

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C. 20436**

In the Matter of

CERTAIN ELECTRONIC DEVICES
HAVING PLACESHIFTING OR DISPLAY
REPLICATION FUNCTIONALITY AND
PRODUCTS CONTAINING SAME

Investigation No. 337-TA-_____

**COMPLAINT OF SLING MEDIA, INC.
UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED**

COMPLAINANT

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TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	COMPLAINANT	4
III.	PROPOSED RESPONDENTS	5
IV.	PRODUCTS AT ISSUE	8
V.	THE ASSERTED PATENTS	9
	A. U.S. Patent Nos. 7,877,776 and 8,060,909	9
	1. Identification of the Patents and Ownership by Sling Media	9
	2. Non-Technical Description of the Patented Invention	10
	3. Foreign Counterparts to the '776 Patent	10
	4. Foreign Counterparts to the '909 Patent	10
	B. U.S. Patent Nos. 8,051,454 and 8,365,236	11
	1. Identification of the Patent and Ownership by Sling Media	11
	2. Non-Technical Description of the Patented Invention	12
	3. Foreign Counterparts to the '454 Patent	12
	4. Foreign Counterparts to the '236 Patent	12
	C. U.S. Patent No. 7,725,912	13
	1. Identification of the Patent and Ownership by Sling Media	13
	2. Non-Technical Description of the Patented Invention	13
	3. Foreign Counterparts to the '912 Patent	14
	D. U.S. Patent No. 8,266,657 Patent	14
	1. Identification of the Patent and Ownership by Sling Media	14
	2. Non-Technical Description of the Patented Invention	15
	3. Foreign Counterparts to the '657 Patent	15
VI.	THE DOMESTIC INDUSTRY	15
	A. Technical Prong	16
	B. Economic Prong	16
VII.	UNLAWFUL AND UNFAIR ACTS OF PROPOSED RESPONDENTS	17
VIII.	SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE	22
IX.	LICENSEES	24
X.	RELATED LITIGATION	24
XI.	REQUESTED RELIEF	25

LIST OF EXHIBITS

Exhibit No.	Description
1	Certified copy of U.S. Patent No. 7,877,776 (“the ’776 patent”)
2	Certified copy of U.S. Patent No. 8,060,909 (“the ’909 patent”)
3	Certified copy of U.S. Patent No. 8,051,454 (“the ’454 patent”)
4	Certified copy of U.S. Patent No. 8,365,236 (“the ’236 patent”)
5	Certified copy of U.S. Patent No. 7,725,912 (“the ’912 patent”)
6	Certified copy of U.S. Patent No. 8,266,657 (“the ’657 patent”)
7	Certified copies of the Assignments related to the ’776, ’909, ’454, ’236, ’912, and ’657 patents to Sling Media
8	Belkin @TV Product Pictures
9	Monsoon Vulkano Lava Product Pictures
10	Slingbox 500 Product Pictures
11	CC1203 System on Chip Product Brief
12	CC1203 System on Chip Data Sheet
13	Press Release, PR Newswire “Monsoon Multimedia Offers Placeshifting and Multi-Screen Technologies on Popular Semiconductor Solutions,” January 10, 2012.
14	Belkin @TV Quick Install Guide
15	Belkin @TV User Guide
16	PHYSICAL EXHIBIT - Belkin @TV Video
17	Analog Devices ADV7181C Data Sheet
18	Belkin @TV Product Website
19	Monsoon Vulkano Lava Product Website
20	Monsoon Vulkano User Guide

Exhibit No.	Description
21	Monsoon Vulkano Lava Specs Website
22	Public Version of ViXS XCode 42XX System on Chip Data Sheet
22C	CONFIDENTIAL ViXS XCode 42XX System on Chip Data Sheet
23	PHYSICAL EXHIBIT - Slingbox 500 Video
24	Slingbox 500 Product Website
25C	CONFIDENTIAL Analog Devices ADV7842 Data Sheet
26	Purchase Receipt for Belkin and Monsoon Devices
27	Public Version of Slingbox Claim Chart for U.S. Patent No. 7,877,776
27C	CONFIDENTIAL Slingbox Claim Chart for U.S. Patent No. 7,877,776
28	Public Version of Slingbox Claim Chart for U.S. Patent No. 8,060,909
28C	CONFIDENTIAL Slingbox Claim Chart for U.S. Patent No. 8,060,909
29	Public Version of Slingbox Claim Chart for U.S. Patent No. 8,051,454
29C	CONFIDENTIAL Slingbox Claim Chart for U.S. Patent No. 8,051,454
30	Public Version of Slingbox Claim Chart for U.S. Patent No. 7,725,912
30C	CONFIDENTIAL Slingbox Claim Chart for U.S. Patent No. 7,725,912
31	Public Version of Slingbox Claim Chart for U.S. Patent No. 8,266,657
31C	CONFIDENTIAL Slingbox Claim Chart for U.S. Patent No. 8,266,657
32	Public Version of Slingbox Claim Chart for U.S. Patent No. 8,365,236
32C	CONFIDENTIAL Slingbox Claim Chart for U.S. Patent No. 8,365,236
33	Public Version of Declaration of Raghuveer Tarra in Support of the Complaint of Sling Media, Inc. Under Section 337 of the Tariff Act of 1930, as Amended
33C	CONFIDENTIAL Declaration of Raghuveer Tarra in Support of the Complaint of Sling Media, Inc. Under Section 337 of the Tariff Act of 1930, as Amended

