

UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, D.C. 20436

In the Matter of:

Certain Active Optical Cables and Products
Containing the Same

Investigation No. 337-TA-_____

**COMPLAINT OF COSEMI TECHNOLOGIES, INC.,
UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED**

COMPLAINANT

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USA

Facebook Technologies, LLC
1 Hacker Way
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E	U.S. Patent No. 9,971,115 File Wrapper
F	Technical References for U.S. Patent No. 9,971,115
G	U.S. Patent No. 9,979,479 File Wrapper
H	Technical References for U.S. Patent No. 9,979,479

I. INTRODUCTION

1. Complainant Cosemi Technologies, Inc. (“Cosemi” or “Complainant”) respectfully files this Complaint under Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”), 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 of certain active optical cables (“AOCs”) and products containing AOCs (“Accused Products”) by the following proposed respondents: EverPro Technologies Company Ltd. (“EverPro”); Fibbr Technologies (“Fibbr”); Logitech Inc. (“Logitech”); and Facebook Technologies, LLC (“Facebook”) (collectively, “Proposed Respondents”). Identification of specific models or types of Accused Products in this Complaint is intended to be exemplary, and not as a limit on the scope of the Investigation.

2. The Complaint is directed to the Proposed Respondents data cables, including HDMI, Display Port, and USB Type A, USB Type C and USB Type A/C data cables that infringe one or more claims of U.S. Patent Nos. 8,948,197 (“the ‘197 Patent”), 9,641,250 (“the ‘250 Patent”), 9,971,115 (“the ‘115 Patent”), 9,979,479 (“the ‘479 Patent”), and 9,979,481 (“the ‘481 Patent”) (collectively, “the Asserted Patents”). The EverPro Accused Products, Fibbr Accused Products, Logitech Accused Product, and Facebook Accused Products (collectively, “the Accused Products”) include at least the products listed below:

U.S. Patent No.	Asserted Claims	EverPro Accused Product
8,948,197	1, 6, 13, 15, 19	EverPro EPLGV01 USB 3.1 Type A to Type C
9,641,250	1, 2, 8-10, 13	EverPro EPLGV01 USB 3.1 Type A to Type C
9,971,115	1, 5, 6, 9, 12-14, 16	EverPro EPLGV01 USB 3.1 Type A to Type C
9,979,479	15, 18, 25	EverPro EPLGV01 USB 3.1 Type A to Type C

Table 1

U.S. Patent No.	Asserted Claims	Fibbr Accused Products
8,948,197	1, 6, 13, 15	Fibbr PJM-DP1.4
	1, 5, 6, 13, 14, 15	Fibbr UltraPro HDMI 2.0, Fibbr Ultra HDMI 2.0, Fibbr Pure series HDMI 4K, Fibbr Pure 2 HDMI 2.0
9,641,250	1, 2, 8, 10, 13	Fibbr PJM-DP1.4
	1-5, 8, 10, 13	Fibbr UltraPro HDMI 2.0, Fibbr Ultra HDMI 2.0, Fibbr Pure series HDMI 4K, Fibbr Pure 2 HDMI 2.0
9,971,115	1, 5, 6, 12, 13, 14	Fibbr PJM-DP1.4
	1, 5, 6, 12-15	Fibbr UltraPro HDMI 2.0, Fibbr Ultra HDMI 2.0, Fibbr Pure series HDMI 4K, Fibbr Pure 2 HDMI 2.0

Table 2

U.S. Patent No.	Asserted Claims	Logitech Accused Products
8,948,197	1, 6, 13, 15, 19	Logitech Strong USB 3.1 Type A to Type C, Logitech Tap Products
9,641,250	1, 2, 8-10, 13	Logitech Strong USB 3.1 Type A to Type C, Logitech Tap Products
9,971,115	1, 5, 6, 9, 12-14, 16,	Logitech Strong USB 3.1 Type A to Type C, Logitech Tap Products
9,979,479	15, 18, 25	Logitech Strong USB 3.1 Type A to Type C, Logitech Tap Products

Table 3

U.S. Patent No.	Asserted Claims	Facebook Accused Product
8,948,197	1, 6, 13, 15, 19	Oculus Quest Link Headset Cable (5m)
9,641,250	1, 2, 8-10, 13	Oculus Quest Link Headset Cable (5m)
9,971,115	1-6, 9, 12-14, 16	Oculus Quest Link Headset Cable (5m)

Table 4

3. A complete listing of all claims currently being asserted in this investigation is shown in Table 5, below. Bold text indicates independent claims.

U.S. Patent No.	Asserted Claims
8,948,197	1 , 5, 6 , 13-15, 19
9,641,250	1 , 2-5, 8-10, 13
9,971,115	1 , 2-6, 9, 12-15, 16
9,979,479	15 , 18, 25

Table 5

4. On information and belief, the Accused Products are manufactured and /or sold for importation into the United States, imported into the United States, and/or sold within the United States after importation by or on behalf of the Proposed Respondents.

5. An industry as required by 19 U.S.C. §§ 1337(a)(2) and (3) exists in the United States relating to Cosemi's articles protected by the Asserted Patents.

6. Cosemi seeks as relief a permanent limited exclusion order that bars from entry into the United States, any and all of the Accused Products that infringe any claim of the Asserted Patents. Cosemi also requests permanent cease and desist orders under Section 337(f) prohibiting the Proposed Respondents, or their principals, parents, subsidiaries, related companies, stockholders, officers, agents, distributors, successors, and assigns from importing, marketing, advertising, distributing, offering for sale, selling, packaging, distributing, maintaining inventory of, licensing, or repairing, the Accused Products.

7. Cosemi further seeks the imposition of an appropriate bond under Section 337(j) that covers any activities covered by the limited exclusion order and/or permanent cease and desist orders during the 60-day Presidential review period to prevent further injury to Cosemi's domestic industry resulting from the Proposed Respondents' infringement.

II. COMPLAINANT COSEMI

8. Founded in 2006 and headquartered in Irvine, California, Cosemi is a global leader in innovative, high-speed connectivity solutions. Cosemi was the first fabless optical component solutions provider in the industry.

9. Cosemi offers innovative products and technologies that enable optical connectivity. Cosemi's primary product line is Active Optical Cables ("AOCs"). AOCs are cables that interconnect devices to allow for high-speed audio and visual data applications.

10. Cosemi designs and develops high-volume, high-performance AOCs that bridge the breadth of popular electrical interfaces and connectors to the reality of today's faster and longer interconnect requirements. Cosemi's patented hybrid AOCs connect servers to switches, 4K/8K displays to the source, as well as help complete the connection in many other applications like machine vision, AR/VR, and universal personal computing connectivity of the USB standard.

11. Cosemi has been heavily investing in research and development since its semiconductor chip received ISO 9001 certification in 2005. Many successful innovations followed. Cosemi has created AOCs that offer the unparalleled benefits of fiber optics. These include increased bandwidth capacity, faster speeds, longer distances (up to 100 meters), and greater security and reliability.

III. PROPOSED RESPONDENTS

12. The Proposed Respondents described below import the infringing Accused Products from manufacturing centers abroad. Each of the products are, on information and belief, manufactured by Proposed Respondent EverPro and/or Proposed Respondent Fibbr, and are packaged for each of the other Proposed Respondents for importation into and sale in the United States.

