

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

OPENPRINT LLC,

Plaintiff,

v.

OKI DATA AMERICAS, INC.,

Defendant.

CIVIL ACTION NO _____

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT

This is an action for patent infringement in which OpenPrint LLC (“OpenPrint”) makes the following allegations against Oki Data Americas, Inc., (“Defendant”):

PARTIES

1. OpenPrint LLC is a Texas limited liability company with a principle place of business located at 5068 W. Plano Parkway, Suite 300, Plano, TX 75093.

2. Oki Data Americas, Inc., is a corporation organized and existing under the laws of Delaware, with its principal place of business located 2000 Bishops Gate Blvd., Mount Laurel, NJ 08054. Defendant may be served via its registered agent: The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801

JURISDICTION AND VENUE

3. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271(a), 271(b), 281, and 284 - 85. This Court has subject matter jurisdiction over this action under 28 U.S.C. §1331 and §1338(a).

4. Venue is proper in this district pursuant to 28 U.S.C. § 1400(b). Defendant is a Delaware corporation.

5. Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Delaware Long Arm Statute, due at least to Defendant's substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Delaware and in this district.

THE OPENPRINT PATENTS

6. On February 8, 2000, United States Patent No. 6,023,345 (the "'345 Patent") was duly and legally issued by the United States Patent and Trademark Office for an invention titled "Facsimilia to E-Mail Communication System with Local Interface." A true and correct copy of the '345 Patent is attached hereto as Exhibit A.

7. On November 4, 2008, United States Patent No. 7,446,906 (the "'906 Patent") was duly and legally issued by the United States Patent and Trademark Office for an invention titled "Facsimile to E-Mail Communication System with Local Interface." A true and correct copy of the '906 Patent is attached hereto as Exhibit B.

8. On October 1, 2013, United States Patent No. 8,547,601 (the "'601 Patent") was duly and legally issued by the United States Patent and Trademark Office for an invention titled "Facsimile to E-Mail Communication System." A true and correct copy of the '601 Patent is attached hereto as Exhibit C.

9. On April 30, 2002, United States Patent No. 6,381,313 (the "'313 Patent") duly and legally issued by the United States Patent and Trademark Office for an invention titled "Fax Routing System and Method using Standard Fax Machine and Personal Computer." A true and correct copy of the '313 Patent is attached hereto as Exhibit D.

10. On October 8, 2003, United States Patent No. 6,639,974 (the “’974 Patent”) duly and legally issued by the United States Patent and Trademark Office for an invention titled “Fax Routing System and Method using Standard Fax Machine and Personal Computer.” A true and correct copy of the ’974 Patent is attached hereto as Exhibit E.

11. On January 27, 2015, United States Patent No. 8,941,888 (the “’888 Patent”) duly and legally issued by the United States Patent and Trademark Office for an invention titled “Facsimile to E-Mail Communication System with Local Interface.” A true and correct copy of the ’888 Patent is attached hereto as Exhibit F.

12. OpenPrint is the owner of the ’345 Patent, the ’906 Patent, the ’601 Patent, the ’313 Patent, the ’974 Patent, and the ’888 Patent (the “Asserted Patents”) with all rights in and to the Asserted Patents.

13. Upon information and belief, to the extent any marking was required by 35 U.S.C. § 287 with regards to the Asserted Patents, OpenPrint has complied with such requirements.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 6,023,345

14. Defendant has infringed claim 13 of the ’345 Patent in the State of Delaware, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, distributing, selling and/or offering for sale products and/or systems (*i.e.*, the OKI Data MC363dn, MC873dn, ES9465/ES9475, MB472w, MB492/MB562w, MB760+/MB770+, MC573dn, and MC770+/MC780+) (the “Accused Instrumentalities”), covered by one or more claims of the ’345 Patent during the pendency of the ’345 Patent to the injury of OpenPrint. Defendant has directly infringed, literally infringed, and/or infringed the ’345 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the ’345 Patent pursuant to 35 U.S.C. § 271(a).

