

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

DUVALL ESPRESSO IP ENFORCEMENT, LLC,
a Florida Limited Liability Company,

CASE NO.: 9:23-cv-81246

Plaintiffs,

v.

DECENT ESPRESSO INTERNATIONAL LTD.,
a Chinese business entity, DECENT ESPRESSO LLC,
a California limited liability company,
DECENT ESPRESSO LLC,

Defendants.

COMPLAINT

Plaintiff, DUVALL ESPRESSO IP ENFORCEMENT, LLC (hereinafter “Duvall LLC” or “Plaintiff”), a Florida Limited Liability Company, by and through the undersigned counsel, hereby file this Complaint against Defendants, DECENT ESPRESSO INTERNATIONAL LTD., a Chinese business entity (hereinafter “Decent China”), DECENT ESPRESSO LLC, a California limited liability company (hereinafter “Decent California”), and DECENT ESPRESSO LLC, a Wyoming limited liability company (“Decent Wyoming”) and, in so doing, state as follows:

JURISDICTION, VENUE AND THE PARTIES

1. This is an action which is, *in part*, brought pursuant to the Patent Laws of the United States, 35 U.S.C. §§ 271, *et. seq.*

2. This Court has original jurisdiction pursuant to Title 28, United States Code, Section 1331, as this case involves a federal question arising under the Constitution, laws, or treaties of the United States.

3. Duvall LLC is a Florida Limited Liability Company with its principal address located in Palm Beach County, Florida and regularly transacts business within this judicial district.

4. Duvall LLC is owned and operated by Duvall Espresso, Inc., a Delaware corporation operating as foreign entity in Georgia, where Duvall Espresso, Inc. has its principal place of business.

5. At all times material hereto, Decent China was and is a Chinese business entity operating in China, but was and is engaged in the conduct of interstate commerce within the United States, including directly or indirectly regularly conducting business in this judicial district, e.g., at least through <https://decentespresso.com/>, and is otherwise *sui juris*.

6. At all times material hereto, Decent California was and is a California limited liability company operating out of San Francisco, California, but was and is engaged in the conduct of interstate commerce within the United States, including directly or indirectly regularly conducting business in this judicial district, e.g., at least through <https://decentespresso.com/>, and is otherwise *sui juris*.

7. At all times material hereto, Decent Wyoming was and is a Wyoming limited liability company operating out of San Francisco, California, but was and is engaged in the conduct of interstate commerce within the United States, including directly or indirectly regularly conducting business in this judicial district, e.g., at least through <https://decentespresso.com/>, and is otherwise *sui juris*.

8. At all times material hereto, Buckman was an owner and/or operator of Defendants and is otherwise *sui juris*.

9. John Buckman is identified on <https://decentespresso.com/> as the “Founder/CTO” of Defendants and, upon information and belief, has filed corporate filings for Decent Wyoming and Decent California as an officer and/or manager of said companies.

10. The domain, <https://decentespresso.com/>, is an interactive website offering many espresso-related and coffee-related products ranging from approximately \$10 to approximately \$4800.

11. Upon information and belief, all Defendants are related in terms of unity of control and/or ownership, and otherwise materially benefit from sales generated from the domain, <https://decentespresso.com/>.

12. The Defendants also market their espresso-related and coffee-related products through multiple social media outlets that have been accessed, upon information and belief, by consumers within this judicial district.

13. Defendants have, upon information and belief, made sales of espresso-related and coffee-related products to consumers within the state of Florida.

14. Venue is proper in this judicial district under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claim occurred in this judicial district.

15. All conditions precedent have been met, waived, or satisfied to bring this lawsuit.

GENERAL ALLEGATIONS

16. Gideon Duvall (“Mr. Duvall”) is the principal officer and owner of Duvall Espresso, Inc., the owner of Duvall LLC.

17. Mr. Duvall is and has been involved in the development and production of espresso-related and coffee-related products since as early as 2008.