Exhibit No.	Description
34	Public Version of Belkin @TV Claim Chart for U.S. Patent No. 7,877,776, claim 18
34C	CONFIDENTIAL Belkin @TV Claim Chart for U.S. Patent No. 7,877,776, claim 18
35	Public Version of Belkin @TV Claim Chart for U.S. Patent No. 7,877,776, claim 33
35C	CONFIDENTIAL Belkin @TV Claim Chart for U.S. Patent No. 7,877,776, claim 33
36	Public Version of Belkin @TV Claim Chart for U.S. Patent No. 8,060,909, claim 7
36C	CONFIDENTIAL Belkin @TV Claim Chart for U.S. Patent No. 8,060,909, claim 7
37	Public Version of Belkin @TV Claim Chart for U.S. Patent No. 8,060,909, claim 12
37C	CONFIDENTIAL Belkin @TV Claim Chart for U.S. Patent No. 8,060,909, claim 12
38	Public Version of Belkin @TV Claim Chart for U.S. Patent No. 8,051,454, claim 1
38C	CONFIDENTIAL Belkin @TV Claim Chart for U.S. Patent No. 8,051,454, claim 1
39	Public Version of Belkin @TV Claim Chart for U.S. Patent No. 8,051,454, claim 9
39C	CONFIDENTIAL Belkin @TV Claim Chart for U.S. Patent No. 8,051,454, claim 9
40	Public Version of Belkin @TV Claim Chart for U.S. Patent No. 8,051,454, claim 16
40C	CONFIDENTIAL Belkin @TV Claim Chart for U.S. Patent No. 8,051,454, claim 16
41	Public Version of Belkin @TV Claim Chart for U.S. Patent No. 7,725,912, claim 58
41C	CONFIDENTIAL Belkin @TV Claim Chart for U.S. Patent No. 7,725,912, claim 58
42	Public Version of Belkin @TV Claim Chart for U.S. Patent No. 7,725,912, claim 103
42C	CONFIDENTIAL Belkin @TV Claim Chart for U.S. Patent No. 7,725,912, claim 103
43	Public Version of Belkin @TV Claim Chart for U.S. Patent No. 8,266,657, claim 81
43C	CONFIDENTIAL Belkin @TV Claim Chart for U.S. Patent No. 8,266,657, claim 81
44	Public Version of Belkin @TV Claim Chart for U.S. Patent No. 8,365,236, claim 1
44C	CONFIDENTIAL Belkin @TV Claim Chart for U.S. Patent No. 8,365,236, claim 1
45	Public Version of Belkin @TV Claim Chart for U.S. Patent No. 8,365,236, claim 15

Exhibit No.	Description
45C	CONFIDENTIAL Belkin @TV Claim Chart for U.S. Patent No. 8,365,236, claim 15
46	Public Version of Monsoon Vulkano Lava Claim Chart for U.S. Patent No. 7,877,776, claim 18
46C	CONFIDENTIAL Monsoon Vulkano Lava Claim Chart for U.S. Patent No. 7,877,776, claim 18
47	Public Version of Monsoon Vulkano Lava Claim Chart for U.S. Patent No. 7,877,776, claim 33
47C	CONFIDENTIAL Monsoon Vulkano Lava Claim Chart for U.S. Patent No. 7,877,776, claim 33
48	Public Version of Monsoon Vulkano Lava Claim Chart for U.S. Patent No. 8,060,909, claim 7
48C	CONFIDENTIAL Monsoon Vulkano Lava Claim Chart for U.S. Patent No. 8,060,909, claim 7
49	Public Version of Monsoon Vulkano Lava Claim Chart for U.S. Patent No. 8,060,909, claim 12
49C	CONFIDENTIAL Monsoon Vulkano Lava Claim Chart for U.S. Patent No. 8,060,909, claim 12
50	Public Version of Monsoon Vulkano Lava Claim Chart for U.S. Patent No. 8,051,454, claim 1
50C	CONFIDENTIAL Monsoon Vulkano Lava Claim Chart for U.S. Patent No. 8,051,454, claim 1
51	Public Version of Monsoon Vulkano Lava Claim Chart for U.S. Patent No. 8,051,454, claim 9
51C	CONFIDENTIAL Monsoon Vulkano Lava Claim Chart for U.S. Patent No. 8,051,454, claim 9
52	Public Version of Monsoon Vulkano Lava Claim Chart for U.S. Patent No. 8,051,454, claim 16
52C	CONFIDENTIAL Monsoon Vulkano Lava Claim Chart for U.S. Patent No. 8,051,454, claim 16
53	Public Version of Monsoon Vulkano Lava Claim Chart for U.S. Patent No. 7,725,912, claim 58
53C	CONFIDENTIAL Monsoon Vulkano Lava Claim Chart for U.S. Patent No. 7,725,912, claim 58
54	Public Version of Monsoon Vulkano Lava Claim Chart for U.S. Patent No. 7,725,912, claim 103
54C	CONFIDENTIAL Monsoon Vulkano Lava Claim Chart for U.S. Patent No. 7,725,912, claim 103
55	Public Version of Monsoon Vulkano Lava Claim Chart for U.S. Patent No. 8,266,657, claim 81
55C	CONFIDENTIAL Monsoon Vulkano Lava Claim Chart for U.S. Patent No. 8,266,657, claim 81
56	Public Version of Monsoon Vulkano Lava Claim Chart for U.S. Patent No. 8,365,236, claim 1

Exhibit No.	Description
56C	CONFIDENTIAL Monsoon Vulkano Lava Claim Chart for U.S. Patent No. 8,365,236, claim 1
57	Public Version of Monsoon Vulkano Lava Claim Chart for U.S. Patent No. 8,365,236, claim 15
57C	CONFIDENTIAL Monsoon Vulkano Lava Claim Chart for U.S. Patent No. 8,365,236, claim 15
58	Amended Complaint filed in U.S. District Court for the Northern District of California on February 14, 2013, Case No. 4:13-cv-00074-YGR
59	PHYSICAL EXHIBIT Video: Interview of Belkin Employee at Consumer Electronics Show 2012, Las Vegas, NV
60	PHYSICAL EXHIBIT Video: Belkin Booth at Consumer Electronics Show 2013, Las Vegas, NV
61	PHYSICAL EXHIBIT Video: Belkin Booth at Consumer Electronics Show, Las Vegas, NV
62	PHYSICAL EXHIBIT Video: Belkin demonstration and offer for the @TV Plus on QVC (Shopping Channel)
63	PHYSICAL EXHIBIT Video: Buy.com video discussion with Colin Stiles, Monsoon EVP of Sales and Marketing
64	PHYSICAL EXHIBIT Video: Video of Colin Stiles, Monsoon EVP of Sales and Marketing, at Consumer Electronics Show 2011, Las Vegas, NV
65	PHYSICAL EXHIBIT Video: Second Video of Colin Stiles, Monsoon EVP of Sales and Marketing, at Consumer Electronics Show 2011, Las Vegas, NV
66	PHYSICAL EXHIBIT Audio: October 17, 2011, Podcast Interview of Colin Stiles, Monsoon EVP of Sales and Marketing, on "Tomorrow Will Be Televised"



LIST OF APPENDICES

Appendix	Description
A	Certified copy of the Prosecution History of U.S. Patent No. 7,877,776.
B	Certified copy of the Prosecution History of U.S. Patent No. 8,060,909.
C	Certified copy of the Prosecution History of U.S. Patent No. 8,051,454
D	Certified copy of the Prosecution History of U.S. Patent No. 8,365,236
E	Certified copy of the Prosecution History of U.S. Patent No. 7,725,912.
F	Certified copy of the Prosecution History of U.S. Patent No. 8,266,657.
G	Technical references cited in Prosecution History for U.S. Patent No. 7,877,776.
H	Technical references cited in Prosecution History for U.S. Patent No. 8,060,909.
I	Technical references cited in Prosecution History for U.S. Patent No. 8,051,454.
J	Technical references cited in Prosecution Histories for U.S. Patent Nos. 8,365,236, 7,725,912 and 8,266,657
K	List of Foreign Counterparts to U.S. Patent No. 7,877,776
L	List of Foreign Counterparts to U.S. Patent No. 8,060,909
M	List of Foreign Counterparts to U.S. Patent No. 8,051,454
N	List of Foreign Counterparts to U.S. Patent No. 8,365,236
O	List of Foreign Counterparts to U.S. Patent No. 7,725,912
P	List of Foreign Counterparts to U.S. Patent No. 8,266,657

