IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

SENECA IP LICENSING LLC	)
	)
Plaintiff,	)
	) Civil Action No. 2:17-cv-687
v.	)
	) **JURY TRIAL DEMANDED**
OKI DATA AMERICAS, INC.	)
	)
Defendant.	)
	)

COMPLAINT

For its Complaint, Plaintiff Seneca IP Licensing LLC ("Seneca"), by and through the

undersigned counsel, alleges as follows:

THE PARTIES

1.   Seneca is a Texas company with a place of business located at 5068 W. Plano

Parkway, Suite 300, Plano, Texas 75093.

2.   Defendant Oki Data Americas, Inc. is a Delaware corporation.

3.   Defendant's website identifies one of its authorized dealers in Plano, Texas, *see*

Ex. A, and two of its authorized resellers in Tyler, Texas, *see* Ex. B.

4.   One of the authorized dealers in Tyler, Texas states it "has been a VAR (Value

added Reseller) for 17 years with Okidata." Ex. C at p. 8.

5.   That same authorized dealer in Tyler, Texas declares:

From hundreds of small businesses, to some of the largest companies in the nation
including Government, restaurant, travel, airlines, retail, healthcare, and oil & gas,
we have the solution for you backed by the quality customer service you deserve.
Reduce costs and improve delivery time with inventory and logistics
management. Our 30,000sqft. warehouse facility allows us to offer complete
product management for your company. We can stock, inventory and deliver as
you need.

Id. at p. 1.

6.   Upon information and belief, Defendant's products, including, but not limited to, products accused of infringement herein, are warehoused at its authorized dealer in Tyler, Texas. *See* Ex. D.

7.   Defendant provides "training, sales assistance, supports and Managed Services programs" to its authorized dealers. *See* Ex. E.

JURISDICTION AND VENUE

8.   This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*

9.   Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.

10.   Upon information and belief, Defendant conducts substantial business in this forum, directly or through intermediaries, 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 this district.

11.   Venue is proper in this district pursuant to § 1400(b).

THE PATENT-IN-SUIT

12.   On January 5, 1999, United States Patent No. 7,441,699 (the "'699 patent"), entitled "Output Terminal, Data Output System, and Data Output Method," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '699 patent is attached hereto as Exhibit F.

13.   Seneca is the assignee and owner of the right, title and interest in and to the '699 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,441,699

14.   Seneca repeats and realleges the allegations of paragraphs 1 through 13 as if fully set forth herein.

15.   Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant has infringed and continue to infringe the '699 patent by making, using, importing, offering for sale, and/or selling image information reading apparatuses, including, but not limited to, OKI Smart MFPs, including the MC770, MC770+, MC780, MC780+, MB760+, and MB770+ (collectively, "Accused Instrumentality").

16.   More specifically, the Accused Instrumentality is an electronic data outputting method of an output terminal which transmits electronic data to another output terminal.
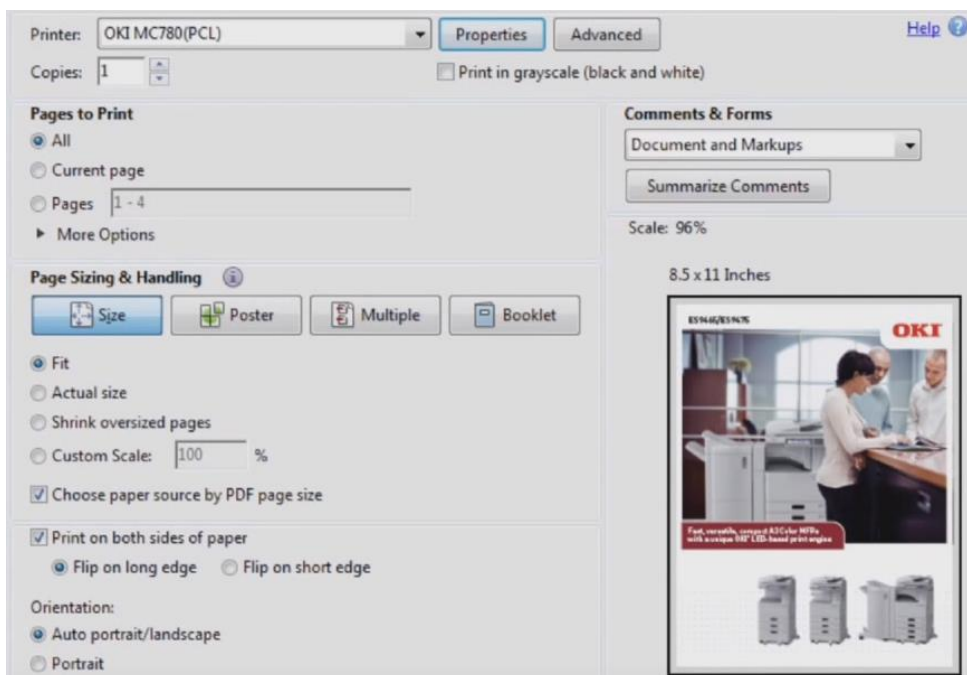

