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September 15, 2022

VIA EDIS

The Honorable Katherine M. Hiner
Acting Secretary to the Commission
U.S. International Trade Commission
500 E Street, SW, Room 112-A
Washington, DC 20436

Re: *In the Matter of Certain Smart Televisions*, Inv. No. 337-TA-____

Dear Secretary Hiner:

Enclosed for filing, please find documents in support of a request by Maxell, Ltd. ("Complainant") that the U.S. International Trade Commission institute an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, concerning certain smart televisions. We have included a separate letter requesting confidential treatment of the Complaint and certain exhibits included with this filing. We have enclosed public versions of the Complaint and certain confidential exhibits.

In accordance with the Commission's modified filing requirements, 85 Fed. Reg. 15798 (dated Mar. 19, 2020), please find enclosed the documents in support of Complainants' request, including the following:

1. One (1) electronic copy of Complainant's Verified Complaint, pursuant to Commission Rule 210.8(a)(1)(i);
2. One (1) electronic copy of Complainant's letter and certification requesting confidential treatment of the Complaint and several confidential exhibits, pursuant to Commission Rules 210.5(d) and 201.6(b);
3. One (1) electronic copy of Complainant's Statement on the Public Interest, pursuant to Commission Rules 210.8(a)(1)(i) and 201.8(b);
4. One (1) electronic copy of the public exhibits to the Verified Complaint, pursuant to Commission Rule 210.8(a)(1)(ii), including:

September 15, 2022

Page 2

- a. One (1) electronic copy of certified versions of each of U.S. Patent Nos. 8,549,109; 8,170,394; 10,958,971; and 11,017,815 (collectively, the “Asserted Patents”);
 - b. One (1) electronic copy of certified versions of each recorded assignment for each Asserted Patent;
 - c. One (1) electronic copy of certified versions of the U.S. Patent and Trademark Office prosecution history for each Asserted Patent;
5. One (1) electronic copy of the confidential exhibits to the Verified Complaint, pursuant to Commission Rule 210.8(a)(1)(ii); and
 6. One (1) electronic copy of each patent and applicable pages of each technical reference mentioned in the prosecution history of each Asserted Patent, pursuant to Commission Rule 210.12(c)(2).

Complainant confirms that it will serve copies of the non-confidential versions of the Complaint and all associated exhibits and appendices upon the institution of this investigation on the proposed Respondents consistent with 19 C.F.R. part 201 (including 19 C.F.R. §201.16) and the Temporary Procedures.

Thank you for your attention to this matter. Please contact me with any questions regarding this submission.

Respectfully Submitted,



Jamie B. Beaber

Counsel for Complainant Maxell, Ltd.

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The Honorable Katherine M. Hiner
Acting Secretary to the Commission
U.S. International Trade Commission
500 E Street, SW, Room 112-A
Washington, DC 20436

Re: *In the Matter of Certain Smart Televisions*, Inv. No. 337-TA-____

Dear Secretary Hiner:

Pursuant to Commission Rule 201.6, Complainant Maxell, Ltd. respectfully requests confidential treatment of certain confidential business information contained in Complainants' Confidential Complaint and Confidential Exhibits 20, 21, 27, and 28 filed herewith.

The information in the Complaint and exhibits for which Complainant seeks confidential treatment consists of proprietary commercial and personal information, including:

- (i) a confidential list of licensees to the Asserted Patents (Confidential Exhibits 20, 21);
- (ii) confidential terms of licensing agreements and negotiations (Complaint ¶¶ 81, 84, 111, 123-124; Confidential Exhibits 21, 27, 28).

The proprietary information described herein qualifies as confidential business information under Commission Rule 201.6 because substantially-identical information is not available to the public, because the disclosure of this information would cause substantial competitive harm to Complainant, Respondent, and third parties, and because the disclosure of this information would likely impede the Commission's efforts and ability to obtain similar information in the future.

September 15, 2022

Page 2

Thank you for your attention to this matter. Please contact me with any questions regarding this request for confidential treatment.

Respectfully Submitted,



Jamie B. Beaber

Counsel for Complainant Maxell, Ltd.

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

In the Matter of:

CERTAIN SMART TELEVISIONS

Investigation No. _____

**COMPLAINANT MAXELL, LTD.'S STATEMENT
REGARDING THE PUBLIC INTEREST UNDER 19 C.F.R. § 210.8(b)**

Complainant Maxell, Ltd. (“Maxell”) hereby submits this Statement Regarding the Public Interest pursuant to Commission Rule 210.8(b), 19 C.F.R. § 210.8, regarding the remedial orders requested in Maxell’s Complaint against proposed respondent VIZIO Inc. (“Respondent”).

Maxell seeks a permanent limited exclusion order to preclude Respondent from importing into the United States certain smart televisions that infringe one or more claims of United States Patent Nos. 8,549,109; 8,170,394; 10,958,971; and 11,017,815 (collectively, the “Asserted Patents”).¹ Maxell also seeks a permanent cease and desist order prohibiting Respondent, its subsidiaries, related companies, and agents from engaging in the importation, sale for importation, marketing and/or advertising, distribution, offering for sale, sale, use after importation, sale after importation, or other transfer within the United States of certain smart televisions that infringe one or more claims of the Asserted Patents.

I. INTRODUCTION

The requested relief is in the public interest because it would serve the purpose of enforcing United States intellectual property rights. The Commission has recognized that remedial orders should only be withheld in “limited circumstances in which the statutory public

¹ None of the Asserted Patents is a Standards Essential Patent (“SEP”), none was declared essential to a standards development body, and none is essential to a promulgated standard.

interest concerns are so great as to trump the public interest in enforcement of intellectual property rights.” *Certain Baseband Processor Chips & Chipsets, Transmitter & Receiver (Radio) Chips, Power Control Chips, & Prods. Containing Same, Including Cellular Telephone Handsets*, Inv. No. 337-TA-543, Comm’n Op. on Remedy, Public Interest, & Bonding at 148-53 (June 19, 2007). The Commission has held that such limited circumstances are not triggered by the types of devices that Maxell seeks to exclude in this investigation, particularly where competitive articles are available, as here. *See, e.g., Certain Electronic Devices, Including Streaming Players, Televisions, Set Top Boxes, Remote Controllers, and Components Thereof*, Inv. No. 337-TA-1200, Comm’n Op. at 39-41 (Dec. 3, 2013).

Further, because Maxell’s licensees and other non-Respondent companies also supply the market with electronic devices (including Hisense, Samsung, and others), and because Respondent itself will be able to continue supplying non-accused products notwithstanding this Investigation, consumers would not face any shortage of like or competitive products in the United States.

II. USE OF THE ACCUSED PRODUCTS IN THE UNITED STATES

The Accused Products are televisions that are imported and sold in the United States by or on behalf of Respondent. The Accused Products are manufactured abroad and sold to consumers throughout the United States.

III. THE ACCUSED PRODUCTS DO NOT PRESENT ANY PUBLIC HEALTH, SAFETY, OR WELFARE CONCERNS RELATING TO THE REQUESTED REMEDIAL ORDERS

Consumer devices such as the Accused Products do not implicate public health, safety, or welfare concerns. The Commission has repeatedly held this to be true. *See, e.g., Certain Electronic Devices*, Inv. No. 337-TA-1200, Comm’n Op. at 40 (Dec. 3, 2013) (holding that the exclusion of infringing media streaming products, which includes televisions, “do not implicate

any public health, national security or welfare, or other public interest concerns”); *Certain Digital Television Products and Certain Products Containing Same and Methods of Using Same*, Inv. No. 337-TA-617, Comm’n Op. at 15 (“[W]e conclude that concerns of public health and welfare are not implicated here because DTV s are not the type of products that affect public health and welfare.”). Public health, safety, or welfare concerns generally arise only in investigations involving pharmaceuticals, medical equipment, green technology products, or other products that have the potential to affect people’s health, safety, and welfare. The Accused Products do not fall within any of these categories. To the contrary, they are used primarily for entertainment.

Furthermore, as explained below, like and competing products that perform similar functions as Respondent’s Accused Products are readily available to consumers in the United States. Thus, the requested relief would not implicate any public health, safety, or welfare concern. *See, e.g., Minnesota Min. & Mfg. Co. v. Carapace Inc.*, No. CIV. 4-93-392, 1993 WL 528166, at *6 (D. Minn. Oct. 29, 1993).

Accordingly, access to the Accused Products does not implicate any meaningful public health, safety, or welfare concern. Indeed, the requested relief serves the public interest because, as previously recognized by the Commission, there is a strong public interest in protecting intellectual property rights. *See, e.g., Certain Baseband Processor Chips*, Inv. No. 337-TA-543, Comm’n Op. at 136-37 (June 19, 2007). Thus, there is a strong public interest in protecting Maxell’s IP rights, and that interest far outweighs any hypothetical adverse effect on the public.

IV. NUMEROUS LIKE OR DIRECTLY COMPETITIVE ARTICLES ARE AVAILABLE TO SATISFY DEMAND FOR THE EXCLUDED PRODUCTS

No public interest concerns exist where the market contains an adequate supply of competitive or substitute products for those subject to a remedial order. *See, e.g., Certain Lens*

Fitted Film Packages, Inv. No. 337-TA-406, Comm’n Op. at 18 (June 28, 1999).

Here, the Accused Products only represent a portion of Respondent’s product offerings, and Respondent represents only a portion of a competitive market for the manufacture and sale of televisions. The industry for televisions is highly competitive. *See* VIZIO 2021 Annual Report, at 8 (“The consumer electronics market in which we operate is highly competitive and includes large, well-established companies.”). For example, in 2020, Respondent held 12% of the share for smart televisions in U.S. households. *See* <https://www.statista.com/statistics/782217/smart-tv-share-by-oem-in-the-us/#:~:text=In%202020%2C%20Samsung%20remained%20the,13%20percent%20market%20share%2C%20respectively>. Thus, the third parties that account for more than three quarters of the televisions in the U.S., including Maxell’s licensees, could ramp up production to replace any excluded products of Respondent. Original equipment manufacturers that provide like or directly competitive televisions include Hisense, Sony, TCL, Samsung, and LG Electronics. Accordingly, Respondent’s Accused Products could and would be replaced on the market if the relief sought here were granted.

Further, remedial orders would not have an adverse impact on competitive production in the United States as the Accused Products appear to be manufactured completely overseas. *See, e.g.,* <https://goodhomeautomation.com/where-are-vizio-tvs-made/#:~:text=Vizio%20TVs%20are%20designed%20in,%2C%20Only%2C%20TPV%20and%20Zylux>. (“Vizio TVs are designed in California, but they are made in Vietnam, China, Taiwan, Thailand and Mexico.”). *See Certain Digital Televisions & Certain Prods. Containing Same & Methods of Using Same*, Inv. No. 337-TA-617, Comm’n Op. at 15 (Apr. 23, 2009) (stating that the consideration of the production of like or directly competitive articles does not

weigh against issuance of a remedy when: (i) there is a variety of other similar products available domestically; and (ii) most of the types of products at issue are manufactured in foreign countries).

