

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

Before the Honorable Dee Lord

In the Matter of

**CERTAIN IP CAMERA SYSTEMS
INCLUDING VIDEO DOORBELLS AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1242

**VERIFIED RESPONSE OF RESPONDENT VIVINT SMART HOME, INC. TO
COMPLAINT OF SKYBELL TECHNOLOGIES, INC., SB IP HOLDINGS, LLC AND
EYETALK 365, LLC, AND TO NOTICE OF INVESTIGATION**

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**CERTAIN IP CAMERA SYSTEMS
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Investigation No. 337-TA-1242

Pursuant to Rule 210.13, Respondent Vivint Smart Home, Inc. hereby responds to the Verified Complaint under Section 337 of the Tariff Action of 1930, As Amended, filed by SkyBell Technologies, Inc., SB IP Holdings, LLC, and Eyetalk365, LLC on December 18, 2020, and to the Notice of Investigation published in the Federal Register on January 28, 2021. Vivint denies each and every allegation in the Complaint and Notice, except as specifically admitted herein. The responses below reflect only the current status of Vivint's knowledge and belief regarding the subject matter of the allegations to which they respond and may be amended subject to additional or different information that may be discovered during the course of this proceeding.

RESPONSE TO THE NOTICE OF INVESTIGATION

Responding to the January 25, 2021 Notice of Investigation filed in the above-titled investigation as published in the Federal Register on January 28, 2021, Vivint admits such an investigation exists, and that Vivint Smart Home, Inc. is named a respondent. Vivint otherwise denies the existence of the predicates and requirements for liability under such investigation, and therefore denies the allegations in the Notice of Investigation, to the extent such allegations exist. Vivint denies that it has violated any provision of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337. Vivint denies any violation of Section 337 through the importation into the United States, the sale for importation, or the sale within the United States after importation of certain IP camera systems including video doorbells and components thereof by reason of infringement of certain claims of United States Patent Nos. 10,097,796, 10,200,660,

10,523,906, 10,097,797, 9,485,478, 10,674,120, and 9,432,638 (collectively, the “Asserted Patents”). Vivint denies that the claims of the Asserted Patents are valid and enforceable. Vivint further denies that an industry in the United States, relating to the articles protected by the Asserted Patents, exists or is in the process of being established as required by subsection (a)(2) of Section 337. Vivint denies that Complainants are entitled to any relief in this proceeding. In addition, the exclusion order and other relief sought by Complainants would be contrary to the public interest as detrimental to competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and the United States consumers, and Vivint reserves the right to submit a public interest statement during any Commission review.

RESPONSE TO THE COMPLAINT

I. INTRODUCTION

1.1 Vivint admits upon information and belief that a complaint was filed by Complainants, purportedly pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, and that the complaint alleges importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation, of certain products that allegedly infringe one or more claims the Asserted Patents. Vivint denies that it infringes the Asserted Patents. Vivint lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph, and on that basis denies those allegations.

1.2 Vivint admits that the Complaint asserts the listed claims of the Asserted Patents.

1.3 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

1.4 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

1.5 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

1.6 Vivint denies that SB IP has the right to assert the Asserted Patents in litigation before it “officially own[s]” them. Vivint lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph, and on that basis denies those allegations.

1.7 Vivint admits that Complainants purport to identify the allegedly infringing products in Paragraph 1.7 but denies that the referenced Vivint products infringe the Asserted Patents. Vivint lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

1.8 Vivint admits that Complainants describe the category of allegedly infringing products in this Investigation is video doorbells and IP cameras including components and internal software that comprise a camera and motion sensor and interface with a software application used on smartphones and/or remote devices, but denies that the Vivint Accused Products infringe the Asserted Patents.

1.9 Vivint denies the allegations of this paragraph.

1.10 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

1.11 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

1.12 Vivint admits that paragraph 1.12 purports to provide an identification of “Accused Products,” but denies that the purported identification of Vivint products provides sufficient information to accurately determine the scope of accused products in this Investigation. Vivint denies that it infringes any of the Asserted Patents. Vivint lacks sufficient knowledge or information to admit or deny the remaining allegations for this paragraph, and on that basis denies those allegations.

1.13 Vivint admits that the tables referenced in paragraph 1.13 identify the claims that Complainants assert against each respondent. Vivint denies that the referenced Vivint products infringe the Asserted Claims. Vivint denies the remaining allegations in this paragraph to the extent they are directed to Vivint. Vivint lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

1.14 Vivint admits that Complainants seek the relief from the Commission that Complainants describe in this paragraph, but denies that Complainants are entitled to the relief that they have requested with respect to Vivint. Vivint denies the remaining allegations in this paragraph to the extent they are directed to Vivint. Vivint lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

II. COMPLAINANTS

A. SkyBell Technologies, Inc.

2.2 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

2.3 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

2.4 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

2.5 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

2.6 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

B. SB IP Holdings, LLC

2.7 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

C. Eyetalk365, LLC

2.8 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

III. RESPONDENTS

3.1 Vivint admits that Vivint Smart Home, Inc. is a Delaware Corporation with its principal place of business at 4931 North 300 West, Provo, Utah 84604. Vivint admits that it designs in the United States certain products and systems that are sold in the United States, including the Doorbell Camera Pro and the Ping camera. Vivint denies the remaining allegations of this paragraph.

3.2 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to another Respondent, and on that basis denies those allegations.

3.3 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to another Respondent, and on that basis denies those allegations.

IV. PATENTS AT ISSUE

4.1 Vivint denies that the Asserted Patents relate back to U.S Patent Application No. 60/418,384. Vivint lacks sufficient knowledge to admit or deny the remaining allegations of this paragraph, and on that basis denies those allegations.

A. U.S. Patent No. 10,097,796

4.2 Vivint admits that the '796 Patent states on its face that it is entitled "Communication And Monitoring System," includes on its face an issue date of October 9, 2018, and identifies on its face Eyetalk365, LLC as assignee. Vivint also admits that the '796 Patent names Ronald Carter as the purported inventor. Vivint lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph, and on that basis denies those allegations.

4.3 As Complainants state, Complainants' non-technical description of the '796 Patent is for descriptive purposes only. To the extent this paragraph contains legal conclusions,

no response is required. Vivint otherwise lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies them.

4.4 Vivint admits that the Complaint purports to attach a claim chart identified as Exhibit 15 purporting to compare claims 3 and 7 of the '796 Patent to the Vivint Doorbell Camera Pro. Vivint denies that it has infringed any of the asserted claims of the Asserted Patents and denies any remaining allegations in this paragraph to the extent they are directed to Vivint. Vivint lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

4.5 Vivint admits that the Complaint purports to attach a list of licensees to the '796 Patent as Confidential Exhibit 40C. Vivint lacks sufficient knowledge or information to admit or deny the accuracy or completeness of the matters stated on the face of Confidential Exhibit 40C.

4.6 To the extent this paragraph contains legal conclusions, no response is required.

4.7 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

4.8 Vivint admits that the Complaint purports to attach a certified copy of the '796 Patent as Exhibit No. 1 and a certified copy of certain assignments of the '796 Patent as Exhibit 8, but Vivint lacks sufficient knowledge or information to admit or deny the allegation that Exhibit 8 relates to all substantive rights in the '796 Patent, and on that basis denies that allegation. Vivint also admits that the Complaint purports to attach a certified copy of the prosecution history of the '796 Patent as Appendix A and to include each patent and technical reference mentioned in the prosecution history of the '796 Patent as Appendix H. Vivint lacks sufficient knowledge or information to admit or deny the accuracy or completeness of the attached exhibits and appendices.

4.9 Vivint denies that the '796 Patent can claim the benefit under 35 U.S.C. § 120 through continuation applications to U.S Patent Application No. 60/418,384, and on that basis denies the allegations of this paragraph.

B. U.S. Patent No. 10,200,660

4.10 Vivint admits that the '660 Patent states on its face that it is entitled "Communication And Monitoring System," includes on its face an issue date of February 5, 2019, and identifies on its face Eyetalk365, LLC as assignee. Vivint also admits that the '660 Patent names Ronald Carter as the purported inventor. Vivint lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph, and on that basis denies those allegations.

4.11 As Complainants state, Complainants' non-technical description of the '660 Patent is for descriptive purposes only. To the extent this paragraph contains legal conclusions, no response is required. Vivint otherwise lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies them.

