

**UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF
FLORIDA
(Fort Lauderdale Division)**

SAI ROSE, an individual,
Plaintiff, v.

VPR BRANDS, LP, dba Honey Stick
a Florida Limited Partnership Company,
Defendant,

REC'D BY *EO* D.C.
JUL 01 2024
ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - FT. LAUD.

Case No:

Judge:

**VERIFIED COMPLAINT FOR DAMAGES
AND PERMANENT INJUNCTIVE RELIEF**

Plaintiff Sai Rose, an individual, ("Plaintiff"), hereby alleges the following Complaint against Defendant (VPRB) VPR Brands LP., dba HoneyStick, as follows:

Count [I]: WILLFUL INFRINGEMENT OF PATENT NO. US 10,779,573

and as grounds for support thereof, states as follows:

INTRODUCTION

1. The Plaintiff invented a novel vaporizer and filed the '573 patent application for it in 2016, granted 2023. In 2016, Daniel Hoff, COO of VPR Brands LP (VPRB) dba Honey Stick, met the Plaintiff, at the Las Vegas TPE Event, aware of the patent pending. By 2018, the Defendant began manufacturing the infringing products, and by as early as January 2019, VPRB started selling the infringing products.

2. Around June 20, 2023, Dan Hoff, COO of VPRB, admitted to using the '573 patent claims and agreed to disclose the sales REPORT of the infringing products (EXHIBIT A). Furthermore, (EXHIBIT C) contains several admissions by Dan Hoff referring to the infringing products as the Plaintiff's 'Tech' (Technology), and specifically mentions talking to management about a number to avoid litigation and a number for forward sales on Plaintiff's tech, and a number for any 'new tech' you bring us. Dan Hoff clearly says Atmos and Pulsar are the 'Key' violators, and that VPRB climbed a higher hill than they did by investing in a high \$\$\$ mold. So VPRB outright admits to using Plaintiff's tech to make the infringing products. Dan Hoff went on to say, if we strike a deal how will the Plaintiff take out the others? This demonstrates the Defendant's extensive knowledge of the industry, even in China.

3. The evidence shows a conspiracy. 2 or more parties, working in concert, for the same purpose, committing an overt act, that resulted in harm to the Plaintiff. So the Plaintiff reserves the right to file a separate lawsuit against Kevin Frija and or Dan Hoff for willful and intentional infringement if necessary.

4. Despite the Plaintiff's reasonable efforts to settle the matter in 2023 & 2024 before filing VPRB disregarded these attempts and continues to sell the infringing products as of June 2024. VPRB willfully advertise these products as their own and makes them available to their clients and customers globally.

5. The Plaintiff has currently tried to seek a resolution (which starts at line 23) before proceeding with the formal filing and requesting the maximum damages. The details of the complaint are as follows:

PARTIES

6. Plaintiff is an individual.
7. Defendant VPR Brands, LP. Dba Honey Stick is a limited partnership company with its principal place of business at 1141 Sawgrass Corporate Parkway Sunrise, FL 33323.
8. Due to the complexities of tracking all sources and entities engaged in the present factual allegations, PLAINTIFF reserves the right to add individuals and/or corporations upon discovery.

JURISDICTION AND VENUE

9. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1338, as this action arises under federal statute, specifically the patent laws of the United States (35 U.S.C. §§ 1, et seq.)
10. Defendant is subject to general and specific personal jurisdiction of this Court based on their minimum contacts with, including but not limited to: The Defendants' actions targeted the "SAIONARA", (**EXHIBIT B**), a well-known atomizer that was being marketed by d/b/a Crossing California headquartered in Tallahassee, Florida, (www.crossingcalifornia.com).
 - A. Defendant is located in Florida and engage in phone sales and maintain pervasive websites (<https://www.vapehoneystick.com/products/extreme-defender-wax-pen>), routinely ship orders to customers worldwide, nationwide and in this district, marketing services to Florida, has employees in Florida, that infringe Plaintiffs' patent rights, forming the basis for this legal action. Plaintiff has suffered injury within this state and judicial district while Defendant has carried on solicitation and service activities here. Plaintiff suffered injury arising from VPR Brands unjust enrichment after being advised of the infringement. The

Court's exercise of personal jurisdiction over Defendant comports with the Due Process clause of the United States Constitution.

