

CBI 13-331

# MINTZ LEVIN

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2970	
Office of the Secretary Int'l Trade Commission	

August 1, 2013

**VIA HAND DELIVERY & EDIS**

The Honorable Lisa R. Barton  
Acting Secretary to the Commission  
U.S. International Trade Commission  
500 E Street, S.W.  
Washington, D.C. 20436

Re: Certain Point-to-Point Network Communication Devices and Products Containing Same, Inv. No 337-TA-\_\_

Dear Secretary Barton:

I enclose for filing on behalf of Straight Path IP Group, Inc. ("SPIG") the following documents in support of SPIG's request that the Commission commence an investigation pursuant to the provisions of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. §1337. Please note that Confidential Exhibits 1, 1A, 1B, 1C, 46 and 46A to the Complaint contain Confidential Business Information, and pursuant to the Commission's Rules of Practice and Procedure, a request for confidential treatment of the information in those exhibits accompanies this filing. Accordingly, SPIG submits the following:

1. One (1) original and eight (8) copies of Complainant's Verified Complaint and the Public Interest Statement (originals unbound); one (1) CD of the Non-Confidential Exhibits and one (1) CD of the Confidential Exhibits (Commission Rules 201.6(c), 210.4(f)(2) and 210.8(a)(1)(i) and 210.8(b));
2. Twenty-two (22) additional copies of the Complaint, the Public Interest Statement and twenty-two (22) CDs of the non-confidential and confidential exhibits (on separate CDs), for service upon the following respondents: AmTran Logistics, Inc.; AmTran Technology Co., Ltd.; LG Electronics Inc.; LG Electronics U.S.A., Inc.; LG Electronics MobileComm U.S.A, Inc.; Panasonic Corporation; Panasonic Corporation of North America; Sony Computer Entertainment, Inc.; Sony Computer Entertainment America LLC; Sony Computer Entertainment America Inc.; Sony Corporation; Sony Corporation of America; Sony Electronics Inc.; Sony Mobile Communications AB; Sony Mobile Communications (USA) Inc.; Sony Ericsson Mobile Communications (USA) Inc.; Sharp Corporation, Sharp Electronics Corporation, Toshiba Corporation; Toshiba America Inc.; Toshiba America Information Systems, Inc.; Vizio, Inc. (Commission Rules 201.6(c), 210.4(f)(2), 210.8(a)(1)(i) and 201.8(b));
3. Four (4) additional copies of the Complaint for service upon the embassies of Taiwan, Japan, Sweden and Republic of Korea (Commission Rules 210.8(a)(1)(iii) and 210.11(a));

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

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**Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.**

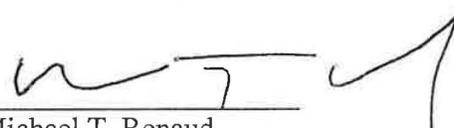
Honorable Lisa R. Barton

August 1, 2013

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4. One (1) certified copy and four (4) additional copies of each of the following asserted United States Patents: U.S. Patent No 6,009,469, U.S. Patent No. 6,108,704 and U.S. Patent No. 6,131,121, included with the Complaint as Exhibits 2, 6 and 8 (Commission Rule 210.12(a)(9)(i));
5. One (1) certified copy and four (4) additional copies, on CDs, of the U.S. Patent and Trademark Office prosecution histories for each of the asserted United States Patents: 6,009,469, No. 6,108,704, and. 6,131,121, included with the Complaint as Appendices A, C, and E (Commission Rule 210.12(c)(1));
6. One (1) certified copy of the Assignment Records for asserted United States Patents 6,009,469, No. 6,108,704, and. 6,131,121 included with the Complaint as Exhibits 3, 7 and 9 (Commission Rule 210.12(a)(9)(ii));
7. Four (4) copies, on CD, of each patent and each technical reference mentioned in the prosecution histories for each of the asserted U.S. Patent Nos. 6,009,469, No. 6,108,704, and. 6,131,121 included with the Complaint as Appendices B, D, and F (Rule 210.12(c)(2));
8. A letter and certification pursuant to Commission Rules 201.6(b) and 210.5(d) requesting confidential treatment of information appearing in Confidential Exhibits 1, 1A, 1B, 1C, 46 and 46A to Straight Path's verified Complaint;

Respectfully submitted,



Michael T. Renaud  
Counsel for Complainant  
Straight Path IP Group, Inc.

August 1, 2013

**VIA HAND DELIVERY & EDIS**

The Honorable Lisa R. Barton  
Acting Secretary to the Commission  
U.S. International Trade Commission  
500 E Street, S.W.  
Washington, D.C. 20436

Re: Complaint of Certain Point-to-Point Network Communication Devices and  
Products Containing Same

Dear Acting Secretary Barton:

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. represents behalf of Straight Path IP Group, Inc. ("SPIG") in the matter of the above referenced Complaint, which is being filed pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U. S. C. § 1337.

Pursuant to Commission Rules 201.6(b) and 210.5(d), SPIG respectfully requests confidential treatment of the information contained in Confidential Exhibits 1, 1A, 1B, 1C, 46 and 46A. The information contained in these exhibits qualifies as confidential information pursuant to 19 C.F.R. § 201.6 in that it discloses proprietary commercial information, proprietary commercial relationships, and/or proprietary business information that are not otherwise publicly available, and because the disclosure of such information would cause substantial harm to Straight Path, and would also impair the Commission's ability in the future to obtain such types of information in performance of its statutory function.

I certify that the proprietary confidential commercial information, proprietary commercial relationships, and/ or proprietary business information are not reasonably available to the public, and thus warrant confidential treatment.

**Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.**

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**3**

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

Honorable Lisa R. Barton

August 1, 2013

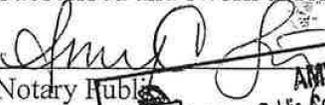
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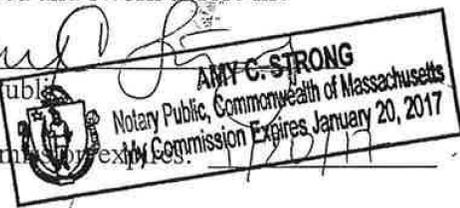
Respectfully submitted,



Michael T. Renaud  
Counsel for Complainant  
Straight Path IP Group, Inc.

Subscribed and sworn before me

  
Notary Public  
My commission expires: 1/20/17



**UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, DC**

In the Matter of

CERTAIN POINT-TO-POINT NETWORK  
COMMUNICATION DEVICES AND  
PRODUCTS CONTAINING SAME

Investigation No. 337-TA-\_\_\_\_

**COMPLAINANT STRAIGHT PATH IP GROUP, INC.'S  
STATEMENT ON THE PUBLIC INTEREST**

Pursuant to International Trade Commission ("Commission") Rule § 210.8(b),

Complainant Straight Path IP Group, Inc. ("Straight Path") submits this Statement on the Public Interest with respect to the remedial orders it seeks against the respondents named in the complaint (collectively, "Respondents").<sup>1</sup>

Straight Path seeks a limited exclusion order pursuant to 19 U.S.C. § 1337(d) specifically directed to each named Respondent barring from entry into the United States certain point-to-point network communications devices and products containing same that infringe one or more of the claims of United States Patent Nos. 6,009,469, 6,108,704, and/or 6,131,121 (collectively, the "Asserted Patents"). Straight Path also seeks a cease and desist order pursuant to 19 U.S.C. § 1337(f) prohibiting each domestic Respondent from engaging in the importation into the United States and/or sale within the United States after importation of certain point-to-point network communications devices and products containing same, that infringe, either directly or indirectly, one or more claims of the Asserted Patents.

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<sup>1</sup> The Respondents are: AmTran Logistics, Inc., AmTran Technology Co., Ltd., LG Electronics Inc., LG Electronics U.S.A., Inc., LG Electronics MobileComm U.S.A, Inc., Panasonic Corporation, Panasonic Corporation of North America, Sony Computer Entertainment, Inc., Sharp Corporation, Sharp Electronics Corporation, Sony Computer Entertainment America LLC, Sony Computer Entertainment America Inc., Sony Corporation, Sony Corporation of America, Sony Electronics Inc., Sony Mobile Communications AB, Sony Mobile Communications (USA) Inc., Sony Ericsson Mobile Communications (USA) Inc., Toshiba Corporation, Toshiba America Inc., Toshiba America Information Systems, Inc., and Vizio, Inc.

