



# quinn emanuel trial lawyers

quinn emanuel urquhart & sullivan, llp

## International Trade Commission Proceedings

We are one of the leading firms for “bet the company” patent litigation and we have an unmatched record of success. In 2010, *The American Lawyer* ranked us “Top IP Litigation Department of the Year.” We have successfully represented complainants, respondents and third parties in all aspects of Section 337 investigations, including initiating counter-investigations or actions in other venues, working with engineers to develop design-arounds, coordinating with U.S. Customs, and enforcing exclusion orders. We are one of the leading firms with experience representing clients in prosecuting and defending its patents in growing areas of technology such as the smart phone, digital cable, LED, and television display markets.

In 2011, we opened an office in Washington, D.C., bringing to the firm Paul Brinkman and Alex Lasher, two of the most experienced ITC trial lawyers in the country. Prior to joining us, their group was ranked the second busiest ITC practice in the country by *Corporate Counsel* – combined we may be number one. Our new Washington patent litigation team has tried dozens of high-profile cases in the ITC and brings with it a strong reputation and wealth of experience before each of the Commission’s administrative law judges.

### OUR MOST RECENT REPRESENTATIONS:

- Certain Mobile Electronic Devices (ITC 2011): We represent **Samsung Electronics Co., Ltd., Samsung Electronics America, Inc. and Samsung Telecommunications America, LLC** in two 337 actions against Apple Inc., involving twelve patents. Both cases are currently in discovery.
- Certain GPS Navigation Products, Components Thereof, and Related Software (ITC 2011): We represent **Furuno Electric Co., Ltd. and Furuno U.S.A., Inc.** against Honeywell International, Inc. in a 337 action where Furuno has been accused of importing GPS products alleged to infringe four patents. The hearing is set for April 2012.
- Certain Mobile Devices and Related Software (ITC 2011): We represent **Motorola Mobility, Inc.** in two actions against Apple Inc., involving nine patents. One hearing is scheduled for September of 2011. The other hearing has been stayed pending reassignment of the Administrative Law Judge.

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- Certain Ink Cartridges and Components Thereof (ITC 2011): We represent Complainants **Epson Portland Inc., Epson America, Inc. and Seiko Epson Corporation** against Ninestar Technology Co., Ltd. and its U.S. distributor Ninestar Technology Company, Ltd. in the ITC. In 2007, during the Violation Phase of the ITC Investigation, Epson showed widespread infringement of its patents resulting in the ITC's issuance of a general exclusion order, a limited exclusion order and cease-and-desist orders stopping the importation and sale of infringing ink cartridges by the Ninestar respondents and others. The investigation involved 31 claims from 11 patents against 24 respondents and more than one thousand infringing products. The Federal Circuit affirmed the ITC's orders in a *per curiam* decision. In 2008, Epson brought an Enforcement action against Ninestar and others for continued infringing imports in violation of the ITC's remedial orders. After a hearing in the ITC, the ITC imposing penalties of over \$20 million. On December 13, 2010, the Ninestar respondents sought an advisory opinion that (1) certain of their products did not violate the remedial orders and (2) the remedial orders should be modified. Epson responded by requesting that the remedial orders be modified to exclude from entry components of infringing cartridges. The ITC has consolidated the proceedings. Discovery is underway and a hearing is set for November, 2011.
- Certain Digital Television and Components Thereof, and Certain Electronic Devices Having a Blu-Ray Disc Player and Components Thereof (ITC 2011): We represented a **global electronics manufacturer** in 337 actions filed against LG Electronics. The cases recently settled.
- Certain Semiconductor Chips and Products Containing the Same (ITC 2011): We currently serve as lead counsel for a large group of chip suppliers (**MediaTek, Broadcom, nVidia, Freescale, and STMicroelectronics**) and certain of their customers (including **Cisco, Motorola, and Oppo Digital**) in an ITC investigation initiated by Rambus. The ITC action involves six patents. Three of the patents are owned by Rambus and concerning methods of writing data to a DRAM. The other three patents are owned by MIT exclusively licensed by Rambus. Rambus is asserting the MIT patents infringe the use of a certain chip-to-chip SerDes (serialization-deserialization) equalization technique in a wide range of standardized interfaces including PCIe, SATA, SAS, and Displayport. The case is currently in discovery with trial set for October 12-20.
- Certain Portable Electronic Devices and Related Software (ITC 2010-2011): We are currently representing **HTC Corp., HTC America, Inc. and Exedea, Inc.**, in multiple actions brought by Apple. HTC Corp., HTC America, Inc. and Exedea manufacture and supply mobile communication devices and components to customers in the United States. The Respondents are actively pursuing defenses against the asserted infringement allegations.
- Certain Mobile Devices, Associated Software, and Components Thereof (ITC 2010): We are currently representing **Motorola, Inc.** in several patent actions