A. EverPro

13. On information and belief, EverPro Technologies Company Ltd. (“EverPro”) is a corporation organized under the laws of China. EverPro maintains its principal place of business at #9 Guanggu Road, Wuhan, Hubei 430073, China. (Exs. 29, 30.) As stated on its website, “EverPro Technologies is a joint venture between Yangtze Optical Fibre and Cable Joint Stock Limited Company (YOFC).” (Ex. 29.)

B. Fibbr

14. On information and belief, Fibbr Technologies (“Fibbr”) is a corporation organized under the laws of China. Fibbr Technologies maintains its principal place of business at #9 Optics Valley Avenue, Wuhan, Hubei 430073, China. (Ex. 35.)

15. On information and belief, EverPro is a parent company of Fibbr, as shown on Fibbr’s internet webpage, which states: “Fibber is jointly owned by Yangtze Optical Fiber and Cable Joint-Stock Company (YOFC), the largest optical fiber and cable manufacturer in the world, and Everpro Technology Company Limited, one of the few companies in the world that has abilities of independent research and development in optical communication chips and providing AOC one stop production..” (Exs. 35, 36.)

16. Fibbr’s website further states: “Everpro (Wuhan) is the largest USB/HDMI active optical cable provider in the world, and it’s subordinate brand FIBBR is the first active optical cable brand in consumer electronics category.” (Ex. 35.)

17. Further, the Fibbr web page, refers to “EVERPRO (WUHAN) TECHNOLOGY COMPANY LIMITED” and provides an email address of fibbr@everprotech.com. The fax number for contacting Fibbr is listed as 86-27-68789180, which is also the fax number displayed on the EverPro website. (Ex. 35; cf. Ex. 30, p. 10.)

18. Fibbr products are shipped in packaging claiming an address of “Guanshan #2 Road, Wuhan, Hubei 430073, China.” (Exs. 37, 38.) The Fibbr packaging states that the products are “Made in China.” (Exs. 37, Ex. 38.) On information and believe, the Fibbr Accused Products (described below) are manufactured outside of the United States and sold within the United States after importation. On information and belief, Fibbr products are available for sale in the United States on the websites Amazon.com, Frys.com, Newegg.com, and in retail stores.

C. Logitech

19. On information and belief, Logitech Inc. (“Logitech”) is a corporation duly organized and existing under the laws of California, with a principal place of business located at 7700 Gateway Blvd., Newark, CA 94560. (Ex. 76.)

20. In March 2018, Cosemi joined Proposed Respondent Logitech’s collaboration program to provide “a solution that is optimized for groups to collaborate anytime and anywhere.” (Ex. 55; Ex. 52C.) As part of that collaboration program, Cosemi contracted with Logitech to design, develop, and manufacture or have manufactured AOC products to be sold under the Logitech or “Logi” brand. (Ex. 52C at ¶ 19-21.) Logitech was not granted any license to the Asserted Products. Shortly after the joint collaboration program agreement began, Logitech breached the agreement and began having infringing products manufactured in China by EverPro and/or Fibbr for importation into and sale within the United States.

21. Upon information and belief, Logitech imports into the United States, and sells and offers for sale after importation the Logitech Accused Products described below.

D. Facebook

22. On information and belief, Facebook Technologies, LLC (“Facebook”) is a limited liability company duly organized and existing under the laws of Delaware, with a principal place of business located at 1 Hacker Way, Menlo Park, CA 94025. (Exs. 46, 77.)

23. Upon information and belief, the Facebook Accused Product is made in China by EverPro and/or Fibbr. (Exs. 45, 46.)

24. Upon information and belief, the Facebook Accused Product is imported into the United States, and sold or offered for sale after importation the Facebook Accused Product described below.

IV. THE PRODUCTS AT ISSUE

25. The Asserted Patents, described in more detail below, represent an advancement in data transfer cable technology. The patented technology invented by Cosemi enables relatively high-speed data transfer carried on optical wavelengths in the cable medium. Relatively low-speed data may be carried on a separate set of optical waveguides or wire media in the cable. The optical waveguides allow for substantially less signal distortion of the high-speed data, thereby achieving much higher lengths without significantly affecting the high-speed signaling.

26. The Accused Products include USB cables, HDMI cables, and Display Port cables, and products that incorporate the infringing technology. The Accused Products are described in greater detail below.

A. EverPro Accused Products

27. The EverPro Accused Products include the EverPro EPLGV01 USB 3.1 Type A to Type C cable (“EverPro USB cable”). The EverPro USB cable is shown in the image below.



EverPro USB cable (Ex. 34)

28. EverPro describes the EverPro USB cable as “a USB3.1 Gen1 active optical cable (AOC) with USB Type A to Type C interface.” (Ex. 26.)

29. On information and belief, EverPro sells the EverPro USB cable in 10m, 25m, and 45m lengths. On information and belief, EverPro manufactures and/or sells the EverPro USB cable to Proposed Respondent Logitech.

B. Fibbr Accused Products

30. The Fibbr Accused Products include the Fibbr PJM-DP1.4 (“Fibbr Display Port cable”) and the Fibbr Ultra Pro HDMI 2.0, Fibbr Ultra HDMI 2.0, Fibbr Pure2 HDMI 2.0, and Fibbr Pure series HDMI 4K (collectively, the “Fibbr HDMI cables”). (Exs. 35-38.)

31. The Fibbr Display Port cable is shown in the images below.



Fibbr Display Port cable (Ex. 38)

32. On information and belief, Fibbr sells the Fibbr Display Port cable in lengths of 1.5m, 2m, 3m, 5m, 10m, 15m, 20m, 25m, 30m, 35m, 40m, 45m, and 50m. (Ex. 36.)

33. The Fibbr Ultra Pro HDMI 2.0 product is shown in the images below. For the purposes of this complaint, the Fibbr Ultra Pro HDMI 2.0 product is representative of all four Fibbr HDMI Cables.



Fibbr Ultra Pro HDMI 2.0 (Ex. 35)

34. The Fibbr Ultra HDMI 2.0 product is shown in the images below.



Fibbr Ultra HDMI 2.0 (Ex. 35)

35. The Fibbr Pure series HDMI 4K product is shown in the images below.



Fibbr Pure series HDMI 4K (Ex. 35)

36. The Fibbr Pure 2 HDMI 2.0 AOC product is shown in the images below.



Fibbr Pure 2 HDMI 2.0 AOC (Ex. 35)

37. On information and belief, Fibbr sells the Fibbr Display HDMI cables in lengths of 1.5m, 2m, 3m, 5m, 10m, 15m, 20m, 30m, 40m, and 50m. (Exs. 35, 36.)

C. Logitech Accused Product

38. The Logitech Accused Product includes the Logitech Strong USB 3.1 Type A to Type C cable (“Logitech USB cable”). The Logitech USB cable is shown in the image below.



Logitech USB cable (Exs. 34, 39)

39. On information and belief, the Logitech USB cable is manufactured by EverPro for Logitech. On information and belief, the Logitech USB cable is identical to the EverPro USB cable.

