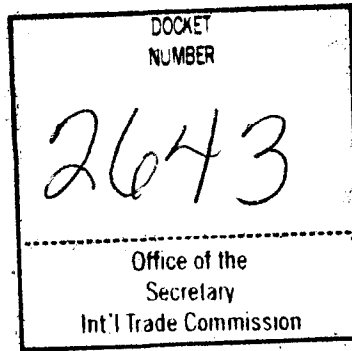


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600 Fourteenth Street, N.W.  
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Gregory C. Dorris  
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dorrisg@pepperlaw.com

December 19, 2008

**CBI 09-87**  
**VIA HAND DELIVERY**

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

2008 DEC 19 11:00 AM

Re: *Certain Electronic Devices, Including Handheld, Wireless Communications Devices, Inv. No. 337-TA-*

Dear Secretary Abbott:

Enclosed for filing on behalf of Saxon Innovations, LLC ("Saxon"), please find the following documents in support of Saxon's request that the Commission commence an investigation pursuant to Section 337 of the Tariff Act of 1930:

1. An original and twelve (12) Nonconfidential copies of Saxon's Verified Complaint (original and one copy unbound, without tabs) along with an original and six (6) copies of the Nonconfidential Exhibits and Appendices (original and one copy unbound, without tabs);
2. Six (6) copies of the Confidential Exhibits (one copy of each unbound, without tabs);
3. Eleven (11) Nonconfidential copies of Saxon's Verified Complaint and accompanying Nonconfidential Exhibits for service upon the Proposed Respondents and Eleven (11) copies of the Confidential Exhibits for service upon Proposed Respondents' counsel after appropriate notices of appearances and subscriptions to the protective order have been filed, pursuant to Commission Rule 210.8(a) and 210.11(a);

The Honorable Marilyn R. Abbott  
Page 2  
December 19, 2008

4. Four (4) Nonconfidential copies of Saxon's Verified Complaint for service upon the Finnish, Canadian, Taiwanese, and Japanese embassies in Washington, D.C., pursuant to Commission Rules 210.8(a)(iv) and 210.11(a)(1)(ii);
5. One certified copy for each of the asserted U.S. Patent No. 5,235,635; U.S. Patent No. 5,530,597; and U.S. Patent No. 5,608,873 (Exhibits 1, 5, and 8, respectively);
6. One certified copy of the assignment record for each of the asserted U.S. Patent No. 5,235,635; U.S. Patent No. 5,530,597; and U.S. Patent No. 5,608,873 (Exhibits 3, 7, and 10, respectively);
7. One certified copy and three (3) additional copies of the prosecution history for each of the asserted U.S. Patent No. 5,235,635; U.S. Patent No. 5,530,597; and U.S. Patent No. 5,608,873 (Appendices A, C, and E, respectively);
9. Four (4) copies of each patent and applicable pages of each technical reference mentioned in the prosecution history for each of the asserted U.S. Patent No. 5,235,635; U.S. Patent No. 5,530,597; and U.S. Patent No. 5,608,873 (Appendices B, D, and F, respectively); and
10. A letter and certification pursuant to Commission Rules 201.6(b) and 210.5(d) requesting confidential treatment of information appearing in Confidential Exhibits 4 and 47 to Saxon's Verified Complaint.

Please contact the undersigned should you have any questions relating to this filing. Thank you for your attention to this matter.

Respectfully submitted,



Gregory C. Dorris  
Pepper Hamilton LLP  
Counsel for Saxon Innovations, LLC

Enc/

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600 Fourteenth Street, N.W.  
Washington, DC 20005-2004  
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December 19, 2008

**VIA HAND DELIVERY**

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

Re: *Certain Electronic Devices, Including Handheld, Wireless  
Communications Devices, Inv. No. 337-TA-*

Dear Secretary Abbott:

We represent Complainant Saxon Innovations, LLC (“Saxon”) in a complaint filed today pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337. Pursuant to Commission Rules 201.6 and 210.5, 19 C.F.R. §§ 201.6 and 210.5, Saxon respectfully requests confidential treatment of the business information contained in Confidential Exhibits 4 and 47.

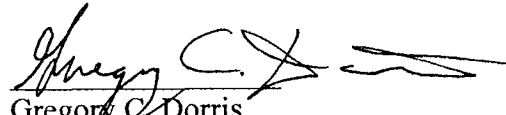
Saxon seeks confidential treatment of the information contained in these exhibits because the information is proprietary commercial information not otherwise publicly available. Specifically, Confidential Exhibit 4 is a Patent Purchase Agreement between Saxon and Saxon IP Assets, LLC that contains proprietary information regarding the negotiated terms, representations, warranties and consideration Saxon paid to acquire, *inter alia*, the patents asserted in the above-referenced investigation. Confidential Exhibit 47 is the Declaration of Anthony Grillo, Vice President of Licensing for Saxon. This exhibit contains information taken from Saxon’s balance sheets and income and profit & loss statements, which financial information Saxon maintains as confidential.

The information in Confidential Exhibits 4 and 47 qualifies as confidential information pursuant to 19 C.F.R. § 201.6 in that the information concerns or relates to, or would otherwise disclose, proprietary commercial information, the disclosure of which would result in substantial harm to the competitive position of Saxon and also would impair the Commission’s ability in the

The Honorable Marilyn R. Abbott  
Page 2  
December 19, 2008

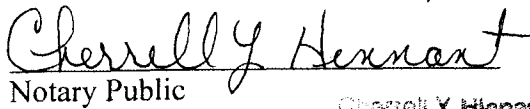
future to obtain such types of information in performance of its statutory function. I certify that substantially identical information is not reasonably available to the public.

Respectfully submitted,



Gregory C. Dorris  
Pepper Hamilton LLP  
Counsel to Saxon Innovations, LLC

District of Columbia  
Subscribed and sworn before me



Notary Public

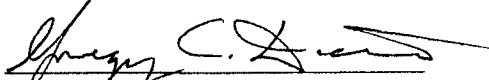
Cherrell Y. Hinnant  
Notary Public, District of Columbia  
My Commission Expires 6/14/2011

My commission expires: ~~My Commission Expires 6/14/2011~~

## CERTIFICATE OF SERVICE

I, Gregory C. Dorris, hereby certify that the original plus twelve (12) copies of the foregoing Request for Confidential Exhibits in the Complaint of Saxon Innovations, LLC were filed and served by hand delivery upon the Office of the Secretary of the U.S. International Trade Commission on December 19, 2008 as follows:

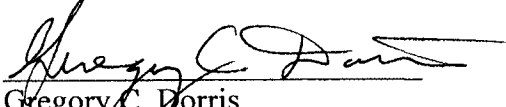
The Honorable Marilyn R. Abbott  
Secretary  
U.S. International Trade Commission  
500 E Street, SW, Room 112  
Washington, DC 20436

  
Gregory C. Dorris  
Pepper Hamilton LLP  
Counsel to Saxon Innovations, LLC

## CERTIFICATE OF SERVICE

I, Gregory C. Dorris, hereby certify that the original plus twelve (12) copies of the foregoing Complaint of Saxon Innovations, LLC were filed and served by hand delivery upon the Office of the Secretary of the U.S. International Trade Commission on December 19, 2008 as follows:

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

  
Gregory C. Dorris  
Pepper Hamilton LLP  
Counsel to Saxon Innovations, LLC

UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON DC

\_\_\_\_\_  
In the Matter of )  
)  
)

CERTAIN ELECTRONIC DEVICES, )  
INCLUDING HANDHELD WIRELESS )  
COMMUNICATIONS DEVICES )  
\_\_\_\_\_ )

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

**VERIFIED COMPLAINT UNDER SECTION 337  
OF THE TARIFF ACT OF 1930, AS AMENDED**

**Complainant:**

Saxon Innovations, LLC  
100 E. Ferguson  
Suite 816, First Place  
Tyler, TX 75702  
903.593.3224

**Counsel for Complainant**

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Washington, DC 20005-2004  
202.220.1200  
202.220.1665 (facsimile)

**Proposed Respondents:**

Nokia Corp.  
Keilalahdentie 4  
FIN-00045 Espoo, Finland

Nokia, Inc.  
6000 Connection Drive  
Irving, TX 75039

Research In Motion Ltd.  
295 Phillip Street  
Waterloo, Ontario N2L 3W8 Canada

Research In Motion Corp.  
122 W. John Carpenter Parkway  
Suite 430  
Irving, TX 75039

High Tech Computer Corp.  
23 Xinghua Road  
Taoyuan, 330, Taiwan

HTC America, Inc.  
13920 SE Eastgate Way  
Suite 400  
Bellevue, WA 98005

Palm, Inc.  
950 W. Maude Avenue  
Sunnyvale, CA 94085

Panasonic Corporation  
1006  
Kadoma, Kadoma City  
Osaka 571-8501, Japan

AVC Networks Company  
1-15  
Matsuo-cho, Kadoma City  
Osaka 571-8504, Japan

Panasonic Corporation of North  
America  
One Panasonic Way  
Secaucus, NJ 07094

