

# EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
(MARTINSBURG DIVISION)**

AUTOMATED MERCHANDISING  
SYSTEMS INC.

a Delaware corporation,

Plaintiff,

v.

CRANE CO.,

a Delaware corporation, and

SEAGA MANUFACTURING, INC.,

an Illinois corporation,

Defendants.

Civil Action No. 3:08-CV-0097-JPB

**PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION**

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Plaintiff Automated Merchandising Systems Inc. (“AMS”) moves this Court for an Order preliminarily enjoining defendant Crane Co. (“Crane”) from selling the low-temperature, optical vend detector-equipped vending machines it markets under its GPL brand as the Fusion and under the Automatic Products (“AP”) brand as the UltraFlex. Crane commercially introduced this new line of low temperature vending machines at the Spring 2008 NAMA show and has only recently begun shipping that product. Because this product was designed to allow Crane to convert purchasers of AMS’ patented Sensit® products to purchasers of Crane’s infringing products, Crane’s further sales of this new product will irreparably harm AMS by reducing AMS’ market share, injuring AMS’ relationship with its distributors, and threatening AMS’ very existence. The fact that the new Crane machines (both GPL and AP) are equipped with AP’s Golden-Eye vend detection system found to infringe in the earlier action between AMS and AP makes the present motion all the more compelling.

## I. SYNOPSIS

AMS accuses Crane’s glass-front vending machines equipped with an optical vend sensor of infringing U.S. Patent Nos. 7,191,915 (“the ‘915 patent”) and 7,343,220 (“the ‘220 patent”) in this action. (*See* Exhs. 1 and 2).<sup>1</sup> AMS has previously accused Crane’s optical vend sensor-equipped vending machines of infringing the ‘402 patent and the ‘634 patent in a currently stayed action – *i.e.*, Northern District of West Virginia, Action No. 3:03-CV-0088 (lead case). Thus, AMS does not assert those two patents against Crane in this action.

The ‘915 patent and the ‘220 patent issued *after* Judge Broadwater stayed a related action between AMS and Crane. In fact, the ‘220 patent just issued on March 11, 2008. Given the

timing of their recent issue dates, the Examiner handling these applications had the opportunity to consider the alleged prior art cited by Crane in the lead case, including the prior art at issue in the pending reexaminations, and the presumption of validity accorded issued patents is thus even stronger.

Through the present motion, AMS seeks to enjoin Crane from infringing these two patents by selling its new Fusion and UltraFlex vending machines, both of which are equipped with an optical vend detection system known as the Golden-Eye. Crane unveiled its Fusion/UltraFlex vendors at the Spring 2008 NAMA show, and has only recently begun shipping those products to its distributors. (Affidavit of Sharon Shull filed herewith (“Shull Affidavit”), ¶ 15). The Fusion and UltraFlex machines differ in that one is branded under the GPL name and the other is branded under the AP name. (*See* Exh. 3). The product features of the Fusion/UltraFlex product make clear that Crane developed this product to compete directly – in terms of both appearance and function – with AMS’ Sensit® product. Indeed, AMS understands that Crane refers to the Fusion/UltraFlex vendors internally as its “AMS killer.”

Significantly, Crane’s Fusion/UltraFlex products include the optical vend detection system developed by AP and marketed by that company under the Golden-Eye name. The Golden-Eye optical vend detection system was at issue in the 2002 patent infringement case AMS brought against AP and its sister company, Gross-Given Manufacturing Co. The vending machines equipped with the Golden-Eye system were found to infringe “one or more claims of

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<sup>1</sup> Unless indicated otherwise, all exhibits to this motion are attached to the Declaration of Donald L. Jackson in Support of AMS’s Motion for Preliminary Injunction filed herewith (“Jackson Decl.”).

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