The issuance of the requested relief will not adversely impact the public health, safety or welfare conditions in the United States, competitive conditions in the United States economy or the production of like or directly competitive articles in the United States. The requested relief will, however, have the beneficial effect on the public interest of promoting and defending intellectual property rights in the United States.

**I. THE REQUESTED REMEDIAL ORDERS ARE IN ACCORD WITH THE PUBLIC INTEREST**

The Commission has recognized a strong public interest in enforcing intellectual property rights. *See Certain Baseband Processor Chips and Chipsets*, Inv. No. 337-TA-543, Comm'n Op., 2007 ITC LEXIS 621 at \*240 (June 19, 2007) (“[I]n assessing public interest factors when granting relief, the Commission relies on the strong public interest in enforcing intellectual property rights, and . . . has denied relief on public interest grounds only three times in the history of Section 337.”) (internal footnote omitted). Indeed, the Commission observed:

The Senate report [accompanying the 1988 statutory changes to Section 337] makes clear that there is a public interest in the enforcement of intellectual property:

The owner of intellectual property has been granted a temporary statutory right to exclude others from making, using, or selling the protected property. . . . The importation of any infringing merchandise derogates from the statutory right, diminishes the value of the intellectual property, and thus indirectly harms the public interest.

*Id.* at \*219 (quoting S. Rep. 100-71 at 128-29 (1987)).

In the three instances in which the Commission found the public interest to be outweighed by other factors, “the exclusion order was denied because inadequate supply within the United States—by both the patentee and domestic licensees—meant that an exclusion order would deprive the public of products necessary for some important health or welfare need: energy efficient automobiles, basic scientific research, or hospital equipment.” *Spansion, Inc. v. ITC*, 629 F.3d 1331, 1360 (Fed. Cir. 2010). No such considerations are present here.

**A. The Targeted Articles Are Used in the United States for Communication, General Connectivity, and Entertainment.**

The products accused in this investigation are certain point-to-point network communication devices and products containing same. They include smartphone handsets, tablet computers, eReaders, smart TVs, gaming consoles, Blu-ray players, set-top boxes, and VoIP telephone systems. They establish point-to-point network communications used, *inter alia*, to place and receive telephone calls, play games, listen to music, watch videos, and read books.

**B. There Are No Public Health, Safety, or Welfare Concerns Relating to the Requested Remedial Orders.**

The accused products are useful and they provide entertainment, but they do not implicate any health, safety, or welfare concerns. Excluding the accused products would not leave medical needs unfilled, impede scientific research, interfere with important national interests, or affect any other health, safety, or welfare concerns. As described below, there are numerous licensed sources of smartphone handsets, tablet computers, eReaders, smart TVs, gaming consoles, Blu-ray players, set-top boxes, and VoIP telephone systems, and, these licensed sources are capable of providing sufficient quantities of the products to ensure that consumer demand is met. And, to the extent accused products are used by the U.S. Government, government sales are exempted from exclusion orders by statute. *See* 19 U.S.C. § 1337(l).

**C. Like or Directly Competitive Articles Made by Complainant, Its Licensees, or Third Parties Could Replace the Subject Articles if They Were Excluded.**

There is intense competition among the manufacturers of smartphone handsets, tablet computers, eReaders, smart TVs, gaming consoles, Blu-ray players, set-top boxes, and VoIP telephone systems. Indeed, a number of third parties manufacture products that are like and/or directly competitive with those accused in this investigation, but that are not accused in this investigation, and would therefore not be the subject of the requested remedial orders. For

example, third parties Apple Inc. (“Apple”), and Samsung Electronics Co., Ltd. (“Samsung”), together make well over 60% of the smartphone handsets and tablet computers sold in the United States. Their products directly compete with the accused smartphone and tablet computer products, and could easily replace the accused products if they were excluded. Similarly, third party Amazon.com Inc. makes nearly 50% of the e-readers sold in the United States, third parties Samsung make over 50% of the smart TVs sold in the United States, Samsung also makes over 50% of the Blu-ray players sold in the United States, third party and Straight Path licensee Microsoft Corporation (“Microsoft”), together with third party Nintendo Co., Ltd make over 50% of the gaming consoles sold in the United States, Apple and Samsung make at least 40% of the set-top boxes sold in the United States, and various third parties, including, RTX America, Inc., and Cisco Systems, Inc. make at least 40% of the VoIP telephone systems sold in the United States. These third parties’ products compete directly with the accused Blu-ray players, smart TVs, e-readers, gaming consoles, set-top boxes, and VoIP telephone systems, and could easily replace the accused products if they were excluded. Thus, even if the Commission were to issue all of Straight Path’s requested remedial orders, many non-accused alternatives to the accused products, including those made by the third parties identified above, would still be available to consumers.

**D. Straight Path’s Licensees, and/or Third Parties Have the Capacity to Replace the Volume of Articles Subject to the Requested Remedial Orders in a Commercially Reasonable Time in the United States.**

Due to the crowded and intensely competitive market for the types of products at issue in this investigation, third parties manufacturing non-accused versions could quickly fill any void if the Commission were to issue the requested remedial orders. The manufacturers of the kinds of products accused in this investigation are extremely nimble in responding to dynamic shifts in consumer demand for quantity and for different product features because they rely heavily on

outsourced components and on relationships with manufacturing partners who are able to provide them with ever greater flexibility and speed in securing additional production and distribution capacity. Thus, various third parties, including Apple, Samsung, and Straight Path licensee Microsoft, would be in a position to fill any void created by the issuance of the requested remedial orders in a commercially reasonable time—in some cases in a matter of days.

**E. The Requested Remedial Orders Would Minimally Impact Consumers.**

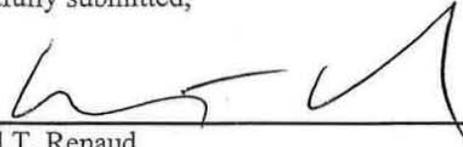
The requested remedial orders may have some effect on consumer choice, but even if they do, this is not a sufficient basis for denying relief. *See Certain Personal Data and Mobile Communications Devices and Related Software*, Inv. No. 337-TA-710, Comm’n Op., 2011 ITC LEXIS 2874 at \*111 (Dec. 29, 2011) (“The right to exclude under a patent, 35 U.S.C. § 154, is the right to exclude a competitor's products; such exclusion necessarily affects consumer choice. Accordingly, the mere constriction of choice cannot be a sufficient basis for denying the issuance of an exclusion order.”). Nor is a price increase sufficient to warrant preclusion of a remedial order. *See Certain Digital Televisions and Certain Products Containing Same*, Inv. No. 336-TA-617, Comm’n Op., U.S.I.T.C. at 16 (Apr. 23, 2009) (“[T]he Commission has consistently held that the benefit of lower prices to consumers does not outweigh the benefit of providing complainants with an effective remedy for an intellectual property-based section 337 violation.”).

**II. CONCLUSION**

The Commission’s issuance of the requested remedial orders will serve the strong public interest in protecting intellectual property rights, while at the same time having no adverse impact on the public interest. Although they are useful and entertaining, the accused products are not necessary to, or even implicated in, the public health or welfare, and, should the requested orders issue, an adequate supply of substitute devices will readily be available from third-party manufacturers in a commercially reasonable time.

