

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C.**

**In the Matter of**

**CERTAIN POINT-TO-POINT NETWORK  
COMMUNICATION DEVICES AND  
PRODUCTS CONTAINING THE SAME**

**Inv. No. 337-TA-892**

**Order No. 29**

Respondents AmTRAN, LG, Panasonic, Sony, Toshiba, and Vizio<sup>1</sup> (collectively, “Respondents”) filed a motion to strike portions of the domestic industry contentions provided by complainant Straight Path IP Group, Inc. (“Straight Path”), as well as portions of the expert report of Straight Path’s expert Dr. Stuart Stubblebine. Motion Docket No. 892-30. Straight Path opposed the motion. The Commission Investigative Staff did not file a response to the motion.

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<sup>1</sup> “AmTRAN” refers collectively to AmTRAN Logistics, Inc. and AmTRAN Technology Co., Ltd.

“LG” refers collectively to LG Electronics Inc.; LG Electronics U.S.A., Inc.; and LG Electronics MobileComm U.S.A., Inc.

“Panasonic” refers collectively to Panasonic Corporation and Panasonic Corporation of North America.

“Sony” refers collectively to Sony Corporation; Sony Corporation of America; Sony Electronics Inc.; Sony Mobile Communications AB; Sony Mobile Communications (USA) Inc.; Sony Computer Entertainment, Inc.; and Sony Computer Entertainment America LLC.

“Toshiba” refers collectively to Toshiba Corporation; Toshiba America Inc.; and Toshiba America Information Systems, Inc.

“Vizio” refers to Vizio, Inc.

Respondents seek to strike four categories of information, and each is addressed separately below.

1. Respondents argue that Dr. Stubblebine's analysis and opinions relating to the VoiceLine terminal adapter product should be stricken because Straight Path failed to identify the VoiceLine terminal adapter product on its list of domestic industry products submitted pursuant to the procedural schedule. *See* Mot. at 3-9, 13-17; *see also* Order No. 9 (requiring that "Complainant identif[y] all models of alleged domestic industry products upon which it intends to rely").

The pending motion is granted with respect to portions of Dr. Stubblebine's analysis and opinions relating to the VoiceLine terminal adaptor product. Although Straight Path identified the VoiceLine SoftPhone on its list of domestic industry products, it did not identify the VoiceLine terminal adaptor product.

2. Respondents argue that Dr. Stubblebine's report contains opinions regarding alleged infringement under the doctrine of equivalents that were not properly disclosed, and that should therefore be stricken. *See* Mot. at 9-11, 17-19. Specifically, Respondents argue that Dr. Stubblebine's analysis regarding alleged infringement of the "caller process," "callee process," "associating," and "querying" limitations under the doctrine of equivalents were not set forth in Straight Path's infringement contentions. *See id.* at 10-11.

The pending motion is granted with respect to the portions of Dr. Stubblebine's report addressing alleged infringement under the doctrine of equivalents of the four limitations identified above. Straight Path's infringement contentions generally allege that certain claims are infringed under the doctrine of equivalents, but do not specifically set forth infringement allegations for the four limitations at issue. *See, e.g.,* Opp'n Ex. E at 91.

3. Respondents argue that Dr. Stubblebine's report sets forth new infringement theories relating to the Netflix and YouTube applications that should be stricken. *See* Mot. at 11-12, 19-20.

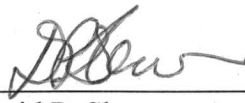
The pending motion is denied with respect to the Netflix and YouTube applications. The portions of Dr. Stubblebine's report at issue provide additional factual support for previously disclosed theories.

4. Respondents argue that Dr. Stubblebine's report contains citations to previously undisclosed Netflix deposition testimony that should be stricken. *See* Mot. at 13, 20-21.

The pending motion is denied with respect to the citations to Netflix deposition testimony. Order No. 17 granted leave for the parties to conduct the deposition of Netflix's witness after the close of fact discovery, and Respondents were on notice that Dr. Stubblebine would likely rely on testimony from that deposition.

\* \* \*

Accordingly, Motion No. 892-30 is granted in part.

  
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David P. Shaw  
Administrative Law Judge

Issued: April 15, 2014

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**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **ORDER NO. 29** has been served by hand upon the Commission Investigative Attorney, **James Wiley, Esq.**, and the following parties as indicated, on April 16 2014.



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