15. Defendant has infringed claim 13 of the '345 Patent by or through making, using, importing, offering for sale and/or selling at least one of the Accused Instrumentalities during the pendency of the '345 Patent. The Accused Instrumentalities include communication systems for communicating, with the assistance of a public communication network ("PN") (*i.e.*, a telephone network) and a global computer communications network (*i.e.*, the internet), information found originally as an image on paper (*i.e.*, the Accused Instrumentalities include internet fax machines that comply with the ITU-T T.37 standard), said systems comprising: a server in communication with the PN and in communication with the computer network (*i.e.*, an internal server connected to a computer network); a facsimile device for generating facsimile information from information found originally as an image on paper (*e.g.*, a scanned TIFF or PDF file of a physical document), said facsimile device communicating with PN (*i.e.*, through an analog fax device); an interface device responsive to signals received at said interface device (*i.e.*, a touch screen or key interface) to facilitate communications between said facsimile device and said server and to facilitate delivery of facsimile information from said facsimile device to an e-mail address associated with the computer network (*i.e.*, the Accused Instrumentalities receive the destination email address to send the internet fax to). *See* Exhibits G-N.

16. As a result of Defendant's infringement of the '345 Patent, OpenPrint has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for making, using, importing, distributing, selling and/or offering for sale the Accused Instrumentalities, together with interest and costs as fixed by the Court.

17. Plaintiff reserves the right to modify its infringement theories as discovery proceeds in this case, and Plaintiff shall not be estopped for claim construction purposes by its preliminary

infringement analysis provided in this Complaint. Plaintiff's preliminary infringement analysis does not limit its final claim construction positions.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 7,446,906

18. Defendant has infringed claims 1, 2, 3, 10, 12, 13, 14, 15, and 16 of the '906 Patent in the State of Delaware, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, distributing, selling and/or offering for sale products and/or systems (*i.e.*, the Accused Instrumentalities), covered by one or more claims of the '906 Patent during the pendency of the '906 Patent to the injury of OpenPrint. Defendant has directly infringed, literally infringed, and/or infringed the '906 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '906 Patent pursuant to 35 U.S.C. § 271(a).

19. Defendant has infringed claims 1, 2, 3, and 10 of the '906 patent when they placed the Accused Instrumentalities into operation during the pendency of the '906 Patent.

20. Defendant has infringed claims 12, 13, 14, 15, 16, and 17 of the '906 Patent by or through making, using, importing, offering for sale and/or selling at least one of the Accused Instrumentalities during the pendency of the '906 Patent.

21. Defendant has infringed claim 1 of the '906 Patent when they placed the Accused Instrumentalities into operation during the pendency of the '906 Patent. The Accused Instrumentalities perform a method of communicating information by a facsimile/e-mail server system, the method comprising the steps of: a) receiving an electronic mail address from an interface device (*i.e.*, the Accused Instrumentalities receive a destination email address); b) receiving facsimile information from a scanning portion of a facsimile machine (*i.e.*, a digital image is received from the scanner portion); c) converting the received facsimile information into

a computer readable image file (*i.e.*, the digital image is converted into a PDF or TIFF file); d) composing an e-mail message with the computer readable image file as an attachment (*i.e.*, an email message is created with the PDF or TIFF file as an attachment); e) transmitting the composed e-mail message to an electronic mail server associated with the received electronic mail address (*i.e.*, the email message is transmitted to the mail server associated with the entered email address); f) receiving a report request from a user; g) generating a report based upon the received report request; and h) outputting the generated report (*i.e.*, the Accused Instrumentalities generate and output a fax report based on a request). *See* Exhibits G-N.

22. Defendant has infringed claim 2 of the '906 Patent when they placed the Accused Instrumentalities into operation during the pendency of the '906 Patent. For example, during operation of the Accused Instrumentalities, the Accused Instrumentalities receive a hardcopy document into the scanning portion (*i.e.*, by receiving the document on the scanner or into the auto-document feeder). *See* Exhibits G Fig. 5, H Figs. 1-7, I Figs. 7 and 10, J Figs. 3-9, K Fig. 8, L Fig. 7, M Figs. 1-5, N Fig. 8.

