or withdrawn beyond those stated in this section.

77. The '623 patent relates generally to a vaporizer/atomizer device, which includes a liquid storage cavity, where that cavity expressly excludes the presence of a wick or other liquid-storage medium. Liquid in the cavity can travel to an atomizer portion, which includes an electric heating element, via a liquid outlet providing fluid communication from the liquid storage cavity through an absorbent element that is external to the liquid storage cavity and faces outside (that is in the direction of contact with the external environment, whether inward-facing along the mainstream aerosol lumen or outward-facing on the exterior of the device). The structure of the liquid outlet and the absorbent element prevent liquid from directly exiting the liquid storage cavity by directing it in a limited manner to the atomizer portion for heating.

### **B. The Asserted '763 Patent**

#### **1. Ownership and Asserted Claims of the '763 Patent**

78. United States Patent No. 10,791,763 (the '763 patent), entitled "Atomizer capable of preventing liquid leakage caused by air inside a liquid reservoir and electronic cigarette with

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the same,” issued on October 20, 2020, from United States Patent Application No. 15/953,603, filed April 16, 2018 by Applicant Shenzhen Smoore Technology Ltd. By way of assignment, Complainant Smoore owns all rights, title, and interest to the ’763 patent.

79. The ’763 patent has 20 claims, including two independent claims (1, 11), and 18 dependent claims (2-10, 12-20). Complainant is asserting claims 1 and 11 against Respondents Bold Carts, AVD, Green Tank, DC Alchemy, and Solis Supply, each of whose products infringe the referenced claims literally or under the doctrine of equivalents.

80. As required by Commission Rules 210.12(a)(9)(i)-(ii), certified copies of the ’763 patent including a Certificate of Correction and its assignment records are attached respectively as Appendices F, F1, and F2. In keeping with Commission Rules 210.10(c)(1)-(2), Appendix F3 to this Complaint includes one certified copy the United States Patent and Trademark Office prosecution history for the ’763 patent. Appendix CC includes applicable pages of each technical reference identified in the prosecution history of the ’763 patent.

81. No maintenance fees have yet been due for the ’763 patent, which is calculated to expire December 23, 2038. In compliance with Commission Rules 210.12(a)(9)(v), Complainant further identifies only one foreign counterpart patent or application: Chinese Patent No. 207084113U, which granted on March 13, 2018. One U.S. continuation application of the ’763 patent is pending and published as US2021/007399. Complainant is not aware of any other foreign counterpart patents or applications corresponding to the asserted ’763 patent that have been issued, denied, abandoned, or withdrawn beyond those stated in this section.

82. The ’763 patent relates generally to a vaporizer/atomizer device, which includes a liquid storage cavity open at a mouthpiece end to the outside before a mouthpiece is installed.

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The device is configured with a discharge aperture so that air inside the cavity (*e.g.*, above a liquid filling part of the cavity) can be vented/ discharged when a mouthpiece is being installed. And, when the mouthpiece is fully installed, the discharge aperture will be blocked.

### C. The Asserted '762 Patent

#### 1. Ownership and Asserted Claims of the '762 Patent

83. United States Patent No. 10,791,762 (the '762 patent), entitled "Electronic cigarette and method for manufacturing atomizing assembly thereof," issued on October 6, 2020, from United States Patent Application No. 15/740,657, filed December 28, 2017 by Applicant Shenzhen Smoore Technology Ltd. It is a 35 USC § 371 application out of PCT Application No. PCT/CN2015/092421, filed on October 21, 2015. By way of assignment, Complainant Smoore owns all rights, title, and interest to the '762 patent.

84. The '762 patent has 14 claims, including two independent claims (1, 11), and 12 dependent claims (2-10, 12-14). Complainant is asserting claims 1, 2, and 7 against Respondents BBTank, Glo Extracts, Bulk Carts, Bold Carts, Blinc, AVD, Tking, Head Candy, Green Tank, Verified, DC Alchemy, Solis Supply, Mig Vapor, Obsidian, YGreen, Atmos, BVV, and Royal Supply Wholesale, whose products infringe these claims literally or under the doctrine of equivalents.

85. As required by Commission Rules 210.12(a)(9)(i)-(ii), certified copies of the '762 patent and assignment records are attached as Appendices G and G1. In keeping with Commission Rules 210.10(c)(1)-(2), Appendix G2 to this Complaint includes one certified copy of the United States Patent and Trademark Office prosecution history for the '762 patent.

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Appendix DD applicable pages of each technical reference identified in the prosecution history of the '762 patent.

86. No maintenance fees have yet been due for the '762 patent, which is calculated to expire August 16, 2038. In compliance with Commission Rules 210.12(a)(9)(v), Complainant further identifies related U.S. and foreign counterpart patents and applications, as listed in the chart below.

<b>Publication number</b>	<b>Publication date</b>	<b>Status</b>
DE602015046324 D1	2020-02-20	Granted Patent
EP3292773 B1	2020-01-29	Granted Patent
EP3685687 A1	2020-07-29	Published Application
EP3760067 A1	2021-01-06	Published Application
US2020390151 AA	2020-12-17	Published Application
US2020390152 AA	2020-12-17	Published Application

87. Complainant is not aware of any other foreign counterpart patents or applications corresponding to the asserted '762 patent that have been issued, denied, abandoned, or withdrawn beyond those stated in this section.

88. The '762 patent relates generally to an electronic cigarette that includes a vaporizer/atomizer assembly and a liquid storage cavity. The atomizer assembly includes an absorbent porous ceramic element that includes an absorption surface and another surface configured as an atomizing surface. The atomizing surface includes a heating element embedded in the ceramic element and aligned tangent with that surface, which surface provides for vaporizing/ atomizing liquid absorbed through the ceramic into gas. The electronic cigarette also includes a power source assembly either for connecting to a battery or else including a battery. None of the devices accused in this Complaint are alleged to include a battery for satisfying this claim limitation, which is read upon by elements described and illustrated with reference to each cartridge in the infringement exhibits.

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### D. The Asserted CCELL Mark

89. Smoore is a market leader and innovator in the vaporizer space, and offers a wide array of vaporizer products, including, without limitation, electronic cigarettes, oral vaporizers for smokers, and vaporizer cartridges. Smoore sets the standard for design, innovation, safety, and excellence for the products offered under its standard character CCELL Mark.

90. Smoore has been and is now extensively engaged in the business of marketing, advertising, and selling CCELL vaporizer products; and, in connection with its advertisement, marketing, and sales, Smoore has used, and continues to use, the CCELL Mark in U.S. commerce alone and in connection with other trademarks. Indeed, since at least as early as March 1, 2016, Smoore has extensively used, advertised, and promoted the CCELL Mark in connection with the sale of its vaporizer products. Through such advertisement, promotion, and sale of its CCELL vaporizer products, Smoore has developed and enjoys substantial goodwill in connection with its CCELL Mark. Smoore's CCELL Mark is distinctive and well-known, and the CCELL products have been dubbed the gold standard of vaporizer offerings. *See, e.g.,* Exhibit 1.

91. On July 12, 2018, Smoore filed Application Serial No. 88/035,573 for the standard character CCELL mark with the United States Patent and Trademark Office and United States Federal Trademark Reg. No. 5,633,060 issued for the mark CCELL covering "*Electronic cigarettes; Oral vaporizers for smokers*" in International Class 34. A certified copy of Smoore's United States Federal Trademark Reg. No. 5,633,060 and a certified copy of the prosecution history for United States Federal Trademark Reg. No. 5,633,060, which feature detailed



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information regarding the CCELL Mark, Smoore's attempt to register the CCELL Mark and the resulting federal registration for the mark CCELL, included as Appendix A.

### **E. The Asserted United States Federal Trademark Registration No. 5,633,060**

92. In addition to Smoore's longstanding common law rights in the CCELL Mark, Smoore is the owner of United States Federal Trademark Reg. No. 5,633,060 for the standard character mark CCELL covering "*Electronic cigarettes; Oral vaporizers for smokers*" in International Class 34.<sup>5</sup> This registration is valid, subsisting, and in full force and effect and thus constitutes conclusive evidence of the validity of Smoore's Asserted Mark and exclusive right to use the same in connection with its vaporizer products. *See* Appendix A.

## **V. UNFAIR ACTS OF PROPOSED RESPONDENTS – PATENT AND/OR TRADEMARK INFRINGEMENT**

93. Each of the Respondents has been provided with a written Cease and Desist Letter regarding Smoore's good faith belief as to its unfair acts. Exhibit 68 (which includes the letters only, but not the referenced attachments that were copies of the evidence of infringement being filed herewith as exhibits). On information and belief, Respondents, either themselves or through subsidiaries or affiliates or third parties acting on behalf of Respondents, are engaged in the importation into the United States, sale for importation into the United States and/or sale after importation in the United States of the Accused Products that directly and/or indirectly infringe at least one claim of one or more of the Asserted Patents, as well as the Asserted Mark as identified below.

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<sup>5</sup> The Asserted Registration issued on December 18, 2018 from Application Serial No. 88/035,573, which was filed on July 12, 2018.

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<b>Respondents</b>	<b>'623 Patent</b>	<b>'763 Patent</b>	<b>'762 Patent</b>	<b>Asserted Mark</b>
BBTank	✓		✓	✓
Glo Extracts	✓		✓	✓
Bulk Carts	✓		✓	✓
Bold Carts	✓	✓	✓	
Bline	✓		✓	
AVD	✓	✓	✓	
Tking	✓		✓	✓
Head Candy	✓		✓	✓
Green Tank	✓	✓	✓	
Verified	✓		✓	
DC Alchemy	✓	✓	✓	✓
Solis Supply	✓	✓	✓	✓
Mig Vapor	✓		✓	✓
Obsidian			✓	✓
Ygreen	✓		✓	
Atmos	✓		✓	
BVV	✓		✓	✓
Royal Supply Wholesale	✓		✓	
iKrusher	✓		✓	
Calico	✓	✓	✓	

94. On information and belief, one or more of the Accused Products include all elements of at least claims 1, 2, 3, 5, and 6 of the '623 Patent, claims 1 and 11 of the '763 Patent, and claims 1, 2, and 7 of the '762 Patent. *See* Exhibits 20-61 and 65-67. Photographs of exemplary Accused Products that infringe the Asserted Patents can be found in the claim charts attached to this Complaint as Exhibit 20-61. In addition, on information and belief, one or more of the Accused Products infringe Complainant's Asserted Mark.

