

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436**

In the Matter of

**CERTAIN DISPLAY DEVICES,
INCLUDING DIGITAL TELEVISIONS
AND MONITORS II**

Investigation No. 337-TA-_____

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

Complainant:

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11.	LG Operations Korea webpage retrieved on October 4, 2010 from http://www.lg.com/us/about-lg/corporate-information/overview/global-operations.jsp?Area=Global AP&Nation=KR
12.	LG 2008 Annual Report retrieved on February 8, 2010 from http://www.lg.com/global/ir/reports/annual-reports.jsp
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¹ U.S. Patent Re No. 40,468 is a reissue of U.S. Patent No. 5,699,426, which issued from U.S. Patent Application Ser. No. 08/448,254. The assignment for Patent Application Ser. No. 08/448,254 includes an assignment of all rights in, among other things, continuations and reissues of the application.

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APPENDICES

	Description
A	Certified Copy of the Prosecution History of the '847 Patent, and three additional copies thereof
B	Certified Copy of the Prosecution History of the '577 Patent, and three additional copies thereof
C	Certified Copy of the Prosecution History of the '468 Patent, and three additional copies thereof
D	Certified Copy of the Prosecution History of the '472 Patent, and three additional copies thereof
E	Four copies of each Patent and Technical Reference Mentioned in the Prosecution History of the '847 Patent
F	Four copies of each Patent and Technical Reference Mentioned in the Prosecution History of the '577 Patent
G	Four copies of each Patent and Technical Reference Mentioned in the Prosecution History of the '468 Patent
H	Four copies of each Patent and Technical Reference Mentioned in the Prosecution History of the '472 Patent
I	CONFIDENTIAL Copy of each license agreement identified on CONFIDENTIAL Exhibit 28

I. INTRODUCTION

1. Sony Corporation (“Sony” or “Complainant”) requests that the United States International Trade Commission (“ITC”) commence an investigation under Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”), to remedy the unlawful 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 display devices, including digital televisions and monitors (collectively referred to as the “Accused Products”) that infringe four valid and enforceable United States patents owned by Sony.

2. The proposed respondents are:

- LG Electronics, Inc. (“LG Electronics”)
- LG Electronics U.S.A., Inc. (“LG Electronics USA”)

3. These entities listed in the preceding paragraph are related companies and are referred to collectively herein as “the proposed respondents” or “LG.” LG digital televisions and PC Monitors, which on information and belief are manufactured mainly in China, Korea, Poland, Mexico, Indonesia, Vietnam, and Brazil, are accused of infringement here.

4. On information and belief, the proposed respondents have violated Section 337 by importing into the United States, selling for importation into the United States, and/or selling within the United States after importation certain display devices, including digital televisions and monitors, that infringe one or more claims of the following four Sony patents:

- United States Patent No. 5,731,847 (“the ‘847 patent”);
- United States Patent No. 5,583,577 (“the ‘577 patent”);
- United States Patent No. 6,661,472 (“the ‘472 patent”); and
- United States Reissue Patent No. 40,468 (“the ‘468 patent”).

These patents are referred to collectively herein as “the Sony patents” or “the Asserted Patents.”
(See Exhibits 1-4.)

5. Sony is asserting all four patents against LG’s display devices, including digital televisions and PC Monitors. Sony asserts that the Accused Products directly infringe, contributorily infringe, and/or induce the infringement of one or more of claims 41-44 of the ‘468 patent; claims 13, 15, 19, and 20 of the ‘577 patent; claims 1-4, 8, and 11-15 of the ‘472 patent; and claims 11, 12, 16, 27, 33-35, and 39-41 of the ‘847 patent.

6. As required by 19 U.S.C. § 1337(a)(2) and (3), an industry in the United States exists relating to articles covered by the Asserted Patents.

7. Sony seeks a permanent exclusion order pursuant to Section 337(d), prohibiting entry into the United States, or admission into foreign trade zones of the United States, all of the Accused Products of the proposed respondents that infringe one or more asserted claims of the Asserted Patents. Pursuant to Section 337(f), Sony also seeks permanent cease and desist orders, prohibiting the proposed respondents, their affiliates, others acting on behalf of the proposed respondents, and others who are in active concert or participation with the proposed respondents from importing into the United States, admitting or withdrawing from a foreign trade zone of the United States, marketing, advertising, demonstrating, warehousing inventory for distribution, distributing, offering for sale, selling, licensing, using, or transferring outside the United States for sale in the United States any of proposed respondents’ display devices that infringe one or more asserted claims of the Asserted Patents. Finally, Sony seeks any other relief the ITC deems proper.

II. THE PARTIES

A. Complainant Sony

8. Sony is a Japanese corporation with a principal place of business at 1-7-1, Konan, Minato-ku, Tokyo, Japan. Founded in 1946, Sony is a world leader in the design, manufacture, and marketing of a wide variety of electronics and information technology products for the consumer and professional markets.

9. Sony is one of the largest manufacturers and distributors of televisions in the world. Sony plays a large role in the world marketplace for digital display technology, both in research and development as well as manufacturing and sales.

