

UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

In the Matter of

CERTAIN LIQUID CRYSTAL DISPLAY
DEVICES AND PRODUCTS CONTAINING
THE SAME

Investigation

No. 337-TA-_____

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

COMPLAINANT:

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2	U.S. Patent No. 6,882,375 (“the ’375 patent”)
3	U.S. Patent No. 7,535,537 (“the ’537 patent”)
4	U.S. Patent No. 7,787,087 (“the ’087 patent”)
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I. INTRODUCTION

1. Samsung Electronics Co., Ltd. (“Samsung,” “SEC,” or “Complainant”) files this complaint pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”), based on the unlawful importation and sale after importation of certain liquid crystal display (“LCD”) devices and products containing the same.

2. The proposed respondents are AU Optronics Corp., and AU Optronics Corporation America, (collectively, “AUO”), Acer Inc., and Acer America Corporation (collectively, “Acer”), BenQ Corporation and BenQ America Corp. (collectively, “BenQ”), and SANYO Electric Co., Ltd., and SANYO North America Corporation (collectively, “SANYO”) (all collectively, “Respondents”).

3. 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 LCD devices and products containing the same. The accused LCD devices and products employ patented technology and infringe one or more claims of United States Patent Nos. 6,771,344 (the “’344 patent”); 6,882,375 (the “’375 patent”); 7,535,537 (the “’537 patent”); 7,787,087 (the “’087 patent”); and RE41,363 (the “’363 patent”) (collectively, the “Samsung patents” or “the patents-in-suit”).

4. Specifically, Samsung asserts that the accused products infringe at least claims 2-8 of the ’344 patent; claims 1, 8, 13, 14, 19, and 20-23 of the ’375 patent; claims 1 and 2 of the ’537 patent; claims 1-7 of the ’087 patent; and claims 1, 8-10, 12, and 14-17 of the ’363 patent (collectively, “the asserted claims”).

Infringement Summary

Infringed Patent Claims	Respondents			
	AUO	Acer	BenQ	SANYO
'344 patent (claims 2-8)	X		X	X
'375 patent (claims 1, 8, 13, 14, 19, and 20-23)	X	X	X	
'537 patent (claims 1 and 2)	X	X	X	X
'087 patent (claims 1-7)	X		X	X
'363 patent (claims 1, 8-10, 12, and 14-17)	X	X	X	X

5. Certified copies of the patents-in-suit are attached to this Complaint as Exhibits 1-5. Samsung is the owner by assignment of all of the patents-in-suit and holds all right, title, and interest in each of the patents-in-suit. Certified copies of each of the recorded assignments are attached to this Complaint as Exhibits 6-10.

6. By this Complaint, Samsung seeks as permanent relief an order, pursuant to Section 337(d), excluding from entry into the United States all of Respondents' imported LCD devices and products containing the same that are covered by one or more of the asserted claims of the patents-in-suit, and cease and desist orders pursuant to Section 337(f) directed to Respondents to halt them from importing, offering for sale, marketing, advertising, demonstrating, warehousing, distributing, selling and/or using such imported LCD devices and products containing the same in the United States.

7. 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, AUO's subsidiaries, and AUO's agents or third-party contract manufacturers and any LCD products containing such AUO devices.

8. 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, including technical support, repair, and customer service to consumers of Samsung's LCD products, as well as Samsung's investments in plants, call centers, equipment, labor, and capital in the United States.

II. THE PARTIES

A. Complainant

9. Samsung Electronics Co., Ltd. is a multi-national corporation organized under the laws of Korea, with its principal place of business at Samsung Electronics Bldg., 1320-10, Seocho 2-dong, Seocho-gu, Seoul, Korea 137-857. Samsung is a world-wide leader in a wide variety of electronic products and consumer electronics, including laptop computers, monitors, and televisions. In addition to manufacturing consumer products, Samsung is also one of the largest manufacturers of LCD devices in the world. Samsung consistently invests in the research and development of new LCD technology, and expends enormous resources on the marketing and sales of its LCD products. Additional information concerning Samsung can be obtained from its most recent Annual Report, which accompanies this Complaint as Exhibit 11.

B. Proposed Respondents

AU Optronics Corp. and AU Optronics Corporation America

10. 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 30078, 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. On information and belief, AU Optronics Corporation America is a subsidiary of AU Optronics Corp.

11. On information and belief, proposed Respondents AU Optronics Corp. and AU Optronics Corporation America sell thin film transistor liquid crystal displays (TFT-LCDs) and other flat panel displays, which are used in various computer products, monitors, and LCD televisions. LCD products containing AUO devices are sold in the United States through various means, including online and at retail stores.

12. Prior to January 1, 2011, AUO was licensed under all of the patents-in-suit. AUO does not currently have a license to Samsung's patented technology to make, assemble, use, import, sell for importation, or sell LCD devices or LCD products.¹ The following paragraphs 13-24 describe specific instances of importation into the United States and/or sales in the United States after importation of LCD products containing LCD devices that, on information and belief, are manufactured by AUO. These LCD products were all purchased in the United States after January 1, 2011 and continue to be available in the United States since the expiration of AUO's license to the patents-in-suit

¹ None of the other Respondents have a license to Samsung's patented technology to make, assemble, use, offer for sale, import, sell for importation, or sell LCD products containing LCD devices manufactured by AUO.

on December 31, 2010. On information and belief, AUO continues to manufacture unlicensed LCD devices for importation into the United States and/or sales in the United States after importation. Such instances are therefore evidence of AUO's continuing infringing acts. The specific instances described are only exemplary, and, on information and belief, AUO's infringement includes many other devices and products that will be revealed through discovery.

