

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

OPENPRINT LLC,

Plaintiff,

v.

XEROX CORPORATION,

Defendant.

CIVIL ACTION NO: 2:18-cv-165

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT

This is an action for patent infringement in which OpenPrint LLC (“OpenPrint”) makes the following allegations against Xerox Corporation (“Defendant”):

PARTIES

1. OpenPrint LLC is a Texas limited liability company with a principle place of business located at 5068 W. Plano Parkway, Suite 300, Plano, TX 75093.
2. Upon information and belief, Xerox Corporation is a New York corporation, with its principal place of business at 201 Merritt 7, Norwalk, Connecticut, 06851. Upon information and belief, Defendant may be served via officer or director at the above address.

JURISDICTION AND VENUE

3. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271(a), 271(b), 281, and 284 - 85. This Court has subject matter jurisdiction over this action under 28 U.S.C. §1331 and §1338(a).
4. Venue is proper in this Court pursuant to 28 U.S.C. § 1400(b). For example, Defendant has a regular and established place of business at 1303 Ridgeview Dr., Lewisville, TX 75057.

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

THE OPENPRINT PATENTS

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

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

3. On August 27, 2002, United States Patent No. 6,442,595 (the "'595 Patent") was duly and legally issued by the United States Patent and Trademark Office for an invention titled "Automated Electronic Document Transmission." A true and correct copy of the '595 Patent is attached hereto as Exhibit C.

4. On October 29, 2002, United States Patent No. 6,473,760 (the "'760 Patent") was duly and legally issued by the United States Patent and Trademark Office for an invention titled "Apparatus for Printing Information Automatically Combined From Two Different Sources." A true and correct copy of the '760 Patent is attached hereto as Exhibit D.

5. On September 9, 2003, United States Patent No. 6,618,820 (the “’820 Patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention titled “Method for Configuring an Application Server System.” A true and correct copy of the ’820 Patent is attached hereto as Exhibit E.

6. On October 28, 2003, United States Patent No. 6,639,974 (the “’974 Patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention titled “Fax Routing System and Method Using Standard Fax Machine and Personal Computer.” A true and correct copy of the ’974 Patent is attached hereto as Exhibit F.

7. On April 6, 2004, United States Patent No. 6,717,699 (the “’699 Patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention titled “Method for Hybrid Printing.” A true and correct copy of the ’699 Patent is attached hereto as Exhibit G.

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

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

10. On January 27, 2015, United States Patent No. 8,941,888 (the “’888 Patent”) duly and legally issued by the United States Patent and Trademark Office for an invention titled

“Facsimile to E-Mail Communication System with Local Interface.” A true and correct copy of the ’888 Patent is attached hereto as Exhibit J.

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

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

12. Defendant directly or through its intermediaries has been and is now infringing claim 13, of the ’345 patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale products and/or systems (Xerox ITU-T T.37 Compliant Multifunction Printers such as the WorkCentre 5300 series; 5800 series; 5800i series; 5900 series; 5900i series; 7200 series; 7200i series; 7800 series; 7900 series; and 7900i series (the “Accused Fax-to-Email Devices”)), covered by one or more claims of the ’345 Patent to the injury of OpenPrint. Defendant is directly infringing, literally infringing, and/or infringing the ’345 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the ’345 Patent pursuant to 35 U.S.C. § 271(a).

13. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems, *i.e.*, the Accused Fax-to-Email Devices, that infringe claim 13 of the ’345 Patent. The Accused Fax-to-Email Devices are a communication system for communicating, with the assistance of a public communication network (“PN”) (*e.g.*, a standard fax terminal connected to the telephone network) and a global computer communications network (*e.g.*, the internet), information found originally as an image on paper (*e.g.*, a fax), said system comprising: a server in communication with the PN and in communication with the computer network; a facsimile device for generating facsimile information from information found originally

as an image on paper, said facsimile device communicating with PN (*e.g.*, it sends faxes over the phone lines); an interface device responsive to signals received at said interface device to facilitate communications between said facsimile device and said server and to facilitate delivery of facsimile information from said facsimile device to an e-mail address associated with the computer network (*e.g.*, when a user selects “Internet Fax” and adds a New Recipient or Selects a recipient from the address book, the device sends the facsimile information to the selected e-mail address.)
See Ex. A-1, Figs. 1-15.

