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CBI 12-095

December 2, 2011

**VIA HAND DELIVERY**

The Honorable James. R. Holbein  
Secretary to the Commission  
U.S. International Trade Commission  
500 E Street, S.W.  
Washington, D.C. 20436

Re: *Complaint of Digitude Innovations LLC, Concerning Certain  
Portable Communication Devices*

DOCUMENT NUMBER
2861
Office of the Secretary Int'l Trade Commission

Dear Secretary Holbein:

Enclosed for filing on behalf of Digitude Innovations LLC ("Digitude"), please find the following documents in support of Digitude's request that the Commission commence an Investigation pursuant to Section 337 of the Tariff Act of 1930, as amended. Pursuant to the Commission Rules of Practice and Procedure, a request for confidential treatment of Confidential Exhibits 4, 4a,4b and 72 through 75 is also included with this submission. Digitude submits the following:

1. An original and eight (8) copies of Digitude's verified Complaint (Rule 210.8 (a));
2. One (1) copy, on CD, of the accompanying non-confidential exhibits to the Complaint and one (1) copy, on CD, of Confidential Exhibits 4, 4a,4b and 72 through 75 segregated from the non-confidential exhibits (Rules 201.6(c), 210.4(f)(3)(i) and 210.8(a));
3. Eighteen (18) additional copies of the Complaint and accompanying exhibits, both non-confidential and confidential (on separate CDs), for service upon the proposed respondents: Research In Motion Ltd., Research In Motion Corp., HTC Corporation, HTC America, Inc., LG Electronics, Inc., LG Electronics MobileComm U.S.A, Inc., LG Electronics U.S.A., Inc., Motorola Mobility Holdings, Inc., Samsung Electronics Co., Ltd, Samsung Electronics America, Inc., Samsung Telecommunications America, L.L.C., Sony Corporation, Sony Corporation of America, Sony Ericsson Mobile Communications AB, Sony Ericsson Mobile Communications (USA) Inc., Amazon.com, Inc., Nokia Corporation, Nokia Inc. (Rules 210.4(f)(3)(i), 210.8(a) and 210.11(a));

Philadelphia

Boston

Washington, D.C.

Detroit

New York

Pittsburgh

Berwyn

Harrisburg

Orange County

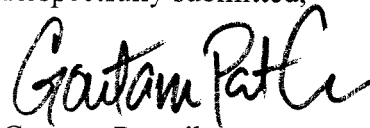
Princeton

Wilmington

4. Six (6) additional copies of the Complaint for service upon the embassies of Canada, Taiwan, South Korea, Japan, Sweden, and Finland (Rules 210.4(f)(3)(i), 210.8(a) and 210.11(a));
5. Certified copies of U.S. Patent No. 5,926,636 (“the ‘636 Patent”); U.S. Patent No. 5,929,655 (“the ‘655 Patent”); U.S. Patent No. 6,208,879 (“the ‘879 Patent”); and U.S. Patent No. 6,456,841 (“the ‘841 Patent”) (included in the Complaint as Exhibits 1, 5, 8 and 11, respectively) (Rule 210.12(a)(9)(i));
6. One certified copy of the assignment record for each of the asserted U.S. Patents ‘636, ‘655, ‘879 and ‘841 (included in the Complaint as Exhibits 3, 7, 10 and 13, respectively) (Rule 210.12(a)(9)(ii));
7. One certified copy and four (4) additional copies of the prosecution histories for each of the asserted U.S. Patents ‘636, ‘655 and ‘879 (Appendices A, C and E respectively) (Rule 210.12(c)(1));
8. One (1) legible non-certified copy of prosecution file history ‘841 (included in the Complaint as Exhibit 12). A certified copy of this document has been ordered from the United States Patent and Trademark office and will be filed upon receipt along with additional copies (Rule 210.12(a)(9)(ii));
9. Five (5) copies of each patent and applicable pages for each technical reference mentioned in the prosecution histories for each of the asserted U.S. Patent Nos. ‘636, ‘655, ‘879 and ‘841 (Appendices B, D, F and H, respectively) (Rule 210.12(c)(2));
10. One set of PE1 through PE14 for Investigative Staff Attorney. PE1, PE2, PE5, PE8 and PE12 have been ordered and will be provided to Investigative Attorney upon receipt.
11. A letter and certification pursuant to Commission Rules 201.6(b) and 210.5(d) requesting confidential treatment of information appearing in Confidential Exhibits 4, 4a, 4b and 72 through 75 to Digtitude’s Verified Complaint.
12. A statement concerning the public interest pursuant to Commission Rule 210.8(b).

Please contact me if you have any questions, or if you require additional documents or information.

Respectfully submitted,



Goutam Patnaik  
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Digtitude Innovations LLC

Enclosure

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December 2, 2011

**VIA HAND DELIVERY**

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

Re: *Complaint of Digitude Innovations LLC, Concerning Certain Portable  
Communication Devices*

Dear Secretary Holbein:


Pepper Hamilton LLP represents Complainant Digitude Innovations LLC. ("Digitude") in the above referenced complaint filed pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

Pursuant to Commission Rules 201.6 and 210.5, 19 C.F.R. §§ 201.6 and 210.5, Digitude respectfully requests confidential treatment of the business information contained in Confidential Exhibits 4, 4a, 4b, 72, 73, 74, 75, and Digitude's Confidential Statement on the Public Interest. Digitude seeks confidential treatment of the information contained in these documents because the information discloses proprietary commercial information, proprietary commercial relationships, proprietary business information, and/or proprietary business relationships that are not otherwise publicly available, and the disclosure of such information would cause substantial harm to Digitude.


The information in Confidential Exhibits 4, 4a, 4b, 72, 73, 74, 75, and Digitude's Confidential Statement on the Public Interest qualifies as confidential information pursuant to 19 C.F.R. § 201.6 in that the information concerns or relates to, or would otherwise disclose, proprietary commercial information and/or relationships, the disclosure of which would result in substantial harm to the competitive position of Digitude and also would impair the Commission's ability in the future to obtain such types of information in performance of its statutory function. I certify that the proprietary confidential commercial information, proprietary commercial relationships, proprietary business information, and/or proprietary business relationships are not reasonably available to the public.

Honorable James. R. Holbein  
December 2, 2011  
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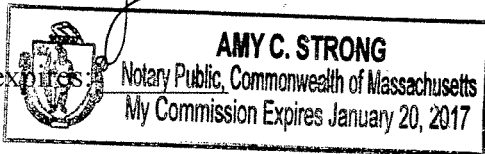
Respectfully submitted,

  
Michael C. Newman  
Counsel for Complainant  
Digitude Innovations LLC

Subscribed and sworn before me

  
Notary Public

My commission expires





sale within the United States after importation of certain portable communications devices that infringe the '636 Patent, the '655 Patent, the '879 Patent, and/or the '841 Patent. If the Commission grants these remedial orders, the public interest will be served.

**I. THE REQUESTED REMEDIAL ORDERS ARE IN ACCORD WITH THE PUBLIC INTEREST**

The public interest in protecting intellectual property rights is very strong. *Certain Baseband Processor Chips and Chipsets, Transmitter and Receiver (Radio) Chip, Power Control Chips*, Inv. No. 337-TA-543, Comm'n. Op., 2007 ITC LEXIS 621 at \*240 (June 19, 2007). In the few instances where the Commission found an adverse impact on the public interest that was significant enough to deny relief, "the exclusion order was denied because inadequate supply within the United States—by both the patentee and domestic licensees—meant that an exclusion order would deprive the public of products necessary for some important health or welfare need . . ." *Spansion, Inc. v. ITC*, 629 F.3d 1331, 1360 (Fed. Cir. 2010). Here, however, the requested remedial orders would not be contrary to the public interest because: (1) the accused devices are not necessary to some important health or welfare need; (2) Digitude currently licenses the asserted patents to large companies that could easily fill any void in the market created by the requested remedial order; (3) and Digitude's licensees already sell articles that directly compete with, and are substitutes for, Respondents' infringing products in the United States. As such, the strong public interest in protecting Digitude's valid intellectual property rights outweighs any adverse impact on the public.

**A. How the articles potentially subject to the requested remedial orders are used in the United States.**

The accused devices at issue in this Investigation are portable communications devices. Many of these devices are smartphones and tablet PCs, which are not necessary for some health or welfare need. These are high-end devices that combine the functionality of a

personal digital assistant (PDA) with the functionality of a mobile phone. The devices may also serve as portable media players, gaming devices, camera phones with high-resolution touchscreens, web browsers, GPS navigation devices, etc. That is, smartphones and tablet PCs conveniently combine multiple technologies that were previously available separately, and which continue to be available separately in the United States.

**B. Identify any public health, safety, or welfare concerns relating to the requested remedial orders.**

There are no health, safety, or welfare concerns at issue in this Investigation.

Smartphones and tablet PCs are relatively new devices, and are not directly related to the public health, safety, or welfare. These accused products are not medical devices, pharmaceuticals, or vaccines. Rather, smartphones and tablet PCs are gadgets that offer the convenience of combined functionality found in devices available elsewhere separately.

**C. Identify like or directly competitive articles that complainant, its licensees, or third parties make which could replace the subject articles if they were excluded.**

There are many like or directly competitive articles that could take the place of Respondents' infringing devices after the issuance of exclusion orders.

**D. Indicate whether the complainant, its licensees, and/or third parties have the capacity to replace the volume of articles subject to the requested remedial orders in a commercially reasonable time in the United States.**

It is well established that the presence of an adequate supply of substitute products is sufficient to override any public interest concerns. *Certain Lens-Fitted Film*

*Packages* (“LFFPs”), Inv. No. 337-TA-406, Comm’n. Op., 1991 ITC LEXIS 202 at \*40 (June 28, 1999).



**E. State how the requested remedial orders would impact consumers.**

It is unlikely that an exclusion order would substantially impact consumers. Even if the exclusion order caused an increase in the price of certain portable communication devices, a price increase alone is insufficient to warrant preclusion of a remedial order. *LFFPs*, 1999 ITC LEXIS 202 at \*40 (finding that some price increase does not “justify a determination that the public interest in protecting intellectual property rights is in any way outweighed”). Thus, any impact to the public interest by the exclusion of Respondents’ infringing products will be minimal. Additionally, there would be no shortage because there are numerous substitute products, including those from Digitude licensees, that will be able to replace the volume of the excluded articles.

**II. CONCLUSION**

If the Commission grants the requested remedial orders, the public interest will be served. The accused devices are not necessary to any health or welfare need, and an adequate supply of substitute devices will be available through at least Digitude’s current licensees. As such, the strong public interest in protecting Digitude’s valid intellectual property rights outweighs any adverse impact on the public.

December 2, 2011



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## EXHIBIT LIST

1. Certified Copy of U.S. Patent No. 5,926,636
2. Certified Copy of U.S. Patent No. 5,926,636 Prosecution History
3. Certified Copy of U.S. Patent No. 5,926,636 Assignment Record
4. Confidential – Declaration of Ed Gomez
- 4a. Confidential – License Agreement
- 4b. Confidential – 10-k
5. Certified Copy of U.S. Patent No. 5,929,655
6. Certified Copy of U.S. Patent No. 5,929,655 Prosecution History
7. Certified Copy of U.S. Patent No. 5,929,655 Assignment Record
8. Certified Copy of U.S. Patent No. 6,208,879 Patent
9. Certified Copy of U.S. Patent No. 6,208,879 Prosecution History
10. Certified Copy of U.S. Patent No. 6,208,879 Assignment Record
11. Certified Copy of U.S. Patent No. 6,456,841 Patent
12. Certified Copy of U.S. Patent No. 6,456,841 Prosecution History
13. Certified Copy of U.S. Patent No. 6,456,841 Assignment Record
14. Claim Chart comparing '636 Patent and RIM Blackberry Bold 9930
15. Receipt: RIM Blackberry Bold 9930
16. Photograph: RIM Blackberry Bold Origins
17. Claim Chart comparing '636 Patent and HTC EVO Design 4G
18. Receipt: HTC EVO Design 4G
19. Photograph: HTC EVO Design 4G Origins
20. Claim Chart comparing '636 Patent and LG Revolution VS910
21. Receipt: LG Revolution VS910
22. Photograph: LG Revolution VS910 Origins
23. Claim Chart comparing '636 Patent and Motorola Razr
24. Receipt: Motorola Droid Razr
25. Photograph: Motorola Droid Razr Origins
26. Claim Chart comparing '636 Patent and Samsung Galaxy S
27. Receipt: Samsung Galaxy SII Epic 4G Touch
28. Photograph: Samsung Galaxy SII Epic 4G Touch Origins
29. Claim Chart comparing '636 Patent and Sony Xperia Play
30. Receipt: Sony Xperia Play 3G
31. Photograph: Sony Xperia Play 3G Origins
32. Claim Chart comparing '636 Patent and Amazon Kindle Fire
33. Receipt: Amazon Kindle Fire
34. Photograph: Amazon Kindle Fire
35. Claim Chart comparing '636 Patent and Nokia Lumia 710
36. Website: [http://reviews.cnet.com/smartphones/nokia-lumia-710-white/4505-6452\\_7-35053000.html](http://reviews.cnet.com/smartphones/nokia-lumia-710-white/4505-6452_7-35053000.html)
37. Nokia Form 20-F
38. Claim Chart comparing '655 Patent and RIM Blackberry Curve 8530, PM7540
39. Receipt: RIM Blackberry Curve 8530
40. Photograph: RIM Blackberry Curve 8530
41. Claim Chart comparing '655 Patent and HTC EVO 4G, PM7540



