U.S. INTERNATIONAL TRADE COMMISSION
WASHINGTON, DC

In the Matter of	
Certain Marine Sonar Imaging Devices, Products Containing the Same, and Components Thereof	**Investigation No. 337-TA-___**

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

Complainants:

Navico, Inc.
4500 South 129th East Avenue, Suite 200
Tulsa, Oklahoma 74134
Telephone: (918) 437-6881

Navico Holding AS
Nyåskaiveien 2
4370 Egersund
Norway
Telephone: +47-480-53-122

Proposed Respondents:

Raymarine, Inc.
9 Townsend West
Nashua, New Hampshire 03063
Telephone: (603) 324-7900

Raymarine UK Ltd.
Marine House
Cartwright Drive
Fareham
PO15 5RJ
United Kingdom
Telephone: +44 (0)1329 246 700

In-Tech Electronics Ltd.
Unit A, 13/F, Wing Tai Centre
12 Hing Yip St.
Kwun Tong, Kowloon
Hong Kong

Counsel for Complainants:

M. Scott Stevens
Adam D. Swain
ALSTON & BIRD LLP
950 F Street NW
Washington, DC 20004
Telephone: (202) 239-3025
Facsimile: (202) 654-4825

Michael S. Connor
Kirk T. Bradley
ALSTON & BIRD LLP
101 South Tryon Street
Suite 4000
Charlotte, NC 28280
Telephone: (704) 444-1025
Facsimile: (704) 444-1935

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Appendix	Description
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I. INTRODUCTION

1. Navico, Inc. and Navico Holding AS ("Navico" or "Complainants") file this complaint pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 ("Section 337"), based on the unlawful importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of certain marine sonar imaging devices, products containing the same, and components thereof.

2. The proposed Respondents are Raymarine, Inc. and Raymarine UK Ltd. (collectively, "Raymarine") and In-Tech Electronics Ltd. ("In-Tech") (all collectively, "Respondents").

3. The complaint is directed to Respondents' imported marine sonar imaging devices, products containing the same, and components thereof that infringe one or more of claims 1, 4, 6-20, 22-23, 25-27, 29, 32-59, 61-62, 66, 68-73 of U.S. Patent No. 8,305,840 ("the '840 Patent") and/or claims 1, 2, 17, 19-21, 23-25, 40, 42-44, 59, 62-66, 69-81 of U.S. Patent No. 8,300,499 ("the '499 Patent") (collectively, the "Asserted Patents"). Such products include at least Raymarine's Dragonfly (including models E70085 and A80195), a68 (including models E70200, E70206, T70200, E70201, E70207, and T70201), a78 (including models E70202, E70208, T70202, E70203, E70209, and T70203), CP100, CPT100, CPT110, and CPT120 products (collectively, the "Accused Products").[1] The following table provides a summary of which Accused Products infringe which of the claims of the Asserted Patents:

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

U.S. Patent No.	Asserted Claims	Accused Products
8,305,840	Claims 1, 4, 6-20, 22-23, 25-27, 29, 32-47, 49-59, 61-62, 66, 68-73	All Accused Products
8,305,840	Claim 48	a68, a78
8,300,499	Claims 1, 2, 17, 19-21, 23-25, 40, 42-44, 59, 62-66, 69-81	All Accused Products

The Accused Products are generally known as fishfinders, chartplotters, marine multifunction displays, sonar modules, and/or sonar transducers.

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

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

6. Navico seeks as relief a permanent limited exclusion order prohibiting entry into the United States of Respondents' infringing certain marine sonar imaging devices, products containing the same, and components thereof. Navico also requests that such an exclusion order prohibit Respondents from importing into the United States key components of the accused certain marine sonar imaging devices, such as Raymarine's linear DownVision transducers, so as to prevent Respondents from evading any exclusion order directed to its marine sonar imaging devices.

7. Navico also requests permanent cease and desist orders prohibiting Respondents from importing, admitting or withdrawing from a foreign trade zone, marketing, advertising, demonstrating, warehousing inventory, distributing, offering for sale, selling, licensing, repairing, programming, or updating its certain marine sonar imaging devices, products containing the same, and components thereof.

II. COMPLAINANTS

A. Navico, Inc.

8. Navico, Inc. is a corporation organized and existing under the laws of the State of Delaware, having a principal place of business at 4500 South 129th East Avenue, Suite 200, Tulsa, Oklahoma 74134.

