

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

In the Matter of

**CERTAIN INTEGRATED CIRCUITS,
CHIPSETS, AND PRODUCTS
CONTAINING SAME INCLUDING
TELEVISIONS**

Investigation No. 337-TA-_____

**COMPLAINT OF FREESCALE SEMICONDUCTOR, INC.
UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED**

COMPLAINANT

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TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	COMPLAINANT FREESCALE	3
III.	THE TECHNOLOGIES AND PRODUCTS AT ISSUE	4
IV.	ASSERTED U.S. PATENT NO. 5,467,455	5
	A. Identification of the Patent and Ownership by Freescale	5
	B. Nontechnical Description of the '455 Patent	6
	C. Foreign Counterparts to the '455 Patent	6
	D. Licenses.....	6
V.	THE 709 INVESTIGATION	7
	A. The Funai Respondents' Infringement of Freescale's '455 patent was at issue in the 709 Investigation.....	7
	B. Zoran was a third-party supplier that provided integrated circuit chips to Funai.....	8
	C. Freescale satisfied the domestic industry requirements for the '455 patent based on licensing activities.....	9
	D. Chief Judge Luckern conducted a three-day evidentiary hearing on claims 9 and 10 of the '455 patent	10
	E. Assuming arguendo that the Zoran documents were reliable, Chief Judge Luckern concluded that the Funai products containing Zoran chips infringed claims 9 and 10 of the '455 patent	10
	F. The Chief Judge's Initial Determination Became the Final Determination of The Commission.....	12
VI.	PROPOSED RESPONDENTS AND PROOF OF IMPORTATION.....	12
	A. Proposed Respondents Funai Electric Co., Ltd. and Funai Corporation, Inc.	12
	1. Funai Accused Products.....	13
	2. Proof of Importation	14

B.	Proposed Respondent MediaTek Inc.	15
1.	MediaTek Accused Products	16
2.	Proof of Importation	17
C.	Proposed Respondent Zoran Corporation.....	17
1.	Zoran Accused Products	18
2.	Proof of Importation	19
VII.	UNLAWFUL AND UNFAIR ACTS OF PROPOSED RESPONDENTS	20
VIII.	TARIFF CLASSIFICATION UNDER THE HARMONIZED TARIFF SCHEDULE.....	23
IX.	RELATED LITIGATION	23
X.	DOMESTIC INDUSTRY.....	25
XI.	RELIEF REQUESTED.....	27

TABLES OF SUPPORTING MATERIALS

INDEX OF EXHIBITS	
Exhibit No.	Description
1	Certified Copy of U.S. Patent No. 5,467,455
2	Certified copy of assignment records of U.S. Patent No. 5,467,455 (4 parts)
3C	CONFIDENTIAL Declaration of Lee Chastain regarding Licensees to the '455 patent
4	Freescall Q4 and FY 2010 Earnings Release
5	Notice of Investigation in Investigation 337-TA-709 dated March 29, 2010
6	Public Version of Final Initial Determination in Investigation 337-TA-709 dated May 12, 2011
7	Public Version of Order No. 8 in Investigation 337-TA-709 dated June 18, 2010
8	Public Version of Order No. 11 in Investigation 337-TA-709 dated July 8 2010
9	Order No. 12 in Investigation 337-TA-709 dated July 29, 2010
10	Order No. 13 in Investigation 337-TA-709 dated July 29, 2010
11	Notice of Commission Decision Not to Review Order No. 10 in Investigation 337-TA-709 dated August 9, 2010
12C	FSI and Citibank Patent Security Agreement dated February 19, 2010
13	Public Version of Order No. 33 in Investigation 337-TA-709 dated January 6 2011
14	Notice of Commission Decision Not to Review Initial Determination Granting Motion for Summary Determination re Licensing Activities in the Unites States Satisfies Domestic Industry Requirement in Investigation 337-TA-709 dated February 4, 2011
15	Order No. 50 in Investigation 337-TA-709 dated March 3, 2011
16	Dun And Bradstreet Report on Funai Corporation Inc. dated May 6, 2011
17	Funai Brands Web-page dated May 17, 2011 and Funai Press Release dated April 9, 2008
18	Zoran Press Release dated March 23, 2011
19	Zoran 1 st Quarter 2010 Results dated April 26, 2010
20	Philips 52PFL3704D-F7 Television Service Manual
21	Pictures of and Purchase Receipt for Philips Model No. 32PFL3505D-F7 Television
22	Pictures of and Purchase Receipt for Sylvania Model No. LD320SS1 Television
23	Pictures of and Purchase Receipt for Magnavox Model No. 32MF330B Television

Exhibit No.	Description
24	Pictures of and Purchase Receipt for Television Control Board A91F3MMA-003 for use in Sylvania Model No. LD320SS1 and LD320SL1 Televisions
25	Pictures of and Purchase Receipt for Philips Model No. 52PFL3704DF7 Television
26	Notice of Commission Decision Not to Review A Final Determination of No Violation of Section 337; Termination of the Investigation
27	[Exhibit number not used]
28	[Exhibit number not used]
29	[Exhibit number not used]
30	Dun And Bradstreet Report on MediaTek Inc. dated May 6, 2011
31	"About MediaTek Inc." from MediaTek Inc. website dated May 12, 2011
32	Product Page for MediaTek MT6253 from MediaTek Inc. website dated May 10, 2011
33	Product Page for MediaTek MT5392 from MediaTek Inc. website dated May 10, 2011
34	Philips 42PFL6704D-F7 Television Service Manual
35	Dun And Bradstreet Report on Zoran Corporation dated May 6, 2011
36	Zoran SupraHD 770 Product Brief
37	Zoran SupraHD 780 Product Brief
38	Claim chart showing infringement of independent claim 9 of the '455 patent by the Zoran SupraHD integrated circuits within a Funai accused television
39	Claim chart showing infringement of independent claim 9 of the '455 patent by the MediaTek MT5392 integrated circuits within a Funai accused television
40C	Circuit Analysis Report for MediaTek MT5382
41C	Circuit Analysis Report for MediaTek MT5392/MT5391

INDEX OF APPENDICES	
Appendix No.	Description
A	Certified copy of prosecution history of U.S. Patent No. 5,467,455
B	Copies of technical references from prosecution history of U.S. Patent No. 5,467,455

INDEX OF PHYSICAL EXHIBITS	
Physical Exhibit No.	Description
	None

I. INTRODUCTION

1. Complainant Freescale Semiconductor, Inc. (“Freescale” or “Complainant”) requests that the United States International Trade Commission (“the Commission”) commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”), based upon the sale for importation, the unlawful importation into the United States, and/or the sale within the United States after importation of certain integrated circuits, chipsets, and products containing same including televisions (hereafter the “Accused Products”).