42. Claim Chart comparing '655 Patent and LG Optimus V VM670, PM7540
43. Receipt: LG Optimus V VM670, PM7540
44. Photograph: LG Optimus V VM670, PM7540
45. Claim Chart comparing '655 Patent and Droid 3, MAX3349
46. Receipt: Droid 3, MAX3349
47. Photograph: Droid 3, MAX3349
48. Claim Chart comparing '655 Patent and Samsung Focus
49. Receipt: Samsung Focus
50. Photograph: Samsung Focus
51. Claim Chart comparing '655 Patent and Sony Ericsson Xperia X8, PN7540
52. Receipt: Sony Ericsson Xperia X8, PN7540
53. Photograph: Sony Ericsson Xperia X8, PN7540
54. Reserved
55. Claim Chart comparing '655 Patent and Nokia Lumia 710
56. Claim Chart comparing '879 Patent and RIM Bold 9930
57. Claim Chart comparing '879 Patent and HTC EVO Design 4G
58. Claim Chart comparing '879 Patent and LG Revolution VS910
59. Claim Chart comparing '879 Patent and Motorola Droid RAZR
60. Claim Chart comparing '879 Patent and Samsung Galaxy SII
61. Claim Chart comparing '879 Patent and Sony Ericsson Xperia Play
62. Reserved
63. Claim Chart comparing '879 Patent and Nokia Lumia 710
64. Claim Chart comparing '841 Patent and Blackberry Bold 9930
65. Claim Chart comparing '841 Patent and HTC EVO Design
66. Claim Chart comparing '841 Patent and LG Revolution VS910
67. Claim Chart comparing '841 Patent and Motorola Droid RAZR
68. Claim Chart comparing '841 Patent and Samsung Galaxy SII
69. Claim Chart comparing '841 Patent and Sony Ericsson Xperia Play
70. Reserved
71. Claim Chart comparing '841 Patent and Nokia Lumia 710
72. Confidential - '636 Patent Claim Chart
73. Confidential - '655 Patent Claim Chart
74. Confidential - '879 Patent Claim Chart
75. Confidential - '841 Patent Claim Chart

## PHYSICAL EXHIBITS

- PE1. RIM Blackberry Bold 9930
- PE2. HTC EVO Design 4G
- PE3. LG Revolution VS910
- PE4. Motorola Droid Razr
- PE5. Samsung Galaxy SII
- PE6. Sony Xperia Play
- PE7. Amazon Kindle Fire
- PE8. RIM Blackberry Curve 8530
- PE9. LG Optimus V
- PE10. Motorola Droid 3
- PE11. Samsung Focus
- PE12. Sony Xperia X8
- PE13. Confidential Physical Sample
- PE14. Confidential Physical Sample

## APPENDICES

- A. One certified copy and three additional copies of the U.S. Patent and Trademark Office prosecution history for the U.S. Patent No. 5,926,636 File History
- B. Copies of each patent and the applicable pages of each technical reference mentioned in the prosecution history for U.S. Patent 5,926,636
- C. One certified copy and three additional copies of the U.S. Patent and Trademark Office prosecution history for the U.S. Patent No. 5,929,655 File History
- D. Copies of each patent and the applicable pages of each technical reference mentioned in the prosecution history for the U.S. Patent 5,929,655
- E. One certified copy and three additional copies of the U.S. Patent and Trademark Office prosecution history for the U.S. Patent No 6,208,879 File History
- F. Copies of each patent and the applicable pages of each technical reference mentioned in the prosecution history for U.S. Patent No. 6,208,879
- G. Four copies of the U.S. Patent and Trademark Office prosecution history for the U.S. Patent No 6,456,841 File History
- H. Copies of each patent and the applicable pages of each technical reference mentioned in the prosecution history for U.S. Patent No. 6,456,841

## I. INTRODUCTION

1. Complainant Digtude Innovations LLC (“Digtude”) files this complaint pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”). Digtude respectfully requests that the U.S. International Trade Commission (“Commission”) institute an investigation relating to the unlawful importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of certain portable communication devices.

2. The proposed Respondents are Research In Motion Ltd.; Research In Motion Corp.; HTC Corporation (formerly High Tech Computer Corp.); HTC America, Inc.; LG Electronics; LG Electronics U.S.A., Inc.; LG Electronics MobileComm U.S.A., Inc.; Motorola Mobility Holdings, Inc.; Samsung Electronics Co., Ltd.; Samsung Electronics America, Inc.; Samsung Telecommunications America, LLC; Sony Corporation; Sony Corporation of America; Sony Electronics, Inc.; Sony Ericsson Mobile Communications AB; Sony Ericsson Mobile Communications (USA); Amazon.com, Inc.; Nokia Corp.; and Nokia Inc. (collectively, “Respondents”).

3. Respondents have violated and continue to violate Section 337 through the importation, sale for importation, and/or the sale within the United States after importation of certain portable communication devices that infringe Digtude’s U.S. Patent No. 5,926,636 (“the ‘636 Patent”), U.S. Patent No. 5,929,655 (“the ‘655 Patent”), U.S. Patent No. 6,208,879 (“the ‘879 Patent”), and/or U.S. Patent No. 6,456,841 (“the ‘841 Patent”) (collectively, the “Asserted Patents”) to the detriment of Digtude’s industry in the United States relating to the Asserted Patents that exists, and/or is in the process of being established.

4. To remedy Respondents’ continuing and unlawful violation of Section 337, Digtude seeks as permanent relief a limited exclusion order pursuant to 19 U.S.C. §

1337(d) barring from entry into the United States all Respondents' portable communication devices that infringe one or more of the claims of the '636 Patent, the '655 Patent, the '879 Patent, and/or the '841 Patent. Digitude also seeks cease and desist orders pursuant to 19 U.S.C. § 1337(f) prohibiting each domestic Respondent from engaging in the importation into the United States and/or the sale within the United States after importation of portable communication devices that infringe one or more claims of the '636 Patent, the '655 Patent, the '879 Patent, and/or the '841 Patent. Further, Digitude requests that the Commission impose a bond upon Respondents' importation of infringing portable communication devices during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j) to prevent further injury to Digitude's domestic industry relating to the '636 Patent, the '655 Patent, the '879 Patent, and/or the '841 Patent.

## **II. THE PARTIES**

### **A. Complainant**

5. Complainant Digitude is a privately held company with its corporate headquarters located in Alexandria, Virginia. Digitude focuses its business on licensing patented technology in the consumer electronics and communications industry, including the '636 Patent, the '655 Patent, the '879 Patent, and the '841 Patent.

### **B. Proposed Respondents**

6. With regard to the proposed Respondents, Digitude alleges the following upon information and belief:

#### Research in Motion Ltd.

7. Respondent Research in Motion Ltd. is a foreign company organized and existing under the laws of Canada, with its principal place of business at 295 Phillip Street, Waterloo, Ontario, Canada, N2L 3WB. Research in Motion Ltd. is engaged in the manufacture,

importation, and/or sale of portable communication devices. Such devices include, but are not limited to, cell phones and computer tablets. Research in Motion Ltd.'s main manufacturing facility is located at 451 Phillips Street, Waterloo, Canada, N2L 3X2, and partners with, among others, Quanta, a Chinese manufacturer, to manufacture goods. Research in Motion Ltd. identifies the United States as a major market, where 39.3% of their revenue was generated in 2010. Additionally, in 2008, Research in Motion Ltd. opened their United States headquarters, Research in Motion Corp., located in Irving, Texas.

Research in Motion Corp.

8. Respondent Research in Motion Corp. is a wholly-owned subsidiary of Respondent Research in Motion Ltd. Research In Motion Corp. is a domestic corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 122 W. John Carpenter Parkway, Suite 430, Irving, Texas 75039. As the United States headquarters for Research in Motion Ltd., Research in Motion Corp. is engaged in research and development, technical support, and North American business operations. On information and belief, Respondent Research In Motion Corp.'s business operations include marketing and distributing portable communication devices, including, but not limited to, cell phones and computer tablets, in the United States that are manufactured outside of the United States. Research In Motion Ltd. and Research In Motion Corp. are referred to collectively as "RIM" or "Research in Motion."

HTC Corporation

9. Respondent HTC Corporation is a foreign corporation organized and existing under the laws of Taiwan, with its principal place of business at 23 Xinghua Road, Taoyuan City, Taoyuan County, Taiwan, R.O.C. HTC Corporation is in the business of making, offering for sale, selling, and supporting portable communication devices including, but not

limited to, cellphones and computer tablets, and manufactured outside of the United States. HTC Corporation is the primary researching, development, and manufacturing base for the entire HTC corporate structure, and maintains manufacturing subsidiaries in China. HTC Corporation identifies the United States as a key market and established a subsidiary, HTC America, Inc., to be HTC Corporation's presence in the United States. HTC Corporation is the parent corporation of Respondent HTC America, Inc.

HTC America Inc.

10. Respondent HTC America, Inc. is a corporation organized and existing under the laws of the state of Washington, with its principal place of business located at 13920 SE Eastgate Way, Suite 400, Bellevue, Washington 98005. HTC America, Inc. is a wholly-owned subsidiary of HTC Corporation, and is designated as a key HTC operation center. HTC America, Inc. is in the business of making, offering for sale, importing, selling, and supporting portable communication devices including, but not limited to, cellphones and computer tablets, in the United States, that are manufactured outside of the United States. On information and belief, HTC America, Inc. is responsible for all of HTC Corporations activities taking place in the United States, including the importation of goods manufactured in foreign countries. HTC Corporation and HTC America, Inc. are referred to collectively as "HTC."

LG Electronics, Inc.

11. Respondent LG Electronics, Inc. is located at LG Twin Towers, 20 Yeouido-dong, Yeongdeungpo-gu, Seoul 150-721, South Korea. LG Electronics, Inc. is in the business of developing, manufacturing, and selling portable communication devices. Such devices include, but are not limited to, cellphones and computer tablets. LG Electronics, Inc. maintains operations in many countries throughout the world, with production locations in many of those countries. No production plants are located in the United States. LG Electronics, Inc. is

the parent corporation of Respondents LG Electronics U.S.A., Inc. and LG Electronics MobileComm U.S.A., Inc.

LG Electronics U.S.A., Inc.

12. Respondent LG Electronics U.S.A., Inc. is a wholly-owned subsidiary of Respondent LG Electronics, Inc. LG Electronics U.S.A., Inc. is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 1000 Sylvan Ave., Englewood Cliffs, New Jersey 07632. Respondent LG Electronics U.S.A., Inc. manages the North American operations of Respondent LG Electronics MobileComm U.S.A., Inc., and the two entities provide sales and marketing support in North America for their ultimate parent, LG Electronics, Inc.

LG Electronics MobileComm U.S.A.

13. Respondent LG Electronics MobileComm U.S.A., Inc. is a wholly-owned subsidiary of Respondent LG Electronics, Inc. LG Electronics MobileComm U.S.A. is a corporation organized and existing under the laws of the state of California with its principal place of business located at 10101 Old Grove Road, San Diego, California 92131, and is managed by its parent, LG Electronics U.S.A., Inc. On information and belief, Respondent LG Electronics MobileComm U.S.A., Inc. provides a variety of portable communication devices, including, but not limited to, cell phones and computer tablets, to customers throughout North America, that are manufactured outside of the United States. LG Electronics MobileComm U.S.A., Inc. has imported such goods manufactured by LG Electronics, Inc. from South Korea. Respondents LG Electronics, Inc., LG Electronics U.S.A., Inc., and LG Electronics MobileComm U.S.A., Inc. are referred to collectively as "LG."

Motorola Mobility Holdings, Inc.

14. Respondent Motorola Mobility Holdings, Inc., formerly the Mobile Devices division of Motorola Inc. until January 2011, is a communications corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 600 N. U.S. Highway 45, Libertyville, Illinois 60048. Motorola Mobility Holdings, Inc. is in the business of developing, manufacturing, and selling portable communication devices. Such devices include, but are not limited to, cellphones and computer tablets. Motorola Mobility Holdings, Inc. is referred to herein as “Motorola.”

