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UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

In the Matter of CERTAIN INK CARTRIDGES AND COMPONENTS THEREOF	Investigation No. 337-TA-_____

COMPLAINT OF EPSON PORTLAND INC., EPSON AMERICA, INC. AND SEIKO EPSON CORPORATION UNDER SECTION 337 OF THE TARIFF ACT OF 1930

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1.221	Confidential Component Email from OcBestjet and attached chip instructions
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18	'233 Patent Claim 1 Infringement Chart for Proposed Respondents Ourway Image and Kingway Image
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20	'233 Patent Claim 1 Infringement Chart for Proposed Respondents InkPro2day, Dongguan OcBestjet, and OcBestjet (HK)
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77	'749 Patent Claim 1 Infringement Chart for Proposed Respondents Zinyaw
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81	'749 Patent Claim 1 Infringement Chart for Proposed Respondents Ourway Image and Kingway Image
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83	'749 Patent Claim 1 Infringement Chart for Proposed Respondents Chinamate Technology
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86	'749 Patent Claim 18 Infringement Chart for Proposed Respondents InkPro2day, Dongguan OcBestjet, and OcBestjet (HK)
87	'749 Patent Claim 1 Infringement Chart for Proposed Respondents InkPro2day, Dongguan OcBestjet, and OcBestjet (HK)
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100	'163 Patent Claim 1 Infringement Chart for Proposed Respondents Chinamate Technology
101	'163 Patent Claim 1 Infringement Chart for Proposed Respondents InkPro2day, Dongguan OcBestjet, and OcBestjet (HK)

EXHIBIT	DESCRIPTION
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103	'163 Patent Claim 1 Infringement Chart for Proposed Respondents Richeng Development
104	'513 Patent Claim 1 Infringement Chart for Proposed Respondents Nano Business and Zhuahai Nano
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106	'513 Patent Claim 1 Infringement Chart for Proposed Respondents Zhuhai National, Chancen, and Huebon
107	'513 Patent Claim 14 Infringement Chart for Proposed Respondents Zhuhai National, Chancen, and Huebon
108	'513 Patent Claim 1 Infringement Chart for Proposed Respondents Rich Imaging
109	'513 Patent Claim 14 Infringement Chart for Proposed Respondents Rich Imaging
110	'513 Patent Claim 1 Infringement Chart for Proposed Respondents Shanghai Orink and Orink Infotech
111	'513 Patent Claim 14 Infringement Chart for Proposed Respondents Shanghai Orink and Orink Infotech
112	'513 Patent Claim 1 Infringement Chart for Proposed Respondents Zinyaw
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120	'513 Patent Claim 1 Infringement Chart for Proposed Respondents InkPro2day, Dongguan OcBestjet, and OcBestjet (HK)
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122	'513 Patent Claim 1 Infringement Chart for Proposed Respondent Aomya
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132	Domestic Industry Claim Chart '163 Patent Claim 1 - Genuine Epson
133	Domestic Industry Claim Chart '513 Patent Claim 1 - Genuine Epson
134	Confidential License from Seiko Epson Corporation to Epson Portland Inc.
135	Confidential Amendment to License from Seiko Epson Corporation to Epson Portland Inc.
136	Confidential License from Seiko Epson Corporation to Epson America, Inc.

EXHIBIT	DESCRIPTION
137	Photo of Epson Genuine Ink Cartridge T200XL120
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TABLE OF PHYSICAL EXHIBITS

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B	Group 2 Ink Cartridge (sample from Proposed Respondents InkPro2day, Dongguan OcBestjet, and OcBestjet (HK), Model No. 676XL220, Control No. 7500)
C	Group 3 Ink Cartridge (sample from Proposed Respondents Nano Business and Zhuahai Nano, Model No. T0992, Control No. 7479)
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TABLE OF APPENDICES

APPENDIX	DESCRIPTION
I	Certified Copy of U.S. Patent No. 8,454,116 Prosecution History
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III	Certified Copy of U.S. Patent No. 8,794,749 Prosecution History
IV	Certified Copy of U.S. Patent No. 8,801,163 Prosecution History
V	Certified Copy of U.S. Patent No. 8,882,513 Prosecution History
VI	Cited References of U.S. Patent Nos. 8,454,116; 8,366,233; 8,794,749; 8,801,163; and 8,882,513 (the "Asserted Patents")
VII	Matrix Identifying Patents and Technical References Cited in the Prosecution History of the Asserted Patents

I. INTRODUCTION

1. This Complaint is filed by Complainants Epson Portland Inc., Epson America, Inc. and Seiko Epson Corporation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, based upon the unlawful importation into the United States, the sale for importation and/or the sale within the United States after importation, of certain unauthorized, aftermarket ink cartridges, and components thereof (hereinafter sometimes referred to as "Accused Ink Cartridge Products" or "Accused Products") by proposed respondents Zhuhai Nano Digital Technology Co., Ltd.; Nano Business & Technology, Inc.; Zhuhai National Resources & Jingjie Imaging Products Co., Ltd.; Huebon Co., Ltd.; Chancen Co., Ltd.; Zhuhai Rich Imaging Technology Co., Ltd.; Shanghai Orink Infotech International Co., Ltd.; Orink Infotech International Co., Ltd.; Zinyaw LLC; Yotat Group Co., Ltd.; Yotat (Zhuhai) Technology Co., Ltd.; Ourway Image Co., Ltd.; Kingway Image Co., Ltd.; Zhuhai Chinamate Technology Co., Ltd.; InkPro2day, LLC; Dongguan OcBestjet Printer Consumables Co., Ltd.; OcBestjet Printer Consumables (HK) Co., Ltd.; Aomya Printer Consumables (Zhuhai) Co., Ltd.; and Zhuhai Richeng Development Co., Ltd. (collectively, the "Proposed Respondents"). The Accused Ink Cartridge Products infringe one or more of the following claims of the following United States Patents (hereinafter these patents are sometimes collectively referred to as the "Asserted Patents" and the listed claims are sometimes referred to as the "Asserted Claims"):

- Claims 1, 4 and 10 of U.S. Patent No. 8,366,233 ("the '233 patent");
- Claims 1, 5, 9, 14, 16, 18, 21, 24, 25 and 28 of U.S. Patent No. 8,454,116 ("the '116 patent");
- Claims 1, 3, 14, 15, 17, 18, 20, 30, 36, 49, 60 and 61 of U.S. Patent No. 8,794,749 ("the '749 patent");
- Claims 1, 6 and 13 of U.S. Patent No. 8,801,163 ("the '163 patent"); and

- Claims 1, 3, 7, 14, 15 and 19 of U.S. Patent No. 8,882,513 ("the '513 patent").

2. Complainants seek, as relief, a general exclusion order, or, alternatively, a limited exclusion order, barring from entry into the United States infringing ink cartridges and components thereof. Complainants also seek, as relief, cease and desist orders prohibiting the importation, sale for importation, marketing, and/or advertising, distribution, offer for sale, sale, use after importation, sale after importation, packaging, or transfer within the United States of ink cartridges or components thereof that infringe the claims of the Asserted Patents.

II. THE PARTIES

A. Complainants

3. Seiko Epson Corporation ("SEC") is a corporation organized under the laws of Japan with its principal place of business at 3-3-5 Owa, Suwa-Shi, Nagano-Ken, 392-8502, Japan. SEC is the assignee and owner of the Asserted Patents. Certified copies of the assignments to SEC for each of the Asserted Patents are collectively attached as Exhibit 3. (*See also* ¶ 120, *infra.*)

4. Epson Portland Inc. ("Epson Portland") is an Oregon corporation with its principal place of business located at 3950 NW Aloclek Place, Hillsboro, Oregon 97124. Epson Portland manufactures Epson ink cartridges that are distributed throughout the United States by Epson America, Inc. Epson Portland has the exclusive right in the United States to manufacture ink cartridges that utilize the Asserted Patents, pursuant to a license (and an amendment to the license) from SEC. A copy of the license and amendment are attached hereto as Confidential Exhibits 134 and 135, respectively. (*See also* ¶ 143, *infra.*)

5. Epson America, Inc. ("Epson America") is a California corporation with its principal place of business at 3840 Kilroy Airport Way, Long Beach, California 90806. Epson America is responsible for sales, marketing and customer service of Epson ink cartridges throughout the United

States. Epson America has the exclusive right in the United States to market and sell ink cartridges that utilize the Asserted Patents, pursuant to a licence from SEC. A copy of that license is attached hereto as Confidential Exhibit 136. (*See also* ¶ 143, *infra.*)

B. Proposed Respondents

1. Nano Business & Technology, Inc.

6. On information and belief, proposed respondent Nano Business & Technology, Inc. ("Nano Business") is a corporation organized under the laws of Oregon (Reg. # 185087-96) with its principal place of business located at 650 North State Street, Lake Oswego, OR 97034. (*See* Confidential Declaration of Herbert Seitz, ¶¶ 5, 7, (hereinafter, the "Seitz Decl." or "Seitz Declaration"), submitted herewith, as Exhibit 1; *see also* Seitz Decl., Exhs. 1.1, 1.3.) On information and belief, Nano Business does business under the assumed names of Nano Digital, Nano Inkspot, and Dinsink. On information and belief, Nano Business also operates a warehouse located at 4287 SE International Way, Suite C, Milwaukie, OR 97222, at which it receives Accused Ink Cartridge Products shipped from China. (*See* Seitz Decl., ¶¶ 11, 21-22 and Exhs. 1.7, 1.17, 1.18.) On information and belief, Nano Business imports and/or sells after importation into the United States Accused Ink Cartridge Products.

7. On information and belief, Nano Business operates an online store, *www.nanodigitalink.com*, on which it sells Accused Ink Cartridge Products under the brand name "Nano Digital" and/or "ND". (*See* Seitz Decl., ¶¶ 7-8 and Exh. 1.3.) On information and belief, Nano Business, doing business under its dba's Dinsink, Nano Inkspot, "inkjetdot_123", and "inkjetdot" sells Accused Ink Cartridge Products on *www.amazon.com.* (*See* Seitz Decl., ¶¶ 9-10 and Exhs. 1.5-1.6.) On information and belief, Nano Business d/b/a "inkjetdot_123" and

"cartridgepool" also sells Accused Ink Cartridge Products on *www.ebay.com.* (*See* Seitz Decl., ¶ 16 and Exh. 1.12.)

8. On information and belief, Nano Business is affiliated with proposed respondent Zhuhai Nano Digital Technology Co., Ltd. ("Zhuhai Nano"). (*See* Seitz Decl., ¶¶ 8, 14, 16 and Exhs. 1.3, 1.10, 1.12.) On information and belief, Zhuhai Nano manufactures Accused Ink Cartridge Products in China and exports these Products to the United States to be sold by Nano Business and others.

2. Zhuhai Nano Digital Technology Co., Ltd.

9. On information and belief, proposed respondent Zhuhai Nano Digital Technology Co., Ltd. is a corporation organized under the laws of China (Reg. # 440400000249062) with its principal place of business located at No. 3 factory building, 2/F, 3 Pingxi 5th Road, Nanping State Hi-Tech Park, Zhuhai, Guangdong, China. (*See* Seitz Decl., ¶ 6 and Exh. 1.2.) On information and belief, Zhuhai Nano is affiliated with proposed respondent Nano Business. On information and belief, Zhuhai Nano manufactures Accused Ink Cartridge Products in China and exports these Products to the United States to be sold by Nano Business and others.

10. Piers Reports show regular shipments of inkjet cartridges from Zhuhai Nano to Nano Business's warehouse located at 4287 SE International Way, Suite C, Milwaukie, OR 97222. (*See* Seitz Decl., ¶ 21 and Exh. 1.17.)

11. Import Genius reports show regular shipments of inkjet cartridges from Zhuhai Nano to Nano Business's warehouse located at 4287 SE International Way, Suite C, Milwaukie, OR 97222. (*See* Seitz Decl., ¶ 22 and Exh. 1.18.)

3. Orink Group Proposed Respondents

12. On information and belief, proposed respondents Zhuhai National Resources & Jingjie Imaging Products Co., Ltd., Chancen Co., Ltd., Huebon Co., Ltd., Zhuhai Rich Imaging Technology Co., Ltd., Shanghai Orink Infotech International Co., Ltd., and Orink Infotech International Co., Ltd. are related companies under common ownership and control, and are members of a common enterprise known as the "Orink Group." (*See* Seitz Decl., ¶¶ 24-29 and Exhs. 1.20-1.26.) On information and belief, the Orink Group proposed respondents share at least some, if not all, of the same manufacturing facilities. (*See* Seitz Decl., ¶¶ 31, 39, 44, 46 and Exhs. 1.28, 1.35, 1.42.)

i. Zhuhai National Resources & Jingjie Imaging Products Co., Ltd.

13. On information and belief, proposed respondent Zhuhai National Resources & Jingjie Imaging Products Co., Ltd. ("Zhuhai National") is a corporation organized under the laws of China (Reg. # 440400400034688) with its principal place of business located at Workshop 2, 1-3/F, No. 3 Qingwan 3rd Rd, Qingwan Industrial Zone, Zhuhai, Guangdong, China. (*See* Seitz Decl., ¶ 24 and Exh. 1.20.) On information and belief, it is doing business under the assumed name of Ink-Tank, which name Zhuhai National also sometimes uses to brand its ink cartridge products. (*See* Seitz Decl., ¶ 32 and Exh. 1.29.) On information and belief, Zhuhai National is engaged in the manufacture and importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Ink Cartridge Products.

14. On information and belief, Zhuhai National operates a website, *www.ink-tank.com.cn*, wherein it markets and sells Accused Ink Cartridge Products, sometimes under the Ink-Tank brand. (*See* Seitz Decl., ¶¶ 31-32 and Exhs. 1.28, 1.29.) On information and belief, the Ink-Tank brand "was established by [Zhuhai National] in 1995," and it is Zhuhai National's "main brand ... for

export sales." (Seitz Decl., Exh. 1.29.) On information and belief, Zhuhai National ships Accused Ink Cartridge Products to the United States using generic and/or customized packaging. (*See http://www.ink-tank.com.cn/services*; *see also* Seitz Decl., ¶ 33 and Exh. 1.28.)

15. On information and belief, Zhuhai National is affiliated with Chancen Co., Ltd. and Huebon Co., Ltd., and is part of the Orink Group.

ii. Chancen Co., Ltd.

16. On information and belief, proposed respondent Chancen Co., Ltd. ("Chancen") is a corporation organized under the laws of Hong Kong (Reg. # 1706420) with an address of Room 1207, Wing Tuck Commercial Centre, 177-183 Wing Lok Street, Sheung Wan, Hong Kong. (*See* Seitz Decl., ¶ 26 and Exh. 1.22.) On information and belief, Chancen is engaged in the importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Ink Cartridge Products.

17. On information and belief, Chancen is affilitated with Zhuhai National and Huebon Co., Ltd., and is also part of the Orink Group. On information and belief, when a United States purchaser orders Accused Ink Cartridge Products from Zhuhai National, Chancen ships the ordered Products to the United States. (*See* Seitz Decl., ¶ 33 and Exh. 1.28.)

iii. Huebon Co., Ltd.

18. On information and belief, proposed respondent Huebon Co., Ltd. ("Huebon") is a corporation organized under the laws of Hong Kong (Reg. # 1408293) with an address of Room 1207, Wing Tuck Commercial Centre, 177-183 Wing Lok Street, Sheung Wan, Hong Kong. (*See* Seitz Decl., ¶ 25 and Exh. 1.21.) On information and belief, Huebon is engaged in the importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Ink Cartridge Products. On information and belief, Huebon is

affilitated with Zhuhai National and Chancen, and is also part of the Orink Group. On information and belief, when a United States purchaser orders Accused Ink Cartridge Products from Zhuhai National, Zhuhai National directs the purchaser to pay Huebon for the order via *www.paypal.com.* (*See* Seitz Decl., ¶¶ 33-34 and Exhs. 1.28, 1.30.)

19. Import Genius reports show regular shipments of inkjet cartridges from Huebon to proposed respondent Zinyaw LLC. (*See* Seitz Decl., ¶ 38 and Exh. 1.34.)

iv. Zhuhai Rich Imaging Technology Co., Ltd.

20. On information and belief, proposed respondent Zhuhai Rich Imaging Technology Co., Ltd. ("Rich Imaging") is a corporation organized under the laws of China (Reg. # 440400000140585) with its principal place of business located at Block 1, 3-5/F, 3 Qingwan 3rd Rd, Qingwan Industrial Zone, Sanzao, Zhuhai, Guangdong, China. (*See* Seitz Decl., ¶ 27 and Exh. 1.23.) On information and belief, Rich Imaging is engaged in the manufacture, importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Ink Cartridge Products.

21. On information and belief, Rich Imaging operates at least two websites, *www.richimaging.cn* and *www.zhfuteng.cn*, wherein it markets and sells Accused Ink Cartridge Products. (*See* Seitz Decl., ¶¶ 39-41 and Exhs. 1.35, 1.36, 1.37.) On *www.richimaging.cn*, a hyperlink to Rich Imaging's "Product Catalog" of Accused Ink Cartridge Products directs the user to *www.ink-tank.com.cn*, the Zhuhai National website. (*See http://richimaging.cn/archives/category/product-catalog*.) On information and belief, the ink cartridge packaging used by Rich Imaging and Zhuhai National is very similar, if not identical.

22. Rich Imaging is affiliated with Zhuhai National and is also part of the Orink Group. On information and belief, the address of Rich Imaging's ink cartridge factory is very similar, if not

identical, to the address of Zhuhai National's ink cartridge factory. (*See* Seitz Decl., ¶¶ 31, 39-40 and Exhs. 1.28, 1.35, 1.36.) On information and belief, Shanghai Orink Infotech International Co., Ltd., Rich Imaging, and Zhuhai National all display very similar, if not identical, images and videos of the same Zhuhai ink cartridge factory on their websites. (*Compare* Seitz Decl., Exh. 1.36 *with* Seitz Decl., Exh. 1.42 *and* Seitz Decl., Exh. 1.29.)

v. Shanghai Orink Infotech International Co., Ltd.

23. On information and belief, proposed respondent Shanghai Orink Infotech International Co., Ltd. ("Shanghai Orink") is a company organized under the laws of China (Reg. # 310113000499073) with its principal place of business located at Room 307, No. 275-8 East Guoding Road, Shanghai, China. (*See* Seitz Decl., ¶¶ 28, 47 and Exhs. 1.24, 1.44.) On information and belief, Shanghai Orink is engaged in the manufacture, importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Ink Cartridge Products.

24. On information and belief, Shanghai Orink operates a website, www.orink.com, wherein it markets and sells Accused Ink Cartridge Products. Shanghai Orink states on its website that it is a "member of the ORINK Group" with a "large manufacturing base in South China covering 45,000 square meters and nearly 2000 staffs." (Seitz Decl., Exh. 1.42.) On information and belief, Zhuhai National manufactures the Accused Ink Cartridge Products that Shanghai Orink sells. (*See* Seitz Decl., ¶ 44 and Exh. 1.42; *see also http://www.orink.com/about.php?id=16* ("2008.04 ORINK ink cartridge factory – ZRJJ achieves the production capability of monthly 5 million pieces and output over 4 million pieces, and has become one of the biggest manufacturers of ink cartridge in China.").)

25. On information and belief, Shanghai Orink is affiliated with Zhuhai National, Rich Imaging, and Orink Infotech International Co., Ltd. ("Orink Infotech"). On information and belief, Zhuhai National, Rich Imaging, and Shanghai Orink share the same ink cartridge manufacturing facilities located at 3 Qingwan 3rd Rd, Qingwan Industrial Zone, Zhuhai, Guangdong, China. (*See* Seitz Decl., ¶¶ 31, 39-40, 46-47.)

26. Piers Reports show shipments of inkjet cartridges from Shanghai Orink to ink cartridge retailers in the United States. (*See* Seitz Decl., ¶ 53 and Exh. 1.49.)

vi. Orink Infotech International Co., Ltd.

27. On information and belief, proposed respondent Orink Infotech International Co., Ltd. ("Orink Infotech") is a company organized under the laws of the British Virgin Islands (Company # 546104) with its principal place of business located at Unit 1205, 12F/L., Sino Plaza, 255 Gloucester Road, Causewat Bay, Hong Kong. (*See* Seitz Decl., ¶ 29, 45 and Exhs. 1.26, 1.42.) Orink Infotech is engaged in the importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Ink Cartridge Products.

28. On information and belief, Orink Infotech exports Accused Ink Cartridge Products that are manufactured by the Orink Group proposed respondents from China to the United States. (*See* Seitz Decl., ¶¶ 43-45 and Exhs. 1.41, 1.42, 1.43.) Many of these shipments are made by air freight, in order to avoid U.S. Customs. (*See* Seitz Decl., ¶ 43 and Exh. 1.41.)

29. On information and belief, Orink Infotech is affiliated with Shanghai Orink and is a member of the Orink Group. (*See* Seitz Decl., ¶¶ 44-45 and Exhs. 1.42, 1.43.) Shanghai Orink lists contact information for Orink Infotech on its website. (*See* Seitz Decl., Exh. 1.42 at 20.)

4. Zinyaw LLC

30. On information and belief, proposed respondent Zinyaw LLC ("Zinyaw") is a limited liability company organized under the laws of Texas (Filing # 800432086) with its principal place of business located at 1321 Upland Dr. # 1359, Houston, TX 77043. (*See* Seitz Decl., ¶¶ 131-132 and Exhs. 1.126, 1.127.) On information and belief, Zinyaw does business under the assumed name of TonerPirate. (*See* Seitz Decl., ¶¶ 132-133 and Exhs. 1.127, 1.128, 1.129.) On information and belief, Zinyaw imports, and/or sells after importation into the United States Accused Ink Cartridge Products.

31. On information and belief, Zinyaw operates a website, www.tonerpirate.com, on which it markets and sells Accused Ink Cartridge Products manufactured in China. (*See* Seitz Decl., ¶ 132 and Exh. 1.127.) Zinyaw states on its website that "65000+ customers have placed 120000+ orders for 330000+ items since 2005," and that it sells "compatible printer cartridges." (*Id.*)

32. On information and belief, Zinyaw sells Accused Ink Cartridge Products manufactured in China by one or more of the Orink Group proposed respondents. On information and belief, the ink cartridge packaging used by Zinyaw and Zhuhai National is very similar, if not identical.

33. Import Genius reports show regular shipments of inkjet cartridges from Huebon to proposed respondent Zinyaw LLC. (*See* Seitz Decl., ¶ 138 and Exh. 1.34.)

5. Yotat Group Co., Ltd.

34. On information and belief, proposed respondent Yotat Group Co., Ltd. ("Yotat Group") is a company organized under the laws of Hong Kong (Reg. # 1071351) with its principal place of business located at Flat/Room 704, Bright Way Tower, 33 Mong Kok Road, Kowloon, Hong Kong. (*See* Seitz Decl., ¶¶ 54, 58 and Exhs. 1.50, 1.53.) On information and belief, Yotat

Group is engaged in the manufacture, importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Ink Cartridge Products.

35. On information and belief, Yotat Group operates a website, *www.yotat.com*, on which it markets and sells Accused Ink Cartridge Products. (*See* Seitz Decl., ¶ 58 and Exh. 1.53.) Yotat Group states on its website that it is a "Hong Kong based group company ... committed to being your one-stop partner in manufacturing image supplies since 2003." (Seitz Decl., Exh. 1.53.) Yotat Group's website also references its "manufacturing facilities located in Guangdong province, south China." (*Id.*) Yotat Group also provides contact information for Yotat (Zhuhai) Technology Co. on its website. (*See id.*)

36. On information and belief, Yotat Group is affiliated with proposed respondent Yotat (Zhuhai) Technology Co., Ltd.. (*See* Seitz Decl., ¶ 58 and Exh. 1.53.) On information and belief, Yotat Group and Yotat (Zhuhai) Technology Co., Ltd. are under common ownership and control. (*See* Seitz Decl., ¶¶ 54-55 and Exhs. 1.50-1.51.) On information and belief, Yotat (Zhuhai) Technology Co. manufactures the Accused Ink Cartridge Products sold by Yotat Group. (*See* Seitz Decl., Exh. 1.53.)

37. Import Genius reports show regular shipments of inkjet cartridges from Yotat Group to inkjet cartridge retailers in the United States. (*See* Seitz Decl., ¶64 and Exh. 1.59.)

