

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

AIR ESSSENTIALS, INC.,
a Florida corporation,

Plaintiff,

vs.

AROMA360, LLC,
a Florida Limited Liability Company,

Defendant.

_____ /

COMPLAINT

Plaintiff, AIR ESSSENTIALS, INC. ("AIR ESSSENTIALS" or "Plaintiff"), hereby files its Complaint for Patent Infringement against Defendant, AROMA360, LLC ("AROMA360" or "Defendant") and alleges as follows:

NATURE OF CLAIMS / SUBJECT MATTER JURISDICTION

1. This is an action for patent infringement under the patent laws of the United States, 35 U.S.C. § 101, et seq.
2. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

THE PARTIES

3. Plaintiff is a corporation duly organized and existing under the laws of the State of Florida, having a principal address at 1800 N.W. 96th Avenue, Doral, Florida 33172.
4. Defendant is a limited liability company duly organized and existing under the laws of the State of Florida, having a principal address at 2058 N.W. Miami Court, Miami, Florida 33127.

5. Upon information and belief, Defendant has many subsidiaries incorporated in the state of Florida and itself is managed by another corporate entity, Elev8te LLC. Plaintiff expects that discovery will reveal whether other entities are liable for the acts complained of herein.

PERSONAL JURISDICTION AND VENUE

6. Personal jurisdiction is properly established in this District because, upon information and belief, AROMA360 resides in this District or otherwise has sufficient contacts in the Southern District of Florida to be deemed to reside in this District, and because AROMA360 has engaged in acts of patent infringement within this District, said acts being the subject of this Complaint.

7. Personal jurisdiction is also established in this District pursuant to Florida Statute § 48.193 *et. seq.*, as, upon information and belief, the tortious acts complained of herein were committed in the State of Florida; the property infringed upon is situated in the State of Florida, as disclosed in detail hereinafter; and, the acts were directed at AIR ESSENTIALS, an entity operating in Florida.

8. Personal jurisdiction is also established in this District as, upon information and belief, AROMA360 has sufficient contacts in the State of Florida because AROMA360 knowingly sells and/or offers to sell infringing products and services within the State of Florida, including within this District.

9. Venue is properly established in this District pursuant to 28 U.S.C. § 1391(b), § 1391(c), and § 1400(b) as, upon information and belief, AROMA360 resides in this District, has sufficient contacts in the Southern District of Florida to be deemed to reside in this District, and/or because AROMA360 has a regular and established place of business in this District and has engaged in acts of patent infringement within this District, said acts being the subject of this Complaint.

AIR ESSSENTIALS AND ITS U.S. PATENTS

10. AIR ESSSENTIALS provides leading edge scent delivery systems and develops high quality aroma and essential oil blends for retail, hospitality, entertainment, event, and other commercial clients and has been in business since 2007.

11. AIR ESSSENTIALS has developed its own line of proprietary and patented mechanisms for scent diffusers.

12. AIR ESSSENTIALS began filing patent applications for its inventive “Fluid Dispersion Assembly” in 2012 and its first patent, U.S. Patent No. 9,126,215 issued on September 8, 2015.

13. Since that time, AIR ESSSENTIALS has continued to develop its intellectual property portfolio. The patents-in-suit, U.S. Patent No. 10,583,449 ("the '449 Patent") and U.S. Patent No. 10,092,918 (“the ‘918 Patent’), were duly and lawfully issued for fluid dispersion assemblies ("the Patented Inventions") on March 10, 2020 and October 9, 2018 respectively. True and correct copies of the '449 Patent and ‘918 Patent are attached hereto as Exhibit A.

14. AIR ESSSENTIALS is the owner by way of assignment of all right and title in and to the '449 Patent and ‘918 Patent.

15. AIR ESSSENTIALS has never authorized AROMA360 to make, use, sell, offer to sell, and/or import into the United States, and/or its territories, any fluid dispersion assemblies, as recited in the claims of the '449 Patent and/or ‘918 Patent, or to otherwise practice the Patented Inventions.

AROMA360’s INFRINGING ACTIONS

16. On or around 2012 or 2013, the principals of AROMA360 approached the principals of AIR ESSSENTIALS to discuss a potential business relationship that would allow AROMA360 to

offer scent diffusers.

17. Discussions did not meaningfully advance and no relationship was formed.

18. Upon information and belief, the principals of AROMA360 used ill-gotten and sensitive information to form a competitive enterprise in order to intentionally compete with AIR ESSSENTIALS.

19. To wit, AIR ESSSENTIALS has been selling various scent diffusers, including one that it calls Museum360 HVAC Scent Diffuser.

