

August 9, 2021

The Honorable Lisa R. Barton
Secretary to the Commission
U.S. International Trade Commission
500 E Street, S.W., Room 112
Washington, DC 20436

Lisa M. Kattan
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Re: *Certain Video Security Equipment and Systems, Related Software,
Components Thereof, and Products Containing Same, Inv. No. 337-TA-*

Dear Secretary Barton:

Enclosed for filing on behalf of Complainants Motorola Solutions, Inc., Avigilon Corporation, Avigilon Fortress Corporation, Avigilon Patent Holding 1 Corporation, and Avigilon Technologies Corporation are the below-listed documents in support of Complainants' request that the Commission commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended. These documents are being submitted via EDIS in accordance with the Commission's notice titled "Temporary Change to Filing Procedures," 85 Fed. Reg. 15798 (March 19, 2020).

1. Electronic copies of the verified Complaint¹ and Statement of Public Interest² pursuant to 19 C.F.R. §§ 210.8(a)(1)(i) and 210.8(b);
2. Electronic certified copies of United States Patent Nos. 7,868,912, 10,726,312, and 8,508,607 (the "Asserted Patents"), included with the Complaint as Exhibits 1-3, pursuant to 19 C.F.R. § 210.12(a)(9)(i);
3. Electronic certified copies of the assignments for the Asserted Patents, included with the Complaint as Exhibits 4-6, pursuant to 19 C.F.R. § 210.12(a)(9)(ii);
4. Electronic copies of Non-Confidential Exhibit Nos. 1-9, 15-50, 52-57, and 60-62 to the Complaint and public versions of Confidential Exhibit Nos. 10-14, 51, and 58-59 to the Complaint, pursuant to 19 C.F.R. § 210.8(a)(1)(i);
5. Electronic letter and certification pursuant to 19 C.F.R. §§ 210.5(d) and 201.6(b) requesting confidential treatment of Complainants' confidential business information contained in Confidential Exhibit Nos. 10-14, 51, and 58-59 to the Complaint;

¹ There is no confidential version of the verified Complaint.

² There is no confidential version of the Statement of Public Interest.

6. Electronic copies of Confidential Exhibit Nos. 10-14, 51, and 58-59 to the Complaint, pursuant to 19 C.F.R. §§ 210.8(a)(1)(ii) and 201.6(c);
7. Electronic certified copies of the U.S. Patent and Trademark Office prosecution histories for the Asserted Patents, included with the Complaint as Appendices A1, B, and C, pursuant to 19 C.F.R. §§ 210.8(a)(1)(i) and 210.12(c)(1); an electronic certified copy of *inter partes* reexamination proceedings relating to U.S. Patent No. 7,868,912, included with the Complaint as Appendix A2; and an electronic copy of *ex parte* reexamination proceedings relating to U.S. Patent No. 7,868,912, including with the Complaint as Appendix A3;³ and
8. Electronic copies of the technical references cited in the prosecution histories for the Asserted Patents, included with the Complaint as Appendices D-F, pursuant to 19 C.F.R. §§ 210.8(a)(1)(i) and 210.12(c)(2).

Please contact me with any questions regarding this submission. Thank you for your attention to this matter.

Respectfully submitted,

/s/ Lisa M. Kattan

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³ Complainants have ordered a certified copy of Appendix A3 but have not yet received it. Complainants will file the certified copy promptly upon receipt.

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Re: *Certain Video Security Equipment and Systems, Related Software,
Components Thereof, and Products Containing Same, Inv. No. 337-TA-*

Dear Secretary Barton:

Pursuant to 19 C.F.R. §§ 201.6 and 210.5, Complainants Motorola Solutions, Inc., Avigilon Corporation, Avigilon Fortress Corporation, Avigilon Patent Holding 1 Corporation, and Avigilon Technologies Corporation respectfully request confidential treatment of the business information contained in Confidential Exhibits 10-14, 51, and 58-59 to the verified Complaint filed concurrently herewith.

The information for which confidential treatment is sought is proprietary commercial and technical information not otherwise publicly available. Specifically, the exhibits contain the following:

Confidential Exhibit 10: Claim Chart regarding the Exemplary Domestic Industry analysis of U.S. Patent No. 7,868,912, which contains proprietary technical information relating to processes, operations, and apparatuses for the covered domestic industry products.

Confidential Exhibit 11: Claim Chart regarding the Exemplary Domestic Industry analysis of U.S. Patent No. 10,726,312, which contains proprietary technical information relating to processes, operations, and apparatuses for the covered domestic industry products.

Confidential Exhibit 12: Claim Chart regarding the Exemplary Domestic Industry analysis of U.S. Patent No. 8,508,607, which contains proprietary technical information relating to processes, operations, and apparatuses for the covered domestic industry products.

Confidential Exhibit 13: Declaration of Sergio Parise, which contains proprietary commercial and technical information relating to processes, operations, and apparatuses and the production, sales, and expenditures for the covered domestic industry products.

Confidential Exhibit 14: List of licensees involving one or more of the Asserted Patents, which contains proprietary commercial information.

Confidential Exhibit 51: Complainants' Appearance Search System Design Document, which contains proprietary technical information relating to processes, operations, and apparatuses for the covered domestic industry products.

Confidential Exhibit 58: Complainants' Firmware Package Signing Document, which contains proprietary technical information relating to processes, operations, and apparatuses for the covered domestic industry products.

Confidential Exhibit 59: Complainants' Firmware Package Signing and Encryption Document, which contains proprietary technical information relating to processes, operations, and apparatuses for the covered domestic industry products.

The information described above qualifies as confidential business information pursuant to Rule 201.6(a) in that:

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

Please contact me with any questions regarding this request for confidential treatment. Thank you for your attention to this matter.

Respectfully submitted,

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**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, DC**

In the Matter of

**CERTAIN VIDEO SECURITY
EQUIPMENT AND SYSTEMS,
RELATED SOFTWARE,
COMPONENTS THEREOF, AND
PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-_____

COMPLAINANTS' STATEMENT OF PUBLIC INTEREST UNDER SECTION 210.8(b)

Pursuant to Commission Rule 210.8(b), Complainants Motorola Solutions, Inc., Avigilon Corporation, Avigilon Fortress Corporation, Avigilon Patent Holding 1 Corporation, and Avigilon Technologies Corporation (collectively, "Complainants") respectfully submit this separate statement addressing whether Complainants' concurrently filed Section 337 Complaint will have any potentially adverse effects on the public interest. The proposed Respondent is Verkada, Inc. ("Respondent"). For purposes of the Complaint and this public interest statement, the relief that Complainants seek is a limited exclusion order and a cease and desist order directed to certain video security equipment and systems, related software, components thereof, and products containing same imported into the United States, sold for importation into the United States, and/or sold in the United States after importation by Respondent (collectively, the "Accused Products"). The Accused Products infringe one or more claims of each of three valid and enforceable patents owned by Complainants: U.S. Patent Nos. 7,868,912; 8,508,607; and 10,726,312 (collectively, the "Asserted Patents").

As discussed below, exclusion of the Accused Products would not have an adverse effect on public health and welfare, on competitive conditions in the United States economy, on the production of like or directly competitive articles in the United States, or on United States

consumers. Indeed, issuance of an exclusion order and cease and desist order would promote Complainants' domestic industry and protect Complainants' intellectual property rights, without any resultant harm to public health, safety, or welfare.

I. HOW THE INFRINGING ARTICLES ARE USED IN THE UNITED STATES

The Accused Products include Respondent's video security equipment and systems, related software, components thereof, and products containing same, including at least Respondent's Dome Series, Mini Series, Bullet Series, Fisheye Series, and D-Series internet protocol ("IP") security camera devices. Commercial businesses (like retail stores, manufacturing facilities, hospitals, country clubs, and fitness centers) and public organizations (like school districts and municipalities) employ these video security devices and systems in the United States to monitor, detect, verify, and respond to activities at their premises. *E.g.*, Complaint Exhibit 16, Verkada, *Meet our Customers*, <https://www.verkada.com/customers/>.

