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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

KKG LLC,

Plaintiff,

v.

ALCOA, INC.,

Defendant.

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Case No. 2 - 0 7 C V - 4 9 4

JURY DEMAND

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff KKG LLC, a New Mexico limited liability company, for its complaint against Defendant Alcoa, Inc , states and alleges as follows:

PARTIES

1. KKG LLC (“KKG”) is a New Mexico limited liability company. Kristy Kailynn Garcia is the sole managing member of the limited liability company.

2. Upon information and belief, Alcoa, Inc. is a corporation duly constituted under the laws of the state of Pennsylvania. Alcoa’s principle place of business is New York City, New York.

3. Alcoa does business in packaging and consumer items under the business name Reynolds Kitchens.

4. Upon information and belief, Reynolds Kitchens is not a duly constituted business entity, but is rather one of several names under which Alcoa, Inc. operates.

JURISDICTION AND VENUE

5. This action arises under the patent laws of the United States, 35 U.S.C. §§ 101, *et seq.* This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. 1331 and 1338(a).

6. Events and actions giving rise to the claims in this Complaint have taken place in the state of Texas and within the Eastern District of Texas. Alcoa, doing business as Reynolds Kitchens, has sold or offered for sale, and continues to sell and offer for sale, the infringing product at retail outlets in the state of Texas and within the Eastern District of Texas, on television infomercials broadcast in the state of Texas and within the Eastern District of Texas, and on Internet websites where the infringing product may be directly purchased. Venue is proper in this District pursuant to 28 U.S.C. 1391(b) and (c) and 1400(b) in that Defendants have infringed and continue to infringe under 35 U.S.C. 271 upon the '764 Patent in this District.

PATENT INFRINGEMENT

7. On September 26, 2006, Patent No. 7,112,764 B2 (the "'764 Patent"), titled "Disposable Liner for Cookware" was issued to Kristy Kailynn Garcia.

8. A copy of the '764 Patent is attached as Exhibit 1. The inventor of the '764 Patent, Kristy Kailynn Garcia, assigned all rights, title and interest in the '764 Patent to KKG, the assignment being duly recorded with the United States Patent Office. The assignment includes the right to bring suit for past and continuing infringement and to collect damages for past and continuing infringement.

9. Upon information and belief, Alcoa, doing business as Reynolds Kitchens, manufactures, offers for sale, sells and has sold in the State of Texas, including the Eastern District of Texas, and throughout the United States, a slow cooker or "crock pot" liner, which literally infringes, and in the alternative, infringes under the doctrine of equivalence, one or more claims of the '764 Patent.

10. Alcoa has been infringing, and continues to infringe, the '764 Patent.

11. Alcoa was provided with notice of KKG's patent rights for a disposable liner for cookware by a letter dated November 12, 2006, addressed to Paul Thomas, Group President,

Alcoa Packaging and Consumer Products, c/o Reynolds Kitchens, 6603 West Broad Street, Richmond, Virginia 23230. Alcoa did not respond to this letter.

12. Alcoa's actions have caused and will continue to cause great and irreparable injury to KKG, and unless such acts are restrained by this Court, they will be continued and KKG will continue to suffer great and irreparable injury.

13. KKG has been damaged by Alcoa's infringement of one or more claims in the '764 Patent and is entitled to an award of damages adequate to compensate for such infringement, together with interest and costs.

14. Alcoa has not received authorization from KKG to make, use, sell or offer to sell the slow cooker liner covered by the '764 Patent, but has acted in defiance and disregard of KKG's patent rights. Alcoa has willfully infringed the '764 Patent and the damages awarded to K.K.G. should be enhanced pursuant to 35 U.S.C. § 284.

15. Alcoa's conduct presents an exceptional case under 35 U.S.C. § 285, and KKG is entitled to an award of its reasonable attorney fees.

