

1 VENABLE LLP
2 Sarah S. Brooks (SBN 266292)
3 ssbrooks@venable.com
4 2049 Century Park East, Suite 2300
5 Los Angeles, CA 90067
6 Telephone: (310) 229-9900
7 Facsimile: (310) 229-9901

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 NINESTAR TECHNOLOGY
15 COMPANY, LTD., a New Jersey
16 corporation; NINESTAR
17 CORPORATION, a Chinese corporation;
18 and NINESTAR IMAGE TECH
19 LIMITED, a Hong Kong S.A.R., China
20 corporation,

21 Defendants.

Case No. 2:21-cv-2113

**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 Defendants Ninestar Technology Company, Ltd.; Ninestar Corporation;
3 and Ninestar Image Tech Limited (collectively, “Defendants”), and alleges as
4 follows:

5 **Related Actions**

6 1. This action is related to an action being concurrently filed in the U.S.
7 International Trade Commission, *In the Matter of Certain Toner Supply Containers*
8 *and Components Thereof* (the “ITC Proceeding”), in that (a) Canon is a
9 complainant in the ITC Proceeding; (b) Defendants are named respondents, among
10 other named respondents, in the ITC Proceeding; (c) Canon is asserting the same
11 patents against Defendants both here and in the ITC Proceeding; and (d) this action
12 and the ITC Proceeding involve the same accused products of Defendants. Canon
13 is concurrently filing similar complaints in this Court or in other courts against the
14 other named respondents in the ITC Proceeding.

15 **The Parties**

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

19 3. Canon is a leading innovator, manufacturer, and seller of a wide
20 variety of laser beam printers, inkjet printers, copying machines, cameras, and
21 other consumer, business, and industrial products.

22 4. On information and belief, Ninestar Technology Company, Ltd.
23 (“Ninestar Tech”) is a corporation organized and existing under the laws of the
24 State of New Jersey, with its principal place of business located at 13875 Ramona
25 Avenue, Chino, California 91710.

26 5. On information and belief, Ninestar Corporation is an entity registered
27 in China, with its principal place of business located at No. 3883, Zhuhai Avenue,
28 Xiangzhou District, Zhuhai, Guangdong, China 519060.

1 duly and legally issued to Canon as assignee of the inventors, Manabu Jimba,
2 Ayatomo Okino, Katsuya Murakami, Toshiaki Nagashima, and Fumio Tazawa.

3 13. On May 14, 2019, U.S. Patent No. 10,289,060 (the “’060 patent”),
4 titled “Developer Supply Container and Developer Supplying System,” duly and
5 legally issued to Canon as assignee of the inventors, Manabu Jimba, Ayatomo
6 Okino, Katsuya Murakami, Toshiaki Nagashima, and Fumio Tazawa.

7 14. On May 14, 2019, U.S. Patent No. 10,289,061 (the “’061 patent”),
8 titled “Developer Supply Container and Developer Supplying System,” duly and
9 legally issued to Canon as assignee of the inventors, Manabu Jimba, Ayatomo
10 Okino, Katsuya Murakami, Toshiaki Nagashima, and Fumio Tazawa.

11 15. On May 21, 2019, U.S. Patent No. 10,295,957 (the “’957 patent”),
12 titled “Developer Supply Container and Developer Supplying System,” duly and
13 legally issued to Canon as assignee of the inventors, Manabu Jimba, Ayatomo
14 Okino, Katsuya Murakami, Toshiaki Nagashima, and Fumio Tazawa.

15 16. On November 26, 2019, U.S. Patent No. 10,488,814 (the “’814
16 patent”), titled “Developer Supply Container and Developer Supplying System,”
17 duly and legally issued to Canon as assignee of the inventors, Manabu Jimba,
18 Ayatomo Okino, Katsuya Murakami, Toshiaki Nagashima, and Fumio Tazawa.

19 17. On December 3, 2019, U.S. Patent No. 10,496,032 (the “’032
20 patent”), titled “Developer Supply Container and Developer Supplying System,”
21 duly and legally issued to Canon as assignee of the inventors, Manabu Jimba,
22 Ayatomo Okino, Katsuya Murakami, Toshiaki Nagashima, and Fumio Tazawa.