II. THERE ARE NO PUBLIC HEALTH, SAFETY OR WELFARE CONCERNS RELATING TO THE REQUESTED REMEDIAL ORDERS

Complainants' requested remedial orders will not raise any public health, safety, or welfare concerns. Historically, the Commission has examined the public health and welfare by assessing whether "an exclusion order would deprive the public of products necessary for some important health or welfare need." *Certain Table Saws Incorporating Active Injury Mitigation Technology and Components Thereof*, Inv. No. 337-TA-965, Comm'n Op. at 7 (Feb. 1, 2017) (EDIS Doc ID 602496) (quoting *Spansion, Inc. v. Int'l Trade Comm'n*, 629 F.3d 1331, 1360 (Fed. Cir. 2010)). Remedial orders have been denied based on overriding public interest concerns in only a handful of investigations in the past forty-five years, and only where "inadequate supply within the United States—by both the patentee and domestic licensees—meant that an exclusion order would deprive the public of products necessary for some important health or welfare need: energy efficient

automobiles, basic scientific research, or hospital equipment.” *Spansion, Inc. v. U.S. Int’l Trade Comm’n*, 629 F.3d 1331, 1360 (Fed. Cir. 2010) (citations omitted); *see also Certain Fluidized Supporting Apparatus and Components Thereof*, Inv. Nos. 337-TA-182, 337-TA-188, USITC Pub. 1667 (Oct. 1984), Comm’n Op. at 23-25 (EDIS Doc ID 235424) (discussing public interest concerning patented “burn beds”); *Certain Inclined-Field Acceleration Tubes and Components Thereof*, Inv. No. 337-TA-67, USITC Pub. 1119 (Dec. 1980), Comm’n Op. at 21-31 (EDIS Doc ID 217920) (discussing public interest concerning nuclear structure research conducted with the patented inclined-field acceleration tubes); *Certain Automatic Crankpin Grinders*, Inv. No. 337-TA-60, USITC Pub. 1022 (Dec. 1979), Comm’n Op. at 17-21 (EDIS Doc ID 217929) (discussing public interest concerning patented crankpin grinders and congressionally mandated fuel economy standards).

None of those concerns are raised here. The numerous replacement products made and sold by Complainants, discussed below, ensure that the requested remedial orders will cause no resultant harm to public health, safety, or welfare. Complainants’ requested relief will also have the beneficial effect of protecting Complainants’ intellectual property rights, protecting Complainants’ domestic industry, and preventing the proposed Respondent’s unfair competition. *See, e.g., Certain Hardware Logic Emulation Systems and Components Thereof*, Inv. No. 337-TA-383, USITC Pub. 2991 (Sept. 1996), Comm’n Op. on Remedy, the Public Interest, and Bonding at 8-9 (EDIS Doc ID 46324); *see also Certain Ink Cartridges and Components Thereof*, Inv. No. 337-TA-565, Comm’n Op. at 38 (Sept. 24, 2009) (EDIS Doc ID 411051) (“The public interest is not served if intellectual property rights are not respected, and the imposition of a penalty that is substantial enough to deter future violations is in the public interest.”).

III. ARTICLES THAT COULD REPLACE THE SUBJECT ARTICLES IF THEY WERE TO BE EXCLUDED

Complainants' domestically manufactured portfolio of video security equipment and systems, including the products Complainants rely on to show the existence of a domestic industry, are directly competitive with the Accused Products. These products are readily available replacements for the Accused Products, and, should the Commission issue the requested remedial orders, Complainants can make these replacement products for Respondent's customers from Complainants' state-of-the-art manufacturing facility in Richardson, Texas. In addition, the video security industry is competitive and includes a variety of different manufacturers, distributors, suppliers, and resellers of video security equipment and systems. These third parties could also address the demand for the Accused Products. In short, Respondent's customers, whether commercial or public entities, will continue to have uninterrupted access to video security equipment and systems should the Commission issue the requested remedy.

IV. ABILITY TO REPLACE THE VOLUME OF ARTICLES SUBJECT TO THE REQUESTED REMEDIAL ORDERS IN A COMMERCIALLY REASONABLE TIME IN THE UNITED STATES

Complainants have the capacity at their facility in Richardson, Texas to readily manufacture a sufficient volume of video security equipment and systems to replace the volume of articles that would be subject to the requested remedial orders in the United States and to completely satisfy consumer demand. This capacity is in addition to other video security equipment and systems sold in the United States by third parties. *See, e.g., Certain Mobile Devices, Associated Software, and Components Thereof*, Inv. No. 337-TA-744, Comm'n Op. at 30 (June 5, 2012) (EDIS Doc ID 482094) ("The record shows that there are numerous other sources for [the articles]" and thus exclusion of the infringing articles "will not have a significant impact on competitive

conditions in the United States economy or on U.S. consumers.”). Both Complainants’ and third party replacement products are readily available and would be accessible in the United States in a commercial reasonable time.

V. HOW THE REMEDIAL ORDERS WOULD IMPACT CONSUMERS

The issuance of an exclusion order or cease and desist order in the requested investigation will not adversely impact consumers. As discussed above, irrespective of Respondent’s presence in the market, United States consumers will continue to have undelayed access to an extensive supply and range of options for video security equipment and systems, both from Complainants’ own domestically manufactured and patent protected product offerings and from third-party suppliers. At worst, a remedial order could minimally reduce consumer choice. But a mere constriction in consumer choice is not a basis for denying relief in the event a complainant’s patents are found valid and infringed. *See Certain Personal Data and Mobile Communications Devices and Related Software*, Inv. No. 337-TA-710, Comm’n Op. at 69 (Dec. 29, 2011) (EDIS Doc ID 467457). Even if Respondent could identify some minimal impact on United States consumers, that would not outweigh the strong public interest in enforcing intellectual property rights and creating incentives for innovation instead of infringement and misappropriation.

VI. CONCLUSION

For the foregoing reasons, the proposed investigation and any remedies that might result will not adversely affect the public interest.

Dated: August 9, 2021

Respectfully submitted,

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**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, DC**

In the Matter of

**CERTAIN VIDEO SECURITY
EQUIPMENT AND SYSTEMS,
RELATED SOFTWARE,
COMPONENTS THEREOF, AND
PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-_____

**COMPLAINT OF MOTOROLA SOLUTIONS, INC., AVIGILON CORPORATION,
AVIGILON FORTRESS CORPORATION, AVIGILON PATENT HOLDING 1
CORPORATION, AND AVIGILON TECHNOLOGIES CORPORATION
UNDER SECTION 337 OF THE TARIFF ACT OF 1930**

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EXHIBITS

1. Certified Copy of U.S. Patent No. 7,868,912
2. Certified Copy of U.S. Patent No. 10,726,312
3. Certified Copy of U.S. Patent No. 8,508,607
4. Certified Copy of Assignment Records for U.S. Patent No. 7,868,912
5. Certified Copy of Assignment Records for U.S. Patent No. 10,726,312
6. Certified Copy of Assignment Records for U.S. Patent No. 8,508,607
7. U.S. Patent No. 7,868,912 Infringement Claim Chart
8. U.S. Patent No. 10,726,312 Infringement Claim Chart
9. U.S. Patent No. 8,508,607 Infringement Claim Chart
10. U.S. Patent No. 7,868,912 Domestic Industry Claim Chart (**CONFIDENTIAL**)
11. U.S. Patent No. 10,726,312 Domestic Industry Claim Chart (**CONFIDENTIAL**)
12. U.S. Patent No. 8,508,607 Domestic Industry Claim Chart (**CONFIDENTIAL**)
13. Declaration of Sergio Parise regarding Domestic Industry (**CONFIDENTIAL**)
14. List of Licensees (**CONFIDENTIAL**)
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APPENDICES

- A. A1 – Certified Copy of the Prosecution History for U.S. Patent No. 7,868,912
 A2 – Certified Copy of *Inter Partes* Reexamination Proceedings for
 U.S. Patent No. 7,868,912
 A3 – Copy of *Ex Parte* Reexamination Proceedings for
 U.S. Patent No. 7,868,912

- B. Certified Copy of the Prosecution History for U.S. Patent No. 10,726,312

- C. Certified Copy of the Prosecution History for U.S. Patent No. 8,508,607

- D. References Cited in the Prosecution History for U.S. Patent No. 7,868,912

- E. References Cited in the Prosecution History for U.S. Patent No. 10,726,312

- F. References Cited in the Prosecution History for U.S. Patent No. 8,508,607

I. INTRODUCTION

1.1. Motorola Solutions, Inc., Avigilon Corporation, Avigilon Fortress Corporation, Avigilon Patent Holding 1 Corporation, and Avigilon Technologies Corporation (collectively, “Complainants”) bring this Complaint under Section 337 of the Tariff Act, as amended (19 U.S.C. § 1337) based on 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 by proposed Respondent of certain video security equipment and systems, related software, components thereof, and products containing same that infringe certain claims of U.S. Patent No. 7,868,912 (“the ’912 Patent”), U.S. Patent No. 10,726,312 (“the ’312 Patent”), and U.S. Patent No. 8,508,607 (“the ’607 Patent”) (collectively, “the Asserted Patents”). The allegations herein are made based on personal knowledge of Complainants with respect to their own actions, and upon information and belief as to all other matters.

