

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION



HAMILTON BEACH BRANDS, INC. )  
A Delaware Corporation )  
Plaintiff, )

vs. )

Civil Action No. 1:12CV672

SUNBEAM PRODUCTS, INC. )  
d/b/a/ JARDEN CONSUMER )  
SOLUTIONS )  
A Delaware Corporation )  
Defendant. )

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Hamilton Beach Brands, Inc. ("Hamilton Beach"), by and through its undersigned counsel, states as follows for its complaint against the defendant, Sunbeam Products, Inc. d/b/a Jarden Consumer Solutions ("Jarden"):

JURISDICTION AND VENUE

1. This action is a claim for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*
2. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).
3. This Court has personal jurisdiction over Jarden at least because Jarden has regularly engaged in substantial, continuing, and on-going contacts with this Commonwealth and judicial district, and Jarden has and continues to sell the product at issue in this case in this Commonwealth and judicial district.

4. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c) and § 1400(b) in that acts of patent infringement are occurring within this judicial district.

**THE PARTIES**

5. Hamilton Beach is a corporation organized and existing under the laws of the State of Delaware and has a principal place of business in this judicial district at 4421 Waterfront Drive, Glen Allen, Virginia 23060.

6. Upon information and belief, Jarden is a corporation organized and existing under the laws of the State of Delaware and has a principal place of business at 2381 Executive Center Drive, Boca Raton, Florida 33431.

7. Jarden is in the business of manufacturing, selling, offering for sale, and importing various types of consumer products, including but not limited to kitchen appliance products under the brand names Sunbeam® and Mr. Coffee®.

8. At all times relevant hereto, Jarden acted through its respective agents, representatives, employees and servants, all of whom acted within the course and scope of their duties and responsibilities.

**FACTS**

9. On November 4, 2011, Michael Howard Garman (“the Inventor”), by counsel, filed U.S. Patent Application No. 13/289,605 (“the ‘605 application”). The ‘605 application is a continuation of U.S. application serial no. 13/190,545, filed July 26, 2011; which is a continuation of U.S. application serial no. 11/466,868, filed August 24, 2006; which is a continuation-in-part of U.S. application serial no. 10/838,307, filed May 4, 2004 now U.S. Patent No. 7,543,528; which is a continuation of U.S. application serial no. 10/720,769, filed November 24, 2003 now U.S. Patent No. 7,461,586; which is a continuation-in-part of U.S. application

serial no. 10/403,438, filed March 31, 2003 now U.S. Patent No. 6,681,960; which is a continuation of U.S. application serial no. 10/011,759 (“the ‘759 application”), filed December 11, 2001 now U.S. Patent No. 6,564,975.

10. In December 2001, the Inventor assigned his interest in and to the ‘759 application and all divisionals, continuations, substitute, renewals, reissues, and reexaminations thereof (including the ‘605 application) and any patents that issued therefrom to Hamilton Beach/Proctor-Silex, Inc. This assignment was recorded in the United States Patent and Trademark Office (“USPTO”) (as of) on December 11, 2001 at Reel 012373, beginning at Frame 0558.

11. On or about September 28, 2007, Hamilton Beach/Proctor-Silex, Inc. changed its name to Hamilton Beach Brands, Inc. This name change was recorded in the USPTO at Reel 020174, beginning at Frame 0160.

12. On June 19, 2012, the ‘605 application was issued by the USPTO as U.S. Patent No. 8,201,491 (“the ‘491 patent”) in the name of the Inventor and Hamilton Beach Brands, Inc. as assignee. A copy of the ‘491 patent is attached as Exhibit A and is incorporated by reference.

13. The ‘491 patent is valid and enforceable. The term of the ‘491 patent will expire on or about December 11, 2021.

14. The ‘491 patent discloses and claims various novel and unique features relating to a convenient hot beverage maker having a dispenser thereby allowing a user to dispense any amount of beverage desired.

15. Hamilton Beach is the assignee of all right, title, and interest in and to the ‘491 patent and possesses all rights of recovery under the ‘491 patent, including the right to sue for infringement, damages, and injunctive relief.

16. Upon information and belief, in or about March 2011, Jarden began using, manufacturing, selling, offering for sale, and importing a ZH series 12 Cup Programmable Coffee & Coffee Dispenser (Model BVMC-ZH1B) under the brand name Mr. Coffee® (“the Infringing Product”) in the United States, and continues to do so to this day.

17. Jarden has targeted, and continues to target directly, the Infringing Product to residents of Virginia, particularly in this judicial district, as well as elsewhere throughout the United States.

