

## Eliezer Lekht

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**From:** Anthony Meola <ameola@iplawusa.com>  
**Sent:** Thursday, April 14, 2022 12:23 PM  
**To:** Joseph Dunne  
**Cc:** Eliezer Lekht; Joel Rothman; Jeff Johnson; Jared L. DuJack; Steven Adams  
**Subject:** VPR Depo notices  
**Attachments:** Notice of Deposition - Kevin Frija.pdf; 30(b)(6) Notice of Deposition.pdf; Notice of Deposition - Guocheng Pan.pdf

Joe

We request a meet and confer to discuss deposition dates of Kevin Frija, Goucheng Pan and a 30(b)(6) representative for VPR.

We are also serving today a Notice of Subpoena for Brandon Pilmaier for documents related to his report and to notice his deposition. We can also discuss scheduling this deposition as well.

In this connection, please let me know your available for a meet and confer Monday and Tuesday of next week.

Thanks

anthony

**Anthony L. Meola**, *Partner*



3 Manhattanville Road•Suite 105•Purchase, New York 10577

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA  
PHOENIX DIVISION**

VPR Brands, LP

Plaintiff,

v.

Jupiter Research, LLC,

Defendant.

**CASE NO.: CV-20-02185-PHX-DJH**

**DEFENDANT**

**JUPITER RESEARCH, LLC'S**  
**FRCP 30(b)(6) DEPOSITION NOTICE**  
**FOR PLAINTIFF VPR BRANDS, LP**

To: SRIPLAW  
Attn: Joel B. Rothman  
21301 Powerline Road  
Suite 100  
Boca Raton, FL 33433  
*Attorneys for Plaintiff VPR Brands, LP*

**PLEASE TAKE NOTICE** that, pursuant to Rules 26 and 30(b)(6) of the Federal Rules of Civil Procedure, Defendant **JUPITER RESEARCH, LLC** will take the oral and/or videotaped deposition of Plaintiff **VPR BRANDS, LP** as follows:

**DATE AND TIME:** Tuesday, February 15, 2022 at 9:00 am Arizona local time

Offices of Defense Counsel for Jupiter Research, LLC

**PLACE:** Schmeiser, Olsen & Watts LLP

18 East University Drive, Suite 101, Mesa, AZ 85201

on Tuesday, February 15, 2022, beginning at 10:00 a.m., continuing until completed, at either in person or via remote conferencing means, to be agreed upon by and between the parties.

The deposition will be taken before a certified court reporter or notary public duly

authorized to administer oaths. If not completed on the date determined by the parties, the deposition will continue from day to day thereafter. Defendant reserves the right to videotape the deposition, including the instant visual display of the testimony. Pursuant to Rule 32 of the Federal Rules of Civil Procedure, notice is hereby given that the Defendant may introduce the deposition testimony of the deponent at Trial.

Pursuant to Fed. R. Civ. P. 30(b)(6), Plaintiff **VPR BRANDS, LP** is hereby directed to designate one or more officers, directors, managing agents, or other persons who are most knowledgeable and competent to testify about those matters set forth on **Exhibit A**, attached hereto.

DATED this 7<sup>th</sup> day of January, 2022.

SCHMEISER, OLSEN & WATTS LLP

By:

/s/ Anthony L. Meola

Anthony L. Meola (*pro hac vice*)  
SCHMEISER, OLSEN & WATTS, LLP  
3 Manhattanville Rd, Suite 105  
Purchase, NY 10577  
ameola@iplawusa.com  
Attorneys for Jupiter Research, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that on January 7, 2022, a true and correct copy of the foregoing document was served by electronic mail to all parties listed below:

Joel B. Rothman  
Eliezer Lekht  
Joseph Dunne  
SRIPLAW  
21310 Powerline Road, Suite 100  
Boca Raton, FL 33433  
Joel.rothman@sriplaw.com  
(561) 404-4350  
(561) 404-4353 (f)  
Attorneys for Plaintiff

