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U.S. INT'L TRADE COMM.  
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DOCKET NUMBER  2698  ----- Office of the Secretary Int'l Trade Commission
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Frederick P. Fish  
1855-1930

W.K. Richardson  
1859-1951

VIA HAND DELIVERY

December 1, 2009

The Honorable Marilyn R. Abbott  
Secretary  
U.S. International Trade Commission  
500 E Street, S.W.  
Washington, D.C. 20436

Re: Certain Liquid Crystal Display Devices and Products Containing Same,  
USITC Inv. No. 337-TA-



ATLANTA

AUSTIN

BOSTON

DALLAS

DELAWARE

HOUSTON

MUNICH

NEW YORK

SAN DIEGO

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

Dear Secretary Abbott:

Enclosed for filing on behalf of Samsung Electronics Co., Ltd. are the following documents in support of Samsung's request that the Commission commence an investigation pursuant to the provisions of section 337 of the Tariff Act of 1930 as amended. Please note that Confidential Exhibits 19 and 25 contain confidential business information. Pursuant to the Commission's Rules of Practice and Procedure, a request for confidential treatment of these documents is concurrently transmitted with this filing. Accordingly, Samsung submits the following:

1. an original and twelve (12) copies of Samsung's verified Complaint (original and one copy unbound, without tabs) (Rules 201.8(d) and 210.8(a));
2. six (6) copies of the non-confidential exhibits to the Complaint and six (6) copies of the confidential version (Rules 201.6(c), 210.4(f)(3)(i), and 210.8(a));
3. three additional copies of the Complaint and accompanying exhibits for service upon the three proposed respondents (Rules 210.8(a) and Rule 210.11(a));
4. one (1) copy of the Complaint and one (1) copy of the non-confidential exhibits for service on the Embassy of Japan (Rules 210.8(a) and 210.11(a));
5. a certified copy of the United States Patent No. 5,844,533 (the '533 patent) (Rule 210.12(a)(9)(i));

The Honorable Marilyn R. Abbott  
December 1, 2009  
Page 2

6. a certified copy of the United States Patent No. 6,88,585 (the '585 patent) (Rule 210.12(a)(9)(i)) (Exhibit 2);
7. a certified copy of the United States Patent No. 7,436,479 (the '479 patent) (Rule 210.12(a)(9)(i)) (Exhibit 3);
8. a certified copy of the assignment of the '533 patent (Rule 210.12(a)(9)(ii)) (Exhibit 4);
9. a certified copy of the assignment of the '585 patent (Rule 210.12(a)(9)(ii)) (Exhibit 4);
10. a certified copy of the assignment of the '479 patent (Rule 210.12(a)(9)(ii)) (Exhibit 4);
11. an original and three copies of the certified prosecution history of the '533 patent (Rule 210.12(c)(2)) (Appendix A);
12. an original and three copies of the certified prosecution history of the '585 patent (Rule 210.12(c)(2)) (Appendix B);
13. an original and three copies of the certified prosecution history of the '479 patent (Rule 210.12(c)(2)) (Appendix C);
14. four copies of each reference document mentioned in the prosecution history of the '533, '585, and '479 patents (Rule 210.12(c)(3)); and
15. a letter and certification pursuant to Commission Rules 210.6(b) and 210.5(d) requesting confidential treatment of Confidential Exhibits 19 and 25.

Respectfully Submitted,



Ruffin B. Cordell

Enclosure

# FISH & RICHARDSON P.C.

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MUNICH

NEW YORK

SAN DIEGO

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

Dear Secretary Abbott:

I am counsel for Samsung Electronics Co., Ltd. In accordance with 19 C.F.R. 201.6, Samsung requests confidential treatment of the confidential business information contained in Confidential Exhibits 19 and 25, included with Samsung's Complaint under Section 337 of the Tariff Act, as amended.