Panasonic Consumer Electronics  
Company One Panasonic Way  
Secaucus, NJ 07094

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## EXHIBIT LIST

1. Certified copy of U.S. Patent No. 5,235,635
2. Certified copy of U.S. Patent No. 5,235,635 File History
3. Certified copy of U.S. Patent No. 5,235,635 Assignment Record
4. Confidential Patent Purchase Agreement dated July 6, 2007
5. Certified copy of U.S. Patent No. 5,530,597
6. Certified copy of U.S. Patent No. 5,530,597 File History
7. Certified copy of U.S. Patent No. 5,530,597 Assignment Record
8. Certified copy of U.S. Patent No. 5,608,873
9. Certified copy of U.S. Patent No. 5,608,873 File History
10. Certified copy of U.S. Patent No. 5,608,873 Assignment Record
11. Chart comparing the '635 Patent to the Nokia N73 device; photograph of the physical casing of the Nokia N73 device
12. Sales Receipt for the Nokia N73 device
13. Webpage from [www.nokiausa.com](http://www.nokiausa.com) – Nokia Offices
14. Webpages from [www.nokiausa.com](http://www.nokiausa.com) – Nokia Phones for Sale Online
15. Nokia packing list dated October 29, 2008
16. Photograph of Nokia product packaging
17. Webpage from [www.nokiausa.com](http://www.nokiausa.com) - Nokia US offices
18. Nokia Corporation Form 20-F Dec 2007 - Organizational Structure
19. Chart comparing the '635 Patent to the Research in Motion Blackberry 8100 Pearl; photograph of the physical casing of the Research in Motion Blackberry 8100 Pearl
20. Sales receipt for the Research in Motion Blackberry 8100 Pearl
21. Research in Motion Ltd. Profile by Hoovers
22. Research in Motion Ltd. 2008 Annual Report - The Year in Review, p. 9
23. Chart comparing the '635 Patent to the HTC Shadow; photograph of the physical casing of the HTC Shadow
24. Sales receipt for the HTC Shadow
25. HTC Corp. 2007 Annual Report – Overview p. 34
26. Webpage from [www.htc.com/us](http://www.htc.com/us) - North American Headquarters
27. Webpage from [www.htc.com/us](http://www.htc.com/us) - Channel Partners
28. Webpage from [www.BNET.com](http://www.BNET.com) - Brightpoint North America to be Sole Distributor for HTC GSM Devices to Regional Operators and their Distribution Channels
29. Webpage from [www.extractable.com](http://www.extractable.com) - HTC America Case Study
30. Chart comparing the '635 Patent to the Palm Treo 700p; photograph of the physical casing of the Palm Treo 700p
31. Sales receipt for the Palm Treo 700p
32. Chart comparing the '635 Patent to the Panasonic TH-42PX75U Plasma TV remote control; photograph of the product packaging of the Panasonic TH-42PX75U Plasma TV remote control
33. Sales receipt for the Palm Panasonic TH-42PX75U Plasma TV remote control
34. Webpage from [www.panasonic.net](http://www.panasonic.net) - Business Segments
35. Webpage from [www.panasonic.net](http://www.panasonic.net) - AVC Networks Company
36. Matsushita Electric Industrial Co., LTD 2008 Form 20-F, p. 16-17, 28-30
37. Panasonic Corporation Profile by Hoovers

38. Panasonic Quick Start Guide – Operating Instructions for High Definition Plasma Television (TH-42PX75U and TH-50PX75U)
39. Chart comparing the '597 Patent to the Nokia N95 device; photograph of the physical casing of the Nokia N95 device
40. Best Buy order summary for the sale of the Nokia N95 device
41. Chart comparing the '597 Patent to the Research in Motion Blackberry 8100 device; photograph of the physical casing of the Research in Motion Blackberry 8100 device
42. Chart comparing the '597 Patent to the HTC Touch; photograph of the physical casing of the HTC Touch
43. Sales receipt for the HTC Touch
44. Chart comparing the '597 Patent to the Palm Treo 700p; photograph of the physical casing of the Palm Treo 700p
45. Chart comparing the '873 Patent to the Nokia N73 device; photograph of the physical casing of the Nokia N73 device
46. Chart comparing the '873 Patent to the HTC Shadow; photograph of the physical casing of the HTC Shadow
47. Confidential - Declaration of Anthony Grillo
  - a. Confidential - Saxon Innovations, LLC - Balance Sheet as of December 31, 2007
  - b. Confidential - Saxon Innovations, LLC - Balance Sheet as of November 30, 2008
  - c. Confidential - Saxon Innovations, LLC - Profit & Loss for the eleven months ended November 30, 2008
  - d. Confidential - Saxon Innovations, LLC - Income Statement for the year ending December 31, 2007

### APPENDICES

- A. One certified and three additional copies of the U.S. Patent and Trademark Office prosecution history for U.S. Patent No. 5,235,635
- B. Copies of each patent and applicable pages of each technical reference mentioned in the prosecution history for U.S. Patent No. 5,235,635
- C. One certified and three additional copies of the U.S. Patent and Trademark Office prosecution history for U.S. Patent No. 5,530,597 File History
- D. Copies of each patent and applicable pages of each technical reference mentioned in the prosecution history for U.S. Patent No. 5,530,597
- E. One certified and three additional copies of the U.S. Patent and Trademark Office prosecution history for U.S. Patent No. 5,608,873 File History
- F. Copies of each patent and applicable pages of each technical reference mentioned in the prosecution history for U.S. Patent No. 5,608,873

## I. INTRODUCTION

1. Complainant Saxon Innovations, LLC (“Saxon”) files this complaint pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”). Saxon respectfully requests that the U.S. International Trade Commission (“Commission”) institute an investigation relating to the unlawful importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of certain electronic devices including handheld, wireless communications devices.

2. The proposed respondents are Nokia Corp.; Nokia, Inc.; Research In Motion Ltd.; Research in Motion Corp.; High Tech Computer Corp.; HTC America, Inc.; Palm, Inc.; Panasonic Corporation; AVC Networks Company; Panasonic Corporation of North America; and Panasonic Consumer Electronics Company (collectively, “Respondents”).

3. Respondents have violated and continue to violate Section 337 through the importation, sale for importation, and/or the sale within the United States after importation of certain electronic devices including handheld, wireless communications devices that infringe Saxon’s United States Patent No. 5,235,635 (“the ‘635 Patent”), United States Patent No. 5,530,597 (“the ‘597 Patent”), and/or United States Patent No. 5,608,873 (“the ‘873 Patent”) (collectively, the “Asserted Patents”) to the detriment of Saxon’s industry in the United States relating to the Asserted Patents that exists and/or is in the process of being established.

4. To remedy Respondents’ continuing and unlawful violation of Section 337, Saxon seeks as permanent relief a limited exclusion order barring from entry into the United States all Respondents’ electronic devices that infringe one or more of the claims of the ‘635 Patent, the ‘597 Patent, and/or the ‘873 Patent. Saxon also seeks cease and desist orders pursuant to 19 U.S.C. § 1337(f) prohibiting each domestic Respondent from engaging in the importation into the United States and/or the sale within the United States after importation of electronic devices

that infringe one or more claims of the '635 Patent, the '597 Patent, and/or the '873 Patent. Further, Saxon requests that the Commission impose a bond upon Respondents' importation of infringing electronic devices during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j) to prevent further injury to Saxon's domestic industry relating to the '635 Patent, the '597 Patent, and the '873 Patent.

## **II. THE PARTIES**

### **A. Complainant**

5. Complainant Saxon is a privately-held company with its corporate headquarters located in Tyler, Texas. Saxon focuses its business on acquiring, licensing, and enforcing patented technology in the consumer electronics and communications industry, including the '635 Patent, the '597 Patent, and the '873 Patent.

### **B. Proposed Respondents**

6. With regard to the proposed Respondents, Saxon alleges the following upon information and belief:

#### Nokia Corp.

7. Respondent Nokia Corp. is located at Keilalahdentie 4, FIN-00045 Espoo, Finland. Nokia Corp. is in the business of developing, manufacturing, and selling communications devices. Such communications devices include, but are not limited to, cellular telephones for use in cellular telephone networks. Nokia Corp. is the parent corporation of respondent Nokia, Inc.

#### Nokia, Inc.

8. Respondent Nokia, Inc. is a subsidiary of respondent Nokia Corp. Nokia, Inc. is located at 6000 Connection Drive, Irving, Texas 75039. On information and belief, Nokia, Inc. markets and distributes mobile phones and telecommunication devices in the United States,

which phones and devices are manufactured outside of the country. Respondents Nokia Corp. and Nokia, Inc. are referred to collectively as “Nokia.”

Research In Motion Ltd.

9. Respondent Research In Motion Ltd. is located at 295 Phillip Street, Waterloo, Ontario N2L 3W8, Canada. Research In Motion Ltd. is in the business of developing, manufacturing, and selling mobile communications devices. Research In Motion Ltd. is the parent corporation of respondent Research In Motion Corp.

Research In Motion Corp.