95. Discovery may reveal additional products infringing the Asserted Patents and Asserted Mark and unreleased products that will become commercially available in the United State before the conclusion of this Investigation.

## PUBLIC VERSION

### A. Respondents' Infringement of the '623 Patent

96. Each of the Respondents identified above imports, sells for importation and/or sells within the United States after importation one or more representative Accused Product that infringes at least claims 1, 2, 3, 5, and 6 of the '623 Patent.

97. Specifically, Complainant has obtained representative Accused Products in the United States, identified below and shown in the infringement exhibits, which were imported, sold for importation and/or sold within the United States after importation, comprising direct infringement. To the extent that an Accused Product is imported in a not-yet-assembled form with components (i.e., liquid reservoir, atomizer core assembly) that would directly infringe the '623 patent when assembled by the Respondent, each of the Respondents is alleged to be guilty of contributory infringement because, upon information and belief, said Respondent knows that the combination for which its components are made is both patented and infringing, that the components have no substantial non-infringing uses, and that the components are a material part of the invention. To the extent that an Accused Product is imported in a not-yet-assembled form with components (i.e., liquid reservoir, atomizer core assembly) that would directly infringe the '623 patent when assembled by a party other than the Respondent, each of the Respondents is alleged to be guilty of inducing that party's infringement because, upon information and belief, said Respondent knows that the combination for which its components are made is both patented and infringing, induces infringement, and knew or should have known (including being willfully blind to the fact) that its actions would induce direct infringement. Each Respondent was notified of its infringing activities in a Cease & Desist letter that included the Asserted Patents with infringement charts that are being filed herewith as Exhibits 20-61 and 65-67, as relevant to that particular Respondent's infringing products. *See* Exhibit 68 (which

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includes the letters only, but not the referenced attachments that duplicate other exhibits filed herewith).

<b>Respondents</b>	<b>Affiliated Entities</b>	<b>Representative Accused Products</b>
BBTank	BBTank USA, LLC	O2VAPE Ceramic Cell 0.5 mL/1 mL
	DES Products Ltd. d/b/a O2VAPE	
Glo Extracts	Glo Extracts	Glo cartridge, marked as Jupiter A119
Bulk Carts	BulkCarts.com	Jupiter CCELL Replica
	Greenwave Naturals LLC	
Bold Carts	BoldCarts.com	1 mL & 0.5 mL twist; 1 mL & 0.5 mL push
	Bold Crafts, Inc.	
Blinc	Blinc Group Holdings, LLC	XPro FLEX (various sizes); Xpro V12 (0.5 mL/1 mL); Xpro V9 (0.5 mL)
AVD	Jonathan Ray Carfield	AVD Glass twist SMPL- 44345; AVD Plastic push SMPL- 44343
	Hanna Carfield	
	Next Level Ventures, LLC	
	Advanced Vapor Devices, LLC	
	Avd710.com	
	AlderEgo Group Limited	
	A&A Global Imports, Inc. d/b/a Marijuana Packaging	
	Bulk Natural, LLC d/b/a True Terpenes	
	Brand King, LLC	
Tking	ZTCSMOKE USA Inc.	CCELL-BLK1ML; CCELL-0.5-BLA
Head Candy	Headcandysmokeshop.com	CCELL Replica 1 mL; CCELL Replica 0.5 mL
	Head Candy Enterprises Ltd.	
Green Tank	Green Tank Technologies Corp.	GT DX; GT CR Resin
Verified	Cannary Packaging, Inc.	Verified Vapes 1 mL
	Cannary LA	
DC Alchemy	Dcalchemy.com	Black Ceramic Tip 1 mL/0.5 mL; Push Top Clear Tapered
	DC Alchemy LLC	
Solis Supply	Cartridgeforsale.com	Solis "CCELL Black" 1 mL; Solis "CCELL G5" 1 mL; Solis "CCELL M6" 1 mL
	HW Supply, LLC	

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<b>Respondents</b>	<b>Affiliated Entities</b>	<b>Representative Accused Products</b>
Mig Vapor	Vapor Trial LLC	H10 Oil Dab Cartridge for vape pen C4CELL, 1 mL
Obsidian	Obsidian Supply, Inc.	Obsidian VO-Tech Flash 2.0 disposable w/USB-C Charger
Ygreen	Ygreeninc.com	SC7 0.5 mL push; SC6 1 mL twist; SC5 1 mL twist; SC10 1 mL push
	Ygreen Inc.	
Atmos	Atmos Nation LLC	C5 ceramic, 1 mL
BVV	Shopbv.com	BVV cart twist, 0.5 mL/1 mL
	Best Value Vacs, LLC	
Royal Supply	iKrusher, Inc.	RSCART-0058-1 ceramic core 1 mL
iKrusher	CLK Global, Inc.	JC105 (AC1007) 1 mL
Calico	The Calico Group, Inc.	TH205, TH210, M6T05, M6T10

98. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent BBTank’s products, O2VAPE Ceramic Cell 0.5 mL/1 mL, infringe at least the claims 1, 2, 3, 5, and 6 of the ’623 Patent is attached hereto as Exhibit 57.

99. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Glo Extracts’ product, Glo cartridge, marked as Jupiter A119 (without permission of Jupiter), infringes at least the claims 1, 2, 3, 5, and 6 of the ’623 Patent is attached hereto as Exhibit 32.

100. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Bulk Carts’ product, Jupiter CCELL Replica, infringes at least the claims 1, 2, 3, 5, and 6 of the ’623 Patent is attached hereto as Exhibit 34.

101. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Bold Carts’ products, Bold B1 1 mL & 0.5 mL twist and 1 mL & 0.5 mL push, infringe at least the claims 1, 2, 3, 5, and 6 of the ’623 Patent is attached hereto as Exhibit 26.

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102. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Blinc's products, XPro FLEX, various sizes; Xpro V12 (0.5 mL and 1 mL); Xpro V9 (0.5 mL) infringe at least the claims 1, 2, 3, 5, and 6 of the '623 Patent is attached hereto as Exhibit 36.

103. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent AVD's products, AVD Glass 1 mL twist SMPL-44345 (C2); AVD Plastic 1 mL push SMPL-44343, infringe at least the claims 1, 2, 3, 5, and 6 of the '623 Patent is attached hereto as Exhibit 23.

104. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Tking's products, CCELL-BLK1ML; CCELL-0.5-BLA, infringe at least the claims 1, 2, 3, 5, and 6 of the '623 Patent is attached hereto as Exhibit 38.

105. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Head Candy's products, CCELL Replica 1 mL; CCELL Replica 0.5 mL, infringe at least the claims 1, 2, 3, 5, and 6 of the '623 Patent is attached hereto as Exhibit 40.

106. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Green Tank's products, GT DX and GT CR, push, infringe at least the claims 1, 2, 3, 5, and 6 of the '623 Patent is attached hereto as Exhibit 42.

107. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Verified's product, Verified Vapes 1 mL Core Series Glass, infringes at least the claims 1, 2, 3, 5, and 6 of the '623 Patent is attached hereto as Exhibit 45.

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108. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent DC Alchemy's products, Black Ceramic Tip 1 mL/0.5 mL; Push Top Clear Tapered, infringe at least the claims 1, 2, 3, 5, and 6 of the '623 Patent is attached hereto as Exhibit 29.

109. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Solis Supply's products, Solis "CCELL Black," 1 mL; Solis "CCELL G5" 1 mL; Solis "CCELL M6" 1 mL, infringe at least the claims 1, 2, 3, 5, and 6 of the '623 Patent is attached hereto as Exhibit 20.

110. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Mig Vapor's product, H10 Oil Dab Cartridge for vape pen C4CELL, 1 mL, infringes at least the claims 1, 2, 3, 5, and 6 of the '623 Patent is attached hereto as Exhibit 47.

111. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Ygreen's products, SC6 1 mL twist; SC5 1 mL twist; SC10 1 mL push, infringe at least the claims 1, 2, 3, 5 and 6 of the '623 Patent, SC7 0.5 mL push infringes at least claims 1, 5, and 6 of the '623 Patent, is attached hereto as Exhibit 59.

112. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Atmos' product, C5 ceramic, 1 mL, infringes at least the claims 1, 2, 3, 5, and 6 of the '623 Patent is attached hereto as Exhibit 49.

113. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent BVV's product, BVV cart twist, 0.5 mL/1 mL, infringes at least the claims 1, 2, 3, 5, and 6 of the '623 Patent is attached hereto as Exhibit 51.

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114. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Royal Supply's product, RSCART-0058-1 ceramic core, infringes at least the claims 1, 2, 3, 5, and 6 of the '623 Patent is attached hereto as Exhibit 55.

115. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent iKrusher's product, JC105 (AC1007) 1 mL, infringes at least the claims 1, 2, 3, 5, and 6 of the '623 Patent is attached hereto as Exhibit 53.

116. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Calico Group's product, TH210 (1 mL), infringe at least the claims 1, 2, 3, 5, and 6 of the '623 Patent is attached hereto as Exhibit 65.

### **B. Respondents' Infringement of the '763 Patent**

117. Each of the Respondents identified below imports, sells for importation and/or sells within the United States after importation one or more representative Accused Product that infringes at least claims 1 and 11 of the '763 Patent.

