	Case 8:17-cv-01143 Document 1	Filed 07/05/17	Page 1 of 9	Page ID #:1	
1 2 3 4 5 6 7 8 9 10 11	H.H. (SHASHI) KEWALRAMANI S H K Legal, APC P.O. Box 18714 Anaheim, CA 92807 Telephone: (714) 335-4590 Fax: (714) 363-3822 Email: shashi@shklegal.com JONATHAN T. SUDER (<i>Pro Hac V</i> BRETT M. PINKUS (<i>Pro Hac Vice</i> RICHARD A. WOJCIO, JR. (<i>Pro Ha</i> FRIEDMAN, SUDER & COOKE Tindall Square Warehouse No. 1 604 East 4 th Street, Suite 200 Fort Worth, Texas 76102 Telephone: (817) 334-0400 Facsimile: (817) 334-0401 Email: jts@fsclaw.com Email: pinkus@fsclaw.com	To Be Filed)	ed)		
11	Attorneys for Plaintiff COMMERCIAL COPY INNOVATIONS, INC.				
13	UNITED STATES DISTRICT COURT				
14					
15	CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION				
16	COMMERCIAL COPY INNOVATI		E NO. SA CV 1	7-1143	
17	INC.,	,			
18	Plaintiff,		GINAL COMP		
19 20	VS.	PATI	PATENT INFRINGEMENT		
20	XEROX CORPORATION,				
21	Defendant.	JURY	TRIAL DEM	IANDED	
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	COMPLAINT FOR INFRINGEMENT OF PATENT				

tase 8:17-cv-01143 Document 1 Filed 07/05/17 Page 2 of 9 Page ID #:2 1 Plaintiff COMMERCIAL COPY INNOVATIONS, INC. files this Original Complaint 2 against Defendant XEROX CORPORATION alleging as follows: 3 I. THE PARTIES COMMERCIAL COPY INNOVATIONS, INC. ("Plaintiff" or "CCI") is a 4 1. 5 corporation organized and existing under the laws of the State of Delaware, with a principal place of business at 600 Anton Boulevard, Suite 1350, Costa Mesa, California 92626, within the 6 7 Central District of California. 8 2. Defendant XEROX CORPORATION ("Xerox") is a corporation organized and 9 existing under the laws of the State of New York, with a principal place of business at 45 Glover 10 Avenue, Norwalk, Connecticut 06856-4505. Xerox may be served with process by serving Corporation Service Company, 2710 Gateway Oaks Drive, Suite 150N, Sacramento, California, 11 12 95833. 13 **II. JURISDICTION AND VENUE** 14 3. This is an action for infringement of several United States patents. Federal 15 question jurisdiction is conferred to this Court over such action under 28 U.S.C. §§ 1331 and 16 1338(a). 17 Xerox maintains an established and regular place of business within the Central 4. 18 District of California, Southern Division. Xerox offers for sale and sells its products, including 19 the Accused Products as described and defined herein, through Xerox of Greater Orange County 20 located at 1851 E. 1st Street, Suite 220, Santa Ana, California 92705. 21 5. In addition, Xerox's website provides prospective customers, via its website at 22 URL: https://www.xerox.com/digital-printing/dealer-locator/enus.html, a listing of sales 23 locations from which its products may be purchased. Xerox has at least ten authorized vendors 24 in the zip code 92701 of the U.S. District Courthouse in this District, including Xerox of Greater 25 Orange County. 26 6. These offers for sale and sales of Accused Products made by and on behalf of 27 Xerox within this District comprise infringing actions giving rise to the claims of patent 28 infringement alleged herein. COMPLAINT FOR INFRINGEMENT OF PATENT

Upon information and belief, Xerox has sufficient minimum contacts with the
 Central District of California, Southern Division such that this venue is fair and reasonable.
 Xerox has committed such purposeful acts and/or transactions in this District that it reasonably
 should know and expect that it could be hailed into this Court as a consequence of such activity.
 Xerox has transacted and, at the time of the filing of this Complaint, continues to transact
 business within the Central District of California, Southern Division.

