U.S. INTERNATIONAL TRADE COMMISSION
WASHINGTON, DC

In the Matter of	
Certain Portable Electronic Communications Devices, Including Mobile Phones and Components Thereof	**Investigation No. 337-TA-_____**

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

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1	Physical sample of the domestic article protected by the asserted patents (Lumia 920)
2	Physical sample of the following imported article that is a subject of the complaint: HTC One VX
3	Physical sample of the following imported article that is a subject of the complaint: HTC One
4	Physical sample of the following imported article that is a subject of the complaint: HTC First

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I. INTRODUCTION

1. Nokia Corporation and Nokia Inc. (collectively, "Nokia" or "Complainants") file this complaint pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 ("Section 337"), based on the unlawful importation 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 electronic communications devices, including mobile phones and components thereof.

2. The proposed Respondents are HTC Corporation and HTC America, Inc. (collectively, "Respondents").

3. The complaint is directed to Respondents' imported portable electronic communications devices, including mobile phones and components thereof, that infringe U.S. Patent Nos. 6,035,189 ("the '189 Patent"); 6,373,345 ("the '345 Patent); 6,711,211 ("the '211 Patent"); 7,187,945 ("the '945 Patent"); 8,140,650 ("the '650 Patent") and 8,363,824 ("the '824 Patent") (collectively, the "Asserted Patents"). Such products include at least the HTC One S, HTC One V, HTC One X, HTC Evo 4G LTE, HTC Droid Incredible 4G LTE, HTC Droid DNA, HTC One X+, HTC One VX, HTC First, and HTC One (collectively, the "Accused Products").[1] The following table provides a summary of which Accused Products infringe which of the claims of the Asserted Patents:

U.S. Patent No.	Asserted Claims	Accused Products
6,035,189	Claim 8 and 10-11	HTC One S HTC One V HTC One X HTC Evo 4G LTE

[1] The identification of a specific model or type of electronic device is not intended to limit the scope of the investigation. Discovery may reveal that additional HTC products infringe the asserted patent claims and/or that additional claims are infringed, and any remedy should extend to all infringing electronic devices.

U.S. Patent No.	Asserted Claims	Accused Products
		HTC Droid Incredible 4G LTE HTC Droid DNA HTC One X+ HTC One VX HTC First HTC One
6,373,345	Claims 1-12	HTC One V HTC Droid DNA HTC One X+ HTC One VX HTC First HTC One
6,711,211	Claims 26-27, 29-31, 50-53, and 56-57	HTC One S HTC One V HTC One X HTC Evo 4G LTE HTC Droid Incredible 4G LTE HTC Droid DNA HTC One X+ HTC One VX HTC First HTC One
7,187,945	Claims 1-7, 12-14, 19, 27, and 31	HTC One X HTC One VX HTC First HTC One
8,140,650	Claims 1-8, 10-15, and 17-18	HTC One S HTC One V HTC One X HTC Evo 4G LTE HTC Droid Incredible 4G LTE HTC Droid DNA HTC One X+ HTC One VX HTC First HTC One
8,363,824	Claims 1-4, 7, 11-12, and 17-19	HTC First HTC One X+ HTC One X

4. On information and belief, the Accused Products are manufactured and/or sold for importation into the United States, imported into the United States, and/or sold after importation into the United States by or on behalf of Respondents.

5. An industry as required by 19 U.S.C. §§ 1337(a)(2) and (3) exists or is in the process of being established in the United States relating to articles protected by the Asserted Patents.

6. Nokia seeks as relief a permanent limited exclusion order prohibiting entry into the United States of Respondents' infringing portable electronic communications devices, including mobile phones. Nokia also requests that such an exclusion order prohibit Respondents from importing into the United States key components of the accused portable electronic communications devices, such as chipsets containing infringing functionality, so as to prevent Respondents from evading any exclusion order directed to its portable electronic communications devices. *See, e.g.,* Exhibit 15.

7. Nokia also requests permanent cease and desist orders prohibiting Respondents from importing, admitting or withdrawing from a foreign trade zone, marketing, advertising, demonstrating, warehousing inventory, distributing, offering for sale, selling, licensing, repairing, programming, or updating portable electronic communications devices, including mobile phones.

II. COMPLAINANTS

A. Nokia Corporation

8. Nokia Corporation is a company organized under the laws of Finland, with its principal place of business at Keilalahdentie 4, PO Box 226, Espoo, Finland.

9. Nokia Corporation was founded in 1865 and is one of the world's largest manufacturers of mobile phones. Nokia pioneered the early evolution of mobile communications. Beginning in the early 1980s, Nokia introduced the first car phone and portable phone to operate on the Nordic Mobile Telephone ("NMT") network, which was the first international cellular network. Nokia also provided base stations and switches for NMT

networks. Then, in 1987, Nokia launched the first handheld mobile phone for NMT networks – known as the "Mobira Cityman."

