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8 *Attorneys for Plaintiff Canon Inc.*

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

11 CANON INC., a Japanese corporation,

12 Plaintiff,

13 v.

14 GLOBEST TRADING INC., a California
15 corporation,

16 Defendant.

Case No. 2:19-cv-8471

**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 Globest Trading 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, Globest Trading Inc. is a corporation
11 organized and existing under the laws of the State of California, having a principal
12 place of business at 617 Helensburg Street, Glendora, California 91740, and
13 another business address at 18351 Colima Road, Rowland Heights, California
14 91748.

15 4. On information and belief, Defendant also does business under the
16 assumed name “Ink E-Sale,” and conducts activities via the Internet at least
17 through its website *inkesale.com* and through a “Global Toner” storefront on
18 *Amazon.com*.

19 **Jurisdiction and Venue**

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

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

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

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

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

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

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

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

27 12. On November 15, 2016, U.S. Patent No. 9,494,916 B2 (the "'916
28 patent"), titled "Process Cartridge and Image Forming Apparatus," duly and

1 legally issued to Canon as assignee of the inventors, Akira Yoshimura, Kazunari
2 Murayama, Susumu Nittani, and Atsushi Numagami. A true and correct copy of
3 the '916 patent is attached as Exhibit 5.

4 13. On January 2, 2018, U.S. Patent No. 9,857,763 B2 (the "'763
5 patent"), titled "Process Cartridge and Image Forming Apparatus," duly and
6 legally issued to Canon as assignee of the inventors, Akira Yoshimura, Kazunari
7 Murayama, Susumu Nittani, and Atsushi Numagami. A true and correct copy of
8 the '763 patent is attached as Exhibit 6.

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

14 15. Canon is the sole owner of the entire right, title, and interest in and to
15 the '646, '740, '494, '760, '916, '763, and '304 patents (collectively, "Asserted
16 Patents"), including the right to sue and recover for any and all infringements
17 thereof.

18 16. The Asserted Patents are valid and enforceable.

19 **Defendant's Infringing Activities**

20 17. On information and belief, Defendant is engaged in the business of
21 manufacturing, using, importing, selling, and/or offering to sell toner cartridges
22 (hereafter, "Accused Products") for printers, including toner cartridges for use in
23 certain Canon and HP color laser beam printers, including but not limited to the
24 following printers: Canon imageCLASS LBP5050, Canon imageCLASS
25 LBP7100C, Canon imageCLASS LBP7100Cn, Canon imageCLASS LBP7110C,
26 Canon imageCLASS LBP7110Cw, Canon imageCLASS LBP7200, Canon
27 imageCLASS LBP7660, Canon imageCLASS LBP7680, Canon imageCLASS
28 MF8030, Canon imageCLASS MF8040, Canon imageCLASS MF8050, Canon

imageCLASS MF8080, Canon imageCLASS MF8230Cn, Canon imageCLASS MF8280Cw, Canon imageCLASS MF8330, Canon imageCLASS MF8340, Canon imageCLASS MF8350, Canon imageCLASS MF8360, Canon imageCLASS MF8380, HP Color LaserJet CM1312, HP Color LaserJet CP1215, HP Color LaserJet CP1217, HP Color LaserJet CP1515, HP Color LaserJet CP1518, 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 M251 MFP, 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 with the designations CF210X, CF211A, CF212A, CF213A, CB540A, CB541A, CB542A, CB543A, CE320A, CE321A, CE322A, CE323A, CRG-116, CRG-131H, CE410X, CE411A, CE412A, CE413A, CF380X, CF381A, CF382A, CF383A, CC530A, CC531A, CC532A, CC533A, CRG-118, PTCF210A, PTCF211A, PTCF212A, and PTCF213A.

19. On information and belief, Defendant offers to sell and sells the Accused Products within this judicial district and elsewhere, including under the brand “Ink E-Sale,” and at least through its website *inkesale.com* and through a “Global Toner” storefront on *Amazon.com*.

20. Defendant is the owner of U.S. Trademark Registration No. 5,209,071 for the trademark INK E-SALE for the following goods: “Toner cartridges, filled, for inkjet printers; Toner cartridges, filled, for laser printers; Toner cartridges,

filled, for printers and photocopiers; Filled ink cartridges; Filled ink cartridges for printers; Filled ink jet cartridges; Filled toner cartridges; Filled toner cartridges for photocopiers; Filled toner cartridges for printers; Filled ink jet cartridges; Filled toner cartridges; Photocopier toner in cartridges.” See Exhibit 8. Defendant’s address on file with the United States Patent and Trademark Office (“USPTO”) for its INK E-SALE trademark registration is 18351 Colima Road, Rowland Heights, California 91748. See *id.*

