

1 **Tigran Guledjian, Cal. Bar # 207613**

E-mail: *tigranguledjian@quinnemanuel.com*

2 **Richard H. Doss, Cal. Bar # 204078**

3 E-mail: *richarddoss@quinnemanuel.com*

Quinn Emanuel Urquhart & Sullivan, LLP

4 865 South Figueroa Street, 10th Floor

5 Los Angeles, CA 90017

Tel.: (213) 443-3000

6 Fax: (213) 443-3100

7 Attorneys for Plaintiffs Seiko Epson Corporation,

8 Epson America, Inc., and Epson Portland Inc.

9
10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
12 **WESTERN DIVISION**
13

14 **SEIKO EPSON CORPORATION**, a
15 Japan corporation; **EPSON**
16 **AMERICA, INC.**, a California
17 corporation; and **EPSON**
18 **PORTLAND INC.**, an Oregon
corporation,

19 Plaintiffs,

20 v.

21 **SOLDCRAZY USA LLC**, a
22 California limited liability company,

23 Defendant.

Civil No. _____

COMPLAINT FOR:
PATENT INFRINGEMENT
DEMAND FOR JURY TRIAL

1 Plaintiffs Seiko Epson Corporation, Epson America, Inc., and Epson Portland
2 Inc., for their Complaint herein, allege as follows

3 **NATURE OF THE ACTION**

4 1. This is an action for patent infringement arising under the patent laws of
5 the United States, 35 U.S.C. § 1 *et. seq.*

6 **RELATED ACTIONS**

7 2. This action is related to another action that is being concurrently filed,
8 captioned as follows: *Seiko Epson Corporation, et al. v. Prinko Image Co (USA) Inc.*,
9 Civil No. ____-cv-____ (C.D. Cal.). The same patents that are asserted in the above
10 case are asserted in this Complaint against infringing products that, from a patent
11 analysis perspective, are the same in each of the cases.

12 3. This action is also related to eight recently filed actions captioned as
13 follows:

- 14 a. *Seiko Epson Corporation, et al. v. Nano Business & Technology,*
15 *Inc.*, Civil No. 3:16-cv-02211-YY (D. Or.), filed on November 22,
16 2016, and currently settled;
- 17 b. *Seiko Epson Corporation, et al. v. HT Tech, Inc. and HT Imaging*
18 *Inc.*, Civil No. 3:16-cv-2321-YY (D. Or.) filed December 14, 2016;
- 19 c. *Seiko Epson Corporation, et al. v. Inkjet2U LLP*, Civil No. 3:16-cv-
20 2322-YY (D. Or.) filed on December 14, 2016;
- 21 d. *Seiko Epson Corporation, et al. v. Shoppers Smart LLC, Houses*
22 *Investing, LLLP and Houses Investing Of Florida, Corp.*, Civil No.
23 3:16-cv-2324-YY (D. Or.) filed on December 14, 2016, and
24 currently settled;
- 25 e. *Seiko Epson Corporation, et al. v. OW Supplies Corp., et al.*, Civil
26 No. 3:17-cv-363-YY (D. Or.) filed on March 3, 2017;
- 27 f. *Seiko Epson Corporation, et al. v. Ta Trix USA Inc.*, Civil No. 3:17-
28 cv-369-YY (D. Or.) filed on March 3, 2017;

- 1 g. *Seiko Epson Corporation, et al. v. Gaea Supplies Corporation,*
2 Civil No. 3:17-cv-366-SB (D. Or.) filed on March 3, 2017; and
3 h. *Seiko Epson Corporation, et al. v. Advance Image Manufacturers,*
4 *Inc.*, Civil No. 3:17-cv-425-YY (D. Or.) filed on March 16, 2017.

5 The same patents that are asserted in the foregoing cases are asserted in this
6 Complaint against infringing products that, from a patent analysis perspective, are
7 the same in each of the cases.

8 4. This action is also related to five legal proceedings, all of which were
9 pending before the U.S. District Court for the District of Oregon. All five proceedings
10 were concluded by settlement, entry of consent orders and/or by entry of defaults and
11 default judgments, with the last of the proceedings concluding on June 15, 2012 when
12 the cases were closed by that Court. One of the two patents (the '917 patent, discussed
13 below) asserted in this case was litigated in each of those five related proceedings
14 against the same or overlapping groups of products that are accused of infringement in
15 this action. The five related proceedings are as follows:

- 16 a. *Seiko Epson Corporation, et al. v. Glory South Software*
17 *Manufacturing Inc., et al.*, Civil No. 06-236-BR (D. Or.), closed
18 June 15, 2012;
19 b. *Seiko Epson Corporation, et al. v. Glory South Software*
20 *Manufacturing Inc., et al.*, Civil No. 06-477-BR (D. Or.), closed
21 June 15, 2012;
22 c. *Seiko Epson Corporation, et al. v. Abacus 24-7 LLC, et al.*, Civil
23 No. 09-477-BR (D. Or.), closed June 15, 2012;
24 d. *Seiko Epson Corporation, et al. v. E-Babylon, Inc., et al.*, Civil No.
25 07-896-BR (D. Or.), closed February 27, 2012; and
26 e. *Seiko Epson Corporation, et al. v. Inkjetmadness.com, Inc., et al.*,
27 Civil No. 08-452-BR (D. Or.), closed February 27, 2012.
28

5. In addition, this action is related to *In the Matter of CERTAIN INK CARTRIDGES AND COMPONENTS THEREOF*, Investigation No. 337-TA-946, United States International Trade Commission, Washington, D.C. ("ITC"), which has been adjudicated by the ITC in a final determination (Commission Opinion, May 26, 2016) (the "337-TA-946 ITC Investigation") and in which the Commission issued a General Exclusion Order and certain Cease and Desist Orders. The other of the two patents (the '749 patent, discussed below) asserted in this case was litigated in the 337-TA-946 ITC Investigation against the same or overlapping groups of products that are accused of infringement in this action.

6. Lastly, this action is related to *In the Matter of CERTAIN INK CARTRIDGES AND COMPONENTS THEREOF*, Investigation No. 337-TA-565, United States International Trade Commission, Washington, D.C., which has been adjudicated by the ITC in a final determination (Commission Opinion, October 19, 2007) (the "337-TA-565 ITC Investigation") in which the Commission issued a General Exclusion Order, a Limited Exclusion Order and certain Cease and Desist Orders. The ITC's final determination was upheld in its entirety in a *per curiam* judgment by the Federal Circuit and on June 1, 2009 the United States Supreme Court denied a Petition for Writ of *Certiorari* for review of the Federal Circuit decision. The '917 patent asserted in this case was litigated in the 337-TA-565 ITC Investigation against the same or overlapping groups of products that are accused of infringement in this action.

THE PARTIES

7. Plaintiff Seiko Epson Corporation ("Seiko Epson") is a corporation organized and existing under the laws of Japan. Its principal place of business is located at 3-3-5 Owa Suwa-Shi Nagano-Ken, 392-8502, Japan.

8. Plaintiff Epson America, Inc. ("Epson America") is a corporation organized and existing under the laws of the State of California. Its principal place of business is located at 3840 Kilroy Airport Way, Long Beach, California 90806. As the North American sales, marketing and customer service affiliate of Seiko Epson, Epson

1 America is the exclusive licensee of the Epson Patents described below for distributing
2 in the United States Epson ink cartridges that embody the inventions contained in the
3 Epson Patents, including cartridges manufactured by Epson Portland Inc.

4 9. Plaintiff Epson Portland Inc. ("Epson Portland") is a corporation
5 organized and existing under the laws of the State of Oregon. Its principal place of
6 business is located at 3950 NW Aloclek Place, Hillsboro, Oregon 97124. Epson
7 Portland is the exclusive licensee of the Epson Patents described below for
8 manufacturing in the United States Epson ink cartridges that embody the inventions
9 contained in the Epson Patents. Seiko Epson, Epson America and Epson Portland are
10 sometimes referred to collectively herein as "Epson" or "Plaintiffs."

11 10. Plaintiffs produce and sell ink cartridges that operate with Epson ink jet
12 printers utilizing Epson's patented technology and designs in the United States.

13 11. On information and belief, defendant Soldcrazy USA LLC ("Soldcrazy"
14 or "Defendant") is a limited liability company organized and existing under the laws of
15 the State of California. Based on information and belief, and according to Soldcrazy's
16 filings with the California Secretary of State, Soldcrazy's primary and principal place of
17 business is located at 4385 E. Lowell Street, Suite B, Ontario, California 91761. The
18 agent for service of process for Soldcrazy is Tina Chiang and the address for service of
19 process is 17870 Castleton Street, #116, City of Industry, California 91748. Tom
20 Hancock is identified as the Chief Executive Officer and manager and Dan Wu is listed
21 as a manager of Soldcrazy in Soldcrazy's Secretary of State filings filed on July 7, 2014.
22 The address listed for Tom Hancock and Dan Wu is the same 4385 E. Lowell Street,
23 Suite B, Ontario, California 91761 address listed as the principal office for Soldcrazy
24 according to their Secretary of State filings filed on July 7, 2014.

