

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
BAY CITY DIVISION**

Perlick Corporation

Plaintiff,

v.

Glastender, Inc.

Defendant.

**Civil Action No. 1:22-cv-10862**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Perlick Corporation (“Perlick” or “Plaintiff”), for its Complaint against Defendant Glastender, Inc., (referred to herein as “Glastender” or “Defendant”), alleges the following:

**NATURE OF THE ACTION**

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

**THE PARTIES**

2. Plaintiff Perlick is a corporation organized under the laws of the Wisconsin with a place of business at 8300 W. Good Hope Rd, Milwaukee, WI 53223.

3. Upon information and belief, Glastender is a corporation organized under the laws of the Michigan with a place of business at 5400 N Michigan Rd.,

Saginaw, MI 48604-9700. Upon information and belief, Glastender sells, offers to sell, and/or uses products and services throughout the United States, including in this judicial district, and introduces infringing products and services into the stream of commerce knowing that they would be sold and/or used in this judicial district and elsewhere in the United States.

### **JURISDICTION AND VENUE**

4. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

5. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6. Venue is proper in this judicial district under 28 U.S.C. § 1400(b).

7. This Court has personal jurisdiction over the Glastender under the laws of the State of Michigan, due at least to their substantial business in Michigan and in this judicial district, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in the State of Michigan. Further, this Court has personal jurisdiction and proper authority to exercise venue over Glastender because it is incorporated in the State of Michigan

and by doing so has purposely availed itself of the privileges and benefits of the laws of the State of Michigan.

## **BACKGROUND**

### **The Invention**

8. Mr. Frederick G. Luehrs, Mr. Henry Groth, Jr., Mr. Karl R. Krumbiegal, Mr. Ryan K. Marks, Mr. Kevin M. Rehm, Mr. Gottfried Urban, Mr. Timothy Alan Gilbertson, and Mr. Dennis Weigand are the inventors of U.S. Patent No 7,451,614 (“the ’641 patent”). A true and correct copy of the ’614 patent is attached as Exhibit A.

9. The ’614 patent resulted from the pioneering efforts of Mr. Frederick G. Luehrs, Mr. Henry Groth, Jr., Mr. Karl R. Krumbiegal, Mr. Ryan K. Marks, Mr. Kevin M. Rehm, Mr. Gottfried Urban, Mr. Timothy Alan Gilbertson, and Mr. Dennis Weigand (hereinafter “the Inventors”) in the area of refrigeration. These efforts resulted in the development of a method and apparatus for Refrigeration System and Components Thereof in the early 2000s. The Inventors conceived of the inventions claimed in the ’614 patent as a way to provide a refrigeration system that is cost-effective to manufacture, efficient to operate, relatively quiet when functioning, and overcomes particular deficiencies found in the technology.

10. For example, the Inventors developed a multi temperature zone refrigeration system with a single compressor for at least two temperature cooling

zones. The refrigeration system having a temperature divider, a heat transfer substance and a heat exchange chamber.

**COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,451,614**

11. The allegations set forth in the foregoing paragraphs 1 through 10 are incorporated into this First Claim for Relief.

12. On November 18, 2008, the '614 patent was duly and legally issued by the United States Patent and Trademark Office under the title "Refrigeration System and Components Thereof"

13. Perlick is the assignee and owner of the right, title and interest in and to the '614 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

14. Upon information and belief, Glastender has and continues to directly infringe one or more claims of the '614 patent by selling, offering to sell, making, using, and/or providing and causing to be used products, specifically one or more Glastender refrigerators, which by way of example include without limitation Model C2FB and C2SB products, found at <https://www.glastender.com/products?product-category=bar-refrigeration> (examples of the "Accused Instrumentalities").

15. An exemplary infringement analysis showing infringement of claim 17 of the '614 patent is set forth in Exhibit B. This infringement analysis is

necessarily preliminary, as it is provided in advance of any discovery provided by Glastender with respect to the '614 patent. Perlick reserves all rights to amend, supplement and modify this preliminary infringement analysis. Nothing in the attached chart should be construed as any express or implied contention or admission regarding the construction of any term or phrase of the claims of the '614 patent.

16. The Accused Instrumentalities infringed and continue to infringe at least claim 17 of the '614 patent.

17. On information and belief, Glastender had knowledge of that patent. Glastender received a notice letter regarding the '614 patent on February 26, 2021. Glastender acknowledged this letter on April 8, 2021 and in writing on April 13, 2021.

18. Perlick has been harmed by the Glastender's infringing activities.

### **JURY DEMAND**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Perlick demands a trial by jury on all issues triable as such.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Perlick demands judgment for itself and against Glastender as follows:

A. An adjudication that Glastender has infringed the '614 patent;

B. An award of damages to be paid by Glastender adequate to compensate Perlick for Glastender's past infringement of the '614 patent, and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Perlick's reasonable attorneys' fees; and

D. An award to Perlick of such further relief at law or in equity as the Court deems just and proper.

Dated: April 21, 2022

/s/ Robyn T. Williams

Timothy Devlin

Robyn T. Williams

Derek F. Dahlgren (to be admitted *pro hac vice*)

Mariam Clayton (to be admitted *pro hac vice*)

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