B. Pursuant to the U.S. Supreme Court's decision in *Heartland LLC v. Kraft Foods Group Brands LLC*, Case No. 16-341 (May 22, 2017), venue is restricted to judicial districts in which either (1) the defendant is incorporated, or (2) the defendant maintains a regular and established place of business where acts of infringement have occurred (28 U.S.C. § 1400(b)). All conditions precedent to this action have been met through performance, waiver, or otherwise.

FACTUAL ALLEGATIONS

11. Mr. Rose first began engineering and designing vaporizers about 2009. By 2012 Mr. Rose had been working professionally with a company in America and Shenzhen. Around 2015, Plaintiff started Crossing California, engineering, designing vaporizers and other products from scratch.

12. Plaintiff filed a provisional patent in 2016. He engaged in marketing, promoting at retail stores and distributors nationwide through extensive car & air travel state to state including expos such as TPE2016.

13. Daniel Hoff, COO of VPR Brands, was made aware of all infringing activity at the TPE event in 2016 through direct contact with the Plaintiff and his product, which was clearly marked with "patent pending".

14. Daniel Hoff claims to control new product development (R&D) on the infringed device. At first Daniel Hoff claimed to be the inventor of the alleged infringing products (EXHIBIT B) being sold on the VPR Brands website dba HoneyStick. (EXHIBIT B) shows VPRB uses the airflow base, narrowed ceramic cup and reclaim cap claims of the 10,779,573 patent.

15. Mr. Rose communicated with Daniel Hoff COO from VPRB in June 2023.
16. The 10,779,573 patent was granted on 9/2019 and published on 12/2019.
17. Mr. Rose attempted to enforce the patent 12/2019, discovering an error, caused by the USPTO website. Mr. Rose immediately filed corrective paperwork. Due to internal problems at the USPTO, Mr. Rose's paperwork had been misplaced and took 9 months instead of the 6 weeks that the decision was required in.
18. On March 3, 2023, Plaintiff filed a renewed petition under 37 CFR 1.78(c) and 35 U.S.C. 119(e), successfully restoring the 2016 provisional date. An error caused by the USPTO website, and an unintentional delay. The USPTO 'Granted' on April of 2023, Mr. Rose was able to legally enforce the rights of his patent. (EXHIBIT D) shows all rights are those of the Plaintiff. Plaintiff immediately sent an email to VPRB in June 2023.
19. In the first email from VPR Brands, admitted meeting Plaintiff in 2016. Daniel Hoff said he met the plaintiff at TPE2016 where the plaintiff first showcased his patented Saionara (Patent No. 10,779,573) publicly. Therefore, the defendant knew about the patent pending on the device as early as 2016. During their Facetime conversation, the defendant acknowledged using the Saionara and the HVT version to develop the VPRB products.
20. During a FaceTime call with VPR Brands' Daniel Hoff, mentioned their specialized team of patent litigation lawyers and boasted about winning patent infringement suits. This bolstered the plaintiff's case for treble damages from the first sale VPR Brands made to the present. Daniel Hoff also admitted to meeting the owner of HVT, another infringer, further indicating awareness of infringement without showing legal concern.
21. In the same email, Daniel Hoff claimed that even if competitors like Atmos and Pulsar were excluded, other Chinese manufacturers would produce OEM versions for others—a

strategy VPR Brands has exploited. However, the plaintiff argued that no one else had an industry-standard 510 thread with a utility patent that outperformed all other vaporizers, highlighting the uniqueness and continued market dominance of the Saionara 8 years later.

22. Despite discussions over a year ago, VPR Brands continues to sell the infringing product. Towards the end of their conversations, VPR Brands admitted to using the plaintiff's claims. Initially, the plaintiff attempted to resolve the matter amicably by offering VPR Brands a 15% stake, but VPR Brands deemed this too high (EXHIBIT C). Consequently, the plaintiff now seeks treble damages plus all profits accrued from the sale of the infringing products and through this period in litigation.

23. New issues have arisen since compiling the complaint above. Jun 2024, Plaintiff sent this entire complaint to VPRB to give them an opportunity to avoid litigation.