Confidential treatment is sought for the information contained in Confidential Exhibit 19, which contains a list of licensees to the involved U.S. letters patent. Confidential Exhibit 25 contains Samsung's declarations regarding domestic industry pursuant to Rule 201.2(a)(1) in that:

- a. it is not available to the public;
- b. unauthorized disclosure of such information could cause substantial harm to the competitive position of Samsung; and
- c. the disclosure of which could impair the Commission's ability to obtain information necessary to perform its statutory functions.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Ruffin B. Cordell', written in a cursive style.

Ruffin B. Cordell

Enclosure

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

In the Matter of

CERTAIN LIQUID CRYSTAL DISPLAY  
DEVICES AND PRODUCTS CONTAINING  
THE SAME

Investigation No. 337-TA-\_\_\_\_\_

**COMPLAINT OF SAMSUNG ELECTRONICS CO., LTD.  
UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED**

COMPLAINANT

Samsung Electronics Co., Ltd.  
Samsung Main Bldg.  
250, 2-ga, Taepyeongno, Jung-gu,  
Seoul, Korea 100-742  
Telephone: 011-82-2-727-7262

PROPOSED RESPONDENTS

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22-22 Nagaike-cho, Abeno-ku,  
Osaka 545-8522, Japan  
Telephone: 81-6-6621-1221

Sharp Electronics Corporation  
Sharp Plaza  
Mahwah, New Jersey 07430-2135  
Telephone: (201) 529-8200

Sharp Electronics Manufacturing  
Company of America, Inc.  
9295 Siempre Viva Road, Suite J2,  
San Diego, California 92154  
Telephone: (619) 671-0960

COUNSEL FOR COMPLAINANT

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**TABLE OF CONTENTS**

I. INTRODUCTION ..... 1

II. COMPLAINANT ..... 2

III. PROPOSED RESPONDENTS..... 3

IV. THE TECHNOLOGIES AND PRODUCTS AT ISSUE ..... 4

V. THE SAMSUNG PATENTS ..... 4

    A. The '533 Patent..... 4

        1. Identification of the Patent and Ownership by Samsung..... 5

        2. Non-Technical Description of the Patented Invention ..... 5

        3. Foreign Counterparts to the '533 Patent ..... 6

    B. The '585 Patent..... 6

        1. Identification of the Patent and Ownership by Samsung..... 6

        2. Non-Technical Description of the Patented Invention ..... 7

        3. Foreign Counterparts to the '585 Patent..... 8

    C. The '479 Patent..... 8

        1. Identification of the Patent and Ownership by Samsung..... 8

        2. Non-Technical Description of the Patented Invention ..... 8

        3. Foreign Counterparts to the '479 Patent..... 9

VI. UNLAWFUL AND UNFAIR ACTS OF PROPOSED RESPONDENTS ..... 9

VII. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE ..... 11

VIII. LICENSEES ..... 12

IX. DOMESTIC INDUSTRY ..... 12

X. RELATED LITIGATION ..... 14

XI. REQUESTED RELIEF ..... 14

## LIST OF EXHIBITS

<b>Exhibit No.</b>	<b>Description</b>
1.	U.S. Patent No. 5,844,533 (“the ’533 patent”)
2.	U.S. Patent No. 6,888,585 (“the ’585 patent”)
3.	U.S. Patent No. 7,436,479 (“the ’479 patent”)
4.	Assignments of the ’533, ’585, and ’479 Patents to Samsung
5.	Samsung’s Quarterly Report
6.	Samsung’s Annual Report
7.	Hoover’s Report for Sharp Corporation
8.	Sharp Corporation’s Annual Report
9.	Internet Site of Sharp Electronics Corporation
10.	D&B Report for Sharp Electronics Manufacturing Company of America, Inc.
11.	Photographs of the Accused Products
12.	User Manuals of the Accused Products
13.	Table of Foreign Counterparts to the ’533, ’585, and ’479 Patents
14.	Claim Chart Demonstrating Sharp’s Infringement of the ’533 Patent
15.	Claim Chart Demonstrating Sharp’s Infringement of the ’585 Patent
16.	Claim Chart Demonstrating Sharp’s Infringement of the ’479 Patent
17.	Internet Site Depicting Availability of Accused Products for Purchase
18.	Photographs of Product Packaging and Copies of Receipts
19.	<b>Confidential:</b> Licensees to the ’533, ’585, and ’479 Patents
20.	Photographs of Samsung’s Domestic Industry Products
21.	WITHDRAWN