Dated: August 1, 2013

Respectfully submitted,



---

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James M. Wodarski  
Michael J. McNamara  
Michael C. Newman  
Sandra J. Badin  
Stephen P. Cole  
Robert J. L. Moore  
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*Counsel to Complainant  
Straight Path IP Group, Inc.*

UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, DC

In the Matter of

CERTAIN POINT-TO-POINT NETWORK  
COMMUNICATION DEVICES AND  
PRODUCTS CONTAINING SAME

Investigation No. 337-TA-\_\_\_\_

VERIFIED COMPLAINT UNDER SECTION 337  
OF THE TARIFF ACT OF 1930, AS AMENDED

COMPLAINANT:

**Straight Path IP Group, Inc.**  
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COUNSEL FOR COMPLAINANT

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Michael J. McNamara  
Michael C. Newman  
Sandra J. Badin  
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**Sony Ericsson Mobile Communications  
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**Toshiba America Information Systems, Inc.**  
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**Vizio, Inc.**  
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Irvine, California 92618  
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Fax: (949) 585-9563

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## EXHIBIT LIST

1. **Confidential** Declaration of Davidi Jonas
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  - b. **Confidential** Amendment to License Agreement between Straight Path and IDT Telecom Inc., and Net2Phone, Inc., dated July 10, 2013
  - c. **Confidential** License Agreement between Skype and IDT - Confidential
2. United States Patent No. 6,009,469
3. United States Patent No. 6,009,469 Assignment Record
4. United States Patent No. 6,009,469 File History
5. United States Patent No. 6,108,704 File History
6. United States Patent No. 6,108,704
7. United States Patent No. 6,108,704 Assignment Record
8. United States Patent No. 6,131,121
9. United States Patent No. 6,131,121 Assignment Record
  - a. United States Patent No. 6,131,121 File History
10. Claim Chart Comparing '469 and LG Optimus G
11. Receipt for LG Optimus G, Blu-Ray Player and LED TV
12. Photograph of LG Optimus G
13. Claim Chart Comparing '469 and Panasonic Viera TV
14. Receipt for Panasonic Smart Viera
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16. Claim Chart Comparing '469 and Sony Xperia
17. Receipt for Sony Xperia, Xperia S, LED TV, Blu-Ray Player and PS3
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19. Chart Comparing '469 Patent and Toshiba Excite Tablet
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22. Chart Comparing '469 Patent and Vizio TV
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27. Chart Comparing '704 Patent and Sony Playstation 3
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29. Chart Comparing '704 Patent and Toshiba Excite Tablet
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31. Chart Comparing '121 Patent and LG Optimus G
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39. Foreign Counterpart Table
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46. **Confidential** - Ashish Parikh Declaration
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  - c. IDT Q1 SEC Filing
  - d. IDT Q2 SEC Filing
  - e. IDT Q3 SEC Filing
47. Slide Deck: Microsoft Third Quarter Fiscal Year 2013 Results
48. Microsoft 10-K
49. Reserved
50. Reserved
51. Article: Microsoft to Acquire Skype May 10, 2011
52. Xbox One: Meet Xbox One, <http://www.xbox.com/en-US/xboxone/meet-xbox-one>
53. Xbox One: What It Does, <http://www.xbox.com/en-US/xboxone/what-it-does>
54. Microsoft Segment Revenue and Operating Income, Q1-Q3 2013
55. Microsoft KPI Quarter 3 2013
56. Article: Will Consumer Want One? Fox News.
57. Article: After Months of Speculation, Microsoft Officially Reveals TechCrunch
58. Article: Microsoft announces Skype integration for Xbox One, Will Consumers Want One? New Xbox is elegant but questions remain
59. Reserved
60. Article: Microsoft Unveils Xbox One Home Entertainment System
61. Chart Comparing '469 Patent and Sharp Aquos LED TV
62. Receipt for Sharp Aquos LED TV and Sharp FX Plus Phone
63. Photograph of Sharp Aquos LED TV
64. Chart Comparing '704 Patent and Sharp FX Plus Phone
65. Photograph of Sharp FX Plus Phone
66. Chart Comparing '121 Patent and Sharp Aquos LED TV

## APPENDICES

- A. One certified copy and four additional copies of the U.S. Patent and Trademark Office prosecution history for U.S. Patent No. 6,009,469
- B. Copies of each patent and each technical reference mentioned in the prosecution history for U.S. Patent No. 6,009,469
- C. One certified copy and four additional copies of the U.S. Patent and Trademark Office prosecution history for U.S. Patent No. 6,108,704
- D. Copies of each patent and each technical reference mentioned in the prosecution history for U.S. Patent No. 6,108,704
- E. One certified copy and four additional copies of the U.S. Patent and Trademark Office prosecution history for U.S. Patent No 6,131,121
- F. Copies of each patent and each technical reference mentioned in the prosecution history for U.S. Patent No. 6,131,121

## I. INTRODUCTION

1. This Complaint is filed by Complainant Straight Path IP Group, Inc. (“Straight Path” or “Complainant”) pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”).

2. Straight Path brings this action to remedy violations of Section 337 arising from the unlawful and unauthorized importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of certain point-to-point network communications devices and products containing same (“Accused Products”) that directly infringe, contributorily infringe, and/or induce the infringement of one or more claims of U.S. Patent Nos. 6,009,469; 6,108,704; and 6,131,121 (together, the “Asserted Patents”). Examples of these point-to-point network communications devices include, without limitation, smartphone handsets, tablet computers, eReaders, smart TVs, gaming consoles, Blu-ray players, VoIP phones, and set-top boxes.

3. The Respondents are AmTran Logistics, Inc., AmTran Technology Co., Ltd., LG Electronics Inc.; LG Electronics U.S.A., Inc.; LG Electronics MobileComm U.S.A., Inc. (together, “LG”); Panasonic Corporation, Panasonic Corporation of North America (together, “Panasonic”); Sharp Corporation, Sharp Electronics Corporation (together “Sharp”), Sony Corporation, Sony Corporation of America, Sony Electronics Inc., Sony Mobile Communications AB, Sony Mobile Communications (USA) Inc., Sony Ericsson Mobile Communications (USA) Inc., Sony Computer Entertainment Inc., Sony Computer Entertainment America Inc., and Sony Computer Entertainment America LLC (together, “Sony”); Toshiba Corporation, Toshiba America Inc., Toshiba America Information Systems, Inc. (together “Toshiba”); and Vizio, Inc. (together with AmTran Logistics, Inc. and AmTran Technology Co., Ltd., “Vizio”) (collectively “Respondents”).

4. On information and belief, each of the Respondents currently imports into the United States, sells for importation into the United States, and/or sells in the United States after importation certain point-to-point network communications devices and products containing the same that incorporate, without license, many inventions protected by one or more of the Asserted Patents.

5. Complainant asserts that each Respondent practices at least the following claims of the Asserted Patents:

PATENT	ASSERTED CLAIMS
6,009,469	1, 2, 3, 9, 10, 17 and 18
6,108,704	1, 11, 12, 19, 22, 23 and 30
6,131,121	6 and 13

6. To remedy Respondents' continuing and unlawful violation of Section 337, Complainant seeks as permanent relief a limited exclusion order pursuant to 19 U.S.C. § 1337(d) barring from entry into the United States all Respondents' point-to-point network communications devices and products containing same, including for example but without limitation smartphone handsets, tablet computers, eReaders, smart TVs, gaming consoles, Blu-ray players, VoIP phones, and set-top boxes, that infringe one or more of the claims of the '469 Patent, the '704 Patent, and/or the '121 Patent. Complainant also seeks cease and desist orders pursuant to 19 U.S.C. § 1337(f) prohibiting each domestic Respondent from engaging in the importation into the United States and/or the sale within the United States after importation certain point-to-point network communications devices and products containing same, that infringe, either directly or indirectly, one or more claims of the '469 Patent, the '704 Patent, and/or the '121 Patent.

7. Further, Complainant requests that the Commission impose a bond upon Respondents' importation of infringing point-to-point network communications devices and

products containing same during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j) to prevent further injury to Complainant's domestic industry relating to each of the Asserted Patents.

## II. THE PARTIES

### A. Complainant

8. Complainant Straight Path IP Group, Inc. ("Straight Path") is an American corporation organized under the laws of Delaware, with offices located at 5300 Hickory Park Dr. Suite 218, Glen Allen, VA 23059. (*See* Declaration of David Jonas, (attached as Exhibit 1) ("Jonas Decl.") at ¶ 3.)

9. Straight Path was formerly known as Innovative Communications Technologies, Inc., ("ICTI") and was divested and renamed as the Straight Path IP Group in May of 2013. (Jonas Decl. at ¶ 2.) ICTI, was formed in March of 2011. (Jonas Decl. at ¶ 4.)