40. On information and belief, Logitech sells the Logitech USB cable in 10m, 25m, and 45m lengths.

41. On information and belief, Logitech also sells the Logitech Tap product, which is bundled with the infringing Logitech USB cable.



Logitech Tap Product and bundled Logitech USB cable (Exs. 41, 42)

42. On information and belief, the Logitech USB cable that is bundled with the Logitech Tap product is available in 10m and 25m sizes. (Exs. 41, 42.)

D. Facebook Accused Products

43. The Facebook Accused Products include the Oculus Quest Link Headset Cable (“Oculus Link cable”). The Oculus Link cable is shown in the image below.



Oculus Link cable (Exs. 44, 46)

44. On information and belief, the Oculus Link cable is manufactured by Fibbr on behalf of Facebook. (Ex. 45.)

45. On information and belief, Facebook sells the Oculus Link cable in a 5m length. (Exs. 43-46.)

V. THE ASSERTED PATENTS

A. Ownership of the Asserted Patents

46. Cosemi owns the entire right, title, and interest to the Asserted Patents. Certified copies of the assignments for the Asserted Patents are attached as Exhibits 5-9.

B. U.S. Patent No. 8,948,197

47. The ‘197 Patent, entitled “System and method for communicating optical signals via communication cable medium,” issued on February 3, 2015, to inventors Wenbin Jiang, et al. The ‘197 Patent issued from U.S. Patent Application Serial No. 13/627,911 and expires on March 3, 2033.

48. The ‘197 Patent claims the benefit of the filing dates of U.S. Provisional Application Ser. Nos. 61/540,461, filed on Sep. 28, 2011, 61/543,695, filed on Oct. 5, 2011, 61/543,668 filed on Oct. 5, 2011, 61/543,738, filed on Oct. 5, 2011, and 61/543,722, filed on Oct. 5, 2011.

49. A certified copy of the ‘197 Patent is attached as **Exhibit 1**.

50. A copy of the prosecution history of the ‘197 Patent and copies of each reference cited in the ‘197 Patent and its prosecution history are included in Appendices A and B.

51. The ‘197 Patent has 19 claims, of which three are independent claims. Cosemi is asserting infringement of claims 1, 5, 6, 13-15, and 19.

52. Per 19 CFR 210.12(a)(9)(vi), the following is a nontechnical description of the patented technology of the ‘197 Patent.

53. The ‘197 Patent relates to communicating data and power using optical and electrical integrated medium. A relevant embodiment of the technology is a data communication cable medium, comprising a cable with optical waveguides for carrying relatively high-speed data from a high speed data source (e.g. DVD players, Blu-ray players, set-top boxes, camcorders, game consoles, personal computers, and others) to a high speed data sink (e.g. televisions, personal computers, projectors, audio devices etc). The cable medium may further include optical modulator and demodulator in order to convert the high-speed data from an electrical domain to an optical domain, and vice-versa.

54. By modulating electrical signals at the source to optical energy and transmitting the optical energy using optical waveguides or optical fibers, the patent technology achieves lower signal distortion through the cable, thereby allowing the cable to be longer without significantly affecting the signals. Cables using this technology are referred to generally as Active Optical Cables (“AOCs”) and include Display Port, USB, and HDMI cables.

C. U.S. Patent No. 9,641,250

55. The ‘250 Patent, entitled “System and method for communicating high and low speed data via optical signals and power via electrical signals,” issued on May 2, 2017, to inventors Wenbin Jiang, et al. The ‘250 Patent issued from U.S. Patent Application Serial No. 14/706,810 and expires on October 14, 2032.

56. The ‘250 Patent is a continuation of U.S. patent application, Ser. No. 14/581,667, filed on Dec. 23, 2014, entitled “Optical Communication Mount for Mounting and Aligning Optical Fibers with Photo Devices,” which, in turn, is a divisional of U.S. patent application, Ser. No. 13/627,911, filed on Sep. 26, 2012, entitled, “System and Method for Communicating Optical Signals via Communication Cable Medium,” now U.S. Pat. No. 8,948,197 B2, which, in turn, claims priority to the filing dates of U.S. Provisional Applications, Ser. Nos.: i) 61/540,461, filed

on Sep. 28, 2011; ii) 61/543,695, filed on Oct. 5, 2011; iii) 61/543,668 filed on Oct. 5, 2011; iv) 61/543,738, filed on Oct. 5, 2011; and v) 61/543,722, filed on Oct. 5, 2011.

57. A certified copy of the '197 Patent is attached as **Exhibit 2**.

58. A copy of the prosecution history of the '250 Patent and copies of each reference cited in the '250 Patent and its prosecution history are included in Appendices C and D.

59. The '197 Patent has 19 claims, of which three are independent claims. Cosemi is asserting infringement of claims 1, 2-5, 8-10, 13.

60. Per 19 CFR 210.12(a)(9)(vi), the following is a nontechnical description of the patented technology of the '250 Patent.

61. The '250 Patent relates to communicating data and power using optical and electrical integrated medium. A relevant embodiment of the technology is a data communication cable medium, comprising a cable with optical waveguides for carrying relatively high-speed data from a high speed data source (e.g. DVD players, Blu-ray players, set-top boxes, camcorders, game consoles, personal computers, and others) to a high speed data sink (e.g. televisions, personal computers, projectors, audio devices etc). The cable medium may further include optical modulator and demodulator in order to convert the high-speed data from an electrical domain to an optical domain, and vice-versa.

62. By modulating electrical signals at the source to optical energy and transmitting the optical energy using optical waveguides or optical fibers, the patented technology achieves lower signal distortion through the cable, thereby allowing the cable to be longer without significantly affecting the signals. Cables using this technology are referred to generally as Active Optical Cables ("AOCs") and include Display Port, USB, and HDMI cables.

D. U.S. Patent No. 9,971,115

63. The ‘115 Patent, entitled “Data communications cable for communicating data and power via optical and electrical signals,” issued on May 15, 2018, to inventors Wenbin Jiang, et al. The ‘115 Patent issued from U.S. Patent Application Serial No. 15/186,978 and expires on September 26, 2032.

64. The ‘115 Patent is a continuation of U.S. patent application Ser. No. 14/581,667, filed on Dec. 23, 2014, entitled “Optical Communication Mount for Mounting and Aligning Optical Fibers with Photo Devices,” which, in turn, is a divisional of U.S. patent application Ser. No. 13/627,911, filed on Sep. 26, 2012, entitled, “System and Method for Communicating Optical Signals via Communication Cable Medium,” now U.S. Pat. No. 8,948,197 B2, which, in turn, claims priority to the filing dates of U.S. Provisional Applications, Ser. Nos.: i) 61/540,461, filed on Sep. 28, 2011; ii) 61/543,695, filed on Oct. 5, 2011; iii) 61/543,668 filed on Oct. 5, 2011; iv) 61/543,738, filed on Oct. 5, 2011; and v) 61/543,722, filed on Oct. 5, 2011.

65. A certified copy of the ‘115 Patent is attached as **Exhibit 3**.

66. A copy of the prosecution history of the ‘115 Patent and copies of each reference cited in the ‘115 Patent and its prosecution history are included in Appendices E and F.

