

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

**Before the Honorable David P. Shaw  
Administrative Law Judge**

In the Matter of

CERTAIN ELECTRONIC DEVICES,  
INCLUDING CERTAIN WIRELESS  
COMMUNICATION DEVICES, TABLET  
COMPUTERS, MEDIA PLAYERS, AND  
TELEVISIONS, AND COMPONENTS  
THEREOF

Investigation No. 337-TA-862

**RESPONDENTS SAMSUNG ELECTRONICS CO., LTD,  
SAMSUNG TELECOMMUNICATIONS AMERICA, LLC AND  
SAMSUNG ELECTRONCS AMERICA, INC.'S RESPONSE TO  
THE COMPLAINT AND NOTICE OF INVESTIGATION**

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Pursuant to the United States International Trade Commission's Rules, 19 C.F.R. Part 210, Respondents Samsung Electronics Co., Ltd. ("SEC"), Samsung Telecommunications America, LLC ("STA") and Samsung Electronics America, Inc. ("SEA") (collectively and/or individually, "Samsung" or "the Samsung Respondents"), by its undersigned attorneys, submit this response to the Complaint of Ericsson Inc. and Telefonaktiebolaget LM Ericsson (collectively and/or individually, "Ericsson" or "the Complainants") under Section 337 of the Tariff Act of 1930, and to the Notice of Investigation issued by the International Trade Commission.

Samsung is one of the world's leading designers, manufacturers, and suppliers of consumer electronics products and components and has built its business through innovation and premium product offerings. Samsung is a household name and its popular consumer products including mobile phones and TVs have set the mark for design, quality, and feature-depth. Samsung's popular GALAXY brand products, for example, provide a robust platform for entertainment, communications, and applications to enhance every-day life of consumers. Samsung's success has been achieved through decades of investments in R&D, with \$8.6B invested in 2011 alone, and Samsung's innovations have been recognized by the award of over 44,000 U.S. patents.

Ericsson and Samsung are not strangers. The companies have a long licensing history that includes two prior license agreements, most recently an agreement executed in 2007 in which the parties granted one another rights to patents including those that were declared essential to various wireless standards ("standard essential patents" or "SEPs"). The 2007 agreement expired on [REDACTED] Since that time, the parties have engaged in negotiations

so that a new agreement could be finalized between the parties, on terms that Samsung believed would have been consistent with the prior licenses.

The parties' negotiation included within its scope the SEPs Ericsson has asserted here. This tribunal is quite familiar with standard-setting organizations ("SSOs") and the standard-setting process. Most SSOs, including ETSI and IEEE, have adopted Intellectual Property Rights ("IPR") Policies to address the problem of patent hold-up. These policies often contain requirements that SSO members disclose their ownership of patents that may be essential to practice the standard and commit to licensing these patents on fair, reasonable and non-discriminatory ("FRAND") terms. SSO IPR Policies are designed to obtain FRAND licensing commitments from patent owners to ensure that they will not use their IPR to extract unreasonable license fees or to exclude any market participant that is willing to accept a license for use of the IPR on FRAND terms and conditions. Ericsson has previously committed to the relevant SSOs and its members (including Samsung) to license its declared patents on FRAND terms and Samsung is entitled to, and has relied, on those commitments.

But Ericsson has willfully breached its commitments and continues to refuse to offer a license to Samsung under FRAND terms despite Samsung's continued willingness to accept such a license. It is axiomatic that prior license agreements between the same parties relating to the same or similar technologies and involving many of the same patents necessarily reflect what the parties regarded as reasonable terms and conditions and are directly relevant to the negotiation of future FRAND licenses. For example, in the 2007 agreement, the parties agreed upon a [REDACTED] [REDACTED] under Ericsson's declared essential patent portfolios including at least some of the patents at issue here. Rather than embrace the 2007

agreement as the operative guide for fairness and reasonableness, Ericsson has repudiated it, insisting that the agreement not even be mentioned in the course of the parties' license negotiations and mediation. Pursuant to a new business model, which no longer includes the manufacture and supply of handsets, Ericsson has embarked on a course of conduct relating to its SEPs that is contrary to its commitment to license those patents to willing licensees, like Samsung and others, on FRAND terms. This is exemplified by the fact that Ericsson now seeks payment terms that are wholly different than what the parties agreed upon in 2007 and royalty rates that are orders of magnitude greater than those effective under the prior agreements. Clearly Ericsson understood that its mandated payment terms and refusal to acknowledge the parties' prior agreements could not possibly have been accepted by Samsung and that such terms were in violation of its duty to negotiate a FRAND license with Samsung in good faith.

So Ericsson has launched this investigation against Samsung in an effort to improperly and unlawfully use the exclusionary remedies of this agency to force Samsung to pay Ericsson sums of money that bear no relation to the value of Ericsson's technology. Ericsson's actions offend the notion of reasonableness and fair play, and Ericsson's complaint and request for remedial action simply cannot be sustained for at least the reasons set forth herein.

**SPECIFIC RESPONSE TO ALLEGATIONS IN THE COMPLAINT**

As an initial matter, Samsung denies that it has engaged in unfair competition or violated Section 337 of the Tariff Act of 1930, as amended, by importing, selling for importation, or selling within the United States after importation any devices that infringe any valid and enforceable intellectual property rights at issue in this investigation. Samsung further denies that any patent claims at issue in this investigation are valid or enforceable. Samsung reserves the right to amend or supplement its responses based on any additional facts or developments that become available or that arise after the filing of this Response.

In this light, Samsung denies each and every allegation averred in the Complaint that is not expressly admitted below. Any factual allegation admitted below is admitted only as to the specific admitted facts, and not as to any purported conclusions, characterizations, implications or speculations that might follow from the admitted facts. Except as expressly admitted below, Samsung denies each and every allegation set forth in the Complaint. On personal knowledge, Samsung responds to the numbered paragraphs of the Complaint as follows:

**I. INTRODUCTION<sup>1</sup>**

1. Samsung admits that Ericsson filed a Complaint pursuant to Section 337 of the Tariff Act of 1930, 19 C.F.R. § 1337. Except as admitted, Samsung denies the allegations of paragraph 1 of the Complaint.

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<sup>1</sup> Samsung repeats the headings set forth in the Complaint in order to simplify comparison of the Complaint and this Response. In doing so, Samsung makes no admissions regarding the substance of the heading or any other allegations of the Complaint. Unless otherwise stated, to the extent that a particular heading can be construed as an allegation, Samsung specifically denies all such allegations.

2. To the extent that paragraph 2 contains conclusions of law, no response is necessary. To the extent that paragraph 2 contains allegations of fact, Samsung denies the allegations of paragraph 2 of the Complaint.

3. Samsung admits that Ericsson seeks certain remedies in this investigation. Except as admitted, Samsung denies the allegations of paragraph 3 of the Complaint.

## **II. THE PARTIES**

### **A. Complainants**

4. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the Complaint, and therefore denies those allegations.

5. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Complaint, and therefore denies those allegations.

6. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the Complaint, and therefore denies those allegations.

### **B. Respondents**

7. Samsung admits that SEC is a corporation organized under the laws of the Republic of Korea. Except as admitted, Samsung denies the allegations of paragraph 7 of the Complaint.

8. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Except as admitted, Samsung denies the allegations of paragraph 8 of the Complaint.

9. Samsung admits that STA is organized under the laws of the State of Delaware, with its principal place of business at 1301 East Lookout Drive, Richardson, Texas 75082.

Except as admitted, Samsung denies the allegations of paragraph 9 of the Complaint.

10. [REDACTED]

[REDACTED]

[REDACTED] Except as admitted, Samsung denies the allegations of paragraph 10 of the Complaint.

11. Samsung admits that SEA is a corporation organized under the laws of the State of New York, with its principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660. Samsung admits that SEA is a subsidiary of SEC. Samsung admits that Exhibit 1 purports to be a screenshot of Samsung's website. [REDACTED]

[REDACTED] Except as admitted, Samsung denies the allegations of paragraph 11 of the Complaint.

12. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Except as admitted, Samsung denies the allegations of paragraph 12 of the Complaint.

13. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] Except as admitted, Samsung denies the allegations of paragraph 13 of the Complaint.

14. [REDACTED]  
[REDACTED]

[REDACTED] Except as admitted, Samsung denies the allegations of paragraph 14 of the Complaint.

15. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 15 of the Complaint, and therefore denies those allegations.

**III. THE TECHNOLOGIES AND PRODUCTS AT ISSUE**

16. The allegations of paragraph 16 are too generalized, vague, and ambiguous to admit or deny. To the extent a response is necessary, Samsung denies the allegations and characterizations of paragraph 16 of the Complaint.

17. Samsung admits that Ericsson has accused Samsung cellular telephones, tablet computers, base stations, and televisions and blu-ray players. Except as admitted, Samsung denies the allegations and characterizations of paragraph 17 of the Complaint.

18. Samsung admits that Ericsson has accused Samsung cellular telephones, tablet computers, base stations, and televisions and blu-ray players. Except as admitted, Samsung denies the allegations and characterizations of paragraph 18 of the Complaint.

#### **IV. THE ASSERTED PATENTS**

##### **A. United States Patent No. 6,029,052**

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

19. Samsung admits that the first page of the '052 patent lists an issue date of February 22, 2000, and reflects a title of "Multiple Mode Direct Conversion Receiver." Samsung admits that what purports to be a certified copy of the '052 patent is attached as Exhibit 2 to the Complaint. Samsung admits that the first page of the '052 patent identifies U.S. Patent Application No. 08/886,244 ("the '244 application") with a listed filing date of July 1, 1997. Except as admitted, Samsung denies the allegations of paragraph 19 of the Complaint.

20. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 20 of the Complaint, and therefore denies those allegations.

21. Samsung admits that what purports to be a copy of an assignment document for the '052 patent is attached to the Complaint at Exhibit 3. Except as admitted, Samsung denies the allegations of paragraph 21 of the Complaint.

22. Samsung admits that what purports to be a certified copy of the prosecution history of the '052 patent is attached to the Complaint as Appendix A. Samsung further admits that documents purporting to be technical references identified in the prosecution history of the

'052 patent are attached to the Complaint as Appendix L. Except as admitted, Samsung denies the allegations of paragraph 22 of the Complaint.

23. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 23 of the Complaint, and therefore denies those allegations.

24. Samsung denies the allegations of paragraph 24 of the Complaint.

**2. Non-Technical Description of the '052 Patent**

25. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 25 of the Complaint, and therefore denies those allegations.

**3. Foreign Counterparts to the '052 Patent**

26. Samsung admits that paragraph 26 lists foreign patents and patent applications that are purportedly related to the '052 patent. Except as admitted, Samsung is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of paragraph 26 of the Complaint, and therefore denies those allegations.

**4. Licenses**

27. Samsung admits that Ericsson alleges Confidential Exhibit 4C to the Complaint contains a list of licensed entities. Except as admitted, Samsung is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of paragraph 27 of the Complaint, and therefore denies those allegations.

**B. United States Patent No. 6,058,359**

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

28. Samsung admits that the first page of the '359 patent lists an issue date of May 2, 2000, and reflects a title of "Speech Coding Including Soft Adaptability Feature." Samsung admits that what purports to be a certified copy of the '359 patent is attached as Exhibit 6 to the Complaint. Samsung admits that the first page of the '359 patent identifies U.S. Patent Application No. 09/034,590 ("the '590 application") with a listed filing date of March 4, 1998. Except as admitted, Samsung denies the allegations of paragraph 28 of the Complaint.

29. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 29 of the Complaint, and therefore denies those allegations.

30. Samsung admits that what purports to be a copy of an assignment document for the '359 patent is attached to the Complaint at Exhibit 7. Except as admitted, Samsung denies the allegations of paragraph 30 of the Complaint.

31. Samsung admits that what purports to be a certified copy of the prosecution history of the '359 patent is attached to the Complaint as Appendix B. Samsung further admits that documents purporting to be technical references identified in the prosecution history of the '359 patent are attached to the Complaint as Appendix M. Except as admitted, Samsung denies the allegations of paragraph 31 of the Complaint.

32. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 32 of the Complaint, and therefore denies those allegations.

33. Samsung denies the allegations of paragraph 33 of the Complaint.

**2. Non-Technical Description of the '359 Patent**

34. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 34 of the Complaint, and therefore denies those allegations.

**3. Foreign Counterparts to the '359 Patent**

35. Samsung admits that paragraph 35 lists foreign patents and patent applications that are purportedly related to the '359 patent. Except as admitted, Samsung is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of paragraph 35 of the Complaint, and therefore denies those allegations.

**4. Licenses**

36. Samsung admits that Ericsson alleges Confidential Exhibit 4C to the Complaint contains a list of licensed entities. Except as admitted, Samsung is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of paragraph 36 of the Complaint, and therefore denies those allegations.

**C. United States Patent No. 6,278,888**

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

37. Samsung admits that the first page of the '888 patent lists an issue date of August 21, 2001, and reflects a title of "Radiotelephones Having Contact-Sensitive User Interfaces and Methods of Operating Same." Samsung admits that what purports to be a certified copy of the '888 patent is attached as Exhibit 8 to the Complaint. Samsung admits that the first page of the '888 patent identifies U.S. Patent Application No. 09/625,674 ("the '674 application") with a

listed filing date of July 25, 2000. Except as admitted, Samsung denies the allegations of paragraph 37 of the Complaint.

38. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 38 of the Complaint, and therefore denies those allegations.

39. Samsung admits that what purports to be a copy of an assignment document for the '888 patent is attached to the Complaint at Exhibit 9. Except as admitted, Samsung denies the allegations of paragraph 39 of the Complaint.

40. Samsung admits that what purports to be an uncertified copy of the prosecution history of the '888 patent is attached to the Complaint as Appendix C. Samsung further admits that documents purporting to be technical references identified in the prosecution history of the '888 patent are attached to the Complaint as Appendix N. Except as admitted, Samsung denies the allegations of paragraph 40 of the Complaint.

41. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 41 of the Complaint, and therefore denies those allegations.

42. Samsung denies the allegations of paragraph 42 of the Complaint. In particular, Samsung cannot infringe claim 30 of the '888 patent as alleged by Ericsson in paragraph 42, because Ericsson has represented to the U.S. Patent and Trademark Office that claim 30 of the '888 patent is invalid.

43. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 43 of the Complaint, and therefore denies those allegations.

**2. Non-Technical Description of the '888 Patent**

44. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 44 of the Complaint, and therefore denies those allegations.

**3. Foreign Counterparts to the '888 Patent**

45. Samsung denies that paragraph 45 lists foreign patents and patent applications that are purportedly related to the '888 patent. Except as admitted, Samsung is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of paragraph 45 of the Complaint, and therefore denies those allegations.

**4. Licenses**

[Unnumbered] Samsung admits that Ericsson alleges Confidential Exhibit 4C to the Complaint contains a list of licensed entities. Except as admitted, Samsung is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of this unnumbered paragraph of the Complaint, and therefore denies those allegations.

