

HP OfficeJet Printers Dynamic Security Canadian Settlement

RABIN V. HP CANADA CO. AND HEWLETT PACKARD (CANADA) CO.

PLEASE READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR LEGAL RIGHTS

www.hpprinterfirmwarelawsuitcanada.ca

If Your HP OfficeJet Printer Stopped Working with Non-HP Replacement Ink Cartridges, You Could Be Eligible for a Payment from a Class Action Settlement

- The Class action is about Dynamic Security, a technology that HP incorporated in certain of its inkjet OfficeJet printers. The Plaintiff alleged that Dynamic Security caused some of the printers to stop working if they were using certain non-HP replacement ink cartridges.
- Under the Settlement HP agrees to not employ Dynamic Security on the printer models in question. HP will also pay a maximum of \$700,000 CAD to the Class Members (printer owners) who experienced print interruptions because of Dynamic Security.
- On January 21, 2019, the Superior Court of Quebec authorized the bringing of the national class action against HP for settlement purposes. Visit www.hpprinterfirmwarelawsuitcanada.ca to make a claim. You can also opt-out of (exclude yourself from) the Class, or comment on or object to the Settlement.
- **Please read this notice carefully. Your legal rights will be affected, and you have a choice to make now.**

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS		DEADLINE
SUBMIT A CLAIM	The only way to get a payment.	June 28, 2019
EXCLUDE YOURSELF (OPT-OUT)	Get no payment. This is the only option that allows you to keep your right to bring any other lawsuit against HP for claims related to this case.	April 5, 2019
COMMENT ON OR OBJECT TO THE SETTLEMENT AND/OR ATTEND A HEARING	You can write to the Court about why you like or do not like the Settlement. You can also ask to speak to the Court at the hearing on April 17, 2019 at the Montreal Courthouse, room 2.08, at 9:30 AM.	April 2, 2019
DO NOTHING	Get no payment. Give up rights.	No Deadline
DEACTIVATE THE DYNAMIC SECURITY TECHNOLOGY INSTALLED ON YOUR CLASS PRINTER	You can visit the HP website at https://support.hp.com/ca-en/document/c05308850 or call HP customer service at 800-474-6836 in order to determine whether Dynamic Security has been disabled on your Class Printer and in order to download and install the firmware which will disable Dynamic Security.	No Deadline

- These rights and options - **and the deadlines to exercise them** - are explained in this notice.
- The Court in charge of this case still has to decide whether to approve the Settlement. Payments will be made if the Court approves the Settlement and after any appeals are resolved.

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BASIC INFORMATION

1. Why did I get this notice?

A Court approved this notice because the class action instituted by Plaintiff Rabin has been authorized for settlement purposes only. Persons described in paragraph 6 of this notice have the right to know about the class action authorization and the proposed Settlement. If you qualify, you could be eligible to receive a payment.

To know if you qualify, see the answer to Question 6.

The person who sued is called the Plaintiff. The companies they sued, HP Canada Co. and Hewlett Packard (Canada) Co. (collectively “HP”), are called the Defendants.

2. What is this class action about?

HP created Dynamic Security and installed it via firmware on certain of its inkjet OfficeJet printer models in 2015 and 2016. Because of Dynamic Security, some HP printers with certain non-HP replacement cartridges stopped printing at different dates. Plaintiff claims that HP used Dynamic Security to steer consumers to buy its own replacement products. HP denies Plaintiff’s claims and says that the purpose of Dynamic Security was to protect its intellectual property, reduce cartridge counterfeiting, and protect the quality of the user experience.

3. What is a class action?

In a class action the Plaintiff acts as “Class Representative” and sues on behalf of herself and other persons who have similar claims. This group of persons is called the “Class,” and the persons in the Class are called “Class Members.” One Court resolves the issues for all Class Members, except for people who exclude themselves from the Class. The Honourable Justice François Duprat of the Superior Court of Quebec, district of Montreal (Canada), is in charge of this case. The case is *Rabin v. HP Canada Co. and Hewlett Packard (Canada) Co.*, Superior Court of Quebec File no: 500-06-000813-168.

4. What is the current procedural step of this Class action?

On January 21, 2019, the Honourable Justice François Duprat of the Superior Court of Québec authorized the bringing of a national (Canadian) Class action in Court File No. 500-06-000813-168, for settlement purposes only.

5. Why is there a Settlement?

The Court did not decide in favor of Plaintiff or Defendants. Instead, both sides agreed to a Settlement. That way, they avoid the costs and risks of a trial, and Class Members get benefits or compensations. The Class Representative and her attorneys think the Settlement is best for the Class.