1.2. Avigilon Corporation (“Avigilon”), a Motorola Solutions company since 2018, is a leading global provider of integrated solutions for video security. For over fifteen years, Avigilon has designed, developed and manufactured innovative video security technologies for customers in manufacturing, transport, utility, banking, retail, education, and government. Avigilon began as a pioneer of high-resolution video security systems, helping to shift the industry from low-resolution analog imaging to high definition digital systems. Since its founding, Avigilon has invested extensively in cutting-edge solutions for video analytics, cloud, internet protocol (“IP”) security cameras, and video management, including considerable capital, labor, expertise and ingenuity in manufacturing and research and development (“R&D”) in the United States to deliver customized security configurations across industries.

1.3. Today, Motorola Solutions, through its Avigilon subsidiaries, continues those significant investments in complete security solutions that harness the power of artificial

intelligence and video analytics to provide unprecedented visual detail combined with situational awareness in a secure and efficient system. For example, Complainants' products use a hybrid edge-computing architecture that increases linear scalability by leveraging camera processors to distribute analytics and extract valuable metadata from video. Beginning in 2017, Complainants also released their award-winning Appearance Search solution—an advanced video analytics technology for quickly locating a person or vehicle of interest in video or searching for people based on certain characteristics, such as gender and clothing color. Appearance Search won the Benchmark Innovation Award for Intelligent Systems and was recognized for its use of “deep learning’ techniques associated with artificial intelligence to assist in the identification and swift retrieval of video footage which is relevant to an investigation or management of an on-going event.” Exhibit 15, Benchmark Technological Innovation & Smart Solutions, *Intelligent Systems: Avigilon Appearance Search*, <https://benchmarkmagazine.com/benchmark-innovation-awards-intelligent-systems/>. Complainants also devote significant resources to cybersecurity, protecting the integrity of their systems and analytics data through features such as signed and encrypted firmware updates. All of these advancements in video surveillance and analytics are protected by the Asserted Patents and have led to Complainants' significant global commercial success.

1.4. The proposed Respondent—Verkada Inc. (“Respondent” or “Verkada”)—is and will continue importing, selling for importation, and/or selling after importation into the United States infringing video security equipment and systems, related software, components thereof, and products containing same (collectively, “the Accused Products”). As set forth in Section VII below, the Accused Products are manufactured abroad in Taiwan and are imported into the United States by Respondent.

1.5. Verkada is a recent entrant to the security systems industry. Rather than compete fairly in the market, since its founding, Verkada has consistently relied on and incorporated features and technological advances protected by Complainants' intellectual property. For example, after receiving criticism from the industry that its systems lacked many of the analytics features that Avigilon pioneered, including Appearance Search, Verkada incorporated the same functionality in its own "People Analytics." Just like Avigilon's earlier-developed and patented Appearance Search technology, Verkada's allegedly "game-changing" People Analytics is "built on AI" and enables users to search and filter based on several different appearance attributes, "including gender traits, clothing color, and even a person's face." Exhibit 17, Verkada, *Verkada Announces People Analytics to Simplify Investigations*, <https://www.verkada.com/blog/introducing-people-analytics>.

1.6. Verkada's systems incorporate additional of Complainants' core innovations. From Verkada's use of a hybrid edge computing architecture that extracts valuable metadata from video (e.g., Exhibit 18, Verkada, *Reducing Bandwidth Consumption of a Cloud Camera to 20kbps*, <https://www.verkada.com/blog/reducing-bandwidth-consumption-cloud-camera/>), to Verkada's firmware update functionality with "critical" "[f]irmware signing" for network security (e.g., Exhibit 19, Verkada, *Securing Your Video Surveillance Network*, <https://info.verkada.com/security/surveillance-network/>), Verkada repeatedly incorporates and touts technology claimed in the Asserted Patents.

1.7. In short, the Accused Products use, without a license, the inventions protected by the '912 Patent, '312 Patent, and '607 Patent. The asserted claims are listed below:

Patent Number	Asserted Claims (Independent Claims In Bold)
7,868,912	1 , 2-4, 6 , 7-8, 9 , 10-11, 12 , 13-17, 18 , 19-22, 23 , 24 , 25 , 26 , 27 , 28 , 29 , 30 , 31 , 32 , 33 , 34-36
10,726,312	1 , 2-5, 6 , 7-9, 10 , 11-12, 13 , 14-16
8,508,607	1 , 2-4, 6-7, 10 , 11-13, 15-16, 19 , 20-21, 25-26, 29

Certified copies of the Asserted Patents are included as Exhibits 1-3. Complainants own all rights, title, and interest in the Asserted Patents, including the right to sue for infringement. Certified copies of the assignment records for the Asserted Patents are included as Exhibits 4-6. Certified copies of the prosecution histories for the Asserted Patents are included in Appendices A1, B, and C. A certified copy of *inter partes* reexamination proceedings for the '912 Patent is attached as Appendix A2, and a copy of *ex parte* reexamination proceedings for the '912 Patent is attached as Appendix A3.¹

1.8. A domestic industry as required by 19 U.S.C. § 1337(a)(2) and (3) exists in the United States relating to the articles protected by the Asserted Patents. As explained in further detail below, Complainants have made significant and substantial investments in plant, equipment, labor, capital, R&D, and engineering in the United States to develop, make, and support the equipment and systems, related software, components thereof, and products containing same protected by the Asserted Patents. *See* Section IX. For example, Complainants maintain extensive facilities and employ hundreds of people in the United States to carry out manufacturing and production, maintenance, engineering, procurement and sourcing, warehousing, quality control, distribution, and R&D operations of the equipment and systems, related software, components thereof, and products containing same protected by the Asserted Patents. *Id.*

¹ Complainants have ordered a certified copy of Appendix A3 but have not yet received it. Complainants will file the certified copy promptly upon receipt.

1.9. Complainants seek a permanent limited exclusion order under 19 U.S.C. § 1337(d) barring the Accused Products (*i.e.*, video security equipment and systems, related software, components thereof, and products containing same that directly or indirectly infringe the Asserted Patents) from entry into the United States. Complainants also seek permanent cease and desist orders under 19 U.S.C. § 1337(f) that would prevent Respondent from marketing, distributing, selling, offering for sale, warehousing inventory for distribution, or otherwise transferring or importing into the United States the infringing video security equipment and systems, related software, components thereof, and/or products containing same. In addition, Complainants request that the Commission require an appropriate bond be posted for any activities during the 60-day Presidential Review Period that would otherwise be prohibited by the exclusion order and/or cease and desist orders.

II. COMPLAINANTS

2.1. Complainants offer a variety of video security equipment and systems, related software, components thereof, and products containing same, including IP security camera devices and video infrastructure, that practice the Asserted Patents (“the Domestic Industry Products”). These products are made in state-of-the-art facilities in Texas, which include substantial manufacturing and production, maintenance, engineering, procurement and sourcing, warehousing, quality control, and distribution operations. The Domestic Industry Products also are and have been researched, developed, and engineered by numerous technologists working at Complainants’ Massachusetts facilities. Complainants rely on the patent system to protect their rights in the valuable technology and inventions underlying their investments. In connection with the exploitation of the technologies covered by the Asserted Patents, Complainants have made significant investments in the United States in plant, equipment, labor, and capital, as described in Section IX.

2.2. Complainant Motorola Solutions, Inc., a world leader in video security and analytics, is a Delaware corporation with its headquarters and principal place of business at 500 W. Monroe St., Chicago, IL 60661. Motorola Solutions, Inc. acquired the other Complainants in 2018, and, through its Texas subsidiaries Motorola Solutions Video Manufacturing, Inc. and Avigilon USA Corporation and its Massachusetts subsidiary Avigilon USA Holding 2 Corporation, extensively invests in facilities and labor in the United States for the manufacture, distribution, and R&D of the Domestic Industry Products.

2.3. Complainant Avigilon Corporation is a Canadian corporation and subsidiary of Motorola Solutions, Inc. with principal place of business at 555 Robson St. 3rd Floor, Vancouver, British Columbia, V6B 1A6 Canada. Avigilon Corporation, as a Motorola Solutions company, develops and provides video security and analytics. Avigilon Corporation is also the owner and assignee of the '312 Patent, which is implemented by Motorola Solutions, Inc. affiliates in the United States and practiced by the Domestic Industry Products. *See Exhibit 5.*

2.4. Complainant Avigilon Fortress Corporation is a Canadian corporation and subsidiary of Avigilon Corporation with principal place of business at 555 Robson St. 3rd Floor, Vancouver, British Columbia, V6B 1A6 Canada. Avigilon Fortress Corporation holds intellectual property assets and is the owner and assignee of the '912 Patent, which is implemented by Motorola Solutions, Inc. affiliates in the United States and practiced by the Domestic Industry Products. *See Exhibit 4.*

2.5. Complainant Avigilon Patent Holding 1 Corporation is a Canadian corporation and subsidiary of Avigilon Corporation with principal place of business at 555 Robson St. 3rd Floor, Vancouver, British Columbia, V6B 1A6 Canada. Avigilon Patent Holding 1 Corporation holds intellectual property assets and is the owner and assignee of the '607 Patent, which is implemented

by Motorola Solutions, Inc. affiliates in the United States and practiced by the Domestic Industry Products. *See* Exhibit 6.

