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7  
8 **UNITED STATES DISTRICT COURT**  
9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**  
10

11 CANON INC., a Japanese corporation,

12 Plaintiff,

13 v.

14 V4INK, INC., a California corporation,

15 Defendant.  
16

Case No. 2:19-cv-3978

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

**JURY TRIAL DEMANDED**

VENABLE LLP  
2049 CENTURY PARK EAST, SUITE 2300  
LOS ANGELES, CA 90067  
310-229-9900

1 Plaintiff Canon Inc. (“Canon”) brings this action for patent infringement  
2 against Defendant V4INK, Inc. (“Defendant”), and alleges as follows:

3 **The Parties**

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

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

10 3. On information and belief, V4INK, Inc. is a corporation organized  
11 and existing under the laws of the State of California, with its principal place of  
12 business located at 2760 E Philadelphia Street, Ontario, California 91761.

13 4. On information and belief, Defendant conducts activities via the  
14 Internet at least through its website *v4ink.com*.

15 **Jurisdiction and Venue**

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

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

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

**Canon's Patents-in-Suit**

8. On November 19, 2013, U.S. Patent No. 8,588,646 B2 (the "'646 patent"), titled "Process Cartridge and Image Forming Apparatus," duly and legally issued to Canon as assignee of the inventors, Akira Yoshimura, Kazunari Murayama, Susumu Nittani, and Atsushi Numagami. A true and correct copy of the '646 patent is attached as Exhibit 1.

9. On January 11, 2011, U.S. Patent No. 7,869,740 B2 (the "'740 patent"), titled "Process Cartridge and Image Forming Apparatus," duly and legally issued to Canon as assignee of the inventors, Akira Yoshimura, Kazunari Murayama, Susumu Nittani, and Atsushi Numagami. A true and correct copy of the '740 patent is attached as Exhibit 2.

10. On April 24, 2012, U.S. Patent No. 8,165,494 B2 (the "'494 patent"), titled "Process Cartridge Having a Member With a Force Receiving End Movable to a Position Away From a Cartridge Housing," duly and legally issued to Canon as assignee of the inventors, Akira Yoshimura, Kazunari Murayama, Susumu Nittani, and Atsushi Numagami. A true and correct copy of the '494 patent is attached as Exhibit 3.

11. On March 3, 2015, U.S. Patent No. 8,971,760 B2 (the "'760 patent"), titled "Process Cartridge and Image Forming Apparatus," duly and legally issued to Canon as assignee of the inventors, Akira Yoshimura, Kazunari Murayama, Susumu Nittani, and Atsushi Numagami. A true and correct copy of the '760 patent is attached as Exhibit 4.

12. On November 15, 2016, U.S. Patent No. 9,494,916 B2 (the "'916 patent"), titled "Process Cartridge and Image Forming Apparatus," duly and legally issued to Canon as assignee of the inventors, Akira Yoshimura, Kazunari Murayama, Susumu Nittani, and Atsushi Numagami. A true and correct copy of the '916 patent is attached as Exhibit 5.

13. On January 2, 2018, U.S. Patent No. 9,857,763 B2 (the "'763

1 patent”), titled “Process Cartridge and Image Forming Apparatus,” duly and  
 2 legally issued to Canon as assignee of the inventors, Akira Yoshimura, Kazunari  
 3 Murayama, Susumu Nittani, and Atsushi Numagami. A true and correct copy of  
 4 the ’763 patent is attached as Exhibit 6.

5 14. On December 25, 2018, U.S. Patent No. 10,162,304 B2 (the “’304  
 6 patent”), titled “Process Cartridge and Image Forming Apparatus,” duly and  
 7 legally issued to Canon as assignee of the inventors, Akira Yoshimura, Kazunari  
 8 Murayama, Susumu Nittani, and Atsushi Numagami. A true and correct copy of  
 9 the ’304 patent is attached as Exhibit 7.

10 15. Canon is the sole owner of the entire right, title, and interest in and to  
 11 the ’646, ’740, ’494, ’760, ’916, ’763, and ’304 patents (collectively, “Asserted  
 12 Patents”), including the right to sue and recover for any and all infringements  
 13 thereof.