2. The proposed Respondents are Funai Corporation, Inc. and Funai Electric Co., Ltd. (collectively, “Funai”); MediaTek Inc. (“MediaTek”); and Zoran Corporation (“Zoran”) (hereinafter collectively referred to as “Respondents”).

3. By notice dated March 29, 2010, the Commission instituted Investigation No. 337-TA-709 to determine whether there was a violation of subsection (a)(1)(b) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain integrated circuits, chipsets, or products containing same including televisions, media players or cameras that infringe one or more of, inter alia, claims 9 and 10 of United States Patent No. 5,467,455 (“the Gay patent” or “the ’455 patent”). In the 709 Investigation, Freescale was the sole Complainant, and Funai Corporation, Inc. and Funai Electric Co., Ltd. were both Respondents.

4. Zoran is a supplier of integrated circuits to Funai and, although Zoran was not a respondent in the 709 investigation, Zoran produced documents in the 709 investigation in response to a subpoena.

5. Chief Judge Paul J. Luckern conducted a three-day evidentiary hearing in the 709 Investigation from February 7-9, 2011 and issued his Final Initial Determination on April 4, 2011 (the “709 Final ID,” public version attached as Exhibit 6). Although Chief Judge Luckern

found that certain Zoran documents were not reliable as evidence of the contents of the accused products, he expressly noted that, assuming arguendo that the Zoran documents were accorded weight, the accused products would infringe claims 9 and 10 of the '455 patent. Chief Judge Luckern also concluded in his 709 Final ID that claims 9 and 10 of the '455 patent were valid and enforceable. Accordingly, but for the evidentiary concern related to certain Zoran documents, Funai would have been found in violation of section 337 of the Tariff Act of 1930, as amended.

6. On June 6, 2011, the 709 Final ID became a Final Determination when the Commission published a notice that it would not review the 709 Final ID. Exhibit 26.

7. MediaTek is a supplier of integrated circuits to Funai and, although MediaTek was not a respondent in the 709 investigation, MediaTek produced documents in the 709 investigation in response to a subpoena.

8. Freescale has filed the present Complaint against the proposed Respondents to, inter alia, address the evidentiary concerns identified in the 709 Final ID, as well as to address the infringement of other Funai products that contain integrated circuits from Zoran and MediaTek. In addition, other end-products containing Zoran and/or MediaTek integrated circuits or chipsets are also within the scope of this proposed investigation.

9. The subject matter of the present Complaint is distinct from the subject matter addressed in the 709 Investigation. The Funai products identified in the present Complaint are new purchased in April and May of 2011—after the issuance of the 709 Final ID. Thus, the products represent new importations and violations of Section 337 that were not at issue at the time of the 709 Final ID. Moreover, the proposed Respondents for this investigation include new parties that were not part of the 709 investigation.

10. The Respondents have sold for importation, imported, and/or sold within the United States after importation certain integrated circuits, integrated circuit chipsets, and products containing same, including televisions that directly infringe one or more of at least claims 9 and 10 of the '455 patent. Moreover, the Respondents' actions have induced infringement, and/or contributed to the infringement of at least claims 9 and 10 of the '455 patent.

11. Complainant seeks as relief a permanent exclusion order barring from entry into the United States the accused integrated circuits, chipsets, and products containing same, including, inter alia and without limitation, televisions. Complainant seeks as further relief permanent cease and desist orders preventing Respondents from all commercial activities concerning infringing imported goods.

II. COMPLAINANT FREESCALE

12. Complainant Freescale is a Delaware corporation with its headquarters located at 6501 William Cannon Drive West, Austin, Texas. Freescale was formed in 2004 as a result of the divestiture of the Semiconductor Products Sector of Motorola, Inc. Freescale employs approximately 19,000 people in more than 20 countries including approximately 6,000 in the United States. Freescale maintains major design, research and development, and support centers in Austin, Texas; Lake Zurich, Illinois; and Phoenix, Arizona. It operates numerous wafer fabrication facilities worldwide including three in the United States. Two of these United States facilities are located in Austin, Texas and the remaining facility is in Chandler, Arizona.

13. Freescale enjoyed 2010 revenues of approximately \$4.5 billion of which \$782 million was invested in research and development. See Exhibit 4 (Freescale 2010 Results). Freescale is the successor-in-interest and assignee of Motorola's semiconductor-related patent

portfolio. As a result of Freescale's and its predecessor's vigorous investment in research and development, it owns a portfolio of patents consisting of over 6,200 patent families.

14. Freescale's power management solutions, microprocessors, microcontrollers, sensors, radio frequency semiconductors, analog and mixed signal circuits, and software are embedded in products used around the world including automobiles, media players, washers, dryers and networking infrastructures. Freescale has more than 10,000 customers including 100 of the world's top Original Equipment Manufacturers. Freescale's advanced technology and broad employment base make it an important component of the domestic technology economy.

III. THE TECHNOLOGIES AND PRODUCTS AT ISSUE

15. An integrated circuit is a miniaturized electronic circuit that has been manufactured on the surface of a substrate made of semiconductor material, or die. An integrated circuit die is typically placed within a polymer package to prevent physical damage and provide electrical interconnects for the integrated circuit.

16. The '455 patent relates to on-die termination circuitry of integrated circuit technology.

17. On information and belief, infringing integrated circuits, chipsets, and products containing same are sold for importation, imported, and/or sold after importation into the United States by the Respondents and/or their agents.

18. Although the Freescale patented technology may be used in a wide variety of applications, the Respondents' consumer products believed to infringe include at least televisions. Discovery may reveal the use of these technologies in other Respondents' products, which are expressly within the scope of the Investigation requested herein.

19. On information and belief, the design and sales cycle for televisions is extremely fast. Model numbers of televisions change often, without significant changes to the operation or function of the televisions.

