

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**GLADIATOR IP LLC,**

Plaintiff

v.

**RICOH USA, INC.,**

Defendant

**Case No. 6:20-cv-01008-ADA**

**JURY TRIAL DEMANDED**

**AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Gladiator IP LLC (“Plaintiff” or “Gladiator”) hereby asserts the following claims for patent infringement against Defendant Ricoh USA, Inc. (“Defendant”), and alleges, on information and belief, as follows:

**THE PARTIES**

1. Gladiator IP LLC is a limited liability company organized and existing under the laws of the Texas.
2. Upon information and belief, Defendant Ricoh USA, Inc. is a corporation organized and existing under the laws of the State of Ohio, with a principal place of business located at 7401 E Ben White Blvd, Austin, Texas 78741. Defendant may be served with process through its registered agent CT Corp. System, 1999 Bryan St., Suite 900, Dallas, Texas 75201.

**JURISDICTION AND VENUE**

3. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1391 and 1400.

4. Upon information and belief, Defendant is subject to personal jurisdiction of this Court based upon it having regularly conducted business, including the acts complained of herein, within the State of Texas and this judicial district and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this District.

5. Venue is proper in this District under 28 U.S.C. § 1400 because Defendant has committed acts of infringement and has regular and established places of business in this judicial district.

**THE PATENT-IN SUIT**

6. On November 21, 2006, United States Patent No. 7,139,094 (the "'094 patent"), entitled "Systems and Methods for Simplified Scanning Using Multi-Function Devices," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '094 patent is attached hereto as Exhibit PX-094.

**THE ACCUSED PRODUCT**

7. Ricoh makes, sells, tests, and uses the Ricoh SP 5210SF printer, among others (the "Accused Product").

8. The operation, capabilities, and features of the Accused Product is described by Ricoh to include the following:



[https://www.ricoh-usa.com/en/products/pd/equipment/printers-and-copiers/multifunction-printers-copiers/sp-5210sf-black-and-white-laser-multifunction-printer/\\_/R-406852](https://www.ricoh-usa.com/en/products/pd/equipment/printers-and-copiers/multifunction-printers-copiers/sp-5210sf-black-and-white-laser-multifunction-printer/_/R-406852)

<b><u>Print Controller</u></b>	
CPU	533 MHz
<u>Memory</u>	<u>1 GB RAM standard/maximum</u>
<u>Hard Disk Drive*</u>	<u>128 GB (standard)</u>
*Includes HDD Encryption Unit and Overwrite (DOSS)	
<b><u>Interfaces</u></b>	<u>Standard: 10/100Base-TX Ethernet, USB 2.0 Hi Speed Type B (for direct computer connection), Dual USB 2.0 Host Interfaces Type A (for external device connection), Front USB 2.0/SD Card Slot Interface (for Scan To/Print From portable media).</u> Optional: Gigabit Ethernet (1000Base-T), IEEE 802.11a/g Wireless, Bluetooth
<b>Printer Languages/Drivers</b>	PCL 5e, PCL 6, XPS, Adobe PostScript3®, PDF Direct Print, Genuine IPDS (optional)
<b>Fonts</b>	PCL: 45 fonts + 13 International fonts; Post-Script 3: 136 fonts; IPDS: 108 fonts (optional)

<https://www.ricoh-usa.com/-/media/Ricoh/Common/PDFs/Brochures/aficiosp5200s.pdf>

## PrintCopyScanFax

### Share Information Cost-Effectively

**The Ricoh Aficio SP 5200S/SP 5210SF/SP 5210SR offers a host of scanning capabilities to make electronic document capture and distribution quick, easy and free.**