4.12 Vivint admits that the Complaint purports to attach claim charts identified as Exhibit 18 purporting to compare claim 9 of the '660 Patent to the Vivint Doorbell Camera Pro, and Exhibit 21 purporting to compare claims 13, 14, 16, and 18 of the '660 Patent to the Vivint Ping. Vivint denies that it has infringed any of the asserted claims of the Asserted Patents and denies any remaining allegations in this paragraph to the extent they are directed to Vivint. Vivint lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

4.13 Vivint admits that the Complaint purports to attach a list of licensees to the '660 Patent as Confidential Exhibit 40C. Vivint lacks sufficient knowledge or information to admit or deny the accuracy or completeness of the matters stated on the face of Confidential Exhibit 40C.

4.14 To the extent this paragraph contains legal conclusions, no response is required.

4.15 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

4.16 Vivint admits that the Complaint purports to attach a certified copy of the '660 Patent as Exhibit No. 2 and a certified copy of certain assignments of the '660 Patent as Exhibit 9, but Vivint lacks sufficient knowledge or information to admit or deny the allegation that Exhibit 9 relates to all substantive rights in the '660 Patent, and on that basis denies that allegation. Vivint also admits that the Complaint purports to attach a certified copy of the prosecution history of the '660 Patent as Appendix B and to include each patent and technical reference mentioned in the prosecution history of the '660 Patent as Appendix H. Vivint lacks sufficient knowledge or information to admit or deny the accuracy or completeness of the attached exhibits and appendices.

4.17 Vivint denies that the '660 Patent can claim the benefit under 35 U.S.C. § 120 through continuation applications to U.S Patent Application No. 60/418,384, and on that basis denies the allegations of this paragraph.

C. U.S. Patent No. 10,523,906

4.18 Vivint admits that the '906 Patent states on its face that it is entitled "Communication and Monitoring System," includes on its face an issue date of December 31, 2019, and identifies on its face Eyetalk365, LLC as assignee. Vivint also admits that the '906 Patent names Ronald Carter as the purported inventor. Vivint lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph, and on that basis denies those allegations.

4.19 As Complainants state, Complainants' non-technical description of the '906 Patent is for descriptive purposes only. To the extent this paragraph contains legal conclusions,

no response is required. Vivint otherwise lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies them.

4.20 Vivint admits that the Complaint purports to attach a claim chart identified as Exhibit 24 purporting to compare claims 13 and 18 of the '906 Patent to the Vivint Doorbell Camera Pro. Vivint denies that it has infringed any of the asserted claims of the Asserted Patents and denies any remaining allegations in this paragraph to the extent they are directed to Vivint. Vivint lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

4.21 Vivint admits that the Complaint purports to attach a list of licensees to the '906 Patent as Confidential Exhibit 40C. Vivint lacks sufficient knowledge or information to admit or deny the accuracy or completeness of the matters stated on the face of Confidential Exhibit 40C.

4.22 To the extent this paragraph contains legal conclusions, no response is required.

4.23 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

4.24 Vivint admits that the Complaint purports to attach a certified copy of the '906 Patent as Exhibit No. 3 and a certified copy of certain assignments of the '906 Patent as Exhibit 10, but Vivint lacks sufficient knowledge or information to admit or deny the allegation that Exhibit 10 relates to all substantive rights in the '906 Patent, and on that basis denies that allegation. Vivint also admits that the Complaint purports to attach a certified copy of the prosecution history of the '906 Patent as Appendix C and to include each patent and technical reference mentioned in the prosecution history of the '906 Patent as Appendix J. Vivint lacks sufficient knowledge or information to admit or deny the accuracy or completeness of the attached exhibits and appendices.

4.25 Vivint denies that the '906 Patent can claim the benefit under 35 U.S.C. § 120 through continuation applications to U.S Patent Application No. 60/418,384, and on that basis denies the allegations of this paragraph.

D. U.S. Patent No. 10,097,797

4.26 Vivint admits that the '797 Patent states on its face that it is entitled "Communication and Monitoring System," includes on its face an issue date of October 9, 2018, and identifies on its face Eyetalk365, LLC as assignee. Vivint also admits that the '797 Patent names Ronald Carter as the purported inventor. Vivint lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph, and on that basis denies those allegations.

4.27 As Complainants state, Complainants' non-technical description of the '797 Patent is for descriptive purposes only. To the extent this paragraph contains legal conclusions, no response is required. Vivint otherwise lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies them.

4.28 Vivint admits that the Complaint purports to attach a claim chart identified as Exhibit 27 purporting to compare claims 6, 8, and 9 of the '797 Patent to the Vivint Doorbell Camera Pro. Vivint denies that it has infringed any of the asserted claims of the Asserted Patents and denies any remaining allegations in this paragraph to the extent they are directed to Vivint. Vivint lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

4.29 Vivint admits that the Complaint purports to attach a list of licensees to the '797 Patent as Confidential Exhibit 40C. Vivint lacks sufficient knowledge or information to admit or deny the accuracy or completeness of the matters stated on the face of Confidential Exhibit 40C.

4.30 To the extent this paragraph contains legal conclusions, no response is required.

4.31 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

4.32 Vivint admits that the Complaint purports to attach a certified copy of the '797 Patent as Exhibit No. 4 and a certified copy of certain assignments of the '797 Patent as Exhibit 11, but Vivint lacks sufficient knowledge or information to admit or deny the allegation that Exhibit 11 relates to all substantive rights in the '797 Patent, and on that basis denies that allegation. Vivint also admits that the Complaint purports to attach a certified copy of the prosecution history of the '797 Patent as Appendix D and to include each patent and technical reference mentioned in the prosecution history of the '797 Patent as Appendix H. Vivint lacks sufficient knowledge or information to admit or deny the accuracy or completeness of the attached exhibits and appendices.

4.33 Vivint denies that the '797 Patent can claim the benefit under 35 U.S.C. § 120 through continuation applications to U.S Patent Application No. 60/418,384, and on that basis denies the allegations of this paragraph.

E. U.S. Patent No. 9,485,478

4.34 Vivint admits that the '478 Patent states on its face that it is entitled "Communication And Monitoring System," includes on its face an issue date of November 1, 2016, and identifies on its face Eyetalk365, LLC as assignee. Vivint also admits that the '478 Patent names Ronald Carter as the purported inventor. Vivint lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph, and on that basis denies those allegations.

4.35 As Complainants state, Complainants' non-technical description of the '478 Patent is for descriptive purposes only. To the extent this paragraph contains legal conclusions,

no response is required. Vivint otherwise lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies them.

4.36 Vivint admits that the Complaint purports to attach a claim chart identified as Exhibit 31 purporting to compare claims 9, 10, 11, and 17 of the '478 Patent to the Vivint Doorbell Camera Pro. Vivint denies that it has infringed any of the asserted claims of the Asserted Patents and denies any remaining allegations in this paragraph to the extent they are directed to Vivint. Vivint lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

4.37 Vivint admits that the Complaint purports to attach a list of licensees to the '478 Patent as Confidential Exhibit 40C. Vivint lacks sufficient knowledge or information to admit or deny the accuracy or completeness of the matters stated on the face of Confidential Exhibit 40C.

4.38 To the extent this paragraph contains legal conclusions, no response is required.

4.39 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

4.40 Vivint admits that the Complaint purports to attach a certified copy of the '478 Patent as Exhibit No. 5 and a certified copy of certain assignments of the '478 Patent as Exhibit 12, but Vivint lacks sufficient knowledge or information to admit or deny the allegation that Exhibit 12 relates to all substantive rights in the '478 Patent, and on that basis denies that allegation. Vivint also admits that the Complaint purports to attach a certified copy of the prosecution history of the '478 Patent as Appendix E and to include each patent and technical reference mentioned in the prosecution history of the '478 Patent as Appendix I. Vivint lacks

sufficient knowledge or information to admit or deny the accuracy or completeness of the attached exhibits and appendices.

4.41 Vivint lacks sufficient knowledge to admit or deny the accuracy or completeness of the matters stated on the face of the '478 Patent, and on that basis denies the allegations of this paragraph.

F. U.S. Patent No. 10,674,120

4.42 Vivint admits that the '120 Patent states on its face that it is entitled "Communication And Monitoring System," includes on its face an issue date of June 2, 2020, and identifies on its face Eyetalk365, LLC as assignee. Vivint also admits that the '120 Patent names Ronald Carter as the purported inventor. Vivint lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph, and on that basis denies those allegations.

