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9 *Attorneys for Plaintiff JUUL Labs, Inc.*

10
11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA
13

14 JUUL LABS, INC., a Delaware
corporation,

15
16 Plaintiff,

17 v.

18 MOUNIR SEKKAT, an individual,

19
20 Defendant.
21

Case No. 2:20-cv-02328

COMPLAINT

22
23 Plaintiff JUUL Labs, Inc. ("JLI"), by and through its undersigned attorneys, files this
24 Complaint against defendant Mounir Sekkat, an individual ("Defendant"), as follows:
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1 **NATURE OF THE ACTION**

2 1. JLI is the designer, manufacturer, and distributor of JUUL-branded electronic
3 nicotine delivery systems ("ENDS") and other related products (collectively, the "JUUL
4 Products").

5 2. The JUUL Products have become targets for individuals and entities who wish to
6 take a "free ride" on the commercial success of the JUUL brand that JLI has spent considerable
7 effort and resources to build.

8 3. Specifically, wrongdoers have counterfeited JUUL Products by illegally
9 manufacturing, selling, and distributing fake, copied, and non-genuine versions of JUUL
10 Products and related packaging.

11 4. Through this action, JLI combats the sale and distribution of these unlawful
12 counterfeit products.

13 **PARTIES**

14 5. JLI is a corporation organized and existing under the laws of the State of
15 Delaware.

16 6. Defendant Mounir Sekkat is an individual who, on information and belief, resides
17 in this judicial district. On information and belief, Defendant Mounir Sekkat is the sole
18 proprietor and principal of the Smoke Shop Cigars & More retail business located at 4690 W.
19 Cactus Avenue, Suite 110, Las Vegas, NV 89141.

20 **JURISDICTION AND VENUE**

21 7. This Court has subject matter jurisdiction over this case pursuant to 15 U.S.C.
22 §1121 and 28 U.S.C. §§1331, 1338(a), and 1338(b) because (i) claims herein arise out of federal
23 trademark laws as codified in 15 U.S.C. §1114 and 15 U.S.C. §1125(a) (*i.e.*, trademark
24 infringement, false designation of origin, and unfair competition); and (ii) the unfair business
25 practices claim herein is brought with and is related to the substantial claims based on trademark
26 laws. This Court also has supplemental jurisdiction over JLI's claims arising under common law
27 or state law pursuant to 28 U.S.C. §1367(a) because the claims are so related to JLI's federal law
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1 claims that they form part of the same case or controversy and derive from a common nucleus of
2 operative facts.

3 8. This Court has general personal jurisdiction over Defendant due to his residence
4 and business activities in this judicial district. This Court has specific personal jurisdiction over
5 Defendant due to the nature and quality of his actions toward the state in which this Court is
6 located. The claims asserted herein arise out of and relate to such actions and this Court's
7 exercise of specific personal jurisdiction over Defendant comports with traditional notions of fair
8 play and substantial justice.

9 9. Venue in this judicial district is proper for these claims pursuant to 28 U.S.C.
10 §1391(b). As described herein, Defendant resides in this judicial district, a substantial part of the
11 events or omissions giving rise to these claims occurred in this judicial district, and Defendant
12 has extensive contacts with this judicial district relating to JLI's claims. Defendant conducts
13 regular and systematic business transactions in this judicial district, including direct sales to
14 consumers in this judicial district, which violate the intellectual property rights of JLI.

15 **FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS**

16 JUUL Trademarks and Products

17 10. JLI is the exclusive owner of federally-registered, registration-pending, and
18 common law trademarks. For example, JLI owns the following United States Trademark
19 Registrations:

20 Depiction of Trademark	Registration No. and Date	(1) First Use (2) In Commerce
21 JUUL®	4,818,664 (09-22-2015)	(1) 06-01-2015 (2) 06-01-2015
22 JUUL ®	4,898,257 (02-09-2016)	(1) 06-01-2015 (2) 06-01-2015
23 JUULpods®	5,918,490 (11-26-2019)	(1) 06-30-2015 (2) 06-30-2015

24 11. True and correct copies of the Registration Certificates for the above-listed
25 trademarks are attached hereto as Exhibit A. Hereinafter, JLI may sometimes utilize the phrase
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1 "the JUUL Marks" to refer to, collectively, JLI's federally-registered, registration-pending, and
2 common law trademarks.