9. Navico, Inc. was founded in March 2006 and is the U.S. entity of one of the world's largest manufacturers of marine sonar equipment. Navico, Inc. wholly owns the Lowrance brand of marine electronics devices.

10. Lowrance Electronics, Inc. has been a leader in marine electronics since it invented the first consumer marine sonar device in Joplin, Missouri, in 1957. Carl Lowrance, an avid fisherman, shared his love of the sport with his two sons, Darrell and Arlen. Collectively, these family members determined that an instrument was needed to show fishermen where to concentrate their fishing efforts, and they set out to design such an instrument themselves, focusing on making it compact, lightweight, and relatively inexpensive.

11. By November 1959 Lowrance Electronics, Inc. had designed and introduced the world's first high frequency transistorized marine sonar for sport fishing and boating. This portable sonar unit became the most popular sonar in the world, and Lowrance Electronics, Inc. produced more than a million units between 1959 and 1984.

12. In 1964, Lowrance Electronics, Inc. moved its operations to Tulsa, Oklahoma, and manufacturing started there in January of 1965. In 1965, based on its research and development, Lowrance Electronics, Inc. introduced the first marine sonars and transducers capable of high-speed performance. Over the next several decades, Lowrance Electronics, Inc. continued to develop and introduce sonar and radar units, fish finders, mapping products, GPS

devices, software tools, and a variety of other products and accessories that have revolutionized marine electronics.

13. In 2006, Lowrance Electronics, Inc. and Simrad Yachting merged to form Navico, Inc., which remains today located in Tulsa, Oklahoma. Navico, Inc. operates three well-known brands of marine electronics, namely, Lowrance, B&G, and Simrad Yachting.

14. Research is one of the keys to Navico, Inc.'s success and provides the necessary cornerstone for its cutting-edge products. In 2008, Navico, Inc. introduced the first High Definition System ("HDS") Multifunction Display. Navico, Inc. has since continued to launch new award-winning products bearing features that redefine marine electronics, including most recently StructureScan® HD with sidescan and DownScan Imaging™, Broadband Sonar, Trackback™ review, Broadband 4G Radar, and StructureMap™.

15. Since 2008, Navico, Inc. has spent millions of dollars in U.S. expenditures related to the development, testing, product support, repair, and service of its DownScan Imaging™ product line, which, *inter alia*, embodies the innovations of the Asserted Patents and many others in Navico's patent portfolio. These expenditures and efforts demonstrate Navico's commitment to bringing state-of-the-art marine sonar equipment to U.S. consumers.

B. Navico Holding AS

16. Navico Holding AS is a corporation organized under the laws of Norway, with its principal place of business at Nyåskaiveien 2, 4370 Egersund, Norway.

17. Navico Holding AS is the holding company for the company's legal entities, and owns the entire right, title, and interest to the Asserted Patents. Navico Holding AS houses the head office functions and is the global manager of research and development activities, enabling use of common design and technical platforms and the most efficient use of available resources.

It oversees five research and development centers located in the United States, New Zealand, Mexico, Norway, and the United Kingdom.

18. These research and development centers focus on a variety of technological development, including software, hardware, project management, mechanical, technical writing, and optics.

III. PROPOSED RESPONDENTS

A. Raymarine, Inc.

19. Proposed Respondent Raymarine, Inc. is a company organized and existing under the laws of the State of Delaware, having a principal place of business at 9 Townsend West, Nashua, New Hampshire 03063. Upon information and belief, Raymarine, Inc., among other things, is engaged in the importation into the United States and sale after importation into the United States of marine sonar equipment, including the Accused Products.

20. Upon information and belief, Raymarine, Inc. is owned, directly or indirectly, by Raymarine UK Ltd.

B. Raymarine UK Ltd.

21. Proposed Respondent Raymarine UK Ltd. is a company organized under the laws of the United Kingdom, having a principal place of business at Marine House, Cartwright Drive, Fareham PO15 5RJ. Upon information and belief, Raymarine UK Ltd., among other things, is engaged in the acquisition, sale for importation, and/or importation into the United States of marine sonar equipment, including the Accused Products.