6. Yotat (Zhuhai) Technology Co., Ltd.

38. On information and belief, proposed respondent Yotat (Zhuhai) Technology Co., Ltd. ("Yotat Zhuhai") is a company organized under the laws of China (Reg # 440400000330229) with its principal place of business located at No. 127 People's East Road, Xiangzhou, Zhuhai, China. (*See* Seitz Decl., ¶¶ 55, 58 and Exhs. 1.51, 1.53.) On information and belief, Yotat Zhuhai is

engaged in the manufacture, importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Ink Cartridge Products.

39. On information and belief, Yotat Zhuhai is affiliated with proposed respondent Yotat Group. (*See* Seitz Decl., ¶ 58 and Exh. 1.53.) On information and belief, Yotat Group and Yotat Zhuhai are under common ownership and control. (*See* Seitz Decl., ¶¶ 54-55 and Exhs. 1.50, 1.51.) On information and belief, Yotat Zhuhai manufactures the Accused Ink Cartridge Products sold by Yotat Group. (*See* Seitz Decl., ¶ 56.)

40. On information and belief, Yotat Zhuhai is engaged in the manufacture, importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Ink Cartridge Products.

7. Kingway Group Proposed Respondents

41. On information and belief, proposed respondents Ourway Image Co., Ltd., Kingway Image Co., Ltd., and Zhuhai Chinamate Technology, Co., Ltd. are related companies, under common ownership and control and part of a common enterprise known as the "Kingway Group." (*See* Seitz Decl., ¶¶ 85-87, 103 and Exhs. 1.80, 1.81, 1.82, 1.98.) On information and belief, the Kingway Group proposed respondents operate at least two ink cartridge factories in Zhuhai, China where they manufacture Accused Ink Cartridge Products. (*See* Seitz Decl., ¶¶ 93, 103, 106 and Exhs. 1.89, 1.98, 1.102.)

i. Ourway Image Co., Ltd.

42. On information and belief, proposed respondent Ourway Image Co., Ltd. ("Ourway Image") is a company organized under the laws of China (Reg. # 440400000185845) with its principal place of business located at Room 403, 4/F, Rirong Edifice, Building 5, No. 291 Remin West Road, Xiangzhou, Zhuhai, China. (*See* Seitz Decl., ¶¶ 85, 93 and Exhs. 1.80, 1.89.) On

information and belief, Ourway Image sometimes uses the brand name "Star Ink" on its Accused Ink Cartridge Products. (*See* Seitz Decl., ¶¶ 92, 94 and Exhs. 1.87, 1.89.) On information and belief, Ourway Image is engaged in the manufacture, importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Ink Cartridge Products.

43. On information and belief, Ourway Image operates a website, *http://www.ourwayink.com*, on which it markets and sells Accused Ink Cartridge Products. (*See* Seitz Decl., ¶¶ 92-93 and Exhs. 1.87, 1.89.) Ourway Image states on its website that its ink cartridge factory in Zhuhai, China has a monthly output of "about 4 million compatible ink cartridges." (Seitz Decl., Exh. 1.89 at 2.)

44. On information and belief, Ourway Image, Kingway Image Co., Ltd., and Zhuhai Chinamate Technology, Co., Ltd. are under common ownership and control. (*See* Seitz Decl., ¶¶ 85-87, 103 and Exhs. 1.80, 1.81, 1.82, 1.98.) Ourway Image also states in a video on its website that "Ourway was first inaugurated in 2005 as a wholly-owned subsidiary of Kingway." (*See* *http://www.ourwayink.com/about.php?cid=30.*)

45. Import Genius reports show regular shipments of inkjet cartridges from Ourway Image to retailers in the United States. (*See* Seitz Decl., ¶ 101 and Exh. 1.95.)

46. Piers Reports show regular shipments of inkjet cartridges from Ourway Image to retailers in the United States. (*See* Seitz Decl., ¶ 102 and Exh. 1.97.)

ii. Kingway Image Co., Ltd.

47. On information and belief, proposed respondent Kingway Image Co., Ltd. ("Kingway Image") is a corporation organized under the laws of China (Reg. # 440400000156455) with its principal place of business located at 4/F, Building 1, No. 1 Ping Dong Road 2, Nanping Industry Park, Zhuhai, China. (*See* Seitz Decl., ¶¶ 86, 103 and Exhs. 1.81, 1.98.) On information and belief,

Kingway Image is engaged in the manufacture, importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Ink Cartridge Products.

48. On information and belief, Kingway Image operates a website, *www.kingwayimage.com*, on which it markets its "Star Ink" and "Kingway" brands and states that the monthly output of its ink cartridge factory is "up to 4 million pieces for compatible inkjet cartridge[s]." (Seitz Decl., Exh. 1.98 at 2.) On information and belief, Kingway Image manufactures Accused Ink Cartridge Products sold by the Kingway Group proposed respondents and others. (*See* Seitz Decl., ¶ 103-104 and Exhs. 1.98, 1.100.)

49. On information and belief, Ourway Image, Kingway Image, and Zhuhai Chinamate Technology, Co., Ltd. are under common ownership and control. (*See* Seitz Decl., ¶¶ 85-87, 103 and Exhs. 1.80, 1.81, 1.82, 1.98.) On its website, Kingway Image also provides contact information for Kingway Group affiliates, including proposed respondent Ourway Image. (*See* Seitz Decl., Exh. 1.98.)

iii. Zhuhai Chinamate Technology, Co., Ltd.

50. On information and belief, proposed respondent Zhuhai Chinamate Technology, Co., Ltd. ("Chinamate Technology") is a company organized under the laws of Chin*a* (Reg. # 440400000197203) with its principal place of business located at Room 1504/1508/1511, No# 125 Renmin East Road, Xiangzhou, Zhuhai, China. (*See* Seitz Decl., ¶¶ 87, 106-107 and Exhs. 1.82, 1.102, 1.103.) On information and belief, Chinamate Technology is engaged in the manufacture, importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Ink Cartridge Products.

51. On information and belief, Chinamate Technology operates a website, *http://www.cmchinamate.com*, on which it markets and sells Accused Ink Cartridge Products. (*See* Seitz Decl., ¶ 106 and Exh. 1.102.) Chinamate Technology states on its website that its 12,000 square meter factory "achieves a monthly output of ... over 1 million ink cartridges." (Seitz Decl., Exh. 1.102 at 2.) On information and belief, Chinamate Technology manufactures Accused Ink Cartridge Products sold by the Kingway Group proposed respondents and others. (*See* Seitz Decl., ¶¶ 106-108 and Exhs. 1.102, 1.103, 1.104.)

52. On information and belief, Ourway Image, Kingway Image, and Chinamate Technology are under common ownership and control. (*See* Seitz Decl., ¶¶ 85-87, 103 and Exhs. 1.80, 1.81, 1.82, 1.98.)

8. Dongguan OcBestjet Printer Consumables Co., Ltd.

53. On information and belief, proposed respondent Dongguan OcBestjet Printer Consumables Co., Ltd. ("Dongguan OcBestjet") is a corporation organized under the laws of China (Reg # 441900000788712) with its principal place of business located at Block F01, 4/F, Jingyefang Industrial Park, No.351, Jian'an Road, Wusha Village, Chang'an Town, Dongguan, China. (*See* Seitz Decl., ¶¶ 65, 81 and Exhs. 1.60, 1.75.) On information and belief, Dongguan OcBestjet is affiliated with OcBestjet Printer Consumables (HK) Co., Ltd.. (*See* Seitz Decl., ¶¶ 81-82 and Exhs. 1.75, 1.77.) On information and belief, Dongguan OcBestjet is engaged in the manufacture, importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Ink Cartridge Products.

54. On information and belief, Dongguan OcBestjet operates a website, *www.ocbestjet.com*, on which it markets and sells Accused Ink Cartridge Products. (*See* Seitz Decl., ¶ 81 and Exh. 1.75.) On information and belief, InkPro2day, LLC is a distributor of Dongguan

OcBestjet Accused Ink Cartridge Products in the United States. (*See* Seitz Decl., ¶ 84 and Exh. 1.79.)

9. OcBestjet Printer Consumables (HK) Co., Ltd.

55. On information and belief, proposed respondent OcBestjet Printer Consumables (HK) Co., Ltd. ("OcBestjet (HK)") is a corporation organized under the laws of Hong Kong (Reg # 1487257) with its principal place of business located at RM 2301, 23 F/L, Worldwide House, 19 Des Voeux Road Central, Hong Kong. (*See* Seitz Decl., ¶¶ 66, 81-82 and Exhs. 1.60, 1.75, 1.77.) On information and belief, OcBestjet (HK) is affiliated with Dongguan OcBestjet. (*See* Seitz Decl., ¶¶ 81-82 and Exhs. 1.75, 1.77.) On information and belief, OcBestjet (HK) is engaged in the manufacture, importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Ink Cartridge Products.

56. On information and belief, OcBestjet (HK) operates a website, *www.ocbestjet.net*, on which it markets and sells Accused Ink Cartridge Products. (*See* Seitz Decl., ¶ 82 and Exh. 1.77.) On information and belief, InkPro2day, LLC is a distributor of OcBestjet (HK) Accused Ink Cartridge Products in the United States. (*See* Seitz Decl., ¶ 84 and Exh. 1.79.)

10. InkPro2day, LLC

57. On information and belief, proposed respondent InkPro2day, LLC ("InkPro2day") is a limited liability company organized under the laws of California (Entity # 201303110123) with its principal place of business located at 1200 Santee Street, Suite 1006, Los Angeles, CA 90015. (*See* Seitz Decl., ¶¶ 67, 69 and Exhs. 1.61, 1.62.) On information and belief, InkPro2day imports, and/or sells after importation into the United States, Accused Ink Cartridge Products.

58. On information and belief, InkPro2day operates at least three websites: *www.inkpro2day.com*, *www.posters2day.com*, and *www.2daystores.com*. (*See* Seitz Decl., ¶¶ 68-71

and Exhs. 1.62, 1.63, 1.64, 1.65.) On each of its websites, InkPro2day markets and sells Accused Ink Cartridge Products. (*See* Seitz Decl., ¶ 69-71 and Exhs. 1.62, 1.64, 1.65.) On information and belief, InkPro2day is the U.S. distributor of Accused Ink Cartridge products manufactured by Dongguan OcBestjet. (*See* Seitz Decl., ¶ 84 and Exh. 1.79.)

11. Aomya Printer Consumables (Zhuhai) Co., Ltd

59. On information and belief, proposed respondent Aomya Printer Consumables (Zhuhai) Co., Ltd ("Aomya") is a corporation organized under the laws of China (Reg. # 440400000246512) with its principal place of business located at Rm #412, Henghe Business Building, No. 313 East Renmin Road, Xiangzhou, Zhuhai, Guangdong, China. (*See* Seitz Decl., ¶ 111 and Exh. 1.106.) On information and belief, Aomya is engaged in the manufacture, importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Ink Cartridge Products.

60. On information and belief, Aomya operates a website, *http://www.aomya.com.cn*, on which it markets and sells Accused Ink Cartridge Products. (*See* Seitz Decl., ¶ 112 and Exh. 1.107.) Aomya states on its website that it is "a manufacturer and global distributor of Ink Cartridge and Toner Cartridge Products with over 10 years of experience in the imaging supplies industry." (Seitz Decl., Exh. 1.107 at 2.)

61. Import Genius reports show shipments of inkjet cartridges from Aomya to ink cartridge retailers in the United States. (*See* Seitz Decl., ¶ 120 and Exh. 1.115.)

12. Zhuhai Richeng Development Co., Ltd.

62. On information and belief, proposed respondent Zhuhai Richeng Development Co., Ltd. ("Richeng Development") is a corporation organized under the laws of China (Reg. # 440400000048601) with its principal place of business located at Building No. 5, Nanshan Industrial

Zone, 10 Shihua 3rd Street, Jida, Zhuhai, China 519015. (*See* Seitz Decl., ¶¶ 121-122, 124 and Exhs. 1.116, 1.117, 1.119.) On information and belief, Richeng Development is doing business under the assumed name of Ecoi, which name Richeng Development also sometimes uses to brand its products. (*See* Seitz Decl., ¶¶ 122-123 and Exhs. 1.117, 1.118.) On information and belief, Richeng Development is engaged in the manufacture, importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Ink Cartridge Products.

63. On information and belief, Richeng Development operates a website, *www.ecoi.com.cn*, on which it markets and sells Accused Ink Cartridge Products. (*See* Seitz Decl., ¶ 122 and Exh. 1.117.) Richeng Development states on its website that it is "the global leading printer consumables [manufacturer] in China." (Seitz Decl., Exh. 1.117 at 1.) On information and belief, Richeng Development manufactures Accused Ink Cartridge Products which are sold by ink cartridge retailers in the United States. (*See* Seitz Decl., ¶¶ 123-125 and Exhs. 1.118, 1.119, 1.120.)

64. Import Genius reports show shipments of inkjet cartridges from Richeng Development to ink cartridge retailers in the United States. (*See* Seitz Decl., ¶ 129 and Exh. 1.124.)

65. Piers Reports show shipments of inkjet cartridges from Richeng Development to ink cartridge retailers in the United States. (*See* Seitz Decl., ¶ 130 and Exh. 1.125.)

III. THE PRODUCTS AT ISSUE

66. Epson is a leading developer and manufacturer of ink jet printers and ink cartridges for use in those printers. Indeed, the quality of its printing products is so well recognized that Epson was selected as the printer supplier for the International Space Station.

67. Pursuant to 19 C.F.R. § 210.12(a)(12), the category of products accused in this Investigation is infringing ink cartridges, and components thereof, designed for use with certain Epson ink jet printers. Not all Epson ink cartridges work with all Epson printers. Instead, Epson ink

cartridges are printer-specific: specific sets of Epson ink cartridges are designed to operate with specific sets of Epson printers, and not others. Indeed, this is the norm in the printer industry, where manufacturers specify the specific cartridge models to be used with specified printer models that they sell, and different cartridge models are compatible with different printer models.[1]

68. The Proposed Respondents offer infringing ink cartridge substitutes for many of the genuine ink cartridges currently being sold by Epson, including many different cartridge models for many different printers. For purposes of the infringement analysis relevant to this Investigation, however, the Accused Ink Cartridge Products and the printers with which they operate can be organized into five groups or categories. The infringement analysis for a given Asserted Claim is the same for each member of the group. A detailed explanation of these groups, and why the same infringement analysis applies to each member of each group, is set forth in the Confidential Declaration of Dr. Gerald M. Murch, (hereinafter, the "Murch Decl." or "Murch Declaration"), submitted herewith, as Confidential Exhibit 2. (*See* Murch Decl., ¶¶ 8-84.)

69. All of the printers in a given group have similar architecture, circuitry and programming in terms of how they inter-operate with an installed ink cartridge, and all of the cartridges that will inter-operate with their specified printers have similar architecture, circuitry, and programming, in terms of how they function, and hence, how they practice the Asserted Claims. This is so even though the products in some groups vary in form-factor, the color of ink carried, ink capacity and other ways unrelated to the Asserted Claims. As a result, the infringement analysis is the same for each Accused Ink Cartridge Product from a group, and this analysis can be confirmed

[1] Recognizing this fact, Respondents market their infringing products by reference to the specific Epson printer models for which each Accused Ink Cartridge Product is compatible, and/or by reference to the product code of the genuine Epson cartridge for which the infringing product is a substitute. (*See, e.g.*, Seitz Decl., Exhs. 1.3, 4.37, 4.42, 4.53, 4.62, 4.89.)

by actual testing of a few representative Accused Ink Cartridge Products from each group. Each of these groups is described generally below, and each is discussed in more detail in the accompanying Murch Declaration. (*See, e.g., id.*)

70. One can determine if a given Accused Ink Cartridge Product belongs in a given Group based on: (1) an examination of the arrangement of the cartridge's "contact portions,"[2] and (2) an identification of the Epson printer model(s) with which that cartridge is compatible and/or the product code (model number) of the genuine Epson cartridge for which that Accused Ink Cartridge Product is a substitute.

71. A summary of the groups, and their identifying features, is as follows:

A. Group 1:

72. Accused Ink Cartridge Products in Group 1 can be identified readily, namely, based upon: (1) a visual examination of the arrangement of the contact portions on a particular Accused Ink Cartridge Product, and (2) an identification of the Epson printer model(s) with which that cartridge is compatible and/or the product code (model number) of the genuine Epson cartridge for which that cartridge is a substitute.

73. The Accused Ink Cartridge Products in Group 1 all have contact portions arranged in two rows, where there are four contact portions in the top row and five in the bottom row.[3] For

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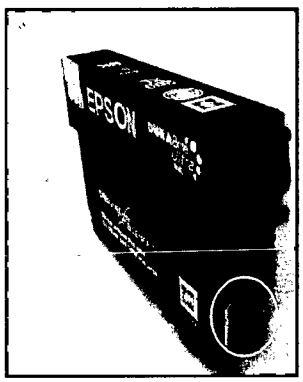
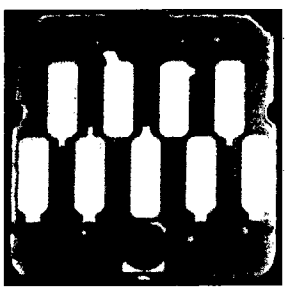
[2] The term "contact portions" refers to those portions of the cartridge terminals that actually contact conductive elements on the printer (called "contact forming members") when the cartridge has been installed so as to enable electrical communication between the cartridge and the printer. The precise location of the contact portions on a given Accused Ink Cartridge Product can be determined by applying black ink (e.g., from a marker) to the cartridge's terminals, installing and removing the cartridge from the printer, and observing the most pronounced areas of the terminals where the printer's contact forming members scraped off the applied black ink. *See* Murch Decl., ¶¶ 12-14.

[3] "Bottom row" refers to a row of contact portions located at a position in the printer that is deeper in the printer than the other row ("top row"), with respect to the insertion direction. "Top (footnote continued)

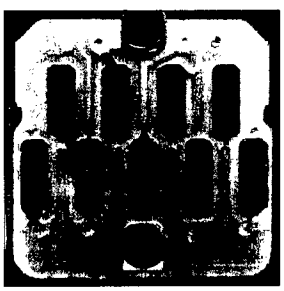
example, shown below is a photograph of a genuine Epson Group 1 ink cartridge, where the contact portions, determined in the manner described in footnote 2, are shown.



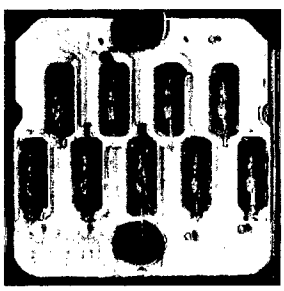
genuine Epson Group 1 Cartridge (model no. T200XL120)
printed circuit board containg terminals and contact portions circled in red



enlarged view of printed circuit board showing the cartridge's 9 terminals



black ink applied with marker to terminals of cartridge

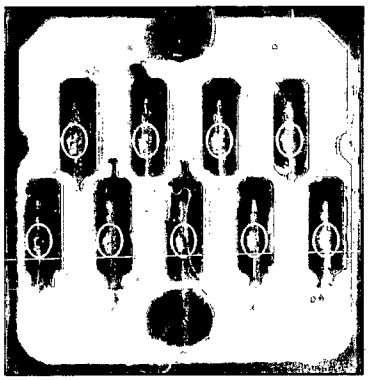


terminals after cartridge installed and removed from printer

74. The contact portions are the areas of the terminals where the black ink applied with the marker is most heavily scraped off (the lines leading up to or below the contact portion are

row" refers to a row of contact portions located at a position in the printer that is not as deep (i.e., more shallow) in the printer as the deeper row, with respect to the insertion direction. *See also*, *infra*, Section IV.H ("Non-Technical Description of the Patented Technologies").

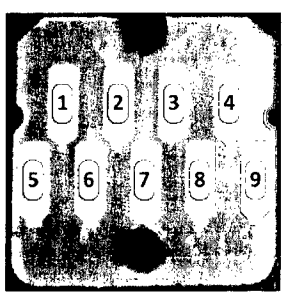
where the black ink of the marker was scraped off as the cartridge was installed and removed). The following annotated photo shows the location of the contact portions annotated by red circles.[4]



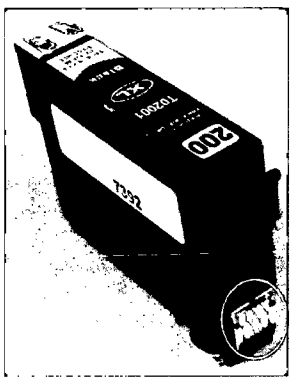
contact portions (red circles) of terminals of genuine Epson Group 1 Cartridge

75. For Group 1, the Accused Ink Cartridge Products will use various shapes of terminals, but the arrangement of the contact portions, where the terminals on these Accused Products make contact with the contact forming members of the printer, are always in the same arrangement as that found on the genuine Epson products. For example, shown below is a photograph of an Accused Ink Cartridge Product showing that, although its terminals are not the same shape as those on the genuine Epson cartridge shown above, the contact portions on it are the

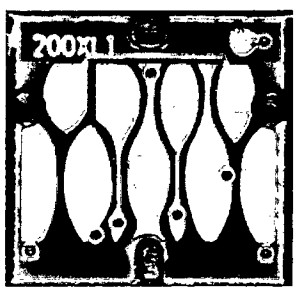
[4] For ease of reference, the contact portions (and terminals) may sometimes be referred to herein according to the following numbering scheme.



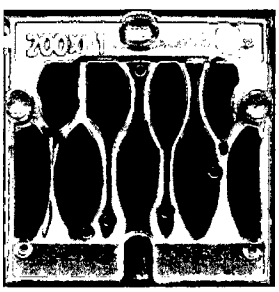
same, as shown by the scraped off ink resulting from contact being made with the contact forming members of the same Epson printer.[5]



Group 1 Accused Ink Cartridge Product from Proposed Respondent InkPro2day (model no. T02001XL); printed circuit board containg terminals and contact portions circled in red



enlarged view of printed circuit board showing the cartridge's 9 terminals



black ink applied with marker to terminals of cartridge

terminals after cartridge installed and removed from printer

76. The following annotated photo shows the location of the contact portions of the Group 1 Accused Ink Cartridge Product annotated by red circles.[6]

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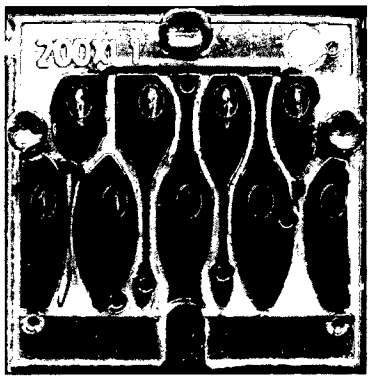
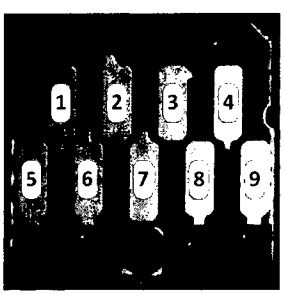
[5] Furthermore, although one of the five asserted patents, the '233 patent, has limitations phrased in terms of terminals, and not also contact portions, the various terminal shapes and arrangements on the Accused Ink Cartridge Products in Group 1 (and the other groups discussed below) also all infringe the asserted claims from that "terminal" patent, because they all meet the limitations regarding the terminals on these Accused Ink Cartridge Products, as shown in the claim charts submitted as Exhibits 12-22.



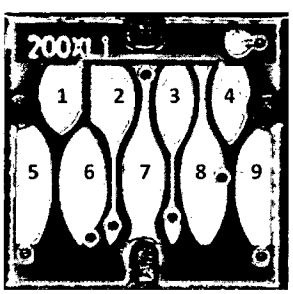
contact portions (red circles) of terminals of a Group 1 Accused Ink Cartridge Product

77. Not all Accused Ink Cartridge Products with the foregoing arrangement of contact portions are in Group 1. Instead Group 1 is limited to the cartridges that have this arrangement and that are to be used in specific Epson printers that have certain circuitry and programming. This is the case because the infringement analysis turns, in part, on the voltages and signals applied to the contact portions on the cartridge by the printer, and the printers that use Group 1 cartridges all have the same such circuitry and they all apply the same signals and voltages to the contact portions of an installed ink cartridge. (*See* Murch Decl., ¶¶ 18-22.) In this case, the Accused Ink Cartridge Products in Group 1 are those that are designed for use with the list of Group 1 Printers set out in the

[6] For clarity, the same numbering scheme of the contact portions (and terminals) shown above in footnote 5 with respect to the genuine Epson cartridge is shown here with respect to a Group 1 Accused Ink Cartridge Product, together with the genuine Epson cartridge for comaprison. This numbering scheme will sometimes be used below when referring to the location of various contact portions and terminals.



