

February 19, 2025

VIA EDIS

The Honorable Lisa R. Barton
Secretary to the Commission
U.S. International Trade Commission
500 E Street SW
Washington, D.C. 20436

Re: ***Certain Video Game Consoles, Routers and Gateways, and Components
Thereof***

Dear Secretary Barton:

On behalf of our client, AX Wireless, LLC (“AXW” or “Complainant”), we are filing a complaint, including certain ancillary documents, pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. §1337, against Respondents Sony Interactive Entertainment Inc.; Sony Interactive Entertainment LLC; Vantiva S.A.; and Vantiva USA LLC (collectively, “Respondents”).

AXW includes the following:

1. One electronic copy of Complainant’s Verified Complaint and the Public Interest Statement (Commission Rules 210.8 (a)(1)(i) and 210.8(b));
2. One electronic copy of the non-confidential exhibits and public versions of the confidential exhibits (Commission Rule 210.8(a)(1)(i));
3. One electronic copy of the confidential exhibits (Commission Rules 210.8(a)(1)(ii) and 201.6(c));
4. One electronic copy of the certified versions of the asserted United States Patents, U.S. Patent Nos. 10,917,272; 11,646,927; 11,777,776; and 12,063,134 (collectively “the Asserted Patents”), cited in the Complaint as Exhibits 1-4 (Commission Rule 210.12(a)(9)(i));
5. One electronic copy of the prosecution histories for each of the Asserted Patents included as Appendices A-D to the Complaint (Commission Rule 210.12(c)(1));

DEVLIN LAW FIRM

The Honorable Lisa R. Barton

February 19, 2025

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6. One electronic copy of the certified assignment records for the Asserted Patents cited in the Complaint as Exhibits 5-8 (Commission Rule 210.12(a)(9)(ii));

7. One electronic copy of AXW's letter and certification requesting confidential treatment of information appearing in the Confidential Complaint and Confidential Exhibits 15, 32 and 33 to the Complaint (Commission Rules 210.5(d) and 201.6(b));

8. Six paper copies of Complainant's Verified Public Complaint and the Public Interest Statement (Commission Rules 210.8 (a)(1)(i) and 210.8(b));

9. Four paper copies of Complainant's Verified Confidential Complaint and the Public Interest Statement (Commission Rules 210.8 (a)(1)(i) and 210.8(b));

10. Four CDs containing copies of the non-confidential exhibits and public versions of the confidential exhibits (Commission Rule 210.8(a)(1)(i)); and

11. Four CDs containing copies of the confidential exhibits and public versions of the confidential exhibits (Commission Rule 210.8(a)(1)(i)).

Dated: February 19, 2025

Respectfully submitted,

/s/Christopher May

Timothy Devlin

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AX Wireless, LLC

Enclosures

February 19, 2025

VIA EDIS

The Honorable Lisa R. Barton
Secretary to the Commission
U.S. International Trade Commission
500 E Street SW
Washington, D.C. 20436

Re: ***Certain Video Game Consoles, Routers and Gateways, and Components
Thereof***

Dear Secretary Barton:

On behalf of our client, AX Wireless, LLC (“AXW”), attached is a complaint, including certain ancillary documents, pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, against Respondents Sony Interactive Entertainment Inc.; Sony Interactive Entertainment LLC; Vantiva S.A.; and Vantiva USA LLC (collectively, “Respondents”).

Pursuant to Commission Rules 201.6(b) and 210.5(d), AXW respectfully requests confidential treatment of the information contained in the Confidential Complaint, and Confidential Exhibits 15, 32 and 33.

The Confidential Complaint and Confidential Exhibits 15, 32 and 33 to the Complaint qualify as confidential information pursuant to 19 C.F.R. § 201.6(a) in that they contain proprietary commercial information, proprietary commercial relationships, and/or proprietary business information that is not otherwise publicly available, and because the disclosure of such information would cause substantial harm to AXW and the suppliers of the information, and would also impair the Commission’s ability in the future to obtain such types of information in performance of its statutory function.

If the Commission decides not to grant such confidential treatment to the Confidential Complaint and these Confidential Exhibits, we respectfully ask the Commission to contact us promptly so that we may have an opportunity to explain our request for confidential treatment.

AXW’s filing of the confidential information should not be construed as any waiver of any right to confidentiality that may otherwise be available. AXW reserves the right to request the return

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The Honorable Lisa R. Barton

February 19, 2025

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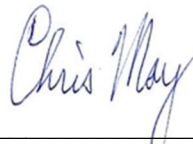
of any confidential information which the Commission decides not to afford confidential treatment.

I certify that the proprietary confidential commercial information, proprietary commercial relationships, and/or proprietary business information present in this exhibit is not reasonably available to the public, and thus warrants confidential treatment.

Respectfully submitted,

Dated: February 19, 2025

DEVLIN LAW FIRM LLC



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

CERTAIN VIDEO GAME CONSOLES, ROUTERS, GATEWAYS AND COMPONENTS THEREOF	Inv. No. 337-TA-_____
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**COMPLAINANT AX WIRELESS, LLC's
STATEMENT ON THE PUBLIC INTEREST**

In support of its Complaint filed on February 19, 2025, Complainant AX Wireless, LLC (“AXW” or “Complainant”) respectfully submits this statement of public interest pursuant to 19 C.F.R. § 210.8(b).

AXW discloses at the outset that asserted U.S. Patent Nos. 10,917,272 (“the ’272 patent”), 11,646,927 (“the ’927 patent”), 11,777,776 (“the ’776 patent”) and 12,063,134 (“the ’134 patent”) (collectively “the Asserted Patents”) are believed to be standards-essential. However, AXW believes that none of these patents are subject to any obligations that they be licensed on fair, reasonable and/or non-discriminatory terms. AXW expects that the Commission will delegate fact-finding on the public interest factors to the Administrative Law Judge where the Asserted Patents are standards-essential, and AXW does not oppose delegation on that basis.

INTRODUCTION

Issuance of the requested remedial orders is necessary to provide effective relief in the face of ongoing infringement of the Asserted Patents in the United States by Respondents Sony Interactive Entertainment Inc., Sony Interactive Entertainment LLC, Vantiva SA, and Vantiva USA, LLC. The requested remedial orders will not have an adverse effect on public health and welfare

in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers. On the other hand, protecting AXW's intellectual property rights and the investment in the domestic industry in the United States will serve the public interest while having little or no adverse effect on the public interest.

I. THE REQUESTED REMEDIAL ORDERS ARE IN ACCORD WITH THE PUBLIC INTEREST

The Commission has recognized the strong public interest in enforcing intellectual property rights. *See Certain Baseband Processor Chips and Chipsets, Transmitter and Receiver (Radio) Chips, Power Control Chips, and Products Containing Same, Including Cellular Telephone Handsets*, Inv. No. 337-TA-543, USITC Pub. 4258, at 136–37 (Oct. 2011). AXW's requested remedial orders are in accord with the public interest because exclusion of the accused products, which in total comprise a relatively small share of the relevant market segments, will not have an adverse effect on the public health or welfare. At the same time, the Respondents' competitors (including AXW's licensees) can fulfill the market for the accused products within a commercially reasonable amount of time. Thus, the requested remedial orders will not adversely affect United States consumers.

