

**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.

RICOH USA, INC.,

Defendant.

Case No. 2:17-cv-00187-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 Ricoh USA, 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 Ricoh USA, Inc. (“Ricoh”) is a corporation duly organized and existing under the laws of the State of Ohio, having its principal place of business at 70 Valley Stream Parkway, Malvern, Pennsylvania 19355.
5. On information and belief, Ricoh has offices and employees located within this judicial district. For example, Ricoh has an office located at 500 N. Central Expressway, Plano, Texas 75074, which is located within this judicial district. On information and belief, Ricoh has

a number of employees working in the Plano office, at least some of whom are involved in activities such as the sales and servicing of Ricoh products in the Plano area.

JURISDICTION AND VENUE

6. 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).

7. This Court has specific and/or general personal jurisdiction over Ricoh 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.

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

BACKGROUND OF THE INFRINGING PRODUCTS

9. Ricoh manufactures and sells multifunction printers, including the Ricoh MP 2554, MP 2555, MP 3054, MP 3055, MP 3554, MP 3555, MP 4054, MP 4055, MP 5054, MP 5055, MP 6054, MP 6055, MP 6503, MP 7503, MP 9003, MP 402SPF, MP 501SPF, MP 601 SPF, MP C306, MP C307, MP C401, MP C406, MP C407, MP C2004, MP C2504, MP C3004, MP C3504, MP C4504, MP C6004, MP C6503, and MP C8003 series printers ("the accused Ricoh products"). The accused Ricoh products provide a variety of document processing and reproduction functions, such as document copying, printing, scanning, and/or faxing functions. Ricoh sells the accused Ricoh products throughout the United States, including within this judicial district.

10. Ricoh also manufactures and sells wireless adapter units that are designed to be combined with the accused Ricoh products to enable the accused Ricoh products to communicate wirelessly with different types of wireless devices such as smartphones, tablets, and laptop computers, including for example the Ricoh IEEE 802.11a/b/g/n Interface Unit Type M2 Wireless Adapter (“the accused Ricoh wireless adapters”). Customers can purchase from Ricoh any of the accused Ricoh products bundled with one of these wireless adapter units, or they can purchase these items separately.

11. For example, in its product brochure for the Ricoh MP 2554, MP 3054, and MP 3554, Ricoh states:

Print Specifications (Standard)

Processor Speed	533MHz
Connection Type	Standard: 10Base-T/100/1000BaseTX Ethernet, USB2.0 (2 ports on back of device, 1 port on Operation Panel), SD slot on Operation Panel, USB2.0 Type A, USB2.0 Type B, & SD Card Slot Optional: IEEE 802.11a/b/g/n Wireless LAN, USB Device Server (second NIC), & IEEE 1284 Parallel

...

Additional Accessory Options

Bridge Unit BU3070, Browser Unit Type M12, Card Reader Bracket Type 3352, Copy Data Security Unit Type G, Embedded HotSpot Type S, ESP XG-PCS-15D, Fax Connection Unit Type M12, File Format Converter Type E, G3 Interface Unit Type M12, IEEE 1284 Interface Board Type A, IEEE 802.11a/b/g/n Interface Unit Type M2, IPDS Unit Type M12, Key Counter Bracket Type M3, Memory Unit Type M12 64MB, OCR Unit Type M2, Optional Counter Interface Unit Type M12, PostScript3 Unit Type M12, SD Card for NetWare Printing Type M12, Smart Card Reader Built-in Unit Type M12, Smart Operation Panel Type M3, XPS Direct Print Option Type M12, USB Device Server Option Type M12

Source: <https://www.ricoh-usa.com/-/media/Ricoh/Common/PDFs/Brochures/mp3554.pdf>

12. The accused Ricoh products combined with an accused Ricoh wireless adapter can transmit and receive data wirelessly using different types of wireless signals. For example, in its product brochure for the Ricoh MP 2554, MP 3054, and MP 3554, Ricoh states that the printer combined with the wireless adapter can communicate wirelessly using IEEE 802.11a, b, g, and n communication protocols, which are transmitted in the 2.4 GHz and 5.0 GHz frequency bands.

