

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

OPENPRINT LLC,

Plaintiff,

v.

HP 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 HP Inc. (“Defendant”):

PARTIES

1. OpenPrint is a Texas limited liability company with a principle place of business located at 5068 W. Plano Parkway, Suite 300, Plano, TX 75093.
2. Defendant is a corporation organized and existing under the laws of Delaware, with its principal place of business located at 1501 Page Mill Road, Palo Alto, CA 94303. 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 United States patents 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: (a) at least a portion of the infringements alleged herein; and (b) 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 April 3, 2001, United States Patent No. 6,209,993 (the "'993 Patent") was duly and legally issued by the United States Patent and Trademark Office and is titled "Structure and Fabricating Method for Ink-Jet Printhead Chip." A true and correct copy of the '993 Patent is attached hereto as Exhibit A.

7. 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 and is titled "Facsimile to E-Mail Communication System." A true and correct copy of the '601 Patent is attached hereto as Exhibit C.

8. On April 6, 2004, United States Patent No. 6,717,699 (the "'699 Patent") was duly and legally issued by the United States Patent and Trademark Office and is titled "Method for Hybrid Printing." A true and correct copy of the '699 Patent is attached hereto as Exhibit D.

9. OpenPrint is the owner of the '993 Patent, the '906 Patent, the '601 Patent, and the '699 Patent ("the Asserted Patents").

10. 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. 6,209,993

11. Defendant has been and continues to infringe claims 1, 2, 6, 7, 8, 10, 14, 15, and 17 of the '993 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, selling and/or offering for sale products and/or systems (*i.e.*, the HP OfficeJet Pro 8600 Printhead) (the "Accused Printhead"). Defendant has been and continues to directly infringe, literally infringe, and/or infringe claims 1, 2, 6, 7, 8, 10, 14, 15, and 17 of the '993 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '993 Patent pursuant to 35 U.S.C. § 271(a).

12. Defendant has been and continues to infringe claim 1 of the '993 Patent by or through making (or having made) the Accused Printhead. Defendant has been and continues to perform a method for fabricating an ink-jet printhead chip, comprising the steps of: a.) providing a silicon substrate having a first surface and a second surface (*e.g.*, the Accused Printhead includes a silicon substrate having a first and second surface); b.) etching the first surface to form at least one groove in the silicon substrate, wherein the groove does not extend to the second surface (*e.g.*, the first surface is etched to form at least one groove in the silicon substrate); c.) after the groove is formed in the substrate, forming a plurality of ink slots in the silicon substrate, wherein the ink slots extend to the second surface of the substrate and connect the groove and the second surface, wherein a depth of the ink slots is equal to or larger than 50 μm , but less than 200 μm (*e.g.*, a plurality of ink slots are formed in the silicon substrate with a depth more than 50 μm but less than 200 μm); and d.) forming a plurality of firing chambers on the second surface, wherein each of the firing chambers is respectively connected to each of the ink slots (*e.g.*, multiple firing chambers are formed on the second surface and are connected to respective ink slots). *See* Exhibit E, Figs. 1-9.

13. Defendant has been and continues to infringe claim 2 of the '993 Patent by or through making (or having made) the Accused Printhead. For example, the ink slots are manufactured by use of either anisotropic or isotropic etching (*e.g.*, the ink slots are etched using anisotropic or isotropic processes). *See* U.S. Patent Application Publication No. 2016/0200568, ¶ 15, attached hereto as Exhibit H.

14. Defendant has been and continues to infringe claim 6 of the '993 Patent by or through making (or having made) the Accused Printhead. For example, the Accused Printhead includes multiple individual ink slots (*e.g.*, each ink slot is separate and distinct.) *See* Exhibit E, Figs. 1 and 4.

