

1 William A. Delgado (Bar No. 222666)  
2 wdelgado@willenken.com  
3 WILLENKEN WILSON LOH & DELGADO LLP  
4 707 Wilshire Blvd., Suite 3850  
5 Los Angeles, California 90017  
6 Telephone: (213) 955-9240  
7 Facsimile: (213) 955-9250

8 Sudip Kundu (*pro hac vice* to be submitted)  
9 sudip.kundu@kundupllc.com  
10 Matthew Cunningham (*pro hac vice* to be submitted)  
11 KUNDU PLLC  
12 1300 I Street NW  
13 Suite 400E  
14 Washington, DC 20005  
15 Tel.: (202) 749-8372

16 Attorneys for Plaintiff  
17 ADRIAN RIVERA

18 UNITED STATES DISTRICT COURT  
19 CENTRAL DISTRICT OF CALIFORNIA

20 ADRIAN RIVERA,

21 Plaintiff,

22 v.

23 LAMI PRODUCTS, INC., CREATIVE  
24 CONCEPTS, and TEKNO PRODUCTS,  
25 INC.,

26 Defendants.

Case No.: 2:16-cv-04702

**COMPLAINT FOR PATENT  
INFRINGEMENT OF UNITED  
STATES PATENT NOS. 9,232,871  
AND 9,232,872**

**DEMAND FOR JURY TRIAL**

1 Plaintiff Adrian Rivera for his complaint against Defendants LaMi Products,  
2 Inc., Creative Concepts, and Tekno Products, Inc. (collectively, “Defendants”)  
3 alleges as follows:

4 **THE PARTIES**

5 **Plaintiff Adrian Rivera**

6 1. Plaintiff, Adrian Rivera, is an individual residing in Whittier,  
7 California.

8 2. Mr. Rivera is the founder, owner, and president of ARM Enterprises,  
9 Inc., also known as ARM Enterprises, Inc. (“ARM”).

10 3. ARM is located at 16141 Heron Avenue, La Mirada, California,  
11 90638. ARM is involved in the design, research and development, marketing, and  
12 distribution of products including reusable beverage capsules. ARM’s focus is to  
13 develop quality products that are easy to use, environmentally friendly, and  
14 provide economical solutions to traditional coffee systems that can cause  
15 significant expense to consumers over time.

16 4. ARM’s beverage capsules include the popular EZ-Cups and Eco-Fill  
17 capsules, versions of which are compatible with first and second generation Keurig  
18 beverage brewers.

19 **Defendant LaMi Products, Inc.**

20 5. On information and belief, Defendant LaMi Products, Inc. is  
21 headquartered at 860 Welsh Road, Huntingdon Valley, PA 19006. On information  
22 and belief, LaMi operates [www.lamiretail.com](http://www.lamiretail.com) and [www.fillnbrew.com](http://www.fillnbrew.com) and sells  
23 beverage brewing capsules, including the Fill’n Brew Coffee Pods. On  
24 information and belief, LaMi sells its beverage capsules throughout the United  
25 States, including in this district.

26 **Defendant Creative Concepts**

27 6. On information and belief, Defendant Creative Concepts is  
28 headquartered at 50 Harrison Street, Suite 112, Hoboken, New Jersey 07030. On

1 information and belief, Creative Concepts operates <http://creativeconceptsimg.net/>  
2 and sells beverage brewing capsules under a number of brands, including Kitchen  
3 Keepers. On information and belief, Creative Concepts sells its beverage capsules  
4 throughout the United States, including in this district.

5 **Defendant Tekno Products, Inc.**

6 7. On information and belief, Defendant Tekno Products, Inc. is  
7 headquartered at 301 State Rt 17, Suite 800, Rutherford, NJ 07070. On  
8 information and belief, Tekno sells beverage brewing capsules under, at least, the  
9 Handy Coffee Cups brand.

10 8. On information and belief, the beverage capsules sold by Defendants  
11 are all manufactured by the same entity located in China.

12 **JURISDICTION AND VENUE**

13 9. This is a civil action for patent infringement of U.S. Patent Nos.  
14 9,232,871 and 9,232,872, and arises under, among other things, the United States  
15 Patent Laws, 35 U.S.C. § 101, *et seq.* Jurisdiction is based upon 28 U.S.C. §§  
16 1331 and 1338(a), providing for federal question jurisdiction of patent  
17 infringement actions and exclusive jurisdiction of patent infringement actions in  
18 U.S. District Courts.