23. Defendant has infringed claim 3 of the '906 Patent when they placed the Accused Instrumentalities into operation during the pendency of the '906 Patent. For example, during operation of the Accused Instrumentalities, the Accused Instrumentalities receive an email address via a touchscreen or a keypad. *See* Exhibits G Fig. 4, H Figs. 1-7, I Fig. 4, J Figs. 5 and 8, K Figs. 4 and 8, L Fig. 9, M Fig. 4, N Fig. 7.

24. Defendant has infringed claim 10 of the '906 Patent when they placed the Accused Instrumentalities into operation during the pendency of the '906 Patent. For example, during operation of the Accused Instrumentalities, the Accused Instrumentalities provide a confirmation

that facsimile information was sent and the address to which it was sent. *See* Exhibits G Fig. 15, H Fig. 17, I Fig. 13, J Fig. 10, K Fig. 16, L Fig. 14, M Fig. 17, N Fig. 13.

25. Defendant has infringed claim 12 of the '906 Patent by or through making, using, importing, offering for sale and/or selling at least one of the Accused Instrumentalities during the pendency of the '906 Patent. The Accused Instrumentalities include facsimile/e-mail server systems, comprising: a) a communication interface capable of receiving an electronic mail address from a facsimile interface device and of receiving facsimile information from a scanning portion of a facsimile machine (*e.g.*, an email address is received from an interface device such as a keypad, and facsimile information is received from the scanner portion); b) a system processor comprising one or more processing elements, wherein the system processor is in communication with the communication interface and is programmed or adapted to: i) receive an electronic mail address via the communication interface (*e.g.*, the received mail address is passed to the processor via the communications interface); ii) receiving facsimile information via the communication interface (*e.g.*, the facsimile information is passed to the processor via the communications interface); iii) converting the received facsimile information into a computer readable image file (*e.g.*, the processor converts the received facsimile information into a PDF or TIFF file); iv) composing an e-mail message with the computer readable image file as an attachment (*e.g.*, an email is composed with the scanned file as an attachment); v) transmitting the composed e-mail message to an electronic mail server associated with the received electronic mail address (*e.g.*, the e-mail message is sent to an e-mail server associated with the received email address); vi) receiving a report request from a user; vii) generating a report based upon the received report request; and viii) outputting the generated report (*e.g.*, the Accused Instrumentalities generate and output a Fax Report based on a request). *See* Exhibits G-N.

26. Defendant has infringed claim 13 of the '906 Patent by or through making, using, importing, offering for sale and/or selling at least one of the Accused Instrumentalities during the pendency of the '906 Patent. The Accused Instrumentalities include a communication interface with connections to one or more communication networks (*i.e.*, an analog fax connection and a computer network connection). *See* Exhibits G Figs. 5 and 6, H Figs. 7-10, I Figs. 7-14, J Figs. 7-11, K Figs. 8-17, L Figs. 11-15, M Figs. 8-14, N Figs. 8-14.

27. Defendant has infringed claim 14 of the '906 Patent by or through making, using, importing, offering for sale and/or selling at least one of the Accused Instrumentalities during the pendency of the '906 Patent. The Accused Instrumentalities connect to communication networks that comprise a switched telephone network, a bus network, or a packet switched network (*i.e.*, a telephone network and a TCP/IP network). *See* Exhibits G Figs. 5 and 6, H Figs. 7-10, I Figs. 7-15, J Figs. 7-11, K Figs. 8-17, L Figs. 11-15, M Fig. 18, N Figs. 8-14.

28. Defendant has infringed claim 15 of the '906 Patent by or through making, using, importing, offering for sale and/or selling at least one of the Accused Instrumentalities during the pendency of the '906 Patent. The Accused Instrumentalities include an interface device which communicates with the system processor via the communication interface (*i.e.*, a touchscreen or keypad in communication with the processor). *See* Exhibits G Fig. 4, H Fig. 4, I Fig. 4, J Figs. 5 and 8, K Figs. 4 and 8, L Fig. 9, M Fig. 4, N Figs. 8-14.