Samsung Electronics Co., Ltd.

15. Respondent Samsung Electronics Co., Ltd. is a foreign corporation organized and existing under the laws of South Korea, with its principal place of business located at Samsung Electronics Bldg., 1320-10 Seocho 2-dong, Seocho-gu, Seoul 137-857, South Korea. Samsung Electronics Co., Ltd. is in the business of developing, manufacturing, and selling portable communication devices. Such devices include, but are not limited to, cellphones and computer tablets. Samsung Electronics Co., Ltd. has identified the United States as a major market for Samsung products. Samsung Electronics Co., Ltd. is the parent corporation of Respondents Samsung Electronics America, Inc. and Samsung Telecommunications America, LLC, who run Samsung Electronics Co., Ltd.’s United States operations.

Samsung Electronics America, Inc.

16. Respondent Samsung Electronics America, Inc. is a wholly-owned subsidiary of Respondent Samsung Electronics Co., Ltd. Samsung Electronics America, Inc. is a corporation organized and existing under the laws of the state of New York, with its principal place of business located at 105 Challenger Road, Ridgefield Park, New Jersey 07660.



Respondent Samsung Electronics America, Inc. is the managing entity for the North American operations of Respondent Samsung Telecommunications America, LLC.

Samsung Telecommunications America, LLC

17. Respondent Samsung Telecommunications America, LLC is a subsidiary of Respondent Samsung Electronics America, Inc., with an ultimate parent of Samsung Electronics Co., Ltd. Samsung Telecommunications America, LLC is a limited liability company organized and existing under the laws of the state of Delaware, with its principal place of business located at 1301 Lookout Drive, Richardson, Texas 75082. On information and belief, Respondent Samsung Telecommunications America, LLC provides portable communication devices to customers throughout North America. Respondents Samsung Electronics Co., Ltd.; Samsung Electronics America, Inc.; and Samsung Telecommunications America, LLC are referred to collectively as “Samsung.”

Sony Corporation

18. Respondent Sony Corporation is a Japanese multinational conglomerate corporation headquartered in Minato, Tokyo, Japan. Sony Corporation is the electronics business unit and the parent company of the Sony Group, which is engaged in business through six operating segments: Consumer Products & Services Group (consumer electronics, game & network services), Professional, Device & Solutions Group (B2B products & services), Pictures, Music, Financial Services, and Sony. On information and belief Sony Corporation is in the business of developing, manufacturing, and selling portable communication devices. Such devices include, but are not limited to, cell phones and computer tablets. Sony Corporation is the ultimate parent of Sony Corporation of America.

Sony Corporation of America

19. Respondent Sony Corporation of America (“SCA”) is a wholly-owned subsidiary of Respondent Sony Corporation. SCA is a corporation organized and existing under the laws of the state of New York, with its principal place of business located at 550 Madison Avenue, 27<sup>th</sup> Floor, New York, New York, 10022-3211. SCA is the United States subsidiary of Japan's Sony Corporation, headquartered in Tokyo. SCA is the umbrella company under which all Sony companies operate in the United States. SCA’s principal United States businesses include Sony Electronics Inc., Sony Pictures Entertainment Inc., Sony Computer Entertainment Inc., and Sony Music Entertainment Inc. On information and belief, SCA is in the business of developing, manufacturing, and selling portable communication devices. Such devices include, but are not limited to, cellphones and computer tablets.

Sony Electronics, Inc.

20. Respondent Sony Electronics, Inc. is a wholly-owned subsidiary of SCA, with an ultimate parent of Sony Corporation. Sony Electronics, Inc. is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 16530 Via Esprillo, San Diego, California, 92127. Sony Electronics, Inc. is the holding company for all Sony Corporation’s United States based electronics and entertainment businesses. Sony Electronics, Inc. sells and/or offers for sale after importation portable communication devices manufactured in foreign countries. Such devices include, but are not limited to, cell phones and computer tablets.

Sony Ericsson Mobile Communications AB

21. Respondent Sony Ericsson Mobile Communications AB is a foreign company located at Nya Vattentorget, Lund, 221 88 Sweden, and is the product of a 2001 joint venture between Sony Corporation and Telefonaktiebolaget LM Ericsson, a Swedish

corporation. On information and belief, Respondent Sony Ericsson Mobile Communications AB is in the business of developing, manufacturing, and selling portable communication devices. Such devices include, but are not limited to, cellphones and computer tablets. Respondent Sony Ericsson Mobile Communications AB is the parent company of Sony Ericsson Mobile Communications (USA) Inc.

Sony Ericsson Mobile Communications (USA) Inc.

22. Respondent Sony Ericsson Mobile Communications (USA) Inc. is a wholly-owned subsidiary of Respondent Sony Ericsson Mobile Communications AB. Sony Ericsson Mobile Communications (USA) Inc. is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 7001 Development Drive, Research Triangle Park, North Carolina 27709. On information and belief, Respondent Sony Ericsson Mobile Communications (USA) Inc. manages the North American operations of Respondent Sony Ericsson Mobile Communications AB. Sony Ericsson Mobile Communications (USA) Inc.'s parent maintains manufacturing facilities in China, which produces products sold in the United States by Sony Ericsson Mobile Communications (USA) Inc. Sony Corporation, Sony Corporation of America, Sony Electronics, Inc., Sony Ericsson Mobile Communications AB and Sony Ericsson Mobile Communications (USA) Inc. are referred to collectively as "Sony."

Amazon.com, Inc.

23. Respondent Amazon.com, Inc. is a domestic corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 410 Terry Avenue, Seattle, Washington, 98109-5210. Amazon.com, Inc. is in the business of developing, manufacturing, and selling portable communication devices. Such devices include computer tablets. Amazon.com, Inc. is referred to herein as "Amazon."

Nokia Corporation

24. Nokia Corporation is a foreign corporation organized and existing under the laws of Finland, with its principal place of business located at Keilalahdentie 4, P.O. Box 226, FI-00045 NOKIA GROUP, Espoo, Finland. Nokia Corporation is in the business of developing, manufacturing, and selling portable communication devices. Such devices include, but are not limited to, cell phones and computer tablets. Nokia Corporation has recently entered into transactions with the intent to strengthen their brand and presence in the United States. Nokia Corporation is also the parent corporation of Nokia Inc., which maintains Nokia Corporation's presence in the United States.

Nokia Inc.

25. Nokia Inc. is a wholly-owned subsidiary of Respondent Nokia Corporation. Nokia Inc. is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 6000 Connection Drive # MD2-2210, Irving, Texas, 75039. Nokia Inc. is the United States arm of Nokia Corporation, and manages all of Nokia Corporation's actions in the United States. As such, Nokia Inc. is in the business of importing into the United States portable communication devices manufactured by its parent, Nokia Corporation. Nokia Corporation and Nokia Inc. are referred to herein collectively as "Nokia."

**III. THE ASSERTED '636 PATENT**

26. By way of assignment, Digtitude holds all rights, title, and interest to U.S. Patent No. 5,926,636, Remote Procedure Call Component Management Method for a Heterogeneous Computer Network. Pursuant to Commission Rules 210.12(a)(9)(i)-(ii), a certified copy of the '636 Patent, a certified copy of the '636 Patent prosecution history, and a certified copy of the assignment record for the '636 Patent are attached hereto as Exhibits 1, 2,

and 3, respectively. Appendix A, pursuant to Commission Rule 210.12(c)(1), contains one certified copy of the U.S. Patent and Trademark Office prosecution history for the '636 Patent plus three additional copies thereof. Appendix B, pursuant to Commission Rule 210.12(c)(2), contains four copies of each patent and the applicable pages of each technical reference mentioned in the prosecution history of the '636 Patent.

27. The '636 Patent was filed on February 21, 1996, and issued on July 20, 1999. The 12 year maintenance fee for the '636 Patent was paid on January 3, 2011, and there are no fees currently due.

28. The '636 Patent has fifteen (15) claims, including three independent claims (1, 7, and 15), and twelve (12) dependent claims; five of which depend from independent claim 1; and seven of which depend from independent claim 7. Digitude is asserting claims 7-13, and 15 of the '636 Patent:

U.S. Patent No. 5,926,636	
Respondent	Asserted Claim
RIM	15
HTC	7-13, 15
LG	7-13, 15
Motorola	7-13, 15
Samsung	7-13, 15
Sony	7-13, 15
Amazon	7-13, 15
Nokia	7-13, 15

**A. Licenses Relating to the '636 Patent**

29. Pursuant to Commission Rule 210.12(a)(9)(iv), Digitude has attached, as Confidential Exhibit 4a, a copy of its license agreement with Digitude's domestic licensee relating to the '636 Patent to establish its contention that a domestic industry as defined in Section 337(a)(3) exists as the result of the domestic activities of its licensee. *See infra* Section XI.

**B. Foreign Counterparts to the '636 Patent**

30. In accordance with Commission Rule 210.12(a)(9)(v), Digitude states that it is aware of no foreign counterparts issued, filed, abandoned, withdrawn, or rejected relating to the asserted '636 Patent.

**IV. THE ASSERTED '655 PATENT**

31. By way of assignment, Digitude holds all rights, title, and interest to U.S. Patent No. 5,929,655, Dual-Purpose I/O Circuit in a Combined Link/PHY Integrated Circuit. Pursuant to Commission Rules 210.12(a)(9)(i)-(ii), a certified copy of the '655 Patent, a certified copy of the '655 Patent prosecution history, and a certified copy of the assignment record for the '655 Patent are attached hereto as Exhibits 5, 6, and 7, respectively. Appendix C, pursuant to Commission Rule 210.12(c)(1), contains one certified copy of the U.S. Patent and Trademark Office prosecution history for the '655 Patent plus three additional copies thereof. Appendix D, pursuant to Commission Rule 210.12(c)(2), contains four copies of each patent and the applicable pages of each technical reference mentioned in the prosecution history of the '655 Patent.

32. The '655 Patent was filed on March 25, 1997, and issued on July 27, 1999. The 12 year maintenance fee for the '655 Patent was paid on December 21, 2010, and there are no fees currently due.

33. The '655 Patent has twenty-nine (29) claims, including four independent claims (1, 10, 17, and 26), and twenty-five (25) dependent claims; eight of which depend from independent claim 1; six of which depend from independent claim 10; eight of which depend from independent claim 17; and three of which depend from independent claim 26. Digitude is asserting claims 1-9 and 17-25 of the '655 Patent:

U.S. Patent No. 5,929,655	
Respondent	Asserted Claim
RIM	1-9, 17-25
HTC	1-9, 17-25
LG	1-9, 17-25
Motorola	1-9, 17-25
Samsung	1-9, 17-25
Sony	1-9, 17-25
Nokia	1-9, 17-25

**A. Licenses Relating to the '655 Patent**

34. Pursuant to Commission Rule 210.12(a)(9)(iv), Digitude has attached, as Confidential Exhibit 4a, a copy of its license agreement with Digitude's domestic licensee relating to the '655 Patent to establish its contention that a domestic industry as defined in Section 337(a)(3) exists as the result of the domestic activities its licensees. *See infra* Section XI.

**B. Foreign Counterparts to the '655 Patent**

35. In accordance with Commission Rule 210.12(a)(9)(v), Digitude states that it is aware of no foreign counterparts issued, filed, abandoned, withdrawn, or rejected relating to the asserted '655 Patent.

**V. THE ASSERTED '879 PATENT**

36. By way of assignment, Digitude holds all rights, title, and interest to U.S. Patent No. 6,208,879, Mobile Information Terminal Equipment and Portable Electronic Apparatus. Pursuant to Commission Rules 210.12(a)(9)(i)-(ii), a certified copy of the '879 Patent, a certified copy of the '879 Patent prosecution history, and a certified copy of the assignment record for the '879 Patent are attached hereto as Exhibits 8, 9, and 10, respectively. Appendix E, pursuant to Commission Rule 210.12(c)(1), contains one certified copy of the U.S. Patent and Trademark Office prosecution history for the '879 Patent plus three additional copies thereof. Appendix F, pursuant to Commission Rule 210.12(c)(2), contains four copies of each patent and the applicable pages of each technical reference mentioned in the prosecution history of the '879 Patent.

37. The '879 Patent was filed on March 8, 1999, and issued on March 27, 2001. The 8 year maintenance fee for the '879 Patent was paid on September 17, 2008, and there are no fees currently due.

38. The '879 Patent has twenty-two (22) claims, including two independent claims (1 and 14), and twenty (20) dependent claims; twelve of which depend from independent claim 1; and eight of which depend from independent claim 14. Digitude is asserting claims 1-8, and 14-20 of the '879 Patent.



