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15 Attorneys for Plaintiff

16 CAMCAL ENTERPRISES, LLC dba

17 BOTTLEKEEPER

18 **UNITED STATES DISTRICT COURT**

19 **CENTRAL DISTRICT OF CALIFORNIA**

20 CAMCAL ENTERPRISES, LLC dba

21 BOTTLEKEEPER,

22 Plaintiff,

23 v.

24 GLACIO, INC.,

25 Defendant.

Case No. 2:17-cv-02551 GW (PLAx)

**FIRST AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

JURY TRIAL DEMANDED

Hon. George H. Wu

1 Plaintiff CamCal Enterprises, LLC dba BottleKeeper ("BottleKeeper") files
2 this First Amended Complaint against defendant Glaciiio, Inc. ("Defendant"), and
3 demanding a trial by jury alleges as follows:

4 **JURISDICTION AND VENUE**

5 1. This is an action for patent infringement, which arises under the patent
6 laws of the United States, Title 35, United States Code. The Court has original
7 jurisdiction over the subject matter of this action pursuant to the provisions of 28
8 U.S.C. §§1331 and 1338(a).

9 2. Upon information and belief, venue is proper under 28 U.S.C.
10 §1400(b).

11 **THE PARTIES**

12 3. BottleKeeper is a limited liability company organized under the laws
13 of the State of Arizona and has a place of business at 1600 Rosecrans Avenue,
14 Media Center, 4th Floor, Manhattan Beach, California 90266

15 4. Upon information and belief, Defendant is a corporation organized
16 under the laws of the State of California and has its principal place of business at
17 3420 Vinton Avenue, Apartment 4, Los Angeles, California 90034.

18 5. Upon information and belief, Defendant resides in this judicial district,
19 does business in this judicial district, and a substantial part of the events giving rise
20 to the claims in this case occurred in this judicial district.

21 **THE FIRST CAUSE OF ACTION**

22 **(Patent Infringement – 35 U.S.C. §271, et seq.)**

23 **(United States Patent No. 9,505,527)**

24 6. BottleKeeper repeats, realleges, and incorporates by reference, as
25 though fully set forth herein, the allegations contained in paragraphs 1-5, above.

26 7. On November 29, 2016, United States Patent No. 9,505,527 ("the '527
27 patent"), entitled "Protective Bottle Enclosure," was duly and legally issued in the
28 name of Matthew T. Campbell. By virtue of proper assignment, BottleKeeper has

1 acquired and duly owns all right, title, and interest in this patent, including the right
2 to sue and recover for infringement thereof. A copy of the '527 patent is attached
3 hereto as **Exhibit 1**.

4 8. Defendant has notice of BottleKeeper's rights in the '527 patent.

5 9. Defendant has engaged, and continues to engage, in the business of
6 manufacturing, using, importing, offering for sale, and/or selling bottle enclosures
7 embodying one or more of the patented inventions disclosed and claimed in the '527
8 patent ("the '527 Patent Infringing Products"). The '527 Patent Infringing Products
9 include, without limitation, Defendant's "Beer Bottle Cooler." Copies of relevant
10 pages from Defendant's Internet website (www.glaciao.com) illustrating its "Beer
11 Bottle Cooler" are attached hereto as **Exhibit 2**.

12 10. Defendant has directly infringed, and continues to directly infringe,
13 one or more claims of the '527 patent (including, but not limited to, claim 1) under
14 35 U.S.C. §271(a) by manufacturing, using, offering for sale, and/or selling one or
15 more of the '527 Patent Infringing Products in the United States, and/or by
16 importing one or more of the '527 Patent Infringing Products into the United States.

17 11. Defendant's continuing infringement has inflicted and, unless
18 restrained by this Court, will continue to inflict great and irreparable harm upon
19 BottleKeeper. BottleKeeper has no adequate remedy at law, and is entitled to
20 preliminary and permanent injunctions enjoining Defendant from engaging in
21 further acts of infringement.

22 12. As a direct and proximate result of the foregoing acts of Defendant,
23 BottleKeeper has suffered, and is entitled to, monetary damages in an amount not
24 yet determined. BottleKeeper is also entitled to its costs of suit and interest.

25 13. Upon information and belief, Defendant's acts were in conscious and
26 willful disregard for BottleKeeper's rights, and the resulting damage to BottleKeeper
27 is such as to warrant the trebling of damages to provide just compensation.
28

THE SECOND CAUSE OF ACTION

(Patent Infringement – 35 U.S.C. §271, et seq.)

(United States Patent No. 9,505,527)

14. BottleKeeper repeats, realleges, and incorporates by reference, as though fully set forth herein, the allegations contained in paragraphs 1-5, above.

