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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

HP INC., a Delaware corporation,

Case No. 3:16-cv-00936

Plaintiff,

v.

**COMPLAINT FOR PATENT
INFRINGEMENT**

MEMJET, LTD., MEMJET TECHNOLOGY
LTD., MEMJET US SERVICES, INC.,
MEMJET HOLDINGS LTD., and MEMJET
HOME AND OFFICE, INC.,

JURY TRIAL DEMANDED

Defendants.

Plaintiff HP Inc. (“HP”) asserts the following claims against defendants Memjet, Ltd., Memjet Technology Ltd., Memjet US Services, Inc., Memjet Holdings Ltd., and Memjet Home and Office, Inc. (each a “Defendant,” and, collectively, “Defendants,” or “Memjet”):

NATURE OF THE ACTION

1. HP brings an action for patent infringement against Memjet, and seeks a judgment that Memjet has infringed HP’s United States Patent No. 6,260,952 (the “’952 Patent”); United States Patent No. 6,270,201 (the “’201 Patent”); United States Patent No. 7,004,564 (the “’564 Patent”); United States Patent No. 7,090,343 (the “’343 Patent”); and United States Patent No. 7,744,202 (the “’202 Patent”) (collectively, the “HP Patents” or “Asserted Patents”). HP’s right to relief is asserted against each Defendant jointly and/or severally. Upon information and belief, questions of fact and law common to each Defendant will arise in this action.

THE PARTIES

2. HP Inc. is a corporation organized and existing under the laws of Delaware. HP’s principal place of business is 1501 Page Mill Road, Palo Alto, California 94304.

3. On information and belief, defendant Memjet, Ltd. is a corporation organized and existing under the laws of Ireland, having its principal place of business at 61/62 Fitzwilliam Lane, Dublin 2 Ireland and/or 10918 Technology Place, San Diego, California 92127. On information and belief, Memjet, Ltd. is the parent company of Memjet Technology Ltd., Memjet US Services, Inc., Memjet Holdings Ltd., and Memjet Home and Office, Inc.

4. On information and belief, defendant Memjet Technology Ltd. is a corporation organized and existing under the laws of Ireland, with its principal place of business at 61/62 Fitzwilliam Lane, Dublin 2, Ireland.

5. On information and belief, defendant Memjet US Services, Inc. is a corporation organized and existing under the laws of Delaware, having its principal place of business at 10918 Technology Place, San Diego, California 92127.

6. On information and belief, defendant Memjet Holdings Ltd. is a corporation organized under the laws of Ireland, with a principal place of business at 61/62 Fitzwilliam Lane, Dublin 2, Ireland, and/or 10918 Technology Place, San Diego, CA 92127.

7. On information and belief, defendant Memjet Home and Office, Inc. is a corporation organized and existing under the laws of Delaware, having its principal place of business 923 South Bridgeway Place, Suite 220, Eagle, Idaho 83616.

8. On information and belief, each Defendant is part of the “Memjet Group” of companies, and together operate as a single coordinated business to design, manufacture, market, import, offer to sell and sell in the United States products that infringe the HP Patents, including, but not limited to, printers, printheads, and ink supply products. Each Defendant has committed, aided, abetted, directed, contributed to, induced, participated, and/or been involved in the commission of patent infringement in this judicial district and elsewhere in the United States that led to foreseeable harm and injury to HP in this district and elsewhere in the United States.

JURISDICTION AND VENUE

9. Because these claims arise under the Patent Laws, Title 35 of the United States Code, this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

10. This Court has personal jurisdiction over Memjet, Ltd.; Memjet Technology Ltd.; Memjet US Services, Inc.; Memjet Holdings Ltd.; and Memjet Home and Office, Inc. because, on information and belief, Memjet, Ltd.; Memjet Technology Ltd.; Memjet US Services, Inc.; Memjet Holdings Ltd.; and Memjet Home and Office, Inc., as part of the “Memjet Group” of companies, have each committed, aided, abetted, directed, contributed to, induced, participated, and/or been involved in the commission of patent infringement in this judicial district and elsewhere in the United States that has led to foreseeable harm and injury to HP in this district and elsewhere in the United States. On information and belief, each Defendant is and has been involved, either directly or through third parties, in the manufacture, assembly, and/or sale and/or importation of the Memjet Printhead (*e.g.*, Memjet’s ML210700 Printhead), Memjet Print

Engine, and Memjet Ink Cartridges as used in various printer products that are or have been offered for sale, sold, purchased, imported into and/or used within this judicial district and the State of Oregon, including without limitation by Memjet's OEM partners and Memjet's direct and indirect customers. On information and belief, each Defendant, directly or through Memjet's distribution networks, regularly places the Accused Products (as defined below) within the stream of commerce with the knowledge, understanding, and desire that such products, by themselves or as used in various printer products, including but not limited to those identified in this Complaint, will be shipped, sold, or used in this judicial district, the State of Oregon, and elsewhere in the United States. Thus, each Defendant has established minimum contacts within the forum and purposefully availed itself of the benefits of this forum, and the exercise of personal jurisdiction over each Defendant would not offend traditional notions of fair play and substantial justice.

11. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and 1400(b), in that, on information and belief, Defendants have committed acts of patent infringement in this district. Alternatively, venue is proper in this district because Memjet may be sued in any judicial district under 28 U.S.C. § 1391(c)(3).

THE HP PATENTS

12. HP is an industry-leading innovator with multiple patents covering its printing and inkjet technologies.

13. HP is the lawful assignee of United States Patent No. 6,260,952 (the "'952 Patent"), titled "Apparatus and Method for Routing Power and Ground Lines in an Ink-Jet Printhead." The '952 Patent was duly and legally issued by the United States Patent and Trademark Office on July 17, 2001. A true and correct copy of the '952 Patent is attached as Exhibit A to this Complaint.

14. HP is the lawful assignee of United States Patent No. 6,270,201 (the "'201 Patent"), titled "Ink Jet Drop Generator and Ink Composition Printing System for Producing Low

Ink Drop Weight with High Frequency Operation.” The ’201 Patent was duly and legally issued by the United States Patent and Trademark Office on August 7, 2001. A true and correct copy of the ’201 Patent is attached as Exhibit B to this Complaint.

15. HP is the lawful assignee of United States Patent No. 7,004,564 (the “’564 Patent”), titled “Printing-Fluid Container.” The ’564 Patent was duly and legally issued by the United States Patent and Trademark Office on February 28, 2006. A true and correct copy of the ’564 Patent is attached as Exhibit C to this Complaint.

16. HP is the lawful assignee of United States Patent No. 7,090,343 (the “’343 Patent”), titled “Printing-Fluid Container.” The ’343 Patent was duly and legally issued by the United States Patent and Trademark Office on August 15, 2006. A true and correct copy of the ’343 Patent is attached as Exhibit D to this complaint.

17. HP is the lawful assignee of United States Patent No. 7,744,202 (the “’202 Patent”), titled “Printing-Fluid Container.” The ’202 Patent was duly and legally issued by the United States Patent and Trademark Office on June 29, 2010. A true and correct copy of the ’202 Patent is attached as Exhibit E to this complaint.

18. HP has not licensed any of its rights in the HP Patents to Memjet.

INFRINGEMENT BY MEMJET

19. On information and belief, Memjet develops, manufactures, and commercializes printing products, including printers, printheads, and ink cartridges. Memjet manufactures its products in its Asia-based manufacturing facilities, and then imports those products into the United States where they are used, offered for sale, and/or sold. Memjet’s printheads and ink cartridges are sold both as components of printers, and as separate replacement parts.

20. Memjet also partners with third parties such as original equipment manufacturers (“OEMs”) to integrate Memjet products into OEM printer products. Memjet designs, manufactures, and sells to its OEM partners a complete “print engine” that includes printheads and ink cartridges. Memjet sells and/or provides its print engine, printhead (*e.g.*, Memjet’s

ML210700 Printhead), and ink cartridges to various OEM partners to be used in various printer products.

21. On information and belief, Memjet and its OEM partners work together to incorporate the Memjet print engine inside a “chassis” or outer housing to create a printer product. For example, Memjet supplies Memjet components, *e.g.*, Printheads and Print Engines, to OEM partners for incorporation in OEM-branded printers for sale to third-party customers. *See, e.g.*, www.memjet.com/partner/why-partner (last visited May 23, 2016). The OEM-branded printers are sold to customers as printers that are “Powered by Memjet.” *See, e.g.*, afinialabel.com/l801-printer (L801 full color label printer, powered by Memjet technology) (last visited May 23, 2016); www.memjet.com/products/product_detail/vp700 (“Powered by Memjet”) (last visited May 23, 2016).