Acer America Corporation and Acer Inc.

13. On information and belief, proposed Respondent Acer America Corporation is located at 333 West San Carlos Street, Suite 1500, San Jose, California 95110. On information and belief, proposed Respondent Acer Inc. is located at 369 Fu Hsin North Road 7F-5, Taipei 10479, Taiwan. On information and belief, Acer America Corporation is a subsidiary of Acer, Inc.

14. On information and belief, proposed Respondents Acer America Corporation and Acer Inc. are in the business of manufacturing, selling and/or importing into the United States LCD products containing LCD devices manufactured by AUO. Samsung purchased Acer G185HV monitors in the United States on March 2, 2011 and April 13, 2011. Copies of the sales receipts are included as Exhibit 12. The exterior of the Acer G185HV monitor is labeled as being "Made in China." Photographs of the exterior are attached as Exhibit 13-C. The Acer G185HV monitor contains an LCD device shown in Exhibit 13-C. This LCD device is marked "AU Optronics" and "Made in China." The Acer G185HV monitor was manufactured and assembled in China, imported into the United States, and was sold after importation in the United States. A copy of the product manual for the Acer G185HV monitor is attached as Exhibit 14.

15. Samsung purchased an Acer P5WE6 laptop in the United States on March 4, 2011. A copy of the sales receipt is included as Exhibit 15. The exterior of the Acer P5WE6 laptop is labeled as being "Made in China." Photographs of the exterior are attached as Exhibit 16-C. The Acer P5WE6 laptop contains an LCD device shown in Exhibit 16-C. This LCD device is marked "AU Optronics" and "Made in China." The Acer P5WE6 laptop was manufactured and assembled in China, imported into the United States, and was sold after importation in the United States. A copy of the product manual for the Acer P5WE6 laptop is attached as Exhibit 17.

BenQ America Corp. and BenQ Corp.

16. On information and belief, proposed Respondent BenQ America Corp. is located at 15375 Barranca, Suite A205, Irvine, California 92618. On information and belief, BenQ Corp. is located at 16 Jihu Rd., Taipei, 114, Taiwan. On information and belief, proposed Respondent BenQ America Corp. is a subsidiary of BenQ Corp.

17. On information and belief, proposed Respondents BenQ America Corp. and BenQ Corp. are in the business of manufacturing, selling and/or importing into the United States LCD products containing LCD devices manufactured by AUO. Samsung purchased a BenQ EW2420 monitor in the United States on February 26, 2011. A copy of the sales receipt is included as Exhibit 18. The exterior of the BenQ EW2420 monitor is labeled as being "Made in China." Photographs of the exterior are attached as Exhibit 19-C. The BenQ EW2420 monitor contains an LCD device shown in Exhibit 19-C. This LCD device is marked "AU Optronics" and "Made in China." The BenQ EW2420 monitor was manufactured and assembled in China, imported into the United States, and was sold after importation in the United States. A copy of the product manual for the

BenQ EW2420 monitor is attached as Exhibit 20.

18. Samsung purchased a BenQ V2200 monitor in the United States on March 21, 2011. A copy of the sales receipt is included as Exhibit 21. The exterior of the BenQ V2200 monitor is labeled as being "Made in China." Photographs of the exterior are attached as Exhibit 22-C. The BenQ V2200 monitor contains an LCD device shown in Exhibit 22-C. This LCD device is marked "AU Optronics" and "Made in China." The BenQ V2200 monitor was manufactured and assembled in China, imported into the United States, and was sold after importation in the United States. A copy of the product manual for the BenQ V2200 monitor is attached as Exhibit 23.

SANYO Electric Co., Ltd. and SANYO North America Corporation

19. On information and belief, proposed Respondent SANYO Electric Co., Ltd. is located at 5-5 Keihan-Hondori 2-Chome, Moriguchi City, Osaka 570-8677, Japan. On information and belief, proposed Respondent SANYO North America Corporation is located at 2055 Sanyo Avenue, San Diego, California 92154. On information and belief, SANYO North America Corporation is a subsidiary of SANYO Electric Co.

20. On information and belief, proposed Respondents SANYO Electric Co., Ltd. and SANYO North America Corporation are in the business of manufacturing, selling and/or importing into the United States LCD products containing LCD devices manufactured by AUO. On information and belief, SANYO makes LCD televisions containing LCD devices manufactured by AUO for importation into and sale in the United States. For example, Samsung purchased a SANYO DP46840 television in the United States on February 28, 2011. A copy of the sales receipt is included as Exhibit 24. The exterior of the SANYO DP46840 television is labeled as being assembled in Mexico.

Photographs of the exterior are attached as Exhibit 25-C. The SANYO DP46840 television contains an LCD device shown in Exhibit 25-C. This LCD device is marked “AU Optronics” and “Made in China.” On information and belief, the SANYO DP46840 television was assembled in Mexico, imported into the United States, and was sold after importation in the United States. A copy of the product manual for the SANYO DP46840 television is attached as Exhibit 26.