14 16. The Asserted Patents are valid and enforceable.

### 15 **Defendant’s Infringing Activities**

16 17. On information and belief, Defendant is engaged in the business of  
 17 manufacturing, importing, selling, and/or offering to sell toner cartridges  
 18 (hereafter, “Accused Products”) for printers, including toner cartridges for use in  
 19 certain Canon and HP color laser beam printers, including but not limited to the  
 20 following printers: Canon imageCLASS LBP5050, Canon imageCLASS  
 21 LBP7100C, Canon imageCLASS LBP7100Cn, Canon imageCLASS LBP7110C,  
 22 Canon imageCLASS LBP7110Cw, Canon imageCLASS LBP7200, Canon  
 23 imageCLASS LBP7660, Canon imageCLASS LBP7680, Canon imageCLASS  
 24 MF8030, Canon imageCLASS MF8040, Canon imageCLASS MF8050, Canon  
 25 imageCLASS MF8080, Canon imageCLASS MF8230Cn, Canon imageCLASS  
 26 MF8280Cw, Canon imageCLASS MF8330, Canon imageCLASS MF8340, Canon  
 27 imageCLASS MF8350, Canon imageCLASS MF8360, Canon imageCLASS  
 28 MF8380, HP Color LaserJet CM1312 MFP, HP Color LaserJet CM1312nfi, HP

Color LaserJet CP1215, HP Color LaserJet CP1217, HP Color LaserJet CP1515n, HP Color LaserJet CP1518ni, HP Color LaserJet Pro CM1415fn, HP Color LaserJet Pro CM1415fnw, HP Color LaserJet Pro CP1525n, HP Color LaserJet Pro CP1525nw, HP Color LaserJet CP2025, HP Color LaserJet CM2320, HP Color LaserJet Pro 200 Color M251n, HP Color LaserJet Pro 200 Color M251nw, HP Color LaserJet Pro 200 Color M276n, HP Color LaserJet Pro 200 Color M276nw, HP Color LaserJet Pro 300 Color MFP M375, HP Color LaserJet Pro 300 Color M351, HP Color LaserJet Pro 400 Color M451, HP Color LaserJet Pro 400 Color M475, HP Color LaserJet Pro 400 Color MFP M476dn, HP Color LaserJet Pro 400 Color MFP M476nw, and HP Color LaserJet Pro 400 Color MFP M476dw.

18. Non-limiting examples of Accused Products sold by Defendant that infringe the Asserted Patents include those bearing the designations 131A BK, 131A C, 131A Y, 131A M, CE410X, CE411A, CE412A, and CE413A.

19. On information and belief, Defendant offers to sell and sells the Accused Products within this judicial district and elsewhere, including through its website *v4ink.com*.

**First Cause of Action: Infringement of U.S. Patent No. 8,588,646 B2**

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

21. Defendant has directly infringed and is directly infringing the '646 patent by making, using, selling, and/or offering to sell in the United States and/or importing into the United States toner cartridges embodying the invention defined by one or more claims of the '646 patent, including without limitation the Accused Products, without authority or license of Canon. More particularly, Defendant's manufacture, use, sale, and/or offer for sale in the United States and/or importation into the United States of at least the Accused Products infringes at least claims 1, 2, 8, 12, 14-17, 22, 24, 25, 30, 32, 35, 37, 42-45, 51, 55, 57, 58, 63, 64, 69, 71, 72, 74, 83, 84, and 97-99 of the '646 patent.

22. Defendant also is indirectly infringing the '646 patent at least by virtue of its inducement of direct infringement of that patent by customers who use Defendant's Accused Products 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 '646 patent upon being served with this Complaint. On information and belief, Defendant knowingly induces customers to use its Accused Products, including, for example, by promoting them for use in specific printers and/or providing customers with instructions for using them in those printers.

