

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, DC

In the Matter of

CERTAIN POINT-TO-POINT NETWORK
COMMUNICATION DEVICES AND
PRODUCTS CONTAINING SAME

Investigation No. 337-TA-____

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

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 - b. **Confidential** Amendment to License Agreement between Straight Path and IDT Telecom Inc., and Net2Phone, Inc., dated July 10, 2013
 - c. **Confidential** License Agreement between Skype and IDT - Confidential
2. United States Patent No. 6,009,469
3. United States Patent No. 6,009,469 Assignment Record
4. United States Patent No. 6,009,469 File History
5. United States Patent No. 6,108,704 File History
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 - d. IDT Q2 SEC Filing
 - e. IDT Q3 SEC Filing
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51. Article: Microsoft to Acquire Skype May 10, 2011
52. Xbox One: Meet Xbox One, <http://www.xbox.com/en-US/xboxone/meet-xbox-one>
53. Xbox One: What It Does, <http://www.xbox.com/en-US/xboxone/what-it-does>
54. Microsoft Segment Revenue and Operating Income, Q1-Q3 2013
55. Microsoft KPI Quarter 3 2013
56. Article: Will Consumer Want One? Fox News.
57. Article: After Months of Speculation, Microsoft Officially Reveals TechCrunch
58. Article: Microsoft announces Skype integration for Xbox One, Will Consumers Want One? New Xbox is elegant but questions remain
59. Reserved
60. Article: Microsoft Unveils Xbox One Home Entertainment System
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62. Receipt for Sharp Aquos LED TV and Sharp FX Plus Phone
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APPENDICES

- A. One certified copy and four additional copies of the U.S. Patent and Trademark Office prosecution history for U.S. Patent No. 6,009,469
- B. Copies of each patent and each technical reference mentioned in the prosecution history for U.S. Patent No. 6,009,469
- C. One certified copy and four additional copies of the U.S. Patent and Trademark Office prosecution history for U.S. Patent No. 6,108,704
- D. Copies of each patent and each technical reference mentioned in the prosecution history for U.S. Patent No. 6,108,704
- E. One certified copy and four additional copies of the U.S. Patent and Trademark Office prosecution history for U.S. Patent No 6,131,121
- F. Copies of each patent and each technical reference mentioned in the prosecution history for U.S. Patent No. 6,131,121

I. INTRODUCTION

1. This Complaint is filed by Complainant Straight Path IP Group, Inc. (“Straight Path” or “Complainant”) pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”).

2. Straight Path brings this action to remedy violations of Section 337 arising from the unlawful and unauthorized importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of certain point-to-point network communications devices and products containing same (“Accused Products”) that directly infringe, contributorily infringe, and/or induce the infringement of one or more claims of U.S. Patent Nos. 6,009,469; 6,108,704; and 6,131,121 (together, the “Asserted Patents”). Examples of these point-to-point network communications devices include, without limitation, smartphone handsets, tablet computers, eReaders, smart TVs, gaming consoles, Blu-ray players, VoIP phones, and set-top boxes.

3. The Respondents are AmTran Logistics, Inc., AmTran Technology Co., Ltd., LG Electronics Inc.; LG Electronics U.S.A., Inc.; LG Electronics MobileComm U.S.A., Inc. (together, “LG”); Panasonic Corporation, Panasonic Corporation of North America (together, “Panasonic”); Sharp Corporation, Sharp Electronics Corporation (together “Sharp”), Sony Corporation, Sony Corporation of America, Sony Electronics Inc., Sony Mobile Communications AB, Sony Mobile Communications (USA) Inc., Sony Ericsson Mobile Communications (USA) Inc., Sony Computer Entertainment Inc., Sony Computer Entertainment America Inc., and Sony Computer Entertainment America LLC (together, “Sony”); Toshiba Corporation, Toshiba America Inc., Toshiba America Information Systems, Inc. (together “Toshiba”); and Vizio, Inc. (together with AmTran Logistics, Inc. and AmTran Technology Co., Ltd., “Vizio”) (collectively “Respondents”).

4. On information and belief, each of the Respondents currently imports into the United States, sells for importation into the United States, and/or sells in the United States after importation certain point-to-point network communications devices and products containing the same that incorporate, without license, many inventions protected by one or more of the Asserted Patents.

5. Complainant asserts that each Respondent practices at least the following claims of the Asserted Patents:

PATENT	ASSERTED CLAIMS
6,009,469	1, 2, 3, 9, 10, 17 and 18
6,108,704	1, 11, 12, 19, 22, 23 and 30
6,131,121	6 and 13

6. To remedy Respondents' continuing and unlawful violation of Section 337, Complainant seeks as permanent relief a limited exclusion order pursuant to 19 U.S.C. § 1337(d) barring from entry into the United States all Respondents' point-to-point network communications devices and products containing same, including for example but without limitation smartphone handsets, tablet computers, eReaders, smart TVs, gaming consoles, Blu-ray players, VoIP phones, and set-top boxes, that infringe one or more of the claims of the '469 Patent, the '704 Patent, and/or the '121 Patent. Complainant also seeks cease and desist orders pursuant to 19 U.S.C. § 1337(f) prohibiting each domestic Respondent from engaging in the importation into the United States and/or the sale within the United States after importation certain point-to-point network communications devices and products containing same, that infringe, either directly or indirectly, one or more claims of the '469 Patent, the '704 Patent, and/or the '121 Patent.

7. Further, Complainant requests that the Commission impose a bond upon Respondents' importation of infringing point-to-point network communications devices and

products containing same during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j) to prevent further injury to Complainant's domestic industry relating to each of the Asserted Patents.

II. THE PARTIES

A. Complainant

8. Complainant Straight Path IP Group, Inc. ("Straight Path") is an American corporation organized under the laws of Delaware, with offices located at 5300 Hickory Park Dr. Suite 218, Glen Allen, VA 23059. (*See* Declaration of David Jonas, (attached as Exhibit 1) ("Jonas Decl.") at ¶ 3.)

9. Straight Path was formerly known as Innovative Communications Technologies, Inc., ("ICTI") and was divested and renamed as the Straight Path IP Group in May of 2013. (Jonas Decl. at ¶ 2.) ICTI, was formed in March of 2011. (Jonas Decl. at ¶ 4.)

10. Straight Path is the sole owner by assignment of all right, title, and interest in each Asserted Patent. (Jonas Decl. at ¶ 5.) The Asserted Patents are expressly assigned to ICTI, which was renamed to Straight Path IP Group in May of 2013.

B. Respondents

11. With regard to the Respondents, Complainant alleges the following on information and belief:

LG Electronics Inc.

12. Respondent LG Electronics Inc. is located at LG Twin Towers, 20 Yeouido-dong, Yeongdeungpo-gu Seoul 150-721, South Korea. LG Electronics Inc. is in the business of developing, manufacturing, selling, and selling for importation into the United States point-to-point network communications devices and products containing same. Such devices include, but are not limited to, smartphone handsets, tablet computers, computers, smart TVs,

Blu-ray players, and set-top boxes. LG Electronics Inc. maintains operations in many countries throughout the world, with production locations in many of those countries. On information and belief, no production plants are located within the United States. LG Electronics Inc. is the parent corporation of Respondents LG Electronics U.S.A., Inc. and LG Electronics MobileComm U.S.A., Inc.

LG Electronics U.S.A., Inc.

13. Respondent LG Electronics U.S.A., Inc. is a wholly-owned subsidiary of Respondent LG Electronics Inc. LG Electronics U.S.A., Inc. is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 1000 Sylvan Ave., Englewood Cliffs, NJ 07632. Respondent LG Electronics U.S.A., Inc. manages the North American operations of Respondent LG Electronics MobileComm U.S.A., Inc., and the two entities provide sales and marketing support for point-to-point network communications devices in North America for their ultimate parent, LG Electronics Inc.

LG Electronics MobileComm U.S.A., Inc

14. Respondent LG Electronics MobileComm U.S.A., Inc. (d/b/a LG Mobile Phones) is a wholly-owned subsidiary of Respondent LG Electronics U.S.A., Inc. LG Electronics MobileComm U.S.A., Inc. is a corporation organized and existing under the laws of the state of California with its principal place of business located at 10101 Old Grove Road, San Diego, CA 92131, and is managed by its parent LG Electronics U.S.A., Inc. Respondent LG Electronics MobileComm U.S.A., Inc. provides a variety of point-to-point communications devices, including without limitation mobile telephone handsets and tablet computers, to customers throughout North America. LG Electronics MobileComm U.S.A., Inc. has imported such goods manufactured by LG Electronics Inc. from South Korea into the United States.

Panasonic Corporation

15. Respondent Panasonic Corporation is a foreign company organized and existing under the laws of Japan, with its principal place of business located at 1006 Oaza Kadoma-shi, Kadoma 571-8501, Osaka, Japan. Panasonic Corporation is in the business of developing, manufacturing, and/or selling point-to-point network communications devices and products containing same. Such devices include, without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, set-top boxes, multimedia systems, and VoIP phone systems. Panasonic Corporation is the entity at the top of the Panasonic corporate structure, and maintains manufacturing facilities in at least Japan, India, China, and Indonesia. Panasonic Corporation identifies the United States as a key to success overseas. Accordingly, Panasonic Corporation established a subsidiary in the United States, Panasonic Corporation of North America.

Panasonic Corporation of North America

16. Respondent Panasonic Corporation of North America is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 1 Panasonic Way, Secaucus, New Jersey 07094. Panasonic Corporation of North America is a wholly owned subsidiary of Panasonic Corporation, and as such oversees the North American operations of Panasonic Corporation. Panasonic Corporation of North America is in the business of developing, manufacturing, importing into the United States and selling in the United States after importation point-to-point communication devices. Such devices include, but are not limited to, television and video monitors, Blu-ray players, and multimedia systems, and VoIP telephone systems.

Sharp Corporation

17. Respondent Sharp Corporation is a foreign company organized and existing under the laws of Japan, with its principal place of business located at 22-22 Nagaike-cho, Abenku-ku, Osaka 545-8522. Sharp Corporation is in the business of developing, manufacturing, importing into the United States and/or selling after importation into the United States point-to-point network communications devices and products containing same. Such devices include, but are not limited to televisions, computers, tablets, mobile phones, and Blu-ray players.

Sharp Electronics Corporation

18. Respondent Sharp Electronics Corporation is a New York corporation with its principal place of business located in Mahway, New Jersey. Sharp Electronics Corporation is in the business of importing into the United States and/or selling after importation into the United States point-to-point network communications devices and products containing same. Such devices include, but are not limited to televisions, computers, tablets, mobile phones, and Blu-ray players.

Sony Corporation

19. Respondent Sony Corporation is a foreign company organized and existing under the laws of Japan, with its principal place of business located at 1-7-1 Konan Minato-ku, Tokyo 108-0075, Japan. Sony Corporation is in the business of developing, manufacturing, importing into the United States, and/or selling in the United States after importation point-to-point network communications devices and products containing same. Such devices include, but are not limited to, televisions, gaming consoles, handheld gaming

devices, computers, tablets, mobile phones, e-readers, Blu-ray players, home audio and theater systems, internet players, and VoIP phone systems.