21. Defendant is the owner of U.S. Trademark Registration No. 5,209,074 for the trademark **InkSale** for the following goods: “Ink cartridges, filled, for printers; Toner cartridges, filled, for inkjet printers; Toner cartridges, filled, for laser printers; Toner cartridges, filled, for printers and photocopiers; Filled ink cartridges; Filled ink cartridges for printers; Filled ink jet cartridges; Filled toner cartridges; Filled toner cartridges for photocopiers; Filled toner cartridges for printers; Filled ink jet cartridges; Filled toner cartridges; Photocopier toner in cartridges.” See Exhibit 9. Defendant’s address on file with the USPTO for its **InkSale** trademark registration is 18351 Colima Road, Rowland Heights, California 91748. See *id.*

22. Defendant is the owner of U.S. Trademark Application No. 88092711 for the trademark INKESALE for the following goods: “Adhesive bands for stationery or household purposes; Glue for stationery or household purposes; Inking ribbons; Inking ribbons for computer printers; Self-adhesive tapes for stationery or household purposes; Spools for inking ribbons.” See Exhibit 10. Defendant’s address on file with the USPTO for its INKESALE trademark application is 18351 Colima Road, Rowland Heights, California 91748. See *id.*

23. On information and belief, Defendant has had knowledge of the Asserted Patents and the infringement thereof by the Accused Products since at least as early as May 8, 2019, when Canon served its complaint on V4INK, Inc. (“V4INK”) in the lawsuit captioned *Canon Inc. v. V4INK, Inc.*, Case No. 2:19-cv-

03978-AB-RAO (C.D. Cal.) (Dkt. Nos. 1 and 1-1 through 1-9) (the “V4INK Complaint”).¹

24. In the V4INK Complaint, Canon alleged infringement of the same claims of the same Asserted Patents at issue here. The V4INK Complaint alleged infringement of those claims based on accused V4INK toner cartridges that are structurally identical in all material respects to Defendant’s Accused Products here. *Compare* Exhibits 24-37 hereto (claim charts comparing Accused Products to claims of Asserted Patents), with *Canon Inc. v. V4INK, Inc.*, Case No. 2:19-cv-03978-AB-RAO (C.D. Cal.) (Dkt. Nos. 1-4 through 1-9, Exhibits 8-21) (claim charts comparing accused V4INK toner cartridges to claims of Asserted Patents). The V4INK Complaint included detailed factual allegations of infringement, including claim charts attached as Exhibits 8-21 thereto, which showed how each and every element of each asserted independent claim was met by V4INK’s accused toner cartridges, and thus showed in detail how Defendant’s Accused Products likewise infringe those claims. The V4INK Complaint also attached as Exhibits 1-7 copies of each of the Asserted Patents. *See Canon Inc. v. V4INK, Inc.*, Case No. 2:19-cv-03978-AB-RAO (C.D. Cal.) (Dkt. Nos. 1-1 through 1-9, Exhibits 1-21).

25. V4INK was served with a copy of the V4INK Complaint on May 8, 2019 by hand delivery on its agent authorized to receive service of process under Fed. R. Civ. P. 4. *See Canon Inc. v. V4INK, Inc.*, Case No. 2:19-cv-03978-AB-RAO (C.D. Cal.) (Dkt. No. 22).

26. On information and belief, Defendant has had knowledge of Canon’s Asserted Patents and the infringement thereof by Defendant’s Accused Products at least through Defendant’s receipt of the V4INK Complaint and its exhibits, including the Asserted Patents and claim charts.

¹ A complete copy of the V4INK Complaint, including the Exhibits thereto, is publically available via the Court’s Electronic Document Filing System at <https://ecf.cacd.uscourts.gov/doc1/031030544759>.

27. On information and belief, Defendant and V4INK are each owned and controlled by a small number of individuals, including at least one individual, Xiao Xin Zhang (“Zhang”), who is both a principal of Defendant and a corporate officer of V4INK. On information and belief, Zhang learned of the V4INK Complaint and its exhibits at or about the time they were served on V4INK. At least by virtue of Zhang’s awareness of the V4INK Complaint, Defendant was made aware of the same and of Canon’s allegations with respect to the Asserted Patents contained therein. Thus, Defendant was aware of, and had knowledge of, the Asserted Patents and their infringement by the Accused Products, yet has continued to offer for sale and sell the Accused Products.

28. On information and belief, Zhang is one of a small number of V4INK corporate officers, and has at times served as V4INK’s sole corporate officer. Indeed, V4INK corporate filings with the California Secretary of State identify Zhang as V4INK’s sole corporate officer—simultaneously occupying the positions of V4INK’s Chief Executive Officer, Secretary, Chief Financial Officer, Agent for Service of Process, and Director—from at least January 2014 through November 2018. *See* Exhibit 11.