10. Nokia was also one of the key developers of Global System for Mobile communications ("GSM") technology, which was adopted in 1987 as the European standard for digital mobile technology. Nokia delivered its first GSM network to the Finnish company Radiolinja in 1989 and launched its first digital handheld GSM phone – the Nokia 1011 – in 1992. Throughout the 1990s, Nokia's core business was manufacturing mobile phones and telecommunications systems.

11. Nokia's innovations have continued throughout the wireless era to the smartphones of the present day, bringing several "firsts" in the industry. For example, in 1996, Nokia introduced the Nokia 9000 Communicator, which was the first all-in-one phone, fax, calendar, email, and Internet device in a hand-portable size. The Nokia 8110i, introduced in 1997, was the first mobile phone with a dynamic menu supporting Smart Messaging. Just two years later, Nokia introduced the Nokia 7110, the first mobile phone compliant with Wireless Application Protocol 1.1, which provided access to mobile Internet services, such as banking, email, and news, and was the first phone with predictive text input.

12. The new century brought even further Nokia advances. In 2002, Nokia launched the third generation ("3G") Nokia 6650. That same year, Nokia also unveiled the Nokia 7650, a phone with a built-in camera, and the Nokia 3650, Nokia's video capture phone. The following year, Nokia rolled out its 5140, the first Push-to-Talk GSM handset. In 2006, Nokia introduced the N95, which was the first such device with built-in Global Positioning System ("GPS") technology, and, in 2008, Nokia released the E71, the world's slimmest smartphone. In 2010, Nokia pioneered the N8, the first smartphone with built-in 720P High Definition video and a 12-megapixel camera.

13. In February of 2011, Nokia announced it would release a new line of smartphones that use the Microsoft Windows Phone operating system, designed to offer enhanced hardware optimization, software customization, and language support. Early Nokia Windows-based phones for the U.S. market include the Lumia 710, which was released in the United States in January 2012, and the Lumia 900, which was released in the United States in April 2012. Nokia has continued to build upon its Windows Phone product line through 2012 and 2013, with additional releases in the United States including Lumia 810, Lumia 820, Lumia 822, and Lumia 920.

14. Research is one of the keys to Nokia's success and the necessary cornerstone for its cutting-edge products.

B. Nokia Inc.

15. Nokia Inc. is a corporation existing under the laws of the State of Delaware, with its principal place of business in Sunnyvale, California. Nokia Inc. is a wholly owned subsidiary of Nokia Corporation.

16. Since 2011, Nokia Inc. has spent millions of dollars in U.S. expenditures related to the development, testing, product support, repair, and service of its Lumia Windows Phone product line, which, *inter alia*, embodies the innovations of the Asserted Patents, and many others in Nokia's vast portfolio. These expenditures and efforts demonstrate Nokia's commitment to bringing state-of-the-art mobile communications to U.S. consumers.

17. As of April, 2013, Nokia had over 1,500 employees in the United States, and their combined salaries total in the hundreds of millions of dollars. Over 1,100 of these U.S.-based Nokia employees work in research and development or in ongoing product maintenance that support Nokia's products sold in the United States, including those protected by the Asserted Patents. Additional information regarding Nokia Corporation and Nokia Inc. may be found in

Nokia Corporation's 2012 Annual Report, available at http://www.nokia.com/global/about-nokia/investors/financials/reports/results---reports/.

III. PROPOSED RESPONDENTS

A. HTC Corporation

18. Proposed Respondent HTC Corporation is a company organized under the laws of Taiwan, with its principal place of business at 23 Xinghua Road, Taoyuan City, Taoyuan County 330, Taiwan, Republic of China. HTC Corporation, among other things, is engaged in the manufacture, importation into the United States, and sale after importation into the United States of mobile phones, including the Accused Products. Upon information and belief, HTC Corporation is the entity that manufactures each of the Accused Products, predominantly in Taiwan.

B. HTC America, Inc.

19. Proposed Respondent HTC America, Inc. is a corporation organized and existing under the laws of Texas, with its principal place of business at 13920 SE Eastgate Way, Suite 400, Bellevue, Washington 98005. HTC America, Inc. is a wholly owned subsidiary of HTC Corporation. HTC America, Inc., among other things, is engaged in services related to the importation into the United States and sale after importation into the United States of mobile phones, including the Accused Products. On information and belief, such services include the marketing, repair, and after-sale service of mobile phones, including the Accused Products.

20. Additional information regarding HTC may be found in Exhibit 62, which includes excerpts from HTC Corporation's 2011 Annual Report.