18. Jarden has sold and offered for sale, and continues to sell and offer for sale, the Infringing Product to commercial retailers in this Commonwealth and judicial district for sales and offers for sale to residents of this Commonwealth and judicial district.

19. Jarden has neither sought nor obtained a license under the '491 patent, and is not authorized or permitted to market, manufacture, use, offer for sale, sell or import any products embodying the invention disclosed and claimed in the '491 patent.

**COUNT I**  
**INFRINGEMENT OF THE '491 PATENT**

20. Plaintiff realleges and incorporates by reference paragraphs 1 through 19 of this Complaint.

21. Jarden is engaged in acts that constitute direct infringement and/or inducement of infringement of some or all of the claims of the '491 patent, either literally or under the doctrine of equivalents, in the United States, including, but not limited to, within this judicial district, in violation of 35 U.S.C. § 271.

22. Jarden has been and is currently manufacturing, causing to be manufactured, using, offering for sale, selling and importing into the United States, including, but not limited to,

within this judicial district, without license or authority, at least the Infringing Product, which is covered by some or all of the claims of the '491 patent, in violation of 35 U.S.C. § 271.

23. In promotional materials for the Infringing Product on Jarden's MrCoffee.com website, Jarden tells consumers that its Infringing Product allows them to combine "One Cup Convenience - 12 Cup Capacity" and "[e]njoy a cup of coffee by dispensing directly into your mug," "directly from the brewer" without needing a carafe. A copy of those materials is attached as Exhibit B and is incorporated by reference. The website also notes that "[t]he removable coffee chamber and removable brew basket make clean-up a cinch."

24. Jarden's User Manual for the Infringing Product, which is enclosed with the Infringing Product and is also available on the MrCoffee.com website, includes "How to Use Your Coffeemaker," step-by-step instructions for using the Infringing Product to brew and dispense coffee without needing a carafe, thereby enabling consumers to perform one or more of the method claims of the '491 patent. A copy of the User Manual is attached as Exhibit C and is incorporated by reference.

25. Upon information and belief, upon receiving notice of the '491 patent, Jarden's continued sale and distribution of the Infringing Product to consumers, in Virginia and nationwide, is made with the specific intent that its customers infringe the '491 patent and with the knowledge that those customers' acts constitute infringement.

26. By these actions, Jarden has induced and continues to actively induce others to infringe one or more claims of the '491 patent.

27. The direct and indirect infringement by Jarden of one or more claims of the '491 patent has deprived Hamilton Beach of revenues that it otherwise would have made or caused to

be made, and has in other respects injured Hamilton Beach and will cause Hamilton Beach irreparable injury and loss of revenues unless and until enjoined by this Court.

**JURY DEMAND**

Hamilton Beach hereby demands a jury trial on all issues triable by jury.

**PRAYER FOR RELIEF**

**WHEREFORE**, Hamilton Beach prays for judgment against Jarden and requests that this Court:

(a) enter a finding and a judgment in favor of Hamilton Beach and against Jarden for patent infringement in an amount to be ascertained and in an amount adequate to compensate Hamilton Beach for Jarden's infringement of the '491 patent, including, but not limited to, Jarden's profits, but in no event less than a reasonable royalty for the use made of the invention by Jarden together with prejudgment and post-judgment interest and costs as fixed by the Court, as provided by 35 U.S.C. § 284;

(b) enter a preliminary and permanent injunction against further and continued infringement of the claims of the '491 patent by Jarden as provided by 35 U.S.C. § 283;

(c) declare that this case is exceptional and award Hamilton Beach its reasonable attorney fees as the prevailing party, as provided by 35 U.S.C. § 285; and

(d) grant Hamilton Beach such other and further relief as the Court may deem just and appropriate.

Dated: June 19, 2012

Respectfully submitted,

**HAMILTON BEACH BRANDS, INC.**

By Counsel



Robert M. Tyler (VSB # 37861)  
Kristen M. Calleja (VSB # 41319)  
Andriana L. Shultz (VSB # 80930)  
MCGUIREWOODS LLP  
One James Center  
901 East Cary Street  
Richmond, VA 23219  
(804) 775-1000  
(804) 775-1061 (Fax)  
[rtyler@mcguirewoods.com](mailto:rtyler@mcguirewoods.com)  
[kcalleja@mcguirewoods.com](mailto:kcalleja@mcguirewoods.com)  
[ashultz@mcguirewoods.com](mailto:ashultz@mcguirewoods.com)

*Attorneys for Plaintiff Hamilton Beach Brands, Inc.*