

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

In the Matter of

**CERTAIN ELECTRONIC DEVICES  
HAVING A RETRACTABLE USB  
CONNECTOR**

Investigation No. 337-TA-\_\_\_\_\_

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

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**LIST OF APPENDICES**

- A. Prosecution History of the '210 patent (four copies)
- B. Prosecution History of the '515 patent (four copies)
- C. References Mentioned in the Prosecution Histories of the '210 patent and the '515 patent (four copies each)

## **I. INTRODUCTION**

1.1 Anu IP LLC (“Anu” or “Complainant”) requests that the United States International Trade Commission commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”), to remedy the unlawful importation into the United States, sale for importation, and/or sale within the United States after importation by the owner, importer, or consignee (or agents thereof), of certain electronic devices having a retractable USB connector (collectively referred to as “the Accused Products”) that infringe valid and enforceable United States patents owned by Anu.

1.2 Proposed respondents AIPTEK International, Inc., Aluratek, Inc., Archos S.A., Archos, Inc., Bluestar Alliance LLC, Centon Electronics, Inc., Coby Electronics Corporation, Corsair Memory, Inc., Emtec Electronics, Inc., General Imaging Company, Huawei Technology Company, Ltd., Iriver, Inc., JVC Kenwood Corporation, JVC Americas Corporation, Latte Communications, Inc., Lexar Media, Inc., Maxell Corporation of America, Inc., Hitachi Maxell, Ltd., Office Depot, Inc., Olympus Corporation, Olympus Corporation of the Americas, Option NV, Option, Inc., Panasonic Corporation, Panasonic Corporation North America, Patriot Memory LLC, Provantage LLC, RITEK Corporation, Advanced Media, Inc. dba RITEK U.S.A., Sakar International, Inc., Samsung Electronics Co., Ltd., Samsung Electronics America, Sanyo Electric Co., Ltd., Sanyo North America Corporation, Silicon Power Computer and Communications, Inc., Silicon Power Computer and Communications USA, Inc., Supersonic, Inc., Super Talent Technology Corporation, Toshiba Corporation, Toshiba America, Inc., ViewSonic Corporation, VOXX International Corporation, Audiovox Accessories Corporation, Yamaha Corporation, and Yamaha Corporation of America (collectively, “Respondents”) have engaged in unfair acts in violation of Section 337 through and in connection with the unlicensed importation into the United States, sale for importation, and/or sale within the United States after

importation of Accused Products that infringe one or more claims of United States Patent Nos. 6,979,210 (“the ’210 patent”) and 7,090,515 (“the ’515 patent”) (collectively, “the Asserted Patents”).

1.3 Anu asserts that the Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-4, 7, and 8 of the ’210 patent and at least claims 1-4, 7, and 8 of the ’515 patent (collectively, “the Asserted Claims”).

1.4 Certified copies of the ’210 and ’515 patents accompany this Complaint as **Exhibits 1-2**. Anu owns by assignment the entire right, title, and interest in and to these patents. A certified copy of each of the recorded assignments accompanies this Complaint as **Exhibit 3**.

1.5 As required by Section 337(a)(2) and defined in Section 337(a)(3), an industry in the United States exists, or is in the process of being established, relating to articles covered by the Asserted Patents. Anu and its predecessor in interest to the Asserted Patents, Ennova Direct, Inc. (“Ennova”), have made, and continue to make, substantial investments in the United States with respect to licensing activities relating to the Asserted Patents. In addition, a number of Ennova’s nine licensees have made substantial investments in the United States in the exploitation of the inventions claimed in the Asserted Patents with respect to engineering, research, development, testing, marketing, and servicing activities.

1.6 Anu seeks a permanent exclusion order, pursuant to Section 337(d), excluding from entry into the United States Respondents’ Accused Products that infringe one or more claims of the Asserted Patents. Anu also seeks permanent cease and desist orders, pursuant to Section 337(f), directing each of the proposed Respondents to cease and desist from the importation, marketing, advertising, demonstrating, installing, servicing, repairing, and



warehousing inventory of such Accused Products for distribution, sale and/or use in the United States.

## **II. COMPLAINANT**

2.1 Complainant Anu is a limited liability company organized under the laws of the State of Texas, with offices at 3301 W. Marshall Ave., Suite 303, Longview, Texas 75601 and 4601 Willard Ave., Chevy Chase, Maryland 20815.

2.2 Anu's predecessor in interest to the Asserted Patents, Ennova, is a corporation organized under the laws of the State of California, with its principal place of business at 5523 Scotts Valley Dr., Scotts Valley, California 95066.

2.3 Anu was founded in 2011 to continue Ennova's licensing program for Asserted Patents and related patent family in an effort to bring the world these innovations. Anu is the sole owner of the entire right, title, and interest in the Asserted Patents.

2.3 Ennova was founded in 2003 by Paul Regen and Peter Garrett to design, manufacture, and sell consumer products with a focus on computer peripheral electronic devices. Paul Regen, a former electrical engineer for Plantronics, and Peter Garrett, a business development professional, had a shared vision of creating a company dedicated to creating new consumer products to bring to market. Most notably here, Ennova was a pioneer in the engineering, research and development of retractable USB drives and marketed and sold a number of computer peripheral devices that incorporated this technology under Ennova's brand ION Technologies, including the Flashlite USB Data Drive and IONdrive, which embody claims of the Asserted Patents. Ennova's technology has since been adopted in a wide range of computer peripherals devices. Because of the widespread infringement of Ennova's patents, Ennova was unable to overcome the market barriers and was forced to discontinue its product line in 2008.

2.4 As a result of its work related to the development of the technology behind retractable USB drives, Ennova applied for and was awarded numerous patents directed to this technology, including the Asserted Patents.<sup>1</sup>

2.5 In the United States, Ennova has made significant investments in the exploitation of the Asserted Patents through its efforts in licensing the Asserted Patents, including Ennova's own licensing efforts regarding the Asserted Patents, licensing efforts of Anu regarding the Asserted Patents, and various litigations in support of these licensing activities. Ennova began its own licensing program in 2008 in an effort to recoup the significant investment made in developing the patented technology and obtaining the Asserted Patents. As discussed more fully in section XI, *infra*, Ennova has also instituted two different litigations in support of the aforementioned licensing efforts involving the Asserted Patents. Additional information about Ennova can be found on its website: <http://ennovadirect.com>.

2.6 In addition, in early 2011, Ennova was in contact with HopeLab Foundation, Inc. ("HopeLab") and Zamzee Company ("Zamzee") about licensing the Ennova's intellectual property. HopeLab and Zamzee recognized Ennova's innovations embodied in the '210 patent and wished to develop products that incorporated the retractable USB technology. In May 2011, HopeLab and Zamzee entered into an agreement with Ennova to license the '210 patent and began producing, marketing, and selling the Zamzee meter, a retractable USB drive that measures a person's movement. Zamzee markets and promotes this technology to encourage young people to lead an active lifestyle. Additional information regarding Zamzee can be found on its website: <http://www.zamzee.com>. The Zamzee meter is marked with the '210 patent

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<sup>1</sup> The other patents and applications are U.S. Pat. No. 7,070,425, U.S. Pat. No. 7,462,044, U.S. Pat. No. 7,566,231, U.S. Pat. No. 7,747,003, U.S. Pat. Appl. No. 11/473,638, U.S. Pat. Appl. No. 11/927,079, and U.S. Pat. Appl. No. 12/826,246 (collectively "the Ennova Patent Family").

number pursuant to 35 U.S.C. §287, and Zamzee has made significant investment in the United States related to the research, development, testing, marketing, sales, customer support, and promotion of the Zamzee meter. These activities, along with Ennova's and Anu's licensing activities and the activities of Ennova's other licensees, provide the foundation for Anu's domestic industry.

### **III. PROPOSED RESPONDENTS**

#### **A. AIPTEK International, Inc.**

3.1 On information and belief, proposed Respondent AIPTEK International, Inc. Corp. is organized under the laws of Taiwan, with its principal place of business at 19 Industry E Rd. 4, Hsinchu Science Park, Hsinchu, Taiwan. On information and belief, and as stated more fully in Section VI, *infra*, AIPTEK develops, manufactures, and markets certain products that contain retractable USB connectors, such as digital camcorders that infringe at claims 1-4 of the '210 patent. On information and belief, by way of example, AIPTEK's camcorders are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, AIPTEK and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

#### **B. Aluratek, Inc.**

3.2 On information and belief, proposed Respondent Aluratek, Inc. ("Aluratek") is a California corporation with a principal place of business at 14831 Myford Road, Tustin, California 92780. On information and belief, and as stated more fully in Section VI, *infra*, Aluratek develops, manufactures, and markets certain products that contain retractable USB connectors, such as digital camcorders that infringe at least claims 1-3 of the '210 patent and claims 1-3 of the '515 patent. On information and belief, by way of example, Aluratek's

camcorders are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, Aluratek and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**C. Archos S.A. and Archos, Inc.**

3.4 On information and belief, proposed Respondent Archos S.A. is a corporation organized under the laws of France with a principal place of business at 12, rue Ampère, 91430 Igny, France. On information and belief, proposed Respondent Archos S.A. is the world-wide parent corporation for other Archos entities and responsible either direct or indirectly through subsidiaries for Archos's infringing conduct.

3.5 On information and belief, proposed Respondent Archos, Inc. (Proposed Respondents Archos S.A. and Archos, Inc referred to collectively herein as "Archos") is California corporation with a principal place of business at 7195 East Maplewood Avenue, Suite 260, Greenwood Village, CO 80111. On information and belief, and as stated more fully in Section VI, *infra*, Archos develops, manufactures, and markets certain products that contain retractable USB connectors, such as MP3 players that infringe at least claims 1-4, 7, and 8 of the '210 patent. On information and belief, by way of example, Archos's MP3 players are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, Archos and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**D. Bluestar Alliance LLC**

3.6 On information and belief, proposed Respondent Bluestar Alliance LLC ("Bluestar") is a New York limited liability company with a principal place of business at 1370

Broadway, Suite 1107, New York, New York, 10018. On information and belief, and as stated more fully in Section VI, *infra*, Bluestar develops, manufactures, and markets certain products that contain retractable USB connectors, such as digital camcorders marketed and sold under the Bell & Howell brand name that infringe at least claims 1-3 of the '210 patent. On information and belief, by way of example, Bluestar's digital camcorders are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, Bluestar and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**E. Centon Electronics, Inc.**

3.7 On information and belief, proposed Respondent Centon Electronics, Inc. ("Centon") is a California corporation with a principal place of business at 27412 Aliso Viejo Parkway, Aliso Viejo, CA 92656. On information and belief, and as stated more fully in Section VI, *infra*, Centon develops, manufactures, and markets certain products that contain retractable USB connectors, such as digital flash memory devices that infringe at least claims 1-4 of the '210 patent. On information and belief, by way of example, Centon's flash memory devices are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, Centon and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**F. Coby Electronics Corporation**

3.8 On information and belief, proposed Respondent Coby Electronics Corporation ("Coby") is a New York corporation with a principal place of business at 1991 Marcus Ave., Lake Success, New York 11042. On information and belief, and as stated more fully in Section

VI, *infra*, Coby develops, manufactures, and markets certain products that contain retractable USB connectors, such as digital camcorders that infringe at least claims 1 and 3 of the '515 patent. On information and belief, by way of example, Coby's camcorders are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, Coby and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**G. Corsair Memory, Inc.**

3.9 On information and belief, proposed Respondent Corsair Memory, Inc.

("Corsair") is a Delaware corporation with a principal place of business at 46221 Landing Parkway, Fremont, California 94538. On information and belief, and as stated more fully in Section VI, *infra*, Corsair develops, manufactures, and markets certain products that contain retractable USB connectors, such as flash memory devices that infringe at least claims 1-4 of the '210 patent. On information and belief, by way of example, Corsair's flash memory devices are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, Corsair and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**H. Emtec Electronics, Inc.**

3.10 On information and belief, proposed Respondent Emtec Electronics, Inc.

("Emtec") is a Ohio corporation with a principal place of business at 7607 Green Meadows Dr., Lewis Center, Ohio 43035. On information and belief, and as stated more fully in Section VI, *infra*, Emtec develops, manufactures, and markets certain products that contain retractable USB connectors, such as flash memory devices that infringe at least claims 1-4 of the '210 patent. On

information and belief, by way of example, Emtec's flash memory devices are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, Emtec and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**I. General Imaging Company**

3.11 On information and belief, proposed Respondent General Imaging Company ("GIC") is a company organized under the law of Delaware with a principal place of business at 2411 W. 190<sup>th</sup> Street #550, Torrance California, 90504. On information and belief, and as stated more fully in Section VI, *infra*, GIC develops, manufactures, and markets certain products that contain retractable USB connectors, such as digital camcorders and cameras marketed and sold under the GE brand name that infringe at least claims 1-4 of the '210 patent and claims 1 and 3 of the '515 patent. On information and belief, by way of example, GIC's digital camcorders and cameras are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, GIC and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**J. Huawei Technologies Co., Ltd.**

3.12 On information and belief, proposed Respondent Huawei Technologies Co., Ltd. ("Huawei") is a Chinese company with a principal place of business at Huawei Industrial Base, Shenzhen 518129, Peoples Republic of China. On information and belief, and as stated more fully in Section VI, *infra*, Huawei develops, manufactures, and markets certain products that contain retractable USB connectors, such as wireless modem devices that infringe at least claims 1-3 of the '210 patent. On information and belief, by way of example, Huawei's wireless

modern devices are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, Huawei and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**K. Iriver, Inc.**

3.13 On information and belief, proposed Respondent Iriver, Inc. (“Iriver”) is a California corporation with a principal place of business at 39 Peters Canyon Road, Irvine, California 92606. On information and belief, and as stated more fully in Section VI, *infra*, Iriver develops, manufactures, and markets certain products that contain retractable USB connectors, such as MP3 players that infringe at least claims 1-4, 7, and 8 of the ’515 patent. On information and belief, by way of example, Iriver’s MP3 players are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, Iriver and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**L. JVC Kenwood Corporation and JVC Americas Corporation**

3.14 On information and belief, proposed Respondent JVC Kenwood Corporation is a corporation organized under the laws of Japan with a principal place of business at 3-12, Moriyacho, Kanagawa-ku, Yokohama-shi, Kanagawa 221-8528, Japan. On information and belief, proposed Respondent JVC Kenwood Corporation is the world-wide parent corporation for other JVC entities and responsible either direct or indirectly through subsidiaries for JVC’s infringing conduct.

3.15 On information and belief, proposed Respondent JVC Americas Corporation (Proposed Respondents JVC Kenwood Corporation and JVC Americas Corporation referred to collectively herein as “JVC”) is Delaware corporation with a principal place of business at 1700



Valley Road, Suite 1, Wayne, New Jersey 07470. On information and belief, and as stated more fully in Section VI, *infra*, JVC develops, manufactures, and markets certain products that contain retractable USB connectors, such as digital camcorders and cameras that infringe at least claims 1-3 and 7 of the '210 patent. On information and belief, by way of example, JVC's digital camcorders and cameras are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, JVC and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**M. Latte Communications, Inc.**

3.16 On information and belief, proposed Respondent Latte Communications, Inc. ("Latte") is a California corporation with a principal place of business at 675 East Brokaw Road, San Jose, California 95112. On information and belief, and as stated more fully in Section VI, *infra*, Latte develops, manufactures, and markets certain products that contain retractable USB connectors, such as MP3 players that infringe at least claims 1-4, 7, and 8 of the '210 patent. On information and belief, by way of example, Latte's MP3 players are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, Latte and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**N. Lexar Media, Inc.**

3.17 On information and belief, proposed Respondent Lexar Media, Inc. ("Lexar") is a Delaware corporation with a principal place of business at 47300 Bayside Parkway, San Jose, California 95112. On information and belief, and as stated more fully in Section VI, *infra*, Lexar develops, manufactures, and markets certain products that contain retractable USB connectors, such as flash memory devices that infringe at least claims 1-4 of the '210 patent. On information

and belief, by way of example, Lexar's flash memory devices are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, Lexar and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**O. Maxell Corp. of America, Inc. and Hitachi Maxell, Ltd.**

3.18 On information and belief, proposed Respondent Hitachi Maxell, Ltd. is a corporation organized under the laws of Japan with a principal place of business at 1-1-88, Ushitora, Ibaraki, Osaka 567-8567, Japan. On information and belief, proposed Respondent Hitachi Maxell, Ltd. is the world-wide parent corporation for other Maxell entities and responsible either direct or indirectly through subsidiaries for Maxell's infringing conduct.

3.19 On information and belief, proposed Respondent Maxell Corporation of America, Inc. (Proposed Respondents Hitachi Maxell, Ltd. and Maxell Corporation of America, Inc. referred to collectively herein as "Maxell") is a New Jersey corporation with a principal place of business at 3 Garrett Mountain Plaza, 3<sup>rd</sup> Floor, Woodland Park, New Jersey 07424. On information and belief, and as stated more fully in Section VI, *infra*, Maxell develops, manufactures, and markets certain products that contain retractable USB connectors, such as flash memory devices that infringe at least claims 1-4 of the '210 patent. On information and belief, by way of example, Maxell's flash memory devices are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, Maxell and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**P. Office Depot, Inc.**

3.20 On information and belief, proposed Respondent Office Depot, Inc. ("Office Depot") is a Delaware corporation with a principal place of business at 6600 North Military

Trail, Boca Raton, Florida 33496. On information and belief, and as stated more fully in Section VI, *infra*, Office Depot develops, manufactures, and markets certain products that contain retractable USB connectors, such as flash memory devices marketed and sold under the Ativa brand name that infringe at least claims 1-4 of the '210 patent. On information and belief, by way of example, Office Depot's flash memory devices are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, Office Depot and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**Q. Olympus Corporation and Olympus Corporation of the Americas**

3.21 On information and belief, proposed Respondent Olympus Corporation is a corporation organized under the laws of Japan with a principal place of business at Shinjuku Monolith, 3-1 Nishi-Shinjuku 2-chome, Shinjuku-ku, Tokyo 163-0914, Japan. On information and belief, proposed Respondent Olympus Corporation is the world-wide parent corporation for other Olympus entities and responsible either direct or indirectly through subsidiaries for Olympus's infringing conduct.

