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21 Technology Limited

22 UNITED STATES DISTRICT COURT  
23 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

24 MEMJET TECHNOLOGY LIMITED,  
25 an Irish corporation,

26 Plaintiff,

27 vs.

28 HEWLETT-PACKARD COMPANY, a  
Delaware Corporation

Defendants.

CASE NO. '15CV1769 BEN BLM

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**JURY TRIAL DEMANDED**

1 Plaintiff Memjet Technology Limited (“Memjet” or “Plaintiff”), by and  
2 through its undersigned counsel, complains and alleges as follows against the  
3 Hewlett-Packard Company (“HP” or “Defendant”):

4 **NATURE OF THE ACTION**

5 1. This is a civil action for patent infringement arising under the patent  
6 laws of the United States, 35 U.S.C. §§ 1 *et seq.*

7 2. HP has infringed and continues to infringe, contributed to and  
8 continues to contribute to the infringement of, and/or actively induced and  
9 continues to induce others to infringe Memjet’s U.S. Patent No. 6,575,549, U.S.  
10 Patent No. 6,880,914, U.S. Patent No. 7,156,492, U.S. Patent No. 7,325,986, U.S.  
11 Patent No. 8,662,636, U.S. Patent No. 8,678,550, U.S. Patent No. 8,696,096, and  
12 U.S. Patent No. 9,056,475 (collectively, “the Asserted Patents”). Memjet is the  
13 legal owner by assignment of the Asserted Patents, which were duly and legally  
14 issued by the United States Patent and Trademark Office. Memjet seeks injunctive  
15 relief and monetary damages.

16 **THE PARTIES**

17 3. Memjet Technology Ltd. is a corporation organized under the laws of  
18 Ireland, with its principal place of business at 61/62 Fitzwilliam Lane, Dublin 2,  
19 Ireland.

20 4. On information and belief, Hewlett-Packard Company is a corporation  
21 organized under the laws of the State of Delaware, with its principal place of  
22 business located at 3000 Hanover Street, Palo Alto, CA 94304-1185.

23 **JURISDICTION AND VENUE**

24 5. This Court has jurisdiction over the subject matter of this action under  
25 28 U.S.C. §§ 1331 and 1338(a).

26 6. HP is subject to this Court’s personal jurisdiction. HP regularly  
27 conducts business in the Southern District of California at its facility at 16399 W  
28 Bernardo Dr, San Diego, CA 92127. HP has committed acts of patent infringement

1 and has contributed to and induced acts of patent infringement by others in this  
2 District. HP designed, developed and/or tested its infringing pagewide printing  
3 products in this District. HP has publicly demonstrated its infringing pagewide  
4 products in this District (e.g., HP demonstrated the HP PageWide XL Printer at the  
5 2015 Esri User Conference, held July 20–24, 2015 in San Diego). As such, HP has  
6 purposefully availed itself of the privilege of conducting business within this  
7 District; has established sufficient minimum contacts with this District such that it  
8 should reasonably and fairly anticipate being haled into court in this District; has  
9 purposefully directed activities at residents of this State and District; and it has  
10 committed patent infringement in this State and District.

11 7. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391  
12 & 1400 because HP regularly conducts business in this District, and certain acts  
13 complained of herein occurred in this District.

#### 14 **MEMJET’S ASSERTED PATENTS**

15 8. On June 10, 2003, the United States Patent Office issued U.S. Patent  
16 No. 6,575,549 (the “’549 patent”), titled “Ink Jet Fault Tolerance Using Adjacent  
17 Nozzles.” A true and correct copy of the ’549 patent is attached hereto as Exhibit A.

18 9. On April 19, 2005, the United States Patent Office issued U.S. Patent  
19 No. 6,880,914 (the “’914 patent”), titled “Inkjet Pagewidth Printer For High Volume  
20 Pagewidth Printing.” A true and correct copy of the ’914 patent is attached hereto  
21 as Exhibit B.

22 10. On January 2, 2007, the United States Patent Office issued U.S. Patent  
23 No. 7,156,492 (the “’492 patent”), titled “Modular Printhead Assembly With A  
24 Carrier Of A Metal Alloy.” A true and correct copy of the ’492 patent is attached  
25 hereto as Exhibit C.

