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CBI: 09-117

February 17, 2009

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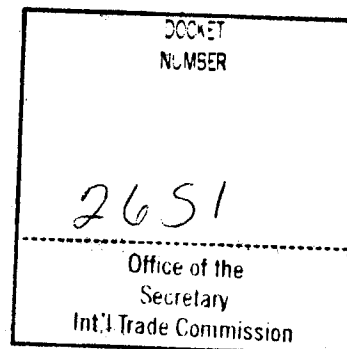
The Honorable Marilyn R. Abbott  
Secretary  
U.S. International Trade Commission  
500 E Street, SW Room 112  
Washington, DC 20436

**Re: Certain Digital Cameras, Inv. No. 337-TA-**

Dear Secretary Abbott:

Enclosed for filing on behalf of Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. ("Samsung") 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 8 and 18 to the Complaint contain confidential business information. Pursuant to the Commission's Rules of Practice and Procedure, a request for confidential treatment of the information in those exhibits accompanies 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 201.6(c), 210.8(a), and 201.8(d));
2. an original and six (6) copies of the confidential and non-confidential exhibits to the Complaint (original and one copy unbound, without tabs). (Rules 201.6(c), 210.8(a), and 201.8(d));
3. one (1) additional copy of the Complaint and accompanying non-confidential exhibits, for service upon the proposed respondent (Rules 210.8(a) and 210.11(a));
4. a certified copy of the United States Patent No. 5,731,852 (the '852 patent) (Rule 210.12(a)(9)(i));



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5. a certified copy of the United States Patent No. 6,229,695 (the '695 patent) (Rule 210.12(a)(9)(i));
6. an original and three (3) copies of the certified copy of the assignment of the '852 patent (Rule 210.12(a)(9)(ii));
7. an original and three (3) copies of the certified copy of the assignment of the '659 patent (Rule 210.12(a)(9)(ii));
8. four (4) copies (on CDs) containing Appendix A, which is the U.S. Patent and Trademark Office prosecution history for the '852 patent (Rule 210.12(c)(1)) (a certified copy has been ordered and will be provided as soon as it is available);
9. four (4) copies (on CDs) containing Appendix B, which is the U.S. Patent and Trademark Office prosecution history for the '659 patent (Rule 210.12(c)(1)) (a certified copy has been ordered and will be provided as soon as it is available);
10. four (4) copies (on CDs) containing Appendix C, which includes all technical references mentioned in the prosecution history for the '852 patent (Rule 210.12(c)(2));
11. four (4) copies (on CDs) containing Appendix D, which includes all technical references mentioned in the prosecution history for the '659 patent (Rule 210.12(c)(2));
12. a letter and certification pursuant to Commission Rules 201.6(b) and 210.5(d) requesting confidential treatment of Confidential Exhibits 8 and 18.

Please note that the signatures on the Complaint's Verifications submitted herewith are photocopies. Original signature pages will be submitted shortly.

Thank you for your attention to this matter. Please contact the undersigned if there are any questions pertaining to this submission.

Respectfully submitted,



Mark G. Davis  
*Counsel for Complainants Samsung  
Electronics Co., Ltd. and Samsung  
Electronics America, Inc.*

Enclosures

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

\_\_\_\_\_  
In the Matter of )  
CERTAIN DIGITAL CAMERAS )

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

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

**COMPLAINANTS**

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Suwon-city, Gyeonggi-do, Korea 443-742  
Telephone: 011-82-31-200-1114

**Samsung Electronics America, Inc.**  
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Ridgefield Park, NJ 07660  
Telephone: (201) 229-4000

**PROPOSED RESPONDENT**

**Eastman Kodak Company**  
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Rochester, NY 14650  
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## LIST OF EXHIBITS

