UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

In the Matter of	
CERTAIN MICROELECTROMECHANICAL SYSTEMS ("MEMS DEVICES") AND PRODUCTS CONTAINING SAME	**Investigation No. 337-TA-_____**

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

Complainant

STMicroelectronics, Inc.
750 Canyon Drive
Coppell, Texas 75019
Phone No. (972) 466-6000

Proposed Respondents

InvenSense, Inc.
1197 Borregas Avenue
Sunnyvale, California 94089
Phone No. (408) 988-7339

Roku, Inc.
12980 Saratoga Avenue, Suite D
Saratoga, California 95070
Phone No. (408) 446-1735

Black & Decker (U.S.), Inc.
701 East Joppa Drive
New Britain, Connecticut 06053
Phone No. (860) 225-5111

Counsel for Complainant

Charles K. Verhoeven
Sean S. Pak
John M. Neukom
Quinn Emanuel Urquhart & Sullivan LLP
50 California Street, 22nd Floor
San Francisco, California 94111
Phone No. (415) 875-6600

Thomas D. Pease
Quinn Emanuel Urquhart & Sullivan LLP
51 Madison Avenue, 22nd Floor
New York, New York 10010
Phone No. (212) 849-7000

Paul F. Brinkman
Quinn Emanuel Urquhart & Sullivan LLP
1299 Pennsylvania Avenue, NW, Suite 825
Washington, D.C. 20004
Phone No. (202) 538-8000

Michael D. Powell
Quinn Emanuel Urquhart & Sullivan LLP
555 Twin Dolphin Drive, Fifth Floor
Redwood Shores, California 94065
Phone No. (650) 801-5000

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I. INTRODUCTION

1. STMicroelectronics, Inc. ("STM" or "Complainant") respectfully requests that the United States International Trade Commission ("Commission") institute an investigation into violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 ("Section 337").

2. The proposed respondents are InvenSense, Inc. ("InvenSense"); Roku, Inc. ("Roku"); and Black & Decker, Inc. ("Black & Decker") (collectively "Respondents").

3. Respondents have engaged in unfair acts in violation of Section 337 through unlawful and unauthorized importation, and/or sale for importation into the United States, and/or sale within the United States after importation, of certain microelectromechanical systems ("MEMS devices") and products containing same, that infringe one or more claims of United States Patent Nos. 7,450,332 (the "'332 patent"); 7,409,291 (the "'291 patent"); 6,928,872 (the "'872 patent"); 6,370,954 (the "'954 patent"); and 6,034,419 (the "'419 patent") (collectively, the "Asserted Patents").

4. MEMS devices are often used in electronic products such as smart phones, laptop computers, personal computing tablets, automotive electronics, power tools, remote control devices, and video-game controllers to enable those products to detect when they are being rotated, tilted, dropped, or moved in other ways by the user. This important functionality is becoming increasingly common in electronic products in the United States.

5. To remedy Respondents' violations of Section 337, STM seeks relief in the form of a permanent limited exclusion order prohibiting entry into the United States of all of Respondents' MEMS devices and products containing same that infringe one or more of the Asserted Patents. STM further seeks cease and desist orders prohibiting Respondents, their subsidiaries, related companies, and agents from engaging in the importation, sale for

importation, marketing, advertising, distribution, offering for sale, sale, use after importation, sale after importation, and/or other transfers within the United States after importation of infringing MEMS devices and products containing same.

II. PARTIES

A. Complainant STMicroelectronics, Inc.

6. STM is a corporation organized and existing under the laws of the State of Delaware and has its principal place of business at 750 Canyon Drive, Coppell, Texas 75019.

7. STM is a wholly owned subsidiary of STMicroelectronics NV ("STNV").[1] STNV was created in 1987 by the merger of two long-established semiconductor companies, SGS Microelecttronica of Italy and Thomson Semiconducteurs of France, and has been publicly traded since 1994 on the New York Stock Exchange (NYSE: STM), Euronext Paris, and Borsa Italiana. ST's 2012 Annual Report is attached as Exhibit 19.

8. For nearly two decades, ST has been a leading innovator of cutting edge microelectronic devices. Today, ST is the world's largest manufacturer of MEMS devices. As part of ST's innovation in MEMS technology, STM devotes thousands of United States employee hours and millions of dollars in the United States identifying new uses for ST's MEMS devices, creating and adapting MEMS devices for emerging applications, supporting its products, and working with customers (and potential customers) to integrate ST's MEMS technology into downstream products such as laptop computers, smart phones, game controllers, and other consumer electronic devices.

