

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

K.MIZRA LLC,

Plaintiff,

v.

KONICA MINOLTA, INC. and KONICA
MINOLTA BUSINESS SOLUTIONS
U.S.A., INC.,

Defendants.

Case No.: 1:23-CV-3367

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff K.Mizra LLC (“Plaintiff” or “K.Mizra”), for its Complaint with Jury Demand for Patent Infringement against Konica Minolta, Inc. and Konica Minolta Business Solutions U.S.A., Inc. (collectively “Defendant” or “Konica Minolta”), alleging, based on its own knowledge as to itself and its own actions and based on information and belief as to all other matters, states as follows:

I. INTRODUCTION

A. Sharp and Its Innovations

1. Sharp Corporation (“Sharp”) is a Japanese multinational company that has for more than a century conceived, designed, manufactured and sold, first in Japan and then worldwide, various innovative products. Indeed, the company was founded in 1912 in Tokyo and takes its name from one of its founder’s first inventions, the Ever-Sharp mechanical pencil. Sharp currently employs more than 50,000 people worldwide and has been inventing the future in numerous existing and emerging product categories for decades.

2. For more than sixty years now, Sharp has been heavily involved in the electronics products business, developing the first Japanese-produced televisions in 1953 and its Mobile Communications Division created the world's first camera phone in 2000. Sharp also was then investing heavily in its document product and solutions division, earning high praise and prestigious awards from various industry publications and insiders for innovations in printer, copier, and facsimile technologies it was developing and introducing to the market. Indeed, many of these innovations changed these product categories forever and helped to establish multifunction printers, i.e., all-in-one copier, printing, faxing and scanning devices ("MFPs"), as a mainstay of the modern office. These products take many forms, with one such Sharp device being shown below:



3. Sharp's MFPs were precision engineered to make device setup easier and faster than previously available and to provide easy-to-use, efficient and effective multi-level document production and assembly functionality to the modern and typical office worker. Sharp's integrated product design and engineering approach to developing these state-of-the-art MFP's resulted in providing those office workers increased workflow efficiency, exceptional image quality and an industry standard ease of product operation, control, management, and maintenance, helping to take its customer's business to the next level of productivity and performance.

4. Given its culture of innovation and recognizing that its industry changing concepts often were emulated by "Johnny-come-lately" competitors, Sharp took pains to document and protect its various MFP-focused inventions. These took the form of, among other things, filing and prosecuting to issuance many patents covering various aspects of the technologies it had developed and incorporated over time into its various MFP products. These patents were issued in many countries, including the United States, Germany and Japan. As is too often the case, though, these protections were not self-policing in the MFP industry, with many of Sharp's competitors having taken its patented technologies for themselves and incorporating them into their commercial MFP offerings, but without providing Sharp the economic credit deserved for its many, many efforts and advancements. This case concerns just such a situation.

B. K.Mizra and This Action

5. K.Mizra is a patent licensing company run by experienced management. The company focuses on high value, high quality patents with a global reach and owns patent portfolios originating with a wide array of inventors, including portfolios developed by well-known multinationals such as IBM and ZTE and from research institutes such as National Chiao Tung University and Nederlandse Organisatie voor Toegepast Natuurwetenschappelijk Onderzoek

(Netherlands Organization for Applied Scientific Research). By focusing on high-quality patents, K.Mizra provides a secondary market for inventors to recoup their research and development investments and to continue their innovations. K.Mizra offers licenses to its patents on reasonable terms and in this way plays a part in the development of the technologies that make all our lives better.

6. Sharp transferred its MFP-focused patents to K.Mizra, which now brings this action to enforce these valid and subsisting United States patent rights. K.Mizra is the owner by assignment of all rights, title, and interests in and to the patents discussed below (“the Asserted Patents”).

II. PARTIES

7. Plaintiff is a limited liability company organized and existing under the laws of the State of Delaware and maintains a business address at 777 Brickell Avenue, #500-96031, Miami, Florida 33131.

8. Defendant Konica Minolta, Inc. is a corporation organized and existing under the laws of Japan, with a principal place of business at JP TOWER, 2-7-2 Marunouchi, Chiyoda-ku, Tokyo 100-7015, Japan.

9. Defendant Konica Minolta Business Solutions U.S.A., Inc. is a corporation organized and existing under the laws of New York, with its place of business at 100 Williams Drive, Ramsey, New Jersey, 07446. Defendant has a registered agent at Illinois Corporation Service Company, 801 Adlai Stevenson Drive, Springfield, Illinois 62703. Konica Minolta Business Solutions U.S.A., Inc. is a wholly-owned subsidiary of Konica Minolta, Inc.

10. On information and belief, Konica Minolta, Inc. and Konica Minolta Business Solutions U.S.A., Inc. have acted in concert with respect to the conduct complained of herein such that the conduct of one is attributable to the other and vice versa.

III. JURISDICTION AND VENUE

11. This is an action for patent infringement under the patent laws of the United States, namely, 35 U.S.C. §§ 101 *et seq.*, 271, 281, and 284, among others. This Court has original subject matter jurisdiction over this dispute pursuant to 28 U.S.C. §§ 1331 and 1338(a).

12. Defendant is subject to this Court's specific and general personal jurisdiction, pursuant to due process and the Illinois Long-Arm Statute, due at least to its business in this forum, including at least a portion of the infringements alleged herein. Furthermore, Defendant is subject to this Court's specific and general personal jurisdiction because Defendant maintains a place of business within Illinois.

13. Without limitation, within this state, Defendant has used the patented inventions thereby committing, and continuing to commit, acts of patent infringement alleged herein. In addition, Defendant has derived revenues from its infringing acts occurring within Illinois. Further, Defendant is subject to the Court's general jurisdiction, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and deriving substantial revenue from goods and services provided to persons or entities in Illinois. Further, Defendant is subject to the Court's personal jurisdiction at least due to its sale of products and/or services within Illinois. Defendant has committed such purposeful acts and/or transactions in Illinois such that it reasonably should know and expect that it could be haled into this Court as a consequence of such activity.