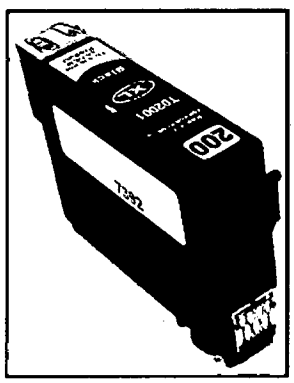
Genuine Epson Group 1 cartridge



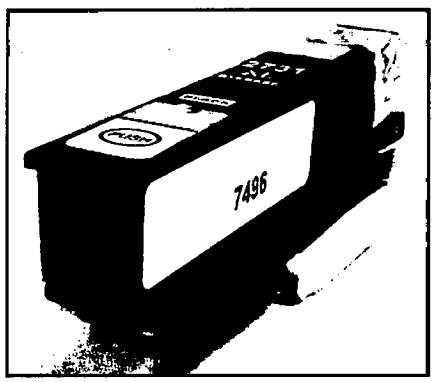
Group 1 Accused Ink Cartridge Product

Murch Declaration at ¶ 10, and they may also be identified if they are offered as substitutes for the specific Epson cartridge product codes set out in ¶¶ 24-25 of the Murch Declaration.[7]

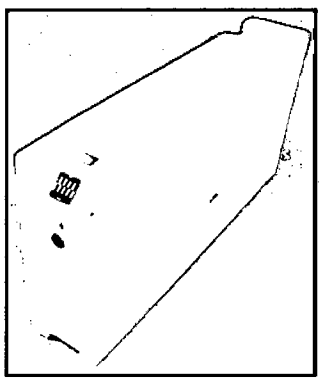
78. The Accused Products in Group 1 are not limited to a single form-factor (i.e., shape and size). Instead, they include many different shapes and sizes of cartridge, currently consisting of at least three general types. Examples of Proposed Respondent cartridges of each type follow:[8]



Group 1 Type A Cartridge



Group 1 Type B Cartridge



Group 1 Type C Cartridge

79. The claims asserted against the Group 1 Accused Ink Cartridge Products are:

- claims 1 and 10 of the '233 patent;
- claims 1, 5, 9, 14, 16, 18, 21, 24, 25 and 28 of the '116 patent;
- claims 1, 14, 15, 17, 18, 30, 36, 49, 60 and 61 of the '749 patent;

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[7] Epson may introduce new models of printers in the future that also have the arrangement of contact forming members described here. All such newly introduced printers would fall into the Group 1 Printers, and the Group 1 Cartridges (or newly introduced cartridges that have all of the requirements of the Group 1 Cartridges described here) would be compatible with such newly introduced Group 1 Printers as well (assuming the cartridges and printers are designed to operate with one another as noted in this section).

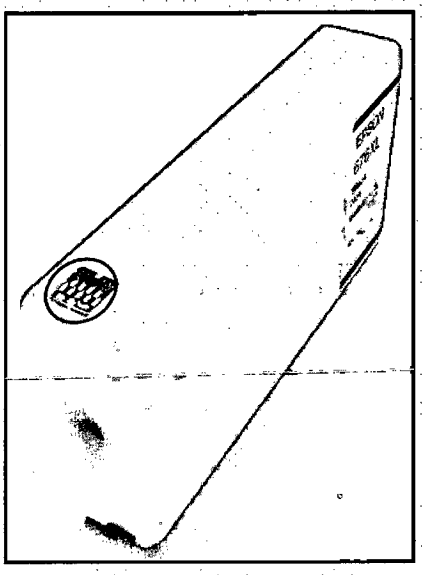
[8] The photos shown here are not to scale. For example, the Group 1 Type C cartridges are relatively large cartridges, known as Large Format Printer ("LFP") cartridges (typically used in inkjet printers in industrial and/or professional applications), that hold many times the volume of ink than the smaller Group 1 Type A and Group 1 Type B cartridges, which are typically for smaller, desktop, consumer ink jet printers.

- claims 1, 6 and 13 of the '163 patent; and
- claims 1, 3, 7, 14, 15 and 19 of the '513 patent.

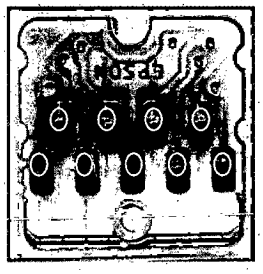
B. Group 2:

80. Like Group 1, the Accused Ink Cartridge Products in Group 2 can also be identified by: (1) a visual examination of the arrangement of the contact portions on a particular Accused Ink Cartridge Product, and (2) an identification of the Epson printer model(s) with which that cartridge is compatible and/or the product code (model number) of the genuine Epson cartridge for which that cartridge is a substitute.

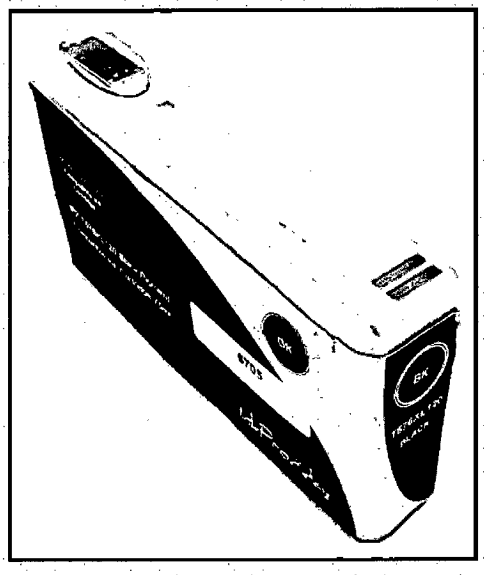
81. Photos showing the contact portions on one representative Group 2 Accused Ink Cartridge Product and one genuine Epson Group 2 cartridge are set out below. As was true with respect to Group 1, the contact portions of the Accused Ink Cartridge Products in Group 2 (and of the genuine Epson cartridges for which they are substitutes) also are arranged in two rows, with four contact portions in the top (shallow) row, and five in the bottom (deeper) row. A genuine Epson Group 2 cartridge and its contact portions annotated in red, is shown below, followed by a Group 2 Accused Ink Cartridge Product, with its contact portions annotated in red.



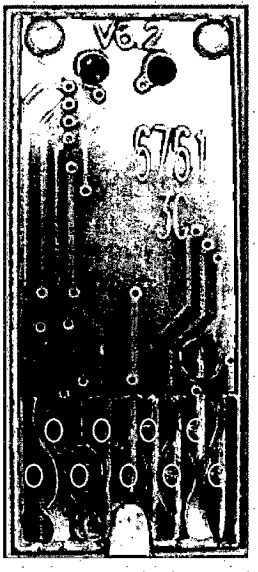
genuine Epson Group 2 Cartridge (model no. 676120); printed circuit board containing terminals and conatct portions circled in red



contact portions (red circles) of terminals of genuine Epson Group 2 Cartridge



Accused Ink Cartridge Product from Proposed Respondent InkPro2day (model no. IP2-T676XL)



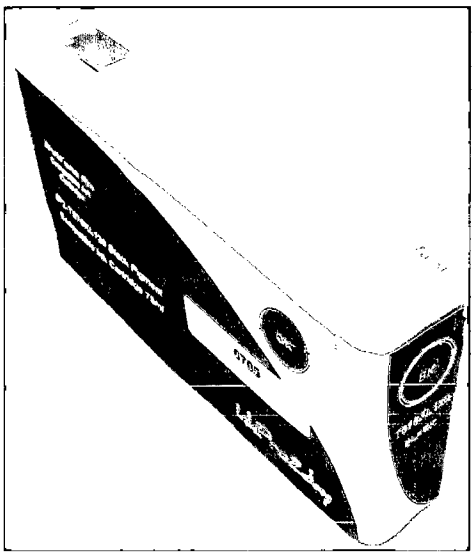
contact portions (red circles) of terminals of a Group 2 Accused Ink Cartridge Product

82. However, although the arrangement of contact portions looks the same on Group 2 cartridges as it does on Group 1 cartridges, other elements contained in these Group 2 cartridges,

and different circuitry in these cartridges and the printers that are compatible with them, means that the infringement analysis is somewhat different for Group 2 Accused Ink Cartridge Products than it is for Group 1 Accused Ink Cartridge Products. Nonetheles, because all of the Group 2 Accused Ink Cartridge Products have the same such elements and circuitry, the infringement analysis is the same for all of the Group 2 Accused Ink Cartridge Products, and this can be confirmed based on actual testing of a limited number of representative cartridges from this Group. (*See* Murch Decl., ¶¶ 33-39.)

83. Not all Accused Ink Cartridge Products with the foregoing arrangement of contact portions are in Group 2. Instead Group 2 is limited to the cartridges that are used in specific Epson printers that have certain circuitry and programming. In this case, the Accused Ink Cartridge Products in Group 2 are those that are designed for use with the list of Group 2 Printers set out in the Murch Declaration at ¶ 26, and they may also be identified if they are offered as substitutes for the specific genuine Epson cartridge product codes (model numbers) set out in Murch Declaration at ¶¶ 41-42.

84. The Accused Ink Cartridge Products in Group 2 are currently found in only one form-factor. An example of a Proposed Respondent cartridge from Group 2 follows:



Group 2 Cartridge

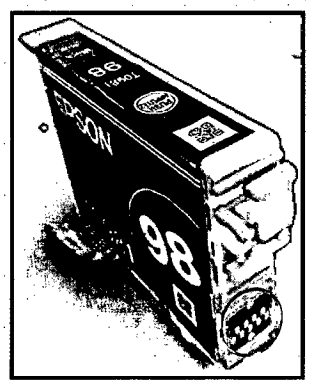
85. The claims asserted against the Group 2 Accused Ink Cartridge Products are:

- claims 1, 4 and 10 of the '233 patent;
- claims 1, 5, 9, 14, 16, 18, 21, 24, 25 and 28 of the '116 patent;
- claims 1, 3, 14, 15, 17, 18, 20, 30, 36, 49, 60 and 61 of the '749 patent;
- claims 1, 6 and 13 of the '163 patent; and
- claims 1, 3, 7, 14, 15 and 19 of the '513 patent.

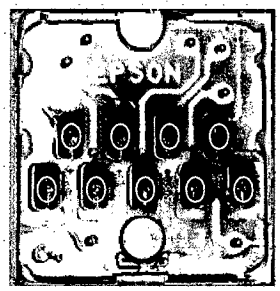
C. Group 3:

86. Like Groups 1 and 2, the Accused Ink Cartridge Products in Group 3 can be identified by: (1) a visual examination of the arrangement of the contact portions on a particular Accused Ink Cartridge Product, and (2) an identification of the Epson printer model(s) with which that cartridge is compatible and/or the product code (model number) of the genuine Epson cartridge for which that cartridge is a substitute.

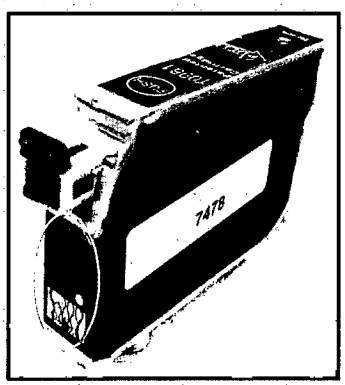
87. Photos showing the contact portions on one representative Group 3 Accused Ink Cartridge Product and one genuine Epson Group 3 cartridge are set out below.



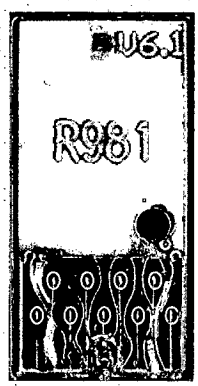
genuine Epson Group 3 Cartridge (model no. T0981); printed circuit board containing terminals and contact portions circled in red



contact portions (red circles) of terminals of genuine Epson Group 3 Cartridge



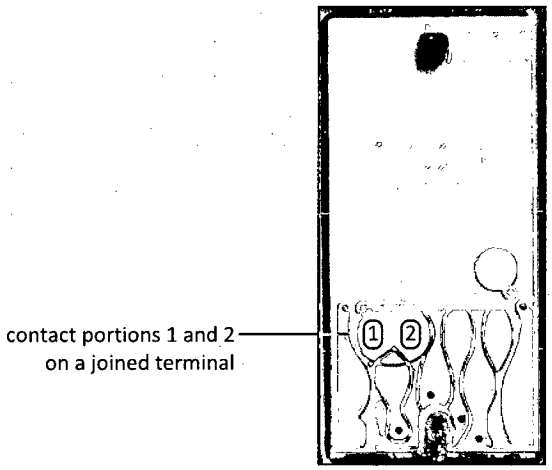
Accused Ink Cartridge Product from Proposed Respondent Nano Business & Technology, Inc. (model no. T0981)



contact portions (red circles) of terminals of a Group 3 Accused Ink Cartridge Product

88. It should be noted that although the left-most and second left-most contact portions in the top row (i.e., contact portions 1 and 2), and their associated terminals, on a genuine Epson Group 3 Cartridge are joined by a wire (visible in the photo of the printed circuit board), the Group 3 Accused Ink Cartridge Products that have been found for this Investigation often have been found to have contact portions 1 and 2 that are located on what appears to be two terminals joined together as

one, as shown in the photo above of the cartridge from Nano Business & Technology, Inc., reproduced and annotated below.[9]



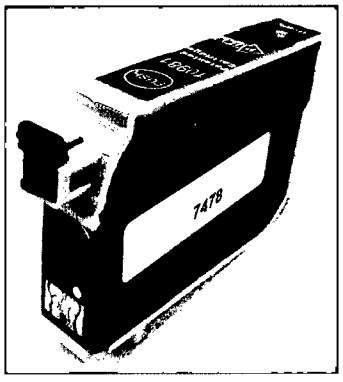
89. Although Group 3 cartridge can look like those from Groups 1 and 2 (if contact portions 1 and 2 are not on the same metal element, i.e., they are not clearly joined as one), other elements contained in these Group 3 Accused Ink Cartridge Products, and different circuitry and programming on the printers that use Group 3 cartridges, means that the infringement analysis is different for Group 3 products than it is for Group 1 and Group 2 products. However, because all of the cartridges in Group 3 have the same such elements and circuitry, the infringement analysis is the same for all of the Group 3 products with respect to the claims asserted against them, and this analysis can be confirmed by testing of a few representative cartridges from this group. (*See* Murch Decl., ¶¶ 50-54.)

90. Not all Accused Products with the foregoing arrangements of contacts are in Group 3. Instead Group 3 is limited to the cartridges that are used in specific Epson printers that have certain

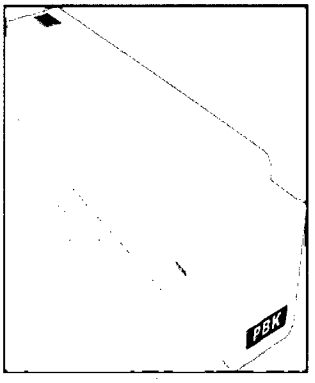
[9] For purposes of the groupings being laid out here, Group 3 includes a cartridge where terminals 1 and 2 are separate, with a wire connecting them, or joined, as shown in the photo. However, a joined terminal is functionally the same as if the terminals containing contact portions 1 and 2 were physically separate, but joined by a conductive wire (as in the genuine Epson cartridge).

circuitry and programming. In this case, the Accused Ink Cartridge Products in Group 3 are those that are designed for use with the list of Group 3 Printers set out in the Murch Declaration at ¶ 43, and they may also be identified if they are offered as substitutes for the specific Epson cartridge product codes set out in ¶¶ 56-57 of the Murch Declaration.

91. The Accused Products in Group 3 are not limited to a single form-factor (i.e., shape and size). Instead, they include different shapes and sizes of cartridge, currently consisting of at least two general types. Examples of Proposed Respondent cartridges of each type follow:



Group 3 Type A Cartridge



Group 3 Type B Cartridge

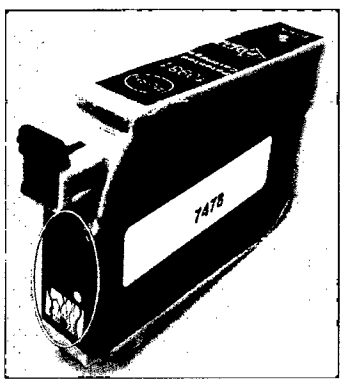
92. The claims asserted against the Group 3 Accused Ink Cartridge Products are:

- claims 1, 3, 18, 20, 36 and 49 of the '749 patent.

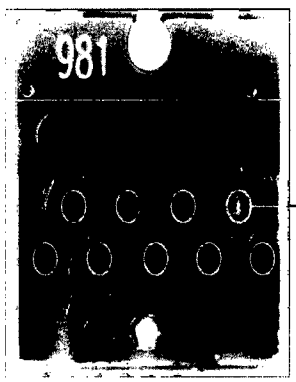
D. Group 4:

93. Group 4 Accused Ink Cartridge Products can also be identified by: (1) a visual examination of the arrangement of the contact portions on a particular Accused Ink Cartridge Product, and (2) an identification of the Epson printer model(s) with which that cartridge is compatible and/or the product code (model number) of the genuine Epson cartridge for which that cartridge is a substitute.

94. The Group 4 Accused Ink Cartridge Products are essentially the same as those in Group 3 with one exception: in the Group 4 Accused Ink Cartridge Products, the fourth contact portion on a terminal in the top row (i.e., contact portion 4) found on Group 3 Products, and the terminal that would have contained that contact portion, has been removed, as shown below:



Group 4 Accused Ink Cartrigde Product InkPro2day cartridge with terminal 4 missing



contact portions (red circles) of terminals of a Group 4 Accused Ink Cartridge Product with contact portion 4 on a terminal missing (green circle)

95. As a result, Group 4 Accused Ink Cartridge Products function slightly differently than do Group 3 Accused Ink Cartridge Products, as explained in detail in the Murch Declaration filed herewith. (*See id.*, ¶¶ 58-67.)

96. It should be noted, however, that the same printers can operate with either a Group 3 or a Group 4 cartridge, because although the absence of contact portion 4 affects the functionality of the cartridges, it does not prevent them from both being compatible with the same group of printers. Further, the product codes of the genuine Epson cartridges for which Group 4 Accused Ink Cartridge Products are a substitute are the same product codes as those for Group 3 Accused Ink Cartridge Products, though the cartridges will exhibit somewhat different functionality as a result of the presence or absence of contact portion 4. As is true for the other Groups as well, all of the Accused Ink Cartridge Products in Group 4 will infringe the same Asserted Claims in the same manner and for the same reasons.

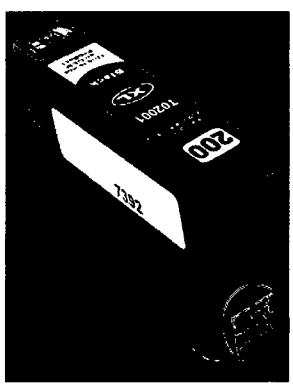
97. One can determine if an Accused Ink Cartridge Product that is compatible with the printers of Groups 3 and 4 is a Group 3 product, or instead, a Group 4 product, based on whether the specific Accused Ink Cartridge Product has a contact portion (and terminal) 4. If it has such a contact portion, it is Group 3; if not, it is Group 4. *Compare* ¶ 87 with ¶ 94, *supra.*

98. The claims asserted against the Group 4 Accused Ink Cartridge Products are:

- claims 1, 3, 18, 20, 36 and 49 of the '749 patent.

E. Group 5:

99. Group 5 Accused Ink Cartridge Products may have anywhere from two to four terminals in the top row; stated differently, they may have the same contact arrangement on the face of the product as for Groups 1 and 2, or they may be missing either or both of contact portions (and terminals) 1 and 4. For example, shown below is a photo of a Group 5 Accused Ink Cartridge Product that shows where the contact portions are when used in a compatible printer, using the same methodology for determining the locations of the contact portions described above in footnote 2, namely, applying black ink with a marker to the cartridge's terminals and installing and removing the cartridge from its intended printer, and thereafter observing the terminals for the contact portions.



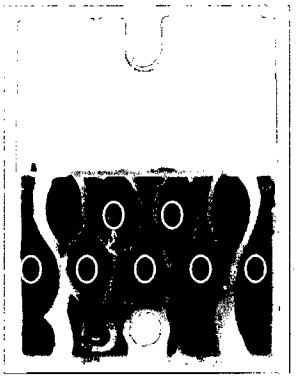
Group 5 Accused Ink Cartridge Product from Proposed Respondent InkPro2day, LLC (model no. 1261); printed circuit board containg terminals and contact portions circled in red

enlarged view of printed circuit board showing the cartridge's four top-row terminals

black ink applied with marker to terminals of cartridge

terminals after cartridge installed and removed from printer

100. The following photo shows the location of the contact portions of the Group 5 Accused Ink Cartridge Product annotated by red circles.

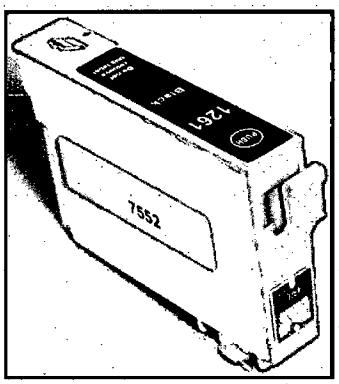


contact portions (red circles) of terminals of a Group 5 Accused Ink Cartridge Product

101. As this shows, the printer only has contact portions 2 and 3, but not 1 and 4, in the top row. Although the Accused Ink Cartridge Products may have conductive material in what would be the location of contact portions 1 and 4, they do not in fact have such contact portions because there is no contact forming member on the printer side of the printers that use Group 5 cartridges. As can be seen from the photo above, there is no contact occurring at contact portions 1 and 4 with the terminals and the terminals that are located there are not electrically coupled with the printer. As a result, Group 5 Accused Ink Cartridge Products involve a different infringement analysis than do the other Groups.

102. The Accused Ink Cartridge Products in Group 5 are those that are designed for use with the list of Group 5 Printers set out in the Murch Declaration at ¶ 70, and they may also be identified if they are offered as substitutes for the specific Epson cartridge product codes set out in ¶¶ 83-84 of the Murch Declaration.

103. The Accused Ink Cartridge Products in Group 5 are currently found in the following form-factor. An example of a Proposed Respondent cartridges follows.



Group 5 Cartridge

104. The claims asserted against the Group 5 Accused Ink Cartridge Products are:

- claims 1, 3, 18, 20, 36 and 49 of the '749 patent.

F. Summary of Asserted Claims Against Accused Ink Cartridge Product Groups:

105. A matrix that summarizes the claims asserted against each Group is thus as follows:

Accused Ink Cartridge Groups	Asserted Claims
Group 1 Accused Ink Cartridges	'233 patent: claims 1, 10 '116 patent: claims 1, 5, 9, 14, 16, 18, 21, 24, 25, 28 '749 patent: claims 1, 14, 15, 17, 18, 30, 36, 49, 60, 61 '163 patent: claims 1, 6, 13 '513 patent: claims 1, 3, 7, 14, 15, 19
Group 2 Accused Ink Cartridges	'233 patent: claims 1, 4, 10 '116 patent: claims 1, 5, 9, 14, 16, 18, 21, 24, 25, 28 '749 patent: claims 1, 3, 14, 15, 17, 18, 20, 30, 36, 49, 60, 61 '163 patent: claims 1, 6, 13 '513 patent: claims 1, 3, 7, 14, 15, 19
Group 3 Accused Ink Cartridges	'749 patent: claims 1, 3, 18, 20, 36, 49
Group 4 Accused Ink Cartridges	'749 patent: claims 1, 3, 18, 20, 36, 49
Group 5 Accused Ink Cartridges	'749 patent: claims 1, 3, 18, 20, 36, 49

G. Components of Ink Cartridges:

106. In addition to the Accused Ink Cartridge Products discussed above, certain Proposed Respondents, and others, are selling for importation, importing, or selling after importation, components used to make infringing Accused Ink Cartridge Products.

