

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C. 20436

DOCKET
NUMBER

2785

Office of the
Secretary
Int'l Trade Commission

In the Matter of

CERTAIN DIGITAL TELEVISIONS AND
COMPONENTS THEREOF

Investigation No. 337-TA

**COMPLAINT OF LG ELECTRONICS, INC.
UNDER SECTION 337 OF THE TARIFF ACT OF 1930**

COMPLAINANT

LG Electronics, Inc.
LG Twin Towers
20, Yeouido-dong
Yeongdeungpo-gu
Seoul, 150-721
Korea
Tel: +82-2-3 777-3 400

COUNSEL FOR COMPLAINANT

Ruffin B. Cordell
Ralph A. Phillips
FISH & RICHARDSON P.C.
1425 K Street NW, 11th Floor
Washington, DC 20005
Tel: (202) 783-5070
Facsimile: (202) 783-2331

PROPOSED RESPONDENTS

Sony Corporation
7-1 Konan 1-Chome
Minato-ku
Tokyo, 108-0075
Japan

Sony Corporation of America
550 Madison Ave.
New York, NY 10022

Sony Electronics, Inc.
16530 Via Esprillo
San Diego, CA 92127

TABLE OF CONTENTS

I. Introduction.....1

II. Complainant.....2

III. Proposed Respondents3

 A. Sony Corporation.....3

 B. Sony Corporation of America.....3

 C. Sony Electronics, Inc.4

IV. The Technology and Products at Issue4

V. The Asserted Patents.....4

 A. The '906 Patent.....4

 1. Identification of the Patent and Ownership by LGE.....4

 2. Non-Technical Description of the Patented
 Invention.....5

 3. Foreign Counterparts to the '906 Patent.....5

 B. The '326 Patent.....5

 1. Identification of the Patent and Ownership by LGE.....5

 2. Non-Technical Description of the Patented
 Invention.....6

 3. Foreign Counterparts to the '326 Patent.....6

 C. The '071 Patent.....7

 1. Identification of the Patent and Ownership by LGE.....7

 2. Non-Technical Description of the Patented
 Invention.....7

 3. Foreign Counterparts to the '071 Patent.....7

 D. The '711 Patent.....8

 1. Identification of the Patent and Ownership by LGE.....8

2.	Non-Technical Description of the Patented Invention.....	8
3.	Foreign Counterparts to the '711 Patent.....	8
VI.	Unlawful and Unfair Acts of Proposed Respondents.....	8
VII.	Specific Instances of Unfair Importation and Sale.....	10
VIII.	Licensees.....	11
IX.	Domestic Industry.....	11
A.	Technical Prong.....	12
B.	Economic Prong.....	12
X.	Related Litigation.....	13
XI.	Requested Relief.....	14

LIST OF EXHIBITS

1. Certified copy of the '906 Patent
2. Certified copy of the '326 Patent
3. Certified copy of the '071 Patent
4. Certified copy of the '711 Patent
5. Certified assignments of the '906, '326, '071, and '711 Patents
6. Corporate Information for Sony Corporation
7. Corporate Information for Sony Corporation of America
8. Corporate Information for Sony Electronics, Inc.
9. Internet Site Depicting Availability of Accused Products for Purchase
10. Photographs of Representative Accused Products
11. User Manuals for Representative Accused Products
12. Claim Chart Demonstrating Sony's Infringement of the '906 Patent
13. Claim Chart Demonstrating Sony's Infringement of the '326 Patent
14. Claim Chart Demonstrating Sony's Infringement of the '071 Patent
15. Claim Chart Demonstrating Sony's Infringement of the '711 Patent
16. Photographs of Product Packaging, Copy of Receipt
17. **Confidential:** Licensees to the '906, '326, '071, and '711 Patents
18. Photographs of Representative Domestic Industry Product
19. **Confidential:** Owner's and Service Manuals for Representative Domestic Industry Products
20. ATSC Doc. A/53, ATSC Digital Television Standard, Parts 1 - 6, (Jan. 2007); ATSC Doc. A/54A, Recommended Practice: Guide to the Use of ATSC Digital Television Standard, including Corrigendum No. 1 (Dec. 4, 2003 and Dec. 20 2006 (Corrigendum No. 1)); and ATSC Doc. A/74, Recommended Practice: Receiver Performance Guidelines (Apr. 2010)