24. Kevin Frija CEO called the Plaintiff on June 19th 2024, Feigning ignorance when beginning the call, as if he knew nothing. Then Plaintiff explained the situation.

25. Within less than a minute, Kevin Frija started over talking the Plaintiff, then began swearing, yelling and calling the Plaintiff names and threatened that he will make this case last until the Plaintiff dies. The Plaintiff hung up when Kevin Frija continued to only swearing and calling the Plaintiff names. The Plaintiff remained calm during the call.

26. Once the Plaintiff ended the call, Kevin Frija sent an email (EXHIBIT G) offering 5% of sales not to litigate, but falsely claims VPRB is not infringing. Plaintiff asked if he was done swearing and making threats to make the case last until I die (EXHIBIT E). Kevin Frija follows up with another email, yelling again based on all CAPS (EXHIBIT H) so angry making simple spelling mistakes, and threatening to extend the case in court again. Further backing up what the

Plaintiff said about the phone call, yelling, swearing, threats to make the case last until Plaintiff dies.

27. It's apparent VPRB intends to use the court to harass the Plaintiff and attempt to escape responsibility. Plaintiff asks the court to sanction both VPRB and their attorney/s if they attempt to mislead or cloud the issues before this court.

28. (EXHIBIT F, F2, F3) is an email from the Plaintiff to Kevin Frija, informing him of all the facts and evidence based on Dan Hoff's admission in his email. This email details Dan Hoff's reference to the infringing products as "Plaintiff's technology" and discusses his communication with VPRB management regarding three different amounts: payment to the Plaintiff not to litigate for past sales report numbers, a number for forward sales on Plaintiff's technology, and a number for any new technology introduced by the Plaintiff.

29. (EXHIBIT I) is an email from CEO Kevin Frija. When compared to COO Dan Hoff's email (EXHIBIT C) it shows Dan Hoff COO, is an honest person and that Kevin Frija CEO, must suffer from narcissism, and uses gaslighting to hide his own behavior.

30. In 2023 Plaintiff offered to take 15% to avoid litigation. No other profits from products sold with the infringing products, Plaintiff was letting the Defendant retain those profit and the balance of the profit from the 15%, which the sales report showed the Defendant made a 50% profit. After a year Plaintiff finally has a complaint prepared to file with the court, offered the Defendant less than 25% and still no profits from other products sold with the infringing products, and CEO Keven Frija rejected that offer by the Plaintiff.

31. Because of the behavior of the Defendant we find ourselves in court, wasting resources. Plaintiff request the court award maximum damages with interest to send a message to this industry and VPRB, not to intentionally or willfully infringe on patented products.

32. In this scenario, the plaintiff asserts that the defendant's actions exemplify a pattern of egregious behavior that warrants increased penalties. The plaintiff requests that the court recognize the distinction between intentional and willful infringement, with willful infringement characterized by a persistent and stubborn refusal to cease infringing activities despite clear notification. The plaintiff contends that the court should consider this pattern of willful infringement as justification for trebling the damages, as it reflects a blatant disregard for the patent holder's rights and demonstrates an ongoing need for heightened deterrence.

33. To establish a standard for trebling damages in cases of patent infringement, the court should consider the following factors:

34. The defendant has previously held a patent, demonstrating familiarity with patent rights and obligations;

35. The defendant also has been involved in prior patent infringement litigation. Notably, the defendant prevailed in previous intentional patent infringement litigation, which indicates an awareness of the legal boundaries and consequences of patent infringement;

36. Following the prior litigation, the defendant intentionally infringed upon the plaintiff's patent. This demonstrates a disregard for the patent rights of others.

37. After being formally notified of the infringement, the defendant persisted in the infringing activities. This conduct escalates from intentional infringement to willful infringement, as it shows a deliberate and stubborn refusal to cease infringing upon the plaintiff's patent.

38. The plaintiff asserts that the defendant's repeated and willful infringement constitutes outrageous behavior that warrants treble damages. The plaintiff frequently encounters such

egregious conduct and urges the court to award maximum penalties to deter future infringements.