As set forth above, to the extent necessary, Maxell's licensees and other third-parties have the capacity to replace Respondent's volume of production of infringing products in the United States market without delay. Non-accused televisions will also continue to be available from Respondent as well as non-Respondent suppliers. Consumers would continue to have access to non-accused products from Maxell's licensees, the Proposed Respondent, and third parties in amounts sufficient to meet the demand.

V. REMEDIAL ORDERS WOULD NOT NEGATIVELY IMPACT U.S. CONSUMERS

The requested relief will not materially negatively impact United States consumers. If Respondent's Accused Products are excluded, U.S. consumers will continue to have numerous available options for televisions, including devices sold by Maxell's licensees. While the requested relief may reduce consumer choice, such reduction is not in itself a sufficient basis to deny a remedy. *Certain Digital Televisions & Certain Prods. Containing Same & Methods of Using Same*, Inv. No. 337-TA-617, Comm'n Op. at 16 (Apr. 23, 2009).

VI. CONCLUSION

Issuance of Maxell's requested remedies will support the strong public interest in protecting intellectual property rights. That interest is not outweighed by any adverse impact to the U.S. public that may hypothetically result from issuance of the remedial orders, particularly in view of the readily available alike or directly competitive products. Thus, the remedies sought in Maxell's Complaint, filed concurrently herewith, will not adversely affect the public interest.

Dated: September 15, 2022



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UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

In the Matter of:

CERTAIN SMART TELEVISIONS

Investigation No. _____

**COMPLAINT OF MAXELL, LTD. UNDER SECTION 337
OF THE TARIFF ACT OF 1930, AS AMENDED**

Complainant:

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Otokuni-gun, Kyoto, 618-8525 Japan
Tel: +81-80-9646-2648

Proposed Respondent:

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TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	THE PARTIES.....	3
	A. Complainant.....	3
	B. Respondent.....	5
III.	THE TECHNOLOGY AND PRODUCTS AT ISSUE	6
IV.	THE ASSERTED PATENTS	6
	A. The '109 Patent	6
	1. Identification and Ownership of the '109 Patent.....	6
	2. Non-Technical Description of the '109 Patent.....	7
	3. Foreign Counterparts to the '109 Patent.....	10
	B. The '394 Patent	11
	1. Identification and Ownership of the '394 Patent.....	11
	2. Non-Technical Description of the '394 Patent.....	12
	3. Foreign Counterparts to the '394 Patent.....	13
	C. The '971 Patent	13
	1. Identification and Ownership of the '971 Patent.....	13
	2. Non-Technical Description of the '971 Patent.....	14
	3. Foreign Counterparts to the '971 Patent.....	16
	D. The '815 Patent	16
	1. Identification and Ownership of the '815 Patent.....	16
	2. Non-Technical Description of the '815 Patent.....	17
	3. Foreign Counterparts to the '815 Patent.....	19
	E. Licensees.....	19
V.	RESPONDENT'S UNLAWFUL AND UNFAIR ACTS.....	19

PUBLIC VERSION

A.	Respondent’s Prior Dealings with Maxell and Awareness of the Asserted Patents	19
B.	Instances of Infringement	21
1.	’109 Patent.....	22
2.	’394 Patent.....	22
3.	’971 Patent.....	23
4.	’815 Patent.....	23
VI.	SPECIFIC INSTANCES OF IMPORTATION.....	24
VII.	CLASSIFICATION OF THE ACCUSED PRODUCTS UNDER THE HARMONIZED TARIFF SCHEDULE	26
VIII.	RELATED LITIGATION	26
IX.	DOMESTIC INDUSTRY.....	27
A.	Technical Prong	27
B.	Economic Prong.....	29
1.	Lenovo (United States) Inc.....	29
2.	Samsung Electronics America, Inc. and Samsung Austin Semiconductor, LLC.....	36
X.	RELIEF REQUESTED.....	41

EXHIBITS

Exhibit No.	Description
1	Certified Copy of U.S. Patent No. 8,549,109
2	Certified Copy of U.S. Patent No. 8,170,394
3	Certified Copy of U.S. Patent No. 10,958,971
4	Certified Copy of U.S. Patent No. 11,017,815
5	Certified Copy of USPTO Assignment Records for the '109 Patent
6	Certified Copy of USPTO Assignment Records for the '394 Patent
7	Certified Copy of USPTO Assignment Records for the '971 Patent
8	Certified Copy of USPTO Assignment Records for the '815 Patent
9	Infringement Chart for the '109 Patent
10	Infringement Chart for the '394 Patent
11	Infringement Chart for the '971 Patent
12	Infringement Chart for the '815 Patent
13	Lenovo Domestic Industry Chart for the '109 Patent
14	Lenovo Domestic Industry Chart for the '394 Patent
15	Lenovo Domestic Industry Chart for the '815 Patent
16	Samsung Domestic Industry Chart for the '109 Patent
17	Samsung Domestic Industry Chart for the '394 Patent
18	Samsung Domestic Industry Chart for the '971 Patent
19	Samsung Domestic Industry Chart for the '815 Patent
20	CONFIDENTIAL: List of Maxell Licensees
21	CONFIDENTIAL: Declaration of Tatsuya Yamamoto
22	Product Packaging (front Image) for Sample M43Q6-J04

PUBLIC VERSION

Exhibit No.	Description
23	Product Packaging (Side Image) for Sample M43Q6-J04
24	Product Packaging (Side Image zoomed in) for Sample M43Q6-J04
25	Receipt for Purchase of VIZIO M43Q6-J04 Sample
26	Accused Product offered for sale on VIZIO's website
27	CONFIDENTIAL: Patent License Agreement (Lenovo)
28	CONFIDENTIAL: Patent License Agreement (Samsung)
29	S&P Capital IQ Report for Lenovo (United States) Inc.
30	Statista.com, Laptop Ownership by brand in the U.S. in 2022 (April 2022)
31	Gartner Says Worldwide PC Shipments Declined 6.8% in First Quarter of 2022 (Apr. 11, 2022)
32	Lenovo Group Ltd. Annual Report 2020/21
33	Excerpt from Lenovo Website
34	Statista.com, Laptop Ownership by brand in the U.S. in 2022 (April 2022)
35	Commercialcafe.com Printout
36	REBusinessOnline Printout
37	Press Release: Lenovo Announces Official Opening of U.S. Computer Manufacturing Line in North Carolina (June 5, 2013)
38	Austin Chamber, Major Employees (https://www.austinchamber.com/economic-development/austin-profile/major-employers)
39	Samsung Electronics Consolidated Financial Statement 2021
40	Samsung Electronics 2021 Interim Business Report
41	New York Division of Corporations Printout – Samsung Electronics America, Inc.
42	CommercialCafe printout, Samsung Semiconductor Corporate Headquarters (https://www.commercialcafe.com/commercial-property/us/ca/san-jose/samsung-semiconductor-corporate-headquarters/)

PUBLIC VERSION

Exhibit No.	Description
43	Declaration of Haekang Moon on behalf of Samsung Austin Semiconductor, LLC in Inv. No. 337-TA-1265
44	Samsung Austin Semiconductor History
45	Samsung Display Rule 7.1 Statement
46	https://semiconductor.samsung.com/us/about-us/us-office/us-r-and-d-labs/display/
47	Printout, Samsung in America (https://news.samsung.com/us/in-america/)
48	Samsung Joins Hollywood Park Technology Alliance, Feb. 10, 2022 (https://news.samsung.com/us/samsung-joins-hollywood-park-technology-alliance/)
49	Samsung renews its lease in Ridgefield Park, keeping 1,000 jobs in Bergen County, Nov. 22, 2019 (https://www.northjersey.com/story/news/bergen/ridgefield-park/2019/11/22/samsung-remains-ridgefield-park-nj-keeping-1000-jobs/4251149002/)
50	Website Printout, Ridgefield Park, NJ, Career & Job Opportunities at Samsung Electronics America (https://www.themuse.com/profiles/samsungelectronicamerica/location/ridgefield-park)
51	LinkedIn Printout, Samsung Electronics America (https://www.linkedin.com/company/samsung-electronics-america/about/)
52	Samsung Consumer Electronics Investor Presentation 2022 (https://images.samsung.com/is/content/samsung/assets/global/ir/docs/Samsung_Investor_Presentation_CE_2022_v1.pdf)
53	Samsung Austin Semiconductor to Spend \$36,370,000.00 to Occupy 36,430 Square Feet of Space in Austin Texas (https://www.intelligence360.news/samsung-austin-semiconductor-to-spend-36370000-00-to-occupy-36430-square-feet-of-space-in-austin-texas/)

APPENDICES

Appendix Letter	Description
A	Certified copy of the prosecution history of the '109 Patent
B	Certified copy of the prosecution history of the '394 Patent
C	Certified copy of the prosecution history of the '971 Patent
D	Certified copy of the prosecution history of the '815 Patent
E	References cited in the prosecution history of the '109 Patent
F	References cited in the prosecution history of the '394 Patent
G	References cited in the prosecution history of the '971 Patent
H	References cited in the prosecution history of the '815 Patent

I. INTRODUCTION

1. Complainant Maxell, Ltd. (“Maxell”) files this Complaint pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”).

2. Maxell brings this action to remedy violations of Section 337 arising from the unlawful and unauthorized importation into the United States, the sale for importation into the United States, and the sale within the United States after importation of certain smart televisions (the “Accused Products”).¹

3. The Accused Products infringe one or more claims of United States Patent Nos. 8,549,109 (the “’109 Patent”); 8,170,394 (the “’394 Patent”); 10,958,971 (the “’971 Patent”); and 11,017,815 (the “’815 Patent”) (collectively, the “Asserted Patents”). The Asserted Patents are attached to this Complaint as Exhibits 1 – 4.

4. The Accused Products directly infringe at least the following claims of the Asserted Patents in violation of Section 337(a)(1)(B)(i) and 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, as explained more fully herein and in the appended claim charts:

Asserted Patents	Asserted Claims ²
’109 Patent	4
’394 Patent	2, 4, 5, 7, 8
’971 Patent	1
’815 Patent	1, 21

¹ Products obtained from third parties under a license to the Asserted Patents are not “Accused Products.”

² Bolded numbers denote independent claims.

5. The proposed Respondent is VIZIO, Inc.

6. On information and belief, and as set forth more fully in this Complaint and the claim charts appended hereto, the Respondent imports into the United States, sells for importation into the United States, or sells in the United States after importation Accused Products that directly infringe at least one claim of the Asserted Patents under 35 U.S.C. § 271(a).

7. Respondent had knowledge of at least the '971 Patent prior to the filing of this Complaint through the parties' prior dealings, as outlined further herein. In addition, Respondent has knowledge of the Asserted Patents by virtue of the filing of this Complaint.