2.6. Complainant Avigilon Technologies Corporation is a Canadian corporation and subsidiary of Avigilon Corporation with principal place of business at 555 Robson St. 3rd Floor, Vancouver, British Columbia, V6B 1A6 Canada. Avigilon Technologies Corporation is the parent of Complainants Avigilon Fortress Corporation and Avigilon Patent Holding 1 Corporation and is licensed to the Asserted Patents, which are implemented by Motorola Solutions, Inc. affiliates in the United States and practiced by the Domestic Industry Products.

III. PROPOSED RESPONDENT

3.1. Respondent Verkada, Inc. is a company organized under the laws of Delaware with its principal place of business at 405 E 4th Avenue San Mateo, California 94401. Verkada, Inc. provides video security equipment and systems and related software to customers in the United States and globally.

3.2. Respondent is and will continue importing into the United States, selling for importation into the United States, and/or selling after importation into the United States video security equipment and systems, related software, components thereof, and products containing same, as further described in Section VII below.

IV. TECHNOLOGY AND PRODUCTS AT ISSUE

4.1. In accordance with Commission Rule 210.12(a)(12), the products at issue are IP security cameras and systems, as well as the software and components used by and with those cameras and systems, that businesses, institutions, and other entities in the United States rely on for monitoring, detecting, verifying, and responding to activities in their facilities.

4.2. The Accused Products include Verkada's IP security camera devices, as well as the software and components used by and with those devices, including (a) the Verkada Dome Series,

such as the CD31, CD41, CD51, and CD61 products in all configurations; (b) the Verkada Mini Series, such as the CM41, CM41-E, and CM61 products in all configurations; (c) the Verkada Fisheye Series, such as the CF81-E product in all configurations; (d) the Verkada Bullet Series, such as the CB51-E, CB61-E, CB51-TE, and CB61-TE products in all configurations; and (e) the Verkada D-Series, such as the D30, D40, D50, and D80 products in all configurations. These devices, systems, and software are imported into the United States, sold for importation into the United States, and/or sold in the United States after importation. By way of example, the Accused Products may be deployed by manufacturing, retail, hospitality, property management, education, and government entities to monitor, detect, verify, and respond to activities on their premises.

4.3. The Domestic Industry Products include at least IP security camera devices, as well as the software and components used by and with those devices, including Avigilon's H5 Pro Cameras, H5 Analytics Cameras, H5 Sensor Cameras, H5 Mini Cameras, H5 Dual Head Cameras, H5 Corner Cameras, H4 Pro Cameras, H4 Analytics Cameras, H4 Sensor Cameras, H4 Multisensor Cameras, H4 Mini Dome Cameras, and H4 Thermal Cameras, and video infrastructure, software, and components, including at least the Artificial Intelligence Network Video Recorder ("AI NVR"). By way of example, the Domestic Industry Products are widely deployed by business and government entities across the United States to enhance the security of tens of thousands of students, patients, citizens, employees, and customers. *See, e.g.,* Exhibit 20, Avigilon, *Avigilon Success Stories*, <https://www.avigilon.com/news/case-studies/>.

V. THE ASSERTED PATENTS AND NON-TECHNICAL DESCRIPTIONS OF THE INVENTIONS²

5.1. Complainants are the assignees of all rights, title, and interest in the inventions disclosed and claimed in the Asserted Patents. *See* Exhibits 4-6. Pursuant to Commission Rule 210.12(c), copies of the certified prosecution histories of the Asserted Patents have been submitted with this Complaint as Appendices A1, B, and C.³ Pursuant to Commission Rule 210.12(c), the references mentioned in the prosecution histories of the Asserted Patents have been submitted with this Complaint as Appendices D-F.

A. Non-Technical Description of U.S. Patent No. 7,868,912

5.2. The '912 Patent, titled "Video Surveillance System Employing Video Primitives," issued on January 11, 2011, based on U.S. Patent Application No. 11/098,385, filed on April 5, 2005. The '912 Patent is a continuation-in-part of U.S. Patent Application No. 11/057,154, filed on February 15, 2005, which is a continuation-in-part of U.S. Patent Application No. 09/987,707, filed on November 15, 2001 and now abandoned, which is a continuation-in-part of U.S. Patent Application No. 09/694,712, filed on October 24, 2000 and now U.S. Patent No. 6,954,498. The '912 Patent was previously published as U.S. Patent Application Publication No. 2005/0169367. A reexamination certificate for the '912 Patent issued on June 25, 2014 in response to Reexamination Request No. 90/012,878, dated May 24, 2013. The '912 Patent expires on March 24, 2025.

² These descriptions and other non-technical descriptions in the Complaint are for illustrative purposes only. They are not intended to implicitly or explicitly express any position regarding the proper construction of any of the Asserted Patents' claims.

³ A certified copy of *inter partes* reexamination proceedings for the '912 Patent is attached as Appendix A2, and a copy of *ex parte* reexamination proceedings for the '912 Patent is attached as Appendix A3. A certified copy of Appendix A3 will be filed promptly upon receipt.

5.3. The '912 Patent generally is directed to a video security system that, for example, monitors a location for security purposes. The patented technology can, among other things, reduce the amount of video surveillance data and improve analysis of that data. In an aspect of the invention, the '912 Patent provides a video system that may include a first processor, which analyzes a video to determine attributes of objects detected in the video, and a second processor, which determines a first event that is not one of the determined attributes by analyzing a combination of the received determined attributes. The first processor determines attributes independent of a selection of the first event by the second processor, and the second processor determines the first event without reprocessing the video analyzed by the first processor. Among other things, the '912 Patent improves efficiency and reduces computational complexity of video security systems.

B. Non-Technical Description of U.S. Patent No. 10,726,312

5.4. The '312 Patent, titled "System and Method for Appearance Search," issued on July 28, 2020, based on U.S. Patent Application No. 15/832,654, filed on December 5, 2017. The '312 Patent claims the benefit of U.S. Provisional Patent Application No. 62/527,894, filed on June 30, 2017, and U.S. Provisional Patent Application No. 62/430,292, filed on December 5, 2016. The '312 Patent was previously published as U.S. Patent Application Publication No. 2018/0157939 and expires on October 2, 2038.

5.5. The '312 Patent generally is directed to identifying objects of interest in video within a video security system. The patented technology can, among other things, improve the effectiveness and efficiency of object identification in video. In an aspect of the invention, the '312 Patent provides an appearance search system in which one or more cameras are configured to capture video of a scene and identify, using a first learning machine at the camera, one or more of the objects within images of objects in the video. Images comprising one or more objects are

sent from the camera to one or more processors, which are configured to output, from a second learning machine, one or more signatures of the respective one or more identified objects. The one or more signatures are compared with a signature of an object of interest, and images of the one or more identified objects are displayed. Among other things, the '312 Patent improves network bandwidth usage and enhances computational efficiency.

C. Non-Technical Description of U.S. Patent No. 8,508,607

5.6. The '607 Patent, titled "Method and System for a Programmable Camera for Configurable Security and Surveillance Systems," issued on August 13, 2013, based on U.S. Patent Application No. 11/219,951, filed on September 6, 2005. The '607 Patent was previously published as U.S. Patent Application Publication No. 2007/0052809 and expires on August 1, 2030.

5.7. The '607 Patent generally is directed to programmable cameras for configurable security systems. The patented technology can, among other things, result in more effectively and/or efficiently integrated security and surveillance systems. In an aspect of the invention, the '607 Patent provides a programmable sensor agent that receives a device programming file corresponding to at least one new feature selected for addition to or for upgrade of the programmable sensor agent. A configurable device in the programmable sensor agent is programmed to perform at least the one new feature, and the programming is verified. Among other things, the '607 Patent provides significant flexibility in the system architecture and may also allow users to determine the security functions and features necessary to their security operations, while maintaining the ability to add and/or modify their security operations without having to replace significant portions of their existing hardware and/or software.

