

1 Michael J. Wise, Bar No. 143501
M Wise@perkinscoie.com
2 Lauren Sliger, Bar No. 213880
LSliger@perkinscoie.com
3 Lara J. Dueppen, Bar No. 259075
LDueppen@perkinscoie.com
4 PERKINS COIE LLP
1888 Century Park E., Suite 1700
5 Los Angeles, CA 90067-1721
Telephone: 310.788.9900
6 Facsimile: 310.788.3399

7 Attorneys for Plaintiffs
8 *FONTEM VENTURES B.V.* and
FONTEM HOLDINGS I B.V.

9
10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12

13 FONTEM VENTURES B.V., a
Netherlands company; and FONTEM
14 HOLDINGS I B.V., a Netherlands
company

15 Plaintiffs,
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17 v.

18 LOGIC TECHNOLOGY
DEVELOPMENT LLC, a Florida
limited liability company, and DOES 1-
19 5, Inclusive,

20 Defendant.
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Case No. CV14-1654

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 For its Complaint against Defendant LOGIC TECHNOLOGY
2 DEVELOPMENT LLC (“Defendant”), Plaintiff Fontem Ventures B.V. (“Fontem
3 Ventures”) and Plaintiff Fontem Holdings 1 B.V. (“Fontem Holdings”) allege as
4 follows:

5 **JURISDICTION AND VENUE**

6 1. This is a civil action for patent infringement arising under the patent
7 laws of the United States, 35 U.S.C. §§ 101, et seq., and in particular § 271.

8 2. This Court has subject matter jurisdiction over this patent infringement
9 action under 28 U.S.C. §§ 1331 and 1338(a).

10 3. This Court has personal jurisdiction over Defendant because it solicits
11 and conducts business in California, including the provision of goods over the
12 Internet, derives revenue from goods sold in California and within this judicial
13 district, and has committed acts of infringement in this judicial district.

14 4. Venue lies in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and
15 (c), and 1400(b).

16 **PARTIES**

17 5. Plaintiff Fontem Ventures is a company organized and existing under
18 the laws of the Netherlands, with its principal place of business at 12th Floor, 101
19 Barbara Strozziilaan, 1083 HN Amsterdam, The Netherlands. Fontem Ventures is
20 in the business of developing innovative non-tobacco products, including electronic
21 cigarettes.

22 6. Plaintiff Fontem Holdings is a company organized and existing under
23 the laws of the Netherlands, with its principal place of business at 12th Floor, 101
24 Barbara Strozziilaan, 1083 HN Amsterdam, The Netherlands.

25 7. Plaintiffs Fontem Ventures and Fontem Holdings (together, “the
26 Plaintiffs”) are informed and believe that: Defendant LOGIC TECHNOLOGY
27 DEVELOPMENT LLC. (“LOGIC”) is a limited liability company organized and
28 existing under the laws of the State of Florida, having its principal place of business

1 at 2004 N.W. 25th Ave., Pompano Beach, Florida, 33069, USA. LOGIC is doing
2 business in this judicial district related to the claims asserted in this Complaint.

3 8. The true names and capacities, whether individual, corporate,
4 associate, or otherwise of defendants sued herein as DOES 1 through 5, inclusive,
5 are unknown to the Plaintiffs at the present time, and the Plaintiffs therefore sue
6 said Defendants by such fictitious names. The Plaintiffs, after obtaining leave of
7 court, if necessary, will amend this Complaint to show such true names and
8 capacities when the same have been ascertained.

9 **FIRST CAUSE OF ACTION**

10 (Infringement of U.S. Patent No. 8,365,742)

11 9. The Plaintiffs incorporate by reference the allegations contained in
12 paragraphs 1-8 above.

13 10. Plaintiff Fontem Holdings is the owner of the entire right, title, and
14 interest in and to United States Patent No. 8,365,742 (“the ’742 Patent”) and
15 Plaintiff Fontem Ventures is the exclusive licensee of the ’742 Patent. The ’742
16 Patent was duly and legally issued by the United States Patent Office on February
17 5, 2013 and is valid, subsisting, and in full force and effect. A copy of the ’742
18 Patent is attached to the Complaint as Exhibit A.

