

FISH & RICHARDSON P.C.

12390 El Camino Real
San Diego, California
92130

Telephone
858 678-5070

Facsimile
858 678-5099

Web Site
www.fr.com

Frederick P. Fish
1855-1930

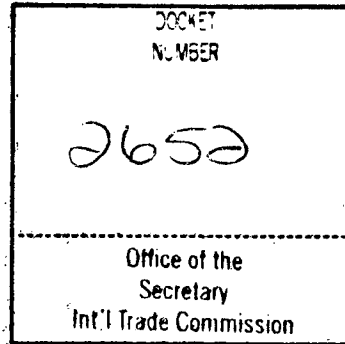
W.K. Richardson
1859-1951

CBI : 09-120

VIA HAND DELIVERY

February 20, 2009

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



2009 FEB 20 PM 4:53
U.S. INTERNATIONAL TRADE COMMISSION
500 E STREET, S.W.
WASHINGTON, D.C. 20436



Re: In the Matter of CERTAIN ELECTRONIC DEVICES HAVING
IMAGE CAPTURE OR DISPLAY FUNCTIONALITY, AND
COMPONENTS THEREOF

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 LG Electronics USA, Inc. and LG Electronics MobileComm USA, Inc. ("LGE") are the following documents in support of LGE'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 15 and 21** to the Complaint 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 along with this filing. Accordingly, LGE submits the following:

1. an original and twelve (12) copies of LGE's verified Complaint (original and one copy unbound, without tabs) (Rules 201.8(d) and 210.8(a));
2. an original and six (6) copies of the non-confidential version of the exhibits to the Complaint (original and one copy unbound, without tabs) (Rules 201.6(c), 210.4(f)(3)(i), and 210.8(a));
3. an original and six (6) copies of the confidential version of the exhibits to the Complaint (original and one copy unbound, without tabs) (Rules 201.6(c), 201.4(f)(3)(i), 210.8(a), and 201.8(d));
4. one (1) additional copy of the Complaint and accompanying exhibits for service upon the proposed respondent (Rules 210.4(f)(3)(i), 210.8(a), and 210.11(a));

The Honorable Marilyn R. Abbott
February 20, 2009
Page 2

5. one (1) additional copy of the Complaint and accompanying exhibits for service upon the Embassy of Japan Rules 210.4(f)(3)(i), 210.8(a) and 210.11(a);
6. a non-certified copy of United States Patent No. 5,995,767 (the '767 patent)(a certified copy of the '767 patent will be submitted once received from the U.S. Patent and Trademark Office) (Rule 210.12(a)(9)(i)), identified as Exhibit 1;
7. a certified copy of United States Patent No. 5,774,131 (the '131 patent) (Rule 210.12(a)(9)(i)), identified as Exhibit 2;
8. a certified copy of United States Patent No. 6,281,895 (the '895 patent) (Rule 210.12(a)(9)(i)), identified as Exhibit 3;
9. a certified copy of the assignment of the '767 patent (Rule 210.12(a)(9)(ii)), identified as Exhibit 4;
10. a certified copy of the assignment of the '131 patent (Rule 210.12(a)(9)(ii)), identified as Exhibit 4;
11. a certified copy of the assignment of the '895 patent (Rule 210.12(a)(9)(ii)), identified as Exhibit 4;
12. an original and three (3) copies of the non-certified prosecution history of the '767 patent (a certified copy of the prosecution history of the '767 patent will be submitted once received from the U.S. Patent and Trademark Office)(Rule 210.12(c)(2))(see Appendix A);
13. an original and three (3) copies of the non-certified prosecution history of the '131 patent (a certified copy of the prosecution history of the '131 patent will be submitted once received from the U.S. Patent and Trademark Office) (Rule 210.12(c)(2)) (see Appendix B);
14. an original and three (3) copies of the certified prosecution history of the '895 patent (Rule 210.12(c)(2))(see Appendix C);
15. four (4) copies of each reference document mentioned in the prosecution history of the '767 patent (Rule 210.12(c)(3))(see Appendix D);
16. four (4) copies of each reference document mentioned in the prosecution history of the '131 patent (Rule 210.12(c)(3)) (see Appendix D);

FISH & RICHARDSON P.C.