9. Nearly a quarter of ST's consolidated net revenues last year was spent on research and development including in the area of MEMS technology. In the United States,

[1] STM, STNV, and their various subsidiaries and affiliates are hereinafter referred to collectively as "ST."

STM has made and continues to make substantial investments relating to ST's MEMS devices through design-in engineering, testing, troubleshooting, quality control, customer support, service and repair, and technical sales and marketing. MEMS have been and continue to be actively commercialized by STM in the United States and have been and continue to be an important source of revenue for the company.

10. As discussed in greater detail in the Confidential Declaration of Rino Peruzzi, attached as Confidential Exhibit 47, STM has made significant domestic investments in plant, equipment, labor and capital, and engineering, research and development relating to products practicing the Asserted Patents and in further exploiting ST's patented technology. ST continues to believe that a strong United States commitment to research and development is required to drive long-term growth.

B. Proposed Respondents

1. InvenSense

11. Proposed respondent InvenSense, Inc. is a corporation organized under the laws of the State of Delaware and has its principal place of business at 1197 Borregas Avenue, Sunnyvale, California 94089.

12. InvenSense is in the business of importing and selling MEMS devices, including gyroscopes and accelerometers that are manufactured outside the United States.

13. Further information regarding InvenSense may be found in Exhibit 36, which includes InvenSense's 2012 Form 10-K.

2. Roku

14. Proposed respondent Roku, Inc. is a corporation organized under the laws of Delaware and has its principal place of business at 12980 Saratoga Avenue, Suite D, Saratoga, California 95070.

15. Roku is in the business of importing and selling home digital media products, including video streaming devices and accessories containing the accused MEMS devices.

3. Black & Decker

16. Proposed respondent Black & Decker (U.S.), Inc. is a corporation organized under the laws of Maryland and has its principal place of business at 701 East Joppa Drive, New Britain, Connecticut 06053.

17. Black & Decker is in the business of importing and selling tools and household hardware, including power tools containing the accused MEMS devices.

III. ACCUSED PRODUCTS[2]

18. The Accused Products from InvenSense include, but are not limited to, the ISZ-650, IMU-3000, ITG-3050, MPU-3050, ITG-3200, MPU-6000, MPU-6050, MPU-6100, MPU-6150, MPU-6500, and MPU-9150 product lines ("InvenSense Accused Products"). These devices use various MEMS technologies that include, for example, gyroscopes that allow for the detection of movement or rotation of a device.[3]

19. The Accused Products from Roku include, but are not limited to, the Roku 2 XS and constitute products containing one or more of the InvenSense Accused Products.

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[2] The term "Accused Products" encompasses all of Respondents' MEMS devices and products containing same with components and functionality that come within the scope of the Asserted Patents' claims. Upon further investigation and discovery, STM may identify additional Accused Products and/or seek to assert additional claims of the Asserted Patents.

[3] The infringing components of the InvenSense Accused Products include CMOS components that are manufactured, at least in part, by InvenSense's "Nasiri-Fabrication" process. *See http://www.invensense.com/mems/technology.html.* On information and belief, all of InvenSense's MEMS devices are manufactured using the "Nasiri-Fabrication" process and include CMOS components substantially similar to those in the InvenSense Accused Products. On information and belief, every InvenSense MEMS device infringes the Asserted Patents.

20. The Accused Products from Black & Decker include, but are not limited to, the Black & Decker 4v Max Gyro Rechargeable Screwdriver and constitute products containing one or more of the InvenSense Accused Products.

21. Each of the Accused Products meets each and every limitation of at least one claim of one or more of the Asserted Patents. The Accused Products include, but are not limited to, all versions of the above-referenced products as members of the related product family that include substantially the same accused features, including those marketed under alternative trade names. These products, however, are merely illustrative of the types and classes of infringing products that Respondents manufacture and import into the United States, sell for importation into the United States, and/or sell within the United States after importation in violation of Section 337.

