ĺ	Case 2:19-cv-02126-DLR Document 1	Filed 03/29/19 Page 1 of 13
1	Jeffrey C. Matura, State Bar No. 019893	
2	Tabitha R. Myers, State Bar No. 030001 Barrett & Matura, P.C.	
3	8925 East Pima Center Parkway, Suite 100 Scottsdale, Arizona 85258	
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5	jmatura@barrettmatura.com tmyers@barrettmatura.com	
6	Attorneys for Plaintiffs	
7	UNITED STATE	S DISTRICT COURT
8	UNITED STATES DISTRICT COURT	
9	DISTRICT	OF ARIZONA
10	Jacob Anderson, on behalf of himself and	Case No.
11	all others similarly situated,	CLASS ACTION COMPLAINT
12	Plaintiff, v.	
13	Puff Corp., a Delaware Corporation,	
14	Defendant.	
15	Representative Plaintiff Jacob An	derson, on behalf of himself and all others
16	similarly situated, alleges the following Co	
17		DUCTION
18		ight by Representative Plaintiff on behalf of
19		class, of all persons who purchased PUFFCO's
20		and its retail partners since first sold on January
21	15, 2018. These vaporizers are defective. In some cases, the battery unit does not hold a charge or does not charge at all. In other cases, the atomizers break with a single use, or a few uses. Atomizers are not covered by PUFFCO's limited warranty and are \$39.99 to	
22		
23		
24	replace.	
25		UAL ALLEGATIONS
26		an American manufacturing company that
27		centrates and other smoking material for use in
28	manuractures vaporizers for cannadis cond	

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legal medical and adult use states.
3. Upon information and belief, PUFFCO is incorporated in Delaware, with its
principal place of business in Los Angeles, California.
4. PUFFCO has been distributing and selling the PUFFCO PEAK ("PEAK")
since January 15, 2018, with various iterations, colors, limited editions, and attachments.
(See Exhibit A).
5. The PEAK is an electronic vaporizer used to smoke cannabis concentrates
or other smoking material.
6. The PEAK retails for \$379.99 and comes with the PEAK device with
atomizer, a carrying case, cleaning swabs, a loading tool, a micro USB cable and
"supercharger," a carb cap, and an extra ceramic bowl. (See Exhibit B).
7. The PEAK requires ceramic "atomizers" to heat the smoking material.
Replacement atomizers retail for \$39.99 on PUFFCO's website. (See Exhibit C).
8. The PEAK packaging comes with an instruction manual which contains
instructions, warnings, and a summary of the one-year limited warranty (See Exhibit D).
9. The instruction manual accompanying the PEAK, represents that the PEAK
comes with a one-year warranty "for only the electronic base." PUFFCO does not
warrant the "glass, atomizers, normal wear and tear, or damage caused by accident or
abuse." (See Exhibit D).
10. However, a separate warranty exists on PUFFCO's website for all
"authentic Puffco-branded products," which guarantees that for the period of one (1) year,
the product will be "free of defects in design, assembly, material, or workmanship." (See
Exhibit E).
11. The marketing for the PEAK promotes its reliability, ensuring consumers
that the "design of the PEAK maintains a consistent experience," and touts a "more
consistently flavor experience." (See Exhibit F).
12. PUFFCO claims that "each component of the Peak represents an exhaustive
effort to find the best possible materials and designs. Each piece interlocking, without any

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glues or shortcuts, to deliver a perfect experience every time." (See Exhibit G).

2 13. In reality, the PEAK suffers from design and/or manufacturing defects 3 wherein 1) the battery will not remain charged, or never charges at all; and, 2) the 4 atomizers provided with the PEAK and replacement atomizers are defective in that they 5 do not heat properly or at all.

6 14. Upon discovering that the atomizers for the PEAK are defective, many class 7 members, including Plaintiff, foreseeably purchased—and indeed, were required to purchase based on the limited warranty included in the instruction manual-additional 8 9 atomizers at \$39.99 each, as PUFFCO expected, or should have expected, if not intended.

10 15. Many class members have continued to spend money replacing atomizers, 11 until they realize that it is futile or that the PEAK they purchased was fatally flawed.

12 16. PUFFCO further discourages customer complaints and warranty claims by providing only an email address for their customer service and not a phone number. 13 14 Further, consumers have reported that it takes several weeks to get reply from Customer 15 Service, and then another several weeks for Customer Service to respond to the 16 consumer's communication; or are unresponsive all together. (See Exhibit H).

17 17. The defectiveness of the PEAK atomizers is so prevalent that a business has 18 sprung up that caters to PEAK consumers by selling repair kits to fix defective PEAK 19 atomizers. (See Exhibit I).

20 18. From 2018 to the filing of the Complaint, consumers from all over the 21 United States have reported and complained about the defectiveness of the PEAK, as well 22 as the atomizers sold with the PEAK and replacement atomizers. (See Exhibit J).

23

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19. The numerous Complaints by consumers resolve any doubt that PUFFCO 24 was fully aware of the prevalence of these defects.

25 20. In fact, in an interview with David Downs of Leafly, Roger Volodarsky, the 26 Chief Executive Officer of PUFFCO, admitted issues with the PEAK and compared his 27 consumers (and PEAK purchasers) to beta software testers. (See Exhibit J).

28

21. Mr. Volodarsky admitted that PUFFCO was aware of the defect issues and

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stated the following: "If you're one of the first to buy it, you're going to be one of the first
 to experience issues." (See Exhibit J). Despite this knowledge of the pervasive defects, no
 national recall action has even been undertaken by PUFFCO to warn consumers, remove
 the defective product from circulation, or replace the defective atomizers or batteries.

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22. Instead, PUFFCO has chosen to maximize its profits and avoid the costs of fixing the defective PEAKs at the expense of its consumers, who are induced into spending money replacing atomizers at \$39.99 apiece.

8

23. PUFFCO continues to sell defective PEAK vaporizers.

9 24. By this scheme, PUFFCO has unfairly reaped profits by fraudulently
10 increasing demand for replacement atomizers. PUFFCO continues to market the PEAK
11 and its various models and attachments, notwithstanding the maelstrom of complaints
12 from their customers.

13 25. Plaintiff, on behalf of himself and all members of each of the respective
14 classes, seek damages, interest thereon, restitution, injunctive and other equitable relief,
15 reasonable attorneys' fees, and costs as a remedy for PUFFCO's numerous unlawful
16 and/or deceptive business practices, as detailed herein.

17

VENUE AND JURISDICTION

18 26. The Court has jurisdiction over the subject matter presented by this 19 Complaint because it is a class action arising under the Class Action Fairness Act of 2005 20 ("CAFA"), Pub. L. No. 109-2, 119 Stat. 4 (2005), which explicitly provides for the 21 original jurisdiction of the Federal Courts of any class action in which any member of the 22 plaintiff class is a citizen of a state different from any defendant, and in which the matter 23 in controversy exceeds the aggregate sum of \$5,000,000.00, exclusive of interest and 24 costs.

25 27. Plaintiff alleges that the total claims of the individual members of the
26 Plaintiff class in this action are in excess of \$5,000,000.00 in the aggregate, exclusive of
27 interest and costs, as required by 28 U.S.C. § 1332(d)(2), (5). As set forth below, Plaintiff
28 is a citizen of Arizona and PUFFCO is a citizen of Delaware. Therefore, diversity of

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citizenship exists under CAFA and diversity jurisdiction, as required by 28 U.S.C. §§
1332(a)(1), (d)(2)(A). Furthermore, Plaintiff alleges on information and belief that more
than two-third of all of the members of the proposed Plaintiff class in the aggregate are
citizens of a state other than Arizona, where this action is originally being filed, and that
the total number of members of the proposed Plaintiff class is greater than 100, pursuant
to 28 U.S.C. § 1332(d)(5)(B).

7 28. Venue in this jurisdiction is proper pursuant to 28 U.S.C. § 1391(a) because
8 as set forth below, PUFFCO conducts business, and may be found, in this district and
9 Plaintiff purchased the subject product of this action in this judicial district.

10

PLAINTIFF

29. Plaintiff is an individual more than 18 years old, and is a citizen of Arizona,
resident of Maricopa County. Plaintiff respectfully requests a jury trial on all damage
claims.

14 30. Plaintiff is an Arizona medical marijuana patient and authorized to consume
15 cannabis under Arizona's medical marijuana law.

16 31. Prior to discovering the product defects summarized above, Plaintiff
17 purchased the PEAK. These purchases were made within this judicial district, and as the
18 purchaser and owner of the PEAK, Plaintiff was damaged by PUFFCO's conduct, as set
19 forth herein.

20

32. Plaintiff is, at was at all times relevant herein, a member of the class.

33. Plaintiff brings this action on behalf of himself, and as a class action,
pursuant to Federal Civil Procedure Rule 23, on behalf of all persons similarly situated
and proximately damaged by the unlawful conduct described herein.

24

34. Within the relevant claim period, Plaintiff purchased the PEAK.

25 35. Plaintiff followed the instructions provided with the PEAK, allowing the
26 unit to charge fully before use.

27 36. To Plaintiff's surprise and dismay, within less than one week the atomizer
28 provided with the PEAK stopped heating properly. It would not heat the smoking

5

1 material properly and could not create smoke.

2 37. As the atomizer is not covered under PUFFCO's limited warranty, Plaintiff
3 was required to purchase another atomizer at full retail price of \$40.00 to enable the
4 PEAK to work again.

DEFENDANT

38. Defendant PUFF CORP. is an American vaporizer manufacturing company,
with principal offices in Los Angeles, California that produces vaporizers for the legal
cannabis industry since 2015.

9 39. In 2015, its first year of business, PUFFCO made \$5 million in sales.
10 PUFFCO's business relies, at least in part, the sale of replacement parts to existing
11 customers. (See Exhibit L).

12

5

CLASS ACTION ALLEGATIONS

40. Plaintiff brings this class action on behalf of himself and all others similarly
situated, for all claims alleged herein, pursuant to Federal Civil Procedure Rule 23. The
proposed class is defined as: All persons and entities that resided in the United States
(including its Territories and the District of Columbia) and purchased PUFFCO PEAK
Vaporizers from January 15, 2018 to the present.

18 41. PUFFCO, its officers, directors, employees, as well as the Judge(s) assigned
19 to this matter, the jury in this case, and the members of their immediate families and
20 Plaintiff's counsel's law firm(s) are excluded from the Plaintiff classes.

42. This action has been brought and may properly be maintained as a class
action under Federal Civil Procedure Rule 23 because there is a well-defined community
of interest in the litigation, and membership in the proposed class is easily ascertainable.

24a. Numerosity. A class action is the only available method for the fair and25efficient adjudication of this controversy. The members of the Plaintiff26classes are so numerous that joinder of all members is impractical, if not27impossible. Plaintiff is informed and believe and, on that basis, allege28that total number of class members is in the thousands of individuals.

Ι

1	Membership in the classes will be determined by analysis of Defendants'
2	records.
3	b. Commonality. Plaintiff and the class members share a community of
4	interests in that there are numerous common questions and issues of fact
5	and law which predominate over questions and issues solely affecting
6	individual members, including but not necessarily limited to:
7	i. Whether Defendant had a duty to disclose to consumers the defect
8	issues with the PEAK;
9	ii. Whether Defendant failed to disclose or concealed material
10	information regarding the defects with PEAK;
11	iii. Whether Defendant breached any express or implied warranties;
12	iv. Whether Defendant engaged in fraud;
13	v. Whether Defendant's conduct and business practices violated
14	Arizona's Consumer Fraud Act, A.R.S. § 44–1522, et seq.;
15	vi. Whether Defendant's conduct and business practices constituted
16	deceptive trade practices;
17	vii. The total number of defective PEAK products purchased by
18	consumers during the relevant claim period through PUFFCO
19	directly and from each of PUFFCO's retail partners;
20	viii. The total number of replacement atomizers purchased by
21	consumers during the relevant claim period through PUFFCO
22	directly and from each of PUFFCO's retail partners;
23	ix. The profits realized from consumers' purchasers of the defective
24	PEAK products and replacement atomizers;
25	x. Whether Plaintiff and class members are entitled to relief, the
26	amount of relief and nature of such relief, including injunctive
27	relief and/or restitution.
28	c. <u>Typicality</u> . Plaintiff's claims are typical of the claims of the Plaintiff 7

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classes. Plaintiff and all members of the Plaintiff class sustained economic damages arising out of and caused by PUFFCO's common course of conduct in violation of law, as alleged herein.

- d. <u>Adequacy of Representation</u>. Plaintiff in this class action are adequate representatives of each of Plaintiff class in that Plaintiff has the same interest in the litigation of this case as class members, are committed to vigorous prosecution of this case and have retained competent counsel who are experienced in conducting class action litigation of this nature. Plaintiff is not subject to any individual defenses unique from those conceivable applicable to other class members or the class in its entirety. Plaintiff anticipates no management difficulties in this litigation.
- 12 e. Superiority of the Class Action Procedure. Since the damages suffered 13 by the individual class members, while not inconsequential, may be 14 relatively small, the expense and burden of individual litigation by each 15 member makes or may make it impractical for members of the Plaintiff 16 classes to seek redress individually for the wrongful conduct alleged 17 herein. Should separate actions be brought or be required to be brought, 18 by each individual member of Plaintiff class, the resulting multiplicity of 19 lawsuits would cause undue hardship and expense for the Court, and the 20 litigants. The prosecution of separate actions would also create a risk of 21 inconsistent rulings which might be dispositive of the interests of other 22 class members who are not parties to the adjudication and/or may 23 substantially impede their ability to adequately protect their interests.

24 <u>FIRST CAUSE OF ACTION</u> 25 VIOLATION OF ARIZONA'S CONSUMER FRAUD ACT 26 ARIZ. REV. STAT. § 44-1522, *ET SEQ*. 27 43. Plaintiff re–alleges and incorporates by reference the allegations set forth in 28 each of the preceding paragraphs of this Complaint.

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1 44. Tl	he Arizona Consumer Fraud Act, A.R.S. § 44-1522 et seq. ("CFA") states:
	act, use or employment by any person of any deception,
	otive or unfair act or practice, fraud, false pretense, false ise, misrepresentation, or concealment, suppression or omission
of any	y material fact with intent that others rely on such concealment,
11	ression or omission, in connection with the sale or rtisement of any merchandise whether or not any person has in
	been misled, deceived or damaged thereby, is declared to be an vful practice.
	UFFCO is a "person" as defined by A.R.S. §44-1521.
	UFFCO's conduct constitutes an unfair method of competition and unfair
	acts and practices under the CFA, and were undertaken in transactions
intended to res	ult in, and which in fact resulted in, the sale of goods to consumers—
namely, to repe	eatedly sell replacement atomizers (which in turn might have also been
defective) to con	nsumers who previously purchased the defective PEAKs.
47. B	y engaging in the conduct described herein, PUFFCO violated A.R.S. §
44-1522 by mis	srepresenting and concealing the nature and scope of the defective PEAK
batteries and a	atomizers, as Plaintiff and putative class members relied on those
representations	and bore the cost of multiple sets of replacement atomizers and/or
otherwise incuri	red damages.
	SECOND CAUSE OF ACTION
BF	REACH OF THE STATUTORY EXPRESS WARRANTY
М	IAGNUSON-MOSS WARRANTY ACT, 15 U.S.C. § 2301, <i>et seq</i> .
48. Pl	laintiff re-alleges and incorporates by reference the allegations set forth in
each of the prec	ceding paragraphs of this Complaint.
49. Pl	laintiff and the putative class members are "consumers" within the
meaning of the	Magnuson-Moss Warranty Act, 15 U.S.C. § 2301(3).
50. De	efendant is a "supplier" and "warrantor" within the meaning of 15 U.S.C.
§ 2301(4)–(5).	
51. TI	he defective PEAKs are "consumer products" within the meaning of 15
	9

	Case 2:19	-cv-02126-DLR Document 1 Filed 03/29/19 Page 10 of 13
1	U.S.C. § 230	1(1).
2	52.	PUFFCO's warranty is a "written warranty" within the meaning of 15
3	U.S.C. §§ 23	01(6).
4	53.	PUFFCO breached the warranty by, inter alia:
5		a. Selling PEAKs with defective designs and/or defective
6		manufacturing such that they would not hold a charge or doesn't
7		charge at all.
8		b. Selling PEAKs with defective designs and/or defective
9		manufacturing such that the atomizer would be broken upon arrival
10		to the consumer, or within a few uses of the PEAK.
11	54.	PUFFCO's breach of warranty deprived Plaintiff and thousands of putative
12	class membe	rs benefits of their bargains.
13	55.	The amount in controversy in this action exceeds \$50,000, exclusive of
14	interest and costs.	
15	56.	There are more than 100 members each of the proposed class.
16	57.	PUFFCO have had a reasonable opportunity to cure their breach of written
17	warranty and	failed to do so.
18	58.	As a direct and proximate result of PUFFCO's breach of express warranty,
19	Plaintiff and	the putative class members sustained damages and other losses in an amount
20	to be determine	ined at trial.
21	59.	Further, Plaintiff and the putative class members are entitled to, and hereby
22	seek rescissi	on, interest, costs of suit, attorneys' fees and/or other such relief the court
23	deems appropriate.	
24		THIRD CAUSE OF ACTION
25		BREACH OF EXPRESS WARRANTY
26	60.	Plaintiff re-alleges and incorporates by reference the allegations set forth in
27	each of the preceding paragraphs of this Complaint.	
28	61.	PUFFCO warranted that each of the PEAKs was free of defects when it sold 10