10. Respondent Research In Motion Corp. is a wholly-owned subsidiary of respondent Research In Motion Ltd. Research In Motion Corp. is located at 122 W. John Carpenter Parkway, Suite 430, Irving, Texas 75039. On information and belief, Respondent Research In Motion Corp. markets and distributes mobile phones and telecommunication devices in the United States, which phones and devices are manufactured outside of the United States. Research In Motion Ltd. and Research In Motion Corp. are referred to collectively as “Research In Motion.”

High Tech Computer Corp.

11. Respondent High Tech Computer Corp. is a foreign corporation organized and existing under the laws of Taiwan, with its principal place of business at 23 Xinghua Road, Taoyuan, 330, Taiwan. High Tech Computer Corp. is in the business of making, offering for sale, selling, and supporting wireless hardware, software and services including, but not limited to, cell phones, handheld computers, and other wireless communications devices manufactured outside of the United States. High Tech Computer Corp. is the parent corporation of respondent HTC America, Inc.

HTC America, Inc.

12. Respondent HTC America, Inc. is a corporation organized and existing under the laws of the state of Texas, with its principal place of business located at 13920 SE Eastgate Way, Suite 400, Bellevue, Washington 98005. HTC America, Inc. is in the business of making, offering for sale, selling and supporting wireless hardware, software and services including, but not limited to, cell phones, handheld computers, and other wireless communications devices manufactured outside of the United States. High Tech Computer Corp. and HTC America, Inc. are referred to collectively as “HTC.”

Palm, Inc.

13. Respondent Palm, Inc. (“Palm”) is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business at 950 W. Maude Avenue, Sunnyvale, California 94085. Palm is in the business of making, offering for sale, selling, and supporting a variety of personal communications devices manufactured outside of the United States including, but not limited to, cell phones, handheld computers, and other wireless communications devices.

Panasonic Corporation

14. Respondent Panasonic Corporation (f/k/a Matsushita Electric Industrial Co., Ltd.) is a foreign corporation organized and existing under the laws of Japan, with its principal place of business at 1006, Kadoma, Kadoma City, Osaka 571-8501, Japan. Panasonic Corporation is in the business of making, offering for sale, selling, and supporting a variety of personal communications devices manufactured outside of the United States including, but not limited to, cell phones, handheld computers, and other wireless communications devices.

AVC Networks Company

15. Respondent AVC Networks Company is a business domain company of Panasonic Corporation, with its principal place of business at 1-15, Matsuo-cho, Kadoma-city, Osaka 571-8504 Japan. AVC Networks Company is in the business of making, offering for sale, selling, and supporting a variety of consumer electronics devices manufactured outside of the United States including, but not limited to, plasma televisions, home theater systems, Blu-ray disk recorders/players, digital cameras, and digital video cameras.

Panasonic Corporation of North America

16. Respondent Panasonic Corporation of North America is the principal North American subsidiary of Panasonic Corporation, with its principal place of business at One Panasonic Way, Secaucus, New Jersey 07094. Panasonic Corporation of North America is in the business of offering for sale, selling, and supporting a variety of consumer electronics devices including, but not limited to, plasma televisions, home theater systems, Blu-ray disk recorders/players, digital cameras, and digital video cameras.

Panasonic Consumer Electronics Company

17. Respondent Panasonic Consumer Electronics Company is a subsidiary of Panasonic Corporation of North America, with its principal place of business at One Panasonic Way, Secaucus, New Jersey 07094. Panasonic Consumer Electronics Company is in the business of marketing, offering for sale, selling, and supporting a variety of consumer electronics devices including, but not limited to, plasma televisions, home theater systems, Blu-ray disk recorders/players, digital cameras, and digital video cameras. Panasonic Corporation; AVC Networks Company; Panasonic Corporation of North America; and Panasonic Consumer Electronics Company are referred to collectively as "Panasonic."

### **III. THE ASSERTED '635 PATENT**

18. By way of assignment, Saxon holds all rights, title, and interest to U.S. Patent No. 5,235,635, Keypad Monitor with Keypad Activity-Based Activation. Pursuant to Commission rules 210.12(a)(9)(i)-(ii), a certified copy of the '635 Patent, a copy of the certified '635 Patent prosecution history, and a certified copy of the assignment record for the '635 Patent are attached hereto as Exhibits 1, 2, and 3, respectively. Appendix A, pursuant to Commission rule 210.12(c)(1), contains one certified copy of the U.S. Patent and Trademark Office prosecution history for the '635 Patent plus three additional copies thereof. Appendix B, pursuant to Commission rule 210.12(c)(2), contains four copies of each patent and the applicable pages of each technical reference mentioned in the prosecution history of the '635 Patent.

19. The '635 Patent was filed on September 27, 1990 and issued on August 10, 1993.

20. The '635 Patent has eighteen (18) claims, ten of which depend from independent claim 1 and six of which depend from independent claim 12.

#### **A. Licenses Relating to the '635 Patent**

21. Saxon acquired the asserted '635 Patent through a Patent Purchase Agreement between Saxon and Saxon IP Assets, LLC ("Seller") effective as of July 6, 2007 ("the Patent Purchase Agreement"). Confidential Exhibit 4 contains a copy of the Patent Purchase Agreement.

22. In connection with the Patent Purchase Agreement, Saxon granted a nonexclusive license for the '635 Patent to Legerity Holdings, Inc. ("Legerity"). On information and belief, Zarlink Semiconductor, Inc. ("Zarlink") acquired Legerity after July 6, 2007, and Legerity transferred its license to the '635 Patent to Zarlink. Exhibit E to the Patent Purchase Agreement (Confidential Exhibit 4 to the Complaint) contains a copy of the Patent License Agreement Saxon executed in favor of Legerity.

23. In the Patent Purchase Agreement Seller represented and warranted that at least the following companies were licensed under the '635 Patent: Advanced Micro Devices, Inc. ("AMD"); Intel Corporation; Motorola, Inc.; International Business Machines Corp.; Sony Corporation; Toshiba Corp.; and Cypress Semiconductor Corporation. See Confidential Exhibit 4, Exhibit D. On information and belief, AMD, the original assignee of the '635 Patent, maintains its patent license agreements as confidential. Moreover, Saxon did not receive copies of any license agreements conveying rights in the Asserted Patents to any of the entities listed above through the Patent Purchase Agreement. Saxon, therefore, intends to pursue discovery to determine the extent that Saxon's predecessors-in-interest including AMD conveyed any rights in the '635 Patent to Intel Corporation; Motorola, Inc.; International Business Machines Corp.; Sony Corporation; Toshiba Corp.; and/or Cypress Semiconductor Corporation. In addition, if necessary, Saxon intends to timely amend its complaint and its allegations relating to Section 337(a)(3)(C) to comply with Commission Rule 210.12(a)(9)(iv). See *infra* Section X.

**B. Foreign Counterparts to the '635 Patent**

24. Saxon, pursuant to Commission Rule 210.12(a)(9)(v), identifies the following foreign counterpart patents and patent applications relating to the asserted '635 Patent :

COUNTRY	PATENT NUMBER	STATUS
European Patent Convention	0478140	Abandoned
Great Britain	0478140	Abandoned
Japan	3249552	Issued (Pub. 1/21/2002)
Germany	69129093.8-08	Issued (Pub. 11/05/1998)
Spain	2114880	Abandoned

#### **IV. THE ASSERTED '597 PATENT**

25. By way of assignment, Saxon holds all rights, title, and interest in U.S. Patent No. 5,530,597, Apparatus and Method for Disabling Interrupt Masks in Processors or the Like. Pursuant to Commission rules 210.12(a)(9)(i)-(ii), a certified copy of the '597 Patent, a copy of the certified '597 Patent prosecution history, and a certified copy of the assignment record for the '597 Patent are attached hereto as Exhibits 5, 6, and 7, respectively. Appendix C, pursuant to Commission rule 210.12(c)(1), contains one certified copy of the U.S. Patent and Trademark Office prosecution history for the '597 Patent plus three additional copies thereof. Appendix D, pursuant to Commission rule 210.12(c)(2), contains four copies of each patent and the applicable pages of each technical reference mentioned in the prosecution history of the '597 Patent.

26. The '597 Patent was filed on November 30, 1994 and issued on June 25, 1996.

27. The '597 Patent has eleven (11) claims, eight of which depend from independent claim 1 and one of which depends from independent claim 10.

##### **A. Licenses Relating to the '597 Patent**

28. Saxon acquired the asserted '597 Patent through a Patent Purchase Agreement between Saxon and Saxon IP Assets, LLC ("Seller") effective as of July 6, 2007 ("the Patent Purchase Agreement"). *See Confidential Exhibit 4.*

29. In connection with the Patent Purchase Agreement, Saxon granted a nonexclusive license for the '597 Patent to Legerity Holdings, Inc. ("Legerity"). On information and belief, Zarlink Semiconductor, Inc. ("Zarlink") acquired Legerity after July 6, 2007, and Legerity transferred its license to the '597 Patent to Zarlink. Exhibit E to the Patent Purchase Agreement (Confidential Exhibit 4 to the Complaint) contains a copy of the Patent License Agreement Saxon executed in favor of Legerity.

