

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CHARLES C. FREENY III, BRYAN E.
FREENY, and JAMES P. FREENY,

Plaintiffs,

v.

OKI DATA AMERICAS, INC.,

Defendant.

Case No. 2:17-cv-00186-JRG-RSP

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs Charles C. Freeny III, Bryan E. Freeny, and James P. Freeny (collectively “Plaintiffs”), for their First Amended Complaint against Defendant Oki Data Americas, Inc., hereby allege as follows:

THE PARTIES

1. Plaintiff Charles C. Freeny III is an individual residing in Flower Mound, Texas.
2. Plaintiff Bryan E. Freeny is an individual residing in Ft. Worth, Texas.
3. Plaintiff James P. Freeny is an individual residing in Spring, Texas.
4. On information and belief, Defendant Oki Data Americas, Inc. (“Oki”) is a corporation duly organized and existing under the laws of the State of Delaware, having its principal place of business at 2000 Bishops Gate Blvd., Mt. Laurel, NJ 08054.
5. On information and belief, Oki has a number of authorized dealers and service companies within this judicial district. As advertised on Oki’s website at http://esales.okidata.com/Oki_Dealer_Locator.process?localecode=US&ref=home , these

authorized dealers and service companies include at least the following companies located within this judicial district:

- Gower Computer Support Inc., 1607 S. Boldt Ave., Tyler, TX 75701;
- Micrologic Systems, Inc., 9155 Paluxy Drive, Tyler, TX 75703;
- Complete Business Systems, Inc., P.O. Box 3547, Longview, TX 75606;
- 3 N 1 Office Products Inc., 2601 Summerhill Road, Texarkana, TX 75503;
- Innovative Office Systems, 2108 N. John Redditt Drive, Lufkin, TX 75904; and
- USA Datafax Inc., 821 Jupiter Road, Suite 407, Plano, TX 75074.

6. On information and belief, Oki has entered into contracts with these authorized dealers and service companies that set forth requirements as to how the authorized dealers and service companies are to handle the sales and servicing of Oki products. These authorized dealers and service companies thereby act as Oki's agents with respect to the sales and servicing of Oki products in this judicial district.

JURISDICTION AND VENUE

7. This is an action for patent infringement arising under the Patent Act, 35 U.S.C. §§101 et seq. This Court has jurisdiction over Plaintiffs' federal law claims under 28 U.S.C. §§1331 and 1338(a).

8. This Court has specific and/or general personal jurisdiction over Oki because it has committed acts giving rise to this action within this judicial district and/or has established minimum contacts within Texas and within this judicial district such that the exercise of jurisdiction over each would not offend traditional notions of fair play and substantial justice.

9. Venue is proper in this District pursuant to 28 U.S.C. § 1400(b) because Oki has committed acts of patent infringement within this judicial district giving rise to this action, and Oki has a regular and established place of business in this judicial district.

BACKGROUND OF THE INFRINGING PRODUCTS

10. Oki manufactures and sells multifunction printers, including the Oki MB562w, MB760+ Wireless, MC573dn, MC770+ Wireless, and MC873dn printers (“the accused Oki products”). The accused Oki products provide a variety of document processing and reproduction functions, such as document copying, printing, scanning, and/or faxing functions. Oki sells the accused Oki products throughout the United States, including within this judicial district.

11. The accused Oki products can communicate wirelessly with different types of wireless devices such as smartphones, tablets, and laptop computers. For example, in its product brochure for the MB562w, Oki states:

Printing wirelessly and on the go – Both devices support cloud/mobile solutions such as Google Cloud Print™, AirPrint™ for Apple iOS and OKI Mobile Print app for Android®, and the MB562w is also Wi-Fi CERTIFIED™ a/b/g/n.