PRAYER FOR RELIEF

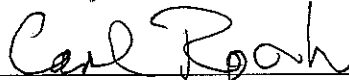
16. Upon final hearing, the Plaintiff KKG prays that:

a. Judgment be entered for KKG and against Alcoa for just and fair compensatory damages for the willful infringement of the '764 patent, together with pre-judgment and post-judgment interest as provided by law;

b. An injunction be entered prohibiting Alcoa, its subsidiaries, divisions, agents, partners, contractors, licensees, affiliates, and those persons acting in concert with them, including but not limited to Defendant's distributors, re-sellers, and customers, from further manufacture, sales, offers for sale, or other distribution or use of any infringing products;

- c. The Plaintiff be awarded attorney's fees and costs as provided by law;
- d. And such other and further relief as the Plaintiff may be shown to be justly entitled, at law or in equity.

Respectfully submitted,



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ATTORNEYS FOR PLAINTIFF KKG LLC

Exhibit 1



(12) **United States Patent
Garcia**

(10) **Patent No.: US 7,112,764 B2**
(45) **Date of Patent: Sep. 26, 2006**

(54) **DISPOSABLE LINER FOR COOKWARE**

(76) **Inventor: Kristy Kailynn Garcia, 5304 Canada Vista, NW, Albuquerque, NM (US) 87120**

(*) **Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 481 days.**

(21) **Appl No: 10/619,314**

(22) **Filed: Jul. 14, 2003**

(65) **Prior Publication Data**

US 2004/0169042 A1 Sep 2, 2004

Related U.S. Application Data

(60) **Provisional application No 60/450,495, filed on Feb. 27, 2003**

(51) **Int. Cl. A47J 36/16 (2006.01)**

(52) **U.S. Cl. 219/429; 219/432; 220/573.4; 220/573.5**

(58) **Field of Classification Search None**
See application file for complete search history.

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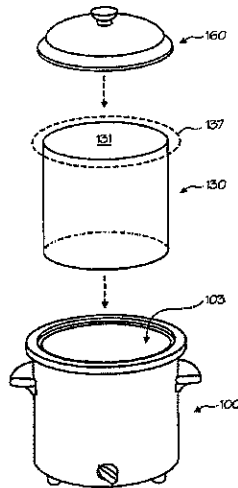
Primary Examiner—Joseph Pelham

(74) *Attorney, Agent, or Firm*—Kevin Lynn Wildenstein

(57) **ABSTRACT**

A disposable insert or liner conformable to a slow cook cookware (such as, for example, a conventional crock pot or like slow cooking device) having a single interior cooking chamber. The liner is adapted to fit within the interior chamber of a crockpot so as to substantially be in adjacent contact with the crock pot interior chamber walls without interfering with the operation of the cooking device. The liner provides a single compartment which may be made of any material allowing heat conduction between the cookware and the liner. A suitable material may be a tear resistant aluminum foil to withstand typical food preparation in a crock pot. In one embodiment, the present invention includes a flange, notches, indentations or other formations which assist in the insertion and removal of the present invention in the cookware. The present invention advantageously provides for a desirable cooking environment, allows easy removal of food from the crock pot and provides simplified cleaning of the crock pot.