IV. ASSERTED U.S. PATENT NO. 5,467,455

20. The Asserted Patent at issue is United States Patent No. 5,467,455, entitled "Data Processing System and Method for Performing Dynamic Bus Termination." A certified copy of the '455 patent is attached as Exhibit 1. A certified copy of the prosecution history of the '455 patent is included in Appendix A. The technical references identified in the prosecution history of the '455 patent are included in Appendix B.

A. Identification of the Patent and Ownership by Freescale

21. The '455 patent was issued on November 14, 1995, based upon United States Patent Application No. 08/145,117, filed on November 3, 1993.

22. Freescale owns by assignment the entire right, title and interest in the '455 patent. Freescale obtained all right, title and interest in the '455 patent by assignment from Motorola, Inc. executed on April 4, 2004, and recorded on May 7, 2004 (attached as Exhibit 2). Motorola, Inc. had obtained all right, title and interest from the inventors James G. Gay and William B. Ledbetter, Jr. by assignments executed on October 29, 1993, and recorded on November 3, 1993 (attached as Exhibit 2). Freescale provided Citibank, N.A. a security interest in the '455 patent as Collateral Agent, executed on December 1, 2006, and recorded on February 2, 2007 (attached as Exhibit 2). Freescale provided another security interest to Citibank, N.A. on February 19, 2010 (attached as Exhibit 12C). Freescale provided another security interest to Citibank, N.A. on April 13, 2010, recorded on May 13, 2010 (attached as Exhibit 2).

23. Certified copies of the assignments for the '455 patent are attached as Exhibit 2.

24. Freescale asserts claims 9 and 10 of the '455 patent.

B. Nontechnical Description of the '455 Patent

25. The '455 patent describes circuitry designed to reduce unwanted signal reflection on a bi-directional communication bus between two integrated circuits. Among other things, the system and method described in the '455 patent permits disabling the termination circuitry on one of the integrated circuits when data is not being received from the communication bus. The selective enabling and disabling of the termination circuitry allows the system to reduce unwanted signal reflection, which also typically conserves power.

C. Foreign Counterparts to the '455 Patent

26. The following is a list of all foreign counterparts to the '455 patent:

Country	Application No.	Patent No.	Status
Japan	6-287206	4230545	Granted

To the best of Freescale's knowledge, information and belief, there are no other foreign counterpart patents or patent applications to the '455 patent issued, filed, withdrawn, or abandoned.

D. Licenses

27. The identities of all parties with a license to or a covenant-not-to-assert the '455 patent are set forth in the Declaration of Lee Chastain attached as Confidential Exhibit 3C. To the best of Freescale's knowledge, information and belief, there are no other licenses to or covenants-not-to-assert the '455 patent.

V. THE 709 INVESTIGATION

A. The Funai Respondents' Infringement of Freescale's '455 patent was at issue in the 709 Investigation

28. By notice dated March 29, 2010, the Commission instituted Investigation No. 337-TA-709 to determine whether there was a violation of subsection (a)(1)(b) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain integrated circuits, chipsets, or products containing same including televisions, media players or cameras that infringe one or more of, inter alia, claims 9 and 10 of United States Patent No. 5,467,455. The notice instituting Investigation No. 337-TA-709 is attached as Exhibit 5.

29. The complaint relating to the 709 Investigation was filed with the Commission on March 1, 2010 on behalf of Freescale Semiconductor, Inc. Freescale requested that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist orders. Among the respondents named in the notice of investigation and served with the complaint were Funai Corporation, Inc. and Funai Electric Co., Ltd. See Exhibit 5.

30. In addition to claims 9 and 10 of the '455 patent, the Commission also noticed investigation with respect to claims 1, 8, 22 and 26 of the '455 patent, claims 1 and 10 of U.S. Patent No. 5,575,014 ("the '014 patent"), and claims 1, 6, 11, and 13-16 of U.S. Patent No. 7,199,306 ("the '306 patent"). Exhibit 5. Other respondents named in the March 29, 2010 notice of investigation were Panasonic Corporation, Panasonic Semiconductor Discrete Devices Co., Ltd.; Panasonic Corporation of North America; JVC Kenwood Holding, Inc.; Victor Company of Japan Limited; JVC Americas Corp.; Best Buy Co., Inc.; B & H Foto & Electronics Corp.; Huppins Hi-Fi Photo & Video, Inc.; Buy.com, Inc.; Liberty Media Corporation; QVC, Inc.; Crutchfield Corporation; Wal-Mart Stores, Inc.; and Computer Nerds International, Inc. Id.

31. In Order No. 3 of the 709 Investigation, Chief Judge Luckern set a sixteen month target date of August 2, 2011.

B. Zoran was a third-party supplier that provided integrated circuit chips to Funai

32. As Chief Judge Luckern noted in the public version of his 709 Final ID, “Zoran is a third-party that provides certain integrated circuit chips to Funai, and said integrated circuit chips are incorporated into the accused Funai products.” Exhibit 6 at 34, n.8.

33. As reflected in Chief Judge Luckern's Order No. 8, during the 709 Investigation, Funai initially refused to provide discovery on its products that contain integrated circuits (ICs) manufactured by any parties other than Panasonic. Exhibit 7 (Order No. 8 at 1). On May 28, 2010, Freescale filed a motion to compel discovery on Funai products that contain ICs manufactured by other parties such as Zoran. Id. In response, Funai argued that the scope of the 709 Investigation was limited exclusively to ICs manufactured by Panasonic. Id. at 3-5. The Chief Judge rejected Funai's argument and compelled Funai to provide discovery on all of its accused products, including those that contain ICs manufactured by parties other than Panasonic. Id. at 10-16 (ordering Funai to “respond to Freescale . . . with respect to all products that Funai sells for importation, imports, or sells after importation within the United States that contain an accused integrated circuit, regardless of the manufacturer of said integrated circuit”).

34. Despite Order No. 8, the Funai Respondents continued to avoid providing discovery on products containing non-Panasonic ICs. First, Respondents moved on June 25, 2010 to amend or clarify the notice of investigation to exclude, inter alia, Funai products containing non-Panasonic ICs from the scope of accused products. Exhibit 8 (Order No. 11) at 1-2. In denying that motion in Order No. 11, the Chief Judge noted that the same issue was considered—and expressly rejected—in Order No. 8. Id. at 5 (“Significantly, the administrative

law judge found [in Order No. 8] that, contrary to Panasonic, Funai, and JVC's assertion, the 'integrated circuits' and 'chipsets' at issue in this investigation are not limited to those manufactured by Panasonic.”); id. at 6 (“Accordingly, the administrative law judge found that Panasonic, Funai, and JVC's products fall within the scope of this investigation and a limited exclusion order in this investigation may properly cover said products, regardless of who is the manufacturer of the accused integrated circuit contained within such products.”).