14. As a result of Defendant’s infringement of the ’345 Patent, OpenPrint has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant’s infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

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

15. Defendant directly or through its intermediaries has been and is now infringing claim 13, of the ’313 patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale products and/or systems (*i.e.*, the Accused Fax-to-Email Devices), covered by one or more claims of the ’313 Patent to the injury of OpenPrint. Defendant is directly infringing, literally infringing, and/or infringing the ’313 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the ’313 Patent pursuant to 35 U.S.C. § 271(a).

16. The Accused Fax-to-Email Devices infringe claim 13 of the ’313 Patent. They are systems for directing a fax to a desired recipient identified by an identification code over a network at a network address that is not the identification code, comprising: a. a storage system for storing

a plurality of records in a table (*e.g.*, an internal hard drive), each record containing (*e.g.*, “Up to 200 password protected mailboxes”): (1) an identification code(*e.g.*, mailbox “Friendly Names”) identifying a recipient that can receive a fax at a network address (*e.g.*, mailbox) that is not the identification code (*e.g.*, mailbox) ; and (2) the network address; b. a processing system (*e.g.*, a 1.2 GHz Dual Core processor) in communication with said storage system (*e.g.*, Fax Forwarding to file destinations)configured to: (1) receive the an identification code (*e.g.*, email); (2) determine whether said storage system contains a matching record having the an identification code; and (3) direct the fax to the network address in the matching record if said storage system contains a matching record (*e.g.*, email). *See* Ex. B-1, Figs. 1-13.

17. As a result of Defendant’s infringement of the ’313 Patent, OpenPrint has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant’s infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

COUNT III
INFRINGEMENT OF U.S. PATENT NO. 6,442,595

18. Defendant directly or through its intermediaries has been and is now infringing claims 1, 2, 5, 6, 7, and 8 of the ’595 patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale products and/or systems (*i.e.*, the Accused Fax-to-Email Devices), covered by one or more claims of the ’595 Patent to the injury of OpenPrint. Defendant is directly infringing, literally infringing, and/or infringing the ’595 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the ’595 Patent pursuant to 35 U.S.C. § 271(a).

19. When placed into operation by Defendant or Defendant's end-users, the Accused Fax-to-Email Devices infringe claim 1 of the '595 Patent. The Accused Fax-to-Email Devices perform the method of claim 1, transmitting an electronic document containing text and an electronic file generated from an electronic device by a user, wherein the electronic device is connectable to a computer system having a display, a processing unit, memory devices, data input devices, and network connection means, said method comprising: detecting the selection of a file output by the user of the electronic device (*e.g.*, selecting the "email" option), invoking a driver to produce the file output when selected (*e.g.*, scan to pdf, xps, or tiff driver); invoking an interface (the device invokes an interface which obtains information about the file, *e.g.*, settings and formats); obtaining information about said file output to be outputted; using said driver to save said file output in a conventional file format (*e.g.*, pdf); passing said saved file output to said interface (*e.g.*, control panel coupled to processor and memory); indexing said saved file output (*e.g.*, the file is indexed as it is saved so that each page appears in the proper order); repeating said detecting step until there are no more files to be outputted (*e.g.*, the device includes an "Automatic Document Feeder" which feeds in each page until there are no more pages to be converted); shutting down said driver; displaying said interface; prompting the user for an address and a message (*e.g.*, once the pages have been converted, the driver is shut down and the interface displays prompts to enter an address and message); verifying the conventional format of the one or more outputted files is appropriate for said address (*e.g.*, provides information regarding the file formats suitability for various applications), detecting a send command from the user (*e.g.*, they detect the send command from the user such as pressing the start button); attaching said one or more verified outputted files to said message; and transmitting said message. *See e.g.*, Ex. C-1, Figs. 1-13.