13. The accused Ricoh products can also transmit and receive data wirelessly using Near Field Communication (“NFC”) signals. For example, in its product brochure for the Ricoh MP 2554, MP 3054, and MP 3554, Ricoh states:

Work from any location

Access information from wherever you are and share it with others using the Ricoh MP 2554/MP 3054/MP 3554. The user-friendly MFP integrates with optional Ricoh HotSpot Enterprise™, so you can print directly to the MFP from your mobile device without compromising speed or security. You can also leverage the powerful features and functionality of the Ricoh MP 2554/MP 3054/MP 3554 directly from your smartphone or tablet through the Ricoh Smart Device Connector app. This versatile technology helps you easily connect an NFC-enabled Smart Device to the optional Smart Operation Panel. Users simply touch their Smart Device to the NFC tag on the Smart Operation Panel or scan the QR Code to automatically connect to the MFP allowing copy, print, scan and fax capability directly from their Smart Device.



Source: <https://www.ricoh-usa.com/-/media/Ricoh/Common/PDFs/Brochures/mp3554.pdf>

14. The accused Ricoh 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 product brochure for the Ricoh MP 2554, MP 3054, and MP 3554, Ricoh states:

Protect your documents, and yourself

Every business takes risks daily. Some of them are avoidable. Advanced user authentication helps prevent unauthorized access to documents. Documents are stored at the device until an authorized ID card is swiped using the optional card reader or a passcode is entered at the MFP to release them. For added protection, you can use encrypted PDF transmission to scramble data on confidential PDFs or add watermarks to confidential documents that will appear when unauthorized users attempt to copy them. The DataOverwriteSecurity System (DOSS) automatically overwrites latent images and data on the hard drive to render them unreadable.

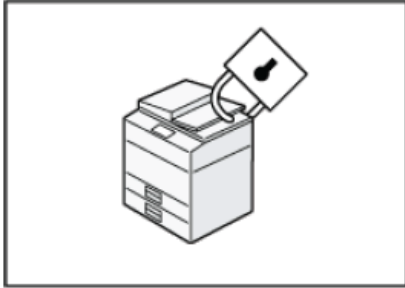


Source: <https://www.ricoh-usa.com/-/media/Ricoh/Common/PDFs/Brochures/mp3554.pdf>

15. Similarly, in its online manual for the MP 2554, MP 3054, MP 3554, MP 4054, MP 5054, and MP 6054 series printers, Ricoh states:

Top Page > About This Machine > Easy Search > What You Can Do with This Machine > You Can Prevent Information Leakage (Security Functions)

You Can Prevent Information Leakage (Security Functions)



- You can protect documents from unauthorized access and stop them from being copied without permission.
- You can control the use of the machine, as well as prevent machine settings from being changed without **authorization**.
- By setting passwords, you can prevent unauthorized access via the network.
- You can erase or encrypt the data on the hard disk to minimize the risk of information leakage.
- You can limit the usage of functions for each user.

Source: http://support.ricoh.com/bb_v1oi/pub_e/oi_view/0001053/0001053552/view/intro/int/0016.htm?&seek=authorization

16. The accused Ricoh products can also connect to the Internet. For example, as stated in the “User Guide” for the Ricoh MP 2554, MP 3054, MP 3554, MP 4054, MP 5054, and MP 6054 series printers, these printers have the ability to retrieve and display web pages from the Internet:

