

14 CV 3308

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

CANON INC.,

Plaintiff,

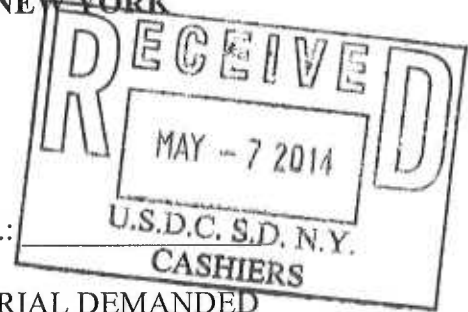
v.

LD PRODUCTS, INC.,

Defendant.

Case No.:

JURY TRIAL DEMANDED



COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Canon Inc. (“Plaintiff” or “Canon”), for its Complaint against Defendant LD Products, Inc. (“Defendant” or “LD Products”), hereby alleges as follows:

Related Actions

1. This action is related to eleven other actions that Canon filed in this Court on January 29, 2014, as well as several other actions that Canon is filing in this Court concurrently with this action. In both the earlier filed actions and the concurrently filed actions, Canon alleges that different defendants infringe one or more of the same patents asserted herein. The eleven earlier filed actions, which have been consolidated for pre-trial purposes, are as follows: *Canon Inc. v. Aster Graphics, Inc. et al.* (1:14-cv-00537-DLC); *Canon Inc. v. Print-Rite N.A., Inc. et al.* (1:14-cv-00540-DLC); *Canon Inc. v. Provantage, LLC* (1:14-cv-00541-DLC); *Canon Inc. v. Acecom, Inc. – San Antonio* (1:14-cv-00542-DLC); *Canon Inc. v. Green Project, Inc.* (1:14-cv-00543-DLC); *Canon Inc. v. Linkyo Corp.* (1:14-cv-00547-DLC); *Canon Inc. v. Wazana Brothers International, Inc.* (1:14-cv-00551-DLC); *Canon Inc. v. Ink Technologies Printer Supplies, LLC* (1:14-cv-00554-DLC); *Canon Inc. v. The Supplies Guys, LLC et al.* (1:14-cv-00555-DLC);

Canon Inc. v. International Laser Group, Inc. (1:14-cv-00558-DLC); and *Canon Inc. v. OnlineTechStores.com, Inc. et al.* (1:14-cv-00562-DLC).

The Parties

2. Canon is a corporation duly organized and existing under the laws of Japan. Its principal place of business is located at 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan. Canon's wholly-owned domestic subsidiary, Canon U.S.A., Inc., maintains its principal place of business in Melville, New York.

3. On information and belief, LD Products is a corporation organized and existing under the laws of the State of California, with its principal place of business located at 3700 Cover Street, Long Beach, California 90808. On information and belief, LD Products sells toner cartridges accused of infringement in this action to New York residents, among others, including through its website, *ldproducts.com*.

Jurisdiction and Venue

4. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant under at least N.Y. C.P.L.R. § 302(a)(1)-(2) in that Defendant has, directly or through intermediaries, committed acts within New York giving rise to this action and/or has established minimum contacts with New York such that the exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.

6. Venue is proper under 28 U.S.C. §§ 1391(b) and (c).

7. In a prior action relating to Defendant's sale of toner cartridges (albeit different models than those accused of infringement in this action), Defendant stipulated that this Court had jurisdiction over it and that venue in this District was proper. *See Canon Inc. v. Ninestar Image Int'l, Ltd. et al.* (including LD Products), Case No. 1:10-cv-04999-RWS, Stipulation, Consent Judgment and Permanent Injunction (D.I. 47).

Canon's Patents-in-Suit

8. On March 13, 2012, United States Patent No. 8,135,304 ("the '304 patent"), titled "Process Cartridge Having Regulating Portions and an Inclineable Coupling Member," duly and legally issued to Canon as assignee of the inventors, Daisuke Abe and Masanari Morioka. A true copy of the '304 patent is attached hereto as Exhibit 1.

9. On October 2, 2012, United States Patent No. 8,280,278 ("the '278 patent"), titled "Process Cartridge, Electrophotographic Image Forming Apparatus, and Electrophotographic Photosensitive Drum Unit," duly and legally issued to Canon as assignee of the inventors, Takahito Ueno, Shigeo Miyabe, Masanari Morioka, and Masato Hisano. A true copy of the '278 patent is attached hereto as Exhibit 2.

10. On February 5, 2013, United States Patent No. 8,369,744 ("the '744 patent"), titled "Process Cartridge Including a Photosensitive Drum for an Electrophotographic Image Forming Apparatus," duly and legally issued to Canon as assignee of the inventors, Naoya Asanuma, Masanari Morioka, Ryosuke Nakazawa, Teruhiko Sasaki, and Masato Hisano. A true copy of the '744 patent is attached hereto as Exhibit 3.

