

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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CAMCAL ENTERPRISES, LLC dba  
BOTTLEKEEPER,

Plaintiff,

Case No. \_\_\_\_\_

v.

KAISER GROUP, INC.,

Defendant.

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**COMPLAINT FOR PATENT INFRINGEMENT  
AND JURY DEMAND**

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Plaintiff CamCal Enterprises, LLC dba BottleKeeper (“BottleKeeper”) files this Complaint against defendant Kaiser Group, Inc. (“Defendant”), and demanding a trial by jury alleges as follows:

**JURISDICTION AND VENUE**

1. This is an action for patent infringement, which arises under the patent laws of the United States, Title 35, United States Code. The Court has original jurisdiction over the subject matter of this action pursuant to the provisions of 28 U.S.C. §§ 1331 and 1338(a).
2. Upon information and belief, venue is proper under 28 U.S.C. § 1400(b).

**THE PARTIES**

3. BottleKeeper is a limited liability company organized under the laws of the State of Arizona and has a place of business at 1600 Rosecrans Avenue, Media Center, 4th Floor, Manhattan Beach, California 90266.

4. Upon information and belief, Defendant is a corporation organized under the laws of the State of Minnesota and has its principal place of business at 5021 Vernon Avenue South, Suite 243, Edina, Minnesota 55436.

5. Upon information and belief, Defendant resides in this judicial district, does business in this judicial district, and a substantial part of the events giving rise to the claims in this case occurred in this judicial district.

**THE FIRST CAUSE OF ACTION**  
**(PATENT INFRINGEMENT – 35 U.S.C. § 271, ET SEQ.)**  
**(UNITED STATES PATENT NO. 9,505,527)**

6. BottleKeeper repeats, realleges, and incorporates by reference, as though fully set forth herein, the allegations contained in paragraphs 1-5, above.

7. On November 29, 2016, United States Patent No. 9,505,527 (“the ’527 patent”), entitled “Protective Bottle Enclosure,” was duly and legally issued in the name of Matthew T. Campbell. By virtue of proper assignment, BottleKeeper has acquired and duly owns all right, title, and interest in this patent, including the right to sue and recover for infringement thereof. A copy of the ’527 patent is attached hereto as **Exhibit 1**.

8. Defendant has engaged, and continues to engage, in the business of manufacturing, using, importing, offering for sale, and/or selling bottle enclosures embodying one or more of the patented inventions disclosed and claimed in the ’527

patent (“the ’527 Patent Infringing Products”). The ’527 Patent Infringing Products include, without limitation, Defendant’s “Bottle Armour” bottle holder. Copies of relevant pages from Defendant’s Internet website (www.vino2go.com) illustrating its “Bottle Armour” bottle holder are attached hereto as **Exhibit 2**.

9. Defendant has directly infringed, and continues to directly infringe, one or more claims of the ’527 patent (including, but not limited to, claim 1) under 35 U.S.C. § 271(a) by manufacturing, using, offering for sale, and/or selling one or more of the ’527 Patent Infringing Products in the United States, and/or by importing one or more of the ’527 Patent Infringing Products into the United States.

10. Defendant’s continuing infringement has inflicted and, unless restrained by this Court, will continue to inflict great and irreparable harm upon BottleKeeper. BottleKeeper has no adequate remedy at law, and is entitled to preliminary and permanent injunctions enjoining Defendant from engaging in further acts of infringement.

11. As a direct and proximate result of the foregoing acts of Defendant, BottleKeeper has suffered, and is entitled to, monetary damages in an amount not yet determined. BottleKeeper is also entitled to its costs of suit and interest.

## **THE SECOND CAUSE OF ACTION**

**(Patent Infringement – 35 U.S.C. § 271, et seq.)**

**(United States Patent No. 9,637,270)**

12. BottleKeeper repeats, realleges, and incorporates by reference, as though fully set forth herein, the allegations contained in paragraphs 1-5, above.

13. On May 2, 2017, United States Patent No. 9,637,270 (“the ’270 patent”), entitled “Protective Bottle Enclosure,” was duly and legally issued in the name of Matthew T. Campbell. By virtue of proper assignment, BottleKeeper has acquired and duly owns all right, title, and interest in this patent, including the right to sue and recover for infringement thereof. A copy of the ’270 patent is attached hereto as **Exhibit 3**.

14. Defendant has engaged, and continues to engage, in the business of manufacturing, using, importing, offering for sale, and/or selling bottle enclosures embodying one or more of the patented inventions disclosed and claimed in the ’270 patent (“the ’270 Patent Infringing Products”). The ’270 Patent Infringing Products include, without limitation, Defendant’s “Bottle Armour” bottle holder. Copies of relevant pages from Defendant’s Internet website (www.vino2go.com) illustrating its “Bottle Armour” bottle holder are attached hereto as **Exhibit 2**.

15. Defendant has directly infringed, and continues to directly infringe, one or more claims of the ’270 patent (including, but not limited to, claim 5) under 35 U.S.C. § 271(a) by manufacturing, using, offering for sale, and/or selling one or more of the ’270 Patent Infringing Products in the United States, and/or by importing one or more of the ’270 Patent Infringing Products into the United States.

16. Defendant’s continuing infringement has inflicted and, unless restrained by this Court, will continue to inflict great and irreparable harm upon BottleKeeper. BottleKeeper has no adequate remedy at law, and is entitled to preliminary and permanent injunctions enjoining Defendant from engaging in further acts of infringement.

17. As a direct and proximate result of the foregoing acts of Defendant, BottleKeeper has suffered, and is entitled to, monetary damages in an amount not yet determined. BottleKeeper is also entitled to its costs of suit and interest.

**PRAYER FOR RELIEF**

WHEREFORE, BottleKeeper respectfully demands judgment:

A. That Defendant, its officers, directors, agents, servants, employees, attorneys, confederates, and all persons and/or entities acting for, with, by, through, or in concert with them, or any of them, be enjoined preliminarily and permanently from infringing the '527 patent and the '270 patent;

B. That Defendant be required to deliver up to the Court any and all products in its possession, custody, and/or control that infringe the '527 patent and/or the '270 patent;

C. That Defendant be required to prepare and deliver to the Court a complete list of entities from whom Defendant purchased, and to whom it distributed and/or sold, products that infringe the '527 patent and/or the '270 patent;

D. That Defendant be required to deliver to the Court any and all documents reflecting or relating to the manufacture, purchase, sale, and/or distribution of any products that infringe the '527 patent and/or the '270 patent;

E. That Defendant, within thirty (30) days after service of judgment with notice of entry thereof upon it, be required to file with the Court and serve upon BottleKeeper's attorneys a written report, under oath, setting forth in detail the manner in which Defendant has complied with paragraphs A-D, above;

F. That BottleKeeper be awarded compensatory damages for infringement of the '527 patent and the '270 patent in an amount to be determined at trial, as well as interest thereon;

G. That BottleKeeper be awarded costs of this suit;

H. That the Court declare this an exceptional case under 35 U.S.C. § 285 and award BottleKeeper its attorneys' fees and any other costs incurred in connection with this action; and

I. That the Court grant such further relief to BottleKeeper as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Federal Rule of Civil Procedure 38(b), plaintiff CamCal Enterprises, LLC dba BottleKeeper hereby demands a trial by jury on all issues triable in this action.

Dated: November 20, 2017

s/ Nikola L. Datzov

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