23. Attached hereto as Exhibit 8, and incorporated by reference herein, is a claim chart detailing how Defendant's 131A BK toner cartridge, which is an example of an Accused Product, infringes independent claims 1, 16, 24, 37, 44, 57, 63, 74, 83, and 97 of the '646 patent.

24. Attached hereto as Exhibit 9, and incorporated by reference herein, is a claim chart detailing how Defendant's CE410X toner cartridge, which is another example of an Accused Product, infringes independent claims 1, 16, 24, 37, 44, 57, 63, 74, 83, and 97 of the '646 patent.

25. The Court has not yet construed the meaning of any claims or terms in the '646 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.

26. Canon contends that each element of each asserted claim is literally present in the Accused Products. 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 of equivalents contentions after discovery, a claim construction order from the Court, or at another appropriate

1 time.

2 27. Defendant's acts complained of herein are damaging and will  
3 continue to cause irreparable injury and damage to Canon for which there is no  
4 adequate remedy at law. Canon is therefore entitled to preliminary and permanent  
5 injunctions restraining and enjoining Defendant from infringing the claims of the  
6 '646 patent.

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

10 **Second Cause of Action: Infringement of U.S. Patent No. 7,869,740 B2**

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

13 30. Defendant has directly infringed and is directly infringing the '740  
14 patent by making, using, selling, and/or offering to sell in the United States and/or  
15 importing into the United States toner cartridges embodying the invention defined  
16 by one or more claims of the '740 patent, including without limitation the Accused  
17 Products, without authority or license of Canon. More particularly, Defendant's  
18 manufacture, use, sale, and/or offer for sale in the United States and/or importation  
19 into the United States of at least the Accused Products infringes at least claims 41-  
20 61, 63, 64, 66-80, and 83-91 of the '740 patent.

21 31. Defendant also is indirectly infringing the '740 patent at least by  
22 virtue of its inducement of direct infringement of that patent by customers who use  
23 Defendant's Accused Products in at least the Canon and HP laser beam printers  
24 listed above. At the very latest, Defendant will be given notice of its infringement  
25 of the '740 patent upon being served with this Complaint. On information and  
26 belief, Defendant knowingly induces customers to use its Accused Products,  
27 including, for example, by promoting them for use in specific printers and/or  
28 providing customers with instructions for using them in those printers.

32. Attached hereto as Exhibit 10, and incorporated by reference herein, is a claim chart detailing how Defendant's 131A BK toner cartridge, which is an example of an Accused Product, infringes independent claims 41, 58, 67, and 83-88 of the '740 patent.

33. Attached hereto as Exhibit 11, and incorporated by reference herein, is a claim chart detailing how Defendant's CE410X toner cartridge, which is another example of an Accused Product, infringes independent claims 41, 58, 67, and 83-88 of the '740 patent.

34. The Court has not yet construed the meaning of any claims or terms in the '740 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.

35. Canon contends that each element of each asserted claim is literally present in the Accused Products. 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 of equivalents contentions after discovery, a claim construction order from the Court, or at another appropriate time.

36. 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 '740 patent.

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

1 trial.

2 **Third Cause of Action: Infringement of U.S. Patent No. 8,165,494 B2**

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

5 39. Defendant has directly infringed and is directly infringing the '494  
6 patent by making, using, selling, and/or offering to sell in the United States and/or  
7 importing into the United States toner cartridges embodying the invention defined  
8 by one or more claims of the '494 patent, including without limitation the Accused  
9 Products, without authority or license of Canon. More particularly, Defendant's  
10 manufacture, use, sale, and/or offer for sale in the United States and/or importation  
11 into the United States of at least the Accused Products infringes at least claims 1-3,  
12 5-11, 13-25, 32-37, 39, 40, 51-53, and 55-61 of the '494 patent.

13 40. Defendant also is indirectly infringing the '494 patent at least by  
14 virtue of its inducement of direct infringement of that patent by customers who use  
15 Defendant's Accused Products in at least the Canon and HP laser beam printers  
16 listed above. At the very latest, Defendant will be given notice of its infringement  
17 of the '494 patent upon being served with this Complaint. On information and  
18 belief, Defendant knowingly induces customers to use its Accused Products,  
19 including, for example, by promoting them for use in specific printers and/or  
20 providing customers with instructions for using them in those printers.