**D. United States Patent No. 6,301,556**

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

46. Samsung admits that the first page of the '556 patent lists an issue date of October 9, 2001, and reflects a title of "Reducing Sparseness in Coded Speech Signals." Samsung admits that what purports to be a copy of the '556 patent is attached as Exhibit 10 to the Complaint. Samsung admits that the first page of the '556 patent identifies U.S. Patent Application No.

09/470,472 (“the ’472 application”) with a listed filing date of December 22, 1999. Except as admitted, Samsung denies the allegations of paragraph 46 of the Complaint.

47. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 47 of the Complaint, and therefore denies those allegations.

48. Samsung admits that what purports to be a copy of an assignment document for the ’556 patent is attached to the Complaint at Exhibit 11. Except as admitted, Samsung denies the allegations of paragraph 48 of the Complaint.

49. Samsung admits that what purports to be a certified copy of the prosecution history of the ’556 patent is attached to the Complaint as Appendix D. Samsung further admits that documents purporting to be technical references identified in the prosecution history of the ’556 patent are attached to the Complaint as Appendix O. Except as admitted, Samsung denies the allegations of paragraph 49 of the Complaint.

50. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 50 of the Complaint, and therefore denies those allegations.

51. Samsung denies the allegations of paragraph 51 of the Complaint.

**2. Non-Technical Description of the ’556 Patent**

52. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 52 of the Complaint, and therefore denies those allegations.

**3. Foreign Counterparts to the ’556 Patent**

53. Samsung admits that paragraph 53 lists foreign patents and patent applications that are purportedly related to the '556 patent. Except as admitted, Samsung is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of paragraph 53 of the Complaint, and therefore denies those allegations.

**4. Licenses**

54. Samsung admits that Ericsson alleges Confidential Exhibit 4C to the Complaint contains a list of licensed entities. Except as admitted, Samsung is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of paragraph 54 of the Complaint, and therefore denies those allegations.

**E. United States Patent No. 6,418,310**

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

55. Samsung admits that the first page of the '310 patent lists an issue date of July 9, 2002, and reflects a title of "Wireless Subscriber Terminal Using Java Controller Code." Samsung admits that what purports to be a certified copy of the '310 patent is attached as Exhibit 12 to the Complaint. Samsung admits that the first page of the '310 patent identifies U.S. Patent Application No. 09/368,663 ("the '663 application") with a listed filing date of August 5, 1999. Except as admitted, Samsung denies the allegations of paragraph 55 of the Complaint.

56. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 56 of the Complaint, and therefore denies those allegations.

57. Samsung admits that what purports to be a copy of an assignment document for the '310 patent is attached to the Complaint at Exhibit 13. Except as admitted, Samsung denies the allegations of paragraph 57 of the Complaint.

58. Samsung admits that what purports to be a copy of the prosecution history of the '310 patent is attached to the Complaint as Appendix E. Samsung further admits that documents purporting to be technical references identified in the prosecution history of the '310 patent are attached to the Complaint as Appendix P. Except as admitted, Samsung denies the allegations of paragraph 58 of the Complaint.

59. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 59 of the Complaint, and therefore denies those allegations.

60. Samsung denies the allegations of paragraph 60 of the Complaint.

## **2. Non-Technical Description of the '310 Patent**

61. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 61 of the Complaint, and therefore denies those allegations.

## **3. Foreign Counterparts to the '310 Patent**

62. Samsung admits that paragraph 62 lists a foreign patent application that is purportedly related to the '310 patent. Except as admitted, Samsung is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of paragraph 62 of the Complaint, and therefore denies those allegations.

**4. Licenses**

63. Samsung admits that Ericsson alleges Confidential Exhibit 4C to the Complaint contains a list of licensed entities. Except as admitted, Samsung is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of paragraph 63 of the Complaint, and therefore denies those allegations.

**F. United States Patent No. 6,445,917**

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

64. Samsung admits that the first page of the '917 patent lists an issue date of September 3, 2002, and reflects a title of "Mobile Station Measurements With Event-Based Reporting." Samsung admits that what purports to be a copy of the '917 patent is attached as Exhibit 14 to the Complaint. Samsung admits that the first page of the '917 patent identifies U.S. Patent Application No. 09/314,019 ("the '019 application") with a listed filing date of May 19, 1999. Except as admitted, Samsung denies the allegations of paragraph 64 of the Complaint.

65. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 65 of the Complaint, and therefore denies those allegations.

66. Samsung admits that what purports to be a copy of an assignment document for the '917 patent is attached to the Complaint at Exhibit 15. Except as admitted, Samsung denies the allegations of paragraph 66 of the Complaint.

67. Samsung admits that what purports to be an uncertified copy of the prosecution history of the '917 patent is attached to the Complaint as Appendix F. Samsung further admits that documents purporting to be technical references identified in the prosecution history of the

'917 patent are attached to the Complaint as Appendix Q. Except as admitted, Samsung denies the allegations of paragraph 67 of the Complaint.

68. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 68 of the Complaint, and therefore denies those allegations.

69. Samsung denies the allegations of paragraph 69 of the Complaint.

**2. Non-Technical Description of the '917 Patent**

70. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 70 of the Complaint, and therefore denies those allegations.

**3. Foreign Counterparts to the '917 Patent**

71. Samsung admits that paragraph 71 lists foreign patents and patent applications that are purportedly related to the '917 patent. Except as admitted, Samsung is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of paragraph 71 of the Complaint, and therefore denies those allegations.

**4. Licenses**

72. Samsung admits that Ericsson alleges Confidential Exhibit 4C to the Complaint contains a list of licensed entities. Except as admitted, Samsung is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of paragraph 72 of the Complaint, and therefore denies those allegations.

**G. United States Patent No. 6,473,506**

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

73. Samsung admits that the first page of the '506 patent lists an issue date of October 29, 2002, and reflects a title of "Signaling Using Phase Rotation Techniques in a Digital Communications System." Samsung admits that what purports to be a certified copy of the '506 patent is attached as Exhibit 16 to the Complaint. Samsung admits that the first page of the '506 patent identifies U.S. Patent Application No. 09/170,127 ("the '127 application") with a listed filing date of October 13, 1998. Except as admitted, Samsung denies the allegations of paragraph 73 of the Complaint.

74. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 74 of the Complaint, and therefore denies those allegations.

75. Samsung admits that what purports to be a copy of an assignment document for the '506 patent is attached to the Complaint at Exhibit 17. Except as admitted, Samsung denies the allegations of paragraph 75 of the Complaint.

76. Samsung admits that what purports to be a certified copy of the prosecution history of the '506 patent is attached to the Complaint as Appendix G. Samsung further admits that documents purporting to be technical references identified in the prosecution history of the '506 patent are attached to the Complaint as Appendix R. Except as admitted, Samsung denies the allegations of paragraph 76 of the Complaint.

77. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 77 of the Complaint, and therefore denies those allegations.

78. Samsung denies the allegations of paragraph 78 of the Complaint.

**2. Non-Technical Description of the '506 Patent**

79. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 79 of the Complaint, and therefore denies those allegations.

**3. Foreign Counterparts to the '506 Patent**

80. Samsung admits that paragraph 80 lists foreign patents and patent applications that are purportedly related to the '506 patent. Except as admitted, Samsung is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of paragraph 80 of the Complaint, and therefore denies those allegations.

**4. Licenses**

81. Samsung admits that Ericsson alleges Confidential Exhibit 4C to the Complaint contains a list of licensed entities. Except as admitted, Samsung is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of paragraph 81 of the Complaint, and therefore denies those allegations.

**H. United States Patent No. 6,519,223**

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

82. Samsung admits that the first page of the '223 patent lists an issue date of February 11, 2003, and reflects a title of "System and Method for Implementing a Semi Reliable Retransmission Protocol." Samsung admits that what purports to be a certified copy of the '223

patent is attached as Exhibit 18 to the Complaint. Samsung admits that the first page of the '223 patent identifies U.S. Patent Application No. 09/287,392 (“the '392 application”) with a listed filing date of April 6, 1999. Except as admitted, Samsung denies the allegations of paragraph 82 of the Complaint.

83. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 83 of the Complaint, and therefore denies those allegations.

84. Samsung admits that what purports to be a copy of an assignment document for the '223 patent is attached to the Complaint at Exhibit 19. Except as admitted, Samsung denies the allegations of paragraph 84 of the Complaint.

85. Samsung admits that what purports to be a certified copy of the prosecution history of the '223 patent is attached to the Complaint as Appendix H. Samsung further admits that documents purporting to be technical references identified in the prosecution history of the '223 patent are attached to the Complaint as Appendix S. Except as admitted, Samsung denies the allegations of paragraph 85 of the Complaint.

86. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 86 of the Complaint, and therefore denies those allegations.

87. Samsung denies the allegations of paragraph 87 of the Complaint.

## **2. Non-Technical Description of the '223 Patent**

88. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 88 of the Complaint, and therefore denies those allegations.

**3. Foreign Counterparts to the '223 Patent**

89. Samsung admits that paragraph 89 lists foreign patents and patent applications that are purportedly related to the '223 patent. Except as admitted, Samsung is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of paragraph 89 of the Complaint, and therefore denies those allegations.

**4. Licenses**

90. Samsung admits that Ericsson alleges Confidential Exhibit 4C to the Complaint contains a list of licensed entities. Except as admitted, Samsung is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of paragraph 90 of the Complaint, and therefore denies those allegations.

**I. United States Patent No. 6,224,832**

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

91. Samsung admits that the first page of the '832 patent lists an issue date of September 23, 2003, and reflects a title of "Methods, Apparatus and Computer Program Products for Providing User Input to an Application Using a Contact-Sensitive Surface." Samsung admits that what purports to be a certified copy of the '832 patent is attached as Exhibit 20 to the Complaint. Samsung admits that the first page of the '832 patent identifies U.S. Patent Application No. 08/960,236 ("the '236 application") with a listed filing date of October 29, 1997. Except as admitted, Samsung denies the allegations of paragraph 91 of the Complaint.

92. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 92 of the Complaint, and therefore denies those allegations.

93. Samsung admits that what purports to be a copy of an assignment document for the '832 patent is attached to the Complaint at Exhibit 21. Except as admitted, Samsung denies the allegations of paragraph 93 of the Complaint.

94. Samsung admits that what purports to be a copy of the prosecution history of the '832 patent is attached to the Complaint as Appendix I. Samsung further admits that documents purporting to be technical references identified in the prosecution history of the '832 patent are attached to the Complaint as Appendix T. Except as admitted, Samsung denies the allegations of paragraph 94 of the Complaint.

95. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 95 of the Complaint, and therefore denies those allegations.

96. Samsung denies the allegations of paragraph 96 of the Complaint.

## **2. Non-Technical Description of the '832 Patent**

97. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 97 of the Complaint, and therefore denies those allegations.

## **3. Foreign Counterparts to the '832 Patent**

98. Samsung is without knowledge or information sufficient to form a belief as to the truth of any allegations of paragraph 98 of the Complaint, and therefore denies those allegations.

**4. Licenses**

99. Samsung admits that Ericsson alleges Confidential Exhibit 4C to the Complaint contains a list of licensed entities. Except as admitted, Samsung is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of paragraph 99 of the Complaint, and therefore denies those allegations.

**J. United States Patent No. 6,772,215**

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

100. Samsung admits that the first page of the '215 patent lists an issue date of August 3, 2004, and reflects a title of "Method for Minimizing Feedback Responses in ARQ Protocols." Samsung admits that what purports to be a certified copy of the '215 patent is attached as Exhibit 22 to the Complaint. Samsung admits that the first page of the '215 patent identifies U.S. Patent Application No. 09/537,146 ("the '146 application") with a listed filing date of March 29, 2000. Except as admitted, Samsung denies the allegations of paragraph 100 of the Complaint.

101. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 101 of the Complaint, and therefore denies those allegations.

102. Samsung admits that what purports to be a copy of an assignment document for the '215 patent is attached to the Complaint at Exhibit 23. Except as admitted, Samsung denies the allegations of paragraph 102 of the Complaint.

103. Samsung admits that what purports to be a certified copy of the prosecution history of the '215 patent is attached to the Complaint as Appendix J. Samsung further admits that documents purporting to be technical references identified in the prosecution history of the

'215 patent are attached to the Complaint as Appendix U. Except as admitted, Samsung denies the allegations of paragraph 103 of the Complaint.

104. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 104 of the Complaint, and therefore denies those allegations.

105. Samsung denies the allegations of paragraph 105 of the Complaint.

**2. Non-Technical Description of the '215 Patent**

106. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 106 of the Complaint, and therefore denies those allegations.

**3. Foreign Counterparts to the '215 Patent**

107. Samsung admits that paragraph 107 lists foreign patents and patent applications that are purportedly related to the '215 patent. Except as admitted, Samsung is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of paragraph 107 of the Complaint, and therefore denies those allegations.

**4. Licenses**

108. Samsung admits that Ericsson alleges Confidential Exhibit 4C to the Complaint contains a list of licensed entities. Except as admitted, Samsung is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of paragraph 108 of the Complaint, and therefore denies those allegations.

**K. United States Patent No. 8,169,992**

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

109. Samsung admits that the first page of the '992 patent lists an issue date of May 1, 2012, and reflects a title of "Uplink Scrambling During Random Access." Samsung admits that what purports to be an uncertified copy of the '992 patent is attached as Exhibit 24 to the Complaint. Samsung admits that the first page of the '992 patent identifies U.S. Patent Application No. 11/835,782 ("the '782 application") with a listed filing date of August 8, 2007. Except as admitted, Samsung denies the allegations of paragraph 109 of the Complaint.

110. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 110 of the Complaint, and therefore denies those allegations.

111. Samsung admits that what purports to be a copy of an assignment document for the '992 patent is attached to the Complaint at Exhibit 25. Except as admitted, Samsung denies the allegations of paragraph 111 of the Complaint.

112. Samsung admits that what purports to be an uncertified copy of the prosecution history of the '992 patent is attached to the Complaint as Appendix K. Samsung further admits that documents purporting to be technical references identified in the prosecution history of the '992 patent are attached to the Complaint as Appendix V. Except as admitted, Samsung denies the allegations of paragraph 112 of the Complaint.

113. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 113 of the Complaint, and therefore denies those allegations.

114. Samsung denies the allegations of paragraph 114 of the Complaint.

**2. Non-Technical Description of the '992 Patent**

115. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 115 of the Complaint, and therefore denies those allegations.

**3. Foreign Counterparts to the '992 Patent**

116. Samsung admits that paragraph 116 lists foreign patents and patent applications that are purportedly related to the '992 patent. Except as admitted, Samsung is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of paragraph 116 of the Complaint, and therefore denies those allegations.

**4. Licenses**

117. Samsung admits that Ericsson alleges Confidential Exhibit 4C to the Complaint contains a list of licensed entities. Except as admitted, Samsung is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of paragraph 117 of the Complaint, and therefore denies those allegations.

