

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

In the Matter of

**CERTAIN DIGITAL TELEVISIONS
CONTAINING INTEGRATED CIRCUIT
DEVICES AND COMPONENTS
THEREOF**

Investigation No. 337-TA-____

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

COMPLAINANTS

Renesas Electronics Corporation
Nippon Bldg., 2-6-2
Ote-machi, Chiyoda-ku, Tokyo 100-0004,
Japan
Telephone: + 81 3 5201 5111

511 Technologies, Inc.
511 N. Washington Avenue
Marshall, Texas 75670

PROPOSED RESPONDENT

Vizio, Inc.
39 Tesla
Irvine, California 92618

COUNSEL FOR COMPLAINANTS

Mark G. Davis
Brian E. Ferguson
Ronald J. Pabis
Patrick J. McCarthy
WEIL, GOTSHAL & MANGES LLP
1300 Eye Street, N.W., Suite 900
Washington, DC 20005
Telephone: +1 202 682 7000
Facsimile: +1 202 857 0940

TABLE OF SUPPORTING MATERIALS

EXHIBITS

<u>EXH. NO.</u>	<u>DESCRIPTION</u>
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2.	Assignment records for U.S. Patent No. 7,199,432
3.	U.S. Patent No. 6,531,400
4.	Assignment records for U.S. Patent No. 6,531,400
5.	List of each foreign patent, each foreign patent application (not already issued as a patent), and each foreign patent application that has been denied corresponding to each of the Asserted Patents
6.	List of licenses for the Asserted Patents (<i>CONFIDENTIAL</i>)
7.	Infringement claim charts for U.S. Patent No. 7,199,432
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PHYSICAL EXHIBITS

PHYS. EXH. NO.

DESCRIPTION

1. Vizio E3D320VX
2. Renesas's U.S. Licensee's Representative Domestic Industry Product (*CONFIDENTIAL, to be supplied upon receipt*)

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I. INTRODUCTION

1. Renesas Electronics Corporation (“Renesas”) started its operations on April 1, 2010 when two leading semiconductor manufacturers and innovators, Renesas Technology Corp. and NEC Electronics Corporation (surviving company), merged. NEC Electronics Corporation was formed on November 1, 2002 when it separated from NEC Corporation (“NEC”) to establish itself as an independent, dedicated semiconductor company. Renesas Technology Corp. was a joint venture established on April 1, 2003 after the business integration between the well-established semiconductor divisions of Hitachi, Ltd. (“Hitachi”) and Mitsubishi Electric Corporation (“Mitsubishi”). At the time of the joint venture until March 31, 2010, Hitachi and Mitsubishi maintained 55% and 45% interest in Renesas Technology Corp. respectively. Renesas is currently listed in the first section of the Tokyo Stock Exchange and the main stockholders NEC, Hitachi, and Mitsubishi hold about 34%, 31%, and 25% share of Renesas respectively as of April 1, 2010.

2. The dynamic integration that formed Renesas brought together the two largest microcontroller suppliers in the world. In addition to microcontrollers, Renesas is a leading provider of SoC (system-on-chip) solutions as well as analog and power devices. Ground-breaking technological advances and innovations in the semiconductor technology behind industrial equipments, consumer electronics, PC peripherals, mobile handsets, automobiles, networking equipments and game consoles are the driving forces behind Renesas’s success.

3. Semiconductor devices, such as microcontrollers and memory devices are the knowledge and power behind modern day consumer and commercial electronics. Their innovation and continued growth will be the foundation upon which technological

advances in the field are built. Although a young company, the history of mergers and joint ventures of leading semiconductor corporations and divisions has established Renesas as a semiconductor technology leader with a base of high-quality research and development, advanced design platforms, and wide-ranging, industry leading, manufacturing technology. 511 Technologies, Inc. (“511 Technologies”) is a corporation organized and existing under the laws of Texas that is tasked with protecting Renesas’s significant intellectual property secured through developing many of these cutting-edge innovations.

4. Vizio Inc. manufactures, imports, sells for importation, and/or sells after importation infringing digital televisions. The Vizio televisions manufactured, imported, sold for importation, and/or sold after importation by Vizio incorporate or are manufactured by, without license, technologies developed by Renesas and protected by patents issued to and owned by Renesas.

