

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

FOOD EQUIPMENT TECHNOLOGIES	)	
COMPANY,	)	
Plaintiff,	)	Case No. 1:13-cv-4525
v.	)	
	)	
KALITA CO., LTD., WELLS BLOOMFIELD, LLC,	)	
and AMAZON.COM, INC.	)	Jury Trial Demanded
	)	
Defendants.	)	

**COMPLAINT**

Plaintiff Food Equipment Technologies Company (“FETCO” or “Plaintiff”), by its attorneys, and for its Complaint against Defendants Kalita Co., Ltd. (“Kalita”), Wells Bloomfield, LLC (“Wells Bloomfield”), and Amazon.com, Inc. (“Amazon”) (collectively, “Defendants”), states and alleges as follows:

**PARTIES, JURISDICTION AND VENUE**

1. FETCO is an Illinois corporation with its principal place of business located in Lake Zurich, Illinois.
2. On information and belief, Kalita Co., Ltd. is a Japanese corporation with its principal place of business located in Kanagawa, Japan.
3. On information and belief, Wells Bloomfield, LLC is a Delaware limited liability company with its principal place of business located in St. Louis, Missouri.
4. On information and belief, Amazon.com, Inc. is a Delaware corporation with its principal place of business in Seattle, Washington.

5. This is a civil action arising from Defendants' infringement of FETCO's patent. This action is an action for patent infringement under the laws of the United States, Title 35 of the United States Code, as set forth below.

6. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338. In addition, because the matter in controversy exceeds \$75,000, exclusive of interests and costs, and is between a citizen of a state and a citizen of another state and an alien, this Court also has jurisdiction under 28 U.S.C. § 1332.

7. Personal jurisdiction and venue are proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b) because Defendants do business in this District and because they have committed acts of infringement in this District. In addition, this Court has personal jurisdiction over Defendants by virtue of their commission of tortious acts within the State of Illinois and this District, their transaction of business within the State of Illinois and this District. The infringing products are available for sale in this District.

8. Joinder of the Defendants herein is proper because, on information and belief, FETCO's right to relief hereunder against each of the Defendants is with respect to or arises out of the same transaction, occurrence, or series of transactions or occurrences relating to the making, using, importing into the United States, offering for sale, or selling of the same accused product and because questions of fact common to all Defendants will arise in the action.

### **PATENT INFRINGEMENT**

9. FETCO repeats and realleges each and every allegation contained in paragraphs 1 – 8, with the same force and effect as if fully set forth herein.

10. FETCO is in the business of designing, developing, manufacturing and selling hot and cold beverage equipment including brewing, storage and related equipment, primarily for the

coffee and tea industry. FETCO's products include a complete line of coffee brewers, coffee grinders, tea brewers, hot water dispensers, and thermal dispensers. Additionally, FETCO provides complete services to support its product line.

11. On July 19, 2011, United States Patent No. 7,980,422 entitled "Portable Beverage Dispenser with Electronic Beverage Characteristic Display and Method" (the "'422 Patent"), a copy of which is attached hereto as Exhibit A, was duly, validly and legally issued by the United States Patent and Trademark Office. FETCO owns the full right, title and interest in and to the '422 Patent and is entitled to sue for infringement of the '422 Patent.

12. In violation of 35 U.S.C. § 271, Defendants make, use, offer to sell, sell and/or import into the United States products that infringe one or more claims of the '422 Patent.

13. On information and belief, the infringing products include, without limitation, thermal carafes made, used, offered for sale, sold and/or imported by Defendant Wells Bloomfield under the name Model 7895 T Stainless Steel Thermal Carafe and/or Model 7895 T-THS Hand-held Pour Kalita Carafe. On information and belief, Defendant Wells Bloomfield has made, used, offered for sale, sold and/or imported such infringing products throughout the United States, including locations within this District.

14. On information and belief, the infringing products include, without limitation, thermal carafes made, used, offered for sale, sold and/or imported by Defendants Kalita and Amazon under the name Kalita Thermal Decanter, Model KTD-18 and/or Model 32057. On information and belief, Defendants Kalita and Amazon have made, used, offered for sale, sold and/or imported such infringing products throughout the United States, including locations within this District.

15. The '422 Patent was publicly available since its July 19, 2011 publication and, on information and belief, Defendants have been fully aware of the '422 Patent since that time.

16. On information and belief, with full knowledge of the '422 Patent, Defendants willfully continue to make, use, offer to sell, sell and/or import products that infringe the '422 Patent.

17. Defendants' acts of willful infringement have damaged, and unless enjoined by this Court, will continue to damage Plaintiff, and have caused and will continue to cause irreparable harm for which Plaintiff has no adequate remedy at law.

#### **RELIEF SOUGHT**

WHEREFORE, Plaintiff Food Equipment Technologies Company respectfully requests that the Court grant the following relief:

- a. A preliminary and permanent injunction preventing infringement by Defendants of U.S. Patent No. 7,980,422;
- b. Damages of lost profits, but in no event less than a reasonable royalty, to the maximum extent permitted by law, for Defendants' past and current infringement of U.S. Patent No. 7,980,422;
- c. An award of treble damages and attorney's fees by reason of Defendants' willful infringement of U.S. Patent No. 7,980,422;
- d. An award of interest, including prejudgment interest;
- e. An assessment of costs and disbursements of this action; and
- f. Such other and further relief as justice and equity may require.

**JURY DEMAND**

Plaintiff Food Equipment Technologies Company hereby demands trial by jury.

Respectfully submitted,

FOOD EQUIPMENT TECHNOLOGIES COMPANY

June 20, 2013

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