19 11. The Plaintiffs are informed and believe that: Defendant has had
20 knowledge of the ’742 Patent, and of the Plaintiffs’ rights therein, at least as of
21 February 13, 2014. On that date, a Joint Status Report containing an assignment
22 document identifying Plaintiff Fontem Holdings as the owner of the ’742 Patent
23 was filed in a related case.¹ The Joint Status Report was reviewed and signed by
24 _____

25 ¹See Joint Status Report filed February 13, 2014 (Dkt. No. 63, Exh. A) in
26 *Ruyan Investment Holdings Limited v. Sottera, Inc.*, Case No. CV 12-05454 GAF
27 (FFMx) (C.D. Cal.), which is consolidated for purposes of discovery with Case
28 Nos. CV 12-05455 GAF (FFMx), CV 12-05456 GAF (FFMx), CV 12-05462 GAF
(FFMx), CV 12-05466 GAF (FFMx), CV 12-05468 GAF (FFMx), CV 12-05472
GAF (FFMx), CV 12-05477 GAF (FFMx), CV 12-05482 GAF (FFMx), and CV
12-06268 GAF (FFMx).

1 Defendant's counsel. Defendant shall have additional knowledge of the '742 Patent
2 as of the date of service for the present Complaint.

3 12. The Plaintiffs are informed and believe that: Defendant has directly
4 infringed the '742 Patent in violation of at least 35 U.S.C. § 271(a) by, itself and/or
5 through its agents, unlawfully and wrongfully making, using, importing, offering to
6 sell, and/or selling electronic cigarette products embodying one or more of the
7 inventions claimed in the '742 Patent, within and/or from the United States without
8 permission or license from the Plaintiffs, and will continue to do so unless enjoined
9 by this Court. Examples of electronic cigarette products that directly infringe the
10 '742 Patent include, but are not limited to, (1) LOGIC Rechargeable Electronic
11 Cigarettes as found in the LOGIC Power Series Starter Kit, (2) LOGIC Refill
12 Cartomizers, including LOGIC Black Label Cartomizers, LOGIC Platinum Label
13 Cartomizers, LOGIC Gold Label Cartomizers, and LOGIC Zero Label Cartomizers;
14 (3) LOGIC Power Series Batteries; (4) LOGIC Disposable Electronic Cigarettes,
15 including LOGIC Black Label Disposable, LOGIC Platinum Label Disposable,
16 LOGIC Gold Label Disposable, and LOGIC Zero Label Disposable; (5) LOGIC
17 OnePack Disposable Electronic Cigarettes; and (6) LOGIC "The Cuban" ECigar.
18 Such products infringe at least claims 2 and 3 of the '742 Patent.

19 13. The Plaintiffs are informed and believe that: Defendant has contributed
20 to the infringement of the '742 Patent in violation of at least 35 U.S.C. § 271(c) by,
21 itself and/or through its agents, contributing to the direct infringement of the '742
22 Patent by its customers by unlawfully and wrongfully making, using, importing,
23 offering to sell, and/or selling electronic cigarette components having no
24 substantially non-infringing use, which, when purchased and/or used by its
25 customers, result in direct infringement of one or more embodiments of the
26 inventions claimed in the '742 Patent, within and/or from the United States without
27 permission or license from the Plaintiffs, and will continue to do so unless enjoined
28 by this Court. Examples of electronic cigarette components that have no substantial

1 noninfringing uses and that contribute to the direct infringement of the '742 Patent
 2 include, but are not limited to, (1) LOGIC Refill Cartomizers ("LOGIC E-Cig
 3 Cartomizers"), including LOGIC Black Label Cartomizers, LOGIC Platinum Label
 4 Cartomizers, LOGIC Gold Label Cartomizers, and LOGIC Zero Label Cartomizers;
 5 and (2) LOGIC Power Series Batteries ("LOGIC E-Cig Batteries").

