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Attorney for Plaintiff Canon Inc.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CANON INC.,)	
)	Case No. 2:18-cv-01716
Plaintiff,)	
)	PLAINTIFF CANON INC.'S
vs.)	COMPLAINT FOR PATENT
)	INFRINGEMENT
APEX EXCEL LIMITED,)	
)	JURY TRIAL DEMANDED
Defendant.)	

Plaintiff Canon Inc. ("Canon") brings this action for patent infringement against Defendant Apex Excel Limited ("Defendant"), and alleges as follows:

Related Actions

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

The Parties

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

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

4. On information and belief, Apex Excel Limited is a corporation organized and existing under the laws of the State of California, with its principal place of business located at 19223 Colima Road, Unit 943, Rowland Heights, California 91748, and another place of business located at 20912 Currier Road, Unit D, Walnut, California 91789.

5. On information and belief, Defendant does business under the assumed name “ShopAt247,” and conducts activities via the Internet at least through a “ShopAt247” storefront on *Amazon.com*.

Jurisdiction and Venue

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

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

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

Canon's Patents-in-Suit

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

10. On December 5, 2017, U.S. Patent No. 9,836,021 (the “’021 patent”), titled “Process Cartridge, Electrophotographic Image Forming Apparatus, and Electrophotographic Photosensitive Drum Unit,” duly and legally issued to Canon as assignee of the inventors, Takahito Ueno, Shigeo Miyabe, and Masanari Morioka. A true and correct copy of the ’021 patent is attached as Exhibit 2.

11. On December 12, 2017, U.S. Patent No. 9,841,727 (the “’727 patent”), titled “Process Cartridge, Electrophotographic Image Forming Apparatus, and Electrophotographic Photosensitive Drum Unit,” duly and legally issued to Canon as assignee of the inventors, Takahito Ueno, Shigeo Miyabe, and Masanari Morioka. A true and correct copy of the ’727 patent is attached as Exhibit 3.

12. On December 12, 2017, U.S. Patent No. 9,841,728 (the “’728 patent”), titled “Process Cartridge, Electrophotographic Image Forming Apparatus, and Electrophotographic Photosensitive Drum Unit,” duly and legally issued to Canon as assignee of the inventors, Takahito Ueno, Shigeo Miyabe, and Masanari Morioka. A true and correct copy of the ’728 patent is attached as Exhibit 4.

13. On December 12, 2017, U.S. Patent No. 9,841,729 (the “’729 patent”), titled “Process Cartridge, Electrophotographic Image Forming Apparatus, and Electrophotographic Photosensitive Drum Unit,” duly and legally issued to Canon as assignee of the inventors, Takahito Ueno, Shigeo Miyabe, and Masanari Morioka. A true and correct copy of the ’729 patent is attached as Exhibit 5.

14. On January 2, 2018, U.S. Patent No. 9,857,764 (the “’764 patent”), titled “Process 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 6.

4 15. 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 7.

9 16. 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 8.

14 17. 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 9.

19 18. 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 19. The Asserted Patents are valid and enforceable.

23 **Defendant’s Infringing Activities**

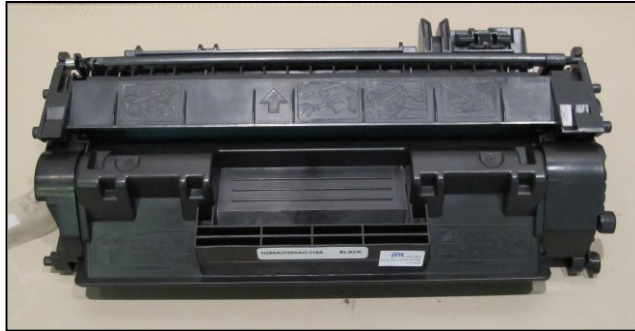
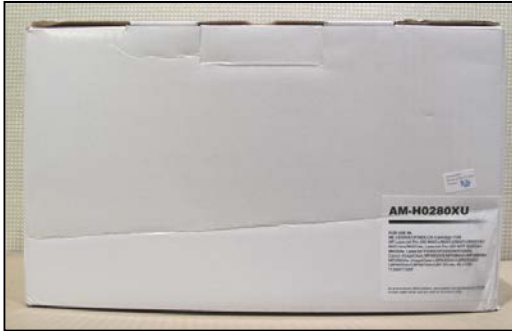
24 20. On information and belief, Defendant is engaged in the business of selling and/or
 25 offering to sell within the United States and/or importing into the United States replacement
 26 toner cartridges for use in one or more Canon and HP laser beam printers, including but not
 27 limited to the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

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

HP LaserJet Enterprise M506dn, M506n, MFP M527dn, and MFP M527f	HP CF287A/CF287X
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21. A non-limiting example of an infringing toner cartridge imported and/or sold by Defendant is model AM-H0280XU, depicted below. The design of the AM-H0280XU cartridge is what is referred to in the ITC Proceeding as “Type A.”