IV. THE TECHNOLOGY AND ACCUSED PRODUCTS AT ISSUE

21. The Accused Products are certain portable electronic communications devices, including mobile phones and components thereof.

22. The Asserted Patents are a reflection of the breadth of Nokia's extensive dedication and investment in technology. Ever since the introduction of Nokia's first car phone in 1981, Nokia has continuously endeavored to make the world's best mobile phones and enhance the user's experience with diverse and advanced functionality. Whether it is designing more reliable mobile phones that drop fewer calls, pioneering the first smartphones that synchronize seamlessly with computers, or developing some of the first mobile phones with built-in GPS, Nokia has taken great strides to stay ahead of its competition. Nokia's innovations have been applied in many portable electronic communications devices other than mobile phones, such as mobile tablets, portable music players, and computers.

23. Mobile phones have come a long way since the car phones and briefcase phones of the 1980s. Today's mobile phones not only make phone calls, they are also GPS devices, internet browsers, electronic mail devices, electronic book readers, social networking platforms, and so much more. Not only do smartphones have many functions, they also have different processes for connecting to a network and sending information over that network, depending on the type of information that is being sent or received. For example, smartphones have Wi-Fi, GPS, and Bluetooth capabilities for connecting to wireless devices and sending and receiving applications, software upgrades, email, text messages, and voice information.

24. Today's mobile phones must also operate in a multitude of different frequency bands. A problem with this is that a mobile station operating in two or three frequency bands, for example, requires many filters, which occupy too much space in a mobile station. The '345

Patent introduces a technology that allows for a compact modulator structure that can be used in many frequency bands while also achieving an improved signal-to-noise ratio.

25. Today's smartphones are also capable of decoding and playing large video files. Unlike traditional desktop computers, mobile terminals have limited computational resources and battery life. The '211 Patent introduces versatile and flexible technology for encoding and decoding video information with less computational complexity, allowing smartphones to efficiently decode video information.

26. Mobile phones also continue to increase the number of frequency bands and types of networks on which they can operate. This allows access to more systems, for example, when a phone is roaming but increases the complexity of the radio transceiver portion of the device. Nokia's '945 Patent therefore provides, for example, a technology that allows for a portable and universal radio transceiver that can be utilized in different regions around the world.

27. Current phones have also seen an explosion in the number and types of applications for which they are used. Many applications require access to third party information using different user accounts. In order to balance security needs with the convenience of these services, the '650 Patent introduces, for example, a method that allows applications to specify what permissions are needed and allows users to determine whether to allow applications to access their private data.

28. Customers desire modern smartphones that have high performance, long-lasting batteries, and appealing designs. Increasing performance and battery life can require more space, but many consumers prefer thin smartphone designs. The '824 Patent introduces an efficient configuration for the internal architecture of a smartphone that promotes these goals, for example, by placing the engine and battery adjacent to each other and directly beneath the user input, in a one-piece housing.

29. Smartphone users desire the ability to customize the functionality of their phones depending on individual preferences and the availability of new services. Accordingly, the '189 Patent discloses a device that can adapt to continuously changing and developing services by having the ability to load new services onto the device. Users can add new functionalities by installing applications that are made available via an application store.

V. THE ASSERTED PATENTS AND NON-TECHNICAL DESCRIPTION OF THE INVENTIONS[2]

A. Ownership of the Asserted Patents

30. Nokia Corporation owns the entire right, title, and interest to the Asserted Patents. Copies of the assignments for each of the Asserted Patents are attached as Exhibits 7-12.

B. U.S. Patent No. 6,035,189

31. The '189 Patent, entitled "Method for Using Services Offered by a Telecommunication Network, a Telecommunication System and a Terminal for It," issued on March 7, 2000, to inventors Timo Ali-Vehmas, Pekka Heinonen, Harri Okkonen, Lioudmila Blants, and Petteri Saarinen. The '189 Patent issued from U.S. Patent Application Serial No. 08/867,296, filed on June 2, 1997, and expires on or after June 2, 2017.

32. A certified copy of the '189 Patent is attached as Exhibit 1.

33. A certified copy of the prosecution history of the '189 Patent and copies of each reference cited in the '189 Patent and its prosecution history are included in Appendices A and B, respectively.

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[2] All non-technical descriptions of the inventions herein are presented to give a general background of those inventions. Such statements are not intended to be used, nor should be used, for purposes of patent claim interpretation. Complainants present these statements subject to, and without waiver of, their right to argue that claim terms should be construed in a particular way, as contemplated by claim interpretation jurisprudence and the relevant evidence.

34. The '189 Patent has thirteen claims, five of which are independent claims. Complainants are asserting claims 8, 10, and 11.

35. The '189 Patent discloses, for example, a device that has the ability to add new services made available by a telecommunications system. In one embodiment, the device loads instructions related to a new service that determines display and selection information for that new service.