29. On information and belief, Zhang has been, and continues to be, involved in intellectual property matters on behalf of V4INK. For example, Zhang has filed, and continues to file, official documents with the USPTO on V4INK’s behalf as V4INK’s “Corporate Officer.”

30. On June 8, 2016, V4INK filed a trademark application with the USPTO for the trademark CAVDLE, which Zhang signed as V4INK’s “Corporate Officer.” *See* Exhibit 12 (USPTO database information for U.S. Trademark Application No. 87063917). On April 17, 2019, Zhang signed a change of address form submitted to the USPTO with respect to the application (which by then had issued as U.S. Trademark Registration No. 5,132,668), which again identified Zhang as V4INK’s “Corporate Officer.” *See* Exhibit 13. As recently as July 23,

2019, Zhang submitted to the USPTO on V4INK's behalf an assignment agreement assigning V4INK's rights in the CAVDLE trademark registration. *See* Exhibit 14. The assignment agreement itself was signed by Zhang on behalf of V4INK on July 9, 2019. *See id.*

31. On June 8, 2016, V4INK filed a trademark application with the USPTO for the trademark **SMARTOMI**, which Zhang signed as V4INK's "Corporate Officer." *See* Exhibit 15 (USPTO database information for U.S. Trademark Application No. 87063919). On April 17, 2019, Zhang signed a change of address form submitted to the USPTO with respect to the application (which by then had issued as U.S. Trademark Registration No. 5,132,669), which again identified Zhang as V4INK's "Corporate Officer." *See* Exhibit 16. As recently as July 24, 2019, Zhang submitted to the USPTO on V4INK's behalf an assignment agreement assigning V4INK's rights in the **SMARTOMI** trademark registration. *See* Exhibit 17. The assignment agreement itself was signed by Zhang on behalf of V4INK on July 9, 2019. *See id.*

32. On June 8, 2016, V4INK filed a trademark application with the USPTO for the trademark , which Zhang signed as V4INK's "Corporate Officer." *See* Exhibit 18 (USPTO database information for U.S. Trademark Application No. 87063919). On April 17, 2019, Zhang signed a change of address form submitted to the USPTO with respect to the application (which by then had issued as U.S. Trademark Registration No. 5,132,670), which again identified Zhang as V4INK's "Corporate Officer." *See* Exhibit 19. As recently as July 23, 2019, Zhang submitted to the USPTO on V4INK's behalf an assignment agreement assigning V4INK's rights in the  trademark registration. *See* Exhibit 20. The assignment agreement itself was signed by Zhang on behalf of V4INK on July 9, 2019. *See id.*

33. On information and belief, Zhang also has been associated with Defendant since its founding in July 2016, and has been involved in intellectual

1 property matters on behalf of Defendant.

2 34. For example, Defendant's July 18, 2016 Articles of Incorporation lists
3 Zhang as Defendant's initial agent for service of process. See Exhibit 21.

4 35. Also, for example, on August 25, 2018, Zhang signed Defendant's
5 U.S. Trademark Application No. 88092711 for the trademark INKESALE as
6 Defendant's "Principal." See Exhibit 22. More recently, on June 11, 2019, Zhang
7 signed and submitted to the USPTO as Defendant's "Principal" a response to a
8 refusal to register the applied-for INKESALE trademark. See Exhibit 23.

9 36. Accordingly, as evidenced by the foregoing, Zhang was both a
10 corporate officer of V4INK and a principal of Defendant at the time Canon served
11 the V4INK Complaint on V4INK and thereafter.

12 37. Given the ties between V4INK and Defendant, including Zhang's role
13 as a corporate officer of V4INK and a principal of Defendant, and given the
14 allegations in the V4INK Complaint and the similarities between the V4INK
15 accused products described therein and Defendant's own Accused Products,
16 Defendant has been aware of the Asserted Patents and its infringement of the
17 Asserted Patents since at least as early as May 8, 2019, when Canon served the
18 V4INK Complaint on V4INK.

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

20 38. Canon repeats and incorporates by reference the allegations of
21 paragraphs 1-37 above, as though set forth here in their entirety.

22 39. Defendant has directly infringed and is directly infringing the '646
23 patent by making, using, selling, and/or offering to sell in the United States and/or
24 importing into the United States toner cartridges embodying the invention defined
25 by one or more claims of the '646 patent, including without limitation the Accused
26 Products, without authority or license of Canon. More particularly, Defendant's
27 manufacture, use, sale, and/or offer for sale in the United States and/or importation
28 into the United States of at least the Accused Products infringes at least claims 1, 2,

1 8, 12, 14-17, 22, 24, 25, 30, 32, 35, 37, 42-45, 51, 55, 57, 58, 63, 64, 69, 71, 72, 74,
2 83, 84, and 97-99 of the '646 patent.