22. Moreover, according to Memjet’s website, to “support our OEM brand partners” Memjet provides technology support, product support, and marketing consulting. *See* www.memjet.com/partner/why-partner. For example, Memjet states that it “assist[s] with design and with manufacturing partners to integrate Memjet components into printers by providing technology tools and expertise during the design and development process.” *Id.* Memjet also provides to its OEM partners “consulting on product specification recommendations, design and manufacturing partner introductions” and “experience in market strategy, research & analysis, and product marketing as well as sales/channel and market development approaches.” *Id.* According to Memjet, “[w]ith Memjet-powered printers, OEM partners can become significant players in the printing market.” *Id.*

23. In addition, on information and belief, Memjet instructs customers that purchase Memjet-powered printers from Memjet’s OEM partners on how to use the infringing Printheads and Print Engines, including through providing user manuals, and other guidance. *See, e.g.*, Exhibit F (VIPColor VP700 Manual) at 10, 41-43 (“Replacing the Printhead”). Moreover, customers are warned that “[u]se of any printhead other than authorized Memjet technology

printheads will damage the printer and void your warranty.” *Id.* at 4.

24. Memjet, its OEM partners and/or other third-parties import printer products incorporating Memjet’s print engine, printhead, and/or ink cartridges into the United States where they are used, offered for sale, and/or sold. On information and belief, Memjet (operating in concert with its OEM partners), sells and offers to sell these printer products to customers with the intent and knowledge that such customers will use the products in an infringing manner. In addition to integrating the Memjet print engine (including printheads and ink cartridges) into OEM printers for the U.S. market, Memjet partners with OEMs to import, use, offer to sell, and/or sell in the United States replacement printheads and ink cartridges for the OEM printer products.

25. The products manufactured, used, imported, offered for sale and/or sold in the United States that infringe one or more claims of the ’952 Patent include, but are not limited to, Memjet’s printhead products (collectively, the “Accused Printhead Products”) such as, for example, Memjet’s ML210700 printhead. The identification of products and parts in this Complaint is by way of example only. On information and belief, the exemplary products and parts identified in this Complaint are representative of all products and parts with reasonably similar features, functionality and/or architecture, whether discontinued, current or future.

26. The products manufactured, used, imported, offered for sale and/or sold in the United States that infringe one or more claims of the ’201 Patent include, but are not limited to, printers and print engines with Memjet printheads (collectively, the “Accused Printer Products”). The Accused Printer Products include, but are not limited to, the Memjet C6010 and C6030 printers, and third-party printer products such as, for example, the Afinia DLP 2000, Afinia L801 Label Printer, AstroJet M1, AstroJet M1C, AstroJet M2, Colordyne 1600C, Colordyne 1600S, Colordyne 2600 Series, Colordyne 3600 Series, Formax Colormax LP, Formax ColorMax 7, Imidia RapidX1, Imidia RapidX2, Neopost Rena Mach 5, Neopost Rena Mach 8, Neopost Rena Mach X, OwnX Speedstar 3000, Printware iJet Color Digital, Printware iJet Color Direct, RTI

Digital Vortex 850R, RTI Digital Vortex 850S, RTI Digital Vortex 851R, VIPColor VP700, Ascent Motion 3000C, Ascent Motion 3000S, Delphax Elan 500, IPT Digital JFlex 1700, IPT Digital JFlex 870, iSYS iTerra Mi875, Printing Innovation iCube 1, Printing Innovation iCube 2, Printing Innovation iCube 3, RTI Digital Vortex 4200, SuperWeb Digital WebJet 200d, SuperWeb Digital WEBJet 280C, Telegroup Telejet JM280C, Trojanlabel TrojanOne, TrojanLabel TrojanTwo, Weber QuadraColor, and Xante Excelgraphix 4200. The identification of products and parts in this Complaint is by way of example only. On information and belief, the exemplary products and parts identified in this Complaint are representative of all Memjet products and parts with reasonably similar features, functionality and/or architecture, whether discontinued, current or future.

27. The products manufactured, used, imported, offered for sale and/or sold in the United States that infringe one or more claims of the '564 Patent include, but are not limited to, ink cartridges for use in certain printers, including but not limited to label printers, incorporating the Memjet print engine (collectively, the "Accused Ink Cartridge Products") such as, for example, ink cartridges bearing mold number MC007-40002. The identification of products and parts in this Complaint is by way of example only. On information and belief, the exemplary products and parts identified in this Complaint are representative of all Memjet products and parts with reasonably similar features, functionality and/or architecture, whether discontinued, current or future.

28. The products manufactured, used, imported, offered for sale and/or sold in the United States that infringe one or more claims of the '343 Patent include, but are not limited to, ink cartridges for use in label printers incorporating the Memjet print engine, such as, for example, ink cartridges bearing mold number MC007-40002. The identification of products and parts in this Complaint is by way of example only. On information and belief, the exemplary products and parts identified in this Complaint are representative of all Memjet products and

parts with reasonably similar features, functionality and/or architecture, whether discontinued, current or future.

