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November 15, 2023

The Honorable Lisa R. Barton
Secretary to the Commission
U.S. International Trade Commission
500 E Street, S.W., Room 112
Washington, DC 20436

**Re: Certain Electronic Computing Devices and Components Thereof,
Inv. No. 337-TA-_____**

Dear Secretary Barton:

Enclosed for filing on behalf of Complainant Lenovo (United States) Inc. (“Lenovo US”) are documents listed below in support of Lenovo US’s request that the U.S. International Trade Commission institute an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, concerning certain electronic computing devices and components thereof.

In accordance with the Commission’s modified filing requirements, 85 Fed. Reg. 15798, please find the necessary documentation attached, including:

- One (1) electronic copy of the Non-Confidential Verified Complaint and Public Interest Statement, pursuant to Commission Rules 210.4(f), 210.8(a)(1)(i) and 210.8(b);
- One (1) electronic copy of the Non-Confidential Exhibits to the Complaint, pursuant to Commission Rules 210.4(f) and 210.8(a)(1)(ii), including:
 - One (1) certified copy of U.S. Patent Nos. 7,760,189, 7,792,066, 8,687,354, and 10,952,203 (collectively, the “Asserted Patents”) pursuant to Commission Rule 210.12(a)(9)(i);
 - One (1) certified copy of each recorded assignment for each Asserted Patent pursuant to Commission Rule 210.12(a)(9)(ii);
 - One electronic copy of a document with the identification of each entity that may have rights pursuant to Commission Rule 210.12(a)(9)(iii);
 - One (1) certified copy of the prosecution history for each Asserted Patent pursuant to Commission Rule 210.12(c)(i); and



The Honorable Lisa R. Barton
November 15, 2023
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- One (1) electronic copy of the patents and technical reference documents identified in the prosecution history of the Asserted Patents, pursuant to Commission Rule 210.12(c)(2).
- One (1) electronic copy of the Confidential Verified Complaint and Confidential Exhibits, pursuant to Commission Rules 210.6(c), and 210.8(a)(1)(ii); and
- One (1) electronic copy of Lenovo's letter and certification requesting confidential treatment of the Confidential Verified Complaint and the confidential exhibits, pursuant to Commission Rules 210.5(d) and 201.6(b).

Lead counsel in this matter for Lenovo US is:

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Thank you for your attention to this matter. Please feel free to contact me with any questions regarding this submission.

Sincerely,

DLA Piper LLP (US)

/s/ Sean C. Cunningham

Sean C. Cunningham

SCC:imm
Enclosures



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November 15, 2023

The Honorable Lisa R. Barton
Secretary to the Commission
U.S. International Trade Commission
500 E Street, S.W., Room 112
Washington, DC 20436

**Re: Certain Electronic Computing Devices and Components Thereof,
Inv. No. 337-TA-_____**

Dear Secretary Barton:

Complainant Lenovo (United States) Inc. (“Lenovo US”) respectfully requests confidential treatment of certain confidential business information contained in Lenovo US’s Confidential Complaint and Confidential Exhibit Nos. 42C and 43C to the Complaint, pursuant to Commission Rule 210.6(b) and 210.5.

The information for which confidential treatment is sought is proprietary commercial information not otherwise publicly available. The Confidential Complaint and Confidential Exhibits contain confidential and propriety information regarding Lenovo US’s competitive financial information and licensing agreements.

Confidential treatment is sought for the following Confidential Information:

1. Confidential Verified Complaint, which discloses information regarding Lenovo US’s financial information regarding industry activities within the United States; and
2. Confidential Exhibit No. 42C, which discloses identities of the entities that may have rights with respect to one or more of the Asserted Patents.
3. Confidential Exhibit No. 43C, which discloses the terms of business relationship between Lenovo US and a third party.

The information described above qualifies as confidential business information under 19 C.F.R. § 201.6 because substantially identical information is not available to the public; unauthorized disclosure of such information could cause substantial harm to the competitive positions of Lenovo US and third parties; and the disclosure of the information for which Lenovo



The Honorable Lisa R. Barton
November 15, 2023
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US seeks confidential treatment could impair the Commission's ability to obtain similar information in the future.

Thank you for your attention to this matter. Please feel free to contact me with any questions regarding this submission.

Sincerely,

DLA Piper LLP (US)

/s/ Sean C. Cunningham

Sean C. Cunningham

SCC:imm
Enclosures

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

In the Matter of

**CERTAIN ELECTRONIC COMPUTING
DEVICES AND COMPONENTS THEREOF**

Inv. No. 337-TA-____

COMPLAINANT’S STATEMENT OF PUBLIC INTEREST

Pursuant to Commission Rule 210.8(b), 19 C.F.R. § 210.8(b), Lenovo (United States) Inc. (“Lenovo US” or “Complainant”) respectfully submits this statement on public interest issues in support of the concurrently filed Complaint entitled *In the Matter of Certain Electronic Computing Devices and Components Thereof* against ASUSTeK Computer Inc. and ASUS Computer International (collectively, “ASUS” or “Respondents”).

The Accused Products at issue here are laptops, notebooks, 2-in-1 tablet computers, tablets, desktop PCs, tower PCs, workstations, routers, and components thereof that infringe four of Lenovo US’s United States patents as asserted in the Complaint. Lenovo US seeks a limited exclusion order to exclude from entry into the United States ASUS’s infringing Accused Products, as well as orders directing ASUS to cease and desist from marketing, advertising, distributing, offering for sale, selling, or otherwise transferring, including the movement or shipment of inventory, in the United States, or transferring outside the United States for sale in the United States ASUS’s infringing products.

In this case, the requested remedial orders will not have an adverse effect on the public health and welfare in the United States, competitive conditions in the United States economy, the production of likely or directly competitive articles in the United States, or United States consumers. Here, the subject articles are certain electronic computing devices of a single

Respondent group (ASUS) that are not necessary to the public health or welfare. Lenovo is one of the largest producers of laptops, notebooks, 2-in-1 tablet computers, tablets, desktop PCs, tower PCs, workstations, and routers, and has capacity to supply demand occupied by ASUS's infringing products. Moreover, Lenovo's intellectual property is being appropriated to the severe detriment of Lenovo. Thus, there is a strong public interest in protecting Lenovo's intellectual property and no countervailing adverse effects to outweigh that public interest.

1. Explanation Of How The Articles Potentially Subject To The Requested Orders Are Used In The United States.

The Accused Products are certain electronic computing devices and components thereof, such as laptops, notebooks, 2-in-1 tablet computers, tablets, desktop PCs, tower PCs, workstations, routers, and components thereof. U.S. consumers use the Accused Products for a variety of personal and business computing needs.

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

The proposed relief raises no health, safety, or welfare concerns because exclusion of the Accused Products would not “deprive the public of products necessary for some important health or welfare need[.]” *Certain Automated Put Walls and Automated Storage and Retrieval Systems, Associated Vehicles, Associated Control Software, and Component Parts Thereof*, Inv. No. 337-TA-1293, Comm'n Op. at 40 (Aug. 17, 2023) (quoting *Spansion, Inc. v. Int'l Trade Comm'n*, 629 F.3d 1331, 1360 Fed. Cir. 2010). Here, the Accused Products are not the type of products that have raised concerns by the Commission about public health, safety, or welfare, such as health-related products (*e.g.*, medical devices, pharmaceuticals, vaccines, etc.), a national energy crises, or national security interests. *Id.* Instead, they are laptops, notebooks, 2-in-1 tablet computers, tablets, desktop PCs, tower PCs, workstations, and routers that are generally used by consumers for private personal and work-related uses (*e.g.*, internet

browsing, email, computing, social media). And even if the Accused Products are used in applications that relate to health, safety, or national security, that does not raise any public interest concerns because there are ample competitive products that can be readily substituted for ASUS's infringing products in such applications. *See, e.g., Certain Personal Data and Mobile Communications Devices and Related Software*, Inv. No. 337-TA-710, Comm'n Op. at 74, (Dec. 29, 2011).

3. Identification Of Like Or Directly Competitive Articles That Complainant Or Third Parties Make That Would Replace The Subject Articles If They Were To Be Excluded.

