

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

COURTESY PRODUCTS, L.L.C.,)	
)	
)	
Plaintiff,)	
)	Civ. No. 13-2012-SLR
v.)	
)	JURY TRIAL REQUESTED
HAMILTON BEACH BRANDS, INC.,)	
)	
Defendant.)	

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Courtesy Products, L.L.C. (“Courtesy”), hereby complains of defendant Hamilton Beach Brands, Inc. (“Hamilton Beach”) as follows:

NATURE OF LAWSUIT

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has exclusive subject matter jurisdiction over the subject matter of the Complaint under 28 U.S.C. § 1338(a).

THE PARTIES

2. Courtesy is organized as a limited liability company under the laws of the State of Missouri and has a regular and established place of business at 10840 Linpage Pl., St. Louis, Missouri, 63132.

3. Upon information and belief, defendant Hamilton Beach is incorporated under the laws of the State of Delaware, has a regular and established place of business at 4421 Waterfront Dr., Glen Allen, VA, 23060, and has appointed Corporation Service Company, 2711 Centerville Rd., Suite 400, Wilmington, Delaware 19808, to serve as its registered agent.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, Title 35 U.S.C. § 1 *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Hamilton Beach because the defendant is a Delaware corporation and therefore is deemed to reside in this judicial district.

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

GENERAL ALLEGATIONS

7. Courtesy's products include single-serving coffeemakers, disposable brew baskets, and coffee filter packs, including the CV1[®] One-Cup Coffee System. These products and systems are sold throughout the United States, including Delaware.

8. Upon information and belief, defendant Hamilton Beach distributes single-cup coffee makers (e.g., HDC200B and HDC200S), disposable brew baskets (e.g., RPH200 and Sysco SKU 0028358), and single-cup coffee products, and directly and through its affiliates, makes, uses, imports, sells, and/or offers to sell the same throughout the United States.

CAUSES OF ACTION

INFRINGEMENT OF U.S. PATENT NO. 7,311,037 B2

9. The allegations of paragraphs 1-8 are incorporated as though fully set forth herein.

10. Courtesy is now, and has been since its issuance, the assignee and sole owner of all right, title, and interest in United States Patent No. 7,311,037 B2, entitled "Disposable Brew Basket For Electric Coffee Maker" ("the '037 patent"), which was duly and legally issued on December 25, 2007. A true and correct copy of the '037 patent is attached hereto as Exhibit A.

11. Upon information and belief, Hamilton Beach is aware of the '037 patent and has engaged in activities that directly infringe the '037 patent by making, using, selling, offering to sell, and/or importing systems, including single-cup coffeemakers, single-cup coffee products, and/or disposable brew baskets covered by one or more claims of the '037 patent, and/or indirectly infringe the '037 patent by contributing to and/or inducing the direct infringement of one or more claims of the '037 patent by third-parties, all to the injury of Courtesy.

12. Upon information and belief, Hamilton Beach contributes to the infringement of one or more claims of the '037 patent by making, selling, or offering to sell components of systems, including single-cup coffeemakers, single-cup coffee products, and disposable brew baskets, which Hamilton Beach knows constitute a material part of the invention claimed in the '037 patent, and which Hamilton Beach knows are not a staple article or commodity of commerce suitable for substantial non-infringing use; rather, the components are used for or in systems that infringe one or more claims of the '037 patent.

13. Upon information and belief, Hamilton Beach induces the infringement of one or more claims of the '037 patent by intentionally advising and/or instructing third parties that purchase components of its systems to use the components for or in systems that infringe one or more claims of the '037 patent.

14. Upon information and belief, Hamilton Beach knew or had reason to know that the use of its systems by third parties would infringe the '037 patent, and with full knowledge of the '037 patent, contributed to or induced the infringement of the '037 patent.

15. Having executed a license in the year 2009 to practice claims of the '037 patent for a specific product, which is not at issue in this case, and thus being on notice of the '037

patent, Hamilton Beach's continued activities demonstrate a willful disregard of the '037 patent and thus constitute willful patent infringement.

16. Hamilton Beach's acts of infringement have injured and damaged Courtesy.

17. Hamilton Beach's infringement has caused irreparable injury to Courtesy and will continue to cause irreparable injury until Hamilton Beach is enjoined by this Court from committing further acts of infringement.