Source: <http://www.okidata.com/resources/products/brochure/mb492-mb562w.pdf>

12. The accused Oki products can transmit and receive data wirelessly using different types of wireless signals. For example, in its “User’s Manual” for the MB562w, Oki states that the printer can communicate wirelessly using IEEE 802.11 a, b, g, and n communication protocols, which are transmitted in the 2.4 GHz and 5.0 GHz frequency bands:

Wireless LAN Specifications

Item	MB562dnw/ES5162dnw
Wireless LAN standard	IEEE802.11a/b/g/n conformity (2.4 GHz/5 GHz)
Transfer rate	IEEE802.11n: Max 150 Mbps IEEE802.11g: Max 54 Mbps IEEE802.11b: Max 11 Mbps IEEE802.11a: Max 54 Mbps
Antenna system	Built-in Antenna1T1R
Security	Disable, WPA2-PSK, WPA2-EAP

Source: http://www.oki.com/uk/printing/download/45822252EE3_MB562_EN_14403.pdf

13. The accused Oki products include functionality for controlling access to the printer such that only authorized users and/or devices can access functions on the printer. This security feature requires that the device communicating with the printer transmit certain identifying information such as device identification data, user name, and/or password in order to authenticate and authorize the device to access functions on the printer. For example, in its “User’s Manual” for the MB562w, Oki states:

About User Authentication

This section describes the user authentication and access control functions.

The user authentication and access control functions allow you to limit the functions available to each user. If access control is enabled, the user authentication is required before using this machine. If the authentication succeeds, only functions specified in advance can be used.

Your machine has the following two methods of user authentication.

- ✦ PIN (personal identification number)
- ✦ User name and password

You can control access to the machine, register a PIN (personal identification number) or a user name and password to each user in advance. You can register up to 5000 PINs and 5000 pairs of a user name and password.

If access control is enabled, according to the setting, the user must enter the PIN or the user name and password to log in to the machine.

Source: http://www.oki.com/uk/printing/download/45822252EE3_MB562_EN_14403.pdf

14. In addition to communicating wirelessly with other devices such as smartphones, tablets, and laptop computers, the accused Oki products can also transmit data over a Local Area

Network (“LAN”) and/ or the Internet via a wired connection such as an Ethernet connection. For example, in its “User’s Manual” for the MB562w, Oki states that the printer can transmit data via an Ethernet connection:

Network Specifications

Item	MB492dn/ES4192dn	MB562dnw/ES5162dnw
Interface	Ethernet 10BASE-T/100BASE-TX/1000BASE-T, IEEE802.11 a/b/g/n Wireless LAN (MB562dnw/ES5162dnw)	
Protocol	TCP/IPv4, TCP/IPv6, NetBIOS over TCP, LPR, Port9100, IPP, FTP, HTTP, TELNET, SMTP, POP3, SNMPv1/v3, DHCP, DNS, DDNS, UPnP, WINS, SLP, Bonjour, SNTp, LLTD, Web Services Discovery (WSD), SSL/TLS, IPsec, CIFS, SMB (Version 1.0), LDAPv3, Kerberos	

Source: http://www.oki.com/uk/printing/download/45822252EE3_MB562_EN_14403.pdf

15. The accused Oki products can transmit and receive data over the Internet. For example, in its “User’s Manual” for the MB562w, Oki states:

About the Internet Fax Function

The Internet Fax function allows you to send and receive faxes through an Internet line. When using standard faxes through a standard telephone line, charges are incurred depending on the distance. However, if using the Internet line, charges do not fluctuate regardless of the distance, allowing you to reduce more costs than standard faxes.

If you use the Internet Fax function, the fax data is converted to a TIFF file, and sent as an e-mail attachment file. The data is sent immediately after scanning is complete, and the data is not saved in the memory of this machine. You can specify only e-mail addresses for the destination.

Source: http://www.oki.com/uk/printing/download/45822252EE3_MB562_EN_14403.pdf

16. The accused Oki products can also send and receive data in the format of email messages. For example, as stated in Oki’s “User’s Manual” for the MB562w, the printer has an “Internet Fax” function that sends fax data in the form of an email with an attachment file.

17. The accused Oki products can also connect with, manage, and share resources with other devices within a computer network. For example, in its product brochure for the MB562w, Oki states:

Sharing files and documents is a snap – Place your document on the flatbed platen or in the 50-sheet duplex reversing automatic document feeder (RADF) and USB or network TWAIN scan it in color or black & white to your PC and Mac. Save and send the electronic version to a folder on your PC, the network or FTP site, as an attachment to an e-mail address, or as a fax.

LDAP gives you direct access to contact and email data from an existing directory server, saving time and improving the reliability of document delivery. The Job Build function enables a number of different documents to be scanned, creating a single document for output.

