

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DRIVEPRINT LLC,

Plaintiff,

v.

HP INC.,

Defendant.

CIVIL ACTION NO: 4:19-cv-2786

JURY TRIAL DEMANDED

AMENDED COMPLAINT

This is an action for patent infringement in which Driveprint LLC (“Plaintiff”) makes the following allegations against HP, Inc. (“Defendant”):

PARTIES

1. Driveprint LLC is a Texas limited liability company with a principle place of business located at 2607 Lakeforest Court, Dallas, Texas 75214.
2. Upon information and belief, Defendant is a Delaware corporation, with its principal place of business at 1501 Page Mill Road, Palo Alto, CA 94304. Upon information and belief, Defendant may be served via its registered agent: CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, TX 75201.

JURISDICTION AND VENUE

3. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271(a), 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 committed acts of infringement and maintains a regular and established place of business within this District at 10300 Energy Drive, Spring, TX 77389.

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; (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; and (iii) residing within the State of Texas.

U.S. PATENT NO. 6,533,396

6. On March 18, 2003, United States Patent No. 6,533,396 (the "'396 Patent") was duly and legally issued by the United States Patent and Trademark Office for an invention titled "Printhead Cartridge with Asymmetrical Contacts." A true and correct copy of the '396 Patent is attached hereto as Exhibit A.

7. Plaintiff is the owner by Assignment of the '396 Patent with all rights in and to the '396 Patent.

8. Upon information and belief, to the extent any marking was required by 35 U.S.C. § 287 with regards to the '396 Patent, Plaintiff has complied with such requirements.

U.S. PATENT NO. 6,712,457

9. On March 30, 2004, United States Patent No. 6,712,457 (the "'457 Patent") was duly and legally issued by the United States Patent and Trademark Office for an invention titled "Asymmetrical Tape Automated Bonding Device for a Printhead Cartridge." A true and correct copy of the '457 Patent is attached hereto as Exhibit B.

10. Plaintiff is the owner by Assignment of the '457 Patent with all rights in and to the '457 Patent.

11. Upon information and belief, to the extent any marking was required by 35 U.S.C. § 287 with regards to the '457 Patent, Plaintiff has complied with such requirements.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 6,533,396

12. Defendant directly or through its intermediaries has been and is now infringing claims 19, 20, 21, 23, 25, and 26 of the '396 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 printhead cartridges with asymmetrical contacts, *i.e.*, the HP 63 Black, HP 64 Black, HP 65 Black, and HP 65 Tri-color, Ink Cartridges (the "Accused Instrumentalities"), covered by one or more claims of the '396 Patent to the injury of Plaintiff. Defendant is directly infringing, literally infringing, and/or infringing the '396 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '396 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 Instrumentalities, that infringe claim 19 of the '396 Patent. For example, they are print head cartridges adapted for mounting in a carriage of a printer, the carriage capable of movement along a first direction, the printhead cartridge comprising: an inkwell for storing ink, the inkwell having a front surface and a bottom surface, a first centerline of the front surface perpendicular to the first direction, the first centerline defining a first side of the front surface, and a second side of the front surface, wherein respective surface areas of the first side and the second side are approximately equal; a printhead mounted on the bottom surface; and a plurality of contacts adapted to receive signals from the printer and provide the signals to the printhead, the contacts disposed on the front surface and arranged in a plurality of columns, each column comprising a plurality of contacts, the number of columns on the first

side being different from the number of columns on the second side so that a distribution of the contacts on the first side exceeds a distribution of the contacts on the second side. *See* Exhibits 1-4, Figs. 1-6.

14. The Accused instrumentalities infringe claim 20 of the '396 Patent. For example, they meet the limitations of claim 19, and further, wherein the number of contacts on the first side is at least 5 percent greater than the number of contacts on the second side. *See* Exhibits 1-4, Figs. 1-6.

15. The Accused instrumentalities infringe claim 21 of the '396 Patent. For example, they meet the limitations of claim 19, and further, comprise a tape automated bonding (TAB) device, the contacts and the printhead mounted on the TAB device, a centerline of the TAB device substantially parallel to the first centerline. *See* Exhibits 1-4, Figs. 1-6.