21. On information and belief, SANYO makes LCD televisions containing LCD devices manufactured by AUO for importation into and sale in the United States. For example, Samsung purchased a SANYO DP42410 television in the United States on February 26, 2011. A copy of the sales receipt is included as Exhibit 27. The exterior of the SANYO DP42410 television is labeled as being assembled in Mexico. Photographs of the exterior are attached as Exhibit 28-C. The SANYO DP42410 television contains an LCD device shown in Exhibit 28-C. This LCD device is marked “AU Optronics” and “Made in China.” On information and belief, the SANYO DP42410 television was assembled in Mexico, imported into the United States, and was sold after importation in the United States. A copy of the product manual for the SANYO DP42410 television is attached as Exhibit 29.

III. THE TECHNOLOGY AND PRODUCTS AT ISSUE²

22. The technology at issue relates generally to various aspects of liquid

² All descriptions of the technology and inventions herein (and in the accompanying claim charts) are presented to give a general background of the technology and the inventions. None of these statements is to be used for any other purposes, including patent claim interpretation. Samsung presents these statements subject to and without waiver of its rights to argue that claim terms in these patents should be construed, if at all, in a particular way as contemplated by claim interpretation jurisprudence and the relevant evidence.

crystal display devices. In particular, the accused products and the Samsung products that practice the patents-in-suit are LCD devices and products containing the same, including, but not limited to, LCD televisions, LCD monitors, and laptop computers with LCD displays.

23. LCD devices are used to display images in a wide variety of consumer products. LCDs contain a material called “liquid crystal” that is used to create an image on a screen. The optical property of liquid crystal in an LCD is adjustable through the application of electrical voltages.

24. A typical LCD is comprised of a matrix of hundreds of thousands of squares, often referred to as “pixels.” To exercise control over these pixels, LCD devices also include arrays of thin-film transistors (“TFTs”). Each TFT acts as a “switch” that can turn an individual pixel on or off. When a TFT is turned on, it applies an electrical field onto nearby liquid crystal material, thereby changing the optical transparency of that pixel. By shining a light through the LCD while turning on selected TFTs, an image can be viewed by the user of that particular LCD product.

25. In a color display, each pixel is further divided into three sub-pixels that are covered by a red, green, or blue color filter. A color image can be produced by selectively turning on or off different color sub-pixels within each pixel.

26. Compared to prior display technologies, such as cathode ray tube (“CRT”) displays, LCD displays are far more energy efficient. LCD displays are far thinner than CRT displays, and also enjoy greater reliability and lower manufacturing costs than their CRT display predecessors.

27. Samsung is an undisputed world leader in the consumer electronics

industry. In 2009, Samsung employed approximately 275,000 employees worldwide and netted over \$119 billion worldwide in sales. Samsung also had over \$30.6 billion in U.S. sales in 2009. A copy of Samsung's most recent Annual Report (for 2009) and Quarterly Earnings Statement (for 1Q 2011) are attached to this Complaint as Exhibits 11 and 30, respectively. With over 70 years of experience and hundreds of products in the market, Samsung is widely recognized for its quality and innovative technology.

28. More specifically, Samsung has been instrumental in the development and proliferation of LCD products. Samsung is also a worldwide leader in market share for LCD televisions, monitors, mobile phones, laptops, and many other products containing LCD technology.

29. Samsung's investments in LCD technology reflect this long-standing commitment to developing and implementing state-of-the-art technology in its commercial products. Samsung has routinely led the world in its design of high-definition LCD screens and was responsible for developing both the world's first 40-inch TFT-LCD in 2001 as well as the world's first 46-inch LCD television in 2004.

30. Since that time, Samsung continues to pursue -- and protect -- its LCD technology. The patents-in-suit generally relate to different aspects of LCD technology. For example, several of the patents-in-suit relate to improved viewing capabilities in LCD displays that allow viewers to see high quality images while sitting at an angle to the LCD screen. Other patents relate to designs that streamline manufacturing and allow Samsung to maintain its standards for high-quality products while providing ultra-competitive prices to its customers. Finally, several of the patents-in-suit are directed to specific LCD device features that Samsung has learned, over time, are desirable to its

consumers, such as improved form factors or embedded repair structures.

IV. THE PATENTS AT ISSUE

A. The '344 Patent

Identification and Ownership of the '344 Patent

31. United States Patent No. 6,771,344, entitled "Liquid Crystal Display Having Wide Viewing Angle," issued August 3, 2004, to inventors Jae-Jin Lyu, Kyeong-Hyeon Kim, Hea-Ri Lee, and Jian-Min Chen. Exhibit 1. The '344 Patent issued from Application No. 09/877,481 filed on June 8, 2001.

32. The '344 Patent has six independent claims and two dependent claims. As set forth in greater detail below in § V, Respondents are infringing at least claims 2-8 of the '344 Patent. Further investigation and/or discovery may lead to the assertion of additional claims against the Respondents.

33. The '344 Patent is valid, enforceable, and currently in full force and effect. The '344 Patent will expire on May 29, 2018. Samsung owns by assignment the entire right, title, and interest in and to the '344 Patent. Exhibit 6.

34. Pursuant to Commission Rule 210.12(c), this Complaint is accompanied by a certified copy of the prosecution history of the '344 Patent and three copies thereof. Appendix A. Further, this Complaint is accompanied by four copies of each technical reference identified in the prosecution history of the '344 Patent. Appendix B.

Non-Technical Description of the Invention of the '344 Patent

35. The '344 Patent generally relates to the formation and design of liquid crystal display electrodes to allow for a wider viewing angle. Wide viewing angles are

particularly desirable in LCD devices, as users of LCD device appreciate being able to view high quality images from varying positions. In particular, the '344 Patent teaches how to utilize the characteristics of the LCD's electric field to cause liquid crystal molecules to be tilted at an angle, which effectively widens the viewing angle of the display. In this manner, a viewer of a display practicing the invention of the '344 Patent would enjoy improved picture quality when viewing a display from greater vertical or horizontal angle. The '344 Patent further discloses an embodiment using a specific LCD electrode arrangement to prevent light leakage, which also improves the picture quality of the LCD device.