6 14. The Plaintiffs are informed and believe that: Having knowledge of the
 7 '742 Patent, Defendant has been aware that its LOGIC E-Cig Cartomizers and
 8 LOGIC E-Cig Batteries, when purchased and/or used by its customers, result in
 9 direct infringement of one or more embodiments of the inventions claimed in the
 10 '742 Patent. Defendant states on its website that to use LOGIC's electronic
 11 cigarettes, a user should "remove the battery and cartridge from [the] packaging,
 12 remove two plastic end caps on each end of the small cartridge, and twist the small
 13 cartridge onto the battery."² Further, each 5-Pack of LOGIC Refill Cartomizer is
 14 "equivalent to a carton of cigarettes and offer[s] consumers a large savings and a
 15 smarter way to smoke."³ The website also states that "[o]nce you charge [the
 16 battery] 200+ times, you will need to purchase a new battery...directly on the
 17 Website."⁴ Moreover, Defendant's website states that the LOGIC E-Cig Batteries
 18 "can be used with only the Power Series Line of cartomizers (Black Label,
 19 Platinum, Gold and Zero)."⁵ As such, Defendant knows that its LOGIC E-Cig
 20 Cartomizers and LOGIC E-Cig Batteries that are sold separately from its Power
 21 Series Starter Kit have no substantial non-infringing uses other than to provide
 22 users with the ability to assemble and use an electronic cigarette that infringes at
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 25 ² See, e.g., <https://store.logiccig.com/faqs/#rechargeable> ("How do I use
 Logic?") (last visited March 5, 2014).

26 ³ See, e.g., <https://store.logiccig.com/faqs/#rechargeable> ("Why
 Rechargeable Logic Power Series?") (last visited March 5, 2014).

27 ⁴ See, e.g., <https://store.logiccig.com/faqs/#rechargeable> ("Will my power
 series last forever or will I need to get more?") (last visited March 5, 2014).

28 ⁵ See, e.g., <http://store.logiccig.com/logic-power-series-battery/> (last visited
 March 5, 2014).

1 least claims 2 and 3 of the '742 Patent, and therefore that they are especially made
2 or adapted for use in infringement of the '742 Patent.

3 15. As a direct and proximate result of the foregoing acts of Defendant,
4 the Plaintiffs have suffered, and are entitled to, monetary damages in an amount not
5 yet determined. The Plaintiffs are also entitled to their costs of suit and interest.

6 16. Defendant's continuing infringement has inflicted and, unless
7 restrained by this court, will continue to inflict great and irreparable harm upon the
8 Plaintiffs. The Plaintiffs have no adequate remedy at law. The Plaintiffs are
9 entitled to preliminary and permanent injunctions enjoining Defendant from
10 engaging in further acts of infringement.

11 **SECOND CAUSE OF ACTION**

12 (Infringement of U.S. Patent No. 8,375,957)

13 17. The Plaintiffs incorporate by reference the allegations contained in
14 paragraphs 1-8 above.

15 18. Fontem Holdings is the owner of the entire right, title, and interest in
16 and to United States Patent No. 8,375,957 ("the '957 Patent") and Fontem Ventures
17 is the exclusive licensee of the '957 Patent. The '957 Patent was duly and legally
18 issued by the United States Patent Office on February 19, 2013 and is valid,
19 subsisting, and in full force and effect. A copy of the '957 Patent is attached to the
20 Complaint as Exhibit B.

21 19. The Plaintiffs are informed and believe that: Defendant has had
22 knowledge of the '957 Patent, and of the Plaintiffs' rights therein, at least as of
23 February 13, 2014. On that date, a Joint Status Report containing an assignment
24 document identifying Plaintiff Fontem Holdings as the owner of the '957 Patent
25 was filed in a related case.⁶ The Joint Status Report was reviewed and signed by

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27 ⁶See Joint Status Report filed February 13, 2014 (Dkt. No. 63, Exh. A) in
28 *Ruyan Investment Holdings Limited v. Sottera, Inc.*, Case No. CV 12-05454 GAF
(FFMx) (C.D. Cal.), which is consolidated for purposes of discovery with Case
Nos. CV 12-05455 GAF (FFMx), CV 12-05456 GAF (FFMx), CV 12-05462 GAF

1 Defendant's counsel. Defendant shall have additional knowledge of the '957 Patent
2 as of the date of service for the present Complaint.