3 40. Defendant also is indirectly infringing the '646 patent at least by
4 virtue of its inducement of direct infringement of that patent by customers who use
5 Defendant's Accused Products in at least the Canon and HP laser beam printers
6 listed above. On information and belief, Defendant has been on notice of its
7 infringement of the '646 patent since at least as early as May 8, 2019, when it
8 became aware of the V4INK Complaint. At the very latest, Defendant will be
9 given notice of its infringement of the '646 patent upon being served with this
10 Complaint. On information and belief, Defendant knowingly induces customers to
11 use its Accused Products, including, for example, by promoting them for use in
12 specific printers and/or providing customers with instructions for using them in
13 those printers.

14 41. Attached hereto as Exhibit 24, and incorporated by reference herein, is
15 a claim chart detailing how Defendant's PTCF212A toner cartridge, which is an
16 example of an Accused Product, infringes independent claims 1, 16, 24, 37, 44, 57,
17 63, 74, 83, and 97 of the '646 patent.

18 42. Attached hereto as Exhibit 25, 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 claims 1, 16, 24, 37, 44, 57,
21 63, 74, 83, and 97 of the '646 patent.

22 43. The Court has not yet construed the meaning of any claims or terms in
23 the '646 patent. In providing these detailed allegations, Canon does not intend to
24 convey or imply any particular claim construction or the precise scope of the
25 claims. Canon's contentions regarding the construction of the claims will be
26 provided in compliance with the case schedule, any applicable federal or local
27 procedural rules, and/or any applicable orders.

28 44. Canon contends that each element of each asserted claim is literally

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

7 45. Defendant's acts complained of herein are damaging and will
8 continue to cause irreparable injury and damage to Canon for which there is no
9 adequate remedy at law. Canon is therefore entitled to preliminary and permanent
10 injunctions restraining and enjoining Defendant from infringing the claims of the
11 '646 patent.

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

15 47. Defendant has continued to offer for sale and sell its Accused
16 Products despite having knowledge of the '646 patent and of the infringement of
17 the '646 patent by the Accused Products. For example, despite being aware of the
18 V4INK Complaint, which included as Exhibit 1 a copy of the '646 patent and
19 included as Exhibits 8 and 9 claim charts showing in detail how V4INK's 131A
20 BK and CE410X toner cartridges (which are structurally identical in all material
21 respects to Defendant's PTCF212A and CE410X toner cartridges, respectively)
22 infringe claims 1, 16, 24, 37, 44, 57, 63, 74, 83, and 97 of the '646 patent,
23 Defendant has continued to offer for sale and sell its Accused Products at least
24 through its website, *www.inkesale.com*, and its "Global Toner" storefront on
25 *Amazon.com*. On information and belief, Defendant has continued to engage in
26 infringing conduct with full knowledge of the infringement and without a good
27 faith belief that its Accused Products do not infringe the '646 patent or that the
28 '646 patent is invalid. Defendant's infringement was, and continues to be, willful,

wanton, malicious, bad-faith, deliberate, consciously wrongful, flagrant, and egregious, and this case is exceptional under 35 U.S.C. § 285. Therefore, Canon is entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees under 35 U.S.C. § 285.

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

48. Canon repeats and incorporates by reference the allegations of paragraphs 1-37 above, as though set forth here in their entirety.

49. Defendant has directly infringed and is directly infringing the '740 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 '740 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 41-61, 63, 64, 66-80, and 83-91 of the '740 patent.

50. Defendant also is indirectly infringing the '740 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. On information and belief, Defendant has been on notice of its infringement of the '740 patent since at least as early as May 8, 2019, when it became aware of the V4INK Complaint. At the very latest, Defendant will be given notice of its infringement of the '740 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.

51. Attached hereto as Exhibit 26, and incorporated by reference herein, is a claim chart detailing how Defendant's PTCF212A toner cartridge, which is an

1 example of an Accused Product, infringes independent claims 41, 58, 67, and 83-
2 88 of the '740 patent.

3 52. Attached hereto as Exhibit 27, and incorporated by reference herein, is
4 a claim chart detailing how Defendant's CE410X toner cartridge, which is another
5 example of an Accused Product, infringes independent claims 41, 58, 67, and 83-
6 88 of the '740 patent.

7 53. The Court has not yet construed the meaning of any claims or terms in
8 the '740 patent. In providing these detailed allegations, Canon does not intend to
9 convey or imply any particular claim construction or the precise scope of the
10 claims. Canon's contentions regarding the construction of the claims will be
11 provided in compliance with the case schedule, any applicable federal or local
12 procedural rules, and/or any applicable orders.

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

20 55. Defendant's acts complained of herein are damaging and will
21 continue to cause irreparable injury and damage to Canon for which there is no
22 adequate remedy at law. Canon is therefore entitled to preliminary and permanent
23 injunctions restraining and enjoining Defendant from infringing the claims of the
24 '740 patent.

