IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BEVERAGE DISPENSING SOLUTIONS, LLC, Plaintiff, v. **THE COCA-COLA COMPANY,** Defendant.	Case No. 1:14-CV-00220-TCB PATENT CASE JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Beverage Dispensing Solutions, LLC ("BDS" or "Plaintiff") filed this Complaint against The Coca-Cola Company ("Coca-Cola" or "Defendant") for infringement of U.S. Patent No. 6,986,263 ("the '263 patent"), U.S. Patent No. 7,356,381 ("the '381 patent"), U.S. Patent No. 8,103,378 ("the '378 patent"), U.S. Patent No. 8,190,290 ("the '290 patent"), U.S. Patent No. 8,290,615 ("the '615 patent"), U.S. Patent No. 8,290,616 ("the '616 patent") and U.S. Patent No. 8,548,624 ("the '624 patent") (collectively "the patents-in-suit" or "asserted patents").

THE PARTIES

1. Plaintiff is an Illinois limited liability company with its principal place of business located at 2400 Dallas Parkway, Suite 200, Plano, Texas 75039.

2. Defendant is a Delaware corporation with its principal place of business located at 1 Coca Cola Plaza NW, Atlanta, Georgia 30313.

JURISDICTION AND VENUE

3. Plaintiff brings this action for patent infringement under the patent laws of the United States, namely 35 U.S.C. §§ 271, 281, and 284-285, among others. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367.

4. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant is deemed to reside in this judicial district, has committed acts of infringement in this judicial district, has purposely transacted business involving the accused products in this judicial district, and/or has regular and established places of business in this district.

5. Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process, due at least to its substantial business in this State and judicial district, including: (A) committing acts of infringement in this judicial district as described herein; (B) having a corporate headquarters in this judicial district; and (C) regularly conducting or soliciting business, engaging in other persistent conduct, and/or deriving substantial revenue from goods and products sold and services provided to Georgia residents.

COUNT I

(INFRINGEMENT OF U.S. PATENT NO. 6,986,263)

6. Plaintiff incorporates paragraphs 1 through 5 herein by reference.

7. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

8. Plaintiff is the exclusive licensee of the '263 patent, entitled "Refrigerator Having a Beverage Dispenser and a Display Device," with all substantial rights to the '263 patent including the exclusive right to enforce, sue, and recover damages for past and future infringement. A copy of the '263 patent is attached as Exhibit 1.

9. The '263 patent is valid, enforceable and was duly issued in fully compliance with Title 35 of the United States Code.

DIRECT INFRINGEMENT (35 U.S.C. § 271(a))

10. Defendant has, and continues to, directly infringe one or more claims of the '263 patent in this judicial district and elsewhere in Georgia and the United States.

11. In particular, Defendant has, and continues to, infringe at least claims 1, 5 and 6 of the '263 patent by, among other things, making, using, offering for sale, selling and/or importing infringing devices including, but not limited to, its Freestyle machines.

12. Defendant is liable for these infringements of the '263 patent pursuant to 35 U.S.C. § 271.

INDIRECT INFRINGEMENT (INDUCEMENT – 35 U.S.C. § 271(b))

13. Based on the information presently available to Plaintiff, absent discovery, and in the alternative to direct infringement, Plaintiff contends that Defendant has, and continues to, indirectly infringe one or more claims of the '263 patent by inducing direct infringement by users of its Freestyle machines.

14. Defendant has had knowledge of the '263 patent at least as early as December 10, 2012 when Harry Lee Crisp, III met with Defendant regarding the '263 patent. On information and belief, despite having knowledge of the '263 patent, Defendant has specifically intended for persons who acquire and use the Freestyle machines, including Defendant's customers and end consumers, to acquire and/or use such devices in a way that infringes the '263 patent, including at least claims 1, 5 and 6, and Defendant knew or should have known that its actions were inducing infringement.

15. Defendant instructs and encourages users to use its Freestyle machines in a manner that infringes the '263 patent. For example, see http://www.coca-colafreestyle.com.

16. Furthermore, Defendant has not provided any information or indication that it has implemented a design around or otherwise taken any remedial action with respect to the ’263 patent. In accordance with Fed. R. Civ. P. 11(b)(3), Plaintiff will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

INDIRECT INFRINGEMENT (CONTRIBUTORY – 35 U.S.C. § 271(c))

17. Based on the information presently available to Plaintiff, absent discovery, and in the alternative to direct infringement, Plaintiff contends that Defendant has, and continues to, indirectly infringe one or more claims of the ’263 patent by contributing to the direct infringement of users of its Freestyle machines.