18. Mr. Duvall has numerous U.S. and foreign patents issued directed toward espresso-related and coffee-related products. See, e.g., <https://www.duvallespresso.com/pageip>.

19. Duvall Espresso, Inc. in the business of commercially developing, marketing, and selling espresso-related and coffee-related products. See, e.g., <https://www.duvallespresso.com/>.

20. Duvall Espresso, Inc. has invested significant resources, e.g., time and money, in commercially developing, marketing, and selling espresso-related and coffee-related products.

21. Duvall Espresso, Inc. has also invested significant resources, e.g., time and money, in protecting innovations associated with its espresso-related and coffee-related products.

22. Duvall Espresso, Inc. and Duvall LLC are direct competitors of Defendants.

23. As relevant herein, Mr. Duvall was the original recipient and owner of U.S. Patent No. 10,772,456 (“the ‘456 Patent”), issued on September 15, 2020, for a “Device and System for Brewing Infused Beverages”. See **Exhibit A** (a true and correct copy of the ‘456 Patent).

24. The invention protected by the ‘456 Patent was assigned from Mr. Duvall on January 26, 2021, to Duvall Espresso, Inc.

25. The invention protected by the ‘456 Patent was then assigned from Duvall Espresso, Inc. to Duvall LLC before the filing of the above-captioned lawsuit.

26. The ‘456 Patent has an application serial number of 16/383,607 and an application publication number of 2019/0261806 A1, wherein application publication number of 2019/0261806 published with the same claims that issued into the ‘456 Patent.

27. The ‘456 Patent issued with 16 total claims, wherein claims 1 and 11 are independent claims and claims 2-10 and 12-16 are dependent claims.

28. As relevant herein, Mr. Duvall was also the original recipient and owner of U.S. Patent No. 11,576,524 (“the ‘524 Patent”), issued on February 14, 2023, for a “Device and

System for Brewing Infused Beverages”. *See Exhibit B* (a true and correct copy of the ‘524 Patent).

29. The invention protected by the ‘524 Patent was assigned from Mr. Duvall to Duvall LLC on December 15, 2022.

30. The ‘524 Patent has an application serial number of 17/020,799 and an application publication number of 2022/0079376 A1.

31. The ‘524 Patent issued with 12 total claims, wherein claim 1 is independent and claims 2-12 are dependent.

32. The invention described in claims 1 and 11 of the ‘456 Patent and the invention described in claim 1 of the ‘524 Patent is directed toward providing an infused beverage brewing assembly that can control the flow and temperature of solvent (e.g., water) in the assembly, namely by providing one conduit (e.g., a first pipe) that can be heated to a higher temperature and another conduit (e.g., a second pipe), those two conduits are joined and span to a valve, and wherein that valve can then provide selective flow of the solvent to either the brewing chamber (when the solvent reaches the desired temperature) or not to brewing chamber (e.g., for reheating because the solvent has not reached the desired temperature).

33. Claim 1 of the ‘524 Patent describes the invention in another way, i.e., it describes the invention as utilizing two solvent pumps configured to pump solvent through separate conduits, wherein one of the conduits is configured to be heated with a “thermal modulator” (e.g., heater) and combined with the non-heated conduit and an electronic controller is coupled to the pumps and the thermal modulator and capable of pumping the solvent through one of the pumps and thermal modulator.