9. [Browser] 🖨️

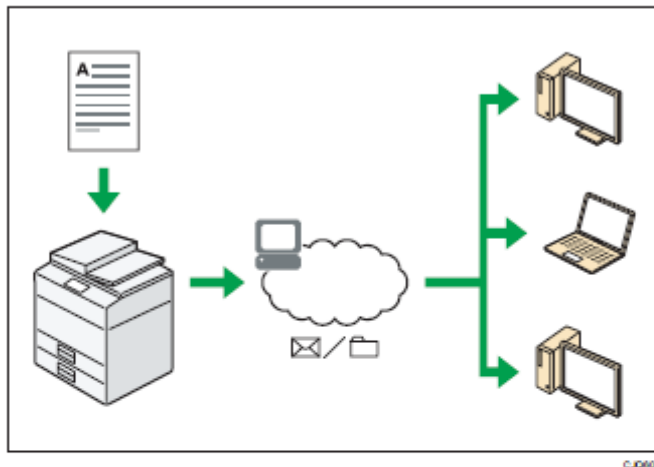
Press to display Web pages.

For details about how to use the browser function, see "Using the Browser Function", Convenient Functions.

Source: <https://www.manualslib.com/manual/895399/Ricoh-Mp-2554-Series.html>

17. The accused Ricoh products can also send and receive data in the format of email messages. For example, in the “User Guide” for the Ricoh MP 2554, MP 3054, MP 3554, MP 4054, MP 5054, and MP 6054 series printers, Ricoh provides the following description of the faxing and scanning functionality of the printers:

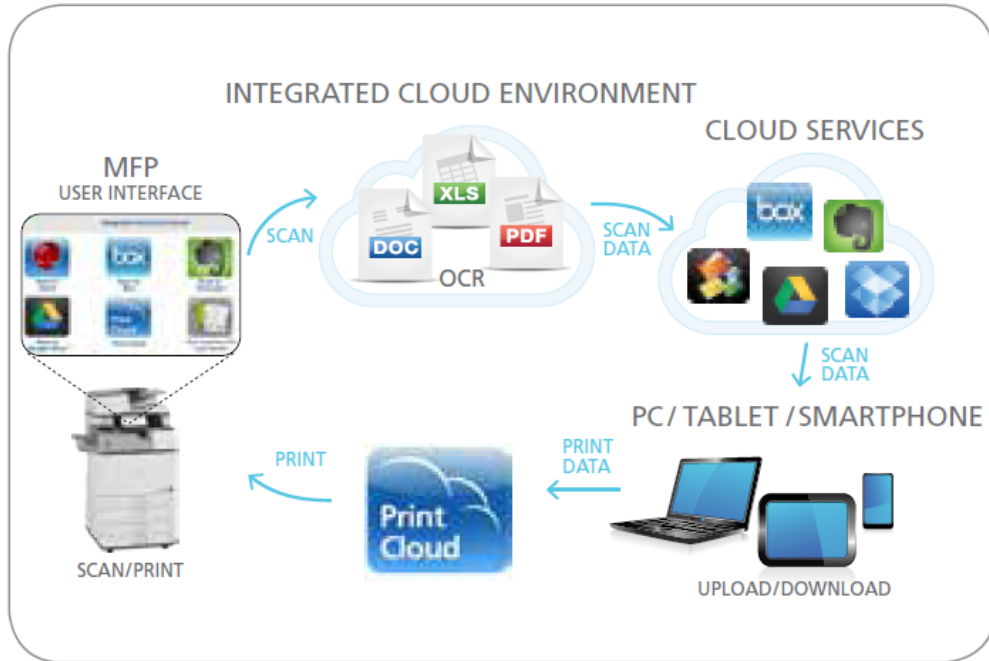
Using the Facsimile and the Scanner in a Network Environment



- You can send scan files to a specified destination using e-mail (Sending scan files by e-mail).
 ⇒ See "Overview of E-mail Transmission Function", Fax.
 ⇒ See "Basic Procedure for Sending Scan Files by E-mail", Scan.
- You can send scan files directly to folders (Sending scan files by Scan to Folder).
 ⇒ See "Overview of Folder Transmission Function", Fax.
 ⇒ See "Basic Procedure When Using Scan to Folder", Scan.
- You can use Web Services on Devices (WSD) to send scan files to a client computer.
 ⇒ See "Basic Operating Procedure of WSD Scanner (Push Type)", Scan.

