

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

In the Matter of

CERTAIN VIDEO DISPLAYS,
COMPONENTS THEREOF, AND
PRODUCTS CONTAINING SAME

Investigation No. 337-TA-_____

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

COMPLAINANT

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PROPOSED RESPONDENTS

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LIST OF APPENDICES

- A. Prosecution History of the '096 Patent (four copies)
- B. Prosecution History of the '612 Patent (four copies)
- C. Prosecution History of the '522 Patent (four copies)
- D. References Mentioned in the Prosecution Histories of the '096, '612, and '522 Patents (four copies each)

I. INTRODUCTION

1.1 LG Electronics, Inc. (“LGE” or “Complainant”) requests that the United States International Trade Commission commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 337 (“Section 337”), to remedy the unlawful importation into the United States, sale for importation, and/or sale within the United States after importation by the owner, importer, or consignee (or agents thereof), of certain video displays, components thereof, and products containing same (collectively referred to as “the accused products”) that infringe valid and enforceable United States patents owned by LGE.

1.2 Proposed respondents Funai Electric Company Ltd. (“Funai Electric”), Funai Corporation, Inc. (“Funai Corp.”), and P&F USA, Inc. (“P&F”) (collectively, “Funai”) have engaged in unfair acts in violation of Section 337 through and in connection with the unlicensed importation into the United States, sale for importation, and/or sale within the United States after importation of accused products that infringe one or more claims of United States Patent Nos. 5,790,096 (“the ’096 patent”), 5,537,612 (“the ’612 patent”), and 5,459,522 (“the ’522 patent”) (collectively, “the LGE patents” or “the asserted patents”).

1.3 LGE asserts that the accused products directly infringe, contributorily infringe, and/or induce the infringement of at least claims 24 and 25 of the ’096 patent, claims 1–9 of the ’612 patent, and claim 1 of the ’522 patent (collectively, “the asserted claims”).

1.4 Certified copies of the ’096, ’612, and ’522 patents accompany this Complaint as **Exhibits 1, 2, and 3** respectively. LGE owns by assignment the entire right, title, and interest in and to these patents. A certified copy of each of the recorded assignments accompanies this Complaint as **Exhibit 4**.

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

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

II. COMPLAINANT

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

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

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

2.4 Specifically, in relation to this action, LGE designs, develops, markets, and sells video displays, including televisions. In the United States, LGE has made significant

investments in plants and equipment, significant employment of labor and capital, and substantial investment in the exploitation of the patents, including engineering, research and development, and licensing. These activities provide the foundation for LGE's domestic industry.

III. PROPOSED RESPONDENTS

A. Funai Electric Co., Inc.

3.1 On information and belief, proposed Respondent Funai Electric is a limited liability corporation organized under the laws of Japan. Funai Electric's principal place of business is at 7-7-1 Nakagaito Daito, Osaka 574-0013 Japan. As detailed below, Funai Electric operates an Audio-Visual Equipment business, which includes the manufacture of flat-panel (i.e., plasma or liquid crystal display) displays.¹ See **Exhibit 5**.

3.2 Funai Electric develops, manufactures, and markets electronic video displays that infringe the asserted patents. On information and belief, by way of example, Funai's displays are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, Funai and/or others then import the accused displays, components therein, and products containing same into the United States, sell them for importation, or sell them in the United States after importation. Additional information concerning Funai can be obtained from Funai's most recent annual report. (*Available at* http://www.funaiworld.com/investors/pdf_annual/annual2008.pdf.)

B. Funai Corporation, Inc.

3.3 On information and belief, proposed Respondent Funai Corp. is a New Jersey corporation with its principal place of business at 201 Route 17 North, Suite 903, Rutherford, NJ

¹ Funai Electric Co. Ltd and LGE entered into limited licenses in September 2003 and November 2004, and both licenses are now expired. See **Confidential Exhibit 23**.

07070. On information and belief, Funai Corp. is a U.S.-based subsidiary of proposed Respondent Funai Electric, and oversees Funai Electric's U.S. sales operations. See **Exhibit 6**.