1. Rule 210.8(b)(1): Explanation of how the articles potentially subject to the requested remedial orders are used in the United States.

The accused video game consoles, routers and gateways identified in the Complaint are believed to comprise only a small subset of such products sold in the United States. These devices are marketed and used primarily for communication, entertainment, and professional applications.

2. Rule 210.8(b)(2): Identification of any public health, safety, or welfare concerns relating to the requested remedial orders.

There are no health, safety, or welfare concerns at issue in this investigation with respect to the exclusion of the Respondents' products from the United States. Indeed, the Commission has

previously found that devices having Wi-Fi capabilities generally analogous to those accused here do not themselves give rise to public interest bars to remedial orders. *See, e.g., Certain Mobile Devices, Associated Software, and Components Thereof*, Inv. No. 337-TA-744, Comm’n Op. at 30 (June 5, 2012). Moreover, ordinary consumer devices like video game consoles and routers accused in this action do not implicate health and welfare issues in any way similar to the rare instances that the Commission has found such issues to exist. *See, e.g., Certain Fluidized Supporting Apparatus*, Inv. Nos. 337-TA-182/188 (Oct. 1984) (denying relief where supply of hospital burn beds would be unduly curtailed).

3. Rule 210.8(b)(3): Identification of like or directly competitive articles that Complainants or third parties make that would replace the subject articles if they were to be excluded.

Video game consoles and networking devices (e.g., routers and gateways) are offered by numerous brands having substantially and comparatively large market shares compared to the Respondents.

In the video game console space, a current AXW licensee is among the largest sellers in the United States and comprises a substantial share of the market. In the router and networking device space, AXW licensees include well-known market leaders in networking devices, including routers and gateways, and comprise a substantial share of the market.

It is also notable that Respondents’ products subject to the remedial orders are believed to be less than all products offered by Respondents in each category, and just those devices with specific types of Wi-Fi capability. Accordingly, other market participants can replace the accused devices, and Respondents may also license the Asserted Patents from AXW.

4. Rule 210.8(b)(4): Identification of whether the Complainants have the capacity to replace the volume of articles subject to the requested remedial orders in a commercially reasonable time in the United States.

AXW does not itself manufacture the accused products. However, AXW’s licensees and

other market participants are believed to have the capacity to quickly replace the accused products given that the accused products are believed to comprise only a small share of the market in each relevant market segment. A list of licensees to the Asserted Patents is attached to the Complaint as Exhibit 15C.

5. Rule 210.8(b)(5): The requested remedial orders will not adversely impact U.S. consumers.

Since there will be no unfilled demand for the accused products due to the presence of competing devices from market competitors, there will be little if any impact to the public interest by the exclusion of Respondents' infringing products. Moreover, any public interest concerns on the part of the Respondents may be addressed by licensing the asserted patents from AXW.

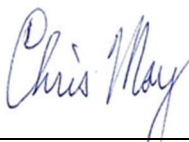
II. CONCLUSION

Where the Commission has recognized the public's interest in protecting intellectual property rights, the removal of the accused products will create no genuine public interest issues weighing against issuance of the requested remedial orders.

Respectfully submitted,

Dated: February 19, 2025

DEVLIN LAW FIRM LLC



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Wireless, LLC*

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

In the Matter of

CERTAIN VIDEO GAME CONSOLES,
ROUTERS AND GATEWAYS, AND
COMPONENTS THEREOF

Investigation No. 337-TA-____

**COMPLAINT OF AX WIRELESS, LLC
UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED**

COMPLAINANT

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EXHIBIT LIST

Exhibit No.	Designation	Description
1	Public	Certified Copy of U.S. Patent No. 10,917,272
2	Public	Certified Copy of U.S. Patent No. 11,646,927
3	Public	Certified Copy of U.S. Patent No. 11,777,776
4	Public	Certified Copy of U.S. Patent No. 12,063,134
5	Public	Certified Copy of Assignments of United States Patent No. 10,917,272
6	Public	Certified Copy of Assignments of United States Patent No. 11,646,927
7	Public	Certified Copy of Assignments of United States Patent No. 11,777,776
8	Public	Certified Copy of Assignments of United States Patent No. 12,063,134
9	Public	Sony Interactive Entertainment Inc. Company Information
10	Public	Sony Interactive Entertainment LLC Company Information
11	Public	Sony Corporate Structure
12	Public	Vantiva S.A. Company Information
13	Public	September 26, 2024 Press Release Issued re: ARRIS by Vantiva
14	Public	Vantiva USA, LLC Company Information
15C	Confidential	Licensees to Each Asserted Patent
16	Public	Product Image of Sony PlayStation 5 Pro
17	Public	Evidence of Foreign Manufacture – Sony PlayStation 5 Pro
18	Public	Domestic Purchase of Sony PlayStation 5 Pro
19	Public	Amazon.com Storefront for Sony Interactive Entertainment
20	Public	Product Image of Arris W161 SURFboard
21	Public	Evidence of Foreign Manufacture – Arris W161 SURFboard
22	Public	Domestic Purchase of Arris W161 SURFboard
23	Public	Amazon.com Storefront for Arris
24	Public	Claim Chart of Infringement of United States Patent No. 10,917,272 by Sony
25	Public	Claim Chart of Infringement of United States Patent No. 11,646,927 by Sony
26	Public	Claim Chart of Infringement of United States Patent No. 11,777,776 by Sony
27	Public	Claim Chart of Infringement of United States Patent No. 12,063,134 by Sony
28	Public	Claim Chart of Infringement of United States Patent No. 10,917,272 by Vantiva
29	Public	Claim Chart of Infringement of United States Patent No. 11,646,927 by Vantiva

30	Public	Claim Chart of Infringement of United States Patent No. 11,777,776 by Vantiva
31	Public	Claim Chart of Infringement of United States Patent No. 12,063,134 by Vantiva
32C	Confidential	Samsung – IdeaHub Patent License Agreement
33C	Confidential	AX Wireless – IdeaHub Patent License Agreement
34	Public	Domestic Industry Claim Chart of United States Patent No. 10,917,272
35	Public	Domestic Industry Claim Chart of United States Patent No. 11,646,927
36	Public	Domestic Industry Claim Chart of United States Patent No. 11,777,776
37	Public	Domestic Industry Claim Chart of United States Patent No. 12,063,134
38	Public	Inv. No. 337-TA-1010: October 13, 2017 Comments of Non-Respondent Samsung on Remedy, Bonding, and the Public Interest
39	Public	June 30, 2022 - Samsung Electronics Co., Ltd. 2024 Interim Business Report For the Quarter Ended September 30, 2024
40	Public	Property record for the SEA’s Headquarters in Ridgefield, NJ
41	Public	Property record for the SEA’s Plano, TX facility
42	Public	Property record for SEA’s Mountain View, CA facility
43	Public	April 6, 2018 - Samsung Electronics America to Open Flagship North Texas Campus
44	Public	Ridgefield, NJ Employee Count – Samsung Electronics America
45	Public	Samsung Research America - Mobile Platform Research
46	Public	Samsung Research Locations
47	Public	Samsung Research America - Employee Count
48	Public	Quarterly Market Share of Smartphone Vendors in the U.S., 2016-2024, <i>Statista</i> , available at https://www.statista.com/statistics/620805/smartphone-sales-market-share-in-the-us-by-vendor/
49	Public	Smartphone Unit Shipments of Samsung Worldwide, Q1 2010 to Q4 2024, <i>Statista</i> , available at https://www.statista.com/statistics/299144/samsung-smartphone-shipments-worldwide/
50	Public	Claim Construction Order in <i>AX Wireless, LLC v. Dell Inc. at al.</i> , dated February 16, 2024
51	Public	Claim Construction Order in <i>AX Wireless, LLC v. HP Inc. at al.</i> , dated February 16, 2024
52	Public	Claim Construction Order in <i>AX Wireless, LLC v. Lenovo Group Ltd.</i> dated February 16, 2024