Case 2:19-cv-02126-DLR Document 1 Filed 03/29/19 Page 11 of 13

1 these products to Plaintiff and the putative class members. 2 62. This express warranty became the basis of the bargain. 3 63. PUFFCO breach this warranty by, *inter alia*: 4 PEAKs with defective designs and/or defective Selling a. 5 manufacturing such that they would not hold a charge or doesn't 6 charge at all. 7 b. PEAKs with defective and/or defective Selling designs 8 manufacturing such that the atomizer would be broken upon arrival 9 to the consumer, or within a few uses of the PEAK. 64. 10 PUFFCO was on notice of the defects vis-à-vis direct complaints from 11 Plaintiff, putative class members, the internet message boards, social media accounts 12 maintained by PUFFCO, and from published product reviews on countless websites. As a direct and proximate result of PUFFCO's breach of express warranty, 13 65. 14 Plaintiff and putative class members sustained damages and losses in an amount to be 15 determined at trial. Further, Plaintiff and putative class members are entitled to and 16 hereby seek rescission, interest, costs of suit, attorneys' fees and/or other such relief the 17 court deems appropriate. 18 FOURTH CAUSE OF ACTION 19 **BREACH OF IMPLIED WARRANTY** 20 66. Plaintiff re-alleges and incorporates by reference the allegations set forth in 21 each of the preceding paragraphs of this Complaint. 22 67. The implied warranty of merchantability required that PUFFCO's PEAK 23 vaporizer be fit for the ordinary purposes for which such goods are used. 24 68. Plaintiff and the putative class members did not use PUFFCO's PEAK 25 vaporizer for an abnormal use. 26 69. As a direct, proximate and foreseeable cause of PUFFCO's breach of 27 implied warranty, Plaintiff and the putative class members sustained damages in an 28 amount to be determined at trial. 11

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PRAYER FOR RELIEF

WHEREFORE, the Plaintiff, on behalf of himself and each member of the proposed class, respectfully request that this Court enter judgment in their favor and for the following specific relief against PUFFCO as follows:

- That the Court declare, adjudge, and decree that this action is a proper class action and certify the proposed class and any other subclasses under Fed. R. Civ. P. 23(b)(1), (b)(2), and/or (b)(3), including appointment of Plaintiff's counsel as Class Counsel;
- 9
 2. For an award to Plaintiff and members of the class of compensatory and
 10
 special damages in an amount to be proven at trial;
- That PUFFCO be found to have violated Arizona's Consumer Fraud Act,
 A.R.S. § 44-1522;
- That PUFFCO be found to have violated Magnuson-Moss Warranty Act, 15
 U.S.C. § 2301, *et seq.*;
- 15 5. That PUFFCO be found to have breached the express and implied
 16 warranties;
- For equitable relief enjoining PUFFCO from engaging in the wrongful
 conduct alleged herein;
- 19 7. For interest on the amount of any and all economic losses, at the prevailing
 20 legal rate;
- 8. For an award of punitive and/or exemplary damages in an amount sufficient
 to deter such conduct in the future;
 - 9. For an award of reasonable attorneys' fees;
- 24 10. For all other such Orders, findings, and determinations identified and sought
 25 in this Complaint.
 - JURY DEMAND
- Plaintiff and members of the proposed classes hereby demand trial by jury on all
 issues triable of right by jury.

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1	
2	Dated this 29 th day of March, 2019.
3	
4	BARRETT & MATURA, P.C.
5	
6	By: /s/ Jeffrey C. Matura Jeffrey C. Matura
7	Tabitha R. Myers 8925 East Pima Center Pkwy, Ste 100
8	By: <u>/s/ Jeffrey C. Matura</u> Jeffrey C. Matura Tabitha R. Myers 8925 East Pima Center Pkwy, Ste 100 Scottsdale, Arizona 85258 Attorneys for Plaintiff
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UNITED STATES DISTRICT COURT DISTRICT OF ARIZONA

Civil Cover Sheet

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use <u>only</u> in the District of Arizona.

The completed cover sheet must be printed directly to PDF and filed as an attachment to the Complaint or Notice of Removal.

Plaintiff (s): Jacob Anderson		Defendant (s): Puff Corp.
County of Residence: Marico	pa	County of Residence: Outside the State of Arizona
County Where Claim For Rel	ief Arose: Maricopa	
Plaintiff's Atty(s):		Defendant's Atty(s):
Jeffrey Matura Arizona		
Tabitha Myers Arizona		
II. Basis of Jurisdiction:	4. Diversity (compl	ete item III)
III. Citizenship of Principal Parties (Diversity Cases Only)		
· · ·/	-1 Citizen of This St	ate
Defendant:	-5 Non AZ corp and	Principal place of Business outside AZ
IV. Origin :	1. Original Proceed	ling
V. Nature of Suit:	890 Other Statutor	y Actions
VI.Cause of Action:	28 U.S.C. § 1332(d)	(2)(5)
VII. Requested in Complaint Class Action	:Yes	

Dollar Demand: Jury Demand: Yes

VIII. This case is not related to another case.

Signature: /s/ Jeffrey C. Matura

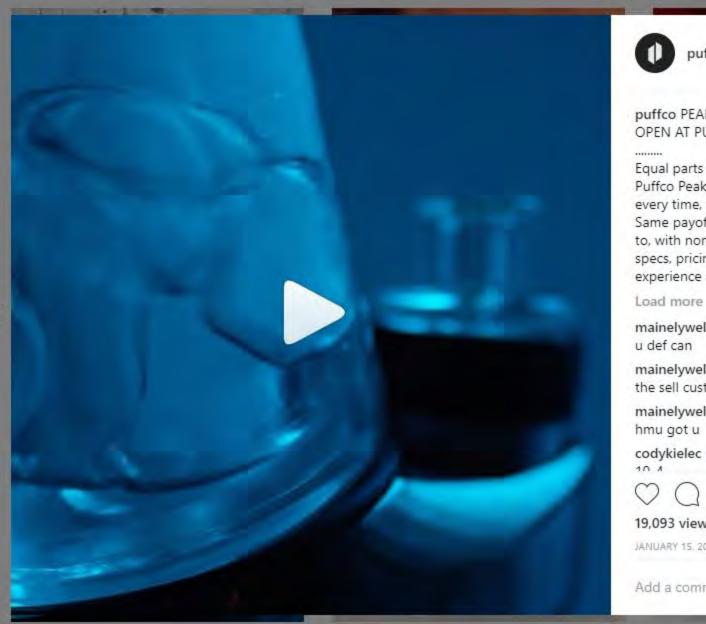
Date: <u>3/29/2019</u>

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, save this form as a PDF and include it as an attachment to your case opening documents.

Revised: 01/2014

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Exhibit A



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puffco 🗇 • Follow

puffco PEAK RESERVATIONS ARE NOW OPEN AT PUFFCO.COM

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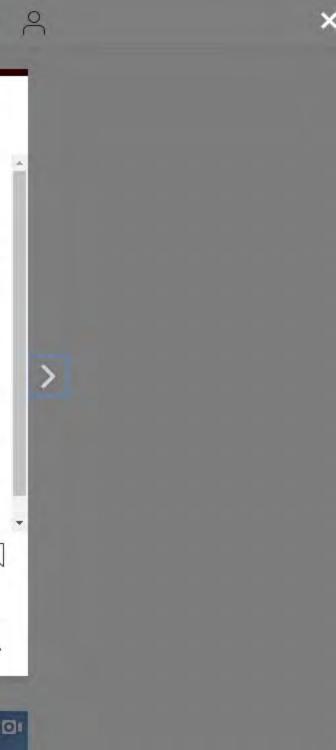
Equal parts evolution, and revolution. The Puffco Peak gives you a perfect experience every time, with just the click of the button. Same payoff and result you're already used to, with none of the laborious efforts. Full specs, pricing, and a brand new web experience await at Puffco.com

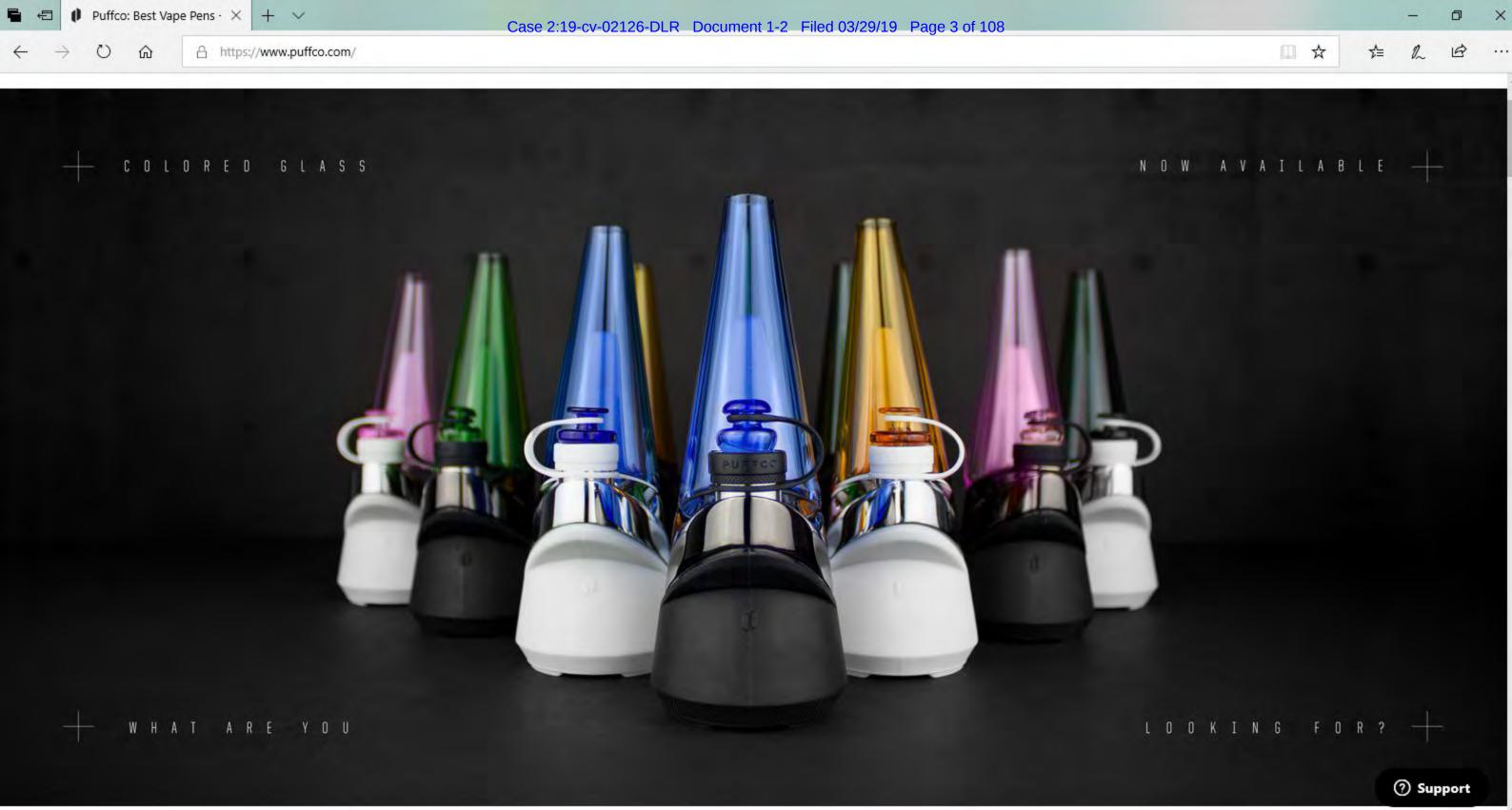
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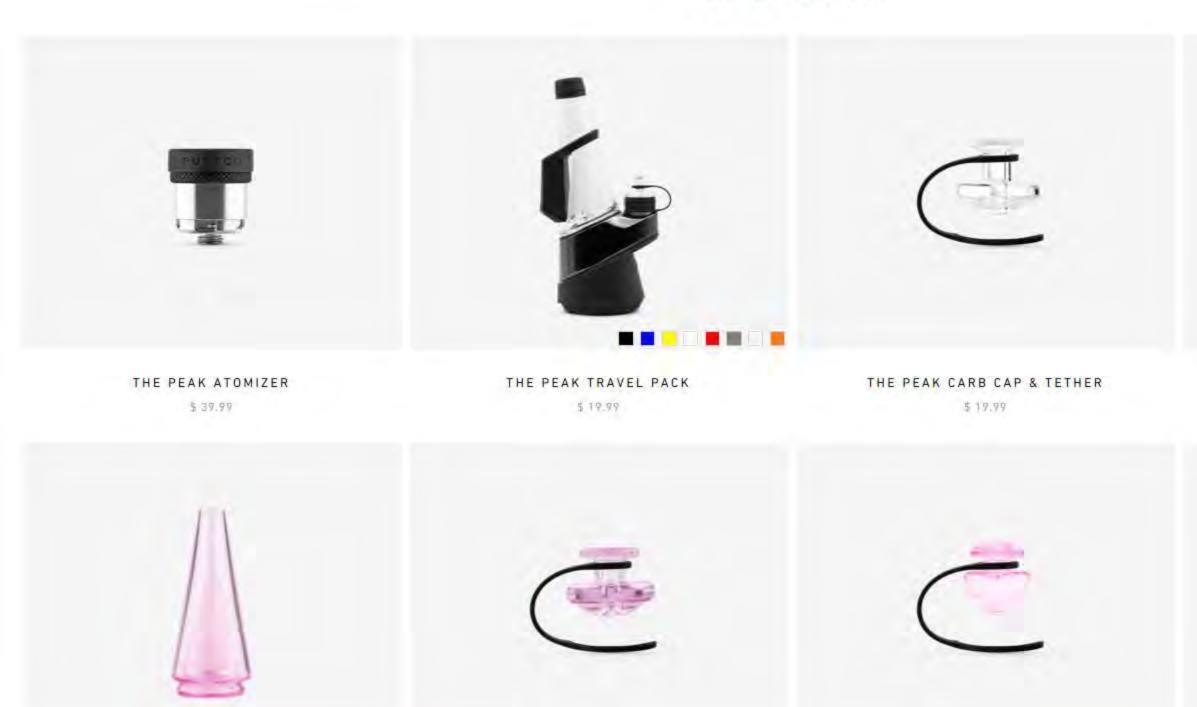




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https://www.puffco.com/collections/peak-accessories

PEAK ACCESSORIES





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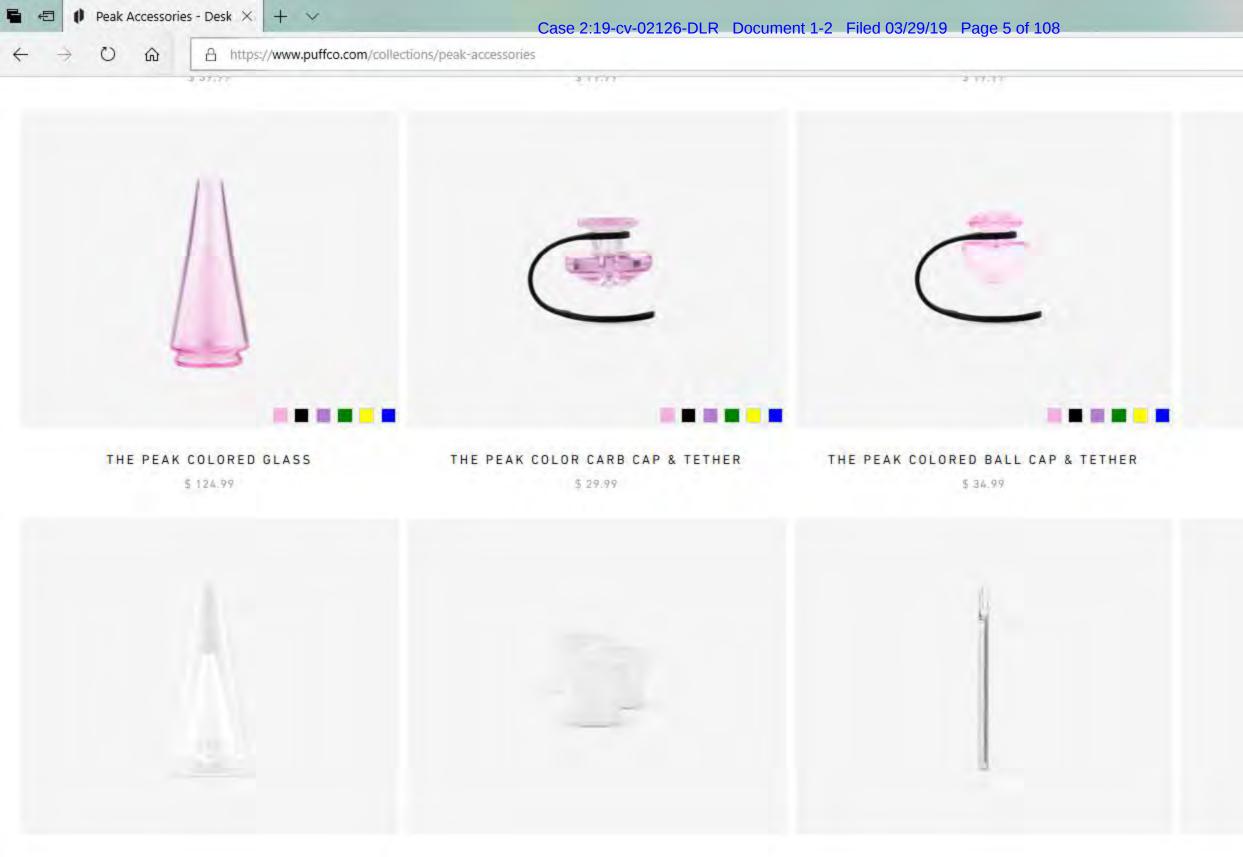
2 8

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THE PEAK BALL CAP & TETHER

\$ 24.99





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THE PEAK GLASS STAND

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B

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Exhibit B





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THE PEAK SMART RIG \$ 379.99

A automatic interest free payments of \$95.00 With \$ 52218 Learn more

This device unlocks the true power of concentrates, providing the clearest expression of the potency, flavor, and effects of the plant they're derived from. This means you get the most efficient and enjoyable experience, faster and easier than ever before, with no learning curve.

