

# GIBSON DUNN

11-122

January 24, 2011

## VIA HAND DELIVERY

The Honorable Marilyn R. Abbott  
Secretary  
U.S. International Trade Commission  
500 E Street, SW  
Washington, D.C. 20436

DOCKET NUMBER
2781
Office of the Secretary Int'l Trade Commission

Josh Krevitt  
Direct: 212.351.2490  
Fax: 212.351.6390  
JKrevitt@gibsondunn.com

Client: T 89907-00014

Re: Transmittal of Complaint Under 19 U.S.C. § 1337  
*In the Matter of Certain Liquid Crystal Display Devices, Products Containing Same,  
and Methods for Using the Same*, Inv. No. 337-TA-\_\_\_\_\_

Dear Secretary Abbott:

Enclosed for filing on behalf of Complainant Sharp Corporation ("Sharp") is a Complaint alleging the unlawful sale for importation into the United States, importation into the United States, and the sale within the United States after importation of certain liquid crystal display modules, products containing the same, and methods for using the same that infringe claims of the Complainant's valid and enforceable U.S. Patent Nos. 6,879,364 ("the '364 patent"); 7,304,626 ("the '626 patent"); 7,532,183 ("the '183 patent"); 7,283,192 ("the '192 patent"); 6,937,300 ("the '300 patent"); 7,057,689 ("the '689 patent"); and 7,838,881 ("the '881 patent"). Please note that Confidential Exhibits 4, 6, 9, 12, 15, 18, 42, 44, 48, and 52-64 contain confidential business information, and, pursuant to the Commission's Rules of Practice and Procedure, Sharp concurrently is making a separate request for confidential treatment of these documents. Those materials contain Sharp's proprietary business information that is not ordinarily made available to the public. Redacted versions of these Confidential Exhibits will be provided within the next few days.

The Exhibits to the Complaint contain certified copies of each of the asserted patents and a certified copy of the assignment to those patents, except for the '192 patent and its assignment. Certified copies of the '192 patent and its assignment have been ordered and will be filed with the Commission as soon as they are available. The Appendices to the Complaint contain certified copies of the prosecution histories for the seven asserted patents in Appendices A, C, E, G, I, K, and M. Confidential Exhibit 42 contains an identification of each licensee of each involved U.S. patent pursuant to Rule 210.12(a)(9)(iii). Please note that copies of the license agreements are not enclosed since Sharp is not relying upon such licenses pursuant to Rule 210.12(a)(9)(iv).

Accordingly, enclosed are the following:

1. An original and twelve (12) copies of Sharp's verified Complaint (original and one copy unbound, without tabs) (Rule 210.8(a)(1)(i)). Please note that the verification

that is being submitted is a scanned, color-copy of the original verification. Sharp will file the original signed verification within the next few days, once it has been received from Japan.

2. An original set and five (5) copies of the accompanying confidential and non-confidential exhibits with the confidential exhibits segregated from the non-confidential exhibits (original set and one copy unbound, except to the extent that the originals are certified documents that arrived bound from the PTO, without tabs) (Rules 201.6(c) and 210.8(a)(1)(i)). Also provided are six (6) CD-ROM copies of the confidential and non-confidential exhibits.
3. Thirteen (13) additional copies of the Complaint and the accompanying non-confidential exhibits for service upon the proposed respondents, and thirteen (13) additional copies of the confidential exhibits for service upon counsel for the respondents once appropriate subscriptions to a protective order have been filed. (Rules 210.8(a) and 210.11(a)). These copies of the exhibits are provided on CD-ROM per the January 21, 2011 telephonic authorization by Mr. Jim Holbein.
4. Four (4) additional copies of the Complaint for service upon the Chinese, Korean, Japanese, and Taiwanese embassies. (Rules 210.8(a) and 210.11(a)).
5. A certified copy of the '364, '626, '183, '300, '689, and '881 patents, provided as Exhibits 20, 24, 27, 33, 36, and 39, respectively (Rule 210.12(a)(9)(i)). A non-certified copy of the '192 patent is provided as Exhibit 30. A certified copy of the '192 patent has been ordered and will be filed with the Commission as soon as it is available.
6. Certified copies of the assignments of the '364, '626, '183, '300, '689, and '881 patents, provided as Exhibits 21, 25, 28, 34, 37, and 40, respectively (Rule 210.12(a)(9)(ii)). A non-certified copy of the assignment of the '192 patent is provided as Exhibit 31. A certified copy of the assignment of the '192 patent has been ordered and will be filed with the Commission as soon as it is available.
7. An original and three (3) copies of the certified prosecution history of the '364, '626, '183, '192, '300, '689, and '881 patents, provided as Appendices A, C, E, G, I, K, and M, respectively (Rule 210.12(c)(1)).
8. Four (4) copies of each patent or technical reference mentioned in the prosecution histories of the '364, '626, '183, '192, '300, '689, and '881 patents, provided as Appendices B, D, F, H, J, L, N respectively (Rule 210.12(c)(2)).

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9. A letter and certification requesting confidential treatment of Confidential Exhibits 4, 6, 9, 12, 15, 18, 42, 44, 48, and 52-64 (Rules 201.6(b) and 210.5(d)).

Thank you for your assistance in this matter. Please do not hesitate to contact us if you have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Josh Krevitt", with a long horizontal line extending to the right.

Josh Krevitt

JK/rav

Enclosure(s)

UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, D.C. 20436

In the Matter of )  
)  
)

CERTAIN LIQUID CRYSTAL DISPLAY )  
DEVICES, PRODUCTS CONTAINING SAME, )  
AND METHODS FOR USING THE SAME )

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

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

COMPLAINANT:

Sharp Corporation  
22-22 Nagaïke-cho, Abeno-ku  
Osaka 545-8522  
Japan  
Telephone: (011) 81-6-6621-1221

PROPOSED RESPONDENTS:

AU Optronics Corp.  
No. 1 Li-Hsin Road 2  
Hsinchu Science Park  
Hsinchu 300  
Taiwan

COUNSEL FOR COMPLAINANT:

Josh A. Krevitt  
Mark N. Reiter  
Paul E. Torchia  
GIBSON, DUNN & CRUTCHER LLP  
200 Park Avenue  
New York, New York 10166-0193  
Telephone: (212) 351-4000

J. Christopher Wood  
William Jenks  
GIBSON, DUNN & CRUTCHER LLP  
1050 Connecticut Avenue N.W.  
Washington, DC 20036-5306  
Telephone: (202) 955-8500

H. Mark Lyon  
GIBSON, DUNN & CRUTCHER, LLP  
1881 Page Mill Road  
Palo Alto, California 94404-1211  
Telephone: (650) 849-5300

AU Optronics Corporation America  
9720 Cypresswood Drive, Suite 241  
Houston, Texas 77070

BenQ America Corp.  
15375 Barranca Parkway, Suite A-205  
Irvine, California 92618

BenQ Corporation  
16 Jihu Road, Neihu  
Taipei 114  
Taiwan

Haier America Trading LLC  
1356 Broadway  
New York, New York 10018

Haier Group Company  
1 Haier Road, Hi-Tech Zone  
Qingdao 266101  
China

*continued ...*

Updeep S. Gill  
Joseph A. Rhoa  
NIXON & VANDERHYE  
901 North Glebe Road  
Arlington, Virginia 22203  
Telephone: (703) 816-4000

LG Electronics Inc.  
LG Twin Towers 20  
Yoido-dong, Youngdungpo-gu  
Seoul 150-721  
Korea

LG Electronics U.S.A., Inc.  
1000 Sylvan Avenue  
Englewood Cliffs, New Jersey 07632

SANYO Electric Co., Ltd.  
5-5, Keihan-Hondori 2-chome  
Moriguchi City, Osaka 570-8677  
Japan

SANYO North America Corporation  
2055 SANYO Avenue  
San Diego, California 92154

TCL Corporation  
TCL Industrial Tower  
No. 6 South Eling Road  
Huizhou, Guangdong Province 516001  
China