22. Upon information and belief, Raymarine UK Ltd. is owned, directly or indirectly, by FLIR Systems, Inc. Additional information concerning FLIR Systems may be found in its 2012 Form 10K, available at http://files.shareholder.com/downloads/FLIR/2589461321

x0x646175/FEA68620-6AF4-42C1-9360-85C64E832ECF/Form_10K_2012_Final.pdf. Should further discovery reveal that FLIR Systems, Inc. is involved in the sale for importation, importation, or sale after importation of any of the Accused Devices, Complainants may seek leave to add FLIR Systems, Inc. as an additional respondent.

C. In-Tech Electronics Ltd.

23. Upon information and belief, Proposed Respondent In-Tech Electronics Ltd. is a company organized under the laws of Hong Kong, having a principal place of business at Unit A, 13/F, Wing Tai Centre, 12 Hing Yip St., Kwun Tong, Kowloon, Hong Kong. Upon information and belief, In-Tech Electronics Ltd., among other things, is engaged in manufacturing and sale for importation into the United States of marine sonar equipment, including the Accused Products.

24. Upon information and belief, In-Tech operates a factory located at 2 Qihang Ind. Park, Haoxiang Rd., Shajing, Baoan, People's Republic of China.

25. Upon information and belief, In-Tech is the manufacturer of all or a substantial portion of the Accused Products.

26. Additional information concerning In-Tech may be found on its website, available at http://www.in-tech.com.hk/.

IV. THE TECHNOLOGY AND ACCUSED PRODUCTS AT ISSUE

27. The Asserted Patents, described in more detail below, are a reflection of the breadth of Navico's extensive dedication and investment in marine electronics technology. Ever since its modest beginnings dating back to 1957, Navico has strived to provide its customers with cutting-edge marine sonar devices.

28. Early marine sonar imaging systems, such as fish finders utilizing broadband sonar, generated images that helped locate fish but did not provide a clear view of underwater topography or structure, such as sunken trees or rocks. Navico's DownScan Imaging™ sonar technology, by contrast, raised the bar in fish and structure-finding technology by providing greater target and bottom definition with improved clarity and detail. The new technology has proven to be particularly adept at generating sharp, picture-like images of structure, fish, thermoclines, and more, making for more productive fishing, diving, and search and recovery.

29. Navico's research and development of its DownScan Imaging™ sonar technology evolved from its high-definition sidescan imaging technology, which Navico first envisioned in 2004 and designed, developed, and tested in 2007 and continuing into 2008. Navico's sidescan imaging sonar generates detailed, picture-like images of structure, terrain, and other information found in the water to the left and right sides of a boat.

30. Beginning in 2008, Navico developed its DownScan Imaging™ technology, designed to generate near picture-perfect images of structure, fish, and bottom contours located directly beneath the boat. By about July 2009, Navico began filing patent applications to protect its DownScan Imaging™ innovations, with two such applications leading to the Asserted Patents. The inventions incorporate a single linear downscan transducer element configured to produce fan-shaped sonar beams that are narrow in a direction parallel to the transducer element and wide in a direction perpendicular to the transducer element. In certain embodiments, the fan-shaped sonar beams are accompanied by conical downscan sonar beams produced by a second downscan transducer.

31. The Accused Products are certain Raymarine marine sonar imaging devices, products containing the same, and components thereof that incorporate, without authorization,

certain of Navico's DownScan Imaging™ technologies as set forth and claimed in the Asserted Patents.

32. The Accused Products fall into the categories of products that are generally known as fishfinders, chartplotters, marine multifunction displays, sonar modules, and/or sonar transducers.

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

A. Ownership of the Asserted Patents

33. Navico Holding AS owns the entire right, title, and interest to the Asserted Patents. Certified copies of the assignments for the Asserted Patents are attached as Exhibits 3-4.

34. Navico Holding AS granted Navico, Inc. a worldwide license under the Asserted Patents.

B. U.S. Patent No. 8,305,840

35. The '840 Patent, entitled "Downscan Imaging Sonar," issued on November 6, 2012, to inventor Brian T. Maguire. The '840 Patent issued from U.S. Patent Application Serial No. 12/460,139, filed on July 14, 2009, and expires on July 14, 2029.

36. A certified copy of the '840 Patent is attached as Exhibit 1.

37. A certified copy of the prosecution history of the '840 Patent and copies of each reference cited in the '840 Patent and its prosecution history are included in Appendices A and C, respectively.