I. INTRODUCTION

1.1 Sling Media, Inc. (“Sling Media” or “Complainant”) requests that the United States International Trade Commission commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”), to remedy the unlawful importation into the United States, sale for importation into the United States, and/or sale within the United States after importation by the owner, importer, or consignee, of certain electronic devices having placeshifting or display replication functionality and products containing same (collectively referred to as “the accused products”) that infringe valid and enforceable United States patents owned by Sling Media.

1.2 Sling Media designs, develops, and sells a number of high-technology products, including multimedia devices, that allow users to view live or recorded television programming from a remote location. This functionality is often referred to as “placeshifting.” Placeshifting refers to the viewing and listening to live, recorded, or stored media on an electronic device via a network, such as, for example, the Internet. Placeshifting allows consumers to watch their TV anywhere, or in other words, allows replication of a user’s TV programming or stored media that is normally displayed on the user’s home TV to a remote device, such as a phone, tablet, or personal computer, over a data network.

1.3 This Complaint is based on the proposed Respondents’ unlawful and unauthorized importation into the United States, sale for importation, and/or sale within the United States after importation of certain electronic devices having placeshifting or display replication functionality, and products containing same.¹ Respondents’ products infringe at least one or more claims of

¹ To the extent that discovery reveals, for instance, that the Proposed Respondents import certain components into the United States, Sling Media reserves the right to seek amendment of the investigation caption accordingly.

U.S. Patent No. 7,877,776, entitled “Personal Media Broadcasting System,” (“the ’776 patent”), U.S. Patent No. 8,051,454, entitled “Personal Media Broadcasting System with Output Buffer,” (“the ’454 patent”), U.S. Patent No. 8,060,909, entitled “Personal Media Broadcasting System,” (“the ’909 patent”), U.S. Patent No. 7,725,912, entitled “Method for Implementing a Remote Display System with Transcoding,” (“the ’912 patent”), U.S. Patent No. 8,266,657, entitled “Method for Effectively Implementing a Multi-Room Television System,” (“the ’657 patent”), and U.S. Patent No. 8,365,236, entitled “Personal Media Broadcasting System with Output Buffer,” (“the ’236 patent”) (collectively, “the Asserted Patents”). The Asserted Patents are valid and enforceable United States Patents, the entire right, title, and interest in and to which Sling Media owns by assignment.

1.4 Sling Media asserts that the proposed Respondents directly infringe, contributorily infringe, and/or induce the infringement of at least claims 18-24, 26, 28-30, 32-40, 42, and 43 of the ’776 patent; claims 7, 9-12, 14, 15, and 17 of the ’909 patent; claims 1, 2, 4, and 6-20 of the ’454 patent; 58-68, 70, 71, 73, 74, 103, 104, 106, and 108 of the ’912 patent; claim 81 of the ’657 patent; and claims 1-8 and 15-20 of the ’236 patent (collectively, “the Asserted Claims”). In summary, proposed Respondents infringe at least the patents and claims listed in the chart below².

<u>U.S Patent No.</u>	<u>Asserted Claims</u>
7,877,776	<u>18-24</u>, 26, 28-30, 32, <u>33-40</u>, 42, and 43
8,060,909	<u>7</u>, <u>9-12</u>, 14, 15, and 17
8,051,454	<u>1</u> , 2, 4, and 6-8, <u>9</u> , 10-15, and <u>16-20</u>
7,725,912	<u>58-68</u> , 70, 71, 73, 74, <u>103</u> , 104, 106, and 108
8,266,657	<u>81</u>
8,365,236	<u>1-8</u> and <u>15-20</u>

² For ease of reference, the asserted independent claims are shown in bold/underline in the table.

1.5 The proposed Respondents' activities with respect to the importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of certain electronic devices having placeshifting or display replication functionality and products containing same, described more fully, *infra*, are unlawful under 19 U.S.C. § 1337(a)(1)(B)(i), in that they constitute infringement of the valid and enforceable Asserted Patents.

1.6 Certified copies of the '776, '909, '454, '236, '912, and '657 patents accompany this Complaint as **Exhibits 1, 2, 3, 4, 5 and 6**, respectively. Sling Media owns by assignment the entire right, title, and interest in and to the Asserted Patents. Certified copies of each of the recorded assignments related to the '776, '454, '909, '912, '657, and '236 patents accompany this Complaint as **Exhibit 7**, respectively³.

1.7 As required by Section 337(a)(2) and defined in Section 337(a)(3), an industry in the United States exists relating to articles covered by the Asserted Patents.

1.8 Sling Media seeks relief from the Commission in the form of a permanent exclusion order, pursuant to Section 337(d), excluding from entry into the United States the proposed Respondents' accused products that infringe one or more claims of the Asserted Patents. Sling Media also seeks a permanent cease and desist order, pursuant to Section 337(f), halting the importation, sale, offer for sale, marketing, advertising, or solicitation of customers of electronic devices having placeshifting or display replication functionality and products containing same, and other products by the proposed Respondents and their related companies that infringe the Asserted Patents.

³ To the extent a certified copy is unavailable at the time of the filing of the Complaint, certified copies will be filed as soon as they become available.

II. COMPLAINANT

2.1 Complainant Sling Media, Inc. is a corporation organized under the laws of Delaware, having its principal place of business at 1051 East Hillsdale Blvd., Suite 500, Foster City, CA 94404.

2.2 Sling Media designs, develops, and sells a number of products, including multimedia devices, that allow users to view and listen to live, recorded, or stored media on a remote device over the Internet or a data network. Sling Media's Emmy award-winning Slingbox devices transform the way consumers watch live, recorded, or stored television or other programs by allowing consumers to watch their television or other programs from an Internet or network-connected remote device (*e.g.*, personal computer, tablet, or smartphone). Founded in 2004, Sling Media continues to innovate and grow its product line. Sling Media technology is incorporated into numerous consumer devices, including the Slingbox 350, Slingbox 500, Slingbox SOLO, and Slingbox Pro-HD multimedia products, as well as the DISH Network® Hopper® with Sling® DVR set-top box. .

