

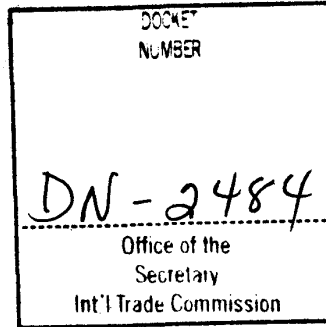
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May 15, 2006

CBI DN-315



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US INTERNATIONAL TRADE COMMISSION
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VIA MESSENGER

The Honorable Marilyn Abbott
Secretary
U.S. International Trade Commission
500 E Street, S.W.
Washington, D.C. 20436

Re: ***Certain Portable Digital Media Players, Components Thereof, and Products Containing Same***

Dear Secretary Abbott:

Enclosed for filing on behalf of Complainants Creative Labs, Inc. and Creative Technology Ltd. (collectively "Complainants") are the following documents in support of Complainants' request that the Commission commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended. A separate request for confidential treatment of Confidential Exhibit 8 is included with this filing.

Accordingly, Complainants submit the following documents for filing:

1. An original and twelve (12) copies of the verified Complaint and an original and six (6) copies of the accompanying exhibits, with Confidential Exhibit 8 segregated from the other material submitted (original and (1) copy unbound, without tabs). (Rules 201.6(c), 210.4(f)(3)(i), and 210.8(a));
2. One (1) additional copy of both the Complaint and accompanying non-confidential exhibits for service upon the proposed respondent (Rules 210.4(f)(3)(i), 210.8(a) and 210.11(a));
3. One (1) additional copy of the Confidential Exhibit 8 for service upon the proposed respondent;
4. Certified copies of United States Patent No. 6,928,433 ("the '433 patent"), included as Exhibit 1 in the original Complaint, and copies thereof included as Exhibit 1 in all copies of the Complaint;

U.S. practice conducted through McDermott Will & Emery LLP.

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Sony Corp., et al., v. Creative Technology Ltd., IPR2017-00595

EXHIBIT

Creative-2020

The Honorable Marilyn Abbott
Page 2

5. Certified copies of the assignments involving the '433 patent included as Exhibit 2 in the original Complaint, and copies thereof included as Exhibits 2 in all copies of the Complaint;
6. Certified copy and three (3) copies thereof of the prosecution history of the '433 patent included as Appendix A (Rule 210.12(c)(2));
7. Four (4) copies of each reference document mentioned in the prosecution history of the application leading to the issuance of the '433 patent included as Appendix B;
8. One (1) Creative's Zen Vision: M™ portable MP3 player (in box with original packaging) as Appendix C;
9. One (1) Apple iPod (in box with original packaging) as Appendix D;
10. One (1) Apple iPod Nano (in box with original packaging) as Appendix E; and
11. A notarized letter and certification pursuant to Commission Rules 201.6(b) and 210.5(d) requesting confidential treatment of Confidential Exhibit 8.

Thank you for your attention to this matter.

Respectfully submitted,


Mark G. Davis

MGD/ta

Enclosures

WDC99 1229636-1.065985.0014

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

In the Matter of

**CERTAIN PORTABLE DIGITAL
MEDIA PLAYERS, COMPONENTS
THEREOF, AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-_____

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

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I. INTRODUCTION

1. This Complaint is filed by Creative Technology Ltd. and its wholly owned subsidiary Creative Labs, Inc. (collectively “Creative”) under Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, based on the unlawful importation into the United States, the sale for importation, and/or the sale within the United States after importation, by manufacturers, importers, or consignees of portable digital media players that use the claimed method that infringe claims 2, 3, 4, 5, 7, 11, 12, 13, 15 and 16 of United States Letters Patent No. 6,928,433 (“the ‘433 Patent” or “Asserted Patent”).

2. The proposed Respondent is Apple Computer, Inc. (“Apple”). Upon information and belief, Apple manufactures, sells for importation, imports and/or sells after importation portable digital media players configured for use in ways that infringe the claimed methods.

3. A certified copy of the Asserted Patent is attached as Exhibit 1.

4. Creative Technology Ltd. owns all right, title, and interest in the Asserted Patent. A certified copy of the recorded assignments for the Asserted Patent is attached as Exhibit 2.¹

5. An industry as required by 19 U.S.C. § 1337(a)(2) and (3) exists in the United States relating to the technology protected by the Asserted Patent.

6. Creative seeks as relief a permanent exclusion order barring from entry into the United States infringing portable digital media players, components thereof, and products containing same. Creative also seeks as relief a cease and desist order prohibiting importation, sale after importation, marketing, advertising, demonstrating, warehousing inventory for distribution, offering for sale, selling, distributing, licensing, or use of infringing portable digital media players.

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