8. Upon information and belief, Xerox uses, offers for sale, sells, and/or purchases
printer products in the Central District of California, Southern Division. Xerox directly and/or
through its distribution network comprising Xerox websites, stores, authorized dealers and
distributors, places infringing products or systems within the stream of commerce, directed at
this district with the knowledge and/or understanding that those products will be sold and/or used
in the Central District of California, Southern Division.

13 9. For these reasons, personal jurisdiction exists and venue is proper in this Court
14 under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b).

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III. BACKGROUND AND FACTS

16 10. CCI has acquired all rights and title in and to U.S. Patents Nos. 6,197,466 ("the
17 '466 Patent") and 6,453,127 ("the '127 Patent") from the Eastman Kodak Company ("Kodak")
18 for the purpose of enforcing the rights embodied therein. These patents are sometimes referred
19 to collectively, hereinafter, as "the Asserted Patents" and each was developed by Kodak as part
20 of Kodak's research and development activities performed in furtherance of Kodak's design,
21 manufacture, and selling of printers and printing accessories and devices.

11. Kodak is a world-renowned U.S.-based company, founded in 1888, which has
been an industry leader in the design and manufacture of cameras and film, digital imaging
devices, printers, ink, toner, and related devices. Over the nearly 130 years that Kodak has been
in business, Kodak has developed many valuable innovations in the photographic, imaging, and
printing industries, which led to the issuance of thousands of patents, including the Asserted
Patents. Many of these innovations were directly developed by engineers and scientists working

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at Kodak Research Laboratories as part of Kodak's continuous work to advance photography,
 imaging, and printing technology.

3 12. Xerox is one of the largest manufactures and sellers of office equipment including 4 printers, ink, and toner, among other products in the world. Xerox makes, uses, offers for sale, 5 and sells printers products, including printers compatible for use with Xerox's CentreWare Internet Services utility (referred to, collectively, as "CentreWare Printers") 6 and 7 electrophotographic toner ("Xerox Toner") for use with laser printers and copiers, to customers, 8 consumers, businesses, and end users of the products. The CentreWare printers and Xerox Toner 9 products are sometimes referred to, collectively, as the "Accused Products."

10 13. Xerox uses, offers for sale, and sells the Accused Products at several locations
11 within the Central District of California, Southern Division, including the Xerox of Greater
12 Orange County store and via Xerox's website at https://www.xerox.com/en-us/digital-printing13 equipment. Further, via its website, Xerox directs customers to both online retailers and
14 authorized dealers within this District selling the Accused Products.

- IV. PATENT INFRINGEMENT
- U.S. Patent No. 6,197,466 B1

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17 14. CCI repeats and realleges all preceding paragraphs of this Complaint, as though18 fully set forth herein.

19 15. On March 6, 2001, United States Patent No. 6,197,466 B1 ("the '466 Patent") was
20 duly and legally issued for an "Electrophotographic Toner Surface Treated with metal Oxide."
21 The '466 Patent remains in force as of the filing of this Complaint. A true and correct copy of
22 the '466 Patent is attached hereto as "Exhibit A" and made a part hereof.

- 16. CCI is the owner of all right and title in the '466 Patent, including all rights to
 enforce and prosecute action for infringement of the '466 Patent and to collect damages for all
 relevant times against infringers of the '466 Patent. Accordingly, CCI possesses the exclusive
 right and standing to prosecute the present action for infringement of the '466 Patent by Xerox.
- 27 17. The '466 Patent generally discloses and claims toners comprising particles treated
 28 with metal oxides. Metal oxides, such as titanium dioxide, silicon dioxide, or a combination

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ase 8:17-cv-01143 Document 1 Filed 07/05/17 Page 5 of 9 Page ID #:5

thereof, are mixed with the toner particles in a manner causing embedment of metal oxide
particles below the surface of toner particles. The resulting toner composition may exhibit more
stable triboelectric charging and may therefore improve image quality in electrophotographic
printing operations.

Without authority, consent, right, or license, and in direct infringement of the '466
Patent, Xerox markets, uses, sells, offers for sale, manufactures, has manufactured, makes, has
made, imports, and/or has imported systems or products that directly infringe at least claim 9 of
the '466 Patent. By way of example, Xerox makes, uses, and sells Xerox Toner, including at
least Xerox 106R02759 Black Toner used by the Xerox Phaser 6020 / 6022 and WorkCentre
6025 /6027 printers, which infringes at least Claim 9 of the '466 Patent.