TTE Technology, Inc.  
d/b/a TCL America  
5541 West 74th Street  
Indianapolis, Indiana 46268

VIZIO, Inc.  
39 Tesla  
Irvine, California 92618

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18. **Confidential** Sales Receipts for VIZIO LCD Products
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  - (g) Label on Back of AUO LCD Device Removed from VIZIO Model E550VL
20. Certified Copy of U.S. Patent No. 6,879,364
21. Certified Copy of Assignments ((a)-(d)) of U.S. Patent No. 6,879,364
22. Lists of Foreign Counterparts to the Patents-In-Suit
23. Infringement Claim Charts for U.S. Patent No. 6,879,364
24. Certified Copy of U.S. Patent No. 7,304,626
25. Certified Copy of Assignment of U.S. Patent No. 7,304,626
26. Infringement Claim Charts ((a)-(e)) for U.S. Patent No. 7,304,626
27. Certified Copy of U.S. Patent No. 7,532,183
28. Certified Copy of Assignments ((a)-(d)) of U.S. Patent No. 7,532,183
29. Infringement Claim Charts ((a)-(e)) for U.S. Patent No. 7,532,183
30. Certified Copy of U.S. Patent No. 7,283,192
31. Certified Copy of Assignment of U.S. Patent No. 7,283,192
32. Infringement Claim Charts ((a)-(b)) for U.S. Patent No. 7,283,192
33. Certified Copy of U.S. Patent No. 6,937,300
34. Certified Copy of Assignments ((a)-(e)) of U.S. Patent No. 6,937,300
35. Infringement Claim Charts ((a)-(f)) for U.S. Patent No. 6,937,300
36. Certified Copy of U.S. Patent No. 7,057,689
37. Certified Copy of Assignment of U.S. Patent No. 7,057,689
38. Infringement Claim Charts for U.S. Patent No. 7,057,689
39. Certified Copy of U.S. Patent No. 7,838,881
40. Certified Copy of Assignment of U.S. Patent No. 7,838,881
41. Infringement Claim Charts ((a)-(b)) for U.S. Patent No. 7,838,881

42. **Confidential** List of Sharp Licensees
43. *PCWorld* Article Regarding Samsung-Sharp Agreement
44. **Confidential** Sharp's Revenue and Expenses Relating to Licensing of the Patents-in-Suit
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49. Operation Manual for Sharp Model LC-52LE920UN
50. Operation Manual for Sharp Model LC-60E88UN
51. Operation Manual for Sharp Model LC-65E77UM
52. **Confidential** Domestic Industry Claim Charts for U.S. Patent No. 6,879,364
53. **Confidential** Domestic Industry Claim Charts for U.S. Patent No. 7,304,626
54. **Confidential** Domestic Industry Claim Charts for U.S. Patent No. 7,532,183
55. **Confidential** Domestic Industry Claim Charts for U.S. Patent No. 7,283,192
56. **Confidential** Domestic Industry Claim Charts for U.S. Patent No. 6,937,300
57. **Confidential** Domestic Industry Claim Charts for U.S. Patent No. 7,057,689
58. **Confidential** Domestic Industry Claim Charts for U.S. Patent No. 7,838,881
59. **Confidential** SLA's R&D Labor and Expenses Relating to Covered LCD Products
60. **Confidential** SEC and SLA Labor Headcount Allocable to Covered Products or Related Research
61. **Confidential** SLA and/or SEC's Investment in Facilities Related to Research and Development or After-Market Service Activities
62. **Confidential** SEC's Direct Warranty and Refurbishment Expenses Related to Covered LCD Products
63. **Confidential** SEC's Call Center Costs for 12-Month Period Attributable to Covered LCD Products
64. **Confidential** SEC's Operational Service Costs for 12-Month Period Attributable to Covered LCD Products

## LIST OF APPENDICES

- Appendix A: Certified File History of U.S. Patent No. 6,879,364
- Appendix B: Technical References Cited During Prosecution of U.S. Patent No. 6,879,364
- Appendix C: Certified File History of U.S. Patent No. 7,304,626
- Appendix D: Technical References Cited During Prosecution of U.S. Patent No. 7,304,626
- Appendix E: Certified File History of U.S. Patent No. 7,532,183
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- Appendix L: Technical References Cited During Prosecution of U.S. Patent No. 7,057,689
- Appendix M: Certified File History of U.S. Patent No. 7,838,881
- Appendix N: Technical References Cited During Prosecution of U.S. Patent No. 7,838,881

## **I. INTRODUCTION**

Complainant Sharp Corporation (“Sharp”) requests that the United States International Trade Commission commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”), to remedy the unlawful importation into the United States, sale for importation into the United States, and/or sale within the United States after importation of certain liquid crystal display (“LCD”) devices (including LCD panels and LCD modules) and products containing the same (collectively referred to as “the accused products”) that infringe valid and enforceable United States patent(s) owned by Sharp or are manufactured using a process covered by valid and enforceable patent(s) owned by Sharp.

The proposed respondents are AU Optronics Corp., AU Optronics Corporation America, BenQ America Corp., BenQ Corporation, Haier America Trading LLC, Haier Group Company, LG Electronics Inc., LG Electronics U.S.A., Inc., SANYO Electric Co., Ltd., SANYO North America Corporation, TCL Corporation, TTE Technology, Inc. (d/b/a TCL America), and VIZIO, Inc. (collectively, “Respondents”). On information and belief, the Respondents’ unfair acts under Section 337 include the unlicensed importation into the United States, sale for importation into the United States, and/or sale within the United States after importation of accused products (or products that perform accused methods or that were manufactured using accused processes) that infringe one or more claims of United States Patent Nos. 6,879,364 (“the ’364 patent”); 7,304,626 (“the ’626 patent”); 7,532,183 (“the ’183 patent”); 7,283,192 (“the ’192 patent”); 6,937,300 (“the ’300 patent”); 7,057,689 (“the ’689 patent”); and 7,838,881 (“the ’881 patent”) (collectively, “the Sharp patents” or “the patents-in-suit”).

The unfair acts and importation described herein are limited to LCD devices (including but not limited to LCD panels and LCD modules) manufactured by AUO, its subsidiaries, and its

agents or third-party contract manufacturers and LCD products containing such AUO LCD devices.

As required by Section 337(a)(2) and defined by Section 337(a)(3), an industry in the United States exists relating to articles covered by the patents-in-suit. Indeed, Chief ALJ Luckern and the Commission previously found that a domestic industry exists with respect to some of the patents asserted in this Complaint—the '364 and '626 patents as well as the parent to the '183 patent. (*See* Section II, below.)

Sharp requests that, after an investigation, the Commission issue (a) a limited exclusion order pursuant to Section 337(d) prohibiting the entry into the United States of all of proposed Respondents' accused products that infringe one or more claims of the patents-in-suit; and (b) a cease and desist order pursuant to Section 337(f) directing the proposed Respondents and their agents and distributors to cease and desist from importing, offering for sale, marketing, advertising, demonstrating, warehousing, distributing, selling and/or using such accused products in the United States.

## **II. RELATED INVESTIGATION**

The allegations in this Complaint are substantially related to those at issue in a prior investigation decided by the Commission. Specifically, the '364 and '626 patents, as well as the parent to the '183 patent and an additional Sharp LCD patent, were fully litigated in Investigation No. 337-TA-634 ("the 634 Investigation"), over which Chief ALJ Luckern presided. The 634 Investigation proceeded through a full evidentiary hearing and resulted in an initial determination that respondents Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Semiconductor, Inc. (collectively, "Samsung") infringed valid claims of those patents and illegally imported and distributed LCD products containing Sharp's patented technology. (*See* Ex. 1 (Final Initial and Recommended Determinations from 634

Investigation)). Chief ALJ Luckern further found that Sharp established the existence of a domestic industry with respect to the relevant patented technology. (*Id.*). The Commission, moreover, upheld these findings in its Final Determination and entered a limited exclusion order against the Samsung respondents. (*See* Ex. 2 (Final Commission Determination & Orders from 634 Investigation)).