30. In the Patent Purchase Agreement Seller represented and warranted that at least the following companies were licensed under the '597 Patent: Advanced Micro Devices, Inc. ("AMD"); Intel Corporation; Motorola, Inc.; International Business Machines Corp.; Sony Corporation; Toshiba Corp.; and Cypress Semiconductor Corporation. *See* Confidential Exhibit 4, Exhibit D. On information and belief, AMD, the original assignee of the '597 Patent, maintains its patent license agreements as confidential. Moreover, Saxon did not receive copies of any license agreements conveying rights in the Asserted Patents to any of the entities listed above through the Patent Purchase Agreement. Saxon, therefore, intends to pursue discovery to determine the extent that Saxon's predecessors-in-interest including AMD conveyed any rights in the '597 Patent to Intel Corporation; Motorola, Inc.; International Business Machines Corp.; Sony Corporation; Toshiba Corp.; and/or Cypress Semiconductor Corporation. In addition, if necessary, Saxon intends to timely amend its complaint and its allegations relating to Section 337(a)(3)(C) to comply with Commission Rule 210.12(a)(9)(iv). *See infra* Section X.

**B. Foreign Counterparts to the '597 Patent**

31. Saxon, pursuant to Commission Rule 210.12(a)(9)(v), identifies the following foreign counterpart patents and patent applications relating to the asserted '597 Patent:

COUNTRY	PATENT NUMBER	STATUS
European Patent Convention	0581479	Abandoned
Great Britain	0581479	Abandoned
Japan	3678759	Issued (Pub. 8/3/2005)
China P.R.	93109006.7	Issued (Pub. 10/28/1998)
Germany	69322554.8-08	Issued (Pub.

		8/19/1999)
South Korea	13654/1993	Abandoned

## V. THE ASSERTED '873 PATENT

32. By way of assignment, Saxon holds all rights, title, and interest to U.S. Patent No. 5,608,873, Device and Method for Interprocessor Communication by Using Mailboxes Owned by Processor Devices. Pursuant to Commission rules 210.12(a)(9)(i)-(ii), a certified copy of the '873 Patent, a copy of the certified '873 Patent prosecution history, and a certified copy of the assignment record for the '873 Patent are attached hereto as Exhibits 8, 9, and 10, respectively. Appendix E, pursuant to Commission rule 210.12(c)(1), contains one certified copy of the U.S. Patent and Trademark Office prosecution history for the '873 Patent plus three additional copies thereof. Appendix F, pursuant to Commission rule 210.12(c)(2), contains four copies of each patent and the applicable pages of technical references mentioned in the prosecution history of the '873 Patent.<sup>1</sup>

33. The '873 Patent was filed on July 3, 1996 and issued on March 4, 1997.

34. The '873 Patent has twenty-three (23) claims, eleven of which depend from independent claim 1 and eight of which depend from independent claim 13. The remaining two claims are independent claim 22 and independent claim 23.

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<sup>1</sup> Saxon has not been able to obtain a copy of the reference M. Kametani, *et al.*, "Design Concept for a Robot Controller," *Manufacturing Technology International*, 1991, pp. 225-256, 258, 260, that the applicants cited on an Information Disclosure Statement submitted on July 3, 1996. Saxon will, however, supplement Appendix F once it obtains a copy of the missing reference.

**A. Licenses Relating to the '873 Patent**

35. Saxon acquired the asserted '873 Patent through a Patent Purchase Agreement between Saxon and Saxon IP Assets, LLC ("Seller") effective as of July 6, 2007 ("the Patent Purchase Agreement"). *See* Confidential Exhibit 4.

36. In connection with the Patent Purchase Agreement, Saxon granted a nonexclusive license for the '873 Patent to Legerity Holdings, Inc. ("Legerity). On information and belief, Zarlink Semiconductor, Inc. ("Zarlink") acquired Legerity after July 6, 2007, and Legerity transferred its license to the '873 Patent to Zarlink. Exhibit E to the Patent Purchase Agreement (Confidential Exhibit 4 to the Complaint) contains a copy of the Patent License Agreement Saxon executed in favor of Legerity.

37. In the Patent Purchase Agreement Seller represented and warranted that at least the following companies were licensed under the '873 Patent: Advanced Micro Devices, Inc. ("AMD"); Intel Corporation; Motorola, Inc.; International Business Machines Corp.; Sony Corporation; Toshiba Corp.; and Cypress Semiconductor Corporation. On information and belief, AMD, the original assignee of the '873 Patent, maintains its patent license agreements as confidential. Moreover, Saxon did not receive copies of any license agreements conveying rights in the Asserted Patents to any of the entities listed above through the Patent Purchase Agreement. Saxon, therefore, intends to pursue discovery to determine the extent that Saxon's predecessors-in-interest including AMD conveyed any rights in the '873 Patent to Intel Corporation; Motorola, Inc.; International Business Machines Corp.; Sony Corporation; Toshiba Corp.; and/or Cypress Semiconductor Corporation. In addition, if necessary, Saxon intends to timely amend its complaint and its allegations relating to Section 337(a)(3)(C) to comply with Commission Rule 210.12(a)(9)(iv). *See infra* Section X.

**B. Foreign Counterparts to the '873 Patent**

38. Pursuant to Commission Rule 210.12(a)(9)(v), Saxon identifies the following foreign counterpart patents and patent applications relating to the asserted '873 Patent:

<b>COUNTRY</b>	<b>PATENT NUMBER</b>	<b>STATUS</b>
European Patent Convention	94305011.2	Abandoned
Japan	204882/1994	Abandoned

**VI. NON-TECHNICAL DESCRIPTION OF THE PATENTED TECHNOLOGY**

**A. The '635 Patent – Keypad Monitor with Keypad Activity-Based Activation**

39. Saxon's '635 Patent discloses a technique to awaken a device from a low power state using a keypad monitor with keypad activity-based activation. Electronic devices that employ the inventions claimed in the '635 Patent such as cellular telephones, wireless telephones, remote controllers for electronic devices, and laptop computers deactivate a clock input to the keypad monitor when the device is in a low power state and send an activation signal to re-start the clock when the key switch monitor detects a change in the condition of any of the key switches. Such keypad monitors with keypad activity-based activation reduce the overall power consumption of the electronic device by conserving power in the idle state. Further, this reduced power consumption can extend valuable battery life in certain battery powered electronic devices.

**B. The '597 Patent – Apparatus and Method for Disabling Interrupt Masks in Processors or the Like**

40. Saxon's '597 Patent discloses a technique to awaken the processor within an electronic device (*e.g.*, cellular telephone; laptop computer; DVD player; or LCD, plasma, or DLP televisions) from an idle state and also to service high priority tasks. In the processor of an

electronic device (*e.g.*, cellular telephone; laptop computer; DVD player; or LCD, plasma, or DLP televisions) an “interrupt” transfers control between one software routine and another. The processor responds to the interrupt request by temporarily suspending the execution of other routines the processor may be running at that time. The processor, after executing the interrupt service routine, resumes executing the former software routine that it was executing prior to the interruption. These “interrupts” enable the processor to coordinate its processing with other devices without the need for the processor to poll such other devices. Further, interrupts are useful, for example, in applications that require processing certain routines accurately timed relative to certain external events.

41. Processors can also employ a “mask” technique to disable certain interrupts. By disabling an interrupt, the processor continues executing the particular routine that it is processing at that time. Interrupt masks are used to avoid interrupting critical routines or to ignore an interrupt request until the processor is ready to execute the interrupt routine. In certain situations, however, efficient processor operation requires that, under certain conditions, certain interrupts not be masked.

42. For example, a processor may enter an “idle” state from which it may exit only via an interrupt. Prior art devices would exit the idle state either via a hardware reset or by executing any non-masked interrupt. The hardware reset method was unfavorable because it required the processor to re-initialize and lose much of the work that it had completed up to the reset point. Further, using software to execute a non-masked interrupt was unreliable due to the difficulty for a programmer to account for all possible routes that a processor could enter the idle state (*e.g.*, a processor could enter the idle state inadvertently due to a software error). Further, using a permanently non-masked interrupt ignored the possibility of masking all interrupts at

certain times, for example, when the processor entered the idle state. If all interrupts were masked when the processor entered the idle state, the processor would remain in the idle state without any way to exit the idle state and subsequently resume processing.

43. Saxon's '597 Patent teaches an interrupt enable circuit that allows software to enable and disable the interrupt at any time except under certain conditions, as dictated by hardware, at which time the system can override the interrupt mask. Electronic devices practicing the inventions claimed in the '597 Patent, such as cellular telephones, laptop computers, DVD players, and LCD televisions can exit certain processes or states without using a hardware reset and thus protect against unnecessary information loss. Further, through the use of the inventions claimed in the '597 Patent, such electronic devices prevent situations where the processor is locked in a certain state because all interrupts were masked by software when the processor entered such state.

**C. The '873 Patent – Device and Method for Interprocessor Communication Using Mailboxes Owned by Processor Devices**

44. Saxon's '873 Patent discloses a device and method for interprocessor communication in a multi-processor architecture using a "post office" memory that contains a plurality of mailboxes. Each of the mailboxes is "owned" by a processor device and read-accessible by the other processor devices of the multi-processor system. The claimed apparatus and method provides for, *inter alia*, improved information transfer between processor devices and enhances the speed of inter-processor communication.

