

September 7, 2011

VIA HAND DELIVERY

The Honorable James R. Holbein
Secretary
U.S. International Trade Commission
500 E Street, S.W.
Washington, DC 20436

Re: *Certain Electronic Devices with Communication Capabilities,
Components Thereof, and Related Software, DN 2841*

Dear Secretary Holbein:

On August 16, 2011, HTC Corp. filed a Complaint in the above-captioned matter. HTC hereby amends that Complaint to assert five additional patents. The amendments to the Complaint are set forth in paragraphs 1A, 2A, 14A-D, 47A-47TT, 63A-Y, 67A, 69A, 76A-C, 81A-E, 82(a1), (c1), and (d1).

Accordingly, enclosed for filing on behalf of Complainant HTC Corp. are the following documents in support of Complainant's Amended Complaint requesting that the Commission commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended. A request for confidential treatment of Confidential Exhibits 36C-40C and 44C to the Amended Complaint is included with this filing. HTC is not resubmitting the exhibits and appendices from the Complaint as originally filed.

Complainant has obtained permission from the Docket Office and therefore is filing certain documents accompanying this Amended Complaint in electronic form. As described below, the original and all required copies of the Amended Complaint are in paper form. The original exhibits to the Amended Complaint are in paper form, and all other copies of those exhibits are in electronic form and are being provided on a CD. The appendices to the Amended Complaint are also in electronic form on a CD. Complainants will provide any additional paper copies at the Secretary's request.

Accordingly, Complainant submits the following documents for filing:

1. An original and twelve (12) copies of the verified Amended Complaint and an original and six (6) copies of the accompanying exhibits, with the confidential exhibits segregated from the other material submitted (original and one (1) copy unbound, without tabs) (Rules 201.6(c),

210.4(f)(3)(i), and 210.8(a)(1)(i)), all copies of the verified Amended Complaint in paper form, one original copy of the accompanying exhibits in paper form, four electronic copies of the accompanying exhibits on a CD;

2. One (1) additional copy of the Amended Complaint (in paper form) and accompanying non-confidential and confidential exhibits in electronic form (on a CD) for service upon the proposed respondent (Rules 210.4(f)(3)(i), 210.8(a)(1)(iii), and 210.11(a));
3. Certified copies of the following United States Letters Patent: (a) 6,708,214, (b) 6,473,006, (c) 7,289,772 (d) 6,868,283 and (e) 7,020,849 (collectively the "asserted patents in the Amended Complaint"), included as Exhibits 24-27 and 41 to the Amended Complaint in the original Amended Complaint, and copies thereof included as Exhibits 24-27 and 41 to the Amended Complaint in all copies of the Amended Complaint (Rule 210.12(a)(9)(i)), one copy in paper form, and all other copies on a CD.
4. The assignments involving the asserted patents in the Amended Complaint included as Exhibits 28 through 31 and 42 in the original Amended Complaint, and copies thereof included as Exhibits 28 through 31 and 42 in all copies of the complaint (Rule 210.12(a)(9)(ii)), one copy in paper form, all other copies on a CD;¹
5. An identification of each licensee under the asserted patents in the Amended Complaint included as Confidential Exhibit 40C (Rule 210.12(a)(9)(iv)), one copy in paper form, all other copies on a CD;
6. Four (4) copies thereof of the prosecution histories for each of the asserted patents in the Amended Complaint are included as Appendices G through J and O (in electronic form) on a CD (Rule 210.12(c)(1));
7. Four (4) copies of reference documents mentioned in the prosecution histories of the applications leading to the issuance of the asserted patents

¹ At the time of the filing of the complaint, certified copies of the '214, '006, '772, '283, and '849 prosecution histories and recorded assignments were not available. HTC has ordered the certified copies of those documents and will submit them immediately upon receipt. HTC also submits with the assignment records, Exhibits 28-31 and 42, copies of the most recent assignment submitted for recordation with the PTO and the receipt for such recordation.


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included as Appendices K through N and P (in electronic form) on a CD (Rule 210.12(c)(2)); and

8. A letter and certification pursuant to Commission Rules 201.6(b) and 210.5(d) requesting confidential treatment of Confidential Exhibits 36C through 40C and 44C to the Amended Complaint.

Thank you for your attention to this matter.

Respectfully submitted,


Thomas L. Jarvis

Enclosures

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

In the Matter of

**CERTAIN ELECTRONIC
DEVICES WITH
COMMUNICATION
CAPABILITIES, COMPONENTS
THEREOF, AND RELATED
SOFTWARE**

Investigation No. 337-TA-_____

**AMENDED COMPLAINT OF HTC CORP. UNDER SECTION 1337
OF THE TARIFF ACT OF 1930, AS AMENDED**

COMPLAINANT

HTC Corp.
23 Xinghua Rd., Taoyuan City
Taoyuan County 330, Taiwan,
(R.O.C.)
Telephone: +866-3-375-3252

PROPOSED RESPONDENT

Apple Inc., a/k/a Apple Computer, Inc.
1 Infinite Loop
Cupertino, CA 95014
Telephone: (408) 996-1010

COUNSEL FOR COMPLAINANT

Thomas L. Jarvis
Don. O. Burley
John R. Alison
Steven M. Anzalone
Houtan K. Esfahani
Paul C. Goulet
**FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP**
901 New York Avenue, N.W.
Washington, D.C. 20001-4413
Telephone: (202) 408-4000
Facsimile: (202) 408-4400

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Exhibit 2	Certified copy of U.S. Patent No. 7,417,944
Exhibit 3	Certified copy of U.S. Patent No. 7,672,219
Exhibit 4	Certified copy of recorded assignment(s) for U.S. Patent No. 7,765,414
Exhibit 5	Certified copy of recorded assignment(s) for U.S. Patent No. 7,417,944
Exhibit 6	Certified copy of recorded assignment(s) for U.S. Patent No. 7,672,219
Exhibit 7	D&B Business Report for HTC Corp.
Exhibit 8	2010 HTC Corp. Business Review
Exhibit 9	Apple's 2010 Annual Report
Exhibit 10	Foreign patents and patent applications related to U.S. Patent No. 7,765,414
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Exhibit 12	Foreign patents and patent applications related to U.S. Patent No. . 7,672,219
Exhibit 13	Infringement claim chart for U.S. Patent No. 7,765,414 and exhibits cited therein
Exhibit 14	Infringement claim chart for U.S. Patent No. 7,417,944 and exhibits cited therein
Exhibit 15	Infringement claim chart for U.S. Patent No. 7,672,219 and exhibits cited therein
Exhibit 16	Documents detailing purchase of Apple iPhone 4 product in the United States, including photographs
Exhibit 24	Certified copy of U.S. Patent No. 6,708,214
Exhibit 25	Certified copy of U.S. Patent No. 6,473,006
Exhibit 26	Certified copy of U.S. Patent No. 6,289,772
Exhibit 27	Certified copy of U.S. Patent No. 6,868,283
Exhibit 28	Assignment(s) for U.S. Patent No. 6,708,214
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Exhibit 31	Assignment(s) for U.S. Patent No. 6,868,283
Exhibit 32	Infringement claim chart for U.S. Patent No. 6,708,214 and exhibits cited therein
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Exhibit 41	Certified copy of U.S. Patent No. 7,020,849
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Exhibit 43	Infringement claim chart for U.S. Patent No. 7,020,849 and exhibits cited therein

Confidential Document

Exhibit

- Exhibit 17C Identification of Licensees
- Exhibit 18C HTC's Motion for Summary Determination that it Satisfies the Economic Prong of the Domestic Industry Requirement in ITC Inv. No. 337-TA-721
- Exhibit 19C Order No. 40, Initial Determination Granting Summary Determination in Inv. No. 337-TA-721
- Exhibit 20C Continuing Economic Investments for the Asserted Patents
- Exhibit 21C Domestic Industry claim chart for U.S. Patent No. 7,765,414
- Exhibit 22C Domestic Industry claim chart for U.S. Patent No. 7,417,944
- Exhibit 23C Domestic Industry claim chart for U.S. Patent No. 7,672,219
- Exhibit 36C Domestic Industry claim chart for U.S. Patent No. 6,708,214
- Exhibit 37C Domestic Industry claim chart for U.S. Patent No. 6,473,006
- Exhibit 38C Domestic Industry claim chart for U.S. Patent No. 7,289,772
- Exhibit 39C Domestic Industry claim chart for U.S. Patent No. 6,868,283
- Exhibit 40C Identification of Licensees for the '214, '006, '772, '283, and '849 patents
- Exhibit 44C Domestic Industry claim chart for U.S. Patent No. 7,020,849