35. On July 16, 2010, the Funai Respondents filed: (i) a motion for interlocutory review of Order No. 11; and (ii) a petition for Commission review of Order No. 10's initial determination granting Freescale's motion to amend the complaint. See Exhibit 9 (Order No. 12) at 1; Exhibit 10 (Order No. 13) at 1. Both attempts to avoid discovery on Funai products having non-Panasonic ICs were rejected. Exhibit 9 (Order No. 12) (denying Respondents' motion for interlocutory review of Order No. 11); Exhibit 11 (Aug. 8, 2010 Not. Comm'n Det. Not to Review Init. Determ'n Granting Motion to Amend Complaint).

36. After Funai provided discovery of its products containing non-Panasonic ICs, Freescale sought discovery from Zoran through a subpoena issued by Chief Judge Luckern. As Chief Judge Luckern explained in the 709 Final ID, that subpoena requested “documents related to Zoran part numbers disclosed by Funai as being incorporated into Funai accused products.” Exhibit 6 (709 Final ID) at 34 n.8.

C. Freescale satisfied the domestic industry requirements for the '455 patent based on licensing activities

37. In Order No. 33 of the 709 Investigation, which issued on January 5, 2011, Chief Judge Luckern granted Freescale's motion for summary determination that it had satisfied the requirements of 19 U.S.C. § 1337 (a)(3) in that a domestic industry based on licensing activities exists in the United States for each of the asserted patents in the 709 Investigation, including the

'455 patent. Order No. 33 of the 709 Investigation is attached as Exhibit 13. The Commission declined to review Order No. 33 on February 4, 2011 as shown in the notice attached as Exhibit 14.

D. Chief Judge Luckern conducted a three-day evidentiary hearing on claims 9 and 10 of the '455 patent

38. Freescale reached a settlement via license agreement with Panasonic in the 709 Investigation prior to the scheduled evidentiary hearing and, as a result, moved to terminate the Investigation with respect to the licensed parties. See Exhibit 15 (Order No. 50); Exhibit 6 (709 Final ID) at 6.

39. Chief Judge Luckern conducted a three-day evidentiary hearing in the 709 Investigation from February 7-9, 2011. See Exhibit 6 (709 Final ID) at 6. The only respondents that participated in the hearing were Funai Electric Co., Ltd.; Funai Corporation, Inc.; Wal-Mart Stores, Inc.; Best Buy Purchasing, LLC; Bestbuy.com, LLC; and Best Buy Stores, L.P. Id. Only claims 9 and 10 of the '455 patent were at issue. Id.

E. Assuming arguendo that the Zoran documents were reliable, Chief Judge Luckern concluded that the Funai products containing Zoran chips infringed claims 9 and 10 of the '455 patent

40. Chief Judge Luckern issued his Final Initial Determination in the 709 Investigation on April 4, 2011. Exhibit 6 (709 Final ID).

41. In his Final ID, Chief Judge Luckern construed numerous terms in claims 9 and 10 of the '455 patent. Id. at 12-34. Below is a chart highlighting some of those construction:

Terms	Chief Judge Luckern's Construction	709 Final ID at
"bus termination circuit" (claim 9)	circuitry for signal termination that is selectively enabled or disabled in response to a control signal whose assertion is based, at least in part, on the direction of data signals on the bus	19
"execution unit" (claim 9)	a portion of an integrated circuit that executes commands or instructions	22

“the plurality of bus termination circuits providing data to or receiving data from the execution unit” (claim 9)	the plurality of bus termination circuits supplying data to or getting data from the execution unit	25
“the plurality of external pins used to bidirectionally communicate logic bits to and from the data processor via an external bus” (claim 9)	the plurality of external pins used to bidirectionally communicate logic bits to and from the data processor, the logic bits traveling to and from the data processor via an external bus	29
“couple” and “decouple” (claim 9)	“electrically connect to” and “electrically disconnect from”	32

42. As Chief Judge Luckern noted, Zoran documents admitted at the hearing included datasheets and schematics for Zoran chips. Exhibit 6 (709 Final ID) at 34-35.

43. Chief Judge Luckern found that “there is a link between the [Zoran] datasheet exhibits . . . and the Zoran chips present in the accused [Funai] products because the datasheets consistently correlate ‘SupraHD’ parts to Zoran part numbers present in the accused products.” Id. at 38. However, because he found that Freescale had failed to prove the datasheets' finality, Chief Judge Luckern found the datasheets unreliable as evidence of the contents of the accused Funai products. Id. at 45.

44. With respect to the schematics, Chief Judge Luckern noted that, without a handwritten notation located on the schematics, Freescale's expert admitted that he would not be able to relate the schematics to any particular Zoran part number. Id. at 46. Thus, as with the Zoran datasheets, Chief Judge Luckern concluded that, because he found the schematics to lack any indicia of finality and no corroborating evidence established their finality, the Zoran schematics were unreliable as evidence of the contents of the accused Funai products. Id. at 52-53.

45. Despite according no weight to the Zoran datasheets and schematics, Chief Judge Luckern nevertheless addressed the issue of infringement assuming, arguendo, that each of the Zoran datasheets and schematics are accorded weight. Id. at 54-55.

46. Applying his claim constructions to the Zoran integrated circuit documents, Chief Judge Luckern found that the Zoran chips in the accused Funai products practice each and every limitation of claims 9 and 10 of the '455 patent. Id. at 56-66 (concluding that “were the Zoran datasheets and schematics accorded weight, the accused products would infringe asserted claims 9 and 10 of the '455 patent”).

47. Chief Judge Luckern considered—and rejected—the Respondents' invalidity defenses. Id. at 66-90. He also noted that the Respondents stipulated to the sale and importation of the accused Funai products (which contained the Zoran integrated circuits). Id. at 8-9.

48. Accordingly, were Chief Judge Luckern to have accorded weight to the Zoran datasheets and schematics, Funai would have been found in violation of section 337 of the Tariff Act of 1930, as amended.