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

38. The '840 Patent has 73 claims, three of which are independent claims. Complainant is asserting claims 1, 4, 6-20, 22-23, 25-27, 29, 32-47, 48-59, 61-62, 66, and 68-73.

39. The '840 Patent discloses, for example, a sonar imaging device with a linear transducer to generate high quality images of the seafloor and other objects beneath a watercraft. Historically, the images produced by fishfinders and other similar devices provided a relatively fuzzy view of objects beneath the watercraft. The technology of the '840 Patent allows a much clearer, detailed view of such objects, essentially bringing high definition to fishfinders. Boaters now can have a clear view of submerged watercraft, rocks, vegetation and other objects underneath the watercraft.

C. U.S. Patent No. 8,300,499

40. The '499 Patent, entitled "Linear and Circular Downscan Imaging Sonar," issued on October 30, 2012, to inventors Aaron R. Coleman, Jeffrey W. Hanoch, and Brian T. Maguire. The '499 Patent issued from U.S. Patent Application Serial No. 12/460,093 filed on July 14, 2009, and expires 265 days after July 14, 2029, or on April 5, 2030.

41. A certified copy of the '499 Patent is attached as Exhibit 2.

42. A certified copy of the prosecution history of the '499 Patent and copies of each reference cited in the '499 Patent and its prosecution history are included in Appendices B and D, respectively.

43. The '499 Patent has 81 claims, three of which are independent claims. Complainant is asserting claims 1, 2, 17, 19-21, 23-25, 40, 42-44, 59, 62-66, and 69-81.

44. The '499 Patent discloses, for example, a sonar imaging device using both a linear transducer and a conical transducer, which provides images based upon data from both transducers. This allows boaters to have the best of both worlds, the high-definition view of

structure and objects beneath the watercraft provided by the linear transducer as well as the fishfinding capabilities provided by the conical transducer.

D. Foreign Counterparts of the Asserted Patents

45. A list of each foreign patent, each foreign patent application, and each foreign application that has been denied, abandoned, or withdrawn corresponding to the Asserted Patents, with an indication of the prosecution status of each such foreign patent application, is attached as Exhibit 5. Navico is aware of no other foreign patent, foreign patent application, or foreign application that has been denied, abandoned, or withdrawn corresponding to the Asserted Patents.

E. Licensees Under the Asserted Patents

46. Any party that may be licensed to one or both of the Asserted Patents is identified in Confidential Exhibit 19.

VI. RESPONDENTS' UNLAWFUL AND UNFAIR ACTS

47. As discussed in detail below, the Accused Products are marine sonar imaging devices, products containing the same, and components thereof, which infringe the Asserted Patents and are manufactured abroad by or for Raymarine, at least in part by In-Tech Electronics Ltd., and sold for importation into the United States, imported into the United States, and/or sold within the United States after importation. Information regarding representative Accused Products discussed below can be found in Exhibits 8-12 and 21-22.

48. Raymarine directly infringes, contributes to the infringement of, and/or induces the infringement of at least claims 1, 4, 6-20, 22-23, 25-27, 29, 32-47, 49-59, 61-62, 66, and 68-73 of the '840 Patent with respect to all of the Accused Devices.

49. Moreover, Raymarine contributes to the infringement of and/or induces the infringement of at least claim 48 of the '840 Patent with respect to at least its a68 and a78 products.

50. In-Tech directly infringes at least claims 1, 4, 6-20, 22-23, 25-27, 29, 32-47, 49-59, 61-62, 66, and 68-73 of the '840 Patent with respect to all of the Accused Devices.

51. An exemplary claim chart showing infringement of independent claims 1, 23, and 73 of the '840 Patent by the Raymarine's Dragonfly is attached as Exhibit 6.

52. Raymarine directly infringes, contributes to the infringement of, and/or induces the infringement of at least claims 1, 2, 17, 19-21, 23-25, 40, 42-44, 59, 62-66, and 69-81 of the '499 Patent with respect to all of the Accused Devices.

53. In-Tech directly infringes at least claims 24-25, 40, 42-44, 59, 62-66, and 69-81 of the '499 Patent with respect to all of the Accused Devices.

54. An exemplary claim chart showing infringement of independent claims 1, 24, and 43 of the '499 Patent by Raymarine's Dragonfly is attached as Exhibit 7.

A. Direct Infringement

55. Respondents directly infringe the Asserted Patents through their sale for importation, importation, and/or sale after importation of the Accused Products.