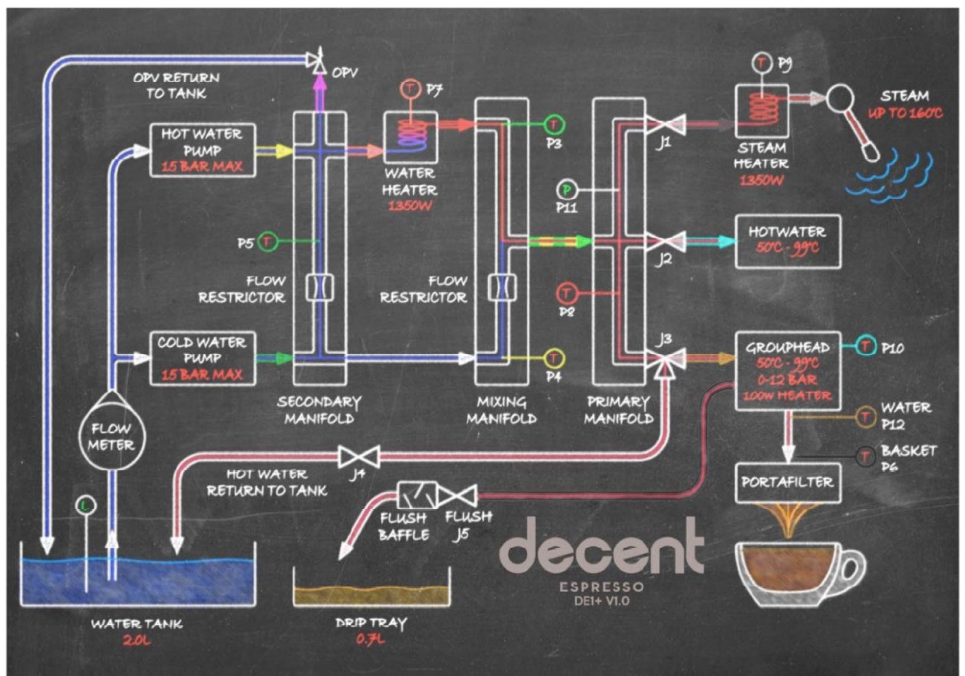
34. Defendants sell, manufacture, use, import, and market espresso machines under the commercial names: DE1PRO, DE1XL, DE1XXL (“Accused Products”). *See* <https://decentespresso.com>.

35. The Accused Products all operate and include a “DE1+ architecture”, which is an infused beverage assembly having a conduit and valve configuration for directing and heating the solvent flow that is the same as the invention described in claims 1 and 11 of the ‘456 Patent and claim 1 of the ‘524 Patent, *supra*.

36. On June 3, 2020, Defendants were put on notice of infringement of the ‘456 Patent by virtue of a letter sent to and received by Decent China, Buckman, and another identified officer of Defendants. *See Exhibit C* (a true and correct copy of said letter).

37. More specifically, the June 3, 2020, infringement letter described how and why Defendants were infringing at least claim 1 of the application publication number of 2019/0261806 A1, which was allowed for patent issuance and had the same scope as claim 1 in the ‘456 Patent, and advised of the consequences of said infringement. *See id.*

38. Even more specifically, a diagram was obtained from Defendants that detailed the DE1+ architecture and confirmed that each and every element within claims 1 and 11 of the ‘456 Patent was explicitly disclosed. *See id.* and said true and correct reproduction of said diagram below.



39. Specifically, it can be readily seen that the valve disposed before the “grouphead” (i.e., the brewing chamber) selectively controls whether the incoming solvent (coming from one heated conduit and another non-heated conduit) is directed toward or away from the grouphead.

40. Moreover, the above-depicted diagram also clearly depicts two pumps, i.e., a “hot water pump” connected, through a conduit, to a “water heater” and a “cold water pump” also connected to a separate conduit that is merged with the conduit for the hot water pump at a “mixing manifold”, wherein assembly uses electronics to control the pumps and water heater and to control the flow and temperature of the solvent running through the system.

41. Despite having actual knowledge of the ‘456 Patent and infringement of the ‘456 Patent, Defendants failed to respond to the June 3, 2020, infringement letter and continued to sell, manufacture, use, import, and market the Accused Products.