CHOOSE A COLOR:

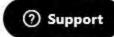
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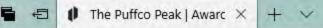
ADD TO CART

FREE DELIVERY PEAK PROTECTION (1 YEAR) PAYNEMY PLAN:



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A https://www.puffco.com/products/the-peak?variant=13780431962171





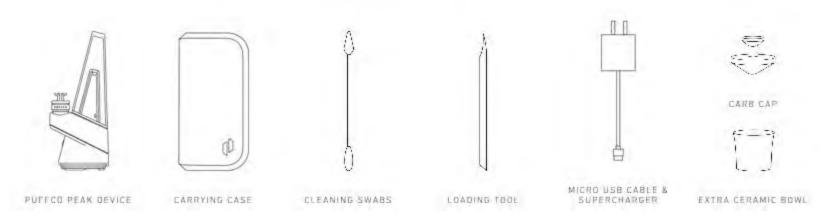
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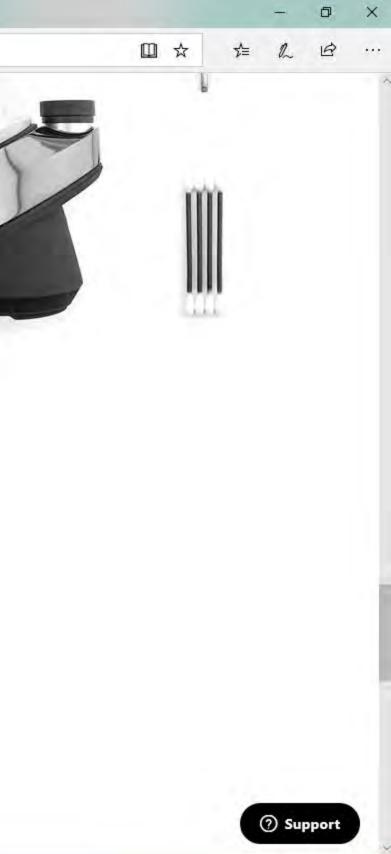
Case 2:19-cv-02126-DLR Document 1-2 Filed 03/29/19 Page 9 of 108

A https://www.puffco.com/products/the-peak?variant=13780431962171



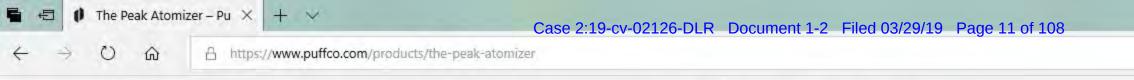
WHAT'S IN THE BOX





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Exhibit C



FREE SHIPPING ON ORDERS OVER \$50 IN U.S.

PUFFCO

PEAK PLUS ACCESSORIES MERCH GREATEST HITS SUPPORT

T 1 2



THE PEAK ATOMIZER

\$ 39.99

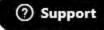
The Peak atomizer is a thermal-banger style, designed for optimal heat performance. It's made without the use of any coils, glues, plastics, or fibers, creating the purest consumption experience. It contains a ceramic bowl that provides the best flavor and heat profile. The entire atomizer disassembles for easy cleaning.



D

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QBR



Case 2:19-cv-02126-DLR Document 1-2 Filed 03/29/19 Page 12 of 108

Exhibit D

6-DLR Document 1-2 Filed 03/29/



PEAK INSTRUCTION MANUAL

SHARE THE VIEW:

Use **#PuffcoPeak** to share your experience. We'll share your photos and videos with our global audience (seriously we will).

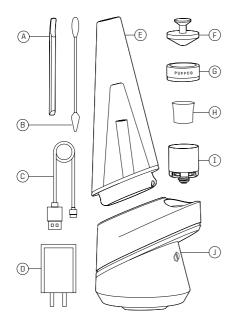
O Puffco

YOU'RE ALMOST TO THE TOP!

We know it's a drag, but please read through all the directions. This device is the first of its kind, and we'd like you to learn the easy way by reading this booklet. You'll learn some secret tips and tricks as well!

Ŷ	Whats inside / p 3
þ	Quick start / p 4 - 8
0	Temperature settings / p 9
þ	Battery / p 9
¢	Cleaning your device / p 10
0	Advanced features / p 11
¢	Warning / p 11
0	Peak Protection / p 12

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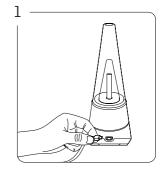
- A: Loading tool
- B: Cotton swabs
- C: USB cable
- D: AC adapter
- H: Ceramic bowl (2) T. Atomizer

G: Atomizer cover

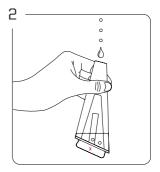
F: Carb cap*

- E: Glass attachment*
 - J. Base

*Each glass piece is hand blown, and may vary slightly in size.



STEP 1: Fully charge device before first use. Device pulses white while charging, and turns off automatically when complete.

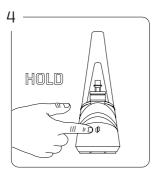


STEP 2: Fill glass with water just above the air-holes. Do not fill glass while attached to base. X - Do not allow water in lower section!

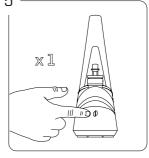
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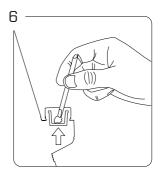
STEP 3: Align inlet hole on the front of the glass with atomizer. Carefully push the front of glass into the base, then the back.



STEP 4: To lock / unlock the device, hold down the button for 3 seconds.



STEP 5: Single click to toggle through heat settings. BLUE / 450 ° - GREEN (Medium) / 500 ° RED (Large) / 550 ° - WHITE (XL) / 600 °



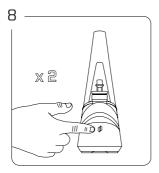
STEP 6: Use Loading tool to place contents on the bottom surface of the bowl (not the side).

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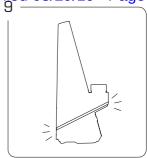
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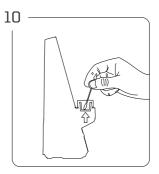
STEP 7: Place carb cap on top of atomizer.



STEP 8: Double click to initiate heat-up (20 second avg. heat-up time). Press and hold button anytime to exit. Pulsing light indicates heat-up mode is active.



STEP 9: Device will vibrate and lights will flash 3 times when ready. Inhaling gently will produce the best results. *See p. 11 for sesh mode.



STEP 10: Use a cotton swab to clean the chamber after each use.

aseTEMPERATURE26TDINGS:Document 1-2LEANSN003/29/19

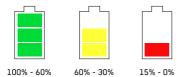


To cycle through the 4 temperature settings, click the button once.

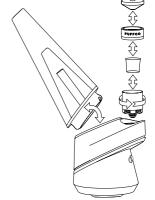
LOW (Small load) / 450° → 20 sec. heat up MEDIUM (Medium load) / 500° → 20 sec. heat up HIGH (Large load) / 550° → 25 sec. heat up PEAK (XL load) / 600° → 25 sec. heat up

The Peak device features intelligent temperature calibration, which provides a more consistent experience during repeated use. This means that all heat up times vary.

BATTERY:



Click the button 3 times to check battery life. Color will indicate remaining battery life. Battery fully charges in approximately 2.5 hours.



Preparation: Remove glass before unscrewing and re-inserting atomizer (fully tighten down before use).

1. Clean carb cap and glass by soaking in isopropyl alcohol. Rinse clean with water after.

 Atomizer can be cleaned with iso fully assembled or disassembled. Be sure to clean gold connector on base and bottom of atomizer with an alcohol soaked cotton swab.

* If your bowl cannot be easily removed, do not attempt to forecfully remove it. See online instructions at Puffco.com, or contact support immediately.

3. WARNING: After cleaning, allow all parts to thoroughly dry before use.

- *Before removing atomizer, make sure bowl has cooled.
- *Do not get the base wet it's electric it will break.
- *Throughly clean device every 20 uses.

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aseADYA9CEDOEADOBER: Document 1-2 Filed 03/29/19

Sesh Mode:

Haven't reached your peak? We got you covered. We created a sesh mode that increases heat and extends your session by 15 seconds. Use it to boost heat, or to share with your friends.

If vapor production is low, double click to initiate sesh mode. Still not enough? Damn you're hardcore, sesh again! You can double click as many times as you want to keep the session going.

WARNINGS: A

Multicolored light flash: Indicates poor or no connection between the base and atomizer.

3 red flashes: Indicates low battery. **5 light flashes:** Indicates short circuit. **Red light holds:** Device overheated.

- Do not allow water in the bottom chamber of glass.
- Do not let water seep into the atomizer.
- Do not overfill glass.
- Do not store device with water in the glass.
- Remove glass before unscrewing and inserting atomizer.
- Attach / detach glass carefully, do not force.
- Wait 1 minute between uses.
- Do not fire atomizer 4 times consecutively.
- Several short inhales produce more vapor.
- Do not place contents on the sidewalls of the bowl.
- Do not overfill chamber.
- If you experience a bug, turn the device on and off. Should the issue persist, contact support.
- Keep away from extreme hot and cold temperatures.
- Keep away from moisture and high humidity.



- PUFFCO QUALITY GUARANTEE -

PEAK PROTECTION:

We want to make sure you have a consistently perfect experience. Should something go wrong, visit Puffco.com to view FAQ's (your question might be covered there). If not, you can livechat with a specialist on our site or contact customer care at Support@Puffco.com.

Puffco One-Year Limited Warranty Summary:

Puffco provides one year of coverage for only the electronic base. This covers defects in materials and workmanship for one year from the date of original retail purchase. Puffco does not warrant glass, atomizers, normal wear and tear, or damage caused by accident or abuse. To obtain service, email Puffco customer care at Support@Puffco.com or visit https://Support.Puffco.com/hc/en-us. Call charges and international shipping charges may apply, depending on the location. Subject to the full terms and detailed information listed on Puffco's website under local consumer laws. You may be required to furnish proof of purchase details, and the device itself when making a claim under this warranty. Do not attempt to open the Puffco Peak base, this will immediately void the warranty for your product.

⊠ Support@Puffco.com

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LEGAL:

13

For all Puffco products, strictly use as intended. Puffco units should be used only by persons of legal age in congruence with state and or federal law. Know that Puffco reserves the right to verify the age of the consumer prior to every purchase. Registered Puffco products are not intended for any use which is illegal under any state or federal law. Moreover, Puffco products aren't intended to diagnose, prevent, treat, or cure any disease or medical condition. If you are pregnant, nursing, taking medication for a medical condition, or suspect you have a medical condition, please consult your physician before using any Puffco product.

This device complies with Part 15 of the FCC Rules. Operation is subject to the following two conditions: (1) this device may not cause harmful interference, and (2) this device must accept any interference received, including interference that may cause undesired operation.

Thank you for choosing Puffco. Welcome to the family. Puffco products are designed and engineered in Brooklyn, NY and assembled in China.



SHARE THE VIEW:

Use **#PuffcoPeak** to share your experience. Kindly follow us on instagram!





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Exhibit E

FREE SHIPPING ON ORDERS OVER \$50 IN U.S.



PUFFCO

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WARRANTY POLICY

PUFFCO ORIGINAL PURCHASE PRODUCT WARRANTY

EFFECTIVE DATE: MARCH 10, 2017

IMPORTANT: BY USING YOUR PUFFCO PRODUCT, YOU ARE AGREEING TO BE BOUND BY THE TERMS OF THE PUFFCO LIMITED WARRANTY ("WARRANTY") AND THE PUFFCO RETURN POLICY SET FORTH BELOW. DO NOT USE YOUR PRODUCT UNTIL YOU HAVE READ THE TERMS OF THE WARRANTY AND RETURN POLICY. IF YOU DO NOT AGREE TO THE TERMS OF THE WARRANTY AND/OR THE RETURN POLICY, DO NOT USE THE PRODUCT. IF YOU PURCHASED THE PRODUCT AT WWW.PUFFCO.COM, YOU MAY RETURN IT WITHIN THE RETURN PERIOD STATED IN PUFFCO'S RETURN POLICY TO PUFFCO FOR A REFUND. IF YOU PURCHASED AT A PUFFCO AUTHORIZED RESELLER, YOU WILL BE BOUND BY THE RETURN POLICY OF THE RESELLER.

Puff Corporation ("Puffco") warrants to the original purchaser ("Purchaser") of all authentic Puffco-branded products (a "Product"), for the period of one (1) year following the date on which Purchaser purchases a Product ("the warranty period"), that the Product shall be free of defects in design, assembly, material, or workmanship.

If a valid warranty claim is made during warranty period, Puffco will repair or replace, at its option, any defective Product free of charge.

Puffco may replace any defective Product with, at Puffco's discretion, a new, a refurbished or a reconditioned Product of the same model.

In order to qualify for this warranty, the Purchaser must provide the defective Product and a copy of the original receipt of purchase to Puffco for inspection. The receipt of purchase must indicate the Product purchased, price paid, date of purchase, and name of merchant.

To request service under this warranty, contact Puffco at, and a Puffco representative will provide instruction on how to proceed.

This warranty shall be null and void if Puffco determines that the Product has been improperly used, altered or tampered with in any way.

This warranty does not protect against normal-use wear and tear or damage due to abuse. By way of example, the warranty does not cover the standard performance degradation of batteries, or atomizer problems caused by failure to property clean the atomizer.

3/6/2019

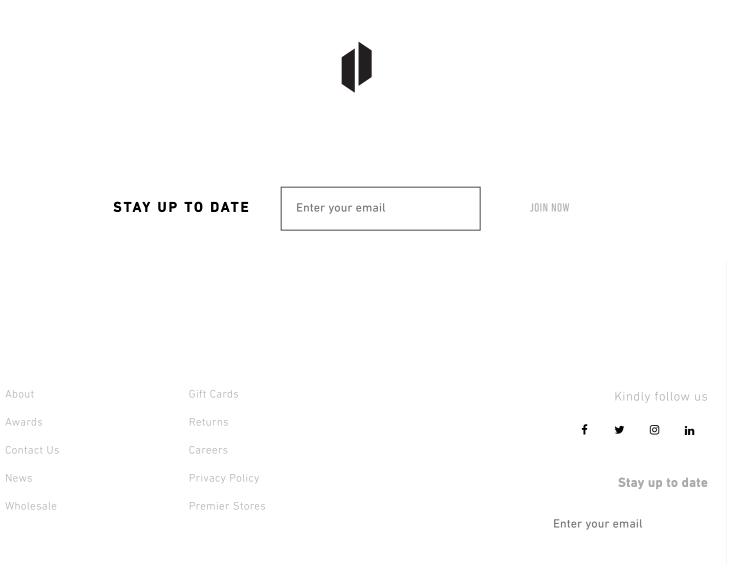
Case 2:19-cv-02126-DLR Documerate Polevie 0/29/19 Page 24 of 108

This warranty does not cover non Puffco-branded products or counterfeit, replica or otherwise non-authentic Puffco branded products.

This warranty shall NOT apply to any Puffco-branded Products purchased from unauthorized resellers or unauthorized retailers. For a list of Puffco authorized retailers, please use the *Authorized Seller Verification* on page https://www.puffco.com/pages/store-locator.

THIS WARRANTY CONTAINS THE SOLE WARRANTY OF PUFFCO. THERE ARE NO OTHER WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING THE IMPLIED WARRANTY OR CONDITION OF QUALITY, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, AND SUCH IMPLIED WARRANTIES, IF ANY, ARE LIMITED IN DURATION TO THE TERM OF THIS WARRANTY. IN NO EVENT SHALL PUFFCO BE LIABLE FOR INCIDENTAL, SPECIAL, DIRECT, INDIRECT OR CONSEQUENTIAL DAMAGES SUCH AS, BUT NOT LIMITED TO, LOST BUSINESS OR PROFITS ARISING OUT OF THE SALE OR USE OF ANY PRODUCT, EVEN IF ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

Some jurisdictions do not allow exclusions or limitations on implied warranties or incidental, consequential or other damages, so the above exclusions and limitations may not apply to you.



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Terms & Conditions / Warranty Policy

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Exhibit F



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puffco 🐡 • Follow

puffco Winter can be harsh, but the Peak is always smooth. The design of the Peak maintains a consistent experience even when the outdoors become a battle.