4.43 As Complainants state, Complainants' non-technical description of the '120 Patent is for descriptive purposes only. To the extent this paragraph contains legal conclusions, no response is required. Vivint otherwise lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies them.

4.44 Vivint admits that the Complaint purports to attach a claim chart identified as Exhibit 34 purporting to compare claim 1 of the '120 Patent to the Vivint Ping. Vivint denies that it has infringed any of the asserted claims of the Asserted Patents and denies any remaining allegations in this paragraph to the extent they are directed to Vivint. Vivint lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

4.45 Vivint admits that the Complaint purports to attach a list of licensees to the '120 Patent as Confidential Exhibit 40C. Vivint lacks sufficient knowledge or information to admit or deny the accuracy or completeness of the matters stated on the face of Confidential Exhibit 40C.

4.46 To the extent this paragraph contains legal conclusions, no response is required.

4.47 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

4.48 Vivint admits that the Complaint purports to attach a certified copy of the '120 Patent as Exhibit No. 6 and a certified copy of certain assignments of the '120 Patent as Exhibit 13, but Vivint lacks sufficient knowledge or information to admit or deny the allegation that Exhibit 13 relates to all substantive rights in the '120 Patent, and on that basis denies that allegation. Vivint also admits that the Complaint purports to attach a certified copy of the prosecution history of the '120 Patent as Appendix F and to include each patent and technical reference mentioned in the prosecution history of the '120 Patent as Appendix K. Vivint lacks sufficient knowledge or information to admit or deny the accuracy or completeness of the attached exhibits and appendices.

4.49 Vivint denies that the '120 Patent can claim the benefit under 35 U.S.C. § 120 through continuation applications to U.S Patent Application No. 60/418,384, and on that basis denies the allegations of this paragraph.

G. U.S. Patent No. 9,432,638

4.50 Vivint admits that the '638 Patent states on its face that it is entitled "Communication And Monitoring System," includes on its face an issue date of August 30, 2016, and identifies on its face Eyetalk365, LLC as assignee. Vivint also admits that the '638 Patent names Ronald Carter as the purported inventor. Vivint lacks sufficient knowledge or

information to admit or deny the remaining allegations of this paragraph, and on that basis denies those allegations.

4.51 As Complainants state, Complainants' non-technical description of the '638 Patent is for descriptive purposes only. To the extent this paragraph contains legal conclusions, no response is required. Vivint otherwise lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies them.

4.52 Vivint admits that the Complaint purports to attach a claim chart identified as Exhibit 37 purporting to compare claim 6 of the '638 Patent to the Vivint Doorbell Camera Pro. Vivint denies that it has infringed any of the asserted claims of the Asserted Patents and denies any remaining allegations in this paragraph to the extent they are directed to Vivint. Vivint lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

4.53 Vivint admits that the Complaint purports to attach a list of licensees to the '638 Patent as Confidential Exhibit 40C. Vivint lacks sufficient knowledge or information to admit or deny the accuracy or completeness of the matters stated on the face of Confidential Exhibit 40C.

4.54 To the extent this paragraph contains legal conclusions, no response is required.

4.55 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

4.56 Vivint admits that the Complaint purports to attach a certified copy of the '638 Patent as Exhibit No. 7 and a certified copy of certain assignments of the '638 Patent as Exhibit 14, but Vivint lacks sufficient knowledge or information to admit or deny the allegation that Exhibit 14 relates to all substantive rights in the '638 Patent, and on that basis denies that allegation. Vivint also admits that the Complaint purports to attach a certified copy of the

prosecution history of the '638 Patent as Appendix G and to include each patent and technical reference mentioned in the prosecution history of the '638 Patent as Appendix I. Vivint lacks sufficient knowledge or information to admit or deny the accuracy or completeness of the attached exhibits and appendices.

4.57 Vivint denies that the '638 Patent can claim the benefit under 35 U.S.C. § 120 through continuation applications to U.S Patent Application No. 60/418,384, and on that basis denies the allegations of this paragraph.

V. ALLEGEDLY UNLAWFUL AND UNFAIR ACTS OF THE PROPOSED RESPONDENTS

5.1 Vivint denies the allegations of this paragraph to the extent they are directed to Vivint. Vivint lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

A. SPECIFIC INSTANCES OF ALLEGED IMPORTATION AND SALE

1. Importation and Sale of Allegedly Infringing Vivint Products

5.2 Vivint admits that it designs in the United States certain products and systems that are sold in the United States, including the Doorbell Camera Pro and the Ping camera. Vivint denies that it has engaged in unfair trade practices, including the sale for importation, importation, and/or sale after importation of certain IP camera systems including video doorbells and components thereof that infringe the asserted claims of the Asserted Patents. Vivint admits that Vivint's 2019 annual report included the sentence, "We conduct our business in the U.S. and Canada and source our Products in Thailand, Vietnam, Mexico, Taiwan, China, Malaysia and the United States." Vivint denies the remaining allegations of this paragraph.

- i. Vivint admits that the Complaint purports to depict a picture of a Vivint video doorbell. Vivint lacks sufficient knowledge to admit or deny the authenticity of the image, and on that basis denies the allegations of this paragraph.

5.3 Vivint admits that the Complaint purports to attach a delivery confirmation email for a Vivint video doorbell purchased through eBay from a seller identified as “capo_4501” as Exhibit 41; a photo of a label purportedly relating to a Vivint doorbell camera with part no. VS-DBC251-110 as Exhibit 42; a photo allegedly of the interior of a different Vivint product with type no. VS-DBC300-WHT and purportedly available on an unidentified portion of the FCC website as Exhibit 43. Vivint denies that the product referenced in Exhibit 41 is an Accused Product as defined by the Complaint. Vivint admits that certain Vivint products and systems are sold in the United States, including through its website vivint.com. Vivint lacks sufficient knowledge to admit or deny the authenticity or completeness of Exhibits 41, 42, or 43, or any of the content of those Exhibits, and on that basis denies the allegations of this paragraph.

5.4 Vivint admits that the Vivint Doorbell Camera Pro is manufactured outside of the United States, but denies upon information and belief that the Doorbell Camera Pro is manufactured by Respondents’ outsourcing partners, and denies the remaining allegations of this paragraph.

5.5 Vivint denies the allegations of this paragraph. To the extent this paragraph contains legal conclusions, no response is required.

5.6 Vivint lacks sufficient knowledge to admit or deny the allegations regarding SkyBell’s belief, and on that basis denies the allegations of this paragraph.

- ii. Vivint admits that the Complaint purports to depict a picture of a Vivint Ping camera. Vivint lacks sufficient knowledge to admit or deny the authenticity of the image, and on that basis denies the allegations of this paragraph.

5.7 Vivint admits that the Complaint purports to attach a delivery confirmation email for a Vivint Ping camera purchased through eBay from a seller identified as “bromazel” as Exhibit 44 and a photo of what is alleged as the packaging for the item referenced in Exhibit 44 as Exhibit 45. Vivint admits that certain Vivint products and systems are sold in the United States, including through its website vivint.com. Vivint lacks sufficient knowledge to admit or deny the authenticity or completeness of Exhibits 44 and 45 or any of the content of those Exhibits, and on that basis denies the allegations of this paragraph.

5.8 Vivint admits that some Vivint Ping cameras are manufactured outside of the United States, but denies upon information and belief that the Ping cameras are manufactured by Respondents’ outsourcing partners, and denies the remaining allegations of this paragraph.

5.9 Vivint denies the allegations of this paragraph.. To the extent this paragraph contains legal conclusions, no response is required.

5.10 Vivint lacks sufficient knowledge to admit or deny the allegations regarding SkyBell’s belief, and on that basis denies the allegations of this paragraph.

2. Importation and Sale of Allegedly Infringing SimpliSafe Products

5.11 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

- i. Vivint admits that the Complaint purports to depict a picture of a SimpliSafe video doorbell. Vivint lacks sufficient knowledge

to admit or deny the authenticity of the image, and on that basis denies the allegations of this paragraph.

5.12 Vivint admits that the Complaint purports to attach an invoice for a SimpliSafe video doorbell as Exhibit 47. Vivint lacks sufficient knowledge to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

5.13 Vivint lacks sufficient knowledge to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

5.14 Vivint lacks sufficient knowledge to admit or deny the allegations of this paragraph, and on that basis denies those allegations. To the extent this paragraph contains legal conclusions, no response is required.

