

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

**In the Matter of**

**CERTAIN WIRELESS DEVICES WITH  
3G AND/OR 4G CAPABILITIES AND  
COMPONENTS THEREOF**

**Investigation No. 337-TA-**

**COMPLAINT OF INTERDIGITAL COMMUNICATIONS, INC.,  
INTERDIGITAL TECHNOLOGY CORPORATION,  
IPR LICENSING, INC., AND INTERDIGITAL HOLDINGS, INC.  
UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED**

**COMPLAINANTS**

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B.	Copies of References Cited in the Prosecution History of U.S. Patent No. 7,190,966
C.	Prosecution History of United States Patent No. 7,286,847
D.	Copies of References Cited in the Prosecution History of U.S. Patent No. 7,286,847
E.	Prosecution History of United States Patent No. 8,009,636
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G.	Prosecution History of United States Patent No. 7,706,830
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M.	Prosecution History of United States Patent No 7,502,406
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## **I. INTRODUCTION**

1.1. This Complaint is filed by InterDigital Communications, Inc.; InterDigital Technology Corporation; IPR Licensing, Inc.; and InterDigital Holdings, Inc (collectively, “InterDigital”) under Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, based on the unlawful importation into the United States, the sale for importation, and the sale within the United States after importation by owners, importers, or consignees of certain wireless devices with 3G and/or 4G capabilities and components thereof, that infringe any of U.S. Patent No. 7,190,966 (“the ’966 patent”); U.S. Patent No. 7,286,847 (“the ’847 patent”); U.S. Patent No. 8,009,636 (“the ’636 patent”); U.S. Patent No. 7,706,830 (“the ’830 patent”); U.S. Patent No. 7,941,151 (“the ’151 patent”); U.S. Patent No. 7,616,970 (“the ’970 patent”); U.S. Patent No. 7,502,406 (“the ’406 patent”) (collectively, “the Asserted Patents”).

1.2. The proposed respondents are: Samsung Electronics Co., Ltd.; Samsung Electronics America, Inc.; Samsung Telecommunications America, LLC; Nokia Corp.; Nokia Inc.; Huawei Technologies Co., Ltd.; Huawei Device USA, Inc.; FutureWei Technologies, Inc. d/b/a/ Huawei Technologies (USA); ZTE Corp.; and ZTE (USA) Inc.

1.3. Certified copies of the ’966, ’847, ’636, ’830, ’151, ’970, and ’406 patents are attached as Exhibits 1-7 respectively. The Complainants collectively own all right, title, and interest in the Asserted Patents.

1.4. Patent and Trademark Office certified copies of the recorded assignments for the Asserted Patents are attached to this Complaint as Exhibits 8-14.

1.5. An industry as required by 19 U.S.C. § 1337(a)(2) and (3) exists in the United States relating to InterDigital’s exploitation of the Asserted Patents.

1.6. InterDigital seeks, as relief, an exclusion order barring from entry into the United States infringing wireless devices with 3G and/or 4G capabilities and components thereof,

manufactured by or on behalf of, or imported by or on behalf of, the proposed respondents.

InterDigital also seeks cease and desist orders prohibiting the sale for importation, importation, sale after importation, distribution, offering for sale, promoting, marketing, advertising, testing, demonstrating, warehousing inventory for distribution, solicitation of sales, programming, repairing, maintaining, using, transferring, and other commercial activity relating to infringing wireless devices with 3G and 4G capabilities and components thereof.

## **II. COMPLAINANTS**

### **A. InterDigital Communications, Inc.**

2.1. Complainant InterDigital Communications, Inc. is a Delaware corporation with its principal place of business at 781 Third Avenue, King of Prussia, PA 19406.

### **B. InterDigital Holdings, Inc.**

2.2. Complainant InterDigital Holdings, Inc. is a Delaware corporation with its principal place of business at 200 Bellevue Parkway, Suite 300, Wilmington, DE 19809.

### **C. InterDigital Technology Corporation**

2.3. Complainant InterDigital Technology Corporation is a Delaware corporation with its principal place of business at 200 Bellevue Parkway, Suite 300, Wilmington, DE 19809.

### **D. IPR Licensing, Inc.**

2.4. Complainant IPR Licensing, Inc. is a Delaware corporation with its principal place of business at 200 Bellevue Parkway, Suite 300, Wilmington, DE 19809. InterDigital Communications, Inc., InterDigital Holdings, Inc., InterDigital Technology Corporation, and IPR Licensing, Inc. are subsidiaries of InterDigital, Inc., a Pennsylvania corporation.

## **E. InterDigital's History**

2.5. InterDigital<sup>1</sup>, headquartered in Delaware, is a successful company that develops technology for the wireless telecommunications industry. With facilities in King of Prussia, Pennsylvania; Melville, New York; San Diego, California; and Wilmington, Delaware, InterDigital is engaged in the research, design, engineering and development of advanced digital wireless technologies for use in digital cellular and wireless products. Since its inception in 1972, InterDigital has developed and implemented a wide variety of wireless technologies, systems and products, many of which form the backbone of modern-day digital wireless communication. InterDigital employs researchers and engineers in the United States in the development of advanced wireless technologies and related solutions. In 2010 alone, InterDigital spent over \$70 million in research and development efforts. In 2011, InterDigital spent nearly \$64 million in research and development.

2.6. InterDigital began researching and developing digital cellular telephone systems in the late 1970s, before digital cellular networks were introduced into the United States. As an early participant and innovator in the digital cellular industry, InterDigital developed pioneering solutions for the two predominant types of cellular networks in use today: Time Division Multiple Access ("TDMA") and Code Division Multiple Access ("CDMA") networks. In fact, since at least 1993, InterDigital has been engaged in the research, development, engineering, and licensing of CDMA technology in the United States. That work laid the foundation for InterDigital's research, development, engineering, and licensing in the field of high-speed cellular networks, commercially known as "3rd Generation," or "3G" cellular networks as well

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<sup>1</sup> When referring in this complaint to historical events and activities, the term "InterDigital" includes the activities of Complainants and their corporate predecessors.

as “4th Generation,” or “4G” cellular networks. The two principal wireless technologies often referred to commercially as 3G are (i) the Wideband CDMA (“WCDMA”) technology used in the Universal Mobile Telecommunications System (“UMTS”) of the Third Generation Partnership Project (“3GPP”),<sup>2</sup> and (ii) the “CDMA2000” technology promulgated by the Third Generation Partnership Project 2 (“3GPP2”). The 4G wireless technology at issue here is often referred to commercially as 4G LTE or just LTE (Long Term Evolution).

2.7. At its Wilmington, King of Prussia, Melville, and San Diego facilities, among other activities, InterDigital researches, develops, engineers, and licenses technology for 3G and 4G wireless devices. InterDigital also files and prosecutes patent applications worldwide covering its innovative 3G and 4G wireless technologies and communications protocols used in connection with those technologies.

2.8. InterDigital’s research, development, and engineering business has developed proprietary technology that is used in most, if not all, of the world’s 3G and 4G wireless devices. InterDigital’s technology has been licensed to many of the significant 3G and 4G wireless device manufacturers throughout the world. For example, in the first part of 2012, InterDigital signed five expanded, extended, and/or new agreements that cover technologies or products designed to operate in accordance with 4G standards, including the further evolution of 3GPP, commonly known as LTE and/or LTE Advanced. InterDigital currently has engineering

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<sup>2</sup> Unless otherwise specified, *e.g.*, by referring to a specific release, this Complaint uses the term “WCDMA” to refer generally to the 3GPP’s UMTS air interface work included in at least Releases 99, 4, 5, 6, and/or 7, as well as later releases incorporating the same accused functionality.

development projects to build and enhance its technology portfolio in the areas of LTE, LTE-Advanced, and further evolution of the 3GPP WCDMA Standard (including HSPA+).<sup>3</sup>

2.9. Technologies to support commercial wireless products and systems are developed and implemented through industry standards which promote the compatibility and interoperability of devices manufactured by different companies. InterDigital has a long and distinguished history of participating in and contributing its proprietary technologies to the organizations responsible for developing and administering 3G, 4G, and other digital wireless communication standards. As a result, many InterDigital contributions have been incorporated into those standards.

2.10. As noted, InterDigital files and prosecutes patent applications worldwide as part of an ongoing effort to protect its innovative research and development of digital cellular and wireless communication technologies. InterDigital's patent portfolio covers key aspects of the system architectures, communication protocols, power control methods, and bandwidth and session management techniques employed in modern digital cellular and wireless communication systems.

### **III. PROPOSED RESPONDENTS**

#### **A. Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC**

3.1. Proposed respondent Samsung Electronics Co., Ltd. is a Korean corporation with its principal place of business at 416 Maetan-3dong, Yeongtong-gu, Suwon-city, Gyeonggi-do, Korea 443-742. Upon information and belief, Samsung Electronics Co., Ltd. is involved in at

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<sup>3</sup> While some in the industry refer to HSPA+ (Release 7) as a 4G technology, this Complaint uses the term "3G" to refer generally to 3GPP Releases 99 to 7 and the term "4G" to refer generally to LTE (Release 8 and later releases).

least the design, development, manufacture, sale for importation, importation, and sale after importation of wireless devices with 3G and/or 4G capabilities and components thereof.

3.2. Proposed respondent Samsung Electronics America, Inc. is a New Jersey corporation with its principal place of business at 105 Challenger Road, Ridgefield Park, New Jersey 07660. Upon information and belief, Samsung Electronics America, Inc. is involved in at least the importation, sale after importation, and distribution of Samsung Electronics Co., Ltd.'s wireless devices with 3G and/or 4G capabilities and components thereof in the United States.