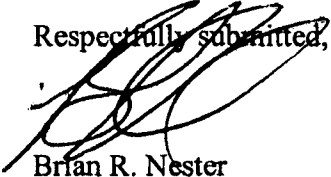
The Honorable Marilyn R. Abbott

Page 3

17. four (4) copies of each reference document mentioned in the prosecution history of the '895 patent (Rule 210.12(c)(3)) (see Appendix D);

18. A letter and declaration pursuant to Commission Rules 210.6(b) and 210.5(d) requesting confidential treatment of **Confidential Exhibits 15 and 21**. (The declaration submitted herewith is a photocopy of the original, which will be filed promptly upon receipt.)

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brian R. Nester", is written over the text "Respectfully submitted,".

Brian R. Nester

Counsel for LGE

Enclosures

FISH & RICHARDSON P.C.

12390 El Camino Real
San Diego, California
92130

Frederick P. Fish
1855-1930

W.K. Richardson
1859-1951

Telephone
858 678-5070

Facsimile
858 678-5099

Web Site
www.fr.com

VIA HAND DELIVERY

February 20, 2009

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

Re: CERTAIN ELECTRONIC DEVICES HAVING IMAGE CAPTURE AND
DISPLAY FUNCTIONALITY AND COMPONENTS THEREOF



ATLANTA

AUSTIN

BOSTON

DALLAS

DELAWARE

HOUSTON

MUNICH

NEW YORK

SAN DIEGO

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

Dear Secretary Abbott:

I am counsel for Complainant LG Electronics, Inc. ("LGE"). In accordance with 19 C.F.R. 201.6, LGE requests confidential treatment of the confidential business information contained in Confidential Exhibits 15 and 21, included with LGE's Complaint under Section 337 of the Tariff Act, as amended.

Confidential treatment is sought for the information contained in Confidential Exhibit 15, which contains a list of the licensees to the involved U.S. letters patent. Confidential Exhibit 21 contains LGE's declaration regarding domestic industry. This information qualifies as confidential business information pursuant to Rule 201.2(a)(1) in that:

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

Very truly yours,

Brian R. Nester

Enclosure

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

In the Matter of

**CERTAIN ELECTRONIC DEVICES
HAVING IMAGE CAPTURE OR DISPLAY
FUNCTIONALITY AND COMPONENTS
THEREOF**

Investigation No. 337-TA-_____

**COMPLAINT OF LG ELECTRONICS, INC.
UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED**

COMPLAINANT

LG Electronics, Inc.
LG Twin Towers
20, Yeouido-dong,
Yeongdeungpo-gu
Seoul 150-721, Korea
Tel: 82-2-3 777-3 400

PROPOSED RESPONDENT

Eastman Kodak Company
343 State Street
Rochester, NY 14650
Tel: (800) 698-3324
Fax: (585) 724-9563

COUNSEL FOR COMPLAINANT

Ruffin B. Cordell
Michael J. McKeon
Brian R. Nester
Jeffrey R. Whieldon
FISH & RICHARDSON P.C.
1425 K Street, N.W., 11th Floor
Washington, D.C. 20005
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. COMPLAINANT	2
III. PROPOSED RESPONDENT	3
IV. THE ASSERTED PATENTS	3
A. The '767 Patent	4
1. Identification of the Patent and Ownership by LGE.....	4
2. Non-Technical Description of the Patented Invention.....	4
3. Foreign Counterparts to the '767 Patent	4
B. The '131 Patent	5
1. Identification of the Patent and Ownership by LGE.....	5
2. Non-Technical Description of the Patented Invention.....	5
3. Foreign Counterparts to the '131 Patent	6
C. The '895 Patent	6
1. Identification of the Patent and Ownership by LGE.....	6
2. Non-Technical Description of the Patented Invention.....	6
3. Foreign Counterparts to the '895 Patent	7
V. UNLAWFUL AND UNFAIR ACTS OF PROPOSED RESPONDENT.....	7
VI. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE	9
VII. LICENSEES	10
VIII. DOMESTIC INDUSTRY.....	10
A. Technical Prong	10