The LCD technology at issue in the 634 Investigation is again presented here. Indeed, like the '364 and '626 patents and the parent to the '183 patent, which were considered by Chief ALJ Luckern and the Commission, the additional '192, '300, '689, and '881 patents and accused products relate to technology used in LCD display devices, and, as such, require consideration of technical and legal issues that overlap with the previously litigated patents.

### **III. COMPLAINANT**

Sharp Corporation ("Sharp") is a corporation organized under the laws of Japan, with its principal place of business at 22-22 Nagaike-cho, Abeno-ku, Osaka 545-8522, Japan. Sharp and its subsidiaries have facilities worldwide, including offices in the United States, Japan, Canada, China, Great Britain, Korea and Taiwan. Sharp engages in research, manufacturing and marketing of advanced electronic and electrical products, including information and communications equipment and systems, electronic components, and household appliances. Additional information concerning Sharp can be obtained from its most recent Annual Report, which accompanies this Complaint as Exhibit 3.

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

The technologies at issue relate generally to various aspects of liquid crystal display devices, including but not limited to LCD panels and LCD modules.

The accused articles and the Sharp products that practice the patents-in-suit are LCD devices and products containing said devices. Such products include, but are not limited to, LCD televisions and LCD monitors having liquid crystal displays ("LCD products").

The subject devices and products of the proposed Respondents are believed to fall within at least the following classifications of the Harmonized Tariff Schedules ("HTS") of the United States: 8528.59.30.50, 8528.59.20.00, 8528.59.40.00, 8528.59.50.00, 8528.72.28.00, 8528.72.32.05-8528.72.32.90, 8528.72.62.00, 8528.72.68.00, and 8528.72.72.50. These HTS numbers are intended to be for illustration only and are not intended to be restrictive of the products accused.

**V. PROPOSED RESPONDENTS AND PROOF OF UNFAIR IMPORTATION & SALE**

**A. AU Optronics Corp. and AU Optronics Corporation America**

On information and belief, proposed respondent AU Optronics Corp. is a Taiwanese corporation with its principal place of business at No. 1 Li-Hsin Road 2, Hsinchu Science Park, Hsinchu 300, Taiwan. On information and belief, proposed respondent AU Optronics Corporation America is a California corporation with its principal place of business at 9720 Cypresswood Drive, Suite 241, Houston, Texas 77070, and is a subsidiary of AU Optronics Corp. On information and belief, proposed respondents AU Optronics Corp. and AU Optronics Corporation America (together, "AUO") are in the business of, *inter alia*, manufacturing and selling LCD devices that are imported into the United States or incorporated into products that are imported into the United States.

Prior to January 1, 2011, AUO was licensed under most of the patents-in-suit. AUO does not currently have a license to Sharp's patented technology to make, assemble, use, import, sell for importation, or sell LCD devices or LCD products. The following subsections (V.B-G) describe specific instances of importation into the United States of LCD products containing

LCD devices that, on information and belief, are manufactured by AUO. As also explained below, these LCD products continue to be available in the United States since the expiration of AUO's license on December 31, 2010. Such instances are evidence of AUO's continuing infringing manufacture, assembly, use, importation, sale for importation, or sale of Sharp's patented technology. The instances described below are exemplary, and, on information and belief, AUO's infringement extends to many more devices and products as will be shown through discovery.

**B. BenQ America Corp. and BenQ Corporation**

On information and belief, proposed respondent BenQ America Corp. is a California corporation with its principal place of business at 15375 Barranca Parkway, Suite A-205, Irvine, California 92618. On information and belief, proposed respondent BenQ Corporation is a Taiwanese corporation with its principal place of business at 16 Jihu Road, Neihu, Taipei 114, Taiwan, and is the corporate parent of BenQ America Corp. On information and belief, proposed respondents BenQ America Corp. and BenQ Corporation (together, "BenQ") are in the business of, *inter alia*, manufacturing, selling and/or importing into the United States LCD products containing LCD devices manufactured by AUO.

BenQ does not have a license to Sharp's patented technology to make, assemble, use, import, sell for importation, or sell LCD devices or LCD products.

**1. EW2420**

Sharp purchased BenQ model EW2420 LCD products in the United States on January 5, 2011. A copy of the sales receipt for the EW2420 is attached as Confidential Exhibit 4.

The exterior of the BenQ model EW2420 is shown in Exhibits 5(c) and (d). The EW2420 contains an LCD device shown in Exhibit 5(f). The LCD device is marked with "AU Optonics," which on information and belief, identifies the device as having been manufactured

by AUO in China. (Ex. 5(g)). The EW2420 purchased by Sharp is labeled as being made in China (Ex. 5(e)), was imported into the United States, and was sold after importation in the United States.

**C. Haier America Trading LLC and Haier Group Company**

On information and belief, proposed respondent Haier America Trading LLC is a New York company with its principal place of business at 1356 Broadway, New York, New York 10018. On information and belief, proposed respondent Haier Group Company is a Chinese company with its principal place of business at 1 Haier Road, Hi-Tech Zone, Qingdao 266101, China, and is the corporate parent of Haier America Trading LLC. On information and belief, proposed respondents Haier America Trading LLC and Haier Group Company (together, “Haier”) are in the business of, *inter alia*, manufacturing, selling and/or importing into the United States LCD products containing LCD devices manufactured by AUO.

Haier does not have a license to Sharp’s patented technology to make, assemble, use, import, sell for importation, or sell LCD devices or LCD products.

**1. HLC26R1**

Sharp purchased Haier model HLC26R1 LCD products in the United States on January 6, 2011. A copy of the sales receipt for the HLC26R1 is attached as Confidential Exhibit 6.

The exterior of the Haier model HLC26R1 is shown in Exhibits 7(c) and (d). The HLC26R1 contains an LCD device shown in Exhibit 7(f). The LCD device is marked with “AU Optronics,” which on information and belief, identifies the device as having been manufactured by AUO in China. (Ex. 7(g)). The HLC26R1 purchased by Sharp is labeled as being made in China (Ex. 7(e)), was imported into the United States, and was sold after importation in the United States.

## **2. HL32XSL2**

Sharp purchased Haier model HL32XSL2 LCD products in the United States on January 6, 2011. A copy of the sales receipt for the HL32XSL2 is attached as Confidential Exhibit 6.

The exterior of the Haier model HL32XSL2 is shown in Exhibits 8(c) and (d). The HL32XSL2 contains an LCD device shown in Exhibit 8(f). The LCD device is marked with "AU Optronics," which on information and belief, identifies the device as having been manufactured by AUO in China. (Ex. 8(g)). The HL32XSL2 purchased by Sharp is labeled as being made in China (Ex. 8(e)), was imported into the United States, and was sold after importation in the United States.

### **D. LG Electronics Inc. and LG Electronics U.S.A., Inc.**

On information and belief, proposed respondent LG Electronics Inc. is a Korean corporation with its principal place of business at LG Twin Towers 20, Yoido-dong, Youngdungpo-gu, Seoul, Korea 150-721. On information and belief, proposed respondent LG Electronics U.S.A., Inc. is a Delaware corporation with its principal place of business at 1000 Sylvan Avenue, Englewood Cliffs, New Jersey 07632, and is a U.S. subsidiary of LG Electronics Inc. On information and belief, proposed respondents LG Electronics Inc. and LG Electronics U.S.A., Inc. (together, "LGE") are in the business of, *inter alia*, manufacturing, selling and/or importing into the United States LCD products containing LCD devices manufactured by AUO.

LGE does not have a license to Sharp's patented technology to make, assemble, use, import, sell for importation, or sell LCD devices or LCD products.

## **1. 32LE5300**

Sharp purchased LGE model 32LE5300 LCD products in the United States on January 5 and 7, 2011. A copy of the sales receipts for the 32LE5300 is attached as Confidential Exhibit 9.