2.3 In recent years, Sling Media has invested tens of millions of dollars in research and development. To protect its investments, Sling Media has sought patent protection, and owns numerous patents and patent applications. Additional information concerning Sling Media can be obtained from Sling Media's website (<http://www.slingbox.com/>).

2.4 The industry has recognized Sling Media's innovation by awarding Sling Media various awards relating to its product technology, including the International Design Excellence Award (IDEA®) and an Emmy Award for its Slingbox devices. Sling Media is one of the largest worldwide suppliers of placeshifting multimedia devices.

2.5 In relation to this action, Sling Media designs, develops, markets and sells placeshifting devices that permit users to view and listen to live, recorded or stored media on a remote device over the Internet or a data network. Sling Media's United States-based research and development of these devices led to the technology at issue in this proposed investigation, and provide the foundation for Sling Media's domestic industry.

2.6 Sling Media's continued success depends in substantial part on its ability to establish, maintain, and protect its proprietary technology through, *inter alia*, enforcement of its patent rights.

III. PROPOSED RESPONDENTS

3.1 On information and belief, proposed Respondent Belkin International, Inc. ("Belkin") is a corporation organized under the laws of Delaware with its principal place of business at 12045 East Waterfront Drive, Playa Vista, CA 90094.

3.2 As detailed below, Belkin is a supplier of electronic devices having placeshifting or display replication functionality and products containing same that infringe the Asserted Patents ("the Belkin Products"). Belkin markets and sells the Belkin Products—such as the @TV Plus and @TV Premium devices—worldwide through its channel business partners, and various retail companies, both at retail stores and through company websites. *See, e.g., Exhibits 18 and 26.*

3.3 On information and belief, the Belkin Products are manufactured, assembled, and/or packaged outside of the United States. On information and belief, Belkin then imports the Belkin Products into the United States, sells them for importation into the United States, and/or sells them in the United States after importation.

3.4 On information and belief, proposed Respondent Monsoon Multimedia, Inc. (“Monsoon”) is a corporation organized under the laws of Delaware with its principal place of business at 1730 South Amphlett Blvd., Suite 101, San Mateo, CA 94402.

3.5 As detailed below, Monsoon is a supplier of electronic devices having placeshifting or display replication functionality and products containing same that infringe the Asserted Patents (“the Monsoon Products”). Monsoon markets and sells the Monsoon Products—such as the Vulkano Flow, Vulkano Flow LC, Vulkano Lava, and Vulkano Blast devices—worldwide through its channel business partners, and various retail companies, including through company websites. *See, e.g., Exhibits 19 and 26.*

3.6 On information and belief, the Monsoon Products are manufactured, assembled, and/or packaged outside of the United States. On information and belief, Monsoon then imports the Monsoon Products into the United States, sells them for importation into the United States, or sells them in the United States after importation. On further information and belief, Monsoon is an original equipment manufacturer of placeshifting products and/or components of placeshifting products for certain customers, including proposed Respondent Belkin International, Inc. For example, on information and belief, Monsoon manufactures printed circuit boards that are critical to the accused technology used in placeshifting products, which are then repackaged under a different brand name, such as “Belkin,” for importation and sale to the public in the United States. *See Exhibit 8.*

3.7 On information and belief, proposed Respondent C2 Microsystems, Inc. (“C2 Microsystems”) is a corporation organized under the laws of Delaware with its principal place of business at 2833 Junction Ave., Suite 101, San Jose, CA 95134.

3.8 As detailed below, C2 Microsystems is a supplier of, for example, the CC1203 System on Chip, which, on information and belief, is the component that is incorporated into, and provides the media processing and control functionality in the electronic devices having placeshifting or display replication functionality and products containing same.

3.9 On information and belief, C2 Microsystems supplies Belkin and/or Monsoon with products, including the CC1203 System on Chip (“the C2 Microsystems Products”), which Belkin and/or Monsoon respectively uses to develop, manufacture, and market the Belkin Products and the Monsoon Products. *See Exhibits 8 and 9* (illustrating the CC1203 System on Chip on printed circuit boards obtained from accused Belkin and Monsoon devices, respectively). On information and belief, the Belkin Products and the Monsoon Products are manufactured, assembled, and/or packaged outside of the United States. *See Exhibits 8 and 9*. On information and belief, Belkin and/or Monsoon then import the accused electronic devices into the United States, sell them for importation into the United States, and/or sell them in the United States after importation. On further information and belief, Monsoon is an original equipment manufacturer of such electronic devices for certain customers, including Belkin International, Inc. For instance, on information and belief, Monsoon manufactures printed circuit boards—which includes a C2 Microsystems CC1203 System on Chip component—for use in electronic devices having placeshifting or display replication functionality and products containing same, which are then repackaged under a different brand name, such as “Belkin,” for importation and sale to the public. *See Exhibit 8*. On information and belief, Monsoon and Belkin use and/or test accused electronic devices in the United States. **Exhibits 59–66.**

IV. PRODUCTS AT ISSUE

4.1 The Belkin Products include electronic devices having placeshifting or display replication functionality and products containing same, including application software designed for use on or with such devices. Upon information and belief, these products are imported into and sold within the United States by or on behalf of Belkin. These products include, but are not limited to, the @TV Plus and the @TV Premium, and associated software loaded onto these devices or used in conjunction with these devices by Belkin, its suppliers, customers, or agents.

4.2 The Monsoon Products include electronic devices having placeshifting or display replication functionality and products containing same, including application software designed for use on or with such devices. Upon information and belief, these products are imported into and sold within the United States by or on behalf of Monsoon. On information and belief, the Monsoon Products have generally been sold in two families—Vulkano and HAVA. Individual products in these families include, but are not limited to, the Vulkano Flow, Vulkano Flow LC, Vulkano Blast, Vulkano Lava, and components of the Vulkano devices, Titanium HD, Hava Titanium HD, Platinum HD, Hava Platinum HD, Wireless HD, Hava Wireless HD, Titanium HD WIFI, Hava Titanium HD WIFI, and components of the HAVA devices, and associated software loaded onto these devices or used in conjunction with these devices by Monsoon or its suppliers, customers, or agents.

4.3 C2 Microsystems Products include components of electronic devices having placeshifting or display replication functionality and products containing same. The products include, but are not limited to, the CC1203 System on Chip that is, upon information and belief, incorporated into, at least, the Belkin Products and Monsoon Products.

V. THE ASSERTED PATENTS

5.1 At issue in this investigation is the proposed Respondents' infringement of six United States patents: the '776, '909, '454, '912, '657, and '236 patents. Sling Media overviews each patent below.

