

PATENT ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

Assignment ID: PATI204949

SUBMISSION TYPE:	RESUBMISSION
NATURE OF CONVEYANCE:	Correction by Declaration erroneously filed against reel 061077 /frame 0296
RESUBMIT DOCUMENT ID:	508412279

CONVEYING PARTY DATA

Name	Execution Date
Puff Corporation	02/23/2024

RECEIVING PARTY DATA

Company Name:	Puff Corporation
Street Address:	1201 West 5th Street, Suite T-800
City:	Los Angeles
State/Country:	CALIFORNIA
Postal Code:	90017

PROPERTY NUMBERS Total: 1

Property Type	Number
Patent Number:	10271579

CORRESPONDENCE DATA**Fax Number:** 3142592020*Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.***Phone:** 3142592000**Email:** susan.murphy@bcplaw.com**Correspondent Name:** Daniel A. Crowe**Address Line 1:** 211 North Broadway, Suite 3600**Address Line 4:** St. Louis, MISSOURI 63102

ATTORNEY DOCKET NUMBER:	1086930.122
NAME OF SUBMITTER:	SUSAN MURPHY
SIGNATURE:	SUSAN MURPHY
DATE SIGNED:	05/01/2024

Total Attachments: 13

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PATENT ASSIGNMENT DRAFT COVER SHEET

Electronic Version v1.1
 Stylesheet Version v1.2

Assignment ID: 60540

SUBMISSION TYPE:	CORRECTIVEASSIGNMENT
NATURE OF CONVEYANCE:	Corrective Assignment to Correct the Patent Assignment for Patent Number 10,271,579 previously recorded on Reel 61077 Frame 296 .Assignor (s) hereby confirms the patent assignment is incorrect
SEQUENCE:	2
CONVEYING PARTY DATA	
Name	Execution Date
SHO PRODUCTS LLC	02/23/2024
RECEIVING PARTY DATA	
Company Name:	Puff Corporation
Street Address:	1201West 5th Street , Suite T-800 ,
City:	Los Angeles
State /Country:	CALIFORNIA , UNITED STATES
Postal Code:	90017
PROPERTIES NUMBERS Total: 1	

Property Type	Number
Patent Number :	10271579

CORRESPONDENCE DATA

Fax Number : 3142592020

Phone Number : 3142592000

Email: bcipdocketing @bclplaw .com

Correspondence will be sent to the email address first ; if that is unsuccessful , it will be sent using a fax number, if provided; if that is unsuccessful , it will be sent via US Mail.

Correspondent Name: Daniel A. Crowe

Address Line 1: 211North Broadway , Suite 3600

City: St. Louis

State: MISSOURI

Country/Postal: UNITED STATES, 63102

Docket number: 1086930.122

Total Attachments : 1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 10,271,579
Patent Appl. No.: 15/629,566
Issued: April 30, 2019
Inventor: Carlos Garay and Robert Kayvon
Title: Removable Cup Atomizer

Attn: Assignment Services Division
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313

**DECLARATION OF PATENT OWNER UNDER MPEP § 323.01(C) REGARDING
IMPROPERLY RECORDED ASSIGNMENTS AGAINST OWNER'S INTEREST**

I, Joy Huffman, declare as follows:

1. I am the Chief Financial Officer of Puff Corp., a Delaware corporation (“Puffco”), the owner of United States Patent No. 10,271,579 (“the ‘579 Patent”).
2. Unless otherwise stated as being on information and belief, the facts stated in this declaration are based on my own knowledge.
3. On March 2, 2022, Puffco purchased the ‘579 Patent from the owner of record, New Method Group, LLC. That same day, Puffco recorded an assignment of the ‘579 Patent from New Method Group, LLC to Puffco with the United States Patent and Trademark Office (“PTO”), which assignment was recorded at reel/frame: 059150/0167.
4. The assignment records of the PTO for the ‘579 Patent include two erroneous documents.
5. On July 9, 2022, someone recorded a Declaration purportedly signed by Randall Elkins of New Method Group, LLC erroneously asserting that the assignment of the ‘579 Patent from New Method Group, LLC to Puffco “was improperly recorded and should not be given any effect” (“Erroneous Document #1”). The quoted statement in Erroneous Document #1 is false.