Lenovo develops and laptops, notebooks, 2-in-1 tablet computers, tablets, desktop PCs, tower PCs, workstations, and routers, such as ThinkPad, ThinkBook, Legion, LOQ, Yoga, IdeaPad, Slim, Tab, Chromebook, ThinkCentre, ThinkStation, and IdeaCentre branded products. Other electronic computing companies produce laptops, notebooks, 2-in-1 tablet computers, tablets, desktop PCs, tower PCs, workstations, and routers that do not infringe the Asserted Patents, and these products are readily available on the market. Indeed, in Q2 2023, ASUS comprised only 2.9% of the US PC market, far behind Lenovo and other computing equipment manufacturers.¹ Thus, if ASUS's products were excluded, consumers would still have a variety of products from which to choose that would be produced by Lenovo and other competitors.

4. Identification Of Whether The Complainants And/Or Third Parties Have The Capacity To Replace The Volume Of Articles Subject To The Requested Orders In A Commercially Reasonable Time In The United States.

Lenovo and other non-infringing producers of laptops, notebooks, 2-in-1 tablet computers, tablets, desktop PCs, tower PCs, workstations, and routers have ample capacity to

¹ <https://www.gartner.com/en/newsroom/press-releases/2023-07-11-gartner-says-worldwide--pc-shipments-declined-16-percent-in-second-quarter-of-2023>.

provide the United States market with a supply of these products sufficient to replace the supply of ASUS Accused Products that may become subject to an exclusion order in this investigation. Indeed, publicly-available data indicates that Lenovo sold more three million PCs in the U.S. in Q2 2023 alone (and more globally),² and it has capacity to increase its production sales of its laptops, notebooks, 2-in-1 tablet computers, tablets, desktop PCs, tower PCs, workstations, and routers to meet increased demand in the United States. In addition to Lenovo's ThinkPad, ThinkBook, Legion, LOQ, Yoga, IdeaPad, Slim, Tab, Chromebook, ThinkCentre, ThinkStation, and IdeaCentre branded products, many other similar products are available on the market to satisfy consumer demand for the less than three percent of the US market that would be impacted by an exclusion order.³

5. Statement Of How The Requested Remedial Orders Would Impact Consumers.

For at least the reasons articulated above, it would be unlikely that consumers would experience any impact from the requested remedial orders. As discussed above, Respondents' subject articles are computing devices that do not implicate any public health, safety, or welfare issues; accordingly, their exclusion will not create any public interest concerns. Similarly, consumers would not be deprived of like or directly competitive products due to the presence of others in the relevant market, including Lenovo and other suppliers. Substitute products would be available to provide U.S. consumers with replacement products within a commercially reasonable time. Due to the availability of such alternatives, negative economic outcomes from the requested remedial orders are also unlikely. Regardless, even negative economic outcomes do not outweigh the strong public interest in protecting Lenovo's

² *Id.*

³ *See id.*

intellectual property rights. *See Certain Magnetic Data Storage Tapes and Cartridges Containing the Same*, 337-TA-1012, Comm'n Op. at 140 (April 2, 2018).

* * *

For the foregoing reasons, no public interest concerns preclude the issuance of the requested remedy against ASUS's infringing products in this matter.

Dated: November 15, 2023

Respectfully submitted,

/s/ Sean Cunningham

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PUBLIC VERSION

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

In the Matter of

**CERTAIN ELECTRONIC COMPUTING
DEVICES AND COMPONENTS THEREOF**

Inv. No. 337-TA-____

**VERIFIED COMPLAINT OF LENOVO (UNITED STATES) INC.
UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED**

COMPLAINANT

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PROPOSED RESPONDENTS

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PUBLIC VERSION

TABLES OF SUPPORTING MATERIALS

EXHIBITS

Exhibit	Description	Designation
1	Certified Copy of U.S. Patent No. 10,952,203	Public
2	Certified Copy of U.S. Patent No. 7,792,066	Public
3	Certified Copy of U.S. Patent No. 7,760,189	Public
4	Certified Copy of U.S. Patent No. 8,687,354	Public
5	INTENTIONALLY LEFT BLANK	Public
6	Certified Copy of Recorded Assignments for U.S. Patent No. 10,952,203	Public
7	Certified Copy of Recorded Assignments for U.S. Patent No. 7,792,066	Public
8	Certified Copy of Recorded Assignments for U.S. Patent No. 7,760,189	Public
9	Certified Copy of Recorded Assignments for U.S. Patent No. 8,687,354	Public
10	INTENTIONALLY LEFT BLANK	Public
11	Claim Chart Showing ASUS's Exemplary Zenbook Pro Infringes U.S. Patent No. 10,952,203	Public
12	Claim Chart Showing ASUS's Exemplary Zenbook Pro Infringes U.S. Patent No. 7,792,066	Public
13	Claim Chart Showing ASUS's Exemplary Zenbook Pro Infringes U.S. Patent No. 7,760,189	Public
14	Claim Chart Showing ASUS's Exemplary Zenbook Flip 14 Infringes U.S. Patent No. 8,687,354	Public
15	INTENTIONALLY LEFT BLANK	Public
16	Lenovo Webpage: "Who we are"	Public

[REDACTED]

PUBLIC VERSION

Exhibit	Description	Designation
17	ASUS Webpage: "Company Profile"	Public
18	ASUS 2022 Annual Report	Public
19	ASUS Webpage: "Facilities and Branches"	Public
20	Micro Center Webpage: ASUS Zenbook 14 Flip OLED 14" Intel Evo Platform 2-in-1 Laptop Computer	Public
21	Micro Center Webpage: Cambridge, MA Store	Public
22	Micro Center Pickup Confirmation for ASUS Zenbook 14 Flip Model UP3404	Public
23	Micro Center Receipt for ASUS Zenbook 14 Flip Model UP3404	Public
24	Photographs of ASUS Zenbook 14 Flip Model UP3404	Public
25	Micro Center Webpage: ASUS Zenbook Pro 14 OLED UX6404VV-DS94T 14.5" Laptop Computer	Public
26	Micro Center Pickup Confirmation for ASUS Zenbook Pro 14 Model UX6404VV	Public
27	Micro Center Receipt for ASUS Zenbook Pro 14 Model UX6404VV	Public
28	Photographs of ASUS Zenbook Pro 14 Model UX6404VV	Public
29	ASUS Website: Laptops for Home	Public
30	ASUS Website: Laptops for Work	Public
31	ASUS Website: Laptops for Creators	Public
32	ASUS Website: Laptops for Students	Public
33	ASUS Website: Laptops for Gaming	Public
34	ASUS Website: All-in-One PCs	Public

[REDACTED]

PUBLIC VERSION

Exhibit	Description	Designation
35	ASUS Website: Tower PCs	Public
36	ASUS Website: Mini PCs	Public
37	Claim Chart Showing Lenovo's Exemplary Lenovo Yoga 7i Practices U.S. Patent No. 10,952,203	Public
38	Claim Chart Showing Lenovo's Exemplary ThinkPad X1 Titanium Gen 1 U.S. Patent No. 7,792,066	Public
39	Claim Chart Showing Lenovo's Exemplary ThinkPad X1 Titanium Gen 1 U.S. Patent No. 7,760,189	Public
40	Claim Chart Showing Lenovo's Exemplary Lenovo Yoga 7i U.S. Patent No. 8,687,354	Public
41	INTENTIONALLY LEFT BLANK	Public
42C	List of Licensees to the Asserted Patents	Confidential
43C	Exemplary Lenovo Warranty Authorized Service Provider Agreement	Confidential

PUBLIC VERSION

APPENDICES

Appendix	Description
A	Certified Copy of the Prosecution History for U.S. Patent No. 10,952,203
B	Certified Copy of the Prosecution History for U.S. Patent No. 7,792,066
C	Certified Copy of the Prosecution History for U.S. Patent No. 7,760,189
D	Certified Copy of the Prosecution History for U.S. Patent No. 8,687,354
E	INTENTIONALLY LEFT BLANK
F	Copies of References Cited in Prosecution History of U.S. Patent No. 10,952,203
G	Copies of References Cited in Prosecution History of U.S. Patent No. 7,792,066
H	Copies of References Cited in Prosecution History of U.S. Patent No. 7,760,189
I	Copies of References Cited in Prosecution History of U.S. Patent No. 8,687,354
J	INTENTIONALLY LEFT BLANK