The exterior of the LGE model 32LE5300 is shown in Exhibits 10(c) and (d). The 32LE5300 contains an LCD device shown in Exhibit 10(f). The LCD device is marked with "AU Optronics," which on information and belief, identifies the device as having been manufactured by AUO in China. (Ex. 10(g)). The 32LE5300 purchased by Sharp is labeled as being made in Mexico (Ex. 10(e)), was imported into the United States, and was sold after importation in the United States.

## **2. 37LE5300**

Sharp purchased LGE model 37LE5300 LCD products in the United States on January 6 and 7, 2011. A copy of the sales receipts for the 37LE5300 is attached as Confidential Exhibit 9.

The exterior of the LGE model 37LE5300 is shown in Exhibits 11(c) and (d). The 37LE5300 contains an LCD device shown in Exhibit 11(f). The LCD device is marked with "AU Optronics," which on information and belief, identifies the device as having been manufactured by AUO in Taiwan. (Ex. 11(g)). The 37LE5300 purchased by Sharp is labeled as being made in Mexico (Ex. 11(e)), was imported into the United States, and was sold after importation in the United States.

## **E. SANYO Electric Co., Ltd. and SANYO North America Corporation**

On information and belief, proposed respondent SANYO Electric Co., Ltd. is a Japanese company with its principal place of business at 5-5, Keihan-Hondori 2-chome, Moriguchi City, Osaka 570-8677, Japan. On information and belief, proposed respondent SANYO North America Corporation is a Delaware corporation with its principal place of business at 2055 SANYO Avenue, San Diego, California 92154. On information and belief, proposed respondents SANYO Electric Co., Ltd. and SANYO North America Corporation (together, "SANYO") are in the business of, *inter alia*, manufacturing, selling and/or importing into the United States LCD products containing LCD devices manufactured by AUO.

SANYO does not have a license to Sharp's patented technology to make, assemble, use, import, sell for importation, or sell LCD devices or LCD products.

**1. DP46840**

Sharp purchased SANYO model DP46840 LCD products in the United States on January 1, 2011. A copy of the sales receipts for the DP46840 is attached as Confidential Exhibit 12.

The exterior of the SANYO model DP46840 is shown in Exhibits 13(c) and (d). The DP46840 contains an LCD device shown in Exhibit 13(f). The LCD device is marked with "AU Optronics," which on information and belief, identifies the device as having been manufactured by AUO in China. (Ex. 13(g)). The DP46840 purchased by Sharp is labeled as being made in Mexico (Ex. 13(e)), was imported into the United States, and was sold after importation in the United States.

**2. DP52440**

Sharp purchased SANYO model DP52440 LCD products in the United States on January 1 and 2, 2011. A copy of the sales receipts for the DP52440 is attached as Confidential Exhibit 12.

The exterior of the SANYO model DP52440 is shown in Exhibits 14(c) and (d). The DP52440 contains an LCD device shown in Exhibit 14(f). The LCD device is marked with "AU Optronics," which on information and belief, identifies the device as having been manufactured by AUO in China. (Ex. 14(g)). The DP52440 purchased by Sharp is labeled as being made in Mexico (Ex. 14(e)), was imported into the United States, and was sold after importation in the United States.

**F. TCL Corporation and TTE Technology, Inc.**

On information and belief, proposed respondent TCL Corporation is a Chinese corporation with its principal place of business at TCL Industrial Tower, No. 6 South Eling

Road, Huizhou, Guangdong Province 516001, China. On information and belief, proposed respondent TTE Technology, Inc. (d/b/a TCL America) is a Delaware corporation with its principal place of business at 5541 West 74th Street, Indianapolis, Indiana 46268, and is a subsidiary of TCL Corporation. On information and belief, proposed respondents TCL Corporation and TTE Technology, Inc. (together, "TCL") are in the business of, *inter alia*, manufacturing, selling and/or importing into the United States LCD products containing LCD devices manufactured by AUO.

TCL does not have a license to Sharp's patented technology to make, assemble, use, import, sell for importation, or sell LCD devices or LCD products.

**1. LE26HDP21TA**

Sharp purchased TCL model LE26HDP21TA LCD products in the United States on January 7, 2011. A copy of the sales receipt for the LE26HDP21TA is attached as Confidential Exhibit 15.

The exterior of the TCL model LE26HDP21TA is shown in Exhibits 16(c) and (d). The LE26HDP21TA contains an LCD device shown in Exhibit 16(f). The LCD device is marked with "AU Optronics," which on information and belief, identifies the device as having been manufactured by AUO in Taiwan. (Ex. 16(g)). The LE26HDP21TA purchased by Sharp is labeled as being made in China (Ex. 16(e)), was imported into the United States, and was sold after importation in the United States.

**2. LE46FHDP21TA**

Sharp purchased TCL model LE46FHDP21TA LCD products in the United States on January 7, 2011. A copy of the sales receipt for the LE46FHDP21TA is attached as Confidential Exhibit 15.

The exterior of the TCL model LE46FHDP21TA is shown in Exhibits 17(c) and (d). The LE46FHDP21TA contains an LCD device shown in Exhibit 17(f). The LCD device is marked with “AU Optronics,” which on information and belief, identifies the device as having been manufactured by AUO in Taiwan. (Ex. 17(g)). The LE46FHDP21TA purchased by Sharp is labeled as being made in China (Ex. 17(e)), was imported into the United States, and was sold after importation in the United States.

**G. VIZIO, Inc.**

On information and belief, proposed respondent VIZIO, Inc. (“VIZIO”) is a Delaware corporation with its principal place of business at 39 Tesla, Irvine, California 92618. On information and belief, VIZIO is in the business of, *inter alia*, manufacturing, selling and/or importing into the United States LCD products containing LCD devices manufactured by AUO.

VIZIO does not have a license to Sharp’s patented technology to make, assemble, use, import, sell for importation, or sell LCD devices or LCD products.

**1. E550VL**

Sharp purchased VIZIO model E550VL LCD products in the United States on January 1 and 2, 2011. A copy of the sales receipts for the E550VL is attached as Confidential Exhibit 18.

The exterior of the VIZIO model E550VL is shown in Exhibits 19(c) and (d). The E550VL contains an LCD device shown in Exhibit 19(f). The LCD device is marked with “AU Optronics,” which on information and belief, identifies the device as having been manufactured by AUO in China. (Ex. 19(g)). The E550VL purchased by Sharp is labeled as being made in China (Ex. 19(e)), was imported into the United States, and was sold after importation in the United States.

## **VI. THE PATENTS-IN-SUIT AND RESPONDENTS' UNFAIR ACTS THEREUNDER**

On information and belief, the accused LCD devices and products containing the accused LCD devices infringe one or more of at least claims 5-7 of the '364 patent; claims 10, 17, and 18 of the '626 patent; claims 1-6 of the '183 patent; claims 1 and 11 of the '192 patent; claim 1 of the '300 patent; claims 1-4, 6, 7, 9, 12, 16, 18, 21, 22, 24, 27, 31, and 33 of the '689 patent; and claims 1-7, and 10-13 of the '881 patent. On information and belief, the accused LCD devices and products containing the accused LCD devices are manufactured, assembled and/or packaged and tested overseas. These same LCD devices and products are then sold for importation into the United States, imported into the United States, and/or sold after importation in the United States. The aforesaid acts of Respondents constitute direct, contributory and/or induced infringement of at least claims 5-7 of the '364 patent; claims 10, 17, and 18 of the '626 patent; claims 1-6 of the '183 patent; claims 1 and 11 of the '192 patent; claim 1 of the '300 patent; claims 1-4, 6, 7, 9, 12, 16, 18, 21, 22, 24, 27, 31, and 33 of the '689 patent; and claims 1-7, and 10-13 of the '881 patent. The sale for importation into the United States, importation into the United States, and/or sale after importation in the United States of the accused LCD devices and products containing the accused LCD devices directly infringes the asserted claims of the patents-in-suit.

