

1 Naomi Jane Gray (SBN 230171)
2 SHADES OF GRAY LAW GROUP, P.C.
3 100 Shoreline Highway, Suite 100B
4 Mill Valley, California 94941
5 Tel: (415) 746-9260 | Fax: (415) 968-4328
6 ngray@shadesofgray.law

7 *Attorneys for Plaintiff Canon Inc.*

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 CANON INC.,)

11 Plaintiff,)

12 vs.)

13 MASTER PRINT SUPPLIES, INC.,)

14 Defendant.)

Case No. _____

**PLAINTIFF CANON INC.’S
COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

15 Plaintiff Canon Inc. (“Canon”) brings this action for patent infringement against
16 Defendant Master Print Supplies, Inc. (“Defendant”), and alleges as follows:

17 **Related Actions**

18 1. This action is related to an action being concurrently filed in the U.S.
19 International Trade Commission, *In the Matter of Certain Toner Cartridges and Components*
20 *Thereof* (the “ITC Proceeding”), in that (a) Canon is a complainant in the ITC Proceeding;
21 (b) Defendant is a named respondent, among other named respondents, in the ITC Proceeding;
22 (c) Canon is asserting the same patents against Defendant both here and in the ITC Proceeding;
23 and (d) this action and the ITC Proceeding involve the same accused products of Defendant.
24 Canon is concurrently filing similar complaints in this Court or in other courts against the other
25 named respondents in the ITC Proceeding.
26
27
28

The Parties

1
2 2. Canon is a corporation organized and existing under the laws of Japan, having its
3 principal place of business at 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan.

4 3. Canon is a leading innovator, manufacturer and seller of a wide variety of laser
5 beam printers, inkjet printers, copying machines, cameras, and other consumer, business, and
6 industrial products.

7 4. On information and belief, Master Print Supplies, Inc. is a corporation organized
8 and existing under the laws of the State of California, with its principal place of business located
9 at 802 Burlway Road, Burlingame, California 94010.

10 5. On information and belief, Defendant does business under the assumed name
11 “HQ Products,” and conducts activities via the Internet at least through an “HQ Products”
12 storefront on *Amazon.com*.

13 **Jurisdiction and Venue**

14 6. This is an action for patent infringement arising under the patent laws of the
15 United States, Title 35 of the United States Code. This Court has subject matter jurisdiction
16 pursuant to 28 U.S.C. §§ 1331 and 1338(a).

17 7. This Court has personal jurisdiction over Defendant because its principal place of
18 business is located in this judicial district, and because it has, directly or through intermediaries,
19 committed acts within California giving rise to this action and/or has established minimum
20 contacts with California such that the exercise of jurisdiction would not offend traditional
21 notions of fair play and substantial justice.

22 8. Venue is proper under 28 U.S.C. § 1400(b). Defendant is incorporated in, and
23 thus resides in, the State of California and this judicial district. Defendant also has committed
24 infringing acts in this judicial district and has a regular and established place of business in this
25 judicial district.

26 **Intradistrict Assignment**

27 9. This is an intellectual property action subject to district-wide assignment pursuant
28 to Local Civil Rule 3-2(c).

Canon's Patents-in-Suit

1
2 10. On August 29, 2017, U.S. Patent No. 9,746,826 (the “826 patent”), titled
3 “Process Cartridge, Electrophotographic Image Forming Apparatus, and Electrophotographic
4 Photosensitive Drum Unit,” duly and legally issued to Canon as assignee of the inventors,
5 Takahito Ueno, Shigeo Miyabe, and Masanari Morioka. A true and correct copy of the ’826
6 patent is attached as Exhibit A.

7 11. On December 5, 2017, U.S. Patent No. 9,836,021 (the “’021 patent”), titled
8 “Process Cartridge, Electrophotographic Image Forming Apparatus, and Electrophotographic
9 Photosensitive Drum Unit,” duly and legally issued to Canon as assignee of the inventors,
10 Takahito Ueno, Shigeo Miyabe, and Masanari Morioka. A true and correct copy of the ’021
11 patent is attached as Exhibit B.

12 12. On December 12, 2017, U.S. Patent No. 9,841,727 (the “’727 patent”), titled
13 “Process Cartridge, Electrophotographic Image Forming Apparatus, and Electrophotographic
14 Photosensitive Drum Unit,” duly and legally issued to Canon as assignee of the inventors,
15 Takahito Ueno, Shigeo Miyabe, and Masanari Morioka. A true and correct copy of the ’727
16 patent is attached as Exhibit C.

17 13. On December 12, 2017, U.S. Patent No. 9,841,728 (the “’728 patent”), titled
18 “Process Cartridge, Electrophotographic Image Forming Apparatus, and Electrophotographic
19 Photosensitive Drum Unit,” duly and legally issued to Canon as assignee of the inventors,
20 Takahito Ueno, Shigeo Miyabe, and Masanari Morioka. A true and correct copy of the ’728
21 patent is attached as Exhibit D.