29. The products manufactured, used, imported, offered for sale and/or sold in the United States that infringe one or more claims of the '202 Patent include, but are not limited to, ink cartridges for use in label printers incorporating the Memjet print engine, such as, for example, ink cartridges bearing mold number MC007-40002. The identification of products and parts in this Complaint is by way of example only. On information and belief, the exemplary products and parts identified in this Complaint are representative of all Memjet products and parts with reasonably similar features, functionality and/or architecture, whether discontinued, current or future.

30. The Accused Printer Products, Accused Printhead Products, and Accused Ink Cartridge Products (collectively, the "Accused Products") have no substantial non-infringing use.

**COUNT ONE
(INFRINGEMENT OF THE '952 PATENT)**

31. HP incorporates by reference and re-alleges Paragraphs 1 through 30 of its Complaint, as if fully set forth herein.

32. The '952 Patent is valid and enforceable.

33. HP has not licensed or otherwise authorized Memjet to make, use, offer for sale, sell, or import into the United States any products that embody the inventions of the '952 Patent.

34. On information and belief, to the extent any marking or notice is required by 35 U.S.C. § 287, HP has complied with the requirements of that statute by providing actual or constructive notice to Memjet of its infringement at least as early as the filing date of this Complaint.

35. The Accused Printhead Products include all of the limitations of one or more claims of the '952 Patent. For example, the Accused Printhead Products infringe at least claim 1 of the '952 Patent because they are each an ink-jet printhead, comprising: (a) a thin film

substrate, said substrate including a plurality of thin film layers, said plurality including a passivation layer and an electrically conductive thin film layer underlying said passivation layer; (b) an ink barrier layer overlying said thin film substrate, said ink barrier layer defining ink chambers and ink channels, said ink barrier layer having a peripheral edge, said substrate further including a substrate portion extending beyond said ink barrier layer peripheral edge; (c) a bond pad disposed on said substrate portion adjacent said ink barrier layer peripheral edge; and (d) means for coupling electrically said bond pad to said electrically conductive thin film layer at a location within said substrate portion. Memjet has been and is directly infringing the '952 Patent under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents. Memjet has infringed by making, using, importing into the United States, offering to sell, and/or selling in this District and elsewhere within the United States, without authority, products including, but not limited to, the Accused Printhead Products.

36. Memjet has been and is indirectly infringing the '952 Patent by way of inducement under 35 U.S.C. § 271(b), either literally or under the doctrine of equivalents. Memjet actively induces third-parties such as manufacturers, distributors, and/or consumers to directly infringe one or more claims of the '952 Patent by using, importing into the United States, offering to sell, and/or selling in this District and elsewhere in the United States products including, but not limited, to Accused Printhead Products. Memjet induces infringement of the '952 Patent by, among other things, assisting with designing and manufacturing third-party products that integrate the Accused Printhead Products, promoting Accused Printhead Products and products such as printers that include Accused Printhead Products, and by providing instructions indicating how to use and/or operate Accused Printhead Products and products such as printers that include Accused Printhead Products.

37. Memjet has had actual knowledge of the '952 Patent and its infringing conduct since not later than the date of this complaint.

38. On information and belief, since at least the time when Memjet was on notice of HP's rights, Memjet has actively induced infringement of one or more claims of the '952 Patent with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '952 Patent. On information and belief, Memjet intends to cause infringement by these third-party manufacturers, distributors, importers, and/or consumers.

39. On information and belief, Memjet has been and is contributorily infringing the '952 Patent under 35 U.S.C. § 271(c), either literally or under the doctrine of equivalents. Memjet contributorily infringes the '952 Patent by, among other things, selling and/or providing Accused Printhead Products to third-parties such as manufacturers, distributors, and/or consumers who directly infringe one or more claims of the '952 Patent by using, importing into the United States, offering to sell, and/or selling in this District and elsewhere in the United States products including, but not limited, to Accused Printhead Products, and products such as printers that include Accused Printhead Products. Moreover, Memjet knows, at least as of the filing of this Complaint, that the Accused Printhead Products are especially made or especially adapted for use in an infringement of the '952 Patent. Memjet's Accused Printhead Products are not staple articles or commodities of commerce suitable for substantial non-infringing use.

40. The infringing acts of Memjet have been the actual and proximate cause of damage to HP. HP has sustained substantial damages and will continue to sustain damages as a result of Memjet's infringement of the '952 Patent.

41. Memjet has caused, and is causing, HP irreparable harm. HP has no adequate remedy at law. Unless enjoined, Memjet's acts will continue to cause HP irreparable harm, loss, and injury. The hardships that would be imposed upon Memjet by an injunction are less than those faced by HP should an injunction not issue. Furthermore, the public interest would be served by issuance of an injunction. Accordingly, HP is entitled to an injunction against further infringement of the '952 Patent.

