

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

In the Matter of

**CERTAIN COMPUTING
DEVICES WITH ASSOCIATED
INSTRUCTION SETS AND
SOFTWARE**

Investigation No. 337-TA-_____

**COMPLAINT OF VIA TECHNOLOGIES, INC., IP-FIRST, LLC, AND
CENTAUR TECHNOLOGY, INC. UNDER SECTION 1337 OF THE
TARIFF ACT OF 1930, AS AMENDED**

COMPLAINANTS

VIA Technologies, Inc.
8F, No. 535 Zhongzheng Road
Xindian District
New Taipei City 231, Taiwan
(R.O.C.)
Telephone: +866-2-2218-5452

IP-First, LLC
940 Mission Court
Fremont, California 94539
Telephone: (510) 683-3300

Centaur Technology, Inc.
7600-C N. Capital of Texas Hwy
Austin, TX 78731-1180
Telephone: (512) 418-5700

COUNSEL FOR COMPLAINANTS

Thomas L. Jarvis
Thomas W. Winland
Steven M. Anzalone
John R. Alison
Houtan K. Esfahani
Eric J. Fues

**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

PROPOSED RESPONDENT

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

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	COMPLAINANTS	2
III.	PROPOSED RESPONDENT	3
IV.	THE PRODUCTS AND TECHNOLOGY AT ISSUE	4
V.	THE ASSERTED PATENTS AND NON-TECHNICAL DESCRIPTION OF THE INVENTIONS.....	5
A.	U.S. Patent No. 6,253,312.....	5
1.	Identification and Ownership of the '312 Patent	5
2.	Non-Technical Description of the Invention of the '312 Patent.....	5
3.	Related Applications and Patents.....	6
4.	Foreign Counterparts	6
5.	Licenses.....	6
B.	U.S. Patent No. 6,253,311.....	6
1.	Identification and Ownership of the '311 Patent	6
2.	Non-Technical Description of the Invention of the '311 Patent.....	7
3.	Related Applications.....	7
4.	Foreign Counterparts	8
5.	Licenses.....	8
C.	U.S. Patent No. 6,754,810.....	8
1.	Identification and Ownership of the '810 Patent	8
2.	Non-Technical Description of the Invention of the '810 Patent.....	9
3.	Related Applications.....	9
4.	Foreign Counterparts	9
5.	Licenses.....	9

VI.	UNLAWFUL AND UNFAIR ACTS OF RESPONDENT—PATENT INFRINGEMENT.....	10
A.	Infringement of the '312 Patent	10
B.	Infringement of the '311 Patent	11
C.	Infringement of the '810 Patent	11
VII.	SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE	12
VIII.	HARMONIZED TARIFF SCHEDULE ITEM NUMBERS	13
IX.	RELATED LITIGATION	13
X.	THE DOMESTIC INDUSTRY	13
A.	United States Investments in the Domestic Industry	13
B.	VIA's Practice of the Asserted Patents	14
XI.	RELIEF REQUESTED.....	14

TABLE OF EXHIBITS

Exhibit	Document
1A	Copy of U.S. Patent No. 6,253,312
1B	Copy of U.S. Patent No. 6,253,311
1C	Copy of U.S. Patent No. 6,754,810
2A	Copy of recorded assignment(s) for U.S. Patent No. 6,253,312
2B	Copy of recorded assignment(s) for U.S. Patent No. 6,253,311
2C	Copy of recorded assignment(s) for U.S. Patent No. 6,754,810
3	Status Report from Delaware Division of Corporations for IP-First, LLC
4	OneSource Report for Centaur Technology, Inc.
5	Apple Inc. Form 10-K for Period Ending September 25, 2010
6A	Infringement claim chart for U.S. Patent No. 6,253,312 and exhibits cited therein
6B	Infringement claim chart for U.S. Patent No. 6,253,311 and exhibits cited therein
6C	Infringement claim chart for U.S. Patent No. 6,754,810 and exhibits cited therein
7	Documents detailing purchase of Apple iPhone 4 product in the United States, including photographs
Confidential Exhibit	Document
8-C	Identification of Licensees
9-C	Continuing Economic Investments for the Asserted Patents
10A-C	Domestic Industry claim chart for U.S. Patent No. 6,253,312
10B-C	Domestic Industry claim chart for U.S. Patent No. 6,253,311
10C-C	Domestic Industry claim chart for U.S. Patent No. 6,754,810
Physical Exhibit	
Physical Exhibit 1	Apple iPhone 4 (in box with packaging)

