

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CANON INC.,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.:
v.)	1:11-cv-03855-RLV
)	
COLOR IMAGING, INC. and)	JURY TRIAL DEMANDED
GENERAL PLASTIC INDUSTRIAL)	
CO., LTD.,)	
)	
Defendants.)	

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Canon Inc. (“Canon”), for its Amended Complaint against
Defendants Color Imaging, Inc. and General Plastic Industrial Co., Ltd.
(collectively, “Defendants”), alleges as follows:

The Parties

1. Canon is a corporation organized and existing under the laws of Japan, having its principal place of business at 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan.
2. Canon is a leading innovator, manufacturer and seller of a wide variety of copying machines, laser beam printers, inkjet printers, cameras and other consumer, business and industrial products.

3. On information and belief, Defendant Color Imaging, Inc. (“Color Imaging”) is a corporation organized and existing under the laws of Delaware, having its principal place of business at 4350 Peachtree Industrial Boulevard, Suite 100, Norcross, Georgia 30071.

4. On information and belief, Defendant General Plastic Industrial Co., Ltd. (“General Plastic”) is a company organized and existing under the laws of Taiwan, having its principal place of business at 50 Tzu-Chiang Road, Wu-Chi Town, Taichung County, Taiwan R.O.C.

5. On information and belief, General Plastic owns 10 percent or more of the stock of Color Imaging and is a supplier of products to Color Imaging, including products accused of infringement in this case.

Jurisdiction and Venue

6. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. Accordingly, this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. Defendants are subject to this Court’s personal jurisdiction, consistent with the principles of due process and the Georgia Long-Arm Statute, because Color Imaging’s principal place of business is located in this judicial district and because each of Defendants, directly or through intermediaries, is transacting

business, supplying products, committing acts of patent infringement and/or contributing to and inducing acts of patent infringement by others in Georgia, including in this judicial district.

8. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c) and (d) and 28 U.S.C. § 1400(b).

Canon's Patent-in-Suit

9. On January 12, 2010, U.S. Patent No. 7,647,012 (the "'012 patent"), entitled "Sealing Member, Toner Accommodating Container and Image Forming Apparatus," duly and legally issued to Canon as assignee of the inventors, Yusuke Yamada, Yutaka Ban, Katsuya Murakami, Fumio Tazawa and Hironori Minagawa. A true and correct copy of the '012 patent is attached as Exhibit A.

10. Canon is the sole owner of the entire right, title and interest in and to the '012 patent, including the right to sue and recover for any and all infringements thereof.

11. The '012 patent describes and claims, among other things, a toner supply container capable of being used in an electrophotographic image forming apparatus such as a copier. The toner supply container is designed to be inserted into and removed from an electrophotographic image forming apparatus, as

needed, in order to replenish the electrophotographic image forming apparatus' toner.

12. On January 12, 2010, Canon filed a lawsuit alleging infringement of the '012 patent against Densigraphix Kopi Inc. and Densigraphix Inc. (collectively, "Densigraphix") in the United States District Court for the Eastern of District Virginia, Case No. 1:10-cv-34-CMH-IDD. This lawsuit resulted in a Stipulation, Consent Judgment and Permanent Injunction, which the Court entered on March 9, 2010.

13. On June 29, 2010, Canon filed a lawsuit alleging infringement of the '012 patent against Copylite Products Corp., Copylite Products, LLC (collectively, "Copylite") and Polek & Polek Inc. ("Polek") in the United States District Court for the Eastern of District Virginia, Case No. 2:10-cv-313-JBF-TEM. This lawsuit resulted in a Stipulation, Consent Order and Permanent Injunction as to each of Copylite and Polek, which the Court entered on September 16, 2010.

14. The aforementioned Permanent Injunctions, among other things, permanently enjoined Densigraphix, Copylite and Polek from making, using, selling, offering to sell and importing certain toner bottle products (the "Enjoined Toner Bottle Products").

Defendants' Infringing Activities

15. On information and belief, Defendants are engaged in the business of manufacturing, importing, selling and/or offering to sell replacement toner products and parts for copiers and printers, including toner bottle products for use in Canon imageRUNNER[®] copiers. Specifically, on information and belief, General Plastic designs and manufactures such toner bottle products, which it offers for sale and sells to customers worldwide, including in the United States. On information and belief, one customer for the toner bottle products of General Plastic in the United States is Color Imaging. On information and belief, Color Imaging purchases such toner bottles from General Plastic, then fills, packages and warehouses them. On information and belief, Color Imaging offers both empty toner bottle products as well as finished toner bottle products for sale worldwide.