42. More specifically, in October of 2020, Defendants (namely through Buckman) emailed Mr. Duvall, as part of Defendants’ “Newsletter”, stating that Defendants do all of their

own manufacturing and that 200 of the Accused Products were “shipped per month.” See **Exhibit D** (a true and correct copy of said newsletter).

43. As a direct result of the Defendants’ actions, Duvall LLC has retained the services of counsel, and are obligated to pay their counsel all attorneys’ fees and costs associated with the investigation, preparation, and prosecution of the instant lawsuit.

44. Duvall LLC has complied with and met all conditions precedent and concurrent to the bringing of this action, or all conditions precedent and concurrent to the bringing of this action have been waived or excused by the Defendants’ conduct.

COUNT I - WILLFUL DIRECT PATENT INFRINGEMENT
(AGAINST ALL DEFENDANTS)

45. Duvall LLC realleges and revers paragraphs one (1) through forty-four (44) as if fully set forth herein.

46. This is an action for direct patent infringement pursuant to Title 35, United States Code, Section 271(a), of the United States Patent Act.

47. Defendants have directly infringed, and continues to infringe, at least claims 1 and 11 of the ‘456 Patent and claim 1 of the ‘524 Patent by, *at least*, selling, manufacturing, using, importing, and marketing the Accused Products.

48. Specifically, Defendants have infringed, literally and under the doctrine of equivalents, claims 1 and 11 of the ‘456 Patent and claim 1 of the ‘524 Patent by selling, manufacturing, using, importing, and marketing the Accused Products that include all elements recited within claims 1 and 11 of the ‘456 Patent, claim 1 of the ‘524 Patent, and/or that include structure that has the same function or purposes of the structure recited in claims 1 and 11 of the ‘456 Patent and claim 1 of the ‘524 Patent.

49. As set forth above, Defendants clearly had knowledge of the '456 Patent, what products infringed the '456 Patent, why the Accused Products infringed the '456 Patent, and the consequences of infringement; yet, Defendants continued to sell, manufacture, use, import, and market the Accused Products.

50. All such infringing conduct for the '456 Patent of Defendants has occurred and was committed in a willful manner and, if sales or marketing is made after service of the above-captioned complaint, and Defendants will also willfully infringe claim 1 of the '524 Patent.

51. Defendants have caused, and continue to cause, irreparable harm to Duvall LLC for which there is no adequate remedy at law.

52. Defendants conduct in this instance is exceptional, and, as such, Duvall LLC should be entitled to recover its attorneys' fees in this action pursuant to 35 U.S.C. § 285 which provides that the "court in exceptional cases may award reasonable attorney fees to the prevailing party."

WHEREFORE, Duvall LLC, by and through the undersigned, hereby respectfully demands judgment against all Defendants, wherein said judgment should include provisions:

- a) temporarily and permanently enjoining Defendants and all of those acting in concert with them, including, but not limited to, their agents, affiliates, subsidiaries, officers, directors, attorneys and employees from using, making, selling, marketing, importing, or offering to sell the Accused Products, and all colorable imitations thereof;
- b) issuing a declaration or order finding the Accused Products are infringing at least claims 1 and 11 of the '456 Patent and claim 1 of the '524 Patent;
- c) compensating Duvall LLC for the full amount of damages sustained, including, but not limited to, any and all damage remedies available pursuant to the Patent Laws of the United States, 35 U.S.C. §§ 271, *et. seq.*, which include, but are not limited to a reasonable royalty award;
- d) declaring this case exceptional and trebling all damages awarded to Duvall LLC;

- e) imposition of all pre and post judgment interest at the maximum allowable rate on the full compensatory and trebled amount awarded to Duvall LLC;
- f) awarding remuneration of all attorneys' fees, costs and expenses for Duvall LLC having to investigate, prepare and prosecute this action; and
- g) for such further and additional relief this Court deems just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Duvall LLC hereby demands trial by jury of all issues so triable as a matter of law.

Dated: September 11, 2023

Respectfully submitted,

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