In addition, AUO is a contributory infringer of the asserted claims because its accused LCD devices are incorporated into LCD products that practice the claimed inventions, are not staple articles or commodities of commerce suitable for substantial non-infringing use, and are known by AUO to be specially adapted for use in practicing the inventions of the patents-in-suit.

Further, AUO actively induces others to infringe the asserted claims through the sale of its LCD devices for incorporation into LCD products containing such LCD devices such as televisions and monitors that infringe the asserted claims. Each of the Respondents also actively

induces others to infringe the asserted claims through the sale of products containing such LCD devices such as televisions and monitors along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the accused LCD devices and products containing such LCD devices.

Further discovery may reveal that additional claims of the patents-in-suit are infringed by the accused LCD devices and products containing the accused LCD devices. Additionally, further discovery may reveal that the representative or additional claims of the patents-in-suit are infringed by respondents with respect to LCD devices or LCD products not identified herein. As stated above, however, the allegations in this Complaint are limited to LCD devices (including but not limited to LCD panels and LCD modules) manufactured by AUO, its subsidiaries, and its agents or third-party contract manufacturers and LCD products containing such AUO LCD devices.

As described in detail in the following subsections, and subject to the reservation that Sharp may seek to present additional contentions should Sharp obtain discovery or further information that supports the assertion of one or more of the patents-in-suit against one or more of the Respondents not currently accused under such patent(s), Sharp provides the following Table 1 to summarize which of the patents-in-suit are currently asserted against each of the Respondents:

	'364	'626	'183	'192	'300	'689	'881
<b>AUO</b>	X	X	X	X	X	X	X
<b>BenQ</b>		X			X	X	
<b>Haier</b>	X	X	X		X		
<b>LGE</b>		X	X		X		
<b>SANYO</b>		X	X	X	X		X
<b>TCL</b>		X	X		X		
<b>VIZIO</b>			X	X	X		X

**TABLE 1**

## **A. THE '364 PATENT**

### **1. Identification of the Patent and Ownership by Sharp**

U.S. Patent No. 6,879,364, "Liquid Crystal Display Apparatus Having Alignment Control For Brightness And Response," issued on April 12, 2005. The '364 patent issued from U.S. Application No. 10/621,789, filed July 17, 2003, which is a division of U.S. Patent Application Serial No. 09/398,126, filed September 16, 1999, now U.S. Patent No. 7,405,789. The '364 patent identifies Takahiro Sasaki, Arihiro Takeda, Katsufumi Ohmuro, Hideo Chida, Yoshio Koike, Kimiaki Nakamura, and Kunihiro Tashiro as the inventors. A certified copy of the '364 patent is attached hereto as Exhibit 20.

Complainant Sharp is the owner, by valid assignment, of the entire right, title and interest in and to the '364 patent. A certified copy of the recorded assignment of the '364 patent is provided as Exhibits 21(a)-(d). The '364 patent is valid, enforceable, and is currently in full force and effect.

Pursuant to Commission Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by an original and three copies of the certified prosecution history of the '364 patent, and four copies of each reference mentioned in the prosecution history. The prosecution history copies may be found at Appendix A; the reference copies may be found at Appendix B.

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

The '364 patent relates to a liquid crystal display apparatus having negative type liquid crystal between a pair of substrates and structures for controlling alignment of the liquid crystal in order to improve viewing characteristics. This patent was fully litigated in the 634 Investigation.

### **3. Foreign Counterparts to the '364 Patent**

A list of foreign counterparts to the '364 patent is provided in Exhibit 22.

### **4. Unfair Acts by the Respondents with Respect to the '364 Patent**

One or more claims of the '364 patent are infringed by certain LCD devices, including but not limited to the AUO LCD devices contained in some of the representative accused LCD products. For example, and without limitation, the LCD device contained in the Haier model HLC26R1 infringes at least claims 5-7 of the '364 patent.

Charts applying representative claims 5 and 7 of the '364 patent to the representative infringing LCD product are attached as Exhibit 23.

## **B. THE '626 PATENT**

### **1. Identification of the Patent and Ownership by Sharp**

U.S. Patent No. 7,304,626, "Display Device and Display Method," issued on December 4, 2007. The '626 patent issued from U.S. Patent Application No. 11/237,827, filed September 29, 2005, which is a division of U.S. Patent Application Serial No. 10/883,375, filed June 30, 2004, now U.S. Patent No. 7,027,024, which is a continuation of U.S. Patent Application Serial No. 10/037,804, filed December 26, 2001, now U.S. Patent No. 6,867,760, which is a division of U.S. Patent Application Serial No. 09/275,063, filed March 23, 1999, now U.S. Patent No. 6,359,607. The '626 patent identifies Toshihiro Yanagi, Hideki Morii, and Hidekazu Miyata as the inventors. A certified copy of the '626 patent is attached hereto as Exhibit 24.

Complainant Sharp is the owner, by valid assignment, of the entire right, title and interest in and to the '626 patent. A certified copy of the recorded assignment of the '626 patent is provided as Exhibit 25. The '626 patent is valid, enforceable, and is currently in full force and effect.

Pursuant to Commission Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by an original and three copies of the certified prosecution history of the '626 patent, and four copies of each reference mentioned in the prosecution history. The prosecution history copies may be found at Appendix C; the reference copies may be found at Appendix D.

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

The '626 patent relates to a liquid crystal display device including switching devices (*e.g.*, TFTs). According to the '626 patent, a circuit provides a waveform voltage which is input to a gate driver. The waveform voltage generated by the circuit includes a sloped portion which slopes downwardly, and is input to the gate driver so that the scanning signals output from the gate driver include an inclined portion. In certain example embodiments, this may be advantageous in that flickering or the like may be reduced and display characteristics improved.

## **3. Foreign Counterparts to the '626 Patent**

A list of foreign counterparts to the '626 patent is provided in Exhibit 22.

## **4. Unfair Acts by the Respondents with Respect to the '626 Patent**

One or more claims of the '626 patent are infringed by certain LCD devices, including but not limited to the AUO LCD devices contained in some of the representative accused LCD products. For example, and without limitation, each of the respective LCD devices contained in the BenQ model EW2420, Haier model HL32XSL2, LGE model 32LE5300, SANYO model DP46840, and TCL model LE26HDP21TA infringes at least claims 10, 17, and 18 of the '626 patent.

Charts applying representative claim 10 of the '626 patent to each of these representative infringing LCD products are attached as Exhibits 26(a)-(e).

## **C. THE '183 PATENT**

### **1. Identification of the Patent and Ownership by Sharp**

U.S. Patent No. 7,532,183, "Liquid Crystal Display Device and Its Drive Method," issued on May 12, 2009. The '183 patent issued from U.S. Patent Application No. 11/217,031, filed August 31, 2005, which is a division of U.S. Patent Application Serial No. 09/874,442, filed June 5, 2001, now U.S. Patent No. 6,952,192, which is a continuation of Application Serial No. PCT/JP99/06189, filed November 5, 1999. The '183 patent identifies Katsufumi Ohmuro, Arihiro Takeda, Hideo Chida, Kimiaki Nakamura, and Yoshio Koike as the inventors. A certified copy of the '183 patent is attached hereto as Exhibit 27.

Complainant Sharp is the owner, by valid assignment, of the entire right, title and interest in and to the '183 patent. A certified copy of the recorded assignment of the '183 patent is provided as Exhibits 28(a)-(d). The '183 patent is valid, enforceable, and is currently in full force and effect.

Pursuant to Commission Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by an original and three copies of the certified prosecution history of the '183 patent, and four copies of each reference mentioned in the prosecution history. The prosecution history copies may be found at Appendix E; the reference copies may be found at Appendix F.

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

The '183 patent relates to an LCD device and its drive method, and in particular to a driving technique which improves the response time of substantially vertically aligned (VA) type LCDs. The '183 patent introduces a method, and LCD device using the method, in which the response time is reduced when the LCD device is switched from a state of lower brightness to a state of higher brightness. Such improved response results in a better picture quality.