Ø

Load more comments

puffcosupport @mazdaman203 singles are currently available on Puffco.com, bundles will restock at a later date. Be sure and register your email on the website for restock & product release notifications.

4datreez @dabridge710 thank you homie will try!

mazdaman203 @puffcosupport thank you. I am registered but the emails don't always go out so l've been checking periodically

reservebycresco 💙 🎔 💙

11,654 views

7 DAYS AGO

Add a comment...

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puffco 😒 • Follow

puffco How many times do you use your Peak per day? The more you consume, the more you appreciate the convenience of the Peak. Less time and effort, and more consistently flavor experience on demand. If you know, you know.

Load more comments

thestonersinc @brandonbu420 litgirlablaze I use it all day and I go into withdrawals when I leave it at someone's house or it's charging. I can't even bring myself to send it in to fix the vibration on it, Cause I can't go without.

delbertmontegue Enough to require re-charging daily

kbrenen I just my quartz insert here. Super 🔮 #puffcups

○ ○ ↑
1,980 likes
FEBRUARY 9

Add a comment...

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Case 2:19-cv-02126-DLR Document 1-2 Filed 03/29/19 Page 29 of 108

Exhibit G

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puffco 🌍 • Follow

puffco Each component of the Peak represents an exhaustive effort to find the best possible materials and designs. Each piece interlocking, without any glues or shortcuts, to deliver a perfect experience everytime.

THE ATOMIZER

The Peak atomizer is a thermal-banger style, with a solid, high capacity ceramic bowl (more than double the size of the Puffco Plus.) The little black thing on top is the atomizer cover, which keeps the bowl floating in the center of the atomizer without touching the sides. This creates a vapor-producing airflow, and protects your hands from heat.

CLEANING

Use a cotton swab after every use to keep it fresh. You can also pull out the ceramic bowl and torch it back to its original

4,043 likes

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Exhibit H



r/Waxpen.

😁 reddit

Posts Helpful Links +

4

Posted by u/CrabappleS21 21 days ago

⁵⁷ Warning: Puffco Peak support is terrible. Do not buy.

I wanted to try to a Peak to see what the hype was about. After purchase, I attempted to charge the unit per instructions. Base never stopped charging. It hit very weak even on the highest settings. Boiled product without vaping. Lots of wasted oil. I submitted support request. Took them one week to reply.

When they finally did reply, they asked me if I would like a shipping label. Of course!! I emailed them back with my proof of purchase and requested a shipping label. 72 hrs, still no reply.

I spent \$400 on a paperweight, and Puffco support is totally unresponsive.

UPDATE: Puffco did end up sending me a shipping label today. I knew exactly what I was getting into when I bought this device. Despite my pre-purchase knowledge of exactly how bad the internals are, I just had a very strong desire to try it out personally. I expected it to be pretty bad, but not this bad.

Let's see how long it takes for them to send new base. Will update.

🛡 89 Comments 🖸 Give Award 🎤 Share 👖 Save

Comment as

What are your thoughts?

B i ⑤ S 小 A' O 市 运 运 M ··· Switch to markdown

SORT BY BEST -

mssgfrmntr 25 points - 21 days ago

I never understood why anyone would pay \$300 + for this product makes noooooo sense

Reply Give Award Share Report Save

distants and the second

91% Upvoted



No help from customer service. 8

S r/puffco · Posted by u/Stonerhendrix4200 5 months ago

No help from customer service.

I've been emailing and waiting to get a reply I already sent out my base to Puff Co with a shipping label they provided I haven't gotten a response from them if they received my package or shipped out my replacement base I'd really like to get my replacement and just be back to normal thank you

💵 8 Comments 🙆 Give Award 🏟 Share 📱 Save 🖉 Hide 🏴 Report

100% Upvoted

Comment as I

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What are your thoughts?

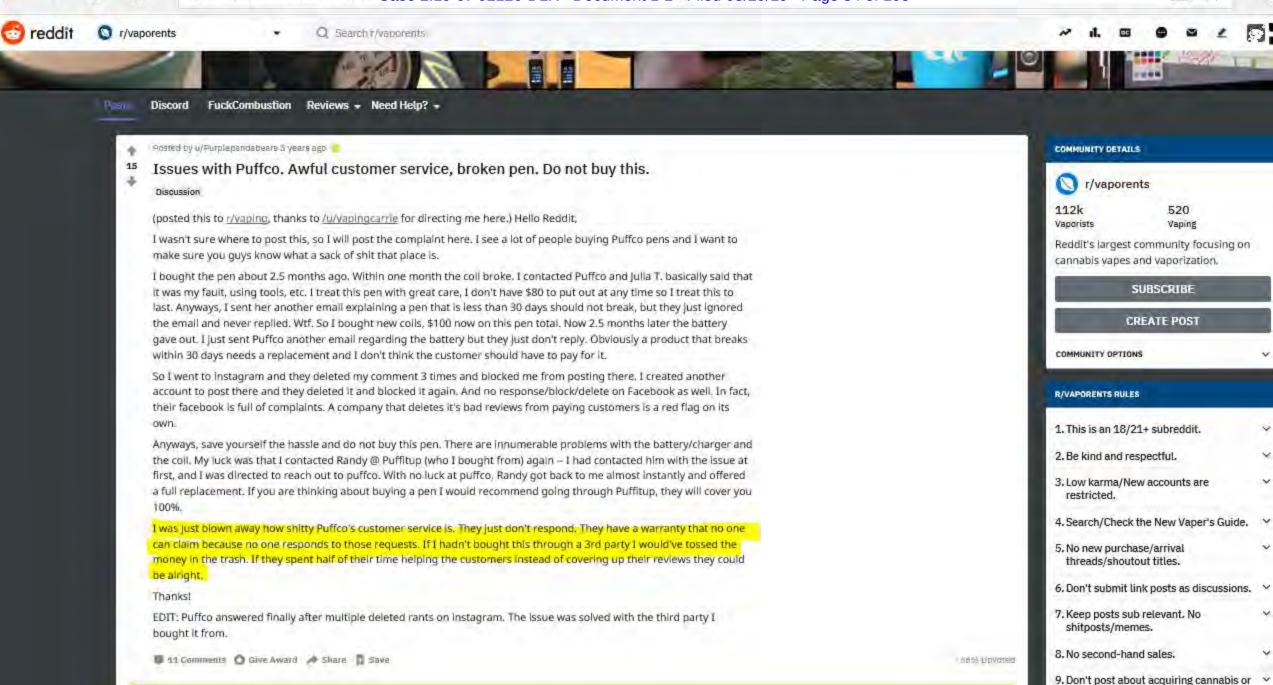
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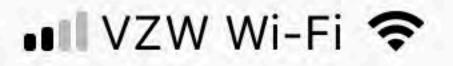
Switch to markdown



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Comments





puffco Higher and higher everyday. The Puffco Peak graces the cover of High Times this month. One of the only devices ever to be featured on the cover. Available in stores this Thursday.

*There will be a contest this week for everyone who picks up their copy. Stay tuned.

11h



puffco #Puffco #Puffcopeak #hightimes #high #710
#concentrates #420 #highlife #cannabis #vape
#vaporizers



rub apandzman When I double click my peak to hear up, it will blink the temp color then will flash all the colors and then turns off. What can that be about? I've only had my peak about a month

View previous replies (2)



9h

puffcosupport @rubbabandzman shoot us a DM with the email used to contact support, we're happy to further investigate your issue 8h Reply

View more replies (1)



oostonianbuds Great product! Till somethin breaks and you have to go thru customer service. And they never amswer your emails. Or your dms.... smh



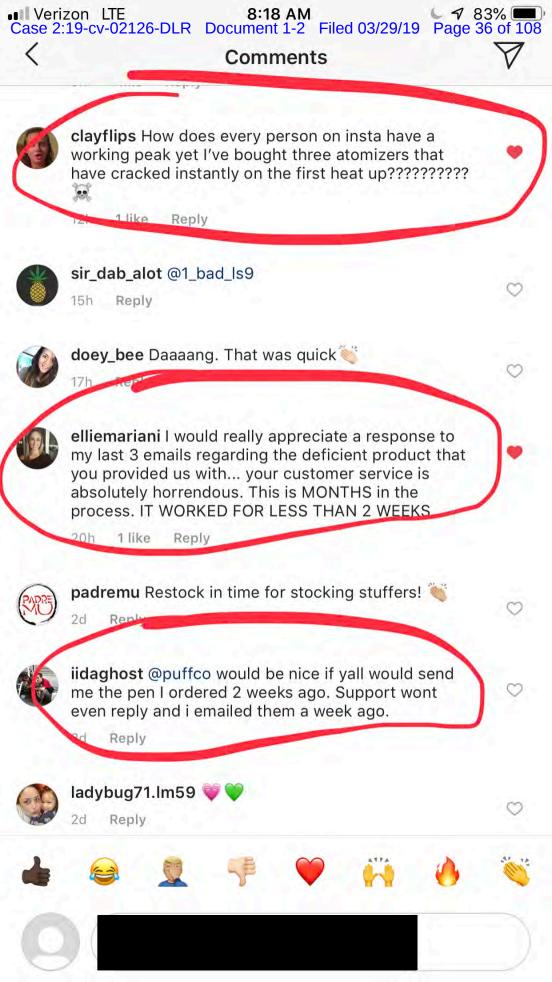


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Comments

View replies (1)



215420mmjrx I been doing these for months lol! Great shots, ♥ but I have done way better!!lol but seriously! Coulda took them off my page and saved money for photographer! 😂 🔥 ♥ ♥

15h 2 likes Reply

View replies (2)



sky2nike @puffco if you made your product as well as you advertise them you would be untouchable in the dab product game....as per usual though you don't. In fact you don't do anything. Don't return customer e-mail request, don't send working replacement products after your factory product quit 2 weeks after purchase, expect customers to continue to throw money at your products with no sign of improvements. I was a strong believer in puff co when you first launched your company but after this being the second pen go to crap I've decided that your company is just crap and all you do is take advantage of people!

ab Alikes Renly



brOtech Just got my pen last week and I absolutely love it! You guys killed it making this pen! @puffco

15h 3 likes Reply



mr_solo_dolo @dprice2413 whatttt!!???

12h 1 like Reply

View replies (1)

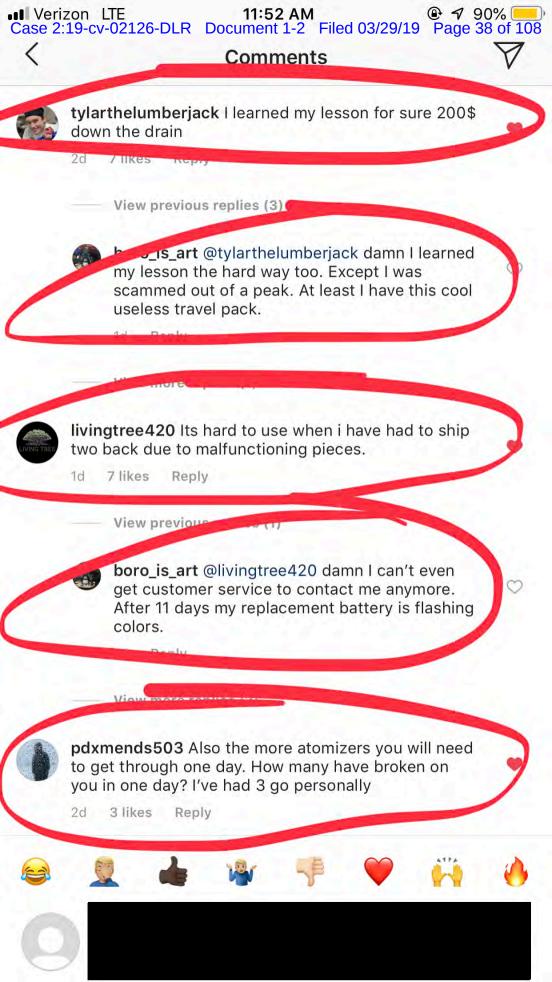


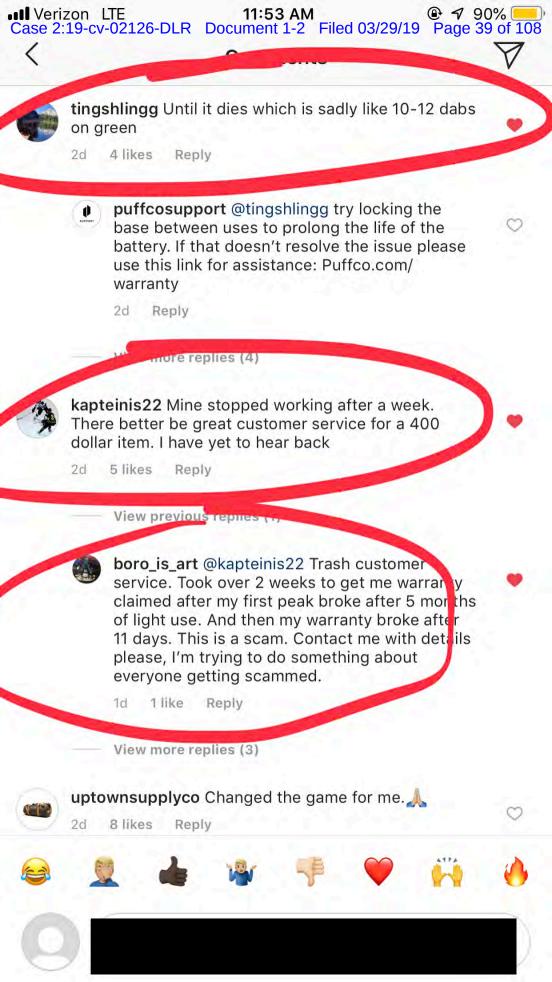






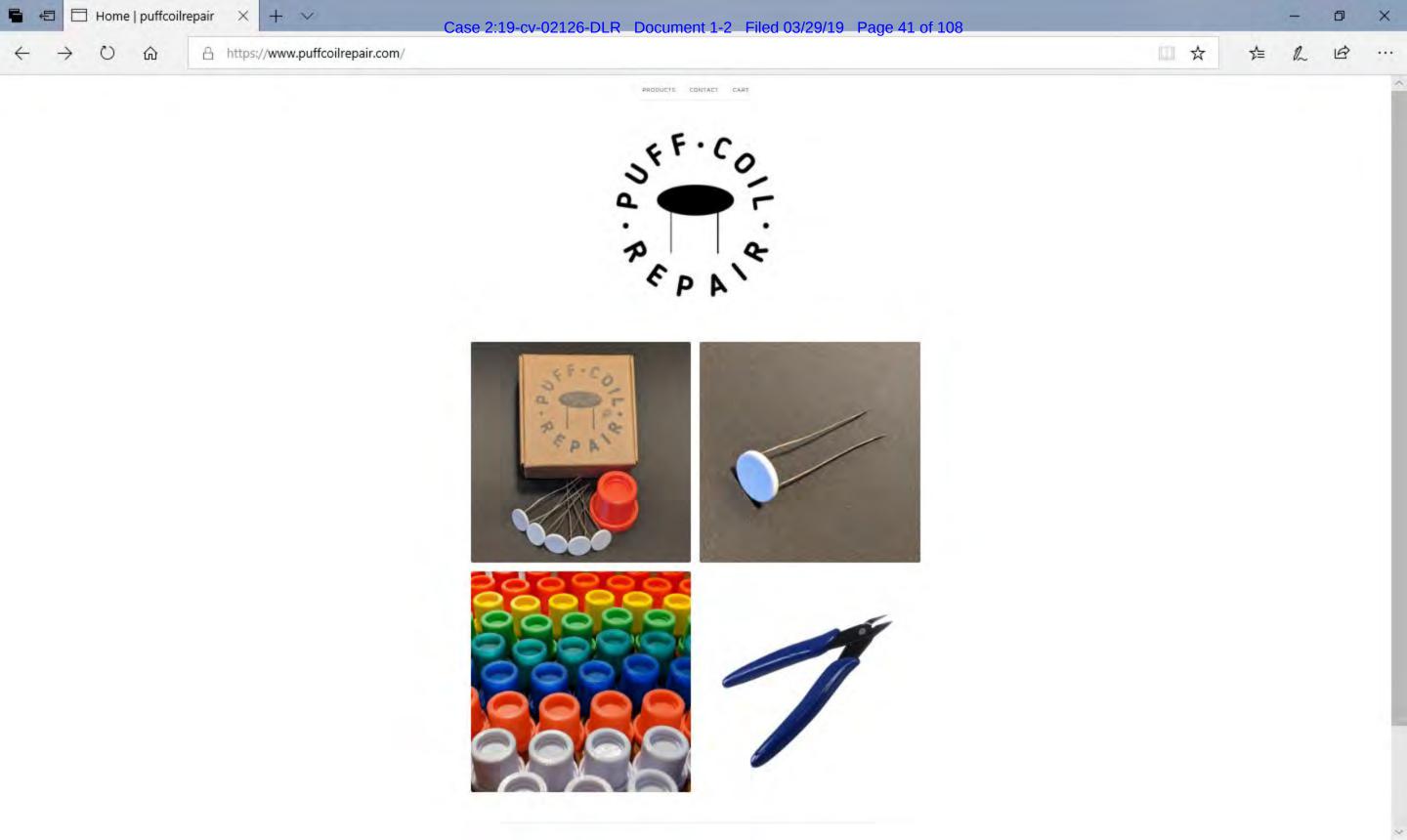






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Exhibit I



🖷 🕫 🗖 Atomizer Rep	air kit pu \times + \vee Case 2:19-cv-02126-DLR Document 1-2 Filed 03/29/19 Page 42 of 108			-	٥	×
\leftrightarrow \rightarrow \circlearrowright \textcircled{a}	A https://www.puffcoilrepair.com/product/atomizer-repair-kit	□ ☆	ל≡	h	ß	



ATOMIZER REPAIR KIT \$60.00

Atomizer Repair kit +5 coils +Alignment/assembly jug +Detailed rebuilding tutorial.