25 12. On information and belief, Defendant does business online as
26 "Lovetoners" through at least its online store located at lovetoner.com and/or its listings
27 on Walmart.com and Amazon.com using at least the online seller name "Lovetoners."
28 Directly through the www.lovetoner.com website and through Walmart.com and

Amazon.com, Defendant offers for sale and sells ink cartridges that infringe the Epson patents as complained of herein. For example, in the annotated screen capture below of a lovetoner.com listing, visited on June 15, 2017, Defendant offers for sale infringing ink cartridges for Epson printers and describes the infringing ink cartridges as Compatible Ink Cartridge for Epson T125120 INK / INKJET Cartridge Black.



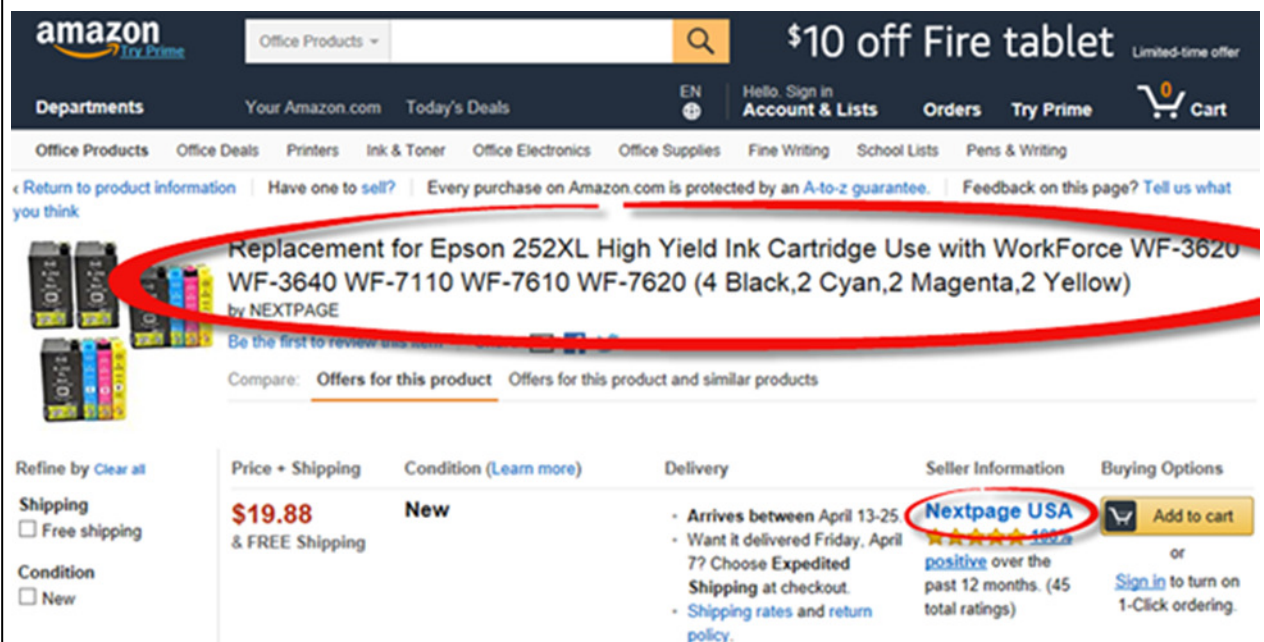
As another example, in the annotated screen capture below of a Walmart.com listing, visited on June 16, 2017, Defendant sells its infringing "Lovetoner" ink cartridges for Epson printers and describes the infringing ink cartridges as "New Compatible Epson Stylus NX510 Epson T069120 Ink/Inkjet Cartridge Black" and that these infringing ink cartridges are shipped and sold by LoverToner LLC.



13. On information and belief, Defendant also does business online as "Nextpage" through at least its listings on Amazon.com. Defendant's "Nextpage" logo shown below (on the left) from its United States Trademark application, serial no. 87156995, filed on August 31, 2016 by owner Soldcrazy USA LLC is also the same logo Defendant places on some of its infringing ink cartridges (also shown below).



1 Directly through Amazon.com, Defendant offers for sale and sells ink cartridges that
 2 infringe the Epson patents as complained of herein. For example, in the annotated
 3 screen capture below of an Amazon.com listing, visited on April 3, 2017, Defendant
 4 offers for sale infringing ink cartridges for Epson printers and describes the infringing
 5 ink cartridges as "Replacement for Epson 252XL High Yield Ink Cartridge Use with
 6 WorkForce WF-3620, WF-3640, WF-7110, WF-7610, WF-7620 (4 Black, 2 Cyan, 2
 7 Magenta, 2 Yellow)" and that these infringing ink cartridges are sold by Nextpage USA.



19 On information and belief, most sales by Defendant are of generic (unbranded)
 20 infringing ink cartridges.

21 14. Numerous purchases of infringing ink cartridges were made by Epson
 22 from Defendant's online listings discussed above. The infringing ink cartridges were
 23 shipped by Defendant to Epson from Defendant's 4385 E. Lowell Street, Suite E,
 24 Ontario, California 91761 address, the same address identified above in paragraph 11.

25 15. On June 1, 2015, the United States International Trade Commission
 26 ("ITC") issued a Seizure and Forfeiture Order in the 337-TA-565 ITC Investigation,
 27 discussed in paragraph 6 above, against Defendant, ordering that:

1 Ink Cartridges and Components Thereof that are imported in
2 violation of the general exclusion order issued in the above-
3 captioned investigation are to be seized and forfeited to the
4 United States, if imported by the following firm: Soldcrazy
5 USA LLC, 4385 E. Lowell Street, Suite B, Ontario,
6 California 91716, or any affiliated companies, parents,
7 subsidiaries, or other related business entities, or any of their
8 successors or assigns.

7 On information and belief, "Soldcrazy USA LLC" referenced in the Seizure and
8 Forfeiture Order is the same company as defendant Soldcrazy named herein and that
9 the address identified in the Seizure and Forfeiture Order is the same address for
10 Defendant in its filings with the California Secretary of State. The foregoing Seizure
11 and Forfeiture Order, by its terms, was issued by the ITC after the United States
12 Bureau of Customs and Border Protection ("Customs") had informed the ITC that
13 Defendant had attempted to import infringing ink cartridges covered by the 337-TA-
14 565 General Exclusion Order and that Customs had denied such entry of infringing
15 ink cartridges and informed Defendant of the 337-TA-565 General Exclusion Order
16 and also informed Defendant that any further attempt to import infringing ink
17 cartridges covered by the 337-TA-565 General Exclusion Order would result in
18 seizure and forfeiture. On information and belief, despite Customs' notice and
19 despite the ITC's Seizure and Forfeiture Order, and with full knowledge of the same
20 and of at least the '917 patent complained of herein (which is one of the patents
21 covered by the 337-TA-565 General Exclusion Order) including knowledge of its
22 infringement of at least the '917 patent, Defendant continues to import infringing ink
23 cartridges into the United States and sell them on Amazon, and on their own websites
24 identified in paragraphs 11, 12 and 13 above, and elsewhere. For at least these
25 reasons, and others, Defendant's importation, offers to sell, and sale of infringing ink
26 cartridges complained of herein is willful. A copy of the ITC's Seizure and
27 Forfeiture Order is attached hereto as Exhibit A.

1 sell, and selling in this judicial district and elsewhere aftermarket ink cartridges that
 2 operate with Epson ink jet printers, including but not limited to ink cartridges having
 3 model nos. T200, and T200XL as well as others that are no more than colorably
 4 different from the foregoing (collectively, the "Accused '917 Ink Cartridges"). The
 5 specific models of Accused '917 Ink Cartridges identified above were obtained by Epson
 6 during its investigation leading to this Complaint from Defendant's "Lovetoners" online
 7 listings. The Accused '917 Ink Cartridges were shipped by Defendant from their 4385
 8 E. Lowell Street, Suite B, Ontario, California 91761 address.