**COUNT TWO
(INFRINGEMENT OF THE '201 PATENT)**

42. HP re-alleges and incorporates by reference the allegations of paragraphs 1 through 41 as if fully set forth here.

43. The '201 Patent is valid and enforceable.

44. HP has not licensed or otherwise authorized Memjet to make, use, offer for sale, sell, or import into the United States any products that embody the inventions of the '201 Patent.

45. On information and belief, to the extent any marking or notice is required by 35 U.S.C. § 287, HP has complied with the requirements of that statute by providing actual or constructive notice to Memjet of its infringement at least as early as the filing date of this Complaint.

46. The Accused Printer Products include all of the limitations of one or more claims of the '201 Patent. For example, the Accused Printer Products infringe at least claim 1 of the '201 Patent because they are each a high-speed printing system, comprising: (a) an ink source; and (b) an overdamped printhead having a substrate, including a firing chamber disposed on the substrate and an entrance channel in fluid communication with the ink source and the firing chamber so that the firing chamber is capable of ejecting an ink drop having a predictable ink drop volume.

47. Memjet has been and is directly infringing the '201 Patent under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents. Memjet has infringed by making, using, importing into the United States, offering to sell, and/or selling the Accused Printer Products in this District and elsewhere within the United States, without authority, products including, but not limited to Accused Printer Products.

48. Memjet has been and is indirectly infringing the '201 Patent by way of inducement under 35 U.S.C. § 271(b). Memjet actively induces third-parties such as manufacturers, distributors, and/or consumers to directly infringe one or more claims of the '201 Patent, by using, importing into the United States, offering to sell, and/or selling in this District

and elsewhere in the United States products including, but not limited to, Accused Printer Products. Memjet induces infringement of the '201 Patent by, among other things, assisting with designing and manufacturing third-party Accused Printer Products, promoting Accused Printer Products that include Accused Printhead Products, and by providing instructions indicating how to use and/or operate Accused Printhead Products and products such as printers that include Accused Printhead Products and Accused Ink Cartridge Products.

49. Memjet has had actual knowledge of the '201 Patent and its infringing conduct since not later than the date of this complaint.

50. On information and belief, since at least the time when Memjet was on notice of HP's rights, Memjet has actively induced infringement of one or more claims of the '201 Patent with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '201 Patent. On information and belief, Memjet intends to cause infringement by these third-party manufacturers, distributors, importers and/or consumers.

51. On information and belief, Memjet has been and is contributorily infringing the '201 Patent under 35 U.S.C. § 271(c), either literally or under the doctrine of equivalents. Memjet contributorily infringes the '201 Patent, by, among other things, selling and/or providing printers and/or print engines to third-parties such as manufacturers, distributors, and/or consumers who directly infringe one or more claims of the '201 Patent by using, importing into the United States, offering to sell, and/or selling in this District and elsewhere in the United States products including, but not limited to, Accused Printer Products. Moreover, Memjet knows, at least as of the filing of this Complaint, that the printers and print engines are especially made or especially adapted for use in an infringement of the '201 Patent. Memjet's printers and print engines are not staple articles or commodities of commerce suitable for substantial non-infringing use.

52. The infringing acts of Memjet have been the actual and proximate cause of damage to HP. HP has sustained substantial damages and will continue to sustain damages as a

result of Memjet's infringement of the '201 Patent.

53. Memjet has caused, and is causing, HP irreparable harm. HP has no adequate remedy at law. Unless enjoined, Memjet's acts will continue to cause HP irreparable harm, loss, and injury. The hardships that would be imposed upon Memjet by an injunction are less than those faced by HP should an injunction not issue. Furthermore, the public interest would be served by issuance of an injunction. Accordingly, HP is entitled to an injunction against further infringement of the '201 patent.

COUNT THREE (INFRINGEMENT OF THE '564 PATENT)

54. HP re-alleges and incorporates by reference the allegations of paragraphs 1 through 53 as if fully set forth here.

55. The '564 Patent is valid and enforceable.

56. HP has not licensed or otherwise authorized Memjet to make, use, offer for sale, sell, or import into the United States any products that embody the inventions of the '564 Patent.

57. On information and belief, to the extent any marking or notice is required by 35 U.S.C. § 287, HP has complied with the requirements of that statute by providing actual or constructive notice to Memjet of its infringement at least as early as the filing date of this Complaint.