Physical

Exhibit

- Physical Exhibit 1 Apple iPhone 4 (in box with packaging)
- Physical Exhibit 2 HTC Ruby

APPENDICES

Appendix

Document

- App. A Certified copy of the prosecution history of U.S. Patent No. 7,765,414 and three copies thereof
- App. B Certified copy of the prosecution history of U.S. Patent No. 7,417,944 and three copies thereof
- App. C Certified copy of the prosecution history of U.S. Patent No. 7,672,219 and three copies thereof
- App. D Four copies of technical references identified in the prosecution history of U.S. Patent No. 7,765,414
- App. E Four copies of technical references identified in the prosecution history of U.S. Patent No. 7,417,944
- App. F Four copies of technical references identified in the prosecution history of U.S. Patent No. 7,672,219
- App. G Copy of the prosecution history of U.S. Patent No. 6,708,214 and three copies thereof

- App. H Copy of the prosecution history of U.S. Patent No. 6,473,006 and three copies thereof
- App. I Copy of the prosecution history of U.S. Patent No. 7,289,772 and three copies thereof
- App. J Copy of the prosecution history of U.S. Patent No. 6,868,283 and three copies thereof
- App. K Four copies of technical references identified in the prosecution history of U.S. Patent No. 6,708,214
- App. L Four copies of technical references identified in the prosecution history of U.S. Patent No. 6,473,006
- App. M Four copies of technical references identified in the prosecution history of U.S. Patent No. 7,289,772
- App. N Four copies of technical references identified in the prosecution history of U.S. Patent No. 6,868,283
- App. O Copy of the prosecution history of U.S. Patent No. 7,020,849 and three copies thereof
- App. P Four copies of technical references identified in the prosecution history of U.S. Patent No. 7,020,849

I. INTRODUCTION

1. This Complaint is filed by HTC Corp. (“HTC”) under Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, based on the unlawful importation into the United States, the sale for importation, and the sale within the United States after importation, by proposed Respondent Apple, Inc. (“Apple”) of certain electronic devices with communication capabilities, components thereof, and related software, that infringe one or more of claims 1, 4-13, and 15-21 of United States Patent No. 7, 765,414 (“the ’414 patent”); claim 1 of United States Patent No. 7,417,944 (“the ’944 patent”); and claims 1-5 of United States Patent No. 7,672,219 (“the ’219 patent”) (collectively the “Asserted Claims” of the “Asserted Patents”).

1A. This Amended Complaint is filed by HTC under Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, based on the unlawful importation into the United States, the sale for importation, and the sale within the United States after importation, by proposed Respondent Apple, Inc. (“Apple”) of certain electronic devices with communication capabilities, components thereof, and related software, that infringe one or more of claims 1-3 of United States Patent No. 6,708,214 (“the ’214 patent”); claims 1, 3, and 7-11 of United States Patent No. 6,473,006 (“the ’006 patent”); claims 1, 2, and 9 of United States Patent No. 7,289,772 (“the ’772 patent”); claims 11, 12, and 19 of United States Patent No. 6,868,283 (“the ’283 patent”); and claims 1, 5, 9-11, 13, 14, 16, and 17 of United States Patent No. 7,020,849. These asserted claims of these asserted patents are included in the definition “Asserted Claims” of the “Asserted Patents.”

2. Certified copies of each of the Asserted Patents are attached as Exhibit Nos. 1 through 3, respectively. HTC owns all right, title, and interest in each of the Asserted Patents. Certified copies of the recorded assignments for each of the Asserted Patents are attached as

Exhibit Nos. 4 through 6. The recorded assignments for the '944 patent (Exhibit 5) are identical to the recorded assignments for the '219 patent (Exhibit 6).

2A. Certified copies of each of the '214, '006, '772, '283, and '849 patents are attached as Exhibit Nos. 24 through 27 and 41, respectively. HTC owns all right, title, and interest in each of the '214, '006, '772, '283, and '849 patents. Copies of the assignments for each of the '214, '006, '772, '283, and '849 patents are attached as Exhibit Nos. 28 through 31 and 42.¹

3. The proposed respondent is Apple, Inc. (a/k/a Apple Computer, Inc.). The accused products are certain electronic devices with communication capabilities, components thereof, and related software, including, but not limited to smartphones, tablet computers, portable media players, desktop and portable computers, other wireless devices such as network equipment, display devices, and printers, and software to be loaded on such devices (collectively the "Accused Products"). The Accused Products include, but are not limited to, Apple's Mac computer products; Apple's iPhone, iPad, and iPod touch mobile products; Apple's wireless capable display devices such as Apple TV and third party branded printers; and Apple's AirPort and Time Capsule wireless network equipment. On information and belief, the Accused Products are manufactured and/or sold for importation into the United States, imported into the United States, or sold after importation into the United States by or on behalf of Apple.

4. An industry as required by 19 U.S.C. § 1337(a)(2) and (3) exists in the United States relating to the technology protected by the Asserted Patents.

¹ At the time of the filing of the Complaint, certified copies of the '214, '006, '772, '283, and '849 prosecution histories and recorded assignments were not available. HTC has ordered the certified copies of those documents and will submit them immediately upon receipt. HTC also submits with the assignment records, Exhibits 28-31 and 42, copies of the most recent assignment submitted for recordation with the PTO and the receipt for such recordation.

5. HTC seeks, as relief, a permanent exclusion order barring from entry into the United States all infringing electronic devices with communication capabilities, components thereof, and related software imported by or on behalf of Apple. HTC also seeks, as relief, a cease and desist order prohibiting Apple's sale for importation, importation, sale after importation, distribution, offer for sale, advertising, testing, loading with software, solicitation of sales, repair, technical support, and any other commercial activity related to the Accused Products that infringe one or more Asserted Claims of the Asserted Patents.

II. COMPLAINANT

6. HTC Corp. ("HTC") is a corporation organized and existing under the laws of Taiwan with its principal place of business at 23 Xinghua Rd., Taoyuan City, Taoyuan County 330, Taiwan, (R.O.C.). *See Exhibit 7, D&B Business Report for HTC Corp.*

7. Founded in 1997, HTC is widely recognized as the company behind many of the most popular operator-branded mobile handsets on the market today. HTC has pioneered the smartphone market, launching many of the industry's groundbreaking technologies due in part to its own innovation, as well as to strategic partnerships with companies such as Microsoft, Google, and Qualcomm. HTC is widely recognized as one of the fastest-growing companies in the mobile sector.

8. HTC's mobile electronic devices are sold throughout the United States by the largest mobile operators in the nation including Verizon, T-Mobile, AT&T, Sprint, as well as many regional mobile operators, and are also available for purchase throughout the United States at retail outlets such as Best Buy and RadioShack. In addition to its own proprietary lines of mobile handsets, HTC's products have also been sold throughout the United States under the brand names of other companies such as Google, Microsoft, Hewlett Packard/Compaq and Palm.

9. The market has long recognized the value of HTC's smartphones and other portable electronic devices. In 2010, HTC generated approximately \$5 billion in the United States from the sale of its products. *See Exhibit 8, 2010 HTC Business Report, at 30* (total in TWD converted to USD). HTC, through its subsidiaries, performs several services in the United States including research and development, design, engineering, sales, marketing, repair, product support, and warranty and other after-sales services of HTC's electronic devices with communication capabilities, including devices that practice one or more of the inventions of each of the Asserted Patents.

III. PROPOSED RESPONDENT

10. Respondent Apple Inc., (a/k/a Apple Computer, Inc.) is a corporation organized under the laws of the State of California with its principle place of business at 1 Infinite Loop, Cupertino, CA 95014. *See Exhibit 9, Apple's 2010 Annual Report.*

11. On information and belief, Apple is involved in the design, development, manufacture, importation, and sale after importation of the Accused Products including at least certain Apple Mac computer products; Apple iPhone, iPad, and iPod touch mobile products; Apple TV and third party WiFi printer display devices; and Apple's Airport and Time Capsule wireless network equipment. Apple sells the Accused Products within the United States by various means, including online and through retail stores, direct sales, and third-party resellers. Further, on information and belief, Apple performs several services to support the importation and sale of Accused Products into and within the United States, including marketing of the Accused Products, development and distribution of software, repair of the Accused Products, and other after-sale services, such as supporting and configuring the Accused Products, as well as providing technical support to U.S.-based customers and distributors to conform the Accused Products to purchaser requests.

IV. THE PRODUCTS AND TECHNOLOGY AT ISSUE

12. The accused products are certain electronic devices with communication capabilities, components thereof, and related software, including, but not limited to smartphones, tablet computers, portable media players, desktop and portable computers, other wireless devices such as network equipment, display devices, and printers, and software to be loaded on such devices (collectively, "Accused Products"). The Accused Products include certain Apple Mac computer products; Apple iPhone, iPad, and iPod touch mobile products; Apple wireless display devices such as Apple TV and third party branded printers; and Apple's Airport and Time Capsule wireless network equipment.