118. Specifically, Complainant has obtained the representative Accused Products below which were imported, sold for importation and/or sold within the United States after importation, comprising direct infringement. To the extent that an Accused Product is imported in a not-yet-assembled form with components (i.e., mouthpiece, liquid reservoir, atomizer core assembly) that would directly infringe the '763 patent when assembled by the Respondent, each of the Respondents is alleged to be guilty of contributory infringement because, upon information and belief, said Respondent knows that the combination for which its components are made is both patented and infringing, that the components have no substantial non-infringing uses, and that the components are a material part of the invention. To the extent that an Accused



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Product is imported in a not-yet-assembled form with components (i.e., mouthpiece, liquid reservoir, atomizer core assembly) that would directly infringe the '763 patent when assembled by a party other than the Respondent, each of the Respondents is alleged to be guilty of inducing that party's infringement because, upon information and belief, said Respondent knows that the combination for which its components are made is both patented and infringing, induces infringement, and knew or should have known (including being willfully blind to the fact) that its actions would induce direct infringement.

<b>Respondents</b>	<b>Affiliated Entities</b>	<b>Representative Accused Products</b>
Bold Carts	BoldCarts.com	0.5 mL push
	Bold Crafts, Inc.	
AVD	Jonathan Ray Carfield	AVD Plastic 1 mL push SMPL-44343; AVD C1 Polyresin
	Hanna Carfield	
	Next Level Ventures, LLC	
	Advanced Vapor Devices, LLC	
	Avd710.com	
	AlderEgo Group Limited	
	A&A Global Imports, Inc. d/b/a Marijuana Packaging	
	Bulk Natural, LLC d/b/a True Terpenes	
	Brand King, LLC	
Green Tank	Green Tank Technologies Corp.	GT DX 0.5 mL/1 mL, push
DC Alchemy	Dcalchemy.com	Push Top Clear Tapered
	DC Alchemy LLC	
Solis Supply	Cartridgeforsale.com	Solis "CCELL M6" 1 mL
	HW Supply, LLC	
Calico	The Calico Group, Inc.	M6T05, M6T10

119. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Bold Carts' product, Bold B1 0.5 mL push, infringes at least the claims 1 and 11 of the '763 Patent is attached hereto as Exhibit 28.

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120. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent AVD's products, AVD Plastic 1 mL push SMPL-44343, infringe at least the claims 1 and 11 of the '763 Patent is attached hereto as Exhibit 24.

121. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Green Tank's product, GT DX 0.5 mL/1 mL, push, infringes at least the claims 1, and 11 of the '763 Patent is attached hereto as Exhibit 44.

122. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent DC Alchemy's product, Push Top Clear Tapered, infringes at least the claims 1 and 11 of the '763 Patent is attached hereto as Exhibit 30.

123. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Solis Supply's products, Solis "CCELL M6," infringe at least the claims 1 and 11 of the '763 Patent is attached hereto as Exhibit 21.

124. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Calico Group's product, M6T210 (1 mL), infringe at least the claims 1 and 11 of the '763 Patent is attached hereto as Exhibit 66.

### **C. Respondents' Infringement of the '762 Patent**

125. Every single Respondent imports, sells for importation and/or sells within the United States after importation one or more representative Accused Product that infringes at least claims 1, 2, and 7 of the '762 Patent.

126. Specifically, Complainant has obtained the representative Accused Products below which were imported, sold for importation and/or sold within the United States after

**PUBLIC VERSION**

importation, comprising direct infringement. To the extent that an Accused Product is imported in a not-yet-assembled form with components (i.e., liquid reservoir, atomizer core assembly) that would directly infringe the '762 patent when assembled by the Respondent, each of the Respondents is alleged to be guilty of contributory infringement because, upon information and belief, said Respondent knows that the combination for which its components are made is both patented and infringing, that the components have no substantial non-infringing uses, and that the components are a material part of the invention. To the extent that an Accused Product is imported in a not-yet-assembled form with components (i.e., liquid reservoir, atomizer core assembly) that would directly infringe the '762 patent when assembled by a party other than the Respondent, each of the Respondents is alleged to be guilty of inducing that party's infringement because, upon information and belief, said Respondent knows that the combination for which its components are made is both patented and infringing, induces infringement, and knew or should have known (including being willfully blind to the fact) that its actions would induce direct infringement.

<b>Respondents</b>	<b>Affiliated Entities</b>	<b>Representative Accused Products</b>
BBTank	BBTank USA, LLC	O2VAPGE Ceramic Cell 0.5 mL/1 mL
	DES Products Ltd. d/b/a O2VAPE	
Glo Extracts	Glo Extracts	Glo cartridge, marked as Jupiter A119
Bulk Carts	BulkCarts.com	Jupiter CCELL Replica
	Greenwave Naturals LLC	
Bold Carts	BoldCarts.com	1 mL & 0.5 mL twist; 1 mL & 0.5 mL push
	Bold Crafts, Inc.	
BlinC	BlinC Group Holdings, LLC	XPro FLEX (various sizes); Xpro V12 (0.5 mL/1 mL); Xpro V9 (0.5 mL)
AVD	Jonathan Ray Carfield	AVD Glass 1 mL twist SMPL-44345;
	Hanna Carfield	
	Next Level Ventures, LLC	

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<b>Respondents</b>	<b>Affiliated Entities</b>	<b>Representative Accused Products</b>
	Advanced Vapor Devices, LLC Avd710.com AlderEgo Group Limited A&A Global Imports, Inc. d/b/a Marijuana Packaging Bulk Natural, LLC d/b/a True Terpenes Brand King, LLC	AVD Plastic 1 mL push SMPL-44343
Tking	ZTCSMOKE USA Inc.	CCELL-BLK1ML; CCELL-0.5-BLA
Head Candy	Headcandysmokeshop.com Head Candy Enterprises Ltd.	CCELL Replica 1 mL; CCELL Replica 0.5mL
Green Tank	Green Tank Technologies Corp.	GT DX; GT CR
Verified	Cannary Packaging, Inc. Cannary LA	Verified Vapes 1 mL, Core Series Glass
DC Alchemy	Dcalchemy.com DC Alchemy LLC	Black Ceramic Tip 1 mL/0.5 mL; Push Top Clear Tapered 1 mL
Solis Supply	Cartridgeforsale.com HW Supply, LLC	Solis "CCELL Black" 1 mL; Solis "CCELL G5" 1 mL; Solis "CCELL M6" 1 mL
Mig Vapor	Vapor Trial LLC	H10 Oil Dab Cartridge for vape pen C4CELL, 1 mL
Obsidian	Obsidian Supply, Inc.	Obsidian VO-Tech Flash 2.0 disposable w/USB-C Charger
Ygreen	Ygreeninc.com Ygreen Inc.	SC7 0.5 mL push; SC6 1 mL twist; SC5 1 mL twist; SC10 1 mL push
Atmos	Atmos Nation LLC	C5 ceramic, 1 mL
BVV	Shopbv.com Best Value Vacs, LLC	BVV cart twist, 0.5 mL/1 mL
Royal Supply	iKrusher, Inc.	RSCART-0058-1 ceramic core 1 mL
iKrusher	CLK Global, Inc.	JC105 (AC1007) 1 mL
Calico	The Calico Group, Inc.	TH205, TH210, M6T05, M6T10

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127. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent BBTank's products, O2VAPE Ceramic Cell 0.5 mL/1 mL, infringe at least the claims 1, 2, and 7 of the '762 Patent is attached hereto as Exhibit 58.

128. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Glo Extracts' product, Glo cartridge, marked as Jupiter A119, infringes at least the claims 1, 2, and 7 of the '762 Patent is attached hereto as Exhibit 33.

129. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Bulk Carts' product, Jupiter CCELL Replica, infringes at least the claims 1, 2, and 7 of the '762 Patent is attached hereto as Exhibit 35.

130. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Bold Carts' products, Bold B1 twist, infringe at least the claims 1, 2, and 7 of the '762 Patent is attached hereto as Exhibit 27.

131. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Blinc's products, XPro FLEX, various sizes; Xpro V12 (0.5 mL and 1 mL); Xpro V9 (0.5 mL) infringe at least the claims 1, 2, and 7 of the '762 Patent is attached hereto as Exhibit 37.

132. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent AVD's products, AVD Glass 1 mL twist SMPL-44345 (C1); AVD Plastic 1 mL push SMPL-44343, infringe at least the claims 1, 2, and 7 of the '762 Patent is attached hereto as Exhibit 25.

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133. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Tking's products, CCELL-BLK 1 mL; CCELL-0.5-BLA, infringe at least the claims 1, 2, and 7 of the '762 Patent is attached hereto as Exhibit 39.

134. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Head Candy's products, CCELL Replica 1 mL; CCELL Replica 0.5 mL, infringe at least the claims 1, 2, and 7 of the '762 Patent is attached hereto as Exhibit 41.

135. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Green Tank's products, GT DX and GT CR, infringe at least the claims 1, 2, and 7 of the '762 Patent is attached hereto as Exhibit 43.

136. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Verified's product, Verified Vapes 1 mL Core Series Glass, infringes at least the claims 1, 2, and 7 of the '762 Patent is attached hereto as Exhibit 46.

137. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent DC Alchemy's products, Black Ceramic Tip 1 mL/0.5 mL; Push Top Clear Tapered 1 mL, infringe at least the claims 1, 2 and 7 of the '762 Patent is attached hereto as Exhibit 31.

138. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Solis Supply's products, Solis "CCELL Black," 1 mL; Solis "CCELL G5" 1 mL; Solis "CCELL M6" 1 mL, infringe at least the claims 1, 2, and 7 of the '762 Patent is attached hereto as Exhibit 22.

139. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Mig Vapor's product, H10 Oil Dab Cartridge for vape pen C4CELL, 1 mL, infringes at least the claims 1, 2 and 7 of the '762 Patent is attached hereto as Exhibit 48.

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140. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Obsidian's product, Obsidian VO-Tech Flash 2.0 disposable w/ USB-C charger, infringes at least the claims 1, 2, and 7 of the '762 Patent is attached hereto as Exhibit 61.

141. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Ygreen's products, SC6 1 mL twist; SC5 1 mL twist; SC10 1 mL push, infringe at least the claims 1, 2, and 7 of the '762 Patent and SC7 0.5 mL push, infringes at least claims 1 and 2 of the '762 Patent is attached hereto as Exhibit 60.

142. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Atmos' product, C5 ceramic, 1 mL, infringes at least claims 1, 2, and 7 of the '762 Patent is attached hereto as Exhibit 50.

143. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent BVV's product, BVV cart twist, 0.5 mL/1 mL, infringes at least claims 1, 2, and 7 of the '762 Patent is attached hereto as Exhibit 52.

144. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Royal Supply's product, RSCART-0058-1 ceramic core, infringes at least claims 1, 2 and 7 of the '762 Patent is attached hereto as Exhibit 56.

145. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent iKrusher's product, JC105 (AC1007) 1 mL, infringes at least claims 1, 2 and 7 of the '762 Patent is attached hereto as Exhibit 54.

146. Pursuant to Commission Rule 210.12(a)(9)(viii), a claim chart demonstrating how Respondent Calico Group's product, TH210 (1 mL), infringes at least the claims 1, 2, and 7 of the '762 Patent is attached hereto as Exhibit 67.

## PUBLIC VERSION

### **D. Respondents' Infringement of Complainant's Common Law Rights in and to the CCELL Mark and U.S. Federal Trademark Registration No. 5,633,060**

147. On information and belief, Respondent Glo Extracts markets vaporizer products under the mark JUPITER CCELL on its website located at [www.gloextract.com/cartridges/](http://www.gloextract.com/cartridges/). On information and belief, the JUPITER CCELL mark is shown in connection with the Accused Product and the JUPITER CCELL mark is also “engraved on the [cartridge’s] underside.”<sup>6</sup> See Exhibit 4 at 1-2. Respondent’s unlawful use of Complainant’s Asserted Mark in connection with goods that are the same or highly related to Complainant’s vaporizer products is likely to cause confusion, or to cause mistake, or to deceive Complainant’s customers, potential customers, or the public into believing Respondent’s Accused Product originates from, or has some connection with Complainant in violation of 19 U.S.C. § 1337(a)(1)(C) as shown in Exhibit 4 at 1-2.

148. On information and belief, Respondent BBTank markets and sells vaporizer products under the mark CERAMIC CELL (e.g., through its website located at <https://o2vape.com/product/full-ceramic-510-vape-cartridge/>) and uses the CERAMIC CELL mark in close connection with the Accused Products. Respondent’s unlawful use of a mark that is confusingly similar to Complainant’s Asserted Mark in connection with goods that are the same or highly related to Complainant’s vaporizer products is likely to cause confusion, or to cause mistake, or to deceive Complainant’s customers, potential customers, or the public into believing Respondent’s Accused Product originates from, or has some connection with,

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<sup>6</sup> On information and belief, Respondent Glo Extracts’ use of Complainant’s licensed distributor’s, Jupiter Research, LLC, mark JUPITER in direct association with Complainant’s CCELL Mark (i.e. JUPITER CCELL) is intended to further legitimize Respondent’s Accused Product and cause consumer confusion, or mistake, or to deceive the public regarding the Accused Product’s source.



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Complainant in violation of 19 U.S.C. § 1337(a)(1)(C) as shown in Exhibit 5 at 1-2, 6-7, 9, 11-13.<sup>7</sup>

149. On information and belief, Respondent Bulk Carts markets the Accused Product under the CCELL mark on its Facebook page and sells the Accused Product under CERAMIC CELL and Q-CELL marks on its website (e.g., at <https://bulkcart.com/>; *See* Exhibit 6 at 21). Further, on information and belief, Respondent incorporates the CERAMIC CELL mark on its invoices and order confirmations for the Accused Product. Respondent's unlawful use of an identical or confusingly similar mark to the Asserted Mark in connection with goods that are the same or highly related to Complainant's vaporizer products is likely to cause confusion, or to cause mistake, or to deceive Complainant's customers, potential customers, or the public into believing Respondent's Accused Product originates from, or has some connection with Complainant in violation of 19 U.S.C. § 1337(a)(1)(C) as shown in Exhibit 6 at 3, 4, and 7-20.

150. On information and belief, Respondent Tking markets and sells the Accused Product under the CCELL mark on its website (*See, e.g.,* Exhibit 7 at 2). Respondent's unlawful use of a mark that is identical to Complainant's Asserted Mark in connection with goods that are the same or highly related to Complainant's vaporizer products is likely to cause confusion, or to cause mistake, or to deceive Complainant's customers, potential customers, or the public into believing Respondent's Accused Product originates from, or has some connection with Complainant in violation of 19 U.S.C. § 1337(a)(1)(C) as shown in Exhibit 7 at 1-5.

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<sup>7</sup> Page number references in Exhibits refer to the number of the page in the PDF or physical document, which may differ from a page number displayed on a given page in a multi-document Exhibit.

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151. On information and belief, Respondent Head Candy markets and sells the Accused Product under the CCELL mark on its website (e.g., at [https://www.headcandysmokeshop.com/products/ccell-ds0105-disposable-vape-pen-0-5ml-white?\\_pos=10&\\_sid=361f8fa62&\\_ss=r](https://www.headcandysmokeshop.com/products/ccell-ds0105-disposable-vape-pen-0-5ml-white?_pos=10&_sid=361f8fa62&_ss=r)). Respondent's unlawful use of a mark that is identical to the Asserted Mark in connection with goods that are the same or highly related to Complainant's vaporizer products is likely to cause confusion, or to cause mistake, or to deceive Complainant's customers, potential customers, or the public into believing Respondent's Accused Product originates from, or has some connection with Complainant in violation of 19 U.S.C. § 1337(a)(1)(C) as shown in Exhibit 8 at 6-40.

152. On information and belief, Respondent DC Alchemy markets and sells the Accused Product under the CCELL and DC CCELL marks on its website (*See, e.g.*, Exhibit 9 at 1-8). Respondent's unlawful use of marks that are identical or confusingly similar to Complainant's Asserted Mark in connection with goods that are the same or highly related to Complainant's vaporizer products is likely to cause confusion, or to cause mistake, or to deceive Complainant's customers, potential customers, or the public into believing Respondent's Accused Product originates from, or has some connection with Complainant in violation of 19 U.S.C. § 1337(a)(1)(C) as shown in Exhibit 9.

153. On information and belief, Respondent Solis Supply markets and sells the Accused Product under the CCELL mark and CERAMIC CELL mark on its website (*See, e.g.*, Exhibit 10 at 1-11). Further, on information and belief, Respondent uses the CCELL and CERAMIC CELL marks on purchase confirmation forms, invoices, and product packaging for the Accused Product. Respondent's unlawful use of marks that are identical or confusingly similar to Complainant's Asserted Mark in connection with goods that are the same or highly

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related to Complainant's vaporizer products is likely to cause confusion, or to cause mistake, or to deceive Complainant's customers, potential customers, or the public into believing Respondent's Accused Product originates from, or has some connection with Complainant in violation of 19 U.S.C. § 1337(a)(1)(C) as shown in Exhibit 10.

154. On information and belief, Respondent Mig Vapor markets and sells the Accused Product under the CCELL mark, the C4CELL mark, and the mark CERAMIC CELL on its website (*See, e.g.*, Exhibit 11 at 1-5). Further, on information and belief, Respondent uses the C4CELL mark and the CERAMIC CCELL mark on its order confirmation forms and receipts. Respondent's unlawful use of marks that are identical or confusingly similar to Complainant's Asserted Mark in connection with goods that are the same or highly related to Complainant's vaporizer products is likely to cause confusion, or to cause mistake, or to deceive Complainant's customers, potential customers, or the public into believing Respondent's Accused Product originates from, or has some connection with Complainant in violation of 19 U.S.C. § 1337(a)(1)(C) as shown in Exhibit 11 at 1-6 and 10.

## **VI. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE**

### **1. BBTank Respondents**

155. BBTank USA and O2vape import, sell for importation, and/or sell after importation within the United States, the "O2Vape Vari-Flow Cartridges: 510 Thread, CERAMIC CELL, Variable Air Flow" and "O2Vape Full Ceramic 510 Vape Cartridges" depicted in Exhibit 5 at 1-10.

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156. Both the “O2Vape Vari-Flow Cartridges: 510 Thread, CERAMIC CELL, Variable Air Flow” and “O2Vape Full Ceramic 510 Vape Cartridges” were acquired in the United States. Pursuant to Commission Rule 210.22(a)(3), Exhibit 5 at 11-14. BBTank’s Accused Products are made in China and BBTank imports these Accused Products into the United States. Exhibit 5 at 20 (BBTank offers a refined importation and fulfillment process), 21 (determine the best time for order to avoid shipping delays from China due to the Chinese New Year) and 24 (BBTank assists its customers with custom, shipping and quality control work).

### **2. Glo Extracts Respondent**

157. Glo Extracts imports, sells for importation and/or sells after importation within the United States, the “GLO Extracts JUPITER CCELL Vape Cartridges” depicted in Exhibit 4 at 1-23.

158. The “GLO Extracts JUPITER CCELL Vape Cartridges” were acquired in the United States. Pursuant to Commission Rule 210.22(a)(3), Exhibit 4 at 24-32 contain receipts from Dhgate.com showing the sales of “GLO Extracts JUPITER CCELL Vape Cartridges” for importation into the United States. Furthermore, Exhibit 4 at 32 is the commercial invoice coming together with the “GLO Extracts JUPITER CCELL Vape Cartridges” and it expressly listed China as the country origin of the goods and Glo Extracts sells these Accused Products in the United States after importing from China. Exhibit 4 at 33 is a photograph of the shipping label and Exhibit 4 at 34-35 is the shipment tracking record. Both clearly show that the “GLO Extracts JUPITER CCELL Vape Cartridges” were shipped out from Hong Kong and imported into the United States.