1.KIT	

ADD TO CART



Case 2:19-cv-02126-DLR Document 1-2 Filed 03/29/19 Page 43 of 108

Exhibit J

Exhibit J – 1

Comments by PUFFCO PEAK customers on www.Reddit.com

Pomed by u/livinfast2000 2 years ago

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¹⁴ Yet another scammed by Puffco

I would like to share a recent experience with Puffco. After purchasing the Puffco Plus and receiving it toward the end of October, I have gone through three ceramic chambers. Never dry firing, not firing over and over again, cleaning with the provided qtips etc... Never had a problem with any other vape pen, and I do understand this one is different to a degree. Let's cut to the chase—not a problem with user error.

Each of the chambers burned out and the result was no contact closure—so no heat produced. These atomizer chambers are either woefully under-engineered for even half of the duty or simply from a bad batch.

So I contact Puffco customer service and inform them of the issue. Their response: "Sorry, we cannot warranty that here is a %20 off coupon for an atomizer" So, after having purchased the original Puffco Pro, then getting the new Plus- it is apparent their customer service is so myopic as to piss off the very customers that would provide them revenue. To be completely fair, when the unit works- the flavor is great. But with such piss poor quality control and customer service, along with some questionable business tactics, I am done with them. Perhaps this (along with the plethora of other bad experiences posted here) can help steer another potential customer away from this piss poor establishment.

🖩 9 Comments 🔘 Give Award. 🌧 Share 👖 Save

This thread is archived

New comments cannot be posted and votes cannot be cast

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112k Vaporists	520 Vaping	
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	SUBSCRIBE	
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R/VAPORENTS RU	LES	
1. This is an 18	/21+ subreddit.	*
2. Be kind and	respectful.	×
3. Low karma/ restricted.	New accounts are	\$

ages Upyateo

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Q. Search r/Waxpen

r/Waxpen

r/Waxpen

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reddit

Posts Helpful Links -

Posted by u/Sparklingkitties 1 year ago 🍯

Puffco Caution

Originally posted in vaporents but sharing over here as well. I purchased the puffco plus after I lost my pro, and within ten days both atomizers broke. Puffco's customer service only warranties the battery and charger - seriously. Their atomizers should last 1-3 months and according to customer service, who tried being argumentative with circular logic that the atomizers are only supposed to last 1-3 months... only issue is that my purchase was in the last two weeks so clearly I haven't been using it that long, right? Not according to puffco.

I left a review, and it does not show up on their site. Only positive reviews do. Scammy business practice, but take your vape business elsewhere ents. Vince from puffco messaged me after seeing reddit activity to argue back and forth that their puffco plus does have 1-3 star ratings on site, and I went through 73 reviews and 15 mobile pages without seeing one. Bonus points to anyone who can find that mythical beast.

💵 16 Comments 🖸 Give Award 🏕 Share 🔲 Save

This thread is archived

New comments cannot be posted and votes cannot be cast

100% Upvoted

Case 2:19-cv-02126-DLR Document 1-2 Filed 03/29/19 Page 47 of 108



Puffco peak is a joke

Just a heads up on anyone wanting to purchase a puffoco peak, dont do it. Ive paid \$400 for that turd that has been nothing but problems and now their customer service is being a huge pain in the ass. Issues with charging which then caused the peak battey to over charge. Which then cracked the atomizer (3days in to owning it) They wanted video of it malfunctioning... sooo i had to spend another \$45 on an atomizer to get it to work and show them the problem. Now they want me to send in my item(which will take Couple weeks) so they can see what the problem is. Instead of just sending me the piece i need after i already had proved to them it's broken.

This product is a joke. There customer service is non existant

In my honest, formally non bias opinion the YOCAN evolve pulse plus dab pen is just 1 step below the peak and also ONLY \$40

The peak is designed to break costing \$45 everytime to replace coil. Yocan has 5 coils for \$7.

Also after speaking with shop I purchased it from they aslo stated they had customers come in with issues... for \$400 they should be able to do something since they get it we all know they get it from china for \$40 🛞

💵 15 Comments 🙆 Give Award 🏓 Share 🚦 Save 🕗 Hide 🟴 Report

89% Upyoted

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New comments cannot be posted and votes cannot be cast

r/Waxpen

reddit

Q Search //Waxpen

paying that much and having to replace coils. Reply Give Award Share Report Save

s10blazed 14 points - 7 days ago

The primary reason I am on this sub is because of how terrible my experience was with the Puffco Peak.

I bought it for my wife for Christmas this past year. We had used one at a friend's house and she was really interested in it. We have been using a standard nail and torch for years and just didn't realize devices like this were becoming a thing. So after 1 session I decided it would be a good gift.

I should have waited a week. It was late November or early December and I placed the order. I went all out and got a Lightning Edition with the travel kit. For me, that is a shit load of money. Literally my entire Christmas budget and then some. But just a few days after I placed the order my friend said hers was doing some rainbow light error.

She's a heavy user. Maybe she abused it. Maybe she did something wrong. Maybe it was a unique flaw. These are all things I hoped before Christmas morning. After we exchanged gifts we put the Peak on the charger. A few hours later we were able to try it out... for a few hours. My first Lightning gave us rainbow errors almost immediately. We were already being so careful with it. Not just because of how expensive it was but because we knew first hand they were fragile.

Nope. Puffco Peaks are just poorly built. They sent us a replacement atomizer first off. It didn't work in my Peak but it DID work in my friend's. So Puffco sent me another base. This one also did not work with any of my atomizers but it did work with my friends. So Puffco sent me another atomizer. It worked long enough to realize the silicone flashing was never removed from the base. The airway was entirely closed shut. I was able to clear it but now the buzzer doesn't buzz. The newest atomizer also started randomly giving rainbow lights occasionally. They sent me another one and made a big deal about sending one even though the other one works.... 50% of the time. So far this newest atomizer has been OK, but realistically, we stopped using it all together. We're afraid its going to break for good and Puffco will just stop responding.

It already takes 7+ days for a response. They even say that when you submit the ticket!! That is a shame. This could be a great product. Those atomizers could be bulletproof if that's how they wanted them. It seems to be they were designed to fail and they designed the fail part too well.

I do have a Poseidon on a Sai, but honestly, its not as nice as the Peak (when it works). But I much prefer reliability and value over fanboy toys that break. F Puffcol

Reply Give Award Share Report Save

- MAXVapor710 Multiple Devices 7 points 7 days ago
- Let me know if you want to sell your unit, I am collecting used or defective units for the right price.
 - Repty Give Award Share Report Save

$\leftarrow \rightarrow$	C G	A https://www.eddit.com////actionalets/audae5/puffer 1-2 Filed 03/29/19 Page 49 of 108	
😚 reddit	S r/Waxpen	Q Search r/Waxpen	
	C) r/Waxpen	
	Po	Posts Helpful Linka -	
		 Posted by u/druglordj 12 days ago Puffco peak issue My puffco peak isn't responding to me clicking the button? I tried clicking it 5 times to see if I could make it turn on/off but nothing happened and charging it gives me a light but otherwise nothing s comments Grive Award Share Save Comment as What are your thoughts? 	100% Upvoted
in .		B i ⊕ € A' ● T ⊞ ≣ iii ··· Switch to markdown</td <td>DIM ENT</td>	DIM ENT
A.	A	 csgord S points - 12 days ago Hold It down for 5 seconds Reply Give Award Share Report Save SOBNegraArroyoLn 1 point - 11 days ago This Reply Give Award Share Report Save 	
		 vape_whisperer 2 points - 12 days ago You mentioned a light but did you let it charge all the way? If you don't turn the Peak off properly the battery can continue to discharge. Reply Give Award Share Report Save 	
		 WEsellFAKEdoors 4 points - 12 days ago Im suprised how many people bought that thing. Im sure its still under warranty just contact them hopefull you get a response faster than others. Reply Give Award Share Report Save 	

🔊 r/puffco

Posts

🔺 🛛 Posted by u/DevinDaDude87 🖾6 months ago 🧧

Puffco peak is a joke

Just a heads up on anyone wanting to purchase a puffoco peak, dont do it. Ive paid \$400 for that turd that has been nothing but problems and now their customer service is being a huge pain in the ass. Issues with charging which then caused the peak battey to over charge. Which then cracked the atomizer (3days in to owning it) They wanted video of it malfunctioning... sooo i had to spend another \$45 on an atomizer to get it to work and show them the problem. Now they want me to send in my item(which will take Couple weeks) so they can see what the problem is. Instead of just sending me the piece i need after i already had proved to them it's broken.

This product is a joke. There customer service is non existant

In my honest, formally non bias opinion the YOCAN evolve pulse plus dab pen is just 1 step below the peak and also ONLY \$40

The peak is designed to break costing \$45 everytime to replace coil. Yocan has 5 coils for \$7.

Also after speaking with shop i purchased it from they aslo stated they had customers come in with issues... for \$400 they should be able to do something since they get it we all know they get it from china for \$40 6

💭 15 Comments 🙆 Give Award 🏓 Share 🚦 Save

This thread is archived

New comments cannot be posted and votes cannot be cast

SORT BY BEST -

🛉 J_Dabs 🖾 5 points 🕛 6 months ago

89% Upyoted

reddit 🔘 r/Waxpen

Q. Search //Waxpen

Reply Give Award Share Report Save

Horbiculture 3 points 8 days ago

When they work they work really well but I have had nothing but trouble with the atomizers. I got a puffco peak as a gift a couple weeks ago and really enjoyed it for 4 bowls of sauce until the ceramic plate on the atomizer cracked. I chalked it up to a possible user error during cleaning it out with a qtip in between bowls (even though I was swabbing it gently while it was still warm and the excess turpenes came right off easily. I went ahead and bought a 3pack of atomizers for \$100 and the first one wouldn't even fire. I took it apart and yup, cracked. The second one lasted for one bowl before it crapped out as well. I'm afraid to even try the third one. I don't know where this company gets off charging \$40 each for a part with such a high failure rate but it's a joke.

Reply Give Award Share Report Save

- 🛉 jreedal91 Multiple Devices 🎤 2 points 🕖 B days ago
- Yeah that's what I'm trying to figure out. Somethigs going on right !?!?!? Edit. I wouldn't be able to afford that either. There nothing in there to justify 40. Imo
 - Reply Give Award Share Report Save
 - + Horbiculture 3 points 8 days ago
 - No way. This is just a scam to sell \$40 atomizers. That's why the battery is so expensive. After you have \$400 invested in it you will keep buying these chintzy atomizers that are designed to fail. These little pieces of junk are costing them like a buck apiece from China and then they mark them up 4000%. This thing should get posted in <u>r/assholedesign</u>

Reply Give Award Share Report Save

- 🛉 jreedat91 Multiple Devices 🎤 3 points 🛛 B days ago
- Well I'm gonna try to change that
 - Reply Give Award Share Report Save
 - Horbiculture 2 points 7 days ago
 - After examining it quite a bit more I think the type of concentrate one uses has a lot to do with the problem. People who use shatter or wax or rosin won't have as much of a risk of the stuff boiling over the little thimble-sized ceramic bowl if you don't overload it. I'm only loading about a quarter gram as per the instructions but I'm using some nice sauce with a high ratio of the liquid terpene fraction and even on the lowest blue setting the stuff is boiling over and splashing onto the ceramic plate and cracking it. Even after the cannabinoids are cooked off I'm always left with a pool of liquid terpenes in the bowl. If they would make the bowlpiece a bit bigger to prevent this or seal it off from the ceramic heating element better it wouldn't be as much of an issue.

Reply Give Award Share Report Save

s10blazed 3 points - 7 days ago

Exhibit J-2

Comments by PUFFCO PEAK customers on PUFFCO's Instagram page

Case 2:19-cv-02126-DLR Document 1-2 Filed 03/29/19 Page 53 of 108

O

C

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11

PUF



Load more comments

1,248 likes

jennisteele I absolutely LOVE the idea and were so excited when we got our peak... But have had NOTHING but problems with it and unfortunately puffco isn't really set up for true support. First off they are not set up for phone calls and every time you send an email it can take typically up to a week for each response back and forth. So it takes weeks to fix a problem. Though the principle of this rig is sound it however is extremely fragile and parts will break if you look at them wrong... We have had to replace the atomizer, carb cap and the base in under 6 months through the warranty and when we FINALLY got all that figured out after being down for almost a month the glass bubbler tipped over a the top of the glass

N

PUFFCO

Case 2:19-cv-02126-DLR Document 1-2 Filed 03/29/19 Page 54 of 108



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PUF

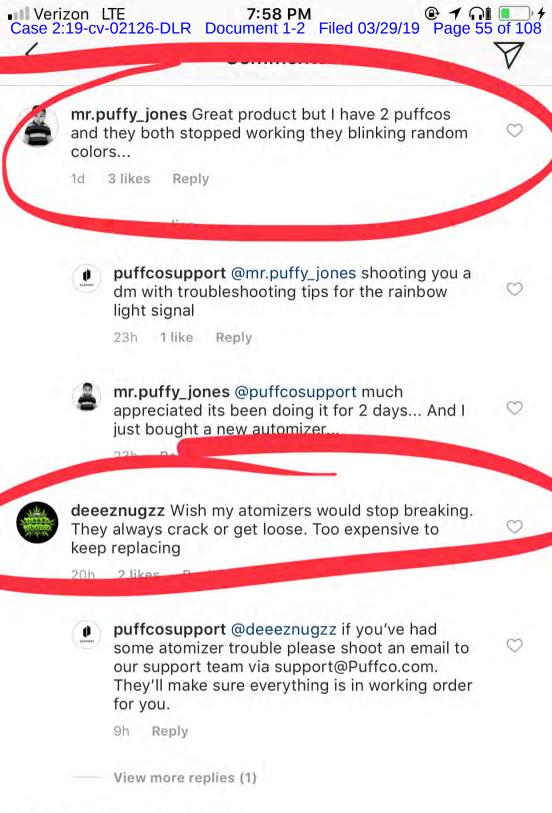
puffco 🏶 • Follow

response. So we haven't been able to use it more than 2 weeks consecutively since it arrived How do you charge so much for a product and then do not sell replacement parts for the most fragile part the is an odd shape and will tip over if not in the base? Hopefully one day when this company is a little more established and maybe can expand to have some support via phone so we can ask questions and get immediate responses about care and maintenance especially since their manual and website do not tell you everything you need to know...I just wanted some help so I could use my product..... Please be very careful when thinking about purchasing... Know what you are getting into and dealing with so you aren't taken by surprise like we were.