3.3. Proposed respondent Samsung Telecommunications America, LLC is a Delaware limited liability company with its principal place of business at 1301 East Lookout Drive, Richardson, TX 75082. Upon information and belief, Samsung Telecommunications America, LLC is involved in at least the importation, distribution, and sale after importation of Samsung Electronics Co., Ltd.'s wireless devices with 3G and/or 4G capabilities in the United States. Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunication America, LLC are collectively referred to herein as "Samsung."

**B. Nokia Corporation and Nokia Inc.**

3.4. Proposed respondent Nokia Corporation is a Finnish corporation with its principal place of business at Keilalahdentie 2-4, FIN-00045 Nokia Group, Espoo, Finland. Upon information and belief, Nokia Corporation is involved in at least the design, development, manufacture, sale for importation, importation, and sale after importation of wireless devices with 3G and/or 4G capabilities and components thereof.

3.5. Proposed respondent Nokia Inc. is a Delaware corporation with its principal place of business at 102 Corporate Park Drive, White Plains, New York 10604. Upon information and belief, Nokia Inc. (d/b/a Nokia Mobile Phones) is involved in at least the importation, sale



after importation, and distribution of Nokia Corporation's imported wireless devices with 3G and/or 4G capabilities in the United States. Nokia Corporation and Nokia Inc. are collectively referred to herein as "Nokia."

**C. ZTE Corporation and ZTE (USA) Inc.**

3.6. Proposed respondent ZTE Corporation is a Chinese corporation with its principal place of business at ZTE Plaza, No. 55 Hi-Tech Road South, Hi-Tech Industrial Park, Nanshan District, Shenzhen, Guangdong Province 518057, China. Upon information and belief, ZTE Corporation is involved in at least the design, development, manufacture, sale for importation, importation, and sale after importation of wireless devices with 3G and/or 4G capabilities and components thereof.

3.7. Proposed respondent ZTE (USA) Inc. is a New Jersey corporation with its principal place of business at 2425 N. Central Expy., Ste. 323, Richardson, TX 75080. Upon information and belief, ZTE (USA) Inc. is involved in at least the importation, sale after importation, and distribution of ZTE Corporation's wireless devices with 3G and/or 4G capabilities in the United States. ZTE Corporation and ZTE (USA) Inc. are collectively referred to herein as "ZTE."

**D. Huawei Technologies Co., Ltd., FutureWei Technologies, Inc. d/b/a Huawei Technologies (USA), and Huawei Device USA, Inc.**

3.8. Proposed respondent Huawei Technologies Co., Ltd. is a corporation organized and existing under the laws of the People's Republic of China ("China"), with its principal place of business at Bantian, Longgang District, Shenzhen 518129, China. Upon information and belief, Huawei Technologies is involved in at least the design, development, manufacture, sale for importation, importation, and sale after importation of wireless devices with 3G and/or 4G capabilities and components thereof.

3.9. Proposed respondent FutureWei Technologies, Inc. d/b/a Huawei Technologies (USA) (“Huawei Technologies (USA)”) is a Texas corporation with its principal place of business at 5700 Tennyson Parkway, Suite #500, Plano, TX 75024. Upon information and belief, Huawei Technologies (USA) is involved in at least the importation, sale after importation, and distribution of Huawei Technologies Co.’s wireless devices with 3G and/or 4G capabilities and components thereof in the United States.

3.10. Proposed respondent Huawei Device USA, Inc. is a Texas corporation with its principal place of business at 5700 Tennyson Parkway, Suite #600, Plano, TX 75024. Upon information and belief, Huawei Device USA is involved in at least the importation, sale after importation, and distribution of Huawei Technologies Co.’s wireless devices with 3G and/or 4G capabilities in the United States. Huawei Technologies Co., Huawei Technologies (USA), and Huawei Device USA are collectively referred to herein as “Huawei.”

#### **IV. THE TECHNOLOGY AND PRODUCTS-AT-ISSUE**

4.1. The products and technology at issue concern wireless devices with 3G and/or 4G, including LTE, capabilities and components thereof, for use in at least 3rd Generation or “3G” and/or 4th Generation or “4G” cellular systems.<sup>4</sup> The wireless devices at issue operate as, for example, cellular mobile telephones (including “smart phones”), cellular PC cards, cellular USB dongles or sticks, personal computers such as laptops, notebooks, netbooks, tablets, and

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<sup>4</sup> The term 3G and 4G are used throughout this Complaint by way of example, because the infringing devices all comply with standards that are generally regarded by the industry as 3G and/or 4G standards. In some cases, infringing devices may also be compatible with 2G standards, and are accused by this Complaint to the extent they also contain 3G and/or 4G functionality. Some of the infringing devices may also be compatible with other standards. However, this Complaint does not accuse stand-alone, 2G-only devices that have no 3G or 4G capabilities.

other mobile internet devices with cellular capabilities, cellular access points or “hotspots”, and cellular modems. These devices allow users to place and receive telephone calls and/or to support the data communication needs of applications, such as web browsing, email, and audio and video streaming.

4.2. The specific products-at-issue in this Complaint are wireless communications devices and components thereof, with at least 3G UMTS/WCDMA, 3G CDMA2000, or 4G cellular capabilities. These systems are discussed below. Some of the accused UMTS/WCDMA products implement one or more of the HSDPA, HSUPA, or HSPA+ technologies, while some of the accused CDMA2000 products implement one or more of the 1xRTT and EV-DO technologies. Still other accused products implement LTE alone or in combination with one or more of the aforementioned 3G UMTS/WCDMA or 3G CDMA2000 technologies.

4.3. The first generation of cellular systems deployed in the United States in the late 1980s was referred to as Advanced Mobile Phone Service, or “AMPS.” A variety of entities proposed improvements in that system, leading to 2nd Generation or “2G” systems. Those 2G systems used either Time Division Multiple Access (“TDMA”) or Code Division Multiple Access (“CDMA”) technology. The limitations of these systems spurred further improvements, resulting in so-called “3G” systems that were first deployed in Asia and later in Europe and the United States.

4.4. As 3G technologies continue to evolve, LTE capable-products have emerged as the next generation of wireless technology, commonly known as 4G. The baseline LTE standards were completed in 2008 and it is expected that virtually all mobile operators will

upgrade their networks to LTE in the coming months and years. A follow-on to LTE, called LTE-Advanced, has also been developed.

4.5. Industry-developed standards known as UMTS/WCDMA and CDMA2000, collectively referred to as CDMA technologies, govern the operation of nearly all 3G networks, while nearly all of the operation of the 4G technology here at issue is governed by standards promulgated by 3GPP. 3G UMTS/WCDMA includes, but is not limited to, technologies known as High Speed Downlink Packet Access (“HSDPA”), High Speed Uplink Packet Access (“HSUPA”), and Evolved High Speed Packet Access (“HSPA+”). CDMA2000 includes technologies known as Radio Transmission Technology (“1xRTT”) and Data-Optimized Evolution (“EV-DO”). 4G technology includes, but is not limited to, LTE and LTE-Advanced and is often included alongside one or more of the 3G technologies.

4.6. While cellular mobile devices were primarily used in the past to place telephone calls, support in these systems for high speed data applications, such as web browsing and audio and video streaming, has become increasingly important due to the growth of the Internet and multimedia applications. To meet the rising demand for high speed data applications from cellular mobile devices, 3G and 4G systems now generally support one or more of the HSDPA, HSUPA, HSPA+, LTE, 1xRTT, and EV-DO technologies, which use a variety of techniques to make high speed data applications feasible in 3G and 4G systems.

4.7. InterDigital’s continuing research and development efforts to improve cellular communications systems through development of UMTS/WCDMA, CDMA2000, and LTE technologies have significantly contributed to the evolution of 3G and 4G systems.

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

5.1. There are seven patents asserted in this Complaint: U.S. Patent No. 7,190,966; U.S. Patent No. 7,286,847; U.S. Patent No. 8,009,636; U.S. Patent No. 7,706,830; U.S. Patent No. 7,941,151; U.S. Patent No. 7,616,970; and U.S. Patent No. 7,502,406.

**A. U.S. Patent No. 7,190,966**

**1. Identification of the Patent and Ownership by InterDigital**

5.2. The '966 patent, entitled "Method and Apparatus for Performing an Access Procedure," issued on March 13, 2007, to inventors Fatih Ozluturk and Gary R. Lomp. The '966 patent issued from Patent Application No. 11/169,490, filed on June 29, 2005, and claims priority to, *inter alia*, Application No. 08/670,162, filed June 27, 1996, now U.S. Patent No. 5,841,768.

5.3. The '966 patent has one independent claim and eleven dependent claims. Claims 1, 3, and 6-12 are asserted in this Complaint against Samsung, Huawei, and ZTE. The '966 patent is not asserted against Nokia because it has been asserted against Nokia in a previous investigation.

5.4. Complainant InterDigital Technology Corporation owns by assignment the entire right, title, and interest in and to the '966 patent. *See* Exhibit 8.

5.5. This Complaint is accompanied by a certified copy and three copies of the prosecution history of the '966 patent, and four copies of all cited references. *See* Appendices A and B.

**2. Non-Technical Description of the Patent**

5.6. The '966 patent generally covers improvements to the way a mobile device gains access to a cellular CDMA system. In a CDMA system, the signals transmitted by mobile

devices contribute to the overall interference in the system. To minimize the interference, it is particularly important that mobile devices transmit at the minimum possible power level necessary to gain access to the system. It is also important for mobile devices to gain access to the system as quickly as possible when, for example, users attempt to place calls.