APPENDICES

Appendix	Document
App. A	Copy of the prosecution history of U.S. Patent No. 6,253,312 and three copies thereof
App. B	Copy of the prosecution history of U.S. Patent No. 6,253,311 and three copies thereof
App. C	Copy of the prosecution history of U.S. Patent No. 6,754,810 and three copies thereof
App. D	Four copies of technical references identified in the prosecution history of U.S. Patent No. 6,253,312
App. E	Four copies of technical references identified in the prosecution history of U.S. Patent No. 6,253,311
App. F	Four copies of technical references identified in the prosecution history of U.S. Patent No. 6,754,810

I. INTRODUCTION

1. This Complaint is filed by VIA Technologies, Inc. (“VIA Technologies”), IP-First, LLC (“IP-First”), and Centaur Technology, Inc. (“Centaur”) (collectively “VIA”) 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 computing devices with associated instruction sets, that infringe one or more of claims 1-4, 7-10, and 26-29 of United States Patent No. 6,253,312 (“the ’312 patent”); claims 1, 14, and 21 of United States Patent No. 6,253,311 (“the ’311 patent”); and claims 20, 27, and 30 of United States Patent No. 6,754,810 (“the ’810 patent”) (collectively the “Asserted Claims” of the “Asserted Patents”).

2. Copies of each of the Asserted Patents are attached as Exhibit Nos. 1A through 1C, respectively. VIA Technologies, IP-First, and/or Centaur own all right, title, and interest in each of the Asserted Patents. Copies of the recorded assignments for each of the Asserted Patents are attached as Exhibit Nos. 2A through 2C.¹

3. The proposed respondent is Apple. The Accused Products are imported into and sold within the United States by or on behalf of Apple. The accused products are certain computing devices with associated instruction sets and software, including, but not limited to smartphones, tablet computers, portable media players, and other computing devices (collectively the “Accused Products”). The Accused Products in this Investigation include, but are not limited to, Apple’s iPad, iPad 2, iPhone 4, iPhone 4 CDMA, iPod Touch 4th generation, and Apple TV 2nd generation product lines. On information and belief, the Accused Products are

¹ At the time of the filing of the Complaint, certified copies of the ’312, ’311, and ’810 patents, prosecution histories, and recorded assignments were not available. VIA has ordered the certified copies of these documents and will submit them immediately upon receipt.

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.

5. VIA seeks, as relief, a permanent exclusion order barring from entry into the United States all infringing computing devices with associated instruction sets imported by or on behalf of Apple. VIA also seeks, as relief, a cease and desist order prohibiting Apple's sale for importation, importation, sale after importation, offer for sale, testing, loading with software, operation, and other commercial activity related to the Accused Products that infringe one or more Asserted Claims of the Asserted Patents.

II. COMPLAINANTS

6. VIA Technologies is a corporation organized and existing under the laws of Taiwan, R.O.C., with its principal place of business at 8F, No. 535 Zhongzheng Road, Xindian District, New Taipei City 231, Taiwan, (R.O.C.).

7. IP-First is a limited liability company organized and existing under the laws of Delaware with a registered business address at 940 Mission Court, Fremont, California 94539. *See* Exhibit 4, Status Report from Delaware Division of Corporations for IP-First; Exhibits 2A-2C, Assignments. VIA Technologies owns, operates, and controls IP-First.

8. Centaur is a company organized under the laws of the State of California with a principal place of business at 7600-C North Capital of Texas Highway, Suite 300, Austin, Texas 78731. *See* Exhibit 4A, OneSource Report for Centaur Technology, Inc. Centaur is a fabless designer of power efficient x86 processors and other computing devices that engages, among other activities, in the research, development, and testing of semiconductor microprocessors and

related integrated circuits. Centaur is a indirectly wholly-owned subsidiary of VIA Technologies.