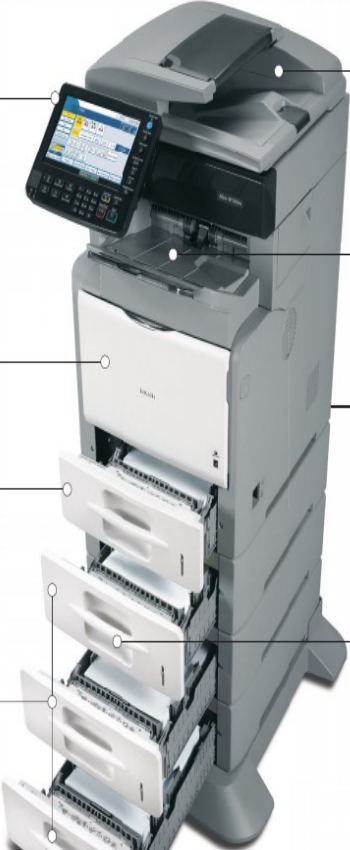
- Speed scanning tasks with the 50-sheet Automatic Reversing Document Feeder (ARDF). It accepts originals up to 8.5" x 14" (up to 49" long in custom mode for banner scanning) for incredible flexibility and productivity.
- Convert hardcopy documents to electronic files and incorporate them into new documents using TWAIN scanning capabilities.
- Send scanned documents to hundreds of recipients cost-free over the network in one operation with Scan-to-Email/Folder/URL with LDAP support.
- Quickly transfer documents and images to portable media with Scan-to-Media (USB/SD Card) to streamline distribution in any environment.
- Reduce file sizes for scanned color documents without compromising image quality with high compression PDF for faster transmission and printing.



Accommodate thicker paper stock—up to 120 lb. Index—from every paper tray to ensure more projects can be completed to specifications in-house.

<https://www.ricoh-usa.com/-/media/Ricoh/Common/PDFs/Brochures/aficiosp5210sf.pdf>

**User-friendly design improves office productivity.**



**User-Adjusted LCD Control Panel\***  
See the easy-to-read, tilted control panel comfortably from virtually anywhere.

**Super G3 Faxing**  
Perform a variety of fax functions with pre-programmed speed, quick and group dial shortcuts on the SP 5210SF. A 1-Bin Tray is included to collect inbound faxes.

**100-Sheet Bypass Tray**  
Extend paper sizes up to 35" long for banner production.

**Standard 550-Sheet Paper Tray**  
Front-facing, user-adjustable paper trays accommodate envelopes and paper sizes up to 8.5" x 14" and stock weights up to 80 lb. Bond/120 lb. Index.

**3 x 550-Sheet Paper Trays**  
Add up to three additional paper trays to expand paper capacity to 2,300 sheets.

**50-Sheet Automatic Reversing Document Feeder (ARDF)**  
Process originals efficiently—up to 8.5" x 14" and custom banner scanning up to 49" long—to speed the scanning process.

**Internal Finisher**  
Staple up to 50 pages and stack up to 250 sheets with the space-saving internal finisher on the SP 5210SR.

**Duplex Unit**  
Copy and print on both sides of each sheet of paper, reducing paper usage by half.

**Easy-Grip Paper Tray Handles**  
Open and close doors with only one hand, sitting or standing.

<https://www.ricoh-usa.com/-/media/Ricoh/Common/PDFs/Brochures/aficiosp5200s.pdf>

### **Sending scanned files (Network Scanner)**

Scan files can be sent to or stored on a computer, and you can specify the format of a scan file according to how the file will be used.

- **Sending by e-mail**

You can send scan files to specified e-mail addresses.

For details, see chapter 1 "Sending Scan Files by E-mail".

- **Sending to folders**

Scan files can be stored in shared network folders, or on FTP or Netware servers.

For details, see chapter 2 "Sending Scan Files to Folders".

- **Sending using WSD**

You can use Web Services on Devices (WSD) to send scan files to a client computer.

For details, see chapter 3 "Sending Scan Files Using WSD".

- **Delivering**

You can deliver scan files using a delivery server.

For details, see chapter 6 "Delivering Scan Files".