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I. INTRODUCTION

1. Lenovo (United States), Inc. (“Lenovo US”) requests that the United States International Trade Commission institute an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”), based on the unlawful importation into the United States, the sale for importation into the United States, and/or sale within the United States after importation by ASUSTeK Computer Inc. and ASUS Computer International (collectively “ASUS”) of certain electronic computing devices and components thereof (“Accused Products”), that infringe, either directly and/or indirectly, literally or under the doctrine of equivalents, at least one claim of each of U.S. Patent Nos. 10,952,203 (“the ’203 Patent”), 7,792,066 (“the ’066 Patent”), 7,760,189 (“the ’189 Patent”), and 8,687,354 (“the ’354 Patent”) (collectively the “Asserted Patents”).¹

2. ASUS has engaged and is engaged in unlawful and unfair acts of competition in violation of Section 337(a)(1)(B) by importing into the United States, selling for importation into the United States, and/or selling within the United States after importation certain laptops, notebooks, 2-in-1 tablet computers, tablets, desktop PCs, tower PCs, workstations, routers, and components thereof, including at least the following Accused Products: Zenbook series laptops, notebooks, and 2-in-1 tablet computers; Vivobook series laptops, notebooks, and 2-in-1 tablet computers; Chromebook series laptops, notebooks, and 2-in-1 tablet computers; TUF Gaming laptops; ROG Gaming laptops; ExpertBook laptops; Studiobook laptops; BR Series laptops; Zen AiO PCs, ExpertCenter AiO PCs, ASUS Everyday Use PCs, ExpertCenter PCs, ProArt PCs, mini PCs, ChromeBox PCs, and routers.

¹ Certified copies of the Asserted Patents are attached hereto as Exhibits 1-4, respectively.

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3. The Accused Products infringe numerous Lenovo US patent claims across multiple patents. A summary of the Asserted Patents and claims is provided in the chart below:

Patent No.	Asserted Claims ²	Exemplary Accused Products ³
10,952,203	1 , 2-8, 9 , 10-16, 17 , 18	Zenbook series laptops, notebooks, and 2-in-1 tablet computers; Vivobook series laptops, notebooks, and 2-in-1 tablet computers; Chromebook series laptops, notebooks, and 2-in-1 tablet computers; TUF Gaming laptops; ROG Gaming laptops; ExpertBook laptops; Studiobook laptops; BR Series laptops; Zen AiO PCs, ExpertCenter AiO PCs, ASUS Everyday Use PCs, ExpertCenter PCs, ProArt PCs, mini PCs, ChromeBox PCs, and routers that support Wi-Fi 6 or Wi-Fi 6E
7,792,066	1 , 2-9, 10 , 11-15, 16 , 17-21	Zenbook series laptops, notebooks, and 2-in-1 tablet computers; Vivobook series laptops, notebooks, and 2-in-1 tablet computers; TUF Gaming laptops; ROG Gaming laptops; ExpertBook laptops; Studiobook laptops; BR Series laptops; Zen AiO PCs, ExpertCenter AiO PCs, ASUS Everyday Use PCs, ExpertCenter PCs, ProArt PCs, and mini PCs
7,760,189	1 , 3, 5, 7, 9 , 11, 13, 15	Zenbook, Vivobook, TUF Gaming, ROG Gaming, ExpertBook, Studiobook, and BR Series laptops, notebooks, and 2-in-1 tablet computers
8,687,354	1 , 2-6, 7 , 8-11	Zenbook, Vivobook, and Chromebook laptops, notebooks, and 2-in-1 tablet computers

4. Pursuant to 19 U.S.C. § 1337 (a)(2)-(3), a domestic industry exists in the United States relating to Lenovo’s laptops, notebooks, 2-in-1 tablet computers, tablets, desktop PCs, tower PCs, and workstations, including but not limited to ThinkPad, ThinkBook, Legion, LOQ, Yoga, IdeaPad, Slim, Tab, Chromebook, ThinkCentre, ThinkStation, and IdeaCentre branded products, that are protected by the Asserted Patents (hereinafter, the “DI Products”).

² Independent claims have been **bolded**.

³ Lenovo expressly reserves the right to supplement its allegations as discovery reveals new or existing products within the scope of the Investigation that are imported, sold for importation, and/or sold after importation in the United States by ASUS that infringe additional claims of any Asserted Patent.

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5. Pursuant to 19 U.S.C. § 1337(d), Lenovo US seeks a limited exclusion order excluding from entry into the United States all Accused Products that infringe one or more claims of the Asserted Patents. Pursuant to 19 U.S.C. § 1337(f), Lenovo US further seeks cease-and-desist orders prohibiting ASUS from selling for importation, importing, selling after importation, marketing, distributing, selling, offering for sale (including via the Internet or electronic mail), advertising (including via the Internet or electronic mail), warehousing inventory for distribution, transferring, licensing, or otherwise using the Accused Products in or bringing the Accused Products into the United States. Pursuant to 19 U.S.C. § 1337(j), Lenovo US also requests that an appropriate bond sufficient to prevent further injury to the domestic industry relating to the Asserted Patents be imposed on importation and sales of infringing products during the Presidential review period.

II. THE PARTIES

A. Complainant

6. “Lenovo’s story has always been about shaping computing intelligence to create a better world.” Ex. 16. Since 1995, Lenovo Group has “shipped more than half a billion PCs, and makes three devices every second.” *Id.* Lenovo Group is a world leader in innovation, a Fortune Global 500 technology company, and one of Fortune Magazine’s World’s Most Admired Companies. *Id.* Lenovo Group helps “countless organizations, from healthcare, education, retail, manufacturing, logistics, professional services, and more, re-think the way they use technology to revitalize their business through smarter solutions that leverage hardware, software, and services.” *Id.*

7. Lenovo US’s DI Products are used by a wide array of consumers, including business professionals, educators, and home users. Lenovo US sells its products directly to end users, and indirectly to retailers. Lenovo US’s business involves expending significant resources

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on research, development, engineering, designing, manufacturing, testing, servicing and repairing the DI Products. Lenovo US provides top-notch warranty and repair service to its customers in the field. Lenovo US's service and support activities are fed back into the design and development process for Lenovo US's products in a continuous effort to improve Lenovo US's products.

8. Lenovo US is a corporation organized and existing under the laws of Delaware. Lenovo US is located at 8001 Development Drive, Morrisville, North Carolina 27560. Lenovo US is an indirect subsidiary of Lenovo Group Limited.

B. Proposed Respondents

1. ASUSTeK Computer Inc.

9. ASUSTeK Computer Inc. is a foreign corporation organized and existing under the laws of Taiwan with a principal place of business at No. 15, Li-Te Road, Beitou District, Taipei 112, Taiwan. *See Exs. 17, 18.*

10. ASUSTeK Computer Inc. develops, makes, distributes, supports, imports, sells for importation into the United States, and/or sells after importation into the United States certain electronic computing devices and components thereof that infringe the Asserted Patents (i.e., the Accused Products). *See Ex. 19.*

11. ASUSTeK Computer Inc. is the parent corporation of Respondent ASUS Computer International.

2. ASUS Computer International

12. ASUS Computer International is a corporation organized and existing under the laws of California and has its principal place of business at 48720 Kato Road, Fremont, California 94538. *See Ex. 19.*

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13. ASUS Computer International is a subsidiary of Respondent ASUSTeK Computer Inc. and manages the North American operations of ASUSTeK Computer Inc., including its operations within the United States.

14. ASUS Computer International develops, makes, distributes, supports, imports, sells for importation into the United States, and/or sells after importation into the United States certain electronic computing devices and components thereof that infringe the Asserted Patents (i.e., the Accused Products). *See* Ex. 19.

15. ASUSTeK Computer Inc. and ASUS Computer International are referred to herein collectively as “ASUS.”

16. The Accused Products are manufactured and/or assembled abroad by or for ASUS in China and elsewhere. Exs. 24, 28. The Accused Products are sold for importation, imported, or sold after importation in the United States by ASUS Computer International. *See* Exs. 20, 22, 23, 25, 26, 27.