IV. ASSERTED PATENTS

A. The '332 Patent

1. Identification and Ownership of the '332 Patent

22. STM owns by assignment the right, title, and interest in United States Patent No. 7,450,332, titled "Free-Fall Detection Device And Free-Fall Protection System For A Portable Electronic Apparatus," which issued November 11, 2008, naming Fabio Pasolini, Michele Tronconi, Wen Lin, and William R. Raasch as inventors. A copy of the '332 patent is attached as Exhibit 1. A copy of the assignment from Wen Lin to STM is attached as Exhibit 6. A copy of the assignment from William R. Raasch to STM is attached as Exhibit 7. A copy of the assignment from Fabio Pasolini and Michele Tronconi to STMicroelectronics S.r.l. is attached as Exhibit 8. A copy of the assignment from STMicroelectronics S.r.l. to STM is attached as Exhibit 9.

23. A copy of the prosecution history for the '332 patent and copies of each reference cited in the '332 patent and its prosecution history are included in Appendices 1 and 6, respectively.

2. Non-Technical Description of the '332 Patent[4]

24. The '332 patent generally relates to MEMS devices that are capable of detecting free-fall and are suitable for incorporation into a portable electronic device. In particular, the '332 patent discloses a three-dimensional acceleration sensor and a free-fall detection module that work together to detect free-fall when, for example, acceleration along the three axes of the sensor all surpass a threshold. The invention permits rapid, accurate, reliable detection of the free-fall condition affording, for example, effective protection against damage from impact to the device subject to free-fall.

B. The '291 Patent

1. Identification and Ownership of the '291 Patent

25. STM owns by assignment the right, title, and interest in United States Patent No. 7,409,291, titled "Device For Automatic Detection Of States Of Motion And Rest, And Portable Electronic Apparatus Incorporating It," which issued on August 5, 2008, naming Fabio Pasolini and Ernesto Lasalandra as inventors. A copy of the '291 Patent is attached as Exhibit 2. A copy of the assignment from the named inventors to STMicroelectronics S.r.l. is attached as Exhibit 10. A copy of the assignment from STMicroelectronics S.r.l. to STM is attached as Exhibit 11.[5]

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[4] These non-technical descriptions of the inventions claimed in the Asserted Patents are not intended to construe or limit either the specification or the claims of the Asserted Patents.

[5] STM has requested certified copies of each patent, assignment, and prosecution history from the United States Patent and Trademark Office. To the extent the copies attached

26. A copy of the prosecution history for the '291 patent and copies of each reference cited in the '291 patent and its prosecution history are included in Appendices 2 and 7, respectively.

2. Non-Technical Description of the '291 Patent

27. The '291 patent relates to a MEMS device that detects states of motion and rest using a motion sensor. The sensors detect motion (and rest) and signal such activity to the electronic apparatus that incorporates the MEMS device (*e.g.*, a smart phone). The MEMS device processes the signals it receives from the motion sensors to identify the dynamic component of the motion signal and supplies a pulse when the processed signal is indicative of motion.

C. The '872 Patent

1. Identification and Ownership of the '872 Patent

28. STM owns by assignment the right, title, and interest in United States Patent No. 6,928,872, titled "Integrated Gyroscope Of Semiconductor Material With At Least One Sensitive Axis In The Sensor Plane," which issued on August 16, 2005, naming Guido Spinola Durante, Sarah Zerbini, and Angelo Merassi as inventors. A copy of the '872 patent is attached as Exhibit 3. A copy of the assignment from the named inventors to STMicroelectronics S.r.l. is attached as Exhibit 12. A copy of the assignment of the '872 patent from STMicroelectronics S.r.l. to STM is attached as Exhibit 13.

29. A copy of the prosecution history for the '872 patent and copies of each reference cited in the '872 patent and its prosecution history are included in Appendices 3 and 8, respectively.

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to this complaint are uncertified, STM will provide certified copies as soon as they are available.

2. Non-Technical Description of the '872 Patent

30. The '872 patent discloses an integrated gyroscope, which includes driving assemblies, sensitive masses and sensing electrodes, that provides more precise motion detection and greater reliability over prior technology.

D. The '954 Patent

1. Identification and Ownership of the '954 Patent

31. STM owns by assignment the right, title, and interest in United States Patent No. 6,370,954, titled "Semiconductor Integrated Inertial Sensor With Calibration Microactuator," which issued on April 16, 2002, naming Sarah Zerbini, Benedetto Vigna, Massimo Garavaglia, and Gianluca Tomasi as inventors. A certified copy of the '954 Patent is attached as Exhibit 4. A certified copy of the assignment from the named inventors to STMicroelectronics S.r.l. is attached as Exhibit 14. A copy of the assignment from STMicroelectronics S.r.l. to STM is attached as Exhibit 15.