F. The Chief Judge's Initial Determination Became the Final Determination of The Commission

49. On June 6, 2011, the 709 Final ID became a Final Determination when the Commission published a notice that it would not review the 709 Final ID. Exhibit 26.

VI. PROPOSED RESPONDENTS AND PROOF OF IMPORTATION

A. Proposed Respondents Funai Electric Co., Ltd. and Funai Corporation, Inc.

50. On information and belief, Proposed Respondent Funai Electric Co., Ltd. is a corporation organized under the laws of Japan, and maintains its principal place of business in Daito, Osaka, Japan. On information and belief, Respondent Funai Electric Co., Ltd. is the

worldwide parent corporation for other Funai entities, and responsible either directly or indirectly through subsidiaries for Funai's infringing activities.

51. On information and belief, Proposed Respondent Funai Corporation, Inc. is a corporation organized under the laws of New Jersey, and maintains its principal place of business at 201 Route 17, Ste. 903, Rutherford, New Jersey 07070. On information and belief, Respondent Funai Corporation, Inc. imports and/or sells after importation Accused Funai Products.

52. A true and correct copy of a Dun and Bradstreet report for Funai Electric Co., Ltd. and Funai Corporation, Inc. is attached as Exhibit 16.

53. Proposed Respondents Funai Corporation, Inc. and Funai Electric Co., Ltd. are herein collectively referred to as "Funai."

54. On information and belief, Funai designs, manufactures, sells for importation, imports, and/or sells after importation products containing Accused integrated circuits and chipsets, including televisions. (See Exhibit 17).

55. Funai is not licensed to utilize Freescale's patented technology to design, manufacture, sell for importation, import, and/or sell after importation infringing products that use Freescale's patented technologies. Funai is not paying a royalty to Freescale.

1. Funai Accused Products

56. On information and belief, Funai Accused Products include products that contain Accused integrated circuits and chipsets, including televisions. Exhibit 18 (Zoran March 23, 2011 press release) ("Zoran supplies DTV processor platforms for global markets under brands such as . . . Funai . . ."); Exhibit 19 (Zoran April 26, 2010 first quarter results) ("Funai's Philips brand is shipping 120 HZ televisions running on Zoran's SupraHD 787 and SupraFRC solutions."); Exhibit 34 (Philips 42PFL6704D-F7 Service Manual at 33) (showing MediaTek

MT5392 in Control Signal Flow Diagram); Exhibit 20 (Philips 52PFL3704D-F7 Service Manual at 30) (showing MediaTek MT5382 in Control Signal Flow Diagram). On information and belief, Funai Accused Products also include products that contain integrated circuits and chipsets manufactured by other unlicensed entities in addition to the named Respondents, for example, MStar Semiconductor, Inc.

57. On information and belief, Funai designs, manufactures, sells for importation, imports, and/or sells after importation products under various other brand names, including Philips, Magnavox, Emerson, Symphonic, and Sylvania. See Exhibit 17.

58. Examples of Funai Accused Products include, but are not limited to, the following Funai model numbers: LD320SS1, 32MF330B/F7, 32PFL3505D/F7, 42MF439B/F7, 47PFL6704D/F7, 52PFL3704D, 52PFL3704D/F7, LC320SL1, LC320SLX, LD427SSX.

2. Proof of Importation

59. Leading up to and through May, 2011, a Freescale representative within the United States purchased several imported Funai Accused Products from various retailers in the United States.

60. On May 19, 2011, a Freescale representative within the United States purchased a Funai Philips 32PFL3505D/F7 television from Provantage Corp. Exhibit 21 contains a sales receipt for the Funai Philips 32PFL3505D/F7 television that includes a Zoran ZR39775 integrated circuit. The unit shown in Exhibit 21 bears a country of origin marking of China.

61. On May 20, 2011, a Freescale representative within the United States purchased a Funai Sylvania LD320SS1 television from Target.com. Exhibit 22 contains a sales receipt for the Funai Sylvania LD320SS1 television that includes a Zoran ZR39772 integrated circuit. The unit shown in Exhibit 22 bears a country of origin marking of China.

62. On May 19, 2011, a Freescale representative within the United States purchased a Funai Magnavox 32MF330B/F7 television from Amazon.com. Exhibit 23 contains a sales receipt for the Funai Magnavox 32MF330B/F7 television that includes a Zoran ZR39745 integrated circuit. The unit shown in Exhibit 23 bears a country of origin marking of China.

63. On April 20, 2011 a Freescale representative within the United States purchased a replacement television control board part number A91F3MMA-003, which on information and belief is for use with at least Sylvania LC320SLX and LC320SL1 Funai televisions, from shopjimmy.com that includes a Zoran ZR39775 integrated circuit. Exhibit 24 contains a sales receipt for the replacement television control board. On information and belief, at least the Zoran ZR39775 integrated circuit was imported into the United States.

64. On May 13, 2011, a Freescale representative within the United States purchased a Funai Philips 52PFL3704D/F7 television from Amazon.com that includes a MediaTek MT5382 integrated circuit. Exhibit 25 contains a sales receipt for the Funai Philips 52PFL3704D/F7 television. The unit shown in Exhibit 25 bears a country of origin marking of Mexico.

B. Proposed Respondent MediaTek Inc.

65. On information and belief, Proposed Respondent MediaTek Inc. is a corporation organized under the laws of Taiwan, and maintains its principal place of business in No.1, Dusing Road 1, Hsinchu Science Park, Hsinchu City, Taiwan R.O.C., 30078. On information and belief, Proposed Respondent MediaTek Inc. is the worldwide parent corporation for other MediaTek entities, and responsible either directly or indirectly through subsidiaries for MediaTek's infringing activities.

66. A true and correct copy of a Dun and Bradstreet report for MediaTek Inc. is attached as Exhibit 30.

67. Proposed Respondent MediaTek Inc. is herein referred to as "MediaTek."

68. On information and belief, MediaTek designs, manufactures, sells for importation, imports, and/or sells after importation products containing integrated circuits and chipsets, that are included in televisions. See Exhibit 31 (About MediaTek).

69. MediaTek is not licensed to utilize Freescale's patented technology to design, manufacture, sell for importation, import, and/or sell after importation infringing products that use Freescale's patented technologies. MediaTek is not paying a royalty to Freescale.