Exhibit No.	Description
1.	U.S. Patent No. 5,731,852 (“the ’852 Patent”)
2.	U.S. Patent No. 6,229,695 B1 (“the ’695 Patent”)
3.	Assignment of the ’852 Patent to Samsung
4.	Assignment of the ’695 Patent to Samsung
5.	Excerpt from Samsung’s 2007 Annual Report
6.	Excerpt from Kodak’s 2007 Annual Report
7.	List of Foreign Counterparts to the ’852 Patent
8.	<b><u>Confidential:</u></b> List of Licensees to the ’852 and/or the ’695 Patents
9.	List of Foreign Counterparts to the ’695 Patent
10.	Photocopy of Receipt Showing Purchase of Kodak EasyShare M863 Digital Camera in the United States
11.	Photocopy of Kodak EasyShare M863 Sticker
12.	Photocopy of Kodak EasyShare M863 Box
13.	Kodak’s Complaint for Inv. No. 337-TA-663 filed November 17, 2008
14.	Claim Chart Showing Infringement of Exemplary Claim 1 of the ’852 Patent by the Kodak EasyShare M863 (And Accompanying Exhibits)
	A. Kodak EasyShare M863 Extended User Guide Webpage
	B. Kodak EasyShare M863 Specifications Webpage
	C. WAVE PCM Soundfile Format Webpage
15.	Claim Chart Showing Infringement of Exemplary Claim 1 of the ’695 Patent by the Kodak EasyShare M863 (And Accompanying Exhibits)
	A. Kodak EasyShare M863 Features and Benefits Webpage
	B. Kodak EasyShare M863 Specifications Webpage

16. Claim Chart Showing Embodiment of Exemplary Claim 1 of the '852 Patent by the Samsung NV24HD (And Accompanying Exhibits)
  - A. Samsung NV24HD User Manual
  - B. WAVE PCM Soundfile Format Webpage
17. Claim Chart Showing Embodiment of Exemplary Claim 1 of the '695 Patent by the Samsung YP-P2 MP3 and Video Player
18. **Confidential:** Summary of Economic Investments

## LIST OF APPENDICES

<b>Appendix No.</b>	<b>Description</b>
A.	Prosecution History of the '852 Patent
B.	References Cited in the Prosecution History of the '852 Patent
C.	Prosecution History of the '695 Patent
D.	References Cited in the Prosecution History of the '695 Patent

## **I. INTRODUCTION**

1. Complainants Samsung Electronics Co., Ltd. (“SEC”) and Samsung Electronics America, Inc. (“SEA”) (collectively “Samsung”) respectfully request that the United States International Trade Commission (“ITC” or “Commission”) commence an Investigation under 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 articles that infringe valid and enforceable United States patents owned by SEC. These patents are U.S. Patent No. 5,731,852 (“the ’852 Patent”) entitled “Image/Audio Information Recording And Reproducing Apparatus Using A Semiconductor Memory” and U.S. Patent No. 6,229,695 B1 (“the ’695 Patent”) entitled “Palm-Sized Computer With A Frame To Hold Device Plates.”

2. On information and belief, the proposed Respondent, Eastman Kodak Company (“Kodak”), has engaged in, and continues to engage 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 digital cameras (hereinafter “accused products”) that infringe one of more valid claims of the ’852 and ’695 Patents. The accused products include, but are not limited to, the following Kodak models: C813, M763, M863, M893, M1033, M1063, M1093 IS, V1073, Z1012 IS, Z1015 IS, Z1285, Z1485 IS, and Z8612 IS.

3. Based on presently available information, and in some instances on information and belief, Kodak infringes claims 1, 2, 6, 8, and 9 of the ’852 Patent and claims 1, 2, 3, 5, 6, 8, 9, 10, 11, and 19 of the ’695 Patent (collectively referred to as the

“asserted claims”). Claim 1 of the ’852 Patent and claim 1 of the ’695 Patent are independent claims.

4. Certified copies of Samsung’s ’852 and ’695 Patents accompany this Complaint as **Exhibits 1 and 2**, respectively. Samsung owns by assignment the entire right, title, and interest in and to these patents. Certified copies of the recorded assignments accompany this Complaint as **Exhibits 3 and 4**, respectively. Certified copies of the ’852 Patent, the ’695 Patent, the assignments, and prosecution histories<sup>1</sup> also accompany this Complaint as required by Rules 210.12(a)(9)(i), 210.21(a)(9)(ii), and 210.12(c)(2) of the Commission’s Rules of Practice and Procedure.

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 ’852 and ’695 Patents. The invention claimed in the ’852 Patent is embodied in Samsung-branded digital camera products repaired, refurbished, and/or tested by Samsung in the United States. The invention claimed in the ’695 Patent is embodied in Samsung-branded digital camera, ultraportable computer, and MP3 player products repaired, refurbished, and/or tested by Samsung in the United States.