21 41. Attached hereto as Exhibit 12, and incorporated by reference herein, is  
22 a claim chart detailing how Defendant's 131A BK toner cartridge, which is an  
23 example of an Accused Product, infringes independent claims 1, 10, 18, 32, 51,  
24 and 58 of the '494 patent.

25 42. Attached hereto as Exhibit 13, and incorporated by reference herein, is  
26 a claim chart detailing how Defendant's CE410X toner cartridge, which is another  
27 example of an Accused Product, infringes independent claims 1, 10, 18, 32, 51,  
28 and 58 of the '494 patent.

1           43. The Court has not yet construed the meaning of any claims or terms in  
2 the '494 patent. In providing these detailed allegations, Canon does not intend to  
3 convey or imply any particular claim construction or the precise scope of the  
4 claims. Canon's contentions regarding the construction of the claims will be  
5 provided in compliance with the case schedule, any applicable federal or local  
6 procedural rules, and/or any applicable orders.

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

14           45. Defendant's acts complained of herein are damaging and will  
15 continue to cause irreparable injury and damage to Canon for which there is no  
16 adequate remedy at law. Canon is therefore entitled to preliminary and permanent  
17 injunctions restraining and enjoining Defendant from infringing the claims of the  
18 '494 patent.

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

22           **Fourth Cause of Action: Infringement of U.S. Patent No. 8,971,760 B2**

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

25           48. Defendant has directly infringed and is directly infringing the '760  
26 patent by making, using, selling, and/or offering to sell in the United States and/or  
27 importing into the United States toner cartridges embodying the invention defined  
28 by one or more claims of the '760 patent, including without limitation the Accused

1 Products, without authority or license of Canon. More particularly, Defendant's  
2 manufacture, use, sale, and/or offer for sale in the United States and/or importation  
3 into the United States of at least the Accused Products infringes at least claims 1-3  
4 and 7-30 of the '760 patent.

5 49. Defendant also is indirectly infringing the '760 patent at least by  
6 virtue of its inducement of direct infringement of that patent by customers who use  
7 Defendant's Accused Products in at least the Canon and HP laser beam printers  
8 listed above. At the very latest, Defendant will be given notice of its infringement  
9 of the '760 patent upon being served with this Complaint. On information and  
10 belief, Defendant knowingly induces customers to use its Accused Products,  
11 including, for example, by promoting them for use in specific printers and/or  
12 providing customers with instructions for using them in those printers.

13 50. Attached hereto as Exhibit 14, and incorporated by reference herein, is  
14 a claim chart detailing how Defendant's 131A BK toner cartridge, which is an  
15 example of an Accused Product, infringes independent claims 1 and 16 of the '760  
16 patent.

17 51. Attached hereto as Exhibit 15, and incorporated by reference herein, is  
18 a claim chart detailing how Defendant's CE410X toner cartridge, which is another  
19 example of an Accused Product, infringes independent claims 1 and 16 of the '760  
20 patent.

21 52. The Court has not yet construed the meaning of any claims or terms in  
22 the '760 patent. In providing these detailed allegations, Canon does not intend to  
23 convey or imply any particular claim construction or the precise scope of the  
24 claims. Canon's contentions regarding the construction of the claims will be  
25 provided in compliance with the case schedule, any applicable federal or local  
26 procedural rules, and/or any applicable orders.

27 53. Canon contends that each element of each asserted claim is literally  
28 present in the Accused Products. If as a result of the Court's constructions or other

1 determinations one or more claim elements are not literally present, Canon  
2 contends that each such element is present under the doctrine of equivalents and  
3 reserves its right to provide more detailed doctrine of equivalents contentions after  
4 discovery, a claim construction order from the Court, or at another appropriate  
5 time.

6 54. Defendant's acts complained of herein are damaging and will  
7 continue to cause irreparable injury and damage to Canon for which there is no  
8 adequate remedy at law. Canon is therefore entitled to preliminary and permanent  
9 injunctions restraining and enjoining Defendant from infringing the claims of the  
10 '760 patent.