58. On information and belief, the Accused Ink Cartridge Products include all of the limitations of one or more claims of the '564 Patent. For example, the Accused Ink Cartridge Products infringe at least claim 1 of the '564 Patent because they are each a printing-fluid container, comprising: (a) a reservoir including a front face having an outer perimeter; (b) an alignment pocket recessed from the front face of the reservoir; and (c) a keying pocket recessed from the front face of the reservoir interior the outer perimeter and configured to mate with a complementary key post of a printing-fluid container bay.

59. Memjet has been and is directly infringing the '564 Patent under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents. It has infringed by making, using,

importing into the United States, offering to sell, and/or selling in this District and elsewhere within the United States, without authority, products including, but not limited to, the Accused Ink Cartridge Products.

60. On information and belief, Memjet has been and is indirectly infringing the '564 Patent by way of inducement under 35 U.S.C. § 271(b), either literally or under the doctrine of equivalents. Memjet actively induces third-parties such as manufacturers, distributors, and/or consumers to directly infringe one or more claims of the '564 Patent by using, importing into the United States, offering to sell, and/or selling in this District and elsewhere in the United States products including, but not limited, to Accused Ink Cartridge Products. Memjet induces infringement of the '564 Patent by, among other things, assisting with designing and manufacturing third-party products that integrate the Accused Ink Cartridge Products, promoting Accused Ink Cartridge Products and products such as printers that include Accused Ink Cartridge Products, and by providing instructions indicating how to use Accused Ink Cartridge Products and products such as printers that include Accused Ink Cartridge Products.

61. Memjet has had actual knowledge of the '564 Patent and its infringing conduct since not later than the date of this Complaint.

62. On information and belief, since at least the time when Memjet was on notice of HP's rights, Memjet has actively induced infringement of one or more claims of the '564 Patent with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '564 Patent. On information and belief, Memjet intends to cause infringement by these third-party manufacturers, distributors, importers and/or consumers.

63. On information and belief, Memjet has been and is contributorily infringing the '564 Patent under 35 U.S.C. § 271(c), either literally or under the doctrine of equivalents. Memjet contributorily infringes the '564 Patent by, among other things, selling and/or providing Accused Ink Cartridge Products to third-parties such as manufacturers, distributors, and/or consumers who directly infringe one or more claims of the '564 Patent by using, importing into

the United States, offering to sell, and/or selling in this District and elsewhere in the United States products including, but not limited, to Accused Ink Cartridge Products and Accused Printer Products incorporating Accused Ink Cartridge Products. Moreover, Memjet knows, at least as of the filing of this Complaint, that the Accused Ink Cartridge Products are especially made or especially adapted for use in an infringement of the '564 Patent. Memjet's Accused Ink Cartridge Products are not staple articles or commodities of commerce suitable for substantial non-infringing use.

64. The infringing acts of Memjet have been the actual and proximate cause of damage to HP. HP has sustained substantial damages and will continue to sustain damages as a result of Memjet's infringement of the '564 Patent.

65. Memjet has caused, and is causing, HP irreparable harm. HP has no adequate remedy at law. Unless enjoined, Memjet's acts will continue to cause HP irreparable harm, loss, and injury. The hardships that would be imposed upon Memjet by an injunction are less than those faced by HP should an injunction not issue. Furthermore, the public interest would be served by issuance of an injunction. Accordingly, HP is entitled to an injunction against further infringement of the '564 patent.

COUNT FOUR (INFRINGEMENT OF THE '343 PATENT)

66. HP re-alleges and incorporates by reference the allegations of paragraphs 1 through 65 as if fully set forth here.

67. The '343 Patent is valid and enforceable.

68. HP has not licensed or otherwise authorized Memjet to make, use, offer for sale, sell, or import into the United States any products that embody the inventions of the '343 Patent.

69. On information and belief, to the extent any marking or notice is required by 35 U.S.C. § 287, HP has complied with the requirements of that statute by providing actual or constructive notice to Memjet of its infringement at least as early as the filing date of this Complaint.

70. On information and belief, the Accused Ink Cartridge Products include all of the limitations of one or more claims of the '343 Patent. For example, the Accused Ink Cartridge Products infringe at least claim 1 of the '343 Patent because they each are a printing-fluid container, comprising: (a) a reservoir defining a bounded volume configured to contain printing fluid, the reservoir including a front face having an outer perimeter; and (b) a keying pocket recessed from the front face and extending into the bounded volume of the reservoir, the keying pocket being configured to mate with a complementary key post of a printing-fluid container bay.

71. Memjet has been and is directly infringing the '343 Patent under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents. It has infringed by making, using, importing into the United States, offering to sell, and/or selling in this District and elsewhere within the United States, without authority, products including, but not limited to, the Accused Ink Cartridge Products.

