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November 1, 2021

## VIA EDIS

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

Re: Certain Integrated Circuits, Chipsets, and Electronic Devices, and Products  
Containing the Same

Dear Secretary Barton:

In accordance with the Commission's Temporary Change to Filing Procedures dated March 16, 2020, Complainants, NXP Semiconductors N.V. and NXP USA, Inc. (collectively "Complainants") are e-filing the following documents in support of Complainants' request that the Commission commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as Amended:

1. A verified non-confidential Complaint with non-confidential exhibits and public versions of the confidential exhibits, pursuant to Commission Rule 210.8(a)(1)(i);
2. Copies of the Confidential Exhibits 13C, 14C, 15C, 18C, 21C, 24C, 42C, and 43C, pursuant to Commission Rule 210.8(a)(1)(ii) and 201.6(c);
3. A non-confidential Statement of Public Interest, pursuant to Commission Rule 210.8(b);
4. Certified copies of the involved United States Patent Nos. U.S. Patent Nos. 7,593,202 ("the '202 patent"), 8,482,136 ("the '136 patent"), 8,558,591 ("the '591 patent"), 9,729,214 ("the '214 patent"), and 10,904,058 ("the '058 patent") listed as Exhibits 1-5 in the Complaint, pursuant to Commission Rules 210.8(a)(1)(i) and 210.12(a)(9)(i);
5. Certified copies of each of the assignments for the '202, '136, '591, '214, and '058 patents listed as Exhibits 6-10 in the Complaint, pursuant to Commission Rules 210.8(a)(1)(i) and 210.12(a)(9)(ii);

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6. Certified copies of the prosecution histories of the '202, '136 , '591 , '214 , and '058 patents listed as Appendices A, C, E, G, I in the Complaint, pursuant to Commission Rules 210.8(a)(1)(i) and 210.12(c)(1);

7. Reference documents identified in the prosecution histories of the '202, '136 , '591 , '214 , and '058 patents listed as Appendices B, D, F, H, and J in the Complaint, pursuant to Commission Rules 210.8(a)(1)(i) and 210.12(c)(2);

8. A letter of certification, pursuant to Commission Rules 201.6(b) and 210.5(d), requesting confidential treatment of information appearing in Confidential Exhibits 13C, 14C, 15C, 18C, 21C, 24C, 42C, and 43C to the verified non-confidential Complaint.

Please contact me if you have any questions about this request. Thank you for your attention to this matter.

Respectfully submitted,

*/s/ Blaney Harper*

Blaney Harper

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

Re: *Certain Integrated Circuits, Chipsets, and Electronic Devices, and Products  
Containing the Same*

Dear Secretary Barton:

Jones Day represents Complainants, NXP Semiconductors N.V. and NXP USA, Inc. (collectively "Complainants") in its action pursuant to Section 337 of the Tariff Act of 1930, as Amended.

Pursuant to Commission Rules 201.6(b) and 210.5(d), Complainants respectfully request confidential treatment of Confidential Exhibits 13C, 14C, 15C, 18C, 21C, 24C, 42C, and 43C to the Complaint.

The information for which confidential treatment is sought is propriety and not otherwise publicly available. Specifically, Confidential Exhibits 13C, 14C, 15C, 18C, 21C, 24C, 42C, and 43C contain proprietary commercial information regarding the semiconductor devices at issue, Complainants' patented technology and its infringement by the proposed Respondents, as well as Complainants' investments and employment activities made in furtherance of its domestic industry under 19 U.S.C. § 1337(a)(3).

The Commission has routinely held that this type of information qualifies as confidential business information pursuant to Rule 201.6(a) because:

- 1) It is not publicly available;
- 2) Unauthorized disclosure of such information could cause substantial harm to the competitive position of Complainants; and

November 1, 2021

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3) The disclosure of such information could impair the Commission's ability to obtain information necessary to perform its statutory function.

Please contact me if you have any questions concerning this request. Thank you for your attention to this matter.

Respectfully submitted,

*/s/ Blaney Harper*

Blaney Harper

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

**In the Matter of**

CERTAIN INTEGRATED CIRCUITS,  
CHIPSETS, AND ELECTRONIC DEVICES,  
AND PRODUCTS CONTAINING THE  
SAME

Inv. No. 337-TA-\_\_\_\_\_

**CERTIFICATION REGARDING REQUEST FOR CONFIDENTIAL TREATMENT**

I, Blaney harper, counsel for NXP Semiconductors N.V. and NXP USA, Inc.

(collectively, "Complainants"), declare:

1. I am duly authorized by Complainants to execute this certification.
2. I have reviewed the Confidential Exhibits 13C, 14C, 15C, 18C, 21C, 24C, 42C, and 43C for which confidential treatment has been requested.
3. To the best of my knowledge, information, and belief, founded after reasonable inquiry, substantially identical information to that contained in the exhibits is not available to the public.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 1st day of November, 2021 in Washington D.C.

/s/ *Blaney Harper*  
Blaney Harper  
JONES DAY  
51 Louisiana Ave., N.W.  
Washington, D.C. 20001  
Tel: (202) 879-3939

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

**In the Matter of**

CERTAIN INTEGRATED CIRCUITS,  
CHIPSETS, AND ELECTRONIC DEVICES,  
AND PRODUCTS CONTAINING THE  
SAME

Inv. No. 337-TA-\_\_\_\_\_

**COMPLAINANTS' STATEMENT ON PUBLIC INTEREST**

Pursuant to U.S. International Trade Commission ("Commission") Rule 19 C.F.R. § 210.8(b), Complainants NXP Semiconductors N.V. and NXP USA, Inc. (collectively, "NXP" or "Complainants") respectfully submit this Statement on Public Interest with respect to the remedial orders they seek against proposed Respondents MediaTek, Inc., MediaTek USA Inc. (collectively "MediaTek"), Amazon.com, Inc. ("Amazon"), Belkin International, Inc. (Belkin"), and Linksys USA, Inc. ("Linksys") (collectively, "Proposed Respondents").

Complainants seek a permanent, limited exclusion order, specifically directed to Respondents and their agents, prohibiting from entry into the United States certain integrated circuits, chipsets, and electronic devices, and products containing the same that infringe one or more of U.S. Patent Nos. 7,593,202 ("the '202 patent"), 8,482,136 ("the '136 patent"), 8,558,591 ("the '591 patent"), 9,729,214 ("the '214 patent"), and 10,904,058 ("the '058 patent") (collectively, "the Asserted Patents"). Complainants also seek a cease and desist order pursuant to 19 U.S.C. § 1337(f). The Commission's grant of these remedial orders will serve the public interest.

**I. THE REQUESTED REMEDIAL ORDERS ARE IN ACCORD WITH THE PUBLIC INTEREST**

There is a strong public interest in protecting intellectual property rights. *Certain Baseband Processor Chips and Chipsets, Transmitter and Receiver (Radio) Chip, Power Control*

*Chips, & Products Containing Same, Including Cellular Telephone Handsets*, Inv. No. 337-TA-543, USITC Pub. 4258 (Nov. 2011). As the Commission has noted, “protection of intellectual property rights in the United States provides foreign and domestic businesses alike with a climate of predictability that fosters investment, innovation, and the exchange of technology and associated intellectual property rights.” *Certain Digital Televisions and Certain Products Containing the Same and Methods of Using the Same*, Inv. No. 337-TA-617, Comm’n Op., at 17 (April 2009). The public interest in protecting intellectual property rights can only be precluded in the rarest circumstances. *Certain Baseband Processor Chips*, Comm’n Op., at 153-54 (June 2007). Here, the strong public interest in protecting Complainants’ intellectual property rights outweighs any alleged adverse impact on the public.