**V. UNLAWFUL AND UNFAIR ACTS OF PROPOSED RESPONDENTS- PATENT INFRINGEMENT, AND SPECIFIC INSTANCES OF UNFAIR INPORATION AND SALE**

118. Samsung denies the allegations of paragraph 118 of the Complaint.

**A. Infringement of United States Patent No. 6,029,052**

119. Samsung denies the allegations of paragraph 119 of the Complaint.

120. Samsung denies the allegations of paragraph 120 of the Complaint.

121. Samsung admits that Samsung and Ericsson have previously entered into license agreements. Samsung further admits that Ericsson filed a complaint against Samsung in *Certain*

*Wireless Communication Devices, Components Thereof, and Products Containing the Same*, ITC Inv. No. 337-TA-583, asserting the '052 patent. Samsung further admits that Ericsson filed a complaint on November 27, 2012 for patent infringement in United States District Court asserting the '052 patent. Except as admitted, Samsung denies the allegations of paragraph 121 of the Complaint.

122. Samsung denies the allegations of paragraph 122 of the Complaint.

123. [REDACTED]

[REDACTED]  
[REDACTED] Samsung denies that any of its products infringe the '052 patent or any of the Asserted Patents. Except as admitted, Samsung denies the allegations of paragraph 123 of the Complaint.

124. Samsung admits that Ericsson purports Physical Exhibit No. 1 to the Complaint to be a physical sample of the Samsung Captivate Glide (SGH-I927). Samsung further admits that Exhibit 28 to the Complaint includes what purports to be a claim chart of claims 1 and 13 of the '052 patent. Except as admitted, Samsung denies the allegations of paragraph 124 of the Complaint.

125. Samsung denies the allegations of paragraph 125 of the Complaint.

**B. Infringement of United States Patent No. 6,058,359**

126. Samsung denies the allegations of paragraph 126 of the Complaint.

127. Samsung denies the allegations of paragraph 127 of the Complaint.

128. Samsung admits that Samsung and Ericsson have previously entered into license agreements. Samsung further admits that Ericsson filed a complaint against Samsung in

*Ericsson Inc. et al. v. Samsung Electronics Co., Ltd. et al.*, Case No. 2:06-cv-0063 (E.D. Tex.), asserting the '359 patent. Samsung further admits that Ericsson filed a complaint on November 27, 2012 for patent infringement in United States District Court asserting the '359 patent. Except as admitted, Samsung denies the allegations of paragraph 128 of the Complaint.

129. Samsung denies the allegations of paragraph 129 of the Complaint.

130. [REDACTED]

[REDACTED] Samsung denies that any of its products infringe the '359 patent or any of the Asserted Patents. Except as admitted, Samsung denies the allegations of paragraph 130 of the Complaint.

131. Samsung admits that Ericsson purports Physical Exhibit No. 2 to the Complaint to be a physical sample of the Samsung Galaxy S III (SGH-I747). Samsung further admits that Exhibit 31 to the Complaint includes what purports to be a claim chart of claims 28 and 40 of the '359 patent. Except as admitted, Samsung denies the allegations of paragraph 131 of the Complaint.

132. Samsung denies the allegations of paragraph 132 of the Complaint.

**C. Infringement of United States Patent No. 6,278,888**

133. Samsung denies the allegations of paragraph 133 of the Complaint.

134. Samsung denies the allegations of paragraph 134 of the Complaint.

135. Samsung admits that Samsung and Ericsson have previously entered into license agreements. Samsung further admits that Ericsson filed a complaint on November 27, 2012 for

patent infringement in United States District Court asserting the '888 patent. Except as admitted, Samsung denies the allegations of paragraph 135 of the Complaint.

136. Samsung denies the allegations of paragraph 136 of the Complaint.

137. [REDACTED]

[REDACTED] Samsung denies that any of its products infringe the '888 patent or any of the Asserted Patents. Except as admitted, Samsung denies the allegations of paragraph 137 of the Complaint.

138. Samsung admits that Ericsson purports Physical Exhibit No. 2 to the Complaint to be a physical sample of the Samsung Galaxy S III (SGH-I747). Samsung further admits that Exhibit 32 to the Complaint includes what purports to be a claim chart of claim 30 of the '888 patent. Except as admitted, Samsung denies the allegations of paragraph 138 of the Complaint.

139. Samsung denies the allegations of paragraph 139 of the Complaint.

**D. Infringement of United States Patent No. 6,301,556**

140. Samsung denies the allegations of paragraph 140 of the Complaint.

141. Samsung denies the allegations of paragraph 141 of the Complaint.

142. Samsung admits that Samsung and Ericsson have previously entered into license agreements. Samsung further admits that Ericsson filed a complaint against Samsung in *Ericsson Inc. et al. v. Samsung Electronics Co., Ltd. et al.*, Case No. 2:06-cv-0063 (E.D. Tex.), asserting the '556 patent. Samsung further admits that Ericsson filed a complaint on November 27, 2012 for patent infringement in United States District Court asserting the '556 patent. Except as admitted, Samsung denies the allegations of paragraph 142 of the Complaint.

143. Samsung denies the allegations of paragraph 143 of the Complaint.

144. [REDACTED]

[REDACTED] Samsung denies that any of its products infringe the '556 patent or any of the Asserted Patents. Except as admitted, Samsung denies the allegations of paragraph 144 of the Complaint.

145. Samsung admits that Ericsson purports Physical Exhibit No. 2 to the Complaint to be a physical sample of the Samsung Galaxy S III (SGH-I747). Samsung further admits that Exhibit 33 to the Complaint includes what purports to be a claim chart of claims 1, 31, 50, and 53 of the '556 patent. Except as admitted, Samsung denies the allegations of paragraph 145 of the Complaint.

146. Samsung denies the allegations of paragraph 146 of the Complaint.

**E. Infringement of United States Patent No. 6,418,310**

147. Samsung denies the allegations of paragraph 147 of the Complaint.

148. Samsung denies the allegations of paragraph 148 of the Complaint.

149. Samsung admits that Samsung and Ericsson have previously entered into license agreements. Samsung further admits that Ericsson filed a complaint on November 27, 2012 for patent infringement in United States District Court asserting the '310 patent. Except as admitted, Samsung denies the allegations of paragraph 149 of the Complaint.

150. Samsung denies the allegations of paragraph 150 of the Complaint.

151. [REDACTED]

[REDACTED] Samsung denies that any of its products infringe the '310 patent or any of the Asserted Patents. Except as admitted, Samsung denies the allegations of paragraph 151 of the Complaint.

152. Samsung admits that Ericsson purports Physical Exhibit No. 2 to the Complaint to be a physical sample of the Samsung Galaxy S III (SGH-I747). Samsung further admits that Exhibit 34 to the Complaint includes what purports to be a claim chart of claims 1, 4, 6, and 13 of the '310 patent. Except as admitted, Samsung denies the allegations of paragraph 152 of the Complaint.

153. Samsung denies the allegations of paragraph 153 of the Complaint.

**F. Infringement of United States Patent No. 6,445,917**

154. Samsung denies the allegations of paragraph 154 of the Complaint.

155. Samsung denies the allegations of paragraph 155 of the Complaint.

156. Samsung admits that Samsung and Ericsson have previously entered into license agreements. Samsung further admits that Ericsson filed a complaint on November 27, 2012 for patent infringement in United States District Court asserting the '917 patent. Except as admitted, Samsung denies the allegations of paragraph 156 of the Complaint.

157. Samsung denies the allegations of paragraph 157 of the Complaint.

158. [REDACTED]

[REDACTED]

[REDACTED] Samsung denies that any of its products infringe the '917 patent or any of the Asserted Patents. Except as admitted, Samsung denies the allegations of paragraph 158 of the Complaint.

159. Samsung admits that Ericsson purports Physical Exhibit No. 2 to the Complaint to be a physical sample of the Samsung Galaxy S III (SGH-I747). Samsung further admits that Exhibit 35 to the Complaint includes what purports to be a claim chart of claims 1, 24, and 25 of the '917 patent. Except as admitted, Samsung denies the allegations of paragraph 159 of the Complaint.

160. [REDACTED]

[REDACTED]

[REDACTED]

Samsung denies that any of its products infringe the '917 patent or any of the Asserted Patents. Except as admitted, Samsung denies the allegations of paragraph 160 of the Complaint.

161. Samsung admits that Ericsson purports Physical Exhibit No. 3 to the Complaint to be a physical sample of the Samsung Galaxy Note (SGH-I717). Samsung further admits that Exhibit 43 to the Complaint includes what purports to be a claim chart of claims 1, 24, 25, 26, and 28 of the '917 patent. Except as admitted, Samsung denies the allegations of paragraph 161 of the Complaint.

162. [REDACTED]

[REDACTED] Samsung further admits that Exhibit 44 to the Complaint includes what purports to be photographs of the Samsung Evolved Node B Macrocell. Samsung further admits that Exhibit 45 to the Complaint includes what purports to be a claim chart of claims 30 and 54 of the '917 patent. Except as admitted, Samsung denies the allegations of paragraph 162 of the Complaint.

163. Samsung denies the allegations of paragraph 163 of the Complaint.

**G. Infringement of United States Patent No. 6,473,506**

164. Samsung denies the allegations of paragraph 164 of the Complaint.

165. Samsung denies the allegations of paragraph 165 of the Complaint.

166. Samsung admits that Samsung and Ericsson have previously entered into license agreements. Samsung further admits that Ericsson filed a complaint against Samsung in *Ericsson Inc. et al. v. Samsung Electronics Co., Ltd. et al.*, Case No. 2:06-cv-0063 (E.D. Tex.), asserting the '506 patent. Samsung further admits that Ericsson filed a complaint on November 27, 2012 for patent infringement in United States District Court asserting the '506 patent. Except as admitted, Samsung denies the allegations of paragraph 166 of the Complaint.

167. Samsung denies the allegations of paragraph 167 of the Complaint.

168. [REDACTED]

[REDACTED]

[REDACTED]

Samsung denies that any of its products infringe the '506 patent or any of the Asserted Patents.

Except as admitted, Samsung denies the allegations of paragraph 168 of the Complaint.

169. Samsung admits that Ericsson purports Physical Exhibit No. 2 to the Complaint to be a physical sample of the Samsung Galaxy S III (SGH-I747). Samsung further admits that Exhibit 36 to the Complaint includes what purports to be a claim chart of claims 1 and 17 of the '506 patent. Except as admitted, Samsung denies the allegations of paragraph 169 of the Complaint.

170. Samsung denies the allegations of paragraph 170 of the Complaint.

**H. Infringement of United States Patent No. 6,519,223**

171. Samsung denies the allegations of paragraph 171 of the Complaint.

172. Samsung denies the allegations of paragraph 172 of the Complaint.

173. Samsung admits that Samsung and Ericsson have previously entered into license agreements. Samsung further admits that Ericsson filed a complaint on November 27, 2012 for patent infringement in United States District Court asserting the '223 patent. Except as admitted, Samsung denies the allegations of paragraph 173 of the Complaint.

174. Samsung denies the allegations of paragraph 174 of the Complaint.

175. [REDACTED]

[REDACTED]

[REDACTED]

Samsung denies that any of its products infringe the '223 patent or any of the Asserted Patents. Except as admitted, Samsung denies the allegations of paragraph 175 of the Complaint.

176. Samsung admits that Ericsson purports Physical Exhibit No. 2 to the Complaint to be a physical sample of the Samsung Galaxy S III (SGH-I747). Samsung further admits that Exhibit 37 to the Complaint includes what purports to be a claim chart of claims 1, 11, 19, and 30 of the '223 patent. Except as admitted, Samsung denies the allegations of paragraph 176 of the Complaint.

177. Samsung denies the allegations of paragraph 177 of the Complaint.

178. [REDACTED]

[REDACTED]

[REDACTED] Samsung denies that any of its products infringe the

'223 patent or any of the Asserted Patents. Except as admitted, Samsung denies the allegations of paragraph 178 of the Complaint.

179. Samsung admits that Exhibit 49 to the Complaint includes what purports to be a claim chart of claims 1, 11, 19, and 30 of the '223 patent. Except as admitted, Samsung denies the allegations of paragraph 179 of the Complaint.

180. Samsung denies the allegations of paragraph 180 of the Complaint.

181. [REDACTED]

[REDACTED] Samsung denies that any of its products infringe the '223 or any of the Asserted Patents. Except as admitted, Samsung denies the allegations of paragraph 181 of the Complaint.

182. Samsung admits that Ericsson purports Physical Exhibit No. 11 to the Complaint to be a physical sample of the Samsung BD-E5700. Samsung further admits that Exhibit 53 to the Complaint includes what purports to be a claim chart of claims 1, 11, 19, and 30 of the '223 patent. Except as admitted, Samsung denies the allegations of paragraph 182 of the Complaint.

183. Samsung denies the allegations of paragraph 183 of the Complaint.

184. [REDACTED]

[REDACTED] Samsung denies that any of its products infringe the '223 patent or any of the Asserted Patents. Except as admitted, Samsung denies the allegations of paragraph 184 of the Complaint.

185. Samsung admits that Ericsson purports Physical Exhibit No. 12 to the Complaint to be a physical sample of the Samsung Galaxy Tab (SCH-I815). Samsung further admits that Exhibit 57 to the Complaint includes what purports to be a claim chart of claims 1, 11, 19, and 30 of the '223 patent. Except as admitted, Samsung denies the allegations of paragraph 185 of the Complaint.

186. Samsung denies the allegations of paragraph 186 of the Complaint.

**I. Infringement of United States Patent No. 6,624,832**

187. Samsung denies the allegations of paragraph 187 of the Complaint.

188. Samsung denies the allegations of paragraph 188 of the Complaint.

189. Samsung admits that Samsung and Ericsson have previously entered into license agreements. Samsung further admits that Ericsson filed a complaint on November 27, 2012 for patent infringement in United States District Court asserting the '832 patent. Except as admitted, Samsung denies the allegations of paragraph 189 of the Complaint.

190. Samsung denies the allegations of paragraph 190 of the Complaint.

191. [REDACTED]

[REDACTED]

[REDACTED]

Samsung denies that any of its products infringe the '832 patent or any of the Asserted Patents. Except as admitted, Samsung denies the allegations of paragraph 191 of the Complaint.

192. Samsung admits that Ericsson purports Physical Exhibit No. 2 to the Complaint to be a physical sample of the Samsung Galaxy S III (SGH-I747). Samsung further admits that Exhibit 38 to the Complaint includes what purports to be a claim chart of claims 1, 9, and 12 of

the '832 patent. Except as admitted, Samsung denies the allegations of paragraph 192 of the Complaint.

193. Samsung denies the allegations of paragraph 193 of the Complaint.

**J. Infringement of United States Patent No. 6,772,215**

194. Samsung denies the allegations of paragraph 194 of the Complaint.

195. Samsung denies the allegations of paragraph 195 of the Complaint.

196. Samsung admits that Samsung and Ericsson have previously entered into license agreements. Samsung further admits that Ericsson filed a complaint on November 27, 2012 for patent infringement in United States District Court asserting the '215 patent. Except as admitted, Samsung denies the allegations of paragraph 196 of the Complaint.

197. Samsung denies the allegations of paragraph 197 of the Complaint.

198. [REDACTED]

[REDACTED]

[REDACTED]

Samsung denies that any of its products infringe the '215 patent or any of the Asserted Patents. Except as admitted, Samsung denies the allegations of paragraph 198 of the Complaint.