20. On November 13, 2023 AIR ESSSENTIALS sent a letter to AROMA360 to demand that AROMA360 cease-and-desist its activities relative to the infringing Museum360 HVAC Scent Diffuser, but AROMA360 has refused to cease its infringement.

21. As a result of AIR ESSSENTIALS' further investigation, it is believed that AROMA360 continues to make, use, sell, offer to sell, and/or import into the United States, and/or its territories, including within the Southern District of Florida, various fluid dispersion assemblies which encompass the Patented Inventions and infringe one or both of the '449 Patent and '918 Patent. Specifically:

- a. Exhibit B includes true and correct screenshots from AROMA360's website at www.roma360.com depicting the Museum360 HVAC Scent Diffuser;
- b. Exhibit D includes true and correct screenshots depicting the DaVinci360 Scent Diffuser; and
- c. Exhibit F includes true and correct screenshots depicting the VanGogh360 Scent Diffuser.

22. The Museum360 HVAC Scent Diffuser, DaVinci360 Scent Diffuser, and VanGogh360 Scent Diffuser are collectively referred to as "the Accused Diffusers."

23. AIR ESSSENTIALS believes that AROMA306 offers other scent diffusers that infringe U.S. Patent Nos. 9,126,215; 9,527,094; 10,092,918; and/or 10,583,449 and expects that discovery will reveal additional evidence pertaining to additional allegations of patent infringement.

24. The Accused Diffusers include, *inter alia*, a diffusion unit at least partially defining a diffusion chamber; a discharge port disposed in fluid communication between the diffusion chamber and the surrounding airspace; and a diffusion assembly comprising an atomizer assembly, the diffusion assembly disposed in an operative engagement with the diffusion unit.

25. Upon information and belief, despite knowledge of the same, AROMA360 has and continues to infringe the '449 Patent and '918 Patent in complete deliberate, wanton, and willful disregard of AIR ESSSENTIALS' rights in and to the '449 Patent and '918 Patent by making, using, selling, offering to sell, and/or importing into the United States, and/or its territories, the Accused Diffusers and/or other fluid dispersion assemblies which encompass the Patented Inventions and infringe the '449 Patent and/or '918 Patent, thereby deriving unlawful gains and profits. Upon information and belief, AROMA360 will continue to infringe the '449 Patent and/or '918 Patent in deliberate, wanton, and willful disregard of AIR ESSSENTIALS' patent rights and to AIR ESSSENTIALS' irreparable damage, unless restrained by this Court.

26. AROMA360's actions constitute infringement of the '449 Patent and/or '918 Patent, directly, literally, and/or under the doctrine of equivalents, and such actions are deliberate, wanton, and willful.

COUNT I – DIRECT INFRINGEMENT OF U.S. PATENT NO. 10,583,449

WHEREFORE, AIR ESSSENTIALS requests the relief sought in its Prayer for Relief, below.

27. AIR ESSSENTIALS incorporates herein each and every allegation set forth

Paragraphs 1 through 26, as if fully set forth herein.

28. Upon information and belief, AROMA360's aforesaid acts constitute direct infringement of independent claims 1 and 7 and dependent claims 4, 8-10 of the '449 Patent, either literally or under the doctrine of equivalents, pursuant to 35 U.S.C. § 271(a).

29. Upon information and belief, AROMA360 had notice of its infringement, therefore, AROMA360's infringement of independent claims 1 and 7 and dependent claims 4, 8-10 of the '449 Patent has been willful, wanton, and deliberate.

30. A preliminary claim chart for independent claim 7 of the '449 Patent specifically relating to the Museum360 HVAC Scent Diffuser, and an alphabetic key for the same, is attached hereto as Exhibit C.

31. A preliminary claim chart for independent claim 7 of the '449 Patent specifically relating to the DaVinci360 Scent Diffuser, and an alphabetic key for the same, is attached hereto as Exhibit E.

32. A preliminary claim chart for independent claim 7 of the '449 Patent specifically relating to the VanGogh360 Scent Diffuser, and an alphabetic key for the same, is attached hereto as Exhibit G.

33. In addition, the filing and service of this Complaint serve as actual notice and knowledge of infringement of the '449 Patent on the part of AROMA360, such that all of AROMA360's post-suit infringement of claims 1 and 7 and dependent claims 4, 8-10 of the '449 Patent is willful, wanton, and deliberate.

34. AROMA360's aforesaid acts have caused and will continue to cause great and irreparable injury, harm, and damage to AIR ESSENTIALS, and, upon information and belief, unless said acts are restrained by this Court, they will continue.