### **3. Foreign Counterparts to the '183 Patent**

A list of foreign counterparts to the '183 patent is provided in Exhibit 22.

### **4. Unfair Acts by the Respondents with Respect to the '183 Patent**

One or more claims of the '183 patent are infringed by certain LCD devices, including but not limited to the AUO LCD devices contained in some of the representative accused LCD products. For example, and without limitation, each of the respective LCD devices contained in the LGE model 32LE5300, SANYO model DP46840, and TCL model LE26HDP21TA, and VIZIO model E550VL infringes at least claims 1 and 2 of the '183 patent. Also, each of the respective LCD devices contained in the Haier model HLC26R1 infringes at least claims 1-6 of the '183 patent.

Charts applying representative claim 1 of the '183 patent to each of these representative infringing LCD products are attached as Exhibits 29(a)-(e).

## **D. THE '192 PATENT**

### **1. Identification of the Patent and Ownership by Sharp**

U.S. Patent No. 7,283,192, "Liquid Crystal Display," issued on October 16, 2007. The '192 patent issued from U.S. Patent Application No. 11/407,253, filed April 20, 2006, which is a continuation of U.S. Patent Application Serial No. 11/130,261, filed on May 17, 2005, now U.S. Patent No. 7,079,214, which is a division of U.S. Patent Application Serial No. 10/455,440, filed on June 6, 2003, now U.S. Patent No. 6,958,791. The '192 patent identifies Fumikazu Shimoshikiryo as the inventor. A certified copy of the '192 patent is attached hereto as Exhibit 30.

Complainant Sharp is the owner, by valid assignment, of the entire right, title and interest in and to the '192 patent. A certified copy of the recorded assignment of the '192 patent is

provided as Exhibit 31. The '192 patent is valid, enforceable, and is currently in full force and effect.

Pursuant to Commission Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by an original and three copies of the certified prosecution history of the '192 patent, and four copies of each reference mentioned in the prosecution history. The prosecution history copies may be found at Appendix G; the reference copies may be found at Appendix H.

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

The '192 patent generally relates to an LCD device having improved viewing characteristics at wide viewing angles. The display allows for an improved picture by providing a more accurate representation of brightness and/or color. In one embodiment of the '192 patent, viewing characteristics at wide viewing angles are improved by utilizing sub-pixels that can apply different voltages to liquid crystal.

## **3. Foreign Counterparts to the '192 Patent**

A list of foreign counterparts to the '192 patent is provided in Exhibit 22.

## **4. Unfair Acts by the Respondents with Respect to the '192 Patent**

One or more claims of the '192 patent are infringed by certain LCD devices, including but not limited to the AUO LCD devices contained in some of the representative accused LCD products. For example, and without limitation, each of the respective LCD devices contained in the SANYO model DP52440 and VIZIO model E550VL infringes at least claims 1 and 11 of the '192 patent.

Charts applying representative claim 1 of the '192 patent to each of these representative infringing LCD products are attached as Exhibits 32(a)-(b).

## **E. THE '300 PATENT**

### **1. Identification of the Patent and Ownership by Sharp**

U.S. Patent No. 6,937,300, "Liquid Crystal Display Device and Method of Fabricating the Same," issued on August 30, 2005. The '300 patent issued from U.S. Patent Application No. 10/892,766, filed July 16, 2004, which is a division of U.S. Patent Application Serial No. 10/263,257, filed October 2, 2002, now U.S. Patent No. 6,778,229, which is a continuation-in-part of U.S. Patent Application Serial No. 10/107,989, filed March 27, 2002, now abandoned. The '300 patent identifies Hiroyasu Inoue, Yuji Nakahata, and Yoji Taniguchi as the inventors. A certified copy of the '300 patent is attached hereto as Exhibit 33.

Complainant Sharp is the owner, by valid assignment, of the entire right, title and interest in and to the '300 patent. A certified copy of the recorded assignment of the '300 patent is provided as Exhibits 34(a)-(e). The '300 patent is valid, enforceable, and is currently in full force and effect.

Pursuant to Commission Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by an original and three copies of the certified prosecution history of the '300 patent, and four copies of each reference mentioned in the prosecution history. The prosecution history copies may be found at Appendix I; the reference copies may be found at Appendix J.

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

The '300 patent relates to a method of fabricating a liquid crystal display device. Slits are provided in the pixel electrode layer, and a vertical alignment (VA) film is provided for vertically aligning liquid crystal molecules. A UV curable resin is included in the liquid crystal composition, and radiated UV light is used to define the direction in which liquid crystal molecules tilt in the presence of an applied voltage.

### **3. Foreign Counterparts to the '300 Patent**

A list of foreign counterparts to the '300 patent is provided in Exhibit 22.

### **4. Unfair Acts by the Respondents with Respect to the '300 Patent**

One or more claims of the '300 patent are infringed by certain LCD devices, including but not limited to the AUO LCD devices contained in some of the representative accused LCD products. For example, and without limitation, each of the respective LCD devices contained in the BenQ model EW2420, Haier model HL32XSL2, LGE model 37LE5300, SANYO model DP46840, TCL model LE46FHDP21TA, and VIZIO model E550VL infringes at least claim 1 of the '300 patent.

Charts applying representative claim 1 of the '300 patent to each of these representative infringing LCD products are attached as Exhibits 35(a)-(f).

## **F. THE '689 PATENT**

### **1. Identification of the Patent and Ownership by Sharp**

U.S. Patent No. 7,057,689, "Liquid Crystal Display With At Least One Phase Compensation Element," issued on June 6, 2006. The '689 patent issued from U.S. Patent Application No. 10/290,253, filed November 8, 2002, which is a division of Application No. 09/143,615, filed August 28, 1998, now U.S. Patent No. 6,512,561. The '689 patent identifies Shinichi Terashita, Fumikazu Shimoshikiryo, and Shuichi Kozaki as the inventors. A certified copy of the '689 patent is attached hereto as Exhibit 36.

Complainant Sharp is the owner, by valid assignment, of the entire right, title and interest in and to the '689 patent. A certified copy of the recorded assignment of the '689 patent is provided as Exhibit 37. The '689 patent is valid, enforceable, and is currently in full force and effect.

Pursuant to Commission Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by an original and three copies of the certified prosecution history of the '689 patent, and four copies of each reference mentioned in the prosecution history. The prosecution history copies may be found at Appendix K; the reference copies may be found at Appendix L.

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

The '689 patent relates to a liquid crystal display device having a wide viewing angle, including a liquid crystal cell having a pair of substrates and a liquid crystal layer interposed between the substrates. At least one phase compensation element(s) is provided and has particular characteristics such as retardation value(s) to improve the viewing characteristics of the liquid crystal display including at wide viewing angles.

## **3. Foreign Counterparts to the '689 Patent**

A list of foreign counterparts to the '689 patent is provided in Exhibit 22.

## **4. Unfair Acts by the Respondents with Respect to the '689 Patent**

One or more claims of the '689 patent are infringed by certain LCD devices, including but not limited to the AUO LCD devices contained in some of the representative accused LCD products. For example, and without limitation, the LCD device contained in the BenQ model EW2420 infringes at least claims 1-4, 6, 7, 9, 12, 16, 18, 21, 22, 24, 27, 31, and 33 of the '689 patent.

Charts applying representative claims 1-4, 6, 7, 9, 12, 16, 18, 21, 22, 24, 27, 31, and 33 of the '689 patent to the representative infringing LCD product are attached as Exhibit 38.

## **G. THE '881 PATENT**

### **1. Identification of the Patent and Ownership by Sharp**

U.S. Patent No. 7,838,881, "Active Matrix Substrate, Display Device, Television Apparatus, Manufacturing Method Of An Active Matrix Substrate, And Manufacturing Method Of A Display Device," issued on November 23, 2010. The '881 patent issued from U.S. Patent Application No. 12/063,878, filed May 19, 2006. The '881 patent identifies Toshihide Tsubata as the inventor. A certified copy of the '881 patent is attached hereto as Exhibit 39.