11 19. Xerox Toner is usable with Xerox laser printer and copier products to
12 accommodate electrophotographic printing. The Xerox Toner comprises an electrophotographic
13 toner composition and is described as such in, at least, Xerox's product packaging.

14 20. Xerox Toner comprises toner particles as well as metal oxide particles dispersed 15 within the toner particles. The metal oxide content of Xerox Toner is within the range of 0.1 to 16 5.0 weight percent of the toner composition and consists of silicon and/or titanium oxides. By 17 way of example, a sample of Xerox Toner collected from a cartridge of Xerox 106R02759 Black 18 Toner was analyzed by inductively coupled plasma mass spectrometry analysis and was found to 19 comprise about 0.54% by weight, collectively, of titanium oxide and silicon oxides. These 20 results are believed to be representative of the composition of all Xerox Toner products.

21 21. At least a portion of the metal oxide particles comprising titanium dioxide, silicon
22 dioxide, or mixtures thereof, within the Xerox Toner are embedded below the surface of the
23 toner particles. By way of example, using the sample of Xerox 106R02759 Black Toner, a
24 number of such metal oxide particles were found embedded below the surfaces of toner particles
25 via use of HAADF STEM tomography imaging and energy-dispersive X-ray spectroscopy
26 analysis. These results are believed to be representative of the composition of all Xerox Toner
27 products.

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Case 8:17-cv-01143 Document 1 Filed 07/05/17 Page 6 of 9 Page ID #:6

1	22. Upon information and belief, Xerox Toner is compatible with many printers		
2	manufactured by Xerox, including at least the printer products within the Phaser and WorkCentre		
3	product families, such as the Phaser 6020/6022 and WorkCentre 6025/6027 products.		
4	23. CCI expressly reserves the right to assert additional claims of the '466 Patent		
5	against Xerox.		
6	24. CCI has been damaged as a result of the infringing conduct of Xerox. Xerox is		
7	thus liable to CCI in an amount that adequately compensates for their infringement, which by		
8	law cannot be less than a reasonable royalty together with interest and costs as fixed by this		
9	Court under 35 U.S.C. § 284.		
10	25. Based on Xerox's respective objective recklessness, CCI is further entitled to		
11	enhanced damages under 35 U.S.C. § 284.		
12	V. PATENT INFRINGEMENT		
13	U.S. Patent No. 6,453,127 B2		
14	26. CCI repeats and realleges all preceding paragraphs of this Complaint, as though		
15	fully set forth herein.		
16	27. On September 17, 2002, United States Patent No. 6,453,127 B2 ("the '127		
17	Patent") was duly and legally issued for an "Establishment at a Remote Location of an		
18	Internet/Intranet User Interface to a Copier/Printer." The '127 remains in force as of the filing of		
19	this Complaint. A true and correct copy of the '127 Patent is attached hereto as "Exhibit B" and		
20	made a part hereof.		
21	28. CCI is the owner of all right and title in the '127 Patent, including all rights to		
22	enforce and prosecute action for infringement of the '127 Patent and to collect damages for all		
23	relevant times against infringers of the '127 Patent. Accordingly, CCI possesses the exclusive		
24	right and standing to prosecute the present action for infringement of the '127 Patent by Xerox.		
25	29. The '127 Patent generally discloses and claims printing apparatuses configurable		
26	to operate in response to instructions provided by remote users. Remote users interface with the		
27	printing apparatus using remote computers to configure and command its marking engine via a		
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	COMPLAINT FOR INFRINGEMENT OF PATENT		
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case 8:17-cv-01143 Document 1 Filed 07/05/17 Page 7 of 9 Page ID #:7

1 network web server and downloadable software. An applet provides a printer interface display 2 screen on a remote computer viewable by the remote users of the printing apparatus.

