

HP Comments on the Consent Judgments and Injunctions Recently Awarded to Canon





HP is once again speaking out in support of the toner cartridge litigation filed earlier this year in the United States by Canon, HP's LaserJet printer and LaserJet cartridge manufacturing partner. On February 28, Canon filed complaints before the U.S. International Trade Commission (ITC) and in federal court against 49 aftermarket supplies manufacturers and sellers accusing them of infringing nine toner cartridge patents (see "[Canon Causes Another Cataclysm: OEM Sues Numerous Aftermarket Firms for Patent Infringement](#)").

It is no secret that Canon's litigation benefits HP just as much as it does Canon given that many of the aftermarket cartridges that Canon claims infringe are for use in HP devices. That, however, was also true of Canon's twisted prism toner cartridge litigation of 2012/2013 and its dongle gear toner cartridge litigation of 2014/2015. But HP is being much more proactive and vocal in its support of Canon's litigation this time around. On March 15, not long after Canon filed suit, HP issued a statement in support of the intellectual property (IP) protection efforts of its manufacturing partner (see "[HP Issues Statement Regarding Canon's Patent-Infringement Lawsuits](#)").

There have been some new developments in the Canon litigation that have caused HP to comment once again. Two of the defendants named in the litigation, Print After Print and Bluedog Distribution, have settled with Canon and agreed to consent judgments and permanent injunctions (see "[Canon Gets Injunction against Print After Print and Other Canon Litigation News](#)" and "[Bluedog Settles with Canon, Several Respondents Answer Canon's ITC Complaint](#)"). With the entry of these judgments, Canon's district court suits against these two firms have concluded,

although Print After Print and Bluedog Distribution remain respondents in the ITC investigation.

[Andy Binder](#), vice president and general manager of office supplies solutions at HP, recently shared with Actionable Intelligence the following statement:

HP very much welcomes the recent decisions of the U.S. District Court for the District of Arizona and Southern District of Florida, in Canon's patent-infringement lawsuit against Print After Print, Inc. and Bluedog Distribution Inc., respectively, concerning certain toner cartridges sold for use in Canon and HP laser beam printers.

As stated previously, HP firmly believes that Intellectual property protections foster the research and development that drives innovation and thus HP strongly supports Canon's efforts to protect and defend their intellectual property found in Original HP Toner cartridges.

The enormous investments in R&D of Original Equipment Manufacturers such as Canon resulting in outstanding reliability and print quality need to be protected against patent infringement. HP believes that these court decisions sends the right signal to those firms violating intellectual property and patents.

While it will be many months, perhaps years, before all the Canon litigation is resolved, it seems that HP, for one, likes what it has seen so far.

And HP is not just cheerleading Canon's efforts. It appears that the printer giant may be taking steps to educate the channel about the litigation. For example, we recently learned that TriMega Purchasing Association recently advised its dealer members against purchasing

new-build clone cartridges (see “[TriMega Warns Dealers about Dangers of Selling New-Builds in Wake of Canon Litigation](#)”). The move came after TriMega held meetings with HP, as well as Clover, to understand how the litigation could potentially impact dealers. So clearly HP is doing some work behind the scenes to spread awareness in the channel about the Canon litigation and the need to respect the intellectual property associated with HP toner cartridges.

We think that HP is speaking up more now for a very simple reason. Both Canon and HP are more determined than ever to get patent-infringing clone cartridges off the market. While Canon’s past litigation was also aimed at cleaning up the marketplace of clones, it did not have the desired effect as clone-makers were quick to bring to market design-around products that they claimed did not infringe Canon’s patents. This latest litigation is aimed squarely at the so-called non-infringing alternatives to

Canon’s dongle gear designs that were brought to market following Canon’s dongle gear litigation of 2014/2015. It is a bold effort to get such products off the market once and for all.

Like all bold endeavors, there is a measure of risk involved. Some of the respondents who recently answered Canon’s ITC complaint are looking to invalidate the Canon patents and claiming patent misuse, among other defenses (see “[Bluedog Settles with Canon, Several Respondents Answer Canon’s ITC Complaint](#)”).

It is shaping up to be an interesting fight with the potential to change supplies market dynamics in the United States. We look forward to bringing you the latest on the Canon litigation as it continues to impact the supplies marketplace.

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