10. Straight Path is the sole owner by assignment of all right, title, and interest in each Asserted Patent. (Jonas Decl. at ¶ 5.) The Asserted Patents are expressly assigned to ICTI, which was renamed to Straight Path IP Group in May of 2013.

### B. Respondents

11. With regard to the Respondents, Complainant alleges the following on information and belief:

#### LG Electronics Inc.

12. Respondent LG Electronics Inc. is located at LG Twin Towers, 20 Yeouido-dong, Yeongdeungpo-gu Seoul 150-721, South Korea. LG Electronics Inc. is in the business of developing, manufacturing, selling, and selling for importation into the United States point-to-point network communications devices and products containing same. Such devices include, but are not limited to, smartphone handsets, tablet computers, computers, smart TVs,

Blu-ray players, and set-top boxes. LG Electronics Inc. maintains operations in many countries throughout the world, with production locations in many of those countries. On information and belief, no production plants are located within the United States. LG Electronics Inc. is the parent corporation of Respondents LG Electronics U.S.A., Inc. and LG Electronics MobileComm U.S.A., Inc.

LG Electronics U.S.A., Inc.

13. Respondent LG Electronics U.S.A., Inc. is a wholly-owned subsidiary of Respondent LG Electronics Inc. LG Electronics U.S.A., Inc. is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 1000 Sylvan Ave., Englewood Cliffs, NJ 07632. Respondent LG Electronics U.S.A., Inc. manages the North American operations of Respondent LG Electronics MobileComm U.S.A., Inc., and the two entities provide sales and marketing support for point-to-point network communications devices in North America for their ultimate parent, LG Electronics Inc.

LG Electronics MobileComm U.S.A., Inc

14. Respondent LG Electronics MobileComm U.S.A., Inc. (d/b/a LG Mobile Phones) is a wholly-owned subsidiary of Respondent LG Electronics U.S.A., Inc. LG Electronics MobileComm U.S.A., Inc. is a corporation organized and existing under the laws of the state of California with its principal place of business located at 10101 Old Grove Road, San Diego, CA 92131, and is managed by its parent LG Electronics U.S.A., Inc. Respondent LG Electronics MobileComm U.S.A., Inc. provides a variety of point-to-point communications devices, including without limitation mobile telephone handsets and tablet computers, to customers throughout North America. LG Electronics MobileComm U.S.A., Inc. has imported such goods manufactured by LG Electronics Inc. from South Korea into the United States.

Panasonic Corporation

15. Respondent Panasonic Corporation is a foreign company organized and existing under the laws of Japan, with its principal place of business located at 1006 Oaza Kadoma-shi, Kadoma 571-8501, Osaka, Japan. Panasonic Corporation is in the business of developing, manufacturing, and/or selling point-to-point network communications devices and products containing same. Such devices include, without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, set-top boxes, multimedia systems, and VoIP phone systems. Panasonic Corporation is the entity at the top of the Panasonic corporate structure, and maintains manufacturing facilities in at least Japan, India, China, and Indonesia. Panasonic Corporation identifies the United States as a key to success overseas. Accordingly, Panasonic Corporation established a subsidiary in the United States, Panasonic Corporation of North America.

Panasonic Corporation of North America

16. Respondent Panasonic Corporation of North America is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 1 Panasonic Way, Secaucus, New Jersey 07094. Panasonic Corporation of North America is a wholly owned subsidiary of Panasonic Corporation, and as such oversees the North American operations of Panasonic Corporation. Panasonic Corporation of North America is in the business of developing, manufacturing, importing into the United States and selling in the United States after importation point-to-point communication devices. Such devices include, but are not limited to, television and video monitors, Blu-ray players, and multimedia systems, and VoIP telephone systems.

Sharp Corporation

17. Respondent Sharp Corporation is a foreign company organized and existing under the laws of Japan, with its principal place of business located at 22-22 Nagaike-cho, Abenku-ku, Osaka 545-8522. Sharp Corporation is in the business of developing, manufacturing, importing into the United States and/or selling after importation into the United States point-to-point network communications devices and products containing same. Such devices include, but are not limited to televisions, computers, tablets, mobile phones, and Blu-ray players.

Sharp Electronics Corporation

18. Respondent Sharp Electronics Corporation is a New York corporation with its principal place of business located in Mahway, New Jersey. Sharp Electronics Corporation is in the business of importing into the United States and/or selling after importation into the United States point-to-point network communications devices and products containing same. Such devices include, but are not limited to televisions, computers, tablets, mobile phones, and Blu-ray players.

Sony Corporation

19. Respondent Sony Corporation is a foreign company organized and existing under the laws of Japan, with its principal place of business located at 1-7-1 Konan Minato-ku, Tokyo 108-0075, Japan. Sony Corporation is in the business of developing, manufacturing, importing into the United States, and/or selling in the United States after importation point-to-point network communications devices and products containing same. Such devices include, but are not limited to, televisions, gaming consoles, handheld gaming

devices, computers, tablets, mobile phones, e-readers, Blu-ray players, home audio and theater systems, internet players, and VoIP phone systems.

Sony Corporation of America

20. Respondent Sony Corporation of America is a wholly-owned subsidiary of Sony Corporation and is a corporation organized and existing under the law of the State of New York, with its principal place of business located at 550 Madison Avenue, 27th Floor, New York, NY 10022-3211. Sony Corporation of America's registered agents for service of process are Corporation Service Company, 2730 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833. It is the umbrella company under which all Sony companies operate in the United States. Sony's principal U.S. businesses include Sony Electronics Inc., Sony Pictures Entertainment Inc., Sony Computer Entertainment Inc., Sony Music Entertainment Inc., Sony/ATV Music Publishing, and Sony Electronics Inc., which imports into the United States, sells for importation into the United States, and/or sells within the United States after importation certain point-to-point communication devices. Such devices include, but are not limited to, televisions, gaming consoles, handheld gaming devices, computers, tablets, mobile phones, e-readers, Blu-ray players, home audio and theater systems, internet players, and VoIP phone systems.

Sony Electronics Inc.

21. Sony Electronics Inc. ("Sony Electronics"), headquartered in San Diego, California, is the largest component of Sony Corporation of America, the U.S. holding company for Sony's U.S.-based electronics and entertainment businesses. Sony Electronics is the U.S. sales and marketing arm of Sony's global electronics business, providing audio/video electronics and information technology products for the consumer and professional markets. Sony Electronics's operations include research and development, design, engineering, sales,

marketing, distribution, and customer service. Sony Electronics imports into the United States, sells for importation into the United States, and/or sells after importation a wide range of consumer products, including point-to-point network communications devices and products containing same.

Sony Mobile Communications AB

22. Sony Mobile Communications AB (formerly Sony Ericsson Mobile Communications AB) is a multinational mobile phone manufacturing company headquartered in Tokyo, Japan, and a wholly owned subsidiary of Sony Corporation. It was founded on October 1, 2001 as a joint venture between Sony and the Swedish telecommunications equipment company Ericsson, under the name Sony Ericsson. Sony acquired Ericsson's share in the venture on February 16, 2012. Sony Mobile Communications is the world's 10th-largest mobile phone manufacturer by market share in the first quarter of 2012. It is the world's third-largest smartphone manufacturer by market share in the third quarter of 2012. Sony Mobile Communications AB is in the business of selling point-to-point network communications devices and products containing same, such as smartphones, wireless systems, and wireless voice devices that have been imported into the United States.

Sony Ericsson Mobile Communications (USA) Inc.

23. Sony Ericsson Mobile Communications (USA) Inc. ("Sony Ericsson Mobile USA") is a wholly-owned subsidiary of Sony Mobile Communications AB. Sony Ericsson Mobile USA is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 3333 Piedmont Road NE, Ste. 600, Atlanta, GA 30305. Its registered agent is Capitol Corporate Services, Inc., 120 Penmarc Drive, Suite 118, Raleigh, NC 27603. On information and belief, Sony Ericsson Mobile USA manages

some North American operations of Sony Mobile Communications AB. Sony Ericsson Mobile USA's parent maintains manufacturing facilities in China, which produces products sold in the United States after importation by Sony Ericsson Mobile USA.