199. Samsung admits that Ericsson purports Physical Exhibit No. 2 to the Complaint to be a physical sample of the Samsung Galaxy S III (SGH-I747). Samsung further admits that Exhibit 39 to the Complaint includes what purports to be a claim chart of claims 1, 15, 25, and 45 of the '215 patent. Except as admitted, Samsung denies the allegations of paragraph 199 of the Complaint.

200. Samsung denies the allegations of paragraph 200 of the Complaint.

201. [REDACTED]

[REDACTED]

[REDACTED] Samsung denies that any of its products infringe the '215 or any of the Asserted Patents. Except as admitted, Samsung denies the allegations of paragraph 201 of the Complaint.

202. Samsung further admits that Exhibit 50 to the Complaint includes what purports to be a claim chart of claims 1, 15, 25, and 45 of the '215 patent. Except as admitted, Samsung denies the allegations of paragraph 202 of the Complaint.

203. Samsung denies the allegations of paragraph 203 of the Complaint.

204. [REDACTED]

[REDACTED]

[REDACTED] Samsung denies that any of its products infringe the '215 patent or any of the Asserted Patents. Except as admitted, Samsung denies the allegations of paragraph 204 of the Complaint.

205. Samsung admits that Ericsson purports Physical Exhibit No. 11 to the Complaint to be a physical sample of the Samsung BD-E5700. Samsung further admits that Exhibit 54 to the Complaint includes what purports to be a claim chart of claims 1, 15, 25, and 45 of the '215 patent. Except as admitted, Samsung denies the allegations of paragraph 205 of the Complaint.

206. Samsung denies the allegations of paragraph 206 of the Complaint.

207. [REDACTED]

[REDACTED]

[REDACTED] Samsung denies that any of its

products infringe the '215 patent or any of the Asserted Patents. Except as admitted, Samsung denies the allegations of paragraph 207 of the Complaint.

208. Samsung admits that Ericsson purports Physical Exhibit No. 12 to the Complaint to be a physical sample of the Samsung Galaxy Tab (SCH-I815). Samsung further admits that Exhibit 58 to the Complaint includes what purports to be a claim chart of claims 1, 15, 25, and 45 of the '215 patent. Except as admitted, Samsung denies the allegations of paragraph 208 of the Complaint.

209. Samsung denies the allegations of paragraph 209 of the Complaint.

**K. Infringement of United States Patent No. 8,169,992**

210. Samsung denies the allegations of paragraph 210 of the Complaint.

211. Samsung denies the allegations of paragraph 211 of the Complaint.

212. Samsung admits that Samsung and Ericsson have previously entered into license agreements. Samsung further admits that Ericsson filed a complaint on November 27, 2012 for patent infringement in United States District Court asserting the '992 patent. Except as admitted, Samsung denies the allegations of paragraph 212 of the Complaint.

213. Samsung denies the allegations of paragraph 213 of the Complaint.

214. [REDACTED]

[REDACTED]

[REDACTED]

Samsung denies that any of its products infringe the '992 patent or any of the Asserted Patents. Except as admitted, Samsung denies the allegations of paragraph 214 of the Complaint.

215. Samsung admits that Ericsson purports Physical Exhibit No. 2 to the Complaint to be a physical sample of the Samsung Galaxy S III (SGH-I747). Samsung further admits that Exhibit 40 to the Complaint includes what purports to be a claim chart of claims 1 and 7 of the '992 patent. Except as admitted, Samsung denies the allegations of paragraph 215 of the Complaint.

216. [REDACTED]  
[REDACTED] Samsung further admits that Exhibit 44 to the Complaint includes what purports to be photographs of the Samsung Evolved Node B Macrocell. Samsung further admits that Exhibit 46 to the Complaint includes what purports to be a claim chart of claims 6 and 13 of the '992 patent. Except as admitted, Samsung denies the allegations of paragraph 216 of the Complaint.

217. Samsung denies the allegations of paragraph 217 of the Complaint.

## **VI. TARIFF CLASSIFICATION UNDER THE HARMONIZED TARIFF SCHEDULE**

218. Samsung admits that the Harmonized Tariff Schedule of the United States item number for cellular telephones is 8517.12.00, for tablet computers is 8471.30.01, for base stations is 8529.90.86, for televisions is 8528.72.72, and for Blu-ray players is 8521.90.00. Except as admitted, Samsung denies the allegations and characterizations of paragraph 66 of the Complaint.

## **VII. RELATED LITIGATION**

219. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 219 of the Complaint.

220. Samsung admits that the Ericsson filed a complaint in 2006 in U.S. District Court, *Ericsson Inc. et al. v. Samsung Electronics Co., Ltd. et al.*, Case No. 2:06-cv-0063 (E.D. Tex.), which concerned U.S. Patent Nos. 4,905,234; 5,487,071; 5,757,813; 5,768,267; 5,930,241; 6,058,359; 6,029,125; 6,301,556; 6,473,506; 6,192,335; 6,275,798; 6,452,941; 6,424,938; 6,865,233; and 6,502,063. Samsung further admits that the Ericsson filed a complaint in 2006 in U.S. District Court, *Ericsson Inc. et al. v. Samsung Electronics Co., Ltd. et al.*, Case No. 2:06-cv-0306 (E.D. Tex.), which concerned U.S. Patent Nos. 5,113,416; 5,758,295; 5,783,926; 5,864,765; 6,009,319; 6,029,052; 6,198,405; 6,387,027; 6,697,953; 6,839,549; and 6,975,686. Samsung further admits that both actions settled.

221. Samsung admits that Ericsson filed a complaint in 2006 at the U.S. International Trade Commission, *Certain Wireless Communication Devices, Components Thereof, and Products Containing the Same*, ITC Inv. No. 337-TA-583, which concerned U.S. Patent Nos. 5,758,295; 5,783,926; 5,864,765; 6,009,319; 6,029,052; 6,198,405; 6,387,027; 6,839,549; and 6,975,686. Samsung further admits that the investigation was terminated based on a settlement agreement.

222. Samsung admits that the Asserted Patents are the subject of an action for patent infringement filed in the United States District Court for the Eastern District of Texas. Samsung further admits that Ericsson filed a complaint for patent infringement in the United States District Court for the Eastern District of Texas, asserting U.S. Patent Nos. 6,259,724; 6,400,376; 6,466,568; 6,502,063; 6,597,787; 6,732,069; 6,865,233; 6,985,474; 7,660,417; 7,707,592; 7,769,078; 7,961,709; and 8,036,150.

223. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 223 of the Complaint.

## **VIII. DOMESTIC INDUSTRY**

224. To the extent that paragraph 224 contains conclusions of law, no response is necessary. To the extent a response is necessary, Samsung denies the allegations and characterizations of paragraph 224 of the Complaint.

### **A. Ericsson's Domestic Activities**

225. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 225 of the Complaint, and therefore denies those allegations.

226. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 226 of the Complaint, and therefore denies those allegations.

227. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 227 of the Complaint, and therefore denies those allegations.

228. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 228 of the Complaint, and therefore denies those allegations.

229. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 229 of the Complaint, and therefore denies those allegations.

230. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 230 of the Complaint, and therefore denies those allegations.

231. Samsung admits that Ericsson purports Physical Exhibit No. 4 to the Complaint to be a physical sample of the Apple iPhone 4. Samsung further admits that Exhibits 61C-65C and 116C to the Complaint include what purports to be claim charts of certain claims of certain

Asserted Patents. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations and characterizations contained in the remainder of paragraph 231 of the Complaint, and therefore denies those allegations and characterizations.

232. Samsung admits that Ericsson purports Physical Exhibit No. 5 to the Complaint to be a physical sample of the Motorola Atrix 2. Samsung further admits that Exhibits 66C-72C to the Complaint include what purports to be claim charts of certain claims of certain Asserted Patents. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations and characterizations contained in the remainder of paragraph 232 of the Complaint, and therefore denies those allegations and characterizations.

233. Samsung admits that Ericsson purports Physical Exhibit No. 6 to the Complaint to be a physical sample of the RIM Bold 9900. Samsung further admits that Exhibits 74C-79C and 117C to the Complaint include what purports to be claim charts of certain claims of certain Asserted Patents. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations and characterizations contained in the remainder of paragraph 233 of the Complaint, and therefore denies those allegations and characterizations.

234. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations and characterizations contained in paragraph 234 of the Complaint, and therefore denies those allegations and characterizations.

235. Samsung admits that Ericsson purports Physical Exhibit No. 6 to the Complaint to be a physical sample of the RIM Bold 9900. Samsung further admits that Ericsson purports Physical Exhibit No. 10 to the Complaint to be a physical sample of the Motorola Cliq 2. Samsung further admits that Exhibits 73C-79C and 117C to the Complaint include what purports

to be claim charts of certain claims of certain Asserted Patents. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations and characterizations contained in the remainder of paragraph 235 of the Complaint, and therefore denies those allegations and characterizations.

236. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations and characterizations contained in paragraph 236 of the Complaint, and therefore denies those allegations and characterizations.

237. Samsung admits that Ericsson purports Physical Exhibit No. 7 to the Complaint to be a physical sample of the Motorola Admiral. Samsung further admits that Exhibits 80C and 81C to the Complaint include what purports to be claim charts of certain claims of certain Asserted Patents. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations and characterizations contained in the remainder of paragraph 237 of the Complaint, and therefore denies those allegations and characterizations.

238. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations and characterizations contained in paragraph 238 of the Complaint, and therefore denies those allegations and characterizations.

239. Samsung admits that Ericsson purports Physical Exhibit No. 9 to the Complaint to be a physical sample of the Motorola RAZR M. Samsung further admits that Exhibits 82C-84C to the Complaint include what purports to be claim charts of certain claims of certain Asserted Patents. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations and characterizations contained in the remainder of paragraph 239 of the Complaint, and therefore denies those allegations and characterizations.

240. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations and characterizations contained in paragraph 240 of the Complaint, and therefore denies those allegations and characterizations.

241. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations and characterizations contained in paragraph 241 of the Complaint, and therefore denies those allegations and characterizations.

242. Samsung admits that Exhibits 90C-92C and 94C-97C to the Complaint include what purports to be claim charts of certain claims of certain Asserted Patents. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations and characterizations contained in the remainder of paragraph 242 of the Complaint, and therefore denies those allegations and characterizations.

243. To the extent that paragraph 243 contains conclusions of law, no response is necessary. To the extent a response is necessary, Samsung denies the allegations and characterizations of paragraph 243 of the Complaint.

244. To the extent that paragraph 244 contains conclusions of law, no response is necessary. To the extent a response is necessary, Samsung denies the allegations and characterizations of paragraph 244 of the Complaint.

**B. Ericsson's Domestic Licensing**

**1. Licensing Activities**

245. To the extent that paragraph 245 contains conclusions of law, no response is necessary. To the extent a response is necessary, Samsung denies the allegations and characterizations of paragraph 245 of the Complaint.

244. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 244 of the Complaint, and therefore denies those allegations.

245. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 245 of the Complaint, and therefore denies those allegations.

246. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 246 of the Complaint, and therefore denies those allegations.

247. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 247 of the Complaint, and therefore denies those allegations.

248. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 248 of the Complaint, and therefore denies those allegations.

249. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 249 of the Complaint, and therefore denies those allegations.

250. To the extent that paragraph 250 contains conclusions of law, no response is necessary. To the extent a response is necessary, Samsung denies the allegations and characterizations of paragraph 250 of the Complaint.

251. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 251 of the Complaint, and therefore denies those allegations.

252. To the extent that paragraph 252 contains conclusions of law, no response is necessary. To the extent a response is necessary, Samsung denies the allegations and characterizations of paragraph 252 of the Complaint.

253. To the extent that paragraph 253 contains conclusions of law, no response is necessary. To the extent a response is necessary, Samsung denies the allegations and characterizations of paragraph 253 of the Complaint.

**2. Litigation Activities Related to Licensing**

254. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 254 of the Complaint, and therefore denies those allegations.

255. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 255 of the Complaint, and therefore denies those allegations.

256. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 256 of the Complaint, and therefore denies those allegations.

257. To the extent that paragraph 257 contains conclusions of law, no response is necessary. To the extent a response is necessary, Samsung denies the allegations and characterizations of paragraph 257 of the Complaint.

258. To the extent that paragraph 258 contains conclusions of law, no response is necessary. To the extent a response is necessary, Samsung denies the allegations and characterizations of paragraph 258 of the Complaint.

**C. The Domestic Activities of Ericsson's Licensee Motorola**

259. To the extent that paragraph 259 contains conclusions of law, no response is necessary. To the extent a response is necessary, Samsung denies the allegations and characterizations of paragraph 259 of the Complaint.

260. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 260 of the Complaint, and therefore denies those allegations.

261. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 261 of the Complaint, and therefore denies those allegations.

262. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 262 of the Complaint, and therefore denies those allegations.

263. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 263 of the Complaint, and therefore denies those allegations.

264. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 264 of the Complaint, and therefore denies those allegations.

265. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 265 of the Complaint, and therefore denies those allegations.

266. Samsung admits that Ericsson purports Physical Exhibit No. 5 to the Complaint to be a physical sample of the Motorola Atrix 2. Samsung further admits that Exhibits 66C-72C and 118C to the Complaint include what purports to be claim charts of certain claims of certain Asserted Patents. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations and characterizations contained in the remainder of paragraph 266 of the Complaint, and therefore denies those allegations and characterizations.

267. Samsung admits that Ericsson purports Physical Exhibit No. 9 to the Complaint to be a physical sample of the Motorola RAZR M. Samsung further admits that Exhibits 82C-84C to the Complaint include what purports to be claim charts of certain claims of certain Asserted Patents. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations and characterizations contained in the remainder of paragraph 267 of the Complaint, and therefore denies those allegations and characterizations.

268. Samsung admits that Ericsson purports Physical Exhibit No. 7 to the Complaint to be a physical sample of the Motorola Admiral. Samsung further admits that Exhibits 80C and 81C to the Complaint include what purports to be claim charts of certain claims of certain Asserted Patents. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations and characterizations contained in the remainder of paragraph 268 of the Complaint, and therefore denies those allegations and characterizations.

269. Samsung admits that Ericsson purports Physical Exhibit No. 10 to the Complaint to be a physical sample of the Motorola Cliq 2. Samsung further admits that Exhibit 73C to the Complaint include what purports to be claim charts of certain claims of certain Asserted Patents. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations and characterizations contained in the remainder of paragraph 269 of the Complaint, and therefore denies those allegations and characterizations.

270. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 270 of the Complaint, and therefore denies those allegations.

271. To the extent that paragraph 271 contains conclusions of law, no response is necessary. To the extent a response is necessary, Samsung denies the allegations and characterizations of paragraph 271 of the Complaint.

272. To the extent that paragraph 272 contains conclusions of law, no response is necessary. To the extent a response is necessary, Samsung denies the allegations and characterizations of paragraph 272 of the Complaint.

