

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CANON INC.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	C.A. No.: 21-347-LPS
	)	
DO IT WISER, INC.,	)	
	)	
Defendant.	)	

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

WHEREAS, Plaintiff brought this suit against Defendant for infringement of Plaintiff’s U.S. Patent Nos. 8,565,649 (the “649 patent”); 9,354,551 (the “551 patent”); 9,753,402 (the “402 patent”); 10,209,667 (the “667 patent”); 10,289,060 (the “060 patent”); 10,289,061 (the “061 patent”); 10,295,957 (the “957 patent”); 10,488,814 (the “814 patent”); 10,496,032 (the “032 patent”); 10,496,033 (the “033 patent”); 10,514,654 (the “654 patent”); 10,520,881 (the “881 patent”); and 10,520,882 (the “882 patent”) (collectively, “Asserted Patents”) based on Defendant’s unauthorized importation, sale, and/or offer for sale of certain toner supply containers, including toner supply containers having the following product designations: 08-08.9-ITCANON3325K1; 08-08.9-ITCANON3325C1; 08-08.9-ITCANON3325M1; 08-08.9-ITCANON3325Y1; 08-07.0-ITCANON3325K1; 08-07.0-ITCANON3325C1; 08-07.0-ITCANON3325M1; and 08-07.0-ITCANON3325Y1 (“Named Products”);

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

WHEREAS, Plaintiff and Defendant, through their respective counsel, hereby agree to entry of this Stipulation, Consent Judgment, and Permanent Injunction (“Consent Judgment”), subject to the approval of the Court; and

WHEREAS, the Court, upon the consent and request of the parties in the litigation, hereby acknowledges the Consent Judgment and, upon due consideration, issues the following Order.

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

1. This is an action for patent infringement under the patent laws of the United States, Title 35 of the United States Code.
2. This Court has jurisdiction over Defendant and the subject matter of this action under 28 U.S.C §§ 1331 and 1338(a). Venue is proper in this Court pursuant to 28 U.S.C § 1400(b).
3. Plaintiff is the owner of all right, title, and interest in and to the Asserted Patents.
4. Defendant has imported, sold, and/or offered for sale in the United States the toner supply containers accused of infringement in this action, including but not limited to the Named Products.
5. Solely for purposes of this lawsuit and any proceeding to enforce this Consent Judgment, Defendant does not contest that claims 1, 2, 6, 7, 12, 25, and 26 of the ’649 patent; claims 1-7 of the ’551 patent; claims 1, 15-18, 22, 23, 25-27, 32, 36, 37, 39-41, and 46 of the ’402 patent; claims 1, 3, 6-8, 11, 12, 14, 17-19, and 23 of the ’667 patent; claims 1, 2, 6-8, 11, 12, and 16-18 of the ’060 patent; claims 1-3, 6-8, 11-14, 17-19, and 23 of the ’061 patent; claims 1, 2, 4, 7-9, 12-14, 16, 19-21, and 25 of the ’957 patent; claims 1, 4, 7-9, 12, 13, 16, 19-21, and

25 of the '814 patent; claims 1, 4, 7-9, 12, 13, 16, 19-21, 25, 26, 29, 32-34, 37, 38, 41, 44-46, 49, 50, 53, 56-58, and 61 of the '032 patent; claims 1, 5, 8-10, 13, 14, 18, 21-23, and 26-28 of the '033 patent; claims 1, 3-5, 8, 10-12, 46, 48-50, 53, and 55-57 of the '654 patent; claims 1, 5, 8-10, 13, 14, 18, 21-23, and 25 of the '881 patent; and claims 1, 6-8, 11, and 16-18 of the '882 patent are valid, enforceable, and infringed by the Named Products.

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

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

(a) making, using, selling, or offering for sale in the United States, or importing into the United States, during the remaining terms of the Asserted Patents, (i) any of the Named Products, (ii) any other toner supply container that has a pump as depicted in attached Appendix A and falls within the scope of at least one claim of at least one of the '649, '551, and '402 patents, (iii) any other toner supply container that has a track as depicted in attached Appendix B and falls within the scope of at least one claim of at least one of the '667, '060, '061, '957, '814, '032, '033, '654, '881, and '882 patents, and (iv) any other toner supply container that is not more than colorably different from (i), (ii), or (iii) and falls within the scope of at least one claim of at least one Asserted Patent;

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

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

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

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

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

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

12. The Clerk of the Court is directed to enter this Consent Judgment forthwith.

STIPULATED AND CONSENTED TO:

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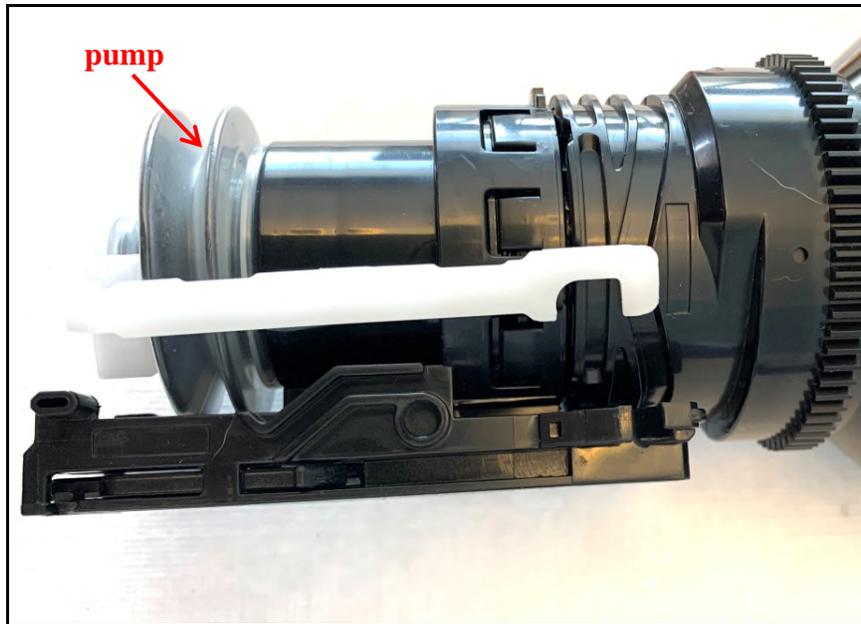
*Attorneys for Defendant Do It Wiser, Inc.*

SO ORDERED:

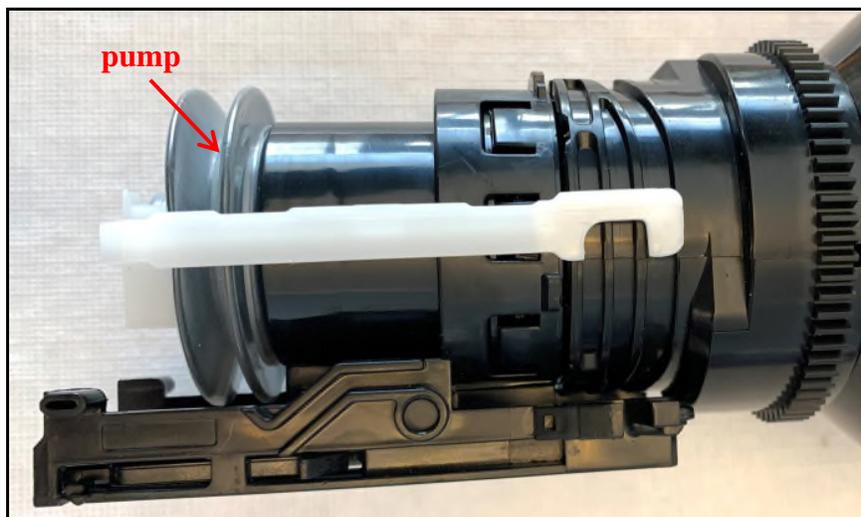
Dated : \_\_\_\_\_

\_\_\_\_\_  
The Honorable Leonard P. Stark  
Chief United States District Judge

APPENDIX A

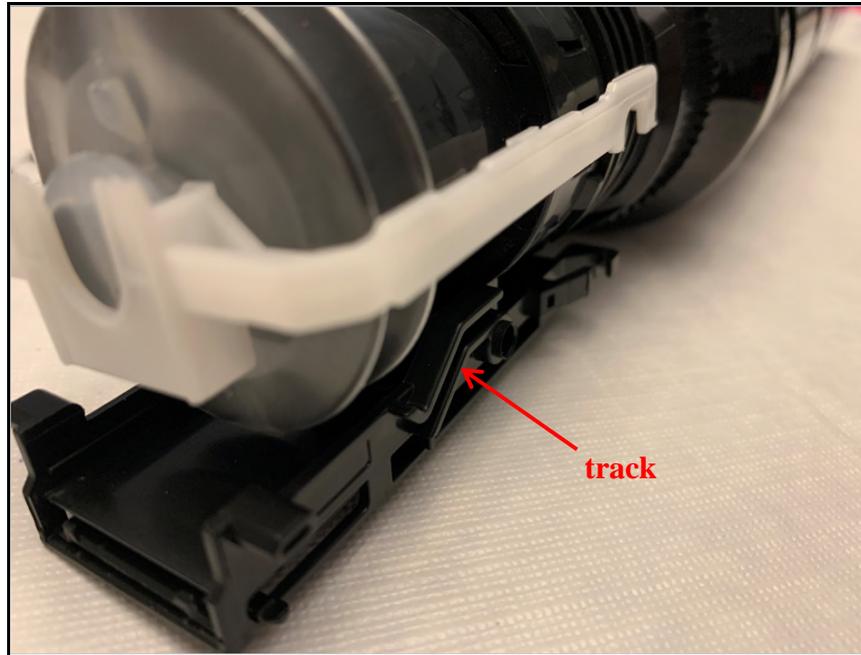


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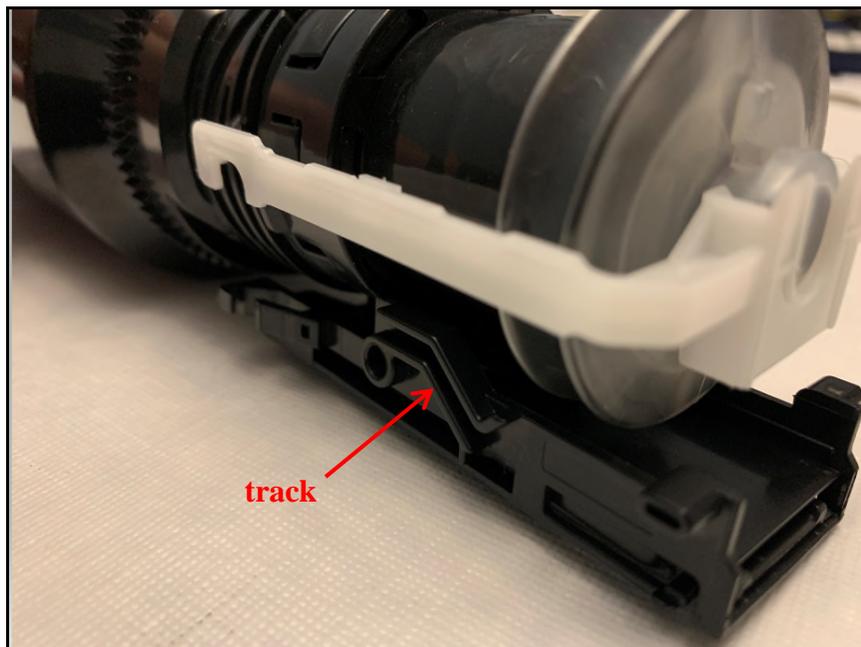


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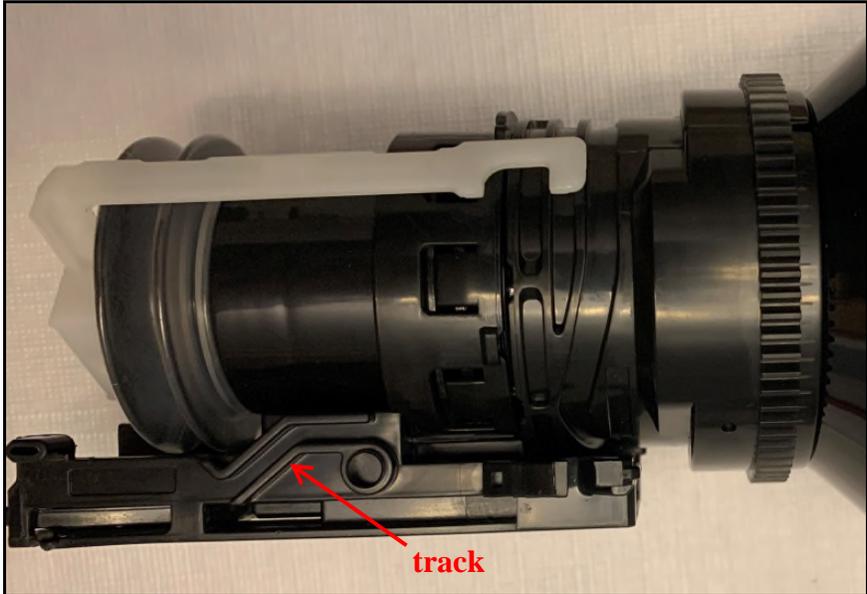
**APPENDIX B**



*Track on One Side of Toner Supply Container*



*Track on Opposite Side of Toner Supply Container*



*Track Viewed from Side of Toner Supply Container*