

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

In the Matter of

CERTAIN NAVIGATION PRODUCTS,
COMPONENTS THEREOF, AND
RELATED SOFTWARE

Investigation No. 337-TA-_____

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

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1.	Certified Copy of U.S. Patent No. 6,084,565
2.	Certified Copy of U.S. Patent No. 7,095,367
3.	Certified Copy of U.S. Patent No. 7,089,094
4.	Certified Copy of U.S. Patent No. 7,161,561
5.	Certified Copy of Assignment of U.S. Patent No. 6,084,565
6.	Certified Copy of Assignment of U.S. Patent No. 7,095,367
7.	Certified Copy of Assignment of U.S. Patent No. 7,089,094
8.	Certified Copy of Assignment of U.S. Patent No. 7,161,561
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12.	Claim Chart for Representative Independent Claims of U.S. Patent No. 6,084,565 – Primus Epic
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14.	AV8OR Horizon 3D User's Guide.
15.	Primus Epic PILOT GUIDE for the Cessna Citation Sovereign
16.	Primus Epic PILOT GUIDE for the Hawker 4000
17.	Cessna 680 Citation Sovereign Guide
18.	Sentinel PILOT'S GUIDE (Document ref: 11001-12280)
19.	Claim Chart for Representative Independent Claims of U.S. Patent No. 7,095,367 – Primus Epic
20.	Claim Chart for Representative Independent Claims of U.S. Patent No. 7,095,367 – Sentinel
21.	Claim Chart for Representative Independent Claims of U.S. Patent No. 7,089,094 – Observer
22.	Observer MKII and MKIII Pilot Guide Rev. 5
23.	Claim Chart for Representative Independent Claims of U.S. Patent No. 7,161,561 – Primus Epic
24.	http://www.honeywellbusinessaviation.com/primus_epic
25.	Honeywell 2010 Annual Report
26.	http://www.skyforce.co.uk/AboutUs.aspx
27.	John Morris, "Heli-Expo: We Fly Honeywell's Sentinel System", Aviation Week, February 20, 2010
28.	http://www.ainonline.com/airshow-convention-news/nbaa-convention-news/single-publication-story/browse/0/article/new-display-retrofits-on-tap-at-honeywell-16344/?no_cache=1&tx_ttnews%5Bmode%5D=1
29.	http://proj.moeaidb.gov.tw/casid/mediafile/368/fdownload/188/319/2008-3-27-10-30-51-319-nfl.pdf
30.	http://www.chimei-innolux.com/opencms/cmo/technology/Glossary/index.html?_locale=en#o
31.	http://www.chimei-innolux.com/opencms/cmo/about_us/company_overview/?_locale=en
32.	http://www.skyforce.co.uk/AboutUs.aspx

Exhibit	Description
33.	https://www.av8or3d.com/
34.	http://www51.honeywell.com/honeywell/news-events/press-releases-details/02.22.09Sentinel.html
35.	http://www.honeywellbusinessaviation.com/news/post/cessna-citation-xls-honeywell-primus-epic-deliver-for-the-mailman
36.	http://www.honeywellbusinessaviation.com/primus_epic/contact
37.	Declaration Regarding Furuno's Domestic Industry (Confidential)
38.	Domestic Industry Chart for U.S. Patent No. 6,084,565
39.	Domestic Industry Chart for U.S. Patent No. 7,095,367
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41.	NavNet 3D Multifunction Display MFDBB Manual
42.	Domestic Industry Chart for U.S. Patent No. 7,089,094
43.	FAR-2807 Series Operator's Manual
44.	FAR-21x7 Series Brochure
45.	http://www.flightglobal.com/articles/2009/02/16/322529/flying-honeywells-primus-epic-for-helicopters.html
46.	Honeywell Avionics Protection Plan
47.	"Honeywell 'Sentinel' Available in U.S.", Avionics Magazine, February 24, 2009
48.	Matt Thurber, "Honeywell's Observer III Tracker Coming to the U.S.", HAI Convention News, February 2008.
49.	Declaration regarding Importation (Confidential)
50.	http://www.skyforce.co.uk/
51.	Email chain regarding importation (Confidential)
52.	Skyforce Product Selector
53.	Primus Epic CDS-R Brochure