1. MediaTek Accused Products

70. On information and belief, MediaTek Accused Products include MediaTek integrated circuits and chipsets, including those included in televisions made by consumer electronics companies such as Funai. Exhibit 32 (MT5382 Product page) (“The MediaTek MT5382 is a highly integrated SOC family combining DTV backend decoder and TV controller for US market.”); Exhibit 33 (MT5392 Product Page) (“MediaTek’s MT5392 DTV SoC . . . the best digital media journey with MediaTek’s highly integrated DTV SoC.”); Exhibit 34 (Philips 42PFL6704D/F7 Service Manual at 33) (showing MediaTek MT5392 in Control Signal Flow Diagram); Exhibit 20 (Philips 52PFL3704D/F7 Service Manual at 30) (showing MediaTek MT5382 in Control Signal Flow Diagram).

71. On information and belief, MediaTek designs, manufactures, sells for importation, imports, and/or sells after importation products under various names and models that utilize DDR2 SDRAM technology. See Exhibit 34 (Philips 42PFL6704D/F7 Service Manual at 34) (showing MediaTek MT539x and DDR2 memory).

72. Examples of MediaTek Accused Products include the following MediaTek product families: MT5382 and MT5392. See Exhibits 32-33.

73. On information and belief, MediaTek Accused Products also include integrated circuits and/or chipsets that are incorporated into end-products manufactured by other unlicensed entities in addition to Funai that are imported into the United States.

2. Proof of Importation

74. Leading up to and through May 2011, a Freescale representative within the United States purchased imported MediaTek integrated circuits included in televisions in the United States.

75. On May 13, 2011, a Freescale representative within the United States purchased a Funai Philips 52PFL3704D/F7 television from Amazon.com that includes a MediaTek integrated circuit. Exhibit 25 contains a sales receipt for the Funai Philips 52PFL3704D/F7 television. The unit shown in Exhibit 25 bears a country of origin marking of Mexico. A MediaTek MT5382 integrated circuit was found on inspection of the television. A photograph of the MediaTek MT5382 integrated circuit from the Funai Philips 52PFL3704D/F7 television of is contained in Exhibit 25.

C. Proposed Respondent Zoran Corporation

76. On information and belief, Proposed Respondent Zoran Corporation is a corporation organized under the laws of Delaware, and maintains its principal place of business at 1390 Kifer Road, Sunnyvale, California 94086. On information and belief, Respondent Zoran Corporation is the worldwide parent corporation for other Zoran entities, and responsible either directly or indirectly through subsidiaries for Zoran's infringing activities.

77. A true and correct copy of a Dun and Bradstreet report for Zoran Corporation is attached as Exhibit 35.

78. Proposed Respondent Zoran Corporation is herein referred to as "Zoran."

79. On information and belief, Zoran designs, manufactures, sells for importation, imports, and/or sells after importation products containing integrated circuits and chipsets, that are included in televisions. See Exhibit 18 (Zoran March 23, 2011 press release) (“Zoran supplies DTV processor platforms for global markets under brands such as . . . Funai”); Exhibit 19 (Zoran April 26, 2010 first quarter results) (“Funai's Philips brand is shipping 120 HZ televisions running on Zoran's SupraHD 787 and SupraFRC solutions.”).

80. Zoran is not licensed to utilize Freescale's patented technology to design, manufacture, sell for importation, import, and/or sell after importation infringing products that use Freescale's patented technologies. Zoran is not paying a royalty to Freescale.

1. Zoran Accused Products

81. On information and belief, Zoran Accused Products include Zoran integrated circuits and chipsets, including those included in televisions made by consumer electronics companies such as Funai. Exhibit 18 (Zoran March 23, 2011 press release) (“Zoran supplies DTV processor platforms for global markets under brands such as . . . Funai”); Exhibit 19 (Zoran April 26, 2010 first quarter results) (“Funai's Philips brand is shipping 120 HZ televisions running on Zoran's SupraHD 787 and SupraFRC solutions.”).

82. On information and belief, Zoran designs, manufactures, sells for importation, imports, and/or sells after importation products under various names and models that utilize DDR2 SDRAM technology. See Exhibit 36 (SupraHD 770 Product Brief); Exhibit 37 (SupraHD 780 Product Brief).

83. Examples of Zoran Accused Products include, but are not limited to, the following Zoran product families: SupraHD 770, SupraHD 745 (ZR39745), SupraHD 775 (ZR39775), SupraHD 780, SupraHD 785 (ZR39785), and SupraHD 787.

84. On information and belief, Zoran Accused Products also include integrated circuits and/or chipsets that are incorporated into end-products manufactured by other unlicensed entities in addition to Funai that are imported into the United States.

2. Proof of Importation

85. Before and through May, 2011, a Freescale representative within the United States purchased several imported Zoran Accused integrated circuits included in televisions from various retailers in the United States.

86. On May 19, 2011, a Freescale representative within the United States purchased a Funai Philips 32PFL3505D/F7 television from Provanage Corp. Exhibit 21 contains a sales receipt for the Funai Philips 32PFL3505D/F7 television that includes a Zoran ZR39775 integrated circuit. The unit shown in Exhibit 21 bears a country of origin marking of China. A Zoran ZR39775 integrated circuit was found on inspection of the television. A photograph of the Zoran integrated circuit from the Funai Philips 32PFL3505D/F7 television is contained in Exhibit 21.

87. On May 20, 2011, a Freescale representative within the United States purchased a Funai Sylvania LD320SS1 television from Target.com. Exhibit 22 contains a sales receipt for the Funai Sylvania LD320SS1 television that includes a Zoran ZR39772 integrated circuit. The unit shown in Exhibit 22 bears a country of origin marking of China. A Zoran ZR39772 integrated circuit was found on inspection of the television. A photograph of the Zoran integrated circuit from the Funai Sylvania LD320television is contained in Exhibit 22.

88. On May 19, 2011, a Freescale representative within the United States purchased a Funai Magnavox 32MF330B/F7 television from Amazon.com. Exhibit 23 contains a sales receipt for the Funai Magnavox 32MF330B/F7 television that includes a Zoran ZR39745 integrated circuit. The unit shown in Exhibit 23 bears a country of origin marking of China. A

Zoran ZR39745 integrated circuit was found on inspection of the television. A photograph of the Zoran integrated circuit from the Funai Magnavox 32MF330B/F7 television is contained in Exhibit 23.

