

ORIGINAL

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

Before the Honorable _____

In the Matter of

**CERTAIN TONER CARTRIDGES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-_____

**COMPLAINT OF CANON INC. ET AL.
UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED**

Complainants:

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Ninestar Technology Co., Ltd.

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(continued on next page)

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Phone: (650) 877-9989

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(continued on next page)

Proposed Respondents (continued):

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Red Powers, Inc.

d/b/a LaptopTraveller.com

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Phone: (626) 921-4610 / 319-0371

Direct Billing International, Inc.

d/b/a OfficeSupplyOutfitters.com

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Compu-Imaging, Inc.

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Phone: (305) 260-0101

EIS Office Solutions, Inc.

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Houston, Texas 77036

Phone: (713) 484-7300

123 Refills, Inc.

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Irwindale, California 91706

Phone: (626) 593-5141

TABLE OF EXHIBITS

Exhibit	Description
1	Certified Copy of U.S. Patent No. 5,903,803
2	Certified Copy of U.S. Patent No. 6,128,454
3	Certified Assignment Records for U.S. Patents Nos. 5,903,803 and 6,128,454
4	<u>Confidential Exhibit</u> – Confidential Declaration of Robert S. Thomson
5	Canon Press Release dated May 2, 2009
6	<u>Confidential Exhibit</u> – Identification of Third-Party Licensees
7	Table of Accused Ninestar Toner Cartridges Presently Known to Canon
8	Claim Chart – Ziprint Cartridge/Drum, Model No. NT-C2612X
9	Claim Chart – Ziprint Cartridge/Drum, Model No. NT-C6511C
10	Claim Chart – Nano Pacific Cartridge/Drum, Model No. NT-C2612X
11	Claim Chart – Nano Pacific Cartridge/Drum, Model No. NT-C7516XC
12	Claim Chart – ACM Cartridge/Drum, Model No. HE-CC364X
13	Claim Chart – LD Products Cartridge/Drum, Model No. NT-C0364C
14	Claim Chart – Printer Essentials Cartridge/Drum, Model No. CT436A
15	Claim Chart – XSE Cartridge/Drum, Model No. CC364A;CPT
16	Claim Chart – Copy Tech Cartridge/Drum, Model No. 64A
17	Claim Chart – LaptopTraveller Cartridge/Drum, Model No. HE-CC364A
18	Claim Chart – DBI Cartridge/Drum, Model No. NT-C0364C
19	Claim Chart – Compu-Imaging Cartridge/Drum, Model No. WL-CB436
20	Claim Chart – EIS Cartridge/Drum, Model No. CTCB436A
21	Claim Chart – 123 Refills Cartridge/Drum, Model No. NT-C0364XCQF
22	Claim Chart – Domestic Industry (Claim 128 of the '803 Patent and Claim 24 of the '454 Patent)
23	Invoice – Ziprint cartridges, incl. NT-C2612X and NT-C6511C
24	Invoice – Nano Pacific cartridges, incl. NT-C2612X and NT-C7516XC

Exhibit	Description
25	Invoice – ACM cartridges, incl. HE-CC364X
26	Invoice – LD Products cartridges, incl. NT-C0364C
27	Invoice – Printer Essentials cartridges, incl. CT436A
28	Invoice – XSE cartridges, incl. CC364A;CPT
29	Invoice – Copy Tech cartridges, incl. 64A
30	Invoice – LaptopTraveller cartridges, incl. HE-CC364A
31	Invoice – DBI cartridges, incl. NT-C0364C
32	Invoice – Compu-Imaging cartridges, incl. WL-CB436
33	Invoice – EIS cartridges, incl. CTCB436A
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II	Cited References for U.S. Patent No. 5,903,803
III	Certified Copy of U.S. Patent No. 6,128,454 Prosecution History
IV	Cited References for U.S. Patent No. 6,128,454

TABLE OF PHYSICAL EXHIBITS

Physical Exhibit	Description
A	Ziprint Toner Cartridge, Model No. NT-C2612X, w/packaging
B	Ziprint Toner Cartridge, Model No. NT-C6511C, w/packaging
C	Nano Pacific Toner Cartridge, Model No. NT-C2612X, w/packaging
D	Nano Pacific Toner Cartridge, Model No. NT-C7516XC, w/packaging
E	ACM Toner Cartridge, Model No. HE-CC364X, w/packaging
F	LD Products Toner Cartridge, Model No. NT-C0364C, w/packaging
G	Printer Essentials Toner Cartridge, Model No. CT436A, w/packaging
H	XSE Toner Cartridge, Model No. CC364A;CPT, w/packaging
I	Copy Tech Toner Cartridge, Model No. 64A, w/packaging
J	LaptopTraveller Toner Cartridge, Model No. HE-CC364A, w/packaging
K	DBI Toner Cartridge, Model No. NT-C0364C, w/packaging
L	Compu-Imaging Toner Cartridge, Model No. WL-CB436, w/packaging
M	EIS Toner Cartridge, Model No. CTCB436A, w/packaging
N	123 Refills Toner Cartridge, Model No. NT-C0364XCQF, w/packaging
O	Canon (HP) OEM Toner Cartridge, Model No. Q7553A, w/packaging

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I. INTRODUCTION

1. Canon Inc. (“CINC”), Canon U.S.A., Inc. (“CUSA”) and Canon Virginia, Inc. (“CVI”) (collectively, “Complainants” or “Canon”) file this Complaint pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, based upon Respondents’ unlawful importation into the United States, sale for importation into the United States and/or sale within the United States after importation of certain toner cartridges (“Accused Cartridges”) and components thereof, namely photosensitive drums (“Accused Drums”), which infringe at least one or more of the following claims of two U.S. patents owned by CINC:

- Claims 128-130, 132, 133 and 139-143 of U.S. Patent No. 5,903,803 (“the ’803 patent”); and
- Claims 24-30 of U.S. Patent No. 6,128,454 (“the ’454 patent”)

(the ’803 and ’454 patents collectively referred to as the “Asserted Patents”).

2. The proposed Respondents fall into two categories: the Ninestar Respondents and the Retailer Respondents. The first category (the “Ninestar Respondents”) includes Ninestar Image Int’l, Ltd., Ninestar Technology Co., Ltd., Ninestar Management Co., Ltd., Zhuhai Seine Technology Co., Ltd., Seine Image Int’l Co., Ltd., Ninestar Image Co., Ltd., Ziprint Image Corp., Nano Pacific Corp., Ninestar Tech. Co., Ltd. and Town Sky, Inc., all of which on information and belief are under common ownership and control. The second category (the “Retailer Respondents”) includes ACM Technologies, Inc., LD Products, Inc., Printer Essentials.com, Inc., XSE Group, Inc. d/b/a Image Star, Copy Technologies, Inc. d/b/a ITM Corporation, Red Powers, Inc. d/b/a LaptopTraveller.com, Direct Billing International, Inc. d/b/a OfficeSupplyOutfitters.com, Compu-Imaging, Inc., EIS Office Solutions, Inc. and 123 Refills, Inc., all of which on information and belief are retailers of products of the Ninestar Respondents.

The Ninestar Respondents and Retailer Respondents will be collectively referred to herein as “Respondents.”

3. A domestic industry as required by 19 U.S.C. §§ 1337(a)(2) and (3) exists in the United States relating to the technology protected by the Asserted Patents. For example, Canon has manufactured in the United States millions of toner cartridges that utilize the technology of the Asserted Patents, and in 2009, opened a brand new Advanced Cartridge Manufacturing (“ACM”) Plant in Virginia, which Canon will use to domestically produce millions more cartridges that utilize the technology of the Asserted Patents in the near future.

4. Canon seeks as relief a permanent limited exclusion order prohibiting infringing toner cartridges, such as the Accused Cartridges, and components thereof, such as the Accused Drums, manufactured or sold by or on behalf of Respondents, from entry into the United States. Canon further seeks a permanent cease and desist order prohibiting Respondents from marketing, distributing, selling, offering for sale, warehousing inventory for distribution, or otherwise transferring or importing into the United States infringing toner cartridges and components thereof.

II. THE PARTIES

A. Complainants

5. CINC is a corporation organized and existing under the laws of Japan, with a principal place of business located at 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan. CINC owns by assignment the entire right, title and interest in and to each of the Asserted

Patents. Certified copies of the assignment records of the Asserted Patents are attached as Exhibit 3.¹

6. CUSA is a corporation organized and existing under the laws of the State of New York, with a principal place of business located at One Canon Plaza, Lake Success, New York 11042. CUSA has the exclusive right to distribute Canon's toner cartridges in the United States, including all of those that utilize the technology of the Asserted Patents. CUSA was established in New York in 1965.

7. CVI is a corporation organized and existing under the laws of the Commonwealth of Virginia, with a principal place of business located at 12000 Canon Boulevard, Newport News, Virginia 23606. CVI manufactures certain toner cartridges and photosensitive drums that utilize the technology of the Asserted Patents and are sold by CUSA to Hewlett-Packard Company ("HP") for distribution throughout the United States under the HP brand name. CVI was established in Newport News, Virginia, in 1985.

8. CUSA and CVI are both subsidiaries of CINC. (Confidential Declaration of Robert S. Thomson, attached as Confidential Exhibit 4, at ¶ 2 ("Confidential Thomson Declaration").)

B. Proposed Respondents

1. Ninestar Respondents

9. As noted above, the Ninestar Respondents include Ninestar Image-China, Ninestar Tech-China, Ninestar Mgt., Zhuhai Seine, Seine Image, Ninestar Image-Hong Kong, Ziprint, Nano Pacific, Ninestar-LA and Town Sky. On information and belief, the Ninestar Respondents are all related companies, they are all under common ownership and control and

¹ Canon Inc. is the English translation of Canon Kabushiki Kaisha, the latter of which is the name listed in the assignment records.

they are all part of a common enterprise that the Ninestar Respondents refer to as “Ninestar” and/or the “Ninestar Group.” Complainants discuss each Ninestar Respondent immediately below, and thereafter discuss in detail the substantial affiliations among them and the common enterprise touted as the Ninestar Group.

10. Certain of the Ninestar Respondents are on information and belief China-based entities, particularly Ninestar Image-China, Ninestar Tech-China, Ninestar Mgt., Zhuhai Seine, Seine Image and Ninestar Image-Hong Kong. For ease of reference, such China-based entities will sometimes be collectively referred to herein as the “Ninestar-China Respondents.” The remaining Ninestar Respondents are on information and belief U.S. entities, particularly Ziprint, Nano Pacific, Ninestar-LA and Town Sky. For ease of reference, such U.S. entities will sometimes be collectively referred to herein as the “Ninestar-U.S. Respondents.”

Ninestar Image Int’l, Ltd. (“Ninestar Image-China”)

11. On information and belief, Ninestar Image-China is an entity registered in China, with its principal place of business located at No. 63, Mingzhubei Rd., Zhuhai, China 519075 (“the Zhuhai Address”). On information and belief, Ninestar Image-China is a member of the Ninestar Group. Ninestar Image-China is described by Ninestar as the “headquarters” of the Ninestar Group, and the Zhuhai Address is described by Ninestar as a factory address. (*See* Exh. 70.) Ninestar Image-China is one of the Ninestar-China Respondents that has directly shipped toner cartridges and components thereof (including, on information and belief, Accused Cartridges and Accused Drums) to at least one Ninestar-U.S. Respondent. (*See* Exh. 44.) On information and belief, Ninestar Image-China is engaged in the design, manufacture, importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Cartridges and Accused Drums.

Ninestar Technology Co., Ltd. (“Ninestar Tech-China”)

12. On information and belief, Ninestar Tech-China is an entity registered in both China and Hong Kong, with its principal place of business located at the same Zhuhai Address as Ninestar Image-China. On information and belief, Ninestar Tech-China is a member of the Ninestar Group. Ninestar Tech-China also has been described by Ninestar as the “headquarters” of the Ninestar Group. (See Exh. 71.) Ninestar Tech-China is another one of the Ninestar-China Respondents that has directly shipped toner cartridges and components thereof (including, on information and belief, Accused Cartridges and Accused Drums) to at least one Ninestar-U.S. Respondent, as well as at least one Retailer Respondent. (See Exhs. 45 and 51.) On information and belief, Ninestar Tech-China is engaged in the design, manufacture, importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Cartridges and Accused Drums.

Ninestar Management Co., Ltd. (“Ninestar Mgt.”)