C. U.S. Patent No. 6,373,345

36. The '345 Patent, entitled "Modulator Structure for a Transmitter and a Mobile Station," issued on April 16, 2002, to inventors Harri Kimppa, Simo Murtojarvi and Markus Pettersson. The '345 Patent issued from U.S. Patent Application Serial No. 09/429,911, filed on October 29, 1999, and expires on or after October 29, 2019.

37. A certified copy of the '345 Patent is attached as Exhibit 2.

38. A certified copy of the prosecution history of the '345 Patent and copies of each reference cited in the '345 Patent and its prosecution history are included in Appendices C and D, respectively.

39. The '345 Patent has 12 claims, two of which are independent claims. Complainants are asserting claims 1-12.

40. The '345 Patent discloses, for example, a modulator structure that is suitable for use in mobile stations that are required to operate in multiple frequency bands. In one embodiment, for example, the modulator structure contains a switching arrangement and a driver arrangement that is coupled to the switching arrangement, where the driver arrangement includes at least one low-pass filter arrangement that can be used to improve the signal-to-noise ratio of a device.

D. U.S. Patent No. 6,711,211

41. The '211 Patent, entitled "Method for Encoding and Decoding Video Information, a Motion Compensated Video Encoder and a Corresponding Decoder," issued on March 23, 2004, to inventor Jani Lainema. The '211 Patent issued from U.S. Patent Application Serial No. 09/566,020, filed on May 8, 2000, and expires on or after May 8, 2020.

42. A certified copy of the '211 Patent is attached as Exhibit 3.

43. A certified copy of the prosecution history of the '211 Patent and copies of each reference cited in the '211 Patent and its prosecution history are included in Appendices E and F, respectively.

44. The '211 Patent has fifty-seven claims, six of which are independent claims. Complainants are asserting claims 26, 27, 29-31, 50-53, and 56-57.

45. The '211 Patent discloses, for example, methods for encoding and decoding video information. In one embodiment, prediction motion coefficients are derived for blocks within a macroblock of a video frame.

E. U.S. Patent No. 7,187,945

46. The '945 Patent, entitled "Versatile Antenna Switch Architecture," issued on March 6, 2007, to inventors Tero Ranta and Juha Ella. The '945 Patent issued from U.S. Patent Application Serial No. 10/836,124, filed on April 30, 2004, and expires on or after September 1, 2024.

47. A certified copy of the '945 Patent is attached as Exhibit 4.

48. A certified copy of the prosecution history of the '945 Patent and copies of each reference cited in the '945 Patent and its prosecution history are included in Appendices G and H, respectively.

49. The '945 Patent has forty-three claims, five of which are independent claims. Complainants are asserting claims 1-7, 12-14, 19, 27, and 31.

50. The '945 Patent discloses, for example, a technology that facilitates band selection and mode switching in today's multi-standard and multi-band wireless communications devices. For example, it discloses a mobile station that uses two antenna switches to route various multi-band and/or multi-standard transmit and receive paths to two antennas.

F. U.S. Patent No. 8,140,650

51. The '650 Patent, entitled "Use of Configurations in Device with Multiple Configurations," issued on March 20, 2012, to inventors Markku Pulkkinen and Martti Lindroos. The '650 Patent issued from U.S. Patent Application Serial No. 11/794,421, filed on December 30, 2004, and expires on or after December 30, 2024.

52. A certified copy of the '650 Patent is attached as Exhibit 5.

53. A certified copy of the prosecution history of the '650 Patent and copies of each reference cited in the '650 Patent and its prosecution history are included in Appendices I and J, respectively.

54. The '650 Patent has thirty claims, seven of which are independent claims. Complainants are asserting claims 1-8, 10-15, and 17-18.

55. The '650 Patent discloses, for example, a method for an external managing entity to arrange use of configurations in a device with multiple configuration data sets. In one embodiment, the device stores multiple configuration data sets, checks access control information provided by an external entity for a configuration data set, and arranges for an application to have access to the configuration data set on the basis of the access control information.

G. U.S. Patent No. 8,363,824

56. The '824 Patent, entitled "Portable Electronic Device," issued on January 29, 2013, to inventor Claus H. Jorgensen. The '824 Patent issued from U.S. Patent Application Serial No. 12,860,234, filed on August 20, 2010, and expires on or after March 29, 2026.

57. A certified copy of the '824 Patent is attached as Exhibit 6.

58. A certified copy of the prosecution history of the '824 Patent and copies of each reference cited in the '824 Patent and its prosecution history are included in Appendices K and L, respectively.

59. The '824 Patent has twenty claims, three of which are independent claims. Complainants are asserting claims 1-4, 7, 11-12, and 17-19.