45. Prior art multi-processor systems used a central memory for storing information to be transferred to other processors. Each processor device had read and write-access to the central memory via a bus. Bus arbitration logic was required to allow each processor device read and write-access to the memory without bus collision or contention.

46. To reduce cost, improve information transfer between processor devices, and enhance processor communication speed in a multi-processor system, the '873 Patent method and apparatus utilize a "post office" memory that contains a plurality of mailboxes. Each processor device has write-access to its own mailbox and read-access to other mailboxes belonging to other processor devices, thereby eliminating the need for complex bus arbitration logic. For example, a transmitting processor communicates with a receiving processor through the post office. The transmitting processor writes information into its own mailbox and signals the receiving processor. The receiving processor determines which processor signaled the receiving processor and reads the information in the transmitting processor's mailbox. Electronic devices practicing the inventions claimed in the '873 Patent, such as cellular telephones, can communicate between processors (*e.g.*, communications between a Central Processing Unit and a Digital Signal Processor) using a post office memory that contains a plurality of mailboxes.

## **VII. UNFAIR ACTS OF PROPOSED RESPONDENTS**

47. Upon information and belief, Respondents are engaged in the importation, the sale for importation, and/or the sale within the United States after importation of certain electronic devices including handheld, wireless communications devices that infringe at least one of claims 1, 2, 6, 11, 12, 13, and 15 of the '635 Patent; and/or at least one of claims 1, 2, 3, 4, 5, 6, 8, 9, 10, and 11 of the '597 Patent; and/or at least one of claims 1, 2, 8, 9, 13, 14, 15, 20, and 22 of the '873 Patent.

**A. The '635 Patent**

**1. Nokia**

48. Nokia is engaged in the importation, sale for importation, and/or sale within the United States after importation of certain electronic devices that infringe at least claims 1, 2, 6, 11, 12, 13, and 15 of the '635 Patent.

49. Saxon has obtained electronic devices that, on information and belief, Nokia imported, sold for importation, and/or sold within the United States after importation and that infringe at least claims 1 and 12 of the '635 Patent. Pursuant to Commission rule 210.12(a)(9)(x), Exhibit 11 contains photographs of a Nokia N73 device. As shown in the photographs contained in Exhibit 11, the physical casing of the Nokia N73 device is marked as "made in Finland."

50. On information and belief, respondents Nokia Corp. and Nokia, Inc. (referred to collectively as "Nokia") import, sell for importation, and/or sell within the United States after importation the Nokia N73 device depicted in Exhibit 11. Pursuant to Commission rule 210.12(a)(3), Exhibit 12 is a receipt from a consumer electronics store showing a sale of the Nokia N73 within the United States. Exhibit 13 is a page printed from the Nokia USA website (<http://www.nokiausa.com/>) that shows the Nokia offices in Finland and the United States. Exhibit 14 is also a page from the Nokia USA website and shows the ability to purchase "direct from Nokia" within the United States. Exhibit 14 identifies Nokia flagship stores in Chicago and New York. Exhibit 15 includes the packing list of an N73 device purchased through the Nokia USA website shown above in Exhibit 14. Exhibit 16 is a photograph of the product packaging of the device purchased from the Nokia USA website, which lists a Florida office of respondent Nokia, Inc. Exhibit 17 from the Nokia USA website lists Nokia offices within the United States and includes the Florida office printed on the product package in the previous exhibit. Exhibit 18 is a page from the Nokia Corp. 2007 Form 20-F filed with the United States Securities and

Exchange Commission showing that Nokia, Inc. is a United States corporation that is a wholly-owned subsidiary of Nokia Corp.

51. Pursuant to Commission rule 210.12(a)(9)(viii), Exhibit 11 to the complaint includes a chart comparing independent claims 1 and 12 of the '635 Patent to the Nokia N73 device. Exhibit 11 shows that the Nokia N73 device is covered by at least independent claims 1 and 12 of the '635 Patent. Thus, Nokia is violating Section 337 of the Tariff Act of 1930 by importing, selling for importation, and/or selling within the United States after importation the Nokia N73 device.

## **2. Research In Motion**

52. Research In Motion is engaged in the importation, sale for importation, and/or sale within the United States after importation of electronic devices that infringe at least claims 1, 2, 6, 11, 12, 13, and 15 of the '635 Patent.

53. Saxon has obtained electronic devices that, on information and belief, Research in Motion imported, sold for importation, and/or sold within the United States after importation and that infringe at least claims 1 and 12 of the '635 Patent. Exhibit 19 includes photographs of the Research in Motion Blackberry 8100 Pearl. As shown in the photographs contained in Exhibit 19, the physical casing of the Research in Motion Blackberry 8100 Pearl is marked as "made in Mexico."

54. On information and belief, respondents Research In Motion Ltd. and Research In Motion Corp. (referred to collectively as "Research In Motion") import, sell for importation, and/or sell within the United States after importation the Blackberry 8100 Pearl depicted in Exhibit 19. Pursuant to Commission rule 210.12(a)(3), Exhibit 20 contains a receipt from a consumer electronics store showing a sale of a Research in Motion Blackberry 8100 Pearl within the United States. Exhibit 21 is a Hoovers' company profile of Research In Motion Ltd. and the

profile shows that Research In Motion has significant sales of wireless devices within the United States (\$3,528,000,000.00). Exhibit 22 is a page printed from the Research In Motion, Ltd. 2008 Annual Report, which states that the Blackberry 8100 Pearl series phones continue to be sold in the United States and that U.S. headquarters (*i.e.*, Research In Motion Corp.) have been opened in Irving Texas.

55. Pursuant to Commission rule 210.12(a)(9)(viii), Exhibit 19 to the complaint includes a chart comparing independent claims 1 and 12 of the '635 Patent to the Research in Motion Blackberry 8100 Pearl. Exhibit 19 shows that the Research in Motion Blackberry 8100 Pearl is covered by at least independent claims 1 and 12 of the '635 Patent. Thus, Research In Motion is violating Section 337 of the Tariff Act of 1930 by importing, selling for importation, and/or selling within the United States after importation the Blackberry 8100 Pearl.

### **3. HTC**

56. HTC is engaged in the importation, sale for importation, and/or sale within the United States after importation of electronic devices that infringe at least claims 1, 2, 6, 11, 12, 13, and 15 of the '635 Patent.

57. Saxon has obtained electronic devices that, on information and belief, HTC imported, sold for importation, and/or sold within the United States after importation and that infringe at least claims 1 and 12 of the '635 Patent. Exhibit 23 includes photographs of the HTC Shadow. As shown in the photographs contained in Exhibit 23, the physical casing of the HTC Shadow is marked as "made in Taiwan."

58. On information and belief, respondents High Tech Computer Corp. and HTC America, Inc. (referred to collectively as "HTC") import, sell for importation, and/or sell within the United States after importation the HTC Shadow depicted in Exhibit 23. Pursuant to Commission rule 210.12(a)(3), Exhibit 24 contains a receipt from a consumer electronics store

showing a sale of an HTC Shadow within the United States. Exhibit 25 from the High Tech Computer Corp. 2007 annual report states that the United States is a “key market” for sales of HTC wireless devices. Exhibit 26 contains a page from the HTC website ([www.htc.com/us](http://www.htc.com/us)), which shows that HTC America, Inc. is the North American Division of High Tech Computer Corp. Exhibit 27 also contains a page from the HTC website describing that HTC partners with Best Buy and Brightpoint North America to offer HTC phones for sale in the United States. Exhibit 28 includes a press release from a website ([www.bnet.com](http://www.bnet.com)) announcing HTC’s distribution relationship with Brightpoint North America and stating that HTC America, Inc. is a Subsidiary of High Tech Computer Corp. and was opened to offer HTC products to North American consumers. Exhibit 29 contains a page from a website ([www.extractable.com](http://www.extractable.com)) stating that High Tech Computer Corp. established HTC America, Inc. “with the goal of becoming the partner of choice for mobile communications consumers in North and South America.”

59. Pursuant to Commission rule 210.12(a)(9)(viii), Exhibit 23 to the complaint includes a chart comparing independent claims 1 and 12 of the ‘635 Patent to the HTC Shadow. Exhibit 23 shows that the HTC Shadow is covered by at least independent claims 1 and 12 of the ‘635 Patent. Thus, HTC is violating Section 337 of the Tariff Act of 1930 by importing, selling for importation, and/or selling within the United States after importation the HTC Shadow.

#### **4. Palm**

60. Palm is engaged in the importation, sale for importation, and/or sale within the United States after importation of electronic devices that infringe at least claims 1, 2, 6, 11, 12, 13, and 15 of the ‘635 Patent.

61. Saxon has obtained electronic devices that, on information and belief, Palm imported, sold for importation, and/or sold within the United States after importation and that infringe at least claims 1 and 12 of the ‘635 Patent. Exhibit 30 includes photographs of the Palm

Treo 700p. As shown in the photographs contained in Exhibit 30, the physical casing of the Treo 700p is marked as “made in Taiwan.” Pursuant to Commission rule 210.12(a)(3), Exhibit 31 is a receipt from a consumer electronics store showing a sale of a Palm Treo 700p within the United States.