C. P&F USA, Inc.

3.4 On information and belief, proposed Respondent P&F is a Georgia corporation with its principal place of business at 3015 Windward Plaza, Ste. 100, Alpharetta, GA 30005-8724. P&F is a wholly-owned subsidiary of proposed Respondent Funai Electric. On information and belief, P&F is responsible for the sourcing, distribution, marketing, and sales activities of Philips-branded displays in the United States and Canada on behalf of Funai Electric. See **Exhibit 7**.

IV. THE TECHNOLOGY AND PRODUCTS AT ISSUE

4.1 The general technology at issue involves the video display. As discussed below, LGE holds patents addressed to certain elements of display operation and user services for such displays. For example, these patents cover technologies used in the power systems for certain flat-panel televisions, including certain startup power sequences. The patents also cover certain technologies used to provide services to television users, such as technologies that selectively disrupt the television when certain codes are received, or that display program guide information on the television screen.

V. THE ASSERTED PATENTS

5.1 At issue in this investigation is the proposed Respondents' infringement of three United States patents: the '096, '612, and '522 patents. LGE overviews each patent below.

A. The '096 Patent

1. Identification of the Patent and Ownership by LGE

5.2 The '096 patent is entitled "Automated Flat Panel Display Control System for Accommodating Broad Range of Video Types and Formats" and issued on August 4, 1998. The

'096 patent issued from U.S. Patent Application Serial Number 08/707,338, filed on September 3, 1996. LGE is the assignee of all rights, title, and interest in the invention ultimately disclosed and claimed in the '096 patent by the inventor, Jacques R. Hill, Jr. *See Exhibit 4.* The '096 patent is valid, enforceable, and is currently in full force and effect.

5.3 Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by **Appendices A and D.** **Appendix A** contains a certified copy and three additional copies of the prosecution history of the '096 patent, and **Appendix D** contains four copies of each reference mentioned in that prosecution history.

2. Non-Technical Description of the Patented Invention²

5.4 The '096 patent generally discloses methods and apparatus for controlling a flat panel display. *See Exhibit 1* at [57]. Relevant to this case, the '096 patent teaches a power-up and power-down method for a flat panel display. The power-up steps involve supplying power to the flat panel display, applying signals used to display an image on the flat panel display, and supplying power to the backlight inverter. The power down steps involve turning off power to the backlight inverter, turning off power to a memory system, turning off power to a timing control system, and turning off power to the flat panel display. *See, e.g., id.* col.24 ll.7–41.

3. Foreign Counterparts to the '096 Patent

5.5 The foreign counterparts to the '096 patent are listed in **Exhibit 8.** No other foreign patents or patent applications corresponding to the '096 patent have been filed, abandoned, withdrawn, or rejected.

² The contents of this Complaint, including this section (i.e., "Non-Technical Description of the Patented Invention), do not and are not intended to construe either the specification or the claims of any asserted patent.

B. The '612 Patent

1. Identification of the Patent and Ownership by LGE

5.6 The '612 patent is entitled "Remotely Selectable Audio/Video/Text Disruption," and issued on July 16, 1996. The '612 patent issued from U.S. Patent Application Serial Number 08/239,646, filed on May 9, 1994. LGE is the assignee of all rights, title, and interest in the invention ultimately disclosed and claimed in the '612 patent by the inventors, Sol. M. Cherrick and Kevin J. Gaughan. *See Exhibit 4.* The '612 patent is valid, enforceable, and is currently in full force and effect.

5.7 Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by **Appendices B and D**. **Appendix B** contains a certified copy and three additional copies of the prosecution history of the '612 patent, and **Appendix D** contains four copies of each reference mentioned in that prosecution history.

2. Non-Technical Description of the Patented Invention

5.8 The '612 patent generally relates to television receivers and their control. It describes techniques for a user, using a remote control, to transmit signals to the television that cause the television to disrupt its display (e.g., the audio-visual content is obscured, though the television is in proper working order). *See Exhibit 2* at [57].

3. Foreign Counterparts to the '612 Patent

5.9 The '612 patent has no foreign counterparts, and no foreign patents or patent applications corresponding to the '612 patent have been filed, abandoned, withdrawn, or rejected.