1,248 likes

σ

UFFCO

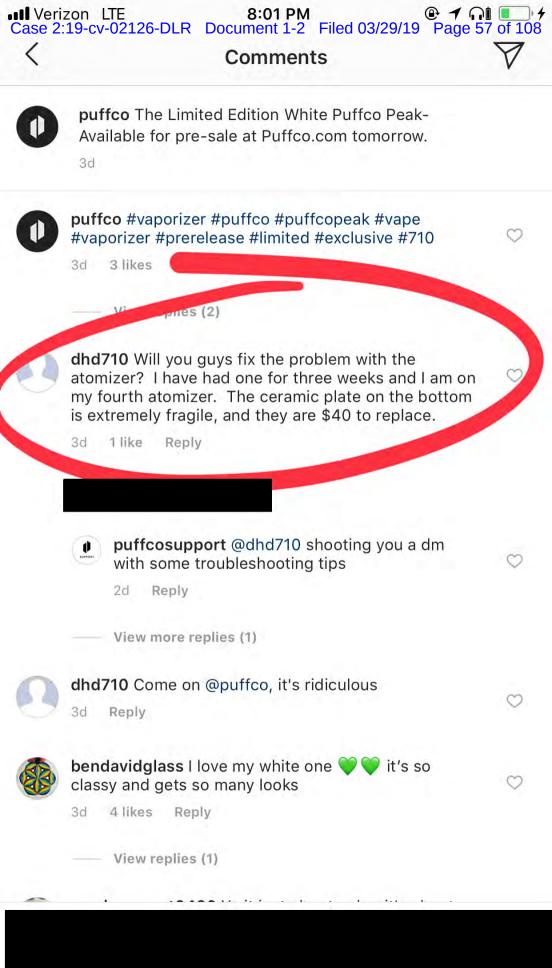


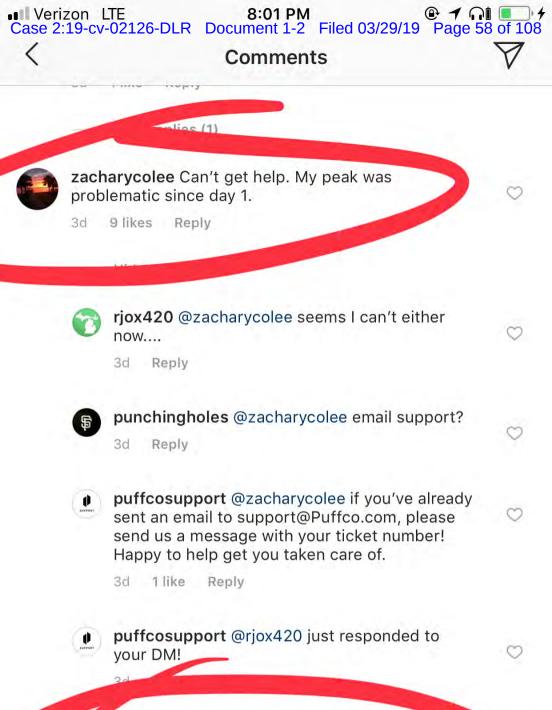
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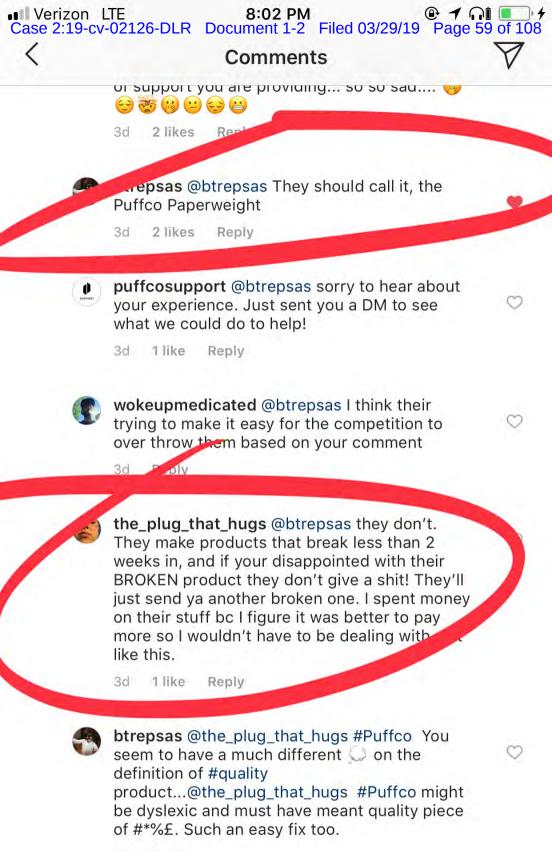
6h 1 like Reply

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kevin_j_soria Wish I		

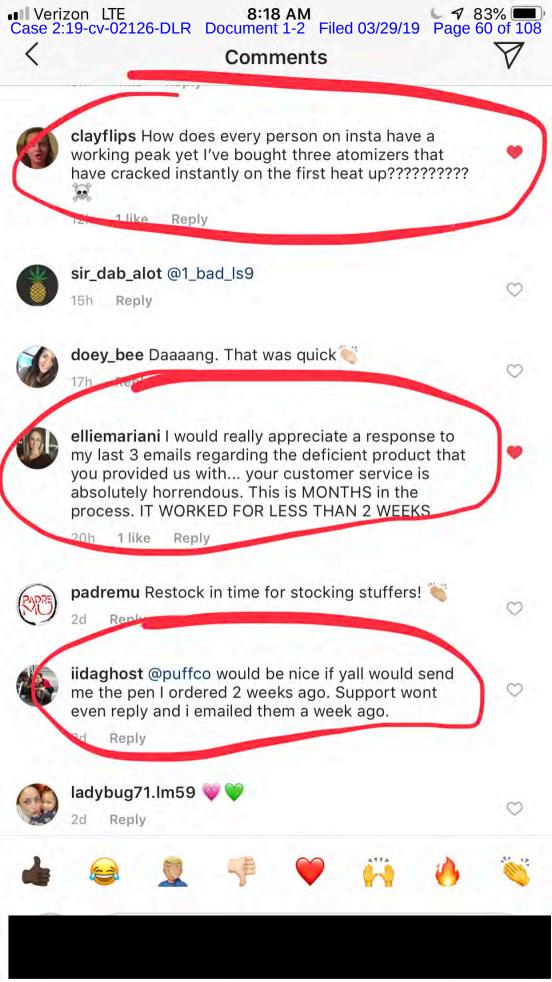




btrepsas @puffcosupport Heard nothing but horror stories in regards to post sale support, yet still ended up purchasing a peak... ended up breaking the glass while cleaning, reached out to support, and basically got told to pound sand when I shared my story.... PUFFCO - NOTE TO SELF, I was NOT EXPECTING a discounted replacement, however A DISCOUNT ON THE SHIPPING OF SAID REPLACEMENT FOULD



3d Reply



4 85% Verizon LTE 8:26 AM Case 2:19-cv-02126-DLR Document 1-2 Filed 03/29/19 Page 61 of 108

Comments

View replies (1)



215420mmjrx | been doing these for months lol! Great shots, 💗 but I have done way better!!lol but seriously! Coulda took them off my page and saved money for photographer! 😂 🔥

15h 2 likes Reply

View replies (2)



sky2nike @puffco if you made your product as well as you advertise them you would be untouchable in the dab product game....as per usual though you don't. In fact you don't do anything. Don't return customer e-mail request, don't send working replacement products after your factory product guit 2 weeks after purchase, expect customers to continue to throw money at your products with no sign of improvements. I was a strong believer in puff co when you first launched your company but after this being the second pen go to crap I've decided that your company is just crap and all you do is take advantage of people!

A likes Renly



br0tech Just got my pen last week and I absolutely love it! You guys killed it making this pen! @puffco

3 likes Reply 15h



mr_solo_dolo @dprice2413 whatttt!!???

12h 1 like Reply

View replies (1)

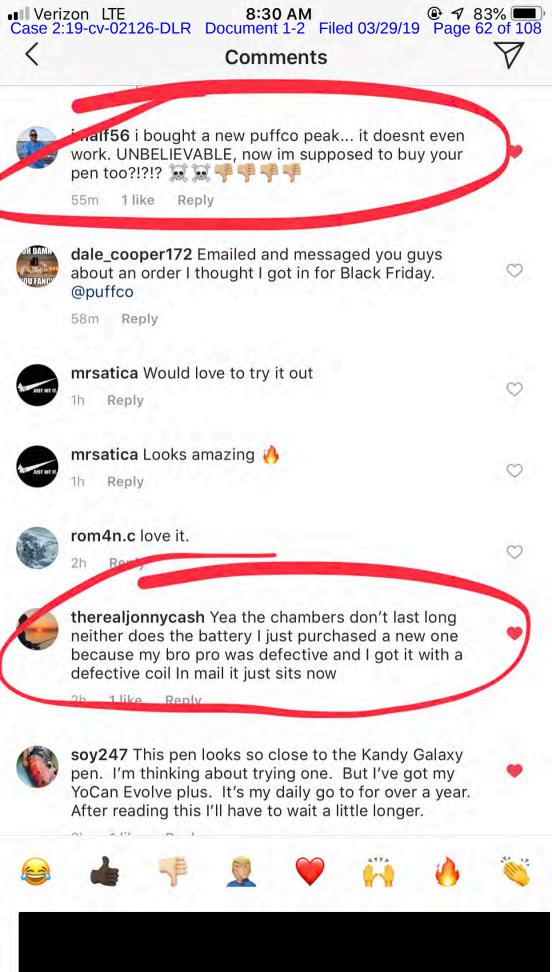


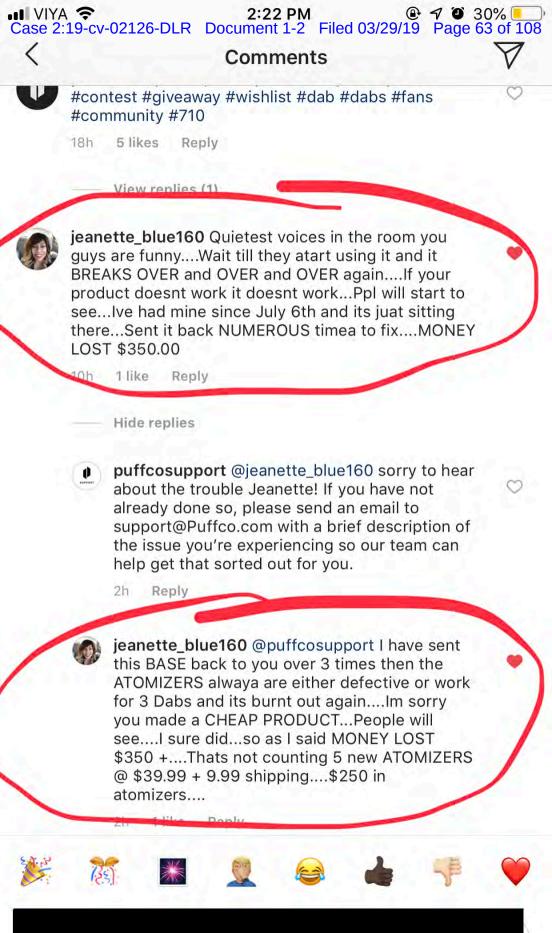


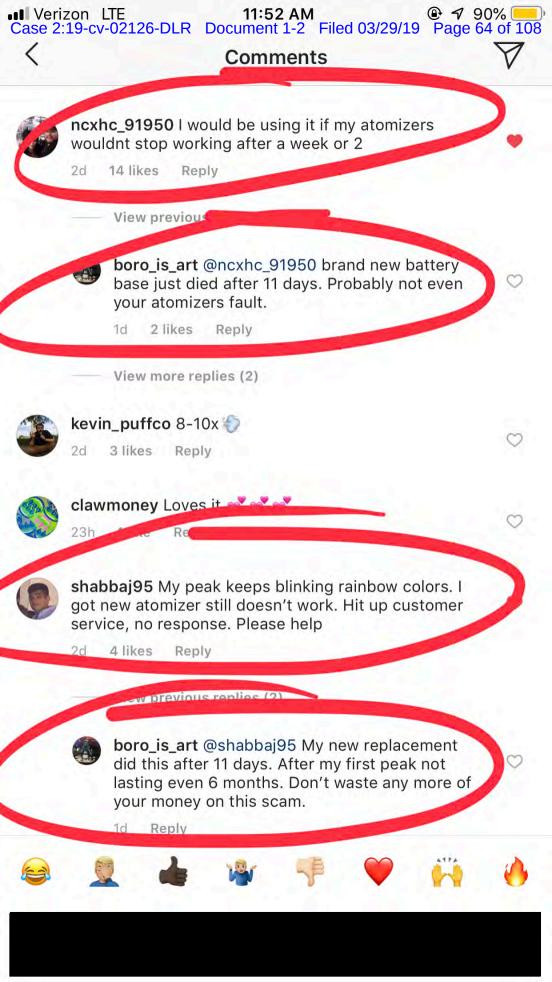


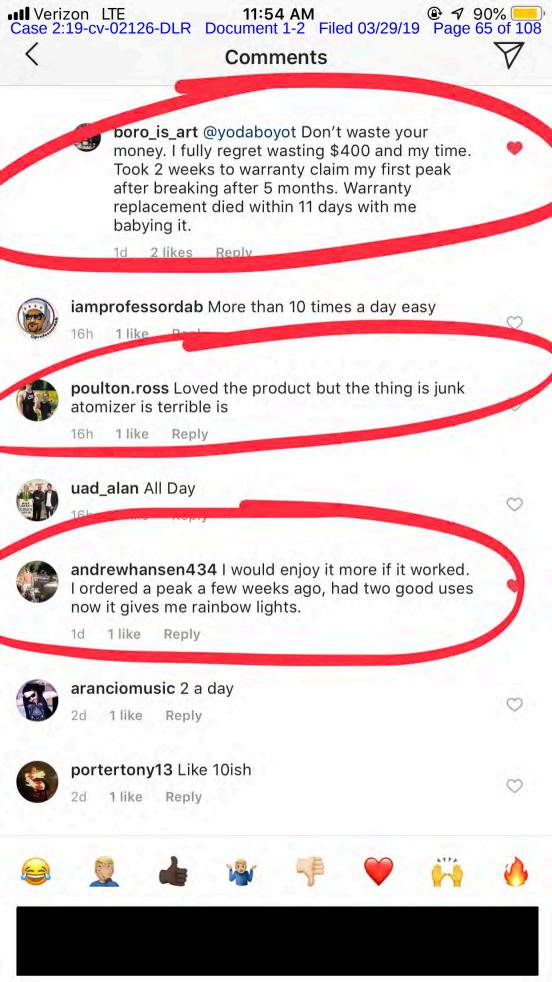












VIYA 3G Case 2:19-cv-02126-DLR 7:38 AM

@ 7 94% Document 1-2 Filed 03/29/19 Page 66 of 108

Comments



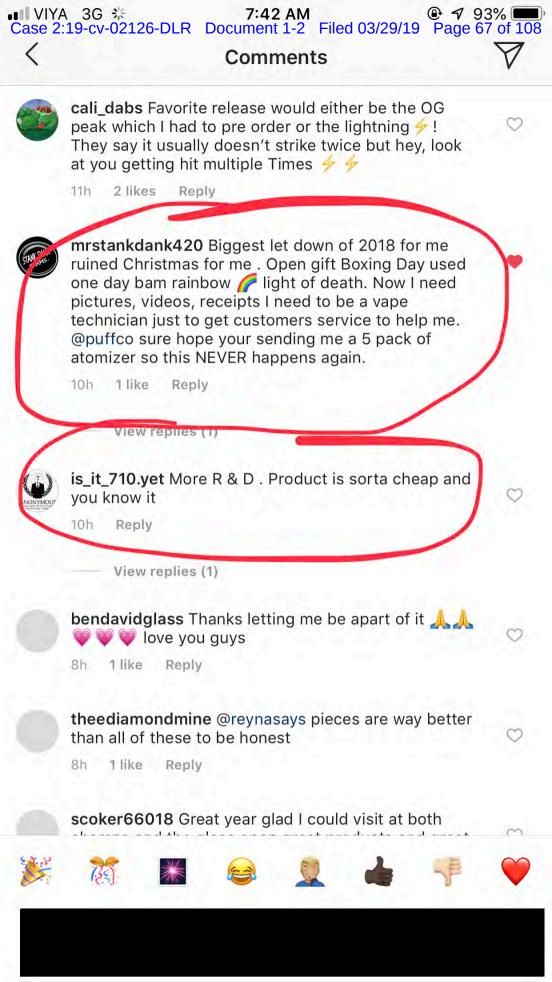
diamonds710 😡 I bought my peak just over a month ago. Yesterday I recharged the battery to use today at new year and when I tried to turn on, the battery was discharged. What can I do? 😔 @puffco

10h 3 likes Reply

View replies (11)



10h 13 likes Reply



Verizon LTE Case 2:19-cv-02126-DLR 7:35 AM

Document 1-2 Filed 03/29/19 Page 68 of 108

Comments

vidotcreative Thinking about this product after my dr dabber boost black broke less then 2 months in.

15h Reply



x_is_saving_the_bees @vidotcreative if you like to travel/hike try @thehunibadger

2 likes Reply 15h



saragpowell I have yet to have a great experience with my peak. I'm extremely disheartened since my husband bought it for me for Christmas, was super excited to give it to me and it has cost us nothing but problems from day 1. CS has been about as helpful as they could be at the minimum. We used a sesh mode with a friend's peak and after recommended dabs size via Instagram and recommended temperature, red, for medium size dab, we hit it twice and the atomizer cracked. That was on top of an atomizer being bad for us and then the base is actually malfunctioning. It's just so damm expensive to be the 1 person with all of these problems is extremely frustrating. I have followed all of the tips, hints and directions specifically to the T. I really hope somebody turns it around in the next couple weeks getting me my new base otherwise I have nothing good to say about paying this much for a product that doesn't not deliver consistent performance. My best friend loves hers and she followed the directions and her atomizer still cracked. God help anyone who puts the machine on white. I'm really hoping for a turn around here. I don't like to say all bad things but the only positive review I have right now is the 2 hits I did get off of it before it broke tasted good. That's all I got. 😢

2h 1 like Reply









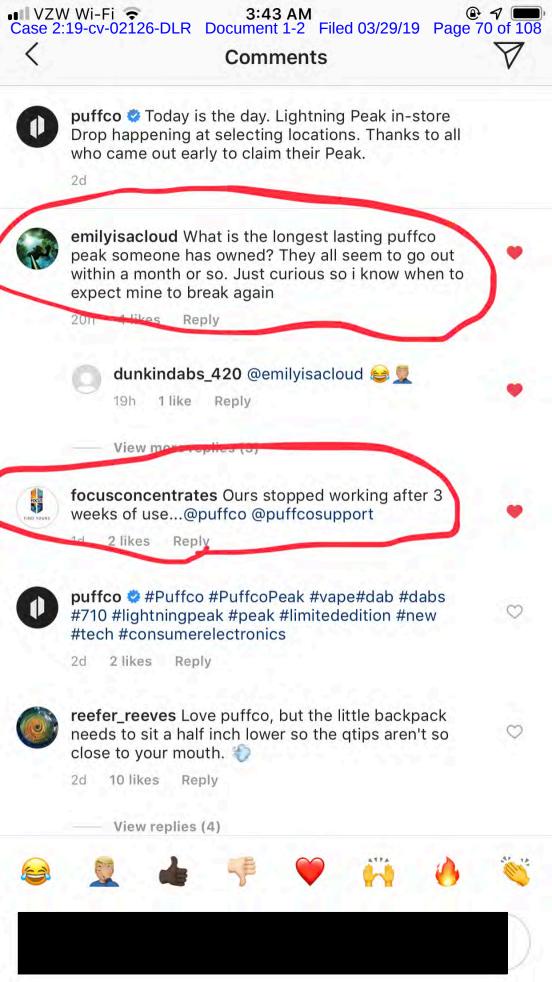


Eiked by flowersadrien and 2,013 others

puffco Today is the day. Lightning Peak in-store Drop happening at selecting locations. Thanks to all who came out early to claim their Peak.