29. Defendant has infringed claim 16 of the '906 Patent by or through making, using, importing, offering for sale and/or selling at least one of the Accused Instrumentalities during the pendency of the '906 Patent. The Accused Instrumentalities include an interface device that includes an alphanumeric keypad. *See* Exhibits G Fig. 4, H Fig. 4, I Fig. 4, J Figs. 5 and 8, K Figs. 4 and 8, L Fig. 9, M Fig. 4, N Fig. 7.

30. As a result of Defendant's infringement of the '906 Patent, OpenPrint has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for making, using, importing, distributing, selling and/or offering for sale the Accused Instrumentalities, together with interest and costs as fixed by the Court.

31. Plaintiff reserves the right to modify its infringement theories as discovery proceeds in this case, and Plaintiff shall not be estopped for claim construction purposes by its preliminary infringement analysis provided in this Complaint. Plaintiff's preliminary infringement analysis does not limit its final claim construction positions.

COUNT III
INFRINGEMENT OF U.S. PATENT NO. 8,547,601

32. Defendant has infringed claims 1, 6, 8, and 9 of the '601 Patent in the State of Delaware, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, distributing, selling and/or offering for sale products and/or systems (*i.e.*, the Accused Instrumentalities), covered by one or more claims of the '601 Patent during the pendency of the '601 Patent to the injury of OpenPrint. Defendant has directly infringed, literally infringed, and/or infringed the '601 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '601 Patent pursuant to 35 U.S.C. § 271(a).

33. Defendant has infringed claim 1 of the '601 Patent by or through making, using, importing, offering for sale and/or selling at least one of the Accused Instrumentalities during the pendency of the '601 Patent. The Accused Instrumentalities include an Internet based server system, comprising: a facsimile-to-e-mail server (*e.g.*, an internal server connected to a computer network) in communication with at least one communication network (*i.e.*, the internet), wherein

the facsimile-to-e-mail server is configured to—receive facsimile information from a facsimile device in communication with the server (*i.e.*, facsimile information is received from the fax components); receive a destination e-mail address for the facsimile information from the facsimile device, wherein the destination e-mail address is received in and interpreted from an alphanumeric form (*i.e.*, an email address is received in alpha numeric form from a user interface); convert the received facsimile information into a computer readable image file (*i.e.*, the facsimile information is output as a PDF or TIFF file); attach the computer readable image file to an e-mail message to be sent to the destination e-mail address (*i.e.*, the PDF or TIFF file is attached to the email); and send the facsimile information to the destination e-mail address via the communication network (*i.e.*, the email with the attachment is sent to the email address over the internet). *See* Exhibits G-N.

34. Defendant has infringed claim 6 of the '601 Patent by or through making, using, importing, offering for sale and/or selling at least one of the Accused Instrumentalities during the pendency of the '601 Patent. The Accused Instrumentalities include non-transitory computer-readable storage mediums having stored thereon computer executable instructions that, if executed by an apparatus, cause the apparatus to perform operations comprising: receiving facsimile information from a facsimile device (*i.e.*, a digital image is received from the fax portion); receiving, in an alphanumeric form from the facsimile device, a destination e-mail address to which the facsimile information is to be sent (*i.e.*, an email address is received in alpha numeric form to which the facsimile information is to be sent); interpreting the destination e-mail address from the alphanumeric form; converting the received facsimile information into a computer readable image file; composing an e-mail message with the computer readable image file as an attachment to be sent to the destination e-mail address (*i.e.*, the entered email address is interpreted and the received

facsimile information is converted into a TIFF or PDF file and attached to the email); and transmitting the e-mail message to an e-mail server associated with the received destination e-mail address (*i.e.*, the email and attached TIFF or PDF file are sent to the email server associated with the entered email address). *See* Exhibits G-N.