B. Economic Prong.....	11
IX. RELATED LITIGATION	12
X. REQUESTED RELIEF	13

LIST OF EXHIBITS

Exhibit No.	Description
1.	U.S. Patent No. 5,995,767 (“the ’767 Patent”)
2.	U.S. Patent No. 5,774,131 (“the ’131 Patent”)
3.	U.S. Patent No. 6,281,895 (“the ’895 Patent”)
4.	Assignments of the ’767, ’131, and ’895 Patents to LGE
5.	Hoover’s Report for Kodak
6.	Internet Site of Kodak
7.	Photographs of the Accused Products
8.	User Manuals of the Accused Products
9.	Table of Foreign Counterparts to the ’767, ’131, and ’895 Patents
10.	Claim Chart Demonstrating Kodak’s Infringement of the ’767 Patent
11.	Claim Chart Demonstrating Kodak’s Infringement of the ’131 Patent
12.	Claim Chart Demonstrating Kodak’s Infringement of the ’895 Patent
13.	Internet Site Depicting Availability of Accused Products for Purchase
14.	Photographs of Product Packaging and Copies of Receipts
15.	Confidential: Licensees to the ’767, ’131, and ’895 Patents
16.	Photographs of LGE’s Domestic Industry Products
17.	User Manuals for LGE’s Domestic Industry Products
18.	Claim Chart Demonstrating LGE’s Practice of the ’767 Patent
19.	Claim Chart Demonstrating LGE’s Practice of the ’131 Patent
20.	Claim Chart Demonstrating LGE’s Practice of the ’895 Patent
21.	Confidential: Declaration Regarding Domestic Industry

LIST OF APPENDICES

Appendix No.	Description
A.	Four copies of the prosecution history of the '767 Patent
B.	Four copies of the prosecution history of the '131 Patent
C.	Four copies of the prosecution history of the '895 Patent
D.	Four copies of each reference mentioned in the prosecution histories of the '767, '131, and '895 Patents

I. INTRODUCTION

1.1 LG Electronics, Inc. (“LGE” 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 electronic devices having image capture or display functionality and components thereof (collectively referred to as “the accused products”) that infringe valid and enforceable United States patents owned by LGE.

1.2 Proposed respondent, Eastman Kodak Company (“Kodak” or “Respondent”), has 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. 5,995,767 (“the ’767 patent”), 5,774,131 (“the ’131 patent”), and 6,281,895 (“the ’895 patent”) (collectively, “the LGE patents” or “the asserted patents”).

1.3 LGE asserts that the accused products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 1-4 of the ’767 patent; claims 12-15 of the ’131 patent; and claims 16-19 and 21-25 of the ’895 patent (collectively, “the asserted claims”).

1.4 Certified copies of the ’767, ’131, and ’895 patents accompany this Complaint as **Exhibits 1, 2, and 3**, respectively. LGE 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 in Section 337(a)(3), an industry in the United States exists relating to articles covered by the asserted patents.

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

II. COMPLAINANT

2.1 Complainant LGE is a corporation organized under the laws of the Country of Korea, having its principal place of business at LG Twin Towers, 20, Yeouido-dong, Yeongdeungpo-gu, Seoul 150-721, Korea.