Sony Corporation of America

20. Respondent Sony Corporation of America is a wholly-owned subsidiary of Sony Corporation and is a corporation organized and existing under the law of the State of New York, with its principal place of business located at 550 Madison Avenue, 27th Floor, New York, NY 10022-3211. Sony Corporation of America's registered agents for service of process are Corporation Service Company, 2730 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833. It is the umbrella company under which all Sony companies operate in the United States. Sony's principal U.S. businesses include Sony Electronics Inc., Sony Pictures Entertainment Inc., Sony Computer Entertainment Inc., Sony Music Entertainment Inc., Sony/ATV Music Publishing, and Sony Electronics Inc., which imports into the United States, sells for importation into the United States, and/or sells within the United States after importation certain point-to-point communication devices. Such devices include, but are not limited to, televisions, gaming consoles, handheld gaming devices, computers, tablets, mobile phones, e-readers, Blu-ray players, home audio and theater systems, internet players, and VoIP phone systems.

Sony Electronics Inc.

21. Sony Electronics Inc. ("Sony Electronics"), headquartered in San Diego, California, is the largest component of Sony Corporation of America, the U.S. holding company for Sony's U.S.-based electronics and entertainment businesses. Sony Electronics is the U.S. sales and marketing arm of Sony's global electronics business, providing audio/video electronics and information technology products for the consumer and professional markets. Sony Electronics's operations include research and development, design, engineering, sales,

marketing, distribution, and customer service. Sony Electronics imports into the United States, sells for importation into the United States, and/or sells after importation a wide range of consumer products, including point-to-point network communications devices and products containing same.

Sony Mobile Communications AB

22. Sony Mobile Communications AB (formerly Sony Ericsson Mobile Communications AB) is a multinational mobile phone manufacturing company headquartered in Tokyo, Japan, and a wholly owned subsidiary of Sony Corporation. It was founded on October 1, 2001 as a joint venture between Sony and the Swedish telecommunications equipment company Ericsson, under the name Sony Ericsson. Sony acquired Ericsson's share in the venture on February 16, 2012. Sony Mobile Communications is the world's 10th-largest mobile phone manufacturer by market share in the first quarter of 2012. It is the world's third-largest smartphone manufacturer by market share in the third quarter of 2012. Sony Mobile Communications AB is in the business of selling point-to-point network communications devices and products containing same, such as smartphones, wireless systems, and wireless voice devices that have been imported into the United States.

Sony Ericsson Mobile Communications (USA) Inc.

23. Sony Ericsson Mobile Communications (USA) Inc. ("Sony Ericsson Mobile USA") is a wholly-owned subsidiary of Sony Mobile Communications AB. Sony Ericsson Mobile USA is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 3333 Piedmont Road NE, Ste. 600, Atlanta, GA 30305. Its registered agent is Capitol Corporate Services, Inc., 120 Penmarc Drive, Suite 118, Raleigh, NC 27603. On information and belief, Sony Ericsson Mobile USA manages

some North American operations of Sony Mobile Communications AB. Sony Ericsson Mobile USA's parent maintains manufacturing facilities in China, which produces products sold in the United States after importation by Sony Ericsson Mobile USA.

Sony Computer Entertainment, Inc.

24. Sony Computer Entertainment, Inc. ("SCE") is a foreign company organized and existing under the laws of Japan, with its principal place of business located at 1-7-1 Konan Minato-ku, Tokyo 108-0075, Japan. It is a major video game company specializing in a variety of areas in the video game industry, and is a wholly owned subsidiary and part of the Consumer Products & Services Group of Sony Corporation. Sony Computer Entertainment handles the production and sales of both hardware and software of the PlayStation and PS one game console, PlayStation 2, PlayStation 3, and PlayStation 4 computer entertainment systems. SCE currently has headquarters in Minami-Aoyama, Minato, Tokyo, Japan (Sony Computer Entertainment Japan & Sony Computer Entertainment Asia) which control operations in Asia; and Foster City, California, US (Sony Computer Entertainment America) which controls operations in North America. SCE also has smaller offices and distribution centers in Los Angeles.

Sony Computer Entertainment America LLC

25. Sony Computer Entertainment America LLC ("SCEA") is a limited liability company organized and existing under the laws of Delaware with its principal place of business located at 919 East Hillsdale Boulevard, 2nd Floor, Foster City, CA 94404. SCEA is a wholly-owned subsidiary of Respondent Sony Corporation. SCEA develops and markets video games consoles in the United States and serves as headquarters for all Sony operations in North America involving gaming devices and related products. SCEA is in the business of importing

into the United States, selling for importation into the United States, and selling after importation into the United States point-to-point network communications devices and products containing same, including but not limited to gaming devices such as the PlayStation and PS one game console, PlayStation 2, PlayStation 3, and PlayStation 4 computer entertainment systems, and online and network services, such as PlayStation Network and PlayStation Store.

Sony Computer Entertainment America Inc.

26. Sony Computer Entertainment America Inc. (“SCEA Inc.”) is a corporation organized and existing under the laws of Delaware with its principal place of business located at 919 East Hillsdale Boulevard, 2nd Floor, Foster City, CA 94404. SCEA Inc. is a wholly-owned subsidiary of Respondent Sony Corporation. SCEA Inc. develops and markets video games consoles in the United States. SCEA Inc. is in the business of importing into the United States, selling for importation into the United States, and selling after importation into the United States point-to-point network communications devices and products containing same, including but not limited to gaming devices such as the PlayStation and PS one game console, PlayStation 2, PlayStation 3, and PlayStation 4 computer entertainment systems, and online and network services, such as PlayStation Network and PlayStation Store.

Sony Mobile Communications (USA) Inc.

27. Respondent Sony Mobile Communications (USA) Inc. is a wholly-owned subsidiary of Respondent Sony Mobile Communications AB. Sony Mobile Communications (USA) Inc. is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 7001 Development Drive, Research Triangle Park, North Carolina 27709. On information and belief, Respondent Sony Mobile Communications (USA) Inc. manages the North American operations of Respondent Sony Mobile

Communications AB. Sony Mobile Communications (USA) Inc.'s parent maintains manufacturing facilities in China, which produces products imported into the United States, sold for importation into the United States, and sold after importation into the United States by Sony Mobile Communications (USA) Inc. Sony Corporation, Sony Corporation of America, Sony Electronics, Inc., Sony Mobile Communications AB, Sony Mobile Communications (USA) Inc., Sony Computer Entertainment Inc., and Sony Computer Entertainment America LLC are referred to collectively as "Sony."

Toshiba Corporation

28. Respondent Toshiba Corporation is a foreign company organized and existing under the laws of Japan, with its principal place of business located at 1-1, Shibaura 1-Chrome, Minato-Ku Tokyo 105-8001, Japan. Toshiba Corporation is the entity at the top of the Toshiba corporate structure, and maintains more than 92% of its plant and equipment outside of North America. Toshiba Corporation generates more than 18% of its revenue from North America. Recognizing the importance of the United States market, Toshiba Corporation established a subsidiary in the United States, Toshiba America, Inc. Toshiba Corporation is in the business of selling point-to-point network communications devices and products containing same for importation into the United States. Such devices include, but are not limited to smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, gaming devices, set-top boxes, and VoIP phone systems.

Toshiba America, Inc.

29. Respondent Toshiba America, Inc. is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 1251 Avenue of the Americas, Suite 4110, New York, New York 10020. Toshiba America, Inc. is a

wholly owned subsidiary of Toshiba Corporation, and as such oversees the North American operations of Toshiba Corporation. Toshiba America, Inc. is the immediate parent of Toshiba America Information Systems, Inc. and is in the business of selling point-to-point communication devices that have been imported into the United States. Such devices include, but are not limited to smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, gaming devices, set-top boxes, and VoIP phone systems.

Toshiba America Information Systems, Inc.

30. Toshiba America Information Systems, Inc. is a corporation organized and existing under the laws of the state of California, with its principal place of business located at 9740 Irvine Blvd, Irvine, California 92618. Toshiba America Information Systems, Inc. is a consolidated subsidiary of Toshiba America, Inc., with an ultimate parent of Toshiba Corporation and is in the business of selling point-to-point communication devices that have been imported into the United States. The company's point-to-point communication devices include, without limitation, internet protocol-based surveillance equipment, televisions, Blu-ray players, portable computers, notebooks, tablets, and VoIP telephone systems. Toshiba Corporation; Toshiba America, Inc.; and Toshiba America Information Systems, Inc. are collectively referred to as "Toshiba."

Vizio, Inc.

31. Vizio, Inc. is a private corporation organized and existing under the laws of the state of California, with its principal place of business located at 39 Tesla, Irvine, California 92618. Vizio, Inc. has most of its products manufactured by AmTran Technology Co., Ltd. in China and/or Taiwan. Vizio is in the business of importing into the United States, selling for importation into the United States, and selling in the United States after importation

certain point-to-point communication devices for importation into the United States. Such devices include, but are not limited to, televisions and laptop and tablet computers.

AmTran Technology Co., Ltd.

32. AmTran Technology Co., Ltd. (“AmTran Technology”) is a corporation organized and existing under the laws of Taiwan, with its principle place of business at 17f, 268, Lien Cheng Rd., 23553 New Taipei City, Taiwan. AmTran Technology is in the business of manufacturing, importing into the United States, selling for importation into the United States, offering for sale after importation into the United States certain consumer point-to-point communication devices on behalf of Vizio. AmTran Technology maintains manufacturing facilities in at least China and Taiwan. AmTran Technology owns approximately 23% of Vizio, Inc.

AmTran Logistics, Inc.

33. AmTran Logistics, Inc. (“AmTran Logistics”) is a corporation organized and existing under the laws of the state of California, with its principle place of business at 9 Goddard, Irvine, California, 92618. AmTran Logistics is a wholly owned subsidiary of AmTran Technology. AmTran Logistics is in the business importing into the United States, selling for importation into the United States, offering for sale after importation into the United States certain consumer point-to-point communication devices on behalf of Vizio by AmTran Technology on behalf of Vizio. Vizio, AmTran Technology, and AmTran Logistics are collectively referred to as “Vizio.”

III. THE ASSERTED ‘469 PATENT

A. Ownership and Asserted Claims of the ‘469 Patent

34. United States Patent No. 6,009,469 (the “‘469 Patent”) is entitled “Graphic User Interface for Internet Telephony Application” and issued December 28, 1999 to

inventors Shane D. Mattaway, Glenn W. Hutton, and Craig B. Strickland. The '469 Patent issued from United States Patent Application No. 08/721,316 filed on September 25, 1996.

35. By way of assignment, Straight Path owns all rights, title, and interest to the '469 Patent. As required by Commission Rules 210.12(a)(9)(i)-(ii), a certified copy of the '469 Patent, its assignment record, and its file history are attached as Exhibit 2, Exhibit 3, and Exhibit 4 respectively. In accordance with Commission Rules 210.12(c)(1)-(2), Appendix A to this Complaint includes one certified and three additional copies of the United States Patent and Trademark Office prosecution history for the '469 Patent. Appendix B includes four copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '469 Patent.

36. All maintenance fees for the '469 Patent have been timely paid, and there are no fees currently due.

37. The '469 Patent has 17 claims, including 3 independent claims (1, 5, and 9), and 14 dependent claims. Complainant is asserting at least the following claims of the '469 Patent against the listed Respondents: Claims 1, 2, 3, 9, 10, 17, and 18.

B. Licenses Relating to the '469 Patent

38. Certain licensees exist to the '469 Patent. Exhibit 1, Confidential Declaration of Davidi Jonas at ¶6 sets forth details regarding the '469 Patent's licensees, including domestic industry licensees IDT Corporation and Microsoft Corporation/Skype.