13. On information and belief, Ninestar Mgt. is an entity registered in China, with its principal place of business located at the same Zhuhai Address as both Ninestar Image-China and Ninestar Tech-China. On information and belief, Ninestar Mgt. is a member of the Ninestar Group. On information and belief, Ninestar Mgt. is the owner of certain U.S. trademarks for both NINESTAR® (see, e.g., U.S. Trademark Reg. Nos. 3,706,259, 3,664,699 and 3,664,698), which is a name used by several Respondents herein, and ZIPPRINT® (see, e.g., U.S. Trademark Appln. Nos. 77718141 and 77718143), which is a name used by at least one of the Ninestar-U.S. Respondents, Ziprint Image Corp. (See Exh. 75.) Ninestar Mgt.’s ownership of these trademarks is evidence that Ninestar Mgt. exerts some degree of control over the operations of these other Ninestar Respondents. On information and belief, Ninestar Mgt. is engaged in the

design, manufacture, importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Cartridges and Accused Drums.

Zhuhai Seine Technology Co., Ltd. (“Zhuhai Seine”)

14. On information and belief, Zhuhai Seine is an entity registered in China, with its principal place of business located at the same Zhuhai Address as each of Ninestar Image-China, Ninestar Tech-China and Ninestar Mgt. On information and belief, Zhuhai Seine is a member of the Ninestar Group. On information and belief, Zhuhai Seine is engaged in the design, manufacture, importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Cartridges and Accused Drums.

Seine Image Int’l Co., Ltd. (“Seine Image”)

15. On information and belief, Seine Image is an entity registered in Hong Kong, with its principal place of business located at 9/F Unit 18, New Commerce Centre, No. 9 On Lai Str., Shatin, Hong Kong (“the Hong Kong Address”). On information and belief, Seine Image is a member of the Ninestar Group. On information and belief, Seine Image resulted from a 2008 “corporate reorganization” carried out by the Ninestar Group (including at least Zhuhai Seine), and Seine Image purportedly now “oversee[s] Ninestar’s toner cartridge business.” (Exh. 78.) On information and belief, this “corporate reorganization” occurred near the conclusion of a violation proceeding brought against certain of the Ninestar Respondents in ITC Investigation No. 337-TA-565 (In re Certain Ink Cartridges and Component Parts Thereof), and amidst two enforcement proceedings against such Respondents thereafter. Seine Image is another one of the Ninestar-China Respondents that has directly shipped toner cartridges and components thereof

(including, on information and belief, Accused Cartridges and Accused Drums) to Ninestar-U.S. Respondents and Retailer Respondents. (See Exhs. 35-43.) On information and belief, Seine Image is engaged in the design, manufacture, importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Cartridges and Accused Drums.

Ninestar Image Co., Ltd. ("Ninestar Image-Hong Kong")

16. On information and belief, Ninestar Image-Hong Kong is an entity registered in both Hong Kong and China, with its principal place of business located at the same Hong Kong Address as Seine Image. On information and belief, Ninestar Image-Hong Kong is a member of the Ninestar Group. According to a Dun & Bradstreet report on Seine Image, Ninestar Image-Hong Kong is affiliated with Seine Image, and both entities share the same office space. (See Exh. 85.) On information and belief, Ninestar Image-Hong Kong is engaged in the design, manufacture, importation into the United States, sale for importation into the United States and/or sale within the United States after importation of Accused Cartridges and Accused Drums.

Ziprint Image Corp. ("Ziprint")

17. On information and belief, Ziprint is a corporation organized and existing under the laws of the State of California (CA Corp. No. C3137259, formed January 5, 2009), with its principal place of business located at 19805 Harrison Ave., Walnut, California 91789. On information and belief, Ziprint also maintains a place of business in the State of New Jersey located at 43 New Brunswick Ave., Hopelawn (or Perth Amboy), New Jersey 08861. On information and belief, Ziprint is a member of the Ninestar Group. On information and belief, Ziprint is one of the Ninestar-U.S. Respondents that has directly received toner cartridges and

components thereof (including Accused Cartridges and Accused Drums) from the Ninestar-China Respondents. (See Exh. 35.) On information and belief, Ziprint is a U.S. distributor of such toner cartridges and components thereof (including Accused Cartridges and Accused Drums) received from the Ninestar-China Respondents. (Exh. 66 (“Ziprint Image is one of the two exclusive agents of Seine Image in the [N]orth America.”); Exh. 69 (“Ziprint Image becomes the US agent of Seine Image”).) On information and belief, Ziprint 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 Cartridges and Accused Drums.

Nano Pacific Corp. (“Nano Pacific”)

18. On information and belief, Nano Pacific is a corporation organized and existing under the laws of the State of California (CA Corp. No. C3137258, formed January 5, 2009), with its principal place of business located at 377 Swift Ave., South San Francisco, California 94080. On information and belief, Nano Pacific is a member of the Ninestar Group. On information and belief, Nano Pacific is another one of the Ninestar-U.S. Respondents that has directly received toner cartridges and components thereof (including Accused Cartridges and Accused Drums) from the Ninestar-China Respondents. (See Exh. 36.) On information and belief, Nano Pacific is a U.S. distributor of such toner cartridges and components thereof (including Accused Cartridges and Accused Drums) received from the Ninestar-China Respondents. (Exh. 81 (“Nano Pacific is an authorized distributor of Seine Technology in North America. We are ranked as one of the top three largest manufacturers in the world with a monthly capacity of 500,000 pieces. Our facility is part of a one million-square-foot industrial park in Zhuhai, China and houses more than 2,000 skilled workers.”); Exh. 69 (“Nano Pacific is honored to be the US agent of Seine Image”); Exh. 67 (“Nano Pacific is much honored to be the

agent of Seine Image in the US.”.) Both Ziprint and Nano Pacific were formed on the same date, namely January 5, 2009 (*see* Exh. 76), and this formation occurred amidst enforcement proceedings brought against certain of the Ninestar Respondents in ITC Investigation No. 337-TA-565 regarding certain ink cartridges for inkjet printers. On information and belief, Nano Pacific 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 Cartridges and Accused Drums.

Ninestar Tech. Co., Ltd. (“Ninestar-LA”)

19. On information and belief, Ninestar-LA is an entity organized and existing under the laws of the State of New Jersey (NJ Entity No. 0100852713, formed June 7, 2001), with its principal place of business located at 17950 East Ajax Circle, City of Industry, California 91748, and its California business entity number is C2350342, which was requested on July 9, 2001. On information and belief, Ninestar-LA also maintains a place of business in the State of New Jersey located at 3001 Hadley Rd., 5B, South Plainfield, New Jersey 07080. On information and belief, Ninestar-LA is a member of the Ninestar Group. Ninestar-LA is touted by Ninestar as a “subsidiary” and a “distribution center” in connection with toner cartridges (*see* Exhs. 70 and 71), and on information and belief, Ninestar-LA’s foreign parent is Ninestar Image-Hong Kong (*see* Exh. 86). On information and belief, Ninestar-LA 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 Cartridges and Accused Drums.

Town Sky, Inc. (“Town Sky”)

20. On information and belief, Town Sky is a corporation organized and existing under the laws of the State of California (CA Corp. No. C2061926, formed December 2, 1997),

with its principal place of business located at 5 S. Linden Ave., Suite 4, South San Francisco, California 94080. On information and belief, Town Sky is a member of the Ninestar Group. Town Sky has been touted by Ninestar as a “subsidiary” in connection with toner cartridges. (See Exh. 71.) On information and belief, based on a recent submission to the ITC in an enforcement proceeding in Investigation No. 337-TA-565 (Doc. ID 424107), dated April 27, 2010, Town Sky filed a Chapter 7 Voluntary Bankruptcy Petition in the U.S. Bankruptcy Court for the Northern District of California on or about February 22, 2010. However, this bankruptcy proceeding is ongoing, and Town Sky continues to exist as a business entity under the management of its purported President and CEO, Rusong Lu, whom, as discussed below, is (or recently was) also described as the chairman of Ninestar, a director of Seine Image and a manager or president of Ninestar-LA. (See *id.* (Doc. ID 424107); Exhs. 77 and 85.) On information and belief, Town Sky 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 Cartridges and Accused Drums.

The “Ninestar Group” – A Common Enterprise of the Ninestar Respondents

21. As noted above, on information and belief, the Ninestar Respondents act together as a common enterprise and collectively constitute or comprise what Ninestar refers to as “Ninestar” and/or the “Ninestar Group.” (See, e.g., Exh. 72 (“Ninestar Group is the leading international premium printer consumables manufacturer based in Zhuhai China.”); Exh. 84 (“Ninestar Group CEO Jackson Wang”).) This is further evidenced by Ninestar’s Laser Products Catalogue, in which Ninestar touts its certifications by pointing to purported accomplishments of Ninestar Image-Hong Kong, Ninestar Tech-China and Zhuhai Seine as a collective. (See Exh. 83, p. 4.)

22. The common enterprise of the Ninestar Group is also described, for example, as “Ninestar in the World” on Ninestar’s website, and its inclusion of both the Ninestar-China Respondents and Ninestar-U.S. Respondents is further evidenced by a map on Ninestar’s website that links together the entities of the Ninestar Group, such as the Ninestar-China Respondents located at Ninestar’s Zhuhai and Hong Kong addresses and the Ninestar-U.S. Respondents located in Los Angeles, California (Ziprint and Ninestar-LA), San Francisco, California (Nano Pacific and Town Sky) and New Jersey (Ziprint and Ninestar-LA). (See Exhs. 70, 71 and 83 (p. 9); and image below.)



23. On information and belief, the Ninestar-China Respondents share the same physical facilities with each other. Specifically, on information and belief, each of Ninestar Image-China, Ninestar Tech-China, Zhuhai Seine and Ninestar Mgt. share the facilities located at Ninestar’s Zhuhai Address (see Exhs. 50, 51, 70, 71 and 75), which is deemed by Ninestar to be the factory address (Exhs. 70 and 71), and each of Seine Image and Ninestar Image-Hong Kong share the facilities located at Ninestar’s Hong Kong Address (see Exhs. 36 and 70).

24. On information and belief, all of the Ninestar Respondents use the same or similar toner cartridge model designations. For example, Ninestar’s webpages and catalogue identify toner cartridges using model numbers generally beginning with the prefix “NT,” such as “NT-

C2612X.” (See Exhs. 73 and 83.) Likewise, the Ninestar-U.S. Respondents and some of the Retailer Respondents sell toner cartridges using the same or substantially similar “NT” model numbers. (See, e.g., Exhs. 8 and 9 (Ziprint NT-C2612X and NT-C6511C cartridges); Exhs. 10 and 11 (Nano Pacific NT-C2612X and NT-C7516XC cartridges); Exh. 13 (LD Products NT-C0364C cartridge); Exh. 18 (DBI NT-C0364C cartridge); and Exh. 21 (123 Refills NT-C0364XCQF cartridge).)

25. On information and belief, the Ninestar Respondents also share corporate management. For example:

a. on information and belief, an individual named Jackson Wang is the CEO of the “Ninestar Group” (see Exh. 84), including Seine Image (see Exh. 68), and recently was both a president of Ninestar and a general manager of Seine Image (see Exh. 78);

b. on information and belief, an individual named Benny Yue is (or recently was) both a vice-president of “Ninestar” and a general manager of Seine Image (see Exh. 80);

c. on information and belief, individuals named Dongjie Wang and Hannah Hua Ai (or Hannah Hai) are (or recently were) both principals of Ziprint and Nano Pacific (see Exh. 76);

d. on information and belief, Hannah Hua Ai (or Hannah Hai) is (or recently was) also affiliated with Ninestar-LA (see Exh. 76); and

e. on information and belief, an individual named Rusong Lu is (or recently was) the chairman of Ninestar, a president and CEO of Town Sky, a director of Seine Image and a manager or president of Ninestar-LA (see Exhs. 77 and 85).

26. On information and belief, the Ninestar Respondents conduct activities via the Internet as at least www.seinetec.com, www.ninestarimage.com, www.ninestarimage.cn, www.ggimage.com, www.ziprintimage.com and www.nano-pacific.com.

27. On information and belief, the Ninestar Respondents individually and/or collectively design, manufacture, import into the United States, sell for importation into the United States and/or sell within the United States after importation Accused Cartridges and Accused Drums, as explained below and in Sections V and VI.

2. Retailer Respondents

28. On information and belief, many retailers market and sell Accused Cartridges and Accused Drums originating from the Ninestar Respondents. Such retailers include at least ACM Technologies, Inc. (“ACM”), LD Products, Inc. (“LD Products”), Printer Essentials.com, Inc. (“Printer Essentials”), XSE Group, Inc. d/b/a Image Star (“XSE”), Copy Technologies, Inc. d/b/a ITM Corporation (“Copy Tech”), Red Powers, Inc. d/b/a LaptopTraveller.com (“LaptopTraveller”), Direct Billing International, Inc. d/b/a OfficeSupplyOutfitters.com (“DBI”), Compu-Imaging, Inc. (“Compu-Imaging”), EIS Office Solutions, Inc. (“EIS”) and 123 Refills, Inc. (“123 Refills”), as explained below and in Sections V and VI. As noted above, these Respondents will be referred to herein collectively as the “Retailer Respondents.”