107. For example, proposed respondent Dongguan OcBestjet manufactures, imports and sells into the United States a component consisting of a refillable ink cartridge body that is essentially the same shape (i.e., form-factor) as the Accused Ink Cartridge Products that are substitutes for genuine Epson ink cartridges with product code T591200 (as well as T591100, T591300, T591400, T591500, T591600, T591700, T591800 and T591900) for use with the Epson

Stylus Pro 11880 Printer, which is a Group 3 Printer. (*See* Seitz Decl., ¶ 140 and Exh. 1.220.) When sold, this component does not have a memory device. Dongguan OcBestjet intends for the user to assemble this ink cartridge body (the component) into an infringing Accused Ink Cartridge by filling it with ink and adding to it a printed circuit board (containing a memory device) from a spent genuine Epson ink cartridge.[10] (*See* Seitz Decl., ¶ 140, 141 and Exh. 1.220, 1.221.) When a cartridge is made with this memory component from a spent genuine Epson cartridge, the resulting product is a Group 3 Accused Ink Cartridge Product (or a Group 4 Accused Ink Cartridge Product, depending on the arrangement of contact portions, as discussed in Section III.D, *supra*) that infringes the Asserted Claims of the '749 patent in the same fashion as other products in those Groups. (*See* Murch Decl., ¶ 85.)

108. Thus, when Dongguan OcBestjet sells these ink cartridge bodies, there is attached to that cartridge body an L-shaped printed circuit board ("PCB") pre-mounted on the cartridge body, with terminals and contact portions to connect to the contact forming members on the printer with which it is to be used.[11] (*See* Seitz Decl., ¶ 140 and Exh. 1.220.) This L-Shaped PCB is sometimes referred to as a "chip sensor." (*See id.*) A photograph of this cartridge body, and of the L-shaped PCB attached to it is shown below:

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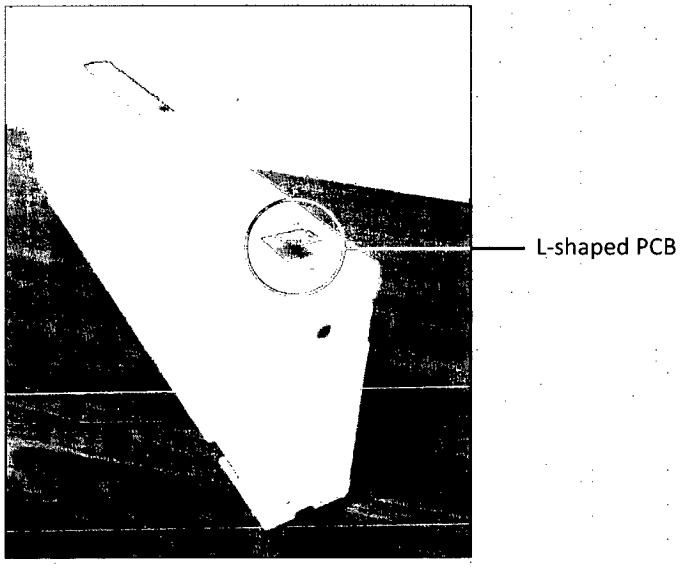
[10] In addition, the user also resets the memory device so that it registers full of ink. However, resetting the memory device and refilling the cartridge are not necessary to infringe the Asserted Claims. Rather, merely combining the ink cartridge body with a genuine Epson PCB results in an infringing Accused Ink Cartridge Product. (*See also* footnote 14, *infra.*)

[11] In addition, OcBestjet includes an extra L-shaped PCB in the packaging that contains the cartridge body (i.e., unmounted); this loose L-shaped PCB is physically identical to the mounted L-shaped PCB.



Dongguan OcBestjet ink cartridge body with an L-shaped PCB

109. This L-shaped PCB includes a high voltage electronic device, as do genuine Epson cartridges, but it does not include a memory or other low voltage electronic device. Without such a memory device, the cartridge is incomplete and it will not work when mounted in the Epson Stylus Pro 11880 printer for which it is designed.[12] Instead, a user must attach to the cartridge the PCB with a memory from a genuine Epson cartridge (presumably from a used genuine Epson cartridge), for the assembled cartridge to operate in the printer. Dongguan OcBestjet provides two detailed instruction sheets, one of which is called "EPSON 11880 Refillable ink cartridge instruction," in which it instructs the user to remove the genuine Epson PCB (which contains the memory device) from a spent genuine Epson ink cartridge (e.g., a previously used genuine Epson ink cartridge for the Epson Stylus Pro 11880 printer), and to mount that PCB in a recess on the Dongguan OcBestjet ink cartridge body. The recess is specifically designed to hold the genuine Epson PCB with a memory,

[12] Without the low voltage electronic device (memory device), the ink cartridge body is merely a component as it does not meet the low voltage or memory device limitations of the Asserted Claims.

and it is located on the cartridge body just under the L-shaped PCB that is provided with the body when it is sold by Dongguan OcBestjet.[13] (*See* Seitz Decl., ¶ 141 and Exh. 1.221.) Dongguan OcBestjet also instructs the user to "reset" the genuine Epson memory device that is added to its component so that that memory device will indicate that the cartridge is full of ink so that the cartridge will operate in the Epson Stylus Pro 11880 printer.[14] (*See* Seitz Decl., ¶ 141 and Exh. 1.221.)

110. The Dongguan OcBestjet ink cartridge bodies having L-shaped PCBs have a unique shape (form-factor) designed specifically to fit in the cartridge holder of the Epson Stylus Pro 11880 printer for which they are designed. They will not fit into any other printer and they have no other use except to be made into infringing Accused Ink Cartridge Products. (*See id.*) They are exported, imported and sold in the United States exclusively for this purpose.

111. In another example, Epson obtained from proposed respondent Richeng Development components that include an ink cartridge body (a component) substantially identical, from a patent analysis perspective, to the Dongguan OcBestjet ink cartridge body described above, including an L-shaped PCB. (*See* Seitz Decl., ¶ 142.) The L-shaped PCB on the Richeng Development component is also missing a low voltage electronic device (memory device) although like the Dongguan OcBestjet component it contains a high voltage electronic device. Like the Dongguan OcBestjet

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[13] The instructions provide that the L-shaped PCB must first be removed by prying up the "chip holder" that holds the L-shaped PCB from the cartridge body: "Use [a] screw driver to prize [*sic*] up the compatible chip holder (along with the chip) from the bottom part of the chips[.]" (*See* Seitz Decl., ¶ 141 and Exh. 1.221.) Douggaun OcBestjet also provides the user with a second "instruction manual," which includes a series of pictures illustrating how to "disassemble the sensor," "install the original chip set," and "reset the original chip set." (*See* Seitz Decl., ¶ 140 and Exh. 1.220 at 4-5.)

[14] For successive use, the instructions state: "When the ink volume within the chip is less than 15%, you must reset the chips by using the chip resetter to avoid error message." (*See* Seitz Decl., ¶ 141 and Exh. 1.221.)

component, the Richeng Development component includes a recess on the cartridge body in which to place a genuine Epson PCB. And, like the Dongguan OcBestjet component, the Richeng Development L-shaped PCB has "probes" that, after the L-shaped PCB has been installed atop the genuine Epson PCB, make contact with the memory terminals of the genuine Epson PCB and allow the now assembled and infringing Accused Ink Cartridge Product to operate in an Epson Stylus Pro 11880 printer.

112. Richeng Develoment intends that a user assemble this component into an infringing Accused Ink Cartridge Product by adding to it a genuine Epson printed circuit board containing a memory device – there is no use for this component other than by adding the genuine Epson PCB to it. When a cartridge is made with this component, it is a Group 3 Cartridge (or a Group 4 Cartridge, depending on the arrangement of contact portions, as discussed in Section III.D, *supra*) and it will infringe the Asserted Claims of the '749 patent in the same fashion as other products in those Groups.

113. As with the Dongguan OcBestjet component, the Richeng Development ink cartridge bodies have a unique shape (form-factor) designed specifically to fit in the cartridge holder of the Epson Stylus Pro 11880 printer for which they are designed. They will not fit into any other printer and they have no other use except to be made into infringing Accused Ink Cartridge Products. They are exported, imported and sold in the United States exclusively for this purpose.

114. In yet another example, some infringers apparently import unused genuine Epson ink cartridges that have been first sold overseas by Epson, purchased thereafter by the infringer, and then sold for importation or imported into the United States with the genuine Epson PCB removed (i.e., with no PCB at all). (*See* Seitz Decl., ¶ 139.) United States Customs and Border Protection ("U.S. Customs") contacted Epson when U.S. Customs officers found importations of such unused genuine

Epson ink cartridges first sold outside of the U.S., without PCBs. (*See id.*) Although Epson's investigator was able to recognize the cartridge as an unused genuine Epson ink cartridge first sold overseas, Epson is currently unaware of the identity of the importer of this cartridge, or the entity that removed its PCB. (*See id.*)

115. There is a market for such unused genuine Epson ink cartridges without PCBs because aftermarket PCBs for numerous models of ink cartridges for use with Epson printers, including Accused Ink Cartridge Products from each of the Groups described herein, are widely available for purchase through the Internet, and elsewhere. (*See id.*) The replacement of the genuine Epson PCB with an aftermarket PCB designed to make the cartridge suitable for use in a printer sold by Epson in the United States does not constitute permissible repair or refurbishment because the infringer has imported and sold an ink cartridge (body) that never had an exhausting sale in the United States.

116. On information and belief, the Proposed Respondents have knowledge of the Asserted Patents because Epson marks its patents on its products, either directly with the patent numbers, or virtually under 35 U.S.C. § 287(a) by citation on the genuine cartridges to a website that lists the patents that cover genuine Epson cartridges, including the Asserted Patents. In addition, by continuing to sell these components after receiving a copy of this Complaint, these Proposed Respondents are proceeding with clear knowledge of the Asserted Patents.

117. Furthermore, these Proposed Respondents clearly intend to have consumers use these components to create and use infringing Accused Ink Cartridge Products. They instruct people on how to use them, and they sell other necessary items (e.g., aftermarket PCBs, chip resetters, and/or ink) to make them work. Further, the ink cartridge bodies they sell have no use other than to make an infringing Accused Ink Cartridge Product. Indeed, there is no indication they could be used for

anything else. Indeed, consumers do buy these components and use them to make infringing Accused Ink Cartridge Products. Otherwise, these Proposed Respondents and others would not make and sell them. Discovery will identify specific consumers who are using these components to infringe.

118. Accordingly, by selling these components, Proposed Respondents are indirectly infringing the Asserted Patents by contributory infringement and they are also inducing infringement of them.

IV. THE ASSERTED PATENTS

119. The Asserted Patents are all part of the same family of patents. They share an identical or nearly identical specification, although each has claims directed to different inventions.

120. Pursuant to 19 C.F.R. § 210.12(a)(9)(ii), certified copies of the assignments to SEC for each of the Asserted Patents are collectively attached as Exhibit 3.

A. United States Patent No. 8,366,233

121. The first Asserted Patent herein is the '233 patent, entitled "Printing Material Container, And Board Mounted On Printing Material Container." A certified copy of the '233 patent is attached to the Complaint as Exhibit 4. A copy of a Certificate of Correction for the '233 patent is attached as Exhibit 5.

122. The '233 patent issued on February 5, 2013, based on an application (Application No. 12/257,914) filed on October 24, 2008, which is a continuation of App. No. 12/040,308 filed on February 29, 2008, now United States Patent No. 7,484,825, which is a continuation of App. No. 11/611,641 filed on December 15, 2006, now United States Patent No. 7,562,958, which claims priority from Japan Application No. 2006-220751 filed on August 11, 2006 and Japan Application No. 2005-372028 filed on December 26, 2005. The term of the '233 patent was extended or adjusted under 35 U.S.C. 154(b) by 994 days, and the '233 patent will expire on September 4, 2029.

123. Noboru Asauchi is the sole named inventor on the '233 patent.

124. Pursuant to 19 C.F.R. § 210.12(c)(i), attached as Appendix I is a certified copy of the prosecution history of the '233 patent (Application No. 12/257,914). Pursuant to 19 C.F.R. § 210.12(c)(ii), copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '233 patent are attached at Appendix VI and a matrix identifying which of those patents and technical references are cited in the prosecution history of the '233 patent is attached as Appendix VII.

B. United States Patent No. 8,454,116

125. The second Asserted Patent herein is the '116 patent, entitled "Printing Material Container, And Board Mounted On Printing Material Container." A certified copy of the '116 patent is attached to the Complaint as Exhibit 6.

126. The '116 patent issued on June 4, 2013, based on an application (Application No. 13/608,658) filed on September 10, 2012, which is a continuation of App. No. 12/257,914 filed on October 24, 2008, now United States Patent No. 8,366,233, which is a continuation of App. No. 12/040,308 filed on February 29, 2008, now United States Patent No. 7,484,825, which is a continuation of App. No. 11/611,641 filed on December 15, 2006, now United States Patent No. 7,562,958, which claims priority from Japan Application No. 2006-220751 filed on August 11, 2006 and Japan Application No. 2005-372028 filed on December 26, 2005. The '116 patent will expire on December 15, 2026.

127. Noboru Asauchi is the sole named inventor on the '116 patent.

128. Pursuant to 19 C.F.R. § 210.12(c)(i), attached as Appendix II is a certified copy of the prosecution history of the '116 patent (Application No. 13/608,658). Pursuant to 19 C.F.R. § 210.12(c)(ii), copies of each patent and applicable pages of each technical reference mentioned in

the prosecution history of the '116 patent are attached at Appendix VI and a matrix identifying which of those patents and technical references are cited in the prosecution history of the '116 patent is attached as Appendix VII.

C. United States Patent No. 8,794,749

129. The third Asserted Patent herein is the '749 patent, entitled "Printing Material Container, And Board Mounted On Printing Material Container." A certified copy of the '749 patent is attached to the Complaint as Exhibit 7.

130. The '749 patent issued on August 5, 2014, based on an application (Application No. 13/902,171) filed on May 24, 2013, which is a continuation of App. No. 13/608,658 filed on September 10, 2012, now United States Patent No. 8,454,116, which is a continuation of App. No. 12/257,914 filed on October 24, 2008, now United States Patent No. 8,366,233, which is a continuation of App. No. 12/040,308 filed on February 29, 2008, now United States Patent No. 7,484,825, which is a continuation of App. No. 11/611,641 filed on December 15, 2006, now United States Patent No. 7,562,958, which claims priority from Japan Application No. 2006-220751 filed on August 11, 2006 and Japan Application No. 2005-372028 filed on December 26, 2005. The '749 patent will expire on December 15, 2026.

131. Noboru Asauchi is the sole named inventor on the '749 patent.

132. Pursuant to 19 C.F.R. § 210.12(c)(i), attached as Appendix III is a certified copy of the prosecution history of the '749 patent (Application No. 13/902,171). Pursuant to 19 C.F.R. § 210.12(c)(ii), copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '749 patent are attached at Appendix VI and a matrix identifying which of those patents and technical references are cited in the prosecution history of the '749 patent is attached as Appendix VII.

D. United States Patent No. 8,801,163

133. The fourth Asserted Patent herein is the '163 patent, entitled "Printing Material Container, And Board Mounted On Printing Material Container." A certified copy of the '163 patent is attached to the Complaint as Exhibit 8.

134. The '163 patent issued on August 12, 2014, based on an application (Application No. 14/194,120) filed on February 28, 2014, which is a continuation of App. No. 13/902,171 filed on May 24, 2013, now United States Patent No. 8,794,749, which is a continuation of App. No. 13/608,658 filed on September 10, 2012, now United States Patent No. 8,454,116, which is a continuation of App. No. 12/257,914 filed on October 24, 2008, now United States Patent No. 8,366,233, which is a continuation of App. No. 12/040,308 filed on February 29, 2008, now United States Patent No. 7,484,825, which is a continuation of App. No. 11/611,641 filed on December 15, 2006, now United States Patent No. 7,562,958, which claims priority from Japan Application No. 2006-220751 filed on August 11, 2006 and Japan Application No. 2005-372028 filed on December 26, 2005. The '163 patent will expire on December 15, 2026.

135. Noboru Asauchi is the sole named inventor on the '163 patent.

136. Pursuant to 19 C.F.R. § 210.12(c)(i), attached as Appendix IV is a certified copy of the prosecution history of the '163 patent (Application No. 14/194,120). Pursuant to 19 C.F.R. § 210.12(c)(ii), copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '163 patent are attached at Appendix VI and a matrix identifying which of those patents and technical references are cited in the prosecution history of the '163 patent is attached as Appendix VII.

E. United States Patent No. 8,882,513

137. The fifth Asserted Patent herein is the '513 patent, entitled "Printing Material Container, And Board Mounted On Printing Material Container." A certified copy of the '513 patent is attached to the Complaint as Exhibit 9.

138. The '513 patent issued on November 11, 2014, based on an application (Application No. 14/332,973) filed on July 16, 2014, which is a continuation of App. No. 14/194,120 filed on February 28, 2014, now United States Patent No. 8,801,163, which is a continuation of App. No. 13/902,171 filed on May 24, 2013, now United States Patent No. 8,794,749, which is a continuation of App. No. 13/608,658 filed on September 10, 2012, now United States Patent No. 8,454,116, which is a continuation of App. No. 12/257,914 filed on October 24, 2008, now United States Patent No. 8,366,233, which is a continuation of App. No. 12/040,308 filed on February 29, 2008, now United States Patent No. 7,484,825, which is a continuation of App. No. 11/611,641 filed on December 15, 2006, now United States Patent No. 7,562,958, which claims priority from Japan Application No. 2006-220751 filed on August 11, 2006 and Japan Application No. 2005-372028 filed on December 26, 2005. The '513 patent will expire on December 15, 2026.

139. Noboru Asauchi is the sole named inventor on the '513 patent.

140. Pursuant to 19 C.F.R. § 210.12(c)(i), attached as Appendix V is a certified copy of the prosecution history of the '513 patent (Application No. 14/332,973). Pursuant to 19 C.F.R. § 210.12(c)(ii), copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '513 patent are attached at Appendix VI and a matrix identifying which of those patents and technical references are cited in the prosecution history of the '513 patent is attached as Appendix VII.

F. Foreign Counterpart Patents

141. Pursuant to 19 C.F.R. § 210.12(a)(9)(v), there are no foreign patents, foreign patent applications that have not already issued as a patent, and foreign patent applications that have been denied, abandoned or withdrawn, corresponding to each Asserted Patent, other than those listed (with an indication of their prosecution status) in the attached Exhibit 10.

G. Licenses

142. Pursuant to 19 C.F.R. § 210.12(a)(9)(iii), there are no licensees under the Asserted Patents, other than the entities listed in the attached Confidential Exhibit 11.

143. Pursuant to 19 C.F.R. § 210.12(a)(9)(iv), copies of each license agreement for each Asserted Patent that Complainants rely upon to establish their standing to bring this complaint or to support their contention that a domestic industry as defined in section 337(a)(3) exists or is in the process of being established as a result of the domestic activities of one or more of its licensees, are attached hereto as Confidential Exhibits 134, 135 and 136. (*See also* ¶¶ 4 and 5, *supra.*)

H. Non-Technical Description of the Patented Technologies[15]

144. As noted, the Asserted Patents all share an identical or nearly identical specification.

145. A number of the claims of the Asserted Patents are directed to an ink cartridge or printing material supply container intended for mounting in a printer with a print head. Certain claims of the Asserted Patents are directed to a system for supplying ink to a printer. And, certain other claims are directed to features of a circuit board mountable on a printing material container for

[15] The general description of the patented technologies provided in this section is not intended and should not be understood to limit the scope of any claim. All non-technical descriptions of the patents herein are presented to give a general background of those patents. These statements are not intended to be used nor should they be used for purposes of claim construction. Complainants present these statements subject to and without waiver of their right to argue that claim terms should be construed in a particular way under claim construction jurisprudence and the relevant evidence.

use with a printer. In each case, the cartridge, container, system, or circuit board contains an electronic device that operates at a relatively low voltage, such as a memory device storing information about the ink cartridge (e.g., volume of ink remaining, manufacturing date, type or color of ink, source, etc.), and an electronic device that operates at a relatively high voltage, such as an ink-level sensor.

146. The cartridge, container, system, or circuit board also contains a relatively compact set of conductive terminals with contact portions, including two contact portions electrically coupled to the electronic device that operates at the relatively high voltage ("high-voltage contact portions") and a plurality of contact portions electrically coupled to the electronic device that operates at the relatively low voltage ("low-voltage contact portions"). When the cartridge, container, system, or circuit board is used with the printer, the contact portions make physical contact with corresponding terminals or contact forming members of the printer so that electrical communication is enabled with the printer.

147. Before the inventions herein, prior art ink cartridges and printers suffered from a variety of problems related to electrical shorting between different contact portions of the ink cartridge. Electrical shorting may occur, for example, when a drop of ink (abruptly deposited or accumulated over time) or a foreign object (such as a staple or fine paper dust, moist with ink) forms a conductive bridge between contact portions. The risk of developing an electrical short is particularly acute for ink cartridges such as those to which the inventions herein are directed, wherein a number of technical considerations, including the use of both high-voltage and low-voltage contact portions, require that all of the contact portions be placed in close physical proximity to one another on the ink cartridge.

148. When it occurs, electrical shorting between different contact portions may cause a number of problems. At a minimum, electrical shorting may cause the ink cartridge or the printer to malfunction when, for example, the signal intended for the ink cartridge or the printer circuitry coupled to one shorted contact portion is received and/or corrupted by the circuitry coupled to another shorted contact portion. However, more serious problems may result when an electrical short develops between contact portions coupled to electronic devices that operate at different voltages. In such a case, the application of the higher voltage via the electrical short to the circuitry of the ink cartridge or the printer that normally operates at a lower voltage can cause permanent damage, requiring potentially expensive repair or replacement of the ink cartridge or the printer. Indeed, because the inventions of the Asserted Patents are used by various types of ink cartridges, including relatively expensive very high volume ink cartridges that may carry nearly one liter of ink, or more, it is desirable to avoid electrical shorts that may render a cartridge completely inoperable, even if replacement of the ink cartridge might resolve the problem. Similarly, in some cases, the printers used with these cartridges are expensive and large printers, some weighing as much as 500 pounds and capable of printing very wide widths; damage to such printers could result in high repair costs. In addition, customers would lose trust in printing products unable to provide early warning of an electrical short before serious damage occurred.

149. Each of the Asserted Patents incorporates multiple important features providing valuable advantages over the prior art for preventing and reducing damage, and the risk of damage, from electrical shorting between contact portions. Various of these features are described below.

150. One important feature found in a number of claims of the Asserted Patents is the arrangement of all the contact portions into two rows extending orthogonally (perpendicurly) with respect to the insertion direction of the ink cartridge (which preferably, but not necessarily, coincides

with the direction of gravity). In contrast to arranging the contact portions in a more concentrated cluster, dispersing the contact portions into two rows decreases the number of adjacent contact portions on the circuit board. This decreases the chance that an ink drop, for example, will form in a location that creates a conductive bridge between two contact portions, thereby reducing the possibility that an electrical short will occur. The row arrangement also provides for further improvements (described below) that contribute to the prevention and reduction of damage, and the risk of damage, from electrical shorting.

151. Another important feature found in certain claims of the Asserted Patents is the placement of the two high-voltage contact portions at the outermost ends of the arrangement of contact portions. As a result of this placement, there is no contact portion directly above (or below) either high-voltage contact portion, and all the low-voltage contact portions are located between the two high-voltage contact portions with respect to the row direction. This placement inhibits a conductive staple or an ink drop progressing in the direction of gravity down the face of the circuit board (or travelling with the cartridge during insertion), for example, from forming a conductive bridge between a high-voltage contact portion and another contact portion located directly above (or below) the high-voltage contact portion. It also reduces the total number of contact portions on the circuit board adjacent to the high voltage contact portions, decreasing the chance that a foreign object (e.g., a staple, an ink drop, or fine paper debris that may have become conductive, for example, due to moisture (e.g., from ink)) will travel to a location that creates a conductive bridge between a high-voltage contact portion and a low-voltage contact portion. Hence, placing the two high-voltage contact portions at outermost ends of the arrangement of contact portions reduces the chance that a potentially damaging electrical short will develop between a high-voltage contact portion and a low-voltage contact portion.