5.7. The improvements of the '966 patent achieve the above and other objectives. When a mobile device attempts to gain access to a cellular CDMA system, the mobile device starts transmitting short signals at an initial low power and gradually increases its transmission power until a base station in the system detects one of the short signals transmitted by the mobile device. After the base station hears the mobile device, the mobile device then transmits to the base station a message that is longer in duration than each of the successfully transmitted short signals, indicating to the base station that the mobile device wants to establish communication with the base station. In this fashion, the mobile device “ramps-up” its transmission power until the base station hears the mobile device. Transmitting short signals while ramping-up the power of the signals during the initial attempt to access the system enables the mobile device to gain access to the system in an efficient and rapid manner with minimal contribution to interference in the system.

5.8. In contrast to the power ramp-up improvements of the '966 patent, prior known approaches employed a series of long signals, which included a message intended to be communicated along with a header. By repeatedly transmitting the entire long message and header, the initial power ramp-up procedure introduced substantial unwanted interference into the system, and it took longer for mobile devices to gain access to the system. The additional interference caused poor system performance, including poor connections and failed call

attempts. The prior approaches also resulted in longer delays for mobile devices to gain access to the system, further degrading system performance.

### **3. Foreign Counterparts to the Patent**

5.9. The '966 patent and its related U.S. applications have a number of foreign counterparts. Those foreign patents and applications are identified in Exhibit 15.

#### **B. U.S. Patent No. 7,286,847**

##### **1. Identification of the Patent and Ownership by InterDigital**

5.10. The '847 patent, entitled "Method and Apparatus for Performing an Access Procedure," issued on October 23, 2007, to inventors Fatih Ozluturk and Gary R. Lomp. The '847 patent issued from Patent Application No. 11/169,425, filed on June 29, 2005, and claims priority to, *inter alia*, the same application filed on June 27, 1996, to which the '966 patent claims priority .

5.11. The '847 patent has eleven independent claims and no dependent claims. Claims 1-3 and 5-11 are asserted in this Complaint against Samsung, Huawei, and ZTE. The '847 patent is not being asserted against Nokia because it has been asserted against Nokia in a previous investigation.

5.12. Complainant InterDigital Technology Corporation owns by assignment the entire right, title, and interest in and to the '847 patent. *See* Exhibit 9.

5.13. This Complaint is accompanied by a certified copy and three copies of the prosecution history of the '847 patent, and four copies of all cited references. *See* Appendices C and D.

##### **2. Non-Technical Description of the Patent**

5.14. The '847 patent generally covers improvements to the way mobile devices gain access to a cellular CDMA system. In a CDMA system, the signals transmitted by mobile

devices contribute to the overall interference in the system. To minimize interference, it is particularly important that mobile devices transmit at the minimum possible power level necessary to gain access to the system. It is also important for mobile devices to gain access to the system as quickly as possible, for example, when users attempt to place calls.

5.15. The improvements of the '847 patent achieve the above and other objectives.

When a mobile device is in an idle state, the mobile device synchronizes to a base station in a cellular CDMA system. When the mobile device attempts to gain access to the cellular CDMA system, the mobile device starts transmitting short signals at an initial lower power and gradually increases its transmission power until the base station in the system detects one of the short signals transmitted by the mobile device. After the base station hears the mobile device, the mobile device then transmits to the base station a message that is longer in duration than each of the successively transmitted short signals, indicating to the base station that the mobile device wants to establish communication with the base station. In this fashion, the mobile device “ramps up” its transmission power until the base station hears the mobile device.

Transmitting short signals while ramping up the power of the signals during the initial attempt to access the system enables the mobile device to gain access to the system in an efficient and rapid manner with minimal contribution to interference in the system.

5.16. In contrast to the power ramp-up improvements of the '847 patent, prior known approaches employed a series of long signals, which included a message intended to be communicated along with a header. By repeatedly transmitting the entire long message and header, the initial power ramp-up procedure introduced substantial unwanted interference into the system, and it took longer for mobile devices to gain access to the system. The additional interference caused poor system performance, including poor connections and failed call



attempts. The prior approaches also resulted in longer delays for mobile devices to gain access to the system, further degrading system performance.

### **3. Foreign Counterparts to the Patent**

5.17. The '847 patent and its related U.S. applications have a number of foreign counterparts. Those foreign patents and applications are identified in Exhibit 15.

#### **C. U.S. Patent No. 7,616,970**

##### **1. Identification of the Patent and Ownership by InterDigital**

5.18. The '970 patent, entitled "Dual Mode Unit for Short Range, High Rate and Long Range, Lower Rate Data Communications," issued on November 10, 2009, to inventor Thomas E. Gorsuch. The '970 patent issued from Patent Application No. 11/326,809, filed on January 6, 2006. The '970 patent claims priority to, *inter alia*, Utility Application No. 09/400,136, filed on September 21, 1999, now U.S. Patent No. 6,526,034.

5.19. The '970 patent has two independent claims and sixteen dependent claims. Claims 1-18 are asserted in this Complaint against Samsung. The '970 patent is not asserted against Nokia, Huawei, or ZTE because it has been asserted against them in a previous investigation.

5.20. Complainant IPR Licensing, Inc. owns by assignment the entire right, title, and interest in and to the '970 patent. *See* Exhibit 10.

5.21. This Complaint is accompanied by a certified copy and three copies of the prosecution history of the '970 patent and four copies of all cited references. *See* Appendices K and L.

##### **2. Non-Technical Description of the Patent**

5.22. The '970 patent generally concerns a technique for communication between user equipment and one or more wireless networks, *e.g.*, a wireless local area network and a cellular

network. For example, the user equipment may detect whether a wireless local area network is available. If such a connection is available, the user equipment may establish communications with the available wireless local area network. When, for example, the wireless local area network is not available, the user equipment may establish communications with a second wireless network, such as a cellular network based on CDMA technology. During communication over at least the cellular network, for example, as the amount of data needing to be transmitted by the user equipment varies over time, the user equipment may adjust the rate of its transmission. The rate adjustment can be implemented in a number of ways, such as by adjusting the number of CDMA codes used by the user equipment to transmit, for example, data. In addition, to make more efficient use of system resources, during periods when the user equipment has no information to transmit, the user equipment may release any physical layer resources while maintaining one or more higher layers of the connection.

### **3. Foreign Counterparts to the Patent**

5.23. The '970 patent and its related U.S. applications have a number of foreign counterparts. Those foreign patents and applications are identified in Exhibit 17.

#### **D. U.S. Patent No. 7,941,151**

##### **1. Identification of the Patent and Ownership by InterDigital**

5.24. The '151 patent, entitled "Method and System for Providing Channel Assignment Information Used to Support Uplink and Downlink Channels," issued on May 10, 2011, to inventors Marian Rudolf, Stephen G. Dick, and Phillip J. Pietraski. The '151 patent claims priority to, *inter alia*, Provisional Application No. 60/523,049, filed November 18, 2003.

5.25. The '151 patent has four independent claims and fifty-four dependent claims. Claims 1-6, 8, 9, 16-21, 23, and 24 are asserted in this Complaint against all proposed respondents.

5.26. Complainant InterDigital Technology Corporation owns by assignment the entire right, title, and interest in and to the '151 patent. *See* Exhibit 11.

5.27. This Complaint is accompanied by a certified copy and three copies of the prosecution history of the '151 patent and four copies of all cited references. *See* Appendices I and J.

## **2. Non-Technical Description of the Patent**

5.28. The '151 patent is generally directed to an improvement in the provision of control information to devices operated in a wireless communications environment, such as on an LTE-based wireless communications network. When faced with limited resources, as is the case for wireless systems generally, the '151 patent improves upon the state of the art by, among other things, employing the same physical downlink control channel to convey control information for both uplink and downlink channels. In addition to sharing space for the transmission of both uplink and downlink control information, these same physical downlink control channels are shared among multiple users. As such, in one embodiment, the '151 patent provides that control information received by a device is first inspected to see whether that information bears markers associated with the receiving device, for example, a user equipment identification. When it is determined that control information belongs to the receiving device, the receiving device continues to process the control information, for example, determining whether the control information assigns uplink or downlink radio resources, before employing the allocated resources.

## **3. Foreign Counterparts to the Patent**

5.29. The '151 patent and its related U.S. applications have a number of foreign counterparts. Those foreign patents and applications are the same as those identified in connection with the related '151 patent, and are identified in Exhibit 16.

**E. U.S. Patent No. 7,706,830**

**1. Identification of the Patent and Ownership by InterDigital**

5.30. The '830 patent, entitled "Method and Subscriber Unit for Performing an Access Procedure," issued on April 27, 2010, to inventors Fatih Ozluturk and Gary Lomp. The '830 patent issued from Patent Application No. 12/116,263, filed on May 7, 2008, and claims priority to, *inter alia*, Utility Application No. 08/670,162, now U.S. Patent No. 5,841,768, filed on June 27, 1996.

5.31. The '830 patent has six independent claims and twenty-four dependent claims. Claims 1-3, 5-8, 10, 16-18, 20-23, and 25 are asserted in this Complaint against Samsung. The '830 patent is not being asserted against Nokia, Huawei, or ZTE because it has been asserted against them in a previous investigation.

5.32. Complainant InterDigital Technology Corporation owns by assignment the entire right, title, and interest in and to the '830 patent. *See* Exhibit 12.

5.33. This Complaint is accompanied by a certified copy and three copies of the prosecution history of the '830 patent and four copies of all cited references. *See* Appendices G and H.