8. As relief for Respondent's unfair acts, Maxell seeks the following: (a) an investigation into Respondent's violations of Section 337; (b) a public hearing concerning whether Respondent has violated Section 337; (c) a permanent limited exclusion order barring from entry into the United States the Accused Products that infringe the Asserted Patents; (d) a permanent cease-and-desist order prohibiting the importation, sale, sale for importation, offer for sale, and soliciting of the sale in the United States of the Accused Products that infringe at least one claim of the Asserted Patents; (e) the imposition of a bond on importation and sales of infringing products during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j); and (f) such other relief as the Commission deems proper.

9. A domestic industry exists as the result of activities and investments in the United States related to products that practice the Asserted Patents. Maxell's licensees have, in the United States, made significant investments in plant, equipment, labor and capital, and made substantial investments in engineering and research and development related to products

protected by the Asserted Patents. These activities are set forth in more detail in Section IX, *infra*.

II. THE PARTIES

A. Complainant

10. Complainant Maxell, Ltd. is a Japanese corporation with a registered place of business at 1 Koizumi, Oyamazaki, Oyamazaki-cho, Otokuni-gun, Kyoto, 618-8525 Japan. Maxell is the sole owner by assignment of all rights, title, and interest in each of the Asserted Patents. Certified copies of the recorded assignments of the Asserted Patents are attached as Exhibits 5 – 8.

11. Founded in 1961 as Maxell Electric Industrial Co., Ltd., Maxell is a leading global manufacturer of information storage media products, including magnetic tapes, optical discs, and battery products such as lithium ion rechargeable micro batteries and alkaline dry batteries, and the company has over 50 years of experience producing industry-leading recordable media and energy products for both the consumer and the professional markets. Exhibit 21, ¶ 5.

12. In the 1970s, Maxell established a factory in Georgia, its first factory in the United States. At that facility, Maxell manufactured audio and video cassette tapes. At one time, Maxell also had a factory in San Diego, California. *Id.* at ¶ 13.

13. Maxell has built an international reputation for excellence and reliability, for pioneering the power supplies and digital recording for today's mobile and multi-media devices, and leading the electronics industry in the fields of storage media and batteries.

14. Since being one of the first companies to develop alkaline batteries and Blu Ray camcorder discs, Maxell has always assured its customers of industry leading product innovation

and is one of the world's foremost suppliers of memory, power, audio, and visual goods. *Id.* at ¶ 11. Maxell's well-recognized logo and iconic "blown away" image exemplify the reputation Maxell carefully developed in these markets.



15. In 2009 Hitachi, Ltd. assigned much of its consumer product-facing intellectual property to Hitachi Consumer Electronics Co., Ltd. Then, in 2013, Hitachi Consumer Electronics Co., Ltd. assigned the intellectual property, including the patents in this case, to Hitachi Maxell, Ltd., which later assigned the patents to Maxell as a result of a reorganization and name change. This reorganization was an effort to align its intellectual property with the licensing, business development, and research and development efforts of Maxell, including in the mobile and mobile-media device market (Hitachi, Ltd. and Hitachi Consumer Electronics Co., Ltd. are referred to herein collectively as "Hitachi").

16. Maxell opened and operates Maxell Research and Development of America, LLC ("MRDA") in Marshall, Texas, pursuant to a 2014 joint development agreement with a Marshall-based company. *Id.* at ¶ 14.

17. Maxell continues to sell products in the mobile device market including wireless charging solutions, wireless flash drives, multimedia players, storage devices, and headphones.

Maxell also maintains intellectual property related to televisions, computer products, tablets, digital cameras, and mobile phones.

18. As a technology developer and industry leader, and due to its historical and continuous investment in research and development, Maxell owns a portfolio of patents related to such technologies and actively enforces its patents through licensing and/or litigation.

19. After years of good-faith licensing negotiations, Maxell was forced to bring this action against Respondent to curtail their knowing and ongoing infringement of Maxell's patents.

B. Respondent

20. Upon information and belief, Respondent VIZIO, Inc. is a company organized and existing under the laws of the state of California, with a principal place of business located at 39 Tesla, Irvine, CA 92628.

21. Upon information and belief, Respondent designs, manufactures, uses, imports into the United States, offers to sell in the United States, and/or sells within the United States the Accused Products, including on its website (<https://www.vizio.com>).

22. For example, Respondent sells for importation into the United States, imports into the United States, and/or sells within the United States after importation one or more televisions, such as the M43Q6-J04, M556-H4, M65Q6-J09, M706x-H3, M70Q6-J03, M75Q6-J03, M70Q7-J03, M75Q7-J03, M557-G0, M506x-H9, V505-J09, V655-J09, V705-J03, V705x-J03, V755-H4, V705-H13, V706-J03, V756-J03, V756x-J03, V655-J04, V755-J04, D24h-J09, D32h-J09, D24f-J09, D40f-J09, D32f-J04, D43f-J04, M65Q6M-K04, M43Q6M-K04, M75QXM-K03, M65QXM-K03, V655M-K04, V435M-K04, V505M-K09, V755M-K03, V705M-K03, D40FM-

K09, D43FM-K04. Maxell reserves the right to accuse additional products of Respondent as discovery proceeds.

III. THE TECHNOLOGY AND PRODUCTS AT ISSUE

23. Pursuant to 19 C.F.R. § 210.12(a)(12), the category of products accused of infringing the Asserted Patents are certain smart televisions.

24. Respondent infringes one or more claims of the Asserted Patents by selling for importation into the United States, importing into the United States, and/or selling within the United States after importation certain Accused Products. Exemplary Accused Products and infringing activities of Respondent are provided in Paragraph 22, *supra*, and Section V, *infra*.

IV. THE ASSERTED PATENTS

25. The Asserted Patents relate to various structures and features included in certain smart televisions. This section provides high-level descriptions of each of the Asserted Patents, along with an identification of their ownership and foreign counterparts.

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

A. The '109 Patent

1. Identification and Ownership of the '109 Patent

27. Maxell owns by assignment the entire right, title, and interest in and to the '109 Patent. Ex. 5 (USPTO Assignment Record for '109 Patent).

28. A certified copy of the '109 Patent is attached as Exhibit 1. Certified copies of the assignment records for the '109 Patent are attached as Exhibit 5. A certified copy of the prosecution history of the '109 Patent is included as Appendix A. Copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '109 Patent are included as Appendix E.

29. The '109 Patent is titled "Portable Terminal, Information Processing Apparatus, Content Display System And Content Display Method"; was filed on June 6, 2012; and names Takashi Matsubara, Mayumi Nakade, Masahiro Yamazaki, and Hiroyuki Higaki (all from Japan) as inventors. '109 Patent at (54), (22), (75). The '109 Patent claims priority to Japanese Application No. 2007-248353, which was filed on September 26, 2007. *Id.* at (30).

30. The '109 Patent issued on October 1, 2013 (*id.* at (45)), and will expire on July 10, 2028.

2. *Non-Technical Description of the '109 Patent*

31. The '109 Patent recites an improved information processing apparatus, such as a television, that has the ability to perform smart video relay operations by communicating with a portable terminal, such as a mobile phone.

32. Specifically, the claimed invention recites an improved video relay system with specific means of controlling the display video state of a display device according to distinct action-triggering information acquired and received from a portable terminal. The invention recites a "first information," "second information," and "third information" received from the portable terminal, each being specific state commands transmitted through the communication unit and that trigger control operations of the display in a specific manner.

33. In addition, the claimed invention recites controlling the operation of the video content on the display of the information processing apparatus by receiving “second information” from the portable terminal. For example, the “second information” may include playback controls, seek, pause, or other similar control information to operate the video content displayed on the display unit. Finally, a “third information” is used to terminate the display of the video content on the display unit of the information processing apparatus.

34. The information processing apparatus receives “first information” using a communication scheme in which a communication link is established with the mobile terminal, where the first information is control information that is interpreted by the information processing apparatus to perform a TV operation of displaying of the video content, the control information being different from general infrared-ray RF command used in a TV set’s remote controller. “first information” received may include a URL of target video content, login authentication information, Cookie information, or the position of a scroll bar or pointer indicating a relative position of the video.

35. The information processing apparatus also receives “second information” using a communication scheme in which a communication link is established with the mobile terminal, where the second information is control information that is interpreted by the information processing apparatus to perform a TV operation of controlling the video content, the control information being different from general infrared-ray RF command used in a TV set’s remote controller.

36. The information processing apparatus also receives “third information” using a communication scheme in which a communication link is established with the mobile terminal, where the third information is control information that is interpreted by the information

processing apparatus to perform a TV operation of terminating displaying of the video content, the control information being different from general infrared-ray RF command used in a TV set's remote controller.

37. As the '109 Patent explains, the control unit of the claimed information processing apparatus controls the display unit, and is an information processing device, for example an MPU or microprocessor, that controls operations of processing units required to reproduce digital broadcast, access the internet, and conduct operations with the mobile terminal, or equivalents thereof. Its communication unit then conducts communication with a mobile terminal, such as by a communication module conducting radio communication with a mobile terminal according to standards of, for example, Bluetooth or the wireless Local Area Network (LAN) or IRDA and connecting to the internet using a communication protocol of, for example, HTTP, or equivalents thereof.

38. This use of distinct action-triggering information acquired and received from a portable terminal to control the display of video content achieves an improved level of automation that provides an advancement over the prior art systems, enabling the continuous reproduction of internet video content and the smooth cooperative operation when the viewing of a content that is being viewed on a portable terminal but is to be relayed or passed to a separate video playback display device.

39. Prior to the filing of the '109 Patent application, internet video relay systems could not be seamlessly operated by a single portable terminal, and instead needed additional operation of the display either directly by an operation input or by the use of additional remote controls. Furthermore, operators of these prior art systems would need to first terminate viewing

in the portable terminal in order to then view it on a separate screen. This caused interruption in viewing of the video content.

40. Further, “change-over operations” of internet content from the portable terminal to another display device caused numerous problems. For example, one problem was that the internet video content would restart from the beginning rather than resuming from the position of where it was being viewed in the portable terminal.

41. The '109 Patent claims solved these problems by the use of a first, second, and third information signal received from the portable terminal to control the display unit to perform change-over and operation of internet video content between the devices uninterruptedly. This results in the smooth, uninterrupted, and seamless relay of internet video content from a portable terminal to a separate display device.

3. Foreign Counterparts to the '109 Patent

42. The following foreign patents and patent applications correspond to the '109 Patent:

Jurisdiction	Application / Publication No.	Status	Patent No.
Japan	2007248353A	Issued	5194673B2
Japan	2012268954A	Issued	5575216B2
Japan	2014044540A	Issued	5893657B2
Japan	2015235234A	Issued	6205400B2
Japan	2016186745A	Issued	6212615B2
Japan	2017116531A	Issued	6248302B2
Japan	2017206315A	Issued	6412237B2

Jurisdiction	Application / Publication No.	Status	Patent No.
Japan	2018181681A	Issued	6542967B2
Japan	2019110096A	Issued	6728449B2
Japan	2020113689A	Issued	6889317B2
Japan	2021085481A	Issued	7062806B2
Japan	2022069450A	Pending	
Korea	20080067190	Issued	101031137B
EP	08252339A	Issued	2061230B
EP	11157220A	Abandoned	
EP	11182680A	Issued	2403266B
EP	16201316A	Issued	3171585B
EP	20178568A	Pending	
EP	21189514A	Pending	

43. To the best of Maxell's knowledge, there are no other foreign counterparts to the '109 Patent.

B. The '394 Patent

1. Identification and Ownership of the '394 Patent

44. Maxell owns by assignment the entire right, title, and interest in and to the '394 Patent. Ex. 6 (USPTO Assignment Record for the '394 Patent).