A. U.S. Patent Nos. 7,877,776 and 8,060,909

1. Identification of the Patents and Ownership by Sling Media

5.2 Sling Media owns by assignment the entire right, title, and interest in the '776 patent entitled "Personal Media Broadcasting System," which issued on January 25, 2011. The '776 patent issued from U.S. Patent Application Serial No. 11/147,664, filed on June 7, 2005. Sling Media further owns by assignment the entire right, title, and interest in the '909 patent entitled "Personal Media Broadcasting System," which issued on November 15, 2011. The '909 patent issued from U.S. Patent Application Serial No. 12/979,145, filed on December 27, 2010, and is a continuation of the '776 patent. The inventors of both the '776 and '909 patents, Jason Krikorian and Blake Krikorian, assigned to Sling Media all right, title, and interest in the invention ultimately disclosed and claimed in both the '776 and '909 patents. *See Exhibit 7.* The '776 and '909 patents are valid, enforceable, and are currently in full force and effect. A certified copy of the '776 patent is attached as **Exhibit 1**, and a certified copy of the '909 patent is attached as **Exhibit 2**.

5.3 Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by **Appendices A** and **B**. **Appendix A** contains a certified copy and three additional copies of the prosecution history of the '776 patent, as well as four copies of each reference mentioned in that prosecution history. **Appendix B** contains a certified copy and three additional copies of the prosecution history of the '909 patent, as well as four copies of each reference mentioned in that prosecution history.

2. Non-Technical Description of the Patented Invention⁴

5.4 The '776 and '909 patents generally disclose a personal media broadcasting system that enables media distribution over a computer network and allows a user to view and control media sources over a computer network from a remote location. *See Exhibit 1* at Abstract ('776 Patent) and **Exhibit 2** at Abstract ('909 Patent). A personal broadcaster receives an input from one or more types of media sources, digitizes and compresses the content, and streams the compressed media over a computer network to a media player running on any of a wide range of client devices for viewing the media. *See id.* The system may allow the user to issue control commands (*e.g.*, “channel up”) from the media player to the broadcaster, causing the source device to execute the commands. *See id.* The broadcaster and the media player may employ several techniques for buffering, transmitting, and viewing the content to improve the user's experience. *See id.*

3. Foreign Counterparts to the '776 Patent

5.5 The foreign counterparts to the '776 patent are listed in **Appendix K**. No other foreign patents or patent applications corresponding to the '776 patent have been filed, abandoned, withdrawn or rejected.

4. Foreign Counterparts to the '909 Patent

5.6 The foreign counterparts to the '909 patent are listed in **Appendix L**. No other foreign patents or patent applications corresponding to the '909 patent have been filed, abandoned, withdrawn or rejected.

⁴ The contents of this Complaint, including this section (*i.e.*, “Non-Technical Description of the Patented Invention”), does not, and is not intended to, construe either the specification or claims of the '776 and '909 patents.

B. U.S. Patent Nos. 8,051,454 and 8,365,236

1. Identification of the Patent and Ownership by Sling Media

5.7 Sling Media owns by assignment the entire right, title, and interest in the '454 patent entitled "Personal Media Broadcasting System With Output Buffer," which issued on November 1, 2011. The '454 patent issued from U.S. Patent Application Serial No. 12/757,697, filed on April 9, 2010, and is a continuation of U.S. Patent No. 7,707,614. Sling Media further owns by assignment the entire right, title, and interest in the '236 patent entitled "Personal Media Broadcasting System With Output Buffer," which issued on January 29, 2013. The '236 patent issued from U.S. Patent Application Serial No. 13/240,932, filed on September 22, 2011, and is a continuation of the '454 patent. The inventors of both the '454 and '236 patents, Jason Krikorian, Blake Krikorian, Bhupendra Natwerial Shah, Raghuveer Tarra, Parimal Bajpai, and Vijayachandran Velliyan Mariappan, assigned to Sling Media all right, title, and interest in the invention ultimately disclosed and claimed in both the '454 and '236 patents. *See Exhibit 7.* Both the '454 and '236 patents are valid, enforceable, and are currently in full force and effect. A certified copy of the '454 patent is attached as **Exhibit 3**, and a certified copy of the '236 patent is attached as **Exhibit 4**.

5.8 Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by **Appendices C and D**. **Appendix C** contains a certified copy and three additional copies of the prosecution history of the '454 patent, as well as four copies of each reference mentioned in that prosecution history. **Appendix D** contains a certified copy and three additional copies of the prosecution history of the '236 patent, as well as four copies of each reference mentioned in that prosecution history.

2. Non-Technical Description of the Patented Invention⁵

5.9 The '454 and '236 patents generally disclose a personal media broadcasting system that enables media distribution over a computer network and allows a user to view and control media sources over a computer network from a remote location. *See Exhibit 3* at Abstract ('454 Patent) and **Exhibit 4** at Abstract ('236 Patent). A personal broadcaster receives an input from one or more types of media sources, digitizes and compresses the content, and streams the compressed media over a computer network to a media player running on any of a wide range of client devices for viewing the media. *See id.* The system may allow the user to issue control commands (*e.g.*, "channel up") from the media player to the broadcaster, causing the source device to execute the commands. *See id.* The broadcaster and the media player may employ several techniques for buffering, transmitting, and viewing the content to improve the user's experience. *See id.*

3. Foreign Counterparts to the '454 Patent

5.10 The foreign counterparts to the '454 patent are listed in **Appendix M**. No other foreign patents or patent applications corresponding to the '454 patent have been filed, abandoned, withdrawn or rejected.

4. Foreign Counterparts to the '236 Patent

5.11 The foreign counterparts to the '236 patent are listed in **Appendix N**. No other foreign patents or patent applications corresponding to the '236 patent have been filed, abandoned, withdrawn or rejected.

⁵ The contents of this Complaint, including this section (*i.e.*, "Non-Technical Description of the Patented Invention"), does not, and is not intended to, construe either the specification or claims of the '454 and '236 patents.

C. U.S. Patent No. 7,725,912

1. Identification of the Patent and Ownership by Sling Media

5.12 Sling Media owns by assignment the entire right, title, and interest in the '912 patent entitled "Method For Implementing A Remote Display System With Transcoding," which issued on May 25, 2010. The '912 patent issued from U.S. Patent Application Serial No. 09/809,868, filed on March 15, 2001, and is a continuation of U.S. Patent No. 6,263,503. The inventor, Neal Margulis, assigned his right, title and interest in the invention to Digital Display Innovations, which then assigned to Sling Media all right, title, and interest in the invention ultimately disclosed and claimed in the '912 patent. *See Exhibit 7.* The '912 patent is valid, enforceable, and is currently in full force and effect. A certified copy of the '912 patent is attached as **Exhibit 5**.

5.13 Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by **Appendix E**. **Appendix E** contains a certified copy and three additional copies of the prosecution history of the '912 patent, as well as four copies of each reference mentioned in that prosecution history.