Source: <https://www.manualslib.com/manual/895399/Ricoh-Mp-2554-Series.html>

18. The accused Ricoh products can also connect with, manage, and share resources with other devices within a computer network. For example, as shown above, the accused Ricoh products can transfer data such as scan files to other devices within a network. And as described in the product brochure for the Ricoh MP 2554, MP 3054, and MP 3554, these printers can also connect with and transfer data with various cloud services:



Source: <https://www.ricoh-usa.com/-/media/Ricoh/Common/PDFs/Brochures/mp3554.pdf>

19. The accused Ricoh 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 Ricoh MP 2554, MP 3054, and MP 3554, Ricoh provides the following description of the control panel and touchscreen on the printer:

Use familiar technology to navigate key functions quickly

How quickly can you check a text or send an email? With the Ricoh MP 2554/MP 3054/MP 3554, you can print, copy, scan and fax documents and move on to your next project just as quickly. Intuitive drag-and-drop, pinch-and-flick and swipe scrolling simplify routine actions and minimize extraneous choices. It’s available via the optional 10.1" Wide Super VGA Smart Operation Panel, which simplifies the choices for the most frequently used functions for Copy, Scanner, and Fax. Do you have users who prefer Ricoh’s traditional interface? For workgroups requiring enhanced feature functionality, it is easy to switch between the Quick User Interface functions and Ricoh’s traditional user interface.

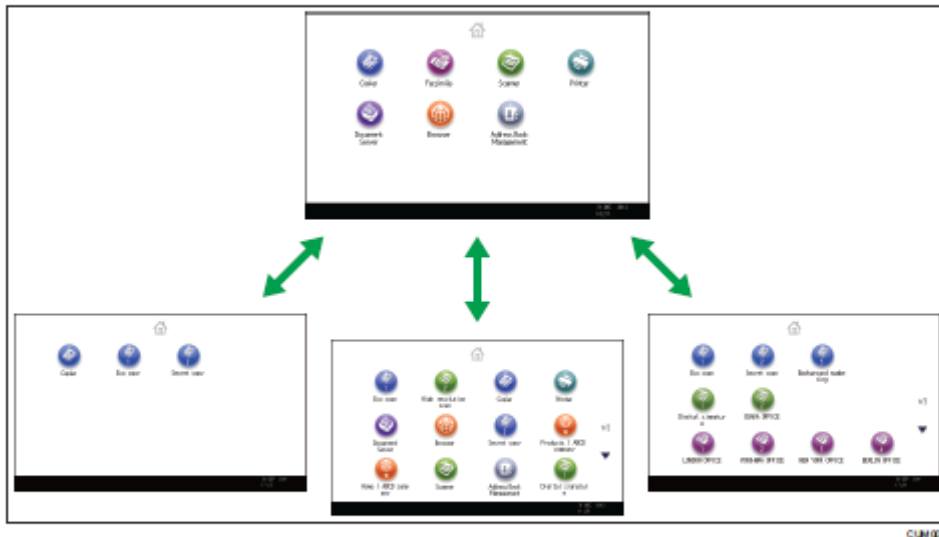


Source: <https://www.ricoh-usa.com/-/media/Ricoh/Common/PDFs/Brochures/mp3554.pdf>

20. Similarly, in its “User Guide” for the Ricoh MP 2554, MP 3054, MP 3554, MP 4054, MP 5054, and MP 6054 series printers, Ricoh provides the following description of the Home screen on the printer:

Customizing the [Home] Screen

The icons of each function are displayed on the [Home] screen.