39. The defendant, who has previously held patents and is well-versed in patent law, initially boasted about his specialized legal team trained specifically in vaporizer-related patents and sought to take a substantial share (60%) of the plaintiff's damages from other infringers (Atmos & Pulsar). However, after discussions ended acrimoniously, the defendant continued to infringe on the plaintiff's patent after admitting to using the Plaintiff's technology (EXHIBIT C). This behavior, particularly given the defendant's legal expertise and resources, demonstrates a persistent and obstinate refusal to respect patent rights, thereby elevating the infringement from intentional to willful. It is also disrespectful to the law and the court system. The plaintiff contends that this egregious conduct justifies the imposition of treble damages.

40. Plaintiff is seeking 6 years of willful infringement from 2018 to 2024.

41. (EXHIBIT B) shows the Defendant's modifications to the Plaintiff's claims, some of which do not qualify as a vaporizer and can produce harmful chemicals. The Plaintiff's patent is listed as a medical vaporizer. Doctors recommend vaporizers for safety, but some of the Defendant's products can cause harm to patients. The Plaintiff is requesting an order to recall and destroy these products and award damages for harm to the reputation of the Plaintiff.

42. Plaintiff reserves the right to amend this complaint.

COUNT [I]: WILLFUL INFRINGEMENT OF

PATENT NO. US 10,779,573

43. Plaintiff incorporates and realleges all previous factual allegations herein by reference.

44. Defendant VPR Brands sold products that incorporated Plaintiff's patented invention without the consent of Plaintiff and without compensating Plaintiff (EXHIBIT B).

45. Daniel Hoff COO initially claimed to have developed VPR Brands' HoneyStick Extreme 2.0 Defender, Extreme 2.0 DUO, Extreme Defender, the infringing products with prior knowledge that the product infringes on Plaintiff's patent.

46. Defendant, or an agent of Defendant acting under Defendant's direction and control, has been and currently is infringing the '573 patent in violation of 35 U.S.C. § 271 and all related causes of action.

47. Defendants' infringement includes selling, offering to sell in this judicial district and elsewhere throughout the United States, and importing into and exporting from the United States the VPR Brands dba HoneyStick, without a license or authority from Plaintiff.

48. Defendants' actions have resulted in damage and injury to Plaintiff.

49. Plaintiff is informed and believes, and on this basis alleges, that Defendant has been and currently are as of 6/2024 contributorily infringing the granted patents, in violation of 35 U.S.C. § 271(c).

50. As a manufacturer and distributor, Defendant is selling or offering for sale to third parties, in this judicial district and throughout the United States, components that embody a material part of the inventions described in the granted '573' patent.

51. These components are known by Defendant to be especially made or especially adapted for use in infringement of the granted patent and are not staple articles or commodities suitable for substantial, non-infringing use. This includes, at least, the VPR Brands dba HoneyStick.

52. Defendant have done so without a license or authority from Plaintiff, even after Plaintiff initially contacted the Defendant about a licensing agreement, and that the infringing products are being sold through VPR Brands dba HoneyStick.

53. Defendant's actions are initially deemed intentional, as Defendant was aware of the circumstances since 2016 and chose not to comply with Plaintiff's calls and letters through 2023, which then made the defendants infringement, willful.

54. Plaintiff is informed and believes, and on this basis alleges, that Defendant have infringed and will infringe the granted patents by using the infringing products in violation of 35 U.S.C. § 271(a).

55. Plaintiff is informed and believes, and on this basis alleges, that the acts of infringement by Defendant have been, and continue to be, willful, and in conscious disregard of Plaintiff's rights in the granted patents.

56. Unless enjoined by the Court, Defendant will continue to infringe the granted patents.

57. As a direct and proximate result of Defendant' willful infringement of the granted patents, Plaintiff has suffered and will continue to suffer irreparable injury for which there is no adequate remedy at law.

58. Plaintiff has also been damaged in an amount yet to be determined. The damages suffered by Plaintiff include, but are not limited to, trebling of the damages, interest, the loss of sales revenue resulting from the unauthorized sales of the VPR Brands Variable Voltage Wax Vaporizer – attached to power supply and possibly more devices, as covered by "The '573 Patent" (Patent US 10,779,573 - Conjunctive Airflow Atomizer for Concentrates).