15. Defendant has been and continues to infringe claim 7 of the '993 Patent by or through making (or having made) the Accused Printhead. Defendant performs a method for fabricating an ink-jet printhead chip comprising the steps of: a.) providing a silicon substrate having a first surface and a second surface (*e.g.*, the Accused Printhead includes a silicon substrate with a first and second surface); b.) etching the first surface to form a plurality of grooves in the silicon substrate (*e.g.*, multiple grooves are etched into the silicon substrate); c.) after the grooves are formed in the substrate, forming a plurality of ink slots in the silicon substrate, wherein more than one said ink slots are formed in each of the grooves, and the ink slots connect the grooves and the second surface (*e.g.*, a plurality of ink slots are formed within the substrate); d.) forming a plurality of overflow grooves on the first surface (*e.g.*, overflow grooves are formed on the first surface); and e.) forming a plurality of firing chambers on the second surface, wherein each of the firing chambers is respectively connected to each of the ink slots (*e.g.*, the Accused Printhead includes a plurality of firing chambers formed on the second surface). *See* Exhibit E, Figs. 1-6 and 8-11.

16. Defendant has been and continues to infringe claim 8 of the '993 Patent by or through making (or having made) the Accused Printhead. For example, a depth of the ink slot is equal to or larger than 50 μm , but less than 200 μm (*e.g.*, the depth of the ink slots is approximately 110 μm). *See* Exhibit E, Figs. 1-11.

17. Defendant has been and continues to infringe claim 10 of the '993 Patent by or through making (or having made) the Accused Printhead. For example, the ink slots are manufactured by use of either anisotropic or isotropic etching (*e.g.*, the ink slots are etched using anisotropic or isotropic processes). *See* Exhibit H, ¶ 15.

18. Defendant has been and continues to infringe claim 14 of the '993 Patent by or through making (or having made) the Accused Printhead. For example, the Accused Printhead includes multiple individual ink slots (*e.g.*, each ink slot is separate and distinct from other ink slots). *See* Exhibit E, Figs. 1 and 4.

19. Defendant has been and continues to infringe claim 15 of the '993 Patent by or through making, using, importing, offering for sale and/or selling the Accused Printhead. The Accused Printhead is an ink-jet printhead chip comprising: a.) a silicon substrate having a first surface and a second surface, wherein a plurality of grooves are formed on the first surface in the silicon substrate (*e.g.*, the Accused Printhead includes a silicon substrate with a first and second surface and a plurality of grooves in the silicon substrate); b.) a plurality of ink slots formed on bottom portions of the grooves of the silicon substrate, wherein the ink slots extend to the second surface of the substrate, a width of the grooves is larger than a width of the ink slots, and a depth of the ink slots is equal to or larger than 50 μm , but less than 200 μm (*e.g.*, the Accused Printhead includes multiple ink slots formed on bottom portions of the grooves and that extend to the second surface, the ink slots having a depth of approximately 110 μm); and c.) a plurality of

firing chambers formed on and adjacent to the second surface, wherein each of the firing chambers is respectively connected to each of the ink slots (*e.g.*, the Accused Printhead includes a plurality of firing chambers adjacent to the second surface and connected to each of the ink slots). *See* Exhibit E, Figs. 1-11.

20. Defendant has been and continues to infringe claim 17 of the '993 Patent by or through making, using, importing, offering for sale and/or selling the Accused Printhead. The Accused Printhead includes multiple ink slots that are each individual (*e.g.*, each ink slot is separate and distinct from other ink slots). *See* Exhibit E, Figs. 1 and 4.

21. As a result of Defendant's infringement of the '993 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 Printhead, together with interest and costs as fixed by the Court.

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

23.

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

24. Defendant has infringed claims 6, 8, 9, and 10 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, providing, selling and/or offering for sale products and/or systems (*i.e.*, the Accused Printer) during the pendency of the '601 Patent. Defendant has directly infringed, literally infringed, and/or infringed claims 6, 8, 9, and 10 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).

