

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT
UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA
A court authorized this notice. This is not a solicitation from a lawyer.

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

- You could receive a payment from a class action settlement.
- The lawsuit is about Dynamic Security, a technology that HP placed on certain of its inkjet printers. Plaintiffs allege 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 not to employ Dynamic Security on the printer models in question. HP will also pay \$1.5 million to printer owners who experienced print interruptions because of Dynamic Security.
- Visit www.HPPrinterFirmwareLawsuit.com to make a claim. You can also opt out of, 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 FORM	The only way to get a payment.	March 8, 2019
EXCLUDE YOURSELF	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.	March 13, 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't ask the Court to order a larger settlement. You can also ask to speak to the Court at the hearing on April 25, 2019 about the fairness of the Settlement, with or without your own attorney.	March 26, 2019
DO NOTHING	Get no payment. Give up rights.	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.

QUESTIONS? CALL 1-877-861-1101 OR VISIT www.HPPrinterFirmwareLawsuit.com

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BASIC INFORMATION

1. Why did I get this notice?

A court authorized this notice because people described in Question 5 of this notice have the right to know about a legal settlement. If you qualify, you could be eligible to receive a payment.

To know if you qualify, see the answer to Question 5.

The people who sued are called the Plaintiffs. The company they sued, HP Inc. (“HP”), is called the Defendant.

2. What is this lawsuit about?

HP created Dynamic Security and installed it via firmware on certain of its inkjet printer models in 2015 and 2016. Because of Dynamic Security, some HP printers with certain non-HP replacement cartridges stopped printing. Plaintiffs claim that HP used Dynamic Security to steer people to buy its own replacement products. HP denies Plaintiffs’ 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 Plaintiffs act as “class representatives” and sue on behalf of themselves and other people who have similar claims. This group of people is called the “class,” and the people 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. Judge Edward J. Davila of the United States District Court for the Northern District of California is in charge of this case. The case is *In re HP Printer Firmware Update Litigation*, No. 5:16-cv-05820-EJD (N.D. Cal.).

4. Why is there a Settlement?

The Court did not decide in favor of Plaintiffs or Defendant. Instead, both sides agreed to a Settlement. That way, they avoid the costs and risks of a trial, and class members get benefits or compensation. The class representatives and their attorneys think the settlement is best for the class.

WHO IS IN THE SETTLEMENT

5. Who is in the Settlement?

You are a class member, and are included in the Settlement, if you owned a Class Printer during the period from March 1, 2015 through December 31, 2017. The Class Printers are the following product models:

- HP OfficeJet Pro 6230
- HP OfficeJet 6812
- HP OfficeJet 6815
- HP OfficeJet 6820
- HP OfficeJet Pro 6830
- HP OfficeJet Pro 6835
- HP OfficeJet Pro 8610

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- HP OfficeJet Pro 8615
- HP OfficeJet Pro 8616
- HP OfficeJet Pro 8620
- HP OfficeJet Pro 8625
- HP OfficeJet Pro 8630
- HP OfficeJet Pro X551dw
- HP OfficeJet Pro X451dn
- HP OfficeJet Pro X451dw
- HP OfficeJet Pro X576dw
- HP OfficeJet Pro X476dn
- HP OfficeJet Pro X476dw

You can tell what model you own or owned by looking for a 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.

6. 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 1-877-861-1101 for more information.

THE SETTLEMENT BENEFITS

7. What does the Settlement provide?

HP has released an update to its firmware that turns off Dynamic Security in the Class Printers, and agrees not to use Dynamic Security on the Class Printers in the future. HP also will pay \$1,500,000 into a Settlement Fund, which will be distributed to class members who submit valid claims.

8. 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 can get reimbursed for expenses you incurred as a result of the print interruption. These expenses may include the costs of a replacement cartridge, a replacement printer, or printer repair services. You can also make a claim without providing any documentation of out-of-pocket losses, if you spent time or money in response to this print interruption. The Fund will first be applied to pay all documented claims of out-of-pocket losses resulting from such print interruptions. After all documented claims have been paid in full, the remaining amount in the Fund will be divided equally among all class members, including class members who made a claim without supporting documentation. So the amount you get will depend on the number of valid documented and undocumented claims.

For information on how to make a claim, see Question 10 and www.HPPrinterFirmwareLawsuit.com. For information on the Plan of Allocation, see www.HPPrinterFirmwareLawsuit.com.

9. What am I giving up if I stay in the class?

Unless you exclude yourself with an opt-out request (*see* Question 16), you cannot sue, continue to sue, or be part of any other lawsuit against HP about the issues in this case. The “Releases” section in

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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.HPPrinterFirmwareLawsuit.com.

HOW TO GET A PAYMENT—MAKING A CLAIM

10. How can I get a payment?

If you owned a Class Printer during the period from March 1, 2015 through December 31, 2017, you can make a claim at www.HPPrinterFirmwareLawsuit.com. You can also contact the Claims Administrator to request a paper claim form by telephone at 1-877-861-1101 or by U.S. mail at HP Printer Firmware Claims Administrator, PO Box 4079, Portland, OR 97208-4079, and submit the Claim Form to the same U.S. mail address or Fax it to 1-866-741-1848.

11. 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 **March 8, 2019**.

12. When will I get my payment?

The Court will hold a hearing on **April 25, 2019 at 9:00 a.m.**, to decide whether to approve the Settlement. If the Settlement is approved, the Claims Administrator anticipates that payments will be sent out within 3 months.

