

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

Before The Honorable _____
Administrative Law Judge

In the Matter of)
)
CERTAIN AUDIO PROCESSING) Investigation No. 337-TA-_____
HARDWARE AND SOFTWARE AND)
PRODUCTS CONTAINING SAME)
)

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

COMPLAINANT:

Andrea Electronics Corp.
65 Orville Drive, Suite One
Bohemia, NY 11716
U.S.A.
Tel: 631-719-1800

COUNSEL FOR COMPLAINANT:

Goutam Patnaik
Tuhin Ganguly
David J. Shaw
Kelly E. Rose
Pepper Hamilton LLP
Hamilton Square
600 Fourteenth Street, N.W.
Washington, DC 20005-2004
Tel: 202-220-1200
Fax: 202-220-1665

William D. Belanger
Frank D. Liu
Suparna Datta
Gwendolyn E. Tawresey
Pepper Hamilton LLP
19th Floor, High Street Tower
125 High Street
Boston, MA 02110-2736
Tel: 617-204-5100
Fax: 617-204-5150

RESPONDENTS:

Acer Inc.
8F, 88, Sec. 1, Xintai 5th Rd. Xixhi,
New Taipei City 221, Taiwan
Tel: 866-2-2696-1234

Acer America Corp.
333 West San Carlos Street, Suite 1500
San Jose, CA 95110
Tel: 508-533-7700

ASUSTeK Computer Inc.
No. 15, Li-Te Rd., Beitou District,
Taipei 112, Taiwan
Tel: 866-2-2894-3447

ASUS Computer International
800 Corporate Way
Fremont, CA 94539
Tel: 510-739-3777

Dell Inc.
One Dell Way
Round Rock, TX 78682
Tel: 512-338-4400

Hewlett Packard Co.
3000 Hanover Street
Palo Alto, CA 94304-1185
Tel: 650-857-1501

Lenovo Group Ltd.
Shangdi Information Industry Base
No 6 Chuang Ye Road, Haidan District
100085 Beijing, China
Tel: 86-10-5886-8888

Lenovo Holding Co., Inc.
1009 Think Place
Morrisville, NC 27650
Tel: 855-253-6686

Lenovo (United States) Inc.
1009 Think Place
Morrisville, NC 27650
Tel: 855-253-6686

Toshiba Corp.
1-1, Shibaura 1-chome,
Toshiba Building,
Minato-Ku,
Tokyo 105-8001, Japan
Tel: 81-3-3457-4511

Toshiba America, Inc.
1251 Avenue of the Americas
Suite 4110
New York, NY 10020
Tel: 212-596-0600

Toshiba America Information Systems, Inc.
9740 Irvine Boulevard
Irvine, CA 92618
Tel: 949-461-4321

Realtek Semiconductor Corp.
No. 2, Innovation Road II,
Hsinchu Science Park,
Hsinchu 300, Taiwan
Tel: 886-3-578-0211

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	THE PARTIES.....	3
A.	Complainant.....	3
B.	Respondents	7
1.	Acer Inc.....	7
2.	Acer America Corp.	7
3.	ASUSTeK Computer Inc.	8
4.	ASUS Computer International.....	8
5.	Dell Inc.....	8
6.	Hewlett Packard Co.	9
7.	Lenovo Group Ltd.....	9
8.	Lenovo Holding Co., Inc.	9
9.	Lenovo (United States) Inc.	10
10.	Toshiba Corp.....	10
11.	Toshiba America, Inc.....	11
12.	Toshiba America Information Systems, Inc.	11
13.	Realtek Semiconductor Corp.	12
III.	THE ASSERTED PATENTS	12
A.	The '898 Patent	13
1.	Foreign Counterparts to the '898 Patent	13
B.	The '923 Patent	14
1.	Foreign Counterparts to the '923 Patent	15
C.	The '607 Patent	15
1.	Foreign Counterparts to the '607 Patent	16
D.	The '345 Patent	17
1.	Foreign Counterparts to the '345 Patent	17
E.	The '637 Patent	18
1.	Foreign Counterparts to the '637 Patent	19
F.	Licensees to the Asserted Patents	19
IV.	NON-TECHNICAL DESCRIPTION OF THE PATENTED TECHNOLOGY	19
A.	The '898 and '923 Patents – System and Method for Adaptive Interference Cancelling	20
B.	The '607 Patent – Interference Canceling Method and Apparatus.....	21
C.	The '345 Patent – System, Method and Apparatus for Cancelling Noise	21
D.	The '637 Patent – Sub-Band Exponential Smoothing Noise Canceling System.....	22
V.	UNFAIR ACTS OF THE RESPONDENTS	22
A.	Infringement.....	23
1.	The '898 Patent.....	23
a.	Acer.....	23
b.	Asus.....	26

c.	Dell.....	28
d.	HP	31
e.	Lenovo	34
f.	Toshiba.....	36
g.	Realtek.....	39
2.	The '923 Patent.....	42
a.	Acer.....	42
b.	Asus.....	45
c.	Dell.....	47
d.	HP	50
e.	Lenovo	52
f.	Toshiba.....	55
g.	Realtek	58
3.	The '607 Patent	61
a.	Acer.....	61
b.	Asus.....	63
c.	Dell.....	66
d.	HP	69
e.	Lenovo	72
f.	Toshiba.....	74
g.	Realtek	77
4.	The '345 Patent.....	80
a.	Acer.....	80
b.	Asus.....	83
c.	Dell.....	85
d.	HP	88
e.	Lenovo	91
f.	Toshiba.....	94
g.	Realtek	96
5.	The '637 Patent	99
a.	Acer.....	99
b.	Asus.....	102
c.	Dell.....	104
d.	HP	107
e.	Lenovo	110
f.	Toshiba.....	113
g.	Realtek	115
B.	Specific Instance of Sale and Importation	118
1.	Acer.....	118
2.	Asus.....	118
3.	Dell.....	119
4.	HP	119
5.	Lenovo	120
6.	Toshiba.....	120
7.	Realtek	121
VI.	HARMONIZED TARIFF SCHEDULE INFORMATION	121

VII.	RELATED LITIGATION	122
VIII.	DOMESTIC INDUSTRY RELATING TO THE ASSERTED PATENTS.....	124
A.	Andrea's Significant Investment in Plant and Equipment.....	124
B.	Andrea's Significant Employment of Labor and Capital	125
C.	Andrea's Substantial Investment in the Exploitation of the Asserted Patents	125
D.	Andrea's Practice of the Asserted Patents	125
IX.	RELIEF	126

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.