- You can add shortcuts to often used programs or Web pages to the [Home] screen. The programs or Web pages can be recalled easily by pressing the shortcut icons.
- You can display only the icons of functions and shortcuts that you use.
- You can change the order of the function and shortcut icons.

Source: <https://www.manualslib.com/manual/895399/Ricoh-Mp-2554-Series.html>

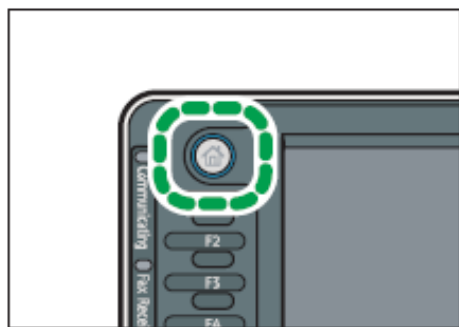
21. In the accused Ricoh products, when a user selects a basic function through the touchscreen such as faxing, copying or scanning, the touchscreen then displays a submenu of functions for that basic function. Upon the user’s selection of the particular task that the user

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 Guide” for the Ricoh MP 2554, MP 3054, MP 3554, MP 4054, MP 5054, and MP 6054 series printers, Ricoh shows that there are a number of submenu functions available for the basic function of sending faxes:

1. Display the initial facsimile screen.

- When using the standard operation panel

Press the [Home] key on the top left of the control panel, and press the [Facsimile] icon on the [Home] screen.



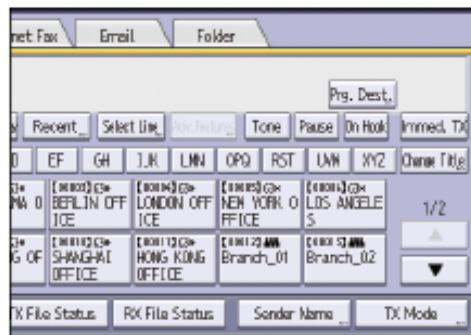
C:00002

- When using the Smart Operation Panel

Press the [Home] key on the top left of the control panel. Flick the screen to the left, and then press the [Fax] icon on the Home screen 4.

2. Make sure "Ready" appears on the screen.

3. Make sure [Immed. TX] is not highlighted.



4. Place the original into the ADF.

5. Make the scan settings such as scan size and resolution.

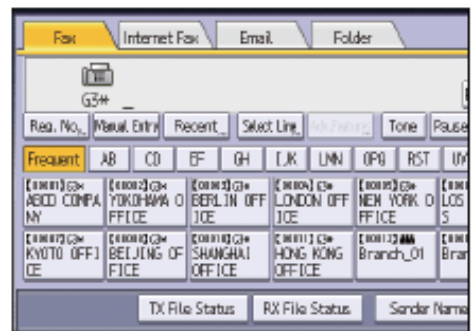


6. Configure the transmission settings such as [TX Mode] as necessary.

7. Specify a destination.

You can enter the destination's number or address directly or select from the Address Book by pressing the destination key.

If you make a mistake, press the [Clear] key, and then enter again.



8. When sending the same original to several destinations (broadcasting), specify the next destination.

9. If you send documents to Internet Fax or e-mail destinations or enable the Email TX Results function, specify a sender.

10. Press the [Start] key.

Source: <https://www.manualslib.com/manual/895399/Ricoh-Mp-2554-Series.html>

22. The accused Ricoh 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 Guide” for the Ricoh MP 2554, MP 3054, MP 3554, MP 4054, MP 5054, and MP 6054 series printers, Ricoh provides the following information regarding the Address Book functionality in the printers:

Registering an E-mail Destination

1. Display the Address Book screen.

- When using the standard operation panel

Press the [Home] key on the top left of the control panel, and press the [Address Book Management] icon on the [Home] screen.

- When using the Smart Operation Panel

Press the [Home] key on the top left of the control panel. Flick the screen to the left, and then press the [Address Book Management] icon on the Home screen 4.