APPENDICES

	Description
A	Certified Copy of the Prosecution History of U.S. Patent No. 6,084,565
B	Certified Copy of the Prosecution History of U.S. Patent No. 7,095,367
C	Certified Copy of the Prosecution History of U.S. Patent No. 7,089,094
D	Certified Copy of the Prosecution History of U.S. Patent No. 7,161,561
E	Technical References Cited in the Prosecution History of U.S. Patent No. 6,084,565
F	Technical References Cited in the Prosecution History of U.S. Patent No. 7,095,367
G	Technical References Cited in the Prosecution History of U.S. Patent No. 7,089,094
H	Technical References Cited in the Prosecution History of U.S. Patent No. 7,161,561

I. INTRODUCTION

1. Furuno Electric Co., Ltd. (“FEC”) and Furuno U.S.A, Inc. (“Furuno U.S.A.”) (collectively, “Complainants” or “Furuno”) respectfully request that the United States International Trade Commission (“the Commission”) institute an investigation into violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”).

2. Honeywell International Inc. (“Honeywell”) and Skyforce Avionics Ltd (“Skyforce”) (collectively, “Respondents”) have engaged in unfair acts in violation of Section 337 through unlawful and unauthorized importation, sale for importation into the United States, and/or the sale within the United States after importation, of navigation products, components, and related software, including GPS devices, avionics navigation and display systems, weather radar systems, navigational aids, mapping systems and avionics computers (collectively, “the Accused Products”) that infringe one or more claims of United States Patent Nos. 6,084,565 (“the ’565 Patent”), 7,095,367 (“the ’367 Patent”), 7,089,094 (“the ’094 Patent”), and 7,161,561 (“the ’561 Patent”) (collectively, “the Asserted Patents”).

3. Specifically, Furuno asserts that the Accused Products directly or indirectly infringe at least claims 1, 2, 11 and 16 of the ’565 Patent, claim 1 of the ’367 Patent, claim 1 of the ’094 Patent, and claim 8 of the ’561 Patent (collectively, “the Asserted Claims”).

4. Certified copies of the Asserted Patents accompany this Complaint as **Exhibits 1-4**. FEC owns by assignment the entire right, title and interest to each of these patents. Certified copies of recorded assignments of the Asserted Patents accompany this Complaint as **Exhibits 5-8**.

5. As required by 19 U.S.C. §§ 1337(a)(2) and (3), an industry exists in the United States relating to the Asserted Patents and/or articles protected by the Asserted Patents. Furuno has made significant investments in equipment and employment of labor and capital in the United States

related to articles protected by the Asserted Patents through, among others, testing, service, warranty, repair, quality control, training, packaging, distribution, sales and marketing. Further, Furuno has made substantial domestic investment in the exploitation of the patents through, *inter alia*, research and development, technical support, and training.

6. Furuno seeks relief from the Commission in the form of a permanent exclusion order, pursuant to Section 337(d), prohibiting entry into the United States of all Respondents' imported navigation products, components, and related software, including GPS devices, avionics navigation and display systems, weather radar systems, navigational aids, mapping systems and avionics computers that are covered by one or more claims of the Asserted Patents. Furuno further seeks a permanent cease and desist order, pursuant to Section 337(f), prohibiting Respondents, their subsidiaries, related companies and agents from engaging in the importation, marketing and/or advertising, distribution, offering for sale, or sale of the Accused Products that infringe one or more claims of the Asserted Patents.

II. THE PARTIES

A. Complainants

7. FEC is a corporation organized under the laws of Japan, with its principal place of business at 9-52 Ashihara-cho, Nishinomiya City, Hyogo, 662-8580, Japan.