The MB492/MB562w also offer robust fax features, including Internet (T.37) faxing, one-touch dialing, distinctive ring, and an Auto Delivery feature that routes all incoming faxes to a folder or to specified e-mail addresses.

Source: <http://www.okidata.com/resources/products/brochure/mb492-mb562w.pdf>

18. The accused Oki products can be controlled from an LCD touchscreen on the printer. The touchscreen has a “Home” screen from which the user can select the different basic functions of the printer, such as faxing, copying, and scanning. For example, in its product brochure for the MB562w, Oki describes the operation of the touchscreen in the printer as follows:

The MB492 and MB562w at a Glance



Operator Panel –

- 7" tilting touch-screen display: simplifies navigation enhances user productivity; customizable home screen puts frequently used functions at the user's fingertips for fast, efficient work processes



Color, tilting touch-screen display

Source: <http://www.okidata.com/resources/products/brochure/mb492-mb562w.pdf>

19. In the accused Oki products, when a user selects a basic function through the touchscreen such as faxing, copying or scanning, the touchscreen then displays a submenu of functions for that basic function. Upon the user's selection of the particular task that the user wishes to be performed by printer within this submenu of functions, the printer will then perform that task using the appropriate combination of hardware and software components necessary to complete the task. For example, in its "User's Manual" for MB562w, Oki shows that there are a number of submenu functions available for the basic function of scanning:

Using Scan to E-mail

Set a network and e-mail setting before using the Scan to E-mail function.

 [Connecting This Machine to a Network](#)

 [Register the E-mail Address of the Machine and Server Information](#)

1. Press [Scan] or the  (SCAN) button.

The touch panel display switches to the scan top screen.



Memo

To display the home screen, press the  (HOME) button.

2. Set a document in the ADF or on the document glass.
3. Press [Scan To E-mail].



Source: http://www.oki.com/uk/printing/download/45822252EE3_MB562_EN_14403.pdf

20. The accused Oki products include an “Address Book” functionality for storing, organizing, and retrieving contact information for potential recipients of data transmitted from the printer. For example, in its “User’s Manual” for the MB562w, Oki states:

Address Book

You can create and edit the address book.

1. Press [Device Settings] on the touch panel.
2. Press [Address Book].
3. Select an item.
4. Change the setting, and then press [OK].
5. Press [Back] until the home screen is displayed.

Item		Description	
E-mail Address	Edit/Register	No.	Displays an item number.
		Name	Sets a name of a destination. You can enter up to 16 one-byte characters.
		E-mail Address	Sets an e-mail address. You can enter up to 80 one-byte characters.
		Group No.	Selects a group.
	Delete	Deletes the registered e-mail address.	
	Sort By Name	Sorts e-mail addresses by alphabetical order.	
	Sort By Number	Sorts e-mail addresses by registered numerical order.	
	Search	Searches for an e-mail address.	
E-mail Group	Edit/Register	No.	Displays an item number.
		Name	Sets a group name. You can enter up to 16 one-byte characters.
		Address No.	Selects address numbers. You can register up to 100 e-mail addresses in a group.
	Delete	Deletes the registered group.	
	Sort By Name	Sorts group by alphabetical order.	
	Sort By Number	Sorts group by registered numerical order.	
	Search	Searches for a group.	

Source: http://www.oki.com/uk/printing/download/45822252EE3_MB562_EN_14403.pdf

21. The accused Oki products are designed to be compact, lightweight printers with a small physical footprint so that they take up minimal space within a room or office and can be easily moved to different locations. For example, in its product brochure for the MB562w, Oki states:

Everything the small business or small workgroup requires – The MB492 and MB562w MFPs from OKI combine black & white printing and copying, color/mono scanning with scan-to capabilities, and analog faxing. These affordable, compact, networked MFPs let you produce professional-looking documents—with productivity-boosting speeds and budget-enhancing efficiency. The MB562w delivers up to 47 prints or copies per minute, and the MB492 turns out up to 42 ppm/cpm—both with a time-to-first-page as fast as 5 seconds.²

Source: <http://www.okidata.com/resources/products/brochure/mb492-mb562w.pdf>

**COUNT I
(INFRINGEMENT OF U.S. PATENT NO. 6,490,443)**

22. Plaintiffs re-allege and incorporate by reference the allegations set forth in the Paragraphs above as if fully set forth herein.