**A. How The Articles Potentially Subject To The Requested Remedial Orders Are Used In The United States**

The infringing products are MediaTek integrated circuits, chipsets, and electronic devices, and downstream Amazon, Belkin, and Linksys products containing the same. The downstream products include Wi-Fi capable products, streaming media products, and smart home products that include the infringing MediaTek integrated circuits, chipsets, and electronic devices.

The infringing MediaTek products can be used in a variety of devices, including the consumer devices of Proposed Respondents, Amazon, Belkin, and Linksys such as streaming media products, smart home products, and devices capable of communicating wirelessly using Wi-Fi 6.

These products are sold for importation into the United States, imported into the United States, and/or sold in the United States after importation by the Proposed Respondents. The

accused products are imported into the United States and sold to consumers through many channels, including retail stores and online outlets.

**B. Identification Of Any Public Health, Safety, Or Welfare Concerns Relating To The Requested Remedial Orders**

There are no public health, safety, or welfare considerations that weigh against the requested remedial relief. The infringing products are common consumer goods, which the Commission has consistently found do not present public health, safety, or welfare concerns. *See Certain Elec. Digital Media Devices & Components Thereof*, Inc. No. 337-TA-796, Comm’n Op. 114-15 (Sept. 6, 2013). There are no health or safety related features unique to the infringing products. Further, as discussed below, insofar as any of the infringing products support the public health safety, or welfare, alternative products are readily available in the United States. Where competitive alternatives exist, remedial orders are unlikely to adversely impact the public health and welfare. *See Certain Elec. Digital Media Devices*, Comm’n Op. 114-15 (Sept. 6, 2013) (finding that the importance of an accused product to public welfare interests is irrelevant where such needs can be met by competitive non-infringing alternatives available to consumers).

**C. Identification Of Like Or Directly Competitive Articles That Complainants, Their Licensees, Or Third Parties Make Which Could Replace The Subject Articles If They Were Excluded**

Were the Commission to exclude Proposed Respondents’ infringing products from entry into the U.S., there are several similar products available in the U.S. that are directly competitive with the infringing products.

As acknowledged by MediaTek in their public interest submission in the institution stage of investigation 337-TA-1272 (involving a similar category of products to the infringing products in this investigation), “the sale of electronics in the U.S. is highly competitive with a



diverse field of participants offering products that directly compete with the . . . accused [semiconductor] products. See Complainants' Statement on the Public Interest, Inv. No. 337-TA-1272 (June 17, 2021).

For the MediaTek integrated circuits, chipsets, and electronic devices, Complainants offer competitive integrated circuits, chipsets, and electronic devices and would be available to satisfy demand for the excluded MediaTek products. For the downstream Amazon, Belkin, and Linksys products, including Wi-Fi capable products, streaming media products, and smart home products Complainants could supply the relevant integrated circuits, chipsets, and electronic devices and/or and number of third parties could satisfy demand for the excluded products.

Such products would continue to be available to consumers in the United States. Should the Commission enter an exclusion order in this Investigation, a variety of ready replacement products would remain on the market for public consumption, and so no public harm would result.

**D. Whether Complainants, Their Licensees, And/Or Third Parties Have The Capacity To Replace The Volume Of Articles Subject To The Requested Remedial Orders In A Commercially Reasonable Time In The United States**

Complainants and third parties have sold and will continue to sell integrated circuits, chipsets, and electronic devices in the U.S., unaffected by Complainants' requested relief. Complainants and third parties have the capacity to replace the volume of infringing products subject to the Complainants' requested relief. Complainants and third parties will be able to replace the infringing products subject to the requested remedial orders in the U.S. within a commercially reasonable time.

**E. How The Requested Remedial Orders Would Impact Consumers**

As set forth above, U.S. customers will have available to them, a wide variety of alternative integrated circuits, chipsets, and electronic devices, and products containing the same

if the relief sought by Complainants is granted. Because there are numerous alternative products available in the United States, U.S. consumers will not be adversely impacted by the requested remedial orders. While the remedial orders may shift manufacture and production among directly competitive manufacturers of integrated circuits and downstream products, such a shift should have minimal, if any, impact on U.S. consumers. It is unlikely that the requested relief would increase customer costs. The requested remedial orders in this matter will not significantly impact U.S. consumers.

## **II. CONCLUSION**

For the foregoing reasons, there are no public interest concerns that should preclude the issuance of Complainants' requested remedies in this Investigation.

Dated: November 1, 2021

Respectfully submitted,

/s/ Blaney Harper

Blaney Harper

Vishal V. Khatri

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*Counsel for Complainants*

*NXP Semiconductors N.V., and*

*NXP USA, Inc.*

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

**In the Matter of**

CERTAIN INTEGRATED CIRCUITS,  
CHIPSETS, AND ELECTRONIC DEVICES,  
AND PRODUCTS CONTAINING THE  
SAME

Inv. No. 337-TA-\_\_\_\_\_

**VERIFIED COMPLAINT OF NXP SEMICONDUCTORS N.V. AND NXP USA, INC.  
UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED**

**COMPLAINANTS**

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Amazon.com, Inc.  
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Tel: (206) 266-1000

Belkin International, Inc.  
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Playa Vista, CA 90094  
Tel: (310) 751-5100

Linksys USA, Inc.  
121 Theory Drive  
Irvine, CA 92617  
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## EXHIBIT LIST

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2	Certified Copy of U.S. Patent No. 8,482,136
3	Certified Copy of U.S. Patent No. 8,558,591
4	Certified Copy of U.S. Patent No. 9,729,214
5	Certified Copy of U.S. Patent No. 10,904,058
6	Certified Copy of Recorded Assignments for U.S. Patent No. 7,593,202
7	Certified Copy of Recorded Assignments for U.S. Patent No. 8,482,136
8	Certified Copy of Recorded Assignments for U.S. Patent No. 8,558,591
9	Certified Copy of Recorded Assignments for U.S. Patent No. 9,729,214
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20	Representative Infringement Claim Chart for the Amazon Accused Products for U.S. Patent No. 8,482,136
21C	Domestic Industry Claim Chart for U.S. Patent No. 8,482,136 ( <b>CONFIDENTIAL</b> )
22	Representative Infringement Claim Chart for the MediaTek Accused Products for U.S. Patent No. 8,558,591
23	Representative Infringement Claim Chart for the Amazon Accused Products for U.S. Patent No. 8,558,591
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25	Representative Infringement Claim Chart for the MediaTek Accused Products for U.S. Patent No. 9,729,214
26	Representative Infringement Claim Chart for the Belkin Accused Products for U.S. Patent No. 9,729,214
27	Representative Infringement Claim Chart for the Linksys Accused Products for U.S. Patent No. 9,729,214