20. When placed into operation by Defendant or Defendant's end-users, the Accused Fax-to-Email Devices infringe claim 2 of the '595 Patent. They meet the limitations of claim 1, and when placed into operation they prompt the user to edit an e-mail message. *See Id.*

21. When placed into operation by Defendant or Defendant's end-users, the Accused Fax-to-Email Devices infringe claim 5 of the '595 Patent. They meet the limitations of claim 1, and when placed into operation they close said interface when said message is transmitted, wherein closing said interface includes cleaning up said files and the memory. *See Id.*

22. When placed into operation by Defendant or Defendant's end-users, the Accused Fax-to-Email Devices infringe claim 6 of the '595 Patent. They meet the limitations of claim 1, and when placed into operation they return the user to the application software program. *See Id.*

23. When placed into operation by Defendant or Defendant's end-users, the Accused Fax-to-Email Devices infringe claim 7 of the '595 Patent. They meet the limitations of claim 1, and further the electronic device is a copier and fax machine. *See Id.*

24. When placed into operation by Defendant or Defendant's end-users, the Accused Fax-to-Email Devices infringe claim 8 of the '595 Patent. They meet the limitations of claim 1, and further, wherein the attached message includes a cross-platform machine language readable by different types of electronic devices or systems (*e.g.*, an e-mail which is readable on smartphones, tablets, PCs and Macs). *See Id.*

25. As a result of Defendant's infringement of the '595 Patent, OpenPrint has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

COUNT IV
INFRINGEMENT OF U.S. PATENT NO. 6,473,760

26. Defendant directly or through its intermediaries has been and is now infringing claims 1, 5, 9, and 10 of the '760 patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale products and/or systems (*i.e.*, the Xerox Color Engines EX 180, EX-I 180; iGen 5 Press; Color 800i/1000i Presses; Versant 3100 Press; 180 Press; C60/C70 Printer; AltaLink C8000 Series Multifunction Printers; D136 Copier/Printer; D95A/D110/D125 Copier/Printer and similar printing presses (the "Accused Press Devices")), covered by one or more claims of the '760 Patent to the injury of OpenPrint. Defendant is directly infringing, literally infringing, and/or infringing the '760 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '760 Patent pursuant to 35 U.S.C. § 271(a).

27. The Accused Press Devices infringe claim 1 of the '760 Patent. They include a computer-readable medium having computer executable instructions for performing steps comprising: receiving a first portion of a print requisition or print production request from a print production system, the first portion relating to a client of the print production system (*e.g.*, a master document); receiving a second portion of the print requisition or print production request from the client of the print production system (*e.g.*, a variable document); and automatically combining, without human intervention, the first portion and the second portion into a format for the print requisition or print production request that is printable by a printing vendor (*e.g.*, Xerox digital press). *See e.g.*, Ex. D-1, Figs. 1-6.

28. The Accused Press Devices infringe claim 5 of the '760 Patent. The Accused Press Devices meet the limitations of claim 1, and further include instructions for sending the print

production request to the printing vendor (*e.g.*, the client sends the master document to the Xerox digital press). *See Id.*

29. The Accused Press Devices infringe claim 9 of the '760 Patent. The Accused Press Devices meet the limitations of claim 1, and further, wherein the instructions include instructions for automatically combining the first portion and the second portion based upon at least one event rule (*e.g.*, the business rules specify variable content to use and where to place it). *See Id.*

30. The Accused Press Devices infringe claim 10 of the '760 Patent. The Accused Press Devices meet the limitations of claim 9 and further, wherein the at least one event rule is previously designated by the client (*e.g.*, the business rules are designated by the client at the time the document is created). *See Id.*

31. As a result of Defendant's infringement of the '760 Patent, OpenPrint has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

COUNT V
INFRINGEMENT OF U.S. PATENT NO. 6,618,820

32. Defendant directly or through its intermediaries has been and is now infringing claims 1 and 11 of the '820 patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale products and/or systems (*i.e.*, the Xerox WorkCentre 7800 series in combination with a Nearstar Dataserver as well as other multifunction printers in combination with a Nearstar Dataserver (the "Accused Nearstar Devices")), covered by one or more claims of the '820 Patent to the injury of OpenPrint. Defendant is directly infringing,

literally infringing, and/or infringing the '820 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '820 Patent pursuant to 35 U.S.C. § 271(a).