brought by Microsoft Corp. According to Microsoft, the asserted patents allegedly describe features that “are essential to the smartphone user experience, including synchronizing email, calendars and contacts, scheduling meetings, and notifying applications of changes in signal strength and battery power.” In the ITC case, filed on October 1, 2010, Microsoft seeks an Exclusion Order barring Motorola’s importation of Android smartphone devices, prohibiting further sales of such products that have already been imported, and halting the marketing, advertising, demonstration and warehousing of inventory and use of such imported products in the United States. In the District Court actions in the Western District of Washington (also filed on October 1, 2010), Microsoft seeks damages for Motorola’s alleged infringement of Microsoft’s patents.

- Certain Ink Cartridges (ITC 2007 and 2009): On behalf of **Seiko Epson**, we brought one of the largest patent infringement cases ever filed with the ITC, asserting 11 patents and 31 claims against more than 1,000 different cartridge models sold by 25 manufacturers, importers and distributors of aftermarket ink cartridges. After a 7-day hearing, we prevailed on every asserted patent against every accused product that was adjudicated and every respondent that had not entered into a consent order. The ITC then prohibited all companies, whether or not they were parties, from importing and selling infringing cartridges in the U.S. After a three-day trial in January 2009, an Administrative Law Judge (“ALJ”) at the ITC issued an Initial Determination ruling that several foreign respondents and their U.S. subsidiaries violated certain ITC orders that bar imports and sales of infringing inkjet cartridges. The ITC has affirmed the ALJ’s findings that the ITC orders were violated and has imposed penalties of \$11.1 million against one group of related respondents, \$9.7 million against another group and \$700,000 against another group. The penalties are among the largest penalties ever imposed in an ITC enforcement proceeding.

#### **REPRESENTATIONS INVOLVING OUR LAWYERS:**

- Certain Electronic Devices, Including Mobile Phones, Mobile Tablets, Portable Music Players, and Computers (ITC 2011): Our DC partners represented a **global telecommunications company** in high-stakes patent litigation against Apple, which spanned three separate ITC investigations and resulted in an extraordinarily large settlement in the client’s favor.
- Certain Muzzle-Loading Firearms and Components Thereof (ITC 2011): Our DC partners defended a **Spanish manufacturer of black powder rifles** in a patent suit brought by Smith & Wesson. The case is in discovery.
- Certain Automated Media Library Device (ITC 2011): Our DC partners represented one of the **world’s largest computer makers** in litigation relating to media libraries. The case was tried in September, 2011.