5.15 Vivint lacks sufficient knowledge to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

- ii. Vivint admits that the Complaint purports to depict a picture of a SimpliSafe SimpliCam camera. Vivint lacks sufficient knowledge to admit or deny the authenticity of the image, and on that basis denies the allegations of this paragraph.

5.16 Vivint admits that the Complaint purports to attach an invoice for a SimpliSafe SimpliCam camera as Exhibit 48 and a photo of product packaging for a SimpliSafe product as Exhibit 48. Vivint lacks sufficient knowledge to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

5.17 Vivint lacks sufficient knowledge to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

5.18 Vivint lacks sufficient knowledge to admit or deny the allegations of this paragraph, and on that basis denies those allegations. To the extent this paragraph contains legal conclusions, no response is required.

5.19 Vivint lacks sufficient knowledge to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

3. Importation and Sale of Allegedly Infringing Arlo Products

5.20 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

5.21 Vivint admits that the Complaint purports to attach a copy of a Form 10-K filed by Arlo with the United States Securities and Exchange Commission as Exhibit 49. Vivint lacks sufficient knowledge to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

5.22 To the extent this paragraph contains legal conclusions, no response is required.

- i. Vivint admits that the Complaint purports to depict a picture of an Arlo video doorbell. Vivint lacks sufficient knowledge to admit or deny the authenticity of the image, and on that basis denies the allegations of this paragraph.

5.23 Vivint admits that the Complaint purports to attach an invoice for an Arlo video doorbell as Exhibit 50 and a photo of product packaging for an Arlo product as Exhibit 51. Vivint lacks sufficient knowledge to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

5.24 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

5.25 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations. To the extent this paragraph contains legal conclusions, no response is required.

5.26 Vivint lacks sufficient knowledge to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

- ii. Vivint admits that the Complaint purports to depict a picture of an Arlo Pro 2 camera. Vivint lacks sufficient knowledge to admit or deny the authenticity of the image, and on that basis denies the allegations of this paragraph.

5.27 Vivint admits that the Complaint purports to attach an invoice for an Arlo Pro 2 camera as Exhibit 52 and a photo of product packaging for an Arlo product as Exhibit 53. Vivint lacks sufficient knowledge to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

5.28 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

5.29 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations. To the extent this paragraph contains legal conclusions, no response is required.

5.30 Vivint lacks sufficient knowledge to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

- iii. Vivint admits that the Complaint purports to depict a picture of an Arlo Pro 3 camera. Vivint lacks sufficient knowledge to

admit or deny the authenticity of the image, and on that basis denies the allegations of this paragraph.

5.31 Vivint admits that the Complaint purports to attach an invoice for an Arlo Pro 3 camera as Exhibit 50 and a photo of product packaging for an Arlo product as Exhibit 54. Vivint lacks sufficient knowledge to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

5.32 Vivint lacks sufficient knowledge to admit or deny the authenticity of the image, and on that basis denies the allegations of this paragraph.

5.33 Vivint lacks sufficient knowledge to admit or deny the authenticity of the image, and on that basis denies the allegations of this paragraph. To the extent this paragraph contains legal conclusions, no response is required.

5.34 Vivint lacks sufficient knowledge to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

iv. Vivint admits that the Complaint purports to depict a picture of an Arlo Pro 4 camera. Vivint lacks sufficient knowledge to admit or deny the authenticity of the image, and on that basis denies the allegations of this paragraph.

5.35 Vivint admits that the Complaint purports to attach an invoice for an Arlo Pro 4 camera as Exhibit 52 and a photo of product packaging for an Arlo product as Exhibit 55. Vivint lacks sufficient knowledge to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

5.36 Vivint lacks sufficient knowledge to admit or deny the authenticity of the image, and on that basis denies the allegations of this paragraph.

5.37 Vivint lacks sufficient knowledge to admit or deny the authenticity of the image, and on that basis denies the allegations of this paragraph. To the extent this paragraph contains legal conclusions, no response is required.

5.38 Vivint lacks sufficient knowledge to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

- v. Vivint admits that the Complaint purports to depict a picture of an Arlo Essential camera. Vivint lacks sufficient knowledge to admit or deny the authenticity of the image, and on that basis denies the allegations of this paragraph.

5.39 Vivint admits that the Complaint purports to attach an invoice for an Arlo Essential camera as Exhibit 52 and a photo of product packaging for an Arlo product as Exhibit 56. Vivint lacks sufficient knowledge to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

5.40 Vivint lacks sufficient knowledge to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

5.41 Vivint lacks sufficient knowledge to admit or deny the allegations of this paragraph, and on that basis denies those allegations. To the extent this paragraph contains legal conclusions, no response is required.

5.42 Vivint lacks sufficient knowledge to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

- vi. Vivint admits that the Complaint purports to depict a picture of an Arlo Q camera. Vivint lacks sufficient knowledge to admit

or deny the authenticity of the image, and on that basis denies the allegations of this paragraph.

5.43 Vivint admits that the Complaint purports to attach an invoice for an Arlo Q camera as Exhibit 52 and a photo of product packaging for an Arlo product as Exhibit 57. Vivint lacks sufficient knowledge to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

5.44 Vivint lacks sufficient knowledge to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

5.45 Vivint lacks sufficient knowledge to admit or deny the allegations of this paragraph, and on that basis denies those allegations. To the extent this paragraph contains legal conclusions, no response is required.

5.46 Vivint lacks sufficient knowledge to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

vii. Vivint admits that the Complaint purports to depict a picture of an Arlo Baby camera. Vivint lacks sufficient knowledge to admit or deny the authenticity of the image, and on that basis denies the allegations of this paragraph.

5.47 Vivint admits that the Complaint purports to attach an invoice for an Arlo Q camera as Exhibit 52 and a photo of product packaging for an Arlo product as Exhibit 58. Vivint lacks sufficient knowledge to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

5.48 Vivint lacks sufficient knowledge to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

5.49 Vivint lacks sufficient knowledge to admit or deny the allegations of this paragraph, and on that basis denies those allegations. To the extent this paragraph contains legal conclusions, no response is required.

5.50 Vivint lacks sufficient knowledge to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

B. Purported Infringement of Accused Patents by Respondents

1. Vivint

a. The '660 Patent

5.51 Vivint denies that the Vivint Doorbell Camera Pro directly or indirectly infringes, literally or under the doctrine of equivalents, actively induces the infringement of, and/or contributorily infringes claim 9 of the '660 Patent. Vivint denies the remaining allegations of this paragraph.

5.52 Vivint denies that the Vivint Doorbell Camera Pro infringes claim 9 of the '660 Patent. Vivint denies the remaining allegations of this paragraph.

5.53 Vivint denies that the Vivint Ping Camera directly or indirectly infringes, literally or under the doctrine of equivalents, actively induces the infringement of, and/or contributorily infringes claims 13, 14, 16, or 18 of the '660 Patent. Vivint denies the remaining allegations of this paragraph.

5.54 Vivint denies that the Vivint Ping Camera infringes claims 13, 14, 16, or 18 of the '660 Patent. Vivint denies the remaining allegations of this paragraph.

b. The '796 Patent

5.55 Vivint denies that the Vivint Doorbell Camera Pro directly or indirectly infringes, literally or under the doctrine of equivalents, actively induces the infringement of, and/or

contributorily infringes claims 3 and 7 of the '796 Patent. Vivint denies the remaining allegations of this paragraph.

5.56 Vivint denies that the Vivint Doorbell Camera Pro infringes claims 3 or 7 of the '796 Patent. Vivint denies the remaining allegations of this paragraph.

c. The '797 Patent

5.57 Vivint denies that the Vivint Doorbell Camera Pro directly or indirectly infringes, literally or under the doctrine of equivalents, actively induces the infringement of, and/or contributorily infringes claims 6, 8, or 9 of the '797 Patent. Vivint denies the remaining allegations of this paragraph.

5.58 Vivint denies that the Vivint Doorbell Camera Pro infringes claims 6, 8, or 9 of the '797 Patent. Vivint denies the remaining allegations of this paragraph.

d. The '478 Patent

5.59 Vivint denies that the Vivint Doorbell Camera Pro directly or indirectly infringes, literally or under the doctrine of equivalents, actively induces the infringement of, and/or contributorily infringes claims 9, 10, 11, or 17 of the '478 Patent. Vivint denies the remaining allegations of this paragraph.