9. Founded in 1992, VIA Technologies is engaged in the design, research, development, manufacture, and distribution of semiconductor microprocessors and chipsets. The company provides, among other things, central processing units (CPUs), including Nano, C7, and C3 series chips, computer system logic chips, including the CX700, CN700, CN896 and VX700 series chips, peripheral control chips, graphics chips, and information architecture multimedia video and audio control chips. VIA Technologies' products are sold in the United States and throughout the world.

10. VIA Technologies' Centaur subsidiary invented and developed the technology at issue in the Investigation. Centaur designs and engineers advanced, high performance CPUs and microprocessors. Founded in 1995 to develop an affordable x86 processor, Centaur's small team of microprocessor engineers successfully designed this chip for the sub-\$1,000 PC market. Subsequently, Centaur designed the world's smallest x86 processors, developed over a dozen different parts, and consistently provides the fastest design cycle in the industry. Centaur-designed products include VIA's Nano, C7, C3, and other chips. Centaur performs services in the United States including research and development, design, engineering, product support, and after-sales services of VIA's products, including computing devices that practice one or more of the inventions of each of the Asserted Patents.

III. PROPOSED RESPONDENT

11. 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 5, Apple Inc. Form 10-K for Period Ending September 25, 2010.

12. On information and belief, Apple is involved in the design, development, manufacture, importation, and sale after importation of the Accused Products including at least iPad, iPad 2, iPhone 4, iPhone 4 CDMA, iPod Touch 4th generation, Apple TV 2nd generation product lines, and software designed for these devices. 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 customer requests.

IV. THE PRODUCTS AND TECHNOLOGY AT ISSUE

13. The Accused Products in this Investigation include, but are not limited to, Apple's iPad, iPad 2, iPhone 4, iPhone 4 CDMA, iPod Touch 4th generation, and Apple TV 2nd generation product lines, and software designed for these devices. The Accused Products are imported into and sold within the United States by or on behalf of Apple.

14. The technology and products-at-issue generally concern microprocessor-based electronic devices, such as portable electronic devices and digital media receivers that are imported into and sold within the United States by or on behalf of Apple. The technology at issue in the '312, '311, and '810 patents relates to those microprocessor-based electronic devices. This technology generally provides efficient loading of data in the microprocessors and efficient conversion and transfer of data in the microprocessors. Microprocessor-based devices that include this technology can rapidly load data from memory, directly move data between floating

point and integer registers, and rapidly convert data from one format to another, thereby increasing operational speed.

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

A. U.S. Patent No. 6,253,312

1. Identification and Ownership of the '312 Patent

15. United States Patent No. 6,253,312, entitled “Method and Apparatus for Double Operand Load,” issued on June 26, 2001, to inventors Timothy A. Elliot, G. Glenn Henry, and Terry Parks. Exhibit 1A. The '312 patent issued from Application No. 09/130,910, filed on August 7, 1998. *Id.*

16. The '312 patent has four independent claims and 26 dependent claims. VIA is currently asserting claims 1-4, 7-10, and 26-29 of the '312 patent in this Investigation. Further investigation and discovery may lead to VIA's assertion of additional claims against Apple.

17. The '312 patent is valid, enforceable, and currently in full force and effect until its expiration on August 7, 2018. IP-First owns by assignment the entire right, title, and interest in and to the '312 patent. Exhibit 2A.

18. Pursuant to Commission Rule 210.12(c), this Complaint is accompanied by a copy of the prosecution history of the '312 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 '312 patent. App. D. VIA continues to search for additional references and will supplement Appendix D accordingly.

2. Non-Technical Description of the Invention of the '312 Patent

19. The '312 patent generally relates to improvements in loading data in a microprocessor. The '312 patent generally describes concurrently loading single-precision

operands into registers of the microprocessor. For example, the microprocessor receives a macro instruction prescribing an address and decodes the macro instruction into a micro instruction. The micro instruction directs the microprocessor to retrieve the two single-precision operands from the address and to load the two single-precision operands into two floating point registers. The two single-precision operands are loaded into the two floating point registers during write back of the microprocessor. The foregoing non-technical description does not limit or interpret claims of the '312 patent.