152. An additional important feature in certain claims is that the row containing the high voltage contact portions is located deeper in the printer, with respect to the insertion direction, as compared, for example, to another row which is not as deep. As with the preceding arrangement of high voltage contact portions at the outermost ends of the arrangement of contact portions, placing the row of contact portions which contains the high voltage contact portions deeper in the printer, with respect to the insertion direction, also reduces the chances that a foreign object capable of forming a short (e.g., a metallic staple, drop of ink, paper debris moist with ink) will find its way to the high voltage contact portions. In part, this is due to the fact that such a foreign object would have a greater distance to travel before it reaches the high voltage contact portions. In addition, the printer's contact forming members that physically contact a more shallow row (i.e., a row that is not as deep in the printer as a deeper row, with respect to the insertion direction) of contact portions are likely to catch or block a foreign object (such as a staple) falling from above or travelling with the cartridge during insertion, preventing the foreign object from contacting and creating a damaging electrical short with a high-voltage contact portion. Hence, placing the two high-voltage contact portions in a row of contact portions that is deeper than other rows of contact portions, reduces the possibility that a potentially damaging electrical short will develop between a high-voltage contact portion and a low-voltage contact portion.

153. A further important feature found in a number of claims of the Asserted Patents is the inclusion of a short detection contact portion placed between one of the high-voltage contact portions and the rest of the contact portions with respect to the row direction (preferably, a second short detection contact portion is also placed beside the other high-voltage contact portion). When the ink cartridge is installed in the printer, the short detection contact portion is electrically coupled to a short detection circuit of the printer. Because of the location of the short detection contact

portion, the high-voltage contact portion is likely to develop an electrical short with the short detection contact portion before developing an electrical short with any other contact portion (especially when an electrical short results from the accumulation of ink over time, for example). If such an electrical short occurs, the short detection circuit preferably shuts down application of high voltage to the ink cartridge and/or presents an error message to the user, thereby enabling the user to remedy the problem before a more serious and potentially damaging electrical short can develop between the high-voltage contact portion and a low-voltage contact portion. In addition, if a sudden electrical short develops between the high-voltage contact portion and a low-voltage contact portion (such as through an abrupt deposit of ink or the sudden presence of a conductive object like a staple), the electrical short will likely also include the short detection contact portion, in which case the printer's short detection circuit will not only display an error message to the user, but preferably will also immediately shut down application of high voltage, thereby minimizing any resulting damage.

154. Another important feature found in a number of claims of the Asserted Patents is the placement of the short detection contact portions at the outermost ends of the more shallow row of the overall contact portion arrangement with respect to the insertion direction into the printer. By placing the short detection contact portions in the more shallow row, a foreign object (such as a staple) falling from above, or travelling into the printer with the cartridge during insertion, is likely to create an electrical short that includes a short detection contact portion before (or at least simultaneously with) creating an electrical short including a high-voltage contact portion. When this occurs, the short detection circuit preferably will immediately shut down application of high voltage to the ink cartridge and present an error message to the user, thereby preventing or at least minimizing damage from an electrical short between a high-voltage contact portion and a low-voltage contact portion.

155. Each of these important features contributes to a novel arrangement of contact portions that is compact in size, yet highly resistant to damage and the risk of damage to the ink cartridge or printer as a result of electrical shorting between contact portions. These features are variously claimed in the Asserted Patents, as listed below.

1. The '233 Patent

156. The '233 patent is directed to a printing material container and a board mounted on a printing material container. The asserted claims of the '233 patent include a plurality of terminals adapted and positioned to contact printer-side contact forming members so that electrical communication is enabled with the printer. To prevent and reduce damage and the risk of damage resulting from an electrical short, all of the asserted claims of the '233 patent provide for placing the high-voltage terminals at the outermost ends of the overall terminal arrangement, and all of the asserted claims of the '233 patent provide for including a short detection terminal placed between one of the high-voltage terminals and all other terminals. Some of the asserted claims of the '233 patent also provide for including a second short-detection terminal placed between the other high-voltage terminal and all other terminals.

2. The '116 Patent

157. The '116 patent is directed to a printing material container and a board mounted on a printing material container. To prevent and reduce damage and the risk of damage from an electrical short, all of the asserted claims of the '116 patent provide for placing the high-voltage contact portions at the outermost ends of the overall contact portion arrangement, and all of the asserted claims of the '116 patent provide for including a short detection contact portion that is placed between one of the high-voltage contact portions and all other contact portions. Some of the asserted claims of the '116 patent also provide for including a second short detection contact portion that is

placed between the other high-voltage contact portion and all other contact portions. Certain asserted claims of the '116 patent provide for arranging the contact portions in two rows, and some asserted claims of the '116 patent provide for placing the high-voltage contact portions in the lower (deeper) row of contact portions.

3. The '749 Patent

158. The '749 patent is directed to a printing material container and a board mounted on a printing material container. To prevent and reduce damage and the risk of damage resulting from an electrical short, all of the asserted claims of the '749 patent provide for arranging the contact portions in two rows, and for placing the high-voltage contact portions at the outermost ends of the lower (deeper) row. Certain asserted claims of the '749 patent provide for placing the high-voltage contact portions at the outermost ends of one of the rows of the arrangement of contact portions. Some asserted claims of the '749 patent provide for including a short detection terminal with a contact portion that is placed between one of the high-voltage contact portions and all other contact portions, and certain asserted claims of the '749 patent also provide for including a second short detection terminal with a contact portion that is placed between the other high-voltage contact portion and all other contact portions. Still other asserted claims of the '749 patent provide for placing one or both of the short detection contact portions in the upper (more shallow) row.

4. The '163 Patent

159. The '163 patent is directed to a printing material container and a board mounted on a printing material container. To prevent and reduce damage and the risk of damage resulting from an electrical short, all of the asserted claims of the '163 patent provide for placing the high-voltage contact portions at the outermost ends of a row and of the overall contact portion arrangement, and all of the asserted claims of the '163 patent provide for including a short detection contact portion

that is placed between one of the high-voltage contact portions and all other contact portions. Some of the asserted claims of the '163 patent also provide for including a second short detection contact portion that is placed between the other high-voltage contact portion and all other contact portions. Certain asserted claims of the '163 patent provide for arranging the contact portions in two rows, with the high-voltage contact portions placed in the lower (deeper) row of contact portions, and some of the asserted claims of the '163 patent provide for placing one or both of the short detection contact portions in the upper (more shallow) row.

5. The '513 Patent

160. The '513 patent is directed to a printing material container and a board mounted on a printing material container. To prevent and reduce damage and the risk of damage resulting from an electrical short, all of the asserted claims of the '513 patent provide for arranging the contact portions in two rows and placing the high-voltage contact portions at the outermost ends of one of the rows, and all of the asserted claims of the '513 patent provide for including a short detection contact portion. Some of the asserted claims of the '513 patent also provide for including a second short detection contact portion, and certain asserted claims of the '513 patent provide for placing the first and/or second short detection contact portion between a first and/or second high-voltage contact portion and all other contact portions. Certain asserted claims of the '513 patent provide for placing the high-voltage contact portions in the lower (deeper) row of contact portions, and some of the asserted claims of the '513 patent provide for placing one or both of the short detection contact portions in the upper (more shallow) row. Some of the asserted claims of the '513 patent provide for placing the high-voltage contact portions at the outermost ends of the overall contact portion arrangement.

V. UNLAWFUL AND UNFAIR ACTS OF THE PROPOSED RESPONDENTS – PATENT INFRINGEMENT

161. Each Proposed Respondent is accused of infringing each Asserted Patent.

162. The Accused Ink Cartridge Products infringe one or more of the following claims of the Asserted Patents, as follows:

- Claims 1, 4 and 10 of U.S. Patent No. 8,366,233 ("the '233 patent");
- Claims 1, 5, 9, 14, 16, 18, 21, 24, 25 and 28 of U.S. Patent No. 8,454,116 ("the '116 patent");
- Claims 1, 3, 14, 15, 17, 18, 20, 30, 36, 49, 60 and 61 of U.S. Patent No. 8,794,749 ("the '749 patent");
- Claims 1, 6 and 13 of U.S. Patent No. 8,801,163 ("the '163 patent"); and
- Claims 1, 3, 7, 14, 15 and 19 of U.S. Patent No. 8,882,513 ("the '513 patent").

A. Infringement of the '233 Patent

163. On information and belief, Nano Business imports and/or sells after importation into the United States ink cartridges that infringe at least claims 1, 4 and 10 of the '233 patent. A photograph of a Nano Business Group 1 ink cartridge is attached as Seitz Exhibit 1.134. A claim chart that applies the asserted independent claim (claim 1) of the '233 patent to the Nano Business Group 1 ink cartridge is attached hereto as Exhibit 12.

164. On information and belief, Zhuhai Nano manufactures and exports to the United States ink cartridges that infringe at least claims 1, 4 and 10 of the '233 patent. A photograph of a Nano Business Group 1 ink cartridge is attached as Seitz Exhibit 1.134. A claim chart that applies the asserted independent claim (claim 1) of the '233 patent to the Nano Business Group 1 ink cartridge is attached hereto as Exhibit 12.

165. On information and belief, Zhuhai National manufactures and imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 4 and 10 of the '233 patent. A photograph of a Zhuhai National Group 1 ink cartridge is attached as Seitz Exhibit 1.135. A claim chart that applies the asserted independent claim (claim 1) of the '233 patent to the Zhuhai National Group 1 ink cartridge is attached hereto as Exhibit 13.

166. On information and belief, Chancen imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 4 and 10 of the '233 patent. A photograph of a Chancen Group 1 ink cartridge is attached as Seitz Exhibit 1.135. A claim chart that applies the asserted independent claim (claim 1) of the '233 patent to the Chancen Group 1 ink cartridge is attached hereto as Exhibit 13.

167. On information and belief, Huebon imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 4 and 10 of the '233 patent. A photograph of a Huebon Group 1 ink cartridge is attached as Seitz Exhibit 1.135. A claim chart that applies the asserted independent claim (claim 1) of the '233 patent to the Huebon Group 1 ink cartridge is attached hereto as Exhibit 13.

168. On information and belief, Rich Imaging manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 4 and 10 of the '233 patent. A photograph of a Rich Imaging Group 1 ink cartridge is attached as Seitz Exhibit 1.136. A claim chart that

applies the asserted independent claim (claim 1) of the '233 patent to the Rich Imaging Group 1 ink cartridge is attached hereto as Exhibit 14.

169. On information and belief, Shanghai Orink manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 4 and 10 of the '233 patent. A photograph of a Shanghai Orink Group 1 ink cartridge is attached as Seitz Exhibit 1.137. A claim chart that applies the asserted independent claim (claim 1) of the '233 patent to the Shanghai Orink Group 1 ink cartridge is attached hereto as Exhibit 15.

170. On information and belief, Orink Infotech imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 4 and 10 of the '233 patent. A photograph of a Orink Infotech Group 1 ink cartridge is attached as Seitz Exhibit 1.137. A claim chart that applies the asserted independent claim (claim 1) of the '233 patent to the Orink Infotech Group 1 ink cartridge is attached hereto as Exhibit 15.

171. On information and belief, Zinyaw imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 4 and 10 of the '233 patent. A photograph of a Zinyaw Group 1 ink cartridge is attached as Seitz Exhibit 1.138. A claim chart that applies the asserted independent claim (claim 1) of the '233 patent to the Zinyaw Group 1 ink cartridge is attached hereto as Exhibit 16.

172. On information and belief, Yotat Group manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 4 and 10 of the '233 patent. A photograph of a Yotat Group

Group 1 ink cartridge is attached as Seitz Exhibit 1.139. A claim chart that applies the asserted independent claim (claim 1) of the '233 patent to the Yotat Group Group 1 ink cartridge is attached hereto as Exhibit 17.

173. On information and belief, Yotat Technology manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 4 and 10 of the '233 patent. A photograph of a Yotat Technology Group 1 ink cartridge is attached as Seitz Exhibit 1.139. A claim chart that applies the asserted independent claim (claim 1) of the '233 patent to the Yotat Technology Group 1 ink cartridge is attached hereto as Exhibit 17.

174. On information and belief, Ourway Image manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 4 and 10 of the '233 patent. A photograph of a Ourway Image Group 1 ink cartridge is attached as Seitz Exhibit 1.140. A claim chart that applies the asserted independent claim (claim 1) of the '233 patent to the Ourway Image Group 1 ink cartridge is attached hereto as Exhibit 18.

175. On information and belief, Kingway Image manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 4 and 10 of the '233 patent. A photograph of a Kingway Image Group 1 ink cartridge is attached as Seitz Exhibit 1.140. A claim chart that applies the asserted independent claim (claim 1) of the '233 patent to the Kingway Image Group 1 ink cartridge is attached hereto as Exhibit 18.

176. On information and belief, Chinamate Technology manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after

importation ink cartridges that infringe at least claims 1, 4 and 10 of the '233 patent. A photograph of a Chinamate Technology Group 1 ink cartridge is attached as Seitz Exhibit 1.141. A claim chart that applies the asserted independent claim (claim 1) of the '233 patent to the Chinamate Technology Group 1 ink cartridge is attached hereto as Exhibit 19.

177. On information and belief, Dongguan OcBestjet manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 4 and 10 of the '233 patent. A photograph of a Dongguan OcBestjet Group 1 ink cartridge is attached as Seitz Exhibit 1.142. A claim chart that applies the asserted independent claim (claim 1) of the '233 patent to the Dongguan OcBestjet Group 1 ink cartridge, Physical Exhibit A,[16] is attached hereto as Exhibit 20.

178. On information and belief, OcBestjet (HK) manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 4 and 10 of the '233 patent. A photograph of a OcBestjet (HK) Group 1 ink cartridge is attached as Seitz Exhibit 1.142. A claim chart that applies the asserted independent claim (claim 1) of the '233 patent to the OcBestjet (HK) Group 1 ink cartridge, Physical Exhibit A, is attached hereto as Exhibit 20.

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[16] Testing of the Proposed Respondents' products necessarily required destruction of those products. Consequently, the samples submitted herewith as Physical Exhibits are not *the* physical products that were tested during Epson's investigation (photos of which can be found in the accompanying claim charts, Exhibits 12-125, and in Exhibits 1.134-1.217 to the Seitz Declaration), but rather each submitted sample is of the same cartridge type, from the same Group, and is intended for the same Epson printer (or set of printers), and was acquired as a part of the same purchase (or series of purchases) as the physical products that were tested. It should be noted that the tested cartridges generally contain black ink, whereas the samples submitted as Physical Exhibits contain cyan ink (during its investigation, Epson purchased from each Proposed Respondent a full set of cartridges used by a particular printer in a given Group (i.e., each of the four or more colors of ink cartridges used by that printer), and sometimes Epson purchased additional cartridges from that set; generally, the black color cartridges were sent for testing (and those tested were destroyed), whereas the cyan color cartridges were retained for submission as Physical Exhibits).

179. On information and belief, InkPro2day imports into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 4 and 10 of the '233 patent. A photograph of a InkPro2day Group 1 ink cartridge is attached as Seitz Exhibit 1.142. A claim chart that applies the asserted independent claim (claim 1) of the '233 patent to the InkPro2day Group 1 ink cartridge, Physical Exhibit A, is attached hereto as Exhibit 20.

180. On information and belief, Aomya manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 4 and 10 of the '233 patent. A photograph of a Aomya Group 1 ink cartridge is attached as Seitz Exhibit 1.143. A claim chart that applies the asserted independent claim (claim 1) of the '233 patent to the Aomya Group 1 ink cartridge is attached hereto as Exhibit 21.

181. On information and belief, Richeng Development manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 4 and 10 of the '233 patent. A photograph of a Richeng Development Group 1 ink cartridge is attached as Seitz Exhibit 1.144. A claim chart that applies the asserted independent claim (claim 1) of the '233 patent to the Richeng Development Group 1 ink cartridge is attached hereto as Exhibit 22.

182. Further discovery may reveal that additional products infringe other claims of the '233 patent.

B. Infringement of the '116 Patent

183. On information and belief, Nano Business imports and/or sells after importation into the United States ink cartridges that infringe at least claims 1, 5, 9, 14, 16, 18, 21, 24, 25 and 28 of the '116 patent. A photograph of a Nano Business Group 1 ink cartridge is attached as Seitz Exhibit

1.134. Claim charts applying each asserted independent claim (claims 1, 9, 18 and 25) of the '116 patent to a Nano Business Group 1 ink cartridge are attached hereto as Exhibits 23, 24, 25, and 26, respectively.

184. On information and belief, Zhuhai Nano manufactures and exports to the United States ink cartridges that infringe at least claims 1, 5, 9, 14, 16, 18, 21, 24, 25 and 28 of the '116 patent. A photograph of a Zhuhai Nano Group 1 ink cartridge is attached as Seitz Exhibit 1.134. Claim charts applying each asserted independent claim (claims 1, 9, 18 and 25) of the '116 patent to a Zhuhai Nano Group 1 ink cartridge are attached hereto as Exhibits 23, 24, 25, and 26, respectively.

185. On information and belief, Zhuhai National manufactures and imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 5, 9, 14, 16, 18, 21, 24, 25 and 28 of the '116 patent. A photograph of a Zhuhai National Group 1 ink cartridge is attached as Seitz Exhibit 1.135. Claim charts applying each asserted independent claim (claims 1, 9, 18 and 25) of the '116 patent to a Zhuhai National Group 1 ink cartridge are attached hereto as Exhibits 27, 28, 29, and 30, respectively.

186. On information and belief, Chancen imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 5, 9, 14, 16, 18, 21, 24, 25 and 28 of the '116 patent. A photograph of a Chancen Group 1 ink cartridge is attached as Seitz Exhibit 1.135. Claim charts applying each asserted independent claim (claims 1, 9, 18 and 25) of the '116 patent to a Chancen Group 1 ink cartridge are attached hereto as Exhibits 27, 28, 29, and 30, respectively.

187. On information and belief, Huebon imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink

cartridges that infringe at least claims 1, 5, 9, 14, 16, 18, 21, 24, 25 and 28 of the '116 patent. A photograph of a Huebon Group 1 ink cartridge is attached as Seitz Exhibit 1.135. Claim charts applying each asserted independent claim (claims 1, 9, 18 and 25) of the '116 patent to a Huebon Group 1 ink cartridge are attached hereto as Exhibits 27, 28, 29, and 30, respectively.

188. On information and belief, Rich Imaging manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 5, 9, 14, 16, 18, 21, 24, 25 and 28 of the '116 patent. A photograph of a Rich Imaging Group 1 ink cartridge is attached as Seitz Exhibit 1.136. Claim charts applying each asserted independent claim (claims 1, 9, 18 and 25) of the '116 patent to a Rich Imaging Group 1 ink cartridge are attached hereto as Exhibits 31, 32, 33, and 34, respectively.

189. On information and belief, Shanghai Orink manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 5, 9, 14, 16, 18, 21, 24, 25 and 28 of the '116 patent. A photograph of a Shanghai Orink Group 1 ink cartridge is attached as Seitz Exhibit 1.137. Claim charts applying each asserted independent claim (claims 1, 9, 18 and 25) of the '116 patent to a Shanghai Orink Group 1 ink cartridge are attached hereto as Exhibits 35, 36, 37, and 38, respectively.

190. On information and belief, Orink Infotech imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 5, 9, 14, 16, 18, 21, 24, 25 and 28 of the '116 patent. A photograph of a Orink Infotech Group 1 ink cartridge is attached as Seitz Exhibit 1.137. Claim

charts applying each asserted independent claim (claims 1, 9, 18 and 25) of the '116 patent to a Orink Infotech Group 1 ink cartridge are attached hereto as Exhibits 35, 36, 37, and 38, respectively.

191. On information and belief, Zinyaw imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 5, 9, 14, 16, 18, 21, 24, 25 and 28 of the '116 patent. A photograph of a Zinyaw Group 1 ink cartridge is attached as Seitz Exhibit 1.138. Claim charts applying each asserted independent claim (claims 1, 9, 18 and 25) of the '116 patent to a Zinyaw Group 1 ink cartridge are attached hereto as Exhibits 39, 40, 41, and 42, respectively.

192. On information and belief, Yotat Group manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 5, 9, 14, 16, 18, 21, 24, 25 and 28 of the '116 patent. A photograph of a Yotat Group Group 1 ink cartridge is attached as Seitz Exhibit 1.139. Claim charts applying each asserted independent claim (claims 1, 9, 18 and 25) of the '116 patent to a Yotat Group Group 1 ink cartridge are attached hereto as Exhibits 43, 44, 45, and 46, respectively.

193. On information and belief, Yotat Technology manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 5, 9, 14, 16, 18, 21, 24, 25 and 28 of the '116 patent. A photograph of a Yotat Technology Group 1 ink cartridge is attached as Seitz Exhibit 1.139. Claim charts applying each asserted independent claim (claims 1, 9, 18 and 25) of the '116 patent to a Yotat Technology Group 1 ink cartridge are attached hereto as Exhibits 43, 44, 45, and 46, respectively.

194. On information and belief, Ourway Image manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after

importation ink cartridges that infringe at least claims 1, 5, 9, 14, 16, 18, 21, 24, 25 and 28 of the '116 patent. A photograph of a Ourway Image Group 1 ink cartridge is attached as Seitz Exhibit 1.140. Claim charts applying each asserted independent claim (claims 1, 9, 18 and 25) of the '116 patent to a Ourway Image Group 1 ink cartridge are attached hereto as Exhibits 47, 48, 49, and 50, respectively.

195. On information and belief, Kingway Image manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 5, 9, 14, 16, 18, 21, 24, 25 and 28 of the '116 patent. A photograph of a Kingway Image Group 1 ink cartridge is attached as Seitz Exhibit 1.140. Claim charts applying each asserted independent claim (claims 1, 9, 18 and 25) of the '116 patent to a Kingway Image Group 1 ink cartridge are attached hereto as Exhibits 47, 48, 49, and 50, respectively.

196. On information and belief, Chinamate Technology manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 5, 9, 14, 16, 18, 21, 24, 25 and 28 of the '116 patent. A photograph of a Chinamate Technology Group 1 ink cartridge is attached as Seitz Exhibit 1.141. Claim charts applying each asserted independent claim (claims 1, 9, 18 and 25) of the '116 patent to a Chinamate Technology Group 1 ink cartridge are attached hereto as Exhibits 51, 52, 53, and 54, respectively.

197. On information and belief, Dongguan OcBestjet manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 5, 9, 14, 16, 18, 21, 24, 25 and 28 of the '116 patent. A photograph of a Dongguan OcBestjet Group 1 ink cartridge is attached as Seitz

Exhibit 1.142. Claim charts that apply the asserted independent claims (claims 1, 9, 18 and 25) of the '116 patent to the Dongguan OcBestjet Group 1 ink cartridge, Physical Exhibit A, are attached hereto as Exhibit 55, 56, 57 and 58, respectively. In addition, a photograph of a Dongguan OcBestjet Group 2 ink cartridge is attached as Seitz Exhibit 1.145. A claim chart that applies an asserted independent claim (claim 1) of the '116 patent to the Dongguan OcBestjet Group 2 ink cartridge, Physical Exhibit B, is attached hereto as Exhibit 59.

198. On information and belief, OcBestjet (HK) manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 5, 9, 14, 16, 18, 21, 24, 25 and 28 of the '116 patent. A photograph of a OcBestjet (HK) Group 1 ink cartridge is attached as Seitz Exhibit 1.142. Claim charts that apply the asserted independent claims (claims 1, 9, 18 and 25) of the '116 patent to the OcBestjet (HK) Group 1 ink cartridge, Physical Exhibit A, are attached hereto as Exhibit 55, 56, 57 and 58, respectively. In addition, a photograph of a OcBestjet (HK) Group 2 ink cartridge is attached as Seitz Exhibit 1.145. A claim chart that applies an asserted independent claim (claim 1) of the '116 patent to the OcBestjet (HK) Group 2 ink cartridge, Physical Exhibit B, is attached hereto as Exhibit 59.