56. On information and belief, In-Tech manufactures and sells for importation at least a substantial portion, if not all, of the Accused Products.

57. On information and belief, Raymarine imports into the United States at least the Accused Products.

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

59. On information and belief, Raymarine sells and offers for sale the Accused Products to distributors, independent retailers, and other resellers in the United States.

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

B. Contributory Infringement

61. Raymarine also contributes to infringement of the Asserted Patents by selling for importation into the United States, importing into the United States, and/or or selling within the United States after importation the Accused Products, and the non-staple constituent parts of those devices, which are not suitable for substantial noninfringing use and which embody a material part of the inventions described in the Asserted Patents. These devices are known by Raymarine to be especially made or especially adapted for use in the infringement of the Asserted Patents.

62. Specifically, Raymarine sells the Accused Products to resellers and end users with knowledge that the devices infringe. End users of those marine sonar imaging devices directly infringe the Asserted Patents.

63. Raymarine has had notice of the Asserted Patents and its infringement thereof since at least February 18, 2013, when Navico sent a letter to representatives of Raymarine concerning such allegations. Raymarine has also had knowledge and notice of the Asserted Patents and its infringement thereof since not later than May 1, 2013, when Navico advised

Raymarine of a complaint for patent infringement filed by Navico in the Northern District of Oklahoma. Raymarine has also had knowledge and notice of the Asserted Patents and its infringement thereof by way of face-to-face meetings on May 1, 2013, in London and on June 3, 2013, in Copenhagen between Navico and Raymarine representatives. Despite having notice of the Asserted Patents and its infringement of the Asserted Patents, Raymarine has continued its unlawful activities and expanded those activities by launching new infringing products.

C. Induced Infringement

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

VII. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

65. Respondents sell for importation into the United States, import into the United States, and/or sell after importation into the United States the Accused Products. An example of an Accused Product was purchased from a retailer in the United States. *See* Exhibit 11.

66. Raymarine's Accused Products are manufactured abroad, sold for importation into the United States, imported into the United States, and/or sold after importation into the United States by Raymarine and/or its authorized agents. *See* Exhibits 11 and 12.

67. Upon information and belief, most or all of the Accused Products are manufactured by In-Tech at its manufacturing facility in Shenzhen, China (*See* Exhibit 23 and Exhibit 24 at 2) and sold for importation to Raymarine. For example, In-Tech advertises itself as a contract manufacturer specializing in marine electronics and advertises that it manufactures "HD Digital Fishfinders." *See* Exhibit 23; *see also* Exhibit 24 at 10. In-Tech also states that Raymarine is one of its major customers. *See* Exhibit 24 at 11. Similarly, In-Tech's advertising shows a picture of its manufacturing of one of Raymarine's a-series chartplotters. *See* Exhibit 24 at 22.

68. Exhibit 12 contains photographs of a Raymarine Dragonfly purchased from a retailer in the United States. The photographs show, *inter alia*, that the sonar device itself and the transducer component, as well as their packaging, indicate that they were "Made in China." Specifically, Navico's counsel caused a Raymarine Dragonfly (Model No. E70085) to be purchased from West Marine in Charlotte, NC on July 31, 2013. *See* Exhibit 12.

VIII. HARMONIZED TARIFF SCHEDULE NUMBERS

69. On information and belief, the Accused Products have been imported into the United States under at least the following Harmonized Tariff Schedule numbers: 9014.80.4000 and 9014.90.6000.

IX. RELATED LITIGATION

70. Navico, Inc. previously asserted both Asserted Patents against Raymarine, Inc. in the Northern District of Oklahoma in *Navico, Inc. v. Raymarine, Inc.*, Case No. 13-cv-251-CVE-

TLW. The complaint in that action was filed on April 29, 2013. On August 26, 2013, Navico, Inc. filed a Notice of Dismissal, without prejudice, of that action.

71. On the same day, August 26, 2013, Navico, Inc. and Navico Holding AS together filed a complaint asserting both Asserted Patents against Raymarine, Inc. in the Northern District of Oklahoma, styled *Navico, Inc. and Navico Holding AS v. Raymarine, Inc.*, Case No. 13-cv-554-CVE-TLW. Navico has not yet served the complaint in that action upon Raymarine, Inc.

