

Container.” See Exhibit A.

4. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

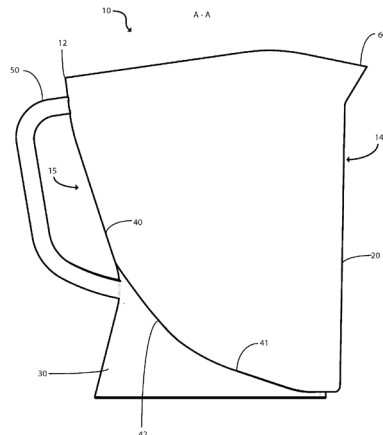
5. This Court has personal jurisdiction over Defendant BWW because BWW conducts business throughout the United States, including in this district. Upon information and belief, BWW has committed acts of patent infringement in this district.

6. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b) because, among other reasons, BWW is subject to personal jurisdiction in this district and has a regular and established place of business in this district, including but not limited to its location at 2035 N. Central Expressway, McKinney, Texas 75070.

Factual Background

7. Mr. Fedewa invented the beverage pitcher described and claimed in the '413 patent in response to a need to reduce foam production in carbonated beverages and to increase the productivity of anyone dispensing beverages. The foam reducing container disclosed in the '413 patent uses angled interior sections to reduce the level of foam created when pouring a carbonated liquid into the container and claims the added benefit of doing so while resting flat on a surface below without intervention or tilting by the user.

8. An embodiment of the claimed pitcher can be found at Figure 4 of the '413 patent:



'413 Patent Fig. 4

9. Mr. Fedewa conceived of and reduced his invention to practice no later than April 3, 2012, when he filed the provisional application which ultimately became the '413 patent.

10. Mr. Fedewa assigned all his rights, title, and interest to the '413 patent to Plaintiff Think Tank.

11. Think Tank offers beverage pitchers for sale, through its non-exclusive licensee, San Jamar, Inc., that read on the claims of the '413 patent. The Think Tank proprietary pitcher appears as follows:



12. In addition to their foam reducing properties resulting from the claimed interior curvature, the Think Tank pitchers have the added benefit of including flat surfaces amenable to branding and/or advertising.

13. Beginning at least as early as February 2019, Defendant BWW has begun using a foam reducing beverage container that also reads upon the claims of the '413 patent:



14. The pitchers are available in BWB locations across the country and typically contain advertisements or branding for major beer brands such as Bud Light.

15. The infringing pitchers featured prominently in BWB's advertisements for the 2019 National Football League season, including in BWB's television commercials and print media:



16. Upon information and belief, the pitchers used by BWW are manufactured by or for Kurve Products, Inc.

17. Neither BWW nor Kurve Products, Inc. are licensed or otherwise authorized in any way by Think Tank or Mr. Fedewa.

Patent Infringement Under 35 U.S.C. § 271

18. The facts and allegations as stated in paragraphs 1 to 17 are incorporated herein by reference as if restated in their entirety.

19. Think Tank is the sole owner of the '413 patent.

20. BWW has infringed directly or under the doctrine of equivalents one or more claims of the '413 patent under 35 U.S.C. § 271(a) by making, having made, using, selling, importing, or offering for sale the accused products in the United States without a license to the '413 patent.

21. Think Tank has been damaged by BWW's infringement and is entitled to all relief available under the Patent Act, including but not limited to disgorgement of BWW's profits under 35 U.S.C. § 289 and/or Think Tank's lost profits. In any event,

Think Tank is entitled to no less than a reasonable royalty for BWW's unlicensed use of the '413 patent.

Prayer for Relief

WHEREFORE, Think Tank respectfully requests that this Court enter judgment in its favor against BWW and grant the following relief:

- A. judgment that BWW has infringed directly or under the doctrine of equivalents the '413 patent under 35 U.S.C. § 271(a);
- B. judgment awarding damages, including disgorgement of BWW's profits but not less than a reasonable royalty, as well as prejudgment and post-judgment interest, costs, and supplemental damages for any continuing post-verdict infringement through the entry of a final judgment;
- C. an order requiring BWW to account for all past, present, and future infringement and for periodic accountings of BWW's future manufacturing, use, sale, offering for sale, or importing of infringing pitchers through the life of the '413 patent;
- D. judgment awarding costs under 28 U.S.C. § 1920; and
- E. all such other actual and equitable relief to which Think Tank is entitled or this Court deems just and proper.

Jury Trial Demanded

Think Tank demands a trial by jury on all claims and issues so triable.

Dated: December 26, 2019

Respectfully submitted,

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