32. A certified copy of the prosecution history for the '954 patent and copies of each reference cited in the '954 patent and its prosecution history are included in Appendices 4 and 9, respectively.

2. Non-Technical Description of the '954 Patent

33. The '954 patent relates to MEMS devices that sense movement. The sensor disclosed by the patent offers improved motion actuation for MEMS motion sensors. For example, the '954 invention uses mobile electrode elements (rotors) coupled to fixed electrode elements (stators) where the rotor element has a movable mass that is coplanar to a microactuator, which provides more reliable and effective motion sensing.

E. The '419 Patent

1. Identification and Ownership of the '419 Patent

34. STM owns by assignment the right, title, and interest in United States Patent No. 6,034,419, titled "Semiconductor Device With A Tungsten Contact," which issued March 7, 2000, naming Howard Charles Nicholls, Michael John Norrington, and Michael Kevin Thompson as inventors. A certified copy of the '419 patent is attached as Exhibit 5. A certified copy of the assignment from the named inventors to Inmos Ltd. with respect to the parent of the '419 patent (App. No. 07/502,526 ("the '526 application")) and all subsequent patents issued from the '526 application is attached as Exhibit 16. A certified copy of the assignment from Inmos Ltd. to SGS-Thomson Microelectronics Ltd. is attached as Exhibit 17. SGS-Thomson Microelectronics Ltd. became known as STMicroelectronics Ltd. in 1998. A copy of the assignment from STMicroelectronics Ltd. to STM is attached as Exhibit 18.

35. A certified copy of the prosecution history for the '419 patent and copies of each reference cited in the '419 patent and its prosecution history are included in Appendices 5 and 10, respectively.

2. Non-Technical Description of the '419 Patent

36. The '419 patent generally relates to semiconductor devices, such as MEMS devices, that incorporate tungsten contacts. The tungsten contact structure disclosed by the patent provides a reliable, stable conductive contact to electrically connect the various parts of the device to each other and to external circuitry. More specifically, the disclosed structure incorporates relatively small tungsten contacts that increase the planar qualities of the surface (so that additional layers can be formed on top) without reducing the reliability of the device.

F. Foreign Counterparts of the Asserted Patents

37. A list of each known foreign counterpart corresponding to the Asserted Patents, with an indication of the prosecution status, is attached as Exhibit 20. No other known foreign patents or patent applications corresponding to any of the Asserted Patents have been filed, abandoned, withdrawn, or rejected.

G. Related Litigation

38. The '332, '291, and '872 patents are the subject of litigation in the United States District Court for the Northern District of California in *STMicroelectronics, Inc. v. InvenSense, Inc.*, Case No. 3:12-cv-02475-JSW (N.D. Cal.). That litigation is currently stayed by court order.

39. STM is filing a complaint in the United States District Court for the Northern District of California alleging infringement of the '954 and '419 patents by Respondents InvenSense, Roku, and Black & Decker. There has been no other litigation relating to the Asserted Patents.

H. Licensees of the Asserted Patents

40. Confidential Exhibit 48 lists entities that may be licensed to one of more of the Asserted Patents.

V. UNLAWFUL AND UNFAIR ACTS OF PROPOSED RESPONDENTS – PATENT INFRINGEMENT

41. The Accused Products are manufactured abroad by or for Respondents and unlawfully imported into the United States, sold for importation into the United States, and/or sold within the United States after importation by the Respondents.

A. InvenSense's Infringement of the Asserted Patents

42. InvenSense unlawfully imports, sells for importation, and/or sells within the United States after importation the InvenSense Accused Products, thereby infringing at least one or more claims of the Asserted Patents including but not limited to claims: 1, 4, 5, and 7-13 of the '332 patent; claims 1-3, 7, 19, 20, 25, and 26 of the '291 patent; claims 1, 3-5, 14, 16, 17, and 24-26 of the '872 patent; claims 1-3, 5, and 7-10 of the '954 patent; and claims 1-13 of the '419 patent (collectively, the "Asserted Claims").

43. InvenSense has infringed and continues to infringe at least the Asserted Claims by, *inter alia*, its importation, sale for importation, and/or sale in the United States after importation of the InvenSense Accused Products. InvenSense also infringes the Asserted Claims by having its employees or agents operate, test, and/or demonstrate the InvenSense Accused Products in the United States.