31 Claims, 3 Drawing Sheets



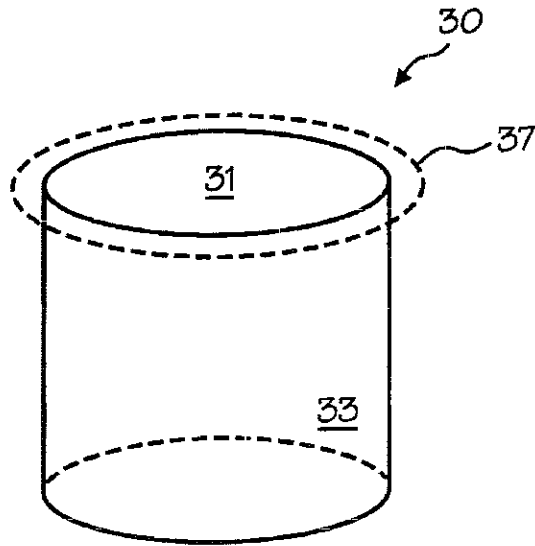


Fig. 1a

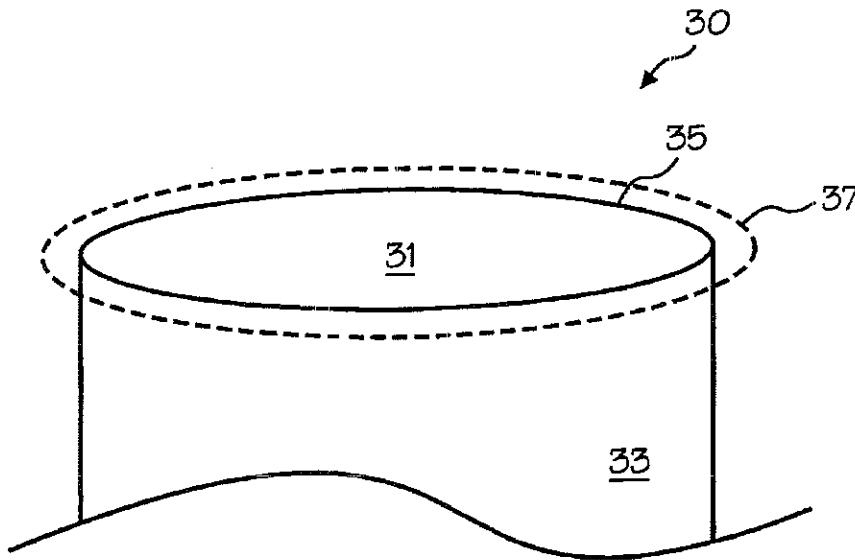


Fig. 1b

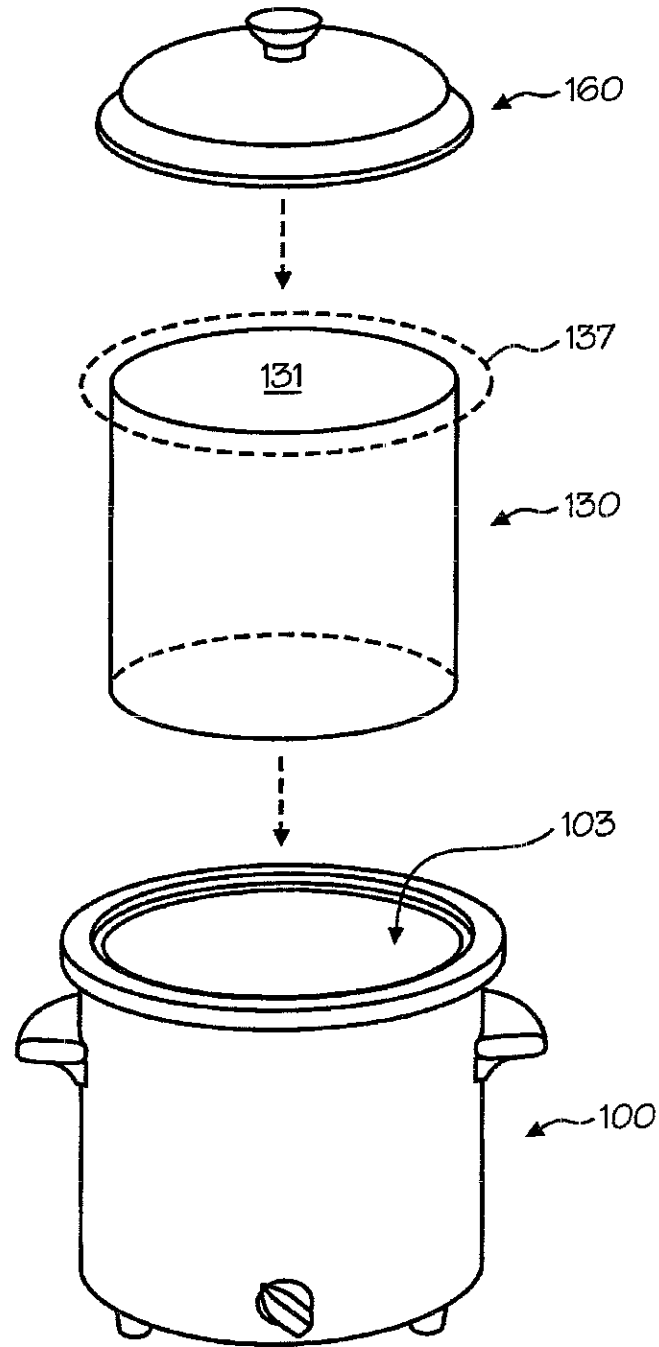


Fig. 2

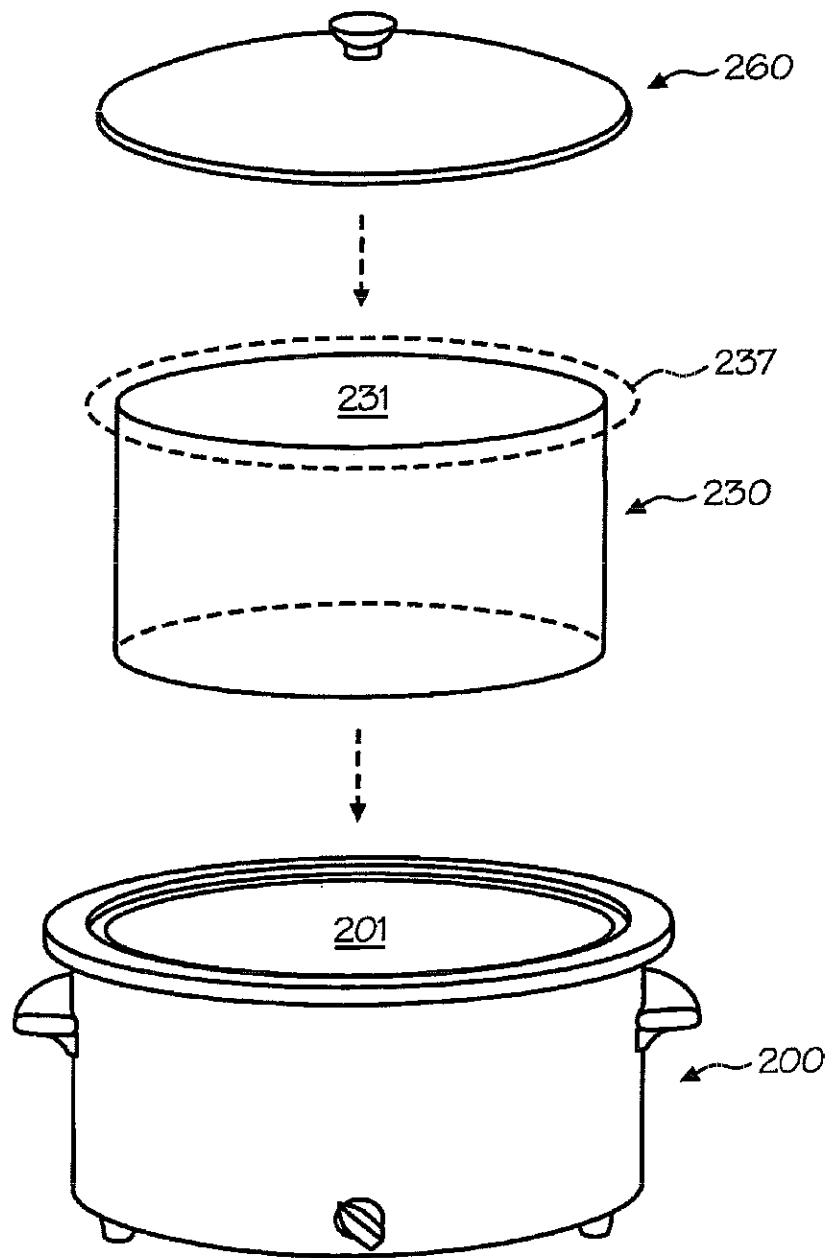


Fig. 3

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DISPOSABLE LINER FOR COOKWARE**CROSS REFERENCE TO RELATED APPLICATIONS**

The present invention claims priority from U.S. Provisional Patent Application 60/450,495 filed Feb. 27, 2003.

FIELD OF INVENTION

The present invention relates generally to the culinary arts, and more specifically, to a cooking liner for use with a crock pot having a single interior cooking chamber or like cooking devices.