22. Claim Chart Demonstrating Samsung's Practice of the '533 Patent
23. Claim Chart Demonstrating Samsung's Practice of the '585 Patent
24. Claim Chart Demonstrating Samsung's Practice of the '479 Patent
25. **Confidential:** Declaration Regarding Domestic Industry

## LIST OF APPENDICES

<b>Appendix No.</b>	<b>Description</b>
A.	Four copies of the prosecution history of the '533 Patent
B.	Four copies of the prosecution history of the '585 Patent
C.	Four copies of the prosecution history of the '479 Patent
D.	Four copies of each reference mentioned in the prosecution histories of the '533, '585, and '479 Patents

## **I. INTRODUCTION**

1.1 Samsung Electronics Co., Ltd. (“SEC”, “Samsung” or “complainant”) requests that the United States International Trade Commission commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”), to remedy the unlawful importation into the United States, sale for importation into the United States, and/or sale within the United States after importation by the owner, importer, or consignee, of certain liquid crystal display (“LCD”) devices and products containing the same (collectively referred to as “the accused products”) that infringe valid and enforceable United States patents owned by Samsung.

1.2 On information and belief, the proposed respondents, Sharp Corporation (“Sharp Corp.”), Sharp Electronics Corporation (“Sharp USA”) and Sharp Electronics Manufacturing Company of America, Inc. (“SEMA”) (collectively “Sharp” or “respondents”), have engaged in unfair acts in violation of Section 337 through and in connection with the unlicensed importation into the United States, sale for importation into the United States, and/or sale within the United States after importation of accused products that infringe one or more claims of United States Patent Nos. 5,844,533 (“the ’533 patent”), 6,888,585 (“the ’585 patent”), 7,436,479 (“the ’479 patent”) (collectively, “the Samsung patents” or “the asserted patents”).

1.3 Samsung asserts that the accused products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1, 3, and 6 of the ’533 patent; claims 1, 4-5, 7-8, 10-11, and 14 of the ’585 patent; and claims 1-11 and 13-20 of the ’479 patent, (collectively, “the asserted claims”).

1.4 Certified copies of the '533, '585 and '479 patents accompany this Complaint as **Exhibits 1, 2, and 3**, respectively. SEC owns by assignment the entire right, title, and interest in and to these patents. A certified copy of each of the recorded assignments accompanies this Complaint as **Exhibit 4**.

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

1.6 Samsung seeks a permanent exclusion order, pursuant to Section 337(d), excluding from entry into the United States all of the proposed respondents' accused products that infringe one or more claims of the asserted patents. Samsung also seeks a permanent cease and desist order, pursuant to Section 337(f), directing the proposed respondents to cease and desist from the importation, marketing, advertising, demonstrating, and warehousing inventory of such accused products for distribution, sale and use in the United States.

## **II. COMPLAINANT**

2.1 Samsung Electronics Co., Ltd. ("SEC") is a corporation organized under the laws of Korea, with its principal place of business at 250, Taepyeongno 2-ga, Jung-gu, Seoul, 100-742, Korea. Founded in 1938, SEC has grown to become a world leader in the design, manufacture and marketing of a wide variety of electronic products, ranging from innovative consumer electronics to semiconductors. Additional information concerning SEC can be obtained from SEC's most recent Quarterly and Annual Reports, which accompany this Complaint as **Exhibits 5 and 6**, respectively.

2.2 SEC is one of the largest manufacturers of liquid crystal display (“LCD”) products in the world. SEC plays a large role in the world marketplace for LCD technology, both in research and development as well as manufacturing and sales.