35. Defendant has infringed claim 8 of the '601 Patent by or through making, using, importing, offering for sale and/or selling at least one of the Accused Instrumentalities during the pendency of the '601 Patent. The Accused Instrumentalities receive the destination e-mail address from a user interface including an alphanumeric keypad (*i.e.*, the email address is received via the keypad). *See* Exhibits G Fig. 4, H Fig. 4, I Fig. 4, J Figs. 5 and 8, K Figs. 4 and 8, L Fig. 9, M Fig. 4, N Fig. 7.

36. Defendant has infringed claim 9 of the '601 Patent by or through making, using, importing, offering for sale and/or selling at least one of the Accused Instrumentalities during the pendency of the '601 Patent. The Accused Instrumentalities convert the facsimile information into a TIFF format image file. *See* Exhibits G Figs. 12 and 13, H Figs. 10-16, I Figs. 8-17, J Figs. 12-14, K Fig. 18, L Fig. 16, M Fig. 19, N Fig. 8.

37. As a result of Defendant's infringement of the '601 Patent, OpenPrint has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for making, using, importing, distributing, selling and/or offering for sale the Accused Instrumentalities, together with interest and costs as fixed by the Court.

38. Plaintiff reserves the right to modify its infringement theories as discovery proceeds in this case, and Plaintiff shall not be estopped for claim construction purposes by its preliminary

infringement analysis provided in this Complaint. Plaintiff's preliminary infringement analysis does not limit its final claim construction positions.

COUNT IV
INFRINGEMENT OF U.S. PATENT NO. 6,381,313

39. Defendant has infringed claim 13 of the '313 Patent in the State of Delaware, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, distributing, selling and/or offering for sale products and/or systems (*i.e.*, the Accused Instrumentalities), covered by one or more claims of the '313 Patent during the pendency of the '313 Patent to the injury of OpenPrint. Defendant has directly infringed, literally infringed, and/or infringed the '313 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '313 Patent pursuant to 35 U.S.C. § 271(a).

40. Defendant has infringed claim 13 of the '313 Patent by or through making, using, importing, offering for sale and/or selling at least one of the Accused Instrumentalities during the pendency of the '313 Patent. The Accused Instrumentalities include systems for directing a fax to a desired recipient identified by an identification code over a network at a network address that is not the identification code, comprising: a. a storage system for storing a plurality of records in a table (*i.e.*, an address book), each record containing: (1) an identification code identifying a recipient that can receive a fax at a network address that is not the identification code (*i.e.*, an address book entry associated with the recipient); and (2) the network address (*i.e.*, an email address); b. a processing system in communication with said storage system configured to: (1) receive the an identification code (*i.e.*, the address book entry); (2) determine whether said storage system contains a matching record having the an identification code (*i.e.*, the email address associated with the address book entry is determined); and (3) direct the fax to the network address

in the matching record if said storage system contains a matching record (*i.e.*, the fax is sent to the email address associated with the address book entry). *See* Exhibits G-N.

41. As a result of Defendant's infringement of the '313 Patent, OpenPrint has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for making, using, importing, distributing, selling and/or offering for sale the Accused Instrumentalities, together with interest and costs as fixed by the Court.

42. Plaintiff reserves the right to modify its infringement theories as discovery proceeds in this case, and Plaintiff shall not be estopped for claim construction purposes by its preliminary infringement analysis provided in this Complaint. Plaintiff's preliminary infringement analysis does not limit its final claim construction positions.

COUNT V
INFRINGEMENT OF U.S. PATENT NO. 6,639,974

43. Defendant has infringed claims 1, 2, 3, 4, and 5 of the '974 Patent in the State of Delaware, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, distributing, selling and/or offering for sale products and/or systems (*i.e.*, the Accused Instrumentalities), covered by one or more claims of the '974 Patent during the pendency of the '974 Patent to the injury of OpenPrint. Defendant has directly infringed, literally infringed, and/or infringed the '974 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '974 Patent pursuant to 35 U.S.C. § 271(a).