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

28 57. Defendant has continued to offer for sale and sell its Accused

Products despite having knowledge of the '740 patent and of the infringement of the '740 patent by the Accused Products. For example, despite being aware of the V4INK Complaint, which included as Exhibit 2 a copy of the '740 patent and included as Exhibits 10 and 11 claim charts showing in detail how V4INK's 131A BK and CE410X toner cartridges (which are structurally identical in all material respects to Defendant's PTCF212A and CE410X toner cartridges, respectively) infringe claims 41, 58, 67, and 83-88 of the '740 patent, Defendant has continued to offer for sale and sell its Accused Products at least through its website, *www.inkesale.com*, and its "Global Toner" storefront on *Amazon.com*. On information and belief, Defendant has continued to engage in infringing conduct with full knowledge of the infringement and without a good faith belief that its Accused Products do not infringe the '740 patent or that the '740 patent is invalid. Defendant's infringement was, and continues to be, willful, wanton, malicious, bad-faith, deliberate, consciously wrongful, flagrant, and egregious, and this case is exceptional under 35 U.S.C. § 285. Therefore, Canon is entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees under 35 U.S.C. § 285.

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

58. Canon repeats and incorporates by reference the allegations of paragraphs 1-37 above, as though set forth here in their entirety.

59. Defendant has directly infringed and is directly infringing the '494 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 '494 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 1-3, 5-11, 13-25, 32-37, 39, 40, 51-53, and 55-61 of the '494 patent.

60. Defendant also is indirectly infringing the '494 patent at least by

1 virtue of its inducement of direct infringement of that patent by customers who use
2 Defendant's Accused Products in at least the Canon and HP laser beam printers
3 listed above. On information and belief, Defendant has been on notice of its
4 infringement of the '494 patent since at least as early as May 8, 2019, when it
5 became aware of the V4INK Complaint. At the very latest, Defendant will be
6 given notice of its infringement of the '494 patent upon being served with this
7 Complaint. On information and belief, Defendant knowingly induces customers to
8 use its Accused Products, including, for example, by promoting them for use in
9 specific printers and/or providing customers with instructions for using them in
10 those printers.

11 61. Attached hereto as Exhibit 28, and incorporated by reference herein, is
12 a claim chart detailing how Defendant's PTCF212A toner cartridge, which is an
13 example of an Accused Product, infringes independent claims 1, 10, 18, 32, 51,
14 and 58 of the '494 patent.

15 62. Attached hereto as Exhibit 29, and incorporated by reference herein, is
16 a claim chart detailing how Defendant's CE410X toner cartridge, which is another
17 example of an Accused Product, infringes independent claims 1, 10, 18, 32, 51,
18 and 58 of the '494 patent.

19 63. The Court has not yet construed the meaning of any claims or terms in
20 the '494 patent. In providing these detailed allegations, Canon does not intend to
21 convey or imply any particular claim construction or the precise scope of the
22 claims. Canon's contentions regarding the construction of the claims will be
23 provided in compliance with the case schedule, any applicable federal or local
24 procedural rules, and/or any applicable orders.

25 64. Canon contends that each element of each asserted claim is literally
26 present in the Accused Products. If as a result of the Court's constructions or other
27 determinations one or more claim elements are not literally present, Canon
28 contends that each such element is present under the doctrine of equivalents and

1 reserves its right to provide more detailed doctrine of equivalents contentions after
2 discovery, a claim construction order from the Court, or at another appropriate
3 time.

4 65. Defendant's acts complained of herein are damaging and will
5 continue to cause irreparable injury and damage to Canon for which there is no
6 adequate remedy at law. Canon is therefore entitled to preliminary and permanent
7 injunctions restraining and enjoining Defendant from infringing the claims of the
8 '494 patent.

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

12 67. Defendant has continued to offer for sale and sell its Accused
13 Products despite having knowledge of the '494 patent and of the infringement of
14 the '494 patent by the Accused Products. For example, despite being aware of the
15 V4INK Complaint, which included as Exhibit 3 a copy of the '494 patent and
16 included as Exhibits 12 and 13 claim charts showing in detail how V4INK's 131A
17 BK and CE410X toner cartridges (which are structurally identical in all material
18 respects to Defendant's PTCF212A and CE410X toner cartridges, respectively)
19 infringe claims 1, 10, 18, 32, 51, and 58 of the '494 patent, Defendant has
20 continued to offer for sale and sell its Accused Products at least through its
21 website, *www.inkesale.com*, and its "Global Toner" storefront on *Amazon.com*. On
22 information and belief, Defendant has continued to engage in infringing conduct
23 with full knowledge of the infringement and without a good faith belief that its
24 Accused Products do not infringe the '494 patent or that the '494 patent is invalid.
25 Defendant's infringement was, and continues to be, willful, wanton, malicious,
26 bad-faith, deliberate, consciously wrongful, flagrant, and egregious, and this case is
27 exceptional under 35 U.S.C. § 285. Therefore, Canon is entitled to enhanced
28 damages under 35 U.S.C. § 284 and to attorneys' fees under 35 U.S.C. § 285.