10. Sony has a long history of investing in the research and development of new technologies for the consumer electronics industry. As a result of this investment, Sony's patent portfolio has grown to more than thirty thousand worldwide patents that cover many areas of consumer electronics, including fundamental aspects of today's digital television and PC Monitor technology. Sony has established a program for licensing its patents related to these technologies and has successfully licensed such patents, including the Asserted Patents, to many companies that compete with respect to display devices, including digital televisions and PC monitors. As part of that effort, Sony has initiated three lawsuits involving all of the Asserted Patents (all of which are now settled), as well as an investigation before the ITC involving all four of the Asserted Patents (which the parties have likewise settled).

11. Additional information concerning Sony can be obtained from Sony's most recent Annual Report, which accompanies this Complaint as **Exhibit 5**.

B. The Proposed Respondents

12. Upon information and belief, the proposed respondents are interrelated companies. LG Electronics is the parent company of LG Electronics USA . (See **Exhibit 6 (p.**

24.) Upon information and belief, the proposed respondents design, manufacture, market, sell, and service digital televisions and monitors that are imported into the United States by or on behalf of the proposed respondents. (See **Exhibit 7 and Exhibit 8**.) The proposed respondents have never taken a license to the Asserted Patents from Sony and, on information and belief, their products are not covered by any license under the Sony patents.

13. Upon information and belief, Defendant LG Electronics, Inc. (“LG Electronics”) is a corporation organized and existing under the laws of Korea, with its principal place of business at LG Twin Towers, 20 Yeouido-dong, Yeongdeungpo-gu, Seoul 150-721, South Korea. LG Electronics is in the business of manufacturing, distributing, and selling display devices, such as digital televisions and monitors. (See **Exhibit 7, Exhibit 8, and Exhibit 9**.) LG Electronics is listed on both the Korea and London stock exchanges. (See **Exhibit 6 (p. 7)**.) LG Electronics has stated that it is the “second largest supplier of digital televisions worldwide.” (See **Exhibit 10**.)

14. Upon information and belief, LG Electronics, through itself and its subsidiaries and/or affiliates, designs, researches, manufactures, distributes, and sells digital televisions and monitors that infringe the Asserted Patents. Upon information and belief, the accused display devices are manufactured, assembled, and/or packaged and tested outside the United States, mainly in Korea, China, Poland, Mexico, Indonesia, Vietnam, and Brazil, by LG Electronics and/or its subsidiaries. (See **Exhibit 11 and Exhibit 12**.) Upon information and belief, LG Electronics and/or others then import the accused display devices into the United States, sell them after they have been imported into the United States, or sell them for importation into the United States. (See **Exhibit 13 and Exhibit 14**.)

15. Upon information and belief, LG Electronics USA is a corporation organized under the laws of Delaware and with its principal place of business at 1000 Sylvan Avenue, Englewood Cliffs, New Jersey 07632. LG Electronics USA is in the business of importing, selling and distributing display devices, such as monitors and digital televisions. (See **Exhibit 13, Exhibit 14, and Exhibit 15.**) Upon information and belief, LG Electronics USA is a wholly-owned subsidiary of LG Electronics. (See **Exhibit 6 (p. 24).**)

16. Upon information and belief, LG Electronics imports, distributes, and sells digital televisions and monitors that infringe the Asserted Patents. Upon information and belief, the accused display devices are manufactured, assembled, and/or packaged and tested outside the United States, mainly in Korea, China, Poland, Mexico, Indonesia, Vietnam, and Brazil. (See **Exhibit 11, Exhibit 12, and Exhibit 15.**) LG Electronics USA and/or others then import the accused display devices into the United States, sell them after they have been imported into the United States, or sell them for importation into the United States. (See **Exhibit 13, Exhibit 14, and Exhibit 15.**)

III. THE TECHNOLOGY AND PRODUCTS AT ISSUE

17. The technologies at issue relate generally to various aspects of digital televisions and monitors.

18. The Accused Products and the Sony products that practice the asserted Sony patents are display devices including, but not limited to, digital televisions and monitors.²

² Complainant has physical samples of some of the accused digital televisions and monitors and well as the Sony products relied on to support a domestic industry. Upon request, Complainant is prepared to provide these products as physical exhibits, pursuant to Commission Rule 210.12(b). Due to their size and bulk, however, Complainant is not providing these items as physical exhibits at this time. Complainant has, however, attached photographs of the accused digital televisions and monitors and the representative domestic industry product as **Exhibits 16-18.**

IV. NON-TECHNICAL DESCRIPTIONS OF THE PATENTED TECHNOLOGY³

A. Ownership of the Asserted Patents

19. Sony owns by valid assignment the entire right, title, and interest in and to each of the Asserted Patents. Copies of the assignments of each of the Asserted Patents are attached as **Exhibits 19-23**.⁴

B. The '847 Patent

20. U.S. Patent No. 5,731,847 (“the ‘847 patent”) is entitled “Subtitle Encoding/Decoding Method and Apparatus.” The ‘847 patent issued on March 24, 1998 from United States Patent Application Serial No. 08/618,515, which was filed on March 19, 1996. The ‘847 patent identifies Ikuo Tsukagoshi as the sole inventor.