11. On October 22, 2013, United States Patent No. 8,565,640 ("the '640 patent"), titled "Dismounting and Mounting Methods for Coupling and Electrophotographic Photosensitive Drum Unit," duly and legally issued to Canon as assignee of the inventors,

Yoshiyuki Batori and Nobuyoshi Hara. A true copy of the '640 patent is attached hereto as Exhibit 4.

12. On January 14, 2014, United States Patent No. 8,630,564 (“the '564 patent”), titled “Process Cartridge, Electrophotographic Image Forming Apparatus, and Electrophotographic Photosensitive Drum Unit,” duly and legally issued to Canon as assignee of the inventors, Takahito Ueno, Shigeo Miyabe, Masanari Morioka, and Masato Hisano. A true copy of the '564 patent is attached hereto as Exhibit 5.

13. On March 18, 2014, United States Patent No. 8,676,085 (“the '085 patent”), titled “Dismounting and Mounting Methods for Coupling and Electrophotographic Photosensitive Drum Unit,” duly and legally issued to Canon as assignee of the inventors, Yoshiyuki Batori and Nobuyoshi Hara. A true copy of the '085 patent is attached hereto as Exhibit 6.

14. On March 18, 2014, United States Patent No. 8,676,090 (“the '090 patent”), titled “Rotational Force Transmitting Part,” duly and legally issued to Canon as assignee of the inventors, Takahito Ueno, Shigeo Miyabe, Masanari Morioka, and Masato Hisano. A true copy of the '090 patent is attached hereto as Exhibit 7.

15. On March 25, 2014, United States Patent No. 8,682,215 (“the '215 patent”), titled “Process Cartridge, Electrophotographic Image Forming Apparatus, and Electrophotographic Photosensitive Drum Unit,” duly and legally issued to Canon as assignee of the inventors, Takahito Ueno, Shigeo Miyabe, Masanari Morioka, and Masato Hisano. A true copy of the '215 patent is attached hereto as Exhibit 8.

16. On April 1, 2014, United States Patent No. 8,688,008 (“the '008 patent”), titled “Electrophotographic Image Forming Apparatus, Developing Apparatus, and Coupling Member,” duly and legally issued to Canon as assignee of the inventors, Masanari Morioka,

Shigeo Miyabe, and Takahito Ueno. A true copy of the '008 patent is attached hereto as Exhibit 9.

17. On April 30, 2013, United States Patent No. 8,433,219 (“the '219 patent”), titled “Cartridge, Mounting Method for Coupling Member, and Disassembling Method for Coupling Member,” duly and legally issued to Canon as assignee of the inventors, Shigeo Miyabe, Takahito Ueno, and Atsushi Takasaka. A true copy of the '219 patent is attached hereto as Exhibit 10.

18. On May 7, 2013, United States Patent No. 8,437,669 (“the '669 patent”), titled “Electrophotographic Image Forming Apparatus, Developing Apparatus, and Coupling Member,” duly and legally issued to Canon as assignee of the inventors, Masanari Morioka, Shigeo Miyabe, and Takahito Ueno. A true copy of the '669 patent is attached hereto as Exhibit 11.

19. On July 23, 2013, United States Patent No. 8,494,411 (“the '411 patent”), titled “Cartridge, Mounting Method for Coupling Member, and Disassembling Method for Coupling Member,” duly and legally issued to Canon as assignee of the inventors, Shigeo Miyabe, Takahito Ueno, and Atsushi Takasaka. A true copy of the '411 patent is attached hereto as Exhibit 12.

Defendant's Infringing Activities

20. On information and belief, Defendant is engaged in the business of selling and/or offering to sell within the United States and/or importing into the United States replacement toner cartridges for use in one or more Canon and Hewlett-Packard (“HP”) monochrome laser beam printers, including but not limited to the printers listed in the table below, which toner

cartridges and/or components contained therein (*e.g.*, drum units) are covered by one or more claims of each of the '304, '278, '744, '640, '564, '085, '090, '215, and '008 patents.