3.22 On information and belief, proposed Respondent Olympus Corporation of the Americas (Proposed Respondents Olympus Corporation and Olympus Corporation of the Americas referred to collectively herein as "Olympus") is a New York corporation with a principal place of business at 3500 Corporate Parkway, Center Valley, Pennsylvania 18034. On information and belief, and as stated more fully in Section VI, *infra*, Olympus develops, manufactures, and markets certain products that contain retractable USB connectors, such as digital audio recorders that infringe at least claims 1-4, 7, and 8 of the '210 patent. On information and belief, by way of example, Olympus's digital audio recorders are manufactured,

assembled, and/or packaged and tested outside of the United States. On information and belief, Olympus and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**R. Option NV and Option, Inc.**

3.23 On information and belief, proposed Respondent Option NV is a corporation organized under the laws of Belgium with a principal place of business at Option NV Gaston Geenslaan 14, 3001 Leuven, Belgium. On information and belief, proposed Respondent Option NV is the world-wide parent corporation for other Option entities and responsible either direct or indirectly through subsidiaries for Option's infringing conduct.

3.24 On information and belief, proposed Respondent Option, Inc. (Proposed Respondents Option NV and Option, Inc. referred to collectively herein as "Option") is a Delaware corporation with a principal place of business at 13010 Morris Road, Alpharetta, GA 30004. On information and belief, and as stated more fully in Section VI, *infra*, Option develops, manufactures, and markets certain products that contain retractable USB connectors, such as wireless modem devices marketed and sold under the AT&T brand name that infringe at least claims 1-3 of the '210 patent. On information and belief, by way of example, Option's wireless modem devices are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, Option and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**S. Panasonic Corporation and Panasonic Corporation North America**

3.25 On information and belief, proposed Respondent Panasonic Corporation is a corporation organized under the laws of Japan with a principal place of business at 1006 Oaza Kadoma, Kodama, Osaka 571-8501, Japan. On information and belief, proposed Respondent Panasonic Corporation is the world-wide parent corporation for other Panasonic entities and responsible either direct or indirectly through subsidiaries for Panasonic's infringing conduct.

3.26 On information and belief, proposed Respondent Panasonic Corporation North America (Proposed Respondents Panasonic Corporation and Panasonic Corporation North America referred to collectively herein as "Panasonic") is a Delaware corporation with a principal place of business at 1 Panasonic Way, Secaucus, New Jersey 07094. On information and belief, and as stated more fully in Section VI, *infra*, Panasonic develops, manufactures, and markets certain products that contain retractable USB connectors, such as digital camcorders and cameras that infringe at least claims 1-3 of the '210 patent and claims 1-3 of the '515 patent. On information and belief, by way of example, Panasonic's digital camcorders and cameras are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, Panasonic and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**T. Patriot Memory LLC**

3.27 On information and belief, proposed Patriot Memory LLC ("Patriot") is a limited liability company organized under the law of Delaware with a principal place of business at 47027 Benicia Street, Fremont, California 94538. On information and belief, and as stated more fully in Section VI, *infra*, Patriot develops, manufactures, and markets certain products that

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contain retractable USB connectors, such as flash memory devices that infringe at least claims 1-4 of the '210 patent. On information and belief, by way of example, Patriot's flash memory devices are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, Patriot and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**U. Provantage LLC**

3.28 On information and belief, proposed Respondent Provantage LLC ("Provantage") is limited liability company organized under the laws of Delaware with a principal place of business at 7249 Whipple Avenue NW, North Canton, Ohio 44720. On information and belief, and as stated more fully in Section VI, *infra*, Provantage develops, manufactures, and markets certain products that contain retractable USB connectors, such as MP3 players marketed and sold under the Mach Speed Technologies brand name that infringe at least claims 1-4 and 7 of the '210 patent. On information and belief, by way of example, Provantage's MP3 players are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, Provantage and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**V. RITEK Corporation and Advanced Media, Inc. dba RITEK U.S.A.**

3.29 On information and belief, proposed Respondent RITEK Corporation is a corporation organized under the laws of Taiwan with a principal place of business at No. 42, Kuan-Fu N. Road, Hsin-Chu Industrial Park, 30316, Taiwan. On information and belief, proposed Respondent RITEK Corporation is the world-wide parent corporation for other RITEK

entities and responsible either direct or indirectly through subsidiaries for RITEK's infringing conduct.

3.30 On information and belief, proposed Respondent Advanced Media, Inc. dba RITEK U.S.A. (Proposed Respondents RITEK Corporation and Advanced Media, Inc. dba RITEK U.S.A. referred to collectively herein as "RITEK") is a California corporation with a principal place of business at 1440 Bridgegate Drive, Suite 395, Diamond Bar, California 91765. On information and belief, and as stated more fully in Section VI, *infra*, RITEK develops, manufactures, and markets certain products that contain retractable USB connectors, such as flash memory devices that infringe at least claims 1-4 the '210 patent. On information and belief, by way of example, RITEK's flash memory devices are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, RITEK and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**W. Sakar International, Inc.**

3.31 On information and belief, proposed Respondent Sakar International, Inc. ("Sakar") is a New York corporation with a principal place of business at 195 Carter Drive, Edison, NJ 08817. On information and belief, and as stated more fully in Section VI, *infra*, Sakar develops, manufactures, and markets certain products that contain retractable USB connectors, such as flash memory devices that infringe at least claims 1-4 of the '210 patent. On information and belief, by way of example, Sakar's flash memory devices are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, Sakar and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**X. Samsung Electronics Co., Ltd. and Samsung Electronics America**

3.32 On information and belief, proposed Respondent Samsung Electronics Co., Ltd. is a corporation organized under the laws of Korea with a principal place of business at 130-10, Seocho 2-dong, Seocho-gu, Seoul, South Korea. On information and belief, proposed Respondent Samsung Electronics Co., Ltd. is the world-wide parent corporation for other Samsung entities and responsible either direct or indirectly through subsidiaries for Samsung's infringing conduct.

3.33 On information and belief, proposed Respondent Samsung Electronics America (Proposed Respondents Samsung Electronics Co., Ltd. and Samsung Electronics America referred to collectively herein as "Samsung") is a New York corporation with a principal place of business at 1440 Bridgegate Drive, Suite 395, Diamond Bar, California 91765. On information and belief, and as stated more fully in Section VI, *infra*, Samsung develops, manufactures, and markets certain products that contain retractable USB connectors, such as digital camcorders, cameras, and MP3 players that infringe at least claims 1 and 3 of the '515 patent. On information and belief, by way of example, Samsung's digital camcorders, cameras, and MP3 players are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, Samsung and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**Y. Sanyo Electric Co., Ltd. and Sanyo North America Corporation**

3.34 On information and belief, proposed Respondent Sanyo Electric Co., Ltd. is a corporation organized under the laws of Japan with a principal place of business at 5-5, Keihan-Hondori 2-chome, Moriguchi City, Osaka 570-8677, Japan. On information and belief, proposed Respondent Sanyo Electric Co., Ltd. is the world-wide parent corporation for other Sanyo



entities and responsible either direct or indirectly through subsidiaries for Sanyo's infringing conduct.

3.35 On information and belief, proposed Respondent Sanyo North America Corporation (Proposed Respondents Sanyo Electric Co., Ltd. and Sanyo North America Corporation referred to collectively herein as "Sanyo") is a Delaware corporation with a principal place of business at 2055 Sanyo Avenue, San Diego, California 92154. On information and belief, and as stated more fully in Section VI, *infra*, Sanyo develops, manufactures, and markets certain products that contain retractable USB connectors, such as digital audio recorders and digital cameras that infringe at least claims 1-4, 7, and 8 of the '210 patent. On information and belief, by way of example, Sanyo's digital audio recorders and digital cameras are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, Sanyo and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**Z. Silicon Power Computer and Communication, Inc. and Silicon Power Computer and Communication USA, Inc.**

3.36 On information and belief, proposed Respondent Silicon Power Computer and Communication, Inc. is a corporation organized under the laws of Taiwan with a principal place of business at 7F, No. 106, Zhouzi St., Neihu Dist., Taipei City 114, Taiwan. On information and belief, proposed Respondent Silicon Power Computer and Communication, Inc. is the world-wide parent corporation for other SPCC entities and responsible either direct or indirectly through subsidiaries for SPCC's infringing conduct.

3.37 On information and belief, proposed Respondent Silicon Power Computer and Communication USA, Inc. (Proposed Respondents Silicon Power Computer and

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Communication, Inc. and Silicon Power Computer and Communication USA, Inc. referred to collectively herein as "SPCC") is a California corporation with a principal place of business at 10455 Bandle Dr. #300, Cupertino, California 95014. On information and belief, and as stated more fully in Section VI, *infra*, SPCC develops, manufactures, and markets certain products that contain retractable USB connectors, such as flash memory devices that infringe at least claims 1-4 of the '210 patent. On information and belief, by way of example, SPCC's flash memory devices are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, SPCC and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**AA. Supersonic, Inc.**

3.38 On information and belief, proposed Respondent Supersonic, Inc. ("Supersonic") is a California corporation with a principal place of business at 6555 Bandini Blvd., Commerce, California 90040. On information and belief, and as stated more fully in Section VI, *infra*, Supersonic develops, manufactures, and markets certain products that contain retractable USB connectors, such as digital camcorders marketed and sold under the IQSound brand name that infringe at least claims 1 and 3 of the '515 patent. On information and belief, by way of example, Supersonic's digital camcorders are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, Supersonic and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**BB. Super Talent Technology Corporation**

3.39 On information and belief, proposed Respondent Super Talent Technology Corporation ("STTC") is a California corporation with a principal place of business at 2077

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North Capitol Ave., San Jose, California 95132. On information and belief, and as stated more fully in Section VI, *infra*, STTC develops, manufactures, and markets certain products that contain retractable USB connectors, such as flash memory devices that infringe at least claims 1-4 of the '210 patent. On information and belief, by way of example, STTC's flash memory devices are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, STTC and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**CC. Toshiba Corporation and Toshiba America, Inc.**

3.40 On information and belief, proposed Respondent Toshiba Corporation is a corporation organized under the laws of Japan with a principal place of business at 1-1, Shibaura 1-chome, Minato-ku, Tokyo 105-8001, Japan. On information and belief, proposed Respondent Toshiba Corporation is the world-wide parent corporation for other Toshiba entities and responsible either direct or indirectly through subsidiaries for Toshiba's infringing conduct.

3.41 On information and belief, proposed Respondent Toshiba America, Inc. (Proposed Respondents Toshiba Corporation and Toshiba America, Inc. referred to collectively herein as "Toshiba") is a Delaware corporation with a principal place of business at 1251 Avenue of the Americas, Suite 4110, New York, New York 10020. On information and belief, and as stated more fully in Section VI, *infra*, Toshiba develops, manufactures, and markets certain products that contain retractable USB connectors, such as flash memory devices that infringe at least claims 1-4 of the '210 patent. On information and belief, by way of example, Toshiba's flash memory devices are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, Toshiba and/or others then import the

Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**DD. ViewSonic Corporation**

3.42 On information and belief, proposed Respondent ViewSonic Corporation (“ViewSonic”) is a Delaware corporation with a principal place of business at 381 Brea Canyon Road, Walnut, California 91789. On information and belief, and as stated more fully in Section VI, *infra*, ViewSonic develops, manufactures, and markets certain products that contain retractable USB connectors, such as digital camcorders that infringe at least claims 1-3 of the ’210 patent. On information and belief, by way of example, ViewSonic’s digital camcorders are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, ViewSonic and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**EE. VOXX International Corporation and AudioVox Accessories Corporation**

3.43 On information and belief, proposed Respondent VOXX International Corporation is a Delaware corporation with a principal place of business at 180 Marcus Blvd., Hauppauge, New York 11788. On information and belief, proposed Respondent VOXX International Corporation is the world-wide parent corporation for other Audiovox entities and responsible either direct or indirectly through subsidiaries for Audiovox’s infringing conduct.

3.44 On information and belief, proposed Respondent Audiovox Accessories Corporation (Proposed Respondents VOXX International Corporation and Audiovox Accessories Corporation referred to collectively herein as “Audiovox”) is a Delaware corporation with a principal place of business at 111 Congressional Blvd., Carmel, Indiana

46032. On information and belief, and as stated more fully in Section VI, *infra*, Audiovox develops, manufactures, and markets certain products that contain retractable USB connectors, such as digital audio recorder devices marketed and sold under the RCA brand name that infringe at least claims 1-4 of the '210 patent. On information and belief, by way of example, Audiovox's digital audio recorder devices are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, Audiovox and/or others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

**FF. Yamaha Corporation and Yamaha Corporation of America**

3.45 On information and belief, proposed Respondent Yamaha Corporation is a corporation organized under the laws of Japan with a principal place of business at 10-1, Nakazawa-cho, Naka-ku, Hamamatsu, Shizuoka 430-8650, Japan. On information and belief, proposed Respondent Yamaha Corporation is the world-wide parent corporation for other Yamaha entities and responsible either direct or indirectly through subsidiaries of Yamaha's infringing conduct.

3.46 On information and belief, proposed Respondent Yamaha Corporation of America (Proposed Respondents Yamaha Corporation and Yamaha Corporation of America referred to collectively herein as "Yamaha") is a California corporation with a principal place of business at 6600 Orangethorpe Ave., Buena Park, California 90620. On information and belief, and as stated more fully in Section VI, *infra*, Yamaha develops, manufactures, and markets certain products that contain retractable USB connectors, such as digital audio recorder devices that infringe at least claims 1-4 and 7 of the '210 patent. On information and belief, by way of example, Yamaha's digital audio recorder devices are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, Yamaha and/or

others then import the Accused Products, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation.

#### **IV. THE TECHNOLOGY AND PRODUCTS AT ISSUE**

4.1 The general technology at issue involves retractable USB connectors and products incorporating same. As discussed below, Anu holds patents related to this subject matter. For example, the Asserted Patents cover technologies used in devices and drives used for storing digital information, including, for example, a male USB connector coupled to memory for connecting to a USB port of a computer appliance, and an extension/retraction mechanism, coupled to the connector and on-board memory, for extending the connector from an enclosure of the drive and for retracting the connector when not in use.

4.2 The Accused Products at issue in this matter include a retractable USB connector coupled to an electronic device or memory for connecting the device or memory to a computer appliance. Exemplary instances of unfair trade practices and exemplary Accused Products are provided in Section VI, *infra*, for each Respondent.

#### **V. THE ASSERTED PATENTS**

5.1 At issue in this investigation is the proposed Respondents' infringement of U.S. Patent Nos. 6,979,210 and 7,090,515.

##### **A. Identification of the Patents and Ownership by Anu**

5.2 The '210 patent is entitled "Thumb Drive with Retractable USB Connector" and issued on December 27, 2005. The '210 patent issued from U.S. Patent Application Serial Number 10/903,412 filed on July 29, 2004, which is a continuation of Application No. 60/528,645, filed December 10, 2003. Anu is the assignee of all rights, title, and interest in the invention ultimately disclosed in the '210 patent by the inventors Paul Regen, Peter Garrett, and

Everett Hale. *See Exhibit 3*. The '210 patent is valid, enforceable, and is currently in full force and effect.

5.3 Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by **Appendices A and C**. **Appendix A** contains a certified copy and three additional copies of the prosecution history of the '210 patent, and **Appendix C** contains four copies of each reference mentioned in that prosecution history.

5.4 The '515 patent is entitled "Thumb Drive with Retractable USB Connector" and issued on August 15, 2006. The '515 patent issued from U.S. Patent Application Serial Number 11/280,601 filed on November 15, 2005, which is a division of application No. 10/903,412 (issued as the '210 patent), which is continuation of Application No. 60/528,645, filed December 10, 2003. Anu is the assignee of all rights, title, and interest in the invention ultimately disclosed in the '515 patent by the inventors Paul Regen, Peter Garrett, and Everett Hale. *See Exhibit 3*. The '515 patent is valid, enforceable, and is currently in full force and effect.

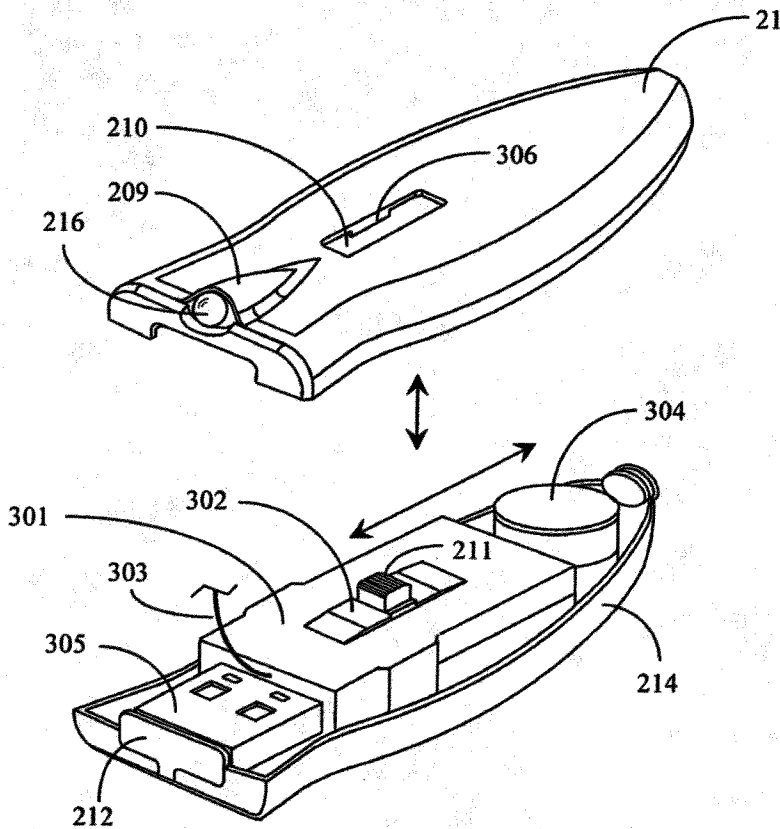
5.5 Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by **Appendices B and C**. **Appendix B** contains a certified copy and three additional copies of the prosecution history of the '515 patent, and **Appendix C** contains four copies of each reference mentioned in that prosecution history.