BACKGROUND OF THE INVENTION

Cookware has existed for centuries in many different forms. Over time, cookware has become more technologically sophisticated due to advances in material sciences. Some cookware are even advertised to have special surfaces, or coatings on surfaces, which prevent foodstuff from sticking to the surface. While some cooking devices, such as crock pots, may include a non-stick surface in its interior cooking chamber, there are numerous existing crock pots which do not. In these situations, while crock pots provide even or substantially uniform heat conduction throughout its interior chamber and require minimal electrical energy to operate, some food may burn or otherwise stick to the interior chamber walls making it difficult to scrape off during cleaning. Moreover, crock pots having a conventional ceramic or stoneware interior cooking chamber are still being sold in the market today which do not contain a non-stick surface.

One of the most common types of containers used in the cooking arts in a cooking vessel (such as an oven) is the aluminum pan or like structure made from a sheet of aluminum foil. Such containers may be preformed into a specific shape, thus avoiding the labor required for assembly of a shaped article. Such containers, when traditionally used and sold, can be stacked easily since the shape of each container registers with shapes of adjacent containers. Thus, such containers are easy to manufacture, can be manufactured without much expense, and can easily be stored or discarded. The use of aluminum foil containers also have the advantage of being resistant to grease, oil, and water while still permitting appropriate browning of the foodstuff to be cooked. While aluminum foil containers are generally strong and tear-resistant, such containers typically cannot be used as a cooking container in microwave ovens, but are good cooking instruments when used in conventional ovens, barbecues and convection ovens.

What is needed is a single compartment liner for slow cooking units such as a crock pot that is disposable and which does not interfere with the operation of the crock pot as it operates to cook food. Despite the existence of crock pot liners having other structures, a single compartment liner for cookware is needed to provide a clean cooking environment, and which is simple to manufacture, thereby allowing a cook to prepare meals in the cookware without having the mess associated with such cooking. Such a liner requires simplicity for manufacturing high volumes of liners, and preferably should be readily disposable after use.

U.S. Patent Application Publication No. U.S. 2002/0038802 A1 discloses a dual compartment aluminum crock pot liner which is suitable for use for simultaneously preparing two or more distinct food items in a crock pot. While

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the multi-compartment crock pot liner has the advantage of cooking multiple food items at the same time, it also has the disadvantage of simultaneously mixing the flavors of the multiple food items because the steam generated from each food being cooked will be circulated within the crock pot interior chamber, thereby intermixing the steam with the various foods being cooked.

U.S. Pat. No. 6,457,601 B1 discloses a liner suitable for use with a Dutch oven. A Dutch oven is a heavy, cast iron cooking apparatus which is subject to harsh cooking environments. Such cast iron cooking instruments are placed directly in contact with a heat source (such as a fire or charcoal briquettes) and are known to provide unequal or uneven heat conduction when cooking, thereby leading to inconsistent cooking results. As such, the disclosed liner will be likewise subject to inconsistent heat conduction and burning of food.

U.S. Pat. No. 6,313,446 B1 discloses a cooker system having a liner for crock pots. The liner is disclosed as having a ribbed exterior wall with a question-mark shaped rim designed to hook on to the cooking system rim disclosed therein to provide a seal between the liner and the cooking system lid. This disclosure has the significant disadvantage of sealing the foodstuff being cooked within the liner thereby preventing steam from escaping from the cooking unit and thereby resulting in the cooking system likely exploding due to a build-up of steam pressure within the liner cooking compartment.

SUMMARY OF THE INVENTION

The present invention is a liner for use with crock pots having a single interior cooking chamber and uniform heating characteristics or like cooking devices. The cookware typically has a base with an inner chamber, the inner chamber designed to receive and transmit heat energy to foodstuff through, for example, a ceramic wall. The walls of the cookware inner chamber may be designed in a number of configurations, such as cylindrical, oval or round. The present liner is formed of an energy conductive material, has an exterior surface and an interior surface and is formed to be insertable into, and removable from, the cookware's inner chamber walls so that the liner's exterior surface substantially registers with and adjacent to the cookware's inner chamber walls while allowing steam to escape the crock pot.