U.S. Patent No. 6,208,879	
Respondent	Asserted Claim
RIM	1-8, 14-20
HTC	1-8, 14-20
LG	1-8, 14-20
Motorola	1-8, 14-20
Samsung	1-8, 14-20
Sony	1-8, 14-20
Nokia	1-8, 14-20

**A. Licenses Relating to the '879 Patent**

39. Pursuant to Commission Rule 210.12(a)(9)(iv), Digitide has attached, as Confidential Exhibit 4a, a copy of its license agreement with Digitide's domestic licensee relating to the '879 Patent to establish its contention that a domestic industry as defined in Section 337(a)(3) exists as the result of the domestic activities its licensees. *See infra* Section XI.

**B. Foreign Counterparts to the '879 Patent**

40. Digitide, pursuant to Commission Rule 210.12(a)(9)(v), identifies the following foreign counterpart patents and patent applications relating to the asserted '879 Patent:

APPLICATIONS RELATED TO US 6,208,879			
COUNTRY	APPLICATION/PATENT NO.	PUBLICATION NO. & DATE	STATUS
Japan	19960106999	Priority Application of 19960304872	Lapsed

Japan	19960128538	Priority Application of 19960304872	Lapsed
Japan	19960304872	H10(1998)-042022	Lapsed
Europe	0804009	Patent granted on 7/27/11 being validated in FR, DE, and UK	Granted
China	200410085122.1	CN159323A	Withdrawn
China	97111654.7	CN1178536C	Granted

In accordance with Commission Rule 210.12(a)(9)(v), Digitude states that it is aware of no other foreign counterparts issued, filed, abandoned, withdrawn, or rejected relating to the asserted '879 Patent.

**VI. THE ASSERTED '841 PATENT**

41. By way of assignment, Digitude holds all rights, title, and interest to U.S. Patent No. 6,456,841, Mobile Communication Apparatus Notifying User of Reproduction Waiting Information Effectively. Pursuant to Commission Rules 210.12(a)(9)(i)-(ii), a certified copy of the '841 Patent, a certified copy of the '841 Patent prosecution history, and a certified copy of the assignment record for the '841 Patent are attached hereto as Exhibits 11, 12, and 13, respectively. Appendix G, pursuant to Commission Rule 210.12(c)(1), contains one certified copy of the U.S. Patent and Trademark Office prosecution history for the '841 Patent plus three additional copies thereof. Appendix H, pursuant to Commission Rule 210.12(c)(2), contains four copies of each patent and the applicable pages of each technical reference mentioned in the prosecution history of the '841 Patent.

42. The '841 Patent was filed on June 1, 1999, and issued on September 24, 2002. The 8 year maintenance fee for the '841 Patent was paid on March 11, 2010, and there are no fees currently due.

43. The '841 Patent has six (6) claims, including one independent claim (claim 1), and five (5) dependent claims, all five of which depend from independent claim 1. Digitude is asserting claims 1-5 of the '841 Patent.

U.S. Patent No. 6,456,841	
Respondent	Asserted Claim
RIM	1-4
HTC	1-4
LG	1-4
Motorola	1-4
Samsung	1-4
Sony	1-4
Nokia	1-5

**A. Licenses Relating to the '841 Patent**

44. Pursuant to Commission Rule 210.12(a)(9)(iv), Digitude has attached, as Confidential Exhibit 4a, a copy of its license agreement with Digitude's domestic licensee relating to the '841 Patent to establish its contention that a domestic industry as defined in Section 337(a)(3) exists as the result of the domestic activities its licensees. *See infra* Section XI.

**B. Foreign Counterparts to the ‘841 Patent**

45. Digitude, pursuant to Commission Rule 210.12(a)(9)(v), identifies the following foreign counterpart patents and patent applications relating to the asserted ‘841 Patent:

APPLICATIONS RELATED TO US 6,456,841			
COUNTRY	APPLICATION/PATENT NO.	PUBLICATION NO. & DATE	STATUS
Japan	199820252213	2000-083282, March 21, 2000	Abandoned
China	201010217646.3	CN101945161A	Pending
China	200510006715.9	CN1662086A	Withdrawn
China	99109516.2	CN1247441A	Pending

In accordance with Commission Rule 210.12(a)(9)(v), Digitude states that it is aware of no other foreign counterparts issued, filed, abandoned, withdrawn, or rejected relating to the asserted ‘841 Patent.

**VII. NON-TECHNICAL DESCRIPTION OF THE PATENTED TECHNOLOGY**

**A. The ‘636 Patent – Remote Procedure Call Component Management Method for a Heterogeneous Computer Network**

46. Digitude’s ‘636 Patent discloses a remote procedural call component management method for a heterogeneous computer network. The invention allows a computer to use remote procedure calls (“RPC”) over a heterogeneous computer network by using RPC modules on client and server computers, i.e., first and second computers. Moreover, the RPC process of this invention is independent of the architecture of the computer platforms on the

network, i.e., the process can be used between computers having different computer architectures. The RPC modules of this invention support a single RPC command that transfers a buffer of information. The particular information in the buffer does not affect the operation of the RPC module. Consequently, the RPC modules are independent of the client applications and application programming interfaces with which the RPC modules interact.

**B. The '655 Patent – Dual Purpose I/O Circuit in a Combined Link/PHY Integrated Circuit**

47. Digtude's '655 Patent discloses methods and apparatuses for providing dual-purpose I/O circuits, wherein each of the dual-purpose I/O circuits can be configured to support either one, or both, single-ended and differential I/O signaling modes. Because of their reduced size, the dual-purpose I/O circuits can be implemented without significantly reducing the available space on a circuit die.

**C. The '879 Patent – Mobile Information Terminal Equipment and Portable Electronic Apparatus**

48. Digtude's '879 Patent discloses a mobile information terminal that has more than one mode, such as a telephone mode and an information terminal mode. The invention facilitates a transition between the modes by automating the transition. The information terminal mode can provide a plurality of applications from which, or to which, the transition can be automated.

**D. The '841 Patent – Mobile Communication Apparatus Notifying User of Reproduction Waiting Information Effectively**

49. Digtude's '841 Patent discloses a mobile communication apparatus capable of notifying a user of the presence of unopened message information, such as a text message or voice mail. The apparatus can display an image, such as an icon, associated with the

unopened message information. Here the unopened message information may be stored even when the mobile communication apparatus is in a stand-by state.

### **VIII. UNFAIR ACTS OF PROPOSED RESPONDENTS**

50. Upon information and belief, Respondents are engaged in the importation, the sale for importation, and/or the sale within the United States after importation of certain portable communication devices, including cellphones and computer tablets, that infringe at least one of claims 7-13, and 15 of the '636 Patent; and/or at least one of claims 1-9 and 17-25 of the '655 Patent; and/or at least one of claims 1-8, and 14-20 of the '879 Patent; and/or at least one of claims 1-5 of the '841 Patent.

#### **A. The '636 Patent**

##### **(1) RIM**

##### **(a) Infringement**

51. Respondent RIM is engaged in the importation, the sale for importation, and/or sale within the United States after importation of certain portable communication devices that infringe at least claim 15 of the '636 Patent.

52. Digitude has obtained portable communication devices that, on information and belief, RIM imported, sold for importation, and/or sold within the United States after importation, and that infringe at least claim 15 of the '636 Patent.

53. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 14 includes a chart comparing claim 15 of the '636 Patent to RIM's Blackberry Bold 9930 device (Physical Exhibit 1). Exhibit 14 shows that the Blackberry Bold 9930 device is covered by at least claim 15 of the '636 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 14 contains photographs of RIM's Blackberry Bold 9930 device. Lastly, Commission Rule 210.12(a)(9)(viii) only requires the Complainant to chart "a representative involved article" of

proposed Respondent RIM that violates Section 337. Digitide believes that numerous devices, in addition to the Blackberry Bold 9930, are covered by at least claim 15 of the '636 Patent and have been imported, sold for importation, or sold within the United States after importation by proposed Respondent RIM.

(b) **Specific Instance of Sale and Importation**

54. Respondent RIM imports, sells for importation, and/or sells within the United States after importation the Blackberry Bold 9930 device depicted in Exhibit 14. Pursuant to Commission Rule 210.12(a)(3), Exhibit 15 is a receipt from Verizon Wireless showing a sale of RIM's Blackberry Bold 9930 within the United States. As shown in the photograph contained in Exhibit 16, the Blackberry Bold 9930 and/or its packaging is marked as "Made in Mexico." Thus, RIM is violating Section 337 of the Tariff Act of 1930 by directly infringing the '636 Patent by importing, selling for importation, and/or selling within the United States after importation the Blackberry Bold 9930.

(2) **HTC**

(a) **Infringement**

55. On information and belief, Respondent HTC is engaged in the importation, the sale for importation, and/or sale within the United States after importation of certain portable communication devices that infringe at least claims 7-13 and 15 of the '636 Patent.

56. Digitide has obtained portable communication devices that, on information and belief, HTC imported, sold for importation, and/or sold within the United States after importation, and that infringe at least claims 7-13 and 15 of the '636 Patent.

57. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 17 includes a chart comparing claims 7 and 15 of the '636 Patent to HTC's EVO Design 4G device (Physical

Exhibit 2). Exhibit 17 shows that the EVO Design 4G device is covered by at least claims 7 and 15 of the '636 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 17 contains photographs of HTC's EVO Design 4G device. Lastly, Commission Rule 210.12(a)(9)(viii) only requires the Complainant to chart "a representative involved article" of proposed Respondent HTC that violates Section 337. Digitude believes that numerous devices, in addition to the EVO Design 4G, are covered by at least one of claims 7-13 and 15 of the '636 Patent and have been imported, sold for importation, or sold within the United States after importation by proposed Respondent HTC.

(b) **Specific Instance of Sale and Importation**

58. Respondent HTC imports, sells for importation, and/or sells within the United States after importation the EVO Design 4G device depicted in Exhibit 17. Pursuant to Commission Rule 210.12(a)(3), Exhibit 18 is a receipt from Sprint showing a sale of HTC's EVO Design 4G within the United States. As shown in the photograph contained in Exhibit 19, the EVO Design 4G and/or its packaging is marked as "Made in Taiwan." Thus, HTC is violating Section 337 of the Tariff Act of 1930 by directly infringing the '636 Patent by importing, selling for importation, and/or selling within the United States after importation the EVO Design 4G.

(3) **LG**

(a) **Infringement**

59. On information and belief, Respondent LG is engaged in the importation, the sale for importation, and/or sale within the United States after importation of certain portable communication devices that infringe at least claims 7-13 and 15 of the '636 Patent.



60. Digitide has obtained portable communication devices that, on information and belief, LG imported, sold for importation, and/or sold within the United States after importation, and that infringe at least claims 7-13 and 15 of the '636 Patent.

61. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 20 includes a chart comparing claims 7 and 15 of the '636 Patent to LG's Revolution VS910 device (Physical Exhibit 3). Exhibit 20 shows that the Revolution VS910 device is covered by at least claims 7 and 15 of the '636 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 20 contains photographs of LG's Revolution VS910 device. Lastly, Commission Rule 210.12(a)(9)(viii) only requires the Complainant to chart "a representative involved article" of proposed Respondent LG that violates Section 337. Digitide believes that numerous devices, in addition to the Revolution VS910, are covered by at least one of claims 7-13 and 15 of the '636 Patent and have been imported, sold for importation, or sold within the United States after importation by proposed Respondent LG.

(b) **Specific Instance of Sale and Importation**

62. Respondent LG imports, sells for importation, and/or sells within the United States after importation the Revolution VS910 device depicted in Exhibit 20. Pursuant to Commission Rule 210.12(a)(3), Exhibit 21 is a receipt from Verizon Wireless showing a sale of LG's Revolution VS910 within the United States. As shown in the photograph contained in Exhibit 22, the Revolution VS910 and/or its packaging is marked as "Made in Korea." Thus, LG is violating Section 337 of the Tariff Act of 1930 by directly infringing the '636 Patent by importing, selling for importation, and/or selling within the United States after importation the Revolution VS910.

(4) **Motorola**

(a) **Infringement**

63. On information and belief, Respondent Motorola is engaged in the importation, the sale for importation, and/or sale within the United States after importation of certain portable communication devices that infringe at least claims 7-13 and 15 of the '636 Patent.

64. Digitide has obtained portable communication devices that, on information and belief, Motorola imported, sold for importation, and/or sold within the United States after importation, and that infringe at least claims 7-13 and 15 of the '636 Patent.

65. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 23 includes a chart comparing claims 7 and 15 of the '636 Patent to Motorola's Droid Razr device (Physical Exhibit 4). Exhibit 23 shows that the Droid Razr device is covered by at least claims 7 and 15 of the '636 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 23 contains photographs of Motorola's Droid Razr device. Lastly, Commission Rule 210.12(a)(9)(viii) only requires the Complainant to chart "a representative involved article" of proposed Respondent Motorola that violates Section 337. Digitide believes that numerous devices, in addition to the Droid Razr, are covered by at least one of claims 7-13 and 15 of the '636 Patent and have been imported, sold for importation, or sold within the United States after importation by proposed Respondent Motorola.

