

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a), as the action arises under Acts of Congress related to patents.

4. This Court has personal jurisdiction over Defendant Made Simpli by virtue of, among other things, Defendant's transacting, doing, and soliciting business in this District.

5. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and 1400.

FACTUAL BACKGROUND

6. Espro is a young and growing company that manufactures products for use in connection with the preparation of beverages such as coffee and tea. Among Espro's products are coffee presses, tea presses, espresso tampers and steaming pitches. Espro is known as an innovator in the coffee and tea products field.

7. Espro distributes its products throughout the United States and around the world, and has numerous intellectual property assets. Among its intellectual property assets are U.S. Patent No. 9,392,900 and U.S. Patent No. 9,408,490 ("the '900 Patent" and "the '490 Patent", respectively, or collectively "the Asserted Patents"), which are both entitled "Apparatus and Method For Extracting an Infusion." A copy of the '900 Patent is annexed hereto as **Exhibit A** and a copy of the '490 Patent is annexed hereto as **Exhibit B**.

8. Espro is the lawful owner, by assignment, of all rights, title, and interest in the '900 Patent and '490 Patent.

9. Upon information and belief, Defendant Made Simpli has made, used and offered to sell in this District and/or elsewhere in the United States a coffee press product called "simpli press" ("the Infringing Press").

10. In the fall of 2015, Espro viewed an early prototype of the Infringing Press, and

became immediately concerned that it might infringe its intellectual property. In order to provide fair warning to Made Simpli, on or about October 30, 2015 Espro contacted Jennifer Morse of Made Simpli to request that Made Simpli respect, and not infringe, Espro's patent rights. A true and correct copy of an electronic email exchange concerning this communication is annexed hereto as **Exhibit C**.

11. Espro did not hear further from Made Simpli, but was surprised to see Made Simpli's Kickstarter campaign to fund the manufacture and marketing of the Infringing Press. A true and correct copy of Made Simpli's Kickstarter campaign page promoting the Infringing Press printed July 22, 2016 is annexed hereto as **Exhibit D**.

12. Espro again contacted Made Simpli on May 16, 2016, again asking Made Simpli to respect its patent rights. A true and correct copy of this communication is annexed hereto as **Exhibit E**.

13. On May 26, 2016, Made Simpli's counsel responded in part to Espro's May 16, 2016 letter (**Exhibit F**), stating that they were "investigating the matter" and that they would respond in "due course."

14. On July 25, 2016, Counsel for Espro forwarded a letter (**Exhibit G**) to counsel for Made Simpli enclosing a copy of the originally filed Complaint in this action, as well as materials relating to the '490 Patent. A principal of Made Simpli has acknowledged publicly that she is aware of the originally filed Complaint. While the parties have communicated briefly via their respective counsel via telephone after the original Complaint was filed, it does not appear that SimpliPress has stopped its infringing conduct.

15. The Infringing Press infringes at least claim 5 of the '900 Patent and at least claim 1 of the '490 Patent. The Infringing Press, as displayed on Made Simpli's website,

(<http://www.simplipresscoffee.com/>) is depicted below:



16. Espro has no agreement or license with Made Simpli that would authorize the Defendant to make, sell, offer to sell, use or import the Infringing Press.

COUNT ONE
(Infringement of U.S. Patent No. 9,392,900)

17. Plaintiff repeats and realleges Paragraphs 1-16 as if fully set forth herein.

18. By making, using, offering to sell, selling, and/or importing into the United States the Infringing Press, Defendant has infringed and continues to infringe the '900 Patent, in violation of 35 U.S.C. § 271.

19. Upon information and belief, Defendant's infringement of the '900 Patent is willful, entitling Espro to increased damages pursuant to 35 U.S.C. § 284.

20. In addition, this case is exceptional, entitling Espro to attorneys' fees and costs pursuant to 35 U.S.C. § 285.

21. As a direct and proximate result of Defendant's conduct, Espro has suffered, and will continue to suffer, irreparable harm, for which it has no adequate remedy at law.

22. Unless enjoined by the Court, Defendant will continue to infringe the '900 Patent.

23. Unless this Court preliminarily and permanently enjoins Defendant's infringing product, Espro will continue to be irreparably harmed by Defendant's infringement of the '900 Patent.

COUNT TWO
(Infringement of U.S. Patent No. 9,408,490)

24. Plaintiff repeats and realleges Paragraphs 1-16 as if fully set forth herein.

25. By making, using, offering to sell, selling, and/or importing into the United States the Infringing Press, Defendant has infringed and continues to infringe the '490 Patent, in violation of 35 U.S.C. § 271.

26. In addition, this case is exceptional, entitling Espro to attorneys' fees and costs pursuant to 35 U.S.C. § 285.

27. As a direct and proximate result of Defendant's conduct, Espro has suffered, and will continue to suffer, irreparable harm, for which it has no adequate remedy at law.

28. Unless enjoined by the Court, Defendant will continue to infringe the '490 Patent. Unless this Court preliminarily and permanently enjoins Defendant's infringing product, Espro will continue to be irreparably harmed by Defendant's infringement of the '490 Patent.

WHEREFORE, Plaintiff prays:

- A. For judgment that the claims of the '900 Patent and '490 Patent have been infringed by Defendant;
- B. For damages adequate to compensate Plaintiff for Defendant's patent infringement, but in no event less than a reasonable royalty, together with interest thereon;
- C. For a threefold increase in damages as a result of willful infringement by Defendant;
- D. For judgment preliminarily and permanently restraining and enjoining Defendant (and its officers, directors, employees, agents, servants, successors, assigns, and any and all persons in privy or in concert with them, directly or indirectly) from infringing the '900 Patent and '490 Patent;
- E. For an assessment and award of interest, costs, and attorneys' fees against Defendant; and
- F. For such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff demands a trial by jury of all issues so triable.

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Date: August 16, 2016