The present invention is a liner for single-chamber crock pots, the liner being preferably formed of a formable heat conducting material which provides good heat conduction, good food browning and is essentially impervious to grease, oil or water penetration. In one embodiment, the present liner is formed of aluminum foil, which is biodegradable and recyclable, thereby allowing ease of use when cooking and ease of cleaning when finished. In another embodiment of the present invention, the liner can be coated with an appropriate non-stick coating (such as, for example, Teflon) to assist in the liner's ability to create a non-stick food surface for cooking.

The present invention is inexpensive, durable while cooking and provides good heat transfer efficiency from the crock pot to the foodstuff being cooked, while at the same time eliminating the need for cleaning the crock pot interior chamber. The present invention also provides an inexpensive solution to the problems associated with foodstuff sticking to cookware surfaces.

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BRIEF DESCRIPTION OF THE DRAWINGS

Additional aspects of the present invention will become evident upon reviewing the non-limiting embodiments described in the specification and the claims taken in conjunction with the accompanying figures.

FIG. 1a is a side perspective view of an exemplary embodiment of the present invention;

FIG. 1b is a detailed side perspective view of the top portion of an exemplary embodiment of the present invention, illustrating the optional liner lip;

FIG. 2 illustrates an exemplary exploded view of the present invention when used in a circular-shaped crock pot; and

FIG. 3 illustrates an exemplary exploded view of the present invention when used in an oval-shaped crock pot.

DETAILED DESCRIPTION OF EXEMPLARY EMBODIMENTS

Systems and methods in accordance with various aspects of the present invention provide a novel single compartment liner for use in a slow cooking unit such as a crock pot.

As seen in FIG. 1a, the present invention is a cooking liner 30 for use in a slow cook device such as a crock pot or like cookware. The liner 30 preferably has a single cooking chamber within an interior wall and a bottom surface 31, the liner 31 comprising a conductive unitary main body portion integrally formed with an optional flange 37, the main body portion of the liner 30 shaped to substantially register with the crock pot's interior wall surfaces.

As illustrated in FIGS. 1a-2, the present invention liner 30 is formed by conventional forming methods to have a depth of substantially the same or slightly less than the interior depth of the crock pot's 100 single interior chamber 103, and to have a substantially flat or curved bottom surface that merges smoothly with the all surfaces of the crock pot interior wall 103 so that the overall liner 30 structure registers substantially with the interior chamber of the crock pot. The liner's side walls 31 is preferably formed to lie in a plane substantially coincident with the plane of the interior inner crock-pot walls 101 so that the liner 30 conforms substantially to the configuration of the interior cooking surface of the crock pot 100.

In one embodiment as seen in FIG. 1b, the liner top rim 35 may be formed with a flange 37 or may be capable of receiving an optional flange 37 which is adapted to allow steam to escape from the cooking unit, thereby allowing the unit to operate as intended. In one configuration, the flange 37 may contain a plurality of ribs such as those found on a traditional pie plate. In another configuration, flange 37 may be simply formed into a roll. The flange 37 or like apparatus is adapted to sit upon the upper portion of the crock pot and to assist the chef to easily insert the liner into, and remove the liner from, the crock pot interior chamber. Similar to the overall design of the liner, the liner rim 35 will also lie in a plane substantially symmetrical to the rim of the crock pot, but having a thickness that cooperates with and does not interfere with the operation of the crock pot lid. As those of skill in the art will now appreciate, the flange 37 may be formed with at least one gap or hole to assist in the release of steam from the cooking unit.

FIG. 2 illustrates an exemplary exploded view of the present invention when used in a circular-shaped crock pot 100. Prior to cooking, liner 130 is placed within the interior single cooking chamber of crock pot 100 so that it registers with interior walls 101. Foodstuff can then be placed inside

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the interior chamber 131 of liner 130, and cooking commenced when lid 160 is then placed upon the crock pot 100. Optional flange 137 may be formed on liner 130.

Likewise, FIG. 3 illustrates an exemplary exploded view of the present invention when used in an oval-shaped crock pot 200. Prior to cooking, liner 230 is placed within the interior single cooking chamber of crock pot 200 so that it registers with interior walls 201. Foodstuff can then be placed inside the interior chamber 231 of liner 230, and cooking commenced when lid 260 is then placed upon the crock pot 200. Again, optional flange 237 may be formed on liner 230.