2. Check that [Program / Change] is selected.

3. Press [New Program].

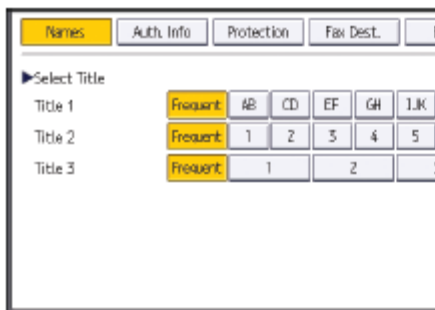
4. Press [Change] under "Name".

The name entry display appears.

5. Enter the name, and then press [OK].

6. Press [▼Next].

7. Press the key for the classification you want to use under "Select Title".



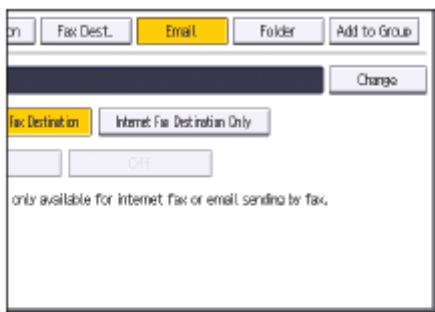
The keys you can select are as follows:

- [Frequent]: Added to the page that is displayed first.
- [AB], [CD], [EF], [GH], [IJK], [LMN], [OPQ], [RST], [UVW], [XYZ], [1] to [10]: Added to the list of items in the selected title.

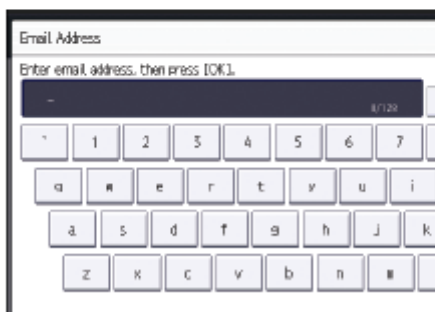
You can select [Frequent] and one more key for each title.

8. Press [Email].

9. Press [Change] under "Email Address".



10. Enter the e-mail address.



11. Press [OK].

Source: <https://www.manualslib.com/manual/895399/Ricoh-Mp-2554-Series.html>

23. The accused Ricoh 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 Ricoh MP 2554, MP 3054, and MP 3554, Ricoh states:

Perform more types of tasks

Information drives business. You rely on it to make smarter decisions. But what happens when you need to share it with others? How quickly can you get it to them? And is it in the format — either paper or digital — that they prefer? Whether you're printing, copying, scanning or faxing, the compact and affordable Ricoh MP 2554/MP 3054/MP 3554 helps you produce and share information quickly. Take advantage of intuitive one-touch controls, and move on to the next task — whatever it turns out to be — with ease.

Source: <https://www.ricoh-usa.com/-/media/Ricoh/Common/PDFs/Brochures/mp3554.pdf>

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

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

25. 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**.

26. 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.

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

28. 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.

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

30. On information and belief, Ricoh 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 with wireless adapters that embody one or more of the inventions claimed in the '443 patent, including but not limited to the accused Ricoh products with accused Ricoh wireless adapters, and all reasonably similar products, in violation of 35 U.S.C. § 271(a).

31. 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.

32. The accused Ricoh products combined with an accused Ricoh wireless adapter constitute proximity service units that provide at least one predetermined service for use with multiple types of wireless devices. For example, the accused Ricoh products provide services such as document copying, printing, scanning, and/or faxing services. In addition, the accused

Ricoh products with an accused wireless adapter can be used with multiple types of wireless devices such as smartphones, tablets, and laptop computers.

33. The accused Ricoh products combined with an accused Ricoh wireless adapter 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 Ricoh products combined with an accused Ricoh wireless adapter 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, as well as NFC signals. In addition, the accused Ricoh 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.