ACM Technologies, Inc. (“ACM”)

29. On information and belief, ACM is a corporation organized and existing under the laws of the State of California (CA Corp. No. C1765133, formed June 13, 1995), with its principal place of business located at 2535 Research Drive, Corona, California 92882. On information and belief, ACM 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 Cartridges and Accused Drums. On information and belief, ACM has an affiliate, named ACM Technologies Ltd., located in Zhuhai, China. On information and belief, ACM conducts activities via the Internet as *www.acmtech.com*.

LD Products, Inc. ("LD Products")

30. On information and belief, LD Products is a corporation organized and existing under the laws of the State of California (CA Corp. No. C2716043, formed January 4, 2005), with its principal place of business located at 2500 Grand Ave., Long Beach, California 90815. On information and belief, LD Products 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 Cartridges and Accused Drums. On information and belief, LD Products conducts activities via the Internet as *www.ldproducts.com*.

Printer Essentials.com, Inc. ("Printer Essentials")

31. On information and belief, Printer Essentials is a corporation organized and existing under the laws of the State of Delaware (DE Corp. No. 3933918, formed March 2, 2005), with its principal place of business located at 5190 Neil Rd., Ste. 205, Reno, Nevada 89502, and doing business in Nevada as business entity No. E0259722010-3. On information and belief, Printer Essentials 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 Cartridges and Accused Drums. On information and belief, Printer Essentials also operates a distribution center located at 4486 Delp St., Memphis, Tennessee 38118. On information and belief, Printer Essentials conducts activities via the Internet as *www.printeressentials.com*.

XSE Group, Inc. d/b/a Image Star ("XSE")

32. On information and belief, XSE is a corporation organized and existing under the laws of the State of Connecticut (CT Corp. No. 0276425), with its principal place of business located at 35 Philmack Dr., Middletown, Connecticut 06457, and is also doing business under

the name of Image Star. On information and belief, XSE 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 Cartridges and Accused Drums. On information and belief, XSE conducts activities via the Internet as *www.imagestar.com*.

Copy Technologies, Inc. d/b/a ITM Corporation (“Copy Tech”)

33. On information and belief, Copy Tech is a corporation organized and existing under the laws of the State of Georgia (GA Corp. No. K320334, formed Sept. 9, 1993), with its principal place of business located at 130 James Aldredge Blvd. S.W., Atlanta, Georgia 30336, and is also doing business under the name of ITM Corporation, which is located at 515 Wharton Circle S.W., Atlanta, Georgia 30336. On information and belief, Copy Tech 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 Cartridges and Accused Drums. On information and belief, Copy Tech conducts activities via the Internet as *www.copytechnologies.com*.

Red Powers, Inc. d/b/a LaptopTraveller.com (“LaptopTraveller”)

34. On information and belief, LaptopTraveller is a corporation organized and existing under the laws of the State of California (CA Corp. No. C3015243, formed June 1, 2007), with its principal place of business located at 120 West Grand Ave. #205, Alhambra, California 91801. On information and belief, LaptopTraveller 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 Cartridges and Accused Drums. On information and belief, LaptopTraveller conducts activities via the Internet as *www.LaptopTraveller.com*.

Direct Billing International, Inc. d/b/a OfficeSupplyOutfitters.com (“DBI”)

35. On information and belief, DBI, which is doing business under at least the Internet name of OfficeSupplyOutfitters.com, is a corporation organized and existing under the laws of the State of California (CA Corp. No. C2030070, formed July 7, 1997), with its principal place of business located at 5910 Sea Lion Place, Suite 100, Carlsbad, California 92010. On information and belief, DBI 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 Cartridges and Accused Drums. On information and belief, DBI conducts activities via the Internet as *www.OfficeSupplyOutfitters.com*.

Compu-Imaging, Inc. (“Compu-Imaging”)

36. On information and belief, Compu-Imaging is a corporation organized and existing under the laws of the State of Florida (FL Corp. No. 59-2239015, formed December 16, 1981), with its principal place of business located at 8880 N.W. 18th Terrace, Doral, Florida 33172. On information and belief, Compu-Imaging 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 Cartridges and Accused Drums. On information and belief, Compu-Imaging conducts activities via the Internet as *www.compu-imaging.com*.

EIS Office Solutions, Inc. (“EIS”)

37. On information and belief, EIS is a corporation organized and existing under the laws of the State of Texas (TX Corp. No. 0800370877, formed July 29, 2004), with its principal place of business located at 5803 Sovereign Drive, Suite 214, Houston, Texas 77036. On information and belief, EIS 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 Cartridges and Accused Drums. On information and belief, EIS conducts activities via the Internet as *www.eisoffice.net*.

123 Refills, Inc. ("123 Refills")

38. On information and belief, 123 Refills is a corporation organized and existing under the laws of the State of California (CA Corp. No. C2938479, formed December 18, 2006), with its principal place of business located at 4981 Irwindale Ave., Suite 200, Irwindale, California 91706. On information and belief, 123 Refills 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 Cartridges and Accused Drums. On information and belief, 123 Refills conducts activities via the Internet as *123refills.com* and *123refills.net*.

III. THE PRODUCTS AT ISSUE

39. The products at issue are (1) replaceable toner cartridges for use in laser beam printers ("LBPs") and other laser printing machines, such as, for example, Canon-brand and/or HP-brand LBPs; and (2) photosensitive drums contained in such cartridges.

40. For forty years, Canon has been one of the world's leading innovators in the field of electrophotographic image formation, which is the technology used by LBPs, laser facsimile machines and copiers to produce images on paper. Canon, for example, pioneered the replaceable "all-in-one" process cartridge concept with its introduction of two personal-use copiers, the PC-10 and PC-20, in 1982. An "all-in-one" cartridge is a cartridge comprising many of the important parts needed by a LBP to form an image, such as the toner, the photosensitive drum, the charging mechanism, the developing mechanism and other components, within a single, replaceable housing. Such process cartridges are easily replaceable by end users, and

allow them to maintain their machines themselves with a simple, user-friendly replacement operation, without having to involve a trained service technician.

41. The products at issue in this Complaint—namely, toner cartridges and the photosensitive drums in those toner cartridges—represent the current state of the art in the process cartridge field that Canon pioneered almost thirty years ago.

42. To provide some general background, LBPs work by depositing and fusing onto paper a fine, powdery substance called “toner.” In operation, a continuously rotating, light-sensitive drum (sometimes called a photosensitive drum) is exposed to a laser beam, which is scanned across the drum in a pattern that corresponds to the image to be printed. The laser beam forms a latent image on the drum, and, as the drum rotates, toner first adheres to the drum and next is deposited on the paper, in a manner that corresponds to the latent image.

43. The force necessary to continuously rotate the drum is provided by a motor in the LBP. However, because the drum is situated in the replaceable process cartridge and the motor is situated in the LBP, a detachable coupling between the drum and the LBP is necessary in order to properly transmit the motor’s driving force to the drum and permit the cartridge to be easily installed and removed. A salient aspect of the patented technology at issue here is the structure of a projection at the end of the drum that enables such a detachable coupling to be made. Specific advantages of the patented projection as embodied in toner cartridges and photosensitive drums are discussed in Section IV below.

44. The Respondents sell for importation, import and/or sell after importation into the United States toner cartridges, including photosensitive drums, that are intended as substitutes or replacements for genuine toner cartridges and photosensitive drums manufactured and sold by Canon. Some of Respondents’ toner cartridges and photosensitive drums (specifically the

Accused Cartridges and Accused Drums) incorporate and utilize the end-of-drum projection referenced above. Those products are covered by the Asserted Patents, and therefore infringe the Asserted Patents.

IV. THE ASSERTED PATENTS AND NON-TECHNICAL DESCRIPTIONS OF THE INVENTIONS

45. The Asserted Patents—the '803 patent and the '454 patent—both claim priority from the same two Japanese parent patent applications. The '454 patent is a division of the '803 patent. As stated above, Complainant CINC owns by assignment the entire right, title and interest in and to each of the Asserted Patents. (*See* Exh. 3.) Certified copies of the Asserted Patents are attached as Exhibits 1 and 2.

A. United States Patent No. 5,903,803

46. The '803 patent, entitled “Process Cartridge, Electrophotographic Image Forming Apparatus, Driving Force Transmission Part, and Electrophotographic Photosensitive Drum,” issued on May 11, 1999, from Application No. 08/621,941, filed March 26, 1996, which claims priority to two Japanese patent applications, namely Nos. 7-067796, filed March 27, 1995, and 8-064105, filed March 21, 1996. Toshiharu Kawai, Kazushi Watanabe, and Yoshihiro Ito are the named inventors on the '803 patent.

47. The '803 patent includes a Certificate of Correction, which was filed on July 6, 1999, and entered on December 14, 1999.

48. Pursuant to Commission Rule 210.12(c), four copies of the certified prosecution history of the '803 patent (Application No. 08/621,941) have been submitted with this Complaint as Appendix I. Pursuant to Commission Rule 210.12(c), four copies of the cited references for the '803 patent also have been submitted with this Complaint as Appendix II.

B. United States Patent No. 6,128,454

49. The '454 patent, entitled "Process Cartridge, Electrophotographic Image Forming Apparatus, Driving Force Transmission Part, and Electrophotographic Photosensitive Drum," issued on October 3, 2000, from Application No. 09/258,314, filed February 26, 1999, which is a division of Application No. 08/621,941, filed March 26, 1996, now the '803 patent, and which claims priority to two Japanese patent applications, namely Nos. 7-067796, filed March 27, 1995, and 8-064105, filed March 21, 1996. Toshiharu Kawai, Kazushi Watanabe, and Yoshihiro Ito are the named inventors on the '454 patent.

50. The '454 patent includes a Certificate of Correction, which was filed on February 8, 2001, and entered on May 1, 2001. The '454 patent is subject to a Terminal Disclaimer and expires on the same date as the '803 patent.

51. Pursuant to Commission Rule 210.12(c), four copies of the certified prosecution history of the '454 patent (Application No. 09/258,314) have been submitted with this Complaint as Appendix III. Pursuant to Commission Rule 210.12(c), four copies of the cited references for the '454 patent also have been submitted with this Complaint as Appendix IV.

C. Non-Technical Descriptions of the Inventions²

52. Both of the Asserted Patents disclose the same subject matter (*i.e.*, their specifications are the same), but claim different aspects of the inventions disclosed therein.

53. The Asserted Patents are directed, in part, to a novel and advantageous projection on a photosensitive drum that is configured to couple with and receive a rotational force from a hole in a LBP, so that the drum may be rotated. The novel structure of the projection enables a

² This description and any other non-technical descriptions within this Complaint are for illustrative purposes only. Nothing in any non-technical description contained within this Complaint is intended to express or imply any position regarding the proper construction of any claim of the Asserted Patents.

process cartridge which contains the drum to be easily inserted and removed from a LBP by a user and at the same time enables the drum to be rotated in a smooth and stable fashion, thereby ensuring a high quality of the resultant printing.

54. A preferred embodiment of the projection is depicted in the '803 patent as follows:

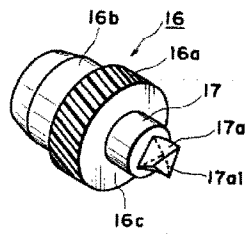


FIG. 7

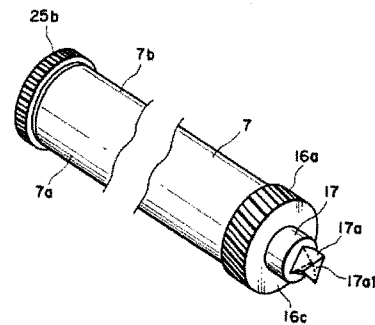


FIG. 8

In the above Figures, the photosensitive drum is identified by reference numeral 7, and the aforementioned projection is identified by reference numeral 17a. As can be seen from the Figures, and in the parlance of the patent, the structural shape of the projection in this preferred embodiment is that of a twisted polygonal prism, and in particular of a twisted substantially equilateral triangular prism.

55. The twisted structure of the projection provides numerous advantages. In particular, when the twisted projection is inserted into a hole in the LBP and the hole is rotated, the twisted projection's structure enables the photosensitive drum to become automatically aligned by the hole's rotation, and enables the drum to be drawn towards the hole, thereby establishing a stable and secure coupling between the projection (and hence the drum) and the LBP. The twisted projection further provides for the easy installation and removal of a process cartridge into and from a LBP, by an untrained user rather than a skilled technician.

56. The Asserted Patents are directed, *inter alia*, to photosensitive drums that include a twisted projection such as described above, and to toner cartridges that contain such photosensitive drums.