21. **Confidential:** Data Module for Broadcom system-on-chip (“SOC”), part number BCM 3549
22. Claim Chart Demonstrating LGE’s Practice of the ’906 Patent
23. **Confidential:** Claim Chart Demonstrating LGE’s Practice of the ’326 Patent
24. **Confidential:** Claim Chart Demonstrating LGE’s Practice of the ’071 Patent
25. **Confidential:** Claim Chart Demonstrating LGE’s Practice of the ’711 Patent
26. **Confidential:** Declaration Regarding Domestic Industry – Economic Prong
27. Product briefs for Mediatek SOCs and excerpts of service manuals of various televisions containing the same

LIST OF APPENDICES

- A. Prosecution History of the '906 Patent (four copies)
- B. Prosecution History of the '326 Patent (four copies)
- C. Prosecution History of the '071 Patent (four copies)
- D. Prosecution History of the '711 Patent (four copies)
- E. References Mentioned in the Prosecution Histories of the '906, '326, '071, and '711 Patents (four copies each)

I. INTRODUCTION

1.1 LG Electronics, Inc. (“LGE” or “Complainant”) requests that the United States International Trade Commission commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 337 (“Section 337”), to remedy the unlawful importation into the United States, sale for importation, and/or sale within the United States after importation by the owner, importer, or consignee (or agents thereof), of certain digital televisions and components thereof (collectively referred to as “the Accused Products”) that infringe valid and enforceable United States patents owned by LGE.

1.2 Proposed respondents Sony Corporation (“Sony Corp.”), Sony Corporation of America (“SCA”), and Sony Electronics, Inc. (“SEL”) (collectively, “Sony”) have engaged in unfair acts in violation of Section 337 through and in connection with the unlicensed importation into the United States, sale for importation, and/or sale within the United States after importation of Accused Products that infringe one or more claims of United States Patent No. 6,785,906 (“the ’906 patent”), United States Reissued Patent No. RE 37,326 (“the ’326 patent”), United States Patent No. 5,533,071 (“the ’071 patent”), and United States Patent No. 5,923,711 (“the ’711 patent”) (collectively, “the patents-in-suit” or “the Asserted Patents”).

1.3 LGE asserts that the Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-9, 11-12, and 16-19 of the ’906 patent, claims 29, 32, 35, 38 and 40 of the ’326 patent, claim 1 of the ’071 patent, and claims 1, 14, 31, and 38 of the ’711 patent (collectively, “the Asserted Claims”).

1.4 Certified copies of the ’906, ’326, ’071, and ’711 patents accompany this Complaint as **Exhibits 1-4**, respectively. LGE owns by assignment the entire right, title, and interest in and to these patents. A certified copy of each of the recorded assignments of the ’906, ’326, ’071, and ’711 patents accompany this Complaint as **Exhibit 5**.

1.5 As required by Section 337(a)(2) and defined in Section 337(a)(3), an industry in the United States exists relating to articles covered by the Asserted Patents.

1.6 LGE seeks a permanent exclusion order, pursuant to Section 337(d), excluding from entry into the United States Sony's Accused Products that infringe one or more claims of the Asserted Patents. LGE also seeks permanent cease and desist orders, pursuant to Section 337(f), directing Sony to cease and desist from the importation, marketing, advertising, demonstrating, installing, servicing, repairing, and warehousing inventory of such Accused Products for distribution, sale and/or use in the United States.

II. COMPLAINANT

2.1 Complainant LGE is a corporation organized under the laws of the Country of Korea, having its principal place of business at LG Twin Towers, 20, Yeouido-dong, Yeongdeungpo-gu, Seoul 150-721, Korea.

2.2 LGE is a global leader and technological innovator. LGE designs, develops, and sells a wide-range of high-technology products, including mobile communications devices, televisions, consumer electronics, and home appliances. LGE was founded in 1958 and has grown substantially as a result of its innovation. LGE has invested billions of dollars in research and development. In 2009 alone, for example, LGE invested two billion dollars in research and development. LGE, and its affiliates, now employ approximately 84,000 people throughout the world, including 17,000 engineers to develop LGE's next generation of technology. To protect its investment, LGE seeks patent protection, and owns approximately 90,000 patents and patent applications. Additional information about LGE can be obtained from LGE's website (<http://www.lg.com/us/about-lg/index.jsp>).