62. Pursuant to Commission rule 210.12(a)(9)(viii), Exhibit 30 to the complaint includes a chart comparing independent claims 1 and 12 of the ‘635 Patent to the Palm Treo 700p. Exhibit 30 shows that the Palm Treo 700p is covered by at least independent claims 1 and 12 of the ‘635 Patent. Thus, Palm is violating Section 337 of the Tariff Act of 1930 by importing, selling for importation, and/or selling within the United States after importation the Palm Treo 700p.

## **5. Panasonic**

63. Panasonic is engaged in the importation, sale for importation, and/or sale within the United States after importation of electronic devices that infringe at least claims 12, 13, and 15 of the ‘635 Patent.

64. Saxon has obtained electronic devices that, on information and belief, Panasonic imported, sold for importation, and/or sold within the United States after importation and that infringe at least claim 12 of the ‘635 Patent. Pursuant to Commission rule 210.12(a)(9)(x), Exhibit 32 includes photographs of a Panasonic TH-42PX75U Plasma TV remote control. As shown in the photographs contained in Exhibit 32, the product packaging of the remote and TV is marked as “assembled in Mexico.”

65. On information and belief, respondents Panasonic Corporation; AVC Networks Company; Panasonic Corporation of North America; and Panasonic Consumer Electronics Company (referred to collectively as “Panasonic”) import, sell for importation, and/or sell within the United States after importation the Panasonic TH-42PX75U Plasma TV remote control

depicted in Exhibit 32. Pursuant to Commission rule 210.12(a)(3), Exhibit 33 contains a receipt from a consumer electronics store showing a sale of a Panasonic TH-42PX75U Plasma TV remote control within the United States. Exhibit 34 contains a page printed from the Panasonic corporate website (<http://www.panasonic.net>) and identifies the Panasonic business segments including AVC Networks Company. Exhibit 35, also from the Panasonic website, lists the corporate address of the AVC Networks Company and indicates that the company is in the business of producing Plasma TVs. Exhibit 36 contains selected pages from the Panasonic Corporation 2008 Form 20-F filed with the United States Securities and Exchange Commission reporting AVC sales and stating that the United States is a key market for the sale of AVC plasma TVs. Referring back to Exhibit 32, the product packaging of the remote and TV is marked with the name "AVC Networks Company." Exhibit 37 contains a Hoovers' company profile of Panasonic Corporation, which states that the company owns and operates Panasonic Corporation of North America. Exhibit 38 includes the first and last pages of the purchased TH-42PX75U Plasma TV and remote operator manual. The instruction manual identifies Panasonic Consumer Electronics Company as a division of Panasonic Corporation of North America.

66. Pursuant to Commission rule 210.12(a)(9)(viii), Exhibit 32 to the complaint includes a chart comparing independent claim 12 of the '635 Patent to the Panasonic TH-42PX75U Plasma TV remote control. Exhibit 32 shows that the Panasonic TH-42PX75U Plasma TV remote control is covered by at least independent claim 12 of the '635 Patent. Thus, Panasonic is violating Section 337 of the Tariff Act of 1930 by importing, selling for importation, and/or selling within the United States after importation the Panasonic TH-42PX75U Plasma TV remote control.

## **B. The '597 Patent**

### **1. Nokia**

67. Nokia is engaged in the importation, sale for importation, and/or sale within the United States after importation of electronic devices that infringe at least claims 1, 2, 3, 4, 5, 6, 8, 9, 10, and 11 of the '597 Patent.

68. Saxon has obtained electronic devices that, on information and belief, Nokia imported, sold for importation, and/or sold within the United States after importation and that infringe at least claims 1, 10, and 11 of the '597 Patent. Pursuant to Commission rule 210.12(a)(9)(x), Exhibit 39 contains photographs of the Nokia N95 device. As shown in the photographs contained in Exhibit 39, the physical casing of the Nokia N95 is marked as "made in Finland." The Nokia N95 phone is currently available for purchase in the United States from Best Buy. *See* Exhibit 40.

69. On information and belief, respondents Nokia Corp. and Nokia, Inc. (referred to collectively as "Nokia") import, sell for importation, and/or sell within the United States after importation the Nokia N95 device depicted in Exhibit 39. Exhibit 13 is a page printed from the Nokia USA website (<http://www.nokiausa.com/>) that identifies the Nokia offices in Finland and the United States. Exhibit 14, also from the Nokia USA website, shows the ability to purchase "direct from Nokia" within the United States. Exhibit 14 identifies Nokia flagship stores in Chicago and New York. Exhibit 18 is a page from the Nokia Corp. 2007 Form 20-F filed with the United States Securities and Exchange Commission showing that Nokia, Inc., a United States corporation, is a wholly-owned subsidiary of Nokia Corp.

70. Pursuant to Commission rule 210.12(a)(9)(viii), Exhibit 39 to the complaint includes a chart comparing independent claims 1, 10, and 11 of the '597 Patent to the Nokia N95 device. Exhibit 39 shows that the Nokia N95 device is covered by at least independent claims 1,

10, and 11 of the '597 Patent. Thus, Nokia is violating Section 337 of the Tariff Act of 1930 by importing, selling for importation, and/or selling within the United States after importation the Nokia N95 device.

## **2. Research In Motion**

71. Research In Motion is engaged in the importation, sale for importation, and/or sale within the United States after importation of electronic devices that infringe at least claims 1, 2, 3, 4, 5, 6, 8, 9, 10, and 11 of the '597 Patent.

72. Saxon has obtained electronic devices that, on information and belief, Research In Motion imported, sold for importation, and/or sold within the United States after importation and that infringe at least claims 1, 10, and 11 of the '597 Patent. Exhibit 41 includes photographs of the Research in Motion Blackberry 8100 Pearl. As shown in the photographs, the physical casing of the Research in Motion Blackberry 8100 Pearl is marked as "made in Mexico."

73. On information and belief, respondents Research In Motion Ltd. and Research In Motion Corp. (referred to collectively as "Research In Motion") import, sell for importation, and/or sell within the United States after importation the Blackberry 8100 Pearl depicted in Exhibit 41. Pursuant to Commission rule 210.12(a)(3), Exhibit 20 is a receipt from a consumer electronics store showing a sale of a Research In Motion Blackberry 8100 Pearl within the United States. Exhibit 21 contains a Hoovers' company profile of Research In Motion and the profile indicates that Research In Motion has significant sales of wireless devices within the United States (\$3,528,000,000.00). Exhibit 22 is a page printed from the Research In Motion 2008 Annual Report, which states that the Blackberry 8100 Pearl series phones continue to be sold in the United States and that the U.S. headquarters (Research In Motion Corp.) has been opened in Irving, Texas.

74. Pursuant to Commission rule 210.12(a)(9)(viii), Exhibit 46 to the complaint includes a chart comparing independent claims 1, 10, and 11 of the '597 Patent to the Research In Motion Blackberry 8100 Pearl. Exhibit 41 shows that the Research in Motion Blackberry 8100 Pearl is covered by at least independent claims 1, 10, and 11 of the '597 Patent. Thus, Research In Motion is violating Section 337 of the Tariff Act of 1930 by importing, selling for importation, and/or selling within the United States after importation the Blackberry 8100 Pearl.

### **3. HTC**

75. HTC is engaged in the importation, sale for importation, and/or sale within the United States after importation of electronic devices that infringe at least claims 1, 2, 3, 4, 5, 6, 8, 9, 10, and 11 of the '597 Patent.

76. Saxon has obtained electronic devices that, on information and belief, HTC imported, sold for importation, and/or sold within the United States after importation and that infringe at least claims 1, 10, and 11 of the '597 Patent. Exhibit 42 includes photographs of the HTC Touch. As shown in the photographs, the physical casing of the HTC Touch indicates that the HTC Touch is "made in Taiwan."

77. On information and belief, respondents High Tech Computer Corp. and HTC America, Inc. (referred to collectively as "HTC") import, sell for importation, and/or sell within the United States after importation the HTC Touch depicted in Exhibit 42. Pursuant to Commission rule 210.12(a)(3), Exhibit 43 contains a receipt from a consumer electronics store showing a sale of an HTC Touch within the United States. Exhibit 25 is a page printed from the High Tech Computer Corp. 2007 annual report that states that the United States is a "key market" for sales of HTC wireless devices. Exhibit 26 is a page from the HTC website ([www.htc.com/us](http://www.htc.com/us)) describing HTC America, Inc. as the North American Division of High Tech Computer Corp. Exhibit 27, also a page from the HTC website, indicates that HTC partners with

Best Buy and Brightpoint North America to offer HTC phones for sale in the United States. Exhibit 28 contains a press release from a website ([www.bnet.com](http://www.bnet.com)) announcing HTC's distribution relationship with Brightpoint North America and describing HTC America, Inc. as a Subsidiary of High Tech Computer Corp. established to offer HTC products to North American consumers. Exhibit 29 contains a page from a website ([www.extractable.com](http://www.extractable.com)), which states that High Tech Computer Corp. established HTC America, Inc. "with the goal of becoming the partner of choice for mobile communications consumers in North and South America."