23 18. On December 3, 2019, U.S. Patent No. 10,496,033 (the “’033
24 patent”), titled “Developer Supply Container and Developer Supplying System,”
25 duly and legally issued to Canon as assignee of the inventors, Manabu Jimba,
26 Ayatomo Okino, Katsuya Murakami, Toshiaki Nagashima, and Fumio Tazawa.

27 19. On December 24, 2019, U.S. Patent No. 10,514,654 (the “’654
28 patent”), titled “Developer Supply Container and Developer Supplying System,”

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

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

1 duly and legally issued to Canon as assignee of the inventors, Manabu Jimba,
 2 Ayatomo Okino, Katsuya Murakami, Toshiaki Nagashima, and Fumio Tazawa.

3 20. On December 31, 2019, U.S. Patent No. 10,520,881 (the “881
 4 patent”), titled “Developer Supply Container and Developer Supplying System,”
 5 duly and legally issued to Canon as assignee of the inventors, Manabu Jimba,
 6 Ayatomo Okino, Katsuya Murakami, Toshiaki Nagashima, and Fumio Tazawa.

7 21. On December 31, 2019, U.S. Patent No. 10,520,882 (the “882
 8 patent”), titled “Developer Supply Container and Developer Supplying System,”
 9 duly and legally issued to Canon as assignee of the inventors, Manabu Jimba,
 10 Ayatomo Okino, Katsuya Murakami, Toshiaki Nagashima, and Fumio Tazawa.

11 22. Canon is the sole owner of the entire right, title, and interest in and to
 12 the ’667, ’060, ’061, ’957, ’814, ’032, ’033, ’654, ’881, and ’882 patents
 13 (collectively, “Asserted Patents”), including the right to sue and recover for any
 14 and all infringements thereof.

15 23. The Asserted Patents are valid and enforceable.

16 **Defendants’ Infringing Activities**

17 24. On information and belief, Defendants are engaged in the business of
 18 selling and/or offering to sell in the United States and/or importing into the United
 19 States toner supply containers and components thereof (hereinafter, “Accused
 20 Products”) for use in one or more Canon copy machines, including but not limited
 21 to the copy machines listed in the table below, which toner supply containers and
 22 components thereof are covered by one or more claims of each of the Asserted
 23 Patents.

Canon Copiers	Canon Toner Supply Containers
Canon imageRUNNER® Advance C250iF	GPR-51
Canon imageRUNNER® Advance C255iF	GPR-51
Canon imageRUNNER® Advance C350P, C350iF	GPR-51

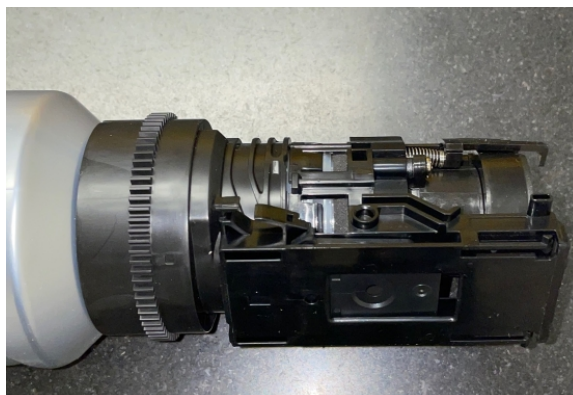
1	Canon imageRUNNER® Advance C355iF	GPR-51
2	Canon imageRUNNER® C1325iF	GPR-52
3	Canon imageRUNNER® C1335iF	GPR-52
4	Canon imageRUNNER® C3025i, C3125i	GPR-53
5	Canon imageRUNNER® Advance C3325i	GPR-53
6	Canon imageRUNNER® Advance C3330i	GPR-53
7	Canon imageRUNNER® Advance C3525i, C3525i II, C3525i III	GPR-53
8	Canon imageRUNNER® Advance C3530i, C3530i II, C3530i III	GPR-53
9		
10	Canon imageRUNNER® Advance DX C3725i	GPR-53/GPR-53L
11	Canon imageRUNNER® Advance DX C3730i	GPR-53/GPR-53L
12	Canon imageRUNNER® Advance C5535i, C5535i II, C5535i III	GPR-55/GPR-55L
13	Canon imageRUNNER® Advance C5540i, C5540i II, C5540i III	GPR-55/GPR-55L
14		
15	Canon imageRUNNER® Advance C5550i, C5550i II, C5550i III	GPR-55/GPR-55L
16	Canon imageRUNNER® Advance C5560i, C5560i II, C5560i III	GPR-55/GPR-55L
17		
18	Canon imageRUNNER® Advance DX C5735i	GPR-55/GPR-55L
19	Canon imageRUNNER® Advance DX C5740i	GPR-55/GPR-55L
20	Canon imageRUNNER® Advance DX C5750i	GPR-55/GPR-55L
21	Canon imageRUNNER® Advance DX C5760i	GPR-55/GPR-55L
22	Canon imageRUNNER® Advance 4525i, 4525i II, 4525i III	GPR-57
23	Canon imageRUNNER® Advance 4535i, 4535i II, 4535i III	GPR-57
24		
25	Canon imageRUNNER® Advance 4545i, 4545i II, 4545i III	GPR-57
26		
27	Canon imageRUNNER® Advance 4551i, 4551i II, 4551i III	GPR-57
28	Canon imageRUNNER® Advance DX4725i	GPR-57