2.3 Consumers have recognized LGE's innovation. LGE is the world's second largest supplier of flat panel digital TVs—it sold 19.5 million LCD and plasma televisions worldwide in 2009.

2.4 Specifically, in relation to this action, LGE designs, develops, markets, and sells digital televisions. In the United States, LGE has made significant investments in plants and equipment, significant employment of labor and capital, and substantial investment in the exploitation of the patents, including engineering, research and development, and licensing. These activities provide the foundation for LGE's domestic industry.

III. PROPOSED RESPONDENTS

A. Sony Corporation

3.1 On information and belief, proposed Respondent Sony Corp. is organized under the laws of Japan with its principal place of business at 7-1, Konan 1-Chome, Minato-ku, Tokyo 108-0075, Japan. As detailed below, Sony Corp. operates an Audio-Visual Equipment business, which includes the manufacture of digital televisions. *See Exhibit 6.*

3.2 Sony Corp. develops, manufactures, and markets digital televisions that infringe the asserted patents. On information and belief, by way of example, Sony's televisions are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, Sony and/or others on its behalf then import the Accused Products into the United States, sell them for importation, or sell them in the United States after importation. *See id.*

B. Sony Corporation of America

3.3 On information and belief, proposed Respondent SCA is a Delaware corporation with a principal place of business at 550 Madison Avenue, New York, New York 10022, and is a wholly-owned subsidiary of Sony Corporation. On information and belief, SCA is a U.S.-based

subsidiary of proposed Respondent Sony Corp. and oversees Sony Corp.'s U.S. operations including operations related to the accused digital televisions. *See Exhibit 7.*

C. Sony Electronics, Inc.

3.4 On information and belief, proposed Respondent SEL is a Delaware corporation with its headquarters at 16530 Via Esprillo, San Diego, CA 92127, and is a wholly-owned subsidiary of Sony Corporation of America. On information and belief, SEL is responsible for research and development, sourcing, distribution, marketing, and sales activities of accused Sony-branded digital televisions in the United States and Canada on behalf of Sony Corp. and SCA. *See Exhibit 8.*

IV. THE TECHNOLOGY AND PRODUCTS AT ISSUE

4.1 The general technology at issue involves digital televisions. As discussed below, LGE holds patents addressed to certain elements of digital televisions and their operation. For example, one of the Asserted Patents, the '906 patent, relates to technology used in digital televisions capable of processing internet content. The remaining Asserted Patents, the '326, '071, and '711 patents, relate to the demodulation and processing of vestigial sideband (VSB) modulated television signals in high definition digital televisions.

V. THE ASSERTED PATENTS

5.1 At issue in this investigation is the proposed Respondents' infringement of at least the Asserted Claims of LGE's four United States patents: the '906 patent, the '326 patent, the '071 patent, and the '711 patent. LGE provides an overview of each patent below.

A. The '906 Patent

1. Identification of the Patent and Ownership by LGE

5.2 The '906 patent is titled "Polling Internet Module of Web TV," and issued on August 31, 2004. The '906 patent issued from U.S. Patent Application Serial No. 09/551,410,

filed on April 18, 2000, which is a continuation of U.S. Patent Application Serial No. 08/787,831, filed on January 23, 1997, now U.S. Patent No. 6,097,383. LGE is the assignee of all rights, title, and interest in the invention ultimately disclosed and claimed in the '906 patent by the inventors, Kevin J. Gaughan and Thomas J. Zato. *See Exhibit 5.* The '906 patent is valid, enforceable, and is currently in full force and effect.

5.3 Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, the Complaint is accompanied by **Appendices A and E**. **Appendix A** contains a certified copy and three additional copies of the prosecution history of the '906 patent, and **Appendix E** contains four copies of each reference mentioned in that prosecution history.

2. **Non-Technical Description of the Patented Invention**

5.4 The '906 patent generally relates to a web television, *i.e.*, a television capable of processing internet content. Relevant to this investigation, the '906 patent discloses and claims a communication technique between a television controller and an internet module in which the television controller polls the internet module and the internet module responds to the poll by providing information to the television controller. *See Exhibit 1* at 1:18-24.

3. **Foreign Counterparts to the '906 Patent**

5.5 The '906 patent has no foreign counterparts, and no foreign patents or patent applications corresponding to the '906 patent have been filed, abandoned, withdrawn, or rejected.