35. AIR ESSSENTIALS has no adequate remedy at law.

COUNT II – DIRECT INFRINGEMENT OF U.S. PATENT NO. 10,092,918

WHEREFORE, AIR ESSSENTIALS requests the relief sought in its Prayer for Relief, below.

36. AIR ESSSENTIALS incorporates herein each and every allegation set forth Paragraphs 1 through 26, as if fully set forth herein.

37. Upon information and belief, AROMA360's aforesaid acts constitute direct infringement of independent claims 1 and 5 and dependent claims 3-4 and 6-8 of the '918 Patent, either literally or under the doctrine of equivalents, pursuant to 35 U.S.C. § 271(a).

38. Upon information and belief, AROMA360 had notice of its infringement, therefore, AROMA360's infringement of independent claims 1 and 5 and dependent claims 3-4 and 6-8 of the '918 Patent has been willful, wanton, and deliberate.

39. A preliminary claim chart for independent claim 5 of the '918 Patent specifically relating to the VanGogh360 Scent Diffuser, and an alphabetic key for the same, is attached hereto as Exhibit H.

40. The filing and service of this Complaint serve as actual notice and knowledge of infringement of the '918 Patent on the part of AROMA360, such that all of AROMA360's post-suit infringement of independent claims 1 and 5 and dependent claims 3-4 and 6-8 of the '918 Patent is willful, wanton, and deliberate.

41. AROMA360's aforesaid acts have caused and will continue to cause great and irreparable injury, harm, and damage to AIR ESSSENTIALS, and, upon information and belief, unless said acts are restrained by this Court, they will continue.

42. AIR ESSSENTIALS has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Air Essentials, Inc. prays:

A. That this Court adjudge that AROMA360 has infringed and is infringing AIR ESSENTIALS' rights in the '449 Patent and '918 Patent, directly, literally, and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271, and that AROMA360's infringement has been and continues to be willful;

B. That AIR ESSENTIALS be awarded damages adequate to compensate it for the damages it has suffered as a result of AROMA360's infringement of the '449 Patent and '918 Patent, and that such damages be trebled, pursuant to 35 U.S.C. § 284;

C. That AROMA360 be ordered to pay pre-judgment interest to AIR ESSENTIALS on all amounts awarded and post-judgment interest until paid at the maximum lawful rate;

D. That, pursuant to 35 U.S.C. § 283, or as otherwise authorized, AROMA360, its officers, agents, servants, employees, attorneys and all persons acting in concert or participation with it who receive actual notice of the Court's order, be permanently enjoined from:

(1) directly or indirectly manufacturing, using, selling, offering for sale, or importing into the United States and/or its territories the Accused Diffusers and/or any fluid dispersion assemblies that infringe the '449 Patent and/or '918 Patent, directly or indirectly, literally or under the doctrine of equivalents; and

(2) attempting, causing, or assisting any of the above-described acts.

E. That the Court retain jurisdiction of this action for the purpose of enabling AIR ESSENTIALS to apply to the Court at any time for such further orders and interpretation or execution of any order entered in this action; for the modification of any such order; for the

enforcement or compliance therewith; and for the punishment of any violations thereof;

F. That AROMA360 be ordered to pay AIR ESSSENTIALS' attorneys' fees, as provided by 35 U.S.C. § 285, or as otherwise authorized;

G. That AROMA360 be ordered to pay AIR ESSSENTIALS' taxable and non-taxable costs, as provided by 35 U.S.C. § 284, Fed.R.Civ.P. 54, or as otherwise authorized;

H. That AROMA360 be ordered to pay AIR ESSSENTIALS damages adequate to compensate it for the damages it has suffered as a result of AROMA360's infringement of the '449 Patent and '918 Patent, and that such damages are in no event less than a reasonable royalty for AROMA360's use of the inventions that are the subject of the '449 Patent and '918 Patent, together with interest and costs as fixed by the Court, pursuant to 35 U.S.C. § 284;

I. That the Court award an accounting of AROMA360's profits from the sale of any fluid dispersion assemblies that infringe the '449 Patent and/or '918 Patent, directly or indirectly, literally or under the doctrine of equivalents, through trial or final adjudication; and

J. That AIR ESSSENTIALS be awarded such other and further relief, at law or in equity, as the Court may deem just.

JURY DEMAND

Plaintiff, Air Essentials, Inc., demands a trial by jury as to all issues triable of right by a jury.

Respectfully submitted,

Dated: February 15, 2024

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