

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JUUL LABS, INC.

Petitioner,

v.

NJOY, LLC,

Patent Owner

IPR2024-00160
U.S. Patent No. 11,497,864

DECLARATION OF REBECCA MOORE

1. My name is Rebecca Moore. The statements contained in this declaration are based on my personal knowledge and the document cited in this declaration. I am not being separately compensated for the time spent in preparing this declaration.

2. I am a co-owner of Fuma International LLC (“Fuma”). I have worked at Fuma since the company was formed in July 2009. I am currently employed as Fuma’s Chief Operating Officer. While working at Fuma, I have been responsible for maintaining Fuma’s invoices and sales information for Fuma’s products, including but not limited to, Fuma’s cartridges and starter kits. I maintained Fuma’s invoices and sales information in two systems, which are called QuickBooks and Fishbowl.

3. Exhibit 2031 is a true and accurate copy of a spreadsheet that contains Fuma’s sales information for numerous Fuma products from October 26, 2009 to May 29, 2020. As reflected in Exhibit 2031, Fuma commercialized the Fuma cartridges and starter kits in 2009. This spreadsheet includes various information for each invoice, including but not limited to the date, item description, quantity, sales price, and amount. In each row, the “Amount” column reflects the total amount for the item listed in the “Item” column and is calculated by multiplying the “Qty” column by the “Sales Price” column.

4. I provided Fuma's total sales of its cartridges and starter kits between the years 2009-2012 based on the information provided in Exhibit 2031. I filtered for variations of the terms "Starter Kit" and "Replacement Cartridges" in the column labelled "Item." The "Starter Kit" variations include: "Deluxe SK WWTL (Deluxe Starter Kit WWTL)," "Deluxe SK MCBL (Deluxe Starter Kit MCBL)," "Basic SK WWTL (Basic Starter Kit WWTL)," "Basic SK MCBL (Basic Starter Kit MCBL)," "On the Go TL (On the Go Starter Kit WWTL)," and "On the Go ML (On the Go Starter Kit MCBL)." The "Replacement Cartridges" variations include: "FICRWWT-F5 (Five pack of (5) Tobacco Full Replacement Cartridges)," "FICRWWT-L5 (Five pack of (5) Tobacco Gold Replacement Cartridges)," "FICRWWT-UL5 (Five pack of (5) Tobacco Silver Replacement Cartridges)," "FICRFM-F5 (Five pack of (5) Menthol Full Replacement Cartridges)," "FICRCBM-L5 (Five pack of Menthol Gold Replacement Cartridges)," "FICRCBM-UL5 (Five pack of (5) Menthol Silver Replacement Cartridges)," "FICRWWT-FB (Midbox of ten (5) packs of Tobacco Full Replacement Cartridges)," "FICRFM-FB (Midbox of ten (5) packs of Menthol Full Replacement Cartridges)," "FICRDT-F5 (Five pack (5) of Desert Full Replacement Cartridges)," "FICRDT-L5 (Five pack of (5) Desert Gold Replacement Cartridges)," "FICRWWT-LB (Midbox of ten (5) packs of Tobacco Gold Replacement Cartridges)," "FICRCBM-LB (Midbox of ten (5) packs of Menthol Gold

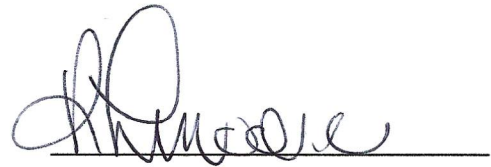
Replacement Cartridges),” “FICRCBM-ULB (Midbox of ten (5) packs of Menthol Silver Replacement Cartridges),” “FICRWWT-ULB (Midbox of ten (5) packs of Tobacco Silver Replacement Cartridges),” “FICRCT-FB (Midbox of ten (5) packs of Colonial Full Replacement Cartridges),” “FICRCT-LB (Midbox of ten (5) packs of Colonial Gold Replacement Cartridges),” “FICRDT-FB (Midbox of ten (5) packs of Desert Full Replacement Cartridges),” “FICRDT-LB (Midbox of ten (5) packs of Desert Gold Replacement Cartridges),” “FICRCT-F5 (Five pack (5) of Colonial Full replacement cartridges),” and “FICRCT-L5 (Five pack (5) of Colonial Gold Replacement cartridges).” After filtering for such “Starter Kit” and “Replacement Cartridges,” the column labelled “Amount” was used to tally by year. As reflected in Exhibit 2031, the sales of Fuma’s cartridges and starter kits grew from \$47,897 in 2009, to \$727,681 in 2010, and to \$2,699,102 in 2011. In 2012, the sales of Fuma’s cartridges and starter kits declined to \$2,087,355, which was a result of a number of other companies entering the market.

5. In 2019, Fuma brought two lawsuits against R.J. Reynolds Vapor Company (“RJRV”) for patent infringement. *Fuma Int’l LLC v. R.J. Reynolds Vapor Co.*, 1:19-cv-00260 (M.D.N.C.); *Fuma Int’l LLC v. R.J. Reynolds Vapor Co.*, 1:19-cv-00660 (M.D.N.C.). Fuma and RJRV later entered into a Settlement and License Agreement under which Fuma licensed numerous patents, including but not limited to, U.S. Patent No. 11,497,864.

6. I declare that all statements made in this declaration based on my own knowledge are true and that all statements made on information and belief are believed to be true. Further, I declare that all statements made in this declaration were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code.

7. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed: 8/21/24

A handwritten signature in blue ink, appearing to read "Rebecca Moore", is written over a horizontal line.

Ms. Rebecca Moore