

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

CML&J LLC,

Plaintiff,

v.

MillerCoors LLC,

Defendant.

Civ. No. 3:12-cv-01465-VLB

JURY TRIAL DEMANDED

---

**FIRST AMENDED COMPLAINT**

Plaintiff, CML&J LLC, does hereby, through its attorneys, allege as follows:

**THE PARTIES**

1. Plaintiff CML&J LLC, (hereinafter “CML&J”), is a Limited Liability Company organized and existing under the laws of Connecticut, having a principal place of business at 20 Jennifer Lane, Cromwell, Connecticut, 06416.

2. Upon information and belief, Defendant MillerCoors LLC (hereinafter “MillerCoors”) is a Limited Liability Company organized under the laws of the State of Delaware, with its principal place of business in Chicago, Illinois.

**JURISDICTION AND VENUE**

3. This is a claim for patent infringement and arises under the Patent Act, 35 U.S.C. § 1 *et seq.* This Court has original jurisdiction over the subject matter of this claim under 28 U.S.C. §§ 1331 and 1338.

4. The Court has personal jurisdiction over MillerCoors in that it transacts business in this judicial district and/or has committed acts within this judicial district giving rise to this action.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), (c) and 1400(b) because MillerCoors transacts business in this judicial district and/or has committed acts of infringement here.

**ALLEGATIONS**

6. CML&J is the owner by assignment of United States Patent No. 8,245,866 entitled “Container,” which issued on August 21, 2012 (the “‘866 patent”). A true and accurate copy of the ‘866 patent is attached hereto as Exhibit A.

7. CML&J is the owner by assignment of United States Patent No. 8,640,905 entitled “Container,” which issued on February 4, 2014 (the “‘905 patent”). A true and accurate copy of the ‘905 patent is attached hereto as Exhibit B. The ‘866 patent and the ‘905 patent are hereinafter collectively referred to as the “patents-in-suit”).

8. MillerCoors has infringed, and continues to infringe, one or more claims of the patents-in-suit by making, using, selling, offering to sell and/or importing products, including at least its Miller Lite and/or Miller Genuine Draft (“MGD”) “Punch Top Can” product, covered by the claims of the patents-in-suit in this district and elsewhere, and will continue to do so unless enjoined therefrom by this Court.

9. MillerCoors has also infringed the patents-in-suit by contributing to the infringement of those patents by others and/or by inducing others to infringe the patents-in-suit.

10. Upon information and belief, MillerCoors' infringement and/or continued infringement of the patents-in-suit, whether direct, contributory, and/or by inducement, has been and continues to be knowing, willful, and/or objectively reckless.

11. CML&J has been irreparably harmed by MillerCoors' infringement to an extent not yet determined, and will continue to be irreparably harmed in the future unless MillerCoors is enjoined from its activities by this Court.

**COUNT I**  
**(Infringement of U.S. Patent No. 8,245,866)**

12. CML&J repeats and realleges paragraphs 1-11, above, as though fully set forth herein.

13. MillerCoors infringes and will continue to infringe one or more of the claims of the '866 patent by, among other activities, offering to sell or selling its Miller Lite and Miller Genuine Draft Punch Top Can products.

14. MillerCoors has also infringed the '866 patent by contributing to the infringement of the '866 patent by others and/or by inducing others to infringe the '866 patent.

15. Upon information and belief, MillerCoors' continued infringement of the '866 patent, whether direct, contributory, and/or by inducement, has been and continues to be knowing, willful, and objectively reckless.

16. CML&J has been irreparably harmed to an extent not yet determined by MillerCoors' infringement, and will continue to be irreparably harmed in the future unless MillerCoors is enjoined from its activities by this Court.

**COUNT II**  
**(Infringement of U.S. Patent No. 8,640,905)**

17. CML&J repeats and realleges paragraphs 1-16, above, as though fully set forth herein.

18. MillerCoors infringes and will continue to infringe one or more of the claims of the '905 patent by, among other activities, offering to sell or selling its Miller Lite and Miller Genuine Draft Punch Top Can products.

19. MillerCoors has also infringed the '905 patent by contributing to the infringement of the '905 patent by others and/or by inducing others to infringe the '905 patent.

20. Upon information and belief, MillerCoors' continued infringement of the '905 patent, whether direct, contributory, and/or by inducement, has been and continues to be knowing, willful, and objectively reckless.

21. CML&J has been irreparably harmed to an extent not yet determined by MillerCoors' infringement, and will continue to be irreparably harmed in the future unless MillerCoors is enjoined from its activities by this Court.

**PRAYER FOR RELIEF**

WHEREFORE, CML&J respectfully asks this Court to enter judgment against MillerCoors, and against respective subsidiaries, successors, parents, affiliates, officers, directors, agents, servants and employees, and all persons in active concert or participation with MillerCoors, granting the following relief:

- A. The entry of judgment in favor of CML&J and against MillerCoors;
- B. A permanent injunction prohibiting further infringement of the patents-in-suit;

- C. An award of damages adequate to compensate CML&J for the infringement that has occurred, but in no event less than a reasonable royalty for the use made of the inventions of the patents-in-suit as provided in 35 U.S.C. § 284, together with prejudgment interest from the date the infringement began;
- D. Award CML&J treble damages as provided in 35 U.S.C. § 284;
- E. Find that this case is exceptional and award CML&J its costs in this action together with reasonable attorneys' fees as provided in 35 U.S.C. § 285; and
- F. Such other relief to which CML&J is entitled under law, and any other and further relief that this Court or a jury may deem just and proper.

**DEMAND FOR JURY TRIAL**

CML&J demands a trial by jury on all issues so triable.

Respectfully submitted,

Date: February 18, 2014

/s/ Andrew C. Ryan  
Andrew C. Ryan, Esq. (ct21565)  
[ryan@cantorcolburn.com](mailto:ryan@cantorcolburn.com)  
Steven M. Coyle, Esq. (ct21039)  
[scoyle@cantorcolburn.com](mailto:scoyle@cantorcolburn.com)  
Chad A. Dever, Esq. (ct27032)  
[cdever@cantorcolburn.com](mailto:cdever@cantorcolburn.com)  
Cantor Colburn LLP  
20 Church Street, 22<sup>nd</sup> Floor  
Hartford, CT 06103  
Telephone: (860) 286-2929  
Fax: (860) 286-0115

ATTORNEYS FOR PLAINTIFF  
CML&J LLC

**CERTIFICATE OF SERVICE**

I hereby certify that on February 18, 2014, a copy of the foregoing document was filed electronically and served by mail on any party unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

**/s/ Andrew C. Ryan**  
**Andrew C. Ryan, Esq.**