Foreign Counterparts to the '344 Patent

36. The foreign patents and patent applications related to the '344 Patent are identified in Exhibit 31. On information and belief, no other foreign applications or patents corresponding to the '344 Patent have been filed, issued, abandoned, withdrawn, rejected, or are currently pending.

Licenses

37. As required under Commission Rule 210.12(a)(9)(iii), a list of licensed entities to the '344 Patent is attached to this Complaint as Confidential Exhibit 36-C. On information and belief, there are no other current licenses involving the '344 Patent.

B. The '375 Patent

Identification and Ownership of the '375 Patent

38. United States Patent No. 6,882,375, entitled "Thin Film Transistor Array Substrate for Liquid Crystal Display," issued April 19, 2005, to inventor Dong-Gyu Kim. Exhibit 2. The '375 Patent issued from Application No. 09/964,645 filed on September

28, 2001.

39. The '375 Patent has four independent claims and thirty-four dependent claims. As set forth in greater detail below in § V, Respondents are infringing at least claims 1, 8, 13, 14, 19, and 20-23 of the '344 Patent. Further investigation and/or discovery may lead to the assertion of additional claims against the Respondents.

40. The '375 Patent is valid, enforceable, and currently in full force and effect. The '375 Patent will expire on September 28, 2021. Samsung owns by assignment the entire right, title, and interest in and to the '375 Patent. Exhibit 7.

41. Pursuant to Commission Rule 210.12(c), this Complaint is accompanied by a certified copy of the prosecution history of the '375 Patent and three copies thereof. Appendix C. Further, this Complaint is accompanied by four copies of each technical reference identified in the prosecution history of the '375 Patent. Appendix D.

Non-Technical Description of the Invention of the '375 Patent

42. The '375 Patent generally relates to a repair structure implemented in a liquid crystal display that helps reduce the visibility of pixel defects. Pixel defects can result when one or more of the transistors responsible for controlling the LCD malfunction. In some cases, the transistors remain “stuck” and block all light for that particular pixel. This results in a black pixel defect. In other cases, however, the transistor’s “stuck” position allows all light through. This results in a white pixel defect. While a white pixel defect is very noticeable to the user of an LCD device, black defects are generally obscured by their surroundings and far less noticeable. Accordingly, it is more desirable to have black pixel defects than white pixel defects. The '375 Patent discloses an arrangement of gate lines on a substrate that allows for selective short-

circuits to be created between a gate line and a pixel electrodes to form a repair structure. The '375 Patent teaches that such a short circuit effectively changes a noticeable white defect into a far less noticeable black defect.

Foreign Counterparts to the '375 Patent

43. The foreign patents and patent applications related to the '375 Patent are identified in Exhibit 33. On information and belief, no other foreign applications or patents corresponding to the '375 Patent have been filed, issued, abandoned, withdrawn, rejected, or are currently pending.

Licenses

44. As required under Commission Rule 210.12(a)(9)(iii), a list of licensed entities to the '375 Patent is attached to this Complaint as Confidential Exhibit 36-C. On information and belief, there are no other current licenses involving the '375 Patent.

C. The '537 Patent

Identification and Ownership of the '537 Patent

45. United States Patent No. 7,535,537, entitled "Liquid Crystal Display Module and an Assembly Method Therefor," issued May 19, 2009, to inventors Sang-Duk Lee and Min-Ho Ok. Exhibit 3. The '537 Patent issued from Application No. 12/014,249 filed on January 15, 2008.

46. The '537 Patent has one independent claim and seven dependent claims. As set forth in greater detail below in § V, Respondents are infringing at least claims 1-2 of the '537 Patent. Further investigation and/or discovery may lead to the assertion of additional claims against the Respondents.

47. The '537 Patent is valid, enforceable, and currently in full force and effect.

The '537 Patent will expire on August 25, 2019. Samsung owns by assignment the entire right, title, and interest in and to the '537 Patent. Exhibit 8.

48. Pursuant to Commission Rule 210.12(c), this Complaint is accompanied by a certified copy of the prosecution history of the '537 Patent and three copies thereof. Appendix E. Further, this Complaint is accompanied by four copies of each technical reference identified in the prosecution history of the '537 Patent. Appendix F.

Non-Technical Description of the Invention of the '537 Patent

49. The '537 Patent generally relates to a specific structural organization for creating slimmer LCD modules. The '537 Patent discloses, for example, the use of mold frame protrusions in conjunction with flexible printed circuit boards to simplify the structure of the LCD display module. The simplified structure not only allows for a slimmer form factor of the LCD product, which is a feature demanded by consumers, but also improves the efficiency and cost-effectiveness of display module assembly by reducing the number of required components.

Foreign Counterparts to the '537 Patent

50. The foreign patents and patent applications related to the '537 Patent are identified in Exhibit 33. On information and belief, no other foreign applications or patents corresponding to the '537 Patent have been filed, issued, abandoned, withdrawn, rejected, or are currently pending.

Licenses

51. As required under Commission Rule 210.12(a)(9)(iii), a list of licensed entities to the '537 Patent is attached to this Complaint as Confidential Exhibit 36-C. On information and belief, there are no other current licenses involving the '537 Patent.