67. The ‘115 Patent has 20 claims, of which three are independent claims. Cosemi is asserting infringement of claims 1, 2-6, 9, 12-15, 16.

68. Per 19 CFR 210.12(a)(9)(vi), the following is a nontechnical description of the patented technology of the ‘115 Patent.

69. The ‘115 Patent relates to communicating data and power using optical and electrical integrated medium. A relevant embodiment of the technology is a data cable medium with one or more optical waveguides to carry relatively high speed data and one or more wire mediums to carry relatively low speed data and power signals. The cable medium may include a

pair of multiplexer/demultiplexer at respective ends of the cable to combine multiple low-speed data with a power signal for transmission over the shared cable medium. The cable medium may further comprise one or more detectors to indicate the presence of the power signal, and may comprise one or more ports (e.g., USB port) to receive or produce the power signals.

70. By modulating electrical signals at the source to optical energy and transmitting the optical energy using optical waveguides or optical fibers, the patented technology achieves lower signal distortion through the cable, thereby allowing the cable to be longer without significantly affecting the signals. Cables using this technology are referred to generally as Active Optical Cables (“AOCs”) and include Display Port, USB, and HDMI cables.

E. U.S. Patent No. 9,979,479

71. The ‘479 Patent, entitled “Data communications cable with wireline capacitance compensation,” issued on May 22, 2018, to inventors Devang Parekh, et al. The ‘479 Patent issued from U.S. Patent Application Serial No. 15/800,335 and expires on July 2, 2034.

72. The ‘479 Patent is a continuation of U.S. patent application Ser. No. 15/186,658, filed on Jun. 20, 2016, which, in turn, is a continuation of U.S. patent application Ser. No. 14/322,683, filed on Jul. 2, 2014, now U.S. Pat. No. 9,397,750, which, in turn, claims the benefit of the filing dates of Provisional Application Ser. No. 61/842,890, filed on Jul. 3, 2013, and Provisional Application Ser. No. 61/982,727, filed on Apr. 22, 2014.

73. A certified copy of the ‘479 Patent is attached as **Exhibit 4**.

74. A copy of the prosecution history of the ‘479 Patent and copies of each reference cited in the ‘479 Patent and its prosecution history are included in Appendices G and H.

75. The ‘479 Patent has 28 claims, of which four are independent claims. Cosemi is asserting infringement of claims 15, 18, and 25.

76. Per 19 CFR 210.12(a)(9)(vi), the following is a nontechnical description of the patented technology of the '479 Patent.

77. Multimedia data, such as audio and video data, are typically communicated from a source of multimedia data (e.g., a digital video recorder (DVR), optical disc player, multimedia distribution facility, etc.) to a sink for the multimedia data (e.g., a television, DVR, audio processing unit, etc.). Generally, data communications cables are employed to route the multimedia data and associated control signals from a source to a sink. Typically, such cables are compliant with one or more data transmission protocols, such as High-Definition Multimedia Interface (HDMI), DisplayPort, and Digital Visual Interface (DVI).

78. In the past, these data communications cables have been traditionally implemented with exclusively electrical wires. There are several drawbacks with the conventional cables. Generally, the length of the cables is limited to relatively short distances due to the limitations inherent in electrical wires. These limitations have a greater adverse effect on the relatively high speed multimedia data than on the relatively low speed control data, which generally limits the bandwidth and data rates of the multimedia data, and further makes high speed multimedia data more susceptible to electromagnetic interference. The use of electrical wires, in particular with relatively long length cables, also causes the cables to be undesirably heavy for handling, transportation, installation, and use.

79. The '479 Patent solves this problem with a data cable using a circuit at the source that converts electrical signals to optical signals for transmission over lighter-weight and more efficient optical fibers. A circuit at the sink converts the optical signals back to electrical data signals. Finally, a third circuit compensates for adverse effects on electrical data signals introduced by the electrical wires in the data cable.

80. By modulating electrical signals at the source to optical energy and transmitting the optical energy using optical waveguides or optical fibers, the patented technology achieves lower signal distortion through the cable, thereby allowing the cable to be longer without significantly affecting the signals. Cables using this technology are referred to generally as Active Optical Cables (“AOCs”) and include Display Port, USB, and HDMI cables.

F. Foreign Counterparts of the Asserted Patents

81. A list of each foreign patent, each foreign patent application, and each foreign application that has been denied, abandoned, or withdrawn corresponding to the Asserted Patents, with an indication of the prosecution status of each such foreign patent application, is included below in **Table 6**. Cosemi is aware of no other foreign patent, foreign patent application, or foreign application that has been denied, abandoned, or withdrawn that corresponds to the Asserted Patents.

Title	Country	Patent/App. No.	Status
Hybrid electrical-optical data communications cable with wireline capacitance compensation	CN	ZL201480038089.9	Issued
Hybrid electrical-optical data communications cable with wireline capacitance compensation	CN	ZL201810201034.5	Issued
Hybrid electrical-optical data communications cable with wireline capacitance compensation	HK	ZL201810201034.5	Granted
Hybrid electrical-optical data communications cable with wireline capacitance compensation	JP	6525472	Issued
Hybrid electrical-optical data communications cable with wireline capacitance compensation	JP	2019-21235	Abandoned
Hybrid electrical-optical data communications cable with wireline capacitance compensation	WO	PCT/US14/45310	National phase

Table 6

G. Licensees Under the Asserted Patents

82. Cosemi has not licensed the Asserted Patents to any other party. (*See* Ex. 52C at ¶ 21.)

VI. UNLAWFUL AND UNFAIR ACTS COMMITTED BY THE PROPOSED RESPONDENTS

83. On information and belief, the Proposed Respondents have engaged in unlawful and unfair trade practices, including importation into the United States, sale for importation into the United States, and/or sale within the United States after importation of AOC products, including HDMI cables, Display Port cables, and USB cables and products incorporating the same in violation of Section 337 by infringement of one or more claims of one or more Asserted Patents either literally or under the doctrine of equivalents. The following table summarizes the Asserted Patent claims infringed by each individual Respondent.

U.S. Patent No.	Asserted Claims	Proposed Respondent
8,948,197	1, 6, 13, 15, 19 1, 5, 6, 13, 14, 15 1, 6, 13, 15, 19 1, 6, 13, 15, 19	EverPro Fibbr Logitech Facebook
9,641,250	1, 2, 8-10, 13 1-5, 8, 10, 13 1, 2, 8-10, 13 1, 2, 8-10, 13	EverPro Fibbr Logitech Facebook
9,971,115	1, 5, 6, 9, 12-14, 16 1, 5, 6, 12-15 1, 5, 6, 9, 12-14, 16 1-6, 9, 12-14, 16	EverPro Fibbr Logitech Facebook
9,979,479	15, 18, 25 15, 18, 25	EverPro Logitech

Table 7

84. Cosemi asserts that the Proposed Respondents directly infringe, literally or under the doctrine of equivalents, actively induce the infringement of, and/or contributorily infringe one or more asserted claims of the Asserted Patents. Claim charts comparing claims of the Asserted Patents to exemplary products and photographs of the exemplary infringing devices are attached as Exhibits 9-25, 34, 37, 38, and 46.