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39	List of Foreign Counterparts to U.S. Patent No. 8,558,591
40	List of Foreign Counterparts to U.S. Patent No. 9,729,214
41	List of Foreign Counterparts to U.S. Patent No. 10,904,058
42C	Licensees Under the Asserted Patents ( <b>CONFIDENTIAL</b> )
43C	Declaration of Lee E. Chastain ( <b>CONFIDENTIAL</b> )



**LIST OF APPENDICES**

<b>Appx. No.</b>	<b>Description</b>
A	U.S. Patent No. 7,593,202 Certified Prosecution History
B	U.S. Patent No. 7,593,202 Cited References
C	U.S. Patent No. 8,482,136 Certified Prosecution History
D	U.S. Patent No. 8,482,136 Cited References
E	U.S. Patent No. 8,558,591 Certified Prosecution History
F	U.S. Patent No. 8,558,591 Cited References
G	U.S. Patent No. 9,729,214 Certified Prosecution History
H	U.S. Patent No. 9,729,214 Cited References
I	U.S. Patent No. 10,904,058 Certified Prosecution History
J	U.S. Patent No. 10,904,058 Cited References

## **I. INTRODUCTION**

1. NXP Semiconductors N.V. (“NXP NV”) and NXP USA, Inc. (“NXP USA”) (collectively, “NXP” or “Complainants”) respectfully request that the United States International Trade Commission (“Commission”) institute an investigation into violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, by the proposed Respondents MediaTek, Inc. (“MTK”), MediaTek USA Inc. (“MTKUSA”), Amazon.com, Inc. (“Amazon”), Belkin International, Inc. (Belkin”), and Linksys USA, Inc. (“Linksys”) (collectively, “Respondents”).

2. This Complaint is based on Respondents’ unlawful and unauthorized ongoing importation into the United States, sale for importation, and/or sale within the United States after importation of certain integrated circuits, chipsets, and electronic devices, and products containing the same. Respondents’ products infringe at least one or more claims listed below (“Asserted Claims”) of the following U.S. patents (“Asserted Patents”):

<b>U.S. Patent No.</b>	<b>Asserted Claims<sup>1</sup></b>	<b>Accused Parties</b>
7,593,202 (Exhibit 1)	1*, 2	MTK, MTKUSA, Amazon
8,482,136 (Exhibit 2)	1*, 2-6, 11, 18, 19, 21, 22	MTK, MTKUSA, Amazon
8,558,591 (Exhibit 3)	1*, 3, 10, 11	MTK, MTKUSA, Amazon
9,729,214 (Exhibit 4)	1*, 10*	MTK, MTKUSA, Belkin, Linksys
10,904,058 (Exhibit 5)	1*, 2, 3, 5, 7, 9, 10*, 11, 12, 14, 16, 18, 19	MTK, MTKUSA, Belkin, Linksys, Amazon

3. The Asserted Patents are valid and enforceable United States patents, the entire right, title, and interest to which NXP USA owns by assignment. Exhibits 6-11.

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<sup>1</sup> Independent claims are denoted by \*.

4. Respondents' activities with respect to the ongoing importation into the United States, sale for importation into the United States, and/or sale within the United States after importation of certain integrated circuits, chipsets, and electronic devices, and products containing the same, described more fully *infra*, are unlawful under 19 U.S.C. § 1337(a)(1)(B)(i) in that they constitute infringement of the valid and enforceable Asserted Patents, including without limitation the MediaTek MT8516, MT8695, MT5833, MT6358, MT7915, and MT7921, certain Amazon branded products, including the Amazon Echo Dot D9N29T, Fire Stick 4k E9L29Y, Fire Stick 4k Max K2R2TE, and Echo Show A8H3N2, the Belkin RT1800 and RT3200, and the Linksys E8450 ("Accused Products"). Exhibits 16, 17, 19, 20, 22, 23, 25-27, and 29-32.

5. A domestic industry exists in the United States relating to articles protected by the Asserted Patents, described more fully *infra*, as required by Section 337(a)(2) and defined by Section 337(a)(3). Complainants' domestic industry includes significant domestic investments in plant and equipment, significant employment of labor and capital, and substantial investments in the exploitation of the inventions claimed in the Asserted Patents, including through research and development and engineering relating to the exploitation of the claimed inventions and articles protected by the Asserted Patents, including Complainants' PQ38 (including the MPC8548, MPC8572, MPC8536, and MPC8533), MR2001, LS1012A, LS1024A, LS1043A, LS1046A, LS2048A, LS2088A, 88W9064, 88Q9098, AW690HNI, 88W9000SB1, and IW620 ("Domestic Industry Products" or "D.I. Products"). Confidential Exhibits 18C, 21C, and 24C and Exhibits 28 and 33.

6. To remedy Respondents' continuing unfair and unlawful violations of Section 337, Complainants seek, as permanent relief, a limited exclusion order pursuant to 19 U.S.C.

§ 1337(d) barring from entry into the United States Respondents' products that infringe one or more of the Asserted Claims of the Asserted Patents. Complainants also seek cease and desist orders pursuant to 19 U.S.C. § 1337(f) prohibiting each Respondent from engaging in the importation into the United States, as well as the sale within the United States after importation, the advertising, marketing, distributing, transferring, operating, testing, updating, supporting, servicing, repairing, or soliciting of products that infringe one or more of the Asserted Claims. Further, Complainants request that the Commission impose a bond upon each Respondent's importation of infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j).

## **II. THE PARTIES**

### **A. Complainants**

7. Complainant NXP Semiconductors N.V. is a Dutch corporation with its principal place of business located at High Tech Campus 60, 5656 AG Eindhoven, Netherlands. NXP NV is recognized as a global leader in the design, manufacture, and supply of semiconductor devices.

8. Complainant NXP USA, Inc. is a Delaware corporation with its principal place of business located at 6501 W. William Cannon Dr., Austin, TX 78735. NXP USA is a subsidiary of NXP NV.

### **B. Respondents**

9. The Respondents can be grouped into two categories – the “Component Supplier Respondents” and the “Downstream Product Respondents.”

10. On information and belief, MediaTek Inc. and MediaTek USA Inc. design, manufacture, import, sell for importation, sell after importation, and distribute integrated circuits,

chipsets, and electronic devices that infringe the Asserted Patents. Collectively, the MediaTek Respondents are referred to as the “Component Supplier Respondents.”

11. On information and belief, Amazon, Belkin, and Linksys, design, manufacture, import, sell for importation, sell after importation, and distribute downstream consumer products that incorporate the infringing integrated circuits, chipsets, and electronic devices and, therefore, likewise infringe the Asserted Patents. Collectively, Amazon, Belkin, and Linksys are referred to as the “Downstream Product Respondents.”

**1. MediaTek Inc.**

12. On information and belief, Respondent MediaTek Inc. is a corporation incorporated under the laws of Taiwan (Republic of China) with its principal place of business located at No. 1, Dusing Road 1, Hsinchu Science Park, Hsinchu City 30078, Taiwan. On information and belief, MTK imports into the United States, sells for importation into the United States, and/or sells within the United States after importation, integrated circuits, chipsets, and electronic devices, and products containing the same, including integrated circuits, chipsets, and electronic devices, that infringe the Asserted Patents. On information and belief, the Accused Products are manufactured, tested, and/or assembled in foreign countries. Thereafter, the Accused Products are either imported into the United States by or on behalf of MTK, or incorporated into downstream products and imported into the United States as part of the downstream products. Exhibit 12 and Confidential Exhibits 13C, 14C, and 15C.