### **III. PROPOSED RESPONDENTS**

3.1 On information and belief, proposed respondent Sharp Corporation (“Sharp Corp.”) is a corporation organized under the laws of Japan with its principal place of business at 22-22 Nagaike-cho, Abeno-ku, Osaka 545-8522, Japan. Sharp Corporation is a global electronics manufacturer with a focus on consumer and information products, such as LCD televisions and mobile phones, and on electronic components, such as LCDs and large-scale integrated circuits (LSIs). The Company operates a Consumer/Information Products business and a Electronic Components business. The Consumer/Information Products business includes audio-visual and communication equipment, home appliances and information equipment. The Electronic Components business includes LSIs, LCDs and other electronic components. (See **Exhibit 7**.)

3.2 On information and belief, Sharp Corp. develops, manufactures, and markets LCD devices that infringe the asserted patents. On information and belief, the accused LCD devices (including LCD panels, modules, and products containing LCD modules and panels such as televisions, monitors and professional displays) are manufactured, assembled, and/or packaged and tested outside of the United States for Sharp Corp. On information and belief, Sharp Corp. and/or others then import the accused LCD devices into the United States, sell them after they have been imported into the United States, or sell them for importation into the United States. (See **Exhibit 8**.)

3.3 On information and belief, proposed respondent Sharp Electronics Corporation (“Sharp USA”) is a corporation organized under the laws of New York with its principal place of business at Sharp Plaza, Mahwah, New Jersey 07430-2135. Sharp USA, which is a wholly owned subsidiary of Sharp Corp., serves as the United States sales and marketing arm of Japan’s Sharp Corp. Sharp USA was established in the United States marketplace in 1962. The company's headquarters is located in Mahwah, New Jersey. On information and belief, Sharp USA distributes the accused LCD devices in the United States. (See **Exhibit 9**.)

3.4 On information and belief, proposed respondent Sharp Electronics Manufacturing Company of America, Inc. (“SEMA”) is a corporation organized under the laws of California with its principal place of business at 9295 Siempre Viva Road, Suite J2, San Diego, California 92154. SEMA, which is a subsidiary of Sharp USA, is involved in sales of consumer electronics. On information and belief, SEMA is involved in the sales of Sharp’s LCD products in the United States. (See **Exhibit 10**.)

#### **IV. THE TECHNOLOGIES AND PRODUCTS AT ISSUE**

4.1 The technologies at issue relate generally to various aspects of liquid crystal displays.

4.2 The accused products and the Samsung products that practice the asserted patents are LCD devices including LCD panels and modules, and products containing LCD panels and modules, including, but not limited to, LCD televisions, LCD monitors, and LCD professional displays.

#### **V. THE SAMSUNG PATENTS**

##### **A. The '533 Patent**

## 1. Identification of the Patent and Ownership by Samsung

5.1 U.S. Patent No. 5,844,533 (“the ’533 patent”) is entitled “Gray Scale Liquid Crystal Display” and issued on December 1, 1998. The ’533 patent issued from U.S. Patent Application Serial No. 10/980,656 filed on November 3, 2004, which is a continuation of U.S. Patent Application Serial No. 08/531,869, filed September 21, 1995, now abandoned, which is a division of U.S. Patent Application Serial No. 08/238,444, filed May 5, 1994, now U.S. Patent No. 5,465,102, which is a division of U.S. Patent Application Serial No. 07/866,744 filed on April 10, 1992, now U.S. Patent No. 5,347,294. The ’533 patent identifies Minoru Usui, Kouji Yamagishi, Ken Yoshino, Hideki Mori, and Tomohiro Mogi as the inventors.

5.2 Complainant SEC is the owner, by valid assignment, of the entire right, title and interest in and to the ’533 patent. See Exhibit 4. The ’533 patent is valid, enforceable, and is currently in full force and effect.

5.3 Pursuant to Rule 210.12(c) of the Commission’s Rules of Practice and Procedure, this Complaint is accompanied by **Appendices A and D** containing: a certified copy and three additional copies of the prosecution history of the ’533 patent (appendix A); and four copies of each reference mentioned in that prosecution history (Appendix D).