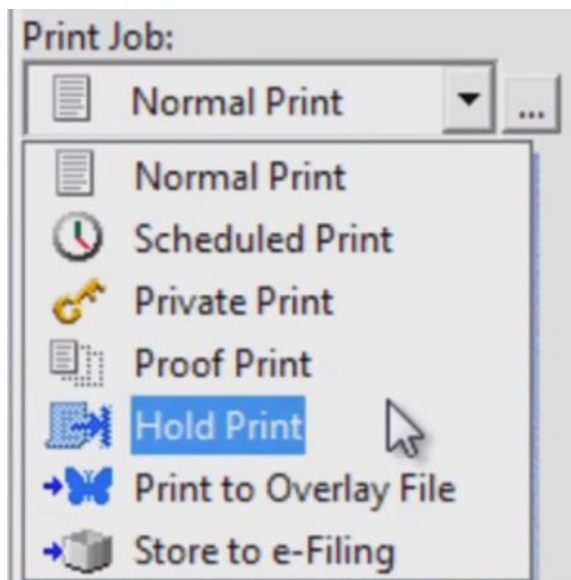http://www.oki.com/us/printing/products/color-multifunction/mc770/index.html.
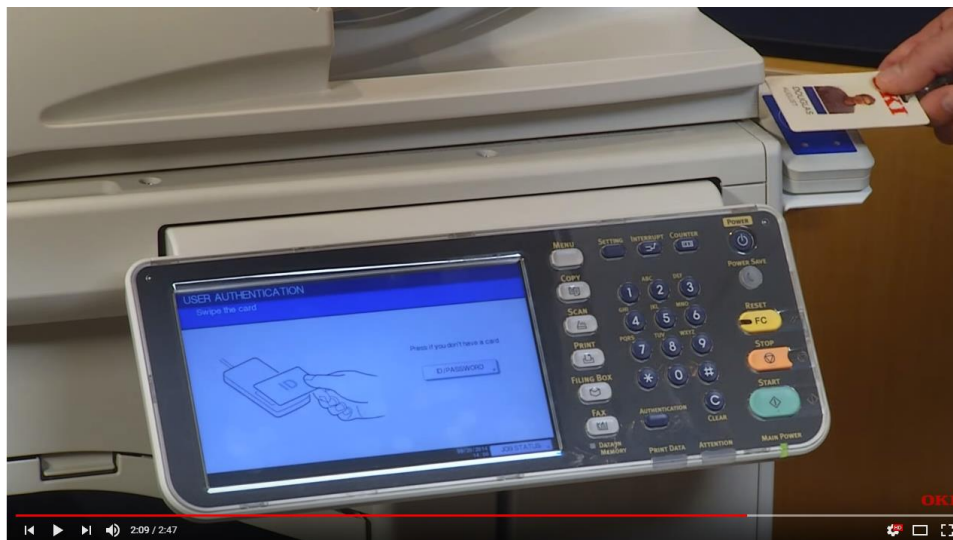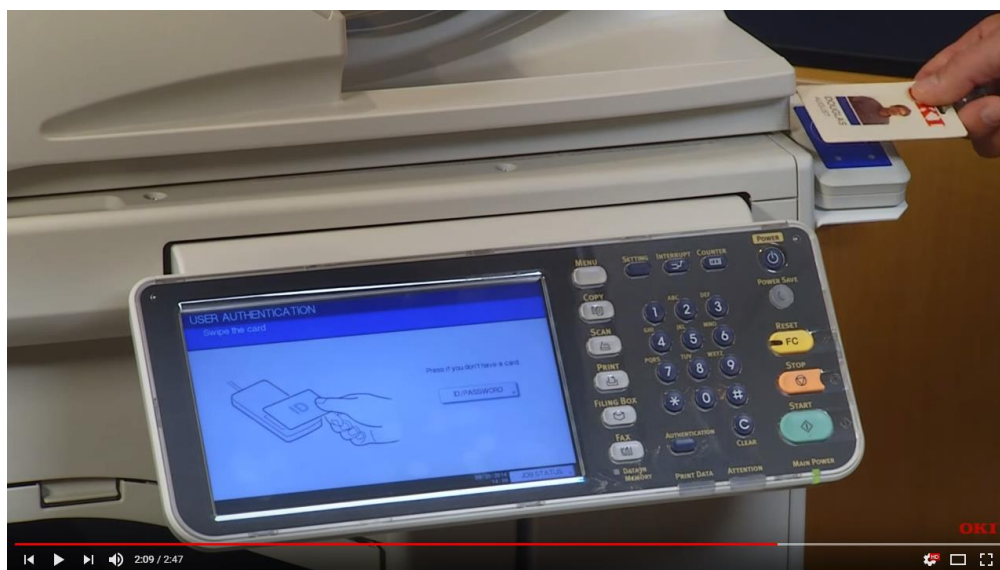
How to Print Securely on OKI Smart MFPs

How to Print Securely on OKI Smart MFPs ("Video") (available at https://www.youtube.com/watch?v=K48LvBLgqMU&index=2&list=PL6gWVhc-2qVRm8dgNexN0ldoHuhcfVzZm).   The output terminal of the Accused Instrumentality includes a communication unit which receives a specific code for specifying the electronic data (e.g., User Authentication) and a destination of the electronic data (e.g., printer).

Id.

Id.

How to Print Securely on OKI Smart MFPs

Id.

- **Hold** — Select this option to print a hold job. The print
  job, sent as a hold job, is saved in the hold job queue on
  this equipment. To perform printing, select the desired
  job on the touch panel display and press [PRINT]. This
  option is useful to prevent you from forgetting to remove
 printed sheets.