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

68. Canon repeats and incorporates by reference the allegations of paragraphs 1-37 above, as though set forth here in their entirety.

69. Defendant has directly infringed and is directly infringing the '760 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 '760 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 1-3 and 7-30 of the '760 patent.

70. Defendant also is indirectly infringing the '760 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. On information and belief, Defendant has been on notice of its infringement of the '760 patent since at least as early as May 8, 2019, when it became aware of the V4INK Complaint. At the very latest, Defendant will be given notice of its infringement of the '760 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.

71. Attached hereto as Exhibit 30, and incorporated by reference herein, is a claim chart detailing how Defendant's PTCF212A toner cartridge, which is an example of an Accused Product, infringes independent claims 1 and 16 of the '760 patent.

72. Attached hereto as Exhibit 31, and incorporated by reference herein, is a claim chart detailing how Defendant's CE410X toner cartridge, which is another

1 example of an Accused Product, infringes independent claims 1 and 16 of the '760
2 patent.

3 73. The Court has not yet construed the meaning of any claims or terms in
4 the '760 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 74. 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 75. 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 '760 patent.

21 76. 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 77. Defendant has continued to offer for sale and sell its Accused
25 Products despite having knowledge of the '760 patent and of the infringement of
26 the '760 patent by the Accused Products. For example, despite being aware of the
27 V4INK Complaint, which included as Exhibit 4 a copy of the '760 patent and
28 included as Exhibits 14 and 15 claim charts showing in detail how V4INK's 131A

BK and CE410X toner cartridges (which are structurally identical in all material respects to Defendant's PTCF212A and CE410X toner cartridges, respectively) infringe claims 1 and 16 of the '760 patent, Defendant has continued to offer for sale and sell its Accused Products at least through its website, *www.inkesale.com*, and its "Global Toner" storefront on *Amazon.com*. On information and belief, Defendant has continued to engage in infringing conduct with full knowledge of the infringement and without a good faith belief that its Accused Products do not infringe the '760 patent or that the '760 patent is invalid. Defendant's infringement was, and continues to be, willful, wanton, malicious, bad-faith, deliberate, consciously wrongful, flagrant, and egregious, and this case is exceptional under 35 U.S.C. § 285. Therefore, Canon is entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees under 35 U.S.C. § 285.

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

78. Canon repeats and incorporates by reference the allegations of paragraphs 1-37 above, as though set forth here in their entirety.

79. Defendant has directly infringed and is directly infringing the '916 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 '916 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 1-9 of the '916 patent.

80. Defendant also is indirectly infringing the '916 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. On information and belief, Defendant has been on notice of its infringement of the '916 patent since at least as early as May 8, 2019, when it

1 became aware of the V4INK Complaint. At the very latest, Defendant will be
2 given notice of its infringement of the '916 patent upon being served with this
3 Complaint. On information and belief, Defendant knowingly induces customers to
4 use its Accused Products, including, for example, by promoting them for use in
5 specific printers and/or providing customers with instructions for using them in
6 those printers.

7 81. Attached hereto as Exhibit 32, and incorporated by reference herein, is
8 a claim chart detailing how Defendant's PTCF212A toner cartridge, which is an
9 example of an Accused Product, infringes independent claim 1 of the '916 patent.

10 82. Attached hereto as Exhibit 33, and incorporated by reference herein, is
11 a claim chart detailing how Defendant's CE410X toner cartridge, which is another
12 example of an Accused Product, infringes independent claim 1 of the '916 patent.

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

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

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

1 injunctions restraining and enjoining Defendant from infringing the claims of the
 2 '916 patent.

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

6 87. Defendant has continued to offer for sale and sell its Accused
 7 Products despite having knowledge of the '916 patent and of the infringement of
 8 the '916 patent by the Accused Products. For example, despite being aware of the
 9 V4INK Complaint, which included as Exhibit 5 a copy of the '916 patent and
 10 included as Exhibits 16 and 17 claim charts showing in detail how V4INK's 131A
 11 BK and CE410X toner cartridges (which are structurally identical in all material
 12 respects to Defendant's PTCF212A and CE410X toner cartridges, respectively)
 13 infringe claim 1 of the '916 patent, Defendant has continued to offer for sale and
 14 sell its Accused Products at least through its website, *www.inkesale.com*, and its
 15 "Global Toner" storefront on *Amazon.com*. On information and belief, Defendant
 16 has continued to engage in infringing conduct with full knowledge of the
 17 infringement and without a good faith belief that its Accused Products do not
 18 infringe the '916 patent or that the '916 patent is invalid. Defendant's
 19 infringement was, and continues to be, willful, wanton, malicious, bad-faith,
 20 deliberate, consciously wrongful, flagrant, and egregious, and this case is
 21 exceptional under 35 U.S.C. § 285. Therefore, Canon is entitled to enhanced
 22 damages under 35 U.S.C. § 284 and to attorneys' fees under 35 U.S.C. § 285.

