

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

TRONTECH LICENSING INCORPORATED §
§
Plaintiff, §
§
v. §
§
EPSON AMERICA, INC., LEXMARK §
INTERNATIONAL, INC., MURATEC §
AMERICA, INC., RICOH AMERICAS §
CORPORATION, and SHARP §
ELECTRONICS CORPORATION, §
§
Defendants. §
§

CIVIL ACTION NO.:

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT

Plaintiff TRONTECH LICENSING INCORPORATED (“TRONTECH”), brings this action against Defendants EPSON AMERICA, INC., LEXMARK INTERNATIONAL, INC., MURATEC AMERICA, INC., RICOH AMERICAS CORPORATION, and SHARP ELECTRONICS CORPORATION, alleging as follows:

I.

THE PARTIES

1. TRONTECH is a Texas corporation with its principal place of business located at 512 Main Street, Suite 601, Fort Worth, Texas 76102.

2. EPSON AMERICA, INC. (“Epson”) is a California corporation with a principal place of business located at 3840 Kilroy Airport Way, Long Beach, California, 90806. Epson may be served with process by serving its Registered Agent, United States Corp. Co., at 211 E. 7th Street, Suite 620, Austin, Texas, 78701.

3. LEXMARK INTERNATIONAL, INC. (“Lexmark”) is a Delaware corporation with its principal place of business located at 740 W. New Circle Road, Lexington, Kentucky 40550. Lexmark may be served with process by serving its registered agent, CT Corporation Systems at 350 N. St. Paul Street, Suite 2900, Dallas, Texas, 75201.

4. MURATEC AMERICA, INC. (“Muratec”) is a North Carolina corporation with its principal place of business located at 3301 East Plano Parkway, Suite 100, Plano, Texas 75074. Muratec may be served with process by serving its registered agent, CT Corporation Systems at 350 N. St. Paul Street, Suite 2900, Dallas, Texas, 75201.

5. RICOH AMERICAS CORPORATION (“Ricoh”) is a Delaware corporation with its principal place of business located at 5 Dedrick Place, West Caldwell, New Jersey, 07006. Ricoh may be served with process by serving its registered agent, CT Corporation Systems, at 350 N. St. Paul Street, Suite 2900, Dallas, Texas, 75201.

6. SHARP ELECTRONICS CORPORATION (“Sharp”) is a New York corporation with its principal place of business located at 1 Sharp Plaza, Mahwah, NJ 07430. Sharp may be served with process by serving its registered agent, CT Corporation Systems, at 350 N. St. Paul Street, Suite 2900, Dallas, Texas, 75201.

II.

JURISDICTION AND VENUE

7. This action for infringement arises under the patent laws of the United States. This Court has exclusive jurisdiction under 28 U.S.C. § 1338(a).

8. Defendants have transacted, and are transacting, business in the Eastern District of Texas. In addition, at least one of the Defendants has its principal place of business in this district. Therefore, to further the policy of judicial efficiency, venue is proper in this Court under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b).

III.

PATENT INFRINGEMENT

9. On December 12, 2000, United States Patent No. 6,160,872 (“the ‘872 Patent”) was duly and legally issued for an “Apparatus and Method for Preventing Disconnection of Consumer Premises Equipment.” A true and correct copy of the ‘872 patent is attached hereto as Exhibit “A” and made a part hereof.

10. Generally, the ‘872 Patent discloses an apparatus connected to a telephone line that automatically detects the presence of a fax signal that is being sent or received over the telephone line. The apparatus can be used in conjunction with a telephone to detect a fax signal on the telephone line. If a fax signal is detected on the telephone line, the apparatus will automatically prevent the telephone from accessing the telephone line. Both the detection and indication of a modem signal on the telephone line are accomplished without interfering with the modem signal.

11. Plaintiff is the owner of all right, title and interest in and to the ‘872 Patent, with all rights to enforce the ‘872 Patent against infringers, and to collect damages for all relevant times, including the right to prosecute this action.

12. Upon information and belief, each of the Defendants manufactures, makes, has made, uses, practices, imports, provides, supplies, distributes, sells and/or offers for sale products and/or systems that infringe one or more claims in the ‘872 Patent, and/or each of Defendants induces and/or contributes to the infringement, by others, of one or more of the claims in the ‘872 Patent. More specifically, each Defendant’s infringement is based, at least in part, on its providing an automatic telephone line sharing apparatus.

13. Epson has developed, manufactured, and distributed hardware and software apparatuses and has practiced and/or induced manufacturers of such apparatuses to infringe one or more claims of the ‘872 Patent, including at least Claim 1. Epson’s products accused of

infringement include, but are not limited to, the WorkForce 310.

14. Lexmark has developed, manufactured, and distributed hardware and software apparatuses and has practiced and/or induced manufacturers of such apparatuses to infringe one or more claims of the '872 Patent, including at least Claim 1. Lexmark's products accused of infringement include, but are not limited to, the X5650.

15. Muratec has developed, manufactured, and distributed hardware and software apparatuses and has practiced and/or induced manufacturers of such apparatuses to infringe one or more claims of the '872 Patent, including at least Claim 1. Muratec's products accused of infringement include, but are not limited to, the F-116P.

16. Ricoh has developed, manufactured, and distributed hardware and software apparatuses and has practiced and/or induced manufacturers of such apparatuses to infringe one or more claims of the '872 Patent, including at least Claim 1. Ricoh's products accused of infringement include, but are not limited to, the Aficio SP 1000SF.

17. Sharp has developed, manufactured, and distributed hardware and software apparatuses and has practiced and/or induced manufacturers of such apparatuses to infringe one or more claims of the '872 Patent, including at least Claim 1. Sharp's products accused of infringement include, but are not limited to, the UX-B20.

18. As a result of each of Defendants' infringing conduct, Defendants are liable to Plaintiff in an amount that adequately compensates Plaintiff for each Defendant's infringement, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

19. As a consequence of each Defendant's infringement, Plaintiff has been irreparably damaged and such damage will continue without the issuance of an injunction by this Court.

IV.

JURY DEMAND

Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

V.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court find in its favor and against Defendants, and that the Court grant Plaintiff the following relief:

- a. Judgment that one or more claims of United States Patent No. 6,160,872 have been infringed, either literally and/or under the doctrine of equivalents, by Defendants and/or by others, where the Defendants have contributed to and/or induced those other entities to infringe;
- b. Judgment that each Defendant account for and pay to Plaintiff all damages to and costs incurred by Plaintiff because of each Defendant's infringing activities and other conduct complained of herein;
- c. That each Defendant's infringement be found to be willful from the time Defendants became aware of the infringing nature of its services, which is the time of filing of Plaintiff's Complaint at the latest;
- d. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused by each Defendant's infringing activities and other conduct complained of herein;
- e. That the Court declare this an exceptional case and award Plaintiff its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285;
- f. That Defendants be permanently enjoined from any further activity or conduct that infringes one or more claims of United States Patent No. 6,160,872; and
- g. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: July 1, 2010

Respectfully submitted,

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