2.2 LGE is a global leader and technological innovator. LGE designs, develops, and sells a wide-range of high-technology products, including mobile communications devices, televisions, consumer electronics, and home appliances. Founded in 1958, LGE has grown exponentially as a result of its innovation. LGE has invested billions of dollars in research and development. In 2007 alone, LGE invested 1.2 billion dollars in research and development. LGE, and its affiliates, now employ approximately 82,000 people throughout the world. To protect its investment, LGE seeks patent protection, and owns approximately 90,000 patents and patent applications. Additional information concerning LGE can be obtained from LGE's 2008 Brochure (http://us.lge.com/about/corporate/pdf/2008_LGE_Brochure.pdf).

2.3 Consumers have recognized LGE's innovation. LGE is the 3rd largest worldwide supplier of mobile communication devices, and the fourth largest supplier of digital displays. LGE is also the world's leading supplier of digital media, and optical storage.

2.4 Specifically, in relation to this action, LGE designs, develops, markets and sells wireless communication devices. With its commitment to innovation, LGE pioneered the world's first CDMA digital mobile handsets in 1997. LGE's research and development of these devices led to the technology at issue in this proposed investigation, and provide the foundation for LGE's domestic industry.

III. PROPOSED RESPONDENT

3.1 On information and belief, proposed Respondent Kodak is a corporation organized under the laws of the United States with its principal place of business at 343 State Street, Rochester, New York 14650. As detailed below, Kodak operates a Consumer Digital Imaging business, a Film Products business, and a Graphic Communications business. The Consumer Digital Imaging business includes digital still cameras, retail printing, and digital picture frames. See Exhibit 5.

3.2 Kodak develops, manufactures, and markets electronic devices that infringe the asserted patents. On information and belief, and by way of example, the image capture or display functionality of Kodak's digital cameras are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, Kodak and/or others then import the accused electronic devices, components therein and products containing same into the United States, sell them for importation, or sell them in the United States after importation. Additional information concerning Kodak can be obtained from Kodak's most recent annual report (<http://www.envisionreports.com/EK/2008/13fe08011m/index.html>).

IV. THE ASSERTED PATENTS

4.1 At issue in this investigation is Kodak's infringement of three United States patents: the '767, '131, and '895 patents. LGE overviews each patent below.

A. The '767 Patent

1. Identification of the Patent and Ownership by LGE

4.2 The '767 patent is entitled "Method For Controlling Focusing Areas Of A Camera And An Apparatus For Performing The Same" and issued on November 30, 1999. The '767 patent issued from U.S. Patent Application Serial No. 08/998,001, filed on December 24, 1997. The inventors, Seoung-Eog Lee, Jin-Soo Park, and Myung-Keun Yeo, assigned to LGE all rights, title, and interest in the invention ultimately disclosed and claimed in the '767 patent. See Exhibit 4. The '767 patent is valid, enforceable, and is currently in full force and effect.

4.3 Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by **Appendices A and D**. **Appendix A** contains a certified copy and three additional copies of the prosecution history of the '767 patent, and **Appendix D** contains four copies of each reference mentioned in that prosecution history.

2. Non-Technical Description of the Patented Invention¹

4.4 The '767 patent generally discloses a method and apparatus for automatic focus controlling of a camera. See Exhibit 1 at Abstract ('767 Patent). A method for controlling focusing areas of the camera is performed by setting a supervisory area of a subject area picked up by an optical system; setting plural variable areas; and detecting the subject to perform the auto focusing. See id. An apparatus for executing the method is also provided, enhancing precision of the auto focusing to the main subject in the case of multiple subjects and, tracking the auto focusing of the subject that moves to the outer peripheral side of the center of the picture. See id.

3. Foreign Counterparts to the '767 Patent

¹ The contents of 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 '767 patent.

4.5 The foreign counterparts to the '767 patent are listed in **Exhibit 9**. No other foreign patents or patent applications corresponding to the '767 patent have been filed, abandoned, withdrawn or rejected.

