

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ANHEUSER-BUSCH INBEV S.A. and	)	
ANHEUSER-BUSCH, LLC	)	
	)	
Plaintiffs,	)	Index No.
	)	
v.	)	
	)	
HEINEKEN USA INC., HEINEKEN	)	
BROUWERIJEN B.V., HEINEKEN EXPORT	)	
AMERICAS B.V., and HEINEKEN GLOBAL	)	
PROCUREMENT B.V.,	)	
	)	
Defendants.	)	

**COMPLAINT**

Plaintiffs Anheuser-Busch InBev S.A. and Anheuser-Busch, LLC (collectively, “ABI” or “Plaintiffs”) complain and allege as follows against Defendants Heineken USA Inc., Heineken Brouwerijen B.V., Heineken Export Americas B.V., and Heineken Global Procurement B.V. (collectively, “Heineken” or “Defendants”):

**NATURE OF THE ACTION**

1. This is an action for patent infringement of four U.S. Patents – U.S. Patent Nos. 9,162,372 (the “372 Patent”); 9,517,876 (the “876 Patent”); 9,555,572 (the “572 Patent”); and 9,994,453 (the “453 Patent”) (collectively, the “Asserted Patents”) – arising under the Patent Laws of the United States, 35 U.S.C. §§ 1, et seq.

2. Plaintiffs have filed this lawsuit to stop Defendants’ unlawful infringement of Plaintiffs’ patented inventions and to obtain damages, injunctive, and other relief.

### **THE PARTIES**

3. Anheuser-Busch InBev S.A. is a corporation organized and existing under the laws of Belgium with its principal place of business in Leuven, Belgium.

4. Anheuser-Busch, LLC (“Anheuser-Busch”) is a wholly-owned indirect subsidiary of Anheuser-Busch InBev S.A. and is a Missouri limited liability company with its principal place of business in St. Louis, Missouri. Anheuser-Busch is the largest brewer in the United States. Its brewery in St. Louis, Missouri, opened in 1852, has been designated a National Historic Landmark.

5. Heineken USA Inc. is a corporation organized and existing under the laws of the State of New York, with its principal place of business located at 360 Hamilton Avenue, Suite 1103, White Plains, New York 10601. Heineken USA Inc. is responsible for importing Heineken-brand products into the United States, including the Heineken BrewLock system and the Blade (the “Infringing Products”), and selling those products to wholesalers within the United States. The Infringing Products are blow-molded bag-in-container bottles, their associated components, and end products used for dispensing beer.

6. Heineken Brouwerijen B.V. is a corporation organized and existing under the laws of the Netherlands, with its principal place of business located at Tweede Weteringplantsoen 21, Amsterdam, Netherlands. Heineken Brouwerijen B.V. is responsible for operating the brewery that fills Heineken products, including the Infringing Products, with beer.

7. Heineken Export Americas B.V. is a corporation organized and existing under the laws of the Netherlands, with its principal place of business located at Tweede Weteringplantsoen 21, Amsterdam, Netherlands. Heineken Export Americas B.V. is involved in the process of manufacturing, filling, and/or importing into the United States the Infringing Products.

8. Heineken Global Procurement B.V. is a corporation organized and existing under the laws of the Netherlands, with its principal place of business located at Tweede Weteringplantsoen 21, Amsterdam, Netherlands. Heineken Global Procurement B.V. is responsible for Heineken's global supply chain, including the supply chain for Infringing Products.

### **JURISDICTION AND VENUE**

9. This Court has exclusive subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

10. Venue is proper in this judicial district under 28 U.S.C. §1400(b).

11. In particular, Heineken USA Inc. resides in this district because it is incorporated in New York and has a regular and established place of business in White Plains, New York at 360 Hamilton Avenue, Suite 1103, from where it coordinates its importation activities and its sales and distributions within the United States. Defendants Heineken Brouwerijen B.V., Heineken Export Americas B.V., and Heineken Global Procurement B.V. have a regular and established place of business in this district, including, for example, through business conducted by their affiliated company, Heineken USA Inc.

12. Personal jurisdiction exists over Defendants because they have sufficient minimum contacts with this forum as a result of business conducted within the State of New York and the Southern District of New York. For example, Heineken USA Inc. resides in this district as it is incorporated in New York and has a regular and established place of business in White Plains, New York at 360 Hamilton Avenue, Suite 1103, from where it coordinates its importation activities and its sales and distributions within the United States. Heineken Brouwerijen B.V., Heineken Export Americas B.V., and Heineken Global Procurement B.V.

also coordinate their importation activities, sales and distributions within the United States through Heineken USA Inc., which is located in New York, and import Infringing Products into this judicial district.

13. Personal jurisdiction also exists specifically over Defendants because they, directly or through subsidiaries or intermediaries, make, use, offer for sale, sell, import, advertise, make available and/or market products in this forum that infringe one or more claims of the Asserted Patents, as alleged more particularly below. Such acts of direct and/or indirect patent infringement in this district have harmed and continue to harm ABI in this district.

#### **THE PATENTS-IN-SUIT**

14. On October 20, 2015, the United States Patent and Trademark Office (the “USPTO”) duly and legally issued the ’372 Patent, entitled “Integral Two Layer Preform, Process And Apparatus For The Production Thereof, Process For Producing A Blow-Moulded Bag-In-Container, And Bag-in-Container Thus Produced.” A true and accurate copy of the ’372 patent is attached hereto as Exh. 1.

15. On December 13, 2016, the USPTO duly and legally issued the ’876 Patent, entitled “Integrally Blow-Moulded Bag-In-Container Having An Inner Layer And The Outer Layer Made Of The Same Material And Preform For Making It.” A true and accurate copy of the ’876 patent is attached hereto as Exh. 2.

16. On January 31, 2017, the USPTO duly and legally issued the ’572 Patent, entitled “Integrally Blow-Moulded Bag-in-Container Comprising An Inner Layer And An Outer Layer Comprising Energy Absorbing Additives, Preform For Making It And Process For Producing It.” A true and accurate copy of the ’572 patent is attached hereto as Exh. 3.

17. On April 17, 2018, the USPTO duly and legally issued the '453 Patent, entitled "Integrally Blow-Moulded Bag-In-Container Having An Inner Layer And The Outer Layer Made Of The Same Material And Preform For Making It." A true and accurate copy of the '453 patent is attached hereto as Exh. 8.

18. ABI is the owner by assignment of each of the Asserted Patents.

19. Heineken had notice of the Asserted Patents (or the applications that matured into these patents) at least as early as November 2014, when it approached ABI to discuss the Asserted Patents. No agreement was reached at that time or at any time thereafter.

### **BACKGROUND**

20. ABI is the world's largest brewer, and one of the world's top five consumer product companies. ABI can trace its tradition of brewing a beer of the highest quality back hundreds of years. Anheuser-Busch is one of this country's preeminent companies, responsible for producing, distributing and selling great American brands such as Budweiser, Bud Light, Michelob Ultra, Busch, Goose Island, Blue Point, Devil's Backbone, and Elysian. These beers are all brewed and packaged in various U.S. breweries, including in Missouri, New Jersey, New York, California, Florida, Texas, Ohio, New Hampshire, Virginia, Colorado, and Georgia. Other world-renowned brands, such as Stella Artois, Beck's, Leffe, and Hoegaarden are imported by Anheuser-Busch from ABI, and are marketed and sold in the United States by Anheuser-Busch.

21. ABI places a great value on research and development in seeking new innovations for methods and products that can better serve its customer base. In 2016 alone, for example, ABI had 135 pending patent families covering its inventions, including the Asserted Patents.

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