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

1	Canon imageRUNNER® Advance DX4735i	GPR-57
2	Canon imageRUNNER® Advance DX4745i	GPR-57
3	Canon imageRUNNER® Advance DX4751i	GPR-57
4	Canon imageRUNNER® Advance C256iF II, C256iF III	GPR-58
5	Canon imageRUNNER® Advance C356iF II, C356iF III	GPR-58
6	Canon imageRUNNER® Advance DX C257iF	GPR-58
7	Canon imageRUNNER® Advance DX C357iF	GPR-58
8	Canon imageRUNNER® 2630	GPR-62

25. Non-limiting examples of Accused Products sold by Defendants that infringe the Asserted Patents include those bearing the designations NCGPR51C, NCGPR51M, NCGPR51Y, NCGPR53C, NCGPR53Y, NCGPR55K, NCGPR55C, NCGPR55M, NCGPR55Y, NCGPR58K, NCGPR58C, NCGPR58M, NCGPR58Y.

26. A non-limiting example of an infringing toner supply container imported and/or sold by Defendants is the model NCGPR55K toner supply container, depicted below.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

27. On information and belief, the Accused Products are manufactured by Ninestar Corporation in China and thereafter are imported into the United States and offered for sale and sold within the United States by Defendants.

28. On information and belief, Defendants offer to sell and sell the Accused Products within this judicial district and elsewhere, including through Ninestar websites, such as *ninestartechonline.com*, *ninestarimage.com*, *ninestargroup.com*, and/or *ggimage.com*.

First Cause of Action: Infringement of U.S. Patent No. 10,209,667

29. Canon repeats and incorporates by reference the allegations of paragraphs 1-28, as though set forth here in their entirety.

30. Defendants have directly infringed and are directly infringing the '667 patent by selling and/or offering to sell within the United States and/or importing into the United States Accused Products embodying the invention defined by one or more claims of the '667 patent, without authority of Canon. More particularly, Defendants' sale and/or offer for sale in the United States and/or importation into the United States of the Accused Products infringes at least claims 1, 3, 6-8, 11, 12, 14, 17-19, and 23 of the '667 patent.

31. Defendants also are indirectly infringing the '667 patent at least by virtue of their inducement of direct infringement of that patent by customers who use Defendants' Accused Products in at least the Canon copy machines listed above. At the very latest, Defendants will be given notice of the '667 patent and their infringement thereof upon being served with or otherwise receiving this Complaint. On information and belief, Defendants knowingly induce customers to use their Accused Products, including, for example, by promoting them for use in specific copy machines and/or providing customers with instructions for using them in those copy machines.

32. Attached hereto as Exhibit 1, and incorporated by reference herein, is

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

1 a claim chart detailing how Defendants' NCGPR55K toner supply container,
2 which is a representative example of an Accused Product, infringes independent
3 claim 1 of the '667 patent.

4 33. The Court has not yet construed the meaning of any claims or terms in
5 the '667 patent. In providing these detailed allegations, Canon does not intend to
6 convey or imply any particular claim construction or the precise scope of the
7 claims. Canon's contentions regarding the construction of the claims will be
8 provided in compliance with the case schedule, any applicable federal or local
9 procedural rules, and/or any applicable orders.

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

17 35. Defendants' acts complained of herein are damaging and will
18 continue to cause irreparable injury and damage to Canon for which there is no
19 adequate remedy at law. Canon is therefore entitled to preliminary and permanent
20 injunctions restraining and enjoining Defendants from infringing the claims of the
21 '667 patent.

