

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

Before The Honorable _____
Administrative Law Judge

In the Matter of)
)
CERTAIN SHIELDED ELECTRICAL)
RIBBON CABLES AND PRODUCTS)
CONTAINING THE SAME)
_____)

Investigation No. 337-TA-____

**COMPLAINANTS 3M COMPANY AND 3M INNOVATIVE PROPERTIES COMPANY'S
STATEMENT ON THE PUBLIC INTEREST UNDER § 210.8(B)**

Pursuant to 19 C.F.R. § 210.8(b), Complainants 3M Company and 3M Innovative Properties Company ("3M") respectfully submit this Statement on the Public Interest with respect to the remedial orders it seeks against Amphenol Corporation, Amphenol Interconnect Products Corporation, Amphenol Cables on Demand Corporation, Amphenol Assemble Technology (Xiamen) Co., Ltd., Amphenol (Xiamen) High Speed Cable Co., Ltd., and Amphenol East Asia Limited (Taiwan) (the "Respondents"). As discussed below, the exclusion of shielded electrical ribbon cables and products containing the same would not have an adverse effect on public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

I. INTRODUCTION

3M is a leading developer of shielded electrical ribbon cables that were created as a result of 3M's renowned R&D history and capabilities. Headquartered in Minnesota, 3M is a leading designer and developer of complex, high-performance shielded electrical ribbon cables that enable, enhance, and optimize the performance of electronic products.

3M has invested millions of dollars in the development and protection of its intellectual property, including in the shielded electrical ribbon cables disclosed and claimed in the patents asserted by 3M. 3M's continued success and investments depends, in part, on its ability to establish, maintain, and protect its proprietary technology through enforcement of its patent rights, including the patents asserted against Respondents.

The public interest in protecting intellectual property rights is strong. *See, e.g., Certain Broadband Processor Chips and Chipsets, Transmitter and Receiver (Radio) Chips, Power Control Chips*, Inv. No. 337-TA-543, Comm'n Op., 2007 ITC LEXIS 621, at *240 (June 19, 2007). The Commission balances any potentially adverse impact on the public interest against the public's interest in protecting and enforcing intellectual property rights. *See, e.g., Certain Inclined-Field Acceleration Tubes and Components Thereof*, Inv. No. 337-TA-67, Comm'n Op., 1980 ITC LEXIS 118, at *34-35 (Dec. 1980). The Commission may deny the requested relief only if the negative impact on the public interest outweighs the damage to the patent holder's rights and the public interest in enforcing intellectual property rights. *Id.*; *see also Certain Two-Handle Centerset Faucets and Escutcheons, and Components Thereof*, Inv. No. 337-TA-422, 2000 ITC LEXIS 494 at *17-18 (June 19, 2000) ("we do not believe that any public interest concerns are presented in this investigation that should prevent the issuance of a general exclusion order"); *Certain Electronic Paper Towel Dispensing Devices and Components Thereof*, Inv. No. 337-TA-718, 2012 ITC LEXIS 2858 at *7 (Nov. 2012) ("[t]he Commission has also determined that the public interest factors enumerated in 19 U.S.C. § 1337(d) do not preclude the issuance of the general exclusion order"); *Certain Woven Textile Fabrics and Products Containing Same*, Inv. No. 337-TA-976, Comm'n Op., at 8-9 (Mar. 20, 2017).

The potential damage to 3M's intellectual property rights outweighs any adverse impact on the public interest. None of the concerns raised in prior investigations apply here, such as the public interest in maintaining an adequate supply of the goods under investigation, the ability of Complainant to maintain an adequate supply of the goods, or whether domestic users can obtain a sufficient substitute. *See, e.g., Certain Toothbrushes and the Packaging Thereof*, Inv. No. 337-TA-391, Comm'n Op., 1997 ITC LEXIS 290 at *13 (Oct. 5, 1997) (the articles at issue "are not the type of product that have in the past raised public interest concerns (such as, for example, drugs or medical devices)"); *Certain Fluidized Supporting Apparatus*, Inv. No. 337-TA-182/188, USITC Pub. 1667 (Oct. 1984); *Certain Inclined-Field Acceleration Tubes*, Inv. No. 337-TA-67, USITC Pub. 1119 (Dec. 1980); *Certain Automatic Crankpin Grinders*, Inv. No. 337-TA-60, USITC Pub. 1022 (Dec. 1979)).

Furthermore, the patents asserted by 3M are not standard-essential patents and therefore not subject to any voluntary commitments to offer licenses on terms that are fair, reasonable, and non-discriminatory. Thus, this Investigation does not implicate public interest concerns like those raised in *Certain Electronic Devices, Including Wireless Communication Devices, Portable Music and Data Processing Devices, and Tablet Computers*, Inv. No. 337-TA-794.

The requested general exclusion order, or in the alternative limited exclusion order, and cease and desist orders will have no adverse impact on the public interest. The accused articles are certain shielded electrical ribbon cables and products containing those cables, and are not necessary to public health, safety, or welfare. The exclusion of the accused articles would not adversely impact the public interest because of the ability of 3M to meet any increase in demand. There is therefore a strong public interest in protecting 3M's intellectual property and no countervailing adverse effects to outweigh that public interest.

A. An Explanation Of The Articles Potentially Subject To the Requested Remedial Orders And How They Are Used In The United States.

Shielded electrical ribbon cables and products containing those cables will be at issue in this Investigation. Once installed in certain devices, shielded electrical ribbon cables facilitate the transfer of data. The infringing articles are Respondents' shielded electrical ribbon cables and products containing Respondents' shielded electrical ribbon cables, including electronic devices that transmit data at high speeds. Upon information and belief, the infringing articles are at least used, offered for sale, and/or sold after importation in the United States.

B. There Are No Public Health, Safety, Or Welfare Concerns Relating To The Requested Remedial Orders.

There are no health, safety, or welfare concerns implicated by this Investigation. The requested remedial orders for the subject articles would have no material impact on the public health, safety, or welfare in the United States and shielded electrical ribbon cables are not essential to the preservation of any public interest. An exclusion order encompassing the subject articles would not implicate national energy crises or national security interests, and the subject articles are not medical devices, pharmaceuticals, vaccines, or otherwise health-related. Moreover, as explained below, 3M can provide an adequate supply of alternative shielded electrical ribbon cables to consumers and manufacturers.

C. Like Or Directly Competitive Articles Are Available To Replace the Subject Articles.

There are like or directly competitive products that could take the place of Respondents' infringing articles after the issuance of the requested remedial orders. For example, 3M's shielded electrical ribbon cables that practice the claims of the patents asserted by 3M are like and/or directly competitive cables that can be substituted for the accused Amphenol electrical cables. If the subject articles were to be excluded, the excluded cables can be replaced with

3M's shielded electrical ribbon cables within a commercially reasonable time frame. Other suppliers of like or directly competitive shielded electrical ribbon cables include, for example, Luxshare Precision Industry Co., Ltd. Suppliers of downstream products therefore have access to like or directly competitive articles to incorporate into their end products.