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

14 **Fifth Cause of Action: Infringement of U.S. Patent No. 9,494,916 B2**

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

17 57. Defendant has directly infringed and is directly infringing the '916  
18 patent by making, using, selling, and/or offering to sell in the United States and/or  
19 importing into the United States toner cartridges embodying the invention defined  
20 by one or more claims of the '916 patent, including without limitation the Accused  
21 Products, without authority or license of Canon. More particularly, Defendant's  
22 manufacture, use, sale, and/or offer for sale in the United States and/or importation  
23 into the United States of at least the Accused Products infringes at least claims 1-9  
24 of the '916 patent.

25 58. Defendant also is indirectly infringing the '916 patent at least by  
26 virtue of its inducement of direct infringement of that patent by customers who use  
27 Defendant's Accused Products in at least the Canon and HP laser beam printers  
28 listed above. At the very latest, Defendant will be given notice of its infringement

1 of the '916 patent upon being served with this Complaint. On information and  
2 belief, Defendant knowingly induces customers to use its Accused Products,  
3 including, for example, by promoting them for use in specific printers and/or  
4 providing customers with instructions for using them in those printers.

5 59. Attached hereto as Exhibit 16, and incorporated by reference herein, is  
6 a claim chart detailing how Defendant's 131A BK toner cartridge, which is an  
7 example of an Accused Product, infringes independent claim 1 of the '916 patent.

8 60. Attached hereto as Exhibit 17, and incorporated by reference herein, is  
9 a claim chart detailing how Defendant's CE410X toner cartridge, which is another  
10 example of an Accused Product, infringes independent claim 1 of the '916 patent.

11 61. The Court has not yet construed the meaning of any claims or terms in  
12 the '916 patent. In providing these detailed allegations, Canon does not intend to  
13 convey or imply any particular claim construction or the precise scope of the  
14 claims. Canon's contentions regarding the construction of the claims will be  
15 provided in compliance with the case schedule, any applicable federal or local  
16 procedural rules, and/or any applicable orders.

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

24 63. Defendant's acts complained of herein are damaging and will  
25 continue to cause irreparable injury and damage to Canon for which there is no  
26 adequate remedy at law. Canon is therefore entitled to preliminary and permanent  
27 injunctions restraining and enjoining Defendant from infringing the claims of the  
28 '916 patent.

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

4           **Sixth Cause of Action: Infringement of U.S. Patent No. 9,857,763 B2**

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

7           66. Defendant has directly infringed and is directly infringing the '763  
8 patent by making, using, selling, and/or offering to sell in the United States and/or  
9 importing into the United States toner cartridges embodying the invention defined  
10 by one or more claims of the '763 patent, including without limitation the Accused  
11 Products, without authority or license of Canon. More particularly, Defendant's  
12 manufacture, use, sale, and/or offer for sale in the United States and/or importation  
13 into the United States of at least the Accused Products infringes at least claims 1-8  
14 and 13-19 of the '763 patent.

15           67. Defendant also is indirectly infringing the '763 patent at least by  
16 virtue of its inducement of direct infringement of that patent by customers who use  
17 Defendant's Accused Products in at least the Canon and HP laser beam printers  
18 listed above. At the very latest, Defendant will be given notice of its infringement  
19 of the '763 patent upon being served with this Complaint. On information and  
20 belief, Defendant knowingly induces customers to use its Accused Products,  
21 including, for example, by promoting them for use in specific printers and/or  
22 providing customers with instructions for using them in those printers.

23           68. Attached hereto as Exhibit 18, and incorporated by reference herein, is  
24 a claim chart detailing how Defendant's 131A BK toner cartridge, which is an  
25 example of an Accused Product, infringes independent claims 1 and 13 of the '763  
26 patent.

27           69. Attached hereto as Exhibit 19, and incorporated by reference herein, is  
28 a claim chart detailing how Defendant's CE410X toner cartridge, which is another

1 example of an Accused Product, infringes independent claims 1 and 13 of the '763  
2 patent.