- Certain Components for Installation of Marine Autopilots with GPS or IMU (ITC 2011): Our DC partners represented a **marine navigation company** in patent litigation involving autopilot systems. The case is set for trial in the last quarter of 2011.
- Certain Flash Memory Chips (ITC 2011): Our DC partners represented a **global telecommunications company** in a patent dispute regarding NAND and NOR flash memory.
- Certain Electronic Imaging Devices (ITC 2011): Our DC partners represented a **global telecommunications company** in a camera-related patent dispute brought by Flashpoint. The case was settled prior to trial.
- Certain Electronic Paper Towel Dispensing Devices and Components Thereof (ITC 2011): Our DC partners represented a **global paper products company** in a patent dispute against numerous manufacturers and importers of infringing paper towel dispensers. After a finding of infringement on summary determination, the client obtained a general exclusion order prohibiting importation of all infringing devices from any source.
- Certain Display Devices, Including Digital Televisions and Monitors (ITC 2010): We represented a **global electronics manufacturer** against multiple respondents for infringement of patents relating to display devices. The cases settled favorably.
- Certain Digital Set-Top Boxes and Components Thereof (ITC 2010): We represented a **large cable service provider** against Verizon Communications, Inc. and Verizon Services Corporation, who filed a Complaint with the ITC alleging infringement of five of Verizon's patents. The case settled favorably.
- Certain Electronic Devices with Multi-Touch Enabled Touchpads and Touchscreens (ITC 2010): Our DC partners represented a **Taiwanese semiconductor company** against Apple. The case was tried in February, 2011.
- Certain Mobile Telephones and Wireless Communications Devices Featuring Digital Cameras (ITC 2010): Our DC partners represented a **the most well-known photography company in the world** against Apple and RIM. The case has been remanded and is awaiting reassignment to a new Administrative Law Judge.
- Certain DC-DC Controllers and Products Containing Same (ITC 2010): Our DC partners represented a **Taiwanese semiconductor company** in seeking relief for patent infringement and trade secret misappropriation. Respondents filed a consent order agreeing not to import accused products on the eve of trial.

- Certain Welding Bulk Welding Wire Containers and Components Thereof and Welding Wire (ITC 2010): Our DC partners represented a **European welding wire supplier** against allegations of infringement. The case was tried in 2010, and the Commission found no infringement and terminated the investigation.
- Certain Non-Shellfish Derived Glucosamine (ITC 2010): Our DC partners represented a **Chinese health products company** accused of patent infringement by Cargill. The investigation was settled favorably very early in the litigation.
- Certain Electronic Devices, Including Handheld Wireless Communications Devices (ITC 2009): Our DC partners represented a **global telecommunications company** in an investigation brought by licensing entity Saxon Innovations. The case settled favorably early during discovery.
- Certain Unified Communications Systems, Products Used with such Systems, and Components Thereof (ITC 2008): One of our partners successfully defended a respondent in an ITC action against Microsoft alleging infringement of 4 patents involving unified communication systems. After trial, the Commission found none of the patents infringed and one of the patents invalid.
- Certain Catheters, Consoles, and Other Apparatus for Cryosurgery 337-TA-642 (ITC 2008): Our DC partners represented a **small, Canadian medical products company** in a bet-the-company litigation brought by its market rival CryoCor, Inc., which settled favorably prior to trial. Immediately thereafter, our client was acquired by Medtronic.
- Certain Variable Speed Wind Turbines (ITC 2008): Our DC partners represented a **Spanish alternative energy utility** in third party practice. The Commission terminated the investigation after finding no violation.
- Certain Short-Wavelength Light Emitting Diodes, Laser Diodes and Products Containing Same (ITC 2008): Our DC partners represented a **global telecommunications company** in responding to allegations that certain LEDs infringe a patent owned by a former university professor who seeks exclusion of products containing those LEDs from the United States. The investigation was settled favorably.
- Certain R-134a Coolant (otherwise known as 1,1,1,2-tetrafluoroethane) (ITC 2008): Our DC partners represented a **global chemical company** in an investigation brought against SinoChem for infringement of a patented process of producing an ozone-friendly refrigerant. The investigation was settled favorably on appeal.
- Certain Hard Disk Drives (ITC 2008): Our DC partners represented a **California-based hard disk drive manufacturer** in an investigation brought against hard

drives and computers that contain them. Complainant withdrew its case prior to trial.