**2. Non-Technical Description of the Patent**

5.34. The '830 patent is generally directed to improvements to the way a subscriber unit gains access to a cellular CDMA system. In a CDMA system, the signals transmitted by subscriber units contribute to the overall interference in the system. To minimize interference, it is important for subscriber units to quickly gain access to the system when, for example, users attempt to place calls.

5.35. The improvements of the '830 patent achieve the above and other objectives. When the subscriber unit attempts to gain access to the cellular CDMA system, the subscriber

unit starts sending transmissions, where at least two of the successively sent transmissions are produced using different sequences of chips. In particular, the transmissions are produced using sequences of chips that are not used to increase bandwidth. The subscriber unit successively sends the transmissions before receiving from a base station in the system an indication that at least one of the transmissions has been detected by the base station. The subscriber unit then transmits to the base station a message indicating that the subscriber unit wants to establish communications with the base station. The message is longer in duration than each of the successively sent transmissions. Successively sending transmissions that are shorter than the message during the initial attempt to access the system enables the subscriber unit to gain access to the system in an efficient and rapid manner with minimal contribution to interference in the system.

### **3. Foreign Counterparts to the Patent**

5.36. The '830 patent and its related U.S. applications have a number of foreign counterparts. Those foreign patents and applications are identified in Exhibit 15.

#### **F. U.S. Patent No. 8,009,636**

##### **1. Identification of the Patent and Ownership by InterDigital**

5.37. The '636 patent, entitled "Method and Apparatus for Performing an Access Procedure," issued on August 30, 2011, to inventors Fatih Ozluturk and Gary Lomp. The '636 patent issued from Patent Application No. 11/169,488, filed on June 29, 2005, and claims priority to, *inter alia*, Utility Application No. 08/670,162, now U.S. Patent No. 5,841,768, filed on June 27, 1996.

5.38. The '636 patent has six independent claims and thirty-three dependent claims. Claims 1-4, 6-9, and 29-31 are asserted in this Complaint against Samsung. The '636 patent is

not being asserted against Nokia, Huawei, or ZTE because it has been asserted against them in a previous investigation.

5.39. Complainant InterDigital Technology Corporation owns by assignment the entire right, title, and interest in and to the '636 patent. *See* Exhibit 13.

5.40. This Complaint is accompanied by a certified copy and three copies of the prosecution history of the '636 patent and four copies of all cited references. *See* Appendices E and F.

## **2. Non-Technical Description of the Patent**

5.41. The '636 patent is generally directed to improvements to the way a subscriber unit gains access to a cellular CDMA system. In a CDMA system, the signals transmitted by subscriber units contribute to the overall interference in the system. To minimize interference, it is important for subscriber units to quickly gain access to the system when, for example, users attempt to place calls.

5.42. The improvements of the '636 patent achieve the above and other objectives. When the subscriber unit attempts to gain access to the cellular CDMA system, the subscriber unit starts sending transmissions having a first plurality of chips. The subscriber unit successively sends the transmissions before receiving from a base station in the system an indication that the base station has detected at least one of the transmissions. The subscriber unit then sends a transmission having a second plurality of chips. The first plurality of chips and the second plurality of chips are derived from a third plurality of chips. The first plurality of chips has fewer chips than the second plurality of chips. Successively sending transmissions in this manner during an attempt to access the system enables the subscriber unit to gain access to the system in an efficient and rapid manner with minimal contribution to interference in the system.

### **3. Foreign Counterparts to the Patent**

5.43. The '636 patent and its related U.S. applications have a number of foreign counterparts. Those foreign patents and applications are identified in Exhibit 15.

#### **G. U.S. Patent No. 7,502,406**

##### **1. Identification of the Patent and Ownership by InterDigital**

5.44. The '406 patent, entitled "Automatic Power Control System for a Code Division Multiple Access (CDMA) Communications System," issued on March 10, 2009, to inventors John Kowalski, Gary Lomp, and Fatih Ozluturk. The '406 patent issued from Patent Application No. 10/084,007, filed on February 27, 2002, and claims priority to, *inter alia*, Provisional Application No. 60/000,775, filed June 30, 1995.

5.45. The '406 patent has six independent claims and thirty-four dependent claims. Claims 1-2, 6-9, 13, 15-16, 20-22, 26, 28-30, 34-36 and 40 are asserted in this Complaint against Samsung. The '406 patent is not being asserted against Nokia, Huawei, or ZTE because it has been asserted against them in a previous investigation.

5.46. Complainant InterDigital Technology Corporation owns by assignment the entire right, title, and interest in and to the '406 patent. *See* Exhibit 14.

5.47. This Complaint is accompanied by a certified copy and three copies of the prosecution history of the '406 patent, and four copies of all cited references. *See* Appendices M and N.

##### **2. Non-Technical Description of the Patent**

5.48. The '406 patent is generally directed to improved automatic power control for a CDMA system. Using the improvements of the '406 patent, the output power levels of many different subscriber units (mobile handsets and other devices), each possibly communicating

with the base station over multiple channels, can be efficiently controlled in a manner that conserves overall system resources.

5.49. According to the '406 patent, a mobile device receives at least one power control bit on a downlink channel transmitted from the base station. The power control bit indicates whether to increase or decrease the mobile device's transmission power level. In response to the received power control bit, the mobile device adjusts the transmission power levels of its uplink traffic and control channels. The mobile device transmits multiple uplink channels, including at least a traffic channel and a control channel. A communication system employing the power control of the '406 patent minimizes the overall power requirements of the system.

### **3. Foreign Counterparts to the Patent**

5.50. The '406 patent and its related U.S. applications have a number of foreign counterparts. Those foreign patents and applications are identified in Exhibit 18.

## **VI. LICENSES**

6.1. Pursuant to Commission Rule 210.12(a)(9)(iii), the licensed entities for the Asserted Patents are listed in Confidential Exhibit 19 to this Complaint.<sup>5</sup>

## **VII. UNLAWFUL AND UNFAIR ACTS OF RESPONDENTS — PATENT INFRINGEMENT**

7.1. The accused products are wireless devices with at least 3G and/or 4G cellular wireless capabilities and, in some instances, IEEE 802.11 capabilities. In particular, the accused products operate with one or more of (i) the UMTS/WCDMA cellular technology system (including at least Release 99, Release 4, Release 5 (HSDPA), Release 6 (HSUPA), Release 7 (HSPA+), as well as later releases incorporating the same accused functionality); (ii) the

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<sup>5</sup> License agreements submitted pursuant to Commission Rule 210.12(9)(iv) accompany this Complaint as Confidential Exhibit 20.



CDMA2000 cellular technology system (including at least 1xRTT and/or EV-DO Revision 0 and/or EV-DO Revision A, as well as later releases incorporating the same accused functionality), and/or (iii) the LTE cellular technology system (3GPP Release 8 as well as later releases incorporating the same accused functionality).

**A. Samsung**

7.2. On information and belief, Samsung manufactures or has manufactured for it, sells for importation, imports, and/or sells after importation wireless devices with 3G and/or 4G capabilities and components thereof that infringe one or more of the Asserted Patents. On information and belief, certain Samsung wireless devices operate in at least 3G and/or 4G systems. Some Samsung wireless devices operate in 3G UMTS/WCDMA systems, and some of these operate in conformance with the Release 99, Release 4, HSDPA, HSUPA, and/or HSPA+ standards. Additionally, some Samsung wireless devices operate in conformance with 3G CDMA2000 systems that include 1xRTT and/or EV-DO features. Further, some Samsung wireless devices operate in conformance with the 4G LTE standards, often alongside one or more of the 3G UMTS/WCDMA or 3G CDMA2000 systems.

7.3. On information and belief, the accused Samsung products include one or more UMTS/WCDMA (including Release 99, Release 4, HSDPA, HSUPA, and/or HSPA+), CDMA2000 (including 1xRTT and/or EV-DO), or LTE capabilities set forth in relevant 3G and/or 4G standards and operate in a manner covered by the patents asserted against those particular products. Claim charts accompanying this Complaint set forth the analysis of infringement by at least one exemplary accused product of each technology type for each of the applicable Asserted Patents.

7.4. In addition, certain of the Samsung devices operate in IEEE 802-based systems, including IEEE 802.11-based systems. On information and belief, certain of the accused Samsung products include IEEE 802.11 capabilities as those capabilities are set forth in relevant IEEE standards. Claim charts accompanying this Complaint set forth the analysis of infringement by at least one exemplary accused Samsung product having both certain 3G and/or 4G functionality and IEEE 802 capabilities.

7.5. Examples of accused Samsung devices are the ATIV S, Galaxy Note, Galaxy Note II, Galaxy Note 10.1, Galaxy S III, Galaxy Stellar, Galaxy Tab II (10.1), SCH-LC11, 4G LTE Mobile Hotspot, and other models of wireless devices, all of which infringe one or more of the Asserted Patents. This identification of specific models or types of products is not intended to limit the scope of the investigation, and any remedy should extend to all infringing products.

7.6. Charts that apply independent claim 1 of the '966 patent to the accused Samsung Galaxy S III and Samsung Tab II (10.1) wireless devices are attached to the Complaint as Exhibits 21 and 22.

7.7. Charts that apply independent claims 1, 2, 3, 5, 6, 7, 8, 9, 10, 11 of the '847 patent to the accused Samsung Galaxy S III and Samsung Tab II (10.1) wireless devices are attached to the Complaint as Exhibits 23 and 24.

7.8. Charts that apply independent claims 1 and 29 of the '636 patent to the accused Samsung Galaxy S III and Samsung Tab II (10.1) wireless devices are attached to the Complaint as Exhibits 25 and 26.