III. THE ASSERTED PATENTS

A. The '203 Patent

1. Identification of the Patent and Ownership

17. United States Patent No. 10,952,203 (“the '203 Patent”) is entitled “Methods and Apparatus for Transmitting in Resource Blocks” and issued on March 16, 2021, to inventors Ajit Nimbalker, Hossein Bagheri, Vijay Nangia, and Ravikiran Nory. The '203 Patent issued from U.S. Patent Application No. 16/712,948, which was filed on December 12, 2019. The '203 Patent claims priority to U.S. Application No. 15/994,883, filed on May 31, 2018, which claims priority to U.S. Application No. 15/628,438, filed on June 20, 2017, which claims priority to U.S. Application No. 14/798,489, which was filed on July 14, 2015. The '203 Patent will

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expire on July 14, 2035. The '203 Patent has 18 claims, including 3 independent claims and 15 dependent claims. A certified copy of the '203 Patent is attached to the Complaint as Ex. 1.

18. Lenovo US owns, by assignment, all right, title, and interest in and to the '203 Patent. A certified copy of the assignments of the '203 Patent is attached to the Complaint as Ex. 6.

19. Pursuant to Commission Rule 210.12(c), together with this Complaint, Lenovo US has filed a certified copy of the prosecution history of the '203 Patent as Appendix A. Lenovo US has filed all technical references identified in the prosecution history of the application leading to the issuance of the '203 Patent as Appendix F.

2. Non-Technical Description of the Patented Invention⁴

20. The '203 Patent discloses a novel invention relating to resource block use and allocation. Prior to the '203 Patent, devices with wireless communications could need three steps to upload data: (1) send a scheduling request; (2) receive uplink grant; and (3) transmit uplink data. Ex. 1 at Fig. 2; 3:66-4:11. "Each of the three steps adds to the overall delay that transmission of an uplink package can experience." *Id.* at 4:11. The '203 Patent improves on the prior art system by reducing the number of steps, thereby also reducing the overall delay. As shown in Figure 3, the device receives an uplink grant, and then uses the information contained in this uplink grant to transmit uplink data. *Id.* at 4:24-29. The embodiment disclosed in Figure 3 "can avoid the latency due to [the scheduling request] for some uplink transmissions." *Id.* at 4:29-31.

⁴ These descriptions and any other non-technical descriptions within this Complaint are for illustrative purposes only. Nothing in this Complaint is intended to express, either implicitly or explicitly, any position regarding the proper construction or scope of any claim of the Asserted Patents.

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3. Foreign Counterparts

21. The foreign counterpart patents and/or applications to the '203 Patent include Chinese Patent 107926037, Chinese Patent Application Publications 107926037 and 114040502, European Patents 308592 and 3565364, European Patent Application Publications 3308592 and 3565364, Korean Patents 102001991 and 102421611, Korean Patent Application Publications 20180017141 and 20190088569 and WIPO Patent Publication 2017011086. There are no other foreign patents or foreign patent applications pending, filed, abandoned, withdrawn, or rejected relating to the '203 Patent.

B. The '066 Patent

1. Identification of the Patent and Ownership

22. United States Patent No. 7,792,066 (“the '066 Patent”) is entitled “Wireless Wake-On-LAN Power Management” and issued on September 7, 2010, to inventors Kazuo Fujii and Naotaka Katoh. The '066 Patent issued from U.S. Patent Application No. 10/874,683, which was filed on June 23, 2004. The '066 Patent claims priority to Japanese Patent Application No. 2003-181653, filed on June 25, 2003. The '066 Patent will expire on October 13, 2028. The '066 Patent has 21 claims, including 3 independent claims and 18 dependent claims. A certified copy of the '066 Patent is attached to the Complaint as Ex. 2.

23. Lenovo US owns, by assignment, all right, title, and interest in and to the '066 Patent. A certified copy of the assignments of the '066 Patent is attached to the Complaint as Ex. 7.

24. Pursuant to Commission Rule 210.12(c), together with this Complaint, Lenovo US has filed a certified copy of the prosecution history of the '066 Patent as Appendix B. Lenovo US has filed all technical references identified in the prosecution history of the application leading to the issuance of the '066 Patent as Appendix G.

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2. Non-Technical Description of the Patented Invention

25. The '066 Patent discloses novel techniques for wireless local area network (LAN) applications. Ex. 2. For example, prior to the '066 Patent, there existed a need for techniques to supply main power to devices included in a wireless LAN without intervention of an operator. *Id.* at 1:22-32. The invention includes a wireless receiver that receives a wireless signal. *See id.* at Figs. 1-2. The receiver is connected to a main system whose power is not on. *Id.* at Fig. 4. After receiving a signal, it is determined whether a magic packet is contained. *Id.* If the “magic packet” is present, a signal is sent to turn on the main power supply to the main system. *See id.* at Fig. 4. The invention claimed by the '066 Patent does not require a handshake with the wireless access point.

3. Foreign Counterparts

26. The foreign counterpart patents and/or applications to the '066 Patent include Japanese Patent 4095501, Japanese Patent Application Publication 2005018377, Chinese Patent 1601987, and Chinese Patent Application Publication 1601987. There are no other foreign patents or foreign patent applications pending, filed, abandoned, withdrawn, or rejected relating to the '066 Patent.

C. The '189 Patent**1. Identification of the Patent and Ownership**

27. United States Patent No. 7,760,189 (“the '189 Patent”) is entitled “Touchpad Diagonal Scrolling” and issued on July 20, 2010, to inventors Richard W. Cheston, Daryl C. Cromer, Howard J. Locker, and Caroline Arrowood Patzer. The '189 Patent issued from U.S. Patent Application No. 11/041,054, which was filed on January 21, 2005. The '189 Patent will expire on May 9, 2027. The '189 Patent has 16 claims, including 2 independent claims and 14 dependent claims. A certified copy of the '189 Patent is attached to the Complaint as Ex. 3.

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28. Lenovo US owns, by assignment, all right, title, and interest in and to the '189 Patent. A certified copy of the assignments of the '189 Patent is attached to the Complaint as Ex. 8.

29. Pursuant to Commission Rule 210.12(c), together with this Complaint, Lenovo US has filed a certified copy of the prosecution history of the '189 Patent as Appendix C. Lenovo US has filed all technical references identified in the prosecution history of the application leading to the issuance of the '189 Patent as Appendix H.

2. Non-Technical Description of the Patented Invention

30. The '189 Patent discloses a novel method for diagonal scrolling on the touchpad of a device and a novel system that allows for such diagonal scrolling. Prior to the '189 Patent, touchpads and their associated software restricted scrolling to horizontal and vertical scrolling but did not allow for diagonal scrolling. The invention claimed in the '189 Patent allows a user “to initiate a diagonal scroll at any location on a touchpad by using two fingers.” Ex. 3 at 1:43-45. This allows for a greater amount of flexibility in interacting with the image on the display of the user’s device than had existed in the prior art. The invention claimed in the '189 Patent can be utilized in a variety of devices.

3. Foreign Counterparts

31. There are no foreign patents or foreign patent applications pending, filed, abandoned, withdrawn, or rejected relating to the '189 Patent.

D. The '354 Patent

1. Identification of the Patent and Ownership

32. United States Patent No. 8,687,354 (“the '354 Patent”) is entitled “Dual Shaft Hinge with Angle Timing Shaft Mechanism” and issued on April 1, 2014, to inventors Yoshiharu Uchiyama, Kenshin Yonemochi, and Akinori Uchino. The '354 Patent issued from

PUBLIC VERSION

U.S. Patent Application No. 13/361,861, which was filed on January 30, 2012. The '354 Patent will expire on June 17, 2032. The '354 Patent has 11 claims, including 2 independent claims and 9 dependent claims. A certified copy of the '354 Patent is attached to the Complaint as Ex. 4.

33. Lenovo US owns, by assignment, all right, title, and interest in and to the '354 Patent. A certified copy of the assignments of the '354 Patent is attached to the Complaint as Ex. 9.

34. Pursuant to Commission Rule 210.12(c), together with this Complaint, Lenovo US has filed a certified copy of the prosecution history of the '354 Patent as Appendix D. Lenovo US has filed all technical references identified in the prosecution history of the application leading to the issuance of the '354 Patent as Appendix I.