(b) **Specific Instance of Sale and Importation**

66. Respondent Motorola imports, sells for importation, and/or sells within the United States after importation the Droid Razr device depicted in Exhibit 23. Pursuant to Commission Rule 210.12(a)(3), Exhibit 24 is a receipt from Verizon Wireless showing a sale of Motorola's Droid Razr within the United States. As shown in the photograph contained in

Exhibit 25, the Droid Razr and/or its packaging is marked as “Phone made in China.” Thus, Motorola is violating Section 337 of the Tariff Act of 1930 by directly infringing the ‘636 Patent by importing, selling for importation, and/or selling within the United States after importation the Droid Razr.

(5) **Samsung**

(a) **Infringement**

67. On information and belief, Respondent Samsung is engaged in the importation, the sale for importation, and/or sale within the United States after importation of certain portable communication devices that infringe at least claims 7-13 and 15 of the ‘636 Patent.

68. Digitide has obtained portable communication devices that, on information and belief, Samsung imported, sold for importation, and/or sold within the United States after importation, and that infringe at least claims 7-13 and 15 of the ‘636 Patent.

69. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 26 includes a chart comparing claims 17 and 15 of the ‘636 Patent to Samsung’s Galaxy SII Epic 4G Touch device (Physical Exhibit 5). Exhibit 26 shows that the Galaxy SII Epic 4G Touch device is covered by at least claims 7 and 15 of the ‘636 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 26 contains photographs of Samsung’s Galaxy SII Epic 4G Touch device. Lastly, Commission Rule 210.12(a)(9)(viii) only requires the Complainant to chart “a representative involved article” of proposed Respondent Samsung that violates Section 337. Digitide believes that numerous devices, in addition to the Galaxy SII Epic 4G Touch, are covered by at least one of claims 7-13 and 15 of the ‘636 Patent and have been imported, sold for importation, or sold within the United States after importation by proposed Respondent Samsung.

(b) **Specific Instance of Sale and Importation**

70. Respondent Samsung imports, sells for importation, and/or sells within the United States after importation the Galaxy SII Epic 4G Touch device depicted in Exhibit 26. Pursuant to Commission Rule 210.12(a)(3), Exhibit 27 is a receipt from Sprint showing a sale of Samsung's Galaxy SII Epic 4G Touch within the United States. As shown in the photograph contained in Exhibit 28, the Epic 4G Touch and/or its packaging is marked as "Made in Korea." Thus, Samsung is violating Section 337 of the Tariff Act of 1930 by directly infringing the '636 Patent by importing, selling for importation, and/or selling within the United States after importation the Galaxy SII Epic 4G Touch.

(6) **Sony**

(a) **Infringement**

71. On information and belief, Respondent Sony is engaged in the importation, the sale for importation, and/or sale within the United States after importation of certain portable communication devices that infringe at least claims 7-13 and 15 of the '636 Patent.

72. Digitude has obtained portable communication devices that, on information and belief, Sony imported, sold for importation, and/or sold within the United States after importation, and that infringe at least claims 7-13 and 15 of the '636 Patent.

73. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 29 includes a chart comparing claims 7 and 15 of the '636 Patent to Sony's Xperia Play 3G device (Physical Exhibit 6). Exhibit 29 shows that the Xperia Play 3G device is covered by at least claims 7 and 15 of the '636 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 29 contains photographs of Sony's Xperia Play 3G device. Lastly, Commission Rule 210.12(a)(9)(viii) only requires the Complainant to chart "a representative involved article" of

proposed Respondent Sony that violates Section 337. Digitide believes that numerous devices, in addition to the Xperia Play 3G, are covered by at least one of claims 7-13 and 15 of the '636 Patent and have been imported, sold for importation, or sold within the United States after importation by proposed Respondent Sony.

(b) **Specific Instance of Sale and Importation**

74. Respondent Sony imports, sells for importation, and/or sells within the United States after importation the Xperia Play 3G device depicted in Exhibit 29. Pursuant to Commission Rule 210.12(a)(3), Exhibit 30 is a receipt from Verizon Wireless showing a sale of Sony's Xperia Play 3G within the United States. As shown in the photograph contained in Exhibit 31, the Xperia Play 3G and/or its packaging is marked as "Made in China." Thus, Sony is violating Section 337 of the Tariff Act of 1930 by directly infringing the '636 Patent by importing, selling for importation, and/or selling within the United States after importation the Xperia Play 3G.

(7) **Amazon**

(a) **Infringement**

75. On information and belief, Respondent Amazon is engaged in the importation, the sale for importation, and/or sale within the United States after importation of certain portable communication devices that infringe at least claims 7-13 and 15 of the '636 Patent.

76. Digitide has obtained portable communication devices that, on information and belief, Amazon imported, sold for importation, and/or sold within the United States after importation, and that infringe at least claims 7-13 and 15 of the '636 Patent.

77. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 32 includes a chart comparing claims 7 and 15 of the '636 Patent to Amazon's Kindle Fire device (Physical

Exhibit 7). Exhibit 32 shows that the Kindle Fire device is covered by at least claims 7 and 15 of the '636 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 32 contains photographs of Amazon's Kindle Fire device. Lastly, Commission Rule 210.12(a)(9)(viii) only requires the Complainant to chart "a representative involved article" of proposed Respondent Amazon that violates Section 337. Digitude believes the Kindle Fire is covered by at least one of claims 7-13 and 15 of the '636 Patent and has been imported, sold for importation, or sold within the United States after importation by proposed Respondent Amazon.

(b) **Specific Instance of Sale and Importation**

78. Respondent Amazon imports, sells for importation, and/or sells within the United States after importation the Kindle Fire device depicted in Exhibit 32. Pursuant to Commission Rule 210.12(a)(3), Exhibit 33 is a receipt from Amazon.com showing a sale of Amazon's Kindle Fire within the United States. As shown in the photograph contained in Exhibit 34, the Kindle Fire and/or its packaging is marked as "Assembled in China." Thus, Amazon is violating Section 337 of the Tariff Act of 1930 by directly infringing the '636 Patent by importing, selling for importation, and/or selling within the United States after importation the Kindle Fire.

(8) **Nokia**

(a) **Infringement**

79. On information and belief, Respondent Nokia is engaged in the importation, the sale for importation, and/or sale within the United States after importation of certain portable communication devices that infringe at least claims 7-13 and 15 of the '636 Patent.

80. Digitude has obtained evidence that Nokia imported, sold for importation, and/or sold within the United States after importation, a portable communication device that infringes at least claims 7-13 and 15 of the '636 Patent.

81. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 35 includes a chart comparing claims 7 and 15 of the '636 Patent to Nokia's Lumia 710 device. Exhibit 35 shows that the Lumia 710 device is covered by at least claims 7 and 15 of the '636 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 35 contains photographs of Nokia's Lumia 710 device. Lastly, Commission Rule 210.12(a)(9)(viii) only requires the Complainant to chart "a representative involved article" of proposed Respondent Nokia that violates Section 337. Digitude believes that numerous devices, in addition to the Lumia 710, are covered by at least one of claims 7-13 and 15 of the '636 Patent and have been and/or are imminently going to be imported, sold for importation, or sold within the United States after importation by proposed Respondent Nokia.

(b) **Specific Instance of Sale and Importation**

82. Respondent Nokia imports, sells for importation, and/or sells within the United States after importation the Lumia 710 device depicted in Exhibit 35. Pursuant to Commission Rule 210.12(a)(3), Exhibit 36 is a news article on Cnet.com written in Sunnyvale, California, by reviewers who were allowed to use the Lumia 710 device for a review. The article states that the authors analyzed the Lumia 710 in the Nokia Sunnyvale, California, office, which is located in the United States. Exhibit 37 is Nokia's 20F foreign filing, which states on page 48 that Nokia operates 10 manufacturing plants in 9 countries which manufacture mobile devices. The United States is not listed as a country with Nokia manufacturing plants. Therefore, on information and belief, the Lumia 710 device is manufactured outside the United States. Thus, Nokia is violating Section 337 of the Tariff Act of 1930 by directly infringing the '636 Patent by

importing, selling for importation, and/or selling within the United States after importation the Lumia 710.

**B. The '655 Patent**

(1) **RIM**

(a) **Infringement**

83. Respondent RIM is engaged in the importation, the sale for importation, and/or sale within the United States after importation of certain portable communication devices that infringe at least claims 1-9, and 17-25 of the '655 Patent.

84. Digitide has obtained portable communication devices that, on information and belief, RIM imported, sold for importation, and/or sold within the United States after importation, and that infringe at least claims 1-9, and 17-25 of the '655 Patent.

85. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 38 includes a chart comparing claims 1 and 17 of the '655 Patent to RIM's Blackberry Curve 8530 device (Physical Exhibit 8). Exhibit 38 shows that the Blackberry Curve 8530 device is covered by at least claims 1 and 17 of the '655 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 38 contains photographs of RIM's Blackberry Curve 8530 device. Lastly, Commission Rule 210.12(a)(9)(viii) only requires the Complainant to chart "a representative involved article" of proposed Respondent RIM that violates Section 337. Digitide believes that numerous devices, in addition to the Blackberry Curve 8530, are covered by at least claims 1-9, and 17-25 of the '655 Patent and have been imported, sold for importation, or sold within the United States after importation by proposed Respondent RIM.

(b) **Specific Instance of Sale and Importation**

86. Respondent RIM imports, sells for importation, and/or sells within the United States after importation the Blackberry Curve 8530 device depicted in Exhibit 38.



Pursuant to Commission Rule 210.12(a)(3), Exhibit 39 is a receipt from www.ebay.com showing a sale of RIM's Blackberry Curve 8530 within the United States. As shown in the photograph contained in Exhibit 40, the Blackberry Curve 8530 and/or its packaging is marked as "Made in Mexico." Thus, RIM is violating Section 337 of the Tariff Act of 1930 by directly infringing the '655 Patent by importing, selling for importation, and/or selling within the United States after importation the Blackberry Curve 8530.

(2) **HTC**

(a) **Infringement**

87. On information and belief, Respondent HTC is engaged in the importation, the sale for importation, and/or sale within the United States after importation of certain portable communication devices that infringe at least claims 1-9, and 17-25 of the '655 Patent.

88. Digitude has obtained portable communication devices that, on information and belief, HTC imported, sold for importation, and/or sold within the United States after importation, and that infringe at least claims 1-9, and 17-25 of the '655 Patent.

89. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 41 includes a chart comparing claims 1 and 17 of the '655 Patent to HTC's EVO Design 4G device. Exhibit 41 shows that the EVO Design 4G device is covered by at least claims 1 and 17 of the '655 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 41 contains photographs of HTC's EVO Design 4G device. Lastly, Commission Rule 210.12(a)(9)(viii) only requires the Complainant to chart "a representative involved article" of proposed Respondent HTC that violates Section 337. Digitude believes that numerous devices, in addition to the EVO Design 4G, are covered by at least claims 1-9, and 17-25 of the '655 Patent and have been

imported, sold for importation, or sold within the United States after importation by proposed Respondent HTC.

(b) **Specific Instance of Sale and Importation**

90. Respondent HTC imports, sells for importation, and/or sells within the United States after importation the EVO Design 4G device depicted in Exhibit 41. Pursuant to Commission Rule 210.12(a)(3), Exhibit 18 is a receipt from Sprint showing a sale of HTC's EVO Design 4G within the United States. As shown in the photograph contained in Exhibit 19, the EVO Design 4G and/or its packaging is marked as "Made in Taiwan." Thus, HTC is violating Section 337 of the Tariff Act of 1930 by directly infringing the '655 Patent by importing, selling for importation, and/or selling within the United States after importation the EVO Design 4G.

(3) **LG**

(a) **Infringement**

91. On information and belief, Respondent LG is engaged in the importation, the sale for importation, and/or sale within the United States after importation of certain portable communication devices that infringe at least claims 1-9, and 17-25 of the '655 Patent.

92. Digitude has obtained portable communication devices that, on information and belief, LG imported, sold for importation, and/or sold within the United States after importation, and that infringe at least claims 1-9, and 17-25 of the '655 Patent.

93. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 42 includes a chart comparing claims 1 and 17 of the '655 Patent to LG's Optimus V device (Physical Exhibit 9). Exhibit 42 shows that the Optimus V device is covered by at least claims 1 and 17 of the '655 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 42 contains photographs of LG's Optimus V device. Lastly, Commission Rule 210.12(a)(9)(viii) only

requires the Complainant to chart “a representative involved article” of proposed Respondent LG that violates Section 337. Digitude believes that numerous devices, in addition to the Optimus V, are covered by at least claims 1-9, and 17-25 of the ‘655 Patent and have been imported, sold for importation, or sold within the United States after importation by proposed Respondent LG.