B. **The '326 Patent**

1. **Identification of the Patent and Ownership by LGE**

5.6 The '326 patent is titled "HDTV Receiver" and issued on August 14, 2001. The '326 patent issued from U.S. Patent Application Serial No. 09/121,090, filed on July 23, 1998, and is a reissue of U.S. Patent No. 5,570,136, which issued from U.S. Patent Application Serial

No. 08/421,438, filed on April 12, 1995. The '326 patent claims priority to Korean Patent Application No. 94-7637, filed April 12, 1994. LGE is the assignee of all rights, title, and interest in the invention ultimately disclosed and claimed in the '326 patent by the inventor, Dae-Jin Kim. *See Exhibit 5*. The '326 patent is valid, enforceable, and is currently in full force and effect.

5.7 Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Amended Complaint is accompanied by **Appendices B and E**. **Appendix B** contains a certified copy and three additional copies of the prosecution history of the '326 patent, and **Appendix E** contains four copies of each reference mentioned in that prosecution history.

2. **Non-Technical Description of the Patented Invention**

5.8 The '326 patent generally discloses an improved high definition digital television receiver apparatus capable of demodulating and processing VSB-modulated television signals. *See Exhibit 2* at Abstract. Relevant to this investigation, the '326 patent discloses a tuning portion of a digital television receiver utilizing a local oscillator, a demodulator/Frequency Phase Locked Loop (FPLL), and a vestigial sideband (VSB) filter to improve signal processing of a digital television signal. *See, e.g., id.*

3. **Foreign Counterparts to the '326 Patent**

5.9 The '326 patent has one foreign counterpart, Korean Patent App. No. 94-7637, filed April 12, 1994, from which the '326 patent claims priority. No other foreign patents or patent applications corresponding to the '326 patent have been filed, abandoned, withdrawn, or rejected.

C. The '071 Patent

1. Identification of the Patent and Ownership by LGE

5.10 The '071 patent is titled "Error Tracking Loop Incorporating Simplified Cosine Look-Up Table" and issued on August July 2, 1996. The '071 patent issued from U.S. Patent Application Serial No. 08/366,844, filed on December 30, 1994, and is a continuation in part of U.S. Patent Application Serial No. 08/14,889, filed on February 8, 1993. LGE is the assignee of all rights, title, and interest in the invention ultimately disclosed and claimed in the '071 patent by the inventors, Gopalan Krishnamurthy and Ronald Lee. *See Exhibit 5.* The '071 patent is valid, enforceable, and is currently in full force and effect.

5.11 Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, the Complaint is accompanied by **Appendices C and E**. **Appendix C** contains a certified copy and three additional copies of the prosecution history of the '071 patent, and **Appendix E** contains four copies of each reference mentioned in that prosecution history.

2. Non-Technical Description of the Patented Invention

5.12 The '071 patent generally discloses a circuit for error correcting a received complex data signal. *See Exhibit 3* at Abstract. Relevant to this investigation, the '071 patent discloses a phase tracking circuit for recovering an in-phase data from a received signal, estimating a quadrature component from the recovered in-phase component, and a feedback loop operable in response to a reference signal for correcting phase and/or amplitude errors. *See, e.g., id.*

3. Foreign Counterparts to the '071 Patent

5.13 The '071 patent has no foreign counterparts, and no foreign patents or patent applications corresponding to the '071 patent have been filed, abandoned, withdrawn, or rejected.

D. The '711 Patent

1. Identification of the Patent and Ownership by LGE

5.14 The '711 patent is titled "Slice Predictor for a Signal Receiver" and issued on July 13, 1999. The '711 patent issued from U.S. Patent Application Serial No. 08/627,826, filed on April 2, 1996. LGE is the assignee of all rights, title, and interest in the invention ultimately disclosed and claimed in the '711 patent by the inventor, David A. Willming. *See Exhibit 5.* The '711 patent is valid, enforceable, and is currently in full force and effect.

5.15 Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, the Complaint is accompanied by **Appendices D and E**. **Appendix D** contains a certified copy and three additional copies of the prosecution history of the '711 patent, and **Appendix E** contains four copies of each reference mentioned in that prosecution history.

2. Non-Technical Description of the Patented Invention

5.16 The '711 patent generally discloses a data processor for receiving and processing a signal having multi-level symbols. *See Exhibit 4* at Abstract. Relevant to this investigation, the '711 patent teaches a data processor with a plurality of slice values that may be selected for use in slicing the multi-level symbols of the signal. *See, e.g., id.*

3. Foreign Counterparts to the '711 Patent

5.17 The '711 patent has no foreign counterparts, and no foreign patents or patent applications corresponding to the '711 patent have been filed, abandoned, withdrawn, or rejected.