85. Cosemi asserts that the Accused Products infringe the claims set forth in Tables 1-4 and 7. Discovery may reveal that the Accused Products and/or Proposed Respondents infringe additional claims of the Asserted Patents. Discovery may also reveal additional infringing products not described in this Complaint.

86. The infringement allegations contained in this Complaint include the Proposed Respondents' (i) direct infringement of the asserted claims (literally and/or under the doctrine of equivalents); (ii) contributory infringement by knowingly selling products or components thereof without substantial noninfringing uses that are the same or especially made or especially adapted for use in an infringement of the asserted claims; and/or (iii) infringement by inducement by exhibiting an affirmative intent to cause direct infringement of the asserted claims.

87. The Proposed Respondents are on notice of their infringement by, among other things, the filing and service of this Complaint and, as discussed in greater detail above, through the prior contractual relationship and business dealings between Cosemi and Logitech.

88. The Proposed Respondents have induced, and continue to induce, others to infringe the asserted claims. The Proposed Respondents have taken active steps to encourage and facilitate direct infringement by others, such as sellers, distributors, and users of the Accused Products, with knowledge that infringement, such as by contracting for the distribution of the Accused Products, by marketing the Accused Products, and by creating and/or distributing user manuals, white

papers, datasheets, marketing materials, and/or similar materials relating to the Accused Products. (See Exs. 9-25 (claim charts), Exs. 26-46 (product photos and websites), and Exs. 47-50 (importation).)

A. EverPro

89. The EverPro Accused Products include the products listed in Table 1 and described in Section IV.A, as well as any EverPro product that operates in a manner reasonably similar to the specific theory of infringement identified in the corresponding infringement claim charts.

i. Infringement of U.S. Patent 8,948,197

90. Exhibit 9 includes a chart comparing the asserted claims of the '197 Patent to the EverPro Accused Product. Exhibit 9 shows that the EverPro Accused Product infringes at least claims 1, 6, 13, 15, and 19.

91. On information and belief, the EverPro Accused Product and products containing the same are manufactured in China, shipped and/or imported into the United States, and sold in the United States after importation by EverPro, Fibbr, Logitech, and/or Facebook. On information and belief, additional instances of infringement, importation, and sale of the EverPro Accused Product and products containing the same will be obtained from EverPro during discovery. On information and belief, EverPro infringes the asserted claims of the Asserted Patents literally and/or under the doctrine of equivalents by importing or having imported into the United States products that infringe and by selling in the United States after importation products that infringe. EverPro infringes the asserted claims under 337(a)(1)(B)(i).

ii. Infringement of U.S. Patent 9,641,250

92. Exhibit 10 includes a chart comparing the asserted claims of the '250 Patent to the EverPro Accused Product. Exhibit 10 shows that the EverPro Accused Product infringes at least claims 1, 2, 8-10, and 13.

93. On information and belief, the EverPro Accused Product and products containing the same are manufactured in China, shipped and/or imported into the United States, and sold in the United States after importation by EverPro, Fibbr, Logitech, and/or Facebook. On information and belief, additional instances of infringement, importation, and sale of the EverPro Accused Product and products containing the same will be obtained from EverPro during discovery. On information and belief, EverPro infringes the asserted claims of the Asserted Patents literally and/or under the doctrine of equivalents by importing or having imported into the United States products that infringe and by selling in the United States after importation products that infringe. EverPro infringes the asserted claims under 337(a)(1)(B)(i).

iii. Infringement of U.S. Patent 9,971,115

94. Exhibit 11 includes a chart comparing the asserted claims of the '115 Patent to the EverPro Accused Product. Exhibit 11 shows that the EverPro Accused Product infringes at least claims 1, 5, 6, 9, 12-14, and 16 .

95. On information and belief, the EverPro Accused Product and products containing the same are manufactured in China, shipped and/or imported into the United States, and sold in the United States after importation by EverPro, Fibbr, Logitech, and/or Facebook. On information and belief, additional instances of infringement, importation, and sale of the EverPro Accused Product and products containing the same will be obtained from EverPro during discovery. On information and belief, EverPro infringes the asserted claims of the Asserted Patents literally and/or under the doctrine of equivalents by importing or having imported into the United States products that infringe and by selling in the United States after importation products that infringe. EverPro infringes the asserted claims under 337(a)(1)(B)(i).

iv. Infringement of U.S. Patent 9,979,479

96. Exhibit 12 includes a chart comparing the asserted claims of the ‘479 Patent to the EverPro Accused Product. Exhibit 12 shows that the EverPro Accused Product infringes at least claims 15, 18, and 25 .

97. On information and belief, the EverPro Accused Product and products containing the same are manufactured in China, shipped and/or imported into the United States, and sold in the United States after importation by EverPro, Fibbr, Logitech, and/or Facebook. On information and belief, additional instances of infringement, importation, and sale of the EverPro Accused Product and products containing the same will be obtained from EverPro during discovery. On information and belief, EverPro infringes the asserted claims of the Asserted Patents literally and/or under the doctrine of equivalents by importing or having imported into the United States products that infringe and by selling in the United States after importation products that infringe. EverPro infringes the asserted claims under 337(a)(1)(B)(i).

B. Fibbr

98. The Fibbr Accused Products include the products listed in Table 2 and described in Section IV.B, as well as any Fibbr product that operates in a manner reasonably similar to the specific theory of infringement identified in the corresponding infringement claim charts. For purposes of this complaint, the Fibbr UltraPro HDMI cable product is representative of all four Fibbr HDMI cable products. (*See* Exhibits 16-18.)

i. Infringement of U.S. Patent 8,948,197

99. Exhibits 13 and 16 include charts comparing the asserted claims of the ‘197 Patent to the Fibbr Accused Products. Exhibits 13 and 16 show that the Fibbr Accused Products infringe at least claims 1, 6, 13, 14, and 15.

100. On information and belief, the Fibbr Accused Product and products containing the same are manufactured in China, shipped and/or imported into the United States, and sold in the United States after importation by EverPro, Fibbr, Logitech, and/or Facebook. On information and belief, additional instances of infringement, importation, and sale of the Fibbr Accused Products and products containing the same will be obtained from Fibbr during discovery. On information and belief, Fibbr infringes the asserted claims of the Asserted Patents literally and/or under the doctrine of equivalents by importing or having imported into the United States products that infringe and by selling in the United States after importation products that infringe. Fibbr infringes the asserted claims under 337(a)(1)(B)(i).

ii. Infringement of U.S. Patent 9,641,250

101. Exhibits 14 and 17 include charts comparing the asserted claims of the '250 Patent to the Fibbr Accused Products. Exhibits 14 and 17 show that the Fibbr Accused Products infringe at least claims 1-5, 8, 10, and 13.

