

FILED

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

2012 JUN 26 A 9:26

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

SUNBEAM PRODUCTS, INC.)
d/b/a JARDEN CONSUMER)
SOLUTIONS)
A Delaware Corporation)
) **Plaintiff,**)
))
v.))
))
HAMILTON BEACH BRANDS, INC.)
A Delaware Corporation)
) **Defendant.**)
_____)

Civil Action No. 1:12CV694-AJT/TRJ

JURY TRIAL DEMANDED

COMPLAINT

Comes now, plaintiff Sunbeam Products, Inc. d/b/a Jarden Consumer Solutions (“Sunbeam”), by and through its undersigned counsel, and for its complaint against the defendant, Hamilton Beach Brands, Inc. (“Hamilton Beach”), avers as follows:

JURISDICTION AND VENUE

1. This action is a claim for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code, §§ 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 Hamilton Beach at least because Hamilton Beach has a principal place of business is in this judicial district, and because Hamilton

Beach has regularly engaged in substantial, continuing, and on-going contacts with this Commonwealth and judicial district, and has sold and continues to sell into this Commonwealth and judicial district the products at issue in this case.

4. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b), (c) and § 1400(b) because Hamilton Beach's acts of patent infringement have occurred, and are continuing to occur, within this judicial district and because Hamilton Beach has a principal place of business in this judicial district.

THE PARTIES

5. Sunbeam is a corporation organized and existing pursuant to the laws of the State of Delaware, and has a principal place of business at 2381 Executive Center Drive, Boca Raton, Florida 33431.

6. Upon information and belief, Hamilton Beach is a corporation organized and existing pursuant to 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.

7. Hamilton Beach is in the business of manufacturing, selling, offering for sale, and importing various types of consumer products, including, but not limited to, coffee makers sold under the BrewStation[®] brand name, among others.

8. At all times relevant hereto, defendant Hamilton Beach 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. U.S. Patent Application No. 08/340,057 ("the '057 application") was filed on January 11, 1995, and issued as U.S. Patent No. 5,560,284 ("the '284 patent") on October 1,

1996. A copy of the '284 patent is attached hereto as Exhibit A and is incorporated by reference as if fully set forth herein. The '284 patent is valid and enforceable.

10. The '284 patent discloses and claims various novel, non-obvious, and useful features relating to coffee makers.

11. Sunbeam is the assignee of all rights, title, and interests in and to the '284 patent and possesses all rights of recovery under the '284 patent, including the right to sue for infringement, to seek damages, and to seek injunctive relief.

12. Hamilton Beach has infringed, and continues to infringe, the '284 patent by making, using, selling, offering to sell, and/or importing in the United States products that embody or otherwise practice one or more claims of the '284 patent, literally and/or pursuant to the Doctrine of Equivalents, and/or by otherwise contributing to infringement or inducing others to infringe the '284 patent. The infringing products include, without limitation, the Hamilton Beach BrewStation® 12 Cup Dispensing Coffeemaker Model Number 48464 (the "Infringing Products").

13. Hamilton Beach's infringement is, and has been, willful and deliberate.

14. Hamilton Beach has targeted, and continues to directly target, the Infringing Products to residents of Virginia, particularly in this judicial district, as well as elsewhere in and throughout the United States.

15. Hamilton Beach has sold and offered for sale, and continues to sell and offer for sale, the Infringing Products to commercial retailers in this Commonwealth and judicial district for sales and offers for sale to residents of this Commonwealth and judicial district.

16. Hamilton Beach has not sought, nor obtained, a license under the '284 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 '284 patent.

COUNT I
INFRINGEMENT OF THE '284 PATENT

17. Plaintiff Sunbeam realleges and incorporates by reference paragraphs 1–15 of this Complaint as if fully set forth herein.

18. The '284 patent is presumed valid under 35 U.S.C. § 282.

19. Hamilton Beach has been and is currently engaged in acts which constitute infringement of some or all of the claims of the '284 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.

20. Hamilton Beach 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 Products, which are covered by some or all of the claims of the '284 patent, in violation of 35 U.S.C. § 271.

21. Hamilton Beach's infringement has been, and continues to be, willful and deliberate.

22. Throughout the United States and this judicial district, Hamilton Beach has induced and continues to actively induce others to infringe one or more claims of the '284 patent.

23. Hamilton Beach's infringement of one or more claims of the '284 patent has deprived Sunbeam of revenues which it otherwise would have made or caused to be made, and has further injured Sunbeam in other respects. Hamilton Beach's infringement will continue to

cause plaintiff Sunbeam irreparable injury and loss of revenues unless and until enjoined by this Court.

JURY DEMAND

Sunbeam hereby demands a jury trial on all issues triable by jury.

PRAYER FOR RELIEF

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

(a) enter a finding and a judgment in favor of Sunbeam and against Hamilton Beach for infringement of the '284 patent;

(b) enter a finding and judgment that Hamilton Beach's infringement of the '284 patent has been willful;

(c) award damages to Sunbeam in an amount adequate to compensate plaintiff Sunbeam for Hamilton Beach's infringement of the '284 patent, including, but not limited to, Hamilton Beach's profits, but in no event less than a reasonable royalty for the use made of the invention by Hamilton Beach, together with pre- and post-judgment interest and costs as fixed by the Court, as provided by 35 U.S.C. § 284;

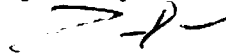
(d) enter a preliminary and permanent injunction against further and continued infringement of the claims of the '284 patent by Hamilton Beach as provided by 35 U.S.C. § 283;

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

(f) grant Sunbeam such other and further relief as the Court may deem just and appropriate.

Dated: June 25, 2012

Respectfully submitted,



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* to be admitted *pro hac vice*

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