VI. UNLAWFUL AND UNFAIR ACTS OF PROPOSED RESPONDENTS

6.1 Upon information and belief, Sony's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least: claims 1-9, 11-12, and 16-19 of the '906 patent, claims 29, 32, 35, 38 and 40 of the '326 patent, claim 1 of the '071 patent, and

claims 1, 14, 31, and 38 of the '711 patent (collectively, "the Asserted Claims"). Upon information and belief, components of those same products (*e.g.*, the Sony Accused Products) also directly infringe, contributorily infringe, and/or induce infringement of those claims.

Discovery may reveal that Sony infringes additional claims of the Asserted Patents.

6.2 On information and belief, the Accused Products are manufactured, assembled, packaged and tested, and/or purchased for importation outside the United States by Sony, specifically, at least in Mexico. The Accused Products are then imported into the United States, sold for importation, and/or sold within the United States after importation by Sony. *See Exhibit 6, 7, and 8.*

6.3 On information and belief, and by way of example, Sony's "Bravia" television models such as KDL-46HX800 and KDL-32EX500 directly infringe, contributorily infringe, and/or induce infringement of one or more of the Asserted Claims. The KDL-46HX800 and KDL-32EX500 are representative of the larger group of Sony digital TVs that constitute the Accused Products at issue in this investigation. Photographs of the representative Sony KDL-46HX800 and KDL-32EX500 digital televisions are attached to the Complaint as **Exhibit 10**. A copy of the user manuals for these representative Sony digital televisions are attached to the Complaint as **Exhibit 11**. As these Accused Products are ATSC compliant, they necessarily adhere to the ATSC Doc. A/53, ATSC Digital Television Standard, which was first published in 1995. A copy of the latest (January 2007) revision of A/53 is attached to the Complaint at Exhibit 20. Further, upon information and belief, and consistent with industry practice, the Accused Products also follow the ATSC Doc. A/54A, Recommended Practice: Guide to the Use of ATSC Digital Television Standard, and the ATSC Doc. A/74, Recommended Practice: Receiver Performance Guidelines. Copies of A/54A (Dec. 4, 2003 and Dec. 20 2006

(Corrigendum No. 1)) and A/74 (April 2010) documents are attached to the Complaint at Exhibit 20. Claim charts demonstrating how these representative Accused Products infringe the asserted independent claims of the Asserted Patents—claim 1 of the '906 patent, claims 29, 32, 35, 38 and 40 of the '326 patent, claim 1 of the '071 patent, and claims 1, 14, 31, and 38 of the '711 patent—are attached to the Complaint as **Exhibit 12, Exhibit 13, Exhibit 14, and Exhibit 15**, respectively. Further discovery will likely reveal additional infringing Sony products and/or models and the additional bases for infringement of the Asserted Claims.

6.4 Sony actively induces others to infringe the Asserted Claims through its sale of the Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the Accused Products. Sony induced such infringing acts and knew or should have known that its actions would induce actual infringement of the Asserted Patents. In addition, Sony contributorily infringes certain of the Asserted Claims through its sale and offers to sell within the United States and/or imports into the United States of components of the Accused Products and/or Accused Products for use in practicing a process, constituting a material part of the Asserted Claims, knowing the same to be especially made or especially adapted for use in an infringement of the Asserted Patents, and not a staple article or commodity of commerce suitable for substantial noninfringing use. LGE provided notice of Sony's infringement of the '326 patent at least as early as September 20, 2006, and at least as early as the filing of this Complaint as to the remaining Asserted Patents.

VII. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

7.1 On information and belief, Sony and others on its behalf manufacture the Accused Products at least in Mexico, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 9** is a description of an offer for sale of the Sony KDL-46HX800

and KDL-32EX500 televisions on the www.sonystyle.com Internet site, which is controlled by Sony.

7.2 LGE recently purchased representative Accused Products in the United States. Specifically, LGE purchased Sony KDL-46HX800 and KDL-32EX500 televisions in the United States that each infringe one or more asserted claims of the asserted patents as set forth above. Labels on the devices indicate that the products were manufactured in Mexico. *See Exhibit 10.* Attached as part of **Exhibit 16** are photographs of the product packaging and a copy of the receipt for the Sony KDL-46HX800 and KDL-32EX500 televisions purchased by LGE reflecting the purchase of Accused Products in the United States.