D. Foreign Patents and Applications

5.8. Listings of known foreign patents, foreign patent applications (not already issued as a patent) and foreign patent applications that have been denied, abandoned or withdrawn that may correspond to each Asserted Patent are provided below:

Patent or App. No.	Status
U.S. Patent No. 7,868,912	
AU2002366148	Abandoned
AU2444202	Abandoned
CA2604875	Abandoned
CA2465954	Abandoned
CA2597908	Abandoned
CA2613602	Abandoned
CN200680019911	Denied
CN201510954472	Denied
CN100433048	Granted
CN200810149124	Withdrawn
CN200680012471	Abandoned
CN105120221	Granted
CN201510556652	Denied
CN101310288	Abandoned
CY151100162	Abandoned
DK1872583T3	Granted
EP1872583	Granted
EP14193634	Pending
EP02752397	Denied
EP12151067	Denied
EP12151069	Pending
EP06719533	Withdrawn
EP06774199	Pending
ES2534250	Granted
HK1116969	Granted
HK15110213	Pending
HK1073375	Granted
HRP20150172	Abandoned
IL186455	Abandoned
JP2008505472	Abandoned
JP4369233	Granted
JP2007556153	Abandoned
JP2008519525	Abandoned
KR20077025590	Withdrawn
KR20047007340	Abandoned

KR20077021015	Withdrawn
KR20087002155	Withdrawn
ME02112	Granted
MX2007012431	Abandoned
MXPA04004698	Abandoned
MX2007009894	Abandoned
MX2008000421	Abandoned
PL1872583T3	Granted
PT1872583E	Granted
RS53833	Granted
SG2007165954	Abandoned
SI200631894	Abandoned
TW95111989	Withdrawn
TW95104241	Withdrawn
TW95123187	Withdrawn
TW95144995	Withdrawn
TW97128429	Withdrawn
U.S. Patent No. 10,726,312	
AU2017372905	Pending
CA3000127	Granted
CA3077830	Pending
CN201780085044	Pending
EP17877733	Pending
HK62020005371.3	Pending
JP2019529970	Pending
KR10-2019-7019166	Pending
MX2019006588	Pending
IL267115	Pending
IN201947026955	Pending
U.S. Patent No. 8,508,607	
AU2006289648	Granted
CN200680032118	Denied
EP06774906	Withdrawn
EP11002504	Withdrawn

5.9. Complainants are not aware of any other foreign patents or applications corresponding to the involved United States patents that remain pending or have been denied, abandoned, or withdrawn.

E. Licensees

5.10. An identification of licensees under the Asserted Patents is attached as Exhibit 14.

F. Related Litigation

5.11. Complainants identify the following proceedings before the U.S. Patent and Trademark Office (“Office”) and the Patent Trial and Appeal Board (“PTAB”) related to the ’912 Patent and the ’607 Patent:

- a. On February 29, 2012, Bosch Security Systems, Inc. filed an *inter partes* reexamination request related to the ’912 Patent. *See* Reexamination Request No. 95/001,912. The Office ordered *inter partes* reexamination on April 12, 2012. On February 13, 2013, before a final office action, the reexamination was terminated pursuant to 35 U.S.C. § 317(b) due to a final decision in a pending district court litigation. Specifically, the Office stated that “the patent owner has provided sufficient evidence that (1) the requester was a party to the litigation, (2) the district court’s decision was final, and (3) the court determined that the requester/defendant had not sustained its burden of proving the invalidity of any claim of the ’912 patent, i.e., any of claims 1-22, which include all of the claims for reexamination.” *See Inter Partes* Reexamination Control No. 95/001,912, Decision Granting Petition to Terminate *Inter Partes* Reexamination Proceeding at 2.
- b. On May 24, 2013, an anonymous requester filed an *ex parte* reexamination request related to the ’912 Patent. *See* Reexamination Request No. 90/012,878. The Office ordered a reexamination on June 20, 2013. After reexamination, the Office issued a reexamination certificate on June 25, 2014, confirming the patentability of claims 1-4 and 6-22, cancelling claim 5, and determining new claims 23-36 to be patentable.
- c. On November 12, 2018, petitioners Axis Communications AB, Canon Inc., and Canon U.S.A., Inc. filed a petition for *inter partes* review related to the ’912 Patent.

See IPR2019-00235. On June 4, 2019, the PTAB determined that the petitioners failed to demonstrate a reasonable likelihood of prevailing as to any challenged claims and therefore denied the petition. *See* IPR2019-00235, Decision Denying Institution of *Inter Partes* Review, Paper No. 19 at 12. On June 26, 2020, the PTAB also denied petitioners' request for a rehearing.

- d. On November 12, 2018, petitioners Axis Communications AB, Canon Inc., and Canon U.S.A., Inc. filed a second petition for *inter partes* review related to the '912 Patent. *See* IPR2019-00236. On June 4, 2019, the PTAB exercised its discretion and declined to institute *inter partes* review of the challenged claims, finding that the petition required "re-adjudicating an issue already presented and considered by the Office..." *See* IPR2019-00236, Decision Denying Institution of *Inter Partes* Review, Paper No. 12 at 15.
- e. On June 18, 2018, petitioner Axis Communications AB filed a petition for *inter partes* review related to the '607 Patent. *See* IPR2018-01268. On January 8, 2019, the PTAB instituted an *inter partes* review. On January 6, 2020, the PTAB issued a final written decision determining that petitioner failed to show that any of claims 1-29 were anticipated or obvious on any instituted grounds. *See* IPR2018-01268, Final Written Decision, Paper No. 37 at 59. Petitioner filed a notice of appeal with the Federal Circuit. A joint motion for voluntarily dismissal of the appeal was granted on July 14, 2020. *See* 2020-1487.

5.12. Complainants identify the following litigations in district court and at the International Trade Commission related to the '912 Patent:

- a. On April 6, 2011, ObjectVideo, Inc., a prior owner of the '912 Patent, filed a patent infringement complaint against Robert Bosch GmbH, Bosch Security Systems, Inc., Samsung Group, Samsung Techwin Co., Ltd., Samsung Opto-Electronics America, Inc. (d/b/a Samsung Techwin America), Sony Corporation, and Sony Electronics, Inc. in the United States District Court for the Eastern District of Virginia. *See* Case No. 3:11-cv-00217. The complaint asserted infringement of several patents, including the '912 Patent, which was asserted against the Bosch and Sony defendants. The Bosch and Sony defendants denied infringement and asserted various defenses and counterclaims, including related to the '912 Patent. On August 10, 2011, the case was stayed in view of a pending ITC investigation, *Certain Video Analytics Software, Systems, Components Thereof, and Products Containing Same*, 337-TA-795. On March 15, 2012, the action with respect to the Sony defendants was dismissed with prejudice due to settlement. On August 21, 2012, the action with respect to the Samsung defendants was dismissed without prejudice. On November 13, 2012, all remaining claims with respect to the Bosch defendants were dismissed with prejudice due to settlement. In conjunction with that dismissal, the Court's order stated: "The parties further stipulate and request that the Court order that the Bosch Defendants...have not sustained their burden of proving the invalidity of ...any of the claims 1-22 of U.S. Patent No. 7,868,912..." *See* Case No. 3:11-cv-00217, D.I. 91 at 2.
- b. On June 29, 2011, ObjectVideo, Inc. filed a patent infringement complaint against Robert Bosch GmbH, Bosch Security Systems, Inc., Samsung Techwin Co., Ltd., Samsung Opto-Electronics America, Inc. (d/b/a Samsung Techwin America), Sony

Corporation, and Sony Electronics, Inc. at the International Trade Commission. The complaint asserted infringement of several patents, including the '912 Patent, which was asserted against the Bosch and Sony defendants. The Commission instituted the investigation on August 1, 2011. *See Certain Video Analytics Software, Systems, Components Thereof, and Products Containing Same*, 337-TA-795. The Bosch and Sony defendants denied infringement and asserted various defenses, including related to the '912 Patent. On February 23, 2012, the Administrative Law Judge issued an initial determination ("ID") granting a motion to terminate the investigation as to the Sony respondents based on a patent license agreement. On July 16, 2012, the Administrative Law Judge issued an ID granting a motion to terminate the investigation as to the Samsung respondents on the basis of withdrawal of the allegations against the Samsung respondents and a covenant not to sue. On November 14, 2012, before issuance of a final ID on the merits, the remaining parties filed a joint motion to terminate the investigation based upon a license agreement. On the same day, the Administrative Law Judge issued an ID granting the motion to terminate. On December 13, 2012, the Commission determined not to review the ID terminating the investigation.

- c. On May 11, 2012, ObjectVideo, Inc. filed a patent infringement complaint against Pelco, Inc. in the United States District Court for the Eastern District of Virginia. *See Case No. 3:12-cv-00363*. The complaint asserted infringement of several patents, including the '912 Patent. On August 1, 2012, the case was stayed in view of a pending ITC investigation, *Certain Video Analytics Software, Systems,*

Components Thereof, and Products Containing Same, 337-TA-852. On November 8, 2012, the Court dismissed all claims with prejudice due to settlement.

d. On June 27, 2012, ObjectVideo, Inc. filed a patent infringement complaint against Pelco, Inc. at the International Trade Commission. The complaint asserted infringement of several patents, including the '912 Patent. The Commission instituted the investigation on July 25, 2012. *See Certain Video Analytics Software, Systems, Components Thereof, and Products Containing Same*, 337-TA-852. Pelco denied infringement and asserted various defenses, including related to the '912 Patent. On November 27, 2012, the Administrative Law Judge issued an ID granting a motion to terminate the investigation based on a settlement agreement. On December 18, 2012, the Commission determined not to review the ID terminating the investigation.