22 14. On December 12, 2017, U.S. Patent No. 9,841,729 (the “’729 patent”), titled
23 “Process Cartridge, Electrophotographic Image Forming Apparatus, and Electrophotographic
24 Photosensitive Drum Unit,” duly and legally issued to Canon as assignee of the inventors,
25 Takahito Ueno, Shigeo Miyabe, and Masanari Morioka. A true and correct copy of the ’729
26 patent is attached as Exhibit E.

27 15. On January 2, 2018, U.S. Patent No. 9,857,764 (the “’764 patent”), titled “Process
28 Cartridge, Electrophotographic Image Forming Apparatus, and Electrophotographic

1 Photosensitive Drum Unit,” duly and legally issued to Canon as assignee of the inventors,
2 Takahito Ueno, Shigeo Miyabe, and Masanari Morioka. A true and correct copy of the ’764
3 patent is attached as Exhibit F.

4 16. On January 2, 2018, U.S. Patent No. 9,857,765 (the “’765 patent”), titled “Process
5 Cartridge, Electrophotographic Image Forming Apparatus, and Electrophotographic
6 Photosensitive Drum Unit,” duly and legally issued to Canon as assignee of the inventors,
7 Takahito Ueno, Shigeo Miyabe, and Masanari Morioka. A true and correct copy of the ’765
8 patent is attached as Exhibit G.

9 17. On January 16, 2018, U.S. Patent No. 9,869,960 (the “’960 patent”), titled
10 “Process Cartridge, Electrophotographic Image Forming Apparatus, and Electrophotographic
11 Photosensitive Drum Unit,” duly and legally issued to Canon as assignee of the inventors,
12 Takahito Ueno, Shigeo Miyabe, and Masanari Morioka. A true and correct copy of the ’960
13 patent is attached as Exhibit H.

14 18. On January 23, 2018, U.S. Patent No. 9,874,846 (the “’846 patent”), titled
15 “Process Cartridge, Electrophotographic Image Forming Apparatus, and Electrophotographic
16 Photosensitive Drum Unit,” duly and legally issued to Canon as assignee of the inventors,
17 Takahito Ueno, Shigeo Miyabe, and Masanari Morioka. A true and correct copy of the ’846
18 patent is attached as Exhibit I.

19 19. Canon is the sole owner of the entire right, title, and interest in and to the ’826,
20 ’021, ’727, ’728, ’729, ’764, ’765, ’960, and ’846 patents (collectively, “Asserted Patents”),
21 including the right to sue and recover for any and all infringements thereof.

22 20. The Asserted Patents are valid and enforceable.

23 **Defendant’s Infringing Activities**

24 21. On information and belief, Defendant is engaged in the business of selling and/or
25 offering to sell within the United States and/or importing into the United States replacement
26 toner cartridges for use in one or more Canon and HP laser beam printers, including but not
27 limited to the printers listed in the table below, which toner cartridges and/or the components
28

1 contained therein (e.g., photosensitive drum units) are covered by one or more claims of each of
 2 the Asserted Patents.

Canon/HP Laser Beam Printers	Compatible Canon/HP Cartridges
Canon imageCLASS 312x, 312i, and 312dn Canon i-SENSYS LBP312x, LBP312i, and LBP312dn	Canon Cartridge 041/041 H
Canon imageCLASS LBP6300dn, LBP6650dn, LBP6670dn, MF5850dn, MF5880dn, MF5950dw, MF5960dn, MF6160dw, and MF6180dw	Canon Cartridge 119/119 II
Canon imageCLASS D1120, D1150, D1170, D1180, D1320, D1350, and D1370	Canon Cartridge 120
Canon imageCLASS LBP6780dn	Canon Cartridge 324 II
Canon imageRUNNER LBP3560 and LBP3580	Canon GPR-40
Canon imageRUNNER LBP3470 and LBP3480 Canon LASER CLASS 650i	Canon GPR-41
HP LaserJet P3010 HP LaserJet Pro MFP M521dn HP LaserJet Enterprise P3015d, P3015dn, P3015n, and P3015x HP LaserJet Enterprise 500 MFP M525f and M525dn HP LaserJet Enterprise Flow MFP M525c	HP CE255A/X
HP LaserJet P2033, P2033n, P2034, P2034n, P2035, P2035n, P2036, P2036n, P2037, P2037n, P2053d, P2053dn, P2053x, P2054d, P2054dn, P2054x, P2055, P2055d, P2055dn, P2055x, P2056d, P2056dn, P2056x, P2057d, P2057dn, and P2057x	HP CE505A
HP LaserJet P2053d, P2053dn, P2053x, P2054d, P2054dn, P2054x, P2055, P2055d, P2055dn, P2055x, P2056d, P2056dn, P2056x, P2057d, P2057dn, and P2057x	HP CE505X
HP LaserJet Pro M402n, M402dn, M402dw, M426fdn, and MFP M426fdw	HP CF226A/CF226X
HP LaserJet Enterprise Flow MFP M631h and M632z HP LaserJet Enterprise M607dn, M607n, M608dn, M608n, M608x, M609dn, M609x, MFP M631dn, MFP M631z, MFP M632fht, and MFP M632h	HP CF237A/X/Y/YC
HP LaserJet Pro 400 M401dn, M401dne, M401dw, M401n, and MFP M425dn	HP CF280A/X