44. Defendant has infringed claim 1 of the '974 Patent by or through making, using, importing, offering for sale and/or selling at least one of the Accused Instrumentalities during the pendency of the '974 Patent. The Accused Instrumentalities include systems co-located with a

sender of a fax for directing a fax over the Internet to a desired recipient at an Internet address, the desired recipient being identified to the system by an identification code that is not the Internet address, comprising: a. a storage system co-located with the sender of the fax for storing a plurality of records in a table (*i.e.*, an address book), each record containing: (1) an identification code identifying a recipient that can receive a fax at an Internet address that is not the identification code (*i.e.*, an address book entry); and (2) the Internet address (*i.e.*, an email address); b. a processing system co-located with the sender of the fax in communication with said storage system configured to: (1) receive the identification code (*i.e.*, the address book entry); (2) determine whether said storage system contains a matching record having the identification code (*i.e.*, the Accused Instrumentalities determine whether an address entry matches the address book entry); and (3) direct the fax to the Internet address in the matching record if said storage system contains a matching record (*i.e.*, the Accused Instrumentalities determine whether the address book entry has an email address associated with it and direct the fax to the email address). *See* Exhibits G-N.

45. Defendant has infringed claim 2 of the '974 Patent by or through making, using, importing, offering for sale and/or selling at least one of the Accused Instrumentalities during the pendency of the '974 Patent. The Accused Instrumentalities enable the identification code to be manually entered by the sender of the fax (*e.g.*, the Accused Instrumentalities enable manual entry of the address associated with the address book entry). *See* Exhibits G-N

46. Defendant has infringed claim 3 of the '974 Patent by or through making, using, importing, offering for sale and/or selling at least one of the Accused Instrumentalities during the pendency of the '974 Patent. The Accused Instrumentalities include systems under the management of a sender of a fax for directing a fax over the Internet to a desired recipient at an Internet address, the desired recipient being identified to the system by an identification code that

is not the Internet address, comprising: a. a storage system under the management of the sender of the fax for storing a plurality of records in a table (*i.e.*, an address book), each record containing: (1) an identification code identifying a recipient that can receive a fax at an Internet address that is not the identification code (*i.e.*, an address entry number); and (2) the Internet address (*i.e.*, an email address); b. a processing system under the management of the sender of the fax in communication with said storage system configured to: (1) receive the identification code (*i.e.*, the address entry number); (2) determine whether said storage system contains a matching record having the identification code (*i.e.*, an address entry number); and (3) direct the fax to the Internet address in the matching record if said storage system contains a matching record (*i.e.*, it determines whether the an address entry number has an email address associated with it and directs the fax to the email address). *See* Exhibits G-N.

47. The Accused Instrumentalities infringe claim 4 of the '974 Patent. The Accused Instrumentalities are systems under the management of a sender of a fax for directing a fax over the Internet to a desired recipient at an Internet address, the desired recipient being identified to the system by an identification code that is not the Internet address, comprising: a. a storage system under the management of the sender of the fax for storing a plurality of records in a table (*i.e.*, an address book), each record containing: (1) an identification code identifying a recipient that can receive a fax at an Internet address that is not the identification code (*i.e.*, an address book entry); and (2) the Internet address (*i.e.*, an email address); b. a processing system under the management of the sender of the fax in communication with said storage system configured to: (1) receive the identification code (*i.e.*, the address book entry); (2) determine whether said storage system contains a matching record having the identification code (*i.e.*, the address book entry); and (3) direct the fax to the Internet address in the matching record if said storage system contains a

matching record (*i.e.*, the Accused Instrumentalities determine whether the address book entry has an email address associated with it and direct the fax to the email address). *See* Exhibits G-N.

48. Defendant has infringed claim 5 of the '974 Patent by or through making, using, importing, offering for sale and/or selling at least one of the Accused Instrumentalities during the pendency of the '974 Patent. The Accused Instrumentalities include a storage system and said processing system that are co-located with the sender (*i.e.*, a user is at the same location as the Accused Instrumentalities when the operations are performed). *See* Exhibits G Fig. 16, H Fig. 16, I Fig. 12, J Figs. 14-17, K Figs. 19 and 20, L Fig. 15, M Fig. 20, N Fig. 15.