#### **B. Non-Technical Description of the Patented Invention**

5.6 The Asserted Patents generally relates to a novel thumb drive incorporating a retractable USB connector used to connect to a computer appliance. *See Exhibit 1* at [57]. Relevant to this matter, the '210 patent discloses and claims an extension/retraction mechanism coupled to a USB connector for extending the connector from an enclosure of the drive and for retracting the connector when not in use. *See id.* The '515 patent relates to the same invention and shares the same written description and specification as the '212 patent, with the claims of

the '515 patent directed to a spring loaded extension/retraction mechanism coupled to a USB connector for extending the connector from an enclosure of the drive.

5.7 The basic layout of a device that practices one or more claims of the Asserted Patents is shown in Figure 2 (reproduced below), and represents one embodiment shown in the Asserted Patents:



*Fig. 3a*

5.8 At the time of the invention, the Asserted Patents presented a unique and novel device that incorporates a retractable USB connector into a housing. By incorporating a mechanism connected to a USB connector that allows for a device to conceal and protect the USB connector when not in use, the Asserted Patents enabled a new generation of USB devices



not needing, for example, an external cord for connecting to a computer or a cap for protecting an external USB connector.

**C. Foreign Counterparts to the Asserted Patents**

5.9 The '210 patent has no foreign counterparts, and no foreign patents or patent applications corresponding to the '210 patent have been filed, abandoned, withdrawn, or rejected.

5.10 The '515 patent has no foreign counterparts, and no foreign patents or patent applications corresponding to the '515 patent have been filed, abandoned, withdrawn, or rejected.

**VI. UNLAWFUL AND UNFAIR ACTS OF PROPOSED RESPONDENTS**

**A. AIPTEK's Unlawful and Unfair Acts**

6.1 Upon information and belief, AIPTEK's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-4 of the '210 patent. Discovery may reveal that AIPTEK infringes additional claims of the '210 patent and/or the '515 patent.

6.2 On information and belief, the AIPTEK Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in China. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by AIPTEK. *See e.g. Exhibit 4.*

6.3 On information and belief, and by way of example, AIPTEK is a supplier of digital camcorders that incorporate the technology of the '210 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the AIPTEK 3D HD Camcorder and SeeME 1080P Camcorder models are digital camcorder products that directly infringe, contributorily infringe, and/or induce infringement of the asserted claims of the '210

patent. AIPTEK digital camcorders, such as the 3D HD Camcorder and SeeME 1080P Camcorder models, are believed to be representative of a larger group of AIPTEK products that constitute the AIPTEK Accused Products at issue in this investigation.

6.4 The Accused AIPTEK Products Drive incorporate the technology patented and claimed in the '210 patent. Claim charts demonstrating how the representative AIPTEK Accused Product (the 3D HD Camcorder) infringes the Asserted Claims of the '210 patent are attached to this Complaint as **Exhibit 5**. Further discovery may reveal additional infringing AIPTEK products and/or models.

6.5 AIPTEK actively induces others to infringe the asserted claims through its sale of the AIPTEK Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the Accused Products. AIPTEK induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '210 patent. In addition, AIPTEK contributorily infringes certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the AIPTEK Accused Products and/or AIPTEK Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the '210 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.6 On information and belief, AIPTEK was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, AIPTEK had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking it

products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, AIPTEK was aware of the Asserted Patents no later than the service date of Anu's complaint.

**B. Aluratek's Unlawful and Unfair Acts**

6.7 Upon information and belief, Aluratek's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-3 of the '210 patent and at least claims 1 and 3 of the '515 patent. Discovery may reveal that Aluratek infringes additional claims of the '210 patent and/or the '515 patent.

6.8 On information and belief, the Aluratek Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in China. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by Aluratek. *See e.g. Exhibit 6.*

6.9 On information and belief, and by way of example, Aluratek is a supplier of digital camcorders that incorporate the technology of the '210 patent and '515 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the Aluratek AHDC01F HD Camcorder is a digital camcorder products that directly infringes, contributorily infringe, and/or induce infringement of the asserted claims of the '210 patent, and the ADVC01F Cinecam DV Camcorder is a digital camcorder products that directly infringes, contributorily infringe, and/or induce infringement of the asserted claims of the '515 patent. Aluratek digital camcorders, such as the AHDC01F HD Camcorder and ADVC01F Cinecam DV Camcorder models, are believed to be representative of a larger group of Aluratek products that constitute the Aluratek Accused Products at issue in this investigation.

6.10 The Accused Aluratek Products Drive incorporate the technology patented and claimed in the Asserted Patents. Claim charts demonstrating how the representative Aluratek Accused Product (the AHDC01F HD Camcorder) infringes the asserted claims of the '210 patent

are attached to this Complaint as **Exhibit 7**. In addition, claim charts demonstrating how the representative Aluratek Accused Product (the AHDC01F Cinecam DV Camcorder) infringes the asserted claims of the '515 patent are attached to this Complaint as **Exhibit 8**. Further discovery may reveal additional infringing Aluratek products and/or models.

6.11 Aluratek actively induces others to infringe the asserted claims through its sale of the Aluratek Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the Aluratek Accused Products. Aluratek induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '210 patent and/or the '515 patent. In addition, Aluratek contributorily infringes certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the Aluratek Accused Products and/or Aluratek Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the '210 patent and/or the '515 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.12 On information and belief, Aluratek was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, Aluratek had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking its products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, Aluratek was aware of the Asserted Patents no later than the service date of Anu's complaint.

**C. Archos's Unlawful and Unfair Acts**

6.13 Upon information and belief, Archos's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-4, 7, and 8 of the '210

patent. Discovery may reveal that Archos infringes additional claims of the '210 patent and/or the '515 patent.

6.14 On information and belief, the Archos Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in China. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by Archos. *See e.g. Exhibit 9.*

6.15 On information and belief, and by way of example, Archos is a supplier of MP3 players that incorporate the technology of the '210 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the Archos Key MP3 Player series are MP3 player products that directly infringe, contributorily infringe, and/or induce infringement of the asserted claims of the '210 patent. Archos MP3 players, such as the Archos Key models, are believed to be representative of a larger group of Archos products that constitute the Archos Accused Products at issue in this investigation.

6.16 The Accused Archos Products Drive incorporate the technology patented and claimed in the '210 patent. Claim charts demonstrating how the representative Archos Accused Product (the Archos Key 4GB MP3 Player, PN:110187) infringes the asserted claims of the '210 patent are attached to this Complaint as **Exhibit 10**. Further discovery may reveal additional infringing Archos products and/or models.

6.17 Archos actively induces others to infringe the asserted claims through its sale of the Archos Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the Archos Accused Products. Archos induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '210 patent. In addition, Archos contributorily infringes

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certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the Archos Accused Products and/or Archos Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the '210 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.18 On information and belief, Archos was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, Archos had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking its products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, Aluratek was aware of the Asserted Patents no later than the service date of Anu's complaint.

### **D. Bluestar's Unlawful and Unfair Acts**

6.19 Upon information and belief, Bluestar's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-3 of the '210 patent. Discovery may reveal that Bluestar infringes additional claims of the '210 patent and/or the '515 patent.

6.20 On information and belief, the Bluestar Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in China. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by Bluestar. *See e.g. Exhibit 11.*

6.21 On information and belief, and by way of example, Bluestar is a supplier of digital flash memory devices marketed and sold under the Bell and Howell brand name that incorporate the technology of the '210 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the Bell and Howell X7HD is a digital flash

memory product that directly infringes, contributorily infringe, and/or induce infringement of the asserted claims of the '210 patent. Bluestar digital flash memory devices, such as the Bell and Howell X7HD model, are believed to be representative of a larger group of Bluestar products that constitute the Bluestar Accused Products at issue in this investigation.

6.22 The Accused Bluestar Products Drive incorporate the technology patented and claimed in the '210 patent. Claim charts demonstrating how the representative Bluestar Accused Product (the Bell and Howell X7HD) infringes the asserted claims of the '210 patent are attached to this Complaint as **Exhibit 12**. Further discovery may reveal additional infringing Bluestar products and/or models.

6.23 Bluestar actively induces others to infringe the asserted claims through its sale of the Bluestar Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the Bluestar Accused Products. Bluestar induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '210 patent. In addition, Bluestar contributorily infringes certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the Bluestar Accused Products and/or Bluestar Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the '210 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.24 On information and belief, Bluestar was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, Bluestar had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking it

products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, Bluestar was aware of the Asserted Patents no later than the service date of Anu's complaint.

**E. Centon's Unlawful and Unfair Acts**

6.25 Upon information and belief, Centon's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-4 of the '210 patent. Discovery may reveal that Centon infringes additional claims of the '210 patent and/or the '515 patent.

6.26 On information and belief, the Centon Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in China. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by Centon. *See e.g. Exhibit 13.*

6.27 On information and belief, and by way of example, Centon is a supplier of digital flash memory devices that incorporate the technology of the '210 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the Centon Datastick Keychain V2 2 GB is a digital flash memory product that directly infringes, contributorily infringe, and/or induce infringement of the asserted claims of the '210 patent. Centon digital flash memory devices, such as the Datastick Keychain V2 2 GB model, are believed to be representative of a larger group of Centon products that constitute the Centon Accused Products at issue in this investigation.

6.28 The Accused Centon Products Drive incorporate the technology patented and claimed in the '210 patent. Claim charts demonstrating how the representative Centon Accused Product (the Datastick Keychain V2 2 GB) infringes the asserted claims of the '210 patent are attached to this Complaint as **Exhibit 14**. Further discovery may reveal additional infringing Centon products and/or models.



6.29 Centon actively induces others to infringe the asserted claims through its sale of the Centon Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the Centon Accused Products. Centon induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '210 patent. In addition, Centon contributorily infringes certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the Centon Accused Products and/or Centon Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the '210 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.30 On information and belief, Centon was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, Centon had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking its products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, Centon was aware of the Asserted Patents no later than the service date of Anu's complaint.

**F. Coby's Unlawful and Unfair Acts**

6.31 Upon information and belief, Coby's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1 and 3 of the '515 patent. Discovery may reveal that Coby infringes additional claims of the '210 patent and/or the '515 patent.

6.32 On information and belief, the Coby Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in

China. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by Coby. *See e.g. Exhibit 15.*

6.33 On information and belief, and by way of example, Coby is a supplier of digital camcorders that incorporate the technology of the '515 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the Coby Snapp CAM5002 is a digital camcorder product that directly infringe, contributorily infringe, and/or induce infringement of the asserted claims of the '515 patent. Coby digital camcorders, such as the Snapp CAM5002 model, are believed to be representative of a larger group of Coby products that constitute the Coby Accused Products at issue in this investigation.

6.34 The Accused Coby Products Drive incorporate the technology patented and claimed in the '515 patent. Claim charts demonstrating how the representative Coby Accused Product (the Snapp CAM5002) infringes the asserted claims of the '515 patent are attached to this Complaint as **Exhibit 16**. Further discovery may reveal additional infringing Coby products and/or models.

6.35 Coby actively induces others to infringe the asserted claims through its sale of the Coby Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the Coby Accused Products. Coby induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '515 patent. In addition, Coby contributorily infringes certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the Coby Accused Products and/or Coby Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be

especially made or especially adapted for use in an infringement of the '515 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.36 On information and belief, Coby was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, Coby had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking its products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, Coby was aware of the Asserted Patents no later than the service date of Anu's complaint.

**G. Corsair's Unlawful and Unfair Acts**

6.37 Upon information and belief, Corsair's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-4 of the '210 patent. Discovery may reveal that Corsair infringes additional claims of the '210 patent and/or the '515 patent.

6.38 On information and belief, the Corsair Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in China. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by Corsair. *See e.g. Exhibit 17.*

6.39 On information and belief, and by way of example, Corsair is a supplier of digital flash memory devices that incorporate the technology of the '210 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the Corsair Flash Voyager Mini 2.0 Flash Drive CMFUSBMINI-4GB, 8GB, 16GB, and 32GB are digital flash memory product that directly infringe, contributorily infringe, and/or induce infringement of the asserted claims of the '210 patent. Corsair digital flash memory products, such as the Flash Voyager Mini 2.0 Flash Drive CMFUSBMINI-4GB, 8GB, 16GB, and 32GB models, are

believed to be representative of a larger group of Corsair products that constitute the Corsair Accused Products at issue in this investigation.

6.40 The Accused Corsair Products Drive incorporate the technology patented and claimed in the '210 patent. Claim charts demonstrating how the representative Corsair Accused Product (the Flash Voyager Mini 2.0 Flash Drive CMFUSBMINI-4GB) infringes the asserted claims of the '210 patent are attached to this Complaint as **Exhibit 18**. Further discovery may reveal additional infringing Corsair products and/or models.

6.41 Corsair actively induces others to infringe the asserted claims through its sale of the Corsair Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the Corsair Accused Products. Corsair induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '210 patent. In addition, Corsair contributorily infringes certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the Corsair Accused Products and/or Corsair Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the '210 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.42 On information and belief, Corsair was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, Corsair had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking its products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, Corsair was aware of the Asserted Patents no later than the service date of Anu's complaint.

## H. **Emtec's Unlawful and Unfair Acts**

6.43 Upon information and belief, Emtec's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-4 of the '210 patent. Discovery may reveal that Emtec infringes additional claims of the '210 patent and/or the '515 patent.

6.44 On information and belief, the Emtec Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in Taiwan. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by Emtec. *See e.g. Exhibit 19.*

6.45 On information and belief, and by way of example, Emtec is a supplier of digital flash memory devices that incorporate the technology of the '210 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the Emtec 2GB, 4GB, 8GB, 16GB, and 32GB S410 are digital flash memory product that directly infringe, contributorily infringe, and/or induce infringement of the asserted claims of the '210 patent. Emtec digital flash memory products, such as the 2GB, 4GB, 8GB, 16GB, and 32GB S410 models, are believed to be representative of a larger group of Emtec products that constitute the Emtec Accused Products at issue in this investigation.

6.46 The Accused Emtec Products Drive incorporate the technology patented and claimed in the '210 patent. Claim charts demonstrating how the representative Emtec Accused Product (the 2GB S410) infringes the asserted claims of the '210 patent are attached to this Complaint as **Exhibit 20**. Further discovery may reveal additional infringing Emtec products and/or models.

6.47 Emtec actively induces others to infringe the asserted claims through its sale of the Emtec Accused Products along with directions, demonstrations, guides, manuals, training for

use, and other materials that encourage the infringing use of the Emtec Accused Products. Emtec induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '210 patent. In addition, Emtec contributorily infringes certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the Emtec Accused Products and/or Emtec Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the '210 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.48 On information and belief, Emtec was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, Emtec had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking its products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, Emtec was aware of the Asserted Patents no later than the service date of Anu's complaint.

**I. GIC's Unlawful and Unfair Acts**

6.49 Upon information and belief, GIC's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-4 of the '210 patent and claims 1 and 3 of the '515 patent. Discovery may reveal that GIC infringes additional claims of the '210 patent and/or the '515 patent.

6.50 On information and belief, the GIC Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in China. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by GIC. *See e.g. Exhibit 21.*

6.51 On information and belief, and by way of example, GIC is a supplier of digital camcorders and cameras marketed and sold under the GE brand name that incorporate the technology of the '210 patent and the '515 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the GE Create (Metal) and Create (Leather) are digital camcorder and/or camera products that directly infringe, contributorily infringe, and/or induce infringement of the asserted claims of the '210 patent, and the GE DV1 HD Video Camera is digital camcorder and/or camera products that directly infringes, contributorily infringe, and/or induce infringement of the asserted claims of the '515 patent. GIC camcorders and cameras, such as the GE Create (Metal), GE Create (Leather), and GE DV1 HD Video Camera models, are believed to be representative of a larger group of GIC products that constitute the GIC Accused Products at issue in this investigation.

6.52 The Accused GIC Products Drive incorporate the technology patented and claimed in the Asserted Patents. Claim charts demonstrating how the representative GIC Accused Product (the GE Create (Metal)) infringes the asserted claims of the '210 patent are attached to this Complaint as **Exhibit 22**. Claim charts demonstrating how the representative GIC Accused Product (the GE DV1 HD Video Camera) infringes the asserted claims of the '515 patent are attached to this Complaint as **Exhibit 23**. Further discovery may reveal additional infringing GIC products and/or models.

6.53 GIC actively induces others to infringe the asserted claims through its sale of the GIC Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the GIC Accused Products. GIC induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '210 patent and/or the '515 patent. In addition, GIC contributorily infringes

certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the GIC Accused Products and/or GIC Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the '210 patent and/or the '515 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.54 On information and belief, GIC was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, GIC had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking its products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, GIC was aware of the Asserted Patents no later than the service date of Anu's complaint.

**J. Huawei's Unlawful and Unfair Acts**

6.55 Upon information and belief, Huawei's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-3 of the '210 patent. Discovery may reveal that Huawei infringes additional claims of the '210 patent and/or the '515 patent.

6.56 On information and belief, the Huawei Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in China. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by Huawei. *See e.g. Exhibit 24.*

6.57 On information and belief, and by way of example, Huawei is a supplier of wireless modem devices that incorporate the technology of the '210 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the Huawei EC1270, E182E, and E1820 Wireless Modem USB Stick are wireless modem product that directly



infringe, contributorily infringe, and/or induce infringement of the asserted claims of the '210 patent. Huawei wireless modem products, such as the EC1270, E182E, and E1820 Wireless Modem USB Stick models, are believed to be representative of a larger group of Huawei products that constitute the Huawei Accused Products at issue in this investigation.