78. Pursuant to Commission rule 210.12(a)(9)(viii), Exhibit 42 to the complaint includes a chart comparing independent claims 1, 10, and 11 of the '597 Patent to the HTC Touch device. Exhibit 42 shows that the HTC Touch is covered by at least independent claims 1, 10, and 11 of the '597 Patent. Thus, HTC is violating Section 337 of the Tariff Act of 1930 by importing, selling for importation, and/or selling within the United States after importation the HTC Touch.

#### **4. Palm**

79. Palm is engaged in the importation, sale for importation, and/or sale within the United States after importation of electronic devices that infringe at least claims 1, 2, 3, 4, 5, 6, 8, 9, 10, and 11 of the '597 Patent.

80. Saxon has obtained electronic devices that, on information and belief, Palm imported, sold for importation, and/or sold within the United States after importation and that infringe at least claims 1, 10, and 11 of the '597 Patent. Exhibit 44 includes photographs of the Palm Treo 700p. As shown in the photographs, the physical casing of the Palm Treo 700p indicates that the Palm Treo 700p is "made in Taiwan." Exhibit 31 contains a receipt from a consumer electronics store showing a sale of a Palm Treo 700p within the United States.

81. Pursuant to Commission rule 210.12(a)(9)(viii), Exhibit 44 to the complaint includes a chart comparing independent claims 1, 10, and 11 of the '597 Patent to the Palm Treo 700p device. Exhibit 44 shows that the Palm Treo 700p is covered by at least independent claims 1, 10, and 11 of the '597 Patent. Thus, Palm is violating Section 337 of the Tariff Act of 1930 by importing, selling for importation, and/or selling within the United States after importation the Palm Treo 700p.

**C. The '873 Patent**

**1. Nokia**

82. Nokia is engaged in the importation, sale for importation, and/or sale within the United States after importation of electronic devices that infringe at least claims 1, 2, 8, 13, 14, 15, and 20 of the '873 Patent.

83. Saxon has obtained electronic devices that, on information and belief, Nokia imported, sold for importation, and/or sold within the United States after importation and that infringe at least claims 1 and 13 of the '873 Patent. Exhibit 45 contains photographs of the Nokia N73 device. As shown in the photographs, the physical casing of the Nokia N73 device is marked as "made in Finland."

84. On information and belief, respondents Nokia Corp. and Nokia Inc. (referred to collectively as "Nokia") import, sell for importation, and/or sell within the United States after importation the Nokia N73 device depicted in Exhibit 45. Pursuant to Commission rule 210.12(a)(3), Exhibit 12 contains a receipt from a consumer electronics store showing a sale of a Nokia N73 within the United States. Exhibit 13 contains pages printed from the Nokia USA website (<http://www.nokiausa.com/>) identifying the Nokia offices in Finland and the United States. Exhibit 14 also contains pages from the Nokia USA website and shows the ability to purchase "direct from Nokia" within the United States. In addition, Exhibit 14 identifies Nokia

flagship stores in Chicago and New York. Exhibit 15 shows the packing list of an N73 device purchased through the Nokia USA website shown above in Exhibit 14. Exhibit 16 contains a photograph of the product packaging of the Nokia N73 device purchased from the Nokia USA website and lists a Florida office for respondent Nokia, Inc. Exhibit 17 contains pages printed from the Nokia USA website that list Nokia offices within the United States including the Nokia Florida office printed on the product package in the previous exhibit. Exhibit 18 contains a page from the Nokia Corp. 2007 Form 20-F filed with the United States Securities and Exchange Commission describing Nokia, Inc. as a United States corporation and a wholly-owned subsidiary of Nokia Corp.

85. Pursuant to Commission rule 210.12(a)(9)(viii), Exhibit 45 to the complaint includes a chart comparing independent claims 1 and 13 of the '873 Patent to the Nokia N73 device. Exhibit 45 shows that the Nokia N73 device is covered by at least independent claims 1 and 13 of the '873 Patent. Thus, Nokia is violating Section 337 of the Tariff Act of 1930 by importing, selling for importation, and/or selling within the United States after importation the Nokia N73 device.

## **2. HTC**

86. HTC is engaged in the importation, sale for importation, and/or sale within the United States after importation of electronic devices that infringe at least claims 1, 2, 8, 9, 13, 14, 15, 20, and 22 of the '873 Patent.

87. Saxon has obtained electronic devices that, on information and belief, HTC imported, sold for importation, and/or sold within the United States after importation and that infringe at least claims 1, 13, and 22 of the '873 Patent. Exhibit 46 contains photographs of the HTC Shadow. As shown in the photographs, the physical casing of the device is marked as "made in Taiwan."

88. On information and belief, respondents High Tech Computer Corp. and HTC America, Inc. (referred to collectively as “HTC”) import, sell for importation, and/or sell within the United States after importation the HTC Shadow depicted in Exhibit 46. Pursuant to Commission rule 210.12(a)(3), Exhibit 24 contains a receipt from a consumer electronics store showing a sale an HTC Shadow within the United States. Exhibit 25 from the High Tech Computer Corp. 2007 annual report states that the United States is a “key market” for sales of HTC wireless devices. Exhibit 26 is a page from the HTC website ([www.htc.com/us](http://www.htc.com/us)), which shows that HTC America, Inc. is the North American Division of High Tech Computer Corp. Exhibit 27 also contains a page from the HTC website, which indicates that HTC partners with Best Buy and Brightpoint North America to offer HTC phones for sale in the United States. Exhibit 28 contains a press release from a website ([www.bnet.com](http://www.bnet.com)) announcing HTC’s distribution relationship with Brightpoint North America and states that HTC America, Inc. is a Subsidiary of High Tech Computer Corp. established to offer HTC products to North American consumers. Exhibit 29 contains a page from a website ([www.extractable.com](http://www.extractable.com)) indicating that High Tech Computer Corp. established HTC America, Inc. “with the goal of becoming the partner of choice for mobile communications consumers in North and South America.”

89. Pursuant to Commission rule 210.12(a)(9)(viii), Exhibit 46 to the complaint includes a chart that compares independent claims 1, 13, and 22 of the ‘873 Patent to the HTC Shadow. Exhibit 46 shows that the HTC Shadow is covered by at least independent claims 1, 13, and 22 of the ‘873 Patent. Thus, HTC is violating Section 337 of the Tariff Act of 1930 by importing, selling for importation, and/or selling within the United States after importation the HTC Shadow.

### **VIII. HARMONIZED TARIFF SCHEDULE INFORMATION**

90. The articles subject to this complaint are classifiable under at least the following headings and subheadings of the Harmonized Tariff Schedule (“HTS”) of the United States: 8517.12.00 (Telephones for Cellular Networks or for Other Wireless Networks); 8528.72.68 (Monitors and Projectors with a Video Display Diagonal Not Exceeding 34.29 cm); 8528.72.7210 (Monitors and Projectors of Plasma-type); 8525.80.50 (Camcorders); 8521 (Video Recording or Reproducing Apparatus); 8519 (Sound Recording or Reproducing Apparatus); and 8528.72.7250 (Monitors and Projectors of LCD-type). These HTS numbers are illustrative only and are not intended to restrict the scope of this investigation.

### **IX. RELATED LITIGATION**

91. On June 26, 2008, Saxon filed a complaint for patent infringement in the United States District Court for the Eastern District of Texas against Apple, Inc.; Gateway, Inc. (“Gateway”); Gateway Companies, Inc.; Acer America Corp.; Hewlett-Packard Co.; and Dell, Inc. (collectively, “Defendants”). Saxon filed an amended complaint on August 21, 2008 to add ASUS Computer International, Inc. to the Defendants. Saxon alleges that Defendants infringe, *inter alia*, the ‘597 Patent and the ‘635 Patent. Saxon has asserted additional patents against Defendants in that case, which patents Saxon has not asserted in this Investigation.

92. By order dated October 2, 2008, the Court in the Eastern District of Texas granted Intel Corporation’s (“Intel”) motion to intervene as a defendant and counterclaimant against Saxon. Intel’s complaint in intervention includes declaratory judgment claims that: (a) each claim of the ‘597 Patent is invalid; (b) that Intel’s products do not infringe any claims of the ‘597 Patent; (c) that Defendants’ products incorporating Intel products do not infringe the ‘597 Patent; and (d) that Saxon’s infringement allegations against Defendants are barred in whole or in part by the terms of a 1996 Patent Cross License Agreement between Intel and Advanced Micro

Devices, Inc. The deadline for Saxon to move, answer, or otherwise respond to Intel's complaint in intervention is December 22, 2008. The case remains pending, and the Court has not set a trial date.

93. On December 4, 2008, the Court granted Saxon's unopposed motion to sever Gateway from the case based on Gateway's recently filed bankruptcy petition. The severance created a separate action before the Court in the Eastern District of Texas, *Saxon Innovations, LLC v. Gateway Companies, Inc.*, which the Court stayed pending the resolution of Gateway's bankruptcy proceeding.

94. Aside from the related litigation discussed above, the '635 Patent, the '597 Patent, and the '873 Patent have not been the subject of any court or agency litigation since Saxon acquired the Asserted Patents in July 2007. On information and belief, the '635 Patent, the '597 Patent, and the '873 Patent were not the subject of any court or agency litigation while Saxon's predecessors-in-interest held the Asserted Patents.