44. InvenSense also indirectly infringes at least the Asserted Claims of the '291 patent by inducing and/or contributing to the infringement of the '291 patent. InvenSense induces infringement and/or contributorily infringes when distributors, consumers, end-users, and/or InvenSense's employees use or sell the '291 Accused Products in the United States.

45. InvenSense induces infringement because: (i) InvenSense has knowledge of the '291 patent and its infringement through, at a minimum, the filing of this Complaint and the May 16, 2012 filing of STM's complaint in the Northern District of California (Case No. 3:12-cv-02475-JSW), and the parties' licensing negotiations which commenced in or around December 2011 (and during which, in or around February 2012, ST specifically identified the '291 patent as having been infringed by InvenSense); (ii) InvenSense intends to induce direct infringement of the '291 patent; (iii) InvenSense actively induces direct infringement of the '291 patent by knowingly aiding and abetting that infringement; and/or (iv) InvenSense has

actual or constructive knowledge that its actions induce infringement. For example, InvenSense induces infringement of the '291 patent by, among other things, providing and selling the '291 Accused Products, creating and distributing user manuals and marketing materials, and by other acts and communications that instruct users how to operate the '291 Accused Products and/or otherwise cause others to use the '291 Accused Products, and thereby to practice the claimed inventions of the '291 patent.

46. InvenSense further contributes to infringement of the '291 patent because there are no substantial non-infringing uses for the '291 Accused Products. InvenSense's MEMS devices – which InvenSense sells directly, as well as indirectly through its distribution partners, to assemblers and consumers – are designed to be used (and are used by those third parties) in an infringing manner. Additionally, on information and belief, InvenSense knows the '291 Accused Products are especially made or especially adapted for use in the infringement of the '291 patent and that the infringing portions of these products are not staple articles or commodities of commerce suitable for substantial non-infringing uses.

47. The InvenSense Accused Products that infringe the '332 patent include, but are not limited to, the MPU-6000, MPU-6050, MPU-6100, MPU-6150, MPU-6500, and MPU-9150 product lines. Exhibit 21 is a claim chart that compares asserted independent claim 1 of the '332 patent to a representative InvenSense Accused Product. The document referenced in this claim chart is attached as Exhibit 40.

48. The InvenSense Accused Products that infringe the '291 patent include, but are not limited to, the MPU-6000, MPU-6050, MPU-6100, MPU-6150, MPU-6500, and MPU-9150 product lines. Exhibit 22 is a claim chart that compares asserted independent claims 1, 19, and

25 of the '291 patent to a representative InvenSense Accused Product. Documents referenced in this claim chart are attached as Exhibits 40 and 41.

49. The InvenSense Accused Products that infringe the '872 patent include, but are not limited to, the ISZ-650, IMU-3000, ITG-3050, MPU-3050, ITG-3200, MPU-6000, MPU-6050, and MPU-9150 product lines. Confidential Exhibit 23 is a claim chart that compares asserted independent claims 1, 3, 17, and 24 of the '872 patent to a representative InvenSense Accused Product. The document referenced in this claim chart is attached as Confidential Exhibit 46.

50. The InvenSense Accused Products that infringe the '954 patent include, but are not limited to, the ISZ-650, IMU-3000, ITG-3050, MPU-3050, ITG-3200, MPU-6000, MPU-6050 and MPU-9150 product lines. Confidential Exhibit 26 is a claim chart that compares asserted independent claim 1 of the '954 patent to a representative InvenSense Accused Product. Documents referenced in this claim chart are attached as Exhibit 38 and Confidential Exhibit 46.

51. The InvenSense Accused Products that infringe the '419 patent include, but are not limited to, the IMU-3000, ITG-3050, MPU-3050, ITG-3200, MPU-6050 and MPU-9150 product lines. Confidential Exhibit 29 is a claim chart that compares asserted independent claims 1 and 9 of the '419 patent to a representative InvenSense Accused Product. The document referenced in this claim chart is attached as Confidential Exhibit 46.

B. Roku's Infringement of the Asserted Patents

52. Roku unlawfully imports, sells for importation, and/or sells within the United States after importation one or more products containing infringing InvenSense Accused Products (the "Roku Accused Products"), thereby infringing at least one of the Asserted Claims.