45. A certified copy of the '394 Patent is attached as Exhibit 2. Certified copies of the assignment records for the '394 Patent are attached as Exhibit 6. A certified copy of the prosecution history of the '394 Patent is included as Appendix B. Copies of each patent and

applicable pages of each technical reference mentioned in the prosecution history of the '394 Patent are included as Appendix F.

46. The '394 Patent is titled "Multimedia Player Displaying Operation Panel Depending on Contents"; was filed on August 23, 2006; and names Yoshihiro Machida, Nobuhiro Tsutsumi, and Kouji Kamogawa (all of Japan) as inventors. '394 Patent at (54), (22), (75). The '394 Patent claims priority to Japanese Application No. 2005-248576, which was filed on August 30, 2005. *Id.* at (30).

47. The '394 Patent issued on May 1, 2012, and will expire on August 4, 2030.

2. *Non-Technical Description of the '394 Patent*

48. With the rise of digital media, multimedia players saw a sharp expansion in their capabilities. Beyond simply being able to pause, rewind, and fast forward digital content, conventional apparatuses also provided a host of other features for the selection and control of digital content.

49. However, with these ever-expanding features also came ever-expanding control panels, typically in the form of graphical user interfaces (GUIs). New features meant the introduction of new keys or buttons to control those features, which in turn lead to increasingly cluttered GUIs. These expanding GUIs often required larger screens or the partial or complete overlay of whatever digital content happened to be playing at the time.

50. Recognizing these problems, the inventors of the '394 Patent set out to design a multimedia player that would show users only the buttons of particular interest at any given time.

51. In one example of the solutions described in the '394 Patent, a multimedia device (such as a smartphone or the like) includes the capability to display separate content control interfaces, which the patent refers to as "content operation panels." For example, the patent

teaches the use of a “linear content operation panel” to control the playback of digital content with features such as pause, rewind, and fast forward, whereas a separate “interactive content operation panel” included other features involving the selection and sharing of digital content.

52. In one example embodiment, the '394 Patent teaches that each of these operation panels include separate buttons, and that the two panels are not displayed at the same time. The teachings of the '394 Patent thereby reduce the overall size of these operation panels, thereby allowing for digital content to continue being displayed while a user selects a desired operation.

3. Foreign Counterparts to the '394 Patent

53. The following foreign patents and patent applications correspond to the '394 Patent:

Jurisdiction	Application / Publication No.	Status	Patent No.
Japan	2005248576A	Issued	4640046B2

54. To the best of Maxell's knowledge, there are no other foreign counterparts to the '394 Patent.

C. The '971 Patent

1. Identification and Ownership of the '971 Patent

55. Maxell owns by assignment the entire right, title, and interest in and to the '971 Patent. Ex. 7 (USPTO Assignment Record for the '971 Patent).

56. A certified copy of the '971 Patent is attached as Exhibit 3. Certified copies of the assignment records for the '971 Patent are attached as Exhibit 7. A certified copy of the prosecution history of the '971 Patent is included as Appendix C. Copies of each patent and

applicable pages of each technical reference mentioned in the prosecution history of the '971 Patent are included as Appendix G.

57. The '971 Patent is titled "Display Apparatus And Video Processing Apparatus"; was filed on December 13, 2019; and names Toshiyuki Kurita, and Hitoaki Owashi (all from Japan) as inventors. '971 Patent at (54), (22), (72). The '917 Patent claims priority to Japanese Application No. 2007-306750, which was filed on November 28, 2007. *Id.* at (30).

58. The '971 Patent issued on March 23, 2021 (*id.* at (45)), and will expire on October 29, 2028.

2. *Non-Technical Description of the '971 Patent*

59. The '971 Patent is directed to an improved display apparatus, such as a television, that has the ability to control wireless communication frequency in different carrier frequencies between a plurality of apparatuses such as with the Internet or local area network and a cellular phone, in order to seamlessly display high-quality video content based on received video and audio data streams without deterioration.

60. Prior to the filing of the '971 Patent application, display apparatuses displayed video content without discerning or taking into consideration the carrier frequency being used to communicate the video data stream, audio data stream, and other information. It was common for video to be reproduced at decreased quality, for video to freeze, or other video errors to occur due to poor or inadequate radio communication.

61. The '971 Patent's claims solved these problems by advantageously controlling the radio modem of display apparatuses to select different carrier frequencies for wireless communication. In this manner, the display device may control the radio communication to best support high quality video communication without sacrificing other communications.

62. For example, the apparatus may control the radio transmission assignment such that the radio transmission rate of the modem to communicate the video information of high picture quality by radio from the cellular phone takes precedence over the radio transmission rate of the modem to connect to a network for communication, within the limited range of bands for the radio transmission, the radio modem can send video information without deteriorating the video quality of the video information having high picture quality. The frequency bands used for communication are also limited to predetermined frequency bands, thus increasing the radio wave resource efficiency and prevents the problem of interference with other apparatuses. It is therefore possible that the user continuously views videos with high picture quality on the display apparatus.

63. Therefore, it is possible that video information of high picture quality is continuously fed from the video processing apparatus to the video information apparatus as well as information is transmitted from the internet and a home network. This results in a video display apparatus having high serviceability.

64. In addition, the information from the network and cellular phone are demodulated and fed to the processor that then determines the type of the information from the network or cellular phone. If the information is, for example, a video stream compressed in a predetermined format, the processor feeds the video stream to be demultiplexer and decompression circuit for processing and the resultant signals are presented on the display. Audio information is also obtained from the network or cellular phone and reproduced by the audio output device. The display screen may then display content based on the received stream of video data and the audio output device may output sound based on the received stream of audio data.

3. Foreign Counterparts to the '971 Patent

65. The following foreign patents and patent applications correspond to the '971

Patent:

Jurisdiction	Application / Publication No.	Status	Patent No.
Japan	2007306750A	Issued	5033598B2
China	200810175595A	Issued	101447902B
China	201410395041A	Issued	104540008B
China	201510969210A	Issued	105407104B

66. To the best of Maxell's knowledge, there are no other foreign counterparts to the '971 Patent.

D. The '815 Patent

1. Identification and Ownership of the '815 Patent

67. Maxell owns by assignment the entire right, title, and interest in and to the '815 Patent. Ex. 8 (USPTO Assignment Record for the '815 Patent).

68. A certified copy of the '815 Patent is attached as Exhibit 4. Certified copies of the assignment records for the '815 Patent are attached as Exhibit 8. A certified copy of the prosecution history of the '815 Patent is included as Appendix D. Copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '815 Patent are included as Appendix H.

69. The '815 Patent is titled "Editing method and recording and reproducing device"; was filed on May 26, 2020; and names Susumu Yoshida, Junji Shiokawa, and Hiroo Okamoto (all of Japan) as inventors. '815 Patent at (54), (22), (72). The '815 Patent claims priority to

Japanese Application Nos. 2004-349264, 2004-378767, and 2004-378768, which were filed on December 2, 2004; December 28, 2004; and December 28, 2004, respectively. *Id.* at (30).

70. The '815 Patent issued on May 25, 2021 (*id.* at (45)), and will expire on August 11, 2025.

2. *Non-Technical Description of the '815 Patent*

71. The '815 Patent is directed to an information processing apparatus, and related methods, that manages digital data and reproduce video content associated with user profiles in a specific manner that enables improved video management, storage, and the presentation of groups of video information.

72. In conventional video information management systems at the time, attention was not paid to scenarios where a plurality of users desire to generate, select, and manage favorite play list(s) of video information. For example, techniques did not exist for a user of such systems to select some arbitrary play lists from among a plurality of play lists and manage them at the device.

73. The claims of the '815 Patent solved this problem by providing a recording and reproducing device in which the user can select and manage arbitrary play lists in a particular manner using hierarchical levels of information management. Since the play lists are subject to unified management, it becomes possible for the user to arbitrarily alter the display sequence of play lists. This is true even in the case where a plurality of users share a single recording medium; each user can manage favorite reproduction contents. Therefore, each user can manage their favorite reproduction content, resulting in improved usage of these systems.

74. More specifically, the claimed inventions are directed to a hierarchical management interface with different areas and classifications associated with different user information, association, and/or behavior.

75. For example, one of the claimed inventions contains “first area” and a “second area.” The first area includes a “first character” associated with a “first group” of video information for a “first classification” and a “second character” that is associated with a “second group” of video information for a “second classification.” The second area displays a first or second group of thumbnails configured upon user selection of the first and second characters. Both groups of video information are stored as part of the plurality of stored video information, and the first group of video information is configured to allow a user to edit. Finally, when one video information is deleted from the first group it continues to be included in the second group and a thumbnail corresponding to the video information is displayed as one of the second group of thumbnails.

76. In another example, a unit of management for managing all registered play list information and an upper management hierarchical level may be added. The unit of management is adapted to be handled on the same level with unified information that indicates a reproduction range of all AV data. User-defined unified information is adapted to be handled on the added management hierarchical level. The user-defined unified information is formed to allow arbitrary reproduction ranges contained on a lower hierarchical level to be registered therein.

77. As a result, it becomes possible for the user to select arbitrary play lists or reproduction ranges and conduct management. Even in the case where a plurality of users share a single recording medium, therefore, each user can manage their favorite reproduction content, resulting in improved usage.

3. Foreign Counterparts to the '815 Patent

78. The following foreign patents and patent applications correspond to the '815

Patent:

Jurisdiction	Application / Publication No.	Status	Patent No.
Japan	2004349264A	Issued	4719454B2
Japan	2004378767A	Issued	4479501B2
Japan	2004378768A	Issued	4385943B2
Japan	2008268104A	Issued	4400684B2
Japan	2009007159A	Issued	4483992B2
Japan	2009269431A	Issued	4605302B2
Japan	2010091894A	Issued	5120408B2
Japan	2011015926A	Issued	5263308B2
China	200510093552A	Issued	1783990B

79. To the best of Maxell's knowledge, there are no other foreign counterparts to the '815 Patent.

E. Licensees

80. Exhibit 20 is a list of licensees to one or more of the Asserted Patents that are known to Maxell.

V. RESPONDENT'S UNLAWFUL AND UNFAIR ACTSA. Respondent's Prior Dealings with Maxell and Awareness of the Asserted Patents

81. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

82. Additionally, VIZIO has been specifically aware of its infringement of certain of the asserted patents since at least 2018, through correspondence and interactions with Maxell's licensing agent, which discussed VIZIO's infringement of those patents. The correspondence included VIZIO's representatives being provided with detailed information regarding Maxell's patents, the developed technology, and VIZIO's ongoing use of this patented technology. Through this process, VIZIO's representatives requested and received detailed explanations regarding Maxell's patents and allegations. Maxell believed that the parties could reach a mutually beneficial solution and to that end Maxell's licensing agent considered a potential business transaction and answered multiple inquiries from VIZIO, including sending VIZIO claim charts in March 2018.