2. Non-Technical Description of the Patented Invention

35. The '354 Patent discloses a novel electronic computing device hinge block which enables a laptop to convert to a tablet configuration. Ex. 4 at Fig. 1A-E. Prior to the '354 Patent, a laptop computer could require additional hinges or complete detachment from the lower housing to convert into a tablet. The invention claimed in the '354 Patent includes an electronic computing device comprised of an upper and lower housing, and a plurality of hinge blocks. *Id.* at 1:40-42. Each hinge block contains an inhibitor stopper and is respectively connected to the upper and lower housing of a computing device. *Id.* at 1:42-44. The inhibitor stopper is “operatively coupled” between the upper and lower housing of a computing device in such a way that the upper housing is rotatable synchronously 360 degrees with respect to the lower housing on the plurality of hinge blocks. *Id.* at 1:44-48. This allows a mobile computing device movement from its laptop configuration to a tablet configuration. *Id.* at Fig. 3F.

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3. Foreign Counterparts

36. The foreign counterpart patent and/or application to the '354 Patent include Japanese Patent 5602261, and Japanese Patent Application Publication 2013155874. There are no other foreign patents or foreign patent applications pending, filed, abandoned, withdrawn, or rejected relating to the '354 Patent.

E. Licenses to the Asserted Patents

37. The currently known licensees for the Asserted Patents are identified in Ex. 42C.

IV. TECHNOLOGY AND ACCUSED PRODUCTS

38. The Asserted Patents cover, among other things, laptops, notebooks, 2-in-1 tablet computers, tablets, desktop PCs, tower PCs, workstations, routers, and components thereof.

39. ASUS, either directly or through distributors, sells electronic computing devices in the United States. *See, e.g.*, Exs. 22, 23, 26, 27. ASUS's Accused Products are sold throughout the United States without authorization from Lenovo. *See, e.g.*, Ex. 22, 23, 26, 27.

40. The Accused Products are certain electronic computing devices, including ASUS's laptops, notebooks, 2-in-1 tablet computers, tablets, desktop PCs, tower PCs, workstations, routers, and components thereof. The Accused Products incorporate, without authorization, certain inventions disclosed and claimed in the Asserted Patents.

41. Pursuant to Commission Rule 210.12(a)(12), the Accused Products can be described as falling into the categories of products that are generally known in plain English as: electronic computing devices such as laptops, notebooks, 2-in-1 tablet computers, tablets, desktop PCs, tower PCs, workstations, routers, and components thereof, including such as Wi-Fi cards, touch pads, hinges, and other components.

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V. ASUS' UNLAWFUL AND UNFAIR ACTS

42. ASUS engages in unfair trade practices, including importing into the United States, selling for importation into the United States, and/or selling within the United States after importation certain electronic computing devices, including ASUS's Zenbook series laptops, notebooks, and 2-in-1 tablet computers, Vivobook series laptops, notebooks, and 2-in-1 tablet computers, Chromebook series laptops, notebooks, and 2-in-1 tablet computers, TUF Gaming laptops, ROG Gaming laptops, ExpertBook laptops, Studiobook laptops, BR Series laptops, Zen AiO PCs, ExpertCenter AiO PCs, ASUS Everyday Use PCs, ExpertCenter PCs, ProArt PCs, mini PCs, and ChromeBox PCs, and routers that infringe one or more claims of the Asserted Patents in violation of Section 337. *See Exs. 29-36.*

43. ASUS's Accused Products, as well as any other products that may be identified through discovery, infringe one or more of the Asserted Patents as exemplified by ASUS's Zenbook Flip 14 and/or ASUS's Zenbook Pro.

A. Infringement of the '203 Patent

44. ASUS directly infringes, contributes to infringement of, and/or induces infringement of at least claims **1**, **2-8**, **9**, **10-16**, **17**, **18** of the '203 Patent by importing, selling for importation, and/or selling within the United States after importation the Accused Products, including ASUS's laptops, notebooks, 2-in-1 tablet computers, desktop PCs, tower PCs, workstations, routers, and components thereof with Wi-Fi 6 or Wi-Fi 6E capability, either literally or under the doctrine of equivalents.

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45. An exemplary claim chart showing how the exemplary ASUS Zenbook Pro directly and/or indirectly infringes claims **1, 9, 17** of the '203 Patent is attached as Ex. 11.⁵

B. Infringement of the '066 Patent

46. ASUS directly infringes, contributes to infringement of, and/or induces infringement of at least claims **1, 2-9, 10, 11-15, 16, and 17-21** of the '066 Patent by importing, selling for importation, and/or selling within the United States after importation the Accused Products, including ASUS's laptops, notebooks, 2-in-1 tablet computers, desktop PCs, tower PCs, and workstations, either literally or under the doctrine of equivalents.

47. An exemplary claim chart showing how the exemplary ASUS Zenbook Pro directly and/or indirectly infringes claims **1, 10, and 16** of the '066 Patent is attached as Ex. 12.

C. Infringement of the '189 Patent

48. ASUS directly infringes, contributes to infringement of, and/or induces infringement of at least claims **1, 3, 5, 7, 9, 11, 13, and 15** of the '189 Patent by importing, selling for importation, and/or selling within the United States after importation the Accused Products, including ASUS's laptops, notebooks, and 2-in-1 tablet computers, either literally or under the doctrine of equivalents.

49. An exemplary claim chart showing how the exemplary ASUS Zenbook Pro directly and/or indirectly infringes claims **1 and 9** of the '189 Patent is attached as Ex. 13.

D. Infringement of the '354 Patent

50. ASUS directly infringes, contributes to infringement of, and/or induces infringement of at least claims **1, 2-6, 7, and 8-11** of the '354 Patent by importing, selling for

⁵ Based on currently available information, the '203 Patent has not been declared essential to the 802.11ax standard that is referenced in Exhibit 11.

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importation, and/or selling within the United States after importation the Accused Products, including ASUS's laptops, notebooks, and 2-in-1 tablet computers, either literally or under the doctrine of equivalents.

51. An exemplary claim chart showing how the exemplary ASUS Zenbook Flip 14 directly and/or indirectly infringes claims **1** and **7** of the '354 Patent is attached as Ex. 14.

VI. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

52. The Accused Products are imported, sold for importation, and/or sold in the United States after importation by ASUS. An inspection of the packaging of an ASUS Zenbook Flip 14 and an ASUS Zenbook Pro purchased in the United States indicates that these products were assembled in China. Exs. 24, 28.

A. ASUS Zenbook Flip 14

53. Exhibit 20 shows a product listing for an ASUS Zenbook 14 Flip OLED 14" Intel Evo Platform 2-in-1 Laptop Computer at Micro Center. Ex. 20.

54. Exhibit 23 shows a receipt for the purchase of an ASUS Zenbook 14 Flip OLED 14" Intel Evo Platform 2-in-1 Laptop Computer ("Zenbook Flip 14") for \$1,274.99 at the Micro Center Cambridge Store in the United States on October 7, 2023. Ex. 23; *see also* Exs. 21, 22.

55. Exhibit 24 is an image of the packaging of the Zenbook Flip 14 purchased from Micro Center, and images of the purchased Zenbook Flip 14 itself. Ex. 24. The purchased Zenbook Flip 14 bears the mark "Assembled in China." Ex. 24. The purchased Zenbook Flip 14 bears the mark "Model: UP3404V." Ex. 24.

B. ASUS Zenbook Pro

56. Exhibit 25 shows a product listing for an ASUS Zenbook Pro 14 OLED UX6404VV-DS94T 14.5" Laptop Computer at Micro Center. Ex. 25.

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57. Exhibit 27 shows a receipt for the purchase of an ASUS Zenbook Pro 14 OLED UX6404VV-DS94T 14.5” Laptop Computer (“Zenbook Pro”) for \$1,912.49 at the Micro Center Cambridge Store in the United States on October 7, 2023. Ex. 27; *see also* Ex. 21, 26.

