

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

<b>CRANE CO., and DIXIE-NARCO INC.,</b>	§	
	§	
<b>Plaintiffs,</b>	§	
	§	
<b>vs.</b>	§	<b>CIVIL ACTION NO. 2:07-cv-42</b>
	§	
<b>SANDENVENDO AMERICA, INC. and</b>	§	<b>Jury Trial Requested</b>
<b>ROYAL VENDORS, INC.</b>	§	
	§	
<b>Defendants.</b>	§	

**PLAINTIFFS' AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs Crane Co. and Dixie-Narco Inc. (hereinafter collectively referred to as “Plaintiffs”) hereby sue SandenVendo America, Inc. (“Sanden”) and Royal Vendors, Inc. (“Royal”) (hereinafter collectively referred to as “Defendants”) for patent infringement and request that the Court enter preliminary and permanent injunctions prohibiting each of the Defendants’ unlawful and infringing sales of products using the technology covered by the patents owned by Plaintiffs and award to Plaintiffs monetary damages, prejudgment interest, attorneys’ fees and costs. This amended complaint is filed pursuant to Rule 15(a) of the Federal Rules of Civil Procedure before any pleading responsive to Plaintiff’s Original Complaint for Patent Infringement has been filed or served. In support hereof, Plaintiffs would respectfully show the Court the following:

**I.**

**PARTIES**

1. Plaintiff Crane Co. (“Crane”) is a corporation organized and existing under the laws of the State of Delaware, and maintains its principal place of business in the State of Connecticut.

2. Plaintiff Dixie-Narco Inc. (“Dixie”) is a corporation organized and existing under the laws of the State of Delaware, and maintains its principal place of business in the State of South Carolina.

3. Upon information and belief, Defendant SandenVendo America, Inc. (“Sanden”) is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 10710 Sanden Dr., Dallas, Texas 75238. Sanden may be served with a copy of this Amended Complaint by serving its registered agent, Fumio Inanobe, 10710 Sanden Drive, Dallas, Texas 75238.

4. Upon information and belief, Defendant Royal Vendors, Inc. (“Royal”) is a corporation organized and existing under the laws of the State of Missouri with its principal place of business at 300 Hunter Avenue, St. Louis, Missouri 63124. Royal may be served with a copy of this Amended Complaint by serving its registered agent, Jack E. Thomas, Jr., 300 Hunter Avenue, St. Louis, Missouri 63124.

## **II.**

### **JURISDICTION AND VENUE**

5. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code. This Court has exclusive subject matter jurisdiction over this case for patent infringement under 28 U.S.C. § 1338(a).

6. Venue is proper in the Eastern District of Texas under 28 U.S.C. §§ 1391 and 1400(b).

7. Defendants are subject to personal jurisdiction by virtue of their contacts with the State of Texas, and with the Eastern District of Texas in particular. Defendants voluntarily do business in this district. Defendants, directly or through subsidiaries or intermediaries (including distributors, retailers, and others), ship, distribute, offer for sale, sell, and advertise their products

in the United States, the State of Texas, and the Eastern District of Texas. Defendants, directly and through subsidiaries or intermediaries (including distributors, retailers, and others), have purposefully and voluntarily placed one or more of their infringing products, as described below, into the stream of commerce with the expectation that said products will be purchased and used by consumers in the Eastern District of Texas. These infringing products have been and continue to be purchased and used by consumers in the Eastern District of Texas.

### **III.**

#### **PATENT INFRINGEMENT**

8. Plaintiffs incorporate by reference paragraphs 1-7 as if fully set forth herein.

9. On May 15, 2001, United States Patent No. 6,230,930 (“the ‘930 patent”) entitled “Apparatus and Method for Vending Products” was duly and legally issued with Steven W. Sorensen, James E. Skavnak, Thomas F. Gotich, Scott Hudis, and Joseph A. Lotspeich as the named inventors after full and fair examination. A true and correct copy of the ‘930 patent is attached hereto as Exhibit “A”. Crane is the owner of all rights, title, and interest in and to the ‘930 patent and possesses all rights of recovery under the ‘930 patent. The ‘930 patent is presumed valid pursuant to 35 U.S.C. § 282.

10. On December 11, 2001, United States Patent No. 6,328,180 (“the ‘180 patent”) entitled “Apparatus and Method for Vending Products” was duly and legally issued with Steven W. Sorensen, James E. Skavnak, Thomas F. Gotich, Scott Hudis, and Joseph A. Lotspeich as the named inventors after full and fair examination. A true and correct copy of the ‘180 patent is attached hereto as Exhibit “B”. Crane is the owner of all rights, title, and interest in and to the ‘180 patent and possesses all rights of recovery under the ‘180 patent. The ‘180 patent is presumed valid pursuant to 35 U.S.C. § 282.