5.60 Vivint denies that the Vivint Doorbell Camera Pro infringes claims 9, 10, 11, or 17 of the '478 Patent. Vivint denies the remaining allegations of this paragraph.

e. The '638 Patent

5.61 Vivint denies that the Vivint Doorbell Camera Pro directly or indirectly infringes, literally or under the doctrine of equivalents, actively induces the infringement of, and/or contributorily infringes claim 6 of the '638 Patent. Vivint denies the remaining allegations of this paragraph.

5.62 Vivint denies that the Vivint Doorbell Camera Pro infringes claim 6 of the '638 Patent. Vivint denies the remaining allegations of this paragraph.

f. The '906 Patent

5.63 Vivint denies that the Vivint Doorbell Camera Pro directly or indirectly infringes, literally or under the doctrine of equivalents, actively induces the infringement of, and/or contributorily infringes claims 13 or 18 of the '906 Patent. Vivint denies the remaining allegations of this paragraph.

5.64 Vivint denies that the Vivint Doorbell Camera Pro infringes claims 13 or 18 of the '906 Patent. Vivint denies the remaining allegations of this paragraph.

g. The '120 Patent

5.65 Vivint denies that the Vivint Ping Camera directly or indirectly infringes, literally or under the doctrine of equivalents, actively induces the infringement of, and/or contributorily infringes claim 1 of the '120 Patent. Vivint denies the remaining allegations of this paragraph.

5.66 Vivint denies that the Vivint Ping Camera infringes claim 1 of the '120 Patent. Vivint denies the remaining allegations of this paragraph.

2. SimpliSafe

a. The '660 Patent

5.67 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

5.68 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

5.69 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

5.70 Vivint admits that the claim chart attached as Exhibit 22 identifies the claims that Complainants assert against other Respondents. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

b. The '796 Patent

5.71 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

5.72 Vivint admits that the claim chart attached as Exhibit 16 identifies the claims that Complainants assert against other Respondents. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

c. The '797 Patent

5.73 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

5.74 Vivint admits that the claim chart attached as Exhibit 28 identifies the claims that Complainants assert against other Respondents. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

d. The '478 Patent

5.75 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

5.76 Vivint admits that the claim chart attached as Exhibit 34 identifies the claims that Complainants assert against other Respondents. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

e. The '638 Patent

5.77 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

5.78 Vivint admits that the claim chart attached as Exhibit 39 identifies the claims that Complainants assert against other Respondents. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

f. The '906 Patent

5.79 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

5.80 Vivint admits that the claim chart attached as Exhibit 25 identifies the claims that Complainants assert against other Respondents. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

g. The '120 Patent

5.81 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

5.82 Vivint admits that the claim chart attached as Exhibit 35 identifies the claims that Complainants assert against other Respondents. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

3. Arlo

a. The '660 Patent

5.83 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

5.84 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

5.85 Vivint admits that the claim chart attached as Exhibit 20 identifies the claims that Complainants assert against other Respondents. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

5.86 Vivint admits that the claim chart attached as Exhibit 23 identifies the claims that Complainants assert against other Respondents. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

b. The '796 Patent

5.87 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

5.88 Vivint admits that the claim chart attached as Exhibit 17 identifies the claims that Complainants assert against other Respondents. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

c. The '797 Patent

5.89 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

5.90 Vivint admits that the claim chart attached as Exhibit 29 identifies the claims that Complainants assert against other Respondents. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

d. The '906 Patent

5.91 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

5.92 Vivint admits that the claim chart attached as Exhibit 26 identifies the claims that Complainants assert against other Respondents. Vivint lacks sufficient knowledge or information

to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

e. The '478 Patent

5.93 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

5.94 Vivint admits that the claim chart attached as Exhibit 33 identifies the claims that Complainants assert against other Respondents. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

f. The '638 Patent

5.95 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

5.96 Vivint admits that the claim chart attached as Exhibit 39 identifies the claims that Complainants assert against other Respondents. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

g. The '120 Patent

5.97 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

5.98 Vivint admits that the claim chart attached as Exhibit 36 identifies the claims that Complainants assert against other Respondents. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

VI. CLASSIFICATION OF THE INFRINGING PRODUCTS UNDER THE HARMONIZED TARIFF SCHEDULE

6.1. As stated by Complainants, Complainants' tariff classification allegations are illustrative only. To the extent this paragraph contains legal conclusions, no response is required.

VII. DOMESTIC INDUSTRY

7.1 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations. To the extent this paragraph contains legal conclusions, no response is required.

7.2 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations. To the extent this paragraph contains legal conclusions, no response is required.

7.3 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

A. Technical Prong

1. SkyBell DI Products

7.4 Vivint admits that the Complaint purports to identify claims of the Asserted Patents that Complainants claim to practice. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations. To the extent this paragraph contains legal conclusions, no response is required.

7.5 Vivint admits that the Complaint purports to attach claim charts as Confidential Exhibits 60C-61C. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations. To the extent this paragraph contains legal conclusions, no response is required.

7.6 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations. To the extent this paragraph contains legal conclusions, no response is required.

B. Economic Prong

7.7 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations. To the extent this paragraph contains legal conclusions, no response is required.

7.8 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations. To the extent this paragraph contains legal conclusions, no response is required.

7.9 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

7.10 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

7.11 Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.

VIII. LICENSES

8.1 Vivint admits that the Complaint purports to attach a list of licensees of the Asserted Patents as Confidential Exhibit 40C. Vivint lacks sufficient knowledge or information

to admit or deny the authenticity, completeness, or accuracy of this Exhibit or its content, and on that basis denies those allegations.

IX. RELATED LITIGATION

9.1. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations. Vivint denies that Complainant SkyBell has filed an infringement complaint against Vivint in District Court. Vivint admits that Complainant SB IP has filed an action in the United States District Court for the Eastern District of Texas, Case No. 4:20-cv-00886-ALM. Vivint further admits SB IP's complaint alleges that Vivint infringes the following patents: U.S. Patent Nos. 9,432,638, 9,485,478, 9,516,284, 9,635,323, 9,648,290, 9,414,030, and 10,674,120. Vivint admits that no responsive pleadings have been filed. Vivint denies the remaining allegations of this paragraph. Vivint lacks sufficient

knowledge or information to admit or deny the allegations of this paragraph, and on that basis denies those allegations.**RELIEF**

- a) Vivint denies each and every allegation set forth in this paragraph insofar as they are directed to Vivint, and denies that Complainants are entitled to any relief with respect to Vivint or Vivint Accused Products. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.
- b) Vivint denies each and every allegation set forth in this paragraph insofar as they are directed to Vivint, and denies that Complainants are entitled to any relief with respect to Vivint or Vivint Accused Products. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.
- c) Vivint denies each and every allegation set forth in this paragraph insofar as they are directed to Vivint, and denies that Complainants are entitled to any relief with respect to Vivint or Vivint Accused Products. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.
- d) Vivint denies each and every allegation set forth in this paragraph insofar as they are directed to Vivint, and denies that Complainants are entitled to any relief with respect to Vivint or Vivint Accused Products. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.
- e) Vivint denies each and every allegation set forth in this paragraph insofar as they are directed to Vivint, and denies that Complainants are entitled to any relief with respect to

Vivint or Vivint Accused Products. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

- f) Vivint denies each and every allegation set forth in this paragraph insofar as they are directed to Vivint, and denies that Complainants are entitled to any relief with respect to Vivint or Vivint Accused Products. Vivint lacks sufficient knowledge or information to admit or deny the allegations of this paragraph as they relate to the other Respondents, and on that basis denies those allegations.

VIVINT'S AFFIRMATIVE DEFENSES

Vivint asserts the following affirmative defenses in response to the allegations of the Complaint. Vivint's inclusion of these affirmative defenses in this Response is not a concession that Vivint bears the burden of proof with respect to any of them. Discovery is only just beginning as of the date of this Response, and Vivint has not fully collected and reviewed all information that may be relevant to the matters and issues raised herein. Vivint necessarily does not yet know the full extent of its defenses to Complainants' allegations. In accordance with 19 U.S.C. § 210.14(b) and 19 U.S.C. § 210.14(c), Vivint reserves the right to supplement and amend its defenses and to assert additional defenses as this investigation proceeds.

Vivint hereby adopts and incorporates by reference the affirmative defenses of the other Respondents named in this Investigation.

FIRST AFFIRMATIVE DEFENSE: NONINFRINGEMENT

1. Although Vivint does not bear the burden of proof on this issue, Vivint has not and does not directly infringe, indirectly infringe, contribute to or induce infringement of any

asserted claim of the Asserted Patents, either literally or under the doctrine of equivalents, and has not otherwise committed any acts in violation of 35 U.S.C. § 271 or 19 U.S.C. §§ 1337.