<p>1 HP LaserJet Enterprise M506dn, M506n, MFP M527dn, and 2 MFP M527f</p>	<p>HP CF287A/CF287X</p>
---	-------------------------

3 22. A non-limiting example of an infringing toner cartridge imported and/or sold by
 4 Defendant is model PTCF280XJJND, depicted below. The design of the PTCF280XJJND
 5 cartridge is what is referred to in the ITC Proceeding as “Type A.”



6
 7
 8
 9
 10
 11
 12 23. Another non-limiting example of an infringing toner cartridge imported and/or
 13 sold by Defendants is model PT120ND, depicted below. The design of the PT120ND cartridge
 14 is what is referred to in the ITC Proceeding as “Type G.”



15
 16
 17
 18
 19
 20
 21 **First Cause of Action: Infringement of U.S. Patent No. 9,746,826**

22 24. Canon repeats and incorporates by reference the allegations of paragraphs 1-23
 23 above, as though set forth here in their entirety.

24 25. Defendant is directly infringing the '826 patent by selling and/or offering to sell
 25 within the United States and/or importing into the United States toner cartridges for use in at
 26 least the Canon and HP laser beam printers listed above, including but not limited to the
 27 aforementioned PTCF280XJJND and PT120ND cartridges.
 28

1 26. Defendant also is indirectly infringing the '826 patent at least by virtue of its
2 inducement of direct infringement of that patent by customers who use Defendant's toner
3 cartridges in at least the Canon and HP laser beam printers listed above. At the very latest,
4 Defendant will be given notice of its infringement of the '826 patent upon being served with this
5 Complaint. On information and belief, Defendant knowingly induces customers to use its toner
6 cartridges, including, for example, by promoting its cartridges for use in specific printers and/or
7 providing customers with instructions for using its cartridges in those printers.

8 27. Defendant's accused toner cartridges infringe one or more claims of the '826
9 patent. The PTCF280XJJND (Type A) cartridge, for example, infringes at least claims 1-4, 6, 7,
10 and 9 of the '826 patent. Attached hereto as Exhibit J, and incorporated by reference herein, are
11 claim charts detailing how a representative Type A toner cartridge infringes independent claims
12 1 and 6 of the '826 patent.

13 28. As another example, Defendant's PT120ND (Type G) cartridge infringes at least
14 claims 1, 4, 6, 7, and 9 of the '826 patent. Attached hereto as Exhibit K, and incorporated by
15 reference herein, are claim charts detailing how a representative Type G toner cartridge infringes
16 independent claims 1 and 6 of the '826 patent.

17 29. The Court has not yet construed the meaning of any claims or terms in the '826
18 patent. In providing these detailed allegations, Canon does not intend to convey or imply any
19 particular claim construction or the precise scope of the claims. Canon's contentions regarding
20 the construction of the claims will be provided in compliance with the case schedule, any
21 applicable federal or local procedural rules, and/or any applicable orders.

22 30. Canon contends that each element of each asserted claim is literally present in the
23 accused toner cartridges. If as a result of the Court's constructions or other determinations one
24 or more claim elements are not literally present, Canon contends that each such element is
25 present under the doctrine of equivalents and reserves its right to provide more detailed doctrine
26 of equivalents contentions after discovery, a claim construction order from the Court, or at
27 another appropriate time.
28

1 31. Defendant's acts complained of herein are damaging and will continue to cause
2 irreparable injury and damage to Canon for which there is no adequate remedy at law. Canon is
3 therefore entitled to preliminary and permanent injunctions restraining and enjoining Defendant
4 from infringing the claims of the '826 patent.

5 32. By reason of Defendant's infringing activities, Canon has suffered, and will
6 continue to suffer, substantial damages in an amount to be determined at trial.

7 **Second Cause of Action: Infringement of U.S. Patent No. 9,836,021**

8 33. Canon repeats and incorporates by reference the allegations of paragraphs 1-23
9 above, as though set forth here in their entirety.

10 34. Defendant is directly infringing the '021 patent by selling and/or offering to sell
11 within the United States and/or importing into the United States toner cartridges for use in at
12 least the Canon and HP laser beam printers listed above, including but not limited to the
13 aforementioned PTCF280XJJND and PT120ND cartridges.

14 35. Defendant also is indirectly infringing the '021 patent at least by virtue of its
15 inducement of direct infringement of that patent by customers who use Defendant's toner
16 cartridges in at least the Canon and HP laser beam printers listed above. At the very latest,
17 Defendant will be given notice of its infringement of the '021 patent upon being served with this
18 Complaint. On information and belief, Defendant knowingly induces customers to use its toner
19 cartridges, including, for example, by promoting its cartridges for use in specific printers and/or
20 providing customers with instructions for using its cartridges in those printers.