8. Furuno U.S.A. is a Washington corporation with its principal place of business at 4400 N.W. Pacific Rim Boulevard, Camas, Washington 98607.

9. Furuno is in the business of designing, developing and marketing a wide range of products. Founded in 1948, FEC has grown to become a world leader in the design, manufacture and marketing of a wide variety of marine electronics, including navigation systems, GPS equipment, and sonar. FEC is one of the leading manufacturers of marine electronics in the world and has long focused on the United States as a critical market for its products. In 1978,

Furuno U.S.A. was established to engage in activities in the United States relating to marine electronics. As a result of consistent investment in design, research, development, testing, customer service, training, packaging, distribution, sales and marketing of its marine electronics, Furuno is one of the leading suppliers of marine electronics in the United States. Since 1971, Furuno has received 196 awards from the National Marine Electronics Association – more than any two other manufacturers combined.

B. Respondents

10. Respondent Honeywell International Inc. is a Delaware corporation with its principal place of business at 101 Columbia Road, Morristown, NJ 07962.

11. Respondent Skyforce Avionics Ltd. is a limited liability company organized and existing under the laws of the United Kingdom with its principal place of business in the United Kingdom. Skyforce is a subsidiary of Honeywell and is “Honeywell’s design centre of excellence for mission systems (Skyforce Avionics Ltd) based in the UK.” (**Exhibit 26**).

12. Respondents sell for importation, import, market, and/or sell within the United States after importation, navigation products, components, and related software, including GPS devices, avionics navigation and display systems, weather radar systems, navigational aids, mapping systems, and avionics computers. Respondents have facilities around the world, including in the United States, to directly market, sell, and support the Accused Products to end users through authorized sales and service centers. (*See, e.g. Exhibit 9* showing 295 authorized sales and service centers for the Honeywell AV8OR accused product).

III. ACCUSED PRODUCTS AT ISSUE

13. The Accused Products are electronic devices and related software used in aviation applications involving navigation systems displaying vehicle position, size, heading, and velocity and techniques for processing and displaying navigation information.

14. The accused aviation navigation devices include, but are not limited to the Bendix/King by Honeywell AV8OR 3D series, the Honeywell Primus Epic products and the Skyforce Sentinel helicopter avionics products that infringe at least claims 1, 2, 11, and 16 of the '565 Patent.¹

15. The accused vehicle display devices include, but are not limited to, the Skyforce Observer products that infringe at least claim 1 of the '094 Patent and the Honeywell Primus Epic products that infringe at least claim 8 of the '561 Patent

16. The accused networking devices include, but are not limited to, the Honeywell Primus Epic products and the Skyforce Sentinel helicopter avionics products that infringe at least claim 1 of the '367 Patent.

IV. THE ASSERTED PATENTS AND NON-TECHNICAL DESCRIPTION OF THE ASSERTED PATENTS²

A. The '565 Patent

1. Identification and Ownership of the Patent

17. FEC owns by assignment the entire right, title and interest in United States Patent No. 6,084,565, titled "Image monitoring apparatus," which issued on July 4, 2000, naming Yoshiyuki Kiya as the inventor. A certified copy of the '565 Patent is attached as **Exhibit 1**; a

¹ The products enumerated in Paragraphs 14-16 are merely illustrative of the types and classes of infringing products that Respondents imports into the United States, sells for importation into the United States, and/or sells within the United States after importation in violation of Section 337. Discovery may reveal that additional claims are infringed by the Accused Products and/or that additional products and product categories infringe the Asserted Patents.

² 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. Complainants present these statements (footnote continued)

certified copy of the recorded assignment from the named inventors to FEC is attached as

Exhibit 5.

18. FEC currently owns all right, title and interest in the '565 Patent. There are no licenses to the '565 Patent.

19. Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by the following: (1) a certified copy and three additional copies of the prosecution history of the '565 Patent (**Appendix A**); and (2) four copies of each reference document mentioned in the prosecution history (**Appendix E**).