B. The '131 Patent

1. Identification of the Patent and Ownership by LGE

4.6 The '131 patent is entitled "Sound Generation And Display Control Apparatus For Personal Digital Assistant" and issued on June 30, 1998. The '131 patent issued from U.S. Patent Application Serial No. 08/547,266, filed on October 24, 1995. The inventor, Hong Joo Kim, assigned to LGE all rights, title, and interest in the invention ultimately disclosed and claimed in the '131 patent. See Exhibit 4. The '131 patent is valid, enforceable, and is currently in full force and effect.

4.7 Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by **Appendices B and D**. **Appendix B** contains a certified copy and three additional copies of the prosecution history of the '131 patent, and **Appendix D** contains four copies of each reference mentioned in that prosecution history.

2. Non-Technical Description of the Patented Invention²

4.8 The '131 patent generally discloses a sound generation and display control apparatus. See Exhibit 2 at Abstract ('131 Patent). A central processing unit can control the system. See id. For example, the central processing unit can control a graphic co-processor which processes graphic data. See id. A memory is provided for storing the processed graphic data and for storing system data. See id. A direct memory access (DMA) controller for accessing graphic data is provided. See id. A bus arbitrator and memory controller arbitrates an

² The contents of 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 '131 patent.

allocation of a system bus and controls access to the memory. See id. A display timing controller receives the display data outputted from the memory and processes the display data so as to display the data on a display screen, thus providing a video overlay function. See id.

3. Foreign Counterparts to the '131 Patent

4.9 The foreign counterparts to the '131 patent are listed in **Exhibit 9**. No other foreign patents or patent applications corresponding to the '131 patent have been filed, abandoned, withdrawn or rejected.

C. The '895 Patent

1. Identification of the Patent and Ownership by LGE

4.10 The '895 patent is entitled "Level Adjust Display Apparatus And Method For On-Screen Display Menu In Image Display Device" and issued on August 28, 2001. The '895 patent issued from U.S. Patent Application Serial No. 09/229,881, filed on January 14, 1999. The inventor, Seok Hwa Jeong, assigned to LGE all rights, title, and interest in the invention ultimately disclosed and claimed in the '895 patent. See Exhibit 4. The '895 patent is valid, enforceable, and is currently in full force and effect.

4.11 Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by **Appendices C and D**. **Appendix C** contains a certified copy and three additional copies of the prosecution history of the '895 patent, and **Appendix D** contains four copies of each reference mentioned in that prosecution history.

2. Non-Technical Description of the Patented Invention³

4.12 The '895 patent generally discloses an apparatus and method for implementing an on-screen display (OSD) menu for an image display device. The device displays function

³ The contents of 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 '895 patent.

control targets, such as volume, brightness, contrast, horizontal size, horizontal position, vertical size and vertical position, in the form of an OSD menu on a screen. See Exhibit 3 at Abstract ('895 Patent). The apparatus includes a key input unit including, for example, a vertical adjust button and a horizontal adjust button for selecting and adjusting the function control targets. See id. A control unit outputs information corresponding to manipulation of the key input unit and an OSD menu generation unit enables respective level adjust directions of the function control targets to be displayed. See id. The disposed directions of the vertical and horizontal adjust buttons, a level adjust display direction, and a vertical direction and position or a horizontal direction and position actually implemented on the screen correspond to each other. See id.

3. Foreign Counterparts to the '895 Patent

4.13 The foreign counterparts to the '895 patent are listed in **Exhibit 9**. No other foreign patents or patent applications corresponding to the '895 patent have been filed, abandoned, withdrawn or rejected.

V. UNLAWFUL AND UNFAIR ACTS OF PROPOSED RESPONDENT

5.1 Upon information and belief, Kodak's accused products directly infringe, contributorily infringe, and/or induce the infringement of at least: claims 1-4 of the '767 patent; claims 12-15 of the '131 patent; and claims 16-19 and 21-25 of the '895 patent. On information and belief, the accused products are manufactured, assembled and/or packaged and tested overseas, specifically, at least in China. These same products are then imported into the United States, sold for importation into the United States, and/or sold after importation into the United States by Kodak. See Exhibit 13. Further discovery may reveal that Kodak infringes additional claims of the asserted patents.