16. On information and belief, Defendants' toner bottle products are sold both to end users and to resellers. On information and belief, resellers to whom Defendants' products are sold include, but are not limited to, UniNet Imaging, Inc. and/or UI Supplies, Inc. (collectively, "UniNet"), which in turn resell such products under their own designations. Defendants market their toner bottle products as purported alternatives to genuine toner bottle products manufactured by Canon and sold under the Canon brand name. Included among such toner bottle

products are at least the following (collectively, the “Accused Toner Bottle Products”):

Accused Toner Bottle Product Designation	Promoted by Defendants For Use In	Corresponding Canon Toner Bottle Product
Color Imaging Designation: FCA2270 UniNet Designation: 11717	imageRUNNER® 2230/2270/2830/2870/ 3025/3035/3225/3230/ 3235/3245/3530/3570/ 4570	GPR-15/16
UniNet Designation: 11718	imageRUNNER® 5070/5570/5570N/ 6570/6570N	GPR-17
UniNet Designation: 13714	imageRUNNER® 7086/7090/7095/7105	GPR-19
UniNet Designation: 13691	imageRUNNER® 5050/5055/5065/5075	GPR-24
Color Imaging Designations: FCAC5051-C FCAC5051-M FCAC5051-Y FCAC5051-K	imageRUNNER® ADVANCE C5045/ C5051	GPR-30

Accused Toner Bottle Product Designation	Promoted by Defendants For Use In	Corresponding Canon Toner Bottle Product
Color Imaging Designations: FCAC5035-C FCAC5035-M FCAC5035-Y FCAC5035-K UniNet Designations: 15929 15930 15931 15932	imageRUNNER® ADVANCE C5030/ C5035	GPR-31
Color Imaging Designations: FCAC7065-C FCAC7065-M FCAC7065-Y FCAC7065-K	imageRUNNER® ADVANCE C7055/ 7065	GPR-33

17. On information and belief, Defendants sell the Accused Toner Bottle Products within this judicial district and elsewhere.

18. On information and belief, Defendants substantially undercut the prices that Canon charges for the corresponding genuine Canon toner bottle products.

19. On information and belief, the Accused Toner Bottle Products are substantially identical in structure to the Enjoined Toner Bottle Products.

Cause of Action: Infringement of U.S. Patent No. 7,647,012

20. Canon repeats and incorporates by reference the allegations of paragraphs 1-19 above.

21. Defendants are directly infringing the '012 patent by making, using, importing, selling and/or offering to sell toner bottle products embodying the invention defined by one or more claims of the '012 patent, including without limitation the Accused Toner Bottle Products, without authority or license of Canon.

22. Defendants are also indirectly infringing the '012 patent by inducing and/or contributing to the direct infringement of the '012 patent by end users of the Accused Toner Bottle Products. On information and belief, Defendants are aware of the '012 patent and of their infringement thereof, or, alternatively, Defendants are willfully blind as to the existence of the '012 patent and their infringement thereof. Further, on information and belief, Defendants knowingly induce end users to use the Accused Toner Bottle Products, thereby inducing infringement of the '012 patent. On information and belief, Defendants also contribute to infringement of the '012 patent. In particular, the Accused Toner Bottle Products are specially adapted for an infringing use, and they are not staple articles of commerce suitable for substantial non-infringing use.

23. Defendants' acts complained of herein are damaging and will continue to cause irreparable injury and damage to Canon for which there is no adequate remedy at law. Canon is therefore entitled to preliminary and permanent injunctions restraining and enjoining Defendants from infringing the claims of the '012 patent.

24. By reason of Defendants' infringing activities, Canon is suffering and will continue to suffer substantial damages in an amount to be determined at trial.

25. On information and belief, Defendants knew or should have known of the objectively high likelihood that their actions constituted infringement of the '012 patent, but nonetheless have continued their infringement. Defendants' infringement, therefore, is and has been willful, and this case is exceptional under 35 U.S.C. § 285.

Prayer for Relief

WHEREFORE, Canon prays for judgment and relief as follows:

A. That Defendants have directly infringed, contributorily infringed and induced others to infringe the '012 patent under 35 U.S.C. § 271;

B. That Defendants' infringement be declared and adjudged to be willful and deliberate;

C. That Defendants and their subsidiaries, affiliates, officers, directors, agents, servants, employees, successors and assigns, and all other persons and organizations in active concert or participation with them, be preliminarily and permanently enjoined from further acts of infringement of the '012 patent pursuant to 35 U.S.C. § 283;

D. That Defendants be ordered to pay damages adequate to compensate Canon for Defendants' infringement of the '012 patent pursuant to 35 U.S.C. § 284;

E. That by reason of the willful and deliberate nature of the infringement, such damages be trebled pursuant to 35 U.S.C. § 284;

F. That Canon be awarded its attorney fees pursuant to 35 U.S.C. § 285;

G. That Defendants be ordered to pay prejudgment and postjudgment interest at the maximum rate allowed by law;

H. That Defendants be ordered to pay all of Canon's costs associated with this action; and

I. That Canon be granted such other and additional relief as the Court deems just and proper.

Jury Demand

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Canon demands a jury trial on all issues so triable.

Dated: March 1, 2012

/s/ George L. Murphy, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing AMENDED COMPLAINT FOR PATENT INFRINGEMENT with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to the following attorneys of record:

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This 1st day of March, 2012.

/s/ George L. Murphy, Jr.

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