3. Related Applications and Patents

20. The '312 patent has no related U.S. applications or patents.

4. Foreign Counterparts

21. The '312 patent has no foreign counterparts.

5. Licenses

22. As required under Commission Rule 210.12(a)(9)(iii), a list of licensed entities known to VIA is attached to this Complaint as Confidential Exhibit 8-C.

B. U.S. Patent No. 6,253,311

1. Identification and Ownership of the '311 Patent

23. United States Patent No. 6,253,311 entitled "Instruction Set for Bi-Directional Conversion and Transfer of Integer and Floating Point Data," issued on June 26, 2001, to inventors Timothy A. Elliott and G. Glenn Henry. Exhibit 1B. The '311 patent issued from Application No. 08/980,481 filed on November 29, 1997. *Id.*

24. The '311 patent has one independent claims and 20 dependent claims. VIA is currently asserting claims 1, 14, and 21 of the '311 patent in this Investigation. Further investigation and discovery may lead to the assertion of additional claims against Apple.

25. The '311 patent is valid, enforceable, and currently in full force and effect until its expiration on November 29, 2017. VIA Technologies and Centaur own by assignment the entire right, title, and interest in and to the '311 patent. Exhibit 2B.

26. Pursuant to Commission Rule 210.12(c), this Complaint is accompanied by a copy of the prosecution history of the '311 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 '311 patent. App. E. VIA continues to search for additional references and will supplement Appendix E accordingly.

2. Non-Technical Description of the Invention of the '311 Patent

27. The '311 patent generally relates to improvements in the conversion and transfer of data in a microprocessor. The '311 patent generally describes bi-directional conversion and transfer of data between registers of the microprocessor. For example, a register of the microprocessor is configured to store floating point data and integer data, and the microprocessor converts the floating point data within the register into integer data. As another example, a register of the microprocessor is configured to store floating point data and integer data, and the microprocessor converts the integer data within the register into floating point data. Further, data may be transferred from one register to another register. The foregoing non-technical description does not limit or interpret claims of the '311 patent.

3. Related Applications

28. The '311 patent has no parent applications but has several related child applications and patents, including the asserted '810 patent.

29. The '311 patent issued from application No. 08/980,481, filed on November 29, 1997. A continuation-in-part of this '481 application, application No. 09/048,712, filed on April 26, 1998, issued as U.S. Patent No. 6,061,782. And a continuation of the '481 application,

application No. 09/866,078, filed on May 25, 2001, issued as U.S. Patent No. 6,405,306. A continuation of this '078 application, application No. 10/120,538, filed on April 10, 2002, issued as the asserted '810 patent.

4. Foreign Counterparts

30. The '311 patent has no foreign counterparts.

5. Licenses

31. As required under Commission Rule 210.12(a)(9)(iii), a list of licensed entities known to VIA is attached to this Complaint as Confidential Exhibit 8-C. On information and belief there are no other current licenses involving the '311 patent.

C. U.S. Patent No. 6,754,810

1. Identification and Ownership of the '810 Patent

32. United States Patent No. 6,754,810, entitled "Instruction Set for Bi-Directional Conversion and Transfer of Integer and Floating Point Data," issued on June 22, 2004, to inventors Timothy A. Elliott and G. Glenn Henry. Exhibit 1C. The '810 patent issued from U.S. Patent Application No. 10/120,538, filed on April 10, 2002. *Id.*

33. The '810 patent has four independent claims and 26 dependent claims. VIA is currently asserting claims 20, 27, and 30 of the '810 patent in this Investigation. Further investigation and discovery may lead to VIA's assertion of additional claims against Apple.

34. The '810 patent is valid, enforceable, and currently in full force and effect until its expiration on November 29, 2017. Exhibit 1C. IP-First owns by assignment the entire right, title, and interest in and to the '810 patent. Exhibit 2C.