2. Complainants cannot carry their burden of proving that the Vivint Doorbell Camera Pro product identified in the Complaint meets at least the following claim limitations:

- '796 Patent
 - “A system for receiving a person at an entrance comprising: a software application that provides a graphical user interface to a remote peripheral device, which is a cell phone”
 - “an exterior module comprising...(ii) a proximity sensor for detecting the person at the entrance”
 - “(iv) an RF transmitter that transmits, to the software application, digital streaming video that a user of the remote peripheral device may view in real time”
 - “(v) an RF receiver that receives audio from the peripheral device”
 - “wherein the software application is capable of: (i) displaying the streaming video”
 - (iv) receiving a message that the person has been detected at the entrance”
 - “(v) displaying a notification that the person has been detected at the entrance”
 - “wherein the graphical user interface displays one or more icons when the person is detected by the exterior device; and wherein the video transmitted by the exterior device is encrypted”
 - “wherein the exterior module is capable of adjusting the brightness level of the camera”
- '797 Patent
 - “a motion detector”
 - “a keypad having one or more buttons”
 - “wherein the exterior device is capable of wirelessly transmitting digital streaming video, at least partially via the Internet, to a peripheral device, which is a cell phone, upon detection of a person associated with the entrance by the motion detector”

- o “wherein the exterior device is capable of receiving the digital audio from the peripheral device after the person associated with the entrance has been detected”
 - o “wherein the exterior device is capable of playing the digital audio received from the peripheral device through the speaker of the exterior device”
 - o “wherein the exterior device is capable of encrypting the digital streaming video or the digital audio during or before the transmission of the digital streaming video or the digital audio”
 - o “wherein the exterior device is capable of receiving one or more instructions to modify one or more control settings for operation of the camera”
 - o “a motion sensor”
 - o “wirelessly transmitting the recorded video and digital audio from the exterior device to a peripheral device at least partially via the Internet upon detection of the person at the entrance via the motion sensor or pressing of the one or more buttons of the keypad”
 - o “receiving an indication that the one or more buttons of the keypad have been pressed”
 - o “encrypting the recorded video and digital audio transmitted from the exterior device”
 - o “receiving a message from the exterior device”
 - o “sending a message to the exterior device”
 - o “displaying multiple control settings for the exterior device”
- ’660 Patent
 - o “a motion detector”
 - o “wherein the exterior device is capable of receiving the digital audio from a peripheral device after a person associated with the entrance has been detected”
 - o “wherein the exterior device is capable of encrypting the digital streaming video of the digital audio during or before transmission of the digital streaming video or digital audio”

- o “wherein the exterior device is capable of receiving a request to change a sensitivity of the motion detector”
 - o “wherein the exterior device is capable of modifying the sensitivity of the motion detector upon receiving a request to do so”
 - o “wirelessly transmitting streaming video from an interior device upon detection of a person”
 - o “a motion sensor”
 - o “storing the streaming video and digital audio in a database and associating the interior device with the stored streaming video and digital audio”
 - o “replicating at least a portion of the database”
 - o “providing a storage hierarchy for the streaming video and digital audio stored in the database”
 - o “storing the streaming video and digital audio in memory that is part of the interior device”
- ’906 Patent
 - o “transmitting digital streaming video from a device upon detection of a person”
 - o “a motion sensor”
 - o “receiving the digital audio at the device that was captured by a software application used by a peripheral device”
 - o “replicating at least a portion of the database”
 - o “storing the digital streaming video and digital audio in memory that is part of the device”
- ’478 Patent
 - o “a keypad having one or more buttons”
 - o “a software application running on at least one peripheral device, each of said at least one peripheral devices associated with a respective user”
 - o “wherein said computer is configured for communication with each of said at least one peripheral devices to transmit the digital real-time digital video data to at least one peripheral device”

- o wherein the computer executes software, in accordance with which, (i) the association of each of at least one peripheral device with a respective user is maintained”
 - o “(ii) video data from the wireless device is received by a computer upon actuation of a sensor”
 - o “(iii) a graphical user interface is provided through which video data from the wireless device is accessible by each respective user using at least one peripheral device”
 - o “wherein said wireless device comprises a proximity sensor located within the wireless device for detecting the presence of a person”
- ’638 Patent
 - o “a proximity detector”
 - o a keypad having one or more buttons”
 - o “wherein each of said at least one peripheral devices is associated with a respective user”
 - o “wherein said at least one peripheral device comprises a cell phone and is configured to display the video transmitted wirelessly by the camera, receive a message from the person transmitted wirelessly by the camera, receive an alert transmitted wirelessly from the exterior device after pressing of the keypad”

3. Complainants cannot carry their burden of proving that the Vivint Ping Camera product identified in the Complaint meets at least the following independent claim limitations:

- ’660 Patent
 - o “wirelessly transmitting streaming video from an interior device upon detection of a person”
 - o “a motion sensor”
 - o “receiving audio at the interior device that was captured by a peripheral device, which is a cell phone, after the person has been detected by the interior device”
 - o “replicating at least a portion of the database on one or more computers”
 - o “providing a storage hierarchy for the streaming video and digital audio stored in the database”

- o “receiving one or more instructions, at the interior device, to modify two or more control settings for operation of the camera”
 - o “storing the streaming video and digital audio in memory that is part of the interior device”
- ’120 Patent
 - o “a motion sensor”
 - o “wherein the device is capable of wirelessly transmitting digital streaming video to a peripheral device, which is a smartphone, upon detection of a person by the motion sensor”
 - o “a software application capable of operating on a smartphone, wherein the software application is capable of...modifying one or more control parameters associated with the device”
 - o “a database comprising a hierarchy of storage for the digital streaming video captured by the device”

4. Discovery has just begun and Vivint’s investigation is ongoing. Vivint reserves the right to supplement, modify, and/or amend its noninfringement defense during the course of its discovery and investigation.

**SECOND AFFIRMATIVE DEFENSE:
INVALIDITY**

5. All asserted claims of the Asserted Patents are invalid for failure to meet one or more of the requirements set forth in Title 35 of the United States Code, including Sections 101, 102, 103, 112, 115, 116, and/or under the doctrine of obviousness-type double patenting.

6. In particular, all asserted claims of the Asserted Patents are invalid under 35 U.S.C. § 101 as each of the claims is directed to the abstract idea of detecting a person, including detecting or receiving a person at an entrance, and wirelessly communicating with such person. Further, the systems disclosed in the Asserted Patents are nothing more than generic computer systems for implementing that abstract idea, and thus do not disclose an inventive concept that would overcome their abstractness.

7. All asserted claims of the Asserted Patents are also invalid under 35 U.S.C. §§ 101 and 102 as failing to identify Emmanuel Ozoeneh as the inventor or co-inventor of the Asserted Patents, as more fully set forth in Vivint's Sixth Affirmative Defense, which is incorporated by reference.

8. All asserted claims of the Asserted Patents are invalid under 35 U.S.C. §§ 102 and/or 103 in view of at least the prior art identified in Appendix ___ hereto, either alone or in combination. As discovery is just beginning, Vivint reserves the right to rely on additional prior art for the purpose of this affirmative defense insofar as it or the other Respondents identify such art during the course of this Investigation.

9. Additionally, all Asserted Patents share the same written description and purportedly claim priority to U.S. Provisional Patent Application No. 60/418,384, through U.S. Provisional Patent No. 14/338,525 which went abandoned prior to the filing of a continuation application, and thus all Asserted Patents are invalid as anticipated by prior art with identical specifications under 35 U.S.C. § 102(a)(1) or lack of written description under 35 U.S.C. § 112.

10. The Asserted Patents are invalid for indefiniteness, lack of written description and/or enablement. For example, the specification of the Asserted Patents does not adequately support or describe the claim terms "video transmitted wirelessly by the camera," "low-light condition," "in real time," and "said peripheral device comprises a cellular phone" and said claim terms are indefinite.

11. Discovery has just begun and Vivint's investigation is ongoing. Vivint reserves the right to supplement, modify, and/or amend its invalidity defense during the course of its discovery and investigation.

**THIRD AFFIRMATIVE DEFENSE:
LACK OF UNFAIR ACT**

12. Vivint has committed no unfair act.

FOURTH AFFIRMATIVE DEFENSE
NO DOMESTIC INDUSTRY

13. Upon information and belief, an industry does not exist in the United States as required by 19 U.S.C. §§ 1337(a)(2) and (3) relating to articles protected by the Asserted Patents.