WHO IS IN THE SETTLEMENT

6. Who is in the Settlement?

You are a Class Member, and are included in the proposed Settlement, if you are a Canadian resident and you owned a Class Printer during the period **between March 1, 2015 and December 31, 2017**. The Class Printers are the following product models:

- HP OfficeJet Pro 6230
- HP OfficeJet 6812, 6815, 6820
- HP OfficeJet Pro 6830, 6835, 8610, 8615, 8616, 8620, 8625, 8630
- HP OfficeJet Pro X551dw, X451dn, X451dw, X576dw, X476dn, X476dw

You can tell which model you own by looking for the model number on the front of your printer. If you are unable to determine which model HP printer you own, please call HP customer service at 800-474-6836 and a customer service representative will assist you.

7. What should I do if I am still not sure whether I am included?

If you are not sure whether you are included in the Class, you can ask for free help by calling the Claims Administrator at 1-833-414-8039 for more information.

THE SETTLEMENT BENEFITS

8. What does the Settlement provide?

HP will also compensate the Class Members who submit valid individual claims up to the maximum amount paid by HP for all claims, which is set at seven hundred thousand dollars (\$700,000 CAD), i.e. the Settlement Cap.

HP's current firmware for the Class Printers turns off Dynamic Security in the Class Printers, which can be downloaded from the HP website (see <https://support.hp.com/ca-en/document/c05308850> for further details). HP agrees to not use Dynamic Security on the Class Printers in the future.

9. Who can get money from the Settlement, and how much?

To get money from the Settlement, you must be a Class Member who experienced a print interruption while using a non-HP replacement ink cartridge in a Class **Printer between March 1, 2015 and December 31, 2017**. You may get reimbursed for expenses you incurred as a result of the print interruption. If you provide documentation supporting your claim, these expenses may include the costs of a replacement cartridge, a replacement printer, or printing or printer repair services. You can also submit a claim for out-of-pocket losses, without providing any documentation, if you spent time or money in response to this print interruption. Documented claims for out-of-pocket losses resulting from such print interruptions will be paid first. If the sum of all documented claims does not exceed the Settlement Cap of \$700,000, then undocumented claims will be paid up to a maximum compensation of \$50 per claim. However, if the sum of all undocumented claims at \$50 per claim, when added to the sum of all documented claims, exceeds the Settlement CAP, the undocumented claims will be proportionally reduced—i.e., the actual amount of each undocumented claim will be reduced according to the

percentage by which the value of all such claims exceeds the Settlement CAP. All Claimants must timely submit a duly completed and valid claim form to be able to obtain any Compensation.

Only one (1) claim per civic address will be considered by the Claims Administrator. If you wish to present more than one (1) claim per civic address, you must provide the serial numbers for the Printers at issue, unless HP already has product registration records that confirm more than one Printer for the same Claimant or same civic address.

Note: For all Claimants residing in the **Province of Quebec**, and according to the Law, there will be an automatic deduction from said Quebec claims of the portion due to the *Fonds d'aide aux actions collectives* (the Quebec Class Action Assistance Fund).

10. What am I giving up if I stay in the Class?

Unless you exclude yourself with a timely filled out and submitted Opt-Out Form (see Question 17) or are otherwise deemed to have opted-out according to the Law, you cannot sue or be part of any other lawsuit against HP about the issues in this case. The "Releases" section in the Settlement Agreement describes the legal claims that you give up if you remain in the Settlement Class. The Settlement Agreement can be viewed at www.hpprinterfirmwarelawsuitcanada.ca.

HOW TO GET A PAYMENT – SUBMIT A CLAIM

11. How can I get a payment?

If you owned a Class Printer during the period **between March 1, 2015 and December 31, 2017**, you can submit a claim online at www.hpprinterfirmwarelawsuitcanada.ca.

You can also submit a claim by email at info@hpprinterfirmwarelawsuitcanada.ca or by mail at Nelson P.O. Box 20187 – 322 Rideau Street, Ottawa ON K1N 5Y5. Mailed claim forms must be postmarked by Canada Post **no later than June 28, 2019**.

You can contact the Claims Administrator to request a paper claim form by calling toll-free 1-833-414-8039 or emailing info@hpprinterfirmwarelawsuitcanada.ca.

12. What is the deadline for submitting a Claim Form?

To be eligible for payment, claim forms must be submitted electronically or postmarked **no later than June 28, 2019**.

13. When will I get my payment?

The Court will hold a hearing **on April 17, 2019 at the Montreal Courthouse, room 2.08, at 9:30 AM** to decide whether to approve the Settlement. If the Settlement is approved, the Claims Administrator anticipates that compensations will be sent out between August 2019 and October 2019. If a compensation cheque is not cashed / negotiated within 6 months of its issuance date, said cheque will be cancelled by the Claims Administrator and the amount in question will be donated to charity, without any obligation to replace the cheque to the claimant in question.