D. The Requested Remedial Orders Will Have No Negative Impact On Consumers In The United States.

The issuance of the requested remedial orders in this Investigation would not adversely impact consumers in the United States. As noted above, consumers would not be deprived of similar products and there would be no shortage of competing goods because 3M's shielded electrical ribbon cables can replace the excluded articles. Further, the accused articles compete domestically with cables from 3M that offer comparable overall quality and features and that are available to consumers in the United States, and consumers stand to benefit from removing infringing articles from the marketplace. Accordingly, the requested remedial orders favor the strong public interest in protecting 3M's intellectual property rights.

II. CONCLUSION

The public interest will be served in the event the Commission grants the requested remedial orders. The subject articles are not necessary to any health, safety, or welfare need, and an adequate supply of substitute devices is available through 3M and others. As such, the public interest in protecting 3M's intellectual property rights heavily outweighs any potential adverse impact on the public. As this Investigation does not present any special issues of public interest that would affect the Commission's issuance of the requested remedial orders or that would necessitate discovery and trial on this issue by the ALJ, the Commission should not direct the ALJ to take unnecessary evidence on the public interest.

June 30, 2017

Respectfully submitted,



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CERTAIN SHIELDED ELECTRICAL)
RIBBON CABLES AND PRODUCTS)
CONTAINING THE SAME)
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Investigation No. 337-TA-____
Docket No. ____

**VERIFIED COMPLAINT OF 3M COMPANY AND 3M INNOVATIVE PROPERTIES
COMPANY UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED**

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EXHIBIT LIST

| Exhibit No. | Designation | Description |
|--------------------|--------------------|--|
| Exhibit 1 | Public | Certified Copy of United States Patent No. 8,933,333 |
| Exhibit 2 | Public | Certified Copy of United States Patent No. 9,601,236 |
| Exhibit 3 | Public | Certified Copy of United States Patent No. 9,627,106 |
| Exhibit 4 | Public | Certified Copy of Assignment Records for United States Patent No. 8,933,333 |
| Exhibit 5 | Public | Certified Copy of Assignment Records for United States Patent No. 9,601,236 |
| Exhibit 6 | Public | Certified Copy of Assignment Records for United States Patent No. 9,627,106 |
| Exhibit 7 | Public | Status of Foreign Patents and Applications in the Family of United States Patent No. 8,933,333 |
| Exhibit 8 | Public | Status of Foreign Patents and Applications in the Family of United States Patent No. 9,601,236 |
| Exhibit 9 | Public | Status of Foreign Patents and Applications in the Family of United States Patent No. 9,627,106 |
| Exhibit 10 | Public | 10-K for 3M Company for the fiscal year ended December 31, 2016 |
| Exhibit 11 | Public | 8-K for 3M Company regarding the quarter ended March 31, 2017 |
| Exhibit 12 | Public | Purchase Receipts of Respondents' Accused Products (Importation Evidence) |
| Exhibit 13 | Public | Photographs of Respondents' Accused Products (Importation Evidence) |
| Exhibit 14 | Public | Claim chart comparing United States Patent No. 8,933,333 to Respondents' Product |
| Exhibit 15 | Public | Claim chart comparing United States Patent No. 9,601,236 to Respondents' Product |
| Exhibit 16 | Public | Claim chart comparing United States Patent No. 9,627,106 to Respondents' Product |
| Exhibit 17 | Public | Claim chart comparing United States Patent No. 8,933,333 to Domestic Industry Product |
| Exhibit 18 | Public | Claim Chart comparing United States Patent No. 9,601,236 and Domestic Industry Product |
| Exhibit 19 | Public | Claim chart comparing United States Patent No. 9,627,106 and Domestic Industry Product |
| Exhibit 20 | Public | Printout of 3M's website showing product groups in 3M's Electronics Material Solutions Division |
| Exhibit 21 | Public | Amphenol Corporation Q1 2017 results |
| Exhibit 22 | Public | Amphenol Corporation 2016 Annual Report |
| Exhibit 23 | Public | Amphenol Products & Applications Catalog |
| Exhibit 24C | Confidential | Confidential Declaration of 3M Employee Duane Preiss Regarding the Economic Prong of Domestic Industry |

| Exhibit No. | Designation | Description |
|--------------------|--------------------|---|
| Exhibit 25C | Confidential | Confidential Agreement Between Minnesota Mining and Manufacturing Company, 3M Financial Management Company, and 3M Innovative Properties Company, effective April 1, 1999 |
| Exhibit 26C | Confidential | Confidential Intellectual Property License Agreement Between Minnesota Mining and Manufacturing Company and 3M Innovative Properties Company, effective April 1, 1999 |

APPENDICES

| Appendix | Designation | Description |
|-----------------|--------------------|---|
| Appendix A | Public | United States Patent No. 8,933,333 Prosecution History |
| Appendix B | Public | United States Patent No. 8,933,333 Technical References |
| Appendix C | Public | United States Patent No. 9,601,236 Prosecution History |
| Appendix D | Public | United States Patent No. 9,601,236 Technical References |
| Appendix E | Public | United States Patent No. 9,627,106 Prosecution History |
| Appendix F | Public | United States Patent No. 9,627,106 Technical References |

I. INTRODUCTION

1. Complainants 3M Company (“3M Company”) and 3M Innovative Properties Company (“3M IPC”) (collectively, “3M”) file this complaint pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”) (“Complaint”). 3M respectfully requests that the United States International Trade Commission (the “Commission”) institute an investigation relating to the unlawful importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation, of certain shielded electrical ribbon cables and products containing the same (collectively, the “Accused Products”).

2. The Respondents are Amphenol Corporation, Amphenol Interconnect Products Corporation, Amphenol Cables on Demand Corporation, Amphenol Assemble Technology (Xiamen) Co., Ltd., Amphenol (Xiamen) High Speed Cable Co., Ltd., and Amphenol East Asia Limited (Taiwan) (collectively, the “Respondents”).

3. The Respondents have violated and continue to violate Section 337 through the importation, sale for importation, and/or the sale within the United States after importation of Accused Products that directly infringe, literally and/or under the doctrine of equivalents, certain claims of 3M’s United States Patent Nos. 8,933,333 (the “’333 Patent,” attached as Exhibit 1), 9,601,236 (the “’236 Patent,” attached as Exhibit 2), and 9,627,106 (the “’106 Patent,” attached as Exhibit 3) (collectively, the “Asserted Patents”). 3M asserts that each Respondent infringes the following claims:

| Asserted Patent | Asserted Claims |
|-----------------|-----------------|
| ’333 Patent | 5 |
| ’236 Patent | 1, 2-3 |
| ’106 Patent | 1, 2-3, 6-7 |

4. In addition to their direct infringement, the Respondents have violated and continue to violate Section 337 through the importation, sale for importation, and/or the sale within the United States after importation of certain shielded electrical ribbon cables and products containing the same that indirectly infringe, literally or under the doctrine of equivalents, by induced or contributory infringement, certain claims of the Asserted Patents.