APPENDICES LIST

Appendix No.	Designation	Description
A	Public	Certified Copy of United States Patent No. 10,917,272 Prosecution History
B	Public	Certified Copy of United States Patent No. 11,646,927 Prosecution History
C	Public	Certified Copy of United States Patent No. 11,777,776 Prosecution History
D	Public	Certified Copy of United States Patent No. 12,063,134 Prosecution History

I. INTRODUCTION

1. Complainant AX Wireless, LLC¹ requests that the United States International Trade Commission institute an investigation into violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, against proposed Respondents Sony Interactive Entertainment Inc. and Sony Interactive Entertainment LLC;² and Vantiva SA and Vantiva USA LLC³ (collectively, “Respondents”).

2. This Complaint is based on Respondents’ unlawful and unauthorized importation into the United States, sale for importation into the United States, and/or sale within the United States after importation of articles and components thereof that infringe, either literally or under the doctrine of equivalents, directly or indirectly, at least one or more claims of U.S. Patent No. 10,917,272,⁴ at least one or more claims of U.S. Patent No. 11,646,927⁵, at least one or more claims of U.S. Patent No. 11,777,776⁶, and at least one or more claims of U.S. Patent No. 12,063,134.⁷ A certified copy of each of the ’272 patent, the ’927 patent, the ’776 patent, and the ’134 patent (collectively “Asserted Patents”) are attached as Exhibits 1, 2, 3, and 4 respectively.

3. Respondents directly and/or indirectly infringe one or more claims of the Asserted Patents identified below and as further detailed below, with the independent claims bolded. The asserted claims are:

<u>U.S. Patent No.</u>	<u>Asserted Claims</u>
10,917,272	1, 11

¹ “AX Wireless”.

² Collectively, “Sony” or the “Sony Respondents”.

³ Collectively, “Vantiva” or the “Vantiva Respondents”.

⁴ The “’272 patent”.

⁵ The “’927 patent”.

⁶ The “’776 patent”.

⁷ The “’134 patent”.

11,646,927	1, 2
11,777,776	1, 2, 3, 4, 5, 6
12,063,134	1, 2, 3, 4, 5, 6, 7

4. Respondents produce, import, and sell after importation devices with wireless networking technology—including video game consoles, routers, and gateways, and components thereof⁸— that use technology owned by AX Wireless. Respondents’ activities with respect to the importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of the Accused Products, as described more fully below, are unlawful under 19 U.S.C. § 1337(a)(1)(B)(i), in that they constitute the infringement of one or more valid and enforceable claims of the Asserted Patents. Additionally, a domestic industry as required by 19 U.S.C. §§ 1337(a)(2) and (3) exists in the United States relating to the articles protected by the Asserted Patents.

5. Complainants seek relief from the Commission in the form of limited exclusion orders excluding from entry into the United States such video game consoles, routers and gateways that infringe the Asserted Patents against the individual Respondents.

6. Complainants further seek as relief cease-and-desist orders, pursuant to 19 U.S.C. § 1337(d), that prohibit each Respondent from, *inter alia*, importing, selling, offering for sale (including via the Internet or electronic mail), advertising (including via the internet or electronic mail), or transferring video game consoles, routers, and gateways and components thereof that infringe one or more claims of the Asserted Patents.

⁸ These “Accused Products” are further defined and described below.

II. THE PARTIES

A. Complainant AX Wireless

7. Complainant AX Wireless, LLC is a Texas limited liability company having its headquarters at 2025 Guadalupe Street, Suite 260, Austin, TX 78705. Complainant is in the business of licensing products. Through its licensees, including but not limited to Samsung Electronics Corporation (see Exhibit 15C), Complainant possesses a significant and continuous investment in plant and equipment, significant and continuous employment of labor and capital, and/or substantial and ongoing investment in engineering, research, and development of mobile devices developed, tested, and deployed on networks in the United States. These investments are both significant and substantial.

B. Respondents

1. Sony

8. AX Wireless is informed and believes Respondent Sony Interactive Entertainment Inc. has its principal place of business and headquarters at 1-7-1 Konan, Minato-ku, Tokyo, Japan 108-0075, Tel.: +81 50-3807-5680. Exhibit 9. AX Wireless is informed and believes that Respondent Sony imports, sells for importation, and/or sells after importation into the United States products that are made using the patented systems and devices, including at least the Sony PlayStation 5 Pro (“Sony Accused Product”), either directly or by directing its wholly owned subsidiaries to do so.

9. AX Wireless is informed and believes Respondent Sony Interactive Entertainment LLC (“Sony USA”) has its principal place of business at 2207 Bridgepointe Parkway, San Mateo, CA 94404, Tel.: 650-655-8000. Exhibit 10. AX Wireless is informed and believes Respondent Sony Interactive Entertainment LLC is controlled by or otherwise acts in concert

with Respondent Sony Interactive Entertainment Inc. as to the sale for importation, importation, and/or sale after importation into the United States of the Sony Accused Product. Exhibit 11.

10. AX Wireless is informed and believes that Respondent Sony USA imports, sells for importation, and/or sells after importation into the United States the Sony PlayStation 5 Pro Sony Accused Product.

2. Vantiva

11. AX Wireless is informed and believes that Respondent Vantiva SA has its principal place of business at 10, boulevard de Grenelle, 75015 Paris, France. Exhibit 12. According to a September 26, 2024 press release issued by Vantiva regarding ARRIS Surfboard routers, “SURFboard is a brand of Vantiva (Euronext Paris: VANTI), a global technology leader...” Exhibit 13. AX Wireless is informed and believes that Respondent Vantiva imports, sells for importation, and/or sells after importation into the United States products that are made using the patented systems and devices, including at least the ARRIS Surfboard mAX 161 Tri-Band Mesh Ready Wi-Fi 6 Router (“Vantiva Accused Product”).

12. AX Wireless is informed and believes Respondent Vantiva USA LLC has its principal place of business and headquarters at 4855 Peachtree Industrial Blvd., Suite 200, Norcross, GA. Exhibit 14. AX Wireless is informed and believes Respondent Vantiva USA is a subsidiary of or otherwise controlled by Respondent Vantiva SA as to the sale for importation, importation, and/or sale after importation into the United States of the Vantiva Accused Product.

