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Of Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SEIKO EPSON CORPORATION, a Japan corporation; **EPSON AMERICA, INC.**, a California corporation; and **EPSON PORTLAND INC.**, an Oregon corporation,

Plaintiffs,

vs.

ARMOR S.A., a French corporation; **ARTECH GMBH**, a German corporation; and **ARMOR USA, INC.**, a Kentucky corporation,

Defendant.

CV '05 567
Civil No.

COMPLAINT FOR PATENT INFRINGEMENT

Demand for Jury Trial

OSB
3050

Plaintiffs Seiko Epson Corporation, Epson America, Inc., and Epson Portland Inc., for their complaint herein, allege as follows:

THE PARTIES

1.

Plaintiff Seiko Epson Corporation ("Seiko Epson") is a corporation organized and existing under the laws of Japan. Its principal place of business is located at 3-3-5 Owa Suwashi Nagano-Ken, 392-8502, Japan.

2.

Plaintiff Epson America, Inc. ("Epson America"), is a corporation organized and existing under the laws of the state of California. Its principal place of business is located at 3840 Kilroy Airport Way, Long Beach, California 90806. As the North American sales, marketing, and customer service affiliate of Seiko Epson, Epson America is the exclusive licensee of the Epson Patents described below for distributing in the United States Epson ink cartridges that are covered by the Epson Patents.

3.

Plaintiff Epson Portland Inc. ("Epson Portland") is a corporation organized and existing under the laws of the state of Oregon. Its principal place of business is located at 3950 N.W. Aloclek Place, Hillsboro, Oregon 97124. Epson Portland maintains an exclusive manufacturing license under the Epson Patents described below for certain Epson ink cartridges in the United States. (Seiko Epson, Epson America, and Epson Portland are sometimes referred to collectively herein as "Epson" or "Plaintiffs.") Epson produces and sells ink cartridges utilizing Epson's patented technology and designs in the United States and in this judicial district.

4.

Upon information and belief, defendant Armor S.A. is a corporation organized and existing under the laws of France. Its principal place of business is located at 20 rue Chevreul,

BP 90508, 44105 Nantes Cedex 4, France. Armor S.A. has also listed its address as 18-20 rue Chevreul, 44100 Nantes, France.

5.

Upon information and belief, defendant Artech GmbH is a corporation organized and existing under the laws of Germany. Its principal place of business is located at Feldbachacker 1044149 Dortmund (Kley), Germany.

6.

Upon information and belief, defendant Armor USA, Inc., is a corporation organized and existing under the laws of the state of Kentucky. Its principal place of business is located at 2900 Earhart Court, Suite 220, Hebron, Kentucky 41048. (Armor S.A., Artech GmbH, and Armor USA, Inc., are sometimes referred to collectively herein as "Defendants.")

7.

Upon information and belief, at all relevant times mentioned in this complaint, defendants, and each of them, were the agents of each other, and in doing the things alleged herein, each was acting within the scope and course of its agency and authority and was subject to and under the supervision of its co-defendants as co-conspirators.

JURISDICTION AND VENUE

8.

This action arises under the patent laws of the United States, 35 U.S.C. § 271. This court has jurisdiction over the action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

9.

Venue is proper in this district under 28 U.S.C. §§ 1391(b)-(d) and 1400(b). Defendants have committed acts of infringement in this judicial district; defendants reside in this judicial district; and defendants Armor S.A. and Artech GmbH are alien corporations.

CLAIM FOR RELIEF

(Patent Infringement—35 U.S.C. § 271)

10.

Epson incorporates by reference each and every allegation contained in paragraphs 1 through 9 as though fully set forth at length.

11.

Epson owns all right, title, and interest in, including the right to sue thereon and the right to recover for infringement thereof, United States Patent No. 5,156,470 (the "'470 patent'"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on October 20, 1992; United States Patent No. 5,156,472 (the "'472 patent'"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on October 20, 1992; United States Patent No. 5,156,473 (the "'473 patent'"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on October 20, 1992; United States Patent No. 5,158,377 (the "'377 patent'"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on October 27, 1992; United States Patent No. 5,221,148 (the "'148 patent'"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on June 22, 1993; United States Patent No. 5,421,658 (the "'658 patent'"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on June 6, 1995; United States Patent No. 5,560,720 (the "'720 patent'"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on October 1, 1996; United States Patent No. 5,615,957 (the "'957 patent'"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on April 1, 1997; United States Patent No. 5,622,439 (the "'439 patent'"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on April 22, 1997; United States Patent No. 6,176,629 ("the "'629 patent'"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on

January 23, 2001; United States Patent No. 6,502,917 ("the "'917 patent"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on January 7, 2003; and United States Patent No. 6,550,902 ("the "'902 patent"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on April 22, 2003. The '470, '472, '473, '377, '148, '658, '720, '957, '439, '629, '917, and '902 patents (collectively, the "Epson Patents") all relate generally to ink cartridges for printers.

12.

On information and belief, defendants have infringed and are infringing the Epson Patents by making, using, importing, offering to sell, and selling in this judicial district and elsewhere the inventions defined by numerous claims of each of these patents, including cartridges made in Europe. In excess of 30 cartridge models infringe Epson's patents at issue in this lawsuit.

13.

On information and belief, defendants are aiding and abetting and actively inducing infringement of the Epson Patents by each other defendant and by non-parties.

14.

By reason of defendants' infringing activities, Epson has suffered, and will continue to suffer, substantial damages in an amount to be proven at trial.

15.

Defendants' acts complained of herein have damaged and will continue to damage Epson irreparably. Epson has no adequate remedy at law for these wrongs and injuries. Epson is therefore entitled to a preliminary and permanent injunction restraining and enjoining defendants and their agents, servants, and employees, and all persons acting thereunder, in concert with, or on their behalf, from infringing the claims of the Epson Patents.

16.

Defendants are not licensed or otherwise authorized to make, use, import, sell, or offer to sell any ink cartridge or method claimed in the Epson Patents, and defendants' conduct is, in every instance, without Epson's consent.

17.

Upon information and belief, defendants' infringement has been and continues to be willful.

PRAYER FOR RELIEF

WHEREFORE, Epson prays judgment against defendants as follows:

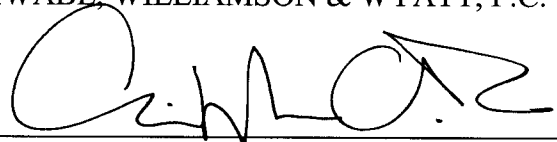
- A. That the Epson Patents are valid and enforceable;
- B. That defendants have infringed and are infringing the Epson Patents; and that such infringement is willful;
- C. That defendants and their subsidiaries, affiliates, parents, successors, assigns, officers, agents, representatives, servants, and employees, and all persons in active concert or participation with them, be preliminarily and permanently enjoined from continued infringement of the Epson Patents;
- D. That defendants be ordered to pay Epson its damages caused by defendants' infringement of the Epson Patents and that such damages be trebled, together with interest thereon;
- E. That this case be declared exceptional pursuant to 35 U.S.C. § 285 and that Epson be awarded its reasonable attorneys' fees and costs; and
- F. That Epson have such other and further relief as the court deems just and proper.

JURY TRIAL DEMAND

Plaintiffs hereby demand a trial of all issues by jury.

Dated this 25th day of April, 2005.

SCHWABE, WILLIAMSON & WYATT, P.C.

By: 

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