14. Venue is proper in this district under 28 U.S.C. § 1400(b) because Defendant has committed and continues to commit acts of patent infringement in this district, including using, offering to sell, and/or selling Accused Products in this district, including by Internet sales and sales via retail and wholesale stores, and Konica Minolta has a regular and established place of business in this district, including at 500 W. Madison Street, Suite 400, Chicago, Illinois 60661.

IV. FACTUAL ALLEGATIONS

A. The Asserted Patents

1. U.S. Patent 7,449,274

15. On November 11, 2008, the United States Patent and Trademark Office (“USPTO”) duly and legally issued U.S. Patent No. 7,449,274 (“the ’274 Patent”) entitled “Toner for Electrostatic Image Development and Image Forming Method Using the Same” to Sharp. Sharp assigned the ’274 Patent to K.Mizra and that Assignment is recorded beginning at Reel/Frame No. 054223/0499 of the USPTO Assignment database. A copy of the ’274 Patent is attached hereto as **Exhibit A** and incorporated herein, in its entirety, by reference.

16. The ’274 Patent is directed towards a composition of toner where certain percentages of the toner particles fall within or outside of specified sizes, and the toner also includes an additive. The ’274 Patent toner composition has been shown to outperform other previously known toner compositions in a number of ways. Claim 1 of the ’274 Patent states:

A toner for electrostatic image development, comprising toner particles in which not more than 13 percent by number of the toner particles have a particle diameter of smaller than 4 μm , not less than 20 percent by number of the toner particles have a particle diameter of 4 μm to 6 μm , not more than 2.0 percent by volume of the toner particles have a particle diameter of 16 μm or greater, wherein the toner particles have a volume average diameter of 4 μm to 9 μm and at least an external additive is added to the toner particles.

17. Konica Minolta has made, used, sold, offered for sale, and/or imported toner cartridges that infringe at least Claim 1 of the '274 Patent. An exemplary infringing toner cartridge is the Konica Minolta TN321K toner cartridge, shown below:



18. The Konica Minolta TN321K toner cartridge contains toner for electrostatic image development using a Konica Minolta printer or copier. An independent third-party analysis of the contents of the Konica Minolta TN321K toner cartridge revealed toner particles in which at most $100 - 96.6 = 3.4$ percent by number of the particles within the cartridge have a particle diameter smaller than $4 \mu\text{m}$, and at least 96.6 percent by number of the toner particles have a particle diameter of $4 \mu\text{m}$ or greater, as shown in the below chart:

Particle Diameter μm	Konica TN3 _L#3120542A _298.#m4 Number >	Number % >	Volume μm^3 >	Volume % >
1	51553	100	6481189	100
2	51553	100	6481189	100
3	50581	98.1	6473349	99.9
4	49809	96.6	6454801	99.6
5	43633	84.6	6125328	94.5
6	26090	50.6	4555836	70.3
8	1766	3.43	587858	9.07
10	27.90	0.054	31222	0.48
12	7	0.014	18708	0.29
15	4	0.0078	15025	0.23
17	1	0.0019	9001	0.14
20	1	0.0019	9001	0.14
25	1	0.0019	9001	0.14

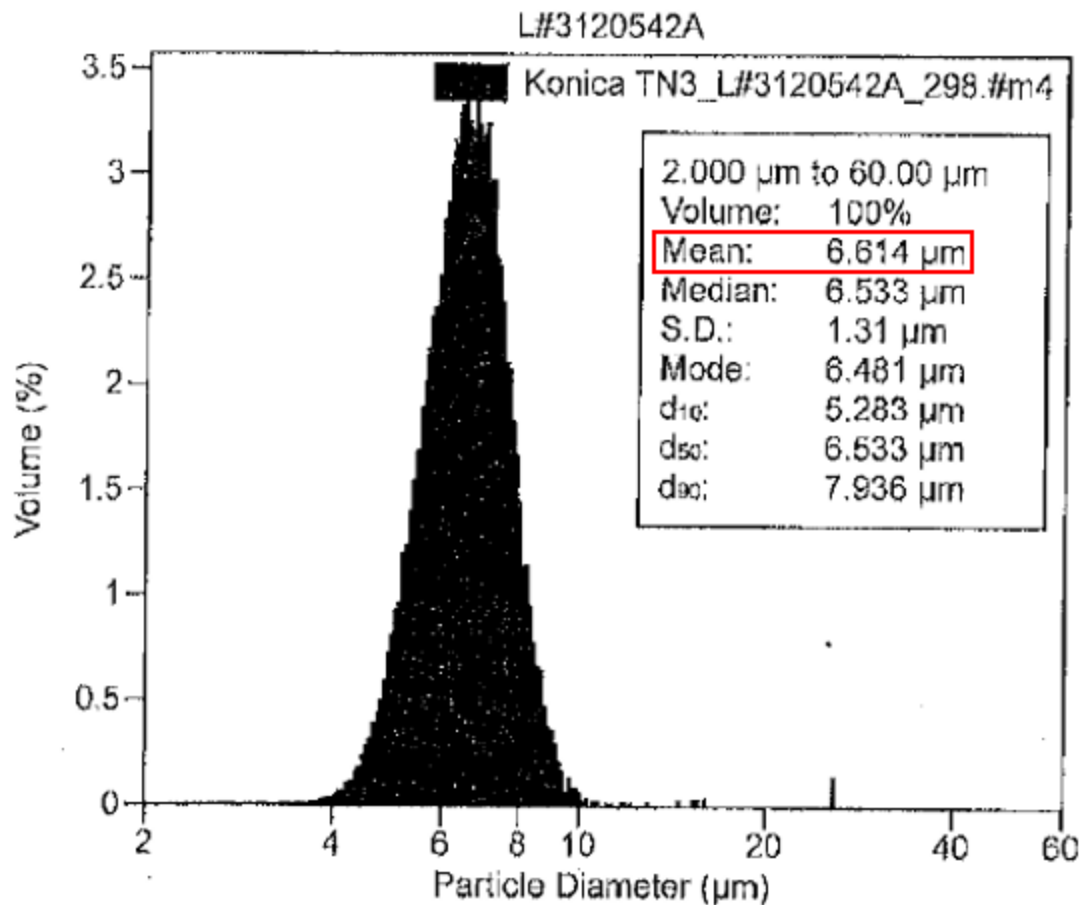
19. The analysis further confirmed that the Konica Minolta TN321K toner cartridge comprises toner particles in which at least $96.6 - 50.6 = 46$ percent by number of toner particles, with these particles having a diameter of $4 \mu\text{m}$ to $6 \mu\text{m}$, as shown in the below chart:

Particle Diameter μm	Konica TN3 _L#3120542A _298.#m4 Number >	Number % >	Volume μm^3 >	Volume % >
1	51553	100	6481189	100
2	51553	100	6481189	100
3	50581	98.1	6473349	99.9
4	49809	96.6	6454801	99.6
5	43633	84.6	6125328	94.5
6	26090	50.6	4555836	70.3
8	1766	3.43	587858	9.07
10	27.90	0.054	31222	0.48
12	7	0.014	18708	0.29
15	4	0.0078	15025	0.23
17	1	0.0019	9001	0.14
20	1	0.0019	9001	0.14
25	1	0.0019	9001	0.14

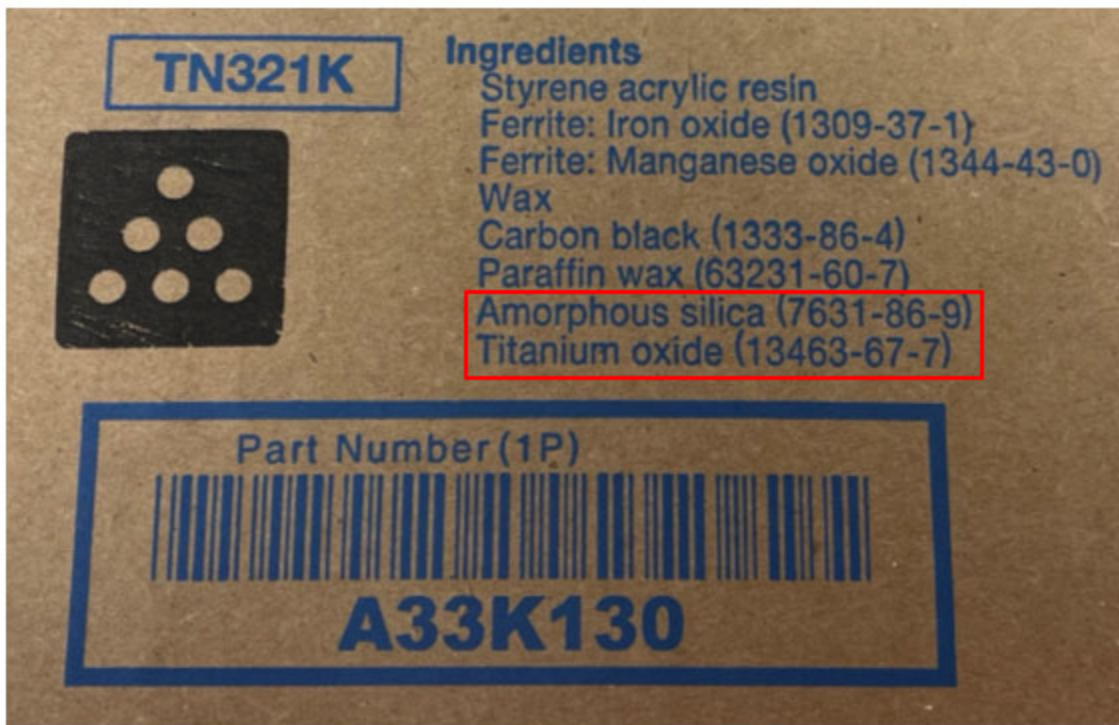
20. The analysis further confirmed that the Konica Minolta TN321K cartridge comprises toner particles in which at most 0.23 percent by volume of the toner particles have a particle diameter of 15 μm or greater, as shown in the below chart:

Particle Diameter μm	Konica TN3 _L#3120542A _298.#m4 Number >	Number % >	Volume μm^3 >	Volume % >
1	51553	100	6481189	100
2	51553	100	6481189	100
3	50581	98.1	6473349	99.9
4	49809	96.6	6454801	99.6
5	43633	84.6	6125328	94.5
6	26090	50.6	4555836	70.3
8	1766	3.43	587858	9.07
10	27.90	0.054	31222	0.48
12	7	0.014	18708	0.29
15	4	0.0078	15025	0.23
17	1	0.0019	9001	0.14
20	1	0.0019	9001	0.14
25	1	0.0019	9001	0.14

21. The analysis further confirmed that the Konica Minolta TN321K cartridge comprises toner particles having a volume mean (average) diameter of 6.614 μm , as the below graph confirms:



22. Finally, analysis confirmed that the Konica Minolta TN321K cartridge comprises toner in which an external additive comprising SiO₂ (silica) and TiO (titanium oxide) is added to the toner particles. Silica and titanium oxide are identified as additives in the specification of the '274 Patent.