21. A certified copy of the ‘847 patent is attached as **Exhibit 1**.

22. Pursuant to Commission Rule 210.12(c), a certified copy of the U.S. Patent and Trademark Office prosecution history for the ‘847 patent, three copies thereof and four copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the ‘847 patent are included in **Appendices A and E**, respectively.

³ All non-technical descriptions of the inventions herein are presented to provide a general background of those inventions. These statements are not intended to be used nor should they be used for purposes of patent claim interpretation. Complainant presents these statements subject to and without waiver of its right to propose claim constructions based on applicable claim interpretation jurisprudence and relevant intrinsic and extrinsic evidence.

⁴ The ‘847, ‘577, and ‘468 patents were originally assigned from their respective inventors to Complaint Sony. The certified assignments for the ‘847, ‘577, and ‘468 patents are attached hereto as **Exhibits 19-2130**. The ‘472 patent were originally assigned from their respective inventors to both Complaint Sony and Sony Electronics Corporation (“SEL”). The certified assignment for the ‘472 patent from their respective inventors to both Complainant Sony and SEL is attached hereto as **Exhibit 22**. The ‘472 patent was later assigned solely to Complainant Sony from SEL. A copy of the assignment from SEL to Complaint Sony is attached hereto as **Exhibit 23**.

23. The '847 patent has 41 claims, including five independent claims. Based on presently available information, Sony is asserting claims 11, 12, 16, 27, 33-35, and 39-41 against digital televisions.

24. 47 C.F.R. § 15, or Part 15 of the Federal Communication Commission Rules, sets forth requirements for devices, such as televisions, sold inside the United States. Specifically, 47 C.F.R. § 15.122, provides closed captioning requirements for most digital televisions sold on or after July 1, 2002. In particular, 47 C.F.R. § 15.122(b) requires that digital television receivers and tuners be capable of decoding closed captioning information that is delivered pursuant to the EIA-708-B ("Digital Television (DTV) Closed Captioning") (attached hereto as **Exhibit 24**). Both the FCC regulations and EIA-708-B require implementation of elements that are relevant to the claims of the '847 patent. For example, both the FCC regulations and EIA-708-B require video to be synchronized with the closed caption information.

25. The '847 patent is generally directed to the synchronization and display of closed caption information, such as subtitles, on video pictures. In particular, the '847 patent discloses and claims a subtitle decoder capable of using a buffer to ensure that subtitles are displayed contemporaneously with the respective video picture.

C. The '577 Patent

26. U.S. Patent No. 5,583,577 ("the '577 patent") is entitled "Caption Data Coding/Decoding Systems and Methods that Includes Key Data Indicating Intermediate Levels of Attenuation in the Vicinity of the Caption." The '577 patent issued on December 10, 1996 from United States Patent Application Serial No. 08/387,904, which has the 35 U.S.C. § 371 date of April 3, 1995. The '577 patent identifies Ikuo Tsukagoshi as the sole inventor.

27. A certified copy of the '577 patent is attached as **Exhibit 2**.

28. Pursuant to Commission Rule 210.12(c), a certified copy of the U.S. Patent and Trademark Office prosecution history for the '577 patent, three copies thereof and four copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '577 patent are included in **Appendices B and F**, respectively.

29. The '577 patent has 74 claims, including 18 independent claims. Based on presently available information, Sony is asserting claims 13, 15, 19, and 20 against digital televisions.

30. As noted above, 47 C.F.R. § 15.122(b) requires digital television receivers and tuners to be capable of decoding closed captioning information that is delivered pursuant to EIA-708-B. EIA-708-B, in turn, requires the background image in the vicinity of a caption to be attenuated to varying degrees.

31. The '577 patent is generally directed to methods and systems for coding and decoding caption data to be superimposed on a displayed video image. Specifically, the '577 patent discloses a caption decoding method in which a signal representing the caption is generated using coded caption data and the background video image in the vicinity of the caption is attenuated to varying degrees based on coded key data. This allows for gradual blending of the captions with the video image, as required, for example, by the FCC regulations and EIA-708-B, and prevents drastic transitions between the video and the caption.

D. The '468 Patent

32. United States Reissue Patent No. 40,468 ("the '468 patent") is entitled "Video Data Bus Communication System and Method." The '468 patent issued on August 26, 2008 from United States Patent Application Serial No. 11/288,023 ("the '023 application"), which was filed on November 28, 2005. The '023 application is, in turn, a continuation of U.S. Patent Application No. 10/323,357 ("the '357 application"), which was filed on December 19, 2002,

and had previously issued as U.S. Patent No. Re. 38,898. The '357 application is a continuation of United States Patent Application Serial No. 09/461,136, which was filed on December 14, 1999, and later issued as the '055 patent, which is also asserted here. The '055 patent, as noted above, is a reissue of U.S. Patent No. 5,699,426, which issued on December 16, 1997 from United States Patent Application Serial No. 08/448,254, which in turn was filed on May 23, 1995. The '468 patent identifies Junichi Tsukamoto, Koichi Goto, and Shinichi Fukushima as inventors.

33. A certified copy of the '468 patent is attached as **Exhibit 3**.

34. Pursuant to Commission Rule 210.12(c), a certified copy of the U.S. Patent and Trademark Office prosecution history for the '468 patent, three copies thereof and four copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '468 patent are included in **Appendices C and G**, respectively.