[https://support.rioh.com/bb\\_v1oi/pub\\_e/oi/0001042/0001042993/VM0527010/M0527010.pdf](https://support.rioh.com/bb_v1oi/pub_e/oi/0001042/0001042993/VM0527010/M0527010.pdf)



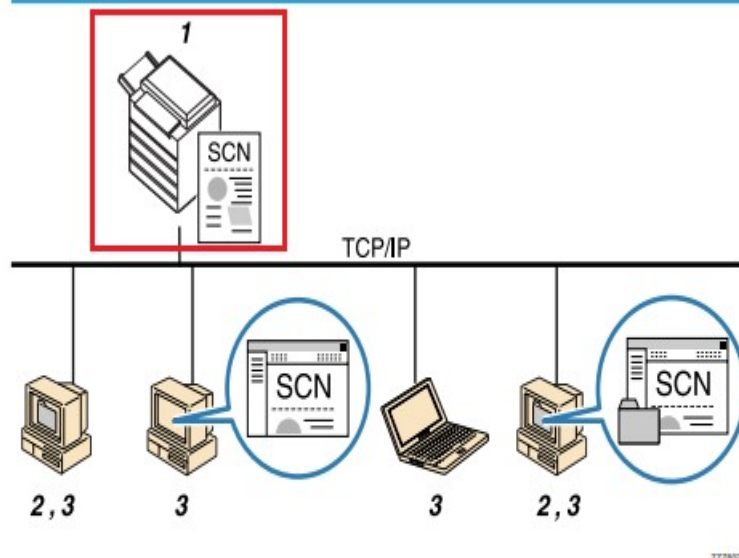
<b><u>Scanner</u></b>	
<b><u>Scanner Type</u></b>	<b><u>Full Color CCD</u></b>
<b><u>Scanning Resolutions</u></b>	<b><u>Scan-To Modes: 100/200/300/400/600 dpi (Black &amp; White, ARDF &amp; Platen); 100/200/300 dpi (Full Color, ARDF); 100/200/300/400/600 dpi (Full Color, Platen). TWAIN/WSD/WIA: 100 – 600 dpi in 1% increments (Black &amp; White, ARDF); 100 – 1200 dpi in 1% increments (Black &amp; White, Platen); 100 – 600 dpi in 1% increments (Full Color, ARDF &amp; Platen)</u></b>
<b>Default Resolution</b>	200 dpi
<b>Scanning Speed</b>	Over 30-ipm (B&W/FC, LTR @ 200 dpi)
<b>Max. Original Size</b>	Platen: Up to 8.5" x 11.7" (216 mm x 297 mm); ARDF: Up to 8.5" x 49.6" (216mm x 1260 mm)
<b><u>Protocols</u></b>	<b><u>Network: TCP/IP; Scan-to-Email: POP, SMTP; Scan-to-Folder: SMB, FTP, NCP</u></b>
<b>Scan Modes</b>	B&W Text, B&W Text/Line Art, B&W Text/Photo, B&W Photo, Grayscale, Full-Color Text/Photo, Full-Color Glossy Photo, Auto Color Select (ACS)
<b>Image Density</b>	Auto + 7-step Manual scale
<b>Image Rotation</b>	Supported
<b>SADF/Batch Mode</b>	Supported
<b>Supported File Formats</b>	Single/Multi Page TIFF, Single Page JPEG, Single/Multi Page PDF, High Compression PDF
<b><u>Scan-To Modes</u></b>	<b><u>Scan-to-Email, Scan-to-Folder (SMB/FTP/NCP); Scan-to-URL, Scan-to-Media (USB/SD Card)</u></b>
<b>Scan-to-Email</b>	Standard; Authorization: SMTP authentication, POP before SMTP authentication
<b>Max. Addresses/Send</b>	500; Attention: To, cc, bcc
<b>LDAP Search</b>	Supported
<b>Maintain E-mail Address</b>	Direct input from control panel, Web Image Monitor, SmartDeviceMonitor for Admin
<b>E-mail Attachments</b>	Up to 2 GB without restriction
<b>Input File Name</b>	Yes

<https://www.rioh-usa.com/-/media/Ricoh/Common/PDFs/Brochures/aficiosp5200s.pdf>

## Overview of Sending Scan Files by Scan to Folder

This section describes the process for sending scan files by Scan to Folder.

### Sending files to shared folders



#### 1. This machine

After you place the original and specify a destination computer on the control panel, the scanned document is sent to a shared folder on the destination computer. To send scan files to shared network folders, use the SMB protocol.

#### 2. Destination Computer

The scanned document is sent to the specified shared folder.