View all 58 comments

oe.dabz @puffco dont do it save ur cash these things DONT work i already got 3 replaced and the same b.s w all 3 of them



Verizon 🗢 Case 2:19-cv-02126-DLR 9:03 AM

Document 1-2 Filed 03/29/19 Page 71 of 108

Comments

hellcat42044 I really really want a Puffco Peak so bad 💯 🙏 💗 it's really hard for me to do a rig but with this is just perfect 💯 I hope someday I can afford one when I can start working again hopefully 💯 🙏 but I love love this and great colors! 💙 👥 🥶

2 likes Reply 1d

Vie

replies (1)

dunlarrauri The Peak has been nothing but problems or me... First I get a faulty glass top that leaked water and destroyed the base after 1 use. Sure they replaced it but i live abroad so it does take a while to get to me and it costs quite a buck. Now second problem, finally got my spare parts after 2 months of waiting, rainbow lights caused by a connection issue. I've literally used it like 10-20 times max and I follow the cleaning and upkeep directions after every session. So why is this happening @puffcosupport ? I think you guys need a major quality check on your factory bec your stuff either arrives broken or brakes easily... With that price range all peaks should come with spare atomizers too, not just a spare bowl. I hate doing this but I contacted your support and all they offered me was a 15% discount on my next atomizer order. The hell guys ... so you mean to tell me those atomizers only work for 20+ hits and you have to replace them? And their \$40 a piece! 👎 I'll stick to my glass rig if that's the case.

8h 1 like Reply

> needs to hear this loud and clear 100 100

22m Reply









■ Verizon Case 2:19-cv-02126-DLR

Comments

9:04 AM

Document 1-2 Filed 03/29/19

Page 72 of 108

replaced it but i live abroad so it does take a while to get to me and it costs guite a buck. Now second problem, finally got my spare parts after 2 months of waiting, rainbow lights caused by a connection issue. I've literally used it like 10-20 times max and I follow the cleaning and upkeep directions after every session. So why is this happening @puffcosupport ? I think you guys need a major quality check on your factory bec your stuff either arrives broken or brakes easily... With that price range all peaks should come with spare atomizers too, not just a spare bowl. I hate doing this but I contacted your support and all they offered me was a 15% discount on my next atomizer order. The hell guys ... so you mean to tell me those atomizers only work for 20+ hits and you have to replace them? And their \$40 a piece! 👎 I'll stick to my glass rig if that's the case.

8h 1 like Reply



exact_extracts @donlarrauri @puffcosupport needs to hear this loud and clear 1/2012

22m Reply

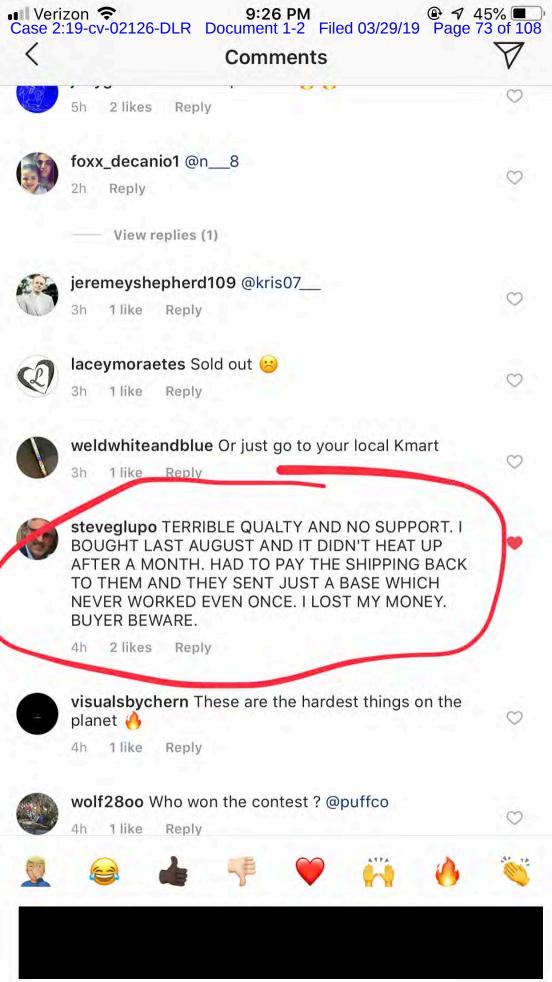


thedailydabber93 Yo I love my PuffCo it s and tind Really is but can I please get a message back on how we can figure this out about my malfunctioning base for some reason my battery just stopped working isn't going rainbow mood or nothing it just is not heating up can I please get a message back

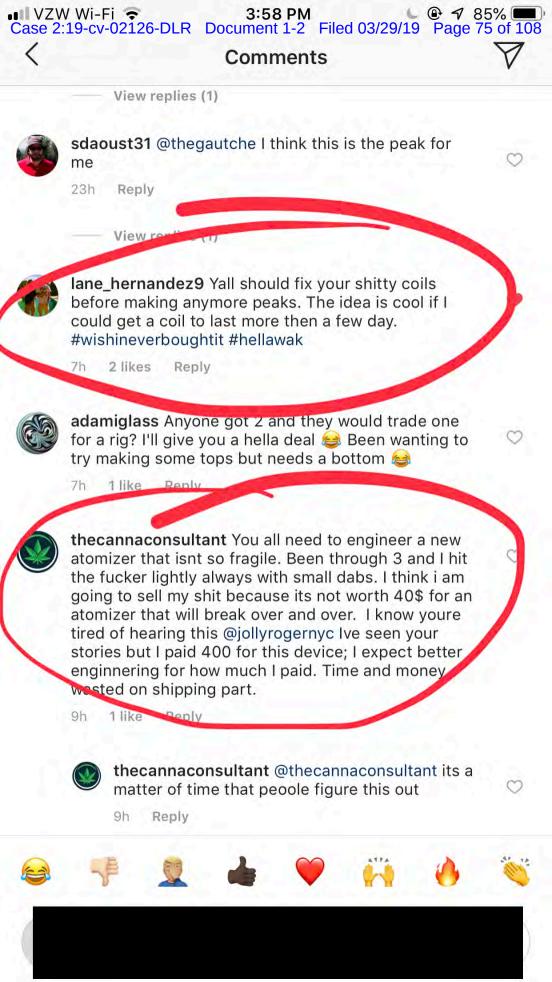
20h 3 likes Reply

Reply

billy.994 @puffcosupport @chelsea_puffco @puffco great products for the 2 days they last..got 2 faulty peaks and no reply for months. Poor customer service



7 30% 🗉 💵 VZW Wi-Fi 🗢 5:02 PM Document 1-2 Filed 03/29/19 Page 74 of 108 Case 2:19-cv-02126-DLR Comments steveglupo TERRIBLE QUALTY AND NO SUPPORT. I BOUGHT LAST AUGUST AND IT DIDN'T HEAT UP AFTER A MONTH. HAD TO PAY THE SHIPPING BACK TO THEM AND THEY SENT JUST A BASE WHICH NEVER WORKED EVEN ONCE. I LOST MY MONEY. BUYER BEWARE. 23h eplies (2) thechrontractor @puffco y'all are some crooks, purchased your product and crapped out within 48 hours its been a week I've been sending emails with no responss rew replies (1) thechrontractor BUYER BEWARE PRODUCT IS POORLY MANUFACTURED AND HAS NO WARRANTY SUPPORT. alobington CUSTOMER SERVICE BLOWS THANKS FOR THE BROKEN ATOMIZER U GUYS SENT OUT NEVER GOT TO USE IT ew replies (1) glObington Been waiting for a response for a week on a junk atomizer i received lighting rainbow fresh out of box. Tested my base with a buddies atomizer, mer service is horrible for the price of these



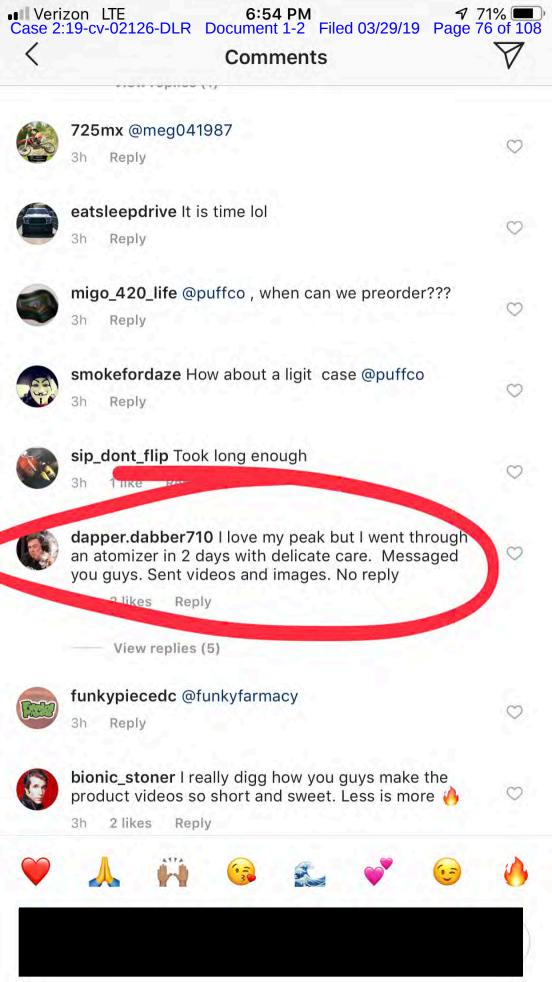


Exhibit J – 3

Comments by PUFFCO PEAK customers on <u>www.Vapecritic.com/Puffco-peak/</u>

PUFFCO PEAK PORTABLE DAB RIG REVIEW

▶ By Bud / Updated April 26, 2018 / 14 comments



This is the **Puffco Peak**, a new portable dab rig for concentrates. The video above is me using it for the first time and my initial impressions.

The whole e-rig thing is a relatively new concept but the underlying technology mostly stems from vape pens.



I have mixed feelings about it... I still need to use it a little more before making up my mind but I'm not sure I feel that it's worth the \$380 price tag.

My <u>Puffco Plus</u> review page has a ton of comments on it, that's their latest wax pen, and people's feelings are pretty mixed with that one too.

I've heard a lot of people are having trouble with defects too, anybody have issues with theirs?

Also check out the <u>Puffco Peak</u> review thread on the forum, there's some great info about it and reviews from other users.

What do you guys think about this one?

 \equiv

14 COMMENTS

Comment

Name

Email

SUBMIT COMMENT



Great looking expensive piece of gear...for the three months that it worked.

giving me the runaround saying send them a video of me plugging it in, which I did, but ultimately I was ignored. I don't know, man.

Reply



ROB786 January 29, 2019 at 9:39 am

The atomizer went bad 8 days after I purchased it, the store I bought it wouldn't replace it and asked to reach out to their support sept for replacement. I'm still waiting for the replacement atomizer.

Reply



Product is a piece of hot trash, if you made it this far, don't buy it. Bought it- day one had connection issues, contacted customer support, they responded after a week that I should send video and photo proof (I also sent my receipt proof) of it not working, I did, they responded back after ANOTHER week stating they would be willing to send me a free bowl.

Whole unit defective,

day one,

their response?:

"My apologies for the delay in hearing back from us. It looks like a new atomizer would likely correct this issue. While atomizers are not

New bowl.

0/10 customer service,

3/10 product. The 3 is for the dream of what the product could be, the rest is the reality.

Again, avoid this product if you can. Sincere disappointment.

Reply



ASH November 26, 2018 at 7:07 pm

Hey Bud! I was hoping you would do another more in depth followup video on the puffco peak. With all the news and marketing you see surrounding this thing, I would love to see what you think of it after having used it awhile. I still haven't been able to find any thorough reviews on this thing...

Reply



MUNITA PRASAD November 17, 2018 at 11:33 am

I contacted Puffco Support thru there website email since thats the only way to contact them about issues with your device, to get help with my Puffco Peak that is'nt working, at first they responded then nothing I have reached out to them the only way I can Via Email so many times and no response after they said they would help me with the faulty devise I Purchased, supposedly this device is covered under

email they sent me, they were requiring additional information which i sent to them, yet nothing!!!! I have emailed them twice to ask about my Puffco Device nothing, what kind of company doesn't stand behind there product and support there consumers who purchase these products, who don't even have the decency to respond and are not pro active in taking care of there customers especially if they want us to endorse a device that costs \$375.00 horrible customer service, I was really hoping all the reviews I read about this device being amazing was true, but In my case Im not even being heard or helped!!! I am extremely dissatisfied with the service that PUFFCO provides to there loyal customers dont buy this product they dont stand behind the service they promise to provide

Reply



RYAN FOLI

September 17, 2018 at 1:34 pm

The Puffco plus sucks! I have gone through 2 of them and both hit well at first and then started to fail. It doesnt work well and the hits taste very bad. Its also difficult to keep clean. Do not waste your money.

Reply



GREAT PRODUCT BUT THE ATOMIZERS NEED UPDATING THEY LAST WEEKS AT BEST

 \equiv

THE HONEY BADGER HAS BLOWN MY PEAK OUT THE WATER

I HAD TO BUY ONE SINCE MY PEAK IS 3 MONTHS OLD AND HAS BEEN IN THE REPAIR SHOP AT PUFF CO FOR ALMOST 1 MONTH AND A HALF OF THAT TIME

ATOMIZERS KEEP FAILING

GET THE ATOMIZERS TO LAST LONGER AND YOU HAVE A WINNER OR LOWER THE COST

40 SHOULD BE FOR A PACK OF 3 OR 5

LOTS OF ISSUES

Reply



ANONYMOUS December 6, 2018 at 7:41 am

Wow i got mine 6 weeks ago and i am having similar issues. Im waiting to hear from them smh

Reply



LISA STERLING August 19, 2018 at 12:51 pm

Got my peak a few day ago. After 2 heat ups the thing started blinking. I took apart the atomizer and the heating element was cracked in half AFTER 2 USES!! What a piece of JUNK. Now I have to deal with their non-existent customer service. They dont even have a phone number

Reply

YA RIGHT July 13, 2018 at 8:46 pm

I thought the extra 0 was a typo – \$400 for this plastic crap?! Lol

Reply



June 9, 2018 at 7:17 am

I've had mine for a week now. Been dabbing for 10 years plus. The Peak is an overpriced paperweight with cheaply made parts from China. There are other options on the market with better performance for 1/4 the price. Save your money and go elsewhere. I just put mine on eBay.

Reply



Have to second the comments about the atomizer being total crap that feels like it's designed to fail. No wonder they sell replacements on their website for well above what the actual piece is worth. In reality, this is a dab rig and should be designed to handle more steady current use than the two small wires attached to the ceramic plate can handle. If you look at the heating elements on actual e-nails, you will

A suggestion to puffco, make this 400\$ rig work otherwise there will be competition capable of making something more robust. I am not going to be on an atomizer subscription plan where your company eats 50\$ every time it breaks.

Reply



Dude this thing is awesome when it works.. But really only an employee of Puffco would be completely happy with the Peak because they have access to atomizers and troubleshooting help. If you have a problem with the thing, you have to e-mail and wait days for a response. I just got a new atomizer in the mail today and went to use it and the damn thing did the rainbow light cycle meaning bad connection. Uuuhhh idk why bc it's a new fkn atomizer and the thing is charged. I just want a damn refund at this point. What a waste.

Reply



GARETH WARD

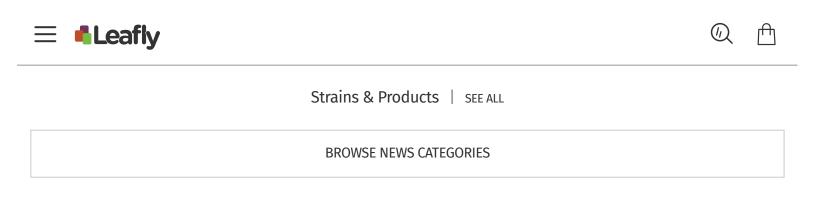
April 11, 2018 at 1:29 am

Me and my buddy both purchased peaks. Mine never worked came with broken atomizer. My buddy's lasted a week. We're both experienced dabbers and followed all directions. The atomizer is too jank ass wires to a ceramic plate . After you take two dabs and try to pull out the bucket the wires come out of the atty and you can't fix it.

