

UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, D.C.

In the Matter of:  
CERTAIN LOCATION-SHARING  
SYSTEMS, RELATED SOFTWARE,  
COMPONENTS THEREOF, AND  
PRODUCTS CONTAINING SAME

Docket No. 3655

**PROPOSED RESPONDENTS PANASONIC CORPORATION AND PANASONIC  
CORPORATION OF NORTH AMERICA'S PUBLIC INTEREST STATEMENT**

Proposed Respondents Panasonic Corporation<sup>1</sup> (“Panasonic”) and Panasonic Corporation of North America (“PNA”) (collectively, the “Panasonic Respondents”) respectfully offer this submission in response to the Commission’s request for comments on the public interest issues raised by the Complaint filed by Complainants AGIS Software Development LLC and Advanced Ground Information Systems, Inc. (collectively “Complainants”) on November 16, 2022.

The exclusion of the accused Panasonic Toughbooks would have serious and detrimental consequences to public health, safety, and welfare in the United States. The majority of the Panasonic Respondents’ Accused Products at issue are sold and used by state and local police departments, fire departments, and other emergency service providers. These first responders specifically depend on the ruggedness and reliability of the Panasonic Toughbook line of laptop computers and tablets to more effectively protect the public from harm. If these Panasonic Toughbooks were to be excluded, these emergency service providers would be less effective at performing their duties serving and protecting the public and would be forced to use less rugged devices that would break down more often, thus endangering the public safety and welfare.

Complainants have made no showing that they or their licensees make like or competitive articles in the United States, nor have Complainants made any showing that they or their licensees have the capacity that could replace the volume of the Panasonic Toughbooks that they seek to exclude within a commercially reasonable time. Complainants cite no evidence whatsoever for their bald allegation that Apple smartphones could supplant and replace the Panasonic Toughbooks (Complainants’ Statement Regarding the Public Interest at 4). Unlike Toughbooks, third-party

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<sup>1</sup> On April 1, 2022, Panasonic Corporation had a corporate restructuring, in which it changed its name to Panasonic Holdings Corporation and created a new entity called Panasonic Corporation. The lines of business of the current Panasonic Corporation business entity is unrelated to the Panasonic Toughbook products accused of infringement in this case. Therefore, the statements made in this Public Interest Statement about the Panasonic Toughbook products are not made on behalf of Panasonic Corporation.

laptops, tablets, and smartphones, including Apple’s smartphones, are not ruggedized and cannot withstand the physical rigors of daily use by police, firefighters, and other emergency responders. The requested remedial orders would adversely impact United States consumers by rendering the emergency services providers that rely on Toughbooks less efficient and less effective at protecting the public.

Accordingly, for the reasons set forth herein, the Panasonic Respondents submit that delegation of the public interest to the ALJ is necessary to provide the Commission with the benefit of a complete record regarding how the relief requested by Complainants against the Panasonic Respondents will adversely impact the public interest.

**I. The Articles Potentially Subject to Remedial Orders in the United States Are Specifically Used to Serve the Public Welfare**

The accused Panasonic products are its Toughbook line of laptop computers and tablets, including Toughbook G2, Toughbook 33, Toughbook CF-33LE, Toughbook G1, Toughbook FZ-Q1, Toughbook S1, Toughbook A3, Toughbook N1, and Toughbook FZ-N1. The Panasonic Toughbook line is “a fully rugged” or “semi-rugged” line of devices “that are trusted and used by hardworking people in the toughest environments anywhere.”<sup>2</sup> The unique “ruggedized” features of the Toughbook make it a particularly well-suited mobile device for use by emergency service providers.<sup>3</sup>

Complainants sweepingly, and without support, state that the Panasonic Respondents’ products at issue in this Investigation, are “generally used by the end consumers for personal, business, and communication purposes” and that “[i]ssuance of the requested remedial orders

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<sup>2</sup> See <https://na.panasonic.com/us/computers-tablets-handhelds/computers/laptops>; <https://na.panasonic.com/us/computers-tablets-handhelds/computers/2-1s>

<sup>3</sup> See, e.g., <https://na.panasonic.com/us/case-study/st-louis-county-police-department> & <https://na.panasonic.com/us/case-study/metropolitan-police-department>

would have no adverse effect on the public health, safety, or welfare in the United States. (Complainants' Statement, 3). This statement is not accurate – and is in fact flatly untrue - in the case of the Panasonic Respondents.