6. On September 13, 2022, SHO Products, LLC (“SHO Products”) recorded with the PTO a document purporting to be a subsequent assignment of the ‘579 Patent from New Method Group, LLC to SHO Products (“Erroneous Document #2”). At the time of the execution of this purported assignment, Puffco was the owner of all right, title and interest in the ‘579 Patent, and New Method Group, LLC held no right, title, or interest in the ‘579 Patent.

7. The chain of title for the ‘579 Patent, including the two erroneous documents, is:

a. Assignment 1

Assignor: DC8 Distribution, Inc.
Assignee: New Method Group, LLC (Texas)
Reel: 049881
Frame: 0925
Date Recorded: July 26, 2019
Conveyance: Assignment of Assignor’s Interest

b. Assignment 2

Assignor: New Method Group, LLC (Texas)
Assignee: New Method Group, LLC (Nevada)
Reel: 051954
Frame: 0825
Date Recorded: February 27, 2020
Conveyance: Assignment of Assignor’s Interest

c. Assignment 3

Assignor: New Method Group, LLC (Nevada)
Assignee: Puff Corporation
Reel: 059150
Frame: 0167
Date Recorded: March 2, 2022
Conveyance: Assignment of Assignor’s Interest

d. Assignment 4 (Erroneous Document #1)

Assignor: New Method Group, LLC (Nevada)
Assignee: New Method Group, LLC (Nevada)
Reel: 060618
Frame: 0205
Date Recorded: July 9, 2022
Conveyance: Corrective Assignment to Correct the Declaration Previously Recorded at reel: 059150 frame: 0167

e. Assignment 5 (Erroneous Document #2)

Assignor: New Method Group, LLC (Nevada)
Assignee: SHO Products, LLC
Reel: 061077
Frame: 0296
Date Recorded: September 13, 2022
Conveyance: Assignment of Assignor's Interest

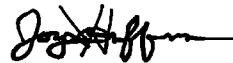
8. The two Erroneous Documents were improperly recorded, are invalid, and should not be given any effect.

9. Attached hereto as Exhibit A is a copy of a **Stipulation**, signed by SHO Products, in which SHO Products stipulated that (i) the March 2022 Assignment of the '579 Patent to Puffco is valid and enforceable, and Puffco is the sole owner of the '579 Patent; (ii) the purported September 2022 Assignment of the '579 Patent to SHO Products is invalid, void, null, and unenforceable; and (iii) SHO Products does not dispute that Puffco is a bona fide purchaser of the '579 Patent under 35 U.S.C. § 261 and common law.

10. As the last correct assignee, since March 2, 2022, Puffco has been, and continues to be, the current and sole owner of all right, title, and interest in and to the '579 Patent.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: 02 / 23 / 2024



Joy Huffman

EXHIBIT A

STIPULATION REGARDING DISMISSAL OF PLAINTIFF'S FIRST AMENDED
COMPLAINT WITH PREJUDICE

1 Colin D. Dailey (SBN 293942)
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8 **BRYAN CAVE LEIGHTON PAISNER LLP**
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9 St. Louis, MO 63102
10 Telephone: (314) 259-2619

11 Attorneys for Defendant and Counterclaimant Puff Corp.

12
13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 SHO Products, LLC, a New York
limited liability company,

16 Plaintiff,

17 vs.