INFRINGEMENT OF U.S. PATENT NO. 7,258,884 B2

18. The allegations of paragraphs 1-8 are incorporated as though fully set forth herein.

19. Courtesy is now, and has been since its issuance, the assignee and sole owner of all right, title, and interest in United States Patent No. 7,258,884 B2, entitled "Method Employing a Disposable Brew Basket for an Electric Coffee Maker" ("the '884 patent"), which was duly and legally issued on August 21, 2007. A true and correct copy of the '884 patent is attached hereto as Exhibit B.

20. Upon information and belief, Hamilton Beach is aware of the '884 patent and has engaged in activities that indirectly infringe the '884 patent by contributing to and/or inducing the direct infringement of one or more claims of the '884 patent by third-parties, all to the injury of Courtesy.

21. Upon information and belief, Hamilton Beach contributes to the infringement of one or more claims of the '884 patent by making, selling, or offering to sell components of systems, including single-cup coffeemakers and disposable brew baskets, which Hamilton Beach knows constitute a material part of the invention claimed in the '884 patent, and which Hamilton Beach knows are not a staple article or commodity of commerce suitable for substantial non-

infringing use; rather, the components are used by third parties to perform methods of supplying in-room beverage service that directly infringe one or more claims of the '884 patent. For example, the components are used by third party hotels to perform the method of at least claim 29 of the '884 patent, including the following steps:

supplying in-room beverage service to a lodging establishment, the lodging establishment having at least one room that contains a single beverage dispenser for in-room use by a plurality of different lodging guests, the beverage dispenser comprising a water reservoir, an electrical heating element for heating water, and a location at which heated water is discharged, the method comprising:

(a) providing a plurality of disposable filter packs for use with the single beverage dispenser, the filter packs containing an amount of grounds to brew approximately only a single serving of brewed beverage; and

(b) providing a plurality of single-serving disposable brew baskets for use with the single beverage dispenser, the brew baskets comprising a bottom and a wall extending generally upwardly from the bottom to define a brewing reservoir, the bottom and wall being formed with a disposable rigid one-piece construction, the bottom having a port there through to permit a brewed beverage to flow from the brewing reservoir of the disposable brew basket into a single serving beverage container located proximate to the

beverage dispenser, the wall of the basket extending upwardly from the bottom to an open top, the brewing reservoir having a size dimensioned appropriate to make approximately only a single serving of beverage during a single brewing operation, the brewing area being sufficiently large to hold one of the filter packs and the heated water while brewing without a level of the heated water rising above and overflowing the open top.

22. Upon information and belief, Hamilton Beach induces the infringement of one or more claims of the '884 patent by intentionally advising and/or instructing third parties that purchase its components to use the components to perform methods of supplying in-room beverage service that directly infringe one or more claims of the '884 patent. For example, third party hotels use the components to directly infringe by performing the method of at least claim 29 of the '884 patent, including the following steps:

supplying in-room beverage service to a lodging establishment, the lodging establishment having at least one room that contains a single beverage dispenser for in-room use by a plurality of different lodging guests, the beverage dispenser comprising a water reservoir, an electrical heating element for heating water, and a location at which heated water is discharged, the method comprising:

(a) providing a plurality of disposable filter packs for use with the single beverage dispenser, the filter packs containing an amount of

grounds to brew approximately only a single serving of brewed beverage; and

(b) providing a plurality of single-serving disposable brew baskets for use with the single beverage dispenser, the brew baskets comprising a bottom and a wall extending generally upwardly from the bottom to define a brewing reservoir, the bottom and wall being formed with a disposable rigid one-piece construction, the bottom having a port there through to permit a brewed beverage to flow from the brewing reservoir of the disposable brew basket into a single serving beverage container located proximate to the beverage dispenser, the wall of the basket extending upwardly from the bottom to an open top, the brewing reservoir having a size dimensioned appropriate to make approximately only a single serving of beverage during a single brewing operation, the brewing area being sufficiently large to hold one of the filter packs and the heated water while brewing without a level of the heated water rising above and overflowing the open top.

23. Upon information and belief, Hamilton Beach knew or had reason to know that the use of its single-cup coffeemakers and disposable brew baskets by third parties would infringe the '884 patent, and with full knowledge of the '884 patent, contributed to or induced the infringement of the '884 patent.