Exhibit J – 4

Comments by PUFFCO PEAK customers on www.Leafly.com

Will Hyde, *The Avid Dabber: A Peak Dabbing Experience with Puffco's Latest Innovation*, LEAFLY, Mar. 9, 2018, https://www.leafly.com/news/strains-products/the-avid-dabberpuffco-peak-review



STRAINS & PRODUCTS

The Avid Dabber: A Peak Dabbing Experience With Puffco's Latest Innovation

WILL HYDE March 9, 2018



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LOG IN WITH	OR SIGN UP WITH DISQUS ?		
	Name		



Larry Schorr • a year ago

I reserved a PEAK when it was first announced, and have had it for several weeks now. I also have a Volcano and a Plenty for herb, and a Vape-X-Hale, Dr Dabber Boost Black Edition, Puffco +, and now Puffco Peak, and while I used them all for variety, the Peak has become my 'go-to' choice for being SUPER-EASY to use, quick heat-up, easy to clean, and this sucker 'delivers the mail' just about as well as Dr Dabber Boost. Both have loads of flavor and clouds - Three Thumbs Up! 3 ^ V Reply • Share >



DRC • 22 days ago

Great looking expensive piece of gear for the three months that it worked.

is this company going out of business?? Does anyone know why they won't honor their warranty?? There's still someone in the office giving me the runaround, saying send them a video of me plugging it in, which I did. But ultimately I was ignored.

1 A V • Reply • Share >



Dan Smith • 3 months ago

I bought my wife one of these for her birthday in August. Its now December and we've gone through 4 atomizers. Each atomizer costs \$40. I contacted Puffco to inquire about the issue. There response was that the atomizers have no warranty. They last 1-3 months. At the very best, with each atomizer lasting the full 3 months, that means you're spending \$160 a year on atomizers. I have already spent that in 4 months.

We have this rig and the dabber switch and the Peak definitely hits the best but not by much. The switch doesn't have replaceable atomizers. At this point I am going to have to list my Peak on eBay because I will not continue to pay \$40 a month in atomizer fees. Puffco didn't seem to mind the issue. At the end of the day, Puffco might just be banking on making all their money off atomizer margins.

1 ^ V • Reply • Share >



Will Anderson • a year ago



Will Hyde A Will Anderson • a year ago

Thankal Clad you anioused it. Doct a photo when you got your DEAK. You're gaing to lave it

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Exhibit K

DAVID DOWNS October 4, 2018



thought I was too dumb for the world's most coveted cannabis accessory: the Puffco Peak, a \$379.99 electronic device for vaping hash.

Billed as the first "smart rig," the unit looks like some icicle technology from Superman's Fortress of Solitude, but gets you super-duper high.

This past summer I bricked two of the pricey units. Dead. Each time, the battery died quickly, or wouldn't charge at all. Group dab sessions fell embarrassingly flat.





The new, white Puffco Peaks, currently prototype only. (Courtesy of Puffco)

Puffco customer service reps were super helpful, but I decided to take my issues straight to the top: to Puffco CEO Roger Volodarsky. I met with Volodarsky in his gleaming, minimalist offices in downtown Los Angeles last month.

A bearded, 35-year-old New Yorker with arms sleeved in tattoos and an easy smile, Volodarsky assured me I am not dumb.

"If you're one of the first to buy it, you're going to be one of the first to experience issues. And then a year later, you buy them and they're nearly indestructible."



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Turns out, tens of thousands of us plebeians have been Puffco's free beta testers unwittingly or not. It's the modern paradigm of electronics hardware and software launches. Since March 2018, all over the world, Peak users have been using—and breaking —the revolutionary smart pipe. Our frustrations have become Puffco's data points. Roger made a video game analogy.

"It's like your Nintendo Switch," he told me. "If you're one of the first to buy it, you're going to be one of the first to experience issues. And then a year later, you buy them and they're nearly indestructible."

Puffco has sold tens of thousands of Peaks since March, a small percentage of which have failed, requiring replacements under warranty. Since then, his engineers have addressed "80 to 90 percent" of the device's issues, Volodarsky said. "So now we're quite happy with it. Now, we're down to user error. … We want to make it idiot proof."

Volodarsky aims to sell one million Peaks over the device's lifetime. He might just do it, launch hiccups and all.

Running Low on Sauce?

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LET'S GO

You Get What You Put In

Like the Playstation 3, the Tesla, and the iPhone, there is something inspired in the design of the Puffco Peak. Its all-white box states: "You get what you put in."

Open the box and a thick black case contains a palm-size plastic battery base, which affixes to a glass percolator attachment. Charge it. Load the ceramic bowl with expensive hash. Turn the Peak on by holding the device's single button for three seconds. It vibrates to life, LED strip pulsing green.

RELATED STORY

The Avid Dabber: A Peak Dabbing Experience With Puffco's Latest Innovation

Start a dab by clicking the button twice. The hash starts to simmer and then boil, the device vibrates, and it's time to sip smooth cool vapor from the percolator, and get very lifted.

Cannabis extracts can be three to five times stronger than raw flower. They can also be much more flavorful. That's what drew in Volodarsky.

At age 29, depressed and out of work during the Great Recession, Volodarsky was inspired by the popular Grenco G-Pen. He decided to invent his own pen-shaped hardware device to heat up extracts into vapor.



(h)



(Courtesy of Puffco)

Volodarsky immersed himself in the basics of hardware design, overseas manufacturing, importing, distribution and marketing. He got a \$1,300 loan from his anti-marijuana mom to buy the name "Puffco". He hired a few friends. Within three years, the "Puffco Pro" vape pen won the highest honor in cannabis—a High Times Cannabis Cup.

This past January saw the launch of the Puffco Peak at the massive Consumer Electronics Showcase (CES) in Las Vegas. Massive hype ensued. Today, around Puffco each work day is about managing demand for the ultra-popular Pro.

"When we were developing this, we kind of knew this was a proof of concept: If we make a device that is very attractive, with no learning curve, specifically meant for using concentrates—would it convert people from a conventional rig-and-torch system?" Volodarsky explained. "Would it add new users who never looked at the concentrate space before? If we can prove that that exists, then we can pour a bunch more money into the product and make it even better than we had hoped."

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Squashing Peak Bugs

The only match for the Peak's hype has been the hate.

"Purist pipe makers and aficionado rig buyers feel like we're destroying the industry," Volodarsky acknowledged.

"If you are going to say. 'Your product needs to be made \equiv Leafly

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yourself for the first time."

– Roger Volodarsky, CEO of Puffco

But maybe it's creative destruction. "We're the only company out there that looked at the pipe-making space and said, 'How can we elevate this to being with the times?' Getting rid of the torch and continuing with beautiful pipe art."

The grumbling didn't come solely from old-school purists. There were plenty of defects in the first generation of Puffco Peaks. Initial production runs experienced high battery failure rates. The atomizer (the part that gets hot and boils the hash) also tended to go awry. Some atomizers ran very hot. Users were also breaking the atomizer by over-tightening it after cleaning. Following a redesign, Volodarsky said, "We've seen a massive drop in atomizer failures."

To prevent counterfeiting and cloning of the Peak, Volodarsky splits up the Chinese manufacturing process, so no one factory can clone the entire device. That in itself can create design hiccups.

RELATED STORY

How to Shop for Your First Dab Rig

"There's no perfect solution," he's learned of working in Shenzen, China. "Nobody has anything figured out in consumer electronics."

"If you are going to say, 'Your product needs to be made right the first time,' I implore you to make a product yourself for the first time," he said. "They're not easy. But we're up for that challenge."



Leafly

https://www.leafly.com/news/industry/how-the-puffco-peak-squashes-bugs-haters

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"It would have been nice to not have those bugs," he added. But even after testing hundreds of units prior to release, "there are going to be issues. And once thousands of people have them, you go, like, 'Shit, this is an issue, and now we need to fix this for all the users, and make sure we don't make anything else with this."

Idiot-Proofing the Peak

With major design bugs solved, and manufacturing defects ironed out, Puffco has ramped up production of the Peak and is now introducing more accessories. There's now a device "backpack" for Peaking on the go. The Puffco Art Show is coming to Denver Oct. 20.

RELATED STORY

Not Your Dad's Hash Pipe: Pics From the Puffco Glass Open

That's not to say the Peak can't be improved. One ongoing issue is the device's lack of an auto-shutoff function. You get nicely baked with the Peak and forget to turn it off, draining the battery. Shouldn't a smart rig be smart enough to power itself down?

Volodarsky takes full blame and credit. "I am the reason there is no auto-shutoff. When we were designing it, I said, 'We're going to use this thing, non-stop, taking 25 dabs over two days.' I didn't want to have to unlock it every time we used it. Unfortunately, not everyone is as heavy a user as me. Some people only take two or three dabs over two days."

Maybe the missing auto-shutoff bricked my first one. Maybe the atomizer cleaning issue shorted out the second. Either way, Puffco replaces units as fast as they can.

"Here," he said handing me a new, prototype all-white Peak from his personal stash of 50. Holding the box, it felt like getting new Yeezie sneakers from Kanye. Or keys to a new Tesla

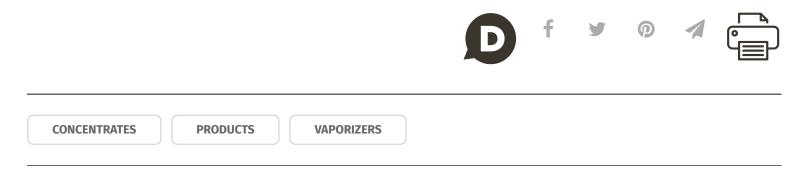


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"The product is working better than ever," he said.

And the third time proved to be the charm. My new Peak performs flawlessly.





David Downs

David Downs directs news and lifestyle coverage as the California Bureau Chief for Leafly.com. He's written for WIRED, Rolling Stone and Billboard, and is the former cannabis editor of the San Francisco Chronicle, as well as the author of several cannabis books including 'Marijuana Harvest' by Ed Rosenthal and David Downs. He writes a weekly column, The Cali Way. TW: @davidrdowns | IG @daviddowns

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LIFESTYLE

Trinny Pics from the Puffco Glass Onen





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Dan Smith • 3 months ago

\$40 atomizers that the company states may only last one month. You'll spend hundreds every year using this thing and puffco knows this. Dabber switch uses induction heating with no atomizer.
6 ∧ | ∨ • Reply • Share >

sugarbush → Dan Smith • 2 months ago

Garbage . Mine broke within a month and it cost me 100 in shipping to get a new vape unit . Bad service and unreliable product . Don't waste your money on this garbage . The resin from vaping eventually breaks the machine .

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jimmy k • 2 months ago

I ran my on med/low heat (green or red). Hit it 3 or 4 times a day and clean daily. First atomizer lasted 2 weeks. Second lasted a week. Been waiting 3 weeks for a replacement that they said they would ship out of their good heart. If you really want to try one out, there are tonnes of gently used units on eBay. Take the hint, learn from others.

1 • Reply • Share >

Vanlew Pat • 2 months ago

You have to keep it clean i have and really no problems.

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puffco So long reservations, hello freedom. The Puffco Peak is now available for purchase at puffco.com from here on out. Atomizers, carb caps, and chargers are now available as well. Tag a friend that needs one.

We want to thank all first adopters for their support. If you experience any issues, send one email with the subject "Peak" to support@puffco.com. Instagram wasn't built for customer service and we want to make sure we're being as effective as possible.

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1,104 likes

gocrazyhalooba @puffco says you guys sold out @puffco hello hello hello

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Exhibit L

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INNOVATE

If Apple Were to Design a Bong, This Is What It Would Look Like

Puffco, a Brooklyn-based vaporizer startup, was one of only two marijuana companies to debut at CES this year. Now its high-tech smoking device is being hailed the Keurig of cannabis.





Puffco Peak in action.

CREDIT: Courtesy Puffco

At CES in January, amid the robotic armoire that folds clothing and the suitcase that doubles as a gokart, there were only two cannabis companies. Vapium, a Canadian manufacturer, was there to debut its new medical marijuana vaporizer. The other company, Puffco, had spent the prior two years

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tech's biggest breakthrough yet: a "smart" bong.

CES denied Puffco a booth, Volodarsky says, but that wasn't going to stop him from his company's coming out party. The 34-year-old flew to Vegas and booked a suite at the Mirage Hotel overlooking the Strip. The night before CES started, during a media event for tech companies to demo their gadgets for journalists, he revealed the Puffco Peak, a high-end electric water pipe for vaporizing THC concentrates. At the after-party in his 28th-floor suite, Volodarsky then hosted a live demo with a smaller group of reporters, leading to rave reviews everywhere from Engadget to CNET.

CNET described the Peak's functionality as "easy to work as a Keurig coffee maker" and noted that Puffco "ambitiously domesticated the dab rig through refined design." It was hardly faint praise, considering dab rigs (a particular type of bong used to vaporize a potent, sticky marijuana extract that contains THC) typically resembles an oversize crack pipe. Among Puffco's other high-tech tweaks, the Peak managed to redesign the most unsavory part of the smoking device's user interface: Instead of requiring an actual blowtorch to heat it (like the ones chefs use on a creme brulee), the Peak is activated by a simple double click of a button. By the end of the massive Vegas trade show, the Peak was nominated for the "most unexpected" tech product to debut, according to Engadget.

The competition in the vape tech industry is cutthroat. At the top of the food chain are the originators of innovative cannabis vaporizers like Pax, founded by two Stanford grads; Firefly, founded by a former Apple designer; and the Volcano, created by a graphic designer and civil engineer from Germany. At the bottom end, there are counterfeiters and rip-off artists who buy other companies' products, ask factories in China to make a few tweaks to the branding, resulting in low-cost vaporizers. Somewhere in the middle is Puffco, a small hardware startup that has had to fight for space and recognition.

Volodarsky, a Coney Island native, isn't your typical cannabis startup founder. With sleeve-length

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Puffco Peak. CREDIT: Courtesy Puffco

tattoos and the ability to smoke any self-respecting cannabis aficionado under the table, he doesn't bother portraying a squeaky clean image. (In 2012, he was arrested for marijuana possession in Fort Lee, New Jersey.) He also didn't set out to raise a bunch of money like other green rush entrepreneurs. Instead, in 2013, Volodarsky bootstrapped Puffco after being disappointed with the existing vape pens on the market. Since then, he's had one simple vision: To make the indiscreet act of dabbing more socially acceptable through smarter technology and great design.

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His company didn't start gaining traction until 2015, when Volodarsky launched the Puffco Pro, a small pen-size vaporizer made to consume concentrates on the go. That summer, the Pro won one of the industry's highest honors--the best portable concentrate pen vaporizer at the *High Times* Cannabis Cup. Suddenly Puffco was on the map, and orders were flying in.

In 2016, from Puffco's former headquarters in a Brooklyn basement, Volodarksy and his team of two engineers and industrial designers came up with a new product, the Puffco Plus. The vape pen, which features a ceramic bowl, went on to win a string of awards from *High Times*. But Puffco's success and attention came with increased competition and supply chain issues.

The commercial launch of the Plus faltered because the first 2,000 units delivered from its factory in Shenzen, China, were defective. A competitor seized the moment, and posted on social media that all Puffco customers were welcome to send them their broken Puffcos, in return, receiving a free vape from their brand. To make matters worse, Puffco's factory in Shenzhen then went out of business.

The prior year, Puffco had made \$5 million in sales, but now it had zero product to sell and hundreds of angry customers. For the first three quarters of 2016, Puffco stayed afloat by selling replacement parts to existing customers. Without a functioning product and no factory, Volodarsky decided to discontinue his products and fly to Shenzhen to try and build a new supply chain.

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"We were on the brink of failure and didn't know how to become a well-oiled consumer product company," says Volodarsky.

Volodarsky decided to build a supply chain that was purposely fragmented, to make it harder for competitors to steal his partners. "We did it with boots on the ground. We visited every assembly house and manufacturing partner in Shenzhen," he says. He also worked with his lawyer to write stronger contracts with manufacturers to stem counterfeiters. With the supply chain in place, Puffco started taking new orders by November; during the last 60 days of 2016, the startup brought in more money than they had the prior year.

While the experience was challenging, it also helped Volodarsky refocus his priorities on the one thing competitors couldn't commoditize: great design. He decided to channel all the company's resources to what he believed was his secret sauce--a killer in-house engineering and design team, led by Avi Bajpai, the former senior design engineer at Ben Kaufman's Quirky. "Innovation grows old fast, so you only have one option--make products that are hard to copy," says Volodarsky.

For one year, Volodarsky and Bajpai had a singular focus--creating a smart dab rig that did not require a blowtorch and wasn't embarrassing to leave on the coffee table. If the dab rig was ever going to make it to the mass market, it would have to look more like an Apple product than something fit for a college dorm. The result was the Peak, a sleek electric bong that uses "intelligent" temperature calibration to heat up in 20 seconds. The Peak retails from \$379.99 on Puffco's website.

Puffco's next big move will be a literal one, across the country to a new headquarters in Los Angeles. Volodarsky says California, which just legalized adult-use sales in January, will be a more welcoming

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concentrates and use Puttco's products.

"It's going to be hard to leave New York, but I sacrificed a lot, all of us at Puffco sacrificed a lot," says Volodarsky, explaining that there was, and still is, a level of risk running a cannabis-related business in certain states. "There weren't many believers, or supporters, when we started."



TIP SHEET | 1:52 7 Biggest Trends to Watch in the Marijuana Industry This Year

PUBLISHED ON: FEB 7, 2018

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: <u>Puffco Facing Class Action Over Allegedly Defective Peak Vaporizers</u>