D. The '363 Patent

Identification and Ownership of the '363 Patent

52. United States Patent No. RE 41,363, entitled "Thin Film Transistor Substrate," issued June 1, 2010, to inventors Jueng-gil Lee, Jung-ho Lee, and Hyo-rak Nam. Exhibit 5. The '363 Patent issued from Application No. 11/246,847 filed on December 8, 2005.³

53. The '363 Patent has three independent claims and twenty-one dependent claims. As set forth in greater detail below in § V, Respondents are infringing at least claims 1, 8-10, 12, and 14-17 of the '363 Patent. Further investigation and/or discovery may lead to the assertion of additional claims against the Respondents.

54. The '363 Patent is valid, enforceable, and currently in full force and effect. The '363 Patent will expire on November 21, 2016. Samsung owns by assignment the entire right, title, and interest in and to the '363 Patent. Exhibit 10.

55. Pursuant to Commission Rule 210.12(c), this Complaint is accompanied by a certified copy of the prosecution history of the '363 Patent and three copies thereof. Appendix G. Further, this Complaint is accompanied by four copies of each technical reference identified in the prosecution history of the '363 Patent. Appendix H.

Non-Technical Description of the Invention of the '363 Patent

56. The '363 Patent generally relates an improved thin-film transistor (TFT) substrate design for LCDs. In particular, the '363 Patent discloses a new substrate design that is more structurally and cost efficient when compared to prior art designs. For example, the '363 Patent discloses a pixel electrode pattern that forms a direct connection

³ The '363 Patent reissued from U.S. Patent No. 6,661,026, which was filed on January 2, 2002, and issued on December 9, 2003. Exhibit 62.

to the top layer of the gate pad. This direct connection allows electric signals to be transmitted directly from the pixel electrode pattern to the gate pad without needing the intermediate layer required by prior art designs. In this manner, the disclosed TFT substrate design is able to improve performance while simultaneously reducing manufacturing costs associated with the LCD.

Foreign Counterparts to the '363 Patent

57. The foreign patents and patent applications related to the '363 Patent are identified in Exhibit 34. On information and belief, no other foreign applications or patents corresponding to the '363 Patent have been filed, issued, abandoned, withdrawn, rejected, or are currently pending.

Licenses

58. As required under Commission Rule 210.12(a)(9)(iii), a list of licensed entities to the '363 Patent is attached to this Complaint as Confidential Exhibit 36-C. On information and belief, there are no other current licenses involving the '363 Patent.

E. The '087 Patent

Identification and Ownership of the '087 Patent

59. United States Patent No. 7,787,087, entitled "Liquid Crystal Display Having Wide Viewing Angle," issued August 31, 2010, to inventors Jang-Kun Song, Kyeong-Hyeon Kim, Kye-Hun Lee, and Hea-Ri Lee. Exhibit 4. The '087 Patent issued from Application No. 12/147,697 filed on June 27, 2008.

60. The '087 Patent has one independent claim and six dependent claims. As set forth in greater detail below in § V, Respondents are infringing at least claims 1-7 of the '087 Patent. Further investigation and/or discovery may lead to the assertion of

additional claims against the Respondents.

61. The '087 Patent is valid, enforceable, and currently in full force and effect. The '087 Patent will expire on May 19, 2019. Samsung owns by assignment the entire right, title, and interest in and to the '087 Patent. Exhibit 9.

62. Pursuant to Commission Rule 210.12(c), this Complaint is accompanied by a certified copy of the prosecution history of the '087 Patent and three copies thereof. Appendix I. Further, this Complaint is accompanied by four copies of each technical reference identified in the prosecution history of the '087 Patent. Appendix J.

Non-Technical Description of the Invention of the '087 Patent

63. The '087 Patent generally relates to dividing a pixel into multiple domains, with the liquid crystal molecules in each domain oriented at a different tilt angle. This variance in tilt angles allows LCD screens practicing the '087 patent to provide wider viewing angle for consumers. In this manner, the patent explains how a viewer of a display practicing the invention of the '087 Patent would enjoy improved picture quality when viewing the display from a greater vertical or horizontal angle. As explained above, wider viewing angles are particularly desirable in LCD devices because users of LCD device appreciate being able to view high quality images from varying positions.

Foreign Counterparts to the '087 Patent

64. The foreign patents and patent applications related to the '087 Patent are identified in Exhibit 35. On information and belief, no other foreign applications or patents corresponding to the '087 Patent have been filed, issued, abandoned, withdrawn, rejected, or are currently pending.

Licenses

65. As required under Commission Rule 210.12(a)(9)(iii), a list of licensed entities to the '087 Patent is attached to this Complaint as Confidential Exhibit 36-C. On information and belief, there are no other current licenses involving the '087 Patent.

V. UNLAWFUL AND UNFAIR ACTS OF RESPONDENTS

66. Respondents have engaged in unfair trade practices, including the sale for importation into the United States, importation into the United States, and/or sale in the United States after importation of certain LCD devices or products containing the same, manufactured abroad, that infringe one or more of the asserted claims of the patents-in-suit. Examples of infringing products include various AUO devices, including, but not limited to, AUO's M185XW01, B156XW02, M215HW01, M240HW02, T420HW06, and T460HW03 liquid crystal display panels. Products containing these infringing AUO devices also infringe one or more of the claims of the patents-in-suit, including but not limited to various laptop, monitor, and television products, such as Acer's G185HV monitor (containing AUO's M185XW01 panel), Acer's P5WE6 laptop (containing AUO's B156XW02 panel), BenQ's V2200 monitor (containing AUO's M215HW01 panel), BenQ's EW2420 monitor (containing AUO's M240HW02 panel), SANYO's DP42410 television (containing AUO's T420HW06 panel), and SANYO's DP46840 television (containing AUO's T460HW03 panel).⁴

⁴ As part of its technical analysis, Samsung contracted with several laboratories for examination and analysis of the Proposed Respondents' products. Such work was undertaken pursuant to Non-Disclosure Agreements ("NDAs") with these laboratories. Any information and/or photographs obtained from such work is covered by these NDAs and has therefore been designated as "Confidential Business Information." A public version of the Complaint and the exhibits thereto is being filed along with the confidential version.