83. With that process stalled, Maxell again provided VIZIO with notice of its infringement of Maxell patents on November 8, 2019, including identifying additional specific patents Maxell believed VIZIO was infringing, and additional specific VIZIO products that infringed. Again on July 13, 2021, Maxell provided VIZIO with notice of yet more Maxell

patents that Maxell believed VIZIO was infringing, and more specific VIZIO products that infringed.

84. Throughout this period, VIZIO and Maxell exchanged additional correspondence and information, including exemplary claim charts and proposed licensing terms. VIZIO is and has been aware of the value of Maxell's patents [REDACTED]

[REDACTED] Yet, VIZIO elected not to enter into a license for Maxell's patents. Accordingly, in 2021, Maxell brought litigation against VIZIO asserting infringement of other of its patents. Case No. 2:21-cv-06758 (C.D. Cal.). Even still, VIZIO has continued to elect not to enter into an agreement and has not licensed Maxell's patents. Instead, VIZIO continued, and continues today, to make, use, sell and offer for sale Maxell's patented technology without license.

B. Instances of Infringement

85. Respondent directly infringes (literally or under the doctrine of equivalents) at least the following claims of the Asserted Patents under 35 U.S.C. § 271(a):

Asserted Patents	Asserted Claims ³
'109 Patent	4
'394 Patent	2, 4, 5, 7, 8
'971 Patent	1
'815 Patent	1, 21

³ Bolded numbers denote independent claims.

86. On information and belief, Respondent imports, sells for importation into the United States, and/or sells within the United States after importation certain Accused Products, such as M43Q6-J04, M556-H4, M65Q6-J09, M706x-H3, M70Q6-J03, M75Q6-J03, M70Q7-J03, M75Q7-J03, M557-G0, M506x-H9, V505-J09, V655-J09, V705-J03, V705x-J03, V755-H4, V705-H13, V706-J03, V756-J03, V756x-J03, V655-J04, V755-J04, D24h-J09, D32h-J09, D24f-J09, D40f-J09, D32f-J04, D43f-J04, M65Q6M-K04, M43Q6M-K04, M75QXM-K03, M65QXM-K03, V655M-K04, V435M-K04, V505M-K09, V755M-K03, V705M-K03, D40FM-K09, D43FM-K04.

1. '109 Patent

87. Respondent directly infringes (literally or under the doctrine of equivalents) at least claim 4 of the '109 Patent under 35 U.S.C. § 271(a). The Accused Products each satisfy all limitations of these claims at the time of importation into the United States.

88. A claim chart comparing claim 4 of the '109 Patent to the Accused Products is attached as Exhibit 9.

89. The identification of accused elements presented in this claim chart are preliminary and exemplary, and Maxell reserves the right to modify its infringement theories as a result of information learned during discovery and positions taken by Respondent in any investigation instituted from this Complaint.

2. '394 Patent

90. Respondent directly infringes (literally or under the doctrine of equivalents) at least claims 2, 4, 5, 7, and 8 of the '394 Patent under 35 U.S.C. § 271(a). The Accused Products each satisfy all limitations of these claims at the time of importation into the United States.

91. A claim chart comparing claims 2, 4, 5, 7, and 8 of the '394 Patent to the Accused Products is attached as Exhibit 10.

92. The identification of accused elements presented in this claim chart are preliminary and exemplary, and Maxell reserves the right to modify its infringement theories as a result of information learned during discovery and positions taken by Respondent in any investigation instituted from this Complaint.

3. '971 Patent

93. Respondent directly infringes (literally or under the doctrine of equivalents) at least claim 1 of the '971 Patent under 35 U.S.C. § 271(a). The Accused Products each satisfy all limitations of these claims at the time of importation into the United States.

94. A claim chart comparing claim 1 of the '971 Patent to the Accused Products is attached as Exhibit 11.

95. The identification of accused elements presented in this claim chart are preliminary and exemplary, and Maxell reserves the right to modify its infringement theories as a result of information learned during discovery and positions taken by Respondent in any investigation instituted from this Complaint.

4. '815 Patent

96. Respondent directly infringes (literally or under the doctrine of equivalents) at least claims 1 and 21 of the '815 Patent under 35 U.S.C. § 271(a). The Accused Products each satisfy all limitations of these claims at the time of importation into the United States.

97. A claim chart comparing claims 1 and 21 of the '815 Patent to the Accused Products is attached as Exhibit 12.

98. The identification of accused elements presented in this claim chart are preliminary and exemplary, and Maxell reserves the right to modify its infringement theories as a result of information learned during discovery and positions taken by Respondent in any investigation instituted from this Complaint.

VI. SPECIFIC INSTANCES OF IMPORTATION

99. On information and belief, the Accused Products are each manufactured outside of the United States and sold for importation into the United States, imported into the United States, and/or sold within the United States after importation.

100. For example, the product packaging for the accused M43Q6-J04 television—a representative product from among the Accused Products—confirms that this product was made in Vietnam and imported into the United States:



Exhibit 22

101. The above product was shipped from their manufacturing location in Vietnam to the United States (New York, NY). *See* Ex. 22-24; EX. 25;. These purchases occurred after the issue dates of each of the Asserted Patents and after expiration of the VIZIO license.

102. On information and belief, the remaining Accused Products are also made overseas (*e.g.*, in Vietnam or China) and are imported into the United States.

103. For example, each of the Accused Products is offered for sale on VIZIO's website <https://www.vizio.com/en/shop/tv>, where consumers in the United States can have these foreign-manufactured devices shipped directly to them using the "Buy Now" buttons (as shown below for a product representative of the Accused Products):

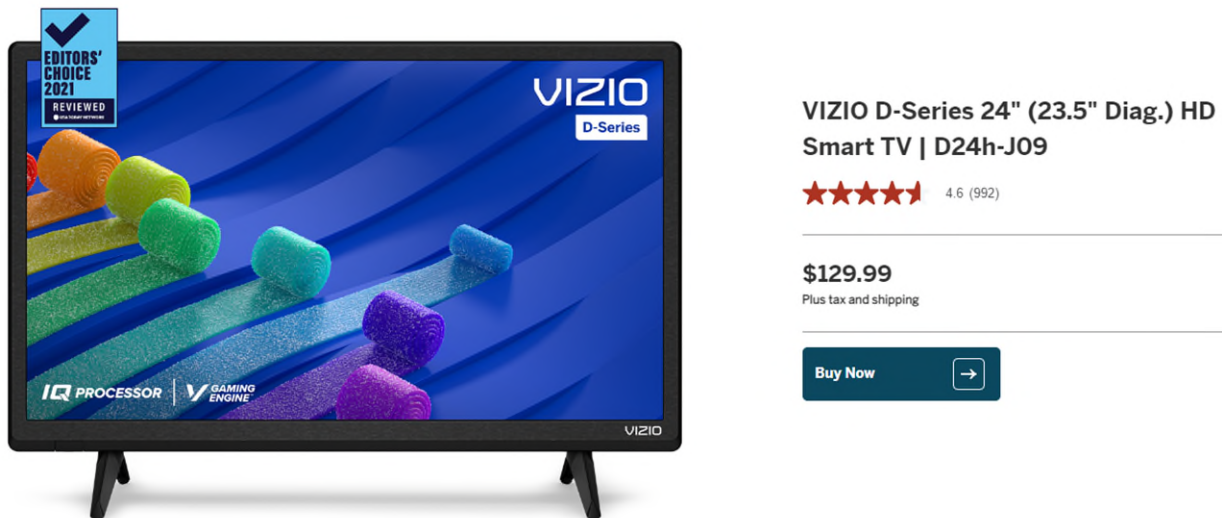


Exhibit 26

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

104. The Accused Products are classified under at least the following subheadings of the Harmonized Tariff Schedule of the United States: 8525.50 (Transmission apparatus); 8529.10.21 (Television).

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

VIII. RELATED LITIGATION

106. The '394 Patent is currently the subject of *Certain Mobile Electronic Devices*, Inv. No. 337-TA-1312 (U.S.I.T.C.)—recently terminated—and *Certain Mobile Electronic Devices*, Inv. No. 337-TA-1324 (U.S.I.T.C.), which is currently pending. The Complainant in those Investigations is Maxell, Ltd., and the Respondents are Lenovo Group Ltd., Lenovo (United States) Inc., and Motorola Mobility LLC. The '394 Patent is also the subject of *Maxell, Ltd. v. Lenovo Group Ltd., et al.*, No. 6:22-cv-00334, which is stayed until the determination of Inv. No. 337-TA-1312 becomes final.

107. The '394 Patent also has been the subject of the following other matters, each of which is now resolved:

- *BlackBerry Corp. v. Maxell, Ltd.*, IPR2019-00089 (P.T.A.B.); and
- *Maxell, Ltd. v. BlackBerry Corp.*, No. 1:17-cv-01446 (D. Del.).

To the best of Maxell's knowledge, apart from those listed here, there are not currently nor have there been any other foreign or domestic litigations or administrative proceedings involving any of the Asserted Patents.

IX. DOMESTIC INDUSTRY

108. An industry as required by Section 337(a)(2) and defined by Section 337(a)(3) exists in the United States as a result of the domestic activities related to products that practice the Asserted Patents. These activities include the current significant and substantial domestic investments of Maxell’s licensees, including without limitation Lenovo (United States) Inc. (“Lenovo”), Samsung Electronics America, Inc., Samsung Austin Semiconductor, LLC, and Samsung Display America Lab (“Samsung”) (together, the “DI Licensees”).

109. The DI Licensees have made significant domestic investments in plant, equipment, labor and capital, and made substantial domestic investments in engineering and research and development related to products that practice and are protected by the Asserted Patents (“Domestic Industry Products”).

110. Pursuant to Commission Rule 210.12(a)(9)(iv), Maxell has attached as Exhibits 27 and 28 copies of Maxell, Ltd.’s licensing agreements with each of the DI Licensees, or their parent companies, as follows:

- Confidential Exhibit 27 is a copy of Maxell, Ltd.’s Patent License Agreement with Lenovo Group Ltd.; and
- Confidential Exhibit 28 is a copy of Maxell, Ltd.’s Patent License Agreement with Samsung Electronics, Co. Ltd.

111. [REDACTED]

A. Technical Prong

112. Lenovo practices at least one claim of the ’109, ’394, and ’815 Patents, while Samsung practices at least one claim of each of the Asserted Patents.