2. **U.S. Patent 7,570,400**

23. On August 4, 2009, the USPTO duly and legally issued U.S. Patent No. 7,570,400 (“the ’400 Patent”) entitled “Document Reading Device” to Sharp. Sharp assigned the ’400 Patent to K.Mizra and that Assignment is recorded beginning at Reel/Frame No. 054223/0499 of the USPTO Assignment database. A copy of the ’400 Patent is attached hereto as **Exhibit C** and incorporated herein, in its entirety, by reference.

24. The ’400 Patent claims inventions over printer devices including automatic document feeders (“ADFs”) and is directed to an arrangement where there is a movable member on the bottom side of the ADF that pivots perpendicular to the paper transport path and covers a portion of the paper transport path. The movable member allows access to the transport path to remove jammed paper. The bottom side of the feeder also contains a flexible sheet to hold paper onto a glass copying surface, or platen. This flexible sheet is attached away from the pivot point

of the movable member to avoid creasing the flexible sheet over time. Claim 1 of the '400 Patent is directed to at least some of these concepts and states:

A document reading device configured to read an image of an original document placed on a document platen, comprising:

a document tray for an original document to be stacked thereon;

an output tray for receiving the original document that is output after an image thereof is read;

a document transport path on which the original document is transported, the original transport path leading from the document tray through an image reading area to the output tray;

a movable member that serves as part of a bottom surface of the document reading device, the movable member being supported pivotably around a pivot axis that is perpendicular to a document transport direction on the document transport path, and the movable member having a free end and a pivotal end; and

a document holder that includes a flexible sheet, the document holder being positioned so as to extend over the whole length and breadth of the document platen,

wherein the movable member is pivotable from a position to cover a portion of the document transport path to a position to expose the portion toward the document platen, and


wherein the document holder is fixed at portions other than a portion that is positioned immediately below the pivot axis, to the bottom surface of the document reading device.

25. Multiple Konica Minolta MFPs meet all limitations of Claim 1 of the '400 Patent.

In particular, Konica Minolta MFPs on which a Konica Minolta dual-scan reverse automatic document feeder (“RADF”) is installed meet all limitations of Claim 1 of the '400 Patent. For example, the Konica Minolta MFP model bizhub C250i is a document reading device configured to read images of documents. The bizhub C250i contains a flatbed scanner with the claimed document platen, *i.e.* flatbed scanner, where an original document can be placed, as shown below:

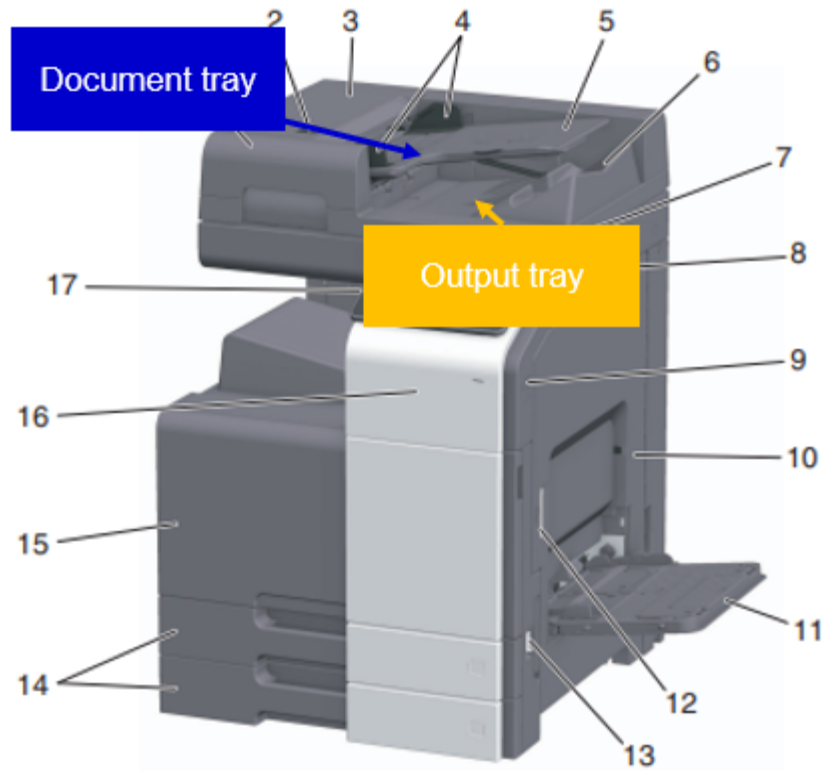
7.1.2 Placing the original on the Original Glass

This function is useful when you want to scan a small original such as a book, magazine, or business card.

- Place the original with the scanning side facing down.
- Align the original with the  mark at the left back of the **Original Glass**.

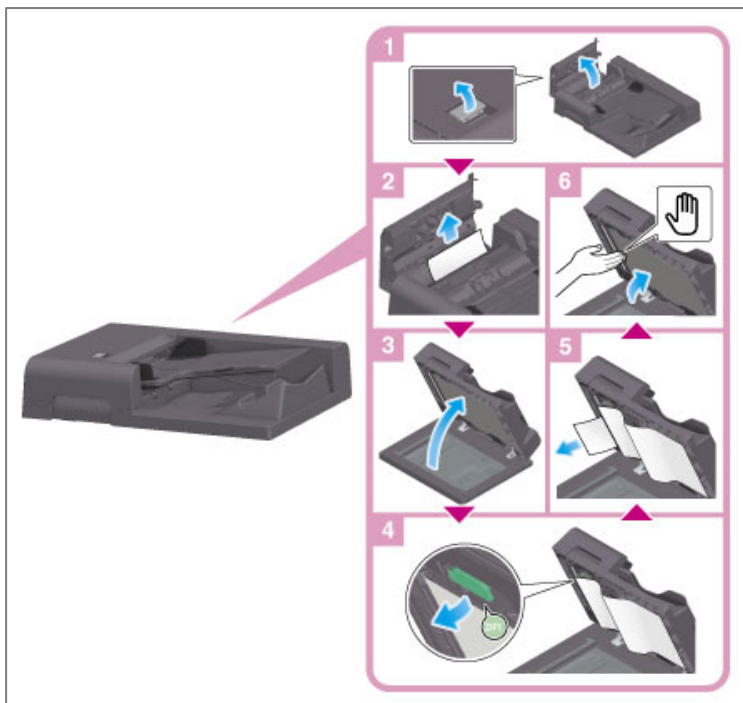


26. The bizhub C250i also contains an RADF with a document tray where original documents can be stacked to be scanned, and an output tray that receives the original documents output after scanning.