C. The '522 Patent

1. Identification of the Patent and Ownership by LGE

5.10 The '522 patent is entitled "Method for Acquisition and Display of an On-Screen Program Guide," and issued on Oct. 17, 1995. The '522 patent issued from U.S. Patent Application Serial Number 08/258,291, filed on June 10, 1994. LGE is the assignee of all rights, title, and interest in the invention ultimately disclosed in the '522 patent by the inventor, Charles S. Pint. *See Exhibit 4.* The '522 patent is valid, enforceable, and is currently in full force and effect.

5.11 Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by **Appendices C and D**. **Appendix C** contains a certified copy and three additional copies of the prosecution history of the '522 patent, and **Appendix D** contains four copies of each reference mentioned in that prosecution history.

2. Non-Technical Description of the Patented Invention

5.12 The '522 patent generally discloses methods for acquiring and displaying on-screen program guide data on a television. *See Exhibit 3* at [57]. One such method is performed by receiving "raw" data for the on-screen program guide, processing that data so that it can be used to generate a "virtual" program guide screen, storing the processed data in memory, creating a generic screen from the processed data, translating the generic screen into displayable screen, and then displaying the screen on a television. *See id.*

3. Foreign Counterparts to the '522 Patent

5.13 The '522 patent has no foreign counterparts, and no foreign patents or patent applications corresponding to the '522 patent have been filed, abandoned, withdrawn, or rejected.

VI. UNLAWFUL AND UNFAIR ACTS OF PROPOSED RESPONDENTS

6.1 Upon information and belief, Funai's accused products directly infringe, contributorily infringe, and/or induce the infringement of at least: claims 24 and 25 of the '096 patent, claims 1-9 of the '612 patent, and claim 1 of the '522 patent. Upon information and belief, components of those same products and products containing same also directly infringe, contributorily infringe, and/or induce infringement of those claims.

A. Funai's Unlawful and Unfair Acts

6.2 On information and belief, the accused products are manufactured, assembled, and/or packaged and tested overseas, specifically, at least in China. These same products are then imported into the United States, sold for importation, and/or sold within the United States after importation by Funai. *See Exhibit 9*. Further discovery may reveal that Funai infringes additional claims of the asserted patents.

6.3 On information and belief, and by way of example, Funai's Sylvania LC320SS9 television directly infringes, contributorily infringes, and/or induces infringement of the asserted claims. On information and belief, and by way of example, components of the representative Sylvania LC320SS9 television also directly infringe, contributorily infringe, and/or induce infringement of the asserted claims. Photographs of the representative Sylvania LC320SS9 television are attached to this Complaint as **Exhibit 10**. A copy of the user manuals for the representative Sylvania LC320SS9 television and the Philips 32PFL3504D television are attached to this complaint as **Exhibit 11**. Claim charts demonstrating how exemplary accused products infringe the asserted independent claims of the asserted patents—claim 24 of the '096 patent, claim 1 of the '612 patent, and claim 1 of the '522 patent—are attached to this Complaint as **Confidential Exhibit 12** and **Exhibits 13** and **14**. On information and belief, other models of televisions designed, sold, manufactured, and/or imported by or on behalf of Funai that infringe

one or more asserted claims include: Sylvania LD427SSX, Sylvania LC195SLX, Magnavox 32MF339B, and Philips 32PFL3504D. Further discovery may reveal additional infringing Funai products and/or models.

6.4 **Physical Exhibit 25** is a Sylvania LC195SLX television. On information and belief this television, which is manufactured by Funai, infringes one or more asserted claims.

6.5 LGE provided notice of Funai's infringement by contemporaneously filing suit alleging infringement of all asserted patents in the U.S. District Court for the Eastern District of Texas.

VII. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

A. Specific Instances of Funai's Unlawful and Unfair Acts

7.1 On information and belief, Funai and others on its behalf manufacture the accused products at least in China, and then import them into the United States, sell them for importation into the United States, and/or sell them within the United States after importation. For example, attached **Exhibit 9** is a description of an offer for sale of the Sylvania LC320SS9 television on the sylvaniacconsumerelectronics.com Internet site, which is controlled by Funai.