13. AX Wireless is informed and believes that Respondent Vantiva USA imports, sells for importation, and/or sells after importation into the United States the Vantiva Accused Product.

III. THE ASSERTED PATENTS, TECHNOLOGY, AND PRODUCTS AT ISSUE

A. Non-Technical Descriptions of the Asserted Patents

1. Non-Technical Description of the '272 Patent

14. The inventors of the '272 patent improved upon wireless communication systems by improving how headers are transmitted and received in an Orthogonal Frequency Division Multiplexing (OFDM) system. Specifically, the '272 patent focuses on innovations in communication systems, specifically addressing enhanced methods, systems, and protocols for header repetition in packet-based OFDM systems (Orthogonal Frequency Division Multiplexing), widely applicable in various telecommunications environments. The invention of the '272 patent delves into both hardware and software implementations, aiming at efficiency in communications across multiple contexts, including home and access networks, modems, and telecommunications test devices, and improves communications reliability and efficiency, with a background in overcoming limitations of conventional multi-user communication systems.

2. Non-Technical Description of the '927 Patent

15. The '927 patent focuses on advancements in communications systems, particularly on the method of header repetition within packet-based Orthogonal Frequency Division Multiplexing (OFDM) systems. The invention addresses challenges in conventional multi-user communication systems by improving the efficiency and reliability of data transmission over shared channels. The implementation can vary from software applications to hardware components, adaptable across different devices and networks, and provides a technical solution for enhancing data delivery in OFDM systems, which is fundamental for various communication technologies.

3. Non-Technical Description of the '776 Patent

16. The '776 patent focuses on improving communications systems through a header repetition scheme specifically designed for packet-based OFDM systems. The patent details a wireless communication device and method capable of receiving and decoding wireless packets that come in two formats. One format contains a single header field carried by an OFDM symbol, while the other format includes this same header field plus a repeated header field carried by a subsequent OFDM symbol. The device distinguishes between these two packet formats by detecting the repetition of the first header field in the second packet format, enhancing the decoding efficiency and reliability in various network environments. This invention is a significant leap in the communications field, prioritizing efficiency, and reliability in multi-user systems.

4. Non-Technical Description of the '134 Patent

17. The '134 patent focuses on a header repetition scheme in packet-based OFDM (Orthogonal Frequency Division Multiplexing) systems, essential for enhancing communication systems' robustness and efficiency. The invention of the '134 patent aims to improve data transmission by emphasizing header repetition strategies within communication environments, catering to both software and hardware implementations, including DSL modems, transceivers, and various communication protocols, thereby showcasing its versatility across telecom and computer networks.

B. Identification of the Patents and Ownership of the Asserted Patents

18. AX Wireless owns by assignment the entire right, title, and interest in the '272 patent, titled "Non-transitory computer-readable information storage media for variable header repetition in a wireless OFDM network," which issued on February 9, 2021. The '272 patent

issued to inventors Joon Bae Kim and Marcos C. Tzannes, from United States Patent Application No. 16/780,589, filed February 3, 2020. It expires on August 20, 2030.

19. Pursuant to Commission Rule 210.12(a)(9)(ii), certified copies of the assignments of the '272 patent are attached as Exhibit 5. Pursuant to Commission Rule 210.12(c), a certified copy of the prosecution history of the '272 patent, as well as a copy of the patent are provided in Appendix A.

20. AX Wireless owns by assignment the entire right, title, and interest in the '927 patent, titled "Header repetition in packet-based OFDM systems," which issued on May 9, 2023. The '927 patent issued to inventors Joon Bae Kim and Marcos C. Tzannes, from United States Patent Application No. 17/540,189, filed December 1, 2021. It expires on August 20, 2030.

21. Pursuant to Commission Rule 210.12(a)(9)(ii), certified copies of the assignments of the '927 patent are attached as Exhibit 6. Pursuant to Commission Rule 210.12(c), a certified copy of the prosecution history of the '927 patent, as well as a copy of the patent are provided in Appendix B.

22. AX Wireless owns by assignment the entire right, title, and interest in the '776 patent, titled "Header repetition in packet-based OFDM systems," which issued on October 3, 2023. The '776 patent issued to inventors Joon Bae Kim and Marcos C. Tzannes, from United States Patent Application No. 17/939,904, filed September 7, 2022. It expires on August 20, 2030.

23. Pursuant to Commission Rule 210.12(a)(9)(ii), certified copies of the assignments of the '776 patent are attached as Exhibit 7. Pursuant to Commission Rule 210.12(c), a certified copy of the prosecution history of the '776 patent, as well as a copy of the patent are provided in Appendix C.

24. AX Wireless owns by assignment the entire right, title, and interest in the '134 patent, titled "Header repetition in packet-based OFDM systems," which issued on August 13, 2024. The '134 patent issued to inventors Joon Bae Kim and Marcos C. Tzannes, from United States Patent Application No. 18/234,879, filed August 17, 2023. It expires on August 20, 2030.

25. Pursuant to Commission Rule 210.12(a)(9)(ii), certified copies of the assignments of the '134 patent are attached as Exhibit 8. Pursuant to Commission Rule 210.12(c), a certified copy of the prosecution history of the '134 patent, as well as a copy of the patent, are provided in Appendix D.

C. Foreign Counterparts to the Asserted Patents

26. Pursuant to Commission Rule 210.12(a)(9)(v), Complainant identifies the foreign patents and foreign patent applications related to the Asserted Patents that have been filed, granted, denied, abandoned, or withdrawn, and domestic patent applications not already issued as a patent that are related to the Asserted Patents that have been filed, denied, abandoned, or withdrawn:

Country	Application Number	Filing Date	Patent Number	Date of Patent	Expiration Date	Title	Status
EP	10 748 023.8	8/20/10	-	-	-	Header repetition scheme in packet-based OFDM systems	Abandoned
CN	CN201080037081.2	8/20/10	CN102484567B	2/10/16	8/20/30	Header repetition scheme in packet-based OFDM systems	Issued
CN	2016 10015747.3	8/20/10	-	-	-	OFDM communication method and OFDM communication transmitter	Abandoned

D. Licensees Under the Asserted Patents

27. Pursuant to Commission Rule 210.12(a)(9)(iii), a list of licensees to each Asserted Patent is attached at Exhibit 15C.

IV. SPECIFIC INSTANCES OF IMPORTATION AND SALE

A. Sony

28. Sony has imported, sold for importation, and/or sold within the United States after importation video game consoles, routers, gateways, and components thereof such as the accused Sony PlayStation 5 Pro, which is the Sony Accused Product.

29. The Sony Accused Product has been imported, sold for importation, and/or sold within the United States after importation in violation of, *inter alia*, Section 337(a)(1)(B)(i). The specific instances of importation of infringing products set forth below are illustrative and non-exhaustive examples of the unlawful importation of infringing products.⁹

30. As shown below, Exhibits 16 and 17 are images of the packaging of the Sony Accused Product and the Sony Accused Product showing that the country of origin of the Sony Accused Product was “China”.