199. On information and belief, InkPro2day manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 5, 9, 14, 16, 18, 21, 24, 25 and 28 of the '116 patent. A photograph of a InkPro2day Group 1 ink cartridge is attached as Seitz Exhibit 1.142. Claim charts that apply the asserted independent claims (claims 1, 9, 18 and 25) of the '116 patent to the InkPro2day Group 1 ink cartridge, Physical Exhibit A, are attached hereto as Exhibit 55, 56, 57 and 58, respectively. In addition, a photograph of a InkPro2day Group 2 ink cartridge is attached as

Seitz Exhibit 1.145. A claim chart that applies an asserted independent claim (claim 1) of the '116 patent to the InkPro2day Group 2 ink cartridge, Physical Exhibit B, is attached hereto as Exhibit 59.

200. On information and belief, Aomya manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 5, 9, 14, 16, 18, 21, 24, 25 and 28 of the '116 patent. A photograph of a Aomya Group 1 ink cartridge is attached as Seitz Exhibit 1.143. Claim charts applying each asserted independent claim (claims 1, 9, 18 and 25) of the '116 patent to a Aomya Group 1 ink cartridge are attached hereto as Exhibits 60, 61, 62, and 63, respectively.

201. On information and belief, Richeng Development manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 5, 9, 14, 16, 18, 21, 24, 25 and 28 of the '116 patent. A photograph of a Richeng Development Group 1 ink cartridge is attached as Seitz Exhibit 1.144. Claim charts applying each asserted independent claim (claims 1, 9, 18 and 25) of the '116 patent to a Richeng Development Group 1 ink cartridge are attached hereto as Exhibits 64, 65, 66, and 67, respectively.

202. Further discovery may reveal that additional products infringe other claims of the '116 patent.

C. Infringement of the '749 Patent

203. On information and belief, Nano Business imports and/or sells after importation into the United States ink cartridges that infringe at least claims 1, 3, 14, 15, 17, 18, 20, 30, 36, 49, 60 and 61 of the '749 patent. A photograph of a Nano Business Group 1 ink cartridge is attached as Seitz Exhibit 1.134. Claim charts that apply the asserted independent claims (claims 1 and 18) of the '749 patent to the Nano Business Group 1 ink cartridge are attached hereto as Exhibit 68 and 69,

respectively. In addition, a photograph of a Nano Business Group 3 ink cartridge is attached as Seitz Exhibit 1.146. A claim chart that applies an asserted independent claim (claim 1) of the '749 patent to the Nano Business Group 3 ink cartridge, Physical Exhibit C, is attached hereto as Exhibit 70.

204. On information and belief, Zhuhai Nano manufactures and exports to the United States ink cartridges that infringe at least claims 1, 3, 14, 15, 17, 18, 20, 30, 36, 49, 60 and 61 of the '749 patent. A photograph of a Zhuhai Nano Group 1 ink cartridge is attached as Seitz Exhibit 1.134. Claim charts that apply the asserted independent claims (claims 1 and 18) of the '749 patent to the Zhuhai Nano Group 1 ink cartridge are attached hereto as Exhibit 68 and 69, respectively. In addition, a photograph of a Zhuhai Nano Group 3 ink cartridge is attached as Seitz Exhibit 1.146. A claim chart that applies an asserted independent claim (claim 1) of the '749 patent to the Zhuhai Nano Group 3 ink cartridge, Physical Exhibit C, is attached hereto as Exhibit 70.

205. On information and belief, Zhuhai National manufactures and imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 14, 15, 17, 18, 20, 30, 36, 49, 60 and 61 of the '749 patent. A photograph of a Zhuhai National Group 1 ink cartridge is attached as Seitz Exhibit 1.135. Claim charts that apply the asserted independent claims (claims 1 and 18) of the '749 patent to a Zhuhai National Group 1 ink cartridge are attached hereto as Exhibit 71 and 72, respectively.

206. On information and belief, Chancen imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 14, 15, 17, 18, 20, 30, 36, 49, 60 and 61 of the '749 patent. A photograph of a Chancen Group 1 ink cartridge is attached as Seitz Exhibit 1.135. Claim

charts that apply the asserted independent claims (claims 1 and 18) of the '749 patent to a Chancen Group 1 ink cartridge are attached hereto as Exhibit 71 and 72, respectively.

207. On information and belief, Huebon imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 14, 15, 17, 18, 20, 30, 36, 49, 60 and 61 of the '749 patent. A photograph of a Huebon Group 1 ink cartridge is attached as Seitz Exhibit 1.135. Claim charts that apply the asserted independent claims (claims 1 and 18) of the '749 patent to a Huebon Group 1 ink cartridge are attached hereto as Exhibit 71 and 72, respectively.

208. On information and belief, Rich Imaging manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 14, 15, 17, 18, 20, 30, 36, 49, 60 and 61 of the '749 patent. A photograph of a Rich Imaging Group 1 ink cartridge is attached as Seitz Exhibit 1.136. Claim charts that apply the asserted independent claims (claims 1 and 18) of the '749 patent to a Rich Imaging Group 1 ink cartridge are attached hereto as Exhibit 73 and 74, respectively.

209. On information and belief, Shanghai Orink manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 14, 15, 17, 18, 20, 30, 36, 49, 60 and 61 of the '749 patent. A photograph of a Shanghai Orink Group 1 ink cartridge is attached as Seitz Exhibit 1.137. Claim charts that apply the asserted independent claims (claims 1 and 18) of the '749 patent to a Shanghai Orink Group 1 ink cartridge are attached hereto as Exhibit 75 and 76, respectively.

210. On information and belief, Orink Infotech imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 14, 15, 17, 18, 20, 30, 36, 49, 60 and 61 of the '749 patent. A photograph of a Orink Infotech Group 1 ink cartridge is attached as Seitz Exhibit 1.137. Claim charts that apply the asserted independent claims (claims 1 and 18) of the '749 patent to a Orink Infotech Group 1 ink cartridge are attached hereto as Exhibit 75 and 76, respectively.

211. On information and belief, Zinyaw imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 14, 15, 17, 18, 20, 30, 36, 49, 60 and 61 of the '749 patent. A photograph of a Zinyaw Group 1 ink cartridge is attached as Seitz Exhibit 1.138. Claim charts that apply the asserted independent claims (claims 1 and 18) of the '749 patent to a Zinyaw Group 1 ink cartridge are attached hereto as Exhibit 77 and 78, respectively.

212. On information and belief, Yotat Group manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 14, 15, 17, 18, 20, 30, 36, 49, 60 and 61 of the '749 patent. A photograph of a Yotat Group Group 1 ink cartridge is attached as Seitz Exhibit 1.139. Claim charts that apply the asserted independent claims (claims 1 and 18) of the '749 patent to a Yotat Group Group 1 ink cartridge are attached hereto as Exhibit 79 and 80, respectively.

213. On information and belief, Yotat Technology manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 14, 15, 17, 18, 20, 30, 36, 49, 60 and 61 of the '749 patent. A photograph of a Yotat Technology Group 1 ink cartridge is attached as Seitz Exhibit 1.139. Claim charts that apply the asserted independent claims (claims 1 and 18) of the '749

patent to a Yotat Technology Group 1 ink cartridge are attached hereto as Exhibit 79 and 80, respectively.

214. On information and belief, Ourway Image manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 14, 15, 17, 18, 20, 30, 36, 49, 60 and 61 of the '749 patent. A photograph of a Ourway Image Group 1 ink cartridge is attached as Seitz Exhibit 1.140. Claim charts that apply the asserted independent claims (claims 1 and 18) of the '749 patent to a Ourway Image Group 1 ink cartridge are attached hereto as Exhibit 81 and 82, respectively.

215. On information and belief, Kingway Image manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 14, 15, 17, 18, 20, 30, 36, 49, 60 and 61 of the '749 patent. A photograph of a Kingway Image Group 1 ink cartridge is attached as Seitz Exhibit 1.140. Claim charts that apply the asserted independent claims (claims 1 and 18) of the '749 patent to a Kingway Image Group 1 ink cartridge are attached hereto as Exhibit 81 and 82, respectively.

216. On information and belief, Chinamate Technology manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 14, 15, 17, 18, 20, 30, 36, 49, 60 and 61 of the '749 patent. A photograph of a Chinamate Technology Group 1 ink cartridge is attached as Seitz Exhibit 1.141. Claim charts that apply the asserted independent claims (claims 1 and 18) of the '749 patent to a Chinamate Technology Group 1 ink cartridge are attached hereto as Exhibit 83 and 84, respectively.

217. On information and belief, Dongguan OcBestjet manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 14, 15, 17, 18, 20, 30, 36, 49, 60 and 61 of the '749 patent, and components thereof. A photograph of a Dongguan OcBestjet Group 1 ink cartridge is attached as Seitz Exhibit 1.142. Claim charts that apply the asserted independent claims (claims 1 and 18) of the '749 patent to the Dongguan OcBestjet Group 1 ink cartridge, Physical Exhibit A, are attached hereto as Exhibit 85 and 86. In addition, a photograph of a Dongguan OcBestjet Group 4 ink cartridge is attached as Seitz Exhibit 1.147. A claim chart that applies an asserted independent claim (claim 1) of the '749 patent to the Dongguan OcBestjet Group 4 ink cartridge, Physical Exhibit D, is attached hereto as Exhibit 87. In addition, a photograph of a Dongguan OcBestjet Group 5 ink cartridge is attached as Seitz Exhibit 1.148. A claim chart that applies an asserted independent claim (claim 1) of the '749 patent to the Dongguan OcBestjet Group 5 ink cartridge, Physical Exhibit E, is attached hereto as Exhibit 88.

218. On information and belief, OcBestjet (HK) manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 14, 15, 17, 18, 20, 30, 36, 49, 60 and 61 of the '749 patent, and components thereof. A photograph of a OcBestjet (HK) Group 1 ink cartridge is attached as Seitz Exhibit 1.142. Claim charts that apply the asserted independent claims (claims 1 and 18) of the '749 patent to the OcBestjet (HK) Group 1 ink cartridge, Physical Exhibit A, are attached hereto as Exhibit 85 and 86. In addition, a photograph of a OcBestjet (HK) Group 4 ink cartridge is attached as Seitz Exhibit 1.147. A claim chart that applies an asserted independent claim (claim 1) of the '749 patent to the OcBestjet (HK) Group 4 ink cartridge, Physical Exhibit D, is attached hereto as Exhibit 87. In addition, a photograph of a OcBestjet (HK) Group 5 ink cartridge

is attached as Seitz Exhibit 1.148. A claim chart that applies an asserted independent claim (claim 1) of the '749 patent to the OcBestjet (HK) Group 5 ink cartridge, Physical Exhibit E, is attached hereto as Exhibit 88.

219. On information and belief, InkPro2day manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 14, 15, 17, 18, 20, 30, 36, 49, 60 and 61 of the '749 patent, and components thereof. A photograph of a InkPro2day Group 1 ink cartridge is attached as Seitz Exhibit 1.142. Claim charts that apply the asserted independent claims (claims 1 and 18) of the '749 patent to the InkPro2day Group 1 ink cartridge, Physical Exhibit A, are attached hereto as Exhibit 85 and 86. In addition, a photograph of a InkPro2day Group 4 ink cartridge is attached as Seitz Exhibit 1.147. A claim chart that applies an asserted independent claim (claim 1) of the '749 patent to the InkPro2day Group 4 ink cartridge, Physical Exhibit D, is attached hereto as Exhibit 87. In addition, a photograph of a InkPro2day Group 5 ink cartridge is attached as Seitz Exhibit 1.148. A claim chart that applies an asserted independent claim (claim 1) of the '749 patent to the InkPro2day Group 5 ink cartridge, Physical Exhibit E, is attached hereto as Exhibit 88.

220. On information and belief, Aomya manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 14, 15, 17, 18, 20, 30, 36, 49, 60 and 61 of the '749 patent. A photograph of a Aomya Group 1 ink cartridge is attached as Seitz Exhibit 1.143. Claim charts that apply the asserted independent claims (claims 1 and 18) of the '749 patent to a Aomya Group 1 ink cartridge are attached hereto as Exhibit 89 and 90, respectively.

221. On information and belief, Richeng Development manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after

importation ink cartridges that infringe at least claims 1, 3, 14, 15, 17, 18, 20, 30, 36, 49, 60 and 61 of the '749 patent, and components thereof. A photograph of a Richeng Development Group 1 ink cartridge is attached as Seitz Exhibit 1.144. Claim charts that apply the asserted independent claims (claims 1 and 18) of the '749 patent to a Richeng Development Group 1 ink cartridge are attached hereto as Exhibit 91 and 92, respectively.

222. Further discovery may reveal that additional products infringe other claims of the '749 patent.

D. Infringement of the '163 Patent

223. On information and belief, Nano Business imports and/or sells after importation into the United States ink cartridges that infringe at least claims 1, 6 and 13 of the '163 patent. A photograph of a Nano Business Group 1 ink cartridge is attached as Seitz Exhibit 1.134. A claim chart that applies the asserted independent claim (claim 1) of the '163 patent to the Nano Business Group 1 ink cartridge is attached hereto as Exhibit 93.

224. On information and belief, Zhuhai Nano manufactures and exports to the United States ink cartridges that infringe at least claims 1, 6 and 13 of the '163 patent. A photograph of a Zhuhai Nano Group 1 ink cartridge is attached as Seitz Exhibit 1.134. A claim chart that applies the asserted independent claim (claim 1) of the '163 patent to the Zhuhai Nano Group 1 ink cartridge is attached hereto as Exhibit 93.

225. On information and belief, Zhuhai National manufactures and imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 6 and 13 of the '163 patent. A photograph of a Zhuhai National Group 1 ink cartridge is attached as Seitz Exhibit 1.135. A claim chart that

applies the asserted independent claim (claim 1) of the '163 patent to the Zhuhai National Group 1 ink cartridge is attached hereto as Exhibit 94.

226. On information and belief, Chancen imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 6 and 13 of the '163 patent. A photograph of a Chancen Group 1 ink cartridge is attached as Seitz Exhibit 1.135. A claim chart that applies the asserted independent claim (claim 1) of the '163 patent to the Chancen Group 1 ink cartridge is attached hereto as Exhibit 94.

227. On information and belief, Huebon imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 6 and 13 of the '163 patent. A photograph of a Huebon Group 1 ink cartridge is attached as Seitz Exhibit 1.135. A claim chart that applies the asserted independent claim (claim 1) of the '163 patent to the Huebon Group 1 ink cartridge is attached hereto as Exhibit 94.

228. On information and belief, Rich Imaging manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 6 and 13 of the '163 patent. A photograph of a Rich Imaging Group 1 ink cartridge is attached as Seitz Exhibit 1.136. A claim chart that applies the asserted independent claim (claim 1) of the '163 patent to the Rich Imaging Group 1 ink cartridge is attached hereto as Exhibit 95.

229. On information and belief, Shanghai Orink manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 6 and 13 of the '163 patent. A photograph

of a Shanghai Orink Group 1 ink cartridge is attached as Seitz Exhibit 1.137. A claim chart that applies the asserted independent claim (claim 1) of the '163 patent to the Shanghai Orink Group 1 ink cartridge is attached hereto as Exhibit 96.

230. On information and belief, Orink Infotech imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 6 and 13 of the '163 patent. A photograph of a Orink Infotech Group 1 ink cartridge is attached as Seitz Exhibit 1.137. A claim chart that applies the asserted independent claim (claim 1) of the '163 patent to the Orink Infotech Group 1 ink cartridge is attached hereto as Exhibit 96.

231. On information and belief, Zinyaw imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 6 and 13 of the '163 patent. A photograph of a Zinyaw Group 1 ink cartridge is attached as Seitz Exhibit 1.138. A claim chart that applies the asserted independent claim (claim 1) of the '163 patent to the Zinyaw Group 1 ink cartridge is attached hereto as Exhibit 97.

232. On information and belief, Yotat Group manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 6 and 13 of the '163 patent. A photograph of a Yotat Group Group 1 ink cartridge is attached as Seitz Exhibit 1.139. A claim chart that applies the asserted independent claim (claim 1) of the '163 patent to the Yotat Group Group 1 ink cartridge is attached hereto as Exhibit 98.

233. On information and belief, Yotat Technology manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after

importation ink cartridges that infringe at least claims 1, 6 and 13 of the '163 patent. A photograph of a Yotat Technology Group 1 ink cartridge is attached as Seitz Exhibit 1.139. A claim chart that applies the asserted independent claim (claim 1) of the '163 patent to the Yotat Technology Group 1 ink cartridge is attached hereto as Exhibit 98.

234. On information and belief, Ourway Image manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 6 and 13 of the '163 patent. A photograph of a Ourway Image Group 1 ink cartridge is attached as Seitz Exhibit 1.140. A claim chart that applies the asserted independent claim (claim 1) of the '163 patent to the Ourway Image Group 1 ink cartridge is attached hereto as Exhibit 99.

235. On information and belief, Kingway Image manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 6 and 13 of the '163 patent. A photograph of a Kingway Image Group 1 ink cartridge is attached as Seitz Exhibit 1.140. A claim chart that applies the asserted independent claim (claim 1) of the '163 patent to the Kingway Image Group 1 ink cartridge is attached hereto as Exhibit 99.

236. On information and belief, Chinamate Technology manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 6 and 13 of the '163 patent. A photograph of a Kingway Image Group 1 ink cartridge is attached as Seitz Exhibit 1.141. A claim chart that applies the asserted independent claim (claim 1) of the '163 patent to the Kingway Image Group 1 ink cartridge is attached hereto as Exhibit 100.

237. On information and belief, Dongguan OcBestjet manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 6 and 13 of the '163 patent. A photograph of a Dongguan OcBestjet Group 1 ink cartridge is attached as Seitz Exhibit 1.142. A claim chart that applies the asserted independent claim (claim 1) of the '163 patent to the Dongguan OcBestjet Group 1 ink cartridge, Physical Exhibit A, is attached hereto as Exhibit 101.

238. On information and belief, OcBestjet (HK) manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 6 and 13 of the '163 patent. A photograph of a OcBestjet (HK) Group 1 ink cartridge is attached as Seitz Exhibit 1.142. A claim chart that applies the asserted independent claim (claim 1) of the '163 patent to the OcBestjet (HK) Group 1 ink cartridge, Physical Exhibit A, is attached hereto as Exhibit 101.

239. On information and belief, InkPro2day imports into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 6 and 13 of the '163 patent. A photograph of a OcBestjet Group 1 ink cartridge is attached as Seitz Exhibit 1.142. A claim chart that applies the asserted independent claim (claim 1) of the '163 patent to the OcBestjet Group 1 ink cartridge, Physical Exhibit A, is attached hereto as Exhibit 101.

240. On information and belief, Aomya manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 6 and 13 of the '163 patent. A photograph of a Aomya Group 1 ink cartridge is attached as Seitz Exhibit 1.143. A claim chart that applies the asserted independent claim (claim 1) of the '163 patent to the Aomya Group 1 ink cartridge is attached hereto as Exhibit 102.

241. On information and belief, Richeng Development manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 6 and 13 of the '163 patent. A photograph of a Richeng Development Group 1 ink cartridge is attached as Seitz Exhibit 1.144. A claim chart that applies the asserted independent claim (claim 1) of the '163 patent to the Richeng Development Group 1 ink cartridge is attached hereto as Exhibit 103.

242. Further discovery may reveal that additional products infringe other claims of the '163 patent.

E. Infringement of the '513 Patent

243. On information and belief, Nano Business imports and/or sells after importation into the United States ink cartridges that infringe at least claims 1, 3, 7, 14, 15 and 19 of the '513 patent. A photograph of a Nano Business Group 1 ink cartridge is attached as Seitz Exhibit 1.134. Claim charts that apply the asserted independent claims (claims 1 and 14) of the '513 patent to a Nano Business Group 1 ink cartridge are attached hereto as Exhibits 104 and 105, respectively.

244. On information and belief, Zhuhai Nano manufactures and exports to the United States ink cartridges that infringe at least claims 1, 3, 7, 14, 15 and 19 of the '513 patent. A photograph of a Zhuhai Nano Group 1 ink cartridge is attached as Seitz Exhibit 1.134. Claim charts that apply the asserted independent claims (claims 1 and 14) of the '513 patent to a Zhuhai Nano Group 1 ink cartridge are attached hereto as Exhibits 104 and 105, respectively.

245. On information and belief, Zhuhai National manufactures and imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 7, 14, 15 and 19 of the '513 patent. A photograph of a Zhuhai National Group 1 ink cartridge is attached as Seitz Exhibit 1.135. Claim

charts that apply the asserted independent claims (claims 1 and 14) of the '513 patent to a Zhuhai National Group 1 ink cartridge are attached hereto as Exhibits 106 and 107, respectively.

246. On information and belief, Chancen imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 7, 14, 15 and 19 of the '513 patent. A photograph of a Chancen Group 1 ink cartridge is attached as Seitz Exhibit 1.135. Claim charts that apply the asserted independent claims (claims 1 and 14) of the '513 patent to a Chancen Group 1 ink cartridge are attached hereto as Exhibits 106 and 107, respectively.

247. On information and belief, Huebon imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 7, 14, 15 and 19 of the '513 patent. A photograph of a Chancen Group 1 ink cartridge is attached as Seitz Exhibit 1.135. Claim charts that apply the asserted independent claims (claims 1 and 14) of the '513 patent to a Chancen Group 1 ink cartridge are attached hereto as Exhibits 106 and 107, respectively.

248. On information and belief, Rich Imaging manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 7, 14, 15 and 19 of the '513 patent. A photograph of a Rich Imaging Group 1 ink cartridge is attached as Seitz Exhibit 1.136. Claim charts that apply the asserted independent claims (claims 1 and 14) of the '513 patent to a Rich Imaging Group 1 ink cartridge are attached hereto as Exhibits 108 and 109, respectively.

249. On information and belief, Shanghai Orink manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 7, 14, 15 and 19 of the '513 patent. A

photograph of a Shanghai Orink Group 1 ink cartridge is attached as Seitz Exhibit 1.137. Claim charts that apply the asserted independent claims (claims 1 and 14) of the '513 patent to a Shanghai Orink Group 1 ink cartridge are attached hereto as Exhibits 110 and 111, respectively.

250. On information and belief, Orink Infotech imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 7, 14, 15 and 19 of the '513 patent. A photograph of a Orink Infotech Group 1 ink cartridge is attached as Seitz Exhibit 1.137. Claim charts that apply the asserted independent claims (claims 1 and 14) of the '513 patent to a Orink Infotech Group 1 ink cartridge are attached hereto as Exhibits 110 and 111, respectively.

251. On information and belief, Zinyaw imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 7, 14, 15 and 19 of the '513 patent. A photograph of a Zinyaw Group 1 ink cartridge is attached as Seitz Exhibit 1.138. Claim charts that apply the asserted independent claims (claims 1 and 14) of the '513 patent to a Zinyaw Group 1 ink cartridge are attached hereto as Exhibits 112 and 113, respectively.

252. On information and belief, Yotat Group manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 7, 14, 15 and 19 of the '513 patent. A photograph of a Yotat Group Group 1 ink cartridge is attached as Seitz Exhibit 1.139. Claim charts that apply the asserted independent claims (claims 1 and 14) of the '513 patent to a Yotat Group Group 1 ink cartridge are attached hereto as Exhibits 114 and 115, respectively.

253. On information and belief, Yotat Technology manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after

importation ink cartridges that infringe at least claims 1, 3, 7, 14, 15 and 19 of the '513 patent. A photograph of a Yotat Technology Group 1 ink cartridge is attached as Seitz Exhibit 1.139. Claim charts that apply the asserted independent claims (claims 1 and 14) of the '513 patent to a Yotat Technology Group 1 ink cartridge are attached hereto as Exhibits 114 and 115, respectively.

254. On information and belief, Ourway Image manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 7, 14, 15 and 19 of the '513 patent. A photograph of a Ourway Image Group 1 ink cartridge is attached as Seitz Exhibit 1.140. Claim charts that apply the asserted independent claims (claims 1 and 14) of the '513 patent to a Ourway Image Group 1 ink cartridge are attached hereto as Exhibits 116 and 117, respectively.

255. On information and belief, Kingway Image manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 7, 14, 15 and 19 of the '513 patent. A photograph of a Kingway Image Group 1 ink cartridge is attached as Seitz Exhibit 1.140. Claim charts that apply the asserted independent claims (claims 1 and 14) of the '513 patent to a Kingway Image Group 1 ink cartridge are attached hereto as Exhibits 116 and 117, respectively.