6.58 The Accused Huawei Products Drive incorporate the technology patented and claimed in the '210 patent. Claim charts demonstrating how the representative Huawei Accused Product (the E1820 Wireless Modem USB Stick) infringes the asserted claims of the '210 patent are attached to this Complaint as **Exhibit 25**. Further discovery may reveal additional infringing Huawei products and/or models.

6.59 Huawei actively induces others to infringe the asserted claims through its sale of the Huawei Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the Huawei Accused Products. Huawei induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '210 patent. In addition, Huawei contributorily infringes certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the Huawei Accused Products and/or Huawei Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the '210 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.60 On information and belief, Huawei was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, Huawei had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking it

products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, Huawei was aware of the Asserted Patents no later than the service date of Anu's complaint.

**K. Iriver's Unlawful and Unfair Acts**

6.61 Upon information and belief, Iriver's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-4, 7, and 8 of the '515 patent. Discovery may reveal that Iriver infringes additional claims of the '210 patent and/or the '515 patent.

6.62 On information and belief, the Iriver Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in China. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by Iriver. *See e.g. Exhibit 26.*

6.63 On information and belief, and by way of example, Iriver is a supplier of MP3 players that incorporate the technology of the '515 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the Iriver T7 Volcano MP3 Player is an MP3 player product that directly infringe, contributorily infringe, and/or induce infringement of the asserted claims of the '515 patent. Iriver MP3 players, such as the T7 Volcano MP3 Player model, are believed to be representative of a larger group of Iriver products that constitute the Iriver Accused Products at issue in this investigation.

6.64 The Accused Iriver Products Drive incorporate the technology patented and claimed in the '515 patent. Claim charts demonstrating how the representative Iriver Accused Product (the T7 Volcano MP3 Player) infringes the asserted claims of the '515 patent are attached to this Complaint as **Exhibit 27**. Further discovery may reveal additional infringing Iriver products and/or models.

6.65 Iriver actively induces others to infringe the asserted claims through its sale of the Iriver Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the Iriver Accused Products. Iriver induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '515 patent. In addition, Iriver contributorily infringes certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the Iriver Accused Products and/or Iriver Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the '515 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.66 On information and belief, Iriver was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, Iriver had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking its products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, Iriver was aware of the Asserted Patents no later than the service date of Anu's complaint.

**L. JVC's Unlawful and Unfair Acts**

6.67 Upon information and belief, JVC's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-3 and 7 of the '210 patent. Discovery may reveal that JVC infringes additional claims of the '210 patent and/or the '515 patent.

6.68 On information and belief, the JVC Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in Malaysia. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by JVC. *See e.g. Exhibit 28.*

6.69 On information and belief, and by way of example, JVC is a supplier of digital camcorders and cameras that incorporate the technology of the '210 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the JVC Piccio Pocket Camera GC-FM2BU, GC-FM2YUS, and GC-FM2AUS are digital camcorder and/or camera products that directly infringe, contributorily infringe, and/or induce infringement of the asserted claims of the '210 patent. JVC digital camcorders and cameras, such as the Piccio Pocket Camera GC-FM2BU, GC-FM2YUS, and GC-FM2AUS models, are believed to be representative of a larger group of JVC products that constitute the JVC Accused Products at issue in this investigation.

6.70 The Accused JVC Products Drive incorporate the technology patented and claimed in the '210 patent. Claim charts demonstrating how the representative JVC Accused Product (the Piccio Pocket Camera GC-FM2BU) infringes the asserted claims of the '210 patent are attached to this Complaint as **Exhibit 29**. Further discovery may reveal additional infringing JVC products and/or models.

6.71 JVC actively induces others to infringe the asserted claims through its sale of the JVC Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the JVC Accused Products. JVC induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '210 patent. In addition, JVC contributorily infringes certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the JVC Accused Products and/or JVC Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be

especially made or especially adapted for use in an infringement of the '210 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.72 On information and belief, JVC was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, JVC had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking its products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, JVC was aware of the Asserted Patents no later than the service date of Anu's complaint.

**M. Latte's Unlawful and Unfair Acts**

6.73 Upon information and belief, Latte's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-4, 7, and 8 of the '210 patent. Discovery may reveal that Latte infringes additional claims of the '210 patent and/or the '515 patent.

6.74 On information and belief, the Latte Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in China. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by Latte. *See e.g. Exhibit 30.*

6.75 On information and belief, and by way of example, Latte is a supplier of MP3 players that incorporate the technology of the '210 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the Latte Mobiblu S7 2GB, 4GB, and 8GB MP3 Players are MP3 player products that directly infringe, contributorily infringe, and/or induce infringement of the asserted claims of the '210 patent. Latte MP3 players, such as the Mobiblu S7 2GB, 4GB, and 8GB MP3 Player models, are believed to be representative of a larger group of Latte products that constitute the Latte Accused Products at issue in this investigation.

6.76 The Accused Latte Products Drive incorporate the technology patented and claimed in the '210 patent. Claim charts demonstrating how the representative Latte Accused Product (the Mobiblu S7 4GB MP3 Player) infringes the asserted claims of the '210 patent are attached to this Complaint as **Exhibit 31**. Further discovery may reveal additional infringing Latte products and/or models.

6.77 Latte actively induces others to infringe the asserted claims through its sale of the Latte Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the Latte Accused Products. Latte induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '210 patent. In addition, Latte contributorily infringes certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the Latte Accused Products and/or Latte Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the '210 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.78 On information and belief, Latte was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, Latte had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking its products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, Latte was aware of the Asserted Patents no later than the service date of Anu's complaint.

**N. Lexar's Unlawful and Unfair Acts**

6.79 Upon information and belief, Lexar's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-4 of the '210 patent.

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Discovery may reveal that Lexar infringes additional claims of the '210 patent and/or the '515 patent.

6.80 On information and belief, the Lexar Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in China. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by Lexar. *See e.g. Exhibit 32.*

6.81 On information and belief, and by way of example, Lexar is a supplier of digital flash memory devices that incorporate the technology of the '210 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the Lexar JumpDrive S70 Flash Drives, Echo SE Backup Drives, JumpDrive S73 Flash Drives, and JumpDrive Triton Flash Drives, and JumpDrive Retrax Flash Drives are digital flash memory products that directly infringe, contributorily infringe, and/or induce infringement of the asserted claims of the '210 patent. Lexar digital flash memory products, such as the JumpDrive S70 Flash Drives, Echo SE Backup Drives, JumpDrive S73 Flash Drives, and JumpDrive Triton Flash Drives, and JumpDrive Retrax Flash Drives, are believed to be representative of a larger group of Lexar products that constitute the Lexar Accused Products at issue in this investigation.

6.82 The Accused Lexar Products Drive incorporate the technology patented and claimed in the '210 patent. Claim charts demonstrating how the representative Lexar Accused Product (the 4GB JumpDrive S70) infringes the asserted claims of the '210 patent are attached to this Complaint as **Exhibit 33**. Further discovery may reveal additional infringing Lexar products and/or models.

6.83 Lexar actively induces others to infringe the asserted claims through its sale of the Lexar Accused Products along with directions, demonstrations, guides, manuals, training for use,

and other materials that encourage the infringing use of the Lexar Accused Products. Lexar induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '210 patent. In addition, Lexar contributorily infringes certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the Lexar Accused Products and/or Lexar Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the '210 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.84 On information and belief, Lexar was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, Lexar had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking its products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, Lexar was aware of the Asserted Patents no later than the service date of Anu's complaint.

**O. Maxell's Unlawful and Unfair Acts**

6.85 Upon information and belief, Maxell's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-4 of the '210 patent. Discovery may reveal that Maxell infringes additional claims of the '210 patent and/or the '515 patent.

6.86 On information and belief, the Maxell Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in Taiwan. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by Maxell. *See e.g. Exhibit 34.*

6.87 On information and belief, and by way of example, Maxell is a supplier of digital flash memory that incorporate the technology of the '210 patent and have enjoyed the success of



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the market established by Ennova's innovation. For example, the Maxell USB Slider series, USB Style series, USB Style Pro series, and USB Portfolio series are digital flash memory products that directly infringe, contributorily infringe, and/or induce infringement of the asserted claims of the '210 patent. Maxell digital flash memory product, such as the USB Slider series, USB Style series, USB Style Pro series, and USB Portfolio series model, are believed to be representative of a larger group of Maxell products that constitute the Maxell Accused Products at issue in this investigation.

6.88 The Accused Maxell Products Drive incorporate the technology patented and claimed in the '210 patent. Claim charts demonstrating how the representative Maxell Accused Product (the 2GB USB Slider, PN 503135) infringes the asserted claims of the '210 patent are attached to this Complaint as **Exhibit 35**. Further discovery may reveal additional infringing Maxell products and/or models.

6.89 Maxell actively induces others to infringe the asserted claims through its sale of the Maxell Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the Maxell Accused Products. Maxell induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '210 patent. In addition, Maxell contributorily infringes certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the Maxell Accused Products and/or Maxell Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the '210 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

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6.90 On information and belief, Maxell was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, Maxell had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking its products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, Maxell was aware of the Asserted Patents no later than the service date of Anu's complaint.

**P. Office Depot's Unlawful and Unfair Acts**

6.91 Upon information and belief, Office Depot's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-4 of the '210 patent. Discovery may reveal that Office Depot infringes additional claims of the '210 patent and/or the '515 patent.

6.92 On information and belief, the Office Depot Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in China. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by Office Depot. *See e.g. Exhibit 36.*

6.93 On information and belief, and by way of example, Office Depot is a supplier of digital flash memory devices marketed and sold under the Ativa brand name that incorporate the technology of the '210 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the Ativa Flash Drive series, Mii Drive series, and Mii Drive 2 series are digital flash memory products that directly infringe, contributorily infringe, and/or induce infringement of the asserted claims of the '210 patent. Office Depot digital flash memory products, such as the Ativa Flash Drive series, Mii Drive series, and Mii Drive 2 series models, are believed to be representative of a larger group of Office Depot products that constitute the Office Depot Accused Products at issue in this investigation.

6.94 The Accused Office Depot Products Drive incorporate the technology patented and claimed in the '210 patent. Claim charts demonstrating how the representative Office Depot Accused Product (the 4GB Flash Drive, Item 753-729) infringes the asserted claims of the '210 patent are attached to this Complaint as **Exhibit 37**. Further discovery may reveal additional infringing Office Depot products and/or models.

6.95 Office Depot actively induces others to infringe the asserted claims through its sale of the Office Depot Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the Office Depot Accused Products. Office Depot induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '210 patent. In addition, Office Depot contributorily infringes certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the Office Depot Accused Products and/or Office Depot Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the '210 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.96 On information and belief, Office Depot was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, Office Depot had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking its products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, Office Depot was aware of the Asserted Patents no later than the service date of Anu's complaint.

**Q. Olympus's Unlawful and Unfair Acts**

6.97 Upon information and belief, Olympus's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-4, 7, and 8 of the '210 patent. Discovery may reveal that Olympus infringes additional claims of the '210 patent and/or the '515 patent.

6.98 On information and belief, the Olympus Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in China. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by Olympus. *See e.g. Exhibit 38.*

6.99 On information and belief, and by way of example, Olympus is a supplier of digital audio recorders that incorporate the technology of the '210 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the Olympus WS-700M, WS-710M, WS-600S, WS-510M, WS-500M, and WS-400S are digital audio recorder products that directly infringe, contributorily infringe, and/or induce infringement of the asserted claims of the '210 patent. Olympus digital audio recorder products, such as the WS-700M, WS-710M, WS-600S, WS-510M, WS-500M, and WS-400S models, are believed to be representative of a larger group of Olympus products that constitute the Olympus Accused Products at issue in this investigation.

6.100 The Accused Olympus Products Drive incorporate the technology patented and claimed in the '210 patent. Claim charts demonstrating how the representative Olympus Accused Product (the WS-700M Digital Voice Recorder) infringes the asserted claims of the '210 patent are attached to this Complaint as **Exhibit 39**. Further discovery may reveal additional infringing Olympus products and/or models.

6.101 Olympus actively induces others to infringe the asserted claims through its sale of the Olympus Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the Olympus Accused Products. Olympus induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '210 patent. In addition, Olympus contributorily infringes certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the Olympus Accused Products and/or Olympus Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the '210 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.102 On information and belief, Olympus was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, Olympus had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking its products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, Olympus was aware of the Asserted Patents no later than the service date of Anu's complaint.

**R. Option's Unlawful and Unfair Acts**

6.103 Upon information and belief, Option's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-3 of the '210 patent. Discovery may reveal that Option infringes additional claims of the '210 patent and/or the '515 patent.

6.104 On information and belief, the Option Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in the European Union. These same products are then imported into the United States, sold for

importation, and/or sold within the United States after importation by Option. *See e.g. Exhibit 40.*

6.105 On information and belief, and by way of example, Option is a supplier of wireless modem devices marketed and sold under the AT&T brand name that incorporate the technology of the '210 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the AT&T Velocity iCON 461 USB Modem is a wireless modem product that directly infringes, contributorily infringe, and/or induce infringement of the asserted claims of the '210 patent. Option wireless modem products, such as the Velocity iCON 461 USB Modem model, are believed to be representative of a larger group of Option products that constitute the Option Accused Products at issue in this investigation.

6.106 The Accused Option Products Drive incorporate the technology patented and claimed in the '210 patent. Claim charts demonstrating how the representative Option Accused Product (the Velocity iCON 461 USB Modem) infringes the asserted claims of the '210 patent are attached to this Complaint as **Exhibit 41**. Further discovery may reveal additional infringing Option products and/or models.

6.107 Option actively induces others to infringe the asserted claims through its sale of the Option Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the Option Accused Products. Option induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '210 patent. In addition, Option contributorily infringes certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the Option Accused Products and/or Option Accused Products for use in practicing a process, constituting a material part of the asserted claims,

knowing the same to be especially made or especially adapted for use in an infringement of the '210 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.108 On information and belief, Option was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, Option had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking its products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, Option was aware of the Asserted Patents no later than the service date of Anu's complaint.

**S. Panasonic's Unlawful and Unfair Acts**

6.109 Upon information and belief, Panasonic's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-3 of the '210 patent and at least claims 1-3 of the '515 patent. Discovery may reveal that Panasonic infringes additional claims of the '210 patent and/or the '515 patent.

6.110 On information and belief, the Panasonic Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in Indonesia. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by Panasonic. *See e.g. Exhibit 42.*

6.111 On information and belief, and by way of example, Panasonic is a supplier of digital camcorders and cameras that incorporate the technology of the '210 patent and the '515 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the Panasonic HM-TA1 Camera is a digital camcorder and/or camera product that directly infringe, contributorily infringe, and/or induce infringement of the asserted claims of the '210 patent, and the Panasonic HM-TA2 Camera and HM-TA20 Camera are digital camcorder and/or camera products that directly infringe, contributorily infringe, and/or induce infringement

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of the asserted claims of the '515 patent. Panasonic digital camcorder and camera products, such as the HM-TA1 Camera, HM-TA2 Camera, and HM-TA20 Camera models, are believed to be representative of a larger group of Panasonic products that constitute the Panasonic Accused Products at issue in this investigation.

6.112 The Accused Panasonic Products Drive incorporate the technology patented and claimed in the Asserted Patents. Claim charts demonstrating how the representative Panasonic Accused Product (the HM-TA1 Camera) infringes the asserted claims of the '210 patent are attached to this Complaint as **Exhibit 43**. Claim charts demonstrating how the representative Panasonic Accused Product (the HM-TA2 Camera) infringes the asserted claims of the '515 patent are attached to this Complaint as **Exhibit 44**. Further discovery may reveal additional infringing Panasonic products and/or models.

6.113 Panasonic actively induces others to infringe the asserted claims through its sale of the Panasonic Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the Panasonic Accused Products. Panasonic induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '210 patent and/or the '515 patent. In addition, Panasonic contributorily infringes certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the Panasonic Accused Products and/or Panasonic Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the '210 patent and/or the '515 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.



6.114 On information and belief, Panasonic was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, Panasonic had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking its products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, Panasonic was aware of the Asserted Patents no later than the service date of Anu's complaint.

**T. Patriot's Unlawful and Unfair Acts**

6.115 Upon information and belief, Patriot's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-4 of the '210 patent. Discovery may reveal that Patriot infringes additional claims of the '210 patent and/or the '515 patent.

6.116 On information and belief, the Patriot Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in Taiwan. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by Patriot. *See e.g. Exhibit 45.*

6.117 On information and belief, and by way of example, Patriot is a supplier of digital flash memory devices that incorporate the technology of the '210 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the Patriot XPorter Dash series of digital flash memory products that directly infringe, contributorily infringe, and/or induce infringement of the asserted claims of the '210 patent. Patriot digital flash memory, such as the XPorter Dash series models, are believed to be representative of a larger group of Patriot products that constitute the Patriot Accused Products at issue in this investigation.

6.118 The Accused Patriot Products Drive incorporate the technology patented and claimed in the '210 patent. Claim charts demonstrating how the representative Patriot Accused Product (the 8GB XPorter Dash) infringes the asserted claims of the '210 patent are attached to

this Complaint as **Exhibit 46**. Further discovery may reveal additional infringing Patriot products and/or models.

6.119 Patriot actively induces others to infringe the asserted claims through its sale of the Patriot Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the Patriot Accused Products. Patriot induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '210 patent. In addition, Patriot contributorily infringes certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the Patriot Accused Products and/or Patriot Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the '210 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.120 On information and belief, Patriot was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, Patriot had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking its products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, Patriot was aware of the Asserted Patents no later than the service date of Anu's complaint.

**U. Provantage's Unlawful and Unfair Acts**

6.121 Upon information and belief, Provantage's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-4, and 7 of the '210 patent. Discovery may reveal that Provantage infringes additional claims of the '210 patent and/or the '515 patent.