3 20. The Plaintiffs are informed and believe that: Defendant has directly
4 infringed the '957 Patent in violation of at least 35 U.S.C. § 271(a) by, itself and/or
5 through its agents, unlawfully and wrongfully making, using, importing, offering to
6 sell, and/or selling electronic cigarette products embodying one or more of the
7 inventions claimed in the '957 Patent, within and/or from the United States without
8 permission or license from the Plaintiffs, and will continue to do so unless enjoined
9 by this Court. Examples of electronic cigarette products that directly infringe the
10 '957 Patent include, but are not limited to, (1) LOGIC Rechargeable Electronic
11 Cigarettes as found in the LOGIC Power Series Starter Kit, (2) LOGIC Refill
12 Cartomizers, including LOGIC Black Label Cartomizers, LOGIC Platinum Label
13 Cartomizers, LOGIC Gold Label Cartomizers, and LOGIC Zero Label Cartomizers;
14 (3) LOGIC Power Series Batteries; and (4) LOGIC Disposable Electronic
15 Cigarettes, including LOGIC Black Label Disposable, LOGIC Platinum Label
16 Disposable, LOGIC Gold Label Disposable, and LOGIC Zero Label Disposable.
17 Such products infringe at least claims 1, 10, and 23 of the '957 Patent.

18 21. The Plaintiffs are informed and believe that: Defendant has contributed
19 to the infringement of the '957 Patent in violation of at least 35 U.S.C. § 271(c) by,
20 itself and/or through its agents, contributing to the direct infringement of the '957
21 Patent by its customers by unlawfully and wrongfully making, using, importing,
22 offering to sell, and/or selling electronic cigarette components having no
23 substantially non-infringing use, which, when purchased and/or used by its
24 customers, result in direct infringement of one or more embodiments of the
25 inventions claimed in the '957 Patent, within and/or from the United States without
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27 (FFMx), CV 12-05466 GAF (FFMx), CV 12-05468 GAF (FFMx), CV 12-05472
28 GAF (FFMx), CV 12-05477 GAF (FFMx), CV 12-05482 GAF (FFMx), and CV
12-06268 GAF (FFMx).

1 permission or license from the Plaintiffs, and will continue to do so unless enjoined
 2 by this Court. Examples of electronic cigarette components that have no substantial
 3 noninfringing uses and that contribute to the direct infringement of the '957 Patent
 4 include, but are not limited to, (1) LOGIC Refill Cartomizers ("LOGIC E-Cig
 5 Cartomizers"), including LOGIC Black Label Cartomizers, LOGIC Platinum Label
 6 Cartomizers, LOGIC Gold Label Cartomizers, and LOGIC Zero Label Cartomizers;
 7 and (2) LOGIC Power Series Batteries ("LOGIC E-Cig Batteries").

8 22. The Plaintiffs are informed and believe that: Having knowledge of the
 9 '957 Patent, Defendant has been aware that its LOGIC E-Cig Cartomizers and
 10 LOGIC E-Cig Batteries, when purchased and/or used by its customers, result in
 11 direct infringement of one or more embodiments of the inventions claimed in the
 12 '957 Patent. Defendant states on its website that to use LOGIC's electronic
 13 cigarettes, a user should "remove the battery and cartridge from [the] packaging,
 14 remove two plastic end caps on each end of the small cartridge, and twist the small
 15 cartridge onto the battery."⁷ Further, each 5-Pack of LOGIC Refill Cartomizer is
 16 "equivalent to a carton of cigarettes and offer[s] consumers a large savings and a
 17 smarter way to smoke."⁸ The website also states that "[o]nce you charge [the
 18 battery] 200+ times, you will need to purchase a new battery...directly on the
 19 Website."⁹ Moreover, Defendant's website states that the LOGIC E-Cig Batteries
 20 "can be used with only the Power Series Line of cartomizers (Black Label,
 21 Platinum, Gold and Zero)."¹⁰ As such, Defendant knows that its LOGIC E-Cig
 22 Cartomizers and LOGIC E-Cig Batteries that are sold separately from its Power
 23 Series Starter Kit have no substantial non-infringing uses other than to provide

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 25 ⁷ See, e.g., <https://store.logiccig.com/faqs/#rechargeable> ("How do I use
 Logic?") (last visited March 5, 2014).

26 ⁸ See, e.g., <https://store.logiccig.com/faqs/#rechargeable> ("Why
 Rechargeable Logic Power Series?") (last visited March 5, 2014).

27 ⁹ See, e.g., <https://store.logiccig.com/faqs/#rechargeable> ("Will my power
 series last forever or will I need to get more?") (last visited March 5, 2014).

28 ¹⁰ See, e.g., <http://store.logiccig.com/logic-power-series-battery/> (last visited
 March 5, 2014).