FIFTH AFFIRMATIVE DEFENSE:
MISUSE

14. The Asserted Patents were issued based on the applicant's affirmative misrepresentations regarding co-pendency and priority. On information and belief, Complainants intend to use the Asserted Patents, which they know were procured in reliance on such misrepresentations, to exclude competitors from the relevant market.

15. Moreover, Complainant SkyBell is not only aware of applicant's misrepresentations to the PTO, SkyBell has itself represented to a United States District Court that the lack of co-pendency renders the '478 Patent invalid. In an action pending in the Middle District of North Carolina, SkyBell alleged that the '478 Patent and those patents that claim priority to it were invalid, stating:

Still further, the '478 patent is not entitled to an earlier priority date because one of the earlier-filed applications (U.S. Patent App No. 14/338,525) was abandoned while there were no other applications pending and, thus, there was no copendency between two of the applications to which the '478 patent claims priority. The actual priority date for the '478 patent is March 26, 2015, and as a result, several patents to which the '478 patent claims priority are prior art to under 35 U.S.C. § 102(a)(1).

Defendant SkyBell Technologies, Inc.'s Answer, Defenses, and Counterclaims at p. 13, ¶ 27, *Eyetailk365, LLC v. SkyBell Technologies, Inc.*, No. 3:16-cv-00702, Dkt. No. 18, 2017 WL 4330857 (W.D.N.C. May 4, 2017). All of the other Asserted Patents are invalid for the same

reason as averred by Complainant SkyBell in 2017. Complainants' assertion of the Asserted Patents in this Investigation is not in good faith.

16. On information and belief, Complainants seek to use the threat of an exclusion order based on the Asserted Patents—and all harmful effects that result from this threat and that would result from an exclusion order—as a means to coerce Vivint to take a license from Complainants on unfair and unreasonable terms. This overextension of patent rights constitutes patent misuse, and further renders Complainants' Asserted Patents unenforceable in whole or in part.

**SIXTH AFFIRMATIVE DEFENSE:
INEQUITABLE CONDUCT**

17. Upon information and belief, Complainants' claims for relief are barred, in whole or in part, by the doctrine of inequitable conduct.

18. On information and belief, and based on the record of *Carter v. Ozoeneh*, No. 08-00614 (W.D.N.C. 2010), during prosecution of the patents at issue, the inventor, Ronald Carter, knowingly submitted a false declaration with the United States Patent and Trademark Office (the "PTO") certifying that he believed he was the "original, first and sole inventor" of the inventions claimed in the pending applications, even though Carter worked with Emmanuel Ozoeneh to develop and patent the inventions, knew that Ozoeneh was at least a joint inventor of the inventions, and knew that the provisional application originally identified both Carter and Ozoeneh as co-inventors. Carter's statements and omissions regarding inventorship were false, material to patentability, made with intent to deceive the PTO, and were relied upon by the PTO in issuing the Asserted Patents identifying Carter as the sole inventor. Accordingly, Carter's false statements and omissions as to inventorship render the Asserted Patents unenforceable.

19. In addition, when the applicant filed U.S. Provisional App. No. 14/670,044 (the “’044 Application”) on March 26, 2015 as a continuation of U.S. Provisional App. No. 14/338,525 (the “’525 Application”), the applicant falsely misrepresented to the United States Patent and Trademark Office that the ’525 Application was “pending” at the time, even though the applicant knew that the ’525 Application had been abandoned for months, knew that applicant had not responded to Notices issued by the PTO, and knew that applicant had not paid any of the required fees with respect to the ’525 Application. Applicant made such false statements in order to improperly obtain priority to earlier-filed applications sharing the same written description, including U.S. Provisional Patent Application No. 60/418,384, filed on October 15, 2002. Relying on the applicant’s misrepresentation as to co-pendency, the PTO issued the Asserted Patents. Had the applicant disclosed the break in co-pendency to the PTO, the PTO would have found the ’044 Application anticipated by earlier patents in the family containing identical specifications, and would not have allowed the ’044 Application—upon which all Asserted Patents rely to claim priority—to issue.

20. Accordingly, applicant’s claim of priority to October 15, 2002 with respect to all of the Asserted Patents was false because the co-pendency requirements were not satisfied. These false claims were highly material because they allowed applicant to avoid prior art and obtain patent claims to which it would not otherwise be entitled. Thus, applicant intended to mislead the PTO by incorrectly claiming priority dates as to all of the Asserted Patents. In light of the materiality of applicant’s misrepresentations, and the totality of the circumstances as to applicant’s intent to mislead, the applicant’s false claims of priority render the applicant’s repeated misconduct so culpable as to render the Asserted Patents unenforceable.

**SEVENTH AFFIRMATIVE DEFENSE:
UNCLEAN HANDS**

21. Upon information and belief, Complainants are barred under the doctrine of unclean hands from obtaining any recovery against Vivint. In particular, Complainants are barred from obtaining recovery for infringement of patents that were procured in reliance on misrepresentations to the PTO. In addition, SkyBell has itself represented to a United States District Court that the lack of co-pendency renders the '478 Patent and those patents that claim priority to it were invalid. Complainants' assertion of patents they know are invalid constitutes unclean hands barring any recovery.

**EIGHTH AFFIRMATIVE DEFENSE:
NO IMPORTATION**

22. Complainants are barred, in whole or in part, from asserting the Asserted Patents against Accused Products that are not imported into the United States.

**NINETH AFFIRMATIVE DEFENSE:
ESTOPPEL**

23. Complainants are barred, in whole or in part, from asserting the Asserted Patents by estoppel, including but not limited to prosecution history estoppel.

24. On information and belief, Complainants are estopped by virtue of the cancellations, amendments, representations, and concessions made to the PTO during the prosecution of the applications for the Asserted Patents and related patents and patent applications, from construing any asserted claim to have been infringed by any Vivint Accused Product.

25. Complainants are further estopped from asserting the Asserted Patents by nature of their abandonment of the '525 Application, which caused a break in co-pendency, rendering

all later-filed patents and applications invalid as set forth above in Vivint's Second Affirmative Defense, which is incorporated by reference.

**TENTH AFFIRMATIVE DEFENSE:
ENSNAREMENT**

26. On information and belief, Complainants' are barred by the doctrine of ensnarement. Complainants are precluded from asserting infringement under the doctrine of equivalents if it will encompass or ensnare the prior art.

RELIEF REQUESTED

Wherefore, Vivint respectfully requests that the Commission:

- a) Determine that no domestic industry exists for the Asserted Patents;
- b) Determine that Vivint has not infringed the Asserted Claims of the Asserted patents;
- c) Determine that the Asserted Claims of the Asserted Patents are invalid;
- d) Determine that Vivint has not violated Section 337 of the Tariff Act of 1930, as amended;
- e) Deny all of Complainants' requests for exclusion against Vivint's products;
- f) Award Vivint its attorneys' fees and costs incurred in responding to the Complaint and defending this Investigation; and
- g) Deny Complainants' requests for a limited exclusion order.

VIVINT'S STATEMENT UNDER RULE 210.13(b)

1. Pursuant to Commission Rule 210.13(b), Vivint provides the following information with the sole intention of supplying data set forth in 19 C.F.R. § 210.13(b). Vivint specifically denies that any of the supplied data refers or relates to any unlawful act under

Section 337 or otherwise, and Vivint specifically denies that its products or systems infringe any of the claims of the Asserted Patents.

2. From Complainants' Complaint, Vivint understands that Complainants contend the accused Vivint products in this Investigation are the Vivint Doorbell Camera Pro and the Vivint Ping camera.

3. The approximate volume and value of the accused Vivint Doorbell Camera Pro during the 12 months ending January 2021 is identified in Paragraph 1 of Confidential Appendix B hereto.

4. The approximate volume and value of the accused Vivint Ping during the 12 months ending January 2021 is identified in Paragraph 3 of Confidential Appendix B hereto.

5. The Harmonized Tariff Schedule item number for importation of the Vivint Doorbell Camera Pro and Vivint Ping is 8525.80.4000. Discovery has just begun and Vivint's investigation is ongoing, and Vivint reserves the right to amend this information during the course of discovery if additional evidence is identified.