### **3. Bulk Carts Respondents**

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159. Greenwave directs or controls the engineering and manufacture of the “CERAMIC CELL Cartridge .5 mL” and the “CERAMIC CELL Cartridge 1 mL” outside the United States, in at least Switzerland and China, imports and/or sells after importation in the United States through at least the Bulk Carts platform as depicted in Exhibit 6 at 1-4.

160. The “CERAMIC CELL Cartridge .5 mL” and “CERAMIC CELL Cartridge 1 mL” cartridges were acquired in the United States. Pursuant to Commission Rule 210.22(a)(3), Exhibit 6 at 3-4 contains order confirmation and an invoice from Bulk Carts showing the sales of “CERAMIC CELL Cartridge .5 mL” and “CERAMIC CELL Cartridge 1 mL” demonstrating a sale after importation in the United States. Exhibit 6 at 1-2 is a screenshot of Bulk Carts website, which states that “(a)ll carts are engineered in Switzerland and produced in our factory in Yangtze China.” Bulk Carts sells the Accused Products after importation into the United States. *See* Bulk Carts’ domestic shipment tracking record as shown in Exhibit 6 at 5-6.

#### **4. Bold Carts Respondents**

161. Bold Crafts directs and controls the engineering and manufacture of “B1 Twist Custom Tip 1 mL Glass” and “B1 Push Plastic Custom Tip 1 mL” in China, sells for importation, imports, and sells after importation in the United States through at least the Bold Carts platform as depicted in Exhibit 12 at 1-11.

162. The “B1 Twist Custom Tip 1 ML Glass” and “B1 Push Plastic Custom Tip 1 mL” cartridges were acquired in the United States. Pursuant to Commission Rule 210.22(a)(3), Exhibit 12 at 12-13 shows the purchase order for the “B1 Twist Custom Tip 1 ML Glass” and “B1 Push Plastic Custom Tip 1 mL” cartridges. Exhibit 12 at 8-9 states that the Bold Carts

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cartridges were engineered and manufactured in China and were overseen by Bold Carts. Bold Carts sells the Accused Products in the United States after importing from China.

### 5. Blinc Respondent

163. Blinc oversees the engineering and manufacture of “XPro V1,” “XPro V9,” “XPro V12” and “XPro AiO Flex” cartridges in China, sells for importation, imports, and sells after importation in the United States through at least theblincgroup.com website and its distributors as depicted in Exhibit 13 at 1-36.

164. The “XPro V1,” “XPro V9,” “XPro V12” and “XPro AiO Flex” cartridges were acquired in the United States. Pursuant to Commission Rule 210.22(a)(3), the shipping label and packing list of these cartridges are included in Exhibit 13 at 37-38. Further, Exhibit 13 at 3-4 states that Blinc’s Shenzhen China office monitors every step of the production process of Blinc’s infringing products; Blinc’s US team clears customs for importation into the United States and processes delivery.

### 6. AVD Respondents

*AlderEgo Group Limited and avd710.com*

165. AEG, with Jonathan Ray Carfield as the director, directs and controls the design, engineering and manufacture of at least the “AVD Plastic Cartridge,” “AVD Glass Cartridge,” “AVD Press-On Tip for Plastic Vape Cartridges,” “AVD Ceramic Tip for Glass Cartridges,” and “AVD Plastic Tip for Glass Cartridges” in China, sells for importation and sells after importation in the United States through its U.S. subsidiaries, distributors, and avd710.com website as depicted in Exhibit 14 at 1-68, and 71-78.

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166. The “AVD Plastic Cartridge,” “AVD Glass Cartridge,” “AVD Press-On Tip for Plastic Vape Cartridges,” “AVD Ceramic Tip for Glass Cartridges,” and “AVD Plastic Tip for Glass Cartridges” were acquired in the United States. Respondent’s website, [avd710.com](http://avd710.com), contains the specification and promotes the sales of these cartridges through its distributors as shown in Exhibit 14 at 30-47, 67-68, and 71-75. Pursuant to Commission Rule 210.22(a)(3), Exhibit 14 at 57-62 are purchase confirmations for these cartridges issued by Marijuana Packaging. Exhibit 14 at 69-70 are the shipping labels of these cartridges. Exhibit 14 at 63-66 includes both the purchase confirmation for the cartridges issued by Brand King and the shipping labels. Exhibit 14 at 71-75 states that AVD cartridges “are made in China” and “(AVD) moved there and oversee(s) operations every day.” Exhibit 14 at 67-68 provides a sample list of AVD’s U.S. distributors. Exhibit 14 at 20-29 and 76-78 demonstrates the relationship between AEG and AVD entities and products.

### NLV, AVD LLC, and [avd710.com](http://avd710.com)

167. NLV and AVD LLC import, sell for importation and/or sell after importation within the United States, on information and belief, in the state of Washington and California separately and also on the website, [avd710.com](http://avd710.com), the “AVD Plastic Cartridge,” “AVD Glass Cartridge,” “AVD Press-On Tip for Plastic Vape Cartridges,” “AVD Ceramic Tip for Glass Cartridges,” and “AVD Plastic Tip for Glass Cartridges” depicted in Exhibit 14 at 79-87. Exhibit 14 at 79-81 listed “wholesale trade” as NLV’s nature of business. As shown in Exhibit 14 at 82-85, NLV is used as AVD’s contracting entity on behalf of [avd710.com](http://avd710.com) in the website’s general terms and conditions of sale. Exhibit 14 at 86-87 demonstrates that AVD LLC is NLV’s California subsidiary.

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### AVD Distributors

168. As shown in Exhibit 14 at 67-68, Marijuana Packaging, True Terpenes, and Brand King are the patent-infringing AVD cartridge wholesalers and distributors listed on avd710.com. They import, sell for importation, and/or sell after importation within the United States AVD patent-infringing cartridges such as “AVD Plastic Cartridge,” “AVD Glass Cartridge,” “AVD Press-On Tip for Plastic Vape Cartridges,” “AVD Ceramic Tip for Glass Cartridges,” and “AVD Plastic Tip for Glass Cartridges” online and off-line. Exhibit 14 at 88-113 are these distributors’ websites with AVD patent-infringing cartridge listings, descriptions and promotions. Pursuant to Commission Rule 210.22(a)(3), Exhibit 14 at 57-62 are purchase confirmations for these cartridges issued by Marijuana Packaging. Exhibit 14 at 69-70 are the shipping labels of these cartridges. Exhibit 14 at 63-66 includes both the purchase confirmation for the cartridges issued by Brand King and the shipping labels.

### **7. Tking Respondent**

169. ZTC USA imports, sells for importation, and/or sells after importation within the United States, the “CCELL Ceramic Coil Ceramic Drip Tip 510 Thread Thick Oil Cartridge” depicted in Exhibit 7 at 1-5.

170. The “CCELL Ceramic Coil Ceramic Drip Tip 510 Thread Thick Oil Cartridges” were acquired in the United States. Pursuant to Commission Rule 210.22(a)(3), Exhibit 7 at 9-10 contains purchase confirmation from vapepensales.com showing the sales of “CCELL Ceramic Coil Ceramic Drip Tip 510 Thread Thick Oil Cartridge – Black / 1 mL” and “CCELL Ceramic Coil Ceramic Drip Tip 510 Thread Thick Oil Cartridge – Black / 0.5 mL” for importation into the United States. Furthermore, Exhibit 7 at 11 is the shipping confirmation of the Tking



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Accused Products. Exhibit 7 at -8 shows that ZTC USA's CCELL cartridges are made and supplied by Shenzhen Tking Technology Limited, a company located in China. The Respondent sells in the United States, but the Accused Products are made in China.

### **8. Head Candy Respondents**

171. Head Candy Enterprise directs and controls the sourcing of at least "CCELL Replica Ceramic Cartridges" in Canada and China, and imports and/or sells after importation in the United States through at least the Headcandy.com platform as depicted in Exhibit 8 at 1-40.

172. The "CCELL Replica Ceramic Cartridges" were acquired in the United States. Pursuant to Commission Rule 210.22(a)(3), Exhibit 8 at 41-42 shows the purchase order for the "CCELL Replica Ceramic Cartridge 0.5 mL" and "CCELL Replica Ceramic Cartridge 1 mL" cartridges. Exhibit 8 at 43-45 shows the shipping confirmation. Head Candy sells the Accused Product for importation into the United States from Vancouver, B.C., Canada. Exhibit 8 at 1.

### **9. Green Tank Respondent**

173. Green Tank directs and controls the design, research and development, and production of at least the "GT DX," "GT CR," and "GT CR Resin" cartridges in Canada and China, and imports and/or sells after importation these cartridges in the United States as depicted in Exhibit V15 at 1-29.

174. The "GT DX," "GT CR," and "GT CR Resin" cartridges were acquired in the United States. Pursuant to Commission Rule 210.22(a)(3), Exhibit 15 stated that Green Tank's headquarters is located in Toronto, Canada where the engineering and testing are conducted. Exhibit 15 at 14-18 addressed the Chinese New Year holiday's impacts to Green Tank's

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cartridge production in China. Green Tank sells its Accused Products, which are made in China, for importation into the United States. Exhibit 15 at 27 is the shipping label of “GT DX,” “GT CR,” and “GT CR Resin” cartridges. Exhibit 15 at 20-26, 28 and 29 show the Green Tank “GT DX,” “GT CR,” and “GT CR Resin” cartridges acquired.

### **10. Verified Respondents**

175. Canary Inc. and Canary LA import, sell for importation, and/or sell after importation within the United States, the “Verified Glass Cartridges” depicted in Exhibit 16 at 1-18.