58. Exhibit 28 is an image of the packaging of the Zenbook Pro purchased from Micro Center, and images of the purchased Zenbook Pro itself. Ex. 28. The purchased Zenbook Pro bears the mark “Assembled in China.” Ex. 28. The purchased Zenbook Pro bears the mark “Model: UX6404V.” Ex. 28.

VII. CLASSIFICATION OF THE INFRINGING PRODUCTS UNDER THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

59. The Harmonized Tariff Schedule of the United States tariff classification for the Accused Products includes at least the following headings and subheadings:

- 8471.30.01 (Portable automatic data processing machines, weighing not more than 10 kg, consisting of at least a central processing unit, a keyboard, and a display);
- 8471.41.01 (Other automatic data processing machines: Comprising in the same housing at least a central processing unit and an input and output unit, whether or not combined);
- 8471.49.00 (Other [Automatic data processing machines and units thereof; magnetic or optical readers, machines for transcribing data onto data media in coded form and machines for processing such data, not elsewhere specified or included], entered in the form of systems);
- 8471.50.01 (Processing units other than those of subheading 8471.41 or 8471.49, whether or not containing in the same housing one or two of the following types of unit: storage units, input units, output units);
- 8524.92.00 (Flat panel display modules, whether or not incorporating touch-sensitive screens: Of organic light-emitting diodes (OLED));
- 8541.50.00 (Other semiconductor devices);
- 8542.31.00 (Electronic Integrated Circuits: Processors and controllers, whether or not combined with memories, converters, logic circuits, amplifiers, clock and timing circuits, or other circuits);

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- 8543.70.95 (Touch-sensitive data input devices (so-called “touch screens”) without display capabilities, for incorporation into apparatus having a display, which function by detecting the presence and location of a touch within the display area (such sensing may be obtained by means of resistance, electrostatic capacity, acoustic pulse recognition, infra-red lights or other touch-sensitive technology); and
- related headings and subheadings of the Harmonized Tariff Schedule of the United States (“HTS”).

60. These identifications are illustrative and not exhaustive. The identifications are not intended to limit the scope of the investigation, nor are they intended to restrict the scope of any exclusion order or other remedies issued by the Commission.

VIII. THE DOMESTIC INDUSTRY

61. A domestic industry, as defined by 19 U.S.C. § 1337(a)(2)-(3) exists by virtue of significant investments in plant and equipment in the United States, significant employment of labor or capital in the US, and substantial investment in the exploitation of the Asserted Patents based on engineering, research, and development directed to the DI Products in the US.

62. The DI Products include but are not limited to:

Patent No.	Exemplary Technical Prong Claim	Exemplary Practicing Products
10,952,203	1	ThinkPad, ThinkBook, Legion, LOQ, Yoga, IdeaPad, and Slim laptops, notebooks, and 2-in-1 tablet computers, Tab and Chromebook tablets, and ThinkCentre, ThinkStation, Legion, LOQ, Yoga, and IdeaCentre PCs, and workstations that support WiFi 6 or WiFi 6E
7,792,066	1	ThinkPad, ThinkBook, Legion, LOQ, Yoga, IdeaPad, and Slim laptops, notebooks, and 2-in-1 tablet computers, and ThinkCentre, ThinkStation, Legion, LOQ, Yoga, and IdeaCentre PCs and workstations
7,760,189	1	ThinkPad, ThinkBook, Legion, LOQ, Yoga, IdeaPad, and Slim laptops, notebooks, and 2-in-1 tablet computers
8,687,354	7	ThinkPad, Yoga, and IdeaPad laptops, notebooks, and 2-in-1 tablet computers

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A. Lenovo US Satisfies the Technical Prong of Domestic Industry

63. The DI Products practice one or more claims of the Asserted Patents in the United States. Pursuant to Commission Rule 210.12(a)(9)(ix-x), claim charts applying exemplary claims of the Asserted Patents to representative DI Products are attached as Exhibits 37-40.

64. Lenovo US's DI Products practice at least independent claim 1 of the '203 Patent. An exemplary claim chart applying claim 1 of the '203 Patent to an exemplary DI Product is provided as Exhibit 37.

65. Lenovo US's DI Products practice at least independent claim 1 of the '066 Patent. An exemplary claim chart applying claim 1 of the '066 Patent to an exemplary DI Product is provided as Exhibit 38.

66. Lenovo US's DI Products practice at least independent claim 1 of the '189 Patent. An exemplary claim chart applying claim 1 of the '189 Patent to an exemplary DI Product is provided as Exhibit 39.

67. Lenovo US's DI Products practice at least independent claim 7 of the '354 Patent. An exemplary claim chart applying claim 7 of the '354 Patent to an exemplary DI Product is provided as Exhibit 40.

68. Lenovo US's DI Products have been authorized by Lenovo US and its predecessors-in-interest since the Asserted Patents issued.

B. Lenovo US Satisfies the Economic Prong of Domestic Industry

69. An industry as defined by 19 U.S.C. § 1337(a)(3)(A), (B), and (C) exists in the United States by virtue of Lenovo US's significant investments directed to articles protected by the Asserted Patents. In the United States, Lenovo US invests in leasing at least 887,500 square feet of facilities. In 2022 alone, the cost of the facilities used by Lenovo US was more than

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██████████. Since January 1, 2021, Lenovo US has paid ██████████ in facilities expenses (e.g., rent, utilities, etc.) for its United States facilities.

70. Lenovo US possesses hundreds of millions of dollars in equipment, and it employs more than 4,500 employees—including hundreds of engineers, scientists, researchers, and technicians who work on the DI Products. Due to the efforts of these individuals, over the past ten years, Lenovo US inventors have been awarded more than 2,100 United States patents for market-leading innovations.⁶

71. Lenovo US has incurred and continues to incur costs associated with domestic activities it undertakes in relation to the DI Products. While Lenovo US’s investments span a variety of activities that are necessary to run a successful American business (including sales and marketing), Lenovo US invests domestically in high-value activities that extend well beyond the types of activities that the Commission has characterized as “mere” importation in other cases where the domestic industry articles were manufactured entirely abroad. These activities include but are not limited to research, development, engineering, design, manufacturing, assembly, testing, repair, training, technical support, customer service, logistics, distribution, sales, and/or marketing—all with respect to the DI Products. Lenovo offers warranty and service package upgrades for the DI Products. These services are provided in the United States, and they are an important aspect of Lenovo’s domestic industry.

⁶ These totals do not include the more than 450 United States patents awarded to Lenovo US’s sister company—Motorola Mobility LLC.

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1. Lenovo US's Significant Investments in Plant and Equipment

72. Lenovo US has invested and continues to invest in facilities and equipment that house and enable activities directed to the DI Products. In particular, Lenovo US invests in seven facilities in the United States.

73. Lenovo US is headquartered at its facilities in Morrisville, North Carolina at 8001 Development Drive. These facilities include 485,536 square feet and cost [REDACTED] in lease fees in 2022. Among other things, Lenovo US uses the Morrisville facilities for research, development, engineering, design, testing, customer service, and repair for the DI Products.

74. Lenovo US's campus in Morrisville, North Carolina contains laboratories where batteries and other components for the Lenovo DI products are qualified as part of the development of the DI Products, and where the Lenovo US DI Products themselves are tested by engineers in connection with Lenovo US's continuous efforts to improve its products. Lenovo US uses these laboratories, which contain millions of dollars of equipment, during qualification and validation in preparation for the launch of Lenovo US's DI Products. In addition, these laboratories are used for experimentation and testing of innovative technologies and designs before they are incorporated into the DI Products. Some of the engineering, testing, and development work done in these labs is done to address issues that arise in the field including problems or challenges faced by Lenovo US's customers. In that respect, the warranty service and repair activities described below provide a critical feedback loop into the design, development, and engineering of Lenovo DI Products.