Canon/HP Monochrome Laser Beam Printers	Compatible Canon/HP Cartridges
Canon imageCLASS LBP6300dn, LBP6650dn, LBP6670dn, MF5850dn, MF5880dn, MF5950dw, MF5960dn, MF6160dw, and MF6180dw	Canon Cartridge 119/119 II
Canon imageCLASS D1120, D1150, D1170, D1180, D1320, D1350, and D1370	Canon Cartridge 120
Canon imageCLASS LBP6780dn	Canon Cartridge 324 II
Canon imageRUNNER LBP3560 and LBP3580	Canon GPR-40
Canon imageRUNNER LBP3470 and LBP3480 Canon LASER CLASS 650i	Canon GPR-41
HP LaserJet Enterprise P3015d, P3015dn, P3015n, and P3015x HP LaserJet Enterprise 500 MFP M525f and M525dn HP LaserJet Enterprise flow MFP M525c HP LaserJet Pro M521dn Multifunction Printer HP LaserJet P3010	HP CE255A/X
HP LaserJet P2035, P2055d, P2055dn, P2033, P2034, P2036, P2037, P2033n, P2034n, P2035n, P2036n, P2037n, P2053d, P2053dn, P2053x, P2054d, P2054dn, P2054x, P2055, P2055x, P2056d, P2056dn, P2056x, P2057d, P2057dn, P2057x	HP CE505A
HP LaserJet P2055d, P2055dn, P2053d, P2053dn, P2053x, P2054d, P2054dn, P2054x, P2055, P2055x, P2056d, P2056dn, P2056x, P2057d, P2057dn, P2057x	HP CE505X
HP LaserJet Pro 400 M401dn, M401dne, M401dw, M401n, and MFP M425dn	HP CF280A/X

21. Non-limiting examples of infringing monochrome toner cartridges sold by Defendant are the LD-2617B001AA, LD-CE255A, LD-CE505A, LD-CE505X, LD-CF280A, LD-UNIVCE505A/LD-CE505A/LD-3479B001AA, and LD-UNIVCE505X/LD-CE505X/LD-3480B001AA, at least some of which, on information and belief, Defendant has sold within this judicial district.

22. On information and belief, Defendant also is engaged in the business of selling and/or offering to sell within the United States and/or importing into the United States replacement toner cartridges for use in one or more HP color laser beam printers, including but not limited to the printers listed in the table below, which toner cartridges are covered by one or more claims of each of the '008, '219, '669, and '411 patents.

HP Color Laser Beam Printers	Compatible HP Cartridges
HP LaserJet Pro 100 MFP M175nw	HP CE310A (K) HP CE311A (C)
HP LaserJet Pro CP 1025nw	HP CE312A (Y) HP CE313A (M)

23. Non-limiting examples of infringing color toner cartridges sold by Defendant are the LD-CE310A, LD-CE311A, LD-CE312A, and LD-CE313A, which, on information and belief, Defendant has sold within this judicial district.

24. On information and belief, Defendant purposefully directs sales and offers for sale of its toner cartridges, including those specifically identified above, toward the state of New York, including this district, as shown, for example, by the “USPS Priority Mail – Estimated Transit Time” map found at Defendant’s website, specifically <http://www.ldproducts.com/shipping/>, reproduced below.

USPS Priority Mail - Estimated Transit Time

The United States Postal Service provides Priority Mail shipping as a speedy solution to get packages across the country in just a few days.



25. On information and belief, Defendant maintains established distribution channels within the United States that permit Defendant to ship toner cartridges, including those specifically identified above, to the state of New York, including this district, within about three days.

First Cause of Action: Infringement of U.S. Patent No. 8,135,304

26. Canon repeats and incorporates by reference each and every allegation of paragraphs 1 through 25 of this Complaint, as though set forth here in their entirety.

27. Canon is the sole owner of the entire right, title, and interest in and to the '304 patent, including the right to sue and recover for any and all infringements thereof.

28. Defendant is directly infringing the '304 patent by selling and/or offering to sell within the United States and/or importing into the United States toner cartridges for use in at least the Canon and HP monochrome laser beam printers listed above, including but not limited to the aforementioned LD-2617B001AA, LD-CE255A, LD-CE505A, LD-CE505X, LD-

CF280A, LD-UNIVCE505A/LD-CE505A/LD-3479B001AA, and LD-UNIVCE505X/LD-CE505X/LD-3480B001AA cartridges.

29. Defendant also is indirectly infringing the '304 patent at least by virtue of its inducement of direct infringement of the '304 patent by customers who use Defendant's toner cartridges in at least the Canon and HP monochrome laser beam printers listed above. At the very latest, Defendant was given notice of its infringement of the '304 patent upon receiving a copy of a letter titled "Notification of Canon Patent Rights" sent January 31, 2014. On information and belief, Defendant knowingly induces customers to use its toner cartridges, including, for example, by promoting its cartridges for use in specific printers and/or providing customers with instructions for using its cartridges in those printers.

30. By reason of Defendant's infringing activities, Canon has suffered, and will continue to suffer, substantial damages in an amount to be determined at trial.

31. Defendant's acts complained of herein are damaging and will continue to damage Canon irreparably. Canon has no adequate remedy at law for these wrongs and injuries. Canon is therefore entitled to preliminary and permanent injunctions restraining and enjoining Defendant from infringing the claims of the '304 patent.