23. On December 3, 2002, the United States Patent and Trademark Office duly and lawfully issued United States Patent Number 6,490,443 (“the ’443 patent”), entitled “Communication and Proximity Authorization Systems.” A true and correct copy of the ’443 patent is attached hereto as **Exhibit A**.

24. The ’443 patent describes, among other things, novel systems in which electronic devices can communicate wirelessly to provide and/or receive services from other electronic devices when they are within proximity of each other. These communications can occur over multiple communication signals and with the use of authorization codes.

25. The named inventor of the ’443 patent is Charles C. Freeny, Jr., who is now deceased.

26. Plaintiffs are the sons of Charles C. Freeny, Jr., and Plaintiffs are the owners and assignees of all right, title and interest in and to the '443 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

27. Plaintiffs have complied with the requirements of 35 U.S.C. § 287 with respect to the '443 patent.

28. On information and belief, Oki has directly infringed and continues to directly infringe one or more claims of the '443 patent, including at least claim 1 of the '443 patent, in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, selling, offering for sale, and/or importing into the United States multifunction printers that embody one or more of the inventions claimed in the '443 patent, including but not limited to the accused Oki products, and all reasonably similar products, in violation of 35 U.S.C. § 271(a).

29. For example, claim 1 of the '443 patent recites “[a] proximity service unit for providing at least one predetermined service for use with multiple types of wireless devices,” with the unit including “a multiple channel wireless transceiver capable of receiving at least two signal types” and the unit providing a service in response to receiving a “request authorization code” from the wireless devices.

30. The accused Oki products constitute proximity service units that provide at least one predetermined service for use with multiple types of wireless devices. For example, the accused Oki products provide services such as document copying, printing, scanning, and/or faxing services. In addition, the accused Oki products can be used with multiple types of wireless devices such as smartphones, tablets, and laptop computers.

31. The accused Oki products also include a multiple channel wireless transceiver capable of receiving at least two signal types, and provide a service in response to receiving a “request authorization code” from the wireless devices. For example, the accused Oki products can receive multiple wireless signal types such as IEEE 802.11 a, b, g, and n communications transmitted in the 2.4 GHz and 5.0 GHz frequency bands. In addition, the accused Oki products include a security feature that requires a wireless device seeking to activate services such as printing functionality on the printer to transmit a request authorization code (such as device identification data, user name, and/or password) in order to activate those services.

32. On information and belief, Oki is inducing and/or has induced infringement of one or more claims of the ’443 patent, including at least claim 1, as a result of, among other activities, instructing, encouraging, and directing its customers on the use of the accused Oki products in an infringing manner in violation of 35 U.S.C. § 271(b). On information and belief, Oki has had knowledge of the ’443 patent since at least the date of service of the original Complaint in this action. Despite this knowledge of the ’443 patent, Oki has continued to engage in activities to encourage and assist its customers in the use of the accused Oki products.

33. For example, through its website at www.okidata.com, Oki advertises the accused Oki products and provides instructions and technical support on the use the accused Oki products. The product brochures and user manuals discussed in the preceding paragraphs, for example, are available through Oki’s website.

34. On information and belief, by using the accused Oki products as encouraged and assisted by Oki, Oki’s customers have directly infringed and continue to directly infringe one or more claims of the ’443 patent, including at least claim 1. On information and belief, Oki knew or was willfully blind to the fact that its activities in encouraging and assisting customers in the

use of the accused Oki products, including but not limited to the activities set forth above, would induce its customers' direct infringement of the '443 patent.

35. On information and belief, Oki will continue to infringe the '443 patent unless enjoined by this Court.

36. Oki's acts of infringement have damaged Plaintiffs in an amount to be proven at trial, but in no event less than a reasonable royalty. Oki's infringement of Plaintiffs' rights under the '443 patent will continue to damage Plaintiffs, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

COUNT II
(INFRINGEMENT OF U.S. PATENT NO. 7,110,744)

37. Plaintiffs re-allege and incorporate by reference the allegations set forth in the Paragraphs above as if fully set forth herein.

38. On September 19, 2006, the United States Patent and Trademark Office duly and lawfully issued United States Patent Number 7,110,744 ("the '744 patent") entitled "Communication and Proximity Authorization Systems." A true and correct copy of the '744 patent is attached hereto as **Exhibit B**.

