

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CANON INC.,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.:
v.)	1:11-cv-03855-RLV
)	
COLOR IMAGING, INC. and)	JURY TRIAL DEMANDED
GENERAL PLASTIC INDUSTRIAL)	
CO., LTD.,)	
)	
Defendants.)	

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Canon Inc. (“Canon”), for its Amended Complaint against Defendants Color Imaging, Inc. and General Plastic Industrial Co., Ltd. (collectively, “Defendants”), alleges as follows:

The Parties

1. Canon is a corporation organized and existing under the laws of Japan, having its principal place of business at 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan.
2. Canon is a leading innovator, manufacturer and seller of a wide variety of copying machines, laser beam printers, inkjet printers, cameras and other consumer, business and industrial products.

3. On information and belief, Defendant Color Imaging, Inc. (“Color Imaging”) is a corporation organized and existing under the laws of Delaware, having its principal place of business at 4350 Peachtree Industrial Boulevard, Suite 100, Norcross, Georgia 30071.

4. On information and belief, Defendant General Plastic Industrial Co., Ltd. (“General Plastic”) is a company organized and existing under the laws of Taiwan, having its principal place of business at 50 Tzu-Chiang Road, Wu-Chi Town, Taichung County, Taiwan R.O.C.

5. On information and belief, General Plastic owns 10 percent or more of the stock of Color Imaging and is a supplier of products to Color Imaging, including products accused of infringement in this case.

Jurisdiction and Venue

6. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. Accordingly, this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. Defendants are subject to this Court’s personal jurisdiction, consistent with the principles of due process and the Georgia Long-Arm Statute, because Color Imaging’s principal place of business is located in this judicial district and because each of Defendants, directly or through intermediaries, is transacting

business, supplying products, committing acts of patent infringement and/or contributing to and inducing acts of patent infringement by others in Georgia, including in this judicial district.

8. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c) and (d) and 28 U.S.C. § 1400(b).

Canon's Patent-in-Suit

9. On January 12, 2010, U.S. Patent No. 7,647,012 (the "'012 patent"), entitled "Sealing Member, Toner Accommodating Container and Image Forming Apparatus," duly and legally issued to Canon as assignee of the inventors, Yusuke Yamada, Yutaka Ban, Katsuya Murakami, Fumio Tazawa and Hironori Minagawa. A true and correct copy of the '012 patent is attached as Exhibit A.

10. Canon is the sole owner of the entire right, title and interest in and to the '012 patent, including the right to sue and recover for any and all infringements thereof.

11. The '012 patent describes and claims, among other things, a toner supply container capable of being used in an electrophotographic image forming apparatus such as a copier. The toner supply container is designed to be inserted into and removed from an electrophotographic image forming apparatus, as

needed, in order to replenish the electrophotographic image forming apparatus' toner.

12. On January 12, 2010, Canon filed a lawsuit alleging infringement of the '012 patent against Densigraphix Kopi Inc. and Densigraphix Inc. (collectively, "Densigraphix") in the United States District Court for the Eastern of District Virginia, Case No. 1:10-cv-34-CMH-IDD. This lawsuit resulted in a Stipulation, Consent Judgment and Permanent Injunction, which the Court entered on March 9, 2010.

13. On June 29, 2010, Canon filed a lawsuit alleging infringement of the '012 patent against Copylite Products Corp., Copylite Products, LLC (collectively, "Copylite") and Polek & Polek Inc. ("Polek") in the United States District Court for the Eastern of District Virginia, Case No. 2:10-cv-313-JBF-TEM. This lawsuit resulted in a Stipulation, Consent Order and Permanent Injunction as to each of Copylite and Polek, which the Court entered on September 16, 2010.

14. The aforementioned Permanent Injunctions, among other things, permanently enjoined Densigraphix, Copylite and Polek from making, using, selling, offering to sell and importing certain toner bottle products (the "Enjoined Toner Bottle Products").

Defendants' Infringing Activities

15. On information and belief, Defendants are engaged in the business of manufacturing, importing, selling and/or offering to sell replacement toner products and parts for copiers and printers, including toner bottle products for use in Canon imageRUNNER[®] copiers. Specifically, on information and belief, General Plastic designs and manufactures such toner bottle products, which it offers for sale and sells to customers worldwide, including in the United States. On information and belief, one customer for the toner bottle products of General Plastic in the United States is Color Imaging. On information and belief, Color Imaging purchases such toner bottles from General Plastic, then fills, packages and warehouses them. On information and belief, Color Imaging offers both empty toner bottle products as well as finished toner bottle products for sale worldwide.

16. On information and belief, Defendants' toner bottle products are sold both to end users and to resellers. On information and belief, resellers to whom Defendants' products are sold include, but are not limited to, UniNet Imaging, Inc. and/or UI Supplies, Inc. (collectively, "UniNet"), which in turn resell such products under their own designations. Defendants market their toner bottle products as purported alternatives to genuine toner bottle products manufactured by Canon and sold under the Canon brand name. Included among such toner bottle

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