32. On information and belief, by no later than upon receiving the aforementioned January 31, 2014 letter, Defendant knew or should have known of the objectively high likelihood that its actions constituted infringement of the '304 patent, but nonetheless has continued its infringing activities. Defendant's infringement, therefore, is and has been willful, and this case is exceptional under 35 U.S.C. § 285.

Second Cause of Action: Infringement of U.S. Patent No. 8,280,278

33. Canon repeats and incorporates by reference each and every allegation of paragraphs 1 through 32 of this Complaint, as though set forth here in their entirety.

34. Canon is the sole owner of the entire right, title, and interest in and to the '278 patent, including the right to sue and recover for any and all infringements thereof.

35. Defendant is directly infringing the '278 patent by selling and/or offering to sell within the United States and/or importing into the United States toner cartridges for use in at least the Canon and HP monochrome laser beam printers listed above, including but not limited to the aforementioned LD-2617B001AA, LD-CE255A, LD-CE505A, LD-CE505X, LD-CF280A, LD-UNIVCE505A/LD-CE505A/LD-3479B001AA, and LD-UNIVCE505X/LD-CE505X/LD-3480B001AA cartridges.

36. Defendant also is indirectly infringing the '278 patent at least by virtue of its inducement of direct infringement of the '278 patent by customers who use Defendant's toner cartridges in at least the Canon and HP monochrome laser beam printers listed above. At the very latest, Defendant was given notice of its infringement of the '278 patent upon receiving a copy of a letter titled "Notification of Canon Patent Rights" sent January 31, 2014. On information and belief, Defendant knowingly induces customers to use its toner cartridges, including, for example, by promoting its cartridges for use in specific printers and/or providing customers with instructions for using its cartridges in those printers.

37. By reason of Defendant's infringing activities, Canon has suffered, and will continue to suffer, substantial damages in an amount to be determined at trial.

38. Defendant's acts complained of herein are damaging and will continue to damage Canon irreparably. Canon has no adequate remedy at law for these wrongs and injuries. Canon

is therefore entitled to preliminary and permanent injunctions restraining and enjoining Defendant from infringing the claims of the '278 patent.

39. On information and belief, by no later than upon receiving the aforementioned January 31, 2014 letter, Defendant knew or should have known of the objectively high likelihood that its actions constituted infringement of the '278 patent, but nonetheless has continued its infringing activities. Defendant's infringement, therefore, is and has been willful, and this case is exceptional under 35 U.S.C. § 285.

Third Cause of Action: Infringement of U.S. Patent No. 8,369,744

40. Canon repeats and incorporates by reference each and every allegation of paragraphs 1 through 39 of this Complaint, as though set forth here in their entirety.

41. Canon is the sole owner of the entire right, title, and interest in and to the '744 patent, including the right to sue and recover for any and all infringements thereof.

42. Defendant is directly infringing the '744 patent by selling and/or offering to sell within the United States and/or importing into the United States toner cartridges for use in at least the Canon and HP monochrome laser beam printers listed above, including but not limited to the aforementioned LD-CF280A cartridge.

43. Defendant also is indirectly infringing the '744 patent at least by virtue of its inducement of direct infringement of the '744 patent by customers who use Defendant's toner cartridges in at least the Canon and HP monochrome laser beam printers listed above. At the very latest, Defendant was given notice of its infringement of the '744 patent upon receiving a copy of a letter titled "Notification of Canon Patent Rights" sent January 31, 2014. On information and belief, Defendant knowingly induces customers to use its toner cartridges,

including, for example, by promoting its cartridges for use in specific printers and/or providing customers with instructions for using its cartridges in those printers.

44. By reason of Defendant's infringing activities, Canon has suffered, and will continue to suffer, substantial damages in an amount to be determined at trial.

45. Defendant's acts complained of herein are damaging and will continue to damage Canon irreparably. Canon has no adequate remedy at law for these wrongs and injuries. Canon is therefore entitled to preliminary and permanent injunctions restraining and enjoining Defendant from infringing the claims of the '744 patent.

46. On information and belief, by no later than upon receiving the aforementioned January 31, 2014 letter, Defendant knew or should have known of the objectively high likelihood that its actions constituted infringement of the '744 patent, but nonetheless has continued its infringing activities. Defendant's infringement, therefore, is and has been willful, and this case is exceptional under 35 U.S.C. § 285.

Fourth Cause of Action: Infringement of U.S. Patent No. 8,565,640

47. Canon repeats and incorporates by reference each and every allegation of paragraphs 1 through 46 of this Complaint, as though set forth here in their entirety.

48. Canon is the sole owner of the entire right, title, and interest in and to the '640 patent, including the right to sue and recover for any and all infringements thereof.