5. The Respondents have had knowledge of the '333 Patent and the '236 Patent and infringement allegations concerning the same at least as of April 3, 2017, the filing date of 3M's original complaint against Amphenol Corporation in the United States District Court for the District of Delaware (*see infra*, Section VII, "Related Litigation"). The Respondents have had knowledge of the '106 Patent and infringement allegations concerning the same at least as of April 27, 2017, the filing date of the amended complaint in the related litigation. 3M served the amended complaint in the district court litigation on May 12, 2017. The Respondents continue to provide their Accused Products to the marketplace in a manner that directly and indirectly infringes the Asserted Patents.

6. The Respondents' activities with respect to the importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of infringing shielded electrical ribbon cables and products containing the same, as described more fully in Section V below, are unlawful under 19 U.S.C. § 1337(a)(1)(B) in that they constitute infringement of one or more valid and enforceable claims of the Asserted Patents. Further, a domestic industry as required by 19 U.S.C. § 1337(a)(2) and (3) exists in the United States relating to the technology protected by the Asserted Patents.

7. To remedy the Respondents' violation of Section 337, 3M seeks as relief a general exclusion order pursuant to 19 U.S.C. § 1337(d)(2), permanently barring the importation, sale for

importation, and/or sale after importation into the United States of shielded electrical ribbon cables and products containing the same that infringe one or more of the claims of the Asserted Patents. In the alternative, 3M seeks a limited exclusion order pursuant to 19 U.S.C. § 1337(d), permanently barring the importation, sale for importation, and/or sale after importation into the United States by Respondents of infringing shielded electrical ribbon cables and products containing the same that infringe one or more of the asserted claims of the Asserted Patents.

8. 3M also seeks as relief cease and desist orders pursuant to 19 U.S.C. § 1337(f) prohibiting each domestic Respondent from engaging in the importation into the United States and/or the sale within the United States after importation of shielded electrical ribbon cables and products containing the same that infringe one or more claims of the Asserted Patents. Further, 3M respectfully requests that the Commission impose a bond upon the Respondents' importation of infringing shielded electrical ribbon cables and products containing the same during the 60-day Presidential review period, pursuant to 19 U.S.C. § 1337(j), to prevent additional injury to 3M's domestic industry relating to the Asserted Patents.

9. 3M further seeks any other relief the Commission is authorized to grant and deems appropriate.

II. THE PARTIES

A. The Complainants

10. 3M Company is a corporation organized and existing under the laws of the state of Delaware, and having its principal place of business at 3M Center, St. Paul, Minnesota 55133.

11. 3M IPC is a 100% wholly-owned subsidiary of 3M Financial Management Company, which is a 100% wholly-owned subsidiary of 3M Company. 3M IPC's principal place of business at 3M Center, St. Paul, Minnesota 55133.

12. 3M IPC owns all right, title, and interest in the Asserted Patents. 3M Company is the exclusive licensee of the Asserted Patents. *See* Confidential Exhibits 25C and 26C.

13. Founded as a small-scale mining venture by five business people in 1902 in Two Harbors, Minnesota, 3M has grown to be a global leader in developing technology and products that improve and enhance the lives of people around the world. 3M provides one of the industry's broadest portfolios of products, including shielded electrical ribbon cables that allow high-speed data transmission in electronic devices. From its headquarters in Minnesota, 3M has expanded its footprint across the United States and around the world, employing more than 35,000 individuals in the United States alone as of December 31, 2016. A brief history of 3M can be found on its website at: http://solutions.3m.com/wps/portal/3M/en_US/3M-Company/Information/Resources/History/.

14. Research and development constitutes an important part of 3M's activities and has been a major driver of 3M's growth to a company with more than \$30 billion in sales worldwide. 3M's continued success depends in substantial part upon its constant attention to research and development of its products.

15. Over the last five years, 3M has invested \$8.6 billion in research and development. Research, development, and related expenses were \$1.735 billion in 2016, \$1.763 billion in 2015, and \$1.770 billion in 2014. Research and development costs alone were \$1.225 billion in 2016, \$1.223 billion in 2015, and \$1.193 billion in 2014. *See* Exhibit 10 (3M 10-K) at 7.

16. In the first calendar quarter of 2017 (the most recent calendar quarter for which 3M's financial data is available), 3M's investment in research, development, and related expenses were \$471 million on net sales of \$7.685 billion. This represents an increase of \$21

million over 3M's investments in research, development, and related expenses in the first quarter of 2016. *See* Exhibit 11 (3M 8-K) at 7

17. 3M's cables and cable assemblies are included in 3M's Electronics and Energy Business Group, one of the five major divisions of 3M. 3M's Electronics Materials Solutions Division, which is a division of 3M's Electronics and Energy Business Group, is responsible for the design, development, manufacture, distribution, and other activities relating to the 3M cables and cabling solutions that enhance and optimize high-speed data transmission for a wide array of electronic devices.

18. Further, as described more fully below and in the attached exhibits, 3M's shielded electrical ribbon cables practice the technology claimed in the Asserted Patents.

B. The Respondents

19. On information and belief, Amphenol Corporation is a United States corporation organized and existing under the laws of Delaware, with its principal place of business at 358 Hall Avenue, Wallingford, Connecticut, United States. *See* Exhibits 21 (Amphenol Corporation Q1 2017 results) and 22 (Amphenol Corporation 2016 Annual Report). On information and belief, Amphenol Corporation is the parent company of the other Respondents and is involved in the importation, sale for importation, and/or sale after importation into the United States of the Accused Products.

20. On information and belief, Amphenol Interconnect Products Corporation is a United States corporation organized and existing under the laws of Delaware, with its principal place of business at 20 Valley Street, Endicott, New York 13760, United States. *See* Exhibit 22 (Amphenol Corporation 2016 Annual Report at p. 88 of document). On information and belief, Amphenol Interconnect Products Corporation is involved in the importation, sale for importation, and/or sale after importation into the United States of the Accused Products.

21. On information and belief, Amphenol Cables on Demand Corporation is a United States corporation organized and existing under the laws of Delaware, with its principal place of business at 20 Valley Street, Endicott, New York 13760, United States. *See* Exhibit 22 (Amphenol Corporation 2016 Annual Report at p. 91 of document). On information and belief, Amphenol Cables on Demand Corporation is involved in the importation, sale for importation, and/or sale after importation into the United States of the Accused Products.