39. Pursuant to Commission Rule 210.12(a)(9)(iv), Complainant has attached as Confidential Exhibits 1A-C, which comprise copies of each license agreement relating to the '469 Patent to establish Straight Path's contention that a domestic industry as defined in Section 337(a)(3) exists and/or is in the process of being established as the result of the domestic activities of one or more licensees. *See infra* Section XI.

C. Foreign Counterparts to the '469 Patent

40. In accordance with Commission Rule 210.12(a)(9)(v), Complainant identifies the foreign counterparts to the '469 Patent in Exhibit 39. In accordance with Commission Rule 210.12(a)(9)(v), Complainant states that it is aware of no other foreign counterparts issued, filed, abandoned, withdrawn, or rejected relating to the asserted '469 Patent.

IV. THE ASSERTED '704 PATENT

A. Ownership and Asserted Claims of the '704 Patent

41. United States Patent No. 6,108,704 (the "'704 Patent") is entitled "Point-To-Point Internet Protocol," and issued August 22, 2000 to inventors Glenn W. Hutton, Shane D. Mattaway, and Craig B. Strickland. The '704 Patent issued from United States Patent Application No. 08/533,115 filed on September 25, 1995.

42. By way of assignment, Straight Path owns all rights, title, and interest to the '704 Patent. As required by Commission Rules 210.12(a)(9)(i)-(ii), certified copies of the file history of the '704 Patent, the '704 Patent, and the '704 Patent's assignment record are attached as Exhibits 5, 6 and 7 respectively.

43. In accordance with Commission Rules 210.12(c)(1)-(2), Appendix C to this Complaint includes one certified and three additional copies of the United States Patent and Trademark Office prosecution history for the '704 Patent. Appendix D includes four copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '704 Patent.

44. All maintenance fees for the '704 Patent have been timely paid, and there are no fees currently due.

45. The '704 Patent has 40 claims, including 8 independent claims (Claims 1, 2, 4, 11, 22, 32, 33, and 38), and 32 dependent claims. Complainant is asserting at least the

following claims of the '704 Patent against each of the Respondents: Claims 1, 11, 12, 19, 22, 23, and 30.

B. Licenses Relating to the '704 Patent

46. Certain licensees exist to the '704 Patent. Exhibit 1, Confidential Declaration of Davidi Jonas at ¶6 sets forth details regarding the '704 Patent's licensees, including domestic industry licensees IDT Corporation and Microsoft Corporation/Skype.

47. Pursuant to Commission Rule 210.12(a)(9)(iv), Complainant has attached as Confidential Exhibits 1A-C, which comprise copies of each license agreement relating to the '704 Patent to establish its contention that a domestic industry as defined in Section 337(a)(3) exists as the result of the domestic activities of one or more licensees. *See infra* Section XI.

C. Foreign Counterparts to the '704 Patent

48. In accordance with Commission Rule 210.12(a)(9)(v), Complainant identifies the foreign counterparts to the '704 Patent in Exhibit 39.

49. In accordance with Commission Rule 210.12(a)(9)(v), Complainant states that it is aware of no other foreign counterparts issued, filed, abandoned, withdrawn, or rejected relating to the asserted '704 Patent.

V. THE ASSERTED '121 PATENT

A. Ownership and Asserted Claims of the '121 Patent

50. United States Patent No. 6,131,121 (the "'121 Patent") is entitled "Point-To-Point Computer Network Communication Utility Utilizing Dynamically Assigned Network Protocol Address," and issued October 10, 2000 to inventors Shane D. Mattaway, Glenn W. Hutton, and Craig B. Strickland. The '121 Patent issued from United States Patent Application No. 08/719,554 filed on September 25, 1996.

51. By way of assignment, Complainant owns all rights, title, and interest to the '121 Patent. As required by Commission Rules 210.12(a)(9)(i)-(ii), certified copies of the '121 Patent, its assignment record, and file history are attached as Exhibits 8, 9, and 9A.

52. Further, in accordance with Commission Rules 210.12(c)(1)-(2), Appendix E to this Complaint includes one certified and three additional copies of the United States Patent and Trademark Office prosecution history for the '121 Patent. Appendix F includes four copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '121 Patent.

53. All maintenance fees for the '121 Patent have been timely paid, and there are no fees currently due.

54. The '121 Patent has 14 claims, including 12 independent claims (Claims 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, and 14), and 2 dependent claims. Complainant is asserting at least the following claims of the '121 Patent against each of the Respondents: Claims 6 and 13.

B. Licenses Relating to the '121 Patent

55. Certain licensees exist to the '121 Patent. Exhibit 1, Confidential Declaration of Davidi Jonas at ¶6 sets forth details regarding the '121 Patent's licensees, including domestic industry licensees IDT Corporation and Microsoft Corporation/Skype.

56. Pursuant to Commission Rule 210.12(a)(9)(iv), Complainant has attached as Confidential Exhibits 1A-C, which comprise copies of each license agreement relating to the '121 Patent to establish its contention that a domestic industry as defined in Section 337(a)(3) exists as the result of the domestic activities of one or more licensees. *See infra* Section XI.

C. Foreign Counterparts to the '121 Patent

57. In accordance with Commission Rule 210.12(a)(9)(v), Complainant identifies the foreign counterparts to the '121 Patent in Exhibit 39.

58. In accordance with Commission Rule 210.12(a)(9)(v), Complainant states that it is aware of no other foreign counterparts issued, filed, abandoned, withdrawn, or rejected relating to the asserted '121 Patent.

VI. NON-TECHNICAL DESCRIPTION OF THE PATENTED TECHNOLOGY

59. The asserted patents disclose the following inventions related generally to point-to-point network communications. All asserted patents are related to the '704 Patent, and all share the '704 Patent's specification. The following non-technical descriptions of the patented technology are not intended to limit, define or otherwise affect the construction and/or application of each patent's claim language:

The '704 Patent

60. The '704 Patent discloses computer programs and methods for establishing point-to-point communication links over a network. A server helps create a point-to-point communication link between two processes. For example, these two processes could be, but are not limited to, smartphone video chat clients or media streaming devices. Upon connecting to the network, the first process receives a network protocol address. Next, it sends this network protocol address to the server. It then queries the server about a second process. It receives a response from the server with the network protocol address of the second process, when the second process is connected to the network. The first process and second process then establish a point-to-point communication link.

The '469 Patent

61. The '469 Patent is a child of the '704 Patent. Similar to the '704 Patent, the '469 Patent discloses computer programs and methods for establishing point-to-point communication links over a network. The '469 Patent also discloses user-interfaces to help form point-to-point communication links.

The '121 Patent

62. The '121 Patent is a child of the '704 Patent. Similar to the '704 Patent, the '121 Patent discloses computer programs and methods for establishing point-to-point communication links over a network. The '121 Patent also discloses the use of dynamically assigned network protocol addresses when forming point-to-point communication links.

VII. STATEMENT OF FACTS CONSTITUTING UNFAIR ACTS OF RESPONDENTS – PATENT INFRINGEMENT

63. The unfair acts of the Respondents include the manufacture for importation into the United States, the importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of certain point-to-point network communications devices and products containing same, including, without limitation, smartphone handsets, tablet computers, eReaders, smart TVs, gaming consoles, Blu-ray players, set-top boxes, and VoIP phone systems. Because providing physical exhibits of each of the large number of accused products is impracticable, Complainant is providing charts comparing claims of the Asserted Patents to representative products and photographs of the representative infringing devices.

A. Infringement of the '469 Patent

LG

a. Infringement

64. On information and belief, Respondent LG is engaged in the manufacture for importation into the United States, the importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of certain point-to-point network communications devices, including for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, and

set-top boxes, that infringe literally or by equivalence at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent.

65. Complainant has obtained smartphone handset devices, smart TV devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, LG imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent. On information and belief, at the time of importation of these devices, LG is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '469 Patent.

66. On information and belief, LG has imported into the United States and extensively sold in the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '469 Patent. LG knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by LG. At least as of the filing of this Complaint, LG has actual knowledge of the '469 Patent. In addition to actual knowledge of the '469 Patent, at least as of the date of this Complaint, LG also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '469 Patent. On information and belief, LG continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '469 Patent. Thus, on information and belief, LG induces infringement of the '469 Patent.

67. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 10 includes a chart comparing independent claims 1 and 9 of the '469 Patent to LG's Optimus G device.

Exhibit 10 shows that the Optimus G device is covered by at least claims 1 and 9 of the '469 Patent. LG's Optimus G device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '469 Patent in a similar manner as other LG devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 1 and 9 of the '469 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent LG. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 10 contains photographs of LG's Optimus G device.

b. Specific Instance of Sale and Importation

68. On information and belief, Respondent LG manufactures for importation into the United States, imports into the United States, sells for importation into the United States, and/or sells within the United States after importation certain point-to-point network communications devices including, but not limited to the Optimus G device depicted in Exhibit 10. Pursuant to Commission Rule 210.12(a)(3), Exhibit 11 is a receipt from Amazon.com showing a sale of LG's Optimus G device within the United States. The LG Optimus G device is marked as "Made in Korea" as shown in the photograph contained in Exhibit 12. Thus, LG is violating Section 337 of the Tariff Act of 1930 by directly infringing the '469 Patent by importing, and/or selling within the United States after importation the Optimus G device.

Panasonic

a. Infringement

69. On information and belief, Respondent Panasonic is engaged in the manufacture for importation into the United States, importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation

of certain point-to-point network communications devices, including for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, set-top boxes, and VoIP phone systems that infringe literally or by equivalence at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent.

70. Complainant has obtained smart TV devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, Panasonic imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent. On information and belief, at the time of importation of these devices, Panasonic is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '469 Patent.

71. On information and belief, Panasonic has imported into the United States and extensively sold in the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '469 Patent. Panasonic knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Panasonic. At least as of the filing of this Complaint, Panasonic has actual knowledge of the '469 Patent. In addition to actual knowledge of the '469 Patent, at least as of the date of this Complaint, Panasonic also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '469 Patent. On information and belief, Panasonic continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which

infringes the '469 Patent. Thus, on information and belief, Panasonic induces the infringement of the '469 Patent.

72. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 13 includes a chart comparing independent claims 1 and 9 of the '469 Patent to Panasonic's 42" Viera TV device. Exhibit 13 shows that the Viera TV device is covered by at least claims 1 and 9 of the '469 Patent. Panasonic's Viera TV device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '469 Patent in a similar manner as other Panasonic devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 1 and 9 of the '469 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Panasonic. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 13 contains photographs of Panasonic's Viera TV device.

b. Specific Instance of Sale and Importation

73. On information and belief, Respondent Panasonic manufactures for importation into the United States, imports into the United States, sells for importation into the United States, and/or sells within the United States after importation the Viera TV device depicted in Exhibit 13. Pursuant to Commission Rule 210.12(a)(3), Exhibit 14 is a receipt from Amazon.com showing a sale of Panasonic's Viera TV device within the United States. The Panasonic Viera TV device is marked as "Assembled in Mexico" as shown in the photograph contained in Exhibit 15. Thus, Panasonic is violating Section 337 of the Tariff Act of 1930 by directly infringing, contributorily infringing and/or inducing infringement of claims the '469 Patent by importing, and/or selling within the United States after importation the Viera TV device.

Sharp

a. Infringement

74. On information and belief, Respondent Sharp is engaged in the manufacture for importation into the United States, importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of certain point-to-point network communications devices, including for example but without limitation, smartphone handsets, televisions, computers, tablets, mobile phones, and Blu-ray players that infringe literally or by equivalence at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent.