53. Roku has infringed and continues to infringe at least the Asserted Claims by, *inter alia*, its importation, sale for importation, and/or sale in the United States after importation of the Roku Accused Products. Roku also infringes the Asserted Claims by having its employees or agents operate, test, and/or demonstrate the Roku Accused Products in the United States.

54. The Roku Accused Products that infringe the '872 patent include at least the Roku 2 XS. Confidential Exhibit 25 is a claim chart that compares asserted independent claims 1, 3, 17, and 24 of the '872 patent to the Roku 2 XS. Documents referenced in this claim chart are attached as Exhibit 38 and Confidential Exhibit 46.

55. The Roku Accused Products that infringe the '954 patent include at least the Roku 2 XS. Confidential Exhibit 28 is a claim chart that compares asserted independent claim 1 of the '954 patent to the Roku 2 XS. Documents referenced in this claim chart are attached as Exhibit 38 and Confidential Exhibit 46.

56. The Roku Accused Products that infringe the '419 patent include at least the Roku 2 XS. Confidential Exhibit 30 is a claim chart that compares asserted independent claims 1 and 9 of the '419 patent to the Roku 2 XS. The document referenced in this claim chart is attached as Confidential Exhibit 46.

C. Black & Decker's Infringement of the Asserted Patents

57. Black & Decker unlawfully imports, sells for importation, and/or sells within the United States after importation one or more products containing infringing InvenSense Accused Products (the "Black & Decker Accused Products"), thereby infringing at least one of the Asserted Claims.

58. Black & Decker has infringed and continues to infringe at least the Asserted Claims by, *inter alia*, its importation, sale for importation, and/or sale in the United States after

importation of the Black & Decker Accused Products. Black & Decker also infringes the Asserted Claims by having its employees or agents operate, test, and/or demonstrate the Black & Decker Accused Products in the United States.

59. The Black & Decker Accused Products that infringe the '872 patent include at least the 4v Max Gyro Rechargeable Screwdriver. Confidential Exhibit 24 is a claim chart that compares asserted independent claims 1, 3, 17, and 24 of the '872 patent to the 4v Max Gyro Rechargeable Screwdriver. Documents referenced in this claim chart are attached as Exhibit 39 and Confidential Exhibit 46.

60. The Black & Decker Accused Products that infringe the '954 patent include at least the 4v Max Gyro Rechargeable Screwdriver. Confidential Exhibit 27 is a claim chart that compares asserted independent claim 1 of the '954 patent to the 4v Max Gyro Rechargeable Screwdriver. Documents referenced in this claim chart are attached as Exhibit 39 and Confidential Exhibit 46.

61. In summary, the Respondents unlawfully import, sell for importation, and/or sell within the United States after importation Accused Products that infringe at least the asserted claims below:

Patent	Asserted Claims[6]	Accused Products[6]
'332 Patent	1, 4, 5, 7-13	InvenSense product lines: MPU-6000, MPU-6050, MPU-6100, MPU-6150, MPU-6500, MPU-9150
'291 Patent	1-3, 7, 19, 20, 25, 26	InvenSense product lines: MPU-6000, MPU-6050, MPU-6100, MPU-6150, MPU-6500, MPU-9150
'872 Patent	1, 3-5, 14, 16, 17, 24-26	InvenSense product lines: ISZ-650, IMU-3000, ITG-3050, MPU-3050, ITG-3200, MPU-6000, MPU-6050, MPU-9150 Roku: Roku 2 XS Black & Decker: 4v Max Gyro Rechargeable Screwdriver
'954 Patent	1-3, 5, 7-10	InvenSense product lines: ISZ-650, IMU-3000, ITG-3050, MPU-3050, ITG-3200, MPU-6000, MPU-6050, MPU-9150 Roku: Roku 2 XS Black & Decker: 4v Max Gyro Rechargeable Screwdriver
'419 Patent	1-13	InvenSense product lines: IMU-3000, ITG-3050, MPU-3050, ITG-3200, MPU-6050, MPU-9150 Roku: Roku 2 XS

[6] The Accused Products listed in this chart are illustrative of the types and classes of infringing products that Respondents manufacture and import, sell for importation, and/or sell within the United States after importation in violation of Section 337. The specifically-identified Asserted Claims and Accused Products, including those identified on a per-Respondent basis, reflect Complainant's current knowledge based on its diligent, good faith pre-filing investigation. Discovery may reveal that additional claims are infringed by the Accused Products or that additional products and product categories infringe the Asserted Claims, including that Roku infringes one or more claims of the '291 and '332, and that Black & Decker infringes one or more claims of the '291, '332, and '419 patents.