22. On information and belief, Amphenol Assemble Technology (Xiamen) Co., Ltd. is a Chinese corporation organized and existing under the laws of China, with its principal place of business at No. 39-B Qian Pu Industrial Park, Xiamen, Fujian 361009, China. *See* Exhibit 22 (Amphenol Corporation 2016 Annual Report at p. 88 of document). On information and belief, Amphenol Assemble Technology (Xiamen) Co., Ltd. is involved in the importation, sale for importation, and/or sale after importation into the United States of the Accused Products.

23. On information and belief, Amphenol (Xiamen) High Speed Cable Co., Ltd. is a Chinese corporation organized and existing under the laws of China, with its principal place of business at 2nd-4th Floor, No. 176 Xinfeng Road, Xiamen Torch Hi-Tech Zone, Xiamen, Fujian 361009, China. *See* Exhibit 22 (Amphenol Corporation 2016 Annual Report at p. 91 of document). On information and belief, Amphenol (Xiamen) High Speed Cable Co., Ltd. is involved in the importation, sale for importation, and/or sale after importation into the United States of the Accused Products.

24. On information and belief, Amphenol East Asia Limited (Taiwan) is a Taiwanese corporation organized and existing under the laws of Taiwan, with its principal place of business at 5th Floor, No. 361, Fusing 1st Road, Gueishan Township, Taoyuan County 333, Taiwan. *See* Exhibit 22 (Amphenol Corporation 2016 Annual Report at p. 91 of document). On information

and belief, Amphenol East Asia Limited (Taiwan) is involved in the importation, sale for importation, and/or sale after importation into the United States of the Accused Products.

III. THE ASSERTED PATENTS

25. 3M is a leading innovator and provider of high performance, shielded ribbon cables for data transmission. 3M has received multiple patents in areas of innovation covering key aspects of this technology. For example, one aspect of 3M's technology facilitates the use of high performance cables in space-constrained systems with minimal signal loss or performance impact. Additional aspects of 3M's technology address physical dimensions concerning the layout of the shielded ribbon cable structure.

26. These important features, and others, were disclosed by 3M to the public in connection with patent applications. The United States Patent and Trademark Office assessed 3M'S technical contributions, examined the content of those patent applications, and awarded 3M with the Asserted Patents, among others covering this area of technology.

27. Two of the Asserted Patents are related, as the '236 Patent is a continuation of the '333 Patent. The '106 Patent is not related to '333 Patent or the '236 Patent.

28. The '333 Patent is properly assigned to 3M IPC, as shown in the certified copy of the assignment record attached as Exhibit 4.

29. The '236 Patent is properly assigned to 3M IPC, as shown in the certified copy of the assignment record attached as Exhibit 5.

30. The '106 Patent is properly assigned to 3M IPC, as shown in the certified copy of the assignment record attached as Exhibit 6.

A. The '333 Patent

31. 3M IPC holds all right, title, and interest to the '333 Patent, which is entitled "Shielded Electrical Cable." The named inventor of the '333 Patent is Douglas B. Gundel.

32. Pursuant to Commission Rules 210.12(a)(9)(i)-(ii), a certified copy of the '333 Patent and a certified copy of the assignment record for the '333 Patent are attached hereto as Exhibits 1 and 4, respectively. Appendix A, pursuant to Commission Rule 210.12(c)(1), contains one certified copy of the United States Patent and Trademark Office prosecution history for the '333 Patent plus three additional copies thereof. Appendix B, pursuant to Commission Rule 210.12(c)(2), contains four copies of each patent and the applicable pages of each technical reference mentioned in the prosecution history of the '333 Patent.

33. The application that issued as the '333 Patent was filed on August 16, 2013, and issued on January 13, 2015.

34. The '333 Patent has 9 claims, including three (3) independent claims (claims 1, 5, and 7) and six dependent claims. *See* Exhibit 1. 3M is asserting claim 5 of the '333 Patent:

| Asserted Claims of the '333 Patent |
|------------------------------------|
| 5 |

35. 3M, pursuant to Commission Rule 210.12(a)(9)(v), submits a list of foreign patents, foreign patent applications (not already issued as a patent), and each foreign patent application that has been denied, abandoned, or withdrawn corresponding to the '333 Patent. *See* Exhibit 7. 3M is not aware of any other foreign counterparts issued, filed, denied, abandoned, or withdrawn relating to the '333 Patent.

B. The '236 Patent

36. 3M IPC holds all right, title, and interest to the '236 Patent, which is entitled "Shielded Electrical Cable." The named inventor of the '236 Patent is Douglas B. Gundel.

37. Pursuant to Commission Rules 210.12(a)(9)(i)-(ii), a certified copy of the '236 Patent and a certified copy of the assignment record for the '236 Patent are attached hereto as Exhibits 2 and 5, respectively. Appendix C, pursuant to Commission Rule 210.12(c)(1), contains

one certified copy of the United States Patent and Trademark Office prosecution history for the '236 Patent plus three additional copies thereof. Appendix D, pursuant to Commission Rule 210.12(c)(2), contains four copies of each patent and the applicable pages of each technical reference mentioned in the prosecution history of the '236 Patent.

38. The application that issued as the '236 Patent was filed on August 24, 2016, and the '236 Patent issued on March 21, 2017.

39. The '236 Patent has three claims, including one (1) independent claim (claim 1) and two dependent claims. *See* Exhibit 2. 3M is asserting claims 1-3 of the '236 Patent:

| Asserted Claims of the '236 Patent |
|------------------------------------|
| 1, 2-3 |

40. 3M, pursuant to Commission Rule 210.12(a)(9)(v), submits the attached list of foreign patents, foreign patent applications (not already issued as a patent), and each foreign patent application that has been denied, abandoned, or withdrawn corresponding to the '236 Patent. *See* Exhibit 8. 3M is not aware of any other foreign counterparts issued, filed, denied, abandoned, or withdrawn relating to the '236 Patent.

C. The '106 Patent

41. 3M IPC holds all right, title, and interest to the '106 Patent, which is entitled "High Density Shielded Electrical Cable and Other Shielded Cables, Systems, and Methods." The named inventors of the '106 Patent are Douglas B. Gundel, Rocky D. Edwards, Mark M. Lettang, and Charles S. Staley.

42. Pursuant to Commission Rules 210.12(a)(9)(i)-(ii), a certified copy of the '106 Patent and a certified copy of the assignment record for the '106 Patent are attached hereto as Exhibits 3 and 6, respectively. Appendix C, pursuant to Commission Rule 210.12(c)(1), contains one certified copy of the United States Patent and Trademark Office prosecution history for the

'106 Patent plus three additional copies thereof. Appendix F, pursuant to Commission Rule 210.12(c)(2), contains four copies of each patent and the applicable pages of each technical reference mentioned in the prosecution history of the '106 Patent.

43. The application that issued as the '106 Patent was filed on October 20, 2016, and the '106 Patent issued on April 18, 2017.