9 21. As a non-limiting example, set forth below is a claim chart with a
 10 description of Defendant's infringement of exemplary claim 9 of the '917 patent by the
 11 Accused '917 Ink Cartridges. The infringement is shown using a representative ink
 12 cartridge (Model No. T200XL; Control No.¹ 8454) from among the Accused '917 Ink
 13 Cartridges purchased from Defendant that, for infringement analysis purposes, is
 14 representative of and represents all of Defendant's ink cartridges in the Accused '917 Ink
 15 Cartridges (i.e., the represented ink cartridges), including, but not limited to, the models
 16 identified above. The claim chart below refers to this ink cartridge as "the
 17 Representative '917 Ink Cartridge." The Representative '917 Ink Cartridge was designed
 18 for use in a specific Epson printer, the Epson WorkForce WF-2540 printer ("the
 19 Representative '917 Epson Printer"), and for purposes of the analysis set forth herein,
 20 the Representative '917 Ink Cartridge was tested in the Representative '917 Epson
 21 Printer, as discussed in further detail in the claim chart below.

Claim 9 of the '917 Patent	Where found in the Accused '917 Ink Cartridges
[9a] An ink cartridge for mounting on a carriage of an	Each of the Accused '917 Ink Cartridges is an ink cartridge for mounting on the carriage of an Epson

27 ¹ For identification purposes, a unique "control number" ("Control No.") has been assigned by
 28 Epson to this ink cartridge, and all other ink cartridges, purchased by Epson from Defendant as part of
 Epson's investigation leading to the filing of this Complaint.

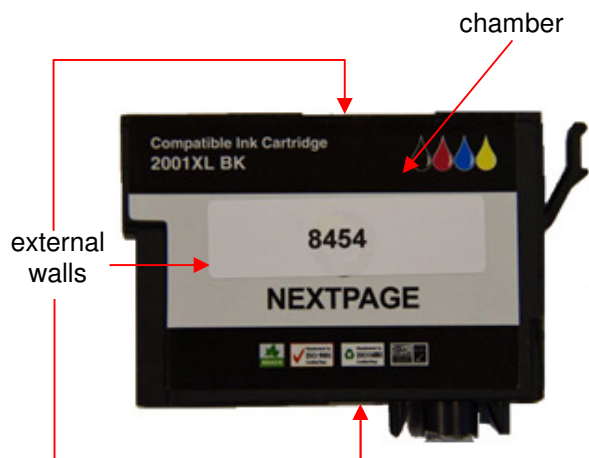
ink jet printing apparatus and for supplying ink to a printhead of said ink jet printing apparatus through an ink supply needle, the ink cartridge comprising:

ink jet printer (an ink jet printing apparatus). Defendant markets and sells the Accused '917 Ink Cartridges as being compatible with one or more specific Epson ink jet printers. For example, the Representative '917 Ink Cartridge is compatible with the Representative '917 Epson Printer. When mounted, each of the Accused '917 Ink Cartridges supplies ink to the printhead of the ink jet printer through an ink supply needle of the printer (the needle, which is part of the carriage inside the ink jet printer and not part of the cartridge, has a passage that allows ink to pass from the ink cartridge through the needle).

Accordingly, the Accused '917 Ink Cartridges literally meet the preamble of claim 9 of the '917 patent.

[9b] a plurality of external walls defining at least some of a chamber;

Each of the Accused '917 Ink Cartridges includes several external walls that define a chamber, and therefore also at least some of a chamber. These features are shown below using the Representative '917 Ink Cartridge:



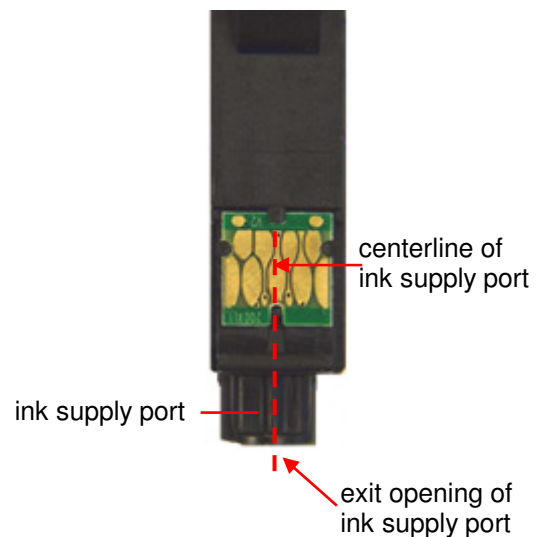
Accordingly, the Accused '917 Ink Cartridges literally meet this limitation of claim 9 of the '917 patent.

[9c] an ink supply port for receiving said ink supply

Each of the Accused '917 Ink Cartridges includes an ink-supply port (i.e., a structure with an opening

1 needle, the ink supply port
2 having an exit opening and a
3 centerline and communicating
4 with the chamber;

for the movement of ink) in the bottom of the cartridge. The ink supply port receives the ink-supply needle of the printer when the cartridge is mounted. The ink supply port is the conduit that allows the ink to leave the cartridge. Consequently, the ink supply port communicates with the chamber. The ink supply port also has a centerline and an exit opening at its end outside the cartridge. These features can be seen as shown below using the Representative '917 Ink Cartridge:



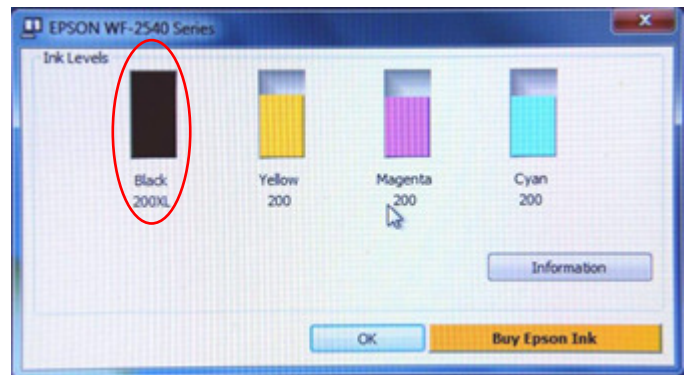
Accordingly, the Accused '917 Ink Cartridges literally meet this limitation of claim 9 of the '917 patent.

20 [9d] a semiconductor storage
21 device storing information
22 about the ink carried by said
23 cartridge; and

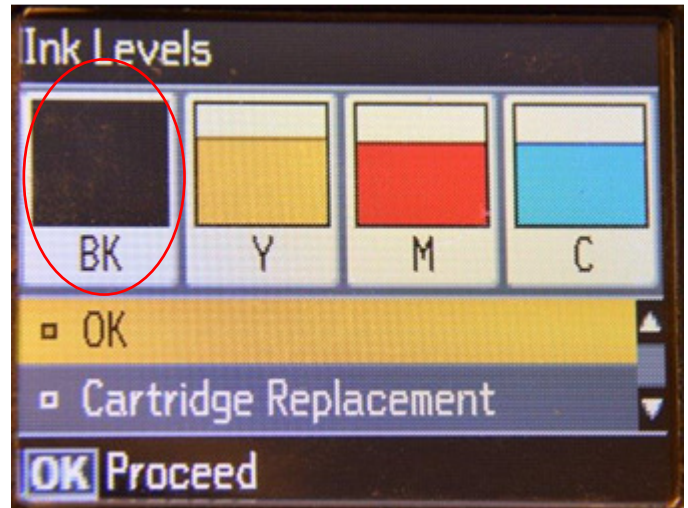
Each of the Accused '917 Ink Cartridges includes a chip (a semiconductor storage device) on the back of a printed circuit board (the circuit board is mounted on the front wall of the ink cartridge). The chip stores information about the ink carried by the cartridge. Testing of the Representative '917 Ink Cartridge in the Representative '917 Epson Printer confirms that the chip stores information about the ink, for example, the quantity of ink consumed. The following photographs show that the printer utility window on the computer (i.e., the computer to which the printer is connected) and the

1 printer's on-board monitor displayed that the level
2 of ink in the Representative '917 Ink Cartridge had
3 decremented after printing a number of pages. In
4 addition, after removing and reinstalling the ink
5 cartridge into the printer, the computer's printer
6 utility window and the printer's on-board monitor
7 continued to display the same level of ink in the ink
8 cartridge. This testing confirms that the chip on
9 the Representative '917 Ink Cartridge stores
10 information about the ink carried by the cartridge,
11 namely the amount of ink consumed.

