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U.S. DISTRICT COURT - MARSHALL

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

BY

\_\_\_\_\_  
XEROX CORPORATION, )  
 )  
 ) Plaintiff, )  
 )  
 ) v. )  
 )  
 ) SHARP CORPORATION a k a. SHARP )  
 ) KABUSHIKI KAISHA and )  
 ) SHARP ELECTRONICS )  
 ) CORPORATION, )  
 )  
 ) Defendants )  
\_\_\_\_\_ )

Case No. 2-06CV-187 TJW

**JURY TRIAL DEMANDED**

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff Xerox Corporation ("Xerox") for its complaint against Defendants Sharp Corporation a.k.a. Sharp Kabushiki Kaisha ("Sharp Japan") and Sharp Electronics Corporation ("Sharp America") (collectively "Sharp"), hereby demands a jury trial and alleges as follows:

**THE PARTIES**

1. Plaintiff Xerox is a corporation organized under the laws of New York, having its principal place of business at 800 Long Ridge Road, Stamford, Connecticut 06904

2. On information and belief, defendant Sharp Japan is a corporation organized under the laws of Japan, having its principal place of business at 22-22 Nagaike-cho, Abeno-ku, Osaka 545-8522, Japan.

3. On information and belief, defendant Sharp America is the wholly owned United States sales and marketing subsidiary of Sharp Japan, and is a corporation organized under the

laws of New York, having its principal place of business at Sharp Plaza, Mahwah, New Jersey 07430. Sharp America has an agent for service of process in Texas, CI Corporation System, 350 N. St. Paul Street, Dallas, Texas 75201.

#### **JURISDICTION**

4. This Court has exclusive subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338 because this action arises under the Patent Laws of the United States, including 35 U.S.C. § 271 *et seq.* This Court has personal jurisdiction over Sharp because Sharp has established minimum contacts with the forum and the exercise of jurisdiction over Sharp would not offend traditional notions of fair play and substantial justice. On information and belief, Sharp has voluntarily conducted business and solicited customers in the State of Texas. Sharp has committed and continues to commit acts of patent infringement in the Eastern District of Texas.

#### **VENUE**

5. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400 because Sharp is subject to personal jurisdiction in this District. On information and belief, Sharp has voluntarily conducted business and sold patented products and/or products that perform patented processes in the Eastern District of Texas. Sharp has committed and continues to commit acts of patent infringement in the Eastern District of Texas.

#### **COUNT I - INFRINGEMENT OF U.S. PATENT NO. 6,236,470**

6. Xerox realleges and incorporates by reference the allegations in paragraphs 1 through 5 of this Complaint as though fully set forth herein.

7. United States Patent No. 6,236,470 (“the ‘470 patent”), entitled “Reflector and Light Source Registration Device for a Document Illuminator,” was duly and legally issued on

May 22, 2001. The '470 patent was duly and legally assigned to Xerox, and Xerox owns and has full rights to sue and recover damages for infringement of the '470 patent. A true and correct copy of the '470 patent is attached hereto as Exhibit A.

8. The '470 patent is valid and enforceable.

9. Sharp has infringed, and is still infringing, the '470 patent in at least this State and District by making, using, offering to sell, selling, and/or importing products that infringe one or more of the claims of the '470 patent.

10. Sharp has also contributed to and/or induced, and continues to contribute to and/or induce, the infringement of at least one claim of the '470 patent, in at least this State and District.

11. On information and belief, Sharp's infringement of the '470 patent has taken place, and continues to take place, with full knowledge of the '470 patent and has been, and continues to be, willful, deliberate, and intentional.

12. Sharp's infringement of the '470 patent has injured Xerox, and Xerox is entitled to recover damages adequate to compensate it for Sharp's infringement, which in no event can be less than a reasonable royalty.

13. Sharp has caused Xerox substantial damage and irreparable injury by its infringement of the '470 patent, and Xerox will continue to suffer damage and irreparable injury unless and until the infringement by Sharp is enjoined by this Court.

**COUNT II - INFRINGEMENT OF U.S. PATENT NO. 5,890,035**

14. Xerox realleges and incorporates by reference the allegations in paragraphs 1 through 5 of this Complaint as though fully set forth herein.

15. United States Patent No. 5,890,035 (“the ’035 patent”), entitled “Charging Device Module for Use with Print Cartridge,” was duly and legally issued on March 30, 1999. The ’035 patent was duly and legally assigned to Xerox, and Xerox owns and has full rights to sue and recover damages for infringement of the ’035 patent. A true and correct copy of the ’035 patent is attached hereto as Exhibit B.