35. The '468 patent has five claims, including a single independent claim. Based on presently available information, Sony is asserting claims 41-44 against digital televisions and claims 41 and 42 against PC Monitors.

36. Today's display devices typically include one or more High-Definition Multimedia Interface ("HDMI") or Digital Visual Interface ("DVI") connections to allow video data to be transmitted to the television or monitor from an external device such as a DVD or Blu-Ray player. To ensure that the transmission of data over an HDMI or DVI connection is secure, the High-Bandwidth Digital Content Protection System ("HDCP") Specification may be implemented. Revisions 1.1 and 1.3 of the HDCP Specification are attached as **Exhibit 25** and **Exhibit 26**. HDCP is a form of digital copy protection that requires authentication and encryption before video data, such as a copyright protected motion picture, may be transmitted to

the television or monitor. Use of HDCP is mandatory for HDMI connections and is often used for DVI connections.

37. The '468 patent is generally directed to the secure transmission of video data from one device to another over a data bus. Secure transmission of video data is ensured by requiring an initial authentication process between the two devices, whereby the transmitting device confirms that a receiving display device is permitted to receive the data before sending it. Once authentication has been established, the transmitting device encrypts the data using an encryption key and transfers the encrypted data to the display device. The display device has a switch that allows either the encrypted video data received from the transmitting device or another video signal to be selected. If the encrypted video data from the transmitting device is selected, the data is decrypted according to the encryption key and then displayed. Many digital televisions that include HDMI and/or DVI connections and implement HDCP infringe the asserted claims of the '468 patent.

E. The '472 Patent

38. U.S. Patent No. 6,661,472 ("the '472 patent") is entitled "Channel Selection In Digital Television." The '472 patent issued on December 9, 2003 from United States Patent Application Serial No. 09/406,541, which was filed on September 27, 1999 and is a continuation of Provisional Application No. 60/102,942, which, in turn, was filed on September 30, 1998. The '472 patent identifies Peter Rae Shintani and Shigeharu Kondo as inventors.

39. A certified copy of the '472 patent is attached as **Exhibit 4**.

40. Pursuant to Commission Rule 210.12(c), a certified copy of the U.S. Patent and Trademark Office prosecution history for the '472 patent, three copies thereof and four copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '472 patent are included in **Appendices D and H**, respectively.

41. The '472 patent has 18 claims, including four independent claims. Based on presently available information, Sony is asserting claims 1-4, 8, and 11-15 against digital televisions.

42. The '472 patent is generally directed to a fast and intuitive technique for selecting channels in a digital television. In digital televisions, digital channels are indicated by a major channel number and a minor channel number. The major channel number identifies channels that belong to a common group and the minor channel number specifies a particular channel within that group. The '472 patent discloses a digital television that determines whether an entered channel is digital and, if so, generates a list of the minor channel numbers associated with that channel. This allows the user to view which minor channels are associated with a major channel and then select the desired minor channel number from the list.

F. Foreign Counterparts

43. Lists of each foreign patent, each foreign patent application (not already issued as a patent) and each foreign patent application that has been abandoned corresponding to the Asserted Patents, with an indication of the prosecution status of each such patent application, are attached hereto as **Exhibit 27**. To the best of Complainant's knowledge, information, and belief, there are no other foreign patents or foreign patent applications pending, filed, abandoned, withdrawn or rejected corresponding to the Asserted Patents.

G. Licenses

44. Sony has licensed the Asserted Patents to the licensees identified in **Confidential Exhibit 28**. Under Commission Rule 210.12(a)(9)(iv), copies of each of these license agreements are provided in **Confidential Appendix I**.

V. UNLAWFUL AND UNFAIR ACTS OF PROPOSED RESPONDENTS—PATENT INFRINGEMENT

45. Upon information and belief, proposed respondents import, sell for importation into the United States, and/or sell in the United States after importation certain display devices that infringe one or more of the Asserted Patents in violation of 35 U.S.C. § 271(a).

46. The accused display devices, which include digital televisions and PC Monitors, infringe one or more of the Asserted Sony Patents. On information and belief, the accused digital televisions and monitors are manufactured, assembled and/or packaged and tested outside of the United States, mainly in Korea, China, Poland, Mexico, Indonesia, Vietnam, and Brazil. (See **Exhibit 11** and **Exhibit 12**.) These same products are then imported into the United States, sold for importation into the United States, and/or sold in the United States after importation. The aforesaid acts of the proposed respondents constitute direct infringement, contributory infringement and/or infringement by inducing end users and customers of the accused products to infringe the asserted claims of Sony's patents.

47. The accused digital televisions directly or indirectly infringe the following asserted claims of the Sony patents. All proposed respondents are accused of infringing these claims.

- Claims 41-44 of the '468 patent;
- Claims 1-4, 8, and 11-15 of the '472 patent;
- Claims 13, 15, 19, and 20 of the '577 patent; and
- Claims 11, 12, 16, 27, 33-35, and 39-41 of the '847 patent.

48. The accused PC Monitors directly or indirectly infringe the following asserted claims. All proposed respondents are accused of infringing these claims.