19 10. Venue is proper under 28. U.S.C. § 1391. Defendants have  
20 purposefully availed themselves of the privilege of transacting extensive business  
21 in the State of California.

22 11. Personal jurisdiction over the Defendants is proper in this Court.  
23 Venue in this judicial district is proper under 28 U.S.C. §§ 1391(b) and or 1400(b).

24 **BACKGROUND**

25 12. Mr. Rivera's and his company, ARM Enterprises, Inc. are pioneers  
26 and market leaders in reusable products designed for single-serve brewing  
27 machines, such as Keurig machines.  
28



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



19. Below is a picture of the lower half of the brewing chamber with a disposable capsule inserted therein, just prior to closing the Keurig for brewing:



20. The disposable capsule includes brewing material such as ground coffee. Brewed liquid is extracted through the use of the two needles. The upper needle punctures the top of the disposable capsule and provides an inflow of water into the capsule. The lower needle, located in the bottom of the brewing chamber, punctures the bottom of the capsule, permitting and receiving the outflow of brewed material.

1           21. Disposable K-Cups have disadvantages. First, they are expensive  
2 given that one K-Cup provides only a single cup of coffee. Second, they are not  
3 recyclable and have created an environmental disaster as used K-Cups occupy  
4 landfills by the billions.

5           22. The '871 patent addresses these issues by providing a reusable coffee  
6 holder for Keurig machines that allow users to not only reuse the coffee holder, but  
7 to also allow them to brew their own coffee.

8           23. For example, claims of the '871 patent are directed to a beverage  
9 brewer such as a Keurig machine, in which a container adapted to hold brewing  
10 material is disposed. *See, e.g.*, the '871 patent at claim 8. The container includes a  
11 mesh filter, a cover, and a base, among other features. *Id.* The cover is configured  
12 to receive the upper needle of the beverage brewer and the container is configured  
13 to avoid the lower needle of the Keurig machine. *Id.*

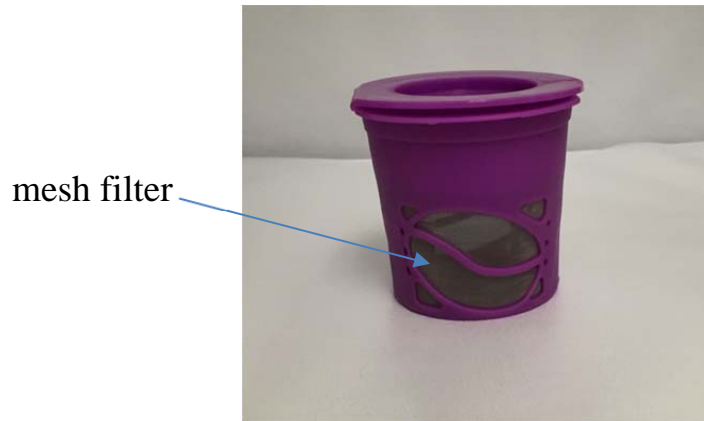
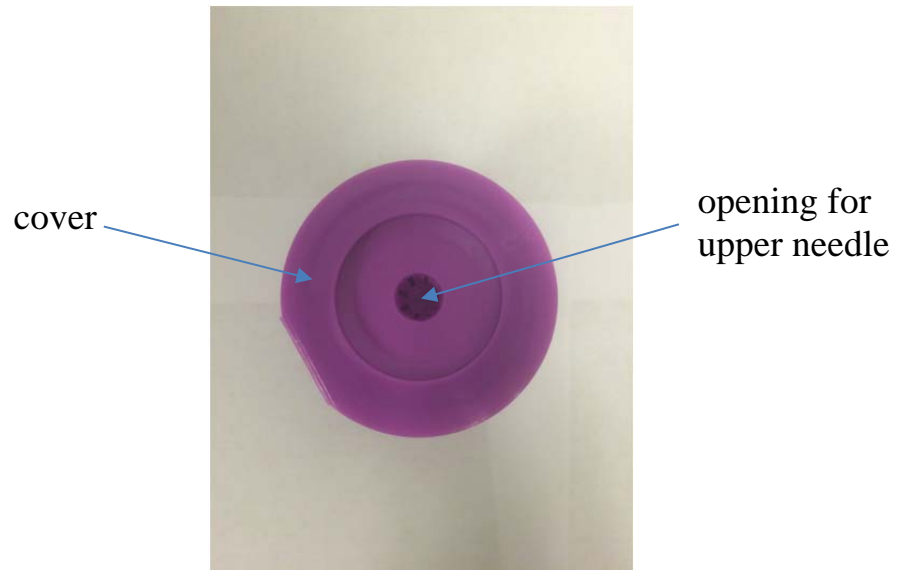
14           24. The Defendants' reusable capsules satisfy the claimed "container"  
15 elements of the asserted claims. These elements in combination with a beverage  
16 brewer, such as a Keurig machine lead to the direct infringement of the '871  
17 patent.