256. On information and belief, Chinamate Technology manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 7, 14, 15 and 19 of the '513 patent. A photograph of a Chinamate Technology Group 1 ink cartridge is attached as Seitz Exhibit 1.141. Claim charts that apply the asserted independent claims (claims 1 and 14) of the '513 patent to a Chinamate Technology Group 1 ink cartridge are attached hereto as Exhibits 118 and 119, respectively.

257. On information and belief, Dongguan OcBestjet manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 7, 14, 15 and 19 of the '513 patent. A photograph of a Dongguan OcBestjet Group 1 ink cartridge is attached as Seitz Exhibit 1.142. Claim charts that apply the asserted independent claims (claims 1 and 14) of the '513 patent to a Dongguan OcBestjet Group 1 ink cartridge, Physical Exhibit A, are attached hereto as Exhibits 120 and 121, respectively.

258. On information and belief, OcBestjet (HK) manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 7, 14, 15 and 19 of the '513 patent. A photograph of a OcBestjet (HK) Group 1 ink cartridge is attached as Seitz Exhibit 1.142. Claim charts that apply the asserted independent claims (claims 1 and 14) of the '513 patent to a OcBestjet (HK) Group 1 ink cartridge, Physical Exhibit A, are attached hereto as Exhibits 120 and 121, respectively.

259. On information and belief, InkPro2day imports into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 7, 14, 15 and 19 of the '513 patent. A photograph of a InkPro2day Group 1 ink cartridge is attached as Seitz Exhibit 1.142. Claim charts that apply the asserted independent claims (claims 1 and 14) of the '513 patent to a InkPro2day Group 1 ink cartridge, Physical Exhibit A, are attached hereto as Exhibits 120 and 121, respectively.

260. On information and belief, Aomya manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 7, 14, 15 and 19 of the '513 patent. A photograph of a

Aomya Group 1 ink cartridge is attached as Seitz Exhibit 1.143. Claim charts that apply the asserted independent claims (claims 1 and 14) of the '513 patent to a Aomya Group 1 ink cartridge are attached hereto as Exhibits 122 and 123, respectively.

261. On information and belief, Richeng Development manufactures, imports into the United States, sells for importation into the United States and/or sells within the United States after importation ink cartridges that infringe at least claims 1, 3, 7, 14, 15 and 19 of the '513 patent. A photograph of a Richeng Development Group 1 ink cartridge is attached as Seitz Exhibit 1.144. Claim charts that apply the asserted independent claims (claims 1 and 14) of the '513 patent to a Richeng Development Group 1 ink cartridge are attached hereto as Exhibits 124 and 125, respectively.

262. Further discovery may reveal that additional products infringe other claims of the '513 patent.

VI. SPECIFIC INSTANCES OF IMPORTATION AND SALE

A. Nano Business and Zhuhai Nano

263. On information and belief, Nano Business imports and/or sells after importation into the United States Accused Ink Cartridge Products. On information and belief, Zhuhai Nano manufactures, and exports to the United States, Accused Ink Cartridge Products, including Accused Ink Cartridge Products sold by Nano Business. On information and belief, these Accused Ink Cartridge Products include substitutes for each of the product codes identified in the Murch Declaration at ¶¶ 24, 41, 56 and 83.

264. The specific instances of importation of Accused Ink Cartridge Products set forth below are representative examples of unlawful imports of Accused Ink Cartridge Products.

265. [redacted] Accused Ink Cartridge Products were purchased in the United States from Nano Business by

Epson's representative. (*See* Seitz Decl., ¶¶ 11-12, 15, 19-20 and Exhs. 1.7, 1.8, 1.11, 1.15, 1.16.) Photographs of ink cartridges included in the foregoing purchases are attached as Exhibits 1.134, 1.146, 1.152, and 1.163 to the Seitz Declaration. (*See id.*) On information and belief, these Accused Ink Cartridge Products, which include Physical Exhibit C, were manufactured in China by Zhuhai Nano, and thereafter imported into the United States by Nano Business. (*See* Seitz Decl., ¶¶ 8, 19, 21-22 and Exhs. 1.3, 1.15, 1.17, 1.18.) These Accused Ink Cartridge Products infringe one or more of the Asserted Claims, as demonstrated in the claims charts attached as Exhibits 12, 23, 24, 25, 26, 68, 69, 70, 93, 104 and 105.

B. Orink Group Proposed Respondents

266. On information and belief, the Orink Group proposed respondents, namely, Shanghai Orink, Orink Infotech, Rich Imaging, Zhuhai National, and Huebon, individually and/or collectively manufacture Accused Ink Cartridge Products in China and ship them, directly or through intermediaries, to other Orink Group proposed respondents and/or others for sale within the United States, whereafter the Orink Group prposed respondents and/or others sell the Accused Ink Cartridge Products in the United States.

1. Shanghai Orink and Orink Infotech

267. On information and belief, Shanghai Orink manufactures Accused Ink Cartridge Products in China. On information and belief, Shanghai Orink is engaged in the importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Ink Cartridge Products. On information and belief, Orink Infotech is engaged in the manufacture, importation into the United States, sale for importation in the United States and/or sale within the United States after importation of Accused Ink Cartridge Products. On

information and belief, these Accused Ink Cartridge Products include substitutes for each of the product codes identified in the Murch Declaration at ¶¶ 24, 41, 56 and 83.

268. The specific instances of importation of Accused Ink Cartridge Products set forth below are representative examples of unlawful imports of Accused Ink Cartridge Products.

269. [redacted] Epson's representative contacted Shanghai Orink's sales department via email. (*See* Seitz Decl., ¶ 43 and Exh. 1.41.) After exchanging emails with [redacted] a senior manager with Shanghai Orink, [redacted], Epson's representative placed an order in the United States for Accused Ink Cartridge Products. (*See* Seitz Decl., ¶ 48 and Exh. 1.41.) Shortly thereafter, Epson's representative in the United States received the Accused Ink Cartridge Products from Shanghai Orink, including the ink cartridge shown in the photograph attached as Exhibit 1.195 to the Seitz Declaration, [redacted] (*See id.*). On information and belief, these Accused Ink Cartridge Products were manufactured in China by the Orink Group proposed respondents, and thereafter imported into the United States. (*See id.*) These Accused Ink Cartridge Products infringe one or more of the Asserted Claims, as demonstrated in the claims charts attached as Exhibits 15, 35, 36, 37, 38, 75, 76, 96, 110 and 111.

270. Subsequently, [redacted], Epson's representative made additional purchases in the United States of Accused Ink Cartridge Products [redacted] (*See* Seitz Decl., ¶¶ 49-50, 52 and Exhs. 1.45, 1.46, 1.48.) Epson's representative in the United States received these Accused Ink Cartridge Products [redacted] including those shown in the photographs attached as Exhibits 1.137, 1.154, 1.166, 1.176 and 1.196 to the Seitz Declaration. (*See id.*) On information and belief, these Accused Ink Cartridge Products were manufactured in China by the Orink Group proposed respondents, and thereafter imported into the United States. (*See* Seitz Decl., ¶¶ 44-46, 49 and Exhs. 1.37, 1.42, 1.45.) These Accused Ink

Cartridge Products infringe one or more of the Asserted Claims, as demonstrated in the claims charts attached as Exhibits 15, 35, 36, 37, 38, 75, 76, 96, 110 and 111.

2. Zhuhai National, Huebon, and Chancen

271. On information and belief, Zhuhai National is engaged in the manufacture and importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Ink Cartridge Products. On information and belief, Huebon is engaged in the importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Ink Cartridge Products. On information and belief, these Accused Ink Cartridge Products include substitutes for each of the product codes identified in the Murch Declaration at ¶¶ 24, 41, 56 and 83.

272. The specific instances of importation of Accused Ink Cartridge Products set forth below are representative examples of unlawful imports of Accused Ink Cartridge Products.

273. [redacted] Epson's representative reached out to Zhuhai National to place an additional order forAccused Ink Cartridge Products. (*See* Seitz Decl., ¶ 34 and Exh. 1.30.) [redacted] a Zhuhai National representative, responded to order inquiry. (*See id.*) After exchanging a series of emails, [redacted] Epson's representative placed an order in the United States with Zhuhai National, d/b/a Ink-Tank, for Accused Ink Cartridge Products and made payment to Huebon, [redacted]. (*See id.*) Shortly thereafter, Epson's representative in the United States received the Accused Ink Cartridge Products from Zhuhai National, including those shown in the photographs attached as Exhibits 1.135 and 1.171 to the Seitz Declaration. (*See id.*) On information and belief, these Accused Ink Cartridge Products were manufactured in China by the Orink Group proposed respondents, and thereafter imported into the United States. (*See id.*)

These Accused Ink Cartridge Products infringe one or more of the Asserted Claims, as demonstrated in the claims charts attached as Exhibits 13, 27, 28, 29, 30, 71, 72, 94, 106 and 107.

274. [redacted], Epson's representative placed additional orders in the United States with Zhuhai National, via email, for Accused Ink Cartridge Products and made payments to Huebon. (*See* Seitz Decl., ¶¶ 35-37 and Exhs. 1.31, 1.32, 1.33.) Epson's representative in the United States received these Accused Ink Cartridge Products from Zhuhai National, including those shown in the photographs attached as Exhibits 1.149, 1.170, 1.183, 1.184 to the Seitz Declaration. (*See id.*) On information and belief, these Accused Ink Cartridges were manufactured in China by the Orink Group proposed respondents, and thereafter imported into the United States. (*See id.*) These Accused Ink Cartridge Products infringe one or more of the Asserted Claims, as demonstrated in the claims charts attached as Exhibits 13, 27, 28, 29, 30, 71, 72, 94, 106 and 107.

3. Rich Imaging

275. On information and belief, Rich Imaging is engaged in the manufacture, importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Ink Cartridge Products. On information and belief, these Accused Ink Cartridge Products include substitutes for each of the product codes identified in the Murch Declaration at ¶¶ 24, 41, 56 and 83.

276. The specific instances of importation of Accused Ink Cartridge Products set forth below are representative examples of unlawful imports of Accused Ink Cartridge Products.

277. [redacted] Epson's representative contacted Rich Imaging via email. (*See* Seitz Decl., ¶ 39 and Exh. 1.35.) [redacted] Epson's representative placed an order in the United States for Accused Ink Cartridge Products with [redacted] a Rich Imaging representative.

(*See* Seitz Decl., ¶ 42 and Exh. 1.40.) Shortly thereafter, Epson's representative in the United States received the Accused Ink Cartridge Products from Rich Imaging, including those shown in the photographs attached as Exhibits 1.136, 1.155, 1.178, 1.199, and 1.200 to the Seitz Declaration. (*See id.*) On information and belief, these Accused Ink Cartridge Products were manufactured in China by the Orink Group proposed respondents, and thereafter imported into the United States. (*See* Seitz Decl., ¶¶ 39-42 and Exhs. 1.35-1.40.) These Accused Ink Cartridge Products infringe one or more of the Asserted Claims, as demonstrated in the claims charts attached as Exhibits 14, 31, 32, 33, 34, 73, 74, 95, 108 and 109.

C. Yotat Group and Yotat Zhuhai

278. On information and belief, Yotat Zhuhai is engaged in the manufacture, importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Ink Cartridge Products. On information and belief, Yotat Group is engaged in the importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Ink Cartridge Products. On information and belief, these Accused Ink Cartridge Products include substitutes for each of the product codes identified in the Murch Declaration at ¶¶ 24, 41, 56 and 83.

279. The specific instances of importation of Accused Ink Cartridge Products set forth below are representative examples of unlawful imports of Accused Ink Cartridge Products.

280. [redacted] Epson's representative contacted Yotat Group via electronic-message on *www.Alibaba.com*. (*See* Seitz Decl., ¶ 56 and Exh. 1.52.) [redacted] Epson's representative placed an order in the United States for Accused Ink Cartridge Products with [redacted] a Yotat Group sales representative. (*See* Seitz Decl., ¶ 57 and Exh. 1.52.) Shortly thereafter, Epson's representative in the United States received the Accused Ink Cartridge Products from Yotat

Group, including those shown in the photographs attached as Exhibits 1.181, 1.207, and 1.208 to the Seitz Declaration. (*See id.*) On information and belief, these Accused Ink Cartridge Products were manufactured in China by Yotat Zhuhai, and thereafter imported into the United States. (*See id.*) These Accused Ink Cartridge Products infringe one or more of the Asserted Claims, as demonstrated in the claims charts attached as Exhibits 17, 43, 44, 45, 46, 79, 80, 98, 114 and 115.

281. [redacted] Epson's representative placed an order in the United States for Accused Ink Cartridge Products with [redacted]", a Yotat Group representative. (*See* Seitz Decl., ¶¶ 57, 62 and Exhs. 1.52, 1.57.) Shortly thereafter, Epson's representative in the United States received the Accused Ink Cartridge Products from Yotat Group, including those shown in the photographs attached as Exhibits 1.139, 1.159, 1.167 and 1.214 to the Seitz Declaration. (*See id*.) On information and belief, these Accused Ink Cartridge Products were manufactured in China by Yotat Zhuhai, and thereafter imported into the United States. (*See* Seitz Decl., ¶ 56-58, 64 and Exhs. 1.52, 1.53, 1.54, 1.59.) These Accused Ink Cartridge Products infringe one or more of the Asserted Claims, as demonstrated in the claims charts attached as Exhibits 17, 43, 44, 45, 46, 79, 80, 98, 114 and 115.

282. [redacted] Epson's representative placed an order in the United States with Yotat Group for Accused Ink Cartridge Products, via *www.aliexpress.com*. (*See* Seitz Decl., ¶ 63 and Exh. 1.58.) Shortly thereafter, Epson's representative in the United States received the Accused Ink Cartridge Products from Yotat Group, including the one shown in the photograph attached as Exhibit 1.217 to the Seitz Declaration. (*See id.*) On information and belief, this Accused Ink Cartridge Product was manufactured in China by Yotat Zhuhai, and thereafter imported into the United States. (*See id.*) These Accused Ink Cartridge Products infringe one or more of the Asserted Claims, as demonstrated in the claims charts attached as Exhibits 17, 43, 44, 45, 46, 79, 80, 98, 114 and 115.

D. Dongguan OcBestjet, OcBestjet (HK) and InkPro2day

283. On information and belief, Dongguan OcBestjet is engaged in the manufacture, importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Ink Cartridge Products, and supplies InkPro2day, LLC with Accused Ink Cartridge Products. On information and belief, OcBestjet (HK) is engaged in the manufacture, importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Ink Cartridge Products, and supplies InkPro2day, LLC with Accused Ink Cartridge Products. On information and belief, InkPro2day imports, and/or sells after importation into the United States, Accused Ink Cartridge Products. On information and belief, these Accused Ink Cartridge Products include substitutes for each of the product codes identified in the Murch Declaration at ¶¶ 24, 41, 56 and 83.

284. The specific instances of importation of Accused Ink Cartridge Products set forth below are representative examples of unlawful imports of Accused Ink Cartridge Products.

285. [redacted] Epson's representative made purchases in the United States of Accused Ink Cartridge Products from InkPro2day [redacted]. (*See* Seitz Decl., ¶¶ 73-76 and Exhs. 1.67, 1.68, 1.69, 1.70.) Shortly after each order was placed, Epson's representative in the United States received the Accused Ink Cartridge Products from InkPro2day, including those one shown in the photograph attached as Exhibit 1.145 to the Seitz Declaration. (*See* id.) On information and belief, these Accused Ink Cartridge Products, which include Physical Exhibit B, were manufactured in China by Douggaun OcBestjet and/or OcBestjet (HK), and thereafter imported into the United States by Inkpro2Day. (*See id.*; *see also* Seitz Decl., ¶ 84 and Exh. 1.79.) These Accused Ink Cartridge Products infringe one or more of the Asserted Claims, as

demonstrated in the claims charts attached as Exhibits 20, 55, 56, 57, 58, 59, 85, 86, 87, 88, 101, 120 and 121.

286. [redacted] Epson's representative made purchases in the United States of Accused Ink Cartridge Products from InkPro2day [redacted]. (*See* Seitz Decl., ¶¶ 77-80 and Exhs. 1.71, 1.72, 1.73, 1.74.) Shortly thereafter, Epson's representative in the United States received the Accused Ink Cartridge Products from InkPro2day, including those shown in the photographs attached as Exhibit(s) 1.142, 1.147, 1.148, 1.165, 1.185, 1.186, 1.187, 1.188, 1.210, and 1.211 to the Seitz Declaration. (*See* id.) On information and belief, these Accused Ink Cartridge Products, which include Physical Exhibits A, D and E, were manufactured in China by Dougguan OcBestjet and/or OcBestjet (HK), and thereafter imported into the United States by Inkpro2Day. (*See id.*; *see also* Seitz Decl., ¶ 84 and Exh. 1.79.) Furthermore, the packaging of some of these ink cartridges indicated that they were manufactured in China. (*See* Seitz Decl., ¶ 79 and Exh. 1.222.) These Accused Ink Cartridge Products infringe one or more of the Asserted Claims, as demonstrated in the claims charts attached as Exhibits 20, 55, 56, 57, 58, 59, 85, 86, 87, 88, 101, 120 and 121.

E. Kingway Group Proposed Respondents

287. On information and belief, the Kingway Group proposed respondents, namely, Ourway Image, Kingway Image, and Chinamate Technology individually and/or collectively manufacture Accused Ink Cartridge Products in China and ship them, directly or through intermediaries, to other Kingway Group proposed respondents and/or others for sale within the United States, whereafter the Kingway Group proposed respondents and/or others sell the Accused Ink Cartridge Products in the United States.

1. Ourway Image and Kingway Image

288. On information and belief, Ourway Image is engaged in the manufacture, importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Ink Cartridge Products. On information and belief, Kingway Image is engaged in the manufacture, importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Ink Cartridge Products. On information and belief, these Accused Ink Cartridge Products include substitutes for each of the product codes identified in the Murch Declaration at ¶¶ 24, 41, 56 and 83.

289. The specific instances of importation of Accused Ink Cartridge Products set forth below are representative examples of unlawful imports of Accused Ink Cartridge Products.

290. [redacted] Epson's representative contacted [redacted]", an Ourway Image account executive, via email. (*See* Seitz Decl., ¶ 99 and Exh. 1.93.) On [redacted] Epson's representative placed orders in the United States with Ourway Image for Accused Ink Cartridge Products. (*See* Seitz Decl., ¶¶ 99-100 and Exhs. 1.93, 1.94.) Shortly thereafter, Epson's representative in the United States received the Accused Ink Cartridge Products from Ourway Image, including those shown in the photographs attached as Exhibits 1.140, 1.158, 1.180, 1.205, 1.206 and 1.216 to the Seitz Declaration. (*See id.*) On information and belief, these Accused Ink Cartridge Products were manufactured in China by the Kingway Group proposed respondents, and thereafter imported into the United States by the Kingway Group proposed respondents. (*See* Seitz Decl., ¶¶ 99, 103-104 and Exhs. 1.93, 1.98, 1.100.) Furthermore, the packaging on these ink cartridges was marked "Made in China". (*See* Seitz Decl., ¶ 99 and Exh. 1.223.) These Accused Ink Cartridge Products infringe one or more of the Asserted Claims, as demonstrated in the claims charts attached as Exhibits 18, 47, 48, 49, 50, 81, 82, 99, 116 and 117.

2. Chinamate Technology

291. On information and belief, Chinamate Technology is engaged in the manufacture, importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Ink Cartridge Products. On information and belief, these Accused Ink Cartridge Products include substitutes for each of the product codes identified in the Murch Declaration at ¶¶ 24, 41, 56 and 83.

292. The specific instances of importation of Accused Ink Cartridge Products set forth below are representative examples of unlawful imports of Accused Ink Cartridge Products.

293. [redacted] Epson's representative contacted Chinamate Technology via electronic message on *www.Alibaba.com*. (*See* Seitz Decl., ¶ 108 and Exh. 1.104.) On [redacted] Epson's representative placed an order in the United States with [redacted], a Chinamate Technology representative, for Accused Ink Cartridge Products. (*See* Seitz Decl., ¶ 109 and Exh. 1.104.) Shortly thereafter, Epson's representative in the United States received the Accused Ink Cartridge Products from Chinamate Technology, including the one shown in the photograph attached as Exhibit 1.141 to the Seitz Declaration. (*See id.*) On information and belief, these Accused Ink Cartridge Products were manufactured in China by the Kingway Group proposed respondents, and thereafter imported into the United States by the Kingway Group proposed respondents. (*See* Seitz Decl., ¶¶ 106-109 and Exhs. 1.102, 1.103, 1.104.) Furthermore, the packaging on these ink cartridges was marked "Made in China". (*See* Seitz Decl., ¶ 109 and Exh. 1.224.) These Accused Ink Cartridge Products infringe one or more of the Asserted Claims, as demonstrated in the claims charts attached as Exhibits 19, 51, 52, 53, 54, 83, 84, 100, 118 and 119.

294. [redacted] Epson's representative in the United States ordered more Accused Ink Cartridge Products from Chinamate Technology, [redacted] (*See* Seitz Decl., ¶

110 and Exh. 1.105.) Shortly thereafter, Epson's representative in the United States received the Accused Ink Cartridge Products from Chinamate Technology, including those shown in the photographs attached as Exhibits 1.157, 1.179, 1.203, and 1.204 to the Seitz Declaration. (*See id.*) On information and belief, these Accused Ink Cartridge Products were manufactured in China by the Kingway Group proposed respondents, and thereafter imported into the United States by the Kingway Group proposed respondents. (*See* Seitz Decl., ¶¶ 106-108 and Exhs. 1.102, 1.103, 1.104.) Furthermore, the packaging on these ink cartridges was marked "Made in China." (*See* Seitz Decl., ¶ 110 and Exh. 1.225.) These Accused Ink Cartridge Products infringe one or more of the Asserted Claims, as demonstrated in the claims charts attached as Exhibits 19, 51, 52, 53, 54, 83, 84, 100, 118 and 119.

F. Aomya

295. On information and belief, Aomya is engaged in the manufacture, importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Ink Cartridge Products. On information and belief, these Accused Ink Cartridge Products include substitutes for each of the product codes identified in the Murch Declaration at ¶¶ 24, 41, 56 and 83.

296. The specific instances of importation of Accused Ink Cartridge Products set forth below are representative examples of unlawful imports of Accused Ink Cartridge Products.

297. [redacted] Epson's representative caused an order to be placed in the United States with Aomya for the Accused Ink Cartridge Products. (*See* Seitz Decl., ¶ 114 and Exh. 1.109.) Shortly thereafter, Epson's representative in the United States received the Accused Ink Cartridge Products from Aomya, including the one shown in the photograph attached as Exhibit 1.174 to the Seitz Declaration. (*See id.*) On information and belief, these Accused Ink Cartridge Products were

manufactured in China by Aomya, and thereafter imported into the United States by Aomya. (*See id.*) These Accused Ink Cartridge Products infringe one or more of the Asserted Claims, as demonstrated in the claims charts attached as Exhibits 21, 60, 61, 62, 63, 89, 90, 102, 122 and 123.

298. [redacted] Epson's representative placed an order via email with [redacted], an Aomya sales representative, for Accused Ink Cartridge Products. (*See* Seitz Decl., ¶ 117 and Exh. 1.111.) Shortly thereafter, Epson's representative in the United States received the Accused Ink Cartridge Products from Aomya, including those shown in the photographs attached as Exhibits 1.212 and 1.213 to the Seitz Declaration. (*See id.*) On information and belief, these Accused Ink Cartridge Products were manufactured in China by Aomya, and thereafter imported into the United States by Aomya. (*See id.*) These Accused Ink Cartridge Products infringe one or more of the Asserted Claims, as demonstrated in the claims charts attached as Exhibits 21, 60, 61, 62, 63, 89, 90, 102, 122 and 123.