7.2 For example, on or about July 15, 2009, LGE purchased representative accused products in the United States. Specifically, LGE purchased a Sylvania LC320SS9 television in the United States that infringes each asserted claim of the asserted patents as set forth above. Labels on the device indicate that the products were manufactured in China. Attached as part of **Exhibit 15** are photographs of the product packaging and a copy of the order sheet for the Sylvania LC320SS9 television purchased by LGE reflecting the purchase of an accused product in the United States. The photographs of the Sylvania LC320SS9 in **Exhibit 10** identify Funai Corp. as the distributor of the Sylvania LC320SS9. As discussed above, on information and belief Funai Corp. is a wholly-owned subsidiary of Funai Electric.

7.3 As a further example, on or about July 17, 2009, LGE purchased a Philips 32PFL3504D television in the United States that infringes each asserted claim of the asserted patents as set forth above, in the same manner as the Sylvania LC320SS9 (set forth in **Confidential Exhibit 12** and **Exhibits 13** and **14**). Attached as part of **Exhibit 15** are photographs of the product packaging and a receipt for the Philips 32PFL3504D television purchased by LGE reflecting the purchase of an accused product in the United States. The photographs of the Philips 32PFL3504D in **Exhibit 10** identify P&F USA, Inc. as the distributor of the Philips 32PFL3504D. As discussed above, on information and belief P&F USA is a wholly-owned subsidiary of Funai Electric.

7.4 The accused products are believed to fall within at least the following classifications of the Harmonized Tariff Schedules of the United States: 8528.72.7210 and 8528.72.7250. These classifications are intended for illustrative purposes only and are not intended to restrict the scope or type of accused product.

VIII. LICENSEES

8.1 LGE has licensed one or more of the asserted patents. Pursuant to Rule 210.12 of the Commission's rules, **Confidential Exhibit 16** provides a list of licensees, and there are no other licensees to any asserted patent.

IX. DOMESTIC INDUSTRY

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

A. Technical Prong

9.2 LGE sells in the United States displays that practice at least one claim of each of the asserted patents. The following exemplary LGE products are covered by one or more asserted patents: LGE 42LG30 television, LGE 32LG30 television, LGE 42PG30 television, 32LH20 television. Each of these televisions is assembled in Mexico and is imported to the United States. Photographs of the 42LG30, 32LG30, and 42PG30 televisions are attached as **Exhibit 17**. A copy of the user manual for the LGE 42LG30 is attached as **Exhibit 18**. Claim charts demonstrating how the 42LG30, 32LG30, and 42PG30 practice the asserted patents are attached as **Confidential Exhibit 19** and **Exhibits 20** and **21**.

9.3 **Physical Exhibit 26** is an LGE 32LH20 television. This television practices the '612, '096, and '522 patents.

9.4 The LGE 42LG30, 32LG30, and 32LH20 are "LGE LCD Products" as that term is used in **Confidential Exhibit 22**. The LGE LCD Products practice the '612, '096, and '522 patents. The LGE 42PG30 is an "LGE Plasma Product" as that term is used in **Confidential Exhibit 22**. The LGE Plasma Products practice the '612 and '522 patents.

B. Economic Prong

9.5 LGE conducts significant domestic industry activities in the United States relating to products practicing the asserted patents. These activities include LGE's investment in plant and equipment, employment of labor and capital, and substantial investment in the exploitation of the asserted patents and the investments in these activities by its related entities LG Electronics U.S.A., Inc. ("LGEUS") and LG Electronics Alabama, Inc. ("LGEAI"). *See Confidential Exhibit 22*. LGE also maintains a domestic industry in the patents-in-suit by its significant investment in licensing relating to one or more of the asserted patents in the United States.

9.6 LGE has made and continues to make significant investment in plant facilities and equipment in the United States dedicated to the service and repair of products covered by the asserted patents. The plant facilities and equipment used in connection with these activities are located in Huntsville, Alabama; and Rancho Cucamonga, California. A portion of LGE's investment in plant and equipment is set forth in **Confidential Exhibit 22**.

9.7 LGE has employed and continues to employ a significant number of employees in the above-mentioned facilities that devote substantial man-hours towards product support, testing and quality management, and warranty and repair services for products covered by the asserted patents. **Confidential Exhibit 22** describes this labor investment.

9.8 LGE has invested and continues to invest significant capital in its facilities towards product support, testing and quality management, and warranty and repair services for products covered by the asserted patents. **Confidential Exhibit 22** describes the capital LGE has expended towards these activities.