33. When placed into operation by Defendant or its end-users, the Accused Nearstar Devices infringe claim 1 of the '820 Patent. They perform a method in an application server system for processing failures, the method comprising: under control of a plot component of a farm system (*e.g.*, systems of Xerox printers connected to a Nearstar Dataserver), detecting that an application program for a job has failed (*e.g.*, such as a printer ceasing to function); and notifying a master farmer system of the farm system that failure of the application program has been detected (*e.g.*, the Nearstar Dataserver is notified of the detected failure); and under control of the master farmer system, when the failure is not a result of improper input to the application program, assigning the job to another farm system (*e.g.*, the print job is reassigned by the Nearstar Dataserver); and when the failure is a result of improper input to the application program, notifying a client that submitted the job. *See* Ex. E-1, Figs. 1-6.

34. When placed into operation by Defendant or its end-users, the Accused Nearstar Devices infringe claim 11 of the '820 Patent. They perform a method in an application server system for processing failures, the method comprising: steps for detecting that a job has failed while executing on a farm system (*e.g.*, the Nearstar Dataserver detects that a job has failed on a Xerox printer); and steps for, when the failure is not a result of improper input to an application program of the job (*e.g.*, not the result of an improper user input), assigning the job to another farm system (*e.g.*, another Xerox printer) and, when the failure is a result of improper input to the application program, notifying a client that submitted the job that the job has failed (*e.g.*, if the failure is a result of user input, the user is notified of the failure). *See Id.*

35. As a result of Defendant's infringement of the '820 Patent, OpenPrint has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

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

36. Defendant directly or through its intermediaries has been and is now infringing claims 1, 2, 3, 4, and 5 of the '974 patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale products and/or systems (*i.e.*, the Accused Fax-to-Email Devices), covered by one or more claims of the '974 Patent to the injury of OpenPrint. Defendant is directly infringing, literally infringing, and/or infringing the '974 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '974 Patent pursuant to 35 U.S.C. § 271(a).

37. The Accused Fax-to-Email Devices infringe claim 1 of the '974 Patent. They are systems co-located with a sender of a fax for directing a fax over the Internet to a desired recipient at an Internet address, the desired recipient being identified to the system by an identification code that is not the Internet address, comprising: a. a storage system (*e.g.*, internal hard drive) co-located with the sender of the fax for storing a plurality of records in a table (*e.g.*, "Up to 200 password protected mailboxes"), each record containing: (1) an identification code identifying a recipient (*e.g.*, mailbox "Friendly Names") that can receive a fax at an Internet address that is not the identification code (*e.g.*, email address); and (2) the Internet address; b. a processing system co-located with the sender of the fax (*e.g.*, 1.2 GHz Dual Core processor) in communication with said storage system configured to: (1) receive the identification code *e.g.*, Fax Forwarding to file

destinations); (2) determine whether said storage system contains a matching record having the identification code (*e.g.*, email); and (3) direct the fax to the Internet address in the matching record if said storage system contains a matching record. *See* Ex. F-1, Figs. 1-13.

38. The Accused Fax-to-Email Devices infringe claim 2 of the '974 Patent. They meet the limitations of claim 1, and further, allow the user to manually enter in an email address. *See Id.*

39. The Accused Fax-to-Email Devices infringe claim 3 of the '974 Patent. The Accused Fax-to-Email Devices are a system co-located with a sender of a fax for directing a fax over a network to a desired recipient at a network address, the desired recipient being identified to the system by an identification code that is not the network address, comprising: a. a storage system (*e.g.*, internal hard drive) co-located with the sender of the fax for storing a plurality of records in a table (*e.g.*, "Up to 200 password protected mailboxes"), each record containing: (1) an identification code identifying a recipient (*e.g.*, mailbox "Friendly Names") that can receive a fax at a network address (*e.g.*, email address) that is not the identification code ; and 2) the network address; b. a processing system (*e.g.*, 1.2 GHz Dual Core processor) co-located with the sender of the fax in communication with said storage system configured to: (1) receive the identification code (*e.g.*, Fax Forwarding to file destinations); (2) determine whether said storage system contains a matching record having the identification code; and (3) direct the fax to the network address in the matching record if said storage system contains a matching record. *See Id.*