22 36. By reason of Defendants' infringing activities, Canon has suffered,
23 and will continue to suffer, substantial damages in an amount to be determined at
24 trial.

25 **Second Cause of Action: Infringement of U.S. Patent No. 10,289,060**

26 37. Canon repeats and incorporates by reference the allegations of
27 paragraphs 1-28, as though set forth here in their entirety.

28 38. Defendants have directly infringed and are directly infringing the '060

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

1 patent by selling and/or offering to sell within the United States and/or importing
2 into the United States Accused Products embodying the invention defined by one
3 or more claims of the '060 patent, without authority of Canon. More particularly,
4 Defendants' sale and/or offer for sale in the United States and/or importation into
5 the United States of the Accused Products infringes at least claims 1, 2, 6-8, 11, 12,
6 and 16-18 of the '060 patent.

7 39. Defendants also are indirectly infringing the '060 patent at least by
8 virtue of their inducement of direct infringement of that patent by customers who
9 use Defendants' Accused Products in at least the Canon copy machines listed
10 above. At the very latest, Defendants will be given notice of the '060 patent and
11 their infringement thereof upon being served with or otherwise receiving this
12 Complaint. On information and belief, Defendants knowingly induce customers to
13 use their Accused Products, including, for example, by promoting them for use in
14 specific copy machines and/or providing customers with instructions for using
15 them in those copy machines.

16 40. Attached hereto as Exhibit 2, and incorporated by reference herein, is
17 a claim chart detailing how Defendants' NCGPR55K toner supply container,
18 which is a representative example of an Accused Product, infringes independent
19 claim 1 of the '060 patent.

20 41. The Court has not yet construed the meaning of any claims or terms in
21 the '060 patent. In providing these detailed allegations, Canon does not intend to
22 convey or imply any particular claim construction or the precise scope of the
23 claims. Canon's contentions regarding the construction of the claims will be
24 provided in compliance with the case schedule, any applicable federal or local
25 procedural rules, and/or any applicable orders.

26 42. Canon contends that each element of each asserted claim is literally
27 present in the accused toner supply containers. If as a result of the Court's
28 constructions or other determinations one or more claim elements are not literally

1 present, Canon contends that each such element is present under the doctrine of
2 equivalents and reserves its right to provide more detailed doctrine of equivalents
3 contentions after discovery, a claim construction order from the Court, or at
4 another appropriate time.

5 43. Defendants' acts complained of herein are damaging and will
6 continue to cause irreparable injury and damage to Canon for which there is no
7 adequate remedy at law. Canon is therefore entitled to preliminary and permanent
8 injunctions restraining and enjoining Defendants from infringing the claims of the
9 '060 patent.

10 44. By reason of Defendants' infringing activities, Canon has suffered,
11 and will continue to suffer, substantial damages in an amount to be determined at
12 trial.

13 **Third Cause of Action: Infringement of U.S. Patent No. 10,289,061**

14 45. Canon repeats and incorporates by reference the allegations of
15 paragraphs 1-28, as though set forth here in their entirety.

16 46. Defendants have directly infringed and are directly infringing the '061
17 patent by selling and/or offering to sell within the United States and/or importing
18 into the United States Accused Products embodying the invention defined by one
19 or more claims of the '061 patent, without authority of Canon. More particularly,
20 Defendants' sale and/or offer for sale in the United States and/or importation into
21 the United States of the Accused Products infringes at least claims 1-3, 6-8, 11-14,
22 17-19, and 23 of the '061 patent.

23 47. Defendants also are indirectly infringing the '061 patent at least by
24 virtue of their inducement of direct infringement of that patent by customers who
25 use Defendants' Accused Products in at least the Canon copy machines listed
26 above. At the very latest, Defendants will be given notice of the '061 patent and
27 their infringement thereof upon being served with or otherwise receiving this
28 Complaint. On information and belief, Defendants knowingly induce customers to

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

1 use their Accused Products, including, for example, by promoting them for use in
2 specific copy machines and/or providing customers with instructions for using
3 them in those copy machines.

4 48. Attached hereto as Exhibit 3, and incorporated by reference herein, is
5 a claim chart detailing how Defendants' NCGPR55K toner supply container,
6 which is a representative example of an Accused Product, infringes independent
7 claim 1 of the '061 patent.