6.122 On information and belief, the Provantage Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in China. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by Provantage. *See e.g. Exhibit 47.*

6.123 On information and belief, and by way of example, Provantage is a supplier of MP3 players marketed and sold under the Mach Speed Technologies brand name that incorporate the technology of the '210 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the Mach Speed Technologies Eclipse Duo Plus MP3 Player series is an MP3 player product that directly infringes, contributorily infringe, and/or induce infringement of the asserted claims of the '210 patent. Provantage MP3 players, such as the Mach Speed Technologies Eclipse Duo Plus MP3 Player series models, are believed to be representative of a larger group of Provantage products that constitute the Provantage Accused Products at issue in this investigation.

6.124 The Accused Provantage Products Drive incorporate the technology patented and claimed in the '210 patent. Claim charts demonstrating how the representative Provantage Accused Product (the Eclipse Duo Plus 4GB MP3 Player) infringes the asserted claims of the '210 patent are attached to this Complaint as **Exhibit 48**. Further discovery may reveal additional infringing Provantage products and/or models.

6.125 Provantage actively induces others to infringe the asserted claims through its sale of the Provantage Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the Provantage Accused Products. Provantage induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '210 patent. In addition, Provantage

contributorily infringes certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the Provantage Accused Products and/or Provantage Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the '210 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.126 On information and belief, Provantage was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, Provantage had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking its products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, Provantage was aware of the Asserted Patents no later than the service date of Anu's complaint.

#### **V. RITEK's Unlawful and Unfair Acts**

6.127 Upon information and belief, RITEK's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-4 of the '210 patent. Discovery may reveal that RITEK infringes additional claims of the '210 patent and/or the '515 patent.

6.128 On information and belief, the RITEK Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in Taiwan. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by RITEK. *See e.g. Exhibit 49.*

6.129 On information and belief, and by way of example, RITEK is a supplier of digital flash memory devices that incorporate the technology of the '210 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the RITEK RiDATA EZdrive Cookie USB 2.0 Flash Drive series, RiDATA EZ Nitro Drive USB 3.0 (HD7) series,

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and RiDATA EZ Slider Drive USB 2.0 (ID10) series product that directly infringe, contributorily infringe, and/or induce infringement of the asserted claims of the '210 patent. RITEK flash memory devices, such as the RITEK RiDATA EZdrive Cookie USB 2.0 Flash Drive series, RiDATA EZ Nitro Drive USB 3.0 (HD7) series, and RiDATA EZ Slider Drive USB 2.0 (ID10) series models, are believed to be representative of a larger group of RITEK products that constitute the RITEK Accused Products at issue in this investigation.

6.130 The Accused RITEK Products Drive incorporate the technology patented and claimed in the '210 patent. Claim charts demonstrating how the representative RITEK Accused Product (the 8GB RiDATA EZdrive Cookie USB 2.0 Flash Drive) infringes the asserted claims of the '210 patent are attached to this Complaint as **Exhibit 50**. Further discovery may reveal additional infringing RITEK products and/or models.

6.131 RITEK actively induces others to infringe the asserted claims through its sale of the RITEK Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the RITEK Accused Products. RITEK induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '210 patent. In addition, RITEK contributorily infringes certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the RITEK Accused Products and/or RITEK Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the '210 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.132 On information and belief, RITEK was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, RITEK had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking its products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, RITEK was aware of the Asserted Patents no later than the service date of Anu's complaint.

**W. Sakar's Unlawful and Unfair Acts**

6.133 Upon information and belief, Sakar's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-4 of the '210 patent. Discovery may reveal that Sakar infringes additional claims of the '210 patent and/or the '515 patent.

6.134 On information and belief, the Sakar Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in China. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by Sakar. *See e.g. Exhibit 51.*

6.135 On information and belief, and by way of example, Sakar is a supplier of digital flash memory devices that incorporate the technology of the '210 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the Sakar Lightning McQueen Flash Drive and Disney Cars Novelty Flash Drive series of digital flash memory products that directly infringe, contributorily infringe, and/or induce infringement of the asserted claims of the '210 patent. Sakar digital flash memory, such as the Lightning McQueen Flash Drive and Disney Cars Novelty Flash Drive series models, are believed to be representative of a larger group of Sakar products that constitute the Sakar Accused Products at issue in this investigation.

6.136 The Accused Sakar Products Drive incorporate the technology patented and claimed in the '210 patent. Claim charts demonstrating how the representative Sakar Accused Product (the Lightning McQueen Flash Drive/Disney Cars Novelty Flash Drive, MID#0781011) infringes the asserted claims of the '210 patent are attached to this Complaint as **Exhibit 52**. Further discovery may reveal additional infringing Sakar products and/or models.

6.137 Sakar actively induces others to infringe the asserted claims through its sale of the Sakar Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the Sakar Accused Products. Sakar induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '210 patent. In addition, Sakar contributorily infringes certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the Sakar Accused Products and/or Sakar Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the '210 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.138 On information and belief, Sakar was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, Sakar had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking its products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, Sakar was aware of the Asserted Patents no later than the service date of Anu's complaint.

#### **X. Samsung's Unlawful and Unfair Acts**

6.139 Upon information and belief, Samsung's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1 and 3 of the '515

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patent. Discovery may reveal that Samsung infringes additional claims of the '210 patent and/or the '515 patent.

6.140 On information and belief, the Samsung Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in China. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by Samsung. *See e.g. Exhibit 53.*

6.141 On information and belief, and by way of example, Samsung is a supplier of digital camcorders, cameras, and MP3 players that incorporate the technology of the '515 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the Samsung HMX-W200 Camcorder, HMX-U20 Ultra-compact Full-HD Camcorder; HMX-E10 Pocket 1080P Camcorder; PL90 Camera, YP-U3 MP3 Player, YP-U3J QPY, YP-U4 MP3 Player, YP-U5 MP3 Player, and YP-U6 MP3 Player are a digital camcorders, cameras, and MP3 players product that directly infringe, contributorily infringe, and/or induce infringement of the asserted claims of the '515 patent. Samsung digital camcorders, cameras, and MP3 players, such as the Samsung HMX-W200 Camcorder, HMX-U20 Ultra-compact Full-HD Camcorder; HMX-E10 Pocket 1080P Camcorder; PL90 Camera, YP-U3 MP3 Player, YP-U3J QPY, YP-U4 MP3 Player, YP-U5 MP3 Player, and YP-U6 MP3 Player models, are believed to be representative of a larger group of Samsung products that constitute the Samsung Accused Products at issue in this investigation.

6.142 The Accused Samsung Products Drive incorporate the technology patented and claimed in the Asserted Patents. Claim charts demonstrating how the representative Samsung Accused Product (the HMX-W200 Camcorder) infringes the asserted claims of the '515 patent



are attached to this Complaint as **Exhibit 54**. Further discovery may reveal additional infringing Samsung products and/or models.

6.143 Samsung actively induces others to infringe the asserted claims through its sale of the Samsung Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the Samsung Accused Products. Samsung induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '515 patent. In addition, Samsung contributorily infringes certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the Samsung Accused Products and/or Samsung Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the '515 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.144 On information and belief, Samsung was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, Samsung had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking its products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, Samsung was aware of the Asserted Patents no later than the service date of Anu's complaint.

**Y. Sanyo's Unlawful and Unfair Acts**

6.145 Upon information and belief, Sanyo's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-4, 7, and 8 of the '210 patent. Discovery may reveal that Sanyo infringes additional claims of the '210 patent and/or the '515 patent.

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6.146 On information and belief, the Sanyo Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in China. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by Sanyo. *See e.g. Exhibit 55.*

6.147 On information and belief, and by way of example, Sanyo is a supplier of digital audio recorders and digital cameras that incorporate the technology of the '210 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the Sanyo ICR-EH800D and Xacti VPC-PD2 are products that directly infringe, contributorily infringe, and/or induce infringement of the asserted claims of the '210 patent. Sanyo digital audio recorder and digital cameras, such as the ICR-EH800D and Xacti VPC-PD2 models, are believed to be representative of a larger group of Sanyo products that constitute the Sanyo Accused Products at issue in this investigation.

6.148 The Accused Sanyo Products Drive incorporate the technology patented and claimed in the '210 patent. Claim charts demonstrating how the representative Sanyo Accused Product (the ICR-EH800D) infringes the asserted claims of the '210 patent are attached to this Complaint as **Exhibit 56**. Further discovery may reveal additional infringing Sanyo products and/or models.

6.149 Sanyo actively induces others to infringe the asserted claims through its sale of the Sanyo Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the Sanyo Accused Products. Sanyo induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '210 patent. In addition, Sanyo contributorily infringes certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the

United States of components of the Sanyo Accused Products and/or Sanyo Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the '210 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.150 On information and belief, Sanyo was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, Sanyo had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking its products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, Sanyo was aware of the Asserted Patents no later than the service date of Anu's complaint.

**Z. SPCC's Unlawful and Unfair Acts**

6.151 Upon information and belief, SPCC's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-4 of the '210 patent. Discovery may reveal that SPCC infringes additional claims of the '210 patent and/or the '515 patent.

6.152 On information and belief, the SPCC Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in Taiwan. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by SPCC. *See e.g. Exhibit 57.*

6.153 On information and belief, and by way of example, SPCC is a supplier of digital flash memory devices that incorporate the technology of the '210 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the SPCC Touch 850 series, Touch 851 series, Touch 210 series, and Unique 530 series are digital flash memory products that directly infringe, contributorily infringe, and/or induce infringement of the asserted claims of the '210 patent. SPCC digital flash memory products, such as Touch 850 series, Touch

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851 series, Touch 210 series, and Unique 530 series models, are believed to be representative of a larger group of SPCC products that constitute the SPCC Accused Products at issue in this investigation.

6.154 The Accused SPCC Products Drive incorporate the technology patented and claimed in the '210 patent. Claim charts demonstrating how the representative SPCC Accused Product (the 8GB Touch 510) infringes the asserted claims of the '210 patent are attached to this Complaint as **Exhibit 58**. Further discovery may reveal additional infringing SPCC products and/or models.

6.155 SPCC actively induces others to infringe the asserted claims through its sale of the SPCC Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the SPCC Accused Products. SPCC induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '210 patent. In addition, SPCC contributorily infringes certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the SPCC Accused Products and/or SPCC Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the '210 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.156 On information and belief, SPCC was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, SPCC had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking its products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, SPCC was aware of the Asserted Patents no later than the service date of Anu's complaint.

**AA. Supersonic's Unlawful and Unfair Acts**

6.157 Upon information and belief, Supersonic's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1 and 3 of the '515 patent. Discovery may reveal that Supersonic infringes additional claims of the '210 patent and/or the '515 patent.

6.158 On information and belief, the Supersonic Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in China. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by Supersonic. *Se e.g. Exhibit 59.*

6.159 On information and belief, and by way of example, Supersonic is a supplier of digital camcorders and cameras marketed and sold under the IQSound brand name that incorporate the technology of the '515 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the IQSound IQ-8600 Digital Video Camcorder, IQ-8600 5MP Camcorder/Digital Camera, IQ-8900 HD Digital Camcorder/Digital Camera are digital camcorder and camera products that directly infringe, contributorily infringe, and/or induce infringement of the asserted claims of the '515 patent. Supersonic digital camcorders and cameras, such as the IQSound IQ-8600 Digital Video Camcorder, IQ-8600 5MP Camcorder/Digital Camera, IQ-8900 HD Digital Camcorder/Digital Camera model, are believed to be representative of a larger group of Supersonic products that constitute the Supersonic Accused Products at issue in this investigation.

6.160 The Accused Supersonic Products Drive incorporate the technology patented and claimed in the '515 patent. Claim charts demonstrating how the representative Supersonic Accused Product (the IQSound IQ-8600 Digital Video Camcorder) infringes the asserted claims

of the '515 patent are attached to this Complaint as **Exhibit 60**. Further discovery may reveal additional infringing Supersonic products and/or models.

6.161 Supersonic actively induces others to infringe the asserted claims through its sale of the Supersonic Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the Supersonic Accused Products. Supersonic induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '515 patent. In addition, Supersonic contributorily infringes certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the Supersonic Accused Products and/or Supersonic Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the '515 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.162 On information and belief, Supersonic was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, Supersonic had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking its products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, Supersonic was aware of the Asserted Patents no later than the service date of Anu's complaint.

**BB. STTC's Unlawful and Unfair Acts**

6.163 Upon information and belief, STTC's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-4 of the '210 patent. Discovery may reveal that STTC infringes additional claims of the '210 patent and/or the '515 patent.

6.164 On information and belief, the STTC Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in China. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by STTC. *See e.g. Exhibit 61.*

6.165 On information and belief, and by way of example, STTC is a supplier of digital flash memory devices that incorporate the technology of the '210 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the STTC Echo TSP drive series, Echo SSP drive series, Pico mini-C drive series, DataGuardian USB drive series, are digital flash memory products that directly infringe, contributorily infringe, and/or induce infringement of the asserted claims of the '210 patent. STTC digital flash memory, such as the Echo TSP drive series, Echo SSP drive series, Pico mini-C drive series, DataGuardian USB drive series models, are believed to be representative of a larger group of STTC products that constitute the STTC Accused Products at issue in this investigation.

6.166 The Accused STTC Products Drive incorporate the technology patented and claimed in the '210 patent. Claim charts demonstrating how the representative STTC Accused Product (the 2GB STT USB 2.0 TSP) infringes the asserted claims of the '210 patent are attached to this Complaint as **Exhibit 62**. Further discovery may reveal additional infringing STTC products and/or models.

6.167 STTC actively induces others to infringe the asserted claims through its sale of the STTC Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the STTC Accused Products. STTC induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '210 patent. In addition, STTC contributorily infringes certain of the

asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the STTC Accused Products and/or STTC Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the '210 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.168 On information and belief, STTC was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, STTC had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking its products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, STTC was aware of the Asserted Patents no later than the service date of Anu's complaint.

#### **CC. Toshiba's Unlawful and Unfair Acts**

6.169 Upon information and belief, Toshiba's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-4 of the '210 patent. Discovery may reveal that Toshiba infringes additional claims of the '210 patent and/or the '515 patent.

6.170 On information and belief, the Toshiba Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in Taiwan. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by Toshiba. *See e.g. Exhibit 63.*

6.171 On information and belief, and by way of example, Toshiba is a supplier of digital flash memory devices that incorporate the technology of the '210 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the Toshiba Retractable Flash Drive PA3708U series are digital flash memory products that directly infringe, contributorily infringe, and/or induce infringement of the asserted claims of the '210 patent.



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Toshiba digital flash memory products, such as the Retractable Flash Drive PA3708U series models, are believed to be representative of a larger group of Toshiba products that constitute the Toshiba Accused Products at issue in this investigation.

6.172 The Accused Toshiba Products incorporate the technology patented and claimed in the '210 patent. Claim charts demonstrating how the representative Toshiba Accused Product (the 4GB Retractable Flash Drive PA3708U-1M4B) infringes the asserted claims of the '210 patent are attached to this Complaint as **Exhibit 64**. Further discovery may reveal additional infringing Toshiba products and/or models.

6.173 Toshiba actively induces others to infringe the asserted claims through its sale of the Toshiba Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the Toshiba Accused Products. Toshiba induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '210 patent. In addition, Toshiba contributorily infringes certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the Toshiba Accused Products and/or Toshiba Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the '210 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.174 On information and belief, Toshiba was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, Toshiba had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking it

products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, Toshiba was aware of the Asserted Patents no later than the service date of Anu's complaint.

**DD. ViewSonic's Unlawful and Unfair Acts**

6.175 Upon information and belief, ViewSonic's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-3 of the '210 patent. Discovery may reveal that ViewSonic infringes additional claims of the '210 patent and/or the '515 patent.

6.176 On information and belief, the ViewSonic Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in China. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by ViewSonic. *See e.g. Exhibit 65.*

6.177 On information and belief, and by way of example, ViewSonic is a supplier of digital camcorders that incorporate the technology of the '210 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the ViewSonic 3D HD Camcorder 3DV5 is a digital camcorder product that directly infringes, contributorily infringe, and/or induce infringement of the asserted claims of the '210 patent. ViewSonic digital camcorder products, such as the 3D HD Camcorder 3DV5 model, are believed to be representative of a larger group of ViewSonic products that constitute the ViewSonic Accused Products at issue in this investigation.

6.178 The Accused ViewSonic Products Drive incorporate the technology patented and claimed in the '210 patent. Claim charts demonstrating how the representative ViewSonic Accused Product (the 3D HD Camcorder 3DV5) infringes the asserted claims of the '210 patent are attached to this Complaint as **Exhibit 66**. Further discovery may reveal additional infringing ViewSonic products and/or models.

6.179 ViewSonic actively induces others to infringe the asserted claims through its sale of the ViewSonic Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the ViewSonic Accused Products. ViewSonic induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '210 patent. In addition, ViewSonic contributorily infringes certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the ViewSonic Accused Products and/or ViewSonic Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the '210 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.180 On information and belief, ViewSonic was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, ViewSonic had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking its products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, ViewSonic was aware of the Asserted Patents no later than the service date of Anu's complaint.

**EE. Audiovox's Unlawful and Unfair Acts**

6.181 Upon information and belief, Audiovox's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-4 of the '210 patent. Discovery may reveal that Audiovox infringes additional claims of the '210 patent and/or the '515 patent.

6.182 On information and belief, the Audiovox Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in

China. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by Audiovox. *See e.g. Exhibit 67.*

6.183 On information and belief, and by way of example, Audiovox is a supplier of digital audio recorders marketed and sold under the RCA brand name that incorporate the technology of the '210 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the RCA VR5330R, VR5220, VR5230, and VR5320R are digital audio recorder products that directly infringe, contributorily infringe, and/or induce infringement of the asserted claims of the '210 patent. Audiovox digital audio recorders, such as the RCA VR5330R, VR5220, VR5230, and VR5320R model, are believed to be representative of a larger group of Audiovox products that constitute the Audiovox Accused Products at issue in this investigation.