27. The bizhub C250i transports documents to be scanned along a set path by a series of rollers from the document tray, through an area where they are read by the RADF and output to the output tray, all as disclosed and claimed by the '400 Patent.

28. The RADF of the bizhub C250i also contains a movable RADF bottom door, opposite the flatbed scanner platen. That door is part of a bottom surface of the RADF and is attached pivotably to the RADF by a hinge along its side and perpendicular to the flow of documents. The other end of the RADF bottom door moves freely and can swing open exposing the usually hidden rollers located along the document transport path and that flow over the RADF bottom door.



29. On the bottom of the bizhub C250i's RADF, there is a flexible white sheet of material called an "Original Pad" that acts to hold documents in place on the flatbed scanner and acts as a neutral background for document reading. The document-holding sheet is attached to the flat bottom surface of the RADF and the base of the RADF bottom door at a number of fixed points. These fixed points are not immediately below the pivot axis of the ADF bottom door as claimed.



3. U.S. Patent No. 7,840,165

30. On November 23, 2010, the USPTO duly and legally issued U.S. Patent No. 7,840,165 (“the ’165 Patent”) entitled “Toner Replenishing Apparatus, Image Forming Apparatus, and Color Image Forming Apparatus” to Sharp. Sharp assigned the ’165 Patent to K.Mizra and that Assignment is recorded beginning at Reel/Frame No. 054223/0499 of the USPTO Assignment database. A copy of the ’165 Patent is attached hereto as **Exhibit E** and incorporated herein, in its entirety, by reference.

31. The ’165 Patent is directed to a toner replenishing apparatus that allows easy removal of toner replenishing containers (such as toner cartridges). The claimed device includes displacement mechanisms that allow toner replenishing containers to be displaced from secure operative positions for removal and replacement.

32. Claim 1 of the ’165 Patent is directed to at least some of these concepts and states:

A toner replenishing apparatus comprising:

a toner replenishing container for accommodating toner to be replenished to a developing device;

a container holding member for holding the toner replenishing container in a detachable manner;

a displacement mechanism for displacing the toner replenishing container from a position where the toner replenishing container is held by the container holding member; and

a retaining member for retaining the toner replenishing container securely in the container holding member,

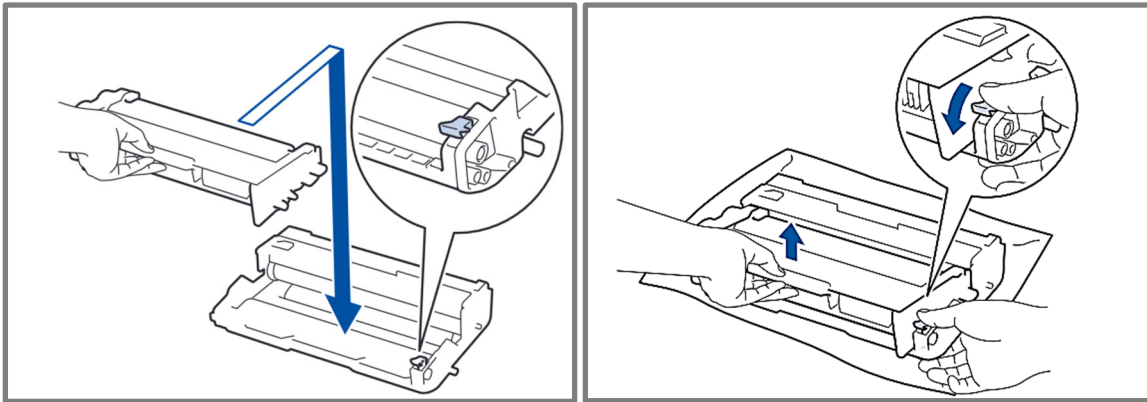
wherein the displacement mechanism effects displacement of the toner replenishing container in conjunction with a release of the toner replenishing container from a retaining action of the retaining member, and

the displacement mechanism includes a hook portion formed in the retaining member and an engagement portion formed in the toner replenishing container, the engagement portion being engaged with the hook portion under a condition that the toner replenishing container is released from the retaining action of the retaining member.

33. A Konica Minolta imaging unit such as the IUP37, combined with a toner cartridge such as a TNP-78, is a toner replenishing apparatus. The toner cartridge is a toner replenishing container for accommodating toner to be replenished to a developing device, *i.e.* the developing equipment in a Konica Minolta MFP.



34. The IUP37 comprises a container holding member for holding the toner cartridge (the toner replenishing container). The IUP37 holds the toner cartridge in a detachable manner. The toner cartridge can be inserted into and removed from the IUP37.