59. Plaintiff seeks compensatory damages in an amount equal to the sales revenue generated by Defendant through the unauthorized sale of the infringing products, the specific amount of damages will be determined during the course of litigation, and Plaintiff reserves the right to amend this Complaint to include the precise amount of damages as ascertained through discovery.

60. Because of the extreme willful nature of the Defendant, Plaintiff seeks treble damages for a 6-year period from 2018 to 2024 or pursuant to applicable law, including but not limited to 35 U.S.C. § 284, which allows for the award of up to three times the compensatory damages.

61. These damages include, but are not limited to, lost profits, diminished market share, and additional costs incurred by Plaintiff during this extended period and interest.

62. Since Defendant was aware of the circumstances in 2016 and chose not to comply with cease & desist and/or demand letters in June 2023, Defendant' actions are intentional and the stubbornness makes it willful.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Mr. Rose's, prayer for relief as follows:

- A. A judgment that the granted patent is valid and enforceable;
- B. A judgment that the granted patent is infringed by the Defendant; and a judgment that the Defendant's infringement of the granted patents is willful;
- C. A judgment that Mr. Rose was impoverished, by the Defendant willful infringement on his '573 patent, forcing him to seek financial help from family and friends, and the extended time to finish this complaint;
- D. An order preliminarily and permanently enjoining Defendant and its subsidiaries, parents, officers, directors, agents, servants, employees, affiliates, attorneys, and all others in active concert or participation with any of the foregoing, from further acts of infringement of the granted patents;
- E. An accounting for damages resulting from Defendant' infringement of the granted patents and the trebling of such damages because of the willful nature of Defendant' intentional infringement, in addition to treble damages, the plaintiff requests an accounting

and disgorgement of all profits derived from the sale of the infringing products, including any accessories sold in conjunction with these products;

F. A judgment awarding damages to Plaintiff for its costs, ADA accommodations for Mr. Rose, disbursements, expert witness fees, extended time, and attorney's fees and costs incurred in prosecuting this action, with interest. This includes damages for an exceptional case pursuant to 35 U.S.C. § 285 and as otherwise provided by law;

G. An order for the Defendants to recall and destroy any harmful products, and award additional damages for harm caused to the reputation of the Plaintiff;

H. An order recognizing the distinction between intentional and willful infringement;

I. An assessment of interest on damages;

J. Plaintiff reserves the right to amend this civil claim to include additional damages and counts.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff requests a trial by jury on all issues.

Under the penalty of perjury, I declare that the facts alleged therein are true and correct to the best of my knowledge and belief.

Respectfully submitted,



Date: 6/24/24

Sai Rose
1629 Chanterelle Dr. #A
Mckinleyville, Ca 95519
Phone: (707) 630-2488
thirdrail@gmail.com

See attached Report Off all Sales regarding the item since I launched them.

Let me know what times are good for you tomorrow and I will check the availability.



Office: (954) 504.9069
 Mobile: (954) 401.3631
 Fax: (954) 371.0097

Daniel Hoff
 Chief Operating Officer
 VPR Brands a publicly traded company (VPRB)
 1141 Sawgrass Corporate
 PKY, Sunrise, FL 33323



F

2:34 PM
 06/20/23
 Accrual Basis

VPR Brands, LP
Sales by Item Summary
 January 1, 2019 through June 20, 2023

Inventory	Jan 1, '19 - Jun 20, 23			
	Qty	Amount	% of Sales	Avg Price
H089 (HoneyStick Extreme Atomizer Kit)	5,542	149,528.92	50.2%	26.98
H090 (HoneyStick Triple Titanium Quartz Coil Spk)	2,772	51,047.15	17.1%	18.42
H091 (HoneyStick Ceramic Donut Coils Spk)	2,032	34,956.24	11.7%	17.20
H112 (HoneyStick Extreme 2.0 Wax Tank)	1,507	41,289.69	13.9%	27.40
H112-CL (HoneyStick Extreme Tank 2.0 Coils Spk)	1,138	21,247.62	7.1%	18.67
Total Inventory	12,991.00	298,069.62	100.0%	22.94
TOTAL	12,991	298,069.62	100.0%	22.94

EXHIBIT A

Top View Replacement Coil

Ceramic heating chamber narrowed on both sides.
 Creating a rectangle, rounded at the top and bottom of the rectangle.
 Forcing the concentrate to the coil.