Asserted Patents	Samsung Practices	Lenovo Practices
'109 Patent	4	1-3
'394 Patent	2, 4, 5, 7, 8	2, 4, 5, 7, 8
'971 Patent	1	N/A
'815 Patent	1, 21	1, 21

113. Exhibit 13 is a claim chart showing how certain Lenovo products practice certain claims of the '109 Patent.

114. Exhibit 14 is a claim chart showing how certain Lenovo products practice certain claims of the '394 Patent.

115. Exhibit 15 is a claim chart showing how certain Lenovo products practice certain claims of the '815 Patent.

116. Exhibit 16 is a claim chart showing how certain Samsung products practice certain claims of the '109 Patent.

117. Exhibit 17 is a claim chart showing how certain Samsung products practice certain claims of the '394 Patent.

118. Exhibit 18 is a claim chart showing how certain Samsung products practice certain claims of the '971 Patent.

119. Exhibit 19 is a claim chart showing how certain Samsung products practice certain claims of the '815 Patent.

120. The identification of elements presented in these claim charts are preliminary and exemplary, and Maxell reserves the right to modify its technical domestic industry theories as a

result of information learned during discovery and positions taken by Respondent in any investigation instituted from this Complaint.

B. Economic Prong

121. There is a domestic industry as defined under 19 U.S.C. § 1337(a)(3)(A), (B), and/or (C), comprising significant investments made in the United States by the DI Licensees in plant and equipment, employment of labor and capital, and substantial investment in exploitation of the Asserted Patents. Specific, non-limiting examples of such investments are set forth below.

1. Lenovo (United States) Inc.

122. To establish a domestic industry with respect to the '109, '394, and '815 Patents, Maxell relies in part on the investments and activities in the United States by Lenovo (United States) Inc., relating to products that practice and are protected by such patents (collectively, "Lenovo DI Products"), as follows:

Asserted Patent	Lenovo Products Practicing and Protected by Patent
'109 Patent	IdeaPad 1 (14"), IdeaPad 1 AMD (11"), IdeaPad 3 AMD (15"), IdeaPad 3 Intel (15"), IdeaPad 3 Intel (17"), IdeaPad 3i Intel (15"), IdeaPad 5 AMD (15"), IdeaPad 5i Intel (15"), IdeaPad Flex 3 (11"), IdeaPad Flex 3 AMD (11"), IdeaPad Flex 5 AMD (14"), IdeaPad Flex 5 Intel (15"), IdeaPad Gaming 3 AMD (15"), IdeaPad Gaming 3i Intel (15"), IdeaPad Slim 9 (14"), Legion 5 (15") Premium with AMD GPU, Legion 5 AMD (15") with GTX 1660 Ti, Legion 5 Gen 6 (15") Premium, Legion 5 Gen 6 (15") Standard, Legion 5 Gen 6 (17") AMD Premium, Legion 5 Gen 6 (17") AMD Standard, Legion 5 Gen 6 (17") Premium, Legion 5 Gen 6 (17") Standard, Legion 5 Gen 6 AMD (15"), Legion 5 Gen 6 AMD (15") Premium with Nvidia GPU, Legion 5 Gen 6 AMD (15") Standard with Nvidia GPU, Legion 5 Gen 6 AMD (17") with RTX 3070, Legion 5 PRO (16") Intel Premium with Nvidia GPU, Legion 5 PRO (16") Intel Standard with Nvidia GPU, Legion 5 Pro Gen 6 (16") AMD Premium with Nvidia GPU, Legion 5 Pro Gen 6 (16") AMD Standard with Nvidia GPU, Legion 5i Gen 6 Intel (15") with RTX 3060, Legion 5i Gen 6 Intel (15") with RTX 3070, Legion 5i Gen 6 Intel (17") with RTX 3050 Ti, Legion 5i Gen 6 Intel (17") with RTX 3060, Legion 5i Pro Gen 7 Intel (16") with RTX 3070 Ti, Legion 7 Gen 6 (16") AMD, Legion 7 Gen 6

Asserted Patent	Lenovo Products Practicing and Protected by Patent
	AMD (16”) with RTX 3080, Legion 7i (15”) with RTX 2060, Legion 7i (15”) with RTX 2070, Legion 7i Gen 6 Intel (16”), Legion Slim 7 AMD (15”) with RTX 2060, Legion Slim 7 Gen 6 AMD (15”), Legion Slim 7 Gen 6 AMD (15”) with RTX 3060, Legion Slim 7i (15”) with RTX 2060, P14s Gen 2 Intel (14”), ThinkBook 13s Gen 2 AMD (13”), ThinkBook 13s Gen 3 AMD (13”), ThinkBook 14 Gen 2 Intel (14”), ThinkBook 14 Gen 4 AMD (14”), ThinkBook 15 Gen 2 Intel (15”), ThinkBook 15 Gen 4 AMD (15”), ThinkBook Plus Gen 2 (Intel), ThinkPad 11e Yoga Gen 6 (11”), ThinkPad E14 Gen 2 Intel (14”), ThinkPad E14 Gen 3 AMD (14”), ThinkPad E14 Gen 4 AMD (14”), ThinkPad E15 Gen 2 Intel (15”), ThinkPad E15 Gen 3 AMD (15”), ThinkPad E15 Gen 4 AMD (15”), ThinkPad E15 Intel (15”), ThinkPad L13 Gen 2, ThinkPad L13 Gen 2 Intel (13”), ThinkPad L13 Intel (13”), ThinkPad L13, Yoga Gen 2 Intel (13”), ThinkPad L13 Yoga Intel (13”), ThinkPad L14 AMD (14”), ThinkPad L14 AMD Gen 3, ThinkPad L14 Gen 2 AMD (14”), ThinkPad L14 Gen 2 Intel (14”), ThinkPad L14 Gen 3 AMD (14”), ThinkPad L15 AMD Gen 3, ThinkPad L15 Gen 2 AMD (15”), ThinkPad L15 Gen 2 Intel (15”), ThinkPad L15 Gen 3 AMD (15”), ThinkPad P1 Gen 4 Intel (16”), ThinkPad P14s Gen 2 AMD (14”), ThinkPad P14s Gen 3 Intel (14”), ThinkPad P14s Intel (14”), ThinkPad P15 Gen 2 Intel (15”), ThinkPad P15s Gen 2 Intel (15”), ThinkPad P15v Gen 2 Intel (15”), ThinkPad P17 Gen 2 Intel (17”), ThinkPad T14 AMD (14”), ThinkPad T14 Gen 2 AMD (14”), ThinkPad T14 Gen 2 Intel (14”), ThinkPad T14 Gen 3 Intel (14”), ThinkPad T14 Intel (14”), ThinkPad T14s AMD (14”), ThinkPad T14s Gen 2 AMD (14”), ThinkPad T14s Gen 2 Intel (14”), ThinkPad T14s Gen 3 Intel (14”), ThinkPad T15 Gen 2 (15”) Intel, ThinkPad T15 Gen 2 Intel (15”), ThinkPad T15 Intel (15”), ThinkPad T15p Gen 2 Intel (15”), ThinkPad T16 Intel (16”), ThinkPad X1 Carbon Gen 10 Intel (14”), ThinkPad X1 Carbon Gen 9 Intel (14”), ThinkPad X1 Extreme Gen 3 Intel (15”), ThinkPad X1 Extreme Gen 4 Intel (16”), ThinkPad X1 Fold (13”), ThinkPad X1 Nano Gen 2 Intel (13”), ThinkPad X1 Nano Intel (13”), ThinkPad X1 Titanium Yoga Intel (13”), ThinkPad X1 Yoga Gen 5 (14”), ThinkPad X1 Yoga Gen 5 Intel (14”), ThinkPad X1 Yoga Gen 6 Intel (14”), ThinkPad X1 Yoga Gen 7 Intel (14”), ThinkPad X12 Detachable (12”), ThinkPad X13 Gen 2 AMD (13”), ThinkPad X13 Gen 2 Intel (13”), ThinkPad X13 Gen 3 Intel (13”), ThinkPad X13 Intel (13”), ThinkPad X13 Yoga Gen 2 Intel (13”), ThinkPad X13 Yoga Intel (13”), Yoga 6 AMD (13”), Yoga 7 15”, Yoga 7i (14”), Yoga 7i (15”), Yoga 9i (14”), Yoga 9i (15”), Yoga 9i Gen 7 Intel (14”), and any additional Lenovo laptops with similar functionalities as shown in Exhibit 13.

Asserted Patent	Lenovo Products Practicing and Protected by Patent
	Lenovo tablets including Tab P11 Plus, Tab P11, Yoga Tab 11, Yoga Tab P11 Pro, and any additional Lenovo tablets with similar functionalities as shown in Exhibit 13.
'394 Patent	IdeaPad 1 (14"), IdeaPad 1 AMD (11"), IdeaPad 3 AMD (15"), IdeaPad 3 Intel (15"), IdeaPad 3 Intel (17"), IdeaPad 3i Intel (15"), IdeaPad 5 AMD (15"), IdeaPad 5i Intel (15"), IdeaPad Flex 3 (11"), IdeaPad Flex 3 AMD (11"), IdeaPad Flex 5 AMD (14"), IdeaPad Flex 5 Intel (15"), IdeaPad Gaming 3 AMD (15"), IdeaPad Gaming 3i Intel (15"), IdeaPad Slim 9 (14"), Legion 5 (15") Premium with AMD GPU, Legion 5 AMD (15") with GTX 1660 Ti, Legion 5 Gen 6 (15") Premium, Legion 5 Gen 6 (15") Standard, Legion 5 Gen 6 (17") AMD Premium, Legion 5 Gen 6 (17") AMD Standard, Legion 5 Gen 6 (17") Premium, Legion 5 Gen 6 (17") Standard, Legion 5 Gen 6 AMD (15"), Legion 5 Gen 6 AMD (15") Premium with Nvidia GPU, Legion 5 Gen 6 AMD (15") Standard with Nvidia GPU, Legion 5 Gen 6 AMD (17") with RTX 3070, Legion 5 PRO (16") Intel Premium with Nvidia GPU, Legion 5 PRO (16") Intel Standard with Nvidia GPU, Legion 5 Pro Gen 6 (16") AMD Premium with Nvidia GPU, Legion 5 Pro Gen 6 (16") AMD Standard with Nvidia GPU, Legion 5i Gen 6 Intel (15") with RTX 3060, Legion 5i Gen 6 Intel (15") with RTX 3070, Legion 5i Gen 6 Intel (17") with RTX 3050 Ti, Legion 5i Gen 6 Intel (17") with RTX 3060, Legion 5i Pro Gen 7 Intel (16") with RTX 3070 Ti, Legion 7 Gen 6 (16") AMD, Legion 7 Gen 6 AMD (16") with RTX 3080, Legion 7i (15") with RTX 2060, Legion 7i (15") with RTX 2070, Legion 7i Gen 6 Intel (16"), Legion Slim 7 AMD (15") with RTX 2060, Legion Slim 7 Gen 6 AMD (15"), Legion Slim 7 Gen 6 AMD (15") with RTX 3060, Legion Slim 7i (15") with RTX 2060, P14s Gen 2 Intel (14"), ThinkBook 13s Gen 2 AMD (13"), ThinkBook 13s Gen 3 AMD (13"), ThinkBook 14 Gen 2 Intel (14"), ThinkBook 14 Gen 4 AMD (14"), ThinkBook 15 Gen 2 Intel (15"), ThinkBook 15 Gen 4 AMD (15"), ThinkBook Plus Gen 2 (Intel), ThinkPad 11e Yoga Gen 6 (11"), ThinkPad E14 Gen 2 Intel (14"), ThinkPad E14 Gen 3 AMD (14"), ThinkPad E14 Gen 4 AMD (14"), ThinkPad E15 Gen 2 Intel (15"), ThinkPad E15 Gen 3 AMD (15"), ThinkPad E15 Gen 4 AMD (15"), ThinkPad E15 Intel (15"), ThinkPad L13 Gen 2, ThinkPad L13 Gen 2 Intel (13"), ThinkPad L13 Intel (13"), ThinkPad L13, Yoga Gen 2 Intel (13"), ThinkPad L13 Yoga Intel (13"), ThinkPad L14 AMD (14"), ThinkPad L14 AMD Gen 3, ThinkPad L14 Gen 2 AMD (14"), ThinkPad L14 Gen 2 Intel (14"), ThinkPad L14 Gen 3 AMD (14"), ThinkPad L15 AMD Gen 3, ThinkPad L15 Gen 2 AMD (15"), ThinkPad L15 Gen 2 Intel (15"), ThinkPad L15 Gen 3 AMD (15"), ThinkPad P1 Gen 4 Intel (16"), ThinkPad P14s Gen 2 AMD (14"), ThinkPad P14s Gen 3 Intel (14"), ThinkPad P14s Intel (14"), ThinkPad P15 Gen 2 Intel (15"),