21 36. Defendant's accused toner cartridges infringe one or more claims of the '021
22 patent. The PTCF280XJJND (Type A) cartridge, for example, infringes at least claims 1, 2, 4, 5,
23 and 7 of the '021 patent. Attached hereto as Exhibit L, and incorporated by reference herein, is a
24 claim chart detailing how a representative Type A toner cartridge infringes independent claim 1
25 of the '021 patent.

26 37. As another example, Defendant's PT120ND (Type G) cartridge infringes at least
27 claims 1, 2, 4, 5, and 7 of the '021 patent. Attached hereto as Exhibit M, and incorporated by
28

1 reference herein, is a claim chart detailing how a representative Type G toner cartridge infringes
2 independent claim 1 of the '021 patent.

3 38. The Court has not yet construed the meaning of any claims or terms in the '021
4 patent. In providing these detailed allegations, Canon does not intend to convey or imply any
5 particular claim construction or the precise scope of the claims. Canon's contentions regarding
6 the construction of the claims will be provided in compliance with the case schedule, any
7 applicable federal or local procedural rules, and/or any applicable orders.

8 39. Canon contends that each element of each asserted claim is literally present in the
9 accused toner cartridges. If as a result of the Court's constructions or other determinations one
10 or more claim elements are not literally present, Canon contends that each such element is
11 present under the doctrine of equivalents and reserves its right to provide more detailed doctrine
12 of equivalents contentions after discovery, a claim construction order from the Court, or at
13 another appropriate time.

14 40. Defendant's acts complained of herein are damaging and will continue to cause
15 irreparable injury and damage to Canon for which there is no adequate remedy at law. Canon is
16 therefore entitled to preliminary and permanent injunctions restraining and enjoining Defendant
17 from infringing the claims of the '021 patent.

18 41. By reason of Defendant's infringing activities, Canon has suffered, and will
19 continue to suffer, substantial damages in an amount to be determined at trial.

20 **Third Cause of Action: Infringement of U.S. Patent No. 9,841,727**

21 42. Canon repeats and incorporates by reference the allegations of paragraphs 1-23
22 above, as though set forth here in their entirety.

23 43. Defendant is directly infringing the '727 patent by selling and/or offering to sell
24 within the United States and/or importing into the United States toner cartridges for use in at
25 least the Canon and HP laser beam printers listed above, including but not limited to the
26 aforementioned PTCF280XJJND and PT120ND cartridges.

27 44. Defendant also is indirectly infringing the '727 patent at least by virtue of its
28 inducement of direct infringement of that patent by customers who use Defendant's toner

1 cartridges in at least the Canon and HP laser beam printers listed above. At the very latest,
2 Defendant will be given notice of its infringement of the '727 patent upon being served with this
3 Complaint. On information and belief, Defendant knowingly induces customers to use its toner
4 cartridges, including, for example, by promoting its cartridges for use in specific printers and/or
5 providing customers with instructions for using its cartridges in those printers.

6 45. Defendant's accused toner cartridges infringe one or more claims of the '727
7 patent. The PTCF280XJJND (Type A) cartridge, for example, infringes at least claims 1, 2, 4-7,
8 9-12, 15-17, 19-22, 24, 26, and 27 of the '727 patent. Attached hereto as Exhibit N, and
9 incorporated by reference herein, are claim charts detailing how a representative Type A toner
10 cartridge infringes independent claims 1 and 16 of the '727 patent.

11 46. As another example, Defendant's PT120ND (Type G) cartridge infringes at least
12 claims 1, 2, 4-7, 9-12, 15-17, 19-22, 24, 26, and 27 of the '727 patent. Attached hereto as
13 Exhibit O, and incorporated by reference herein, are claim charts detailing how a representative
14 Type G toner cartridge infringes independent claims 1 and 16 of the '727 patent.

15 47. The Court has not yet construed the meaning of any claims or terms in the '727
16 patent. In providing these detailed allegations, Canon does not intend to convey or imply any
17 particular claim construction or the precise scope of the claims. Canon's contentions regarding
18 the construction of the claims will be provided in compliance with the case schedule, any
19 applicable federal or local procedural rules, and/or any applicable orders.

20 48. Canon contends that each element of each asserted claim is literally present in the
21 accused toner cartridges. If as a result of the Court's constructions or other determinations one
22 or more claim elements are not literally present, Canon contends that each such element is
23 present under the doctrine of equivalents and reserves its right to provide more detailed doctrine
24 of equivalents contentions after discovery, a claim construction order from the Court, or at
25 another appropriate time.

26 49. Defendant's acts complained of herein are damaging and will continue to cause
27 irreparable injury and damage to Canon for which there is no adequate remedy at law. Canon is
28

1 therefore entitled to preliminary and permanent injunctions restraining and enjoining Defendant
2 from infringing the claims of the '727 patent.