VI. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

62. Significant quantities of InvenSense's products, including the InvenSense Accused Products, while manufactured outside the United States, are imported, sold for importation, and/or sold within the United States after importation by InvenSense; or sold outside of the United States by InvenSense but incorporated into products that are intended for importation into the United States. InvenSense sells significant volumes of its Accused Products abroad to Roku and Black & Decker, who in turn incorporate the infringing MEMS devices into their products and import, sell for importation, and/or sell within the United States after importation those Accused Products.

63. The specific instances of importation of Accused Products described herewith are representative examples of Respondents' unlawful importation, sale for importation, and/or sales within the United States after importation of infringing products.

64. The representative Accused Products were purchased directly from retail stores in the United States or purchased online from InvenSense or Component Distributors, Inc. and delivered to a U.S. address.[7]

65. The purchase receipts of representative Accused Products are attached as exhibits to the Declaration of Jon Tap ("Tap Declaration"), which is attached as Exhibit 37.

66. As set forth more fully in the Tap Declaration, the representative Accused Products from Roku and Black & Decker are marked as manufactured outside the United States, and the representative Accused Products from InvenSense are described online as being manufactured outside the United States. Photographs of the Accused Products and their packaging are submitted as exhibits to the Tap Declaration. In addition, printouts from

[7] At the request of the Commission, STM will provide physical samples of the Accused Products.

InvenSense's online store evidencing foreign manufacture are submitted as exhibits to the Tap Declaration.

VII. CLASSIFICATION OF THE ACCUSED PRODUCTS UNDER THE HARMONIZED TARIFF SCHEDULE

67. Upon information and belief, the Accused Products may be classified under at least the following headings and subheadings of the Harmonized Tariff Schedule of the United States ("HTSUS"): 9031.80.8085, 8526.92.0000, 8521.90.0000, and 8467.29.0040.

68. These HTSUS classifications are exemplary in nature and are not intended to restrict the scope of the Accused Products, any exclusion order, or other remedy ordered by the Commission.

VIII. THE DOMESTIC INDUSTRY RELATING TO THE ASSERTED PATENTS

69. An industry as required by Section 337(a)(2) and defined by Section 337(a)(3) exists in the United States relating to ST's products protected by the Asserted Patents.

A. Technical Prong

70. For purposes of outlining STM's satisfaction of the domestic industry requirement, STM has selected ST's L3G4200D and LIS331DLH devices as representative domestic industry products.[8] However, many other ST MEMS devices practice the Asserted Patents and support STM's domestic industry in the United States.

71. Exhibit 31 is a claim chart demonstrating that each and every limitation of at least representative claim 1 of the '332 patent is met by the LIS331DLH. The LIS331DLH also practices at least claims 2-5 and 7-13. Documents referenced in this claim chart are attached as Exhibits 44 and 45.

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[8] At the request of the Commission, STM will provide physical samples of representative domestic industry products.

72. Exhibit 32 is a claim chart demonstrating that each and every limitation of at least representative claim 27 of the '291 patent is met by the LIS331DLH. The LIS331DLH also practices claim 28. Documents referenced in this claim chart are attached as Exhibits 44 and 45.

73. Exhibit 33 is a claim chart demonstrating that each and every limitation of at least representative claim 24 of the '872 patent is met by the L3G4200D. The L3G4200D also practices at least claims 14, 16, 25, and 26 of the '872 patent. The document referenced in this claim chart is attached as Exhibit 43.

74. Exhibit 34 is a claim chart demonstrating that each and every limitation of at least representative claim 1 of the '954 patent is met by the L3G4200D. The L3G4200D also practices at least claims 2, 3, 5, and 7-10 of the '954 patent. The document referenced in this claim chart is attached as Exhibit 42.

75. Confidential Exhibit 35 is a claim chart demonstrating that each and every limitation of at least representative claim 1 of the '419 patent is met by the L3G4200D. The L3G4200D also practices at least claims 2-13 of the '419 patent. The document referenced in this claim chart is attached as Confidential Exhibit 46.