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30. Without authority, consent, right, or license, and in direct infringement of the '127 4 Patent, Xerox markets, uses, sells, offers for sale, manufactures, has manufactured, makes, has 5 made, imports, and/or has imported the Xerox Printers that directly infringe at least claim one of the '127 Patent, including printers within the following product families: 6 ColorQube, 7 DocuColor, Phaser, VersaLink, WorkCentre, WorkCentre Pro, WorkCentre Bookmark, Xerox 8 4110/4590/4595, Xerox Color, Xerox iGen, and Xerox Nuvera. A complete listing of the 9 CentreWare printers is available on Xerox's website at http://www.office.xerox.com/software-10 solutions/xerox-centreware-web/enus.html.

11 31. Xerox Printers are implemented with the CentreWare Internet Services utility, 12 which accommodates access by remote users to provide configuration and operating instructions 13 to the Xerox Printers via a web browser. The CentreWare Internet Services utility allows remote 14 users to interface with the marking engines of the Xerox Printers to view one or more statuses of 15 the Xerox Printers, as well as to configure and command operation of the Xerox Printers.

16 32. The Xerox Printers include a web server accommodating use of the CentreWare 17 Internet Services utility and accessible via a web browser upon entry of an IP address or host 18 name of a Xerox Printers in the web browser. Remote users can monitor the status of the Xerox 19 Printers and associated print jobs, configure one or more print settings of the Xerox Printers, and 20 initiate/cancel printing operations over a network using the CentreWare Internet Services utility 21 accessing the web server of the Xerox Printers. The CentreWare Internet Services utility 22 operates as an applet using Java programming language.

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33. The Xerox Printers are implemented with a memory storing document files and 24 print job statuses that can be accessed from a control panel, or local user interface, of the Xerox 25 Printers or via the CentreWare Internet Services utility to view their status or print the 26documents, among other operations.

27 34. CCI expressly reserves the right to assert additional claims of the '127 Patent 28 against Xerox in relation to the CentreWare printers as well as other products of Xerox.

Case 8:17-cv-01143 Document 1 Filed 07/05/17 Page 8 of 9 Page ID #:8

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1	35.	CCI has been damaged as a result of Xerox's infringing conduct. Xerox is thus			
2	liable to CCI in an amount that adequately compensates for their infringement, which by law				
3	cannot be less than a reasonable royalty together with interest and costs as fixed by this Court				
4	under 35 U.S.C. § 284.				
5	36.	Based on Xerox's objective recklessness, CCI is further entitled to enhanced			
6	damages under 35 U.S.C. § 284.				
7	IV. JURY DEMAND				
8	37.	Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of			
9	Civil Procedure.				
10	V. PRAYER FOR RELIEF				
11	WHEREFORE, Plaintiff respectfully requests that the Court find in its favor and against				
12	Defendant, and that the Court grant Plaintiff the following relief:				
13	a.	Judgment that one or more claims of the Asserted Patents have been directly			
14		infringed, either literally or under the doctrine of equivalents, by Defendant, or			
15		judgment that one or more of the claims of the Asserted Patents have been			
16		directly infringed by others and indirectly infringed by Defendant, to the extent			
17		Defendant contributed to or induced such direct infringement by others;			
18	b.	Judgment that Defendant account for and pay to Plaintiff all damages to and costs			
19		incurred by Plaintiff because of Defendant's infringing activities and other			
20		conduct complained of herein, including enhanced damages as permitted by 35			
21		U.S.C. § 284;			
22	c.	That Plaintiff be granted pre-judgment and post-judgment interest on the damages			
23		caused by Defendant's infringing activities and other conduct complained of			
24		herein;			
25	d.	That the Court declare this an exceptional case and award Plaintiff its reasonable			
26		attorney's fees and costs in accordance with 35 U.S.C. § 285; and			
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		COMPLAINT FOR INFRINGEMENT OF PATENT			
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	ase 8:17-cv-01143 Document 1 Filed 07/05/17 Page 9 of 9 Page ID #:9			
1	e. That Plaintiff be granted such other and further relief as the Court may deem just			
2	and proper under the circumstances.			
3	DATED, L.L. 5 2017 (-/ II II (Checki) Verselesses:			
4 5	DATED: July 5, 2017 <u>/s/ H.H. (Shashi) Kewalramani</u>			
6	H.H. (SHASHI) KEWALRAMANI S H K Legal, APC P.O. Box 18714			
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	8 COMPLAINT FOR INFRINGEMENT OF PATENT			