72. On June 13, 2013, Raymarine, Inc. petitioned the Patent Trial and Appeal Board to institute an *inter partes* review of some, but not all, of the claims of the '840 Patent. On August 6, 2013, Raymarine filed two additional petitions before the Patent Trial and Appeal Board to institute *inter partes* reviews of the remaining claims of the '840 Patent not addressed in the initial petition. Raymarine has not requested any review of any claims of the '499 Patent.

73. Other than as described above, the alleged unfair methods of competition and unfair acts, or the subject matter thereof, are not and have not been the subject of any court or agency litigation.

X. DOMESTIC INDUSTRY

74. An industry as required by Section 337(a)(2) and as defined by Section 337(a)(3) exists in the United States. Navico offers in the U.S. market several models of marine sonar devices with Navico's DownScan sonar technology under Navico's Lowrance® brand that practice one or more of the Asserted Patents, including the Elite-7 HDI, Elite-7x HDI, Elite-5 DSI, Elite-5 HDI, Elite-5x DSI, Elite-5x HDI, Elite-4 DSI, Elite-4x DSI, Mark-5x DSI, Mark-4x DSI, Mark-4 DSI, HDS-12 Gen2 Touch, HDS-9 Gen2 Touch, HDS-7 Gen2 Touch, HDS-9m Gen2 Touch, HDS-7m Gen2 Touch, HDS-5 Gen2 + StructureScan, HDS-7 Gen2 + StructureScan, HDS-8 Gen2 + StructureScan, HDS-10 Gen2 + StructureScan, HDS-5 +

StructureScan, HDS-7 + StructureScan, HDS-8 + StructureScan, HDS-10 + StructureScan, LSS-1 and LSS-2 StructureScan HD (collectively, "Lowrance DownScan Products"), and has spent millions of dollars in the United States to create, test, and support these models for use by U.S. consumers. Thus, Navico's activities as they relate to the Lowrance DownScan Products support a domestic industry relating to sonar products that practice the Asserted Patents.

A. Navico's Practice of the Asserted Patents

75. As stated above, for purposes of this complaint, Navico submits the Elite-7 HDI as representative of the Lowrance DownScan Products that practice one or both of the Asserted Patents. The following table provides a summary of the Asserted Patents being practiced by these Navico products:

U.S. Patent No.	Navico Products
8,305,840	All Lowrance DownScan Products
8,300,499	Elite-7 HDI, Elite-7x HDI, Elite-5 HDI, Elite-5x HDI, HDS-12 Gen2 Touch, HDS-9 Gen2 Touch, HDS-7 Gen2 Touch, HDS-9m Gen2 Touch, HDS-7m Gen2 Touch, HDS-5 Gen2 + StructureScan, HDS-7 Gen2 + StructureScan, HDS-8 Gen2 + StructureScan, HDS-10 Gen2 + StructureScan, HDS-5 + StructureScan, HDS-7 + StructureScan, HDS-8 + StructureScan, HDS-10 + StructureScan, LSS-1 and LSS-2 StructureScan HD

76. In addition, Navico is actively designing new marine sonar devices in the United States that will use Navico's DownScan Imaging™ technology, and which also may practice the Asserted Patents.

77. Information regarding Navico's Elite-7 HDI, including an operation manual, screenshots, and photographs, are included in Exhibits 15-18.

78. Exhibit 13 contains a claim chart showing that Navico's Elite-7 HDI practices at least claim 1 of the '840 Patent.

79. Exhibit 14 contains a claim chart showing that Navico's Elite-7 HDI practices at least claim 43 of the '499 Patent.

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

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

81. In 2008, Navico began development of a new line of marine sonar devices for the U.S. market that use Navico's DownScan Imaging™ technology.

82. In July 2009, Navico launched its first DownScan Imaging™ sonar product, called LSS-1 StructureScan®. The new system marked the world's first and only true DownScan Imaging™ sonar technology combined with sidescan imaging, resulting in full-panoramic, picture-like views of structure, fish, thermoclines, and more, to the left, right, and, importantly, directly beneath a user's boat.

83. By at least late 2009, Navico announced it would release a full line of sonar equipment that incorporates its DownScan Imaging™ technology. Navico's early DownScan sonar products for the United States market include the Mark-5 DSI and Elite-5 DSI models of compact-dual frequency fish finders, which were released in the United States in 2010.