40. The Accused Fax-to-Email Devices infringe claim 4 of the '974 Patent. The Accused Fax-to-Email Devices are a system under the management of a sender of a fax for directing a fax over the Internet to a desired recipient at an Internet address, the desired recipient being identified to the system by an identification code (*e.g.*, mailbox "Friendly Names" that is

not the Internet address (*e.g.*, email address), comprising: a. a storage system (*e.g.*, internal hard drive) under the management of the sender of the fax for storing a plurality of records in a table (*e.g.*, “Up to 200 password protected mailboxes”), each record containing: (1) an identification code identifying a recipient (*e.g.*, mailbox “Friendly Names”) that can receive a fax at an Internet address (*e.g.*, email address) that is not the identification code; and (2) the Internet address (*e.g.*, email address); b. a processing system (*e.g.*, 1.2 GHz Dual Core processor under the management of the sender of the fax in communication with said storage system configured to: (1) receive the identification code (*e.g.*, Fax Forwarding to file destinations); (2) determine whether said storage system contains a matching record having the identification code; and (3) direct the fax to the Internet address (*e.g.*, email) in the matching record if said storage system contains a matching record. *See Id.*

41. The Accused Fax-to-Email Devices infringe claim 5 of the '974 Patent. They meet the limitations of claim 4, and further, wherein the storage system and processing system are co-located with the sender (*e.g.*, the devices a physically located with the sender). *See Id.*

42. As a result of Defendant's infringement of the '974 Patent, OpenPrint has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

COUNT VII
INFRINGEMENT OF U.S. PATENT NO. 6,717,699

43. Defendant directly or through its intermediaries has been and is now infringing claims 1 and 9 of the '699 patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale products and/or systems (*i.e.*, the Accused

Press Devices), covered by one or more claims of the '699 Patent to the injury of OpenPrint. Defendant is directly infringing, literally infringing, and/or infringing the '699 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '699 Patent pursuant to 35 U.S.C. § 271(a).

44. When placed into operation by Defendant or its end-users, the Accused Press Devices infringe claim 1 of the '699 Patent. The Accused Press Devices perform a hybrid printing method for digitally printing a design having a selected design color and a plurality of remaining design colors, comprising: selecting a spot color representing the selected design color; selecting a calibrated process color set (*e.g.*, PANTONE Commercial Color Matching Systems) comprising a plurality of process colors; creating a hybrid color set comprising the spot color and the processes colors; determining whether the remaining design colors can be reached using the hybrid color set in a process color printing mode; and if the remaining design colors can be reached, printing the design using the hybrid color set, wherein the spot color is used to print the selected design color in a spot color printing mode and wherein the hybrid color set is used to print the remaining design colors in the process color printing mode. *See* Ex. G-1, Figs. 1-11.

45. The Accused Press Devices infringe claim 9 of the '699 Patent, they include a computer readable medium having stored thereon computer executable instructions for performing the method of claim 1 (*e.g.*, Printer server powered by Fiery and Versant). *See Id.*

46. As a result of Defendant's infringement of the '699 Patent, OpenPrint has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

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

47. Defendant directly or through its intermediaries has been and is now infringing claims 1, 2, 3, 4, and 10 of the '906 patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale products and/or systems (*i.e.*, the Accused Fax-to-Email Devices), covered by one or more claims of the '906 Patent to the injury of OpenPrint. Defendant is directly infringing, literally infringing, and/or infringing the '906 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '906 Patent pursuant to 35 U.S.C. § 271(a).