18. Defendant has had knowledge of the ‘263 patent at least as early as December 10, 2012 when Harry Lee Crisp, III met with Defendant regarding the ’263 patent. Despite this knowledge, Defendant has knowingly sold, and continues to sell, its Freestyle machines even though such devices are not staple articles or commodities of commerce suitable for substantial noninfringing use.

19. The only use demonstrated for Defendant’s Freestyle machines on Defendant’s website is an infringing use. *See* http://www.coca-colafreestyle.com. Defendant’s Freestyle machines are especially made and/or adapted for use in infringing the ’263 patent.

20. Plaintiff has been damaged as a result of Defendant’s infringing conduct described in this Count. Defendant is, thus, liable to Plaintiff in an amount that adequately compensates Plaintiff for Defendant’s infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by the this Court under 35 U.S.C. § 284.

COUNT II

(INFRINGEMENT OF U.S. PATENT NO. 7,356,381)

21. Plaintiff incorporates paragraphs 1 through 20 herein by reference.

22. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

23. Plaintiff is the exclusive licensee of the '381 patent, entitled "Refrigerator Operable to Display an Image and Output a Carbonated Beverage," with all substantial rights to the '381 patent including the exclusive right to enforce, sue, and recover damages for past and future infringement. A copy of the '381 patent is attached as Exhibit 2.

24. The '381 patent is valid, enforceable and was duly issued in fully compliance with Title 35 of the United States Code.

DIRECT INFRINGEMENT (35 U.S.C. § 271(a))

25. Defendant has, and continues to, directly infringe one or more claims of the '381 patent in this judicial district and elsewhere in Georgia and the United States.

26. In particular, Defendant has, and continues to, infringe at least claims 1, 3, 8, 9, 11, 16, 17, 19 and 20 of the '381 patent by, among other things, making, using, offering for sale, selling and/or importing infringing devices including, but not limited to, its Freestyle machines.

27. Defendant is liable for these infringements of the '381 patent pursuant to 35 U.S.C. § 271.

INDIRECT INFRINGEMENT (INDUCEMENT – 35 U.S.C. § 271(b))

28. Based on the information presently available to Plaintiff, absent discovery, and in the alternative to direct infringement, Plaintiff contends that Defendant has, and continues to,

indirectly infringe one or more claims of the ’381 patent by inducing direct infringement by users of its Freestyle machines.

29. Defendant has had knowledge of the ’381 patent at least as early as July 2008. On information and belief, despite having knowledge of the ’381 patent, Defendant has specifically intended for persons who acquire and use the Freestyle machines, including Defendant’s customers and end consumers, to acquire and/or use such devices in a way that infringes the ’381 patent, including at least claims 1, 3, 8, 9, 11, 16, 17, 19 and 20, and Defendant knew or should have known that its actions were inducing infringement.

30. Defendant instructs and encourages users to use its Freestyle machines in a manner that infringes the ’381 patent. For example, see http://www.coca-colafreestyle.com.

31. Furthermore, Defendant has not provided any information or indication that it has implemented a design around or otherwise taken any remedial action with respect to the ’381 patent. In accordance with Fed. R. Civ. P. 11(b)(3), Plaintiff will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

INDIRECT INFRINGEMENT (CONTRIBUTORY – 35 U.S.C. § 271(c))

32. Based on the information presently available to Plaintiff, absent discovery, and in the alternative to direct infringement, Plaintiff contends that Defendant has, and continues to, indirectly infringe one or more claims of the ’381 patent by contributing to the direct infringement of users of its Freestyle machines.

33. Defendant has had knowledge of the ’381 patent at least as early as July 2008. Despite this knowledge, Defendant has knowingly sold, and continues to sell, its Freestyle machines even though such devices are not staple articles or commodities of commerce suitable for substantial noninfringing use.

34. The only use demonstrated for Defendant's Freestyle machines on Defendant's website is an infringing use. *See* http://www.coca-colafreestyle.com. Defendant's Freestyle machines are especially made and/or adapted for use in infringing the '381 patent.