57. The '803 patent is directed to toner cartridges and photosensitive drums, among other components, that include a twisted projection. In some claims, a toner cartridge comprises a photosensitive drum, a process means that acts on the drum and a twisted projection that is provided at a longitudinal end of the drum. In other claims, a photosensitive drum comprises a cylinder having a photosensitive layer thereon, and a drive transmission member mounted to an end of the cylinder, wherein the transmission member includes a gear for transmitting a driving force to a developing roller, a shaft substantially coaxial with the gear and a twisted projection provided at an end of the shaft. Still other claims require that the twisted projection have a substantially triangular cross-section, or have that cross-section along with beveled corners or apexes. Various other claims in the '803 patent further define other aspects of the photosensitive drum, toner cartridge or image forming apparatus such as a LBP.

58. The '454 patent is also directed to toner cartridges and photosensitive drums, among other components, that include a twisted projection. In some claims, a photosensitive drum comprises a cylindrical member having a photosensitive layer on a circumferential surface thereof, and a twisted projection provided at an end of the cylindrical member, wherein the twisted projection has a non-circular cross-section with a plurality of corner portions. In other claims, a photosensitive drum comprises a cylindrical member having a photosensitive layer on a circumferential surface thereof, and a driving force transmitting part mounted to an end of the cylindrical member, wherein that transmitting part includes a drum gear, a shaft provided at a center of the drum gear and a twisted projection in the form of a substantially triangular prism

provided at an end of the shaft. Various other claims in the '454 patent further define other aspects of the photosensitive drum, toner cartridge or image forming device such as a LBP.

D. Corresponding Patents and Patent Applications

59. The following foreign patents and patent applications correspond to the Asserted Patents, in that each of the following claims priority to at least one of the two Japanese priority applications to which the Asserted Patents claim priority:

Jurisdiction	Application No.	Status	Patent No.
Australia	AU19980080817	Issued	726711
Australia	AU19960050323D	Abandoned	--
Canada	CA19962172593	Issued	2172593
China	CN19961007267	Issued	1096629
China	CN19971010063	Issued	1125379
China	CN19971010065	Issued	1135441
China	CN20021020435	Issued	1210633
Germany	DE19966011116T	Issued	69611116
Germany	DE19976016798T	Issued	69716798
Germany	DE19976016983T	Issued	69716983
Europe	EP19960302138	Issued	0735432
Europe	EP19970301926	Issued	0797125
Europe	EP19970301942	Issued	0797126
Hong Kong	HK19980101851	Issued	1002666
Hong Kong	HK19980113101	Issued	1012055
Japan	JP19960064105	Issued	2875203
Korea	KR19960008563	Issued	100258609
Korea	KR19970009773	Issued	100284825
Korea	KR19990043362	Issued	100355723
Korea	KR20010088857	Issued	100355724
Taiwan	TW19960103617	Issued	127034
Thailand	TH030603	Pending	--

60. Additionally, the following U.S. patents and patent applications correspond to the Asserted Patents, in that each of the following claims priority to at least one of the two Japanese priority applications to which the Asserted Patents claim priority:

- (a) U.S. Patent Appln. No. 09/522,293, filed Mar. 9, 2000, now U.S. Pat. No. 6,349,188, issued Feb. 19, 2002, which is a division of U.S. Patent Appln. No. 09/258,314;

(b) U.S. Patent Appln. No. 09/968,657, filed Oct. 2, 2001, abandoned, which is a continuation-in-part of U.S. Patent Appln. No. 09/522,293 and a continuation of U.S. Patent Appln. No. 08/938,893;

(c) U.S. Patent Appln. No. 10/642,165, filed Aug. 18, 2003, now U.S. Pat. No. 6,885,838, issued Apr. 26, 2005, which is a continuation of U.S. Patent Appln. No. 09/968,657;

(d) U.S. Patent Appln. No. 11/084,623, filed Mar. 21, 2005, now U.S. Pat. No. 6,999,696, issued Feb. 14, 2006, which is a division of U.S. Patent Appln. No. 10/642,165;

(e) U.S. Patent Appln. No. 11/221,766, filed Sept. 9, 2005, now U.S. Pat. No. 7,092,655, issued Aug. 15, 2006, which is a division of U.S. Patent Appln. No. 11/084,623;

(f) U.S. Patent Appln. No. 11/417,142, filed May 4, 2006, now U.S. Pat. No. 7,231,161, issued June 12, 2007, which is a division of U.S. Patent Appln. No. 11/221,766;

(g) U.S. Patent Appln. No. 11/617,380, filed Dec. 28, 2006, now U.S. Pat. No. 7,274,896, issued Sept. 25, 2007, which is a division of U.S. Patent Appln. No. 11/417,142;

(h) U.S. Patent Appln. No. 11/617,357, filed Dec. 28, 2006, now U.S. Pat. No. 7,248,814, issued July 24, 2007, which is a division of U.S. Patent Appln. No. 11/417,142;

(i) U.S. Patent Appln. No. 11/839,893, filed Aug. 16, 2007, now U.S. Pat. No. 7,489,885, issued Feb. 10, 2009, which is a division of U.S. Patent Appln. No. 11/617,380;

(j) U.S. Patent Appln. No. 11/860,777, filed Sept. 25, 2007, now U.S. Pat. No. 7,403,733, issued July 22, 2008, which is a division of U.S. Patent Appln. No. 11/839,893;

(k) U.S. Patent Appln. No. 12/271,429, filed Nov. 14, 2008, now U.S. Pat. No. 7,630,661, issued Dec. 8, 2009, which is a division of U.S. Patent Appln. No. 11/839,893;

(l) U.S. Patent Appln. No. 12/271,415, filed Nov. 14, 2008, now U.S. Pat. No. 7,660,545, issued Feb. 9, 2010, which is a division of U.S. Patent Appln. No. 11/839,893; and

(m) U.S. Patent Appln. No. 12/534,247, filed Aug. 3, 2009, which is a division of U.S. Patent Appln. No. 12/271,415.

61. The above-identified patents and patent applications represent all corresponding foreign and U.S. patents and patent applications of which Complainants are currently aware.

E. Licenses

62. Complainant CINC has granted licenses under the Asserted Patents to third parties; such licensees are identified in Confidential Exhibit 6.

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

63. On information and belief, Respondents manufacture abroad, sell for importation into the United States, import into the United States and/or sell within the United States after importation toner cartridges and components thereof (particularly, Accused Cartridges and Accused Drums) that infringe at least the following claims of the Asserted Patents:

- Claims 128-130, 132, 133 and 139-143 of the '803 patent; and
- Claims 24-30 of the '454 patent.

64. The Accused Cartridges and Accused Drums include at least each and every toner cartridge (and photosensitive drum contained therein) having the Ninestar model numbers listed in Exhibit 7. Exhibit 7 also identifies the model numbers of the Canon/HP machines that, according to the packaging of the Ninestar cartridges, accepts the listed Ninestar cartridges, as well as the Canon/HP toner cartridge model number(s) to which each Ninestar cartridge purportedly corresponds. The Accused Cartridges and Accused Drums additionally include all toner cartridges (and photosensitive drums contained therein) offered by the Retailer Respondents that substantially correspond to the Ninestar cartridges listed in Exhibit 7,

irrespective of any differences in the model numbering nomenclature used by the Retailer Respondents.

65. Respondents are directly infringing at least the foregoing claims of the Asserted Patents by using, selling, offering for sale and/or importing the Accused Cartridges and Accused Drums. Respondents are also indirectly infringing the Asserted Patents by inducing and/or contributing to the direct infringement of the Asserted Patents by end users of the Accused Cartridges and Accused Drums. Respondents will be given notice of their infringement of the Asserted Patents by at least the filing and service of this Complaint,³ and the substantially simultaneous filing and service of a complaint for infringement of the Asserted Patents in the U.S. District Court for the Southern District of New York.

66. Respondents' use, sale, offer for sale and/or importation of the Accused Cartridges and Accused Drums directly infringes at least the foregoing claims of the Asserted Patents.

67. On information and belief, Respondents are aware of the Asserted Patents at least as of or about the date of this Complaint. Further, on information and belief, Respondents knowingly induce end users to use the Accused Cartridges and Accused Drums, thereby inducing infringement of at least the foregoing claims of the Asserted Patents. On information and belief, Respondents also contribute to infringement of the Asserted Patents. In particular, the Accused Cartridges and Accused Drums are specially adapted for an infringing use, and the Accused Cartridges and Accused Drums are not staple articles of commerce suitable for substantial non-infringing use.

³ Complainants understand that the ITC will officially serve Respondents upon instituting an investigation in this matter; however, Complainants will send Respondents a courtesy copy of this Complaint on or about its filing date.

68. On information and belief, the Ninestar Respondents manufacture abroad, sell for importation into the United States, import into the United States and/or sell within the United States after importation all of the cartridges listed in Exhibit 7. On information and belief, each of the Retailer Respondents imports into the United States and/or sells within the United States after importation at least some of the cartridges listed in Exhibit 7, in some instances under different model numbers. Representative infringing toner cartridges and photosensitive drums of the Ninestar Respondents and Retailer Respondents are discussed below. Further discovery may reveal that additional toner cartridges and photosensitive drums of the Ninestar Respondents and Retailer Respondents infringe the foregoing and/or other claims of the Asserted Patents.

69. Physical Exhibit A is a toner cartridge purchased from Ziprint, which is sold by Ziprint as model No. NT-C2612X. Physical Exhibit B is a toner cartridge also purchased from Ziprint, which is sold by Ziprint as model No. NT-C6511C. On information and belief, Ziprint obtained Physical Exhibits A and B from the Ninestar-China Respondents, as explained in more detail in section VI. On information and belief, Ziprint also offers for sale and sells in the United States additional Accused Cartridges and Accused Drums, including most if not all of the models identified in Exhibit 7.

70. Physical Exhibit C is a toner cartridge purchased from Nano Pacific, which is sold by Nano Pacific as model No. NT-C2612X and is substantially identical to Physical Exhibit A from Ziprint. Physical Exhibit D is a toner cartridge also purchased from Nano Pacific, which is sold by Nano Pacific as model No. NT-C7516XC. On information and belief, Nano Pacific obtained Physical Exhibits C and D from the Ninestar-China Respondents, as explained in more detail in section VI. On information and belief, Nano Pacific also offers for sale and sells in the

United States additional Accused Cartridges and Accused Drums, including most if not all of the models identified in Exhibit 7.

71. Physical Exhibit E is a toner cartridge purchased from ACM, which is sold by ACM as model No. HE-CC364X. On information and belief, ACM obtained Physical Exhibit E from the Ninestar Respondents, as explained in more detail in section VI. On information and belief, in addition to this representative ACM toner cartridge, ACM also offers for sale and sells in the United States additional Accused Cartridges and Accused Drums corresponding to the Ninestar models listed in Exhibit 7.

72. Physical Exhibit F is a toner cartridge purchased from LD Products, which is sold by LD Products as model No. NT-C0364C. On information and belief, LD Products obtained Physical Exhibit F from the Ninestar Respondents, as explained in more detail in section VI. On information and belief, in addition to this representative LD Products toner cartridge, LD Products also offers for sale and sells in the United States Accused Cartridges and Accused Drums corresponding to the Ninestar models listed in Exhibit 7.

73. Physical Exhibit G is a toner cartridge purchased from Printer Essentials, which is sold by Printer Essentials as model No. CT436A. On information and belief, Printer Essentials obtained Physical Exhibit G from the Ninestar Respondents, as explained in more detail in section VI. On information and belief, in addition to this representative Printer Essentials toner cartridge, Printer Essentials also offers for sale and sells in the United States Accused Cartridges and Accused Drums corresponding to the Ninestar models listed in Exhibit 7.

74. Physical Exhibit H is a toner cartridge purchased from XSE, which is sold by XSE as model No. CC364A;CPT. On information and belief, XSE obtained Physical Exhibit H from the Ninestar Respondents, as explained in more detail in section VI. On information and

belief, in addition to this representative XSE toner cartridge, XSE also offers for sale and sells in the United States Accused Cartridges and Accused Drums corresponding to the Ninestar models listed in Exhibit 7.

75. Physical Exhibit I is a toner cartridge purchased from Copy Tech, which is sold by Copy Tech as model No. 64A. On information and belief, Copy Tech obtained Physical Exhibit I from the Ninestar Respondents, as explained in more detail in section VI. On information and belief, in addition to this representative Copy Tech toner cartridge, Copy Tech also offers for sale and sells in the United States additional Accused Cartridges and Accused Drums corresponding to the Ninestar models listed in Exhibit 7.