44. The '106 Patent has seven claims, including one independent claim (claim 1) and six dependent claims. *See* Exhibit 3. 3M is asserting claims 1-3 and 6-7 of the '106 Patent:

| Asserted Claims of the '106 Patent |
|------------------------------------|
| 1, 2-3, 6-7 |

45. 3M, pursuant to Commission Rule 210.12(a)(9)(v), submits the attached list of foreign patents, foreign patent applications (not already issued as a patent), and each foreign patent application that has been denied, abandoned, or withdrawn corresponding to the '106 Patent. *See* Exhibit 9. 3M is not aware of any other foreign counterparts issued, filed, denied, abandoned, or withdrawn relating to the '106 Patent.

D. Licensees to the Asserted Patents

46. Other than the exclusive license from 3M IPC to 3M Company, there are no licensees to the Asserted Patents and 3M is not relying upon any license to satisfy the domestic industry requirement.

IV. NON-TECHNICAL DESCRIPTION OF THE PATENTED TECHNOLOGY

47. 3M's patented technology, as reflected in the Asserted Patents, generally relates to the field of shielded electrical ribbon cables, in particular shielded electrical ribbon cables that can effectively transmit electromagnetic signals at high speeds. High-speed cable assemblies are essential to the efficient operation of systems that process large volumes of data.

48. Standard cables used in electronic devices can have a significant impact on the high-speed delivery of signals due to congestion in the cable. For example, when a standard cable is bent at various angles, the bends can create physical and electrical impediments to the high-speed transmission of signals through the cable, thereby leading to the congestion that can delay the delivery of the signals. 3M's patented technology provides innovative, high-speed solutions that reduce congestion and expenses without sacrificing performance of the cable.

49. 3M's patented technology has a broad range of applications in electronic devices that require data transmission and communication. 3M's patented shielded cable technology is most often used in computer cable applications that require multiple data buses to link internal peripherals, such as in hard drives, CD drives, and other applications. For example, 3M's patented technology has been implemented in downstream electronic devices such as data servers, test and measuring equipment, automated termination equipment, and robotics applications. The patented technology in 3M's shielded electrical ribbon cables allows the cables to be bendable, foldable and flexible, which enables many packaging configurations inside a device or case with minimal performance impact.

50. The Asserted Patents are generally directed to shielded electrical ribbon cables that may be bent at various angles without losing the integrity of the electrical signal (the '333 Patent); shielded electrical ribbon cables with specific physical dimensions (the '236 Patent); and/or shielded electrical ribbon cables with specific physical dimensions and electrical properties (the '106 Patent).

51. The non-technical description of the patented technology as provided in Section IV is provided solely for compliance with the Commission Rules and is not intended to limit,

define, or otherwise have any bearing on the construction and/or application of any of the Asserted Patents.

V. UNLAWFUL AND UNFAIR ACTS OF THE RESPONDENTS

52. Respondents are engaged in the importation, the sale for importation, and/or the sale within the United States after importation of certain shielded electrical ribbon cables and products containing the same that infringe the asserted claims of each of the Asserted Patents. On information and belief, the Accused Products identify herein directly and/or indirectly infringe at least the asserted claims of the Asserted Patents. Discovery may reveal that the Accused Products infringe additional claims of the Asserted Patents. In addition, Complainants anticipate that discovery may reveal that additional products of Respondents infringe the Asserted Patents, including but not limited to unreleased products that will become commercially available in the United States prior to the conclusion of this Investigation.

53. For the avoidance of doubt, no part of this Complaint, including any Appendix or Exhibit hereto, construes or is intended to construe the specification, file history, or claims of any Asserted Patent.

A. Infringement

54. Exhibits 14-16 are claim charts demonstrating how the asserted independent claims of the Asserted Patents apply to at least one representative Accused Product of the Respondents. On information and belief, 3M submits that Respondents' shielded electrical ribbon cables, in addition to the Respondents' representative product identified in Exhibits 14-16, infringe the Asserted Patents and that certain products (*e.g.*, electronic devices) containing Respondents' shielded electrical ribbon cables infringe the Asserted Patents. On information and belief, 3M submits that these products are the same or similar to the representative Accused Products identified in Exhibits 14-16, and that any differences are minor and not material to the

infringement analysis. 3M accuses such products of infringement and seeks remedial orders and a bond against these products as well.

1. The '333 Patent

55. Respondents' Accused Products directly, either literally or under the doctrine of equivalents, and/or indirectly infringe the asserted claims of the '333 Patent.

56. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 14 includes a chart comparing the asserted independent claim of the '333 Patent to a representative Accused Product of Respondents. Exhibit 14 shows that Respondents' representative Accused Product directly infringes the asserted independent claim of the '333 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 13 contains photographs of Respondents' representative Accused Products.

57. Respondents have indirectly infringed the asserted claim of the '333 Patent by inducing infringement.

58. Respondents have been aware of the '333 Patent and of 3M's allegations of infringement at least since the filing of the April 3, 2017 complaint in *3M Company et al v. Amphenol Corp.*, Case No. 1:17-cv-00360-VAC-MPT, currently pending before the United States District Court for the District of Delaware (the "Delaware Litigation"). On April 27, 2017, 3M filed an amended complaint in the Delaware Litigation that included the same infringement allegations concerning the '333 Patent. 3M served the amended complaint on May 12, 2017.

59. Despite Respondents' awareness of the '333 Patent and 3M's allegations, Respondents have continued to knowingly and actively induce the direct infringement of the asserted claim of the '333 Patent by Respondents' customers and/or end users. On information

and belief, at least one customer and/or end user of Respondents has directly infringed one or more claims of the '333 Patent in view of Respondents' knowing and active inducement.

60. Respondents have provided and continue to provide promotional materials directed to the functionalities described and claimed in the '333 Patent. For example, Respondents have promoted and continue to promote their shielded electrical ribbon cables. *See, e.g.,* Exhibit 23 at p. 2 (describing "features and benefits" of cable). As shown in Exhibit 14, Respondents' representative Accused Product infringes the asserted claim of the '333 Patent. At least by promoting the infringing functionalities of the Accused Products, Respondents have induced and are actively inducing the use of such product, which infringes the asserted claim of the '333 Patent.

61. In addition, Respondents have indirectly infringed the asserted claim of the '333 Patent by contributing to infringement.

62. Respondents' Accused Products are made solely for the purpose of permitting functionality in a manner that infringes the asserted claim of the '333 Patent. Further, Respondents' Accused Products are especially made and/or especially adapted for use in the infringement of the '333 Patent, are not a staple commodity of commerce, and are not suitable for substantial non-infringing use. By selling their Accused Products, Respondents have contributed to the infringement of the '333 Patent by customers and/or end users.

63. On information and belief, Respondents' Accused Products infringe the asserted claim of the '333 Patent and have been imported, sold for importation, or sold within the United States after importation by Respondents.