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

5 **Fourth Cause of Action: Infringement of U.S. Patent No. 9,841,728**

6 51. Canon repeats and incorporates by reference the allegations of paragraphs 1-23
7 above, as though set forth here in their entirety.

8 52. Defendant is directly infringing the '728 patent by selling and/or offering to sell
9 within the United States and/or importing into the United States toner cartridges for use in at
10 least the Canon and HP laser beam printers listed above, including but not limited to the
11 aforementioned PTCF280XJJND and PT120ND cartridges.

12 53. Defendant also is indirectly infringing the '728 patent at least by virtue of its
13 inducement of direct infringement of that patent by customers who use Defendant's toner
14 cartridges in at least the Canon and HP laser beam printers listed above. At the very latest,
15 Defendant will be given notice of its infringement of the '728 patent upon being served with this
16 Complaint. On information and belief, Defendant knowingly induces customers to use its toner
17 cartridges, including, for example, by promoting its cartridges for use in specific printers and/or
18 providing customers with instructions for using its cartridges in those printers.

19 54. Defendant's accused toner cartridges infringe one or more claims of the '728
20 patent. The PTCF280XJJND (Type A) cartridge, for example, infringes at least claims 1, 2, 4-7,
21 9-12, 15-17, 19-22, 24, and 26-28 of the '728 patent. Attached hereto as Exhibit P, and
22 incorporated by reference herein, are claim charts detailing how a representative Type A toner
23 cartridge infringes independent claims 1 and 16 of the '728 patent.

24 55. As another example, Defendant's PT120ND (Type G) cartridge infringes at least
25 claims 1, 2, 4-7, 9-12, 15-17, 19-22, 24, and 26-28 of the '728 patent. Attached hereto as Exhibit
26 Q, and incorporated by reference herein, are claim charts detailing how a representative Type G
27 toner cartridge infringes independent claims 1 and 16 of the '728 patent.
28

1 56. The Court has not yet construed the meaning of any claims or terms in the '728
2 patent. In providing these detailed allegations, Canon does not intend to convey or imply any
3 particular claim construction or the precise scope of the claims. Canon's contentions regarding
4 the construction of the claims will be provided in compliance with the case schedule, any
5 applicable federal or local procedural rules, and/or any applicable orders.

6 57. Canon contends that each element of each asserted claim is literally present in the
7 accused toner cartridges. If as a result of the Court's constructions or other determinations one
8 or more claim elements are not literally present, Canon contends that each such element is
9 present under the doctrine of equivalents and reserves its right to provide more detailed doctrine
10 of equivalents contentions after discovery, a claim construction order from the Court, or at
11 another appropriate time.

12 58. Defendant's acts complained of herein are damaging and will continue to cause
13 irreparable injury and damage to Canon for which there is no adequate remedy at law. Canon is
14 therefore entitled to preliminary and permanent injunctions restraining and enjoining Defendant
15 from infringing the claims of the '728 patent.

16 59. By reason of Defendant's infringing activities, Canon has suffered, and will
17 continue to suffer, substantial damages in an amount to be determined at trial.

18 **Fifth Cause of Action: Infringement of U.S. Patent No. 9,841,729**

19 60. Canon repeats and incorporates by reference the allegations of paragraphs 1-23
20 above, as though set forth here in their entirety.

21 61. Defendant is directly infringing the '729 patent by selling and/or offering to sell
22 within the United States and/or importing into the United States toner cartridges for use in at
23 least the Canon and HP laser beam printers listed above, including but not limited to the
24 aforementioned PTCF280XJJND cartridge.

25 62. Defendant also is indirectly infringing the '729 patent at least by virtue of its
26 inducement of direct infringement of that patent by customers who use Defendant's toner
27 cartridges in at least the Canon and HP laser beam printers listed above. At the very latest,
28 Defendant will be given notice of its infringement of the '729 patent upon being served with this

1 Complaint. On information and belief, Defendant knowingly induces customers to use its toner
2 cartridges, including, for example, by promoting its cartridges for use in specific printers and/or
3 providing customers with instructions for using its cartridges in those printers.

4 63. Defendant's accused toner cartridges infringe one or more claims of the '729
5 patent. The PTCF280XJJND (Type A) cartridge, for example, infringes at least claims 1-3, 6, 8-
6 11, 14, 16-21, 24, and 26 of the '729 patent. Attached hereto as Exhibit R, and incorporated by
7 reference herein, are claim charts detailing how a representative Type A toner cartridge infringes
8 independent claims 1, 9, and 18 of the '729 patent.

9 64. The Court has not yet construed the meaning of any claims or terms in the '729
10 patent. In providing these detailed allegations, Canon does not intend to convey or imply any
11 particular claim construction or the precise scope of the claims. Canon's contentions regarding
12 the construction of the claims will be provided in compliance with the case schedule, any
13 applicable federal or local procedural rules, and/or any applicable orders.

14 65. Canon contends that each element of each asserted claim is literally present in the
15 accused toner cartridges. If as a result of the Court's constructions or other determinations one
16 or more claim elements are not literally present, Canon contends that each such element is
17 present under the doctrine of equivalents and reserves its right to provide more detailed doctrine
18 of equivalents contentions after discovery, a claim construction order from the Court, or at
19 another appropriate time.