Asserted Patent	Lenovo Products Practicing and Protected by Patent
	ThinkPad P15s Gen 2 Intel (15”), ThinkPad P15v Gen 2 Intel (15”), ThinkPad P17 Gen 2 Intel (17”), ThinkPad T14 AMD (14”), ThinkPad T14 Gen 2 AMD (14”), ThinkPad T14 Gen 2 Intel (14”), ThinkPad T14 Gen 3 Intel (14”), ThinkPad T14 Intel (14”), ThinkPad T14s AMD (14”), ThinkPad T14s Gen 2 AMD (14”), ThinkPad T14s Gen 2 Intel (14”),, ThinkPad T14s Gen 3 Intel (14”), ThinkPad T15 Gen 2 (15”) Intel, ThinkPad T15 Gen 2 Intel (15”), ThinkPad T15 Intel (15”), ThinkPad T15p Gen 2 Intel (15”), ThinkPad T16 Intel (16”), ThinkPad X1 Carbon Gen 10 Intel (14”), ThinkPad X1 Carbon Gen 9 Intel (14”) , ThinkPad X1 Extreme Gen 3 Intel (15”), ThinkPad X1 Extreme Gen 4 Intel (16”) , ThinkPad X1 Fold (13”), ThinkPad X1 Nano Gen 2 Intel (13”), ThinkPad X1 Nano Intel (13”), ThinkPad X1 Titanium Yoga Intel (13”), ThinkPad X1 Yoga Gen 5 (14”), ThinkPad X1 Yoga Gen 5 Intel (14”), ThinkPad X1 Yoga Gen 6 Intel (14”), ThinkPad X1 Yoga Gen 7 Intel (14”), ThinkPad X12 Detachable (12”), ThinkPad X13 Gen 2 AMD (13”), ThinkPad X13 Gen 2 Intel (13”), ThinkPad X13 Gen 3 Intel (13”), ThinkPad X13 Intel (13”), ThinkPad X13 Yoga Gen 2 Intel (13”), ThinkPad X13 Yoga Intel (13”), Yoga 6 AMD (13”), Yoga 7 15”, Yoga 7i (14”), Yoga 7i (15”), Yoga 9i (14”), Yoga 9i (15”), Yoga 9i Gen 7 Intel (14”), and any additional Lenovo laptops with similar functionalities as set forth in Exhibit 14. Lenovo tablets including Tab P11 Plus, Tab P11, Yoga Tab 11, Yoga Tab P11 Pro, and any additional Lenovo tablets with similar functionalities as set forth in Exhibit 14.
'815 Patent	Lenovo tablets including Tab P11 Plus, Tab P11, Yoga Tab 11, Tab P11 Pro, and any additional Lenovo tablets with similar functionalities as shown in in Exhibit 15.

123.

124.

125. Lenovo's domestic investments and expenditures in activities relating to the Lenovo DI Products and the '109, '394, and '815 Patents include significant investments and expenditures in plant and equipment and significant employment of labor and capital. Lenovo's domestic investments and expenditures in activities relating to the Lenovo DI Products and the '109, '394, and '815 Patents further include substantial investments in the exploitation of the technology claimed by these asserted patents. Taken together, Lenovo's domestic investments satisfy the economic prong with respect to the Asserted Patents under subsections (A), (B), and (C) of Section 337(a)(3).

126. On information and belief, Lenovo's significant investments in plant, equipment, labor, and capital relate to, among other things, the design, research and development, engineering, testing, compliance, distribution, warranty and repair, and customer service and support of laptops and tablets, including the Lenovo DI Products. Lenovo's substantial investments in the exploitation of the technology claimed by the Asserted Patents are based on investments in at least design, research and development, and engineering relating to technology claimed by the '109, '394, and '815 Patents, which include the Lenovo DI Products.

127. Lenovo is a corporation organized and existing under the laws of the state of Delaware. Upon information and belief, Lenovo is, indirectly, a wholly-owned subsidiary of Lenovo Group Ltd. Lenovo Group Ltd. is the parent company of a multinational conglomerate and refers to itself and its subsidiaries as the "Group" or the "Lenovo Group."

128. Lenovo accounts for 13% of laptop ownership in the United States in 2022. Ex. 30. And, in the first quarter of 2022, Lenovo shipped 3.3 million PCs to the United States, making up 17.4% of all PC shipments that quarter. Ex. 31.

129. For fiscal year 2020/21, the Lenovo Group's revenue from the Americas was \$18.8 billion and accounted for nearly 31% of the Lenovo Group's worldwide revenue. Ex. 32 at 220. For that same timeframe, the Lenovo Group's PC and Smart Device Business Group accounted for 80% of the company's revenue. *Id.* at 5. On information and belief, the Lenovo DI Products make up an overwhelming majority of PCs and tablets presently available from Lenovo in the United States.

130. The Lenovo Group operates "Dual Headquarters." Ex. 33. One of the headquarters, believed to be leased by Lenovo is in Morrisville, North Carolina. *Id.* On its website, Lenovo identifies the location of the headquarters as being at 1009 Think Place, Morrisville, NC 27560 and 8001 Development Drive, Morrisville, NC 27560. *Id.* These are also identified on Lenovo's website as "Research Centers" and "Sales Centers." *Id.* Lenovo's website also identifies a "Manufacturing Center" at 6540 Franz Warner Parkway, Whitsett, NC 27377. *Id.* On jobs.lenovo.com, Lenovo also posts job listings for California, Florida, Georgia, Illinois, Indiana, New Jersey, Oregon, Texas, Utah, and Washington.

131. The property size of 1009 Think Place is 189,810 square feet. Ex 35. Publicly available information indicates that Lenovo leases at least three buildings on Development Drive. Ex. 36. The properties include 7001 Development Drive, a four-story, 193,353-square-foot building completed in 1995; 8001 Development Drive, a four-story, 252,232-square-foot building completed in 1998; and 7501 Development Drive, a two-story, 39,952-square-foot building completed in 2017. *Id.* In 2018, it was reported that Lenovo had also gained approval for a \$7.5 million project involving covered parking and a roof-mounted solar array. *Id.*

132. As noted above, on information and belief, activities related to at least engineering, research and development, marketing, and sales take place at the Morrisville

facilities. Given that the Lenovo Group's PC and Smart Device Business Group accounted for 80% of the company's revenue in the 2020/2021 fiscal year, and that the Lenovo DI Products are believed to make up an overwhelming majority of PCs and tablets presently available from Lenovo in the United States, it is believed that a significant portions of the activities at the Morrisville facilities relate to the Lenovo DI Products.

133. The Whitsett facility is 240,000 square feet and opened in 2013. Ex. 37. The facility was intended to manufacture Think-branded products, including laptops. *Id.* At the time the facility opened, Lenovo's operations were "estimated to positively increase state output by more than \$1 billion." *Id.*

134. It is reported that Lenovo has 4,278 employees. Ex. 29 (Capital IQ Report).

135. Lenovo is expected to provide additional bases and supporting information under this section through discovery or otherwise. Such bases and information are expected to include, without limitation, data on Lenovo's domestic investments in labor (including information on the number of domestic employees, responsibilities of employees, and salaries and other costs associated with such employees), facilities (including expenditures on facilities), equipment (including information on types and cost of equipment implemented at facilities), and R&D in mobile devices, including the Lenovo DI Products. Discovery from Lenovo is also expected to provide bases by which to apportion overall domestic investments to the Lenovo DI Products, such as through percentage of sales made up by such products or through records identifying work performed.

2. *Samsung Electronics America, Inc., Samsung Display America Lab and Samsung Austin Semiconductor, LLC*

136. To establish a domestic industry with respect to the Asserted Patents, Maxell relies in part on the investments and activities in the United States by Samsung relating to products that practice and are protected by such patents, including the the Neo QLED 8K series including the QN900B (65", 75", 85"), QN800B (65", 75", 85"), QN900A (65", 75", 85"), QN800A (65", 75", 85"); the Neo QLED 4K series including the QN95B (55", 65", 75", 85"), QN90B (43", 50", 55", 65", 75", 85", 98"), QN85B (55", 65", 75", 85", 98"), QN90A (43", 50", 55", 65", 75", 85", 98"), QN85A (55", 65", 75", 85", 98"); the QLED 4K series including the QN90B (43", 50", 55", 65", 75", 85", 98"), QN85B (55", 65", 75", 85", 98"), Q80B (50", 55", 65", 75", 85"), Q70A (55", 65", 75", 85"), Q60B (43", 50", 55", 60", 65", 70", 75", 85"), The Frame (32", 43", 50", 55", 65", 75", 85"), The Frame HDR (32", 43", 50", 55", 65", 75", 85"), QN90A (43", 50", 55", 65", 75", 85", 98"), QN85A (55", 65", 75", 85", 98"), Q80A (50", 55", 65", 75", 85"), Q60A (32", 43", 50", 55", 60", 65", 70", 75", 85"), The Terrace Full Sun Outdoor (55", 65", 75"), The Terrace Partial Sun Outdoor (55", 65", 75"), The Sero UHD HDR (43"), The Serif UHD HDR (43", 55", 65"), Q80T (50", 55", 65", 75", 85"), Q50R (32"), The Frame UHD HDR (43", 50", 55", 65", 75"); the OLED series including the S95B (55", 65"); the Crystal UHD series including the TU9010 (86"), AU8000 (43", 50", 55", 58", 60", 65", 75", 85"), TU7000 UHD HDR (43", 50", 55", 58", 60", 65", 75", 85"), TU7000B UHD HDR (43", 50", 55", 65", 70", 75"); the HD series including the N5300 (32"); and any additional Samsung TVs with similar functionalities (collectively, "Samsung DI Products"). Samsung's domestic investments and expenditures in activities relating to the Asserted Patents include significant investments and expenditures in plant and equipment and significant employment of labor and

capital. Samsung's domestic investments and expenditures in activities relating to the Asserted Patents further include substantial investments in the exploitation of the technology claimed by these asserted patents. Taken together, Samsung's domestic investments satisfy the economic prong with respect to the Asserted Patents under subsections A, B, and C of Section 337(a)(3).