15. On May 2, 2017, United States Patent No. 9,637,270 ("the '270 patent"), entitled "Protective Bottle Enclosure," was duly and legally issued in the name of Matthew T. Campbell. By virtue of proper assignment, BottleKeeper has acquired and duly owns all right, title, and interest in this patent, including the right to sue and recover for infringement thereof. A copy of the '270 patent is attached hereto as **Exhibit 3**.

16. Defendant has notice of BottleKeeper's rights in the '270 patent.

17. Defendant has engaged, and continues to engage, in the business of manufacturing, using, importing, offering for sale, and/or selling bottle enclosures embodying one or more of the patented inventions disclosed and claimed in the '270 patent ("the '270 Patent Infringing Products"). The '270 Patent Infringing Products include, without limitation, Defendant's "Beer Bottle Cooler." Copies of relevant pages from Defendant's Internet website (www.glaciiio.com) illustrating its "Beer Bottle Cooler" are attached hereto as **Exhibit 2**.

18. Defendant has directly infringed, and continues to directly infringe, one or more claims of the '270 patent (including, but not limited to, claim 5) under 35 U.S.C. §271(a) by manufacturing, using, offering for sale, and/or selling one or more of the '270 Patent Infringing Products in the United States, and/or by importing one or more of the '270 Patent Infringing Products into the United States.

19. Defendant's continuing infringement has inflicted and, unless restrained by this Court, will continue to inflict great and irreparable harm upon BottleKeeper. BottleKeeper has no adequate remedy at law, and is entitled to

1 preliminary and permanent injunctions enjoining Defendant from engaging in
2 further acts of infringement.

3 20. As a direct and proximate result of the foregoing acts of Defendant,
4 BottleKeeper has suffered, and is entitled to, monetary damages in an amount not
5 yet determined. BottleKeeper is also entitled to its costs of suit and interest.

6 21. Upon information and belief, Defendant's acts were in conscious and
7 willful disregard for BottleKeeper's rights, and the resulting damage to BottleKeeper
8 is such as to warrant the trebling of damages to provide just compensation.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, BottleKeeper respectfully demands judgment:

11 1. That Defendant, its officers, directors, agents, servants, employees,
12 attorneys, confederates, and all persons and/or entities acting for, with, by, through,
13 or in concert with them, or any of them, be enjoined preliminarily and permanently
14 from infringing the '527 patent and the '270 patent;

15 2. That Defendant be required to deliver up to the Court any and all
16 products in its possession, custody, and/or control that infringe the '527 patent
17 and/or the '270 patent;

18 3. That Defendant be required to prepare and deliver to the Court a
19 complete list of entities from whom Defendant purchased, and to whom it
20 distributed and/or sold, products that infringe the '527 patent and/or the '270 patent;

21 4. That Defendant be required to deliver to the Court any and all
22 documents reflecting or relating to the manufacture, purchase, sale, and/or
23 distribution of any products that infringe the '527 patent and/or the '270 patent;

24 5. That Defendant, within thirty (30) days after service of judgment with
25 notice of entry thereof upon it, be required to file with the Court and serve upon
26 BottleKeeper's attorneys a written report, under oath, setting forth in detail the
27 manner in which Defendant has complied with paragraphs 1-4, above;

28

1 6. That BottleKeeper be awarded compensatory damages for infringement
2 of the '527 patent and the '270 patent in an amount to be determined at trial, as well
3 as interest thereon;

4 7. That BottleKeeper be awarded costs of this suit;

5 8. That, if the Court determines Defendant's infringement is willful,
6 BottleKeeper be entitled to collect enhanced damages up to three times the actual
7 damages found or assessed;

8 9. That the Court declare this an exceptional case under 35 U.S.C. §285
9 and award BottleKeeper its attorneys' fees and any other costs incurred in
10 connection with this action; and

11 10. That the Court grant such further relief to BottleKeeper as the Court
12 deems just and proper.

13
14 Dated: October 31, 2017

Respectfully submitted,

MANATT, PHELPS & PHILLIPS, LLP

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16
17 By: /s/ Lawrence R. LaPorte

18 Lawrence R. LaPorte

19 Attorneys for Plaintiff
20 CAMCAL ENTERPRISES, LLC
21 dba BOTTLEKEEPER
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DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b) and Local Rule 38-1 of the Central District of California, plaintiff CamCal Enterprises, LLC dba BottleKeeper hereby demands a trial by jury on all issues triable in this action.

Dated: October 31, 2017

Respectfully submitted,

MANATT, PHELPS & PHILLIPS, LLP

By: /s/ Lawrence R. LaPorte
Lawrence R. LaPorte

Attorneys for Plaintiff
CAMCAL ENTERPRISES, LLC
dba BOTTLEKEEPER