8 49. The Court has not yet construed the meaning of any claims or terms in
9 the '061 patent. In providing these detailed allegations, Canon does not intend to
10 convey or imply any particular claim construction or the precise scope of the
11 claims. Canon's contentions regarding the construction of the claims will be
12 provided in compliance with the case schedule, any applicable federal or local
13 procedural rules, and/or any applicable orders.

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

21 51. Defendants' acts complained of herein are damaging and will
22 continue to cause irreparable injury and damage to Canon for which there is no
23 adequate remedy at law. Canon is therefore entitled to preliminary and permanent
24 injunctions restraining and enjoining Defendants from infringing the claims of the
25 '061 patent.

26 52. By reason of Defendants' infringing activities, Canon has suffered,
27 and will continue to suffer, substantial damages in an amount to be determined at
28 trial.

1 **Fourth Cause of Action: Infringement of U.S. Patent No. 10,295,957**

2 53. Canon repeats and incorporates by reference the allegations of
3 paragraphs 1-28, as though set forth here in their entirety.

4 54. Defendants have directly infringed and are directly infringing the '957
5 patent by selling and/or offering to sell within the United States and/or importing
6 into the United States Accused Products embodying the invention defined by one
7 or more claims of the '957 patent, without authority of Canon. More particularly,
8 Defendants' sale and/or offer for sale in the United States and/or importation into
9 the United States of the Accused Products infringes at least claims 1, 2, 4, 7-9, 12-
10 14, 16, 19-21, and 25 of the '957 patent.

11 55. Defendants also are indirectly infringing the '957 patent at least by
12 virtue of their inducement of direct infringement of that patent by customers who
13 use Defendants' Accused Products in at least the Canon copy machines listed
14 above. At the very latest, Defendants will be given notice of the '957 patent and
15 their infringement thereof upon being served with or otherwise receiving this
16 Complaint. On information and belief, Defendants knowingly induce customers to
17 use their Accused Products, including, for example, by promoting them for use in
18 specific copy machines and/or providing customers with instructions for using
19 them in those copy machines.

20 56. Attached hereto as Exhibit 4, and incorporated by reference herein, is
21 a claim chart detailing how Defendants' NCGPR55K toner supply container,
22 which is a representative example of an Accused Product, infringes independent
23 claim 1 of the '957 patent.

24 57. The Court has not yet construed the meaning of any claims or terms in
25 the '957 patent. In providing these detailed allegations, Canon does not intend to
26 convey or imply any particular claim construction or the precise scope of the
27 claims. Canon's contentions regarding the construction of the claims will be
28 provided in compliance with the case schedule, any applicable federal or local

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

1 procedural rules, and/or any applicable orders.

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

9 59. Defendants' acts complained of herein are damaging and will
10 continue to cause irreparable injury and damage to Canon for which there is no
11 adequate remedy at law. Canon is therefore entitled to preliminary and permanent
12 injunctions restraining and enjoining Defendants from infringing the claims of the
13 '957 patent.

14 60. By reason of Defendants' infringing activities, Canon has suffered,
15 and will continue to suffer, substantial damages in an amount to be determined at
16 trial.

17 **Fifth Cause of Action: Infringement of U.S. Patent No. 10,488,814**

18 61. Canon repeats and incorporates by reference the allegations of
19 paragraphs 1-28, as though set forth here in their entirety.

20 62. Defendants have directly infringed and are directly infringing the '814
21 patent by selling and/or offering to sell within the United States and/or importing
22 into the United States Accused Products embodying the invention defined by one
23 or more claims of the '814 patent, without authority of Canon. More particularly,
24 Defendants' sale and/or offer for sale in the United States and/or importation into
25 the United States of the Accused Products infringes at least claims 1, 4, 7-9, 12, 13,
26 16, 19-21, and 25 of the '814 patent.

27 63. Defendants also are indirectly infringing the '814 patent at least by
28 virtue of their inducement of direct infringement of that patent by customers who

1 use Defendants' Accused Products in at least the Canon copy machines listed
2 above. At the very latest, Defendants will be given notice of the '814 patent and
3 their infringement thereof upon being served with or otherwise receiving this
4 Complaint. On information and belief, Defendants knowingly induce customers to
5 use their Accused Products, including, for example, by promoting them for use in
6 specific copy machines and/or providing customers with instructions for using
7 them in those copy machines.