2. Non-Technical Description of the Patented Invention

20. The '565 Patent generally relates to, among other things, an image monitoring system capable of displaying a plurality of windows on a single screen and presenting part of an image shown on one window on another window. The '565 Patent discloses a zooming image displaying a zoomed-in portion of a larger area. The zooming image is independently aligned of the image showing the larger area.

21. For example, the invention of the '565 Patent enables a vehicle viewing a radar screen to display both a large area image and a zooming image displaying the position of the vehicle and independently oriented. Additionally, a user operating the system within a vehicle can set the larger image to maintain the geographical monitoring area of the larger image such that a moving vehicle appears to be moving on the display. In the same example, user can also display a second image that moves with the vehicle (i.e. the vehicle stays at the center of the image).

subject to and without waiver of their right to propose claim constructions based on applicable claim interpretation jurisprudence and relevant intrinsic and extrinsic evidence.

3. Foreign Counterparts to the '565 Patent

22. Pursuant to Commission Rule 210.12(a)(9)(v), **Exhibit 10** identifies the foreign patents or patent applications corresponding to the '565 Patent. No other patent or patent application has been issued, withdrawn, abandoned, rejected, or remains pending.

4. Litigation involving the '565 Patent

23. The '565 Patent has not been the subject of previous litigation in any domestic court or agency. In addition, there has been no foreign court or agency litigation involving the '565 Patent or any of its counterparts. Contemporaneous with the filing of this complaint, Furuno has filed a complaint for patent infringement against Honeywell and Skyforce in the United States District Court for the District of Oregon, which asserts the '565 patent.

B. The '367 Patent

1. Identification and Ownership of the Patent

24. FEC owns by assignment the entire right, title and interest in United States Patent No. 7,095,367, titled "Network system for onboard equipment," which issued on August 22, 2006, naming Takumi Fujikawa, Yoshinari Yoshida, Eiji Matsui, Motoji Kondo, Takumi Kawamoto, Ryoichi Nakai, Takeshi Yamaguchi, Hiroshi Nagano, Hidetoshi Kaida and Masaru Nishida as inventors. A certified copy of the '367 Patent is attached as **Exhibit 2**; a certified copy of the recorded assignment from the named inventors to FEC is attached as **Exhibit 6**.

25. FEC currently owns all right, title and interest in the '367 Patent. There are no licenses to the '367 Patent.

26. Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by the following: (1) a certified copy and three additional copies of the prosecution history of the '367 Patent (**Appendix B**); and (2) four copies of each reference document mentioned in the prosecution history (**Appendix F**).

2. Non-Technical Description of the Patented Invention

27. The '367 Patent generally relates to, among other things, a system of equipment on board a vehicle, with detecting or positioning devices contained in a "core device" unit, which is connected to a display via a network. For example, devices like a GPS positioning device or a RADAR detecting device are located in the "core device" on board the vehicle. These positioning or detecting devices in the "core device" are connected to a display on the vehicle, the display being capable of receiving information from, and sending information to, the positioning or detecting devices. Furthermore, the "core device" contains a power control unit that can turn off and on the "core device" upon receiving a command from the display.

3. Foreign Counterparts to the '367 Patent

28. Pursuant to Commission Rule 210.12(a)(9)(v), **Exhibit 10** identifies the foreign patents or patent applications corresponding to the '367 Patent. No other patent or patent application has been issued, withdrawn, abandoned, rejected, or remains pending.

4. Litigation involving the '367 Patent

29. The '367 Patent has not been the subject of previous litigation in any domestic court or agency. In addition, there has been no foreign court or agency litigation involving the '367 Patent or any of its counterparts. Contemporaneous with the filing of this complaint, Furuno has filed a complaint for patent infringement against Honeywell and Skyforce in the United States District Court for the District of Oregon, which asserts the '367 patent.

C. The '094 Patent

1. Identification and Ownership of the Patent

30. FEC owns by assignment the entire right, title and interest in United States Patent No. 7,089,094, titled "Vehicle Information Display Apparatus," which issued on August 8, 2006, naming Katsuyuki Yanagi as the inventor. A certified copy of the '094 Patent is attached as

Exhibit 3; a certified copy of the recorded assignment from the named inventors to FEC is attached as **Exhibit 7**.

