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FONTEM VENTURES B.V. and
8 *FONTEM HOLDINGS 1 B.V.*

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10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

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13 FONTEM VENTURES B.V., a
14 Netherlands company; and FONTEM
HOLDINGS 1 B.V., a Netherlands
15 company

16 Plaintiffs,

17 v.

18 LOGIC TECHNOLOGY
DEVELOPMENT LLC, a Florida
19 limited liability company, and DOES 1-
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 Strozziiaan, 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 Strozziiaan, 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).

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