Updates regarding the Settlement and when payments will be made will be posted on the Settlement website, www.HPPrinterFirmwareLawsuit.com.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in the case?

Yes. The Court appointed the law firms of Girard Sharp LLP, Law Offices of Todd M. Friedman, P.C., and Joseph Saveri Law Firm, Inc. to represent you and the other class members. These firms are called Class Counsel. You will not be charged for their services.

14. 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.

15. 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 the \$1.5 million Fund or the amounts paid to Class Members. Class Counsel have not been paid for their services in this case since it began, and will seek an award not to exceed \$2.75 million for work done to date in the litigation, as well as reimbursement of reasonable litigation expenses of no more than \$150,000. The fees will compensate Class

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Counsel for investigating the facts, litigating the case, and negotiating and presenting the Settlement for court approval.

Class Counsel will also ask the Court to approve service award payments of \$5,000 to each of the individual class representatives: Richard San Miguel, DeLores Lawty, Richard Faust, Christopher Ware, and James Andrews. If approved, these awards will be paid by HP separately from the Fund.

The costs of providing this notice and administering the Settlement are being paid by HP.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you don't want benefits from the 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 Settlement. This is called excluding yourself from—or “opting out” of—the settlement class.

16. How do I get out of the Settlement?

You may opt out online by **March 13, 2019**, at www.HPPrinterFirmwareLawsuit.com. Click on the “Opt Out” tab and provide the requested information.

You may also opt out by sending a letter that includes the following to the address below:

- Your name and address;
- A statement that you want to be excluded from the Settlement; and
- Your signature.

HP Printer Firmware Claims Administrator
PO Box 4079
Portland, OR 97208-4079

Mailed opt-out requests must be postmarked no later than **March 13, 2019**.

17. 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 try to pursue your own lawsuit.

18. What happens if I opt out?

If you opt out of the Settlement, you will not have any rights as a 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 on the claims alleged in the case at your own expense.

COMMENTING ON OR OBJECTING TO THE SETTLEMENT

19. 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 Settlement, you can ask the Court to deny approval of the Settlement by filing an objection. You can't 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.

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You may object to the proposed Settlement in writing. You may also appear at the Final Approval Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for paying that attorney.

To object, you must file a document with the Court saying that you object to the proposed Settlement in *In re HP Printer Firmware Update Litigation*, Case 5:16-cv-05820-EJD. Be sure to include:

- Your name, address, and signature; and
- A detailed statement of your objection, including the grounds for the objection together with any evidence you think supports it.

You can mail the objection by First Class U.S. Mail, postmarked no later than **March 26, 2019**, to the following address:

Clerk of the Court
U.S. District Court for the
Northern District of California
280 South 1st Street, Room 2112
San Jose, CA 95113
Case No. 5:16-cv-05820-EJD

If you do not mail the objection, you must either deliver it in person to this address or file it electronically at <https://www.cand.uscourts.gov/cm-ecf>, no later than **March 26, 2019**.

20. What's the difference between objecting and excluding?

Objecting is telling the Court that you don't like something about the Settlement. You can object to the Settlement only if you do not exclude yourself from the Settlement. Excluding yourself from the Settlement is opting out and telling the Court that you don't want to be part of the Settlement. If you opt out of the Settlement, you cannot object to it because it no longer affects you. You cannot both opt out and object to the Settlement.

THE COURT'S FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing on **April 25, 2019 at 9:00 a.m.**, in Courtroom 4 of the San Jose federal courthouse, located at 280 South 1st Street, San Jose, CA 95113.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court will listen to people who have asked to speak at the hearing.

The Court may also decide how much Class Counsel should receive in fees and expense reimbursements. After the hearing, the Court will decide whether to approve the Settlement.

The Court may reschedule the Final Approval Hearing or change any of the deadlines described in this notice. The date of the Final Approval Hearing may change without further notice to the class members. Be sure to check the website, www.HPPrinterFirmwareLawsuit.com, for news of any such changes. You can also access the case docket via the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>.

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22. Do I have to come to the Final 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 written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

23. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must include a statement in your written objection (discussed above at Question 19) that you intend to appear at the hearing. Be sure to include your name, address, and signature as well.

You cannot speak at the hearing if you exclude yourself from the class.

IF I DO NOTHING

24. What happens if I do nothing at all?

If you do nothing, you'll be a member of the Settlement Class, you'll get no money from this Settlement, and you won't be able to sue HP for the conduct alleged in this case.

GETTING MORE INFORMATION

25. Are more details about the Settlement available?

Yes. This notice summarizes the proposed Settlement—more details are in the Settlement Agreement, the Plan of Allocation, and other important case documents. You can get a copy of these and other documents at www.HPPrinterFirmwareLawsuit.com, by contacting Class Counsel at ekramer@girardsharp.com, by accessing the docket in this case through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, Robert F. Peckham Federal Building and United States Courthouse, 280 South 1st Street, San Jose, CA 95113, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.

26. How do I get more information?

The website, www.HPPrinterFirmwareLawsuit.com, has the claim form, answers to questions about the Settlement and other information to help you determine whether you are eligible for a payment.

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

HP Printer Firmware Claims Administrator
PO Box 4079
Portland, OR 97208-4079

Class Counsel can be reached by calling Elizabeth Kramer at (415) 981-4800 or emailing ekramer@girardsharp.com.

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