## 2. Non-Technical Description of the Patented Invention<sup>1</sup>

5.4 The ’533 patent relates to a liquid crystal display device, and more particularly to generating high quality gray scale images in an LCD device. The ability to accurately present gray scale images is an important characteristic of high quality LCD display devices. The inability to generate high quality gray scale images degrades the

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<sup>1</sup> The text in this complaint, including this section (i.e., “Non-Technical Description of the Patented Invention”), does not, and is not intended to, construe either the specification or claims of the patent.

overall picture quality in LCD displays. In particular, prior art systems were unable to create high quality gray scale images while maintaining high response speed. Moreover, prior art systems required excessive control data bits to generate better quality images. The '533 patent includes a device and method that achieves high quality gray scale images at a faster response rate and using reduced control data. One embodiment of the '533 patent shows, for example, an LCD device that stores and compares gray scale image data received in consecutive time periods and generates gray scale output data to drive the liquid crystal display based on stored gray scale image data. By using data from consecutive time periods, the LCD device can generate, for example, gray scale output data for a fast LCD response speed and high display quality. This high quality gray scale image output results in a far better overall LCD display.

### **3. Foreign Counterparts to the '533 Patent**

5.5 The foreign counterparts to the '533 patent are listed in **Exhibit 13**. No other foreign patents or patent applications corresponding to the '533 patent have been filed, abandoned, withdrawn or rejected.

#### **B. The '585 Patent**

##### **1. Identification of the Patent and Ownership by Samsung**

5.6 U.S. Patent No. 6,888,585 (“the '585 patent”) is entitled “Control Signal Unit For A Liquid Crystal Display” and issued on May 3, 2005. The '585 patent issued from U.S. Patent Application Serial No. 09/964639 filed on September 28, 2001. The '585 patent identifies Dong-Gyu Kim as the inventor.

5.7 Complainant SEC is the owner, by valid assignment, of the entire right, title and interest in and to the '585 patent. See Exhibit 4. The '585 patent is valid, enforceable, and is currently in full force and effect.

5.8 Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by **Appendices B and D** containing: a certified copy and three additional copies of the prosecution history of the '585 patent (Appendix B); and four copies of each reference mentioned in that prosecution history (Appendix D).

## **2. Non-Technical Description of the Patented Invention<sup>2</sup>**

5.9 The '585 patent relates to a control signal unit in an LCD device that overcomes problems in the prior art caused by discharge of static electricity. The '585 patent speaks to a control signal unit itself and a method for manufacturing that unit. One aspect of the '585 patent relates to mitigating the effects of static discharge causing a conductor failure. In some LCD display panels, static discharge causes overheating at certain points in the display, which can significantly degrade image quality. In one embodiment of the invention, the control unit includes a substrate, a signal line formed on the substrate, and an insulating layer covering the signal line. A contact hole exposes the signal line with a predetermined width. The contact hole has a lateral side bordering on the signal line. The lateral side of the contact hole is longer than the width of the contact hole, producing a different physical arrangement of the elements. A subsidiary signal pad is connected to the signal line through the contact hole. By producing contact holes and signal lines having the characteristics set forth in the '585 patent, static discharge problems are reduced or eliminated, thus reducing the failure rate in devices built with this technology.

### **3. Foreign Counterparts to the '585 Patent**

5.10 The foreign counterparts to the '585 patent are listed in **Exhibit 13**. No other foreign patents or patent applications corresponding to the '585 patent have been filed, abandoned, withdrawn or rejected.

#### **C. The '479 Patent**

##### **1. Identification of the Patent and Ownership by Samsung**

5.11 U.S. Patent No. 7,436,479 (“the '479 patent”) is entitled “Thin Film Panel For Preventing Stitch Defect” and issued on October 14, 2008. The '479 patent issued from U.S. Patent Application Serial No. 11/747719 filed on May 11, 2007, which is a continuation of U.S. Patent Application Serial No. 10/991,610 filed on November 17, 2004, now U.S. Patent No. 7,221,423. The '479 patent identifies Myung-Jae Park, Young-Joon Rhee, Hyeong-Jun Park, and Hyang-Shik Kong as the inventors.