6. The domestic industry for the ’852 and ’695 Patents includes Samsung’s substantial United States investments and expenditures for the repair, refurbishment, testing, and technical support of digital camera, ultraportable computer, and MP3 player

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<sup>1</sup> Certified copies of the file histories for the ’852 and ’695 Patents have been ordered from the U.S. Patent and Trademark Office and will be forwarded to the ITC when they are delivered.

products that practice the '852 and '695 Patents. The domestic industry also includes Samsung's substantial licensing activities in the United States.

7. Samsung seeks as relief a permanent exclusion order, authorized by Section 337(d), that permanently excludes from entry into the United States all Kodak digital cameras that infringe one or more claims of the asserted patents. Samsung also seeks a permanent cease and desist order, authorized by Section 337(f), directing that Kodak immediately discontinue importing, selling, marketing, advertising, distributing, offering for sale, transferring, soliciting U.S. agents or distributors for, and warehousing inventory of its imported infringing digital cameras. Finally, Samsung seeks any other relief deemed proper by the ITC.

## **II. THE COMPLAINANTS**

8. Complainant Samsung Electronics Co., Ltd., is a corporation organized under the laws of Korea with its principal place of business at 416 Maetan-3dong, Yeongtong-gu, Suwon-city, Gyeonggi-do, Korea 443-742.

9. Founded in 1938, Samsung grew 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. An excerpt from Samsung's most recent Annual Report, which accompanies this Complaint as **Exhibit 5**, contains additional information about Samsung.

10. Samsung is one of the largest sellers of digital camera, ultraportable computer, and MP3 player products in the world. Samsung plays a large role in the world marketplace for digital technology, both in research and development as well as in manufacturing and sales.

11. Samsung protects its proprietary technology within the United States and worldwide through patents and other intellectual property.

12. Complainant Samsung Electronics America, Inc. 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, digital cameras, and air conditioners. Other products include memory chips and computer accessories such as printers, monitors, hard disk drives, and DVD/CD-ROM drives.

### **III. THE PROPOSED RESPONDENT**

13. On information and belief, proposed Respondent Eastman Kodak Company is a New Jersey corporation with its principal place of business at 343 State Street, Rochester, New York, 14650. On information and belief, Kodak commercialized still photography in the United States in the late 1800s and has now entered the digital photography business. On information and belief, Kodak manufactures and sells digital cameras and other products related to digital photography. An excerpt from Kodak's most recent Annual Report, which accompanies this Complaint as **Exhibit 6**, contains additional information about Kodak.

### **IV. THE SAMSUNG PATENTS**

#### **A. The '852 Patent**

##### **1. Identification Of The '852 Patent And Ownership By Samsung**

14. U.S. Patent No. 5,731,852 is entitled "Image/Audio Information Recording And Reproducing Apparatus Using A Semiconductor Memory" and issued on

March 24, 1998. The '852 Patent issued from U.S. Patent Application Serial No. 585,929, filed on January 16, 1996. The '852 Patent claims priority to Korean Patent Application No. 95-646, filed on January 16, 1995, and identifies Young-man Lee as the inventor. SEC is the owner, by valid assignment, of the entire right, title, and interest in and to the '852 Patent. *See Exhibit 3.* The '852 Patent is valid, enforceable, and is currently in full force and effect.

15. As stated above, upon information and belief, Kodak infringes claims 1, 2, 6, 8, and 9 of the '852 Patent. Claim 1 is an independent claim.

## **2. Non-Technical Description Of The '852 Patented Invention<sup>2</sup>**

16. The '852 Patent relates to an image/audio recording and reproducing apparatus, such as a digital camera, that uses a semiconductor memory. The '852 Patent describes and claims a device that allows the user to associate a variable-length recorded audio file with a recorded image file. Prior art image/audio recording devices with similar “sound tag” or “voice memo” features allocated a fixed memory size to the audio files — the user could not record audio files that exceeded the predetermined memory size. The '852 Patent improves on the prior art recording devices by allowing a variable-length audio file, enabling the user to create “sound tags” or “voice memos” that exceeded the fixed file size known in the prior art. The '852 claimed invention implements variable-length audio files by recording and reproducing audio information

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<sup>2</sup> The text in this Complaint, including this section (i.e., “Non-Technical Description Of The '852 Patented Invention”), does not, and is not intended to, construe either the specification or claims of the patent.

using both start and end addresses of the audio file, instead of using just the start address as taught in the prior art.