/Steven Adams/

Steven Adams

## EXHIBIT A

### **DEFINITIONS AND INSTRUCTIONS**

- A. “Plaintiff” or “VPR” means the plaintiff VPR BRANDS, LP.
- B. The term “Defendant” means defendant Jupiter Research, LLC and all of its subsidiaries, affiliates, directors, employees, representatives and agents.
- C. The term “Complaint” refers to Plaintiff’s Complaint filed in this case.
- D. The term “patent-at-issue”, “patent-in-suit” or the “’622 Patent” refers to United States Patent Number 8,205,622 entitled “Electronic Cigarette.”
- E. The term “electronic cigarette” means a device comprising an atomizer, a power source such as a battery, and a container such as a cartridge or tank, whereby a user of said device inhales vapor instead of smoke, and where the use of such a device is often called “vaping.”
- F. The term(s) “accused product(s)” or “accused device(s)” mean(s) the electronic cigarettes made, manufactured, marketed, imported, sold, or offered for sale, by Defendant Jupiter Research, LLC.
- G. The terms “you” and “your” shall mean Plaintiff VPR BRANDS, LP.
- H. The terms “document” and “electronically stored information” (abbreviated as “ESI”) shall have the meanings given in the Federal Rules of Civil Procedure.
- I. The use of the singular form of any word includes the plural and vice versa.
- J. The term “Agent” shall mean: any agent, employee, officer, director, attorney, independent contractor or any other person acting at the direction of or on behalf of another.
- K. The term “Person” shall mean any individual, corporation, proprietorship, partnership, trust, association or any other entity.
- L. The words “pertain,” “refer,” “concern,” or “relate to” mean: pertain to, relates to, refers to, contains, concerns, describes, embodies, mentions, constitutes, constituting, supports, corroborates, demonstrates, proves, evidences, shows, refutes, disputes, rebuts, controverts or contradicts.
- M. In responding to this request for the production of documents, you are under an obligation to make a diligent search of all files that you reasonably believe may contain responsive documents. You are required to produce all documents in your possession, custody or control, regardless of location. Documents in your possession, custody or control include documents held by: you, your employees, assistants, agents, representatives, attorneys, and advisors; any business entity of which you were or are a principle, along with its officers, directors, employees, agents,

representatives, attorneys, and advisors' and any other person whose actions you may direct with respect to this request for production.

N. If you withhold any document covered by this document request based upon a claim of privilege, a list is to be furnished identifying each such document together with information called for in Federal Rule of Civil Procedure 26(b)(5).

O. If any objection is made to a document request or sub-part thereof, state all of the grounds upon which the objection is based. If any document request is objected to on the grounds of overbreadth, respond to the request as narrowed to conform with your objections.

P. These requests are continuing so as to require supplemental responses in accordance with Rule 26(e).

### **MATTERS FOR EXAMINATION**

1. All the different types, styles, items or skus of electronic cigarettes from which you received revenue (whether from sales made directly by you, or through a license or contract) from the date six years prior to the date of the filing of the complaint in this case through and including the date of your response.

2. The documents and items you produced in this case.

3. The trademarks or tradenames under which you sold electronic cigarettes, and for electronic cigarettes from which you received revenue (whether from sales made directly by you, or through a license or contract) from the date six years prior to the date of the filing of the complaint in this case through and including the date of your deposition.

4. The manufacturers and suppliers of the different types, styles, items or skus of electronic cigarettes you made, manufactured, marketed, imported, sold, offered for sale, or from which you received revenue (whether from sales made directly by you, or through a license or contract) under any trademark or tradename from the date six years prior to the date of the filing of the complaint in this case through and including the date of your deposition.

5. All revenue earned by you for electronic cigarettes from which you received revenue (whether from sales made directly by you, or through a license or contract) from the date six years prior to the date of the filing of the complaint in this case through and including the date of your deposition.

6. All advertisements and marketing material you used in connection with the sale of electronic cigarettes sold directly by you or through a license or other agreement.

7. All catalogues, circulars, leaflets, direct mail solicitations, e-mail solicitations or blasts, newspapers, magazines, brochures, telephone directories, or websites you used in connection with the sale of electronic cigarettes either directly or via a license or agreement.