2. Non-Technical Description of the Patented Invention⁶

5.14 The '912 patent generally discloses an apparatus and method for effectively implementing a wireless television system that includes a communications processor and a transmitter device that combine at least one of a local-area network interface, a wide-area network interface, and one or more television data interfaces for effectively performing a wireless network transmission process. *See Exhibit 5* at Abstract ('912 Patent). A transmitted

⁶ The contents of this Complaint, including this section (i.e., "Non-Technical Description of the Patented Invention"), does not, and is not intended to, construe either the specification or claims of the '912 patent.

stream from the wireless television system may be received via wireless network processing for viewing local-area network data, wide-area network data (such as Internet data), or television data by flexibly utilizing various electronic devices such as a notepad personal computer, a personal digital assistant (PDA), or a handheld TV remote control device. *See id.*

3. Foreign Counterparts to the '912 Patent

5.15 The foreign counterparts to the '912 patent are listed in **Appendix O**. No other foreign patents or patent applications corresponding to the '912 patent have been filed, abandoned, withdrawn or rejected.

D. U.S. Patent No. 8,266,657 Patent

1. Identification of the Patent and Ownership by Sling Media

5.16 Sling Media owns by assignment the entire right, title, and interest in the '657 patent entitled "Method For Effectively Implementing A Multi-Room Television System," which issued on September 11, 2012. The '657 patent issued from U.S. Patent Application Serial No. 11/111,265, filed on April 21, 2005, and is a continuation-in-part of Application Serial No. 09/809,868 filed on March 15, 2001, and which issued as U.S. Patent No. 7,725,912. The inventor, Neal Margulis, assigned his right, title and interest in the invention to Digital Display Innovations, which then assigned to Sling Media all right, title, and interest in the invention ultimately disclosed and claimed in the '657 patent. *See Exhibit 7*. The '657 patent is valid, enforceable, and is currently in full force and effect. A certified copy of the '657 patent is attached as **Exhibit 6**.

5.17 Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by **Appendix F**. **Appendix F** contains a certified copy and three additional copies of the prosecution history of the '657 patent, as well as four copies of each reference mentioned in that prosecution history.

2. Non-Technical Description of the Patented Invention⁷

5.18 The '657 patent generally discloses a method for effectively implementing a multi-room television system that includes a digital base station that processes and combines various program sources to produce a processed stream. *See Exhibit 6* at Abstract ('657 Patent). A communications processor then responsively transmits the processed stream as a local composite output stream to various wired and wireless display devices for flexible viewing at variable remote locations. *See id.* The transmission path performance is used to determine the video encoding process, and special attention is taken to assure that all users have low-latency interactive capabilities. *See id.*

3. Foreign Counterparts to the '657 Patent

5.19 The foreign counterparts to the '657 patent are listed in **Appendix P**. No other foreign patents or patent applications corresponding to the '657 patent have been filed, abandoned, withdrawn or rejected.

VI. THE DOMESTIC INDUSTRY

6.1 A domestic industry exists as defined by 19 U.S.C. §§ 1337(a)(2)–(3)(A), (B), and (C) relating to significant investment in plant and equipment; significant employment of labor or capital; and substantial investment in exploitation of the patents, including engineering and research and development relating to Sling Media's electronic devices having placeshifting or display replication functionality and products containing same that practice at least one claim of each of the Asserted Patents ("the Domestic Industry Products"). Sling Media's Domestic Industry Products covered by the claims of the Asserted Patents include Sling Media's

⁷ The contents of this Complaint, including this section (i.e., "Non-Technical Description of the Patented Invention"), does not, and is not intended to, construe either the specification or claims of the '657 patent.

placeshifting devices, including, for example, the Slingbox 350, Slingbox 500, Slingbox SOLO, and Slingbox Pro-HD multimedia products and the DISH Network® Hopper® with Sling® DVR set-top box.

A. Technical Prong

6.2 Sling Media develops and sells in the United States the Domestic Industry Products. Sling Media develops and/or sells in the United States products that practice at least one claim of each of the asserted patents. For example, the Slingbox 500, which is a representative involved domestic article, practices at least one claim of each of the Asserted Patents. Photographs of the Slingbox 500 are attached as **Exhibit 10**. Claim charts demonstrating how the Slingbox 500 practices the '776 patent, the '909 patent, the '454 patent, the '912 patent, the '657 patent, and the '236 patent are attached as **Confidential Exhibits 27-32**, respectively.

B. Economic Prong

6.3 Sling Media conducts significant domestic industry activities in the United States relating to products practicing the asserted patents. These activities include Sling Media's investment in plant and equipment, employment of labor and capital, and substantial investment in the exploitation of the asserted patents and the investments in these activities. *See Confidential Exhibit 33.*

6.4 Sling Media has made and continues to make significant investment in facilities and equipment in the United States dedicated to the research, development, design, product support, testing and quality management, development of specifications, and warranty and repair services for the Domestic Industry Products. The facilities and equipment used in connection with Sling Media's products are located in Foster City, California, Watertown, New York, and

Atlanta, Georgia. Sling Media's investment in facilities and equipment is set forth in

Confidential Exhibit 33.

6.5 Sling Media has employed and continues to employ a significant number of employees in the above-mentioned facilities that devote substantial man-hours toward the research, development, design, product support, testing and quality management, development of specifications, and warranty and repair services for the Domestic Industry Products.

Confidential Exhibit 33 describes this labor investment.

6.6 Sling Media has invested and continues to invest significant capital in its facilities toward research, development, design, product support, testing and quality management, development of specifications, and warranty and repair services for the Domestic Industry Products. **Confidential Exhibit 33** describes the capital Sling Media has expended towards these activities.

6.7 Sling Media has made and continues to make substantial investments in the exploitation of its rights in the Asserted Patents. For example, Sling Media has invested and continues to invest in the research and development and design of the Domestic Industry Products. **Confidential Exhibit 33** sets forth a portion of Sling Media's significant investment associated with the exploitation of Sling Media's rights in the Asserted Patents.

VII. UNLAWFUL AND UNFAIR ACTS OF PROPOSED RESPONDENTS

7.1 Upon information and belief, the proposed Respondents directly infringe, contributorily infringe, and/or induce the infringement of at least: claims 18-24, 26, 28-30, 32-40, 42, and 43 of the '776 patent; claims 7, 9-12, 14, 15, and 17 of the '909 patent; claims 1, 2, 4, and 6-20 of the '454 patent; claims 58-68, 70, 71, 73, 74, 103, 104, 106, and 108 of the '912 patent; claim 81 of the '657 patent; and claims 1-8 and 15-20 of the '236 patent. On information

and belief, the Belkin Products and Monsoon Products are manufactured, assembled and/or packaged overseas, specifically, at least in China. These same products are then imported into the United States, sold for importation into the United States, and/or sold after importation into the United States by proposed Respondents. *See Exhibit 26.* On information and belief, the Belkin Products and Monsoon Products are tested in the United States. **Exhibits 59–66.** Further discovery may reveal that the proposed Respondents infringe additional claims of the Asserted Patents.