5

User's   Guide: Advanced   Guide   ("User's   Guide")   at   p.   64   (available   at

http://www.oki.com/us/printing/download/45510902EE3_MC770_Adv_EN_13729.pdf).

Video. If the user does not have an RFID badge (such as the RFID badge shown above), the

user's ID and Password can be used to release the Hold Print job. The output terminal of the

Accused Instrumentality includes a storage device.

http://www.oki.com/us/printing/products/color-multifunction/mc770/specifications.   The output

terminal of the Accused Instrumentality includes an antenna which reads an identification code

from an IC chip storing therein identification codes corresponding to specific codes on a one-by-

one basis (e.g., the RFID card reader shown below reads the code stored on the User IC card

which identifies that user based on the information sent to the output terminal; the identification

code corresponds to the specific code which refers to the User information and authentication
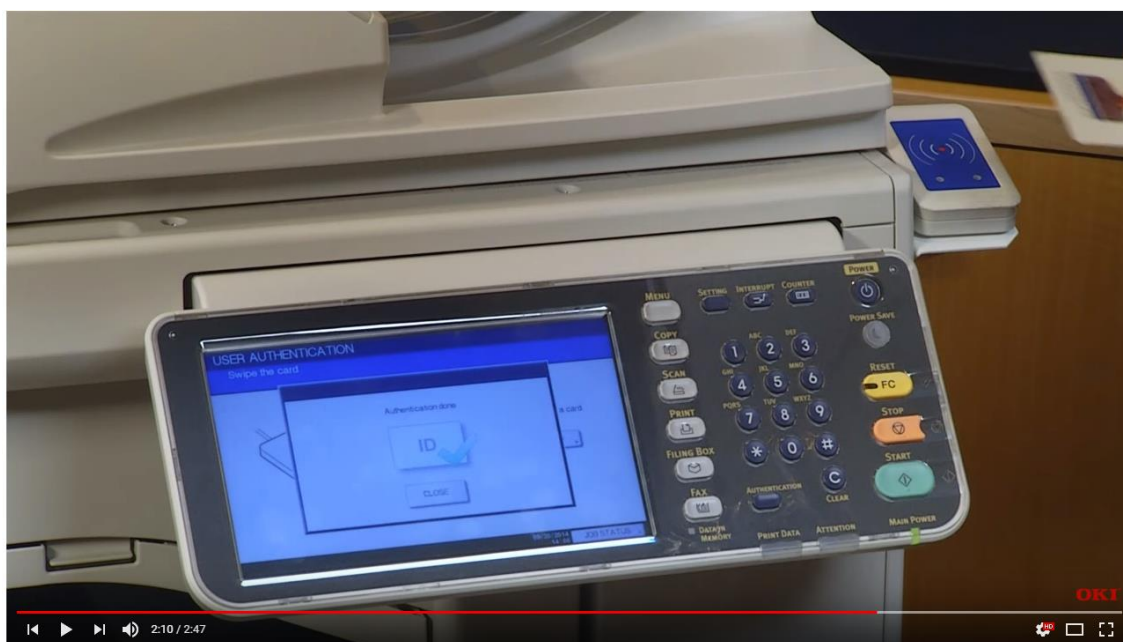
data).
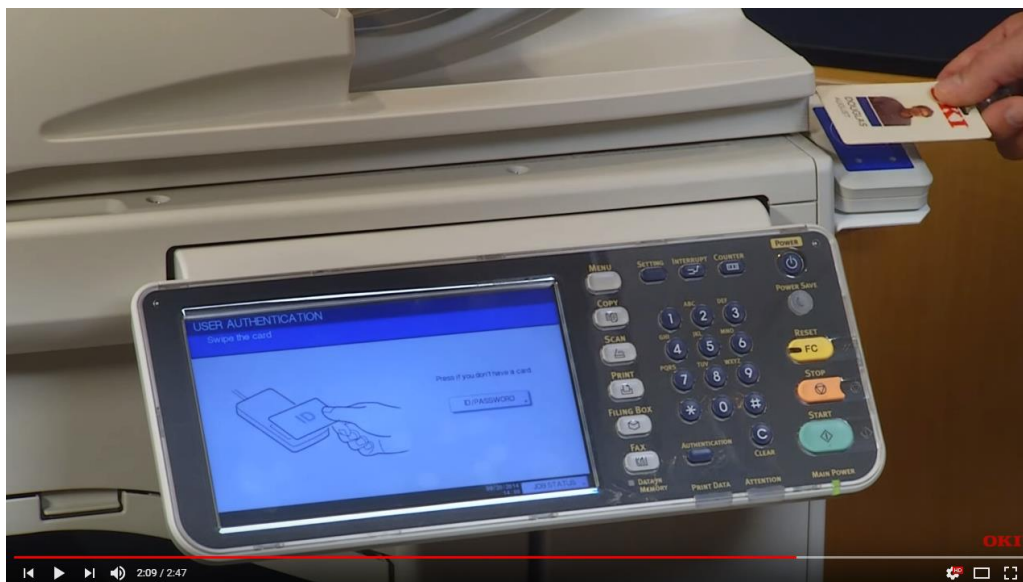
How to Print Securely on OKI Smart MFPs

Video.