Indeed, *the majority* of the Panasonic Toughbook products at issue in this Investigation and potentially subject to exclusion are sold and used by state and local government emergency departments, including police departments and fire departments. (See <https://na.panasonic.com/us/case-studies>, filtered by “Government and Public Safety”). Among the case studies for the Toughbook that are highlighted on Panasonic’s website are numerous police departments,<sup>4</sup> sheriff’s departments,<sup>5</sup> and fire departments.<sup>6</sup> These emergency departments require rugged laptops and/or tablets and they need to be “certain that the devices they invested in would stand up to the conditions their officers face in the field.”<sup>7</sup>

These accused Toughbook products are ruggedized and have long been specifically marketed to and sold and used by emergency service providers in particular. Indeed, this is why the Toughbook is such a critically important product for this sector, which daily serves the safety and health needs of the American public: “[T]hey needed mobile technology that was not only powerful and capable, but highly dependable on an island where heavy rains, saltwater spray, sand and extreme heat are a constant threat, and typhoons and earthquakes are not uncommon. The answer? Panasonic TOUGHBOOK® laptops.”<sup>8</sup> The Panasonic Toughbook differentiates from other mobile devices by famously being capable of “taking a bullet” and continuing to operate.<sup>9</sup>

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<sup>4</sup> See, e.g., <https://na.panasonic.com/us/case-study/roswell-police-department>

<sup>5</sup> See, e.g., <https://na.panasonic.com/us/case-study/alameda-county-sheriff>

<sup>6</sup> See, e.g., <https://na.panasonic.com/us/case-study/guam-fire-department>

<sup>7</sup> See <https://na.panasonic.com/us/case-study/roswell-police-department>

<sup>8</sup> See <https://na.panasonic.com/us/case-study/guam-fire-department>

<sup>9</sup> See [https://www.tweaktown.com/news/12620/panasonic\\_toughbook\\_cf\\_30\\_takes\\_a\\_bullet/index.html](https://www.tweaktown.com/news/12620/panasonic_toughbook_cf_30_takes_a_bullet/index.html)

## II. The Requested Remedial Orders Raise Public Health, Safety, and Welfare Concerns in the United States

As noted above, the majority of the Panasonic Toughbooks that would be potentially subject to exclusion in this Investigation are sold and used by state and local government police departments, fire departments, and other emergency departments, all of which use them for purposes that benefit the public interest and specifically to serve the public health, safety and welfare needs of local citizens.<sup>10</sup> These products are used daily to carry out meaningful health and safety tasks directly connected to the public welfare, including security, law enforcement, and safety services. The requested remedial orders would impede the importation and sale of these products. Because of the vast usage of the accused Panasonic Respondents' products by state and local police, fire and emergency departments, excluding the Panasonic Toughbooks at issue here would raise serious public health, safety and welfare concerns.

Complainants state but cite no evidence that “[i]ssuance of the requested remedial orders would have no adverse effect on the public health, safety, or welfare in the United States” and that “access to the Accused Products does not implicate any meaningful public health, safety, or welfare concern.” (Complainants’ Statement at 3). Contrary to Complainants’ unsupported assertion, the disruptive effect of Complainants’ requested relief would leave the many state and local emergency departments who use these products daily to help keep the public safe with no supplier that provides a comparable mobile product capable of operating in “the toughest environments.”

The Panasonic Respondents therefore respectfully request that the Commission instruct the ALJ to take evidence on the public interest to provide the Commission with the information necessary to ascertain and assess the full extent and impact of this disruption to the public welfare.

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<sup>10</sup> See <https://na.panasonic.com/us/industries/government/toughbook-law-enforcement-solutions>

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