13. The technology at issue with respect to the '414 patent relates to portable devices that integrate the features and functions of a personal digital assistant ("PDA") and a wireless communication device. Examples of such integrated devices are smartphones, tablet computers, media players and certain other portable electronic devices. Certain Apple mobile devices that integrate wireless communications and PDA functionality, including Apple's iPhone, iPad, and iPod touch products infringe the Asserted Claims of the '414 patent.

14. The technology at issue with respect to the '944 and '219 patents (collectively "OFDM patents") relates to communication technologies such as orthogonal frequency division multiplexing (OFDM) used with fast Fourier transform (FFT). Features of the Asserted Claims of the OFDM patents are required by the industry standard IEEE 802.11, in particular, versions 802.11a, 802.11g, and 802.11n thereof. Apple imports and sells after importation products that comply with the 802.11 standards, thereby infringing the OFDM patents. For example, Apple's website states that certain of its current Mac computers, iPad mobile devices, Apple TV, and Apple Airport and Time Capsule networking equipment implement 802.11a, 802.11g, and/or 802.11n. Each implementation of systems or methods of the 802.11a, 802.11g, and/or 802.11n

standard features constitutes an independent basis for infringement of the Asserted Claims of the OFDM patents.

14A. The technology at issue with respect to the '214 patent relates to a user interface having a set of input keys that provides an alphabetic input mode for entering letters, a number input mode for entering numbers, and a hypermedia identifier input mode—separate from the alphabetic and number input modes—for entering fragments of hypermedia identifiers such as “http://,” “.com,” “.org,” and “.gov.” Certain Apple devices include a web browsing application that provides each of the alphabetic, number, and hypermedia identifier input modes. Apple’s iPhone products are examples of Apple devices that include such a web browsing application and infringe the Asserted Claims of the '214 patent.

14B. The technology at issue with respect to the '006 patent relates to a user interface that facilitates data entry on devices having relatively small display screens. To provide greater visual feedback during data entry, at least one character is displayed in a highlighting window using a contrasting format that includes at least an enlargement of the character or characters relative to previously-entered data. Certain Apple mobile devices that execute the iOS mobile operating system, including Apple’s iPhone and iPod touch products, infringe the Asserted Claims of the '006 patent.

14C. The technology at issue with respect to the '772 and '283 patents relates to portable devices that include a user interface for displaying a status bar and at least one other display region on a screen. The status bar allows a user to take an action related to the disposition of an event, such as a phone call event, text message event, calendar event, or e-mail message event. Certain Apple mobile devices that implement a status bar when executing the

iOS mobile operating system, including Apple's iPhone, iPad, and iPod touch products, infringe the Asserted Claims of the '772 and '283 patents.

14D. The technology at issue with respect to the '849 patent relates to displaying information on mobile devices. For example, content information, such as text, photographs, videos, and the like, and contextual information, such as titles, labels, etc., can be dynamically assigned or unassigned to different portions of the display. Certain Apple mobile devices that execute the iOS mobile operating system, including Apple's iPhone, iPad, and iPod touch products, infringe the Asserted Claims of the '849 patent.

V. THE ASSERTED PATENTS AND NON-TECHNICAL DESCRIPTION OF THE INVENTIONS

A. U.S. Patent No. 7,765,414

1. Identification and Ownership of the '414 Patent

15. United States Patent No. 7,765,414, entitled "Circuit And Operating Method For Integrated Interface Of PDA And Wireless Communication System," issued on July 27, 2010, to inventors Hsun-Hsin Chuang, Hsi-Cheng Yeh, Chih-Chao Hsieh, Shi-Je Lin, and Wen-Hsing Lin. Exhibit 1. The '414 patent issued from Application No. 11/844,349, filed on August 23, 2007, which is a continuation of Application No. 10/249,403, filed on April 7, 2003, which claims priority from Taiwanese Application No. 91,118,369, filed on August 15, 2002. *Id.*

16. The '414 patent has four independent claims and 17 dependent claims. HTC is currently asserting claims 1, 4-13, and 15-21 of the '414 patent in this Investigation. Further investigation and discovery may lead to HTC's assertion of additional claims against Apple.

17. The '414 patent is valid, enforceable, and currently in full force and effect until its expiration on December 30, 2023. HTC owns by assignment the entire right, title, and interest in and to the '414 patent. Exhibit 4.

18. Pursuant to Commission Rule 210.12(c), this Complaint is accompanied by a certified copy of the prosecution history of the '414 patent and three copies thereof. App. A. Further, this Complaint is accompanied by four copies of the currently available technical references identified in the prosecution history of the '414 patent. App. D. HTC continues to search for additional references and will supplement Appendix D accordingly.

2. Non-Technical Description of the Invention of the '414 Patent

19. Prior to the invention of the '414 patent, many portable devices, such as personal digital assistant ("PDA") devices and wireless communication devices were sold separately. As a result, for certain applications users were required to obtain and carry separate PDAs and wireless communication devices and connect the two using an appropriate interface. While some early devices included both a PDA system and a wireless communication system, there was a need for an appropriate interface to allow improved interactions between the PDA system and the wireless communication system.

20. The '414 patent generally relates to systems and methods using a circuit or an integrated interface for integrating systems in a portable device, such as a smartphone or other portable electronic devices. The circuit or the integrated interface, for example, may integrate a PDA system and a wireless communication system of a portable device by providing one or more ports for exchanging control signals, status data, and audio data between the PDA system and the wireless communication system.

21. The circuit or the integrated interface of the '414 patent allows the PDA system and the wireless communication system to communicate with each other such that, for example, one system can control certain operations of the other system. Such a circuit or integrated interface could be used to control various PDA system and wireless communication system

functionalities, such as making and receiving calls, sending and receiving emails, accessing information online, listening to music, and watching videos.

3. Related Applications and Patents

22. The '414 patent has a parent application and patent, a sibling application and patent, and a child application that remains pending.

23. The '414 patent is a continuation of its parent application, Application No. 10/249,403, filed on April 7, 2003, which issued as U.S. Patent No. 7,278,032 on October 2, 2007.

24. The '414 patent's sibling application, Application No. 11/844,347, was filed on August 23, 2007, as a divisional of the '032 patent and issued as U.S. Patent No. 7,925,904 on April 12, 2011.

25. The '414 patent's child application, Application No. 12/788,326, was filed on May 27, 2010, as a continuation of the '414 patent and is currently pending before the U.S. Patent and Trademark Office.

4. Foreign Counterparts

26. The '414 patent has a number of related foreign patents and patent applications that were filed based on the invention described in the '414 patent, all of which are identified in Exhibit 10. On information and belief, no other foreign applications or patents corresponding to the '414 patent have been filed, abandoned, withdrawn, or rejected.

5. Licenses

27. As required under Commission Rule 210.12(a)(9)(iii), a list of licensed entities is attached to this Complaint as Confidential Exhibit 17C.

B. U.S. Patent No. 7,417,944

1. Identification and Ownership of the '944 Patent

28. United States Patent No. 7,417,944 entitled "Method For Orderwire Modulation," issued on August 26, 2008, to inventor Michael J. Geile. Exhibit 2. The '944 patent issued from Application No. 11/763,166 filed on June 14, 2007. *Id.*

29. The '944 patent has 2 independent claims and no dependent claims. HTC is currently asserting claim 1 of the '944 patent in this Investigation. Further investigation and discovery may lead to the assertion of additional claims against Apple.

30. The '944 patent is valid, enforceable, and currently in full force and effect until its expiration on February 6, 2015. HTC owns by assignment the entire right, title, and interest in and to the '944 patent. Exhibit 5.

31. Pursuant to Commission Rule 210.12(c), this Complaint is accompanied by a certified copy of the prosecution history of the '944 patent and three copies thereof. App. B. Further, this Complaint is accompanied by four copies of the currently available technical references identified in the prosecution history of the '944 patent. App. E. HTC continues to search for additional references and will supplement Appendix E accordingly.

2. Non-Technical Description of the Invention of the '944 Patent

32. The '944 patent generally describes an enhanced communications systems. Prior to the invention of the '944 patent, there was a need in the field of communications to expand then-existing systems designed only for telephony (narrowband) communications or only for video (broadband) communications to provide both telephony and video services. Attempts were made to combine telephony services and video services into a single network. For example, some suggested replacing the telephony network with passive optical network. Others suggested a hybrid optical fiber/coaxial cable television system (CATV) architecture, which

could use already existing CATV distribution systems that lacked the improvements of the '944 patent. None of these proposals, however, offered the enhanced communication system of the '944 patent that is now used in wireless communication systems.