5.2 On information and belief, Kodak's EasyShare V1273 Digital Camera directly infringes, contributorily infringes, and/or induces the infringement of the asserted claims of the '767 patent. Further discovery may reveal additional infringing Kodak products and/or models. Photographs of the representative Kodak EasyShare V1273 Digital Camera are attached to this Complaint as **Exhibit 7**. A copy of the user manual for the representative Kodak EasyShare V1273 Digital Camera is attached to this Complaint as **Exhibit 8**. Claim charts demonstrating how the asserted independent claims of the '767 patent are infringed by a representative accused product are attached to this Complaint as **Exhibit 10**.

5.3 On information and belief, Kodak's EasyShare V1073 Digital Camera directly infringes, contributorily infringes, and/or induces the infringement of the asserted claims of the '131 patent. Further discovery may reveal additional infringing Kodak products and/or models. Photographs of the representative Kodak EasyShare V1073 Digital Camera are attached to this Complaint as **Exhibit 7**. A copy of the user manual for the representative Kodak EasyShare V1073 Digital Camera is attached to this Complaint as **Exhibit 8**. Claim charts demonstrating how the asserted independent claims of the '131 patent are infringed by a representative accused product are attached to this Complaint as **Exhibit 11**.

5.4 On information and belief, Kodak's EasyShare Z1015IS Digital Camera directly infringes, contributorily infringes, and/or induces the infringement of the asserted claims of the '895 patent. Further discovery may reveal additional infringing Kodak products and/or models. Photographs of the representative Kodak EasyShare Z1015IS Digital Camera are attached to this Complaint as **Exhibit 7**. A copy of the user manual for the representative Kodak EasyShare Z1015IS Digital Camera is attached to this Complaint as **Exhibit 8**. Claim charts demonstrating

how the asserted independent claims of the '895 patent are infringed by a representative accused product are attached to this Complaint as **Exhibit 12**.

5.5 LGE provided notice to Kodak of infringement of certain of the asserted patents by, for example, a meeting between LGE and Kodak on June 5, 2008, during which LGE demonstrated examples of infringement by Kodak's devices. In addition, LGE provided notice of Kodak's infringement by contemporaneously filing suit alleging infringement of all asserted patents in the U.S. District Court for the Southern District of California.

VI. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

6.1 On information and belief, Kodak, and/or others on its behalf, manufacture the accused products at least in China, 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. Kodak offers its accused products for sale in the United States. For example, attached **Exhibit 6** is a description of an offer for sale of the Kodak EasyShare V1273 Digital Camera on Kodak's United States Internet site.

6.2 On or about January 26, 2009, LGE purchased representative accused products in the United States. Specifically, LGE purchased a Kodak EasyShare V1273 Digital Camera, a Kodak EasyShare V1073 Digital Camera, and a Kodak EasyShare Z1015IS Digital Camera in the United States, each of which infringe the asserted claims of the asserted patents as set forth above. Labels on the device and/or product packaging indicate that the products were manufactured in China. Attached as **Exhibit 14** are photographs of the product packaging and a copy of the receipt for each of the Kodak EasyShare V1273 Digital Camera, Kodak EasyShare V1073 Digital Camera, and Kodak EasyShare Z1015IS Digital Camera purchased by LGE reflecting the purchase of the accused products in the United States.

6.3 The accused products are believed to fall within at least the following classifications of the Harmonized Tariff Schedules of the United States: 8471.30 and 8517.12. These classifications are intended for illustrative purposes only and are not intended to restrict the scope or type of accused product.

VII. LICENSEES

7.1 LGE has licensed one or more of the asserted patents. Pursuant to Rule 210.12 of the Commission's Rules of Practice and Procedure, LGE provides a list of its licensees in **Confidential Exhibit 15**.