102. On information and belief, the Fibbr Accused Product and products containing the same are manufactured in China, shipped and/or imported into the United States, and sold in the United States after importation by EverPro, Fibbr, Logitech, and/or Facebook. On information and belief, additional instances of infringement, importation, and sale of the Fibbr Accused Products and products containing the same will be obtained from Fibbr during discovery. On information and belief, Fibbr infringes the asserted claims of the Asserted Patents literally and/or under the doctrine of equivalents by importing or having imported into the United States products that infringe and by selling in the United States after importation products that infringe. Fibbr infringes the asserted claims under 337(a)(1)(B)(i).

iii. Infringement of U.S. Patent 9,971,115

103. Exhibits 15 and 18 include charts comparing the asserted claims of the '115 Patent to the Fibbr Accused Products. Exhibits 15 and 18 show that the Fibbr Accused Products infringe at least claims 1, 5, 6, and 12-15.

104. On information and belief, the Fibbr Accused Product and products containing the same are manufactured in China, shipped and/or imported into the United States, and sold in the United States after importation by EverPro, Fibbr, Logitech, and/or Facebook. On information and belief, additional instances of infringement, importation, and sale of the Fibbr Accused Products and products containing the same will be obtained from Fibbr during discovery. On information and belief, Fibbr infringes the asserted claims of the Asserted Patents literally and/or under the doctrine of equivalents by importing or having imported into the United States products that infringe and by selling in the United States after importation products that infringe. Fibbr infringes the asserted claims under 337(a)(1)(B)(i).

C. Logitech

The Logitech Accused Product include the products listed in Table 3 and described in Section IV.C, as well as any Logitech product that operates in a manner reasonably similar to the specific theory of infringement identified in the corresponding infringement claim charts. For purposes of this Complaint the Logitech USB cable bundled with the Logitech Tap product is believed to be identical to the Logitech Strong USB cable shown in Exhibits 19-22.

i. Infringement of U.S. Patent 8,948,197

105. Exhibit 19 includes a chart comparing the asserted claims of the '197 Patent to the Logitech Accused Products. Exhibit 19 shows that the Logitech Accused Products infringe at least claims 1, 6, 13, 15, and 19.

106. On information and belief, the Logitech Accused Product and products containing the same are manufactured in China, shipped and/or imported into the United States, and sold in the United States after importation by EverPro, Fibbr, and/or Logitech. On information and belief, additional instances of infringement, importation, and sale of the Logitech Accused Product and products containing the same will be obtained from Logitech during discovery. On information and belief, Logitech infringes the asserted claims of the Asserted Patents literally and/or under the doctrine of equivalents by importing or having imported into the United States products that infringe and by selling in the United States after importation products that infringe. Logitech infringes the asserted claims under 337(a)(1)(B)(i).

ii. Infringement of U.S. Patent 9,641,250

107. Exhibit 20 includes a chart comparing the asserted claims of the '250 Patent to the Logitech Accused Products. Exhibit 20 shows that the Logitech Accused Products infringe at least claims 1, 2, 8-10, and 13.

108. On information and belief, the Logitech Accused Product and products containing the same are manufactured in China, shipped and/or imported into the United States, and sold in the United States after importation by EverPro, Fibbr, and/or Logitech. On information and belief, additional instances of infringement, importation, and sale of the Logitech Accused Product and products containing the same will be obtained from Logitech during discovery. On information and belief, Logitech infringes the asserted claims of the Asserted Patents literally and/or under the doctrine of equivalents by importing or having imported into the United States products that infringe and by selling in the United States after importation products that infringe. Logitech infringes the asserted claims under 337(a)(1)(B)(i).

iii. Infringement of U.S. Patent 9,971,115

109. Exhibit 21 includes a chart comparing the asserted claims of the '115 Patent to the Logitech Accused Products. Exhibit 21 shows that the Logitech Accused Products infringe at least claims 1, 5, 6, 9, 12-14, and 16.

110. On information and belief, the Logitech Accused Product and products containing the same are manufactured in China, shipped and/or imported into the United States, and sold in the United States after importation by EverPro, Fibbr, and/or Logitech. On information and belief, additional instances of infringement, importation, and sale of the Logitech Accused Product and products containing the same will be obtained from Logitech during discovery. On information and belief, Logitech infringes the asserted claims of the Asserted Patents literally and/or under the doctrine of equivalents by importing or having imported into the United States products that infringe and by selling in the United States after importation products that infringe. Logitech infringes the asserted claims under 337(a)(1)(B)(i).

iv. Infringement of U.S. Patent 9,979,479

111. Exhibit 22 includes a chart comparing the asserted claims of the '479 Patent to the Logitech Accused Products. Exhibit 22 shows that the Logitech Accused Products infringe at least claims 15, 18, and 25.

112. On information and belief, the Logitech Accused Product and products containing the same are manufactured in China, shipped and/or imported into the United States, and sold in the United States after importation by EverPro, Fibbr, and/or Logitech. On information and belief, additional instances of infringement, importation, and sale of the Logitech Accused Product and products containing the same will be obtained from Logitech during discovery. On information and belief, Logitech infringes the asserted claims of the Asserted Patents literally and/or under the doctrine of equivalents by importing or having imported into the United States products that

infringe and by selling in the United States after importation products that infringe. Logitech infringes the asserted claims under 337(a)(1)(B)(i).

D. Facebook

The Facebook Accused Product includes the product listed in Table 2 and described in Section IV.D, as well as any Facebook product that operates in a manner reasonably similar to the specific theory of infringement identified in the corresponding infringement claim charts.

i. Infringement of U.S. Patent 8,948,197

113. Exhibit 23 includes a chart comparing the asserted claims of the '197 Patent to the Facebook Accused Product. Exhibit 23 shows that the Facebook Accused Product infringes at least claims 1, 6, 13, 15, and 19.

114. On information and belief, the Facebook Accused Product and products containing the same are manufactured in China, shipped and/or imported into the United States, and sold in the United States after importation by EverPro, Fibbr, and/or Facebook. On information and belief, additional instances of infringement, importation, and sale of the Facebook Accused Product and products containing the same will be obtained from Facebook during discovery. On information and belief, Facebook infringes the asserted claims of the Asserted Patents literally and/or under the doctrine of equivalents by importing or having imported into the United States products that infringe and by selling in the United States after importation products that infringe. Facebook infringes the asserted claims under 337(a)(1)(B)(i).

ii. Infringement of U.S. Patent 9,641,250

115. Exhibit 24 includes a chart comparing the asserted claims of the '250 Patent to the Facebook Accused Product. Exhibit 24 shows that the Facebook Accused Product infringes at least claims 1, 2, 8-10, and 13.

116. On information and belief, the Facebook Accused Product and products containing the same are manufactured in China, shipped and/or imported into the United States, and sold in the United States after importation by EverPro, Fibbr, and/or Facebook. On information and belief, additional instances of infringement, importation, and sale of the Facebook Accused Product and products containing the same will be obtained from Facebook during discovery. On information and belief, Facebook infringes the asserted claims of the Asserted Patents literally and/or under the doctrine of equivalents by importing or having imported into the United States products that infringe and by selling in the United States after importation products that infringe. Facebook infringes the asserted claims under 337(a)(1)(B)(i).

iii. Infringement of U.S. Patent 9,971,115

117. Exhibit 25 includes a chart comparing the asserted claims of the '115 Patent to the Facebook Accused Product. Exhibit 25 shows that the Facebook Accused Product infringes at least claims 1-6, 9, 12-14, and 16.