33. The '944 patent solved the problems of the prior art systems, enabling communication systems that improved network reliability and minimized interference or other degradation to the quality of service. In one described embodiment, for example, the '944 patent provides a communication system that includes a host unit ("head end") and multiple remote devices such as telephones, computers, or video equipment, where the communication from a remote device to the host unit is carried out using orthogonal frequency division multiplexing (OFDM) technology. Different types of information for upstream or downstream transmission may be transmitted using different modulation techniques. For example, control information is necessary for providing transport of telephony information between the host unit and the multiple remote units. Because of such importance in the system, control information that is transmitted to the host unit is modulated with robust, lower rate modulation technique such as binary phase shift keying (BPSK), whereas telephony information can be sent with higher rate, but less robust modulation techniques such as quadrature amplitude modulation (QAM). This use strikes a balance between communication reliability and speed.

3. Related Applications

34. The '944 patent has a series of parent applications.

35. The '944 patent is a continuation of application No. 11/420,851, filed on May 30, 2006, which is a division of application No. 09/903,273, filed on July 11, 2001, now U.S. Patent No. 7,069,577, which is a continuation of application No. 09/397,443, filed on September 15, 1999, now U.S. Patent No. 6,279,158, which is a division of application No. 08/673,002, filed on June 28, 1996, now U.S. Patent No. 6,334,219, which is a continuation-in-part of application No.

08/650,408, filed on May 20, 1996, now abandoned, and a continuation-in-part of application No. 08/457,295, filed on June 1, 1995, now abandoned, and a continuation-in-part of application No. 08/457,317, filed on June 1, 1995, now abandoned, and a continuation-in-part of application No. 08/384,659, filed on February 6, 1995, now abandoned.

4. Foreign Counterparts

36. The '944 patent has a number of related foreign patents and patent applications that were filed based on the invention described in the '944 patent, all of which are identified in Exhibit 11. On information and belief, no other foreign applications or patents corresponding to the '944 patent have been filed, abandoned, or rejected.

5. Licenses

37. As required under Commission Rule 210.12(a)(9)(iii), a list of licensed entities is attached to this Complaint as Confidential Exhibit 17C. On information and belief there are no other current licenses involving the '944 patent.

C. U.S. Patent No. 7,672,219

1. Identification and Ownership of the '219 Patent

38. United States Patent No. 7,672,219, entitled "Multipoint-to-Point Communication Using Orthogonal Frequency Division Multiplexing," issued on March 2, 2010, to inventor Michael J. Geile, from U.S. Patent Application No. 11/671,786, filed on February 6, 2007. Exhibit 3.

39. The '219 patent has three independent claims and nine dependent claims. HTC is currently asserting claims 1-5 of the '219 patent in this Investigation. Further investigation and discovery may lead to HTC's assertion of additional claims against Apple.

40. The '219 patent is valid, enforceable, and currently in full force and effect until its expiration on March 23, 2016. The '219 patent's term was extended under 35 U.S.C. § 154(b)

by 411 days. Exhibit 3. HTC owns by assignment the entire right, title, and interest in and to the '219 patent. Exhibit 6.

41. Pursuant to Commission Rule 210.12(c), this Complaint is accompanied by a certified copy of the prosecution history of the '219 patent and three copies thereof. App. C. Further, this Complaint is accompanied by four copies of the currently available technical references identified in the prosecution history of the '219 patent. App. F. HTC continues to search for additional references and will supplement Appendix F accordingly.

2. Non-Technical Description of the Invention of the '219 Patent

42. The '219 patent generally describes an enhanced communications systems. Prior to the invention of the '219 patent, there was a need in the field of communications to expand then-existing systems designed only for telephony (narrowband) communications or only for video (broadband) communications to provide both telephony and video services. Attempts were made to combine telephony services and video services into a single network. For example, some suggested replacing the telephony network with passive optical network. Others suggested a hybrid optical fiber/coaxial cable television system (CATV) architecture, which could use already existing CATV distribution systems that lacked the improvements of the '219 patent. None of these proposals, however, offered the enhanced communication system of the '219 patent that is now used in wireless communication systems.

43. The '219 patent solved the problems of the prior art systems, enabling communication systems that improved network reliability and minimized interference or other degradation to the quality of service. In one described embodiment, for example, the '219 patent provides a communication system that includes a host unit ("head end") and multiple remote devices, such as telephones, computers, or video equipment, where the communication between the host unit and the remote devices is bi-directional and may be carried out using OFDM

technology and employing QAM or phase-shifting keying (PSK) modulation and fast Fourier transform (FFT). The use of OFDM, especially on the upstream communication path—i.e., the path from the remote units to the host unit—together with the remote units receiving synchronization signals from the host unit allow for a high data throughput.

3. Related Applications

44. The '219 patent has a series of parent applications.

45. The '219 patent is a continuation of application No. 11/420,851, filed on May 30, 2006, which is a division of application No. 09/903,273, filed on July 11, 2001, now U.S. Patent No. 7,069,577, which is a continuation of application No. 09/397,443, filed on September 15, 1999, now U.S. Patent No. 6,279,158, which is a division of application No. 08/673,002, filed on June 28, 1996, now U.S. Patent No. 6,334,219, which is a continuation-in-part of application No. 08/650,408, filed on May 20, 1996, now abandoned, and a continuation-in-part of application No. 08/457,295, filed on June 1, 1995, now abandoned, and a continuation-in-part of application No. 08/457,317, filed on June 1, 1995, now abandoned, and a continuation-in-part of application No. 08/384,659, filed on February 6, 1995, now abandoned.

4. Foreign Counterparts

46. The '219 patent has a number of related foreign patents and patent applications that were filed based on the invention described in the '219 patent, all of which are identified in Exhibit 12. On information and belief, no other foreign applications or patents corresponding to the '219 patent have been filed, abandoned, or rejected.

5. Licenses

47. As required under Commission Rule 210.12(a)(9)(iii), a list of licensed entities is attached to this Complaint as Confidential Exhibit 17C. On information and belief there are no other current licenses involving the '219 patent.

D. U.S. Patent No. 6,708,214

1. Identification and Ownership of the '214 Patent

47A. United States Patent No. 6,708,214, entitled "Hypermedia Identifier Input Mode For A Mobile Communication Device," issued on March 16, 2004, to inventor James P. La Fleur. Exhibit 24. The '214 patent issued from Application No. 09/552,996, filed on April 21, 2000. *Id.*

47B. The '214 patent has 2 independent claims and 4 dependent claims. HTC is currently asserting claims 1-3 of the '214 patent in this Investigation. Further investigation and discovery may lead to HTC's assertion of additional claims against Apple.

47C. The '214 patent is valid, enforceable, and currently in full force and effect until its expiration on April 21, 2020. HTC owns by assignment the entire right, title, and interest in and to the '214 patent. Exhibit 28.

47D. Pursuant to Commission Rule 210.12(c), this Complaint is accompanied by a copy of the prosecution history of the '214 patent and three copies thereof. App. G. Further, this Complaint is accompanied by four copies of the currently available technical references identified in the prosecution history of the '214 patent. App. K. HTC continues to search for additional references and will supplement Appendix K accordingly.

2. Non-Technical Description of the Invention of the '214 Patent

47E. The '214 patent generally relates to an improved user interface for a mobile communication device, such as a portable telephone or other hand-held computing device. Prior to the '214 patent, users of mobile devices were burdened with entering lengthy Uniform Resource Locators (URL) and other hypermedia identifiers one character at a time every time they wanted to access an Internet resource. Entry of conventional hypermedia identifiers was

further complicated by special characters and phrases that were difficult to enter using mobile devices.

47F. The '214 patent reduces the number of inputs required for a user to access remotely-stored hypermedia content, such as web pages, using a mobile communication device. To that end, a mobile device in accordance with an embodiment of the '214 patent includes a set of input keys that provide an alphabetic input mode for entering letters, a number input mode for entering numbers, and a hypermedia identifier input mode—separate from the alphabetic and number input modes—for entering fragments of hypermedia identifiers such as “http://,” “.com,” “.org,” and “.gov.” In the hypermedia identifier input mode, a single user input directed to one of the user input keys causes a corresponding one of the hypermedia identifier fragments to be selected and displayed. The selected hypermedia identifier fragment can be appended to a previously-entered character string, or can have a subsequently-entered character string appended thereto, to form at least a portion of a longer hypermedia identifier.

3. Related Applications and Patents

47G. On information and belief, no other applications or patents corresponding to the '214 patent have been filed, abandoned, withdrawn, or rejected.