The Saionara



The Saionara

Reclaim Cap - Inside Bottom View

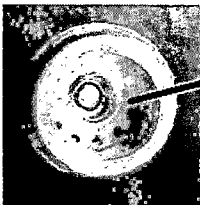
This shows the Reclaim Cap that collects the splatter from the heat of the coil and also blocks that hot splatter from coming in contact with the users mouth. Once the device is used a plurality of times, the user can reclaim that concentrate and apply it back to the coil, so to avoid waste and save money.

Conjunctive Airflow Base - Side View A

This shows the plurality of holes (4) that goes into the first chamber. This also shows the adjustable air ring to control the flow of air to the chambers.



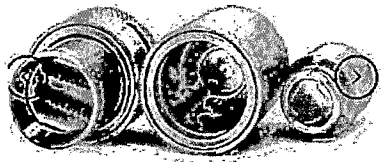
The Saionara



The Saionara

Conjunctive Airflow Base - Top View

This shows the plurality of holes (4) coming from the first chamber to the 2nd chamber, which the 2nd chamber is complete once the Replacement Coil has been installed. Then the airflow goes to the plurality of holes (2) in to the Replacement coil to exit the final hole in the ceramic chamber flowing over the heated coil.



VPRB HoneyStick



VPRB HoneyStick



EXHIBIT B

513

Report from VPR Bran...

After sharing the 15% number with my team that is not a number they will do.

Our Company has won and settled cases for violations of highly valuable trademarks, did Licensing deals, and auto draw patent violation settlements and the numbers are significantly less than what you are asking for.

Furthermore the Key violators of your Patent Generating basically all the cashflow in the category the Chinese Factory (SZ Crossing), Atmos, Pulsar, HVT, are enjoying the Lowest costs, they never even invested high \$\$\$ in a mold as they used yours and didnt have that hill to climb. At a tax like that the landscape is no longer competitive. Even if you take atmos and pulsar off the playing field the Chinese will find new distros and OEM clients. We have seen it happen in many cases. In all our conversations you haven't expressed any plans to how you will take out the factory who is the one making the most \$\$\$.

If you would like me to instead of telling management "the number Saii wants to avoid litigation is 15%" would you like me to ask what they would do, and a number to pay on forward sales on your tech or any new tech you bring to us? I can do that.

EXHIBIT C



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

APRIL 5, 2024

PTAS

MR. SAI STEPHEN ROSE
1629 CHANTERELLE DR.
MCKINLEYVILLE, CA 95519

508474956

UNITED STATES PATENT AND TRADEMARK OFFICE
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RECORDATION DATE: 04/03/2024

REEL/FRAME: 067000/0771
NUMBER OF PAGES: 2

BRIEF: NULLIFICATION OF PATENT ASSIGNMENT, RECORDED AT REAL FRAME 52912-530.
THE OWNERSHIP OF THE PATENT HAS NOT BEEN TRANSFERRED TO THIS DATE,
THE PROPER OWNER HAS BEEN AND REMAINS SAI STEPHEN ROSE.

ASSIGNOR:
ROSE, SAI STEPHEN, MR.

DOC DATE: 04/03/2024

ASSIGNEE:
ROSE, SAI STEPHEN
1629 CHANTERELLE DR A
MCKINLEYVILLE, CALIFORNIA 95519

APPLICATION NUMBER: 15605952

FILING DATE: 05/26/2017

PATENT NUMBER: 10779573

ISSUE DATE: 09/22/2020

TITLE: CONJUNCTIVE AIRFLOW ATOMIZER FOR CONCENTRATES

ASSIGNMENT RECORDATION BRANCH
PUBLIC RECORDS DIVISION

P.O. Box 1450, Alexandria, Virginia 22313-1450 - WWW.USPTO.GOV

EXHIBIT D

From: Stephen Rose <thirdrall@gmail.com>
Sent: Wednesday, June 19, 2024 12:31 PM
To: Kevin Frija <kevin.frija@vprbrands.com>; info@vapehoneystick.com
<info@vapehoneystick.com>
Subject: Re: Rose v VPR Brands /dba HoneyStick

To the legal department and CEO.