75. Lenovo US invests in two facilities in Whitsett, North Carolina. Lenovo US leases the first at 6540 Franz Warner Parkway, Whitsett, North Carolina, and it utilizes 241,050 square feet. Lenovo US paid [REDACTED] in lease fees in 2022. Lenovo US uses this facility for manufacturing, repair, service, and fulfillment for the DI Products. Lenovo US uses this facility

[REDACTED]

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to customize DI Products for specific customers, to assemble DI Products using prefabricated modules, and to fulfill orders for DI Products, among other things. The Franz Warner Parkway facility is also a repair depot where repairs for certain of the Lenovo US DI Products, including Chromebooks and Think products, are performed. The Franz Warner Parkway depot's repair service has grown significantly in recent years. The Franz Warner Parkway depot is configured to handle large, bulk repairs that are sent by customers requiring repair of hundreds or thousands of laptops or notebooks. The second facility is located at 6540 Judge Adams Road, Whitsett, North Carolina, and it utilizes 137,050 square feet and cost [REDACTED] in lease fees in 2022.

There are almost 100 employees and contractors based in the two Whitsett facilities combined.

76. Lenovo US invests in a facility at 2150 North First Street, San Jose, California that is 7,555 square feet and cost [REDACTED] in 2022.

77. Lenovo US leases a facility at 2430 Herodian Way SE, Smyrna, Georgia, that is 3,775 square feet and cost [REDACTED] in lease fees in 2022.

78. Lenovo US invests in a facility at 2010 156th Avenue NE, Suite 200, Bellevue, Washington that is 9,871 square feet and cost [REDACTED] in lease fees in 2022.

79. Lenovo US invests in a facility at 3400 East Coliseum Boulevard, Suite 310, Fort Wayne, Indiana that is 1,853 square feet and cost [REDACTED] in lease fees in 2022.

2. Lenovo US's Significant Investment in Employment of Labor and Capital

80. Lenovo US has employed and continues to employ domestic labor and capital in relation to the DI Products. In particular, Lenovo US employs more than 4,500 individuals in the United States—most of whom work on the DI Products in some fashion. Lenovo US also invests substantially in labor provided by its service and repair partners at contact centers, repair depots, and distribution centers.


PUBLIC VERSION**a. Research, Development, Engineering, and Testing**

81. Lenovo US employs a Customer Quality Engineering team including more than 35 hardware engineers, software engineers, and technicians primarily based in Morrisville, North Carolina, focused on continuously improving the design of the Lenovo US DI Products. The Customer Quality Engineering team also provides engineering-level support to address any issues that are escalated by the Service Organization by determining whether any design and/or engineering changes for the Lenovo US DI Products are necessary to solve the present issue or prevent future issues. The engineers on the Customer Quality Engineering team engage in failure and root cause analysis, often in direct engagement with customers, and integrate this analysis. These engineers often work directly with technical sales agents and field service professionals to support the problem-solving efforts of the Service Organization. The Customer Quality Engineering team also uses this customer engagement for “voice of the customer” as an input to the product development and design cycle. In addition, the Customer Quality Engineering team engages in engineering projects to continuously improve the design of the Lenovo US DI Products.

82. The Customer Quality Engineering team includes the customer experience sampling (“CXS”) team, which is a team of engineers and technicians who conduct end-to-end (“E2E”) technical audits and expert evaluations of Lenovo US DI Products in real-world consumer scenarios. The goal of these audits is to simulate different use cases for the DI Products to identify potential problems to solve so that the DI Products can undergo continuous improvements. The following shows the different programs employed by the CXS lab on the DI Products:

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First Article Inspections (FAI) <ul style="list-style-type: none"> • 200+ Point Cosmetic and Function Audit informed by Dev HW reviews and Beta findings • SOVP / Early Production Life 	Pre-GA Beta Program <ul style="list-style-type: none"> • SVT / PVT Hardware • Issues reported directly to PA / Development
Mass Production Audits <ul style="list-style-type: none"> • Customer Feedback Research • Modified 200+ Point Cosmetic and Function Audit • SOVP + 90 Days or Later 	Competitive Analysis <ul style="list-style-type: none"> • Product Analysis • Head to Head Comparison Reports
Development Hardware Reviews <ul style="list-style-type: none"> • Lightweight Build and Function Check • SIT / SVT / DVT / PVT 	Engineering Analysis <ul style="list-style-type: none"> • Complete Product Teardown • Mechanical Design / Future Failure Analysis

83. The Customer Quality Engineering team also conducts manufacturing quality control at various times in the development of the large-scale manufacturing and assembly process. For example, Customer Quality Engineering team conducts reverse manufacturing sampling audits, extensive customer simulation audits, DOS mode functioning checks, gap/noise/step inspections, functional testing, and assembly inspections.

84. Lenovo US employs a battery team comprised of engineers and technicians based in Morrisville, North Carolina, focused on continuously improving the design of the batteries in Lenovo's DI Products. The battery team was established with a focus on improving safety in lithium-ion batteries used in Lenovo laptops and notebooks. Today, the battery team provides innovative research that improves the safety, battery life, and energy density of Lenovo US's DI Products, both before and after the products are released to the market.

85. Lenovo US employs a User Experience team of more than 25 hardware engineers, software engineers and data scientists dedicated to developing innovations in hardware, software and technology to improve the user experience for the next generations of the DI Products. The User Experience team includes hardware engineers who perform research and development on the hardware components, software engineers who perform research and development on

[REDACTED]

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software user interfaces and software design, and data scientists who perform research and development analytics to determine which features would provide the most meaningful improvements to the user experience. The employees in this group are highly skilled, and many of them have advanced degrees in engineering, product design, and human factors engineering.

b. Service, Warranty, Repair, and Replacement

86. Lenovo US has an extensive Service Organization in the United States with more than 100 employees. Most of these employees are based in Morrisville, North Carolina, where they focus on fulfilling Lenovo US's warranty, service, and repair obligations owed to individual and corporate purchasers of the Lenovo US DI Products. The employees of the Service Organization provide technical assistance to customers who report problems with the DI Products. Customers with Premier Support for their PCs, for example, are serviced out of Lenovo US's Morrisville headquarters although any repairs themselves may be made at the customer's location, one of the repair depots, or sometimes in the Customer Quality Engineering lab. Employees in the Service Organization also manage the activities of third-party contact centers, repair depots, authorized warranty service providers ("AWSPs"), and onsite repair vendors to ensure Lenovo maintains its high standards for product quality and customer service.

87. Lenovo US has contact centers in the US to assist customers with service and repair inquiries. In addition to its Premier Support contact center in Morrisville, Lenovo US has a contract with IBM which runs a contact center in Atlanta for Lenovo US's commercial PC product lines, including its Think-branded products. Lenovo US also has contact centers for consumer product brands (e.g., IdeaPad, Flex, Legion, Yoga) that can escalate problems to Lenovo US's US Service Operations. If a contact center is unable to resolve the customer's concern, the contact center representatives escalate the call to the customer satisfaction team based in the United States—primarily in Morrisville.

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88. The customer satisfaction team provides further analysis of customer concerns and coordinates returns, on-site repair, and/or shipment of replacement parts. Further, the customer satisfaction team can escalate the issue to a Level 2 Technical Support team which typically works with large account customers of Lenovo US. If the Level 2 Technical Support team cannot resolve the issue, this team can pull in the Customer Quality Engineering team for additional engineering-level analysis.

89. Lenovo US also contracts with more than 1,000 AWSPs that provide similar on-site technical support anywhere in the US to Lenovo US's customers. These AWSPs provide on-site technical support for the DI Products as specified in the individual AWSP's contract with Lenovo US, in accordance with the training materials and troubleshooting guidance documents authored, conveyed, and controlled by Lenovo US. *See* Ex. 43C. AWSPs must be certified by Lenovo US to work on Lenovo US products. *Id.* Lenovo US paid these contractors more than [REDACTED] from April 1, 2021 through September 30, 2023.

90. As referenced above in Paragraphs 75 and 86, Lenovo US also manages several repair depots in the US where customers send their DI Products to be repaired. Lenovo US operates a repair depot for the DI Products at its Franz Warner Parkway facility in Whitsett, North Carolina. Lenovo US's employees at the Franz Warner Parkway depot perform repairs for certain of the DI Products covered by warranty. There are almost 100 Lenovo US employees based in Whitsett—many of whom perform these repairs and service and some of whom are involved in manufacturing of the DI Products in North Carolina.

91. Lenovo US also invests in service by its third-party partner, CSAT Solutions ("CSAT"). CSAT operates a repair depot for the DI Products in Houston, Texas. CSAT performs the same repair services for certain of the DI Products as those performed at the

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Whitsett, North Carolina facility. Lenovo US paid CSAT approximately [REDACTED] from January 1, 2021, through September 30, 2023.