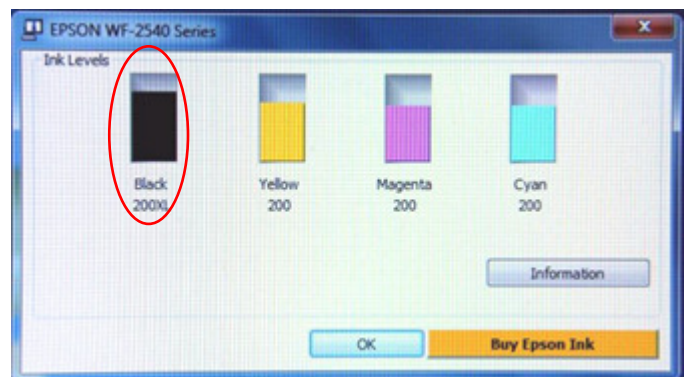
12 The Ink level of the Representative '917 Ink
13 Cartridge (a black-ink ink cartridge) is shown on
14 the computer's printer utility window before any
15 printing has been carried out (showing full):



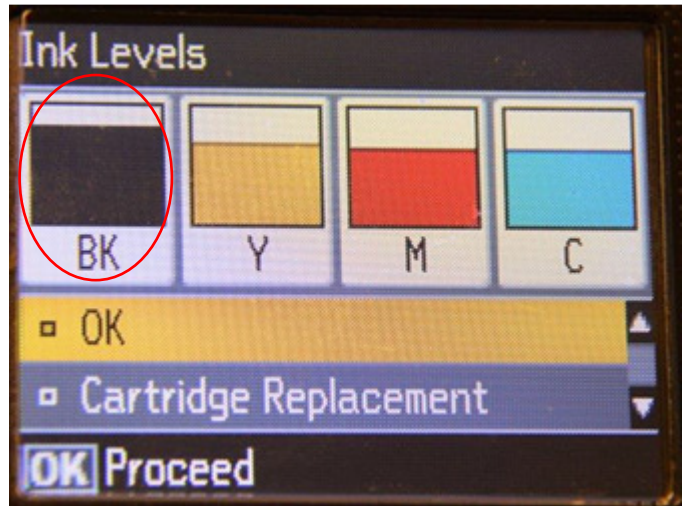
16 The Ink level of the Representative '917 Ink
17 Cartridge (a black-ink ink cartridge) is shown on
18 the printer's on-board monitor before any printing
19 has been carried out (showing full):



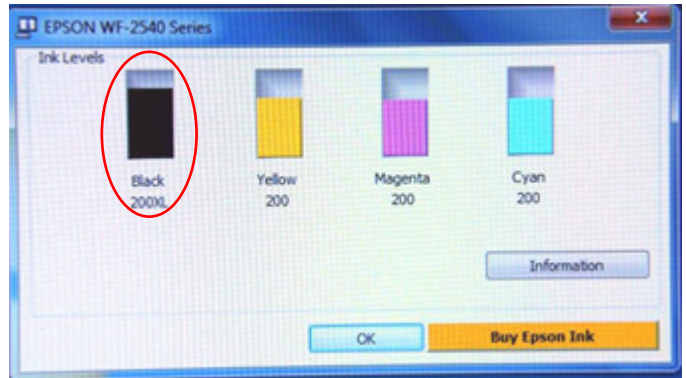
The Ink level of the Representative '917 Ink Cartridge (a black-ink ink cartridge) is shown on the computer's printer utility window after several pages have been printed (showing partial depletion):



The Ink level of the Representative '917 Ink Cartridge (a black-ink ink cartridge) is shown on the printer's on-board monitor after several pages have been printed (showing partial depletion):

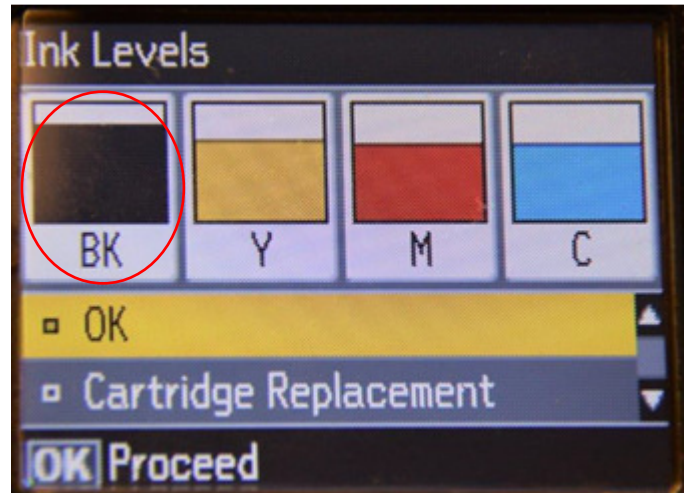


The Ink level of the Representative '917 Ink Cartridge (a black-ink ink cartridge) is shown on the computer's printer utility window after the ink cartridge was removed from and reinstalled in the printer (showing the same level of partial depletion as before the ink cartridge was removed):



The Ink level of the Representative '917 Ink Cartridge (a black-ink ink cartridge) is shown on the printer's on-board monitor after the ink cartridge was removed from and reinstalled in the printer (showing the same level of partial depletion):

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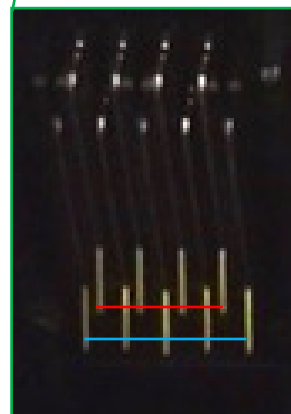
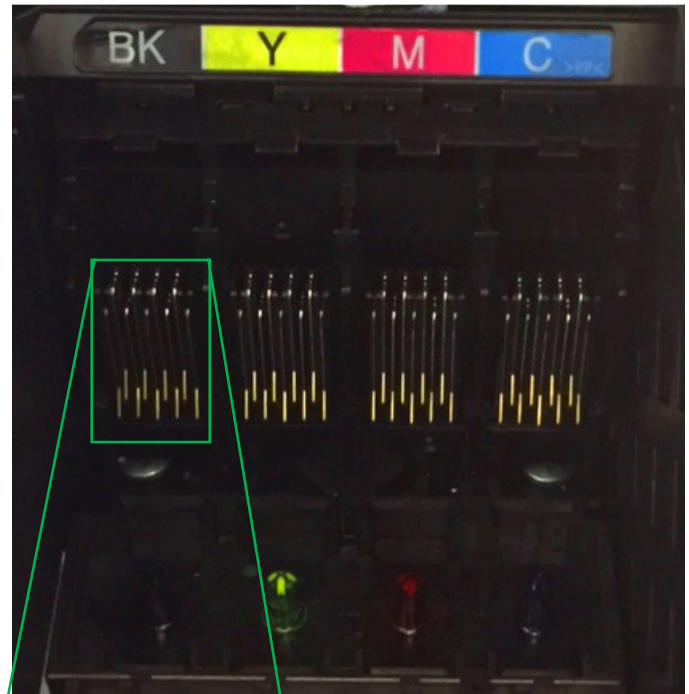
The testing of the Representative '917 Ink Cartridge is applicable to each of the Accused '917 Ink Cartridges. Accordingly, the Accused '917 Ink Cartridges literally meet this limitation of claim 9 of the '917 patent.

[9e] a plurality of contacts for connecting said semiconductor storage device to the ink jet printing apparatus, the contacts being formed in a plurality of rows so that one of said rows is closer to said exit opening of said ink supply port than an other of said rows, the row of said contacts which is closest to said exit opening of said ink supply port being longer than the row of said contacts which is furthest from said exit opening of said ink supply port.

Each of the Accused '917 Ink Cartridges includes a plurality of contacts for connecting the chip (the semiconductor storage device) to the ink jet printer (ink jet printing apparatus). The testing described above with respect to the preceding limitation confirms that there is an electrical connection between the chip and the ink jet printer. The contacts are the discrete portions of conductive material on the cartridge that are present there to make an electrical connection between the cartridge and the printer (i.e., they contact the printer-side contact forming members when the cartridge is installed in the printer). The contacts allow communication between the chip and the printer through corresponding printer-side contact forming members. Every Epson ink jet printer has printer-side contact forming members, as seen, for example, in the Representative '917 Epson Printer discussed with respect to the preceding limitation. The printer-side contact forming members are configured in two rows with one row above the other row. In addition, the lower row is longer

1 than the upper row. When an ink cartridge from
2 the Accused '917 Ink Cartridges is fully inserted
3 into the printer and in an installed position, the
4 printer-side contact forming members come into
5 contact and make an electrical connection with the
6 cartridge contacts (i.e., the discrete portions located
7 on the larger pattern of electrically conductive
8 material on the cartridge). The contacts are formed
9 in two rows, one above the other. Consequently,
10 the lower row is closer to the exit opening of the
11 ink supply port than the upper row, and the lower
12 row is longer than the upper row. The above
13 described features are shown in the photos below.