76. In summary, at least the following ST products practice at least the following representative claims of the Asserted Patents:

Patent	**Claims**	**Representative ST Products**
'332 Patent	1-5, 7-13	LIS331DLH
'291 Patent	27, 28	LIS331DLH
'872 Patent	14, 16, 24-26	L3G4200D
'954 Patent	1-3, 5, 7-10	L3G4200D

Patent	Claims	Representative ST Products
'419 Patent	1-13	L3G4200D

B. Economic Prong

77. STM has made and continues to make significant investments in the United States in plant, equipment, labor and capital, as well as substantial investments in the United States in engineering, research and development relating to articles protected by the Asserted Patents. These activities include at least domestic research, engineering (including design-in engineering), testing, technical marketing, and repair and service relating to ST's MEMS devices protected by the Asserted Patents.

78. For example, as described in Confidential Exhibit 47, STM has made substantial investments in the United States relating to the MEMS devices currently used in consumer electronics devices of its U.S. customers, including the representative domestic industry devices discussed above. STM is continuously collaborating with its United States customers to design and develop MEMS devices to be incorporated into ST products.

79. As further described in Confidential Exhibit 47, STM engages in substantial research and development work that exploits the technology protected by the Asserted Patents in the United States in its facility in Coppell, Texas. The research resulted in the invention disclosed by the '332 patent as well as several MEMS devices under-development that practice one or more of the Asserted Patents.

80. As further described in Confidential Exhibit 47, STM's domestic investments relating to the Asserted Patents takes place in various facilities it maintains throughout the United States, including at least its facilities located in Coppell, Texas; Santa Clara, California; and Longmont, Colorado.

81. STM's domestic investments are an integral part of ST's overall MEMS business, which has been and will continue to be very important for the company. The net revenues of the Analog, MEMS, and Microcontrollers ("AMM") segment of ST were in excess of $3.2 billion and represented nearly 40% of ST's consolidated net revenues in 2012. *See* Exh. 19 (ST 2012 Annual Report at 53).

IX. RELIEF REQUESTED

82. To remedy Respondents' infringement of Section 337, STM respectfully requests that the Commission:

(a) Institute an investigation pursuant to Section 337 with respect to Respondents' violations of that Section arising from the importation into the United States, sale for importation, and/or sale within the United States after importation of Respondents' MEMS devices and products containing same that infringe one or more claims of the Asserted Patents;

(b) Schedule and conduct a hearing on permanent relief for the purposes of (i) receiving evidence and hearing argument concerning whether there has been a violation of Section 337, and (ii) following the hearing, determining that there has been a violation of Section 337;

(c) Issue a permanent limited exclusion order directed to products manufactured by Respondents, their subsidiaries, related companies, and agents excluding entry into the United States of MEMS devices and products containing same that infringe one or more claims of the Asserted Patents;

(d) Issue permanent cease and desist orders prohibiting Respondents, their subsidiaries, related companies, and agents from engaging in the importation, sale for importation, marketing, advertising, distribution, offering for sale, sale, testing, use after

importation, sale after importation, and/or other transfer within the United States of the MEMS devices and products containing same that infringe one or more claims of the Asserted Patents;

(e) Impose a bond upon Respondents who continue to import infringing MEMS devices and products containing same during the 60-day Presidential review period; and

(f) Issue such other and further relief as the Commission deems just and proper under the law, based on the facts determined by the Investigation and the authority of the Commission.

DATED: March 11, 2013

Respectfully submitted

By _____

Paul F. Brinkman
Quinn Emanuel Urquhart & Sullivan LLP
1299 Pennsylvania Avenue, NW, Suite 825
Washington, D.C. 20004
Phone No. (202) 538-8000

Charles K. Verhoeven
Sean S. Pak
John M. Neukom
Quinn Emanuel Urquhart & Sullivan LLP
50 California Street, 22nd Floor
San Francisco, California 94111
Phone No. (415) 875-6600

Thomas D. Pease
Quinn Emanuel Urquhart & Sullivan LLP
51 Madison Avenue, 22nd Floor
New York, New York 10010
Phone No. (212) 849-7000

Mike Powell
Quinn Emanuel Urquhart & Sullivan LLP
555 Twin Dolphin Drive, Fifth Floor
Redwood Shores, California 94065
Phone No. (650) 801-5000

Attorneys for Complainant STMicroelectronics, Inc.