89. On April 20, 2011 a Freescale representative within the United States purchased a replacement television control board part number A91F3MMA-003 for use with at least Sylvania LC320SLX and LC320SL1 Funai televisions from shopjimmy.com that includes a Zoran ZR39775 integrated circuit. Exhibit 24 contains a sales receipt for the replacement television control board. On information and belief, at least the Zoran ZR39775 integrated circuit was imported into the United States. A Zoran ZR39775 integrated circuit was found on inspection of the replacement board. A photograph of the Zoran integrated circuit from the replacement board is contained in Exhibit 24.

VII. UNLAWFUL AND UNFAIR ACTS OF PROPOSED RESPONDENTS

90. As detailed herein, on information and belief, Proposed Respondents import, sell for importation, and/or sell after importation into the United States certain integrated circuits, chipsets, and/or products containing same, including televisions, that infringe the Asserted Patent.

91. On information and belief, Proposed Respondents Funai, MediaTek and Zoran sell for importation and/or sell after importation into the United States certain integrated circuits, chipsets, and/or products containing same that infringe claims 9 and 10 of the '455 patent.

92. On information and belief, Zoran integrated circuits that infringe claims 9 and 10 of the '455 patent, include, but are not limited to, SupraHD 770, SupraHD 745 (ZR39745), SupraHD 775 (ZR39775), SupraHD 780, SupraHD 785 (ZR39785), and SupraHD 787.

93. On information and belief, Zoran chipsets that infringe claims 9 and 10 of the '455 patent, include, but are not limited to, chipsets with DDR2 memory in combination with

SupraHD 770, SupraHD 745 (ZR39745), SupraHD 775 (ZR39775), SupraHD 780, SupraHD 785 (ZR39785), and SupraHD 787.

94. On information and belief, MediaTek integrated circuits that infringe claims 9 and 10 of the '455 patent, include, but are not limited to, MT5382, MT5391, and MT5392.

95. On information and belief, MediaTek chipsets that infringe claims 9 and 10 of the '455 patent, include, but are not limited to, chipsets with DDR2 memory in combination with MT5382, MT5391, and MT5392.

96. Funai Accused Products that infringe the '455 patent include, but are not limited to, end-products that include one or more of the infringing integrated circuits or chipsets, including:

a. The Funai Philips 32PFL3505D/F7 television that includes a Zoran ZR39775 integrated circuit.

b. The Funai Sylvania LD320SS1 television that includes a Zoran ZR39772 integrated circuit.

c. The Funai Magnavox 32MF330B/F7 television that includes a Zoran ZR39745 integrated circuit

d. The Sylvania LC320SLX television, which incorporates an infringing Zoran ZR39775 integrated circuit and chipset and/or Zoran ZR39745 integrated circuit and chipset;

e. The Sylvania LC320SL1 television, which incorporates an infringing Zoran ZR39775 integrated circuit and chipset;

f. The Sylvania LD427SSX television, which incorporates an infringing Zoran ZR39785 integrated circuit and chipset.

g. The Magnavox 42MF439B/F7 television, which incorporates an infringing Zoran ZR39785 integrated circuit and chipset;

h. The Philips 52PFL3704D/F7 television, which incorporates an infringing MediaTek MT5392 integrated circuit and chipset.

97. A claim chart showing infringement of independent claim 9 of the '455 patent by the Zoran SupraHD integrated circuits within a Funai accused television is attached as Exhibit 38.

98. A claim chart showing infringement of independent claim 9 of the '455 patent by the MediaTek MT5392 integrated circuits within a Funai accused television is attached as Exhibit 39.

99. Materials cited in the claim charts provided in Exhibit 38-39 are attached as Exhibits 6, and 40C-41C.

100. On information and belief, end-products imported, sold for importation, or sold after importation by any proposed Respondent, that incorporate one of the above-listed integrated circuits or any other integrated circuit that infringes the '455 patent will also infringe the '455 patent.

101. On information and belief, Proposed Respondents Funai, Zoran, and MediaTek also actively induce infringement of the '455 patent by actively and knowingly aiding and abetting direct infringement by their customers. Proposed Respondents Funai, Zoran, and MediaTek actively and knowingly sell for importation, import, and/or sell after importation in the United States integrated circuits, such as those identified herein, that when placed into an end-product, for example a television, by one of their customers infringe at least claims 9 and 10 of the '455 patent.

102. Proposed Respondents Funai, Zoran, and MediaTek have been selling accused integrated circuits and products containing same knowing that there are no legitimate non-infringing uses of the integrated circuits. The Accused integrated circuits are not staple articles of commerce and do not have substantial non-infringing uses.

103. On information and belief, Proposed Respondents Funai, Zoran, and MediaTek sell for importation, imports and/or sells after importation in the United States integrated circuits, such as those identified herein, and thereby contribute to the infringement of at least claims 9 and 10 of the '455 patent. Direct infringement of the asserted claims occurs when customers of Respondents Funai, Zoran, and MediaTek use the integrated circuits in an end-product, for example, a television. The Accused integrated circuits are not staple articles of commerce and do not have substantial non-infringing uses.

104. Respondents Funai, Zoran, and MediaTek are aware or have been made aware by this Complaint of the '455 patent and its applicability to the infringing products.

VIII. TARIFF CLASSIFICATION UNDER THE HARMONIZED TARIFF SCHEDULE

105. On information and belief, the infringing integrated circuits and chipsets have been imported into the United States under at least subheading 8542.

106. On information and belief, the infringing televisions have been imported into the United States under at least subheading 8528.

107. The foregoing is illustrative and is not intended to restrict the scope of any remedy sought by Complainant.

IX. RELATED LITIGATION

108. On December 7, 2006, Freescale filed an infringement suit against ProMOS Technologies in the United States District Court for the Eastern District of Texas, Sherman Division, Civil Action Number 4:06-CV-491, alleging that ProMOS infringed three Freescale

patents (U.S. Patent Nos. 5,367,494; 5,467,455; and 5,476,816). The parties settled and filed a Joint Stipulation of Dismissal on August 1, 2008. The case was dismissed on August 4, 2008.