5.12 Complainant SEC is the owner, by valid assignment, of the entire right, title and interest in and to the '479 patent. See Exhibit 4. The '479 patent is valid, enforceable, and is currently in full force and effect.

5.13 Pursuant to Rule 210.12(c) of the Commission’s Rules of Practice and Procedure, this Complaint is accompanied by **Appendices C and D** containing: a certified copy and three additional copies of the prosecution history of the '479 patent (Appendix C); and four copies of each reference mentioned in that prosecution history (Appendix E).

##### **2. Non-Technical Description of the Patented Invention<sup>3</sup>**

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<sup>2</sup> The text in this complaint, including this section (i.e., “Non-Technical Description of the Patented Invention”), does not, and is not intended to, construe either the specification or claims of the patent.

<sup>3</sup> The text in this complaint, including this section (i.e., “Non-Technical Description of the Patented Invention”), does not, and is not intended to, construe either the specification or claims of the patent.

5.14 The '479 patent relates generally to improving image quality in an LCD device. Improved image quality is one of the primary selling characteristics of LCD devices. Thin film display panels carry intersecting signal lines with various crossings and connections. Misaligned signal lines and groups of pixels can occur in an LCD panel during manufacture, and can generate parasitic capacitances that result in differences in brightness at the boundaries of the groups of pixels. The '479 patent deals with how the signal lines are disposed with respect to each other and to other components. By managing the relationship between the positions of various elements, the '479 patent improves image quality. In an exemplary embodiment, the '479 patent discloses configurations of signal lines, pixel electrodes and insulators to eliminate or reduce these image defects.

### **3. Foreign Counterparts to the '479 Patent**

5.15 The foreign counterparts to the '479 patent are listed in **Exhibit 13**. No other foreign patents or patent applications corresponding to the '479 patent have been filed, abandoned, withdrawn or rejected.

## **VI. UNLAWFUL AND UNFAIR ACTS OF THE PROPOSED RESPONDENTS**

6.1 On information and belief, the accused products infringe at least claims 1, 3, and 6 of the '533 patent, claims 1, 4-5, 7-8, 10-11, and 14 of the '585 patent; and claims 1-11 and 13-20 of the '479 patent. On information and belief, the accused products are manufactured, assembled and/or packaged and tested outside of the United States, specifically, at least in Mexico. These same products are then imported into the United States, sold for importation into the United States, and/or sold after importation in the United States. The aforesaid acts of Respondents constitute direct, contributory and/or infringement by inducement of the asserted claims of Samsung's patents. The importation

into the United States, sale for importation into the United States, and/or sale after importation in the United States of the accused Sharp LCD devices directly infringes the asserted claims 1 and 3 of the '533 patent, claims 1, 4-5, 7-8, 10-11, and 14 of the '585 patent; and claims 1-11 and 13-20 of the '479 patent.

6.2 Sharp Corp. is a contributory infringer of the asserted claims because its accused LCD modules and panels are incorporated into LCD products that practice the claimed inventions, are not staple articles or commodities of commerce suitable for substantial non-infringing use, and are known by Sharp Corp. to be specially adapted for use in practicing the inventions of the asserted patents.

6.3 Respondents also actively induce others to infringe the asserted claims through the importation into the United States, sale for importation into the United States, and/or sale after importation in the United States of the accused Sharp LCD devices, and the sale of infringing LCD modules and panels to others for incorporation into LCD products such as televisions, monitors and professional displays that infringe the asserted claims. Respondents further actively induce others to infringe the asserted claims through the importation into the United States and the sale after importation in the United States of the accused Sharp LCD devices along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the accused LCD devices. Further discovery may reveal that additional claims of the asserted patents are infringed by the accused products.