24. Having executed a license in the year 2009 to practice claims of the '884 patent for a specific product, which is not at issue in this case, and thus being on notice of the '884

patent, Hamilton Beach's continued activities demonstrate a willful disregard of the '884 patent and thus constitute willful patent infringement.

25. Hamilton Beach's acts of infringement have injured and damaged Courtesy.

26. Hamilton Beach's infringement has caused irreparable injury to Courtesy and will continue to cause irreparable injury until Hamilton Beach is enjoined by this Court from committing further acts of infringement.

INFRINGEMENT OF U.S. PATENT NO. 7,770,512 B2

27. The allegations of paragraphs 1-8 are incorporated as though fully set forth herein.

28. Courtesy is now, and has been since its issuance, the assignee and sole owner of all right, title, and interest in United States Patent No. 7,770,512 B2, entitled "Disposable Brew Basket For Electric Coffee Maker" ("the '512 patent"), which was duly and legally issued on August 10, 2010. A true and correct copy of the '512 patent is attached hereto as Exhibit C.

29. Upon information and belief, Hamilton Beach is aware of the '512 patent and has engaged in activities that directly infringe the '512 patent by making, using, selling, offering to sell, and/or importing systems, including single-cup coffeemakers, single-cup coffee products, and/or disposable brew baskets covered by one or more claims of the '512 patent, and/or indirectly infringe the '512 patent by contributing to and/or inducing the direct infringement of one or more claims of the '512 patent by third-parties, all to the injury of Courtesy.

30. Upon information and belief, Hamilton Beach contributes to the infringement of one or more claims of the '512 patent by making, selling, or offering to sell components of systems, including single-cup coffeemakers, single-cup coffee products, and disposable brew baskets, which Hamilton Beach knows constitute a material part of the invention claimed in the

'512 patent, and which Hamilton Beach knows are not a staple article or commodity of commerce suitable for substantial non-infringing use; rather, the components are used for or in systems that infringe one or more claims of the '512 patent.

31. Upon information and belief, Hamilton Beach induces the infringement of one or more claims of the '512 patent by intentionally advising and/or instructing third parties that purchase components of its systems to use the components for or in systems that infringe one or more claims of the '512 patent.

32. Upon information and belief, Hamilton Beach knew or had reason to know that the use of its systems by third parties would infringe the '512 patent, and with full knowledge of the '512 patent, contributed to or induced the infringement of the '512 patent.

33. Having executed a license in the year 2009 to practice claims issuing from U.S. Patent Application No. 11/519,620, which issued as the '512 patent, for a specific product, which is not at issue in this case, and thus being on notice of the '512 patent, Hamilton Beach's continued activities demonstrate a willful disregard of the '512 patent and thus constitute willful patent infringement.

34. Hamilton Beach's acts of infringement have injured and damaged Courtesy.

35. Hamilton Beach's infringement has caused irreparable injury to Courtesy and will continue to cause irreparable injury until Hamilton Beach is enjoined by this Court from committing further acts of infringement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Courtesy requests the following relief:

- A. the entry of judgment in its favor, and against Hamilton Beach – *i.e.*, that Hamilton Beach has infringed the '037, '512, and '884 patents;
- B. the entry of a permanent injunction enjoining Hamilton Beach and its officers, directors, agents, servants, employees, attorneys, licensees, successors, assigns, and customers, and those in active concert or participation with any of them, from making, using, importing, offering to sell, or selling any system that infringes any claim of the '037, '512, and '884 patents;
- C. the entry of judgment against Hamilton Beach for money damages sustained as a result of Hamilton Beach's infringement of the '037, '512, and '884 patents, in an amount to be determined at trial;
- D. the entry of judgment against Hamilton Beach for treble damages for willful infringement pursuant to 35 U.S.C. § 284;
- E. an accounting for infringing sales not presented at trial, and an award by the Court of additional damages for any such infringing sales;
- F. an award of costs and reasonable attorneys' fees incurred in connection with this action pursuant to 35 U.S.C. § 285; and
- G. such other and further relief as this Court finds just and proper.

JURY DEMAND

Plaintiff respectfully requests a trial by jury as to all issues so triable.

ASHBY & GEDDES

/s/ Tiffany Geyer Lydon

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