35. Plaintiff has been damaged as a result of Defendant's infringing conduct described in this Count. Defendant is, thus, liable to Plaintiff in an amount that adequately compensates Plaintiff for Defendant's infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by the this Court under 35 U.S.C. § 284.

COUNT III

(INFRINGEMENT OF U.S. PATENT NO. 8,103,378)

36. Plaintiff incorporates paragraphs 1 through 35 herein by reference.

37. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

38. Plaintiff is the exclusive licensee of the '378 patent, entitled "Appliance Having a User Interface Panel and a Beverage Dispenser," with all substantial rights to the '378 patent including the exclusive right to enforce, sue, and recover damages for past and future infringement. A copy of the '378 patent is attached as Exhibit 3.

39. The '378 patent is valid, enforceable and was duly issued in fully compliance with Title 35 of the United States Code.

DIRECT INFRINGEMENT (35 U.S.C. § 271(a))

40. Defendant has, and continues to, directly infringe one or more claims of the '378 patent in this judicial district and elsewhere in Georgia and the United States.

41. In particular, Defendant has, and continues to, infringe at least claims 1, 2, 3, 4, 6, 7, 8, 9, 14, 15, 16, 23, 24, 25, 26, 27, 46, 47, 50, 51, 54, 57, 58, 59, 60 and 61 of the '378 patent

by, among other things, making, using, offering for sale, selling and/or importing infringing devices including, but not limited to, its Freestyle machines.

42. Defendant is liable for these infringements of the ’378 patent pursuant to 35 U.S.C. § 271.

INDIRECT INFRINGEMENT (INDUCEMENT – 35 U.S.C. § 271(b))

43. Based on the information presently available to Plaintiff, absent discovery, and in the alternative to direct infringement, Plaintiff contends that Defendant has, and continues to, indirectly infringe one or more claims of the ’378 patent by inducing direct infringement by users of its Freestyle machines.

44. Defendant has had knowledge of the ’378 patent at least as early as December 10, 2012 when Harry Lee Crisp, III met with Defendant regarding the ’378 patent. On information and belief, despite having knowledge of the ’378 patent, Defendant has specifically intended for persons who acquire and use the Freestyle machines, including Defendant’s customers and end consumers, to acquire and/or use such devices in a way that infringes the ’378 patent, including at least claims 1, 2, 3, 4, 6, 7, 8, 9, 14, 15, 16, 23, 24, 25, 26, 27, 46, 47, 50, 51, 54, 57, 58, 59, 60 and 61, and Defendant knew or should have known that its actions were inducing infringement.

45. Defendant instructs and encourages users to use its Freestyle machines in a manner that infringes the ’378 patent. For example, see http://www.coca-colafreestyle.com.

46. Furthermore, Defendant has not provided any information or indication that it has implemented a design around or otherwise taken any remedial action with respect to the ’378 patent. In accordance with Fed. R. Civ. P. 11(b)(3), Plaintiff will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

INDIRECT INFRINGEMENT (CONTRIBUTORY – 35 U.S.C. § 271(c))

47. Based on the information presently available to Plaintiff, absent discovery, and in the alternative to direct infringement, Plaintiff contends that Defendant has, and continues to, indirectly infringe one or more claims of the '378 patent by contributing to the direct infringement of users of its Freestyle machines.

48. Defendant has had knowledge of the '378 patent at least as early as December 10, 2012 when Harry Lee Crisp, III met with Defendant regarding the '378 patent. Despite this knowledge, Defendant has knowingly sold, and continues to sell, its Freestyle machines even though such devices are not staple articles or commodities of commerce suitable for substantial noninfringing use.

49. The only use demonstrated for Defendant's Freestyle machines on Defendant's website is an infringing use. *See* http://www.coca-colafreestyle.com. Defendant's Freestyle machines are especially made and/or adapted for use in infringing the '378 patent.

50. Plaintiff has been damaged as a result of Defendant's infringing conduct described in this Count. Defendant is, thus, liable to Plaintiff in an amount that adequately compensates Plaintiff for Defendant's infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by the this Court under 35 U.S.C. § 284.