39. The '744 patent describes, among other things, novel systems in which a diverse set of devices can communicate with one another through wireless signals when the devices are within a certain proximity distance to each other. One device within this system can be a "front end unit" that serves as an access point through which multiple end-user devices can be connected simultaneously to a larger network through different types of wireless signals.

40. The named inventor of the '744 patent is Charles C. Freeny, Jr., who is now deceased.

41. Plaintiffs are the sons of Charles C. Freeny, Jr., and Plaintiffs are the owners and assignees of all right, title and interest in and to the '744 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

42. Plaintiffs have complied with the requirements of 35 U.S.C. § 287 with respect to the '744 patent.

43. On information and belief, Oki has directly infringed and continues to directly infringe one or more claims of the '744 patent, including at least claim 18 of the '744 patent, in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, selling, offering for sale, and/or importing into the United States multifunction printers that embody one or more of the inventions claimed in the '744 patent, including but not limited to the accused Oki products, and all reasonably similar products, in violation of 35 U.S.C. § 271(a).

44. For example, claim 18 of the '744 patent recites “[a] communication unit connected to a public communication system, the communication unit capable of detecting a plurality of wireless devices and servicing each of the plurality of wireless devices by providing access to the public communication system when the wireless devices are within a predetermined proximity distance from the communication unit,” and where the communication unit includes a “multiple channel wireless transceiver simultaneously communicating with at least two wireless devices with different types of low power communication signals.”

45. The accused Oki products constitute a communication unit connected to a public communication system, the communication unit capable of detecting a plurality of wireless devices and servicing each of the plurality of wireless devices by providing access to the public communication system when the wireless devices are within a predetermined proximity distance

from the communication unit. For example, the accused Oki products can detect a plurality of wireless devices such as smartphones, tablets, and laptop computers and communicate with these devices wirelessly when they are within range of the printer's transceiver as well as transmit data from these devices to the Internet.

46. In addition, the accused Oki products include a multiple channel wireless transceiver that can simultaneously communicate with at least two wireless devices with different types of low power communication signals. For example, the accused Oki products can communicate with wireless devices such as smartphones, tablets, and laptop computers using multiple wireless signal types such as IEEE 802.11 a, b, g, and n communications transmitted in the 2.4 GHz and 5.0 GHz frequency bands, which are low power communication signals.

47. On information and belief, Oki is inducing and/or has induced infringement of one or more claims of the '744 patent, including at least claim 18, as a result of, among other activities, instructing, encouraging, and directing its customers on the use of the accused Oki products in an infringing manner in violation of 35 U.S.C. § 271(b). On information and belief, Oki has had knowledge of the '744 patent since at least the date of service of the original Complaint in this action. Despite this knowledge of the '744 patent, Oki has continued to engage in activities to encourage and assist its customers in the use of the accused Oki products.

48. For example, through its website at www.okidata.com, Oki advertises the accused Oki products and provides instructions and technical support on the use the accused Oki products. The product brochures and user manuals discussed in the preceding paragraphs, for example, are available through Oki's website.

49. On information and belief, by using the accused Oki products as encouraged and assisted by Oki, Oki's customers have directly infringed and continue to directly infringe one or

more claims of the '744 patent, including at least claim 18. On information and belief, Oki knew or was willfully blind to the fact that its activities in encouraging and assisting customers in the use of the accused Oki products, including but not limited to the activities set forth above, would induce its customers' direct infringement of the '744 patent.

50. On information and belief, Oki will continue to infringe the '744 patent unless enjoined by this Court.

51. Oki's acts of infringement have damaged Plaintiffs in an amount to be proven at trial, but in no event less than a reasonable royalty. Oki's infringement of Plaintiffs' rights under the '744 patent will continue to damage Plaintiffs, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

**COUNT III
(INFRINGEMENT OF U.S. PATENT NO. 6,806,977)**

52. Plaintiffs re-allege and incorporate by reference the allegations set forth in the Paragraphs above as if fully set forth herein.

53. On October 19, 2004, the United States Patent and Trademark Office duly and lawfully issued United States Patent Number 6,806,977 ("the '977 patent"), entitled "Multiple Integrated Machine System." A true and correct copy of the '977 patent is attached hereto as **Exhibit C**.