49. Defendant is directly infringing the '640 patent by selling and/or offering to sell within the United States and/or importing into the United States toner cartridges and the drum units contained therein for use in at least the Canon and HP monochrome laser beam printers listed above, including but not limited to the aforementioned LD-CF280A cartridge.

50. Defendant also is indirectly infringing the '640 patent at least by virtue of its inducement of direct infringement of the '640 patent by customers who use Defendant's toner cartridges in at least the Canon and HP monochrome laser beam printers listed above. At the very latest, Defendant was given notice of its infringement of the '640 patent upon receiving a copy of a letter titled "Notification of Canon Patent Rights" sent January 31, 2014. On information and belief, Defendant knowingly induces customers to use its toner cartridges, including, for example, by promoting its cartridges for use in specific printers and/or providing customers with instructions for using its cartridges in those printers.

51. By reason of Defendant's infringing activities, Canon has suffered, and will continue to suffer, substantial damages in an amount to be determined at trial.

52. Defendant's acts complained of herein are damaging and will continue to damage Canon irreparably. Canon has no adequate remedy at law for these wrongs and injuries. Canon is therefore entitled to preliminary and permanent injunctions restraining and enjoining Defendant from infringing the claims of the '640 patent.

53. On information and belief, by no later than upon receiving the aforementioned January 31, 2014 letter, Defendant knew or should have known of the objectively high likelihood that its actions constituted infringement of the '640 patent, but nonetheless has continued its infringing activities. Defendant's infringement, therefore, is and has been willful, and this case is exceptional under 35 U.S.C. § 285.

Fifth Cause of Action: Infringement of U.S. Patent No. 8,630,564

54. Canon repeats and incorporates by reference each and every allegation of paragraphs 1 through 53 of this Complaint, as though set forth here in their entirety.

55. Canon is the sole owner of the entire right, title, and interest in and to the '564 patent, including the right to sue and recover for any and all infringements thereof.

56. Defendant is directly infringing the '564 patent by selling and/or offering to sell within the United States and/or importing into the United States toner cartridges and the drum units contained therein for use in at least the Canon and HP monochrome laser beam printers listed above, including but not limited to the aforementioned LD-2617B001AA, LD-CE255A, LD-CE505A, LD-CE505X, LD-CF280A, LD-UNIVCE505A/LD-CE505A/LD-3479B001AA, and LD-UNIVCE505X/LD-CE505X/LD-3480B001AA cartridges.

57. Defendant also is indirectly infringing the '564 patent at least by virtue of its inducement of direct infringement of the '564 patent by customers who use Defendant's toner cartridges in at least the Canon and HP monochrome laser beam printers listed above. At the very latest, Defendant was given notice of its infringement of the '564 patent upon receiving a copy of a letter titled "Notification of Canon Patent Rights" sent January 31, 2014. On information and belief, Defendant knowingly induces customers to use its toner cartridges, including, for example, by promoting its cartridges for use in specific printers and/or providing customers with instructions for using its cartridges in those printers.

58. By reason of Defendant's infringing activities, Canon has suffered, and will continue to suffer, substantial damages in an amount to be determined at trial.

59. Defendant's acts complained of herein are damaging and will continue to damage Canon irreparably. Canon has no adequate remedy at law for these wrongs and injuries. Canon is therefore entitled to preliminary and permanent injunctions restraining and enjoining Defendant from infringing the claims of the '564 patent.

60. On information and belief, by no later than upon receiving the aforementioned January 31, 2014 letter, Defendant knew or should have known of the objectively high likelihood that its actions constituted infringement of the '564 patent, but nonetheless has continued its infringing activities. Defendant's infringement, therefore, is and has been willful, and this case is exceptional under 35 U.S.C. § 285.

Sixth Cause of Action: Infringement of U.S. Patent No. 8,676,085

61. Canon repeats and incorporates by reference each and every allegation of paragraphs 1 through 60 of this Complaint, as though set forth here in their entirety.

62. Canon is the sole owner of the entire right, title, and interest in and to the '085 patent, including the right to sue and recover for any and all infringements thereof.

63. Defendant is directly infringing the '085 patent by selling and/or offering to sell within the United States and/or importing into the United States toner cartridges and the drum units contained therein for use in at least the Canon and HP monochrome laser beam printers listed above, including but not limited to the aforementioned LD-CF280A cartridge.

64. Defendant also is indirectly infringing the '085 patent at least by virtue of its inducement of direct infringement of the '085 patent by customers who use Defendant's toner cartridges in at least the Canon and HP monochrome laser beam printers listed above. At the very latest, Defendant was given notice of its infringement of the claims that eventually issued in the '085 patent upon receiving a copy of a letter titled "Notification of Canon Patent Rights" sent January 31, 2014. On information and belief, Defendant knowingly induces customers to use its toner cartridges, including, for example, by promoting its cartridges for use in specific printers and/or providing customers with instructions for using its cartridges in those printers.

