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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

CANON INC., a Japanese corporation,
Plaintiff,
v.
DIGITAL MARKETING
CORPORATION, a Delaware
corporation,
Defendant.

Case No. 2:21-cv-02094 AB (PDx)
Honorable André Birotte Jr.

**JOINT STIPULATION, CONSENT
JUDGMENT, AND PERMANENT
INJUNCTION**

VENABLE LLP
2049 CENTURY PARK EAST, SUITE 2300
LOS ANGELES, CA 90067
310-229-9900

1 WHEREAS, Plaintiff brought this suit against Defendant for infringement of
2 Plaintiff's U.S. Patent Nos. 8,565,649 (the "'649 patent"); 9,354,551 (the "'551
3 patent"); 9,753,402 (the "'402 patent"); 10,209,667 (the "'667 patent"); 10,289,060
4 (the "'060 patent"); 10,289,061 (the "'061 patent"); 10,295,957 (the "'957
5 patent"); 10,488,814 (the "'814 patent"); 10,496,032 (the "'032 patent");
6 10,496,033 (the "'033 patent"); 10,514,654 (the "'654 patent"); 10,520,881 (the
7 "'881 patent"); and 10,520,882 (the "'882 patent") (collectively, "Asserted
8 Patents") based on Defendant's unauthorized importation, sale, and/or offer for
9 sale of certain toner supply containers, including toner supply containers having
10 the following product designations: CCGPR51K; CCGPR51C; CCGPR51M;
11 CCGPR51Y; CCGPR53K; and CCGPR53M ("Named Products");

12 WHEREAS, Defendant wishes to conclude this litigation at Plaintiff's initial
13 pleading stage without contesting infringement, validity, or enforceability of any
14 claims of the Asserted Patents; and

15 WHEREAS, Plaintiff and Defendant, through their respective counsel,
16 hereby agree to entry of this Joint Stipulation, Consent Judgment, and Permanent
17 Injunction ("Consent Judgment"), subject to the approval of the Court;

18 NOW, THEREFORE, IT IS HEREBY STIPULATED, ORDERED, AND
19 ADJUDGED:

20 1. This is an action for patent infringement under the patent laws of the
21 United States, Title 35 of the United States Code.

22 2. This Court has jurisdiction over Defendant and the subject matter of
23 this action under 28 U.S.C §§ 1331 and 1338(a). Venue is proper in this Court
24 pursuant to 28 U.S.C § 1400(b).

25 3. Plaintiff is the owner of all right, title, and interest in and to the
26 Asserted Patents.

27 4. Defendant has imported, sold, and/or offered for sale in the United
28 States the toner supply containers accused of infringement in this action, including

1 but not limited to the Named Products.

2 5. Solely for purposes of this lawsuit and any proceeding to enforce this
3 Consent Judgment, Defendant does not contest that all of claims 1, 2, 6, 7, 12, 25,
4 and 26 of the '649 patent, claims 1-7 of the '551 patent, claims 1, 15-18, 22, 23,
5 25-27, 32, 36, 37, 39-41, and 46 of the '402 patent, claims 1, 3, 6-8, 11, 12, 14, 17-
6 19, and 23 of the '667 patent, claims 1, 2, 6-8, 11, 12, and 16-18 of the '060 patent,
7 claims 1-3, 6-8, 11-14, 17-19, and 23 of the '061 patent, claims 1, 2, 4, 7-9, 12-14,
8 16, 19-21, and 25 of the '957 patent, claims 1, 4, 7-9, 12, 13, 16, 19-21, and 25 of
9 the '814 patent, claims 1, 4, 7-9, 12, 13, 16, 19-21, 25, 26, 29, 32-34, 37, 38, 41,
10 44-46, 49, 50, 53, 56-58, and 61 of the '032 patent, claims 1, 5, 8-10, 13, 14, 18,
11 21-23, and 26-28 of the '033 patent, claims 1, 3-5, 8, 10-12, 46, 48-50, 53, and 55-
12 57 of the '654 patent, claims 1, 5, 8-10, 13, 14, 18, 21-23, and 25 of the '881
13 patent, and claims 1, 6-8, 11, and 16-18 of the '882 patent are valid, enforceable,
14 and infringed by the Named Products.

15 6. Judgement is entered for Plaintiff and against Defendant on the claims
16 asserted in Plaintiff's complaint.

17 7. Effective as of the date this Consent Judgment is entered by the Court,
18 Defendant and its subsidiaries, affiliates, officers, directors, agents, servants,
19 employees, successors, and assigns, and all other persons and organizations in
20 active concert or participation with any of the foregoing, are hereby permanently
21 enjoined and restrained from engaging in any of the following activities:

22 (a) making, using, selling, or offering for sale in the United States,
23 or importing into the United States, during the remaining term of the Asserted
24 Patents, (i) any of the Named Products, (ii) any other toner supply container that
25 has a pump as depicted in attached Appendix A and falls within the scope of at
26 least one claim of at least one of the '649, '551, and '402 patents, (iii) any other
27 toner supply container that has a track as depicted in attached Appendix B and falls
28 within the scope of at least one claim of at least one of the '667, '060, '061, '957,

1 '814, '032, '033, '654, '881, and '882 patents, and (iv) any other toner supply
2 container that is not more than colorably different from (i), (ii), or (iii) and falls
3 within the scope of at least one claim of at least one Asserted Patent;

4 (b) otherwise directly infringing, contributorily infringing, or
5 inducing infringement of any of the claims of the Asserted Patents with respect to
6 (i) any of the Named Products, (ii) any other toner supply container that has a
7 pump as depicted in attached Appendix A and falls within the scope of at least one
8 claim of at least one of the '649, '551, and '402 patents, (iii) any other toner supply
9 container that has a track as depicted in attached Appendix B and falls within the
10 scope of at least one claim of at least one of the '667, '060, '061, '957, '814, '032,
11 '033, '654, '881, and '882 patents, and (iv) any other toner supply container that is
12 not more than colorably different from (i), (ii), or (iii) and falls within the scope of
13 at least one claim of at least one Asserted Patent; and

14 (c) assisting, aiding, or abetting any other person or business entity
15 in engaging in or performing any of the activities referred to in subparagraphs (a)
16 and (b) above.

17 8. Defendant and Plaintiff shall bear their own costs and attorney fees.

18 9. This Consent Judgment constitutes a final judgment concerning the
19 subject matter of this action.

20 10. Defendant waives any right to appeal from this Consent Judgment.

21 11. Upon entry of this Consent Judgment, this action is dismissed, with
22 prejudice; provided, however, that this Court shall retain jurisdiction to enforce the
23 terms and provisions of this Consent Judgment.

24
25 DATED: April 27, 2021



26
27 André Birotte Jr.
U.S. District Judge