5.13. The unfair acts by Respondent and the subject matter thereof, as alleged in this Complaint, are and have not been the subject of other court or agency litigation.

VI. UNLAWFUL AND UNFAIR ACTS OF PROPOSED RESPONDENT – PATENT INFRINGEMENT

6.1. Respondent has engaged in and will continue to engage in unlawful and unfair acts including the importation into the United States, sale for importation into the United States, and/or sale within the United States after importation of Accused Products that infringe one or more of the following claims:

Patent Number	Asserted Claims (Independent Claims In Bold)
7,868,912	1 , 2-4, 6 , 7-8, 9 , 10-11, 12 , 13-17, 18 , 19-22, 23 , 24 , 25 , 26 , 27 , 28 , 29 , 30 , 31 , 32 , 33 , 34-36
10,726,312	1 , 2-5, 6 , 7-9, 10 , 11-12, 13 , 14-16
8,508,607	1 , 2-4, 6-7, 10 , 11-13, 15-16, 19 , 20-21, 25-26, 29

A. U.S. Patent No. 7,868,912

6.2. Respondent imports into the United States, sells for importation into the United States, and/or sells within the United States after importation Accused Products that infringe the '912 Patent, including at least the following IP security camera devices, as well as the software and components used by and with those devices: (a) the Verkada Dome Series, such as the CD31, CD41, CD51, and CD61 products in all configurations; (b) the Verkada Mini Series, such as the CM41, CM41-E, and CM61 products in all configurations; (c) the Verkada Fisheye Series, such as the CF81-E product in all configurations; (d) the Verkada Bullet Series, such as the CB51-E, CB61-E, CB51-TE, and CB61-TE products in all configurations; and (e) the Verkada D-Series, such as the D30, D40, D50, and D80 products in all configurations.

6.3. The Accused Products infringe, directly and indirectly, claims 1, 2-4, 6, 7-8, 9, 10-11, 12, 13-17, 18, 19-22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34-36 of the '912 Patent. Respondent directly and indirectly infringes these claims by importing into the United States, selling for importation into the United States, and/or selling after importation into the United States the Accused Products. *See Exhibit 7* (infringement claim chart for U.S. Patent No. 7,868,912). The Accused Products, at the time of importation, meet all limitations of claims 18-22 and 30, are programmed to dictate the performance of and automatically perform all steps of method claims 9-17, 25, 28-29, 33, and 36, and/or are designed and programmed to comprise or be incorporated into the systems and devices and to be used in the methods in claims 1, 2-4, 6, 7-8, 9, 10-11, 12, 13-17, 18, 19-22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34-36, and Respondent directly infringes these claims by importing the Accused Products into the United States, selling the Accused Products for importation into the United States, and/or selling the Accused Products after importation into the United States. In addition, as further alleged below, Respondent indirectly infringes each of these claims by importing the Accused Products into the United States, selling

the Accused Products for importation into the United States, and/or selling the Accused Products after importation into the United States.

6.4. For example, Respondent actively induces others, including at least users or purchasers of the Accused Products, to directly infringe the asserted claims of the '912 Patent. Without limitation, users or purchasers who deploy the Accused Products and make routine use of the Accused Products also directly infringe claims 1, 2-4, 6, 7-8, 9, 10-11, 12, 13-17, 18, 19-22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34-36 of the '912 Patent. Respondent also has specific intent to induce infringement of the '912 Patent or at a minimum is willfully blind to such infringement. Respondent has knowledge of the '912 Patent as least due to the filing of this Complaint. In addition, since at least 2019, Respondent has had knowledge of the '912 Patent due to Complainants' identification of the '912 Patent on Avigilon's website as relevant to Complainants' proprietary products, which Verkada has monitored and targeted. *See* Exhibit 21, Avigilon, *Intellectual Property*, <https://www.avigilon.com/about/ip>; *see also, e.g.*, Exhibit 22, Verkada, *5 Factors Driving Hybrid Cloud Solutions for Commercial Security*, <https://www.verkada.com/blog/5-factors-driving-hybrid-cloud-solutions-commercial-security/>.

In light of the above, Respondent knowingly induced infringement of the '912 Patent with specific intent to do so, including by providing at least manuals, training, and/or other support, to perform acts intended by Respondents to cause direct infringement of claims 1, 2-4, 6, 7-8, 9, 10-11, 12, 13-17, 18, 19-22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34-36 of the '912 Patent. *See* Exhibit 7 (claim chart including reference to presentations and/or advertisements for the Accused Products).

6.5. Respondent also contributes to the infringement of claims 1, 2-4, 6, 7-8, 9, 10-11, 12, 13-17, 18, 19-22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34-36 of the '912 Patent by others,

including at least users and purchasers of the Accused Products, by providing the Accused Products, which are especially made or adapted for use in an infringement of these claims and are not staple articles of commerce suitable for substantial non-infringing use. For example, Verkada IP cameras are rendered unusable if not adapted to infringe by running Verkada firmware and software. Moreover, for the reasons described above, Respondent has knowledge of the '912 Patent. In light of these allegations, Respondents has knowledge that the Accused Products are especially made or adapted for use in an infringement of the '912 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

6.6. Exhibit 7 contains exemplary claim charts mapping the Accused Products to the claims of the '912 Patent. Representative products Verkada CM41 Indoor Mini Dome Camera, Verkada CD31 Indoor Dome Camera, and Verkada CB51-E Outdoor Bullet Camera, charted at Exhibit 7, were purchased in the United States. The quotation and packing list are attached as Exhibits 23 and 24; photos showing a manufacturing location outside the United States are attached as Exhibit 25. Additional evidence of importation is set forth in Section VII.

B. U.S. Patent No. 10,726,312

6.7. Respondent imports into the United States, sells for importation into the United States, and/or sells within the United States after importation Accused Products that infringe the '312 Patent, including at least the following IP security camera devices, as well as the software and components used by and with those devices: (a) the Verkada Dome Series, such as the CD31, CD41, CD51, and CD61 products in all configurations; (b) the Verkada Mini Series, such as the CM41, CM41-E, and CM61 products in all configurations; (c) the Verkada Fisheye Series, such as the CF81-E product in all configurations; (d) the Verkada Bullet Series, such as the CB51-E, CB61-E, CB51-TE, and CB61-TE products in all configurations; and (e) the Verkada D-Series, such as the D30, D40, D50, and D80 products in all configurations.

6.8. The Accused Products infringe, directly and indirectly, claims 1, 2-5, 6, 7-9, 10, 11-12, 13, 14-16 of the '312 Patent. Respondent directly and indirectly infringes these claims by importing into the United States, selling for importation into the United States, and/or selling after importation into the United States the Accused Products. *See* Exhibit 8 (infringement claim chart for U.S. Patent No. 10,726,312). The Accused Products, at the time of importation, are programmed to dictate the performance of and automatically perform all steps of method claims 13-16 and/or are designed and programmed to comprise or be incorporated into the systems and devices and to be used in the methods in claims 1, 2-5, 6, 7-9, 10, 11-12, 13, 14-16, and Respondent directly infringes these claims by importing the Accused Products into the United States, selling the Accused Products for importation into the United States, and/or selling the Accused Products after importation into the United States. In addition, as further alleged below, Respondent indirectly infringes each of these claims by importing the Accused Products into the United States, selling the Accused Products for importation into the United States, and/or selling the Accused Products after importation into the United States.

6.9. For example, Respondent actively induces others, including at least users or purchasers of the Accused Products, to directly infringe the asserted claims of the '312 Patent. Without limitation, users or purchasers who deploy the Accused Products and make routine use of the Accused Products also directly infringe claims 1, 2-5, 6, 7-9, 10, 11-12, 13, 14-16 of the '312 Patent. Respondent also has specific intent to induce infringement of the '312 Patent or at a minimum is willfully blind to such infringement. Respondent has knowledge of the '312 Patent as least due to the filing of this Complaint. In addition, since at least its issuance, Respondent has had knowledge of the '312 Patent due to Verkada's monitoring and targeting of Complainants' products and features. *See, e.g.,* Exhibit 22, Verkada, *5 Factors Driving Hybrid Cloud Solutions*

for *Commercial Security*, <https://www.verkada.com/blog/5-factors-driving-hybrid-cloud-solutions-commercial-security/>. In light of the above, Respondent knowingly induced infringement of the '312 Patent with specific intent to do so, including by providing at least manuals, training, and/or other support, to perform acts intended by Respondents to cause direct infringement of claims 1, 2-5, 6, 7-9, 10, 11-12, 13, 14-16 of the '312 Patent. *See* Exhibit 8 (claim chart including reference to presentations and/or advertisements for the Accused Products).