48. Defendant, its resellers, and end-user customers infringe claim 1 of the '906 Patent when they place the Accused Fax-to-Email Devices into operation. The Accused Fax-to-Email Devices perform a method of communicating information by a facsimile/e-mail server system, the method comprising the steps of: a) receiving an electronic mail address from an interface device (*i.e.*, the user enters a destination email address); b) receiving facsimile information from a scanning portion of a facsimile machine (*i.e.*, it receives a digital image from the scanner portion"); c) converting the received facsimile information into a computer readable image file (*i.e.*, the digital image is converted into a PDF, TIFF, JPEG file); d) composing an e-mail message with the computer readable image file as an attachment (*i.e.*, an email message is created with a PDF, TIFF, JPEG file as an attachment); e) transmitting the composed e-mail message to an electronic mail server associated with the received electronic mail address (*i.e.*, the email message is transmitted to the mail server associated with the entered email address); f) receiving a report request from a user; g) generating a report based upon the received report request; and h) outputting the generated report (*i.e.*, the user can request a fax report which is generated). *See* Ex. H-1, Figs. 1-19.

49. Defendant, its resellers, and end-user customers infringe claim 2 of the '906 Patent when they place the Accused Fax-to-Email Devices into operation. The user introduces a hardcopy document into the scanning portion of the facsimile machine (*i.e.*, by placing the document on the scanner or into the auto-document feeder). *See Id.*

50. Defendant, its resellers, and end-user customers infringe claim 3 of the '906 Patent when they place the Accused Fax-to-Email Devices into operation. The user enters an email address via the touchscreen or keypad. *See Id.*

51. Defendant, its resellers, and end-user customers infringe claim 4 of the '906 Patent when they place the Accused Fax-to-Email Devices into operation. The user enters an email address via the touchscreen or keypad. *See Id.*

52. Defendant, its resellers, and end-user customers infringe claim 10 of the '906 Patent when they place the Accused Fax-to-Email Devices into operation. The Accused Fax-to-Email Devices provides a confirmation to the user that the facsimile information was sent and the address to which it was sent. *See Id.*

53. As a result of Defendant's infringement of the '906 Patent, OpenPrint has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

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

54. Defendant directly or through its intermediaries has been and is now infringing claim 1, 5, and 17 of the '601 patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale products and/or systems (*i.e.*, the Accused

Fax-to-Email Devices), covered by one or more claims of the '601 Patent to the injury of OpenPrint. Defendant is directly infringing, literally infringing, and/or infringing the '601 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '601 Patent pursuant to 35 U.S.C. § 271(a).

55. The Accused Fax-to-Email devices infringe claim 1 of the '601 Patent. They are an Internet based server system, comprising: a facsimile-to-e-mail server (*e.g.*, gateway) in communication with at least one communication network (*e.g.*, the internet), wherein the facsimile-to-e-mail server is configured to receive facsimile information from a facsimile device in communication with the server (*e.g.*, the gateway receives facsimile information from the fax device); receive a destination e-mail address for the facsimile information from the facsimile device (*e.g.*, a user enters the recipient email address at the control panel and this information is transmitted to the server), wherein the destination e-mail address is received in and interpreted from an alphanumeric form (*e.g.*, entered with the touchscreen keypad); convert the received facsimile information into a computer readable image file (*e.g.*, PDF or TIFF); attach the computer readable image file to an e-mail message to be sent to the destination e-mail address (*e.g.*, the file is attached to an e-mail); and send the facsimile information to the destination e-mail address via the communication network (*e.g.*, the file containing the facsimile information is sent to the destination e-mail address). *See* Ex. I-1, Figs. 1-12.