While not illustrated, those of skill in the art will come to realize that the present liner invention can also incorporate at least one predefined message which is imprinted thereon for marketing purposes.

A significant advantage of the present invention is the ability to substantially eliminate the cleaning associated with crock pot use. During conventional crock pot usage, food is slow cooked over time without much attention given to the crock pot by the chef, thereby resulting in foodstuff sticking to the interior chamber walls of the crock pot. With the present invention, after the food is cooked, the chef can easily discard the liner. There is no need to clean the liner, as a new liner can be utilized the next time the crock pot is used. The present invention preferably is formed from a tear-resistant material which substantially eliminates tears, spills and leaks from occurring.

Embodiments of the present invention can be formed into stackable trays or containers or like shaped articles for use in single container crock pots. The present invention is preferably formed of material which is resistant to oil, water moisture, grease and foodstuff, yet allow sufficient conduction of energy (such as, for example, heat energy) to be transferred through its structure walls. In another embodiment, the present invention will be designed to allow multiple uses, if necessary.

The present invention has the advantage that it is easily disposable, easily recyclable and biodegradable. Moreover, due to the tensile strength characteristics of metal foil (such as aluminum, tin, titanium, bronze, brass, copper or any combination thereof), the present invention can readily be shaped to form a food container which registers with the variety of different shaped single-compartment crock pots available on the market today.

Other variations and modifications of the present invention will be apparent to those of ordinary skill in the art, and it is the intent of the appended claims that such variations and modifications be covered. The particular values and configurations discussed above can be varied, are cited to illustrate representative embodiments of the present invention and are not intended to limit the scope of the invention.

What is claimed is:

1. A liner for crock pots having an interior cooking chamber with an inner chamber defined by at least one ceramic wall surface with an upper perimeter lip, the liner comprising an energy conductive material having an exterior surface and an interior surface, the liner being formed to be insertable into, and removable from, the crock pot's inner chamber so that the liner's exterior surface substantially registers with and is adjacent to the cookware's inner chamber while not interfering with the operation of the crock pot, the liner further having a top rim and an integrally formed flange coupled to the top rim and with at least one gap, the at least one gap adapted to allow steam to escape from the crock pot when in operation and not adapted to form fit the upper perimeter lip.

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2. The liner of claim 1, the liner's top rim formed to lie in a plane substantially symmetrical to a top rim of the crock pot, the liner top rim having a thickness which cooperates with and prevents interference with the operation of the crock pot.

3. The liner of claim 1, the conductive liner being formed from aluminum foil

4. A liner for slow cooking cookware having an interior cooking chamber with at least one wall surface with an upper perimeter lip, the liner comprising an energy conductive unitary main body having an interior surface and an exterior surface a top rim and an integrally formed flange with at least one gap, the liner being formed so that the liner's exterior surface substantially registers with and is adjacent to the cookware's interior chamber walls, the conductive sheet formed to prevent interfering with the operation of the cookware as the cookware operates, the gap adapted to allow steam to escape from the interior surface when the slow cookware is in operation and not adapted to form fit the upper perimeter lip

5. The liner of claim 4, the liner having a depth of substantially the same or approximately less than an interior depth of the slow cooking cookware's interior cooking chamber.

6. The liner of claim 4, the liner having a substantially flat or slightly curved bottom surface which substantially registers with a bottom surface of the slow cooking cookware's interior cooking chamber.

7. The liner of claim 4, the liner further having at least one side wall defining the main body, the side wall formed to lie in a plane substantially coincident of the slow cookware's interior cooking chamber

8. The liner of claim 5, the liner's top rim formed to lie in a plane substantially symmetrical to a top rim of the slow cookware, the top rim having a thickness which cooperates with and prevents interference with the operation of the slow cookware

9. The liner of claim 5, the flange being formed into a plurality of ribs

10. The liner of claim 5, the flange being formed into a roll.

11. The liner of claim 4, the conductive liner being formed from aluminum foil

12. The liner of claim 4, the conductive liner being formed from at least one of aluminum foil, copper foil, bronze foil, tin foil, titanium foil and brass foil

13. The liner of claim 4, at least some portions of the conductive sheet imprinted with a predefined message.

14. The liner of claim 4, the slow cooking cookware being an oval-shaped crock pot, the liner being adapted for placement within the oval-shaped crock pot so that its exterior walls register with the interior chamber of the crock pot

15. The liner of claim 4, the slow cooking cookware being a circular-shaped crock pot, the liner being adapted for placement within the circular-shaped crock pot so that its exterior walls register with the interior chamber of the crock pot.