7.9. Charts that apply independent claims 1, 6, 16, and 21 of the '830 patent to the accused Samsung Galaxy S III and Samsung Tab II (10.1) wireless devices are attached to the Complaint as Exhibits 27 and 28.

7.10. Charts that apply independent claims 1 and 16 of the '151 patent to the accused Samsung Galaxy S III, and Samsung Tab II (10.1) wireless devices are attached to the Complaint as Exhibits 29 and 30.

7.11. Charts that apply independent claims 1 and 10 of the '970 patent to the accused Samsung Galaxy S III and Samsung Tab II (10.1) wireless devices are attached to the Complaint as Exhibits 31, 32, 33, and 34.

7.12. Charts that apply independent claims 1, 7, 15, 21, 29, and 35 of the '406 patent to the accused Samsung Galaxy S II and Samsung Tab II (10.1) wireless devices are attached to the Complaint as Exhibits 35 and 36. Charts that apply independent claims 1, 15 and 29 of the '406 patent to the accused Samsung Galaxy S II and Samsung Tab II (10.1) wireless devices are attached to the Complaint as Exhibits 37 and 38.

7.13. To the extent that any of the asserted claims require products sold by Samsung to be operated in one or more 3G WCDMA, 3G CDMA2000, 4G, or IEEE 802 system in order to satisfy all claim elements, on information and belief, the accused products infringe directly and/or indirectly.

7.14. On information and belief, Samsung tests or operates the accused products in the United States by using them in one or more 3G WCDMA, 3G CDMA2000, 4G or IEEE 802 system and performing the claimed methods, thereby directly infringing any claims requiring such operation.

7.15. The accused Samsung products are specifically designed to be used in one or more 3G WCDMA, 3G CDMA2000, or 4G system and, in some instances, also in an IEEE 802 system. Specifically, the accused Samsung products identified by InterDigital to date that are designed to be used in a UMTS (WCDMA) system are configured to comply with one or more

of the Release 99, Release 4, HSDPA, HSUPA, or HSPA+ standards. The accused products designed to be used in a 3G CDMA2000 system are configured to comply with the 1xRTT standards, and some are further configured to comply with EV-DO standards. The accused products designed to be used in a 4G system are configured to comply with the LTE standards. The accused products are further designed to also be used in an IEEE 802 system and are configured to comply with at least IEEE 802.11. Because the accused products are specifically designed to so operate, they have no substantial non-infringing uses. Accordingly, Samsung contributorily infringes the asserted patent claims.

7.16. Samsung induces infringement of the asserted claims by advertising its products as complying with the 3G, 4G, and/or IEEE 802 standards and capable of operating according to those standards, by publishing manuals and promotional literature describing and instructing in the operation of the accused devices in an infringing manner according to the 3G, 4G, and/or IEEE 802 standards, and by offering support and technical assistance to its customers that encourage use of the accused products in ways that infringe the asserted claims.

7.17. Samsung has had knowledge of some or all of the Asserted Patents since before this Complaint was filed. At a minimum, Samsung will receive notice of all of the Asserted Patents upon service of this Complaint (without confidential exhibits) by InterDigital upon Samsung at the addresses referenced herein, concurrently with this filing.

**B. Nokia**

7.18. On information and belief, Nokia manufactures or has manufactured for it, sells for importation, imports, and/or sells after importation wireless devices with 3G and/or 4G capabilities and components thereof that infringe one or more of the Asserted Patents. On information and belief, certain Nokia wireless devices operate in at least 4G LTE systems.

Some Nokia wireless devices further operate in 3G UMTS/WCDMA systems and/or 3G CDMA2000 systems.

7.19. On information and belief, the accused Nokia products include 3G UMTS/WCDMA and/or 3G CDMA2000 capabilities as well as LTE capabilities set forth in relevant 4G standards and operate in a manner covered by the patents asserted against those particular products. Claim charts accompanying this Complaint set forth the analysis of infringement by at least one exemplary accused product of each technology type for each of the applicable Asserted Patents.

7.20. Examples of accused Nokia devices are the Lumia 820, Lumia 822, Lumia 920, and other models of wireless devices, all of which infringe one or more of the Asserted Patents. This identification of specific models or types of products is not intended to limit the scope of the investigation, and any remedy should extend to all infringing products.

7.21. Charts that apply independent claims 1 and 16 of the '151 patent to the accused Nokia Lumia 822 and Lumia 920 wireless devices are attached to the Complaint as Exhibits 39 and 40.

7.22. To the extent that any of the asserted claims require products sold by Nokia to be operated in 4G systems in order to satisfy all claim elements, on information and belief, the accused products infringe directly and/or indirectly.

7.23. On information and belief, Nokia tests or operates the accused products in the United States by using them in 4G systems and performing the claimed methods, thereby directly infringing any claims requiring such operation.

7.24. The accused Nokia products are specifically designed to be used in 4G systems. Specifically, the accused Nokia products identified by InterDigital to date that are designed to

be used in a 4G system are configured to comply with LTE standards. Because the accused products are specifically designed to so operate, they have no substantial non-infringing uses. Accordingly, Nokia contributorily infringes the asserted patent claims.

7.25. Nokia induces infringement of the asserted claims by advertising its products as complying with 4G standards and being capable of operating according to those standards, by publishing manuals and promotional literature describing and instructing in the operation of the accused devices in an infringing manner according to 4G standards, and by offering support and technical assistance to its customers that encourage use of the accused products in ways that infringe the asserted claims.

7.26. Nokia will receive notice of the '151 patent upon service of this Complaint (without confidential exhibits) by InterDigital upon Nokia at the addresses referenced herein, concurrently with this filing.

### **C. ZTE**

7.27. On information and belief, ZTE manufactures or has manufactured for it, sells for importation, imports, and/or sells after importation wireless devices with 3G and/or 4G capabilities and components thereof that infringe one or more of the Asserted Patents. On information and belief, certain ZTE wireless devices operate in at least 3G and/or 4G systems. Some ZTE wireless devices operate in 3G UMTS/WCDMA systems, and some of these operate in conformance with the Release 99, Release 4, HSDPA, HSUPA, and/or HSPA+ standards. Additionally, some ZTE wireless devices operate in conformance with 3G CDMA2000 systems that include 1xRTT and/or EV-DO features. Further, some ZTE wireless devices operate in conformance with the 4G LTE standards, often alongside one or more of the 3G UMTS/WCDMA or 3G CDMA2000 systems.

7.28. On information and belief, the accused ZTE products include one or more UMTS/WCDMA (including Release 99, Release 4, HSDPA, HSUPA, and/or HSPA+), CDMA2000 (including 1xRTT and/or EV-DO), or LTE capabilities set forth in relevant 3G and/or 4G standards and operate in a manner covered by the patents asserted against those particular products. Claim charts accompanying this Complaint set forth the analysis of infringement by at least one exemplary accused product of each technology type for each of the applicable Asserted Patents.

7.29. Examples of accused ZTE devices are the 4G Hotspot, Avail, Flash, JetPack 890L, and other models of wireless devices, all of which infringe one or more of the Asserted Patents. This identification of specific models or types of products is not intended to limit the scope of the investigation, and any remedy should extend to all infringing products.

7.30. Charts that applies independent claim 1 the '966 patent to the accused ZTE Avail and ZTE 4G Mobile Hotspot wireless devices are attached to the Complaint as Exhibit 41 and 42.

7.31. Charts that applies independent claims 1, 2, 3, 5, 6, 7, 8, 9, 10, 11 of the '847 patent to the accused ZTE Avail and ZTE 4G Mobile Hotspot wireless device are attached to the Complaint as Exhibits 43 and 44.

7.32. Charts that apply independent claims 1 and 16 of the '151 patent to the accused ZTE Flash and ZTE Jetpack 890L wireless devices are attached to the Complaint as Exhibits 45 and 46.

7.33. To the extent that any of the asserted claims require products sold by ZTE to be operated in one or more 3G WCDMA, 3G CDMA2000 or 4G LTE systems in order to satisfy

all claim elements, on information and belief, the accused products infringe directly and/or indirectly.

7.34. On information and belief, ZTE tests or operates the accused products in the United States by using them in one or more 3G WCDMA, 3G CDMA2000 or 4G LTE systems and performing the claimed methods, thereby directly infringing any claims requiring such operation.

7.35. The accused ZTE products are specifically designed to be used in one or more 3G WCDMA, 3G CDMA2000, and/or 4G systems. Specifically, the accused ZTE products identified by InterDigital to date that are designed to be used in a UMTS (WCDMA) system are configured to comply with the Release 99, Release 4, HSDPA, HSUPA, and/or HSPA+ standards. The accused products designed to be used in a 3G CDMA2000 system are configured to comply with the 1xRTT standards, and some are further configured to comply with EV-DO standards. The accused products designed to be used in a 4G system are configured to comply with the LTE standards. Because the accused products are specifically designed to so operate, they have no substantial non-infringing uses. Accordingly, ZTE contributorily infringes the asserted patent claims.

7.36. ZTE induces infringement of the asserted claims by advertising its products as complying with the 3G and/or 4G standards and capable of operating according to those standards, by publishing manuals and promotional literature describing and instructing in the operation of the accused devices in an infringing manner according to the 3G and/or 4G standards, and by offering support and technical assistance to its customers that encourage use of the accused products in ways that infringe the asserted claims.



7.37. ZTE has had knowledge of one or more of the '966, '847, and/or '151 patents since before this Complaint was filed. At a minimum, ZTE will receive notice of these patents upon the service of this Complaint (without confidential exhibits) by InterDigital upon ZTE at the addresses referenced herein, concurrently with this filing.

