

Canon Gets Injunction against Grey Systems in Germany





Canon's seemingly endless efforts in Germany to enforce its intellectual property on a so-called dongle gear design employed in Canon and HP all-in-one toner cartridges continued on May 14 with the news that the OEM has been awarded a preliminary injunction by the District Court Düsseldorf against Grey Systems GmbH and its managing director.

According to Canon's [announcement](#), the preliminary injunction is based on the infringement of the German portion of Canon's European patent [2 087 407](#), which is one of Canon's dongle gear patents and the primary one the firm has been asserting in Europe.

Canon states that preliminary injunction enjoins Grey Systems GmbH from "offering and distributing laser toner cartridges comprising a drum unit with a certain coupling member, e.g. via the online shop www.dulin-shop.com." Canon says that the accused infringing cartridges sold by Grey Systems were designed to replace the HP CE505X, HP CE255A, HP CE255X, and HP CF280X toner cartridges.

It appears that Grey Systems may be in the process of pulling these of the time of writing the Dulin-shop.com website was down.

Canon notes that the preliminary injunction is not final and may be appealed. However, Canon states that the injunction included a claim for sequestration, so the infringing cartridges in questions have been handed over to a bailiff until the matter is resolved. While Grey Systems has the opportunity to object to the preliminary injunction, Canon says that the injunction was served on the defendants, so it can now be enforced.

Lots of German Cases

Ever since Canon first began filing patent-infringement lawsuits over its dongle gear patents, Germany has been a particular hotspot. This is not only because Germany is such an important market in Europe but because Germany is considered a favorable venue for

Canon's Dongle Gear Litigation in Germany

Defendants	Patent Asserted	Date Filed	Date of Key Decisions & Settlements	Status or End Result
Pelikan Vertriebsgesellschaft mbh and Co. KG; Pelikan Hardcopy Production AG; and Pelikan Hardcopy Distribution GmbH & Co KG	EP 2087407	12/4/14	11/24/15 District Court of Düsseldorf decision; 4/28/17 Court of Appeals decision; 1/2/18 settlement agreement	settlement agreement
ARMOR S.A. and Artech GmbH Production in Plastic	EP 2087407	12/4/14	11/24/15 District Court of Düsseldorf decision; 12/5/16 settlement agreement	settlement agreement
wta Carsten Weser GmbH	EP 2087407	5/21/14	10/24/17	Federal Supreme Court decision in defendant's favor
KMP PrintTechnik AG	EP 2087407	5/21/14	10/24/17	Federal Supreme Court decision in defendant's favor
Thomas Zenkel (titenalarm.de)	EP 2087407	7/21/14	4/28/15 decision on the merits; 2/1/16 settlement	settlement agreement
Turbon AG and Turbon Europe GmbH	EP 2087407	1/5/16	4/6/17 District Court of Düsseldorf decision	both parties have appealed
J&H Greentech and Trading Ltd.	EP 2087407 and EP 2137577	6/20/16	6/21/16 injunction; 5/22/17 settlement agreement	settlement agreement
Consumable Direct Ltd.	EP 2087407 and EP 2137577	11/17/16	11/23/16 injunction issued but case is ongoing	ongoing
M&S Vertrieb Service OHG	EP 2087407	4/28/17	5/9/17 injunction issued but case is ongoing	ongoing

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patent-enforcement actions.

Canon first filed some lawsuits over its dongle gear design in Germany in 2014, but the OEM has continued to file new dongle gear lawsuits over the past four years. Until Canon’s May 14 announcement, the last time we saw Canon issue a press release about asserting its dongle gear patents in Germany was January 23, when it said it had reached a settlement agreement in a lawsuit it had filed against JT Company UG (see [“Canon and JT Company Settle Patent Dispute in Germany”](#)). And Canon’s lawsuit against JT Company was just the latest in a recent slew of lawsuits that the company announced in Germany throughout 2017.

Moreover, when Canon filed its complaint with the U.S. International Trade Commission (ITC) earlier this year over various aftermarket toner cartridges employing third-party alternatives to Canon’s dongle gear designs, it provided information on related lawsuits filed in other countries (see [“Canon’s ITC Complaint Reveals a Lot about Other Worldwide Litigation”](#)). This revealed even more German litigation that Canon had never announced in company press releases.

The list below is, we believe, a fairly complete look at the various dongle gear lawsuits Canon has filed in Germany and what the company has revealed about the status of these cases.

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](#)

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Sinchuan Xingdian Technology Co. Ltd. and Sinchuan Siztner Technology Co. Ltd. (Sinchuan Hongdian Keji Youxian Gongsì) (CN)	EP 2087407	4/28/17	5/9/17	ongoing
(collectively) Printperfect Ltd.	EP 2087407	5/15/17	5/16/17	settlement agreement
Inkjets Toners and Cartridges Ltd.	EP 2087407	7/4/17	7/6/17	ongoing
Moreinks Ltd.	EP 2087407	7/5/17	7/5/17	ongoing
Coemedia GmbH	EP 2087407	8/11/17	8/14/17	ongoing
Shenzhen Meisen Automation Equipment Co., Ltd.	EP 2087407	8/11/17	8/22/17	ongoing
JT Company UG	EP 2087407	9/21/17	9/22/17	settlement agreement
New Time Trade GmbH	EP 2087407	11/15/17	11/15/17	ongoing
Biggest Discount Ltd.	EP 2087407	12/4/17	12/5/17	ongoing
Grey Systems GmbH	EP 2087407	H1 2018	H1 2018	ongoing

Actionable Intelligence, based on information provided by Canon

[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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