**2. MediaTek USA Inc.**

13. On information and belief, Respondent MediaTek USA Inc. is a Delaware corporation with offices at 2840 Junction Avenue, San Jose, CA 95134. On information and belief, MTK USA is a wholly-owned subsidiary of MTK. On information and belief, MTK USA operates in conjunction with the other Respondents with regard to the importation into the United

States, sale for importation into the United States, and/or sale within the United States after importation, of integrated circuits, chipsets, and electronic devices, and products containing the same, including integrated circuits, chipsets, and electronic devices, that infringe the Asserted Patents. Exhibit 12 and Confidential Exhibits 13C, 14C, and 15C.

**3. Amazon.com, Inc.**

14. On information and belief, Respondent Amazon.com, Inc. is a Delaware corporation with offices at 410 Terry Ave. North, Seattle, WA 98109. On information and belief, Amazon imports into the United States, sells for importation into the United States, and/or sells within the United States after importation, integrated circuits, chipsets, and electronic devices, and products containing the same. Confidential Exhibit 13C.

**4. Belkin International, Inc.**

15. On information and belief, Respondent Belkin International, Inc. is a Delaware corporation with offices at 12045 E. Waterfront Drive, Playa Vista, CA 90084. On information and belief, Belkin imports into the United States, sells for importation into the United States, and/or sells within the United States after importation, integrated circuits, chipsets, and electronic devices, and products containing the same. Confidential Exhibit 14C.

**5. Linksys USA, Inc.**

16. On information and belief, Respondent Linksys USA, Inc. is a Delaware corporation with offices at 121 Theory Drive, Irvine, CA 92617. On information and belief, Linksys imports into the United States, sells for importation into the United States, and/or sells within the United States after importation, integrated circuits, chipsets, and electronic devices, and products containing the same. Confidential Exhibit 15C.

### **III. THE TECHNOLOGY AND PRODUCTS AT ISSUE**

#### **A. The Technology**

17. Complainant's Asserted Patents generally relate to technologies implemented in integrated circuits. They concern technologies related to specific circuitry for improving the performance of these devices, chip scale packaging for these products, and cutting edge wireless communications methods. The technologies are used in a variety of consumer products including Wi-Fi capable products, streaming media products, and smart home products.

18. Some of Complainants extensive efforts in these areas are the subject of the Asserted Patents, U.S. Patent Nos. 7,593,202 ("the '202 patent"), 8,482,136 ("the '136 patent"), 8,558,591 ("the '591 patent"), 9,729,214 ("the '214 patent"), and 10,904,058 ("the '058 patent").

19. These efforts also have resulted in the commercial introduction of the Domestic Industry Products, including the PQ38 (including the MPC8548, MPC8572, MPC8536, and MPC8533), MR2001, LS1012A, LS1024A, LS1043A, LS1046A, LS2048A, LS2088A, 88W9064, 88Q9098, AW690HNI, 88W9000SB1, and IW620, which include devices that are protected by one or more claims of the Asserted Patents.

#### **B. The Accused Products**

20. Pursuant to Commission Rules 210.10(b)(1) and 210.12(a)(12), the categories of the Accused Products may be plainly described as MTK integrated circuits and chipsets, and Wi-Fi 6 capable products, streaming media products, and smart home products containing the MTK integrated circuits and chipsets.

21. Exemplary Accused Products include, but are not limited to, the MediaTek MT8516, MT8695, MT5833, MT6358, and MT7915, the Amazon Echo Dot D9N29T, Fire Stick

4k E9L29Y, Fire Stick 4k Max K2R2TE, and Echo Show A8H3N2, the Belkin RT1800 and RT3200, and the Linksys E8450.

22. Each of the Accused Products meets each and every limitation of at least one claim of one or more of the Asserted Patents. Complainants' identification of specific models or types of products is not intended, either implicitly or explicitly, to limit the scope of the investigation or the scope of relief to which Complainants are entitled. Any remedy should extend to all present and future infringing products of each Respondent, including products made by or on behalf of any named Respondent, regardless of model number or type of product.

#### **IV. THE PATENTS AT ISSUE**

##### **A. U.S. Patent No. 7,593,202**

##### **1. Identification of the Patent and Ownership by Complainants**

23. NXP USA owns by assignment the entire right, title, and interest in the '202 patent, entitled "Electrostatic Discharge (ESD) Protection Circuit for Multiple Power Domain Integrated Circuit," which the U.S. Patent and Trademark Office duly and lawfully issued on September 22, 2009. Pursuant to Commission Rule 210.12(a)(9)(i), a certified copy of the '202 patent is attached as Exhibit 1.

24. The '202 patent issued from U.S. Patent Application No. 11/264,557, which was filed on November 1, 2005. The '202 patent expires on January 28, 2027.

25. The '202 patent names Michael G. Khazhinsky, Martin J. Bayer, James W. Miller, and Bryan D. Preble as inventors (collectively, "the named '202 inventors"). Pursuant to Commission Rule 210.12(a)(9)(ii), a certified copy of each recorded assignment of the '202 patent is attached as Exhibit 6.



26. The named '202 inventors assigned all right, title, and interest in and to the '202 patent to Freescale Semiconductor, Inc. By virtue of a merger and corporate name change, the right, title, and interest in and to the '202 patent was assigned to Complainant NXP USA, the current assignee and owner of the '202 patent, on November 7, 2016.

27. As a result of the foregoing assignments, NXP USA is the owner of all right, title, and interest in and to the '202 patent, including the right to enforce, recover damages, and obtain other relief for any infringement of the '202 patent.

28. Pursuant to Commission Rule 210.12(c), a certified copy of the prosecution history of the '202 patent, as well as each patent and applicable pages of each technical reference mentioned in the prosecution history, are attached as Appendices A and B, respectively.

## **2. Non-Technical Description of the '202 Patent<sup>2</sup>**

29. Pursuant to Commission Rule 210.12(a)(9)(vi), the '202 patent generally concerns an integrated circuit that includes a first and second power domain. A bank of input/output cells are coupled to the first and second power domains. A first plurality of active clamps for the first power domain and a second plurality of active clamps for the second domain overlap along the bank of input output cells. The active clamps may operate to dissipate an electrostatic discharge event.

## **3. Foreign Counterparts to the '202 Patent**

30. Pursuant to Commission Rule 210.12(a)(9)(v), Exhibit 37 identifies each foreign patent, each foreign patent application (not already issued as a patent), and each foreign patent

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<sup>2</sup> This description and other non-technical descriptions within this Complaint are for illustrative purposes only. Nothing in any non-technical description is intended, either implicitly or explicitly, to express any position regarding the scope or proper construction of any claim of the Asserted Patents.

application that has been denied, abandoned or withdrawn corresponding to the '202 patent with an indication of the prosecution status of each such patent application.

**B. U.S. Patent No. 8,482,136**

**1. Identification of the Patent and Ownership by Complainants**

31. NXP USA owns by assignment the entire right, title, and interest in the '136 patent, entitled "Fan-Out Chip Scale Package," which the U.S. Patent and Trademark Office duly and lawfully issued on July 9, 2013. Pursuant to Commission Rule 210.12(a)(9)(i), a certified copy of the '136 patent is attached as Exhibit 2.