- Certain 3G Mobile Handsets (ITC 2008): Our DC partners represented a **global telecommunications company** in an investigation brought by InterDigital Communications LLC. The ITC found non-infringement of any of InterDigital's patents and terminated the investigation.
- Certain Nitrile Rubber Gloves (ITC 2008): Following trial, our DC partners obtained a finding of no violation on behalf of a **global medical equipment supplier** and its affiliates in an investigation regarding medical examination gloves. The victory was confirmed by the Federal Circuit.
- Certain Magnifying Loupe Products (ITC 2008): Our DC partners represented a respondent in this investigation. The case settled favorably.
- Certain Digital Cameras (ITC 2007): Our DC partners represented complainant in this investigation. The case was settled favorably.
- Certain Stringed Instruments (ITC 2007): Our DC partners represented one of the respondents in this investigation. The case settled favorably.
- Certain Mobile Telephone Handsets (ITC 2007): In perhaps the largest global intellectual property war at the time, we represented a **global telecommunications company** in multiple cases in the United States, including an ITC action, and coordinated cases in the UK, France, Italy, Germany, Finland, Holland, and China. At the ITC, the Administrative Law Judge denied the plaintiff's request to enjoin our client from importing its handsets into the United States. It also held that none of the three asserted patents were infringed and that one was invalid under *KSR Int'l v. Teleflex*. This provided a complete defense victory—allowing our client to continue importing hundreds of millions of handsets into the United States—and set the stage for a global settlement on the eve of trial in another case in Delaware.
- Certain NAND and NOR Flash Memory Products (ITC 2006): Our DC partners represented a **global telecommunications company** in third party discovery. The investigation was terminated with a finding of no violation.
- Certain NAND Flash Memory Products (ITC 2006): Our DC partners represented a **global flash memory company** against Toshiba. The case settled favorably.
- Certain Automotive Grilles (ITC 2005): Our DC partners defended the principal importer of aftermarket automotive body parts from Taiwan in an investigation brought by one of the big three US automakers. Early in the investigation, we found a public disclosure that rendered the asserted patent invalid and the case was withdrawn.

- Certain Automotive Fuel Caps (ITC 2005): Our DC partners represented the respondent in this investigation. The case was terminated when the complainant withdrew the complaint.
- Certain Electric Robots and Component Parts Thereof (ITC 2005): Our DC partners represented a **German paint robot manufacturer** who was sued by its Japanese rival. Following trial, the case was terminated with a finding of no infringement and invalidity.
- Certain NAND Flash Memory Circuits (ITC 2005): Our DC partners represented a third party in an investigation relating to flash memory.
- Certain Point of Sale Terminals (ITC 2004): Our DC partners defended an **Irish manufacturer of credit and debit card processing machines** against a claim filed by a non-practicing entity. In November 2004, we won a final determination that the ITC lacked jurisdiction over the client or its products.
- Certain Injectable Implant Compositions (ITC 2004): Our DC partners represented multiple respondents in an investigation regarding injectable implants. The case settled favorably.
- Certain Encapsulated Integrated Circuit Devices (ITC 2004): Our DC partners represented a **global semiconductor company** in a case brought by a competitor. The case was terminated with a finding of no violation.
- Certain Insect Traps (ITC 2004): Our DC partners represented the lead respondent in an investigation involving propane-based insect traps. In a novel move, we succeeded in terminating the investigation as to one of the patents and certain of the accused products during the discovery period without a hearing and without any findings of a Section 337 violation. We tried the remaining case in late May 2004 and won a final determination of non-infringement.
- Certain Universal Transmitters for Garage Door Openers (ITC 2004): Our DC partners represented one of the **largest garage door manufacturers** in an investigation against its competitors under the Digital Millennium Copyright Act
- Certain Zero-Mercury-Added Alkaline Batteries (ITC 2003): Our DC partners represented a **global battery company** in an investigation against multiple respondents.
- Certain Machine Vision Systems (ITC 2003): Our DC partners represented a respondent in an investigation for patent infringement. The case settled favorably.

- Certain Electronic Education Devices (ITC 2003): Our DC partners represented a respondent in an investigation for patent infringement. The case settled favorably.
- Certain Two-Handle Centerset Faucets (ITC 2000): Our DC partners represented one of **America's largest plumbing products companies** and obtained a rare "general exclusion order" instructing U.S. Customs to seize or deny entry to any imported infringing faucets. The victory was highlighted by the ITC Bar Association as the most significant ITC patent litigation of the year and resulted in detentions and seizures by U.S. Customs of many competitive products.