### **3. Foreign Counterparts To The '852 Patent**

17. The foreign counterparts to the '852 Patent are listed in **Exhibit 7**. No other foreign patents or patent applications corresponding to the '852 Patent have been filed, abandoned, withdrawn, or rejected.

### **4. Materials Accompanying The Complaint**

18. As required by Commission Rule 210.12(c), 19 C.F.R. § 210.12(c), Samsung submits the following materials accompanying the Complaint: (i) four copies of the prosecution history of the '852 Patent (**Appendix A**) and (ii) four copies of each reference cited in the prosecution history of the '852 Patent (**Appendix B**).

19. **Confidential Exhibit 8** to this Complaint contains a list identifying the licensees of the '852 Patent.

## **B. The '695 Patent**

### **1. Identification Of The '695 Patent And Ownership By Samsung**

20. U.S. Patent No. 6,229,695 B1 is entitled "Palm-Sized Computer With A Frame To Hold Device Plates" and issued on May 8, 2001. The '695 Patent issued from U.S. Patent Application Serial No. 09/283,236, filed on April 1, 1999. The '695 Patent claims priority to Korean Patent Application No. 98/11897, filed on April 3, 1998, and identifies Joung-Nam Moon as the inventor. SEC is the owner, by valid assignment, of the entire right, title, and interest in and to the '695 Patent. *See Exhibit 4*. The '695 Patent is valid, enforceable, and is currently in full force and effect.

21. As stated above, upon information and belief, Kodak infringes claims 1, 2, 3, 5, 6, 8, 9, 10, 11, and 19 of the '695 Patent. Claim 1 is an independent claim.

**2. Non-Technical Description Of The '695 Patented Invention<sup>3</sup>**

22. The '695 Patent relates to a palm-sized electronic device, such as a camera, and more particularly to the housing encasing the device's structure. The '695 Patent describes and claims an improved housing design that, among other advantages, better protects the device's internal electronic components, permits a smaller device size, and simplifies device assembly.

23. As described in the specification, an internal frame supports internal device components, such as the liquid crystal display ("LCD") panel and the printed circuit board ("PCB"). The frame mounts to the inside of the device housing. This novel design provides the LCD panel and PCB with increased impact-resistance. Since the LCD panel and PCB do not fasten directly to the housing, externally exerted forces do not directly transfer to these internal components. That is because the frame directly supports these components. Additionally, resilient layers or spacing mechanisms can provide additional protection to the LCD panel and PCB. Thus the invention decreases the likelihood that an externally exerted force — resulting from, for example, dropping the device to the ground — will damage these electronic components.

24. This novel housing design also permits a smaller size for the palm-sized electronic device. Since neither the LCD panel nor PCB fastens directly to the housing,

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<sup>3</sup> The text in this Complaint, including this section (i.e., "Non-Technical Description Of The '695 Patented Invention"), does not, and is not intended to, construe either the specification or claims of the patent.

and since the frame can provide rib-like mechanisms to hold the LCD panel and PCB, the frame decreases the number of screws required to assemble the device. As a result, the overall housing size decreases.

25. The improved design also simplifies assembly of the electronic device. As mentioned above, the number of screws required to assemble the device decreases because the frame supports the LCD panel and PCB. In one embodiment, only one screw affixes the internal frame to the housing. Use of a single screw allows fast device assembly. In another embodiment, ribs extending perpendicular from the frame's edges hold the LCD panel against the internal frame. So the process of mounting the LCD panel to the frame is accomplished in fewer and simpler steps.

### **3. Foreign Counterparts To The '695 Patent**

26. The foreign counterparts to the '695 patent are listed in **Exhibit 9**. No other foreign patents or patent applications corresponding to the '695 patent have been filed, abandoned, withdrawn, or rejected.

### **4. Materials Accompanying The Complaint**

27. As required by Commission Rule 210.12(c), 19 C.F.R. § 210.12(c), Samsung submits the following materials accompanying the Complaint: (i) four copies of the prosecution history of the '695 Patent (**Appendix C**) and (ii) four copies of each reference cited in the prosecution history of the '695 Patent (**Appendix D**).

28. **Confidential Exhibit 8** contains a list identifying the licensees of the '695 Patent.