32. The '136 patent issued from U.S. Patent Application No. 12/648,634, which was filed on December 29, 2009. The '136 patent expires on November 28, 2031.

33. The '136 patent names Jan Gulpen, Tonny Kamphuis, Pieter Hochstenbach, Leo van Gemert, Eric van Grunsven, and Marc de Samber as inventors (collectively, "the named '136 inventors"). Pursuant to Commission Rule 210.12(a)(9)(ii), a certified copy of each recorded assignment of the '136 patent is attached as Exhibit 7.

34. The named '136 inventors assigned all right, title, and interest in and to the '136 patent to NXP B.V. on November 7, 2016. NXP B.V. assigned all right, title, and interest in and to the '136 patent to Complainant, NXP USA, the current assignee and owner of the '136 patent, on October 21, 2021. Exhibit 11.

35. As a result of the foregoing assignments, NXP USA is the owner of all right, title, and interest in and to the '136 patent, including the right to enforce, recover damages, and obtain other relief for any infringement of the '136 patent.

36. Pursuant to Commission Rule 210.12(c), a certified copy of the prosecution history of the '136 patent, as well as each patent and applicable pages of each technical reference mentioned in the prosecution history, are attached as Appendices C and D, respectively.

## **2. Non-Technical Description of the '136 Patent**

37. Pursuant to Commission Rule 210.12(a)(9)(vi), the '136 patent generally concerns a chip scale package that includes a semiconductor die with a plurality of first bond pads. The chip scale package also includes a bond pad spacing interface structure with a plurality of second bond pads and a plurality of electrical conductors connecting a corresponding one of the first bond pads to a corresponding one of the second bond pads. The first bond pads are arranged with a first average density and the second bond pads are arranged with a second average density that is lower than the first density.

## **3. Foreign Counterparts to the '136 Patent**

38. Pursuant to Commission Rule 210.12(a)(9)(v), Exhibit 38 identifies each foreign patent, each foreign patent application (not already issued as a patent), and each foreign patent application that has been denied, abandoned or withdrawn corresponding to the '136 patent with an indication of the prosecution status of each such patent application.

## **C. U.S. Patent No. 8,558,591**

### **1. Identification of the Patent and Ownership by Complainants**

39. NXP USA owns by assignment the entire right, title, and interest in the '591 patent, entitled "Phase Locked Loop with Power Supply Control," which the U.S. Patent and Trademark Office duly and lawfully issued on October 15, 2013. Pursuant to Commission Rule 210.12(a)(9)(i), a certified copy of the '591 patent is attached as Exhibit 3.

40. The '591 patent issued from U.S. Patent Application No. 13/629,643, which was filed on September 28, 2012. The '591 patent expires on September 28, 2032.

41. The '591 patent names Hector Sanchez, Xinghai Tang, and Gayathri A. Bhagavatheeswaran as inventors (collectively, "the named '591 inventors"). Pursuant to Commission Rule 210.12(a)(9)(ii), a certified copy of each recorded assignment of the '591 patent is attached as Exhibit 8.

42. The named '591 inventors assigned all right, title, and interest in and to the '202 patent to Freescale Semiconductor, Inc. By virtue of a merger and corporate name change, the right, title, and interest in and to the '591 patent was assigned to Complainant NXP USA, the current assignee and owner of the '591 patent, on November 7, 2016.

43. As a result of the foregoing assignments, NXP USA is the owner of all right, title, and interest in and to the '591 patent, including the right to enforce, recover damages, and obtain other relief for any infringement of the '591 patent.

44. Pursuant to Commission Rule 210.12(c), a certified copy of the prosecution history of the '591 patent, as well as each patent and applicable pages of each technical reference mentioned in the prosecution history, are attached as Appendices E and F, respectively.

## **2. Non-Technical Description of the '591 Patent**

45. Pursuant to Commission Rule 210.12(a)(9)(vi), the '591 patent generally concerns a phase locked loop comprising a phase frequency detector powered by a first power supply, a charge pump powered by a second power supply, and a voltage controlled oscillator coupled to the charge pump and powered by a third power supply. The frequency of the voltage controlled oscillator is controlled by a control voltage and a current compensator provides a variable current draw based on the control voltage.

### **3. Foreign Counterparts to the '591 Patent**

46. Pursuant to Commission Rule 210.12(a)(9)(v), Exhibit 39 identifies each foreign patent, each foreign patent application (not already issued as a patent), and each foreign patent application that has been denied, abandoned or withdrawn corresponding to the '591 patent with an indication of the prosecution status of each such patent application.

#### **D. U.S. Patent No. 9,729,214**

##### **1. Identification of the Patent and Ownership by Complainants**

47. NXP USA owns by assignment the entire right, title, and interest in the '214 patent, entitled "Group Acknowledgement for Multiple User Communication in a Wireless Local Area Network," which the U.S. Patent and Trademark Office duly and lawfully issued on August 8, 2017. Pursuant to Commission Rule 210.12(a)(9)(i), a certified copy of the '214 patent is attached as Exhibit 4.

48. The '214 patent issued from U.S. Patent Application No. 14/808,932, which was filed on July 24, 2015 and claims priority to U.S. Provisional Application No. 62/165,789, which was filed on May 22, 2015, U.S. Provisional Application No. 62/115,371, which was filed on February 12, 2015, and U.S. Provisional Application No. 62/028,559, which was filed on July 24, 2014. The '214 patent expires on July 24, 2035.

49. The '214 patent names Liwen Chu, Lei Wang, JinJing Jian, Hongyuan Zhang, and Hui-Ling Lou as inventors (collectively, "the named '214 inventors"). Pursuant to Commission Rule 210.12(a)(9)(ii), a certified copy of each recorded assignment of the '214 patent is attached as Exhibit 9.

50. The named '214 inventors assigned all right, title, and interest in and to the '214 patent to Marvell Semiconductor, Inc. Marvell Semiconductor, Inc. subsequently assigned all

right, title, and interest in and to the '214 patent to Marvell International Ltd. (which subsequently assigned all right, title, and interest in and to the '214 patent to Marvell World Trade Ltd and then reacquired all right, title, and interest in and to the '214 patent). Marvell International Ltd. assigned its right, title, and interest in and to the '214 patent to Complainant NXP USA, the current assignee and owner of the '214 patent, on December 6, 2019.

51. As a result of the foregoing assignments, NXP USA is the owner of all right, title, and interest in and to the '214 patent, including the right to enforce, recover damages, and obtain other relief for any infringement of the '214 patent.

52. Pursuant to Commission Rule 210.12(c), a certified copy of the prosecution history of the '214 patent, as well as each patent and applicable pages of each technical reference mentioned in the prosecution history, are attached as Appendices G and H, respectively.

## **2. Non-Technical Description of the '214 Patent**

53. Pursuant to Commission Rule 210.12(a)(9)(vi), the '214 patent generally concerns a method for simultaneously communicating with multiple devices that includes receiving, at a first communication device, a plurality of uplink data units simultaneously transmitted by multiple second communication devices, generating an acknowledgement, and transmitting the acknowledgement to the multiple second communication devices.