Sony Computer Entertainment, Inc.

24. Sony Computer Entertainment, Inc. ("SCE") is a foreign company organized and existing under the laws of Japan, with its principal place of business located at 1-7-1 Konan Minato-ku, Tokyo 108-0075, Japan. It is a major video game company specializing in a variety of areas in the video game industry, and is a wholly owned subsidiary and part of the Consumer Products & Services Group of Sony Corporation. Sony Computer Entertainment handles the production and sales of both hardware and software of the PlayStation and PS one game console, PlayStation 2, PlayStation 3, and PlayStation 4 computer entertainment systems. SCE currently has headquarters in Minami-Aoyama, Minato, Tokyo, Japan (Sony Computer Entertainment Japan & Sony Computer Entertainment Asia) which control operations in Asia; and Foster City, California, US (Sony Computer Entertainment America) which controls operations in North America. SCE also has smaller offices and distribution centers in Los Angeles.

Sony Computer Entertainment America LLC

25. Sony Computer Entertainment America LLC ("SCEA") is a limited liability company organized and existing under the laws of Delaware with its principal place of business located at 919 East Hillsdale Boulevard, 2nd Floor, Foster City, CA 94404. SCEA is a wholly-owned subsidiary of Respondent Sony Corporation. SCEA develops and markets video games consoles in the United States and serves as headquarters for all Sony operations in North America involving gaming devices and related products. SCEA is in the business of importing

into the United States, selling for importation into the United States, and selling after importation into the United States point-to-point network communications devices and products containing same, including but not limited to gaming devices such as the PlayStation and PS one game console, PlayStation 2, PlayStation 3, and PlayStation 4 computer entertainment systems, and online and network services, such as PlayStation Network and PlayStation Store.

Sony Computer Entertainment America Inc.

26. Sony Computer Entertainment America Inc. (“SCEA Inc.”) is a corporation organized and existing under the laws of Delaware with its principal place of business located at 919 East Hillsdale Boulevard, 2nd Floor, Foster City, CA 94404. SCEA Inc. is a wholly-owned subsidiary of Respondent Sony Corporation. SCEA Inc. develops and markets video games consoles in the United States. SCEA Inc. is in the business of importing into the United States, selling for importation into the United States, and selling after importation into the United States point-to-point network communications devices and products containing same, including but not limited to gaming devices such as the PlayStation and PS one game console, PlayStation 2, PlayStation 3, and PlayStation 4 computer entertainment systems, and online and network services, such as PlayStation Network and PlayStation Store.

Sony Mobile Communications (USA) Inc.

27. Respondent Sony Mobile Communications (USA) Inc. is a wholly-owned subsidiary of Respondent Sony Mobile Communications AB. Sony Mobile Communications (USA) Inc. is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 7001 Development Drive, Research Triangle Park, North Carolina 27709. On information and belief, Respondent Sony Mobile Communications (USA) Inc. manages the North American operations of Respondent Sony Mobile

Communications AB. Sony Mobile Communications (USA) Inc.'s parent maintains manufacturing facilities in China, which produces products imported into the United States, sold for importation into the United States, and sold after importation into the United States by Sony Mobile Communications (USA) Inc. Sony Corporation, Sony Corporation of America, Sony Electronics, Inc., Sony Mobile Communications AB, Sony Mobile Communications (USA) Inc., Sony Computer Entertainment Inc., and Sony Computer Entertainment America LLC are referred to collectively as "Sony."

Toshiba Corporation

28. Respondent Toshiba Corporation is a foreign company organized and existing under the laws of Japan, with its principal place of business located at 1-1, Shibaura 1-Chrome, Minato-Ku Tokyo 105-8001, Japan. Toshiba Corporation is the entity at the top of the Toshiba corporate structure, and maintains more than 92% of its plant and equipment outside of North America. Toshiba Corporation generates more than 18% of its revenue from North America. Recognizing the importance of the United States market, Toshiba Corporation established a subsidiary in the United States, Toshiba America, Inc. Toshiba Corporation is in the business of selling point-to-point network communications devices and products containing same for importation into the United States. Such devices include, but are not limited to smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, gaming devices, set-top boxes, and VoIP phone systems.

Toshiba America, Inc.

29. Respondent Toshiba America, Inc. is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 1251 Avenue of the Americas, Suite 4110, New York, New York 10020. Toshiba America, Inc. is a

wholly owned subsidiary of Toshiba Corporation, and as such oversees the North American operations of Toshiba Corporation. Toshiba America, Inc. is the immediate parent of Toshiba America Information Systems, Inc. and is in the business of selling point-to-point communication devices that have been imported into the United States. Such devices include, but are not limited to smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, gaming devices, set-top boxes, and VoIP phone systems.

Toshiba America Information Systems, Inc.

30. Toshiba America Information Systems, Inc. is a corporation organized and existing under the laws of the state of California, with its principal place of business located at 9740 Irvine Blvd, Irvine, California 92618. Toshiba America Information Systems, Inc. is a consolidated subsidiary of Toshiba America, Inc., with an ultimate parent of Toshiba Corporation and is in the business of selling point-to-point communication devices that have been imported into the United States. The company's point-to-point communication devices include, without limitation, internet protocol-based surveillance equipment, televisions, Blu-ray players, portable computers, notebooks, tablets, and VoIP telephone systems. Toshiba Corporation; Toshiba America, Inc.; and Toshiba America Information Systems, Inc. are collectively referred to as "Toshiba."

Vizio, Inc.

31. Vizio, Inc. is a private corporation organized and existing under the laws of the state of California, with its principal place of business located at 39 Tesla, Irvine, California 92618. Vizio, Inc. has most of its products manufactured by AmTran Technology Co., Ltd. in China and/or Taiwan. Vizio is in the business of importing into the United States, selling for importation into the United States, and selling in the United States after importation

certain point-to-point communication devices for importation into the United States. Such devices include, but are not limited to, televisions and laptop and tablet computers.

AmTran Technology Co., Ltd.

32. AmTran Technology Co., Ltd. (“AmTran Technology”) is a corporation organized and existing under the laws of Taiwan, with its principle place of business at 17f, 268, Lien Cheng Rd., 23553 New Taipei City, Taiwan. AmTran Technology is in the business of manufacturing, importing into the United States, selling for importation into the United States, offering for sale after importation into the United States certain consumer point-to-point communication devices on behalf of Vizio. AmTran Technology maintains manufacturing facilities in at least China and Taiwan. AmTran Technology owns approximately 23% of Vizio, Inc.

AmTran Logistics, Inc.

33. AmTran Logistics, Inc. (“AmTran Logistics”) is a corporation organized and existing under the laws of the state of California, with its principle place of business at 9 Goddard, Irvine, California, 92618. AmTran Logistics is a wholly owned subsidiary of AmTran Technology. AmTran Logistics is in the business importing into the United States, selling for importation into the United States, offering for sale after importation into the United States certain consumer point-to-point communication devices on behalf of Vizio by AmTran Technology on behalf of Vizio. Vizio, AmTran Technology, and AmTran Logistics are collectively referred to as “Vizio.”

**III. THE ASSERTED ‘469 PATENT**

**A. Ownership and Asserted Claims of the ‘469 Patent**

34. United States Patent No. 6,009,469 (the “‘469 Patent”) is entitled “Graphic User Interface for Internet Telephony Application” and issued December 28, 1999 to

inventors Shane D. Mattaway, Glenn W. Hutton, and Craig B. Strickland. The '469 Patent issued from United States Patent Application No. 08/721,316 filed on September 25, 1996.

35. By way of assignment, Straight Path owns all rights, title, and interest to the '469 Patent. As required by Commission Rules 210.12(a)(9)(i)-(ii), a certified copy of the '469 Patent, its assignment record, and its file history are attached as Exhibit 2, Exhibit 3, and Exhibit 4 respectively. In accordance with Commission Rules 210.12(c)(1)-(2), Appendix A to this Complaint includes one certified and three additional copies of the United States Patent and Trademark Office prosecution history for the '469 Patent. Appendix B includes four copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '469 Patent.