18           25. For example, on information and belief, Defendants' products such as  
19 LaMi's Fill'n Brew, Creative Concept's Clever Coffee Capsule, and Tekno's  
20 Handy Coffee Cup are reusable coffee holders that are specifically designed and  
21 intended to be used in Keurig machines and when combined include all the  
22 features of the asserted claims of the '871 patent. Below are pictures of these  
23 products showing their respective mesh filters, covers (with an opening for the  
24 upper needle), and bases that avoids the lower needle, as claimed in the '871  
25 patent.

26  
27  
28

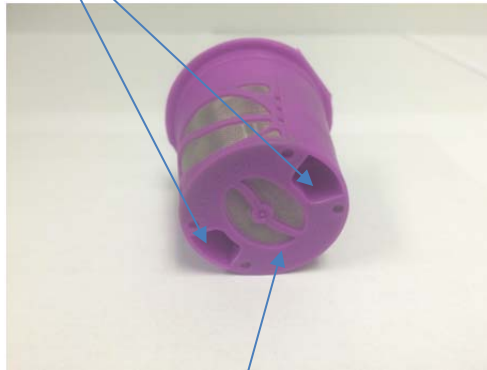
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**LaMi's Fill'n Brew**



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

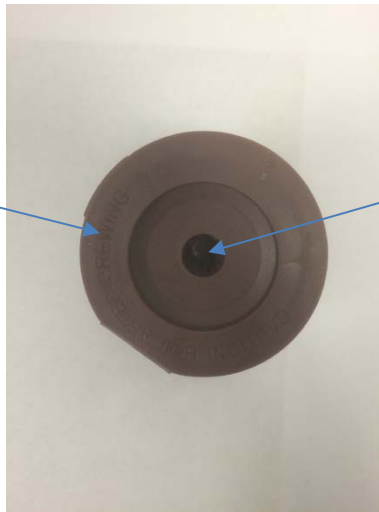
Recesses that avoid  
the lower needle



base

**Creative Concept's Clever Coffee Capsule**

cover



opening for  
upper needle

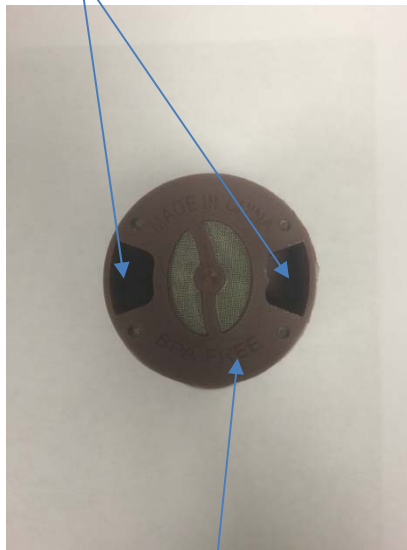
mesh filter





1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

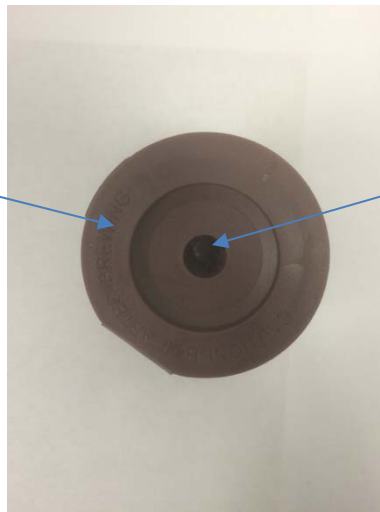
Recesses that avoid  
the lower needle



base

**Tekno's Handy Coffee Cup**

cover



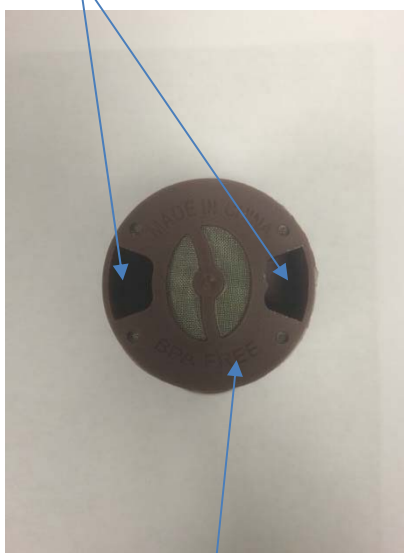
opening for  
upper needle

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

mesh filter



Recesses that avoid  
the lower needle



base

26. On information and belief, Defendants have infringed the '871 patent under Sections 271(a), (b), (c) and (f) through manufacturing, importing for sale, sale, offering for sale and use of their reusable beverage capsules including LaMi's Fill'n Brew, Creative Concept's Clever Coffee Capsule, and Tekno's Handy Coffee Cup. This is a non-exhaustive identification of products and Mr. Rivera reserves the right to identify additional products after obtaining discovery.

27. On information and belief, Defendants infringe at least claims 8, 9, 10, 11, 24, 25, 26.

1 28. On information and belief, Defendants, encourage, induce and intend  
2 customers (e.g., retailers) to use, sell or offer for sale the infringing products and  
3 induce infringement of the '871 patent by end users. On information and belief,  
4 Defendants contribute to the infringement of others such as end users to directly  
5 infringe the '871 patent. The accused products are not staple articles of commerce  