## **3. Foreign Counterparts to the '214 Patent**

54. Pursuant to Commission Rule 210.12(a)(9)(v), Exhibit 40 identifies each foreign patent, each foreign patent application (not already issued as a patent), and each foreign patent application that has been denied, abandoned or withdrawn corresponding to the '214 patent with an indication of the prosecution status of each such patent application.

**E. U.S. Patent No. 10,904,058**

**1. Identification of the Patent and Ownership by Complainants**

55. NXP USA owns by assignment the entire right, title, and interest in the '058 patent, entitled "Padding for Orthogonal Frequency Division Multiplexing (OFDM) Symbols in a Wireless Communication System," which the U.S. Patent and Trademark Office duly and lawfully issued on January 26, 2021. Pursuant to Commission Rule 210.12(a)(9)(i), a certified copy of the '058 patent is attached as Exhibit 5.

56. The '058 patent issued from U.S. Patent Application No. 16/673,523, which was filed on November 4, 2019, and claims priority to U.S. Patent Application No. 16/170,919, which was filed on October 25, 2018, now U.S. Patent No. 10,469,297, which claims priority to 15/706,971, which was filed on September 18, 2017, now U.S. Patent No. 10,116,477, which claims priority to 15/212,927, which was filed on July 18, 2016, now U.S. Patent No. 9,768,996, which claims priority to 14/737,316, which was filed on June 11, 2015, now U.S. Patent No. 9,397,873, and which claims priority to U.S. Provisional Application No. 62/168,652, which was filed on May 29, 2015, U.S. Provisional Application No. 62/148,456, which was filed on April 16, 2015, U.S. Provisional Application No. 62/094,825, which was filed on December 19, 2014, U.S. Provisional Application No. 62/087,083, which was filed on December 3, 2014, U.S. Provisional Application No. 62/051,089, which was filed on September 16, 2014, U.S. Provisional Application No. 62/041,858, which was filed on August 26, 2014, U.S. Provisional Application No. 62/034,502, which was filed on August 7, 2014, U.S. Provisional Application No. 62/027,525, which was filed on July 22, 2014, and U.S. Provisional Application No. 62/010,787, which was filed on June 11, 2014. The '058 patent expires on June 11, 2035.

57. The '058 patent names Hongyuan Zhang, Xiayu Zheng, Rui Cao, Mingguang Xu, Sudhir Srinivasa, and Jie Huang as inventors (collectively, "the named '058 inventors"). Pursuant to Commission Rule 210.12(a)(9)(ii), a certified copy of each recorded assignment of the '058 patent is attached as Exhibit 10.

58. The named '058 inventors assigned all right, title, and interest in and to the '058 patent to Marvell Semiconductor, Inc. Marvell Semiconductor, Inc. subsequently assigned all right, title, and interest in and to the '058 patent to Marvell International Ltd. (which subsequently assigned all right, title, and interest in and to the '058 patent to Marvell World Trade Ltd and then reacquired all right, title, and interest in and to the '058 patent). Marvell International Ltd. assigned its right, title, and interest in and to the '058 patent to Complainant NXP USA, the current assignee and owner of the '058 patent, on December 6, 2019.

59. As a result of the foregoing assignments, NXP USA is the owner of all right, title, and interest in and to the '058 patent, including the right to enforce, recover damages, and obtain other relief for any infringement of the '058 patent.

60. Pursuant to Commission Rule 210.12(c), a certified copy of the prosecution history of the '058 patent, as well as each patent and applicable pages of each technical reference mentioned in the prosecution history, are attached as Appendices I and J, respectively.

## **2. Non-Technical Description of the '058 Patent**

61. Pursuant to Commission Rule 210.12(a)(9)(vi), the '058 patent generally concerns a method for generating a physical layer (PHY) data unit that includes generating the PHY data unit to include a PHY preamble, a PHY data portion that follows the PHY preamble, and an extension field that follows the PHY data portion. The method includes generating a plurality of orthogonal frequency division multiplexing (OFDM) symbols corresponding to the PHY data



portion of the PHY data unit. A last occurring OFDM symbol in the plurality of OFDM symbols includes padding bits starting from a boundary within the last occurring OFDM symbol. The method further includes determining a duration of the extension field using a position of the boundary within the last occurring OFDM symbol, and generating the extension field to have the determined duration.

### **3. Foreign Counterparts to the '058 Patent**

62. Pursuant to Commission Rule 210.12(a)(9)(v), Exhibit 41 identifies each foreign patent, each foreign patent application (not already issued as a patent), and each foreign patent application that has been denied, abandoned or withdrawn corresponding to the '058 patent with an indication of the prosecution status of each such patent application.

#### **F. Licensees Under the Asserted Patents**

63. Pursuant to Commission Rule 210.12(a)(9)(iii), a list identifying licensees specifically licensed under the Asserted Patents is included as Confidential Exhibit 42C.

## **V. SPECIFIC INSTANCES OF UNLAWFUL IMPORTATION AND SALE**

64. On information and belief, Respondents are importing, selling for importation, and/or selling within the United States after importation, certain integrated circuits, chipsets, and electronic devices, and products containing the same

65. Complainants have obtained in the United States representative samples of the Respondents' Accused Products as described in Exhibit 12 and Confidential Exhibits 13C, 14C, and 15C. Specific instances of importation, sale for importation, and/or sale within the united states after importation of the Accused Products by each respondent are set forth below. These specific instances of importation of infringing Accused Products set forth below are representative examples of Respondents' unlawful importation into the United States, sale for

importation into the United States, and/or sales within the United States after importation of infringing products and not intended to restrict the scope of any exclusion order or other remedy the Commission may order.

66. On information and belief, Respondents, either individually or acting in concert, design, develop, evaluate, test, and manufacture or have manufactured Accused Products outside of the United States and are (i) importing into the United States, (ii) selling for importation into the United States, and/or (iii) selling within the United States after importation Accused Products. On information and belief, Respondents sell the Accused Products knowing, or having reason to know, that the Accused Products would be subsequently imported into the United States.

67. On information and belief, Respondents, either individually or acting in concert, knowingly and intentionally direct, authorize, approve, or otherwise participate in the unlawful and infringing conduct alleged herein, including the manufacture, distribution, sale for importation, importation, and/or sale within the United States after importation of the Accused Products.

**A. The MediaTek Respondents**

68. On information and belief, the MediaTek Respondents are importing, selling for importation, and/or selling within the United States after importation, certain integrated circuits, chipsets, and electronic devices, and products containing the same. On information and belief, the MediaTek accused products are manufactured by TSMC in Taiwan. Exhibit 12. As further detailed below, accused downstream products containing the MediaTek Accused Products were purchased in the United States and, on information and belief certain MediaTek Accused Products are incorporated into the downstream product outside of the United States before the

downstream product is imported into the United States, demonstrating that the MediaTek products are imported into the United States. Confidential Exhibits 13C, 14C, and 15C.