## **X. DOMESTIC INDUSTRY RELATING TO THE ASSERTED PATENTS**

### **A. Saxon Maintains A Domestic Industry Under 19 U.S.C. 1337(a)(3)(C)**

95. With respect to the Asserted Patents, a domestic industry in the United States exists and/or is in the process of being established as defined under Section 337(a)(3)(C). Specifically, Saxon invests substantially in the exploitation of the '635 Patent, the '597 Patent, and the '873 Patent through licensing the technology of the Asserted Patents.

96. Saxon focuses its business on acquiring, licensing, and enforcing patented technology in the consumer electronics and communications industry. In 2007, Saxon acquired approximately 180 United States patents relating to consumer electronics and communications devices. All of these patents were formerly assigned to Legerity, Inc. and/or Advanced Micro

Devices, Inc. The amount of Saxon's investment in this portfolio is provided in Confidential Exhibit 47, Declaration of Anthony Grillo, at ¶ 5.

97. Saxon has made substantial investments in the research and evaluation of its patent portfolio to identify licensing opportunities in the consumer electronics and communications industry. This due diligence process includes the market research, purchase, and teardown analysis of consumer electronics and communications products. Saxon's analysis identified key components of Saxon's portfolio, including the '635 Patent, the '597 Patent, and the '873 Patent asserted in this Investigation. Confidential Exhibit 47 includes Saxon's research and evaluation expenditures relating to its patent portfolio covering consumer electronics and communications products. *See* Ex. 47, at ¶¶ 7-9.

98. Saxon presently employs four individuals, two full-time and two part-time, to support its domestic industry in licensing the '635 Patent, the '597 Patent, and the '873 Patent. Saxon presently has one additional employee for a total of five employees. *Id.* at ¶ 3. Confidential Exhibit 47 includes Saxon's annual expenditures necessary to compensate its employees. *See* Ex. 47, at ¶ 19.

99. Saxon employs a Senior Vice President of Licensing on a full-time basis. The Saxon Senior Vice President of Licensing is responsible for managing the day-to-day operations associated with the acquisition, licensing, and enforcement of Saxon's patented technology for consumer electronics and communications devices including the '635 Patent, the '597 Patent, and the '873 Patent. Ex. 47, at ¶ 16.

100. Saxon's part-time employees include a Chief Executive Officer. The Chief Executive Officer oversees Saxon's patent acquisition, licensing, and enforcement business, and his responsibilities include participating in licensing negotiations and managing outside counsel

enforcing Saxon's patented technology such as the '635 Patent, the '597 Patent, and the '873 Patent. Saxon also employs a Paralegal on a part-time basis to manage various administrative tasks relating to Saxon's business. Ex. 47, at ¶ 17.

101. Saxon's Senior Vice President of Engineering, one of Saxon's two full-time employees, is responsible for assisting in the research and evaluation of potential licensing opportunities relative to the consumer electronics and communications industry; performing teardown and reverse-engineering analyses of target consumer electronics and communications devices; supporting licensing personnel, outside counsel, and outside consultants to address technical issues arising from Saxon's licensing efforts; and providing technical support in Saxon's licensing negotiations. Ex. 47, at ¶ 18.

102. Saxon has incurred significant costs to enforce the '597 Patent and the '635 Patent through the litigation described in paragraphs 102-103 of the complaint. Confidential Exhibit 47 includes Saxon's legal fees and out-of-pocket expenses relating to the litigation. Ex. 47, at ¶ 12.

103. Aside from Saxon's enforcement efforts, Saxon routinely engages in licensing discussions with companies that manufacture and sell consumer electronics and communications devices. Confidential Exhibit 47 identifies the third parties Saxon has met with to discuss licensing the '635 Patent, the '597 Patent, and/or the '873 Patent, and identifies certain costs incurred to pursue these licensing opportunities. Ex. 47, at ¶¶ 13-14.

104. Saxon leases office space to support its domestic industry in licensing the '635 Patent, the '597 Patent, and the '873 Patent. Saxon's offices are located in Dripping Springs, Texas; Tyler, Texas; and Alexandria, Virginia. Confidential Exhibit 47 includes Saxon's annual expenditures for its leased office space, as well as its general and administrative expenses

incurred as a result of operating its patent acquisition, licensing, and enforcement business. Ex. 47, at ¶¶ 20-21.

**B. Saxon Is In The Process Of Establishing A Domestic Industry Under 19 U.S.C. § 1337(a)(3)(C)**

105. Alternatively, Saxon's substantial investments in the exploitation of the Asserted Patents confirm that an industry in the United States relating to the '635 Patent, the '597 Patent, and the '873 Patent is in the process of being established as defined in 19 U.S.C. § 1337(a)(2) and (a)(3)(C).

106. Saxon's activities and investments described in paragraphs 96-104 of the complaint reflect the company's licensing and enforcement initiatives for the '635 Patent, the '597 Patent, and/or the '873 Patent. These activities demonstrate that Saxon is taking the necessary, tangible steps to establish a domestic industry in the licensing of the Asserted Patents, and that there is a significant likelihood that Saxon will satisfy the requirements of Section 337(a)(3)(C) in the future.

107. Specifically, Saxon made a significant initial investment to acquire its patent portfolio including the Asserted Patents. *See* Ex. 47, at ¶ 5. Saxon subsequently made and continues to make substantial investments in market research, teardown analyses, and other due diligence activities supporting Saxon's efforts to license the Asserted Patents to consumer electronics and communications products manufacturers. *See id.*, at ¶¶ 7-9. In addition, Saxon incurred and continues to incur substantial expenses required to conduct licensing negotiations that relate to the '635 Patent, the '597 Patent, and/or the '873 Patent. *Id.* at ¶¶ 13-14.

108. Saxon has incurred and continues to incur significant costs to enforce the '597 Patent and the '635 Patent through the litigation described in paragraphs 91-93 of the complaint.

Confidential Exhibit 47 includes Saxon's legal fees and out-of-pocket expenses relating to the litigation. Ex. 47, at ¶ 12.

109. Saxon's four employees (*i.e.*, Senior Vice President of Licensing, Chief Executive Officer, Senior Vice President of Engineering, and Paralegal) and the company's related payroll expenses for these employees reflect Saxon's commitment to establishing a domestic industry that exploits the '635 Patent, the '597 Patent, and the '873 Patent through licensing activities as enumerated in Section 337(a)(3)(C). *See id.*, at ¶ 19.

110. Saxon has significant capital resources to continue the activities described above to grow its licensing and enforcement business relating to the Asserted Patents. *See* Exhibit 47, at ¶ 22.

## **XI. RELIEF**

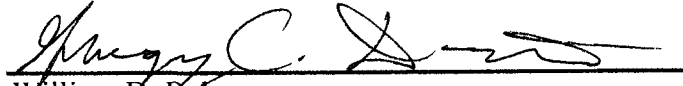
WHEREFORE, by reason of the foregoing, Saxon requests that the Commission:

- a. Institute an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to Respondents' violations of Section 337 based on 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 electronic devices that infringe the '635 Patent, the '597 Patent, and the '873 Patent;
- b. Schedule and conduct a hearing on permanent relief pursuant to 19 U.S.C. § 1337(d) and (f) of the Tariff Act of 1930, as amended;
- c. Issue a Limited Exclusion Order specifically directed to each named Respondent, pursuant to 19 U.S.C. § 1337(d), excluding from entry into the United States articles that infringe the '635 Patent, the '597 Patent, and/or the '873 Patent;
- d. Issue a cease and desist order pursuant to 19 U.S.C. § 1337(f) prohibiting each domestic Respondent from engaging in the unlawful importation and/or sale within the

United States after importation of certain electronic devices that infringe the '635 Patent, the '597 Patent, and/or the '873 Patent;

e. Impose a bond upon Respondents who continue to import infringing articles during the 60-day-Presidential review period per 19 U.S.C. § 1337(j); and Issue such other and further relief as the Commission deems just and proper under the law, based upon the facts determined by the investigation and the authority of the Commission.

Respectfully submitted,



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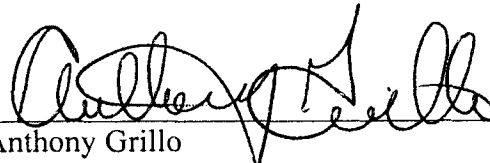
**Counsel for Complainant  
Saxon Innovations, LLC**

## VERIFICATION OF COMPLAINT

I, Anthony Grillo, declare, in accordance with 19 C.F.R. § 210.4 and § 210.12(a), as follows:

1. I am Senior Vice President of Licensing for Saxon Innovations, LLC, and I am duly authorized to sign this Complaint;
2. I have read the Complaint and I 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 the Complaint are warranted by existing law or a nonfrivolous argument for the extension, modification or reversal of existing law or the establishment of new law; and
5. The allegations and other factual contentions made 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 the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

  
\_\_\_\_\_  
Anthony Grillo  
Senior Vice President of Licensing  
Saxon Innovations, LLC