5. Accordingly, Renesas and 511 Technologies (collectively “Complainants”) file this Complaint under Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, based upon the unlawful importation into the United States, the sale for importation into the United States, and the sale within the United States after importation by Vizio of certain digital televisions that infringe certain claims of U.S. 7,199,432 (“the ’432 patent”) and 6,531,400 (“the ’400 patent”) (collectively, “the Asserted Patents”). The presently Asserted Claims of these patents are:

Patent Number	Asserted Claims
7,199,432	9, 12
6,531,400	6-10

6. Complainants, individually or jointly, own by assignment the entire right, title, and interest in and to each of the Asserted Patents. Certified copies of the Asserted Patents are attached as Exhibits 1 and 3. Certified copies of the assignment records of the Asserted Patents are attached as Exhibits 2 and 4.

7. As explained in Section X, a domestic 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 Patents.

8. Complainants seek as relief a permanent limited exclusion order prohibiting infringing televisions manufactured or sold by or on behalf of Vizio from entry into the United States. Complainants further seek a permanent cease and desist order prohibiting Vizio from importing, selling, marketing, advertising, distributing, offering for sale, transporting (except for exportation), and soliciting U.S. agents or distributors for, infringing televisions. Complainants also seek the imposition of a bond upon Vizio's importation of infringing articles and/or products containing same into the United States during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j).

II. COMPLAINANTS

9. Renesas is a Japanese corporation having its headquarters at Nippon Bldg., 2-6-2, Ote-machi, Chiyoda-ku, Tokyo 100-0004, Japan.

10. As set forth above, Renesas designs, develops, markets, sells, and distributes a wide range of semiconductor technologies and its business spans the globe. It is founded on a substantial history of technological development and innovation and, after a successful merger in April 2010, is poised to continue providing the industry with cutting-edge technologies.

11. Renesas's success is fueled by an extensive portfolio of intellectual property assets, including both foreign and United States Patents. Renesas has widely licensed its patents throughout the world and Renesas's customers practice Renesas's inventions in numerous countries, including the United States. For example, each of the '432 and '400 patents has been licensed to a United States semiconductor manufacturer ("Renesas's U.S. Licensee"). Renesas's U.S. Licensee makes significant investments in the United States to practice the '432 and '400 patents.

12. Renesas's U.S. Licensee uses the technologies covered by the '432, and '400 patents in the United States, as described in Section X below. In connection with the use of these technologies, Renesas's U.S. Licensee has made significant investments in the United States in facilities, equipment, labor, and capital, also as described in Section X below.

13. 511 Technologies is a corporation duly organized and existing under the laws of Texas and having a place of business at 511 N. Washington Avenue, Marshall, Texas 75670. 511 Technologies is the sole party to the "Patent Licensing/Enforcement Agreement" attached hereto as Confidential Exhibit 11 and in connection with carrying out its duties under this agreement has made significant investments in the United States in facilities, equipment, labor, and capital as described in Section X below. As described in Confidential Exhibits 11 and 12, 511 Technologies has the right to license and/or enforce certain Asserted Patents and invests significant capital in fulfilling its duties under the license.

III. THE PROPOSED RESPONDENT

14. On information and belief, Vizio is a corporation organized under the laws of the state of California with its principal place of business at 39 Tesla, Irvine, California

92618. On information and belief, Vizio is at least engaged in importation into the United States, sale for importation, and/or sale after importation of infringing digital televisions.

IV. THE TECHNOLOGY AND PRODUCTS AT ISSUE

15. The technologies at issue relate generally to digital televisions and semiconductor components thereof.

16. The Accused Products are digital televisions. Upon information and belief, these products are manufactured, marketed and/or sold by Vizio in the United States. At least the following Vizio digital television is imported, sold for importation, and/or sold after importation by Vizio and infringes one or more claims of one or more of the Asserted Patents: Vizio E3D320VX.¹

V. THE PATENTS-IN SUIT AND NON-TECHNICAL DESCRIPTIONS OF THE INVENTIONS

A. Overview and Ownership of the Asserted Patents

17. As set forth above, Complainants, individually or jointly, own by assignment the entire right, title, and interest in and to each of the Asserted Patents. (See Exhibits 2 and 4.)