75. Complainant has obtained smartphone handset devices and smart TV devices that, on information and belief, Sharp imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent. On information and belief, at the time of importation of these devices,

Sharp is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '469 Patent.

76. On information and belief, Sharp has imported into the United States and extensively sold in the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '469 Patent. Sharp knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Sharp. At least as of the filing of this Complaint, Sharp has actual knowledge of the '469 Patent. In addition to actual knowledge of the '469 Patent, at least as of the date of this Complaint, Sharp also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '469 Patent. On information and belief, Sharp continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '469 Patent. Thus, on information and belief, Sharp induces the infringement of the '469 Patent.

77. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 61 includes a chart comparing independent claims 1 and 9 of the '469 Patent to Sharp's LC-60LE650U Aquos LED TV 42" device ("Aquos LED TV"). Exhibit 61 shows that the Aquos LED TV device is covered by at least claims 1 and 9 of the '469 Patent. Sharp's Aquos LED TV device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '469 Patent in a similar manner as other Sharp devices. Complainant believes that numerous other point-to-point network communication devices that are covered by

at least claims 1 and 9 of the '469 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Sharp. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 61 contains photographs of Sharp's Aquos LED TV device.

b. Specific Instance of Sale and Importation

78. On information and belief, Respondent Sharp manufactures for importation into the United States, imports into the United States, sells for importation into the United States, and/or sells within the United States after importation the Aquos LED TV device depicted in Exhibit 61. Pursuant to Commission Rule 210.12(a)(3), Exhibit 62 is a receipt from Amazon.com showing a sale of Sharp's Aquos LED TV device within the United States. The Sharp Aquos LED TV device is marked as "Made in Mexico" as shown in the photograph contained in Exhibit 63. Thus, Sharp is violating Section 337 of the Tariff Act of 1930 by directly infringing, contributorily infringing and/or inducing infringement of claims the '469 Patent by importing, and/or selling within the United States after importation the Aquos LED TV device.

Sony

a. Infringement

79. On information and belief, Respondent Sony is engaged in the manufacture for importation into the United States, the importation into the United States, the sale for importation, and/or the sale within the United States after importation of certain point-to-point network communications devices, including for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, gaming devices, set-top boxes, and VoIP phone systems that infringe literally or by equivalence at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent.

80. Complainant has obtained smartphone handset devices, tablet devices, smart TV devices, gaming console devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, Sony imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent. On information and belief, at the time of importation of these devices, Sony is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '469 Patent.

81. On information and belief, Sony has imported into the United States, and extensively sold in the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '469 Patent. Sony knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Sony. At least as of the filing of this Complaint, Sony has actual knowledge of the '469 Patent. In addition to actual knowledge of the '469 Patent, at least as of the date of this Complaint, Sony also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '469 Patent. On information and belief, Sony continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '469 Patent. Thus, on information and belief, Sony is inducing infringement of the '469 Patent.

82. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 16 includes a chart comparing independent claims 1 and 9 of the '469 Patent to Sony's Xperia ZL device.

Exhibit 16 shows that the Xperia ZL device is covered by at least claims 1 and 9 of the '469 Patent. Sony's Xperia ZL device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '469 Patent in a similar manner as other Sony devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 1 and 9 of the '469 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Sony. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 16 contains photographs of Sony's Xperia ZL device.

b. Specific Instance of Sale and Importation

83. On information and belief, Respondent Sony manufactures for importation into the United State, imports into the United States, sells for importation into the United States, and/or sells within the United States after importation the Xperia ZL device depicted in Exhibit 16. Pursuant to Commission Rule 210.12(a)(3), Exhibit 17 is a receipt from Amazon.com showing a sale of Sony's Xperia ZL device within the United States. The Sony Xperia ZL device is marked as "Made in China" as shown in the photograph contained in Exhibit 18. Thus, Sony is violating Section 337 of the Tariff Act of 1930 by directly infringing, contributorily infringing and/or inducing infringement of the claims the '469 Patent by importing into, and/or selling within the United States after importation the Xperia ZL device.

Toshiba

a. Infringement

84. On information and belief, Respondent Toshiba is engaged in the manufacture for importation into the United States, the importation into the United States, the sale for importation, and/or the sale within the United States after importation of certain point-to-point network communications devices, including for example but without limitation,

smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, set-top boxes, and VoIP phone systems that infringe literally or by equivalence at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent.

85. Complainant has obtained tablet devices, smart TV devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, Toshiba imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent. On information and belief, at the time of importation of these devices, Toshiba is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '469 Patent.

86. On information and belief, Toshiba has imported into the United States and extensively sold in the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '469 Patent. Toshiba knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Toshiba. At least as of the filing of this Complaint, Toshiba has actual knowledge of the '469 Patent. In addition to actual knowledge of the '469 Patent, at least as of the date of this Complaint, Toshiba also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '469 Patent. On information and belief, Toshiba continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '469 Patent. Thus, on information and belief, Toshiba is inducing the infringement of the '469 Patent.

87. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 19 includes a chart comparing independent claims 1 and 9 of the '469 Patent to Toshiba's Excite 10 SE Tablet device. Exhibit 19 shows that the Excite 10 SE Tablet device is covered by at least claims 1 and 9 of the '469 Patent. Toshiba's Excite 10 SE Tablet device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '469 Patent in a similar manner as other Toshiba devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 1 and 9 of the '469 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Toshiba. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 19 contains photographs of Toshiba's Excite 10 SE Tablet device.

b. Specific Instance of Sale and Importation

88. On information and belief, Respondent Toshiba imports into and/or sells within the United States after importation the Excite 10 SE Tablet device depicted in Exhibit 19. Pursuant to Commission Rule 210.12(a)(3), Exhibit 20 is a receipt from ToshibaDirect.com showing a sale of Toshiba's Excite 10 SE Tablet device within the United States. The Toshiba Excite 10 SE Tablet device is marked as "Made in China" as shown in the photograph contained in Exhibit 21. Thus, Toshiba is violating Section 337 of the Tariff Act of 1930 by directly infringing, contributorily infringing and/or inducing infringement of these claims the '469 Patent by importing, and/or selling within the United States after importation the Excite 10 SE Tablet device.

Vizio

a. Infringement

89. On information and belief, Respondent Vizio is engaged in the manufacture for importation into the United States, the importation into the United States, the sale for importation, and/or the sale within the United States after importation of certain point-to-point network communications devices, including for example but without limitation, smartphone handsets, tablet computers, smart TVs, Blu-ray players and set-top boxes that infringe literally or by equivalence at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent.

90. Complainant has obtained smart TV devices, and streaming set-top box devices that, on information and belief, Vizio imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent. On information and belief, at the time of importation of these devices, Vizio is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '469 Patent.

91. On information and belief, Vizio has imported into the United States, and extensively sold within the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '469 Patent. Vizio knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Vizio. At least as of the filing of this Complaint, Vizio has actual knowledge of the '469 Patent. In addition to actual knowledge of the '469 Patent, at least as of the date of this Complaint, Vizio also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '469 Patent. On information and belief, Vizio continues to import products into the United States and distribute product literature and website materials

inducing consumers to use its products in the customary and intended manner which infringes the '469 Patent. Thus, on information and belief, Vizio is inducing the infringement of the '469 Patent.

92. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 22 includes a chart comparing independent claims 1 and 9 of the '469 Patent to Vizio's E-Series Smart TV device. Exhibit 22 shows that the E-Series Smart TV device is covered by at least claims 1 and 9 of the '469 Patent. Vizio's E-Series Smart TV device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '469 Patent in a similar manner as other Vizio devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 1 and 9 of the '469 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Vizio. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 22 contains photographs of Vizio's E-Series Smart TV device.

b. Specific Instance of Sale and Importation

93. On information and belief, Respondent Vizio imports into and/or sells within the United States after importation the E-Series Smart TV device depicted in Exhibit 22. Pursuant to Commission Rule 210.12(a)(3), Exhibit 23 is a receipt from Amazon.com showing a sale of Vizio's E420i-A1 LED Smart TV device within the United States. The Vizio E-Series Smart TV device is marked as "Assembled in Mexico" as shown in the photograph contained in Exhibit 24. Thus, Vizio is violating Section 337 of the Tariff Act of 1930 by directly infringing, contributorily infringing and/or inducing infringement of these claims the '469 Patent by importing, and/or selling within the United States after importation the E-Series Smart TV device.

B. Infringement of the '704 Patent

LG

a. Infringement

94. On information and belief, Respondent LG is engaged in the manufacture for importation into the United States, importation into the United States, and/or the sale within the United States after importation of certain point-to-point network communications devices and products containing same, including for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, set-top boxes that infringe literally or by equivalence at least claims 1, 11, 12, 19, 22, 23, and 30 of the '704 Patent.

95. Complainant has obtained smartphone handset devices, smart TV devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, LG imported into the United States and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 11, 12, 19, 22, 23, and 30 of the '704 Patent. On information

and belief, at the time of importation of these devices, LG is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '704 Patent.

96. On information and belief, LG has imported into the United States and extensively sold in the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '704 Patent. LG knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by LG. At least as of the filing of this Complaint, LG has actual knowledge of the '704 Patent. In addition to actual knowledge of the '704 Patent, at least as of the date of this Complaint, LG also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '704 Patent. On information and belief, LG continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '704 Patent. Thus, on information and belief, LG is inducing the infringement of the '704 Patent.

97. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 25 includes a chart comparing independent claims 1, 11 and 22 of the '704 Patent to LG's Optimus G device. Exhibit 25 shows that the Optimus G device is covered by at least claims 1, 11, and 22 of the '704 Patent. LG's Optimus G device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '704 Patent in a similar manner as other LG devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 1, 11 and 22 of the '704 Patent have been imported into the United States, sold for importation into the United States, or sold within

the United States after importation by Respondent LG. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 25 contains photographs of LG's Optimus G device.

b. Specific Instance of Sale and Importation

98. On information and belief, Respondent LG manufactures for importation into the United States, imports into the United States, sells for importation into the United States, and/or sells within the United States after importation the Optimus G device depicted in Exhibit 25. Pursuant to Commission Rule 210.12(a)(3), Exhibit 11 is a receipt from Amazon.com showing a sale of LG's Optimus G device within the United States. The LG Optimus G device is marked as "Made in Korea" as shown in the photograph contained in Exhibit 12. Thus, LG is violating Section 337 of the Tariff Act of 1930 by directly infringing the '704 Patent by importing, and/or selling within the United States after importation the Optimus G device.

Panasonic

a. Infringement

99. On information and belief, Respondent Panasonic is engaged in the manufacture for importation into the United States, the importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation into the United States of certain point-to-point network communications devices, including for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, set-top boxes, and VoIP phone systems that infringe literally or by equivalence at least claims 1, 11, 12, 19, 22, 23, and 30 of the '704 Patent.

100. Complainant has obtained smart TV devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, Panasonic imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 11,

12, 19, 22, 23, and 30 of the '704 Patent. On information and belief, at the time of importation of these devices, Panasonic is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '704 Patent.

101. On information and belief, Panasonic has imported into the United States, and extensively sold within the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '704 Patent. Panasonic knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Panasonic. At least as of the filing of this Complaint, Panasonic has actual knowledge of the '704 Patent. In addition to actual knowledge of the '704 Patent, at least as of the date of this Complaint, Panasonic also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '704 Patent. On information and belief, Panasonic continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '704 Patent. Thus, on information and belief, Panasonic is inducing infringement of the '704 Patent.

102. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 26 includes a chart comparing independent claims 1, 11 and 22 of the '704 Patent to Panasonic's 42" Viera TV device. Exhibit 26 shows that the Viera TV device is covered by at least claims 1, 11 and 22 of the '704 Patent. Panasonic's Viera TV device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '704 Patent in a similar manner as other Panasonic devices. Complainant believes that numerous other point-

to-point network communication devices that are covered by at least claims 1, 11 and 22 of the '704 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Panasonic. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 26 contains photographs of Panasonic's Viera TV device.

b. Specific Instance of Sale and Importation

103. On information and belief, Respondent Panasonic manufactures for importation into the United States, imports into the United States, and/or sells within the United States after importation the Viera TV device depicted in Exhibit 26. Pursuant to Commission Rule 210.12(a)(3), Exhibit 14 is a receipt from Amazon.com showing a sale of Panasonic's Viera TV device within the United States. The Panasonic Viera TV device is marked as "Assembled in Mexico" as shown in the photograph contained in Exhibit 15. Thus, Panasonic is violating Section 337 of the Tariff Act of 1930 by directly infringing the '704 Patent by importing, and/or selling within the United States after importation the Viera TV device.

Sharp

a. Infringement

104. On information and belief, Respondent Sharp is engaged in the manufacture for importation into the United States, the importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation into the United States of certain point-to-point network communications devices, including for example but without limitation, smartphone handsets, televisions, computers, tablets, mobile phones, and Blu-ray players that infringe literally or by equivalence at least claims 1, 11, 12, 19, 22, 23, and 30 of the '704 Patent.

105. Complainant has obtained smartphone handsets and smart TV devices that, on information and belief, Sharp imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 11, 12, 19, 22, 23, and 30 of the '704 Patent. On information and belief, at the time of importation of these devices, Sharp is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '704 Patent.

106. On information and belief, Sharp has imported into the United States, and extensively sold within the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '704 Patent. Sharp knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Sharp. At least as of the filing of this Complaint, Sharp has actual knowledge of the '704 Patent. In addition to actual knowledge of the '704 Patent, at least as of the date of this Complaint, Sharp also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '704 Patent. On information and belief, Sharp continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '704 Patent. Thus, on information and belief, Sharp is inducing infringement of the '704 Patent.

107. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 64 includes a chart comparing independent claims 1, 11 and 22 of the '704 Patent to Sharp's FX Plus smartphone ("FX Plus") device. Exhibit 64 shows that the FX Plus device is covered by at least

claims 1, 11 and 22 of the '704 Patent. Sharp's FX Plus device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '704 Patent in a similar manner as other Sharp devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 1, 11 and 22 of the '704 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Sharp. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 64 contains photographs of Sharp's FX Plus device.

b. Specific Instance of Sale and Importation

108. On information and belief, Respondent Sharp manufactures for importation into the United States, imports into the United States, and/or sells within the United States after importation the FX Plus device depicted in Exhibit 64. Pursuant to Commission Rule 210.12(a)(3), Exhibit 62 is a receipt from Amazon.com showing a sale of Sharp's FX Plus device within the United States. The Sharp FX Plus device is marked as "Made in China" as shown in the photograph contained in Exhibit 65. Thus, Sharp is violating Section 337 of the Tariff Act of 1930 by directly infringing the '704 Patent by importing, and/or selling within the United States after importation the FX Plus device.

Sony

a. Infringement

109. On information and belief, Respondent Sony is engaged in the manufacture for importation into the United States, the importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of certain point-to-point network communications devices, including for example

but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, gaming devices, set-top boxes, and VoIP phone systems that infringe literally or by equivalence at least claims 1, 11, 12, 19, 22, 23, and 30 of the '704 Patent.

110. Complainant has obtained smartphone handset devices, tablet devices, smart TV devices, gaming console devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, Sony imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 11, 12, 19, 22, 23, and 30 of the '704 Patent. On information and belief, at the time of importation of these devices, Sony is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '704 Patent.

111. On information and belief, Sony has imported into the United States, and extensively sold one or more products after importation into the United States which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '704 Patent. Sony knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Sony. At least as of the filing of this Complaint, Sony has actual knowledge of the '704 Patent. In addition to actual knowledge of the '704 Patent, at least as of the date of this Complaint, Sony also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '704 Patent. On information and belief, Sony continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes

the '704 Patent. Thus, on information and belief, Sony is inducing the infringement of the '704 Patent.

112. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 27 includes a chart comparing independent claims 1, 11 and 22 of the '704 Patent to Sony's PlayStation3 device. Exhibit 27 shows that the PlayStation3 device is covered by at least claims 1, 11 and 22 of the '704 Patent. Sony's PlayStation3 device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '704 Patent in a similar manner as other Sony devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 1, 11 and 22 of the '704 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Sony. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 27 contains photographs of Sony's PlayStation3 device.

b. Specific Instance of Sale and Importation

113. On information and belief, Respondent Sony manufactures for importation into the United States, imports into the United States, and/or sells within the United States after importation the PlayStation3 device depicted in Exhibit 27. Pursuant to Commission Rule 210.12(a)(3), Exhibit 17 is a receipt from Amazon.com showing a sale of Sony's PlayStation3 device within the United States. The Sony PlayStation3 device is marked as "Made in China" as shown in the photograph contained in Exhibit 28. Thus, Sony is violating Section 337 of the Tariff Act of 1930 by directly infringing the '704 Patent by importing, and/or selling within the United States after importation the PlayStation3 device.

Toshiba

a. Infringement

114. On information and belief, Respondent Toshiba is engaged in the manufacture for importation into the United States, the importation, and/or the sale within the United States after importation, of certain point-to-point network communications devices and products containing same, including for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, set-top boxes, and VoIP phone systems that infringe literally or by equivalence at least claims 1, 11, 12, 19, 22, 23, and 30 of the '704 Patent.

115. Complainant has obtained tablet devices, smart TV devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, Toshiba imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 11, 12, 19, 22, 23, and 30 of the '704 Patent. On information and belief, at the time of importation of these devices, Toshiba is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '704 Patent.

116. On information and belief, Toshiba has imported into the United States, and extensively sold in the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '704 Patent. Toshiba knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Toshiba. At least as of the filing of this Complaint, Toshiba has actual knowledge of the '704 Patent. In addition to actual knowledge of the '704 Patent, at least as of the date of this Complaint, Toshiba also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '704 Patent. On information and belief, Toshiba

continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '704 Patent. Thus, on information and belief, Toshiba is inducing the infringement of the '704 Patent.

117. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 29 includes a chart comparing independent claims 1, 11 and 22 of the '704 Patent to Toshiba's Excite 10 SE Tablet device. Exhibit 29 shows that the Excite 10 SE Tablet device is covered by at least claims 1, 11 and 22 of the '704 Patent. Toshiba's 10 SE Tablet device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '704 Patent in a similar manner as other Toshiba devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 1, 11 and 22 of the '704 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Toshiba. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 29 contains photographs of Toshiba's Excite 10 SE Tablet device.

b. Specific Instance of Sale and Importation

118. On information and belief, Respondent Toshiba imports into and/or sells within the United States after importation the Excite 10 SE Tablet device depicted in Exhibit 29. Pursuant to Commission Rule 210.12(a)(3), Exhibit 20 is a receipt from ToshibaDirect.com showing a sale of Toshiba's Excite 10 SE Tablet device within the United States. The Toshiba Excite 10 SE Tablet device is marked as "Made in China" as shown in the photograph contained in Exhibit 21. Thus, Toshiba is violating Section 337 of the Tariff Act of 1930 by directly

infringing the '704 Patent by importing, and/or selling within the United States after importation the Excite 10 SE Tablet device.

Vizio

a. Infringement

119. On information and belief, Respondent Vizio is engaged in the manufacture for importation into the United States, the importation into the United States, and/or the sale within the United States after importation, of certain point-to-point network communications devices and products containing same, including for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, and set-top boxes that infringe literally or by equivalence at least claims 1, 11, 12, 19, 22, 23, and 30 of the '704 Patent.

120. Complainant has obtained smart TV devices, and streaming set-top box devices that, on information and belief, Vizio imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 11, 12, 19, 22, 23, and 30 of the '704 Patent. On information and belief, at the time of importation of these devices, Vizio is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '704 Patent.

121. On information and belief, Vizio has imported into the United States, and extensively sold within the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '704 Patent. Vizio knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Vizio. At least as of the filing of this Complaint, Vizio has actual knowledge of the '704

Patent. In addition to actual knowledge of the '704 Patent, at least as of the date of this Complaint, Vizio also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '704 Patent. On information and belief, Vizio continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '704 Patent. Thus, on information and belief, Vizio is inducing the infringement of the '704 Patent.

122. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 30 includes a chart comparing independent claims 1, 11 and 22 of the '704 Patent to Vizio's E-Series Smart TV device. Exhibit 30 shows that the E-Series Smart TV device is covered by at least claims 1, 11 and 22 of the '704 Patent. Vizio's E-Series Smart TV device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '704 Patent in a similar manner as other Vizio devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 1, 11 and 22 of the '704 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Vizio. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 30 contains photographs of Vizio's E-Series Smart TV device.

b. Specific Instance of Sale and Importation

123. On information and belief, Respondent Vizio imports into the United States and/or sells within the United States after importation the E-Series Smart TV device depicted in Exhibit 30. Pursuant to Commission Rule 210.12(a)(3), Exhibit 23 is a receipt from Amazon.com showing a sale of Vizio's LED Smart TV device within the United States. The

Vizio E-Series Smart TV device is marked as “Assembled in Mexico” as shown in the photograph contained in Exhibit 24. Thus, Vizio is violating Section 337 of the Tariff Act of 1930 by directly infringing the ‘704 Patent by importing, and/or selling within the United States after importation the E-Series Smart TV device.

C. Infringement of the ‘121 Patent

LG

a. Infringement

124. On information and belief, Respondent LG is engaged in the manufacture for importation into the United States, the importation into the United States, and/or the sale within the United States after importation, of certain point-to-point network communications devices and products containing same, including for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, and set-top boxes that infringe literally or by equivalence at least claims 6 and 13 of the ‘121 Patent.

125. Complainant has obtained smartphone handset devices, smart TV devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, LG imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 6 and 13 of the ‘121 Patent. On information and belief, at the time of importation of these devices, LG is directly infringing, contributorily infringing and/or inducing infringement of these claims of the ‘121 Patent.

126. On information and belief, LG has imported into the United States and extensively sold within the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the ‘121 Patent. LG knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network

communications, as evidenced by at least product literature distributed with the imported devices by LG. At least as of the filing of this Complaint, 2013, LG has actual knowledge of the '121 Patent. In addition to actual knowledge of the '121 Patent, at least as of the date of this Complaint, LG also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '121 Patent. On information and belief, LG continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '121 Patent. Thus, on information and belief, LG is inducing the infringement of the '121 Patent.

127. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 31 includes a chart comparing independent claims 6 and 13 of the '121 Patent to LG's Optimus G device. Exhibit 31 shows that the Optimus G device is covered by at least claims 6 and 13 of the '121 Patent. LG's Optimus G device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '121 Patent in a similar manner as other LG devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 6 and 13 of the '121 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent LG. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 31 contains photographs of LG's Optimus G device.

b. Specific Instance of Sale and Importation

128. On information and belief, Respondent LG imports into and/or sells within the United States after importation the Optimus G device depicted in Exhibit 31. Pursuant to Commission Rule 210.12(a)(3), Exhibit 11 is a receipt from Amazon.com showing a sale of

LG's Optimus G device within the United States. The LG Optimus G device is marked as "Made in Korea" as shown in the photograph contained in Exhibit 12. Thus, LG is violating Section 337 of the Tariff Act of 1930 by directly infringing the '121 Patent by importing, and/or selling within the United States after importation the Optimus G device.

Panasonic

a. Infringement

129. On information and belief, Respondent Panasonic is engaged in the manufacture for importation into the United States, the importation into the United States, and/or the sale within the United States after importation, of certain point-to-point network communications devices and products containing same, including for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, set-top boxes, and VoIP phone systems that infringe literally or by equivalence at least claims 6 and 13 of the '121 Patent.

130. Complainant has obtained smart TV devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, Panasonic imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 6 and 13 of the '121 Patent. On information and belief, at the time of importation of these devices, Panasonic is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '121 Patent.

131. On information and belief, Panasonic has imported into the United States and extensively sold in the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '121 Patent. Panasonic knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network

communications, as evidenced by at least product literature distributed with the imported devices by Panasonic. At least as of the filing of this Complaint, Panasonic has actual knowledge of the '121 Patent. In addition to actual knowledge of the '121 Patent, at least as of the date of this Complaint, Panasonic also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '121 Patent. On information and belief, Panasonic continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '121 Patent. Thus, on information and belief, Panasonic induces the infringement the '121 Patent.

132. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 32 includes a chart comparing independent claims 6 and 13 of the '121 Patent to Panasonic's 42" Viera TV device. Exhibit 32 shows that the Viera TV device is covered by at least claims 6 and 13 of the '121 Patent. Panasonic's Viera TV device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '121 Patent in a similar manner as other Panasonic devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 6 and 13 of the '121 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Panasonic. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 32 contains photographs of Panasonic's Viera TV device.

b. Specific Instance of Sale and Importation

133. On information and belief, Respondent Panasonic imports into and/or sells within the United States after importation the Viera TV device depicted in Exhibit 32. Pursuant to Commission Rule 210.12(a)(3), Exhibit 14 is a receipt from Amazon.com showing a sale of

Panasonic's Viera TV device within the United States. The Panasonic Viera TV device is marked as "Assembled in Mexico" as shown in the photograph contained in Exhibit 15. Thus, Panasonic is violating Section 337 of the Tariff Act of 1930 by directly infringing the '121 Patent by importing, and/or selling within the United States after importation the Viera TV device.

Sharp

a. Infringement

134. On information and belief, Respondent Sharp is engaged in the manufacture for importation into the United States, the importation into the United States, and/or the sale within the United States after importation, of certain point-to-point network communications devices and products containing same, including for example but without limitation, smartphone handsets, televisions, computers, tablets, mobile phones, and Blu-ray players that infringe literally or by equivalence at least claims 6 and 13 of the '121 Patent.

135. Complainant has obtained smartphone handsets and smart TV devices, that, on information and belief, Sharp imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 6 and 13 of the '121 Patent. On information and belief, at the time of importation of these devices, Sharp is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '121 Patent.

136. On information and belief, Sharp has imported into the United States and extensively sold in the United States after importation into the United States one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '121 Patent. Sharp knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point

network communications, as evidenced by at least product literature distributed with the imported devices by Sharp. At least as of the filing of this Complaint, Sharp has actual knowledge of the '121 Patent. In addition to actual knowledge of the '121 Patent, at least as of the date of this Complaint, Sharp also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '121 Patent. On information and belief, Sharp continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '121 Patent. Thus, on information and belief, Sharp induces the infringement the '121 Patent.

137. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 66 includes a chart comparing independent claims 6 and 13 of the '121 Patent to Sharp's LC-60LE650U Aquos LED TV 42" device ("Aquos LED TV"). Exhibit 66 shows that the Aquos LED TV device is covered by at least claims 6 and 13 of the '121 Patent. Sharp's Aquos LED TV device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '121 Patent in a similar manner as other Sharp devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 6 and 13 of the '121 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Sharp. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 66 contains photographs of Sharp's Aquos LED TV device.

b. Specific Instance of Sale and Importation

138. On information and belief, Respondent Sharp imports into and/or sells within the United States after importation the Aquos LED TV device depicted in Exhibit 66.

Pursuant to Commission Rule 210.12(a)(3), Exhibit 62 is a receipt from Amazon.com showing a sale of Sharp's Aquos LED TV device within the United States. The Sharp's Aquos LED TV device is marked as "Made in Mexico" as shown in the photograph contained in Exhibit 63. Thus, Sharp is violating Section 337 of the Tariff Act of 1930 by directly infringing the '121 Patent by importing, and/or selling within the United States after importation the Aquos LED TV device.

Sony

a. Infringement

139. On information and belief, Respondent Sony is engaged in the manufacture for importation into the United States, the importation into the United States, and/or the sale within the United States after importation, of certain point-to-point network communications devices and products containing same, including for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, gaming devices, set-top boxes, and VoIP phone systems that infringe literally or by equivalence at least claims 6 and 13 of the '121 Patent.

140. Complainant has obtained smartphone handset devices, tablet devices, smart TV devices, gaming console devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, Sony imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 6 and 13 of the '121 Patent. On information and belief, at the time of importation of these devices, Sony is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '121 Patent.

141. On information and belief, Sony has imported and extensively sold one or more products which, if used for their normal and intended purpose, lead to direct infringement

by end users of the invention claimed in the '121 Patent. Sony knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Sony. At least as of the filing of this Complaint, Sony has actual knowledge of the '121 Patent. In addition to actual knowledge of the '121 Patent, at least as of the date of this Complaint, Sony also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '121 Patent. On information and belief, Sony continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '121 Patent. Thus, on information and belief, Sony is inducing the infringement of the '121 Patent.

142. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 33 includes a chart comparing independent claims 6 and 13 of the '121 Patent to Sony's Xperia ZL device. Exhibit 33 shows that the Xperia ZL device is covered by at least claims 6 and 13 of the '121 Patent. Sony's Xperia ZL device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '121 Patent in a similar manner as other Sony devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 6 and 13 of the '121 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Sony. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 33 contains photographs of Sony's Xperia ZL device.

b. Specific Instance of Sale and Importation

143. On information and belief, Respondent Sony manufactures for importation into the United States, imports into and/or sells within the United States after importation the Xperia ZL device depicted in Exhibit 33. Pursuant to Commission Rule 210.12(a)(3), Exhibit 17 is a receipt from Amazon.com showing a sale of Sony's Xperia ZL device within the United States. The Sony Xperia ZL device is marked as "Made in China" as shown in the photograph contained in Exhibit 18. Thus, Sony is violating Section 337 of the Tariff Act of 1930 by directly infringing the '121 Patent by importing, and/or selling within the United States after importation the Xperia ZL device.

Toshiba

a. Infringement

144. On information and belief, Respondent Toshiba is engaged in the manufacture for importation into the United States, the importation into the United States, and/or the sale within the United States after importation, of certain point-to-point network communications devices and products containing same, including for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, set-top boxes, and VoIP phone systems that infringe literally or by equivalence at least claims 6 and 13 of the '121 Patent.

145. Complainant has obtained tablet devices, smart TV devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, Toshiba imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 6 and 13 of the '121 Patent. On information and belief, at the time of importation of these devices, Toshiba is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '121 Patent.

146. On information and belief, Toshiba has imported into the United States and extensively sold in the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '121 Patent. Toshiba knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Toshiba. At least as of the filing of this Complaint, Toshiba has actual knowledge of the '121 Patent. In addition to actual knowledge of the '121 Patent, at least as of the date of this Complaint, Toshiba also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '121 Patent. On information and belief, Toshiba continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '121 Patent. Thus, on information and belief, Toshiba is inducing infringement of the '121 Patent.

147. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 34 includes a chart comparing independent claims 6 and 13 of the '121 Patent to Toshiba's Excite 10 SE Tablet device. Exhibit 34 shows that the Excite 10 SE Tablet device is covered by at least claims 6 and 13 of the '121 Patent. Toshiba's Excite 10 SE Tablet device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '121 Patent in a similar manner as other Toshiba devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 6 and 13 of the '121 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Toshiba. Pursuant to

Commission Rule 210.12(a)(9)(x), Exhibit 34 contains photographs of Toshiba's Excite 10 SE Tablet device.

b. Specific Instance of Sale and Importation

148. On information and belief, Respondent Toshiba imports into and/or sells within the United States after importation the Excite 10 SE Tablet device depicted in Exhibit 34. Pursuant to Commission Rule 210.12(a)(3), Exhibit 20 is a receipt from ToshibaDirect.com showing a sale of Toshiba's Excite 10 SE Tablet device within the United States. The Toshiba Excite 10 SE Tablet device is marked as "Made in China" as shown in the photograph contained in Exhibit 21. Thus, Toshiba is violating Section 337 of the Tariff Act of 1930 by directly infringing the '121 Patent by importing, and/or selling within the United States after importation the Excite 10 SE Tablet device.

Vizio

a. Infringement

149. On information and belief, Respondent Vizio is engaged in the manufacture for importation into the United States, the importation into the United States, and/or the sale within the United States after importation, of certain point-to-point network communications devices and products containing same, including for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, and set-top boxes that infringe literally or by equivalence at least claims 6 and 13 of the '121 Patent.

150. Complainant has obtained smart TV devices, and streaming set-top box devices that, on information and belief, Vizio imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 6 and 13 of the '121 Patent. On information and belief, at the time of importation of these devices, Vizio is directly

infringing, contributorily infringing and/or inducing infringement of these claims of the '121 Patent.

151. On information and belief, Vizio has imported into the United States and extensively sold in the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '121 Patent. Vizio knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Vizio. At least as of the filing of this Complaint Vizio has actual knowledge of the '121 Patent. In addition to actual knowledge of the '121 Patent, at least as of the date of this Complaint, Vizio also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '121 Patent. On information and belief, Vizio continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '121 Patent. Thus, on information and belief, Vizio is inducing infringement of the '121 Patent.

152. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 35 includes a chart comparing independent claims 6 and 13 of the '121 Patent to Vizio's E-Series Smart TV device. Exhibit 35 shows that the E-Series Smart TV device is covered by at least claims 6 and 13 of the '121 Patent. Vizio's E-Series Smart TV device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '121 Patent in a similar manner as other Vizio devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 6 and 13 of the

'121 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Vizio. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 35 contains photographs of Vizio's E-Series Smart TV device.

b. Specific Instance of Sale and Importation

153. On information and belief, Respondent Vizio imports into and/or sells within the United States after importation the E-Series Smart TV device depicted in Exhibit 35. Pursuant to Commission Rule 210.12(a)(3), Exhibit 23 is a receipt from Amazon.com showing a sale of Vizio's LED Smart TV device within the United States. The Vizio E-Series Smart TV device is marked as "Assembled in Mexico" as shown in the photograph contained in Exhibit 24. Thus, Vizio is violating Section 337 of the Tariff Act of 1930 by directly infringing the '121 Patent by importing into the United States, and/or selling within the United States after importation the E-Series Smart TV device.

