

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<b>KRAFT FOODS GROUP BRANDS LLC,</b>	:	
	:	
<b>Plaintiff,</b>	:	<b>C. A. No.</b>
	:	
<b>v.</b>	:	<b>JURY TRIAL DEMANDED</b>
	:	
<b>TC HEARTLAND, LLC d/b/a HEARTLAND FOOD PRODUCTS GROUP</b>	:	
	:	
<b>-and-</b>	:	
	:	
<b>HEARTLAND PACKAGING CORPORATION</b>	:	
	:	
<b>Defendants.</b>	:	

**COMPLAINT**

Plaintiff Kraft Foods Group Brands LLC (“Kraft”) for its Complaint against Defendants TC Heartland, LLC and Heartland Packaging Corporation (collectively referred to herein as “Heartland”), alleges as follows:

**THE PARTIES**

1. Kraft is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 3 Lakes Drive, Northfield, IL 60093. Kraft does business in this State through manufacturing facilities and products sold.

2. TC Heartland, LLC d/b/a Heartland Food Products Group is a corporation organized and existing under the laws of the State of Indiana and, upon information and belief, has a principal place of business at 14300 Clay Terrace Blvd., Suite 249, Carmel, Indiana 46032.

3. Heartland Packaging Corporation is a corporation organized and existing under the laws of the State of Indiana and, upon information and belief, has a principal place of business at 14300 Clay Terrace Blvd., Ste. 249, Carmel, Indiana, 46032.

#### **JURISDICTION**

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 271, *et seq.*

5. The Court has personal jurisdiction over Heartland because Heartland has sold and offered for sale products that infringe Kraft's patents in this State and in this District, thereby causing injury to Kraft in this judicial district, and has otherwise generally subjected itself to jurisdiction by general sales of products in this State and in this District.

#### **VENUE**

6. Venue is proper in this District pursuant to 28 U.S.C. §§1391(b),(c) and 1400(b).

#### **THE PATENTS**

7. On October 23, 2012, United States Letters Patent No. 8,293,299 ("the '299 Patent") entitled "Containers and Methods for Dispensing Multiple Doses of a Concentrated Liquid, and Shelf Stable Concentrated Liquids," was duly and legally issued to Kraft as the assignee of the named inventors. Since that date, Kraft has been the owner of the '299 Patent. A true and correct copy of the '299 Patent is attached to this Complaint as Exhibit A.

8. On August 20, 2013, United States Letters Patent No. 8,511,472 ("the '472 Patent") entitled "Containers Having Perforated Shrink Wrap Sleeves," was duly and legally issued to Kraft as the assignee of the named inventors. Since that date, Kraft

has been the owner of the '472 Patent. A true and correct copy of the '472 Patent is attached to this Complaint as Exhibit B.

9. On December 10, 2013, the United States Letters Patent No. 8,603, 557 ("the '557 Patent") entitled "Containers and Methods for Dispensing Multiple Doses of a Concentrated Liquid and Shelf Stable Concentrated Liquids," was duly and legally issued to Kraft as the assignee of the named inventors. Since that date, Kraft has been the owner of the '557 Patent. A true and correct copy of the '557 Patent is attached to this Complaint as Exhibit C.

**COUNT 1 – INFRINGEMENT OF U.S. PATENT NO. 8,293,299**

10. Kraft incorporates by reference the allegations set forth in paragraphs 1 through 9 as if fully rewritten herein.

11. On information and belief, Heartland is infringing the '299 Patent by manufacturing, using, offering to sell and selling products that infringe the '299 Patent including, but not limited to, products under the Refreshé label, including, *inter alia*, Refreshé Fruit Punch Drink Enhancer.

12. On information and belief, Heartland's foregoing acts of infringement have been and continue to be willful and deliberate.

13. Kraft has been damaged, in an amount to be determined, by Heartland's acts of infringement and will continue to be damaged by such acts in the future.

**COUNT 2 – INFRINGEMENT OF U.S. PATENT NO. 8,511,472**

14. Kraft incorporates by reference the allegations set forth in paragraphs 1 through 13 as if fully rewritten herein.

15. On information and belief, Heartland is infringing the '472 Patent by manufacturing, using, offering to sell and selling products that infringe the '472 Patent including, but not limited to, products under the Refreshé label, including, *inter alia*, Refreshé Fruit Punch Drink Enhancer.

16. On information and belief, Heartland's foregoing acts of infringement have been and continue to be willful and deliberate.

17. Kraft has been damaged, in an amount to be determined, by Heartland's acts of infringement and will continue to be damaged by such acts in the future.

**COUNT 3—INFRINGEMENT OF U.S. PATENT NO. 8,603,557**

18. Kraft incorporates by reference the allegations set forth in paragraphs 1 through 17 as if fully rewritten herein.

19. On information and belief, Heartland is infringing the '557 Patent by manufacturing, using, offering to sell and selling products that infringe the '557 Patent including, but not limited to, products under the Refreshe label, including, *inter alia*, Refreshe Fruit Punch Drink Enhancer.

20. On information and belief, Heartland's foregoing acts of infringement have been and continue to be willful and deliberate.

21. Kraft has been damaged, in an amount to be determined, by Heartland's acts of infringement and will continue to be damaged by such acts in the future.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff Kraft prays for judgment and seeks relief against Defendants TC Heartland, LLC and Heartland Packaging Corporation as follows:

(a) For judgment that the '299 Patent, the '472 Patent and the '557 Patent have been infringed by TC Heartland, LLC and Heartland Packaging Corporation;

(b) For preliminary and permanent injunctions enjoining the aforesaid acts of infringement by TC Heartland, LLC and Heartland Packaging Corporation, their officers, agents, servants, employees, subsidiaries and attorneys, and those persons acting in concert with TC Heartland, LLC and Heartland Packaging Corporation, including related individuals and entities, customers, representatives, dealers and distributors;

(c) For an award of actual damages;

- (d) For an award of pre-judgment and post-judgment interest, according to proof;
- (e) For an award of enhanced damages pursuant to 35 U.S.C. § 284;
- (f) For an award of attorney fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law;
- (g) For all costs of suit; and
- (h) For such other and further relief as the Court may deem just and proper.

**JURY TRIAL DEMAND**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Kraft demands a trial by jury of all issues triable of right by jury.

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Dated: January 14, 2014