First Cause of Action: Infringement of U.S. Patent No. 9,746,826

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

23. Defendant is directly infringing the '826 patent by selling and/or offering to sell within the United States and/or importing into the United States toner cartridges for use in at least the Canon and HP laser beam printers listed above, including but not limited to the aforementioned AM-H0280XU cartridge.

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

25. Defendant's accused toner cartridges infringe one or more claims of the '826 patent. The AM-H0280XU (Type A) cartridge, for example, infringes at least claims 1-4, 6, 7, and 9 of the '826 patent. Attached hereto as Exhibit 10, and incorporated by reference herein,

1 are claim charts detailing how a representative Type A toner cartridge infringes independent
2 claims 1 and 6 of the '826 patent.

3 26. The Court has not yet construed the meaning of any claims or terms in the '826
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 27. 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 28. 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 '826 patent.

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

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

23 31. Defendant is directly infringing the '021 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 AM-H0280XU cartridge.

27 32. Defendant also is indirectly infringing the '021 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 '021 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 33. Defendant's accused toner cartridges infringe one or more claims of the '021
7 patent. The AM-H0280XU (Type A) cartridge, for example, infringes at least claims 1, 2, 4, 5,
8 and 7 of the '021 patent. Attached hereto as Exhibit 11, and incorporated by reference herein, is
9 a claim chart detailing how a representative Type A toner cartridge infringes independent claim 1
10 of the '021 patent.

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

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

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

26 37. By reason of Defendant's infringing activities, Canon has suffered, and will
27 continue to suffer, substantial damages in an amount to be determined at trial.
28

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

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

39. Defendant is directly infringing the '727 patent by selling and/or offering to sell within the United States and/or importing into the United States toner cartridges for use in at least the Canon and HP laser beam printers listed above, including but not limited to the aforementioned AM-H0280XU cartridge.

40. Defendant also is indirectly infringing the '727 patent at least by virtue of its inducement of direct infringement of that patent by customers who use Defendant's toner cartridges in at least the Canon and HP laser beam printers listed above. At the very latest, Defendant will be given notice of its infringement of the '727 patent upon being served with this Complaint. On information and belief, Defendant knowingly induces customers to use its toner cartridges, including, for example, by promoting its cartridges for use in specific printers and/or providing customers with instructions for using its cartridges in those printers.

41. Defendant's accused toner cartridges infringe one or more claims of the '727 patent. The AM-H0280XU (Type A) cartridge, for example, infringes at least claims 1, 2, 4-7, 9-12, 15-17, 19-22, 24, 26, and 27 of the '727 patent. Attached hereto as Exhibit 12, and incorporated by reference herein, are claim charts detailing how a representative Type A toner cartridge infringes independent claims 1 and 16 of the '727 patent.

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

43. Canon contends that each element of each asserted claim is literally present in the accused toner cartridges. If as a result of the Court's constructions or other determinations one or more claim elements are not literally present, Canon contends that each such element is present under the doctrine of equivalents and reserves its right to provide more detailed doctrine

1 of equivalents contentions after discovery, a claim construction order from the Court, or at
2 another appropriate time.

3 44. Defendant's acts complained of herein are damaging and will continue to cause
4 irreparable injury and damage to Canon for which there is no adequate remedy at law. Canon is
5 therefore entitled to preliminary and permanent injunctions restraining and enjoining Defendant
6 from infringing the claims of the '727 patent.

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

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

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

12 47. Defendant is directly infringing the '728 patent by selling and/or offering to sell
13 within the United States and/or importing into the United States toner cartridges for use in at
14 least the Canon and HP laser beam printers listed above, including but not limited to the
15 aforementioned AM-H0280XU cartridge.

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

23 49. Defendant's accused toner cartridges infringe one or more claims of the '728
24 patent. The AM-H0280XU (Type A) cartridge, for example, infringes at least claims 1, 2, 4-7,
25 9-12, 15-17, 19-22, 24, and 26-28 of the '728 patent. Attached hereto as Exhibit 13, and
26 incorporated by reference herein, are claim charts detailing how a representative Type A toner
27 cartridge infringes independent claims 1 and 16 of the '728 patent.
28

1 50. 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 51. 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 52. 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 53. 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 54. Canon repeats and incorporates by reference the allegations of paragraphs 1-21
20 above, as though set forth here in their entirety.