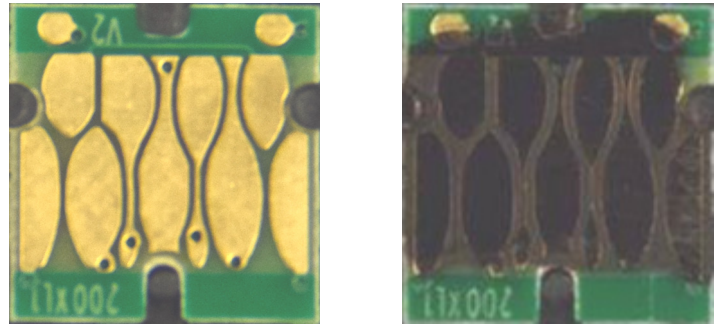
14 Shown below are the printer-side contact forming
15 members of the Representative '917 Epson Printer,
16 with which, as discussed above, the Representative
17 '917 Ink Cartridge works. The printer's contact
18 forming members are formed in two rows, one
19 above the other, with the lower row of contact
20 forming members longer than the upper row, as can
21 be seen below:
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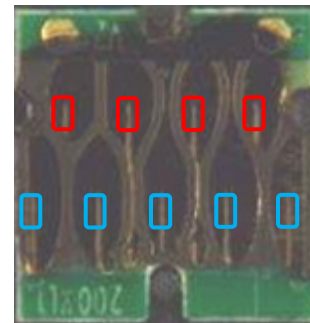
Shown at left is an enlarged view of the printer-side contact forming members of the Representative '917 Epson Printer that accepts the Representative '917 Ink Cartridge. The printer-side contact forming members are arranged in two rows with the lower row (blue line) longer than the upper row (red line).

The contacts of the Representative '917 Ink Cartridge are shown below. The contacts are located on the gold colored metallic conductive pattern. To confirm the location and arrangement of the contacts, the conductive pattern was marked with black ink, the cartridge was installed in and then removed from the printer (which caused the printer's contact forming members to leave scratch marks on the conductive pattern thereby removing a portion of the black ink that was applied and

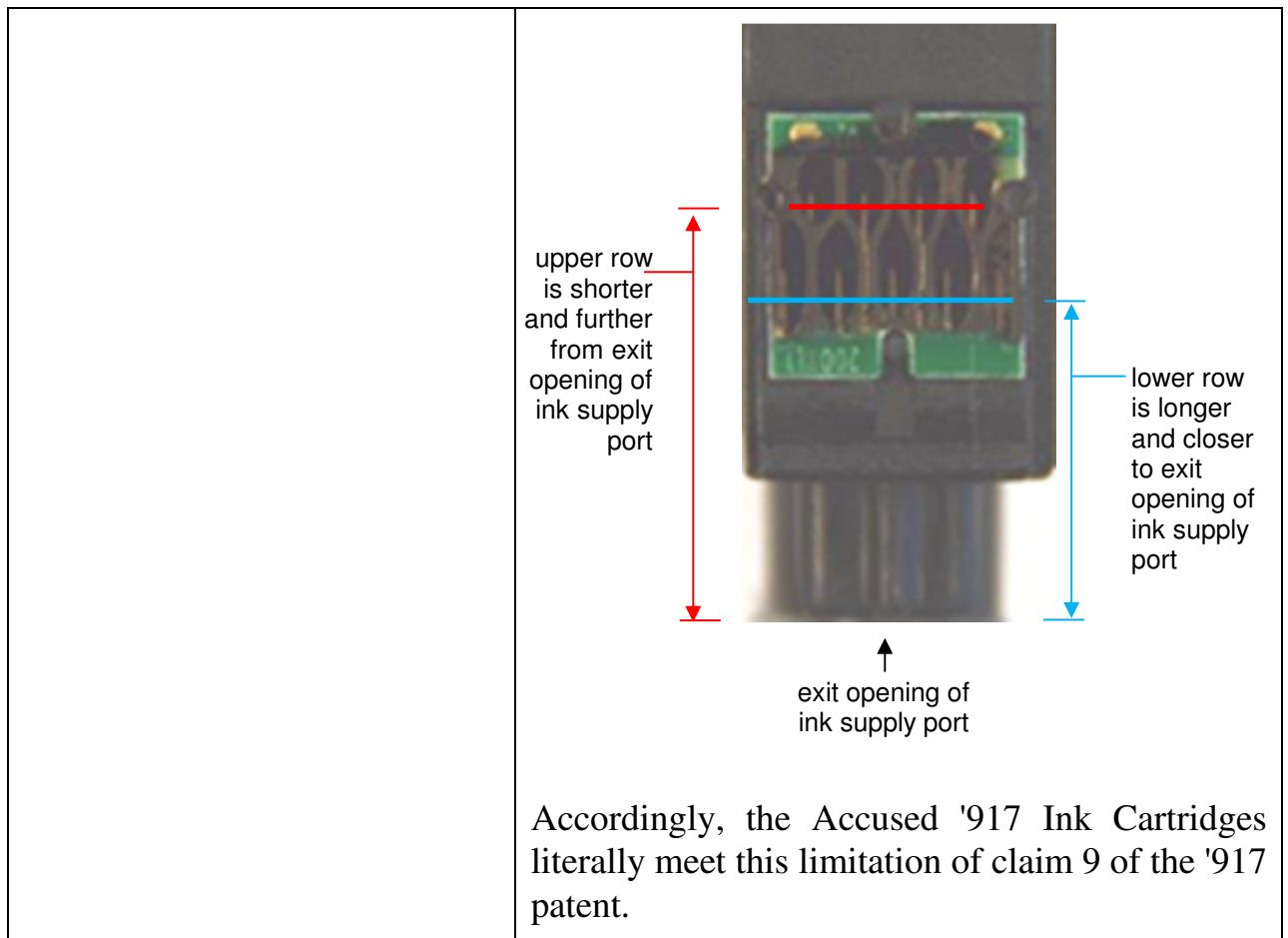
therefore indicating the location of the contacts), and the conductive pattern was then photographed. For example, the conductive pattern of the Representative '917 Ink Cartridge before marking with black ink is shown on the left and after marking with black ink is shown on the right:



The resulting marks left by the printer's contact forming members on the conductive material of the ink cartridge show the arrangement of the contacts of the ink cartridge. These are shown below with red boxes (top row of contacts) and blue boxes (bottom of row of contacts).



As shown below, the lower row of contacts is longer and closer to the exit opening of the ink supply port (blue line) than the upper row of contacts, which is shorter and further from the exit opening of the ink supply port (red line):



22. On information and belief after conducting a reasonable investigation, Defendant has and is actively, knowingly and intentionally aiding and abetting and inducing infringement of the '917 patent in violation of 35 U.S.C. § 271(b) by non-parties, including end-users, despite Defendant's knowledge of the '917 patent, including through notice by U.S. Customs and notice by the U.S. ITC by virtue of the issuance of the Seizure and Forfeiture Order from the 337-TA-565 Investigation discussed in paragraphs 6 and 15 above.

23. On information and belief, Defendant is contributing to the infringement of the '917 patent in violation of 35 U.S.C. § 271(c) by non-parties by offering to sell or selling within the United States or importing into the United States components of the patented inventions set forth in the '917 patent. The components constitute a material part of the inventions. Defendant knows that such components are especially made or

1 especially adapted for use in an infringement of the '917 patent. The components are not
2 a staple article or commodity of commerce suitable for substantial noninfringing use.

3 24. By reason of Defendant's infringing activities, Epson has suffered, and
4 will continue to suffer, substantial damages in an amount to be proven at trial.

5 25. Defendant's acts complained of herein have damaged and will continue to
6 damage Epson irreparably. Epson has no adequate remedy at law for these wrongs and
7 injuries. Epson is therefore entitled to a preliminary and permanent injunction
8 restraining and enjoining Defendant and their agents, servants, and employees, and all
9 persons acting thereunder, in concert with, or on their behalf, from infringing the claims
10 of the '917 patent.

11 26. Defendant is not licensed or otherwise authorized to make, use, import,
12 sell, or offer to sell any ink cartridge or process/method claimed in the '917 patent, and
13 Defendant's conduct is, in every instance, without Epson's consent.

14 27. On information and belief, Defendant's infringement has been and
15 continues to be willful.

16 **SECOND CLAIM FOR RELIEF**

17 **(Patent Infringement—35 U.S.C. § 271)**

18 **INFRINGEMENT OF U.S. PATENT NO. 8,794,749**

19 28. Epson incorporates by reference each and every allegation contained in
20 Paragraphs 1 through 16 as though fully set forth at length here.

21 29. Epson owns all right, title, and interest in, including the right to sue
22 thereon and the right to recover for infringement thereof, United States Patent No.
23 8,794,749 ("the '749 patent"), which was duly and legally issued to Seiko Epson by the
24 United States Patent and Trademark Office on August 5, 2014. The '749 patent relates
25 generally to ink cartridges for printers. Attached as Exhibit D to this Complaint is a true
26 and correct copy of the '749 patent.