273. To the extent that paragraph 273 contains conclusions of law, no response is necessary. To the extent a response is necessary, Samsung denies the allegations and characterizations of paragraph 273 of the Complaint.

**D. The Domestic Activities of Ericsson's Licensee Apple**

274. To the extent that paragraph 274 contains conclusions of law, no response is necessary. To the extent a response is necessary, Samsung denies the allegations and characterizations of paragraph 274 of the Complaint.

275. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 275 of the Complaint, and therefore denies those allegations.

276. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 276 of the Complaint, and therefore denies those allegations.

277. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 277 of the Complaint, and therefore denies those allegations.

278. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 278 of the Complaint, and therefore denies those allegations.

279. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 279 of the Complaint, and therefore denies those allegations.

280. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 280 of the Complaint, and therefore denies those allegations.

281. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 281 of the Complaint, and therefore denies those allegations.

282. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 282 of the Complaint, and therefore denies those allegations.

283. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 283 of the Complaint, and therefore denies those allegations.

284. Samsung admits that Ericsson purports Physical Exhibit No. 4 to the Complaint to be a physical sample of the Apple iPhone 4. Samsung further admits that Exhibits 61C-65C and 116C to the Complaint include what purports to be claim charts of certain claims of certain Asserted Patents. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations and characterizations contained in the remainder of paragraph 284 of the Complaint, and therefore denies those allegations and characterizations.

285. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 285 of the Complaint, and therefore denies those allegations.

286. To the extent that paragraph 286 contains conclusions of law, no response is necessary. To the extent a response is necessary, Samsung denies the allegations and characterizations of paragraph 286 of the Complaint.

287. To the extent that paragraph 287 contains conclusions of law, no response is necessary. To the extent a response is necessary, Samsung denies the allegations and characterizations of paragraph 287 of the Complaint.

**E. The Domestic Activities of Ericsson Licensee Research in Motion (RIM)**

288. To the extent that paragraph 288 contains conclusions of law, no response is necessary. To the extent a response is necessary, Samsung denies the allegations and characterizations of paragraph 288 of the Complaint.

289. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 289 of the Complaint, and therefore denies those allegations.

290. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 290 of the Complaint, and therefore denies those allegations.

291. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 291 of the Complaint, and therefore denies those allegations.

292. Samsung admits that Ericsson purports Physical Exhibit No. 8 to the Complaint to be a physical sample of the RIM Torch 9860. Samsung further admits that Exhibits 85C-89C and 119C to the Complaint include what purports to be claim charts of certain claims of certain Asserted Patents. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations and characterizations contained in the remainder of paragraph 292 of the Complaint, and therefore denies those allegations and characterizations.

293. Samsung admits that Ericsson purports Physical Exhibit No. 6 to the Complaint to be a physical sample of the RIM Bold 9900. Samsung further admits that Exhibits 74C-79C to the Complaint include what purports to be claim charts of certain claims of certain Asserted Patents. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations and characterizations contained in the remainder of paragraph 293 of the Complaint, and therefore denies those allegations and characterizations.

294. To the extent that paragraph 294 contains conclusions of law, no response is necessary. To the extent a response is necessary, Samsung denies the allegations and characterizations of paragraph 294 of the Complaint.

295. To the extent that paragraph 295 contains conclusions of law, no response is necessary. To the extent a response is necessary, Samsung denies the allegations and characterizations of paragraph 295 of the Complaint.

**IX. RELIEF REQUESTED**

296. Samsung denies that Ericsson is entitled to any relief whatsoever, including without limitation the relief requested in paragraph 296 of the Complaint.

297. Samsung denies that Ericsson is entitled to any relief whatsoever, including without limitation the relief requested in paragraph 297 of the Complaint.

298. Samsung denies that Ericsson is entitled to any relief whatsoever, including without limitation the relief requested in paragraph 298 of the Complaint.

299. Samsung denies that Ericsson is entitled to any relief whatsoever, including without limitation the relief requested in paragraph 299 of the Complaint.

300. Samsung denies that Ericsson is entitled to any relief whatsoever, including without limitation the relief requested in paragraph 300 of the Complaint.

301. Samsung denies that Ericsson is entitled to any relief whatsoever, including without limitation the relief requested in paragraph 301 of the Complaint.

**RESPONSE TO THE NOTICE OF INVESTIGATION**

1. Pursuant to Commission Rule 210.13(b), Samsung hereby responds to the Notice of Investigation (the “Notice”) issued by the International Trade Commission (the “Commission”) on January 3, 2013, and published in the Federal Register on January 8, 2013. Without admitting any of the specific or general allegations set forth in Ericsson’s Complaint as referenced in the Notice, Samsung provides the following response:

2. Samsung admits that a Complaint was filed on behalf of Ericsson with the Commission on November 30, 2012, pursuant to the Tariff Act of 1930, as amended, (the “Tariff Act”), 19 U.S.C. § 1337 et seq. (the “Complaint”). Samsung admits that the Complaint alleges certain violations of section 337 of the Tariff Act in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic devices, including wireless communication devices, tablet computers, media players, and televisions, and components thereof, by reason of Samsung’s supposed infringement of U.S. Patent Nos. 6,029,052 (“the ’052 patent”), 6,058,359 (“the ’359 patent”), 6,278,888 (“the ’888 patent”), 6,301,556 (“the ’556 patent”), 6,418,310 (“the ’310 patent”), 6,445,917 (“the ’917 patent”), 6,473,506 (“the ’506 patent”), 6,519,223 (“the ’223 patent”), 6,624,832 (“the ’832 patent”), 6,772,215 (“the ’215 patent”), and 8,169,992 (“the ’992 patent”) (collectively, the “Asserted Patents”).

3. Samsung admits that the Complaint alleges that an industry in the United States exists as required by Section 337, but Samsung lacks sufficient information and knowledge to form a belief as to the truth of Ericsson’s allegation that it meets the domestic industry requirement and denies such allegation on that basis. Samsung admits that Ericsson requested

that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist order, as set forth in the Summary of Notice. Samsung denies that Ericsson is entitled to any relief.

4. Samsung admits that the Commission instituted an investigation as set forth in paragraphs (1) through (3) of the Notice. Except as expressly admitted, Samsung denies that there is a violation of Section 337 by reason of the alleged infringement of any asserted claim of any of the Asserted Patents. Samsung denies that a protectable domestic industry exists with respect to any of the Asserted Patents, and further denies that it is in the public interest to grant any relief to Ericsson in connection with this Investigation.

5. Except as expressly admitted, Samsung denies the allegations in the Notice of Investigation.

**INFORMATION REQUIRED UNDER COMMISSION RULE 210.13(B)**

6. See Confidential Exhibit 1 to this Response.

**ADDITIONAL DEFENSES**

7. Samsung asserts the following additional defenses in response to the allegations set forth in the Complaint. Samsung reserves the right to supplement and/or amend its defenses as the investigation progresses.

**FIRST ADDITIONAL DEFENSE**

(Non-infringement)

8. Samsung has not directly infringed, indirectly infringed, contributed to or induced infringement of any valid or enforceable claim of any of the Asserted Patents, and has not otherwise committed any acts in violation of 35 U.S.C. § 271 and/or 19 U.S.C. § 1337.

9. The asserted claims of the Asserted Patents are not entitled to any construction that would cover any product made, used, sold, offered for sale, or imported into the United States by Samsung. Samsung does not infringe any of the Asserted Patents, either directly or indirectly, at least because the accused products do not meet every limitation of any of the asserted claims, the asserted claims are invalid or unenforceable, Samsung is the beneficiary of a license to the asserted claims, and/or Samsung has certain rights arising from various doctrines, including estoppel and unclean hands.

10. Ericsson has failed to identify its contentions with respect to what articles (and which components and/or software thereof) are accused of infringement and how the involved articles practice each limitation of the asserted claims of the '052, '359, '888, '556, '310, '917, '506, '223, '832, '215, and '992 Patents. For example, while Ericsson asserts in its Complaint

that Samsung's cellular telephone products; tablet computer products; base stations; televisions and media players infringe the asserted claims of the '052, '359, '888, '556, '310, '917, '506, '223, '832, '215, or '992 Patents, Exhibits 28, 31-40, 45-46, 49-50, 53-54, and 57-58 to the Complaint fail to set forth sufficient bases for how those products allegedly infringe the asserted claims of the '052, '359, '888, '556, '310, '917, '506, '223, '832, '215, or '992 Patents.

Samsung's investigation is ongoing. Samsung reserves the right to alter, amend or supplement this affirmative defense as the investigation proceeds.

## **SECOND ADDITIONAL DEFENSE**

### **(Invalidity)**

11. On information and belief, and subject to further discovery, each asserted claim of the Asserted Patents is invalid for failure to comply with the requirements of 35 U.S.C. §§ 101, 102, 103, 112, 116 and/or 256, and of any other applicable statutory provisions of Title 35 of the United States Code.

12. With respect to each asserted patent, Samsung provides an identification of prior art that support this additional defense in Confidential Exhibit 2 to this Response. The prior art provided in Exhibit 2 is exemplary only and should not be construed as limiting in any way the defenses that Samsung will present in this Investigation. Samsung's investigation is ongoing. Further, nothing herein should be construed as an admission that Samsung agrees with any Ericsson proposed claim construction.

**THIRD ADDITIONAL DEFENSE**

(Lack of Domestic Industry)

13. Ericsson has not adequately alleged and cannot prove the existence of a domestic industry, as required by Section 337(a)(2) and defined by Section 337(a)(3), in connection with any of the Asserted Patents, or that such domestic industry is in the process of being established.

**FOURTH ADDITIONAL DEFENSE**

(No Unfair Act)

14. Samsung has committed no unfair act.

**FIFTH ADDITIONAL DEFENSE**

(Government Sales)

15. Samsung's importations for, and sales to, the United States government are outside the scope of this proceeding.

**SIXTH ADDITIONAL DEFENSE**

(Relief Not in the Public Interest)

16. The exclusion order and other relief requested by Ericsson are not in the public interest as they would adversely affect the public welfare, competitive conditions and the U.S. consumer.

**SEVENTH ADDITIONAL DEFENSE**

(Covenant Not to Sue, License and/or Patent Exhaustion)

17. Ericsson's claims are barred in whole or in part pursuant to a covenant not to sue, an express and/or an implied license, and/or the doctrine of patent exhaustion.

18. On information and belief, and by way of example without limitation, Samsung has rights arising from their use of [REDACTED] components in

certain Samsung products. On information and belief, [REDACTED] entered into a license agreement with one or more Complainants by which [REDACTED] received, among other things, certain rights related to the Asserted Patents. Samsung has an express or implied license to manufacture, use, import, and sell electronic devices incorporating licensed [REDACTED] components under the Asserted Patents. Moreover, under the doctrine of patent exhaustion, the purchase by Samsung of the licensed components from [REDACTED] exhausts Ericsson's alleged rights under the Asserted Patents.

19. On information and belief, and by way of example without limitation, Samsung has rights arising from their use of [REDACTED] components in certain Samsung products. On information and belief, [REDACTED] has obtained rights to one or more of the Asserted Patents from one or more Complainants. Samsung has an express or implied license to manufacture, use, import, and sell electronic devices incorporating licensed [REDACTED] components under the Asserted Patents. Moreover, under the doctrine of patent exhaustion, the purchase by Samsung of the licensed components from [REDACTED] exhausts Ericsson's alleged rights under the Asserted Patents.

#### **EIGHTH ADDITIONAL DEFENSE**

(Patent Misuse & Unclean Hands – '888 Patent)

20. Ericsson has committed patent misuse by asserting the '888 patent against Samsung in this Investigation when it knows and believes that the '888 patent is partly or wholly invalid.

21. Ericsson has asserted that claim 30 of United States Patent No. 6,278,888 is directly and indirectly infringed by Samsung through at least the importation and sale of the

Samsung Galaxy S III. Claim 30 is the only claim of the '888 patent that was alleged to be infringed, and thus the only claim of the '888 patent at issue in this Investigation.

22. On March 11, 2005, Ericsson filed a reissue application for the '888 patent pursuant to 35 USC Section 251. At the time of filing, Ericsson submitted a sworn declaration from its patent attorney, Steven Slater, stating only one basis for the reissue application, to wit: "Claim 30 of the patent is believed to be wholly or partially invalid in that it claims more than patentee is entitled to." Throughout the ensuing reissue prosecution, Ericsson argued through counsel that the reissue claims, including claim 30, contained narrowing amendments because original claim 30 was too broad.

23. On July 14, 2006, Attorney Slater filed a Supplemental Declaration in support of the reissue application, which again identified original claim 30 as the only error upon which reissue was based, to wit: "Claim 30 of the patent is believed to be wholly or partially invalid in that it claims more than patentee is entitled to. Specifically, originally issues claim 30 lacks the limitation of a 'housing configured to be held in a user's hand such that the rear surface confronts the user's palm.' The absence of this limitation constitutes an error." Thereafter, in an appeal before the Board, Ericsson argued through counsel that the reissue claims, including claim 30, contained narrowing amendments because original claim 30 was too broad.

24. On October 8, 2012, Ericsson Assistant Secretary John Han submitted to the Patent and Trademark Office yet another sworn Supplemental Declaration in support of the reissue application. As with the Slater Declarations, the Han declaration identified only claim 30 as being in error and supporting the reissue application, to wit: "Claim 30 of the patent is believed to be wholly or partially invalid in that it claims more than patentee is entitled to."

25. Ericsson filed the Complaint in this Investigation on November 30, 2012, alleging that claim 30—and *only* claim 30—was infringed by Samsung. Ericsson made these allegations, verified under penalty of perjury, despite having told the Patent Office for seven years (and as recently as October 2012) that it subjectively believed that claim 30 was invalid.

26. Ericsson is seeking, *inter alia*, a determination that Samsung has violated Section 337 by allegedly infringing claim 30 of the '888 patent. Despite the sworn statement of its Assistant Secretary and its patent attorney indicating their belief that claim 30 of the '888 patent is invalid, Ericsson has asked the Commission to issue a permanent exclusion order and permanent cease and desist order based on Samsung's alleged infringement of the '888 patent.

27. By these actions, Ericsson has sought to impermissibly broaden the physical and/or temporal scope of the '888 patent, and has done so in a manner that has anticompetitive effects, and Ericsson has acted in a manner that shocks the moral sensibilities of a reasonable person and engaged in conduct that is offensive to the dictates of natural justice.

### **NINTH ADDITIONAL DEFENSE**

#### **(Unenforceability)**

28. Ericsson's claims as they relate to at least the '917, '506, '223, '215, '992, '359, and '556 patents are barred in whole or in part by reason of estoppel, unclean hands, waiver and/or other equitable doctrines based on Ericsson's failure to comply with its contractual obligations and promises made to the European Telecommunications Standards Institute ("ETSI"), 3rd Generation Partnership Project ("3GPP"), and Institute of Electrical and Electronics Engineers ("IEEE"), as well as the members of those organizations and manufacturers of products compliant with ETSI, 3GPP and IEEE standards.