Ordering Information

Description			Part Numbers
MC770+ (120V)			62446201
MC780+ (120V)			62446301
MC780f+ (120V)			62446305
MC780fx+ (120V)			62446307
Options			
2nd/3rd/4th 530-Sheet Paper Tray			45466501
2,000-Sheet Large Capacity Feeder			45393301
Caster Base Stand			45466601
Meta Scan Enabler GS-1010			45518201
IPSec Enabler GP-1080			45518401
125 kHz HID Proximity Card Reader – White			70064902
125 kHz Multi 125 Card Reader – White			70064904
13.56 MHz MIFARE Card Reader – White			70064906
13.56 MHz iClass Card Reader – White			70064908
Card Reader Bracket			70065201
OKIcare® Warranty Extensions⁴	**U.S.**	**Canada**	
MC770+			
2-Year On-Site Warranty	38034902	38034912	
3-Year On-Site Warranty	38034903	38034913	
MC780+ Series			
2-Year On-Site Warranty	38035002	38035012	
3-Year On-Site Warranty	38035003	38035013	
Supplies			
Toner Cartridges			
Black Toner Cartridge – 15,000 pages⁴			45396212
Cyan Toner Cartridge – 11,500 pages⁴			45396211
Magenta Toner Cartridge – 11,500 pages⁴			45396210
Yellow Toner Cartridge – 11,500 pages⁴			45396209
Image Drums			
Black Image Drum – 30,000 pages⁴			45395712
Cyan Image Drum – 30,000 pages⁴			45395711
Magenta Image Drum – 30,000 pages⁴			45395710
Yellow Image Drum – 30,000 pages⁴			45395709
Stapler Refills			
Finisher Staple Cartridge (15,000) Refill Kit⁴			42937601
Off-Line Staple Cartridge (3,000) Refill Kit⁷			45513301

7

MC770+/MC780+   MFP   Series   at   p.   4   (available   at

http://www.oki.com/us/printing/images/mc770plus-mc780plus_tcm75-129413.pdf).   The output

terminal of the Accused Instrumentality includes an output unit which outputs the electronic data

(e.g., prints).   Note that the Hold Queue saves data on the machine, and that data is released

when the card is read. *See* Video at 2:10.

> - **Hold** — Select this option to print a hold job. The print job, sent as a hold job, is saved in the hold job queue on this equipment. To perform printing, select the desired job on the touch panel display and press [PRINT]. This option is useful to prevent you from forgetting to remove printed sheets.
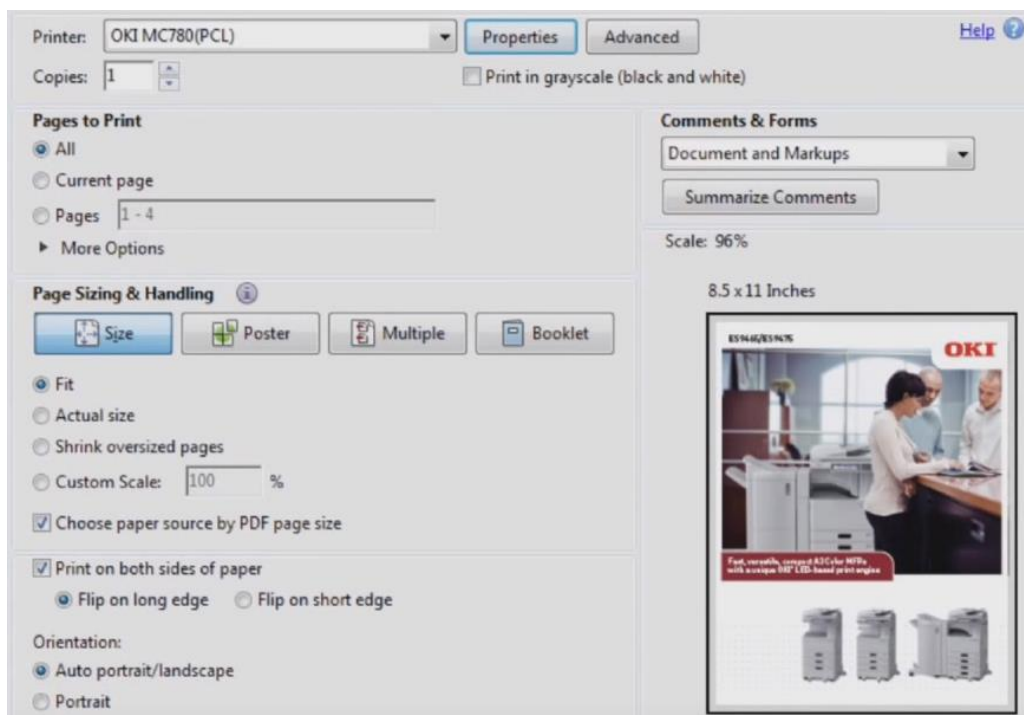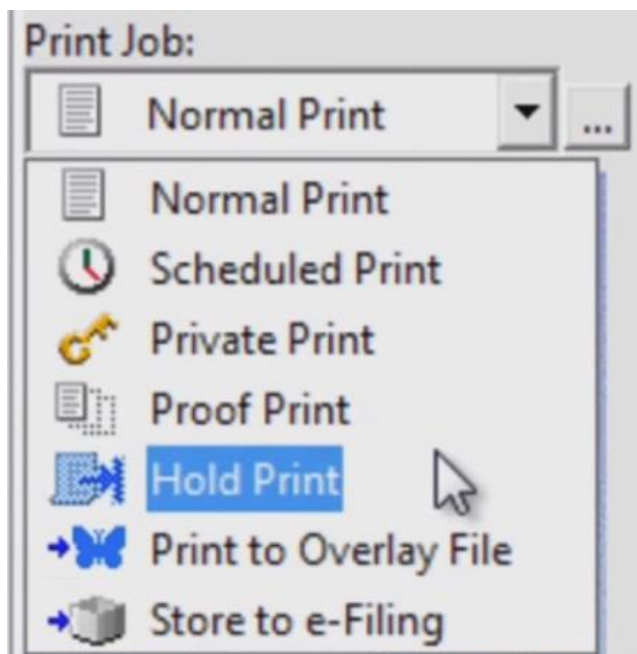
User's Guide at p. 64.