20 66. Defendant's acts complained of herein are damaging and will continue to cause
21 irreparable injury and damage to Canon for which there is no adequate remedy at law. Canon is
22 therefore entitled to preliminary and permanent injunctions restraining and enjoining Defendant
23 from infringing the claims of the '729 patent.

24 67. By reason of Defendant's infringing activities, Canon has suffered, and will
25 continue to suffer, substantial damages in an amount to be determined at trial.

26 **Sixth Cause of Action: Infringement of U.S. Patent No. 9,857,764**

27 68. Canon repeats and incorporates by reference the allegations of paragraphs 1-23
28 above, as though set forth here in their entirety.

1 69. Defendant is directly infringing the '764 patent by selling and/or offering to sell
2 within the United States and/or importing into the United States toner cartridges for use in at
3 least the Canon and HP laser beam printers listed above, including but not limited to the
4 aforementioned PTCF280XJJND cartridge.

5 70. Defendant also is indirectly infringing the '764 patent at least by virtue of its
6 inducement of direct infringement of that patent by customers who use Defendant's toner
7 cartridges in at least the Canon and HP laser beam printers listed above. At the very latest,
8 Defendant will be given notice of its infringement of the '764 patent upon being served with this
9 Complaint. On information and belief, Defendant knowingly induces customers to use its toner
10 cartridges, including, for example, by promoting its cartridges for use in specific printers and/or
11 providing customers with instructions for using its cartridges in those printers.

12 71. Defendant's accused toner cartridges (including the drum units contained therein)
13 infringe one or more claims of the '764 patent. The PTCF280XJJND (Type A) cartridge, for
14 example, infringes at least claims 7-9 of the '764 patent. Attached hereto as Exhibit S, and
15 incorporated by reference herein, is a claim chart detailing how a representative Type A toner
16 cartridge infringes independent claim 7 of the '764 patent.

17 72. The Court has not yet construed the meaning of any claims or terms in the '764
18 patent. In providing these detailed allegations, Canon does not intend to convey or imply any
19 particular claim construction or the precise scope of the claims. Canon's contentions regarding
20 the construction of the claims will be provided in compliance with the case schedule, any
21 applicable federal or local procedural rules, and/or any applicable orders.

22 73. Canon contends that each element of each asserted claim is literally present in the
23 accused toner cartridges. If as a result of the Court's constructions or other determinations one
24 or more claim elements are not literally present, Canon contends that each such element is
25 present under the doctrine of equivalents and reserves its right to provide more detailed doctrine
26 of equivalents contentions after discovery, a claim construction order from the Court, or at
27 another appropriate time.
28

1 74. Defendant's acts complained of herein are damaging and will continue to cause
2 irreparable injury and damage to Canon for which there is no adequate remedy at law. Canon is
3 therefore entitled to preliminary and permanent injunctions restraining and enjoining Defendant
4 from infringing the claims of the '764 patent.

5 75. By reason of Defendant's infringing activities, Canon has suffered, and will
6 continue to suffer, substantial damages in an amount to be determined at trial.

7 **Seventh Cause of Action: Infringement of U.S. Patent No. 9,857,765**

8 76. Canon repeats and incorporates by reference the allegations of paragraphs 1-23
9 above, as though set forth here in their entirety.

10 77. Defendant is directly infringing the '765 patent by selling and/or offering to sell
11 within the United States and/or importing into the United States toner cartridges for use in at
12 least the Canon and HP laser beam printers listed above, including but not limited to the
13 aforementioned PTCF280XJJND and PT120ND cartridges.

14 78. Defendant also is indirectly infringing the '765 patent at least by virtue of its
15 inducement of direct infringement of that patent by customers who use Defendant's toner
16 cartridges in at least the Canon and HP laser beam printers listed above. At the very latest,
17 Defendant will be given notice of its infringement of the '765 patent upon being served with this
18 Complaint. On information and belief, Defendant knowingly induces customers to use its toner
19 cartridges, including, for example, by promoting its cartridges for use in specific printers and/or
20 providing customers with instructions for using its cartridges in those printers.

21 79. Defendant's accused toner cartridges infringe one or more claims of the '765
22 patent. The PTCF280XJJND (Type A) cartridge, for example, infringes at least claims 1, 3, 4, 6,
23 13, 16, 17, and 19 of the '765 patent. Attached hereto as Exhibit T, and incorporated by
24 reference herein, are claim charts detailing how a representative Type A toner cartridge infringes
25 independent claims 1, 4, and 13 of the '765 patent.

26 80. As another example, Defendant's PT120ND (Type G) cartridge infringes at least
27 claims 1, 3, 13, 16, 17, and 19 of the '765 patent. Attached hereto as Exhibit U, and incorporated
28

1 by reference herein, are claim charts detailing how a representative Type G toner cartridge
2 infringes independent claims 1 and 13 of the '765 patent.