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

24 88. Canon repeats and incorporates by reference the allegations of
 25 paragraphs 1-37 above, as though set forth here in their entirety.

26 89. Defendant has directly infringed and is directly infringing the '763
 27 patent by making, using, selling, and/or offering to sell in the United States and/or
 28 importing into the United States toner cartridges embodying the invention defined

1 by one or more claims of the '763 patent, including without limitation the Accused
2 Products, without authority or license of Canon. More particularly, Defendant's
3 manufacture, use, sale, and/or offer for sale in the United States and/or importation
4 into the United States of at least the Accused Products infringes at least claims 1-8
5 and 13-19 of the '763 patent.

6 90. Defendant also is indirectly infringing the '763 patent at least by
7 virtue of its inducement of direct infringement of that patent by customers who use
8 Defendant's Accused Products in at least the Canon and HP laser beam printers
9 listed above. On information and belief, Defendant has been on notice of its
10 infringement of the '763 patent since at least as early as May 8, 2019, when it
11 became aware of the V4INK Complaint. At the very latest, Defendant will be
12 given notice of its infringement of the '763 patent upon being served with this
13 Complaint. On information and belief, Defendant knowingly induces customers to
14 use its Accused Products, including, for example, by promoting them for use in
15 specific printers and/or providing customers with instructions for using them in
16 those printers.

17 91. Attached hereto as Exhibit 34, and incorporated by reference herein, is
18 a claim chart detailing how Defendant's PTCF212A toner cartridge, which is an
19 example of an Accused Product, infringes independent claims 1 and 13 of the '763
20 patent.

21 92. Attached hereto as Exhibit 35, and incorporated by reference herein, is
22 a claim chart detailing how Defendant's CE410X toner cartridge, which is another
23 example of an Accused Product, infringes independent claims 1 and 13 of the '763
24 patent.

25 93. The Court has not yet construed the meaning of any claims or terms in
26 the '763 patent. In providing these detailed allegations, Canon does not intend to
27 convey or imply any particular claim construction or the precise scope of the
28 claims. Canon's contentions regarding the construction of the claims will be

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

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

10 95. Defendant's acts complained of herein are damaging and will
11 continue to cause irreparable injury and damage to Canon for which there is no
12 adequate remedy at law. Canon is therefore entitled to preliminary and permanent
13 injunctions restraining and enjoining Defendant from infringing the claims of the
14 '763 patent.

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

18 97. Defendant has continued to offer for sale and sell its Accused
19 Products despite having knowledge of the '763 patent and of the infringement of
20 the '763 patent by the Accused Products. For example, despite being aware of the
21 V4INK Complaint, which included as Exhibit 6 a copy of the '763 patent and
22 included as Exhibits 18 and 19 claim charts showing in detail how V4INK's 131A
23 BK and CE410X toner cartridges (which are structurally identical in all material
24 respects to Defendant's PTCF212A and CE410X toner cartridges, respectively)
25 infringe claims 1 and 13 of the '763 patent, Defendant has continued to offer for
26 sale and sell its Accused Products at least through its website, *www.inkesale.com*,
27 and its "Global Toner" storefront on *Amazon.com*. On information and belief,
28 Defendant has continued to engage in infringing conduct with full knowledge of

1 the infringement and without a good faith belief that its Accused Products do not
2 infringe the '763 patent or that the '763 patent is invalid. Defendant's
3 infringement was, and continues to be, willful, wanton, malicious, bad-faith,
4 deliberate, consciously wrongful, flagrant, and egregious, and this case is
5 exceptional under 35 U.S.C. § 285. Therefore, Canon is entitled to enhanced
6 damages under 35 U.S.C. § 284 and to attorneys' fees under 35 U.S.C. § 285.

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

8 98. Canon repeats and incorporates by reference the allegations of
9 paragraphs 1-37 above, as though set forth here in their entirety.

10 99. Defendant has directly infringed and is directly infringing the '304
11 patent by making, using, selling, and/or offering to sell in the United States and/or
12 importing into the United States toner cartridges embodying the invention defined
13 by one or more claims of the '304 patent, including without limitation the Accused
14 Products, without authority or license of Canon. More particularly, Defendant's
15 manufacture, use, sale, and/or offer for sale in the United States and/or importation
16 into the United States of at least the Accused Products infringes at least claims 1-4
17 of the '304 patent.