27 30. The '749 patent is valid and enforceable.
28

1 31. On information and belief after conducting a reasonable investigation,
2 Defendant has infringed and is infringing the '749 patent, as defined by numerous claims
3 of the patent in violation of 35 U.S.C. § 271(a) by making, using, importing, offering to
4 sell, and selling in this judicial district and elsewhere aftermarket ink cartridges that
5 operate with Epson ink jet printers, including but not limited to ink cartridges having
6 model nos. T200, T200XL, E-2731, E-2732, E-2733, and E-2734, as well as others that
7 are no more than colorably different from the foregoing (collectively, the "Accused '749
8 Ink Cartridges"). The specific models of Accused '749 Ink Cartridges identified above
9 were obtained by Epson during its investigation leading to this Complaint from
10 Defendant's Lovetoners online listings. The Accused '917 Ink Cartridges were shipped
11 by Defendant from their 4385 E. Lowell Street, Suite B, Ontario, California 91761
12 address.

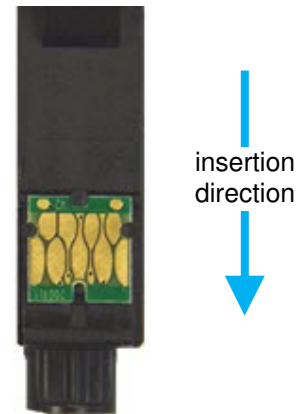
13 32. As a non-limiting example, set forth below is a claim chart with a
14 description of Defendant's infringement of exemplary claim 1 of the '749 patent by the
15 Accused '749 Ink Cartridges. The infringement is shown using a representative ink
16 cartridge (Model No. T200XL; Control No. 8454, the same representative ink cartridge
17 as used in the analysis of the '917 patent above) from among the Accused '749 Ink
18 Cartridges purchased from Defendant that, for infringement purposes, is representative
19 of and represents all of Defendant's ink cartridges in the Accused '749 Ink Cartridges
20 (i.e., the represented ink cartridges), including, but not limited to, the models identified
21 above. The claim chart below refers to this ink cartridge as "the Representative '749 Ink
22 Cartridge." The Representative '749 Ink Cartridge was designed for use in a specific
23 Epson printer, the Epson WorkForce WF-2540 printer ("the Representative '749 Epson
24 Printer"), and for purposes of the analysis set forth herein, the Representative '749 Ink
25 Cartridge was tested in the Representative '749 Epson Printer, as discussed in further
26 detail in the claim chart below.

<p>Claim 1 of the '749 Patent</p>	<p>Where found in the Accused '749 Ink Cartridges</p>
<p>[1a] A printing material container adapted to be attached to a printing apparatus by being inserted into the printing apparatus in an insertion direction, the printing apparatus having a print head and a plurality of apparatus-side electrical contact members, the printing material container comprising:</p>	<p>Each of the Accused '749 Ink Cartridges is a printing material container (an ink cartridge) adapted to be attached to an Epson ink jet printing apparatus. Each of the Accused '749 Ink Cartridges is inserted, in an insertion direction, into an Epson ink jet printer. All Epson ink jet printers that accept the Accused '749 Ink Cartridges have a print head and a plurality of printer-side (apparatus-side) electrical contact members.</p> <p>These features are shown below using the Representative '749 Ink Cartridge.</p> <p>The Representative '749 Ink Cartridge is adapted to be attached to the Representative '749 Epson Printer by being inserted in an insertion direction, as shown in the following photographs:</p> <div data-bbox="889 1102 1401 1461" data-label="Image"> </div> <p>The Representative '749 Ink Cartridge</p>



The Representative '749 Epson Printer

The following photograph depicts the insertion direction (blue arrow) in which the Representative '749 Ink Cartridge is inserted into the Representative '749 Epson Printer:



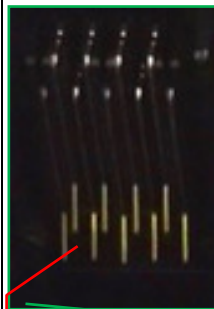
The following photograph shows the Representative '749 Ink Cartridge, a black-ink ink cartridge, attached in the Representative '749 Epson Printer after the cartridge has been inserted into the printer in the insertion direction (the yellow, magenta and cyan ink cartridges, which are genuine Epson ink cartridges used to fill the remaining slots of the cartridge holder, can also be

seen):

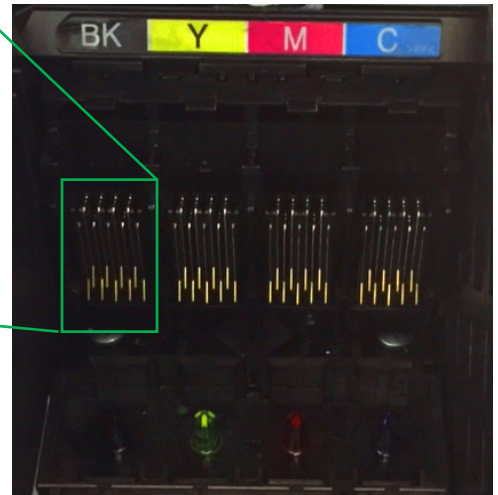
Representative '749 Ink Cartridge installed in the Representative '749 Epson Printer



The Epson ink jet printers that accept the Accused '749 Ink Cartridges each include a print head for printing and multiple printer-side electrical contact forming members for each ink cartridge accepted by the printer. These features are shown below for the printer's cartridge holder slot that accepts the Representative '749 Ink Cartridge, a black-ink ink cartridge (the printer's electrical contact members for the yellow, magenta, and cyan cartridges can also be seen in the right photo):



zoomed-in view of printer's electrical contact forming members (1 indicated; 9 shown)



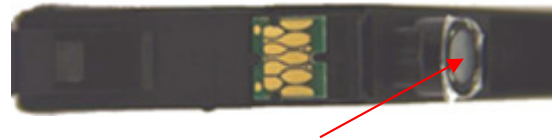
Accordingly, the Accused '749 Ink Cartridges literally meet the preamble of claim 1 of the '749 patent.

[1b] an ink supply opening, having an exit, adapted to

Each of the Accused '749 Ink Cartridges comprises an ink supply opening having an exit. When

1 supply ink from the ink
2 cartridge to the printing
3 apparatus;

attached, the ink supply opening of each of the
Accused '749 Ink Cartridges is adapted to supply
ink from the cartridge to the Epson ink jet printer
that accepts the cartridge. The following
photograph depicts the exit of the ink supply
opening of the Representative '749 Ink Cartridge:

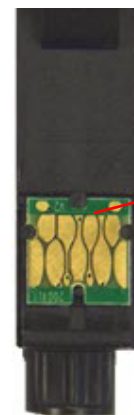


exit of ink supply opening
(shown here with anti-leak film undisturbed and in place)

Accordingly, the Accused '749 Ink Cartridges
literally meet this limitation of claim 1 of the '749
patent.

12 [1c] a low voltage electronic
13 device adapted to receive and
14 function with a low voltage, the
15 low voltage electronic device
16 comprising a memory device;

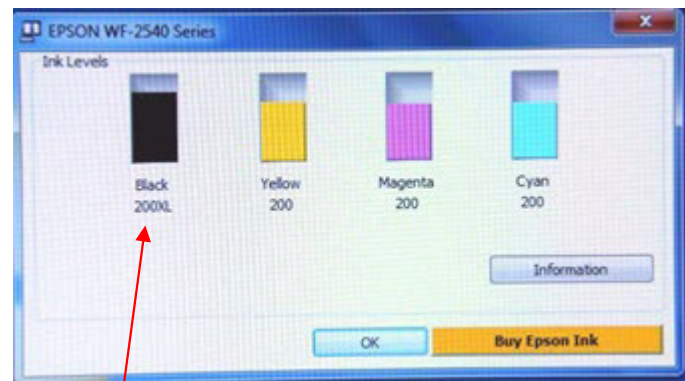
Each of the Accused '749 Ink Cartridges comprises
a low voltage electronic device that comprises a
memory device adapted to receive and function
with a low voltage. The low voltage electronic
device is an integrated circuit ("IC") chip located
on the back of a printed circuit board that is
mounted on a wall of the ink cartridge, as shown
below in the Representative '749 Ink Cartridge:



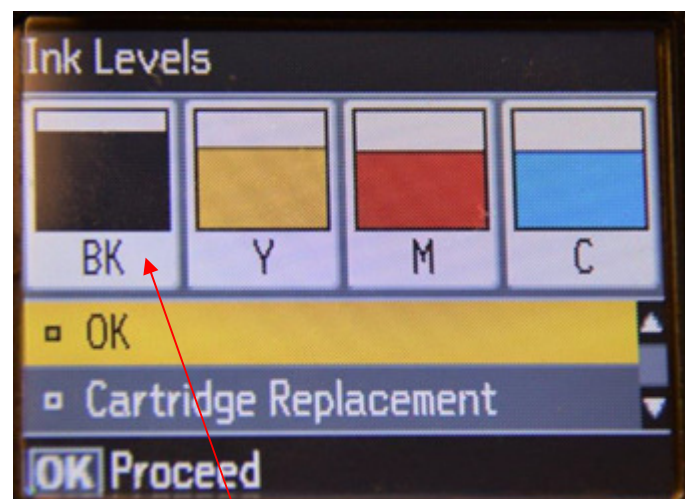
printed circuit board
(green) with low voltage
electronic device located
on back

In addition, the presence of a low voltage
electronic device (i.e., an IC chip comprising a
memory device) is further confirmed through
testing demonstrating that the Epson ink jet printers

that accept the Accused '749 Ink Cartridges read the remaining ink level and other descriptive information about the ink cartridge from the ink cartridge's memory device, and display that information on the display screen of a connected computer and on the printer's display screen. The following photographs show the display of such information on the computer display screen and the printer's display screen for the Representative '749 Ink Cartridge, containing black ink, attached to the Representative '749 Epson Printer:



memory device shows, on the computer's display screen, the amount of black ink remaining in the Representative '749 Ink Cartridge



memory device shows, on the printer's display screen, the amount of black ink remaining in the Representative '749 Ink Cartridge

<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p>	<p>All Epson ink jet printers that accept the Accused '749 Ink Cartridges have similar circuitry and programming in terms of the voltages and signals they apply to their contact forming members and, consequently, to the corresponding contact portions of the Accused '749 Ink Cartridges (the contact portions are located on the gold-colored metallic terminals of the ink cartridge shown above). In particular, Epson printers apply a maximum voltage of approximately 4 volts (a low voltage as compared to the high voltage discussed in the next limitation) to certain of their contact forming members that in turn correspond to certain of the contact portions of the Accused '749 Ink Cartridges that are connected to the low voltage electronic device comprising a memory device. Consequently, the low voltage electronic device is adapted to receive and function with a low voltage.</p> <p>Accordingly, the Accused '749 Ink Cartridges literally meet this limitation of claim 1 of the '749 patent.</p>
<p>16</p> <p>17 [1d] a high voltage electronic</p> <p>18 device adapted to receive and</p> <p>19 function with a high voltage,</p> <p>20 which is a higher voltage than</p> <p>21 the low voltage of the low</p> <p>22 voltage electronic device; and</p> <p>23</p> <p>24</p> <p>25</p>	<p>Each of the Accused '749 Ink Cartridges comprises a high voltage electronic device that is adapted to receive and function with a voltage that is a higher voltage than the voltage of the low voltage electronic device. The high voltage electronic device may be, for example, a resistor, or one or more other coupled electronic components, that is/are capable of receiving and functioning with a high voltage. The high voltage electronic device is located on the back of a printed circuit board that is mounted on a wall of the ink cartridge, as shown below in the Representative '749 Ink Cartridge:</p>

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printed circuit board
(green) with high voltage
electronic device located
on back

All Epson ink jet printers that accept the Accused '749 Ink Cartridges have similar circuitry and programming in terms of the voltages and signals they apply to their contact forming members and, consequently, to the corresponding contact portions of the Accused '749 Ink Cartridges (the contact portions are located on the gold terminals of the ink cartridge shown above). In particular, Epson printers apply a voltage of approximately 42 volts (a high voltage as compared to the low voltage of approximately 4 volts applied to the low voltage electronic device discussed in the preceding limitation) to two of their contact forming members that in turn correspond to two of the contact portions of the Accused '749 Ink Cartridges that are connected to the high voltage electronic device. Consequently, the high voltage electronic device is adapted to receive and function with a high voltage.

Accordingly, the Accused '749 Ink Cartridges literally meet this limitation of claim 1 of the '749 patent.

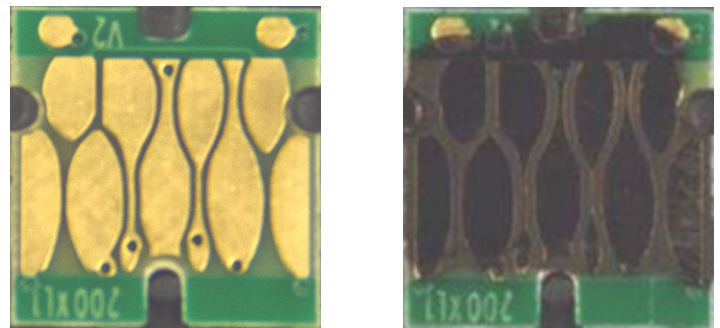
[1e] a plurality of container-side terminals having contact portions adapted and positioned to contact corresponding apparatus-side contact forming members so that electrical

Each of the Accused '749 Ink Cartridges comprises a plurality of container-side terminals that have contact portions. The contact portions are adapted and positioned on the cartridge so that, when the cartridge is attached to the printer, the contact portions of the cartridge's terminals contact

communication is enabled between the container and the printing apparatus, the contact portions of the terminals including a plurality of low voltage electronic device contact portions electrically coupled to the low voltage electronic device, and a first high voltage electronic device contact portion and a second high voltage electronic device contact portion, each electrically coupled to the high voltage electronic device, wherein:

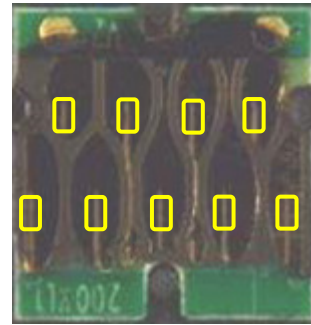
corresponding printer-side contact forming members so that electrical communication is enabled between the cartridge and the printer.

As seen with respect to limitation 1c above, the terminals of the Accused '749 Ink Cartridges are the gold colored metallic portions on the green printed circuit board. The contact portions are located on these gold colored metallic portions. To confirm the location and arrangement of the terminals' contact portions, the terminals were marked with black ink, the cartridge was installed in and then removed from the printer (which caused the printers' contact forming members to leave scratch marks on the terminals thereby removing a portion of the black ink that was applied and therefore indicating the location of the contact portions), and the terminals were then photographed. For example, the terminals of the Representative '749 Ink Cartridge before marking with black ink is shown on the left and after marking with black ink is shown on the right:



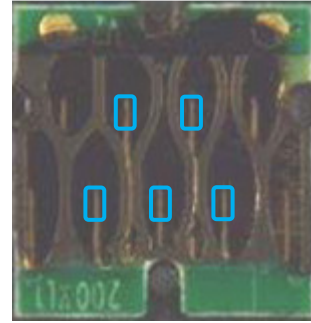
The resulting marks left by the printer's contact forming members on the terminals show the location and arrangement of the contact portions. These are indicated below with annotated yellow boxes superimposed on the terminals to indicate the location of the contact portions (there are a total of nine contact portions, with four contact portions in a top row and five contact portions in a bottom

row):

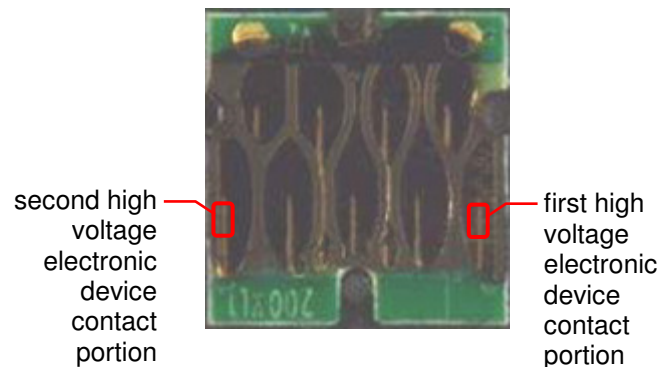


The contact portions shown above correspond to their printer-side contact forming members so that electrical communication is enabled between the ink cartridge and the printer, e.g., so the printer can read remaining ink level and other information from the memory device as described above with respect to limitation 1c.