109. On August 13, 2008, Freescale filed a complaint in the United States International Trade Commission, Investigation No. 337-TA-656, alleging that LSI Corporation (“LSI”) has sold for importation, imported, or sold within the United States integrated circuits that infringe U.S. Patent No. 5,467,455; U.S. Patent No. 5,776,798; and U.S. Patent No. 6,473,349. The Commission instituted the investigation on September 18, 2008. On October 27, 2008, Freescale and LSI jointly moved to terminate the investigation on the basis of a settlement agreement. On November 10, 2008 the ALJ overseeing the investigation issued an Initial Determination granting the motion to terminate the investigation. On November 29, 2008, the Commission declined to review the Initial Determination.

110. On August 8, 2008, Freescale filed an infringement suit in the United States District Court for the Eastern District of Texas, Civil Action Number 2:08-CV-314, alleging that LSI infringed U.S. Patent No. 5,467,455; U.S. Patent No. 5,776,798; and U.S. Patent No. 6,473,349. On September 29, 2008, the Court stayed the action pursuant to 28 U.S.C. § 1659. On October 29, 2008, the Court granted the parties' joint motion to lift the stay and dismiss the action.

111. On March 1, 2010 Freescale filed a complaint in the United States International Trade Commission, Investigation No. 337-TA-709, alleging that the named respondents had sold importation, imported, or sold within the United States integrated circuits that infringe U.S. Patent No. 5,467,455; U.S. Patent No. 5,715,014; and U.S. Patent No. 7,199,306. As discussed above, Chief Judge Paul J. Luckern conducted a three-day evidentiary hearing in the 709 Investigation from February 7-9, 2011. See Exhibit 6 (709 Final ID) at 6. The only respondents

that participated in the hearing were Funai Electric Co., Ltd.; Funai Corporation, Inc.; Wal-Mart Stores, Inc.; Best Buy Purchasing, LLC; Bestbuy.com, LLC; and Best Buy Stores, L.P., and the only claims at issue were claims 9 and 10 of the '455 patent Id. Chief Judge Luckern found no violation because he found that the Zoran documents were unreliable as evidence of the contents of the accused Funai products

112. On March 1, 2010, Freescale filed an infringement suit in the United States District Court for the Western District of Texas, Austin Division, Civil Action Number 10-CV-00138-LY, alleging that, inter alia, the above-listed Funai entities infringe the '455 Patent.

113. On April 29, 2011, a request for re-examination of the '455 patent was filed by an anonymous third-party requester.

114. On June 8, 2011, Freescale filed an infringement suit in the United States District Court for the Western District of Texas, Austin Division, Civil Action Number 1:11-cv-00472 LY, alleging that, inter alia, Zoran and MediaTek infringe the '455 Patent.

X. DOMESTIC INDUSTRY

115. An industry exists in the United States as required by subsection (a)(2) of Section 337 relating to Freescale's semiconductor products.

116. As Chief Judge Luckern found in Order No. 33 of the 709 Investigation, Freescale has at least made substantial investment in licensing with respect to the '455 patent to satisfy the domestic industry requirements of subsection (a)(3) of Section 337. Exhibit 13 (Order No. 33). The Commission declined to review Order No. 33. Exhibit 14. Freescale has continued to make substantial investments in licensing with respect to the '455 patent since Order No. 33. Accordingly, Freescale meets the domestic industry requirements through its licensing activities.

117. The Asserted Patent, and the patent families of which it is a part, is an important part of Freescale's patent portfolio and are significant to Freescale's licensing activity. See Confidential Exhibit 3C.

118. Freescale has also made significant investments to license the technologies represented by the '455 patent.

119. Freescale has at least 22 employees supporting Freescale's patent licensing activities, including the '455 patent.

120. The Freescale employees supporting Freescale's patent licensing activities relating to the '455 patent engage, inter alia, in the administration and oversight of Freescale's patent portfolio, monitoring the marketplace for potential infringers, conducting technical analysis and reverse engineering of potentially infringing products, conducting licensing negotiations, and providing legal support.

121. The '455 patent has been widely licensed by Freescale, generating significant revenues. A list of all patent licenses to, and covenants-not-to assert, the '455 patent are attached as Confidential Exhibit 3C. Freescale's licensing revenues are included in the Declaration of Lee Chastain in support of allegations of investments in intellectual property and technology licensing operations which is attached as Confidential Exhibit 3C.

122. Freescale has invested substantial sums in enforcement actions of its patents, including the '455 patent, resulting in royalty bearing licenses.

123. A declaration providing a breakdown of Freescale's investments in intellectual property and technology licensing operations attributable to domestic industry activities exploiting the '455 patent is set forth in Confidential Exhibit 3C.

124. Freescale's investment in salaries for United States employees engaged in intellectual property and technology licensing operations relating to the '455 patent is set forth in Tabs B & C of Confidential Exhibit 3C.

XI. RELIEF REQUESTED

125. WHEREFORE, by reason of the foregoing, Complainant Freescale Semiconductor, Inc. respectfully requests that the United States International Trade Commission:

(a) Institute an investigation, pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337(a)(1)(B)(i) and (b)(1), with respect to violations of Section 337 based upon the importation into the United States, the sale for importation, and/or the sale within the United States after importation of Proposed Respondents' Accused Products that infringe one or more of claims 9 and 10 of the '455 patent and/or the importation into the United States, the sale for importation, and/or the sale within the United States after importation by Proposed Respondents that induces the infringement and/or contributes to the infringement of one or more of claims 9 and 10 of the '455 patent;

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

(c) Issue a permanent exclusion order forbidding entry into the United States of integrated circuits, chipsets, and products containing the same, including, but not limited to, televisions, that infringe claims 9 and 10 of the '455 patent;

(d) Issue permanent cease and desist orders, pursuant to 19 U.S.C. § 1337(f), directing Proposed Respondents, their affiliates, and others acting on behalf of Proposed Respondents, to cease and desist from importing, marketing, advertising, demonstrating, warehousing inventory for distribution, offering for sale, selling, distributing, licensing or use of

integrated circuits, chipsets, and products containing the same, including, but not limited to, televisions, in the United States or transferring outside of the United States, that infringe one or more of the asserted claims of Freescale's United States Patent No. 5,467,455;

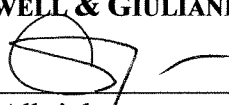
(e) Order that any importation during the presidential review period be made subject to a bond sufficient to protect the Complainant from any injury; and

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

Dated: June 7, 2011

Respectfully submitted,

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