4. Foreign Counterparts

47H. On information and belief, no foreign applications or patents corresponding to the '214 patent have been filed, abandoned, withdrawn, or rejected.

5. Licenses

47I. As required under Commission Rule 210.12(a)(9)(iii), a list of licensed entities is attached to this Complaint as Confidential Exhibit 40C.

E. U.S. Patent No. 6,473,006

1. Identification and Ownership of the '006 Patent

47J. United States Patent No. 6,473,006 entitled "Method And Apparatus For Zoomed Display Of Characters Entered From A Telephone Keypad," issued on October 29, 2002, to inventors Francis S. Yu, and Alain S. Rossman. Exhibit 25. The '006 patent issued from Application No. 09/447,927 filed on November 23, 1999. *Id.*

47K. The '006 patent has 3 independent claims and 17 dependent claims. HTC is currently asserting claims 1, 3, and 7-11 of the '006 patent in this Investigation. Further investigation and discovery may lead to the assertion of additional claims against Apple.

47L. The '006 patent is valid, enforceable, and currently in full force and effect until its expiration on November 23, 2019. HTC owns by assignment the entire right, title, and interest in and to the '006 patent. Exhibit 29.

47M. Pursuant to Commission Rule 210.12(c), this Complaint is accompanied by a copy of the prosecution history of the '006 patent and three copies thereof. App. H. Further, this Complaint is accompanied by four copies of the currently available technical references identified in the prosecution history of the '006 patent. App. L. HTC continues to search for additional references and will supplement Appendix L accordingly.

2. Non-Technical Description of the Invention of the '006 Patent

47N. The '006 patent generally relates to displaying information on devices having relatively small display screens, such as mobile phones and other portable computing devices. Prior techniques for data entry on devices with relatively small display screens provided inadequate visual feedback to the user, forcing the user to stare at the small screen for prolonged periods of time, which resulted in visual exhaustion and subsequent loss of concentration. To provide greater visual feedback during data entry, the '006 patent discloses a highlighting

window in which at least one character corresponding to a user interface element activated by a user is displayed in a contrasting format relative to previously entered data. The contrasting format includes at least an enlargement of the character or characters relative to previously-entered data displayed on the screen.

3. Related Applications

47O. The '006 patent has a series of parent applications.

47P. The '006 patent is a continuation-in-part of application No. 09/332,436, filed on June 14, 1999, which is a continuation of application No. 08/570,384, filed on December 11, 1995, now U.S. Patent No. 5,911,485.

4. Foreign Counterparts

47Q. On information and belief, no foreign applications or patents corresponding to the '006 patent have been filed, abandoned, withdrawn, or rejected.

5. Licenses

47R. As required under Commission Rule 210.12(a)(9)(iii), a list of licensed entities is attached to this Complaint as Confidential Exhibit 40C.

F. U.S. Patent No. 7,289,772

1. Identification and Ownership of the '772 Patent

47S. United States Patent No. 7,289,772, entitled "Technique Allowing A Status Bar User Response On A Portable Device Graphic User Interface," issued on October 30, 2007, to inventors Michael Bonansea, and Vincent Leclaire, from U.S. Patent Application No. 10/984,114, filed on November 8, 2004. Exhibit 26.

47T. The '772 patent has 2 independent claims and 14 dependent claims. HTC is currently asserting claims 1, 2, and 9 of the '772 patent in this Investigation. Further investigation and discovery may lead to HTC's assertion of additional claims against Apple.

47U. The '772 patent is valid, enforceable, and currently in full force and effect until its expiration on June 8, 2022. The '772 patent is subject to a terminal disclaimer related to the term of U.S. Patent No. 6,868,283. Exhibit 26. HTC owns by assignment the entire right, title, and interest in and to the '772 patent. Exhibit 30.

47V. Pursuant to Commission Rule 210.12(c), this Complaint is accompanied by a copy of the prosecution history of the '772 patent and three copies thereof. App. I. Further, this Complaint is accompanied by four copies of the currently available technical references identified in the prosecution history of the '772 patent. App. M. HTC continues to search for additional references and will supplement Appendix M accordingly.

2. Non-Technical Description of the Invention of the '772 Patent

47W. The '772 patent generally relates to a graphical user interface for a portable electronic device, such as a smartphone, having a status bar and at least one other display region on a screen. The status bar may include, for example, graphical icons that inform the user of a level of internet connectivity, battery status, phone on/off status, among other things. The portable electronic device may concurrently display both the status bar and at least one application, such as a video game or other application having associated text and/or graphics, in different display regions on the screen.

47X. In operation, the portable electronic device may receive information relating to an event, such as a phone call, text message, calendar event, or e-mail message, that is unrelated to the application running on the device. In response to that event, the status bar provides a user-selectable tool that allows the user to take an action related to the disposition of the event, while the application is operating and without interfering with the application. For example, in the case where the event is a phone call, a user-selectable tool in the status bar may allow the user to take

an action related to ending the call without interfering with an existing application that is operating on the device.

3. Related Applications

47Y. The '772 patent has one parent application.

47Z. The '772 patent's parent application, Application No. 09/764,653 was filed on January 16, 2001, and issued as U.S. Patent No. 6,868,283 on March 15, 2005.

4. Foreign Counterparts

47AA. On information and belief, no foreign applications or patents corresponding to the '772 patent have been filed, abandoned, withdrawn, or rejected.

5. Licenses

47BB. As required under Commission Rule 210.12(a)(9)(iii), a list of licensed entities is attached to this Complaint as Confidential Exhibit 40C.

G. U.S. Patent No. 6,868,283

1. Identification and Ownership of the '283 Patent

47CC. United States Patent No. 6,868,283, entitled "Technique Allowing A Status Bar User Response On A Portable Device Graphic User Interface," issued on March 15, 2005, to inventors Michael Bonansea, and Vincent Leclaire, from U.S. Patent Application No. 09/764,653, filed on January 16, 2001. Exhibit 27.

47DD. The '283 patent has 3 independent claims and 23 dependent claims. HTC is currently asserting claims 11, 12, and 19 of the '283 patent in this Investigation. Further investigation and discovery may lead to HTC's assertion of additional claims against Apple.

47EE. The '283 patent is valid, enforceable, and currently in full force and effect until its expiration on June 8, 2022. The '283 patent's term was extended under 35 U.S.C. § 154(b) by

508 days. Exhibit 27. HTC owns by assignment the entire right, title, and interest in and to the '283 patent. Exhibit 31.

47FF. Pursuant to Commission Rule 210.12(c), this Complaint is accompanied by a copy of the prosecution history of the '283 patent and three copies thereof. App. J. Further, this Complaint is accompanied by four copies of the currently available technical references identified in the prosecution history of the '283 patent. App. N. HTC continues to search for additional references and will supplement Appendix N accordingly.

2. Non-Technical Description of the Invention of the '283 Patent

47GG. The '283 patent generally relates to a graphical user interface for a portable electronic device, such as a smartphone, having a status bar and at least one other display region on a screen. The status bar may include, for example, graphical icons that inform the user of a level of internet connectivity, battery status, phone on/off status, among other things. The portable electronic device may concurrently display both the status bar and at least one application, such as a video game or other application having associated text and/or graphics, in different display regions on the screen. The status bar operates independently of the application.

47HH. In operation, the portable electronic device may receive information relating to an event, such as a phone call, text message, or e-mail message, that is unrelated to the application running on the device. In response to that event, the status bar provides a user-selectable tool that allows the user to take an action related to the disposition of the event, while the application is operating and without interfering with the application. For example, in the case where the event is a phone call, a user-selectable tool in the status bar may allow the user to take an action related to ending the call without interfering with an existing application that is operating on the device.

3. Related Applications

47II. The '283 patent has one child application.

47JJ. The '283 patent's child application, Application No. 10/984,114 was filed on November 8, 2004, as related to and claiming priority from Application No. 09/764,653 and issued as U.S. Patent No. 7,289,772 on October 30, 2007.

4. Foreign Counterparts

47KK. On information and belief, no foreign applications or patents corresponding to the '283 patent have been filed, abandoned, withdrawn, or rejected.

5. Licenses

47LL. As required under Commission Rule 210.12(a)(9)(iii), a list of licensed entities is attached to this Complaint as Confidential Exhibit 40C.

H. U.S. Patent No. 7,020,849

1. Identification and Ownership of the '849 Patent

47MM. United States Patent No. 7,020,849, entitled "Dynamic Display for Communication Devices," issued on March 28, 2006, to inventor David Chen. Exhibit 41. The '849 patent issued from Application No. 10/159,955 filed on May 31, 2002. *Id.*

47NN. The '849 patent has five independent claims and 12 dependent claims. HTC is currently asserting claims 1, 5, 9-11, 13, 14, 16, and 17 of the '849 patent in this Investigation. Further investigation and discovery may lead to HTC's assertion of additional claims against Apple.