21 55. 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 AM-H0280XU cartridge.

25 56. 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 57. Defendant's accused toner cartridges infringe one or more claims of the '729
 5 patent. The AM-H0280XU (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 14, 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 58. 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 59. 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 60. 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 61. 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 62. Canon repeats and incorporates by reference the allegations of paragraphs 1-21
 28 above, as though set forth here in their entirety.

1 63. 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 AM-H0280XU cartridge.

5 64. 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 65. Defendant's accused toner cartridges (including the drum units contained therein)
13 infringe one or more claims of the '764 patent. The AM-H0280XU (Type A) cartridge, for
14 example, infringes at least claims 7-9 of the '764 patent. Attached hereto as Exhibit 15, 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 66. 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 67. 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

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

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

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

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

71. Defendant is directly infringing the '765 patent by selling and/or offering to sell within the United States and/or importing into the United States toner cartridges for use in at least the Canon and HP laser beam printers listed above, including but not limited to the aforementioned AM-H0280XU cartridge.

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

73. Defendant's accused toner cartridges infringe one or more claims of the '765 patent. The AM-H0280XU (Type A) cartridge, for example, infringes at least claims 1, 3, 4, 6, 13, 16, 17, and 19 of the '765 patent. Attached hereto as Exhibit 16, and incorporated by reference herein, are claim charts detailing how a representative Type A toner cartridge infringes independent claims 1, 4, and 13 of the '765 patent.

74. The Court has not yet construed the meaning of any claims or terms in the '765 patent. In providing these detailed allegations, Canon does not intend to convey or imply any particular claim construction or the precise scope of the claims. Canon's contentions regarding

1 the construction of the claims will be provided in compliance with the case schedule, any
2 applicable federal or local procedural rules, and/or any applicable orders.

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

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

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

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

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

18 79. Defendant is directly infringing the '960 patent by selling and/or offering to sell
19 within the United States and/or importing into the United States toner cartridges for use in at
20 least the Canon and HP laser beam printers listed above, including but not limited to the
21 aforementioned AM-H0280XU cartridge.

22 80. Defendant also is indirectly infringing the '960 patent at least by virtue of its
23 inducement of direct infringement of that patent by customers who use Defendant's toner
24 cartridges in at least the Canon and HP laser beam printers listed above. At the very latest,
25 Defendant will be given notice of its infringement of the '960 patent upon being served with this
26 Complaint. On information and belief, Defendant knowingly induces customers to use its toner
27 cartridges, including, for example, by promoting its cartridges for use in specific printers and/or
28 providing customers with instructions for using its cartridges in those printers.

1 81. Defendant's accused toner cartridges infringe one or more claims of the '960
2 patent. The AM-H0280XU (Type A) cartridge, for example, infringes at least claims 1-7 of the
3 '960 patent. Attached hereto as Exhibit 17, and incorporated by reference herein, is a claim chart
4 detailing how a representative Type A toner cartridge infringes independent claim 1 of the '960
5 patent.

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

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

17 84. Defendant's acts complained of herein are damaging and will continue to cause
18 irreparable injury and damage to Canon for which there is no adequate remedy at law. Canon is
19 therefore entitled to preliminary and permanent injunctions restraining and enjoining Defendant
20 from infringing the claims of the '960 patent.

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

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

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

26 87. Defendant is directly infringing the '846 patent by selling and/or offering to sell
27 within the United States and/or importing into the United States toner cartridges for use in at
28

1 least the Canon and HP laser beam printers listed above, including but not limited to the
2 aforementioned AM-H0280XU cartridge.

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

10 89. Defendant's accused toner cartridges (including the drum units contained therein)
11 infringe one or more claims of the '846 patent. The AM-H0280XU (Type A) cartridge, for
12 example, infringes at least claims 1-3 of the '846 patent. Attached hereto as Exhibit 18, and
13 incorporated by reference herein, is a claim chart detailing how a representative Type A toner
14 cartridge infringes independent claim 1 of the '846 patent.

15 90. The Court has not yet construed the meaning of any claims or terms in the '846
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 '846 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 **Prayer for Relief**

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

7 A. That Defendant has infringed the Asserted Patents;

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

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

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

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

19
20 Dated: February 28, 2018

/s/George B. Piggott

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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

/s/George B. Piggott

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