18. As required by Commission Rule 210.12(c), four copies of the certified prosecution histories for each of the Asserted Patents have been submitted with this Complaint as Appendices A and C. As required by Commission Rule 210.12(c), the

¹ Section IV contains merely a shorthand summary of products currently accused of infringement. These descriptions, and the examples given therein, are not intended to exclusively define or otherwise limit the categories of Accused Products. Renesas expects that Vizio imports other infringing devices and may introduce additional products in the future that will infringe the Asserted Patents and be imported.

cited references for each of the Asserted Patents have also been submitted with this Complaint as Appendices B and D.

B. Non-Technical Description of the '432 Patent

19. The '432 patent, entitled "Semiconductor Integrated Circuit Device," issued on April 3, 2007, to inventors Yasushi Koubuchi, Koichi Nagasawa, Masahiro Moniwa and Youhei Yamada. (Exhibit 1.) The '432 patent issued from U.S. Patent Application No. 10/926,142, filed on August 26, 2004 which is a divisional of U.S. Patent Application No. 10/619,039 filed July 14, 2003 which is a continuation of U.S. Patent Application No. 10/075,246 filed February 15, 2002, now U.S. Patent No. 6,664,642 which is a continuation of U.S. Patent Application No. 09/846,260 filed May 2, 2001, now U.S. Patent No. 6,433,438 which is a divisional of U.S. Patent Application No. 09/050,416 filed March 31, 1998, now U.S. Patent No. 6,261,883. The '432 patent expires on March 31, 2017. Complainants, individually or jointly, own by assignment the entire right, title, and interest to and in the '432 patent. (Exhibit 2.)

20. The '432 patent has forty-four claims: ten independent claims and thirty-four dependent claims.

21. The '432 patent relates generally to a semiconductor device with inventively arranged dummy interconnections. The '432 patent teaches actual interconnections formed in the principal surface of a substrate and additional dummy interconnections formed of the same material as the actual interconnections but not functioning as working elements. The dummy interconnections are formed in specialized locations to prevent the formation of a sparse portion. This novel arrangement allows for the insulating film covering the principal surface of the semiconductor substrate to be completely planarized.

C. Non-Technical Description of the '400 Patent

22. The '400 patent, entitled "Process for Manufacturing Semiconductor Integrated Circuit Device," issued on March 11, 2003 to inventors Naofumi Ohashi, Junji Noguchi, Toshinori Imai, Hizuru Yamaguchi, Nobuo Owada, Kenji Hinode, Yoshio Homma, and Seiichi Kondo. (Exhibit 3.) The '400 patent issued from U.S. Patent Application No. 10/222,848 filed on August 19, 2002 which was a continuation of U.S. Patent Application No. 10/050,562 filed on January 18, 2002, now U.S. Patent No. 6,458,674, which was a continuation of U.S. Patent Application No. 09/356,707 filed July 20, 1999, now U.S. Patent No. 6,376,345. The '400 patent is subject to a terminal disclaimer and expires on July 20, 2019. Complainants, individually or jointly, own by assignment the entire right, title, and interest to and in the '400 patent. (Exhibit 4.)

23. The '400 patent has thirty claims: six independent claims and twenty-four dependent claims.

24. The '400 patent relates generally to a process for manufacturing a semiconductor integrated circuit device using specialized anticorrosion techniques. The '400 patent teaches using light shielding and specialized polishing, cleaning, and drying to prevent the corrosion of metal wirings (*e.g.*, copper wirings) formed by using the chemical mechanical polishing (CMP) method. Generally, the '400 patent teaches using light shielding during CMP in order to reduce corrosion.

D. Foreign Counterparts

25. A list of the foreign counterparts to the Asserted Patents is included with this Complaint as Exhibit 7. Complainants, jointly or individually, own all right, title, and interest to each of these foreign counterparts. Complainants are aware of no other

foreign counterparts or foreign counterpart applications corresponding to the Asserted Patents that have been issued, abandoned, denied, or which remain pending.

E. Licenses

26. Confidential Exhibit 6 includes a list of licensed entities for the Asserted Patents.

VI. UNLAWFUL AND UNFAIR ACTS OF RESPONDENTS—PATENT INFRINGEMENT

27. On information and belief, Vizio manufactures abroad, sells for importation into the United States, imports into the United States, and/or sells within the United States after importation, digital televisions that infringe one or more of the Asserted Patents.