56. The Accused Fax-to-Email Devices infringe claim 5 of the '601 Patent. They meet the limitations of claim 1, and further, wherein the facsimile-to-e-mail server and the facsimile device are discrete, separate components located remotely from each other and in communication with each other via the communications network (*e.g.*, the e-mail server and facsimile devices are located separately from each other). *See Id.*

57. The Accused Fax-to-Email Devices infringe claim 17 of the '601 Patent. They are an Internet based server communication system for communicating, with a public communication network ("PN") and a global computer communications network, facsimile information, the system comprising: a facsimile device for generating facsimile information and an e-mail address in an alphanumeric format, wherein the facsimile device is configured to communicate with the PN (*e.g.*, the Accused Fax-to-Email Devices includes a fax machine connected to a telephone network and can receive e-mail addresses); an interface device configured to facilitate communications between the facsimile device and a server, and to facilitate delivery of facsimile information from the facsimile device to the e-mail address associated with the computer communications network, the interface device configured to receive and interpret the e-mail address in an alphanumeric format from the facsimile device; and a server configured to communicate with the PN and the computer communications network (*e.g.*, the Accused Fax-to-Email Devices communicates with both the phone network and the e-mail network), wherein the server is further configured to convert the received facsimile information into a computer readable image file (*e.g.*, a PDF file); and attach the computer readable image file to an e-mail message to be sent to the destination e-mail address. *See Id.*

58. As a result of Defendant's infringement of the '601 Patent, OpenPrint has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

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

59. Defendant has been and is now infringing claims 1, 7, 9, and 17 of the '888 Patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other

things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale products and/or systems (*i.e.*, the Accused Fax-to-Email Devices), covered by one or more claims of the '888 Patent to the injury of OpenPrint. Defendant is directly infringing, literally infringing, and/or infringing the '888 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '888 Patent pursuant to 35 U.S.C. § 271(a).

60. The Accused Fax-to-Email Devices infringe claim 1 of the '888 Patent. They are a communications apparatus, comprising: a facsimile component configured to generate facsimile information by scanning an image from a hard copy of a document (*i.e.*, the fax portion scans hard copies of documents); a user interface configured to receive an e-mail address from a user (*i.e.*, a touch pad or keypad); a facsimile-to-e-mail gateway comprising a facsimile-to-e-mail component configured to—in a first mode, convert the facsimile information into a computer readable image file (*e.g.*, a PDF, TIFF, JPEG file), attach the computer readable image file to an e-mail message, and transmit the e-mail message without additional user input to the received e-mail address, wherein the e-mail address is received in and interpreted from alphanumeric form (*e.g.*, the PDF, TIFF, JPEG file is attached to the email and sent to the email address entered); and in a second mode, transmit a facsimile device compatible file to a remote facsimile device (*i.e.*, a facsimile transmission); and a housing configured to carry the user interface. *See* Ex. J-1, Figs. 1-11.

61. The Accused Fax-to-Email Devices infringe claim 7 of the '888 Patent. They meet the limitations of claim 1, and further, comprise a multi-function peripheral (*e.g.*, a multi-function printer, scanner, copier, fax). *See Id.*

62. The Accused Fax-to-Email Devices infringe claim 9 of the '888 Patent. The Accused Fax-to-Email Devices attach a TIFF format image file to an e-mail. *See Id.*

63. The Accused Fax-to-Email Devices infringe claim 17 of the '888 Patent. They meet the limitations of claim 1, and further include the facsimile component within the housing. *See Id.*

64. As a result of Defendant's infringement of the '888 Patent, OpenPrint has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

COUNT XI
INDUCED INFRINGEMENT

65. Upon information and belief, Defendant has been and is now inducing the infringement by its resellers and end-use customers of claims 1, 2, 5, 6, 7, and 8 of the '595 Patent, claims 1, 2, 3, 4, and 10 of the '906 Patent, claims 1 and 9 of the '699 Patent, and claim 1 of the '820 Patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, selling and/or offering for sale the Accused Press Devices, Accused Fax-to-Email Devices, and Accused Nearstar Devices to the injury of Plaintiff. Defendant's resellers and end-use customers are directly infringing, literally infringing, and/or infringing the '595, '906, '699, and '820 Patents under the doctrine of equivalents. Defendant is thus liable for infringement of the '595, '906, '699, and '820 Patents Patent pursuant to 35 U.S.C. § 271(b).

66. As shown above, Defendant has and continues to indirectly infringe the '595, '906, '699, and '820 Patents by inducing the infringement by its end-users and resellers of claims 1, 2, 5, 6, 7, and 8 of the '595 Patent, claims 1, 2, 3, 4, and 10 of the '906 Patent, claims 1 and 9 of the '699 Patent, and claim 1 of the '820 Patent in accordance with 35 U.S.C. 271(b).