31. FEC currently owns all right, title and interest in the '094 Patent. There are no licenses to the '094 Patent.

32. Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by the following: (1) a certified copy and three additional copies of the prosecution history of the '094 Patent (**Appendix C**); and (2) four copies of each reference document mentioned in the prosecution history (**Appendix G**).

2. Non-Technical Description of the Patented Invention

33. The '094 Patent is also generally related to, among other things, a vehicle information system that is capable of simultaneously displaying multiple pieces of information regarding different vehicles on a display with the ability to determine and prioritize the information based on importance. The invention of the '094 Patent avoids complexity of on-screen display when there exist a large number of target vehicles to provide improved visibility.

3. Foreign Counterparts to the '094 Patent

34. Pursuant to Commission Rule 210.12(a)(9)(v), **Exhibit 10** identifies the foreign patents or patent applications corresponding to the '904 Patent. No other patent or patent application has been issued, withdrawn, abandoned, rejected, or remains pending.

4. Litigation involving the '094 Patent

35. The '094 Patent has not been the subject of previous litigation in any domestic court or agency. In addition, there has been no foreign court or agency litigation involving the '094 Patent or any of its counterparts. Contemporaneous with the filing of this complaint, Furuno has filed a complaint for patent infringement against Honeywell and Skyforce in the United States District Court for the District of Oregon, which asserts the '094 patent.

D. The '561 Patent

1. Identification and Ownership of the Patent

36. FEC owns by assignment the entire right, title and interest in United States Patent No. 7,161,561, titled "Digital Display," which issued on January 9, 2007, naming Kenzo Kitayama as the inventor. A certified copy of the '561 Patent is attached as **Exhibit 4**; a certified copy of the recorded assignment from the named inventors to FEC is attached as **Exhibit 8**.

37. Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by the following: (1) a certified copy and three additional copies of the prosecution history of the '561 Patent (**Appendix D**); and (2) four copies of each reference document mentioned in the prosecution history (**Appendix H**).

38. FEC currently owns all right, title and interest in the '561 Patent. There are no licenses to the '561 Patent.

2. Non-Technical Description of the Patented Invention

39. The '561 Patent generally relates to, among other things, a digital display system with multiple displays that allow users to selectively present one or more images from different measuring devices on each display. For example, a vehicle may include multiple measuring devices, such as a course plotter, an echo sounder, and a radar. These measuring devices are connected to multiple displays on the vehicle, each display capable of receiving information from any of the three measuring devices and selectively displaying a combination of the information received from the measuring devices.

3. Foreign Counterparts to the '561 Patent

40. Pursuant to Commission Rule 210.12(a)(9)(v), **Exhibit 10** identifies the foreign patents or patent applications corresponding to the '561 Patent. No other patent or patent application has been issued, withdrawn, abandoned, rejected, or remains pending.

4. Prior Litigation involving the '561 Patent

41. The '561 Patent has not been the subject of previous litigation in any domestic court or agency. In addition, there has been no foreign court or agency litigation involving the '561 Patent or any of its counterparts. Contemporaneous with the filing of this complaint, Furuno has filed a complaint for patent infringement against Honeywell in the United States District Court for the District of Oregon, which asserts the '561 patent.

V. UNLAWFUL AND UNFAIR ACTS OF RESPONDENTS—PATENT INFRINGEMENT

42. Respondents have engaged in unlawful and unfair acts including the sale for importation into the United States, importation into the United States, and/or sale within the United States after importation of the Accused Products that infringe one or more of at least the following claims: claims 1, 2, 11 and 16 of the '565 Patent, claim 1 of the '367 Patent, claim 1 of the '094 Patent, and claim 8 of the '561 Patent.