76. Physical Exhibit J is a toner cartridge purchased from LaptopTraveller, which is sold by LaptopTraveller as model No. HE-CC364A. On information and belief, LaptopTraveller obtained Physical Exhibit J from the Ninestar Respondents, as explained in more detail in section VI. On information and belief, in addition to this representative LaptopTraveller toner cartridge, LaptopTraveller also offers for sale and sells in the United States additional Accused Cartridges and Accused Drums corresponding to the Ninestar models listed in Exhibit 7.

77. Physical Exhibit K is a toner cartridge purchased from DBI, which is sold by DBI as model No. NT-C0364C. On information and belief, DBI obtained Physical Exhibit K from the Ninestar Respondents, as explained in more detail in section VI. On information and belief, in addition to this representative DBI toner cartridge, DBI also offers for sale and sells in the United States additional Accused Cartridges and Accused Drums corresponding to the Ninestar models listed in Exhibit 7.

78. Physical Exhibit L is a toner cartridge purchased from Compu-Imaging, which is sold by Compu-Imaging as model No. WL-CB436. On information and belief, Compu-Imaging

obtained Physical Exhibit L from the Ninestar Respondents, as explained in more detail in section VI. On information and belief, in addition to this representative Compu-Imaging toner cartridge, Compu-Imaging also offers for sale and sells in the United States additional Accused Cartridges and Accused Drums corresponding to the Ninestar models listed in Exhibit 7.

79. Physical Exhibit M is a toner cartridge purchased from EIS, which is sold by EIS as model No. CTCB436A. On information and belief, EIS obtained Physical Exhibit M from the Ninestar Respondents, as explained in more detail in section VI. On information and belief, in addition to this representative EIS toner cartridge, EIS also offers for sale and sells in the United States additional Accused Cartridges and Accused Drums corresponding to the Ninestar models listed in Exhibit 7.

80. Physical Exhibit N is a toner cartridge purchased from 123 Refills, which is sold by 123 Refills as model No. NT-C0364XCQF. On information and belief, 123 Refills obtained Physical Exhibit N from the Ninestar Respondents, as explained in more detail in section VI. On information and belief, in addition to this representative 123 Refills toner cartridge, 123 Refills also offers for sale and sells in the United States additional Accused Cartridges and Accused Drums corresponding to the Ninestar models listed in Exhibit 7.

A. Ninestar Respondents

81. On information and belief, the Ninestar Respondents are individually and collectively responsible and/or accountable for the manufacture, sale for importation into the United States, importation into the United States and/or sale within the United States after importation of Accused Cartridges that infringe at least claims 128-130, 132 and 133 of the '803 patent, and Accused Cartridges and Accused Drums that infringe at least claims 139-143 of the '803 patent and at least claims 24-30 of the '454 patent.

82. The aforementioned Physical Exhibits A through N are representative of Accused Cartridges and Accused Drums of the Ninestar Respondents. Claim charts that apply independent claims 128 and 139 of the '803 patent and independent claims 24 and 26 of the '454 patent to Physical Exhibits A through N are attached hereto as Exhibits 8 through 21, respectively.

B. Retailer Respondents

83. On information and belief, the Retailer Respondents, namely ACM, LD Products, Printer Essentials, XSE, Copy Tech, LaptopTraveller, DBI, Compu-Imaging, EIS and 123 Refills, are retailers of Accused Cartridges and Accused Drums originating from the Ninestar Respondents, and each of the Retailer Respondents sells for importation into the United States, imports into the United States and/or sells within the United States after importation Accused Cartridges that infringe at least claims 128-130, 132 and 133 of the '803 patent, and Accused Cartridges and Accused Drums that infringe at least claims 139-143 of the '803 patent and at least claims 24-30 of the '454 patent.

84. The aforementioned Physical Exhibit E is representative of Accused Cartridges and Accused Drums sold by ACM. A claim chart that applies independent claims 128 and 139 of the '803 patent and independent claims 24 and 26 of the '454 patent to Physical Exhibit E is attached hereto as Exhibit 12.

85. The aforementioned Physical Exhibit F is representative of Accused Cartridges and Accused Drums sold by LD Products. A claim chart that applies independent claims 128 and 139 of the '803 patent and independent claims 24 and 26 of the '454 patent to Physical Exhibit F is attached hereto as Exhibit 13.

86. The aforementioned Physical Exhibit G is representative of Accused Cartridges and Accused Drums sold by Printer Essentials. A claim chart that applies independent claims

128 and 139 of the '803 patent and independent claims 24 and 26 of the '454 patent to Physical Exhibit G is attached hereto as Exhibit 14.

87. The aforementioned Physical Exhibit H is representative of Accused Cartridges and Accused Drums sold by XSE. A claim chart that applies independent claims 128 and 139 of the '803 patent and independent claims 24 and 26 of the '454 patent to Physical Exhibit H is attached hereto as Exhibit 15.

88. The aforementioned Physical Exhibit I is representative of Accused Cartridges and Accused Drums sold by Copy Tech. A claim chart that applies independent claims 128 and 139 of the '803 patent and independent claims 24 and 26 of the '454 patent to Physical Exhibit I is attached hereto as Exhibit 16.

89. The aforementioned Physical Exhibit J is representative of Accused Cartridges and Accused Drums sold by LaptopTraveller. A claim chart that applies independent claims 128 and 139 of the '803 patent and independent claims 24 and 26 of the '454 patent to Physical Exhibit J is attached hereto as Exhibit 17.

90. The aforementioned Physical Exhibit K is representative of Accused Cartridges and Accused Drums sold by DBI. A claim chart that applies independent claims 128 and 139 of the '803 patent and independent claims 24 and 26 of the '454 patent to Physical Exhibit K is attached hereto as Exhibit 18.

91. The aforementioned Physical Exhibit L is representative of Accused Cartridges and Accused Drums sold by Compu-Imaging. A claim chart that applies independent claims 128 and 139 of the '803 patent and independent claims 24 and 26 of the '454 patent to Physical Exhibit L is attached hereto as Exhibit 19.

92. The aforementioned Physical Exhibit M is representative of Accused Cartridges and Accused Drums sold by EIS. A claim chart that applies independent claims 128 and 139 of the '803 patent and independent claims 24 and 26 of the '454 patent to Physical Exhibit M is attached hereto as Exhibit 20.

93. The aforementioned Physical Exhibit N is representative of Accused Cartridges and Accused Drums sold by 123 Refills. A claim chart that applies independent claims 128 and 139 of the '803 patent and independent claims 24 and 26 of the '454 patent to Physical Exhibit N is attached hereto as Exhibit 21.

VI. SPECIFIC INSTANCES OF IMPORTATION AND SALE

94. On information and belief, Respondents manufacture abroad, sell for importation into the United States, import into the United States and/or sell within the United States after importation toner cartridges and photosensitive drums (particularly, Accused Cartridges and Accused Drums) that infringe the Asserted Patents. Generally, on information and belief, the Ninestar-China Respondents manufacture Accused Cartridges and Accused Drums in China and ship them, directly or through intermediaries, to the Ninestar-U.S. Respondents and/or to the Retailer Respondents for sale within the United States, whereafter the Ninestar-U.S. Respondents and Retailer Respondents sell the Accused Cartridges and Accused Drums in the United States. Specific instances of importation and sale of Accused Cartridges and Accused Drums by the Ninestar Respondents and Retailer Respondents are set forth below, and are representative, non-limiting examples of unlawful imports of infringing products.

A. Ninestar Respondents

95. As noted above, on information and belief, the Ninestar Respondents, namely Ninestar Image-China, Ninestar Tech-China, Ninestar Mgt., Zhuhai Seine, Seine Image, Ninestar

Image-Hong Kong, Ziprint, Nano Pacific, Ninestar-LA and Town Sky, have substantial affiliations with one another and are individually and collectively responsible and/or accountable for the manufacture, sale for importation into the United States, importation into the United States and/or sale within the United States after importation of Accused Cartridges and Accused Drums, including the specific, representative Accused Cartridges and Accused Drums identified herein (e.g., Physical Exhibits A through N).

96. On information and belief, the Ninestar Respondents offer Accused Cartridges and Accused Drums for sale via Ninestar websites, such as *ninestarimage.com*, *seinetec.com*, *ninestarimage.cn*, *ggimage.com*, *ziprintimage.com* and *nano-pacific.com*, as shown by various webpages included as Exhibits 66, 67 and 73. This offer for sale is further evidenced by a Ninestar Laser Products Catalogue, attached as Exhibit 83, which depicts several Accused Cartridges and Accused Drums, such as, for example, cartridges shown on pages 10 to 14, 16 and 17. As seen in both Ninestar's webpages and catalogue, Ninestar identifies toner cartridges using model numbers generally beginning with the prefix "NT," such as "NT-C2612X." (See Exhs. 73 and 83.)

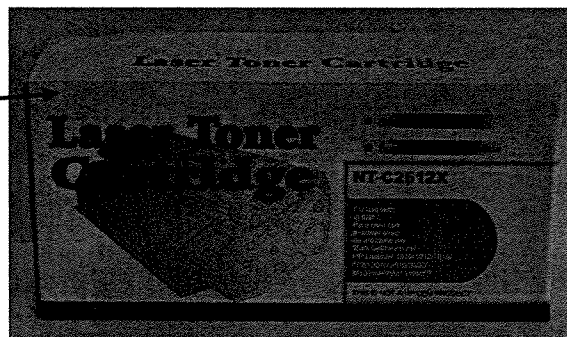
97. On information and belief, the Ninestar-China Respondents ship Accused Cartridges and Accused Drums (for example, ones like Physical Exhibits A through N), directly or through intermediaries, from at least China and/or Hong Kong to the United States, typically via ports in Los Angeles, CA, Long Beach, CA, New York, NY, Savannah, GA, Oakland, CA and Miami, FL, for example, and specifically to Ninestar-U.S. Respondents and certain of the Retailer Respondents. (See, e.g., Exhibits 35 through 45, 49 and 51, which provide Piers

Reports⁴ and Panjiva Reports⁵ showing substantial shipments of “toner cartridges” from Ninestar-China Respondents to Ninestar-U.S. Respondents and certain of the Retailer Respondents.)

98. Furthermore, representative Accused Cartridges and Accused Drums purchased in the United States from the Ninestar-U.S. Respondents and Retailer Respondents, such as Physical Exhibits A (Ziprint NT-C2612X), B (Ziprint NT-C6511C), C (Nano Pacific NT-C2612X), D (Nano Pacific NT-C7516XC), F (LD Products NT-C0364C), K (DBI NT-C0364C) and N (123 Refills NT-C0364XCQF), which are all marked “Made in China” on their respective packaging (*see* Exhs. 52, 53, 54, 55, 57, 62 and 65), use “NT” model numbers that are identical or substantially identical to those used by Ninestar (discussed above). In addition, the product packaging for each of the foregoing Physical Exhibits is substantially identical to that used by Ninestar, which is shown at left below (*see* Exh. 83, p. 5 (Ninestar’s Laser Products Catalogue)) in comparison with a photograph at right below of the package of Physical Exhibit A.



Ninestar’s Catalogue



Package Received From Ziprint in the U.S.

99. On information and belief, Ziprint receives substantial shipments of toner cartridges and photosensitive drums, including Accused Cartridges and Accused Drums, from

⁴ Piers Global Intelligence Solutions (“Piers”) maintains a database of import/export information on the cargoes moving through ports in the United States, Mexico, Latin America and Asia.

⁵ Panjiva, Inc. (“Panjiva”) is also an import/export database service, similar to Piers.

the Ninestar-China Respondents. (*See, e.g.*, Exh. 35 (Piers Reports showing 1/24/2010, 12/26/2009 and 12/5/2009 shipments from Seine Image to Ziprint); Exh. 44 (Panjiva Reports showing 6/22/2009 and 5/30/2009 shipments from Ninestar Image-China to Ziprint).) As noted above, Ziprint touts itself as “one of the two exclusive agents of Seine Image in the [N]orth America.” (Exh. 66.)

100. For example, on April 22 and May 17, 2010, toner cartridges were purchased from Ziprint, including the representative Accused Cartridges and Accused Drums submitted as Physical Exhibits A and B, which arrived in boxes marked “NT-C2612X” and “NT-C6511C,” respectively. (*See* Exhs. 52 and 53.) The cartridges inside the boxes were labeled “NT-C2612X” and “NT-C6511,” respectively. (*See* Exhs. 8 and 9.) The invoices referred to the cartridges as “NT-C2612X” and “NT-C6511CF,” respectively. (*See* Exh. 23.) Herein such cartridges are referred to as “NT-C2612X” and “NT-C6511C,” respectively. On information and belief, Ziprint’s Accused Cartridges and Accused Drums, including representative model Nos. NT-C2612X and NT-C6511C, are manufactured in China and imported into the United States. (*See* Exh. 52, photograph of package of representative Ziprint (Ninestar) cartridge, NT-C2612X (indicating that device is “Made in China”); Exh. 53 (same for NT-C6511C).) Their packaging and model numbers are the same as those of the Ninestar-China Respondents, as discussed above. (*See* Exhs. 73 and 83, p. 5.) The NT-C2612X and NT-C6511C cartridges (and the photosensitive drums contained therein) infringe one or more claims of each of the Asserted Patents, as demonstrated in the claim charts attached as Exhibits 8 and 9, respectively.