7.3 On information and belief, SEL is the distributor of the Sony KDL-46HX800 and KDL-32EX500 televisions. As discussed above, on information and belief SEL is a wholly-owned subsidiary of Sony Corp.

7.4 The Accused Products are believed to fall within at least the following classifications of the Harmonized Tariff Schedules of the United States: 8528.72.7210 and 8528.72.7250. These classifications are intended for illustrative purposes only and are not intended to restrict the scope or type of Accused Product.

VIII. LICENSEES

8.1 LGE has licensed one or more of the Asserted Patents. Pursuant to Rule 210.12 of the Commission's Rules, **Confidential Exhibit 17** provides a list of licensees.

IX. DOMESTIC INDUSTRY

9.1 A domestic industry exists as defined by 19 U.S.C. §§ 1337(a)(3)(A), (B), and (C) relating to significant investment in plant and equipment; significant employment of labor and capital; and substantial investment in the exploitation of the patents, including engineering, research and development, and licensing of LGE's domestic industry products. LGE's domestic

industry products covered by the claims of the Asserted Patents include LGE's digital televisions.

A. Technical Prong

9.2 LGE sells in the United States digital televisions that practice at least one claim of each of the Asserted Patents. One exemplary LGE product, the LGE 42LE5500 digital television, is covered by at least one claim of each of the Asserted Patents. This television is assembled in Mexico and is imported into the United States. A photograph of this digital television is attached to the Complaint as **Exhibit 18**. A copy of the owner's manual and service manual for this digital television is attached to the Complaint as **Confidential Exhibit 19**. The LGE 42LE5500 incorporates a Broadcom system-on-chip ("SOC") having part number BCM 3549 and complies with the ATSC Standard. A copy of ATSC Digital Television Standard A/53, Parts 1 - 6, 2007, and ATSC Doc. A/54A, Recommended Practice: Guide to the Use of ATSC Digital Television Standard, including Corrigendum No. 1 (Dec. 4, 2003 and Dec. 20 2006 (Corrigendum No. 1)), are attached to the Complaint as **Exhibit 20**. A copy of a data sheet for a Broadcom system-on-chip ("SOC") having part number BCM 3549 is attached to the Complaint as **Confidential Exhibit 21**. Claim charts demonstrating how the LGE 42LE5500 digital television practices at least one claim of the '906, '326, '071, and '711 patents are attached to the Complaint as **Exhibit 22, Confidential Exhibit 23, Confidential Exhibit 24, and Confidential Exhibit 25**, respectively.

B. Economic Prong

9.3 LGE conducts significant domestic industry activities in the United States relating to its products practicing the Asserted Patents. These activities include LGE's investment in plant and equipment, employment of labor and capital, and substantial investment in the exploitation of the Asserted Patents, as well as the investments in these activities by its related

U.S. entities LG Electronics U.S.A., Inc. (“LGEUS”) and LG Electronics Alabama, Inc. (“LGEAI”). *See Confidential Exhibit 26.*

9.4 LGE has made and continues to make significant investment in plant facilities and equipment in the United States dedicated to the service and engineering of products covered by the Asserted Patents. The plant facilities and equipment used in connection with these activities are located in Huntsville, Alabama, and Rancho Cucamonga, California. A portion of LGE’s investment in plant and equipment is set forth in **Confidential Exhibit 26.**

9.5 LGE has employed and continues to employ a significant number of employees in the above-mentioned facilities that devote substantial man-hours towards product support, testing and quality management, and warranty and repair services for products covered by the Asserted Patents. **Confidential Exhibit 26** describes this labor investment.

9.6 LGE has invested and continues to invest significant capital in its facilities towards product support, testing and quality management, and warranty and repair services for products covered by the Asserted Patents. **Confidential Exhibit 26** describes the capital LGE has expended towards these activities.

9.7 LGE has also invested substantially in the exploitation of the patents-in-suit through the activities described above. **Confidential Exhibit 26** describes this investment.