6 and are not suitable for substantial non-infringing use. On information and belief,  
7 Defendants' actions are intentional and with knowledge of the '871 patent at least  
8 as of the filing and service of this Complaint.

9 29. In particular, on information and belief, Defendants induce  
10 infringement of the '871 patent and contribute to the infringement of the '871  
11 patent by advertising and providing instructions to consumers that these products  
12 are to be used with a Keurig machine.

13 30. On information and belief, based on these advertisements and  
14 instructions, consumers directly infringe the '871 patent by using Defendants'  
15 accused products in Keurig machines.

16 31. For example, below are pictures of packaging and/or advertisements,  
17 which inform end users to use Defendants' products in connection with a Keurig  
18 machine:

19 **LaMi's Fill'n Brew**

20  
21 Packaging stating Fill'N  
22 Brew can be used with  
23 Keurig brewers



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

### Creative Concept's Clever Coffee Capsule



Click to open expanded view

Clever Coffee Capsule 3 Pack Brown  
by Clever

★★★★☆ 7 customer reviews

Price: \$5.40 & FREE Shipping

Note: Not eligible for Amazon Prime.

In Stock.

Estimated Delivery Date: July 14 - Aug. 1 when you choose Standard at checkout.

Ships from and sold by Lovely Tools.

- Reuseable single coffee filter -- Avoid a Trash Can Full of Disposable K-Cups
- 100% BPA Free Reusable Coffee Pod for use with Keurig Coffee Makers
- Dishwasher Top Shelf Safe - Silicon O-RING Seals Lid Tight
- No Need to Remove the Keurig Coffee Maker Filter Holder and Risk Losing Parts
- Use your own favorite coffee or even loose leaf tea!

was from \$9.99

Advertisement stating Clever Coffee Capsule can be used with Keurig brewers

### Tekno's Handy Coffee Cup

Advertisement stating Clever Coffee Capsule can be used with Keurig brewers



Roll over image to zoom in

1 X \*\* SIX Pack \*\* Handy Cups  
Reusable K-cups for Keurig  
Machines

by Handy Cups

★★★★☆ 487 customer reviews

| 18 answered questions

Price: \$8.05 Prime | FREE Same-Day  
Delivered today for FREE with qualifying orders  
over \$35. Details

Note: Available at a lower price from other sellers,  
potentially without free Prime shipping.

In Stock.