⁹ AX Wireless seeks relief on all other products of any Respondent that may be revealed to infringe during discovery regardless of whether those any of such products were or were not identified herein.



EXHIBIT 16





EXHIBIT 17

31. Exhibit 18 is a receipt dated November 21, 2024 reflecting the sale of the Sony Accused Product shown in Exhibits 16 and 17 that was purchased from Amazon.com in the United States and delivered to an address in the United States. Sony maintains a storefront on Amazon.com at https://www.amazon.com/stores/page/AEA5D08A-7FC6-45D4-B121-C8A6FA25219F?store_ref=storeRecs_sa__x&ref=nb_sb_ss_w_stores-v2-t2_k0_11_4_1_1&crd=3VZ0LY70PSY5T&prefix=sony&redirect_store_id=AE

A5D08A-7FC6-45D4-B121-C8A6FA25219F which it uses to sell Sony products, including the Accused Sony Product, to customers in the United States. Exhibit 19.

B. Vantiva

32. Vantiva has imported, sold for importation, and/or sold within the United States after importation video game consoles, routers, gateways, and components thereof such as the accused ARRIS Surfboard mAX W161 Tri-Band Mesh Ready Wi-Fi 6 Router, which is the Vantiva Accused Product.

33. The Vantiva Accused Product has been imported, sold for importation, and/or sold within the United States after importation in violation of, *inter alia*, Section 337(a)(1)(B)(i). The specific instances of importation of infringing products set forth below are illustrative and non-exhaustive examples of the unlawful importation of infringing products.¹⁰

34. As shown below, Exhibits 20 and 21 are images of the packaging of the Vantiva Accused Product and the Vantiva Accused Product showing that the country of origin of the Vantiva Accused Product was “Vietnam”.

¹⁰ AX Wireless seeks relief on all other products of any Respondent that may be revealed to infringe during discovery regardless of whether those any of such products were or were not identified herein.



EXHIBIT 20

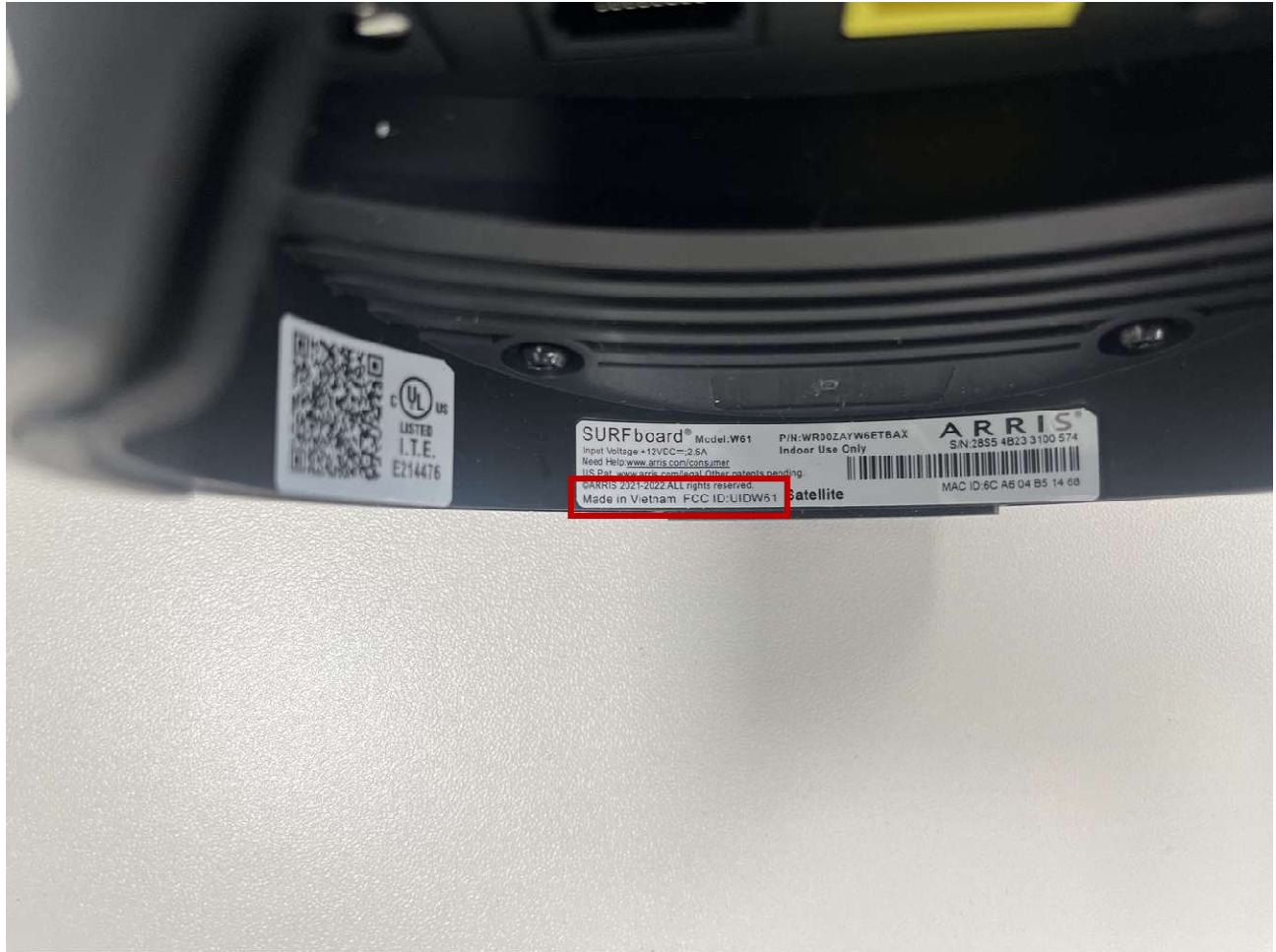




EXHIBIT 21

35. Exhibit 22 is a receipt dated January 8, 2025 reflecting the sale of the Vantiva Accused Product shown in Exhibits 20 and 21 that was purchased from Amazon.com in the United States and delivered to an address in the United States. Vantiva maintains a storefront on Amazon.com at https://www.amazon.com/stores/ARRIS/page/E6F2A7C7-2896-4F3E-ABF0-6D510EFB110C?ref_=ast_bln&store_ref=bl_ast_dp_brandLogo_sto which it uses to sell Vantiva products, including the Accused Vantiva Product, to customers in the United States. Exhibit 23.

V. UNLAWFUL AND UNFAIR ACTS COMMITTED BY THE RESPONDENTS

A. Direct Infringement of the Asserted Patents by Sony

36. The Sony Accused Product directly infringes, literally and/or under the doctrine of equivalents, at least claims 1 and 11 of the '272 patent. Sony directly infringes this claim under 35 U.S.C. § 271(a) by making, using, offering to sell, importing, selling for importation, and/or selling after importation into the United States the Sony Accused Product. As shown in the attached claim charts at Exhibit 24, the Sony Accused Product and the components thereof satisfy all limitations of at least claims 1 and 11 of the '272 patent. On information and belief, Sony imports into the United States, sells for importation, and/or sells after importation the Sony Accused Product.

