

IN THE CIRCUIT COURT OF THE  
SEVENTEENTH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY,  
FLORIDA

CASE NO.

ASTER GRAPHICS, INC.,

Plaintiff,

v.

COPY COMMUNICATIONS, INC.  
d/b/a TONERNEWS.COM,

Defendant

---

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff ASTER GRAPHICS, INC. sues Defendant COPY COMMUNICATIONS, INC.  
d/b/a TONERNEWS.COM and alleges as follows:

1. This is an action in excess of \$15,000.00, exclusive of costs, interest, and attorney's fees.
2. Plaintiff ASTER GRAPHICS, INC. ("Aster Graphics") is a California corporation with its principal place of business in Orange County, California.
3. Defendant COPY COMMUNICATIONS, INC. d/b/a TONERNEWS.COM ("Toner News") is a Florida corporation with its principal place of business in Hollywood, Florida and *sui juris*.
4. Venue is proper in Broward County, Florida, pursuant to §§ 47.011 and 47.051 because the defendant resides in Broward County, Florida and some of the tortious conduct alleged in the complaint accrued in Miami-Dade County.

5. At all times relevant to this action, Aster Graphics was a manufacturer, distributor, and environmental solution provider of consumable products, such as office supplies, paper, folders, or ink and toner cartridges.
6. At all times relevant to this action, Toner News was a marketing company focusing on branding and advertising for the consumable products industry.
7. In order to promote its clients' products, Toner News operated a website called TonerNews.com, which allows its clients and business partners to post news and advertisements about their products. It also publishes news relevant to the consumable products industry and purportedly offers insights that "identif[y] new opportunities for the growth of [its' clients'] business[es]."
8. Toner News participates in the editing and selection of the content that appears on its website, including articles about consumable products. Its staff also authors the headlines and some of the articles that appear on its website.
9. Additionally, Toner News limits and controls the registration of persons who can post information about products on its website, and in particular, its online forum, as well as the content that appears on its website and message boards.
10. Between April, 2018 and April, 2019, Toner News.com published and authored numerous false and defamatory statements about Aster Graphics. Specifically:
  - a. On or about April 4, 2019, Toner News published an article on Toner News.com under the headline, "Chinese Clone Toner Manufactures [sic] Now Selling On Amazon Under Secret Brands." The headline, which was authored by Toner News, was linked to an article which falsely accused Aster Graphics of numerous unlawful business practices, including selling its products under secret

brands on Amazon, operating multiple seller accounts, hiring “review farms” to buy its products and author fake reviews of them, manipulating product listings in order to unethically increase sales of its products.

b. On or about April 12, 2018, Toner News published an announcement on the news section of Toner News.com under the headline “Aster Graphics’ [sic] Releases Clone Non Hp Authorized CF 248A Toner.” The announcement and the headline, which were written by Toner News staff, falsely accused Aster of releasing an unauthorized clone of a Hewlett Packard toner cartridge.

c. On or about April 11, 2019, Toner News published an announcement on Toner News.com under the headline, “Tonernews.com Now Releasing Info [sic] To Public About Secret Chinese Clone Toner Accounts On Amazon.” The announcement, which was authored by Toner News staff, linked to an article that was posted the previous week which falsely accused Aster of violating Amazon policy and acting as a “backdoor distributor” on Amazon of cloned toner cartridges.

d. On or about April 16, 2019, Toner News published an article on Toner News.com under the headline, “How Is Canon & Hp [sic] Going to Stop the Epidemic of Chinese Clone Toners on JD & Alibaba?” The article, which was authored by Toner News staff, falsely accused Aster of “raking in a fortune” selling cloned Hewlett Packard toner cartridges on the website Alibaba.com.

e. On or about April 18, 2019, Toner News published an article on Toner News.com under the headline, “No Punishment: Busted Aster Graphics Starts New Secret Amazon Account.” The headline, which was authored by Toner News,

falsely accused Aster Graphics of creating a secret account on Amazon to sell its products in violation of Amazon's policies.

11. Upon information and belief, the author of the April 16, 2019 article is a partner and/or client of Toner News.

### **COUNT I – DEFAMATION**

12. Between April, 2018 and April, 2019, Toner News authored and published numerous statements in articles, headlines, and announcements that accused Aster Graphics of unethical business practices as more fully described in paragraphs 10(a)-e and 11.

13. The aforementioned statements were false.

14. The aforementioned statements were defamatory and/or defamatory *per se* because they impugned Aster Graphics in its business, profession and/or trade.

15. Publication of the aforementioned statements was not privileged.

16. The aforementioned statements were viewed by hundreds of people in the consumable products industry, including, but not limited to, existing and prospective clients, vendors, and colleagues.

17. As a direct and proximate result of the publication of the aforementioned statements, Aster Graphics has suffered past and future lost profits, damage to its reputation, and loss of goodwill. These damages are ongoing.

WHEREFORE Plaintiff Aster Graphics requests this Court to enter judgment in its favor, including costs, interest, and other relief this Court deems just and proper. Plaintiff reserves the right to amend its complaint to seek leave to plead punitive damages upon submission of an evidentiary proffer.

**COUNT II- VIOLATION OF FLORIDA'S  
UNFAIR AND DECEPTIVE TRADE PRACTICES ACT (FDUPTA)**

18. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1-15.
19. Toner News held Toner News.com out to the public as a neutral and unbiased source of information about the consumable products industry.
20. In fact, Toner News.com, was created and utilized by Toner News to promote the business of its clients and/or partners and malign and impugn the integrity of the products and services of the competitors of its clients and partners, including Aster, as more fully described in paragraphs 10 (a)-e and 11.
21. Moreover, Toner News restricted the ability of non-clients and competitors of its business partners from posting on its website or message boards.
22. The aforementioned business practices constitute unfair methods of competition under, Florida's Unfair and Deceptive Trade Practices Act, Fla.Stat. § 501.204.
23. The aforementioned actions constitute unfair and deceptive acts or practices proscribed by Fla.Stat. § 501.204.
24. As a direct and proximate result of Toner News' conduct, Aster has suffered compensatory damages, including lost profits, future lost income, injury to reputation.
25. , and WHEREFORE Plaintiff requests this Court award compensatory damages, costs, interest, attorney's fees pursuant to Fla.Stat. §501.2105, and other relief this Court deems just and proper. Plaintiff reserves the right to amend her complaint to seek punitive damages upon the presentation of an evidentiary proffer.

**DEMAND FOR JURY TRIAL**

Plaintiff demands trial by jury on all issues so triable.

Respectfully Submitted,

**THE LAW OFFICE OF  
DAVID H. POLLACK, LLC**

2600 Douglas Rd., Suite 1007  
Coral Gables, FL 33134

Tel. No.: (305) 372-5900

Fax No.: (305) 372-5904

BY: /s/David H. Pollack

**DAVID H. POLLACK**

Fla. Bar No. 0955840