16. The ’035 patent is valid and enforceable.

17. Sharp has infringed, and is still infringing, the ’035 patent in at least this State and District by making, using, offering to sell, selling, and/or importing products that infringe one or more of the claims of the ’035 patent.

18. Sharp has also contributed to and/or induced, and continues to contribute to and/or induce, the infringement of at least one claim of the ’035 patent, in at least this State and District.

19. On information and belief, Sharp’s infringement of the ’035 patent has taken place, and continues to take place, with full knowledge of the ’035 patent and has been, and continues to be, willful, deliberate, and intentional.

20. Sharp’s infringement of the ’035 patent has injured Xerox, and Xerox is entitled to recover damages adequate to compensate it for Sharp’s infringement, which in no event can be less than a reasonable royalty.

21. Sharp has caused Xerox substantial damage and irreparable injury by its infringement of the ’035 patent, and Xerox will continue to suffer damage and irreparable injury unless and until the infringement by Sharp is enjoined by this Court.

**COUNT III - INFRINGEMENT OF U.S. PATENT NO. 5,638,429**

22. Xerox realleges and incorporates by reference the allegations in paragraphs 1 through 5 of this Complaint as though fully set forth herein.

23. United States Patent No. 5,638,429 (“the ’429 patent”), entitled “Charge Code Entry in Preprogrammed Dialing,” was duly and legally issued on June 10, 1997. The ’429 patent was duly and legally assigned to Xerox, and Xerox owns and has full rights to sue and recover damages for infringement of the ’429 patent. A true and correct copy of the ’429 patent is attached hereto as Exhibit C.

24. The ’429 patent is valid and enforceable.

25. Sharp has infringed, and is still infringing, the ’429 patent in at least this State and District by making, using, offering to sell, selling, and/or importing products that infringe one or more of the claims of the ’429 patent.

26. Sharp has also contributed to and/or induced, and continues to contribute to and/or induce, the infringement of at least one claim of the ’429 patent, in at least this State and District.

27. On information and belief, Sharp’s infringement of the ’429 patent has taken place, and continues to take place, with full knowledge of the ’429 patent and has been, and continues to be, willful, deliberate, and intentional.

28. Sharp’s infringement of the ’429 patent has injured Xerox, and Xerox is entitled to recover damages adequate to compensate it for Sharp’s infringement, which in no event can be less than a reasonable royalty.

29. Sharp has caused Xerox substantial damage and irreparable injury by its infringement of the '429 patent, and Xerox will continue to suffer damage and irreparable injury unless and until the infringement by Sharp is enjoined by this Court

**COUNT IV - INFRINGEMENT OF U.S. PATENT NO. 5,430,536**

30. Xerox realleges and incorporates by reference the allegations in paragraphs 1 through 5 of this Complaint as though fully set forth herein.

31. United States Patent No. 5,430,536 ("the '536 patent"), entitled "Automatic Duplex and Simplex Document Handler for Electronic Input," was duly and legally issued on July 4, 1995. The '536 patent was duly and legally assigned to Xerox, and Xerox owns and has full rights to sue and recover damages for infringement of the '536 patent. A true and correct copy of the '536 patent is attached hereto as Exhibit D.

32. The '536 patent is valid and enforceable.

33. Sharp has infringed, and is still infringing, the '536 patent in at least this State and District by making, using, offering to sell, selling, and/or importing products that infringe one or more of the claims of the '536 patent.

34. Sharp has also contributed to and/or induced, and continues to contribute to and/or induce, the infringement of at least one claim of the '536 patent, in at least this State and District

35. On information and belief, Sharp's infringement of the '536 patent has taken place, and continues to take place, with full knowledge of the '536 patent and has been, and continues to be, willful, deliberate, and intentional.

36. Sharp's infringement of the '536 patent has injured Xerox, and Xerox is entitled to recover damages adequate to compensate it for Sharp's infringement, which in no event can be less than a reasonable royalty.

37. Sharp has caused Xerox substantial damage and irreparable injury by its infringement of the '536 patent, and Xerox will continue to suffer damage and irreparable injury unless and until the infringement by Sharp is enjoined by this Court.

**COUNT V - INFRINGEMENT OF U.S. PATENT NO. 5,339,139**

38. Xerox realleges and incorporates by reference the allegations in paragraphs 1 through 5 of this Complaint as though fully set forth herein.