## V. KODAK'S UNLAWFUL ACTIVITIES

### A. Specific Instances Of Importation Of Kodak's Infringing Digital Cameras

29. On information and belief, Kodak imports, sells for importation, and/or sells within the United States after importation certain digital cameras that infringe at least claims 1, 2, 6, 8, and 9 of the '852 Patent and claims 1, 2, 3, 5, 6, 8, 9, 10, 11, and 19 of the '695 Patent.

30. On information and belief, Kodak offers the accused products for sale to digital camera retailers with the knowledge and expectation that the retailers intend to sell the items within the United States.

31. Samsung obtained in the United States Kodak digital cameras that were imported into the United States. For example, Samsung purchased a Kodak EasyShare M863 digital camera on December 4, 2008, from Best Buy in California, Maryland. A copy of the sales receipt is attached as **Exhibit 10**. The Kodak EasyShare M863 is marked with a sticker stating that the camera was made in China. A photocopy of this sticker is attached as **Exhibit 11**. The packaging of the Kodak EasyShare M863 also states that the "[c]amera [is] made in China." A photocopy of the packaging is attached as **Exhibit 12**.

32. On information and belief, all Kodak digital cameras available for purchase in the United States are made outside the United States. In a complaint filed with the ITC on November, 17, 2008, Kodak stated that it does not presently manufacture its digital cameras in the United States. *See Exhibit 13* at 21-22. Thus all Kodak digital

cameras available in the United States that infringe one or more claims of the '852 and '695 Patents<sup>4</sup> were imported into the United States.

**B. Kodak Directly Infringes The Asserted Patents**

**1. Kodak Directly Infringes The '852 Patent**

33. On information and belief, certain Kodak digital cameras infringe at least claims 1, 2, 6, 8, and 9 of the '852 Patent. On information and belief, these products include at least the following models: M763, M863, M893, M1033, M1063, M1093 IS, Z1015 IS, Z1285, Z1485 IS, and Z8612 IS. Further discovery may reveal additional infringing products and/or models.

34. A chart applying exemplary claim 1 of the '852 Patent to the Kodak EasyShare M863 digital camera is attached to this Complaint as **Exhibit 14**. This claim chart demonstrates that Kodak's digital cameras infringe the '852 Patent.

35. Kodak received actual notice of its infringement of the '852 Patent through Samsung's delivery of a courtesy copy of this Complaint, which Samsung sent to Kodak simultaneous to filing with the U.S. International Trade Commission.

**2. Kodak Directly Infringes The '695 Patent**

36. On information and belief, certain Kodak digital cameras infringe at least claims 1, 2, 3, 5, 6, 8, 9, 10, 11, and 19 of the '695 Patent. On information and belief, these products include at least the following models: C813, M763, M863, M1033, V1073, Z1012 IS, and Z1015 IS. Further discovery may reveal additional infringing products and/or models.

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<sup>4</sup> These digital cameras include, but are not limited to, the following models: C813, M763, M863, M893, M1033, M1063, M1093 IS, V1073, Z1012 IS, Z1015 IS, Z1285, Z1485 IS, and Z8612 IS.

37. A chart applying exemplary claim 1 of the '695 Patent to the Kodak EasyShare M863 digital camera is attached to this Complaint as **Exhibit 15**. This claim chart demonstrates that Kodak's digital cameras infringe the '695 Patent.

38. Kodak received actual notice of its infringement of the '695 Patent through Samsung's delivery of a courtesy copy of this Complaint, which Samsung sent to Kodak simultaneous to filing with the U.S. International Trade Commission.

#### **VI. CLASSIFICATION OF THE INFRINGING ARTICLES UNDER THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES**

39. Upon information and belief, Kodak's digital cameras may be classified under at least 8525.80 of the United States Harmonized Tariff Schedule ("HTS"). This HTS number is for illustration only, and is not intended to restrict the devices and products accused.

#### **VII. THE DOMESTIC INDUSTRY REQUIREMENT**

40. As required by Section 337(a)(2) and defined by Section 337(a)(3), a domestic industry exists in the United States in connection with the '852 and '695 Patents. Samsung-branded consumer products sold in the United States, including digital cameras, ultraportable computers, and MP3 players, practice valid claims of the '852 and/or the '695 Patents. Samsung's activities in the United States relating to the practice of the '852 and '695 Patents include (i) significant United States investments in plant and equipment, (ii) significant employment of labor and capital in the United States, and (iii) substantial investment in the exploitation of the subject patents.