29. Standards play a critical role in facilitating the development and interoperability of wireless and telecommunications technologies. For example, product designers and manufacturers are more willing to invest heavily in the development of products or component parts because, so long as their products are compliant with the standards, those products will interoperate effectively and be compatible with other products from third parties.

30. Most SSOs, including ETSI and IEEE, have adopted Intellectual Property Rights (“IPR”) Policies to ensure that investment in standard-setting and standard-compliant equipment is not wasted as a result of essential IPR being unavailable or only available under unreasonable and/or discriminatory licensing terms. These policies generally require that SSO members disclose their ownership of patents that may be essential to practice the standard and commit to licensing these patents on fair, reasonable and non-discriminatory ("FRAND") terms. SSO IPR Policies are designed to obtain FRAND licensing obligations from patent owners to ensure that they will not use their IPR to extract unreasonable license fees or to exclude any market participant that is willing to accept a license for use of the IPR on FRAND terms and conditions.

31. Both Ericsson and Samsung are members of the relevant standards-setting organizations ("SSOs"), including ETSI, IEEE, and 3GPP. As a member of ETSI, Ericsson participated in 3GPP standards-setting activities. As a member of IEEE, Ericsson participated in IEEE standard setting activities.

32. ETSI is an SSO and is responsible for the standardization of information and communication technologies for the benefit of its members and third parties. 3GPP is a collaborative activity through a group of recognized SSOs (its "Organizational Partners"),

including ETSI. 3GPP develops technical specifications subsequently presented to and adopted as standards by its Organizational Partners, such as ETSI.

33. IEEE, through IEEE-SA, is an SSO and is responsible for standardization for the benefit of its members and third parties. IEEE develops and adopts technical specifications, including the 802.11 series of standards.

34. Like other SSOs, ETSI, IEEE, and 3GPP have developed IPR Policies designed to ensure that investment in standard-setting and standard-compliant equipment is not wasted as a result of essential IPR being unavailable or only available under unreasonable and/or discriminatory licensing terms. In addition, as a 3GPP "Individual Member," Ericsson was "bound by the IPR Policy" of ETSI, the Organizational Partner through which Ericsson participated in 3GPP.

35. ETSI's IPR Policy is set forth in Annex 6 of its Rules of Procedure. Clause 4.1 of the ETSI IPR Policy requires ETSI members to declare all essential IPR in a timely manner. Clause 15 of ETSI's IPR Policy defines IPR to mean "any intellectual property right conferred by statute law including applications therefor other than trademarks." Therefore, market participants have a reasonable expectation that all potentially essential patents or patent applications will be disclosed to ETSI. Clause 6 of ETSI's IPR Policy governs the availability of licenses to essential IPR, stating that when essential IPRs are brought to the attention of ETSI, ETSI shall immediately request an undertaking in writing that the IPR owner is prepared to grant irrevocable licenses on fair, reasonable, and non-discriminatory terms. Clause 8 of ETSI's IPR Policy states that, if an IPR owner refuses to give a FRAND commitment in accordance with Clause 6.1 of the IPR Policy prior to the publication of a standard, ETSI will select an alternative

technology to incorporate into the standard, or will stop work entirely on the standard if no alternative is available. Further, if an IPR owner refuses to give a FRAND commitment in accordance with Clause 6.1 after publication of a standard, ETSI shall try to modify the standard so that the IPR in question is no longer essential or failing that will involve the European Commission to see what further action is required.

36. The IEEE's IPR Policy is set forth in Section 6.2 of the IEEE-SA Standards Board Bylaws. This section requires that the IEEE "request licensing assurance" through a Letter of Assurance process. This Letter of Assurance must contain either (1) "[a] general disclaimer to the effect that the Submitter without conditions will not enforce any present or future Essential Patent Claims against any person ... implementing ... the standard," or (2) "[a] statement that a license for a compliant implementation of the standard will be made available to an unrestricted number of applicants on a worldwide basis without compensation or under reasonable rates, with reasonable terms and conditions that are demonstrably free of any unfair discrimination."

37. The IEEE's IPR Policy further states that "In order for IEEE's patent policy to function efficiently, individuals participating in the standards development process: (a) shall inform the IEEE (or cause the IEEE to be informed) of the holder of any potential Essential Patent Claims of which they are personally aware and that are not already the subject of an existing Letter of Assurance, owned or controlled by the participant or the entity the participant is from, employed by, or otherwise represents; and (b) should inform the IEEE (or cause the IEEE to be informed) of any other holders of such potential Essential Patent Claims that are not already the subject of an existing Letter of Assurance."

38. Ericsson's complaint asserts that Samsung's products infringe the '917, '506, '223, '215, '992, '359, and '556 by virtue of being compliant with various ETSI, 3GPP, and IEEE standards, such as LTE, UMTS, GPRS, GSM, AMR Speech Coding, and 802.11n.

39. Ericsson has declared to ETSI that each of the '917, '506, '223, '215, '992, '359, and '556 patents is essential or potentially essential to one or more standard, and explicitly has undertaken "to grant irrevocable licenses under the IPRs on terms and conditions which are in accordance with Clause 6.1 of the ETSI IPR Policy," i.e., on FRAND terms. In a Letter of Assurance directed to IEEE 802.11n, Ericsson also agreed to "grant a license under reasonable rates to an unrestricted number of applicants on a worldwide basis with reasonable terms and conditions that are demonstrably free of unfair discrimination."

40. As a member and participant in these SSOs, Samsung relied on the IPR Policies of ETSI, 3GPP and IEEE to ensure that it will have the ability to obtain licenses to standard essential patents on FRAND terms before developing and investing in products and technologies that practice the standard.

41. Moreover, relying on Ericsson's representations to these SSOs, the SSOs and other participants in those SSOs, including Samsung, adopted Ericsson's technologies into the technical standards that were being developed. Samsung has invested [REDACTED] in products and technologies in reliance on Ericsson's commitments to license on FRAND terms. For example, Samsung has made substantial investments in the design, manufacture, launch and continued innovation of these products and technologies. If the SSOs and Samsung had known that Ericsson would refuse to honor its obligations to offer licenses to the purportedly standards-essential patents on FRAND terms, then SSOs would not have incorporated Ericsson's

technologies into the relevant standards, and Samsung would not have invested [REDACTED] in products and technologies that were subject to Ericsson's demands for unreasonable licensing terms.

42. Moreover, Samsung and Ericsson have previously entered into license agreements relating to technology at issue in this case. In December 2001, after extensive arm's-length negotiations, Samsung and Ericsson entered into a worldwide cross-license agreement that specified [REDACTED]

43. When the 2001 License expired in 2005, Ericsson demanded an exorbitant renewal fee [REDACTED] and rejected Samsung's reasonable offer of [REDACTED] for the same period. Despite Samsung's attempts to reach an agreement with Ericsson, Ericsson refused to reduce its demand. Instead, Ericsson initiated litigations against Samsung in the middle of the renewal negotiations between the parties.

44. The parties eventually resolved the pending litigations by entering into a new cross-license on June 29, 2007. Per the 2007 Agreement, [REDACTED] [REDACTED] The 2007 Agreement expired in 2011. Since then, Samsung has been ready and willing to negotiate another license agreement with Ericsson. However, instead of proposing terms consistent with the two previous license agreements, [REDACTED]

[REDACTED] nstead, consistent with its new business model, which no longer includes the manufacture of handsets, Ericsson demanded terms that were unfair, unreasonable, and exorbitant in comparison to the parties' previous agreements. Ericsson has

not complied with its obligation to offer Samsung, and negotiate, a license on FRAND terms.

And despite Samsung's willingness to negotiate a license on FRAND terms, Ericsson once again initiated litigations against Samsung in the middle of the renewal negotiations between the parties.

45. In addition to relying on Ericsson's representations to the SSOs to license on FRAND terms, Samsung also relied on the parties' previous license agreements in making business decisions and investments relating to the design, manufacture, launch and continued innovation of the products and technologies. Given Ericsson's insistence on short term ("guillotine") licenses during the two previous negotiations, Samsung relied on Ericsson's representations that it would license on FRAND terms in making continued investments in the products and technologies. However, instead of proposing FRAND terms, Ericsson has demanded terms that were unreasonable and exorbitant in comparison to the previous agreements.

46. In violation of its representations and obligations to ETSI and IEEE, Ericsson has not offered Samsung a license on FRAND terms or negotiated in good faith to offer Samsung such a FRAND license. Instead, in breach of the binding commitments it made to offer licenses on FRAND terms, Ericsson has attempted to extract unfair, unreasonable royalty fees that grossly exceed the terms set forth in Ericsson's other license agreements, including the previous two license agreements between Ericsson and Samsung.

47. Ericsson now seeks to exclude Samsung's products from the United States, contrary to its earlier contractual obligations and promises. Ericsson's license demands and associated litigation tactics are in violation of its FRAND obligations. Ericsson is in breach of

its obligations and promises and should be barred from seeking relief at the ITC or any other forum, for Samsung's alleged infringement of the purportedly standards-essential patents. This Investigation should therefore be terminated as to at least the '917, '506, '223, '215, '992, '359, and '556 patents, and Ericsson should be estopped from pursuing such claims against Samsung unless and until Ericsson complies with its FRAND obligations.

**TENTH ADDITIONAL DEFENSE**

(Patent Misuse)

48. Samsung incorporates the allegations set forth in paragraphs 28-47, above. In light of these facts, Ericsson is barred from asserting at least the '917, '506, '223, '215, '992, '359, and '556 patents by the equitable doctrine of patent misuse.

**ELEVENTH ADDITIONAL DEFENSE**

(Lack of Standing)

49. Samsung incorporates the allegations set forth in paragraphs 28-47, above. In light of these facts, Ericsson lacks standing as to its claims relating to at least the '917, '506, '223, '215, '992, '359, and '556 patents. Ericsson is precluded from obtaining injunctive or other exclusionary relief because it failed to comply with its commitments to ETSI and IEEE that it would license its declared-essential patents on FRAND terms to willing licensees, such as Samsung here. Ericsson lacks standing because it has not offered Samsung a license on FRAND terms or negotiated in good faith to offer Samsung such a FRAND license in violation of Ericsson's representations and obligations to ETSI and IEEE.

**TWELFTH ADDITIONAL DEFENSE**

(Failure to State a Claim)

50. Samsung incorporates the allegations set forth in paragraphs 28-47, above. In light of these facts, Ericsson's complaint fails to state a claim upon which relief can be granted.

**THIRTEENTH ADDITIONAL DEFENSE**

(Other Defenses)

51. Samsung further reserves the right to amend its Response to include other affirmative defenses that Samsung may learn of during the course of this investigation.

**PRAYER FOR RELIEF**

WHEREFORE, Samsung requests that the Commission issue an order:

52. Denying all relief requested in the Complaint;

53. Finding that Samsung has not violated Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337;

54. Finding that Samsung has not infringed, contributorily infringed and/or induced infringement of the asserted claims of the '052, '359, '888, '556, '310, '917, '506, '223, '832, '215 or '992 Patents;

55. Finding that there is no domestic industry for the '052, '359, '888, '556, '310, '917, '506, '223, '832, '215 or '992 Patents;

56. Awarding Samsung its attorneys' fees and costs incurred in responding to the Complaint and defending this Investigation;

57. Dismissing the present Complaint and terminating the present Investigation; and

58. Awarding such other and further relief as the Commission deems just and proper.

Respectfully submitted,  
FISH & RICHARDSON P.C.

Dated: January 31, 2013

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Samsung Telecommunications America,  
LLC*

**VERIFICATION OF RESPONSE TO COMPLAINT AND  
NOTICE OF INVESTIGATION**

I, Jay Shim, Senior Vice President, Samsung Electronics Co., Ltd., for and on behalf of Respondents Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC, in accordance with the provisions of Commission Rules 210.13(b) and 210.14(c), declare that:

1. I am duly authorized to execute this verification.
2. I have read the Response to the Complaint and Notice of Investigation (“Response”) and am familiar with its contents.
3. To the best of my knowledge, information, and belief founded after reasonable inquiry, the foregoing Responses and statements made therein:
  - a. are not being made for any improper purpose;
  - b. are well grounded in fact and are warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law;
  - c. have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and
  - d. to the extent they deny factual contentions, are warranted on the evidence or are reasonably based on a lack of information or belief.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

By: \_\_\_\_\_  
Jay Shim

Executed on this 31st day of January 2013

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing document **RESPONDENTS SAMSUNG ELECTRONICS CO., LTD, SAMSUNG TELECOMMUNICATIONS AMERICA, LLC AND SAMSUNG ELECTRONCS AMERICA, INC.’S RESPONSE TO THE COMPLAINT AND NOTICE OF INVESTIGATION**, have been filed and served on this 31<sup>st</sup> day of January, 2013, on the following:

<p>The Honorable Lisa R. Barton Acting Secretary <b>U.S. International Trade Commission</b> 500 E Street S.W. Washington, D.C. 20436</p>	<p><input type="checkbox"/> Via First-Class Mail <input type="checkbox"/> Via Hand-Delivery <input type="checkbox"/> Via Federal Express <input checked="" type="checkbox"/> Via Electronic Filing</p>
<p>The Honorable David P. Shaw Administrative Law Judge <b>U.S. International Trade Commission</b> 500 E Street S.W. Washington, D.C. 20436</p>	<p><input type="checkbox"/> Via First-Class Mail <input checked="" type="checkbox"/> Via Hand-Delivery <input type="checkbox"/> Via Federal Express <input type="checkbox"/> Via E-mail</p>
<p>Pyong Yoon, Esq. Attorney-Advisor <b>U.S. International Trade Commission</b> 500 E Street, S.W. Washington, D.C. 20436 <i>pyong.yoon@usitc.gov</i></p>	<p><input type="checkbox"/> Via First-Class Mail <input type="checkbox"/> Via Hand-Delivery <input type="checkbox"/> Via Federal Express <input checked="" type="checkbox"/> Via E-mail</p>
<p>Lisa Kattan, Esq. Investigative Attorney Office of Unfair Import Investigations <b>U.S. International Trade Commission</b> 500 E Street, S.W. Washington, D.C. 20436 <i>lisa.kattan@usitc.gov</i></p>	<p><input type="checkbox"/> Via First-Class Mail <input type="checkbox"/> Via Hand-Delivery <input type="checkbox"/> Via Federal Express <input checked="" type="checkbox"/> Via E-mail</p>

PUBLIC VERSION

<p>Mike McKool, Esq. Douglas A. Cawley, Esq. Theodore Stevenson III, Esq. <b>McKool Smith, P.C.</b> 300 Crescent Court, Suite 1500 Dallas, Texas 75201</p> <p>Benjamin Levi <b>McKool Smith, P.C.</b> 1999 K Street, N.W., Suite 600 Washington, D.C. 20006 <i>ericsson_samsung_862@mckoolsmith.com</i></p> <p><i>Counsel for Complainants Ericsson Inc. and Telefonaktiebolaget LM Ericsson</i></p>	<p><input type="checkbox"/> Via First-Class Mail <input type="checkbox"/> Via Hand-Delivery <input type="checkbox"/> Via Federal Express <input checked="" type="checkbox"/> Via E-mail</p>
--	---

/s/ Patrick Edelin, Jr.  
Patrick Edelin, Jr.