37. The Sony Accused Product directly infringes, literally and/or under the doctrine of equivalents, at least claims 1-2 of the '927 patent. Sony directly infringes these claims under 35 U.S.C. § 271(a) by making, using, offering to sell, importing, selling for importation, and/or selling after importation into the United States the Sony Accused Product. As shown in the attached claim chart at Exhibit 25, the Sony Accused Product and the components thereof satisfy all limitations of at least claim 1 of the '927 patent. On information and belief, Sony imports into the United States, sells for importation, and/or sells after importation the Sony Accused Product.

38. The Sony Accused Product directly infringes, literally and/or under the doctrine of equivalents, at least claims 1-6 of the '776 patent. Sony directly infringes these claims under 35 U.S.C. § 271(a) by making, using, offering to sell, importing, selling for importation, and/or selling after importation into the United States the Sony Accused Product. As shown in the attached claim chart at Exhibit 26, the Sony Accused Product and the components thereof satisfy

all limitations of at least claim 1 of the '776 patent. On information and belief, Sony imports into the United States, sell for importation, and/or sell after importation the Sony Accused Product.

39. The Sony Accused Product directly infringes, literally and/or under the doctrine of equivalents, at least claims 1-7 of the '134 patent. Sony directly infringes these claims under 35 U.S.C. § 271(a) by making, using, offering to sell, importing, selling for importation, and/or selling after importation into the United States the Sony Accused Product. As shown in the attached claim chart at Exhibit 27, the Sony Accused Product and the components thereof satisfy all limitations of at least claim 1 of the '134 patent. On information and belief, Sony imports into the United States, sell for importation, and/or sell after importation the Sony Accused Product.

B. Direct Infringement of the Asserted Patents by Vantiva

40. The Vantiva Accused Product directly infringes, literally and/or under the doctrine of equivalents, at least claims 1 and 11 of the '272 patent. Vantiva directly infringes this claim under 35 U.S.C. § 271(a) by making, using, offering to sell, importing, selling for importation, and/or selling after importation into the United States the Vantiva Accused Product. As shown in the attached claim chart at Exhibit 28, the Vantiva Accused Product and the components thereof satisfy all limitations of at least claims 1 and 11 of the '272 patent. On information and belief, Vantiva imports into the United States, sells for importation, and/or sells after importation the Vantiva Accused Product.

41. The Vantiva Accused Product directly infringes, literally and/or under the doctrine of equivalents, at least claims 1-2 of the '927 patent. Vantiva directly infringes these claims under 35 U.S.C. § 271(a) by making, using, offering to sell, importing, selling for importation, and/or selling after importation into the United States the Vantiva Accused Product.

As shown in the attached claim chart at Exhibit 29, the Vantiva Accused Product and the components thereof satisfy all limitations of at least claim 1 of the '927 patent. On information and belief, Vantiva imports into the United States, sells for importation, and/or sells after importation the Vantiva Accused Product.

42. The Vantiva Accused Product directly infringes, literally and/or under the doctrine of equivalents, at least claim 1 of the '776 patent. Vantiva directly infringes these claims under 35 U.S.C. § 271(a) by making, using, offering to sell, importing, selling for importation, and/or selling after importation into the United States the Vantiva Accused Product. As shown in the attached claim chart at Exhibit 30, the Vantiva Accused Product and the components thereof satisfy all limitations of at least claims 1 of the '776 patent. On information and belief, Vantiva imports into the United States, sell for importation, and/or sell after importation the Vantiva Accused Product.

43. The Vantiva Accused Product directly infringes, literally and/or under the doctrine of equivalents, at least claims 1 of the '134 patent. Vantiva directly infringes these claims under 35 U.S.C. § 271(a) by making, using, offering to sell, importing, selling for importation, and/or selling after importation into the United States the Vantiva Accused Product. As shown in the attached claim chart at Exhibit 31, the Vantiva Accused Product and the components thereof satisfy all limitations of at least claim 1 of the '134 patent. On information and belief, Vantiva imports into the United States, sell for importation, and/or sell after importation the Vantiva Accused Product.

VI. THE DOMESTIC INDUSTRY

44. A domestic industry for the purposes of 19 U.S.C. § 1337(a)(2), as defined in U.S.C. § 1337(a)(3)(A), (B), and/or (C), exists with respect to the significant and continuous investment in plant and equipment, significant and continuous employment of labor and capital,

and/or substantial and ongoing investment in engineering, research, and development of mobile devices developed, tested, and deployed on networks in the United States by at least AX Wireless's domestic licensee, Samsung Electronics Corp. ("SEC") and subsidiaries Samsung Electronics America, Inc. ("SEA") and Samsung Research America, Inc. ("SRA") (collectively, "Samsung"). These investments are both significant and substantial. A copy of the AX Wireless-Samsung license is attached as Exhibit 32C.¹¹

A. Samsung's Practice of the Asserted Patents

45. Samsung sells or has sold within the United States mobile devices that practice the Asserted Patents. Such mobile devices include Samsung's flagship Galaxy S devices, which include at least the Galaxy S23 through the S24 series devices (the "DI Products").

46. Pursuant to Commission Rule 210.12(a)(9)(ix), exemplary claim charts demonstrating how Samsung's DI Products are covered by at least one claim of each of the '272, '927, '776, and '134 patents are attached as Exhibits 34 to 37, respectively. Because these products practice at least one claim of each of the Asserted Patents, they satisfy the requirements of 19 U.S.C. § 1337(a)(B)(ii).

B. Samsung's Domestic Investments Related to Articles that Practice the Asserted Patents

47. In public comments submitted to the Commission in Investigation No. 337-TA-1010, Exhibit 38, Samsung described its mobile phone and tablet business in the United States as follows:

Founded in 1969, SEC has grown to become a world leader in the design, manufacture, and marketing of a wide variety of electronic products, ranging from components, such as semiconductor memories and large scale integrated circuits (LSI), to computers, consumer electronics, and mobile communication

¹¹ A sublicense between AX Wireless and IdeaHub, Inc. is attached as Exhibit 33C. This sublicense [REDACTED]

devices such as smartphones, tablets, and set-top boxes. Through its subsidiary, Samsung Electronics America, Inc. (“SEA”) (SEC and SEA collectively referred to as “Samsung” herein), Samsung is a leading supplier in the United States of consumer electronics, offering a broader array of products than any other manufacturer and having the largest breadth of distribution for its products. Samsung sells its smartphones and tablets to nearly every national, regional, and local wireless carrier, including the “big four” carriers— AT&T, Sprint, T-Mobile, and Verizon—and many local and regional carriers—e.g., U.S. Cellular and MetroPCS. Many of these carriers rely heavily on Samsung’s product catalog to serve the needs of their customers and at their target price points.

Many of Samsung’s products are developed for the U.S. market and tested in the United States. For example, in accordance with federal regulations and/or carrier requirements, Samsung’s smartphones must be tested on U.S. networks before they can be sold or distributed in the United States.