#### 3. Client computer

The scanned document is sent to the specified shared folder. From a client computer, you can also browse scanned files sent to shared folders on different computers.

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## Basic Procedure When Using Scan to Folder

This section describes the basic procedure involved in using Scan to Folder.

### Reference

- Before performing this procedure, refer to "Preparation for Sending by Scan to Folder" and confirm the details of the destination computer. Also refer to "Registering Folders", Network and System Settings Reference, and register the address of the destination computer to the address book.

#### 1. Make sure that no previous settings remain.

If a previous setting remains, press the [Clear Modes] key.

#### 2. If the network delivery scanner screen or E-mail screen appears, switch to the Scan to Folder screen.

For details, see "Switching to the Scan to Folder Screen".



#### 3. Place originals.

#### 4. If necessary, press [Scan Settings] to specify scanner settings such as resolution and scan size.

For details, see "Various Scan Settings".



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**6. If necessary, press [Original Feed Type] to specify settings such as original orientation.**

For details, see "Setting of Original Feed Type".

**7. If necessary, press [Send File Type / Name] to specify settings such as file format and file name.**

For details, see "Specifying the File Type and File Name".

**8. Specify the destination.**

You can specify multiple destinations.

For details, see "Specifying Scan to Folder Destinations".

**9. Press the [Start] key.**

**Note**

- If you have selected more than one destination, you can press [▲] or [▼] next to the destination field to scroll through the destinations.
- To cancel a selected destination, press [▲] or [▼] to display the destination in the destination field, and then press the [Clear/Stop] key. You can cancel a destination selected from the destination list by pressing the selected destination again.
- If you press [Check Modes] before pressing the [Start] key, the initial scanner screen switches to the Check Modes screen. You can use the Check Modes screen to check the settings such as destinations. For details, see "Check Modes".
- If you press [Preview], and then start scanning while [Preview] is highlighted, the Preview screen appears. You can use this screen to check how the originals are scanned and the scan settings used for scanning. After checking the preview, you can specify whether to send the file or not. For details, see "Preview".
- To cancel scanning, press the [Clear/Stop] key.

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## **Specifying Scan to Folder Destinations**

This section explains how to specify Scan to Folder destinations.

You can send a file by Scan to Folder by any of the following methods:

- Select a destination registered in the machine's address book
- Send a file to a shared network folder
- Send a file to an FTP server
- Send a file to a NetWare server
- Select a destination from recent destinations

### **Note**

- You can specify multiple destinations.

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## Configuring the Scan Settings on a Client Computer

This section explains how to configure a scan profile. A scan profile contains scan settings specified on a client computer.

### Changing a Scan Profile

Use the following procedure to change a scan profile.

Whenever the machine is first registered to a computer, a profile is created automatically. Using the following procedure, you can change this profile on the computer.

- 1. On the [Start] menu, click [Control Panel].**  
Control Panel opens.
- 2. Click [Hardware and Sound].**  
You do not have to perform this step depending on the Control Panel settings.
- 3. Click [Scanners and Cameras].**  
The [Scanners and Cameras] dialog box appears.
- 4. Select this machine, and then click [Scan Profiles].**  
The [Scan Profiles] dialog box appears.
- 5. Select a profile, and then click [Edit].**  
The [Edit Profile] dialog box appears.
- 6. Configure the necessary settings.**  
For details, see "Scan Profile Items and Settings".

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## Creating a New Scan Profile

Use the following procedure to create a new profile.

1. On the [Start] menu, click [Control Panel].

Control Panel opens.

2. Click [Hardware and Sound].

You do not have to perform this step depending on the Control Panel settings.

3. Click [Scanners and Cameras].

The [Scanners and Cameras] dialog box appears.

4. Select this machine, and then click [Scan Profiles].

The [Scan Profiles] dialog box appears.

5. Click [Add].

The [Add New Profile] dialog box appears.

6. Configure the necessary settings for the profile.

For details, see "Scan Profile Items and Settings".

7. Click [Save Profile].

The scan settings are saved as a new profile.