36. All maintenance fees for the '469 Patent have been timely paid, and there are no fees currently due.

37. The '469 Patent has 17 claims, including 3 independent claims (1, 5, and 9), and 14 dependent claims. Complainant is asserting at least the following claims of the '469 Patent against the listed Respondents: Claims 1, 2, 3, 9, 10, 17, and 18.

**B. Licenses Relating to the '469 Patent**

38. Certain licensees exist to the '469 Patent. Exhibit 1, Confidential Declaration of Davidi Jonas at ¶6 sets forth details regarding the '469 Patent's licensees, including domestic industry licensees IDT Corporation and Microsoft Corporation/Skype.

39. Pursuant to Commission Rule 210.12(a)(9)(iv), Complainant has attached as Confidential Exhibits 1A-C, which comprise copies of each license agreement relating to the '469 Patent to establish Straight Path's contention that a domestic industry as defined in Section 337(a)(3) exists and/or is in the process of being established as the result of the domestic activities of one or more licensees. *See infra* Section XI.

**C. Foreign Counterparts to the '469 Patent**

40. In accordance with Commission Rule 210.12(a)(9)(v), Complainant identifies the foreign counterparts to the '469 Patent in Exhibit 39. In accordance with Commission Rule 210.12(a)(9)(v), Complainant states that it is aware of no other foreign counterparts issued, filed, abandoned, withdrawn, or rejected relating to the asserted '469 Patent.

**IV. THE ASSERTED '704 PATENT**

**A. Ownership and Asserted Claims of the '704 Patent**

41. United States Patent No. 6,108,704 (the "'704 Patent") is entitled "Point-To-Point Internet Protocol," and issued August 22, 2000 to inventors Glenn W. Hutton, Shane D. Mattaway, and Craig B. Strickland. The '704 Patent issued from United States Patent Application No. 08/533,115 filed on September 25, 1995.

42. By way of assignment, Straight Path owns all rights, title, and interest to the '704 Patent. As required by Commission Rules 210.12(a)(9)(i)-(ii), certified copies of the file history of the '704 Patent, the '704 Patent, and the '704 Patent's assignment record are attached as Exhibits 5, 6 and 7 respectively.

43. In accordance with Commission Rules 210.12(c)(1)-(2), Appendix C to this Complaint includes one certified and three additional copies of the United States Patent and Trademark Office prosecution history for the '704 Patent. Appendix D includes four copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '704 Patent.

44. All maintenance fees for the '704 Patent have been timely paid, and there are no fees currently due.

45. The '704 Patent has 40 claims, including 8 independent claims (Claims 1, 2, 4, 11, 22, 32, 33, and 38), and 32 dependent claims. Complainant is asserting at least the

following claims of the '704 Patent against each of the Respondents: Claims 1, 11, 12, 19, 22, 23, and 30.

**B. Licenses Relating to the '704 Patent**

46. Certain licensees exist to the '704 Patent. Exhibit 1, Confidential Declaration of Davidi Jonas at ¶6 sets forth details regarding the '704 Patent's licensees, including domestic industry licensees IDT Corporation and Microsoft Corporation/Skype.

47. Pursuant to Commission Rule 210.12(a)(9)(iv), Complainant has attached as Confidential Exhibits 1A-C, which comprise copies of each license agreement relating to the '704 Patent to establish its contention that a domestic industry as defined in Section 337(a)(3) exists as the result of the domestic activities of one or more licensees. *See infra* Section XI.

**C. Foreign Counterparts to the '704 Patent**

48. In accordance with Commission Rule 210.12(a)(9)(v), Complainant identifies the foreign counterparts to the '704 Patent in Exhibit 39.

49. In accordance with Commission Rule 210.12(a)(9)(v), Complainant states that it is aware of no other foreign counterparts issued, filed, abandoned, withdrawn, or rejected relating to the asserted '704 Patent.

**V. THE ASSERTED '121 PATENT**

**A. Ownership and Asserted Claims of the '121 Patent**

50. United States Patent No. 6,131,121 (the "'121 Patent") is entitled "Point-To-Point Computer Network Communication Utility Utilizing Dynamically Assigned Network Protocol Address," and issued October 10, 2000 to inventors Shane D. Mattaway, Glenn W. Hutton, and Craig B. Strickland. The '121 Patent issued from United States Patent Application No. 08/719,554 filed on September 25, 1996.

51. By way of assignment, Complainant owns all rights, title, and interest to the '121 Patent. As required by Commission Rules 210.12(a)(9)(i)-(ii), certified copies of the '121 Patent, its assignment record, and file history are attached as Exhibits 8, 9, and 9A.

52. Further, in accordance with Commission Rules 210.12(c)(1)-(2), Appendix E to this Complaint includes one certified and three additional copies of the United States Patent and Trademark Office prosecution history for the '121 Patent. Appendix F includes four copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '121 Patent.

53. All maintenance fees for the '121 Patent have been timely paid, and there are no fees currently due.

54. The '121 Patent has 14 claims, including 12 independent claims (Claims 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, and 14), and 2 dependent claims. Complainant is asserting at least the following claims of the '121 Patent against each of the Respondents: Claims 6 and 13.

**B. Licenses Relating to the '121 Patent**

55. Certain licensees exist to the '121 Patent. Exhibit 1, Confidential Declaration of Davidi Jonas at ¶6 sets forth details regarding the '121 Patent's licensees, including domestic industry licensees IDT Corporation and Microsoft Corporation/Skype.

56. Pursuant to Commission Rule 210.12(a)(9)(iv), Complainant has attached as Confidential Exhibits 1A-C, which comprise copies of each license agreement relating to the '121 Patent to establish its contention that a domestic industry as defined in Section 337(a)(3) exists as the result of the domestic activities of one or more licensees. *See infra* Section XI.

**C. Foreign Counterparts to the '121 Patent**

57. In accordance with Commission Rule 210.12(a)(9)(v), Complainant identifies the foreign counterparts to the '121 Patent in Exhibit 39.

58. In accordance with Commission Rule 210.12(a)(9)(v), Complainant states that it is aware of no other foreign counterparts issued, filed, abandoned, withdrawn, or rejected relating to the asserted '121 Patent.

## **VI. NON-TECHNICAL DESCRIPTION OF THE PATENTED TECHNOLOGY**

59. The asserted patents disclose the following inventions related generally to point-to-point network communications. All asserted patents are related to the '704 Patent, and all share the '704 Patent's specification. The following non-technical descriptions of the patented technology are not intended to limit, define or otherwise affect the construction and/or application of each patent's claim language:

### **The '704 Patent**

60. The '704 Patent discloses computer programs and methods for establishing point-to-point communication links over a network. A server helps create a point-to-point communication link between two processes. For example, these two processes could be, but are not limited to, smartphone video chat clients or media streaming devices. Upon connecting to the network, the first process receives a network protocol address. Next, it sends this network protocol address to the server. It then queries the server about a second process. It receives a response from the server with the network protocol address of the second process, when the second process is connected to the network. The first process and second process then establish a point-to-point communication link.

### **The '469 Patent**

61. The '469 Patent is a child of the '704 Patent. Similar to the '704 Patent, the '469 Patent discloses computer programs and methods for establishing point-to-point communication links over a network. The '469 Patent also discloses user-interfaces to help form point-to-point communication links.

### The '121 Patent

62. The '121 Patent is a child of the '704 Patent. Similar to the '704 Patent, the '121 Patent discloses computer programs and methods for establishing point-to-point communication links over a network. The '121 Patent also discloses the use of dynamically assigned network protocol addresses when forming point-to-point communication links.

### **VII. STATEMENT OF FACTS CONSTITUTING UNFAIR ACTS OF RESPONDENTS – PATENT INFRINGEMENT**

63. The unfair acts of the Respondents include the manufacture for importation into the United States, the importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of certain point-to-point network communications devices and products containing same, including, without limitation, smartphone handsets, tablet computers, eReaders, smart TVs, gaming consoles, Blu-ray players, set-top boxes, and VoIP phone systems. Because providing physical exhibits of each of the large number of accused products is impracticable, Complainant is providing charts comparing claims of the Asserted Patents to representative products and photographs of the representative infringing devices.