6.184 The Accused Audiovox Products Drive incorporate the technology patented and claimed in the '210 patent. Claim charts demonstrating how the representative Audiovox Accused Product (the RCA VR5330R Digital Voice Recorder) infringes the asserted claims of the '210 patent are attached to this Complaint as **Exhibit 68**. Further discovery may reveal additional infringing Audiovox products and/or models.

6.185 Audiovox actively induces others to infringe the asserted claims through its sale of the Audiovox Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the Audiovox Accused Products. Audiovox induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '210 patent. In addition, Audiovox contributorily infringes certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the Audiovox Accused

Products and/or Audiovox Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the '210 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.186 On information and belief, Audiovox was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, Audiovox had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking its products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, Audiovox was aware of the Asserted Patents no later than the service date of Anu's complaint.

**FF. Yamaha's Unlawful and Unfair Acts**

6.187 Upon information and belief, Yamaha's Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-4, and 7 of the '210 patent. Discovery may reveal that Yamaha infringes additional claims of the '210 patent and/or the '515 patent.

6.188 On information and belief, the Yamaha Accused Products are manufactured, assembled, and/or packaged and tested outside of the United States, specifically, at least in China. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by Yamaha. *See e.g. Exhibit 69.*

6.189 On information and belief, and by way of example, Yamaha is a supplier of digital audio recorders that incorporate the technology of the '210 patent and have enjoyed the success of the market established by Ennova's innovation. For example, the Yamaha Pocketrak C24 Pocket Recorder series are digital audio recorder product that directly infringe, contributorily infringe, and/or induce infringement of the asserted claims of the '210 patent. Yamaha digital audio recorder products, such as the Pocketrak C24 Pocket Recorder models, are

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believed to be representative of a larger group of Yamaha products that constitute the Yamaha Accused Products at issue in this investigation.

6.190 The Accused Yamaha Products Drive incorporate the technology patented and claimed in the '210 patent. Claim charts demonstrating how the representative Yamaha Accused Product (the Pocketrak C24 Pocket Recorder) infringes the asserted claims of the '210 patent are attached to this Complaint as **Exhibit 70**. Further discovery may reveal additional infringing Yamaha products and/or models.

6.191 Yamaha actively induces others to infringe the asserted claims through its sale of the Yamaha Accused Products along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the Yamaha Accused Products. Yamaha induced such infringing acts and knew or should have known that its actions would induce actual infringement of the '210 patent. In addition, Yamaha contributorily infringes certain of the asserted claims through its sale and offers to sell within the United States and/or imports into the United States of components of the Yamaha Accused Products and/or Yamaha Accused Products for use in practicing a process, constituting a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the '210 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

6.192 On information and belief, Yamaha was aware of the Asserted Patents at the time it engaged in its directly and indirectly infringing activities and, in any event, Yamaha had constructive notice of the '210 patent as early as May 2011 when Zamzee began marking its products pursuant to 35 U.S.C. §287(a) with the '210 patent number. At the very least, however, Yamaha was aware of the Asserted Patents no later than the service date of Anu's complaint.

**GG. Summary of Unlawful and Unfair Acts**

<b>Company</b>	<b>Representative Infringing Product</b>	<b>Claims Infringed by Product</b>
<b>AIPTEK</b>	3D HD Camcorder	'210: 1, 2, 3, 4
<b>Aluratek</b>	AHDVC01F HD DV Camcorder	'210: 1, 2, 3
	ADVC01F Cinecam DV Camcorder	'515: 1, 3
<b>Archos</b>	4GB MP3 Player, PN:110187	'210: 1, 2, 3, 4, 7, 8
<b>Bluestar (Bell and Howell)</b>	X7HD (camcorder)	'210: 1, 2, 3
<b>Centon</b>	Datastick Keychain V2 2GB (flash memory)	'210: 1, 2, 3, 4
<b>Coby</b>	Snapp CAM5002 (camcorder)	'515: 1, 3
<b>Corsair</b>	Flash Voyager Mini 2.0 Flash Drive CMFUSBMINI-4GB (flash memory)	'210: 1, 2, 3, 4
<b>Emtec</b>	2GB S410 (flash memory)	'210: 1, 2, 3, 4
<b>GIC</b>	Create (Metal) (camera/camcorder)	'210: 1, 2, 3, 4
	DV1 HD Video Camera	'515: 1, 3
<b>Huawei</b>	E1820 3G Wireless Modem USB Stick	'210: 1, 2, 3
<b>iRiver</b>	T7 Volcano MP3 Player	'515: 1, 2, 3, 4, 7, 8
<b>JVC</b>	Picsio Pocket Camera GC-FM2BU	'210: 1, 2, 3, 7
<b>Latte</b>	Mobiblu S7 4GB MP3 Player	'210: 1, 2, 3, 4, 7, 8
<b>Lexar</b>	S70 4GB USB Flash Drive	'210: 1, 2, 3, 4

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<b>Maxell/Hitachi</b>	2GB USB Slider 503135 (flash memory)	'210: 1, 2, 3, 4
<b>Office Depot (Ativa)</b>	4GB Flash Drive Item 753-729	'210: 1, 2, 3, 4
<b>Olympus</b>	WS-700M Digital Voice Recorder	'210: 1, 2, 3, 4, 7, 8
<b>Option</b>	AT&T Velocity iCON 461 USB Modem (wireless modem)	'210: 1, 2, 3
<b>Panasonic</b>	HM-TA1 Camera	'210: 1, 2, 3
	HM-TA2 Camera	'515: 1, 2, 3
<b>Patriot Memory</b>	XPorter Dash 8GB (flash memory)	'210: 1, 2, 3, 4
<b>Provantage (Mach Speed Technologies)</b>	Eclipse Duo Plus 4GB MP3 Player	'210: 1, 2, 3, 4, 7
<b>RITEK</b>	Ridata EZdrive Cookie USB 2.0 Flash Drive 8GB	'210: 1, 2, 3, 4
<b>Sakar International (Vivitar)</b>	Lightning McQueen flash Drive / Disney Cars Novelty Flash Drive MID#0781011	'210: 1, 2, 3, 4
<b>Samsung</b>	HMX-W200 Camcorder	'515: 1, 3
<b>Sanyo</b>	ICR-EH800D (voice recorder)	'210: 1, 2, 3, 4, 7, 8
<b>Silicon Power Computer and Communication</b>	Touch 851 8GB (flash memory)	'210: 1, 2, 3, 4
<b>Supersonic</b>	IQ-8600 Digital Video Camcorder	'515: 1, 3
<b>Super Talent Technology</b>	STT USB 2.0 TSP 2GB Drive (flash memory)	'210: 1, 2, 3, 4



<b>Toshiba</b>	4GB Retractable Flash Drive PA3708U-1M4B	'210: 1, 2, 3, 4
<b>ViewSonic</b>	3D HD Camcorder 3DV5	'210: 1, 2, 3
<b>VOXX/Audiovox (RCA)</b>	VR5330R Digital Voice Recorder	'210: 1, 2, 3, 4
<b>Yamaha</b>	Pocketrak C24 Pocket Recorder (voice recorder)	'210: 1, 2, 3, 4, 7

**VII. SPECIFIC INSTANCES OF UNLAWFUL IMPORTATION AND SALE**

**A. Specific Instances of AIPTEK’s Unlawful Importation and Sale**

7.1 On information and belief, AIPTEK and others on its behalf manufacture the AIPTEK Accused Products at least in China, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 71** is a description of an offer for sale of the AIPTEK 3D HD Camcorder on the [http://www.aiptekshop.com/us/p\\_aiptek\\_listing.aspx?f=3265](http://www.aiptekshop.com/us/p_aiptek_listing.aspx?f=3265) website (visited March 29, 2012), which is controlled by AIPTEK.

7.2 AIPTEK offers for sale and sells the representative AIPTEK Accused Products in the United States. Specifically, a AIPTEK 3D HD Camcorder was purchased in the United States that infringes each asserted claim of the ‘210 patent as set forth above. Labels on the device indicate that the product was manufactured in China. Attached as part of **Exhibit 4** are photographs of the product packaging and a copy of the receipt for the AIPTEK 3D HD Camcorder reflecting the purchase of an AIPTEK Accused Product in the United States.

**B. Specific Instances of Aluratek’s Unlawful Importation and Sale**

7.3 On information and belief, Aluratek and others on its behalf manufacture the Aluratek Accused Products at least in China, and then import them into the United States, sell

them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 72** is a description of an offer for sale of the Aluratek AHDVC01F HD Camcorder on the <http://aluratek.com/cinecam-high-definition-720p-digital-video-camcorder> website (visited March 29, 2012), which is controlled by Aluratek.

7.4 Aluratek offers for sale and sells the representative Aluratek Accused Products in the United States. Specifically, an Aluratek AHDVC01F HD Camcorder was purchased in the United States that infringes each asserted claim of the '210 patent as set forth above. In addition, an Aluratek ADVC01F DV Camcorder was purchased in the United States that infringes each asserted claim of the '515 patent as set forth above. Labels on the device indicate that the product was manufactured in China. Attached as **Exhibit 6** are photographs of the product packaging and a copy of the receipt for the Aluratek camcorders reflecting the purchase of an Aluratek Accused Product in the United States.

**C. Specific Instances of Archos's Unlawful Importation and Sale**

7.5 On information and belief, Archos and others on its behalf manufacture the Archos Accused Products at least in China, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 73** is a description of an offer for sale of the Archos Key MP3 Player on the <http://store.archos.com/archos-p-5013.html> website (visited March 29, 2012), which is controlled by Archos.

7.6 Archos offers for sale and sells the representative Archos Accused Products in the United States. Specifically, an Archos Key 4GB MP3 Player was purchased in the United States that infringes each asserted claim of the '210 patent as set forth above. Labels on the device indicate that the product was manufactured in China. Attached as **Exhibit 9** are photographs of

the product packaging and a copy of the receipt for the Archos MP3 player reflecting the purchase of an Archos Accused Product in the United States.

**D. Specific Instances of Bluestar's Unlawful Importation and Sale**

7.7 On information and belief, Bluestar and others on its behalf manufacture the Bluestar Accused Products at least in China, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 74** is a description of an offer for sale of the Bell and Howell X7HD Camcorder on the <http://www.picanini.com/bellhowellx7hdhpocketcamcorderwithflipusbhdmip-1763.html> website (visited March 29, 2012).

7.8 Bluestar offers for sale and sells the representative Bluestar Accused Products in the United States. Specifically, Bell and Howell X7HD Camcorder was purchased in the United States that infringes each asserted claim of the '210 patent as set forth above. Labels on the device indicate that the product was manufactured in China. Attached as **Exhibit 11** are photographs of the product packaging and a copy of the receipt for the Bell and Howell X7HD Camcorder reflecting the purchase of a Bluestar Accused Product in the United States.

**E. Specific Instances of Centon's Unlawful Importation and Sale**

7.9 On information and belief, Centon and others on its behalf manufacture the Centon Accused Products at least in China, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 75** is a description of an offer for sale of the Centon Datastick Keychain on the [http://www.amazon.com/Centon-Broncos-Edition-DataStick-Keychain/dp/B00403M9A2/ref=sr\\_1\\_5?s=electronics&ie=UTF8&qid=1332371771&sr=1-5](http://www.amazon.com/Centon-Broncos-Edition-DataStick-Keychain/dp/B00403M9A2/ref=sr_1_5?s=electronics&ie=UTF8&qid=1332371771&sr=1-5) website (visited March 29, 2012).

7.10 Centon offers for sale and sells the representative Centon Accused Products in the United States. Specifically, Centon Datastick Keychain was purchased in the United States that infringes each asserted claim of the '210 patent as set forth above. Labels on the device indicate that the product was manufactured in China. Attached as **Exhibit 13** are photographs of the product packaging and a copy of the receipt for the Centon Datastick Keychain reflecting the purchase of a Centon Accused Product in the United States.

**F. Specific Instances of Coby's Unlawful Importation and Sale**

7.11 On information and belief, Coby and others on its behalf manufacture the Coby Accused Products at least in China, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 76** is a description of an offer for sale of the Coby Snapp Camcorder on the [http://www.amazon.com/Coby-Camcorder-Electronic-Viewfinder-Resolution/dp/B005EV1RNE/ref=sr\\_1\\_14?s=electronics&ie=UTF8&qid=1332372189&sr=1-14](http://www.amazon.com/Coby-Camcorder-Electronic-Viewfinder-Resolution/dp/B005EV1RNE/ref=sr_1_14?s=electronics&ie=UTF8&qid=1332372189&sr=1-14) website (visited March 29, 2012).

7.12 Coby offers for sale and sells the representative Coby Accused Products in the United States. Specifically, Coby Snapp CAM5002 was purchased in the United States that infringes each asserted claim of the '515 patent as set forth above. Labels on the device indicate that the product was manufactured in China. Attached as part of **Exhibit 15** are photographs of the product packaging and a copy of the receipt for the Coby Snapp CAM5002 Camcorder reflecting the purchase of a Coby Accused Product in the United States.

**G. Specific Instances of Corsair's Unlawful Importation and Sale**

7.13 On information and belief, Corsair and others on its behalf manufacture the Corsair Accused Products at least in China, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after

importation. For example, attached **Exhibit 77** is a description of an offer for sale of the Corsair Flash Voyager Mini on the <http://www.corsair.com/usb-drive/flash-voyager-mini-usb-drive/cmfusbmini-16gb.html> website (visited March 29, 2012), which is controlled by Corsair.

7.14 Corsair offers for sale and sells the representative Corsair Accused Products in the United States. Specifically, Corsair Flash Voyager Mini was purchased in the United States that infringes each asserted claim of the '210 patent as set forth above. Labels on the device indicate that the product was manufactured in China. Attached as **Exhibit 17** are photographs of the product packaging and a copy of the receipt for the Corsair Flash Voyager Mini Camcorder reflecting the purchase of a Corsair Accused Product in the United States.

#### **H. Specific Instances of Emtec's Unlawful Importation and Sale**

7.15 On information and belief, Emtec and others on its behalf manufacture the Emtec Accused Products at least in Taiwan, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 78** is a description of an offer for sale of the Emtec S410 on the [http://www.amazon.com/EMTEC-Slider-Series-Flash-Drive/dp/B0020MLJFG/ref=sr\\_1\\_1?ie=UTF8&qid=1333045841&sr=8-1](http://www.amazon.com/EMTEC-Slider-Series-Flash-Drive/dp/B0020MLJFG/ref=sr_1_1?ie=UTF8&qid=1333045841&sr=8-1) website (visited March 29, 2012).

7.16 Emtec offers for sale and sells the representative Emtec Accused Products in the United States. Specifically, Emtec S410 was purchased in the United States that infringes each asserted claim of the '210 patent as set forth above. Labels on the device indicate that the product was manufactured in Taiwan. Attached as **Exhibit 19** are photographs of the product packaging and a copy of the receipt for the Emtec S410 reflecting the purchase of an Emtec Accused Product in the United States.

**I. Specific Instances of GIC's Unlawful Importation and Sale**

7.17 On information and belief, GIC and others on its behalf manufacture the GIC Accused Products at least in China, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 79** is a description of an offer for sale of the GE Create (Metal) Camera on the <http://www.general-imaging.com/us/Digital-Camera.aspx?id=1313> website (visited March 29, 2012), which is controlled by GIC.

7.18 GIC offers for sale and sells the representative GIC Accused Products in the United States. Specifically, a GE Create (Metal) Camera was purchased in the United States that infringes each asserted claim of the '210 patent as set forth above. In addition, a GE DV1 HD Video Camera was purchased in the United States that infringes each asserted claim of the '515 patent as set forth above. Labels on the device indicate that the product was manufactured in China. Attached as **Exhibit 21** are photographs of the product packaging and a copy of the receipt for the GE Create (Metal) Camera and DV1 HD Video Camera reflecting the purchase of a GIC Accused Product in the United States.

**J. Specific Instances of Huawei's Unlawful Importation and Sale**

7.19 On information and belief, Huawei and others on its behalf manufacture the Huawei Accused Products at least in China, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 80** is a description of an offer for sale of the Huawei Wireless Modem USB Stick on the <http://www.aliexpress.com/store/100919/210506818-358598473/Huawei-E1820-3G-USB-Wireless-Modem-21-6M-Support-CE-And-External-Antenna.html> website (visited March 29, 2012).

7.20 Huawei offers for sale and sells the representative Huawei Accused Products in the United States. Specifically, a Huawei Wireless Modem USB Stick was purchased in the United States that infringes each asserted claim of the '210 patent as set forth above. Labels on the device indicate that the product was manufactured in China. Attached as **Exhibit 24** are photographs of the product packaging and a copy of the receipt for the Huawei Wireless Modem USB Stick reflecting the purchase of a Huawei Accused Product in the United States.

**K. Specific Instances of Iriver's Unlawful Importation and Sale**

7.21 On information and belief, Iriver and others on its behalf manufacture the Iriver Accused Products at least in China, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 81** is a description of an offer for sale of the Iriver T7 Volcano MP3 Player on the <http://www.amazon.com/iriver-Volcano-USB-Player-Black/dp/B001BW4MIM> website (visited March 29, 2012).

7.22 Iriver offers for sale and sells the representative Iriver Accused Products in the United States. Specifically, an Iriver T7 Volcano MP3 Player was purchased in the United States that infringes each asserted claim of the '515 patent as set forth above. Labels on the device indicate that the product was manufactured in China. Attached as **Exhibit 26** are photographs of the product packaging and a copy of the receipt for the Iriver T7 Volcano MP3 Player reflecting the purchase of an Iriver Accused Product in the United States.

**L. Specific Instances of JVC's Unlawful Importation and Sale**

7.23 On information and belief, JVC and others on its behalf manufacture the JVC Accused Products at least in Malaysia, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 82** is a description of an offer for sale of the JVC Picsio Pocket

Camera on the <http://camcorder.jvc.com/product.jsp?productId=PRD1205005&pathId=58> website (visited March 29, 2012), which is controlled by JVC.