Updates regarding the Settlement and when compensations will be made will be posted on the Settlement Website, www.hpprinterfirmwarelawsuitcanada.ca.

THE LAWYERS REPRESENTING YOU

14. Do I have a lawyer in the case?

Yes. The Court appointed the law firm of Lex Group Inc. (Mtre David Assor) to represent you and the other Class Members. This firm is called Class Counsel. You will not be charged for its services in this case.

15. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. If you want your own lawyer, you may hire one, but you will be responsible for any payment for that lawyer's services. For example, you can ask your own lawyer to appear in Court for you if you want someone other than Class Counsel to speak for you. You may also appear for yourself without a lawyer.

16. How will the lawyers be paid?

You do not have to pay Class Counsel. Class Counsel will seek an award to be paid separately by HP. Such an award will not reduce Settlement amounts paid to Class Members. Class Counsel has not been paid for services in this case since it began, and will seek an award of \$300,000 plus applicable taxes for work done and disbursements to date in the litigation. The fees will compensate Class Counsel for investigating the facts, litigating the case, and negotiating and presenting the Settlement for Court approval. The costs of providing this Notice and administering the Settlement are being paid separately by HP and will not reduce the Settlement amounts paid to Class Members.

EXCLUDING YOURSELF FROM THE CLASS AND SETTLEMENT (OPTING OUT)

If you do not want to be included in the Class and do not want benefits from the proposed Settlement, and you want to keep your right, if any, to sue HP on your own about the legal issues in this case, then you must take steps to get out of the Class (and proposed Settlement). This is called excluding yourself from - or "opting out" of - the class action (and Settlement).

17. How do I get out of the Class and Settlement?

You may download an Opt-Out Form at www.hpprinterfirmwarelawsuitcanada.ca .

You must submit an Opt-Out Form to the Claims Administrator **no later than April 5, 2019**.

You can submit an Opt-Out Form by email at info@hpprinterfirmwarelawsuitcanada.ca or by mail at Nelson P.O. Box 20187 – 322 Rideau Street, Ottawa ON K1N 5Y5. Mailed Opt-Out Forms must be postmarked by Canada Post **no later than April 5, 2019**.

You can contact the Claims Administrator to request an Opt-Out Form by calling toll-free 1-833-414-8039 or emailing info@hpprinterfirmwarelawsuitcanada.ca.

Note to Quebec Class Members: Class Members who reside in the Province of **Quebec** and who wish to opt-out must **ALSO** send a further copy of their signed and filled out Opt-Out Form to the Clerk of the Superior Court of Quebec, postmarked **no later than April 5, 2019**, to the following address:

Superior Court of Quebec
Class Action Division
Montreal Courthouse, 1 Notre-Dame Street East,
Montreal, Quebec, H2Y 1B6
Court File No. 500-06-000813-168

18. If I don't opt-out, can I sue HP for the same thing later?

No. Unless you opt-out, you give up the right to sue HP for the claims the Settlement resolves. You must exclude yourself from the Class if you want to pursue your own lawsuit.

19. What happens if I opt-out?

If you opt-out of the Class (and Settlement), you will not have any rights as a Class Member or member of the Settlement Class under the Settlement; you will not receive any payment as part of the Settlement; you will not be bound by any further orders or judgments in this case; and you will keep the right, if any, to sue HP on the claims alleged in the class action at your own expense.

COMMENTING ON OR OBJECTING TO THE SETTLEMENT

20. How do I tell the Court if I don't like the Settlement?

If you're a Class Member and do not opt-out of the Class, you can ask the Court to deny approval of the Settlement by filing an objection. You cannot ask the Court to order a larger settlement; the Court can only approve or deny the Settlement. If the Court denies approval, no Settlement payments will be sent out and the lawsuit will continue. If that is what you want to happen, you must object by respecting the conditions below.

To object or comment, you must object to or comment on the proposed Settlement in writing. You may also then appear at the Approval hearing **on April 17, 2019 at the Montreal Courthouse, room 2.08, at 9:30 AM**, either in person or through your own attorney. If you appear through your own attorney, you are responsible for paying that attorney's fees and disbursements.