3 81. The Court has not yet construed the meaning of any claims or terms in the '765
4 patent. In providing these detailed allegations, Canon does not intend to convey or imply any
5 particular claim construction or the precise scope of the claims. Canon's contentions regarding
6 the construction of the claims will be provided in compliance with the case schedule, any
7 applicable federal or local procedural rules, and/or any applicable orders.

8 82. Canon contends that each element of each asserted claim is literally present in the
9 accused toner cartridges. If as a result of the Court's constructions or other determinations one
10 or more claim elements are not literally present, Canon contends that each such element is
11 present under the doctrine of equivalents and reserves its right to provide more detailed doctrine
12 of equivalents contentions after discovery, a claim construction order from the Court, or at
13 another appropriate time.

14 83. Defendant's acts complained of herein are damaging and will continue to cause
15 irreparable injury and damage to Canon for which there is no adequate remedy at law. Canon is
16 therefore entitled to preliminary and permanent injunctions restraining and enjoining Defendant
17 from infringing the claims of the '765 patent.

18 84. By reason of Defendant's infringing activities, Canon has suffered, and will
19 continue to suffer, substantial damages in an amount to be determined at trial.

20 **Eighth Cause of Action: Infringement of U.S. Patent No. 9,869,960**

21 85. Canon repeats and incorporates by reference the allegations of paragraphs 1-23
22 above, as though set forth here in their entirety.

23 86. Defendant is directly infringing the '960 patent by selling and/or offering to sell
24 within the United States and/or importing into the United States toner cartridges for use in at
25 least the Canon and HP laser beam printers listed above, including but not limited to the
26 aforementioned PTCF280XJJND and PT120ND cartridges.

27 87. Defendant also is indirectly infringing the '960 patent at least by virtue of its
28 inducement of direct infringement of that patent by customers who use Defendant's toner

1 cartridges in at least the Canon and HP laser beam printers listed above. At the very latest,
2 Defendant will be given notice of its infringement of the '960 patent upon being served with this
3 Complaint. On information and belief, Defendant knowingly induces customers to use its toner
4 cartridges, including, for example, by promoting its cartridges for use in specific printers and/or
5 providing customers with instructions for using its cartridges in those printers.

6 88. Defendant's accused toner cartridges infringe one or more claims of the '960
7 patent. The PTCF280XJJND (Type A) cartridge, for example, infringes at least claims 1-7 of the
8 '960 patent. Attached hereto as Exhibit V, and incorporated by reference herein, is a claim chart
9 detailing how a representative Type A toner cartridge infringes independent claim 1 of the '960
10 patent.

11 89. As another example, Defendant's PT120ND (Type G) cartridge infringes at least
12 claims 1-7 of the '960 patent. Attached hereto as Exhibit W, and incorporated by reference
13 herein, is a claim chart detailing how a representative Type G toner cartridge infringes
14 independent claim 1 of the '960 patent.

15 90. The Court has not yet construed the meaning of any claims or terms in the '960
16 patent. In providing these detailed allegations, Canon does not intend to convey or imply any
17 particular claim construction or the precise scope of the claims. Canon's contentions regarding
18 the construction of the claims will be provided in compliance with the case schedule, any
19 applicable federal or local procedural rules, and/or any applicable orders.

20 91. Canon contends that each element of each asserted claim is literally present in the
21 accused toner cartridges. If as a result of the Court's constructions or other determinations one
22 or more claim elements are not literally present, Canon contends that each such element is
23 present under the doctrine of equivalents and reserves its right to provide more detailed doctrine
24 of equivalents contentions after discovery, a claim construction order from the Court, or at
25 another appropriate time.

26 92. Defendant's acts complained of herein are damaging and will continue to cause
27 irreparable injury and damage to Canon for which there is no adequate remedy at law. Canon is
28

1 therefore entitled to preliminary and permanent injunctions restraining and enjoining Defendant
2 from infringing the claims of the '960 patent.

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

5 **Ninth Cause of Action: Infringement of U.S. Patent No. 9,874,846**

6 94. Canon repeats and incorporates by reference the allegations of paragraphs 1-23
7 above, as though set forth here in their entirety.

8 95. Defendant is directly infringing the '846 patent by selling and/or offering to sell
9 within the United States and/or importing into the United States toner cartridges for use in at
10 least the Canon and HP laser beam printers listed above, including but not limited to the
11 aforementioned PTCF280XJJND and PT120ND cartridges.

12 96. Defendant also is indirectly infringing the '846 patent at least by virtue of its
13 inducement of direct infringement of that patent by customers who use Defendant's toner
14 cartridges in at least the Canon and HP laser beam printers listed above. At the very latest,
15 Defendant will be given notice of its infringement of the '846 patent upon being served with this
16 Complaint. On information and belief, Defendant knowingly induces customers to use its toner
17 cartridges, including, for example, by promoting its cartridges for use in specific printers and/or
18 providing customers with instructions for using its cartridges in those printers.