84. Following the success of those models, Navico released its Elite-4x DSI and Elite-4 DSI models in January 2012. Navico has since continued to build upon its DownScan product line throughout 2012 and 2013, with additional releases in the United States including, for example, the Elite-7 HDI in late 2012.

85. In April 2012, Navico released a next-generation version of the StructureScan® sonar imaging system, called LSS-2 StructureScan® HD.

86. Also early in 2012, Navico released a new version of its HDS devices, called its HDS Gen2 Touch systems. These devices also support Navico's DownScan Imaging™ sonar technology.

87. Navico has expended considerable resources on plant and equipment, labor and capital, and engineering and research and development to support the Lowrance DownScan Products in the United States. These expenditures continue as Navico further improves the Lowrance DownScan Products and also seeks to develop new DownScan devices. A discussion of both current and future representative expenditures is set forth below.

1. Significant Investment in Plant and Equipment

88. Navico has spent, and continues to spend, significant sums on its domestic facilities supporting the products that practice the Asserted Patents. For example, the research and development efforts for each of the Lowrance DownScan Products took place in Navico's Tulsa, Oklahoma facility, in which Navico has made, and continues to make, extensive investments. *See* Confidential Exhibit 20.

89. In addition, Navico maintains other locations throughout the United States that support activities related to these devices, including, but not limited to, Nashua, New Hampshire. *See* Confidential Exhibit 20. Such expenditures for facilities supporting the Lowrance DownScan Products will continue.

2. Significant Employment of Labor and Capital

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

91. As of August, 2013, Navico had approximately 175 U.S.-based employees, and their combined salaries total in the millions of dollars. *See* Confidential Exhibit 20.

92. Approximately 30 of these employees work in research and development or in ongoing product maintenance supporting Navico's products sold in the United States, including those that practice the Asserted Patents. Many of them were specifically dedicated to the development, testing, and readying-for-market activities for the Lowrance DownScan Products. *See* Confidential Exhibit 20.

93. Navico has made significant investments relating to warranty and repair of the products that practice the Asserted Patents, including the Lowrance DownScan Products. Navico's customer and consumer services, largely based out of Navico's Tulsa, Oklahoma facility, is responsible for providing these services. *See* Confidential Exhibit 20.

94. Navico has also invested significant sums relating to the logistics management for the Lowrance DownScan Products in the United States. *See* Confidential Exhibit 20.

3. Substantial Investments in Engineering and Research and Development

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

96. For example, just since 2008, Navico has spent millions of dollars in the United States on the research and development of the Lowrance DownScan Products. These expenditures include, but are not limited to, direct technical program costs and costs for building prototypes and testing of these marine sonar devices. *See* Confidential Exhibit 20.

XI. REQUEST FOR RELIEF

97. Complainant requests that the U.S. International Trade Commission:

a. Institute an immediate investigation, pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to violations of

Section 337 based upon the sale for importation into the United States, the importation into the United States, and/or the sale within the United States after importation of Respondents' marine sonar imaging devices, products containing the same, and components thereof that infringe one or more claims of the Asserted Patents;

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

c. Issue a permanent limited exclusion order, pursuant to 19 U.S.C. § 1337(d), prohibiting entry into the United States all of Respondents' marine sonar imaging devices, products containing the same, and components thereof that infringe one or more claims of the Asserted Patents;

d. Issue permanent cease and desist orders, pursuant to 19 U.S.C. § 1337(f), prohibiting Respondents, or their parents, subsidiaries, or other affiliates, from importing, admitting or withdrawing from a foreign trade zone, marketing, advertising, demonstrating, warehousing inventory, distributing, offering for sale, selling, licensing, repairing, programming, or updating marine sonar imaging devices, products containing the same, and components thereof that infringe one or more claims of the Asserted Patents; and

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

Dated: September 20, 2013

Respectfully submitted,

M. Scott Stevens
Adam D. Swain
ALSTON & BIRD LLP
950 F Street NW
Washington, DC 20004
Telephone: (202) 239-3025
Facsimile: (704) 654-4825

Michael S. Connor
Kirk T. Bradley
ALSTON & BIRD LLP
101 South Tryon Street
Suite 4000
Charlotte, NC 28270
Telephone: (704) 444-1025
Facsimile: (704) 444-1935

Counsel for Complainants
Navico, Inc. and Navico Holding AS