176. The “Verified Glass Cartridges” were acquired in the United States. Pursuant to Commission Rule 210.22(a)(3), Exhibit 16 at 3-13 shows Canary Inc. a British Columbia company is the exclusive distributor of “Verified Glass Cartridge” in North America and it serves its clients “from its headquarters in Kelowna, BC, Canada.” As shown in Exhibit 16 at 22, the “Verified” mark is also assigned to Canary Inc. located in Kelowna, BC, Canada. Thus Canary Inc. sells for importation, Canary LA imports and sells after importation the Accused Products in the U.S. Exhibit 16 at 1-2 contains confirmation from [sneakypetevaporizers.com](http://sneakypetevaporizers.com) showing the sales of “Verified Glass Cartridge” for importation into the United States. Furthermore, Exhibit 16 at 20-21 is the shipment tracking record for the “Verified Glass Cartridges” acquired. Verified Respondents sell the Accused Products for importation into the United States from Kelowna, B.C., Canada. Exhibit 16 at 4.

### **11. DC Alchemy Respondents**

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177. DC Alchemy imports and/or sells after importation in the United States the patent-infringing “DC Alchemy Ceramic” and “DC Alchemy Push Top Clear Tapered” cartridges through at least the Dcalchemy.com platform as depicted in Exhibit 9 at 1-11.

178. The “DC Alchemy Ceramic” and “DC Alchemy Push Top Clear Tapered” cartridges were acquired in the United States. Pursuant to Commission Rule 210.22(a)(3), Exhibit 9 at 12-13 contains order confirmation from DC Alchemy showing the sales of DC Alchemy cartridges after importation in the United States. Exhibit 9 at 14-15 is the shipment tracking record. Exhibit 9 at 16-21 shows DC Alchemy’s knowledge that the CCELL mark is a registered trademark, and that DC Alchemy analyzed authentic CCELL cartridges such that it knew or should have known that the authentic Smoore CCELL cartridge is patented, as well as DC Alchemy’s claim that its DC CCELL cartridges are the same as authentic CCELL cartridges. In Exhibit 9 at 4-6, DC Alchemy states that it manufactures and sells both its own DC CCELL cartridges and also “authentic” CCELL cartridges. On information and belief, the purportedly “authentic” CCELL cartridges are imported into the U.S. from China, but they are not manufactured or supplied by patent-owner Smoore. Therefore, DC Alchemy sells after importation counterfeit CCELL cartridges.

### **12. Solis Supply Respondents**

179. HW Supply imports and/or sells after importation in the United States through at least the cartridgesforsale.com platform the patent and trademark infringing “CERAMIC CELL Cartridge Black,” “CERAMIC CELL Cartridge G5” and “CERAMIC CELL Cartridge M6” as depicted in Exhibit 10 at 1-12.

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180. The “CERAMIC CELL Cartridge Black,” “CERAMIC CELL Cartridge G5” and “CERAMIC CELL Cartridge M6” were acquired in the United States. Pursuant to Commission Rule 210.22(a)(3), Exhibit 10 at 13-14 contains invoices from HW Supply showing the sales of “CERAMIC CELL Cartridge Black,” “CERAMIC CELL Cartridge G5,” and “CERAMIC CELL Cartridge M6” after importation in the United States. Exhibit 10 at 15-19 are the shipment tracking records. Exhibit 10 at 30 shows Solis Supply assists its customers with the importation from China of its Accused Products.

### **13. Mig Vapor Respondent**

181. Mig Vapor imports and/or sells after importation in the United States through at least the migvapor.com platform the patent and trademark infringing “H10 CERAMIC CELL 510 Oil Dab Cartridge for Vape Pen C4CELL” cartridges as depicted in Exhibit 11 at 1-5.

182. The “H10 CERAMIC CELL 510 Oil Dab Cartridge for Vape Pen C4CELL” cartridges were acquired in the United States. Pursuant to Commission Rule 210.22(a)(3), Exhibit 11 at 6 contains order confirmation from Mig Vapor showing the sales of “H10 CERAMIC CELL 510 Oil Dab Cartridge for Vape Pen C4CELL” cartridges after importation in the United States. Exhibit 11 at 7-10 contains the shipment tracking record, the shipping label and order confirmation. Exhibit 11 at 21, 28 and 30 shows Kanger and Aspire as Mig Vapor’s Chinese manufacturers. Accordingly, upon information and belief, Mig Vapor sells for importation, imports, and sells after importation the Accused Products.

### **14. Obsidian Respondent**

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183. Obsidian imports and/or sells after importation in the United States through at least the obsidiansupply.com platform the patent and trademark infringing “Nextvapor C-CELL” cartridges as depicted in Exhibit 18 at 1-2.

184. The “Nextvapor C-CELL” cartridges were acquired in the United States. Pursuant to Commission Rule 210.22(a)(3), Exhibit 18 at 3 contains the shipping label of the “Nextvapor C-CELL” cartridges. Exhibit 18 at 4-6 clearly marked the cartridges provided by Obsidian as “Nextvapor/THC C-CELL w/out cotton,” “Nextvapor THC C-CELL w/out cotton” and “Next Vapor C-CELL – No cotton.” Obsidian’s Accused Products are made in Shenzhen China before they were sold for importation into and sold after importation in the United States. Exhibit 18 at 10.

### 15. Ygreen Respondents

185. Ygreen imports and/or sells after importation in the United States through at least the ygreenlife.com platform the patent-infringing “SC5,” “SC6,” “SC7” and “SC10” cartridges as depicted in Exhibit 19 at 1-4. Ygreen also promotes its patent-infringing cartridges on ygreeninc.com as shown in Exhibit 19 at 29-38.

186. The “SC5,” “SC6,” “SC7” and “SC10” cartridges were acquired in the United States. Pursuant to Commission Rule 210.22(a)(3), Exhibit 19 at 3-4 is the *proforma* invoice for the purchase of these cartridges. Exhibit 19 at 5 contains the shipping label. Exhibit 19 at 6 shows Ygreen’s inventory in the U.S. as of October 29, 2020 and Exhibit 19 at 7-28 shows Ygreen’s cartridges are made in Shenzhen China and sold after importation in the United States.

### 16. Atmos Respondent

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187. Atmos designs and manufactures the “C5 Ceramic” and “Ceramic” cartridges outside the United States, imports and sells after importation in the United States the cartridges through at least atmosrx.com website and its distributors as depicted in Exhibit 69 at 1-16.

188. The “C5 Ceramic” and “Ceramic” cartridges were acquired in the United States. Pursuant to Commission Rule 210.22(a)(3), Exhibit 69 at 17-19 shows the packing list and order confirmation of these cartridges. Exhibit 69 at 20-25 shows the Atmos Accused Products are made in China, possibly by WarWick Electronic Technology (HK) Co., Ltd. in China. Atmos sold for importation, imported or sold after importation its Accused Products into the United States.

### **17. BVV Respondents**

189. BVV imports and/or sells after importation in the United States through at least the shopbv.com platform the patent infringing “Ceramic Tip Vape Cartridges,” which it markets as “CCELL” style as depicted in Exhibit 70 at 1-10 and 15-23.

190. The “Ceramic Tip Vape Cartridges” were acquired in the United States. Pursuant to Commission Rule 210.22(a)(3), Exhibit 70 at 11-12 is the email confirmation for the purchase of these cartridges. Exhibit 70 at 13-14 contains the packing slip and box control ID. Exhibit 70 at 24-25 discusses different cartridge suppliers, including BVV, that have assisted customers sourcing from China, which in view of BVV’s stated manufacturing products not including cartridges –upon information and belief– supports that the vaping cartridges BVV sells were imported, and sold after importation from China.

### **18. Royal Supply Wholesale Respondents**

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191. Royal Supply Wholesale directs and controls the design, research and development and production of at least “Ceramic Tip RS Ceramic Core Cartridges,” “Ceramic Vape Cartridges” and “Stainless Steel Tip RS Cartridges” outside the United States and imports and/or sells on at least royalsupplywholesale.com and customcannabisbranding.com after importation in the United States as depicted in Exhibit 71 at 1-11 and 31-40. Royal Supply Wholesale extensively claimed and promoted that it developed and manufactured its patent-infringing cartridges in Exhibit 71 at 9-10 and disclosed that it has a warehouse in Northern California in Exhibit 71 at 11. Upon information and belief, the Royal Supply Wholesale sells for importation, imports, and sells after importation in the U.S. the Accused Products, as its website offers “Manufacturing and import/customs process” for its customers and that it will “handle” to get the cartridges to customers on time. *See* Exhibit 71 at 48-49.

192. The “Ceramic Tip RS Ceramic Core Cartridges,” “Ceramic Vape Cartridges” and “Stainless Steel Tip RS Cartridges” were acquired in the United States. Pursuant to Commission Rule 210.22(a)(3), Exhibit 71 at 41-42 is the purchase confirmation. Exhibit 71 at 43-44 shows Royal Supply Wholesale’s shipment of the patent-infringing products, Exhibit 71 at 45-46 is the shipping tracking record, Exhibit 71 at 47 is the shipping label, and Exhibit 71 at 48-49 states that Royal Supply Wholesale will make the part, then take care of importing and customs, demonstrating that it imports and sells products.

### **19. iKrusher Respondents**

193. iKrusher designs, manufacturers and imports and/or sells after importation in the United States through at least the iKrusher.com platform the patent-infringing 510 cartridges as

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depicted in Exhibit 72 at 1-4. iKrusher's patent-infringing cartridges are also promoted and sold on [www.vpm.com](http://www.vpm.com) as shown in Exhibit 72 at 5-29.

194. The 510 cartridges were acquired in the United States. Pursuant to Commission Rule 210.22(a)(3), Exhibit 72 at 30-31 is the email confirmation for the purchase of these cartridges. Exhibit 72 at 32-34 shows the tracking record of the cartridges and iKrusher's statement that iKrusher has "manufacturer, factory, supplier from China" such that it is clear the Accused Products are made in China and imported to the U.S. Accordingly, upon information and belief, iKrusher has sold for importation, imported, and sold after importation into the U.S. the Accused Products. Exhibit 72 at 32-35.

### **20. Calico Respondent**

195. Calico designs and manufactures the "TH205," "TH210," "M6T05," and "M6T10" cartridges outside the United States, imports and sells after importation in the United States the cartridges by making contact with Calico through at least <https://www.thecalicogroup.com/> website as depicted in Exhibit 73 at 1-16.