Complainant Sharp is the owner, by valid assignment, of the entire right, title and interest in and to the '881 patent. A certified copy of the recorded assignment of the '881 patent is provided as Exhibit 40. The '881 patent is valid, enforceable, and is currently in full force and effect.

Pursuant to Commission Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by an original and three copies of the certified prosecution history of the '881 patent, and four copies of each reference mentioned in the prosecution history. The prosecution history copies may be found at Appendix M; the reference copies may be found at Appendix N.

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

The '881 patent generally relates to an active matrix substrate for use in connection with a display device such as a liquid crystal display. In certain embodiments of the '881 patent, first and second parallel source lines are provided between pixel electrodes, so that defects can be reduced.

### **3. Foreign Counterparts to the '881 Patent**

A list of foreign counterparts to the '881 patent is provided in Exhibit 22.

#### **4. Unfair Acts by the Respondents with Respect to the '881 Patent**

One or more claims of the '881 patent are infringed by certain LCD devices, including but not limited to the AUO LCD devices contained in some of the representative accused LCD products. For example, and without limitation, the LCD device contained in the SANYO model DP52440 infringes at least claims 1-4, 6, 7, and 10-13 of the '881 patent. Also, the LCD device contained in the VIZIO model E550VL infringes at least claims 1-7, and 10-13 of the '881 patent. Charts applying representative claims of the '881 patent to each of these representative infringing LCD products are attached as Exhibits 41(a)-(b).

#### **VII. LICENSES**

Sharp has licensed one or more of the patents-in-suit to the licensees identified in Confidential Exhibit 42. All of Sharp's licenses are subject to confidentiality obligations to the licensees. To the extent required, Sharp will provide the licenses once it has given appropriate notice under the confidentiality provisions. The licenses show that many companies have recognized the value and enforceability of Sharp's LCD patent portfolio, which includes all of the patents-in-suit.

One such licensee, Samsung, took a license to Sharp's LCD patent portfolio following Chief ALJ Luckern's issuance of the Final Determination in the 634 Investigation. (*See* Ex. 43 (*PCWorld* article describing Samsung's settlement with Sharp)). Furthermore, proposed respondent AUO previously took a license to Sharp's LCD patent portfolio. That license recently expired but nevertheless reflects AUO's own acknowledgement of the value of Sharp's LCD patent portfolio.

#### **VIII. THE DOMESTIC INDUSTRY**

There is a domestic industry, as defined under 19 U.S.C. § 1337(a)(3)(c). A domestic industry exists based upon the substantial investments by Sharp and its subsidiaries in domestic

research and development, testing, repair, refurbishment, customer support and other after-market activities, along with patent procurement and licensing.

**A. SHARP'S DOMESTIC INDUSTRY RELATED TO LICENSING**

Sharp has made significant investments in the United States in licensing activities, including litigation, related to the patents-in-suit. These activities have resulted in licenses granted under Sharp's LCD patent portfolio to all the licensees listed in Confidential Exhibit 42. As noted above, all of Sharp's licenses are subject to confidentiality obligations to the licensees. To the extent required, Sharp will provide the licenses once it has given appropriate notice under the confidentiality provisions. The licenses show that many companies have recognized the value and enforceability of Sharp's LCD patent portfolio, of which the patents-in-suit are a significant part. The revenue received by Sharp under the various licenses to its LCD patent portfolio is provided in Confidential Exhibit 44.

Sharp's litigation-related investments include filing and conducting patent infringement litigation, conducting settlement negotiations, and negotiating, drafting and executing licenses. The extent of Sharp's investment in litigation activities related to the licensing of the patents-in-suit is described in Confidential Exhibit 44. As explained in Section IX, below, Sharp's litigation activities involve prior and concurrent assertion of some of the patents-in-suit and related patents.

**B. SHARP'S DOMESTIC INDUSTRY RELATED TO LCD PRODUCTS**

**1. Sharp's Technical Use of the Inventions of the Patents-In-Suit**

Sharp has established a domestic industry in the United States in part through its use of the patented LCD technology. Certain foreign-manufactured Sharp-branded LCD TVs and LCD monitors are covered by the patents-in-suit. Photographs of representative Sharp LCD products covered by the patents-in-suit are attached as Exhibits 45-47 and Confidential Exhibit 48.

Copies of the operation manuals for Sharp LCD products are attached as Exhibits 49-51. Claim charts applying representative claims 5-7 of the '364 patent; representative claims 10, 17 & 18 of the '626 patent; representative claims 1-6 of the '183 patent; representative claim 1 of the '192 patent; representative claim 1 of the '300 patent; representative claims 1-4, 6, 7, 9, 12, 16, 18, 21, 22, 24, 27, 31 & 33 of the '689 patent; and representative claims 1, 3, 6, 12 & 13 of the '881 patent to a Sharp AQUOS LC-65E77UM, LC-60E88UN, and LC-52LE920UN, and the Sharp LQ038T3LX01S LCD device are attached hereto as Confidential Exhibits 52-58, respectively.

## **2. Sharp's Domestic Investment Related to the Patents-In-Suit**

Sharp has established a domestic industry in the United States in part through its research and development of the patented LCD technology and after-market support of embodying LCD products. Specifically, Sharp's wholly owned domestic subsidiaries are engaged in activities supportive of domestic industry. Sharp Electronics Corporation ("SEC") is a wholly owned U.S. sales and marketing subsidiary of Sharp. SEC is headquartered in Mahwah, New Jersey, and engages in the manufacturing and sales of consumer electronics, office equipment, and electronic components. Sharp Laboratories of America, Inc. ("SLA") is a wholly owned subsidiary of SEC and is headquartered in Camas, Washington. SLA is a corporate research laboratory that has become a leader in foreseeing trends and creating advanced technologies in such areas as flat panel displays, consumer electronics, and digital information technology.

SEC and SLA conduct significant domestic industry activities in the U.S. relating to the products practicing the patents-in-suit. These activities include SLA's domestic research, development, engineering and testing of LCD technology, LCD devices and LCD products covered by the patents-in-suit, SEC's technical support services to consumers, and SEC's other activities in the United States as described below.

SLA has been and continues to be engaged in research, development, engineering and/or testing of LCD technology, devices and products covered by the patents-in-suit. SLA's LCD process technology laboratory in Camas, Washington was established in 1994. Since its inception, this LCD process technology laboratory has developed or assisted with the development of several significant advancements in LCD technology that have enabled the next generation of LCD devices and products. For example, SLA has performed extensive research regarding LCD backlights, and was heavily involved in the first research to improve the viewing angle of Sharp's large screen televisions. Today, SLA's research activities include, *inter alia*, LCD manufacturing process simulation and modeling, the design, simulation and modeling of both optical and electrical devices for use in LCDs and other products, and development and testing of coatings, including coatings for LCD products. A more detailed description of SLA's research activities related to LCD technology, devices and products covered by the patents-in-suit is provided in Confidential Exhibit 59.

At its Camas facility, SLA employs, both directly and through subcontracting arrangements, substantial scientific, technical, administrative and support personnel in its research, development and engineering of the LCD technology, devices and products covered by the patents-in-suit. The extent of SLA's labor attributable to the domestic industry activities exploiting the patents-in-suit are set forth in Confidential Exhibit 60. The extent of SLA's average yearly investment in research and development attributable to the domestic industry activities exploiting the patents-in-suit is set forth in Confidential Exhibit 59.

SLA has also made a significant investment in facilities and equipment. SLA owns a large facility in Camas, Washington, and utilizes space, including a large clean room facility devoted to LCD research, in another Camas building owned by SEC. The extent to which SLA's

investment in facilities can be attributed to domestic industry activities exploiting the patents-in-suit is set forth in Confidential Exhibit 61.

