

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA
PHOENIX DIVISION
CASE NO.: CV-20-02185-PHX-DJH

VPR BRANDS, LP,

Plaintiff,

v.

JUPITER RESEARCH, LLC,

Defendant.

PLAINTIFF'S NOTICE OF RULE 30(b)(6) DEPOSITION TO JUPITER RESEARCH, LLC

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Plaintiff will take the following deposition:

NAME: The corporate representative(s) of **Jupiter Research, LLC** designated to testify regarding the subject matters set forth on Exhibit A.

DATE AND TIME: Friday, May 14, 2021 at 9:00 am Arizona local time

PLACE: By remote videoconference with details to be provided.

The deposition will be taken upon oral examination before a notary public or some other officer duly authorized by law to take depositions. The deposition will continue from day to day until completed. The deposition is being taken for the purpose of discovery, for use at trial, or both of the foregoing, or for such other purposes as are permitted under the applicable and governing rules.

Dated: April 19, 2021

Respectfully submitted,

SRIPLAW

CALIFORNIA ♦ GEORGIA ♦ FLORIDA ♦ TENNESSEE ♦ NEW YORK

VPR Exhibit
2015
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/s/ Joel Rothman

JOEL B. ROTHMAN

Pro hac vice

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Counsel for Plaintiff Vpr Brands, Lp

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on April 19, 2021, a true and correct copy of the foregoing document was served by electronic mail by the Court's CM/ECF System to all parties listed below on the Service List.

/s/ Joel Rothman

SERVICE LIST

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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” or “patent-in-suit” 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 “accused products” means the electronic cigarettes made, manufactured, marketed, imported, sold, or offered for sale, by defendant.
- G. The terms “you” and “your” shall mean defendant JUPITER RESEARCH, LLC.
- 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 you sold 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 you produced in this case.
3. The trademarks or tradenames under which you sold electronic cigarettes 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, or offered for sale 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 from the sale of electronic cigarettes 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.
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.
8. All drawings, specs, sketches, plans, blueprints, or schematics of the accused device showing how the accused devices operate.

9. All patents or patent applications filed by you or on your behalf for electronic cigarette(s).
10. All your communications pertaining to the patent-in-suit.
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 patent-in-suit.
13. Legal opinions pertaining to the patent-in-suit.
14. Claims of infringement asserted against you for patents other than the patent-in-suit.
15. The patentability, validity, invalidity, enforceability, or unenforceability of the patent-in-suit.
16. prior art to the patent-in-suit or that you contend would anticipate or otherwise render obvious any claim or claims of the patent-in-suit.
17. Patent or literature searches run or conducted by you or on your behalf relating to the patent-in-suit.
18. License agreements between you and any third parties relating to electronic cigarettes.
19. Your answer, affirmative defenses, and counterclaims.
20. Your rule 26 Initial Disclosures
21. Your responses to discovery requests and interrogatories.
22. Testimonials you received from users of your electronic cigarettes.
23. Your subsidiaries, affiliates, directors, employees, representatives, and agents.