26 11. On February 5, 2008, the United States Patent Office issued U.S. Patent  
27 No. 7,325,986 (the “’986 patent”), titled “Printhead Assembly with Stacked Ink  
28 Distribution Sheets.” A true and correct copy of the ’986 patent is attached hereto

1 as Exhibit D.

2 12. On March 4, 2014, the United States Patent Office issued U.S. Patent  
3 No. 8,662,636 (the “’636 patent”), titled “Inkjet Printhead Having Rows Of  
4 Printhead Segments.” A true and correct copy of the ’636 patent is attached hereto  
5 as Exhibit E.

6 13. On March 25, 2014, the United States Patent Office issued U.S. Patent  
7 No. 8,678,550 (the “’550 patent”), titled “Printhead Assembly With Laminated Ink  
8 Distribution Stack.” A true and correct copy of the ’550 patent is attached hereto as  
9 Exhibit F.

10 14. On April 15, 2014, the United States Patent Office issued U.S. Patent  
11 No. 8,696,096 (the “’096 patent”), titled “Laminated Ink Supply Structure Mounted  
12 In Ink Distribution Arrangement Of An Inkjet Printer.” A true and correct copy of  
13 the ’096 patent is attached hereto as Exhibit G.

14 15. On June 16, 2015, the United States Patent Office issued U.S. Patent  
15 No. 9,056,475 (the “’475 patent”), titled “Inkjet Printer With Web Feed  
16 Maintenance Assembly.” A true and correct copy of the ’475 patent is attached  
17 hereto as Exhibit H.

18 16. Memjet is the owner of all right, title, and interest in and to each of the  
19 Asserted Patents with full and exclusive right to bring suit to enforce the Asserted  
20 Patents, including the right to recover for past damages and/or royalties.

21 17. The Asserted Patents are valid and enforceable.

22 **COUNT I**

23 **Infringement of the ’549 Patent**

24 18. Memjet re-alleges and incorporates by reference the allegations of the  
25 preceding paragraphs of this Complaint as if fully set forth herein.

26 19. On information and belief, in violation of 35 U.S.C. § 271, HP has  
27 infringed and is currently infringing one or more claims of the ’549 patent, including  
28 but not limited to claim 1, directly and/or indirectly, by making, using, selling,

1 offering for sale, and/or importing into the United States, without authority certain  
2 products, including the OfficeJet Pro X Series products, and on information and  
3 belief, OfficeJet Enterprise X Series products, HP PageWide XL Printers, and  
4 printers using 4.25-inch thermal inkjet printheads, including HP Web Presses and  
5 Photo Kiosks. HP has infringed and is currently infringing literally and/or under the  
6 doctrine of equivalents.

7       20. HP has actual knowledge of its infringement of the '549 patent at least  
8 as of the filing date of this Complaint.

9       21. On information and belief, in violation of 35 U.S.C. § 271, HP has  
10 actively induced and/or is continuing to actively induce infringement of the '549  
11 patent by encouraging acts of direct infringement, and HP knows (or believes there  
12 is a high probability, but is taking deliberate steps to avoid knowing) that it is  
13 inducing direct infringement by making, using, selling, offering for sale, and/or  
14 importing into the United States, without authority OfficeJet Pro X Series products,  
15 and on information and belief, OfficeJet Enterprise X Series products, and printers  
16 using 4.25-inch thermal inkjet printheads, including HP Web Presses and Photo  
17 Kiosks that practice one or more claims of the '549 patent. On information and  
18 belief, HP knows (or believes there is a high probability, but is taking deliberate  
19 steps to avoid knowing) that third parties, such as customers, directly infringe, and  
20 HP intends its products be used by third party entities to infringe the '549 patent.

21       22. For example, on information and belief, HP offers, sells and markets  
22 (and after the filing of this complaint continues to offer, sell and market) its  
23 products, including the OfficeJet Pro X Series products, its OfficeJet Enterprise X  
24 Series products, and printers using 4.25-inch thermal inkjet printheads, including  
25 HP Web Presses and Photo Kiosks, through its web site and through various  
26 channels including U.S. distributors and/or other third parties.

27       23. On information and belief, HP's actions as alleged herein have  
28 contributed and are continuing to contribute to infringement of the '549 patent by

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