60. The '824 Patent discloses, for example, a portable electronic device including a user input, an engine, a battery, and a housing. In one embodiment, the housing forms a rear side and enclosed lateral sides. The user input is located in a hole through the front of the housing. The engine and battery are adjacent to one another directly beneath the user input. This configuration allows for efficient use of space within the one-piece housing.

H. Foreign Counterparts of the Asserted Patents

61. A list of each foreign patent, each foreign patent application, and each foreign application that has been denied, abandoned, or withdrawn corresponding to the Asserted Patents, with an indication of the prosecution status of each such foreign patent application, is attached as Exhibit 13. Nokia is aware of no other foreign patent, foreign patent application, or foreign application that has been denied, abandoned, or withdrawn corresponding to the Asserted Patents.

I. Licensees Under the Asserted Patents

62. Any party that may be licensed to one or more of the Asserted Patents is identified in Confidential Exhibit 61.

VI. HTC'S UNLAWFUL AND UNFAIR ACTS

63. As discussed in detail below, HTC's Accused Products are portable electronic communications devices, including mobile phones and components thereof, that infringe the Asserted Patents and are manufactured abroad by or for HTC and sold for importation into the United States, imported into the United States, and/or sold within the United States after importation. Information regarding representative Accused Products discussed below can be found in Exhibits 31-36.

64. HTC directly infringes, contributes to the infringement of, and induces the infringement of at least claims 8, 10, and 11 of the '189 Patent with respect to at least the following portable electronic communications devices: HTC One S, HTC One V, HTC One X, HTC Evo 4G LTE, HTC Droid Incredible 4G LTE, HTC Droid DNA, HTC One X+, HTC One VX, HTC First, HTC One (collectively, the "HTC '189 Accused Devices").

65. An exemplary claim chart showing infringement of independent claim 8 of the '189 Patent by the HTC One is attached as Exhibit 14.

66. HTC directly infringes, contributes to the infringement of, and induces the infringement of at least claims 1-12 of the '345 Patent with respect to at least the following portable electronic communications devices: HTC One V, HTC Droid DNA, HTC One X+, HTC One VX, HTC First, HTC One (collectively, the "HTC '345 Accused Devices").

67. An exemplary claim chart showing infringement of independent claims 1 and 7 of the '345 Patent by the HTC One VX is attached as Confidential Exhibit 15.

68. HTC directly infringes, contributes to the infringement of, and induces the infringement of at least claims 26-27, 29-31, 50-53, and 56-57 of the '211 Patent with respect to at least the following portable electronic communications devices: HTC One S, HTC One V, HTC One X, HTC Evo 4G LTE, HTC Droid Incredible 4G LTE, HTC Droid DNA, HTC One X+, HTC One VX, HTC First, HTC One (collectively, the "HTC '211 Accused Devices").

69. An exemplary claim chart showing infringement of independent claims 26, 50, and 56 of the '211 Patent by the HTC One is attached as Exhibit 16.

70. HTC directly infringes, contributes to the infringement of, and induces the infringement of at least claims 1-7, 12-14, 19, 27, and 31 of the '945 Patent with respect to at least the following portable electronic communications devices: HTC One X, HTC One VX, HTC First, HTC One (collectively, the "HTC '945 Accused Devices").

71. An exemplary claim chart showing infringement of independent claims 1, 12, 19, and 31 of the '945 Patent by the HTC One is attached as Confidential Exhibit 17.

72. HTC directly infringes, contributes to the infringement of, and induces the infringement of at least claims 1-8, 10-15, and 17-18 of the '650 Patent with respect to at least the following portable electronic communications devices: HTC One S, HTC One V, HTC One X, HTC Evo 4G LTE, HTC Droid Incredible 4G LTE, HTC Droid DNA, HTC One X+, HTC One VX, HTC First, HTC One (collectively, the "HTC '650 Accused Devices").

73. An exemplary claim chart showing infringement of independent claims 1 and 10 of the '650 Patent by the HTC One is attached as Exhibit 18.

74. HTC directly infringes, contributes to the infringement of, and induces the infringement of at least claims 1-4, 7, 11-12, and 17-19 of the '824 Patent with respect to at least the following portable electronic communications devices: HTC First, HTC One X+, and HTC One X (collectively, the "HTC '824 Accused Devices").

75. An exemplary claim chart showing infringement of independent claims 1 and 17 of the '824 Patent by the HTC First is attached as Exhibit 19.

A. Direct Infringement

76. HTC directly infringes the Asserted Patents through its sale for importation, importation, and/or sale after importation of the Accused Products.

77. On information and belief, HTC imports into the United States at least the HTC Accused Products.

78. HTC, directly and through authorized agents, sells and offers for sale the HTC Accused Products within the United States to end users.