1 users with the ability to assemble and use an electronic cigarette that infringes at
2 least claims 1, 10, and 23 of the '957 Patent, and therefore that they are especially
3 made or adapted for use in infringement of the '957 Patent.

4 23. As a direct and proximate result of the foregoing acts of Defendant, the
5 Plaintiffs have suffered, and are entitled to, monetary damages in an amount not yet
6 determined. The Plaintiffs are also entitled to their costs of suit and interest.

7 24. Defendant's continuing infringement has inflicted and, unless
8 restrained by this court, will continue to inflict great and irreparable harm upon the
9 Plaintiffs. The Plaintiffs have no adequate remedy at law. The Plaintiffs are
10 entitled to preliminary and permanent injunctions enjoining Defendant from
11 engaging in further acts of infringement.

12 **THIRD CAUSE OF ACTION**

13 (Infringement of U.S. Patent No. 8,393,331)

14 25. The Plaintiffs incorporate by reference the allegations contained in
15 paragraphs 1-8 above.

16 26. Fontem Holdings is the owner of the entire right, title, and interest in
17 and to United States Patent No. 8,393,331 ("the '331 Patent") and Fontem Ventures
18 is the exclusive licensee of the '331 Patent. The '331 Patent was duly and legally
19 issued by the United States Patent Office on March 12, 2013 and is valid,
20 subsisting, and in full force and effect. A copy of the '331 Patent is attached to the
21 Complaint as Exhibit C.

22 27. The Plaintiffs are informed and believe that: Defendant has had
23 knowledge of the '331 Patent, and of the Plaintiffs' rights therein, at least as of
24 February 13, 2014. On that date, a Joint Status Report containing an assignment
25 document identifying Plaintiff Fontem Holdings as the owner of the '331 Patent
26 was filed in a related case.¹¹ The Joint Status Report was reviewed and signed by

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28 ¹¹See Joint Status Report filed February 13, 2014 (Dkt. No. 63, Exh. A) in
Ruyan Investment Holdings Limited v. Sottera, Inc., Case No. CV 12-05454 GAF

1 Defendant's counsel. Defendant shall have additional knowledge of the '331 Patent
2 as of the date of service for the present Complaint.

3 28. The Plaintiffs are informed and believe that: Defendant has directly
4 infringed the '331 Patent in violation of at least 35 U.S.C. § 271(a) by, itself and/or
5 through its agents, unlawfully and wrongfully making, using, importing, offering to
6 sell, and/or selling electronic cigarette products embodying one or more of the
7 inventions claimed in the '331 Patent, within and/or from the United States without
8 permission or license from the Plaintiffs, and will continue to do so unless enjoined
9 by this Court. Examples of electronic cigarette products that directly infringe the
10 '331 Patent include, but are not limited to, (1) LOGIC Rechargeable Electronic
11 Cigarettes as found in the LOGIC Power Series Starter Kit, (2) LOGIC Refill
12 Cartomizers, including LOGIC Black Label Cartomizers, LOGIC Platinum Label
13 Cartomizers, LOGIC Gold Label Cartomizers, and LOGIC Zero Label Cartomizers;
14 (3) LOGIC Power Series Batteries; (4) LOGIC Disposable Electronic Cigarettes,
15 including LOGIC Black Label Disposable, LOGIC Platinum Label Disposable,
16 LOGIC Gold Label Disposable, and LOGIC Zero Label Disposable; (5) LOGIC
17 OnePack Disposable Electronic Cigarettes; and (6) LOGIC "The Cuban" ECigar.
18 Such products infringe at least claims 1 and 2 of the '331 Patent.

19 29. The Plaintiffs are informed and believe that: Defendant has contributed
20 to the infringement of the '331 Patent in violation of at least 35 U.S.C. § 271(c) by,
21 itself and/or through its agents, contributing to the direct infringement of the '331
22 Patent by its customers by unlawfully and wrongfully making, using, importing,
23 offering to sell, and/or selling electronic cigarette components having no
24 substantially non-infringing use, which, when purchased and/or used by its
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26 (FFMx) (C.D. Cal.), which is consolidated for purposes of discovery with Case
27 Nos. CV 12-05455 GAF (FFMx), CV 12-05456 GAF (FFMx), CV 12-05462 GAF
28 (FFMx), CV 12-05466 GAF (FFMx), CV 12-05468 GAF (FFMx), CV 12-05472
GAF (FFMx), CV 12-05477 GAF (FFMx), CV 12-05482 GAF (FFMx), and CV
12-06268 GAF (FFMx).