118. On information and belief, the Facebook Accused Product and products containing the same are manufactured in China, shipped and/or imported into the United States, and sold in the United States after importation by EverPro, Fibbr, and/or Facebook. On information and belief, additional instances of infringement, importation, and sale of the Facebook Accused Product and products containing the same will be obtained from Facebook during discovery. On information and belief, Facebook infringes the asserted claims of the Asserted Patents literally and/or under the doctrine of equivalents by importing or having imported into the United States products that infringe and by selling in the United States after importation products that infringe. Facebook infringes the asserted claims under 337(a)(1)(B)(i).

VII. SPECIFIC INSTANCES OF IMPORTATION AND SALE

119. The Proposed Respondents sell for importation into the United States, import into the United States, and/or sell within the United States after importation certain data transmission cables, including HDMI, Display Port, and USB cables, and products incorporating the same including, without limitation, the Accused Products.

A. Importation and Sale of Infringing EverPro Accused Products

120. On information and belief, the EverPro Accused Products are manufactured abroad, sold for importation into the United States, imported into the United States, and/or sold after importation into the United States by EverPro and/or its authorized agents. (Exs. 34, 47, 50.)

121. For example, Exhibit 50 contains a receipt from OfficeDepot.com showing the purchase of an EverPro USB cable manufactured for or on behalf of Logitech for delivery to an address in the United States. (Ex. 50.) Exhibit 34 contains photographs of the EverPro USB cable and its packaging, delivered to an address in the United States. (Exs. 34, 47, 50.) The packaging indicates that the product is manufactured in China and the EverPro USB product was imported into the United States. (Exs. 34, 47, 50.)

B. Importation and Sale of Infringing Fibbr Accused Products

122. On information and belief, the Fibbr Accused Products are manufactured abroad, sold for importation into the United States, imported into the United States, and/or sold after importation into the United States by Fibbr and/or its authorized agents. (Exs. 37, 38, 47, 48, 49.)

123. For example, Exhibits 48 and 49 contains a receipt from Amazon.com showing the purchase of a Fibbr Accused Product for delivery to an address in the United States. (Exs. 47-49.) Exhibit contains photographs of the Fibbr Accused Products and their packaging, delivered to an address in the United States. (Exs. 37, 38.) The packaging indicates that the product is

manufactured in China and the Fibbr Accused Products were imported into the United States. (Exs. 37, 38, 47, 48, 49.)

C. Importation and Sale of Infringing Logitech Accused Products

124. On information and belief, the Logitech Accused Products are manufactured abroad, sold for importation into the United States, imported into the United States, and/or sold after importation into the United States by Logitech and/or its authorized agents. (Exs. 34, 47, 50.)

125. For example, Exhibit 50 contains a receipt from OfficeDepot.com showing the purchase of a Logitech USB cable for delivery to an address in the United States. (Exs. 47, 50.) Exhibit 34 contains photographs of the Logitech USB cable and its packaging, delivered to an address in the United States. (Exs. 34, 47, 50.) The packaging indicates that the product is manufactured in China and the Logitech USB cable was imported into the United States. (Exs. 34, 47, 50.)

D. Importation and Sale of Infringing Facebook Products

126. On information and belief, the Facebook Accused Product is manufactured abroad, sold for importation into the United States, imported into the United States, and/or sold after importation into the United States by Facebook and/or its authorized agents. (Exs. 46, 47, 51.)

127. For example, Exhibit 51 contains a receipt from Oculus.com showing the purchase of a Facebook Accused Product for delivery to an address in the United States. (Exs. 47, 51.) Exhibit 46 contains photographs of the Facebook Accused Product and its packaging, delivered to an address in the United States. (Exs. 46, 47, 51.) The packaging indicates that the product is manufactured in China and the Facebook Accused Product was imported into the United States. (Exs. 46, 47, 51.)

VIII. THE DOMESTIC INDUSTRY

128. There is a domestic industry as required by 19 U.S.C. § 1337(a)(2) and as defined by 19 U.S.C. § 1337(a)(3). The domestic industry comprises Cosemi's continuing significant investments in plant and equipment, employment of labor and capital, and substantial investment in exploitation of the Asserted Patents in the United States including engineering, research and development of the products and technologies protected by the Asserted Patents.

129. Cosemi has invested millions of dollars domestically to create, develop, test, and support its AOC products ("Cosemi Domestic Industry Products"), as further explained below. (*See* Ex. 52C; Exs. 55-59.) Cosemi's Domestic Industry Products represent a widely-deployed technology solution for high-speed data transfer over longer distances.

A. Technical Prong

130. Cosemi's Domestic Industry Products practice at least claim at least claims 1, 5, 6, 13, 15, and 19 of the '197 Patent; at least claims 1-5, 8, 10, and 13 of the '250 Patent; at least claims 1, 4-6, 9, and 12-16 of the '115 Patent; and at least claims 1-3, 15, and 25 of the '479 Patent. Charts applying these claims of the Asserted Patents to representative Cosemi Domestic Industry Products are attached as Exhibits 63-75.

131. The Cosemi Domestic Industry Products are Active Optical Cables ("AOCs") that are sold as Display Port, USB, and HDMI cables. (Exs. 56-62.)

132. The Cosemi OptoDP ("OptoDP") cable is a DisplayPort 1.4 Active Optical Cable. (Ex. 60.) The Cosemi OptoDP cable is sold in lengths of up to 100m. (Ex. 60.) Specifications and photographs of the Cosemi OptoDP cable are included in Exhibits 57, 58, 60 and 78.

133. The Cosemi OptoHD A to A ("OptoHD A to A") cable is a HDMI 2.0/2.1 Active Optical Cable. (Ex. 61.) The Cosemi OptoHD A to A cable is sold in lengths of up 100m. (Ex.

61.) Specifications and photographs of the Cosemi OptoHD A to A cable are included in Exhibits 57, 58, 61, and 79.

134. The Cosemi OptoUSB USB 3.1 Type A to Type C (“OptoUSB A to C”) is a USB3.1 active optical cable. (Ex. 62.) The Cosemi OptoUSB A to C cable is sold in lengths of up to 100m. (Ex. 62.) Specifications and photographs of the Cosemi OptoUSB A to C cable are included in Exhibits 57, 58, 62, and 80

135. The Cosemi OptoUSB C to C Cable (“OptoUSB C to C Cable”) is a USB3.1 active optical cable. (Ex. 62.) The Cosemi OptoUSB C to C Cable is sold in lengths of up to 100m. (Ex. 62.) Specifications and photographs of the Cosemi OptoUSB C to C cable are included in Exhibits 57, 58, 62, and 81.

136. The following table provides a summary of the Asserted Patents and the claims being practiced by the Cosemi Domestic Industry Products.