8 64. Attached hereto as Exhibit 5, and incorporated by reference herein, is
9 a claim chart detailing how Defendants' NCGPR55K toner supply container,
10 which is a representative example of an Accused Product, infringes independent
11 claim 1 of the '814 patent.

12 65. The Court has not yet construed the meaning of any claims or terms in
13 the '814 patent. In providing these detailed allegations, Canon does not intend to
14 convey or imply any particular claim construction or the precise scope of the
15 claims. Canon's contentions regarding the construction of the claims will be
16 provided in compliance with the case schedule, any applicable federal or local
17 procedural rules, and/or any applicable orders.

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

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

1 '814 patent.

2 68. By reason of Defendants' infringing activities, Canon has suffered,
3 and will continue to suffer, substantial damages in an amount to be determined at
4 trial.

5 **Sixth Cause of Action: Infringement of U.S. Patent No. 10,496,032**

6 69. Canon repeats and incorporates by reference the allegations of
7 paragraphs 1-28, as though set forth here in their entirety.

8 70. Defendants have directly infringed and are directly infringing the '032
9 patent by selling and/or offering to sell within the United States and/or importing
10 into the United States Accused Products embodying the invention defined by one
11 or more claims of the '032 patent, without authority of Canon. More particularly,
12 Defendants' sale and/or offer for sale in the United States and/or importation into
13 the United States of the Accused Products infringes at least claims 1, 4, 7-9, 12, 13,
14 16, 19-21, 25, 26, 29, 32-34, 37, 38, 41, 44-46, 49, 50, 53, 56-58, and 61 of the
15 '032 patent.

16 71. Defendants also are indirectly infringing the '032 patent at least by
17 virtue of their inducement of direct infringement of that patent by customers who
18 use Defendants' Accused Products in at least the Canon copy machines listed
19 above. At the very latest, Defendants will be given notice of the '032 patent and
20 their infringement thereof upon being served with or otherwise receiving this
21 Complaint. On information and belief, Defendants knowingly induce customers to
22 use their Accused Products, including, for example, by promoting them for use in
23 specific copy machines and/or providing customers with instructions for using
24 them in those copy machines.

25 72. Attached hereto as Exhibit 6, and incorporated by reference herein, is
26 a claim chart detailing how Defendants' NCGPR55K toner supply container,
27 which is a representative example of an Accused Product, infringes independent
28 claim 1 of the '032 patent.

1 73. The Court has not yet construed the meaning of any claims or terms in
2 the '032 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 74. Canon contends that each element of each asserted claim is literally
8 present in the accused toner supply containers. If as a result of the Court's
9 constructions or other determinations one or more claim elements are not literally
10 present, Canon contends that each such element is present under the doctrine of
11 equivalents and reserves its right to provide more detailed doctrine of equivalents
12 contentions after discovery, a claim construction order from the Court, or at
13 another appropriate time.

14 75. Defendants' 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 Defendants from infringing the claims of the
18 '032 patent.

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

22 **Seventh Cause of Action: Infringement of U.S. Patent No. 10,496,033**

23 77. Canon repeats and incorporates by reference the allegations of
24 paragraphs 1-28, as though set forth here in their entirety.

25 78. Defendants have directly infringed and are directly infringing the '033
26 patent by selling and/or offering to sell within the United States and/or importing
27 into the United States Accused Products embodying the invention defined by one
28 or more claims of the '033 patent, without authority Canon. More particularly,

1 Defendants' sale and/or offer for sale in the United States and/or importation into
2 the United States of the Accused Products infringes at least claims 1, 5, 8-10, 13,
3 14, 18, 21-23, and 26-28 of the '033 patent.

4 79. Defendants also are indirectly infringing the '033 patent at least by
5 virtue of their inducement of direct infringement of that patent by customers who
6 use Defendants' Accused Products in at least the Canon copy machines listed
7 above. At the very latest, Defendants will be given notice of the '033 patent and
8 their infringement thereof upon being served with or otherwise receiving this
9 Complaint. On information and belief, Defendants knowingly induce customers to
10 use their Accused Products, including, for example, by promoting them for use in
11 specific copy machines and/or providing customers with instructions for using
12 them in those copy machines.