6.4 Sharp has been given actual notice of its infringement of the asserted patents by Samsung's service of this Complaint, which is being served on Sharp at the time of filing

with the U.S. International Trade Commission. Sharp has continued to infringe the asserted patents after receiving notice of said infringement.

6.5 The accused products that infringe the asserted claims 1, 3, and 6 of the '533 patent, claims 1, 4-5, 7-8, 10-11, and 14 of the '585 patent; and claims 1-11 and 13-20 of the '479 patent include, but are not limited to, at least the Sharp AQUOS LC40E77UN 40" 1080p LCD HDTV ("40" AQUOS HDTV") and the Sharp AQUOS LC46E77UN 46" 1080p LCD HDTV ("46" AQUOS HDTV"), (collectively "AQUOS HDTVs"). Further discovery may reveal additional infringing products and/or models. Photographs of the infringing AQUOS HDTVs are attached to this Complaint as **Exhibit 11**. A copy of the user manual for the representative 40" AQUOS HDTV is attached to this Complaint as **Exhibit 12**.

6.6 Claim charts demonstrating how independent claims 1 and 6 the '533 patent, independent claims 1 and 14 of the '585 patent, and independent claim 1 of the '479 patent read on the representative 40" AQUOS HDTV are attached as **Exhibits 14, 15 and 16**, respectively.

## **VII. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE**

7.1 On information and belief, Sharp, and/or others on its behalf, manufacture the accused products outside of the United States, at least in Mexico, and then import them into the United States, sell them for importation into the United States and/or sell them after importation into the United States. For example, attached **Exhibit 17** is a description of an offer for sale of the 40" AQUOS HDTVs on Sharp USA's Internet site.

7.2 In or about August 2009, the 40" and 46" AQUOS HDTV accused products were purchased in the United States. Labels on the devices and product packaging indicate

that the AQUOS HDTVs were manufactured in Mexico. Attached as **Exhibit 18** are photographs of the product packaging and a copy of the receipt for each of the AQUOS HDTVs reflecting the purchase of the accused products in the United States. Further discovery likely will reveal additional specific acts of Sharp's importation, sale for importation, and/or sale after importation of the accused products.

7.3 The accused products and/or downstream products that incorporate the accused products (including the AQUOS HDTVs) are believed to fall within at least the following classifications of the Harmonized Tariff Schedules of the United States: 8517.12.00.20–8517.12.00.80, 8517.18.00.10–8517.18.00.50, 8528.72.28.00, 8528.72.32.05–8528.72.32.90, 8528.72.62.00, 8528.72.68.00, and 8528.72.72.50. These classifications are intended for illustration only and are not intended to be restrictive of the accused products.

## **VIII. LICENSEES**

8.1 Samsung has licensed one or more of the asserted patents to the licensees identified in **Confidential Exhibit 19**.

## **IX. DOMESTIC INDUSTRY**

9.1 As required by Section 337(a)(2) and defined by Section 337(a)(3), an industry in the United States exists in connection with the asserted patents. Samsung-branded consumer digital display products, including, but not limited to, LCD televisions and LCD monitors (“the Samsung LCD Products”), are covered by the asserted patents. Photographs of representative Samsung LCD Products are attached to this Complaint as **Exhibit 20**. Claim charts applying representative claim 1 of the '533 patent to the representative Samsung LN40A530P1FXZA 40” LCD television, applying representative

claim 14 of the '585 patent to the Samsung LN40A530P1FXZA 40" LCD television, and applying representative claim 1 of the '479 patent to a representative LCD panel used in a Samsung 40" LCD television, are attached as **Exhibits 22, 23, and 24**, respectively.

9.2 SEC's subsidiaries in the United States conduct significant domestic industry activities in the United States relating to products practicing the asserted patents. These activities include significant employment of labor or capital in the United States.