6.10. Respondent also contributes to the infringement of claims 1, 2-5, 6, 7-9, 10, 11-12, 13, 14-16 of the '312 Patent by others, including at least users and purchasers of the Accused Products, by providing the Accused Products, which are especially made or adapted for use in an infringement of these claims and are not staple articles of commerce suitable for substantial non-infringing use. For example, Verkada IP cameras are rendered unusable if not adapted to infringe by running Verkada firmware and software. Moreover, for the reasons described above, Respondent has knowledge of the '312 Patent. In light of these allegations, Respondents has knowledge that the Accused Products are especially made or adapted for use in an infringement of the '312 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

6.11. Exhibit 8 contains exemplary claim charts mapping the Accused Products to the claims of the '312 Patent. Representative products Verkada CM41 Indoor Mini Dome Camera, Verkada CD31 Indoor Dome Camera, and Verkada CB51-E Outdoor Bullet Camera, charted at Exhibit 8, were purchased in the United States. The quotation and packing list are attached as Exhibits 23 and 24; photos showing a manufacturing location outside the United States are attached as Exhibit 25. Additional evidence of importation is set forth in Section VII.

C. U.S. Patent No. 8,508,607

6.12. Respondent imports into the United States, sells for importation into the United States, and/or sells within the United States after importation Accused Products that infringe the

'607 Patent, including at least the following IP security camera devices, as well as the software and components used by and with those devices: (a) the Verkada Dome Series, such as the CD31, CD41, CD51, and CD61 products in all configurations; (b) the Verkada Mini Series, such as the CM41, CM41-E, and CM61 products in all configurations; (c) the Verkada Fisheye Series, such as the CF81-E product in all configurations; (d) the Verkada Bullet Series, such as the CB51-E, CB61-E, CB51-TE, and CB61-TE products in all configurations; and (e) the Verkada D-Series, such as the D30, D40, D50, and D80 products in all configurations.

6.13. The Accused Products infringe, directly and indirectly, claims 1, 2-4, 6-7, 10, 11-13, 15-16, 19, 20-21, 25-26, 29 of the '607 Patent. Respondent directly and indirectly infringes these claims by importing into the United States, selling for importation into the United States, and/or selling after importation into the United States the Accused Products. *See* Exhibit 9 (infringement claim chart for U.S. Patent No. 8,508,607). The Accused Products, at the time of importation, meet all limitations of claims 10-13, 15-16, 19-21, 25-26, and 29, are programmed to dictate the performance of and automatically perform all steps of method claims 1-4 and 6-7, and/or are designed and programmed to comprise or be incorporated into systems and devices and to be used in the methods that infringe claims 1, 2-4, 6-7, 10, 11-13, 15-16, 19, 20-21, 25-26, 29, and Respondent directly infringes these claims by importing the Accused Products into the United States, selling the Accused Products for importation into the United States, and/or selling the Accused Products after importation into the United States. In addition, as further alleged below, Respondent indirectly infringes each of these claims by importing the Accused Products into the United States, selling the Accused Products for importation into the United States, and/or selling the Accused Products after importation into the United States.

6.14. For example, Respondent actively induces others, including at least users or purchasers of the Accused Products, to directly infringe the asserted claims of the '607 Patent. Without limitation, users or purchasers who deploy the Accused Products and make routine use of the Accused Products also directly infringe claims 1, 2-4, 6-7, 10, 11-13, 15-16, 19, 20-21, 25-26, 29 of the '607 Patent. Respondent also has specific intent to induce infringement of the '607 Patent or at a minimum is willfully blind to such infringement. Respondent has knowledge of the '607 Patent as least due to the filing of this Complaint. In addition, since at least 2019, Respondent has had knowledge of the '607 Patent due to Complainants' identification of the '607 Patent on Avigilon's website as relevant to Complainants' proprietary products, which Verkada has monitored and targeted. See Exhibit 21, Avigilon, *Intellectual Property*, <https://www.avigilon.com/about/ip>; see also, e.g., Exhibit 22, Verkada, *5 Factors Driving Hybrid Cloud Solutions for Commercial Security*, <https://www.verkada.com/blog/5-factors-driving-hybrid-cloud-solutions-commercial-security/>. In light of the above, Respondent knowingly induced infringement of the '607 Patent with specific intent to do so, including by providing at least manuals, training, and/or other support, to perform acts intended by Respondents to cause direct infringement of claims 1, 2-4, 6-7, 10, 11-13, 15-16, 19, 20-21, 25-26, 29 of the '607 Patent. See Exhibit 9 (claim chart including reference to presentations and/or advertisements for the Accused Products).

6.15. Respondent also contributes to the infringement of claims 1, 2-4, 6-7, 10, 11-13, 15-16, 19, 20-21, 25-26, 29 of the '607 Patent by others, including at least users and purchasers of the Accused Products, by providing the Accused Products, which are especially made or adapted for use in an infringement of these claims and are not staple articles of commerce suitable for substantial non-infringing use. For example, Verkada IP cameras are rendered unusable if not

adapted to infringe by running Verkada firmware and software. Moreover, for the reasons described above, Respondent has knowledge of the '607 Patent. In light of these allegations, Respondents has knowledge that the Accused Products are especially made or adapted for use in an infringement of the '607 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

6.16. Exhibit 9 contains exemplary claim charts mapping the Accused Products to the claims of the '607 Patent. Representative products Verkada CM41 Indoor Mini Dome Camera, Verkada CD31 Indoor Dome Camera, and Verkada CB51-E Outdoor Bullet Camera, charted at Exhibit 9, were purchased in the United States. The quotation and packing list are attached as Exhibits 23 and 24; photos showing a manufacturing location outside the United States are attached as Exhibit 25. Additional evidence of importation is set forth in Section VII.

VII. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

7.1. Respondent, either itself or through affiliates or third parties acting on behalf of Respondent, is and will continue to engage in the importation into the United States, sale for importation into the United States, and/or sale after importation into the United States of the Accused Products. The Accused Products are manufactured outside of the United States and imported for sale into the United States.

7.2. According to Respondent's public statements, the Accused Products are manufactured in Taiwan. *See, e.g.,* Exhibit 26, Verkada, *Setting the Industry Standard*, <https://www.verkada.com/trust/#how-we-do-it> ("Verkada hardware is made in Taiwan to our specifications by our highly trustworthy manufacturer partners..."). Respondent and its partners sell and have sold the Accused Products in the United States after importation. *See, e.g.,* Exhibit 27, Verkada, *Dome Series Datasheet* (with ordering information); Exhibit 28, Verkada, *Mini Series Datasheet* (with ordering information); Exhibit 29, Verkada, *Fisheye Series Datasheet* (with

ordering information); Exhibit 30, Verkada, *Bullet Series Datasheet* (with ordering information); Exhibit 31, Verkada, *Case Study*, <https://www.verkada.com/customers/bethesda-country-club/>, Exhibit 32, Verkada, *Case Study*, <https://www.verkada.com/customers/equinox/>; Exhibit 33, Verkada, *Case Study*, <https://www.verkada.com/customers/andrews-independent-school-district/>; Exhibit 34, Verkada, *Case Study*, <https://www.verkada.com/customers/godley-independent-school-district/>.

7.3. The Accused Products have also been purchased in the United States, further showing that Respondent's products are imported. For example, a Verkada CM41 Indoor Mini Dome Camera has been purchased in the United States and is marked "Made in Taiwan." *See* Exhibit 23 (quotation); Exhibit 24 (packing list); Exhibit 25 (product photos). A Verkada CD31 Indoor Dome Camera has been purchased in the United States and is marked "Made in Taiwan." *See* Exhibit 23 (quotation); Exhibit 24 (packing list); Exhibit 25 (product photos). A Verkada CB51-E Outdoor Bullet Camera has been purchased in the United States and is marked "Made in Taiwan." *See* Exhibit 23 (quotation); Exhibit 24 (packing list); Exhibit 25 (product photos).

7.4. The specific instances of importation and sale set forth above are representative examples of Respondent's unlawful importation, sale for importation, and/or sale within the United States after importation of the Accused Products. Complainants believe that discovery will reveal other specific acts of Respondent's sale for importation, importation, and/or sale after importation of Accused Products that infringe the Asserted Patents.

VIII. HARMONIZED TARIFF SCHEDULE ITEM NUMBERS

8.1. The Accused Products fall within at least classification 8525.80 of the Harmonized Tariff Schedule ("HTS") of the United States. This HTS number is intended for illustration only and is not exhaustive of the products accused of infringement in this Complaint. The HTS number is not intended to limit the scope of this Investigation.