13 80. Attached hereto as Exhibit 7, and incorporated by reference herein, is
14 a claim chart detailing how Defendants' NCGPR55K toner supply container,
15 which is a representative example of an Accused Product, infringes independent
16 claim 1 of the '033 patent.

17 81. The Court has not yet construed the meaning of any claims or terms in
18 the '033 patent. In providing these detailed allegations, Canon does not intend to
19 convey or imply any particular claim construction or the precise scope of the
20 claims. Canon's contentions regarding the construction of the claims will be
21 provided in compliance with the case schedule, any applicable federal or local
22 procedural rules, and/or any applicable orders.

23 82. Canon contends that each element of each asserted claim is literally
24 present in the accused toner supply containers. If as a result of the Court's
25 constructions or other determinations one or more claim elements are not literally
26 present, Canon contends that each such element is present under the doctrine of
27 equivalents and reserves its right to provide more detailed doctrine of equivalents
28 contentions after discovery, a claim construction order from the Court, or at

1 another appropriate time.

2 83. Defendants' 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 Defendants from infringing the claims of the
6 '033 patent.

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

10 **Eighth Cause of Action: Infringement of U.S. Patent No. 10,514,654**

11 85. Canon repeats and incorporates by reference the allegations of
12 paragraphs 1-28, as though set forth here in their entirety.

13 86. Defendants have directly infringed and are directly infringing the '654
14 patent by selling and/or offering to sell within the United States and/or importing
15 into the United States Accused Products embodying the invention defined by one
16 or more claims of the '654 patent, without authority of Canon. More particularly,
17 Defendants' sale and/or offer for sale in the United States and/or importation into
18 the United States of the Accused Products infringes at least claims 1, 3-5, 8, 10-12,
19 46, 48-50, 53, and 55-57 of the '654 patent.

20 87. Defendants also are indirectly infringing the '654 patent at least by
21 virtue of their inducement of direct infringement of that patent by customers who
22 use Defendants' Accused Products in at least the Canon copy machines listed
23 above. At the very latest, Defendants will be given notice of the '654 patent and
24 their infringement thereof upon being served with or otherwise receiving this
25 Complaint. On information and belief, Defendants knowingly induce customers to
26 use their Accused Products, including, for example, by promoting them for use in
27 specific copy machines and/or providing customers with instructions for using
28 them in those copy machines.

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

1 88. Attached hereto as Exhibit 8, and incorporated by reference herein, is
2 a claim chart detailing how Defendants' NCGPR55K toner supply container,
3 which is a representative example of an Accused Product, infringes independent
4 claim 1 of the '654 patent.

5 89. The Court has not yet construed the meaning of any claims or terms in
6 the '654 patent. In providing these detailed allegations, Canon does not intend to
7 convey or imply any particular claim construction or the precise scope of the
8 claims. Canon's contentions regarding the construction of the claims will be
9 provided in compliance with the case schedule, any applicable federal or local
10 procedural rules, and/or any applicable orders.

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

18 91. Defendants' acts complained of herein are damaging and will
19 continue to cause irreparable injury and damage to Canon for which there is no
20 adequate remedy at law. Canon is therefore entitled to preliminary and permanent
21 injunctions restraining and enjoining Defendants from infringing the claims of the
22 '654 patent.

23 92. By reason of Defendants' infringing activities, Canon has suffered,
24 and will continue to suffer, substantial damages in an amount to be determined at
25 trial.

26 **Ninth Cause of Action: Infringement of U.S. Patent No. 10,520,881**

27 93. Canon repeats and incorporates by reference the allegations of
28 paragraphs 1-28, as though set forth here in their entirety.

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

1 94. Defendants have directly infringed and are directly infringing the '881
2 patent by selling and/or offering to sell within the United States and/or importing
3 into the United States Accused Products embodying the invention defined by one
4 or more claims of the '881 patent, without authority of Canon. More particularly,
5 Defendants' sale and/or offer for sale in the United States and/or importation into
6 the United States of the Accused Products infringes at least claims 1, 5, 8-10, 13,
7 14, 18, 21-23, and 25 of the '881 patent.

8 95. Defendants also are indirectly infringing the '881 patent at least by
9 virtue of their inducement of direct infringement of that patent by customers who
10 use Defendants' Accused Products in at least the Canon copy machines listed
11 above. At the very latest, Defendants will be given notice of the '881 patent and
12 their infringement thereof upon being served with or otherwise receiving this
13 Complaint. On information and belief, Defendants knowingly induce customers to
14 use their Accused Products, including, for example, by promoting them for use in
15 specific copy machines and/or providing customers with instructions for using
16 them in those copy machines.