COUNT IV

(INFRINGEMENT OF U.S. PATENT NO. 8,190,290)

51. Plaintiff incorporates paragraphs 1 through 50 herein by reference.

52. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

53. Plaintiff is the exclusive licensee of the ’290 patent, entitled “Appliance with Dispenser,” with all substantial rights to the ’290 patent including the exclusive right to enforce, sue, and recover damages for past and future infringement. A copy of the ’290 patent is attached as Exhibit 4.

54. The ’290 patent is valid, enforceable and was duly issued in fully compliance with Title 35 of the United States Code.

DIRECT INFRINGEMENT (35 U.S.C. § 271(a))

55. Defendant has, and continues to, directly infringe one or more claims of the ’290 patent in this judicial district and elsewhere in Georgia and the United States.

56. In particular, Defendant has, and continues to, infringe at least claims 1, 2, 6, 7, 8, 9, 10 and 11 of the ’290 patent by, among other things, making, using, offering for sale, selling and/or importing infringing devices including, but not limited to, its Freestyle machines.

57. Defendant is liable for these infringements of the ’290 patent pursuant to 35 U.S.C. § 271.

INDIRECT INFRINGEMENT (INDUCEMENT – 35 U.S.C. § 271(b))

58. Based on the information presently available to Plaintiff, absent discovery, and in the alternative to direct infringement, Plaintiff contends that Defendant has, and continues to, indirectly infringe one or more claims of the ’290 patent by inducing direct infringement by users of its Freestyle machines.

59. Defendant has had knowledge of the ’290 patent at least as early as December 10, 2012 when Harry Lee Crisp, III met with Defendant regarding the ’290 patent. On information and belief, despite having knowledge of the ’290 patent, Defendant has specifically intended for persons who acquire and use the Freestyle machines, including Defendant’s customers and end

consumers, to acquire and/or use such devices in a way that infringes the ’290 patent, including at least claims 1, 2, 6, 7, 8, 9, 10 and 11, and Defendant knew or should have known that its actions were inducing infringement.

60. Defendant instructs and encourages users to use its Freestyle machines in a manner that infringes the ’290 patent. For example, see http://www.coca-colafreestyle.com.

61. Furthermore, Defendant has not provided any information or indication that it has implemented a design around or otherwise taken any remedial action with respect to the ’290 patent. In accordance with Fed. R. Civ. P. 11(b)(3), Plaintiff will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

INDIRECT INFRINGEMENT (CONTRIBUTORY – 35 U.S.C. § 271(c))

62. Based on the information presently available to Plaintiff, absent discovery, and in the alternative to direct infringement, Plaintiff contends that Defendant has, and continues to, indirectly infringe one or more claims of the ’290 patent by contributing to the direct infringement of users of its Freestyle machines.

63. Defendant has had knowledge of the ’290 patent at least as early as December 10, 2012 when Harry Lee Crisp, III met with Defendant regarding the ’290 patent. Despite this knowledge, Defendant has knowingly sold, and continues to sell, its Freestyle machines even though such devices are not staple articles or commodities of commerce suitable for substantial noninfringing use.

64. The only use demonstrated for Defendant’s Freestyle machines on Defendant’s website is an infringing use. *See* http://www.coca-colafreestyle.com. Defendant’s Freestyle machines are especially made and/or adapted for use in infringing the ’290 patent.

65. Plaintiff has been damaged as a result of Defendant's infringing conduct described in this Count. Defendant is, thus, liable to Plaintiff in an amount that adequately compensates Plaintiff for Defendant's infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by the this Court under 35 U.S.C. § 284.

COUNT V

(INFRINGEMENT OF U.S. PATENT NO. 8,290,615)

66. Plaintiff incorporates paragraphs 1 through 65 herein by reference.

67. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

68. Plaintiff is the exclusive licensee of the '615 patent, entitled "Appliance with Dispenser," with all substantial rights to the '615 patent including the exclusive right to enforce, sue, and recover damages for past and future infringement. A copy of the '615 patent is attached as Exhibit 5.

69. The '615 patent is valid, enforceable and was duly issued in fully compliance with Title 35 of the United States Code.

DIRECT INFRINGEMENT (35 U.S.C. § 271(a))

70. Defendant has, and continues to, directly infringe one or more claims of the '615 patent in this judicial district and elsewhere in Georgia and the United States.

71. In particular, Defendant has, and continues to, infringe at least claims 1, 11, 17, 18, 19, 20, 30, 36, 37 and 38 of the '615 patent by, among other things, making, using, offering for sale, selling and/or importing infringing devices including, but not limited to, its Freestyle machines.