101. On information and belief, Nano Pacific receives substantial shipments of toner cartridges and photosensitive drums, including Accused Cartridges and Accused Drums, from the Ninestar-China Respondents. (*See, e.g.*, Exh. 36 (Piers Reports showing 1/14/2010,

12/30/2009 and 12/13/2009 shipments from Seine Image to Nano Pacific).) As noted above, Nano Pacific touts itself as “an authorized distributor of Seine Technology in North America.” (Exh. 81.)

102. For example, on June 3, 2010, representative toner cartridges were purchased from Nano Pacific, including the representative Accused Cartridges and Accused Drums submitted as Physical Exhibits C and D, which arrived in boxes marked “NT-C2612X” and “NT-C7516XC,” respectively. (See Exhs. 54 and 55.) The cartridges inside the boxes were labeled “NT-C2612X” and “NT-C7516X,” respectively. (See Exhs. 10 and 11.) The invoice referred to the cartridges as “NT-C2612X” and “NT-C7516XCF,” respectively. (See Exh. 24.) Herein such cartridges are referred to as “NT-C2612X” and “NT-C7516XC,” respectively. On information and belief, Nano Pacific’s Accused Cartridges and Accused Drums, including representative model Nos. NT-C2612X and NT-C7516XC, are manufactured in China and imported into the United States. (See Exh. 54, photograph of package of representative Nano Pacific (Ninestar) cartridge, NT-C2612X (indicating that device is “Made in China”); Exh. 55 (same for NT-C7516XC).) Their packaging and model numbers are the same as those of the Ninestar-China Respondents, as discussed above. (See Exhs. 73 and 83, p. 5 .) The NT-C2612X and NT-C7516XC cartridges (and the photosensitive drums contained therein) infringe one or more claims of each of the Asserted Patents, as demonstrated in the claim charts attached as Exhibits 10 and 11, respectively.

103. On information and belief, Ninestar-LA received substantial shipments of toner cartridges from the Ninestar-China Respondents at least until about 2009, at which time such shipments apparently began to be sent to the newly formed Ziprint and Nano Pacific. (See Exhs. 46, 47 and 49.) Nevertheless, Ninestar-LA is still touted by the Ninestar-China Respondents as a

“subsidiary” and “distribution center” in connection with toner cartridges. (See Exh. 70 (“USA Distribution Center in Los Angeles: Ninestar Technology Co., Ltd.”; “Ninestar L.A. has their 20,000 square feet warehouse, stocking over two million pieces of products, to better serve our USA customers.”); Exh. 71.) A reasonable opportunity for further discovery is needed to determine whether Ninestar-LA continues to engage in unlawful activities relating to Accused Cartridges and Accused Drums.

104. On information and belief, Town Sky likewise received substantial shipments of toner cartridges from the Ninestar-China Respondents at least until about 2009, at which time such shipments apparently began to be sent to the newly formed Ziprint and Nano Pacific. (See Exhs. 45-48, 71 and 79.) Again, on information and belief, this change in the recipient of such shipments occurred amidst enforcement proceedings brought against certain of the Ninestar Respondents in ITC Investigation No. 337-TA-565 regarding certain ink cartridges for inkjet printers. A reasonable opportunity for further discovery is needed to determine whether Town Sky continues to engage in unlawful activities relating to Accused Cartridges and Accused Drums.

B. Retailer Respondents

105. The Accused Cartridges and Accused Drums purchased from each of the Retailer Respondents, namely ACM, LD Products, Printer Essentials, XSE, Copy Tech, LaptopTraveller, DBI, Compu-Imaging, EIS and 123 Refills, all have substantially similar structural and other physical characteristics, as can be observed by visually comparing the representative cartridges marked as Physical Exhibits E through N. Furthermore, such cartridges are also substantially similar, and in many instances are identical to, the toner cartridges purchased from the Ninestar-U.S. Respondents, such as the representative cartridges marked as Physical Exhibits A through

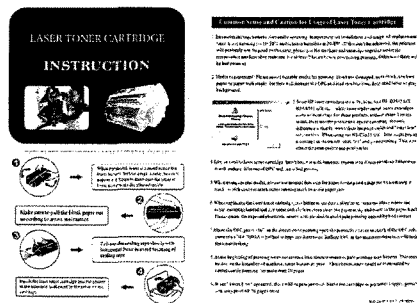
D. For example, the toner cartridges purchased from both the Ninestar Respondents and the Retailer Respondents share at least the following four specific features of Ninestar cartridges.

106. Feature 1: The representative toner cartridges from the Ninestar Respondents (Physical Exhibits A through D) and Retailer Respondents (Physical Exhibits E through N) all contain photosensitive drums and other components that appear to be substantially identical or similar to each other.

107. Feature 2: The representative toner cartridges from the Ninestar Respondents and Retailer Respondents all include a white, rectangular label affixed to the outside of the cartridge bearing an alphanumeric code, such as, for example, “ABK136_1Z_X4A24F 319” or “9TK135_6RY3A3F_360,” with the last three digits highlighted, as shown in the below image.



108. Feature 3: Each of the representative cartridges purchased from the Ninestar Respondents and Retailer Respondents (except Copy Tech) came with an identical instruction sheet, entitled “Laser Toner Cartridge Instruction,” which is reproduced below and attached as Exhibit 82. Tellingly, all of the instruction sheets expressly reference a Ninestar toner cartridge model number, namely “NT-C2613A/X.”



109. Feature 4: The representative toner cartridges from the Ninestar Respondents and Retailer Respondents (except Copy Tech) all contain a white, oval label marked “No Tearing” affixed to the outside of the cartridge, as shown in the below image.



110. Each of the four specific features noted above, along with the substantially similar structural and other physical characteristics of the cartridges, implicates the Ninestar Respondents as the actual source of the cartridges purchased from the Retailer Respondents, and all four features taken together does so with even greater force. Specific instances of importation and/or sale of Accused Cartridges and Accused Drums by the Retailer Respondents are set forth below.

ACM

111. On information and belief, ACM receives substantial shipments of toner cartridges and photosensitive drums, including Accused Cartridges and Accused Drums, from the Ninestar-China Respondents. (*See, e.g.*, Exh. 37 (Piers Reports showing 1/23/2010, 1/8/2010 and 12/13/2009 shipments from Seine Image to ACM).)

112. For example, on May 28, 2010, toner cartridges were purchased from ACM, including the representative Accused Cartridge and Accused Drum submitted as Physical Exhibit E, which arrived in a box marked “HE-CC364X.” (*See* Exh. 56.) The cartridge inside the box was also labeled “HE-CC364X.” (*See* Exh. 12.) The invoice referred to the cartridge as “277104015X / 7-CC364X.” (*See* Exh. 25.) Herein such cartridge is referred to as “HE-CC364X.” On information and belief, ACM’s Accused Cartridges and Accused Drums,

including representative model No. HE-CC364X, are manufactured in China, and imported into the United States. (See Exh. 56, photograph of package of representative ACM cartridge, HE-CC364X (indicating that device is “Made in China”).) The HE-CC364X cartridge (and the photosensitive drum contained therein) infringes one or more claims of each of the Asserted Patents, as demonstrated in the claim charts attached as Exhibit 12.

LD Products

113. On information and belief, LD Products receives substantial shipments of toner cartridges and photosensitive drums, including Accused Cartridges and Accused Drums, from the Ninestar-China Respondents. (See, e.g., Exh. 38 (Piers Reports showing 1/25/2010, 1/17/2010 and 12/13/2009 shipments from Seine Image to LD Products).)

114. For example, on June 4, 2010, representative toner cartridges were purchased from LD Products, including the representative Accused Cartridge and Accused Drum submitted as Physical Exhibit F, which arrived in a box marked “NT-C0364C.” (See Exh. 57.) The cartridge inside the box was labeled “NT-C0364” (see Exh. 13), and is substantially identical to Ziprint’s cartridge of the same model number. The invoice referred to the cartridge as “CC364A.” (See Exh. 26.) Herein such cartridge is referred to as “NT-C0364C.” On information and belief, LD Products’ Accused Cartridges and Accused Drums, including representative model No. NT-C0364C, are manufactured in China, and imported into the United States. (See Exh. 57, photograph of package of representative LD Products cartridge, NT-C0364C (indicating that device is “Made in China”).) Their packaging and model numbering are the same as those of the Ninestar Respondents, as discussed above. (See Exhs. 73 and 83, p. 5.) The NT-C0364C cartridge (and the photosensitive drum contained therein) infringes one or more

claims of each of the Asserted Patents, as demonstrated in the claim charts attached as Exhibit 13.

Printer Essentials

115. On information and belief, Printer Essentials receives substantial shipments of toner cartridges and photosensitive drums, including Accused Cartridges and Accused Drums, from the Ninestar-China Respondents. (*See, e.g.*, Exh. 39 (1/8/2010, 12/30/2009 and 12/17/2009 shipments from Seine Image to Printer Essentials).)

116. For example, on May 26, 2010, representative toner cartridges were purchased from Printer Essentials, including the representative Accused Cartridge and Accused Drum submitted as Physical Exhibit G, which arrived in a box marked “CT436A.” (*See* Exh. 58.) The cartridge inside the box was also labeled “CT436A.” (*See* Exh. 14.) The invoice likewise referred to the cartridge as “CT436A.” (*See* Exh. 27.) Herein such cartridge is referred to as “CT436A.” On information and belief, Printer Essentials’ Accused Cartridges and Accused Drums, including representative model No. CT436A, are manufactured in China, and imported into the United States. (*See* Exh. 58, photograph of package of representative Printer Essentials cartridge, CT436A (indicating that device is “Made in China”).) The CT436A cartridge (and the photosensitive drum contained therein) infringes one or more claims of each of the Asserted Patents, as demonstrated in the claim charts attached as Exhibit 14.

XSE

117. On information and belief, XSE receives substantial shipments of toner cartridges and photosensitive drums, including Accused Cartridges and Accused Drums, from the Ninestar-China Respondents. (*See, e.g.*, Exh. 40 (Piers Reports showing 1/8/2010, 12/30/2009 and 11/23/2009 shipments from Seine Image to XSE).)

118. For example, on June 4, 2010, representative toner cartridges were purchased from XSE, including the representative Accused Cartridge and Accused Drum submitted as Physical Exhibit H, which arrived in a box marked "CC364A;CPT." (See Exh. 59.) The cartridge inside the box was also labeled "CC364A;CPT." (See Exh. 15.) The invoice likewise referred to the cartridge as "CC364A;CPT." (See Exh. 28.) Herein such cartridge is referred to as "CC364A;CPT." XSE's CC364A;CPT cartridge is substantially identical to a Ninestar cartridge, model No. NT-C0364C, which according to its package is made in China; therefore, on information and belief, XSE's Accused Cartridges and Accused Drums, including representative model No. CC364A;CPT, are also manufactured in China, and imported into the United States. The CC364A;CPT cartridge (and the photosensitive drum contained therein) infringes one or more claims of each of the Asserted Patents, as demonstrated in the claim charts attached as Exhibit 15.

Copy Tech

119. On information and belief, Copy Tech, using the name of ITM Corporation, receives substantial shipments of toner cartridges and photosensitive drums, including Accused Cartridges and Accused Drums, from the Ninestar-China Respondents. (See, e.g., Exh. 41 (11/30/2009 and 11/14/2009 shipments from Seine Image to ITM).)

120. For example, on June 10, 2010, representative toner cartridges were purchased from Copy Tech, including the representative Accused Cartridge and Accused Drum submitted as Physical Exhibit I, which arrived in a box marked "64A." (See Exh. 60.) The cartridge inside the box was also labeled "64A." (See Exh. 16.) The invoice though referred to the cartridge as "HCC364A-CM." (See Exh. 29.) Herein such cartridge is referred to as "64A." On information and belief, Copy Tech's Accused Cartridges and Accused Drums, including representative model

No. 64A, are manufactured in China, and imported into the United States. (See Exh. 60, photograph of package of representative Copy Tech cartridge, 64A (indicating that device is “Made in China”).) The 64A cartridge (and the photosensitive drum contained therein) infringes one or more claims of each of the Asserted Patents, as demonstrated in the claim charts attached as Exhibit 16.