64. On information and belief, 3M also believes that Respondents at least sell infringing Accused Products to third parties for importation, in addition to importing and/or

selling their infringing Accused Products for importation. *See, e.g.*, Section V.B., “Specific Instance of Importation and Sale.”

2. The '236 Patent

65. Respondents’ Accused Products directly, either literally or under the doctrine of equivalents, and/or indirectly infringe the asserted claims of the '236 Patent.

66. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 15 includes a chart comparing the asserted independent claim of the '236 Patent to a representative Accused Product of Respondents. Exhibit 15 shows that Respondents’ electrical cable directly infringes the asserted independent claim of the '236 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 13 contains photographs of Respondents’ representative Accused Products.

67. Respondents have indirectly infringed the asserted claims of the '236 Patent by inducing infringement.

68. Respondents have been aware of the '236 Patent and of 3M’s allegations of infringement at least since the filing of the April 3, 2017 complaint in the Delaware Litigation. On April 27, 2017, 3M filed an amended complaint in the Delaware Litigation that included the same infringement allegations concerning the '236 Patent. 3M served the amended complaint on May 12, 2017.

69. Despite Respondents’ awareness of the '236 Patent and 3M’s allegations, Respondents have continued to knowingly and actively induce the direct infringement of the asserted claims of the '236 Patent by Respondents’ customers and/or end users. On information and belief, at least one customer and/or end user of Respondents has directly infringed one or more claims of the '236 Patent in view of Respondents’ knowing and active inducement.

70. Respondents have provided and continue to provide promotional materials directed to the functionalities described and claimed in the '236 Patent. For example, Respondents have promoted and continue to promote their shielded electrical ribbon cables. *See, e.g.,* Exhibit 23 at p. 2 (describing “features and benefits” of cable). As shown in Exhibit 15, Respondents’ representative Accused Product infringes the asserted independent claim of the '236 Patent. At least by promoting the infringing functionalities of the Accused Products, Respondents have induced and are actively inducing the use of such product, which infringes the asserted claims of the '236 Patent.

71. In addition, Respondents have indirectly infringed the asserted claims of the '236 Patent by contributing to infringement.

72. Respondents’ Accused Products are made solely for the purpose of permitting functionality in a manner that infringes the asserted claims of the '236 Patent. Further, Respondents’ Accused Products are especially made and/or especially adapted for use in the infringement of the '236 Patent, are not a staple commodity of commerce, and are not suitable for substantial non-infringing use. By selling their Accused Products, Respondents have contributed to the infringement of the '236 Patent by customers and/or end users.

73. On information and belief, Respondents’ Accused Products infringe the asserted claims of the '236 Patent and have been imported, sold for importation, or sold within the United States after importation by Respondents.

74. On information and belief, 3M also believes that Respondents at least sell infringing Accused Products to third parties for importation, in addition to importing and/or selling their infringing Accused Products for importation. *See, e.g.,* Section V.B., “Specific Instance of Importation and Sale.”

3. The '106 Patent

75. Respondents' Accused Products directly, either literally or under the doctrine of equivalents, and/or indirectly infringe the asserted claims of the '106 Patent.

76. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 16 includes a chart comparing the asserted independent claim of the '106 Patent to a representative Accused Product of Respondents. Exhibit 16 shows that Respondents' electrical cable directly infringes the asserted independent claim of the '106 Patent. Additionally, pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 13 contains photographs of Respondents' representative Accused Products.

77. Respondents have indirectly infringed the asserted claims of the '106 Patent by inducing infringement.

78. Respondents have been aware of the '106 Patent and of 3M's allegations of infringement at least since the filing of the April 27, 2017 amended complaint in the Delaware Litigation. 3M served the amended complaint in the Delaware Litigation on May 12, 2017.

79. Despite Respondents' awareness of the '106 Patent and 3M's allegations, Respondents have continued to knowingly and actively induce the direct infringement of the asserted claims of the '106 Patent by Respondents' customers and/or end users. On information and belief, at least one customer and/or end user of Respondents has directly infringed one or more claims of the '106 Patent in view of Respondents' knowing and active inducement.

80. Respondents have provided and continue to provide promotional materials directed to the functionalities described and claimed in the '106 Patent. For example, Respondents have promoted and continue to promote their shielded electrical ribbon cables. *See, e.g.*, Exhibit 23 at p. 2 (describing "features and benefits" of cable). As shown in Exhibit 16, Respondents' representative Accused Product infringes the asserted independent claim of the

'106 Patent. At least by promoting the infringing functionalities of the Accused Products, Respondents have induced and are actively inducing the use of such product, which infringes the asserted claims of the '106 Patent.

81. In addition, Respondents have indirectly infringed the asserted claims of the '106 Patent by contributing to infringement.

82. Respondents' Accused Products are made solely for the purpose of permitting functionality in a manner that infringes the asserted claims of the '106 Patent. Further, Respondents' Accused Products are especially made and/or especially adapted for use in the infringement of the '106 Patent, are not a staple commodity of commerce, and are not suitable for substantial non-infringing use. By selling their Accused Products, Respondents have contributed to the infringement of the '106 Patent by customers and/or end users.

83. On information and belief, Respondents' Accused Products infringe the asserted claims of the '106 Patent and have been imported, sold for importation, or sold within the United States after importation by Respondents.

84. On information and belief, 3M also believes that Respondents at least sell infringing Accused Products to third parties for importation, in addition to importing and/or selling their infringing Accused Products for importation. *See, e.g.*, Section V.B., "Specific Instance of Importation and Sale."

B. Specific Instances of Importation and Sale

85. Respondents import, sell for importation, and/or sell within the United States after importation the shielded electrical ribbon cable depicted in Exhibits 14-16. Pursuant to Commission Rule 210.12(a)(3), Exhibit 12 includes copies of receipts from eBay Inc. showing the sale of three of Respondents' electrical cables within the United States. As shown in the

photographs contained in Exhibit 13, the three cables of the Respondents that were acquired on eBay Inc. are marked as “Made in China.”

86. Thus, Respondents are violating Section 337 of the Tariff Act of 1930 by importing, selling for importation, and/or selling within the United States after importation into the United States their shielded electrical ribbon cables and the same or reasonably similar products and devices, which directly or indirectly, either literally or under the doctrine of equivalents, induce or contribute to, infringement of the Asserted Patents.

87. 3M believes that the claim charts and photographs, as well as the general familiarity of the Accused Products, provided with the Complaint make the provision of physical exhibits unnecessary. Should the Commission request physical exhibits, however, 3M will provide physical exhibits to the extent practicable.

VI. HARMONIZED TARIFF SCHEDULE INFORMATION

88. The articles subject to this Complaint are classifiable under at least the following headings and subheadings of the Harmonized Tariff Schedule (“HTS”) of the United States: 8544.20.00, 8544.51.00, and related subheadings of the HTS.