196. These "TH205," "TH210," "M6T05," and "M6T10" cartridges were acquired in the United States. Pursuant to Commission Rule 210.22(a)(3), Exhibit 73 at 18 shows the packing list. Exhibit 73 at 17 shows the shipping label. Exhibit 73 at 10, 17-19 shows the Calico Accused Products are made in China. Exhibit 73 at 15 shows the address of Calico's manufacturing plant in China. Calico sold for importation, imported or sold after importation its Accused Products into the United States.



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### VII. HARMONIZED TARIFF SCHEDULE INFORMATION

197. On information and belief, the Accused Products are classifiable under at least the following classifications of the Harmonized Tariff Schedule (“HTS”) of the United State:

8543.90.8885; 8543.90.8860 and 8543.70.9940.

198. The identified HTS numbers are intended for illustration purposes only and are not exhaustive of the products accused of infringement of this Complaint. The HTS numbers are not intended to limit the scope of the Investigation.

### VIII. DOMESTIC INDUSTRY

199. A domestic industry in the United States exists as defined in 19 U.S.C. §§ 1337(a)(2)-(3) as a result of the domestic activities of Smoore, Smoore’s U.S. subsidiaries, Smoore’s and such subsidiaries’ authorized licensed distributors, including without limitation, Jupiter together with its parent company TILT and Greenlane, as successor-in-interest to KushCo. Complainant has attached as confidential Exhibit 2 and3, a copy of the Distributor Agreement between Smoore and Jupiter and between Smoore and KushCo/Greenlane showing both Jupiter and KushCo/Greenlane are licensees to the Asserted Patents and Asserted Mark. Prior to the Distributor Agreements, Smoore relied upon Jupiter and KushCo/Greenlane to distribute its products in the United States under previous arrangements. *See* Exhibit 74 exemplary arrangements.

#### A. Oil-configured Vaporizer Industry

200. The modern e-cigarette business, which relies on vaping products was established in the 1990s to early 2000s. The first commercial liquid-vape electronic cigarette is documented

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as having been introduced into the U.S. in August 2006, for delivery of nicotine or other materials from low-viscosity liquid. *See Exhibit 75 at 8-36.* It was not until about 2015 that companies began designing cartridges for use with higher-viscosity liquids such as plant-derived oils. *See Exhibit 75 at 37-45.* Due to the different natures of plant-derived oil and of e-cigarette liquid solutions, oil vaporizers (including those for which Complainants' patented designs and structures are configured) are a different category of vaporizers than e-cigarette vaporizers for delivery of nicotine or other materials from low-viscosity liquid. *See Exhibit 75 at 46-49.* The Asserted Patents cover the technologies used in the oil-configured vaporizer industry and the Asserted Mark is only associated with the oil-configured vaporizers. Therefore, the domestic industry here includes only vaporizers configured for use with plant-derived or other oils having aromatic compounds for vaporization, which is a comparatively new and small but fast-emerging business, in contrast with the e-cigarette devices of the past twenty years that use lower-viscosity liquids (e.g., nicotine-containing liquids with viscosity similar to water). Such vaporizable oils can be derived from different plants or synthetic sources, for medicinal and/or recreational use. In part, the more recent advent and growth of the oil-vaping segment is because of the growth in use of plant oils derived from cannabis. *See Exhibit 75 at 1-7.* As noted above, federal law generally does not restrict the use of hemp-derived CBD, oils of which are used in Complainant's vaporizers. As of July 2021, 37 states, four out of five permanently-inhabited U.S. territories and the District of Columbia have legalized the medical use of marijuana. As of June 2021, 18 states, two territories and the District of Columbia have legalized adult use of marijuana, not restricted to medical use. Vaporizer consumption of legal cannabis (including both CBD derived from hemp and marijuana) for medical and/or adult use is gaining in medical, social, and legal acceptance, including vaping of oils as one means for ingestion.

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### B. Jupiter and TILT

201. Jupiter is a market leader in providing customized solutions for brand and retail businesses offering products in the inhalation and vape segment of the market. Jupiter's business model leverages in-house technical and product design acumen along with supply chain expertise to deliver unique and reliable products engineered to high industry safety standards. Jupiter partners with Smoore to incorporate industry-leading cartridge technology imported from Smoore into Jupiter's product solutions. *See* Attachment B, Hoch Decl. ¶2.

202. Jupiter designs, develops and sells in the United States cartridges that Smoore manufactures and that practice each of the Asserted Patents ("Domestic Industry Products"). Likewise, Jupiter uses the Asserted Mark in connection with the Domestic Industry Products in U.S. commerce on, for example, Jupiter's product packaging, advertising materials, and the cartridges, themselves.

203. Exhibit 62 includes a chart comparing the claims of the '623 Patent to the Domestic Industry Product Jupiter designed, developed, and sold.

204. Exhibit 63 includes a chart comparing the claims of the '763 Patent to the Domestic Industry Product Jupiter designed, developed, and sold.

205. Exhibit 64 includes a chart comparing the claims of the '762 Patent to the Domestic Industry Product Jupiter designed, developed and sold.

206. Exhibit 76 shows Jupiter using the Asserted Mark in connection with the Domestic Industry Products in U.S. commerce.

207. Jupiter and its parent company Tilt Holdings Inc. ("TILT") have made and continue to make significant and substantial domestic investments in connection with the Domestic Industry Products. *See* Attachment B, Hoch Decl. ¶9. Therefore, a domestic industry

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exists under 19 U.S.C. § 1337(a)(3)(A) due to Jupiter and TILT's significant investment in plant and equipment, under 19 U.S.C. § 1337(a)(3)(B) due to Jupiter and TILT's significant employment of labor and capital, and under 19 U.S.C. §1337(a)(3)(C) due to Jupiter and TILT's substantial investment in research and development with respect to the technologies in each of the Asserted Patents and Jupiter and TILT's substantial investments in the use and promotion of the CCELL brand with respect to the Domestic Industry Products distributed under or in close connection with the Asserted Mark.

208. In January 2019, TILT acquired Jupiter as part of TILT's inhalation technology business unit. TILT was founded in 2018 and is headquartered in Phoenix, Arizona. TILT provides business solutions to the legal CBD and marijuana industries, offering a diverse range of value-added products and services to industry participants. Outside the area of inhalation technology, TILT also engages in cultivation, retail operations, software development and services related to the legal CBD and marijuana industries serving over 2,000 retailers.

209. Through its wholly-owned subsidiary Commonwealth Alternative Care Inc. ("CAC"), TILT operates a vertically integrated medical marijuana cultivation facility, product manufacturing facility, and medical marijuana dispensary in Taunton, Massachusetts that further processes the Domestic Industry Products. CAC's original 46,000 square-foot facility included 28,000 square feet of cultivation space approved for use by the Massachusetts Cannabis Control Commission ("CCC"). Recently completed construction projects have increased this facility's structural footprint to 117,000 square feet. The CCC approved six cultivation rooms in the new construction projects in October 2020, bringing approximately 12,000 more square feet of cultivation space online. An additional eight cultivation rooms totaling 16,500 square feet, medical dispensary licenses at CAC's Brockton and Cambridge locations, and adult use retailer

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licenses in Taunton and Brockton, are all pending approval by the CCC. In addition, there is extra further 7,500 square feet of packaging and manufacturing space. TILT has a cultivation and production presence in Pennsylvania through its wholly-owned subsidiary, Standard Farms, LLC (“Standard Farms”). Standard Farms supplies medical products, including vape cartridges and capsules utilizing the Domestic Industry Products, to more than 90 percent of the state’s dispensaries. Standard Farms was founded in 2017 in White Haven, Pennsylvania where it operates a facility that includes 33,500 square feet of canopy capacity. All TILT’s oils used in the Domestic Industry Products are extracted and produced domestically at these TILT facilities in Massachusetts and Pennsylvania. TILT also houses cartridge filling equipment in these facilities. Once the Domestic Industry Products arrive, the products are filled with TILT’s oil (e.g., CBD derived from hemp, medical marijuana). TILT later packs these final products in its facilities and sends them to dispensaries across Massachusetts and Pennsylvania.

210. TILT’s already significant investments and expenditures will enable it to continue expanding its operations through 2021 and in the future. On March 15, 2021, TILT completed its acquisition of Standard Farms Ohio LLC (“SFO”). SFO’s purpose-built 9,600 sq. ft. processing and oil extraction facility is located just outside of Cleveland, providing ready access to the state’s 52 operating dispensaries. The facility currently produces high-quality medical products including vaporization cartridges.

211. TILT’s clients include large multi-state operators, licensed producers, single state operators, cultivators, processors, extractors and retailers in the United States, each of whom are focused on expanding in a highly competitive marketplace. *See Exhibit 77*, TILT Holdings Inc. Management’s Discussion and Analysis for The Three and Nine Months Ended September 30, 2020 and 2019 and TILT Holdings Inc. Management’s Discussion and Analysis for The Quarters

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and Year Ended December 31, 2020 and 2019. The finished products sold to the consumers are cartridges filled with vaporizable oil (“Finished Domestic Industry Products”). Jupiter and TILT rely upon the domestic labor and equipment for the filling and completion of the Finished Domestic Industry Products.

212. Jupiter, together with TILT, has made significant investments and expenditures, and is in the process of investing additional significant sums, in domestic plant and equipment relating to Jupiter Domestic Industry Products and Finished Domestic Industry Products. Hoch Decl. ¶9 (Attachment B). Such investments in the United States are extremely important to the added value of the Finished Domestic Industry Products. As shown in Hoch Decl. ¶14 (Attachment B), there is significant value added in the United States to the imported CCELL cartridges.

213. In addition, Jupiter operates at 2801 E. Camelback Road, Suite 180, Phoenix, Arizona 85016. Jupiter and TILT have made total capital expenditures of more than [ ] towards Jupiter Domestic Industry through the end of March 2021. *See* Attachment B, Hoch Decl. ¶¶ 15-18 and 20.