54. The '977 patent describes, among other things, novel systems in which a single device can perform the functions of multiple different digital machines, such as the functions of a PC, a phone, a fax machine, a printer, a scanner, a copier, a networking device, and/or a personal digital assistant. The device controls all of these functions through the use of a modular design in which different functions rely on different combinations of hardware and software, with the

device including a grouping control unit as well as subgroup function control units to manage the different functions as they are selected by the user.

55. The named inventor of the '977 patent is Charles C. Freeny, Jr., who is now deceased.

56. Plaintiffs are the sons of Charles C. Freeny, Jr., and Plaintiffs are the owners and assignees of all right, title and interest in and to the '977 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

57. Plaintiffs have complied with the requirements of 35 U.S.C. § 287 with respect to the '977 patent.

58. On information and belief, Oki has directly infringed one or more claims of the '977 patent, including at least claim 1 of the '977 patent, in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, selling, offering for sale, and/or importing into the United States multifunction printers that embody one or more of the inventions claimed in the '977 patent, including but not limited to the accused Oki products, and all reasonably similar products, in violation of 35 U.S.C. § 271(a).

59. For example, claim 1 of the '977 patent recites “[a] multiple integrated machine system capable of performing as at least two or more digital machines” Claim 1 also recites that the “first digital machine” is “a small office home office digital machine having at least two of the function modes selected from the group comprising a message center mode, a storage center mode, a document center mode, and an internet center mode,” with at least one of these modes including “an email function.” Claim 1 further recites that the claimed system also has “a digital machine element grouping control unit” for combining different digital machine elements

to form different digital machines as well as at least two “subgroup function control units” for selecting different functions within each digital machine.

60. The accused Oki products constitute multiple integrated machine systems that are capable of performing as at least two or more digital machines, with one of those digital machines being a small office home office digital machine. For example, the accused Oki products are capable of performing as a small office home office digital machine with at least a message center and document center mode by providing document copying, printing, scanning, and faxing capabilities. In addition, the accused Oki products have at least one email function such as the ability to send scanned documents and faxes as email attachments.

61. The accused Oki products are also capable of performing as a networking machine by, for example, allowing the printer to connect with, manage, and share resources with other devices within a computer network. The accused Oki products are also capable of performing as a personal digital assistant machine by, for example, storing and organizing contact information for users.

62. The accused Oki products also include “a digital machine element grouping control unit” for combining different digital machine elements to form different digital machines as well as at least two “subgroup function control units” for selecting different functions within each digital machine. For example, the accused Oki products include software that allows the user to switch between using the device as a small office home office machine, a network digital machine, and a personal digital assistant machine by selecting the desired function through the printer’s LCD touchscreen. The software in the accused Oki products also provides to the user different submenus of functions for each digital machine upon the user’s selection of that digital machine through the LCD touchscreen.

63. Oki's acts of infringement have damaged Plaintiffs in an amount to be proven at trial, but in no event less than a reasonable royalty.

**COUNT IV
(INFRINGEMENT OF U.S. PATENT NO. 7,301,664)**

64. Plaintiffs re-allege and incorporate by reference the allegations set forth in the Paragraphs above as if fully set forth herein.

65. On November 27, 2007, the United States Patent and Trademark Office duly and lawfully issued United States Patent Number 7,301,664 ("the '664 patent"), entitled "Multiple Integrated Machine System." A true and correct copy of the '664 patent is attached hereto as **Exhibit D.**

66. The '664 patent describes, among other things, novel systems in which a single device can perform the functions of multiple different digital machines, such as the functions of a PC, a phone, a fax machine, a printer, a scanner, a copier, and/or a personal digital assistant. The device controls all of these functions through the use of a modular design in which different functions rely on different combinations of hardware and software, with the device including a grouping control unit as well as subgroup function control units to manage the different functions as they are selected by the user.

67. The named inventor of the '664 patent is Charles C. Freeny, Jr., who is now deceased.

68. Plaintiffs are the sons of Charles C. Freeny, Jr., and Plaintiffs are the owners and assignees of all right, title and interest in and to the '664 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

69. Plaintiffs have complied with the requirements of 35 U.S.C. § 287 with respect to the '664 patent.

70. On information and belief, Oki has directly infringed one or more claims of the '664 patent, including at least claim 1 of the '664 patent, in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, selling, offering for sale, and/or importing into the United States multifunction printers that embody one or more of the inventions claimed in the '664 patent, including but not limited to the accused Oki products, and all reasonably similar products, in violation of 35 U.S.C. § 271(a).