**B. Amazon**

69. On information and belief, Amazon is importing, selling for importation, and/or selling within the United States after importation, certain integrated circuits, chipsets, and electronic devices, and products containing the same. For example, the Amazon E9L29Y Fire 4k Streaming Media Player was purchased in the United States and marked as “Assembled in China” demonstrating that these products are imported into the United States. The Amazon E9L29Y includes a MediaTek MT8695 integrated circuit. The Amazon A8H3N2 Echo Show 8 Smart Display was also purchased in the United States and marked as “Made in China” demonstrating that these products are imported into the United States. The Amazon A8H3N2 includes a MediaTek MT6358 integrated circuit. The Amazon D9N29T Echo Dot was also purchased in the United States and marked as “Assembled in China” demonstrating that these products are imported into the United States. The Amazon D9N29T includes a MediaTek MT8516 integrated circuit. The Amazon K2R2TE Fire 4k Max Streaming Media Player was purchased in the United States and marked as “Assembled in China” demonstrating that these products are imported into the United States. The Amazon K2R2TE includes a MediaTek MT7921 integrated circuit. Confidential Exhibit 13C.

**C. Belkin**

70. On information and belief, Belkin is importing, selling for importation, and/or selling within the United States after importation, certain integrated circuits, chipsets, and electronic devices, and products containing the same. For example, the Belkin Dual Band AX3200 WiFi 6 Router, 3.2 Gbps, White (RT3200) was purchased in the United States and

marked as “Made in Vietnam” demonstrating that these products are imported into the United States. The Belkin RT3200 includes a MediaTek MT7915 integrated circuit. Confidential Exhibit 14C.

**D. Linksys**

71. On information and belief, Linksys is importing, selling for importation, and/or selling within the United States after importation, certain integrated circuits, chipsets, and electronic devices, and products containing the same. For example, the Linksys AX3200 Wi-Fi 6 Router for Home Networking (E8450) was purchased in the United States and marked as “Made in Vietnam” demonstrating that these products are imported into the United States. The Linksys E8450 includes a MediaTek MT7915 integrated circuit. Confidential Exhibit 15C.

**VI. UNFAIR ACTS OF RESPONDENTS**

72. Respondents unlawfully import into the United States, sell for importation into the United States, and/or sell within the United States after importation, the Accused Products, of which Respondents are the owner, importer or consignee. The aforesaid acts of Respondents constitute acts of infringement.

**A. Direct Infringement**

**1. The '202 Patent**

73. On information and belief, the MediaTek and Amazon Respondents import, sell for importation, and/or sell after importation into the United States, Accused Products that directly infringe the '202 patent, literally or under the doctrine of equivalents.

74. Pursuant to Pursuant to Commission Rule § 210.12(a)(9)(viii), a chart that applies independent claim 1 of the '202 patent to representative articles are attached as Exhibit 16 (MediaTek) and Exhibit 17 (Amazon).

## **2. The '136 Patent**

75. On information and belief, the MediaTek and Amazon Respondents import, sell for importation, and/or sell after importation into the United States, Accused Products that directly infringe the '136 patent, literally or under the doctrine of equivalents.

76. Pursuant to Pursuant to Commission Rule § 210.12(a)(9)(viii), a chart that applies independent claim 1 of the '136 patent to representative articles are attached as Exhibit 19 (MediaTek) and Exhibit 20 (Amazon).

## **3. The '591 Patent**

77. On information and belief, the MediaTek and Amazon Respondents import, sell for importation, and/or sell after importation into the United States, Accused Products that directly infringe the '591 patent, literally or under the doctrine of equivalents.

78. Pursuant to Pursuant to Commission Rule § 210.12(a)(9)(viii), a chart that applies independent claim 1 of the '591 patent to representative articles are attached as Exhibit 22 (MediaTek) and Exhibit 23 (Amazon).

## **4. The '214 Patent**

79. On information and belief, the MediaTek, Belkin, and Linksys Respondents import, sell for importation, and/or sell after importation into the United States, Accused Products that directly infringe the '214 patent, literally or under the doctrine of equivalents.

80. Pursuant to Pursuant to Commission Rule § 210.12(a)(9)(viii), a chart that applies independent claim 1 of the '214 patent to representative articles are attached as Exhibit 25 (MediaTek), Exhibit 26 (Belkin), and Exhibit 27 (Linksys).

## **5. The '058 Patent**

81. On information and belief, the MediaTek, Belkin, Linksys and Amazon Respondents import, sell for importation, and/or sell after importation into the United States, Accused Products that directly infringe the '058 patent, literally or under the doctrine of equivalents.

82. Pursuant to Pursuant to Commission Rule § 210.12(a)(9)(viii), a chart that applies independent claim 1 of the '058 patent to representative articles are attached as Exhibit 29 (MediaTek), Exhibit 30 (Belkin), Exhibit 31 (Linksys), and Exhibit 32 (Amazon).

### **B. Indirect Infringement**

83. On information and belief, Respondents indirectly infringe the Asserted Patents pursuant to 35 U.S.C. § 271(b) and/or (c) by knowingly and intentionally inducing infringement and/or contributing to the infringement of the Asserted Patents by, among other things, selling in the United States the Accused Products to direct infringers, that include, without limitation, customers and/or end users of those products. Those customers and/or end users of the Accused Products directly infringe one or more claims of one or more of the Asserted Patents.

84. On information and belief, Respondents are aware of the Asserted Patents at least as of the date they were served with this Complaint.

85. On information and belief, the Component Supplier Respondents induce other users of the Accused Products, including, for example, the Downstream Product Respondents to infringe one or more claims of the Asserted Patents with the specific intent to encourage their infringement by, among other things, marketing their integrated circuits, chipsets, and electronic devices and by creating datasheets and/or similar materials with instructions on using or

rendering operable the Downstream Products Respondents' products that incorporate the integrated circuits, chipsets, and electronic devices. Exhibit 34.

86. On information and belief, the Downstream Product Respondents induce other users of the Accused Products, including, for example, end-users of their products to infringe one or more claims of the Asserted Patents with the specific intent to encourage their infringement by, among other things, marketing their downstream products that include the MediaTek integrated circuits, chipsets, and electronic devices and by creating specifications, marketing materials, and/or similar materials with instructions on using or rendering operable the downstream products that incorporate the infringing integrated circuits, chipsets, and electronic devices. Exhibits 35 and 36.

87. On information and belief, the Component Supplier Respondents contribute to the infringement of one or more claims of the Asserted Patents by, among others, the Downstream Product Respondents, because they know that the Accused Products, including, specifically, their infringing integrated circuits, chipsets, and electronic devices, embody a material part of the claimed inventions of the Asserted Patents, that they are specially made or specially adapted for use in an infringement of the claims, and that they are not staple articles of commerce suitable for substantial non-infringing use. Exhibit 34.

88. On information and belief, the Downstream Product Respondents contribute to the infringement of one or more claims of the Asserted Patents by, among others, end-users, because they know that the Accused Products, including, specifically, their downstream products that incorporate the infringing integrated circuits, chipsets, and electronic devices, embody a material part of the claimed inventions of the Asserted Patents, that they are specially made or

specially adapted for use in an infringement of the claims, and that they are not staple articles of commerce suitable for substantial non-infringing use. Exhibits 35 and 36.

## **VII. HARMONIZED TARIFF SCHEDULE INFORMATION**

89. The articles subject to this complaint may be classified under at least the following headings and subheadings of the Harmonized Tariff Schedule (“HTS”) of the United States: 8541.50.00 (semiconductor devices), 8542.31.00 (processors and controllers), and 8526.91.00 (radio navigational aid apparatuses). These HTS numbers are illustrative only and may not exhaustively reflect the HTS classification of all Accused Products. These HTS numbers are not intended to restrict the scope of this investigation or the scope of relief to which Complainants are entitled.