**A. Samsung Satisfies The Technical Prong Of The Domestic Industry Requirement**

**1. Samsung Practices The '852 Patent In The United States**

41. Samsung satisfies the technical prong of the domestic industry requirement regarding the '852 Patent. Samsung currently repairs, refurbishes, and/or tests in the United States Samsung-branded digital cameras that practice valid claims of the '852 Patent. These cameras include, but are not limited to, models S85, S630, S860, L200, L210, L100, L830, i8, i85, NV24HD, NV11, NV15, NV20, TL9, TL34HD, SL201, and BL1050.

42. An exemplar claim chart attached to this Complaint as **Exhibit 16** applies exemplary claim 1 of the '852 Patent to Samsung's NV24HD digital camera. This claim chart demonstrates that Samsung-branded digital cameras practice the invention claimed in the '852 Patent.

**2. Samsung Practices The '695 Patent In The United States**

43. Samsung satisfies the technical prong of the domestic industry requirement regarding the '695 Patent. Samsung currently repairs, refurbishes, and/or tests in the United States Samsung-branded digital cameras, ultraportable computers, and MP3 players that practice valid claims of the '695 Patent. These products include, but are not limited to, the S630 and S730 digital cameras, the Q1U series of ultraportable computers, and the YP-P2 MP3 player.

44. An exemplar claim chart attached to this Complaint as **Exhibit 17** applies exemplary claim 1 of the '695 Patent to Samsung's YP-P2 MP3 player. This claim chart demonstrates that Samsung-branded products practice the invention claimed in the '695 Patent.

**B. Samsung Satisfies The Economic Prong Of The Domestic Industry Requirement**

**1. Samsung Invests In Providing Customer Support To Its U.S. Customers**

45. Samsung conducts significant domestic industry activities in the United States relating to products practicing the '852 and/or '695 Patents. These activities include significant investment in plant and equipment, significant employment of labor and capital, and substantial investment in the exploitation of the subject patents.

46. SEA has made and continues to make significant expenditures in the United States relating to its provision of customer support to purchasers of Samsung-branded products embodying the '852 and/or '695 Patents.

47. For example, SEA contracts with third parties to provide customer support for consumers of Samsung-branded products that practice the '852 and/or the '695 Patents. These third party providers are located throughout the United States and have facilities in, for example, Texas, New York, New Jersey, and California. SEA pays these providers to operate customer call centers, which assist Samsung's digital camera customers with any technical support issues they may have. SEA also pays these providers to service, repair, and refurbish Samsung-branded digital cameras. Aside from these third party service providers, SEA invests in offering customer service to consumers of Samsung-branded products at national retailers such as Best Buy and Sears.

48. **Confidential Exhibit 18** summarizes a portion of SEA's expenditures relating to the provision of customer support for Samsung-branded products embodying the '852 and/or the '695 Patents.

## **2. Samsung's U.S. Licensing Activities Also Satisfy The Economic Prong Requirement**

49. A domestic industry regarding the '852 and '695 Patents also exists because of Samsung's extensive licensing activities in the United States. Samsung currently employs a significant amount of labor and capital in the United States in connection with licensing its United States patents, and has granted licenses covering the '852 and/or '695 Patents.

50. **Confidential Exhibit 18** also summarizes Samsung's investments relating to its United States licensing activities.

51. Samsung is in the process of contacting licensees so that it can submit, as required by Commission Rule 210.12(a)(9)(iv), 19 C.F.R. § 210.12(a)(9)(iv), a copy of each license agreement for the '852 and/or the '695 Patents on which Samsung relies to establish a domestic industry.

## **VIII. RELATED LITIGATION**

### **A. Pending Litigation Between Samsung And Kodak**

52. On November 17, 2008, Kodak filed a complaint with the ITC seeking institution of an investigation under Section 337 and naming Samsung Electronics Company, Ltd., Samsung Electronics America, Inc., Samsung Telecommunications America, Inc., LG Electronics, Inc. LG Electronics USA, Inc., and LG Electronics MobileComm USA, Inc. as proposed respondents. The two patents at issue are U.S. Patent No. 5,493,335 ("the '335 Patent") and U.S. Patent No. 6,292,218 ("the '218 Patent"). The ITC instituted the investigation, which is now pending as investigation number 337-TA-663.