72. Defendant is liable for these infringements of the ’615 patent pursuant to 35 U.S.C. § 271.

INDIRECT INFRINGEMENT (INDUCEMENT – 35 U.S.C. § 271(b))

73. Based on the information presently available to Plaintiff, absent discovery, and in the alternative to direct infringement, Plaintiff contends that Defendant has, and continues to, indirectly infringe one or more claims of the ’615 patent by inducing direct infringement by users of its Freestyle machines.

74. Defendant has had knowledge of the ’615 patent at least as early as December 10, 2012 when Harry Lee Crisp, III met with Defendant regarding the ’615 patent. On information and belief, despite having knowledge of the ’615 patent, Defendant has specifically intended for persons who acquire and use the Freestyle machines, including Defendant’s customers and end consumers, to acquire and/or use such devices in a way that infringes the ’615 patent, including at least claims 1, 11, 17, 18, 19, 20, 30, 36, 37 and 38 and Defendant knew or should have known that its actions were inducing infringement.

75. Defendant instructs and encourages users to use its Freestyle machines in a manner that infringes the ’615 patent. For example, see http://www.coca-colafreestyle.com.

76. Furthermore, Defendant has provided any information or indication that it has implemented a design around or otherwise taken any remedial action with respect to the ’615 patent. In accordance with Fed. R. Civ. P. 11(b)(3), Plaintiff will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

INDIRECT INFRINGEMENT (CONTRIBUTORY – 35 U.S.C. § 271(c))

77. Based on the information presently available to Plaintiff, absent discovery, and in the alternative to direct infringement, Plaintiff contends that Defendant has, and continues to,

indirectly infringe one or more claims of the ’615 patent by contributing to the direct infringement of users of its Freestyle machines.

78. Defendant has had knowledge of the ‘615 patent at least as early as December 10, 2012 when Harry Lee Crisp, III met with Defendant regarding the ’615 patent. Despite this knowledge, Defendant has knowingly sold, and continues to sell, its Freestyle machines even though such devices are not staple articles or commodities of commerce suitable for substantial noninfringing use.

79. The only use demonstrated for Defendant’s Freestyle machines on Defendant’s website is an infringing use. *See* http://www.coca-colafreestyle.com. Defendant’s Freestyle machines are especially made and/or adapted for use in infringing the ’615 patent.

80. Plaintiff has been damaged as a result of Defendant’s infringing conduct described in this Count. Defendant is, thus, liable to Plaintiff in an amount that adequately compensates Plaintiff for Defendant’s infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by the this Court under 35 U.S.C. § 284.

COUNT VI

(INFRINGEMENT OF U.S. PATENT NO. 8,290,616)

81. Plaintiff incorporates paragraphs 1 through 80 herein by reference.

82. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

83. Plaintiff is the exclusive licensee of the ’616 patent, entitled “Appliance Having a User Interface Panel and a Beverage Dispenser,” with all substantial rights to the ’616 patent including the exclusive right to enforce, sue, and recover damages for past and future infringement. A copy of the ’616 patent is attached as Exhibit 6.

84. The ’616 patent is valid, enforceable and was duly issued in fully compliance with Title 35 of the United States Code.

DIRECT INFRINGEMENT (35 U.S.C. § 271(a))

85. Defendant has, and continues to, directly infringe one or more claims of the ’616 patent in this judicial district and elsewhere in Georgia and the United States.

86. In particular, Defendant has, and continues to, infringe at least claims 1, 2, 3, 4, 5, 9 and 11 of the ’616 patent by, among other things, making, using, offering for sale, selling and/or importing infringing devices including, but not limited to, its Freestyle machines.

87. Defendant is liable for these infringements of the ’616 patent pursuant to 35 U.S.C. § 271.

INDIRECT INFRINGEMENT (INDUCEMENT – 35 U.S.C. § 271(b))

88. Based on the information presently available to Plaintiff, absent discovery, and in the alternative to direct infringement, Plaintiff contends that Defendant has, and continues to, indirectly infringe one or more claims of the ’616 patent by inducing direct infringement by users of its Freestyle machines.

