

Filed by DJ ELECTRONIC Apr. 7, 2009 STEVEN M. LARIMORE CLERK U.S. DIST. CT. S.D. OF FLA. - MIAMI	D.C.
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IN THE UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF FLORIDA
09-80545-Civ-MARRA/JOHNSON
 CASE NO.: _____

SOC-USA, LLC

Plaintiff,
v.

OFFICE DEPOT, INC. and
EPSON AMERICA, INC.

Defendants.
_____ /

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, SOC-USA, LLC ("SOC") complains of Office Depot, Inc. ("Office Depot") and Epson America, Inc. ("Epson America") and as follows:

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has exclusive jurisdiction over the subject matter of this claim under 28 U.S.C. § 1338(a).

2. SOC-USA, LLC is a Florida limited liability company that has its principal place of business in Delray Beach, Florida 33445.

3. SOC owns the full right, title and interest in and has standing to sue for infringement of United States Patent No. 7,456,018 B2 ("the '018 Patent"), entitled "Printing System," which issued on December 16, 2008.

4. Office Depot, Inc. is a Delaware corporation and has its principle place of business at 2200, Old Germantown Road, Delray Beach, Florida 33445.

5. Epson America, Inc. is a California corporation with a principle place of business at 3840 Kilroy Airport Way, Long Beach, California 90806.

SOC-USA, LLC v. Office Depot, Inc. and Epson America, Inc.
Case No.:
Complaint for Patent Infringement
Page 2 of 5

6. Office Depot is headquartered in this judicial district and transacts substantial business in this judicial district by selling, offering for sale and/or importing inks designed to be used with color printing systems that infringe the '018 Patent, as well as by conducting other business in this judicial district. These activities include selling and offering for sale ink cartridges for use in the Epson R800 and R1800 printers, specifically: cyan (T054220), red (T054720), blue (T054920), magenta (T054320), yellow (T054420), photo black (T054820) and matte black (T054820), at the following Office Depot locations: 900 N Federal Highway, Park Plaza on The Curve, Fort Lauderdale, Florida 33301; 1395 South East 17th Street, Southport Plaza, Fort Lauderdale, Florida 33316; 1590 N. Federal Highway, N. of Sunrise Boulevard, Fort Lauderdale, Florida, 33304; 1110 S. Federal Highway, Delray Beach, Florida 33483; 123 N.W. 13th Street, Boca Raton, Florida 33431; and 4901 North Federal Highway, Boca Raton, Florida 33431. Office Depot has been notified of the '018 Patent and the basis for its infringement.

7. Epson America also transacts business in this judicial district by selling, offering for sale and/or importing inks that are used in color printing systems that infringe the '018 Patent, by inducing and contributing to the infringement of others through the sale and offer for sale of ink cartridges designed to be used in infringing printing systems, as well as by conducting substantial other business in this judicial district. These activities include selling the ink cartridges at issue in this lawsuit from its website: <http://www.epson.com>. Epson America also has been notified of the '018 Patent and the basis for its infringement.

SOC-USA, LLC v. Office Depot, Inc. and Epson America, Inc.

Case No.:

Complaint for Patent Infringement

Page 3 of 5

8. Venue is proper in this judicial district under 28 U.S.C. § 1400(b).

9. Office Depot and Epson America have infringed at least claims 7, 9, 11, 13, 15, 17, 19, 21, 27 and 29 of the '018 Patent by knowingly and actively inducing others to infringe, and by contributing to the infringement of others, by the use, sale, importation and/or offer for sale of the ink cartridges designed to be used with the Epson R800 and R1800 color printing systems, including, without limitation, ink cartridges: cyan (T054220), red (T054720), blue (T054920), magenta (T054320), yellow (T054420), photo black (T054820) and matte black (T054820) and by intentionally aiding, assisting and encouraging the infringement by others.

10. The ink cartridges designed to be used with the R800 and R1800 color ink jet printers are not staple articles of commerce and can only be used in Epson's R800 and R1800 color ink jet printers.

11. Office Depot's and Epson America's contributory infringement and inducement to infringe have injured SOC. Hence, SOC is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

WHEREFORE, plaintiff, SOC-USA, respectfully requests that this Court enter judgment against Office Depot, Inc. and Epson America, Inc. and against their subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with them, granting the following relief:

SOC-USA, LLC v. Office Depot, Inc. and Epson America, Inc.

Case No.:

Complaint for Patent Infringement

Page 4 of 5

- A. The entry of judgment in favor of plaintiff, and against Office Depot, Inc. and Epson America, Inc.;
- B. An award of damages adequate to compensate plaintiff for the infringement that has occurred, together with prejudgment interest from the date the infringement began, but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284;
- C. Relief permitted under 35 U.S.C. § 284 and 35 U.S.C. § 285;
- D. A permanent injunction prohibiting further inducement and/or contributory infringement of the '018 Patent; and,
- E. Such other relief that plaintiff is entitled to under law and any other and further relief that this Court or a jury may deem just and proper.

Demand For Jury Trial

Plaintiff demands a trial by jury on all issues presented in this Complaint.

Rutherford Mulhall, P.A.

By: 

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SOC-USA, LLC v. Office Depot, Inc. and Epson America, Inc.

Case No.:

Complaint for Patent Infringement

Page 5 of 5

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JS 44 (Rev. 2/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.) NOTICE: Attorneys MUST Indicate All Re-filed Cases

Apr. 7, 2009

STEVEN M. LARIMORE CLERK U.S. DIST. CT. S.D. OF FLA. - MIAMI

I. (a) PLAINTIFFS

SOC-USA, LLC

(b) County of Residence of First Listed Plaintiff PALM BEACH (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

MANUEL FARACH, ESQUIRE Rutherford Mulhall, P.A. 777 S. Flagler Drive, Suite 1601 West Palm Beach Florida 33401

DEFENDANTS

Office Depot, Inc. and Epson America, Inc.

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED.

Attorneys (If Known)

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
3 Federal Question (U.S. Government Not a Party)
2 U.S. Government Defendant
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Re-filed (see VI below)
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation
7 Appeal to District Judge from Magistrate Judgment

VI. RELATED/RE-FILED CASE(S).

a) Re-filed Case YES NO b) Related Cases YES NO (See instructions second page): JUDGE DOCKET NUMBER

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):

Patent Infringement under Title 35 of the United States Code

LENGTH OF TRIAL via days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMANDS CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE OF ATTORNEY OF RECORD

Handwritten signature of Manuel Farach

DATE

April 7, 2009

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