No more swearing and threats that you're going to make this case last until I die? Dan, the COO, has already admitted to using the claims. He explicitly said he used the Saionara and HVT to create your products. He mentioned that he met me at TPE2016. Now, you are using my airflow base, my narrowed ceramic cup, and the reclaim cap to stop splash. It is clear you used my claims, and there's no denying it, even without all of Dan's admissions.

Look up California Supreme Court rule 8.3. Since it's a Supreme Court ruling, it's enforceable throughout the country. That prevents your lawyer from denying that you are using the claims. Lawyers like yours that would drag out cases without merit, caused the 8.3 rule.

Twenty-one days after you are served, your lawyer must admit or deny using the claims. He cannot submit excuses. Your lawyer will be forced to admit using the three claims. That means I can file for summary judgment the day after your response.

The 5% is based on having a licensing agreement. FYI, you don't

have a licensing agreement. Additionally, there is no utility patent on an industry-standard vaporizer that performs at the level of my claims. Therefore, there is no 5% standard here. That's just more manipulation.

I will be submitting your email as an exhibit to the court to show the ridiculously low offer and that you want to manipulate and waste the court's time, even though your company admitted guilt. Ask your lawyer, that will help the court to award treble damages.

EXHIBIT E

From: Saii thirdrail@gmail.com
Subject: Re: Rose v VPR Brands /dba HoneyStick
Date: Jun 20, 2024 at 8:03:56 AM
To: Kevin Frija kevin.frija@vprbrands.com

Kevin, I understand this isn't easy, it wasn't meant to be. But one thing is certain, you have and can make things worse for VPRB.

Let's do a reality check together...

EXHIBIT C, Dan goes on to say, instead of me telling management what Sai wants to "avoid litigation" is 15%, would you like me to ask them what they will do and a number to pay on forward sales on your 'tech' and any new tech you bring us? (The 15% was based on the sales report!)

Those are 3 clear distinct separate numbers Dan mentioned. But in this email I am replying to, you're saying the opposite? Do I understand this like the judge will? Or do you think you're going to convince the judge otherwise?

That's a straight forward admission it's my 'tech', technology! Also, it's an admission you owe me for prior sales! What are prior sales of my 'tech' in this situation? Intentional and willful infringement which could be up to 3x total sales, as Dan puts it, to avoid litigation. Then Dan mentions a separate number to pay after you have a licensing agreement to continue selling them, Dan refers to as 'forward sales'. Why would you pay me not to litigate and forward sales if you aren't using my claims? Dan is the COO and the one responsible for creating these products, going to the expos, so he has firsthand knowledge of my claims and this situation.

The sales report Dan emailed was clearly showing past sales of my 'tech' as Dan puts it, and I asked for 15%. That's what the judge will decide on, as it's both fact and evidence. You attempting to change the narrative now, through this email, would be futile. Once the judge reads 'all of your emails', which I am attaching as EXHIBITS, your company will have 0 credibility, and it would go public in litigation, as you are a public company.

If you're not using my claims, then why are you offering to pay me for my 'tech', on forward sales? It clearly says after that, or any new 'tech' you bring to us. So we have current tech and new tech established.

Dan admits to meeting me at TPE in 2016? Do you really think the judges are naive? You're going to risk committing perjury, Dan too?

In this email, you claim the purpose of the sales report was to show how well

EXHIBIT F

'your product' sells? Do you really think the judge will believe you, after reading Dan's emails?

Also, Dan clearly says Atmos and Pulsar are the 'Key' violators, and that VPRB climbed a higher hill than they did by investing in a high \$\$\$ mold. So he outright admits to using my claims to make your product. Dan went on to say, if we strike a deal how will I (Sai) take out the others? Because they are using the same claims and would be competition.

Dan lied and manipulated about high \$\$\$ molds, that was just to falsely negotiate me down on my price to him, I'm smarter than you realize. The product is stainless steel, it is done on a CNC machine, not with a mold. Only the little ceramic cup would have a mold, and that's not expensive. Nonetheless, Dan admitted it all, and taking the steps to manufacture with my claims.

Do you really think the judge is going to find it a complete accident you used all my claims, and it looks almost the same?