43. Respondents have directly infringed and continue to directly infringe at least the Asserted Claims by, *inter alia*, their importation and sale of the Accused Products in the United States. In addition, Respondents also directly infringe the Asserted Claims by having their employees or agents operate, test, and/or demonstrate the Accused Products in the United States.

44. Respondents know or have reason to know of the Asserted Patents. Nonetheless, Respondents have indirectly infringed and continue to indirectly infringe at least the Asserted Claims by inducing and/or contributing to infringement of the Asserted Patents.

45. Upon information and belief, Respondents actively induce others to infringe at least the Asserted Claims because they know or have reason to know that selling the Accused Products in the United States or selling the Accused Products for importation into the United States together with Respondent-created training seminars, videos, user manuals, operating

instructions and other materials will cause others to practice the Asserted Claims and Respondents actively and intentionally aid and abet that infringement. (*See, e.g. Exhibits 14-18, 22, 24, and 53*).

46. Upon information and belief, Respondents further contribute to infringement because they sell the Accused Products in the United States or sell the Accused Products for importation into the United States knowing that they are not staple articles of commerce with substantial non-infringing uses, but rather are specially designed or adapted for use in the infringement of the Asserted Claims.

47. **Exhibits 11-13** are claim charts that compare asserted independent claims 1, 2, 11 and 16 of the '565 Patent to representative Accused Products including the AV8OR Horizon 3D, the Primus Epic and the Sentinel, respectively. Documents referenced in these claim charts are attached as **Exhibits 14-18**.

48. **Exhibit 19 and 20** are claim charts that compare asserted independent claim 1 of the '367 Patent to representative Accused Products, the Primus Epic and the Sentinel. Documents referenced in this claim chart are attached as **Exhibits 16, 18 and 53**.

49. **Exhibit 21** is a claim chart that compares asserted independent claim 1 of the '094 Patent to a representative Accused Product, the Skyforce Observer. The document referenced in this claim chart is attached as **Exhibit 22**.

50. **Exhibit 23** is a claim chart that compares asserted independent claim 8 of the '561 Patent to a representative Accused Product, the Primus Epic Control. The document referenced in this claim chart is attached as **Exhibit 53**.

VI. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

51. On information and belief, Respondents' Accused Products are manufactured outside the United States (**Exhibit 25** at 7, 8 and 18).

52. For example, the Observers and Sentinels are designed and manufactured abroad by Skyforce, Honeywell's design center in the UK responsible for the design and manufacturing of the Observer and Sentinel and are imported into the United States by or on behalf of Respondents. (**Exhibits 26, 27, 32, 47-52**). Respondents have confirmed that the Observer and Sentinel products are imported from the United Kingdom. (**Confidential Exhibits 49 and 51**).

53. Additionally, on information and belief, the Primus Epic systems use LCDs made by Chi Mei Innolux, a Chinese company, which are imported into the United States. (*See Exhibit 28* ("OmniView Plus, a 14.1-in. active-matrix liquid-crystal display (AMLCD) with a 160-deg viewing angle and resolution of 1,400 by 1,050 pixels, will be used in the Primus Epic integrated avionics systems on board the Dassault Falcon 900EX and Gulfstream V-SP"); *see also, Exhibit 29* ("[Chi Mei Innolux] [has] offer[ed] the 14.1" panel for aerospace application to Honeywell since 2002. This 14.1" panel, has already been integrated with Honeywell's Primus Epic avionics system")). OmniView Plus uses Chi Mei Innolux technology and is a "trademark owned by Honeywell and used in display applications featuring high-definition color and wide viewing angle." *See Exhibit 30*. Chi Mei manufactures these AMLCDs outside of the United States. *See Exhibit 31* ("Chimei Innolux's production bases are distributed around the world, with its main manufacturing plants in Jhunan and Tainan in Taiwan, and overseas plants in Shenzhen, Ningbo, Nanjing and Nanhai in China, and the Netherlands and Czech Republic in Europe."))