35. Pursuant to Commission Rule 210.12(c), this Complaint is accompanied by a copy of the prosecution history of the '810 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 '810 patent. App. F. VIA continues to search for additional references and will supplement Appendix F accordingly.

2. Non-Technical Description of the Invention of the '810 Patent

36. The '810 patent is related to the '311 patent and concerns improvements in the conversion and transfer of data within a microprocessor. The '810 patent generally describes bi-directional conversion and transfer of data between registers of the microprocessor. For example, a register of the microprocessor is configured to store floating point data and integer data, and the microprocessor converts the floating point data within the register into integer data. As another example, a register of the microprocessor is configured to store floating point data and integer data, and the microprocessor converts the integer data within the register into floating point data. Further, data may be transferred from one register to another register. The foregoing non-technical description does not limit or interpret claims of the '810 patent.

3. Related Applications

37. The '810 patent has several related parent applications and patents, as described in paragraph no. 29 above.

38. The '810 patent is a continuation of application No. 09/866,078, filed on May 25, 2001, which is a continuation of application No. 08/980,481, filed on November 29, 1997, which issued as the asserted '311 patent.

4. Foreign Counterparts

39. The '810 patent has no foreign counterparts.

5. Licenses

40. As required under Commission Rule 210.12(a)(9)(iii), a list of licensed entities known to VIA is attached to this Complaint as Confidential Exhibit 8-C. On information and belief there are no other current licenses involving the '810 patent.

VI. UNLAWFUL AND UNFAIR ACTS OF RESPONDENT—PATENT INFRINGEMENT

41. 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 computing devices with associated instruction sets, that infringe one or more of the Asserted Claims of the Asserted Patents. Examples of infringing products include Apple's iPad, iPad 2, iPhone 4, iPhone 4 CDMA, iPod Touch 4th generation, Apple TV 2nd generation product lines, and software designed for those products.

42. Apple infringes the Asserted Patents by testing or using the Accused Products within the United States and/or by making, using, selling, offering for sale, and importing articles embodying the Asserted Claims of the Asserted Patents. On information and belief, Apple has had notice of the Asserted Patents at least as early as VIA'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 product manuals and information and through advertising that directs users to practice the methods of the claimed inventions.

A. Infringement of the '312 Patent

43. On information and belief, Apple directly infringes at least claims 1-4 and 7-10 of the '312 patent at least through its manufacture, sale for importation, importation, and sale after importation of one or more Accused Products, and directly infringes at least claims 26-29 of the '312 patent through its testing and/or use of one or more of the Accused Products.

44. On information and belief, Apple knowingly induces end users of one or more of the Accused Products to infringe at least claims 26-29 of the '312 patent by encouraging,

instructing, and aiding end users to use one or more of the Accused Products in an infringing manner.

45. On information and belief, Apple contributes to the infringement of at least claims 26-29 of the '312 patent. One or more of the Accused products are specially adapted for infringing uses of one or more of the Asserted Claims of the '312 patent, including at least claims 26-29 of the '312 patent, and one or more of the Accused Products are not staple articles of commerce suitable for substantial non-infringing use.

46. A claim chart that applies each of the asserted independent claims of the '312 patent to an exemplary Accused Product, the Apple iPhone 4, is attached to this Complaint as Exhibit 6A.

B. Infringement of the '311 Patent

47. On information and belief, Apple directly infringes at least claims 1, 14, and 21 of the '311 patent at least through its manufacture, sale for importation, importation, and sale after importation of one or more Accused Products.

48. A claim chart that applies asserted independent claim 1 of the '311 patent to an exemplary Accused Product, the Apple iPhone 4, is attached to this Complaint as Exhibit 6B.

C. Infringement of the '810 Patent

49. On information and belief, Apple directly infringes at least claim 20 of the '810 patent at least through its manufacture, sale for importation, importation, and sale after importation of one or more Accused Products, and directly infringes at least claims 27 and 30 of the '810 patent through its testing and/or use of one or more of the Accused Products.

50. On information and belief, Apple knowingly induces end users of one or more of the Accused Products to infringe at least claims 27 and 30 of the '810 patent by encouraging,

instructing, and aiding end users to use one or more of the Accused Products in an infringing manner.