25. Defendant has infringed claim 6 of the '601 Patent by or through making, using, importing, offering for sale and/or selling the Accused Printer during the pendency of the '601 Patent. The Accused Printer includes a non-transitory computer-readable storage medium having stored thereon computer executable instructions that, if executed by an apparatus, cause the apparatus to perform operations comprising: a.) receiving facsimile information from a facsimile device (*i.e.*, the Accused Printer receives a digital image from a fax portion); b.) 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.*, the Accused Printer receives, in alphanumeric form, an e-mail address to which the facsimile information is to be sent); c.) interpreting the destination e-mail address from the alphanumeric form; converting the received facsimile information into a computer readable image file; d.) 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 Accused Printer interprets the entered e-mail address and converts the received facsimile information into a TIFF or PDF file that is attached to the e-mail); and e.) transmitting the e-mail

message to an e-mail server associated with the received destination e-mail address (*i.e.*, the e-mail and the attached TIFF or PDF file are sent to the e-mail server associated with the entered e-mail address). *See* Exhibit F, Figs. 1-17.

26. Defendant has infringed claim 8 of the '601 Patent by or through making, using, importing, offering for sale and/or selling the Accused Printer during the pendency of the '601 Patent. The Accused Printer includes a user interface including an alphanumeric keypad that receives the destination e-mail address (*i.e.*, the e-mail address is received via a keypad). *See* Exhibit F, Fig. 11.

27. Defendant has infringed claim 9 of the '601 Patent by or through making, using, importing, offering for sale and/or selling the Accused Printer during the pendency of the '601 Patent. The Accused Printer converts facsimile information received from a facsimile device into a TIFF format image file. *See* Exhibit F, Figs. 12 and 13.

28. Defendant has infringed claim 10 of the '601 Patent by or through making, using, importing, offering for sale and/or selling the Accused Printer during the pendency of the '601 Patent. The Accused Printer converts facsimile information received from a facsimile device into one of the following file formats: JPEG, GIF, PCX, DCX, BMP, PNG, or AWD. *See* Exhibit F, Figs. 12 and 13.

29. 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, selling and/or offering for sale the Accused Printer, together with interest and costs as fixed by the Court.

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

COUNT III
INFRINGEMENT U.S. PATENT NO. 6,717,699

31. Defendant has been and continues to infringe claim 1 of the '699 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, selling and/or offering for sale products and/or systems (*i.e.*, the HP Indigo 12000, the HP Indigo 7900, the HP Indigo 5900, the HP Indigo 50000, the HP Indigo 20000, the HP Indigo 8000, the HP Indigo W7250, the HP Indigo WS6800p, the HP Indigo 30000, the HP Indigo 20000, the HP Indigo 8000, the HP Indigo WS6800, the HP Indigo 7r, the HP Indigo 6r, and the HP Indigo 5r (the "Accused Hybrid Presses")). Defendant has been and continues to directly infringe, literally infringe, and/or infringe claim 1 of the '699 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '699 Patent pursuant to 35 U.S.C. § 271(a).

32. Defendant has been and continues to infringe claim 1 of the '699 Patent by placing at least one of the Accused Hybrid Presses into operation. The Accused Hybrid Presses perform a hybrid printing method for digitally printing a design having a selected design color and a plurality of remaining design colors, comprising: a.) selecting a spot color representing the selected design color (*e.g.*, the Accused Hybrid Presses select a special spot ink representing a selected design color); b.) selecting a calibrated process color set comprising a plurality of process colors (*e.g.*, the Accused Hybrid Presses use a color set of 4, 5, 6, or 7 colors to create a calibrated process color set); c.) creating a hybrid color set comprising the spot color and the

process colors (*e.g.*, the calibrated color set is combined with the spot color to create a hybrid color set); d.) determining whether the remaining design colors can be reached using the hybrid color set in a process color printing mode; and e.) if the remaining design colors can be reached, printing the design using the hybrid color set, wherein the spot color is used to print the selected design color in a spot color printing mode and wherein the hybrid color set is used to print the remaining design colors in the process color printing mode (*e.g.*, the Accused Hybrid Presses print an article using the spot colors for the design colors and the process color set for the remaining colors). *See* Exhibit G Figs. 1-27.

33. As a result of Defendant's infringement of the '699 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 Hybrid Presses, together with interest and costs as fixed by the Court.

34. OpenPrint reserves the right to modify its infringement theories as discovery proceeds in this case, and OpenPrint shall not be estopped for claim construction purposes by its preliminary infringement analysis provided in this Complaint. OpenPrint'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 and/or are being 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, including an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

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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