92. Lenovo US also invests in parts distribution and logistics in furtherance of its warranty and repair activities. Lenovo US invested in services performed by its partner, an entity named UNIS LLC (“UNIS”), who, among other things, distributes parts to Lenovo US’s repair partners including CSAT, IBM, and other AWSPs. Lenovo US provides direction to UNIS on where, how, and when the parts are to be shipped. UNIS also performs reverse logistics to get used parts shipped to repair vendors so that they can be refurbished and reused. Between April 1, 2021 through September 30, 2023, Lenovo US paid UNIS more than [REDACTED] [REDACTED] for these services in furtherance of the DI Products.

93. Lenovo US invests in logistics to transport parts and DI Products throughout the US. This includes payments made to contracted carriers who ship products and parts to repair depots and AWSPs. Lenovo US invested approximately [REDACTED] from April 1, 2021 through September 30, 2023 in logistics, including payments made to domestic carriers.

3. Lenovo US’s Substantial Investment in Engineering, Research & Development

94. As alleged above, Lenovo US also employs a team of engineers, scientists, and technicians in the US who engage in research and development directed at continuous improvements to the DI Products and the technology incorporated therein. Lenovo US’s investments in plant, equipment, labor, and capital referenced above are equally applicable under Section 337(a)(3)(C) insofar as these expenditures reflect substantial investments in the exploitation of the Asserted Patents with respect to the DI Products.

95. Lenovo US’s domestic research, engineering, design, service, repair and other cognizable activities have a nexus to the technology covered by the Asserted Patents. *See*

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Certain Integrated Circuit Chips, Inv. No. 337-TA-859, Comm'n Op., 2014 WL 12796437, at *21 (Aug. 22, 2014) (For investments under Section 337(a)(3)(C), complainants must demonstrate a nexus to the intellectual property that is the subject of "exploitation."). For example, for the '189 Patent, all four inventors were based in North Carolina working for Lenovo US's predecessor—IBM—at the time of invention, and the work done to develop the patented technology was done in the United States. Similarly, the engineering and development work done by at least CXS and the Customer Quality Engineering team has touched many aspects of the DI Products, including those aspects covered by the Asserted Patents. The same is true of the work done by the Services Organization.

4. Lenovo US's Investments Are Significant and Substantial

96. Lenovo US's investments in plant and equipment, its employment of labor and capital, and its investment in research, development, and engineering, are significant and substantial, both qualitatively and quantitatively. In particular, Lenovo US engages in activities that are by their nature significant and substantial to the United States economy, to the consumer market for computers in the United States, to Lenovo US's business, and to the DI Products. These investments include high-value contributions to the DI Products such as (1) product design, (2) product development, (3) development of next generation technology, (4) quality engineering, (5) technical sales, (6) product validation, testing, auditing, and qualification, (7) warranty and repair activities, and (8) customer service and satisfaction.

97. Lenovo US invests in real estate and facilities that have an annual lease cost of more than [REDACTED]. Moreover, since January 1, 2021, Lenovo US has paid [REDACTED] in facilities expenses (e.g., rent, utilities, etc.) for its United States facilities. Lenovo US has many tens of millions of dollars' worth of equipment in the United States used for qualifying domestic industry activities pertaining to the DI Products. Lenovo US has invested hundreds of millions

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of dollars in capital for the DI Products in the United States. Lenovo US also invests hundreds of millions of dollars in labor in the United States between employee compensation and sums paid to repair partners and other contractors. For example, the [REDACTED] paid to AWSPs referenced above is an investment in labor for the DI Products. Similarly, the approximate [REDACTED] and the approximate [REDACTED] paid to CSAT and UNIS, respectively, are investments in the DI Products.

98. Lenovo US has invested hundreds of millions of dollars in plant, equipment, labor, capital, engineering, research, and development under Section 337(a)(3) with respect to the DI Products over the last several years. Lenovo US's investments reflect significant and substantial value added to the DI Products, both during the product development cycle and after the products are launched. Lenovo US's extensive warranty and repair activities are inextricably intertwined with the development of the DI Products. The warranty and repair activities provide important feedback into the design, development, and engineering of the DI Products as discussed above. Lenovo US's continuous efforts to perfect its products using feedback from its Services Organization is one of the primary reasons Lenovo US has achieved its reputation for excellence in the field of personal computers.

99. Lenovo US's warranty and repair activities are a significant and substantial part of maintaining a domestic industry because they are a critical part of serving Lenovo US's United States customers who expect robust and prompt warranty and repair services for the Lenovo US DI Products. These activities add value to the finished Lenovo DI Product.

100. Lenovo's DI Products include tablets, laptops, notebooks, desktops, and workstations—Lenovo US's PC products. Between January 1, 2021 and September 30, 2023, these products generated [REDACTED] in revenue compared to [REDACTED] in revenue for

[REDACTED]

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sales of accessories, server products, and other goods and services. That is, Lenovo's PC sales account for more than [REDACTED] of the company's revenue in the United States. Using an [REDACTED] sales-based allocation, Lenovo US estimates that [REDACTED] of the [REDACTED] paid in 2022 for real estate expenses can be allocated to the DI Products. The investments set forth above in parts VIII.B.1 and 2, will be shown to be significant and substantial when placed in context.

IX. RELATED LITIGATION

101. Pursuant to 19 C.F.R. § 210.12(a)(5), Lenovo US states that, to the best of its knowledge, the alleged unfair methods of competition and unfair acts, or the subject matter thereof have not been the subject of any court or agency litigation.

102. Contemporaneous with the filing of this Complaint, Lenovo US is filing suit in the United States District Court for Northern California against ASUS alleging infringement of the Asserted Patents.

X. RELIEF REQUESTED

103. WHEREFORE, by reason of the foregoing, Lenovo US respectfully requests that the United States International Trade Commission:

A. Institute an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to the ASUS' violations of that section arising from the importation into the United States, sale for importation, and/or sale or lease within the United States after importation of certain electronic computing devices, and components thereof, that infringe one or more claims of the Asserted Patents;

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

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C. Issue a permanent limited exclusion order, pursuant to Section 337(d), excluding from entry into the United States all products made by or on behalf of ASUS that infringes one or more claims of the Asserted Patents;

D. Issue cease and desist orders, pursuant to Section 337(f), prohibiting ASUS, and any others acting on their behalf, from importing, selling for importation, marketing, distributing, selling, offering for sale (including via the Internet or electronic mail), advertising (including via the Internet or electronic mail), warehousing inventory for distribution, transferring, licensing, or otherwise using the Accused Products in or bringing the Accused Products into the United States;

E. Impose a bond, pursuant to Section 337(j), during the Presidential review period sufficient to prevent further injury to Lenovo's domestic industry;

F. Grant such other and further relief as the Commission deems just and proper based on the facts determined by the investigation and the authority of the Commission.

Dated: Nov. 14, 2023

Respectfully submitted,

/s/ Sean Cunningham

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

In the Matter of

**CERTAIN ELECTRONIC COMPUTING
DEVICES AND COMPONENTS THEREOF**

Inv. No. 337-TA-____

VERIFICATION OF COMPLAINT

I, Kurt Cranor, do hereby declare and state:

1. I am the North America Chief Financial Officer of Lenovo (United States) Inc., and am duly authorized to verify this Complaint;
2. I submit this verification in accordance with 19 C.F.R. §§ 210.4 and 210.12(a);
3. I have read the Complaint and am aware of its contents;
4. The Complaint is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of the investigation or related proceeding;
5. To the best of my knowledge, information, and belief founded upon reasonable inquiry, the claims and legal contentions of this Complaint are warranted by existing law or a non-frivolous argument for the extension, modification, or reversal of an existing law or the establishment of new law; and
6. To the best of my knowledge, information, and belief founded upon reasonable inquiry, the allegations and other factual contentions in the Complaint have evidentiary support or if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

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Dated: 11/15/2023 | 10:40 PST

Respectfully Submitted,

DocuSigned by:
Kurt Cranor
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Kurt Cranor
North America Chief Financial Officer
Lenovo (United States) Inc.