LaptopTraveller

121. On May 27, 2010, representative toner cartridges were purchased from LaptopTraveller, including the representative Accused Cartridge and Accused Drum submitted as Physical Exhibit J, which arrived in a box marked “HE-CC364A.” (See Exh. 61.) The cartridge inside the box was also labeled “HE-CC364A.” (See Exh. 17.) The invoice though referred to the cartridge as “CT3D0086.” (See Exh. 30.) Herein such cartridge is referred to as “HE-CC364A.” On information and belief, LaptopTraveller’s Accused Cartridges and Accused Drums, including representative model No. HE-CC364A, are manufactured in China, and imported into the United States. (See Exh. 61, photograph of package of representative LaptopTraveller cartridge, HE-CC364A (indicating that device is “Made in China”).) The HE-CC364A cartridge (and the photosensitive drum contained therein) infringes one or more claims of each of the Asserted Patents, as demonstrated in the claim charts attached as Exhibit 17.

DBI

122. On May 19, 2010, representative toner cartridges were purchased from DBI, including the representative Accused Cartridge and Accused Drum submitted as Physical Exhibit K, which arrived in a box marked “NT-C0364C.” (See Exh. 62.) The cartridge inside the box was labeled “NT-C0364” (see Exh. 18), and is substantially identical to Ziprint’s cartridge of the same model number. The invoice though referred to the cartridge as “CC364A-

10K.” (See Exh. 31.) Herein such cartridge is referred to as “NT-C0364C.” On information and belief, DBI’s Accused Cartridges and Accused Drums, including representative model No. NT-C0364C, are manufactured in China, and imported into the United States. (See Exh. 62, photograph of package of representative DBI cartridge, NT-C0364C (indicating that device is “Made in China”).) Such packaging and model numbering are the same as those of the Ninestar Respondents, as discussed above. (See Exhs. 73 and 83, p. 5.) The NT-C0364C cartridge (and the photosensitive drum contained therein) infringes one or more claims of each of the Asserted Patents, as demonstrated in the claim charts attached as Exhibit 18.

Compu-Imaging

123. On information and belief, Compu-Imaging receives substantial shipments of toner cartridges and photosensitive drums, including Accused Cartridges and Accused Drums, from the Ninestar-China Respondents. (See, e.g., Exh. 42 (Piers Report showing 1/15/2010 shipment from Seine Image to Compu-Imaging).)

124. For example, on May 27, 2010, representative toner cartridges were purchased from Compu-Imaging, including the representative Accused Cartridge and Accused Drum submitted as Physical Exhibit L, which arrived in a box marked “WL-CB436.” (See Exh. 63.) The cartridge inside the box was also labeled “WL-CB436.” (See Exh. 19.) The invoice though referred to the cartridge as “WL20275.” (See Exh. 32.) Herein such cartridge is referred to as “WL-CB436.” On information and belief, Compu-Imaging’s Accused Cartridges and Accused Drums, including representative model No. WL-CB436, are manufactured in China, and imported into the United States. (See Exh. 63, photograph of package of representative Compu-Imaging cartridge, WL-CB436 (indicating that device is “Made in P.R.C.”).) The WL-CB436

cartridge (and the photosensitive drum contained therein) infringes one or more claims of each of the Asserted Patents, as demonstrated in the claim charts attached as Exhibit 19.

EIS

125. On information and belief, EIS receives substantial shipments of toner cartridges and photosensitive drums, including Accused Cartridges and Accused Drums, from the Ninestar-China Respondents. (*See, e.g.*, Exh. 43 (Piers Reports showing 11/25/2009 and 11/27/2009 shipments from Seine Image to EIS).)

126. On May 20, 2010, representative toner cartridges were purchased from EIS, including the representative Accused Cartridge and Accused Drum submitted as Physical Exhibit M, which arrived in a box marked “CTCB436A.” (*See* Exh. 64.) The cartridge inside the box was labeled “NT-C0436.” (*See* Exh. 20.) The invoice referred to the cartridge as “CTCB436A.” (*See* Exh. 33.) Herein such cartridge is referred to as “CTCB436A.” EIS’s CTCB436A cartridge is substantially identical to a Ninestar cartridge, model No. NT-C0436, which according to its package is made in China; therefore, on information and belief, EIS’s Accused Cartridges and Accused Drums, including representative model No. CTCB436A, are also manufactured in China, and imported into the United States. The CTCB436A cartridge (and the photosensitive drum contained therein) infringes one or more claims of each of the Asserted Patents, as demonstrated in the claim charts attached as Exhibit 20.

123 Refills

127. On May 19, 2010, representative toner cartridges were purchased from 123 Refills, including the representative Accused Cartridge and Accused Drum submitted as Physical Exhibit N, which arrived in a box marked “NT-C0364XCQF.” (*See* Exh. 65.) The cartridge inside the box was labeled “NT-C0364XQ” (*see* Exh. 21), and is substantially identical to Nano

Pacific's cartridge of the same model number. The invoice referred to the cartridge as "191-922-01." (See Exh. 34.) Herein such cartridge is referred to as "NT-C0364XCQF." On information and belief, 123 Refills' Accused Cartridges and Accused Drums, including representative model No. NT-C0364XCQF, are manufactured in China, and imported into the United States. (See Exh. 65, photograph of package of representative 123 Refills cartridge, NT-C0364XCQF (indicating that device is "Made in China").) Such packaging and model numbering are the same as those of the Ninestar Respondents, as discussed above. (See Exhs. 73 and 83, p. 5.) The NT-C0364XCQF cartridge (and the photosensitive drum contained therein) infringes one or more claims of each of the Asserted Patents, as demonstrated in the claim charts attached as Exhibit 21.

VII. DOMESTIC INDUSTRY

128. A domestic industry, as defined by 19 U.S.C. § 1337(a)(3)(A), (B) and (C), exists with respect to Complainants' activities in the United States related to articles protected by the Asserted Patents by reason of Complainants' (a) significant investment in plant and equipment, (b) significant employment of labor and capital and (c) substantial investments in the exploitation of the Asserted Patents, such as substantial engineering activities. As described below, Complainant CVI currently manufactures, inspects, packages, engineers and recycles millions of toner cartridges and photosensitive drums in the United States that utilize technology protected by each of the Asserted Patents. (See Confidential Thomson Declaration, Confidential Exhibit 4, at ¶ 5.)

A. Economic Prong

1. Significant Investment in Plant and Equipment

129. A domestic industry exists in the United States by virtue of Complainants' significant investments in plant and equipment devoted to manufacturing, packaging, inspecting and recycling toner cartridges and photosensitive drums that utilize technology covered by one or more of the claims of the Asserted Patents.

130. Complainant CVI manufactures certain toner cartridges, which are sold to HP, which in turn resells these CVI-made cartridges under the HP-brand name. During various time periods since 2008, CVI manufactured toner cartridges that utilize technology (including the twisted projection) covered by one or more of the claims of each of the Asserted Patents, including Physical Exhibit O, model No. Q7553A. In addition, CVI plans to manufacture at least one other toner cartridge beginning in the near future that will also utilize such technology covered by each of the Asserted Patents. (Confidential Thomson Declaration, Confidential Exhibit 4, at ¶ 4.) Hereinafter, these toner cartridges that utilize the patented technology are referred to as the "Covered CVI Cartridges." The correspondence of the Covered CVI Cartridges to a representative claim of each of the Asserted Patents is discussed and established in Section VII.B. ("Technical Prong") below.

131. In 2009, for example, CVI made millions of toner cartridges, and of that, a significant percentage of them were Covered CVI Cartridges. Further details of CVI's significant manufacturing activities are described in the Confidential Thomson Declaration, Confidential Exhibit 4 at ¶ 6.

132. CVI also manufactures the photosensitive drums used in certain of the Covered CVI Cartridges, including those used in model number Q7553A, and plans to manufacture other

such drums beginning in the near future. (Confidential Thomson Declaration, Confidential Exh. 4 at ¶ 7.)

133. The total market value of Covered CVI Cartridges manufactured by CVI in 2009, based on HP's per-cartridge price on May 14, 2010, was significant. Using these same cartridge prices, CVI projects that the total market value of its projected production volume for Covered CVI Cartridges in 2010, 2011 and 2012 will be even greater. Further details about the market value of the Covered CVI cartridges made by CVI are described in the Confidential Thomson Declaration, Confidential Exhibit 4 at ¶ 8.

134. CVI's main campus is located in Newport News, Virginia, and includes three primary facilities: (1) a Main Plant, (2) an Advanced Cartridge Manufacturing Plant ("ACM") and (3) a Toner Plant. These facilities have significant value, and include equipment also of significant value. Because a significant percentage of CVI's activities at these facilities relate to the Covered CVI Cartridges, the majority of the value of these facilities is related to the Covered CVI Cartridges. Further details about the facilities used by CVI in connection with the Covered CVI cartridges are described in the Confidential Thomson Declaration, Confidential Exhibit 4 at ¶¶ 9-17.

135. Of the three primary facilities discussed above, CVI currently uses a significant amount of the total square footage of space to manufacture Covered CVI Cartridges, and plans to use even more beginning in the near future. (Confidential Thomson Declaration, Confidential Exh. 4 at ¶ 13.)

136. As of April 2010, CVI had a significant number of Covered CVI Cartridges in finished goods inventory at CVI awaiting distribution. (Confidential Thomson Declaration, Confidential Exh. 4 at ¶ 27.)

137. CVI maintains warehouse space integral with its main campus facilities. Specifically, CVI's Main Plant and ACM Plant each have a significantly sized space allocated for its inventory of Covered CVI Cartridges. Further details about CVI's warehousing operations and inventory are described in the Confidential Thomson Declaration, Confidential Exhibit 4 at ¶¶ 28-29.

138. CVI also participates in a variety of environmental programs, including Canon's "Clean Earth Campaign" and HP's "HP Planet Partners." (Confidential Thomson Declaration, Confidential Exh. 4 at ¶ 32.)

139. CVI has a subsidiary named Industrial Resource Technologies, Inc. ("IRT"), which is a toner cartridge recycling company located in Gloucester, Virginia. (Confidential Thomson Declaration, Confidential Exh. 4 at ¶ 33.) Further details about IRT's property and facilities are described in the Confidential Thomson Declaration, Confidential Exhibit 4 at ¶¶ 34-37.

140. The IRT facilities have significant value, and include equipment also of significant value. One particular piece of equipment operating at IRT is a recycling system called the Cartridge Recycling System ("CRS"), which cost several million dollars to design, build and test. Further details about IRT and its systems are described in the Confidential Thomson Declaration, Confidential Exhibit 4 at ¶¶ 35-36.

141. In 2009, for example, IRT recycled a significant number of toner cartridges covered by each of the Asserted Patents, including the Covered CVI Cartridges. Further details about IRT's recycling activities are described in the Confidential Thomson Declaration, Confidential Exhibit 4 at ¶ 37.

2. Significant Employment of Labor and Capital

142. A domestic industry exists in the United States by virtue of Complainants' significant employment of labor and capital in the United States to manufacture, package, inspect and recycle toner cartridges and photosensitive drums that utilize technology covered by one or more of the claims of the Asserted Patents.

143. Complainant CVI employs in the United States a significant number of full-time personnel and contractors, and of that, a large percentage of the full-time personnel and contractors are dedicated to the manufacture of Covered CVI Cartridges. Further details about CVI's employment activities and details of the work performed by these employees are described in the Confidential Thomson Declaration, Confidential Exhibit 4 at ¶ 18.

144. Maintaining the foregoing Covered CVI Cartridge labor pool costs a significant dollar amount per year. (Confidential Thomson Declaration, Confidential Exh. 4 at ¶ 19.) CVI also expends a significant dollar amount each year on maintenance and repair of its main campus facilities. (Confidential Thomson Declaration, Confidential Exh. 4 at ¶ 17.)

145. In addition, CVI's subsidiary, IRT, employs several full-time personnel and contractors, all of whom are dedicated to the recycling of Canon and HP toner cartridges, including the Covered CVI Cartridges and other toner cartridges manufactured by Canon and covered by each of the Asserted Patents. (Confidential Thomson Declaration, Confidential Exh. 4 at ¶ 35.)

3. Substantial Investment in Exploitation of Asserted Patents

146. A domestic industry exists in the United States by virtue of Complainants' substantial investments in exploiting the Asserted Patents, particularly through its engineering, quality assurance and workforce development activities relating thereto.

147. CVI conducts both product engineering and manufacturing engineering related to Covered CVI Cartridges, and the combined cost of those operations per year is substantial. (Confidential Thomson Declaration, Confidential Exh. 4 at ¶¶ 20, 22 and 24.)

148. CVI's Product Engineering and Manufacturing Engineering departments employ several full-time personnel in connection with the Covered CVI Cartridges. Further details about CVI's Product Engineering and Manufacturing Engineering activities are described in the Confidential Thomson Declaration, Confidential Exhibit 4 at ¶¶ 21 and 23.