18 Puff Corp., a Delaware corporation,

19 Defendant.

20
21 **AND COUNTERCLAIMS**
22
23
24

Case No. 2:22-cv-06709-GW-KS

**STIPULATION REGARDING
DISMISSAL OF PLAINTIFF'S FIRST
AMENDED COMPLAINT WITH
PREJUDICE**

[Submitted with Proposed Order]

District Judge: Hon. George Wu

Action Filed: September 19, 2022
Trial Date: Not Set

1 Plaintiff and Counterclaim-Defendant SHO Products, LLC (“SHO”) and
2 Defendant and Counterclaimant Puff Corp. (“Puffco”), through their respective
3 counsel of record, stipulate as follows:

4 1. WHEREAS, on March 2, 2022, Puffco purchased U.S. Patent No.
5 10,271,579, titled “Removable Cup Atomizer” (“the ‘579 Patent”), from the owner
6 of record, New Method Group, LLC. That same day, Puffco recorded an
7 assignment of the ‘579 Patent from New Method Group, LLC to Puffco with the
8 United States Patent and Trademark Office (“PTO”), which assignment has been
9 filed in this case at Docket 16-3 (the “March 2022 Assignment”).

10 2. WHEREAS, on September 13, 2022, SHO recorded with the PTO a
11 document purporting to be a subsequent assignment of the ‘579 Patent from New
12 Method Group, LLC to SHO, which document has been filed in this case at Docket
13 28-6 (the “September 2022 Assignment”).

14 3. WHEREAS, on September 19, 2022, SHO filed the complaint in this
15 action asserting a single claim against Puffco for alleged infringement of the ‘579
16 Patent. SHO alleged it had standing to assert the patent infringement claim pursuant
17 to an alleged August 20, 2019 Exclusive Patent License Agreement between SHO
18 and New Method Group, LLC (“EPLA”) and/or the September 2022 Assignment.

19 4. WHEREAS, on January 23, 2023, the Court entered an order granting
20 Puffco’s motion to dismiss the complaint for lack of standing. (Dkt. 37.)

21 5. WHEREAS, on February 13, 2022, SHO filed a First Amended
22 Complaint reasserting its claim for patent infringement. (Dkt. 43.)

23 6. WHEREAS, on April 20, 2023, Puffco filed its Answer to the First
24 Amended Complaint as well as certain compulsory counterclaims against SHO.
25 (Dkt. 52.)

26 7. WHEREAS, on April 27, 2023, the parties filed a Second Joint Rule
27 26(f) Report. (Dkt. 54.) As stated in that report: “The Parties agree that the case
28 should be phased. The Parties agree that Phase One should address the Parties’

1 dispute regarding patent ownership and standing[...]. If the case progresses beyond
2 Phase One, the Parties agree that Phase Two should address more typical patent
3 matters on a more typical schedule.” (Dkt. 54, at 3:13-19.)

4 8. WHEREAS, on May 5, 2023, the Court issued a Scheduling Order in
5 response to the Second Joint Rule 26(f) Report. (Dkt. 55.) The Court set a case
6 schedule with the understanding that the parties “intend to resolve the patent
7 ownership issue first (phase one)[,]” and set a fact discovery cutoff of August 31,
8 2023. (*Id.*)

9 9. WHEREAS, on August 11, 2023, following written discovery,
10 depositions, and subpoenas to third parties, SHO’s counsel informed Puffco’s
11 counsel that “SHO will be withdrawing its affirmative claims in the ’579 patent
12 lawsuit, resolving the question of ownership of the ’579 patent in Puffco’s favor.
13 Although SHO maintains that the EPLA was signed by Randall Elkins in 2019 and
14 was never terminated, SHO lacks sufficient evidence for a fact-finder to determine
15 that Puffco had constructive notice of the EPLA and overcome its bona fide
16 purchaser defense. The scheduling order in this case (Dkt. 55) states that phase one
17 is limited to the patent ownership issue; as the patent ownership issue has been
18 resolved, phase one is now over[.]”

19 10. WHEREAS, notwithstanding SHO’s agreement to dismiss its claims
20 with prejudice, SHO claims that the EPLA is genuine, valid, and enforceable, while
21 Puffco claims that the EPLA is fabricated, invalid, and unenforceable.

22 **NOW THEREFORE:**

23 11. SHO requests, and consents to, the Court entering an order dismissing
24 SHO’s First Amended Complaint in its entirety, including SHO’s claim for alleged
25 infringement of the ‘579 Patent, with prejudice.