49. As a result of Defendant's infringement of the '974 Patent, OpenPrint has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for making, using, importing, distributing, selling and/or offering for sale the Accused Instrumentalities, together with interest and costs as fixed by the court.

50. Plaintiff reserves the right to modify its infringement theories as discovery proceeds in this case, and Plaintiff shall not be estopped for claim construction purposes by its preliminary infringement analysis provided in this Complaint. Plaintiff's preliminary infringement analysis does not limit its final claim construction positions.

COUNT VI
INFRINGEMENT OF U.S. PATENT NO. 8,941,888

51. Defendant has infringed claims 1, 2, 3, 4, 5, 6, 7, 8, and 9 of the '888 Patent in the State of Delaware, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, distributing, selling and/or offering for sale products and/or systems (*i.e.*, the Accused Instrumentalities), covered by one or more claims of the '888 Patent during the pendency of the '888 Patent to the injury of OpenPrint.

Defendant has directly infringed, literally infringed, and/or infringed the '888 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '888 Patent pursuant to 35 U.S.C. § 271(a).

52. Defendant has infringed claim 1 of the '888 Patent by or through making, using, importing, offering for sale and/or selling at least one of the Accused Instrumentalities during the pendency of the '888 Patent. The Accused Instrumentalities include a communications apparatus, comprising: a facsimile component configured to generate facsimile information by scanning an image from a hard copy of a document (*i.e.*, the fax portion scans hard copies of documents); a user interface configured to receive an e-mail address from a user (*i.e.*, a touch pad or keypad); a facsimile-to-e-mail gateway comprising a facsimile-to-e-mail component configured to—in a first mode, convert the facsimile information into a computer readable image file (*e.g.*, a TIFF or PDF file), attach the computer readable image file to an e-mail message, and transmit the e-mail message without additional user input to the received e-mail address, wherein the e-mail address is received in and interpreted from alphanumeric form (*e.g.*, the TIFF or PDF file is attached to the email and sent to the email address entered, and the email address is entered in alphanumeric form using the keypad); and in a second mode, transmit a facsimile device compatible file to a remote facsimile device (*i.e.*, a facsimile transmission); and a housing configured to carry the user interface. *See* Exhibits G-N.

53. Defendant has infringed claim 2 of the '888 Patent by or through making, using, importing, offering for sale and/or selling at least one of the Accused Instrumentalities during the pendency of the '888 Patent. For example, the facsimile component is configured to transmit the facsimile information via a first communications network (*i.e.*, a telephone network); and the facsimile-to-e-mail component is configured to transmit the e-mail message via a second

communications network different than the first communications network (*i.e.*, the internet). *See* Exhibits G Figs. 3-8, H Figs. 3-10, I Figs. 7-17, J Figs. 7-14, K Figs. 8-17, L Figs. 13-15, M Figs. 8-15, N Figs. 8-15.

54. Defendant has infringed claim 3 of the '888 Patent by or through making, using, importing, offering for sale and/or selling at least one of the Accused Instrumentalities during the pendency of the '888 Patent. The Accused Instrumentalities are configured to be connected to a first communications network that comprises at least one of a public switched telephone network, an Internet telephony network, a local area network, or a wide area network (*i.e.*, a telephone network) and to a second communications network that comprises a packet switched network (*e.g.*, a TCP/IP network). *See* Exhibits G Figs. 3-8, H Figs. 3-10, I Figs. 7-17, J Figs. 7-14, K Figs. 8-17, L Figs. 13-15, M Figs. 8-15, N Fig. 8-15.

55. Defendant has infringed claim 4 of the '888 Patent by or through making, using, importing, offering for sale and/or selling at least one of the Accused Instrumentalities during the pendency of the '888 Patent. For example, in a second mode, the facsimile-to-e-mail component is configured to receive data signals via the second communications network (*i.e.*, a fax transmission via the internet). *See* Exhibits G Figs. 13-15, H Figs. 10-15, I Fig. 7-17, J Figs. 7-14, K Figs. 8-14, L Figs. 11-15, M Figs. 8-15, N Fig. 8-15.