U.S. Patent No.	Claims	Cosemi Domestic Industry Products
8,948,197	1, 6, 13 1, 5, 6, 13 1, 6, 13, 15 1, 6, 13, 15, 19	OptoDP OptoHD A to A OptoUSB A to C OptoUSB C to C
9,641,250	1, 2 1-5, 8, 10, 13 1, 2, 8-10, 13 1, 2, 8-10, 13	OptoDP OptoHD A to A OptoUSB A to C OptoUSB C to C
9,971,115	1, 4-6, 12-14 1, 4-6, 12-15 1, 5, 6, 9, 12-14, 16 1, 5, 6, 9, 12-14, 16	OptoDP OptoHD A to A OptoUSB A to C OptoUSB C to C
9,979,479	1-3, 15, 25	OptoUSB A to C

Table 8

B. Economic Prong

137. As required by Section 337, a domestic industry exists through Cosemi's investments in the United States. These investments include Cosemi's (i) significant investments in plant and equipment, (ii) significant employment of labor or capital, and/or (iii) substantial investment in the exploitation of the Asserted Patents through the engineering and research and development of articles that practice the Asserted Patents. As detailed below and in Exhibit 52C, these investments are significant and substantial in any context. For example, the majority of Cosemi's engineering and research and development investments for Cosemi's AOC products are made in the United States.

i. Significant Investment in Plant and Equipment

138. A domestic industry as defined by 19 U.S.C. § 1337(a)(3)(A) exists in the United States with respect to the Cosemi Domestic Industry Products. Cosemi has made and continues to make significant investments in plant and equipment with respect to articles protected by the Asserted Patents. Cosemi's investments in plant and equipment are dedicated to activities relating to research and development, engineering, prototyping, and testing of the Cosemi Domestic Industry Products. (*See* Ex. 52C at ¶¶ 7-18.)

139. Cosemi has three facilities in the United States: one in Irvine, California, one in San Leandro, California, and one in Phoenix, Arizona. (Ex. 52C at ¶¶ 7-9.) Cosemi's employees at these sites perform numerous tasks related to Cosemi's AOC products that comprise the Domestic Industry Products. (*See* Ex. 52C at ¶¶ 7-11.) Cosemi has made, and continues to make, substantial investments in these facilities. (*See* Ex. 52C at ¶¶ 7-18.)

140. Cosemi has also made, and continues to make, significant domestic investments in equipment used in the research and development, engineering, prototyping, and testing of the Cosemi Domestic Industry Products. (*See* Ex. 52C at ¶¶ 13-15.)

141. Additional details regarding Cosemi's research and development, engineering, prototyping, and testing activities are provided in the declaration of Samir Desai, attached as Exhibit 52C.

ii. Significant Investment of Labor or Capital

142. A domestic industry as defined by 19 U.S.C. § 1337(a)(3)(B) exists in the United States with respect to the articles protected by the Asserted Patents. Cosemi has made and continues to make significant substantial investment in labor and capital with respect to Cosemi Domestic Industry Products. (*See* Ex. 52C at ¶¶ 12-18.)

143. As of the date of this Complaint, Cosemi has approximately 20 employees in the United States who are dedicated, or work in significant part, on domestic activities related to the Cosemi Domestic Industry Products. (*See* Ex. 52C at ¶ 12.)

144. Additional details regarding Cosemi's investment in labor and capital are provided in the declaration of Samir Desai, attached as Exhibit 52C.

iii. Significant Investment in Exploitation of articles protected by the Asserted Patents, including Engineering, Research, and Development

145. A domestic industry as defined by 19 U.S.C. § 1337(a)(3)(C) exists in the United States with respect to the articles protected by the Asserted Patents. Cosemi has made and continues to make significant investments in the exploitation of the Asserted Patents in the United States including research and development and engineering related to the Cosemi Domestic Industry Products. (*See* Ex. 52C at ¶¶ 7-18.)

146. Cosemi has also made and continues to make significant investments in the exploitation and commercialization of the Asserted Patents through the manufacture, importation, sale, and marketing of the Cosemi Domestic Industry Products. (*See* Ex. 52C at ¶¶ 19-21.)

147. Additional details regarding Cosemi's investment in exploitation of the Cosemi Domestic Industry Products, including engineering, research, development, and sale of the products are provided in the declaration of Samir Desai, attached as Exhibit 52C.

148. In the alternative, a domestic industry is in the process of being established under subparts (A) and (B) of Section 337(a)(3) with respect to Cosemi's activities in the United States, including domestic investments in existing products and products scheduled for release in the future. (*See* Exs. 52C, 35C.) Thus, in addition to Cosemi's already significant existing domestic industry, there is a significant likelihood that the domestic industry requirement will also be satisfied in the future.

IX. HARMONIZED TARIFF SCHEDULE NUMBERS

149. Upon information and belief, the Accused Products may be classified under at least the following headings and subheadings of the Harmonized Tariff Schedule of the United States: 8544 (Insulated (including enameled or anodized) wire, cable (including coaxial cable) and other insulated electric conductors, whether or not fitted with connectors; optical fiber cables, made up of individually sheathed fibers, whether or not assembled with electric conductors or fitted with connectors), 8544.70.00 (optical fiber cables), and 9001.10.30 (optical fibers for transmission of voice, data, or video communications). These classifications are intended for illustration only and are not intended to restrict the scope of any exclusion order or other remedy ordered by the Commission.

X. RELATED LITIGATION

150. The Asserted Patents are not now and have never been the subject of litigation before any other court or agency.

XI. RELIEF REQUESTED

WHEREFORE, by reason of the foregoing, Complainant 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 the proposed Respondents' violations of that section arising from the importation into the United States, sale for importation, and/or the sale within the United States after importation of the Proposed Respondents' Active Optical Cables, including HDMI cables, USB cables, and Display Port cables, and products containing same that infringe one or more claims of the Asserted Patents;

(b) Schedule and conduct a hearing pursuant to Section 337(c) for the purposes of (i) receiving evidence and hearing argument concerning whether there has been a violation of Section 337, and (ii) following the hearing, determining that there has been a violation of Section 337;

(c) Issue permanent limited exclusion orders directed to products manufactured by or on behalf of each proposed Respondent, their subsidiaries, related companies, and agents pursuant to 19 U.S.C. § 1337(d) excluding entry into the United States of Proposed Respondents' Active Optical Cables, including HDMI cables, USB cables, and Display Port cables, and products containing same that infringe one or more claims of the Asserted Patents;

(d) Issue permanent cease and desist orders pursuant to 19U.S.C. § 1337(i) prohibiting each proposed Respondent, their domestic subsidiaries, related companies, and agents from engaging in the importation, sale for importation, marketing and/or advertising, distribution, offering for sale, sale, use after importation, sale after importation, and other transfer within the United States of Proposed Respondents' Active Optical Cables, including HDMI cables, USB

cables, and Display Port cables, and products containing same that infringe one or more claims of the Asserted Patents;

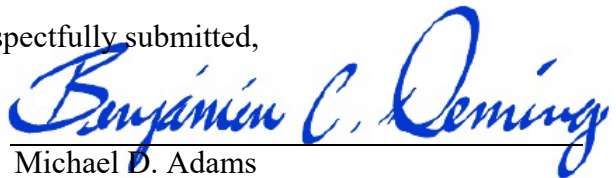
(e) Impose a bond upon importation of Proposed Respondents' Active Optical Cables, including HDMI cables, USB cables, and Display Port cables, and products containing same that infringe one or more claims of the Asserted Patents, during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j); and

(f) Issue 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: October 28, 2020

Respectfully submitted,

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