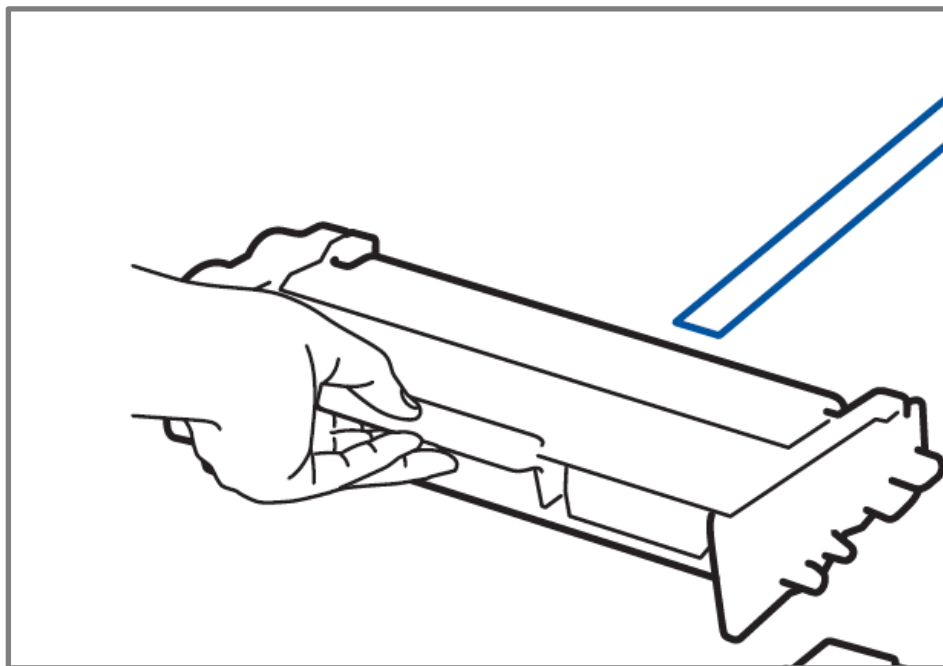


35. The IUP37 has a displacement mechanism activated by the lock lever. When the lock lever is pressed, the toner cartridge (toner replenishing container) comes out (is displaced) from the grooves of the IUP37 (container holding member) holding the toner cartridge (toner replenishing container).

36. The IUP37 comprises a retaining member for retaining the toner replenishing container securely in the container holding member. When the lock lever is in a locked position, the toner cartridge is securely retained within the IUP37.

37. The displacement mechanism associated with the lock lever effects displacement of the toner cartridge in conjunction with a release of the toner cartridge from a retaining action of the retaining member. When the lock lever is pressed, the toner cartridge is released (no longer retained securely) and removed (displaced) from the IUP37.

38. The displacement mechanism includes a hook portion formed in the retaining member. This is evident at least from the protruding engagement portion on the toner cartridge, which engages with the displacement mechanism under a condition that the toner cartridge is released from the retaining action of the retaining member.



4. U.S. Patent 9,769,342

39. On September 19, 2017, the USPTO duly and legally issued U.S. Patent No. 9,769,342 (“the ’342 Patent”) entitled “Electric Apparatus” to Sharp. Sharp assigned the ’342

Patent to K.Mizra and that Assignment is recorded beginning at Reel/Frame No. 054223/0499 of the USPTO Assignment database. A copy of the '342 Patent is attached hereto as **Exhibit G** and incorporated herein, in its entirety, by reference.

40. The '342 Patent is directed to an electric apparatus, such as numerous of Konica Minolta's MFPs, that have a control panel user interface that can exist in both active and power save states. The '342 Patent discloses a device and method that "wakes" the electrical device from a power save state if the device is in hibernation or sleep mode or initiates some user function if the device is in its operational state.

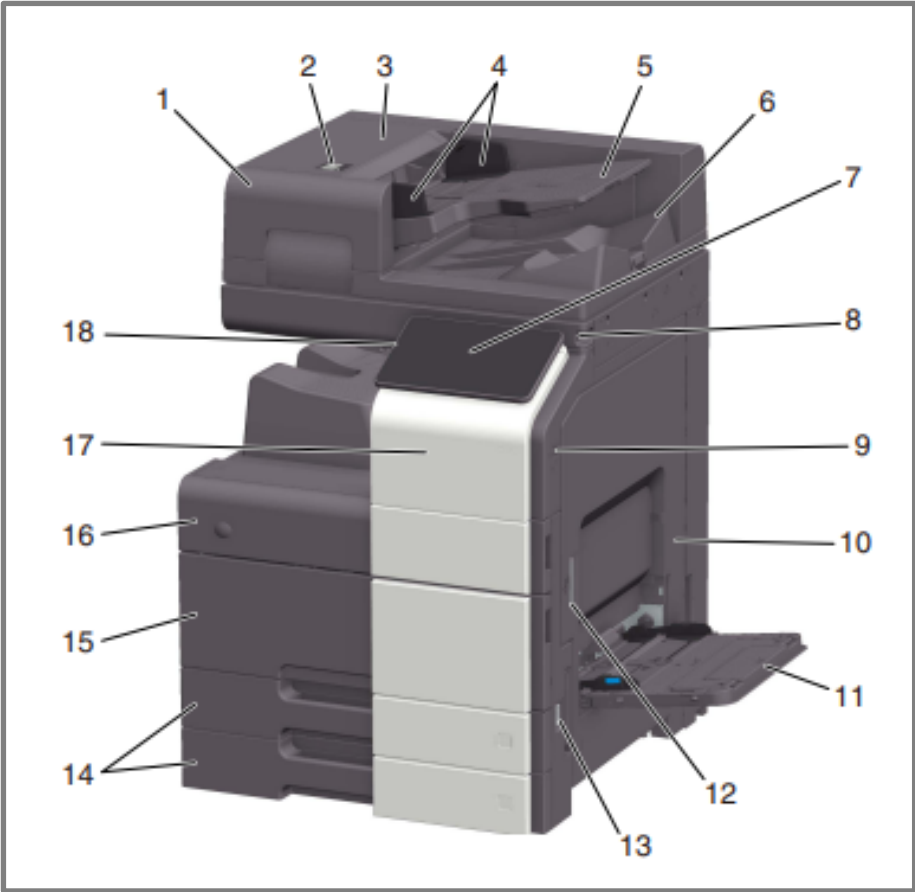
41. Claim 1 of the '342 Patent is directed to at least some of these concepts and states:

An electric equipment including a reception unit configured to receive an instruction relating to functions of the electric equipment by an operation of a user and having operation states of a power conserving state in which power required for performing the functions thereof is limited and a normal state in which the power is not limited, the electric equipment comprising:

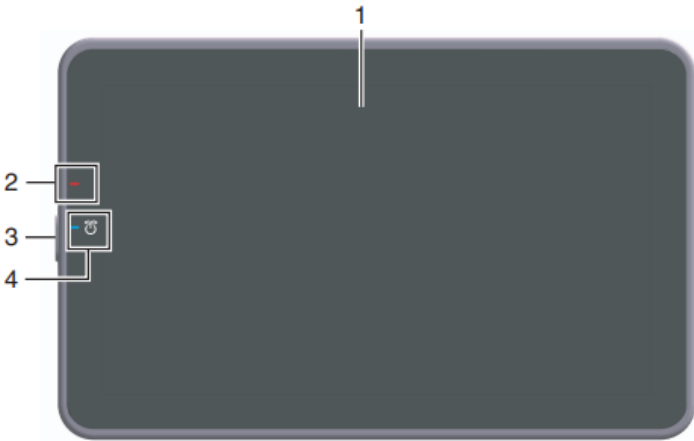
a signal output unit configured to output signals of different levels depending on the operation state when the reception unit receives the instruction from the user; and

a control signal unit configured to selectively output a return signal relating to a return to the normal state or an execution signal relating to an execution of a function corresponding to the instruction received by the reception unit, based on the signal output from the signal output unit.

42. Multiple Konica Minolta MFPs meet all limitations of the Claim 1 of the '342 Patent. For example, the Konica Minolta MFP model bizhub C650i is an electric equipment that includes a reception unit (*i.e.*, touch panel in the control panel) configured to receive instructions related to the functions of the MFP. A user can use the touch panel to carry out different printer operations (printing, scanning, etc.).



6.1 Control Panel



No.	Name	Description
1	Touch Panel	Displays setting screens and messages. Directly press this panel to carry out operations.

43. The bizhub C650i has at least two different operation states. One is a power conserving state (*i.e.*, Low Power Mode or Sleep Mode) and the second is the normal state (*i.e.*, the normal mode). The Low Power Mode and Sleep Mode limit the power supply/consumption for the MFP.

Setting	Description
[Low Power Mode Setting]	<p>Change the time required to automatically shift to the Low Power mode after you did not operate this machine (default: [15] minutes, available range: [2] to [60] minutes).</p> <p>In the Low Power mode, the display of the Touch Panel is turned off to reduce power consumption.</p>
[Sleep Mode Setting]	<p>Change the time required to automatically shift to the Sleep mode after you did not operate this machine (default: [15] minutes, available range: [2] to [60] minutes).</p> <p>Sleep mode provides a greater power saving effect than the Low Power mode. However, the time required to return to the normal mode is longer than the time required to recover from the Low Power mode.</p>

44. When a user touches the panel of the bizhub C650i, an operation is triggered depending upon the operation state of the MFP. The user gives the instruction to the MFP using the reception unit (the touch panel). The touch panel is connected to a signal output unit or equivalent component that outputs a signal for a control signal unit (a processor or a controller) depending on the operation state. In a power save state, touching the panel outputs a signal that “wakes” the MFP. In a normal state, touching the panel outputs an operation signal corresponding to the selected operation (*e.g.*, scanning or copying a document).

[Awake from Power Save Mode by Touching Control Panel]	<p>When recovering the machine from Power Save mode when a user moves closer to the Touch Panel, set this option to ON (default: ON).</p> <p><input checked="" type="checkbox"/> [Touch sensitivity adjustment]: Specify the sensitivity of Touch Panel reaction (default: [0]). The higher the number, the greater the sensitivity and reaction speed will be of the touch panel.</p>
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45. The outcome of the touch input varies based on touching the panel in the normal or the power saving state. The bizhub 650i has a control signal unit (a controller or a processor) that outputs a return signal “waking” the MFP (returning the MFP to the normal state) if the MFP is in a power saving mode, or outputs an execution signal relating to the execution of a selected function corresponding to the touch panel selection if the MFP is in normal mode. The return signal and execution signals are based on the signal output from the signal output unit corresponding to the user input.

V. FIRST CLAIM FOR RELIEF
(Count I – Patent Infringement of U.S. Patent No. 7,499,274)

46. Plaintiff repeats and re-alleges the allegations above in Paragraphs 1– 22 as if fully set forth herein.

47. The '274 Patent includes 7 claims. Konica Minolta directly infringes, either literally or under the doctrine of equivalents, at least Claim 1 of the '274 Patent by making, using, selling, offering for sale, and/or importing infringing toner cartridges that meet all limitations of at least Claim 1 of the '274 Patent, including but not limited to the TN321K toner cartridge as shown in the '274 Patent Preliminary Claim Chart, attached as **Exhibit B** and incorporated herein by reference.

48. Konica Minolta is thus liable for direct infringement of the '274 Patent pursuant to 35 U.S.C. § 271(a).

49. At least as of the filing of this Complaint, Konica Minolta has knowledge of the '274 Patent and of Konica Minolta's infringement thereof.

50. At least as of the filing of this Complaint, Konica Minolta's infringement of the '274 Patent is willful.

51. Konica Minolta's acts of infringement occurred within this District and elsewhere throughout the United States.

52. Konica Minolta is liable to Plaintiff in an amount that adequately compensates it for Konica Minolta's infringement in an amount that is not less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

53. Plaintiff has been damaged and will suffer additional damages and irreparable harm unless Konica Minolta is enjoined from further infringement under 35 U.S.C. § 283.