VIII. DOMESTIC INDUSTRY

8.1 A domestic industry exists as defined by 19 U.S.C. §§ 1337(a)(3)(A), (B), and (C) relating to significant investment in plant and equipment; significant employment of labor or capital; and substantial investment in exploitation of the patents, including engineering, research and development, or licensing of LGE's domestic industry products. LGE's domestic industry products covered by the claims of the asserted patents include LGE's wireless communication devices.

A. Technical Prong

8.2 LGE develops and sells in the United States wireless telephone handsets containing digital cameras, components thereof, and products that practice at least one claim of each of the asserted patents. On information and belief, LGE's licensees also develop and/or sell in the United States products that practice at least one claim of each of the asserted patents.

8.3 The following exemplary LGE product is covered by the '767 patent: LGE Dare™ VX9700. Photographs of the VX9700 are attached as **Exhibit 16**. A copy of the user manual for the VX9700 is attached as **Exhibit 17**. A claim chart demonstrating how the VX9700 practices the '767 patent is attached as **Exhibit 18**.

8.4 The following exemplary LGE product is covered by the '131 patent: LGE enV²™ VX9100. Photographs of the VX9100 are attached as **Exhibit 16**. A copy of the user manual for the VX9100 is attached as **Exhibit 17**. A claim chart demonstrating how the VX9100 practices the '131 patent is attached as **Exhibit 19**.

8.5 The following exemplary LGE product is covered by the '895 patent: LGE VOYAGER™ VX10000, which is also referred to as the LGE VOYAGER™ VX10K. Photographs of the VX10K are attached as **Exhibit 16**. A copy of the user manual for the VX10K is attached as **Exhibit 17**. A claim chart demonstrating how the VX10K practices the '895 patent is attached as **Exhibit 20**.

8.6 LGE's wireless telephone handset models VX9700, VX9100, and VX10K are collectively referred to as the "Domestic Industry Products."

B. Economic Prong

8.7 LGE conducts significant domestic industry activities in the United States relating to products practicing the asserted patents. These activities include LGE's investment in plant and equipment, employment of labor and capital, and substantial investment in the exploitation of the asserted patents and the investments in these activities by its related entities LG Electronics Mobilecomm U.S.A. ("LGEMU"), LG Electronics Mobile Research U.S.A., LLC ("LGEMR"), and LG Electronics Alabama, Inc. ("LGEAI"). See Confidential Exhibit 21.

8.8 LGE has made and continues to make significant investment in plant facilities and equipment in the United States dedicated to the research, development, design, product support, testing and quality management, development of specifications, and warranty and repair services for products covered by the asserted patents. The plant facilities and equipment used in connection with LGE's products are located in San Diego, California, Morristown, New Jersey,

Overland Park, Kansas, Atlanta, Georgia, Bolingbrook, Illinois, and Huntsville, Alabama.

LGE's investment in plant and equipment is set forth in **Confidential Exhibit 21**.

8.9 LGE has employed and continues to employ a significant number of employees in the above-mentioned facilities that devote substantial man-hours toward the research, development, design, product support, testing and quality management, development of specifications, and warranty and repair services for products covered by the asserted patents. **Confidential Exhibit 21** describes this labor investment.

8.10 LGE has invested and continues to invest significant capital in its facilities toward research, development, design, product support, testing and quality management, development of specifications, and warranty and repair services for products covered by the asserted patents. **Confidential Exhibit 21** describes the capital LGE has expended towards these activities.

8.11 LGE has made and continues to make substantial investment in the exploitation of its rights in the asserted patents. For example, LGE has invested and continues to invest in the research and development and design of products covered by the asserted patents. **Confidential Exhibit 21** sets forth a portion of LGE's significant investment associated with the exploitation of LGE's rights in the asserted patents.