8. All drawings, specs, sketches, plans, blueprints, or schematics of the device as claimed in the '622 Patent and/or showing how the patented device operates.

9. All patents or patent applications filed by you or on your behalf, or owned or licensed by you, for electronic cigarette(s) or device as disclosed or claimed in the '622 Patent.

10. All your non-privileged communications pertaining to the '622 Patent.

11. Your profit and loss statements from the date six years prior to the date of the filing of the complaint in this case through and including the date of your deposition.



12. Your first awareness of the accused device or devices.
13. Legal opinions pertaining to the '622 Patent.
14. Claims of infringement asserted by you against others for the '622 Patent and/or patents other than the '622 Patent in any way related to electronic cigarettes.
15. The patentability, validity, invalidity, enforceability, or unenforceability of the '622 Patent.
16. Any and all patents and applications related to the '622 Patent, including but not limited to prior art to the '622 Patent, whether or not cited to by the United States Patent Trademark Office.
17. Patent or literature searches run or conducted by you or on your behalf relating to the '622 Patent.
18. License agreements between you and any third parties relating to the '622 Patent including all licensing revenue therefrom.
19. All allegations in your Complaint.
20. Your rule 26 Initial Disclosures.
21. Your responses to any and all discovery requests and interrogatories for all cases you have filed asserting relating to the '622 Patent.
22. Any and all testimonials you received from users of electronic cigarettes sold by you directly or via a license or other agreement related to the '622 Patent.
23. Your subsidiaries, affiliates, directors, employees, representatives, and agents.
24. Any and all documents, arguments or exhibits filed in any Inter Partes Review filed with or to be filed with the Patent Trial and Appeal Board of the United States Patent and Trademark Office.
25. All documents filed by you with the Court in this case and any other case asserting the '622 Patent.
26. The construction or meaning of each and every word or term in each of Claims 1-18 of the '622 Patent.
27. The Joint Proposed Claim Construction document (ECF Document 29-1) filed with the Court in this case on December 6, 2021.
28. The prosecution history of the '622 Patent.
29. The deposition of Jordan Walker.

30. Non-privileged settlement agreements entered into between you and anyone against whom you have asserted the '622 Patent or any other electronic cigarette patent, and non-privileged communication related to those settlement agreements and any settlement negotiations between you and any 3<sup>rd</sup> parties related to electronic cigarettes.

31. Your acquisition of any rights in the '622 Patent and communications related to the negotiation of that acquisition.

32. The chain of title of the '622 Patent.

33. Communication with the inventors and/or owners of the '622 Patent prior to and after the acquisition.

34. The state of the art of electronic cigarettes and vaping devices prior to the filing of the '622 Patent and any patents to which the '622 Patent claims priority.

35. The state of the art of airflow sensors and microcontrollers prior to the filing of the '622 Patent and any patents to which the '622 Patent claims priority.

36. Any electronic cigarette that you have developed or made that practices any claim of the '622 Patent.

37. Software algorithms included in any electronic cigarette that you have made or developed that practices any claim of the '622 Patent.

38. Specific "Micyoco" devices utilized in electronic cigarettes related to the '622 Patent from which you have received any revenue, either from direct sales or via a license or other agreement.

39. Specific "diaphragm microphone" devices utilized in electronic cigarettes related to the '622 Patent from which you have received any revenue, either from direct sales or via a license or other agreement.

40. Specific "airflow sensor" devices utilized in electronic cigarettes related to the '622 Patent from which you have received any revenue, either from direct sales or via a license or other agreement.

41. Specific devices implementing any sequentially listed elements of claims 16 and 18 of the '622 Patent utilized in electronic cigarettes from which you have received any revenue, either from direct sales or via license or other agreement.

42. Any and all devices sold by anyone that you claim or have claimed infringe any claim of the '622 Patent, the specific claims that you allege those devices infringe, and how each element of the claim is infringed by that device.

43. The corporate formation and operation of VPR Brands, LP.

44. All retail outlets, ecommerce sites or other sales outlets owned and/or operated by VPR Brands, LP, including all businesses located at 3001 Griffin Road, Fort Lauderdale, Florida.