54. On information and belief, Honeywell conducts testing and repair of the accused products, including the Primus Epic system, in the United States. For example, Honeywell's corporate headquarters in Morristown, New Jersey, is where the Primus Epic system is believed to have been tested. (**Exhibit 45**). Furthermore, Honeywell maintains a network of supply

depots and support centers in the United States in order to provide repair services for its customers. (**Exhibit 46**).

55. Further, on information and belief, the AV8OR Horizon 3D is made in China and imported into the United States.

56. Several of the Accused Products, including the AV8OR Horizon 3D, Primus Epic and Skyforce Observers and Sentinels are available for purchase through authorized sales centers in the United States, as provided by Honeywell, or directly from Honeywell.

57. For example, the AV8OR Horizon 3D is offered for sale by BendixKing of Honeywell directly from Honeywell's website (**Exhibit 33**).

58. Honeywell also offers the Primus Epic for sale online and provides a United States contact number (**Exhibits 24 and 36**). Indeed, Honeywell admits XCEL Jet Management in Longview, Texas obtained the Primus Epic on XCEL's Citation XLS. (**Exhibit 35**).

59. Similarly, as of February 2008, Sentinel became "available to pilots in the United States." (**Exhibit 34, see also Exhibit 47**). "Sentinel has been priced at \$9,000 MSRP for the base unit – an affordable system for U.S. operators." *Id.* The same press release notes that "Sentinel is available in several configurations and can operate as a stand-alone, panel mounted MFD/Navigator, remote processor, *or as an integrated element of the Honeywell Observer MKIII Mission System.* *Id.* (emphasis added).

60. Thus Respondents, either by themselves, through their subsidiaries, or through third-parties acting on their behalf, are engaged in the importation, sale for importation, and/or sale after importation into the United States of infringing electronic devices and related software used in aviation applications involving navigation systems displaying vehicle location, size, and position and techniques for processing and displaying navigation information.

VII. CLASSIFICATION OF THE INFRINGING PRODUCTS UNDER THE HARMONIZED TARIFF SCHEDULE

61. Upon information and belief, the infringing Accused Products of Respondents may be classified under at least the following heading and subheading of the Harmonized Tariff Schedule of the United States (“HTSUS”): 8526.10, 8526.10, 8526.91, 8528.49, 8529.10, and 8529.90, *et seq.*³

VIII. THE DOMESTIC INDUSTRY RELATING TO THE ASSERTED PATENTS

62. A domestic industry as required by 19 C.F.R. §§ 1337(a)(2) and (a)(3) relating to the Asserted Patents and articles protected by the Asserted Patents exists in the United States. *See Confidential Exhibit 37.* Each of the Asserted Patents is important to Furuno’s success in the highly competitive industry of navigational devices by providing Furuno with patented features that are highly desired by consumers.

63. Furuno makes substantial U.S. investments and expenditures in the exploitation of the Asserted Patents including, *inter alia*, design, research and development, and engineering, and significant U.S. investments and expenditures in plant, equipment, and employment of labor and capital related to articles protected by the Asserted Patents including, *inter alia*, testing, customization, training, quality control, packaging, compliance, service, warranty and non-warranty repair, distribution, advertising, sales and marketing. **Confidential Exhibit 37** is a declaration regarding Furuno’s domestic industry, detailing Furuno’s significant domestic investments in plant and equipment, significant domestic employment of labor and capital, and substantial domestic investments in the exploitation of, or related to, the Asserted Patents and articles protected by the Asserted Patents. These domestic activities are likely to increase in the

³ These HTSUS numbers are based on Complainants’ current knowledge. They are not intended to nor should they be interpreted to restrict the devices and products accused.

future as a result of Furuno's increasing U.S. sales of marine electronics, including navigational devices, as well as Furuno's expansion of its product offerings in the U.S. market, such as its NavNet 3D, NavNet vx2, and ARPA Radar product lines. (**Confidential Exhibit 37**).

A. Furuno's Devices Practice the Inventions of the Asserted Patents.

64. Claim charts demonstrating that a representative device, the NavNet 3D, practices at least one independent claim of the '565, '367 and '561 patents are attached as **Exhibits 38-40**. The document referenced in these claim charts is attached as **Exhibit 41**.