IX. RELATED LITIGATION

9.1 Contemporaneously with the filing of this Complaint, LGE filed suit in the U.S. District Court for the Southern District of California asserting that Kodak infringes the patents asserted here, namely the '767, '131, and '895 patents. In addition, contemporaneously with the filing of this Complaint, LGE filed suit in the U.S. District Court for the Southern District of California alleging that Kodak infringes additional patents, U.S. Patent Nos. 5,077,612 and

6,885,407. There has been no other foreign or domestic court or agency litigation involving any of the asserted patents, or the subject matter thereof.

9.2 Kodak filed three complaints against LGE alleging patent infringement. First, Kodak filed suit in the International Trade Commission, Investigation No. 337-TA-663 (“Certain Mobile Telephones And Wireless Communication Devices Featuring Digital Cameras And Components Thereof”) asserting infringement of United States Patent No. 5,493,335 and United States Patent No. 6,292,218. Second, Kodak filed suit in the District Court for the Western District of New York, titled Eastman Kodak Co. v. Samsung Electronics Co. Ltd. et al., Civil Action No. 08-cv-06513-MAT, asserting infringement of the same patents Kodak asserts against LGE in the ITC. Third, Kodak filed an additional complaint in the District Court for the Western District of New York, titled Eastman Kodak Co. v. Samsung Electronics Co., Ltd., et al., Civil Action No. 08-cv-06511-MAT, asserting infringement of United States Patent No. 5,016,107 and United States Patent No. 5,164,831.

X. REQUESTED RELIEF

10.1 WHEREFORE, by reason of the foregoing, LGE requests that the United States International Trade Commission:

(a) Institute an immediate investigation, pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to violations of Section 337 based on the proposed Respondent’s unlawful importation into the United States, sale for importation into the United States, and/or sale within the United States after importation of certain electronic devices having image capture or display functionality and components thereof, which infringe one or more claims of United States Patent Nos. 5,995,767, 5,774,131, and 6,281,895.

- (b) Schedule and conduct a hearing on the unlawful acts and, following the hearing, determine that there has been a violation of Section 337;
- (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 Respondent's certain electronic devices having image capture or display functionality and components thereof, which infringe one or more claims of United States Patent Nos. 5,995,767, 5,774,131, and 6,281,895;
- (d) Issue a permanent cease and desist order, pursuant to Section 337(f) of the Tariff Act of 1930, as amended, directing the proposed Respondent to cease and desist from the importation, marketing, advertising, demonstrating, warehousing inventory for distribution, sale and use certain electronic devices having image capture or display functionality and components thereof that infringe one or more claims of United States Patent Nos. 5,995,767, 5,774,131, and 6,281,895; and
- (e) Grant such other and further relief as the Commission deems just and proper based on the facts determined by the investigation and the authority of the Commission.

Respectfully submitted,

FISH & RICHARDSON P.C.

Dated: February 20, 2009

By: 

Ruffin B. Cordell

Michael J. McKeon

Brian R. Nester

Jeffrey R. Whieldon

FISH & RICHARDSON P.C.

1425 K Street, N.W., 11th Floor

Washington, D.C. 20005

Telephone: (202) 783-5070

Facsimile: (202) 783-2331


*Counsel for Complainant LG
Electronics, Inc.*

VERIFICATION

I, Jeffrey Orler, declare, in accordance with 19 C.F.R. §§ 210.4 and 210.12(a), under penalty of perjury, that the following statements are true:

1. I, Jeffrey Orler, am a Senior Manager at LG Electronics Mobilecomm U.S.A. (LGEMU), and am duly authorized to sign this Complaint on behalf of Complainant LG Electronics, Inc. (LGE);
2. I have read the foregoing complaint;
3. To the best of my knowledge, information and belief, based upon reasonable inquiry, the foregoing Complaint is well-founded in fact and is warranted by existing law or by a non-frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
4. The allegations or other factual contentions have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and
5. The foregoing Complaint is not being filed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of litigation.

Executed this 20 of February, 2009



Jeffrey Orler