(b) **Specific Instance of Sale and Importation**

94. Respondent LG imports, sells for importation, and/or sells within the United States after importation the Optimus V device depicted in Exhibit 42. Pursuant to Commission Rule 210.12(a)(3), Exhibit 43 is a receipt from Bestbuy.com showing a sale of LG’s Optimus V within the United States. As shown in the photograph contained in Exhibit 44, the Optimus V and/or its packaging is marked as “Made in Korea.” Thus, LG is violating Section 337 of the Tariff Act of 1930 by directly infringing the ‘655 Patent by importing, selling for importation, and/or selling within the United States after importation the Optimus V.

(4) **Motorola**

(a) **Infringement**

95. On information and belief, Respondent Motorola is engaged in the importation, the sale for importation, and/or sale within the United States after importation of certain portable communication devices that infringe at least claims 1-9, and 17-25 of the ‘655 Patent.

96. Digitude has obtained portable communication devices that, on information and belief, Motorola imported, sold for importation, and/or sold within the United States after importation, and that infringe at least claims 1-9, and 17-25 of the ‘655 Patent.

97. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 45 includes a chart comparing claims 1 and 17 of the ‘655 Patent to Motorola’s Droid 3 device (Physical Exhibit 10). Exhibit 45 shows that the Droid 3 device is covered by at least claims 1 and 17 of

the '655 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 45 contains photographs of Motorola Droid 3 device. Lastly, Commission Rule 210.12(a)(9)(viii) only requires the Complainant to chart "a representative involved article" of proposed Respondent Motorola that violates Section 337. Digitide believes that numerous devices, in addition to the Droid 3, are covered by at least claims 1-9, and 17-25 of the '655 Patent and have been imported, sold for importation, or sold within the United States after importation by proposed Respondent Motorola.

(b) **Specific Instance of Sale and Importation**

98. Respondent Motorola imports, sells for importation, and/or sells within the United States after importation the Droid 3 device depicted in Exhibit 45. Pursuant to Commission Rule 210.12(a)(3), Exhibit 46 is a receipt from RadioShack showing a sale of Motorola's Droid 3 within the United States. As shown in the photograph contained in Exhibit 47, the Droid 3 and/or its packaging is marked as "Assembled in China." Thus, Motorola is violating Section 337 of the Tariff Act of 1930 by directly infringing the '655 Patent by importing, selling for importation, and/or selling within the United States after importation the Droid 3.

(5) **Samsung**

(a) **Infringement**

99. On information and belief, Respondent Samsung is engaged in the importation, the sale for importation, and/or sale within the United States after importation of certain portable communication devices that infringe at least claims 1-9, and 17-25 of the '655 Patent.

100. Digitide has obtained portable communication devices that, on information and belief, Samsung imported, sold for importation, and/or sold within the United States after importation, and that infringe at least claims 1-9, and 17-25 of the '655 Patent.

101. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 48 includes a chart comparing claims 1 and 17 of the '655 Patent to Samsung's Focus device (Physical Exhibit 11). Exhibit 48 shows that the Focus device is covered by at least claims 1 and 17 of the '655 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 48 contains photographs of Samsung's Focus device. Lastly, Commission Rule 210.12(a)(9)(viii) only requires the Complainant to chart "a representative involved article" of proposed Respondent Samsung that violates Section 337. Digitide believes that numerous devices, in addition to the Focus, are covered by at least claims 1-9, and 17-25 of the '655 Patent and have been imported, sold for importation, or sold within the United States after importation by proposed Respondent Samsung.

(b) **Specific Instance of Sale and Importation**

102. Respondent Samsung imports, sells for importation, and/or sells within the United States after importation the Focus device depicted in Exhibit 48. Pursuant to Commission Rule 210.12(a)(3), Exhibit 49 is a receipt from Best Buy showing a sale of Samsung's Focus within the United States. As shown in the photograph contained in Exhibit 50, the Focus and/or its packaging is marked as "Made in Korea." Thus, Samsung is violating Section 337 of the Tariff Act of 1930 by directly infringing the '655 Patent by importing, selling for importation, and/or selling within the United States after importation the Focus.

(6) **Sony**

(a) **Infringement**

103. On information and belief, Respondent Sony is engaged in the importation, the sale for importation, and/or sale within the United States after importation of certain portable communication devices that infringe at least claims 1-9, and 17-25 of the '655 Patent.

104. Digitude has obtained portable communication devices that, on information and belief, Sony imported, sold for importation, and/or sold within the United States after importation, and that infringe at least claims 1-9, and 17-25 of the '655 Patent.

105. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 51 includes a chart comparing claims 1 and 17 of the '655 Patent to Sony's Xperia X8 device (Physical Exhibit 12). Exhibit 51 shows that the Xperia X8 device is covered by at least claims 1 and 17 of the '655 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 51 contains photographs of Sony's Xperia X8 device. Lastly, Commission Rule 210.12(a)(9)(viii) only requires the Complainant to chart "a representative involved article" of proposed Respondent Sony that violates Section 337. Digitude believes that numerous devices, in addition to the Xperia X8, are covered by at least claims 1-9, and 17-25 of the '655 Patent and have been imported, sold for importation, or sold within the United States after importation by proposed Respondent Sony.

(b) **Specific Instance of Sale and Importation**

106. Respondent Sony imports, sells for importation, and/or sells within the United States after importation the Xperia X8 device depicted in Exhibit 51. Pursuant to Commission Rule 210.12(a)(3), Exhibit 52 is a receipt from ebay.com showing a sale of Sony's Xperia X8 within the United States. Additionally, Exhibit 52 contains a screen shot of the Sony

website showing that Sony Electronics, Inc. offers the Xperia X8 device for sale in the United States. As shown in the photograph contained in Exhibit 53, the Xperia X8 and/or its packaging is marked as “Made in China.” Thus, Sony is violating Section 337 of the Tariff Act of 1930 by directly infringing the ‘655 Patent by importing, selling for importation, and/or selling within the United States after importation the Xperia X8.

(7) **Nokia**

(a) **Infringement**

107. On information and belief, Respondent Nokia is engaged in the importation, the sale for importation, and/or sale within the United States after importation of certain portable communication devices that infringe at least claims 1-9, and 17-25 of the ‘655 Patent.

108. Digitude has obtained evidence that Nokia imported, sold for importation, and/or sold within the United States after importation, a portable communication device that infringes at least claims 1-9, and 17-25 of the ‘655 Patent.

109. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 55 includes a chart comparing claims 1 and 17 of the ‘655 Patent to Nokia’s Lumia 710 device. Exhibit 55 shows that the Lumia 710 device is covered by at least claims 1 and 17 of the ‘655 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 55 contains photographs of Nokia’s Lumia 710 device. Lastly, Commission Rule 210.12(a)(9)(viii) only requires the Complainant to chart “a representative involved article” of proposed Respondent Nokia that violates Section 337. Digitude believes that numerous devices, in addition to the Lumia 710, are covered by at least one of claims 1-9, and 17-25 of the ‘655 Patent and have been and/or are imminently going to be imported, sold for importation, or sold within the United States after importation by proposed Respondent Nokia.

(b) **Specific Instance of Sale and Importation**

110. Respondent Nokia imports, sells for importation, and/or sells within the United States after importation the Lumia 710 device depicted in Exhibit 55. Pursuant to Commission Rule 210.12(a)(3), Exhibit 36 is a news article on Cnet.com written in Sunnyvale, California, by reviewers who were allowed to use the Lumia 710 device for a review. The article states that the authors analyzed the Lumia 710 in the Nokia Sunnyvale, California, office, which is located in the United States. Exhibit 37 is Nokia's 20F foreign filing, which states on page 48 that Nokia operates 10 manufacturing plants in 9 countries which manufacture mobile devices. The United States is not listed as a country with Nokia manufacturing plants. Therefore, on information and belief, the Lumia 710 device is manufactured outside the United States. Thus, Nokia is violating Section 337 of the Tariff Act of 1930 by directly infringing the '655 Patent by importing, selling for importation, and/or selling within the United States after importation the Lumia 710.

**C. The '879 Patent**

(1) **RIM**

(a) **Infringement**

111. Respondent RIM is engaged in the importation, the sale for importation, and/or sale within the United States after importation of certain portable communication devices that infringe at least claims 1-8 and 14-20 of the '879 Patent.

112. Digitide has obtained portable communication devices that, on information and belief, RIM imported, sold for importation, and/or sold within the United States after importation, and that infringe at least claims 1-8 and 14-20 of the '879 Patent.

113. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 56 includes a chart comparing claims 1 and 14 of the '879 Patent to RIM's Blackberry Bold 9930 device.



Exhibit 56 shows that the Blackberry Bold 9930 device is covered by at least claims 1 and 14 of the '879 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 56 contains photographs of RIM's Blackberry Bold 9930 device. Lastly, Commission Rule 210.12(a)(9)(viii) only requires the Complainant to chart "a representative involved article" of proposed Respondent RIM that violates Section 337. Digitude believes that numerous devices, in addition to the Blackberry Bold 9930, are covered by at least one of claims 1-8 and 14-20 of the '879 Patent and have been imported, sold for importation, or sold within the United States after importation by proposed Respondent RIM.

(b) **Specific Instance of Sale and Importation**

114. Respondent RIM imports, sells for importation, and/or sells within the United States after importation the Blackberry Bold 9930 device depicted in Exhibit 56 Pursuant to Commission Rule 210.12(a)(3), Exhibit 15 is a receipt from Verizon Wireless showing a sale of RIM's Blackberry Bold 9930 within the United States. As shown in the photograph contained in Exhibit 16, the Blackberry Bold 9930 and/or its packaging is marked as "Made in Mexico." Thus, RIM is violating Section 337 of the Tariff Act of 1930 by directly infringing the '879 Patent by importing, selling for importation, and/or selling within the United States after importation the Blackberry Bold 9930.

(2) **HTC**

(a) **Infringement**

115. On information and belief, Respondent HTC is engaged in the importation, the sale for importation, and/or sale within the United States after importation of certain portable communication devices that infringe at least claims 1-8 and 14-20 of the '879 Patent.

116. Digitude has obtained portable communication devices that, on information and belief, HTC imported, sold for importation, and/or sold within the United States after importation, and that infringe at least claims 1-8 and 14-20 of the '879 Patent.

117. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 57 includes a chart comparing claims 1 and 14 of the '879 Patent to HTC's EVO Design 4G device. Exhibit 57 shows that the EVO Design 4G device is covered by at least claims 1 and 14 of the '879 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 57 contains photographs of HTC's EVO Design 4G device. Lastly, Commission Rule 210.12(a)(9)(viii) only requires the Complainant to chart "a representative involved article" of proposed Respondent HTC that violates Section 337. Digitude believes that numerous devices, in addition to the EVO Design 4G, are covered by at least one of claims 1-8 and 14-20 of the '879 Patent and have been imported, sold for importation, or sold within the United States after importation by proposed Respondent HTC.

(b) **Specific Instance of Sale and Importation**

118. Respondent HTC imports, sells for importation, and/or sells within the United States after importation the EVO Design 4G device depicted in Exhibit 57. Pursuant to Commission Rule 210.12(a)(3), Exhibit 18 is a receipt from Sprint showing a sale of HTC's EVO Design 4G within the United States. As shown in the photograph contained in Exhibit 19, the EVO Design 4G and/or its packaging is marked as "Made in Taiwan." Thus, HTC is violating Section 337 of the Tariff Act of 1930 by directly infringing the '879 Patent by importing, selling for importation, and/or selling within the United States after importation the EVO Design 4G.

(3) **LG**

(a) **Infringement**

119. On information and belief, Respondent LG is engaged in the importation, the sale for importation, and/or sale within the United States after importation of certain portable communication devices that infringe at least claims 1-8 and 14-20 of the '879 Patent.

120. Digitude has obtained portable communication devices that, on information and belief, LG imported, sold for importation, and/or sold within the United States after importation, and that infringe at least claims 1-8 and 14-20 of the '879 Patent.

121. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 58 includes a chart comparing claims 1 and 14 of the '879 Patent to LG's Revolution VS910 device. Exhibit 58 shows that the Revolution VS910 device is covered by at least claims 1 and 14 of the '879 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 58 contains photographs of LG's Revolution VS910 device. Lastly, Commission Rule 210.12(a)(9)(viii) only requires the Complainant to chart "a representative involved article" of proposed Respondent LG that violates Section 337. Digitude believes that numerous devices, in addition to the Revolution VS910, are covered by at least one of claims 1-8 and 14-20 of the '879 Patent and have been imported, sold for importation, or sold within the United States after importation by proposed Respondent LG.