AUO

67. On information and belief, AUO has had notice of the patents-in-suit since before the filing of this Complaint, but in any case has had notice of the patents-in-suit upon the filing of this Complaint.

68. On information and belief, AUO's LCD devices infringe the patents-in-suit because they practice the claimed inventions. Moreover, AUO's LCD devices are offered for sale, sold for importation into the United States, and/or sold after importation into the United States.

69. On information and belief, AUO contributes to infringement of the patents-in-suit because it knowingly sells its accused LCD devices for incorporation into laptops, monitors, and televisions, among other products, that practice the claimed inventions. Moreover, AUO's LCD devices are not staple articles of commerce suitable for non-infringing use, and are instead specially adapted for an infringing use of one or more of the asserted claims. On information and belief, AUO also actively induces others to infringe the patents-in-suit because AUO knew, or should have known, that selling its LCD devices for incorporation into laptops, monitors, and televisions, among other products, infringe one or more of the asserted claims of the patents-in-suit.

Acer

70. On information and belief, Acer has had notice of the patents-in-suit since at least the filing of this Complaint.

71. On information and belief, Acer's products containing the accused LCD devices infringe the patents-in-suit because they practice the claimed inventions. Moreover, Acer's products are offered for sale, sold for importation into the United

States, and/or sold after importation into the United States.

72. Acer further actively induces others to infringe the asserted claims because Acer knew, or should have known, that the sale of products containing the infringing LCD devices -- such as laptops and monitors -- along with user manuals, service manuals, guides, and other materials, encourages the infringing use of the accused LCD devices and products containing the same.

BenQ

73. On information and belief, BenQ has had notice of the patents-in-suit since at least the filing of this Complaint.

74. On information and belief, BenQ's products containing the accused LCD devices infringe the patents-in-suit because they practice the claimed inventions. Moreover, BenQ's products are offered for sale, sold for importation into the United States, and/or sold after importation into the United States.

75. BenQ further actively induces others to infringe the asserted claims because BenQ knew, or should have known, that the sale of products containing the infringing LCD devices -- such as monitors -- along with user manuals, service manuals, guides, and other materials, encourages the infringing use of the accused LCD devices and products containing the same.

SANYO

76. On information and belief, SANYO has had notice of the patents-in-suit since at least the filing of this Complaint.

77. On information and belief, SANYO's products containing the accused LCD devices infringe the patents-in-suit because they practice the claimed inventions.

Moreover, SANYO's products are offered for sale, sold for importation into the United States, and/or sold after importation into the United States.

78. SANYO further actively induces others to infringe the asserted claims because SANYO knew, or should have known, that the sale of products containing the infringing LCD devices -- such as televisions -- along with user manuals, service manuals, guides, and other materials, encourages the infringing use of the accused LCD devices and products containing the same.

A. Infringement of the '344 Patent

79. Samsung's analysis of the accused AUO devices used in the SANYO DP46480 television and BenQ EW2420 monitor demonstrate that these AUO devices and the downstream products that contain them infringe at least exemplary claim 7 of the '344 Patent. Exemplary claim charts applying claim 7 of the '344 Patent to these representative products are attached to this complaint as Confidential Exhibits 37-C and 38-C.

B. Infringement of the '375 Patent

80. Samsung's analysis of the accused AUO devices used in the Acer G185HV monitor and BenQ V2200 monitor demonstrate that these AUO devices and the downstream products that contain them infringe at least exemplary claim 13 of the '375 Patent. Exemplary claim charts applying claim 13 of the '375 Patent to these representative products are attached to this complaint as Confidential Exhibits 39-C and 40-C.

C. Infringement of the '537 Patent

81. Samsung's analysis of the accused AUO devices used in the Acer

G185HV monitor, Acer P5WE6 laptop, BenQ V2200 monitor, and SANYO DP42410 television demonstrate that these AUO devices and the downstream products that contain them infringe at least exemplary claim 1 of the '537 Patent. Exemplary claim charts applying claim 1 of the '537 Patent to these representative products are attached to this complaint as Exhibits 41, 42, 43, and 44.

D. Infringement of the '363 Patent

82. Samsung's analysis of the accused AUO devices used in the Acer G185HV monitor, Acer P5WE6 laptop, BenQ V2200 monitor, and SANYO DP42410 television demonstrate that these AUO devices and the downstream products that contain them infringe at least exemplary claim 8 of the '363 Patent. Exemplary claim charts applying claim 8 of the '363 Patent to these representative products are attached to this complaint as Confidential Exhibits 45-C, 46-C, 47-C, and 48-C.

E. Infringement of the '087 Patent

83. Samsung's analysis of the accused AUO devices used in the SANYO DP46480 television and BenQ EW2420 monitor demonstrate that the AUO devices and downstream products that contain them infringe at least exemplary claim 1 of the '087 Patent. Exemplary claim charts applying claim 1 of the '087 Patent to these representative product are attached to this complaint as Exhibits 49-C and 50-C.