Want it TODAY, June 17? Order within 4 hrs 18 mins  
and choose Same-Day Delivery at checkout. Details  
Sold by NessKo Imports and Fulfilled by Amazon. Gift-  
wrap available.

32. On information and belief, Defendants have caused, and unless restrained and enjoined, will continue to cause, irreparable injury and damage to

1 Mr. Rivera for which there is no adequate remedy at law. Unless enjoined,  
2 Defendants will continue to infringe the ‘871 patent.

3 33. On information and belief, Defendants’ infringement of the ‘871  
4 patent is exceptional and entitles Mr. Rivera to attorney’s fees and costs incurred in  
5 prosecuting this action under 35 U.S.C. §285.

6 **COUNT II**

7 **Infringement of U.S. Patent No. 9,232,872 Under 35 U.S.C. § 271**

8 34. Mr. Rivera hereby repeats and incorporates by reference Paragraphs  
9 1-33 as if fully set forth herein.

10 35. Mr. Rivera is the inventor of U.S. Patent No. 9,232,872 (“‘872  
11 patent”) issued on January 12, 2016. The ‘872 patent is entitled “Single Serving  
12 Reusable Brewing Material Holder.” A copy of the ‘872 patent is attached as  
13 Exhibit B.

14 36. Mr. Rivera owns all rights, title and interest in the ‘872 patent.

15 37. Like the ‘871 patent, the ‘872 patent is directed to reusable capsules,  
16 or “coffee holders” that can be used in single-serve beverage brewers such as  
17 Keurig machines.

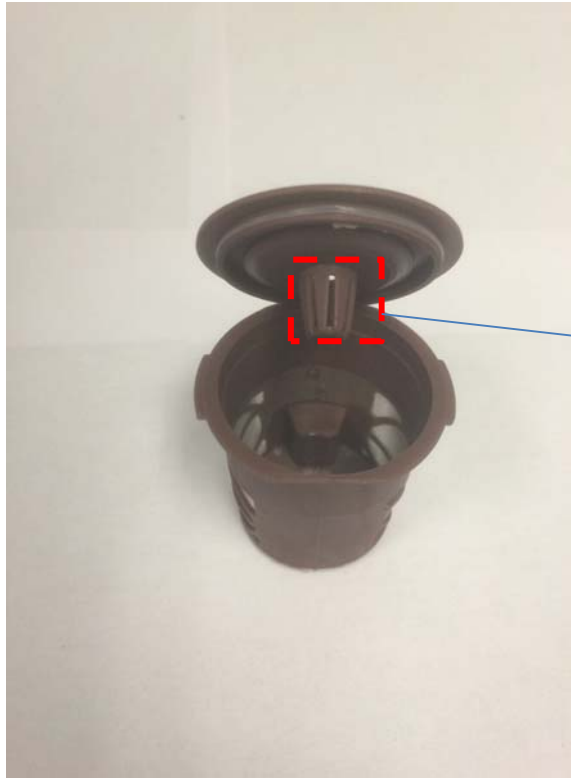
18 38. Claims of the ‘872 patent provide a beverage brewer such as a Keurig  
19 machine, in which a container adapted to hold brewing material is disposed. *See,*  
20 *e.g.,* the ‘872 patent at claim 7. The container includes a mesh filter, a cover, and a  
21 base, among other features. *Id.* The cover is configured to receive the upper  
22 needle of the beverage brewer and the container is configured to avoid the lower  
23 needle of the Keurig machine. *Id.* The cover also includes a tamping projection  
24 that protrudes into the receptacle of the container.

25 39. The Defendants’ reusable capsules satisfy the claimed “container”  
26 elements of the asserted claims. These elements in combination with a beverage  
27 brewer, such as a Keurig machine lead to the direct infringement of the ‘871  
28 patent.