(b) **Specific Instance of Sale and Importation**

122. Respondent LG imports, sells for importation, and/or sells within the United States after importation the Revolution VS910 device depicted in Exhibit 58. Pursuant to Commission Rule 210.12(a)(3), Exhibit 21 is a receipt from Verizon Wireless showing a sale of LG's Revolution VS910 within the United States. As shown in the photograph contained in Exhibit 22, the Revolution VS910 and/or its packaging is marked as "Made in Korea." Thus, LG

is violating Section 337 of the Tariff Act of 1930 by directly infringing the '879 Patent by importing, selling for importation, and/or selling within the United States after importation the Revolution VS910.

(4) **Motorola**

(a) **Infringement**

123. On information and belief, Respondent Motorola is engaged in the importation, the sale for importation, and/or sale within the United States after importation of certain portable communication devices that infringe at least claims 1-8 and 14-20 of the '879 Patent.

124. Digitude has obtained portable communication devices that, on information and belief, Motorola imported, sold for importation, and/or sold within the United States after importation, and that infringe at least claims 1-8 and 14-20 of the '879 Patent.

125. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 59 includes a chart comparing claims 1 and 14 of the '879 Patent to Motorola's Droid Razr device. Exhibit 59 shows that the Droid Razr device is covered by at least claims 1 and 14 of the '879 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 59 contains photographs of Motorola's Droid Razr device. Lastly, Commission Rule 210.12(a)(9)(viii) only requires the Complainant to chart "a representative involved article" of proposed Respondent Motorola that violates Section 337. Digitude believes that numerous devices, in addition to the Droid Razr, are covered by at least one of claims 1-8 and 14-20 of the '879 Patent and have been imported, sold for importation, or sold within the United States after importation by proposed Respondent Motorola.

(b) **Specific Instance of Sale and Importation**

126. Respondent Motorola imports, sells for importation, and/or sells within the United States after importation the Droid Razr device depicted in Exhibit 59. Pursuant to Commission Rule 210.12(a)(3), Exhibit 24 is a receipt from Verizon Wireless showing a sale of Motorola's Droid Razr within the United States. As shown in the photograph contained in Exhibit 25, the Droid Razr and/or its packaging is marked as "Phone made in China." Thus, Motorola is violating Section 337 of the Tariff Act of 1930 by directly infringing the '879 Patent by importing, selling for importation, and/or selling within the United States after importation the Droid Razr.

(5) **Samsung**

(a) **Infringement**

127. On information and belief, Respondent Samsung is engaged in the importation, the sale for importation, and/or sale within the United States after importation of certain portable communication devices that infringe at least claims 1-8 and 14-20 of the '879 Patent.

128. Digitude has obtained portable communication devices that, on information and belief, Samsung imported, sold for importation, and/or sold within the United States after importation, and that infringe at least claims 1-8 and 14-20 of the '879 Patent.

129. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 60 includes a chart comparing claims 1 and 14 of the '879 Patent to Samsung's Galaxy SII Epic 4G Touch device. Exhibit 60 shows that the Galaxy SII Epic 4G Touch device is covered by at least claims 1 and 14 of the '879 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 60 contains photographs of Samsung's Galaxy SII Epic 4G Touch device. Lastly, Commission Rule 210.12(a)(9)(viii) only requires the Complainant to chart "a representative involved article"

of proposed Respondent Samsung that violates Section 337. Digtude believes that numerous devices, in addition to the Galaxy SII Epic 4G Touch, are covered by at least one of claims 1-8 and 14-20 of the '879 Patent and have been imported, sold for importation, or sold within the United States after importation by proposed Respondent Samsung.

(b) **Specific Instance of Sale and Importation**

130. Respondent Samsung imports, sells for importation, and/or sells within the United States after importation the Epic 4G Touch device depicted in Exhibit 60. Pursuant to Commission Rule 210.12(a)(3), Exhibit 27 is a receipt from Sprint showing a sale of Samsung's Epic 4G Touch within the United States. As shown in the photograph contained in Exhibit 28, the Epic 4G Touch and/or its packaging is marked as "Made in Korea." Thus, Samsung is violating Section 337 of the Tariff Act of 1930 by directly infringing the '879 Patent by importing, selling for importation, and/or selling within the United States after importation the Epic 4G Touch.

(6) **Sony**

(a) **Infringement**

131. On information and belief, Respondent Sony is engaged in the importation, the sale for importation, and/or sale within the United States after importation of certain portable communication devices that infringe at least claims 1-8 and 14-20 of the '879 Patent.

132. Digtude has obtained portable communication devices that, on information and belief, Sony imported, sold for importation, and/or sold within the United States after importation, and that infringe at least claims 1-8 and 14-20 of the '879 Patent.

133. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 61 includes a chart comparing claims 1 and 14 of the '879 Patent to Sony's Xperia Play 3G device. Exhibit 61

shows that the Xperia Play 3G device is covered by at least claims 1 and 14 of the '879 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 61 contains photographs of Sony's Xperia Play 3G device. Lastly, Commission Rule 210.12(a)(9)(viii) only requires the Complainant to chart "a representative involved article" of proposed Respondent Sony that violates Section 337. Digitude believes that numerous devices, in addition to the Xperia Play 3G, are covered by at least one of claims 1-8 and 14-20 of the '879 Patent and have been imported, sold for importation, or sold within the United States after importation by proposed Respondent Sony.

(b) **Specific Instance of Sale and Importation**

134. Respondent Sony imports, sells for importation, and/or sells within the United States after importation the Xperia Play 3G device depicted in Exhibit 61. Pursuant to Commission Rule 210.12(a)(3), Exhibit 30 is a receipt from Verizon Wireless showing a sale of Sony's Xperia Play 3G within the United States. As shown in the photograph contained in Exhibit 31, the Xperia Play 3G and/or its packaging is marked as "Made in China." Thus, Sony is violating Section 337 of the Tariff Act of 1930 by directly infringing the '879 Patent by importing, selling for importation, and/or selling within the United States after importation the Xperia Play 3G.

(7) **Nokia**

(a) **Infringement**

135. On information and belief, Respondent Nokia is engaged in the importation, the sale for importation, and/or sale within the United States after importation of certain portable communication devices that infringe at least claims 1-8 and 14-20 of the '879 Patent.

136. Digitude has obtained evidence that Nokia imported, sold for importation, and/or sold within the United States after importation, a portable communication device that infringes at least claims 1-8 and 14-20 of the '879 Patent.

137. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 63 includes a chart comparing claims 1 and 14 of the '879 Patent to Nokia's Lumia 710 device. Exhibit 63 shows that the Lumia 710 device is covered by at least claims 1 and 14 of the '879 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 63 contains photographs of Nokia's Lumia 710 device. Lastly, Commission Rule 210.12(a)(9)(viii) only requires the Complainant to chart "a representative involved article" of proposed Respondent Nokia that violates Section 337. Digitude believes that numerous devices, in addition to the Lumia 710, are covered by at least one of claims 1-8 and 14-20 of the '879 Patent and have been and/or are imminently going to be imported, sold for importation, or sold within the United States after importation by proposed Respondent Nokia.

(b) **Specific Instance of Sale and Importation**

138. Respondent Nokia imports, sells for importation, and/or sells within the United States after importation the Lumia 710 device depicted in Exhibit 63. Pursuant to Commission Rule 210.12(a)(3), Exhibit 36 is a news article on Cnet.com written in Sunnyvale, California, by reviewers who were allowed to use the Lumia 710 device for a review. The article states that the authors analyzed the Lumia 710 in the Nokia Sunnyvale, California, office, which is located in the United States. Exhibit 37 is Nokia's 20F foreign filing, which states on page 48 that Nokia operates 10 manufacturing plants in 9 countries which manufacture mobile devices. The United States is not listed as a country with Nokia manufacturing plants. Therefore, on information and belief, the Lumia 710 device is manufactured outside the United States. Thus, Nokia is violating Section 337 of the Tariff Act of 1930 by directly infringing the '879 Patent by



importing, selling for importation, and/or selling within the United States after importation the Lumia 710.

**D. The '841 Patent**

(1) **RIM**

(a) **Infringement**

139. Respondent RIM is engaged in the importation, the sale for importation, and/or sale within the United States after importation of certain portable communication devices that infringe at least claims 1-4 of the '841 Patent.

140. Digitide has obtained portable communication devices that, on information and belief, RIM imported, sold for importation, and/or sold within the United States after importation, and that infringe at least claims 1-4 of the '841 Patent.

141. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 64 includes a chart comparing claim 1 of the '841 Patent to RIM's Blackberry Bold 9930 device. Exhibit 64 shows that the Blackberry Bold 9930 device is covered by at least claim 1 of the '841 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 64 contains photographs of RIM's Blackberry Bold 9930 device. Lastly, Commission Rule 210.12(a)(9)(viii) only requires the Complainant to chart "a representative involved article" of proposed Respondent RIM that violates Section 337. Digitide believes that numerous devices, in addition to the Blackberry Bold 9930, are covered by at least one of claims 1-5 of the '841 Patent and have been imported, sold for importation, or sold within the United States after importation by proposed Respondent RIM.

(b) **Specific Instance of Sale and Importation**

142. Respondent RIM imports, sells for importation, and/or sells within the United States after importation the Blackberry Bold 9930 device depicted in Exhibit 64.

Pursuant to Commission Rule 210.12(a)(3), Exhibit 15 is a receipt from Verizon Wireless showing a sale of RIM's Blackberry Bold 9930 within the United States. As shown in the photograph contained in Exhibit 16, the Blackberry Bold 9930 and/or its packaging is marked as "Made in Mexico." Thus, RIM is violating Section 337 of the Tariff Act of 1930 by directly infringing the '841 Patent by importing, selling for importation, and/or selling within the United States after importation the Blackberry Bold 9930.

(2) **HTC**

(a) **Infringement**

143. On information and belief, Respondent HTC is engaged in the importation, the sale for importation, and/or sale within the United States after importation of certain portable communication devices that infringe at least claims 1-4 of the '841 Patent.

144. Digitude has obtained portable communication devices that, on information and belief, HTC imported, sold for importation, and/or sold within the United States after importation, and that infringe at least claims 1-4 of the '841 Patent.

145. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 65 includes a chart comparing claim 1 of the '841 Patent to HTC's EVO Design 4G device. Exhibit 65 shows that the EVO Design 4G device is covered by at least claim 1 of the '841 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 65 contains photographs of HTC's EVO Design 4G device. Lastly, Commission Rule 210.12(a)(9)(viii) only requires the Complainant to chart "a representative involved article" of proposed Respondent HTC that violates Section 337. Digitude believes that numerous devices, in addition to the EVO Design 4G, are covered by at least one of claims 1-4 of the '841 Patent and have been imported, sold for importation, or sold within the United States after importation by proposed Respondent HTC.

(b) **Specific Instance of Sale and Importation**

146. Respondent HTC imports, sells for importation, and/or sells within the United States after importation the EVO Design 4G device depicted in Exhibit 65. Pursuant to Commission Rule 210.12(a)(3), Exhibit 18 is a receipt from Sprint showing a sale of HTC's EVO Design 4G within the United States. As shown in the photograph contained in Exhibit 19, the EVO Design 4G and/or its packaging is marked as "Made in Taiwan." Thus, HTC is violating Section 337 of the Tariff Act of 1930 by directly infringing the '841 Patent by importing, selling for importation, and/or selling within the United States after importation the EVO Design 4G.

(3) **LG**

(a) **Infringement**

147. On information and belief, Respondent LG is engaged in the importation, the sale for importation, and/or sale within the United States after importation of certain portable communication devices that infringe at least claims 1-4 of the '841 Patent.

148. Digitude has obtained portable communication devices that, on information and belief, LG imported, sold for importation, and/or sold within the United States after importation, and that infringe at least claims 1-4 of the '841 Patent.

149. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 66 includes a chart comparing claim 1 of the '841 Patent to LG's Revolution VS910 device. Exhibit 66 shows that the Revolution VS910 device is covered by at least claim 1 of the '841 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 66 contains photographs of LG's Revolution VS910 device. Lastly, Commission Rule 210.12(a)(9)(viii) only requires the Complainant to chart "a representative involved article" of proposed Respondent LG that violates Section 337. Digitude believes that numerous devices, in addition to the Revolution

VS910, are covered by at least one of claims 1-4 of the '841 Patent and have been imported, sold for importation, or sold within the United States after importation by proposed Respondent LG.

(b) **Specific Instance of Sale and Importation**

150. Respondent LG imports, sells for importation, and/or sells within the United States after importation the Revolution VS910 device depicted in Exhibit 66. Pursuant to Commission Rule 210.12(a)(3), Exhibit 21 is a receipt from Verizon Wireless showing a sale of LG's Revolution VS910 within the United States. As shown in the photograph contained in Exhibit 22, the Revolution VS910 and/or its packaging is marked as "Made in Korea." Thus, LG is violating Section 337 of the Tariff Act of 1930 by directly infringing the '841 Patent by importing, selling for importation, and/or selling within the United States after importation the Revolution VS910.