149. CVI also has a Quality Assurance Division with four departments: (1) Quality Engineering Department, (2) Materials Engineering Department, (3) Product Quality Assurance Department and (4) Materials Quality Assurance Department. The division employs several full-time and temporary personnel in connection with the Covered CVI Cartridge business, and expends a significant dollar amount annually to perform quality assurance activities related to Covered CVI Cartridges. Further details about CVI's quality assurance activities are described in the Confidential Thomson Declaration, Confidential Exhibit 4 at ¶¶ 25-26.

150. In addition, CVI operates a Workforce Development Center ("WDC"), which is located approximately one mile away from CVI's main campus in Newport News, Virginia. Further details about the WDC property and facilities are described in the Confidential Thomson Declaration, Confidential Exhibit 4 at ¶ 30.

151. CVI conducts employee training at the facility primarily related to Covered CVI Cartridges and other toner cartridges. Such training includes, for example, technical training related to both manual and automated toner cartridge assembly line operations, equipment maintenance and product operations. Further details about CVI's Workforce Development

Center operations are described in the Confidential Thomson Declaration, Confidential Exhibit 4 at ¶ 31.

4. **Preparations to Manufacture Additional Toner Cartridges That Exploit the Asserted Patents in the United States**

152. As explained above, CVI plans to manufacture additional toner cartridges and photosensitive drums that utilize technology covered by each of the Asserted Patents beginning in the near future. (Confidential Thomson Declaration, Confidential Exh. 4 at ¶¶ 4 and 7.)

153. CVI plans to allocate an additional significant amount of building space for the manufacture of Covered CVI Cartridges beginning in the near future. (Confidential Thomson Declaration, Confidential Exh. 4 at ¶¶ 4 and 13.)

154. CVI built its Advanced Cartridge Manufacturing (“ACM”) Plant in 2008-2009 for the very purpose of manufacturing toner cartridges, and plans to manufacture at least one of the Covered CVI Cartridges in that ACM Plant beginning in the near future. (See Exh. 5 (Daily Press article, “Canon Opens New Factory”).) Below is a photo depicting Virginia Governor Kaine officiating a ribbon cutting ceremony in celebration of the completion of the ACM Plant.



Further details about CVI’s future plans are described in the Confidential Thomson Declaration, Confidential Exhibit 4 at ¶¶ 15-16.

155. Additional confidential business information regarding Complainants' investments in plant, equipment, labor, engineering and recycling related to products that incorporate the technology of the Asserted Patents is set forth in the Confidential Thomson Declaration.

156. Complainants' investments in the relevant domestic industry are continuing and ongoing.

B. Technical Prong

157. Each of the Covered CVI Cartridges either is or shortly will be manufactured in Virginia by CVI and practices at least claim 128 of the '803 patent and at least claim 24 of the '454 patent. A claim chart that demonstrates how a representative Covered CVI Cartridge of Complainants, namely model No. Q7553A, practices an exemplary claim (claim 128) of the '803 patent and an exemplary claim (claim 24) of the '454 patent is attached hereto as Exhibit 22. Various photographs of Complainants' representative Covered CVI Cartridge, Q7553A, are also included in Exhibit 22. A physical sample of Complainants' representative Covered CVI Cartridge, Q7553A, is submitted herewith as Physical Exhibit O.

VIII. HARMONIZED TARIFF SCHEDULE ITEM NUMBERS

158. On information and belief, the Accused Cartridges and Accused Drums fall within at least the following classification of the Harmonized Tariff Schedule ("HTS") of the United States: 8443.99, including 8443.99.20, 8443.99.30 and 8443.99.40. These HTS classification numbers are intended to be for illustration only and are not exhaustive of the products accused of infringement in this Complaint. The HTS numbers are not intended to limit the scope of the Investigation.

IX. RELATED LITIGATION

A. U.S. Proceedings

159. Concurrent with the filing of this Complaint, a civil action against all Respondents seeking damages and injunctive relief is being filed in the United States District Court for the Southern District of New York for infringement of the Asserted Patents.

B. Foreign Proceedings

160. On September 14, 2000, Samsung Electro-Mechanics Company (“SEMCO”) filed an opposition proceeding with the Korean Intellectual Property Office (“KIPO”) regarding CINC’s Korean Patent No. 258,609 (case number 2000IUI186), which corresponds to the Asserted Patents, seeking to have claims 1-70 cancelled for invalidity. KIPO cancelled six of the claims. On July 30, 2001, Canon appealed the determination of invalidity to the Intellectual Property Tribunal (“IPT”) (case number 2001CHUI85), which reversed the KIPO decision, maintaining the claims as valid.

161. On August 27, 2001, CINC filed an action against SEMCO for infringement of Korean Patent No. 258,609 in the Suwon District Court, case number 2001Gahap10055. The district court found infringement of the patent by SEMCO. On an appeal filed January 9, 2003 (case number 2003Na12511), the Seoul High Court affirmed the district court’s holding of infringement. Subsequently, on an appeal filed July 9, 2004 (case number 2004Da36505), the Korean Supreme Court affirmed the infringement ruling.

162. On December 14, 2001, SEMCO filed an invalidation action with the IPT regarding CINC’s Korean Patent No. 258,609 (case number 2001Dang2327), seeking a declaration of invalidity of claims 19-24, 26-32, 51-56 and 58-70. The IPT upheld the validity of each of the claims. On November 7, 2003, SEMCO appealed the finding of validity to the Korean Patent Court (case number 2003Huh6548), which affirmed the IPT’s decision.

Subsequently, on an appeal filed November 10, 2004 (case number 2004Hu3287), the Korean Supreme Court affirmed the lower court's holding of validity of the CINC patent.

163. On May 1, 2002, CINC filed an action against Park & OPC Co., Ltd. ("Park & OPC") for infringement of Korean Patent No. 258,609 in the Suwon District Court, case number 2002Gahap5333. The district court found infringement of the patent by Park & OPC. On an appeal filed June 10, 2003 (case number 2003Na38858), the Seoul High Court affirmed the district court's holding of infringement. Subsequently, on an appeal filed December 23, 2005 (case number 2006Da1831), the Korean Supreme Court affirmed the infringement ruling.

164. On May 1, 2002, SEMCO filed a scope confirmation petition with the IPT seeking a declaration that its particular product design did not fall within the scope of claims 1, 5, 6, 14, 15, 18, 19, 25, 26, 33, 37, 38, 46, 47, 50, 51, 57 and 58 of CINC's Korean Patent No. 258,609 (case number 2002Dang2838). The IPT dismissed SEMCO's petition for lack of standing and failure to properly describe the particular product design at issue.

165. On October 26, 2002, Park & OPC filed a scope confirmation petition with the IPT seeking a declaration that its particular product design did not fall within the scope of claims 1, 5, 6, 14, 15, 18, 19, 25, 26, 33, 37, 38, 46, 47, 50, 51, 57 and 58 of CINC's Korean Patent No. 258,609 (case number 2002Dang2544). The IPT dismissed the petition for lack of standing and failure to properly describe the particular product design at issue. On November 7, 2003, Park & OPC appealed the dismissal to the Korean Patent Court (case number 2003Huh6531), which reversed the IPT's dismissal, finding that the IPT had erred in not allowing Park & OPC to amend its petition to cure the defects. On remand, Park & OPC failed to amend its petition, and the IPT again dismissed the petition for failure to properly describe the particular product design at issue (case number 2004Dang108, dated October 16, 2004). On July 27, 2005, Park & OPC

appealed the second dismissal to the Korean Patent Court (case number 2005Huh6122), which upheld the dismissal. Subsequently, on an appeal filed May 4, 2006 (case number 2006Hu1179), the Korean Supreme Court upheld the dismissal.

166. On October 31, 2002, Park & OPC filed an invalidation action with the IPT regarding CINC's Korean Patent No. 258,609 (case number 2002Dang2885), seeking a declaration of invalidity of claims 5, 18, 25, 37, 50 and 57. Again, the IPT upheld the validity of each of the claims. On November 7, 2003, Park & OPC appealed the finding of validity to the Korean Patent Court (case number 2003Huh6524), which affirmed the IPT's decision in part, and found the plaintiff had no standing to bring an invalidation action for two of the claims at issue. Subsequently, on an appeal filed November 10, 2004 (case number 2004Hu3270), the Korean Supreme Court again affirmed the lower court's holding of validity of the CINC patent.

167. On May 17, 2010, CINC filed a complaint with the Korean Trade Commission ("KTC") against Park & OPC, alleging that Park & OPC was exporting and/or manufacturing photosensitive drums that infringed claims 25 and 26 of Korean Patent No. 258,609 (case number GuJe 4-1-2010-5).

168. On May 17, 2010, CINC filed an action seeking a preliminary injunction against AlphaChem, a Korean photosensitive drum maker, for infringement of Korean Patent No. 258,609 in the Suwon District Court, case number 2010KaHap151. On June 11, 2010, the Suwon District Court found that AlphaChem had infringed claim 25 of the '609 patent.

169. On May 19, 2010, CINC filed a complaint with the KTC against Baiksans OPC, alleging that Baiksans OPC was exporting and/or manufacturing photosensitive drums that infringed claims 25 and 26 of Korean Patent No. 258,609 (case number GuJe 4-1-2010-6).

170. On May 20, 2010, CINC filed a complaint with the KTC against AlphaChem, alleging that AlphaChem was exporting and/or manufacturing photosensitive drums that infringed claims 25 and 26 of Korean Patent No. 258,609 (case number GuJe 4-1-2010-7).

171. On May 24, 2010, CINC filed a complaint with the KTC against CEMS, alleging that CEMS was exporting and/or manufacturing photosensitive drums that infringed claims 25 and 26 of Korean Patent No. 258,609 (case number GuJe 4-1-2010-8).

172. On May 25, 2010, CINC filed a complaint with the KTC against NeoPhotocon, alleging that NeoPhotocon was exporting and/or manufacturing photosensitive drums that infringed claims 25 and 26 of Korean Patent No. 258,609 (case number GuJe 4-1-2010-9).

173. Except for the foregoing, Complainants are not aware of any other U.S. or foreign proceedings relating to the Asserted Patents or any of the corresponding patents or patent applications identified above.

X. RELIEF REQUESTED

174. 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 Respondents of toner cartridges and components thereof that infringe any of claims 128-130, 132, 133 and 139-143 of U.S. Patent No. 5,903,803 and/or any of claims 24-30 of U.S. Patent No. 6,128,454;

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

(c) determine that said unlawful acts constitute a violation of Section 337 of the Tariff Act of 1930, as amended;

(d) issue a permanent limited exclusion order, pursuant to 19 U.S.C. § 1337(d), forbidding entry into the United States of all toner cartridges and components thereof that infringe any of claims 128-130, 132, 133 and 139-143 of U.S. Patent No. 5,903,803 and/or and of claims 24-30 of U.S. Patent No. 6,128,454;

(e) issue permanent cease and desist orders, pursuant to 19 U.S.C. § 1337(f), prohibiting Respondents from marketing (including via the Internet or electronic mail), distributing, selling (including via the Internet or electronic mail), offering for sale, warehousing inventory for distribution, or otherwise transferring or importing into the United States any toner cartridges and components thereof that infringe any of claims 128-130, 132, 133 and 139-143 of U.S. Patent No. 5,903,803 and/or any of claims 24-30 of U.S. Patent No. 6,128,454; and

(f) 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: June 28, 2010

Respectfully submitted,

Nicholas M. Cannella

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Canon Virginia, Inc.

VERIFICATION OF COMPLAINT

I, Seymour Liebman, declare, in accordance with 19 C.F.R. §§ 210.4 and 210.12(a), under penalty of perjury, that the following statements are true:

1. I am currently an Executive Officer of Canon Inc., Executive Vice President of Canon U.S.A., Inc. and Secretary of Canon Virginia, Inc., and am duly authorized to sign this Complaint on behalf of Complainants Canon Inc., Canon U.S.A., Inc. and Canon Virginia, Inc.

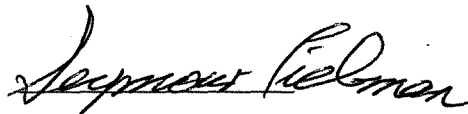
2. I have read the foregoing Complaint, and am aware of its contents.

3. To the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions of the Complaint are well-grounded in fact and have evidentiary support, or, where specifically identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

4. To the best of my knowledge, information and belief, formed after a reasonable inquiry, the claims and other legal contentions set forth in the Complaint are warranted by existing law or by good-faith, non-frivolous argument for extension, modification, or reversal of existing law, or by the establishment of new law.

5. 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 the investigation or any related proceeding.

Executed this 25th day of June, 2010.


Seymour Liebman