7.2 On information and belief, Belkin’s @TV devices infringe, directly and indirectly, the Asserted Claims of the ’776 patent, the ’909 patent, the ’454 patent, the ’236 patent, the ’912 patent, and the ’657 patent. Further discovery may reveal additional infringing Belkin products and/or models. Photographs of a representative Belkin @TV device are attached to this Complaint as **Exhibit 8.** A copy of the user guide for the representative Belkin @TV device is attached to this Complaint as **Exhibit 15.** Claim charts applying each asserted independent claim of the ’776 patent, the ’909 patent, the ’454 patent, the ’912 patent, the ’657 patent the ’236 patent, to the representative Belkin @TV device are attached as **Exhibits 34-45,** respectively.

7.3 The infringement allegations contained in this Complaint include direct and indirect infringement. Belkin has been given actual notice of their infringement of the Asserted Patents by service of this Complaint, which is being served on Belkin at the time of filing with the Commission. In addition, Sling Media provided constructive notice of Belkin’s infringement by filing an amended complaint alleging infringement of all Asserted Patents in the U.S. District Court for the Northern District of California on February 14, 2013. **Exhibit 58.** On information and belief, Belkin directly infringes the Asserted Patents through the operation, development,

and testing of their products in the United States. **Exhibits 59–62.** Belkin also directly infringes the apparatus claims of the Asserted Patents by offering for sale and/or selling the Belkin Products in the United States.

7.4 Users making routine use of the Belkin products also infringe the Asserted Patents. Belkin knowingly induces others in the United States to use the Belkin Products and to perform methods covered by certain claims of the Asserted Patents. **Exhibits 14–16, 59–62.** Belkin's inducement of infringement includes, but is not limited to: (i) its knowledge of the Asserted Patents; (ii) its intent to induce direct infringement of the Asserted Patents; (iii) its knowingly aiding and abetting infringement, by providing instruction manuals and other directions that instruct the purchaser of the Belkin Products to use the devices in a manner that infringes certain claims of the Asserted Patents; and (iv) its actual or constructive knowledge that their actions induce infringement.

7.5 As a result of at least the service of this Complaint upon Belkin at the addresses referenced herein, Belkin knows or is willfully blind that the Belkin Products are especially made or especially adapted for use in the infringement of the Asserted Patents, and the Belkin Products are not a staple article or commodity of commerce suitable for substantial non-infringing use. Accordingly, by providing the Belkin Products to its customers, Belkin has contributed to the infringement of the Asserted Patents by its customers.

7.6 On information and belief, the Monsoon Products infringe, directly and indirectly, the Asserted Claims of the '776 patent, the '909 patent, the '454 patent, the '236 patent, the '912 patent, and the '657 patent. Further discovery may reveal additional infringing Monsoon products and/or models. Photographs of a representative Monsoon Vulkano Lava device are attached to this Complaint as **Exhibit 9**. A copy of the user guide for the representative

Monsoon Vulkano Lava device is attached to this Complaint as **Exhibit 20**. Claim charts applying each asserted independent claim of the '776 patent, the '909 patent, the '454 patent, the '912 patent, the '657 patent, and the '236 patent to the representative Monsoon Vulkano Lava device are attached as **Exhibits 46-57**, respectively.

7.7 The infringement allegations contained in this Complaint include direct and indirect infringement. Monsoon has been given actual notice of their infringement of the Asserted Patents by service of this Complaint, which is being served on Monsoon at the time of filing with the Commission. In addition, Sling Media provided constructive notice of Monsoon's infringement by filing an Amended Complaint alleging infringement of all Asserted Patents in the U.S. District Court for the Northern District of California on February 14, 2013. **Exhibit 58**. On information and belief, Monsoon directly infringes the Asserted Patents through the operation, development, and testing of the Monsoon Products in the United States. **Exhibits 63-66**. Monsoon also directly infringes the apparatus claims of the Asserted Patents by offering for sale and/or selling Monsoon Products in the United States.

7.8 Users making routine use of the Monsoon Products also infringe the Asserted Patents. Monsoon knowingly induces others in the United States to use the Monsoon Products and to perform methods covered by certain claims of the Asserted Patents. **Exhibits 20, 63-66**. Monsoon's inducement of infringement includes, but is not limited to: (i) its knowledge of the asserted patents; (ii) its intent to induce direct infringement of the Asserted Patents; (iii) its knowingly aiding and abetting infringement, by providing instruction manuals and other directions that instruct the purchaser of the Monsoon Products to use the devices in a manner that infringes certain claims of the Asserted Patents; and (iv) its actual or constructive knowledge that their actions induce infringement.

7.9 As a result of at least the service of this Complaint upon Monsoon at the addresses referenced herein, Monsoon knows or is willfully blind that the Monsoon Products are especially made or especially adapted for use in the infringement of the Asserted Patents, and the Monsoon Products are not a staple article or commodity of commerce suitable for substantial non-infringing use. Accordingly, by providing the Monsoon Products to its customers, Monsoon has contributed to the infringement of the Asserted Patents by its customers.

7.10 On information and belief, the C2 Microsystems CC1203 System on Chip infringes, indirectly, the Asserted Claims of the '776 patent, the '909 patent, the '454 patent, the '236 patent, the '912 patent, and the '657 patent. Further discovery may reveal additional infringing C2 Microsystems products and/or models. Photographs of a representative C2 Microsystems device contained within the Belkin and Monsoon products are attached to this Complaint as **Exhibits 8 and 9**. For the sake of brevity, Complainant refers to the claim charts applying each asserted independent claim of the '776 patent, the '909 patent, the '454 patent, the '912 patent, the '657 patent, and the '236 patent to the representative Belkin and Monsoon devices attached as **Exhibits 34-57**, respectively. The claim charts, in addition to the allegations below, demonstrate how C2 Microsystems induces infringement and contributes to the infringement of the Asserted Patents.

7.11 The infringement allegations as to C2 Microsystems contained in this Complaint include indirect infringement. C2 Microsystems has been given actual notice of their infringement of the Asserted Patents by service of this Complaint, which is being served on C2 Microsystems at the time of filing with the Commission. On information and belief, C2 Microsystems indirectly infringes the Asserted Patents.