89. Defendant has had knowledge of the ’616 patent at least as early as December 10, 2012 when Harry Lee Crisp, III met with Defendant regarding the ’616 patent. On information and belief, despite having knowledge of the ’616 patent, Defendant has specifically intended for persons who acquire and use the Freestyle machines, including Defendant’s customers and end consumers, to acquire and/or use such devices in a way that infringes the ’616 patent, including at least claims 1, 2, 3, 4, 5, 9 and 11, and Defendant knew or should have known that its actions were inducing infringement.

90. Defendant instructs and encourages users to use its Freestyle machines in a manner that infringes the ’616 patent. For example, see http://www.coca-colafreestyle.com.

91. Furthermore, Defendant has not provided any information or indication that it has implemented a design around or otherwise taken any remedial action with respect to the ’616 patent. In accordance with Fed. R. Civ. P. 11(b)(3), Plaintiff will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

INDIRECT INFRINGEMENT (CONTRIBUTORY – 35 U.S.C. § 271(c))

92. Based on the information presently available to Plaintiff, absent discovery, and in the alternative to direct infringement, Plaintiff contends that Defendant has, and continues to, indirectly infringe one or more claims of the ’616 patent by contributing to the direct infringement of users of its Freestyle machines.

93. Defendant has had knowledge of the ’616 patent at least as early as December 10, 2012 when Harry Lee Crisp, III met with Defendant regarding the ’616 patent. Despite this knowledge, Defendant has knowingly sold, and continues to sell, its Freestyle machines even though such devices are not staple articles or commodities of commerce suitable for substantial noninfringing use.

94. The only use demonstrated for Defendant’s Freestyle machines on Defendant’s website is an infringing use. *See* http://www.coca-colafreestyle.com. Defendant’s Freestyle machines are especially made and/or adapted for use in infringing the ’616 patent.

95. Plaintiff has been damaged as a result of Defendant’s infringing conduct described in this Count. Defendant is, thus, liable to Plaintiff in an amount that adequately compensates

Plaintiff for Defendant's infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by the this Court under 35 U.S.C. § 284.

COUNT VII

(INFRINGEMENT OF U.S. PATENT NO. 8,548,624)

96. Plaintiff incorporates paragraphs 1 through 95 herein by reference.

97. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

98. Plaintiff is the exclusive licensee of the '624 patent, entitled "Appliance Having a User Interface Panel and a Beverage Dispenser," with all substantial rights to the '624 patent including the exclusive right to enforce, sue, and recover damages for past and future infringement. A copy of the '624 patent is attached as Exhibit 7.

99. The '624 patent is valid, enforceable and was duly issued in fully compliance with Title 35 of the United States Code.

DIRECT INFRINGEMENT (35 U.S.C. § 271(a))

100. Defendant has, and continues to, directly infringe one or more claims of the '624 patent in this judicial district and elsewhere in Georgia and the United States.

101. In particular, Defendant has, and continues to, infringe at least claims 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 of the '624 patent by, among other things, making, using, offering for sale, selling and/or importing infringing devices including, but not limited to, its Freestyle machines.

102. Defendant is liable for these infringements of the '624 patent pursuant to 35 U.S.C. § 271.

INDIRECT INFRINGEMENT (INDUCEMENT – 35 U.S.C. § 271(b))

103. Based on the information presently available to Plaintiff, absent discovery, and in the alternative to direct infringement, Plaintiff contends that Defendant has, and continues to, indirectly infringe one or more claims of the ’624 patent by inducing direct infringement by users of its Freestyle machines.

104. Defendant has had knowledge of the patent application that was issued as the ’624 patent at least as early as February 2013. On information and belief, Defendant had knowledge of the ’624 patent on or about October 1, 2013, when the ’624 patent issued. On information and belief, despite having knowledge of the ’624 patent, Defendant has specifically intended for persons who acquire and use the Freestyle machines, including Defendant’s customers and end consumers, to acquire and/or use such devices in a way that infringes the ’624 patent, including at least claims 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28, and Defendant knew or should have known that its actions were inducing infringement.

105. Defendant instructs and encourages users to use its Freestyle machines in a manner that infringes the ’624 patent. For example, see http://www.coca-colafreestyle.com.