(4) **Motorola**

(a) **Infringement**

151. On information and belief, Respondent Motorola is engaged in the importation, the sale for importation, and/or sale within the United States after importation of certain portable communication devices that infringe at least claims 1-4 of the '841 Patent.

152. Digtude has obtained portable communication devices that, on information and belief, Motorola imported, sold for importation, and/or sold within the United States after importation, and that infringe at least claims 1-4 of the '841 Patent.

153. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 67 includes a chart comparing claim 1 of the '841 Patent to Motorola's Droid Razr device. Exhibit 67 shows that the Droid Razr device is covered by at least claim 1 of the '841 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 67 contains photographs of Motorola's Droid Razr device. Lastly, Commission Rule 210.12(a)(9)(viii) only requires the Complainant to

chart “a representative involved article” of proposed Respondent Motorola that violates Section 337. Digitude believes that numerous devices, in addition to the Droid Razr, are covered by at least one of claims 1-4 of the ‘841 Patent and have been imported, sold for importation, or sold within the United States after importation by proposed Respondent Motorola.

(b) **Specific Instance of Sale and Importation**

154. Respondent Motorola imports, sells for importation, and/or sells within the United States after importation the Droid Razr device depicted in Exhibit 67. Pursuant to Commission Rule 210.12(a)(3), Exhibit 24 is a receipt from Verizon Wireless showing a sale of Motorola’s Droid Razr within the United States. As shown in the photograph contained in Exhibit 25, the Droid Razr and/or its packaging is marked as “Phone made in China.” Thus, Motorola is violating Section 337 of the Tariff Act of 1930 by directly infringing the ‘841 Patent by importing, selling for importation, and/or selling within the United States after importation the Droid Razr.

(5) **Samsung**

(a) **Infringement**

155. On information and belief, Respondent Samsung is engaged in the importation, the sale for importation, and/or sale within the United States after importation of certain portable communication devices that infringe at least claims 1-4 of the ‘841 Patent.

156. Digitude has obtained portable communication devices that, on information and belief, Samsung imported, sold for importation, and/or sold within the United States after importation, and that infringe at least claims 1-4 of the ‘841 Patent.

157. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 68 includes a chart comparing claim 1 of the ‘841 Patent to Samsung’s Galaxy SII Epic 4G Touch device. Exhibit 68 shows that the Galaxy SII Epic 4G Touch device is covered by at least claim 1 of the

'841 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 68 contains photographs of Samsung's Galaxy SII Epic 4G Touch device. Lastly, Commission Rule 210.12(a)(9)(viii) only requires the Complainant to chart "a representative involved article" of proposed Respondent Samsung that violates Section 337. Digtude believes that numerous devices, in addition to the Galaxy SII Epic 4G Touch, are covered by at least one of claims 1-4 of the '841 Patent and have been imported, sold for importation, or sold within the United States after importation by proposed Respondent Samsung.

(b) **Specific Instance of Sale and Importation**

158. Respondent Samsung imports, sells for importation, and/or sells within the United States after importation the Galaxy SII Epic 4G Touch device depicted in Exhibit 68. Pursuant to Commission Rule 210.12(a)(3), Exhibit 27 is a receipt from Sprint showing a sale of Samsung's Galaxy SII Epic 4G Touch within the United States. As shown in the photograph contained in Exhibit 28, the Galaxy SII Epic 4G Touch and/or its packaging is marked as "Made in Korea." Thus, Samsung is violating Section 337 of the Tariff Act of 1930 by directly infringing the '841 Patent by importing, selling for importation, and/or selling within the United States after importation the Galaxy SII Epic 4G Touch.

(6) **Sony**

(a) **Infringement**

159. On information and belief, Respondent Sony is engaged in the importation, the sale for importation, and/or sale within the United States after importation of certain portable communication devices that infringe at least claims 1-4 of the '841 Patent.

160. Digtude has obtained portable communication devices that, on information and belief, Sony imported, sold for importation, and/or sold within the United States after importation, and that infringe at least claims 1-4 of the '841 Patent.

161. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 69 includes a chart comparing claim 1 of the '841 Patent to Sony's Xperia Play 3G device. Exhibit 69 shows that the Xperia Play 3G device is covered by at least claim 1 of the '841 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 69 contains photographs of Sony's Xperia Play 3G device. Lastly, Commission Rule 210.12(a)(9)(viii) only requires the Complainant to chart "a representative involved article" of proposed Respondent Sony that violates Section 337. Digtitude believes that numerous devices, in addition to the Xperia Play 3G, are covered by at least one of claims 1-4 of the '841 Patent and have been imported, sold for importation, or sold within the United States after importation by proposed Respondent Sony.

(b) **Specific Instance of Sale and Importation**

162. Respondent Sony imports, sells for importation, and/or sells within the United States after importation the Xperia Play 3G device depicted in Exhibit 69. Pursuant to Commission Rule 210.12(a)(3), Exhibit 30 is a receipt from Verizon Wireless showing a sale of Sony's Xperia Play 3G within the United States. As shown in the photograph contained in Exhibit 31, the Xperia Play 3G and/or its packaging is marked as "Made in China." Thus, Sony is violating Section 337 of the Tariff Act of 1930 by directly infringing the '841 Patent by importing, selling for importation, and/or selling within the United States after importation the Xperia Play 3G.

(7) **Nokia**

(a) **Infringement**

163. On information and belief, Respondent Nokia is engaged in the importation, the sale for importation, and/or sale within the United States after importation of certain portable communication devices that infringe at least claims 1-5 of the '841 Patent.

164. Digitide has obtained portable communication devices that, on information and belief, Nokia imported, sold for importation, and/or sold within the United States after importation, and that infringe at least claims 1-5 of the '841 Patent.

165. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 71 includes a chart comparing claim 1 of the '841 Patent to Nokia's Lumia 710 device. Exhibit 71 shows that the Lumia 710 device is covered by at least claim 1 of the '841 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 71 contains photographs of Nokia's Lumia 710 device. Lastly, Commission Rule 210.12(a)(9)(viii) only requires the Complainant to chart "a representative involved article" of proposed Respondent Nokia that violates Section 337. Digitide believes that numerous devices, in addition to the Lumia 710, are covered by at least one of claims 1-5 of the '841 Patent and have been imported, sold for importation, or sold within the United States after importation by proposed Respondent Nokia.

(b) **Specific Instance of Sale and Importation**

166. Respondent Nokia imports, sells for importation, and/or sells within the United States after importation the Lumia 710 device depicted in Exhibit 71. Pursuant to Commission Rule 210.12(a)(3), Exhibit 36 is a news article on Cnet.com written in Sunnyvale, California, by reviewers who were allowed to use the Lumia 710 device for a review. The article states that the authors analyzed the Lumia 710 in the Nokia Sunnyvale, California, office, which is located in the United States. Exhibit 37 is Nokia's 20F foreign filing, which states on page 48 that Nokia operates 10 manufacturing plants in 9 countries which manufacture mobile devices. The United States is not listed as a country with Nokia manufacturing plants. Therefore, on information and belief, the Lumia 710 device is manufactured outside the United States. Thus, Nokia is violating Section 337 of the Tariff Act of 1930 by directly infringing the '841 Patent by



importing, selling for importation, and/or selling within the United States after importation the Lumia 710.

## **IX. HARMONIZED TARIFF SCHEDULE INFORMATION**

167. The articles subject to this complaint are classifiable under at least the following headings and subheadings of the Harmonized Tariff Schedule (“HTS”) of the United States: 8517.12.00 (Telephones for Cellular Networks or for Other Wireless Networks); 8517.61.00 (Apparatus for Transmission or Reception of Voice, Images, or Other Data); 8542.31.00 (Electronic Integrated Circuits: Processors and Controllers, Whether or Not Combined with Memories, Converters, Logic Circuits, Amplifiers, Clock and Timing Circuits, or Other Circuits). These HTS numbers are illustrative only and are not intended to restrict the scope of this investigation.

## **X. RELATED LITIGATION**

168. Other than this Investigation, there is no current litigation related to the Asserted Patents.

## **XI. DOMESTIC INDUSTRY RELATING TO THE ASSERTED PATENTS**

### **A. Digitude Maintains a Domestic Industry Based on the Activities of Its Domestic Licensees.**

169. With respect to the Asserted Patents, a domestic industry in the United States exists under Sections 337(a)(3)(A), (B), and (C) due to the activities of Digitude’s domestic licensee.

#### **(1) Domestic Industry – Technical Prong**

170. Digitude maintains a technical domestic industry based on the activities of its domestic licensee. Digitude’s domestic licensee incorporates the technology protected by the Asserted Patents into several of its products, disclosed in Confidential Exhibit, 4 at ¶ 4. First,

Confidential Exhibit 72 is a chart comparing independent claims 7 and 15 of the '636 Patent to one of Digitude's domestic licensee's products. Confidential Exhibit 72 shows that Digitude's domestic licensee's product practices at least claims 7 and 15 of the '636 Patent. Second, Confidential Exhibit 73 is a chart comparing independent claim 1 of the '655 Patent to one of Digitude's domestic licensee's products. Confidential Exhibit 73 shows that Digitude's domestic licensee's product practices at least claim 1 of the '655 Patent. Third, Confidential Exhibit 73 is a chart comparing independent claims 1 and 14 of the '879 Patent to one of Digitude's domestic licensee's products. Confidential Exhibit 73 shows that Digitude's domestic licensee's product practices at least claims 1 and 14 of the '879 Patent. Finally, Confidential Exhibit 75 is a chart comparing independent claim 1 of the '841 Patent to one of Digitude's domestic licensee's products. Confidential Exhibit 75 shows that Digitude's domestic licensee's product practices at least claim 1 of the '841 Patent. Pursuant to Commission Rule 210.12(a)(9)(ix), the charts show that Digitude's domestic licensee's devices practice at least one claim of each Asserted Patent.

(2) **Domestic Industry – Economic Prong**

171. Digitude maintains an economic domestic industry based on the activities of Digitude's domestic licensee related to the licensee's products. Pursuant to Commission Rule 210.12(a)(6)(i)(A), the relevant operations of Digitude's domestic licensee are described in the Declaration of Ed Gomez, Confidential Exhibit 4, ¶¶ 7-10. Pursuant to Commission Rule 210.12(a)(6)(i)(B), the relevant operations of Digitude's domestic licensee are described in the Declaration of Ed Gomez, Confidential Exhibit 4, ¶¶ 11-12. Finally, pursuant to Commission Rule 210.12(a)(6)(i)(C), the relevant operations of Digitude's domestic licensee are described in the Declaration of Ed Gomez, Confidential Exhibit 4, ¶¶ 13-14.

## **XII. RELIEF**

WHEREFORE, by reason of the foregoing, Digitude requests that the Commission:

- a. Institute an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to Respondents' violations of Section 337 based on the importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of portable communication devices that infringe the '636 Patent, the '655 Patent, the '879 Patent, and/or the '841 Patent;
- b. Schedule and conduct a hearing on permanent relief pursuant to 19 U.S.C. § 1337(d) and (f) of the Tariff Act of 1930, as amended;
- c. Issue a Limited Exclusion Order specifically directed to each named Respondent, pursuant to 19 U.S.C. § 1337(d), excluding from entry into the United States articles that infringe the '636 Patent, the '655 Patent, the '879 Patent, and/or the '841 Patent;
- d. Issue a cease and desist order pursuant to 19 U.S.C. § 1337(f) prohibiting each domestic Respondent from engaging in the unlawful importation and/or sale within the United States after importation of certain portable communication devices that infringe the '636 Patent, the '655 Patent, the '879 Patent, and/or the '841 Patent;
- e. Impose a bond upon Respondents who continue to import infringing articles during the 60-day-Presidential review period per 19 U.S.C. § 1337(j); and issue such other and further relief as the Commission deems just and proper under the law, based upon the facts determined by the investigation and the authority of the Commission.

Respectfully submitted.



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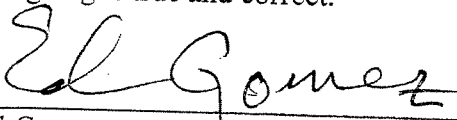
**Counsel for Complainant  
Digitude Innovations LLC**

## VERIFICATION OF COMPLAINT

I, Ed Gomez, declare, in accordance with 19 C.F.R. § 210.12(a)(1), as follows:

1. I am managing director and general counsel of Digtude, and I am duly authorized to sign this Complaint;
2. I have read the Complaint and I am aware of its contents;
3. The Complaint is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of the investigation or related proceeding;
4. To the best of my knowledge, information and belief founded upon reasonable inquiry, claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
5. The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Ed Gomez