- Claims 41 and 42 of the '468 patent.

49. Upon information and belief, the proposed respondents had notice of their infringement of the Asserted Patents through licensing negotiations conducted with Sony, wherein Sony's patent portfolio was discussed. The proposed respondents have continued to infringe the Asserted Patents after receiving notice of the infringement.

50. Upon information and belief, the proposed respondents contribute and/or actively induce the infringement by its end users and customers of the asserted claims of the Sony patents in violation of 35 U.S.C. 271 by selling within the United States, offering for sale within the United States, and/or importing into the United States the accused display devices including, for example, the LG 32LD350 LCD TV and LG E2360V LCD Monitor, which display devices are especially designed for use in infringing the Asserted Patents. Upon information and belief, respondents further induce others, including users of the accused display devices, by providing directions, demonstrations, guides, and/or manuals that encourage and facilitate others to perform actions known and intended by proposed respondents to be acts of infringement. Upon information and belief, Defendants knew or should have known their actions would cause direct infringement of the Asserted Patents and did so with intent to encourage direct infringement.

51. Further discovery may reveal that additional claims of the Asserted Patents are infringed by the accused products.

52. The accused digital televisions that infringe the asserted claims specified herein include, but are not limited to, at least the LG 32LD350 LCD TV. Further discovery may reveal additional infringing products and/or models. Photographs of the representative infringing LG 32LD350 LCD TV, and of the LGE3159A-LF-S1 processor incorporated in the product, are attached to this Complaint as **Exhibit 16**. A copy of the user manual for the LG 32LD350 LCD

TV is attached to this Complaint as **Exhibit 29**. A copy of the specifications for the LG 32LD350 LCD TV is attached to this Complaint as **Exhibit 56**.

53. Claim charts demonstrating independent claim 13 of the '577 patent, independent claims 11, 27, and 33 of the '847 patent, independent claim 41 of the '468 patent, and independent claims 1, 8, and 15 of the '472 patent read on the representative LG 32LD350 LCD TV or the use of that product for the purposes of the asserted independent method claims are attached as **Exhibits 30-33**, respectively.

54. The accused PC Monitors that infringe the asserted claims specified herein include, but are not limited to, at least the LG E2360V LCD Display. Further discovery may reveal additional infringing products and/or models. Photographs of the infringing LG E2360V LCD Display are attached to this Complaint as **Exhibit 17**. A copy of the user manual for the representative LG E2360V LCD Display is attached to this Complaint as **Exhibit 34**. A copy of the specifications for the representative LG E2360V LCD Display is attached to this Complaint as **Exhibit 57**.

55. A claim chart demonstrating how independent claim 41 of the '468 patent reads on the representative LG E2360V LCD Display or the use of that product for the purposes of the asserted independent method claims is attached as **Exhibits 35**.

VI. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

56. Upon information and belief, proposed respondents sell for importation, import, and/or sell after importation into the United States certain display devices that infringe the asserted claims of the Asserted Patents, as set forth above.

57. Upon information and belief, the proposed respondents and/or others on their behalf, manufacture the Accused Products outside the United States, mainly in the Korea, China, Poland, Mexico, Indonesia, Vietnam, and Brazil, and then import them into the United States,

sell them for importation into the United States and/or sell them after importation into the United States. For example, **Exhibits 13-14** are searches run on importgenius.com, showing the importation of LG display devices to the United States. **Exhibit 36** is an example of the marketing for the LG 32LD350 LCD TV on LG's Internet site. **Exhibit 37** is an example of the marketing for the LG E2360V LCD Display on LG's Internet site.

58. On March 12, 2009, the LG 32LD350 LCD TV and LG E2360V LCD Display were purchased in the United States. Labels on the products and/or product packaging indicate that the products were manufactured in Mexico and China. Attached as **Exhibits 16** and **17** are photographs of the products indicating they were manufactured in Mexico and China, and attached as **Exhibits 38** and **39** are copies of the receipts reflecting purchase of the products in the United States.

59. Further discovery likely will reveal additional specific acts of proposed respondents' importation, sale for importation, and/or sale after importation of the Accused Products.

VII. HARMONIZED TARIFF SCHEDULE ITEM NUMBERS

60. Upon information and belief, the infringing display devices may be classified under at least item numbers 8528.59.30 and 8528.72.72 of the Harmonized Tariff Schedule ("HTS") of the United States. These HTS numbers are intended for illustration purposes only, and are not intended to be restrictive of the devices and products accused.

VIII. RELATED LITIGATION

61. Sony previously asserted all of the Asserted Patents (as well as other patents) in three litigations in the Central District of California against parties other than the proposed respondents, entitled *Sony Corporation v. Westinghouse Digital Electronics*, 08-cv-03934-RGK-

FMOx, *Sony Corporation v. Vizio, Inc.*, 08-cv-01135-RGK-FMOx, and *Sony Corporation v. ViewSonic Corporation, et.al.*, 09-cv-7698-CBM-CTx.