79. On information and belief, HTC sells and offers for sale the HTC Accused Products to wireless system operators, distributors, independent retailers, and other resellers in the United States.

80. On information and belief, HTC tests or operates the HTC Accused Products in the United States, thereby performing the claimed methods and directly infringing any asserted claims of the Asserted Patents requiring such operation. Similarly, HTC's customers and the end users of the Accused Products test and/or operate the HTC Accused Products in the United States, in accordance with HTC's instruction contained in, for example, its user manuals, thereby also performing the claimed methods and directly infringing any asserted claims of the Asserted Patent requiring such operation.

B. Contributory Infringement

81. HTC also contributes to infringement of the Asserted Patents by selling for importation into the United States, importing into the United States, and/or or selling within the United States after importation the HTC Accused Products, and the non-staple constituent parts

of those devices, that embody a material part of the inventions described in the Asserted Patents. These devices are known by HTC to be especially made or especially adapted for use in the infringement of the Asserted Patents.

82. Specifically, HTC sells the HTC Accused Products to resellers and end users with knowledge that the devices infringe. End users of those portable electronic communications devices directly infringe the Asserted Patents.

83. HTC has had knowledge and notice of the Asserted Patents and its infringement thereof since at least May 23, 2013, when Nokia sent a letter to HTC concerning such allegations. HTC has also had knowledge and notice of the Asserted Patents and its infringement as of the date of the filing of this complaint.

C. Induced Infringement

84. HTC also induced, and continues to induce, infringement of the Asserted Patents by encouraging and facilitating others to perform acts known by HTC to infringe the Asserted Patents with the specific intent that those performing the acts infringe the Asserted Patents. Upon information and belief, HTC did so with knowledge or willful blindness of the Asserted Patents. HTC, upon information and belief, inter alia, advertises the HTC Accused Products, publishes datasheets and promotional literature describing the operation of those devices, creates and/or distributes user manuals for the HTC Accused Products, and offers support and technical assistance to its customers designed to induce those customers to perform the specific acts of direct infringement. On information and belief, these materials instruct and encourage users to use HTC's Accused Products in a manner than infringes the asserted claims.

VII. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

85. Respondents sell for importation into the United States, import into the United States, and/or sell after importation into the United States the Accused Products. Examples of Accused Products were purchased in the United States. *See* Exhibit 31.

86. HTC's Accused Products are manufactured abroad, sold for importation into the United States, imported into the United States, and/or sold after importation into the United States by HTC and/or their authorized agents. *See* Exhibit 31. For example, Exhibit 62 contains excerpts from HTC's Annual Report for fiscal year 2011.[3] That Annual Report indicates that HTC's manufacturing facilities for its mobile phones are located in at least Taiwan. *See* Exhibit 62 at 188-189. The Annual Report also touted HTC's purported position as the "3rd largest smartphone player in North America." *Id.* at 6.

87. Exhibits 32-36 contain photographs of HTC One, HTC One X, HTC One VX, and HTC First mobile phones purchased from retailers in the United States. The photographs show, inter alia, that these mobile phones themselves, as well as their packaging, indicate that they were "Made in Taiwan." For example, Nokia's counsel caused an HTC One to be purchased from the AT&T Premier Online Store on April 8, 2013, and said HTC One was subsequently shipped to Atlanta, Georgia. *See* Exhibit 31. Exhibit 33 shows that the packaging of said HTC One states that it was "Made in Taiwan."

VIII. HARMONIZED TARIFF SCHEDULE NUMBERS

88. On information and belief, the Accused Products have been imported into the United States under at least the following Harmonized Tariff Schedule number: 8517.12.0050 (mobile phones).

[3] HTC's Annual Report for fiscal year 2012 is not yet available.

IX. RELATED LITIGATION

89. Nokia has litigated the '345 patent against another party in prior litigation. Nokia asserted the '345 patent against Apple Inc. before the Western District of Wisconsin in *Nokia Corp. v. Apple Inc.*, case 3:10-cv-249 (WMC), later transferred to the District of Delaware as case 1:11-cv-15 (GMS). All of these actions were terminated based on a settlement agreement in June 2011.

90. Nokia has not litigated the Asserted Patents against Respondents before any other court or agency, nor is Nokia currently bringing any concurrent litigation involving the Asserted Patents.

X. DOMESTIC INDUSTRY

91. An industry as required by Section 337(a)(2) and as defined by Section 337(a)(3) exists or is in the process of being established in the United States. Nokia already offers in the U.S. market at least four models of mobile phones that practice one or more of the Asserted Patents, the Lumia 810, Lumia 820, Lumia 822, and Lumia 920, and has already spent millions of dollars in the United States to create, test, and support these models for use by U.S. consumers. Moreover, Nokia continues to take the necessary tangible steps to further establish a domestic industry for the Lumia 810, Lumia 820, Lumia 822, and Lumia 920, and other Windows-based mobile phones by budgeting additional and substantial resources to ensure that these products are fully developed, are available, and are serviced properly in the United States. Thus, Nokia's past, present, and future activities as they relate to the Lumia 810, Lumia 820, Lumia 822, and Lumia 920 support both a current and future domestic industry relating to products that practice the Asserted Patents.