VI. SECOND CLAIM FOR RELIEF
(Count II – Patent Infringement of U.S. Patent No. 7,570,400)

54. Plaintiff repeats and re-alleges the allegations above in Paragraphs 1 – 14 and 23 – 29 as if fully set forth herein.

55. The '400 Patent includes 4 claims. Konica Minolta has been and is directly infringing, either literally or under the doctrine of equivalents, at least Claim 1 of the '400 Patent by making, using, selling, offering for sale, and/or importing infringing MFPs, including but not limited to the bizhub C250i as shown in the '400 Patent Preliminary Claim Chart, attached as **Exhibit D** and incorporated herein by reference.

56. Konica Minolta is thus liable for direct infringement of the '400 Patent pursuant to 35 U.S.C. § 271(a).

57. Since no later than July 21, 2021, Konica Minolta has had knowledge of the '400 Patent and of Konica Minolta's infringement thereof.

58. Since no later than July 21, 2021, Konica Minolta's infringement of the '400 Patent has been and continues to be willful.

59. Konica Minolta's acts of infringement have occurred within this District and elsewhere throughout the United States.

60. Konica Minolta is liable to Plaintiff in an amount that adequately compensates it for Konica Minolta's infringement in an amount that is not less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

61. Plaintiff has been damaged and will suffer additional damages and irreparable harm unless Konica Minolta is enjoined from further infringement under 35 U.S.C. § 283.

VII. THIRD CLAIM FOR RELIEF
(Count III – Patent Infringement of U.S. Patent No. 7,840,165)

62. Plaintiff repeats and re-alleges the allegations above in Paragraphs 1 – 14 and 30 – 38 as if fully set forth herein.

63. The '165 Patent includes 9 claims. Konica Minolta has been and is directly infringing, either literally or under the doctrine of equivalents, at least Claim 1 of the '165 Patent by making, using, selling, offering for sale, and/or importing infringing imaging units, including but not limited to the IUP37 in conjunction with compatible toner cartridges as shown in the '165 Patent Preliminary Claim Chart, attached as **Exhibit F** and incorporated herein by reference.

64. Konica Minolta is thus liable for direct infringement of the '165 Patent pursuant to 35 U.S.C. § 271(a).

65. Since no later than November 15, 2021, Konica Minolta has had knowledge of the '400 Patent and of Konica Minolta's infringement thereof.

66. Since no later than November 15, 2021, Konica Minolta's infringement of the '400 Patent has been and continues to be willful.

67. Konica Minolta's acts of infringement have occurred within this District and elsewhere throughout the United States.

68. Konica Minolta is liable to Plaintiff in an amount that adequately compensates it for Konica Minolta's infringement in an amount that is not less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

69. Plaintiff has been damaged and will suffer additional damages and irreparable harm unless Konica Minolta is enjoined from further infringement under 35 U.S.C. § 283.

VIII. FOURTH CLAIM FOR RELIEF
Count IV – Patent Infringement of U.S. Patent No. 9,769,342)

70. Plaintiff repeats and re-alleges the allegations above in Paragraphs 1 – 14 and 39 – 45 as if fully set forth herein.

71. The '342 Patent includes 3 claims. Konica Minolta has been and is directly infringing, either literally or under the doctrine of equivalents, at least Claim 1 of the '342 Patent by making, using, selling, offering for sale, and/or importing infringing MFPs, including but not limited to the bizhub C650i as shown in the '342 Patent Preliminary Claim Chart, attached as **Exhibit H** and incorporated herein by reference.

72. Konica Minolta is thus liable for direct infringement of the '342 Patent pursuant to 35 U.S.C. § 271(a).

73. At least as of the filing of this Complaint, Konica Minolta has knowledge of the '342 Patent and of Konica Minolta's infringement thereof.

74. At least as of the filing of this Complaint, Konica Minolta's infringement of the '342 Patent is willful.

75. Konica Minolta's acts of infringement have occurred within this District and elsewhere throughout the United States.

76. Konica Minolta is liable to Plaintiff in an amount that adequately compensates it for Konica Minolta's infringement in an amount that is not less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

77. Plaintiff has been damaged and will suffer additional damages and irreparable harm unless Konica Minolta is enjoined from further infringement under 35 U.S.C. § 283.

IX. PRAYER FOR RELIEF

K.Mizra requests that the Court find in its favor and against Konica Minolta, and that the Court grant K.Mizra the following relief:

A. Judgment that one or more claims of the Asserted Patents have been infringed, either literally and/or under the doctrine of equivalents, by Konica Minolta;

B. Ordering that Konica Minolta, its officers, directors, agents, servants, employees, privies, representatives, attorneys, parent and subsidiary corporations or other related entities, successors, assigns, licensees, retail distributors, and all persons in active concert or participation with any of them, be preliminary and permanently enjoined from further acts of infringement of the unexpired Asserted Patents;

C. Awarding damages in an amount to be proven at trial, but in no event less than a reasonable royalty, for Konica Minolta's infringement;

D. Judgment that Konica Minolta account for and pay to K.Mizra all damages to, including a reasonable royalty, and costs incurred by K.Mizra because of Konica Minolta's infringing activities and other conduct complained of herein, including an award of all increased damages to which K.Mizra is entitled under 35 U.S.C. § 284 including treble damages for any infringement found to be willful;

E. Declaring this an exceptional case and awarding K.Mizra its attorneys' fees and costs in accordance with 35 U.S.C. § 285;

F. Pre-judgment and post-judgment interest on the damages caused to K.Mizra by reason of Konica Minolta's infringing activities and other conduct complained of herein; and

G. Such other and further relief as the Court may deem just and proper under the circumstances.

X. DEMAND FOR JURY TRIAL

K.Mizra requests a trial by jury pursuant to Fed. R. Civ. P. 38.

Dated: May 26, 2023.

Respectfully submitted,

/s/ Matthew G. McAndrews

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