How to Print Securely on OKI Smart MFPs

Video. The electronic data and code are received by the unit after the user sends the print job to

the Hold Print queue.

Video.

Id. When a user sends information to be printed, the information and authentication information is stored on the storage device (e.g., "a hold job, is saved in the hold job queue on this equipment.")   ID authentication is required at the equipment to release the hold job.

9

> - **Hold** — Select this option to print a hold job. The print job, sent as a hold job, is saved in the hold job queue on this equipment. To perform printing, select the desired job on the touch panel display and press [PRINT]. This option is useful to prevent you from forgetting to remove printed sheets.
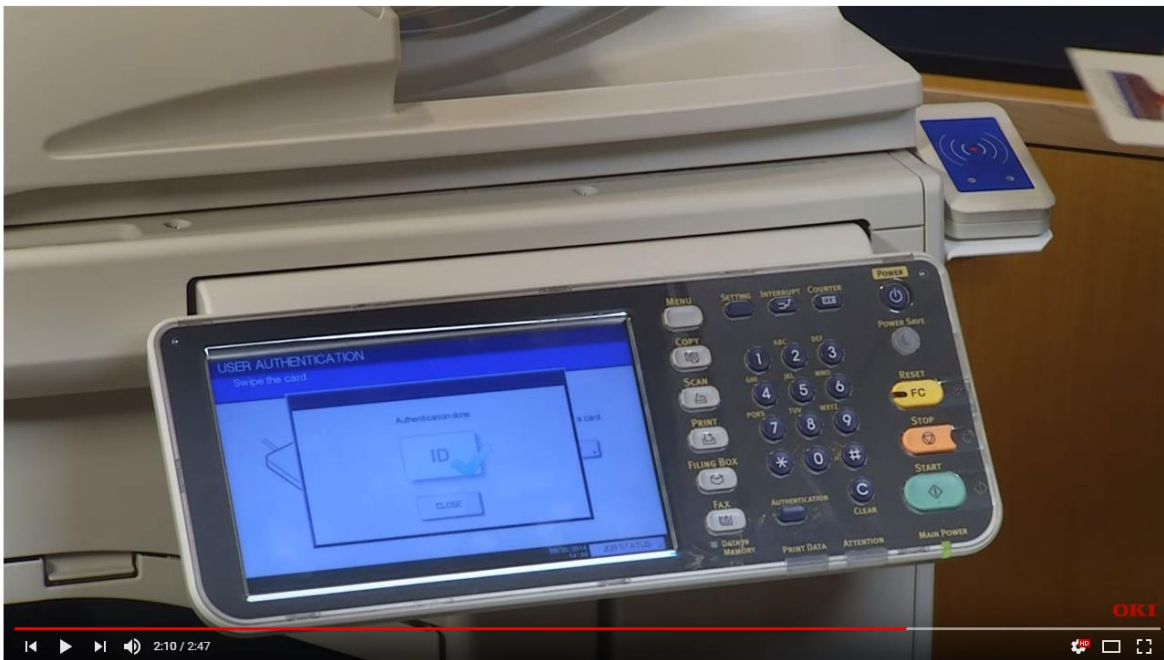
User's Guide at p. 64.
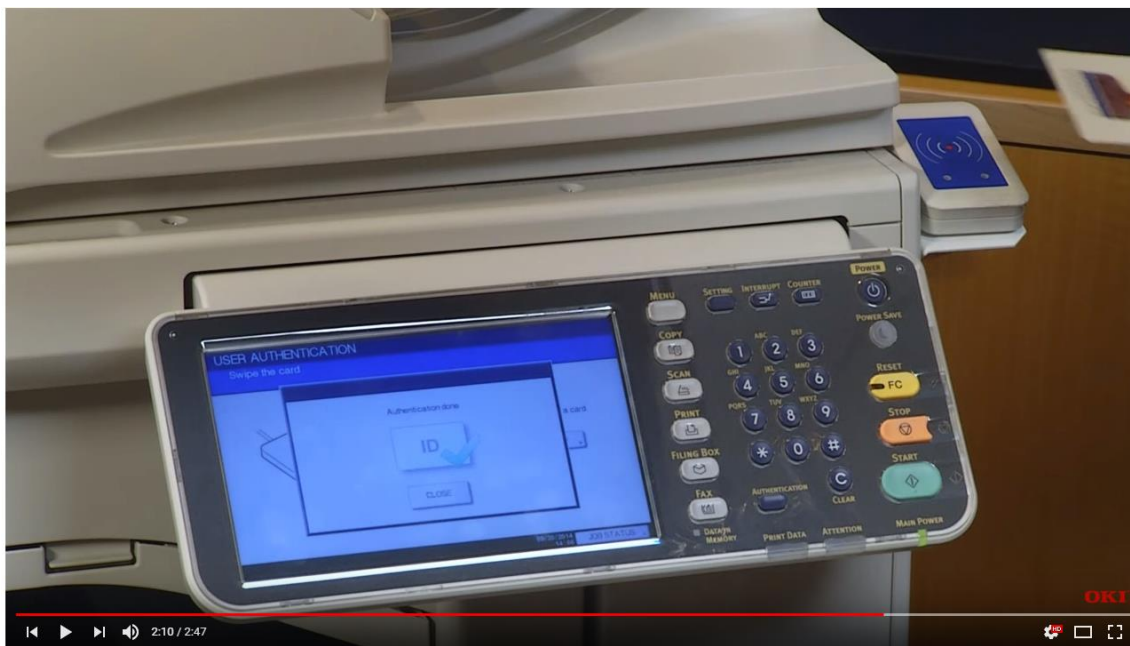
How to Print Securely on OKI Smart MFPs