A. Nokia's Practice of the Asserted Patents

92. As stated above, for purposes of this complaint, Nokia submits the Lumia 810, Lumia 820, Lumia 822, and Lumia 920 as representative mobile phones that practice one or more the Asserted Patents. The following table provides a summary of the each of the Asserted Patents being practiced by these Nokia products:

U.S. Patent No.	Nokia Product
6,373,345	Lumia 810, Lumia 822
6,711,211	Lumia 810, Lumia 820, Lumia 822, & Lumia 920
7,187,945	Lumia 810, Lumia 822
8,140,650	Lumia 810, Lumia 820, Lumia 822, & Lumia 920
8,363,824	Lumia 920
6,035,189	Lumia 810, Lumia 820, Lumia 822, & Lumia 920

93. In addition, Nokia is actively designing new mobile phones in the United States that will use the Windows Phone operating system, and which may also practice the Asserted Patents.

94. Photographs of Nokia's Lumia 810 mobile phone are included in Exhibit 37.

95. Photographs of Nokia's Lumia 820 mobile phone are included in Exhibit 38.

96. Photographs of Nokia's Lumia 822 mobile phone are included in Exhibit 39.

97. Photographs of Nokia's Lumia 920 mobile phone are included in Exhibit 40.

98. Technical information regarding the Nokia Lumia products referred to here may be found in Exhibits 47-49, 51-55, 57-60, and 65.

99. Confidential Exhibit 42 contains a claim chart showing that Nokia's Lumia 822 mobile phone practices at least claim 1 of the '345 Patent.

100. Exhibit 41 contains a claim chart showing that Nokia's Lumia 920 mobile phone practices at least claim 8 of the '189 Patent.

101. Exhibit 43 contains a claim chart showing that Nokia's Lumia 920 mobile phone practices at least claim 26 of the '211 Patent.

102. Confidential Exhibit 44 contains a claim chart showing that Nokia's Lumia 822 mobile phone practices at least claim 19 of the '945 Patent.

103. Exhibit 45 contains a claim chart showing that Nokia's Lumia 920 mobile phone practices at least claim 10 of the '650 Patent.

104. Exhibit 46 contains a claim chart showing that Nokia's Lumia 920 mobile phone practices at least claim 1 of the '824 Patent.

B. Nokia's Investments in the United States Relating to Products that Practice the Asserted Patents

105. Nokia has made, and continues to make, substantial investments in the United States to create and support the products that practice the Asserted Patents.

106. In 2011, Nokia began development of a new line of smartphones for the U.S. market that use the Microsoft Windows Phone operating system.

107. The first of these Windows-based mobile phones, Nokia's Lumia 710, was released in the United States in January 2012.

108. The second of these Windows-based mobile phones, Nokia's Lumia 900, was released in the United States in April 2012.

109. Each of the Windows-based Lumia 810, Lumia 820, Lumia 822, and Lumia 920, was released in the United States in November 2012.

110. Nokia has expended considerable resources on plant and equipment, labor and capital, and engineering and research and development to support its Windows-based mobile phones in the United States. These expenditures continue as Nokia further improves the Lumia 810, Lumia 820, Lumia 822, and Lumia 920 mobile phones and also seeks to develop new

Windows-based mobile phones. A discussion of both current and future representative expenditures is set forth below.

111. Moreover, Nokia has and continues to expended considerable resources on plant and equipment, labor and capital, and engineering and research and development to support its domestic efforts to release additional Windows-based mobile phones in the United States.

1. Significant Investment in Plant and Equipment

112. Nokia has spent, and continues to spend, significant sums on its domestic facilities supporting the products that practice the Asserted Patents. For example, the research and development efforts for the Lumia 810 and Lumia 822 mobile phones took place in Nokia's San Diego, California facility, and the Lumia 820 and Lumia 920 were technologically tested and readied for market in the San Diego facility, in which Nokia has made, and continues to make, extensive investments.

113. In addition, Nokia maintains several other locations throughout the United States that support activities related to these mobile phones, including, but not limited to, Irving, Texas; Bellevue, Washington; and Sunnyvale, California. *See* Confidential Exhibit 63. Such expenditures for facilities supporting the Lumia 810, Lumia 820, Lumia 822, and Lumia 920 will continue.