72. On information and belief, Memjet has been and is indirectly infringing the '343 Patent by way of inducement under 35 U.S.C. § 271(b), either literally or under the doctrine of equivalents. Memjet actively induces third-parties such as manufacturers, distributors, and/or consumers to directly infringe one or more claims of the '343 Patent by using, importing into the United States, offering to sell, and/or selling in this District and elsewhere in the United States products including, but not limited, to Accused Ink Cartridge Products. Memjet induces infringement of the '343 Patent by, among other things, assisting with designing and manufacturing third-party products that integrate the Accused Ink Cartridge Products, promoting Accused Ink Cartridge Products and products such as printers that include Accused Ink Cartridge Products, and by providing instructions indicating how to use Accused Ink Cartridge Products and products such as printers that include Accused Ink Cartridge Products.

73. Memjet has had actual knowledge of the '343 Patent and its infringing conduct not later than the date of this Complaint.

74. On information and belief, since at least the time when Memjet was on notice of HP's rights, Memjet has actively induced infringement of one or more claims of the '343 Patent with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '343 Patent. On information and belief, Memjet intends to cause infringement by these third-party manufacturers, distributors, importers and/or consumers.

75. On information and belief, Memjet has been and is contributorily infringing the '343 Patent under 35 U.S.C. § 271(c), either literally or under the doctrine of equivalents. Memjet contributorily infringes the '343 Patent by, among other things, selling and/or providing Accused Ink Cartridge Products to third-parties such as manufacturers, distributors, and/or consumers who directly infringe one or more claims of the '343 Patent by using, importing into the United States, offering to sell, and/or selling in this District and elsewhere in the United States products including, but not limited, to Accused Ink Cartridge Products and Accused Printer Products incorporating Accused Ink Cartridge Products. Moreover, Memjet knows, at least as of the filing of this Complaint, that the Accused Ink Cartridge Products are especially made or especially adapted for use in an infringement of the '343 Patent. Memjet's Accused Ink Cartridge Products are not staple articles or commodities of commerce suitable for substantial non-infringing use.

76. The infringing acts of Memjet have been the actual and proximate cause of damage to HP. HP has sustained substantial damages and will continue to sustain damages as a result of Memjet's infringement of the '343 Patent.

77. Memjet has caused, and is causing, HP irreparable harm. HP has no adequate remedy at law. Unless enjoined, Memjet's acts will continue to cause HP irreparable harm, loss, and injury. The hardships that would be imposed upon Memjet by an injunction are less than those faced by HP should an injunction not issue. Furthermore, the public interest would be served by issuance of an injunction. Accordingly, HP is entitled to an injunction against further infringement of the '343 patent.

**COUNT FIVE
(INFRINGEMENT OF THE '202 PATENT)**

78. HP re-alleges and incorporates by reference the allegations of paragraphs 1 through 77 as if fully set forth here.

79. The '202 Patent is valid and enforceable.

80. HP has not licensed or otherwise authorized Memjet to make, use, offer for sale, sell, or import into the United States any products that embody the inventions of the '202 Patent.

81. On information and belief, to the extent any marking or notice is required by 35 U.S.C. § 287, HP has complied with the requirements of that statute by providing actual or constructive notice to Memjet of its infringement at least as early as the filing date of this Complaint.

82. On information and belief, the Accused Ink Cartridge Products include all of the limitations of one or more claims of the '202 Patent. For example, the Accused Ink Cartridge Products infringe at least claim 5 of the '202 Patent because they each are a printing-fluid container, comprising: (a) an off-axis printing-fluid reservoir configured to hold a free volume of printing fluid and air mixed together therein, the printing-fluid reservoir having a leading surface configured for lateral insertion into a printing system; (b) a printing-fluid interface on the leading surface of the printing-fluid reservoir and extending into the reservoir, wherein the printing-fluid interface is configured to provide bi-directional flow and output printing fluid from the printing-fluid reservoir during a first mode of operation and return printing fluid to the printing-fluid reservoir during a second mode of operation; and (c) an air-interface on the leading surface of the printing-fluid reservoir and extending into the reservoir, wherein the air-interface is configured to provide bi-directional flow and regulate pressure within the printing-fluid reservoir by inputting air into the printing-fluid reservoir as printing fluid is moved out of the printing-fluid reservoir through the printing-fluid interface during the first mode of operation and by outputting air from the printing-fluid reservoir as printing fluid is returned to the printing-fluid reservoir

through the printing-fluid interface during the second mode of operation, wherein the printing-fluid interface and the air-interface are both configured to provide bi-directional flow while the printing-fluid container is installed in the printing system.