65. By reason of Defendant's infringing activities, Canon has suffered, and will continue to suffer, substantial damages in an amount to be determined at trial.

66. Defendant's acts complained of herein are damaging and will continue to damage Canon irreparably. Canon has no adequate remedy at law for these wrongs and injuries. Canon is therefore entitled to preliminary and permanent injunctions restraining and enjoining Defendant from infringing the claims of the '085 patent.

67. On information and belief, by no later than upon receiving the aforementioned January 31, 2014 letter, Defendant knew or should have known of the objectively high likelihood that its actions constituted infringement of the '085 patent, but nonetheless has continued its infringing activities. Defendant's infringement, therefore, is and has been willful, and this case is exceptional under 35 U.S.C. § 285.

Seventh Cause of Action: Infringement of U.S. Patent No. 8,676,090

68. Canon repeats and incorporates by reference each and every allegation of paragraphs 1 through 67 of this Complaint, as though set forth here in their entirety.

69. Canon is the sole owner of the entire right, title, and interest in and to the '090 patent, including the right to sue and recover for any and all infringements thereof.

70. Defendant is directly infringing the '090 patent by selling and/or offering to sell within the United States and/or importing into the United States toner cartridges and the drum units contained therein for use in at least the Canon and HP monochrome laser beam printers listed above, including but not limited to the aforementioned LD-CF280A cartridge.

71. Defendant also is indirectly infringing the '090 patent at least by virtue of its inducement of direct infringement of the '090 patent by customers who use Defendant's toner cartridges in at least the Canon and HP monochrome laser beam printers listed above. At the

very latest, Defendant was given notice of its infringement of the claims that eventually issued in the '090 patent upon receiving a copy of a letter titled "Notification of Canon Patent Rights" sent January 31, 2014. On information and belief, Defendant knowingly induces customers to use its toner cartridges, including, for example, by promoting its cartridges for use in specific printers and/or providing customers with instructions for using its cartridges in those printers.

72. By reason of Defendant's infringing activities, Canon has suffered, and will continue to suffer, substantial damages in an amount to be determined at trial.

73. Defendant's acts complained of herein are damaging and will continue to damage Canon irreparably. Canon has no adequate remedy at law for these wrongs and injuries. Canon is therefore entitled to preliminary and permanent injunctions restraining and enjoining Defendant from infringing the claims of the '090 patent.

74. On information and belief, by no later than upon receiving the aforementioned January 31, 2014 letter, Defendant knew or should have known of the objectively high likelihood that its actions constituted infringement of the '090 patent, but nonetheless has continued its infringing activities. Defendant's infringement, therefore, is and has been willful, and this case is exceptional under 35 U.S.C. § 285.

Eighth Cause of Action: Infringement of U.S. Patent No. 8,682,215

75. Canon repeats and incorporates by reference each and every allegation of paragraphs 1 through 74 of this Complaint, as though set forth here in their entirety.

76. Canon is the sole owner of the entire right, title, and interest in and to the '215 patent, including the right to sue and recover for any and all infringements thereof.

77. Defendant is directly infringing the '215 patent by selling and/or offering to sell within the United States and/or importing into the United States toner cartridges and the drum

units contained therein for use in at least the Canon and HP monochrome laser beam printers listed above, including but not limited to the aforementioned LD-2617B001AA, LD-CE255A, LD-CE505A, LD-CE505X, LD-CF280A, LD-UNIVCE505A/LD-CE505A/LD-3479B001AA, and LD-UNIVCE505X/LD-CE505X/LD-3480B001AA cartridges.

78. Defendant also is indirectly infringing the '215 patent at least by virtue of its inducement of direct infringement of the '215 patent by customers who use Defendant's toner cartridges in at least the Canon and HP monochrome laser beam printers listed above. At the very latest, Defendant was given notice of its infringement of the claims that eventually issued in the '215 patent upon receiving a copy of a letter titled "Notification of Canon Patent Rights" sent January 31, 2014. On information and belief, Defendant knowingly induces customers to use its toner cartridges, including, for example, by promoting its cartridges for use in specific printers and/or providing customers with instructions for using its cartridges in those printers.

79. By reason of Defendant's infringing activities, Canon has suffered, and will continue to suffer, substantial damages in an amount to be determined at trial.

80. Defendant's acts complained of herein are damaging and will continue to damage Canon irreparably. Canon has no adequate remedy at law for these wrongs and injuries. Canon is therefore entitled to preliminary and permanent injunctions restraining and enjoining Defendant from infringing the claims of the '215 patent.