47OO. The '849 patent is valid, enforceable, and currently in full force and effect until its expiration on January 18, 2024. HTC owns by assignment the entire right, title and interest in and to the '849 patent. Exhibit 42.

47PP. Pursuant to Commission Rule 210.12(c), this Complaint is accompanied by a copy of the prosecution history of the '849 patent and three copies thereof. App. O.

Furthermore, this Complaint is accompanied by four copies of each reference identified in the

prosecution history of the '849 patent. App. P. HTC continues to search for additional references and will supplement Appendix P accordingly.

2. Non-Technical Description of the Invention of the '849 Patent

47QQ. The '849 patent generally relates to displaying information on mobile devices, such as mobile phones and other portable computing devices. The mobile devices include a display unit that can be used to display content information, such as text, photographs, videos, and the like, and contextual information, such as titles, labels, etc. At the time of the '849 patent, conventional display units used only a limited viewing area to display content information because other portions of the display were reserved for contextual information. In contrast, mobile devices implemented in accordance with the '849 patent dynamically display information on a display unit without having to reserve various areas on the display. As such, content and contextual information can be dynamically assigned or unassigned to different display portions, resulting in a more efficient use of the viewing area.

3. Related Applications

47RR. The '849 patent has no related applications and patents.

4. Foreign Counterparts

47SS. On information and belief, no foreign applications or patents corresponding to the '849 patent have been filed, abandoned, withdrawn, or rejected.

5. Licenses

47TT. As required under Commission Rule 210.12(a)(9)(iii), a list of licensed entities is attached to this Complaint as Confidential Exhibit 40C.

VI. UNLAWFUL AND UNFAIR ACTS OF RESPONDENT—PATENT INFRINGEMENT

48. Apple has engaged in unfair trade practices, including the manufacture abroad, sale for importation into the United States, importation into the United States, and sale in the United States after importation of certain electronic devices with communication capabilities, components thereof, and related software that infringe one or more of the Asserted Claims of the Asserted Patents. Examples of infringing products include Apple's Mac computer product line, as well as Apple's iPhone, iPad, and iPod touch mobile products lines.

49. Apple infringes the Asserted Patents by practicing, testing, or using the Accused Products within the United States and/or by making, using, selling, offering for sale, and importing the articles claimed in the Asserted Claims of the Asserted Patents. On information and belief, Apple has had notice of the Asserted Patents at least as early as HTC's filing in the United States District Court of a complaint for patent infringement asserting these same patents. Apple indirectly infringes the Asserted Patents by contributing to and/or inducing the infringement of these patents by end users of the Accused Products, for example by providing instruction on its websites directing users to practice the methods of the claimed inventions.

49A. On information and belief, Apple has had notice of the '214, '006, '772, '283, and '849 patents at least as early as HTC's filing in the United States District Court of an amended complaint for patent infringement asserting these same patents. Apple indirectly infringes the '214, '006, '772, '283, and '849 patents by contributing to and/or inducing the infringement of these patents by end users of the Accused Products, for example by providing instruction on its websites directing users to practice the methods of the claimed inventions.

A. Infringement of the '414 Patent

50. On information and belief, Apple infringes directly and/or induces or contributes to the direct infringement of at least claims 1, 4-13, and 15-21 of the '414 patent through the manufacture and/or sale for importation, importation, testing, use, and sale after importation of one or more Accused Products.

51. On information and belief, Apple directly infringes at least claims 1, 4-13, and 15-21 of the '414 patent at least through its manufacture, sale for importation, importation, use, and sale after importation of one or more Accused Products, and directly infringes at least claims 9-13 and 15 of the '414 patent at least through its testing and/or use of one or more of the Accused Products.

52. On information and belief, Apple knowingly induces users of one or more of the Accused Products to infringe at least claims 9-13 and 15 of the '414 patent by encouraging, instructing, and aiding end users to use one or more of the Accused Products in an infringing manner.

53. On information and belief, Apple contributes to the infringement of at least claims 9-13 and 15 of the '414 patent. One or more of the Accused products are specially adapted for infringing uses of one or more of the Asserted Claims of the '414 patent, including at least claims 9-13 and 15 of the '414 patent, and one or more of the Accused Products are not staple articles of commerce suitable for substantial non-infringing use.

54. A claim chart that applies each of the asserted independent claims of the '414 patent to an exemplary Accused Product, the Apple iPhone 4, is attached to this Complaint as Exhibit 13.

B. Infringement of the '944 Patent

55. On information and belief, Apple directly infringes and/or induces or contributes to the direct infringement of at least claim 1 of the '944 patent because of Apple's manufacture and/or sale for importation, importation, sale after importation, testing, and/or use of the Accused Products.

56. On information and belief, Apple directly infringes at least claim 1 of the '944 patent at least by its testing and/or use of the Accused Products.

57. On information and belief, Apple knowingly induces users of the Accused Products to infringe at least claim 1 of the '944 patent by encouraging, instructing and aiding end users to use those products in an infringing manner.

58. On information and belief, Apple also contributes to the infringement of at least claim 1 of the '944 patent. In addition, the Accused Products are specially adapted for infringing uses of at least claim 1 of the '944 patent, and the Accused Products are not staple articles of commerce suitable for substantial non-infringing use.

59. The Accused Products infringe the Asserted Claims of the '944 patent by virtue of their implementations of the relevant IEEE 802.11 standard (also referred to as "Wi-Fi"). Multiple distinct aspects of the 802.11 standard, e.g. 802.11a, 802.11g, and 802.11n, form independent bases for HTC's infringement allegations with respect to the '944 patent. On information and belief, all of the Accused Products implement the features and methods of 802.11a, 802.11g, or 802.11n.

60. A claim chart that applies each of the asserted independent claims of the '944 patent to an exemplary accused product, the Apple iPhone 4, is attached to this Complaint as Exhibit 14.

C. Infringement of the '219 Patent

61. On information and belief, Apple directly infringes at least claims 1-5 of the '219 patent at least by its manufacture, sale for importation, importation, and sale after importation of the Accused Products.

62. The Accused Products infringe the Asserted Claims of the '219 patent by virtue of their implementations of the relevant IEEE 802.11 standard. Multiple distinct aspects of the 802.11 standard, e.g. 802.11a, 802.11g, and 802.11n, form independent bases for HTC's infringement allegations with respect to the '219 patent. On information and belief, all of the Accused Products implement the features and methods of 802.11a, 802.11g, or 802.11n.

63. A claim chart that applies each of the asserted independent claims of the '219 patent to an exemplary accused product, the Apple iPhone 4, is attached to this Complaint as Exhibit 15.

D. Infringement of the '214 Patent

63A. On information and belief, Apple infringes directly and/or induces or contributes to the direct infringement of at least claims 1-3 of the '214 patent through the manufacture and/or sale for importation, importation, testing, use, and sale after importation of one or more Accused Products.

63B. On information and belief, Apple directly infringes at least claims 1-3 of the '214 patent at least through its testing and/or use of one or more of the Accused Products.

63C. On information and belief, Apple knowingly induces users of one or more of the Accused Products to infringe at least claims 1-3 of the '214 patent by encouraging, instructing, and aiding end users to use one or more of the Accused Products in an infringing manner.

63D. On information and belief, Apple contributes to the infringement of at least claims 1-3 of the '214 patent. One or more of the Accused products are specially adapted for infringing

uses of one or more of the Asserted Claims of the '214 patent, including at least claims 1-3 of the '214 patent, and one or more of the Accused Products are not staple articles of commerce suitable for substantial non-infringing use.

63E. A claim chart that applies each of the asserted independent claims of the '214 patent to an exemplary Accused Product, the Apple iPhone 4, is attached to this Complaint as Exhibit 32.

E. Infringement of the '006 Patent

63F. On information and belief, Apple infringes directly and/or induces or contributes to the direct infringement of at least claims 1, 3, and 7-11 of the '006 patent through the manufacture and/or sale for importation, importation, testing, use, and sale after importation of one or more Accused Products.

63G. On information and belief, Apple directly infringes at least claims 1, 3, and 7-11 of the '006 patent at least through its testing and/or use of one or more of the Accused Products.

63H. On information and belief, Apple knowingly induces users of one or more of the Accused Products to infringe at least claims 1, 3, and 7-11 of the '006 patent by encouraging, instructing, and aiding end users to use one or more of the Accused Products in an infringing manner.