16. A crock pot liner, the liner comprising an energy conductive material having an exterior surface and an interior surface, the liner being formed to be insertable into, and removable from, an inner cooking chamber of the crock pot so that the liner's exterior surface substantially registers with and is adjacent to the crock pot's inner cooking chamber while not interfering with the operation of the crock pot, the liner having a depth of substantially the same or approximately less than an interior depth of the crock pot's interior cooking chamber, and further having a substantially flat or

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slightly curved bottom surface which substantially registers with a bottom surface of the crock pot's interior cooking chamber, the liner further comprising an integrally formed, rollable top rim adapted to sit upon an upper perimeter lip of the crock pot, allow steam to escape from the interior surface when the crock pot is in operation

17. A crock pot liner, the liner comprising an unitary exterior surface and an interior surface formed of an energy conductive material, the liner being insertable into, and removable from, an inner cooking chamber of the crock pot so that the liner's exterior surface substantially registers with and is adjacent to an interior surface of the crock pot, the liner further comprising a rollable top rim, the liner interior surface further adapted to sit upon an upper perimeter lip of the crock pot receive and retain foodstuff.

18. The liner of claim 17, the top rim being adapted to allow steam to escape from the crock pot when in operation

19. The liner of claim 17, the liner further comprising a substantially flat or slightly curved bottom surface which substantially registers with a bottom surface of the slow cooking cookware's interior cooking chamber

20. The liner of claim 18, the liner further having an interior surface depth of substantially the same or approximately less than an interior depth of the slow cooking cookware's interior cooking chamber

21. A liner for a slow cook device having an interior cooking chamber with an inner chamber defined by at least one wall surface with an upper perimeter lip, the liner comprising a non-aluminum thermally conductive unitary body having an exterior surface and an interior surface, the interior surface defining a single cooking compartment adapted to receive foodstuff, the liner being insertable into, and removable from, the slow cook device's inner chamber so that the liner's exterior surface is adjacent to the device's inner chamber, the liner further having a top rim and an integrally formed flange with at least one gap adapted to sit upon an upper portion of the device to allow steam to escape from the device when in operation and not adapted to form fit the upper perimeter lip

22. The liner of claim 21, the liner's top portion having a thickness which cooperates with and prevents interference with the operation of the crock pot

23. The liner of claim 21, the liner having an interior surface coated with a non-stick material

24. The liner of claim 21, the liner having a bottom surface which substantially registers with and is coincident to, a bottom surface of the slow cooking cookware's interior cooking chamber.

25. The liner of claim 21, the liner's top portion being rollable

26. A disposable slow cook unit liner, the slow cook unit having an interior cooking chamber with an inner chamber defined by at least one continuous wall surface with an upper perimeter lip, the liner comprising a non-aluminum body having an exterior surface and an interior surface, the interior surface defining a single cooking compartment, the liner being insertable into, and removable from, the slow cook device's inner chamber so that the liner's exterior surface substantially registers with and is adjacent to the unit's interior cooking chamber, the liner further having a top rim and an integrally formed flange with at least one gap adapted to sit upon an upper perimeter lip of the device and to allow steam to escape from the device when in operation and not adapted to form fit the upper perimeter lip device when in operation.

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27 The liner of claim 26, the liner's top portion having a thickness which cooperates with and prevents interference with the operation of the crock pot.

28 The liner of claim 26, the liner having a depth of substantially the same or approximately less than an interior depth of the slow cooking cookware's interior cooking chamber.

29 The liner of claim 26, the liner having a bottom surface which substantially registers with, and is coincident

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to, a bottom surface of the slow cooking cookware's interior cooking chamber.

30. The liner of claim 26, the liner's top portion being rollable

31. The liner of claim 26, the liner's interior surface being coated with a non-stick material

* * * * *