# **EXHIBIT 1**

**INFORMATION REQUIRED BY 19 C.F.R. § 210.13(B)**

Pursuant to Commission Rule 210.13(b), the Samsung Respondents provide the following information with the sole intention of supplying statistical and other data required by 19 C.F.R. § 210.13(b). The Samsung Respondents specifically deny that any of the supplied data refers or relates to any unlawful act under Section 337 or otherwise, and the Samsung Respondents specifically deny that their products infringe any of the claims of the Asserted Patents. Discovery has only recently begun and is ongoing. Samsung reserves the right to amend and/or supplement the information provided below.

1. Samsung’s accused products may fall within the following classifications of the Harmonized Tariff Schedules of the United States:

Cellular Telephones	8517.12.00
Base Stations	8529.90.86
Tablet Computers	8471.30.01
Televisions	8528.72.72
Blu-Ray Players	8521.90.00

2. From January through September 2012, Samsung imported the following approximate number of units of accused products having the following approximate value:

Cellular Telephones	██████ units	US ██████
Base Stations	██████ units	US ██████
Tablet Computers	██████ units	US ██████
Televisions	██████ units	US ██████
Blu-Ray Players	██████ units	US ██████

3. SEA and STA do not conduct any manufacturing. Instead, [REDACTED]

[REDACTED] From January through September 2012, SEC had the capacity to manufacture at least the following units of accused products:

Cellular Telephones	[REDACTED] units
Base Stations	[REDACTED] units
Tablet Computers	[REDACTED] units
Televisions	[REDACTED] units
Blu-Ray Players	[REDACTED] units

[REDACTED]

[REDACTED]

4. Pursuant to Rule 210.13(b), the Samsung Respondents state that, from January through September 2012, the United States market represented the following approximate percentage of SEC's worldwide market of accused products:

Cellular Telephones	[REDACTED]
Base Stations	[REDACTED]
Tablet Computers	[REDACTED]
Televisions	[REDACTED]
Blu-Ray Players	[REDACTED]

5. This information is preliminary in nature and will be supplemented and amended as appropriate.

# **EXHIBIT 2**

**IDENTIFICATION OF PRIOR ART**

All asserted claims in the Patents-in-Suite are invalid under 35 U.S.C. § 102 and/or § 103 in view of at least the follow prior art, either alone or in combination.

**A. '052 Patent**

<b>Country</b>	<b>Number</b>	<b>First Named Inventor</b>
U.S.	3,940,697	Morgan
U.S.	4,352,203	Ohkubo
U.S.	4,598,422	Fellman
U.S.	4,672,640	Meek et al.
U.S.	4,881,272	Eguchi
U.S.	4,939,789	Sakashita et al.
U.S.	4,972,509	Maejima
U.S.	4,978,944	Andros et al.
U.S.	5,003,621	Gailus
U.S.	5,027,430	Yamauchi et al.
U.S.	5,091,921	Minami
U.S.	5,280,636	Kelley et al.
U.S.	5,557,642	Williams
U.S.	5,564,076	Auvray
U.S.	5,579,347	Lindquist et al.
U.S.	5,926,751	Vlahos et al.
U.S.	5,983,081	Lehtinen
U.S.	6,014,571	Enoki
U.S.	5,896,562	Heinonen
EP	0180339	
EP	0660626	
EP	0678974	
EP	0682458	
EP	0780993	
EP	0798880	
JP	3-277832	
JP	5-121947	
JP	8-168703	
JP	8-299869	
FI	961465	

<b>Prior Art Publications</b>
"Design of an Integrated Front-End for a Direct Conversion Receiver," Martin Isberg, Depart of Applied Electronics, Lund Institute of Technology, 1994, p. 62.
"Direct-Conversion Radio Transceivers for Digital Communications," Asad A. Abidi, IEEE Log Number 9415818, IEEE Journal of Solid-State Circuits, Vol. 30, No. 12, December 1995.
"Zero-IF Receiver Architecture For Multistandard Compatible Radio Systems. Girafe Project." Alfonso Fernandez-Duran et al., Vehicular Technology Conference, 1996. Mobile Technology for the Human Race, IEEE 46th, Vol. 2, pp. 1052-1056, April 28, 1996.
"Application of zero-IF radio architecture to multistandard compatible radio systems," Alfonso Fernandez-Duran et al., 6th International Conference on Radio Receivers and Associated Systems, Pub. No. 415, pp. 81-85, Sept. 26, 1995.
European Patent Application No. 0 798 880 A2, "Method for generating frequencies in a direct conversion transceiver of a dual band radio communication system, a direct conversion transceiver of a dual band radio communication system and the use of this method and apparatus in a mobile state" (filed March 19, 1997).
Japanese Published Patent Application 05-121947, Application number 3-277832, published May 18, 1993, filed October 24, 1991.
"Multimodale Funktelefonie," Prof. Dr.-Ing. Habil. Hans-Joachim Jentschel, Dipl.-Ing. Thomas Hanusch, Dipl.-Ing. Frieder jehring, Dr.-Ing. Wolfram Kluge. Ingenieur der Kommunikationstechnik 46 (1996).
H. Tsurumi and T. Maeda, "Design Study on a Direct Conversion Receiver Front-End for 280 MHz, 900 MHz, and 2.6GHz Band Radio Communication Systems," Proceedings of the 41 <sup>st</sup> IEEE Vehicular Technology Conference 457-61 (1991).
I.A.W. Vance, Fully Integrated Radio Paging Receiver, 129 IEEE Proceedings F 2-6 (1982).
J. Sevenhans et al., An Integrated Si Bipolar RF Transceiver for a Zero IF 900 Mhz GSM Digital Mobile Radio Frontend of a Hand Portable Phone, Proceedings of IEEE Custom Integrated Circuits Conference 7.7.1-.4 (1991).
M. Isberg and B. Lindquist, A New Approach to Eliminate the DC Offset in a Direct Conversion Receiver, Proceedings of the First International Workshop on Mobile and Personal Communications Systems 163-67 (1993).
M. Isberg, Design of an Integrated Front-End for a Direct Conversion Receiver, Depart. Of Applied Electronics, Lund Institute of Technology LUTEDX/(TET-7073) 1-88 (1994).
T. Hanusch et al., Analog Baseband-IC for Dual Mode Direct Conversion Receiver, Proc. Esscirc 244-46 (1996).

## B. '359 Patent

<b>Country</b>	<b>Number</b>	<b>First Named Inventor</b>
U.S.	5,734,789	Swaminathan et al.
U.S.	5,778,338	Jacobs et al.
U.S.	5,787,389	Taumi et al.
U.S.	5,878,387	Oshikiri et al.
U.S.	5,195,137	Swaminathan
U.S.	5,396,576	Miki et al.
U.S.	5,528,727	Wang

Country	Number	First Named Inventor
U.S.	5,579,432	Wigren
U.S.	5,687,284	Serizawa et al.
U.S.	5,692,101	Gerson et al.
U.S.	5,732,389	Kroon et al.
U.S.	5,778,338	Jacobs et al.
U.S.	5,806,037	Sogo
U.S.	6,233,550	Gersho et al.
EP	0573398	
EP	0596847	
EP	0654909	
EP	0603854	
EP	0634041	
EP	0709827	
EP	0780832	
EP	0786760	
JP	07-268756	
JP	5158497	
WO	91/13432	
WO	96/18185	

<b>Prior Art Publications</b>
G.723.1 "Dual Rate Speech Coder for Multimedia Communications Transmitting at 5.3 and 6.3 kbit/s" (March 1996)
G.723.1 Annex A "Silence Compression Scheme" (Nov. 1996)
G.729 "Coding of Speech at 8 kbit/s using Conjugate-Structure Algebraic-Code-Excited-Linear-Prediction (CS-ACELP)" (Mar. 1996)
G.729 Annex A "Reduced complexity 8 kbit/s CS-ACELP speech codec" (Nov. 1996)
G.729 Annex B "A silence compression scheme for G.729 optimized for terminals conforming to Recommendation V.70" (Nov. 1996)
TIA/EIA/IS-127 "Enhanced Variable Rate Codec, Speech Service Option 3 for Wideband Spread Spectrum Digital Systems" (Jan. 1997)
GSM 06.51 "Enhanced Full Rate (EFR) speech processing functions; General description" (Nov. 1996)
GSM 06.60 "Enhanced Full Rate (EFR) speech transcoding" (Nov. 1996)
IBM Technical Disclosure Bulletin, vol. 27, No. 10A, Mar. 1985, "Phoneme-Class-Based Switch for Selecting Speech-Coding Techniques/Parameters", XP-002065009.
A.S. Spanias, "Speech Coding: A Tutorial Review," in Proc. IEEE, Vol. 82, No. 10., Oct. 10, 1994.

**C. '888 Patent**

<b>Country</b>	<b>Number</b>	<b>First Named Inventor</b>
US	3,777,222	Harris
US	3,916,099	Hlady
US	4,071,691	Pepper, Jr.
US	4,103,252	Bobick
US	4,129,747	Pepper, Jr.
US	4,177,421	Thornburg
US	4,198,539	Pepper, Jr.
US	4,293,734	Pepper, Jr.
US	4,302,011	Pepper, Jr.
US	4,371,746	Pepper, Jr.
US	4,458,238	Learn
US	4,542,375	Alles et al.
US	4,566,001	Moore et al.
US	4,647,916	Boughton
US	4,680,430	Yoshikawa et al.
US	4,736,191	Matzke et al.
US	4,739,299	Eventoff et al.
US	4,810,992	Eventoff
US	4,815,149 A	Erhardt et al.
US	4,831,566	Matthews et al.
US	4,870,677	Di Santo et al.
US	5,184,120	Schultz
US	5,381,160	Landmeier
US	2001/026627 A1	Tilbury Nancy a et al
US	2003/017810 A1	Janninck et al
US	2003/119569 A1	Reed Robert R
US	2002/050981 A1	Nuovo Frank
US	2002/005342 A1	Farrington Jonathan
US	2003/080870	Marmaropoulos George et al.
US	5,422,656	Allard et al.
US	5,452,240	Roca et al.
US	5,457,289	Huang et al.
US	5,459,776	Santo et al.
US	5,491,597	Bennin et al.
US	5,543,590	Gillespie et al.

<b>Country</b>	<b>Number</b>	<b>First Named Inventor</b>
US	5,572,573	Sylvan et al.
US	5,584,054	Tyneski et al.
US	5,598,527	Debrus et al.
US	5,615,384	Allard et al .
US	5,621,437	Jeong
US	5,710,810	Dillen et al.
US	5,715,524	Jarnbhekar et al.
US	5,719,936	Hillennayer
US	5,729,219 A	Armstrong Et. Al.
US	5,815,142	Allard et al.
US	5,828,360	Anderson et al.
US	5,859,629	Tognazzini
US	5,889,236	Gillespie et al.
US	5,889,852	Rosecrans et al.
US	5,915,228	Kunihiro et al.
US	5,920,310	Faggin et al.
US	5,956,020	D'Amico et al.
US	5,999,827	Sudo et al.
US	6,002,946	Reber et al.
US	6,043,809	Holehan
US	6,052,606	Bowen
US	6,069,626	Cline et al.
US	6,108,197 A	Janik et al.
US	6,128,014	Nakagawa et al.
US	6,131,047	Hayes et al
US	6,154,194	Singh
US	6,163,312	Furuya
US	6,173,194	Vanttila
US	6,178,338	Yarnagishi et al.
US	6,201,951	Duwaer et al
US	6,424,830	O'Hagan et al.
US	6,445,932	Soini et al.
US	6,496,182	Wong et al.
US	6,566,001	Yosida et al.
US	6,587,700	Meins et al.
US	6,707,449	Hinckley et al.
US	6,310,610	Beaton et al.
US	5,581,681	Tchao et al.
US	5,612,719	Beernink et al
EP	0229601 A1	
EP	0353 706 A2	
EP	0395469 A2	
EP	0498 540 B1	
EP	0499012 A2	

Country	Number	First Named Inventor
EP	0340096	
EP	0698 845 A1	
EP	0707257 A1	
EP	0744631 A	Omron Corp
EP	0 813 328 A	
EP	0780 865 B1	
EP	1 238325 B1	
EP	0992878 A	Hewlett-Packard Co.
GB	2319591 A	Alps Electric Co. Ltd.
GB	2301217 A *	
JP	59 153342	
JP	59 153342 A	
JP	07056685	
JP	08-030378	
JP	08 830378	
JP	8-125724	
JP	08030378 A	
JP	1995-098640A	
JP	2000100289 a	
JP	2002057771 A	
JP	2000100289	Nigorikawa Takeji et al.
WO	WO 99/34574	
WO	WO 01135204	
WO	WO 2004/098164 A2	
WO	WO 2004/111766 A2	
WO	WO 2005/001678 A3	
WO	WO 2005/003947 A3	
WO	WO 03/050665	WO

<b>Prior Art Publications</b>
Versal Pad™ Finished DataSheet, <a href="http://www.interlinkelec.com/magic/page02g.htm">http://www.interlinkelec.com/magic/page02g.htm</a> , Oct. 9, 1997, pp. 1-3. International Search Report, PCT/US98/27042, May 11, 1999.
International Search Report, PCTIUS98/27042, May 11, 1999
The ParcTab Ubiquitous Computing Experiment, Roy Want, Bill N. Schilit, Norman I. Adams, Rich Gold, Karin Petersen, David Goldberg, John R. Ellis and Mark Weiser
International Search Report, PCTIUS98/27042, May 11, 1999

#### D. '556 Patent

<b>Country</b>	<b>Number</b>	<b>First Named Inventor</b>
U.S.	5,195,137	Swaminathan
U.S.	6,029,125	Hagen et al.
U.S.	6,058,359	Hagen et al.
U.S.	5,396,576	Miki et al.
U.S.	5,579,432	Wigren
U.S.	5,651,091	Chen
U.S.	5,692,101	Gerson et al.
U.S.	5,734,789	Swaminathan et al.
U.S.	5,774,840	Taumi et al.
U.S.	5,778,338	Jacobs et al.
U.S.	5,787,389	Taumi et al.
U.S.	5,806,037	Sogo
U.S.	5,878,387	Oshikiri et al.
U.S.	6,233,550	Gersho et al.
EP	0331857	
EP	0476614	
EP	0573398	
EP	0596847	
EP	0654909	
EP	0709827	
EP	0749110	
EP	0768770	
EP	0786760	
GB	2285204	
GB	2303034	
JP	07-268756	
JP	5158497	
WO	91/13432	
WO	96/18185	

<b>Prior Art Publications</b>
A.V. McCree & T.P. Barnwell, "Implementation And Evaluation of a 2400 BPS Mixed Excitation LPC Vocoder," 1993 IEEE.
A.V. McCree & T.P. Barnwell, "Improving the Performance of a Mixed Excitation LPC Vocoder in Acoustic Noise," in Proc. IEEE It. Conf. Acoust., Speech, Signal Processing, p. II137-II140, 1992.