7.24 JVC offers for sale and sells the representative JVC Accused Products in the United States. Specifically, a JVC Picsio Pocket Camera was purchased in the United States that infringes each asserted claim of the '210 patent as set forth above. Labels on the device indicate that the product was manufactured in Malaysia. Attached as **Exhibit 28** are photographs of the product packaging and a copy of the receipt for the JVC Picsio Pocket Camera reflecting the purchase of a JVC Accused Product in the United States.

**M. Specific Instances of Latte's Unlawful Importation and Sale**

7.25 On information and belief, Latte and others on its behalf manufacture the Latte Accused Products at least in China, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 83** is a description of an offer for sale of the Latte Mobiblu S7 MP3 Player on the <http://www.amazon.com/Latte-S7-MP3-Player-Black/dp/B003ODHVW0> website (visited March 29, 2012).

7.26 Latte offers for sale and sells the representative Latte Accused Products in the United States. Specifically, a Latte Mobiblu S7 MP3 Player was purchased in the United States that infringes each asserted claim of the '210 patent as set forth above. Labels on the device indicate that the product was manufactured in China. Attached as **Exhibit 30** are photographs of the product packaging and a copy of the receipt for the Latte Mobiblu S7 MP3 Player reflecting the purchase of a Latte Accused Product in the United States.

**N. Specific Instances of Lexar's Unlawful Importation and Sale**

7.27 On information and belief, Lexar and others on its behalf manufacture the Lexar Accused Products at least in China, and then import them into the United States, sell them for



importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 84** is a description of an offer for sale of the Lexar S70 USB Flash Drive on the <http://www.lexar.com/products/lexar-jumpdrive-s70-usb-flash-drive> website (visited March 29, 2012), which is controlled by Lexar.

7.28 Lexar offers for sale and sells the representative Lexar Accused Products in the United States. Specifically, a Lexar S70 USB Flash Drive was purchased in the United States that infringes each asserted claim of the '210 patent as set forth above. Labels on the device indicate that the product was manufactured in China. Attached as **Exhibit 32** are photographs of the product packaging and a copy of the receipt for the Lexar S70 USB Flash Drive reflecting the purchase of a Lexar Accused Product in the United States.

**O. Specific Instances of Maxell's Unlawful Importation and Sale**

7.29 On information and belief, Maxell and others on its behalf manufacture the Maxell Accused Products at least in Taiwan, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 85** is a description of an offer for sale of the Maxell USB Slider on the <http://shopmaxell.com/detail/TCL+503100> website (visited March 29, 2012), which is controlled by Maxell.

7.30 Maxell offers for sale and sells the representative Maxell Accused Products in the United States. Specifically, a Maxell USB Slider was purchased in the United States that infringes each asserted claim of the '210 patent as set forth above. Labels on the device indicate that the product was manufactured in Taiwan. Attached as **Exhibit 34** are photographs of the product packaging and a copy of the receipt for the Maxell USB Slider reflecting the purchase of a Maxell Accused Product in the United States.

**P. Specific Instances of Office Depot's Unlawful Importation and Sale**

7.31 On information and belief, Office Depot and others on its behalf manufacture the Office Depot Accused Products at least in China, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 86** is a description of an offer for sale of the Office Depot Ativa USB Flash Drive on the <http://www.officedepot.com/a/products/753729/Ativa-4GB-USB-Flash-Drive-Blue/> website (visited March 29, 2012), which is controlled by Office Depot.

7.32 Office Depot offers for sale and sells the representative Olympus Accused Products in the United States. Specifically, a Office Depot Ativa USB Flash Drive #753-729 was purchased in the United States that infringes each asserted claim of the '210 patent as set forth above. Labels on the device indicate that the product was manufactured in China. Attached as **Exhibit 36** are photographs of the product packaging and a copy of the receipt for the Office Depot Ativa USB Flash Drive reflecting the purchase of a Office Depot Accused Product in the United States.

**Q. Specific Instances of Olympus's Unlawful Importation and Sale**

7.33 On information and belief, Olympus and others on its behalf manufacture the Olympus Accused Products at least in China, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 87** is a description of an offer for sale of the Olympus WS-700M Digital Voice Recorder on the <https://us.buyolympus.com/audio/digital-recorders-with-music-player.html> website (visited March 29, 2012), which is controlled by Olympus.

7.34 Olympus offers for sale and sells the representative Olympus Accused Products in the United States. Specifically, a Olympus WS-700M Digital Voice Recorder was purchased in the United States that infringes each asserted claim of the '210 patent as set forth above. Labels on the device indicate that the product was manufactured in China. Attached as **Exhibit 38** are photographs of the product packaging and a copy of the receipt for the Olympus WS-700M Digital Voice Recorder reflecting the purchase of a Olympus Accused Product in the United States.

**R. Specific Instances of Option's Unlawful Importation and Sale**

7.35 On information and belief, Option and others on its behalf manufacture the Option Accused Products at least in the European Union, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 88** is a description of an offer for sale of the Option AT&T Velocity iCON 461 Wireless Modem on the [http://www.amazon.com/Option-Velocity-aircard-modem-laptop/dp/B0040DPX0K/ref=sr\\_1\\_1?ie=UTF8&qid=1333072516&sr=8-1](http://www.amazon.com/Option-Velocity-aircard-modem-laptop/dp/B0040DPX0K/ref=sr_1_1?ie=UTF8&qid=1333072516&sr=8-1) website (visited March 29, 2012), which is controlled by Option.

7.36 Option offers for sale and sells the representative Option Accused Products in the United States. Specifically, a Option AT&T Velocity iCON 461 Wireless Modem was purchased in the United States that infringes each asserted claim of the '210 patent as set forth above. Labels on the device indicate that the product was manufactured in the European Union. Attached as **Exhibit 40** are photographs of the product packaging and a copy of the receipt for the Option AT&T Velocity iCON 461 Wireless Modem reflecting the purchase of a Option Accused Product in the United States.

**S. Specific Instances of Panasonic's Unlawful Importation and Sale**

7.37 On information and belief, Panasonic and others on its behalf manufacture the Panasonic Accused Products at least in Indonesia, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 89** is a description of an offer for sale of the Panasonic HM-TA1 on the [http://www.amazon.com/Panasonic-Ultrathin-Pocket-Camcorder-Enabled/dp/B003WOLM62/ref=sr\\_1\\_1?ie=UTF8&qid=1333046882&sr=8-1](http://www.amazon.com/Panasonic-Ultrathin-Pocket-Camcorder-Enabled/dp/B003WOLM62/ref=sr_1_1?ie=UTF8&qid=1333046882&sr=8-1) website (visited March 29, 2012).

7.38 Panasonic offers for sale and sells the representative Panasonic Accused Products in the United States. Specifically, a Panasonic HM-TA1 was purchased in the United States that infringes each asserted claim of the '210 patent as set forth above. In addition, a Panasonic HM-TA2 was purchased in the United States that infringes each asserted claim of the '515 patent as set forth above. Labels on the device indicate that the product was manufactured in Indonesia. Attached as **Exhibit 42** are photographs of the product packaging and a copy of the receipt for the Panasonic HM-TA1 and HM-TA2 reflecting the purchase of a Panasonic Accused Product in the United States.

**T. Specific Instances of Patriot's Unlawful Importation and Sale**

7.39 On information and belief, Patriot and others on its behalf manufacture the Patriot Accused Products at least in Taiwan, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 90** is a description of an offer for sale of the Patriot Xporter Dash on the <http://www.amazon.com/Patriot-Signature-Capless-Flash-PSF32GDUSB/dp/B003BRSNMQ> website (visited March 29, 2012).

7.40 Patriot offers for sale and sells the representative Patriot Accused Products in the United States. Specifically, a Patriot Xporter Dash was purchased in the United States that infringes each asserted claim of the '210 patent as set forth above. Labels on the device indicate that the product was manufactured in Taiwan. Attached as **Exhibit 45** are photographs of the product packaging and a copy of the receipt for the Patriot Xporter Dash reflecting the purchase of a Patriot Accused Product in the United States.

**U. Specific Instances of Provantage's Unlawful Importation and Sale**

7.41 On information and belief, Provantage and others on its behalf manufacture the Provantage Accused Products at least in China, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 91** is a description of an offer for sale of the Provantage Mach Speed Technologies Eclipse Duo Plus MP3 Player on the [http://www.staples.com/Mach-Speed-ECLIPSE-DUO-4GB-Mp3-Player-USB-with-Voice-Recorder/product\\_324374](http://www.staples.com/Mach-Speed-ECLIPSE-DUO-4GB-Mp3-Player-USB-with-Voice-Recorder/product_324374) website (visited March 29, 2012).

7.42 Provantage offers for sale and sells the representative Provantage Accused Products in the United States. Specifically, a Provantage Mach Speed Technologies Eclipse Duo Plus MP3 Player was purchased in the United States that infringes each asserted claim of the '210 patent as set forth above. Labels on the device indicate that the product was manufactured in China. Attached as **Exhibit 47** are photographs of the product packaging and a copy of the receipt for the Provantage Mach Speed Technologies Eclipse Duo Plus MP3 Player reflecting the purchase of a Provantage Accused Product in the United States.

**V. Specific Instances of RITEK's Unlawful Importation and Sale**

7.43 On information and belief, RITEK and others on its behalf manufacture the RITEK Accused Products at least in Taiwan, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 92** is a description of an offer for sale of the RITEK RiDATA EZdrive Cookie USB 2.0 Flash Drive on the <http://www.supermediastore.com/product/u/ridata-rdez16g-co-lig0-ez-cookie-16gb-usb-drive-black> website (visited March 29, 2012).

7.44 RITEK offers for sale and sells the representative RITEK Accused Products in the United States. Specifically, a RITEK RiDATA EZdrive Cookie USB 2.0 Flash Drive was purchased in the United States that infringes each asserted claim of the '210 patent as set forth above. Labels on the device indicate that the product was manufactured in Taiwan. Attached as **Exhibit 49** are photographs of the product packaging and a copy of the receipt for the RITEK RiDATA EZdrive Cookie USB 2.0 Flash Drive reflecting the purchase of a RITEK Accused Product in the United States.

**W. Specific Instances of Sakar's Unlawful Importation and Sale**

7.45 On information and belief, Sakar and others on its behalf manufacture the Sakar Accused Products at least in China, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 93** is a description of an offer for sale of the Sakar Lightning McQueen Flash Drive on the <http://www.radioshack.com/product/index.jsp?productId=12292996> website (visited March 29, 2012).

7.46 Sakar offers for sale and sells the representative Sakar Accused Products in the United States. Specifically, a Sakar Lightning McQueen Flash Drive was purchased in the United States that infringes each asserted claim of the '210 patent as set forth above. Labels on the device indicate that the product was manufactured in China. Attached as **Exhibit 51** are photographs of the product packaging and a copy of the receipt for the Sakar Lightning McQueen Flash Drive reflecting the purchase of a Sakar Accused Product in the United States.

**X. Specific Instances of Samsung's Unlawful Importation and Sale**

7.47 On information and belief, Samsung and others on its behalf manufacture the Samsung Accused Products at least in China, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 94** is a description of an offer for sale of the Samsung HMX-W200 Camcorder on the <http://www.samsung.com/us/photography/camcorders/HMX-W200RN/XAA> website (visited March 29, 2012), which is controlled by Samsung.

7.48 Samsung offers for sale and sells the representative Samsung Accused Products in the United States. Specifically, a Samsung HMX-W200 Camcorder was purchased in the United States that infringes each asserted claim of the '515 patent as set forth above. Labels on the device indicate that the product was manufactured in China. Attached as **Exhibit 53** are photographs of the product packaging and a copy of the receipt for the Samsung HMX-W200 Camcorder reflecting the purchase of a Samsung Accused Product in the United States.

**Y. Specific Instances of Sanyo's Unlawful Importation and Sale**

7.49 On information and belief, Sanyo and others on its behalf manufacture the Sanyo Accused Products at least in China, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation.

For example, attached **Exhibit 95** is a description of an offer for sale of the Sanyo Xacti ICR-EH800D on the <http://us.sanyo.com/Digital-Sound-Recorders/SANYO-Xacti-ICR-EH800D-Digital-Sound-Recorder> website (visited March 29, 2012), which is controlled by Sanyo.

7.50 Sanyo offers for sale and sells the representative Sanyo Accused Products in the United States. Specifically, a Sanyo Xacti ICR-EH800D was purchased in the United States that infringes each asserted claim of the '210 patent as set forth above. Labels on the device indicate that the product was manufactured in China. Attached as **Exhibit 55** are photographs of the product packaging and a copy of the receipt for the Sanyo Xacti ICR-EH800D reflecting the purchase of a Sanyo Accused Product in the United States.

**Z. Specific Instances of SPCC's Unlawful Importation and Sale**

7.51 On information and belief, SPCC and others on its behalf manufacture the SPCC Accused Products at least in Taiwan, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 96** is a description of an offer for sale of the SPCC Touch 851 on the <http://www.amazon.com/Silicon-Power-Touch-Flash-Silver/dp/B0055D0ZNE> website (visited March 29, 2012).

7.52 SPCC offers for sale and sells the representative SPCC Accused Products in the United States. Specifically, a SPCC Touch 851 Flash Drive was purchased in the United States that infringes each asserted claim of the '210 patent as set forth above. Labels on the device indicate that the product was manufactured in Taiwan. Attached as **Exhibit 57** are photographs of the product packaging and a copy of the receipt for the SPCC Touch 851 Flash Drive reflecting the purchase of a SPCC Accused Product in the United States.



**AA. Specific Instances of Supersonic's Unlawful Importation and Sale**

7.53 On information and belief, Supersonic and others on its behalf manufacture the Supersonic Accused Products at least in China, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 97** is a description of an offer for sale of the Supersonic IQSound IQ-8600 on the <http://www.amazon.com/IQ-8600-Digital-Camcorder-2-LCD/dp/B00282EPCC> website (visited March 29, 2012).

7.54 Supersonic offers for sale and sells the representative Supersonic Accused Products in the United States. Specifically, a Supersonic IQSound IQ-8600 was purchased in the United States that infringes each asserted claim of the '515 patent as set forth above. Labels on the device indicate that the product was manufactured in China. Attached as **Exhibit 59** are photographs of the product packaging and a copy of the receipt for the Supersonic IQSound IQ-8600 reflecting the purchase of a Supersonic Accused Product in the United States.

**BB. Specific Instances of STTC's Unlawful Importation and Sale**

7.55 On information and belief, STTC and others on its behalf manufacture the STTC Accused Products at least in China, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 98** is a description of an offer for sale of the STTC USB 2.0 TSP on the <http://www.superbiiz.com/detail.php?p=STU16TSP-W&c=nextag&hash=2fbdojRe1qQ2eE1LadK3PzW0H7TJ5kf5%2FIxUfse%2F22Nu80fSQqF3%2FIkUk02EunrBA7YLj83iNC0%2BVPPBqbXLP11BV0oSaSxTuLMZ5mDtnhc7rnZbov2fsSyNagIP> website (visited March 29, 2012).

7.56 STTC offers for sale and sells the representative STTC Accused Products in the United States. Specifically, a STTC USB 2.0 TSP was purchased in the United States that infringes each asserted claim of the '210 patent as set forth above. Labels on the device indicate that the product was manufactured in China. Attached as **Exhibit 61** are photographs of the product packaging and a copy of the receipt for the STTC STT USB 2.0 TSP reflecting the purchase of a STTC Accused Product in the United States.

**CC. Specific Instances of Toshiba's Unlawful Importation and Sale**

7.57 On information and belief, Toshiba and others on its behalf manufacture the Toshiba Accused Products at least in Taiwan, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 99** is a description of an offer for sale of the Toshiba Retractable Flash Drive PA3708U-1M4B on the <http://us.toshiba.com/accessory/PA3708U-1M4B> website (visited March 29, 2012), which is controlled by Toshiba.

7.58 Toshiba offers for sale and sells the representative Toshiba Accused Products in the United States. Specifically, a Toshiba Retractable Flash Drive PA3708U-1M4B was purchased in the United States that infringes each asserted claim of the '210 patent as set forth above. Labels on the device indicate that the product was manufactured in Taiwan. Attached as **Exhibit 63** are photographs of the product packaging and a copy of the receipt for the Toshiba Retractable Flash Drive PA3708U-1M4B reflecting the purchase of a Toshiba Accused Product in the United States.

**DD. Specific Instances of ViewSonic's Unlawful Importation and Sale**

7.59 On information and belief, ViewSonic and others on its behalf manufacture the ViewSonic Accused Products at least in China, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after

importation. For example, attached **Exhibit 100** is a description of an offer for sale of the ViewSonic 3D HD Camcorder 3DV5 on the [http://www.officedepot.com/a/products/854293/Viewsonic-3DV5-Digital-Camcorder-24-LCD/?cm\\_mmc=Affiliates-\\_-0kPyc8/iJjY-\\_-15-\\_-243780\\_854293](http://www.officedepot.com/a/products/854293/Viewsonic-3DV5-Digital-Camcorder-24-LCD/?cm_mmc=Affiliates-_-0kPyc8/iJjY-_-15-_-243780_854293) website (visited March 29, 2012).

7.60 ViewSonic offers for sale and sells the representative ViewSonic Accused Products in the United States. Specifically, a ViewSonic 3D HD Camcorder 3DV5 was purchased in the United States that infringes each asserted claim of the '210 patent as set forth above. Labels on the device indicate that the product was manufactured in China. Attached as **Exhibit 65** are photographs of the product packaging and a copy of the receipt for the ViewSonic 3D HD Camcorder 3DV5 reflecting the purchase of a ViewSonic Accused Product in the United States.

**EE. Specific Instances of Audiovox's Unlawful Importation and Sale**

7.61 On information and belief, Audiovox and others on its behalf manufacture the Audiovox Accused Products at least in China, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 101** is a description of an offer for sale of the Audiovox RCA VR5330R on the <http://www.amazon.com/RCA-VR5330R-Digital-Voice-Recorder/dp/B0045THCPS> website (visited March 29, 2012).