#### **A. Infringement of the '469 Patent**

##### **LG**

##### **a. Infringement**

64. On information and belief, Respondent LG is engaged in the manufacture for importation into the United States, the importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of certain point-to-point network communications devices, including for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, and

set-top boxes, that infringe literally or by equivalence at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent.

65. Complainant has obtained smartphone handset devices, smart TV devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, LG imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent. On information and belief, at the time of importation of these devices, LG is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '469 Patent.

66. On information and belief, LG has imported into the United States and extensively sold in the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '469 Patent. LG knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by LG. At least as of the filing of this Complaint, LG has actual knowledge of the '469 Patent. In addition to actual knowledge of the '469 Patent, at least as of the date of this Complaint, LG also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '469 Patent. On information and belief, LG continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '469 Patent. Thus, on information and belief, LG induces infringement of the '469 Patent.

67. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 10 includes a chart comparing independent claims 1 and 9 of the '469 Patent to LG's Optimus G device.

Exhibit 10 shows that the Optimus G device is covered by at least claims 1 and 9 of the '469 Patent. LG's Optimus G device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '469 Patent in a similar manner as other LG devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 1 and 9 of the '469 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent LG. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 10 contains photographs of LG's Optimus G device.

b. Specific Instance of Sale and Importation

68. On information and belief, Respondent LG manufactures for importation into the United States, imports into the United States, sells for importation into the United States, and/or sells within the United States after importation certain point-to-point network communications devices including, but not limited to the Optimus G device depicted in Exhibit 10. Pursuant to Commission Rule 210.12(a)(3), Exhibit 11 is a receipt from Amazon.com showing a sale of LG's Optimus G device within the United States. The LG Optimus G device is marked as "Made in Korea" as shown in the photograph contained in Exhibit 12. Thus, LG is violating Section 337 of the Tariff Act of 1930 by directly infringing the '469 Patent by importing, and/or selling within the United States after importation the Optimus G device.

**Panasonic**

a. Infringement

69. On information and belief, Respondent Panasonic is engaged in the manufacture for importation into the United States, importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation

of certain point-to-point network communications devices, including for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, set-top boxes, and VoIP phone systems that infringe literally or by equivalence at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent.

70. Complainant has obtained smart TV devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, Panasonic imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent. On information and belief, at the time of importation of these devices, Panasonic is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '469 Patent.

71. On information and belief, Panasonic has imported into the United States and extensively sold in the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '469 Patent. Panasonic knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Panasonic. At least as of the filing of this Complaint, Panasonic has actual knowledge of the '469 Patent. In addition to actual knowledge of the '469 Patent, at least as of the date of this Complaint, Panasonic also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '469 Patent. On information and belief, Panasonic continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which

infringes the '469 Patent. Thus, on information and belief, Panasonic induces the infringement of the '469 Patent.

72. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 13 includes a chart comparing independent claims 1 and 9 of the '469 Patent to Panasonic's 42" Viera TV device. Exhibit 13 shows that the Viera TV device is covered by at least claims 1 and 9 of the '469 Patent. Panasonic's Viera TV device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '469 Patent in a similar manner as other Panasonic devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 1 and 9 of the '469 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Panasonic. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 13 contains photographs of Panasonic's Viera TV device.

b. Specific Instance of Sale and Importation

73. On information and belief, Respondent Panasonic manufactures for importation into the United States, imports into the United States, sells for importation into the United States, and/or sells within the United States after importation the Viera TV device depicted in Exhibit 13. Pursuant to Commission Rule 210.12(a)(3), Exhibit 14 is a receipt from Amazon.com showing a sale of Panasonic's Viera TV device within the United States. The Panasonic Viera TV device is marked as "Assembled in Mexico" as shown in the photograph contained in Exhibit 15. Thus, Panasonic is violating Section 337 of the Tariff Act of 1930 by directly infringing, contributorily infringing and/or inducing infringement of claims the '469 Patent by importing, and/or selling within the United States after importation the Viera TV device.

**Sharp**

a. Infringement

74. On information and belief, Respondent Sharp is engaged in the manufacture for importation into the United States, importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of certain point-to-point network communications devices, including for example but without limitation, shartphone handsets, televisions, computers, tablets, mobile phones, and Blu-ray players that infringe literally or by equivalence at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent.

75. Complainant has obtained smartphone handset devices and smart TV devices that, on information and belief, Sharp imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent. On information and belief, at the time of importation of these devices,

Sharp is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '469 Patent.

76. On information and belief, Sharp has imported into the United States and extensively sold in the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '469 Patent. Sharp knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Sharp. At least as of the filing of this Complaint, Sharp has actual knowledge of the '469 Patent. In addition to actual knowledge of the '469 Patent, at least as of the date of this Complaint, Sharp also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '469 Patent. On information and belief, Sharp continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '469 Patent. Thus, on information and belief, Sharp induces the infringement of the '469 Patent.

77. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 61 includes a chart comparing independent claims 1 and 9 of the '469 Patent to Sharp's LC-60LE650U Aquos LED TV 42" device ("Aquos LED TV"). Exhibit 61 shows that the Aquos LED TV device is covered by at least claims 1 and 9 of the '469 Patent. Sharp's Aquos LED TV device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '469 Patent in a similar manner as other Sharp devices. Complainant believes that numerous other point-to-point network communication devices that are covered by

at least claims 1 and 9 of the '469 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Sharp. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 61 contains photographs of Sharp's Aquos LED TV device.

b. Specific Instance of Sale and Importation

78. On information and belief, Respondent Sharp manufactures for importation into the United States, imports into the United States, sells for importation into the United States, and/or sells within the United States after importation the Aquos LED TV device depicted in Exhibit 61. Pursuant to Commission Rule 210.12(a)(3), Exhibit 62 is a receipt from Amazon.com showing a sale of Sharp's Aquos LED TV device within the United States. The Sharp Aquos LED TV device is marked as "Made in Mexico" as shown in the photograph contained in Exhibit 63. Thus, Sharp is violating Section 337 of the Tariff Act of 1930 by directly infringing, contributorily infringing and/or inducing infringement of claims the '469 Patent by importing, and/or selling within the United States after importation the Aquos LED TV device.

**Sony**

a. Infringement

79. On information and belief, Respondent Sony is engaged in the manufacture for importation into the United States, the importation into the United States, the sale for importation, and/or the sale within the United States after importation of certain point-to-point network communications devices, including for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, gaming devices, set-top boxes, and VoIP phone systems that infringe literally or by equivalence at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent.

80. Complainant has obtained smartphone handset devices, tablet devices, smart TV devices, gaming console devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, Sony imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent. On information and belief, at the time of importation of these devices, Sony is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '469 Patent.

81. On information and belief, Sony has imported into the United States, and extensively sold in the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '469 Patent. Sony knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Sony. At least as of the filing of this Complaint, Sony has actual knowledge of the '469 Patent. In addition to actual knowledge of the '469 Patent, at least as of the date of this Complaint, Sony also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '469 Patent. On information and belief, Sony continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '469 Patent. Thus, on information and belief, Sony is inducing infringement of the '469 Patent.

82. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 16 includes a chart comparing independent claims 1 and 9 of the '469 Patent to Sony's Xperia ZL device.

Exhibit 16 shows that the Xperia ZL device is covered by at least claims 1 and 9 of the '469 Patent. Sony's Xperia ZL device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '469 Patent in a similar manner as other Sony devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 1 and 9 of the '469 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Sony. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 16 contains photographs of Sony's Xperia ZL device.

b. Specific Instance of Sale and Importation

83. On information and belief, Respondent Sony manufactures for importation into the United State, imports into the United States, sells for importation into the United States, and/or sells within the United States after importation the Xperia ZL device depicted in Exhibit 16. Pursuant to Commission Rule 210.12(a)(3), Exhibit 17 is a receipt from Amazon.com showing a sale of Sony's Xperia ZL device within the United States. The Sony Xperia ZL device is marked as "Made in China" as shown in the photograph contained in Exhibit 18. Thus, Sony is violating Section 337 of the Tariff Act of 1930 by directly infringing, contributorily infringing and/or inducing infringement of the claims the '469 Patent by importing into, and/or selling within the United States after importation the Xperia ZL device.