63I. On information and belief, Apple contributes to the infringement of at least claims 1, 3, and 7-11 of the '006 patent. One or more of the Accused products are specially adapted for infringing uses of one or more of the Asserted Claims of the '006 patent, including at least claims 1, 3, and 7-11 of the '006 patent, and one or more of the Accused Products are not staple articles of commerce suitable for substantial non-infringing use.

63J. A claim chart that applies each of the asserted independent claims of the '006 patent to an exemplary Accused Product, the Apple iPhone 4, is attached to this Complaint as Exhibit 33.

F. Infringement of the '772 Patent

63K. On information and belief, Apple infringes directly and/or induces or contributes to the direct infringement of at least claims 1, 2, and 9 of the '772 patent through the manufacture and/or sale for importation, importation, testing, use, and sale after importation of one or more Accused Products.

63L. On information and belief, Apple directly infringes at least claims 1, 2, and 9 of the '772 patent at least through its testing and/or use of one or more of the Accused Products.

63M. On information and belief, Apple knowingly induces users of one or more of the Accused Products to infringe at least claims 1, 2, and 9 of the '772 patent by encouraging, instructing, and aiding end users to use one or more of the Accused Products in an infringing manner.

63N. On information and belief, Apple contributes to the infringement of at least claims 1, 2, and 9 of the '772 patent. One or more of the Accused products are specially adapted for infringing uses of one or more of the Asserted Claims of the '772 patent, including at least claims 1, 2, and 9 of the '772 patent, and one or more of the Accused Products are not staple articles of commerce suitable for substantial non-infringing use.

63O. A claim chart that applies each of the asserted independent claims of the '772 patent to an exemplary Accused Product, the Apple iPhone 4, is attached to this Complaint as Exhibit 34.

G. Infringement of the '283 Patent

63P. On information and belief, Apple infringes directly and/or induces or contributes to the direct infringement of at least claims 11, 12, and 19 of the '283 patent through the manufacture and/or sale for importation, importation, testing, use, and sale after importation of one or more Accused Products.

63Q. On information and belief, Apple directly infringes at least claims 11, 12, and 19 of the '283 patent at least through its testing and/or use of one or more of the Accused Products.

63R. On information and belief, Apple knowingly induces users of one or more of the Accused Products to infringe at least claims 11, 12, and 19 of the '283 patent by encouraging, instructing, and aiding end users to use one or more of the Accused Products in an infringing manner.

63S. On information and belief, Apple contributes to the infringement of at least claims 11, 12, and 19 of the '283 patent. One or more of the Accused products are specially adapted for infringing uses of one or more of the Asserted Claims of the '283 patent, including at least claims 11, 12, and 19 of the '283 patent, and one or more of the Accused Products are not staple articles of commerce suitable for substantial non-infringing use.

63T. A claim chart that applies each of the asserted independent claims of the '283 patent to an exemplary Accused Product, the Apple iPhone 4, is attached to this Complaint as Exhibit 35.

H. Infringement of the '849 Patent

63U. On information and belief, Apple infringes directly and/or induces or contributes to the direct infringement of at least claims 1, 5, 9-11, 13, 14, 16, and 17 of the '849 patent through the manufacture and/or sale for importation, importation, testing, use, and sale after importation of one or more Accused Products.

63V. On information and belief, Apple directly infringes at least claims 1, 5, 9-11, 13, 14, 16, and 17 of the '849 patent at least through its manufacture, sale for importation, importation, use, and sale after importation of one or more Accused Products, and directly infringes at least claims 1, 9-11, 13, and 14 of the '849 patent at least through its testing and/or use of one or more of the Accused Products.

63W. On information and belief, Apple knowingly induces users of one or more of the Accused Products to infringe at least claims 1, 9-11, 13, and 14 of the '849 patent by encouraging, instructing, and aiding end users to use one or more of the Accused Products in an infringing manner.

63X. On information and belief, Apple contributes to the infringement of at least claims 1, 9-11, 13, and 14 of the '849 patent. One or more of the Accused products are specially adapted for infringing uses of one or more of the Asserted Claims of the '849 patent, including at least claims 1, 9-11, 13, and 14 of the '849 patent, and one or more of the Accused Products are not staple articles of commerce suitable for substantial non-infringing use.

63Y. A claim chart that applies each of the asserted independent claims of the '849 patent to an exemplary Accused Product, the Apple iPhone 4, is attached to this Complaint as Exhibit 43.

VII. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

64. On information and belief, either by itself, through its subsidiaries, or through third parties acting on its behalf, Apple is engaged in the manufacture, importation, sale for importation, offer for sale after importation, and sale and/or use after importation into the United States of infringing portable electronic devices. *See* Exhibit 9, Apple 2010 Annual Report, at 6, 9. An example of Apple's specific instance of importation of an Accused Product is set forth below.

65. The Apple iPhone 4 is assembled in China. *See* Exhibit 16, documents detailing the purchase of an Apple iPhone 4 in the United States, and photographs of an Apple iPhone 4 and packaging (indicating that the device is “Assembled in China”). The Apple iPhone 4 is imported into the United States. For example, the photographed Apple iPhone 4 was purchased from the Apple Store in Georgetown, Washington, DC on July 22, 2011. *Id.* The receipt for this purchase is included in Exhibit 16. The photographed Apple iPhone 4, in its packaging, is submitted as Physical Exhibit 1.

VIII. HARMONIZED TARIFF SCHEDULE ITEM NUMBERS

66. On information and belief, the Harmonized Tariff Schedule of the United States item numbers under which the infringing portable electronic devices and related software have been imported into the United States may include at least the following HTS numbers: 8471, 8471.30.01.00, 8471.41.01, or 8471.49 (automatic data processing machines such as desktop computers, laptop computers, or tablet computers); 85.17 or 8517.12.00 (mobile phones); 8519.81.40, 8519.89.30, or 8521.90.00 (portable media players); 85.28 (reception apparatus for television); 8443.32 (printers capable of connecting to automatic data processing machines); and 8517.61 (machines for the reception, conversion and transmission of data, including switching and routing apparatus)

IX. RELATED LITIGATION

67. The Asserted Patents are also the subject of an action for patent infringement filed in the United States District Court for the District of Delaware, *HTC Corp. v. Apple, Inc.*, Civ. Action No. 1:11-cv-00715-UNA. On information and belief, the Asserted Patents have not been the subject of any foreign or domestic court or agency litigation.

67A. The '214, '006, '772, '283, and '849 patents are also the subject of an action for patent infringement filed in the United States District Court for the District of Delaware, *HTC*

Corp. v. Apple, Inc., Civ. Action No. 1:11-cv-00715-UNA (First Amended Complaint). On information and belief, the '214, '006, '772, '283, and '849 patents have not been the subject of any foreign or domestic court or agency litigation.

X. THE DOMESTIC INDUSTRY

68. There is a domestic industry as defined under 19 U.S.C. § 1337(a)(3)(A), (B), and (C), comprising continuing significant investments in physical operations, employment of labor and capital, and exploitation of the Asserted Patents.

A. United States Investments in the Domestic Industry

69. HTC makes extensive use of the inventions claimed in the Asserted Patents in numerous products. With respect to the '944 and '219 patents, HTC's smartphones including, but not limited to, the Thunderbolt, Evo 3D, Incredible 2, Holiday, Ruby, Vigor, and Evo Shift practice one or more claims of these patents. With respect to the '414 patent, at least HTC's Ruby and Holiday products practice one or more claims of the patent. HTC's Ruby and Holiday products are under development and are soon-to-be released. To the extent that HTC does not have a domestic industry with respect to the Ruby and Holiday products, HTC is in the process of establishing a domestic industry with respect to those products.

69A. With respect to the '214, '006, '772, '283, and '849 patents, HTC's smartphones including, but not limited to, the Thunderbolt, Evo 3D, Incredible 2, Holiday, Ruby, Vigor, and Evo Shift practice one or more claims of these patents.

70. HTC, through its subsidiaries has made significant investments in plant and equipment with respect to the HTC products that practice the Asserted Patents. Those significant investments in plant and equipment are dedicated to research, development, engineering, repair, product support, and other customer support services for HTC's devices that practice the Asserted Patents.

71. HTC, through its subsidiaries has made significant investment in labor and capital with respect to the HTC products that practice the Asserted Patents. Those significant investments in labor and capital are dedicated to research, development, engineering, repair, product support, and other customer support services for HTC's devices that practice the Asserted Patents.

72. In *Certain Portable Electronic Devices and Related Software*, ITC Inv. No. 337-TA-721, Complainant HTC moved for summary determination that it satisfied the economic prong of the domestic industry requirement based on HTC's investments in the United States with respect to HTC's T-Mobile G1, the HTC Hero, the HTC Droid Eris, the HTC Incredible, and the HTC Evo 4G products—a small subset of the HTC products that practice the '944 and '219 patents.