1 customers, result in direct infringement of one or more embodiments of the
 2 inventions claimed in the '331 Patent, within and/or from the United States without
 3 permission or license from the Plaintiffs, and will continue to do so unless enjoined
 4 by this Court. Examples of electronic cigarette components that have no substantial
 5 noninfringing uses and that contribute to the direct infringement of the '331 Patent
 6 include, but are not limited to, (1) LOGIC Refill Cartomizers ("LOGIC E-Cig
 7 Cartomizers"), including LOGIC Black Label Cartomizers, LOGIC Platinum Label
 8 Cartomizers, LOGIC Gold Label Cartomizers, and LOGIC Zero Label Cartomizers;
 9 and (2) LOGIC Power Series Batteries ("LOGIC E-Cig Batteries").

10 30. The Plaintiffs are informed and believe that: Having knowledge of the
 11 '331 Patent, Defendant has been aware that its LOGIC E-Cig Cartomizers and
 12 LOGIC E-Cig Batteries, when purchased and/or used by its customers, result in
 13 direct infringement of one or more embodiments of the inventions claimed in the
 14 '331 Patent. Defendant states on its website that to use LOGIC's electronic
 15 cigarettes, a user should "remove the battery and cartridge from [the] packaging,
 16 remove two plastic end caps on each end of the small cartridge, and twist the small
 17 cartridge onto the battery."¹² Further, each 5-Pack of LOGIC Refill Cartomizer is
 18 "equivalent to a carton of cigarettes and offer[s] consumers a large savings and a
 19 smarter way to smoke."¹³ The website also states that "[o]nce you charge [the
 20 battery] 200+ times, you will need to purchase a new battery...directly on the
 21 Website."¹⁴ Moreover, Defendant's website states that the LOGIC E-Cig Batteries
 22 "can be used with only the Power Series Line of cartomizers (Black Label,
 23 Platinum, Gold and Zero)."¹⁵ As such, Defendant knows that its LOGIC E-Cig

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 25 ¹² See, e.g., <https://store.logicecig.com/faqs/#rechargeable> ("How do I use
 Logic?") (last visited March 5, 2014).

26 ¹³ See, e.g., <https://store.logicecig.com/faqs/#rechargeable> ("Why
 Rechargeable Logic Power Series?") (last visited March 5, 2014).

27 ¹⁴ See, e.g., <https://store.logicecig.com/faqs/#rechargeable> ("Will my power
 series last forever or will I need to get more?") (last visited March 5, 2014).

28 ¹⁵ See, e.g., <http://store.logicecig.com/logic-power-series-battery/> (last visited
 March 5, 2014).

1 Cartomizers and LOGIC E-Cig Batteries that are sold separately from its Power
2 Series Starter Kit have no substantial non-infringing uses other than to provide
3 users with the ability to assemble and use an electronic cigarette that infringes at
4 least at least claims 1 and 2 of the '331 Patent, and therefore that they are especially
5 made or adapted for use in infringement of the '331 Patent.

6 31. As a direct and proximate result of the foregoing acts of Defendant, the
7 Plaintiffs have suffered, and are entitled to, monetary damages in an amount not yet
8 determined. The Plaintiffs are also entitled to their costs of suit and interest.

9 32. Defendant's continuing infringement has inflicted and, unless
10 restrained by this court, will continue to inflict great and irreparable harm upon the
11 Plaintiffs. The Plaintiffs have no adequate remedy at law. The Plaintiffs are
12 entitled to preliminary and permanent injunctions enjoining Defendant from
13 engaging in further acts of infringement.

14 **FOURTH CAUSE OF ACTION**

15 (Infringement of U.S. Patent No. 8,490,628)

16 33. The Plaintiffs incorporate by reference the allegations contained in
17 paragraphs 1-8 above.

18 34. Fontem Holdings is the owner of the entire right, title, and interest in
19 and to United States Patent No. 8,490,628 ("the '628 Patent") and Fontem Ventures
20 is the exclusive licensee of the '628 Patent. The '628 Patent was duly and legally
21 issued by the United States Patent Office on July 23, 2013 and is valid, subsisting,
22 and in full force and effect. A copy of the '628 Patent is attached to the Complaint
23 as Exhibit D.