62. In *Sony Corporation v. Westinghouse Digital Electronics*, 08-cv-03934-RGK-FMOx, on June 16, 2008 (“Westinghouse Action”), Sony filed a Complaint against Westinghouse Digital Electronics for infringement of seven Sony patents, of which two are asserted here against proposed respondents (specifically, the ‘577 and ‘847 patents). On September 16, 2008, the Court issued an Order allowing Sony to file its First Amended Complaint to add claims of infringement for the ‘468 and ‘472 patents, which are also asserted against proposed respondents, as well as a third patent that is not asserted here. (See **Exhibit 40.**) At the close of discovery, Sony and Westinghouse entered into a Patent License and Settlement Agreement. (See **Confidential Appendix I.**) On March 4, 2009, the Court entered the parties’ Final Judgment by Consent, whereby Westinghouse consented to judgment against it on infringement of the patents-in-suit and consented that all claims of the patents-in-suit are valid and enforceable. (See **Exhibit 41.**)

63. In *Sony Corporation v. Vizio, Inc.*, 08-cv-01135-RGK-FMOx, on October 10, 2008, Sony filed suit against Vizio and on November 14, 2008 Sony amended the Complaint to assert the same patents that were at issue in the Westinghouse Action, including all of the Asserted Patents. (See **Exhibit 42.**) Shortly after the close of discovery, on October 22, 2009, Sony and Vizio entered into a Patent License and Settlement Agreement. (See **Confidential Appendix I.**) On November 5, 2009, the Court granted Sony and Vizio’s stipulated dismissal. (See **Exhibit 43.**)

64. On October 22, 2009, Sony Corporation filed an action in the United States District Court for the Central District of California entitled *Sony Corporation v. ViewSonic*

Corporation, et.al., 09-cv-7698-CBM-CTx (“ViewSonic Litigation”), alleging infringement of the Asserted Patents (as well as six additional patents) against TPV Technology Limited, TPV International (USA), Inc., Envision Peripherals, Inc., Top Victory Investments Ltd., TPV Electronics (Fujian) Co., Ltd., TPV Display Technology (Wuhan) Co., Ltd., TPV Technology (Beijing) Co., Ltd. (collectively, “TPV”), ViewSonic Corporation (“ViewSonic”), and AOC International (“AOC”). On February 4, 2010, Sony filed an Amended Complaint, again asserting all the Asserted Patents (as well as same six additional patents) against the same accused infringers named in the original complaint. (See **Exhibit 44.**)

65. On April 20, 2010, Sony and ViewSonic entered into a Patent License and Settlement Agreement with ViewSonic (“Sony ViewSonic License”). (See **Confidential Appendix I.**) On November 5, 2009, the Court granted Sony and ViewSonic’s stipulated dismissal as to all products other than those provided to ViewSonic by one particular supplier. (See **Exhibit 45.**) On July 22, 2010, Sony and TPV entered into a Patent License and Settlement Agreement with TPV and Top Victory Electronics (Taiwan) Co., Ltd (“Sony TPV License”). (See **Confidential Appendix I.**) On August 27, 2010, the Court granted Sony and TPV’s stipulated dismissal; and on December 17, 2010, the Court granted Sony and Viewsonic’s stipulated dismissal as to all remaining claims. (See **Exhibit 46.**)

66. On March 18, 2010, Sony Corporation filed a complaint before the U.S. International Trade Commission, entitled *In the Matter of Certain Display Devices, Including Digital Television and Monitors, Inv.*, No. 337-TA-713 (“Display Device Action”), naming Innolux Display Corporation and Innolux Corporation (collectively, “CMI”), TPV and Top Victory Electronics (Taiwan) Co., Ltd. (collectively, the “TPV ITC Entities”), and ViewSonic as potential respondents, and asserting infringement of all of the Asserted Patents (as well as the

same six additional patents raised in the ViewSonic Litigation). (See **Exhibit 47**.) As part of the Sony ViewSonic License, Sony and ViewSonic also agreed to settle the Display Device Action. (See **Confidential Appendix I**.) On May 25, 2010, the Commission granted Sony's and ViewSonic's joint motion to terminate the investigation based upon the Sony ViewSonic License. (See **Confidential Exhibit 48**.) As part of the Sony-TPV License, Sony and the TPV ITC Entities also agreed to settle the Display Device Action. (See **Confidential Appendix I**.) On September 7, 2010, the Commission granted Sony's and the TPV ITC Entities' joint motion to terminate the investigation based upon the Sony TPV License. (See **Confidential Exhibit 49**.) On December 13, Sony and CMI executed a memorandum of understanding settling the remaining patent litigations between the parties (including the Display Device Action), and on December 16, 2010 Sony and CMI filed a joint motion to terminate the Display Device Action. (See **Exhibit 58**.) On January 3, 2011, ALJ Essex issued an Initial Determination granting Sony and CMI's joint motion to terminate the investigation on the basis of settlement agreement. (See **Exhibit 60**.) On February 2, 2011, the Commission issued a Notice of determination not to review ALJ Essex's Initial Determination granting Sony and CMI's joint motion to terminate the investigation in its entirety based on a settlement agreement. (See **Exhibit 61**.)

67. Sony has not asserted the Asserted Patents in any other domestic or foreign litigation or in any domestic or foreign agency investigation.