81. On information and belief, by no later than upon receiving the aforementioned January 31, 2014 letter, Defendant knew or should have known of the objectively high likelihood that its actions constituted infringement of the '215 patent, but nonetheless has continued its infringing activities. Defendant's infringement, therefore, is and has been willful, and this case is exceptional under 35 U.S.C. § 285.

Ninth Cause of Action: Infringement of U.S. Patent No. 8,688,008

82. Canon repeats and incorporates by reference each and every allegation of paragraphs 1 through 81 of this Complaint, as though set forth here in their entirety.

83. Canon is the sole owner of the entire right, title, and interest in and to the '008 patent, including the right to sue and recover for any and all infringements thereof.

84. Defendant is directly infringing the '008 patent by selling and/or offering to sell within the United States and/or importing into the United States toner cartridges for use in at least the Canon and HP monochrome and color laser beam printers listed above, including but not limited to the aforementioned LD-CF280A, LD-CE310A, LD-CE311A, LD-CE312A, and LD-CE313A cartridges.

85. Defendant also is indirectly infringing the '008 patent at least by virtue of its inducement of direct infringement of the '008 patent by customers who use Defendant's toner cartridges in at least the Canon and HP monochrome and color laser beam printers listed above. At the very latest, Defendant was given notice of its infringement of the claims that eventually issued in the '008 patent upon receiving a copy of a letter titled "Notification of Canon Patent Rights" sent January 31, 2014. On information and belief, Defendant knowingly induces customers to use its toner cartridges, including, for example, by promoting its cartridges for use in specific printers and/or providing customers with instructions for using its cartridges in those printers.

86. By reason of Defendant's infringing activities, Canon has suffered, and will continue to suffer, substantial damages in an amount to be determined at trial.

87. Defendant's acts complained of herein are damaging and will continue to damage Canon irreparably. Canon has no adequate remedy at law for these wrongs and injuries. Canon

is therefore entitled to preliminary and permanent injunctions restraining and enjoining Defendant from infringing the claims of the '008 patent.

88. On information and belief, by no later than upon receiving the aforementioned January 31, 2014 letter, Defendant knew or should have known of the objectively high likelihood that its actions constituted infringement of the '008 patent, but nonetheless has continued its infringing activities. Defendant's infringement, therefore, is and has been willful, and this case is exceptional under 35 U.S.C. § 285.

Tenth Cause of Action: Infringement of U.S. Patent No. 8,433,219

89. Canon repeats and incorporates by reference each and every allegation of paragraphs 1 through 88 of this Complaint, as though set forth here in their entirety.

90. Canon is the sole owner of the entire right, title, and interest in and to the '219 patent, including the right to sue and recover for any and all infringements thereof.

91. Defendant is directly infringing the '219 patent by selling and/or offering to sell within the United States and/or importing into the United States toner cartridges for use in at least the HP color laser beam printers listed above, including but not limited to the aforementioned LD-CE310A, LD-CE311A, LD-CE312A, and LD-CE313A cartridges.

92. Defendant also is indirectly infringing the '219 patent at least by virtue of its inducement of direct infringement of the '219 patent by customers who use Defendant's toner cartridges in at least the HP color laser beam printers listed above. At the very latest, Defendant was given notice of its infringement of the '219 patent upon receiving a copy of a letter titled "Notification of Canon Patent Rights" sent January 31, 2014. On information and belief, Defendant knowingly induces customers to use its toner cartridges, including, for example, by

promoting its cartridges for use in specific printers and/or providing customers with instructions for using its cartridges in those printers.

93. By reason of Defendant's infringing activities, Canon has suffered, and will continue to suffer, substantial damages in an amount to be determined at trial.

94. Defendant's acts complained of herein are damaging and will continue to damage Canon irreparably. Canon has no adequate remedy at law for these wrongs and injuries. Canon is therefore entitled to preliminary and permanent injunctions restraining and enjoining Defendant from infringing the claims of the '219 patent.

95. On information and belief, by no later than upon receiving the aforementioned January 31, 2014 letter, Defendant knew or should have known of the objectively high likelihood that its actions constituted infringement of the '219 patent, but nonetheless has continued its infringing activities. Defendant's infringement, therefore, is and has been willful, and this case is exceptional under 35 U.S.C. § 285.

Eleventh Cause of Action: Infringement of U.S. Patent No. 8,437,669

96. Canon repeats and incorporates by reference each and every allegation of paragraphs 1 through 95 of this Complaint, as though set forth here in their entirety.

97. Canon is the sole owner of the entire right, title, and interest in and to the '669 patent, including the right to sue and recover for any and all infringements thereof.

98. Defendant is directly infringing the '669 patent by selling and/or offering to sell within the United States and/or importing into the United States toner cartridges for use in at least the HP color laser beam printers listed above, including but not limited to the aforementioned LD-CE310A, LD-CE311A, LD-CE312A, and LD-CE313A cartridges.