24 35. The Plaintiffs are informed and believe that: Defendant has had
25 knowledge of the '628 Patent, and of the Plaintiffs' rights therein, at least as of
26 February 13, 2014. On that date, a Joint Status Report containing an assignment
27 document identifying Plaintiff Fontem Holdings as the owner of the '628 Patent
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1 was filed in a related case.¹⁶ The Joint Status Report was reviewed and signed by
 2 Defendant's counsel. Defendant shall have additional knowledge of the '628 Patent
 3 as of the date of service for the present Complaint.

4 36. The Plaintiffs are informed and believe that: Defendant has directly
 5 infringed the '628 Patent in violation of at least 35 U.S.C. § 271(a) by, itself and/or
 6 through its agents, unlawfully and wrongfully making, using, importing, offering to
 7 sell, and/or selling electronic cigarette products embodying one or more of the
 8 inventions claimed in the '628 Patent, within and/or from the United States without
 9 permission or license from the Plaintiffs, and will continue to do so unless enjoined
 10 by this Court. Examples of electronic cigarette products that directly infringe the
 11 '628 Patent include, but are not limited to, (1) LOGIC Rechargeable Electronic
 12 Cigarettes as found in the LOGIC Power Series Starter Kit, (2) LOGIC Refill
 13 Cartomizers, including LOGIC Black Label Cartomizers, LOGIC Platinum Label
 14 Cartomizers, LOGIC Gold Label Cartomizers, and LOGIC Zero Label Cartomizers;
 15 (3) LOGIC Power Series Batteries; (4) LOGIC Disposable Electronic Cigarettes,
 16 including LOGIC Black Label Disposable, LOGIC Platinum Label Disposable,
 17 LOGIC Gold Label Disposable, and LOGIC Zero Label Disposable; (5) LOGIC
 18 OnePack Disposable Electronic Cigarettes; and (6) LOGIC "The Cuban" ECigar.
 19 Such products infringe at least claims 1, 7, and 8 of the '628 Patent.

20 37. The Plaintiffs are informed and believe that: Defendant has contributed
 21 to the infringement of the '628 Patent in violation of at least 35 U.S.C. § 271(c) by,
 22 itself and/or through its agents, contributing to the direct infringement of the '628
 23 Patent by its customers by unlawfully and wrongfully making, using, importing,
 24 _____

25 ¹⁶See Joint Status Report filed February 13, 2014 (Dkt. No. 63, Exh. A) in
 26 *Ruyan Investment Holdings Limited v. Sottera, Inc.*, Case No. CV 12-05454 GAF
 27 (FFMx) (C.D. Cal.), which is consolidated for purposes of discovery with Case
 28 Nos. CV 12-05455 GAF (FFMx), CV 12-05456 GAF (FFMx), CV 12-05462 GAF
 (FFMx), CV 12-05466 GAF (FFMx), CV 12-05468 GAF (FFMx), CV 12-05472
 GAF (FFMx), CV 12-05477 GAF (FFMx), CV 12-05482 GAF (FFMx), and CV
 12-06268 GAF (FFMx).

1 offering to sell, and/or selling electronic cigarette components having no
 2 substantially non-infringing use, which, when purchased and/or used by its
 3 customers, result in direct infringement of one or more embodiments of the
 4 inventions claimed in the '628 Patent, within and/or from the United States without
 5 permission or license from the Plaintiffs, and will continue to do so unless enjoined
 6 by this Court. Examples of electronic cigarette components that have no substantial
 7 noninfringing uses and that contribute to the direct infringement of the '628 Patent
 8 include, but are not limited to, (1) LOGIC Refill Cartomizers ("LOGIC E-Cig
 9 Cartomizers"), including LOGIC Black Label Cartomizers, LOGIC Platinum Label
 10 Cartomizers, LOGIC Gold Label Cartomizers, and LOGIC Zero Label Cartomizers;
 11 and (2) LOGIC Power Series Batteries ("LOGIC E-Cig Batteries").