106. Furthermore, Defendant has not provided any information or indication that it has implemented a design around or otherwise taken any remedial action with respect to the ’624 patent. In accordance with Fed. R. Civ. P. 11(b)(3), Plaintiff will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

INDIRECT INFRINGEMENT (CONTRIBUTORY – 35 U.S.C. § 271(c))

107. Based on the information presently available to Plaintiff, absent discovery, and in the alternative to direct infringement, Plaintiff contends that Defendant has, and continues to,

indirectly infringe one or more claims of the ’624 patent by contributing to the direct infringement of users of its Freestyle machines.

108. Defendant has had knowledge of the patent application that was issued as the ’624 patent at least as early as February 2013. On information and belief, Defendant had knowledge of the ’624 patent on or about October 1, 2013, when the ’624 patent issued. Despite this knowledge, Defendant has knowingly sold, and continues to sell, its Freestyle machines even though such devices are not staple articles or commodities of commerce suitable for substantial noninfringing use.

109. The only use demonstrated for Defendant’s Freestyle machines on Defendant’s website is an infringing use. *See* http://www.coca-colafreestyle.com. Defendant’s Freestyle machines are especially made and/or adapted for use in infringing the ’624 patent.

110. Plaintiff has been damaged as a result of Defendant’s infringing conduct described in this Count. Defendant is, thus, liable to Plaintiff in an amount that adequately compensates Plaintiff for Defendant’s infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by the this Court under 35 U.S.C. § 284.

COUNT VIII

(WILLFUL INFRINGEMENT)

111. Plaintiff incorporates paragraphs 1 through 110 herein by reference.

112. Prior to the filing of this action, Defendants have been, or should have been, aware of each of the patents-in-suit.

113. On or about December 10, 2012, Harry Lee Crisp, III and his counsel met with executives from The Coca-Cola Company to discuss the patents-in-suit.

114. At the December 2012 meeting, discussions were entered regarding the formation of a business relationship pertaining to at least the patents-in-suit, and information was provided to Defendant regarding the patents-in-suit, related patents, and related patent applications.

115. Defendant had knowledge of the ’381 patent at least as early as July of 2008.

116. Defendant had knowledge of the ’263 patent, the ’378 patent, the ’290 patent, the ’615 patent, and the ’616 patent at least as early as December 10, 2012.

117. Defendant had knowledge of the patent application that was issued as the ’624 patent at least as early as February 2013 and knew, or should have known, of the ’624 patent on or about October 1, 2013.

118. Despite this, Defendant never agreed to license the patents-in-suit or obtain other permission to use the inventions claimed in the patents-in-suit, and instead went forward with making and selling the Accused Products without a license at great profit.

119. On information and belief, Defendant's infringement of the patents-in-suit described herein has been, and continues to be, willful because Defendant, with knowledge of the patents-in-suit, has continued to act and infringe despite an objectively high likelihood that its actions constitute infringement of the patents-in-suit. Further, this objectively high risk was either known by Defendant or should have been known by Defendant due to its obvious nature.

JURY DEMAND

Plaintiff requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

Plaintiff asks that the Court find in its favor and against Defendant and that the Court grant Plaintiff the following relief:

a. Judgment that one or more claims of the ’263 patent, the ’381 patent, the ’378 patent, the ’290 patent, the ’615 patent, the ’616 patent, and/or the ’624 patent have been infringed, either literally and/or under the doctrine of equivalents by Defendant;

b. Judgment that one or more claims of the ’263 patent, the ’381 patent, the ’378 patent, the ’290 patent, the ’615 patent, the ’616 patent, and/or the ’624 patent have been willfully infringed, either literally and/or under the doctrine of equivalents by Defendant;

c. Judgment that Defendant account for and pay to Plaintiff all damages and costs incurred by Plaintiff because of Defendant’s infringing activities and other conduct complained of herein;

d. Judgment that Defendant account for and pay to Plaintiff a reasonable, ongoing, post judgment royalty because of Defendant’s infringing activities and other conduct complained of herein;

e. That Plaintiff be granted pre-judgment and post judgment interest on the damages caused by Defendant’s infringing activities and other conduct complained of herein;

f. Find this case exceptional under the provisions of 35 U.S.C. § 285 and award enhanced damages; and

g. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

DATED: April 14, 2014

BEVERAGE DISPENSING SOLUTIONS, LLC

By: /s/ *Timothy E. Grochocinski*

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served on all counsel of record on April 14, 2014, via the Court's CM/ECF system.

/s/ Timothy E. Grochocinski
Timothy E. Grochocinski