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA  
PHOENIX DIVISION**

VPR Brands, LP

Plaintiff,

v.

Jupiter Research, LLC,

Defendant.

Case No.: CV-20-02185-PHX-DJH  
Civil Action

**DEPOSITION NOTICE FOR  
KEVIN FRIJA**

To: SRIPLAW  
Attn.: Joel B. Rothman  
Eliezer Lekht  
Joseph Dunne  
SRIPLAW  
21310 Powerline Road, Suite 100  
Boca Raton, FL 33433  
*Attorneys for Plaintiff VPR Brands, LP*

PLEASE TAKE NOTICE that, pursuant to Rules 26 and 30 of the Federal Rules of Civil Procedure, Defendant Jupiter Research, LLC will take the oral and/or videotaped deposition of **KEVIN FRIJA** on Thursday, February 17, 2022, beginning at 9:00 a.m. Arizona local time, continuing until completed at Schmeiser, Olsen & Watts LLP, 18 East University Drive, Suite 101, Mesa, AZ 85201, either in person or via remote conferencing means, to be agreed upon by and between the parties.

The deposition will be taken before a certified court reporter or notary public duly authorized to administer oaths. If not completed on the date determined by the parties, the deposition will continue from day to day thereafter. Defendants reserve the right to videotape the deposition, including the instant visual display of the testimony. Pursuant to Rule 32 of the Federal Rules of Civil Procedure, notice is hereby given that the Defendants may introduce the

deposition testimony of the deponent at Trial.

DATED this 7<sup>th</sup> day of January, 2022.

SCHMEISER, OLSEN & WATTS LLP

By:

/s/ Anthony L. Meola

Anthony L. Meola (*pro hac vice*)  
SCHMEISER, OLSEN & WATTS, LLP  
3 Manhattanville Rd, Suite 105  
Purchase, NY 10577  
ameola@iplawusa.com  
Attorneys for Jupiter Research, LLC

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(561) 404-4353 (f)  
Attorneys for Plaintiff

/Steven Adams/

Steven Adams

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA  
PHOENIX DIVISION**

VPR Brands, LP

Plaintiff,

v.

Jupiter Research, LLC,

Defendant.

Case No.: CV-20-02185-PHX-DJH  
Civil Action

**DEPOSITION NOTICE FOR  
GUOCHENG PAN**

To: SRIPLAW  
Attn.: Joel B. Rothman  
Eliezer Lekht  
Joseph Dunne  
SRIPLAW  
21310 Powerline Road, Suite 100  
Boca Raton, FL 33433  
*Attorneys for Plaintiff VPR Brands, LP*

PLEASE TAKE NOTICE that, pursuant to Rules 26 and 30 of the Federal Rules of Civil Procedure, Defendant Jupiter Research, LLC will take the oral and/or videotaped deposition of **GUOCHENG PAN** on Wednesday, February 16, 2022, beginning at 9:00 a.m. Arizona local time, continuing until completed at Schmeiser, Olsen & Watts LLP, 18 East University Drive, Suite 101, Mesa, AZ 85201, either in person or via remote conferencing means, to be agreed upon by and between the parties.

The deposition will be taken before a certified court reporter or notary public duly authorized to administer oaths. If not completed on the date determined by the parties, the deposition will continue from day to day thereafter. Defendants reserve the right to videotape the deposition, including the instant visual display of the testimony. Pursuant to Rule 32 of the Federal Rules of Civil Procedure, notice is hereby given that the Defendants may introduce the

deposition testimony of the deponent at Trial.

DATED this 7<sup>th</sup> day of January, 2022.

SCHMEISER, OLSEN & WATTS LLP

By:

/s/ Anthony L. Meola

Anthony L. Meola (*pro hac vice*)  
SCHMEISER, OLSEN & WATTS, LLP  
3 Manhattanville Rd, Suite 105  
Purchase, NY 10577  
ameola@iplawusa.com  
Attorneys for Jupiter Research, LLC



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(561) 404-4353 (f)  
Attorneys for Plaintiff

/Steven Adams/

Steven Adams