53. On November 17, 2008, Kodak filed two complaints for patent infringement against Samsung Electronics Company, Ltd., Samsung Electronics America, Inc., Samsung Telecommunications America, Inc., LG Electronics, Inc. LG Electronics USA, Inc., and LG Electronics MobileComm USA, Inc. in the United States District Court for the Western District of New York, one asserting infringement of the '335 and '218 Patents, and the other asserting infringement of two other Kodak patents.

**B. Litigation Relating To The Asserted Patents**

54. There has been no foreign or domestic court or agency litigation involving the asserted '852 Patent, or the subject matter thereof.

55. There has been no foreign or domestic court or agency litigation involving the asserted '695 Patent, or the subject matter thereof.

**IX. REQUESTED RELIEF**

56. Kodak has infringed and will continue to infringe Samsung's '852 and '695 Patents unless the ITC prohibits the importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of Kodak's infringing digital cameras.

57. Thus, for reasons set forth above, Samsung respectfully requests that the United States International Trade Commission:

**A. Institute An Investigation**

58. Institute an immediate investigation under Section 337(b)(1) of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, regarding violations of Section 337 based on Kodak's unlawful importation into the United States, sale for importation into the United

States, and/or the sale within the United States after importation of Kodak digital cameras that infringe one or more claims of Samsung's '852 and '695 Patents;

**B. Conduct A Public Hearing**

59. Hold a public hearing authorized by Sections 337(c) and (d) to receive evidence and hear argument on whether Kodak has violated Section 337;

**C. Issue A Permanent Exclusion Order**

60. After determining that Kodak has violated Section 337, issue a permanent exclusion order authorized by Sections 337(d) and (f)(1) that forbids entry into the United States of Kodak digital cameras that infringe one or more claims of Samsung's '852 and '695 Patents;

**D. Issue Permanent Cease And Desist Orders**

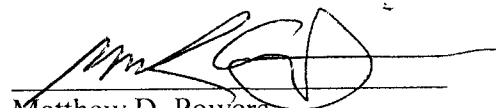
61. As authorized by Section 337(f), direct that Kodak cease and desist from importing, selling, promoting, marketing, and/or advertising in the United States Kodak digital cameras that infringe one or more claims of Samsung's '852 and '695 Patents; and

**E. Other Relief**

62. Grant all other necessary and proper relief.

Dated: February 17, 2009

Respectfully submitted,



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Attorneys for Complainants  
SAMSUNG ELECTRONICS  
COMPANY, LTD. and  
SAMSUNG ELECTRONICS  
AMERICA, INC.

### VERIFICATION OF COMPLAINT

I, Eunha Kim, declare, in accordance with 19 C.F.R. §§ 210.2 and 210.12(a), under penalty of perjury, that the following statements are true:

1. I am currently Manager with Samsung Electronics Co., Ltd. ("SEC") and am duly authorized to sign this Complaint on behalf of SEC;
2. I have read the foregoing Complaint;
3. To the best of my knowledge, information, and belief, and based upon reasonable inquiry, the foregoing Complaint is well-founded in fact and is warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
4. The allegations and 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 an improper purpose, such as to harass, cause unnecessary delay, or cause needless increase in the cost of litigation.

Executed this 16 day of February, 2009.

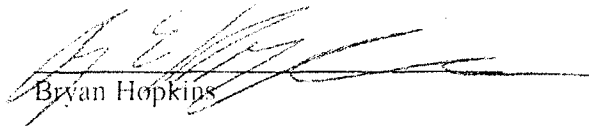
  
\_\_\_\_\_  
Eunha Kim

## VERIFICATION OF COMPLAINT

I, Bryan Hopkins, declare, in accordance with 19 C.F.R. §§ 210.2 and 210.12(a), under penalty of perjury, that the following statements are true:

1. I am currently Vice President and General Counsel of Samsung Electronics America, Inc. ("SEA"), and am duly authorized to sign this Complaint on behalf of SEA;
2. I have read the foregoing Complaint;
3. To the best of my knowledge, information, and belief, and based upon reasonable inquiry, the foregoing Complaint is well-founded in fact and is warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
4. The allegations and 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 an improper purpose, such as to harass, cause unnecessary delay, or cause needless increase in the cost of litigation.

Executed this 17<sup>th</sup> day of February, 2009.

  
Bryan Hopkins