214. Numerous Jupiter and TILT employees work in the United States, researching, developing, and servicing Domestic Industry Products and providing technical support for those Domestic Industry Products. *See* Attachment B, Hoch Decl. ¶17. Jupiter and TILT’s investments in the United States have directly and indirectly generated a large number of jobs. *Id.*

215. Jupiter and TILT have grown and will continue to grow significantly as CBD (derived from hemp) usage grows and as more states continue to legalize marijuana for medicinal and/or recreational use. Jupiter has and will continue to invest substantial domestic

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resources in plant and equipment, labor and capital, research and development, engineering and service, in connection with the Domestic Industry Products that are protected by the Asserted Patents and marketed and sold under the Asserted Mark. A domestic industry relating to Jupiter's and Tilt's domestic investments and expenditures therefore exists in connection with the Asserted Patents and the Asserted Mark.

### C. Greenlane and KushCo

216. Founded in February 2018 and headquartered in Nevada, KushCo is one of the largest and most respected premier distributors of vaporizer products in the U.S. On March 31, 2021, KushCo entered into an Agreement and Plan of Merger (the "Merger Agreement") with Greenlane Holdings, Inc., Merger Sub Gotham 1, LLC ("Merger Sub 1") and Merger Sub Gotham 2, LLC ("Merger Sub 2"). Pursuant to the Merger Agreement, Greenlane and KushCo combined through a merger of Merger Sub 1, with and into KushCo, with KushCo surviving as a wholly owned subsidiary of Greenlane ("Merger 1") and then, a merger of KushCo with and into Merger Sub 2, with Merger Sub 2 surviving as a wholly owned subsidiary of Greenlane ("Merger 2" and together with Merger 1, the "Mergers"). The Mergers were completed on August 31, 2021, whereby KushCo was acquired by Greenlane, a company doing business in the same industry as KushCo. Greenlane (as successor-in-interest to KushCo) is an official distributor of Smoore's CCELL vaping products and works with Smoore to provide vaping OEM products and custom designs to its customers.

217. KushCo (now Greenlane) designs, customizes, has Smoore manufacture, and sells vaporizer cartridges that practice each of the Asserted Patents ("KushCo Domestic Industry Products").

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218. KushCo Domestic Industry Products are the same or substantially similar to Jupiter Domestic Industry Products. Accordingly, Exhibit 62 also shows the claims of the '623 Patent comparing to KushCo Domestic Industry Products designed, customized and sold by KushCo.

219. KushCo Domestic Industry Products are the same or substantially similar to Jupiter Domestic Industry Products. Accordingly, Exhibit 63 also shows the claims of the '763 Patent comparing to KushCo Domestic Industry Products designed, customized and sold by KushCo.

220. KushCo Domestic Industry Products are the same or substantially similar to Jupiter Domestic Industry Products. Accordingly, Exhibit 64 also shows the claims of the '762 Patent comparing to KushCo Domestic Industry Products designed, customized and sold by KushCo.

221. Exhibit 78 shows KushCo's use of the Asserted Mark in connection with the Domestic Industry Product in U.S. commerce.

222. KushCo has made, and Greenlane continues to make, additional significant and substantial domestic investments in connection with the KushCo Domestic Industry Products. Therefore, a domestic industry exists under 19 U.S.C. § 1337(a)(3)(A) due to KushCo's and Greenlane's significant investment in plant and equipment, under 19 U.S.C. § 1337(a)(3)(B) due to KushCo's and Greenlane's significant employment of labor and capital, and under 19 U.S.C. §1337(a)(3)(C) due to KushCo's and Greenlane's substantial investment in research and development with respect to the technologies in each of the Asserted Patents and KushCo's and Greenlane's substantial investments in the promotion of the Asserted Mark in connection with the KushCo Domestic Industry Products.



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223. Greenlane, as successor in interest to KushCo, is primarily in the business-to-business market and KushCo customers include brand owners, growers, processors, producers, distributors, and licensed retailers. Many of Greenlane's and KushCo's customers are manufacturers, distributors, and retailers of premium products and accessories, child-resistant packaging, which often prominently features the Asserted Mark, and specialty vaporization products, many of which exploit the Asserted Patents, filled with oil to dispensaries and specialty retail stores, as well as direct to consumer through certain regulated online e-commerce platforms. *See* Attachment A, Kovacevich Decl. at ¶¶ 6-12, 17.

224. KushCo has invested and Greenlane is in the process of investing additional significant amounts in domestic plant and equipment relating to the KushCo Domestic Industry Products. Specifically, KushCo has incurred total capital expenditures of more than [

] toward its U.S. operations through March 2021. *See* Attachment A, Kovacevich Decl. at ¶¶ 13-20.

225. To date, KushCo and its wholly owned subsidiaries have hired over [ ] employees in the United States to conduct research, provide product customization and product servicing, and to provide distribution services and technical support for the KushCo Domestic Industry Products. Moreover, KushCo has over [ ] customers in the United States who employ a significant number of employees in the United States, performing research, oil extraction, oil filling, customization, servicing and technical support for the vaping products that are the downstream final product of the Domestic Industry Product.

226. KushCo and Greenlane have made significant investments in the advertisement and promotion of the Asserted Mark and have, for example, offered the KushCo Domestic Industry Products under the Asserted Mark in U.S. commerce at trade shows, in trade

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publications, and on KushCo's social media and websites. *See* Attachment A, Kovacevich Decl. at ¶¶ 6-12.

227. KushCo and Greenlane have grown and expect to continue to grow significantly. KushCo has invested, and Greenlane will continue to invest, substantial domestic resources in plant and equipment, labor and capital, research and development, engineering and service, in connection with the KushCo Domestic Industry Products that are protected by the Asserted Patents and offered under the Asserted Mark. *See* Attachment A, Kovacevich Decl. at ¶¶ 1-20. A domestic industry therefore exists in connection with the Asserted Patents and the Asserted Mark.

**D. Smoore**

228. In addition to the evidence discussed above, which shows the existence of a domestic industry that practices the Asserted Patents and continuously uses the Asserted Mark in connection with Complainant's vaporizer products in the United States, Smoore itself has made significant investments and expenditures in the United States through [

] These investments and expenditures will likely increase significantly in the future.

229. [

]

230. [

]

[

]

## IX. RELATED LITIGATION

231. Shenzhen Smoore filed a complaint against an entity named A253481482, together with 154 other defendants in the Southern District of New York on October 25, 2019. In the complaint in *Shenzhen Smoore Technology Ltd. v. A253481482, et al.*, Case No.: 1:19-cv-09895 (S.D.N.Y.), Shenzhen Smoore asserted the Asserted Mark against all 155 defendants.

232. Shenzhen Smoore filed a complaint against Anuonuo International Trade Company together with 115 other defendants in the Southern District of New York on October 25, 2019. In the complaint in *Shenzhen Smoore Technology Ltd. v. Anuonuo International Trade*

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*Company et al.*, Case No.: 1:19-cv-09896 (S.D.N.Y.), Shenzhen Smoore asserted the Asserted Mark against all 116 defendants.

233. There has been no other litigation involving the other Asserted Patents or the Asserted Mark in this investigation.

**X. RELIEF REQUESTED**

234. WHEREFORE, by reason of the foregoing, Complainant requests that the United States International Trade Commission:

(a) institute an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to Proposed Respondents' violation of this section arising from the importation into the United States, sale for importation, and/or the sale within the United States after importation of Accused Products that infringe the Asserted Mark or one or more claims of the Asserted Patents;

(b) schedule and conduct a hearing pursuant to Section 337(c) for purposes of (1) receiving evidence and hearing argument concerning whether there has been a violation of Section 337, and (2) following the hearing, determining that there has been a violation of Section 337;

(c) issue a permanent limited exclusion order pursuant to 19 U.S.C. § 1337(d), excluding from entry into the United States all of the Accused Products imported, sold for importation, and/or sold after importation by Respondents, their affiliates, subsidiaries, related companies and agents that infringe the Asserted Mark or one or more claims of the Asserted Patents;

(d) issue a permanent cease and desist order pursuant to 19 U.S.C. § 1337(f), directing the Respondents, their affiliates, subsidiaries, related companies and agents from importing,

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marketing, advertising, demonstrating, distributing, offering for sale, transferring (except for exportation), soliciting United States agents or distributors, aiding and abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), warehousing of inventory for distribution, sale and use of Accused Products that infringe the Asserted Mark or one or more claims of the Asserted Patents;

(e) impose a bond pursuant to 19 U.S.C. § 1337(j) upon Respondents who continue to import or sell Accused Products that infringe the Asserted Mark or one or more claims of the Asserted Patents during the 60-day Presidential review period; and

(f) impose other and further relief as the Commission deems proper and just under the law, based on facts determined by the Investigation and the authority of the Commission.

Respectfully Submitted,



Lyle B. Vander Schaaf

Dated: October 4, 2021

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## VERIFICATION

I, Fei XIANG, declare, in accordance with 19 C.F.R. §§ 210.4 and 210.12(a), under penalty of perjury under the laws of the United States of America, that the following statements are true:

1. I am Legal Counsel of Shenzhen Smoore Technology Limited (“Smoore”) and am duly authorized to sign this complaint;
2. I have read the foregoing complaint.
3. To the extent I am able and without viewing Confidential Information belonging to any party other than Smoore and to the best of my knowledge, information, and belief, based upon reasonable inquiry, I certify:
  - (a) the foregoing complaint is not being presented for an improper purpose;
  - (b) the claims and contentions contained in the foregoing complaint are warranted by existing law or non-frivolous argument for the extension, modification, or reversal of existing law or establishment of new law;
  - (c) the allegations and factual contentions contained in the foregoing complaint are well-founded in fact or, if specifically identified, are likely to have evidentiary support after a reasonable opportunity to conduct further investigation or discovery.

Executed this 1<sup>st</sup> Day of October, 2021

  
\_\_\_\_\_  
Legal Counsel