34. On information and belief, Ricoh 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 Ricoh products in an infringing manner in violation of 35 U.S.C. § 271(b). On information and belief, Ricoh 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, Ricoh has continued to engage in activities to encourage and assist its customers in the use of the accused Ricoh products.

35. For example, through its website at www.ricoh-usa.com, Ricoh advertises the accused Ricoh products and provides instructions and technical support on the use the accused

Ricoh products. The product brochures and at least some of the user manuals discussed in the preceding paragraphs, for example, are available through Ricoh's website.

36. On information and belief, by using the accused Ricoh products as encouraged and assisted by Ricoh, Ricoh'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, Ricoh knew or was willfully blind to the fact that its activities in encouraging and assisting customers in the use of the accused Ricoh products, including but not limited to the activities set forth above, would induce its customers' direct infringement of the '443 patent.

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

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

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

40. 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**.

41. 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.

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

43. 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.

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

45. On information and belief, Ricoh 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 with wireless adapters that embody one or more of the inventions claimed in the '744 patent, including but not limited to the accused Ricoh products with accused Ricoh wireless adapters, and all reasonably similar products, in violation of 35 U.S.C. § 271(a).

46. 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.”

47. The accused Ricoh products combined with an accused Ricoh wireless adapter 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 Ricoh products combined with an accused Ricoh wireless adapter 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 adapter’s transceiver as well as transmit data from these devices to the Internet.

48. In addition, the accused Ricoh products combined with an accused Ricoh wireless adapter 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 Ricoh products combined with an accused Ricoh wireless adapter can communicate with wireless devices such as smartphones, tablets, and laptop computers using multiple wireless signal types such as IEEE 802.11a, b, g, and n communications transmitted in the 2.4 GHz and 5.0 GHz frequency bands, as well as NFC signals, all of which are low power communication signals.

49. On information and belief, Ricoh 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 Ricoh products in an infringing manner in violation of 35 U.S.C. § 271(b). On information and belief,

Ricoh 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, Ricoh has continued to engage in activities to encourage and assist its customers in the use of the accused Ricoh products.

50. For example, through its website at www.ricoh-usa.com, Ricoh advertises the accused Ricoh products and provides instructions and technical support on the use the accused Ricoh products. The product brochures and at least some of the user manuals discussed in the preceding paragraphs, for example, are available through Ricoh's website.

51. On information and belief, by using the accused Ricoh products as encouraged and assisted by Ricoh, Ricoh'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, Ricoh knew or was willfully blind to the fact that its activities in encouraging and assisting customers in the use of the accused Ricoh products, including but not limited to the activities set forth above, would induce its customers' direct infringement of the '744 patent.

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

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

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

55. 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**.

56. 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.

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

58. 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.

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

60. On information and belief, Ricoh 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 Ricoh products, and all reasonably similar products, in violation of 35 U.S.C. § 271(a).

61. 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.

62. The accused Ricoh 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 Ricoh 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 Ricoh products have at least one email function such as the ability to send scanned documents as email attachments.

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

64. The accused Ricoh 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 Ricoh 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 Ricoh 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.

65. On information and belief, Ricoh has had knowledge of the ’977 patent and its contents since at least around December 6, 2012, when the ’977 patent was cited by the United States Patent and Trademark Office in the prosecution of U.S. Patent No. 8,760,700 (“the ’700 patent”). On information and belief, Ricoh’s parent corporation, Ricoh Company, Ltd., is or was the owner of the ’700 patent and was involved in the prosecution of the ’700 patent. On information and belief, Ricoh Company, Ltd. has shared and continues to share information with its United States subsidiary Ricoh regarding the prosecution of its United States patents, including the ’700 patent.