The above shown contact portions include a plurality of low voltage electronic device contact portions that are electrically coupled to the low voltage electronic device (specifically, the IC chip comprising a memory device). Each low voltage electronic device contact portion is electrically coupled by the terminal it appears on and by other circuitry to the memory device located on the back of the green printed circuit board. The following photograph of the Representative '749 Ink Cartridge shows the low voltage electronic device contact portions (there are five such low voltage electronic device contact portions, as indicated by superimposed blue boxes):



The contact portions of the Accused '749 Ink Cartridges' terminals also include first and second high voltage electronic device contact portions that are each electrically coupled to the high voltage electronic device discussed above with respect to limitation 1d. Each high voltage electronic device contact portion is electrically coupled by the terminal it appears on and by other circuitry to the high voltage electronic device on the back of the printed circuit board. The following photograph of the Representative '749 Ink Cartridge shows the high voltage electronic device contact portions (there are two such high voltage electronic device contact portions, as indicated by superimposed red boxes):



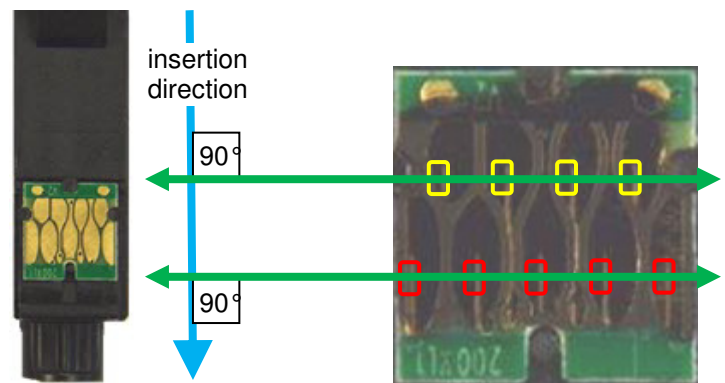
Accordingly, the Accused '749 Ink Cartridges literally meet this limitation of claim 1 of the '749 patent.

[1f] the contact portions are arranged in a first row of

The contact portions of each of the Accused '749 Ink Cartridges are arranged in a first row of contact

contact portions and in a second row of contact portions, the first row of contact portions and the second row of contact portions extending in a row direction which is generally orthogonal to the insertion direction,

portions and in a second row of contact portions that both extend in a row direction which is generally orthogonal to the insertion direction. The following photographs of the Representative '749 Ink Cartridge show the first row and second row of contact portions extending in a row direction which is generally orthogonal to the insertion direction in which the Accused '749 Ink Cartridges are inserted into Epson ink jet printers that accept the Accused '749 Ink Cartridges. The right photo shows an enlarged and annotated view of the printed circuit board shown in the left photo.



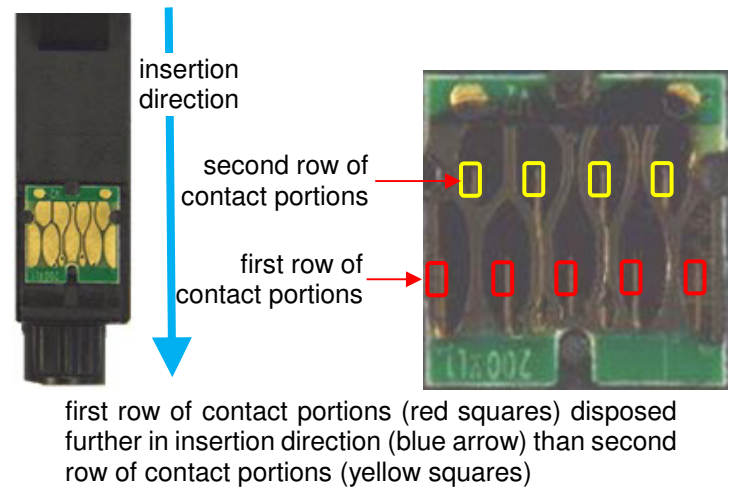
first row of contact portions (red squares) and second row of contact portions (yellow squares), each extending in a row direction (green arrows) orthogonal to cartridge insertion direction (blue arrow)

Accordingly, the Accused '749 Ink Cartridges literally meet this limitation of claim 1 of the '749 patent.

[1g] the first row of contact portions is disposed at a location that is further in the insertion direction than the second row of contact portions, and,

In each of the Accused '749 Ink Cartridges, the first row of contact portions is disposed at a location that is further in the insertion direction than the second row of contact portions. The following photographs of the Representative '749 Ink Cartridge show the first row of contact portions (red boxes) disposed at a location that is further in the cartridge insertion direction than the second row of contact portions (yellow boxes) (i.e., the first row is deeper in the printer than the second

row).

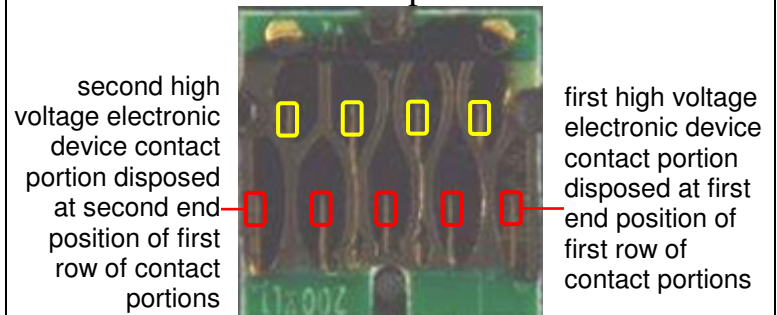


Accordingly, the Accused '749 Ink Cartridges literally meet this limitation of claim 1 of the '749 patent.

[1h] the first row of contact portions has a first end position and a second end position at opposite ends thereof, the first high voltage electronic device contact portion is disposed at the first end position of the first row of contact portions and the second high voltage electronic device contact portion is disposed at the second end position of the first row of contact portions.

In each of the Accused '749 Ink Cartridges, the first row of contact portions has a first end position and a second end position at opposite ends thereof, the first high voltage electronic device contact portion is disposed at the first end position of the first row of contact portions, and the second high voltage electronic device contact portion is disposed at the second end position of the first row of contact portions.

The following photograph of the Representative '749 Ink Cartridge shows the first and second high voltage contact portions disposed, respectively, at the first and second end positions at opposite ends of the first row of contact portions.



	Accordingly, the Accused '749 Ink Cartridges literally meet this limitation of claim 1 of the '749 patent.
--	--

33. On information and belief, Defendant has and is actively, knowingly and intentionally aiding and abetting and inducing infringement of the '749 patent by non-parties in violation of 35 U.S.C. § 271(b), including end-users, despite Defendant's knowledge of the '749 patent.

34. On information and belief, Defendant is contributing to the infringement of the '749 patent in violation of 35 U.S.C. § 271(c) by non-parties by offering to sell or selling within the United States or importing into the United States components of the patented inventions set forth in the '749 patent. The components constitute a material part of the inventions. Defendant knows that such components are especially made or especially adapted for use in an infringement of the '749 patent. The components are not a staple article or commodity of commerce suitable for substantial noninfringing use.

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

36. Defendant's acts complained of herein have damaged and will continue to damage Epson irreparably. Epson has no adequate remedy at law for these wrongs and injuries. Epson is therefore entitled to a preliminary and permanent injunction restraining and enjoining Defendant and their agents, servants, and employees, and all persons acting thereunder, in concert with, or on their behalf, from infringing the claims of the '749 patent.

37. Defendant is not licensed or otherwise authorized to make, use, import, sell, or offer to sell any ink cartridge or process/method claimed in the '749 patent, and Defendant's conduct is, in every instance, without Epson's consent.

38. On information and belief, Defendant's infringement has been and continues to be willful.

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Epson prays for judgment against Defendant as follows:

3 A. That the Epson Patents are valid and enforceable;

4 B. That Defendant has infringed and is infringing the Epson Patents;

5 C. That such infringement is willful;

6 D. That Defendant and their subsidiaries, affiliates, parents, successors,
7 assigns, officers, agents, representatives, servants, and employees, and all persons in
8 active concert or participation with it, be preliminarily and permanently enjoined from
9 continued infringement of the Epson Patents;

10 E. That Defendant be ordered to pay Epson its damages caused by Defendant's
11 infringement of the Epson Patents and that such damages be trebled, together with
12 interest thereon;

13 F. That this case be declared exceptional pursuant to 35 U.S.C. § 285 and that
14 Epson be awarded its reasonable attorneys' fees, litigation expenses and expert witness
15 fees, and costs; and

16 G. That Epson have such other and further relief as the Court deems just and
17 proper.

18 **JURY TRIAL DEMAND**

19 Pursuant to Fed. R. Civ. P. 38(b), Plaintiffs request a trial by jury of all issues
20 so triable.

1 DATED: June 16, 2017

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

2
3
4 By /s/ Tigran Guledjian

5 Tigran Guledjian, Cal. Bar # 207613

6 Richard H. Doss, Cal. Bar # 204078

7 Quinn Emanuel Urquhart & Sullivan, LLP

8 865 South Figueroa Street, 10th Floor

9 Los Angeles, CA 90017

10 Telephone: (213) 443-3000

11 *Attorneys for Plaintiffs Seiko Epson*

12 *Corporation, Epson America, Inc., and*

13 *Epson Portland Inc.*