89. These HTS numbers are illustrative only and are not intended to restrict the scope of this investigation.

VII. RELATED LITIGATION

90. After an original complaint was filed on April 3, 2017 that alleged infringement for two of the Asserted Patents, an amended complaint alleging infringement of three Asserted Patents against Respondents is pending in the Delaware Litigation. As of the filing date of this Complaint, Respondents have not yet answered 3M’s amended complaint in the Delaware Litigation. 3M has not asserted the Asserted Patents in any other litigation or administrative

proceeding or participated in litigation or administrative proceedings involving the same subject matter.

VIII. DOMESTIC INDUSTRY RELATING TO THE ASSERTED PATENTS

91. A domestic industry for the purposes of 19 U.S.C. § 1337(a)(2), as defined in U.S.C. § 1337(a)(3)(A), (B), and (C), exists in the United States with respect to 3M's significant investment in the United States in plant and equipment, significant employment in the United States of labor and capital, and substantial investment in the United States with respect to articles practicing the claimed inventions recited in the Asserted Patents, including the exploitation of the Asserted Patents through engineering, research, and development.

92. 3M designs, develops, manufactures, and sells shielded electrical ribbon cables that use the technology claimed by the Asserted Patents. 3M's proprietary technology is incorporated into 3M's shielded electrical ribbon cables, described in further detail below. More specifically, 3M's shielded electrical ribbon cables practice inventions claimed in each of the Asserted Patents.

93. 3M has made, and continues to make, significant and substantial domestic investments in connection with the protected articles that practice the Asserted Patents.

94. 3M owns multiple facilities in the United States directed to, among other things, research and development, manufacture, and technical customer support for the articles that embody the inventions claimed in the Asserted Patents.

95. 3M's domestic investments are described in further detail in the Confidential Declaration, attached as Confidential Exhibit 24C.

A. The Technical Prong of Domestic Industry and 3M's Practice of the Asserted Patents

96. The Asserted Patents are important to 3M's success in the market for shielded electrical ribbon cables and the patented technology is therefore widely incorporated into 3M's shielded electrical ribbon cables. The claim charts in Exhibits 17-19 apply an exemplary claim of each Asserted Patent to a 3M representative domestic article that practices the Asserted Patents. The analysis of the 3M representative domestic articles in Exhibits 17-19 is the same for (and directly applicable to) all 3M domestic industry products. In addition to the exemplary claims, 3M's shielded electrical ribbon cables practice numerous other claims in each of the Asserted Patents.

97. 3M sells its shielded electrical ribbon cables to its customers, who integrate the 3M shielded electrical ribbon cables into their products. 3M provides its customers with information regarding the features, functionalities, operation, implementation, and use of its shielded electrical ribbon cables, including technical and engineering support regarding the integration of its shielded electrical ribbon cables into electronic devices that practice each and every element of the asserted claims.

98. 3M's shielded electrical ribbon cables are especially made and/or especially adapted for controlling data transmission in electronic devices. 3M's shielded electrical ribbon cables are not a staple commodity of commerce, and are not suitable for other substantial uses.

B. The Economic Prong of Domestic Industry

99. Research and development comprises an important part of 3M and 3M makes significant investments in the research and development of technologies incorporated into its products. In the last three years alone, 3M's research and development costs were \$1.225 billion

in 2016, \$1.223 billion in 2015, and \$1.193 billion in 2014. *See* Exhibit 10 (3M Company 10-K) at 7.

100. 3M has expended, and continues to expend, significant resources on exploiting the technology embodied in the Asserted Patents. These resources include investments in the United States related to the research and development, design, manufacture, testing, technical customer support, and other activities related to development of the technology embodied in the Asserted Patents.

101. As described below and in the Confidential Declaration of Duane Preiss on behalf of 3M Company and 3M Innovative Properties Company (Exhibit 24C), 3M's significant investment in plant and equipment, significant employment of labor and capital, and substantial investment in the exploitation of the Asserted Patents satisfy the economic prong of the domestic industry requirement.

1. 3M's Significant Investment in Plant and Equipment

102. A domestic industry exists in the United States pursuant to 19 U.S.C. § 1337(a)(3)(A) with respect to the articles protected by the Asserted Patents in view of 3M's significant investment in plant and equipment.

103. The Confidential Declaration submitted with the Complaint provides a detailed description of 3M's significant investments in its plant and equipment with respect to articles protected by the Asserted Patents. *See, e.g.,* Confidential Exhibit 24C at ¶¶ 20-37.

2. 3M's Significant Employment of Labor and Capital

104. A domestic industry exists in the United States pursuant to 19 U.S.C. § 1337(a)(3)(B) with respect to the articles protected by the Asserted Patents in view of 3M's significant employment of labor and/or capital.

105. The Confidential Declaration submitted with the Complaint provides a detailed description of 3M's significant investments in labor and/or capital with respect to articles protected by the Asserted Patents. *See, e.g.*, Confidential Exhibit 24C at ¶¶ 29-37.

3. 3M's Substantial Investment in the Exploitation of the Asserted Patents

106. A domestic industry exists in the United States pursuant to 19 U.S.C. § 1337(a)(3)(B) with respect to the Asserted Patents in view of 3M's substantial investment in engineering, research, and development directed to its shielded electrical ribbon cables.

107. The Confidential Declaration submitted with the Complaint provides a detailed description of 3M's substantial investments in engineering, research, and development with respect to articles practicing the claims of the Asserted Patents. *See, e.g.*, Confidential Exhibit 24C at ¶¶ 17-37.

IX. GENERAL EXCLUSION ORDER

108. As part of its requested relief, 3M seeks a general exclusion order. In this Investigation, a general exclusion order is necessary to prevent circumvention of an exclusion order limited to products of the Respondents and/or there is a pattern of violation of Section 337 and it is difficult to identify the source of the infringing products.

109. There are numerous entities, including the Respondents and unknown non-Respondents, that manufacture, import, and/or sell the Accused Products. On information and belief, the Respondents Amphenol Assemble Technology (Xiamen) Co., Ltd. and Amphenol (Xiamen) High Speed Cable Co., Ltd. import at least certain Accused Products to the domestic Respondents (*i.e.*, Amphenol Corporation, Amphenol Interconnect Products Corporation, and Amphenol Cables on Demand Corporation). On information and belief, non-Respondents also import, sell for importation, and/or sell after importation into the United States the Accused

Products to Respondents and/or other non-Respondents. Further, the infringing shielded electrical ribbon cables and products containing those cables travel through complex distribution networks that frequently involve multiple unknown intermediaries.