**D. Huawei**

7.38. On information and belief, Huawei manufactures or has manufactured for it, sells for importation, imports, and/or sells after importation wireless devices with 3G and/or 4G capabilities and components thereof that infringe one or more of the Asserted Patents. On information and belief, certain Huawei wireless devices operate in at least 3G and/or 4G systems. Some Huawei wireless devices operate in 3G UMTS/WCDMA systems, and some of these operate in conformance with the Release 99, Release 4, HSDPA, HSUPA, and/or HSPA+ standards. Additionally, some Huawei wireless devices operate in conformance with 3G CDMA2000 systems that include 1xRTT and/or EV-DO features. Further, some Huawei wireless devices operate in conformance with the 4G LTE standards, often alongside one or more of the 3G UMTS/WCDMA or 3G CDMA2000 systems.

7.39. On information and belief, the accused Huawei products include one or more UMTS/WCDMA (including Release 99, Release 4, HSDPA, HSUPA, and/or HSPA+), CDMA2000 (including 1xRTT and/or EV-DO), or LTE capabilities set forth in relevant 3G and/or 4G standards and operate in a manner covered by the patents asserted against those particular products. Claim charts accompanying this Complaint set forth the analysis of infringement by at least one exemplary accused product of each technology type for each of the applicable Asserted Patents.

7.40. Examples of accused Huawei devices are the Aactiva 4G, E368 USB Connect Force 4G, MediaPad (S7 Pro), Unite, HUA U8680 MYTOUCH, and other models of wireless devices, all of which infringe one or more of the Asserted Patents. This identification of specific models or types of products is not intended to limit the scope of the investigation, and any remedy should extend to all infringing products.

7.41. Charts that apply independent claim 1 of the '966 patent to the accused Huawei MediaPad S7 Pro and Huawei E368 USB Connect Force 4G wireless devices are attached to the Complaint as Exhibit 47 and 48.

7.42. Charts that apply independent claims 1, 2, 3, 5, 6, 7, 8, 9, 10, 11 of the '847 patent to the accused Huawei MediaPad S7 Pro and Huawei E368 USB Connect Force 4G wireless devices are attached to the Complaint as Exhibits 49 and 50.

7.43. A chart that applies independent claims 1 and 16 of the '151 patent to the accused Huawei Aactiva 4G wireless device is attached to the Complaint as Exhibit 51.

7.44. To the extent that any of the asserted claims require products sold by Huawei to be operated in one or more 3G WCDMA, 3G CDMA2000, or 4G systems in order to satisfy all claim elements, on information and belief, the accused products infringe directly and/or indirectly.

7.45. On information and belief, Huawei tests or operates the accused products in the United States by using them in one or more 3G WCDMA, 3G CDMA2000, or 4G systems and performing the claimed methods, thereby directly infringing any claims requiring such operation.

7.46. The accused Huawei products are specifically designed to be used in one or more 3G WCDMA, 3G CDMA2000, or 4G systems. Specifically, the accused Huawei products

identified by InterDigital to date that are designed to be used in a UMTS (WCDMA) system are configured to comply with the Release 99, Release 4, HSDPA, HSUPA, and/or HSPA+. The accused products designed to be used in a 3G CDMA2000 system are configured to comply with the 1xRTT standards, and some are further configured to comply with EV-DO standards. The accused products designed to be used in a 4G system are configured to comply with the LTE standards. Because the accused products are specifically designed to so operate, they have no substantial non-infringing uses. Accordingly, Huawei contributorily infringes the asserted patent claims.

7.47. Huawei induces infringement of the asserted claims by advertising its products as complying with the 3G and/or 4G standards and capable of operating according to those standards, by publishing manuals and promotional literature describing and instructing in the operation of the accused devices in an infringing manner according to the 3G and/or 4G standards, and by offering support and technical assistance to its customers that encourage use of the accused products in ways that infringe the asserted claims.

7.48. Huawei has had knowledge of one or more of the '966, '847, and '151 patents since before this Complaint was filed. At a minimum, Huawei will have notice of these patents upon the service of this Complaint (without confidential exhibits) by InterDigital upon Huawei at the addresses referenced herein, concurrently with this filing.

## **VIII. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE**

### **A. Samsung**

8.1. On information and belief, Samsung is importing, selling for importation, and/or selling within the United States after importation, wireless devices with 3G and/or 4G capabilities and components thereof.

8.2. The specific instances set forth below are representative examples of Samsung's unlawful importation, sale for importation, and/or sales within the United States after importation of infringing products.

8.3. Prior to filing the Complaint, representatives for InterDigital purchased several imported Samsung wireless devices in the United States. Exhibit 52, Furino Declaration at Attachments A, B, C, and D, includes a copy of the receipt for the purchase of a representative Samsung Tab II (10.1) wireless device, and a series of photographs of the wireless device and of the box in which the wireless device was delivered. The label on the box discloses a Samsung logo, as does a label on the device itself. A label on the outside of the box states that the wireless device was made in China.

8.4. Exhibit 52, Furino Declaration at Attachments E and F, includes a copy of the receipt for the purchase of a representative Samsung Galaxy Note wireless device, and a series of photographs of the wireless device and of the box in which the wireless device was delivered. The label on the box discloses a Samsung logo, as does a label on the device itself. A label on the outside of the box states that the wireless device was made in China.

8.5. Exhibit 52, Furino Declaration at Attachments G, H, I, and J, includes a copy of the receipt for the purchase of a representative Samsung Galaxy S III wireless device, and a series of photographs of the wireless device and of the box in which the wireless device was delivered. The label on the box discloses a Samsung logo, as does a label on the device itself. A label on the outside of the box states that the wireless device was made in China.

8.6. Exhibit 52, Furino Declaration at Attachments, K, L, M, and N, includes a copy of the receipt for the purchase of a representative Samsung Galaxy Note II wireless device, and a series of photographs of the wireless device and of the box in which the wireless device was

delivered. The label on the box discloses a Samsung logo, as does a label on the device itself. A label on the outside of the box states that the wireless device was made in China.

8.7. Exhibit 52, Furino Declaration at Attachments O and P, includes a copy of the receipt for the purchase of a representative Samsung Stellar wireless device, and a series of photographs of the wireless device and of the box in which the wireless device was delivered. The label on the box discloses a Samsung logo, as does a label on the device itself. A label on the outside of the box states that the wireless device was made in China.

8.8. Exhibit 52, Furino Declaration at Attachments Q and R includes a copy of the receipt for the purchase of a representative Samsung Galaxy Note 10.1 wireless device, and a series of photographs of the wireless device and of the box in which the wireless device was delivered. The label on the box discloses a Samsung logo, as does a label on the device itself. A label on the outside of the box states that the wireless device was made in Korea.

**B. Nokia**

8.9. On information and belief, Nokia is importing, selling for importation, and/or selling within the United States after importation, wireless devices with 3G and/or 4G capabilities, and components thereof.

8.10. The specific instances set forth below are representative examples of Nokia's unlawful importation, sale for importation, and/or sales within the United States after importation of infringing products.

8.11. Prior to filing the Complaint, representatives for InterDigital purchased several imported Nokia wireless devices in the United States. Exhibit 52, Furino Declaration at Attachments S and T, includes a copy of the receipt for the purchase of a representative Nokia Lumia 920 wireless device, and a series of photographs of the wireless device and of the box in which the wireless device was delivered. The label on the box discloses a Nokia logo, as does a

label on the device itself. A label on the outside of the box states that the wireless device was made in China.

8.12. Exhibit 52, Furino Declaration at Attachments U and V, includes a copy of the receipt for the purchase of a representative Nokia Lumia 822 wireless device, and a series of photographs of the wireless device and of the box in which the wireless device was delivered. The label on the box discloses a Nokia logo, as does a label on the device itself. A label on the outside of the box states that the wireless device was made in China.

### **C. ZTE**

8.13. On information and belief, ZTE is importing, selling for importation, and/or selling within the United States after importation, wireless devices with 3G and/or 4G capabilities, and components thereof.

8.14. The specific instances set forth below are representative examples of ZTE's unlawful importation, sale for importation, and/or sales within the United States after importation of infringing products.

8.15. Prior to filing the Complaint, representatives for InterDigital purchased several imported ZTE wireless devices in the United States. Exhibit 52, Furino Declaration at Attachments EE and FF, includes a copy of the receipt for the purchase of a representative ZTE 4G Hotspot wireless device, and a series of photographs of the wireless device and of the box in which the wireless device was delivered. The label on the box discloses a ZTE logo, as does a label on the device itself. A label on the outside of the box states that the wireless device was made in China.

8.16. Exhibit 52, Furino Declaration at Attachments GG and HH, includes a copy of the receipt for the purchase of a representative ZTE JetPack 890L wireless device, and a series of photographs of the wireless device and of the box in which the wireless device was delivered.

The label on the box discloses a ZTE logo, as does a label on the device itself. A label on the outside of the box states that the wireless device was made in China.

8.17. Exhibit 52, Furino Declaration at Attachments II and JJ, includes a copy of the receipt for the purchase of a representative ZTE Avail wireless device, and a series of photographs of the wireless device and of the box in which the wireless device was delivered. The label on the box discloses a ZTE logo, as does a label on the device itself. A label on the outside of the box states that the wireless device was made in China.

8.18. Exhibit 52, Furino Declaration at Attachments KK and LL, includes a copy of the receipt for the purchase of a representative ZTE Flash wireless device, and a series of photographs of the wireless device and of the box in which the wireless device was delivered. The label on the box discloses a ZTE logo, as does a label on the device itself. A label on the outside of the box states that the wireless device was made in China.