28. Vizio directly infringes infringes the Asserted Patents by making, using, selling, offering for sale, and importing the articles claimed by, or practicing the claimed devices and methods of the Asserted Patents. Moreover, Vizio is aware of the Asserted Patents. Vizio indirectly infringes the Asserted Patents, by contributing to and/or inducing the infringement of these patents by end users of its products.

29. An accused Vizio E3d320VX is included herewith as Physical Exhibit 1.

A. The '432 Patent

30. On information and belief, Vizio's digital televisions infringe at least claims 9 and 12 of the '432 patent. Additionally, on information and belief, Vizio has knowledge of the '432 patent and knowingly induces users of Vizio's digital televisions to infringe at least claims 9 and 12 of the '432 patent. Further, on information and belief, Vizio contributes to the infringement of at least claims 9 and 12 of the '432 patent because Vizio knows that Vizio's digital televisions are made for use in infringement of

these claims and are not staple articles of commerce suitable for substantial noninfringing use. Exemplary claim charts comparing the presently asserted independent claims of the '432 patent to the representative E3D320VX are attached as Exhibit 7.

B. The '400 Patent

31. On information and belief, Vizio's digital televisions infringe at least claims 6-10 of the '400 patent. Additionally, on information and belief, Vizio has knowledge of the '400 patent and knowingly induces users of Vizio's digital televisions to infringe at least claims 6-10 of the '400 patent. Further, on information and belief, Vizio contributes to the infringement of at least claims 6-10 of the '400 patent because Vizio knows that Vizio's digital televisions are made for use in infringement of these claims and are not staple articles of commerce suitable for substantial noninfringing use. Exemplary claim charts comparing the presently asserted independent claims of the '400 patent to the representative Vizio E3D320VX are attached as Exhibit 8.

VII. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

32. The Vizio E3D320VX is assembled in Mexico (*See* Exhibit 15). The Vizio E3D320VX is imported into the United States. For example, the photographed Vizio E3D320VX was purchased from Amazon.com and delivered to Washington, D.C. The receipt for this purchase is attached as Exhibit 16.

33. A Vizio E3D320VX, manufactured in China, was also purchased from Walmart in Marshall, Texas. The receipt for this purchase is attached as Exhibit 17.

VIII. HARMONIZED TARIFF SCHEDULE ITEM NUMBERS

34. On information and belief, the Accused Products fall within at least the following classifications of the Harmonized Tariff Schedule ("HTS") of the United States: 8528.72.7250. The HTS number is intended to be for illustration only and is not

exclusive of the products accused of infringement by Renesas. The HTS number is not intended to limit the scope of the investigation.

IX. RELATED LITIGATION

A. Pending Litigation Between the Parties

35. Renesas and Vizio are currently parties to *Certain Digital Televisions and Components Thereof*, Inv. No. 337-TA-789 filed by Vizio at the International Trade Commission on June 16, 2011.

B. Litigation Relating to the Asserted Patents

36. Concurrently with the filing of this complaint, Renesas will file a civil action in the U.S. District Court for the Eastern District of Texas accusing Vizio of infringing the Asserted Patents.

37. A patent in the '432 patent family, U.S. Patent No. 7,163,870, was asserted in the District of Delaware in a case styled as *Renesas Technology Corp. v. Samsung Electronics Co., Ltd.*, Case No. 07-54 (JJF).

X. THE DOMESTIC INDUSTRY

38. A domestic industry exists, as defined under 19 U.S.C. § 1337(a)(3)(A), (B), and (C), comprising significant investments in plant and equipment, significant employment of labor and capital, and substantial investments in the exploitation of the Asserted Patents.

A. United States Investments in the Domestic Industry

39. Renesas's U.S. Licensee is a large U.S. semiconductor manufacturer. It makes extensive use of the inventions claimed in the Asserted Patents by virtue of its design, manufacture, distribution, and/or sales in the United States of products covered by the Asserted Patents. Confidential business information regarding Renesas's U.S.

