

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

LAMINA PACKAGING INNOVATIONS,
LLC,

Plaintiff,

v.

FRANCIS FORD COPPOLA
PRESENTS, LLC; and FRANCIS FORD
COPPOLA WINERY, LLC,

Case No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

1. This is an action for patent infringement in which Lamina Packaging Innovations, LLC (“Lamina” or “Plaintiff”) makes the following allegations against Francis Ford Coppola Presents, LLC and Francis Coppola Winery, LLC (collectively “Defendants”).

PARTIES

2. Plaintiff Lamina is a limited liability company organized and existing under the laws of the State of Texas with its principal place of business at 3301 W. Marshall Ave., Longview, TX 75604.

3. On information and belief, Defendant Francis Ford Coppola Presents, LLC is a Delaware corporation with its principal place of business at 620 Airpark Road, Napa, CA 94558. Francis Ford Coppola Presents, LLC may be served with process via its registered agent, Richard L. Greene, Four Embarcadero Center Ste. 4000, San Francisco, CA 94111.

4. On information and belief, Defendant Francis Coppola Winery, LLC is a Delaware corporation with its principal place of business at 300 Via Archimedes, Geyserville, CA 95441. Francis Coppola Winery, LLC may be served with process via its registered agent, Richard L. Greene, Four Embarcadero Center, Ste. 4000, San Francisco, CA 94111.

JURISDICTION AND VENUE

5. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendants have transacted business in this district, and have committed and/or induced acts of patent infringement in this district.

FACTUAL BACKGROUND

7. Defendants are in the business of producing and selling various wines. Defendants package some of these products in laminated paperboard boxes, some of which infringe at least one claim of the Patent-in-Suit.

8. Lamina contends that at least Defendants' Sofia Mini Blanc de Blancs four-pack paperboard packaging infringes the Patent-in-Suit. It is sold at retail establishments located in this District, as well as various online retailers that sell their wares to customers in this District. *See* <http://www.totalwine.com/eng/product/sofia-blanc-de-blancs/93788187>.

9. The inventor of the Patent-at-Issue, Roger P. Hoffman, resides in Punta Gorda, Florida, which is located in this District.

THE PATENT-IN-SUIT

10. United States Patent No. 6,207,242 (“the ‘242 Patent”), entitled “Laminated Package With Enhanced Interior and Exterior,” was duly and lawfully issued on March 27, 2001, based upon an application filed by the inventor, Roger P. Hoffman. A copy of the ‘242 Patent is attached hereto as **Exhibit A**.

11. Lamina is the owner of the ‘242 Patent and has the right to sue, and recover damages, for infringement thereof.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 6,207,242

12. On information and belief, Defendants have been and are now directly infringing the '242 Patent in this judicial district, and elsewhere in the United States. Infringements by Defendants include, without limitation, making, using, offering for sale, and/or selling within the United States, and/or importing into the United States, at least their Sofia Mini Blanc de Blancs four-pack paperboard packaging (“Packaging”), infringing one or more claims of the '242 Patent. By making, using, importing, offering for sale, and/or selling within the United States, and/or importing into the United States said Packaging, and all like Packaging that are covered by one or more claims of the '242 Patent, Defendants are liable for infringement of the '242 Patent under 35 U.S.C. § 271(a).

13. Defendants infringe at least Claim 17 of the ‘242 Patent, by way of example only, and without limitation on Lamina’s assertion of infringement by Defendants of other claims of the ‘242 Patent. Claim 17 of the ‘242 Patent reads as follows:

17. A carton comprising a laminated composite sheet folded and glued in a configuration of a box, said sheet comprising:
a first layer;
a second layer;
a core with a first core surface and second core surface,
said first layer adhesively attached to the first core surface and said second layer adhesively attached to the second core surface;
the first layer is comprised of:
a Kraft linerboard;
a first outer layer; and
a separate layer of adhesive disposed between, and to provide a bond between, said first layer and said first outer layer, said bond being continuous.

On information and belief, Defendants' Packaging comprises each and every step of at least Claim 17 of the '242 Patent.

14. Defendants' Packaging is a "carton comprising a laminated composite sheet folded and glued in a configuration of a box, []" as shown in the picture attached as **Exhibit B**, obtained from <http://www.franciscoppolawinery.com/wine/sofia/mini>.

15. Defendants' Packaging comprises the first element of Claim 17, "a first layer," as shown in the picture attached as **Exhibit C**.

16. Defendants' Packaging comprises the second element of Claim 17, "a second layer," as shown in the picture attached as **Exhibit D**.

17. Defendants' Packaging comprises the third element of Claim 17, "a core with a first core surface and second core surface, said first layer adhesively attached to the first core surface and said second layer adhesively attached to the second core surface," as shown in the picture attached as **Exhibit E**.

18. Defendants' Packaging comprises the fourth element of Claim 17, "the first layer is comprised of: a Kraft linerboard; a first outer layer; and a separate layer of

adhesive disposed between, and to provide a bond between, said first layer and said first outer layer, said bond being continuous,” as shown in the picture attached as **Exhibit F**.

19. On information and belief, Defendants’ Packaging also comprises all of the elements of at least Claims 18-23, without limitation, and therefore infringes those claims as well.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this court enter:

20. A judgment in favor of Lamina that Defendants have infringed the ‘242 Patent;

21. A judgment and order requiring Defendants to pay Lamina its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants’ infringement of the ‘242 Patent as provided under 35 U.S.C. § 284;

22. A judgment and order finding that this is an exceptional case within the meaning of U.S.C. § 285 and awarding to Lamina its reasonable attorneys’ fees; and

23. Any and all other relief to which Lamina may show itself to be entitled.

DEMAND FOR JURY TRIAL

Lamina, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Respectfully submitted May 23, 2012.

/s/Brian R. Gilchrist

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