39. United States Patent No. 5,339,139 ("the '139 patent"), entitled "Document Feeder with Positive Document Removal from Imaging Platen," was duly and legally issued on August 16, 1994. The '139 patent was duly and legally assigned to Xerox, and Xerox owns and has full rights to sue and recover damages for infringement of the '139 patent. A true and correct copy of the '139 patent is attached hereto as Exhibit E.

40. The '139 patent is valid and enforceable.

41. Sharp has infringed, and is still infringing, the '139 patent in at least this State and District by making, using, offering to sell, selling, and/or importing products that infringe one or more of the claims of the '139 patent.

42. Sharp has also contributed to and/or induced, and continues to contribute to and/or induce, the infringement of at least one claim of the '139 patent, in at least this State and District.

43. On information and belief, Sharp's infringement of the '139 patent has taken place, and continues to take place, with full knowledge of the '139 patent and has been, and continues to be, willful, deliberate, and intentional.

44. Sharp's infringement of the '139 patent has injured Xerox, and Xerox is entitled to recover damages adequate to compensate it for Sharp's infringement, which in no event can be less than a reasonable royalty.

45. Sharp has caused Xerox substantial damage and irreparable injury by its infringement of the '139 patent, and Xerox will continue to suffer damage and irreparable injury unless and until the infringement by Sharp is enjoined by this Court.

**COUNT VI - INFRINGEMENT OF U.S. PATENT NO. 5,265,859**

46. Xerox realleges and incorporates by reference the allegations in paragraphs 1 through 5 of this Complaint as though fully set forth herein.

47. United States Patent No. 5,265,859 ("the '859 patent"), entitled "Sheet Feed Apparatus," was duly and legally issued on November 30, 1993. The '859 patent was duly and legally assigned to Xerox, and Xerox owns and has full rights to sue and recover damages for infringement of the '859 patent. A true and correct copy of the '859 patent is attached hereto as Exhibit F.

48. The '859 patent is valid and enforceable.

49. Sharp has infringed, and is still infringing, the '859 patent in at least this State and District by making, using, offering to sell, selling, and/or importing products that infringe one or more of the claims of the '859 patent.



50. Sharp has also contributed to and/or induced, and continues to contribute to and/or induce, the infringement of at least one claim of the '859 patent, in at least this State and District.

51. On information and belief, Sharp's infringement of the '859 patent has taken place, and continues to take place, with full knowledge of the '859 patent and has been, and continues to be, willful, deliberate, and intentional

52. Sharp's infringement of the '859 patent has injured Xerox, and Xerox is entitled to recover damages adequate to compensate it for Sharp's infringement, which in no event can be less than a reasonable royalty.

53. Sharp has caused Xerox substantial damage and irreparable injury by its infringement of the '859 patent, and Xerox will continue to suffer damage and irreparable injury unless and until the infringement by Sharp is enjoined by this Court

**COUNT VII - INFRINGEMENT OF U.S. PATENT NO. 5,081,494**

54. Xerox realleges and incorporates by reference the allegations in paragraphs 1 through 5 of this Complaint as though fully set forth herein.

55. United States Patent No. 5,081,494 ("the '494 patent"), entitled "Job Supplement for Electronic Printing Machines," was duly and legally issued on January 14, 1992. The '494 patent was duly and legally assigned to Xerox, and Xerox owns and has full rights to sue and recover damages for infringement of the '494 patent. A true and correct copy of the '494 patent is attached hereto as Exhibit G.

56. The '494 patent is valid and enforceable.

57. Sharp has infringed, and is still infringing, the '494 patent in at least this State and District by making, using, offering to sell, selling, and/or importing products that perform the patented processes set forth in one or more of the claims of the '494 patent.

58. Sharp has also contributed to and/or induced, and continues to contribute to and/or induce, the infringement of at least one claim of the '494 patent, in at least this State and District.

59. On information and belief, Sharp's infringement of the '494 patent has taken place, and continues to take place, with full knowledge of the '494 patent and has been, and continues to be, willful, deliberate, and intentional.

60. Sharp's infringement of the '494 patent has injured Xerox, and Xerox is entitled to recover damages adequate to compensate it for Sharp's infringement, which in no event can be less than a reasonable royalty.

61. Sharp has caused Xerox substantial damage and irreparable injury by its infringement of the '494 patent, and Xerox will continue to suffer damage and irreparable injury unless and until the infringement by Sharp is enjoined by this Court.

**COUNT VIII - INFRINGEMENT OF U.S. PATENT NO. 4,691,317**

62. Xerox realleges and incorporates by reference the allegations in paragraphs 1 through 5 of this Complaint as though fully set forth herein.