56. Defendant has infringed claim 5 of the '888 Patent by or through making, using, importing, offering for sale and/or selling at least one of the Accused Instrumentalities during the pendency of the '888 Patent. For example, in a second mode, the facsimile-to-e-mail component is configured to transmit the facsimile device compatible file via the second communications network (*e.g.*, sending a fax transmission via the internet). *See* Exhibits G Figs. 10-15, H Fig. 10-15, I Figs. 7-17, J Figs. 7-17, K Figs. 8-17, L Figs. 7-10, M Figs. 8-15, N Fig. 8-15.

57. Defendant has infringed claim 6 of the '888 Patent by or through making, using, importing, offering for sale and/or selling at least one of the Accused Instrumentalities during the pendency of the '888 Patent. For example, the facsimile-to-e-mail component is configured to transmit a confirmation facsimile file to the remote facsimile device via the first communications network (*e.g.*, it transmits a fax to another fax machine via a telephone network). *See* Exhibits G Figs. 8-15, H Figs. 10-14, I Figs. 7-17, J Figs. 7-14, K Figs. 8-17, L Fig. 7-10, M Figs. 8-15, N Fig. 8-15.

58. Defendant has infringed claim 7 of the '888 Patent by or through making, using, importing, offering for sale and/or selling at least one of the Accused Instrumentalities during the pendency of the '888 Patent. The Accused Instrumentalities include multi-function peripherals (*e.g.*, a printer, scanner, copier, fax machine). *See* Exhibits G Figs. 1-4, H Figs. 1-5, I Figs. 1-6, J Figs. 1-6, K Figs. 1-8, L Figs. 1-5, M Figs. 1-7, N Figs. 1-6.

59. Defendant infringed claim 8 of the '888 Patent by or through making, using, importing, offering for sale and/or selling at least one of the Accused Instrumentalities during the pendency of the '888 Patent. The Accused Instrumentalities include an alphanumeric keypad. *See* Exhibits G Fig. 4, H Fig. 4, I Fig. 4, J Figs. 5 and 8, K Figs. 4 and 8, L Fig. 9, M Fig. 4, N Fig. 7.

60. Defendant infringed claim 9 of the '888 Patent by or through making, using, importing, offering for sale and/or selling at least one of the Accused Instrumentalities during the pendency of the '888 Patent. The Accused Instrumentalities attach a TIFF format image file to an e-mail. *See* Exhibits G Figs. 12 and 13, H Figs. 10-16, I Figs. 16 and 17, J Figs. 12-14, K Figs. 17 and 18, L Fig. 16, M Fig. 19, N Fig. 8.

61. As a result of Defendant's infringement of the '888 Patent, OpenPrint has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for

Defendant's infringement, but in no event less than a reasonable royalty for making, using, importing, selling and/or offering for sale the Accused Instrumentalities, together with interest and costs as fixed by the Court.

62. Plaintiff reserves the right to modify its infringement theories as discovery proceeds in this case, and Plaintiff shall not be estopped for claim construction purposes by its preliminary infringement analysis provided in this Complaint. Plaintiff's preliminary infringement analysis does not limit its final claim construction positions.

JURY DEMAND

OpenPrint hereby requests a trial by jury on all issues so triable by right.

PRAYER FOR RELIEF

OpenPrint requests that the Court find in their favor and against Defendant, and that the Court grant OpenPrint the following relief:

- a. Judgment that one or more claims of the Asserted Patents have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- b. Judgment that Defendant accounts for and pays to OpenPrint all damages and costs incurred by OpenPrint, caused by Defendant's infringing activities and other conduct complained of herein;
- c. That OpenPrint be granted pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;
- d. That this Court declare this an exceptional case and award OpenPrint reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and
- e. That OpenPrint be granted such other and further relief as the Court may deem just and proper under the circumstances.

August 3, 2017

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