Licensee's authority to make significant investments in plant, equipment, labor, and R&D related to products that incorporate the technology of the Asserted Patents is set forth in the Declaration of Kentaro Fukuda, attached as Confidential Exhibit 9, *Renesas's U.S. Licensee's Authority to Make Domestic Investments*. Confidential Exhibit 10, Renesas's U.S. Licensee's 2010 Form 10-K, confirms that it is a large semiconductor chip maker incorporated in the United States and provides additional details regarding its significant U.S. expenditures in, among other things, plant, equipment, labor, and R&D. Also attached as Confidential Attachment A to the Declaration of Kentaro Fukuda is the U.S. licensee's license to practice the Asserted Patents.

40. On information and belief, Renesas's U.S. Licensee makes significant investments in plant and equipment in the U.S., employs significant labor and capital in the U.S., and makes substantial investments in its engineering and research and development related to devices manufactured pursuant to the parties' licensing agreement and protected by the Asserted Patents. *See, e.g., Confidential Exhibit 10.*

41. As explained in detail below, the domestic activities of Renesas's U.S. Licensee's exploit the Asserted Patents.

42. 511 Technologies is a Texas Corporation that makes substantial investments in licensing and/or enforcing the Asserted Patents as set forth in the Confidential Declaration of Alan Loudermilk attached hereto as Confidential Exhibit 12. The license which grants 511 Technologies the authority to license and/or enforce the Asserted Patents on behalf of Renesas is included herewith as Confidential Exhibit 11. The license explicitly grants 511 Technologies the right to make significant investments

to license and/or enforce the Asserted Patents. Pursuant to the license agreement, 511 Technologies has made such significant investments. *See, e.g.*, Confidential Exhibit 12.

B. Renesas's U.S. Licensee's Practice of the Asserted Patents

43. Renesas's U.S. Licensee makes extensive use of the technology claimed in the Asserted Patents.

44. An exemplary claim chart comparing one of Renesas's U.S. Licensee's products to a representative claim of the '432 patent is attached as Confidential Exhibit 13.

45. An exemplary claim chart comparing one of Renesas's U.S. Licensee's products to a representative claim of the '400 patent is attached as Confidential Exhibit 14.

XI. RELIEF REQUESTED

46. **WHEREFORE**, by reason of the foregoing, Complainants respectfully request that the U.S. 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), (a)(1)(B)(ii), and (b)(1), with respect to violations of Section 337 based on the importation, sale for importation, and sale after importation, into the United States by Vizio of televisions that infringe one or more claims of Renesas's '432 and '400 patents;

(b) Schedule and conduct a hearing on said unlawful acts and, following said hearing;

(c) Render a determination that the importation, sale for importation, and/or sale after importation of infringing televisions by Vizio constitute one or more violations of Section 337 of the Tariff Act of 1930, as amended 19 U.S.C. § 1337;

(d) Issue a permanent limited exclusion order, pursuant to 19 U.S.C. § 1337(d)(1), barring Vizio from importing into the United States televisions made by or on behalf of Vizio that infringe one or more asserted claims of Renesas's '432 and '400;

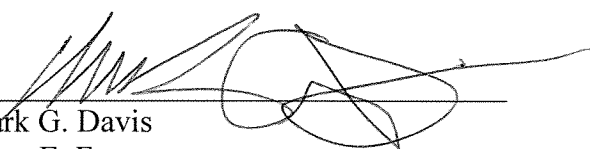
(e) Issue a permanent cease and desist order, pursuant to 19 U.S.C. § 1337(f), prohibiting Vizio and/or others acting on any Vizio's behalf from importing, selling, marketing, advertising, distributing, offering for sale, transporting (except for exportation), and soliciting U.S. agents or distributors for, televisions that infringe one or more asserted claims of Renesas's '432 and '400;

(f) Impose a bond upon Vizio's importation of infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j); and

(g) 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.

Dated: August 12, 2011

Respectfully Submitted,



Mark G. Davis
Brian E. Ferguson
Ronald J. Pabis
Patrick J. McCarthy
WEIL, GOTSHAL & MANGES LLP
1300 Eye Street, N.W., Suite 900
Washington, DC 20005
Telephone: +1 202 682 7000
Facsimile: +1 202 857 0940

***Attorneys for Complainants Renesas
Electronics Corporation and 511
Technologies Inc.***