17 96. Attached hereto as Exhibit 9, and incorporated by reference herein, is
18 a claim chart detailing how Defendants' NCGPR55K toner supply container,
19 which is a representative example of an Accused Product, infringes independent
20 claim 1 of the '881 patent.

21 97. The Court has not yet construed the meaning of any claims or terms in
22 the '881 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 98. Canon contends that each element of each asserted claim is literally
28 present in the accused toner supply containers. If as a result of the Court's

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

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

6 99. Defendants’ 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 Defendants from infringing the claims of the
10 ’881 patent.

11 100. By reason of Defendants’ infringing activities, Canon has suffered,
12 and will continue to suffer, substantial damages in an amount to be determined at
13 trial.

14 **Tenth Cause of Action: Infringement of U.S. Patent No. 10,520,882**

15 101. Canon repeats and incorporates by reference the allegations of
16 paragraphs 1-28, as though set forth here in their entirety.

17 102. Defendants have directly infringed and are directly infringing the ’882
18 patent by selling and/or offering to sell within the United States and/or importing
19 into the United States Accused Products embodying the invention defined by one
20 or more claims of the ’882 patent, without authority of Canon. More particularly,
21 Defendants’ sale and/or offer for sale in the United States and/or importation into
22 the United States of the Accused Products infringes at least claims 1, 6-8, 11, and
23 16-18 of the ’882 patent.

24 103. Defendants also are indirectly infringing the ’882 patent at least by
25 virtue of their inducement of direct infringement of that patent by customers who
26 use Defendants’ Accused Products in at least the Canon copy machines listed
27 above. At the very latest, Defendants will be given notice of the ’882 patent and
28 their infringement thereof upon being served with or otherwise receiving this

1 Complaint. On information and belief, Defendants knowingly induce customers to
2 use their Accused Products, including, for example, by promoting them for use in
3 specific copy machines and/or providing customers with instructions for using
4 them in those copy machines.

5 104. Attached hereto as Exhibit 10, and incorporated by reference herein, is
6 a claim chart detailing how Defendants' NCGPR55K toner supply container,
7 which is a representative example of an Accused Product, infringes independent
8 claim 1 of the '882 patent.

9 105. The Court has not yet construed the meaning of any claims or terms in
10 the '882 patent. In providing these detailed allegations, Canon does not intend to
11 convey or imply any particular claim construction or the precise scope of the
12 claims. Canon's contentions regarding the construction of the claims will be
13 provided in compliance with the case schedule, any applicable federal or local
14 procedural rules, and/or any applicable orders.

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

22 107. Defendants' acts complained of herein are damaging and will
23 continue to cause irreparable injury and damage to Canon for which there is no
24 adequate remedy at law. Canon is therefore entitled to preliminary and permanent
25 injunctions restraining and enjoining Defendants from infringing the claims of the
26 '882 patent.

27 108. By reason of Defendants' infringing activities, Canon has suffered,
28 and will continue to suffer, substantial damages in an amount to be determined at

1 trial.

2 **Prayer for Relief**

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

4 A. That Defendants have infringed the Asserted Patents;

5 B. That Defendants and their subsidiaries, affiliates, officers, directors,
6 agents, servants, employees, successors, and assigns, and all other persons and
7 organizations in active concert or participation with them, be preliminarily and
8 permanently enjoined from further acts of infringement of the Asserted Patents
9 pursuant to 35 U.S.C. § 283;

10 C. That Defendants be ordered to pay damages adequate to compensate
11 Canon for Defendants’ infringement of the Asserted Patents pursuant to 35 U.S.C.
12 § 284, including lost profits and/or a reasonable royalty, together with interest
13 thereon;

14 D. That Defendants be ordered to pay all of Canon’s costs associated
15 with this action; and

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

18 **Jury Demand**

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

21
22 DATED: March 8, 2021

VENABLE LLP

23 By: /s/ Sarah S. Brooks
24 Sarah S. Brooks
25 Michael P. Sandonato (*Pro Hac to be Filed*)

26 *Attorneys for Plaintiff Canon Inc.*
27
28

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