IX. THE DOMESTIC INDUSTRY

68. In accordance with Section 337(a)(2)-(3), an industry in the United States exists for products protected by the Asserted Patents. Sony has made significant investments in plant and equipment, significant employment of labor and capital, and substantial investments in its exploitation of the Asserted Patents in the United States, including research and development, repair and refurbishment, warranty support, licensing, and litigation. These investments are all

tied, at least in part, to the Asserted Patents. **Confidential Exhibit 59** is a declaration regarding Sony's domestic industry, detailing Sony's significant investments in plant and equipment, significant employment of labor and capital, and substantial investments in its exploitation of the Asserted Patents in the United States.

A. Sony's Digital Televisions Practice the Inventions of the Asserted Patents.

69. Sony digital televisions that are sold and supported in the United States, including but not limited to the Sony KDL-26L5000 LCD TV, which is representative of Sony's digital television product line with respect to the patented technology at issue here, practice at least one or more claims of the Asserted Patents. **Exhibits 50-53** are claim charts demonstrating that the Sony KDL-26L5000 LCD TV practices at least one independent claim of each patent. The Sony KDL-26L5000 user manual, attached as **Exhibit 54**, provides further evidence that this representative product practices at least one of the claims of each of the Asserted Patents.

Photographs of relevant aspects of the Sony KDL-26L5000 are attached as **Exhibit 18**.

B. Sony Conducts Significant Industry Activities in the United States Relating to the Technology of the Asserted Patents.

70. Sony's digital televisions are one of the leading U.S. brands. Although Sony's digital televisions are manufactured outside of the United States, two of its principal U.S.-based subsidiaries, Sony Electronics Inc. ("SEL"), a Delaware corporation, headquartered in San Diego, California, and Sony Corporation of America ("SCA"), which is headquartered in New York, conduct significant domestic industry activities in the United States relating to the Sony digital televisions that practice the Asserted Patents. For example, SEL's activities include engineering, design, research, development, distribution, marketing and administration of warranty and repair of Sony digital televisions, which practice the patents asserted here. SCA

helps Sony exploit the technology of the patents at issue through extensive licensing activities conducted in this country.

1. Sony Has Substantial Investment in Engineering, Research and Development Activities in the United States, as Well as Labor and Capital Related to those Activities.

71. For many years, SEL and its engineers have engaged in research and development for the Sony digital televisions covered by the Asserted Patents. Among other things, SEL employees work to ensure that Sony's digital televisions meet the applicable U.S. market requirements and operate as intended. In addition to R&D and quality control, they also provides a broad array of technical services relating to the administration of the repair and refurbishment of, and after-market customer support for, Sony's digital televisions.

72. SEL's Sony Technology Center-San Diego is the primary location for the design and development of Sony digital televisions for the U.S. market. The San Diego campus covers approximately 94 acres, and contains several buildings with over a million square feet. The San Diego facility opened in 1972.

73. Approximately one-third of the people that SEL currently employs in the United States work at the San Diego campus. SEL employs engineers at the San Diego campus, many of whom work in SEL's Television Engineering of America Group (the "TV Group") on various aspects of the technology incorporated in Sony digital televisions, which practice the patents at issue.

74. SEL's TV Group engineers are responsible for a variety of tasks related to Sony's use and incorporation of the patented technology in the Sony televisions sold in the United States. One such task is to ensure that Sony's televisions meet U.S. regulations and requirements including EIA-708-B (closed captioning) and the High-bandwidth Digital Content Protection ("HDCP") protocol. Currently, all Sony digital televisions that Sony sells in the U.S. comply

with those protocols. Ensuring that such televisions operate in accordance with these requirements is directly relevant to the Asserted Patents because the implementation of closed captioning in accordance with EIA-708-B implicates numerous aspects of the asserted claims of the '577 and '847 patents (see **Exhibit 24** (EIA-708-B)), and the implementation of the HDCP protocol implicates certain aspects of the asserted claims of the '468 patent (see **Exhibit 26** (HDCP, Rev. 1.3)). SEL's U.S.-based TV Group engineers also develop software for Sony digital televisions that are sold in the U.S., which incorporate the technology of the asserted '472, patent.

2. Sony has Significant Employment of Labor and Capital in Administering the Repair and Warranty of the Products Protected by the Asserted Patents in the United States.

75. Sony digital televisions are warranted against defects in material and workmanship. (See **Exhibit 55**.) The service and repair of Sony televisions sold in the United States is administered by SEL's Service Platform, which is based at the San Diego campus. The Service Platform, is responsible for supporting the Sony Service Authorized Network, which is a network of Authorized Servicicers based in the United States whose employees repair Sony digital televisions that incorporate the patented technology.

76. Among other things, employees of the Service Platform train members of the Service Authorized Network to repair Sony's digital televisions. They do so, in part, by generating training materials including television schematics, service manuals, and an informational website, which members of the Service Authorized Network use. The Service Platform also operates technical assistance phone lines for members of the Service Authorized Network.