137. On information and belief, Samsung's significant investments in plant, equipment, labor, and capital relate to, among other things, the design, research and development, engineering, testing, compliance, distribution, warranty and repair, and customer service and support of televisions, including the Samsung DI Products. Samsung's substantial investments in the exploitation of the technology claimed by the Asserted Patents are based on investments in design, research and development, and engineering relating to technology claimed by the Asserted Patents, which include the Samsung DI Products.

138. Samsung employees 20,000 people across 46 U.S. states and has made more than \$30 billion in U.S. investments. Ex. 47 (<https://news.samsung.com/us/in-america/>).

139. Upon information and belief, Samsung Electronics America, Inc. ("SEA") is a corporation organized under the laws of the State of New York with its principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660. Exhibit 41. Upon information and belief, SEA is a wholly owned subsidiary of Samsung Electronics Co., Ltd. Ex. 48 (<https://news.samsung.com/us/samsung-joins-hollywood-park-technology-alliance/>).

140. SEA's North American headquarters is a 235,000-square-foot facility in Ridgefield Park, New Jersey that is home to more than 1,300 team members who work across consumer electronics, marketing, customer care, corporate affairs, and strategic support teams. Ex. 49 (<https://www.northjersey.com/story/news/bergen/ridgefield-park/2019/11/22/samsung-remains-ridgefield-park-nj-keeping-1000-jobs/4251149002/>); Ex. 50

(<https://www.themuse.com/profiles/samsungelectronicsamerica/location/ridgefield-park>). SEA has numerous other facilities across the United States, including Mountain View, California and Plano, Texas. Ex. 51 (<https://www.linkedin.com/company/samsung-electronics-america/about/>).

141. Samsung Electronics has spent, and continues to spend, significant sums on domestic labor and capital and engineering and research and development activities related to the Samsung DI Products. Details on these labor and capital and engineering and research and development expenditures can be found in Ex. 39, Samsung Electronics Consolidated Financial Statement 2021, at 70-71 and Ex. 40, Samsung Electronics 2021 Interim Business Report, at 119-120.

142. Televisions are “the core product” of Samsung’s Consumer Electronics division. Ex. 40, Samsung 2021 Business Report at 4. Globally, Samsung has been No. 1 for TVs for 16 consecutive years. Ex. 52 (https://images.samsung.com/is/content/samsung/assets/global/ir/docs/Samsung_Investor_Presentation_CE_2022_v1.pdf). In 2021, Samsung held 29% of the global market share. *Id.* Furthermore, in 2021, Samsung’s Consumer Electronics division accounted for 7.1% of Samsung’s total operating profit. Ex. 40, Samsung 2021 Business Report at 51. During that same year, sales in the Americas accounted for nearly 29% of Samsung’s total sales. *Id.* at 30. Based on the foregoing, it is believed that a significant portion of the domestic activities and investments of SEA relate to the Samsung DI Products.

143. Upon information and belief, Samsung Austin Semiconductor, LLC (“SAS”) is a corporation organized and existing under the laws of the state of Delaware, having its principal place at 12100 Samsung Blvd., Austin, Texas 78754. Exhibit 41. Upon information and belief, SAS is a wholly owned subsidiary of Samsung Electronics Co., Ltd.

144. SAS is involved in the production of semiconductors incorporated into the Samsung DI Products.

145. In 1997, SAS opened its first semiconductor fabrication facility (“fab”) in Austin, Texas, consisting of an approximately 900,000 square foot facility. Exhibit 43 (Moon Decl.), ¶ 2. In 2007, SAS opened its second fab facility in Austin in 2007, a building comprising approximately 1.6 million square feet. *Id.* Today, SAS’s Austin facilities make up one of the largest and most advanced semiconductor manufacturing sites in the world. Exhibit 44 (Samsung Austin Semiconductor History). SAS is one of the largest employers in Austin. Exhibit 43 (Moon Decl.), ¶ 9.

146. SAS has invested more than \$17 billion and created more than \$4 billion of economic activity in the greater Central Texas region. Ex. 53 (<https://www.intelligence360.news/samsung-austin-semiconductor-to-spend-36370000-00-to-occupy-36430-square-feet-of-space-in-austin-texas/>); Ex. 47 (<https://news.samsung.com/us/in-america/>). SAS’s investments in plant and equipment include equipment purchases and infrastructure costs, including investments in construction, connecting manufacturing tools, and capitalized labor and material costs used in the process of testing and qualifying equipment used in the manufacturing process prior to reaching a minimum level of cumulative output. For example, since January 2019, SAS has invested millions of dollars in plant and equipment. Exhibit 43 (Moon Decl.), ¶ 8.

147. SAS has also invested significantly in the employment of labor and capital in the United States and is one of Austin’s largest employers. Ex. 38. (<https://www.austinchamber.com/economic-development/austin-profile/major-employers>). SAS

is purely a manufacturing facility, and does not perform activities such as sales or marketing. Exhibit 43 (Moon Decl.), ¶ 9.

148. On information and belief, the Samsung DI Products include Samsung semiconductors, which are implicated in the practice of the Asserted Patents. *See, e.g.*, Exs. 16-19. Thus, on information and belief, it is believed that significant or substantial portions of the domestic activities and investments of SAS relate to the Samsung DI Products and/or the Asserted Patents.

149. Samsung Display Co. Ltd. (“SDC”) is a subsidiary of Samsung Electronics Co., Ltd. Exhibit 45 (Rule 7.1 Statement). Upon information and belief, SDC supports research and development of OLED displays used in the Samsung DI Products in the United States through its research center partnership, Samsung Display America Lab (“SDAL”). *See Certain Organic Light-Emitting Diode Displays, Components Thereof, and Products Containing Same*, Inv. No. 337-TA-1257, EDIS Doc. ID 734616, Complaint at ¶¶ 24, 97 (Feb. 9, 2021).

150. SDAL was established in 2012 and is located at 3655 N 1st St, San Jose, California 95134, which is the Samsung Semiconductor Corporate Headquarters. Exhibit 46 (<https://semiconductor.samsung.com/us/about-us/us-office/us-r-and-d-labs/display/>); Ex. 42. (<https://www.commercialcafe.com/commercial-property/us/ca/san-jose/samsung-semiconductor-corporate-headquarters/>). The facility is nearly 680,000 square feet in size. *Id.* SDAL develops new technologies for SDC’s next-generation displays. *Id.* The lab’s scope includes high-speed data transfer, image compression, panel driving and pixel compensation, visual quality enhancement, and intelligent algorithm development for product quality control. *Id.*

151. SDC’s substantial investments related to SDAL include, but are not limited to, research and development, labor, capital, equipment, and engineering expenses. *See Certain*

Organic Light-Emitting Diode Displays, Components Thereof, and Products Containing Same, Inv. No. 337-TA-1257, EDIS Doc. ID 734616, Complaint at ¶¶ 98-101 (Feb. 9, 2021).

152. Samsung is expected to provide additional bases and supporting information under this section through discovery or otherwise. Such bases and information are expected to include, without limitation, data on Samsung's domestic investments in labor (including information on the number of domestic employees, responsibilities of employees, and salaries and other costs associated with such employees), facilities (including expenditures on facilities), equipment (including information on types and cost of equipment implemented at facilities), and R&D in mobile devices, including the Samsung DI Products. Such discovery is expected to relate to, but is not necessarily limited to, the Samsung subsidiaries identified herein. Discovery from Samsung is also expected to provide bases by which to apportion overall domestic investments to the Samsung DI Products, such as through percentage of sales made up by such products or through records identifying work performed.

X. RELIEF REQUESTED

153. Respondent has infringed and will continue to infringe the Asserted Patents as specified in Section V, *supra*, unless the Commission prohibits the sale for importation, importation into and sale within the United States after importation of the Accused Products.

154. Accordingly, Maxell respectfully requests that the Commission provide the following relief:

- a) institute an immediate investigation pursuant to Section 337(b)(1) of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, into Respondent's violations of Section 337 arising from the sale for importation into the United States,

importation, and/or sale within the United States after importation of certain smart televisions that infringe the Asserted Patents;

- b) schedule and conduct a hearing, pursuant to Section 337(c), for purposes of receiving evidence and hearing argument concerning whether Respondent has violated Section 337 and, following the hearing, determine that Respondent has violated Section 337;
- c) issue a permanent limited exclusion order, pursuant to Section 337(d) and (f)(1), excluding from entry into the United States Respondent's televisions that infringe one or more claims of the Asserted Patents, including, without limitation, the specific Accused Products identified in this Complaint and the exhibits hereto;
- d) issue permanent orders, pursuant to Section 337(f), directing Respondent to cease and desist from importing, selling, selling for importation, offering for sale, using, demonstrating, promoting, marketing, and/or advertising in the United States Respondent's televisions that infringe one or more claims of the Asserted Patents, including, without limitation, the specific Accused Products identified in this Complaint and the exhibits hereto;
- e) impose a bond on importation and sales of infringing products during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j); and
- f) grant all such other and further relief as it deems appropriate under the law, based upon the facts complained of herein and as determined by the investigation.

Dated: September 15, 2022

Respectfully submitted,



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Counsel for Complainant Maxell, Ltd.

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

In the Matter of:

CERTAIN SMART TELEVISIONS

Investigation No. _____

VERIFICATION OF COMPLAINT

I, Tatsuya Yamamoto, declare, in accordance with 19 C.F.R. §§ 210.4 and 210.12(a), under penalty of perjury, that the following statements are true and correct to the best of my knowledge, information, and belief:

1. I am General Manager of IP Innovation Division of Complainant Maxell, Ltd., and am duly authorized to sign this Complaint on Maxell's behalf.

2. I have read the foregoing Complaint, and am aware of its contents.

3. To the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions of the Complaint are well-grounded in fact and have evidentiary support, or, where specifically identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

4. To the best of my knowledge, information and belief, formed after a reasonable inquiry, the claims and other legal contentions set forth in the Complaint are warranted by existing law or by good-faith, non-frivolous argument for extension, modification, or reversal of existing law, or by the establishment of new law.

5. The Complaint is not being filed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of the investigation or any related proceeding.

Executed on September 15, 2022.


Tatsuya Yamamoto