63. United States Patent No. 4,691,317 ("the '317 patent"), entitled "Feature Deselect Control," was duly and legally issued on September 1, 1987. The '317 patent was duly and legally assigned to Xerox, and Xerox owns and has full rights to sue and recover damages for infringement of the '317 patent. A true and correct copy of the '317 patent is attached hereto as Exhibit H.

64. The '317 patent is valid and enforceable.

65. Sharp infringed the '317 patent in at least this State and District by making, using, offering to sell, selling, and/or importing products that perform the patented processes set forth in one or more of the claims of the '317 patent.

66. Sharp also contributed to and/or induced the infringement of at least one claim of the '317 patent, in at least this State and District.

67. On information and belief, Sharp's infringement of the '317 patent took place with full knowledge of the '317 patent and was willful, deliberate, and intentional.

68. Sharp's infringement of the '317 patent injured Xerox, and Xerox is entitled to recover damages adequate to compensate it for Sharp's infringement, which in no event can be less than a reasonable royalty.

**COUNT IX - INFRINGEMENT OF U.S. PATENT NO. 4,627,710**

69. Xerox realleges and incorporates by reference the allegations in paragraphs 1 through 5 of this Complaint as though fully set forth herein.

70. United States Patent No 4,627,710 ("the '710 patent"), entitled "Customized Job Default Set-Up," was duly and legally issued on December 9, 1986. The '710 patent was duly and legally assigned to Xerox, and Xerox owns and has full rights to sue and recover damages for infringement of the '710 patent. A true and correct copy of the '710 patent is attached hereto as Exhibit I.

71. The '710 patent is valid and enforceable.

72. Sharp infringed the '710 patent in at least this State and District by making, using, offering to sell, selling, and/or importing products that perform the patented processes set forth in one or more of the claims of the '710 patent.

73. Sharp also contributed to and/or induced the infringement of at least one claim of the '710 patent, in at least this State and District.

74. On information and belief, Sharp's infringement of the '710 patent took place with full knowledge of the '710 patent and was willful, deliberate, and intentional.

75. Sharp's infringement of the '710 patent injured Xerox, and Xerox is entitled to recover damages adequate to compensate it for Sharp's infringement, which in no event can be less than a reasonable royalty.

**PRAYER FOR RELIEF**

WHEREFORE, Xerox respectfully requests that judgment be entered in favor of Xerox and against Defendants Sharp Japan and Sharp America, and prays that the Court grant the following relief to Xerox:

- (a) A judgment that Sharp has infringed, contributorily infringed, and/or induced the infringement of the '470, '035, '429, '536, '139, '859, '494, '317, and '710 patents, and continues to infringe, contribute to the infringement of, and/or induce the infringement of the '470, '035, '429, '536, '139, '859, and '494 patents;
- (b) A judgment that Sharp's infringement of the '470, '035, '429, '536, '139, '859, '494, '317, and '710 patents was willful, and, with respect to the '470, '035, '429, '536, '139, '859, and '494 patents, continues to be willful;
- (c) Entry of a permanent injunction pursuant to 35 U.S.C. § 283 enjoining Sharp, its officers, directors, servants, consultants, managers, employees, agents, attorneys, successors, assigns, affiliates, subsidiaries, and all persons in active concert or participation with any of them, from infringement, contributory infringement, and inducement of infringement of the '470, '035, '429, '536, '139, '859, and '494

patents, including but not limited to making, using, offering to sell, selling, or importing any products that infringe or products that perform the patented processes set forth in the '470, '035, '429, '536, '139, '859, and '494 patents;

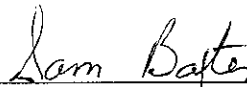
- (d) An award of all damages adequate to compensate Xerox for Sharp's infringement, contributory infringement, and/or inducement of infringement, such damages to be determined by a jury and, if necessary, an accounting of all damages;
- (e) An award of prejudgment and post-judgment interest to Xerox pursuant to 35 U.S.C. § 284;
- (f) An award of increased damages in an amount not less than three times the amount of damages awarded to Xerox for Sharp's willful infringement of the '470, '035, '429, '536, '139, '859, '494, '317, and '710 patents pursuant to 35 U.S.C. § 284;
- (g) A declaration that this case is exceptional under 35 U.S.C. § 285 and an award of the reasonable attorneys' fees, costs, and expenses incurred by Xerox in this action; and
- (h) Such other and further relief as this Court may deem just and proper.

**JURY DEMAND**

Xerox hereby demands a trial by jury on all issues and claims so triable.

Dated: May 3, 2006

Respectfully submitted,



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