299. [redacted] Epson's representative again placed orders in the United States with Aomya via email for Accused Ink Cartridge Products. (*See* Seitz Decl., ¶ 118-119 and Exhs. 1.113, 1.114.) Shortly after placing each order, Epson's representative in the United States received the Accused Ink Cartridge Products from Aomya, including those shown in the photographs attached as Exhibits 1.143, 1.156, 1.175, 1.192, 1.193, 1.194 and 1.201 to the Seitz Declaration. (*See id.*) On information and belief, these Accused Ink Cartridge Products were manufactured in China by Aomya, and thereafter imported into the United States by Aomya. (*See* Seitz Decl., ¶¶ 112-113, 118 and Exhs. 1.107, 1.108, 1.113.) Furthermore, the packaging on these ink cartridges was marked "Made in China". (*See* Seitz Decl., ¶¶ 118-119 and Exhs. 1.226, 1.227.) These Accused Ink Cartridge Products infringe one or more of the Asserted Claims, as demonstrated in the claims charts attached as Exhibits 21, 60, 61, 62, 63, 89, 90, 102, 122 and 123.

G. Richeng Development

300. On information and belief, Richeng Development is engaged in the manufacture, importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Ink Cartridge Products. On information and belief, these Accused Ink Cartridge Products include substitutes for each of the product codes identified in the Murch Declaration at ¶¶ 24, 41, 56 and 83.

301. The specific instances of importation of Accused Ink Cartridge Products set forth below are representative examples of unlawful imports of Accused Ink Cartridge Products.

302. [redacted] Epson's representative placed an order in the United States via email with [redacted] a Richeng Development sales representative, for Accused Ink Cartridge Products. (*See* Seitz Decl., ¶ 125 and Exh. 1.120.) Shortly thereafter, Epson's representative in the United States received the Accused Ink Cartridge Products from Richeng Development, including the one shown in the photograph attached as Exhibit 1.144 to the Seitz Declaration. (*See id.*). On information and belief, these Accused Ink Cartridge Products were manufactured in China by Richeng Development, and thereafter imported into the United States by Richeng Development. (*See* Seitz Decl., ¶¶ 122-125 and Exhs. 1.117, 1.118, 1.119, 1.120.) These Accused Ink Cartridge Products infringe one or more of the Asserted Claims, as demonstrated in the claims charts attached as Exhibits 22, 64, 65, 66, 67, 91, 92, 103, 124 and 125.

303. [redacted] Epson's representative placed orders in the United States via email with [redacted] a Richeng Development sales manager, for Accused Ink Cartridge Products. (*See* Seitz Decl., ¶¶ 127-128 and Exhs. 1.122, 1.123.) Shortly thereafter, Epson's representative in the United States received the Accused Ink Cartridge Products from Richeng Development, including those shown in the photographs attached as Exhibits 1.160, 1.161,

1.164, 1.168, 1.169, 1.177, 1.182, 1.197, 1.198 and 1.209 to the Seitz Declaration. (*See id.*) On information and belief, these Accused Ink Cartridge Products were manufactured in China by Richeng Development, and thereafter imported into the United States by Richeng Development. (*See id.*) These Accused Ink Cartridge Products infringe one or more of the Asserted Claims, as demonstrated in the claims charts attached as Exhibits 22, 64, 65, 66, 67, 91, 92, 103, 124 and 125.

H. Zinyaw

304. On information and belief, Zinyaw imports, and sells after importation into the United States, Accused Ink Cartridge Products, including, but not limited to, those manufactured by one or more of the Orink Group proposed respondents. On information and belief, these Accused Ink Cartridge Products include substitutes for each of the product codes identified in the Murch Declaration at ¶¶ 24, 41, 56 and 83.

305. The specific instances of importation of Accused Ink Cartridge Products set forth below are representative examples of unlawful imports of Accused Ink Cartridge Products.

306. [redacted], Epson's representative placed additional orders in the United States with Zinyaw, d/b/a Tonerpirate.com, for Accused Ink Cartridge Products. (*See* Seitz Decl., ¶¶ 134-137 and Exhs. 1.130, 1.131, 1.132, 1.133.) Shortly thereafter, Epson's representative in the United States received the Accused Ink Cartridge Products from Zinyaw, including those shown in the photographs attached as Exhibits 1.138, 1.153, 1.173 and 1.215 to the Seitz Declaration. (*See id.*) On information and belief, these Accused Ink Cartridge Products were manufactured in China by the Orink Group proposed respondents, and thereafter imported into the United States by Zinyaw. (*See* Seitz Decl., ¶ 135, 138 and Exhs. 1.34, 1.131.) Furthermore, the packaging on these ink cartridges was marked "Made in China." (*See* Seitz Decl., ¶¶ 136-137 and Exhs. 1.228, 1.229.) These Accused Ink Cartridge Products infringe one or more of

the Asserted Claims, as demonstrated in the claims charts attached as Exhibits 16, 39, 40, 41, 42, 77, 78, 97, 112 and 113.

I. Components

307. [redacted] Epson's representative placed an order in the United States with Douggaun OcBestjet, via *www.aliexpress.com,* for empty refillable cartridges with "L-shaped" PCBs (*See* Seitz Decl., ¶ 140 and Exh. 1.220.) These refillable cartridges are sold for use with the Epson Stylus Pro 11880 printer, and as a substitute for genuine Epson cartridge with product code T591. (*See id.*) After Epson's representative placed the order, he received a message from a Douggaun OcBestjet representative, [redacted] (*Id.*) Epson's representative paid for the order via *aliexpress.com*, and shortly thereafter, Epson's representative in the United States received the empty refillable cartridges with "L-shaped" PCBs. (*See id.*) On information and belief, these empty refillable cartridges with "L-shaped" PCBs were manufactured in China by Dongguan OcBestjet, and thereafter imported into the United States by Dongguan OcBestjet.

308. By combining the components manufactured, imported and sold by Dongguan OcBestjet with a genuine Epson PCB, a user creates an Accused Ink Cartridge Product that infringes one or more of the Asserted Claims. The infringement analysis of claim 1 of the '749 patent, for example, set fort in the claim chart attached as Exhibit 70, is applicable to the resulting infringing Accused Ink Cartridge Product.

309. [redacted] Epson's representative placed an order in the United States with Richeng Development, via *www.aliexpress.com,* for empty refillable cartridges with "L-shaped" PCBs. (*See* Seitz Decl., ¶ 128, 142 and Exh. 1.123.) Epson's representative paid for the order, and

shortly thereafter, Epson's representative in the United States received the empty refillable cartridges with "L-shaped" PCBs. (*See id.*) On information and belief, these empty refillable cartridges with "L-shaped" PCBs were manufactured in China by Richeng Development, and thereafter imported into the United States by Richeng Development.

310. By combining the components manufactured, imported and sold by Richeng Development with a genuine Epson PCB, a user creates an Accused Ink Cartridge Product that infringes one or more of the Asserted Claims. The infringement analysis of claim 1 of the '749 patent, for example, set fort in the claim chart attached as Exhibit 70, is applicable to the resulting infringing Accused Ink Cartridge Product.

311. Epson's representative has also witnessed the importation of components by foreign sellers, which can only be used to produce infringing cartridges. (*See* Seitz Decl., ¶ 139 and Exhs. 1.218, 1.219.) [redacted] Epson's representive was informed that [redacted] United States Customs and Border Protection seized genuine Epson cartridges without PCBs that were entering the United States from abroad. (*See id.*) Epson's representative could tell by looking at photographs of the seized cartridges that they were genuine Epson HAV3 cartridges, first sold outside the United States, and that they had had their PCBs removed from the cartridge body. (*See id.*.) On information and belief, chips are sold on the Internet to be used with such products. (*See id.*)

312. By combining the imported unused genuine Epson cartridge that lacks a PCB with an aftermarket PCB, a user creates an Accused Ink Cartridge Product that infringes one or more of the Asserted Claims. The infringement analysis of claim 1 of the '749 patent, for example, set fort in the claim chart attached as Exhibit 70, is applicable to the resulting infringing Accused Ink Cartridge Product.

VII. CLASSIFICATION OF ACCUSED INK CARTRIDGE PRODUCTS UNDER THE HARMONIZED TARIFF SCHEDULE

313. Upon information and belief, the Accused Ink Cartridge Products are classified at item 8473.30.5000, HTS, which provides for "Parts and accessories...suitable for use solely or principally with machines of headings 8469 to 8472: Parts and accessories of the machines of heading 8471: Not incorporating a cathode ray tube: Other."

314. This classification is exemplary in nature and not intended to restrict the scope of any exclusion order or other remedy ordered by the Commission.

VIII. RELATED LITIGATION

315. Pursuant to 19 C.F.R. § 210.12(a)(5), the alleged unfair methods of competition and unfair acts, or the subject matter thereof, have not been the subject of any court or agency litigation in the United States with respect to the Asserted Patents.

IX. DOMESTIC INDUSTRY

316. An industry as required by 19 U.S.C. § 1337(a)(2) and defined by 19 U.S.C. §1337(a)(3) exists in the United States relating to the Asserted Patents and Complainants' products protected by the Asserted Patents. As described below, Epson Portland currently manufactures cartridges that practice all the Asserted Patents in the United States. Another wholly owned, indirect subsidiary of SEC, Epson El Paso, Inc. ("Epson El Paso"), packages and performs quality control inspections in the United States on ink cartridges manufactured by Epson Portland and other related Epson entities that practice all of the Asserted Patents.

A. Technical Prong

317. <u>'233 patent, claim 1 practiced by a genuine Epson Group 1 ink cartridge</u>: At least product codes (model numbers) T194120, T194220, T194320, T194420, T195120, T195220, T195320, T195420, T196120, T196220, T196320, T196420, T197120, T200120, T200220,

T200320, T200420, T200XL120, T200XL220, T200XL320 and T200XL420 of the ink cartridges manufactured by Epson Portland in the United States, and certain of which are sold by Epson America in the United States, are Group 1 ink cartridges that practice at least claim 1 of the '233 patent. A claim chart that demonstrates how a sample Group 1 ink cartridge from Complainants (model no. T200XL120) practices a representative claim (claim 1) of the '233 patent is attached hereto as Exhibit 127. A photograph of Complainants' T200XL120 Group 1 ink cartridge is attached as Exhibit 137. A sample of Complainants' T200XL120 Group 1 ink cartridge is submitted herewith as Physical Exhibit F.

318. '116 patent, claim 1 practiced by a genuine Epson Group 1 ink cartridge: At least product codes (model numbers) T194120, T194220, T194320, T194420, T195120, T195220, T195320, T195420, T196120, T196220, T196320, T196420, T197120, T200120, T200220, T200320, T200420, T200XL120, T200XL220, T200XL320 and T200XL420 of the ink cartridges manufactured by Epson Portland in the United States, and certain of which are sold by Epson America in the United States, are Group 1 ink cartridges that practice at least claim 1 of the '116 patent. A claim chart that demonstrates how a sample Group 1 ink cartridge from Complainants (model no. T200XL120) practices a representative claim (claim 1) of the '116 patent is attached hereto as Exhibit 128. A photograph of Complainants' T200XL120 Group 1 ink cartridge is attached as Exhibit 137. A sample of Complainants' T200XL120 Group 1 ink cartridge is submitted herewith as Physical Exhibit F.

319. '749 patent, claim 1 practiced by a genuine Epson Group 1 ink cartridge: At least product codes (model numbers) T194120, T194220, T194320, T194420, T195120, T195220, T195320, T195420, T196120, T196220, T196320, T196420, T197120, T200120, T200220, T200320, T200420, T200XL120, T200XL220, T200XL320 and T200XL420 of the ink cartridges

manufactured by Epson Portland in the United States, and certain of which are sold by Epson America in the United States, are Group 1 ink cartridges that practice at least claim 1 of the '749 patent. A claim chart that demonstrates how a sample Group 1 ink cartridge from Complainants (model no. T200XL120) practices a representative claim (claim 1) of the '749 patent is attached hereto as Exhibits 129. A photograph of Complainants' T200XL120 Group 1 ink cartridge is attached as Exhibit 137. A sample of Complainants' T200XL120 Group 1 ink cartridge is submitted herewith as Physical Exhibit F.

320. '749 patent, claim 1 practiced by a genuine Epson Group 3 ink cartridge: At least product codes (model numbers) T068120, T068220, T068320, T068420, T069120, T069220, T069320, T069420, T073120, T073120H, T073220, T073320, T073420, T077120, T077220, T077320, T077420, T077520, T077620, T078120, T078220, T078320, T078420, T078520, T078620, T079120, T079220, T079320, T079420, T079520, T079620, T081120, T081220, T081320, T081420, T081520, T081620, T082120, T082220, T082320, T082420, T082520, T082620, T088120, T088220, T088320, T088420, T090120, T098120, T098220, T098320, T098420, T098520, T098620, T099220, T099320, T099420, T099520, T099620, T103220, T103320, T103420, T115126 and T117120 of the ink cartridges manufactured by Epson Portland in the United States, and certain of which are sold by Epson America in the United States, are Group 3 ink cartridges that practice at least claim 1 of the '749 patent. Accordingly, in addition to the claim chart referenced in the preceding paragraph showing how claim 1 of the '749 patent applies to a genuine Epson Group 1 ink cartridge, a claim chart that demonstrates how a sample Group 3 ink cartridge from Complainants (model no. T098120) practices a representative claim (claim 1) of the '749 patent is attached hereto as Exhibits 130. A photograph of Complainants' T098120 ink

cartridge is attached as Exhibit 138. A sample of Complainants' T098120 ink cartridge is submitted herewith as Physical Exhibit G.

321. '749 patent, claim 1 practiced by a genuine Epson Group 5 ink cartridge: At least product codes (model numbers) T124120, T124220, T124320, T124420, T125120, T125220, T125320, T125420, T126120, T126220, T126320, T126420, T132120, T133120, T133220, T133320, T133420, T135120, T138120, T140220, T140320 and T140420 of the ink cartridges manufactured by Epson Portland in the United States, and certain of which are sold by Epson America in the United States, are Group 5 ink cartridges that practice at least claim 1 of the '749 patent. Accordingly, in addition to the claim charts referenced in the preceding two paragraphs showing how claim 1 of the '749 patent applies to genuine Epson Group 1 and Group 3 ink cartridges, a claim chart that demonstrates how a sample Group 5 ink cartridge from Complainants (model no. T126120) practices a representative claim (claim 1) of the '749 patent is attached hereto as Exhibits 131. A photograph of Complainants' T126120 Group 5 ink cartridge is attached as Exhibit 139. A sample of Complainants' T126120 ink cartridge is submitted herewith as Physical Exhibit H.

322. '163 patent, claim 1 practiced by a genuine Epson Group 1 ink cartridge: At least product codes (model numbers) T194120, T194220, T194320, T194420, T195120, T195220, T195320, T195420, T196120, T196220, T196320, T196420, T197120, T200120, T200220, T200320, T200420, T200XL120, T200XL220, T200XL320 and T200XL420 of the ink cartridges manufactured by Epson Portland in the United States, and certain of which are sold by Epson America in the United States, are Group 1 ink cartridges that practice at least claim 1 of the '163 patent. A claim chart that demonstrates how a sample Group 1 ink cartridge from Complainants (model no. T200XL120) practices a representative claim (claim 1) of the '163 patent is attached

hereto as Exhibit 132. A photograph of Complainants' T200XL120 Group 1 ink cartridge is attached as Exhibit 137. A sample of Complainants' T200XL120 Group 1 ink cartridge is submitted herewith as Physical Exhibit F.

323. '513 patent, claim 1 practiced by a genuine Epson Group 1 ink cartridge: At least product codes (model numbers) T194120, T194220, T194320, T194420, T195120, T195220, T195320, T195420, T196120, T196220, T196320, T196420, T197120, T200120, T200220, T200320, T200420, T200XL120, T200XL220, T200XL320 and T200XL420 of the ink cartridges manufactured by Epson Portland in the United States, and certain of which are sold by Epson America in the United States, are Group 1 ink cartridges that practice at least claim 1 of the '513 patent. A claim chart that demonstrates how a sample Group 1 ink cartridge from Complainants (model no. T200XL120) practices a representative claim (claim 1) of the '513 patent is attached hereto as Exhibit 133. A photograph of Complainants' T200XL120 Group 1 ink cartridge is attached as Exhibit 137. A sample of Complainants' T200XL120 Group 1 ink cartridge is submitted herewith as Physical Exhibit F.

B. Economic Prong

1. Significant Investment in Plant and Equipment

324. A domestic industry exists in the United States by virtue of Complainants' significant investment in plant and equipment devoted to manufacturing, packaging and inspecting ink cartridges that employ and exploit the technology covered by one or more of the claims of the Asserted Patents.

325. Epson Portland was established in 1985. Epson Portland is an indirect, wholly-owned subsidiary of SEC. Epson Portland's current facility in Hillsboro, Oregon comprises approximately [redacted] square feet. Details of Epson Portland's facilities are described in the Confidential

Declaration of Randal A. McEvers, (hereinafter, the "McEvers Decl." or "McEvers Declaration"), submitted herewith, as Confidential Exhibit 126. (*See* McEvers Decl., ¶¶ 2-4).

326. In [redacted] Epson Portland began manufacturing ink cartridges practicing the '749 patent in its Hillsboro facility. (*See id.*, ¶ 11.) In [redacted] Epson Portland began manufacturing cartridges practicing the '233, '116, '163 and '513 patents. (*See id.*, ¶ 16.) Further details of Epson Portland's manufacturing activities are described in the McEvers Declaration. (*See generally, id.*)

327. A significant portion of the Epson Portland facility in Hillsboro, Oregon is devoted, either entirely or in large part, to manufacturing ink cartridges that exploit the Asserted Patents. Further details of how this space is allocated are described in the Confidential McEvers Declaration. (*See id.*, ¶¶ 13-14.)

328. Epson Portland also has invested [redacted] dollars in equipment used to manufacture ink cartridges at its production facilities in Hillsboro, Oregon, that exploit the Asserted Patents. Further details of how Epson Portland's investment in equipment is distributed are described in detail in the Confidential McEvers Declaration. (*See id.*, ¶¶ 15-17.)

329. Another Epson affiliate, Epson El Paso, Inc., packages and performs quality control inspections on ink cartridges manufactured by Epson Portland utilizing the Asserted Patents. Epson El Paso also packages and performs quality control inspections of Epson cartridges that are manufactured in other Epson production facilities. Further details of Epson El Paso's packaging and inspection activities are described in the McEvers Declaration. (*See id.*, ¶¶ 3, 21.)

2. Significant Employment of Labor and Capital

330. Complainant Epson Portland currently employs [redacted] employees in the United States in the domestic production and distribution of ink cartridges, including a majority of

whom are involved in exploiting the Asserted Patents. Further details of the work performed by these employees are described in the Confidential McEvers Declaration. (*See id.*, ¶¶ 18-20.)

X. GENERAL EXCLUSION ORDER

331. A general exclusion order is necessary to prevent the circumvention of an order limited to the Proposed Respondents.

332. There is a widespread pattern of infringement of the Asserted Patents by imported ink cartridges and components thereof, and it is difficult to identify all the sources of infringing products. On information and belief, infringing ink cartridges and components thereof are routinely imported into the United States, sold for importation into the United States, and/or sold within the United States after importation by numerous unknown entities.

333. Complainants have been able to identify a substantial number of entities worldwide that manufacture and import infringing ink cartridges and components thereof. In this Complaint, Complainants have identified those entities about which they have substantial evidence of importation of infringing ink cartridges and components thereof into the United States. On information and belief, numerous other entities are capable of shifting, at minimal expense, a substantial amount of their production to manufacture infringing ink cartridges and components thereof for importation into the United States.

334. There is a widespread pattern of unauthorized use of the patented inventions. To protect its patent rights, Complainants have been forced to initiate foreign patent infringement suits based upon the foreign counterparts of the Asserted Patents.

335. On information and belief, infringing ink cartridges and components thereof, including those of the Proposed Respondents, are offered regularly for sale and sold via the Internet. In addition to the Proposed Respondents' websites, ink cartridges and components thereof are offered

for sale and sold via the websites of distributors and retailers of printing consumables as well as on Amazon and E-bay.

336. As an example, and on information and belief, Orink Group members share manufacturing facilities located at 3 Qingwan 3rd Rd, Qingwan Industrial Zone, Sanzao, Zhuhai, China, which they use to manufacture Accused Ink Cartridge Products. (*See* Seitz Decl., ¶¶ 31-32, 39, 44, 46-47 and Exhs. 1.28, 1.29, 1.35, 1.42, 1.44.) On information and belief, the ink cartridges manufactured by Orink Group members are marketed and sold for importation into the United States on multiple websites, such as *www.ink-tank.com.cn*, *www.richimaging.cn,* and *www.orink.com*, under brand names such as "Ink-Tank", "Orink" and "Wox." (*See id.*) Furthermore, Orink Group members offer several packaging options that it can use to import cartridges into the United States, such as "white box" packaging, "neutral color" packaging, "customer brand" packaging, "private color" packaging, "private labeling", "private sticker", and "free design". (*See* Seitz Decl., ¶¶ 33, 39, 44 and Exhs. 1.28, 1.35, 1.42.)

337. Business conditions suggest that foreign manufacturers other than the Proposed Respondents may attempt to enter the United States with infringing products. There is an established and growing demand in the United States for aftermarket ink cartridges and components thereof.

338. Entry into the market for ink cartridges and components thereof is relatively easy due, in part, to the ease of manufacturing infringing products and because the time needed to start manufacturing infringing ink cartridges and components thereof is relatively short. On information and belief, the startup costs for manufacturing substantial quantities of ink cartridges and components thereof is relatively modest. There are many producers of plastic molded products, particularly in Asia, that could readily and inexpensively retool their production facilities to produce

infringing ink cartridges and components thereof to replace the Proposed Respondents should the Commission enter only limited relief.

XI. RELIEF

WHEREFORE, by reason of the foregoing, Complainants request that the United States International Trade Commission:

(a) institute an immediate investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, with respect to violations of that section based upon the importation into the United States, the sale for importation into the United States and/or the sale within the United States after importation, by the Proposed Respondents, of ink cartridges and components thereof that infringe Complainants' valid and enforceable U.S. Patent Nos. 8,366,233; 8,454,116; 8,794,749; 8,801,163 and 8,882,513;

(b) schedule and conduct a hearing on said unlawful acts and, following said hearing;

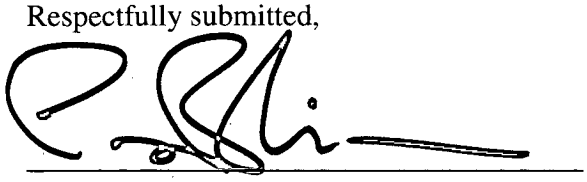
(c) issue a permanent general exclusion order, or, alternatively, a limited exclusion order, pursuant to 19 U.S.C. § 1337(d), forbidding entry into the United States of all ink cartridges and components thereof that infringe U.S. Patent Nos. 8,366,233; 8,454,116; 8,794,749; 8,801,163 and 8,882,513. A general exclusion order constitutes the appropriate relief in this case given the numerous sources abroad of infringing ink cartridges and components thereof and the available channels of distribution;

(d) issue permanent cease and desist orders, pursuant to 19 U.S.C. § 1337(f), prohibiting the Proposed Respondents from the importation, sale for importation, marketing,and/or advertising,distribution, offer for sale, sale, use after importation, sale after importation, packaging, or transfer within the United States ofink cartridges or components thereof encompassed by the claims of U.S. Patent Nos. U.S. Patent Nos. 8,366,233; 8,454,116; 8,794,749; 8,801,163 and 8,882,513; and

(e) issue such other orders and further relief as the Commission deems just and proper based upon the facts determined by the investigation and under the authority of the Commission.

Dated: December 23, 2014

Respectfully submitted,



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Epson America, Inc. and
Seiko Epson Corporation

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

In the Matter of **CERTAIN INK CARTRIDGES AND COMPONENTS THEREOF**	**Investigation No. 337-TA- _____**

VERIFICATION OF COMPLAINT

I, Randal A. McEvers, am the Assistant Corporate Secretary and the Executive Director of General Affairs & Administration of Epson Portland Inc., and I am authorized to execute this verification on behalf of Complainants. I have read the Complaint and am aware of its contents. To the best of my knowledge, information, and belief and based upon a reasonable inquiry under the circumstances, I hereby certify that:

1. The allegations contained in the Complaint are well grounded in fact and have evidentiary support, or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery;

2. The claims and other legal contentions set forth in the Complaint are warranted by existing laws or by a good faith, non-frivolous argument for extension, modification, or reversal of existing law, or by the establishment of new law; and

3. The Complaint is not being filed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

Dated: December 23, 2014

Randal A. McEvers