7.62 Audiovox offers for sale and sells the representative Audiovox Accused Products in the United States. Specifically, an Audiovox RCA VR5330R was purchased in the United States that infringes each asserted claim of the '210 patent as set forth above. Labels on the device indicate that the product was manufactured in China. Attached as **Exhibit 67** are

photographs of the product packaging and a copy of the receipt for the Audiovox RCA VR5330R reflecting the purchase of an Audiovox Accused Product in the United States.

**FF. Specific Instances of Yamaha's Unlawful Importation and Sale**

7.63 On information and belief, Yamaha and others on its behalf manufacture the Yamaha Accused Products at least in China, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 102** is a description of an offer for sale of the Yamaha Pocketrak C24 Pocket Recorder on the

<http://www.amazon.com/exec/obidos/ASIN/B00378LGD2/ref=nosim/8687227-rg2347-00-20?s=merchant&m=ATVPDKIKX0DER> website (visited March 29, 2012).

7.64 Yamaha offers for sale and sells the representative Yamaha Accused Products in the United States. Specifically, a Yamaha Pocketrak C24 Pocket Recorder was purchased in the United States that infringes each asserted claim of the '210 patent as set forth above. Labels on the device indicate that the product was manufactured in China. Attached as **Exhibit 69** are photographs of the product packaging and a copy of the receipt for the Yamaha Pocketrak C24 Pocket Recorder reflecting the purchase of a Yamaha Accused Product in the United States.

**VIII. HARMONIZED TARIFF SCHEDULE ITEM NUMBER**

8.1 On information and belief, the Accused infringing digital camcorders and cameras fall within at least the following classifications of the Harmonized Tariff Schedules of the United States: 8525.80.40 and 8525.80.50. These classifications are intended for illustrative purposes only and are not intended to restrict the scope or type of accused product.

8.2 On information and belief, the Accused infringing flash memory devices fall within at least the following classifications of the Harmonized Tariff Schedules of the United

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States: 8471.70.9000. These classifications are intended for illustrative purposes only and are not intended to restrict the scope or type of accused product.

8.3 On information and belief, the Accused infringing portable audio players and recorders fall within at least the following classifications of the Harmonized Tariff Schedules of the United States: 8519.81 and 8519.81.1000. These classifications are intended for illustrative purposes only and are not intended to restrict the scope or type of accused product.

## **IX. LICENSEES**

9.1 Anu and/or Ennova has licensed the '210 patent and '515 patent. Pursuant to Commission Rule 210.12(a)(9)(iii), a list of licensed entities and the individual licenses are attached to this Complaint as **Confidential Exhibit 103**. On information and belief, there are no other current licenses involving the '210 Patent or '515 Patent.

## **X. DOMESTIC INDUSTRY**

As required by Section 337(a)(2) and defined in Section 337(a)(3), an industry in the United States exists, or is in the process of being established, relating to articles covered by the Asserted Patents. On information and belief, Anu's and/or Ennova's licensees have made substantial investments in the United States in the exploitation of the inventions claimed in the Asserted Patents with respect to engineering, research, development, testing, marketing, and servicing activities. In addition, Anu and/or Ennova, have made, and continue to make, substantial investments in the United States with respect to licensing activities relating to the Asserted Patents.

### **A. Licensees' Domestic Investments Related to Licensed Products**

10.1 With respect to the Asserted Patents, a domestic industry in the United States exists under Section 337(a)(3)(A) based on Anu/Ennova's domestic licensees' significant investment in plant and equipment; under Section 337(a)(3)(B) based on Anu/Ennova's domestic

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licensees' significant employment of capital and labor; and under Section 337(a)(3)(C) based on Anu/Ennova's domestic licensees' substantial investment in research and development with respect to the Asserted Patent.

10.2 There are at least nine licensees to the Asserted Patents, many of which, upon information and belief, have made significant investment in plant and equipment, labor and capital, and research and development in the United States related to computer peripheral devices that incorporate the technology claimed in the Asserted Patents. For example, on information and belief, HopeLab and Zamzee have made significant investments in labor, capital, research and development, testing, marketing, sales, customer support, and promotion in the United States related to the Zamzee meter that practices the '210 patent. In addition, at least Anu/Ennova's licensees, Sony Electronics, Inc. ("Sony") and Philips Electronics North America Corporation ("Philips"), on information and belief, have made significant investments in labor, capital, research and development, testing, marketing, sales, customer support, and promotion in the United States related to the products that practices the '210 patent and '515 patent.

### 1. **Zamzee's Domestic Investments**

10.3 Zamzee is an American corporation organized under the laws of the State of California, with a majority of shares owned [REDACTED], and headquartered in Redwood City, California. **Confidential Exhibit 104** (Declaration of Dan Cawley, CFO of Zamzee). Zamzee's mission is to encourage young people to lead an active lifestyle. *Id.* Zamzee markets and sells the Zamzee meter, a retractable USB drive, which measures a person's physical activity. *Id.* When physical activity data is uploaded, an online Zamzee program displays the young person's activity throughout the day and awards points based on the amount and intensity of their physical activity. *Id.*

10.4

[REDACTED]

10.5 On information and belief, the Zamzee meter incorporates the technology patented and claimed in the '210 patent. **Exhibit 105** is a claim chart comparing the '210 patent to the Zamzee meter, which demonstrating that the Zamzee meter practices at least one claim of the '210 patent.

10.6 Zamzee has made significant investments in the United States related to the research, development, testing, marketing, sales, customer support, and promotion of the Zamzee meter. **Confidential Exhibit 104.** Pursuant to Commission Rule 210.12(a)(6)(i)(A), (B), and (C), the relevant operations of Zamzee are as follows:

a.

[REDACTED]

b.

[REDACTED]

c.

[REDACTED]

[REDACTED]

[REDACTED]

d. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

e. Zamzee has made significant investment in research and development in the United States relating to the Zamzee meter. According to Zamzee's website ([www.zamzee.com](http://www.zamzee.com)), "[Zamzee] put [the Zamzee meter] through its paces to produce the best product [Zamzee] can, from finding the perfect pocket-friendly size and shape to subjecting it to the backpack test, couch cushion search and rescue, and trial by washing machine (not recommended!). Teens spent over 10,000 days testing Zamzee [meters], and [Zamzee] found that using Zamzee [meters] got them moving around 30% more. That's nearly an extra marathon a month. Seriously!"

f. [REDACTED]

[REDACTED]

[REDACTED]

## 2. Sony's Domestic Industry

10.7 By way of example, Sony is a licensee of the Asserted Patents. Pursuant to Section 337(a)(3)(A), (B), and (C), on information and belief, a domestic industry exists in the



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United States with respect to the '210 and the '515 patents based on at least a significant investment in plant and equipment, employment of labor and capital, and substantial investments in the exploitation of technology claimed in the Asserted Patents by Sony, and its subsidiary, Sony Corporation of America, particularly with respect to Sony digital flash memory devices, and Sony cameras and camcorders that incorporate the technology covered by the Asserted Patents.

10.8 On information and belief, the Sony Micro Vault USB Drive incorporates the technology patented and claimed in the '210 patent. **Exhibit 106** is a claim chart comparing the '210 patent to the Sony Micro Vault USB Drive, which demonstrating that the Sony Micro Vault USB Drive practices at least one claim of the '210 patent.

10.9 On information and belief, the Sony Bloggie incorporates the technology patented and claimed in the '515 patent. **Exhibit 107** is a claim chart comparing the '515 patent to the Sony Bloggie, which demonstrating that the Sony Bloggie practices at least one claim of the '515 patent.

10.10 On information and belief, Sony has made significant investments in the United States related plant and equipment, employment of labor and capital, and substantial investments in the exploitation of technology claimed in the Asserted Patents, including research and development, warranty support, marketing, sales, customer support, and promotion of related product, at least through its domestic activities related to the Sony flash memory drive devices, *e.g.*, the Sony Micro Vault USB Drive, and cameras and camcorders, *e.g.*, the Sony Bloggie line of products in the United States. Pursuant to Commission Rule 210.12(a)(6)(i)(A), (B), and (C), the relevant operations of Sony are as follows:

- a. On information and belief, Sony has its headquarters in San Diego, California.

b. On information and belief, Sony's San Diego offices cover approximately 94 acres and include over a million square feet of building space. **Exhibit 108** (Sony ITC Complaint at 144). Sony's San Diego facilities opened in 1972. *Id.* In addition, Sony has facilities in Ft. Myers, Florida that operate Sony's U.S. Customer Information Service Center. *Id.*

c. According to Sony Corporation's 2011 Annual Report, Sony's U.S. sales and operating revenue was 1,443.7,693 million Yen (approximately 17.4 billion USD), or 20.1% of its total revenue. **Exhibit 109** (Sony 2011 Annual Report) at 55. In addition, Sony sales and operating revenue generated by its Audio and Video division (which, on information and belief, includes Sony camcorders such as the Bloggie line of products) generated 426,694 million Yen (approximately 5.1 billion USD) and Sony sales and operating revenue generated by its Components division (which, on information and belief, includes Sony flash drives such as the Sony Micro Vault USB Drive line of products) generated 410,090 million Yen (approximately 4.9 billion USD). *Id.*

d. According to Sony's March 2011 United States Securities and Exchange Commission 20-F filing, Sony employs approximately 168,200 employees, of which approximately 59,000 employees were located in Japan and approximately 109,200 employees were located outside Japan. **Exhibit 110** (Sony March 2011 20-F filing) at 109. On information and belief, a significant number of these employees are in the United States of which a significant number are allocated, at least in part, to the tasks relating to the technology claimed in the Asserted Patents.

e. In addition, on information and belief, Sony has made significant investment in the employment of labor and capital to promote and market products covered by the

Asserted Patents, for example through its participation in trade shows and events to promote Sony products in the United States. For example, on information and belief, Sony has one of the largest display areas at the Consumer Electronics Show (“CES”) every year, which includes the promotion and marketing of products covered by the Asserted patents. *See, e.g.,* <http://www.youtube.com/watch?v=0IFVREHnA5I> (YouTube video reporting on Bloggie at 2012 CES in Las Vegas, Nevada).

f. On information and belief, Sony has made significant domestic investment in the exploitation of the technology claimed in the Asserted Patents, at least through its promoting and marketing the Sony Micro Vault USB Drive and Sony Bloggie line of products in the United States. For example, Sony directly markets and sells these products through its U.S. website, its twenty-seven U.S. retail stores located throughout the United States, as well most major retail stores where electronics are sold, such as Best Buy located throughout the United States.

10.11 On information and belief, Anu can obtain further evidence of Sony’s domestic industry with respect tot the Asserted Patents through discovery after institution of this investigation to the extent necessary.

### **3. Philip’s Domestic Industry**

10.12 In another example, Philip’s is a licensee of the Asserted Patents. Pursuant to Section 337(a)(3)(A), (B), and (C), on information and belief, a domestic industry exists in the United States with respect to the ’515 patents based on at least a significant investment in plant and equipment, employment of labor and capital, and substantial investments in the exploitation of technology claimed in the ’515 patent, particularly with respect to Philips cameras and camcorders that incorporate the retractable USB technology covered by the ’515 patent.

10.13 On information and belief, the Philips Qvida HD Camcorder incorporates the technology patented and claimed in the '515 patent. **Exhibit 111** is a claim chart comparing the '515 patent to the Philips Qvida HD Camcorder, which demonstrating that the Philips Qvida HD Camcorder practices at least one claim of the '515 patent.

10.14 On information and belief, Philips has made significant investments in the United States related plant and equipment, employment of labor and capital, and substantial investments in the exploitation of technology claimed in the '515 patent, including research and development, warranty support, marketing, sales, customer support, and promotion of related product, at least through its domestic activities related to the Philips cameras and camcorders, *e.g.*, the Philips Qvida HD Camcorder line of products in the United States.

10.15 On information and belief, Anu can obtain further evidence of Philips' domestic industry with respect to the Asserted Patents through discovery after institution of this investigation to the extent necessary.

**B. Anu and Ennova Have Substantial Investments in Licensing the Asserted Patents**

10.16 A domestic industry as defined by Section 337(a)(3) exists or is in the process of being established with respect to the Asserted Patents because Anu (including its predecessor Ennova)<sup>2</sup> has an extensive domestic licensing program focused on the Asserted Patents. Anu has made, and continues to make, substantial investments in the United States exploiting the Asserted Patents through its licensing activities.

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<sup>2</sup> As explained *supra* Ennova Direct, Inc. was formed in 2003 and is Anu IP LLC's predecessor in interest to the Asserted Patents.

**1. Ennova's Manufacturing Efforts have been Frustrated by Continued Infringement**

10.17 Ennova was formed in 2003 by Peter Garrett and Paul Regen to design, manufacture, and sell computer peripheral devices. **Confidential Exhibit 112** (declaration of Paul Regen). Paul Regen, a former electrical engineer for Platronics, and Peter Garrett, a business development professional, had a shared vision of creating a company dedicated to creating new consumer products to bring to market. *Id.*

10.18 Since its inception, Ennova's main focus was to develop and market new computer peripheral devices. *Id.* Over the life of the company, Ennova brought to market at least seven different types of computer peripheral devices, many of which were marketed under Ennova's brand ION Technologies. *Id.*

10.19 Ennova primarily focused its research and development efforts on improving the design and functionality of USB drives. *Id.* Through this research, Ennova created a novel retractable USB drive, which led the '210 patent. *Id.* This research also achieved new inventions covered by five other related U.S. patents and three related pending applications (i.e., "the '210 Patent family"). *Id.*

10.20 Under the ION Technologies™ brand name, Ennova designed, developed, marketed and sold a retractable USB drive that embodies claims of the '210 Patent, called the Ion Technologies Flashlite USB Data Drive. *Id.* Photographs of the Flashlite USB Data Drive are attached to this Complaint as **Exhibit 113**. In addition, **Exhibit 114** is a claim chart comparing the '210 patent to the Flashlite USB Data Drive, which demonstrating that the Flashlite USB Data Drive practices at least one claim of the '210 patent.

10.21 Since its inception, Ennova's headquarters have been located in California.

**Confidential Exhibit 112.** [REDACTED]

[REDACTED]

10.22 [REDACTED]

[REDACTED]

10.23 Ennova has expended substantial resources to obtain the patent rights granted by the '210 Patent Family. *Id.* [REDACTED]

[REDACTED]

10.24 [REDACTED]

[REDACTED]

10.25 [REDACTED]

[REDACTED]

10.26 [REDACTED]

[REDACTED]

10.27 Ennova sold its products through online retailers such as Target.com and ThinkGeek.com. *Id.* Ennova sold various products through these online retailers such as their ION Technologies Illuminated Keyboard, ION Technologies Illuminated Mouse, ION Technologies Illuminated Mouse pad and the ION Technologies Flashlite USB Datadrive, also known as the IONdrive. *Id.* [REDACTED]

[REDACTED]

10.28 [REDACTED]

[REDACTED]

**2. Anu's and Ennova's Licensing Program is Substantial**

10.29 Ennova has invested substantial resources to license the Asserted Patents. *Id.*

[REDACTED]

10.30 Ennova actively pursued attempts to license the Asserted Patents. *Id.* For example, because it was unsuccessful in its attempts to license the '210 patent, Ennova was forced to file suit against a number of companies in January 2008 in the United States District Court for the Eastern District of Texas. *Id.* After being transferred to the Northern District of California, this case ended in December 2010 after seven companies paid for licenses to the Asserted Patents. *Id.* [REDACTED]

[REDACTED]

10.31 In addition, [REDACTED]

[REDACTED]

10.32 [REDACTED]

[REDACTED]

10.33 Anu has invested substantial resources in its licensing program. [REDACTED]

[REDACTED]



10.34 [Redacted]

[Redacted]

[Redacted]

10.35 [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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10.36 [Redacted]

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[Redacted]

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[Redacted]

[Redacted]

[Redacted]

10.37 [REDACTED]

10.38 [REDACTED]

10.39 [REDACTED]

## **XI. RELATED LITIGATION**

11.1 On January 23, 2008, Ennova filed suit in the U.S. District Court for the Eastern District of Texas, styled *Ennova Direct, Inc. v. LG Electronics U.S.A., Inc., et al.*, C.A. No. 2:08-CV-22-CE, asserting that LG Electronics U.S.A., Inc., Thomson, Inc., Nspire Systems, Inc., Flash Ventures, Inc., Sony Electronics, Inc., Kingston Technology Corp., PNY Technologies, Inc., Transcend Information, Inc., Philips Electronic North America Corp., Verbatim American LLC, A-DATA Technology (U.S.A.) Co., Ltd., infringe the '210 patent asserted here. On March 31, 2010 the case was transferred to the Northern District of California. This litigation resolved with each defendants being dismissed by reason of settlement or other agreement.

11.2 There have been no other litigations concerning infringement of the '210 and '515 patents.

## **XII. REQUESTED RELIEF**

12.1 WHEREFORE, by reason of the foregoing, Anu requests that the United States International Trade Commission:

- (a) Institute an immediate investigation, pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to violations of Section 337 based on the proposed Respondents' unlawful importation into the United States, sale for

importation, and/or sale within the United States after importation of certain electronic devices having a retractable USB connector that infringe one or more claims of the '210 and '515 patents;

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

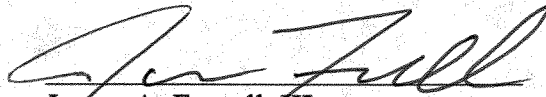
(c) Issue a permanent exclusion order, pursuant to Section 337(d) of the Tariff Act of 1930, as amended, excluding from entry into the United States all of the proposed respondents' certain electronic devices having a retractable USB connector that infringe one or more claims of the '210 and '515 patents;

(d) Issue permanent cease and desist orders, pursuant to Section 337(f) of the Tariff Act of 1930, as amended, directing each of the proposed respondents to cease and desist from the importation, marketing, advertising, demonstrating, installing, repairing, servicing, warehousing inventory for distribution, sale and use of certain electronic devices having a retractable USB that infringe one or more claims of the '210 and '515 patents; and

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

Respectfully submitted,

Dated: April 17, 2012



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