SEC is engaged in the provision of significant customer support services to customers in the United States for LCD devices and LCD products covered by the patents-in-suit. The Service and Solutions Group ("SSG") of SEC is headquartered in Romeoville, Illinois. SSG employs substantial technical, administrative and support personnel in its provision of support services to consumers of Sharp's LCD products covered by the claims of the patents-in-suit. SSG's employees oversee return and refurbishment of Sharp products, circuit board repair, and are responsible for field engineering support. SSG employees also manage a national parts center, a customer assistance center which handles Sharp's customer call centers as well as questions submitted by e-mail and regular mail, and a service delivery department that oversees warranty administration. Although SSG is based on Romeoville, it also utilizes personnel located in Mahwah, New Jersey; Huntington Beach, California; and McAllen, Texas. The extent of SSG's labor at its U.S. facilities that is attributable to domestic activities exploiting the patents-in-suit is set forth in Confidential Exhibit 60. The extent to which SSG's investment in facilities and equipment can be attributed to domestic industry activities exploiting the patents-in-suit is set forth in Confidential Exhibit 61.

Through numerous authorized field service and depot centers in the United States, including service centers associated with major retailers like Best Buy, SSG supports warranty repairs and refurbishment of LCD devices and LCD products that practice the claims of the patents-in-suit. The extent of SEC's investment in warranty repairs and refurbishing for LCD devices and LCD products that practice the claims of the patents-in-suit is set forth in Confidential Exhibit 62.

SSG's investment in its call centers attributable to support of products that practice the claims of the patents-in-suit is set forth in Confidential Exhibit 63. SEC employs two subcontractors, AFFINA, LLC, and Adecco, USA, Inc., which provide call centers – one in Peoria, Illinois and the other in Romeoville, Illinois – that handle consumer calls related to Sharp products, including LCD products that practice the claims of the patents-in-suit.

In addition to the services described above, the Technical Services Group of SSG provides technical testing and analyses of Sharp's products, including LCD devices and LCD products covered by the patents-in-suit, prior to the products' introduction to U.S. markets. A team located in Mahwah, New Jersey is primarily responsible for testing and evaluating new products prior to launch. This group evaluates products as a whole for serviceability, studies the impacts of aging and extended use, and analyzes numerous other product features. Once products are accepted for release, a team in Huntington Beach, California is responsible for conducting inspections of incoming products to insure initial quality. Field engineers located at several locations throughout the country and a team in Romeoville, Illinois are responsible for ensuring continued field support after product launch.

The Technical Services Group of SSG employs significant scientific, technical, administrative and support personnel in support of its evaluation efforts. The extent of the Technical Services Group's labor attributable to the domestic industry activities exploiting the patents-in-suit is described in Confidential Exhibit 60. SEC's total operational service costs, including operation of the Customer Assistance Centers attributable to the domestic industry activities exploiting the patents-in-suit are described in Confidential Exhibit 64.

## **IX. RELATED LITIGATION AND INVESTIGATION**

### **1. Prior Related Investigations and Litigation**

The ITC previously adjudicated and upheld the validity and enforceability of claims of the '364 and '626 patents and the parent to the '183 patent. Specifically, in Investigation No. 337-TA-634, Chief ALJ Luckern construed terms in the asserted claims of those patents and held that Samsung infringed claims of those patents and illegally imported and distributed LCD products containing Sharp's patented technology. (Ex. 1). Chief ALJ Luckern and the Commission further found that Sharp established the technical prong of the domestic industry requirement as it relates to the '364 and '626 patents as well as the parent to the '183 patent. (Ex. 1; *see* Ex. 2 (Final Commission Determination & Orders from 634 Investigation)). Following the Final Initial and Recommended Determinations, Samsung agreed to take a license to Sharp's patents. (*See* Ex. 43 (*PCWorld* article)).

Sharp also asserted the '192 patent, among others, in Investigation No. 337-TA-702, which involved LCD technology. Soon after that investigation was instituted, the parties reached a settlement and the investigation was terminated.

Sharp was involved in litigation against Samsung Ltd. and certain Samsung subsidiaries in the District Court for the Eastern District of Texas. That action, titled *Sharp Corp. v. Samsung Electronics, Co. Ltd. et al.*, Civil Action No. 2:07-CV-330 (the "Texas Action"), involved the '689 patent and other patents related to LCD technology. The Texas Action was dismissed in February 2010 pursuant to a settlement between the parties.

### **2. Concurrent Related Litigation**

Sharp is concurrently filing a companion civil action in the United States District Court for the District of Delaware. There, Sharp asserts all seven patents-in-suit against AUO on the same articles and activities described herein.

**X. RELIEF REQUESTED**

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

- a) institute an immediate investigation pursuant to 19 U.S.C. § 1337(a)(1)(B) and (b)(1) into the violations of those sections based on Respondents' unlawful importation into the United States, sale for importation into the United States, and/or sale in the United States after importation of certain LCD devices and LCD products containing such LCD devices that infringe, directly, contributorily or by inducement, one or more claims of U.S. Patent Nos. 6,879,364; 7,304,626; 7,532,183; 7,283,192; 6,937,300; 7,057,689; and 7,838,881;
- b) determine that there has been a violation of Section 337;
- c) issue a limited exclusion order pursuant to 19 U.S.C. § 1337(d), prohibiting from unlicensed entry LCD devices, and LCD products containing such devices, that infringe directly, contributorily or by inducement, one or more of the asserted claims of U.S. Patent Nos. 6,879,364; 7,304,626; 7,532,183; 7,283,192; 6,937,300; 7,057,689; and 7,838,881 and are manufactured abroad by or on behalf of or imported by or on behalf of any of the Respondents;
- d) issue a permanent order pursuant to 19 U.S.C. § 1337(f) directing Respondents to cease and desist from importing, marketing, advertising, demonstrating, warehousing, distributing, selling, offering to sell, and/or using Respondents' LCD devices, and LCD products containing such devices, that infringe one or more claims of the patents-in-suit; and

- e) grant such other and further relief as the Commission deems appropriate and just under the law, based on the facts complained of herein and determined by the investigation.

Dated: January 24, 2011

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Josh A. Krevitt", written over a horizontal line.

Josh A. Krevitt  
Mark N. Reiter  
Paul E. Torchia  
GIBSON, DUNN & CRUTCHER LLP  
200 Park Avenue  
New York, New York 10166-0193  
Telephone: (212) 351-4000  
Facsimile: (212) 351-4035

J. Christopher Wood  
William Jenks  
GIBSON, DUNN & CRUTCHER LLP  
1050 Connecticut Avenue N.W.  
Washington, DC 20036-5306  
Telephone: (202) 955-8500  
Facsimile: (202) 467-0539

H. Mark Lyon  
GIBSON, DUNN & CRUTCHER, LLP  
1881 Page Mill Road  
Palo Alto, California 94404-1211  
Telephone: (650) 849-5300  
Facsimile: (650) 849-5333

Updeep S. Gill  
Joseph A. Rhoa  
NIXON & VANDERHYE  
901 North Glebe Road  
Arlington, Virginia 22203  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

100997347

***Counsel for Complainant Sharp Corporation***

### VERIFICATION OF COMPLAINT

I, Yoshikazu Nishiura, am Group Deputy General Manager of the Intellectual Property Group for Sharp Corporation and am duly authorized to execute the foregoing Complaint under Section 337 of the Tariff Act of 1930, as amended (the "Complaint") on behalf of Sharp. I have read the Complaint and am aware of its contents. In accordance with 19 C.F.R. §§ 210.4 and 210.12(a), I declare that the following statements are true:

1. To the best of my knowledge, information, and belief, formed after a reasonable inquiry, the allegations of this Complaint are well grounded in fact and have evidentiary support, or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery;
2. To the best of my knowledge, information, and belief, formed after a reasonable inquiry, the claims and other legal contentions set forth in the Complaint are warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law; and
3. The Complaint is not being filed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of the investigation.

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

Date: January 24, 2011

By: Yoshikazu Nishiura  
Yoshikazu Nishiura  
Group Deputy General Manager  
Intellectual Property Group  
Sharp Corporation