### E. '310 Patent

<b>Country</b>	<b>Number</b>	<b>First Named Inventor</b>
U.S.	6,021,469	Tremblay et al.
U.S.	6,034,963	Minami et al.
U.S.	6,084,951	Smith et al.
U.S.	6,138,009	Bigerson
U.S.	6,167,253	Farris et al.
U.S.	6,226,367	Smith et al.
U.S.	6,269,254	Mathis
U.S.	6,295,289	Ionescu et al.
U.S.	6,310,610	Beaton et al.
U.S.	2001/0032254	Hawkins
U.S.	6,169,911	Wagner et al.
U.S.	6,308,317	Wilkinson et al.
EP	0853413	
EP	0869691	
EP	0930793	
JP	1999-187470	Hwang
WO	99/06910	

<b>Prior Art Publications</b>
McGhan, Harlan and O'Connor, Mike; PicoJava: A Direct Execution Engine for Java Bytecode; IEEE, Oct. 1998, pp. 22-30.
Sun Unveils its First Java Processor microJava701 Looks to Post Industry's Highest Caffeinemarks," <a href="http://www.sun.com">www.sun.com</a> . Aug. 9, 1999, pp. 1-3.
"SME1701, microJava(TM)-701 – Java Processor Data Sheet, Sun Microsystems," <a href="http://www.sun.com/microelectronics/datasheets/microJava-701/01a.html">www.sun.com/microelectronics/datasheets/microJava-701/01a.html</a> , Aug. 9, 1999, pp. 1-2

**F. '917 Patent**

<b>Country</b>	<b>Number</b>	<b>First Named Inventor</b>
U.S.	5,241,685	Bodin et al.
U.S.	5,509,051	Barnet et al.
U.S.	5,560,414	Blakeney, II et al.
U.S.	5,640,677	Karlsson
U.S.	5,710,981	Kim et al
U.S.	5,754,945	Lin et al
U.S.	5,930,710	Sawyer et al.
U.S.	5,930,721	Fried et al.
U.S.	5,995,836	Wijk et al.
U.S.	6,047,183	Kingdon et al.
U.S.	6,061,337	Osborne
U.S.	6,088,588	Osborne
U.S.	6,151,508	Kim et al.
U.S.	6,178,326	Kalliokulju
U.S.	6,289,009	Sato
U.S.	6,330,459	Crichton et al.
U.S.	5,483,669	Barnett et al
U.S.	5,517,674	Rune
U.S.	6,049,715	Willhoff et al
U.S.	6,496,493	Chung
U.S.	7,003,290	Salonaho et al.
WO	98/43455	
WO	99/43177	
WO	99/43178	
WO	95/12295	
WO	98/52375	

<b>Prior Art Publications</b>
“Mobile Station-Base Station Compatibility Standard for Dual-Mode Spread Spectrum Systems” TIA/EIA-95-B (October 31, 1998)
25331-100 3GPP TS 25.331 V1.0.0 (1999)
25922-011 3G TR 25.922 V0.1.1 (1999-04)
ETS 300 911 (1997)
TSGR2#2(99)144 TSG-RAN Working Group 2 (Radio layer 2 and Radio layer 3)
TSGR2#3(99)250 TSG-RAN Working Group 2 (Radio layer 2 and Radio layer 3)
TSGR2#3(99)263 TSG-RAN Working Group 2 (Radio layer 2 and Radio layer 3)
TSGR#3(99)242 Technical Specification Group, Radio Access Network (1999)
TSGR#3(99)261 TSG-RAN meeting #3 (1999)
ETSI TS 100 930 V7.2.0 (1998)

**G. '506 Patent**

<b>Country</b>	<b>Number</b>	<b>First Named Inventor</b>
U.S.	5,619,524	Ling et al.
U.S.	5,569,573	Bruckert
U.S.	5,802,079	Wang
U.S.	5,815,529	Wang
U.S.	5,822,368	Wang
U.S.	5,828,954	Wang
U.S.	6,711,218	Dent
U.S.	6,185,259	Dent
U.S.	5,815,531	Dent
U.S.	5,533,004	Jasper et al.
U.S.	6,138,265	Morelos-Zaragoza et al.
U.S.	5,838,797	Iwasaki
U.S.	4,731,816	Hughes-Hartogs
U.S.	4,679,227	Hughes-Hartogs
U.S.	4,833,706	Hughes-Hartogs
U.S.	5,577,087	Furuya
U.S.	2001/0001008	Dent
U.S.	5,491,832	Malkamaki et al.
U.S.	5,909,469	Frodigh et al.
U.S.	6,167,031	Olofsson et al.
U.S.	6,005,896	Maruyama
EP	0533395	
EP	0094058	
EP	0881806	
ES	9701167	
WO	WO94/00943	
GB	2 206 768	

**Prior Art Publications**

Publications associated with Telebit modems

**Prior Art System**

Telebit modem products including, but not limited to, the Telebit Trailblazer, Telebit Trailblazer+ (TrailBlazer Plus), Telebit, Telebit T1000, Telebit T2000, Telebit NetBlazer, Telebit T2500, Telebit T1500, Telebit T1600, Telebit T3000, Telebit WorldBlazer, Telebit FastBlazer, Telebit FastBlazer 8840, Telebit TeleBlazer modem products.

**H. '223 Patent**

Country	Number	First Named Inventor
U.S.	5,222,061	Doshi et al
U.S.	5,684,791	Raychaudhuri et al.
U.S.	5,754,754	Dudley et al
U.S.	6,198,746	Saito
U.S.	6,621,799	Kemp et al.
U.S.	6,256,300	Ahmed et al.
U.S.	6,424,625	Larsson et al
U.S.	6,683,850	Dunning et al.
DE	19543280	Walke et al.
EP	1006689	
U.S.	5,222,061	Doshi et al

Prior Art Publications
IEEE Std. 802.11 1997
Petras et al., Performance Evaluation of the ASR-ARQ Protocol for Wireless ATM, Proceeding of the 1995 IEEE Wireless Communication System Symposium (11/27/1995)
Vornfeld, Simulative and analytical study of measures supporting the quality of service in a radio-based ATM network (4/1/1997)
Hettich et al., ARQ Protocols for Wireless ATM Systems: Requirements and Solutions, ETSI EP BRAN WG3 Temporary Document 42 (1997)
Hettich, Development and Performance Evaluation of a Selective Repeat-Automatic Repeat Request (SR-ARQ) Protocol for Transparent, Mobile ATM Access (4/17/1996)
Tasaka et al., Integrated video and data transmission in the TDD ALOHA-Reservation Wireless LAN (1995)
Petras, Development and Performance Evaluation of an ATM Radio Interface (1999)
Petras et al., Performance evaluation of a logical link control protocol for an ATM air interface (1997)
Bakker et al., An Air Interface for High Bandwidth Cellular Digital Communications on Microwave Frequencies, Vehicular Technology Conference (5/1998)
Broadband Radio Access Networks (BRAN) Inventory of broadband radio technologies and techniques, TR 101 1731.1.1 (ETSI 5/1998)
Petras et al., Candidate protocol stack (MAC+LLC) for a Wireless ATM air interface (WG3TD76) (Oct. 1997)

**I. '832 Patent**

<b>Country</b>	<b>Number</b>	<b>First Named Inventor</b>
U.S.	5,347,295	Agulnick et al.
U.S.	5,347,620	Zimmer
U.S.	5,475,401	Verrier et al.
U.S.	5,793,360	Fleck et al.
U.S.	4,772,763	Garwin et al.
U.S.	5,825,352	Bisset et al
U.S.	6,128,007	Seybold
JP	6-12172	
JP	5-224817	
JP	7-98640	

**Prior Art Publications**

"Touch System Programmer's Guide", Carroll Touch, Touch Products, Aug. 1996, pp. 1-1-4-15.

**J. '215 Patent**

<b>Country</b>	<b>Number</b>	<b>First Named Inventor</b>
U.S.	4,439,859	Donnan
U.S.	4,617,657	Drynan et al.
U.S.	4,841,526	Wilson et al.
U.S.	5,477,550	Crisler et al.
U.S.	5,566,170	Bakke et al.
U.S.	5,673,252	Johnson et al.
U.S.	5,752,078	Delp et al.
U.S.	5,754,754	Dudley et al.
U.S.	5,799,012	Ayerst et al.
U.S.	5,968,197	Doiron
U.S.	5,991,299	Radogna et al.
U.S.	6,034,963	Minami et al.
U.S.	6,069,886	Ayerst et al.
U.S.	6,122,759	Ayanoglu et al.
U.S.	6,212,240	Scheibel, Jr. et al.
U.S.	6,301,249	Mansfield et al.
U.S.	6,317,430	Knisely et al.
U.S.	6,359,877	Rathonyi et al
U.S.	6,473,399	Johansson et al.
U.S.	6,542,490	Ahmadvand et al.
U.S.	6,581,176	Seo
EP	0768806	'

<b>Prior Art Publications</b>
Throughput analysis of some ARQ protocols in the presence of feedback errors by Cam et al.; IEEE; vol. 45 No.1, Jan. 1997.*
Richard Cam and Cyril Leung; Throughput Analysis of Some ARQ Protocols in the Presence of Feedback Errors; IEEE Transactions on Communications; Jan. 1997; vol. 45, No.1; pp.35-44.
ISR, PCT/SE/ 00/00677, Completed Aug. 23, 2000.
Gong et al., An Application-Oriented Error Control Scheme for High Speed Networks (10/1996)
Lucent Technologies, EGPRS RLC Performance with Efficient Transmission of ARQ Feedback, Agenda Item 5.2, ETSI SMG2 Working Session on EDGE (3/4/1999)
Lucent Technologies, Efficient Transmission of ARQ Feedback, ETSI SMG2 WPA/WPB Meeting (1/15/1999)
Petras et al., Candidate protocol stack (MAC+LLC) for a Wireless ATM air interface (WG3TD76) (10/13/1997)
ESTI/3GPPP, TSG-RAN WG2, Fort Lauderdale, USA, 2nd to 4th March 1999, S2.22: WCDMA RLC Protocol Specification, European Telecommunications Standards Institute and submissions to the TTC/ARIB standards setting organization made by NTT DoCoMo which were incorporated into the WCDMA RLC Protocol, including NTT DoCoMo "LAC PDU Format," TTC/ARIB LAC adhoc 46 (January 8, 1998) and NTT DoCoMo Draft Minutes of the 54th TTC/ARIB RLC adhoc, TTC/ARIB RLC adhoc 55-1 (April 2, 1999)

#### K. '992 Patent

<b>Country</b>	<b>Number</b>	<b>First Named Inventor</b>
U.S.	6,724,813	Jamal et al.
U.S.	6,958,989	Dick et al.
U.S.	7,120,132	Choi et al
U.S.	2002/0041578	Kim et al.
U.S.	2002/0071480	Marjelund et al.
U.S.	2003/0095528	Halton et al.
U.S.	2004/0131029	Tobe et al.
U.S.	2005/0271025	Geuthaus et al
U.S.	2006/0239239	Yang
U.S.	2007/0171889	Kwon et al.
U.S.	2008/019306	Damnjanovic
U.S.	2008/0192766	Ranta-Aho et al.
U.S.	2008/0207196	Pettersson
U.S.	2008/0232317	Jen
U.S.	2008/0233960	Kangude et al.
U.S.	2008/0233992	Oteri et al.
U.S.	2009/0252125	Vujcic
U.S.	2010/118777	Yamada et al.
U.S.	2009/0316641	Yamada et al
U.S.	2010/0323736	Fischer et al.
U.S.	2008/0194243	Jeong t al

PUBLIC VERSION

Country	Number	First Named Inventor
U.S.	2008/0310396	Park et al
U.S.	2010/0067498	Lee et al
U.S.	2010/0195579	Park et al
U.S.	2010/0113081	Ishii et al
U.S.	2010/0067495	Lee et al
U.S.	2009/0041246	Kitazoe
U.S.	2010/0093386	Damnjanovic et al
U.S.	2004/0156386	Atarashi et al
U.S.	2008/0165743	Palanki et al
U.S.	2008/0273610	Malladi et al
U.S.	2007/206531	Pajukoski et al.
U.S.	2008/113684	Jung et al.
U.S.	2010/238872	Kim et al.
U.S.	2010/093351	Barrett et al.
U.S.	2001/026543	Hwang et al
U.S.	2008/192766	Ranta-Aho et al.
U.S.	2009/252125	Vujcic
U.S.	2008/232283	Jen
U.S.	2008/019306	Damnjanovic
U.S.	2007/160118	Charbit at al.
U.S.	2009/022235	Zhang et al.
U.S.	2004/156386	Atarashi at al .
U.S.	2010/118799	Lee at al.
EP	1037481	Stirling
WO	08/084969	Lee
EP	0565507	Dent
EP	1146762	You Cheol Woo
WO	2007052968	Jeong Kyeong et al

Prior Art Publications
Dahlman, 3G Long-Term Evolution, Expert Radio Access Technologies, Ericsson Research, 2005, pp. 1-36.
3GPP 36.300CRDrajt, 3GPPTSG-RAN2 Meeting#58bis, Orlando, USA, Jun. 25-29, 2007, pp. 1-91.
International Search Report mailed Dec. 18,2008 in corresponding PCT Application PCT/SE2008/050832.
Tdoc R2-060592 (3GPP TSG-RAN2 Meeting #51)
Tdoc R2-060866 (Joint RAN1/RAN2 meeting on LTE)
Tdoc R2-060969 (3GPP TSG-RAN2 Meeting #50)
Tdoc R2-061404 (3GPP TSG-RAN2 Meeting #52)
Tdoc R2-061866 (3GPP TSG-RAN WG2 – Ad-Hoc on LTE)
Tdoc R2-062494 (3GPP TSG-RAN2 Meeting #54)
Tdoc R2-06XXXX Initial Access and C-RNTI allocation (3GPP TSG-RAN WG2 #54)
Tdoc R2-061151 (TSG-RAN WG2 meeting #53)

PUBLIC VERSION

Tdoc R2-060041 (3GPP TSG-RAN2 Meeting #50)
Tdoc R2-052798 (3GPP TSG-RAN2 Meeting #49)
Tdoc R2-052799 (3GPP TSG-RAN2 Meeting #49)
Tdoc R2-060042 (3GPP TSG-RAN2 Meeting #50)
Tdoc R3-051360 (3GPP TSG-RAN3 Meeting #49)
Tdoc R1-061901 (3GPP TSG RAN WG1 LTE Ad Hoc)
Tdoc R1-062822 (3GPP TSG RAN WG1 #46bis)
Tdoc R2-060016 (3GPP TSG-RAN WG2 Meeting #50 )
Tdoc R2-060430 (3GPP TSG-RAN WG2 Meeting #51)
Tdoc R2-060890 (3GPP TSG RAN WG2 Meeting #52 / WG1 Meeting #44bis)
Tdoc R2-061305 (3GPP TSG RAN WG2 #53)
Tdoc R2-062995 (3GPP TSG-RAN WG2 #55)
Tdoc R2-070519 (3GPP TSG-RAN WG2 #57)
Tdoc R2-060380 (3GPP TSG RAN WG2 #51)