Video. When a user places an authentication card over the card reader, the antenna reads the identification code stored within. The card must be within a predetermined range to be authenticated (e.g., the excitation radius of the reader).
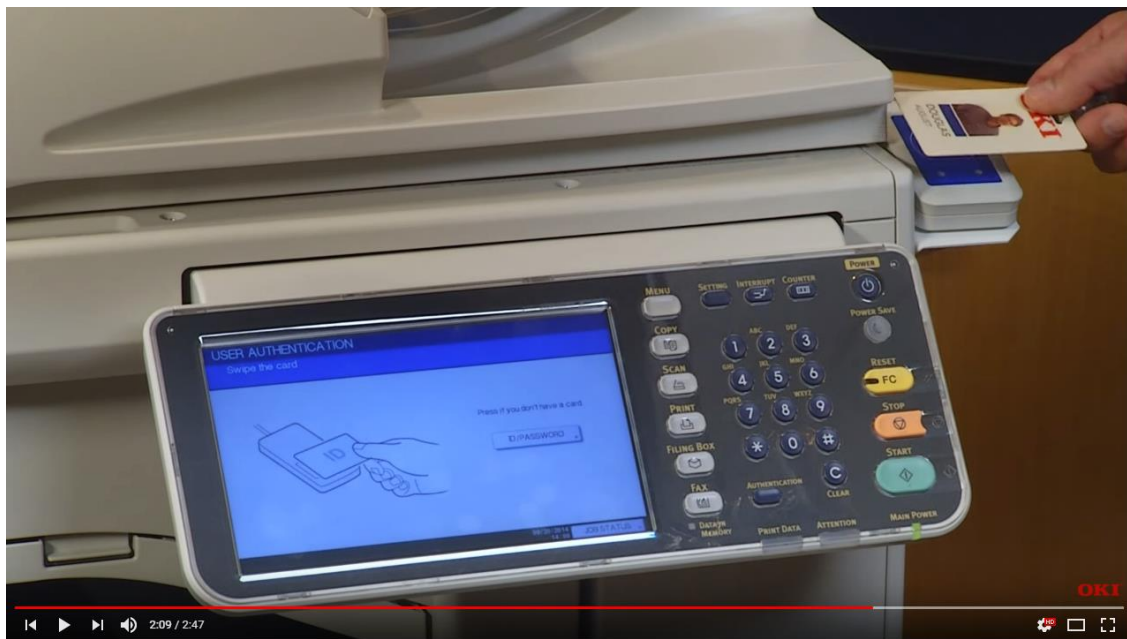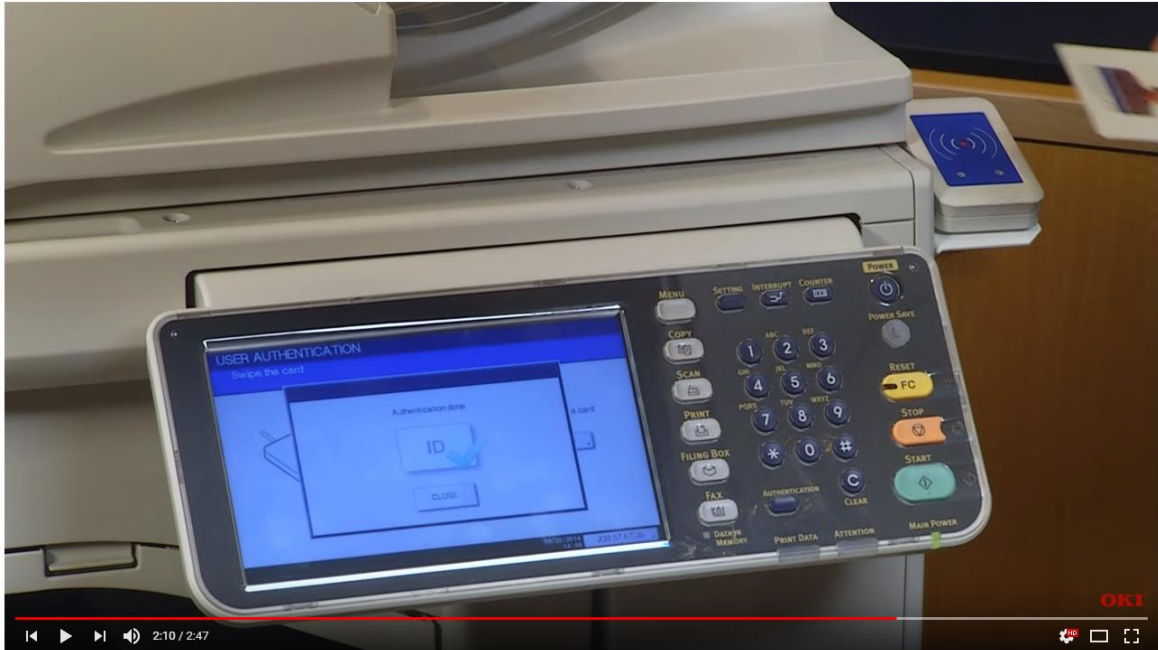
How to Print Securely on OKI Smart MFPs
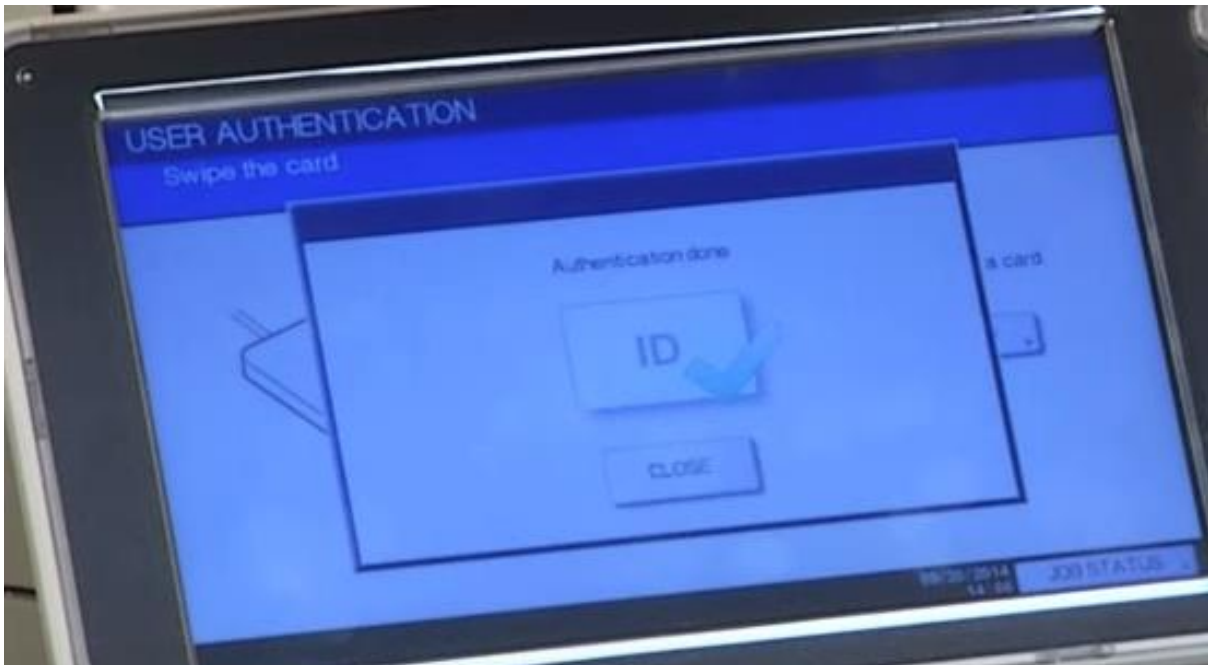
Id.