VIII. SPECIFIC INSTANCES OF SALE AND IMPORTATION

154. As set forth above, each of the Respondents have manufactured for importation into the United States, imported into the United States, and/or sold within the United States after importation, certain point-to-point network communications devices and products containing same that infringe literally or by equivalence each of the Asserted Patents.

155. Specifically, as to the '469 Patent, specific instances of sale and importation are set forth above in paragraph 68 (LG), paragraph 73 (Panasonic), paragraph 78 (Sharp), paragraph 83 (Sony), paragraph 88 (Toshiba), and paragraph 93 (Vizio) above. *See* Exhibits 11, 12 (LG), 14, 15, (Panasonic) 17, 18, (Sony) 20, 21, (Toshiba) 23, 24 (Vizio), 62,63 (Sharp).

156. As to the '704 Patent, specific instances of sale and importation are set forth above in paragraph 98 (LG), paragraph 103 (Panasonic), paragraph 108 (Sharp), paragraph 113 (Sony), paragraph 118 (Toshiba), and paragraph 123 (Vizio). *See* Exhibits 11, 12 (LG), 14, 15, (Panasonic) 17, 28 (Sony) 20, 21, (Toshiba) 23, 24 (Vizio), 62, 65 (Sharp).

157. Specifically, as to the '121 Patent, specific instances of sale and importation are set forth above in paragraph 128 (LG), paragraph 133 (Panasonic), paragraph 138 (Sharp), paragraph 143 (Sony), paragraph 148 (Toshiba), and paragraph 153 (Vizio). *See* Exhibits 11, 12 (LG), 14, 15, (Panasonic) 18, 17 (Sony) 20, 21, (Toshiba) 23, 24 (Vizio), 62, 63 (Sharp).

IX. HARMONIZED TARIFF SCHEDULE INFORMATION

158. On information and belief, the articles subject to this Complaint are classifiable under at least the following headings and subheadings of the Harmonized Tariff Schedule ("HTS") of the United States: (A) 8517.12.0050 (Other Radio Telephones Designed for the Public Cellular Radio Telecommunication Service); (B) 8471.30.01 (portable automatic data processing machines, weighing not more than 10 kg, consisting of at least a central processing unit, a keyboard and a display); (C) 8471.41.01 (other automatic data processing machines comprising in the same housing at least a central processing unit and an input and output unit, whether or not combined); (D) 8471.49.00 (other automatic data processing machines, entered in the form of systems); (E) 8471.50.01 (processing units other than those of subheading 8471.41 or 8471.49, whether or not containing in the same housing one or two of the following types of unit: storage units, input units, output units); (F) 8528.72.7250 (Monitors and Projectors of LCD-type); and (G) 8528.51.00, 8528.41, 8528.61 (Display Units).

159. These HTS identifications are for illustrative purposes only and are not intended to restrict the scope of the investigation.

X. RELATED LITIGATION

160. Concurrent with filing this Complaint, Complainant is also asserting each of the '469 Patent, the '704 Patent, the '121 Patent against the Respondents in co-pending actions in the United States District Courts.

161. The Asserted Patents were previously asserted in *Net2Phone, Inc. v. eBay Inc., Skype Inc., et al.*, Civil Action No. 06-2469 (D. N. J.) (the "Skype litigation") This litigation has concluded, and did not involve any of the named Respondents.

162. The Asserted Patents were also asserted in *Innovative Communications Technologies, Inc. v. Stalker Software, Inc.*, Civil Action No. 2:12-cv-00009-RGD-TEM (E.D. Va.); *Innovative Communications Technologies, Inc. v. ooVoo, LLC*, Civil Action No. 2:12-cv-00008-RGD-DEM (E.D. Va.); and *Innovative Communications Technologies, Inc. v. Vivox, Inc.*, Civil Action No. 2:12-cv-00007-RGD-LRL (E. D. Va.) (collectively the "Stalker Litigation"). This litigation has concluded, and did not involve any of the named Respondents.

163. In 2009, Skype Inc. ("Skype"), one of the defendants in the Skype Litigation, requested that certain claims of the Asserted Patents be reexamined by the United States Patent and Trademark Office. During the reexamination, the Examiner considered over one thousand cited references, as well as Skype's submissions, including its brief in support of its request for *ex parte* reexamination, a supporting declaration, claim charts, its comments on the opinion of Net2Phone's validity expert, and the parties' claim construction briefing from the prior Skype litigation. The Examiner confirmed the validity of numerous claims of the Asserted Patents, many without any amendments, over all of the cited references and over all of Skype's submissions

164. Also, Sipnet EU S.R.O. filed a petition for *inter partes* review of the ‘704 Patent with the Patent Trial and Appeal Board on April 11, 2013 (Case No. IPR2013-00246). As of today, the PTO has not granted Sipnet’s request to institute *inter partes* review proceedings.

165. Other than the litigations specified above, to Complainant’s knowledge the Asserted Patents are not and have not been the subject of any current or prior litigation or PTO proceedings.

XI. DOMESTIC INDUSTRY RELATING TO THE ASSERTED PATENTS

A. Technical Prong

i. Domestic Licensee IDT’s VoiceLine SoftPhone

166. There are several domestic licensees to the Asserted Patents. Exhibit 1, Confidential Declaration of Davidi Jonas at ¶6 sets forth details regarding the Asserted Patents’ licensees, including domestic industry licensees IDT Corporation and Microsoft Corporation/Skype.

167. Pursuant to Commission Rule 210.12(a)(9)(iv), Complainant has attached as Confidential Exhibits 1A-C, copies of each license agreement relating to the Asserted Patents to establish its contention that a domestic industry as defined in Section 337(a)(3) exists, and/or is in the process of being established as the result of the domestic activities of one or more licensees.

168. Exhibit 36 is a chart comparing claims of the ‘469 Patent to IDT’s VoiceLine SoftPhone point-to-point network communication system (“VoiceLine”) technology. Exhibit 36 shows that the VoiceLine technology practices at least one claim of the ‘469 Patent.

169. Exhibit 37 is a chart comparing claims of the ‘704 Patent to the IDT’s VoiceLine technology. Exhibit 37 shows that the VoiceLine technology practices at least one claim of the ‘704 Patent.

170. Exhibit 38 is a chart comparing claims of the '121 Patent to the IDT's VoiceLine technology. Exhibit 38 shows that the VoiceLine technology practices at least one claim of the '121 Patent.

ii. Domestic Licensee Microsoft's use of Skype in the Xbox One

171. On information and belief, Microsoft's Xbox One Gaming Console, which will be commercially released later this year, will incorporate technology that is protected by one or more of the Asserted Patents. Specifically, on information and belief, the Xbox One device will incorporate Skype technology that is protected by at least the '469 Patent, the '704 Patent and the '121 Patents.

172. Exhibit 42 are charts comparing claims of the '469 Patent to Skype. Exhibit 42 shows that Microsoft's Skype practices at least one claim of the '469 Patent.

173. Exhibit 43 are charts comparing claims of the '704 Patent to Skype. Exhibit 44 shows that Microsoft's Skype practices at least one claim of the '704 Patent.

174. Exhibit 45 are charts comparing claims of the '121 Patent to Skype. Exhibit 45 shows that Microsoft's Skype practices at least one claim of the '121 Patent.

B. Economic Prong

i. Domestic Licensee IDT Corporation

175. On information and belief, Complainant's domestic licensee IDT Corporation ("IDT") has expended substantial sums within the United States in connection with protected articles that practice the Asserted Patents. With respect to the Asserted Patents, a domestic industry in the United States exists as defined under Section 337(a)(3) by virtue of IDT's (1) significant investments in plant and equipment, (2) significant investment in labor and capital, and (3) substantial investments in engineering and research and development, in the United States devoted to developing, manufacturing, testing, and providing support for the IDT

VoiceLine technology. (See Declaration of Ashish Parikh and Exhibits thereto, (attached as Exhibit 46) (“Parikh Decl.”).)

176. Specifically, IDT conducts a substantial portion of its domestic research, development, testing, configuration, and technical support in connection with VoiceLine at IDT’s New Jersey facilities. (See Exhibit 46, Parikh Decl. at ¶¶ 7, 8 and 11.)

177. IDT incurs significant costs in connection with these domestic activities. For example, IDT employs numerous full time, or full time equivalent, personnel involved in such activities, and incurs significant personnel costs in the form of, among other expenses, employee salary and benefits. In addition, IDT makes capital improvements to the telecommunications networks relevant to VoiceLine, and also rents and maintains four commercial facilities in New Jersey, comprising approximately 28,433 square feet, where the vast majority of its relevant domestic activities occur. (See Exhibit 46, Parikh Decl. at ¶¶7, 8, 12-40.)

Plant & Equipment

178. More specifically, IDT has made significant investments in its facilities and equipment in the United States. Much of IDT’s domestic activities allocable to VoiceLine, such as product development and implementation, and planning, design, and installation of network infrastructure to support the same, occur at IDT’s New Jersey facilities. Further details regarding the expenses incurred by IDT in connection with such facilities, and of the activities undertaken there, are set forth in Exhibit 46, Parikh Decl. at ¶¶ 8-18.

179. IDT has expended, and continues to expend, significant and substantial resources in connection with these facilities, including expenses for rent, utilities, maintenance, and other operational costs. IDT expects to occupy this space, and incur similar expenses in connection with such space, for the foreseeable future. (See Exhibit 46, Parikh Decl. at ¶¶8-18.)

Labor & Capital

180. IDT also employs significant labor and capital in connection with VoiceLine within the United States. For example, IDT employs a number of full-time, or full-time equivalent, employees who perform various tasks relating to VoiceLine. For example, IDT currently employs personnel involved in product development and implementation, and network maintenance, upgrade, technical support and monitoring. These activities occur at IDT's facilities in New Jersey. IDT expends substantial sums in salary, benefits and related labor expenses for these employees. In addition, IDT makes substantial capital outlays in connection with VoiceLine, including, for example, expenses for connectivity, licenses, maintenance, documentation, and other related operational costs. Further details regarding the nature and scope of IDT's personnel and capital expenditures are set forth in Exhibit 46, Parikh Decl. at ¶¶ 19-35.

Research & Development

181. IDT currently makes, and has made, substantial investments in research and development in the United States related to VoiceLine. For example, IDT currently employs a number of engineers, designers and other technical personnel dedicated to development, testing and implementation related to VoiceLine, and IDT incurs substantial expense in connection with these personnel allocable to VoiceLine. Further details regarding the nature and scope of IDT's investments related to research and development are set forth in Exhibit 46, Parikh Decl. at ¶¶ 20, 23-25, 27-29, 31-33, 36-40.

ii. Domestic Licensee Microsoft Corporation/Skype

182. On information and belief, Complainant's domestic licensee Microsoft Corporation ("Microsoft") has made substantial investments within the United States sufficient to establish a domestic industry under Section 337(a)(3)(A), Section 337(a)(3)(B), and Section 337(a)(3)(C). On information and belief, Microsoft's Xbox One incorporates Microsoft's Skype

technology, and allows users to, among other things, make and receive voice and video calls through an internet connection. Microsoft recently noted that in the third quarter of fiscal year 2013 alone, Skype users made 161 billion minutes of calls. (See Slide Deck, *Microsoft Third Quarter Fiscal Year 2013 Results*, at slide 11, attached as Exhibit 47.)

a. Microsoft Corporation's Xbox One Gaming Console

183. Microsoft acquired Skype Global S.a.r.l. in 2011 for \$8.5 billion, and announced that Skype's VOIP product, also called Skype, would be deployed on, among other products, Microsoft's Xbox 360 gaming console. (See Microsoft Press Release "Microsoft to Acquire Skype," dated May 10, 2011, attached as Exhibit 51.)