11. On February 4, 2003, United States Patent No. 6,513,677 (“the ‘677 patent”) entitled “Apparatus and Method for Vending Products” was duly and legally issued with Steven W. Sorensen, James E. Skavnak, Thomas F. Gotich, Scott Hudis, and Joseph A. Lotspeich as the named inventors after full and fair examination. A true and correct copy of the ‘677 patent is attached hereto as Exhibit “C”. Crane is the owner of all rights, title, and interest in and to the ‘677 patent and possesses all rights of recovery under the ‘677 patent. The ‘677 patent is presumed valid pursuant to 35 U.S.C. § 282.

12. Dixie is a wholly owned subsidiary of Crane and is engaged in the business of making and selling products utilizing the ‘930 patent, the ‘180 patent, and the ‘677 patent pursuant to a license from Crane.

13. Defendants are infringing said patents under 35 U.S.C. § 271 by performing, without authority, one or more of the following acts: (a) making, using, offering to sell, and selling within the United States and more specifically, within the Eastern District of Texas, products that infringe one or more valid claims of the ‘930 patent, the ‘180 patent and the ‘677 patent;<sup>1</sup> (b) on information and belief, contributing to the infringement of said patents by others in the Eastern District of Texas and the United States; and/or (c) on information and belief, inducing others to infringe said patents within the Eastern District of Texas and the United States.

14. Defendants’ acts of infringement have caused damage to Plaintiffs. Plaintiffs are entitled to recover from Defendants the damages sustained by Plaintiffs as a result of Defendants’ wrongful acts in an amount subject to proof at trial. Defendants’ infringement of

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<sup>1</sup> At this time, Plaintiffs do not contend that Defendant Royal Vendor, Inc. is violating and/or infringing the ‘677 patent within the Eastern District of Texas. Plaintiffs reserve the right to amend this Complaint as information becomes available.

Plaintiffs' rights under said patents will continue to damage Plaintiffs' businesses, causing irreparable harm, for which there is no adequate remedy of law, unless enjoined by this Court.

15. Plaintiffs have at all times complied with 35 U.S.C. § 287.

16. Upon information and belief, Defendants' infringement of said patents is willful and deliberate entitling Plaintiffs to enhanced damages and to attorneys' fees incurred in prosecuting this action pursuant to 35 U.S.C. §§ 284-285.

#### **IV.**

#### **DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a jury for all issues so triable.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray for the following relief:

1. A judgment that Defendant SandenVendo America, Inc. and Defendant Royal Vendor, Inc. have directly infringed said patents, contributorily infringed said patents, and induced the infringement of said patents;

2. An injunction preventing Defendant SandenVendo America, Inc. and Defendant Royal Vendor, Inc. and their officers, directors, agents, servants, employees, attorneys, licensees, successors, and assigns, and those in active concert or participation with any of them, from directly infringing, contributorily infringing or inducing the infringement of said patents;

3. A judgment and order that the Defendant SandenVendo America, Inc.'s and Defendant Royal Vendor, Inc.'s acts of infringement are willful and deliberate, entitling Plaintiffs to enhanced damages.

4. This case be found an exceptional case, entitling Plaintiffs to attorneys' fees incurred in prosecuting this action;

5. A judgment and order requiring Defendant SandenVendo America, Inc. and Defendant Royal Vendor, Inc. to pay Plaintiffs damages under 35 U.S.C. § 284, including supplemental damages for any continuing post-verdict infringement up until entry of the final judgment, with an accounting, as needed, and treble damages for willful infringement as provided by 35 U.S.C. § 284;

6. A judgment and order requiring Defendant SandenVendo America, Inc. and Defendant Royal Vendor, Inc. to pay Plaintiffs the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285;

7. An accounting of damages resulting from Defendants' infringement of each patent;

8. A judgment and order requiring Defendant SandenVendo America, Inc. and Defendant Royal Vendor, Inc. to pay Plaintiffs pre-judgment and post-judgment interest on the damages awarded;

9. A judgment and order requiring that in the event a permanent injunction preventing future acts of infringement is not granted, that Crane be awarded a compulsory ongoing licensing fee; and

10. Plaintiffs be granted such other and further relief as the Court may deem just and proper.

Respectfully submitted, this 30<sup>th</sup> day of May, 2007.

/s/ J. Robert Arnett II

E. Leon Carter

Texas State Bar No. 03914300

John J. Butrus, Jr.

Texas State Bar No. 03537330

William A. Munck

Texas State Bar No. 00786127

Daniel E. Venglarik

Texas State Bar No. 00791851

J. Robert Arnett, II

Texas State Bar No. 01332900

**MUNCK BUTRUS, P.C.**

13155 Noel Road

900 Three Galleria Tower

Dallas, Texas 75240

Telephone: 972.628.3600

Telecopier: 972.628.3616

**ATTORNEYS FOR PLAINTIFFS**

**CRANE CO. and DIXIE-NARCO INC.**