How to Print Securely on OKI Smart MFPs

Id.   The Accused Instrumentality determines whether the identification code that is read corresponds to the specific code stored in the storage device. (e.g., see below, where the authentication is completed).

11

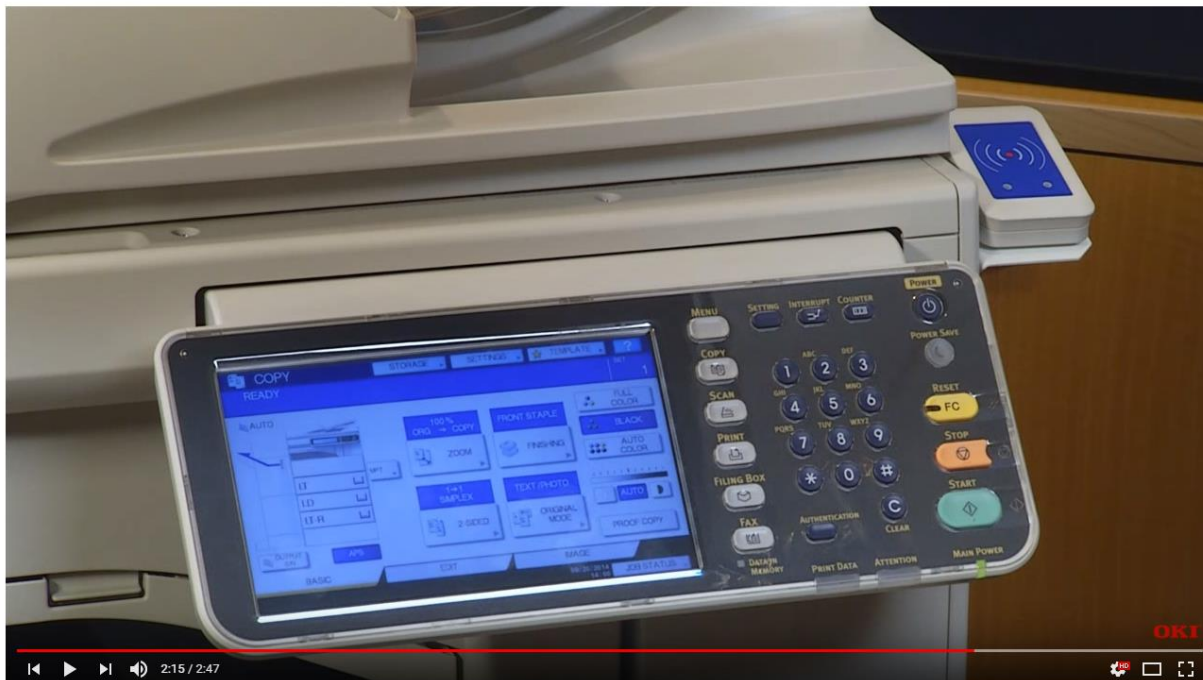How to Print Securely on OKI Smart MFPs

Id.

Id.   When the IC card is within the predetermined range and the identification code stored on the IC card and read by the IC card reader matches the Identification Code stored on the storage device, the output unit outputs the stored electronic data (e.g., sends it to a printing unit). This

13

happens while the IC card is within the predetermined range as the output of the data is effectively instantaneous. In the video in which the second image below is found, the Defendant representative states that after a user places the badge over the reader, "all documents that are held in the hold print queue are automatically released."

Id.
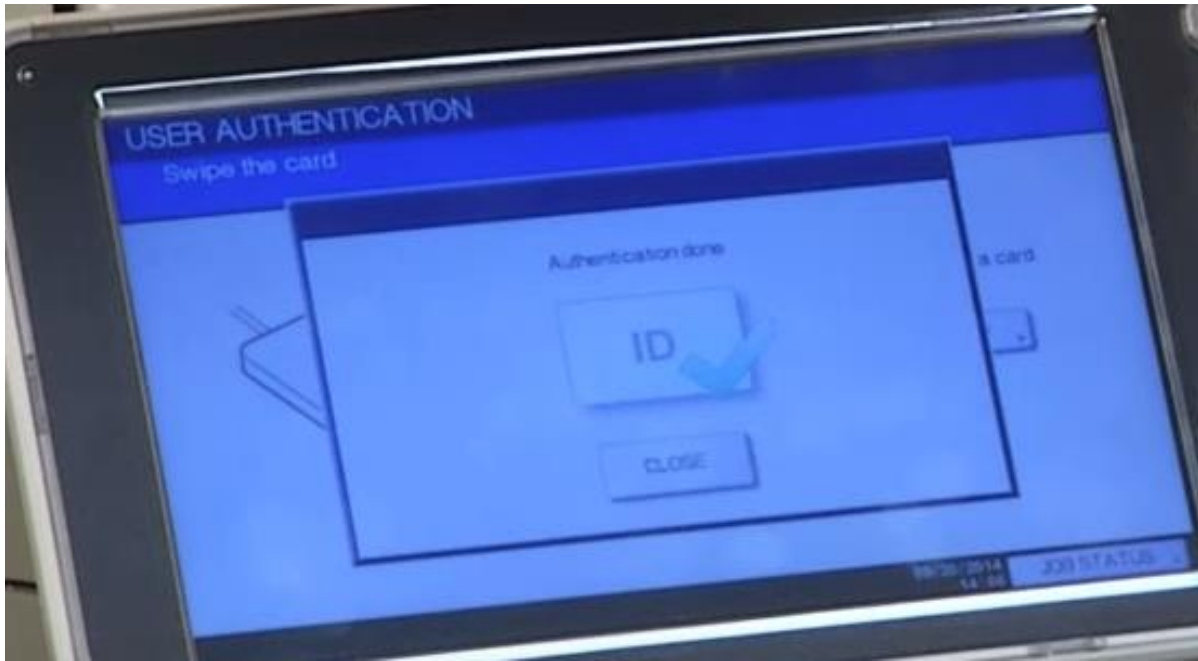
How to Print Securely on OKI Smart MFPs

Id.

17.   Seneca is entitled to recover from Defendant the damages sustained by Seneca as result of Defendant's infringement of the '699 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

Seneca hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Seneca requests that this Court enter judgment against Defendant as follows:

A.   An adjudication that Defendant has infringed the '699 patent;

B.   An award of damages to be paid by Defendant adequate to compensate Seneca for Defendant's past infringement of the '699 patent and any continuing or future infringement

through the date such judgment is entered, including interest, costs, expenses and an accounting

of all infringing acts including, but not limited to, those acts not presented at trial;

C.   A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of

Seneca's reasonable attorneys' fees; and

D.   An award to Seneca of such further relief at law or in equity as the Court deems

just and proper.

Dated: October 6, 2017   Respectfully submitted,

/s/ Richard C. Weinblatt
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