You just proved to the court you are willing to lie and manipulate. The court will not let you drag out this case, especially after you claimed to use it to extend the court proceeding. I'm not waiving service; your lawyer will have 21 days to admit or deny using the claims after being served. You're in a tight corner. After 21 days I can file for a judgement.

I am ready to file a separate lawsuit against you and Dan personally, if need be.

In that sales report, it was lacking all the products sold with the infringing products. At this point I am not seeking those profits, but I will if I have to pursue this in court.

The judge will likely order you to relinquish all profits from products sold with the infringing devices, such as box mods and batteries. Then the Judge will make you give up all the profits you made on the infringing devices or up to 3x times the sales, which is called trebling the damages. Your sales report is almost \$300,000 the judge could order \$900,000, and the profits from anything sold with it, ask a lawyer and show all the facts and evidence here and the complaint. Then the judge could award other damages and interest.

EXHIBIT F-2

The VPR sales report showed nearly \$300,000 in sales, then there are the sales for the last 13 months. I don't figure that to be past \$400k.

I will settle for \$90,000, the profits, but when I file it goes to \$200,000. Once the summons and complaint are approved to be served, the amount will go up to \$300,000 and you'll only have the 21 days to accept it, which is the same timeline you will have to answer the summons and complaint. After 21 days my number goes up to \$500,000. When I file for summary judgment it will continue to go up, until the judge awards an amount.

So, I'm not taking your anger personally, and I'm offering you a very reasonable option. The reasonable option is that you get to walk away with the profits you made with products you sold with the infringing products, and at \$90,000 there should be a little bit of profit left.

If you don't accept it, you can see I am ready to proceed, and the judge will not let you play any games, and is much smarter than you think.

EXHIBIT F-3

Dear Sai,

This is a courtesy response to advise you we have made an attempt long ago to reasonable resolve this alleged issue, we offered to pay 5% for the license of the patent although we are not even infringing.

Take it or leave it. Offer expires 6/18/2024


Final Offer, do not email or contact us again.

Have a nice day.


DO NOT CONTACT US AGAIN, YOU ARE HARRASING US.

WE AR ENOT INFRINGING ON YOU PATENT AND WE WILL FILE FOR PATENT REVIEW IF WE MUST, YOU FILE IF YOU MUST, WE WILL DEFEND.

THE END.


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EXHIBIT G

EXHIBIT H

Sai you are the one who is emotional and probably could benefit from some help. We have never infringed not willfully or intentionally infringed or as far as we know today infringed at all on yours or anyone's patent. We sent you our sales figures only to negotiate a business agreement with interest in working with you on your patent a year ago and to show you approximately what the sales for the item you alleged infringe on your patent were to give you some range of our sales experience with a similar non infringing item. That was the only reason we sent that to you. We were immediately responsive because that's how we operate we do business and hoped to possibly create some mutually beneficial business relationship. After your repeated calls and emails and attempts to fabricate a narrative we have concluded that we do not want to entertain any business with you. We haven't yet evaluated your patent nor do we intend to because we don't have any interest in pursuing and further discussions. You are upset and the allegations and stories continue, and repeated contact continues. File your complaint of lies and let's see how that works out for you when we defend and expose just the opposite that you are making false allegations if you must, we will defend with the fact and the truth. Just because you "believe something" and then draft a completely false complaint doesn't mean it's the truth. That's what the courts are for, they will hear both sides and determine the facts and the truth. We are done speaking otherwise. We are no longer interested.



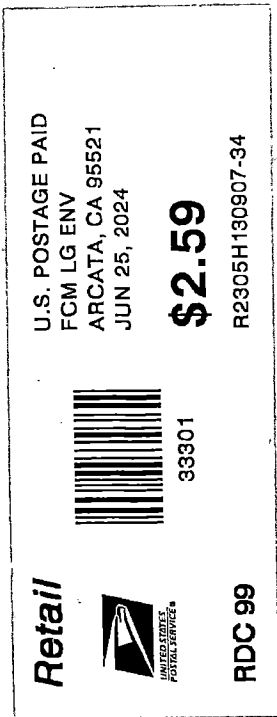
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EXHIBIT I

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U.S. D. C. - Clerk

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