184. On May 21, 2013, Microsoft announced the successor to the Xbox 360 product, the next generation Xbox One gaming console. As a major part of this new product announcement, Microsoft emphasized the seamless integration of Skype with the Xbox One console. (See Xbox One: Meet Xbox One, <http://www.xbox.com/en-US/xboxone/meet-xbox-one>, attached as Exhibit 52; Xbox One: What It Does, <http://www.xbox.com/en-US/xboxone/what-it-does>, attached as Exhibit 53.)

185. Microsoft has expended substantial sums within the United States in connection with the Xbox One gaming console, which took four years to develop. (See Article, Microsoft unveils Xbox One home entertainment system, attached as Exhibit 60.)

186. As already noted, Microsoft makes significant investments in research and development of its existing products as well as future products. (See Exhibit 48, Microsoft 2012 10-K, at 8-9 and 18.) On information and belief, this includes the Xbox One console, and research and development focusing on the integration of the Skype technology into the console.

187. Microsoft dedicates an entire business division, the Entertainment & Devices Division (“ED Division”), to its Xbox products and related products, namely the Entertainment & Devices Division (“ED Division”), which include, among others, the Xbox gaming consoles and Skype. (See Exhibit 48, Microsoft 2012 10-K, at 7-8.) On information and belief, Microsoft has also invested substantial sums in plant and equipment, and in labor and capital, in connection with the Xbox products and related products. (See Exhibit 48, Microsoft 2012 10-K, at 18, 25-26.)

188. As already noted, in fiscal year 2012, Microsoft’s domestic revenues (\$38.8 billion) constituted 52.6% of the company’s total revenues (\$73.7 billion); in fiscal year 2011, this domestic percentage was 54.3% (\$38.0 billion of \$69.9 billion worldwide); and in fiscal year 2010, this domestic percentage was 57.9% (\$36.2 billion of \$62.5 billion). (See Exhibit 48, Microsoft 2012 10-K at 81.)

189. Through the first three quarters of fiscal year 2013, Microsoft posted total revenues of \$57.9 billion. Applying the average domestic percentage of total revenues from the fiscal years 2010-2012 to this amount (54.9%), approximately \$31.78 billion of Microsoft’s Q1 through Q3 2013 revenues were domestic revenues. (See Microsoft Segment Revenue and Operating Income, Q1-Q3 2013, attached as Exhibit 54.)

190. Applying these domestic percentages to Microsoft’s reported global revenues for its ED Division, in the first three quarters of fiscal year 2013 domestic ED Division revenues were approximately \$4.53 billion (of \$8.25 billion worldwide), or approximately 14.3% of the company’s approximate domestic revenue during that time period. (See Microsoft Segment Revenue and Operating Income, Q1-Q3 2013, attached as Exhibit 54.)

191. The ED Division is of great importance to Microsoft's business and, on information and belief, the Xbox gaming console devices are of central importance to the ED Division. (See Exhibit 48, Microsoft 2012 10-K at 29, 80-81.) The current iteration of the Xbox, the Xbox 360 device, has sold over 72 million units since its launch in 2005. (See Microsoft Q3 2013 Key Performance Indicators, attached as Exhibit 55.) On information and belief, the Xbox 360 device is a driving force behind Microsoft ED Division's revenues which constitute a substantial portion of the company's total business.

192. Microsoft recently announced the successor to the Xbox 360 gaming console, Microsoft's next generation Xbox One gaming console. On information and belief, the Xbox One development effort is four years in the making, and will be launched commercially later this year. (See Article, *Will Consumers Want One? New Xbox is elegant but questions remain*, attached as Exhibit 56.)

193. Notably, Microsoft's announcement of the new Xbox One gaming console emphasized the fact that Skype functionality will be closely integrated into the new iteration of company's important Xbox product line. (See Xbox One: Meet Xbox One, <http://www.xbox.com/en-US/xboxone/meet-xbox-one>, attached as Exhibit 52; Xbox One: What It Does, <http://www.xbox.com/en-US/xboxone/what-it-does>, attached as Exhibit 53.) Industry commentators also focused on the integration of Skype into the Xbox One. (See, e.g., Article, *After Months of Speculation, Microsoft Officially Reveals Skype For the Xbox One*, techcrunch.com/2013/05/21/after-months-of-speculation-microsoft-officially-reveals-skype-for-the-xbox-one/, attached as Exhibit 57; Article, *Microsoft announces Skype integration for Xbox One*, <http://www.engadget.com/2013/05/21/microsoft-announces-skype-integration-for-xbox-one-leverages-ki/>, attached as Exhibit 58.)

194. On information and belief, Microsoft has made significant and substantial domestic investment in connection with its Xbox One development effort, including the incorporation of the Skype technology into the Xbox:

Plant and Equipment

195. Pursuant to Commission Rule 210.12(a)(6)(i)(A), on information and belief the relevant operations of Microsoft are as follows:

196. Microsoft invests substantial sums in domestic plant and equipment. As already stated, in fiscal year 2012 Microsoft expended \$2.30 billion in “Additions to property and equipment.” And in each of fiscal years 2011 and 2010, Microsoft expended \$2.35 billion and \$1.97 billion, respectively, in property and equipment. (See Exhibit 48, Microsoft 2012 10-K at 46.) Moreover, Microsoft maintains approximately 37 million square feet of commercial space within the United States. (See Exhibit 48, Microsoft 2012 10-K at 20.) As of June 30, 2012, Microsoft had total assets of over \$121 billion. Of these assets, \$8.3 billion were attributed by Microsoft to property and equipment. (See Exhibit 48, Microsoft 2012 10-K at 45.)

197. Based on the relative importance of the Xbox One to Microsoft as the next generation of the backbone of the Xbox platform, and due to the fact that the ED Division has recognized a rough average of 11.4% percent of Microsoft’s domestic revenue over the last several years, a conservative estimate is that at least two percent (5%) of Microsoft’s investment in property and equipment, in the square footage of these properties and in these assets can be apportioned to the Xbox One device.

198. Thus, it is estimated that Microsoft has dedicated at least \$166 million in additions to property and equipment, and at least 740,000 square feet of commercial space, to the Xbox One gaming console.

Labor and Capital

199. Pursuant to Commission Rule 210.12(a)(6)(i)(B), on information and belief the relevant operations of Microsoft are as follows:

200. As of June 2012, Microsoft employed approximately 94,000 people on a full-time basis, 59,000 of which were employed within the United States. (*See* Exhibit 48, Microsoft 2012 10-K at 12.) Of these employees, over 36,000 are dedicated to research and development. (*See id.*) On information and belief, based on the relative importance of the development of the Xbox One device to Microsoft, a conservative estimate is that approximately five percent (5%) of these employees, or 2,950 total personnel and 1,800 research and development personnel, are dedicated to the Xbox One device.

Research & Development

201. Pursuant to Commission Rule 210.12(a)(6)(i)(C), on information and belief the relevant operations of Microsoft are as follows:

202. In each of the last three fiscal years, 2012, 2011 and 2010, Microsoft has invested \$9.81 billion, \$9.04 billion, and \$8.71 billion, respectively, in research and development. And in the first three quarters of fiscal year 2013, Microsoft expended \$8.25 billion in research and development. These sums represent 13% of Microsoft's total revenue for each of fiscal years 2012 and 2011; 14% of its total revenue for fiscal 2010; and 14% of Microsoft's total revenue for Q1 through Q3 of fiscal 2013. (*See* Exhibit 48, Microsoft 2012 10-K at 8 and 30; Exhibit 54, Microsoft Segment Revenue and Operating Income, Q1-Q3 2013.) Given the importance of the development of the Xbox One device to the company, on information and belief a very conservative estimate of the percentage of total research and

development dollars invested in the Xbox One by Microsoft has equaled at least five to seven percent (5%) of Microsoft's total research and development expense over the last several years.

203. As an example of the research and development outlays necessary to bring a product like the Xbox One to market, a CNN Money video, (<http://money.cnn.com/video/technology/innovation/2013/05/21/t-microsoft-xbox-behind-the-scenes.cnnmoney/index.html>), depicts some portions of the research labs where Microsoft has developed the Xbox One. As depicted in this video, Microsoft has, among other things, complex robotic testing devices, three dimensional printers, dedicated lab technicians and development project managers, and related research and development infrastructure dedicated to the Xbox One project.

204. If just 5% of Microsoft's overall investment in research and development in fiscal 2012 were dedicated to the Xbox One device, such investment would equal approximately \$490 million dollars. If just 5% of Microsoft's research and development expenditures in fiscal 2011 and 2010 were likewise dedicated to the Xbox One project, such investment would equal approximately \$452 million in 2011 and \$435 million in 2010. Using the same percentage of total expenditures, Microsoft dedicated \$412 million to the Xbox One project in the first three quarters of 2013 alone.

205. Also, because Xbox One is scheduled to be released later this year, Microsoft's investments in labor and capital, plant and equipment, and research and development constitute a domestic industry under 337(a)(3)(A), (B), and (C) that is in the process of being established. Microsoft has demonstrated that it is taking the necessary tangible steps to establish an industry in the United States in the Xbox One, and there is a significant likelihood that the domestic industry requirement will be satisfied in the future by the Xbox One.

206. Also, Microsoft's investment in labor and capital, plant and equipment, and research and development that are related to integrating Skype into the Xbox One constitutes an existing domestic industry under 337(a)(3). The Skype product has already been released, and investments relating to the existing Skype product's integration into the Xbox One constitute an existing domestic industry under 337(a)(3)(A), (B), and (C).

207. Finally, Microsoft's domestic investment in research and development in the Xbox One constitutes an existing domestic industry in the Asserted Patents under 337(a)(3)(C), because the research and development relates to the Asserted Patents inasmuch as the Xbox One will practice the Asserted Patents when it has been completed. The Xbox One research and development project is devoted to the exploitation of the asserted patents through its anticipated use of Skype.

XII. REQUESTED RELIEF

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

a. Institute an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to the Respondents' violations of Section 337 based on the manufacture for importation into the United States, importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of any articles that infringe one or more claims of one or more of the '469 Patent, the '704 Patent, and the '121 Patent;

b. Schedule and conduct a hearing on permanent relief pursuant to 19 U.S.C. § 1337(d) and (f) of the Tariff Act of 1930, as amended;

c. Issue a Limited Exclusion Order specifically directed to each named Respondent, pursuant to 19 U.S.C. § 1337(d), excluding from entry into the United States any articles that infringe one or more of the '469 Patent, the '704 Patent, and the '121 Patent;

d. Issue a permanent cease and desist order pursuant to 19 U.S.C. § 1337(f) prohibiting domestic Respondents from importing, selling, offering for sale (including via the Internet or electronic mail), advertising (including via the Internet or electronic mail), distributing, or soliciting any articles that infringe one or more claims of one or more of the '469 Patent, the '704 Patent, and the '121 Patent;

e. Impose a bond upon Respondents who continue to import infringing articles during the 60-day-Presidential review period per 19 U.S.C. § 1337(j); and issue such other and further relief as the Commission deems just and proper under the law, based upon the facts determined by the investigation and the authority of the Commission.

Dated: August 1, 2013

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'MTR', is written above a horizontal line.

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