9.3 Samsung Electronics America, Inc. ("SEA") is a corporation organized and existing under the laws of New York, with its principal place of business at 105 Challenger Road, Ridgefield Park, New Jersey 07660. SEA is a wholly-owned subsidiary of SEC. SEA markets a variety of consumer electronics, including televisions, video cassette recorders, DVD and MP3 players, video cameras, vacuum cleaners, and air conditioners. Other products include memory chips and computer accessories, such as printers, monitors, hard disk drives, and DVD/CD-ROM drives. SEA also manages the North American operations of Samsung Telecommunications America, Samsung Electronics Canada, and Samsung Electronics Mexico.

9.4 In order to fully support its products and customers, SEA, through its own employees and those with whom it has contracted, provides, *inter alia*, technical and warranty service support for repair and replacement of Samsung consumer digital display products, including LCD televisions covered by the '533, '585 and '479 patents. In particular, SEA invests in the technical support, service, repair, and replacement of the Samsung LCD Products in the United States through its contracts with Field Engineers ("FEs"), Authorized Service Centers ("ASCs"), and Dealer Service Centers ("DSCs"). SEA compensates the FEs on a per job basis, and ASCs and DSCs are reimbursed for warranty

claims and labor costs incurred in performing technical service, repair and replacement of Samsung LCD Products that practice the '533, '585 and '479 patents.

9.5 **Confidential Exhibit 25** is the declaration of Mr. Jeong Hwang On, a Director of Risk Management of Customer Satisfaction Division at SEA, that sets forth a portion of SEA's labor and capital investment, from January 2008 to the present, in the repair and warranty service of LCD TVs that practice the '533, '585 and '479 patents.

## **X. RELATED LITIGATION**

10.1 There has been no other foreign or domestic court or agency litigation involving any of the asserted patents, or the subject matter thereof.

## **XI. REQUESTED RELIEF**

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

11.2 (a) Institute an immediate investigation, pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to violations of Section 337 based on the proposed respondents' unlawful importation into the United States, sale for importation into the United States, and/or sale within the United States after importation of certain liquid crystal display devices and products containing the same, which infringe one or more claims of United States Patent Nos. 5,844,533, 6,888,585, and 7,436,479;

11.3 (b) Schedule and conduct a hearing on the unlawful acts and, following the hearing, determine that there has been a violation of Section 337;

11.4 (c) Issue a permanent exclusion order, pursuant to Section 337(d) of the Tariff Act of 1930, as amended, excluding from entry into the United States all of the proposed respondents' certain liquid crystal display devices and products containing the

same, which infringe one or more claims of United States Patent Nos. 5,844,533, 6,888,585, and 7,436,479;

11.5 (d) Issue permanent cease and desist orders, pursuant to Section 337(f) of the Tariff Act of 1930, as amended, directing the proposed respondents to cease and desist from the importation, marketing, advertising, demonstrating, warehousing inventory for distribution, sale and use of certain liquid crystal display devices and products containing the same, that infringe one or more claims of United States Patent Nos. 5,844,533, 6,888,585, and 7,436,479; and

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

Respectfully submitted,

FISH & RICHARDSON P.C.

Dated: December 1, 2009

By: 

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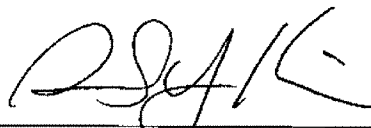
**VERIFICATION OF COMPLAINT**

I, Brian Sung Yun Kim, declare, in accordance with 19 CFR §§ 210.4 and 210.12(a), under penalty of perjury that the following statements are true:

1. I am a Senior Legal Counsel of Samsung Electronics Co., Ltd., and am duly authorized to sign this complaint;
2. I have read the complaint and am aware of its contents;
3. The complaint is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;
4. To the best of my knowledge, information and belief founded upon reasonable inquiry, the claims and legal contentions of this complaint are warranted by existing law or a good faith argument for the extension, modification or reversal of existing law;
5. The allegations and other factual contentions in the complaint have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

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

Executed on December 1, 2009.



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Brian Sung Yun Kim  
Senior Legal Counsel  
Samsung Electronics Co., Ltd.