### Note

- You can register multiple profiles. If multiple profiles are registered, the profile specified as default in the [Scan Profiles] dialog box is applied.
- To specify a scan profile as the default profile, perform one of the following procedures:
  - In the [Scan Profiles] dialog box, click the scan profile, and then click [Set as Default].
  - After you create a new scan profile, in the [Add New Profile] dialog box, select the [Set this profile as default] check box.

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<b>Scan Profile Items and Settings</b>	
Item	Scan settings
Scanner:	Select this machine.
Profile name:	Enter the profile name.
Source:	Select one of the following: Flatbed Feeder (Scan one side) Feeder (Scan both sides) <b>Note</b> <ul style="list-style-type: none"> <li>If the original is set on the exposure glass, select [Flatbed]. If the original is set in the ADF, select [Feeder (Scan one side)] or [Feeder (Scan both sides)].</li> </ul>
Paper size:	If you select [Feeder (Scan one side)] or [Feeder (Scan both sides)] in [Source], you must specify the paper size.
Color format:	Select one of the following: Color Grayscale Black and white
File type:	Select one of the following: BMP (Bitmap Image) JPG (JPEG Image) PNG (PNG Image) TIF (TIFF Image)
Resolution (DPI):	Specify the resolution.
Brightness:	The setting you specify here will not be applied for scanning.

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9. At all times relevant, Defendant owns and controls the software that operates the Accused Product.

### **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 8,643,875**

10. Gladiator repeats and realleges the allegations of paragraphs 1 through 8 as if fully set forth herein.

11. Claim 30 of the '094 Patent recites:



30. A method for scanning a document using a scanner scanning device and a host device, the scanning device having a memory storing at least one destination indicator and the host device having a memory storing at least one destination to which scanned data can be directed and data relating each of the at least one destination to one of the at least one destination indicator, the method comprising:

selecting one of the at least one destination indicator at the scanning device;

transmitting the selected destination indicator to the host device;

determining at the host device a destination corresponding to the selected destination indicator, the destination corresponding to an identified memory location in the memory of the host device; and

controlling the scanning device based on the determined destination, the controlling comprising obtaining scanned data from the scanning device based on at least one scan parameter corresponding to the determined destination.

12. Defendant has been and is now infringing one or more claims of the '875 Patent under 35 U.S.C. § 271 by making and using the Accused Product in the United States without authority.

13. Defendant has also infringed the '875 Patent by encouraging users of the Accused Product to practice the claims of the '875 Patent. Defendant has notice of the '875 Patent at least as of the date of service of this complaint.

14. More particularly, Defendant infringes at least claim 30 of the '875 Patent. Defendant's Accused Product scans a document using a scanner scanning device and a

host device, the Accused Product has a memory storing at least one destination indicator and the host device having a memory storing at least one destination to which scanned data can be directed and data relating each of the at least one destination to one of the at least one destination indicator.

15. In operation and use of the Accused Product, the user selects one of the at least one destination indicator at the scanning device.

16. In operation and use of the Accused Product, the Defendant transmits the selected destination indicator to the host device.

17. In operation and use of the Accused Product, the Defendant determines at the host device a destination corresponding to the selected destination indicator, the destination corresponding to an identified memory location in the memory of the host device.

18. In operation and use of the Accused Product, the Defendant controls the scanning device based on the determined destination, the controlling comprising obtaining scanned data from the scanning device based on at least one scan parameter corresponding to the determined destination.

19. Gladiator is entitled to recover from Defendant the damages sustained by Gladiator as a result of Defendant's infringement of the '875 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests the Court enter judgment against Defendant:

WHEREFORE, Gladiator requests that this Court enter judgment against

Defendant as follows:

- A. An adjudication that Defendant has infringed the '094 patent;
- B. An award of damages to be paid by Defendant adequate to compensate Gladiator for Defendant's past infringement of the '094 patent and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Gladiator's reasonable attorneys' fees; and
- D. An award to Gladiator of such further relief at law or in equity as the Court deems just and proper.

**JURY DEMAND**

Plaintiff demands trial by jury, Under Fed. R. Civ. P. 38.

Dated: January 22, 2021

Respectfully Submitted

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