51. On information and belief, Apple contributes to the infringement of at least claims 27 and 30 of the '810 patent. One or more of the Accused products are specially adapted for infringing uses of one or more of the Asserted Claims of the '810 patent, including at least claims 27 and 30 of the '810 patent, and one or more of the Accused Products are not staple articles of commerce suitable for substantial non-infringing use.

52. A claim chart that applies each of the asserted independent claims of the '810 patent to an exemplary Accused Product, the Apple iPhone 4, is attached to this Complaint as Exhibit 6C.

VII. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

53. 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 computing devices with associated instruction sets. *See* Exhibit 5, Apple Inc. Form 10-K for Period Ending September 25, 2010, at 8-9. An example of Apple's specific instance of importation of an Accused Product is set forth below.

54. The Apple iPhone 4 is assembled in China. *See* Exhibit 8, 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 Apple Store at the Pentagon City shopping mall in Arlington, Virginia on September 19, 2011. *Id.* The receipt for this purchase is included in Exhibit 7. The photographed Apple iPhone 4, in its packaging, is submitted as Physical Exhibit 1.

VIII. HARMONIZED TARIFF SCHEDULE ITEM NUMBERS

55. 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); 85.17 or 8517.12.00 (mobile phones); and 8519.81.40, 8519.89.30, or 8521.90.00 (portable media players).

IX. RELATED LITIGATION

56. 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, *VIA Techs., Inc., et al. v. Apple, Inc.*, Civ. Action No. 1:11-cv-00857-UNA (D. Del.). On information and belief, the asserted '312 and '810 patents have not been the subject of any foreign or domestic court or agency litigation. The asserted '311 patent was involved in prior litigation that settled before trial, in *VIA Techs., Inc. v. Intel Corp.*, Civ. Action No. 1:01-cv-00602-SS (W.D. Tex.).

X. THE DOMESTIC INDUSTRY

57. 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

58. VIA makes extensive use of the inventions claimed in the Asserted Patents in numerous products. With respect to the '311 and '810 patents, the most recent domestic investments relate to the VIA Nano microprocessors that practice at least one claim of these patents.

59. With respect to the '312 patent, certain products currently in development at Centaur practice at least one claim of this patent.

60. VIA, through its subsidiaries and licensees, including Centaur, has made significant investment in labor and capital with respect to the VIA products that practice the Asserted Patents. Those significant investments in labor and capital are dedicated to research, development, design, engineering, and product support services for VIA products that practice the Asserted Patents. Detailed information about these investments is provided in Confidential Exhibit 9-C.

B. VIA's Practice of the Asserted Patents

61. As noted above, multiple VIA products practice the Asserted Patents, including the VIA Nano series of microprocessors and certain products currently in development.

62. An exemplary claim chart comparing a Centaur product currently in development to representative claim 1 of the '312 patent is attached as Exhibit 10A-C.

63. An exemplary claim chart comparing a VIA Nano microprocessor to representative claim 1 of the '311 patent is attached as Exhibit 10B-C.

64. An exemplary claim chart comparing a VIA Nano microprocessor to representative claim 1 of the '810 patent is attached as Exhibit 10C-C.

XI. RELIEF REQUESTED

65. WHEREFORE, by reason of the foregoing, VIA 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 computing devices with associated

instruction sets that infringe one or more of the Asserted Claims of VIA's United States Patent Nos. 6,253,312; 6,253,311; and 6,754,810;

(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 computing devices with associated instruction sets of Apple, Inc., that infringe one or more of the asserted claims of VIA's United States Patent Nos. 6,253,312; 6,253,311; and 6,754,810;

(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 computing devices with associated instruction sets that infringe one or more of the Asserted Claims of VIA's United States Patent Nos. 6,253,312; 6,253,311; and 6,754,810; 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: September 22, 2011

Respectfully submitted,

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

Thomas L. Jarvis

Thomas W. Winland

Steven M. Anzalone

John R. Alison

Houtan K. Esfahani

Eric J. Fues

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