VI. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

AUO

84. Upon information and belief, either by itself, through its subsidiaries, or through third-parties acting on its behalf, AUO manufactures infringing LCD devices

abroad and then engages in the importation, sale for importation, and/or sale after importation into the United States of these infringing LCD devices. Examples of such importation includes:

- a. The analyzed Acer G185HV monitors containing an AUO M185XW01 panels were purchased on March 2, 2011, for \$109.99, and on April 13, 2011, for \$89.99, from Office Depot located at 2020 S. Figueroa Street, Los Angeles, California 90007.
- b. The analyzed Acer P5WE6 laptop containing an AUO B156XW02 panel was purchased on March 4, 2011, for \$469.99 from Fry's Electronics located at 2311 N. Hollywood Way, Burbank, California 91505.
- c. The analyzed BenQ EW2420 monitor containing an AUO M240HW02 panel was purchased on February 26, 2011, for \$279.99 from Fry's Electronics located at 2311 N. Hollywood Way, Burbank, California 91505.
- d. The analyzed BenQ V2200 monitor containing an AUO M215HW01 panel was purchased on March 21, 2011, for \$179.99 from BenQ's online store and shipped from BenQ's warehouse in Ontario, California.
- e. The analyzed Sanyo DP46840 television containing an AUO T460HW03 panel was purchased on February 28, 2011, for \$628.00 from Wal-Mart located at 1275 N. Azusa Avenue, Covina, California 91722.

f. The analyzed Sanyo DP42410 television containing an AUO T420HW06 panel was purchased on February 26, 2011, for \$528.00 at Wal-Mart located at 13310 Telegraph Road, Santa Fe Springs, California 90670.

85. The receipts for these purchases are included in Exhibits 12, 15, 18, 21, 24, and 27.

Acer

86. Upon information and belief, either by itself, through its subsidiaries, or through third-parties acting on its behalf, Acer manufactures LCD products containing infringing LCD devices abroad and then engages in the importation, sale for importation, and/or sale after importation into the United States of products containing these infringing LCD devices. Examples of such importation includes:

a. The analyzed Acer G185HV monitors was purchased on March 2, 2011, for \$109.99, and on April 13, 2011, for \$89.99, from Office Depot located at 2020 S. Figueroa Street, Los Angeles, California 90007.

b. The analyzed Acer P5WE6 laptop was purchased on March 4, 2011, for \$469.99 from Fry's Electronics located at 2311 N. Hollywood Way, Burbank, California 91505.

87. The receipts for these purchases are included in Exhibits 12 and 15.

BenQ

88. Upon information and belief, either by itself, through its subsidiaries, or through third-parties acting on its behalf, BenQ manufactures LCD products containing

infringing LCD devices abroad and then engages in the importation, sale for importation, and/or sale after importation into the United States of products containing these infringing LCD devices. Examples of such importation includes:

- a. The analyzed BenQ EW2420 monitor was purchased on February 26, 2011, for \$279.99 from Fry's Electronics located at 2311 N. Hollywood Way, Burbank, California 91505.
- b. The analyzed BenQ V2200 monitor was purchased on March 21, 2011, for \$179.99 from BenQ's online store and shipped from BenQ's warehouse in Ontario, California.

89. The receipts for these purchases are included in Exhibit 18 and 21.

SANYO

90. Upon information and belief, either by itself, through its subsidiaries, or through third-parties acting on its behalf, SANYO manufactures LCD products containing infringing LCD devices abroad and then engages in the importation, sale for importation, and/or sale after importation into the United States of products containing these infringing LCD devices. Examples of such importation includes:

- a. The analyzed Sanyo DP46840 television was purchased on February 28, 2011, for \$628.00 from Wal-Mart located at 1275 N. Azusa Avenue, Covina, California 91722.
- b. The analyzed Sanyo DP42410 television was purchased on February 26, 2011, for \$528.00 at Wal-Mart located at 13310 Telegraph Road, Santa Fe Springs, California 90670.

91. The receipts for these purchases are included in Exhibit 24 and 27.

VII. HARMONIZED TARIFF SCHEDULE ITEM NUMBERS

92. On information and belief, the Harmonized Tariff Schedule of the United States item numbers under which the infringing LCD devices and products containing same have been imported into the United States may include at least the following HTS numbers: 8528.59.30.50, 8528.59.20.00, 8528.59.40.00, 8528.59.50.00, 8528.72.72.50 (LCD televisions and monitors) and/or 8471.30.01, 8471.41.01, or 8471.49.00 (portable computers). These HTS numbers are intended to be for illustration only and are not intended to restrict the accused products.

VIII. RELATED LITIGATION

93. The ITC previously upheld the validity and enforceability of the claims of the '344 Patent when it affirmed Chief Administrative Law Judge Luckern's Initial Determination that certain Sharp Corporation ("Sharp") televisions infringed claims 7 and 8 of the '344 Patent. *See Certain Liquid Crystal Display Devices and Products Containing The Same*, Inv. No. 337-TA-631, Final Initial and Recommended Determinations at 110-136 (Jan. 26, 2009) and Comm'n Op. at 16-24 (July 14, 2009). Chief ALJ Luckern further determined that Samsung satisfied the technical and economic prongs of the domestic industry requirements for the '344 Patent. *Id.* The '344 Patent was also the subject of a related Enforcement Proceeding before Chief ALJ Luckern, although Samsung settled that action after Sharp agreed to take a license. Finally, the '344 Patent was the subject of a Delaware District Court action. (*Samsung Electronics, Co. Ltd., v. Sharp Corporation, et al.*, Civil Action No 07-843-SLR.) The Delaware

litigation was also dismissed pursuant to a settlement between the parties.