3 12. JLI designs, manufactures, distributes, markets, and sells JUUL Products,
4 including the JUUL system comprised of: (i) a device containing a rechargeable battery, control
5 circuitry and a receptacle for a cartridge or pod, (ii) a disposable cartridge or pod ("JUULpod")
6 that can be inserted into the device, has a heating chamber and is prefilled with a proprietary
7 nicotine e-liquid formulation, and (iii) a charger for charging the device, and related accessories.

8 13. The JUUL Marks appear clearly on JUUL Products, as well as the packaging and
9 marketing materials related to such products.

10 14. The JUUL Marks, as well as the goodwill arising from such trademarks, have
11 never been abandoned.

12 15. JLI continues to preserve and maintain its rights with respect to the JUUL Marks,
13 including those registered with the United States Patent and Trademark Office.

14 16. Due in large part to the substantial commercial success of the JUUL Products, the
15 JUUL brand is well-known to consumers and has garnered extensive coverage by the media.

16 17. Through the extensive use of the JUUL Marks, JLI has spent substantial time,
17 money, and effort in developing consumer recognition and awareness of its brand. JLI markets
18 JUUL Products nationwide to current adult smokers, including through its website, and sells its
19 products through its nationwide authorized network. JLI also markets and sells its products
20 internationally. JLI has built up and developed significant customer goodwill in its entire
21 product line and the JUUL Products are immediately identified by the JUUL Marks.

22 Sales of Counterfeit Goods

23 18. Beginning on a date that is currently unknown to JLI, Defendant, without the
24 consent of JLI, has offered to sell and sold, and/or facilitated the offer and sale of, goods that
25 were neither made by JLI nor by a manufacturer authorized by JLI, all by using reproductions,
26 counterfeits, copies and/or colorable imitations of JUUL Products and the JUUL Marks
27 ("Counterfeit Goods").
28

1 19. JLI has not authorized any third party, including Defendant, to make or sell
2 ENDS or other types of products in connections with the JUUL Marks. The Counterfeit Goods
3 sold by Defendant are therefore not manufactured in accordance with JLI's own stringent quality
4 controls but are instead manufactured outside of JLI's knowledge and control, using unknown
5 substances and materials, in unknown locations and with unknown manufacturing
6 requirements/controls.

7 20. The Counterfeit Goods sold by Defendant bear counterfeit and confusingly
8 similar imitations of the JUUL Marks in a manner likely to be confused with genuine JUUL
9 Products.

10 21. For example, on November 22, 2019, a representative of JLI made an in-person
11 purchase of Counterfeit Goods for sale at the Smoke Shop Cigars & More retail business owned
12 and operated by Defendant located at 4690 W. Cactus Avenue, Suite 110, Las Vegas, NV 89141
13 (the "Smoke Shop Cigars & More Business"). True and correct images of the products
14 purchased on November 22, 2019 are attached hereto as Exhibit B. JLI subsequently inspected
15 the products purchased on November 22, 2019 and confirmed that the purchased products are in
16 fact counterfeit products.

17 Cease-and-Desist Correspondence to Defendant

18 22. On December 17, 2019, JLI's counsel mailed a cease-and-desist correspondence
19 to Defendant. A true and correct copy of this correspondence is attached hereto as Exhibit C.
20 This cease-and-desist correspondence provided specific notice of the following, among other
21 items: (i) JLI's confirmation that goods sold by Defendant are in fact counterfeit goods; (ii) JLI's
22 demand that Defendant cease the sale, manufacture, marketing, and importation of Counterfeit
23 Goods and all other unauthorized use of JLI's intellectual property; (iii) JLI's ownership of the
24 JUUL Marks; (iv) the statutory prohibition of the sale of Counterfeit Goods and all other
25 unauthorized use of JLI's intellectual property, and JLI's right to seek monetary judgments
26 against infringers; and (v) Defendant's willful infringement under federal law would be
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