114. Nokia has also made, and continues to make, significant domestic investments in equipment used to perform technical testing and to research and develop the Lumia 810, Lumia 820, Lumia 822, and Lumia 920. From 2011 to 2012, Nokia spent millions of dollars in the United States on such equipment. *See* Confidential Exhibit 63.

115. In addition to expenditures already made, Nokia has budgeted millions of dollars more to be spent in the United States on equipment used to perform technical testing and to

continue to research and develop the Lumia 810, Lumia 820, Lumia 822, and Lumia 920, as well as other Windows-based mobile phones. *See* Confidential Exhibit 63.

2. Significant Employment of Labor and Capital

116. Nokia has engaged in, and continues to engage in, significant employment of labor and capital in the United States.

117. As of April, 2013, Nokia had over 1,500 U.S.-based employees, and their combined salaries total in the hundreds of millions of dollars. *See* Confidential Exhibit 63.

118. The majority of these employees work in research and development or in ongoing product maintenance supporting Nokia's products in sold in the United States, including those that practice the Asserted Patents. Many of them were specifically dedicated to the development, testing, and readying-for-market activities for the Lumia 810, Lumia 820, Lumia 822, and Lumia 920 mobile phones. *See* Confidential Exhibit 63.

119. In addition to employment expenditures already made, Nokia has budgeted significant additional money to be spent in the United States on salaries for the continued development of the Lumia-series of mobile phones in the upcoming months of 2013. *See* Confidential Exhibit 63.

3. Substantial Investments in Engineering and Research & Development

120. Nokia has made, and continues to make, substantial investment in engineering and research and development activities that support the products that practice the Asserted Patents.

121. For example, just since 2012, Nokia has spent millions of dollars in the United States on the research and development of the Lumia 810, Lumia 820, Lumia 822, and Lumia

920. These expenditures include, but are not limited to, direct technical program costs and costs for building prototypes of these mobile phones. *See* Confidential Exhibit 63.

122. In addition to expenditures already made, Nokia has budgeted additional expenditures to be spent on the further research and development of Lumia-series mobile phones for the remainder of 2013. *See* Confidential Exhibit 63.

123. Nokia's engineers also continue to design new mobile phones to be used in conjunction with the Windows Phone operating system. *See* Confidential Exhibit 63.

124. Once initial development is complete for any Nokia mobile phone produced for the U.S. market, including, but not limited to, the Lumia 810, Lumia 820, Lumia 822, and Lumia 920, that phone undergoes rigorous technical testing. *See* Confidential Exhibit 63.

125. Even after Nokia makes a new mobile phone available for sale domestically, Nokia continues to work on in-market research and development activities, which involve, *inter alia*, product support and quality control. Nokia has spent sizeable resources in the United States on in-market research and development activities for the Lumia 810, Lumia 820, Lumia 822, and Lumia 920. *See* Confidential Exhibit 63.

126. In addition to expenditures already made, Nokia has budgeted additional expenditures to be spent on domestic in-market research and development activities to support the Lumia 810, Lumia 820, Lumia 822, and Lumia 920 for the remainder of 2013. *See* Confidential Exhibit 63.

127. Nokia has also budgeted millions of dollars for warranty and repair of the products that practice the Asserted Patents, including the Lumia 810, Lumia 820, Lumia 822, and Lumia 920 mobile phones. Nokia CARE, currently based out of Nokia's Irving, Texas facility, is responsible for providing these services. *See* Confidential Exhibit 63.

128. Further, Nokia has budgeted millions of dollars to be spent domestically in 2013 for salaries and materials that support the Lumia 810, Lumia 820, Lumia 822, and Lumia 920. *See* Confidential Exhibit 63.

XI. REQUEST FOR RELIEF

129. Complainants request that the U.S. International Trade Commission:

a. Institute an immediate investigation, pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to violations of Section 337 based upon the sale for importation into the United States, the importation into the United States, and/or the sale within the United States after importation of Respondents' portable electronic communications devices, including mobile phones, and components thereof that infringe one or more claims of the Asserted Patents;

b. Determine that there has been a violation of Section 337 by each Respondent;

c. Issue a permanent exclusion order, pursuant to 19 U.S.C. § 1337(d), prohibiting entry into the United States all of Respondents' portable electronic communications devices, including mobile phones, and components thereof that infringe one or more claims of the Asserted Patents;

d. Issue permanent cease and desist orders, pursuant to 19 U.S.C. § 1337(f), prohibiting Respondents, or their parents, subsidiaries, or other affiliates, from importing, admitting or withdrawing from a foreign trade zone, marketing, advertising, demonstrating, warehousing inventory,

distributing, offering for sale, selling, licensing, repairing, programming, or updating portable electronic communications devices, including mobile phones, and components thereof that infringe one or more claims of the Asserted Patents; and

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

Dated: May 23, 2013

Respectfully submitted,

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