94. Samsung has concurrently filed a civil action in the United States District Court for the District of Delaware. In that action, Samsung has asserted all of the patents-in-suit against AUO.

95. Aside from the actions described above, none of the patents-in-suit have been the subject of any other foreign or domestic court or agency litigation.

IX. LICENSEES

96. Samsung has licensed one or more of the asserted patents to the licensees identified in Confidential Exhibit 36-C.

X. THE DOMESTIC INDUSTRY

97. As defined by Section 337(a)(3), a domestic industry exists in connection with the Samsung products that practice the claims of the patents-in-suit. Each of the five asserted patents is important to Samsung's success in the highly competitive industries relating to LCD devices and products. The patents-in-suit provide Samsung with highly desirable features for LCD consumers, improved repair technology, and more efficient manufacturing methods.

98. Together with its wholly owned subsidiary, Samsung Electronics America, Inc., Samsung makes significant investment in plant and equipment, employs significant labor and capital, and makes substantial investment in engineering control, testing, and validation related to products that embody the patents-in-suit.

99. Samsung Electronics America, Inc. ("SEA") is a corporation organized

under the laws of New York, with its principal place of business at 105 Challenger Road, Ridgefield Park, New Jersey 07660. As stated above, SEA is a wholly owned subsidiary of Samsung. SEA markets a variety of consumer electronics in the United States, including monitors, laptops, televisions, printers, hard disk drives, CD-ROM drives, DVD players, MP3 players, video cameras, vacuum cleaners, and air conditioners.

A. Samsung's Practice of the Patents-in-Suit

100. Samsung's domestic industry products practice at least one or more claims of the each of the patents-in-suit. A list of Samsung televisions that practice one or more claims of a patent-in-suit is attached as Confidential Exhibit 51-C. A list of Samsung monitors that practice one or more claims of a patent-in-suit is attached as Confidential Exhibit 52-C, and a list of Samsung laptops that practice one or more claims of a patent-in-suit is attached as Confidential Exhibit 53-C.

101. Samsung's E1920X monitor (model code LS19CLZSFV/ZA) and UN46D6000 television are representative of Samsung's monitor and LCD television products. Claim charts demonstrating that these representative products practice at least one claim of each of the patents-in-suit are attached as Exhibit 56 and Confidential Exhibits 54-C, 55-C, 57-C and 58-C. Product manuals for these representative products are attached as Exhibits 59 and 60.

B. Samsung's Investments in a Domestic Industry Related to the Patents-in-Suit

102. Samsung and its wholly owned subsidiaries conduct significant domestic industry activities in the United States relating to products that practice one or more claims of the patents-in-suit. For example, SEA has made significant investment in plant and equipment dedicated to repair, product support, and other customer support services

for Samsung's products that practice one or more claims of the patents-in-suit. SEA's investment in plant and equipment is set forth in Confidential Exhibit 61-C.

103. Samsung and SEA have also made -- and continue to make -- significant investment in labor or capital in the United States. For example, SEA employs a significant number of employees in its Greenville, South Carolina; Ridgefield Park, New Jersey; Fort Lee, New Jersey; and Riverdale, New Jersey facilities. All of these locations devote substantial time toward the quality control, product testing, validation, repair, and technical service support for repair of Samsung-branded consumer digital display products, including Samsung's LCD televisions, LCD monitors, and laptops with LCD screens, all of which are covered by one or more of the patents-in-suit. SEA's investment in labor and capital in the United States is set forth in Confidential Exhibit 61-C.

XI. RELIEF REQUESTED

104. WHEREFORE, by reason of the foregoing, to put an end to the significant and ongoing harm that Samsung is suffering as a result of Respondents' use of Samsung's patents, Samsung requests that the United States International Trade Commission institute an immediate Investigation pursuant to Section 337(b)(1) with respect to violations of Section 337(a)(1)(B) based upon the unlawful importation into the United States, the sale for importation, and/or the sale within the United States after importation of Respondents' LCD devices or products containing same, which infringe one or more claims of the patents-in-suit, that this Investigation be briefed and submitted as soon as possible, and that the Commission grant the following relief:

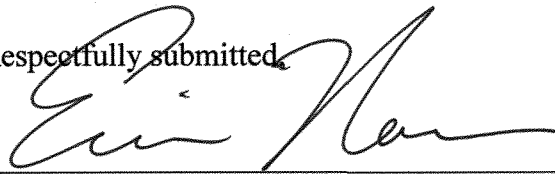
- a. Render a determination that the importation, sale for importation,

and/or sale after importation of Respondents' infringing LCD devices or products containing same constitute one or more violations of Section 337;

- b. Issue a permanent exclusion order pursuant to Section 337(d) excluding from entry into the United States all of Respondents' LCD devices or products containing same that infringe one or more of the patents-in-suit;
- c. Issue a permanent cease-and-desist order pursuant to Section 337(f) prohibiting the importation into the United States, the sale for importation, or the sale within the United States after importation of any of Respondents' LCD devices or products containing same that infringe one or more of the patents-in-suit;
and
- d. 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: June 1, 2011

Respectfully submitted,



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