110. It is also extremely difficult to identify the sources of infringing products. On information and belief, Respondents' Accused Products may be imported as stand-alone products as cables and/or cable assemblies. In addition, Respondents' Accused Products are also imported installed within larger electronic products that are sealed at the time of importation. Whether imported into the United States as stand-alone products or installed within larger electronic products, the Accused Products are imported under various brands, names, and/or from various sources. In addition, Accused Products are not specifically identified on importation records, which only reflect importation of, for example, "coaxial cables" by or on behalf of the Respondents and/or others involved in importing the Accused Products into the United States.

111. The infringing shielded electrical ribbon cables are therefore not imported in a manner that permits easy inspection at the time of importation, particularly given the number of foreign and domestic entities related to or working with the Respondents that appear to be involved in the importation, sale for importation, and sale after importation in the United States of infringing shielded electrical ribbon cables or products containing those cables.

112. While 3M has identified the Respondents as the source of at least some of the infringing products, on information and belief numerous other manufacturers, assemblers, importers, shippers, consignees, distributors and/or retailers are selling products that include infringing shielded electrical ribbon cables. On information and belief, discovery will likely show that numerous entities are importing into the United States, selling for importation into the

United States, and/or selling within the United States products that include infringing shielded electrical ribbon cables.

113. The Respondents' infringing shielded electrical ribbon cables and products containing those cables are offered regularly for sale and sold via the Internet, which is a significant method for the marketing and sale of shielded electrical ribbon cables. In addition to Respondents' website(s), Respondents' infringing shielded electrical ribbon cables are offered for sale and sold via the websites of numerous distributors and retailers of shielded electrical ribbon cables and/or products containing the same. *See, e.g.,* Exhibit 12. Respondents and their numerous distributors therefore utilize multiple websites to allow for the sale of infringing shielded electrical ribbon cables without revealing the source of the cable.

114. As such, the infringing shielded electrical ribbon cables themselves are difficult to identify, are not readily identifiable in downstream products, and the labeling of the cables as shown on these various websites is not presented in a way that reveals the origin of the infringing cables. In addition, the sale of Accused Products over certain websites Internet allow for the source to remain anonymous, thereby preventing the identity of the source from being identified. Thus, there is an established marketplace for the sale and distribution of shielded electrical ribbon cables to United States customers, and it is difficult to identify infringing products and the source of those products.

115. There is also a widespread pattern of infringement of the Asserted Patents. The Respondents' infringing shielded electrical ribbon cables and products containing those cables are routinely imported into the United States, sold for importation into the United States, and/or sold within the United States after importation under various names, within various products, and by numerous unknown entities. Further, Respondents continue to import, sell for importation,

and/or sell within the United States after importation infringing shielded electrical ribbon cables even after the filing of the amended complaint in the Delaware Litigation and through the filing date of this Complaint.

116. On information and belief, there is also a pattern of violation of Section 337 with respect to the Asserted Patents in view of the established demand for shielded electrical ribbon cables, inexpensive and readily available materials, manufacturing equipment and labor, the ready supply of components, a profitable market, an established marketplace on the Internet, and the ease of penetration of the United States market.

117. As such, infringers would be motivated to circumvent a limited exclusion order because the shielded electrical ribbon cable market in the United States is profitable and growing, as the market for electronic devices that use shielded electrical ribbon cables continues to expand.

118. In view of the foregoing, a general exclusion order under 19 U.S.C. § 1337(d)(2) constitutes the appropriate relief in this investigation given the numerous sources of infringing shielded electrical ribbon cables and products containing the same, the various channels of distribution that are available and have been employed with respect to the infringing products, and the motivation to circumvent an exclusion order limited to products and named persons, all of which demonstrates a pattern of violation of Section 337.

119. In the alternative to a general exclusion order, a limited exclusion order may constitute appropriate relief in this Investigation.

X. RELIEF

WHEREFORE, by reason of the foregoing, 3M respectfully requests that the Commission:

1. Institute an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to Respondents' violations of Section 337 based on the importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of articles that infringe the Asserted Patents;
2. Schedule and conduct a hearing on permanent relief pursuant to 19 U.S.C. § 1337(d) and (f) of the Tariff Act of 1930, as amended;
3. Determine that there has been a violation of Section 337;
4. Issue a permanent general exclusion order, or in the alternative a permanent limited exclusion order, pursuant to 19 U.S.C. § 1337(d), excluding from entry into the United States articles imported in such a manner as to constitute unfair methods of competition and unfair acts and/or articles that infringe the Asserted Patents, for the remaining terms of the Asserted Patents;
5. Issue a permanent cease and desist order pursuant to 19 U.S.C. § 1337(f) prohibiting each domestic Respondent and any of their principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) or majority-owned business entities, successors, and assigns, from either directly engaging in or for, with or otherwise on behalf of Respondents, (a) importing, selling for importation, or selling after importation into the United States shielded electrical ribbon cables and products containing the same that infringe one or more claims of the Asserted Patents; (b) marketing, distributing, offering for sale, selling, or otherwise transferring, in the United States imported shielded electrical ribbon cables and products containing the same that infringe one or more claims of the Asserted Patents; (c) advertising imported shielded electrical ribbon cables and products containing the same in the United States that infringe one or more claims of the

Asserted Patents; (d) soliciting United States agents or distributors for shielded electrical ribbon cables and products containing the same that infringe one or more claims of the Asserted Patents; and (e) aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer, or distribution of shielded electrical ribbon cables and products containing the same that infringe one or more claims of the Asserted Patents;

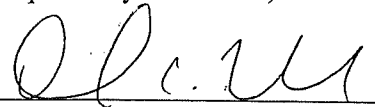
6. Impose a bond upon Respondents who continue to import articles imported in such a manner as to constitute unfair methods of competition and unfair acts and/or infringing articles during the Presidential review period per 19 U.S.C. § 1337(j); and

7. Issue such other and further relief as the Commission deems just and proper under the law, based upon the facts determined by the investigation and the authority of the Commission; and

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

June 30, 2017

Respectfully submitted,



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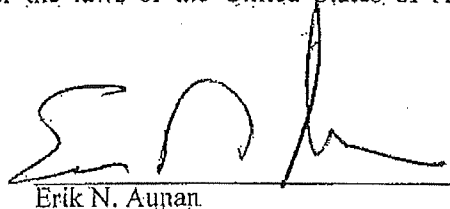
Counsel for Complainants
3M Company and
3M Innovative Properties Company

VERIFICATION

In accordance with 19 C.F.R. § 210.12(a)(1), I, Erik N. Aunan, declare as follows:

1. I am the Vice President and General Manager of 3M Electronics Materials Solutions Division and I am duly authorized to sign this Complaint;
2. I have read the Complaint and I am aware of its contents;
3. 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;
4. To the best of my knowledge, information and belief founded upon reasonable inquiry, the claims, defenses, and other legal contentions therein are warranted by existing law or by a non-frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and
5. The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Erik N. Aunan

June 29, 2017

June 29, 2017