## **VIII. THE DOMESTIC INDUSTRY**

90. A domestic industry, as required by Section 337(a)(2) and defined by 337(a)(3), exists in the United States in connection with articles protected by the Asserted Patents.

### **A. Economic Prong**

91. There is a domestic industry established as defined under 19 U.S.C. § 1337(a)(3)(A), (B), and/or (C), comprising continuing significant investments in plant and equipment and employment of labor and capital, and continuing substantial investment in exploitation of the Asserted Patents, including through production, engineering, research and development, warranty, customer support, and other activities designed to exploit the patented technology. Specific non-limiting examples of such investments are provided below. Declaration of Lee E. Chastain (hereafter “Chastain Decl.”), Confidential Exhibit 43C.

92. Complainants engage in a broad range of qualifying domestic industry activities in the United States directed to articles protected by the Asserted Patents. The Domestic



Industry Products each practice at least one valid claim of the Asserted Patents. The Domestic Industry Products were, and continue to be, designed, developed, tested, and supported by Complainants in the United States.

93. Complainants have made and continue to make significant investments in plant and equipment directed to Domestic Industry Products that practice the Asserted Patents.

Chastain Decl. at ¶¶ 9-14. Those investments in plant and equipment are dedicated to at least, manufacturing support, testing, research, design, development, engineering, product integrity / stewardship / regulatory compliance / support, and various customer support activities focused on the Domestic Industry Products. Chastain Decl. at ¶¶ 9-14.

94. Complainants have made and continue to make significant employment of labor and capital directed to the Domestic Industry Products. Chastain Decl. at ¶¶ 9-14. Those investments in labor and capital are dedicated to at least manufacturing support, testing, research, design, development, engineering, product integrity / stewardship / regulatory compliance support, and various customer support activities focused on the Domestic Industry Products. Chastain Decl. at ¶¶ 9-14.

95. Complainants further engage in exploitation of the Asserted Patents through their substantial domestic investments in research, design, development, engineering, quality control, testing, engineering, product integrity / stewardship / regulatory compliance support, and various customer support activities relating to the technology covered by the Asserted Patents directed to the Domestic Industry Products. Chastain Decl. at ¶¶ 9-14.

96. A significant and substantial portion of Complainants' technical activities that benefit the Domestic Industry Products takes place in the United States. Chastain Decl. at ¶¶ 3-10.

97. Complainants' investments and activities are important to the Domestic Industry Products and represent significant domestic added value, particularly where the protected articles are designed and/or developed domestically. Chastain Decl. at ¶¶ 3-10.

**B. Technical Prong**

98. Pursuant to § 210.12(a)(9)(ix), claim charts that apply exemplary independent claim 1 of the Asserted Patents to the Domestic Industry Products are attached as Confidential Exhibits 18C, 21C, and 24C, and Exhibits 28 and 33.

**IX. RELATED LITIGATION**

99. NXP is concurrently filing complaints in the Central District of California alleging infringement of the Asserted Patents against MediaTek, Inc., MediaTek USA Inc., Amazon.com, Inc., Belkin International, Inc., and Linksys USA, Inc.

100. Aside from the above-mentioned district court matters, NXP has not previously litigated the Asserted Patents before any court or agency.

**X. RELIEF REQUESTED**

101. WHEREFORE, by reason of the foregoing, Complainants respectfully request 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, into the violations by Respondents of Section 337 arising from the importation into the United States, sale for importation, and/or sale within the United States after importation, of Respondents' products that infringe one or more claims of the Asserted Patents.

(b) Schedule and conduct a hearing, pursuant to 19 U.S.C. § 1337(c), for purposes of receiving evidence and hearing argument concerning whether there has been a violation of

Section 337 of the Tariff Act of 1930, as amended; and, following the hearing, determine that there has been a violation of Section 337 of the Tariff Act of 1930, as amended;

(c) Issue a permanent limited exclusion order, excluding from entry for consumption into the United States, entry for consumption from a foreign trade-zone, or withdrawal from a warehouse for consumption, all of Respondents' integrated circuits, chipsets, and electronic devices, and products containing the same that infringe one or more claims of the Asserted Patents and which are manufactured by or on behalf of, or imported by or on behalf of Respondents, or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, for the remaining term of the Asserted Patents, except under license of Complainants or as provided by law;

(d) Issue permanent cease-and-desist orders, pursuant to 19 U.S.C. §1337(f), directing Respondents and any of their principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) or majority-owned business entities, successors, and assigns, from either directly engaging in or for, with or otherwise on behalf of Respondents, (A) importing or selling for importation into the United States integrated circuits, chipsets, and electronic devices, and products containing the same that infringe one or more claims of the Asserted Patents; (B) marketing, distributing, selling, or otherwise transferring, in the United States imported integrated circuits, chipsets, and electronic devices, and products containing the same that infringe one or more claims of the Asserted Patents; (C) advertising integrated circuits, chipsets, and electronic devices, and products containing the same in the United States that infringe one or more claims of the Asserted Patents; (D) soliciting U.S. agents or distributors for integrated circuits, chipsets, and electronic devices, and products containing the same that infringe one or more claims of the Asserted Patents; (E)

aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer, or distribution of integrated circuits, chipsets, and electronic devices, and products containing the same that infringe one or more claims of the Asserted Patents; (F) testing imported integrated circuits, chipsets, and electronic devices, and products containing the same in the United States that infringe one or more claims of the Asserted Patents; (G) updating or upgrading imported integrated circuits, chipsets, and electronic devices, and products containing the same in the United States that infringe one or more claims of the Asserted Patents; (H) operating imported integrated circuits, chipsets, and electronic devices, and products containing the same in the United States that infringe one or more claims of the Asserted Patents; or (I) supporting, servicing, and/or repairing imported integrated circuits, chipsets, and electronic devices, and products containing the same in the United States that infringe one or more claims of the Asserted Patents;

(e) Impose a bond upon any importations or sales of infringing integrated circuits, chipsets, and electronic devices, and products containing the same during the 60-day period for Presidential review, pursuant to 19 U.S.C. § 1337(j); and

(f) Grant all such other and further relief as the Commission has authority to grant and deems appropriate under the law, based upon the facts complained of herein and as determined by the Investigation.

Dated: November 1, 2021

Respectfully submitted,

/s/ Blaney Harper

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NXP USA, Inc.*

## VERIFICATION

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

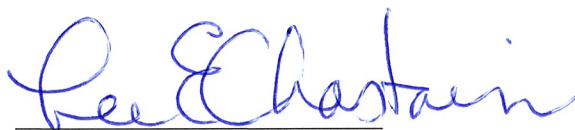
1. I am Senior Director, Head of IP Monetization for NXP Semiconductors N.V. and NXP USA, Inc. (collectively "NXP"). I am duly authorized by NXP to verify the foregoing Complaint Under Section 337 of the Tariff Act of 1930, as Amended.

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

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

4. To the best of my knowledge, information, and belief, formed after a reasonable inquiry, the allegations of the Complaint Under Section 337 of the Tariff Act of 1930, as Amended are well grounded in fact and have evidentiary support, or where specifically identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

Executed on this 29th day of October, 2021



Lee E. Chastain

Senior Director, Head of IP Monetization  
NXP Semiconductors N.V.  
NXP USA, Inc.