16. The Accused instrumentalities infringe claim 23 of the '396 Patent. For example, they meet the limitations of claim 19, and further, wherein the bottom surface comprises a second centerline, which substantially evenly divides the bottom surface, the second centerline aligned with the first centerline, and the printhead is substantially centrally aligned with the second centerline. *See* Exhibits 1-4, Figs. 1-6.

17. The Accused instrumentalities infringe claim 25 of the '396 Patent. For example, they meet the limitations of claim 19, and further, wherein the contacts are unequally distributed between two sides of the centerline of the TAB device, and the centerline of the TAB device is aligned with the first centerline. *See* Exhibits 1-4, Figs. 1-6.

18. The Accused Instrumentalities infringe claim 26 of the '396 Patent. For example, they meet the limitations of claim 25, and further, wherein the bottom surface comprises a second centerline, which substantially evenly divides the bottom surface, the second centerline aligned

with the first centerline, and the printhead is substantially centrally aligned with the second centerline. *See* Exhibits 1-4, Figs. 1-6.

19. As a result of Defendant's infringement of the '396 Patent, Plaintiff 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. 6,712,457

20. Defendant directly or through its intermediaries has been and is now infringing claims 1, 2, 3, 5, 6, and 10 of the '396 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 printhead cartridges with asymmetrical contacts, *i.e.*, the Accused Instrumentalities, covered by one or more claims of the '457 Patent to the injury of Plaintiff. Defendant is directly infringing, literally infringing, and/or infringing the '457 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '457 Patent pursuant to 35 U.S.C. § 271(a).

21. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems, *i.e.*, the Accused Instrumentalities, that infringe claim 1 of the '457 Patent. For example, they are a tape automated bonding (TAB) device for a printhead cartridge of a printer, the TAB device comprising: a tape having a region capable of being substantially bisected by a centerline that defines a first side of the tape and a second side of the tape, wherein respective surface areas of the first side and the second side are approximately equal; a printhead mounted on the tape; and a plurality of contacts adapted to receive signals from the printer and to provide the signals to the printhead, the contacts disposed on the tape and arranged

in a plurality of columns, the number of columns on the first side being different from the number of columns on the second side, each column comprising a plurality of contacts, so that a distribution of the contacts on the first side exceeds a distribution of the contacts on the second side. *See* Exhibits 1-4, Figs. 1-6.

22. The Accused instrumentalities infringe claim 2 of the '457 Patent. For example, they meet the limitations of claim 1, and further, wherein the number of contacts on the first side is at least 5 percent greater than the number of contacts on the second side. *See* Exhibits 1-4, Figs. 1-6.

23. The Accused instrumentalities infringe claim 3 of the '457 Patent. For example, they meet the limitations of claim 1, and further, wherein the printhead is centrally aligned with the centerline. *See* Exhibits 1-4, Figs. 1-6.

24. The Accused instrumentalities infringe claim 5 of the '457 Patent. For example, they meet the limitations of claim 1, and further, wherein the contacts are adapted to receive the signals from a flexible circuit board (FCB) mounted on the printer. *See* Exhibits 1-4, Figs. 1-6.

25. The Accused instrumentalities infringe claim 6 of the '457 Patent. For example, they meet the limitations of claim 1, and further, wherein the material of the tape is a polymer. *See* Exhibits 1-4, Figs. 1-6.

26. The Accused instrumentalities infringe claim 10 of the '457 Patent. For example, they meet the limitations of claim 1, and further comprising a base, the tape being attached to the base. *See* Exhibits 1-4, Figs. 1-6.

27. As a result of Defendant's infringement of the '457 Patent, Plaintiff 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.

JURY DEMAND

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

PRAYER FOR RELIEF

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

- a. Judgment that one or more claims of the '396 and '457 Patents have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- b. Judgment that Defendant accounts for and pay to Plaintiff all damages and costs incurred by Plaintiff, caused by Defendant's infringing activities and other conduct complained of herein;
- c. That Plaintiff 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 Plaintiff reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and
- e. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

DATED February 6, 2020.

Respectfully submitted,

By: /s/ Hao Ni
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**ATTORNEYS FOR PLAINTIFF
DRIVEPRINT LLC**

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of February, 2020, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Southern District of Texas, Houston Division, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Hao Ni
Hao Ni