26 12. The March 2022 Assignment of the ‘579 Patent to Puffco is valid and
27 enforceable, and Puffco is the sole owner of the ‘579 Patent. The parties remain in
28

1 dispute as to whether Puffco's ownership of the '579 Patent is subject to a license to
2 SHO.

3 13. The purported September 2022 Assignment of the '579 Patent to SHO
4 is invalid, void, null, and unenforceable. Puffco may record with the PTO this
5 Stipulation and/or any other order or judgment from this action, or take all other
6 steps Puffco deems necessary, in order to remove the cloud on title to the '579
7 Patent caused by the September 2022 Assignment or any other documents or filings,
8 and SHO shall cooperate with Puffco as reasonably necessary to accomplish the
9 foregoing.

10 14. SHO does not dispute that Puffco is a bona fide purchaser of the '579
11 Patent under 35 U.S.C. § 261 and common law. SHO does not dispute that Puffco
12 lacked actual, constructive, inquiry, or other notice of the purported EPLA prior to
13 purchasing the '579 Patent.

14 15. To the extent the EPLA is genuine or valid (which the parties dispute),
15 the interest therein that constitutes an assignment, grant, or conveyance of the '579
16 Patent is void as against Puffco under 35 U.S.C. § 261.

17 16. SHO continues to assert the EPLA provides SHO a non-exclusive
18 license to the '579 Patent and precludes Puffco from asserting the '579 Patent
19 offensively against SHO. Puffco disputes both contentions. Puffco continues to
20 assert that the entire EPLA is void against Puffco under 35 U.S.C. § 261. Puffco
21 also contends it owns the '579 Patent in its entirety and free of any licenses or
22 encumbrances.

23 17. The parties have submitted a proposed order for the Court's review,
24 and jointly request the Court enter an order in the form submitted herewith.

25 18. SHO waives any right to appeal its dismissal of the First Amended
26 Complaint and claim for patent infringement with prejudice.

27 19. The parties dispute whether it is appropriate for the Court to certify the
28 order dismissing SHO's First Amended Complaint with prejudice as a partial final

1 judgment on SHO’s affirmative claims for relief in SHO’s First Amended
2 Complaint pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, which
3 Puffco believes should be entered so that it may seek attorneys’ fees immediately
4 under 35 U.S.C. § 285. For clarity, the parties agree that if the Court enters the
5 proposed order submitted herewith, such order would not trigger a deadline to file a
6 motion for attorneys’ fees under Rule 54(d) unless the Court later certifies such
7 order as a partial final judgment pursuant to Rule 54(b). Puffco reserves the right to
8 file a motion asking the Court to certify the order as a partial final judgment
9 pursuant to Rule 54(b).

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Dated: September 26, 2023 **BRYAN CAVE LEIGHTON PAISNER LLP**

By: Colin D. Dailey
Colin D. Dailey
Attorneys for Defendant Puff Corp.

Dated: September 26, 2023 **ZUBER LAWLER LLP**

By: Brian J. Beck
Brian J. Beck
Attorneys for Plaintiff SHO Products, LLC

Pursuant to Local Rule 5-4.3.4(a)(2)(i), the filer hereby attests that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized its filing.

Title	Declaration re: Ownership of '579 Patent
File name	PTO Declaration for 579 Patent.pdf
Document ID	e843f1e3c7747a49d9bb048280761546e42d3a8e
Audit trail date format	MM / DD / YYYY
Status	• Signed

Document History



SENT

02 / 22 / 2024
00:43:57 UTC

Sent for signature to Joy Huffman (joy@puffco.com) from mark@puffco.com
IP: 47.229.71.45



VIEWED

02 / 23 / 2024
22:31:24 UTC

Viewed by Joy Huffman (joy@puffco.com)
IP: 172.119.129.84



SIGNED

02 / 23 / 2024
22:55:58 UTC

Signed by Joy Huffman (joy@puffco.com)
IP: 172.119.129.84



COMPLETED

02 / 23 / 2024
22:55:58 UTC

The document has been completed.