9.9 LGE has also invested substantially in the exploitation of the patents-in-suit through its licensing activities. **Confidential Exhibit 24** includes an exemplary license to the patents-in-suit.

X. RELATED LITIGATION

10.1 Contemporaneously with the filing of this Complaint, LGE filed suit in the U.S. District Court for the Eastern District of Texas asserting that Funai infringes the patents asserted here, namely the '096, '612, and '522 patents.

10.2 LGE previously filed suit in the Eastern District of Texas, titled *LG Electronics, Inc. v. Petters Group Worldwide, LLC et al.*, No. 5:08-cv-163, asserting that the following entities infringe the '096 patent: Polaroid Corp.; Westinghouse Digital Electronics, LLP; Proview Technology, Inc.; Proview International Holdings, Ltd.; and Proview Technology

(Shenzhen) Co., Ltd. In that case, LGE also asserted that the following entities infringe the '612 patent: Polaroid Corp.; Westinghouse Digital Electronics, LLP; Vizio, Inc.; Proview Technology, Inc.; Proview International Holdings, Ltd.; and Proview Technology (Shenzhen) Co., Ltd. This action is in discovery.

10.3 LGE also previously filed suit in the Eastern District of Texas, titled *LG Electronics, Inc. v. TTE Technology, Inc. et al.*, No. 5:07-cv-26, asserting that TTE Technology, Inc. and TCL Multimedia Technology Holdings Ltd. infringed the '096 and '612 patents. This case has been settled.

10.4 LGE also previously filed suit in the Eastern District of Texas, titled *LG Electronics, Inc. v. Hitachi, Ltd. et al.*, No. 5:07-cv-90, asserting that Hitachi, Ltd., Hitachi Automotive Products (USA), Inc.; Clarion Co., Ltd.; Clarion Corp. of America; and Xanavi Informatics Corporation infringed the '096 patent. This case has been settled.

10.5 LGE's predecessor-in-interest to the '096 patent, Allus Technology Corp., also previously filed suit in the Southern District of Texas, titled *Allus Technology Corp. v. Compaq Computer Corp.*, No. 4:99-cv-1342, asserting that Compaq Computer Corporation, CTX Opto Inc., CTX Opto-Electronics Corporation, LG Electronics, Inc., and LG Electronics USA infringed the '096 patent. This case was settled prior to LGE's acquisition of the '096 patent. There have been no other litigations concerning infringement of the '096, '612, or '522 patents.

XI. REQUESTED RELIEF

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

- (a) Institute an immediate investigation, pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to violations of Section 337 based on the proposed Respondents' unlawful importation into the United States, sale for

importation, and/or sale within the United States after importation of certain video displays, components thereof, and products containing same which infringe one or more claims of United States Patent Nos. 5,709,096, 5,537,612, and 5,459,522;

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

(c) Issue a permanent exclusion order, pursuant to Section 337(d) of the Tariff Act of 1930, as amended, excluding from entry into the United States all of the proposed respondents' video displays, components thereof, and products containing same that infringe one or more claims of United States Patent Nos. 5,709,096, 5,537,612, and 5,459,522;

(d) Issue permanent cease and desist orders, pursuant to Section 337(f) of the Tariff Act of 1930, as amended, directing each of the proposed respondents to cease and desist from the importation, marketing, advertising, demonstrating, installing, repairing, servicing, warehousing inventory for distribution, sale and use of certain video displays, components thereof, and products containing same that infringe one or more claims of United States Patent Nos. 5,709,096, 5,537,612, and 5,459,522; and

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

Respectfully submitted,

FISH & RICHARDSON P.C.

Dated: August 12, 2009



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LG Electronics, Inc.

VERIFICATION

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

1. I, John I. Taylor, am a vice president for LG Electronics USA, Inc., and am duly authorized to sign this Complaint on behalf of Complainant LG Electronics, Inc. ("LGE");

2. I have read the foregoing Complaint;

3. To the best of my knowledge, information, and belief, based upon reasonable inquiry, the foregoing Complaint is well-founded in fact and is warranted by existing law or by a non-frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

4. The allegations or other factual contentions have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery, and;

The foregoing Complaint is not being filed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of litigation.

Executed this 12th day of August, 2009.