48. SEA is a corporation organized and existing under the laws of the State of New York, having its headquarters located at 85 Challenger Road, Ridgefield Park, New Jersey. As of September 30, 2024, SEA had over approximately \$44.1 billion in assets in the United States and sales of approximately \$30.7 billion in through Q3 2024. See Exhibit 39 at 49 (Samsung Electronics Co., Ltd. 2024 Interim Business Report for the Quarter Ended September 30, 2024.) SEA engages in engineering, design, and R&D in the United States related to the DI Products including at least the Samsung Electronics America Headquarters, 85 Challenger Rd. Ridgefield Park, NJ 07310; 6625 Excellence Way, Plano, TX 75023; and 645 Clyde Ave, Mountain View, CA 94043, as well as other locations in the United States.

49. On information and belief, Samsung makes significant investments in plant at the above-mentioned sites. For example:

- Exhibit 40 is a property record for the SEA’s Headquarters in Ridgefield, NJ showing that the building totals 233,273 square feet.

- Exhibit 41 is a property record for SEA's Plano, TX facility showing that the building totals 216,665 square feet.
- Exhibit 42 is a property record for SEA's Mountain View, CA facility showing that the building totals 192,755 square feet.

50. On information and belief, the investments in plant at these locations are related to the DI Products. For example, in 2018, SEA began a \$100 million renovation of facilities in Plano, Texas to develop a 216,000 square foot campus housing over 1000 employees in multiple divisions, including SEA's Mobile, Mobile R&D, and Engineering Divisions. Occupancy of this facility began in Q1 2019. See Exhibit 43. In addition to the Plano facility, SEA has over 9,300 employees who work across multiple divisions, including consumer electronics. Exhibit 44.

51. According to Samsung subsidiary SRA, "our teams are constantly leveraging our mobile technology to deliver solutions that will enhance the lives of our users. Our developments in core technologies such as eXtended Reality (XR), Enterprise Security, Voice Intelligence, and Software-based Healthcare, are essential in delivering such experiences as well as to increasing the competitiveness of Samsung's mobile products." See Exhibit 45. SRA is headquartered in Mountain View, CA, and further includes teams in other North American locations. Exhibit 46. SRA employs at least about 10,000 individuals across facilities located in Mountain View, CA, Plano, TX, San Francisco, CA, Berkely Heights, NJ, Logan, UT, Cambridge, MA, Irvine, CA, and New York, NY. Exhibit 47.

52. Based on Samsung's 2023 full year business report and Samsung's Q3 2024 business report, SEA's sales revenue totaled approximately 39.6 trillion KRW in 2023 and approximately 30.7 trillion KRW in the first nine months of 2024. On information and belief, the amount of Samsung's U.S. smartphone revenue (DI Product revenues), is approximately

\$12.8 billion in estimated DI Product sales in 2023 and approximately \$9.3 billion in estimated DI Product sales in the first nine months of 2024.

53. On information and belief, Samsung incurred R&D expenses at a rate of 10.9% of sales in 2023 and 11.0% of sales in the first nine months of 2024. Applying these percentages to Samsung's estimated U.S. DI Product revenues, approximately \$1.4 billion and \$1.0 billion in U.S. R&D expenses is related to DI Products in 2023 and the first nine months of 2024 respectively.

54. On information and belief, approximately \$305.4 million and \$218.8 million in plant and equipment investments can be allocated to the DI Products in 2023 and the first nine months of 2024, respectively. Similarly, on information and belief approximately \$1.1 billion and \$799.9 million in labor investments can be allocated to the DI Products in 2023 and the first nine months of 2024, respectively.

55. Samsung has been found to meet the domestic industry requirement with respect to its mobile device business segment. *See Certain Electronic Devices, Including Wireless Communications Devices, Portable Music and Data Processing Devices, and Tablet Computers*, Inv. No. 337-TA-794, Initial Determination, at 589-605 (Sept. 14, 2012). Samsung's domestic investments were, on information and belief, also found to satisfy the domestic industry requirement with respect to its mobile device business segment more recently in *Certain Mobile Phones, Tablet Computers, Smart Watches, Smart Speakers, and Digital Media Players, and Products Containing Same*, 337-TA-1300, Initial Determination (Nov. 30, 2022).

56. Samsung's investments in plant, equipment, and labor in the United States are believed to be related to the DI Products specifically, which themselves comprise a significant percentage of Samsung's domestic mobile device business.

57. Samsung’s relative share of the US smartphone sales from Q1 2016 through Q1 2024 reveals that Samsung often captures about 20% of the US market. Exhibit 48.

58. Exhibit 49 below shows Samsung’s smartphone shipments worldwide. On information and belief, the US market comprises a significant share of those sales.