X. RELATED LITIGATION

10.1 On June 5, 2009, Vizio, Inc. (“Vizio”) filed a complaint against LGE in the United States District Court for the District of Maryland asserting infringement of seven patents. On August 31, 2009, LGE filed its Answer and Counterclaim for a Declaration of Non-Infringement. On November 30, 2009, LGE sought leave to file a First Amended Answer and Counterclaim seeking a Declaration of Non-Infringement and asserting two of its own patents –

one of which was the '326 patent. On March 3, 2010, the Court granted LGE's motion to file its First Amended Answer and Counterclaim.

10.2 On July 16, 2010, Vizio filed a complaint against LGE in the ITC asserting infringement of the same seven patents previously asserted in the District of Maryland District Court. On August 13, 2010, the Commission instituted Investigation No. 337-TA-733.

10.3 On September 15, 2010, LGE filed a complaint against Vizio and AmTran in the ITC asserting infringement of the '906 patent, among others. The Commission subsequently instituted Investigation No. 337-TA-742 on October 18, 2010. On November 16, 2010, LGE sought leave to file an amended complaint including the '326 patent. Leave was subsequently granted and an amended complaint, asserting infringement of both the '906 and '326 patents, among others, by Vizio and AmTran was filed on December 28, 2010.

10.4 On November 1, 2010, LGE and Vizio jointly moved to stay the Maryland District Court action pending the resolution of ITC Inv. No. 337-TA-733 and ITC Inv. No. 337-TA-742. Joint motions for termination were filed January 18, 2011 in both of these investigations based on a settlement and license agreement between LGE and Vizio.

XI. REQUESTED RELIEF

11.1 WHEREFORE, by reason of the foregoing, LGE requests that the United States International Trade Commission:

- (a) Institute an immediate investigation, pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to violations of Section 337 based on the proposed Respondents' unlawful importation into the United States, sale for importation, and/or sale within the United States after importation of certain digital televisions and components thereof that infringe one or more claims of United States

Patent No. 6,785,906; United States Reissued Patent No. RE 37,326; United States Patent No. 5,533,071; and United States Patent No. 5,923,711;

(b) Schedule and conduct a hearing on the unlawful acts and, following the hearing, determine that there has been a violation of Section 337;

(c) Issue a permanent exclusion order, pursuant to Section 337(d) of the Tariff Act of 1930, as amended, excluding from entry into the United States all of the proposed respondents' digital televisions and components thereof that infringe one or more claims of United States Patent No. 6,785,906; United States Reissued Patent No. RE 37,326; United States Patent No. 5,533,071; and United States Patent No. 5,923,711;

(d) Issue permanent cease and desist orders, pursuant to Section 337(f) of the Tariff Act of 1930, as amended, directing each of the proposed respondents to cease and desist from the importation, marketing, advertising, demonstrating, installing, repairing, servicing, warehousing inventory for distribution, sale and use of certain digital televisions and components thereof that infringe one or more claims of United States Patent No. 6,785,906; United States Reissued Patent No. RE 37,326; United States Patent No. 5,533,071; and United States Patent No. 5,923,711; and

(e) Grant such other and further relief as the Commission deems just and proper based on the facts determined by the investigation and the authority of the Commission.

Respectfully submitted,

FISH & RICHARDSON P.C.



Ruffin B. Cordell

Ralph A. Phillips

1425 K Street NW, 11th Floor

Washington, DC 20005

Telephone: (202) 783-5070

Facsimile: (202) 783-2331

Counsel for Complainant

LG Electronics, Inc.

Dated: February 4, 2011

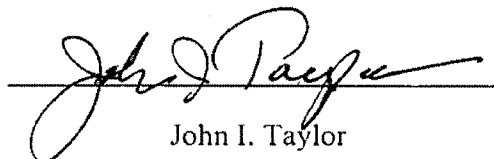
VERIFICATION

I, John I. Taylor, declare, in accordance with 19 C.F.R. §§ 210.4 and 210.12(a), under penalty of perjury, that the following statements are true:

1. I, John I. Taylor, am a vice president at LG Electronics USA, Inc., and am duly authorized to sign this Complaint on behalf of Complainant LG Electronics, Inc. ("LGE");
2. I have read the foregoing Complaint;
3. To the best of my knowledge, information, and belief, based upon reasonable inquiry, the foregoing Complaint is well-founded in fact and is warranted by existing law or by a non-frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
4. The allegations or other factual contentions have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery, and;

The foregoing Complaint is not being filed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of litigation.

Executed this 4th day of February, 2011.


John I. Taylor