73. Exhibit 18C, HTC's Motion for Summary Determination in the 721 Investigation, sets forth in detail HTC's specific investments in plant and equipment, labor and capital, and research, development, and engineering related to HTC's T-Mobile G1, the HTC Hero, the HTC Droid Eris, the HTC Incredible, and the HTC Evo 4G products.

74. Attached as Exhibit 19C is Order No. 40 from Inv. No. 337-721. Order No. 40 issued on March 15, 2011, and is an initial determination finding that HTC's investments in the T-Mobile G1, the HTC Hero, the HTC Droid Eris, the HTC Incredible, and the HTC Evo 4G products alone satisfy the economic prong of the domestic industry requirement. *Certain Portable Electronic Devices and Related Software*, ITC Inv. No. 337-TA-721, Order No. 40 (March 15, 2011). On April 5, 2011, the Commission determined not to review that initial determination. *Id.*, Notice of Commission Determination Not to Review an Initial Determination

Granting Complainant's Motion for Summary Determination That It Has Met the Economic Prong of the Domestic Industry Requirement (April 5, 2001).

75. After acquisition of the '944 and '219 patents, HTC has continued to make additional investments in the United States with respect to its products practicing those patents. Exhibit 20C sets forth HTC's total estimated investments in plant, equipment, labor, and capital including investments dedicated to research, development, engineering, repair, product support, and other customer support services for a subset of devices that practice the '944 and '219 patents. Exhibit 20C further identifies those estimated investments based on the percentage of time allocated to each of the development and support projects for each of those devices.

76. HTC leads the smartphone industry by rapid development of new products. HTC, through its subsidiaries HTC America and One & Co., has made significant investments in plant, equipment, labor, and capital used in the research, development, engineering, and customer support for new products that practice the '414 patent. Exhibit 20C sets forth HTC's total estimated investments in plant, equipment, labor, and capital including investments dedicated to research, development, engineering, repair, product support, and other customer support services for a subset of devices that practice the '414 patent. Exhibit 20C further identifies those estimated investments based on the percentage of time allocated to each of the development and support projects for each of those devices.

76A. Prior to the acquisition of the '214, '006, '772, '283, and '849 patents by HTC, HTC made substantial investments in the United States with respect to HTC products practicing those patents. As noted above, the same HTC products that practice the '944 and '219 patents also practice the '214, '006, '772, '283, and '849 patents. Exhibit 20C, which sets forth HTC's total estimated investments in plant, equipment, labor, and capital including investments

dedicated to research, development, engineering, repair, product support, and other customer support services for a subset of devices that practice the '944 and '219 patents, is equally applicable HTC's investments related to the '214, '006, '772, '283, and '849 patents. Exhibit 20C further identifies those estimated investments based on the percentage of time allocated to each of the development and support projects for each of those devices. After acquisition of the '214, '006, '772, '283, and '849 patents, HTC has continued to make substantial investments the products identified in Exhibit 20C, as well as others. To the extent that HTC does not have a domestic industry with respect to the '214, '006, '772, '283, and '849 patents, HTC is in the process of establishing one as demonstrated in Exhibit 20C.

76B. On information and belief, prior to the acquisition of the '214, '006, '772, '283, and '849 patents, the previous owner of those patents, Google Inc., made substantial investments in the United States with respect to products practicing the '214, '006, '772, '283, and '849 patents, including at least Google's Nexus One smartphone. On information and belief, Google continues to make substantial investments in the United States with respect to products practicing the '214, '006, '772, '283, and '849 patents.

76C. Prior to the acquisition of the '214, '006, '772, '283, and '849 patents by HTC, HTC made substantial investments in the United States with respect to Google products practicing those patents, including at least Google's Nexus One smartphone manufactured by HTC.

B. HTC's Practice of the Asserted Patents

77. As noted above, multiple HTC smartphones practice the Asserted Patents.

78. As an example, the HTC Ruby is provided with this Complaint as Physical Exhibit 2.

79. An exemplary claim chart comparing the HTC Ruby to representative claim 16 of the '414 patent is attached as Exhibit 21C.

80. An exemplary claim chart comparing the HTC Ruby to representative claim 1 of the '944 patent is attached as Exhibit 22C.

81. An exemplary claim chart comparing the HTC Ruby to representative claim 1 of the '219 patent is attached as Exhibit 23C.

81A. An exemplary claim chart comparing the HTC Ruby to representative claim 1 of the '214 patent is attached as Exhibit 36C.

81B. An exemplary claim chart comparing the HTC Ruby to representative claim 1 of the '006 patent is attached as Exhibit 37C.

81C. An exemplary claim chart comparing the HTC Ruby to representative claim 1 of the '772 patent is attached as Exhibit 38C.

81D. An exemplary claim chart comparing the HTC Ruby to representative claim 11 of the '283 patent is attached as Exhibit 39C.

81E. An exemplary claim chart comparing the HTC Ruby to representative claim 9 of the '849 patent is attached as Exhibit 44C.

XI. RELIEF REQUESTED

82. WHEREFORE, by reason of the foregoing, HTC respectfully requests that the United States International Trade Commission:

(a) Institute an immediate investigation, pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337(a)(1)(B)(i) and (b)(1), with respect to violations of Section 337 by the Apple based upon their manufacture and/or sale for importation, importation, and/or sale after importation into the United States of certain electronic devices with

communication capabilities, components thereof, and related software that infringe one or more of the Asserted Claims of HTC's United States Patent Nos. 7,765,414; 7,417,944; and 7,672,219;

(a1) Institute an immediate 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 by the Apple based upon their manufacture and/or sale for importation, importation, and/or sale after importation into the United States of certain electronic devices with communication capabilities, components thereof, and related software that infringe one or more of the Asserted Claims of HTC's United States Patent Nos. 6,708,214, 6,473,006, 7,289,772, 6,868,283, and 7,020,849:

(b) Schedule and conduct a hearing on said unlawful acts and, following said hearing;

(c) Issue a limited exclusion order pursuant to 19 U.S.C. § 1337(d)(1), barring from entry into the United States all imported electronic devices with communication capabilities, components thereof, and related software of Apple, Inc., that infringe one or more of the asserted claims of HTC's United States Patent Nos. 7,765,414; 7,417,944; and 7,672,219;

(c1) Issue a limited exclusion order pursuant to 19 U.S.C. § 1337(d)(1), barring from entry into the United States all imported electronic devices with communication capabilities, components thereof, and related software of Apple, Inc., that infringe one or more of the asserted claims of HTC's United States Patent Nos. 6,708,214, 6,473,006, 7,289,772, 6,868,283, and 7,020,849;

(d) Issue a permanent cease and desist order, pursuant to 19 U.S.C. § 1337(f), directing Apple, Inc., to cease and desist from importing, marketing, advertising, demonstrating, sampling, warehousing inventory for distribution, offering for sale, selling, distributing,


licensing, providing technical support, or using certain electronic devices with communication capabilities, components thereof, and related software that infringe one or more of the Asserted Claims of HTC's United States Patent Nos. 7,765,414; 7,417,944; and 7,672,219;

(d1) Issue a permanent cease and desist order, pursuant to 19 U.S.C. § 1337(f), directing Apple, Inc., to cease and desist from importing, marketing, advertising, demonstrating, sampling, warehousing inventory for distribution, offering for sale, selling, distributing, licensing, providing technical support, or using certain electronic devices with communication capabilities, components thereof, and related software that infringe one or more of the Asserted Claims of HTC's United States Patent Nos. 6,708,214, 6,473,006, 7,289,772, 6,868,283, and 7,020,849; and

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

Dated: August 7, 2011

Respectfully submitted,



Thomas L. Jarvis
Don. O. Burley
John R. Alison
Steve M. Anzalone
Houtan K. Esfahani
Paul C. Goulet
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
901 New York Avenue, N.W.
Washington, D.C. 20001-4413
Telephone: (202) 408-4000
Facsimile: (202) 408-4400

VERIFICATION OF COMPLAINT

I, James Chen declare, in accordance with 19 C.F.R. §§ 210.4 and 210.12(a), under penalty of perjury, that the following statements are true:

I am a Vice President of HTC Corporation and am duly authorized to sign this Amended Complaint on behalf of HTC Corporation;

I have read the foregoing Amended Complaint;

To the best of my knowledge, information, and belief, based on reasonable inquiry, the foregoing Amended Complaint is well-founded in fact and is warranted by existing law or by a non-frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

The allegations and other factual contentions have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

The foregoing Amended Complaint is not being filed for an improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

Executed on September 6, 2011.



James Chen
Vice President
HTC Corporation