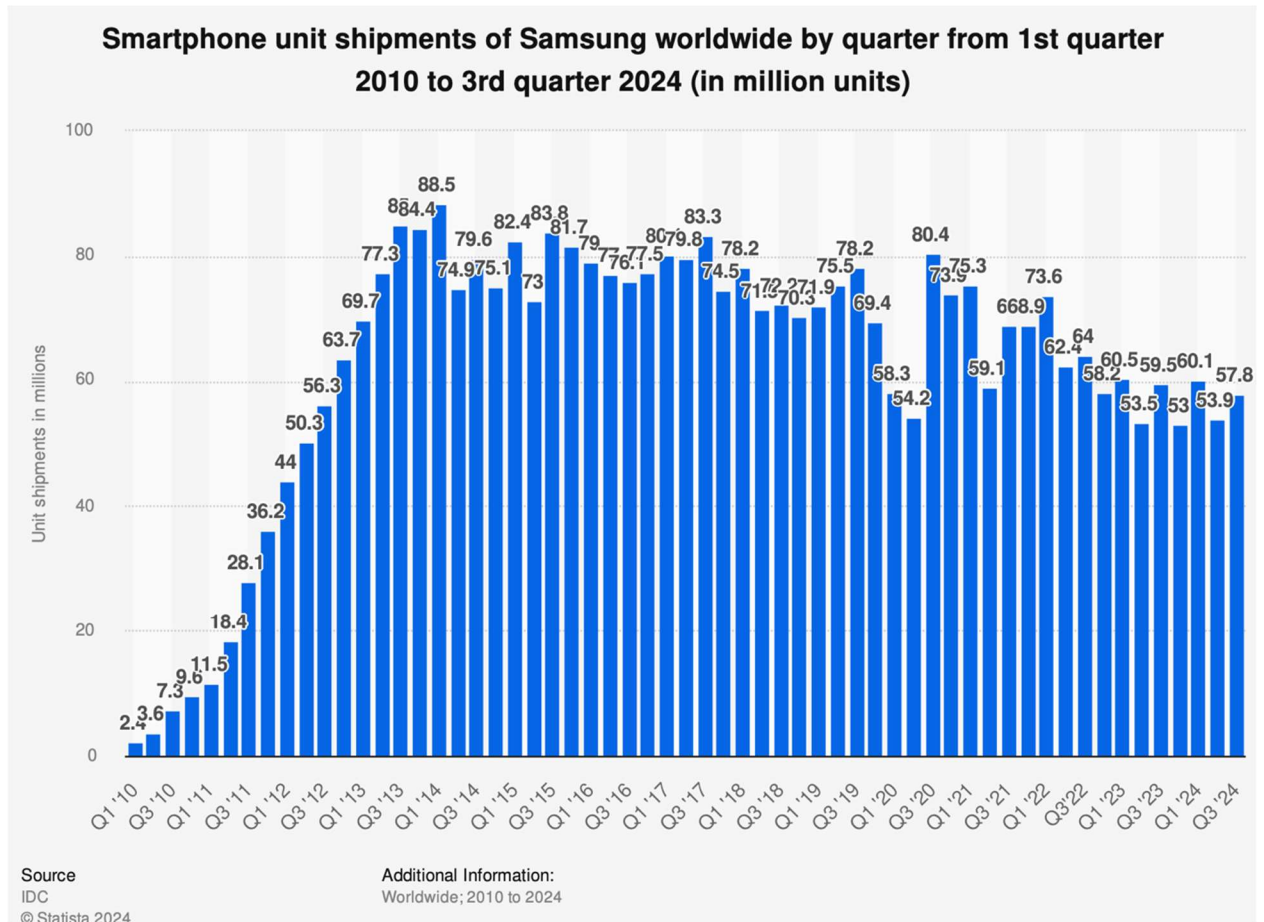


EXHIBIT 49

59. On information and belief, Complainant expects Samsung’s relative domestic investments in facilities to track the percentages reflected in the share of worldwide shipments attributable to the United States. Thus, these percentages may be applied to known domestic investments in headcounts and facilities, such as the Ridgefield, NJ, Plano, TX, and Mountain View, CA facilities.

60. Accordingly, on information and belief, Samsung's investments in plant and equipment establish a domestic industry under 19 U.S.C. § 1337(a)(3)(A)-(B) for each of the '272, '927, '776, and '134 patents.

61. AX Wireless certifies that it will seek a subpoena directed to Samsung's domestic investments related to articles that practice the Asserted Patents as soon as practicable following the institution of the investigation.

VII. RELATED LITIGATIONS

62. Complainant discloses the following proceedings involving the Asserted Patents, none of which resulted in invalidation or cancellation of any claims of any Asserted Patents:

- *Dell Inc. et al v. AX Wireless LLC*, IPR2024-00682 (PTAB) (voluntarily dismissed before claim construction or rulings on dispositive motions)
- *Intel Corporation v. AX Wireless LLC*, IPR2023-01140 (PTAB) (not instituted)
- *Intel Corporation v. AX Wireless LLC*, IPR2023-01139 (PTAB) (voluntarily dismissed before claim construction or rulings on dispositive motions)
- *AX Wireless LLC v. Acer Inc.*, 2-23-cv-00041 (EDTX) (voluntarily dismissed before claim construction or rulings on dispositive motions)
- *AX Wireless LLC v. Dell Inc. et al.*, 2-22-cv-00277 (EDTX) (Dismissed without prejudice after claim construction)¹²
- *AX Wireless LLC v. HP Inc.*, 2-22-cv-00279 (EDTX) (Dismissed with prejudice after claim construction)¹³
- *AX Wireless LLC v. Lenovo Group Ltd.*, 2-22-cv-00280 (EDTX) (Dismissed without prejudice after claim construction)¹⁴

¹² A copy of the February 16, 2024 claim construction decision in the *AX Wireless v. Dell Inc. et al.* case is attached as Exhibit 50.

¹³ A copy of the February 16, 2024 claim construction decision in the *AX Wireless v. HP Inc.* case is attached as Exhibit 51.

¹⁴ A copy of the February 16, 2024 claim construction decision in the *AX Wireless v. Lenovo Group Ltd.* case is attached as Exhibit 52.

VIII. STATEMENT REGARDING THE ACCUSED PRODUCTS

63. Pursuant to 19 C.F.R. § 210.12(a)(12), Complainants identify the category of accused products as video game consoles, routers, and gateways, and components thereof.

IX. HARMONIZED TARIFF SCHEDULE NUMBERS

64. Pursuant to 19 C.F.R. § 210.12(a)(3), the Harmonized Tariff Schedule numbers for the Accused Products are believed to be 9504.50.00.00 (video game consoles and machines, other than those of subheading 9504.30); 8517.61 (base stations); 8517.62.00 (machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus), including 8517.62.00.20 (switching and routing apparatus).

65. These classifications are intended for illustration only and are not intended to be restrictive of the accused products or of products subject to the relief requested.

X. RELIEF REQUESTED

66. WHEREFORE, by reason of the foregoing, Complainant respectfully requests that the United States International Trade Commission:

- (a) institute an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to Respondents' violations of that section based on the importation into the United States, sale for importation, and/or the sale within the United States after importation of Respondents' products that infringe the Asserted Patents;
- (b) set a target date of no more than fifteen months;
- (c) schedule and conduct a hearing on permanent relief pursuant to 19 U.S.C. § 1337(c) for the purposes of receiving evidence and hearing argument concerning whether there has been a violation of Section 337, and following the hearing, to determine that there has been a violation of Section 337;

- (d) issue a limited exclusion order, pursuant to 19 U.S.C. § 1337(d) forbidding entry into the United States of Respondents' products that infringe one or more claims of the Asserted Patents;
- (e) issue cease and desist orders, pursuant to 19 U.S.C. § 1337(f), prohibiting the Respondents and their related companies or divisions from conducting any of the following activities in the United States: importing, selling, offering for sale, marketing, advertising, distributing, transferring (except for exportation), and/or soliciting U.S. agents or distributors for, products covered by one or more claims of the Asserted Patents;
- (f) impose a bond upon Respondents' importation of the Accused Products that infringe any claim of the Asserted Patents during the 60-day Presidential review period pursuant to 19 U.S.C. §§ 1337(j) to prevent further injury to AX Wireless's domestic industry relating to the Asserted Patents;
- (g) issue such other and further relief as the Commission deems just and proper under the law, based upon the facts determined by the investigation and the authority of the Commission.

Dated: February 19, 2025

DEVLIN LAW FIRM LLC

/s/ Christopher May

Timothy Devlin

Andrew Pratt

Lowell Jacobson

Christopher May

Srikant Cheruvu

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Attorneys for Complainant

AX Wireless, LLC

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

In the Matter of

**CERTAIN VIDEO GAME CONSOLES,
ROUTERS AND GATEWAYS, AND
COMPONENTS THEREOF**

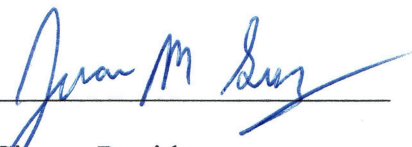
Investigation No. 337-TA-__

I, Juan Gisone, declare in accordance with 19 C.F.R. 210.12(a)(1), as follows:

1. I am the President of AX Wireless LLC and am duly authorized to sign this Complaint;
2. I have read the Complaint and am aware of its contents;
3. The Complaint is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of the investigation or related proceeding;
4. To the best of my knowledge, information and belief founded upon reasonable inquiry, claims, defenses and other legal contentions therein are warranted by existing law or by a non-frivolous argument for the extension, modification or reversal of existing law or the establishment of new law;
5. The allegations and other factual contentions have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation and discovery.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed: February 19, 2025.



Juan Gisone, President