**D. Huawei**

8.19. On information and belief, Huawei is importing, selling for importation, and/or selling within the United States after importation, wireless devices with 3G and/or 4G capabilities and components thereof.

8.20. The specific instances set forth below are representative examples of Huawei's unlawful importation, sale for importation, and/or sales within the United States after importation of infringing products.

8.21. Prior to filing the Complaint, representatives for InterDigital purchased several imported Huawei wireless devices in the United States. Exhibit 52, Furino Declaration at Attachments W and X, includes a copy of the receipt for the purchase of a representative Huawei Aactiva wireless device, and a series of photographs of the wireless device and of the box in which the wireless device was delivered. The label on the box discloses a Huawei logo,

as does a label on the device itself. A label on the outside of the box states that the wireless device was made in China.

8.22. Exhibit 52, Furino Declaration at Attachments Y and Z, includes a copy of the receipt for the purchase of a representative Huawei HUA U8680 MYTOUCH wireless device, and a series of photographs of the wireless device and of the box in which the wireless device was delivered. The label on the box discloses a Huawei logo, as does a label on the device itself. A label on the outside of the box states that the wireless device was made in China.

8.23. Exhibit 52, Furino Declaration at Attachments AA and BB, includes a copy of the receipt for the purchase of a representative Huawei MediaPad S7 Pro wireless device, and a series of photographs of the wireless device and of the box in which the wireless device was delivered. The label on the box discloses a Huawei logo, as does a label on the device itself. A label on the outside of the box states that the wireless device was made in China.

8.24. Exhibit 52, Furino Declaration at CC and DD, includes a copy of the receipt for the purchase of a representative Huawei E368 USB Connect Force 4G wireless device, and a series of photographs of the wireless device and of the box in which the wireless device was delivered. The label on the box discloses a Huawei logo, as does a label on the device itself. A label on the outside of the box states that the wireless device was made in China.

## **IX. HARMONIZED TARIFF SCHEDULE ITEM NUMBERS**

9.1. On information and belief, the Harmonized Tariff Schedule of the United States item numbers under which the infringing wireless devices or components thereof may be imported into the United States may be at least HTSUS 8517.12 (telephones for cellular or other wireless networks); HTSUS 8517.62 (machines for the reception, conversion, and transmission of voice, images or other data, including modems); HTSUS 8517.70 (parts for articles under heading 8517, including telephones for cellular or other wireless networks); and HTSUS



8471.30 to 8471.80 (automatic data processing machines, including laptop and desktop computers, and components thereof).

## **X. THE DOMESTIC INDUSTRY**

10.1. In accordance with Section 337(a)(2) and (a)(3), a domestic industry exists or is in the process of being established in the United States in connection with each of the Asserted Patents.

10.2. A domestic industry exists with respect to InterDigital's activities in the United States that exploit the Asserted Patents by reason of InterDigital's significant investment in plant and equipment, significant employment of labor and capital, substantial investment in licensing of the technology protected by the patents, and substantial investment in past and present research and development, engineering, and testing of the technology protected by the patents. InterDigital's U.S.-based research and development, engineering, and licensing activities with respect to CDMA and related technologies date back to at least 1993 and continue today.

10.3. InterDigital has made substantial investments in licensing the Asserted Patents through investments in personnel and resources to monitor the market, identify potential manufacturers and users of its wireless communications technology, establish contacts with those potential manufacturers and users, provide pre-licensing technical services, negotiate licenses, monitor licensee compliance with the licensing program, and enforce and litigate InterDigital's rights when necessary.

10.4. InterDigital's wireless technology licensing efforts include the Asserted Patents. The Asserted Patents are important components of InterDigital's patent licensing efforts. InterDigital's investments in licensing activities relating to the Asserted Patents are set forth in greater detail in Confidential Exhibit 53.

10.5. InterDigital's licensing program was previously considered by the Commission in Investigation No. 337-TA-601 and Investigation No. 337-TA-613. In both of those proceedings the Administrative Law Judge found, on summary determination, the existence of a domestic industry based on InterDigital's patent licensing activities relating to its wireless communications technology. Specifically, in Investigation Nos. 601 and 613, the Commission determined that a domestic industry based on licensing activities exists as to the '966 and '847 patents, both of which are asserted in this Complaint. In both investigations InterDigital was found to have made a substantial investment in licensing related to the patents asserted in those investigations, which are the same as or are related to the patents asserted in this Complaint, save the '970 and '151 patents. The Administrative Law Judge found that InterDigital had licensed numerous companies to practice its wireless communications technology and that these licensees included "significant handset and device manufacturers throughout the world."

*Certain 3G Wideband Code Division Multiple Access (WCDMA) Handsets and Components Thereof*, Inv. No. 337-TA-601, Order No. 20 at 5-6 (June 24, 2008); *Certain 3G Mobile Handsets and Components Thereof*, Inv. No. 337-TA-613, Order No. 42 at 6-7 (March 10, 2009). In each case, the Commission determined not to review the Initial Determination granting summary determination, which thus became the Commission's determination.

10.6. Since the summary determination decisions issued in the 601 and 613 Investigations in 2008 and 2009, respectively, InterDigital has continued to invest in its licensing activities. InterDigital has executed a number of additional licenses that include the Asserted Patents, including licenses with some of the largest computer and telecommunications companies in the world. InterDigital's revenue from its licensing efforts has also increased since 2009. Further details are provided in Confidential Exhibit 53.

10.7. In addition to its well-established and recognized licensing-based domestic industry, InterDigital has also invested steadily and substantially in research and development designed to exploit the inventions of the Asserted Patents. Such research and development activities are aimed at developing and bringing new products and technology that support at least the WCDMA standard and that utilize the technology claimed in the Asserted Patents. InterDigital's investment in such research and development is set forth in greater detail in Confidential Exhibit 53. In addition, claim charts showing how InterDigital's research and development exploits at least one claim of each Assert Patent are attached hereto as follows: '966 patent (Exhibit 54); '847 patent (Exhibit 55); '636 patent (Exhibit 56); '830 patent (Exhibit 57); '151 patent (Exhibit 58); '970 patent (Exhibit 59); and '406 patent (Exhibits 60 and 61).

## **XI. RELATED LITIGATION**

11.1. Concurrently with the filing of the Complaint, InterDigital also filed four complaints in the U.S. District Court for the District of Delaware. The complaints are against Samsung, Nokia, ZTE, and Huawei alleging infringement of each of the patents asserted in this Complaint. As described further below, there have been several proceedings that have involved one or more patents that are related to one or more of the Asserted Patents.

11.2. In 2003, a dispute arose between InterDigital and Nokia concerning Nokia's royalty obligations under a Patent License Agreement. This matter was submitted to arbitration and in mid-2005 the Arbitral Tribunal issued its award finding, among other things, that Nokia's obligation to pay certain royalties had been triggered. There was a subsequent action in the Southern District of New York confirming the award. In April 2006, the parties settled these disputes in a manner whereby, upon payment of \$253 million to InterDigital, Nokia was provided with a 2G license for certain products and a release for certain 3G-related activities

occurring before the effective date of the settlement. There is no ongoing 3G license between InterDigital and Nokia relating to any UMTS/WCDMA or CDMA2000 products.

11.3. Nokia Corporation and Nokia Inc. filed a suit in January 2005 against InterDigital Communications Corp. and InterDigital Technology Corporation in the U.S. District Court for the District of Delaware seeking a declaratory judgment that a number of InterDigital patents relating to cellular wireless technology were invalid and/or not infringed. *See Nokia Corp. v. InterDigital Communications Corp.*, Civ. Action No. 05-16 (D. Del. 2005). The Asserted Patents were not the subject of Nokia's declaratory judgment claims. The complaint also alleged that statements made by InterDigital regarding the essentiality of its 3G patents were false and misleading in violation of the Lanham Act. On December 21, 2005, the declaratory judgment claims were dismissed by the Court, leaving the Lanham Act claims. Several of the patents at issue in the Lanham Act claims are related to some of the Asserted Patents. On December 4, 2007, Nokia and InterDigital jointly filed a proposed order that would stay that litigation through completion of Investigation No. 337-TA-613, including any appeals. On December 5, 2007, the Court issued an order entering the proposed stay. On August 6, 2009, the district judge ordered that the case be "administratively closed."

11.4. On March 23, 2007, InterDigital filed a Section 337 complaint with the U.S. International Trade Commission identifying as proposed respondents Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America LLC.<sup>6</sup>

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<sup>6</sup> On March 23, 2007, the same day InterDigital filed its Section 337 complaint against Samsung, InterDigital initiated a parallel district court action against Samsung in the District of Delaware, asserting the same patents at issue in the ITC investigation. The parallel Delaware action was stayed at Samsung's request pursuant to 28 U.S.C. § 1659, pending the conclusion of the ITC investigation (including appeals). InterDigital's Delaware district court action was dismissed with prejudice in February 2009, following a settlement between the parties.

The complaint resulted in Investigation No. 337-TA-601, entitled *Certain 3G Wideband Code Division Multiple Access (WCDMA) Handsets and Components Thereof*. The '847 and '966 patents, which are at issue in this Complaint, were added to the 601 Investigation after institution. The 601 Investigation ultimately settled after trial and before issuance of the Final Initial Determination, and was thereafter terminated, *see* 74 FED. REG. 9105–06 (March 2, 2009). This settlement resulted in a license between InterDigital and Samsung, which expired on December 31, 2012.