65. A claim chart demonstrating that a representative device, the FAR-2807 Series ARPA Radar, practices at least one independent claim of the '094 Patent is attached as **Exhibit 42**. The documents referenced in this claim chart are attached as **Exhibit 43** and **Exhibit 44**.

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

66. As detailed in **Confidential Exhibit 37**, Furuno technical and non-technical personnel located in the United States, are engaged in activities necessary to commercialize and support Furuno's navigational devices covered by the Asserted Patents and exploit the technologies claimed in the Asserted Patents. In addition, Furuno has made substantial investment in its research and development program that supports Furuno's navigation devices covered by the Asserted Patents, including investments in its facilities in the states of Washington and Maryland, as well as the employment of substantial technical staff and the necessary equipment to support them. *Id.* Furuno invests in U.S.-based personnel who provide market feedback, product design, product updates and modifications, research and development, and engineering to help design a product that will be successful in the U.S. market. *Id.* Furuno invests in U.S.-based personnel who perform product packaging, distribution, testing, compliance, quality control and technical marketing to create a market-ready product. *Id.*

Finally Furuno invests in U.S.-based personnel who provide technical support, training, service, warranty and repair work to Furuno customers and dealers in the U.S. who have purchased Furuno's navigational devices. *Id.*

IX. RELIEF REQUESTED

67. Complainants respectfully requests that the Commission:

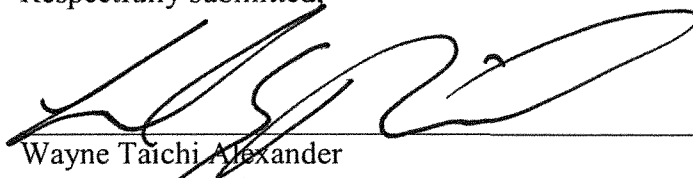
- (a) Institute an immediate investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to Respondents' violations of that section arising from the importation into the United States, sale for importation, and/or the sale within the United States after importation of certain navigation products, components, and related software, including GPS devices, avionics navigation and display systems, weather radar systems, navigational aids, mapping systems and avionics computers that infringe one or more claims of United States Patent Nos. 6,084,565, 7,095,367, 7,089,094, and 7,161,561;
- (b) Set a target date of no more than 15 months;
- (c) Schedule and conduct a hearing pursuant to Section 337(c) for the purposes of (i) receiving evidence and hearing argument concerning whether there has been a violation of Section 337, and (ii) following the hearing, determining that there has been a violation of Section 337;
- (d) Issue a permanent exclusion order directed to products manufactured by or for Respondents, their subsidiaries, related companies and agents pursuant to 19 U.S.C. § 1337(d) excluding entry into the United States of certain navigation products, components thereof, and related software that infringe one or more of claims 1, 2, 11 and 16 of the '565 Patent, claim 1

of the '367 Patent, claim 1 of the '094 Patent, and claim 8 of the '561 Patent;

- (e) Issue a permanent cease and desist order pursuant to 19 U.S.C. § 1337(f) prohibiting Respondents, their subsidiaries, related companies and agents from engaging in the importation, marketing and/or advertising, distribution, offering for sale, sale, or sale after importation of certain navigation products, components thereof, and related software that infringe one or more of claims 1, 2, 11 and 16 of the '565 Patent, claim 1 of the '367 Patent, claim 1 of the '094 Patent, and claim 8 of the '561 Patent
- (f) Impose a bond upon importation of electronic devices and related software used in aviation applications involving navigation systems displaying vehicle location, size, and position and techniques for processing and displaying navigation information during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j); and
- (g) Issue such other and further relief as the Commission deems just and proper under the law, based on the facts determined by the Investigation and the authority of the Commission.

DATED: September 29, 2011

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wayne Taichi Alexander', is written over a horizontal line.

Wayne Taichi Alexander

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