12 38. The Plaintiffs are informed and believe that: Having knowledge of the
 13 '628 Patent, Defendant has been aware that its LOGIC E-Cig Cartomizers and
 14 LOGIC E-Cig Batteries, when purchased and/or used by its customers, result in
 15 direct infringement of one or more embodiments of the inventions claimed in the
 16 '628 Patent. Defendant states on its website that to use LOGIC's electronic
 17 cigarettes, a user should "remove the battery and cartridge from [the] packaging,
 18 remove two plastic end caps on each end of the small cartridge, and twist the small
 19 cartridge onto the battery."¹⁷ Further, each 5-Pack of LOGIC Refill Cartomizer is
 20 "equivalent to a carton of cigarettes and offer[s] consumers a large savings and a
 21 smarter way to smoke."¹⁸ The website also states that "[o]nce you charge [the
 22 battery] 200+ times, you will need to purchase a new battery...directly on the
 23 Website."¹⁹ Moreover, Defendant's website states that the LOGIC E-Cig Batteries
 24 "can be used with only the Power Series Line of cartomizers (Black Label,

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 26 ¹⁷ See, e.g., <https://store.logicecig.com/faqs/#rechargeable> ("How do I use
 Logic?") (last visited March 5, 2014).

27 ¹⁸ See, e.g., <https://store.logicecig.com/faqs/#rechargeable> ("Why
 Rechargeable Logic Power Series?") (last visited March 5, 2014).

28 ¹⁹ See, e.g., <https://store.logicecig.com/faqs/#rechargeable> ("Will my power
 series last forever or will I need to get more?") (last visited March 5, 2014).

1 Platinum, Gold and Zero).”²⁰ As such, Defendant knows that its LOGIC E-Cig
2 Cartomizers and LOGIC E-Cig Batteries that are sold separately from its Power
3 Series Starter Kit have no substantial non-infringing uses other than to provide
4 users with the ability to assemble and use an electronic cigarette that infringes at
5 least claims 1, 7, and 8 of the ’628 Patent, and therefore that they are especially
6 made or adapted for use in infringement of the ’628 Patent.

7 39. As a direct and proximate result of the foregoing acts of Defendant, the
8 Plaintiffs have suffered, and are entitled to, monetary damages in an amount not yet
9 determined. The Plaintiffs are also entitled to their costs of suit and interest.

10 40. Defendant’s continuing infringement has inflicted and, unless
11 restrained by this court, will continue to inflict great and irreparable harm upon the
12 Plaintiffs. The Plaintiffs have no adequate remedy at law. The Plaintiffs are
13 entitled to preliminary and permanent injunctions enjoining Defendant from
14 engaging in further acts of infringement.

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27 ²⁰ See, e.g., <http://store.logicecig.com/logic-power-series-battery/> (last visited
28 March 5, 2014).

PRAYER FOR RELIEF

The Plaintiffs request entry of judgment that:

A. The '742 Patent, the '957 Patent, the '331 Patent, and the '628 Patent are valid and enforceable;

B. Defendant is liable for infringement of the '742 Patent, the '957 Patent, the '331 Patent, and the '628 Patent under at least the provisions of 35 U.S.C. § 271(a) and/or (c);

C. Defendant and all affiliates, subsidiaries, officers, employees, agents, representatives, licensees, successors, assigns, and all those acting in concert with, or for or on behalf of Defendant, shall be enjoined from infringing the '742 Patent, the '957 Patent, the '331 Patent, and the '628 Patent;

D. Defendant shall pay damages to the Plaintiffs resulting from Defendant's patent infringement pursuant to 35 U.S.C. § 284;

E. The Plaintiffs be entitled to prejudgment interest and post-judgment interest on the damages; and

F. The Plaintiffs be awarded such other and further relief, in law or in equity, as the Court deems just, equitable or appropriate.

DATED: March 5, 2014

Respectfully submitted,

PERKINS COIE LLP

By: /s/Michael J. Wise
Michael J. Wise

Attorneys for Plaintiff
Fontem Ventures B.V. and
Fontem Holdings I B.V.

DEMAND FOR JURY TRIAL

Plaintiffs Fontem Ventures and Fontem Holdings hereby demand a trial by jury of all issues triable by a jury.

DATED: March 5, 2014

PERKINS COIE LLP

By: /s/Michael J. Wise
Michael J. Wise

Attorneys for Plaintiff
Fontem Ventures B.V. and
Fontem Holdings I B.V.