6. The suppliers of the accused Vivint products are identified in Paragraphs 5 and 6 of Confidential Appendix B hereto.

7. Because Vivint has relied on third parties for the supply and manufacture of the accused Vivint Doorbell Camera Pro and Vivint Ping camera products, the current capacity to produce the accused Doorbell Camera Pro and Vivint Ping Camera products is unknown. Vivint is not able to determine the percentage share of Vivint's sales associated with the accused Doorbell Camera Pro and Vivint Ping camera products. Discovery has just begun and Vivint's investigation is ongoing, and Vivint reserves the right to amend this information during the course of discovery if additional evidence is identified.

Dated: February 25, 2021

Respectfully Submitted,



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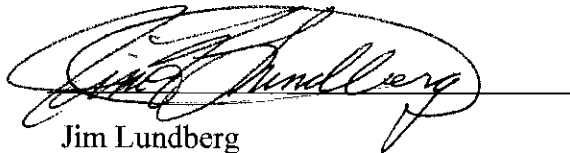
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VERIFICATION

I, Jim Lundberg, am Vice President and Deputy General Counsel for Vivint Smart Home, Inc. I am authorized to make this verification on behalf of Vivint. I have read **VERIFIED RESPONSE OF RESPONDENT VIVINT SMART HOME, INC. TO COMPLAINT OF SKYBELL TECHNOLOGIES, INC., SB IP HOLDINGS, LLC, AND EYETALK 365, LLC, AND TO NOTICE OF INVESTIGATION** and know its contents.

I am informed and believe that the matters stated herein are true, and on that ground only, and not based upon personal knowledge of the matters stated herein, I declare under penalty of perjury that the same are true and correct.

Dated: February 25, 2021

A handwritten signature in black ink, appearing to read "Jim Lundberg", is written over a horizontal line.

Jim Lundberg
Vice President & Deputy General Counsel
Vivint Smart Home, Inc.

APPENDIX A

LIST OF PRIOR ART

Appendix A

Identification of Prior Art to the Asserted Patents

Vivint Smart Home, Inc. incorporates by reference the prior art cited on the face of any Asserted Patent.

Vivint further identifies the patent applications and/or patents in the same family as the Asserted Patents that were filed or issued prior to the break in the priority chain, including: U.S. Patent Application Ser. No. 14/338,525, filed Jul. 23, 2014, and which is a U.S. continuation patent application of, and purports to claim the benefit under 35 U.S.C. § 120, U.S. Patent Application Ser. No. 13/453,100, filed Apr. 23, 2012, published as U.S. Patent Application No. US 2012/0262581, now abandoned, and which the '100 application is a U.S. continuation patent application of, and purports to claim priority under 35 U.S.C. § 120 to, U.S. Patent Application Ser. No. 11/929,464, filed Oct. 30, 2007, now granted as U.S. Pat. No. 8,164,614, and which '464 application is a U.S. continuation patent application of, and purports to claim priority under 35 U.S.C. § 120 to, U.S. Patent Application Ser. No. 11/618,615, filed Dec. 29, 2006, which granted as U.S. Pat. No. 8,154,581, and which '615 application is a U.S. continuation-in-part patent application of, and purports to claim priority under 35 U.S.C. § 120 to, U.S. Patent Application Ser. No. 10/682,185, filed Oct. 9, 2003, published as U.S. Patent Application Publication No. US 2005/0285934 A1, and now granted as U.S. Pat. No. 7,193,644, which patent application is a nonprovisional patent application of U.S. Patent Application Ser. No. 60/418,384, filed on Oct. 15, 2002.

Vivint further identifies the prior art listed below.

U.S. Patent No. 5,151,945

U.S. Patent No. 5,428,388

U.S. Patent No. 5,717,379
U.S. Patent No. 5,861,804
U.S. Patent No. 5,878,283
U.S. Patent No. 6,060,994
U.S. Patent No. 6,064,303
U.S. Patent No. 6,069,655
U.S. Patent No. 6,097,429
U.S. Patent No. 6,104,785
U.S. Patent No. 6,134,303
U.S. Patent No. 6,185,294
U.S. Patent No. 6,359,560
U.S. Patent No. 6,385,772
U.S. Patent No. 6,400,265
U.S. Patent No. 6,421,080
U.S. Patent No. 6,424,371
U.S. Patent No. 6,476,858
U.S. Patent No. 6,542,078
U.S. Patent No. 6,816,085
U.S. Patent No. 6,828,909
U.S. Patent No. 6,943,682
U.S. Patent No. 6,956,478
U.S. Patent No. 7,012,523
U.S. Patent No. 7,019,770

U.S. Patent No. 7,113,090
U.S. Patent No. 7,119,609
U.S. Patent No. 7,193,644
U.S. Patent No. 7,242,295
U.S. Patent No. 7,277,010
U.S. Patent No. 8,154,581
U.S. Patent No. 8,164,614
U.S. Patent No. 9,250,267
U.S. Patent No. 9,300,921
Published U.S. App. 2002/0016971
Published U.S. App. 2002/0030583
Published U.S. App. 2002/0071031
Published U.S. App. 2002/0075307
Published U.S. App. 2002/0076049
Published U.S. App. 2002/0147982
Published U.S. App. 2003/0046557
Published U.S. App. 2003/0062997
Published U.S. App. 2003/0071724
Published U.S. App. 2003/0095184
Published U.S. App. 2003/0095185
Published U.S. App. 2003/0122514
Published U.S. App. 2004/0036603
Published U.S. App. 2004/0080615

Published U.S. App. 2004/0080627

Published U.S. App. 2005/0001717

Published U.S. App. 2005/0165612

Published U.S. App. 2005/0285934

Published U.S. App. 2006/0095539

Published U.S. App. 2006/0171453

Published U.S. App. 2006/0255931

Published U.S. App. 2007/0103548

Published U.S. App. 2008/0117299

Published U.S. App. 2009/0224912

Published U.S. App. 2019/0058720

CA 2228679

CN 2589640

DE 10039263

FR 2759804

GB 2285365

GB 2357387

GB 2377582

JPH 09-107409

JPH 11-112494

JPH 11-224383

KR 100373449

KR 19980039422

KR 20010035246

KR 20010074212

WO 99/06976

WO 01/027763

WO 01/050731

WO 02/05220

WO 02/065420

WO 03/028375

CHING-KAI HUANG & TSUHAN CHEN, MOTION ACTIVATED VIDEO SURVEILLANCE USING TI DSP (Carnegie Mellon Univ. Aug. 4-6, 1999),
<http://www.ti.com/sc/docs/general/dsp/fest99/avi/1paper.pdf>.

D.J. ATKINSON ET AL., VIDEO SURVEILLANCE EQUIPMENT SELECTION AND APPLICATION GUIDE 201-99 (Nat'l Inst. of Just. Oct. 1999),
<https://www.ojp.gov/pdffiles1/nij/179545.pdf>.

DUY NGUYEN, MOBILE HOME SECURITY WITH GPRS, Edith Cowan Univ. 2002,
https://ro.ecu.edu.au/cgi/viewcontent.cgi?article=1338&context=theses_hons.

John Schwartz, Nanny-Cam May Leave a Home Exposed, N.Y. Times, Apr. 14, 2002,
<https://www.nytimes.com/2002/04/14/business/nanny-cam-may-leave-a-home-exposed.html>.

MARCO RAGGIO ET AL., SCALABLE MULTIMEDIA SYSTEMS FOR INTERACTIVE SURVEILLANCE AND VIDEO COMMUNICATIONS APPLICATIONS, IEEE 10th European Signal Processing Conference, Sept. 4-8 2000,
<https://ieeexplore.ieee.org/document/7075784>.

XCAM2 AND WIDE EYE INDOOR/OUTDOOR WIRELESS CAMERA SYSTEM, OWNER'S MANUAL, X10 Wireless Techs., Inc.,
http://www.electronicoscaldas.com/datasheet/XCam2-WideEye_X10.pdf.

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

**Before the Honorable Dee Lord
Administrative Law Judge**

In the Matter of:

CERTAIN IP CAMERA SYSTEMS
INCLUDING VIDEO DOORBELLS AND
COMPONENTS THEREOF

Inv. No. 337-TA-1242

I, Charles S. Barquist, hereby certify that on February 25, 2021, a copy of Verified Response of Respondent Vivint Smart Home, Inc. to Complaint of Skybell Technologies, Inc., SB IP Holdings, LLC and Eyetalk 365, LLC, and to the Notice of Investigation was served on the following as indicated:

The Honorable Lisa R. Barton

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Via EDIS

The Honorable Dee Lord

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