**Toshiba**

a. Infringement

84. On information and belief, Respondent Toshiba is engaged in the manufacture for importation into the United States, the importation into the United States, the sale for importation, and/or the sale within the United States after importation of certain point-to-point network communications devices, including for example but without limitation,

smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, set-top boxes, and VoIP phone systems that infringe literally or by equivalence at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent.

85. Complainant has obtained tablet devices, smart TV devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, Toshiba imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent. On information and belief, at the time of importation of these devices, Toshiba is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '469 Patent.

86. On information and belief, Toshiba has imported into the United States and extensively sold in the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '469 Patent. Toshiba knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Toshiba. At least as of the filing of this Complaint, Toshiba has actual knowledge of the '469 Patent. In addition to actual knowledge of the '469 Patent, at least as of the date of this Complaint, Toshiba also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '469 Patent. On information and belief, Toshiba continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '469 Patent. Thus, on information and belief, Toshiba is inducing the infringement of the '469 Patent.

87. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 19 includes a chart comparing independent claims 1 and 9 of the '469 Patent to Toshiba's Excite 10 SE Tablet device. Exhibit 19 shows that the Excite 10 SE Tablet device is covered by at least claims 1 and 9 of the '469 Patent. Toshiba's Excite 10 SE Tablet device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '469 Patent in a similar manner as other Toshiba devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 1 and 9 of the '469 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Toshiba. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 19 contains photographs of Toshiba's Excite 10 SE Tablet device.

b. Specific Instance of Sale and Importation

88. On information and belief, Respondent Toshiba imports into and/or sells within the United States after importation the Excite 10 SE Tablet device depicted in Exhibit 19. Pursuant to Commission Rule 210.12(a)(3), Exhibit 20 is a receipt from ToshibaDirect.com showing a sale of Toshiba's Excite 10 SE Tablet device within the United States. The Toshiba Excite 10 SE Tablet device is marked as "Made in China" as shown in the photograph contained in Exhibit 21. Thus, Toshiba is violating Section 337 of the Tariff Act of 1930 by directly infringing, contributorily infringing and/or inducing infringement of these claims the '469 Patent by importing, and/or selling within the United States after importation the Excite 10 SE Tablet device.

**Vizio**

a. Infringement

89. On information and belief, Respondent Vizio is engaged in the manufacture for importation into the United States, the importation into the United States, the sale for importation, and/or the sale within the United States after importation of certain point-to-point network communications devices, including for example but without limitation, smartphone handsets, tablet computers, smart TVs, Blu-ray players and set-top boxes that infringe literally or by equivalence at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent.

90. Complainant has obtained smart TV devices, and streaming set-top box devices that, on information and belief, Vizio imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent. On information and belief, at the time of importation of these devices, Vizio is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '469 Patent.

91. On information and belief, Vizio has imported into the United States, and extensively sold within the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '469 Patent. Vizio knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Vizio. At least as of the filing of this Complaint, Vizio has actual knowledge of the '469 Patent. In addition to actual knowledge of the '469 Patent, at least as of the date of this Complaint, Vizio also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '469 Patent. On information and belief, Vizio continues to import products into the United States and distribute product literature and website materials

inducing consumers to use its products in the customary and intended manner which infringes the '469 Patent. Thus, on information and belief, Vizio is inducing the infringement of the '469 Patent.

92. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 22 includes a chart comparing independent claims 1 and 9 of the '469 Patent to Vizio's E-Series Smart TV device. Exhibit 22 shows that the E-Series Smart TV device is covered by at least claims 1 and 9 of the '469 Patent. Vizio's E-Series Smart TV device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '469 Patent in a similar manner as other Vizio devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 1 and 9 of the '469 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Vizio. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 22 contains photographs of Vizio's E-Series Smart TV device.

b. Specific Instance of Sale and Importation

93. On information and belief, Respondent Vizio imports into and/or sells within the United States after importation the E-Series Smart TV device depicted in Exhibit 22. Pursuant to Commission Rule 210.12(a)(3), Exhibit 23 is a receipt from Amazon.com showing a sale of Vizio's E420i-A1 LED Smart TV device within the United States. The Vizio E-Series Smart TV device is marked as "Assembled in Mexico" as shown in the photograph contained in Exhibit 24. Thus, Vizio is violating Section 337 of the Tariff Act of 1930 by directly infringing, contributorily infringing and/or inducing infringement of these claims the '469 Patent by importing, and/or selling within the United States after importation the E-Series Smart TV device.

B. Infringement of the '704 Patent

LG

a. Infringement

94. On information and belief, Respondent LG is engaged in the manufacture for importation into the United States, importation into the United States, and/or the sale within the United States after importation of certain point-to-point network communications devices and products containing same, including for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, set-top boxes that infringe literally or by equivalence at least claims 1, 11, 12, 19, 22, 23, and 30 of the '704 Patent.

95. Complainant has obtained smartphone handset devices, smart TV devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, LG imported into the United States and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 11, 12, 19, 22, 23, and 30 of the '704 Patent. On information

and belief, at the time of importation of these devices, LG is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '704 Patent.

96. On information and belief, LG has imported into the United States and extensively sold in the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '704 Patent. LG knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by LG. At least as of the filing of this Complaint, LG has actual knowledge of the '704 Patent. In addition to actual knowledge of the '704 Patent, at least as of the date of this Complaint, LG also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '704 Patent. On information and belief, LG continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '704 Patent. Thus, on information and belief, LG is inducing the infringement of the '704 Patent.

97. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 25 includes a chart comparing independent claims 1, 11 and 22 of the '704 Patent to LG's Optimus G device. Exhibit 25 shows that the Optimus G device is covered by at least claims 1, 11, and 22 of the '704 Patent. LG's Optimus G device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '704 Patent in a similar manner as other LG devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 1, 11 and 22 of the '704 Patent have been imported into the United States, sold for importation into the United States, or sold within

the United States after importation by Respondent LG. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 25 contains photographs of LG's Optimus G device.

b. Specific Instance of Sale and Importation

98. On information and belief, Respondent LG manufactures for importation into the United States, imports into the United States, sells for importation into the United States, and/or sells within the United States after importation the Optimus G device depicted in Exhibit 25. Pursuant to Commission Rule 210.12(a)(3), Exhibit 11 is a receipt from Amazon.com showing a sale of LG's Optimus G device within the United States. The LG Optimus G device is marked as "Made in Korea" as shown in the photograph contained in Exhibit 12. Thus, LG is violating Section 337 of the Tariff Act of 1930 by directly infringing the '704 Patent by importing, and/or selling within the United States after importation the Optimus G device.

**Panasonic**

a. Infringement

99. On information and belief, Respondent Panasonic is engaged in the manufacture for importation into the United States, the importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation into the United States of certain point-to-point network communications devices, including for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, set-top boxes, and VoIP phone systems that infringe literally or by equivalence at least claims 1, 11, 12, 19, 22, 23, and 30 of the '704 Patent.

100. Complainant has obtained smart TV devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, Panasonic imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 11,

12, 19, 22, 23, and 30 of the '704 Patent. On information and belief, at the time of importation of these devices, Panasonic is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '704 Patent.

**101.** On information and belief, Panasonic has imported into the United States, and extensively sold within the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '704 Patent. Panasonic knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Panasonic. At least as of the filing of this Complaint, Panasonic has actual knowledge of the '704 Patent. In addition to actual knowledge of the '704 Patent, at least as of the date of this Complaint, Panasonic also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '704 Patent. On information and belief, Panasonic continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '704 Patent. Thus, on information and belief, Panasonic is inducing infringement of the '704 Patent.

**102.** Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 26 includes a chart comparing independent claims 1, 11 and 22 of the '704 Patent to Panasonic's 42" Viera TV device. Exhibit 26 shows that the Viera TV device is covered by at least claims 1, 11 and 22 of the '704 Patent. Panasonic's Viera TV device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '704 Patent in a similar manner as other Panasonic devices. Complainant believes that numerous other point-