66. The ’700 patent is entitled “Method, Apparatus, and Computer Product for Managing Image Formation Resources.” The specification of the ’700 patent states that “[t]he present invention relates to an image formation apparatus having hardware resources used in image formation processing in its display section, print section, imaging section and so on and providing user service, such as a printer, copier or facsimile, relating to image formation

processing, and relates to an image formation method and a program of such an image formation apparatus.”

67. In an Office Action dated December 6, 2012 in the prosecution of the '700 patent, the patent examiner rejected claims in the application for the '700 patent as anticipated by the '977 patent. In response, Ricoh Company, Ltd. chose to amend the claims in the application of the '700 patent to distinguish them from the '977 patent.

68. On information and belief, based on Ricoh's knowledge of the '977 patent acquired from the prosecution of the '700 patent, Ricoh knew or should have known that there was an objectively high risk that the accused Ricoh products infringe the '977 patent.

69. On information and belief, Ricoh has induced infringement of one or more claims of the '977 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 Ricoh products in an infringing manner in violation of 35 U.S.C. § 271(b). Despite its knowledge of the '977 patent since at least around December 6, 2012, Ricoh continued to engage in activities to encourage and assist its customers in the use of the accused Ricoh products.

70. For example, through its website at www.ricoh-usa.com, Ricoh advertises the accused Ricoh products and provides instructions and technical support on the use the accused Ricoh products. The product brochures and at least some of the user manuals discussed in the preceding paragraphs, for example, are available through Ricoh's website.

71. On information and belief, by using the accused Ricoh products as encouraged and assisted by Ricoh, Ricoh's customers have directly infringed one or more claims of the '977 patent, including at least claim 1. On information and belief, Ricoh knew or was willfully blind to the fact that its activities in encouraging and assisting customers in the use of the accused

Ricoh products, including but not limited to the activities set forth above, would induce its customers' direct infringement of the '977 patent.

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

73. On information and belief, Ricoh's infringement of the '977 patent has been willful, thereby entitling Plaintiffs to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in litigating this action under 35 U.S.C. § 285.

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

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

75. 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**.

76. 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.

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

78. 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.

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

80. On information and belief, Ricoh 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 Ricoh products, and all reasonably similar products, in violation of 35 U.S.C. § 271(a).

81. 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.

82. The accused Ricoh 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 Ricoh 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.

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

84. The accused Ricoh 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 Ricoh 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 Ricoh 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.

85. On information and belief, Ricoh 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 Ricoh products in an infringing manner in violation of 35 U.S.C. § 271(b). On information and belief, Ricoh 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, Ricoh has continued to engage in activities to encourage and assist its customers in the use of the accused Ricoh products.

86. For example, through its website at www.ricoh-usa.com, Ricoh advertises the accused Ricoh products and provides instructions and technical support on the use the accused

Ricoh products. The product brochures and at least some of the user manuals discussed in the preceding paragraphs, for example, are available through Ricoh's website.

87. On information and belief, by using the accused Ricoh products as encouraged and assisted by Ricoh, Ricoh'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, Ricoh knew or was willfully blind to the fact that its activities in encouraging and assisting customers in the use of the accused Ricoh products, including but not limited to the activities set forth above, would induce its customers' direct infringement of the '664 patent.

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

89. Ricoh's acts of infringement have damaged Plaintiffs in an amount to be proven at trial, but in no event less than a reasonable royalty. Ricoh'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 Ricoh as follows:

- a. For judgment that Ricoh has infringed and continues to infringe the claims of the '443, '744, '977, and '664 patents;
- b. For judgment that Ricoh's infringement of the '977 patent has been willful;
- c. For a permanent injunction against Ricoh 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;

- d. For an accounting of all damages caused by Ricoh's acts of infringement;
- e. For a judgment and order requiring Ricoh 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;
- f. 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
- g. 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: June 9, 2017

Respectfully submitted,

/s/ Christopher D. Banys
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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 June 9, 2017. Therefore, this document was served on all counsel who are deemed to have consented to electronic service.

/s/ Tiffany Dang
Tiffany Dang