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David W. Axelrod, OSB #75023
E-mail: daxelrod@schwabe.com
Yvonne E. Tingleaf, OSB #05446
E-mail: ytingleaf@schwabe.com
SCHWABE, WILLIAMSON & WYATT, P.C.
Pacwest Center
1211 SW 5th Ave., Suite 1900
Portland, Oregon 97204
Telephone: (503) 222-9981
Facsimile: (503) 796-2900

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*Attorneys for Plaintiffs Seiko Epson Corporation,
Epson America, Inc., and Epson Portland Inc.*

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

CV '08-0452- D.

SEIKO EPSON CORPORATION,
a Japan corporation; **EPSON AMERICA,**
INC., a California corporation; and **EPSON**
PORTLAND INC., an Oregon corporation,

Plaintiffs,

v.

INKJETMADNESS.COM, INC. dba
INKGRABBER.COM, a California
corporation; **ACECOM INC - SAN**
ANTONIO, dba INKSELL.COM, a Texas
corporation; **COMPTREE INC., dba**
MERITLINE.COM, a California
corporation; **MEDIA STREET INC., dba**
MEDIASTREET.COM, a New York
corporation,

Defendants.

Civil No. _____

**COMPLAINT FOR
PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

Plaintiffs Seiko Epson Corporation, Epson America, Inc., and Epson Portland

Inc., for their Complaint herein, allege as follows:

THE PARTIES

1. Plaintiff Seiko Epson Corporation ("Seiko Epson") is a corporation organized and existing under the laws of Japan. Its principal place of business is located at 3-3-5 Owa Suwa-Shi Nagano-Ken, 392-8502, Japan.

2. Plaintiff Epson America, Inc. ("Epson America") is a corporation organized and existing under the laws of the State of California. Its principal place of business is located at 3840 Kilroy Airport Way, Long Beach, California 90806. As the North American sales, marketing and customer service affiliate of Seiko Epson, Epson America is the exclusive licensee of the Epson Patents described below for distributing in the United States Epson ink cartridges that embody the inventions contained in the Epson Patents.

3. Plaintiff Epson Portland Inc. ("Epson Portland") is a corporation organized and existing under the laws of the State of Oregon. Its principal place of business is located at 3950 NW Alcock Place, Hillsboro, Oregon 97124. Epson Portland is the exclusive licensee of the Epson Patents described below for manufacturing in the United States Epson ink cartridges that embody the inventions contained in the Epson Patents. (Seiko Epson, Epson America and Epson Portland are sometimes referred to collectively herein as "Epson" or "Plaintiffs.")

4. Plaintiffs produce and sell ink cartridges utilizing Epson's patented technology and designs in the United States and in this judicial district.

5. Upon information and belief, defendant Inkjetmadness.com, Inc. ("Inkjetmadness") is a corporation organized and existing under the laws of California. Its principal place of business is located at 2205 First Street #103, Simi Valley, CA 93065. Inkjetmadness does business on-line as "inkgrabber.com," through at least its website *inkgrabber.com*.

6. Upon information and belief, defendant Acecom Inc - San Antonio ("Acecom") is a company organized and existing under the laws of Texas. Its principal place of business is located at 14833 Bulverde Rd., San Antonio, TX 78247. Acecom does business on-line as "inksell.com," through at least its website *inksell.com*.

7. Upon information and belief, defendant Comptree Inc. ("Comptree") is a company organized and existing under the laws of California. Its principal place of business is located at 18961 East Arenth Ave., City of Industry, CA 91748. Comptree does business on-line as "meritline.com," through at least its website *meritline.com*.

8. Upon information and belief, defendant Media Street Inc. ("Media Street") is a company organized and existing under the laws of New York. Its principal place of business is located at 44 West Jefryn Blvd., Unit Y, Deer Park, NY 11729. Media Street does business on-line as "mediastreet.com," through at least its website *mediastreet.com*.

9. For ease of reference, the defendants listed in ¶¶ 5-8 are sometimes referred to collectively herein as "Defendants."

JURISDICTION AND VENUE

10. This action arises under the patent laws of the United States, 35 U.S.C. § 271. This Court has jurisdiction over the action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

11. Venue is proper in this district under 28 U.S.C. §§1391(b)-(d) and 1400(b). Defendants have committed acts of infringement in this judicial district and/or reside in this judicial district.

CLAIM FOR RELIEF

(Patent Infringement—35 U.S.C. § 271)

12. Epson incorporates by reference each and every allegation contained in ¶¶ 1-11 as though fully set forth at length.

13. Epson owns all right, title, and interest in, including the right to sue thereon and the right to recover for infringement thereof, United States Patent No. 5,615,957 (the "957 patent"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on April 1, 1997; United States Patent No. 5,622,439 (the "439 patent"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on April 22, 1997; United States Patent No. 5,158,377 (the "377 patent"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on October 27, 1992; United States Patent No. 5,221,148 (the "148 patent"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on June 22, 1993; United States Patent No. 5,488,401 (the "401 patent"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on January 30, 1996; United States Patent No. 6,502,917 (the "917 patent"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on January 7, 2003; United States Patent No. 6,955,422 (the "422 patent"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on October 18, 2005; United States Patent No. 7,008,053 (the "053 patent"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on March 7, 2006; United States Patent No. 7,011,397 (the "397 patent"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on March 14, 2006; United States Patent No. 6,193,364 (the "364 patent"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on February 27, 2001; United States Patent No. 6,550,901 (the "901 patent"), which was

duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on April 22, 2003; United States Patent No. 6,916,089 (the "'089 patent"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on July 12, 2005; United States Patent No. 6,948,804 (the "'804 patent"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on September 27, 2005; United States Patent No. 7,018,030 (the "'030 patent"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on March 28, 2006; United States Patent No. 7,152,965 (the "'965 patent"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on December 26, 2006; United States Patent No. 6,834,945 (the "'945 patent"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on December 28, 2004; United States Patent No. 6,832,830 (the "'830 patent"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on December 21, 2004; United States Patent No. 7,125,100 (the "'100 patent"), which was duly and legally issued to Seiko Epson by the United States Patent and Trademark Office on October 24, 2006. The '957, '439, '377, '148, '401, '917, '422, '053, '397, '364, '901, '089, '804, '030, '965, '945, '830 and '100 patents (collectively, the "Epson Patents") all relate generally to ink cartridges for printers.

14. Defendants have infringed and/or are infringing the Epson Patents by making, having made, using, importing, offering to sell, and/or selling in this judicial district and elsewhere aftermarket ink cartridges that operate with Epson inkjet printers. Specifically, the individual defendants have infringed and/or are infringing at least the following Epson Patents (and further investigation and discovery may reveal infringement of other Epson Patents):

a. Defendant Inkjetmadness has infringed and/or is infringing the '957, '439,

'377, '148, '401, '917, '422, '053, '397, '364, '901, '089, '804, '030, '965, '945, '830 and '100 patents by making, having made, using, importing, offering to sell, and/or selling aftermarket ink cartridges that operate with Epson inkjet printers.

b. Defendant Acecom has infringed and/or is infringing the '957, '439, '377, '148, '401, '917, '422, '053, '397 and '030 patents by making, having made, using, importing, offering to sell, and/or selling aftermarket ink cartridges that operate with Epson inkjet printers.

c. Defendant Comptree has infringed and/or is infringing the '957, '439, '377, '148, '401, '917, '422, '053, '397, '364, '901, '089, '804, '030, '965, '945, '830 and '100 patents by making, having made, using, importing, offering to sell, and/or selling aftermarket ink cartridges that operate with Epson inkjet printers.

d. Defendant Media Street has infringed and/or is infringing the '957, '439, '377, '148, '401, '917, '422, '053, '397, '030, '965, '830 and '100 patents by making, having made, using, importing, offering to sell, and/or selling aftermarket ink cartridges that operate with Epson inkjet printers.

15. On information and belief, Defendants are aiding and abetting and actively inducing infringement of the Epson Patents by non-parties.

16. By reason of Defendants' infringing activities, Epson has suffered, and will continue to suffer, substantial damages in an amount to be proven at trial.

17. Defendants' acts complained of herein have damaged and will continue to damage Epson irreparably. Epson has no adequate remedy at law for these wrongs and injuries. Epson is therefore entitled to a preliminary and permanent injunction restraining and enjoining Defendants and their agents, servants, and employees, and all persons acting thereunder, in concert with, or on their behalf, from infringing the claims of the Epson Patents.

18. Defendants are not licensed or otherwise authorized to make, use, import, sell, or offer to sell any ink cartridge claimed in the Epson Patents, and Defendants' conduct is, in every instance, without Epson's consent.

19. Upon information and belief, Defendants' infringement has been and continues to be willful.

PRAYER FOR RELIEF

WHEREFORE, Epson prays judgment against Defendants as follows:

- A. That Defendants have infringed and are infringing the Epson Patents;
- B. That such infringement is willful;
- C. That Defendants and their subsidiaries, affiliates, parents, successors, assigns, officers, agents, representatives, servants, and employees, and all persons in active concert or participation with them, be preliminarily and permanently enjoined from continued infringement of the Epson Patents;
- D. That Defendants be ordered to pay Epson its damages caused by Defendants' infringement of the Epson Patents and that such damages be trebled, together with interest thereon;
- E. That this case be declared exceptional pursuant to 35 U.S.C. § 285 and that Epson be awarded its reasonable attorneys' fees and costs; and
- F. That Epson have such other and further relief as the Court deems just and proper.

JURY TRIAL DEMAND

Plaintiffs hereby demand a trial of all issues by jury.

DATED: April 10, 2008

SCHWABE, WILLIAMSON & WYATT, P.C.

By: 

David W. Axelrod

Of Counsel:

Harold A. Barza (Cal. Bar No. 80888)
E-mail: halbarza@quinnemanuel.com
Ryan S. Goldstein (Cal. Bar #208444)
E-mail: ryangoldstein@quinnemanuel.com
Tigran Guledjian (Cal. Bar #207613)
E-mail: tigranguledjian@quinnemanuel.com
QUINN EMANUEL URQUHART OLIVER
& HEDGES, LLP
865 South Figueroa Street, 10th Floor
Los Angeles, California 90017-2543
Telephone (213) 443-3000
Fax (213) 443-3100

*Attorneys for Plaintiffs Seiko Epson Corporation,
Epson America, Inc., and Epson Portland Inc.*