

David Axelrod, OSB #75023
E-mail: daxelrod@schwabe.com
SCHWABE, WILLIAMSON & WYATT, P.C.
Pacwest Center, Suites 1600-1800
1211 S.W. Fifth Avenue
Portland, OR 97204-3795
Telephone (503) 222-9981

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Attorneys for Plaintiffs Seiko Epson Corporation, Epson America, Inc.,
and Epson Portland, Inc.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

CV '05 - 550 ST

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

Plaintiffs,

v.

MULTI-UNION TRADING CO., LTD., a
China corporation; and **DYNAMIC PRINT**
USA, INC., a California corporation,

Defendants.

Civil No. _____

COMPLAINT FOR:

PATENT INFRINGEMENT

DEMAND FOR JURY TRIAL

3021

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 Suwa-shi 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 NW Alcolek 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 Multi-Union Trading Company, Ltd. ("Multi-

Union") is a corporation organized and existing under the laws of China, with its principal place of business located at Flat B, 12/F, Federal Centre, 77 Sheung On Street, Chai Wan, Hong Kong, People's Republic of China. Multi-Union has also listed in the past its address as Flat E, 2/F, Gee Tung Chang Industrial Building, 4 Fung Yip Street, Chai Wan, Hong Kong, People's Republic of China.

5. Upon information and belief, defendant Dynamic Print USA, Inc. ("Dynamic Print") is a corporation organized and existing under the laws of California, with its principal place of business located at 111 East Alma Avenue, San Jose, California 95112. (Multi-Union and Dynamic Print are sometimes referred to collectively herein as "Defendants.").

6. 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

7. 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).

8. 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 defendant Multi-Union is an alien corporation.

CLAIM FOR RELIEF

(Patent Infringement--35 U.S.C. § 271)

9. Epson incorporates by reference each and every allegation contained in Paragraphs 1 through 8 as though fully set forth at length.

10. 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. 5,488,401 (the "401 patent"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on January 30, 1996; 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. 5,607,242 (the "242 patent"), which was duly and legally issued to Seiko Epson by the United

States Patent and Trademark Office on March 4, 1997; 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. 5,790,158 (the "'158 patent"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on August 4, 1998; United States Patent No. 6,045,207 (the "'207 patent"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on April 4, 2000; 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, '401, '720, '242, '957, '439, '158, '207, '629, '917, and '902 patents (collectively, the "Epson Patents") all relate generally to ink cartridges for printers.

11. 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. These infringing ink cartridges include, but are not limited to, cartridges with the following Order Code Nos.: IFE 1253; IFE 173; IFE 1743; IFE 175; IFE 176; IFE 177; IFE 178; IFE 179; IFE 1803; IFE 189; IFE 190; IFE

191; IFE 192; IFE 193; IFE 194; IFE 195; IFE 196; IFE 213; IFE 2143; IFE 215; IFE 2163; IFE 217; IFE 218; IFE 219; IFE 220; IFE 221; IFE 222; IFE 223, IFE 224; IFE 225; IFE 226; IFE 227; IFE 2383; IFE 239; IFE 2413; IFE 250; IFE 251; IFE 252, IFE 253; IFE 254; IFE 255; IFE 267; IFE 268; IFE 269; IFE 270; IFE 271; IFE 272; IFE 273 and IFE 274. In addition, other infringing products may be accused through the discovery process as they are identified in discovery or otherwise.

12. 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.

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

14. 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.

15. 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.

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

PRAYER FOR RELIEF

WHEREFORE, Epson prays judgment against Defendants as follows:

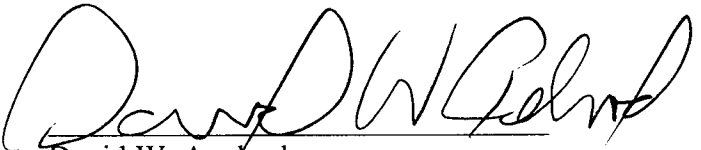
- A. That the Epson Patents are valid and enforceable;
- B. That Defendants have infringed and are infringing the Epson Patents; and that such infringement is willful;
- C. That Defendants and their subsidiaries, affiliates, parents, successors, assigns, officers, agents, representatives, servants, and 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: April 21ST, 2005

SCHWABE, WILLIAMSON & WYATT, P.C.

By: 
David W. Axelrod
Attorneys for Plaintiffs
Seiko Epson Corporation, Epson
America, Inc., and Epson Portland, Inc.

Harold A. Barza (Cal. Bar No. 80888)
E-mail: halbarza@quinnemanuel.com
Steven M. Anderson (Cal. Bar No. 144014)
E-mail: stevenanderson@quinnemanuel.com
Ryan S. Goldstein (Cal. Bar No. 208444)
E-mail: ryangoldstein@quinnemanuel.com
QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP
865 South Figueroa Street, 10th Floor
Los Angeles, California 90017-2543
Telephone (213) 624-7707
Fax (213) 624-0643