3 70. The Court has not yet construed the meaning of any claims or terms in  
4 the '763 patent. In providing these detailed allegations, Canon does not intend to  
5 convey or imply any particular claim construction or the precise scope of the  
6 claims. Canon's contentions regarding the construction of the claims will be  
7 provided in compliance with the case schedule, any applicable federal or local  
8 procedural rules, and/or any applicable orders.

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

16 72. Defendant's acts complained of herein are damaging and will  
17 continue to cause irreparable injury and damage to Canon for which there is no  
18 adequate remedy at law. Canon is therefore entitled to preliminary and permanent  
19 injunctions restraining and enjoining Defendant from infringing the claims of the  
20 '763 patent.

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

24 **Seventh Cause of Action: Infringement of U.S. Patent No. 10,162,304 B2**

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

27 75. Defendant has directly infringed and is directly infringing the '304  
28 patent by making, using, selling, and/or offering to sell in the United States and/or

1 importing into the United States toner cartridges embodying the invention defined  
2 by one or more claims of the '304 patent, including without limitation the Accused  
3 Products, without authority or license of Canon. More particularly, Defendant's  
4 manufacture, use, sale, and/or offer for sale in the United States and/or importation  
5 into the United States of at least the Accused Products infringes at least claims 1-4  
6 of the '304 patent.

7 76. Defendant also is indirectly infringing the '304 patent at least by  
8 virtue of its inducement of direct infringement of that patent by customers who use  
9 Defendant's Accused Products in at least the Canon and HP laser beam printers  
10 listed above. At the very latest, Defendant will be given notice of its infringement  
11 of the '304 patent upon being served with this Complaint. On information and  
12 belief, Defendant knowingly induces customers to use its Accused Products,  
13 including, for example, by promoting them for use in specific printers and/or  
14 providing customers with instructions for using them in those printers.

15 77. Attached hereto as Exhibit 20, and incorporated by reference herein, is  
16 a claim chart detailing how Defendant's 131A BK toner cartridge, which is an  
17 example of an Accused Product, infringes independent claim 1 of the '304 patent.

18 78. Attached hereto as Exhibit 21, and incorporated by reference herein, is  
19 a claim chart detailing how Defendant's CE410X toner cartridge, which is another  
20 example of an Accused Product, infringes independent claim 1 of the '304 patent.

21 79. The Court has not yet construed the meaning of any claims or terms in  
22 the '304 patent. In providing these detailed allegations, Canon does not intend to  
23 convey or imply any particular claim construction or the precise scope of the  
24 claims. Canon's contentions regarding the construction of the claims will be  
25 provided in compliance with the case schedule, any applicable federal or local  
26 procedural rules, and/or any applicable orders.

27 80. Canon contends that each element of each asserted claim is literally  
28 present in the Accused Products. If as a result of the Court's constructions or other

1 determinations one or more claim elements are not literally present, Canon  
2 contends that each such element is present under the doctrine of equivalents and  
3 reserves its right to provide more detailed doctrine of equivalents contentions after  
4 discovery, a claim construction order from the Court, or at another appropriate  
5 time.

6 81. Defendant's acts complained of herein are damaging and will  
7 continue to cause irreparable injury and damage to Canon for which there is no  
8 adequate remedy at law. Canon is therefore entitled to preliminary and permanent  
9 injunctions restraining and enjoining Defendant from infringing the claims of the  
10 '304 patent.

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

#### 14 **Prayer for Relief**

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

16 A. That Defendant has infringed the Asserted Patents;

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

22 C. That Defendant be ordered to pay damages adequate to compensate  
23 Canon for Defendant's infringement of the Asserted Patents pursuant to 35 U.S.C.  
24 § 284, including lost profits and/or a reasonable royalty, together with interest  
25 thereon;

26 D. That Defendant be ordered to pay all of Canon's costs associated with  
27 this action; and  
28

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

3 **Jury Demand**

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

6 Dated: May 7, 2019

7 /s/ Sarah S. Brooks

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