71. For example, claim 1 of the '664 patent recites “[a] mobile multiple integrated machine system capable of performing as at least a communication machine and a personal digital assistant machine” Claim 1 also recites that the claimed system also has “a digital machine element grouping control unit” for combining different digital machine elements to form different digital machines as well as at least two “subgroup function control units” for selecting different functions within the communication machine and personal digital assistant machine.

72. The accused Oki products constitute mobile multiple integrated machine systems that are capable of performing as at least two or more digital machines, with one of those digital machines being a communication machine. The accused Oki products are capable of performing as a communication machine by, for example, providing data transmission functions such as faxing documents and sending scanned documents via email.

73. The accused Oki products are also capable of performing as a personal digital assistant machine by, for example, storing and organizing contact information for users.

74. The accused Oki products also include “a digital machine element grouping control unit” for combining different digital machine elements to form different digital machines as well as at least two “subgroup function control units” for selecting different functions within

the communication machine and personal digital assistant machine. For example, the accused Oki products include software that allows the user to switch between using the device as a communication machine and a personal digital assistant machine by selecting the desired function through the printer's LCD touchscreen. The software in the accused Oki products also provides to the user different submenus of functions for the communication machine and the personal digital assistant machine upon the user's selection of that digital machine through the LCD touchscreen.

75. On information and belief, Oki is inducing and/or has induced infringement of one or more claims of the '664 patent, including at least claim 1, as a result of, among other activities, instructing, encouraging, and directing its customers on the use of the accused Oki products in an infringing manner in violation of 35 U.S.C. § 271(b). On information and belief, Oki has had knowledge of the '664 patent since at least the date of service of the original Complaint in this action. Despite this knowledge of the '664 patent, Oki has continued to engage in activities to encourage and assist its customers in the use of the accused Oki products.

76. For example, through its website at www.okidata.com, Oki advertises the accused Oki products and provides instructions and technical support on the use the accused Oki products. The product brochures and user manuals discussed in the preceding paragraphs, for example, are available through Oki's website.

77. On information and belief, by using the accused Oki products as encouraged and assisted by Oki, Oki's customers have directly infringed and continue to directly infringe one or more claims of the '664 patent, including at least claim 1. On information and belief, Oki knew or was willfully blind to the fact that its activities in encouraging and assisting customers in the use of the accused Oki products, including but not limited to the activities set forth above, would

induce its customers' direct infringement of the '664 patent.

78. On information and belief, Oki will continue to infringe the '664 patent unless enjoined by this Court.

79. Oki's acts of infringement have damaged Plaintiffs in an amount to be proven at trial, but in no event less than a reasonable royalty. Oki's infringement of Plaintiffs' rights under the '664 patent will continue to damage Plaintiffs, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

PRAYER FOR RELIEF

Wherefore, Plaintiffs respectfully request that this Court enter judgment against Oki as follows:

- a. For judgment that Oki has infringed and continues to infringe the claims of the '443, '744, '977, and '664 patents;
- b. For a permanent injunction against Oki and its respective officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement of the '443, '744, '977, and '664 patents;
- c. For an accounting of all damages caused by Oki's acts of infringement;
- d. For a judgment and order requiring Oki to pay Plaintiffs' damages, costs, expenses, and pre- and post-judgment interest for its infringement of the '443, '744, '977, and '664 patents as provided under 35 U.S.C. § 284;
- e. For a judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiffs their reasonable attorneys' fees; and

f. For such other relief at law and in equity as the Court may deem just and proper.

DEMAND FOR A JURY TRIAL

Plaintiffs demand a trial by jury of all issues triable by a jury.

Dated: May 31, 2017

Respectfully submitted,

/s/ Christopher D. Banys

Christopher D. Banys - *Lead Attorney*

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a) on May 31, 2017. Therefore, this document was served on all counsel who are deemed to have consented to electronic service.

/s/ Tiffany Dang
Tiffany Dang