IX. DOMESTIC INDUSTRY

9.1. There is a domestic industry, as defined under 19 U.S.C. § 1337(a)(3)(A), (B), and/or (C), comprising significant investments in plant and equipment and employment of labor and capital for manufacturing and production, maintenance, engineering, procurement and sourcing, warehousing, quality control, distribution, and R&D; and substantial investment in the exploitation of the Asserted Patents, including for engineering and R&D.

9.2. Complainants use the inventions claimed in the Asserted Patents in numerous products and have made significant investments in domestic industry activities with respect to these products, as set forth more fully in the accompanying Confidential Declaration of Sergio Parise (Exhibit 13). Complainants sell a complete video security solution, with an extensive portfolio of IP security cameras and video infrastructure embedded with advanced analytics technology, including at least the following Domestic Industry Products: H5 Pro Cameras, H5 Analytics Cameras, H5 Sensor Cameras, H5 Mini Cameras, H5 Dual Head Cameras, H5 Corner Cameras, H4 Pro Cameras, H4 Analytics Cameras, H4 Sensor Cameras, H4 Multisensor Cameras, H4 Mini Dome Cameras, and H4 Thermal Cameras, and the AI NVR. As set forth below, these products practice at least one claim of the Asserted Patents.

9.3. Complainants' investments and expenditures in a domestic industry for the Asserted Patents are significant, substantial, continuing, and on-going. Complainants' United States manufacturing and R&D facilities are critical to their video security business. The large majority of IP security cameras sold in the United States, Complainants' largest market, are made and have been made in Texas—first in Plano, Texas and, more recently, in new state-of-the art, 136,000 sq. ft. facilities in Richardson, Texas. These new facilities allow Complainants to expand their manufacturing capabilities for critical safety and security video solutions. Complainants also maintain extensive R&D facilities in Massachusetts in which Complainants' industry-leading

smart video analytics are developed. Together, Complainants employ hundreds of technologists, engineers, technicians, and other employees at the Texas and Massachusetts facilities.

A. Technical Prong

9.4. Complainants make extensive use of the inventions claimed in the Asserted Patents. The Domestic Industry Products are designed to practice the methods and incorporate the systems and devices claimed in the Asserted Patents.

9.5. Complainants' IP security cameras, including at least the H5 Pro Cameras, H5 Analytics Cameras, H5 Dual Head Cameras, H5 Corner Cameras, H4 Pro Cameras, H4 Analytics Cameras, H4 Multisensor Cameras, and video infrastructure, including at least the AI NVR (collectively, the "'912 DI Products'") practice at least claim 1 of the '912 Patent. An exemplary claim chart comparing the '912 DI Products to claim 1 of the '912 Patent is attached as Exhibit 10.

9.6. Complainants' IP security cameras, including at least the H5 Pro Cameras, H5 Analytics Cameras, H5 Dual Head Cameras, H5 Corner Cameras, H4 Pro Cameras, H4 Analytics Cameras, H4 Multisensor Cameras, and video infrastructure, including at least the AI NVR (collectively, the "'312 DI Products'") practice at least claim 1 of the '312 Patent. An exemplary claim chart comparing the '312 DI Products to claim 1 of the '312 Patent is attached as Exhibit 11.

9.7. Complainants' IP security cameras, including at least the H5 Pro Cameras, H5 Analytics Cameras, H5 Sensor Cameras, H5 Mini Cameras, H5 Dual Head Cameras, H5 Corner Cameras, H4 Analytics Cameras, H4 Sensor Cameras, H4 Multisensor Cameras, H4 Mini Dome Cameras, and H4 Thermal Cameras (collectively, the "'607 DI Products'") practice at least claim 1 of the '607 Patent. An exemplary claim chart comparing the '607 DI Products to claim 1 of the '607 Patent is attached as Exhibit 12.

B. Economic Prong

9.8. Complainants are a leading provider and manufacturer of video security equipment and systems, related software, components thereof, and products containing same in the United States and worldwide. *See* Exhibit 13. To reach this position, Complainants have invested and continue to invest significant and substantial resources in the United States to develop, produce, and support cutting-edge video security equipment and systems, related software, components thereof, and products containing same.

1. ***Domestic Industry Under 19 U.S.C. § 1337(a)(3)(A)***

9.9. There is a domestic industry as defined under Subsection (A) at least because Complainants have made significant investments in plant and equipment in the United States with respect to the Domestic Industry Products. Complainants maintain extensive manufacturing and R&D facilities in the United States, including manufacturing facilities in Texas and R&D facilities in Massachusetts. The manufacturing facilities, shown below, are used for all aspects of the operations necessary to make Complainants' extensive IP security camera portfolio, including raw material storage, surface mount and soldering operations to manufacture the circuit boards used in the camera products, production activities to make the final cameras, testing the products and subassemblies, warehousing the finished goods, packaging and distribution of the finished goods, and corporate overhead functions.



9.10. The R&D facilities are used for all aspects of engineering, research, and development, including design and testing. A significant portion of Complainants' domestic property, plant, and equipment is focused on products that embody the claims of the Asserted Patents, and Complainants have invested a significant amount of money in plant and equipment in order to undertake activities related to the Domestic Industry Products. *See* Exhibit 13.

2. *Domestic Industry Under 19 U.S.C. § 1337(a)(3)(B)*

9.11. There is a domestic industry as defined under Subsection (B) at least because Complainants have made significant investments in the employment of labor and capital in the United States with respect to the Domestic Industry Products. Complainants have employed and continue to employ a workforce of hundreds at manufacturing facilities in Texas and R&D facilities in Massachusetts. These employees devote extensive time toward the manufacturing and production, maintenance, engineering, procurement and sourcing, warehousing, quality control,

distribution, and R&D of products covered by the Asserted Patents. *See* Exhibit 13. Complainants invest a significant amount of money in salaries, incentives, and other compensation and benefits for these employees and also make significant investments in operating expenses, capital expenditures, and material costs in the United States to support the work of these employees in connection with the Domestic Industry Products. *Id.*

3. ***Domestic Industry Under 19 U.S.C. § 1337(a)(3)(C)***

9.12. There is also a domestic industry as defined under Subsection (C) at least because Complainants have made substantial United States investments in the exploitation of the inventions of the '912 Patent and '312 Patent, including, by way of example, investments in engineering, research, and development. At Complainants' R&D facilities in Massachusetts, numerous engineers and technologists work to engineer, research, and develop the technology of the '912 Patent and '312 Patent. *See* Exhibit 13. Complainants' investments include salary and other compensation and benefits for these engineers and technicians, as well as investments in their training and recruitment. *Id.*

X. REQUESTED RELIEF

10.1 WHEREFORE, by reason of the foregoing, Complainants respectfully requests that the United States International Trade 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 violations based upon 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 video security equipment and systems, related software, components thereof, and products containing same that infringe the '912 Patent, '312 Patent, or '607 Patent;

B. Conduct a hearing on said unlawful acts for the purposes of (i) receiving evidence and hearing argument concerning whether there has been a violation of Section 337, and (ii) determining that there has been a violation of Section 337;

C. Issue a permanent limited exclusion order pursuant to Section 337(d) directed to products that are imported, sold for importation, or sold after importation by or on behalf of Respondent and its subsidiaries, related companies, and agents, excluding from entry into the United States certain video security equipment and systems, related software, components thereof, and products containing same that infringe, directly or indirectly, one or more claims of the '912 Patent, '312 Patent, or '607 Patent;

D. Issue a permanent cease and desist order pursuant to Section 337(f) prohibiting Respondent, and its subsidiaries, related companies, and agents from engaging in unfair acts including, but not limited to, the importation, selling for importation, marketing, advertising, testing, evaluating, demonstrating, warehousing inventory for distribution, offering for sale, selling, selling after importation, distributing, using, licensing, providing technical support for and/or otherwise transferring within the United States certain video security equipment and systems, related software, components thereof, and products containing same that infringe, directly or indirectly, one or more claims of the '912 Patent, '312 Patent, or '607 Patent, and engaging in any other commercial activity related to such products in the United States;

E. Impose a bond on importation and sales of infringing products during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j); and

F. Grant such other and further relief as the Commission deems just and proper under the law, based on the facts determined by the investigation and the authority of the Commission.

Dated: August 9, 2021

Respectfully submitted,

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Attorneys for Complainants

VERIFICATION OF COMPLAINT

I, Sergio Parise, 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 am the Vice President, Product Development for Video Security and Analytics at Motorola Solutions, Inc. and am duly authorized to sign this Complaint on behalf of Complainants;

2. I have read the foregoing Complaint;

3. To the best of my knowledge, information, and belief, based upon reasonable inquiry, the claims and other legal contentions set forth in the foregoing Complaint are warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law or the establishment of new law;

4. To the best of my knowledge, information, and belief, based upon reasonable inquiry, the allegations or other factual contentions set forth in the foregoing Complaint have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

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

Executed on August 6, 2021



Sergio Parise