19 97. Defendant's accused toner cartridges (including the drum units contained therein)
20 infringe one or more claims of the '846 patent. The PTCF280XJJND (Type A) cartridge, for
21 example, infringes at least claims 1-3 of the '846 patent. Attached hereto as Exhibit X, and
22 incorporated by reference herein, is a claim chart detailing how a representative Type A toner
23 cartridge infringes independent claim 1 of the '846 patent.

24 98. As another example, Defendant's PT120ND (Type G) cartridge infringes at least
25 claims 1-3 of the '846 patent. Attached hereto as Exhibit Y, and incorporated by reference
26 herein, is a claim chart detailing how a representative Type G toner cartridge infringes
27 independent claim 1 of the '846 patent.
28

1 99. The Court has not yet construed the meaning of any claims or terms in the '846
2 patent. In providing these detailed allegations, Canon does not intend to convey or imply any
3 particular claim construction or the precise scope of the claims. Canon's contentions regarding
4 the construction of the claims will be provided in compliance with the case schedule, any
5 applicable federal or local procedural rules, and/or any applicable orders.

6 100. Canon contends that each element of each asserted claim is literally present in the
7 accused toner cartridges. If as a result of the Court's constructions or other determinations one
8 or more claim elements are not literally present, Canon contends that each such element is
9 present under the doctrine of equivalents and reserves its right to provide more detailed doctrine
10 of equivalents contentions after discovery, a claim construction order from the Court, or at
11 another appropriate time.

12 101. Defendant's acts complained of herein are damaging and will continue to cause
13 irreparable injury and damage to Canon for which there is no adequate remedy at law. Canon is
14 therefore entitled to preliminary and permanent injunctions restraining and enjoining Defendant
15 from infringing the claims of the '846 patent.

16 102. By reason of Defendant's infringing activities, Canon has suffered, and will
17 continue to suffer, substantial damages in an amount to be determined at trial.

18 **Prayer for Relief**

19 WHEREFORE, Canon prays for judgment and relief as follows:

20 A. That Defendant has infringed the Asserted Patents;

21 B. That Defendant and its subsidiaries, affiliates, officers, directors, agents, servants,
22 employees, successors, and assigns, and all other persons and organizations in active concert or
23 participation with them, be preliminarily and permanently enjoined from further acts of
24 infringement of the Asserted Patents pursuant to 35 U.S.C. § 283;

25 C. That Defendant be ordered to pay damages adequate to compensate Canon for
26 Defendant's infringement of the Asserted Patents pursuant to 35 U.S.C. § 284, including lost
27 profits and/or a reasonable royalty, together with interest thereon;
28

1 D. That Defendant be ordered to pay all of Canon's costs associated with this action;
2 and

3 E. That Canon be granted such other and additional relief as the Court deems
4 equitable, just, and proper.

5
6 Dated: February 28, 2018

Naomi Jane Gray

7 Naomi Jane Gray (SBN 230171)
8 SHADES OF GRAY LAW GROUP, P.C.
9 100 Shoreline Highway, Suite 100B
10 Mill Valley, California 94941
11 Tel: (415) 746-9260 | Fax: (415) 968-4328
12 ngray@shadesofgray.law

13 Of Counsel:

14 Michael P. Sandonato
15 Dennis J. McMahon
16 Seth E. Boeshore
17 Andrew J. Kutas
18 FITZPATRICK, CELLA, HARPER & SCINTO
19 1290 Avenue of the Americas
20 New York, New York 10104-3800
21 Tel: (212) 218-2100 | Fax: (212) 218-2200
22 msandonato@fchs.com
23 dcmahon@fchs.com
24 sboeshore@fchs.com
25 akutas@fchs.com

26 Edmund J. Haughey
27 FITZPATRICK, CELLA, HARPER & SCINTO
28 975 F Street, NW
Washington, DC 20004-1462
Tel: (202) 530-1010 | Fax: (202) 530-1055
ehaughey@fchs.com

Attorneys for Plaintiff Canon Inc.

Jury Demand

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Canon demands a jury trial on all issues so triable.

Dated: February 28, 2018

/Naomi Jane Gray/
Naomi Jane Gray (SBN 230171)
SHADES OF GRAY LAW GROUP, P.C.
100 Shoreline Highway, Suite 100B
Mill Valley, California 94941
Tel: (415) 746-9260 | Fax: (415) 968-4328
ngray@shadesofgray.law

Of Counsel:

Michael P. Sandonato
Dennis J. McMahon
Seth E. Boeshore
Andrew J. Kutas
FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, New York 10104-3800
Tel: (212) 218-2100 | Fax: (212) 218-2200
msandonato@fchs.com
dcmahon@fchs.com
sboeshore@fchs.com
akutas@fchs.com

Edmund J. Haughey
FITZPATRICK, CELLA, HARPER & SCINTO
975 F Street, NW
Washington, DC 20004-1462
Tel: (202) 530-1010 | Fax: (202) 530-1055
ehaughey@fchs.com

Attorneys for Plaintiff Canon Inc.