77. The limited warranty packaged with the Sony digital televisions sold in the U.S. directs consumers to contact the Sony Customer Information Service Center ("CISC"). (See

Exhibit 55.) The CISC is based in San Diego and has operations in Ft. Myers, Florida. The CISC is responsible for the overall operation of telephone customer support. It develops and delivers agent training and monitors for customer support quality, and provides documentation describing the proper procedures for agents to use in responding to customer inquiries. The CISC also maintains a customer support knowledgebase, which contains technical response Q&A's, including responses that relate to Sony's digital televisions.

78. Although most inbound telephone calls are handled by customer support agents located overseas and employed by third parties, some SEL employees in the United States handle telephone calls from customers needing escalated levels of support for Sony televisions.

3. Sony has Significant Employment of Labor and Capital in Marketing the Products Protected by the Asserted Patents in the United States.

79. Sony devotes considerable resources in the United States to the marketing of the digital televisions protected by the Asserted Patents. For example, the Trade Show and Event Services group, based in San Diego, is responsible for displaying such products, as well as others, at industry trade shows, as well as conducting press and other marketing events, in the United States.

80. In 2009, SEL, both on its own and jointly with other Sony U.S. entities, conducted approximately 75 such events in the United States. For example, in June 2009, SEL rented Yankee Stadium for its Home Products Division Press Event, where Sony consumer products were displayed. The majority of products displayed at that event were the Sony digital televisions that incorporate the patented technology at issue here. Similarly, Sony had a 25,000 square foot display area—one of the largest—at the 2010 Consumer Electronics Show (“CES”), an industry trade event. Sony digital televisions were displayed throughout the Sony display area. Further, at the Custom Electronic Design and Installation Association (“CEDIA”) annual

trade show in September 2009, SEL was the largest television manufacturer to have a display, with a 5,600 square feet display area. Digital televisions were the primary product on display for SEL at CEDIA.

C. Sony Has Substantial Investments in Licensing the Asserted Patents.

81. As an independent ground for establishing a domestic industry, Sony has been, and is currently engaged in, extensive licensing activities relating to the Asserted Patents. Sony actively licenses its patents to makers and sellers of digital televisions and PC Monitors. Sony considers the Asserted Patents to be particularly valuable and typically emphasizes them in the presentations Sony often gives to potential licensees in the course of licensing negotiations. To date, approximately twenty-four companies have taken licenses under Sony's patents that cover either digital televisions or cover both digital televisions and PC monitors.

82. SCA and SEL employ personnel in the United States, including legal counsel and support staff, to carry out these significant licensing activities. Currently, SCA and SEL employees in the United States are engaged in activities related to the licensing of Sony's patents with respect to digital displays.

83. As described in Section VIII above, Sony has filed three separate lawsuits and an action before the ITC involving the Asserted Patents. The first three lawsuits, against Westinghouse, Vizio, respectively, ultimately involved all of the Asserted Patents. All three lawsuits have now settled and resulted in licenses. The ITC Action, against TPV, ViewSonic, and CMI, also involved the Asserted Patents, and likewise settled as to all the parties.

84. In order to license its patents with respect to digital displays, Sony has held numerous in-person meetings in the United States with digital display companies. In the course of these license negotiation meetings, Sony offered patent licenses to these companies and specifically read at least some of the patents asserted here on the products of those companies.

X. RELIEF REQUESTED

85. Proposed respondents have infringed and will continue to infringe Sony's Asserted Patents unless the ITC prohibits the importation and sale in the United States of proposed respondents' infringing display devices, including digital televisions and monitors.

86. WHEREFORE, by reason of the foregoing, Complainant Sony respectfully 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(a)(1)(B)(i) and (b)(1), with respect to violations of Section 337 arising from 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 proposed respondents' display devices that infringe one or more asserted claims of the Asserted Patents;
- (b) Hold a hearing, pursuant to Section 337(c) and (d), for purposes of receiving evidence and hearing argument concerning whether there has been a violation of Section 337;
- (c) Determine that there has been a violation of Section 337;
- (d) Issue a permanent exclusion order, pursuant to Section 337(d), prohibiting entry into the United States, or admission into foreign trade zones of the United States, all of proposed respondents' display devices that infringe one or more asserted claims of the Asserted Patents;
- (d) Issue permanent cease and desist orders, pursuant to Section 337(f), prohibiting proposed respondents, their affiliates, others acting on behalf of proposed respondents, and others who are in active concert or

participation with the proposed respondents from importing into the United States, admitting or withdrawing from a foreign trade zone of the United States, marketing, advertising, demonstrating, warehousing inventory for distribution, distributing, offering for sale, selling, licensing, using, or transferring outside the United States for sale in the United States any of proposed respondents' display devices that infringe one or more asserted claims of the Asserted Patents; and

- (e) Issue 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.

DATED: February 9, 2011

Respectfully submitted,



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VERIFICATION OF COMPLAINT

I, Vladimir Elgort, 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. My title is Director, Intellectual Property Counsel, Intellectual Property Department, for defendant Sony Corporation of America (“SCA”), a corporation headquartered in New York City. Among other duties, I represent complainant Sony Corporation in intellectual property matters. I am authorized to make this verification for and on behalf of Sony Corporation.

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 and other factual contentions have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

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

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 9th day of February, 2011 at Park Ridge, New Jersey.



Vladimir Elgort
Director, Intellectual Property Counsel,
Intellectual Property Department
Sony Corporation of America