18 100. Defendant also is indirectly infringing the '304 patent at least by
19 virtue of its inducement of direct infringement of that patent by customers who use
20 Defendant's Accused Products in at least the Canon and HP laser beam printers
21 listed above. On information and belief, Defendant has been on notice of its
22 infringement of the '304 patent since at least as early as May 8, 2019, when it
23 became aware of the V4INK Complaint. At the very latest, Defendant will be
24 given notice of its infringement of the '304 patent upon being served with this
25 Complaint. On information and belief, Defendant knowingly induces customers to
26 use its Accused Products, including, for example, by promoting them for use in
27 specific printers and/or providing customers with instructions for using them in
28 those printers.

1 101. Attached hereto as Exhibit 36, and incorporated by reference herein, is
2 a claim chart detailing how Defendant's PTCF212A toner cartridge, which is an
3 example of an Accused Product, infringes independent claim 1 of the '304 patent.

4 102. Attached hereto as Exhibit 37, and incorporated by reference herein, is
5 a claim chart detailing how Defendant's CE410X toner cartridge, which is another
6 example of an Accused Product, infringes independent claim 1 of the '304 patent.

7 103. The Court has not yet construed the meaning of any claims or terms in
8 the '304 patent. In providing these detailed allegations, Canon does not intend to
9 convey or imply any particular claim construction or the precise scope of the
10 claims. Canon's contentions regarding the construction of the claims will be
11 provided in compliance with the case schedule, any applicable federal or local
12 procedural rules, and/or any applicable orders.

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

20 105. Defendant's acts complained of herein are damaging and will
21 continue to cause irreparable injury and damage to Canon for which there is no
22 adequate remedy at law. Canon is therefore entitled to preliminary and permanent
23 injunctions restraining and enjoining Defendant from infringing the claims of the
24 '304 patent.

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

28 107. Defendant has continued to offer for sale and sell its Accused

Products despite having knowledge of the '304 patent and of the infringement of the '304 patent by the Accused Products. For example, despite being aware of the V4INK Complaint, which included as Exhibit 7 a copy of the '304 patent and included as Exhibits 20 and 21 claim charts showing in detail how V4INK's 131A BK and CE410X toner cartridges (which are structurally identical in all material respects to Defendant's PTCF212A and CE410X toner cartridges, respectively) infringe claim 1 of the '304 patent, Defendant has continued to offer for sale and sell its Accused Products at least through its website, *www.inkesale.com*, and its "Global Toner" storefront on *Amazon.com*. On information and belief, Defendant has continued to engage in infringing conduct with full knowledge of the infringement and without a good faith belief that its Accused Products do not infringe the '304 patent or that the '304 patent is invalid. Defendant's infringement was, and continues to be, willful, wanton, malicious, bad-faith, deliberate, consciously wrongful, flagrant, and egregious, and this case is exceptional under 35 U.S.C. § 285. Therefore, Canon is entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees under 35 U.S.C. § 285.

Prayer for Relief

WHEREFORE, Canon prays for judgment and relief as follows:

- A. That Defendant has infringed the Asserted Patents;
- B. That Defendant's infringement be declared and adjudged to be willful and deliberate, and that this is an exceptional case under 35 U.S.C. § 285;
- C. That Defendant and its subsidiaries, affiliates, officers, directors, agents, servants, employees, successors, and assigns, and all other persons and organizations in active concert or participation with them, be preliminarily and permanently enjoined from further acts of infringement of the Asserted Patents pursuant to 35 U.S.C. § 283;
- D. That Defendant be ordered to pay damages adequate to compensate Canon for Defendant's infringement of the Asserted Patents pursuant to 35 U.S.C.

1 § 284, including lost profits and/or a reasonable royalty, together with interest
2 thereon;

3 E. That by reason of the willful and deliberate nature of the infringement,
4 such damages be trebled pursuant to 35 U.S.C. § 284;

5 F. That Canon be awarded its attorneys' fees pursuant to 35 U.S.C.
6 § 285;

7 G. That Defendant be ordered to pay all of Canon's costs associated with
8 this action; and

9 H. That Canon be granted such other and additional relief as the Court
10 deems equitable, just, and proper.

11 **Jury Demand**

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

14
15 DATED: October 1, 2019

VENABLE LLP

16 By: /s/ Sarah S. Brooks

17 Sarah S. Brooks

18 Michael P. Sandonato (*Pro Hac to be Filed*)

19 Edmund J. Haughey (*Pro Hac to be Filed*)

20 Attorney for Plaintiff Canon Inc.
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