11.5. On August 7, 2007, InterDigital filed another Section 337 complaint with the Commission identifying as proposed respondents Nokia Corporation and Nokia Inc., and alleging infringement of two patents.<sup>7</sup> The complaint requested that the Commission institute an investigation and, after the investigation, issue remedial orders against Nokia's 3G products. An investigation was instituted on September 11, 2007, as Investigation No. 337-TA-613, entitled *Certain 3G Mobile Handsets and Components Thereof*. InterDigital later added two other patents to the case in an amended complaint. The '966 and '847 patents asserted in the 613 Investigation are also at issue in this Complaint.

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Also on March 23, 2007, Samsung commenced a separate action in the District of Delaware, alleging, *inter alia*, breach of contract in connection with InterDigital's alleged refusal to comply with its alleged obligations to be prepared to license its patents on fair reasonable and non-discriminatory ("FRAND") terms. The original complaint also sought a declaratory judgment of noninfringement and invalidity with respect to nine InterDigital patents not asserted in this Complaint, but at least two of which are related to one or more of the Asserted Patents. On September 14, 2007, Samsung amended its complaint to drop the claims for declaratory relief. On November 19, 2007, InterDigital filed counterclaims asserting infringement by Samsung of two of the nine patents at issue in Samsung's March 23, 2007 complaint, both of which are related to one or more of the Asserted Patents. Samsung's Delaware district court action was also dismissed with prejudice in February 2009, following the parties' settlement.

<sup>7</sup> At the same time as it filed its Section 337 complaint, InterDigital initiated a parallel district court action against Nokia in the District of Delaware, asserting the same patents at issue in the ITC investigation. The parallel Delaware action was stayed at Nokia's request pursuant to 28 U.S.C. § 1659, pending the conclusion of the ITC investigation (including appeals).

11.6. On December 4, 2007, Nokia moved for an order terminating or staying the Consolidated Proceedings as to Nokia on the ground that, pursuant to agreements entered by Nokia and InterDigital in 1999 (the “1999 Agreements”), the parties were required first to arbitrate whether Nokia possessed a license to the patents at issue in the 613 Investigation. On January 8, 2008, the Chief Administrative Law Judge denied Nokia’s motion, finding that Nokia’s conduct in the 613 Investigation, and also in the Delaware litigation between the parties, had conclusively demonstrated Nokia’s desire to litigate (rather than arbitrate) the issues, and that Nokia had thereby waived its right to arbitrate the issue. On February 13, 2008, Nokia initiated an action in the U.S. District Court for the Southern District of New York, seeking an order enjoining InterDigital from litigating in the ITC its claims of patent infringement, and requiring InterDigital to arbitrate Nokia’s alleged license defense. On March 20, 2008, the District Court granted Nokia’s motion for a preliminary injunction. On March 21, 2008, InterDigital appealed the preliminary injunction order. On April 1, 2008, Nokia initiated an arbitration against InterDigital in the International Chamber of Commerce (the “ICC Arbitration”). On April 11, 2008, as required by the District Court, InterDigital moved to stay the 613 Investigation with respect to Nokia. On April 17, 2008, InterDigital moved to deconsolidate the Consolidated Proceedings so that InterDigital’s infringement claims as against Samsung – which claims were not subject to the preliminary injunction – could proceed. On May 16, 2008, the Chief Administrative Law Judge entered an order granting deconsolidation and staying the Nokia-only proceeding. The evidentiary hearing in the Samsung-only proceeding was held in July 2008. The Samsung-only proceeding settled in November 2008. On July 31, 2008, the U.S. Court of Appeals for the Second Circuit reversed the preliminary injunction, concluding that Nokia had waived any contractual rights to arbitration that it might

have possessed “through its repeated, intentional invocation of judicial process to resolve questions about the scope of the patents at issue and the applicability of the license established by” the 1999 Agreements. *Nokia Corp. v. InterDigital, Inc.*, No. 08-1642-cv, 2008 WL 2951912, at \*3 (2d Cir. July 31, 2008). In so holding, the Second Circuit observed that “[a]llowing Nokia to prevail and force InterDigital into yet another forum (*i.e.*, arbitration) would cause InterDigital to suffer prejudice in the form of an ever-increasing delay in the resolution of the multiple disputes between the parties in [federal court] and at the ITC.” *Id.*

11.7. Following the Second Circuit’s decision vacating the preliminary injunction, the 613 Investigation continued. Ultimately, the Chief Administrative Law Judge and the Commission found no violation of Section 337. *See* Notice of Commission Determination to Review in Part a Final Determination Finding No Violation of Section 337 and on Review to Affirm the Administrative Law Judge’s Determination of No Violation; Termination of Investigation (October 16, 2009); *see* 74 FED. REG. 55068–69 (October 26, 2009). InterDigital appealed this determination to the U.S. Court of Appeals for the Federal Circuit.

11.8. The Federal Circuit decided InterDigital’s appeal on August 1, 2012. The Court held that the Commission erred in interpreting the claim terms at issue and reversed the Commission’s finding of non-infringement. The Federal Circuit then adopted InterDigital’s constructions of the disputed terms. The Federal Circuit also rejected Nokia’s argument that InterDigital did not satisfy the domestic industry requirement. On September 17, 2012, Nokia filed a petition for rehearing by the panel or rehearing en banc as to the domestic industry issue. On October 9, 2012, InterDigital and the Commission filed their respective responses to Nokia’s petition. The Federal Circuit’s decision on whether to grant rehearing is pending.

11.9. On July 26, 2011, InterDigital filed a Section 337 complaint with the U.S. International Trade Commission identifying as proposed respondents Nokia Corporation, Nokia Inc., Huawei Technologies Co., Ltd., FutureWei Technologies, Inc. d/b/a/ Huawei Technologies (USA), ZTE Corporation, and ZTE (USA) Inc. (collectively, “Respondents”).<sup>8</sup> The complaint requested that the Commission institute an investigation and, after the investigation, issue remedial orders against the Respondents’ 3G products. The complaint resulted in Investigation No. 337-TA-800, entitled *Certain Wireless Devices with 3G Capabilities and Components Thereof*. By an amended complaint, one additional patent was asserted and LG Electronics, Inc., LG Electronics U.S.A., Inc., and LG Electronics Mobilecomm U.S.A., Inc. were added as respondents. The ’636, ’830, ’970, and ’406 patents asserted in this Complaint are also at issue in the 800 Investigation. The hearing for the 800 Investigation is set for February 22, 2013.

11.10. LG filed a motion to terminate the 800 Investigation as it relates to the LG entities on January 20, 2012. LG claimed that an alleged dispute related to a purported license should be arbitrated. On June 4, 2012, the ALJ granted LG’s motion and the Commission declined to review. InterDigital appealed the ALJ’s order to the Federal Circuit. This appeal is currently pending. The arbitration proceeding sought by LG is ongoing.

11.11. On October 25, 2011, while the 800 Investigation was ongoing, Huawei Technologies Co., Ltd. and FutureWei Technologies, Inc. d/b/a/ Huawei Technologies (USA) filed a complaint with the Court of Chancery of the State of Delaware against InterDigital

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<sup>8</sup> On July 26, 2011, the same day InterDigital filed its Section 337 complaint, InterDigital initiated a parallel district court action against the Respondents in the District of Delaware, asserting the same patents at issue in the ITC investigation. The parallel Delaware action was stayed at the Respondents’ request pursuant to 28 U.S.C. § 1659, pending the conclusion of the ITC investigation (including appeals). Huawei and ZTE moved to lift the stay with respect to certain FRAND-based counterclaims. On March 2, 2012, the district court denied the requests to partially lift the stay.



Technology Corporation, IPR Licensing, Inc., and InterDigital Communications, Inc. The complaint alleged that contractual commitments to license allegedly standard-essential patents had been breached. The complaint sought a declaratory judgment that InterDigital did not offer licenses on FRAND terms and that InterDigital is equitably estopped from seeking relief from Huawei's alleged infringement (including in the 800 Investigation). The complaint also sought a determination of an appropriate FRAND royalty for InterDigital's United States patents that Huawei contends were declared essential to various standards. Following various motions for expedited proceedings by Huawei, InterDigital filed an opposition and a motion to stay or dismiss. On June 11, 2012, the Delaware Chancery Court dismissed the case without prejudice.

## **XII. RELIEF REQUESTED**

12.1. WHEREFORE, by reason of the foregoing, Complainant InterDigital respectfully requests 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(a)(1)(B)(i) and (b)(1) with respect to violations of Section 337 based upon the importation, sale for importation, and sale after importation into the United States by the proposed respondents of infringing wireless devices with 3G and/or 4G capabilities and components thereof, that infringe one or more of the asserted claims of InterDigital's U.S. Patent No. 7,190,966; U.S. Patent No. 7,286,847; U.S. Patent No. 8,009,636; U.S. Patent No. 7,706,830; U.S. Patent No. 7,941,151; U.S. Patent No. 7,616,970; U.S. Patent No. 7,502,406.

(b) Find a violation of Section 337 based on said unlawful acts;

(c) Issue a permanent exclusion order under 19 U.S.C. § 1337(d)(1) barring from entry into the United States all infringing wireless devices with 3G and/or 4G capabilities and components thereof manufactured by or on behalf of, or imported by or on behalf of, each of the respondents or their affiliates;

- (d) Issue permanent cease and desist orders, under 19 U.S.C. § 1337(f), directing each respondent to cease and desist from the sale for importation, importation, sale after importation, distribution, offering for sale, promoting, marketing, advertising, testing, demonstrating, warehousing inventory for distribution, solicitation of sales, programming, repairing, maintaining, using, transferring, and other commercial activity relating to infringing wireless devices with 3G and/or 4G capabilities and components thereof; 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: January 2, 2013

Respectfully Submitted,



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