83. Memjet has been and is directly infringing the '202 Patent under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents. It has infringed by making, using, importing into the United States, offering to sell, and/or selling in this District and elsewhere within the United States, without authority, products including, but not limited to, the Accused Ink Cartridge Products.

84. On information and belief, Memjet has been and is indirectly infringing the '202 Patent by way of inducement under 35 U.S.C. § 271(b), either literally or under the doctrine of equivalents. Memjet actively induces third-parties such as manufacturers, distributors, and/or consumers to directly infringe one or more claims of the '202 Patent by using, importing into the United States, offering to sell, and/or selling in this District and elsewhere in the United States products including, but not limited, to Accused Ink Cartridge Products. Memjet induces infringement of the '202 Patent by, among other things, assisting with designing and manufacturing third-party products that integrate the Accused Ink Cartridge Products, promoting Accused Ink Cartridge Products and products such as printers that include Accused Ink Cartridge Products, and by providing instructions indicating how to use Accused Ink Cartridge Products and products such as printers that include Accused Ink Cartridge Products.

85. Memjet has had actual knowledge of the '202 Patent and its infringing conduct since not later than the date of this Complaint.

86. On information and belief, since at least the time when Memjet was on notice of HP's rights, Memjet has actively induced infringement of one or more claims of the '202 Patent with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '202 Patent. On information and belief, Memjet intends to cause infringement by these third-party manufacturers, distributors, importers and/or consumers.

87. On information and belief, Memjet has been and is contributorily infringing the '202 Patent under 35 U.S.C. § 271(c), either literally or under the doctrine of equivalents. Memjet contributorily infringes the '202 Patent by, among other things, selling and/or providing Accused Ink Cartridge Products to third-parties such as manufacturers, distributors, and/or consumers who directly infringe one or more claims of the '202 Patent by using, importing into the United States, offering to sell, and/or selling in this District and elsewhere in the United States products including, but not limited, to Accused Ink Cartridge Products and Accused Printer Products incorporating Accused Ink Cartridge Products. Moreover, Memjet knows, at least as of the filing of this Complaint, that the Accused Ink Cartridge Products are especially made or especially adapted for use in an infringement of the '202 Patent. Memjet's Accused Ink Cartridge Products are not staple articles or commodities of commerce suitable for substantial non-infringing use.

88. The infringing acts of Memjet have been the actual and proximate cause of damage to HP. HP has sustained substantial damages and will continue to sustain damages as a result of Memjet's infringement of the '202 Patent.

89. Memjet has caused, and is causing, HP irreparable harm. HP has no adequate remedy at law. Unless enjoined, Memjet's acts will continue to cause HP irreparable harm, loss, and injury. The hardships that would be imposed upon Memjet by an injunction are less than those faced by HP should an injunction not issue. Furthermore, the public interest would be served by issuance of an injunction. Accordingly, HP is entitled to an injunction against further infringement of the '202 patent.

PRAYER FOR RELIEF

WHEREFORE, HP respectfully prays that the Court:

- A. Enter judgment in HP's favor on all claims;
- B. Adjudge and decree that Memjet has infringed, directly and/or indirectly, the '201, '952, '564, '343, and '202 Patents;

C. Adjudge and decree that Memjet's infringement of the '201, '952, '564, '343, and '202 Patents has been willful;

D. Award damages to compensate HP for Memjet's infringement pursuant to 35 U.S.C. § 284 in an amount to be determined at trial;

E. Award pre-judgment interest on all amounts awarded and post-judgment interest at the maximum lawful rate;

F. Award enhanced damages against Memjet in accordance with 35 U.S.C. § 284;

G. Permanently enjoin Memjet and its officers, agents, servants, employees, attorneys, and those in active concert or participation with any of them, from directly or indirectly making, using, offering to sell, selling in the United States, or importing into the United States any product that embodies one or more claims of the HP Patents; and enjoin all persons acting in concert or participation with any of the forgoing, and who receive actual notice of the Court's order, from directly making, using, selling, or offering to sell in the United States or importing into the United States any product that embodies or practices one or more claims of the '201, '952, '564, '343, and '202 Patents; or attempting, causing, or assisting any of the aforementioned acts;

H. Alternatively, award HP damages for Memjet's post-judgment infringement;

I. Declare this case exceptional pursuant to 35 U.S.C. § 285 and that HP be awarded its reasonable attorneys' fees and costs in this action;

J. Award HP its costs and disbursements in this action; and

K. Grant HP such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

In accordance with Federal Rule of Civil Procedure 38(b), HP demands a trial by jury on all issues so triable.

DATED this 27th day of May, 2016.

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