67. As shown above, Defendant, its resellers, distributors, and end-users of the Accused Press Devices, Accused Fax-to-Email Devices, and Accused Nearstar Devices have engaged in and currently engage in activities that constitute direct infringement of claims 1, 2, 5, 6, 7, and 8 of the '595 Patent, claims 1, 2, 3, 4, and 10 of the '906 Patent, claims 1 and 9 of the '699 Patent, and claim 1 of the '820 Patent.

68. As shown above, the operation and use of the Accused Press Devices, Accused Fax-to-Email Devices, and Accused Nearstar Devices by Defendant, its resellers, or end-user customers constitutes a direct infringement of claims 1, 2, 5, 6, 7, and 8 of the '595 Patent, claims 1, 2, 3, 4, and 10 of the '906 Patent, claims 1 and 9 of the '699 Patent, and claim 1 of the '820 Patent.

69. Defendant's affirmative act of selling and/or offering for sale the Accused Press Devices, Accused Fax-to-Email Devices, and Accused Nearstar Devices and providing instruction manuals, advertisement of the infringing features, and support for the Accused Press Devices, Accused Fax-to-Email Devices, and Accused Nearstar Devices has induced and continues to induce Defendant's resellers and end users to use the Accused Press Devices, Accused Fax-to-Email Devices, and Accused Nearstar Devices in their normal and customary way to infringe claims 1, 2, 5, 6, 7, and 8 of the '595 Patent, claims 1, 2, 3, 4, and 10 of the '906 Patent, claims 1 and 9 of the '699 Patent, and claim 1 of the '820 Patent.

70. Through its making, selling, and/or offering for sale the Accused Press Devices, Accused Fax-to-Email Devices, and Accused Nearstar Devices, Defendant specifically intends that its resellers and end-users directly infringe claims 1, 2, 5, 6, 7, and 8 of the '595 Patent, claims 1, 2, 3, 4, and 10 of the '906 Patent, claims 1 and 9 of the '699 Patent, and claim 1 of the '820 Patent. Defendant has had knowledge of the '595, '906, '699, and '820 Patents since the filing of

the original complaint and actually induces others, such as resellers and end-use customers, to directly infringe by using, selling, supplying, and or distributing the Accused Press Devices, Accused Fax-to-Email Devices, and Accused Nearstar Devices within the United States. Defendant is aware since at least the filing of this complaint that such actions would induce actual infringement. Furthermore, Defendant remains aware that these normal and customary activities would infringe the '595, '906, '699, and '820 Patents.

71. For example, in connection with the sale and/or offering for sale of the Accused Press Devices, Accused Fax-to-Email Devices, and Accused Nearstar Devices, Defendant provides manuals and support to resellers and end-use customers regarding the use and operation of the Accused Press Devices, Accused Fax-to-Email Devices, and Accused Nearstar Devices. Specifically, Defendant provides manuals and support, see, *e.g.*, <https://www.xerox.com/digital-printing/workflow/printing-software/nearstar-dataserver/enus.html>, http://download.support.xerox.com/pub/docs/WC780X/userdocs/any-os/en_GB/wc780x_user_guide_ck1.5_en-us.pdf, and <http://www.support.xerox.com/support/xerox-igen-5/documentation/enus.html?associatedProduct=xerox-FF-for-igen5>. When end-users follow such instructions and support, they directly infringe the '595, '906, '699, and '820 Patents. Defendant knew or should have known that by providing such instructions and support, resellers and end-use customers follow these instructions and support and directly infringe the '595, '906, '699, and '820 Patents.

72. Accordingly, Defendant has performed and continues to perform acts that constitute indirect infringement, and would induce actual infringement, with the knowledge of the '595, '906, '699, and '820 Patents and with the knowledge or willful blindness to the fact that the induced acts would constitute infringement.

JURY DEMAND

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

PRAYER FOR RELIEF

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

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

DATED April 24, 2018.

Respectfully submitted,

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