To object or comment, you **MUST** file a document with the Claims Administrator saying that you object to the proposed Settlement in the case of *Rabin v. HP Canada Co. and Hewlett Packard (Canada) Co.* Class Action and Court number, File: 500-06-000813-168 and you must include the following:

1. A heading indicating the following information: *Rabin v. HP Canada Co. and Hewlett Packard (Canada) Co.* Class Action and Court number 500-06-000813-168;
2. Your full name, telephone number(s), email address(es), and residential address;
3. If represented by counsel, the full name, telephone number, email address and address of all counsel;
4. A detailed statement of your objection, including the grounds for the objection together with any evidence that you think supports it;
5. Confirmation as to whether you intend to appear at the settlement approval hearing on your behalf or through counsel;
6. The model number of the Class Printer owned; and

7. Your dated and handwritten signature (an electronic signature or lawyer's signature are not sufficient).

You can mail, fax or email the dated, signed and detailed objection letter (and attached documents, if any), postmarked **no later than April 2, 2019**, to the Claims Administrator as follows:

Class Action Objections or Comments
HP OfficeJet Printers Dynamic Security Canadian Claims Administrator
Nelson P.O. 20187 – 322 Rideau Street
Ottawa ON K1N 5Y5
Toll-Free Fax: 1-866-262-0816
Email: info@hpprinterfirmwarelawsuitcanada.ca

21. What's the difference between objecting and opting out?

Objecting or commenting is telling the Court that you don't like something about the Settlement but wish to remain included in the Class. You can object to or comment on the Settlement only if you do not opt-out of the Class (and Settlement). Opting out of the Class is telling the Court that you don't want to be part of the Class and Settlement. If you opt-out of the Class, you cannot object to or comment on the Settlement because it no longer affects you. **You cannot opt-out and object to the Settlement.**

THE COURT'S APPROVAL HEARING

22. When and where will the Court decide whether to approve the Settlement?

The Court will hold an approval hearing **on April 17, 2019, at the Montreal Courthouse at 1 Notre-Dame Street East, Montreal, Quebec, H2Y 1B6, room 2.08, at 9:30 AM.**

At this hearing, the Court will consider whether the Settlement and Class Counsel's fees are fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court will listen to Class Members who have asked to speak at the hearing, if any.

You do NOT have to appear at the hearing or do anything else if you wish to remain included in the Class and wish to potentially benefit from the Settlement (if ultimately approved by the Court). However, if the Settlement is approved, you will need to submit a formal claim **no later than June 28, 2019 in order to participate in the Settlement (see Question 11).**

The Court may reschedule the approval hearing or change any of the deadlines described in this Notice. The date of the approval hearing may change without further notice to the Class Members. Be sure to check the website, **www.hpprinterfirmwarelawsuitcanada.ca**, for news of any such changes.

23. Do I have to come to the Approval hearing?

No. Class Counsel will answer any questions the Court may have. You may attend at your own expense if you wish. If you send an objection, you do not have to come to the hearing to talk about it. As long as you mailed your dated, signed and detailed written objection on time (see Question 20), the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

24. May I speak at the hearing?

You may ask the Court for permission to speak at the approval hearing. To do so, you must include a statement in your written objection/comment (discussed above at Question 20) that you intend to appear at the hearing. Be sure to include all the information detailed in Question 20 above.

You cannot speak at the hearing if you opt-out of the Class.

IF I DO NOTHING

25. What happens if I do nothing at all?

If you do nothing, you'll be a member of the Class and bound by any procedures, judgment and notices issued in the case and bound by the releases contained in the Settlement. If you do not file a formal and timely claim (see Question 11), you will get no compensation from this Settlement, and you won't be able to sue HP for the conduct alleged in this case either.

GETTING MORE INFORMATION

26. Are more details about the Settlement available?

Yes. This Notice summarizes the proposed Settlement - more details are in the Settlement Agreement, the Distribution Protocol, and other important case documents. You can get a copy of these and other documents at **www.hpprinterfirmwarelawsuitcanada.ca** or by contacting Class Counsel Lex Group Inc., c/o Mtre David Assor at davidassor@lexgroup.ca (or by visiting their website at www.lexgroup.ca). The Settlement Agreement, and its exhibits, contains the entire agreement between the parties and supersedes this Notice and all prior understandings, agreements, or writings regarding the subject matter of the proposed Settlement.

27. How do I get more information?

The Settlement Website **www.hpprinterfirmwarelawsuitcanada.ca** has the claim form, answers to questions about the Settlement and other information to help you determine whether you are eligible for a payment, including copies of all relevant documents and judgments in the case.

You can also call or write to the **Claims Administrator** at:

Epiq Class Action Services Canada Inc.
HP OfficeJet Printers Dynamic Security Canadian Claims Administrator
Nelson P.O. 20187 – 322 Rideau Street
Ottawa ON K1N 5Y5
Toll-Free Tel: 1-833-414-8039
Email: info@hpprinterfirmwarelawsuitcanada.ca
Toll-Free Fax: 1-866-262-0816

Class Counsel can be reached at:

Lex Group Inc. c/o Mtre David Assor
Tel: 514-451-5500 ext. 321
Email: davidassor@lexgroup.ca
www.lexgroup.ca

The Superior Court of Quebec authorized the publication of this Notice. This is not a solicitation from a lawyer.