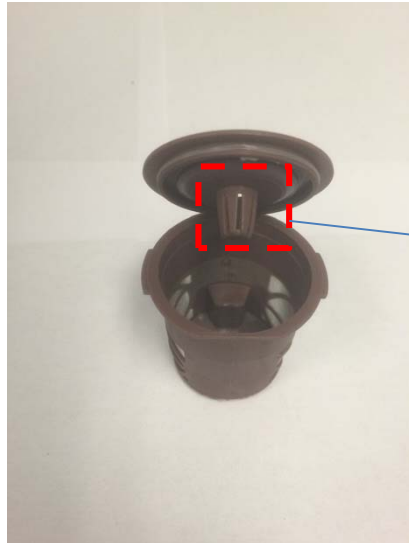
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Creative Concept's Clever Coffee Capsule**



Tamping projection

**Tekno's Handy Coffee Cup**



Tamping projection

1           41. The cone shown in the respective dotted boxes is a tamping projection  
2 that protrudes into the receptacle of the container when the cover is closed.

3           42. On information and belief, Defendants have infringed the '872 patent  
4 under Sections 271(a), (b), (c) and (f) through manufacturing, importing for sale,  
5 sale, offering for sale and use of LaMi's Fill'n Brew, Creative Concept's Clever  
6 Coffee Capsule, and Tekno's Handy Coffee Cup. This is a non-exhaustive  
7 identification of products and Mr. Rivera reserves the right to identify additional  
8 products after obtaining discovery.

9           43. On information and belief, Defendants infringe at least claims 7, 9,  
10 10, 26, 27, 28.

11           44. On information and belief, Defendants, encourage, induce and intend  
12 customers (e.g., retailers) to use, sell or offer for sale the infringing products and  
13 induce infringement of the '872 patent by end users. On information and belief,  
14 Defendants contribute to the infringement of other such as end users to directly  
15 infringe the '872 patent. The accused products are not staple articles of commerce  
16 and are not suitable for substantial non-infringing use. On information and belief,  
17 Defendants' actions are intentional and with knowledge of the '872 patent at least  
18 as of the filing and service of this Complaint.

19           45. In particular, on information and belief, Defendants induce  
20 infringement of the '872 patent and contributes to the infringement of the '872  
21 patent by advertising and providing instructions to consumers on their accused  
22 reusable beverage capsules that these products are to be used with a Keurig  
23 machine.

24           46. On information and belief, based on these advertisements and  
25 instructions consumers directly infringe the '872 patent by using Defendants'  
26 accused products in Keurig machines.

27  
28



1 47. For example, as shown above, the pictures of the packaging and/or  
2 advertisements for the Defendants' products direct end users to use the product in  
3 connection with a Keurig machine.

4 48. On information and belief, Defendants have caused, and unless  
5 restrained and enjoined, will continue to cause, irreparable injury and damage to  
6 Mr. Rivera for which there is no adequate remedy at law. Unless enjoined,  
7 Defendants will continue to infringe the '872 patent.

8 49. On information and belief, Defendants' infringement of the '872  
9 patent is exceptional and entitles Mr. Rivera to attorney's fees and costs incurred in  
10 prosecuting this action under 35 U.S.C. §285.

11 **PRAYER FOR RELIEF**

12 **WHEREFORE**, the Mr. Rivera respectfully request the following relief:

13 A. Judgment that the '871 and '872 patents has been and continue to be  
14 infringed by Defendants;

15 B. For all damages sustained as a result of Defendants' infringement of  
16 the '871 and '872 patents, including a reasonable royalty, lost royalty income from  
17 its licensees, lost profits of its licensees, price erosion, and any and all other forms  
18 of damages Mr. Rivera is entitled to.

19 C. For pre-judgment interest and post-judgment interest at the maximum  
20 rate allowed by law;

21 D. For a preliminary and permanent injunction enjoining Defendants',  
22 their officers, agents, servants, employees distributors, resellers, service partners,  
23 suppliers and all other persons acting in concert or participation with it from  
24 further infringement of the '871 and '872 patents;

25 E. For an award of attorneys' fees pursuant to 35 U.S.C. § 285 or as  
26 otherwise permitted by law;

27 F. For all costs of suit; and  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

G. For such other and further relief as the Court may deem just and proper.

Respectfully submitted,

Dated: June 28, 2016

WILLENKEN WILSON LOH &  
DELGADO LLP

By: /s/ William A. Delgado  
William A. Delgado  
Attorneys for Plaintiff  
ADRIAN RIVERA

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands trial by jury on all issues so triable.

Dated: June 28, 2016

WILLENKEN WILSON LOH &  
DELGADO LLP

By: /s/ William A. Delgado  
William A. Delgado  
Attorneys for Plaintiff  
ADRIAN RIVERA