99. Defendant also is indirectly infringing the '669 patent at least by virtue of its inducement of direct infringement of the '669 patent by customers who use Defendant's toner cartridges in at least the HP color laser beam printers listed above. At the very latest, Defendant was given notice of its infringement of the '669 patent upon receiving a copy of a letter titled "Notification of Canon Patent Rights" sent January 31, 2014. On information and belief, Defendant knowingly induces customers to use its toner cartridges, including, for example, by promoting its cartridges for use in specific printers and/or providing customers with instructions for using its cartridges in those printers.

100. By reason of Defendant's infringing activities, Canon has suffered, and will continue to suffer, substantial damages in an amount to be determined at trial.

101. Defendant's acts complained of herein are damaging and will continue to damage Canon irreparably. Canon has no adequate remedy at law for these wrongs and injuries. Canon is therefore entitled to preliminary and permanent injunctions restraining and enjoining Defendant from infringing the claims of the '669 patent.

102. On information and belief, by no later than upon receiving the aforementioned January 31, 2014 letter, Defendant knew or should have known of the objectively high likelihood that its actions constituted infringement of the '669 patent, but nonetheless has continued its infringing activities. Defendant's infringement, therefore, is and has been willful, and this case is exceptional under 35 U.S.C. § 285.

Twelfth Cause of Action: Infringement of U.S. Patent No. 8,494,411

103. Canon repeats and incorporates by reference each and every allegation of paragraphs 1 through 102 of this Complaint, as though set forth here in their entirety.

104. Canon is the sole owner of the entire right, title, and interest in and to the '411 patent, including the right to sue and recover for any and all infringements thereof.

105. Defendant is directly infringing the '411 patent by selling and/or offering to sell within the United States and/or importing into the United States toner cartridges for use in at least the HP color laser beam printers listed above, including but not limited to the aforementioned LD-CE310A, LD-CE311A, LD-CE312A, and LD-CE313A cartridges.

106. Defendant also is indirectly infringing the '411 patent at least by virtue of its inducement of direct infringement of the '411 patent by customers who use Defendant's toner cartridges in at least the HP color laser beam printers listed above. At the very latest, Defendant was given notice of its infringement of the '411 patent upon receiving a copy of a letter titled "Notification of Canon Patent Rights" sent January 31, 2014. On information and belief, Defendant knowingly induces customers to use its toner cartridges, including, for example, by promoting its cartridges for use in specific printers and/or providing customers with instructions for using its cartridges in those printers.

107. By reason of Defendant's infringing activities, Canon has suffered, and will continue to suffer, substantial damages in an amount to be determined at trial.

108. Defendant's acts complained of herein are damaging and will continue to damage Canon irreparably. Canon has no adequate remedy at law for these wrongs and injuries. Canon is therefore entitled to preliminary and permanent injunctions restraining and enjoining Defendant from infringing the claims of the '411 patent.

109. On information and belief, by no later than upon receiving the aforementioned January 31, 2014 letter, Defendant knew or should have known of the objectively high likelihood that its actions constituted infringement of the '411 patent, but nonetheless has continued its

infringing activities. Defendant's infringement, therefore, is and has been willful, and this case is exceptional under 35 U.S.C. § 285.

Prayer for Relief

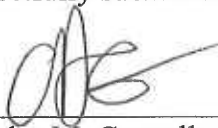
WHEREFORE, Canon respectfully requests the Court to enter judgment as follows:

- A. That Defendant has directly infringed, indirectly infringed, and induced others to infringe the '304, '278, '744, '640, '564, '085, '090, '215, '008, '219, '669, and '411 patents;
- B. That such infringement has been and is willful;
- C. That Defendant and its subsidiaries, affiliates, officers, agents, servants, employees, attorneys, successors, and assigns, and all other persons and organizations in active concert or participation with them, be preliminarily and permanently enjoined from further acts of infringement of the '304, '278, '744, '640, '564, '085, '090, '215, '008, '219, '669, and '411 patents;
- D. That Defendant be ordered to pay damages adequate to compensate Canon for Defendant's infringement of the '304, '278, '744, '640, '564, '085, '090, '215, '008, '219, '669, and '411 patents, including without limitation lost profits and/or a reasonable royalty, and that such damages be trebled, together with interest thereon;
- E. That this case be declared exceptional pursuant to 35 U.S.C. § 285 and that Canon be awarded its reasonable attorneys' fees and costs; and
- F. That Canon be granted such other and additional relief as the Court deems just and proper.

Jury Demand

Canon hereby demands a jury trial as to all issues so triable.

Respectfully submitted,



Dated: May 7, 2014

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