7.12 On information and belief, users such as Belkin and Monsoon, making routine use of the C2 Microsystems Products, including the CC1203 System on Chip, infringe the Asserted Patents. C2 Microsystems knowingly induces others in the United States to use products covered by the Asserted Patents and to perform methods covered by certain claims of the Asserted Patents. C2 Microsystems inducement of infringement includes, but is not limited to: (i) its knowledge of the Asserted Patents; (ii) its intent to induce direct infringement of the Asserted Patents; (iii) its knowingly aiding and abetting infringement by, on information and belief, developing C2 Microsystem Products with other proposed Respondents, such as Monsoon, to include placeshifting functionality in the C2 Microsystem Products for use in Belkin and/or Monsoon's infringement of the Asserted Claims of the Asserted Patents; and (iv) its actual or constructive knowledge that their actions induce infringement.

7.13 Upon information and belief, and as a result of at least the service of this Complaint upon C2 Microsystems at the addresses referenced herein, C2 Microsystems knows or is willfully blind that the CC1203 System on Chip devices are especially made or especially adapted for use by Belkin and/or Monsoon in the infringement of the Asserted Patents, and the CC1203 System on Chip devices are not a staple article or commodity of commerce suitable for substantial non-infringing use. Accordingly, by providing the CC1203 System on Chip devices to Belkin and/or Monsoon, C2 Microsystems has contributed to the infringement of the Asserted Patents by Belkin and/or Monsoon.

VIII. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

8.1 On information and belief, the proposed Respondents, and/or others on their behalf, manufacture the accused products at least in China and then import them into the United

States, sell them for importation into the United States, and/or sell them after importation into the United States.

8.2 Belkin offers the Belkin Products for sale in the United States. For example, attached **Exhibit 18** is a description of an offer for sale of the representative @TV Plus on Belkin's United States Internet site.

8.3 Monsoon offers the Monsoon Products for sale in the United States. For example, attached **Exhibit 19** is a description of an offer for sale of the representative Vulkano Lava on Monsoon's United States Internet site.

8.4 C2 imports, sells for importation, or sells after importation into the United States its products to be incorporated into products for sale in the United States. For example, the attachments at **Exhibit 8** and **Exhibit 9** include pictures of a C2 Microsystems CC1203 System on Chip device incorporated into certain Belkin Products and Monsoon Products that are sold in the United States after importation, respectively.

8.5 On or about January 3, 2013, Sling Media purchased representative accused products in the United States. Specifically, Sling Media purchased a Belkin @TV Plus device in the United States, which infringes the Asserted Claims of the Asserted Patents as set forth above. Labels on the device and/or product packaging indicate that the product was manufactured in China. Attached as **Exhibit 8** and **Exhibit 26** are photographs of the product packaging and a copy of the receipt for the Belkin @TV Plus purchased by Sling Media, respectively, reflecting the purchase of the accused products in the United States. These photographs further indicate the incorporation of a C2 Microsystems CC1203 System on Chip device into the Belkin product purchased by Sling Media.

8.6 On or about January 3, 2013, Sling Media purchased a Monsoon Vulkano Lava device in the United States, which infringes the Asserted Claims of the Asserted Patents as set forth above. Labels on the device and/or product packaging indicate that the product was manufactured in China. Attached as **Exhibit 9** and **Exhibit 26** are photographs of the product packaging and a copy of the receipt for the Monsoon Vulkano Lava purchased by Sling Media, respectively, reflecting the purchase of the accused products in the United States. These photographs further indicate the incorporation of a C2 Microsystems CC1203 System on Chip device into the Monsoon product purchased by Sling Media.

8.7 The accused products are believed to fall within at least the following classifications of the Harmonized Tariff Schedules of the United States: 8525.50.30. These classifications are intended for illustrative purposes only and are not intended to restrict the scope or type of accused product.

IX. LICENSEES

9.1 Sling Media's parent corporations, EchoStar Corporation and EchoStar Technologies Corporation, have cross-license agreements that cover one or more of the asserted patents with IBM Corporation and Hitachi, Ltd., respectively.

X. RELATED LITIGATION

10.1 On January 7, 2013, Sling Media filed a complaint in the U.S. District Court for the Northern District of California, Case No. 3:13-cv-00074 ("the Northern District litigation"), asserting that proposed Respondents Belkin and Monsoon infringe the '776, '909, '454, '912, and '657 patents. On February 14, 2013, Sling Media filed an amended complaint in the Northern District litigation asserting that proposed Respondent Belkin and Monsoon infringe each of the Asserted Patents that are the subject of this Complaint. There has been no other related litigation involving any of the Asserted Patents, or the subject matter thereof.

XI. REQUESTED RELIEF

11.1 WHEREFORE, by reason of the foregoing, Sling Media requests that the United States International Trade Commission:

- (a) Institute an immediate Investigation, pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to violations of Section 337 based on the proposed Respondents' unlawful importation into the United States, sale for importation into the United States, and/or sale within the United States after importation of certain electronic devices having placeshifting or display replication functionality and products containing same, which infringe one or more claims of United States Patent Nos. 7,877,776, 8,051,454, 8,060,909, 7,725,912, 8,266,657, and 8,365,236;
- (b) Schedule and conduct a hearing on the unlawful acts and, following the hearing, determine that there has been a violation of Section 337;
- (c) Issue a permanent exclusion order, pursuant to Section 337(d) of the Tariff Act of 1930, as amended, excluding from entry into the United States all of the proposed Respondents' certain electronic devices having placeshifting or display replication functionality and products containing same, which infringe one or more claims of United States Patent Nos. 7,877,776, 8,051,454, 8,060,909, 7,725,912, 8,266,657, and 8,365,236;
- (d) Issue a permanent cease and desist order, pursuant to Section 337(f) of the Tariff Act of 1930, as amended, directing the proposed Respondents to cease and desist from the importation, marketing, advertising, demonstrating, warehousing inventory for distribution, sale and use of certain electronic devices having placeshifting or display replication functionality and products containing same that infringe one or more claims of

United States Patent Nos. 7,877,776, 8,051,454, 8,060,909, 7,725,912, 8,266,657, and 8,365,236; and

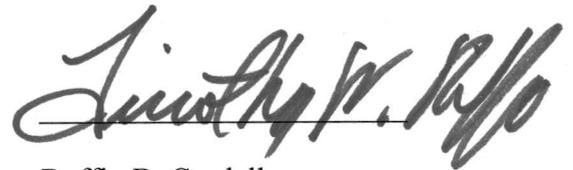
(e) Impose a bond upon Respondents who continue to import infringing articles during the 60-day Presidential Review period per 19 U.S.C. § 1337(j); and

(f) 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.

Respectfully submitted,
FISH & RICHARDSON P.C.

Dated: March 12, 2013

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